

Current Class: CONFIDENTIAL
Current Handling: n/a
Document Number: 2003STOCKH00654

Channel: n/a

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ACTION SCT-00

INFO	LOG-00	NP-00	AID-00	A-00	CCO-00	CG-00	CIAE-00
	COME-00	CTME-00	INL-00	DOEE-00	DOTI-00	PERC-00	SRPP-00
	DS-00	EB-00	EUR-00	FAAE-00	FBIE-00	VC-00	TEDE-00
	INR-00	INSE-00	IO-00	LAB-01	L-00	CAC-00	VCE-00
	MED-07	M-00	AC-01	DCP-01	NRCE-00	NSAE-00	NSCE-00
	OCS-03	OIC-02	OMB-01	DHS-00	OPIC-01	PA-00	PM-00
	PRS-00	ACE-00	P-00	SSO-00	SS-00	STR-00	TRSE-00
	T-00	USIE-00	USSS-00	ASDS-00	PMB-00	DSCC-00	PRM-00
	DRL-01	G-00	NFAT-00	SAS-00	SWCI-00	/018W	

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R 281754Z MAR 03
FM AMEMBASSY STOCKHOLM
TO SECSTATE WASHDC 3220
INFO NATO EU COLLECTIVE
SECDEF WASHDC
JOINT STAFF WASHDC

RELEASED IN PART
B1, 1.4(B), 1.4(D), B6

C O N F I D E N T I A L SECTION 01 OF 05 STOCKHOLM 000654

STATE FOR EUR, EUR/NB, S/WCI, L, T

E.O. 12958: DECL: 03/14/2013
TAGS: PREL, PTER, PHUM, KAWC, KJUS, SW
SUBJECT: GUANTANAMO DETAINEES: AMBASSADOR PROSPER'S
STOCKHOLM CONSULTATIONS

REF: COPENHAGEN 525

CLASSIFIED BY: DCM BETSY L. ANDERSON. REASONS 1.5 (B) AND (D).

SUMMARY

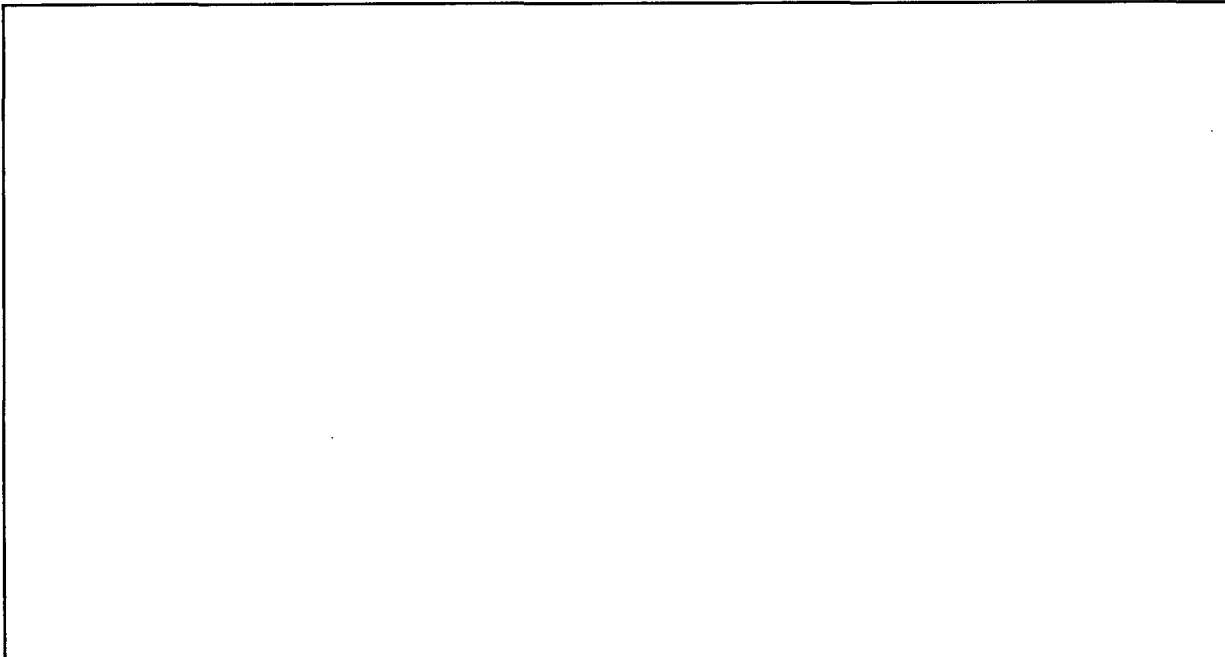
1. (C) DURING A MARCH 12-13 VISIT TO STOCKHOLM, U.S. AMBASSADOR-AT-LARGE FOR WAR CRIME ISSUES PIERRE PROSPER MET WITH SENIOR SWEDISH OFFICIALS, PARLIAMENTARIANS, THE PRESS, LEGAL EXPERTS, AND [REDACTED]

