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B7(A), B7(C)

B3

B7(A), B7(C)

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B7(A), B7(C)

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SENSITIVE

E.O. 12958: N/A
TAGS: PTER, KAWC, PINR, [REDACTED]
SUBJECT: DISPOSITION/CONDITION OF [REDACTED] DETAINEE
AT GUANTANAMO BAY.

B7(A), B7(C)

REF: [REDACTED] C) STATE 20095
[NODIS]

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UNITED STATES DEPARTMENT OF STATE
REVIEW AUTHORITY: SHARON E AHMAD
DATE/CASE ID: 06 DEC 2004 200303827

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1. (U) THIS IS AN ACTION MESSAGE -- SEE PARAGRAPH 3.

2. (SBU) REF A DESCRIBES RECENT MEETING BETWEEN AMBASSADOR AND

B7(A), B7(C)

[REDACTED] IN AN EFFORT TO RE-EXAMINE THE STATUS OF THE
[REDACTED] DETAINEE, [REDACTED] AT GUANTANAMO AND TO
EMPHASIZE THE NEED FOR MORE DETAILED INFORMATION TO SPECIFIC
QUESTIONS. BOTH [REDACTED] AND FAMILY MEMBERS FEEL THEY ARE ENTITLED TO
MORE INFORMATION ON POTENTIAL CRIMINAL CHARGES, THE TIMEFRAME,
AND THE FORUM OF THE LEGAL PROCESS. FAMILY MEMBERS ALSO SEEK TO
VERIFY THAT THE [REDACTED] DETAINEE HAS RECEIVED LETTERS SENT BY HIS
FATHER, AND WOULD LIKE ASSURANCES AS TO HIS CURRENT STATE OF
HEALTH. FINALLY, THE [REDACTED] WOULD LIKE USG PERMISSION TO SEND A [REDACTED]
REPRESENTATIVE TO GUANTANAMO TO CHECK ON DETAINEE CONDITION.

3. (SBU/REL) GUIDANCE FOR POST'S USE IN RESPONDING TO INQUIRIES
FROM [REDACTED] AND FAMILY MEMBERS:

-- USG APPRECIATES THE GOVERNMENT OF [REDACTED] FIRM SUPPORT FOR THE
UNITED STATES' AND INTERNATIONAL COMMUNITY'S WAR ON TERRORISM.

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[REDACTED] THIS INCIDENT
HIGHLIGHTS THE THREAT THAT CONTINUES INTERNATIONALLY AND POINTS
TO THE IMPORTANCE OF PROACTIVE, PREVENTATIVE ACTION.

-- THE WAR AGAINST AL QAIDA AND ITS SUPPORTERS IS VERY MUCH
ONGOING. WE CONTINUE TO FIGHT AGAINST ENEMY COMBATANTS WHO ARE
PLANNING AND CONDUCTING OPERATIONS DAILY AGAINST US.

-- INDIVIDUALS DETAINED IN GUANTANAMO ARE ENEMY COMBATANTS
CAPTURED IN CONNECTION WITH THAT ON-GOING ARMED CONFLICT
INVOLVING ATTACKS AGAINST THE UNITED STATES, ITS CITIZENS AND
CITIZENS OF NUMEROUS OTHER NATIONS. ENEMY COMBATANTS CONTINUE TO
POSE A SERIOUS SECURITY THREAT TO UNITED STATES AND COALITION
PARTNERS. THEY ARE BEING HELD IN ACCORDANCE WITH THE LAW OF
ARMED CONFLICT, WHICH PERMITS THE UNITED STATES TO HOLD ENEMY
COMBATANTS AT LEAST FOR THE DURATION OF HOSTILITIES.

-- TO DATE, NO DETAINEE AT GUANTANAMO HAS BEEN CHARGED WITH A
CRIME. NO DECISION AS TO THE APPROPRIATE FORUM FOR ANY CRIMINAL
PROCEEDING HAS BEEN MADE AT THIS TIME.

