

Current Class: CONFIDENTIAL  
Current Handling: n/a  
Document Number: 2003STOCKH00654

Channel: n/a

RELEASED IN PART

B1, 1.4(B), 1.4(D), B6, B7(A), B7(C)

<<<>>>

ACTION SCT-00

INFO	LOG-00	NP-00	AID-00	A-00	CCO-00	CG-00	CIAE-00
	COME-00	CTME-00	INL-00	DOEE-00	DOTI-00	PERC-00	SRPP-00
	DS-00	EB-00	EUR-00	FAAE-00	FBIE-00	VC-00	TEDE-00
	INR-00	INSE-00	IO-00	LAB-01	L-00	CAC-00	VCE-00
	MED-07	M-00	AC-01	DCP-01	NRCE-00	NSAE-00	NSCE-00
	OCS-03	OIC-02	OMB-01	DHS-00	OPIC-01	PA-00	PM-00
	PRS-00	ACE-00	P-00	SSO-00	SS-00	STR-00	TRSE-00
	T-00	USIE-00	USSS-00	ASDS-00	PMB-00	DSCC-00	PRM-00
	DRL-01	G-00	NFAT-00	SAS-00	SWCI-00	/018W	

-----4C8C46 281830Z /38

R 281754Z MAR 03  
FM AMEMBASSY STOCKHOLM  
TO SECSTATE WASHDC 3220  
INFO NATO EU COLLECTIVE  
SECDEF WASHDC  
JOINT STAFF WASHDC

C O N F I D E N T I A L SECTION 01 OF 05 STOCKHOLM 000654

STATE FOR EUR, EUR/NB, S/WCI, L, T

E.O. 12958: DECL: 03/14/2013  
TAGS: PREL, PTER, PHUM, KAWC, KJUS, SW  
SUBJECT: GUANTANAMO DETAINEES: AMBASSADOR PROSPER'S  
STOCKHOLM CONSULTATIONS

REF: COPENHAGEN 525

CLASSIFIED BY: DCM BETSY L. ANDERSON. REASONS 1.5 (B) AND (D).

SUMMARY

1. (C) DURING A MARCH 12-13 VISIT TO STOCKHOLM, U.S. AMBASSADOR-AT-LARGE FOR WAR CRIME ISSUES PIERRE PROSPER MET WITH SENIOR SWEDISH OFFICIALS, PARLIAMENTARIANS, THE PRESS, LEGAL EXPERTS, [REDACTED] PROSPER REFUTED ARGUMENTS THAT THE U.S. WAS ACTING OUTSIDE INTERNATIONAL LAW, STRESSING THAT U.S. DETENTIONS ON GUANTANAMO WERE CONSISTENT WITH THE LAWS OF WAR, AND THAT "ILLEGAL COMBATANT" STATUS WAS A LONG-RECOGNIZED CONCEPT SUPPORTED BY THE HAGUE AND GENEVA CONVENTIONS. [REDACTED]

B1, B6, B7(A), B7(C)

B1

Current Class: CONFIDENTIAL

Page: 1

UNITED STATES DEPARTMENT OF STATE  
REVIEW AUTHORITY: ARCHIE M BOLSTER  
DATE/CASE ID: 04 NOV 2004 200303827

B1

[REDACTED]

AT A LUNCH WITH MEMBERS OF THE PRESS AND A SERIES OF INTERVIEWS, AMBASSADOR PROSPER WAS QUESTIONED ABOUT CONDITIONS OF DETENTION (INCLUDING TORTURE), THE U.S. DEFINITION OF THE DURATION OF HOSTILITIES, AND WHAT KIND OF COOPERATION WAS SOUGHT FROM DETAINEES.

B1, B6, B7(A), B7(C)

[REDACTED]

COMBINED WITH PLACEMENT OF AMB. PROSPER'S OP-ED PIECE IN PROMINENT STOCKHOLM DAILIES THE DAY OF THE VISIT -- AND INTENSE POLITICAL AND PRESS INTEREST IN THE SUBJECT -- HELPED ENSURE A HIGH MEDIA PROFILE FOR THE VISIT. END SUMMARY.

