

Detention and Humane Treatment of Captured Terrorists

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Q. I understand from your opening statements that the 9/11 Commission recommendation is under study within the Administration, but what is the US position on the legal framework governing the treatment of terrorist detainees.

A --We are at war with al Qaida and its affiliates and the customary law of war applies. All those detained as a result of this war have protections under the law of war but can be detained until the end of hostilities.

--The President decided that neither the Taliban nor al Qaida detainees were entitled to POW status under the Geneva Conventions, but he concluded that they should be treated humanely and, to the extent appropriate and consistent with military necessity, in a manner consistent with the principles of the Third Geneva Convention of 1949, that is, the Convention related to the treatment of POWs."

--As recent as June of this year the President has made clear that the United States will continue to take seriously the need to question terrorists who have information that can save lives. But we will not compromise the rule of law or the values and principles that make us strong.

Q. But as your opening remarks acknowledge, there remains significant international disagreement that we are treating detainees in accordance with our international obligations and the rule of law. What are we doing to restore international confidence in our handling of detainees?

A. I recognize the importance of your question and the sensitivity of the issue, but I would prefer to take any questions on the issue of detainees back to be addressed by Department colleagues involved more directly in those issues.