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PTPS473  
B1 1.4(B), 1.4(D), B3, CIA, B7(A), B7(C)  
SECRET PTPS473

PAGE 01 STATE 215950 302342Z

@INFO: CIAE(00) D(00) DODE(00) DOJX(01)  
INR(01) L(01) NSCE(00) P(00) PA(00)  
PM(01) S(00) SCT(00) SPX(01) SS(00)  
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----- 301853L OCT 02 KMI (TOTAL COPIES:007)

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

@INFO: SWO(00)  
----- 302346Z OCT 02 STePS (TOTAL COPIES:000)

ORIGIN NODS-00

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SOURCE: DISKETTE.023706  
DRAFTED BY: S/WCI:RMILLER -- 10/30/02 (202) 647-5093  
APPROVED BY: S/WCI:P Prosper  
DOD/SOLIC:DBOLTZ DOJ:MINCONTRO L/PM:JDOLAN  
NSC/LEGAL:JSCHARFEN [redacted]  
P:BBRINK S/CT:DSCOTT PM:SPETERS  
S/ES-O:KREIDER

-----0106C3 302343Z /38  
O 302341Z OCT 02 ZFF6  
FM SECSTATE WASHDC



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

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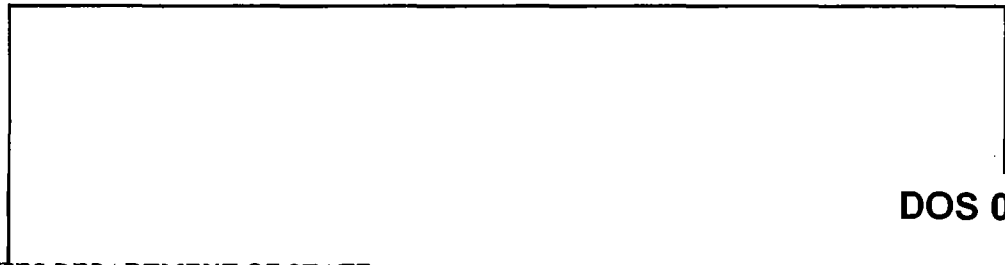
MILITARY ADDRESSEES - PLS HANDLE AS SPECAT EXCLUSIVE

E.O. 12958: DECL: 10/30/12  
TAGS: PTER, PREL, KAWC, [redacted]  
SUBJECT: OCTOBER 28 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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3. (U) Talking Points

For all posts:

-- On October 28, 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. 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?