S/WCI MESSAGE ON THE LEGAL BASIS FOR GUANTANAMO DETENTIONS  
-----

2. (SBU) ON MARCH 13, AMBASSADOR-AT-LARGE FOR WAR CRIMES ISSUES PIERRE-RICHARD PROSPER HELD SEVERAL MEETINGS WITH SWEDISH GOVERNMENT OFFICIALS, LEGISLATORS, INTERNATIONAL LEGAL EXPERTS, THE PRESS, [REDACTED]

B6, B7(A), B7(C)

[REDACTED] IN HIS MEETINGS AMBASSADOR PROSPER LAID OUT THE FOLLOWING POINTS:

-- THE U.S. IS ACTING IN FULL ACCORD WITH INTERNATIONAL LAW. MANY CRITICS OF U.S. POLICY ARE ATTEMPTING TO ASSESS THE SITUATION IN THE CONTEXT OF CIVIL OR CRIMINAL LAW. HOWEVER, THE U.S. VIEWED THE SITUATION AS AN ARMED CONFLICT, WHICH MEANS THE LAWS OF WAR APPLY. UNDER THE LAWS OF WAR THE U.S. HAS THE AUTHORITY TO DETAIN ENEMY COMBATANTS UNTIL THE END OF HOSTILITIES. THE DETAINEES WILL NOT BE HELD INDEFINITELY, BUT THE U.S. ENVISIONS THAT AS MORE INFORMATION ABOUT DETAINEES IS DEVELOPED, THE DETAINEES EVENTUALLY WILL BE PROSECUTED, DETAINED UNTIL THE END OF HOSTILITIES, OR RELEASED.

-- WHILE THE DETAINEES DO NOT FULFILL THE REQUIREMENTS OF THE POW CATEGORY, THE U.S. HAS DECIDED TO ACCORD THE UNLAWFUL COMBATANTS ON GUANTANAMO THE HUMANE TREATMENT PROVIDED FOR POWS UNDER THE GENEVA CONVENTION. THIS INCLUDES EXTENSIVE MEDICAL, DENTAL, AND EYE CARE; AND THE RIGHT TO RECEIVE MAIL, TO WORSHIP, AND TO EXERCISE.

B7(A)

-- [REDACTED] ARE

Current Class: CONFIDENTIAL  
 Current Handling: n/a  
 Document Number: 2003STOCKH00654

Page: 3

Channel: n/a

CURRENTLY HELD AT GUANTANAMO. IN THAT CONTEXT, THE PROCESS OF TRYING TO DETERMINE WHO CONTINUES TO POSE A THREAT IS COMPLEX AND TIME-CONSUMING.

-- THE U.S. IS IN THE PROCESS OF DIVIDING THE DETAINEES INTO THREE CATEGORIES: (1) THOSE WHO SHOULD BE PROSECUTED BY THE U.S.; (2) THOSE WHO THE U.S. IS COMFORTABLE WITH SENDING TO THEIR HOME COUNTRY FOR PROSECUTION/DETENTION; AND (3) THOSE WHO NO LONGER POSE A THREAT AND CAN BE RELEASED OUTRIGHT.

-- IN MANY CASES, DETAINEES WERE OPENLY TELLING U.S. AUTHORITIES THAT, IF RELEASED, THEY WOULD RETURN TO THEIR TERRORIST ACTIVITIES AND ATTACK THE U.S.

-- IN OTHER CASES, DETAINEES WERE UNCOMMUNICATIVE ABOUT THEIR PAST ACTIONS AND THEIR FUTURE INTENT.

B6, B7(A), B7(C)

STOCKHOLM 00000654 002 OF 005

CONTINUING TO HOLD THE DETAINEES. BUT THE U.S. BELIEVED IT HAD A RESPONSIBILITY TO PREVENT FUTURE ATTACKS, IN THE U.S., IN EUROPE, AND AROUND THE WORLD.

-- HOSTILITIES IN THIS UNCONVENTIONAL CONFLICT ARE CONTINUING, AS EVIDENCED IN THE RECENT FIGHTING IN AFGHANISTAN AND CONTINUING TERROR ATTACKS OR DISCOVERIES OF ATTACK-PLANNING IN BALI, KENYA, THE PHILIPPINES, SPAIN, THE UK, GERMANY, AND ELSEWHERE.

-- THE U.S. WOULD NOT/NOT WAIT UNTIL THE END OF HOSTILITIES TO DETERMINE A DETAINEE'S FUTURE. A PARALLEL PROCESS FOR HANDLING THE DETAINEES THAT WOULD PROVIDE MORE CLARITY IS UNDER WAY. HOWEVER, GIVEN THE NUMBER OF PRISONERS AND THE LACK OF COOPERATION AND EVASIVENESS OF MANY, THIS WOULD TAKE TIME.

