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PTP0230

RELEASED IN PART

B1, 1.4(D), B3, CIA, B7(C) PTP0230

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PAGE 01

STATE 123584 092236Z

@INFO: CIAE(00) D(00) DODE(00) INR(01) L(01)
NEA(01) NSCE(00) P(00) PA(00) S(00)
SA(01) SCT(00) SPX(01) SS(00) SSO(00)
SSOX(01) SWCI(00) T(00)
===== 091853L MAY 03 KMI (TOTAL COPIES:006)

@COMMENT: PA -- Eyes Only for A/S Boucher

@INFO: SWO(00)
===== 092236Z MAY 03 STEPS (TOTAL COPIES:000)

ORIGIN NODS-00

INFO LOG-00 CCOE-00 SAS-00 /000R

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SOURCE: DISKETTE.027728
DRAFTED BY: S/WCI:RMILLER -- 05/09/03 (202) 647-5093
APPROVED BY: S/WCI:PPROSPER
DOD/GC:EDAVIDSON DOD/SOLIC:AFORTUNE DOJ:JMCATAMNEY
L/PM:JADOLAN [redacted] D:DPITTMAN P:BBRINK S/CT:SMOLNAR
[redacted] S/ES-O:ROSENBERY
-----62DBCC 092238Z /38

B3
B1

O 092227Z MAY 03 ZFF6
FM SECSTATE WASHDC



B1

INFO USINT HAVANA IMMEDIATE
USSOUTHCOM MIAMI FL IMMEDIATE
USCENTCOM MACDILL AFB FL IMMEDIATE

S E C R E T STATE 123584

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MILITARY ADDEES HANDLE AS SPECAT EXCLUSIVE

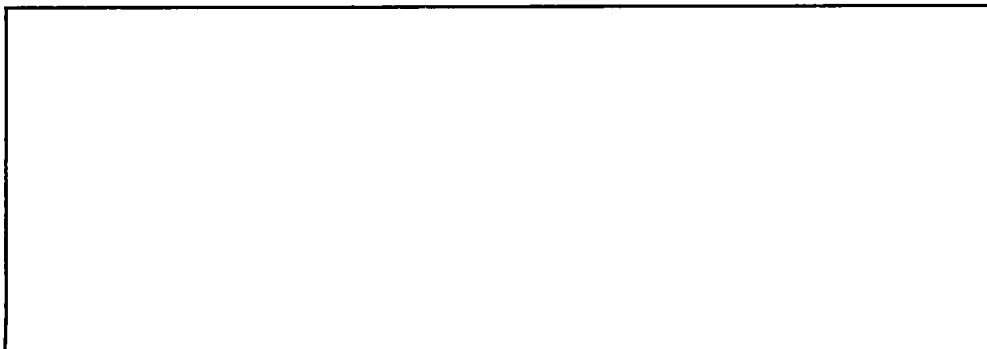
E.O. 12958: DECL: 05/09/13
TAGS: PTER, PREL, KAWC, [redacted]
SUBJECT: MAY 9 TRANSFER OF DETAINEES TO GUANTANAMO

B1

REF: A) STATE 6135 B) STATE 20095

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

1. (U) This is an action message.



B1



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For all Posts:

-- On May 9, 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 (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 and are being detained on the same basis and under the same status as 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 are being treated humanely. Representatives from the International Committee of the Red Cross will be given the opportunity to visit with the detainees at Guantanamo Bay.

-- Countries of nationality may request through the State Department the opportunity to visit their detainees at Guantanamo Bay for intelligence gathering or law enforcement purposes, subject to specific guidance as described in reftel B.

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

-- We will also be evaluating the possibility of transferring certain individuals to their country of nationality, including for possible legal action, or continued detention. 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 you would be able to investigate and prosecute vigorously all of your nationals who are al Qaida or have aided al-Qaida terrorists.

-- 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?

-- Are you aware of any pending charges against these persons in other countries? 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?

