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## **Put Cleared Detainees In a Hotel, Lawyer Says**

Fears of repression keep them on base

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WASHINGTON -- In small bunkhouses surrounded by green fences at Guantanamo Bay, 16 Chinese and Uzbek Muslim men are approaching their fourth anniversary as prisoners of America. They live like convicted criminals: confined to small spaces far from their families and watched by guards.

But these 16 men are different from the other 510 prisoners at Guantanamo. Months ago, a military tribunal looked at the evidence and decided that they were not "enemy combatants." They had just been in the wrong place at the wrong time. Yet despite clearing them of terrorist suspicions, the US government continues to keep them locked up in its prison.

The prisoners are stuck in limbo because the United States fears the governments of China and Uzbekistan, which have a history of repressing Muslims, would kill them if they were sent home, but no other country wants them.

Now, a Boston-based lawyer who is representing two of the Chinese Uighurs, as their ethnic group is called, has come up with a startling proposal: move them out of the prison and into a hotel.

In court papers declassified Friday, Attorney Sabin Willett asked a federal judge to force the military to let his clients live among civilians and off-duty soldiers on the vast military base, where they could move about freely in unrestricted areas and have access to such luxuries as a shopping center, a movie theater, and a McDonald's.

"Just because there is not yet a country to which the petitioners may be sent does not mean that the only option is to incarcerate them indefinitely," Willett wrote. "They were brought to Cuba by the United States government against their will. There is vastly more to the Guantanamo Bay Naval Station than a prison, and even if petitioners' stay must be prolonged for some period of time, there is no reason to prolong their imprisonment there."

So far, the Pentagon has not shown any sign that it would be willing to allow the detainees to live on the base. In addition to the 15 Uighurs and one Uzbek who were cleared of being enemy combatants, there are two more stranded Uzbeks who were deemed eligible for release because they no longer pose a threat.

Army Major Jeff Weir, a spokesman for the prison, said in a phone interview that "safety and security" concerns would prevent moving the detainees out of the secure zone and into the regular part of the base, where about 8,000 soldiers, sailors, and civilians live, many with their families.

"They have been detained in here with some very bad people, under some very bad influences," Weir said. "We can't just release them into a hotel amongst the civilians on the base. . . . We understand the point of what the lawyers are saying, but it's an impossibility."

A Pentagon spokesman, Lieutenant Commander Alvin Plexico, said the government would respond to the request in court. He also noted that the military has tried to separate the stranded

detainees from the rest of the inmate population, housing them in communal bunkhouses with "shared living and dining areas and unlimited recreation time."

But Willett, the lawyer for two of the Uighurs, said it's still jail. And, he told the court, "the government itself . . . has acknowledged that there is no lawful basis to imprison" his clients: Abu Bakker Qassim, 36, and A'del Abdu Al-Hakim, 31.

Both men, he said, have wives and children back in their Uighur homeland in China. Both told him they left their homes, fleeing Communist oppression, before the attacks of Sept. 11, 2001, and met at a market in Kyrgystan.

They eventually moved on, hoping to find a way to Turkey, where they planned to start a new life and send for their families. But they were arrested by Pakistani police in late 2001 and turned over to the United States as suspected Al Qaeda members, apparently in return for \$5,000 bounties, he said. The United States brought them to Guantanamo in mid-2002.

Weir, the prison spokesman, argued that even though the detainees were found by the military tribunal not to have been part of Al Qaeda, they could be dangerous for other reasons. Tribunal transcripts show that some Uighurs received weapons training in Afghanistan to fight the Chinese government, though they testified that they bore no ill will toward the United States.

Willett, who visited his clients this month, said he saw nothing "that would indicate the remotest interest in terrorism." America has locked them up without justification for more than three years, he said, and putting them up at a hotel now that the country knows it made a mistake is the least it could do.

Willett, a bankruptcy specialist, is among dozens of lawyers who have taken on Guantanamo detainees at their own expense since June 2004, when the Supreme Court ruled that the prisoners were entitled to challenge their designation as enemy combatants.

Those lawsuits are all frozen while an appeals court decides whether the military's tribunals -- in which detainees had no legal representation and were not shown all the evidence against them -- were sufficient to satisfy the Supreme Court's ruling.

But last week, Willett asked a judge to rule immediately on moving his clients into a hotel. Ultimately, Willett said, if no other country will take them in, the United States should grant them asylum as refugees from religious persecution, though he has not made a formal request.

"Everybody can understand how a mistake might be made in the fog of war to begin with," he said. "It'd be a great thing if the executive could reach out and show the good grace to try to correct such a mistake. I'm hopeful that might happen."