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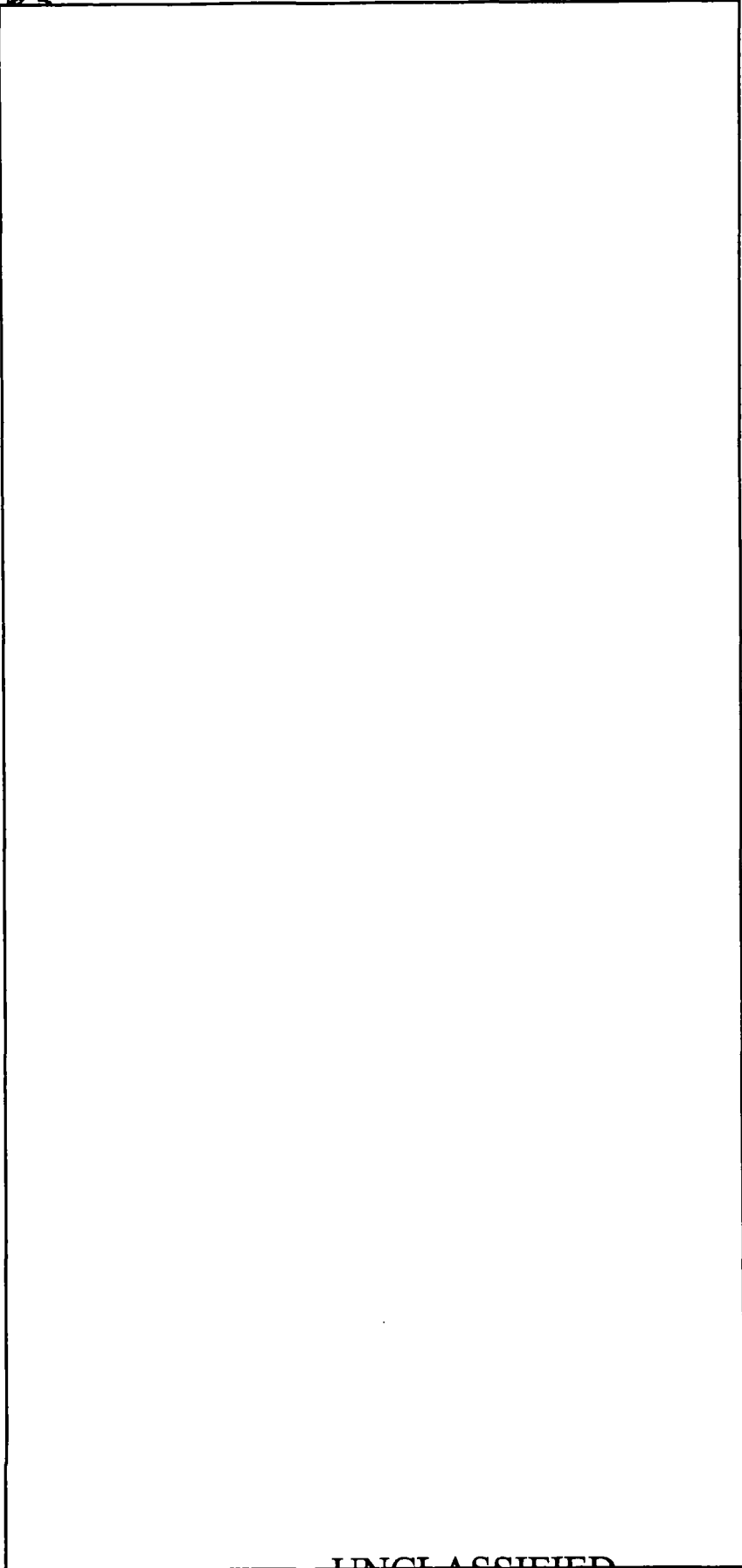
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4. (U) Reftel B provides detailed guidance regarding requests for access to detainees in Guantanamo.

