

The Freedom of Information Act (5 USC 552)

FOIA Exemptions

- (b)(1) Information specifically authorized by an executive order to be kept secret in the interest of national defense or foreign policy. Executive Order 13526 includes the following classification categories:
- 1.4(a) military plans, systems, or operations;
 - 1.4(b) foreign government information;
 - 1.4(c) intelligence activities, sources or methods, or cryptology;
 - 1.4(d) foreign relations or foreign activities of the US, including confidential sources;
 - 1.4(e) scientific, technological, or economic matters relating to national security, including defense against transnational terrorism;
 - 1.4(f) U.S. Government programs for safeguarding nuclear materials or facilities;
 - 1.4(g) vulnerabilities or capabilities of systems, installations, infrastructures, projects, plans, or protection services relating to US national security, including defense against transnational terrorism;
 - 1.4(h) weapons of mass destruction;
- (b)(2) Related solely to the internal personnel rules and practices of an agency
- (b)(3) Specifically exempted from disclosure by statute (other than 5 USC 552), for example:
- ARMEX Arms Export Control Act, 22 USC 2778(e)
 - EXPORT Export Administration Act of 1979, 50 App. USC 2411(c)(1)
 - FSA Foreign Service Act of 1980, 22 USC 4003 & 4004
 - INA Immigration and Nationality Act, 8 USC 1202(f)
 - IRAN Iran Claims Settlement Act, Sec. 505, 50 USC 1701, note
 - NSA50 National Security Act of 1947, 50 USC 403-1(i)
- (b)(4) Trade secrets and confidential commercial or financial information
- (b)(5) Interagency or intra-agency communications forming part of the deliberative process, attorney-client privilege, or attorney work product
- (b)(6) Personal privacy information
- (b)(7) Law enforcement information whose disclosure would:
- (A) interfere with enforcement proceedings
 - (B) deprive a person of a fair trial
 - (C) constitute an unwarranted invasion of personal privacy
 - (D) disclose confidential sources
 - (E) disclose investigation techniques
 - (F) endanger life or physical safety of an individual

Other Grounds for Withholding

- NR Material not responsive to a FOIA request, excised with the agreement of the requester

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ACTION SWCI-00

INFO	LOG-00	COR-00	EEB-00	AID-00	A-00	ACQ-00	CA-00
	CCO-00	CG-00	CIAE-00	COME-00	CTME-00	DODE-00	DOEE-00
	DOTE-00	DS-00	EAP-00	FAAE-00	FBIE-00	VCI-00	H-00
	TEDE-00	INR-00	INSE-00	IO-00	L-00	CAC-00	MOFM-00
	MOF-00	M-00	VCIE-00	NRC-00	NSAE-00	ISN-00	NSCE-00
	OCS-00	OIC-00	OIG-00	OMB-00	PA-00	PM-00	PRS-00
	P-00	SCT-00	ISNE-00	D-00	DOHS-00	SP-00	SS-00
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B1, 1.4(B), 1.4(D)

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FM AMEMBASSY SUVA
TO SECSTATE WASHDC IMMEDIATE 0871
INFO AMEMBASSY BEIJING
AMEMBASSY CANBERRA
AMEMBASSY WELLINGTON

CONFIDENTIAL SUVA 000463

CORRECTED COPY TEXT

E.O. 12958: DECL: 12/15/2018
TAGS: PTER, PHUM, PINS, PREL, AS, CH, KR, NZ
SUBJECT: [REDACTED]

B1

REF: A. STATE 130444
B. SUVA 453
C. SUVA 372
D. STATE 101742
E. TELCONS/EMAILS BETWEEN AMB MCGANN AND KIRIBATI
SECRETARY LAMBOURNE

Classified By: Ambassador McGann for reasons 1.4(b) and (d).

1. (U) Action request Para 7.

2. (C) Summary: [REDACTED]

B1

UNITED STATES DEPARTMENT OF STATE
REVIEW AUTHORITY: CHARLES L DARIS

DATE/CASE ID: 05 OCT 2009 200900076

http://smartarchive.state.sgov.ui/view/DocView/2fsAS%2f... 9/29/2009

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B1

6. (SBU) Embassy Suva is immediately dispatching Embassy officers Joseph Murphy and LCDR Bill Miskelly to prepare for the visit of the delegation led by S/WCT Anthony Ricci. The visit by Washington team would follow up issues regarding the relocation/asylum proposal. Embassy understands that

Kiribati might want to discuss projects that would not be part of PACOM's humanitarian assistance funding. (The assistance projects under review already reflect the informal input provided by Kiribati officials during the PACOM visit.)

7. (C) [REDACTED]

B1

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B1

8. (SBU) On December 14, Ambassador McGann met with New Zealand High Commissioner to Kiribati Robert Kaiwai, in Nadi, Fiji. Kaiwai offered to provide assistance to the implementation team in Tarawa. Kaiwai returns to Tarawa on December 15. Ambassador McGann accepted Kaiwai's offer to provide email access and other communications support.
MCGANN

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EXECUTIVE SECRETARIAT
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Washington, D.C. 20520

SE 2

S/S 200222405
DATE April 2, 2003FOR: Ms. Anne Crowther
Director, Agency Liaison
Room 592 EEOB
The White House

REFERENCE:

TO: President Bush

FROM: Mr & Mrs. Sturtevant

DATE: January 31, 2002

SUBJECT: Administration's policy with respect to the detention of enemy combatants captured in Afghanistan.

WH Referral Dated:

NSC ID# (if any):

WHB233782

_____ The attached item was sent directly to Department of State.

ACTION TAKEN:

_____ A draft reply is attached.

_____ A draft reply will be forwarded.

_____ A translation is attached.

X An information copy of a direct reply is attached.

_____ We believe no response is necessary for the reason cited below.

_____ The Department of State has no objection to the proposed travel.

_____ Other (see remarks).

REMARKS: Drafted: SA/PAB: JmcNaught, 79552 04/02/03
Cleared: SA/PAB: JFeierstein
Office of the
Executive SecretaryUNITED STATES DEPARTMENT OF STATE
REVIEW AUTHORITY: SHARON E AHMAD
DATE/CASE ID: 30 DEC 2009 200900076

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Department of State



Wash. RELEASED IN PART

B6 April 2, 2003

SE 2A B6

Dear Mr. and Mrs. Sturtevant:

Thank you for your letter of January 31, 2002, expressing concern over the Administration's policy with respect to the detention of enemy combatants captured in the armed conflict in Afghanistan. Please accept our apology for the inexcusable delay in our reply.

The United States is a strong supporter of the 1949 Geneva Convention Relative to the Treatment of Prisoners of War (POWs). Although Afghanistan is a party to the Geneva Conventions, the President determined that the members of the Taliban who were detained did not meet the conditions for being considered POWs under that Convention. The President concluded that Al Qaida is an international terrorist group and cannot be considered a state party to the Geneva Conventions. Its members are therefore not entitled to POW status under the Geneva Convention on POWs. Nonetheless, the President made it clear that captured individuals were to be treated humanely, and in a manner consistent with the principles of the Geneva Convention on POWs. This demonstrates the Administration's clear commitment to the principles of the Geneva Conventions. A number of these detainees are senior al-Qaida operatives or others committed to killing Americans and others. They have been, and will continue to be, questioned aggressively in order to protect the lives of Americans and others. The United States does not permit, tolerate, or condone torture. Torture is a violation of U.S. law. Allegations of torture are thoroughly investigated. Enemy combatants detained in U.S. control are treated consistent with applicable United States law and international law against torture, without regard to the conduct of our attackers.

The United States and its coalition partners are at war with al Qaida and its supporters. International law

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REVIEW AUTHORITY: SHARON E AHMAD
CLASSIFICATION: UNCLASSIFIED
DATE/CASE ID: 30 DEC 2009 200900076

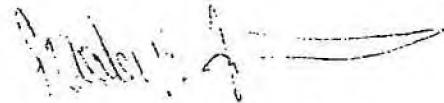
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has long recognized the rights of states to defend themselves and detain enemy combatants until the cessation of hostilities. There is broad authority under the laws and customs of war to do so, without any requirement to bring criminal charges while hostilities last. We cannot have an international legal system in which honorable soldiers who abide by the law of armed conflict and are captured on the battlefield may be detained and held until the end of hostilities, but terrorists who violate the law of armed conflict must be released and allowed to continue their belligerent, unlawful, or terrorist activities. Such a legal regime would signal to the international community that it is acceptable for armies to behave like terrorists.

