



United States Department of State

Washington, D.C. 20520

AUG 17 2012

Case No.: 200903327

Segment Nos.: ER17-ER20, & SESCRI

Ms. Melissa Goodman
American Civil Liberties Union Foundation
125 Broad Street
18th Floor
New York, NY 10004

Dear Ms. Goodman:

In response to your request dated April 23, 2009 under the Freedom of Information Act (Title 5 USC Section 552), we have completed the review of seven additional documents retrieved from the Central Foreign Policy Records (the principal record system of the Department of State).

After reviewing these documents, we have determined that all seven may be released with excisions. All released material is enclosed.

An enclosure provides information on Freedom of Information Act exemptions and other grounds for withholding material. Where we have made excisions, the applicable exemptions are marked on each document. In some cases, two or more exemptions may apply to the same document.

In the case of a document released in part, all non-exempt material that is reasonably segregable from the exempt material has been released.

We have now completed the processing of your case. If you have any questions, please contact Assistant United States Attorney Jean-David Barnea at (212) 637-2679.

We hope that the Department has been of service to you in this matter.

Sincerely,

A handwritten signature in cursive script, appearing to read "Sheryl L. Walter".

Sheryl L. Walter, Director
Office of Information Programs and Services

Enclosures:
As stated.

ORIGIN SWCI-00

INFO	LOG-00	AID-00	AMAD-00	<input type="text"/>	INL-00	DNI-00	DODE-00
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SOURCE: CLOUTCLS.002017

DRAFTED BY: S/WCI:RMILLER:RWM -- 01/11/06 (202) 647-5093

APPROVED BY: S/WCI:SMWITTEN

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C O N F I D E N T I A L STATE 005264

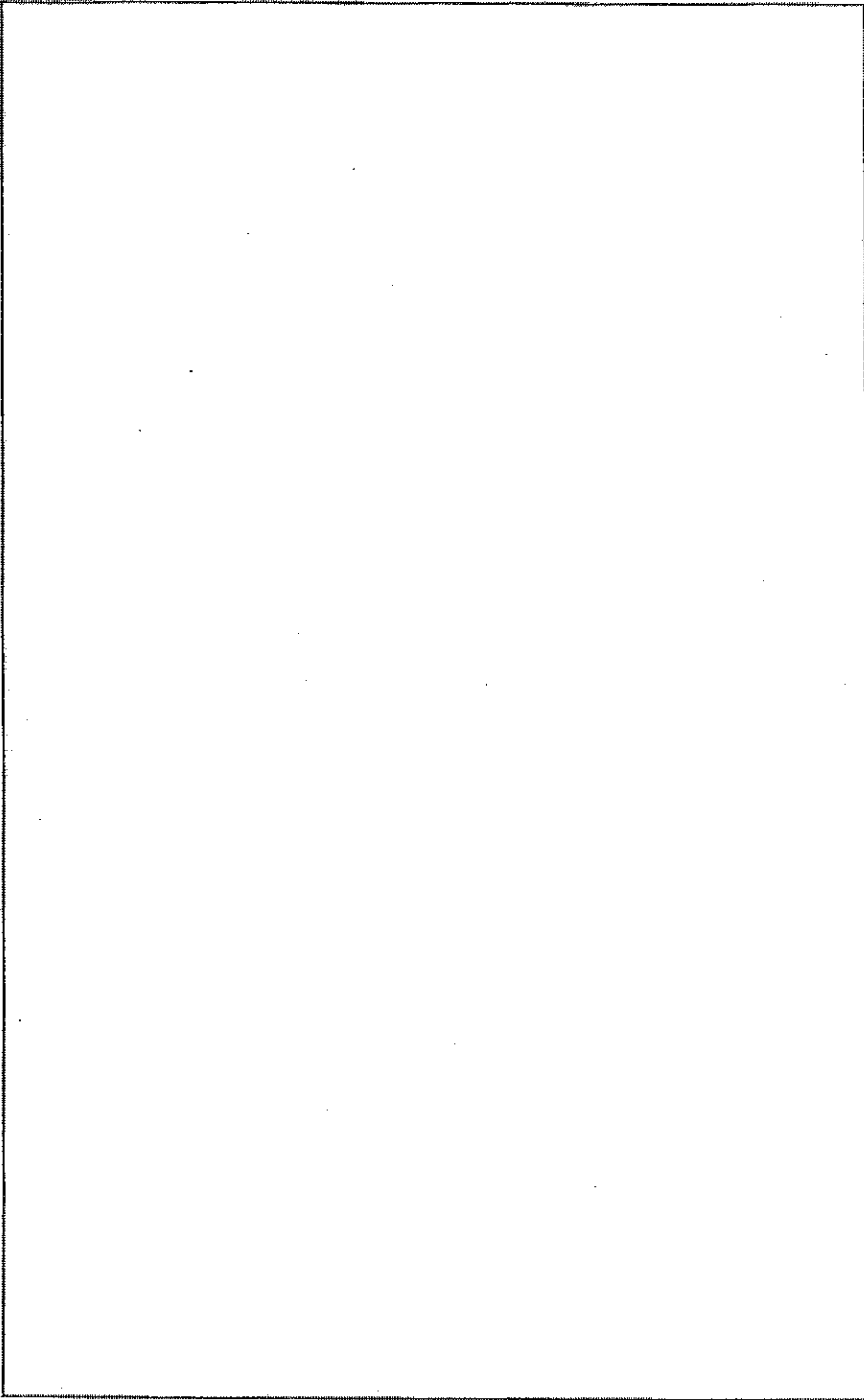
E.O. 12958: DECL: 01/10/16
TAGS: PTER, PREL, KAWC, PK, AF
SUBJECT: RELEASE OF EIGHT PAKISTANI LOW LEVEL ENEMY
COMBATANTS AND ONE DETAINEE DETERMINED NO LONGER TO BE AN
ENEMY COMBATANT FROM USG CONTROL IN AFGHANISTAN

