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From: Jeffrey L Farrow [redacted]
Sent: Monday, September 28, 2009 9:23 AM
To: Jacob J Sullivan
Subject: Wash. Post. today re Palau & Uighurs

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Jake, Want to make sure you saw the front page story below. It's really about the tragedy of brothers wrongfully detained at Guantanamo but it makes clear that Palau is doing the U.S. a great service and has been more courageous in this regard than most of the world (although Palau is in many ways more vulnerable to China). The Secretary complimenting Pres. Toribiong re this was a good move right after Alcy upset the Palauans (as you feared) in a meeting I will give you a confidential report on separately. Jeff

2 Brothers' Grim Tale Of Loyalty And Limbo

To Leave Guantanamo Means Abandoning Family

By Del Quentin Wilber
 Washington Post Staff Writer
 Monday, September 28, 2009

Bahtiyar Mahnut, a detainee at the U.S. military prison at Guantanamo Bay, learned a few weeks ago that the Pacific island nation of Palau had invited him to settle there.

It should have been cause for celebration, especially for a man who desperately wants to be free. But, to the surprise of his attorneys, Bahtiyar has turned down the offer. He wishes to remain a prisoner, they say, so he can look after his older brother, a fellow detainee.

The brothers' saga, as related by their attorneys and military records, could transpire only in the context of Guantanamo Bay and comes at a critical juncture for the Obama administration, which is struggling to meet a Jan. 22 deadline to shutter the 223-detainee prison. Their circumstances also highlight the diplomatic difficulties facing the U.S. government as it tries to find places to send prisoners not destined for terrorism trials in the United States.

The brothers are Uighurs, residents of China who are considered separatists by Beijing but are not enemies of the United States. The brothers were picked up separately in Afghanistan and Pakistan soon after the United States launched attacks against al-Qaeda and the Taliban in retaliation for the Sept. 11, 2001, attacks.

Since at least 2003, the U.S. government has tried to find homes for the brothers and 20 other captured Uighurs. Five went to Albania in 2006; four were sent to Bermuda in June. At one point, U.S. officials were considering the possibility of resettling Uighurs in the D.C. region, but that plan was scuttled under political pressure. Most countries have been reluctant to accept Uighurs and risk angering China.

In recent weeks, however, Palau has agreed to accept 12 of the 13 remaining Uighurs, according to the Justice Department.

The only detainee not invited by Palau was Bahtiyar's older brother, Arkin Mahmud, 45, who has developed mental health problems that are apparently too serious to be treated in the sparsely populated country, said his attorney, Elizabeth Gilson.

To make matters worse, according to Gilson and military records, Arkin is a prisoner only because he went searching for Bahtiyar after the younger brother left their homeland eight years ago.

"This is just very difficult and sad," said Abubakkir Qasim, 40, a Uighur freed from Guantanamo Bay in 2006 who considers himself a friend of both brothers.

"Bahtiyar is turning away freedom for his brother," Qasim said through an interpreter. "His brother is only there because of Bahtiyar. I feel sorry for both of them."

Five other Uighurs have declined the offer for a variety of reasons, according to one of their attorneys, Susan Baker Manning. The Justice Department says the government thinks that six to eight Uighurs will go to Palau. The earliest they could leave would be Thursday, the Justice Department says.

Officials at the Defense and State departments and the Palau Embassy in Washington either declined to comment or did not return phone messages.

In 2001, Bahtiyar and Arkin, both Muslims, were living with their parents and a younger brother in a small house in bustling Ghulja in Western China. Arkin is the father of two children, then 8 and 5. The brothers were not particularly devout but felt oppressed by the government of Beijing, which does not allow worship and ensures the best jobs go to ethnic Chinese. The brothers were forced to survive as menial tradesmen. Bahtiyar sold clothes; Arkin repaired shoes.

Bahtiyar wanted to strike out on his own. So, with \$700 in his pocket, he headed for Pakistan. But he quickly ran out of money and couldn't find work. He was worried about being sent back to China until a friend told him about a group of Uighurs in Afghanistan that wanted "to fight against the Chinese government."

"If I went," he told military officials, "I didn't have to pay for food or anything. So I went to Afghanistan."

There, he lived with 35 other Uighurs in a camp of dusty roads and shacks in the southern mountains. The group built houses and a mosque. They trained with one automatic rifle and did some push-ups, pull-ups and other calisthenics, records show.

Within a few weeks of arriving at the camp, Bahtiyar managed to call home. His mother was very worried and told Arkin to find his brother. "He left because he was a dutiful son," Gilson said.

After the Sept. 11 attacks, the U.S. military began bombing Afghanistan and destroyed Bahtiyar's camp, sending the Uighurs into the mountains for shelter. Bahtiyar and others crossed into neighboring Pakistan, where they were arrested and turned over to U.S. authorities.

Meanwhile, Arkin made his way to Afghanistan, where he was captured by the Northern Alliance and turned over to the United States. At a military prison in Kandahar, the brothers saw each other across the razor wire.

In 2002, the military brought the brothers and 20 other Uighurs to Guantanamo Bay. Authorities alleged at the time that the men trained at military-style camps affiliated with the Taliban or al-Qaeda. The accusations later dissolved upon close scrutiny by the courts.

Arkin and Bahtiyar were confined in separate cells and, for months, were not able to talk. A Uighur interpreter working for the military, Rushan Abbas, persuaded the military in 2003 to allow the brothers to meet in an interrogation room.

When they saw each other, they hugged and wept. "It was just so emotional," Abbas said. "These brothers from across the world coming together in an interrogation room for the first time."

In 2005, Arkin remained in solitary confinement. He had a record of disciplinary infractions and had been disrespectful to the guards, records show.

Not for the first time, Bahtiyar took steps to help his brother. Living in a more relaxed part of the prison, he was granted a request to be moved to Arkin's camp. "I missed my brother so much," he told military officials.

By the next year, the brothers had been cleared for release by the military. The government did not present any evidence to justify their detention in a federal lawsuit brought the Uighurs seeking their freedom. In October, a judge ordered them freed into the United States, but that decision was overturned on appeal. The Uighurs are awaiting word, expected this week, on whether the Supreme Court will hear the case.

Last year, the remaining Uighurs were moved to a fenced-in camp that includes an activities room, video games and books. Through it all, Arkin and Bahtiyar have struggled to cope with being prisoners, perhaps for years to come. "I know I'll die in here," Arkin told Gilson not long ago. "In China, at least I would have a trial and sentence."

Since taking their case in 2005, Gilson has met with Arkin dozens of times. But she had only spoken to Bahtiyar by phone. He had refused to meet with her, frustrated by lawyers always talking about what he considered fruitless legal victories.

Two weeks ago, he changed his mind. Bahtiyar felt that he owed her an explanation for refusing Palau's generous offer. "Every day here is an eternity," he told Gilson through an interpreter. "But I have to look out for my brother."

Jeffrey L. Farrow