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Guantánamo: Palau's offer to accept detainees would not excuse USA

Reports that the government of Palau has offered to temporarily accept up to 17 Guantánamo detainees leave many questions unanswered and even if the offer is taken up it would not relieve the US authorities of their responsibility to the men, Amnesty International said today.

The President of Palau, Johnson Toribiong, said today that the Pacific island nation had agreed to accept on a temporary basis 17 Uighur men who have been held without charge or trial in Guantánamo since 2002 "as a humanitarian gesture", subject to periodic review. In subsequent reports, an unidentified US official is quoted as saying that there has been "no final decision, no details arranged. We will continue talks with Palau."

"Although Amnesty International has been calling on other countries to offer humanitarian protection to Guantánamo detainees, this announcement raises more questions than it answers and in no way absolves the US authorities of their responsibility towards these men," Daniel Gorevan, of Amnesty International's Counter Terror with Justice Campaign, said today.

Reports of Palau's offer do not specify whether the men would face any further detention in Palau.

No information is available as to whether the wishes of the detainees have been taken into account in this decision, whether the USA would put in place the measures necessary to facilitate family reunification and whether the men would be supported to adapt to a new life in an unfamiliar country, taking into consideration their particular needs arising from years of indefinite detention.

"The announcement that this would be a temporary measure also raises serious questions. Having been detained in limbo in Guantánamo for more than seven years, the Uighur men need more than temporary half measures. They need and are owed permanent and durable solutions," said Daniel Gorevan.

The USA began the Guantánamo detentions and therefore carries the primary responsibility for ending them, in ways that comply with its international obligations. Nevertheless, Amnesty International has long called on other countries to help by accepting some detainees who cannot be returned to their home countries. Many countries have refused, citing the USA's own resistance to offering them the opportunity to be admitted to the US mainland.

Background

The 17 Uighur men have been held without charge or trial in Guantánamo since 2002, and remain in indefinite detention at the base more than eight months after a US federal judge concluded that their detention was unlawful and ordered their immediate release into the USA. The US authorities successfully

appealed the order, which is now before the Supreme Court, and continue to hold them, arguing that it is a matter for the political branches of government to decide who should be allowed into the USA.

Although President Toribiong's announcement leaves unclear whether the temporary transfer of the 17 Uighur men to Palau would be an appropriate solution, it is undoubtedly the case that their release from Guantánamo is long overdue. All of the men had been cleared for release at various times between 2003 and 2008, but the US authorities were unable to find a country prepared to accept them. Even after their release into the USA was judicially ordered in October 2008, the USA failed in its responsibility to offer them the opportunity to rebuild their lives on the US mainland and has instead continued to seek to have other countries take on that responsibility. In 2006 Albania accepted five other ethnic Uighur detainees from Guantánamo.

The 17 men are from the Xinjiang Uighur Autonomous Region of China. They cannot be returned to China because they would be at serious risk of torture or execution there. The Bush administration said that it had asked over 100 countries to accept the detainees but all had refused.

For further information, see:

USA: Justice Years Overdue: Federal court hearing for Uighur detainees in Guantánamo, 7 October 2008, <http://www.amnesty.org/en/library/info/AMR51/110/2008/en>;

USA: Federal judge orders release of Uighurs held at Guantánamo, government appeals, 8 October 2008, <http://www.amnesty.org/en/library/info/AMR51/111/2008/en>;

USA: US Court of Appeals blocks release of Guantánamo Uighurs as government resorts to 'scare tactics', 10 October 2008, <http://www.amnesty.org/en/library/info/AMR51/113/2008/en>;

USA: Indefinite detention by litigation: 'Monstrous absurdity' continues as Uighurs remain in Guantánamo, 12 November 2008, <http://www.amnesty.org/en/library/info/AMR51/136/2008/en>;

USA: Right to an effective remedy – Administration should release Guantánamo Uighurs into the USA now, 19 February, <http://www.amnesty.org/en/library/info/AMR51/023/2009/en>.