



United States Mission to the OSCE

Response to Report by Senator Anne-Marie Lizin on Guantanamo Bay

As delivered by Ambassador Julie Finley
to the Permanent Council, Vienna
July 26, 2007

Thank you, Mr. Chairman.

Mr. Chairman, it is a privilege to join in welcoming Senator Lizin to the Permanent Council this afternoon. We are grateful to her for coming here and providing this report.

As one might expect, the United States does not endorse every item in her report, but we do greatly respect the professionalism, fairness and diligence with which she has approached this assignment.

Senator Lizin is correct in her observation that the detention facility at Guantanamo is the subject of an intense debate in the United States. This debate is occurring in our courts, in our legislative halls, in the media and in the political arena. And we would add her report as a constructive contribution to this debate. Moreover, many in the United States would welcome circumstances that would allow her recommendation to close Guantanamo to be adopted.

Indeed, as President Bush has stated, the United States would like to move towards the day when it can eventually close Guantanamo.

Senator Lizin identifies and articulates one area of continued dialogue between the United States and a number of our friends and allies throughout the world. Having declared war on the United States in 1996, Al Qaida attacked our embassies in East Africa in 1998 and orchestrated the attacks on the USS Cole. Al Qaida then attacked the World Trade Center and Pentagon on September 11, 2001, killing approximately 3,000 victims. As a result, the United States has relied on the law of armed conflict in responding to this armed conflict with Al Qaida, the Taliban, and their supporters.

The Senator observes that by contrast, the majority of OSCE participating States "criminalize terrorism and favour the normal criminal procedures." Of course, the United States does use the criminal justice system to prosecute terrorists as well, as in the case of Richard Reid, for example. But our criminal justice system is not in all cases well-suited for bringing individuals to justice on acts that they committed on battlefields half a world away, and we believe that it is legally available and appropriate for us to use a law of war framework in dealing with the threat posed by Al Qaida.

As a means of reconciling these different points of view, Senator Lizin proposes the creation of an international commission of legal experts "to reflect on a possible development of international law with regard to the general question of 'new categories of combatants' and of the recent trend of international terrorism." State Department Legal Adviser John Bellinger has been engaged in such a dialogue with his European counterparts, and we look forward to continuing this important effort.

Senator Lizin also contributes to a better understanding of the threat represented by detainees at Guantanamo. As she points out, Guantanamo detainees include Khalid Sheikh Mohammed, "the Al Qaeda number three" and "the supposed 'brain' behind the attacks of September 11;" an individual wanted in Indonesia in connection with the Bali bombing; an alleged participant in the attack on the USS Cole in Yemen; and an alleged organizer of the Al Qaida attacks of the U.S. Embassies in Kenya and Tanzania in 1998 that killed 224 victims.

Senator Lizin's report also recognizes that closing Guantanamo is only half a solution. Another step is essential and that is the placement of detainees currently at Guantanamo who have been approved for transfer or release. In this connection, we would point out that approximately 400 detainees have been released or transferred to their countries of origin or other destinations since the facility was established in 2002 but there is still much work to be done.

The United States applauds Senator Lizin's initiative in sending letters to OSCE participating States to urge them to accept their nationals - and non-nationals who cannot be repatriated -- who are eligible for transfer or release. To the extent that our friends can assist with the resettlement of these detainees, they will be helping us move toward the day when we can eventually close Guantanamo.

Finally, let me assure Senator Lizin and my colleagues that the United States will treat her report with utmost seriousness, as it has her previous reports. We encourage other participating States to do likewise, especially regarding her tenth recommendation urging participating States to accept detainees who are eligible for release or transfer on their soil as an alternative to their detention in Guantanamo.

Senator Lizin, thank you again for coming today and thank you even more for the thoughtful way you performed your duty in connection with this assignment. We wish you continued success.

Thank you, Mr. Chairman.