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ORIGIN NODS-00

RELEASED IN PART
B2, B1, 1.4(D), B6, B7(C)

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

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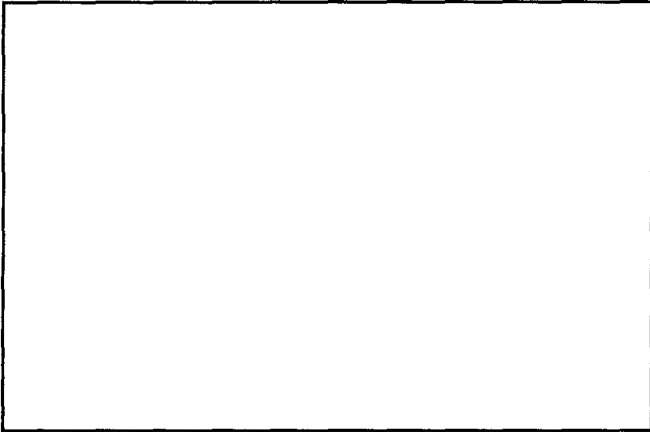
NEA/ARN:RERDMAN NEA/ENA:CHENZEL AF/E:DRAAD

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B1

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DECAPTIONED

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MILITARY ADDEES HANDLE AS SPECAT EXCLUSIVE

E.O. 12958: DECL: 06/13/12

TAGS: PTER, PREL, KAWC, [REDACTED]

SUBJECT: JUNE 13 TRANSFER OF DETAINEES TO GUANTANAMO

REF: A) STATE 6135 B) STATE 20095

CLASSIFIED BY S/WCI - PIERRE PROSPER, FOR REASONS 1.5 (B)

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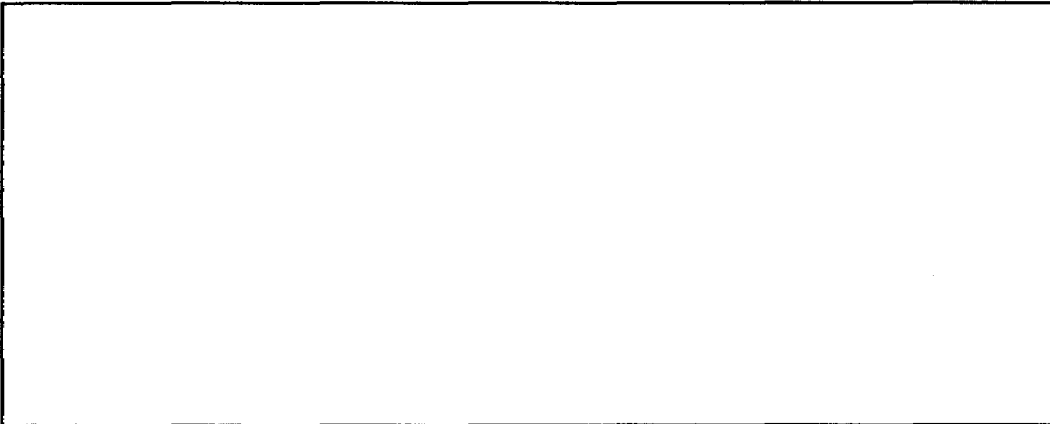
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AND (D).

1. (U) THIS IS AN ACTION MESSAGE.



B2

3. (C) ADDRESSEE POSTS (NOT/NOT INCLUDING HAVANA) ARE
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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 6 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. POST, AND HOST
GOVERNMENT SHOULD BE AWARE THAT MUCH OF THIS INFORMATION
IS SELF-REPORTED BY THE DETAINEE. IT MAY BE INACCURATE
AND EVEN INTENDED TO DECEIVE. PLEASE USE TALKING POINTS
IN PARAGRAPH 4.

