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CONFIDENTIAL PTQ8095

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ACTION EUR-00

INFO	LOG-00	NP-00	AMAD-00	ACQ-00	CIAE-00	INL-00	DODE-00
	DOTE-00	DS-00	EB-00	E-00	FAAE-00	FBIE-00	VC-00
	TEDE-00	INR-00	IO-00	LAB-01	VCE-00	AC-01	DCP-01
	NSAE-00	OIC-02	ACE-00	SCT-00	ASDS-01	SNIS-00	NISC-00
	DSCC-00	DRL-02	SAS-00	/008W			

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R 311848Z JAN 02
FM USMISSION USOSCE
TO SECSTATE WASHDC 9308
INFO OSCE POST COLLECTIVE 0951
USMISSION USUN NEW YORK

RELEASED IN PART
B7(A), B1, 1.4(B), 1.4(D), B7(C)

C O N F I D E N T I A L SECTION 01 OF 02 USOSCE 000133

E.O. 12958: DECL: 01/31/2012
TAGS: OSCE, PREL, PHUM, PTER
SUBJECT: OSCE/ODIHR: US FACES CRITICISM OVER GUANTANAMO,
[REDACTED] MILITARY TRIBUNALS

B1, B7(A), B7(C)

REF: STATE 017756

CLASSIFIED BY: DOUGLAS DAVIDSON, DCM; REASON 1.5 (B AND D)

1. (SBU) SUMMARY: AMBASSADOR GERARD STOUDMANN, THE DIRECTOR OF THE OSCE'S OFFICE OF DEMOCRATIC INSTITUTIONS AND HUMAN RIGHTS (ODIHR), IN BOTH PUBLIC AND PRIVATE MEETINGS THIS WEEK, INCLUDING IN HIS PRESENTATION TO THE OSCE PERMANENT CONFIDENTIAL

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COUNCIL (PC) ON JANUARY 31, CRITICIZED THE U.S. FOR "NON-IMPLEMENTATION OF INTERNATIONAL LAW" IN DETAINING AND PREPARING TO PROSECUTE NON-AMERICANS ACCUSED OF INVOLVEMENT IN TERRORIST ACTS AGAINST THE U.S. IN THE PC, NONE OF THE PARTICIPATING STATES MENTIONED THE U.S. DIRECTLY, BUT SOME DID ALLUDE TO CONCERNS REGARDING THE NON-APPLICATION OF THE GENEVA CONVENTIONS IN THE CASE OF THE GUANTANAMO DETAINEES. STOUDMANN SPECIFICALLY QUESTIONED OUR IMPLEMENTATION OF INTERNATIONAL LAW WITH REGARD TO THREE ISSUES:

-- THE GENEVA CONVENTION AS IT APPLIES TO THE DETAINEES AT GUANTANAMO BAY;

