

Thessin, James H

From: Harris, Robert K
Sent: Friday, May 07, 2004 7:40 AM
To: Taft IV, William H.; Thessin, James H
Cc: Witten, Samuel M; Legal-L-HRR-dl
Subject: FW: final detainees points for Felice Gaer

Importance: High

Follow Up Flag: Follow up
Due By: Friday, May 07, 2004 8:00 AM
Flag Status: Flagged

KL20

Will and Jim,

I am attaching for your information talking points, for use by the U.S. expert on the Committee Against Torture, on what the United States is doing to respond to prisoner abuses in Iraq. The paper was widely cleared within the building and with DOD, DOJ and NSC staff. Kate Gorove stayed late night securing the final clearances.

Bob

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

From: Gorove, Katherine M
Sent: Thursday, May 06, 2004 9:10 PM
To: Legal-L-HRR-dl; Witten, Samuel M; Legal-L-NESA-dl
Subject: final detainees points for Felice Gaer
Importance: High

These just went out.

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

From: McKee, Amy E
Sent: Thursday, May 06, 2004 9:02 PM
To: Danies, Joel D; DeLaurentis, Jeffrey; Ryley, Elizabeth J; Williams, Kendl E; Barrios, Stacy M
Cc: Butler, Michael A (DRL); Lagon, Mark P; Jost, Aaron W (NEA/NGA); 'picam@nsc.sgov.gov'; Gorove, Katherine M; Harris, Robert K; Richard, Elizabeth H(S/WCI); Dolan, JoAnn; Cummings, Edward R (Main State); Sorensen, Anne R
Subject: final detainees points for Felice Gaer
Importance: High

Geneva PSA: Please get this to Felice ASAP Friday morning! We hope that these points will help her make the case before the Committee that the US investigation is transparent and ongoing, and that an investigation or inquiry by them at



Points for Felice
 Gaer 5-6-04 ...

this point would be redundant. Email has been acting up, so I am also faxing this.

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Iraqi DetaineesTalking Points:

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1. Overview

- President Bush said that the abuses reflected in the photographs that took place in Abu Ghraib prison are “abhorrent” and don’t represent America. On Thursday, he told King Abdullah that he was “sorry for the humiliation suffered by the Iraqi prisoners and the humiliation suffered by their families.”
- A full investigation is underway to determine both what happened at Abu Ghraib and who was involved. The President has made it clear that those involved will be held accountable. As the President said, “[T]here will be a full investigation and justice will be delivered. We have a presumption of innocence until [proven] guilty in our system, but the system will be transparent.”
- The United States is taking steps to ensure that actions like this are not repeated.

2. The U.S. is vigorously enforcing its laws to ensure that those who have committed criminal acts will held accountable

- U.S. law clearly provides for U.S. criminal prosecution for abuses of prisoners by members of our Armed Forces. This includes the U.S. Uniform Code of Military Justice, which criminalizes activities such as battery, assault, and other indecent acts against persons in detention.
- U.S. law also confers jurisdiction on U.S. federal courts to punish torture and grave breaches of the Geneva Convention committed by American nationals anywhere in the world.
- The White House Spokesman stated that “they [the military] are pursuing criminal charges and appropriate action against individuals who may be responsible for these [actions].”

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- The investigation process began on January 14 – one day after the abuses were reported to superiors by an American servicemember. This was before any allegations were public.
 - To date, six investigations have been launched on these incidents and training and procedures for those involved in detention operations.
 - Already, criminal charges have been brought against six individuals for physical and sexual abuse at Abu Ghraib.
 - At least six others have been given letters of reprimand, and two of those have been relieved of their responsibilities.
 - The Administration has made it clear at the highest levels that if authorities learn of others through the investigation process who engaged in misconduct, they will also be held accountable.
 - Administrative action does not preclude criminal charges. Criminal investigations are still ongoing.
3. The United States is further taking steps to ensure this problem does not arise in the future.
- The White House Spokesman (McClellan) announced that “the military has instituted a comprehensive review of policies and procedures throughout the prisons in Iraq.”
 - General Kimmitt outlined some of these steps earlier this week to include an internal review to ensure that command structures accurately report events up and down the chain of command and to ensure that prison guards are properly trained.
 - Immediate steps have been taken to reemphasize the requirements for all US Armed Forces personnel to understand, be fully trained in, and adhere to the highest standards of conduct in accordance with law of armed conflict, including the Geneva Conventions.

