

Uighur Gitmo case dropped

High court says detainees relocated

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WASHINGTON — The Supreme Court on Monday dropped a case filed by Uighur detainees held at Guantanamo Bay, Cuba, in which the Uighurs sought to be brought to the U.S. because no other country would accept them.

The court had originally accepted the case to determine if federal judges had the power to order the executive branch to release Guantanamo prisoners into the U.S.

Since the court agreed to hear the case, however, the seven Uighur detainees remaining at Guantanamo have been offered asylum in other countries.

“By now, however, each of the detainees at issue in this case has received at least one offer of resettlement in another country,” the court noted. “This change in the underlying facts may affect the legal issues presented.”

The court ordered the U.S. Circuit Court of Appeals for the District of Columbia Circuit, which previously had ruled against the Uighurs, to rehear the case, consider the new circumstances and make a determination of what should be done.

Advocates for the Uighurs expressed disappointment in the court’s decision not to hear the case, which had been sched-

uled for oral arguments March 23. However, they saw some hope in the court’s voiding of the appeals court ruling.

“The issue survives,” said Wells Dixon of the Center for Constitutional Rights, a New York-based group that has taken the lead in pressing the Uighurs’ case. “There may be other detainees who arrive at the Supreme Court who also lack a place to go, [and] mere release of the Uighurs shouldn’t defeat the case.”

“We had hoped that the Supreme Court would have taken this opportunity to reaffirm that courts must have the power to order release where a detainee is being held illegally,” said Sharon Bradford Reynolds of the Constitution Project. “However, we are pleased that the [appellate] decision will not stand as precedent for future detention cases.”

As of Monday, there were 188 detainees at Guantanamo, among them 12 men who have been ordered freed by judges but for whom the U.S. is either reviewing the rulings or seeking nations to resettle them.

The Supreme Court decision wasn’t unexpected. Last month, the court had asked attorneys for both sides to submit arguments on the impact of recent developments. Traditionally, the court steers clear of disputes it need not resolve.

“It’s judicial modesty,” said Vijay Padmanabhan, a former State Department attorney and currently visiting assistant professor at the Benjamin N. Cardozo School of Law. “It’s the court saying, we don’t need

to reach out and make a difficult political decision.”

Of the 17 Uighurs identified in the petition to the Supreme Court, 10 had been relocated to new homes as of early February — four in Bermuda and six in Palau.

Two others accepted a relocation offer from Switzerland last month, and the remaining five had been offered new homes.

