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ACTION SCT-00

INFO	LOG-00	NP-00	AID-00	A-00	ACQ-00	CA-01	CCO-00
	CG-00	CIAE-00	COME-00	CTME-00	INL-00	DOEE-00	DOTE-00
	SRPP-00	DS-00	EB-00	EUR-00	FAAE-00	FBIE-00	UTED-00
	VC-00	TEDE-00	INR-00	INSE-00	IO-00	L-00	VCE-00
	M-00	AC-01	DCP-01	NRCE-00	NSAE-00	NSCE-00	OCS-03
	OIC-02	OMB-01	DHS-00	OPIC-01	PA-00	TFBI-00	PM-00
	PRS-00	ACE-00	P-00	SP-00	IRM-00	SSO-00	SS-00
	STR-00	TEST-00	TRSE-00	USIE-00	USSS-00	ASDS-00	R-00
	PMB-00	DSCC-00	PRM-00	DRL-01	G-00	SAS-00	SWCI-00

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P 271740Z JUN 03  
FM AMCONSUL STRASBOURG  
TO SECSTATE WASHDC PRIORITY 2038  
INFO EUROPEAN POLITICAL COLLECTIVE  
USMISSION USUN NEW YORK  
USDOJ WASHDC  
SECDEF WASHDC  
USMISSION GENEVA  
USCINCEUR VAIHINGEN

UNCLAS STRASBOURG 0093

SENSITIVE

DEPARTMENT FOR S/WCI, DRL, IO, EUR/ERA, EUR/RPM, PM  
JUSTICE FOR OIA KEN HARRIS

E.O. 12958: N/A

TAGS: PTER, PGOV, PHUM, MARR, KJUS, COE, XG, MX

SUBJECT: "LEGAL BLACK HOLE" OF GUANTANAMO DEBATED IN STRASBOURG

REF: STRASBOURG 73 (NOTAL)

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1. (SBU) SUMMARY: ON JUNE 26, THE PARLIAMENTARY ASSEMBLY OF THE COUNCIL OF EUROPE (PACE) PASSED, AS EXPECTED, A RESOLUTION CALLING FOR IMPROVED TREATMENT OF PRISONERS IN AFGHANISTAN AND GUANTANAMO, AND FOR THEIR BEING BROUGHT TO JUSTICE IN ACCORDANCE WITH GENEVA CONVENTIONS (REFTEL). WHILE THE TURN-OUT WAS RELATIVELY SPARSE AND THE RHETORIC LACKED THE BITE OF DELIBERATIONS ON THE U.S. EARLIER THIS YEAR, THE HEAD OF THE VISITING MEXICAN PARLIAMENTARY DELEGATION TOLD THE CG AFTERWARDS THAT THERE WAS SINCERE CONCERN ABOUT THE IMPLICATIONS FOR AMERICAN RULE OF LAW POSED BY THIS QUESTION. END

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

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## SUMMARY

2. (SBU) THE VOTE ON THE RESOLUTION WAS 36-1-2. ALL OF THE 15 SPEAKERS WERE CRITICAL OF THE USG'S PERCEIVED "OUT-OF-CHARACTER" DEPARTURE FROM INTERNATIONAL LAW, SAVE ONE. HE WAS MARCIN LIBICKI FROM POLAND, WHO SAID A TERRORIST WAR AGAINST WESTERN CIVILIZATION CALLED FOR SPECIAL MEASURES. PRISONERS HELD AT GTMO OR IN AFGHANISTAN, LIBICKI SAID, WERE NOT POWS WHO COULD FIT GENEVA CONVENTION DEFINITIONS. MOREOVER, THEY PROVIDED INTELLIGENCE AGAINST FUTURE TERRORIST ATTACKS. LIBICKI WONDERED WHY THE COUNCIL OF EUROPE WAS DEBATING THIS ISSUE TO BEGIN WITH. ONE SPEAKER REMINDED HIM THAT THE OBSERVER STATUS OF THE U.S. TO THE COUNCIL OF EUROPE (NB: WHICH DOES NOT EXTEND TO THE PACE, PER SE, HOWEVER) ALLOWED THE PACE TO DEBATE THIS ISSUE WHEN COE PRINCIPLES WERE AT STAKE. ANOTHER SPEAKER ACCUSED LIBICKI OF HAVING ALREADY TRIED AND CONVICTED ALL THE PRISONERS.

