

RESPONSE TO "FACTUAL BASIS"

(a) TRAINING

(3) The camp that I visited in late 1993 was run by the Jamat-e-Islami (Pakistan) - the third largest political party in that country. The camp was near the Pak-Afghan border in the north. It was responsible for training Kashmiri refugees in small arms and mountain tactics. The J.I. (Pak) also supported an Afghan faction of what later became the anti-Taliban Northern Alliance. Subsequently, the camp was closed down by the Taliban in late 1994.

My visit there lasted just over a week and did not include training; since minimum courses were for seven weeks - or more. My purpose was to observe and meet with other Pakistanis ~~and~~ (being a British Pakistani myself) that had fought the Soviets - and to learn about the Kashmiri dilemma. My absence from the U.K. did not exceed four weeks - which I could prove, if necessary, through family, employers' friends, etc.

But for argument's sake, if in 1993, I did receive training at this camp - I am at a loss to compute how that demonstrates membership of al-Qaida, or hostility towards the USA? Also, importantly, it is common knowledge that al-Qaida tactics employed against U.S.A. definitely involved hi-jacking, bombings and suicide missions. The training here - and in most camps that I have heard of pertained to small arms and guerilla methods, that did not aspire ~~to~~ to al-Qaida's goals. In fact, I had not even heard the name Osama Bin Laden, or Al Qaida until the late 90s! Any present or subsequent knowledge I have regarding them is in retrospect.

Further, it is alleged that I have "received... training... since 1993..." that means - I even sporadically - that I,

for around ten years, have been continuously training, (and yet, have not put that training to use in all that time), suggesting that I am either the world's most incompetent trainee - or amongst the most highly trained! But the only other time I visited a training camp was in early 1998 for a period of two or three days. This camp was close to the Afghan city of Jalalabad - being one amongst several in that location.

At the time I was residing in Pakistan - Peshawar - for a few months, and the journey was only two hours, or so, away. I went there to visit Jalalabad, swim in its lakes and view the camp; it was very small and poorly funded. It was training Kurdish locals from Northern Iraq in the use of crudely improvised incendiary grenades. (One of these trainees recounted how he had lost several family members during a chemical gas attack by Iraqi forces in the village of Halabja, in the 1980s). This camp in no way was part of al-Qaida; its organisers were quite outspoken against al-Qaida, and Taliban - for their own reasons - and it was consequently shut down in mid-1999, and didn't reopen.

Another camp, known as [REDACTED] was also in operation at the time - though I did not visit, nor know of its location. I learnt something of it through some people I met in Pakistan in 1998. It was not part of al-Qaida at all - and was independent of any group or organisation. I believe both camps were unaffiliated to al-Qaida. Their *raison d'être* was to help prepare against occupation forces and repressive regimes - as mentioned. During late '98 - mid '99 I forwarded a few hundred British pounds for both camps. I have never had reason to believe that any of these small amounts

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(Cont'd ... P.2)

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a) were utilized in hostilities against the U.S.A.

## RECRUITMENT

The process of recruitment is quite distinct in that it purports to expand membership via a certain procedure: requiring acceptance of rules, leadership, goals and so forth. I believe this is true for al-Qaeda, Taliban, the U.S. military or the Alabama State Militia. However, the two camps that have mentioned - in [REDACTED], or [REDACTED] - did not have induction for recruits; membership of an organisation or group structure on offer. Most trainees would either return home - wiser for the experience; or, proceed, one way or another, to places like Chechnya, Kashmir or Kurdistan. Those who could afford to, would contribute some pecuniary donation in reciprocation.

