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Fra		Dato	
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Facts sheets vedr. status for fangerne på Guantanamo-basen (amfax 106 af 07.02.02)

Under henvisning til oven citerede amfax indsendes vedlagt kopi af to "fact sheets" om status for fangerne på Guantamo-basen.

Dokumenterne er modtaget fra Danmarks "desk officer" i State Department, der tillige havde instruktion om at pr. telefon at oplæse en række punkter, der svarede til indholdet af Det Hvide Hus' pressekonference den 7. ds.

Eneste tilføjelse til det allerede hjemsendte var, at man efter at have understreget USA's opbakning til Geneve-konventionen anførte, at "US is also open to discussing with other nations a new instrument concerning treatment of detainees in conflicts not envisaged in 1949."

Det blev endvidere fremhævet, at præsident Bush' beslutning ikke har nogen juridisk eller praktisk betydning for personer i den amerikanske hær, der måtte blive tilfangetaget.

P.A.V
E.B.

Christina Markus Lassen



7 February 2002

Fact Sheet: White House on Status of Detainees at Guantanamo

Says treatment consistent with principles of Geneva Convention

(begin text)

THE WHITE HOUSE
Office of the Press Secretary
February 7, 2002

Fact Sheet

STATUS OF DETAINEES AT GUANTANAMO

United States Policy

- The United States is treating and will continue to treat all of the individuals detained at Guantanamo humanely and, to the extent appropriate and consistent with military necessity, in a manner consistent with the principles of the Third Geneva Convention of 1949.
- The President has determined that the Geneva Convention applies to the Taliban detainees, but not to the al-Qaida detainees.
- Al-Qaida is not a state party to the Geneva Convention; it is a foreign terrorist group. As such, its members are not entitled to POW status.
- Although we never recognized the Taliban as the legitimate Afghan government, Afghanistan is a party to the Convention, and the President has determined that the Taliban are covered by the Convention. Under the terms of the Geneva Convention, however, the Taliban detainees do not qualify as POWs.
- Therefore, neither the Taliban nor al-Qaida detainees are entitled to POW status.
- Even though the detainees are not entitled to POW privileges, they will be provided many POW privileges as a matter of policy.

All detainees at Guantanamo are being provided:

- three meals a day that meet Muslim dietary laws
- water
- medical care
- clothing and shoes
- shelter
- showers
- soap and toilet articles

- foam sleeping pads and blankets
- towels and washcloths
- the opportunity to worship
- correspondence materials, and the means to send mail
- the ability to receive packages of food and clothing, subject to security screening

The detainees will not be subjected to physical or mental abuse or cruel treatment. The International Committee of the Red Cross has visited and will continue to be able to visit the detainees privately. The detainees will be permitted to raise concerns about their conditions and we will attempt to address those concerns consistent with security.

Housing. We are building facilities in Guantanamo more appropriate for housing the detainees on a long-term basis. The detainees now at Guantanamo are being housed in temporary open-air shelters until these more long-term facilities can be arranged. Their current shelters are reasonable in light of the serious security risk posed by these detainees and the mild climate of Cuba.

POW Privileges the Detainees will not receive. The detainees will receive much of the treatment normally afforded to POWs by the Third Geneva Convention. However, the detainees will not receive some of the specific privileges afforded to POWs, including: -- access to a canteen to purchase food, soap, and tobacco -- a monthly advance of pay -- the ability to have and consult personal financial accounts -- the ability to receive scientific equipment, musical instruments, or sports outfits

Many detainees at Guantanamo pose a severe security risk to those responsible for guarding them and to each other. Some of these individuals demonstrated how dangerous they are in uprisings at Mazar-e-Sharif and in Pakistan. The United States must take into account the need for security in establishing the conditions for detention at Guantanamo.

Background on Geneva Conventions. The Third Geneva Convention of 1949 is an international treaty designed to protect prisoners of war from inhumane treatment at the hands of their captors in conflicts covered by the Convention. It is among four treaties concluded in the wake of WWII to reduce the human suffering caused by war. These four treaties provide protections for four different classes of people: the military wounded and sick in land conflicts; the military wounded, sick and shipwrecked in conflicts at sea; military persons and civilians accompanying the armed forces in the field who are captured and qualify as prisoners of war; and civilian non-combatants who are interned or otherwise found in the hands of a party (e.g. in a military occupation) during an armed conflict.

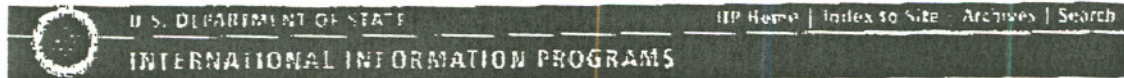
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Washington File

07 February 2002

Bush Says Geneva Convention Applies To Taliban, Not al-Qaida

(Taliban still doesn't qualify as POWs, Fleischer says) (460)
By Merle D. Kellerhals, Jr.
Washington File Staff Writer

Washington -- President Bush has determined that the Geneva Convention applies to members of the Taliban militia, but not to members of the international al-Qaida terrorist network, says White House spokesman Ari Fleischer.

"Under Article 4 of the Geneva Convention, however, Taliban detainees are not entitled to POW [prisoner of war] status," Fleischer said February 7.

"To qualify as POWs under Article 4, al-Qaida and Taliban detainees would have to have satisfied four conditions: they would have to be part of a military hierarchy, they would have to have worn uniforms or other distinctive signs visible at a distance, they would have to have carried arms openly, and they would have had to have conducted their military operations in accordance with the laws and customs of war," he said.

The Geneva Conventions set international standards for the humane treatment of prisoners of war. Specifically, Fleischer referred to the Convention (III) Relative to the Treatment of Prisoners of War, August 12, 1949, and entered into force October 21, 1950.

Fleischer said the war on terrorism is a war not envisaged when the Geneva Conventions were signed in 1949.

However, Fleischer said the United States will continue to "treat all Taliban and al-Qaida detainees in Guantanamo Bay humanely and consistent with the principles of the Geneva Convention. They will continue to receive three appropriate meals a day, excellent medical care, clothing, shelter, showers, and the opportunity to worship. The International Committee of the Red Cross can visit each detainee privately."

While the United States has not recognized the Taliban regime as the legitimate Afghan government, Bush determined that the Taliban members are covered by the conventions, which Afghanistan is a party to, he said.

He said the al-Qaida detainees cannot be considered prisoners of war is because they are not a state party to the Geneva Conventions, and their members are not entitled to POW status.

"In this war, global terrorists transcend national boundaries and internationally target the innocent. The president has maintained the United States' commitment to the principles of the Geneva Convention, while recognizing that the convention simply does not cover every situation in which people may be captured or detained by military forces, as we see in Afghanistan today," Fleischer said.

Currently, the United States is detaining 186 members of the Taliban militia and al-Qaida terrorist group at Camp X-ray at the Guantanamo Naval Base in Cuba.

(The Washington File is a product of the Office of International Information Programs, U.S. Department of State. Web site: <http://usinfo.state.gov>)

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