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PTQ2871

RELEASED IN PART
B1, 1.4(D)

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ACTION AC-01

INFO	LOG-00	NP-00	AF-00	AMAD-00	ACQ-00	CIAE-00	INL-00
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O 131733Z FEB 02
FM USMISSION GENEVA
TO SECSTATE WASHDC IMMEDIATE 6393
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JOINT STAFF WASHDC IMMEDIATE
SECDEF WASHDC IMMEDIATE
USMISSION USNATO IMMEDIATE
USMISSION USUN NEW YORK IMMEDIATE
NSC WASHDC IMMEDIATE

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C O N F I D E N T I A L SECTION 01 OF 03 GENEVA 000542

L FOR TAFT/CUMMINGS/KAYE.

E.O. 12958: DECL: 02/13/2006
TAGS: PREL, PARM, MCAP
SUBJECT: ICRC MODERATES REACTION TO U.S. STATEMENT ON
GENEVA CONVENTIONS

B1

REF: A. STATE 24988
B. 01 GENEVA 4432

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UNITED STATES DEPARTMENT OF STATE
REVIEW AUTHORITY: SHARON E AHMAD
CLASSIFICATION: CONFIDENTIAL REASON: 1.4(D)
DECLASSIFY AFTER: 12 FEB 2027
DATE/CASE ID: 10 NOV 2004 200303827

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DOS-002039

CLASSIFIED BY: AMBASSADOR KEVIN E. MOLEY, FOR REASONS 1.5 (B) AND (D).

1. (C) SUMMARY. ON FEBRUARY 8TH, THE ICRC MOVED TOWARDS BUT ULTIMATELY TURNED AWAY FROM A CONFRONTATIONAL APPROACH WITH THE U.S. ON THE ISSUE OF APPLICABILITY OF THE GENEVA CONVENTIONS. HAVING EARLIER IN THE DAY PUBLICLY TAKEN EXCEPTION WITH THE U.S. STATEMENT ON THE GENEVA CONVENTION, THE ICRC SUBSEQUENTLY ISSUED A STATEMENT THAT "WELCOMED THE REAFFIRMATION BY THE U.S. THAT THE GENEVA CONVENTION APPLIES TO THE INTERNATIONAL ARMED CONFLICT IN AFGHANISTAN." IT ALSO AVOIDED ANY FORMAL PRONOUNCEMENT ON A "PRESUMPTION" OF PRISONER OF WAR (POW) STATUS AND REFERRED ONLY TO "DIVERGENT VIEWS" ON "PROCEDURES WHICH APPLY ON HOW TO DETERMINE STATUS."

