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THE SECRETARY OF STATE
WASHINGTON

Dear Mr. Chairman:

Yesterday we discussed how the Department of State viewed the international legal obligations that flow from Common Article 3 of the Geneva Conventions, in comparison with other relevant legal standards in U.S. law.

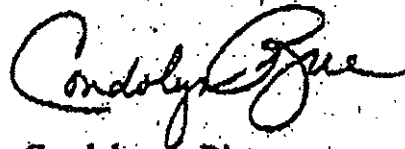
Our international partners expect that we will undertake good faith interpretations of the Conventions' text, consistent with their object and purpose. In a case where the treaty's terms are inherently vague, it is appropriate for a state to look to its own legal framework, precedents, concepts, and norms in interpreting these terms and carrying out its international obligations. Such practice in the application of a treaty is an accepted reference point in international law. The proposed legislation would strengthen U.S. adherence to Common Article 3 of the Geneva Conventions because it would add meaningful definition and clarification to vague terms in the treaties.

In the Department's view, there is not, and should not be, any inconsistency with respect to the substantive behavior that is prohibited in paragraphs (a) and (c) of Section 1 of Common Article 3 and the behavior that is prohibited as "cruel, inhuman, or degrading treatment or punishment," as that phrase is defined in the U.S. reservation to the Convention Against Torture. That substantive standard was also utilized by Congress in the Detainee Treatment Act. Thus it is a reasonable, good faith interpretation of Common Article 3 to state, as the proposed legislation does, that the prohibitions found in the Detainee Treatment Act of 2005 fully satisfy the obligations of the United States with respect to the standards for detention and treatment established in those paragraphs of Common Article 3.

The Honorable
John Warner,
Chairman,
Committee on Armed Services,
United States Senate.

The Department of State supports this legislation and we believe it will help demonstrate to our international partners that we are committed to compliance with Common Article 3.

Sincerely,



Condoleezza Rice