In 1998, I was asked by an individual to provide him with a written reference for one of the camps. Later, he cancelled the request and did not collect it. Though I had intended to recommend others wishing to train at [REDACTED], no one actually was. (One British friend did go to a completely different camp - in Kashmir, Pakistan - through a mutual friend in that country. This was with a Pak/Kashmir group entirely unrelated to al-Qaeda. In fact their own camps had been closed down by Taliban in 1994 - see p.2)

## ENDING

I had also contemplated sending more funds to the camps between 98-99, but (a) finances dictated otherwise (b) the meagre amounts I had sent were not being forwarded (c) both the camps had closed down by mid-99. I have requested the witness statement of [REDACTED] (Libyan) whom I believe ran the [REDACTED] camp, and was taken into U.S. custody around December 2001. I wish his confirmation of (a) whether I attended

██████████ (b) Was ██████████ part of al-Qaida - or any other group?  
(c) Did he receive funds from me for the camp? (d) Did I recruit, or recommend anyone to attend the camp?

(ASSOCIATED) FORCES. There is a tendency to stereotype al-Qaida's transience towards the U.S.A. being synonymous to previous combative engagements on the Muslim world. Whilst in U.S. custody in Bagram, I was held in cells entitled "Pentagon", "Somalia", "U.S.S. Cole", "World Trade Centre" and "Lebanon"! One cannot escape the argument that because al-Qaida have declared a holy war against the U.S.A, in turn the U.S. has regarded many Islamic peoples, nations and organisations with antipathy.

Thus incredible labelling has been used to include the anti-Taliban government of Iran, the former leadership of Iraq and its subsequent insurgents - and the Communist regime of North Korea, embracing a "ubiquitous" al-Qaida!

It is alleged that I am either a member of "Taliban", "al-Qaida" or "associated forces". Both the former are easily disproved. And though the latter remains enigmatic, I will state that membership of any group, party, force etc, particularly in the Islamic diaspora, requires an oath of allegiance to the leader of a named group, directly, whether written, verbal or even tacit. For example, it is common knowledge in Pakistan, that all such groups have structured systems which include actual card carrying membership.

I have never met or seen Osama bin Laden, nor offered my allegiance to any group - whether related to al-Qaida - or not: neither directly nor implicitly. I would like to be told exactly how and to whom I am putatively allied to by membership.

(2)  
SUPPORT #

Mo own family were evacuated from Afghanistan along with Kurdish and Chechen refugees into Pakistan. When I eventually met up with them in early/mid November 2001, two families stayed at my house, in Islamabad with us for a couple of days. They were only women and children. Her mentor later took them away to other locations. They were not part of al-Qaeda - their nationalities give some indication to that. Even for the sake of argument even if they were women and children of al-Qaeda members I cannot see by what stretch of the imagination accommodating women and children for a short period can be regarded as hostile to the USA - or demonstrate a membership of al-Qaeda.

It is stated that I "provided shelter... while al-Qaeda committed terrorist acts..." I am unaware of any terrorist acts committed against the U.S.A. during that particular time period, and certainly not by relatives of the said families. Perhaps my accusers could enlighten me.

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### VISIT TO AFGHANISTAN

In late July, 2001 my family and I left the U.K. and arrived in the city of Kabul, Afghanistan. By early August we had acquired our own residence. We had planned to stay for at least a year - a concept that I had discussed at length with family and friends in the U.K., where we had been initiating a project to fund and expand an elementary school programme for refugee children, as well as locals.

The plan was to expand both boys and girls schools to incorporate secondary education - and a link to the Kabul University. We collected books, funds and stationery; together with computers, classroom furniture and playground apparatus.

I was very excited with the project after having received photographs of the school students; playgrounds; classrooms; school buses; outings, etc. I also received copies of curricula, syllabi and reports from teachers and the headmaster. (I have requested copies as evidence - from U.K.).

Though the girls' school was not authorised by the strict Taliban regime, I still enrolled my own daughter at the school; and my son at the boys - though he was still too young.

With the intent to begin teaching myself - after gaining local language proficiency - I gave the children brief assembly addresses; took them on outings to: the Kabul Zoo Trade Fair, the game of "Royal Buzkashi" (similar to Polo) and viewed several premises for expansion.

