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PRESS STATEMENT

FEBRUARY 7, 2002

RELEASED IN FULL

STATEMENT BY THE PRESS SECRETARY

THE JAMES S. BRADY BRIEFING ROOM

1:40 P.M. EST

MR. FLEISCHER: 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 CONTINUED 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 TO 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 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 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

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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.

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TALKING POINTS

-- THE U.S. HAS TREATED AND WILL TREAT ALL TALIBAN AND AL QAIDA DETAINEES HUMANELY AND CONSISTENT WITH THE PRINCIPLES OF THE GENEVA CONVENTION.

-- THE PRESIDENT'S FEBRUARY 7 DECISION ON TALIBAN AND AL QAIDA DETAINEES CONCERNED THE APPLICABILITY OF THE GENEVA CONVENTION. AFTER CHAIRING TWO MEETINGS OF THE NSC ON THE ISSUE, PRESIDENT BUSH HAS DECIDED THAT THE GENEVA CONVENTION APPLIES TO TALIBAN DETAINEES, BUT NOT THE AL QAIDA DETAINEES.

-- AL QAIDA IS A FOREIGN TERRORIST GROUP AND CANNOT BE CONSIDERED A STATE PARTY TO THE GENEVA CONVENTION. ITS MEMBERS THEREFORE ARE NOT COVERED BY THE GENEVA CONVENTION AND CANNOT HAVE POW STATUS UNDER IT.

-- IN CONTRAST, AFGHANISTAN IS A PARTY TO THE GENEVA CONVENTION. ALTHOUGH WE HAVE NOT RECOGNIZED THE TALIBAN AS THE LEGITIMATE AFGHAN GOVERNMENT, THE PRESIDENT DETERMINED THAT TALIBAN MEMBERS ARE COVERED BY THE TREATY BECAUSE AFGHANISTAN IS A PARTY TO THE CONVENTION.

-- UNDER ARTICLE 4 OF THE CONVENTION, HOWEVER, TALIBAN DETAINEES ARE NOT ENTITLED TO POW STATUS. THEY DO NOT FALL WITHIN ANY OF THE CATEGORIES OF PERSONS SET FORTH IN ARTICLE 4 WHO QUALIFY FOR POW TREATMENT.

-- THE GENEVA CONVENTION REQUIRES A TRIBUNAL ONLY IF THERE IS "ANY DOUBT". THE U.S. HAS NO DOUBT THAT THE AL QAIDA AND TALIBAN DETAINEES [BEING HELD IN GUANTANAMO] ARE NOT POWS.

-- THIS DECISION DOES NOT AFFECT TREATMENT OF THE DETAINEES. THEY HAVE BEEN AND WILL BE TREATED HUMANELY AND RECEIVE: THREE MEALS A DAY, MEDICAL CARE, CLOTHING, SHELTER, SHOWERS, AND THE OPPORTUNITY TO WORSHIP. THE INTERNATIONAL COMMITTEE OF THE RED CROSS CAN VISIT EACH DETAINEE PRIVATELY, A RIGHT ACCORDED ONLY TO POWS.

-- THE WAR ON TERRORISM IS A NEW TYPE OF WAR NOT ENVISIONED WHEN THE GENEVA CONVENTION WAS SIGNED IN 1949. IN THIS WAR, GLOBAL TERRORISTS TRANSCEND NATIONAL BOUNDARIES, AND INTENTIONALLY TARGET THE INNOCENT.

-- THE PRESIDENT HAS MAINTAINED THE UNITED STATES' COMMITMENT TO 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

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JUST, PRINCIPLED, AND PRACTICAL SOLUTION TO A DIFFICULT
ISSUE.

-- THE U.S. REMAINS COMMITTED TO THE GENEVA CONVENTION AND
PROUD OF ITS 50 YEARS OF COMPLIANCE WITH THE CONVENTION.
WE ARE ALSO OPEN TO DISCUSSING WITH OTHER NATIONS THE
POSSIBILITY OF A NEW INSTRUMENT CONCERNING THE TREATMENT OF
DETAINED PERSONS IN CONFLICTS NOT ENVISIONED IN 1949.

-- THIS DECISION SHOULD HAVE NO LEGAL OR PRACTICAL EFFECT
ON U.S. ARMED FORCES, WHICH ARE A REGULAR ARMED FORCE THAT
COMPLIES WITH THE LAWS AND CUSTOMS OF WAR.

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