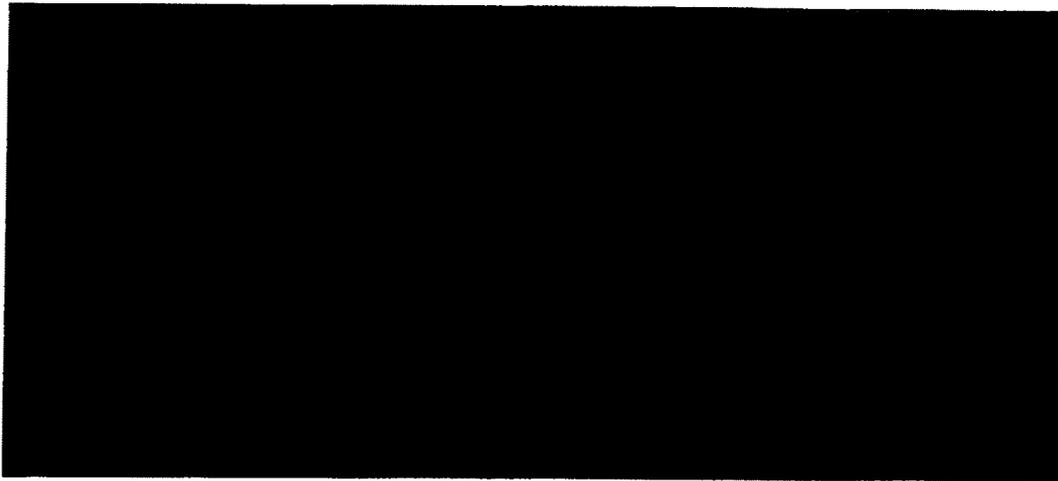


AL QAEDA

TRANSFERRED TO OTHER AGENCY

- DOD

Public Affairs Plan on Detainee Release/Transfers



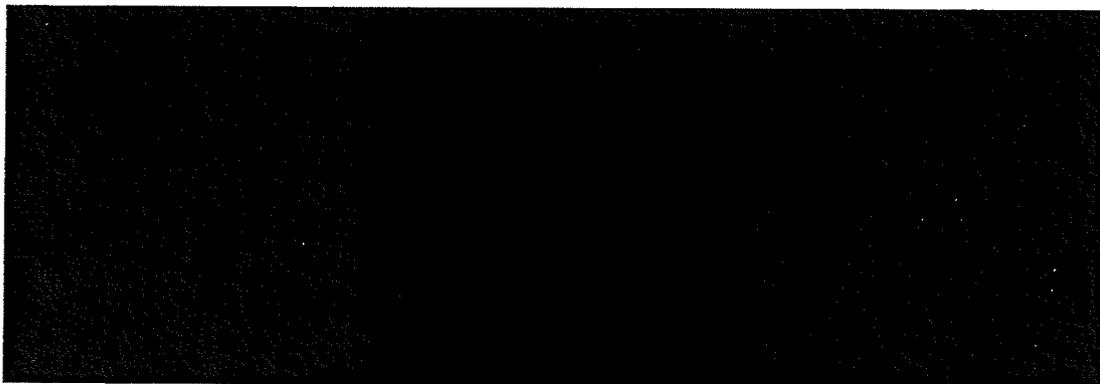
(U) Release of Detainees

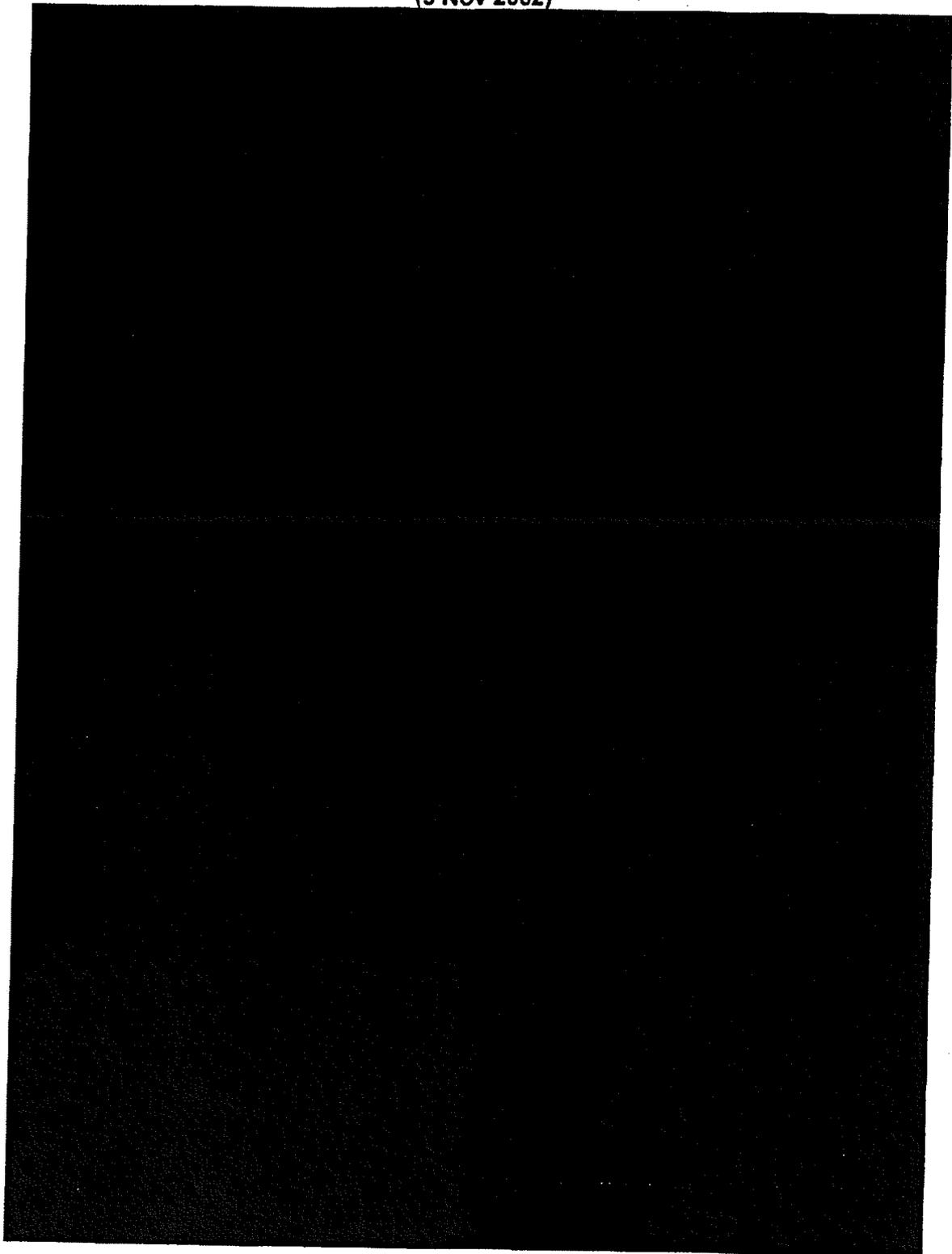
(U) Released detainees will have some level of knowledge about other detainees, security practices and U.S. interrogation methods at Guantanamo. Al Qaeda may attempt to locate and debrief released detainees, either voluntarily or under coercion, placing the person at risk and jeopardizing U.S. security and practices at Guantanamo.



~~(C)~~ For these reasons, it is imperative that we define the amount and nature of information provided. (Consistent with OASD(PA) policy of maximum disclosure, with minimum delay.) The U.S. Government will not make public the details of any movements. We do not want to assist al Qaeda in finding any released detainees. Al Qaeda may, in fact, find released detainees, but the USG will not assist al Qaeda by providing public information about transfers or releases.

(U) Transfer of Detainees







(U) Transfers or releases of detainees have high media interest. It is important that the Administration speak with one voice in these matters. Therefore, OASD(PA) will ensure that, prior to transfers or releases, appropriate and timely public affairs information and materials are provided to the Department of State, the Department of Justice, National Security Council staff, and the White House Press Secretary.

(U) OASD(PA) will have the lead for all press queries regarding the transfer or release of detainees. OASD(PA), in coordination with OASD (SO/LIC) and OGC, may provide amplifying guidance, consistent with this guidance, to its components, and may delegate authority to release information about detainee movements.

The following paragraphs are unclassified and cleared for use in response to query:

(U) **TALKING POINTS** - If information about transfers or releases leaks prior to the movement, we will in no way confirm such information for operational security reasons. If questioned about a possible transfer or release, or upon announcement of transfers or releases, the following talking points are provided:

-- To maintain the safety and privacy of those who have been detained and due to operational security considerations, the USG will not provide specific information on any individual.

-- Some detainees have requested that, for privacy and security reasons, we not disclose information regarding their transfer or release.

-- Our detention of enemy combatants is lawful and necessary. Enemy combatants may be detained at least until the cessation of the conflict.

-- It is necessary to remove enemy combatants from the conflict and to detain them for the safety of our military forces, and the prevention of future attacks.

-- At the time of their detention, enemy combatants posed a threat to US security, and we are obligated to mitigate any security threat.

-- The USG has determined that it may transfer or release, under appropriate conditions, individuals who no longer must be detained by the United States. Such determinations are made on a case-by-case basis and depend upon a variety of factors.

-- The release or transfer of a detainee must be approved by the Secretary of Defense. Many factors enter into each consideration, including consultations with other government agencies.

