

RELEASE IN FULL

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**From:** H <hrod17@clintonemail.com>  
**Sent:** Sunday, March 6, 2011 3:55 PM  
**To:** 'sullivanjj@state.gov'  
**Subject:** Re: Statement for tomorrow

Good to go.

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**From:** Sullivan, Jacob J [mailto:SullivanJJ@state.gov]  
**Sent:** Sunday, March 06, 2011 02:35 PM  
**To:** H  
**Cc:** Mills, Cheryl D <MillsCD@state.gov>  
**Subject:** Statement for tomorrow

Below is the statement for tomorrow that we are planning to release in your name (it's long but people really like it). Next email will have the joint letter from you and Gates.

#### STATEMENT BY SECRETARY CLINTON

##### Reaffirming America's Commitment to Humane Treatment of Detainees

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.

The first step we are taking today is to inform 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.

President Reagan first transmitted Protocol II to the Senate in 1987 and each Administration since has supported ratification. A recent review found Protocol II to be both beneficial to national security and foreign policy interests and fully consistent with current military practice. Joining the treaty would improve America's ability to maintain strong coalition cooperation in ongoing and future operations, as 165 other countries have now ratified the treaty, and most of our Allies and coalition partners are already States Parties.

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 is one of a number of provisions to Protocol I that President Reagan directed the U.S. military consider incorporating into its rules. It sets forth humane treatment and fair trial safeguards for certain persons detained by opposing forces in international armed conflict and was praised by the 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." The recent review determined that current U.S. military practice remains consistent with the requirements of Article 75.

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.

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