B1

4. (U) TALKING POINTS

-- AT MID-AFTERNOON LOCAL TIME JUNE 13, 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 (A) 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 WERE CAPTURED IN AFGHANISTAN AS
ENEMY COMBATANTS IN CONNECTION WITH THE ONGOING ARMED
CONFLICT. THEY POSE A THREAT TO THE UNITED STATES AND
INTERNATIONAL PEACE AND SECURITY. THEY ARE BEING

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DETAINED IN ACCORDANCE WITH THE LAWS AND CUSTOMS OF WAR WHICH PERMIT U.S. MILITARY AUTHORITIES TO HOLD ENEMY COMBATANTS AT LEAST FOR THE DURATION OF HOSTILITIES, AS
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IS THE CASE FOR 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 HAVE BEEN AND WILL CONTINUE TO BE TREATED HUMANELY AND CONSISTENT WITH THE PRINCIPLES OF THE THIRD GENEVA CONVENTION. REPRESENTATIVES FROM THE INTERNATIONAL COMMITTEE OF THE RED CROSS ARE PRESENT AT GUANTANAMO AND WILL BE GIVEN THE OPPORTUNITY TO VISIT WITH EACH DETAINEE PRIVATELY.

-- THE UNITED STATES IS EVALUATING THE POSSIBILITY OF PROSECUTING THESE INDIVIDUALS IN A U.S. FORUM.

-- WE ARE ALSO EVALUATING THE POSSIBILITY OF RETURNING CERTAIN INDIVIDUALS TO THEIR COUNTRY OF NATIONALITY FOR FURTHER DETENTION AND 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 INVESTIGATE THE ACTIVITIES OF YOUR NATIONALS, WHO HAVE AIDED AL-QAIDA TERRORISTS OR COMMITTED OTHER CRIMES, AND TO THE GREATEST EXTENT POSSIBLE, BE ABLE TO PROSECUTE THEM VIGOROUSLY FOR
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THEIR CRIMINAL CONDUCT.

-- 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?

-- WOULD THESE PERSONS BE SUBJECT TO PROSECUTION IN YOUR

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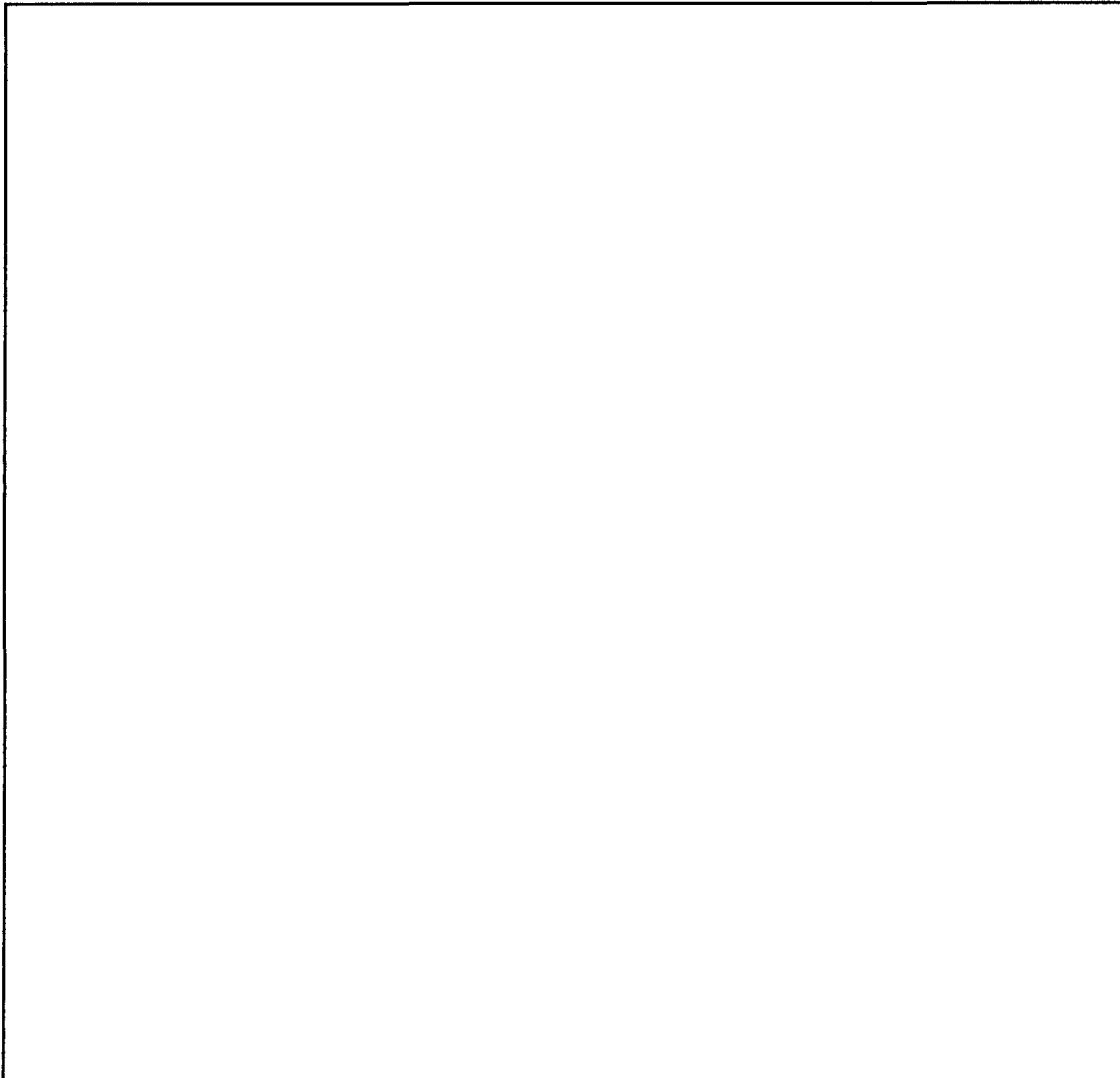
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COUNTRY, AND IF SO, FOR WHAT CRIMES? FOR CRIMES
COMMITTED INSIDE YOUR COUNTRY? FOR CRIMES COMMITTED
OUTSIDE, INCLUDING FOR ACTS RELATED TO THE AFGHAN
CONFLICT OR TERRORIST ACTS?

