

UNCLASSIFIED

Page: 1

X33

Current Class: UNCLASSIFIED

Current Handling: n/a

Document Number: 2003STATE164174

Channel: n/a

<<<>>>

RELEASED IN PART
B7(A), B7(C), B6

ORIGIN SWCI-00

INFO	LOG-00	NP-00	AMAD-00	CIAE-00	INL-00	DODE-00	DOTE-00
	DS-00	EAP-00	EB-00	EUR-00	FAAE-00	FBIE-00	UTED-00
	TEDE-00	INR-00	JUSE-00	L-00	NSAE-00	NSCE-00	PA-00
	TFBI-00	PM-00	P-00	SCT-00	SSO-00	SS-00	TEST-00
	ASDS-00	PMB-00	DSCC-00	PRM-00	DRL-01	SAS-00	/001R

164174

SOURCE: KODAKA.016032

DRAFTED BY: S/WCI:RMILLER -- 06/13/03 (202) 647-5093

APPROVED BY: S/WCI:PPROSPER

L/PM:JADOLAN P:BBRINK D:DPITTMAN EUR/UBI:PHERNANDEZ S/ES:DGRAZE

S/CT:SMOLNAR PM:GSUCHAN S/ES-CR:EHARDY S/ES-O:MJEKPUK

DESIRED DISTRIBUTION:

S/WCI, L, P, S/CT, EUR/UBI

-----7653B0 161522Z /38

O 161511Z JUN 03

FM SECSTATE WASHDC

TO AMEMBASSY LONDON IMMEDIATE

UNCLAS STATE 164174

SENSITIVE

E.O. 12958: N/A

TAGS: PTER, KAWC, PHUM, PINR, UK

SUBJECT: LETTER FROM THE SECRETARY TO [REDACTED] MP

REGARDING DETENTION OF [REDACTED] BY US AUTHORITIES

B7(A), B7(C)

1. (U) THIS IS AN ACTION MESSAGE, SEE PARA 2 - 3.

2. (SBU) BACKGROUND. ON MAY 23, 2003, [REDACTED] MP,
HOUSE OF COMMONS, WROTE TO THE SECRETARY INQUIRING ABOUT THE
HEALTH AND WELL-BEING OF TWO BRITISH CITIZENS, [REDACTED]

B7(A), B7(C)

[REDACTED] HE CLAIMS ARE IN U.S.
CONTROL AT GUANTANAMO BAY, CUBA. [REDACTED] ALSO QUESTIONS
THE UNDERLYING BASIS FOR THEIR DETENTION, AND THE FACT THAT
THEY HAVE BEEN DETAINED WITHOUT CHARGES OR BENEFIT OF LEGAL
COUNSEL OR CONSULAR ADVICE. REQUEST THAT POST DELIVER THE
SECRETARY'S RESPONSE IN PARAGRAPH 3. NO SIGNED ORIGINAL
WILL FOLLOW. END BACKGROUND.

3. (U) BEGIN TEXT OF LETTER:

DEAR [REDACTED]

B6, B7(A), B7(C)

Current Class: UNCLASSIFIED

Page: 1

UNITED STATES DEPARTMENT OF STATE
REVIEW AUTHORITY: ARCHIE M BOLSTER
DATE/CASE ID: 04 NOV 2004 200303827

UNCLASSIFIED

DOS-002690

UNCLASSIFIED

Current Class: UNCLASSIFIED
Current Handling: n/a
Document Number: 2003STATE164174

Page: 2

Channel: n/a

THANK YOU FOR YOUR LETTER EXPRESSING CONCERN
REGARDING [REDACTED]

WHO

B6, B7(A), B7(C)

ARE SAID TO BE HELD UNDER U.S. CONTROL AT THE U.S. NAVAL
BASE LOCATED AT GUANTANAMO BAY, CUBA.

THE UNITED STATES AND ITS COALITION PARTNERS ARE AT
WAR WITH THE AL QAIDA NETWORK AND REMNANTS OF THE TALIBAN
WHO CONTINUE TO SUPPORT THEM. THE AL QAIDA NETWORK TODAY
IS A MULTINATIONAL ENTERPRISE WITH OPERATIONS IN MORE
THAN 60 COUNTRIES. ACTIVE HOSTILITIES ARE ONGOING DAILY
IN AFGHANISTAN AND AROUND THE WORLD. WE CONTINUE TO
FIGHT AGAINST ENEMY COMBATANTS WHO ARE PLANNING AND
CONDUCTING ATTACKS AGAINST US. IN THIS CONTEXT,

OPERATIONAL AND SECURITY CONCERNS DO NOT ALLOW ME TO
CONFIRM OR COMMENT ON THE CIRCUMSTANCES OF CAPTURE,
TRANSFER OR DETENTION OF SPECIFIC INDIVIDUALS BELIEVED TO
BE HELD AS ENEMY COMBATANTS IN THE COURSE OF THAT
CONFLICT.

LET ME ASSURE YOU, HOWEVER, THAT PRESIDENT BUSH HAS
AFFIRMED ON ANY NUMBER OF OCCASIONS THAT AL QAIDA AND
TALIBAN DETAINEES, REGARDLESS OF THEIR LACK OF STATUS AS
POWS UNDER THE THIRD GENEVA CONVENTION OF 1949, WILL BE
TREATED CONSISTENT WITH AMERICAN VALUES AND THE
PRINCIPLES OF THE INTERNATIONAL LAW OF ARMED CONFLICT.
HE HAS DETERMINED THAT THE UNITED STATES ARMED FORCES
WILL TREAT ENEMY COMBATANTS HUMANELY AND IN A MANNER
CONSISTENT WITH THE PRINCIPLES OF THE THIRD GENEVA
CONVENTION OF 1949.

THE AUTHORITY TO DETAIN ENEMY COMBATANTS FOR THE
DURATION OF HOSTILITIES EXISTS IN LAW INDEPENDENT OF THE
CIVIL JUDICIAL OR CRIMINAL JUSTICE SYSTEM. IN THIS WAR,
AS IN EVERY WAR, ENEMY COMBATANTS HAVE NO LEGAL RIGHT TO
COUNSEL OR ACCESS TO COURTS FOR THE PURPOSE OF
CHALLENGING THEIR DETENTION WHILE HOSTILITIES ARE
ONGOING. WHILE SOME ENEMY COMBATANTS MAY FACE CRIMINAL
PROSECUTION BEFORE THE END OF HOSTILITIES, NATIONS AT WAR
TRADITIONALLY HAVE WAITED UNTIL HOSTILITIES CEASE TO
BRING SUCH CHARGES. IF AND WHEN AN ENEMY COMBATANT IS
CHARGED WITH A CRIME, HE WOULD THEN BE ENTITLED TO LEGAL
COUNSEL AND WOULD RECEIVE A FAIR TRIAL.

REGARDING VISITS TO GUANTANAMO, THE UNITED STATES
MILITARY AUTHORITIES ONLY PERMIT VISITS BY FOREIGN
OFFICIALS THAT ARE ESSENTIAL TO LAW ENFORCEMENT
OBJECTIVES OR INTELLIGENCE GATHERING.

Current Class: UNCLASSIFIED

Page: 2

UNCLASSIFIED

DOS-002691

UNCLASSIFIED

Current Class: UNCLASSIFIED
Current Handling: n/a
Document Number: 2003STATE164174

Page: 3

Channel: n/a

SINCERELY,

COLIN L. POWELL

END TEXT
POWELL

NNNN

Current Class: UNCLASSIFIED

Page: 3

UNCLASSIFIED

DOS-002692