[REDACTED] PROSPER REFUTED ARGUMENTS THAT THE U.S. WAS ACTING OUTSIDE INTERNATIONAL LAW, STRESSING THAT U.S. DETENTIONS ON GUANTANAMO WERE CONSISTENT WITH THE LAWS OF WAR, AND THAT "ILLEGAL COMBATANT" STATUS WAS A LONG-RECOGNIZED CONCEPT SUPPORTED BY THE HAGUE AND GENEVA CONVENTIONS.

[REDACTED]

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S/WCI MESSAGE ON THE LEGAL BASIS FOR GUANTANAMO DETENTIONS

2. (SBU) ON MARCH 13, AMBASSADOR-AT-LARGE FOR WAR CRIMES ISSUES PIERRE-RICHARD PROSPER HELD SEVERAL MEETINGS WITH SWEDISH GOVERNMENT OFFICIALS, LEGISLATORS, INTERNATIONAL LEGAL EXPERTS, THE PRESS, AND [REDACTED]

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[REDACTED] IN HIS MEETINGS AMBASSADOR PROSPER LAID OUT THE FOLLOWING POINTS:

-- THE U.S. IS ACTING IN FULL ACCORD WITH INTERNATIONAL LAW. MANY CRITICS OF U.S. POLICY ARE ATTEMPTING TO ASSESS THE SITUATION IN THE CONTEXT OF CIVIL OR CRIMINAL LAW. HOWEVER, THE U.S. VIEWED THE SITUATION AS AN ARMED CONFLICT, WHICH MEANS THE LAWS OF WAR APPLY. UNDER THE LAWS OF WAR THE U.S. HAS THE AUTHORITY TO DETAIN ENEMY COMBATANTS UNTIL THE END OF HOSTILITIES. THE DETAINEES WILL NOT BE HELD INDEFINITELY, BUT THE U.S. ENVISIONS THAT AS MORE INFORMATION ABOUT DETAINEES IS DEVELOPED, THE DETAINEES EVENTUALLY WILL BE PROSECUTED, DETAINED UNTIL THE END OF HOSTILITIES, OR RELEASED.

-- WHILE THE DETAINEES DO NOT FULFILL THE REQUIREMENTS OF THE POW CATEGORY, THE U.S. HAS DECIDED TO ACCORD THE UNLAWFUL COMBATANTS ON GUANTANAMO THE HUMANE TREATMENT PROVIDED FOR POWS UNDER THE GENEVA CONVENTION. THIS INCLUDES EXTENSIVE MEDICAL, DENTAL, AND EYE CARE; AND THE RIGHT TO RECEIVE MAIL, TO WORSHIP, AND TO EXERCISE.

-- MORE THAN 600 DETAINEES FROM ABOUT 44 COUNTRIES ARE

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CURRENTLY HELD AT GUANTANAMO. IN THAT CONTEXT, THE PROCESS OF TRYING TO DETERMINE WHO CONTINUES TO POSE A THREAT IS COMPLEX AND TIME-CONSUMING.

-- THE U.S. IS IN THE PROCESS OF DIVIDING THE DETAINEES INTO THREE CATEGORIES: (1) THOSE WHO SHOULD BE PROSECUTED BY THE U.S.; (2) THOSE WHO THE U.S. IS COMFORTABLE WITH SENDING TO THEIR HOME COUNTRY FOR PROSECUTION/DETENTION; AND (3) THOSE WHO NO LONGER POSE A THREAT AND CAN BE RELEASED OUTRIGHT.

-- IN MANY CASES, DETAINEES WERE OPENLY TELLING U.S. AUTHORITIES THAT, IF RELEASED, THEY WOULD RETURN TO THEIR TERRORIST ACTIVITIES AND ATTACK THE U.S.

-- IN OTHER CASES, DETAINEES WERE UNCOMMUNICATIVE ABOUT THEIR PAST ACTIONS AND THEIR FUTURE INTENT. THE SWEDISH CITIZEN FELL INTO THIS CATEGORY. THE U.S. KNEW THE SWEDE'S PATH FROM SWEDEN, WHERE HE HAD BEEN FOUND, AND THAT HE WAS A COMBATANT.

