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SOURCE: CBLEXCLS.002881

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APPROVED BY: PM/ISO:LASTUTZRIEM

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US EMBASSY MAURTIUS:SSCHWARTZ

US EMBASSY LONDON: PTREMONT

NSF DGAR:GBIRKLUND

CNFJ:IBOUGH

JS:RDAVIS

USPACOM:JFLETCHER

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MSC:WSTORZ

NAVFAC PAC:SYIM

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UBI:KROY

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JOINT STAFF WASHINGTON DC// PRIORITY

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RELEASED IN PART B1,B3 NSA,1.4(D),NR

Classification Extended on : 2/23/2012~ Class: SECRET ~  
Authority: DSCG 11-1 ~ Declassify on: 5/19/2031

REVIEW AUTHORITY: Theodore Sellin,  
Senior Reviewer

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SECRET STATE 081077

E.O. 12958: DECL: 05/18/2016

TAGS: MARR, MOPS, PREL, UK

SUBJECT: 2005 ANNUAL U.S.-UK POL-MIL TALKS

Classified By: Dir PM/ISO Col Stutzriem for Reason:

REVIEW AUTHORITY: Theodore Sellin, Senior Reviewer

1. (C) Summary: Colonel Lawrence Stutzriem, USAF, Director of Department of State Office of International Security Operations, led the U.S. delegation for the U.S.-UK POL-MIL talks September 07-08 at the Department of State in Washington, D.C. Mr. Tony Crombie, FCO British Indian Ocean Territory (BIOT) Commissioner, led the UK delegation. The talks focused on political and military issues related to Diego Garcia (DGAR) and addressed developments on DGAR that occurred during the previous year.

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Col Stutzriem reassured Mr. Crombie that the U.S. had not and would not use the sea, air, or land territory of DGAR in any detainee operations.

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- Agreed Upon/No Action Required:

Item: GWOT detainees

The U.S. repeated its assurance to the UK that there are not now nor have there been any GWOT detainees held in or in transported through DGAR or its territorial waters.

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ACTION SS-00

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	NSAE-00	OMB-00	NIMA-00	GIWI-00	SCT-00	DOHS-00	FMPC-00	
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RELEASED IN PART  
B3, NSA50, B1, 1.4(B), 1.4(D)

C O N F I D E N T I A L LONDON 004889

FOR SECRETARY RICE, ATTORNEY GENERAL GONZALES, SECRETARY  
CHERTOFF AND NSA HADLEY FROM AMBASSADOR ROBERT TUTTLE

E.O. 12958: DECL: 07/03/2016  
 TAGS: PREL, PGOV, PTER, UK  
 SUBJECT: EXTRADITION TREATY HANGING IN THE BALANCE AS UK  
 UNHAPPINESS TRANSLATES INTO ACTION

Classified By: Ambassador Robert H. Tuttle, Reasons 1.4 (b) and (d).

1. (C) Introduction:

[Redacted]

1.4(D)  
B1

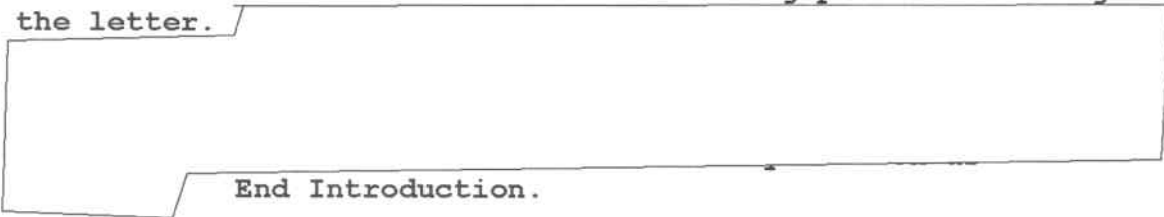
Before 2003, we had to present a prima facie case in an extradition request; since then, we've only had to present what amounts to a &probable cause8 showing, the same standard we use for arrests in the U.S. Under the new arrangement, we have pending cases against accused terrorists such as Abu Hamza as well as accused fraudsters such as the Enron Three. The absence of Senate ratification has allowed momentum to build up against the Treaty,s foundation.