I had also helped initiate a project to build wells in the drought stricken regions of North West Afghanistan, and by the time of my arrival over 20 had been built - many sponsored from the U.K. I had worked for an aid organisation operating in Bosnia & Herzegovina in mid-90s; my aim in Afghanistan was to continue in social value and assistance to these less fortunate

than myself. (I have requested witness statements to confirm - from U.K.)

FRONTLINE (1)

Before leaving the U.K. I had conducted some research pertaining to the stability of the region: though a state of war existed between the parties, and intermittent fighting occurred in regions bordering Tajikistan, the cities and all surrounding areas had been quiet for over two years. An ambience of relative peace had begun - something absent for over twenty years: thousands were returning home; law and order (if somewhat austere) was prevalent in ninety percent of the country; reconstruction of buildings and roads was in earnest; foreign investment and the presence of international aid organisations of repute was prevalent. Peace negotiations between the factions were seemingly fertile, hence the frontline had been dormant for nearly two years.

My own naivety and geographical ignorance caused my surprise to learn the relatively close proximity of the frontline to Kabul City - around an hour's journey! But to gain reassurance of the inactivity first hand I decided to visit a section controlled by Pakistani fighters. The month was still August. I stayed for a few hours, mostly at the rear - some twenty minutes away from the actual front, where I was permitted to stay and observe for an hour, or so. Besides the occasional sporadic shelling - which I heard was rare - the place was calm and silent. Here I was told that peace talks would produce an ~~imminent~~ eminent end to the war and that Taliban were considering proposals for Northern Alliance surrender, and inclusion in regional government.

In early November I visited a town just north of Kabul and south of the front - name 'Chakdara' - where I was when, after leaving Kabul, to gain news, I learnt

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(b)

about the collapse of the Taliban government in Kabul.

EVACUATION

After the US attacks in October my family and I evacuated to a town south of Kabul; closer to the Pakistani border - where I planned to escape to if the news of war persisted. We had spent much money, effort and sacrifice in establishing a home and the school projects and did not wish to abandon it all unless absolutely necessary. By early November, though rumours of war vacillated, the market places were still full, weddings taking place, several Western aid organisations were still there i.e. in Kabul - where I returned, from time to time, to check on our house and remove personal belongings to our new location. During our time in Kabul, and during the time in the southern town, a British family also stayed with us, for several weeks. I have requested their testimony through my family - as I believe they returned to the U.K. at the same time I evacuated to Pakistan - November 2001 - where I saw them last.

"FRONTLINE"

As mentioned earlier, I returned to check on our house in Kabul a few times. The last time this happened I went to buy provisions and other household goods; then to enquire about the situation from some Pakistani aid workers, just outside the city. I had told my wife to expect me late that evening or early next day. But it was not to be: that same night it was rumoured that Kabul had fallen - without fighting - but it was now very dangerous - particularly for foreigners, as they would be bottled or



kidnapped, or killed. Thus no one dared to risk evacuation through Kabul, and I began an arduous journey over mountain roads, to what I thought would lead to my family. Instead we ended up completely lost.

During most of the night, eventually reaching a high road with a pandemonium of vehicles heading south.

I was distraught and devastated at not being able to reach my family, but knew that the other British family, and the Kurdish would not abandon them.

My own vehicle had been left in Kabul, and I had virtually only the clothes I wore with me. I kept asking people to take me back through Kabul - the only route I knew of to my family, but no one would agree. Eventually I got news that my family had been evacuated to the Pak border and that they would soon be safe in Pakistan. I arrived at Jalalabad the next morning; but there too things became unbelievable. It was said that highway robbers were abound now that there was no central authority, and foreigners were the target. The border crossings, though unsafe, were still open for women and children.

However we continued south, and eventually came to a point where the roads ended and mountains began.

We managed to hire a local guide to take us over the mountains into Pakistan. We were all Pakistani citizens - I a dual national. Interrogators have claimed my route was through Toru Bora. I do not know what the place was called, nor did I stay to find out. I did meet other people evacuating this route - some may have been fighters - or just armed locals, as is common there.