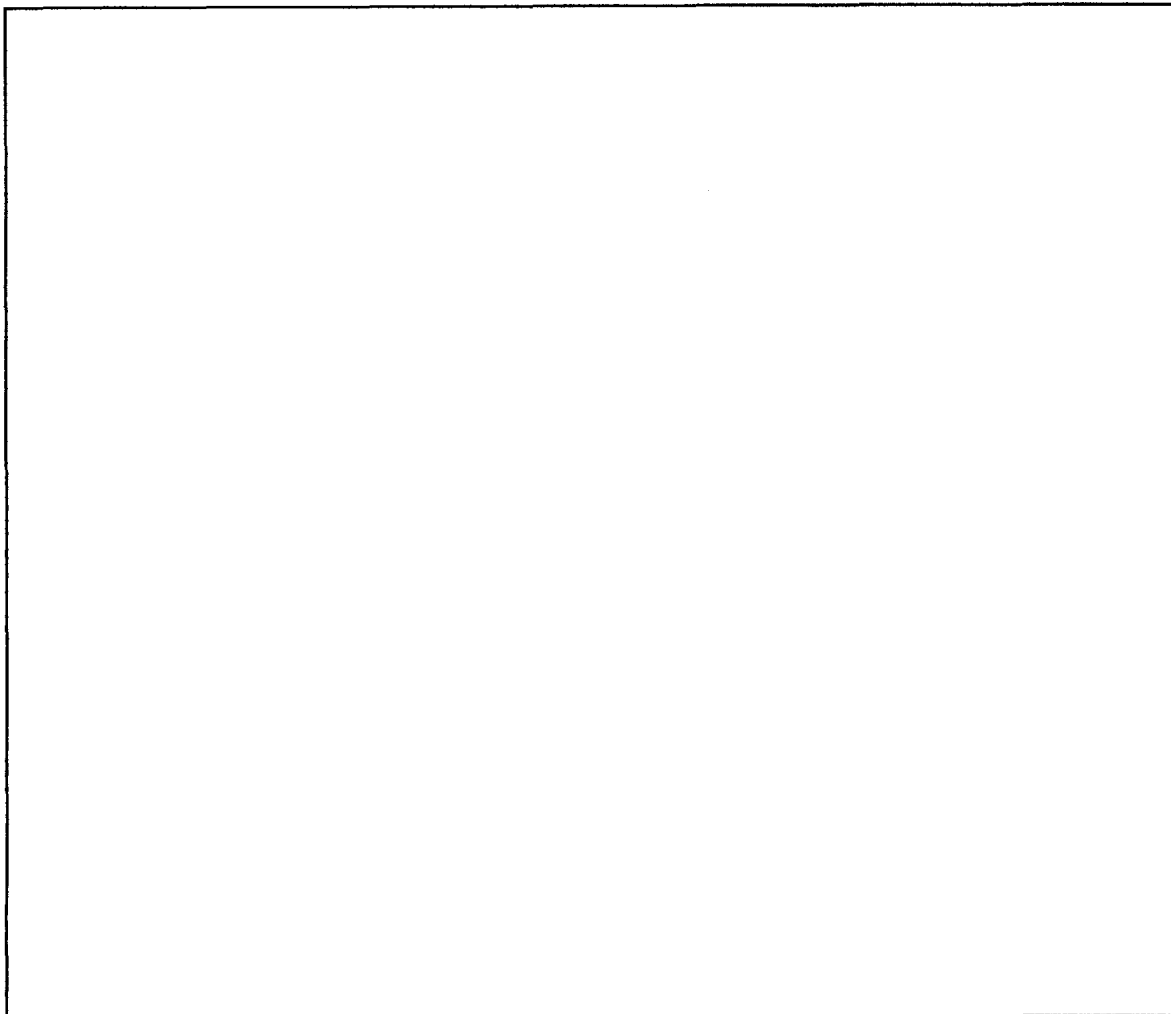
2. (C) THE ICRC'S MODERATED POSITION, COUPLED WITH A TEMPERATE PUBLIC REACTION FROM THE OFFICE OF THE HIGH COMMISSIONER FOR HUMAN RIGHTS (SPECIFICALLY THAT THE U.S. DECISION "COULD BE A STEP FORWARD"), SUGGESTS THAT THE PUBLIC POSTURE OF KEY GENEVA INSTITUTIONS WITH RESPECT TO THE STATUS

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OF US-HELD DETAINEES IS TAKING ON A LESS CONTROVERSIAL TONE
AT LEAST FOR THE MOMENT.

END SUMMARY.

3. (U) EARLY IN THE DAY OF FEBRUARY 8TH, THE ICRC, REACTING THROUGH A SPOKESPERSON TO THE FEB 7TH WHITE HOUSE STATEMENT ON THE APPLICABILITY OF THE GENEVA CONVENTION (REF A), TOLD THE PRESS IN ON-THE-RECORD REMARKS THAT THE GUANTANAMO DETAINEES ARE POWS UNDER THE GENEVA CONVENTIONS, DESPITE THE U.S. "DECISION" OF FEBRUARY 7TH. ACCORDING TO A REUTER'S REPORT, THE ICRC SPOKESPERSON SAID "(T)HEY WERE CAPTURED IN COMBAT (AND) WE CONSIDER THEM PRISONERS OF WAR."



