



LE PRÉSIDENT

Genava, 28 May 2004

Dear Senator Byrd,

Thank you for your letter of 14 May 2004, in which you request the ICRC to authorize the public release of its reports on the treatment of prisoners and detainees held by the United States in Iraq, Afghanistan, Guantánamo Bay, Cuba, and elsewhere; and to make public a list of its relevant meetings with members of the United States Administration.

ICRC reports on visits to persons deprived of liberty are, as a rule, strictly confidential and only intended for the authorities to which they are presented. They may not be published, in full or in part, without the consent of the ICRC. It is indeed the ICRC's experience, acquired worldwide over many years, that this confidential approach yields the best possible results when it comes to its mission of monitoring, and when necessary, asking for improvements in the treatment of detainees and conditions of detention. The publication of ICRC reports could well jeopardize the access upon which the ICRC relies to fulfill its humanitarian mandate and mission to independently monitor places of detention. In 2003, the ICRC visited over 460'000 prisoners or internees held in almost 2'000 places of detention in 80 countries. The very reason and justification for this confidential approach is to ensure in the long run as wide an access as possible to persons detained and in need of protection. You would probably agree with me that the credibility of this approach depends on its coherence. While fully respecting your wish to help the public developing a better understanding of the reports, I regret that I cannot respond favorably to your request to have the reports released to the public.

The Honorable  
Senator Robert C. Byrd  
United States Senate  
Committee on Appropriations  
Washington, DC 20510-6026

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You have also asked whether the ICRC is able to make public a list of meetings between members of the US administration and officials of the ICRC. There have been, as you would probably expect, many meetings at different levels related to ICRC's visits to detention centers in Guantánamo, Afghanistan and Iraq. The ICRC prefers not to make public the list of the meetings. Such a publication would significantly increase the pressure on it to report publicly on details of these meetings. Such details are however covered by the same confidentiality rules. Press statements have been issued on my last two visits to Washington (May 2003 and January 2004) mentioning the officials I met and the main points that were discussed.

I take note of the fact that Secretary D. Rumsfeld has agreed to turn over to the Senate Armed Services Committee all reports pertaining to the treatment of prisoners and detainees held by the United States in the places you mention. The decision to grant a committee of the Congress access to pertinent reports lies with the US authorities. Important from an ICRC perspective is that the reports are transmitted and handled on a confidential basis.

Realizing that my answers fall short of your requests, I trust however that you understand my position. ICRC's priority is and must be to maintain its access to the persons it is mandated to protect and assist. From your letter I draw the conviction that you are sensitive to this concern. I thank you for your understanding.

I would be pleased, Senator, to meet you either here in Geneva or in Washington.

Yours sincerely,

  
Dr. Jakob Kellenberger