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Office Working to Close Guantánamo Is Shuttered

By CHARLIE SAVAGE

Published: January 28, 2013

FORT MEADE, Md. — The State Department on Monday reassigned [Daniel Fried](#), the special envoy for closing the prison at [Guantánamo Bay](#), Cuba, and will not replace him, according to an internal personnel announcement. Mr. Fried's office is being closed, and his former responsibilities will be “assumed” by the office of the department's legal adviser, the notice said.

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The announcement that no senior official in President Obama's second term will succeed Mr. Fried in working primarily on diplomatic issues pertaining to repatriating or resettling detainees appeared to signal that the administration does not currently see the closing of the prison as a realistic priority, despite repeated statements that it still intends to do so.

Mr. Fried will become the department's coordinator for sanctions policy and will work on issues including Iran and Syria.

The announcement came as Khalid Shaikh Mohammed and four other Guantánamo Bay detainees facing death penalty charges before a [military tribunal](#) over the Sept. 11 attacks made their first public appearance since October on Monday, sitting quietly in a high-security courtroom at the naval base in Cuba as pretrial hearings resumed. A closed-circuit feed of the proceedings was shown at Fort Meade.

Mr. Mohammed, with a red-dyed beard and a turban, wore a camouflage jacket over white garb. All five detainees spoke briefly in telling the judge, Col. James Pohl of the Army, that they understood their right not to attend future days of the hearing. Only one detainee, Walid bin Attash, spoke further, complaining through an interpreter that the defendants were not motivated to attend because “the prosecution does not want us to hear or understand or say anything.”

The session mainly focused on technical matters like nuances in an order on handling classified information. At one point, the video feed was censored for nearly a minute. It was not clear why; Colonel Pohl appeared upset and said no classified information had been discussed.

Mr. Fried's special envoy post was created in 2009, shortly after Mr. Obama took office and promised to close the prison in his first year. A career diplomat, Mr. Fried traveled the world negotiating the repatriation of some 31 low-level detainees and persuading third-party countries to resettle about 40 who were cleared for release but could not be sent home because of fears of abuse.

But the outward flow of detainees slowed almost to a halt as Congress imposed restrictions on further transfers, leaving Mr. Fried with less to do. He was eventually assigned to work on resettling a group of Iranian exiles, known as the M.E.K., who were living in a refugee camp in Iraq, in addition to his Guantánamo duties.

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Ian Moss, a spokesman for Mr. Fried’s office, said its dismantling did not mean that the administration had given up on closing the prison. “We remain committed to closing Guantánamo, and doing so in a responsible fashion,” Mr. Moss said. “The administration continues to express its opposition to Congressional restrictions that impede our ability to implement transfers.”

Besides barring the transfer of any detainees into the United States for prosecution or continued detention, lawmakers prohibited transferring them to other countries with troubled security conditions, like Yemen or Sudan. In the most recent defense authorization act, enacted late last year, lawmakers extended those restrictions and expanded them to cover even detainees scheduled to be repatriated under a plea deal with military prosecutors.

Mr. Obama had threatened to veto the bill, but instead he signed it while [issuing a signing statement claiming that he had the constitutional power, as commander in chief, to lawfully override such statutory restrictions](#) on the handling of wartime prisoners. Mr. Obama’s intentions were not clear, however, even to internal administration officials.

Last July, before the latest statute, the Pentagon [repatriated a Sudanese man](#), Ibrahim al Qosi, after he pleaded guilty before a tribunal to conspiracy and supporting terrorism and served out his sentence as part of a deal.

Another Sudanese man who pleaded guilty to similar charges, Noor Uthman Muhammed, is scheduled to be repatriated in about a year. There is now doubt, however, about whether the military can live up to that agreement.

In recent months, the federal appeals court in Washington has vacated guilty verdicts by tribunals against two other detainees convicted of [similar charges](#) — the only two detainees to date to be convicted after a trial, rather than through a plea deal — because the offenses were not international war crimes.

Attorney General Eric H. Holder Jr. decided to continue arguing in court that it was lawful to bring such charges before a military commission. That has led to a growing split between the administration and Brig. Gen. Mark S. Martins, the chief prosecutor of the tribunals, who objected to that decision and [unsuccessfully sought permission](#) to withdraw conspiracy from the list of charges against the Sept. 11 defendants.

On Sunday, on the eve of the hearing, General Martins [addressed](#) recent [coverage](#) of the split. He argued that any disagreement was a good thing because it showed that tribunal officials were not “moving in lock step,” but rather were independent, which “if anything bolsters, rather than undermines, confidence in the military commissions system.”

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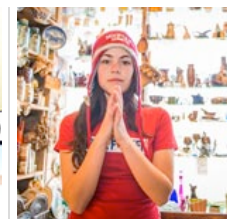

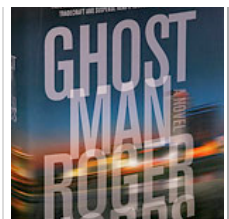
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