(U) PROPOSED STATEMENT for release following completion of transfer/release:

The Department of Defense announced today that it released ____ (number) detainees from Guantanamo Bay, Cuba, on (date). (See www.defenselink.mil for actual release with numbers and date.)

Senior leadership of the Department of Defense, in consultation with other senior U.S. government officials, determined that these detainees no longer posed a threat to U.S. security.

Transfer or release of detainees can be based on many factors, including law enforcement, intelligence, medical considerations, as well as whether the individual would pose a threat to the United States. At the time of their detention, these enemy combatants posed a threat to U.S. security.

In general terms, the reasons detainees may be released are based on the nature of the continuing threat they may pose to U.S. security.

As part of this process, the International Committee of the Red Cross (ICRC) has conducted independent interviews with these detainees prior to their departure from Guantanamo.

During the course of the war on terrorism, we expect that there will be other transfers or releases of detainees. Because of operational security considerations, no further details will be available.

(U) Q&A for RESPONSE TO QUERY:

Q1. What can you tell us about the release of detainees from GTMO?

The Department of Defense announced today that it transferred (number) detainees from Guantanamo Bay, Cuba, on (date).

Q2. How many detainees have been released?

The Department of Defense announced today that it transferred (number) detainees from Guantanamo Bay, Cuba, on (date). (See www.defenselink.mil for actual press release.)

Q3. Can you identify these detainees?

No. To maintain the safety and privacy of those who have been detained and due to operational security considerations, we will not provide specific information on any individual. (*DOD Policy*)

Q4. What conditions were met that prompted their release?

A variety of factors are relevant to such decisions, including considerations related to intelligence and law enforcement matters, and whether the individual would pose a continued threat to the United States.

Q5. Who made the decision to release these detainees?

These decisions are made by the senior leadership of DoD after thorough assessment of all relevant factors and in consultation with other government agencies to ensure that these detainees are no longer needed to be kept in detention by the United States. (10/22/02 transcript on Defense Link).

Q6. Are you concerned about their safety and security?

Yes, we are concerned about the security of anyone we release. This is one of the reasons that we are not disclosing publicly their identities.

Q7. Are there any conditions upon release?

As a general matter, any individuals who are released are required to sign an agreement that they will not take up arms against the United States or its allies. For security and privacy reasons, the USG will not provide specific information on any individual.

Q8. What does the agreement say?

In the agreement, a detainee who is to be released acknowledges his status as an enemy combatant, promises not to take part in further combat against the United States and its allies, and acknowledges that he may be detained again if he engages in further combat.

Q9. Can the detainees really be trusted not to take part in further fighting?

DoD does not rely on the promises of any detainees in making its releasability assessments. Once DoD is satisfied as to the releasability of a detainee, an agreement is used to confirm this assessment in writing, and to put the detainee on notice that he may be detained if he again takes up arms against the United States or its allies.

Q10. Will any of the released detainees be compensated for their detention?

No. Those who are moved out of GTMO will get new clothes. (SOLIC)

Q11. Does the Geneva Convention entitle these detainees to compensation?

The President determined that neither al Qaeda, nor the Taliban detainees are entitled to Prisoner of War status under the Third Geneva Convention of 1949. Even if that were not the case, the Geneva Convention makes no provision for compensation upon release.

Q12. What happens to them when they are released? Do you just drop them off on the tarmac? How do they get home? What happens to them when they are set free?

With the State Department, we have coordinated the logistics of their release with appropriate government officials in the countries receiving these individuals. The released detainees will be met upon arrival by officials from their governments to facilitate their return to their homes.

Q13. How can we be sure that detainees didn't commit suicide and you're just now telling us they were released some time ago, somewhere, to someone you won't disclose?

No detainees have died while under US control. We are withholding specific details of the situation to protect the individuals from potential harm from Al Qaida—this enemy will prey on its own. (SO/LIC)

Q14. If a detainee expresses concern for his safety, would you consider and forward a request for asylum to the State Department?

If a detainee expresses concern for his safety upon his return to his country of nationality, we will work with the State Department and other appropriate entities to address that matter.

Q15. Is it possible that a detainee, once released, could be tracked down and recaptured if the situation warrants?

Any released detainees are required to acknowledge that they may be detained again if they take up arms against the U.S. or its allies.

Q16. Why did it take so long to prove the innocence of these detainees?

This is not about guilt or innocence. These individuals were detained as enemy combatants captured in connection with an ongoing armed conflict. They continue to be enemy combatants under the law of armed conflict.

It is a universally recognized principle under the law of armed conflict that enemy combatants engaged in war may be captured and detained for the duration of conflict. This has been the practice of the U.S. and its allies in every modern war. Our detention of enemy combatants is lawful and necessary to prevent them from returning to the battlefield or reengaging in armed conflict against us and our partners. This legal right to detain enemy combatants exists independently of any notions of guilt or innocence under the law.