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ACTION AC-01

INFO	LOG-00	NP-00	AF-00	AMAD-00	ACQ-00	CIAE-00	INL-00
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FM USMISSION GENEVA
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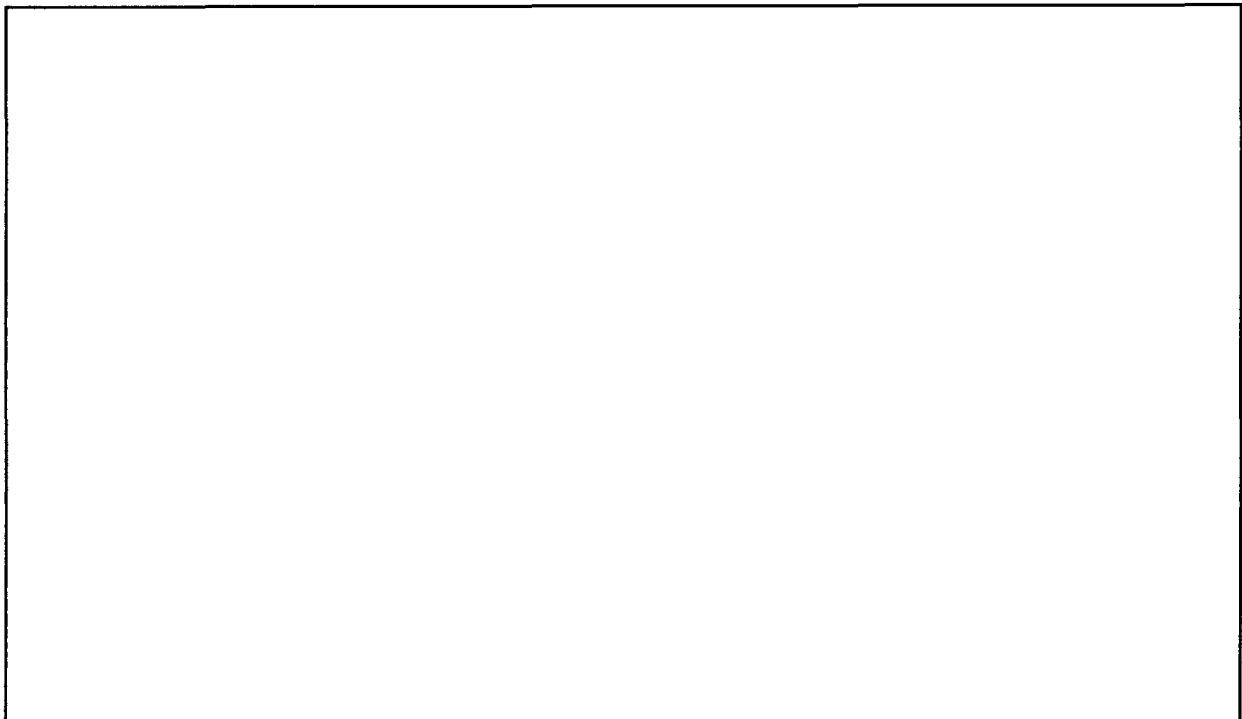
