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O 211656Z OCT 02
FM AMEMBASSY PARIS
TO DEPARTMENT OF JUSTICE WASHDC IMMEDIATE
SECSTATE WASHDC IMMEDIATE 1362
INFO AMCONSUL MARSEILLE PRIORITY
AMCONSUL STRASBOURG PRIORITY

RELEASED IN PART
B1, 1.4(D)

C O N F I D E N T I A L PARIS 007570

DOJ FOR BRUCE SCHWARTZ

E.O. 12958: DECL: 10/20/2007
TAGS: CJAN, PHUM, FR
SUBJECT: GOVERNMENT ASKS JUDGE TO DISMISS GTMO DETAINEES'
SUIT FOR WAR PRISONER STATUS

CLASSIFIED BY: POL/M-C SHARON WIENER FOR REASONS 1.5 (B) AND (D).

1. (U) THE FAMILIES OF TWO FRENCH NATIONALS BEING HELD AT
GUANTANAMO BASE HAVE FILED SUIT IN THE FRENCH COURTS SEEKING
PRISONER OF WAR STATUS FOR THE DETAINEES. ON FRIDAY OCTOBER
18, A FRENCH JUDGE HEARD THE LEGAL ARGUMENTS IN THE CASE.
THE FRENCH GOVERNMENT ATTORNEYS RECOMMENDED THAT THE SUIT BE
DISMISSED, CITING THE COURT'S LACK OF COMPETENCE IN THE
MATTER. THE GOVERNMENT ATTORNEY SAID THE DETAINEES'
SITUATION IS "UNBEARABLE," BUT "ONE WOULD HAVE TO QUESTION

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THE VALUE OF A DECISION BY A FRENCH JUDGE CONCERNING A
SOVEREIGN COUNTRY."

2. (U) THE JUDGE INDICATED HIS DOUBTS ABOUT THE LEGAL MERITS
OF THE CASE AND ASKED THE FAMILIES' LAWYERS TO INDICATE
PRECISELY WHICH STATUTES OF LAW PERMITTED SUCH A CASE. THE
LAWYERS ARGUED THAT THE CASE HAS STANDING BECAUSE OF FRENCH
OBLIGATIONS UNDER THE GENEVA CONVENTION AND FRENCH JUDICIAL
RESPONSIBILITY TO PROTECT THE RIGHTS OF ALL FRENCH CITIZENS.

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3. (U) ACCORDING TO THE MOJ, THE JUDGE'S DECISION IS EXPECTED ON OCTOBER 31.

4. (U) THE HEARING RECEIVED LIMITED PRESS COVERAGE: A BLURB IN THE DAILY LIBERATION AND WIRE REPORTS BY AP AND AFP. TODAY, AFP ALSO RAN A 10 PARAGRAPH ARTICLE ABOUT THE SIX FRENCH DETAINEES AT GTMO THAT PLAYED UP THE HUMAN ANGLE OF THEIR DETENTION AND THEIR FAMILIES' CONCERN.

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