-- Would your government be willing at some point to detain any of these persons if transferred? Before considering transfer to your government's control, USG would need assurances, that person transferred would continue to be detained in a manner that precludes further participation in or material support to the war on terrorism and would be treated humanely in a manner consistent with applicable

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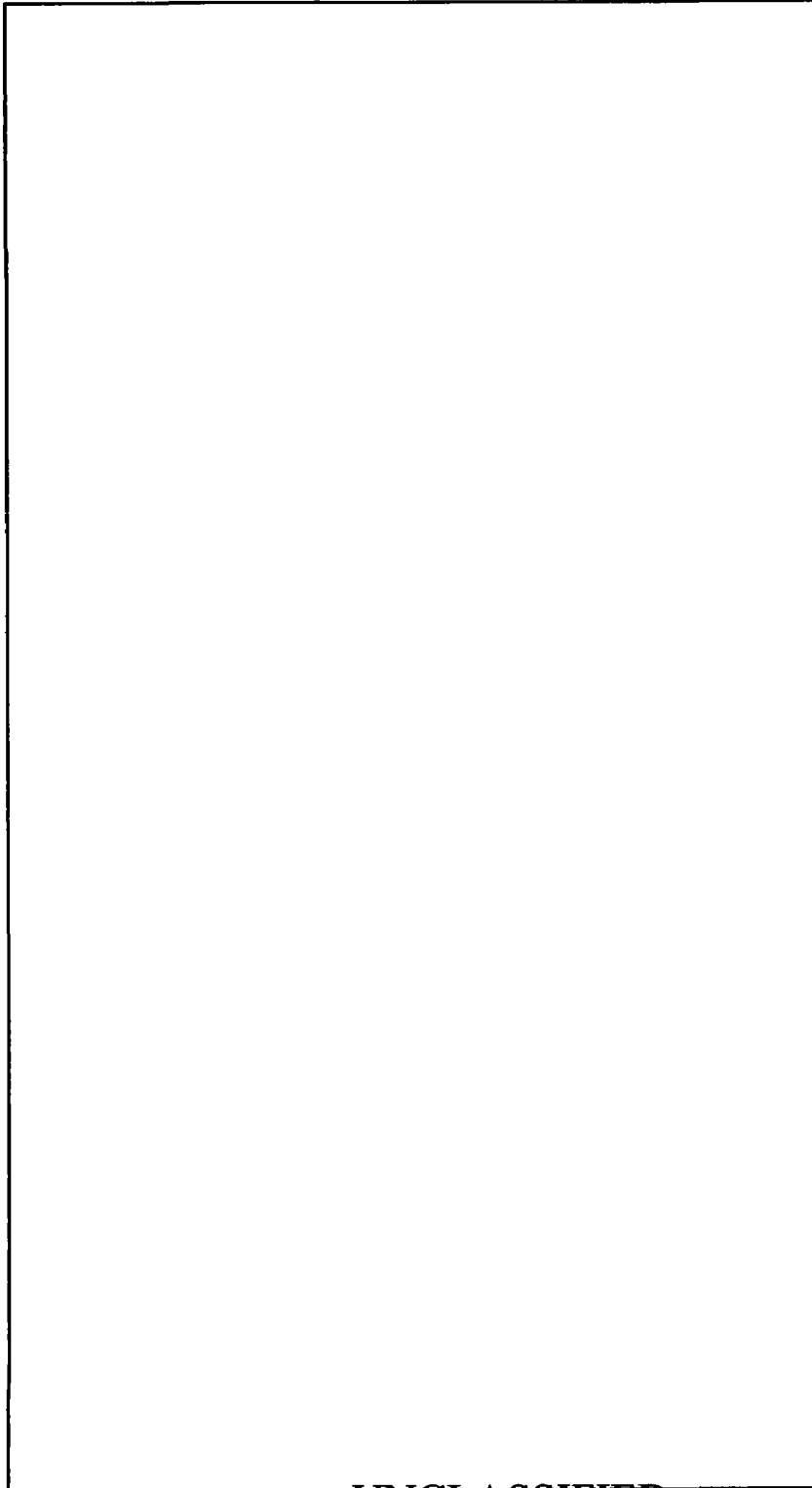
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international obligations. We would also want assurances that you would provide the USG access, share any law enforcement, intelligence or related information with us, and provide reasonable advance notice and the opportunity to discuss any decision to release or transfer the persons from your government's control. Are there any legal impediments, under your existing law that would not permit your continued detention of these individuals under such terms?