I hope that you find this information of use. Again, please forgive the tardiness of the reply.

Sincerely,



Gerald Feierstein
Director, Office of
Pakistan, Afghanistan
and Bangladesh Affairs

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*Very respectfully yours,**Buck DC**January 31, 2001*

B6 SE2B

Dear Mr. President,

My husband and I feel that the Afghan prisoners are just that — prisoners of war. Why not go with the expertise of Colm. Powell, you're the one who told us that we are at war. We agree with the editorial from the San Francisco Chronicle. We deplore the prison atmosphere of secrecy in this administration.

WHB233782

COURIERED

UNITED STATES DEPARTMENT OF STATE
 REVIEW AUTHORITY: SHARON E AHMAD
 DATE/CASE ID: 30 DEC 2009 200900076

1/29/02 The law is the law *SF Chronicle*

PRESIDENT BUSH seems confused about what to call the fighters captured in the Afghan conflict. In a press conference yesterday, he called them "prisoners" three times, before correcting himself and calling them "detainees."

Bush's confusion is the result of an unprecedented public dispute between Secretary of State Colin Powell, who notes that the Geneva Conventions cover the Taliban and al Qaeda fighters, and Vice President Dick Cheney and other hard-liners, who pretend they don't. ~~fact: international law couldn't be clearer.~~

■ **Government status.** Both the United States and Afghanistan are signatories of the Geneva Conventions. Although Washington withheld diplomatic recognition from the Taliban, the conventions give POW status to all "members of regular armed forces who profess allegiance to a government or an authority not recognized by the detaining power."

■ **A soldier is a soldier.**

conventions do not apply to independent militia, the Taliban and most al Qaeda fighters were clearly fighting as the armed forces of the Afghan regime. Only the al Qaeda recruits being trained for terrorist operations elsewhere in the world would not be covered.

■ **Interrogation.** Nothing in the conventions precludes interrogating POWs. With or without POW status, it will be difficult to encourage hostile detainees to provide information. In the absence of torture, which is explicitly barred by the conventions and U.S. law, plea bargaining is likely to be the interrogators' main tactic.

■ **Prosecution.** The conventions explain that POW status does not protect detainees from being charged with war crimes, crimes against humanity, or other violations of U.S. criminal law.

The United States cannot cherry-pick international law, obeying certain man-

ning others. Bush should

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THE WHITE HOUSE
WASHINGTON

SE2C

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TO:

DOS

DATE:

16 Aug 02

CONTROL NUMBER:

Please see attached

We are forwarding the enclosed constituent BULK mail for your review and direct response to the constituent. President Bush is requesting that all Federal agencies respond to constituent BULK mail within 30 days. Once you have responded to the constituent, please fax me (202-456-2992) a copy of that response letter. We no longer need your copy of the original correspondence returned to us.

If you have questions about these procedures or need to provide updated contact information, you may reach Meredith Anderson at (202) 456-7486; by fax at (202) 456-5502; or by email at Meredith_Anderson@who.eop.gov

President Bush appreciates your cooperation and assistance.

Sincerely,



Anne Crowther
Director
Agency Liaison
Presidential Correspondence

UNITED STATES DEPARTMENT OF STATE
REVIEW AUTHORITY: SHARON E AHMAD
DATE/CASE ID: 30 DEC 2009 200900076

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February 7, 2002

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MEMORANDUM FOR THE VICE PRESIDENT
THE SECRETARY OF STATE
THE SECRETARY OF DEFENSE
THE ATTORNEY GENERAL
CHIEF OF STAFF TO THE PRESIDENT
DIRECTOR OF CENTRAL INTELLIGENCE
ASSISTANT TO THE PRESIDENT FOR NATIONAL
SECURITY AFFAIRS
CHAIRMAN OF THE JOINT CHIEFS OF STAFF

SUBJECT: Humane Treatment of al Qaeda and Taliban Detainees

1. Our recent extensive discussions regarding the status of al Qaeda and Taliban detainees confirm that the application of the Geneva Convention Relative to the Treatment of Prisoners of War of August 12, 1949 (Geneva) to the conflict with al Qaeda and the Taliban involves complex legal questions. By its terms, Geneva applies to conflicts involving "High Contracting Parties," which can only be states. Moreover, it assumes the existence of "regular" armed forces fighting on behalf of states. However, the war against terrorism ushers in a new paradigm, one in which groups with broad, international reach commit horrific acts against innocent civilians, sometimes with the direct support of states. Our Nation recognizes that this new paradigm -- ushered in not by us, but by terrorists -- requires new thinking in the law of war, but thinking that should nevertheless be consistent with the principles of Geneva.
2. Pursuant to my authority as Commander in Chief and Chief Executive of the United States, and relying on the opinion of the Department of Justice dated January 22, 2002, and on the legal opinion rendered by the Attorney General in his letter of February 1, 2002, I hereby determine as follows:
 - a. I accept the legal conclusion of the Department of Justice and determine that none of the provisions of Geneva apply to our conflict with al Qaeda in Afghanistan or elsewhere throughout the world because, among other reasons, al Qaeda is not a High Contracting Party to Geneva.
 - b. I accept the legal conclusion of the Attorney General and the Department of Justice that I have the authority under the Constitution to suspend Geneva as between the United States and Afghanistan, but I decline to

UNITED STATES DEPARTMENT OF STATE
REVIEW AUTHORITY: SHARON E AHMAD
DATE/CASE ID: 25 NOV 2009 200900076CONFIDENTIALReason: 1.5 (d)
Declassify on: 02/07/12

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exercise that authority at this time. Accordingly, I determine that the provisions of Geneva will apply to our present conflict with the Taliban. I reserve the right to exercise this authority in this or future conflicts.

- c. I also accept the legal conclusion of the Department of Justice and determine that common Article 3 of Geneva does not apply to either al Qaeda or Taliban detainees, because, among other reasons, the relevant conflicts are international in scope and common Article 3 applies only to "armed conflict not of an international character."
 - d. Based on the facts supplied by the Department of Defense and the recommendation of the Department of Justice, I determine that the Taliban detainees are unlawful combatants and, therefore, do not qualify as prisoners of war under Article 4 of Geneva. I note that, because Geneva does not apply to our conflict with al Qaeda, al Qaeda detainees also do not qualify as prisoners of war.
- 3. Of course, our values as a Nation, values that we share with many nations in the world, call for us to treat detainees humanely, including those who are not legally entitled to such treatment. Our Nation has been and will continue to be a strong supporter of Geneva and its principles. As a matter of policy, the United States Armed Forces shall continue to treat detainees humanely and, to the extent appropriate and consistent with military necessity, in a manner consistent with the principles of Geneva.
 - 4. The United States will hold states, organizations, and individuals who gain control of United States personnel responsible for treating such personnel humanely and consistent with applicable law.
 - 5. I hereby reaffirm the order previously issued by the Secretary of Defense to the United States Armed Forces requiring that the detainees be treated humanely and, to the extent appropriate and consistent with military necessity, in a manner consistent with the principles of Geneva.
 - 6. I hereby direct the Secretary of State to communicate my determinations in an appropriate manner to our allies, and other countries and international organizations cooperating in the war against terrorism of global reach.

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DOCUMENT CLASSIFICATION

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ACTION
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NATIONAL SECURITY COUNCIL
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NSC # 0985 LAC

DATE: 7-Feb-02

SE5B

SUBJECT: Detainees - Limited Access

ADDRESSEE	DATE	TIME	LAST NAME	SIGNATURE
The Vice President				
Gen. Powell State				
Mr. Rumsfeld DOD				
Mr. Ashcroft Justice				
Mr. Card WH COS				
Mr. Tenet CIA				
Gen. Myers JCS				

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ROOM 379, EEOB, 20504UNITED STATES DEPARTMENT OF STATE
REVIEW AUTHORITY: SHARON E AHMAD
DATE/CASE ID: 25 NOV 2009 200900076

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DEPARTMENT OF STATE
EXECUTIVE SECRETARIAT
TRANSMITTAL

SEP 22 PM 11 33

S/ES 200317574

Date: 9/22 /04

FOR: Gregory L. Schulte
Executive Secretary
National Security Council
The White House

REFERENCE:

TO: The President
FROM: Mabeth Bertrand-Henry
DATE: May 12, 2003
SUBJECT: Juvenile detainees at Guantanamo Bay, Cuba

WH Referral Dated: July 10, 2003
NSC ID# (if any) 0305817

Attached item was sent directly to the Department of State.