2. (C) Both opposition parties ) the Conservatives as well as the Liberal Democrats ) will join together to oppose the lowering of the standard of proof when the Blair Government,s Justice Bill appears before the House of Lords; that action will begin this summer and could be completed by October 20 or even earlier. Last week the Conservative Shadow Trade Minister participated in a demonstration by

REVIEW AUTHORITY: Theodore Sellin, Senior Reviewer

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L... against the extradition ar... days go  
by without multiple articles condemning the unbalanced  
relationship in the UK, s legitimate press, e.g. the  
Financial Times, the Times, and the Telegraph. Today's  
installment is an open letter to Home Secretary Reid, signed  
by among others the Board Chairman for British Airways and  
Glaxo Smithkline, urging him not to extradite the Enron  
three. other UK business leaders are being pressured to sign  
the letter.



1.4(D)  
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End Introduction.

IMPENDING EXTRADITION OF BANKERS -- LAST STRAW

3. (SBU) As the last legal obstacles were removed in late June before the extradition of three former NatWest Bank executives on Enron-related charges, the UK business community reacted with uncharacteristic rancor and is leading the charge to suspend the UK's implementation of its 2003 extradition treaty with the U.S. In an editorial published June 28, the normally sedate Financial Times railed against "unequal treatment" and alleged that the U.S. Senate's "refusal" to ratify the treaty has resulted in a situation in which the U.S. can demand a higher standard of evidence before extraditing suspects to Britain while the U.S. takes advantage of the disparity in requirements to "fast-track extradition of suspected white collar criminals." The UK business community is accustomed to a more tolerant approach to white collar crime than is the case in the U.S.: according to an OECD study released in June, for example, the UK had zero prosecutions for "foreign bribery" in 2006 while the U.S. led a list of Western countries with 50.

LORDS DEBATE NULLIFYING 2003 BILATERAL TREATY

4. (C) The Financial Times called for the UK to "suspend" its implementation of the treaty until such time as the U.S. ratifies it, but the House of Lords has taken the issue even further. In the Police and Justice bill currently under consideration by the Lords, an amendment has been proposed that would remove the U.S. from the list of countries covered by the UK's Extradition Act of 2003. Removal of the U.S. from that list would have the effect of reinstating a more difficult standard of proof for U.S. extradition requests of Britain. Debate in the Lords scheduled for June 26 did not take place, but the bill remains on the agenda and discussion could be resumed at any time prior to the Parliament's

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5. (SBU) Specifically, the amendment would result in a requirement for a prima facie standard of proof for extradition requests submitted to the UK and would constitute a setback in the modernization and improvement of the bilateral extradition relationship. The 2003 treaty replaces one from 1972 and, in addition to facilitating prosecutions of white collar criminals, is critically important to U.S. efforts to extradite terrorist suspects without undue disclosure of sensitive underlying evidence or the revelation of source and witness identities.

U.S. RATIFICATION DELAYS SPARK IRRITATION

6. (C) Unhappiness in the UK over lack of U.S. ratification

has been building momentum over the last several months. During his meetings in March in London, the status of the extradition treaty was flagged as a point of friction for U.S. Attorney General Alberto Gonzales. Then-Home Secretary Charles Clarke followed up with a March 31 letter to the Attorney General in which Clarke laid out UK assurance regarding the effects of the treaty as the UK would expect it to apply to those accused of crimes associated with political violence in Northern Ireland. Clarke's letter was intended to assuage concerns in the Senate that the treaty would be used by the UK to seek IRA members and others in the U.S., a point that has reportedly delayed Senate action on ratification. With Clarke's letter, the Blair government believed it had removed the last obstacle to U.S. ratification, and UK officials and the business community have become more visibly annoyed in the intervening period.

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SPECIAL RELATIONSHIP STOCKTAKING

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1.4(D)  
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BECKETT TO WASHINGTON

8. (C) Foreign Secretary Beckett will be in Washington during the week of July 10, and while her office has so far labeled her trip as introductory and consultative, it is likely that the extradition treaty will be on her to-do list.

She will no doubt reiterate the British view that the UK acted in good faith to promptly ratify the treaty in 2003 and has provided the U.S. with the benefits of its new domestic extradition law -- even when it has proved politically inconvenient, as has been the case with the NatWest executives. Beckett would also note that former Home Secretary Clarke's March 31 letter was an unusual gesture aimed at allaying concerns in the Senate and should have put to rest any fears that the UK intends to use the treaty to pursue Northern Ireland suspects in a manner that would violate the understandings of the Good Friday Agreement.

