

LS286

Part 1

Release

(63/6)

DoD Points on Issues Raised in UK letter to Secretary Powell

Living conditions of Detainees

- Size of individual detention units is adequate and humane: 6'8" x 8'0" approx.
- Exercise period: two periods per week. Detainees are also permitted to exercise in their ventilated units as often as they wish.
- The United States has treated and will continue to treat enemy combatants 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.
- New ventilated detention facilities have been constructed by the United States to house the enemy combatants detained at Guantanamo Bay.
- The United States is providing detainees with:
 - shelter,
 - running water and toilets,
 - beds and blankets,
 - personal toiletries,
 - new towels and washcloths,
 - new clothing and shoes,
 - the opportunity to take showers regularly, and
 - three culturally appropriate meals a day (average weight gain has been about 14.5 lbs per person).
- Each detainee has his own living unit.
- The United States is providing detainees excellent medical and dental care -- the same type of care available to U.S. troops. For example, detainees have received routine medical and dental care, prescription medication, eye examinations and corrective eyewear, repaired or new prosthetic devices, and, when serious medical concerns require, hospitalization and surgery.
- These enemy combatants are given the opportunity to worship freely while under US control, and those who so desire have been given copies of the Koran.

- Representatives of the International Committee of the Red Cross ("ICRC") individually and privately visit the enemy combatants under US control on a regular basis.
- Enemy combatants detained at Guantanamo are allowed to receive and send personal mail, subject to screening for security and operational purposes. All who so desire have communicated by mail with their families and some have met with government officials from their country of nationality.

Mail

- Detainees are allowed to send and receive mail at Guantanamo. Both incoming and outgoing mail is screened and often has to be translated for this screening to occur.

JTF-GTMO handles detainee mail in a timely fashion considering the screening and translating requirements.

Family communications are limited to sending and receiving mail and there are no family-visits allowed at Guantanamo.

- NOTE: *Following are talking points Amb Prosper used with the UK that were for public release (updated only to reflect current number of detainees.)*
- On August 29th, at the interagency experts group on detainees meeting, you asked for talking points that can be used to publicly characterize the UK detainees on your trip to the UK in mid September 2002.
- We are detaining eight (soon to be nine) UK nationals as enemy combatants at Guantanamo.
- We understand that HMG is under pressure from the families of the detainees concerning their condition, status, and treatment. We assure you that they continue to be treated humanely.
- We have received several demarches by your government regarding access to and information about the UK detainees at Guantanamo. We have given HMG complete access to intelligence and law enforcement information.
- We take the requests from your government seriously. However, these individuals are extremely dangerous and cannot simply be released. For example, we know that:

- Two of them admitted to training and fighting with Al Qaida and continue to express a willingness to participate in future terrorist operations.
- Four of them admitted to training and fighting with the Taliban.
- One detainee, possibly associated with Al Qaida, holds a college degree in a specialty that makes him knowledgeable on bomb making and other terrorist tradecraft.
- A full assessment is still underway for all eight of the UK enemy combatants.
- It is important to remember that the UK detainees were captured as enemy combatants. If released, we expect them to return to the battlefield "to fight another day".
- We remain in contact with the your government on these matters. So far these consultations have not yielded a suitable alternative to continued detention at Guantanamo.

Visits

- Representatives of the International Committee of the Red Cross (ICRC) visit enemy combatants under US control.
- Foreign Governments are permitted to schedule visits to their own nationals and, on occasion, to other detainees if they have specific law enforcement or intelligence needs to visit them. These visits are only authorized for law enforcement and intelligence purposes. Government visits of a consular nature are not authorized.
- Visits by attorneys, family members, and members of non-governmental organizations or public interest groups are not permitted.
- These detainees are enemy combatants and can be held until the end of the conflict. It would be inappropriate to permit consular, counsel or family visits during a time of war.

I. Family Visits: If asked why families may not visit their family members/detainees:

- We are at war. Those detained by the United States are enemy combatants. No law or custom of war provides that families have any right of access to detained enemy combatants.
- For operational, security and force protection reasons it is not possible to permit family members to visit enemy combatants.

II. Attorney Visits: If asked why attorneys may not visit their client/detainees:

- In this war, as in every war, enemy combatants have no right to counsel or access to courts for the purpose of challenging their detention.
- Access to counsel, in the absence of criminal charges, by enemy combatants would directly interfere with our security interests and the ongoing efforts of the United States and its coalition partners to gather and evaluate intelligence about the enemy, its capabilities, and its plans.
- If a detainee is charged with a crime, the individual would have access to counsel and would receive a fair trial.
- To date, no enemy combatant at Guantanamo has been charged with a crime.

III. Consular Visits: If asked why governments may not conduct visits of a consular nature to determine and report on the health and welfare of their nationals, or why the USG does not include such matters in otherwise authorized visits:

- For operational and security reasons, visits by foreign officials to Guantanamo must be mission-essential or further law enforcement objectives or intelligence gathering.
- Consular visits do not meet these criteria.

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