ACTION TAKEN:

☐ A draft reply is attached.
☐ A draft reply will be forwarded.
☐ A translation is attached.
☐ An information copy of a direct reply is attached.
☐ We believe no response is necessary for the reason cited below.
☐ The Department of State has no objection to the proposed travel.
☐ Other (See remarks.)

REMARKS:

Charles W. Atwood
Office of the
Executive Secretary

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REVIEW AUTHORITY: SHARON E AHMAD
DATE/CASE ID: 25 NOV 2009 200900076

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United States Department of State

Ambassador-at-Large for
War Crimes Issues

Washington, D.C. 20520

September 17, 2004

Mr. Mabeth Bertrand-Henry
Cabinet Bertrand
6, place Sainte Veronique
4000 Liege/Belgium

SE22A

Dear Mr. Bertrand-Henry:

Thank you for your letter of May 12, 2003 to President Bush expressing concern regarding juveniles detained by the United States at Guantanamo Bay, Cuba. Please excuse the delayed response. These juveniles were released from U.S. control at Guantanamo and sent home earlier this year.

The detention of juveniles was in accordance with the laws of war and consistent with the U.S. obligations under the Convention on the Rights of the Child. The United States recognized and respected the special needs of younger detainees and the difficult circumstances surrounding their situations, and treated the young enemy combatants in a manner appropriate to their status and age.

Sincerely,

Pierre-Richard Prosper

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200317574

NATIONAL SECURITY COUNCIL

ID 0305817

REFERRAL

DATE: 10 JUL 03

MEMORANDUM FOR: DEFENSE

SE22B

DOCUMENT DESCRIPTION:

TO: PRESIDENT

SOURCE: BERTRAND-HENRY, MABE

DATE: 12 MAY 03

SUBJ: LTR FM UNION INTL DEL AVOCATS RE CHILDREN HELD AMONG DETAINEES AT
GUANTANAMO BAY

REQUIRED ACTION: DIRECT REPLY FURNISH INFO COPY

DUE DATE: 19 JUN 03

COMMENT: POC: JOHN BELLINGER NSC/LEGAL X456-9111

FOR 
JOHN W. FICKLIN

NSC RECORDS MANAGEMENT OFFICE

UNITED STATES DEPARTMENT OF STATE
REVIEW AUTHORITY: SHARON E AHMAD
DATE/CASE ID: 25 NOV 2009 200900076

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5817INTERNATIONAL ASSOCIATION OF LAWYERS
INTERNATIONALE AVOCATS-UNIONUNION INTERNACIONAL DE ABOGADOS UNIONE
INTERNAZIONALE DEGLI AVVOCATI

الاتحاد الدولي للمحامين

SE22C

Mabeth BERTRAND-HENRY
President of the Commission on Children's RightsCorrespondence
Cabinet Bertrand
6, place Sainte Véronique
4000 Liège / Belgium
Tel: +32 (4) 252 28 60
Fax: +32 (4) 252 93 30
E-mail: mbh@lexnet.be**Georges W Bush**
President
The White House, Office of the President
1600 Pennsylvania Avenue
Washington DC 20500 USA

Fax: + 1 202 456 2461

12th May 2003

Dear Mr President,

The Commission on Children's Rights was concerned to learn that military authorities at the US Naval Base on Guantanamo Bay have discovered a handful of children between the ages of 13 and 15 years among the detainees.

Following our information, the children were transferred from Afghanistan earlier this year. US Army spokesman Lieutenant Colonel Barry Johnson has declared that all the teenagers were "captured as active combatants against US forces".

We are deeply disturbed to learn that those children - as well as the adults - have had no access to lawyers or relatives and have been denied their right to challenge the lawfulness of their detention in a court of law.

We are informed that most of the 600 detainees in Guantanamo are confined to tiny cells for 24 hours a day and allowed to exercise in shackles for only 15 minutes twice a week. Such conditions are of concern for all detainees, but they are particularly shocking when applied in the case of juveniles.

Association de Droits Belge - siège Social : Palais de Justice, Place Poelaert - 1000 Bruxelles (Belgique)
Dossiers suivis au : CENTRE ADMINISTRATIF UIA - 25, RUE DU JOUR - 75001 PARIS (FRANCE)TEL : +33 (0) 1 44 88 55 66 - FAX : +33 (0) 1 44 88 55 77 - E-MAIL : uiacentre@wanadoo.fr - WEB : <http://www.uiacentre.org>

UNITED STATES DEPARTMENT OF STATE N° SIRET : 775 749 237 000 68 - CODE APE : 911 A

REVIEW AUTHORITY: SHARON E AHMAD

DATE/CASE ID: 25 NOV 2009 200900076

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Those conditions of detention if they are verified, coupled with the denial of access to families, lawyer or to courts are a grave breach of the protection afforded to juvenile detainees by international law.

We would like to remind you that the United States has signed the *Convention on the Rights of the Child*, thereby binding itself under international law not to do anything to defeat the object and the purpose of the treaty.

The Convention states that "every child deprived of his or her liberty shall have the right to prompt access to legal and other appropriate assistance, as well as the right to challenge the legality of the deprivation of his or her liberty before a court or other competent, independent and impartial authority, and to a prompt decision on any such action" (art. 40). Article 39 adds "the arrest, detention or imprisonment of a child shall be in conformity with the law and shall be used only as a last resort and for the shortest appropriate period of time". This provision reflects a consensus also expressed in the *UN Standards Minimum rules for the Administration of Juvenile Justice* and the *UN Rules for the Protection of Juveniles deprived of their Liberty*.

Furthermore, the United states has ratified the *Optional protocol to the Convention on the rights of the Child on the involvement of children in armed conflicts* which reaffirms that "the rights of children requires special protection" and calls "for continuous improvement of the situation of children". It also obliges state parties to ensure that children within their jurisdiction who have been used in hostilities should be provided with all appropriate assistance for their physical and psychological recovery and their social reintegration.

Following international standards, all children under the age of eighteen are entitled to the special protections and considerations outlined above.

Therefore the Commission on Children's Rights calls for the immediate release of the children in detention at Cap Delta in Guantanamo Bay and urges you to do anything that can be done to put an end to this situation. If not released these children should at least be charged with a recognizable offence, provided with full judicial safeguards and transferred to juvenile detention facilities.

Respectfully yours ,

Mabeth BERTRAND-HENRY

President of the Commission on Children's Rights

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DEPARTMENT OF STATE

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PRECEDENCE

CLASSIFICATION:

RELEASER: CS

IMMEDIATE

SECRET

DATE/TIME:

MESSAGE #: 3090FROM: NSCPH: 456-9425ROOM: wwdSUBJECT: PRINCIPALS COMMITTEE MEETING ON DETAINEESPAGES: 13

PLEASE DELIVER TO:

LOCATION	DELIVER TO	ROOM	PHONE
DOS	exec sec		
TREASURY	exec sec		
DOD	exec sec		
CIA	exec sec		
JCS	secretary, joint staff		

SPECIAL DELIVERY INSTRUCTIONS/REMARKS:

UNITED STATES DEPARTMENT OF STATE
REVIEW AUTHORITY: SHARON E AHMAD
DATE/CASE ID: 25 NOV 2009 200900076

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THE SECRETARY OF STATE

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February 9, 2006

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MEMORANDUM FOR THE SECRETARY OF DEFENSE
THE ATTORNEY GENERAL
THE NATIONAL SECURITY ADVISORFROM: Condoleezza Rice *CR*
SUBJECT: Proposed Core Talking Points on Detainee Issues

As part of our overall efforts to advocate more effectively our positions on detainee issues with foreign publics, Karen Hughes has been working with your staff to develop a set of core talking points for use by all U.S. Government officials. With your approval, we would like to circulate these points to the broad interagency community and to all of our posts overseas in the next few days. Although these points are drawn from points that have been reviewed by all relevant agencies at a lower level, we would like to give you the opportunity to look over these points before they are formally circulated.