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<http://www.state.sgov.gov/p/eur/london/index.cfm>  
Tuttle

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ACTION L-00

INFO	LOG-00	AID-00	A-00	ACQ-00	CCO-00	CG-00	[ ]	B3 NSA
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B3, NSA50, B1, 1.4(B), 1.4(D)

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C O N F I D E N T I A L LONDON 000233

Reclassified by DAS, A/GIS, DoS ~ Class: CONFIDENTIAL ~ Reason: 1.4(B), 1.4(D), B1 ~ Declassify on: 1/22/2032
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DEPT. FOR L, S/WCI, S/CT AND EUR

E.O. 12958: DECL: 01/19/2008  
 TAGS: PREL, PGOV, PTER, PHUM, UK  
 SUBJECT: UK FOREIGN AFFAIRS COMMITTEE PROVIDES ADVANCE COPY  
 OF ITS REPORT ON VISIT TO GUANTANAMO BAY

Classified By: Political Counselor Rick Mills for reasons 1.4 (b,d)

1. (C) Summary: The House of Commons Foreign Affairs Committee (FAC) makes public January 21 its report on the FAC visit to Guantanamo Bay of September 20. FAC staff have provided Embassy with an advance copy of the report, which is some 80 pages long, and with the Committee's own summary and conclusions (see para 3). Both the summary and the report are embargoed until the first minute of Sunday, January 21 (London time), the report makes recommendations for British Government policy, including a call for HMG to work with other nations and the ICRC to update the Geneva Conventions, which the report suggests the United States risks undermining. The report also contains the allegation that abuse of detainees has "almost certainly taken place (in

REVIEW AUTHORITY: Martin McLean, Senior Reviewer
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....., in the past." It calls on the international community as a whole to shoulder the responsibility in finding a longer-term solution to the problem of international detention in situations of asymmetrical warfare. The FAC report specifically does not address questions regarding U.S. rendition policy. FAC staff expect the report to garner considerable media attention. End Summary.

2. (C) In discussions with senior FAC staff and Members of Parliament who participated in the September 2006 visit to Guantanamo, they have thanked the USG for providing the opportunity to visit the Guantanamo Bay facilities and to meet with policy makers to discuss detainee policy.

B1

3. (SBU) Text of the Foreign Affairs Select Committee Conclusions and Recommendations

BEGIN TEXT

The Committee's conclusions and recommendations are as follows:

1. We conclude that the Government was right to ensure that persons detained by UK Armed Forces in Afghanistan and transferred to the Afghan authorities cannot be further transferred to the authority of another state, or detained in another country, without the prior written agreement of the United Kingdom. We recommend that the Government in its response to this Report state whether the requirement for such prior written agreement would apply to the transfer to Guantanamo Bay of any person originally detained by UK Armed Forces in Afghanistan including any who may be transferred directly or indirectly to US Forces or agencies. We further recommend that the FCO also set out in its response what steps it is taking to ensure that those detained by UK Armed Forces in other countries cannot be transferred to Guantanamo Bay without the prior written agreement of the United Kingdom.

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...ude that, having visited both Guantanamo and Belmarsh, the facilities at Guantanamo are broadly comparable with those at the United Kingdom's only maximum security detention facility, but the conditions are not. Guantanamo scores highly on diet and on health provision; but it fails to achieve minimum United Kingdom standards on access to exercise and recreation, to lawyers, and to the outside world through educational facilities and the media.

3. We conclude that publications of the US Army Field Manual for Human Intelligence Collector Operations is a very positive development. We recommend that the Government work both bilaterally and through international fora to press the US Administration to ensure that its interrogation practices do not contravene international law.

4. We conclude that abuse of detainees at Guantanamo Bay has almost certainly taken place in the past, but we believe it

is unlikely to be taking place now. Although violence and low-level abuse are endemic in any high-security prison situation, it is the duty of the detaining authority to strive to its utmost to minimise them. We recommend the Government continue to raise with the United States authorities human rights concerns about the treatment of detainees.

5. We conclude that, in choosing unilaterally to interpret terms and provisions of the Geneva Conventions, the United States risks undermining this important body of international law.

6. We conclude that, by its own test, the Government should recognise that the Geneva Conventions are failing to provide necessary protection because they lack clarity and are out of date. We recommend that the Government work with other signatories to the Geneva Conventions and with the International Committee of the Red Cross to update the Conventions in a way that deals far more satisfactorily with asymmetric warfare, with international terrorism, with the status of irregular combatants, and with the treatment of detainees.

7. We conclude that the Government is right to stick to its established policy of not accepting consular responsibility for non-British nationals. We recommend that the Government maintain its current position with respect to the return to the United Kingdom of the former British residents presently detained at Guantanamo Bay.

