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| INFO | LOG-00  | NP-00   | AID-00  | AMAD-00 | A-00    | ACQ-00  | CA-01   |
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|      | DOEE-00 | DOTE-00 | SRPP-00 | DS-00   | EB-00   | EUR-00  | FAAE-00 |
|      | FBIE-00 | UTED-00 | VC-00   | H-01    | TEDE-00 | INR-00  | INSE-00 |
|      | JUSE-00 | L-00    | VCE-00  | M-00    | AC-01   | NRCE-00 | NSAE-00 |
|      | NSCE-00 | OCS-03  | OMB-01  | PA-00   | PER-00  | PM-00   | PRS-00  |
|      | ACE-00  | P-00    | SCT-00  | SP-00   | IRM-00  | SSO-00  | SS-00   |
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TAGS: PREL, PTER, KAWC, KJUS, UK  
SUBJECT: RESPONSE TO INQUIRIES ON GUANTANAMO DETAINEES

REF: (A) LONDON 412 (B) LEADER-CWG-PM E-MAIL 6/21

1. (U) IN RESPONSE TO REF A INQUIRY FROM MP DAVIES REGARDING A UK CITIZEN DETAINED IN GUANTANAMO, POST IS AUTHORIZED TO PROVIDE THE INTERAGENCY CLEARED RESPONSE IN PARAGRAPH 2. TO RESPOND TO REF B LETTER AND SIMILAR INQUIRIES FROM LAWYERS REPRESENTING THE FAMILIES OF

DETAINEES, POST SHOULD USE INTERAGENCY CLEARED LANGUAGE IN PARAGRAPHS 2 AND 3 AS APPROPRIATE AND RESPONSIVE TO SPECIFIC POINTS. DEPARTMENT HAS SHARED THESE POINTS INFORMALLY WITH THE BRITISH EMBASSY. EMBASSY SHOULD ALSO SHARE RESPONSES TO THESE INQUIRIES WITH APPROPRIATE UK GOVERNMENT OFFICIALS.

2. (SBU) GUIDANCE FOR RESPONSE

-- WE ARE NOT IN A POSITION TO ADDRESS THE PARTICULAR CIRCUMSTANCES OF ANY OF THE INDIVIDUALS DETAINED AT GUANTANAMO BAY.

--INDIVIDUALS DETAINED AT GUANTANAMO ARE ENEMY COMBATANTS CAPTURED IN CONNECTION WITH AN ON-GOING ARMED CONFLICT AND ARE HELD IN THAT CAPACITY UNDER THE CONTROL OF US MILITARY AUTHORITIES.

--ENEMY COMBATANTS POSE A SERIOUS THREAT TO THE UNITED STATES AND ITS COALITION PARTNERS.

-- THEY ARE BEING HELD IN ACCORDANCE WITH THE LAWS AND  
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CUSTOMS OF WAR, WHICH PERMIT THE UNITED STATES TO HOLD ENEMY COMBATANTS AT LEAST FOR THE DURATION OF HOSTILITIES.

--THE UNITED STATES IS TREATING THESE INDIVIDUALS HUMANELY AND IN A MANNER CONSISTENT WITH THE PRINCIPLES OF THE THIRD GENEVA CONVENTION OF 1949. REPRESENTATIVES OF THE INTERNATIONAL COMMITTEE FOR THE RED CROSS ARE AT GUANTANAMO BAY AND MEET WITH DETAINEES INDIVIDUALLY AND PRIVATELY.

-- UNDER INTERNATIONAL HUMANITARIAN LAW, CAPTURED ENEMY COMBATANTS HAVE NO RIGHT OF ACCESS TO COUNSEL OR THE COURTS TO CHALLENGE THEIR DETENTION. IF AND WHEN A DETAINEE IS CHARGED WITH A CRIME, HE WOULD HAVE THE RIGHT TO COUNSEL AND FUNDAMENTAL PROCEDURAL SAFEGUARDS. TO DATE, NO DETAINEE AT GUANTANAMO HAS BEEN CHARGED WITH ANY PARTICULAR CRIME.

-- THE UNITED STATES MAINTAINS THAT ACCESS TO COUNSEL BY ENEMY COMBATANTS WOULD DIRECTLY INTERFERE WITH THE ONGOING EFFORTS OF THE UNITED STATES TO GATHER AND EVALUATE INTELLIGENCE ABOUT THE ENEMY, ITS ASSETS, AND ITS PLANS. SUCH INTELLIGENCE IS CRITICAL TO THE CONDUCT OF THE WAR EFFORT, TO THE PROTECTION OF AMERICAN AND COALITION LIVES AND INTERESTS IN THAT EFFORT, AND THE PREVENTION OF FURTHER ATTACKS AGAINST THE UNITED STATES AND ITS COALITION PARTNERS. THIS IS OUR LEGAL POSITION IN JUDICIAL PROCEEDINGS WHENEVER THE ISSUE IS RAISED.

3. (SBU) IN RESPONSE TO CONCERNS IN THE LETTER FROM ATTORNEY  
[REDACTED] (REF B) ON BEHALF OF THE [REDACTED] FAMILY  
REGARDING THE DELIVERY OF MAIL, POST SHOULD INCLUDE IN ITS  
RESPONSE THE FOLLOWING INTERAGENCY CLEARED GUIDANCE ON THAT  
POINT:

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-- INDIVIDUALS DETAINED AT GUANTANAMO ARE ALLOWED TO RECEIVE AND  
SEND PERSONAL MAIL, SUBJECT TO SCREENING FOR SECURITY AND  
OPERATIONAL PURPOSES. NOT ALL DETAINEES, HOWEVER, HAVE BEEN  
SENT MAIL, AND NOT ALL ELECT TO WRITE LETTERS HOME. FOR  
OPERATIONAL REASONS, WE ARE NOT IN A POSITION TO PROVIDE  
INFORMATION CONCERNING THE EXTENT TO WHICH SPECIFIC PIECES OF  
MAIL HAVE GOTTEN OR WILL GET THROUGH TO A PARTICULAR DETAINEE.  
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