

UNCLASSIFIED

Current Class: UNCLASSIFIED  
Current Handling: n/a  
Document Number: 2003STATE240049

Page: 1 **X44**  
Channel: n/a

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

ORIGIN EUR-00

INFO	LOG-00	NP-00	CA-01	CIAE-00	CTME-00	INL-00	DODE-00
	DS-00	MEDE-00	EAP-00	FBIE-00	UTED-00	VC-00	TEDE-00
	INR-00	L-00	VCE-00	DCP-01	NSAE-00	OCS-01	DHS-00
	EPAU-00	PA-00	TFBI-00	PER-00	P-00	SCT-00	IRM-00
	SSO-00	SS-00	TEST-00	ASDS-00	EPAE-00	DSCC-00	LBA-00
	PRM-00	DRL-00	G-00	SAS-00	SWCI-00	/003R	

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SOURCE: CBLEXCLS.002982

DRAFTED BY: [REDACTED] 08/19/2003 202-647-4361 B7(A), B7(C)  
APPROVED BY: [REDACTED]

[REDACTED]  
L/PM:JDOLAN  
S/WCI :RMILLER  
DOD/OSD: ASTACK  
DOD/PA: LBORMAN  
S/CT: MNORMAN  
D:HPITTMAN  
P:TWASIR  
DESIRED DISTRIBUTION:  
[REDACTED]

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O 191640Z AUG 03  
FM SECSTATE WASHDC  
TO AMEMBASSY [REDACTED] IMMEDIATE

UNCLAS STATE 240049

SENSITIVE

E.O. 12958: N/A  
TAGS: CJAN, PHUM, PREL, PTER, [REDACTED]  
SUBJECT: SUGGESTED TEXT FOR RESPONSE TO HEAD OF [REDACTED]

REF: [REDACTED]

SENSITIVE BUT UNCLASSIFIED, PLEASE HANDLE ACCORDINGLY.

1. REF A REQUESTED DEPARTMENT GUIDANCE FOR A RESPONSE TO THE  
MOST RECENT LETTER FROM [REDACTED]  
[REDACTED] PURPORTING TO REPRESENT [REDACTED] CITIZENS  
DETAINED AT GUANTANAMO BAY. DEPARTMENT RECOMMENDS THAT

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

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ACLU-RDI 4405 p.1

DOS-002728

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AMBASSADOR  REPLY ALONG THE FOLLOWING LINES:

I AM RESPONDING TO YOUR LETTERS OF (DATES) ON BEHALF OF FAMILY MEMBERS OF CERTAIN  NATIONALS BELIEVED TO BE HELD AS ENEMY COMBATANTS BY THE UNITED STATES DEPARTMENT OF DEFENSE AT THE GUANTANAMO BAY NAVAL STATION, CUBA.

THOSE DETAINED AT GUANTANAMO ARE ENEMY COMBATANTS. THE DEPARTMENT OF DEFENSE DOES NOT PROVIDE SPECIFIC INFORMATION ON ENEMY COMBATANTS DETAINED BY U.S. FORCES. THEY ARE BEING HELD IN ACCORDANCE WITH THE LAWS AND CUSTOMS OF WAR, WHICH PERMIT THE UNITED STATES TO HOLD ENEMY COMBATANTS AT LEAST FOR THE DURATION OF HOSTILITIES.

OPERATIONAL AND SECURITY CONCERNS DO NOT ALLOW THE UNITED STATES TO CONFIRM OR COMMENT ON THE CIRCUMSTANCES OF CAPTURE, TRANSFER, OR DETENTION OF SPECIFIC INDIVIDUALS WHO ARE HELD AS ENEMY COMBATANTS IN THE COURSE OF THIS CONFLICT.

CONSISTENT WITH USG POLICY, ALL DETAINED ENEMY COMBATANTS ARE 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. AMONG OTHER THINGS, DETAINEES ARE GIVEN: ADEQUATE FOOD, WATER, SHELTER, CLOTHING, MEDICAL TREATMENT, AND THE FREEDOM TO PRACTICE THEIR RELIGION.

ENEMY COMBATANTS POSE A SERIOUS THREAT TO THE UNITED STATES AND ITS COALITION PARTNERS. IT IS IMPORTANT THAT WE DETAIN ENEMY COMBATANTS TO PREVENT THEM FROM CONTINUING TO FIGHT AGAINST THE U.S. AND OUR PARTNERS IN THE WAR ON TERRORISM.

REPRESENTATIVES OF THE INTERNATIONAL COMMITTEE OF THE RED CROSS ARE ABLE TO VISIT ENEMY COMBATANTS AT GUANTANAMO ON A REGULAR BASIS. FOREIGN GOVERNMENT OFFICIALS ARE PERMITTED TO VISIT THEIR NATIONALS FOR SPECIFIC LAW ENFORCEMENT OR INTELLIGENCE PURPOSES. CONSULAR, FAMILY, AND ATTORNEY VISITS TO DETAINED ENEMY COMBATANTS ARE NOT PERMITTED. YOU MAY WISH TO CONTACT THE APPROPRIATE FRENCH GOVERNMENT OFFICIALS FOR FURTHER INFORMATION.

AS IN EVERY WAR, UNDER THE LAWS AND CUSTOMS OF WAR, CAPTURED ENEMY COMBATANTS HAVE NO RIGHT OF ACCESS TO COUNSEL OR THE COURTS TO CHALLENGE THEIR DETENTION. IF AND WHEN A DETAINEE IS CHARGED WITH A CRIME, HE WOULD HAVE THE RIGHT TO COUNSEL AND FUNDAMENTAL PROCEDURAL SAFEGUARDS. TO DATE, NO ENEMY COMBATANT DETAINED AT GUANTANAMO HAS BEEN

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CHARGED WITH A CRIME.

(CUSTOMARY CLOSING)  
POWELL

NNNN

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