The timing of this effort is made more critical by the possible release later this month of a report about the Guantanamo Bay detention facility by special UN rapporteurs, as well as ongoing developments in the war on terror.

Please let me know soon if you have any concerns or suggestions about our planned use of this material.

Attachments:

- Tab 1 -- Detainee Key Talking Points
- Tab 2 -- Renditions Talking Points
- Tab 3 -- Guantanamo Talking Points

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UNDER SECRETARY OF STATE
FOR PUBLIC DIPLOMACY
AND PUBLIC AFFAIRS
WASHINGTON

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200602569 REV I.

2006 Feb 8 P 14:37

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MP
2.8.06

SE33D

(CR)

ACTION MEMO FOR THE SECRETARY

FROM: R – Under Secretary Karen P. Hughes *KPH*

SUBJECT: Proposed Core Talking Points on Detainee Issues

Recommendation

That you sign the attached memo to the Secretary of Defense, the Attorney General, and the National Security Advisor, which asks whether they have any concerns or suggestions about our use of a set of core talking points about detainee issues.

Approve

CR

Disapprove

Background

FEB 9 2006

The core talking points about detainee issues are for the use of the broad interagency community. I would like to transmit them to all of our posts overseas in the next few days.

Attachments

Tab 1 – Memo with three attachments

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SECRETINTERAGENCY DOCUMENT
DEPARTMENT OF STATE
EXECUTIVE SECRETARIAT

B1, 1.4(D)

ES SENSITIVE

ACTION: S/WCI

S/ES 2008/6612

SW2A

INFO COPIES TO:

DATE 10/8/08

☒ S	☒ S/ES	☐ A	☐ MED	☐ S/WCI
☒ D	☐ S/ES-EX	☐ CA	☐ M/PRI	☐ S/WE
☐ F	☒ S/ES-IA	☐ CPR	☐ M/WHL	☐ UN/W
☒ P	☐ S/ES-IRM	☐ DGHR	☐ OBO	☐ VCI
☐ M	☐ S/ES-O	☒ DRL	☐ OES	☐ G/AIAG
☐ E	☒ S/ES-CR	☐ DS	☐ QIG	☐ G/IWI
☐ T	☐ S/ES-S	☐ ECA	☒ PM	☐ G/STAS
☐ G		☐ EEB	☐ PRM	☐ G/TIP
☐ R	☐ AF	☐ FSI	☐ RM	☐ G/IWI
☐ C	☒ EAP	☐ H	☐ S/CRS	
	☐ EUR	☐ IIP	☐ S/CT	
☐ PA	☐ NEA	☐ INL	☐ S/I	
☐ S/P	☒ SCA	☐ IO	☐ S/GAC	
☐ INR	☒ WHA	☐ IRM	☐ S/OF	
☐ USAID		☒ ISN		
☐ MCC		☒ L		

SUBJECT: Memorandum to Principals Requesting

B1

COPY ADVANCED TO:

ACTION REQUESTED:

XX **MEMORANDUM FOR:** The Secretary
to NSA Hadley u/cover of AM to S☐ APPROPRIATE HANDLING☐ FOR YOUR INFORMATION☐ OTHER

REMARKS: S/WCI, please coordinate State's response under cover an Action Memo to the Secretary covering a memorandum from the Secretary to NSA Hadley. Pls clear with D, P, L and others as appropriate. Many thanks.

DATE DUE IN S/ES: 9:00 am 10/9

AUTHORIZED BY: Saadia Sarkis

S/ES, ROOM 7241

EXT: 7-6590

FAX: 7-2283

UNITED STATES DEPARTMENT OF STATE
REVIEW AUTHORITY: ARCHIE M BOLSTER
CLASSIFICATION: SECRET REASON: 1.4(D)
DECLASSIFY AFTER: 7 OCT 2018
DATE/CASE ID: 18 FEB 2010 200900076

A COPY OF THIS TASKER SHOULD ACCOMPANY YOUR RESPONSE.

SECRET

UNCLASSIFIED

UNCLASSIFIED

INTERAGENCY DOCUMENT
DEPARTMENT OF STATE
EXECUTIVE SECRETARIAT

RELEASED IN FULL

CONFIDENTIAL

ACTION: S/WCI

S/ES

2003 OCT 27 AM 9 09

DATE 10/27/03

INFO COPIES TO:

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☒ D	☐ S/ES-EX	☐ AC	☐ OES
☒ P	☒ S/ES-IA	☐ CA	☐ OIG
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☐ T	☒ S/ES-CR	☐ EB	☐ RM
☐ G	☒ S/ES-S	☐ ECA	☐ S/CPR
☐ R	☐	☐ H	☐ S/CT
☐ C	☐	☐ IIP	☐ S/OCR
	☐	☐ INL	☐ S/OF
	☐	☐ INR	☐ S/WCI
☐ PA	☐ AF	☐ IO	☐ USUN/W
☐ S/P	☐ EAP	☐ IRM	☐ VC
	☒ EUR	☒ L	
	☒ NEA	☐ M/DGHR	
	☒ SA	☐ M/FSI	
	☐ WHA	☐ M/P	
☐ USAID		☐ M/WHL	
		☐ NP	

COPY ADVANCED TO:

DRAFT Summary of Conclusions for Deputies
Committee Meeting on Guantanamo Detainees**ACTION REQUESTED:**

☒ MEMORANDUM FOR: Hofmann-Schulte
under cover of AM to D.
☐ APPROPRIATE HANDLING
☐ FOR YOUR INFORMATION
☐ OTHER
☐ VOA EDITORIAL:
☐ CALL/FAX OR E-MAIL COMMENTS/CLEARANCE TO:

REMARKS: S/WCI, please coordinate
State's response under cover of an
Action Memo to D along with a Hofmann-
Schulte memo. Pls clear with D, P
and others as appropriate. Thanks.

UNITED STATES DEPARTMENT OF STATE
REVIEW AUTHORITY: ARCHIE M BOLSTER
DATE/CASE ID: 18 FEB 2010 200900076

DUE DATE IN S/ES: 10/28 Noon

AUTHORIZED BY Saadia Sarkis

S/ES, ROOM 7241

EXT. 7- 6590

FAX. 7-2283

CONFIDENTIAL

YOUR RESPONSE SHOULD BE ACCOMPANIED BY A COPY OF THIS TASKER.

UNCLASSIFIED

~~CONFIDENTIAL~~ w/

INTERAGENCY DOCUMENT

DEPARTMENT OF STATE

EXECUTIVE SECRETARIAT

SW/7

200400184

SECRET Attachment

ACTION: S/WCI

2004 JAN 6 PM 12 30

S/ES

INFO COPIES TO:

UNCLASSIFIED

DATE 1/6/05

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☐ WHA

COPY ADVANCED TO:

Summary of Conclusions for NSC Meeting on
Detainees--12/15/03**ACTION REQUESTED:**

☐ MEMORANDUM FOR:
☒ APPROPRIATE HANDLING
☐ FOR YOUR INFORMATION
☐ OTHER
☐ VOA EDITORIAL:
☐ CALL/FAX OR E-MAIL COMMENTS/CLEARANCE TO:

REMARKS: Please note any State
action and prepare a response as
appropriate. Thanks.

UNITED STATES DEPARTMENT OF STATE
 REVIEW AUTHORITY: ARCHIE M BOLSTER
 DATE/CASE ID: 19 FEB 2010 200900076

DUE DATE IN S/ES:

AUTHORIZED BY

Saadia Sarkis

S/ES, ROOM 7241

~~CONFIDENTIAL~~ w/**SECRET** Attachment

EXT. 7- 6590
 FAX. 7-2283

YOUR RESPONSE SHOULD BE ACC UNCLASSIFIED OF THIS TASKER.