RIKSDAG FOREIGN AFFAIRS COMMITTEE: GUANTANAMO THREATENING TO AFFECT BILATERAL RELATIONSHIP

3. (SBU) MEETING WITH MEMBERS OF THE RIKSDAG (SWEDISH PARLIAMENT) FOREIGN AFFAIRS COMMITTEE AND PROFESSIONAL STAFF,

Current Class: CONFIDENTIAL

Page: 3

DOS-002644

AMBASSADOR PROSPER REVIEWED THE U.S. POSITION AS OUTLINED IN  
 PARA 2 ABOVE. [REDACTED]

B6, B7(A), B7(C)

[REDACTED] COMMITTEE CHAIRMAN [REDACTED] FROM THE RULING  
 SOCIAL DEMOCRATIC PARTY STRESSED THAT THE GOS HAD BEEN A  
 STRONG SUPPORTER OF THE U.S.-LED GLOBAL WAR ON TERROR BUT  
 THAT IT WAS DIFFICULT FOR SWEDISH POLITICIANS TO DEFEND U.S.  
 ACTIONS [REDACTED]  
 WAS ERODING OTHERWISE STRONG U.S.-SWEDISH RELATIONS.

B6

B6, B7(A), B7(C)

4. (SBU) COMMITTEE MEMBER [REDACTED] ASKED WHY THE  
 U.S. HAD CHOSEN TO KEEP THE DETAINEES AT THE CUBAN BASE AND  
 OUTSIDE THE JURISDICTION OF U.S. COURTS. [REDACTED] ASKED  
 AMBASSADOR PROSPER HOW HE RECONCILED THE U.S. POSITION THAT  
 THE DETENTIONS WERE LAWFUL WITH THE UNIFORM CONDEMNATION OF  
 THE DETENTIONS BY THE UN COMMISSIONER FOR HUMAN RIGHTS AND  
 HUMAN RIGHTS NGOS. PROSPER EXPLAINED THAT THE U.S. HAD FACED  
 SERIOUS SECURITY PROBLEMS GUARDING THE SUSPECTS IN THE TRIAL  
 AFTER THE 1993 WORLD TRADE CENTER BOMBING AND THAT IT HAD  
 MADE THE DECISION TO HOLD THE PRISONERS IN GUANTANAMO LARGELY  
 ON SECURITY GROUNDS. HE ATTRIBUTED THE DISAGREEMENT WITH  
 THE UN HIGH COMMISSIONER AND HUMAN RIGHTS GROUPS TO A BASIC  
 MISUNDERSTANDING OF THE LEGAL CONTEXT. THE U.S. WAS  
 APPROACHING THE ISSUE UNDER THE LAWS OF WAR, WHEREAS THE UN  
 AND THE NGOS WERE EVALUATING THE CASE UNDER TRADITIONAL  
 CRIMINAL LAW.

B6

B6

5. (SBU) LEFT (FORMER COMMUNIST) PARTY MEMBER [REDACTED]  
 MADE A SHARPLY-WORDED STATEMENT [REDACTED]

B6

B6, B7(A), B7(C)

[REDACTED] AND ASKED IF THE U.S. WAS USING TORTURE.  
 PROSPER FLATLY DENIED THAT TORTURE WAS BEING USED.

6. (SBU) GREEN PARTY MP [REDACTED] CHALLENGED THE LOGIC  
 OF THE U.S. POSITION, WHICH CLAIMED THAT IT WAS AT WAR WITH  
 AL QAEDA BUT DID NOT ACKNOWLEDGE ITS OPPONENTS' RIGHTS AS  
 BELLIGERENTS. PROSPER REITERATED THAT THE AL QAEDA DETAINEES  
 DID NOT MEET THE GENEVA CONVENTION CRITERIA FOR POW STATUS  
 AND THAT THE U.S. DID NOT WANT TO DEBASE INTERNATIONAL LAW BY  
 EXTENDING ITS PROTECTIONS TO THOSE WHO DO NOT OPERATE UNDER  
 THE RULES OF WAR.