3. (SBU) LORD JUDD EVOKED THE GREAT DEBT EUROPE OWED THE UNITED STATES IN ITS DEFENSE OF FREEDOM, DEMOCRACY, AND HUMAN RIGHTS, TO WHICH LIBICKI APPLAUDED DEMONSTRABLY. BUT LORD JUDD SAID HE FEARED THE U.S. RISKED UNDERMINING THESE SAME VALUES BY HOLDING THESE PRISONERS WITHOUT CHARGE. JUDD EVOKED A RECURRENT THEME OF HIS; NAMELY, THAT THE WORLD WAS IN A "PRE-REVOLUTIONARY" STAGE OF DISAFFECTED INTELLECTUALS MANIPULATING MILLIONS TRAPPED IN POVERTY. THE PHOTOGRAPHS FROM GTMO (OF HOODED AND SEEMINGLY HUMILIATED PRISONERS) WERE RECRUITMENT POSTERS FOR THESE POTENTIAL TERRORISTS, JUDD SAID. OTHERS LAMENTED THE IMPACT OF THESE PHOTOGRAPHS AS WELL.

4. (SBU) SEVERAL PARLIAMENTARIANS MENTIONED SPECIFIC CASES. GORAN MAGNUSSON OF THE LARGEST SOCIALIST GROUP SAID THE SWEDISH PRISONER AT GTMO HAS HAD ONLY TWO VISITS IN 18 MONTHS, BOTH TIMES BY GOVERNMENT OFFICIALS; A VISIT BY HIS LAWYER HAS BEEN REFUSED. MS. LALONDE OF THE OBSERVER CANADIAN DELEGATION SAID THERE ARE TWO CANADIANS HELD IN GTMO, ONE A MINOR, AND ONLY ONE HAS BEEN VISITED BY A CANADIAN OFFICIAL. LABOUR MP TONY LLOYD, HEAD OF THE UK PARLIAMENTARIAN DELEGATION, SAID THAT HIS CONSTITUENT (FIDDLER, AKA YAMAL HUDINE, AS HEARD) WAS, IN EFFECT, A POLITICAL PRISONER AS LONG AS NO CHARGES WERE BROUGHT AGAINST HIM.

5. (SBU) LLOYD SAID THE "RULE OF POWER" BY THE U.S. WAS REPLACING THE RULE OF LAW, A THEME ECHOED BY COMMITTEE RAPPORTEUR KEVIN MCNAMARA (LABOUR MP), WHO SAID THE RULE OF POWER WAS SYNONYMOUS WITH ARBITRARINESS AND DICTATORSHIP. MCNAMARA SAID THE HIGH COURT OF LONDON HAD TERMED GTMO "A LEGAL BLACK HOLE," WHOSE ONLY ISSUE, MCNAMARA ADDED, WAS SEEMINGLY VIA KANGAROO COURTS. SOEREN SOENDERGAARD (DENMARK) LAMENTED REPORTS OF THE CONSTRUCTION OF EXECUTION FACILITIES AT GTMO, WHICH INDICATED THE U.S. WAS "PLANNING THE OUTCOME" BEFORE LEGAL PROCEEDINGS.

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6. (SBU) A MEMBER OF THE OBSERVER PARLIAMENTARY DELEGATION FROM MEXICO TOLD THE CG LATER THAT EVENING THAT, ALTHOUGH NO MEXICAN DELEGATE SPOKE DURING THE DEBATE, THERE WAS SINCERE CONCERN THAT GTMO WAS UNDERMINING AMERICAN RULE OF LAW.

7. (SBU) COMMENT: THIS PACE RESOLUTION ON THE "RIGHTS OF PERSONS HELD IN THE CUSTODY OF THE UNITES STATES IN AFGHANISTAN OR GUANTANAMO BAY" REQUIRES NO ACTION BY THE INTER-GOVERNMENTAL COMMITTEE OF MINISTERS OF THE COUNCIL OF EUROPE.

DAVIS

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