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PROCESSED  
ARMED

But there was no fighting or bombing whilst I was there. I did not see the caves and weapons stashes that have been mentioned, nor were any of us armed during this journey. (Though, back in August I had purchased a rifle and hand gun, - which had been left at home, and in the vehicle, respectively - and for which I had obtain licences. These were for my own protection and I did not discharge them on Tush frontlines, Tora Bora, or at any hostile engagement - since I was not present at such engagement to begin with).

(This I believe is the extent of the information taken by law enforcement and twisted to fit me into "enemy combatant" status).

Support  
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I was reunited with my family in Islamabad, Pakistan, where we had requested financial help from family and friends in the U.K. I thanked the people that had helped my family, and in return offered them assistance by staying at my new residence in Pak.

For the third time, in as many months we began from scratch, making our home - that we had leased - and spent thousands of pounds, in purchasing needs for the empty house. So we were settled once more; my children in good local schools, my aunts and uncles in the same country, fairly closeby; income from our house rented out in the U.K., and the money collected for us by friends and family. I had to buy new wardrobes of clothes for us all - my family also had evacuated in a hasty and desperate manner. Almost all our belongings were left behind our Kabul residence - or the evacuation house. Still, we had to thank God that we were all safely

united. I have never wept so much in my entire life as during those days in November. I hated myself for being insane enough to bring my family to Afghanistan. It still hurts just to recall the memory. Even these three years in custody bear no equal to how destroyed my heart felt at that fateful time: Why did I not evacuate much earlier on to Pakistan? Why did I leave to visit Kabul that day? Why didn't I take the risk to return through Kabul? Why did I come to Afghanistan???

But in His mercy God gave us three more months together. I furnished the house with every new possible appliance to ease my family's burden. I bought home lewish foods every day. The children were so happy; and apart from the abandoned projects in Pakistan, Afghanistan, we were glad to be there. The phone lines were normal; satellite t.v. was prevalent, internet available. I am fluent in Urdu, and Islamabad is the cleanest city in Pak. I was going to work on translating ancient Arabic texts; and establishing a new route to continue the school in Afghanistan - but keeping my base in Islamabad - after the war had simmered down.

For Eid, the great Muslim festival, we were going to tour the lush valleys of the North East, and visit my Aunt in Karachi - where I had lived some months in my ~~years~~ <sup>teens</sup>. Happy days were ahead. My wife was expecting a child in June. Perhaps we'd return to the U.K. for the birth, and then come back. Then came the night of 31<sup>st</sup> January 2002. ~~At~~ Midnight. The door-bell rings. I answer, and guns are put to my head. I'm pushed in, see a tazer crackle and I am hooded. Shackles and flexcuffs finish the job. They carry me into a vehicle - and I never return home again.

SEIZURE

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I couldn't even say a word to my wife. How could this be happening again? What did I... what did they do to deserve this? Some agents evidently stayed at the house. This is not Britain or the USA - even though the USA don't particularly care what the Pakistanis do, as long as they reach their target. I'm it. If they harm my family in anyway.... I'm held for three weeks. I have an anxiety attack. They didn't even give the opportunity to put my shoes on! So I'm ~~bare~~ <sup>bare</sup> foot. A sympathetic guard gives me a destroyed pair of sandals. I thank him. I hear sounds of banging at night. Must be night shift works. Now I hear yells and words of pain. Must be torture. A man is taken from my room (The officer in charge liked me, so he put me in a waiting room - for three weeks!) But it was a palace compared to the dungeon cells that housed several other misables. I saw some of them when passing the bathroom. The cells were black, even with lights on! Damp, with dripping water and moldy walls, no view except the cage entrance - and a ~~beating~~ <sup>beating</sup> with rubber pipes to look forward to everyday. Some had been there three months - some six. Back on my palace an Afghan shares the room. Accused of embezzling money from Hajj pilgrims. The agent enters, shakes my hand asks about my welfare; then approaches the Afghan and punches him on the face repeatedly. Then pulls him down from the shoulders, and knees him in the groin at least fifteen times! He is told to stand up - and cannot sleep for three days. Agents says "I'll teach how to talk languages you've never heard of." And so he confesses - to whatever. I'm left alone again. He goes home for Eid. My "Eid" will be in Kandahar. My family have no idea of my whereabouts. No one's even

demanding a ransom!

