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.

-- We would hope that you would be able to prosecute vigorously all of your nationals who 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 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?

If pressed:

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

B1, B6

NODIS NODIS NODIS

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[redacted] B1, B6

5. (U) 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 over [redacted] and at Guantanamo Bay. As presently envisioned, detentions and prosecutions of al-Qaida and notable Taliban members could be undertaken by three parties: the United States, the respective governments of assorted nationals [redacted], and [redacted]. We will want to maintain our flexibility of action in all scenarios. B1

(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.

(C) The issue of access to detainees Is still being studied.

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

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B1, 1.4(D), B6

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E.O. 12958: DECL: 01/14/07
TAGS: PTER, PREL, KAWC
SUBJECT: JANUARY 14 TRANSFER OF DETAINNEES [redacted]

REF: STATE 6135

Classified by Ambassador Pierre-RicharD Prosper for reasons 1.5 (b)(d).

1. (U) This is an action message.

2. (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 4 may be shared with host government. Please do not share details on nationals from third countries with host government. Please use talking points in paragraph 3.

3. (U) Talking Points
-- At mid-afternoon local time January 14, a U.S. military aircraft arrived at the U.S. Naval Station, Guantanamo Bay,

UNITED STATES DEPARTMENT OF STATE
REVIEW AUTHORITY: WILLIAM E LANDFAIR
DATE/CASE ID: 19 OCT 2004 200303827

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