

Current Class: CONFIDENTIAL  
Current Handling: n/a  
Document Number: 2003COPENH00525

Channel: n/a

<<<>>>

CONFIDENTIAL

PTQ8580

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

PAGE 01 COPENH 00525 01 OF 03 121758Z  
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	DOTE-00	PERC-00	SRPP-00
	DS-00	EAP-00	EB-00	EUR-00	FAAE-00	FBIE-00	VC-00
	TEDE-00	INR-00	INSE-00	IO-00	L-00	CAC-00	VCE-00
	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	SP-00	SSO-00	SS-00	STR-00	TRSE-00
	T-00	USIE-00	USSS-00	ASDS-00	ECA-00	PMB-00	DSCC-00
	PRM-00	DRL-01	G-00	NFAT-00	SAS-00	/010W	

-----43451D 121758Z /38

P 121750Z MAR 03  
FM AMEMBASSY COPENHAGEN  
TO SECSTATE WASHDC PRIORITY 7619  
INFO NATO EU COLLECTIVE PRIORITY  
JOINT STAFF WASHDC PRIORITY  
SECDEF WASHINGTON DC PRIORITY

C O N F I D E N T I A L SECTION 01 OF 03 COPENHAGEN 000525

E.O. 12958: DECL: 03/11/2013  
TAGS: PREL, PTER, PHUM, DA  
SUBJECT: GUANTANAMO DETAINEES: AMBASSADOR PROSPER'S  
COPENHAGEN CONSULTATIONS

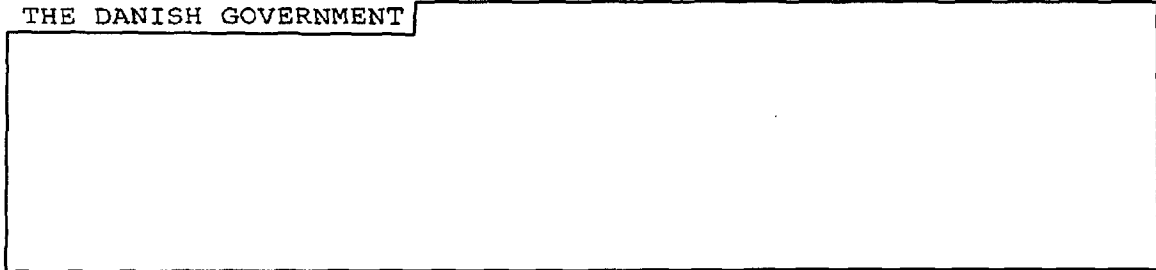
REF: COPENHAGEN 479

CLASSIFIED BY: COUNSELOR FOR POLITICAL AND ECONOMIC AFFAIRS  
CONFIDENTIAL

PAGE 02 COPENH 00525 01 OF 03 121758Z  
BLAIR HALL, REASONS 1.5 (B) AND (D)

1. (C) SUMMARY. AMBASSADOR PROSPER'S MARCH 10-11 VISIT TO  
COPENHAGEN FURTHERED THE ONGOING, CONSTRUCTIVE DIALOGUE WITH  
THE DANISH GOVERNMENT

B1



Current Class: CONFIDENTIAL

Page: 1

Current Class: CONFIDENTIAL  
Current Handling: n/a  
Document Number: 2003COPENH00525