CLASSIFIED BY S/WCI - SAMUEL M. WITTEN, ACTING, FOR REASONS
1.4 (B) AND (D).

1. (U) This is an action request; see paragraphs 3 - 6.
2. (U) Summary. An Enemy Combatant Review Board (ECRB) was held at the Bagram Theater Internment Facility, Afghanistan, and determined that eight Pakistani national low level enemy combatants had no further intelligence value and posed no continuing threat to the Government of Afghanistan or U.S. and coalition forces, and should be released. One Pakistani detainee was determined no longer to be an enemy combatant (NLEC) and should be released. The ECRB's findings were approved by the

Commander, U.S. Central Command and the **UNCLASSIFIED**
Acting Deputy Secretary of Defense, and in
the case of the NLEEC, approved by the
Commander, U.S. Central Command with
notification to the Secretary of Defense.
End Summary.

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5. (U) Post is requested to convey the information regarding this release decision with appropriate government officials drawing from the talking points below:

-- It has been determined that nine of your nationals being detained at the Bagram Theater Internment Facility, Afghanistan, have been approved for release;

-- In preparing to release these individuals, we would like to know whether your government is willing to accept these individuals for return to your country;

-- We seek confirmation that your government will treat these individuals humanely and in a manner consistent with laws and obligations of Pakistan. In particular, we ask for confirmation, as your government has provided before, that they will not be subjected to torture;

-- We want to emphasize that these individuals are being transferred for release; the United States is not asking the GOP to detain these individuals after transfer. Any government measures taken after transfer with respect to these individuals would be solely subject to the laws of Pakistan. They would no longer be subject to any control by the United States;

-- In the event these individuals are detained to your government, we request your government's assurance that they will be treated humanely and in accordance with your government's domestic and international obligations, including the Convention against Torture, for any period that they

remain within government control UNCLASSIFIED

6. (U) Post is requested to confirm delivery of this information and talking points and provide a detailed account of host government's response to the above action requests via front channel cable. This information is necessary in order for Department to assess the adequacy and credibility of the government's assurances.

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ACTION SCA-00

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	SAS-00	FA-00	SWCI-00	/001W			

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RELEASED IN PART
B1, 1.4(B), 1.4(D), B6

O 131256Z MAR 08
 FM AMEMBASSY KABUL
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 INFO NATIONAL SECURITY COUNCIL WASHINGTON DC PRIORITY

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STATE FOR P, SCA/FO (DAS MOON), SCA/A (INGRAM), S/WCI
 (SHIN, RICCI), L/PM (DOROSIN), NSC FOR JWOOD, OSD FOR

[REDACTED]
 CENTCOM FOR CG, CJTF-82, POLAD, CSTC-A, SOUTHCOM, JTF-GTMO

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E.O. 12958: DECL: 02/04/2018
 TAGS: KAWC, MARR, PHUM, PTER, PGOV, PINS, PREL, AF
 SUBJECT: AFGHANISTAN DETAINEE AFFAIRS UPDATE

REF: 07 KABUL 3656

Classified By: Pol/Mil Counselor Brent Hartley for reasons 1.4 (B) and
 (D)

1. (S) Summary: This cable provides a brief summary and
 update of key institutions and activities relevant to Embassy
 Kabul's involvement in detainee affairs in Afghanistan. The
 Bagram Theater Internment Facility (BTIF) and the Afghanistan
 National Detention Facility (ANDF) are the two key
 institutions in Afghanistan handling detainees captured by
 U.S. Forces of Operation Enduring Freedom (OEF).