I believed that my family had been divested of all the money on the estate, and I was left penniless and destitute, by the agents who took several items from our house. (I have sought an inventoried list of all items and money seized from our house, on numerous occasions - but as usual, there is no response, nor accountability).

Thereafter followed an ordeal - in Kerdahar and Bayram U.S. detention facilities - that was to last until 7<sup>th</sup> February 2003 - some year in all. During this period I was forced to share a bucket as a latrine, with several others; forcibly stripped naked and photographed in front of several people; forced to take communal showers in freezing cold water denied natural light and fresh food, for the duration.

#### INTERROGATION

Interrogation began in earnest from the outset; I had already witnessed the results of 'unsatisfactory' interrogations: sleep deprivation, racial and religious taunts; being chained to a door for hours - with a supporting plastic sanitary as a head; literal arm twisting and forced bowing and several physical beatings. Two of these beatings resulted in the deaths of two detainees in June and December of 2002. I was a witness to both, in some fashion. (In June this year interrogators from (C) approached me about these, producing pictures of both the victim and the cadets to identify).

It was during the said time in Afghanistan around May, that I was subjected to a series of particularly harsh interviews by FBI agents - with other present. They made it clear from the beginning that

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they would not accept my protestations.

All detainees were soon aware that one's treatment was based on accordance to his report with interrogators. Subsequently, it became clear that the guards were instructed to commence my "punishment" directly after one such interview: I was dragged into an isolation room, my hands shackled from behind, to my ankles, and a suffocating hood placed over my head. (I am an asthma sufferer - but my protests fell on deaf ears). I was struck around the head several times, then left in that manner, on the floor, for several hours, only to be interrogated again. This time they threatened to have me sent to Cairo (Egypt) to face torture, by Egyptian thugs in the ~~police~~ intelligence service. It was to include electric currents, severe beatings and sexual abuse - and "other" methods. This they said would vindicate U.S. personnel from actual involvement - merely observation. They told me that [redacted] (Libyan) had been sent there and "confessed" after two days. (But to what - I don't know). I spoke, later, with other detainees that had been sent to Egypt and questioned by U.S. intelligence, whilst I was in Bagram.

It was ~~to~~ now that I truly realised how their perceptions were formed: Muslim + training camp + Afghanistan = al-Qaida! That simple. And they needed results, to show superiors how far they were progressing. Sadly, their reasoning was most base, compounded by an ignorance in comprehending the nuances of the various groups and ideologies separate from al-Qaida, as well as the strikingly obvious differences of cultures, schools of religious thought and language. I was astounded when they told me to "stop using big words", or repeatedly spell names, terms or places that are commonly known, even to English.

Speakers!

Saying that I was "already convicted" - (an inadvertent truth) - they intimidated me with threats of arbitrary incarceration, denial of legal rights, consular or family access. They showed photographs of my children in front of me, claiming I would never see them again. Then, producing a mobile satellite phone I was told that my family were only a phone call away (from whom I'd had no news since my abduction four months earlier) - all I needed to do was tell them what they wanted to hear - whether about myself, or others. (And yet, the only crimes I've ever witnessed were perpetrated by U.S. personnel - as mentioned).

They said my only hope was through them: "plea bargain"; "state witness" and "witness protection" were all terms put forth. But even I knew that for that to occur there must be some relative crime. As I had no knowledge of such I would reasonably have to invent something! Of course they were well aware of that, and no court in the US would convict for crimes that do not exist. Finally, it was evident that they would require my assent to their own perceptions - which they, clearly, have presented in the statement that I signed - some seven months later, in Guantanamo.

