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17 Innocent Guantanamo Detainees Remain Imprisoned as Bush Administration Continues Stall Tactics

D.C. Circuit Grants Administrative Stay on the Eve of Planned Uighur Release

October 8, 2008, Washington – The D.C. Circuit Court of Appeals has granted the U.S. government’s request for an administrative stay of District Court Judge Ricardo Urbina’s order that 17 innocent Uighur men be released from Guantánamo into the United States. Judge Urbina had ordered the release on Tuesday, and the men were due to arrive in Judge Urbina’s courtroom on Friday. Plans had already been made for their arrival.

“This is a terribly disappointing development, for no one more so than our clients, innocent men who once again are left to wonder whether they will ever know life beyond barbed wire,” said **Neil McGaraghan**, Partner at Bingham McCutchen, who represents some of the Uighurs affected by the ruling. “But yesterday’s ruling by Judge Urbina was nonetheless a momentous step forward and we will press on until his release order becomes reality and our clients are free.”

The men have been imprisoned at Guantánamo Bay for nearly seven years, despite the fact that the U.S. government has accepted that none of them could be considered enemy combatants. They remain at Guantánamo because the U.S. wrongly detained them and they would face persecution and imprisonment, if not death, if returned to their native China.

“These men were exonerated long ago,” said CCR Staff Attorney **Wells Dixon**, who is at Guantánamo now, met with the men yesterday to tell them of Judge Urbina’s order, and will be meeting with them again tomorrow. “These are real living, breathing human beings. I don’t know how I can explain to them tomorrow that their release has again been postponed indefinitely. I don’t know how they can ever believe at this point that an American court is going to set them free.”

The Court of Appeals granted an administrative stay and scheduled an expedited briefing calendar to determine whether a stay should be granted pending the appeal of the judge’s order. The attorneys for the Uighurs will continue to argue that the judge’s order should stand.

“The Supreme Court held in June that all the men at Guantanamo have a right to a hearing, and that release is the necessary result if the government cannot justify an individual’s imprisonment,” said CCR Staff Attorney **Emi MacLean**. “We are not in an era of impenetrable dungeons – we should be a country that stands for justice. The release of these men is long, long overdue. We remain hopeful that justice still means something in this country, and that the judge’s release order will stand.”

Religious and community leaders from both Tallahassee, Florida and the Washington, D.C. area have prepared to accept these men into their homes and help them repair their lives after their prolonged imprisonment.

The **Lutheran Immigration and Refugee Service**, who have been preparing for the arrival of the Uighurs, issued a statement: "The United States is a beacon of hope for the world's most vulnerable people who, like the Uighur detainees, have fled persecution in their own homelands. Lutheran Immigration and Refugee Service lights the way to the future for immigrants and refugees as we resettle refugees, reunite families and rekindle dreams. We look forward to welcoming these newcomers as they begin their lives anew in the United States."

The 17 men currently imprisoned at Guantanamo left China amid increasing political oppression and found their way to Afghanistan, where they lived in small Uighur communities. In late 2001, they were forced to flee the aerial bombardment of the surrounding areas. Eventually, they made their way to Pakistan in the belief that they would be safer there. After crossing into Pakistan, the Uighurs were welcomed and fed by Pakistani villagers who then turned them over for generous bounties offered by the United States.

Last week, after years of litigation, the U.S. government finally conceded that none of these men would be treated as "enemy combatants." All were cleared for release long ago. However, because of the stigma of their detention at Guantánamo and for fear of offending China, no other country had agreed to offer these men safe haven. Despite this failure to find a third country to take them, the government argued that the court could not release them into the U.S. and, therefore, that the men would have to stay at Guantanamo indefinitely.

For more information on the Uighurs' case, [click here](http://ccrjustice.org/ourcases/current-cases/kiyemba-v.-bush) (http://ccrjustice.org/ourcases/current-cases/kiyemba-v.-bush).

CCR has led the legal battle over Guantanamo for the last six years – sending the first ever habeas attorney to the base and sending the first attorney to meet with a former CIA "ghost detainee." CCR has been responsible for organizing and coordinating more than 500 pro bono lawyers across the country in order to represent the men at Guantanamo, ensuring that nearly all have the option of legal representation. CCR represented the detainees with co-counsel in the most recent argument before the Supreme Court in 2007, which resulted in victory for prisoners there.

The Center for Constitutional Rights is dedicated to advancing and protecting the rights guaranteed by the United States Constitution and the Universal Declaration of Human Rights. Founded in 1966 by attorneys who represented civil rights movements in the South, CCR is a non-profit legal and educational organization committed to the creative use of law as a positive force for social change. Visit www.ccrjustice.org.