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Helen Clark, MP  
House of Commons  
London SW1A 0AA

Dear Ms. Clark:

Thank you for your letter of 7 August 2003 to President Bush expressing concern related to the detainees held under U.S. control at a U.S. naval base in Guantanamo Bay, Cuba.

As you note in your letter, the United States and its Coalition partners are at war with terror, in particular the al Qaida network and remnants of the Taliban who continue to support them. The al Qaida network today is a multinational enterprise with operations in more than 60 countries. Active hostilities are ongoing daily in Afghanistan and around the world. We continue to fight against enemy combatants who are planning and conducting attacks against us.

Let me assure you, however, that President Bush has affirmed on any number of occasions that al Qaida and Taliban detainees, regardless of their lack of status as POWs under the Third Geneva Convention of 1949, will be treated consistent with American values and the principles of the international law of armed conflict. He has determined that United States Armed Forces will treat enemy combatants humanely, and, to the extent consistent with military necessity, in a manner consistent with the principles of the Third Geneva Convention of 1949.

Sincerely,

Alexander Karagiannis  
Director  
United Kingdom, Benelux, and  
Ireland Affairs

UNITED STATES DEPARTMENT OF STATE  
REVIEW AUTHORITY: SHARON E AHMAD  
DATE/CASE ID: 10 NOV 2004 200303827

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## FACT SHEET GUANTANAMO DETAINEES

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### Quick Facts

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- Total Detainees Currently in Custody: Approximately 618
- Total Detainees Released: Approximately 115

### Authority to Detain

- We are at war. Active hostilities are ongoing. The United States has the authority under the law of armed conflict and the responsibility to detain enemy combatants.
- The capture and detention of enemy combatants, to remove them from the fighting, is consistent with the law of armed conflict. The U.S. complies with the law of armed conflict, including the tenet of humanity – a principle that the terrorists flagrantly violate.

### Status

- Members of the Taliban and al Qaida are not entitled to Prisoner of War status under the Geneva Convention on Prisoners of War.
- Under the terms of the Third Geneva Convention of 1949, however, the Taliban are not entitled to POW status. Specifically, the Taliban did not qualify as lawful combatants (or POWs) under Article 4 of the Third Geneva Convention of 1949 because they failed to satisfy the following conditions:
  - Be part of a military hierarchy;
  - Wear uniforms or other distinctive signs visible at a distance;
  - Carry arms openly; and
  - Conduct their military operations in accordance with the laws and customs of war.

### Treatment

- 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.

### Transfer

- Any determinations to transfer control of an enemy combatant to a foreign government would be made on a case-by-case basis and depend upon a variety of factors.
- There is no legal requirement to release or transfer enemy combatants prior to the cessation of the conflict.