-- I SHOULD EMPHASIZE THAT THE INTERNATIONAL LAW OF ARMED
CONFLICT PERMITS THE USG TO DETAIN ENEMY COMBATANTS REGARDLESS OF
WHETHER CRIMINAL CHARGES ARE BROUGHT. THE ACT OF DETAINING ENEMY
COMBATANTS IS NOT AN ACT OF PUNISHMENT. RATHER, IT IS INTENDED

TO PREVENT ENEMY COMBATANTS FROM CONTINUING TO FIGHT AGAINST US.

-- THERE IS NO INTERNATIONAL LAW THAT REQUIRES A DETAINING POWER TO BRING CRIMINAL CHARGES AGAINST ENEMY COMBATANTS OR PUT THEM ON TRIAL. NOR IS THERE ANY LAW REQUIRING THE DETAINING POWER TO

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RELEASE ENEMY COMBATANTS AND SEND THEM HOME PRIOR TO THE END OF HOSTILITIES.

-- AS LONG AS HOSTILITIES CONTINUE, THE USG MUST-AS A MATTER OF NATIONAL SECURITY, MILITARY NECESSITY, AND COMMON SENSE-CONTINUE TO DETAIN ENEMY COMBATANTS WHO COULD REJOIN THE FIGHT AGAINST US IF PROVIDED THE OPPORTUNITY.

-- THE UNITED STATES IS TREATING ALL ENEMY COMBATANTS HUMANELY AND IN A MANNER CONSISTENT WITH THE PRINCIPLES OF THE THIRD GENEVA CONVENTION OF 1949. REPRESENTATIVES OF THE INTERNATIONAL COMMITTEE OF THE RED CROSS ARE AT GUANTANAMO AND MEET WITH ENEMY COMBATANTS INDIVIDUALLY AND PRIVATELY.

-- ALL ENEMY COMBATANTS ARE PROVIDED THREE MEALS A DAY THAT MEET MUSLIM DIETARY LAWS (IF DESIRED), AS WELL AS MEDICAL CARE, CLOTHING, SHELTER, SHOWERS, AND OPPORTUNITIES TO WORSHIP.

-- AS FOR COMMUNICATION WITH FAMILY MEMBERS, DETAINEES ARE ALLOWED TO CORRESPOND BY MAIL WITH FAMILY MEMBERS, SUBJECT TO SCREENING FOR SECURITY AND OPERATIONAL PURPOSES. NOT ALL DETAINEES HAVE BEEN SENT MAIL, AND NOT ALL ELECT TO WRITE LETTERS HOME. THE USG CANNOT CONFIRM OR DENY RECEIPT OF MAIL BY SPECIFIC DETAINEES.

--WE HAVE NOW RECEIVED IN WASHINGTON A DIPLOMATIC NOTE FROM YOUR EMBASSY FORMALLY REQUESTING ANOTHER VISIT TO GUANTANAMO. AS YOU MAY RECALL, GOVERNMENT REQUESTS TO VISIT THE US NAVAL BASE GUANTANAMO WILL BE GRANTED ONLY FOR LAW ENFORCEMENT OR INTELLIGENCE COLLECTION PURPOSES, SUBJECT TO THE SAME PROCEDURES AND CONDITIONS THAT APPLIED FOR YOUR GOVERNMENT'S VISIT FEBRUARY.

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VISITS FOR ANY OTHER PURPOSE, INCLUDING VISITS OF A CONSULAR NATURE, ARE NOT PERMITTED AT GUANTANAMO. WE ARE PREPARED TO HELP COORDINATE A REQUEST WITH ON THAT BASIS WITH THE APPROPRIATE AGENCIES [SPECIFY PROCEDURE/CHANNEL]

4. (SBU) BACKGROUND INFORMATION FOR POST ONLY: VARIOUS GOVERNMENT OFFICIALS AND CONCERNED FAMILY MEMBERS OF DETAINEES OF MANY

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NATIONALITIES HAVE PRESSED FOR MORE INFORMATION AND OFTEN THREATENED LEGAL ACTION IF THE USG FAILS TO PROVIDE THEM WITH SUCH. AT THIS TIME, IT IS DEEMED STILL TOO SENSITIVE TO THE ONGOING OPERATION ENDURING FREEDOM EFFORTS TO PROVIDE ANY SPECIFIC INFORMATION ON INDIVIDUALS DETAINED AT GUANTANAMO BEYOND THAT CONTAINED IN THIS RESPONSE.

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