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## **U.S. Holding Talks on Return of Detainees**

Administration Close to Reaching Agreements With 10 Muslim Governments

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The Bush administration is nearing agreements with 10 Muslim governments to return their detainees held at Guantanamo Bay, Cuba, part of an effort to quicken the pace of transfers and increase the role of countries whose nationals are alleged terrorists. Washington hopes to conclude the agreements within the next two months, a senior State Department official said.

The United States is also pressing to persuade a European country to accept at least 15 Chinese Uigurs and two Uzbeks ready to be released, but who will not be returned to their home countries for fear they might be abused or tortured, the official said. Sweden last year turned down a request, a Swedish envoy said yesterday. Uigurs are a Muslim ethnic group with a large population in western China.

The agreements with the 10 countries would be in addition to previously reported negotiations with the three nations that have the largest populations at the U.S. prison facilities at Guantanamo -- Afghanistan, Saudi Arabia and Yemen. The United States completed the first such agreement last week with Afghanistan, which has 110 detainees in U.S. custody.

Washington also hopes to reach an agreement soon with Saudi Arabia, which has 129 detainees at Guantanamo. Talks with Pierre Prosper, the U.S. ambassador at large for war crimes, were suspended when Saudi King Fahd died last week.

The 10 other countries include Bahrain, Egypt, Kuwait and Morocco. There are at least 19 men from these countries ready for transfer, according to the State Department. The United States hopes that the first round of negotiations will spark wider momentum to finish agreements in other countries, as happened last year with detainees from European countries, Prosper said yesterday in an interview.

The administration expects that Guantanamo's population could be reduced from about 510 inmates to about 100 hard-core detainees whom the United States will not release or transfer because it considers them security risks. Those detainees will be held indefinitely, until what a U.S. official described as the "end of hostilities" in the global struggle against terrorism.

Washington has come under sharp criticism from human rights groups and other countries for the detentions at Guantanamo Bay. These critics say the U.S. government has not afforded adequate due process to suspected terrorists and has engaged in inhumane tactics to gain information from detainees -- allegations the Defense Department disputes.

No detainees have been moved into Guantanamo since September 2004, and Prosper said it is because transfers have been placed on hold while officials await the outcome of the first legal challenges in U.S. federal courts by detainees seeking their release. In the meantime, anyone captured in Afghanistan will be sent to the U.S. detention facility at Bagram, near Kabul.

The U.S. initiative to reduce the Guantanamo population is designed in part to get Muslim countries to take more responsibility in counterterrorism efforts as well as for their own nationals, officials said. Countries in the past few years have "had the luxury" of the United States dealing with alleged extremists detained in Afghanistan, Prosper said. "We want them to feel a responsibility," he added.

The United States will continue to have a role, the State Department said. In the agreements, the administration wants to retain the right to question returned detainees in the event of new intelligence. Washington also wants to be consulted if Muslim governments decide to release any returned detainees.

"We won't have veto power, but we do want to have input," said Prosper, who just returned from talks in Afghanistan and Saudi Arabia. "As allies and partners, we will give them our opinion, but we won't have control."

The transfers hinge in part on two guarantees -- humane treatment of detainees and security so they cannot escape.

Negotiations with Muslim countries, which began seriously in May 2004, are part of a broad policy of sharing the burden of detaining alleged terrorists, according to Matthew Waxman, deputy assistant secretary of defense for detainee affairs, who participated in recent talks.

A human rights group welcomed the U.S. effort to return detainees, but said the administration is setting up a double standard about where detainees can be sent. "There are two sides of the coin. It's definitely good to be sending detainees home with proper assurances of humane treatment, but there's no way to get credible assurances from a country where torture is standard operating procedure, including Egypt and Saudi Arabia," said Tom Malinowski, Washington director for Human Rights Watch. "They are doing the right thing with the Uigurs and the Uzbeks, but they should do the same with the Saudis -- either find a third country or keep them."

Lawyers for detainees expressed concern that foreign governments will be able to determine how to proceed in individual detainee cases.

"This raises the possibility that detainees at Guantanamo will be moved from what might be termed a legal black hole, a place beyond the law, to a similarly unreachable place in Afghanistan," said Daniel Malone, a New York attorney whose firm represents nine Afghan detainees. "From our perspective, it would complicate our efforts. We're concerned about problems that a transfer might create in impeding our efforts to secure our clients' right not to be detained except according to the law."