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United States Department of State

Washington, D.C. 20520

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INFORMATION MEMORANDUM

MAR 13 2002

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12/24/01

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RELEASED IN FULL

TO: The Secretary

FROM: L - William H. Taft, IV  
 WHA - Otto J. Reich  
 USOAS - Roger F. Noriega RN

SUBJECT: Guantanamo Detainees Case at Inter-American Commission on Human Rights

A number of NGOs filed a petition before the IACHR last month alleging that U.S. treatment of detainees at Guantanamo violates international law. While the Commission has not yet ruled on the merits of the petition, on March 12, it transmitted to the Department a request for "precautionary measures." Specifically, it requested that we "have the legal status of the detainees at Guantanamo determined by a competent tribunal." This request is not binding on the United States.

The Commission also 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. L will take the lead in coordinating an inter-agency response.

At this stage, the Commission's request is supposed to be treated with confidentiality by all parties. However, since the Commission will notify petitioners that it has requested precautionary measures, we can expect that the matter will be made known to the media. We propose to provide press guidance on an if-asked basis that confirms that we have received the request and states that we will respond directly to the Commission.

Press guidance attached

APR 17 2002

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

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Drafted: WHA/USOAS - Mary P. Stickles; X79916; 2/25/2002  
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precautionary measures

Cleared: WHA - Lgutierrez (ok)  
WHA/USOAS - PdeShazo (ok)  
WHA/USOAS - Bfriedman (ok)  
WHA/PPC - Asherinian (ok)  
WHA/CCA - HenshawS (substance)  
L/HRR - Asurena (ok)  
PM - Gsuchan (ok)  
S/WCI - Mnewton (info)  
P - Mhammer (ok)  
D - Rgilchrist (ok)  
S/P Mzarin (ok)

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