



## United States Mission to the OSCE

### **Statement on Guantanamo and Detainee Policy**

As delivered by Ambassador Ian Kelly  
to the Permanent Council, Vienna  
March 10, 2011

We'd like to thank our Belarusian colleague for raising this important issue, and we will pass on his suggestion regarding trial monitoring.

Let me state for the record here:

On March 7, the Obama Administration took two important steps regarding Additional Protocols of the Geneva Conventions of 1949. These steps are part of our broader commitment to the goals President Obama laid out in his first three Executive Orders of several years ago. Those goals are to close Guantanamo consistent with our values, by prosecuting Guantanamo detainees where possible, by transferring them abroad when it can be safely done, and by asserting clear, defensible and lawful standards for those Guantanamo detainees who cannot be prosecuted for past crimes, but still pose a threat to the security of the United States. We have transferred 67 Guantanamo detainees to third countries, and those determined efforts continue daily.

On March 7 this year, we informed the Senate that we intend to seek, as soon as practicable, Senate advice and consent to ratification of the Additional Protocol II to the 1949 Geneva Conventions, which elaborates upon safeguards provided in Common Article 3 and includes more detailed standards regarding fair treatment and fair trial.

The second step we are taking is to declare that the United States, out of a sense of legal obligation, will adhere to the set of norms in Article 75 of Protocol I in international armed conflicts. Article 75 sets forth humane treatment and fair trial safeguards for certain persons detained by opposing forces in international armed conflict.

These steps we take are not about who our enemies are, but about who we are: a nation committed to providing all detainees in our custody with humane treatment. We are reaffirming that the United States abides by the rule of law in the conduct of armed conflicts and remains committed to the development and maintenance of humanitarian protections in those conflicts.

Thank you Mr. Chairman.