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THE WHITE HOUSE

Office of the Press Secretary

For Immediate Release

February 7, 2002

FACT SHEET

Status of Detainees at GuantanamoUnited States Policy.

- The United States is treating and will continue to treat all of the individuals detained at Guantanamo humanely and, to the extent appropriate and consistent with military necessity, in a manner consistent with the principles of the Third Geneva Convention of 1949.
- The President has determined that the Geneva Convention applies to the Taliban detainees, but not to the al-Qaida detainees.
- Al-Qaida is not a state party to the Geneva Convention; it is a foreign terrorist group. As such, its members are not entitled to POW status.
- Although we never recognized the Taliban as the legitimate Afghan government, Afghanistan is a party to the Convention, and the President has determined that the Taliban are covered by the Convention. Under the terms of the Geneva Convention, however, the Taliban detainees do not qualify as POWs.
- Therefore, neither the Taliban nor al-Qaida detainees are entitled to POW status.
- Even though the detainees are not entitled to POW privileges, they will be provided many POW privileges as a matter of policy.

All detainees at Guantanamo are being provided:

- three meals a day that meet Muslim dietary laws
- water
- medical care
- clothing and shoes
- shelter
- showers
- soap and toilet articles

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- foam sleeping pads and blankets
- towels and washcloths
- the opportunity to worship
- correspondence materials, and the means to send mail
- the ability to receive packages of food and clothing, subject to security screening

The detainees will not be subjected to physical or mental abuse or cruel treatment. The International Committee of the Red Cross has visited and will continue to be able to visit the detainees privately. The detainees will be permitted to raise concerns about their conditions and we will attempt to address those concerns consistent with security.

Housing. We are building facilities in Guantanamo more appropriate for housing the detainees on a long-term basis. The detainees now at Guantanamo are being housed in temporary open-air shelters until these more long-term facilities can be arranged. Their current shelters are reasonable in light of the serious security risk posed by these detainees and the mild climate of Cuba.

POW Privileges the Detainees will not receive. The detainees will receive much of the treatment normally afforded to POWs by the Third Geneva Convention. However, the detainees will not receive some of the specific privileges afforded to POWs, including:

- access to a canteen to purchase food, soap, and tobacco
- a monthly advance of pay
- the ability to have and consult personal financial accounts
- the ability to receive scientific equipment, musical instruments, or sports outfits

Many detainees at Guantanamo pose a severe security risk to those responsible for guarding them and to each other. Some of these individuals demonstrated how dangerous they are in uprisings at Mazar-e-Sharif and in Pakistan. The United States must take into account the need for security in establishing the conditions for detention at Guantanamo.

Background on Geneva Conventions. The Third Geneva Convention of 1949 is an international treaty designed to protect prisoners of war from inhumane treatment at the hands of their captors in conflicts covered by the Convention. It is among four treaties

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concluded in the wake of WWII to reduce the human suffering caused by war. These four treaties provide protections for four different classes of people: the military wounded and sick in land conflicts; the military wounded, sick and shipwrecked in conflicts at sea; military persons and civilians accompanying the armed forces in the field who are captured and qualify as prisoners of war; and civilian non-combatants who are interned or otherwise found in the hands of a party (e.g. in a military occupation) during an armed conflict.

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STATEMENT BY THE PRESS SECRETARY

The James S. Brady Briefing Room

1:40 P.M. EST

MR. PLEISCHER: I have an announcement to make. Today President Bush affirms our enduring commitment to the important principles of the Geneva Convention. Consistent with American values and the principles of the Geneva Convention, the United States has treated and will continue to treat all Taliban and al Qaeda detainees in Guantanamo Bay humanely and consistent with the principles of the Geneva Convention.

They will continue to receive three appropriate meals a day, excellent medical care, clothing, shelter, showers, and the opportunity worship. The International Community of the Red Cross can visit each detainee privately.

In addition, President Bush today has decided that the Geneva Convention will apply to the Taliban detainees, but not to the al Qaeda international terrorists.

Afghanistan is a party to the Geneva Convention. Although the United States does not recognize the Taliban as a legitimate Afghani government, the President determined that the Taliban members are covered under the treaty because Afghanistan is a party to the Convention.

Under Article 4 of the Geneva Convention, however, Taliban detainees are not entitled to POW status. To qualify as POWs under Article 4, al Qaeda and Taliban detainees would have to have satisfied four conditions: They would have to be part of a military hierarchy; they would have to have worn uniforms or other distinctive signs visible at a distance; they would have to have carried arms openly; and they would have to have

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conducted their military operations in accordance with the laws and customs of war.

The Taliban have not effectively distinguished themselves from the civilian population of Afghanistan. Moreover, they have not conducted their operations in accordance with the laws and customs of war. Instead, they have knowingly adopted and provided support to the unlawful terrorist objectives of the al Qaeda.

Al Qaeda is an international terrorist group and cannot be considered a state party to the Geneva Convention. Its members, therefore, are not covered by the Geneva Convention, and are not entitled to POW status under the treaty.