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



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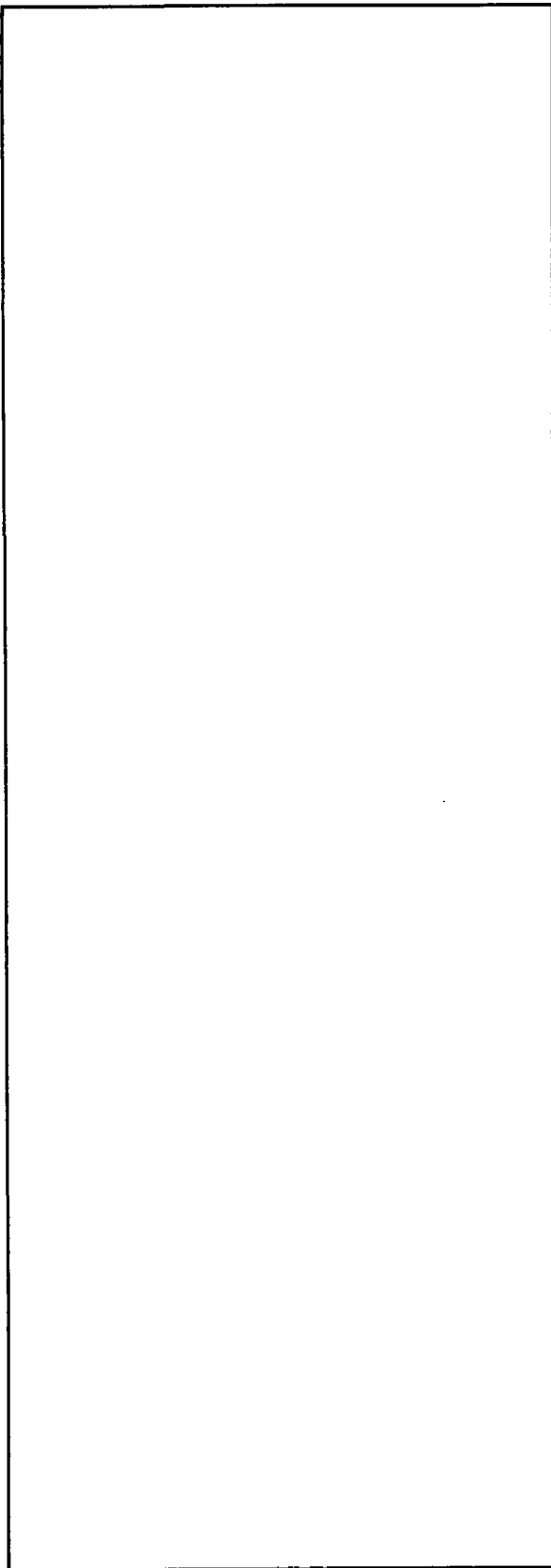
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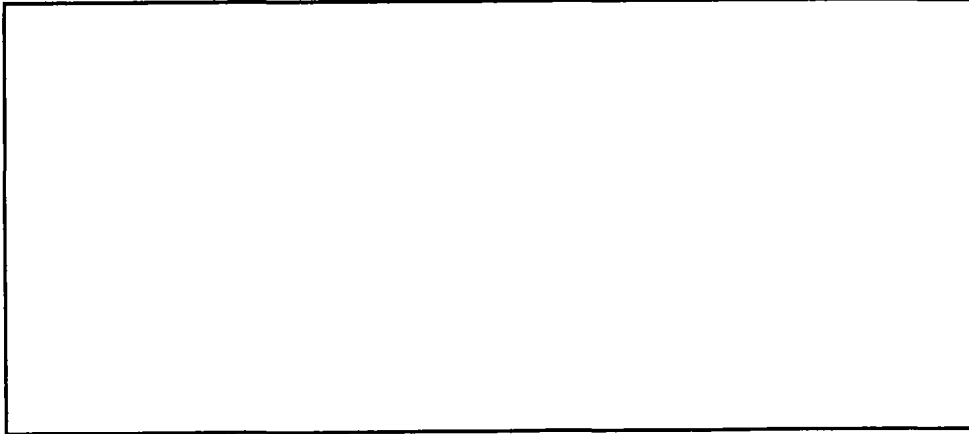
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B1



POWELL

SECRET

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