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S/WCI Press Guidance
February 27, 2004

Transfer of Russian Detainees from Guantanamo

Key Points

- We are transferring seven Russian nationals from Guantanamo to the control of the Russian government for investigation and prosecution, as appropriate.
- The U.S. Government is working to transfer many of the detainees at Guantanamo, under appropriate conditions, to other governments that are willing to accept responsibility for ensuring that the detainees will not pose a threat to the international community.
- Various factors must be considered before a decision to transfer is reached, including the threat posed by the detainee, law enforcement interests, intelligence interests, and appropriate transfer terms, including humane treatment.
- We have already transferred 6 detainees to foreign governments: 4 Saudis, 1 Spanish, and 1 Danish national. As recently announced, 5 UK nationals will be transferred in the near future. In addition, more than 80 individuals have been released from Guantanamo Bay.

(IF ASKED)

Q. What assurances has Russia given you?

-- The United States has received assurances from Russian authorities that they will accept responsibility for the individuals and take appropriate and specific steps to ensure that they will not pose a threat to the United States and the international community. We have been advised that Russia will pursue criminal charges relating to their terrorist activities and prosecute, as appropriate. Russia has agreed to treat these individuals humanely in accordance with Russian law

and obligations, and to provide the United States with access to the detainees while they remain in custody.

-- The assurances we require are determined on a case-by-case basis and are the product of continued dialog and cooperation between governments.

Q. What is the status of the remaining Russian national?

-- One Russian national remains at Guantanamo.

Q. Have you considered the fears expressed by Russian relatives that detainees were tortured by Russian authorities in the past and will be persecuted and tortured on their return:

-- We have received assurances from senior Russian officials that the detainees will be treated humanely in accordance with Russian law and obligations. Russian obligations include those under the European Convention on Human Rights, the United Nations Convention Against Torture and other Cruel, Inhuman or Degrading Treatment or Punishment, and the International Covenant on Civil and Political Rights. We will also have access to the detainees while they remain in custody. In these circumstances, we are satisfied that the Russian government will honor its assurances, and the detainees will have the ability to redress violations of these obligations under Russian law.

Q. Did any of these individuals raise persecution or torture fears, or otherwise oppose return?

-- It is our policy not to comment publicly on any individual expressions of fears of persecution or torture, nor to confirm or deny the existence of any such expressions. This policy is designed to protect any such individuals and their families.

Q. How do you square the release of these detainees and Russian assurances with your recently released Human Rights Report which notes that Russian law enforcement officials frequently use "torture, violence and other brutal or humiliating treatment" and that prison conditions are "frequently life threatening"?

-- As I have said, the Russian government has provided explicit written assurances that these individuals will be treated humanely in accordance with Russian law and obligations. Again, we are satisfied the Russian government will honor these assurances.

Q: Will ICRC have access to the detainees in Russia?

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-- As we state in our Human Rights Report released February 25, the Russian Government has generally permitted the ICRC to conduct prison visits. Whether that would be the case with these detainees is a matter for the ICRC and the Russian Government.

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