

Tillery, Monica J

RELEASED IN FULL

From: Dolan, JoAnn (SBU)
Sent: Thursday, November 13, 2003 4:39 PM
To: Miller, Ronald W; Crowley, John W (EAP/ANP)
Cc: Tsou, Leslie M; Mitman, Matthias J; Buchwald, Todd F (SBU); Brooks, Waldo W (SBU); Cummings, Edward R (SBU); Dorosin, Joshua L (SBU)
Subject: FW: Military Commission Articles re UK and Australia

LIZZ

FYI

-----Original Message-----

From: Dukes, Thomas, Maj, DoD OGC [mailto:dukest@dodgc.osd.mil]
Sent: Thursday, November 13, 2003 3:40 PM
To: JoAnn Dolan (DOLANJA@ms.state.gov)
Subject: FW: Military Commission Articles re UK and Australia

-----Original Message-----

From: Dukes, Thomas, Maj, DoD OGC
Sent: Thursday, November 13, 2003 07:55
To: Cobb, Whit, Mr, DoD OGC; Hemingway, Thomas, BG, DoD OGC; Borch, Fred, COL, DoD OGC; Lang, Scott, CDR, DoD OGC; Nolan, John, LCDR, DoD OGC; Smith, John, MAJ, DoD OGC; Connolly, Sean, CPT, DoD OGC
Subject: Military Commission Articles re UK and Australia

Here are four articles of interest on military commissions and the UK and Australia that didn't make it into the Early Bird.

v/r

Tom

1)

Copyright 2003 Nationwide News Pty Limited - The Advertiser - November 13, 2003 Thursday
 HEADLINE: PMs seek fair trials for Hicks, Habib
 BYLINE: By BEN ENGLISH in London

BODY:

AUSTRALIA and Britain have joined forces to push the US to establish a military commission for foreign detainees in Guantanamo Bay.

After talks at 10 Downing St yesterday, prime ministers John Howard and Tony Blair said they were in talks with the US to ensure Australians and Britons held in the terror prison are given "a fair and proper trial".

But Mr Howard said there was no expectation Australians David Hicks and Mamdouh Habib would be repatriated to their homeland.

"We are still in discussion with the Americans," Mr Howard said.

"Our position has been made clear that we're working to have some additional safeguards built into the

UNITED STATES DEPARTMENT OF STATE
 REVIEW AUTHORITY: FRANK E SCHMELZER
 DATE/CASE ID: 16 DEC 2004 200303827

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military commission position.

"And I have to make the point again. . . that when an Australian is arrested for an alleged wrongdoing in another country, there is no automatic right of repatriation."

Hicks and Habib have been incarcerated at Guantanamo in a legal limbo for two years since their arrest for suspected terrorist activities in Pakistan in the months after the September 11, 2001, terrorist attacks on the US.

2)

Copyright 2003 Associated Press - November 12, 2003 Wednesday
HEADLINE: Blair expects to resolve "quickly" dispute with U.S. over Guantanamo
DATELINE: LONDON

BODY:

Prime Minister Tony Blair said Wednesday that he expected to resolve "quickly" differences with the United States over the detention of nine Britons at Guantanamo Bay.

"We have actually been in discussion with the American administration about this issue for several months," Blair told the House of Commons. "I hope that we can resolve it quickly.

"It's important to try and make sure ... that it's either resolved on the basis of a proper trial being held in respect of these people, any of whom can be charged, and if that cannot be found, then obviously it's important that they're returned," he said.

The fate of the terrorism suspects held without charge or access to lawyers at the U.S. base in eastern Cuba has been a sticking point between close allies Britain and America for months.

Nine Britons are among the 660 people held at the Caribbean prison camp.

The United States agreed in July to suspend legal action against them while officials discussed concerns about planned military tribunals. Britain and other nations whose citizens are being held - some for as long as two years - have raised concerns about the military courts and about possible death penalties.

The U.S. Supreme Court agreed on Monday to hear an appeal from foreigners held at Guantanamo who want to contest their captivity in American courts. Lawyers for the detained Britons were among those arguing for the appeal.

American and Afghan forces began capturing the prisoners shortly after the war against al-Qaida started in Afghanistan in October 2001. They began transferring them to Guantanamo in January 2002.

Blair said it was important to remember that the detainees were captured in Afghanistan during a military campaign that involved British troops.

"It's important also as well as making sure people get a fair trial that we do protect the security of this country," he said.

3)

Copyright 2003 The Press Association Limited - Press Association - November 12, 2003, Wednesday

HEADLINE: BLAIR PLEDGE ON GUANTANAMO BRITONS

BYLINE: Trevor Mason, Parliamentary Editor, PA News

BODY:

The Prime Minister promised today to try to resolve quickly the "exceptional" situation of British prisoners at Guantanamo Bay.