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- Ambassador Bremer announced in his recent speech to the Iraqi people that all detainee cases are reviewed in 72 hours, a special board is expediting appeals, and complete lists of detainees are published daily.

4. The Committee should not take action, but should let the United States fulfill its obligations to ensure that those who commit criminal abuses are brought to justice.

Background:

The President told Al Arabiya on May 5 that the practices that took place at Abu Ghraib "are abhorrent, and they don't represent America". He also said "there will be a full investigation, and justice will be delivered". Several other administration officials have spoken on this issue as well, including Secretary of Defense Rumsfeld, Secretary Powell, and Dr. Rice.

To date, DoD has launched six investigations of these incidents and of training and procedures for those involved in detention operations. DoD initiated the first investigation on January 14 – one day after the abuses were reported to superiors by an American serviceman. Already, criminal charges have been brought against six individuals for physical and sexual abuse at Abu Ghraib. At least six others have been given letters of reprimand, and two of those have been relieved of their responsibilities.

President Bush, May 5, interview with Al Hurra Television

It's important for the people of Iraq to know that in a democracy, everything is not perfect, that mistakes are made. But in a democracy, as well, those mistakes will be investigated and people will be brought to justice. We're an open society. We're a society that is willing to investigate, fully investigate in this case, what took place in that prison.

That stands in stark contrast to life under Saddam Hussein. His trained torturers were never brought to justice under his regime. There were no investigations about mistreatment of people. There will be investigations. People will be brought to justice.

...[T]here are...multiple investigations going on, some of them related to any criminal charges that may be filed. And in our system of law, it's essential that those criminal charges go forward without prejudice.

...I talked to the Secretary of Defense this morning, by the way. I said, find the truth, and then tell the Iraqi people and the world the truth. We have nothing to hide. We believe in transparency, because we're a free society. That's what free societies do. They -- if there's a problem, they address those problems in a forthright, up-front manner. And that's what's taking place.

President Bush, May 5, Interview with Al Arabiya Television

I have told our Secretary of Defense, and I have instructed him to tell everybody else in the military. I want to know the full extent of the operations in Iraq, the prison operations. We want to make sure that if there is a systematic problem—in other words, if there's a problem system-wide—that we stop the practices.

NSA Rice, May 3, interview with Al Arabiya

I want to assure people in the Arab world, Iraq, around the world, and the American people, that the President is determined to get to the bottom of it, to know who is responsible and to make sure that whoever is responsible is punished for it and held accountable.

And he's determined to find out if there is any wider problem than just what happened at Abu Ghraib. And so he has told Secretary Rumsfeld that he expects an investigation, a full accounting...It's simply unacceptable that anyone would engage in the abuse of Iraqi prisoners. And we will get to the bottom of it. And those who are responsible will be punished.

...[T]he President has told Secretary Rumsfeld that he wants a full investigation of what happened. And he wants to know if there's something that we need to do systematically in the training of our people, in what people are told to do. We want to know the full picture, and so there will be a full investigation.

It will be transparent. The United States is an open society. And one good thing about democracies is that when something like this happens. Democracies themselves react. The American people are reacting. The American Congress is reacting. The American President is reacting because no American wants to be associated with any dehumanizations now of the Iraqi people. And we are deeply sorry for what has happened to these

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people, and what the families must be feeling. It's just not right. And we will get to bottom of what happened.

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Drafted: DRL/MLA – Anne Sorensen, ext. 7-2019

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