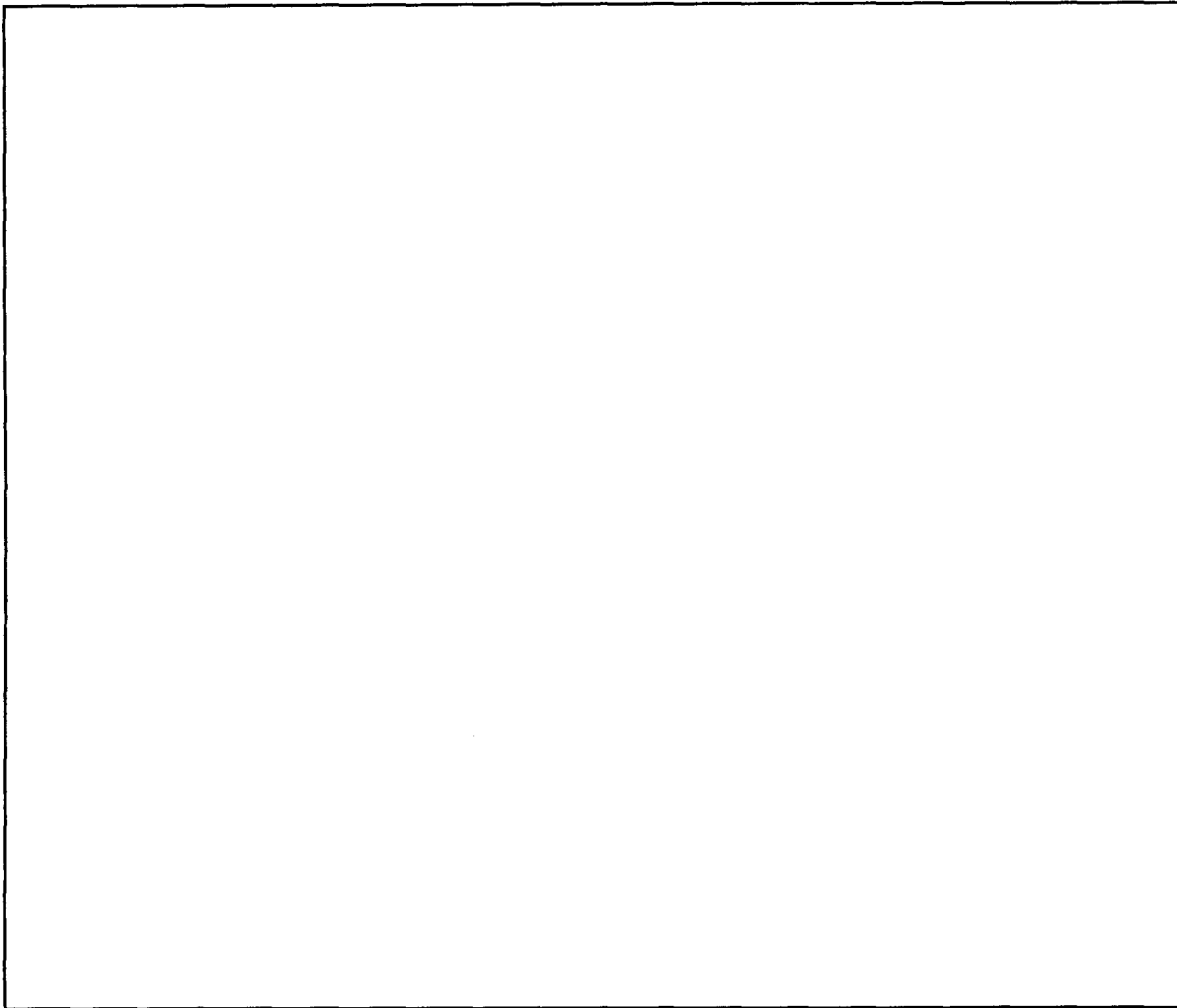
-- THE LEGAL JUSTIFICATION FOR THE TRANSFER OF THE

AND

-- THE EXECUTIVE ORDER ESTABLISHING MILITARY TRIBUNALS AND WHETHER IT IS CONSISTENT WITH THE PRINCIPLES OF NON-DISCRIMINATION AND EQUALITY BEFORE THE LAW IN THE INTERNATIONAL COVENANT ON CIVIL AND POLITICAL RIGHTS. END SUMMARY.

B1, B7(A), B7(C)





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INFO	LOG-00	NP-00	AMAD-00	ACQ-00	CIAE-00	INL-00	DODE-00
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	TEDE-00	INR-00	IO-00	LAB-01	VCE-00	AC-01	DCP-01
	NSAE-00	OIC-02	ACE-00	SCT-00	ASDS-01	EPAE-00	SNIS-00
	NISC-00	DSCC-00	DRL-02	SAS-00	/008W		

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C O N F I D E N T I A L SECTION 02 OF 02 USOSCE 000133

E.O. 12958: DECL: 01/31/2012
TAGS: OSCE, PREL, PHUM, PTER
SUBJECT: OSCE/ODIHR: US FACES CRITICISM OVER GUANTANAMO,
BOSNIAN ALGERIANS, MILITARY TRIBUNALS

PC CRITICISM FOCUSES ON [REDACTED] DETAINEES, GENEVA CONVENTION

B7(A), B7(C)

4. (SBU) IN HIS PRESENTATION TO THE PERMANENT COUNCIL
JANUARY 31, AMBASSADOR STOUDMANN AGAIN RAISED QUESTIONS ABOUT
THE U.S. RECORD ON HUMAN RIGHTS IN ITS WAR AGAINST TERRORISM.
HIS POINTS DIFFERED LITTLE FROM THOSE HE HAD MADE PRIVATELY
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TO AMBASSADOR MINIKES THE DAY BEFORE. HE DID, HOWEVER,
PUBLICLY SAY THAT HE WAS NOT QUESTIONING THE U.S.'S RIGHT TO
SELF-DEFENSE OR THE EXISTENCE OF CONCRETE THREATS TO THE U.S.
STOUDMANN WAS ESPECIALLY HARD ON THE QUESTION OF THE
LEGALITY OF THE TRANSFER OF THE SUSPECTED TERRORISTS IN
[REDACTED] STATING THAT "REQUESTS BY ODIHR FOR CLARIFICATION
REMAINED UNANSWERED." (COMMENT: OTHER POINTS MADE BY
AMBASSADOR STOUDMANN ON GENERAL HUMAN DIMENSION ISSUES WILL
BE SENT SEPTEL. END COMMENT.)

