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# Behind missed Gitmo deadline: No one wants jaillees

By BEN FOX (AP) – 5 hours ago

SAN JUAN, Puerto Rico — President Barack Obama is now confirming what many have long suspected: He will miss his January deadline to close the Guantanamo prison — partly because he cannot persuade other nations to take the detainees.

Prisoners like Walid Abu Hijazi. The 29-year-old Palestinian is nearing his eighth year at Guantanamo even though the U.S. approved his release in February 2008. No one else has been willing to allow him, or dozens of others, into their territory.

This dilemma is one of the chief obstacles to closing the jail, according to lawyers and human rights groups who monitor U.S. detention policy. Most say Washington bears the main blame because it also refuses to accept prisoners on American soil.

"It's very difficult to persuade third countries to accept the political or security risks involved, especially when the United States has been unwilling to accept that risk itself," said Matthew Waxman, a professor at Columbia Law School.

U.S. officials decline to disclose the details of efforts to relocate Guantanamo prisoners, though in the past they acknowledged the difficulty in resettling ethnic Uighurs from China.

In Abu Hijazi's case, his Chicago-based lawyer, Matthew O'Hara, said he can only speculate that the problem with relocating his client is that the U.S. has no relations with Hamas, the Islamic militant group that controls the Gaza Strip, where Abu Hijazi was born.

No charges were ever filed against Abu Hijazi. O'Hara said his client told a military review panel he trained for two weeks at a militant camp in Afghanistan but never fired a weapon except in training and denied being part of the Taliban or al-Qaida.

"He's hanging in there," the lawyer said. "The men there generally have learned not to get their hopes up."

O'Hara doesn't see a possibility of his client being accepted elsewhere.

"Our friends and allies around the world say, 'If you don't want them, why should we take them?' That, I think, is the key obstacle," he said.

The administration says about 90 of the 215 men now held at the U.S. military base at Guantanamo Bay on Cuba can be released or repatriated, but it has made little progress since Obama announced shortly after his inauguration that he would close the widely criticized prison.

There are other factors causing Obama to miss the deadline. His administration must still resolve where it will try 40 to 60 prisoners suspected of terrorism. It also must decide where to relocate dozens more it wants to continue to holding without charge because it lacks the evidence to try them but fears their release — a prospect that dismays human rights groups.

The slow pace of transfers has surprised many lawyers and Guantanamo critics who expected a warmer diplomatic response to Obama's announced intent to overhaul the Bush detention policy, which drew much criticism around the globe.

"We are hugely disappointed as are, I should think, the people who are cleared for release and are stuck in Guantanamo," said Tom Parker, a policy director for Amnesty International.

Obama has made some progress. His administration has reduced the jail's population by a couple dozen since he took office, in part by arranging the long-delayed transfer of the ethnic Uighurs from China to the islands of Palau and Bermuda. In recent months a few European nations have agreed to accept some detainees, among them Ireland and Portugal, which took in two each.

Some critics said Obama missed an opportunity by refusing to allow the Uighurs to settle in the U.S. after they were found to pose no threat to the United States.

"If he had done that, we would have a much better reception in Europe for taking some of the more difficult cases," said Shayana Kadidal, senior managing attorney of the Guantanamo project at the Center for Constitutional Rights.

Of the 90 detainees cleared for release, about 40 can't be returned to their home countries because they could face mistreatment or for some other reason. An additional 35 are from Yemen, a country that the U.S. government deems too unstable to accept former prisoners.

Legal experts say it is wrong to blame the delay entirely on Obama. Congress has resisted moving prisoners to the U.S. even under maximum-security conditions. There also has been much criticism of Obama's plan to send five men charged in the Sept. 11 attack, including self-proclaimed mastermind Khalid Sheikh Mohammed, to New York to stand trial in a civilian court.

"Ultimately, Guantanamo cannot be closed quickly and effectively without more support from both Congress and U.S. allies and partners abroad," said Waxman, a former Pentagon and State Department official.

Associated Press Writer Mike Melia contributed to this report.

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Photo 1 of 2



In this , May 31, 2009 pool file photo reviewed by the U.S. military and shot through a window, a guard wearing a protective face mask speaks with a detainee through a fence as another paces inside the exercise yard at Camp five detention facility on Guantanamo Bay U.S. Naval Base in Cuba. President Barack Obama is confirming what many have long suspected: He'll miss his January deadline to close Guantanamo. Persuading other nations to take detainees has proven tough, and lawyers and human rights groups say Washington is most to blame because it also refuses to accept prisoners on U.S. soil. (AP Photo/Brennan Linsley, Pool)



### Map



