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B1, 1.4(D), B7(A), B7(C)

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===== 241236L JAN 02 VLC (TOTAL COPIES:018)

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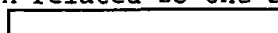
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NODIS DECAPTIONED

E.O. 12958: DECL: 01/19/07
TAGS: PTER, PREL, KAWC
SUBJECT: UPDATE ON JANUARY 20 TRANSFER TO GUANTANAMO

REF: A. STATE 6135
B. STATE 11857

Classified by S/WCI - Pierre-Richard Prosper, for reasons
1.5 (b) and (d)..

1. (U) This is an action message.
2. (S) Posts are reminded that the NODIS caption is designed to protect the most sensitive information conveyed between posts and Washington. It means, with very few and specific exceptions, that there is "no distribution" to any other addressee other than the Department. In some cases, however, there may be compelling reasons to share post-originated NODIS messages with other posts. The best way to have another post receive your NODIS message is to provide a suggested list of additional addressees in the first paragraph of your cable. The Department will make every effort to turn your request around quickly.
3. (C) Addressee posts (not/not including Havana) are requested to inform host governments at the earliest opportunity of new information related to the January 20th transfer of their national(s)  to U.S. facilities in Guantanamo Bay. Personal information on detainees in paragraphs 4 and 6 may be shared with host government. We are working with the Department of Defense

UNITED STATES DEPARTMENT OF STATE
REVIEW AUTHORITY: HARRY R MELONE
DATE/CASE ID: 21 DEC 2004 200303827

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to obtain more identifying details that could be shared with host governments. Please do not share details on nationals from third countries with host government. Please use talking points in paragraph 5 and 7, as appropriate.

4. (S/Rel to governments as specified in para 3) We have confirmation of the identities of the following individuals who were transferred to Guantanamo Bay on January 20 (use talking points in para 5):

Name	Nationality	DOB
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B1, B7(A), B7(C)

5. (U) Talking Points

-- At mid-afternoon local time January 20, a U.S. military aircraft arrived at the U.S. Naval Station, Guantanamo Bay, Cuba carrying a number of individuals detained in relation to military operations in Afghanistan. These included (number) 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 pose a threat to the United States and international peace and security. For operational and security reasons, we have transported them to the U.S. Naval Station at Guantanamo Bay.

-- All detainees will be treated humanely.

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

-- We are also evaluating the possibility of returning certain individuals to their country of nationality for further 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.

-- 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 and against whom have they been brought?

-- 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?

-- We would hope that you would be able to prosecute vigorously all of your nationals who have aided al-Qaida terrorists.

If pressed:

-- We are studying the issue of allowing foreign governments access to detainees in Guantanamo Bay.

6. (S/Rel to governments as specified in para 3) We have new information that the following individuals were not/not

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transferred [redacted] to Guantanamo Bay on January 20 as reported in reitel B (use talking points in para 7):

B1

Name

Nationality

DOB
B1, B7(A), B7(C)

[Redacted box]

7. (U) Talking points:

-- We have updated information due to new confirmation of identities of persons transferred to Guantanamo Bay.

-- The following name(s) of national(s) of your country were not/not transferred from Afghanistan to Guantanamo Bay as previously reported.

-- We will continue to make every effort to notify you in a timely manner regarding the identities of any of your nationals who are transferred to Guantanamo Bay.

8. (U) Background for Posts

[Redacted box]

B1

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