B6

7. (SBU) SOCIAL DEMOCRATIC MP [REDACTED] NOTED THAT THE  
 GUANTANAMO CASE AND THE POTENTIAL WAR WITH IRAQ MERELY ADDED  
 TO THE DISTRUST OF THE U.S. RESULTING FROM U.S. POSITIONS ON  
 KYOTO, THE ICC, AND THE ISRAEL-PALESTINIAN CRISIS. HE SAID  
 HE HAD SERIOUS DIFFICULTY DEFENDING U.S. ACTIONS TO HIS  
 CONSTITUENTS.

B6

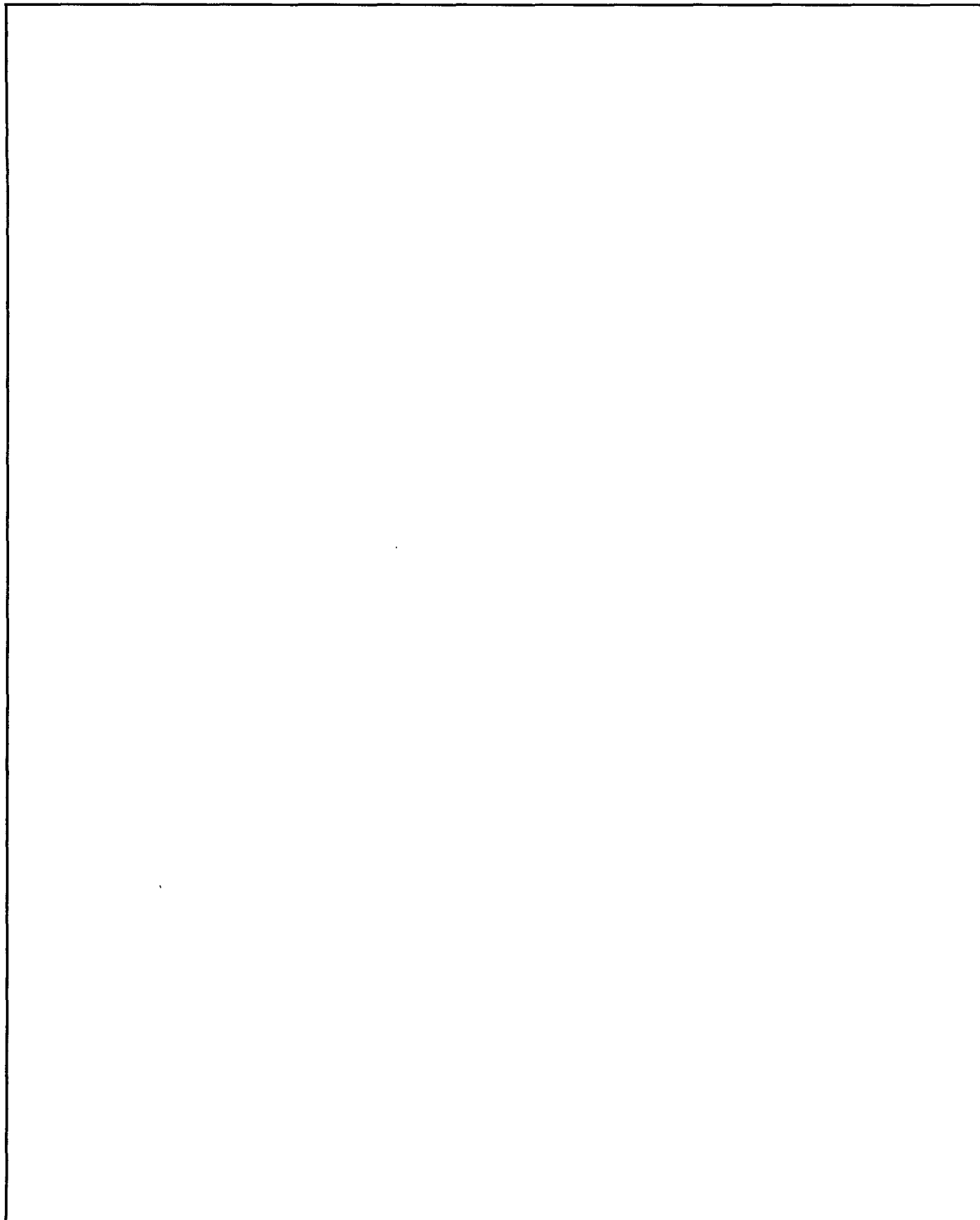
Current Class: CONFIDENTIAL  
Current Handling: n/a  
Document Number: 2003STOCKH00654

Page: 5

Channel: n/a

8. (SBU) PROSPER ASKED LEGISLATORS TO REFRAIN FROM EASY OR  
BASELESS CRITICISM OF THE U.S. HE ALSO ASKED SWEDISH  
OFFICIALS TO DEFER JUDGMENT UNTIL THE PROCESS OF EVALUATING  
THE DETAINEES IS COMPLETE.