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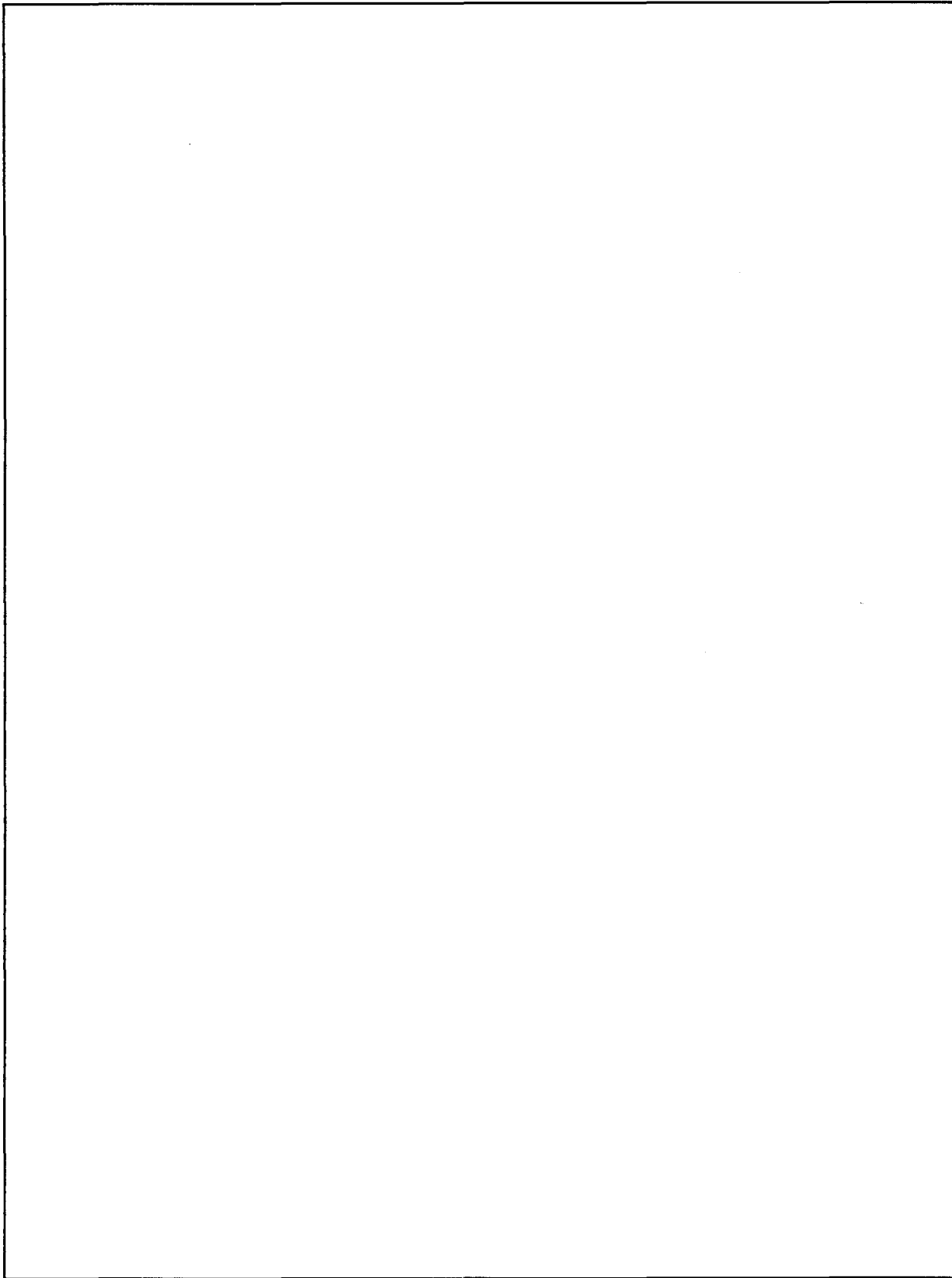
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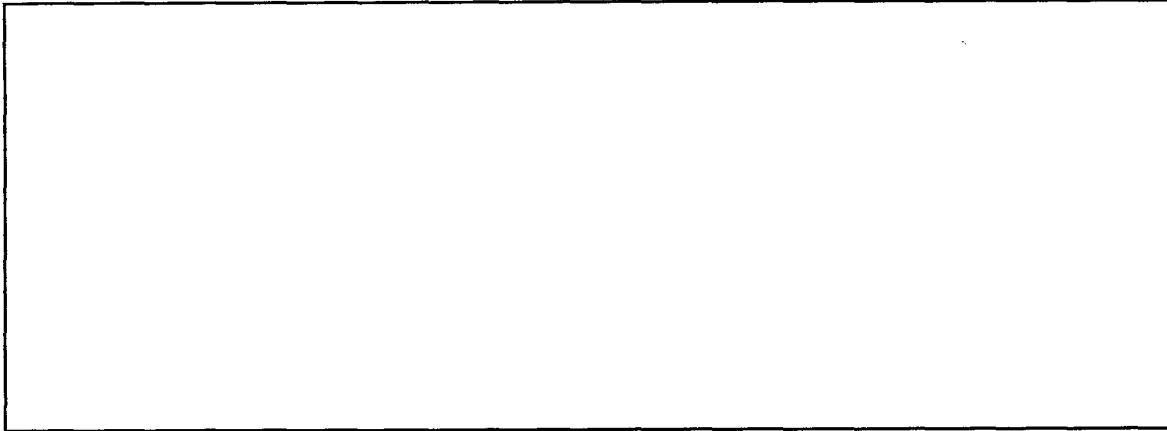
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C O N F I D E N T I A L SECTION 02 OF 03 GENEVA 000542

