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file: ~~SECRET~~ Iraq-
Armed Conflict Issues
(2003) (G32)

L Press Guidance
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RELEASED IN FULL

APPLICATION OF GENEVA CONVENTIONS
IN IRAQ CONFLICT AND IN THE WAR ON TERRORISM

Q. Isn't the United States applying a double standard by invoking the protections of the Geneva Conventions when its soldiers are captured by Iraq but denying the same protections to those it has captured in Afghanistan and elsewhere in the global war on terrorism?

A.

- ABSOLUTELY NOT.
- THE UNITED STATES IS A STRONG SUPPORTER OF THE GENEVA CONVENTION ON PRISONERS OF WAR.
- AS SPOKESPERSONS FOR THE DEPARTMENT OF DEFENSE HAVE STATED, "WE ARE TREATING ALL THE [IRAQI] POWS IN ACCORDANCE WITH THE GENEVA CONVENTIONS, WITH DIGNITY AND RESPECT, AND THEY WILL SOON HAVE ACCESS TO THE [INTERNATIONAL COMMITTEE OF THE RED CROSS]."
- IRAQ IS A PARTY TO THE GENEVA CONVENTIONS, AND THE UNITED STATES IS TREATING CAPTURED SOLDIERS IN THE IRAQI REGULAR ARMY AS POWS UNDER THE CONVENTION.
- ALTHOUGH AFGHANISTAN WAS A PARTY TO THE GENEVA CONVENTIONS, THE PRESIDENT DETERMINED THAT THE MEMBERS OF THE TALIBAN WHO WERE DETAINED DID NOT MEET THE CONDITIONS FOR BEING CONSIDERED POWS UNDER THE GENEVA CONVENTION.

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- THE PRESIDENT CONCLUDED THAT AL QAIDA IS AN INTERNATIONAL TERRORIST GROUP AND CANNOT BE CONSIDERED A STATE PARTY TO THE GENEVA CONVENTION. ITS MEMBERS WERE NOT THEREFORE COVERED BY THE GENEVA CONVENTION AND ARE NOT ENTITLED TO POW STATUS UNDER THE TREATY.
- NONETHELESS, THE PRESIDENT MADE IT CLEAR THAT CAPTURED INDIVIDUALS WERE TO BE TREATED HUMANELY AND IN A MANNER CONSISTENT WITH THE PRINCIPLES OF THE GENEVA CONVENTIONS.
- THIS DEMONSTRATES OUR CLEAR COMMITMENT TO THE PRINCIPLES OF THE GENEVA CONVENTIONS.

IF PRESSED ON GUANTANAMO DETAINEES:

- SPECIFICALLY, NEITHER THE TALIBAN NOR AL QAIDA MEMBERS QUALIFY AS LAWFUL COMBATANTS (OR POWS) UNDER ARTICLE 4 OF THE THIRD GENEVA CONVENTION OF 1949 BECAUSE THEY FAILED TO SATISFY THE FOLLOWING CONDITIONS:
 - BE PART OF A MILITARY HIERARCHY;
 - WEAR UNIFORMS OR OTHER DISTINCTIVE SIGNS VISIBLE AT A DISTANCE;
 - CARRY ARMS OPENLY; AND
 - CONDUCT THEIR MILITARY OPERATIONS IN ACCORDANCE WITH THE LAWS AND CUSTOMS OF WAR.

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- WE HAVE ALWAYS SAID WE WILL TREAT THOSE DETAINED AT GUANTANAMO HUMANELY AND IN A MANNER CONSISTENT WITH THE THIRD GENEVA CONVENTION OF 1949. THOSE RELEASED FROM GUANTANAMO HAVE DEPARTED IN A BETTER CONDITION THAN WHEN THEY ARRIVED.
- BOTTOM LINE - GUANTANAMO DETAINEES ARE RECEIVING THE BASIC PROTECTIONS NORMALLY AFFORDED POWS. THE UNITED STATES IS PROVIDING:
 - SHELTER,
 - RUNNING WATER AND TOILETS,
 - BEDS AND BLANKETS,
 - PERSONAL TOILETRIES,
 - NEW TOWELS AND WASHCLOTHS,
 - NEW CLOTHING AND SHOES,
 - THE OPPORTUNITY TO TAKE SHOWERS REGULARLY, AND
 - THREE CULTURALLY APPROPRIATE MEALS A DAY (AVERAGE WEIGHT GAIN HAS BEEN ABOUT 14.5 LBS PER PERSON).
- EACH DETAINEE HAS HIS OWN LIVING UNIT.
- THE UNITED STATES IS PROVIDING DETAINEES EXCELLENT MEDICAL AND DENTAL CARE -- THE SAME TYPE OF CARE AVAILABLE TO U.S. TROOPS. FOR EXAMPLE, DETAINEES HAVE RECEIVED ROUTINE MEDICAL AND DENTAL CARE, PRESCRIPTION MEDICATION, EYE EXAMINATIONS AND CORRECTIVE EYEWEAR,

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REPAIRED OR NEW PROSTHETIC DEVICES, AND, WHEN SERIOUS
MEDICAL CONCERNS REQUIRE, HOSPITALIZATION AND SURGERY.

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