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RELEASED IN PART
B6, B7(A), B7(C)

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ORIGIN SWCI-00

INFO	LOG-00	NP-00	AMAD-00	CIAE-00	INL-00	USNW-00	DODE-00
	DOE-00	DS-00	EAP-00	EB-00	EUR-00	FAAE-00	FBIE-00
	UTED-00	TEDE-00	INR-00	IO-00	JUSE-00	L-00	NSAE-00
	NSCE-00	OIC-02	PA-00	TFBI-00	PER-00	PM-00	P-00
	SCT-00	IRM-00	SSO-00	SS-00	TEST-00	ASDS-00	PMB-00
	DSCC-00	PRM-00	DRL-00	SAS-00	/002R		

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SENSITIVE

E.O. 12958: N/A
 TAGS: PTER, KAWC, PHUM, PINR, UK
 SUBJECT: LETTER FROM AMBASSADOR PROSPER TO [REDACTED]
 MP REGARDING DETENTION OF [REDACTED] BY U.S.
 AUTHORITIES

REF: (A) STATE 164174, (B) HERNANDEZ-SKINNER E-MAIL 6/16/03

1. (U) THIS IS AN ACTION MESSAGE. PLEASE DISREGARD
 INSTRUCTIONS IN REF A. INSTEAD, PLEASE DELIVER THE LETTER
 AT PARA 3 TO [REDACTED]

B7(A), B7(C)

2. (SBU) BACKGROUND: ON MAY 23, 2003, [REDACTED]
 MP, WROTE TO THE SECRETARY INQUIRING ABOUT THE HEALTH AND
 WELL-BEING OF TWO BRITISH CITIZENS, [REDACTED]
 [REDACTED] BOTH OF WHOM HE CLAIMS ARE IN U.S.
 CONTROL AT GUANTANAMO BAY, CUBA. [REDACTED] ALSO QUESTIONS
 THE UNDERLYING BASIS FOR THEIR DETENTION, AND THE FACT
 THAT THEY HAVE BEEN DETAINED WITHOUT CHARGES OR BENEFIT OF
 LEGAL COUNSEL OR CONSULAR ADVICE. AMBASSADOR-AT-LARGE FOR
 WAR-CRIMES ISSUES PIERRE PROSPER HAS REPLIED ON BEHALF OF

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THE SECRETARY. NO SIGNED ORIGINAL WILL FOLLOW. END
BACKGROUND.

3. (U) BEGIN TEXT OF LETTER:

DEAR

B6, B7(A), B7(C)

SECRETARY POWELL HAS ASKED ME TO RESPOND ON HIS BEHALF
TO YOUR LETTER OF MAY 23, IN WHICH YOU EXPRESSED CONCERN
REGARDING

DESPITE HAVING FADED SOMEWHAT FROM THE FRONT PAGES, THE
UNITED STATES AND ITS COALITION PARTNERS ARE STILL
FIGHTING A WAR AGAINST THE AL QAIDA NETWORK AND REMNANTS
OF THE TALIBAN WHO CONTINUE TO SUPPORT THEM. THE AL QAIDA
NETWORK TODAY IS A MULTINATIONAL ENTERPRISE THAT MAINTAINS
OPERATIONS IN MORE THAN 60 COUNTRIES. THE U.S. AND ITS
PARTNERS ARE ENGAGED IN OPERATIONS IN AFGHANISTAN AND
AROUND THE WORLD IN ORDER TO COUNTER THOSE WHO WOULD PLAN
AND CONDUCT ATTACKS AGAINST US. IN THIS CONTEXT,
OPERATIONAL AND SECURITY CONCERNS DO NOT ALLOW ME TO
CONFIRM OR COMMENT ON THE CIRCUMSTANCES OF CAPTURE,
TRANSFER OR DETENTION OF SPECIFIC INDIVIDUALS BELIEVED TO
BE HELD AS ENEMY COMBATANTS IN THE COURSE OF THIS
CONFLICT.

I ASSURE YOU THAT DESPITE THEIR LACK OF STATUS AS POWS
UNDER THE THIRD GENEVA CONVENTION OF 1949, AL QAIDA AND
TALIBAN DETAINEES WHO ARE DETAINED AS ENEMY COMBATANTS BY
THE UNITED STATES ARMED FORCES ARE TREATED CONSISTENT WITH
AMERICAN VALUES AND THE PRINCIPLES OF THE INTERNATIONAL
LAW OF ARMED CONFLICT. AS PRESIDENT BUSH HAS STATED, THE
UNITED STATES ARMED FORCES WILL TREAT ENEMY COMBATANTS
HUMANELY AND IN A MANNER CONSISTENT WITH THE PRINCIPLES OF
THE THIRD GENEVA CONVENTION OF 1949.

THE AUTHORITY TO DETAIN ENEMY COMBATANTS FOR THE
DURATION OF HOSTILITIES EXISTS IN LAW INDEPENDENT OF THE
CIVIL JUDICIAL OR CRIMINAL JUSTICE SYSTEM. IN THIS WAR,
AS IN EVERY WAR, ENEMY COMBATANTS HAVE NO LEGAL RIGHT TO
COUNSEL OR ACCESS TO COURTS FOR THE PURPOSE OF CHALLENGING
THEIR DETENTION WHILE HOSTILITIES ARE ONGOING. WHILE SOME
ENEMY COMBATANTS MAY FACE CRIMINAL PROSECUTION BEFORE THE
END OF HOSTILITIES, NATIONS AT WAR TRADITIONALLY HAVE
WAITED UNTIL HOSTILITIES CEASE TO BRING SUCH CHARGES. IF
AND WHEN AN ENEMY COMBATANT IS CHARGED WITH A CRIME, HE
WOULD THEN BE ENTITLED TO LEGAL COUNSEL AND WOULD RECEIVE
A FAIR TRIAL.

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REGARDING YOUR PROPOSAL OF A BRITISH PARLIAMENTARY
VISIT TO GUANTANAMO, UNFORTUNATELY THIS WILL NOT BE

POSSIBLE. THE UNITED STATES MILITARY AUTHORITIES ONLY
PERMIT VISITS BY FOREIGN GOVERNMENT OFFICIALS THAT ARE
ESSENTIAL TO LAW ENFORCEMENT OBJECTIVES OR INTELLIGENCE
GATHERING.

I HOPE YOU FIND THIS INFORMATION USEFUL.

SINCERELY,

PIERRE PROSPER
AMBASSADOR-AT-LARGE FOR WAR CRIMES ISSUES

END TEXT
POWELL

NNNN

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