L FOR TAFT/CUMMINGS/KAYE.

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	DSCC-00	DRL-02	SAS-00	/008W			

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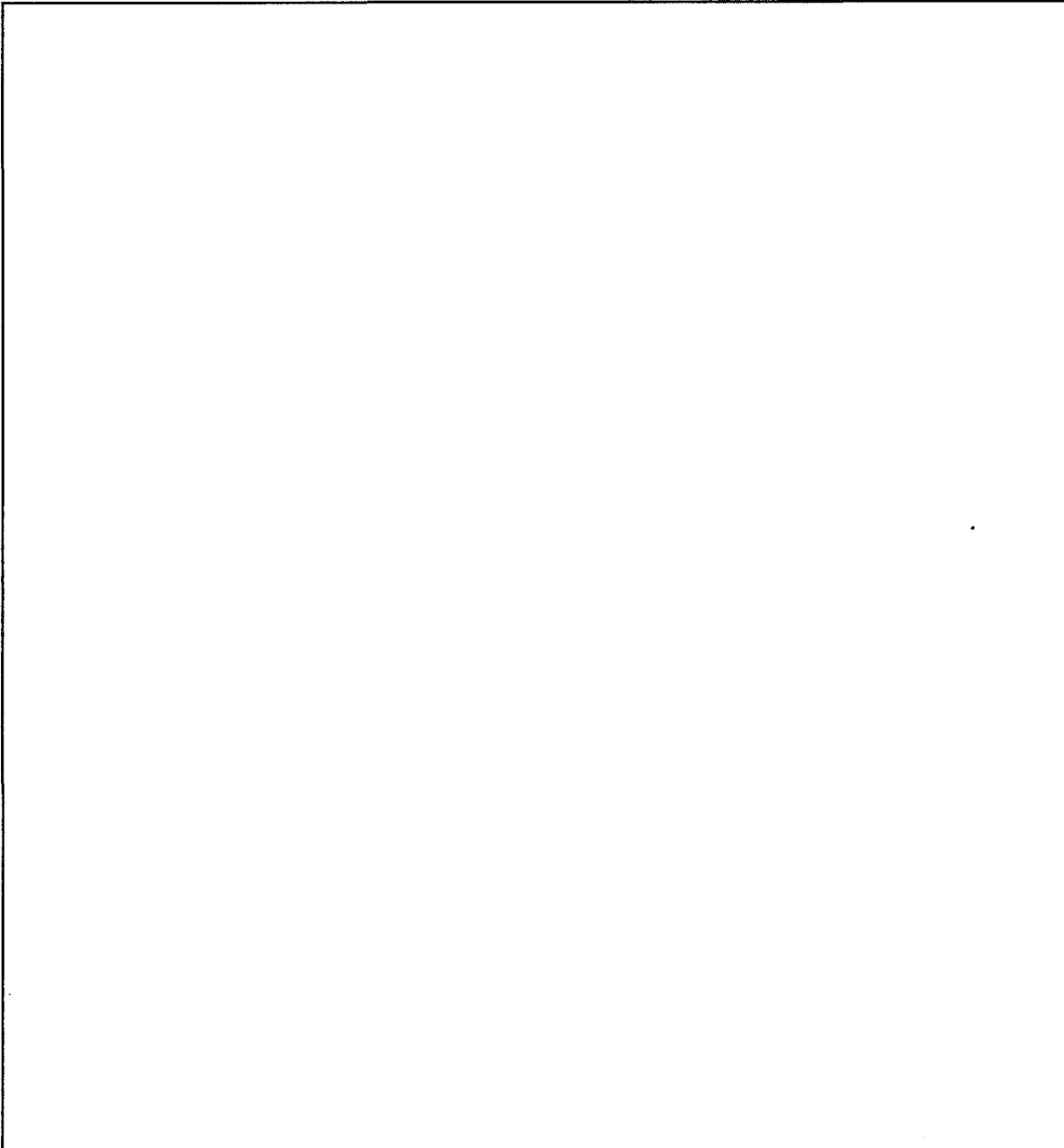
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C O N F I D E N T I A L SECTION 03 OF 03 GENEVA 000542

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