

RELEASED IN PART  
B6, B7(C)

Dr. Helmut Hausle.



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Dear Dr. Hausle:

Thank you for your letter of April 28, 2003 to Secretary Powell expressing concern related to [redacted] who is said to be held under U.S. control at U.S. Naval Base located Guantanamo Bay, Cuba.

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The United States and its Coalition partners are at war with the al Qaida network and remnants of the Taliban who continue to support them. The al Qaida network today is a criminal 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. In this context, operational and security concerns compel me to refrain from confirming or commenting on the circumstances of capture, transfer or detention of specific individuals believed to be held as enemy combatants in the course of that conflict.

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.

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

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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.

The authority to detain enemy combatants for the duration of hostilities exists in law independent of the civil judicial or criminal justice system. In this war, as in every war, enemy combatants have no legal right to counsel or access to courts for the purpose of challenging their detention while hostilities are ongoing. While some enemy combatants may face criminal prosecution before the end of hostilities, nations at war traditionally have waited until hostilities cease to bring such charges. If and when an enemy is charged with a crime, he would then be entitled to access to counsel and would receive a fair trial.

Sincerely,

Pierre-Richard Prosper

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