Reaffirming America's Commitment to Humane Treatment of Detainees

Press Statement

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Washington, DC
March 7, 2011

Today the Obama Administration is taking two important steps regarding Additional Protocols of the Geneva Conventions of 1949 that reaffirm the determination of the United States to treat humanely all detainees in our custody and to advance America's long-standing leadership in setting and encouraging compliance with global legal standards for the conduct of armed conflict.

These steps are part of our broader commitment to the goals President Obama laid out in his three Executive Orders of January 22, 2009 and his speech at the National Archives: 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. The State Department has worked closely with the Defense Department to transfer 67 Guantanamo detainees to third countries, and those determined efforts continue daily.

Today we are informing the Chair and Ranking Member of the Senate Foreign Relations Committee 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.

Ratifying Protocol II will strengthen our national security and advance our interests and values. It is fully consistent with current military practice and would improve America’s ability to maintain strong coalition cooperation in ongoing and future operations, as 165 other countries have now ratified the treaty.

The second step we are taking is to declare that as of today, 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 and was praised by President Reagan’s Joint Chiefs of Staff as “militarily advantageous insofar as it might make mistreatment of captured U.S. military personnel more difficult to justify in future conflicts.”

These steps we take today 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.

PRN: 2011/343
http://www.state.gov/secretary/rm/2011/03/157827.htm