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INFORMATION MEMORANDUM
S/ES

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TO: The Secretary

FROM: IO – Kim R. Holmes
DRL – Lorne W. Craner

SUBJECT: UNCHR Special Procedures Seeking Access to Detainees

On June 25, the U.N. Commission on Human Rights' mechanisms collectively issued a public statement calling for several U.N. Special Rapporteurs to conduct a joint visit of persons detained or tried on grounds of alleged terrorism in Iraq, Afghanistan, and the Guantanamo Bay military base, "with a view to ascertain ... that international human rights standards are properly upheld with regard to these persons...." The rapporteurs want to present findings at the next CHR.

In circumstances where the United States detains people as a result of an ongoing international armed conflict, the United States has generally taken the position that these activities fall outside of the mandates of CHR special procedures - which do not extend to the laws and customs of war.

We have prepared press guidance to the effect that the U.S. is reviewing the Joint Statement and remains committed to complying with its obligations under applicable international law, including the law of war. We plan to further stress our disappointment that the U.S. has been singled out in this statement and that UN experts have not directed their attention to areas where their mandates would be more appropriate, such as Zimbabwe, Cuba, or North Korea.

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Drafted:

IO/SHA - Sasha Mehra x72506

Z:\HR in Iraq\S memo on SR request 062504 FINAL.doc

Cleared:

IO-MLAGON - ok

IO - JSWIGERT - ok

DRL/MLA - ASORENSEN, MBUTLER - ok

S/WCI - PPROSPER -ok

L/HRR - KGOROVE - ok

D - LREIDER - ok

P - GFROWICK - ok

L/HRR - KGOROVE/RHARRIS - ok

L/PM - JDOLAN - ok

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