

UNCLASSIFIED 8/16
ORIGINAL

RELEASED IN PART
B7(C)

INITIALS		
APPR:	PPR	ok
DRAFT:	RWM	ok
CLR 1:	JDO	ok
CLR 2:	BBR	ok
CLR 3:	DPI	ok
CLR 4:	PHE	ok
CLR 5:	SMO	ok
CLR 6:	GSU	info
CLR 7:	EHA	ok

S/ES *W* S/ES-O

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

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

IMMEDIATE LONDON

DECAPTIONED

NODIS

E.O. 12958: NA

TAGS: PTER, KAWC, PHUM, PINR, UK

SUBJECT: LETTER FROM THE SECRETARY TO EDWARD DAVEY MP
REGARDING DETENTION OF [REDACTED] BY US AUTHORITIES

B7(C)

1. (U) This is an action message, see para 2 - 3.

2. (SBU) Background. On May 23, 2003, Mr. Edward Davey MP, House of Commons, wrote to the Secretary inquiring about the health and well-being of two British citizens, [REDACTED]

[REDACTED] he claims are in U.S. control at Guantanamo Bay, Cuba. Mr. Davey 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.

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3. (U) Begin Text of Letter:

Dear Mr. Davey:

Thank you for your letter expressing concern regarding [REDACTED] who

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UNITED STATES DEPARTMENT OF STATE
REVIEW AUTHORITY: THEODORE SELLIN
DATE/CASE ID: 28 DEC 2004 200303827

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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.

Sincerely,

Colin L. Powell

End Text
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