UNCLASSIFIED

DEPARTMENT OF STATE
EXECUTIVE SECRETARIAT

SW18

Copy

ACTION: L

SECRET

2005 JUN 12 04 S/ES

200512044

INFO COPIES TO:

DATE 6/13/05

☒ S	☒ S/ES	☐ A	☐ M/WH
☒ D	☐ S/ES-EX	☐ AC	☐ NP
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☐ M	☐ S/ES-IRM	☐ DRL	☐ OES
☐ E	☐ S/ES-O	☐ DS	☐ OIG
☐ T	☒ S/ES-CR	☐ EB	☐ PM
☐ G	☒ S/ES-S	☐ ECA	☐ PRM
☐ R	☐ AF	☐ H	☐ RM
☒ C	☐ EAP	☐ IIP	☐ S/CPR
☒ INR	☐ EUR	☐ INL	☐ S/CT
☐ PA	☐ NEA	☐ IO	☐ S/OCR
☐ S/P	☐ SA	☐ IRM	☐ S/OF
☐	☐ WHA	☐ L	☒ S/WCI
☐	☐	☐ M/DGHR	☐ USUN/W
☐	☐	☐ MED	☐ VC
☐	☐	☐ M/FSI	☐ G/IWI
☐	☐	☐ M/P	☐ G/STAS
☐ USAID	☐	☐ M/R	☐ G/TIP

SUBJECT: SUMMARY OF CONCLUSIONS FOR DEPUTIES COMMITTEE MEETING ON
DETAINEES -- 6/8/05

COPY ADVANCED TO:

ACTION REQUESTED:

REMARKS: PLEASE NOTE ANY STATE
ACTION AND PREPARE AN APPROPRIATE
RESPONSE. THANKS.

MEMORANDUM FOR:

☒ FOR APPROPRIATE HANDLING☐ FOR YOUR INFORMATION☐ OTHER

DUE DATE IN S/ES:

AUTHORIZED BY SAADIA SARKIS

S/ES, ROOM 7241

EXT. 7-6590

FAX. 7-2283

YOUR RESPONSE SHOULD BE ACCOMPANIED BY A COPY OF THIS TASKER

CONFIDENTIAL

SECRET

UNITED STATES DEPARTMENT OF STATE
REVIEW AUTHORITY: ARCHIE M BOLSTER
DATE/CASE ID: 19 FEB 2010 200900076

UNCLASSIFIED

~~SECRET~~
UNCLASSIFIEDHodgkinson, Sandra LRELEASED IN PART; W22
B1, 1.4(B), 1.4(D)

From: Hodgkinson, Sandra L
Sent: Thursday, August 17, 2006 6:00 PM
To: Berg, Louis-Alexandre; Mubangu, Sam AB; Stamilio, Mark A; Williamson, Clint; Wildermuth, Mark J
Subject: RE: Daily Briefing Note 8-17-06

B1

Leiprich (U): Due to Mark Stamilio's good work on the Leiprich issue, and using the points he prepared - Chris Camponovo has agree to ask JD Crouch for a call to the Romanian Ambassador when he returns from leave. (Sandy Hodgkinson).

From: Berg, Louis-Alexandre
Sent: Thursday, August 17, 2006 5:45 PM
To: Berg, Louis-Alexandre; Hodgkinson, Sandra L; Mubangu, Sam AB; Stamilio, Mark A; Williamson, Clint
Subject: Daily Briefing Note 8-17-06

B1

The Special Court for Sierra Leone Prosecutor (SBU): No names have been put forth so far by the USG, nor have any been proposed. According to IO and AF/L, all are waiting for the UN Dep Legal Counsel, Larry Johnson, to propose a name, which he is expected to do early next week. S/WCI should come up with potential candidates to put forward in case we are not satisfied with that choice. Mark Wildermuth [Alex Berg]

B1

UNITED STATES DEPARTMENT OF STATE
CLASSIFIED BY DEPT. OF STATE, M. GRAFELD, DAS, A/GIS
REVIEW AUTHORITY: ARCHIE M BOLSTER
CLASSIFICATION: CONFIDENTIAL REASON: 1.4(B), 1.4(D)
DECLASSIFY AFTER: 16 AUG 2021
DATE/CASE ID: 04 NOV 2011 200900076

UNCLASSIFIED

~~UNCLASSIFIED~~
UNCLASSIFIEDLetter from FM Amado to his EU counterpartsSW71B
RELEASED IN FULL**Portugal willing to help to find a solution for Human Rights problem in Gautanamo**

Letter of the Minister of State and for Foreign Affairs to the Ministers of Foreign Affairs and the High Representative for the Common Foreign and Security Policy of the European Union on the EU efforts to help the USA Government to find a solution to the detainees under accusations of terrorism in the USA military base in Guantanamo, at the 60th Anniversary of the Universal Declaration of Human Rights

As we celebrate the 60th Anniversary of the Universal Declaration of Human Rights, the international community is faced with difficult questions regarding the fight against terrorism and, among them, the issues posed by the existence of the Guantánamo Detention Centre.

As you recall, we undertook a reflection on the future of the transatlantic relations which produced an important policy toolbox. There has been a clear consensus throughout on the need to close this Detention Centre. The policy paper, we adopted in Marseille, clearly puts an emphasis on urging the US and the EU "to act together more in the Human Rights field, which would prove easier with the closure of the Guantánamo Detention camp".

I believe that Europe should draw the necessary conclusions from the debates held so far, both at political and legal expert level, as well as from the stated and welcomed intentions of the incoming US Administration. We have made significant progress in finding a common legal platform, and we must also acknowledge, in that regard, the more constructive attitude displayed by the US Department of State.

The time has come for the European Union to step forward. As a matter of principle and coherence, we should send a clear signal of our willingness to help the US Government in that regard, namely through the resettlement of detainees. As far as the Portuguese Government is concerned, we will be available to participate.

Building upon the work already carried out by the French Presidency, I propose that this specific issue be taken up by General Affairs and External Relations Council of Ministers.

Please accept, Dear Colleague, the assurances of my highest consideration.

Luis Amado

Minister of State and for Foreign Affairs

~~UNCLASSIFIED~~

UNCLASSIFIED

~~SECRET~~
UNCLASSIFIED

Victor, Jacob M

L6K

From: Fooks, Michael D
Sent: Wednesday, November 26, 2008 1:48 PM
To: Williamson, Clint; Vibul-Jolles, Julie M; Ricci, Anthony P; Jones, Stuart E; Hyland, Jason P; Silberstein, Robert; Stinchcomb, Anna M; Weinberg, Jeremy M; Katherine Helgerson (helgersk@nsc.sgov.gov); Nathan Bein; Dunn, Courtenay; Kelley, Henry E; Ingber, Rebecca M; Pomper, Stephen
Subject: BOSNIA - SECURITY MINISTER SADOVIC ON REQUEST TO TRANSFER A-6 DETAINEES

B1

Cable Text:
SECRET
TELEGRAM

November 26, 2008

To: SECSTATE WASHDC - IMMEDIATE

RELEASED IN PART
B1, 1.4(B), 1.4(D)

Action: SWCI

From: AMEMBASSY SARAJEVO (SARAJEVO 1796 - IMMEDIATE)

TAGS: AGAO, PGOV, PINR, PREL, PTER, BK

Captions: SIPDIS, NOFORN

Subject: BOSNIA - SECURITY MINISTER SADOVIC'S RESPONSE TO
REQUEST TO TRANSFER SOME "ALGERIAN 6" DETAINEES

Ref: A. STATE 123743 B. SARAJEVO 1705

Classified By: Charge Judith Cefkin for reasons 1.4 (b) and (d)