BEYOND THAT, THE SWEDE WOULD NOT EXPLAIN WHY AND HOW HE HAD COME TO BE IN THESE CIRCUMSTANCES. THIS LACK OF COOPERATION, TAKEN IN CONJUNCTION WITH HIS PAST CONDUCT, LED THE U.S. TO CONCLUDE THAT HE CONTINUED TO POSE A THREAT.

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CONTINUING TO HOLD THE DETAINEES. BUT THE U.S. BELIEVED IT HAD A RESPONSIBILITY TO PREVENT FUTURE ATTACKS, IN THE U.S., IN EUROPE, AND AROUND THE WORLD.

-- HOSTILITIES IN THIS UNCONVENTIONAL CONFLICT ARE CONTINUING, AS EVIDENCED IN THE RECENT FIGHTING IN AFGHANISTAN AND CONTINUING TERROR ATTACKS OR DISCOVERIES OF ATTACK-PLANNING IN BALI, KENYA, THE PHILIPPINES, SPAIN, THE UK, GERMANY, AND ELSEWHERE.

-- THE U.S. WOULD NOT/NOT WAIT UNTIL THE END OF HOSTILITIES TO DETERMINE A DETAINEE'S FUTURE. A PARALLEL PROCESS FOR HANDLING THE DETAINEES THAT WOULD PROVIDE MORE CLARITY IS UNDER WAY. HOWEVER, GIVEN THE NUMBER OF PRISONERS AND THE LACK OF COOPERATION AND EVASIVENESS OF MANY, THIS WOULD TAKE TIME.

RIKSDAG FOREIGN AFFAIRS COMMITTEE: GUANTANAMO THREATENING TO AFFECT BILATERAL RELATIONSHIP

3. (SBU) MEETING WITH MEMBERS OF THE RIKSDAG (SWEDISH PARLIAMENT) FOREIGN AFFAIRS COMMITTEE AND PROFESSIONAL STAFF,

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AMBASSADOR PROSPER REVIEWED THE U.S. POSITION AS OUTLINED IN
PARA 2 ABOVE.

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[REDACTED]
[REDACTED] COMMITTEE CHAIRMAN URBAN AHLIN FROM THE RULING
SOCIAL DEMOCRATIC PARTY STRESSED THAT THE GOS HAD BEEN A
STRONG SUPPORTER OF THE U.S.-LED GLOBAL WAR ON TERROR BUT
THAT IT WAS DIFFICULT FOR SWEDISH POLITICIANS TO DEFEND U.S.
ACTIONS IN [REDACTED] CASE. THE SWEDEN'S ONGOING DETENTION
WAS ERODING OTHERWISE STRONG U.S.-SWEDISH RELATIONS.

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4. (SBU) COMMITTEE MEMBER KENT HARSTEDT (SDP) ASKED WHY THE
U.S. HAD CHOSEN TO KEEP THE DETAINEES AT THE CUBAN BASE AND
OUTSIDE THE JURISDICTION OF U.S. COURTS. HARSTEDT ASKED
AMBASSADOR PROSPER HOW HE RECONCILED THE U.S. POSITION THAT
THE DETENTIONS WERE LAWFUL WITH THE UNIFORM CONDEMNATION OF
THE DETENTIONS BY THE UN COMMISSIONER FOR HUMAN RIGHTS AND
HUMAN RIGHTS NGOS. PROSPER EXPLAINED THAT THE U.S. HAD FACED
SERIOUS SECURITY PROBLEMS GUARDING THE SUSPECTS IN THE TRIAL
AFTER THE 1993 WORLD TRADE CENTER BOMBING AND THAT IT HAD
MADE THE DECISION TO HOLD THE PRISONERS IN GUANTANAMO LARGELY
ON SECURITY GROUNDS. HE ATTRIBUTED THE DISAGREEMENT WITH
THE UN HIGH COMMISSIONER AND HUMAN RIGHTS GROUPS TO A BASIC
MISUNDERSTANDING OF THE LEGAL CONTEXT. THE U.S. WAS
APPROACHING THE ISSUE UNDER THE LAWS OF WAR, WHEREAS THE UN
AND THE NGOS WERE EVALUATING THE CASE UNDER TRADITIONAL
CRIMINAL LAW.