By early June (2002) the interrogators had left Bagram, and I did not see them again until my arrival in camp Echo, Guantanamo Bay - with memories fresh of the threats of summary trials, life imprisonment and execution, coupled with <sup>a</sup> year long ordeal sustained in Afghanistan - <sup>when</sup> I was processed in "Delta

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STATEMENT

On 8<sup>th</sup> February 2003. ~~seven months later~~: On the night of 13<sup>th</sup> February they arrived at my cell, in camp Echo (where I have been held in isolation since that time) - along with two other CTF agents - producing documents, i.e. a statement for me to read and sign. My response was surprise, after all these months: I had been told that the system in Guantanamo was much better, and a resolution to my situation would be more apparent there. Thus I requested a lawyer, and a copy of the statement. Both were denied.

They reiterated the previous threats, this time with less enticement, adding that I could only have a lawyer after I signed. (Unbeknownst to me, my U.K. lawyer had instructed the Centre for Constitutional Rights in New York, to initiate all legal proceedings on my behalf, on 10<sup>th</sup> February - just three days earlier! - (see Affidavit of Gareth Pierce, p. 5)). (I do not know why I was held in Afghanistan for such a long time; longer than any detainee that I know of. I witnessed four sets of detainees, over a year, sent off to Cuba. I can only assume that it was because Guantanamo would change the status quo with things like Consular access, habeas petitions and the like).

The statement was very poorly composed, and quite clearly written in haste - containing several spelling and blatant factual errors. Nonetheless, faced with the prospects so eloquently outlined by these characters I relented and agreed to sign. I was permitted to make a little adjustment, but expressed clearly that I was wholly dissatisfied with its contents as it coupled fact with fiction, decontextualisation, exaggeration and misrepresentation of the truth. I also expressed that



wished to delay signing until I had had ample time  
to review a copy. This was rejected stressing that the  
signature was required there and then. And thus I signed.  
This is the basis of the factual ~~detention~~ cause for  
detention that I believe is the bulk of the "government  
evidence" that is now deemed classified!

The unclassified "factual basis" that I have been  
used, almost literally, the same wording, in a summarized  
manner.

It may be suggested that I received such treatment due  
to an uncooperative attitude, or hostile nature - but nothing  
could be further from the truth. I have maintained a  
composed and compliant demeanor with all U.S. personnel,  
throughout the past three years. Rather, my cooperation with  
the said "investigators" produced the opposite effect: the more I  
offered an insight and educated background of history, events,  
politics and cultural differences - within various Islamic groups,  
countries and movements - the more they were convinced of  
my involvement. It did not occur to them that much of what  
I told them was common knowledge in that region of the world,  
or else could be easily learned from books, internet or newspapers,  
if one has the inclination, and a penchant for credulity.

My attendance of the training camp - where 10's of 1000's  
had trained, some extensively over the past 20 years - for a few days,  
was regarded as ground breaking information! And the same in  
relation to what message support I gave during a period of  
12 months, or so.

### CONCLUSION

A matter which truly elicits my astonishment pertains to the surprisingly extraordinary lengths taken by the U.S. authorities — from coordinating my initial abduction, kidnap and subsequent interrogations — totalling over 250 interviews; holding me in the Bagram detention facility, for a year; placing me in isolation from all other detainees for two years, in Guantanamo; refusing to order a fair trial by peers — or repatriation to the U.K. (as officially requested); to the censoring of mail to ludicrous proportions (like children's letters); and the denial of all news, relative even to my own predicament (until recently) — all because of the capricious notion that I may have been prepared to fight in a frontline scenario! A situation in which it has not even been alleged that hostile encounters occurred — or even that U.S. troops were physically present — let alone combative engagements, or casualties!