B1, B6



Current Class: CONFIDENTIAL

Page: 5

Current Class: CONFIDENTIAL  
Current Handling: n/a  
Document Number: 2003STOCKH00654

Channel: n/a

B1, B6

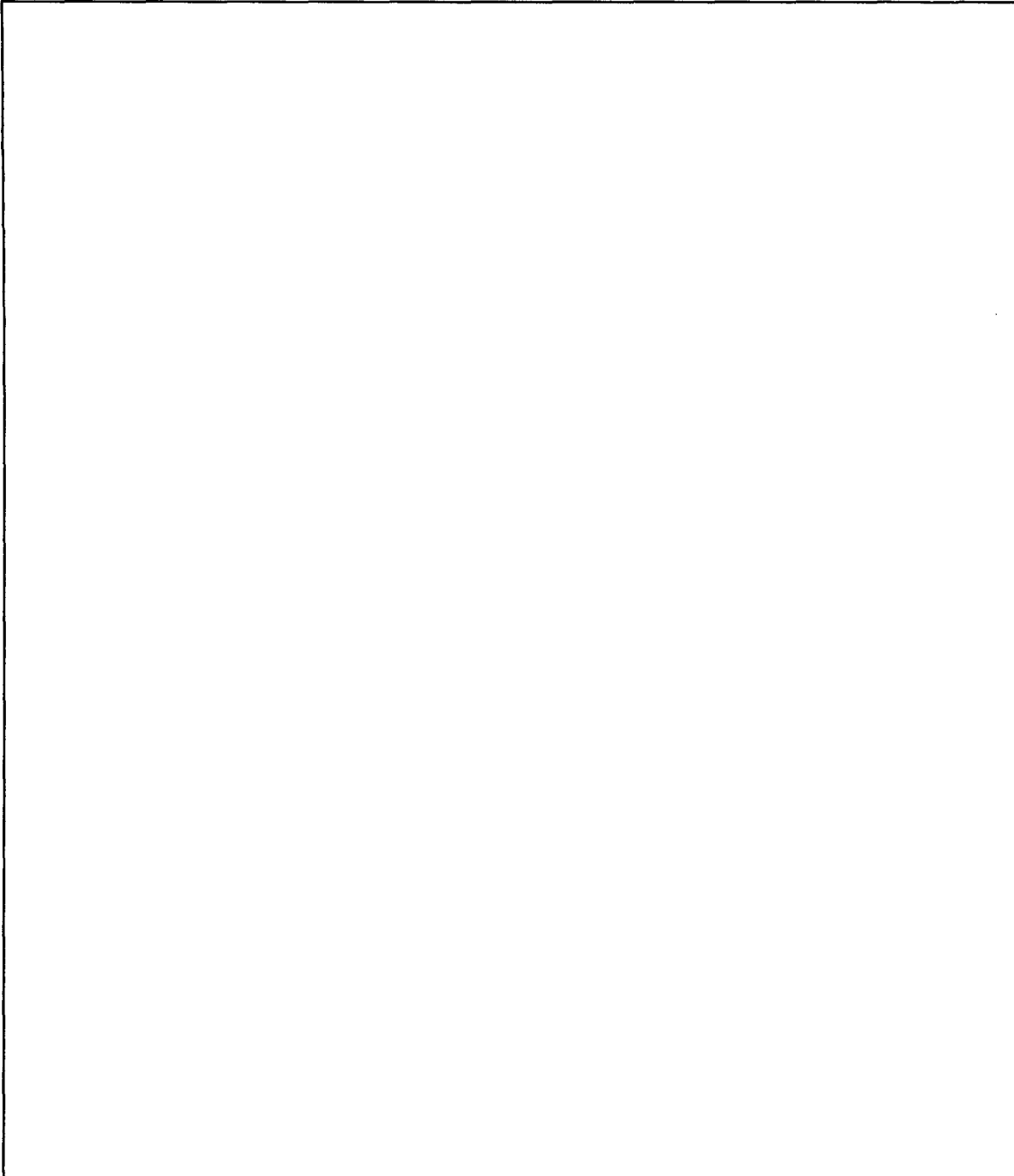


Current Class: CONFIDENTIAL

Current Class: CONFIDENTIAL  
Current Handling: n/a  
Document Number: 2003STOCKH00654

