

6 Uighurs Leave Guantánamo for Palau 215 Inmates Remain At U.S. Base in Cuba

By DAVID JOHNSTON

WASHINGTON — Six Chinese Muslims were flown from the United States military detention center at Guantánamo Bay, Cuba, to Palau, the island nation in the Pacific Ocean, as part of the Obama administration's effort to close the prison, an administration official said Saturday.

The transfer leaves seven of the Chinese detainees, known as the Uighurs, still confined at the naval base, along with 208 other men.

The Uighurs have been at the heart of a long-running legal, political and ethical debate about the detention center since their incarceration there more than seven years ago. The prison has become an international symbol of American excesses in the war against terrorism, and an increasingly frustrating problem for the White House.

The release of the men had been announced by the Justice Department, but the timing was kept a secret for security reasons until the detainees were safely in Palau, where they are expected to remain while seeking a permanent home elsewhere.

Wells Dixon, a lawyer at the Center for Constitutional Rights who represents three of the men, said, "Palau is courageous to offer our Uighur clients a temporary home. We are hopeful that other countries like Australia and Germany will resettle them permanently."

In a news release late Saturday, the Justice Department identified the men as Ahmad

Tourson, Abdul Ghappar Abdul Rahman, Edham Mamet, Anwar Hassan, Dawut Abdurehim and Adel Noori. "As we near the completion of our review of detainees at Guantánamo Bay, we will continue to work closely with the Department of State to implement transfer decisions," Matthew Olsen, executive director of the Guantánamo Review Task Force, said in the release.

The Uighurs, from western China, were taken into custody in 2001 in Afghanistan and Pakistan. They have long been determined by American authorities to pose no security threat, but they are regarded as terrorists by the Chinese government and have said that they fear persecution if they are returned there.

Last month, a case involving 13 of the men reached the United States Supreme Court, which agreed to consider the issue of whether federal judges have the power to release into the United States detainees who are determined by authorities to pose no security threat.

In October 2008, a federal judge in the District of Columbia ordered the Uighurs released into the custody of their supporters in the United States, mainly in the Washington area. But an appeals court overturned that ruling in February, saying judges have no authority to override immigration laws to force the executive branch to release foreigners into the United States.

It is unclear whether the release will have any impact on the court. Lower-court rulings have

tied the hands of judges considering similar challenges from other prisoners at the base in Cuba.

Trial judges have granted habeas corpus petitions from more than two dozen detainees, of whom about 10 have been transferred to other countries. Four of the Uighurs were moved in June to Bermuda. None of them have entered the United States.

Lawyers for the Obama administration, like those for the Bush administration, have argued that the executive branch, not judges, has the authority to make decisions about whether to release detainees into the United States.

The possibility that any detainees might be moved to the United States to be set free, or even to be prosecuted, has provoked a storm of protest from members of Congress from both parties. Lawmakers barred the Obama administration from releasing any Guantánamo prisoners into the country. More recently, Congress kept in place the ban on releasing them but authorized transfers for prosecution in military or civilian courts.

President Obama, in one of his first acts in office, ordered the prison closed by January 2010, but administration officials have said they are unlikely to meet that deadline, mainly because of the problems in relocating detainees.

The Uighurs were among nearly 100 detainees who had been cleared for transfers to other countries; so far the administration has moved 25 of them.