-- WHAT TYPES OF PUNISHMENTS ARE AVAILABLE UNDER YOUR LAW
FOR OFFENSES THAT HAVE BEEN OR MIGHT BE BROUGHT AGAINST
THESE PERSONS IN YOUR COUNTRY?

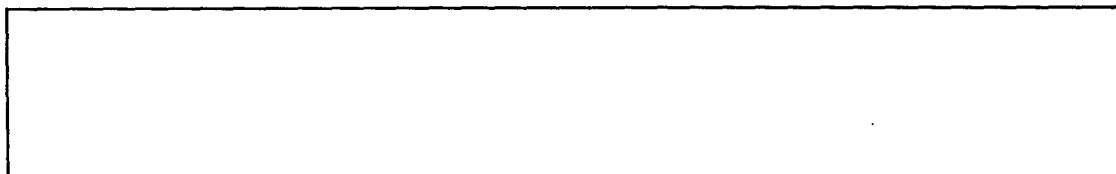
5. (U) REF B PROVIDES DETAILED GUIDANCE REGARDING REQUESTS
FOR ACCESS TO DETAINEES IN GUANTANAMO.

6. (S/REL TO GOVERNMENTS AS SPECIFIED IN PARA 3)
DETAINEE DATA:



B1, B6, B7(C)

B1, B6, B7(C)



7. (C) BACKGROUND FOR POSTS

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(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 APPROXIMATELY [REDACTED] AND AT GUANTANAMO BAY. AS PRESENTLY ENVISIONED, DETENTIONS AND PROSECUTIONS OF AL-QAIDA AND NOTABLE TALIBAN MEMBERS COULD BE UNDERTAKEN BY ANY NUMBER OF PARTIES, INCLUDING THE UNITED STATES, THE GOVERNMENTS OF NATIONALITIES OF THOSE DETAINED, COUNTRIES ATTACKED OR TARGETED FOR ATTACK BY PARTICULAR DETAINEES, AND/OR [REDACTED] [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.

8. (U) PLEASE SLUG RESPONSES FOR S/WCI, L, DOD/OGC:DAVIDSON, DOD/OSD/SOLIC:HOLLIS, AND NSC LEGAL:BELLINGER.

9. (U) MINIMIZE CONSIDERED.
POWELL

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