

L Press Guidance
March 13, 2002

RELEASED IN FULL

"IF ASKED" GUIDANCE:

GUANTANAMO BAY DETAINEES:
INTER-AMERICAN COMMISSION ON HUMAN RIGHTS'
REQUEST FOR DETERMINATION OF LEGAL STATUS

- Q. Comment on reports that the Inter-American Commission on Human Rights has issued a Request for Precautionary Measures to the United States, asking that the U.S. have the legal status of the detainees at Guantanamo Bay determined by a "competent tribunal."
- A. **WE HAVE RECEIVED THE COMMISSION'S REQUEST AND WILL RESPOND IN DUE COURSE.**

Background

The IACHR was established by the Charter of the Organization of American States (OAS) and is located in Washington. The IACHR investigates cases of alleged human rights abuse in the Americas by considering petitions, conducting site visits, issuing country reports, and requesting precautionary measures in cases of potential violations. The Commission's role has evolved under the American Convention on Human Rights, which we signed in 1979 but have not ratified.

The United States is the subject of several petitions per year, most involving the death penalty. Death penalty petitions generally include a request for precautionary measures. Once filed, the content of the petition and subsequent responses are confidential until the Commission issues a final ruling. We respond to petitions brought against us before the Commission.

UNITED STATES DEPARTMENT OF STATE
REVIEW AUTHORITY: FRANK E SCHMELZER
DATE/CASE ID: 30 SEP 2004 200303827

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The Commission requested that we inform it within 30 days of the actions we have taken to give effect to its request for precautionary measures. We intend to respond in writing to the Commission's request well in advance of the 30-day period. I will take the lead in coordinating an inter-agency response.

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Drafted: L/HRR – Frank Gaffney; x74053; 3/12/02

Cleared: L/WHA – MBrown – ok
WHA/USOAS – MStickles – ok

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