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Bellinger_John - OpenNet Email

From: Hodgkinson, Sandra L.
Sent: Wed Jul 06 22:19:41 2005
To: Matthew.Waxman@osd.mil; Bellinger, John B(Legal)
Subject: Seeking sage advice
Importance: Normal

LB22

Jd has authorized me to reach out to you two to prepare for tomorrow's small group mtg. Are you free for a secure call at 10 - 1030 tomorrow - close hold? Thx.

Sent from my BlackBerry Wireless Handheld

-----Original Message-----

From: Kozak, Michael G.
To: 'Waxman, Matthew, CIV, OSD-POLICY' ; 'Pierre-Richard Prosper' ; Hodgkinson, Sandra L. ; Bellinger, John B ; 'Harris, Robert K'
Sent: Wed Jul 06 20:27:36 2005
Subject: RE: Visits to GTMO

sometimes Presidents do these things. I remember when his dad broke the bureaucratic impasse on how to react to the Iraqi invasion of Kuwait by saying to the press: "this will not stand." NK

-----Original Message-----

From: Waxman, Matthew, CIV, OSD-POLICY [mailto:Matthew.Waxman@osd.mil]
Sent: Wednesday, July 06, 2005 1:51 PM
To: 'Pierre-Richard Prosper'; Kozak, Michael G.; Hodgkinson, Sandra L.; Bellinger, John B; 'Harris, Robert K'
Subject: Visits to GTMO

Looks like the President may be opening GTMO access policy...

July 6, 2005

Bush Defends Detainee Treatment at Guantanamo

By REUTERS

Filed at 7:12 a.m. ET

COPENHAGEN (Reuters) - President Bush defended the U.S. treatment of detainees at Guantanamo Bay on Wednesday and invited European journalists to go see the detention center themselves for an independent look.

Bush raised the subject himself in his opening statement at a news conference with Danish Prime Minister Anders Fogh Rasmussen. Rasmussen raised his concerns about the facility during their private talks, Bush said.

"Let me tell you what I told him," Bush said. "I said, first, the prisoners are well-treated in Guantanamo. There's total transparency. The International Red Cross can inspect any time, any day. And you're welcome to go. The press, of course, is welcome to go down to Guantanamo."

An Organization for Security and Cooperation in Europe-commissioned report said last week that the United States should close Guantanamo because its treatment of some 500 terrorism suspects encourages hatred toward the West and bolsters Muslim membership of the al Qaeda network.

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UNITED STATES DEPARTMENT OF STATE
REVIEW AUTHORITY: CHARLES L DARIS
DATE/CASE ID: 27 SEP 2011 200900076

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In June, the U.S. military described cases of mishandling of the Koran by U.S. personnel at Guantanamo naval base in Cuba, including splashing it with urine and kicking it. Muslims view the Koran as the literal word of God.

Bush, Vice President Dick Cheney and Defense Secretary Donald Rumsfeld have strongly defended the detention center, saying these suspects must be taken somewhere for housing and interrogation and to prevent them from returning to battle.

Bush said he told Rasmussen he was waiting for the U.S. court system to decide whether suspects being held at Guantanamo should be dealt with through civilian U.S. courts or military tribunals.

"And once the judicial branch of our government makes its decision, then we'll proceed forward with giving people fair and open trials," Bush said.

Guantanamo mostly holds prisoners scooped up in Afghanistan during the U.S. offensive there in retaliation for the Sept. 11 al Qaeda attacks on the United States.

Human rights groups as well as institutions such as the European Parliament and the Council of Europe have criticized the United States for holding detainees there for indefinite periods and not assigning them "prisoner of war" status.

Instead, suspects are labeled "enemy combatants," something the OSCE report called a legal nonentity under international law.

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From: Camponovo, Christopher N.
Sent: Thu Jul 12 18:40:47 2007
To: Bellinger, John B(Legal)
Subject: Re: AP Story on Tunisian Repatriations
Importance: Normal



B5

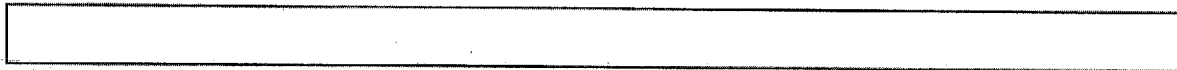
----- Original Message -----

From: Bellinger, John B(Legal)
To: Camponovo, Christopher N.
Sent: Thu Jul 12 18:34:43 2007
Subject: RE: AP Story on Tunisian Repatriations



-----Original Message-----

From: Camponovo, Christopher N. [mailto:Christopher_N._Camponovo@nsc.eop.gov]
Sent: Thursday, July 12, 2007 6:04 PM
To: Bellinger, John B(Legal)
Subject: Fw: AP Story on Tunisian Repatriations



----- Original Message -----

From: Pomper, Stephen E
To: Camponovo, Christopher N.
Sent: Thu Jul 12 17:55:17 2007
Subject: RE: AP Story on Tunisian Repatriations

Scroll down.