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...ude that, although some aspects of the Military Commissions Act are welcome, others give cause for concern. We welcome the Government's undertaking to study the procedures proposed by the Act. We recommend that the Government carry out that study without delay and that it share the full findings of the study with this Committee. If the Government's study finds that the procedures proposed in the Military Commissions Act or in any subsequent elaboration are inconsistent with international law or human rights norms, it should make strong representations to the United States Administration.

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9. We conclude, in line with our previous Reports, that those detained at Guantanamo must be dealt with transparently and in full conformity with all applicable national and international law. But we recognize too, as we have before, that many of those detained present a real threat to public safety and that all states are under an obligation to protect their citizens and those of other countries from that threat.

At present, that obligation is being discharged by the United States alone, in ways that have attracted strong criticism, but we conclude that the international community as a whole needs to shoulder its responsibility in finding a longer-term solution. We recommend that the Government engage actively with the US Administration and with the international community to assist the process of closing Guantanamo as soon as may be consistent with the overriding need to protect the public from terrorist threats.

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Johnson

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ACTION SWCI-00

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DEPT FOR S/WCI AMB. WILLIAMSON AND EUR - NERISSA COOK

Classification Extended on :02/29/2012 ~ Class: SECRET ~ Authority: DSCG 11-1 ~ Declassify on: 03/28/2032
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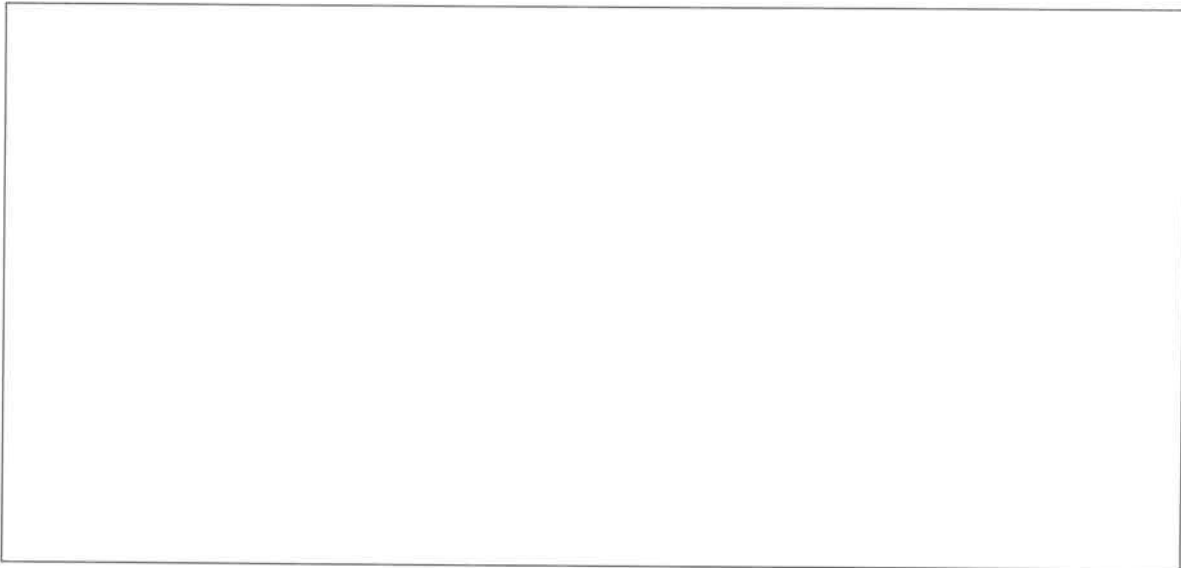
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TAGS: PREL, PGOV, PTER, PHUM, PINR, UK

SUBJECT: RESETTLEMENT OF GUANTANAMO DETAINEES: UK RESPONSE

REF: STATE 37005

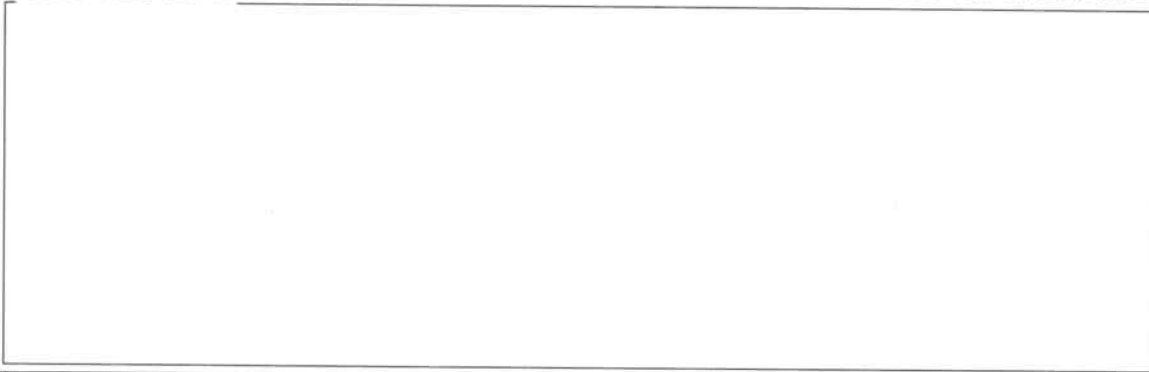
Classified By: Deputy Chief of Mission David T. Johnson for reasons 1.4 (b,d)