5. (SBU) SEVERAL PARTICIPATING STATES RESPONDED TO
STOUDMANN'S POINTS AND URGED STATES TO UPHOLD INTERNATIONAL
LAW AND THE GENEVA CONVENTIONS, THOUGH NONE MENTIONED THE
UNITED STATES BY NAME. MOST COMMENTS FOCUSED ON THE NEED TO
BALANCE CRITICISM OF HUMAN RIGHTS ABUSES IN THE FORMER SOVIET
UNION WITH ISSUES THAT EITHER AFFECT THE WHOLE OSCE REGION OR
THAT PART OF IT "WEST OF VIENNA".

-- THE EUROPEAN UNION (REPRESENTED BY SPAIN) AND CANADA URGED
ODIHR TO ENSURE THAT RESPECT FOR HUMAN RIGHTS AND THE
PRINCIPLES OF INTERNATIONAL LAW ARE UPHELD IN THE FIGHT
AGAINST TERRORISM;

-- SWITZERLAND ARGUED THAT STATES DO NOT HAVE THE RIGHT TO
INTERPRET THE GENEVA CONVENTIONS IN THEIR OWN WAY AND VOICED
FULL AGREEMENT WITH AMBASSADOR STOUDMANN'S STATEMENT. (NOTE:
STOUDMANN IS A SWISS DIPLOMAT. END NOTE)

-- RUSSIA AND ARMENIA COMMENDED STOUDMANN FOR BEING
"BALANCED" AND FOR RAISING PROBLEMS THAT OCCUR ACROSS THE
OSCE REGION AND IN PARTICULAR HUMAN RIGHTS ISSUES "WEST OF
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VIENNA." (THE ARMENIAN AMBASSADOR, IN HIS TYPICALLY COLORFUL
FASHION, DESCRIBED THE DIVIDE AS BEING EAST AND WEST OF
"EDEN.") RUSSIA ALSO ARGUED THAT THERE ARE PLENTY OF HOTBEDS
FOR TERRORISM AND RELIGIOUS INTOLERANCE IN WESTERN COUNTRIES.

-- NORWAY ECHOED STOUDMANN'S CONCERN THAT A PERCEPTION OF NOT
FULLY UPHOLDING HUMAN RIGHTS OR THE ADHERENCE TO
INTERNATIONAL LAW IN THE FIGHT AGAINST TERRORISM CAN BE
COUNTERPRODUCTIVE AND CAN LEND SUPPORT TO THOSE WILLING TO
DEBATE OUR COMMITMENT TO OUR CORE VALUES.

-- [REDACTED] RESPONDED TO CRITICISM OF THE TRANSFER
OF DETAINEES THERE BY SAYING THAT THE ISSUE CAN ONLY BE
DISCUSSED IN A GENERAL WAY, AS NO ONE HAS ALL OF THE
NECESSARY INFORMATION. [REDACTED] PROMISED TO RESPOND TO
STOUDMANN'S CRITICISM AT A LATER DATE.

B7(A), B7(C)

-- THE CHAIRMAN-IN-OFFICE (PORTUGAL) ALSO VOICED CRITICISM,
STATING THAT ALTHOUGH THERE MAY BE A DEBATE AS TO ADAPTING
INTERNATIONAL LAW AND THE GENEVA CONVENTION, GIVEN THE NEW
CIRCUMSTANCES OF TERRORISM, WE CANNOT IGNORE THE LAWS WE HAVE
UNTIL NEW ONES ARE WRITTEN.

6. (SBU) AMBASSADOR MINIKES RESPONDED, PER REFTEL GUIDANCE,
URGING PARTICIPATING STATES TO BE PATIENT AS THE U.S.
ATTEMPTS TO DEAL WITH THE LEGAL ISSUES AT HAND. HE ASSURED
THE OSCE THAT WE BELIEVE OUR ACTIONS ARE CONSISTENT WITH THE
U.S. GOVERNMENT'S COMMITMENT TO RESPECT AND SAFEGUARD
INTERNATIONAL LAW. HE INFORMED THE PC THAT WE WOULD PROVIDE
ADDITIONAL INFORMATION AS NEW FACTS AND CONCLUSIONS BECOME
KNOWN.

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7. (C) COMMENT:

[REDACTED]

END

COMMENT.
MINIKES

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