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RELEASED IN PART
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INFO	LOG-00	NP-00	CIAE-00	CPR-02	INL-00	DODE-00	DS-00
	EAP-00	UTED-00	VC-00	H-00	TEDE-00	INR-00	VCE-00
	NSAE-00	PA-00	PM-00	PRS-00	P-00	SP-00	SSC-01
	SSO-00	SS-00	TEST-00	USIE-00	R-00	PMB-00	DSCC-00
	PRM-00	SAS-00	SWCI-00	/003R			

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SOURCE: KODAKA.005054

DRAFTED BY: ☐ -- 11/20/03 7-2475

APPROVED BY: S:THE SECRETARY

☐ S/P:MMARCICH

S/ES-CR:BHAMBRICK P:RMILES D:KREIDER S/WCI:RMILLER

PM/RSAT:TWRAY S/ES:LJTRACY S/ES-O:BGREANEY

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FM SECSTATE WASHDC

TO AMEMBASSY ☐ IMMEDIATE

B7(A), B7(C)

UNCLAS STATE 334554

E.O. 12958: N/A

TAGS: OPDC, PREL, ☐

SUBJECT: LETTER TO ☐ LETTER FROM SECRETARY POWELL

1. PLEASE FORWARD THE FOLLOWING MESSAGE FROM SECRETARY
POWELL TO ☐ AT THE EARLIEST APPROPRIATE TIME.
THERE WILL BE NO SIGNED ORIGINAL.

2. BEGIN TEXT:

DEAR MR. MINISTER:

THANK YOU FOR YOUR LETTER CONCERNING TWO ☐
NATIONALS DETAINED AT GUANTANAMO BAY, CUBA.

☐ IS CONSIDERED A THREAT TO THE SECURITY OF THE
UNITED STATES. NO DECISION HAS BEEN MADE WITH RESPECT TO
JUDICIAL PROCEEDINGS AGAINST HIM, AND IT WOULD BE
PREMATURE TO DISCUSS SPECIFIC TRIAL PROCEDURES OR POSSIBLE
SENTENCES WITH ☐ UNLESS HE IS DESIGNATED AS SUBJECT
TO THE PRESIDENT'S MILITARY ORDER OF NOVEMBER 13, 2001.

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HOWEVER, IF AN ENEMY COMBATANT IS DETERMINED TO BE SUBJECT
TO THE PRESIDENT'S ORDER, AND CHARGES ARE REFERRED TO A
MILITARY COMMISSION, THE ACCUSED WOULD HAVE THE FOLLOWING

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UNITED STATES DEPARTMENT OF STATE
REVIEW AUTHORITY: ARCHIE M BOLSTER
DATE/CASE ID: 04 NOV 2004 200303827

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PROCEDURAL SAFEGUARDS:

THE PRESUMPTION OF INNOCENCE,

PROOF OF GUILT BEYOND A REASONABLE DOUBT,

THE RIGHT TO CALL AND CROSS EXAMINE WITNESSES (SUBJECT TO
THE RULES REGARDING PRODUCTION OF WITNESSES AND PROTECTION
OF INFORMATION),

NOTHING SAID BY AN ACCUSED TO HIS ATTORNEY, OR ANYTHING
DERIVED THEREFROM, MAY BE USED AGAINST HIM AT TRIAL,

NO ADVERSE INFERENCE FOR REMAINING SILENT,

AND THE OVERALL REQUIREMENT THAT ANY MILITARY COMMISSION
PROCEEDING BE FULL AND FAIR.

FINALLY, TO ASSIST IN PREPARING A DEFENSE, EACH ACCUSED IS
PROVIDED MILITARY DEFENSE COUNSEL AT NO COST. (THE
ACCUSED MAY ALSO HIRE A CIVILIAN DEFENSE COUNSEL, IF
QUALIFIED, AT NO COST TO THE GOVERNMENT.)

ALL ENEMY COMBATANTS DETAINED AT GUANTANAMO BAY ARE
TREATED HUMANELY, AND IN A MANNER CONSISTENT WITH THE
PRINCIPLES OF THE THIRD GENEVA CONVENTION OF 1949.

THE SECOND [REDACTED] NATIONAL YOU MENTIONED IN YOUR LETTER,
[REDACTED] IS NO LONGER DETAINED AT GUANTANAMO BAY,
CUBA.

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SINCERELY,

COLIN L. POWELL

END TEXT.
POWELL

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