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E94

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ORIGIN NODS-00

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RELEASED IN PART  
B2, B1, 1.4(D), B6, B7(C)

DRAFTED BY:S/ES-O:HCVARIAVA  
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O 191556Z JUN 02 ZFF5  
FM SECSTATE WASHDC

B1

S E C R E T STATE 118335

NODIS

DECAPTIONED

EYES ONLY AMBASSADOR - REPEATED AT REQUEST OF S/WCI

FOLLOWING SECSTATE 118335 DATED 182241Z JUN 02 SENT ACTION

B1

BEING REPEATED

FOR YOUR INFO:  
QUOTE

S E C R E T STATE 118335

NODIS

MILITARY ADDEES HANDLE AS SPECAT EXCLUSIVE

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E.O. 12958: DECL: 06/13/12  
TAGS: PTER, PREL, KAWC, [REDACTED]

B1

SUBJECT: JUNE 13 TRANSFER OF DETAINEES TO GUANTANAMO

REF: A) STATE 6135 B) STATE 20095

CLASSIFIED BY S/WCI - PIERRE PROSPER, FOR REASONS 1.5 (B)  
AND (D).

1. (U) THIS IS AN ACTION MESSAGE.

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2. [REDACTED]

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3. (C) ADDRESSEE POSTS (NOT/NOT INCLUDING HAVANA) 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  
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PROVIDE FURTHER IDENTIFYING DETAILS ON DETAINEES THAT COULD BE SHARED WITH HOST GOVERNMENTS AS IT BECOMES AVAILABLE. PLEASE DO NOT SHARE DETAILS ON NATIONALS FROM THIRD COUNTRIES WITH HOST GOVERNMENT. 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 JUNE 13, 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

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REASONS, WE HAVE TRANSPORTED THEM TO THE U.S. NAVAL STATION AT GUANTANAMO BAY.

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-- 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 RETURNING CERTAIN INDIVIDUALS TO THEIR COUNTRY OF NATIONALITY FOR FURTHER DETENTION AND 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?

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-- ARE THERE ANY CHARGES PENDING AGAINST THESE PERSONS IN YOUR COUNTRY? IF SO, WHAT ARE THOSE CHARGES?

-- 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?

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-- WHAT TYPES OF PUNISHMENTS ARE AVAILABLE UNDER YOUR LAW  
FOR OFFENSES THAT HAVE BEEN OR MIGHT BE BROUGHT AGAINST  
THESE PERSONS IN YOUR COUNTRY?

5. (U) REF B PROVIDES DETAILED GUIDANCE REGARDING REQUESTS  
FOR ACCESS TO DETAINEES IN GUANTANAMO.

6. (S/REL TO GOVERNMENTS AS SPECIFIED IN PARA 3)  
DETAINEE DATA:

B1, B6, B7(C)

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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

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AT GUANTANAMO BAY. AS PRESENTLY ENVISIONED, DETENTIONS AND PROSECUTIONS OF AL-QAIDA AND NOTABLE TALIBAN MEMBERS 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 [REDACTED]  
[REDACTED] WE WILL WANT TO MAINTAIN OUR FLEXIBILITY OF ACTION IN ALL SCENARIOS.

(C) IN COMING WEEKS WE WILL MAKE FURTHER TRANSFERS OF DETAINED AL-QAIDA, SENIOR TALIBAN OFFICIALS AND OTHERS WHO WE BELIEVE POSE A THREAT.

(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, LEGAL:BELLINGER.

9. (U) MINIMIZE CONSIDERED.  
POWELL UNQUOTE POWELL

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