Channel: n/a

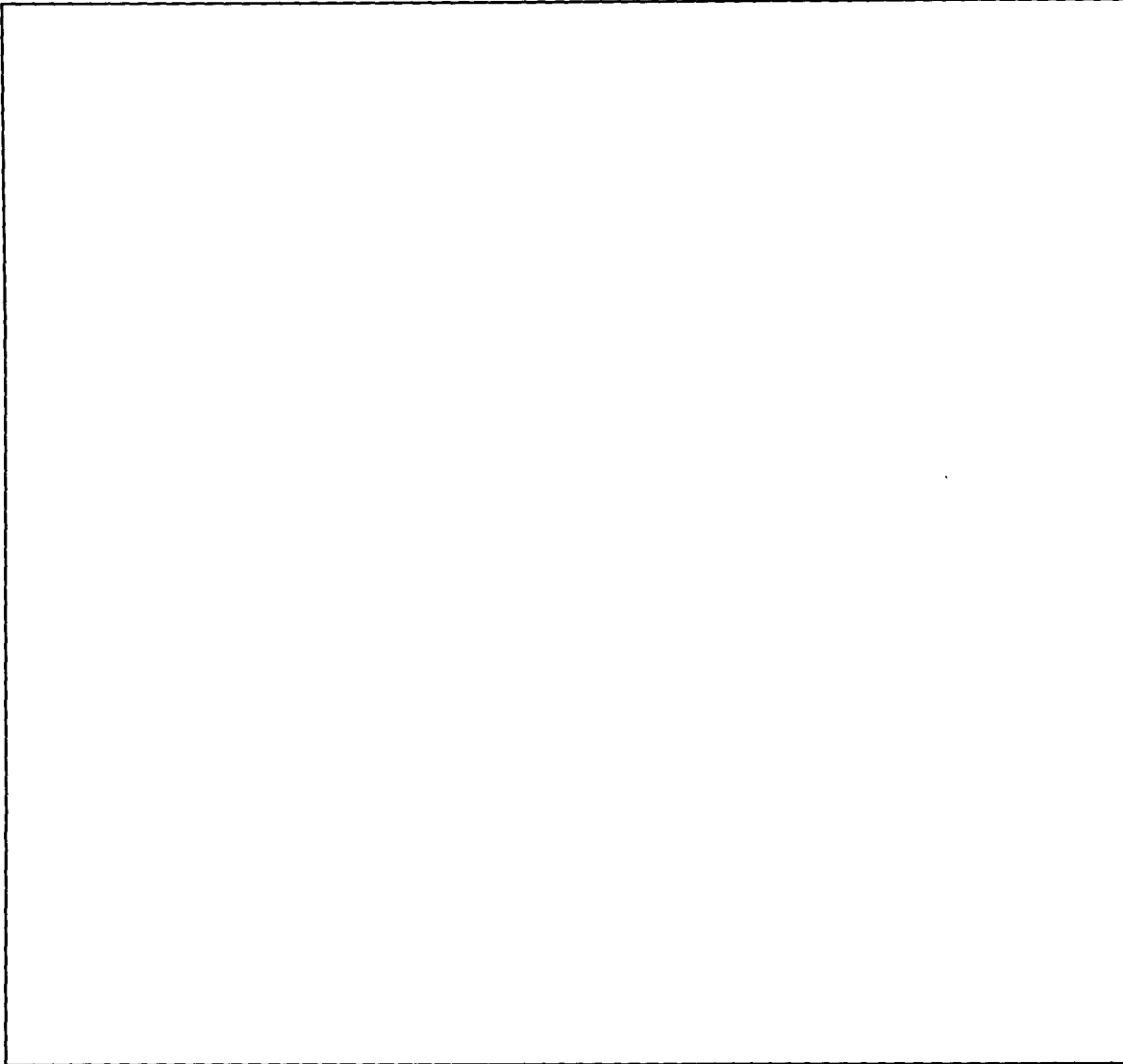
DANISH PARLIAMENTARIANS, THE MEDIA, AND NGO REPRESENTATIVES,  
PROSPER DEMONSTRATED TO ALL BUT THE MOST IDEOLOGICAL CRITICS  
THAT THE U.S. IS CAREFULLY CONSIDERING ALL RELEVANT LEGAL  
ISSUES AND ACTING IN GOOD FAITH.

[Redacted]

END SUMMARY.

