

E19

<<<>>

UNCLASSIFIED PTO6383

RELEASED IN FULL

PAGE 01 GENEVA 00255 241725Z
ACTION IO-00

INFO	LOG-00	AF-00	AMAD-00	CIAE-00	DODE-00	WHA-00	SRPP-00
	EAP-00	EB-00	EUR-00	UTED-00	H-01	TEDE-00	INR-00
	L-00	NEA-00	DCP-01	NSAE-00	NSCE-00	OIC-02	OPIC-01
	PC-01	PRS-00	P-00	SP-00	SS-00	STR-00	TEST-00
	TRSE-00	USIE-00	SA-00	PRM-00	DRL-02	G-00	SAS-00

/008W

-----5CAEBB 241725Z /38

P 241716Z JAN 02
FM USMISSION GENEVA
TO SECSTATE WASHDC PRIORITY 5960
INFO USMISSION USUN NEW YORK

UNCLAS GENEVA 000255

FOR IO/SHA, H/LRR, DRL/MLA

E.O. 12958: N/A
TAGS: PHUM, UNHRC-1
SUBJECT: REQUEST FROM CHAIRMAN-RAPPORTEUR OF THE WORKING
GROUP ON ARBITRARY DETENTION

1. MISSION HAS RECEIVED A COMMUNICATION DATED JANUARY 22,
2002, FROM THE CHAIRMAN-RAPPORTEUR OF THE WORKING GROUP ON
ARBITRARY DETENTION IN THE OFFICE OF THE HIGH COMMISSIONER
FOR HUMAN RIGHTS.

2. BEGIN TEXT OF COMMUNICATION:
UNCLASSIFIED

PAGE 02 GENEVA 00255 241725Z

DEAR MR. AMBASSADOR,

THE ATTENTION OF THE WORKING GROUP ON ARBITRARY DETENTION HAS
BEEN DRAWN TO THE SITUATION OF PERSONS WHOSE DETENTION IS
RELATED WITH THE INVESTIGATIONS THAT HAVE BEEN INITIATED
FOLLOWING THE TRAGIC EVENTS THAT TOOK PLACE IN YOUR COUNTRY
ON 11 SEPTEMBER 2001.

AS YOU MAY KNOW, THE SITUATION OF PERSONS DETAINED UNDER THE
"PRISONER OF WAR" STATUS - WHO ARE COVERED BY THE GENEVA
CONVENTIONS OF 1949 - DOES NOT FALL WITHIN THE MANDATE OF THE

Current Class: UNCLASSIFIED

Page: 1

UNITED STATES DEPARTMENT OF STATE
REVIEW AUTHORITY: SHARON E AHMAD
DATE/CASE ID: 03 NOV 2004 200303827

Current Handling: n/a

Document Number: 2002GENEVA00255

Channel: n/a

WORKING GROUP ON ARBITRARY DETENTION (RESOLUTIONS 1991/42 AND 1997/50 OF THE COMMISSION ON HUMAN RIGHTS).

HOWEVER, WE HAVE OBSERVED THAT, ACCORDING TO OFFICIAL STATEMENTS, WHICH HAVE BEEN BROUGHT TO THE ATTENTION OF THE WORKING GROUP, YOUR GOVERNMENT CONSIDERS THAT THESE PERSONS DO NOT FALL INTO THE "PRISONER OF WAR" CATEGORY, AND THUS, THE GENEVA CONVENTIONS DO NOT APPLY TO THEM.

WE WOULD THEREFORE LIKE TO REQUEST YOUR GOVERNMENT TO INVITE THE WORKING GROUP FOR A VISIT TO YOUR COUNTRY IN ORDER TO EXAMINE IN SITU THE LEGAL ASPECTS OF THE PERSONS CONCERNED AND THE PROBLEMS THIS SITUATION INVOLVES, IN CLOSE COOPERATION WITH YOUR AUTHORITIES AND IN KEEPING WITH THE GROUP'S MANDATE.

GIVEN THE EXCEPTIONAL CIRCUMSTANCES DUE TO TERRORISM THAT YOUR COUNTRY FACES, AND IN LIGHT OF THE VERY BROAD SUPPORT OF THE INTERNATIONAL COMMUNITY, THE WORKING GROUP WOULD TAKE

UNCLASSIFIED

PAGE 03 GENEVA 00255 241725Z
INTO CONSIDERATION THE PROVISIONS OF SECTIONS 4 AND 15 PAR. 2 OF THE INTERNATIONAL COVENANT ON CIVIL AND POLITICAL RIGHTS, TO WHICH THE UNITED STATES OF AMERICA IS A PARTY, IN ORDER TO BE THE MOST RIGOROUS AND OBJECTIVE POSSIBLE.

I REMAIN AT YOUR ENTIRE DISPOSAL SHOULD YOU WISH TO CONTACT ME FOR ANY ADDITIONAL INFORMATION, ESPECIALLY REGARDING THE PRACTICAL ARRANGEMENTS OF THE ORGANIZATION OF SUCH A VISIT.

PLEASE ACCEPT, MR. AMBASSADOR, THE ASSURANCES OF MY HIGH CONSIDERATION.
END TEXT.

3. MISSION WILL TRANSMIT BY FAX A COPY OF THE COMMUNICATION TO IO/SHA, ATTENTION MIRTA ALVAREZ.
MOLEY

UNCLASSIFIED

<< END OF DOCUMENT >>