5. (SBU) LEFT (FORMER COMMUNIST) PARTY MEMBER SERMIN OZURKUT
MADE A SHARPLY-WORDED STATEMENT THAT [REDACTED] SILENCE WAS
PROBABLY A SURVIVAL MECHANISM TO DEAL WITH THE PRESSURES OF
THE MILITARY PRISON AND ASKED IF THE U.S. WAS USING TORTURE.
PROSPER FLATLY DENIED THAT TORTURE WAS BEING USED.

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6. (SBU) GREEN PARTY MP LOTTA HEDSTROM CHALLENGED THE LOGIC
OF THE U.S. POSITION, WHICH CLAIMED THAT IT WAS AT WAR WITH
AL QAEDA BUT DID NOT ACKNOWLEDGE ITS OPPONENTS' RIGHTS AS
BELLIGERENTS. PROSPER REITERATED THAT THE AL QAEDA DETAINEES
DID NOT MEET THE GENEVA CONVENTION CRITERIA FOR POW STATUS
AND THAT THE U.S. DID NOT WANT TO DEBASE INTERNATIONAL LAW BY
EXTENDING ITS PROTECTIONS TO THOSE WHO DO NOT OPERATE UNDER
THE RULES OF WAR.

7. (SBU) SOCIAL DEMOCRATIC MP BERNDT EKHOLM NOTED THAT THE
GUANTANAMO CASE AND THE POTENTIAL WAR WITH IRAQ MERELY ADDED
TO THE DISTRUST OF THE U.S. RESULTING FROM U.S. POSITIONS ON
KYOTO, THE ICC, AND THE ISRAEL-PALESTINIAN CRISIS. HE SAID
HE HAD SERIOUS DIFFICULTY DEFENDING U.S. ACTIONS TO HIS
CONSTITUENTS.

8. (SBU) PROSPER ASKED LEGISLATORS TO REFRAIN FROM EASY OR BASELESS CRITICISM OF THE U.S. HE ALSO ASKED SWEDISH OFFICIALS TO DEFER JUDGMENT UNTIL THE PROCESS OF EVALUATING THE DETAINEES IS COMPLETE.

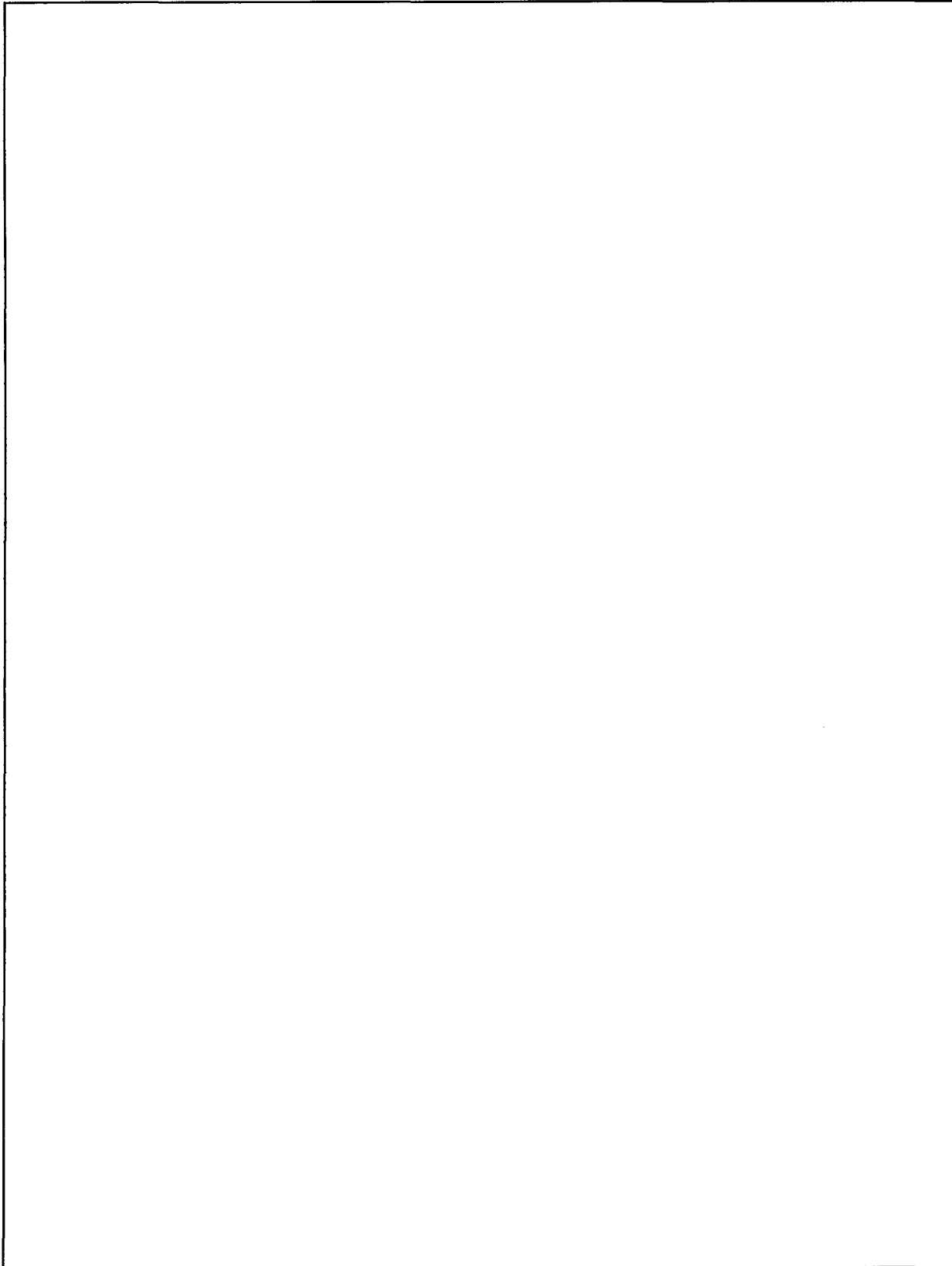
MFA: SKEPTICISM ABOUT U.S. LEGAL APPROACH;

