Subject:
RE: JLH0342: Demarche on American Intentions re detainees
Original Message:
From: WHITING Shelley - JLHA - C4
Sent: June 26, 2003 3:57 PM
To: - WSHDC - GR - C4
Cc: FORTIER Patricia - WSHDC - GR - C4; - EXTOTT - IDD - C4; - EXTOTT - IDR - C4; HELFAND Lisa - IDR - C4; - EXTOTT - ISD - C4; - EXTOTT - ISI - C4; - EXTOTT - JPD - C4; - EXTOTT - JPO - C4; - EXTOTT - JCS - C4; - EXTOTT - JCD - C4; - EXTOTT - JLI - C4; - EXTOTT - JLO - C4; CCATS; SHAPARDANOV Chris - WSHDC - GR - C4; SINCLAIR Robert - WSHDC - GR - C4; - EXTOTT - USS - C4; ALLEN Jon - NAD - C4; - EXTOTT - NUR - C4; O'SHEA Kevin - NUR - C4; BOEHM Peter - WSHDC - GR - C4; - EXTOTT - MML - C4; GUIMOND Pierre - MINA - C4; WRIGHT James - MJW - C4; - EXTOTT - MJW - C4; - EXTOTT - AGH - C4; - EXTOTT - ASG - C4
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JLO: For D. Sproule
JPO: For D. Dyet

Purpose of this message is to request mission to deliver attached demarche, at a suitably senior level, to State Department and Pentagon interlocutors on subject of detainees in Guantanamo Bay. Purpose of the demarche is threefold: (1) to reaffirm Canada's continuing commitment to the campaign against terrorism; (2) to seek clarification as to American intentions regarding the two Canadian detainees being held in Guantanamo Bay; and (3) request permission for a Parliamentary visit to Guantanamo Bay. American interlocutors are aware that a demarche is forthcoming; MJW having apprised them during discussions on BMD on June 18 in Washington.

<< File: final.guantanamo.demarche.wpd >>

Mission will be aware that the plight of detainees being held by US forces, particularly in Guantanamo Bay, continues to generate considerable interest by the public, media, non-governmental organizations and Parliamentarians. Recently, the Sub-Committee on Human Rights and International Development of SCFAIT adopted a motion calling upon MINA to request American permission for a delegation of Parliamentarians to visit the detention facility at Guantanamo Bay (we assess it highly unlikely that permission will be granted, but will be formally conveying request in demarche). The Parliamentary Assembly of the Council of Europe, currently underway, is also considering a resolution on detainees at Guantanamo Bay.

Canada declared itself "satisfied" with the American Government decision in February 2002 not to extend Prisoner of War status to Taliban and Al Qaeda detainees. The continued detention of persons, including two Canadians, without any charges and the uncertainty as to their future, has raised several questions in Canada as to whether the situation in Guantanamo Bay is consistent with the rule of law. We are seeking clarification from American authorities as to their intentions, and in particular, whether they intend to lay charges against the Khadars. While cognizant of the serious allegations that have been made against Omar Khadr (the younger brother), this demarche is also an opportunity to register Canada's concerns with respect to the death penalty and to signal that we would be seeking assurances that it would not be imposed should either Canadian detainee be found guilty of any charges.

For your background, we are faxing (to WSHDC only) a copy of memo which O/MINA has approved recommending this demarche and the ISI note.

We would like demarche delivered in timely manner, but want to underscore our message by ensuring that it is