

72(03)

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2003GENEVA03873 - Classification: UNCLASSIFIED

ACTION IO-00

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	WHA-00	SRPP-00	EAP-00	EB-00	EUR-00	UTED-00	H-00
	TEDE-00	INR-00	L-00	NEA-00	NSAE-00	NSCE-00	OIC-02
	OPIC-01	PA-00	PRS-00	P-00	SP-00	IRM-00	SS-00
	STR-00	TEST-00	TRSE-00	USIE-00	SA-00	PRM-00	DRL-00
	G-00	SAS-00	/003W				

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P 100843Z DEC 03  
 FM USMISSION GENEVA  
 TO SECSTATE WASHDC PRIORITY 8242  
 INFO USMISSION USUN NEW YORK

UNCLAS GENEVA 003873

DEPT FOR IO/SHA, DRL/MLA, L/HRR

E.O. 12958: N/A

TAGS: PHUM, UNHRC-1

SUBJECT: COMMUNICATION FROM SPECIAL RAPPORTEUR ON TORTURE: REQUESTS RESPONSE TO EARLIER COMMUNICATION ON GUANTANAMO DETAINEES

REF: A) GENEVA 3824 B) GENEVA 3499

SENSITIVE BUT UNCLASSIFIED. PLEASE HANDLE ACCORDINGLY. NOT FOR INTERNET POSTING.

1. (U) THIS IS AN ACTION REQUEST. SEE PARA 4
2. (U) MISSION HAS RECEIVED A LETTER FROM THE SPECIAL RAPPORTEUR ON TORTURE OF THE COMMISSION ON HUMAN RIGHTS REQUESTING, FOR A SECOND TIME, INFORMATION ON "ALLEGATIONS OF TORTURE OR ILL-TREATMENT" OF FOUR FRENCH NATIONALS DETAINED AT THE GUANTANAMO NAVAL BASE. REF B REPORTED THE FIRST COMMUNICATION.
3. (U) BEGIN TEXT OF LETTER.

"EXCELLENCY,

I REFER TO THE MEETING I HAD WITH MR. DE LAURENTIS AND MR. PEAY OF THE US MISSION ON 22 OCTOBER 2003. I PRESENTED THEM WITH A LETTER DATED 22 OCTOBER 2003 CONTAINING ALLEGATIONS OF TORTURE OR ILL-TREATMENT OF THE FOLLOWING FRENCH NATIONALS DETAINED AT THE GUANTANAMO BAY MILITARY BASE, CUBA; MR.

UNITED STATES DEPARTMENT OF STATE  
 REVIEW AUTHORITY: FRANK E SCHMELZER

DOS-000536

DATE/CASE ID: 10-DEC-2004 200303873 UNCLASSIFIED

#2(03)

[REDACTED] 31 YEARS OLD; MR. [REDACTED] 24 YEARS  
 OLD; MR. [REDACTED] 36 YEARS OLD; AND MR. [REDACTED]  
 [REDACTED] 22 YEARS OLD. I KINDLY REPEAT MY REQUEST TO  
 YOUR GOVERNMENT TO CLARIFY THE SUBSTANCE OF THESE  
 ALLEGATIONS.

AT THE MEETING, MR. DE LAURENTIS AND MR. PEAY HAD UNDERTAKEN TO PROVIDE ME WITH INFORMATION ON THE SYSTEM OF MILITARY JUSTICE APPLIED TO THE DETAINEES, INCLUDING CONTROLS, REGULATIONS AND PROCEDURES, AS WELL AS INFORMATION ON HOW THE AUTHORITIES HAD TO DEAL WITH ALLEGATIONS OF TORTURE OR ILL-TREATMENT. I WOULD BE MOST GRATEFUL IF THIS INFORMATION COULD ALSO BE PROVIDED TO ME.

FINALLY, I HAVE RECEIVED INFORMATION THAT THE US AUTHORITIES MAY BE PREPARING TO RELEASE AROUND 100 DETAINEES OF DIFFERENT NATIONALITIES, NOTABLY ALSO PERSONS OF CHINESE ORIGINS, FROM GUANTANAMO BAY. WHILE THE RELEASE OF THE DETAINEES IS WELCOME, CONCERN HAS BEEN EXPRESSED THAT SOME DETAINEES MAY FACE HUMAN RIGHTS ABUSES, INCLUDING TORTURE AND EXECUTION, UPON RETURN TO THEIR COUNTRIES. I WOULD APPRECIATE RECEIVING THE COMMENTS OF YOUR GOVERNMENT ON THESE CONCERNS.

ACCEPT, EXCELLENCY, THE ASSURANCES OF MY HIGHEST CONSIDERATION.

THEO VAN BOVEN  
 SPECIAL RAPPORTEUR OF THE COMMISSION ON HUMAN RIGHTS ON TORTURE"

END OF TEXT.

4. (SBU) ACTION REQUEST. PER REQUESTS IN REFTELS, MISSION RECOMMENDS THAT THE DEPARTMENT PROVIDE GUIDANCE AS SOON AS POSSIBLE FOR A RESPONSE TO MR. VAN BOVEN'S REQUESTS. PER REF B, HE ORIGINALLY REQUESTED A RESPONSE BY NOVEMBER 28, AS RAPPORTEURS MUST SUBMIT THEIR REPORTS BEFORE THE END OF THE YEAR, IN PREPARATION FOR THE 60TH SESSION OF THE COMMISSION ON HUMAN RIGHTS.

5. (U) MISSION HAS FAXED A COPY OF THE LATEST COMMUNICATION (DATED DECEMBER 8, 2003) TO IO/SHA, ATTENTION JUNE CARTER PERRY.  
 MOLEY

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