B1

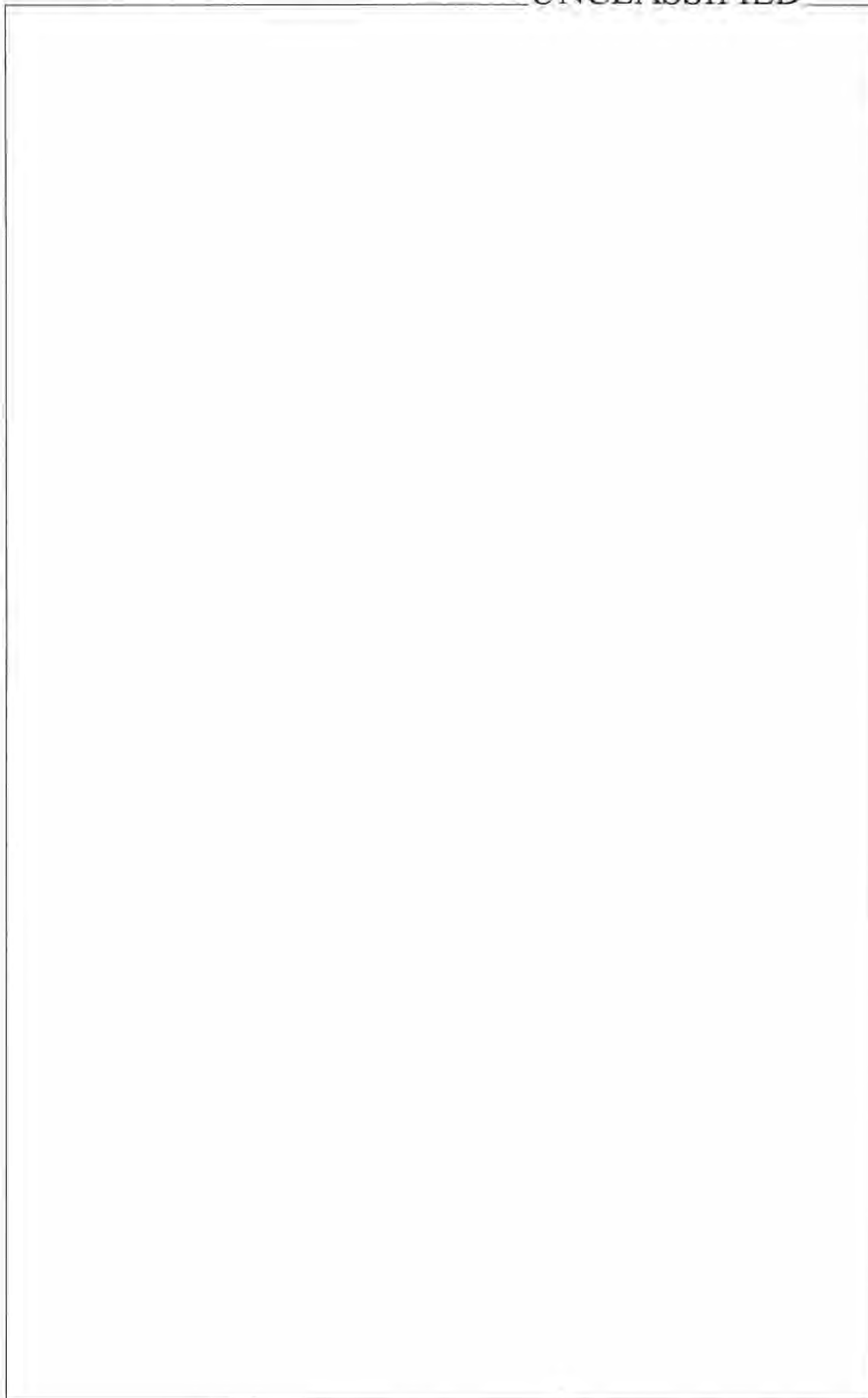
UNITED STATES DEPARTMENT OF STATE
REVIEW AUTHORITY: CHARLES L DARIS
CLASSIFICATION: SECRET REASON: 1.4(B), 1.4(D)
DECLASSIFY AFTER: 26 NOV 2028

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B1



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UNCLASSIFIED

B1

Press Commentary

5. (SBU) Although the local press was relatively quiet about the A-6 issue until last week, the issue has gotten significantly more coverage in the past few days. Articles in the Republika Srpska press have quoted some ethnic Serb nationalists critical of A-6 returns. For example, Nedeljko Mitrovic, President of the Association of RS War Veterans, was quoted as saying that A-6 detainees should not be allowed to return and, if they do, they should be arrested immediately and put on trial. Branislav Ducic, the head of Former Concentration Camp Victims of the RS, was quoted as making similar comments. These officials took specific aim at Sadovic, accusing him of violating Dayton. (Note: In response to reports about the Judge's decision in the A-6 case, Sadovic had earlier been quoted as saying that, if asked, BiH would be obliged to take its citizens back. End note)

B1

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B1

CEPKIN

Additional Addressees:
None

cc:
AMEMBASSY ALGIERS

Distribution:

TED5722
ACTION SWCI-00

INFO	LOG-00	EEB-00	AF-00	AID-00	AMAD-00	CIAE-00	INL-00
	C-00	DNI-00	DODE-00	DOEE-00	DOTE-00	PERC-00	DS-00
	DHSE-00	EUR-00	FAAE-00	FBIE-00	VCI-00	DIAS-00	H-00
	TEDE-00	INR-00	IO-00	JUSE-00	ARMY-00	MOFM-00	MOF-00
	VCIE-00	NEA-00	NSAE-00	ISN-00	NIMA-00	PM-00	SCT-00
	ISNE-00	DOHS-00	FMPC-00	SSO-00	SS-00	NCTC-00	ASDS-00
	CBP-00	BBG-00	PMB-00	DSCC-00	PRM-00	DRL-00	NFAT-00

4

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SAS-00 FA-00 /000W

-----023D05 261810Z /38

O 261732Z NOV 08
FM AMEMBASSY SARAJEVO
TO SECSTATE WASHDC IMMEDIATE 9332
INFO AMEMBASSY ALGIERS

S E C R E T SARAJEVO 001796

NOFORN
SIPDIS

DEPARTMENT FOR S/WCI (WILLIAMSON/VIBUL-JOLLES), EUR
(JONES), AND EUR/SCE (FOOKS/STINCHCOMB)

E.O. 12958: DECL: 11/26/2018
TAGS: PGOV, PINR, PREL, PTER, BK, AGAO
SUBJECT: BOSNIA - SECURITY MINISTER SADOVIC'S RESPONSE TO
REQUEST TO TRANSFER SOME "ALGERIAN 6" DETAINEES

REF: A. STATE 123743
B. SARAJEVO 1705

UNCLASSIFIED

NO CLASSIFICATION MARKED
UNCLASSIFIED

L64H

Victor, Jacob M

From: Dolan, JoAnn
Sent: Friday, February 17, 2006 10:20 PM
To: McGeeney, Kristen R(S/WCI); Miller, Ronald W(S/WCI); Hill, Steven R; Haines, Avril D
Cc: Witten, Samuel M (S/WCI)(S/WCI); Engelken, Stephen C (SCA/PB)); Padmanabhan, Vijay M
Subject: Anticipating meeting with Bangladesh Embassy on detainee

I believe there is only one Bangladeshi at GTMO approved for transfer since November 1: [REDACTED] B6

I have following cables:
 DHAKA 101 (1/5/06)



NotesTele.txt

RELEASED IN PART
 B6

STATE 211146 (11/19/05)



NotesTele.txt

We also cleared a follow-up cable last month with the text of a dip note (not previously delivered), but I am not sure whether it ever went out. Text attached below with L and DRL comments.

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

From: Camponovo, Christopher N (DRL)
Sent: Monday, January 09, 2006 1:48 PM
To: Miller, Ronald W(S/WCI)
Cc: Dolan, JoAnn
Subject: FW: Draft BG Cable

looks good.
 c

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

From: Dolan, JoAnn
Sent: Thursday, January 05, 2006 1:55 PM
To: Miller, Ronald W(S/WCI); Christensen, Brent T; Camponovo, Christopher N (DRL); [REDACTED]@osd.smil.mil; [REDACTED] B6CIV, OSD-POLICY; Thomas Monheim (E-mail); [REDACTED] DoD-OGC
Cc: John.Rowan@usdoj.sgov.gov; [REDACTED] CIV, OSD-POLICY; [REDACTED]@osd.smil.mil; Witten, Samuel M; Hodgkinson, Sandra L(S/WCI); Sagor, Andrew E(S/WCI); Dorosin, Joshua L
Subject: RE: Draft BG Cable

Attached are changes per our conversation to follow up on previous message. Note that he has now filed a habeas petition so I have added a new litigation status paragraph..



Cable - Text for
 Transfer of B...