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BTIF

2. (SBU) The BTIF was established in 2002 at Bagram Air Field, and is currently run by CJTF-82's Taskforce Guardian. As of March 8 2008, the detainee population is 644. All BTIF detainees meet unlawful enemy combatant criteria established by OSD, and are provided safe and humane custody and care in full accord with the Geneva Conventions, as well as treatment consistent with Afghan cultural norms and Islamic religious principles. All detainees are provided access to a full range of medical services. ICRC has updated access to all BTIF detainees, and has visited BTIF 118 times to date. All detainees may send and receive Red Cross Messages (over 1000 are processed monthly), and as of January 2008, have access to family members via Video Teleconferencing between BTIF and the ICRC office in Kabul. Each detainee is notified of the basis for detention and provided the opportunity to refute enemy combatant status within 15 days of arrival at BTIF; enemy combatant status is reviewed within 90 days from capture and every six months thereafter to determine whether to continue detention, release, or transfer for prosecution.

Transfer Operations

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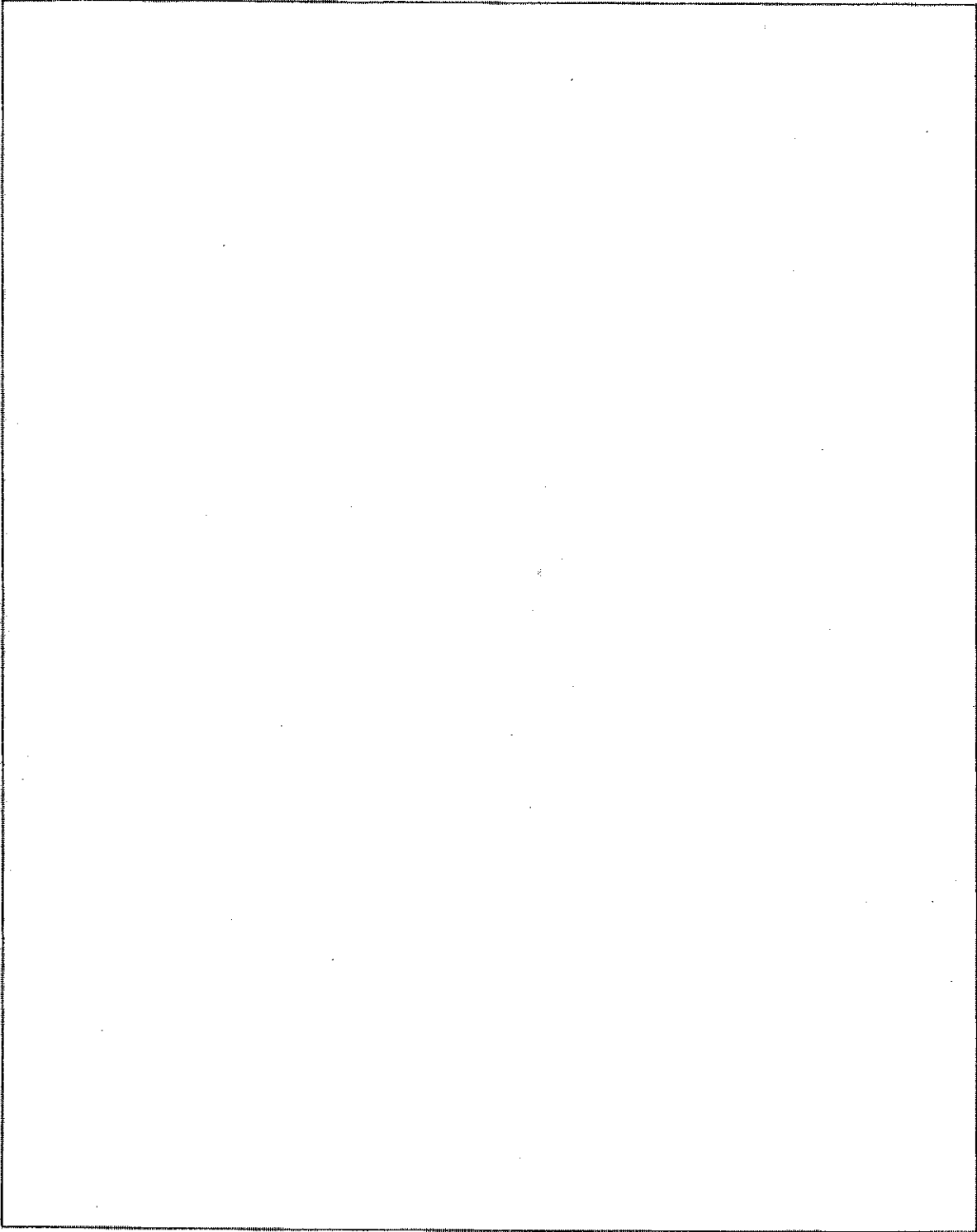
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B1, 1.4(D), B6

