



STATEMENT CALLING FOR RELEASE OF THE UIGHURS INTO THE UNITED STATES

**Prominent Conservatives Say Continued
Indefinite Detention Violates the Constitution**

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At present, seventeen Chinese Muslims—or Uighurs—are still being held at Guantanamo Bay, where they have been detained for nearly seven years. The courts, the United States military, and the former administration under President Bush have long recognized that these men are not “enemy combatants,” and do not pose a threat to the United States. After nearly seven years, there are no legal or moral grounds for holding these men one day longer. We call upon the U.S. government to end the unlawful detention of these men, release them into the United States, and recognize the United States’ obligations to resettle some Guantanamo detainees in our country in order to encourage other nations to share in this responsibility.

In the fall of 2008, federal district judge Ricardo Urbina ordered the release of these seventeen Uighur detainees whom the Bush administration admitted were not enemy combatants. Detained for nearly seven years, these seventeen men were ordered to appear at a hearing in Washington, D.C. to determine the terms of their release. The Justice Department appealed the release order, and in February 2009, the U.S. Court of Appeals for the District of Columbia Circuit reversed the district court order on the ground that the courts lack power to order such a release.

Unfortunately, the Uighurs cannot be repatriated to China, their homeland, due to state sponsored persecution, and it is an open question whether any other country would admit them. Indeed, both the Defense and State Departments have been trying for more than five years to persuade other countries to accept them and have failed in that effort. While it is clearly necessary for the United States to detain foreign terrorists to protect national security, that is not at issue here. Throughout the litigation process, the Bush administration agreed that the Uighurs are not enemy combatants, and there is no evidence that these men pose any threat to the United States. Rather, the record from the court proceedings shows that the Uighurs represent a persecuted minority in China, that these men cannot return to their home country, and that numerous resources are available to help them resettle in the United States, including the assistance of the Uyghur American Association.

The continued detention of the seventeen Uighurs in Guantanamo continues to compromise our principles and undermine our standing in the world. It also severely damages our credibility with our allies. When the United States government refused to admit detainees who are not enemy

combatants into the country, this undermined the ability of the State Department to negotiate for other countries to accept any detainees.

Those detainees for whom we have evidence of terrorism offenses should be prosecuted in our federal courts to the fullest extent of the law. But in order to close the Guantanamo detention facility successfully and to encourage our allies to partner with us in resettling the remaining detainees, the United States must accept our share of responsibility. Since resettlement in China is not an option, no other home has yet been found, and the Uighurs do not pose any threat to the United States, there is no good reason to object to their release into the United States. In fact, the court records included a detailed plan by the Uyghur American Association to assist these men in resettling in the United States.

This is not a partisan issue. Conservatives and liberals, Republicans and Democrats, advocates of a strong president, a strong Congress, and a strong federal judiciary all believe that the system of checks and balances created by our country's founders is required to preserve Americans' freedoms, liberties, and our country's security. When our government lacks a legal basis to detain people and there is no evidence that they pose a threat to the United States, they should be released promptly. We call on the U.S. government to promptly release these seventeen Uighurs. We encourage the Administration to act promptly to find homes for the remaining detainees who are also recognized as not being enemy combatants.

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