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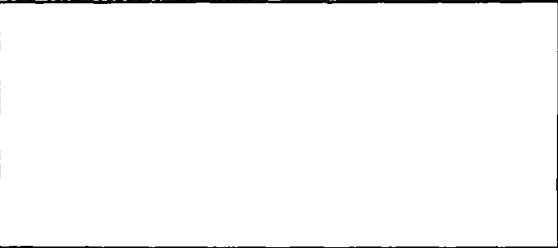
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 SOURCE: DISKETTE.021076  
 DRAFTED BY: S/WCI:JCROCK -- 05/06/02 (202) 647-5201  
 APPROVED BY: S/WCI:PPROSPER  
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 DOD:MVACCARO SA/PAB:SMCGANN DOJ:BSWARTZ P:SBRYANT  
 NEA/NGA:RKIEFER EUR/NCE:FGONZALEZ EUR/SCE:DFANE  
 EAP/CM:MMESERVE S/ES-O:SROBINSON

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B1

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E.O. 12958: DECL: 05/03/07  
 TAGS: PTER, PREL, KAWC, [REDACTED]  
 SUBJECT: MAY 5 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).

- (U) This is an action message.
- (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 5 may be shared with host government. We will provide further identifying details on detainees that could be shared with host governments as it becomes available. Please do not share details on nationals from third countries with host government [REDACTED]

[REDACTED] Post, and host government, should be aware that much of this information is self-reported by the

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

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detainee. It may be inaccurate and even intended to deceive. Embassy [redacted] please use talking points in paragraph 6. All other posts, please use talking points in paragraph 3.

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3. (U) Talking Points

For all posts except [redacted]

-- At mid-afternoon local time May 5, 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 are present at Guantanamo Bay and will be given the opportunity to visit with the detainees.

-- 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?

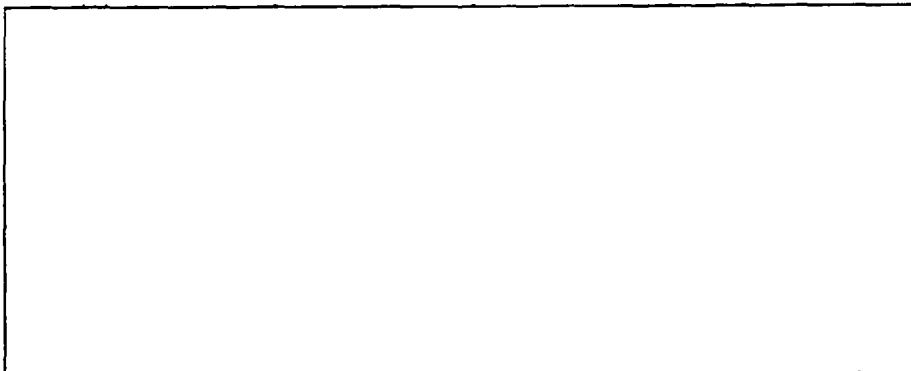
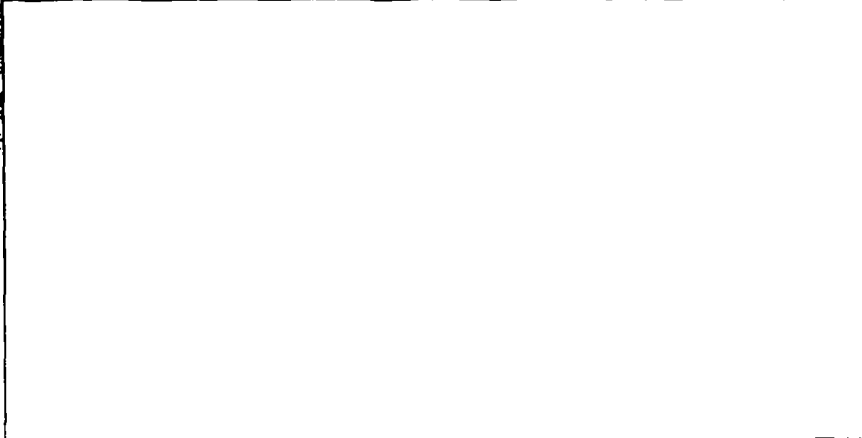
-- Would these persons be subject to prosecution in your country, and if so, for what crimes? For crimes committed inside your country? For crimes committed outside, including for acts related to the Afghan conflict or terrorist acts?

-- What types of punishments are available under your law for offenses that have been or might be brought against these persons in your country?

4. (U) Reftel B provides detailed guidance regarding



B1, B6



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7. (C) Background for Posts

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 a number of parties, including: the United States, the respective governments of those detained, countries attacked or targeted for attack by particular detainees and the [redacted]. We will want to maintain our flexibility of action in all scenarios.

B1

In coming weeks we will make further transfers [redacted] to Guantanamo Bay of detained al-Qaida, senior Taliban officials and others who we believe pose a threat.

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.

End background.

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

9. (U) Minimize considered  
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