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SOURCE: CBLEXCLS.001525

DRAFTED BY: SCA/A:NANGHA -- 07/17/2008 202-647-1113

APPROVED BY: SCA/FO:PMOON

L/PM:SPOMPER S/WCI:ARICCI DOD/OSD:[REDACTED]

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INFO SECDEF WASHINGTON DC PRIORITY

C O N F I D E N T I A L STATE 076887

E.O. 12958: DECL: 07/17/2018

TAGS: PINS, PREL, PTER, AF

SUBJECT: RAISING DOD'S PLANS TO BUILD A NEW BAGRAM THEATER
INTERNMENT FACILITY WITH SENIOR IROA OFFICIALS

Classified By: DEPUTY ASSISTANT SECRETARY PATRICK MOON

1. (U) This is an action request. Please see paragraph 3.
2. (C) The Department of Defense (DoD) intends to build a new U.S. military detention facility at Bagram, Afghanistan, to replace the existing Bagram Theater Internment Facility (BTIF). DoD has notified Congress of its decision to use Title 10, Section 2808 authority to fund the project, [REDACTED]

[REDACTED] DoD, with Department of State concurrence, requests that Ambassador Wood inform appropriate senior IROA officials of U.S. thinking regarding a new detention facility at Bagram to improve conditions for detainees. End Summary.

3. (C) Action Request: The Department asks that the Ambassador pursue the following objectives:

UNITED STATES DEPARTMENT OF STATE
CLASSIFIED BY DEPT. OF STATE, M. GRAFELD, DAS, A/GIS
REVIEW AUTHORITY: CHARLES L DARIS
CLASSIFICATION: CONFIDENTIAL REASON: 1.4(D)
DECLASSIFY AFTER: 16 JUL 2033
DATE/CASE ID: 17 MAY 2012 200903327

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-- Inform senior IROA officials that DoD intends to build a new detention facility at Bagram to replace the existing BTIF.

-- Explain that the new facility is designed to improve the conditions of detention for the current population of detainees in Afghanistan, addressing concerns [redacted]

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[redacted] has raised regarding the existing facility (such as inadequate access to natural light and inadequate recreation space) and health and safety risks DoD has identified at the facility (such as asbestos and heavy metal contamination).

-- Explain that the new facility will enable DoD to provide detainees in Afghanistan programs [redacted]

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[redacted] which will buttress our counterinsurgency efforts by fostering detainees, rehabilitation and reintegration into Afghan society.

-- Assure appropriate IROA officials that construction of the new facility is necessary for the continued success of U.S. detention operations in Afghanistan, which is a crucial element in the stabilization of their country.

BACKGROUND

4. (SBU) The existing BTIF was established as a temporary detention facility circa 2002 in a decades-old Soviet aircraft hangar that is ill-equipped for detention operations and rapidly deteriorating. Conditions at the facility are only marginally acceptable to DoD [redacted]

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[redacted] DoD

has identified other health and safety risks at the facility, such as asbestos and heavy metal contamination. Renovation of the existing facility would cost an estimated 25 million dollars over 18 months, and would not address all of the concerns [redacted] DoD has identified.

Additionally, the facility's current location precludes expansion to accommodate new rehabilitation and reintegration programs or to support detainee population surges that could result from increases in combat operations.

5. (SBU) The new facility is designed to improve conditions for detainees and the U.S. military personnel assigned to guard them. In addition to providing detainees adequate access to natural light and greater recreation space, it will increase cell space from the DoD minimum standard of 40 square feet per detainee to the DoD preferred 80 square feet

per detainee for the current population of between 600 and 700 detainees. It also will enable DoD to provide detainees voluntary programs such as basic education classes, vocational training, religious discussions, and family visits. Programs such as these have lowered levels of violence within U.S. detention facilities in Iraq. They also have lowered post-detention recidivism in Iraq by fostering detainees, rehabilitation and reintegration into society. Applying these lessons learned to our detention operations in Afghanistan will buttress U.S. counterinsurgency efforts there and contribute to our efforts to stabilize the country.