Channel: n/a

B1



MEDIA: FULL COURT PRESS  
-----

18. (SBU) AMBASSADOR PROSPER HELD AN ON-THE-RECORD LUNCH WITH SENIOR EDITORS FROM THE FOUR MAJOR STOCKHOLM DAILIES AND THE SWEDISH WIRE SERVICE TT. THE STRATEGY OF USING AMBASSADOR PROSPER'S OP-ED PIECE (WHICH APPEARED IN LEADING

Current Class: CONFIDENTIAL

Current Class: CONFIDENTIAL  
Current Handling: n/a  
Document Number: 2003STOCKH00654

Page: 8

Channel: n/a

STOCKHOLM DAILIES THE MORNING OF MARCH 13) TO SET THE SCENE FOR THE PRESS COVERAGE WAS AN EFFECTIVE ONE. ALL QUESTIONS -- FROM BOTH TV AND PRINT JOURNALISTS -- FOCUSED ON THE LEGAL BASIS FOR HOLDING THE DETAINEE, AND THE FOLLOWING DAY'S MEDIA COVERAGE REFLECTED THAT FACT. AMBASSADOR PROSPER'S LONGER INTERVIEW WITH SWEDISH RADIO, WHICH AIRED MARCH 15, WAS PERHAPS THE ROUGHEST MEDIA ENCOUNTER HE HAD, WITH THE FIRST 15 MINUTES ADDRESSING THE ISSUE OF TORTURE AND WHETHER IT WAS BEING USED ON GUANTANAMO. AMBASSADOR PROSPER'S HANDLING OF THOSE QUESTIONS TURNED THE TIDE OF THE INTERVIEW, WHICH BECAME MUCH MORE SYMPATHETIC IN ITS SECOND HALF. ONE OF THE SENIOR NEWSPAPER EDITORS COMMENTED AFTER THE LUNCH THAT ALTHOUGH U.S. ARGUMENTS WERE NOT MOVING SWEDISH OPINION CLOSER TO THE U.S. POSITION, THE FACT OF AMBASSADOR PROSPER'S VISIT AND HIS AVAILABILITY TO MEET WITH A BROAD SPECTRUM OF GOVERNMENT, LEGISLATIVE, AND MEDIA REPRESENTATIVES WAS A STRONG GESTURE THAT REFLECTED WELL ON THE U.S. BELIEF IN ITS JUSTIFICATION FOR THE DETENTIONS.