Ahead of talks next week with US President Bush, Mr Blair said the inmates must either face a "proper trial" or be allowed to return home.

He was responding to Liberal Democrat leader Charles Kennedy who complained the suspects were being held in a "legal limbo".

Mr Kennedy said: "Presumably you will be raising with President Bush the continuing indefensible situation as regards the British citizens held in a legal limbo in Camp Delta.

"Will you confirm that you will be raising that issue and can we expect that there will, for once and for all now, be a positive outcome?"

Mr Blair said: "We have been in discussion with the American administration about this issue for several months.

"I hope we can resolve it quickly. It's important to try and make sure that it's either resolved on the basis of a proper trial being held in respect of these people, any of whom can be charged, and if that cannot be found, it's important they are returned.

"I don't want to say any more about it at this stage other than we're obviously trying to resolve it. It is important that we do.

"I do hope the House and the country also takes some account of the fact that this situation, which I agree is exceptional, arose out of the situation in Afghanistan, and a conflict in which British troops were involved.

"It's important that as well as making sure people get a fair trial that we do protect the security of this country."

4)

Copyright 2003 The Press Association Limited - Press Association - November 12, 2003, Wednesday

HEADLINE: BLAIR URGED TO PRESSURE BUSH OVER GUANTANAMO BRITONS

BYLINE: David Barrett, Home Affairs Correspondent, PA News

BODY:

Lawyers for two Britons detained at Guantanamo Bay intensified pressure on Prime Minister Tony Blair today to use next week's visit by President George Bush to secure the suspects' return to Britain.

Psychiatric reports suggested that one of the men, Feroz Abbasi, has been forced into making confessions by interrogators at Camp Delta in Cuba.

Chairman of the Bar Council's human rights committee Peter Carter QC said he was concerned a series of negotiations between Attorney General Lord Goldsmith and the Pentagon had failed to reach agreement.

"Clearly the Attorney General believes Guantanamo Bay cannot have a fair trial - that's why he's been making such strenuous efforts on behalf of British citizens," said Mr Carter.

"The problem is that Lord Goldsmith is not a member of the Cabinet and it looks, sadly, as if his efforts have failed."

Louise Christian, solicitor for Mr Abbasi's family, said: "I am proposing to write to the Prime Minister asking for him to raise with President Bush that all British residents in Guantanamo Bay be brought back to this country.

"We have the most Draconian anti-terrorist laws in Europe.

"If they have done something they can be prosecuted here and if they haven't done anything they can't be prosecuted - so be it, because that's the nature of a fair trial."

President Bush begins a three-day visit to the UK on November 19.

Azmat Begg, father of another British detainee, 35-year-old Moazzam, from Birmingham, also expressed concerns his son had been tortured.

He said he had been concerned by oblique references in letters they had received.

"We are concerned he is in a state of depression," said Mr Begg.

"He also mentioned his fingernails were being treated and that he was using cream to apply to his body.

"The main reason for the American authorities not to show prisoners to the public or to lawyers or relations is because their body is not in the right shape.

"They must have tortured them so badly that it is not possible to show it to their relations."

Ms Christian revealed an anonymous Pentagon psychiatrist had examined Mr Abassi, and a report on his mental state had been forwarded to her by the Foreign Office.

It reported that the detainee had "overcome much of his mistrust in recent months and exhibited much more outgoing behaviour and co-operation with a better mood and emotional disposition".

Beforehand, the psychiatrist noted, he had "exhibited withdrawn behaviour suggestive of recurrent depression".

Professor of Forensic Psychology at the University of London, Professor Gisli Gudjonsson was commissioned to study the Pentagon report, and concluded it was unclear how Mr Abassi had overcome mistrust of his captors.

He speculated that he may have negotiated a deal with the authorities, or had been persuaded to reveal incriminating material.

Ms Christian said: "We are very worried that Feroz has been coerced into telling his captors what they want to hear."

Abassi's mother Zumrati Juma, a nurse from Croydon, south London, said she had received 11 letters from her son in one batch in August, which had been written at different times.

She said she believed there had been no communication between April and August because that was when the US was setting up military tribunals to hear cases against the detainees.

The letters had been censored and her son indicated there was a reason why he had not written earlier, but he could not reveal it, she said.

On Tuesday the US Supreme Court agreed to hear appeals from two other Britons detained at Guantanamo Bay on whether they should have access to the American courts.

Mr Abassi was in Afghanistan when he was arrested, and Mr Begg was seized by the CIA in Pakistan in February 2002 and taken to Afghanistan before being shipped to Camp Delta.

His family has always maintained he was a victim of mistaken identity.