-----  
MEETINGS WITH DANISH OFFICIALS  
-----

[Large Redacted Area]



CONFIDENTIAL

CONFIDENTIAL PTQ8582

PAGE 01 COPENH 00525 02 OF 03 121758Z  
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	DOTE-00	PERC-00	SRPP-00
	DS-00	EAP-00	EB-00	EUR-00	FAAE-00	FBIE-00	VC-00
	TEDE-00	INR-00	INSE-00	IO-00	L-00	CAC-00	VCE-00
	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	SP-00	SSO-00	SS-00	STR-00	TRSE-00
	T-00	USIE-00	USSS-00	ASDS-00	ECA-00	PMB-00	DSCC-00

Current Class: CONFIDENTIAL  
Current Handling: n/a  
Document Number: 2003COPENH00525

Channel: n/a

PRM-00 DRL-01 G-00 NFAT-00 SAS-00 /010W  
-----434530 121758Z /38

P 121750Z MAR 03  
FM AMEMBASSY COPENHAGEN  
TO SECSTATE WASHDC PRIORITY 7620  
INFO NATO EU COLLECTIVE PRIORITY  
JOINT STAFF WASHDC PRIORITY  
SECDEF WASHINGTON DC PRIORITY

C O N F I D E N T I A L SECTION 02 OF 03 COPENHAGEN 000525

E.O. 12958: DECL: 03/11/2013  
TAGS: PREL, PTER, PHUM, DA  
SUBJECT: GUANTANAMO DETAINEES: AMBASSADOR PROSPER'S  
COPENHAGEN CONSULTATIONS

-----  
MEETINGS WITH PARLIAMENTARIANS  
-----

CONFIDENTIAL

PAGE 02 COPENH 00525 02 OF 03 121758Z

6. (SBU) DURING SEPARATE INFORMAL MEETINGS WITH MEMBERS OF THE DANISH PARLIAMENT'S FOREIGN POLICY COMMITTEE AND THE LEGAL AFFAIRS COMMITTEE, AMBASSADOR PROSPER EXPLAINED THE LEGAL BASIS AND SECURITY IMPERATIVE FOR KEEPING IN CUSTODY THE DETAINEES IN GUANTANAMO. HE EXPLAINED THE CATEGORIZATION OF THE DETAINEES INTO THREE GROUPS DEPENDING ON THE LEVEL OF THREAT THEY POSE AND SAID THE USG IS WORKING CLOSELY WITH GOVERNMENTS TO EXPLORE WAYS AHEAD, INCLUDING THE POSSIBILITY OF CRIMINAL PROSECUTIONS OR DETENTIONS IN DETAINEES' HOME COUNTRIES. HE RECEIVED EXPRESSIONS OF SUPPORT FROM MEMBERS OF THE LIBERAL-CONSERVATIVE GOVERNING COALITION. MEMBERS OF THE RIGHT-WING DANISH PEOPLE'S PARTY SUGGESTED THAT THE USG WAS TOO LENIENT AND THAT THE LAWS OF WAR DO NOT APPLY TO TERRORISTS. BY AND LARGE, HOWEVER, THE PARLIAMENTARY DISCUSSIONS WERE DOMINATED BY SKEPTICAL LEFT-WING PARLIAMENTARIANS.

7. (SBU) QUESTIONS FROM LEFT-WING PARLIAMENTARIANS REVOLVED AROUND UNSUPPORTED ASSERTIONS THAT ONLY CRIMINAL LAW WITH THE FULL PANOPLY OF LEGAL PROTECTIONS SHOULD BE APPLIED TO DETAINEES. DISPUTING THE EXISTANCE OF AN INTERNATIONALLY RECOGNIZED CATEGORY OF "ILLEGAL COMBATANT," THEY SIMULTANEOUSLY ARGUED THAT THE DETAINEES MUST BE AFFORDED PRISONER-OF-WAR STATUS. SOME ALSO ARGUED THAT HOSTILITIES IN THE WAR AGAINST TERRORISM ENDED WITH THE FALL OF THE TALIBAN AND PRESSED FOR A TIMETABLE FOR EITHER RELEASING OR CHARGING

Current Class: CONFIDENTIAL

Current Class: CONFIDENTIAL  
 Current Handling: n/a  
 Document Number: 2003COPENH00525

Page: 5

Channel: n/a

GUANTANAMO DETAINEES. A FEW PARLIAMENTARIANS ALSO ACCUSED THE USG OF APPLYING SEPARATE RULES TO AMERICAN AND FOREIGN DETAINEES IN THE WAR AGAINST TERRORISM. AMB. PROSPER REITERATED THAT THE DETAINEES WERE TAKEN FROM THE TERRORIST

