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As the War on Terrorism continues, bearing sole responsibility for the detention of enemy combatants has placed inordinate strain on USG military resources. In an attempt to relieve some of this burden, the USG believes other coalition members should be willing to bear a portion of this responsibility just as they are willing to bear a portion of the actual fighting. This approach is to initiate the process of such burden-sharing by determining which officials would be most appropriate to address depending on how the USG wants to divy out the responsibility of this task.

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(T13)

NEW STUFF IS HIGHLIGHTED

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Language for families-

-- All detainees have the right to coorespondance and are given materials to use if they wish to do so with family members only and family members are permitted to send return messages to the detainees. Coorespondance with legal counsel is strictly forbidden based on the USC determination of their status as enemy combatants (elaborated below) and all coorespondance to and from detainees is subject to inspection and revision if it is deemed sensitive or dangerous to the interests of the USC.

-- While we have evidence that detainees at GTMO are a threat to the USG and others, we are not in a position to address publicly the particular circumstances of the detention or the activities that led to the detention of any of the individuals at Guantanamo.

-- Individuals detained in Guantanamo are enemy combatants captured in connection with an on-going armed conflict and related attacks against the United States, its citizens and citizens of numerous other nations. Enemy combatants continue to pose a serious security threat to U.S. and Coalition partners. 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.

-- The United States is treating these individuals humanely and in a manner consistent with the principles of the Third Geneva Convention of 1949. Representatives of the International Committee of the Red Cross are at Guantanamo Bay and meet with detainees individually and privately.

-- All detainees are provided three meals a day that meet Muslim dietary laws (if desired), as well as medical care, clothing, shelter, showers, and opportunities to worship.

-- Under the law of armed conflict, captured enemy combatants have no right to counsel or to 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.

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-- To date, no detainee at Guantanamo has been charged with a crime.

--in response to the question of any detainee's right and opportunity to coorespond via written letter with family members.

Language for further government-to-government dialogue on future disposition of Bahraini detainees (not for disclosure to families or public)

-- Let me assure you that the United States does not intend to keep anyone at Guantanamo any longer than necessary. Rather, it is the intention of the United States Government to transfer detainees to their home country or other appropriate destinations once control by the USG is no longer necessary.

-- With respect to the prospects of bringing legal action in US Courts, the United States maintains that U.S. courts do not have jurisdiction to consider challenges to the detention of alien enemy combatants at Guantanamo. This is our legal position in judicial proceedings whenever the issue is raised.

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