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

From: Miller, Ronald W
Sent: Tuesday, January 03, 2006 8:55 AM
To: Christensen, Brent T(RM. 5247); Camponovo, Christopher N (DRL)(SEA); Dolan, JoAnn(Main State Room 6429); [REDACTED]@osd.smil.mil; [REDACTED] CIV, OSD-POLICY
Cc: John.Rowan@usdoj.sgov.gov; [REDACTED] CIV, OSD-POLICY; [REDACTED]@osd.smil.mil; Witten, Samuel M(Main State Room 6423); Hodgkinson, Sandra L; Sagor, Andrew E
Subject: Draft BG Cable

B6

UNITED STATES DEPARTMENT OF STATE
 REVIEW AUTHORITY: CHARLES L DARIS
 DATE/CASE ID: 10 MAY 2010 200900076

1

UNCLASSIFIED

NO CLASSIFICATION MARKED
UNCLASSIFIED

Bangladeshi detainee recently approved for transfer. Please comment/clear on the attached.
Thanks.

<< File: Cable - Text for Transfer of BG Detainee - 29Dec05.doc >>

LTC Ronald W. Miller
Military Advisor to the Ambassador at Large for War Crimes Issues
(202) 647-5093
Mobile - (202) 236-0108
Fax - (202) 736-4495

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UNCLASSIFIED

L6KA

RELEASED IN PART
B1, 1.4(B), 1.4(D)^{of 5}

SECRET

ACTION SWCI-00

INFO	LOG-00	EEB-00	AF-00	AID-00	AMAD-00	CIAE-00	INL-00
	C-00	DNI-00	DODE-00	DOEE-00	DOTE-00	PERC-00	DS-00
	DHSE-00	EUR-00	FAAE-00	FBIE-00	VCI-00	DIAS-00	H-00
	TEDE-00	INR-00	IO-00	JUSE-00	ARMY-00	MOFM-00	MOF-00
	VCIE-00	NEA-00	NSAE-00	ISN-00	NIMA-00	PM-00	SCT-00
	ISNE-00	DOHS-00	FMPC-00	SSO-00	SS-00	NCTC-00	ASDS-00
	CBP-00	BBG-00	PMB-00	DSCC-00	PRM-00	DRL-00	NFAT-00
	SAS-00	FA-00	/000W				

-----023D05 261810Z /38

O 261732Z NOV 08

FM AMEMBASSY SARAJEVO

TO SECSTATE WASHDC IMMEDIATE 9332

INFO AMEMBASSY ALGIERS

S E C R E T SARAJEVO 001796

NOFORN

SIPDIS

DEPARTMENT FOR S/WCI (WILLIAMSON/VIBUL-JOLLES), EUR
(JONES), AND EUR/SCE (HOOKS/STINCHCOMB)

E.O. 12958: DECL: 11/26/2018

TAGS: PGOV, PINR, PREL, PTER, BK, AGAO

SUBJECT: BOSNIA - SECURITY MINISTER SADOVIC'S RESPONSE TO
REQUEST TO TRANSFER SOME "ALGERIAN 6" DETAINEES

REF: A. STATE 123743

B. SARAJEVO 1705

Classified By: Charge Judith Cefkin for reasons 1.4 (b) and (d)

B1

UNITED STATES DEPARTMENT OF STATE
 REVIEW AUTHORITY: CHARLES L DARIS
 CLASSIFICATION: SECRET REASON: 1.4(B), 1.4(D)
 DECLASSIFY AFTER: 26 NOV 2028
 DATE/CASE ID: 10 MAY 2010 200900076