CONFIDENTIAL

PAGE 03 COPENH 00525 02 OF 03 121758Z  
 BATTLEFIELD AND ARE BEING HELD UNDER THE LAWS OF WAR, NOT PURSUANT TO CRIMINAL STATUTE. HE ALSO SAID THE USG HAS NO DESIRE TO KEEP IN CUSTODY DETAINEES ANY LONGER THAN IS NECESSARY, NOTING THE USG INTENTION TO MOVE AS MANY PRISONERS AS POSSIBLE INTO JUDICIAL PROCEEDINGS AND TO RELEASE ANY PERSONS THAT POSE NO FURTHER THREAT.

-----  
 DIALOGUE WITH NGOS  
 -----

8. (SBU) DURING A MEETING WITH THE SECRETARY GENERAL OF THE DANISH RED CROSS AND A BREAKFAST ROUNDTABLE WITH LOCAL REPRESENTATIVES OF AMNESTY INTERNATIONAL, THE DANISH CENTER FOR HUMAN RIGHTS, THE INTERNATIONAL REHABILITATION COUNCIL FOR TORTURE VICTIMS, AND THE REHABILITATION AND RESEARCH CENTER FOR TORTURE VICTIMS, PROSPER ADDRESSED QUESTIONS REGARDING TREATMENT AND LEGAL STATUS OF THE GUANTANAMO DETAINEES. ANSWERING A COMMON CONCERN ABOUT IGNORING THE GENEVA CONVENTIONS, HE EXPLAINED THAT WHILE THE DETAINEES' "UNLAWFUL COMBATANT" STATUS DENIED THEM POWS' BENEFITS SUCH AS PAY, RANK, AND THE RIGHT TO HOLD MEETINGS, THEY WERE RECEIVING ALL OTHER TREATMENT PROTECTIONS IN THE SPIRIT OF THE GENEVA CONVENTIONS.

9. (SBU) THE NGO REPRESENTATIVES ARGUED THAT SUBSEQUENT TO THE FALL OF THE TALIBAN REGIME IN OCTOBER 2002, DETAINEES SHOULD HAVE BEEN EITHER RELEASED OR SUBJECTED TO CRIMINAL PROCEEDINGS. PROSPER EXPLAINED THAT AL QAEDA HOSTILITIES CONTINUE IN AFGHANISTAN AND AROUND THE GLOBE, AND THEREFORE THE USG HAD BOTH A RIGHT UNDER THE LAWS OF WAR AND A

CONFIDENTIAL

PAGE 04 COPENH 00525 02 OF 03 121758Z  
 RESPONSIBILITY TO CONTINUE DETAINING PERSONS UNTIL THE FIGHT AGAINST TERRORISM NO LONGER CONSTITUTED AN ARMED CONFLICT. THE NGO REPS ALSO RAISED CONCERNS ABOUT REPORTS OF ALLEGED TORTURE AT BAGRAM AIRBASE, AS WELL AS GUANTANAMO. AMNESTY ASKED SPECIFICALLY ABOUT DENIAL OF ICRC ACCESS TO A SECOND FLOOR OF A FACILITY AT BAGRAM, WHILE IRCT SAID IT WAS AS CONCERNED ABOUT THE POTENTIAL USE OF PSYCHOLOGICAL TORTURE AND SLEEP DEPRIVATION AS IT IS ABOUT PHYSICAL MEANS OF

Current Class: CONFIDENTIAL

Page: 5

Current Class: CONFIDENTIAL  
Current Handling: n/a  
Document Number: 2003COPENH00525

Channel: n/a

TORTURE.

