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Free the Uighurs

Editorial
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It's a classic scene from movies and TV: The triumph of the U.S. rule of law as the jail doors swing wide and a prisoner, mistakenly accused but now exonerated, is released and walks into the daylight of freedom.

Unfortunately, for a small group of Chinese Muslims and others held at Guantanamo Bay, Cuba - and for the already tattered image of U.S. democracy abroad - it doesn't always work that way.

The U.S. Supreme Court refused Monday to hear the emergency appeal of Abu Bakker Qassim and A'Del Abdu al-Hakim, who are seeking freedom after more than four years of wrongful imprisonment.

Despite the Pentagon's early proclamations that the Guantanamo detainees were all "enemy combatants," the "worst of the worst" and largely swept up on the battlefields of Afghanistan, officials now admit that Qassim and al-Hakim - and scores of others - never should have been jailed. While about 490 prisoners are still held there, more than 100 have been released, most of them returned to their home countries.

Qassim and al-Hakim, however, are Uighurs (WEE-gur), a Central Asian ethnic minority that has long resisted domination by Beijing. The Bush administration fears, understandably, that if the Uighurs held at Guantanamo were turned over to Beijing, they might be tortured or killed.

But the government also rejects any notion of letting them seek even temporary asylum in the USA, though a small Uighur expatriate community in the Washington area has asked to take them in. Instead, the administration prefers to blame unnamed third countries for refusing to allow the Uighurs to be dumped there. (A Berlin newspaper reported Saturday that Germany is the latest to resist U.S. arm-twisting).

A federal judge in Washington ruled in December that their continued detention is illegal but, in an appalling reflection on the impotence of the courts in the post-9/11 era, concluded he didn't have the power to do anything about it. An appeals court is due to hear their case next month.

Meanwhile, Qassim, al-Hakim and others remain in limbo, victims of a situation also familiar to American moviegoers: Catch-22. Their plight has given the rest of the world, notably the Muslim world, yet another opportunity to question U.S. dedication to freedom and justice.