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Gonzales Defends Detainee Treatment, Seeks Dialogue with Europe

In London, attorney general discusses U.S., European anti-terror laws

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Washington -- The United States and Europe must work together as partners to defeat terrorist networks, Attorney General Alberto Gonzales said March 7 in London, where he defended U.S. treatment of detainees while discussing the sometimes deep disagreements over how to defend against militant groups.

Gonzales also said the United States welcomes a "difficult but necessary dialogue" on how to balance human rights with protecting human lives in the struggle against terrorism.

"Although these issues are complex, we must not let the consensus between the United States and Europe in fighting terrorism be weakened over differences in how we approach the fight," he said in a speech at the International Institute for Strategic Studies.

A strong partnership between Europe and the United States is the only way to "disrupt militant conspiracies" and "give millions in a troubled region a hopeful alternative" to ideologies based on hatred and oppression, Gonzales said.

The attorney general acknowledged that groups in the United Kingdom and Europe have raised concerns about the detention center at Guantanamo Bay Naval Base in Cuba, and about "renditions," the act of transporting captured militant suspects outside the United States.

U.S. diplomatic visits to Europe have been dominated in recent months by allegations that detainees are being mistreated and that U.S. aircraft have flown in European airspace or stopped at European airports while transporting detainees to locations where they could be subject to abusive treatment. U.S. officials strongly deny any allegations of mistreatment. (See [related article](#).)

"Let me be absolutely clear: The United States abhors torture and categorically rejects its use" by U.S. personnel anywhere in the world, Gonzales said.

"We do not transport anyone to a country if we believe it more likely than not that the individual will be tortured," he said, adding that the United States also

seeks assurances that those transferred to another country's custody will not be tortured.

"We do not use the airports or airspace of any country in Europe or anywhere in the world for the purpose of transporting a detainee to a country where he will be tortured," Gonzales said.

WAGING THE GLOBAL WAR ON TERRORISM

Before becoming attorney general, Gonzales was President Bush's senior legal adviser at the time that many key decisions were made on how to handle the transport and custody of fighters captured on overseas battlefields. In his London speech, Gonzales acknowledged that not all Europeans agree with the U.S. characterization of a "global war against terrorism."

"Whether you accept that we are actually at war with terrorists worldwide, I hope you can appreciate our view that the United States is engaged in an armed struggle with al-Qaida – and that we are going to continue to use all available tools ... to defeat this enemy," Gonzales said.

He explained that the phrase "global war against terrorism" means, on a political level, that the United States believes all countries "must exercise the utmost resolve" in defeating transnational terrorism.

On a legal level, the phrase means "the United States is engaged in an armed conflict with al-Qaida," Gonzales said. "They have attacked our embassies, our military vessels and military bases, our capital city and our financial center. ... It is appropriate and lawful to use all available tools, including our military forces, to defeat this brutal enemy."

The United States has gone to great lengths to respect human rights while engaging an enemy that shows frequent disregard for innocent lives, he said.

"Not all the facts about Guantanamo seem to be widely known," Gonzales said. The approximately 500 people in U.S. custody there have "unprecedented legal protections ... that seem to have received scant attention abroad."

The status of each detainee is assessed on the battlefield, then the detainee receives a formal hearing before a tribunal at Guantanamo to determine if he has been properly detained as an enemy combatant, Gonzales said. If the detainee disagrees with the tribunal, he can appeal to a civilian federal court and to the U.S. Supreme Court. In addition, each detainee receives an annual administrative review to determine whether he should be released.

To date, more than 265 detainees have been transferred out of Guantanamo Bay.

The United States "remains committed ... to engaging in an open dialogue with our European partners about these issues," Gonzales said.

He noted that there are sometimes substantial differences between U.S. and European laws when dealing with terror investigations. For example, unlike in the United States, many European nations allow wiretapping and electronic surveillance to be undertaken without a judicial warrant. European nations also treat custody matters differently.

For instance, in Great Britain there is a debate "over the length of time the government may hold terrorism suspects in order to gather evidence before making a charging decision," Gonzales said, whereas U.S. law requires an uncharged suspect to be released from custody within hours.

"I am not advocating that America adopt a European model or vice versa," Gonzales said. "I seek merely to point out that we are all engaged in a difficult and ongoing dialogue" over how to balance civil liberties "with the need to protect against a secretive and unconventional enemy operating within our own societies," he said.

The [full text](#) of Gonzales' prepared remarks is posted on the Department of Justice Web site.

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