Enemy combatants who cease to pose a threat to the U.S. or who lay down their arms and cease fighting may be released if they will no longer engage in combatant activities. The law of armed conflict does not require they be released before the end of hostilities. In this case, the individuals are judged not to pose a threat to the U.S. and each has agreed not to support acts of terrorism or engage in combatant activities. DoD has determined that the threat posed by these individuals has been significantly mitigated and they no longer require detention by the U.S.

We are constantly reviewing the continued detention of each detainee based on a variety of factors, including intelligence, security threats, and law enforcement and health considerations. All of these need to be considered before a release may occur.

We will not comment on the specifics of particular decisions.

Q17. If you are letting these people go, does it mean DoD should not have captured them in the first place? Were they captured by mistake? What has changed that makes DoD let them go now?

These individuals were apprehended during an armed conflict because they are combatants. We believe their capture and detention on that basis was proper. Over the course of their detention, we have assessed – among other things – their potential to remain a threat to U.S. security, available information concerning whether they may have engaged in the commission of war crimes, and their potential to support or participate in acts of terrorism or combatant activities. Based on these and other considerations, we have decided they could be released under certain conditions. One of those conditions, but by no means the determining one, was their willingness to sign an agreement.

Q18. Why haven't criminal charges been brought against any of these detainees? Detention of enemy combatants and prosecution of those enemy combatants for alleged war crimes are two separate things. In this instance, we have decided that it is preferable to release these individuals under such agreements.

Q19. Will the detainees return directly to Afghanistan?

We will not comment on the timing, route or destination of their return. (*Transfer & Release PAG*)

Q20. Will they pass through the United States?

No.

Q21. How were they moved out of GTMO?

We are not going to discuss the security measures in place during a detainee movement.

Q22. Are you concerned that camp operations may be compromised following the release of detainees?

We are always concerned about the safety and security of military operations. However, we do not believe that the release of these detainees poses an additional or significant threat.

Q23. What process was used to determine their innocence?

This is not a question of guilt or innocence. They are enemy combatants lawfully detained in accordance with the law of armed conflict. Their release was based on many factors, including intelligence and law enforcement considerations, health concerns and whether the individual would pose a continued threat to the United States. A determination of their guilt or innocence was not made. (*Transfer & Release PAG*)

Q24. If they no longer pose a threat, did they travel under armed escort? Were they shackled and handcuffed?

We are not going to discuss the security measures in place during a detainee movement.

Q25. When do you anticipate future transfers/release?

As we have stated from the outset, we expect there will be other releases and that we may also on occasion transfer some detainees to the control of other governments. We will not put detainees or our operations at risk by discussing such transfers or releases. *(OSD PA Plan)*

Q26. Why were you detaining elderly men believed to be at least 80 years old?

Age is not a determining factor in detention. We detain enemy combatants, those who are engaged in armed conflict against us or are providing material support to others who are fighting us.

Those detained at GTMO were sent there for a reason. As we have stated numerous times, when such an enemy combatant is determined to no longer pose a threat, and has no more intelligence or law enforcement value, he will be released or transferred to the control of another government.

However, it is worth noting that the al Qaida and the Taliban combatants are from a much wider age group than a typical organized military. We have only detained individuals that required further screening due to threat, intelligence, or law enforcement concerns.

Q27. Are the remaining detainees at GTMO aware that there has been a release?

Yes.

Q28. When did the detainees learn they were to be released?

They were informed several days ago.

Q29. Did the detainees say anything when they learned they were going home?

We will not relay comments made by individual detainees regarding their status.

Q30. Are you concerned a detainee will die in captivity?

We are concerned about the health and safety of all detainees. We are providing expert medical treatment for the detainees. Since detention operations began, we have treated wounds sustained in battle and relieved pain and suffering caused by pre-existing conditions.

Q31. How long had each detainee been held in confinement?

Information specific to the individuals will not be provided.

Q32. Are detainees permitted any privileges at GTMO, not afforded to others, once their innocence has been determined? (Food, shelter, clothing, privacy)

This is not about guilt or innocence. These individuals were detained as enemy combatants. The U.S. has the authority under the law of armed conflict to detain enemy combatants who pose a threat to the U.S. DoD has determined that the threat posed by these individuals has been significantly mitigated and they no longer require detention by the U.S.

FINAL (Revised)

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(5 Nov 2002)

FINAL (Revised)

Q33. Are those soon to be released held under armed guard?

We will not discuss the specific security measures in place at GTMO as they pertain to the detainees.

Questions beyond the scope of this guidance should be addressed to OASD(Public Affairs) at (703)697-5131 or DSN: 227-5131.

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