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ACTION EUR-00

INFO	LOG-00	NP-00	AID-00	ACQ-00	CIAE-00	INL-00	DOEE-00
	DOT-00	WHA-00	SRPP-00	DS-00	EB-00	ED-01	FAAE-00
	FBIE-00	UTED-00	VC-00	HHS-01	H-01	TEDE-00	INR-00
	IO-00	L-00	VCE-00	AC-01	NEA-00	DCP-01	NSAE-00
	OIC-02	OMB-01	OPIC-01	PA-00	PM-00	PRS-00	ACE-00
	P-00	SCT-00	SP-00	SS-00	STR-00	TEST-00	TRSE-00
	T-00	USIE-00	SA-00	ASDS-01	SNIS-00	NISC-00	PMB-00
	DSCC-00	PRM-00	DRL-02	G-00	NFAT-00	SAS-00	/012W

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R 011737Z FEB 02
FM AMEMBASSY ROME
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INFO EU MEMBER STATES COLLECTIVE
AMEMBASSY ISLAMABAD
AMCONSUL FLORENCE
AMCONSUL MILAN
AMCONSUL NAPLES
SECDEF WASHDC
USINT HAVANA
NSC WASHDC
JOINT STAFF WASHDC
USCINCCENT MACDILL AFB FL

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TAGS: PREL, MOPS, PHUM, SOCI, PTER, PGOVAD, AF, XD, IT
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SUBJECT: THREE ITALIAN SENATORS CALL FOR DEBATE ON
GUANTANAMO DETAINEES DESPITE LOW MEDIA AND PUBLIC INTEREST

1. SUMMARY. OPPOSITION CENTER-LEFT MEMBERS OF THE ITALIAN SENATE FOREIGN AFFAIRS COMMITTEE HAVE ASKED FOR A GENERAL DEBATE ON THE STATUS OF THE AL QAIDA AND TALIBAN DETAINEES AT GUANTANAMO. WHILE THE MAJORITY OF THE COMMITTEE WAS SATISFIED WITH THE STATEMENTS MADE BY MFA U/S FOR ASIA AND HUMAN RIGHTS MARGHERITA BONIVER AT A JANUARY 29 HEARING, THREE MEMBERS REQUESTED FURTHER DISCUSSION OF THE LEGAL AND POLITICAL ASPECTS OF THE ISSUE. NO ITALIANS ARE AMONG THE DETAINEES AND THE STORY HAS ATTRACTED LESS MEDIA ATTENTION IN

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UNITED STATES DEPARTMENT OF STATE
REVIEW AUTHORITY: SHARON E AHMAD
DATE/CASE ID: 03 NOV 2004 200303827

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ITALY THAN IN MANY OTHER EU COUNTRIES. EMBASSY HAS BEEN ACTIVE IN PRESENTING WASHINGTON GUIDANCE ON THE ISSUE TO CONTACTS IN THE PRIME MINISTER'S OFFICE, THE MFA AND MOD. END SUMMARY.

2. RESPONDING TO SPECIFIC PARLIAMENTARY QUERIES FROM CENTER-LEFT COMMITTEE MEMBERS ON THE CONDITIONS FOR THE DETAINEES AT GUANTANAMO, BONIVER TOLD THE SENATE FOREIGN AFFAIRS COMMITTEE ON JANUARY 29 THAT FUNDAMENTAL LIBERTIES MUST ALWAYS BE GUARANTEED AND NOTED THAT THE GOI AND THE EU WOULD CONTINUE TO FOLLOW THE ISSUE CLOSELY. BONIVER ASSURED THE SENATORS THAT THE GOI HAD CONTACTED US AUTHORITIES IMMEDIATELY TO ASCERTAIN CONDITIONS AT THE DETENTION SITE. SHE NOTED THAT A US CONGRESSIONAL DELEGATION THAT VISITED GUANTANAMO THE WEEK OF JANUARY 21 HAD FOUND THE CONDITIONS ACCEPTABLE. THE INTERNATIONAL RED CROSS HAS ALSO VISITED THE DETAINEES AND MADE RECOMMENDATIONS WHICH THE USG IS CONSIDERING, SHE TOLD THE COMMITTEE.

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3. THE MOST DELICATE ISSUE FOR THE USG, BONIVER SAID, IS WHETHER THE DETAINEES SHOULD BE ACCORDED PRISONER OF WAR STATUS BECAUSE OF THE LEGAL IMPLICATIONS SUCH A DETERMINATION WOULD HAVE. BONIVER REVIEWED SOME OF THE REQUIREMENTS OF THE GENEVA CONVENTION FOR THE COMMITTEE AND SAID SPECIFIC LEGAL ISSUES REGARDING THE DETAINEES ARE BEING CONSIDERED BY THE US. BONIVER EMPHASIZED THE EU'S REPEATED CALLS TO BALANCE THE NEED TO COMBAT TERRORISM WITH RESPECT FOR THE JUDICIAL PROCEDURES THAT ARE INTERNATIONALLY GUARANTEED FOR EVERY DEFENDANT. THE STRUGGLE AGAINST TERRORISM MUST NOT BE CARRIED OUT AT THE EXPENSE OF HUMAN RIGHTS AND FUNDAMENTAL LIBERTIES, SHE SAID. ON THE CONTRARY, IT MUST PROVIDE FURTHER EVIDENCE OF THE INTERNATIONAL COMMUNITY'S FIRM RESOLVE TO PROTECT THESE RIGHTS, WHICH TERRORISTS WANT TO SHATTER.

4. THE INITIAL INQUIRIES CAME FROM TWO CENTER-LEFT COMMITTEE MEMBERS AND INCLUDED A REQUEST THAT THE GOI INTERVENE WITH THE USG TO ENSURE THAT HUMANITARIAN CONDITIONS REQUIRED UNDER THE GENEVA CONVENTION ARE BEING PROVIDED FOR THE DETAINEES. THE SAME TWO COMMITTEE MEMBERS, PLUS ONE FROM THE GOVERNING COALITION, WERE THE ONLY MEMBERS TO CALL FOR FURTHER DEBATE. A GENERAL DEBATE HAS NOT YET BEEN SCHEDULED. IN THE EVENT ONE TAKES PLACE, IT COULD PROMPT GREATER MEDIA AND PUBLIC INTEREST THAN THE MILD RESPONSE WE HAVE SEEN SO FAR.

5. IN A SEPARATE VOTE ON JANUARY 30, CENTER-LEFT SENATORS WHO

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WERE AMONG THE 19 VOTING AGAINST EXTENDING ITALY'S
PARTICIPATION IN INTERNATIONAL MILITARY ACTIONS STATED THAT
THEIR OPPOSITION ALSO INCLUDED OBJECTION TO THE DETENTION OF
THE GUANTANAMO DETAINEES WITHOUT DUE PROCESS. THE SENATE
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APPROVED THE GOVERNMENT'S DECREE TO EXTEND UNTIL MARCH 31
ITALY'S PARTICIPATION IN INTERNATIONAL MILITARY ACTIONS
(INCLUDING THOSE IN AFGHANISTAN, MACEDONIA, ALBANIA, FORMER
YUGOSLAVIA, KOSOVO, HEBRON, ETHIOPIA, AND ERITREA) BY A VOTE
OF 145 IN FAVOR AND 19 OPPOSED. THE DECREE WILL NOW GO TO
THE CHAMBER.
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