[Redacted]

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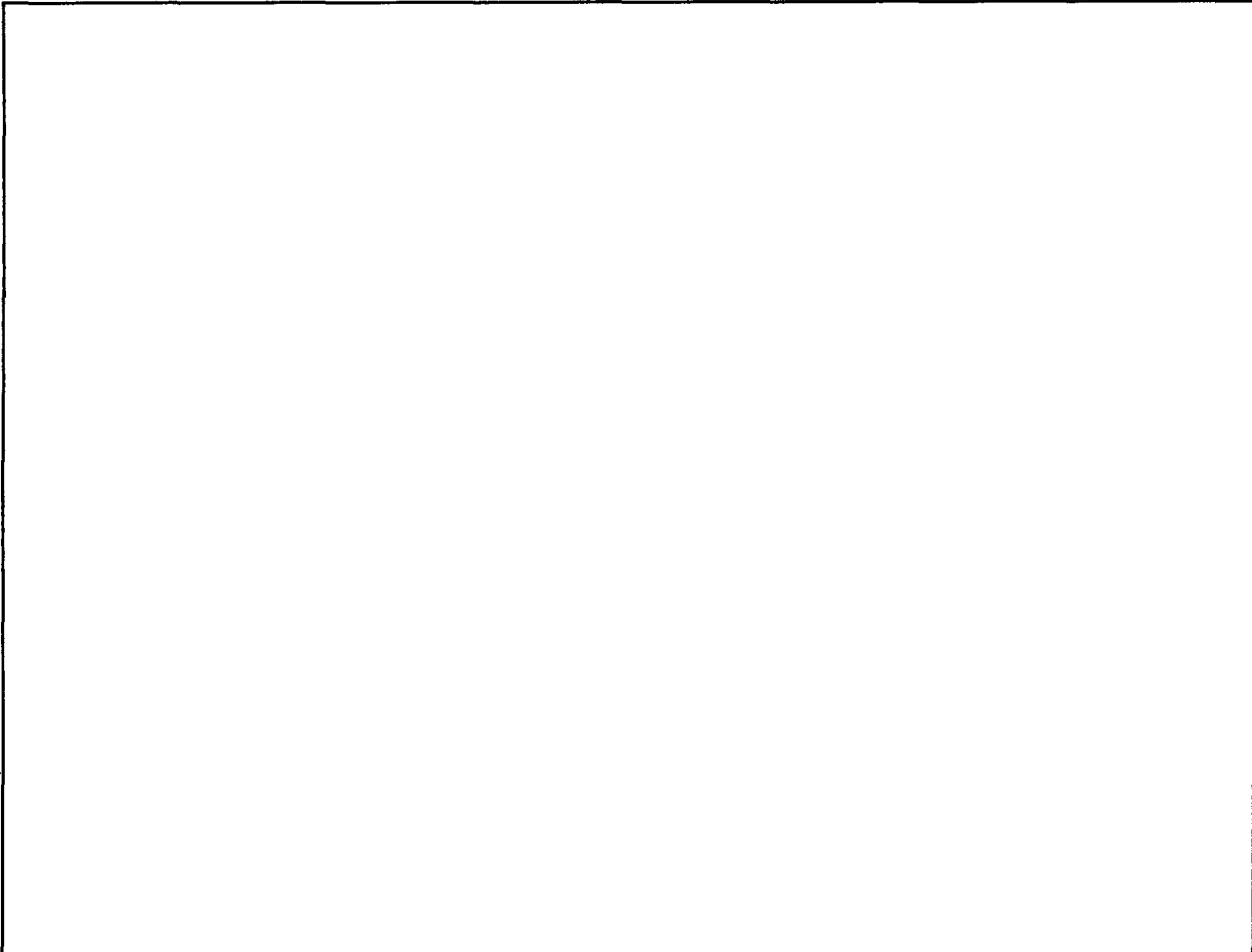