B6

STOCKHOLM 00000654 005 OF 005

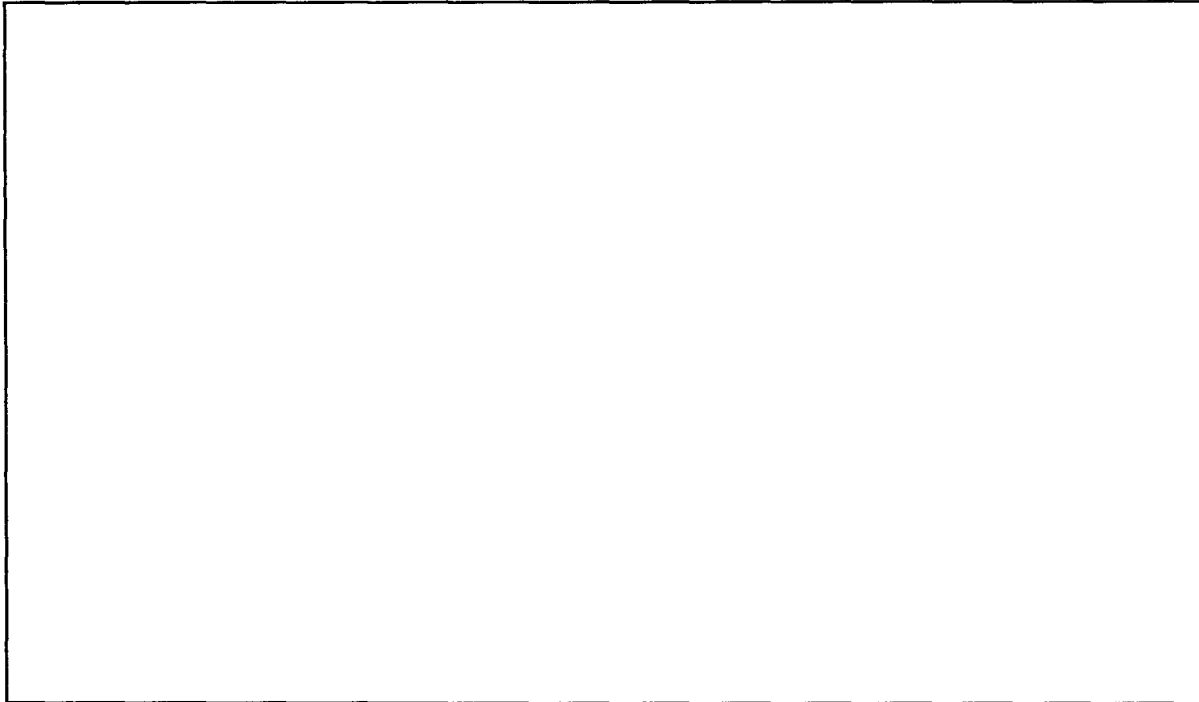
Current Class: CONFIDENTIAL

Page: 8

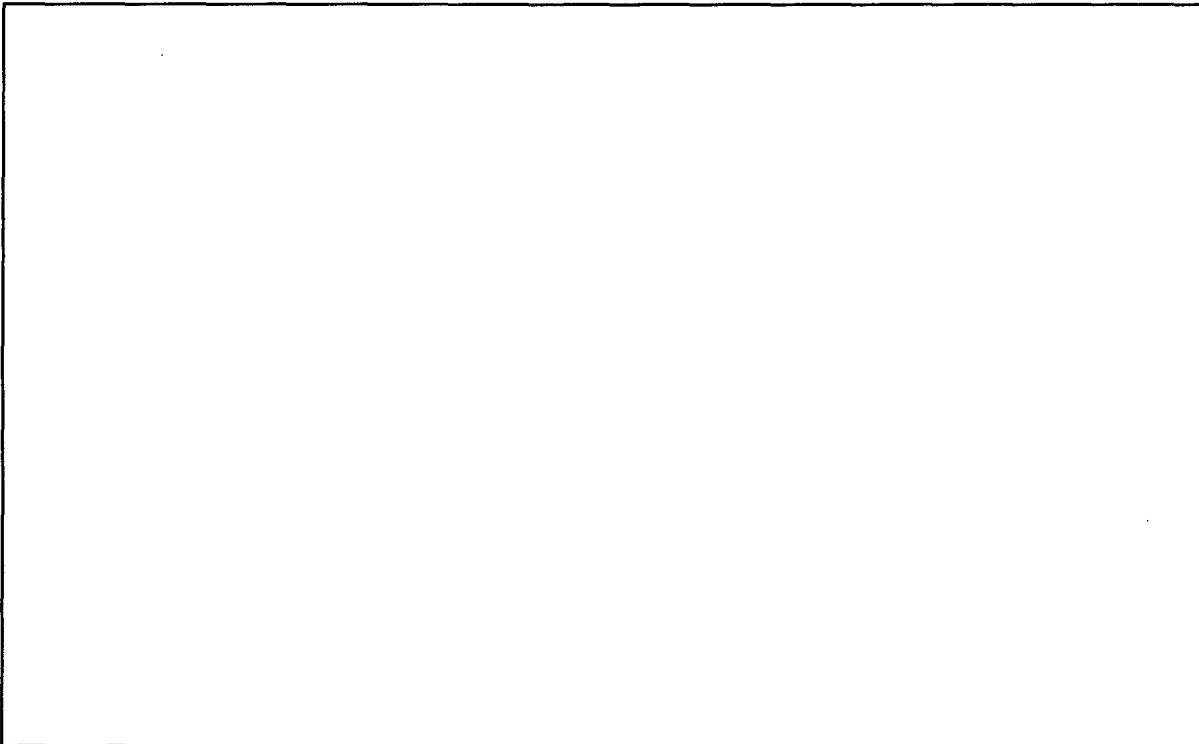


Current Class: CONFIDENTIAL  
Current Handling: n/a  
Document Number: 2003STOCKH00654

