

UNCLASSIFIED

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RELEASED IN PART
B7(C), B6

April 29, 2002

NotesTele

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TELEGRAM

To: No Action Addressee

Action: Unknown

From: AMEMBASSY CANBERRA (CANBERRA 850 - UNKNOWN)

TAGS: PGOV, CJAN, PTER, MOPS

Captions: None

Subject: ATTORNEY FOR AUSTRALIAN DETAINEE WRITES TO AMBASSADOR

Ref: None

UNCLAS CANBERRA 00850

CANCX:

ACTION: POL

INFO: ADM AMB DCM PAO ECON EXO

CLAN01:

INFO: DAO

DISSEMINATION: PO

CHARGE: PROG

APPROVED: DCM:MPOWENS

DRAFTED: POL:GGFERGIN

CLEARED: POL:JYOUNG

VZCZCCBA754

OO RUEHC RUEHDN

DE RUEHBY #0850 1190716

ZNR UUUUU ZZH

O 290716Z APR 02

FM AMEMBASSY CANBERRA

TO RUEHC/SECSTATE WASHDC IMMEDIATE 2782

INFO RUEHDN/AMCONSUL SYDNEY 3800

BT

UNCLAS CANBERRA 000850

SENSITIVE

FOR L/EAP - JAMES HERGEN

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E.O. 12958: N/A

TAGS: PGOV, CJAN, PTER, MOPS, AF, AS, [redacted]
SUBJECT: ATTORNEY FOR AUSTRALIAN DETAINEE WRITES TO
AMBASSADOR

B7(C)

1. On April 29 Amconsul Sydney received by fax a letter to the Ambassador from [redacted] an attorney who said he was representing [redacted] Australian citizen who, according to Australian press reports, is in U.S. custody in Afghanistan.

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2. ACTION REQUESTED: Please provide guidance on how to respond to [redacted] letter. Since [redacted] has already told the Australian press that he has sent a letter to the Ambassador requesting information on [redacted] we would appreciate guidance for an interim reply by OOB Canberra time on April 30.

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3. Following is the text of [redacted] letter:

B6

26 April 2002

Dear Ambassador,

RE: THE DETENTION OF [redacted] BY THE UNITED STATES OF AMERICA

B7(C)

We refer to the above and advise we are the solicitors acting for [redacted]

We have received correspondence from the Australian Department of Foreign Affairs and Trade and the Attorney General's Department stating that [redacted] is detained by United States Authorities at Baghram Air Force Base in Afghanistan.

Could you please advise whether [redacted] is being detained in Afghanistan or elsewhere by the U.S. Authorities?

The Prime Minister of Australia has stated publicly that it is possible that [redacted] could be transferred to Camp X-Ray, Guantanamo Bay Navel (sic) Base, Cuba. Could the U.S. Embassy please advise whether this is going to occur or of any other arrangements in relation to [redacted]

Could the U.S. Embassy also advise on what authority or covenant of international law authorizes the detention of [redacted]

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As you may understand [redacted], her children and the rest of the extended [redacted] family are greatly concerned by the detention of [redacted]. Since his detention on 5 October 2001 the [redacted] family have had absolutely no contact with [redacted]. Would the U.S. Embassy be able to make arrangements for correspondence between [redacted] and his family.

As [redacted] solicitors, we formally request a legal access visit to interview [redacted]. We are willing to give undertakings or sign a secrecy agreement not to disclose any information that may breach any issue of security in relation to information discussed with [redacted]. We are also willing to have discussions with United States Authorities in relation to what may or may not constitute a security issue and work within an agreed framework.

We are greatly concerned that [redacted] has not been given due process, natural justice and procedural fairness. We believe that the United States is a country that respects the rule of Law and would continue to do so.

We would like to work with you to ensure that the interests of justice are served.

We thank you in advance for your assistance and if you wish to discuss any of the issues raised in this correspondence please feel free to contact the write on the numbers below or on mobile telephone [redacted]

Yours sincerely,

[redacted signature box]

SCHIEFFER
BT
#0850

Additional Addressees:
None

cc:
None

Distribution:

N/A

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