-----Original Message-----

From: Camponovo, Christopher N. [mailto:Christopher_N._Camponovo@nsc.eop.gov]
Sent: Thursday, July 12, 2007 5:55 PM
To: Pomper, Stephen E
Subject: Re: AP Story on Tunisian Repatriations

Nothing attached

----- Original Message -----

From: Pomper, Stephen E
To: Camponovo, Christopher N.
Sent: Thu Jul 12 17:52:11 2007
Subject: FW: AP Story on Tunisian Repatriations

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FYI.

-----Original Message-----

From: Pomper, Stephen E
Sent: Thursday, July 12, 2007 4:53 PM
To: Shin, Milbert D; Hopkins, Elizabeth A; Harris, Maya C; McGeeney, Kristen R (DRL); Williamson, Clint
Cc: Deeks, Ashley S
Subject: AP Story on Tunisian Repatriations

Here is the AP story.

-----Original Message-----

From: French, Christina, Ms, DoD OGC [mailto:frenchc@dodgc.osd.mil]
Sent: Thursday, July 12, 2007 4:46 PM
To: Porges, Marisa, CIV, OSD-POLICY; Pomper, Stephen E; Padmanabhan, Vijay M
Subject: Fw: HABEAS v. REPATRIATION [U]

I assume this is the one.

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Sent from my BlackBerry Wireless Handheld

-----Original Message-----

From: Martin, Don, CDR (L)
To: French, Christina, Ms, DoD OGC
Sent: Thu Jul 12 15:22:47 2007
Subject: HABEAS v. REPATRIATION [U]

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Posted on Thu, Jul. 12, 2007 at 3:08 PM
www.miamiherald.com

Ex-Gitmo captive claims abuse in Tunisia

PARIS -- (AP) -- A Tunisian man was mistreated after being sent home from the U.S. prison at Guantánamo Bay, Cuba, with Tunisian authorities striking him and threatening to rape him and his wife, his lawyer said Thursday.

Lawyer Samir ben Amor also said that Tunisian authorities interrogating Abdullah bin Omar, 49, last month also threatened to arrest his wife and daughters and have him tortured in front of them, lawyer Samir ben Amor said.

Tunisian officials did not immediately return calls seeking comment, but in the past officials have insisted that Tunisian prisoners are treated according to the

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law and are guaranteed basic rights, such as to see a lawyer.

Human Rights Watch and other groups are concerned about the treatment that some former Guantánamo detainees will receive back home, despite assurances from their governments that they would not be harmed.

"The biggest concern is that the U.S. claims that diplomatic assurances provide sufficient protection against torture and abuse," said Jennifer Daskal, senior counterterrorism counsel at Human Rights Watch. "What is the U.S. doing to monitor and enforce those assurances in this case?"

State Department attorney Vijay Padmanabhan said the United States has received reports of mistreatment of bin Omar, but does not comment on specific cases.

In general, he said, such allegations are treated "very seriously" by diplomatic officials.

"We take steps to make sure that mistreatment does not happen and if we hear about mistreatment, we follow up before making future transfers to that country," Padmanabhan said.

"We get the assurances that are required in our best judgment to overcome our humane treatment concerns. We do not transfer individuals to countries where it is more likely than not that they will be tortured."

The United States holds about 375 men at Guantánamo on suspicion of terrorism or links to al Qaeda or the Taliban. It has said that about 80 detainees no longer pose a threat and it is seeking to send them back to their home countries provided it can get diplomatic assurances that they will not be mistreated.

Human Rights Watch and others believe that at least 25 of those detainees already cleared for release have expressed fears they will face torture or worse if they are sent back to their own countries.

British human rights group Reprieve said it tried without success to persuade the United States to halt or delay bin Omar's transfer after his family said he had been convicted in absentia and sentenced to 23 years in prison for his involvement with a banned political group.

Bin Omar, who is married and has eight children, fled Tunisia to avoid political persecution, according to Reprieve, and unsuccessfully sought political asylum in Pakistan, where he was living when he was captured by the United States. He was held without charge at Guantánamo from August 2002 until June 18.

Bin Omar is fighting his conviction. He is being held in Tunisia's Mornaghia prison awaiting trial in September.

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