

3. (C) Addressee posts [redacted] are requested to inform host governments at the earliest opportunity of information related to the transfer of their national(s) [redacted] to U.S. facilities in Guantanamo Bay. Personal information on detainees in paragraph 6 may be shared with host government. We will provide further identifying details on detainees that could be shared with host governments as it becomes available. Embassy is instructed not share any information on nationals from third countries with host government. This information is secret. Post, and host government should be aware that much of this information is self-reported by the detainee. It may be inaccurate and even intended to deceive. Please use talking points in paragraph 4.

4. (U) Talking Points

-- At mid-afternoon local time August 5, a U.S. military aircraft arrived at the U.S. Naval Base, Guantanamo Bay, Cuba carrying a number of individuals detained in connection with military operations in Afghanistan. These included (a) national(s) of your country. The USG does not intend to make names of the individuals being detained at Guantanamo Bay public at this time.

-- These individuals were captured in Afghanistan as enemy combatants in connection with the ongoing armed conflict. They pose a threat to the United States and international peace and security. They are being detained in accordance with the laws and customs of war which permit U.S. military authorities to hold enemy combatants at least for the duration of hostilities, as is the case for other detainees held in connection with our military operations. For operational and security reasons, we have transported them to the U.S. Naval Station at Guantanamo Bay.

-- All detainees have been and will continue to be treated humanely and consistent with the principles of the Third Geneva Convention. Representatives from the International Committee of the Red Cross are present at Guantanamo and will be given the opportunity to visit with each detainee privately.

-- The United States is evaluating the possibility of prosecuting these individuals in a U.S. forum.

-- We are also evaluating the possibility of transferring certain individuals to their country of nationality for further detention or legal action. Before making any decisions, however, we seek additional information.

-- If you have information concerning these detainees, and especially information concerning any criminal conduct (including violations of the laws of war) that they are alleged to have committed, we would appreciate receiving that information through the law enforcement liaison at our embassy.

-- We would hope that you would investigate the activities of your nationals, who have aided al-Qaida terrorists or committed other crimes, and to the greatest extent possible, be able to prosecute them vigorously for their criminal conduct.

-- Do you have any information from your own sources that connects these persons with al-Qaida or the Taliban?

-- Are there any charges pending against these persons in your country? If so, what are those charges?

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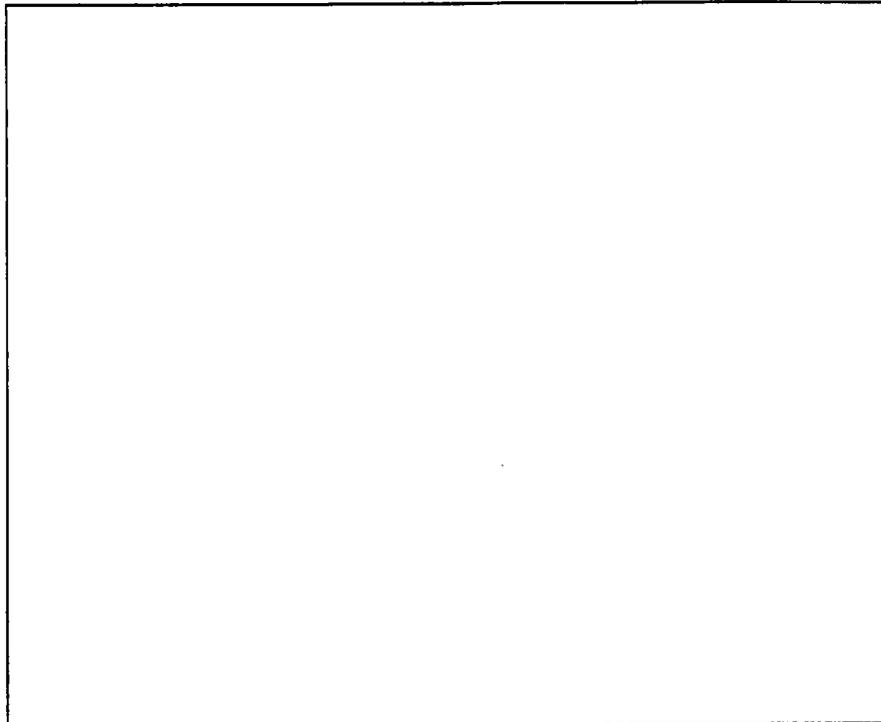
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- Would these persons be subject to prosecution in your country, and if so, for what crimes? For crimes committed inside your country? For crimes committed outside, including for acts related to the Afghan conflict or terrorist acts?

-- What types of punishments are available under your law for offenses that have been or might be brought against these persons in your country?

-- Would your government be prepared to detain these individuals on the basis of their status as enemy combatants, and to hold them until the end of hostilities under the laws of war or other legal basis?

5. (U) Ref B provides detailed guidance regarding requests for access to detainees in Guantanamo.



B1, B6

7. (C) Background for Posts

(C) The most pressing matter at hand is ensuring that those who pose or might pose a continuing threat to the United States remain securely detained. Currently we are holding approximately [redacted] and at Guantanamo Bay. As presently envisioned, detentions and prosecutions of al-Qaida [redacted] could be undertaken by any number of parties, including the United States, the governments of nationalities of those detained, countries attacked or targeted for attack by particular detainees, and/or the [redacted]. We will want to maintain our flexibility of action in all scenarios.

B1
B1

(C) We will make determinations at a later date concerning detainees who may be subject to U.S. prosecution. We will also examine the possibility of other states undertaking prosecutions.

8. (U) Please slug responses for S/WCI, L, DOD/OGC:Davidson, DOD/OSD/SOLIC:Hollis, and NSC

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Legal: Bellinger.

(U) Minimize considered.

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