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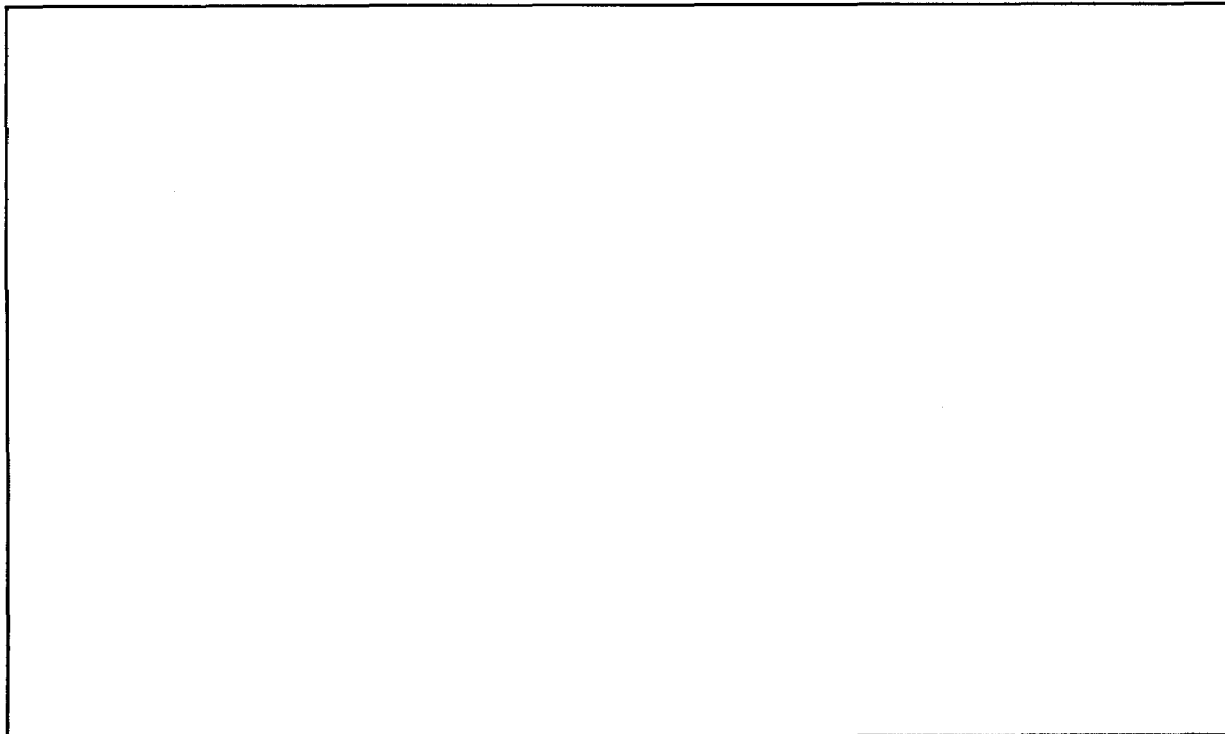
18. (SBU) AMBASSADOR PROSPER HELD AN ON-THE-RECORD LUNCH WITH SENIOR EDITORS FROM THE FOUR MAJOR STOCKHOLM DAILIES AND THE SWEDISH WIRE SERVICE TT. THE STRATEGY OF USING AMBASSADOR PROSPER'S OP-ED PIECE (WHICH APPEARED IN LEADING