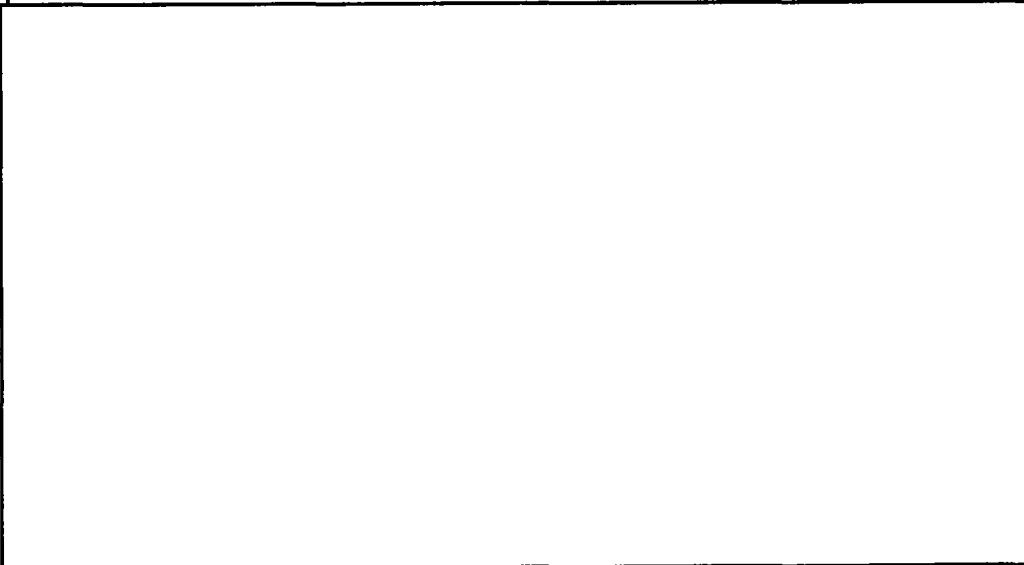
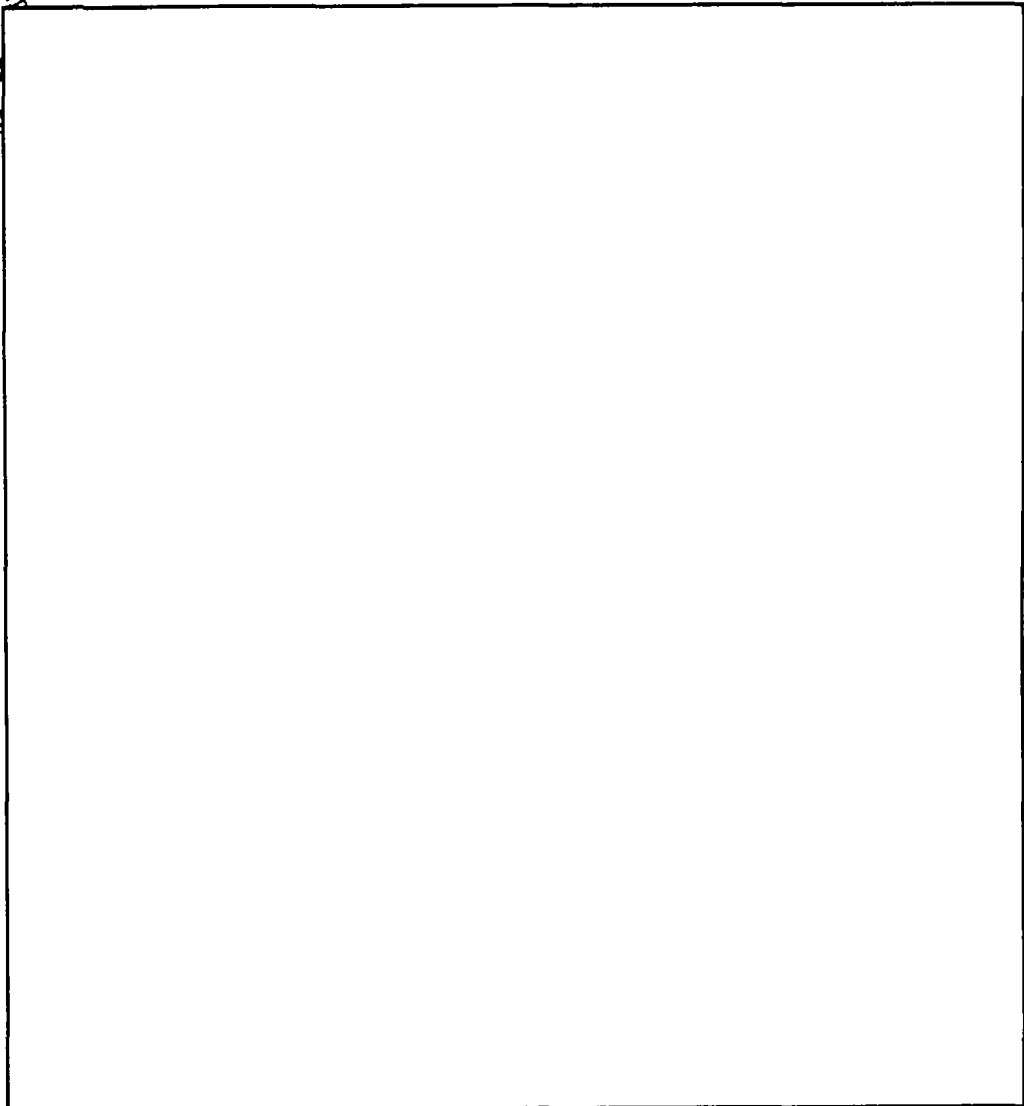


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B1, B7(A)

8. (U) Please slug responses for S/WCI, L, DOD/OGC(Davidson), DOD/OSD/SOLIC(Vaccaro), JCS/LC (Dalton), DOJ/CRM(Incontro), and NSC/Legal(Scharfen).

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(U) Minimize considered

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