10. (SBU) PROSPER ASSURED THE NGO REPS THAT THE USG IS NOT USING TORTURE AND NOTED THAT THE ICRC HAS NOT RAISED ANY ACCESS ISSUES. RESPONDING TO THE ARGUMENT THAT POW STATUS DENIAL COULD ONLY BE MADE BY A TRIBUNAL, PROSPER POINTED OUT THAT THIS ONLY APPLIED IN CASES OF DOUBT THAT DID NOT EXIST VIS-A-VIS DETAINEES WHO CLEARLY DO NOT FULFILL THE CRITERIA OF LAWFUL COMBATANTS. TO THE CONCERN THAT DETAINEES WERE THUS BEING JUDGED COLLECTIVELY, PROSPER NOTED THAT EVERY DETAINEE HAD BEEN VETTED INDIVIDUALLY. HE EXPLAINED THAT WHILE CRIMINAL PROSECUTIONS WOULD NOT BEGIN UNTIL THE WAR WAS OVER, THE US CONTINUED TO RELEASE DETAINEES AS ONGOING INVESTIGATIONS DETERMINED THEM TO POSE NO SECURITY THREAT.

-----  
MEDIA REACTION  
-----

CONFIDENTIAL

CONFIDENTIAL PTQ8583

PAGE 01 COPENH 00525 03 OF 03 121758Z  
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	DOTE-00	PERC-00	SRPP-00
	DS-00	EAP-00	EB-00	EUR-00	FAAE-00	FBIE-00	VC-00
	TEDE-00	INR-00	INSE-00	IO-00	L-00	CAC-00	VCE-00
	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	SP-00	SSO-00	SS-00	STR-00	TRSE-00
	T-00	USIE-00	USSS-00	ASDS-00	ECA-00	PMB-00	DSCC-00
	PRM-00	DRL-01	G-00	NFAT-00	SAS-00	/010W	

-----434533 121758Z /38

P 121750Z MAR 03  
FM AMEMBASSY COPENHAGEN  
TO SECSTATE WASHDC PRIORITY 7621  
INFO NATO EU COLLECTIVE PRIORITY  
JOINT STAFF WASHDC PRIORITY  
SECDEF WASHINGTON DC PRIORITY

C O N F I D E N T I A L SECTION 03 OF 03 COPENHAGEN 000525

E.O. 12958: DECL: 03/11/2013  
TAGS: PREL, PTER, PHUM, DA  
SUBJECT: GUANTANAMO DETAINEES: AMBASSADOR PROSPER'S  
COPENHAGEN CONSULTATIONS

Current Class: CONFIDENTIAL

Current Class: CONFIDENTIAL  
Current Handling: n/a  
Document Number: 2003COPENH00525

Page: 7

Channel: n/a

11. (U) AMB. PROSPER SPOKE FREELY TO THE PRESS BEFORE AND AFTER MANY OF HIS MEETINGS, AND HIS VISIT RECEIVED SIGNIFICANT DANISH MEDIA COVERAGE. PROSPER ALSO DID AN  
CONFIDENTIAL

PAGE 02 COPENH 00525 03 OF 03 121758Z  
EXCLUSIVE INTERVIEW WITH COPENHAGEN'S LEADING DAILY AND TAPED A TELEVISION INTERVIEW WITH ONE OF DENMARK'S FOREMOST TELEVISION NEWS PROGRAMS. PRESS REPORTING FROM LEFT-LEANING MEDIA SOURCES STRESSED THAT PROSPER DID NOT MAKE ANY NEW, PUBLIC REVELATIONS REGARDING THE DANISH DETAINEE AND DID NOT OFFER A SPECIFIC TIMETABLE FOR POSSIBLY BRINGING CRIMINAL CHARGES AGAINST HIM. THE MORE MAINSTREAM AND CONSERVATIVE PRESS EMPHASIZED THAT PROSPER SAID THAT THE DETAINEES AT GUANTANAMO WERE PICKED UP BECAUSE THEY WERE ACTIVELY ENGAGED IN HOSTILITIES AND REMAIN IN CUSTODY BECAUSE THEY STILL MAY POSE A THREAT TO INTERNATIONAL SECURITY.

12. (U) AMB. PROSPER DID NOT HAVE AN OPPORTUNITY TO CLEAR THIS CABLE BEFORE DEPARTING COPENHAGEN.  
BERNSTEIN

CONFIDENTIAL

&lt;&lt; END OF DOCUMENT &gt;&gt;

Current Class: CONFIDENTIAL

Page: 7

DOS-002628

UNCLASSIFIED