SECRET

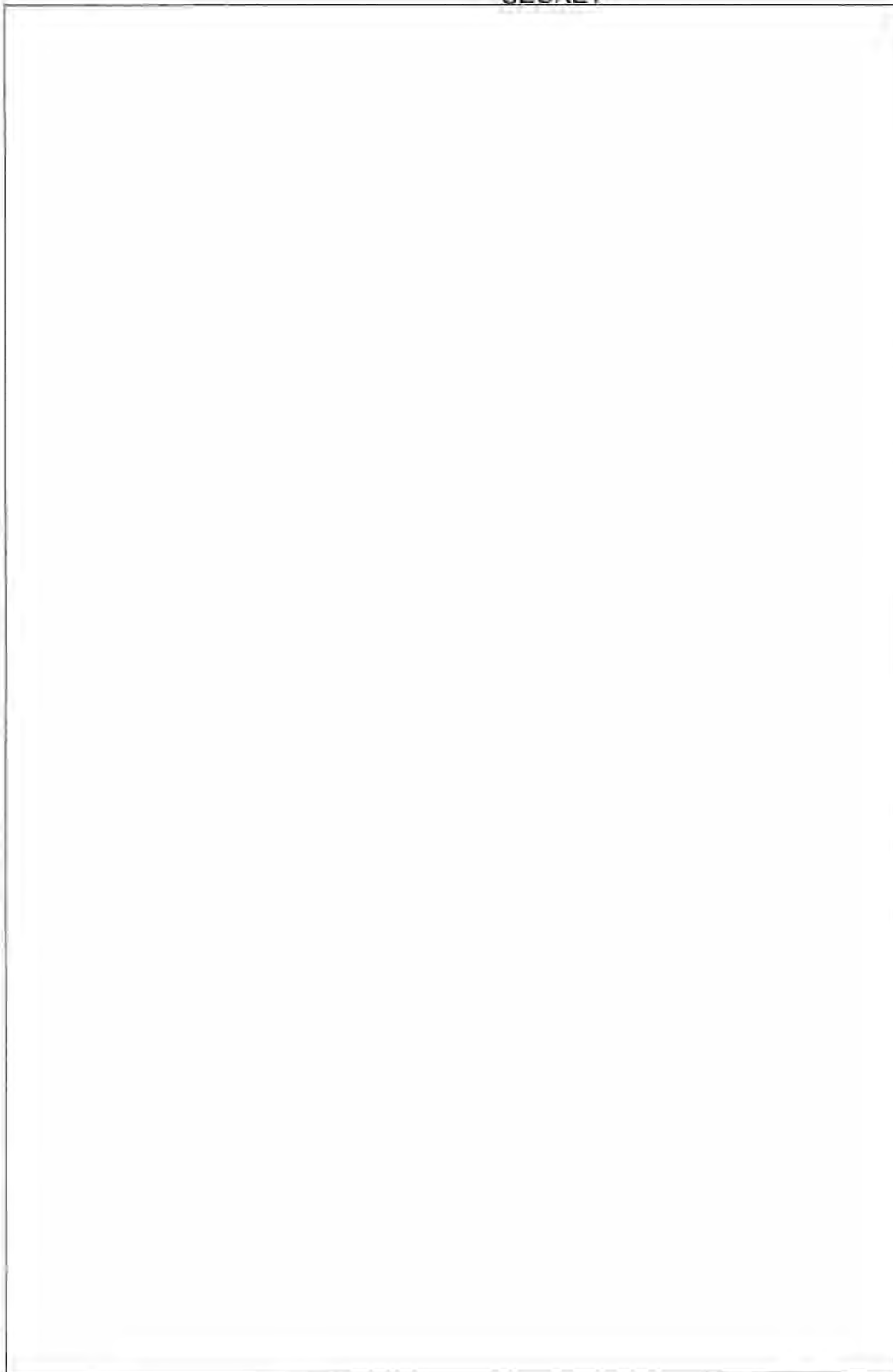
1 of 5

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2 of 5
B1



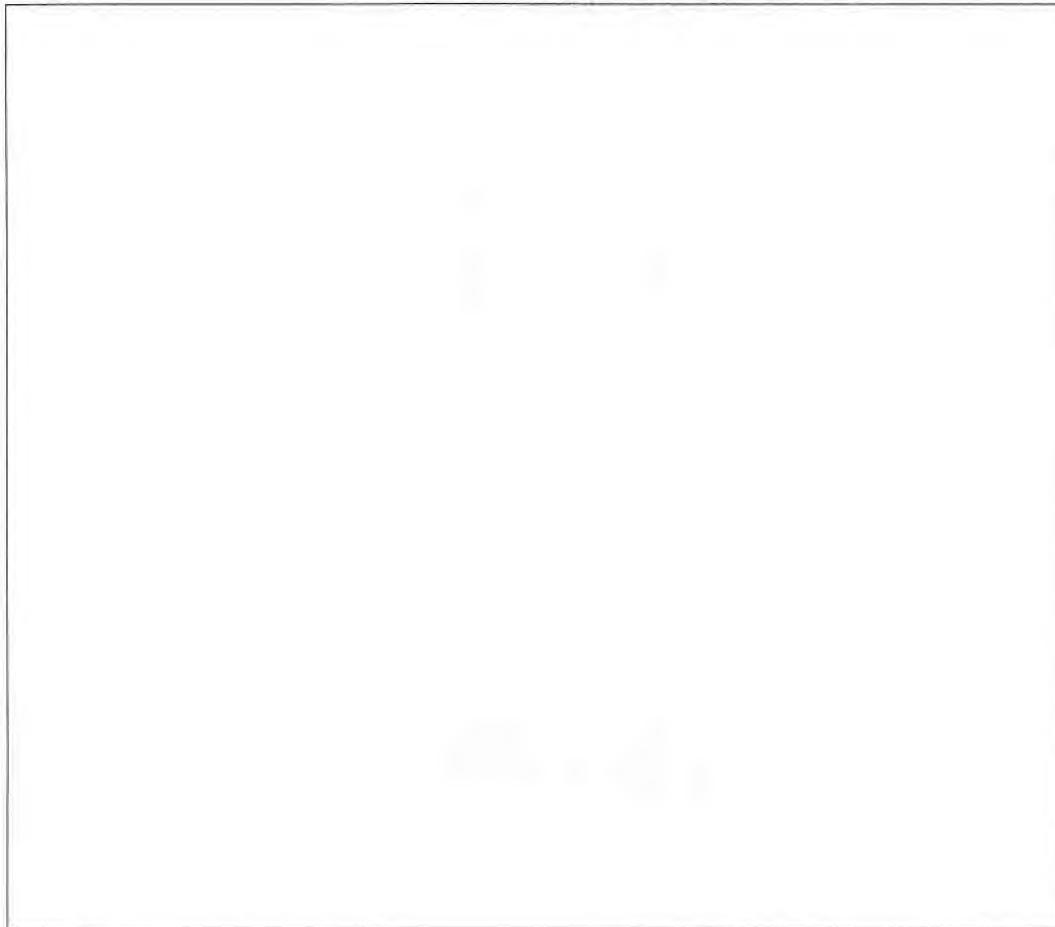
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2 of 5

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3 of 5
B1Press Commentary

5. (SBU) Although the local press was relatively quiet about the A-6 issue until last week, the issue has gotten significantly more coverage in the past few days. Articles in the Republika Srpska press have quoted some ethnic Serb nationalists critical of A-6 returns. For example, Nedeljko Mitrovic, President of the Association of RS War Veterans, was quoted as saying that A-6 detainees should not be allowed to return and, if they do, they should be arrested immediately and put on trial. Branislav Ducic, the head of Former Concentration Camp Victims of the RS, was quoted as making similar comments. These officials took specific aim at Sadovic, accusing him of violating Dayton. (Note: In response to reports about the Judge's decision in the A-6 case, Sadovic had earlier been quoted as saying that, if asked, BiH would be obliged to take its citizens back. End note)

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3 of 5

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4 of 5

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5 of 5
B1

CEFKIN

NNNN

SECRET

5 of 5

UNCLASSIFIED

NO CLASSIFICATION MARKED
UNCLASSIFIED

Victor, Jacob M

27AM

From: Deeks, Ashley S
Sent: Friday, May 12, 2006 9:04 AM
To: Hodgkinson, Sandra L; Waxman, Matthew; Santos, Carrie T; Dorosin, Joshua L; Pelofsky, Eric J; 'Wiegmann, John B.'
Subject: nyt piece on icrc visit - fyi

May 12, 2006

Rice, Rumsfeld Block Access to Secret Detainees: ICRC

RELEASED IN FULL

By REUTERS

Filed at 7:28 a.m. ET

GENEVA (Reuters) - The United States has again refused the International Committee of the Red Cross (ICRC) access to terrorism suspects held in secret detention centers, the humanitarian agency said on Friday.

The overnight statement was issued after talks in Washington between ICRC President Jakob Kellenberger and senior officials, including Secretary of State Condoleezza Rice, Defense Secretary Donald Rumsfeld and National Security Adviser Stephen Hadley.

"Mr. Kellenberger deplored the fact that the U.S. authorities had not moved closer to granting the ICRC access to persons held in undisclosed locations," the Geneva-based agency said.

Kellenberger said: "No matter how legitimate the grounds for detention, there exists no right to conceal a person's whereabouts or to deny that he or she is being detained."

The former senior Swiss diplomat said that the ICRC would continue to seek access to such people as a matter of priority.

The main objective of his annual visit this week was for the ICRC to be granted access to "all persons held by the U.S. in the context of the fight against terrorism, an issue he first raised with the U.S. government over two years ago," the agency said.

Antonella Notari, chief ICRC spokeswoman, noted that Kellenberger had first raised the issue with former Secretary of State Colin Powell and Rice, then National Security Adviser, in January 2004.

"We have just received a negative response again," Notari said on Friday.

The agency recognized there were legitimate grounds for holding foreign terrorism suspects who posed a threat to the United States, she said.

"Having said that, it is absolutely vital for such people to be held in a clear legal framework and that they are granted all basic judicial safeguards," Notari added. "Obviously this includes those people held in secret places of detention."

A Washington Post report last year, which said that the CIA had run secret prisons in Europe and flown suspects to states where they would have been tortured, unleashed a spate of investigations. But none so far have produced solid proof.

UNITED STATES DEPARTMENT OF STATE
REVIEW AUTHORITY: CHARLES L DARIS
DATE/CASE ID: 26 APR 2010 200900076

UNCLASSIFIED

NO CLASSIFICATION MARKED
UNCLASSIFIED

The United Nations torture investigator, Manfred Nowak, told a European Union parliamentary committee probing the allegations there was evidence of secret detention centers outside the United States, but no definite proof they had existed in Europe.

John Bellinger, the State Department's legal adviser, reiterated last week Washington's position that it does not outsource torture or transfer people it suspects of being involved in terrorism to places where it can expect them to be tortured.

From: Deeks, Ashley S

Sent: Thursday, May 11, 2006 8:03 PM

To: Hodgkinson, Sandra L; Waxman, Matthew; Santos, Carrie T; Greene, Richard L (PRM)

Cc: Dorosin, Joshua L; Pelofsky, Eric J; 'Wiegmann, John B.'

Subject: draft press guidance on icrc statement

All: As you know, Pres. Kellenberger issued a very negative statement tonight about his visit this week. In anticipation of a need for press guidance tomorrow, I have attached the three points that we'd recommend using. (I will add background tomorrow.) Please let us know if you have comments.

<< File: press guidance - undisclosed locn.doc >>

FYI, the press release is at:

<http://www.icrc.org/Web/eng/siteeng0.nsf/html/washington-news-120506!OpenDocument>

Thanks.

Ashley

UNCLASSIFIED

UNCLASSIFIED

Victor, Jacob M

L7AN

From: Witten, Samuel M
Sent: Monday, May 08, 2006 1:06 PM
To: Dorosin, Joshua L; 'Wiegmann, John B.'; "
Cc: Deeks, Ashley S
Subject: RE: GTMo Press Q&A

RELEASED IN PART
B5

From: Dorosin, Joshua L
Sent: Monday, May 08, 2006 12:58 PM
To: 'Wiegmann, John B.';
Cc: Deeks, Ashley S; Witten, Samuel M
Subject: RE: GTMo Press Q&A

Brad –

Josh

From: Wiegmann, John B. [mailto:John_B._Wiegmann@nsc.eop.gov]
Sent: Monday, May 08, 2006 12:25 PM
To: Steve.Bradbury@usdoj.gov; Dorosin, Joshua L
Cc: deeksas@state.gov
Subject: FW: GTMo Press Q&A

For your clearance also, as soon as you can, thanks.

UNCLASSIFIED

From: Wiegmann, John B.
Sent: Monday, May 08, 2006 12:07 PM
To: Allen, Charles, Mr, DoD OGC
Subject: GTMO Press Q&A

Need your comments/clearance on this asap, in Eliana's absence. Guidance to respond to questions about President's remarks about GTMO (at bottom). Thanks.

B5

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