STOCKHOLM DAILIES THE MORNING OF MARCH 13) TO SET THE SCENE FOR THE PRESS COVERAGE WAS AN EFFECTIVE ONE. ALL QUESTIONS -- FROM BOTH TV AND PRINT JOURNALISTS -- FOCUSED ON THE LEGAL BASIS FOR HOLDING THE DETAINEE, AND THE FOLLOWING DAY'S MEDIA COVERAGE REFLECTED THAT FACT. AMBASSADOR PROSPER'S LONGER INTERVIEW WITH SWEDISH RADIO, WHICH AIRED MARCH 15, WAS PERHAPS THE ROUGHEST MEDIA ENCOUNTER HE HAD, WITH THE FIRST 15 MINUTES ADDRESSING THE ISSUE OF TORTURE AND WHETHER IT WAS BEING USED ON GUANTANAMO. AMBASSADOR PROSPER'S HANDLING OF THOSE QUESTIONS TURNED THE TIDE OF THE INTERVIEW, WHICH BECAME MUCH MORE SYMPATHETIC IN ITS SECOND HALF. ONE OF THE SENIOR NEWSPAPER EDITORS COMMENTED AFTER THE LUNCH THAT ALTHOUGH U.S. ARGUMENTS WERE NOT MOVING SWEDISH OPINION CLOSER TO THE U.S. POSITION, THE FACT OF AMBASSADOR PROSPER'S VISIT AND HIS AVAILABILITY TO MEET WITH A BROAD SPECTRUM OF GOVERNMENT, LEGISLATIVE, AND MEDIA REPRESENTATIVES WAS A STRONG GESTURE THAT REFLECTED WELL ON THE U.S. BELIEF IN ITS JUSTIFICATION FOR THE DETENTIONS.

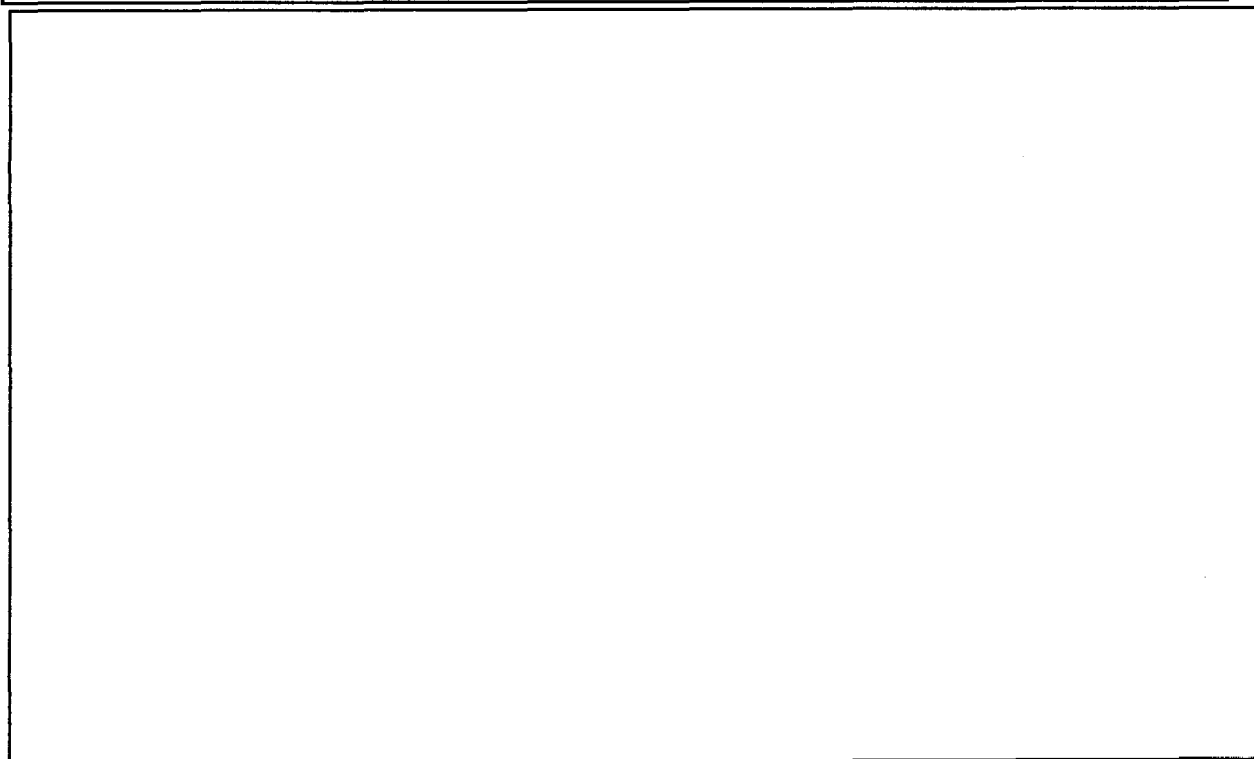


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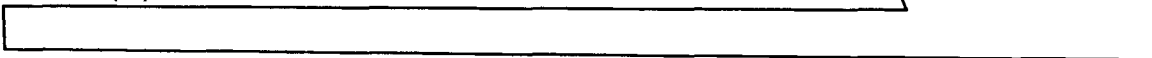


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INTERNATIONAL LAW EXPERTS: NOT CONVINCED?

