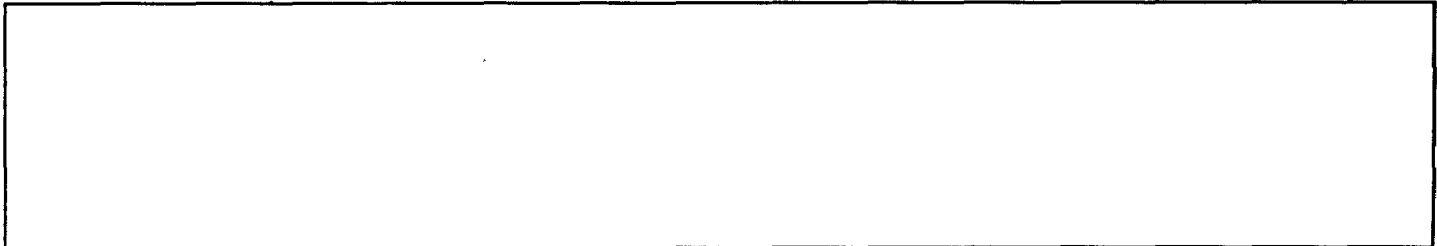


**EL4**

Tillery, Monica J

From: Dolan, JoAnn  
 Sent: Tuesday, August 20, 2002 2:05 PM  
 To: Bowker, David W; Cummings, Edward R (Main State); Dorosin, Joshua L; Surena, Andre M; Miller, Ronald W(SWCI)  
 Cc: Thessin, James H  
 Subject: FW: Red Cross to revisit Guantanamo inmates

B5



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

From: Walsh, Cornelius C (Neal)  
 Sent: Tuesday, August 20, 2002 1:29 PM  
 To: Dolan, JoAnn(Main State Room 3637A); Miller, Laurel E; Leventhal, Brian H; Phee, Molly C  
 Subject: FW: Red Cross to revisit Guantanamo inmates

fyi

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

From: Ball, Jacqueline A  
 Sent: Tuesday, August 20, 2002 12:45 PM  
 To: R\_Internal; Ross, Christopher  
 Subject: FW: Red Cross to revisit Guantanamo inmates

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

From: Sugar, Adam J  
 Sent: Tuesday, August 20, 2002 12:35 PM  
 To: LW-IO; LW-WHA; LW-Afghanistan  
 Subject: Red Cross to revisit Guantanamo inmates

UNITED STATES DEPARTMENT OF STATE  
 REVIEW AUTHORITY: HARRY R MELONE  
 DATE/CASE ID: 07 DEC 2004 200303827

## BC-AFGHAN-GUANTANAMO-CROSS (PICTURE)

Red Cross to revisit Guantanamo inmates

By Stephanie Nebehay

GENEVA, Aug 20 (Reuters) - The International Committee of the Red Cross will revisit hundreds of al Qaeda and Taliban detainees at Guantanamo Bay next month, but remains at odds with Washington over their status, a top official said on Tuesday.

Pierre Kraehenbuehl, director of operations for the Swiss-run humanitarian agency, said ICRC delegates had visited 564 inmates held at the U.S. naval base in Cuba during a first round of confidential visits from January to July.

"We will start a second round of visits in early September. We will review with U.S. authorities what has happened since the end of July and possible changes to conditions or arrangements," he told a news briefing. "We will check on new arrivals."

"The divergence over their status remains. For us, it is important to determine their status," Kraehenbuehl added.

The prisoners were captured in the U.S.-led war against the al Qaeda group, blamed for the September 11 attacks that killed around 3,000 people in New York and Washington, and against the Taliban government that sheltered them in Afghanistan.

The Bush administration has said that Taliban fighters are entitled to protection under the Geneva Conventions governing treatment of combatants captured in an international conflict.

## UNCLASSIFIED

But Washington maintains that the 1949 treaties do not apply to al Qaeda fighters and that even the Taliban are not entitled to full prisoner of war (POW) status.

POWs cannot be obliged under interrogation to give more than their name, rank and serial number. They should be freed at the end of the conflict unless criminal charges are made.

U.S. officials fear that if POW status were given to the fighters, investigators would be prevented from gathering vital intelligence needed to capture other al Qaeda members and counter terrorism.

The neutral ICRC argues that the Third Geneva Convention says that if there is doubt about status, only a court can decide the issue.

U.N. High Commissioner for Human Rights Mary Robinson and activists support this view and have expressed concern that the inmates have not been charged or appeared before any tribunal.

The Geneva Convention requires ICRC officials be allowed to visit inmates and interview them privately about conditions. The ICRC recommendations to the detaining power are confidential.

The detainees hold 15 to 20 nationalities and some have sent messages to their families through the ICRC, according to Kraehenbuehl, a 36-year-old Swiss named to the post last month.