The war on terrorism is a war not envisaged when the Geneva Convention was signed in 1949. In this war, global terrorists transcend national boundaries and internationally target the innocent. The President has maintained the United States' commitment to the principles of the Geneva Convention, while recognizing that the Convention simply does not cover every situation in which people may be captured or detained by military forces, as we see in Afghanistan today.

He arrived at a just, principled and practical solution to a difficult issue. The President did so because, as Americans, the way we treat people is a reflection of America's values. The military operates under a code of conduct that upholds these values, based on the dignity of every individual.

The American people can take great pride in the way our military is treating these dangerous detainees. The Convention remains as important today as it was the day it was signed, and the United States is proud of its 50-year history in compliance with the Convention.

Ron.

Q Given that the President had long ago determined that none of these folks were prisoners of war, how, if at all, does it change the way the Taliban and, separately, al Qaeda fighters will be treated at Guantanamo Bay? And tell me how this might help protect U.S. forces if they happen to be captured in Afghanistan.

MR. FLEISCHER: What this announcement signifies is the President's dedication to the importance of the Geneva

Convention and to the principles that the Geneva Convention holds. In terms of the treatment of the prisoners, even though the President has determined that they will not be treated legally as prisoners of war, they will be afforded every courtesy and every value that this nation applies to treating people well while they're in our custody. So it will not change their material life on a day-to-day basis; they will continue to be treated well because that's what the United States does.

Q And then why do this? Is it because of the second part of the question?

MR. FLEISCHER: It's because of the first answer I gave, which is because the President believes in the principles and in the law of the Geneva Convention. He believes in its applicability; he believes in its importance; he believes that that plays a role even in today's modern world where the applicability gets somewhat more complicated as a result of an international terrorist organization that doesn't wear uniforms or insignias.

Q So, Ari, what you're telling us is that the Taliban prisoners, detainees at Guantanamo will not get any more protections than they already are given under the Geneva Convention. What you seem to be telling us is the al Qaeda detainees will get fewer.

MR. FLEISCHER: No. There is no change in the protections they will be provided. They have always been treated consistent with the principles of the Geneva Convention, which means they will be treated well. If you're looking for anything that will not happen as a result of this announcement, it is that they will not receive stipends from the American taxpayers. They will not receive musical instruments courtesy of the United States military. They would have received those had they been declared POWs.

Q That's true of the Taliban, too, right?

MR. FLEISCHER: Correct.

Q So what is the difference? How will the al Qaeda and the Taliban detainees be treated differently?

MR. FLEISCHER: What the President is saying here is there's an important legal principle recognizing that Afghanistan is a member state that agreed to the terms of the

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Geneva Convention. So the President is making distinction between the al Qaeda and the Taliban.

But when it comes to the classification as POWs, neither group will be given POW legal designation, although they will continue to be treated humanely, in accordance with America's values, which are reflected in the Convention.

Q How is there any difference, Ari, in how they are treated? Is there any difference in how they are treated?

MR. FLEISCHER: That's what we've been saying all along. They will continue to be treated well because they're in the custody of America.

Q They will be treated the same, al Qaeda and Taliban detainees will be treated equally.

MR. FLEISCHER: No distinction will be made in the good treatment given to the al Qaeda or the Taliban.

Q So this is a distinction without a difference, really?

MR. FLEISCHER: No, it's a distinction based on the legal principle that the President believes in the Geneva Convention and it's important principles.

Q But you have to say, Ari, that day to day nothing is going to change that will be noticeable for these detainees. That's correct, right?

MR. FLEISCHER: They will continue to be treated well. No change in that treatment.

Q So applying the Convention here is being done solely to protect U.S. citizens, and namely, U.S. soldiers, who may be in a situation overseas held by a foreign government. Is that correct? Is that's the principle that's being upheld?

MR. FLEISCHER: No, the principle is that this country and this President, of course, believe in and adhere to the Geneva Convention. In any case, the United States would always be covered by the Geneva Convention, our military, because as I mentioned, under Article 4, you have to wear a uniform, you have to wear an insignia, carry your weapons outside, be distinguishable from the civilian population, all of which covers our military.

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Q But the concern, the debate here was about if you don't do it here, then U.S. soldiers could be mistreated abroad. Isn't that correct? And so isn't that a big motivation here, to make sure that U.S. soldiers get this same kind of treatment?

MR. FLEISCHER: It's important for all nations, throughout the world, to treat any prisoners well. And that is something the United States always expects, and the United States always does.

We have time for one more question, and then there's a pool. David will get one more, and then we'll --

Q Can you just be responsive to the specific point? Wasn't this an important concern? I understand what the expectations are, but it was important for this administration to be able to say, look, we want to be able to protect our soldiers in similar situations down the line. And if we don't afford privileges under the Geneva Convention, then our soldiers could be in peril?

MR. FLEISCHER: David, I was not in the NSC deliberations where various issues were raised. And so I really -- there's no way I can accurately answer that question.

Q What about the U.S. special forces? They don't -- they often do not wear uniforms. They often do not carry their weapons outwardly. If they are captured, they wouldn't be prisoners of war?

MR. FLEISCHER: The terms of the Geneva Convention apply to all, and those terms speak for themselves.

Okay, thank you everybody.

END

1:48 P.M. EST

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