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European Countries May Take Detainees

Under Bush, Nations Refused to Resettle Guantanamo Prisoners

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European nations have begun intensive discussions both within and among their governments on whether to resettle detainees from the [U.S. military](#) prison at [Guantanamo Bay, Cuba](#), as a significant overture to the incoming Obama administration, according to senior European officials and U.S. diplomats.

The willingness to consider accepting prisoners who cannot be returned to their home countries, because of fears they may be tortured there, represents a major change in attitude on the part of European governments. Repeated requests from the Bush administration that European allies accept some Guantanamo Bay detainees received only refusals.

The Bush administration "produced the problem," Karsten Voigt, coordinator of German-American cooperation at the [German Foreign Ministry](#), said in a telephone interview. "With Obama, the difference is that he tries to solve it."

At least half a dozen countries are considering resettlement, with only Germany and Portugal acknowledging it publicly thus far.

German Foreign Minister Frank-Walter Steinmeier has instructed officials to look into political, legal and logistical aspects of the matter, a ministry spokesman said yesterday. A discussion paper on the issue has been circulating among ministries in Berlin for weeks, German officials said.

European officials put out tentative feelers to [Barack Obama](#)'s team to see whether it was willing to discuss the issue, but the incoming administration has rejected holding even informal talks until after the Jan. 20 inauguration, according to European and U.S. officials aware of the outreach.

"President-elect Obama has repeatedly said that he intends to close Guantanamo, and he will follow through on those commitments as president. There is one president at a time, and we intend to respect that," said Brooke Anderson, chief national security spokeswoman for the Obama transition team.

The Portuguese government pushed what had been private discussions in Europe into the open this month when Foreign Minister Luís Amado brought up the issue in a letter to his counterparts in other countries.

"The time has come for the [European Union](#) to step forward," he wrote. "As a matter of principle and coherence, we should send a clear signal of our willingness to help the U.S. government in that regard, namely through the resettlement of detainees. As far as the Portuguese government is concerned, we will be available to participate."



Amado said yesterday in a phone interview that he plans to raise the issue at a meeting of E.U. foreign ministers in late January. It will also be discussed at an E.U. General Affairs and External Relations Council meeting on Jan. 26, he added.

"I believe the new administration will have the conditions to create a new dynamic of cooperation," Amado said. He noted that when he first raised the issue of Guantanamo Bay at a meeting of E.U. foreign ministers about seven months ago, some countries resisted assisting the Bush administration.

"I assume the new administration will have someone on a plane to Europe within minutes of Obama being sworn in," said Sarah E. Mendelson, director of the Human Rights and Security Initiative at the [Center for Strategic and International Studies](#) and the author of a report on closing Guantanamo Bay.

European officials, who spoke on the condition of anonymity because their governments have not yet formulated a public stance on the issue, said they expect the Obama administration to take steps to secure European cooperation, some of which appear to be under serious discussion by the transition team.

The Europeans want a clear commitment to close Guantanamo Bay and an acceptance of common legal principles in the fight against terrorism, including those regarding the treatment of suspects, European officials said. A series of meetings between the United States and the European Union on a legal framework for combating terrorism has considerably narrowed differences on the application of human rights law, refugee law and humanitarian law, said Amado and [John B. Bellinger III](#), a legal adviser at the [State Department](#).

The Europeans also want Obama to agree to transfer a small number of detainees to the United States before they attempt to sell a resettlement program to their own citizens.

"I believe that will happen," Amado said.

One group likely to be settled here is 17 Chinese Uighurs who have been held for years at Guantanamo Bay. The Bush administration has acknowledged that the Uighurs are not enemy combatants, and in October a federal judge ordered them released into the United States.

In interagency discussions, the State Department has argued that the Uighurs be brought to the United States to help persuade Europe to resettle other detainees. But a State Department official, who spoke on the condition of anonymity because of the sensitivity of the issue, said the departments of Homeland Security and Justice, as well as [White House](#) officials, considered resettlement in the United States a "red-line" issue.

The [Justice Department](#) has appealed the judge's order that the Uighurs be released.

"Secretary [Condoleezza] Rice and others at State argued for resettlement in the U.S. as a deal-maker," one U.S. official said. "But it's clear this administration is not going to reconsider the issue of resettlement."

Guantanamo Bay currently has about 250 prisoners, according to [the Pentagon](#). And some European officials said a number of governments are considering the logistics of resettling a majority of the 60 prisoners already cleared for release by U.S. authorities.

The Pentagon has not identified the 60, but a study released by the [Brookings Institution](#) last week found

that as well as the Chinese Uighurs, the group includes detainees from Yemen, Tunisia, Algeria, Uzbekistan, Iraq, Saudi Arabia, Egypt, Libya and the Palestinian territories. The Brookings study found that these prisoners "concentrate at the less dangerous end of the spectrum."

The U.S. military no longer holds any European citizens at Guantanamo Bay.

Thomas Steg, a German government spokesman, said yesterday that the United States will not be able to place any conditions on the handling of transferred detainees if they are accepted in Europe.

"One thing is clear: The Americans cannot ask for any special terms -- no other agreements, swaps or other strings attached," he told reporters in Berlin.

He also said all 27 members of the European Union will have to discuss the matter. Countries such as Denmark have already signaled that they will not accept any detainees, arguing that they are the sole responsibility of the United States.

"Why should they be taken into the much smaller Danish society?" Per Stig Moller, the country's foreign minister, said last month. "None of these prisoners has anything whatsoever to do with Denmark."

Some general agreement among E.U. members is required because of the freedom of travel within the union, but that prerequisite is not expected to block a resettlement deal because of the general desire in Europe "to please Obama," as one German official put it in an interview.

The Bush administration shopped lists of detainees to a number of European countries, including late last year when European officials were asked to take 16 of the 17 Uighurs, four Uzbeks, an Egyptian, a Palestinian and a Somali, according to U.S. diplomats and human rights groups.

"There was a big push last year," said Bellinger, the State Department legal adviser, who said that the administration has cabled approximately 100 countries seeking help with clearing out Guantanamo Bay. "Some countries were willing to consider it, but as part of a group. But no lead country emerged."

A number of civil liberties and human rights groups have also been holding talks with European governments with the quiet approval of the State Department, U.S. officials said.

"We have been saying to them that if you want Guantanamo to close, the [Obama] administration cannot do it without European assistance," said Joanne Mariner, terrorism and counterterrorism program director at [Human Rights Watch](#), who has talked with government officials in European capitals.

Mariner declined to identify the governments she spoke with, but she said there has been "a clear change in attitude" since Obama was elected.

"Before, they said, 'Why should we clean up Bush's mess?' But now they are asking deeper questions about the detainees and how they might integrate them," she said.

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