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**REVIEW AUTHORITY: Martin McLean, Senior Reviewer**

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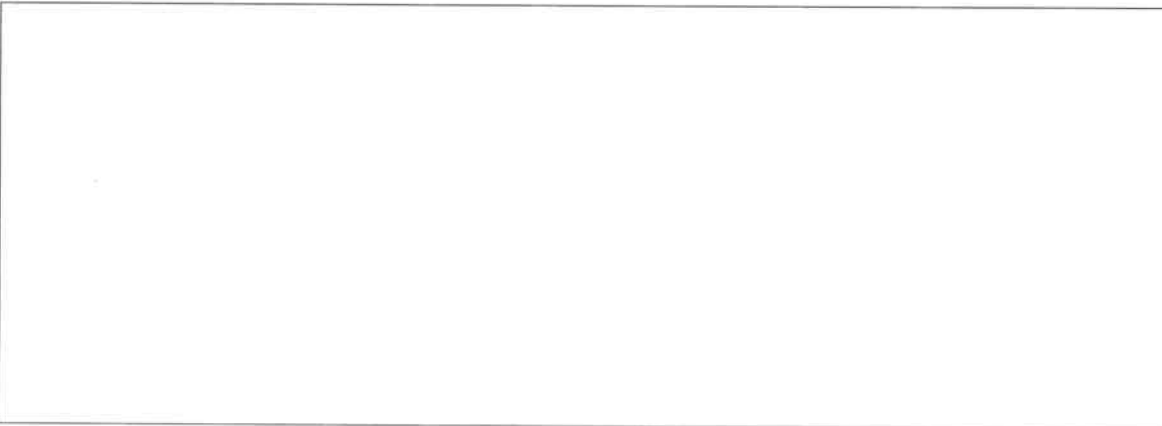
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Guantanamo detainee Al-Rawi will be transferred to the UK, at the FCO's request, on March 30. This, and the transfer of Australian citizen (with possible claim to UK citizenship) David Hicks to Australia, will be the next milestones for HMG. Post will revisit British policy toward further resettlement of Guantanamo detainees after these events have transpired. A useful tool when looking at HMG's posture toward resettlement would be releasable data on the other British residents (like Al-Rawi) still detained at Guantanamo. Post requests Department's assistance in obtaining that information.



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STATE FOR EUR/WE, S/WCI, AND NEA/I

E.O. 12958: DECL: 01/04/2018  
 TAGS: PREL, ECON, PGOV, MOPS, MARR, PTER, CVIS, EAIR, KGHG,  
 ETRD, EAID, AMGT, AF, RU, IZ, IR, MEPP, UK  
 SUBJECT: UK-U.S. RELATIONS: CHALLENGES AND OPPORTUNITIES  
 IN 2008

- REF: A. 07 LONDON 4550
- B. 07 LONDON 4642
- C. 07 LONDON 4581
- D. 07 LONDON 4681
- E. 07 LONDON 4292
- F. 07 LONDON 4659
- G. 07 LONDON 4471

Classification Extended on : 05/30/2014 ~ Class: CONFIDENTIAL ~ Authority: DSCG 11-1 ~ Declassify on: 1/4/2033

REVIEW AUTHORITY: Theodore Sellin, Senior Reviewer

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Working Together on Return of Guantanamo Detainees  
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15. (C) HMG was pleased with the outcome of our bilateral negotiations for the return of non-UK citizen detainees to the UK in December. We should build on this in early 2008 and remind HMG of its pledges to press EU states and others to also accept Guantanamo detainees. Now that London has accepted non-UK citizen detainees, HMG has greater standing to ask other states to accept non-citizen detainees as well. A renewed effort to work together in other capitals on returns of appropriate detainees would reduce the  irritant that Guantanamo remains between us.

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