And yet it is well known that the frontlines were manned by thousands of fighters — many from Pakistan — that fled to Pakistan after the U.S. invasion; but were neither pursued, sought after nor abducted from their homes.

To extrapolate such a prodigious status from my negligible — or rather, imaginary — role as an "enemy combatant" epitomises the extent of the levels of savagery which continue to plague the U.S. administration — subjecting hundreds of people to extraneous decisions in the process.

Clearly I believe I am victim to the deception

and assumption; through some of my past activities and associations however Iiterate, never at any time have been involved in bellicose acts against the USA - nor any country since the war: nor have I supported such acts or had direct knowledge of the same. - And I have never been a member of H. C. or any other group (oasis or organization): though I have had sympathies and involvement with causes previously mentioned. Many opportunities have arisen to engage in hostilities against the USA, but it is precisely because I am a British citizen, understanding the special relations between the two countries, (and for my own family interests) that I would not have contemplated aggression against the USA.

I am a happily married man, with a wife and four young children at home - (one that was born some months after my abduction, that I've seen only in pictures). It has been nearly three years since I saw them last. We are not permitted any freedom of meaningful communication; the average letter arrives every six months, with a British delegate. The mail system remains abnormal. Our lives have been shattered; my children are growing up without their father, during the most formative years of their life. No calls, news, regular mail are all denied - even children's letters are censored when formally does. And I would ask simply this: What did I ever do to the USA - or attempt to do?

I am not an enemy combatant, and never was.

It is time for the ordeal to end. Let me go home.

*M. J. G.*

VERZETTAN 1000 # [REDACTED]

# Third Geneva Convention

From Wikipedia, the free encyclopedia.

The **Third Geneva Convention** regarded the treatment of prisoners of war. It was adopted in 1929 as an extension to the rights guaranteed by the Hague Convention of 1907. It was revised in 1949, with the modified form adopted on August 12, 1949 by the Diplomatic Conference for the Establishment of International Conventions for the Protection of Victims of War, held in Geneva from April 21 to August 12, 1949, and entered into force on October 21, 1950.

Those entitled to prisoner of war status include:

- 4A(2) Members of other militias and members of other volunteer corps, including those of organized resistance movements, provided that they fulfil the following conditions:
  - (a) that of being commanded by a person responsible for his subordinates;
  - (b) that of having a fixed distinctive sign recognizable at a distance (although this is not required under the First Additional Protocol);
  - (c) that of carrying arms openly;
  - (d) that of conducting their operations in accordance with the laws and customs of war.
- 4A(3) Members of regular armed forces who profess allegiance to a government or an authority not recognized by the Detaining Power.
- 4A(6) Inhabitants of a non-occupied territory, who on the approach of the enemy spontaneously take up arms to resist the invading forces, without having had time to form themselves into regular armed units, provided they carry arms openly and respect the laws and customs of war.

The exact definition of "lawful combatant" has been subject to a number of discussions in view of a number of public military conflicts in the 2000s, including the U.S. invasions of Afghanistan and Iraq. Because many of the people fighting do not have uniforms it is claimed that they do not display a "fixed distinctive sign recognisable at a distance" are not entitled to the protections of the Geneva Convention as they are not "lawful combatants" (see unlawful combatant). Problems with such distinctions include the status of snipers and special forces, who wear clothing such as Ghillie suits which are specifically intended to prevent identification of them at a distance and who seek to avoid being visible until the time of their attack, but who still want to be considered to be prisoners of war.

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## Exemptions

There exists exemptions to the Third Convention for "High Contracting Parties" to this convention. In the case of a conflict between a signatory and a non-signatory the signatory shall remain bound until such time as the non-signatory no longer acts under the strictures of the convention.

(Art 2) "...Although one of the Powers in conflict may not be a party to the present Convention, the Powers who are parties thereto shall remain bound by it in their mutual relations. They shall furthermore be bound by the Convention in relation to the said Power, if the latter accepts and applies the provisions thereof."

Exhibit D-F