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CLASSIFIED BY AMBASSADOR PIERRE-RICHARD PROSPER FOR REASONS
1.5(B) (D).

1. (U) This is an action message.

2. (C) Addressee posts were advised in reftel of general information on detainees for sharing with host governments. This message provides updated information, including guidance and standard operating procedures for handling requests for access to detainees. Talking points for use with governments are listed in paragraphs 6-8. As background only for posts, internal U.S. Government guidance on access to detainees is stated in para 9.

3. (C) As reftel noted, host governments will be notified after their respective nationals are transferred to Guantanamo. We are not, as a general rule, providing information on detainees [redacted] for several

reasons, including a need to complete the sometimes difficult task of confirming identities of often non-cooperative individuals. [redacted]

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4. (C) A number of cables have already been sent to posts with personal details on individuals already in Guantanamo. The Department expects to soon receive from the Department of Defense more details on detainees which can be shared with host governments. Host governments may already have information on individuals received through other channels for investigative purposes or to deal on an urgent basis with threat information. Our approach, however, will be to officially inform government only after transfer to Guantanamo and identities are confirmed.

5. (C) Department is cognizant of the strong public and governmental interest regarding detainees in the field. We will continue working to provide more information to share with governments and other guidance to posts to deal with this issue.

Talking Points

6. (SBU/Rel)

-- As we earlier informed you, we expect to make further transfers of persons currently detained in Afghanistan to Guantanamo Bay, Cuba. These transfers are based on operational and security concerns.

-- If nationals of your country are transferred, we intend to inform your government promptly.

-- Your government may have already received preliminary information on detainees through other channels for investigative purposes or urgent attempts to deal with terrorist threat information. We will provide further information once detainees have reached Guantanamo and their true identities and nationalities have been determined.

-- We will endeavor to provide as much personal identification information as possible. We expect to have additional information to share on those detainees already in Guantanamo in the near future.

-- All detainees are being treated humanely. The International Red Cross has been allowed access to the detainees in Guantanamo since January 17.

-- Per earlier communications, the U.S. Government has not yet made a final decision on criminal charges it may bring against detainees in Guantanamo or which legal forum to bring charges. We are still very interested in knowing what legal steps your government is prepared to take

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concerning these individuals.

(SBU/Rel) For governments wishing access to their nationals in Guantanamo, the following information may be provided:

-- We will consider requests for access. Official requests should be in writing to our Embassy or the Department;

-- Requests must list the purpose of the visit, proposed time frame, names and positions of all government officials requesting to travel, and the detainees they wish to see. Foreign governments should provide information on languages to be used during interviews, special requirements (e.g., wheelchairs), and passport numbers of travelers prior to travel.

-- Governments should also be aware that processing requests for access will take a minimum of ten working days and that operational concerns may delay access. Governments should understand that logistical constraints at Guantanamo will limit the number of personnel that government may send at one time.

-- Requests for access to U.S. Naval Base Guantanamo will be granted only for law enforcement or intelligence collection purposes. Issues pertaining to conditions of detention are to be addressed through the International Committee of the Red Cross.

-- Official requests from foreign governments for access to their nationals detained at Guantanamo will be made to the Department of State.

-- All requests by foreign government officials to photograph, videotape, or make sound recordings during the interviews must be approved in advance. The Department of

Defense will be provided copies of all tapes, transcripts, records of conversations, and other information gathered by the foreign government officials.

8. (SBU/Rel) Conditions of Access:

-- Requesting government will reimburse all costs (e.g., transportation, lodging, meals).

-- Transportation will be on U.S. Government air or civilian contract aircraft authorized by the Department of Defense to access Guantanamo. No foreign government official access to Guantanamo is authorized through Cuba.

-- Timing and logistical arrangements of all visits will be controlled by U.S. Southern Command to ensure non-interference with operations and security of U.S. personnel, facilities, and detainees. Concurrent visits from more than one foreign government may not be possible.

-- Visiting officials must have identification (passport) and are subject to search.

-- Department of Defense security, law enforcement and/or intelligence personnel will be present at all times during the interviews and may end the interview at any time when, in the opinion of the senior Defense representative, the security of U.S. personnel, facilities, or detainees is at risk.

-- Foreign government officials will normally be permitted access to their nationals only and not to detainees of other nationalities.

9. (C/NOFORN) Internal U.S. Government Policy Guidance for Foreign Access to Detainees

Providing access to detainees at U.S. Naval Base Guantanamo



pay by official representatives of foreign governments can, in select cases, serve two key U.S. objectives: (1) obtaining intelligence information, and (2) furthering criminal investigations and prosecutions. All requests for access to detainees at Guantanamo will be assessed in terms of how such access furthers these objectives and reinforces coalition support for Operation Enduring Freedom. There will be no foreign visits from non-government officials,

with the exception of the International Committee of the Red Cross.

Requests for access to detainees by foreign governments:

--Requests for access to U.S. Naval Base Guantanamo will be granted only for law enforcement or intelligence collection purposes. Each request must be reviewed and approved by DoD (i.e., after access has been approved once, any successive requests for access must also be approved).

--Any exceptions to this policy must be approved by the Under Secretary of Defense for Policy.

--Official requests from foreign governments for access to their nationals detained at Guantanamo will be made to the Department of State.

--If foreign governments approach other USG entities (e.g., DoD components, Department of Justice, FBI, etc.), their request should be referred to the Department of State. The Coalition Working Group - PM (202) 647-9000, e-mail: CoalitionWG_PM@state.sgov.gov, will serve as the point of contact for preparing requests. The Office of War Crimes Issues (S/WCI) at (202) 647-5072, is the point of contact at the State Department for detainee policy.

--The Department of State Executive Secretariat will forward requests to the DoD Executive Secretariat for approval on a case-by-case basis.

--Requests must list the purpose of the visit, proposed time frame, names and positions of all government officials requesting to travel, and the detainees they wish to see. DoD must be informed of languages to be used during interviews, special requirements (e.g., wheelchairs), and passport numbers of travelers prior to travel.

--All requests by foreign government officials to photograph, videotape, or make sound recordings during the interviews must be approved in advance by DoD. DoD will be provided copies of all tapes, transcripts, records of conversations, and other information gathered by the foreign government officials.

--Once DoD has made a decision regarding whether to grant access, DoD will notify State Department. State Department will inform the foreign government. DoD will consult with the Department of State as necessary.

Conditions of Access:

--Requesting government will reimburse all costs (e.g., transportation, lodging, meals).

--Transportation will be on U.S. Government air or civilian contract aircraft authorized by DoD to access Guantanamo. No foreign government official access to Guantanamo is authorized through Cuba.

--Timing and logistical arrangements of all visits will be controlled by U.S. Southern Command to ensure non-interference with operations and security of U.S. personnel, facilities, and detainees. Concurrent visits from more than one foreign government may not be possible.