22. (C) AMBASSADOR PROSPER MET INFORMALLY WITH 

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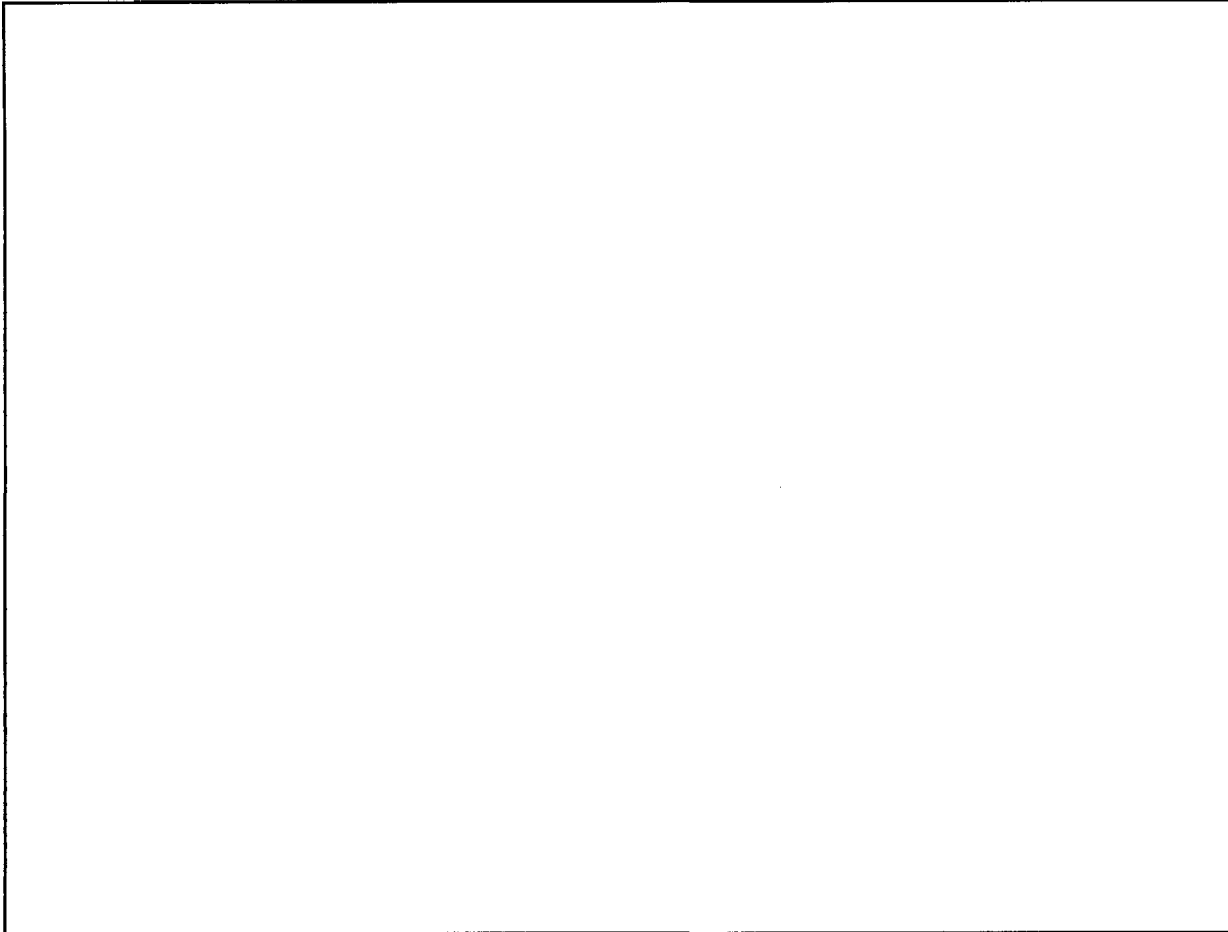
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