

PUBLIC

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Further Information on UA 278/08 (AMR 51/112/2008, 08 October 2008) and updates (AMR 51/137/2008, 12 November; AMR 51/013/2009, 26 January 2009; AMR 51/027/2009, 19 February 2009; AMR 51/062/2009, 08 May 2009) - Legal concern

USA

13 Uighur detainees held at Guantánamo

Four of the Uighur detainees who had been held in the US Naval Base at Guantánamo Bay in Cuba without charge or trial since 2002 were transferred to Bermuda on 11 June. They have been identified by their lawyers as Huzaifa Parhat, Abdul Semet, Abdul Nasser and Jalal Jalaladin.

Thirteen other Uighurs men remain in indefinite detention at Guantánamo more than eight months after a US federal judge ruled that their detention was unlawful and ordered their immediate release into the USA. The US administration appealed against this order, and the case is now pending before the Supreme Court. The administration has continued to hold the Uighur detainees, arguing that it is for the political branches of government to decide who should be allowed into the USA.

In a statement following the transfer of the four Uighurs to Bermuda, Bermudian Premier Dr. Ewart Brown confirmed that the four men would be granted asylum and given the opportunity to become naturalized citizens. He said that the US Government would “bear the cost surrounding the relocation” and the Government of Bermuda would “facilitate documentation, residence and employment.”

One of the men told the media after his release, “When we didn’t have any country to accept us, when everybody was afraid of us...Bermuda had the courage and was brave enough to accept us.”

In reaction to the transfer, the opposition United Bermuda Party (UPB) tabled a vote of no confidence against the Bermudian Premier. The vote is due to be held on 16 June. Whilst the leader of the UPB has stated that the vote is not “just about Uighurs in Bermuda”, Amnesty International is concerned that the Uighurs are being used as political pawns, something that has also occurred inside the USA.

The UK government has also criticized the government of Bermuda on its decision to accept the men without first consulting the government of the United Kingdom. Bermuda is an overseas territory of the UK, administered by a Governor appointed by the Queen on the recommendation of the UK government. Amnesty International understands that the Bermudian government’s acceptance of the four men is currently subject to a security assessment by UK authorities before the transfer can become permanent.

For further information, see USA: Human rights must transcend party politics, 15 June 2009, <http://www.amnesty.org/en/library/info/AMR51/076/2009/en>.

BACKGROUND INFORMATION

The release of these four Uighur detainees was long overdue. All 17 of the men had been cleared for release at various times between 2003 and 2008, but before the agreement with Bermuda, the US authorities had been unable to find a country prepared to accept them. The US itself has failed to offer them the opportunity to rebuild their lives on the US mainland, despite the fact that their release into the USA was judicially ordered in October 2008.

Six other detainees have recently been released from indefinite military detention in Guantánamo. On 12 June, three Saudi Arabian nationals were transferred to Saudi Arabia (see <http://www.amnesty.org/en/library/info/AMR51/075/2009/en>); an Iraqi national was transferred to Iraq, and a Chadian national to Chad (see <http://www.amnesty.org/en/library/info/AMR51/074/2009/en>). On 9 June, Tanzanian national Ahmed Khalfan Ghailani was transferred to New York to face trial in federal court there. He had previously been facing trial by military commission in Guantánamo. Earlier, two other detainees were released from the base: Ethiopian national and former UK resident Binyam Mohammed was transferred to the UK in February. Lakhdar Boumediene was transferred to France in mid-May.

While Amnesty International considers that it is the primary responsibility of the USA to resolve the Guantánamo detentions. Amnesty International is encouraging other governments to follow the lead set by France and now Bermuda in accepting detainees from Guantánamo who cannot be returned to their home countries for fear of torture and other serious human rights violations.

On 10 June the President of the Pacific Island nation of Palau offered to take some of the Uighur men. A spokesperson for the US State Department has expressed gratitude to Palau and other governments for offering assistance in accepting such detainees and said that discussions with Palau are ongoing.

There are reported to be 229 detainees still held in Guantánamo. Amnesty International remains concerned by the slow pace at which the detainees' cases are being resolved. See *USA: Detainees continue to bear costs of delay and lack of remedy*, April 2009, <http://www.amnesty.org/en/library/info/AMR51/050/2009/en>.

RECOMMENDED ACTION: Please send appeals to arrive as quickly as possible, in English or your own language:

- welcoming Bermuda's decision to accept four Uighur detainees, but expressing disappointment at the USA's own failure to release any of the Uighurs into the USA;
- expressing concern that 13 Uighur men remain in indefinite detention at Guantánamo more than eight months after a US federal judge ruled their detention unlawful and ordered their release into the USA;
- calling on the US government to release the remaining 13 Uighurs immediately and to work to ensure fair, safe and lasting outcomes for them.

APPEALS TO:

President Barack Obama, The White House, 1600 Pennsylvania Avenue NW, Washington DC 20500, USA

Email: president@whitehouse.gov

Fax: + 1 202 456 2461

Salutation: Dear Mr President

Attorney General Eric Holder, US Department of Justice, 950 Pennsylvania Avenue NW, Washington, DC 20530-0001, USA

Fax: +1 202 307 6777

Email: AskDOJ@usdoj.gov

Salutation: Dear Attorney General

Secretary of Defense Robert Gates, 1400 Defense Pentagon, Washington DC 20301, USA

Fax: + 1 703 571 8951

Email: Robert.gates@osd.mil

Salutation: Dear Secretary of Defense

and to diplomatic representatives of USA accredited to your country.

PLEASE SEND APPEALS IMMEDIATELY. Check with the International Secretariat, or your section office, if sending appeals after 28 July 2009.