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E.O. 12958: N/A

TAGS: PHUM, US

SUBJECT: RESPONSE TO SPECIAL RAPPORTEUR ON TORTURE:

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GUANTANAMO BAY

REF: (A) GENEVA 166 (B) STATE 13578

1. FOLLOWING IS THE RESPONSE FROM THE UNITED STATES GOVERNMENT TO A LETTER FROM THEO VAN BOVEN, SPECIAL RAPPORTEUR ON TORTURE, REGARDING THE DETAINEES AT GUANTANAMO BAY. AMBASSADOR IS INSTRUCTED TO TRANSMIT THIS RESPONSE IMMEDIATELY TO MR. VAN BOHEN.

2. BEGIN TEXT

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UNITED STATES DEPARTMENT OF STATE
REVIEW AUTHORITY: SHARON E AHMAD
DATE/CASE ID: 04 NOV 2004 200303827

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THIS LETTER RESPONDS TO YOUR LETTER OF JANUARY 16, 2002, IN WHICH YOU ASKED FOR CLARIFICATION OF THE CIRCUMSTANCES SURROUNDING THE DETAINEES CURRENTLY BEING HELD AT GUANTANAMO BAY. SPECIFICALLY, YOU STATED THAT YOU WOULD APPRECIATE AN ASSURANCE OF THEIR HUMANE TREATMENT.

I CAN ASSURE YOU THAT THE DETAINEES ARE BEING TREATED HUMANELY. AS PRESIDENT BUSH'S PRESS SECRETARY ANNOUNCED ON FEBRUARY 7, 2002, "THE UNITED STATES HAS TREATED AND WILL CONTINUE TO TREAT ALL TALIBAN AND AL QAEDA DETAINEES IN GUANTANAMO BAY HUMANELY AND CONSISTENT WITH THE PRINCIPLES OF THE GENEVA CONVENTION."

THIS MEANS THAT THE DETAINEES ARE NOT BEING SUBJECTED TO MENTAL OR PHYSICAL ABUSE. THEY ARE BEING TREATED WITH HUMANITY AND RESPECT FOR THE INHERENT DIGNITY OF THE HUMAN PERSON.

THE DETAINEES ARE RECEIVING MANY ADDITIONAL PRIVILEGES AND
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BENEFITS AS WELL. THEY HAVE BEEN PROVIDED WITH NEW CLOTHES AND SHOES, ADEQUATE SHELTER, SLEEPING PADS AND BLANKETS, THREE MEALS A DAY THAT MEET RELIGIOUS DIETARY CONSIDERATIONS, WASHCLOTHS AND TOWELS, SHOWERS, PERSONAL TOILETRIES, AND THE OPPORTUNITY TO WORSHIP. THEY ARE ALSO RECEIVING EXCELLENT AND COMPREHENSIVE MEDICAL CARE AT U.S. EXPENSE, INCLUDING DENTAL CARE, MEDICATION, EYE EXAMINATIONS AND CORRECTIVE EYEWEAR, AND IN SERIOUS CASES, HOSPITALIZATION AND SURGERY.

THE DETAINEES ARE NOT BEING HELD INCOMMUNICADO. THEY ARE PERMITTED TO MEET INDIVIDUALLY AND PRIVATELY WITH REPRESENTATIVES OF THE INTERNATIONAL COMMITTEE OF THE RED CROSS. SOME HAVE BEEN VISITED BY GOVERNMENT OFFICIALS FROM THEIR COUNTRY OF NATIONALITY AND MANY ARE COMMUNICATING BY MAIL WITH THEIR FAMILIES. THAT SAID, I TRUST THAT YOU CAN APPRECIATE THE NEED FOR CERTAIN SECURITY PRECAUTIONS IN LIGHT OF THE SERIOUS THREAT OF PHYSICAL HARM POSED BY THE DETAINEES TO THE MILITARY PERSONNEL TRANSPORTING AND GUARDING THEM.

THE DETAINEES DO NOT HAVE ACCESS TO LAWYERS BECAUSE, AS YOU NO DOUBT ARE AWARE, ENEMY COMBATANTS GENERALLY ARE NOT ENTITLED TO COUNSEL WHEN THEY ARE BEING DETAINED IN THE COURSE OF ONGOING HOSTILITIES. THE UNITED STATES IS WELL WITHIN ITS WIDELY RECOGNIZED RIGHTS UNDER INTERNATIONAL LAW TO DETAIN ENEMY COMBATANTS FOR THE DURATION OF AN ARMED CONFLICT.

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THANK YOU FOR YOUR INQUIRY AND PLEASE ACCEPT THE ASSURANCES
OF MY HIGHEST CONSIDERATION.

END TEXT.

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