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DEPARTMENT OF STATE  
EXECUTIVE SECRETARIAT  
TRANSMITTAL FORM

United States **RELEASED IN FULL**

Washington, D.C. 20520

SE 2

S/S 200222405  
DATE April 2, 2003

FOR: Ms. Anne Crowther  
Director, Agency Liaison  
Room 592 EEOB  
The White House

REFERENCE:

TO: President Bush  
FROM: Mr & Mrs. Sturtevant  
DATE: January 31, 2002  
SUBJECT: Administration's policy with respect to the detention of enemy combatants captured in Afghanistan.

WH Referral Dated:  
NSC ID# (if any): WHB233782

         The attached item was sent directly to Department of State.

ACTION TAKEN:

- A draft reply is attached.
- A draft reply will be forwarded.
- A translation is attached.
- X   An information copy of a direct reply is attached.
- We believe no response is necessary for the reason cited below.
- The Department of State has no objection to the proposed travel.
- Other (see remarks).

REMARKS: Drafted: SA/PAB: JmcNaught, 79552 04/02/03  
Cleared: SA/PAB: JFeierstein

*[Handwritten Signature]*  
Office of the  
Executive Secretary

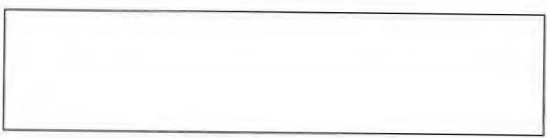
UNITED STATES DEPARTMENT OF STATE  
REVIEW AUTHORITY: SHARON E AHMAD  
DATE/CASE ID: 30 DEC 2009 200900076 ~~UNCLASSIFIED~~ UNCLASSIFIED

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B6 April 2, 2003



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Dear Mr. and Mrs. Sturtevant:

Thank you for your letter of January 31, 2002, expressing concern over the Administration's policy with respect to the detention of enemy combatants captured in the armed conflict in Afghanistan. Please accept our apology for the inexcusable delay in our reply.

The United States is a strong supporter of the 1949 Geneva Convention Relative to the Treatment of Prisoners of War (POWs). Although Afghanistan is a party to the Geneva Conventions, the President determined that the members of the Taliban who were detained did not meet the conditions for being considered POWs under that Convention. The President concluded that Al Qaida is an international terrorist group and cannot be considered a state party to the Geneva Conventions. Its members are therefore not entitled to POW status under the Geneva Convention on POWs. Nonetheless, the President made it clear that captured individuals were to be treated humanely, and in a manner consistent with the principles of the Geneva Convention on POWs. This demonstrates the Administration's clear commitment to the principles of the Geneva Conventions. A number of these detainees are senior al-Qaida operatives or others committed to killing Americans and others. They have been, and will continue to be, questioned aggressively in order to protect the lives of Americans and others. The United States does not permit, tolerate, or condone torture. Torture is a violation of U.S. law. Allegations of torture are thoroughly investigated. Enemy combatants detained in U.S. control are treated consistent with applicable United States law and international law against torture, without regard to the conduct of our attackers.

The United States and its coalition partners are at war with al Qaida and its supporters. International law

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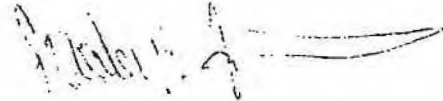
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has long recognized the rights of states to defend themselves and detain enemy combatants until the cessation of hostilities. There is broad authority under the laws and customs of war to do so, without any requirement to bring criminal charges while hostilities last. We cannot have an international legal system in which honorable soldiers who abide by the law of armed conflict and are captured on the battlefield may be detained and held until the end of hostilities, but terrorists who violate the law of armed conflict must be released and allowed to continue their belligerent, unlawful, or terrorist activities. Such a legal regime would signal to the international community that it is acceptable for armies to behave like terrorists.

I hope that you find this information of use. Again, please forgive the tardiness of the reply.

Sincerely,



Gerald Feierstein  
Director, Office of  
Pakistan, Afghanistan  
and Bangladesh Affairs

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