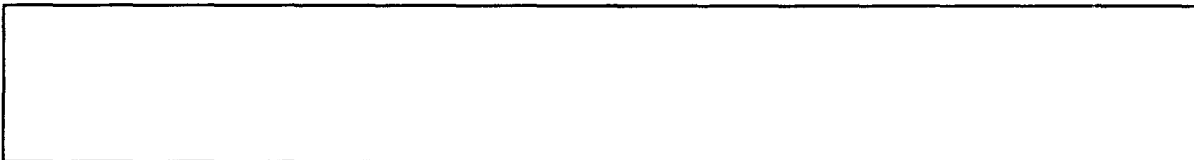
Channel: n/a



B6



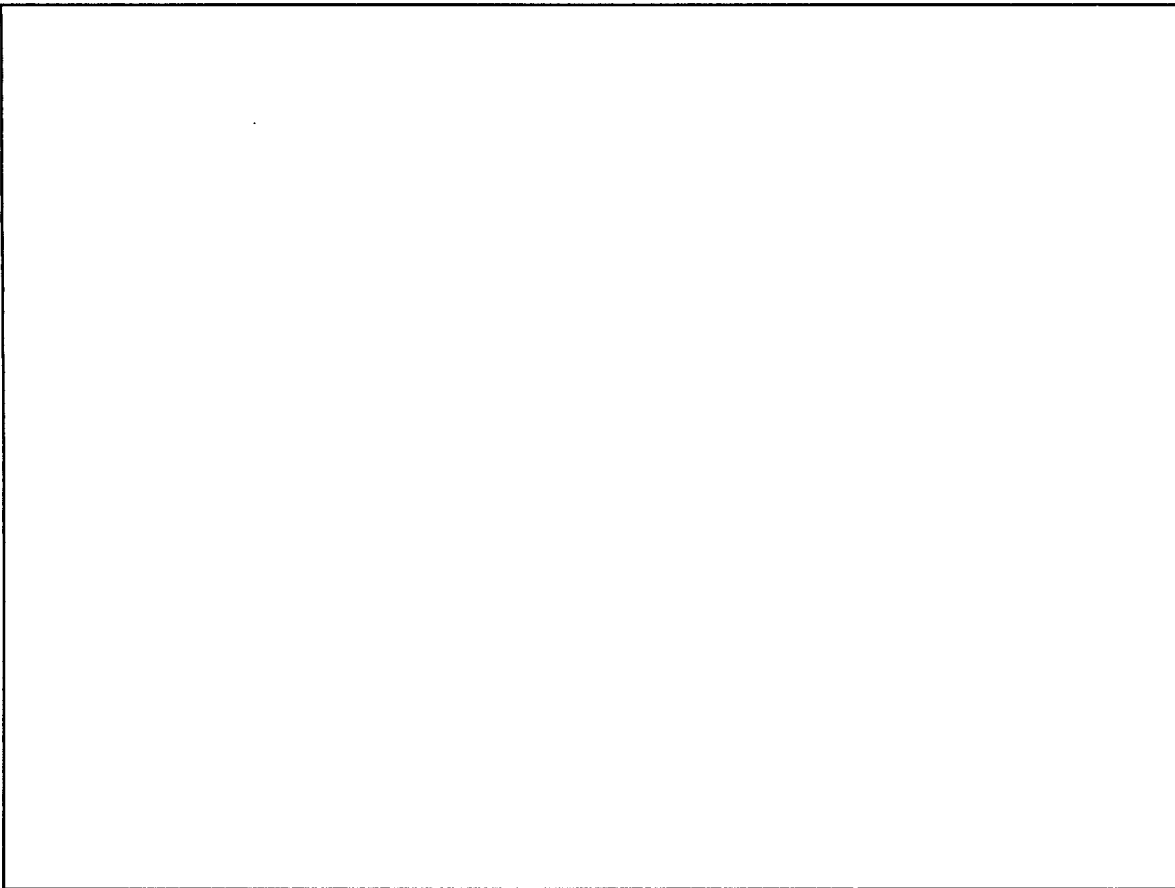
B1



B1, B6

Current Class: CONFIDENTIAL

B1, B6



25. (U) THIS MESSAGE HAS BEEN CLEARED BY S/WCI.  
HEIMBOLD

NNNN