Additionally, the new facility could support population surges of up to 1,120 detainees at 50 square feet per detainee, on a shorter-term basis, if required to support increases in combat operations.

6. (SBU) The new facility will consist of metal K-Spans (Quonset huts) that will enclose brick-and-mortar cells. The design includes classrooms, a vocational-technical laundry and carpentry shop, expanded medical facilities, an area to accommodate visits by family members, and an area to accommodate detainee interviews by Afghan officials. The use of K-Spans, rather than a permanent structure, will reduce the cost of the facility and accelerate construction. It will cost 60 million dollars to build. If the foundations are in place by November 2008, as planned, it can be operational by September 2009.

7. (SBU) There is significant Congressional interest in this project. Although DoD is not required to obtain Congressional approval to build the new facility, it has actively sought to keep Congress informed by traveling to Bagram with interested staff members to visit the existing facility, briefing the staffs of relevant House and Senate Committees on plans to build a new facility, and formally notifying Members of the relevant Committees of DepSecDef's decision to use Title 10, Section 2808 authority to fund the project.

8. (SBU) On May 15, Senators Byrd and Johnson wrote to DepSecDef to express reservations that the new facility could serve as a future alternative to the detention facilities at Guantanamo Bay and to ask that DoD consult with the Afghan government regarding the project. DepSecDef will convey to Senators Byrd and Johnson that, although the new facility affords DoD the ability to accommodate greater numbers of detainees, the design is based on the current detainee population in Afghanistan and does not include other detainee populations, such as Guantanamo. DepSecDef also will convey to Senators Byrd and Johnson that U.S. Central Command Acting

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Commander Lieutenant General Dempsey has discussed with Minister of Defense Wardak DoD,s plans to build a new BTIF and that DoD is working with the State Department to have Ambassador Wood raise the issue with senior officials of the Afghan Government.

POINT OF CONTACT

9. (U) Please contact Negah Angha at 202-647-1113 or via e-mail for any necessary further background information you may need to help meet the stated objectives.

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C O N F I D E N T I A L ISLAMABAD 002586

SIPDIS

E.O. 12958: DECL: 07/31/2018
 TAGS: PGOV, PK, PREL, PTER
 SUBJECT: EMBASSY LEGAL ATTACHE NAMED IN CASE INVOLVING
 ALLEGED BAGRAM DETAINEE

Classified By: CDA Frank Archibald, Reasons 1.4 (b), (d)

- (C) Summary: Islamabad attorney Javed Jaffrey filed a habeas corpus petition July 29 on behalf of Dr. Aafia Siddiqui, a Pakistani national who allegedly has been held and mistreated at the Bagram Theater Internment Facility since 2004. The court July 30 ordered Interior Ministry Secretary Shah to report on her alleged detention on September 9. End summary.
- (C) Islamabad attorney Javed Iqbal Jaffery (who also represents Pakistani nuclear scientist AQ Khan) filed a

habeas corpus petition with the Islamabad High Court (IHC) July 29 on behalf of Aafia Siddiqui a Pakistani national. There have been a spate of press reports about Siddiqui following a July 6 press conference in which UK journalist Yvonne Ridley accused the U.S. of holding and perhaps torturing an unnamed woman in solitary confinement since 2004 at the Bagram Theater Internment Facility. The IHC ordered Interior Ministry Secretary Kamal Shah to report on Siddique's status, but for now the court exempted the other respondents, who include the Embassy's Legal Attach, President Musharraf, and former President Farooq Ahmad Leghari. The IHC adjourned the case until September 9.

3. (C) According to press reports, Jaffrey claims in the petition that U.S. operatives kidnapped Dr. Aafia Siddiqui, with her three children, in 2004 as part of an al Qaeda hunt. It also charged that the U.S. moved her to the Bagram Theater Internment Facility with the help of Pakistani authorities. Jaffrey also petitioned the IHC to ask the respondents whether Siddiqui had been killed in detention. If she is alive, Jaffrey wants her presented before the Court and given compensation for the illegal detention.

4. (C) On July 19 the Senate Functional Committee on Human Rights called on the Ministry of Interior and Ministry of Foreign Affairs to address the issue of any detained Pakistani women in Bagram or Guantanamo Bay. Previously the MFA had denied knowledge of the alleged detention of any Pakistani woman.

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DRAFTED BY: EUR/RPM: ACOPE 202-647-1691
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SENSITIVE

C O R R E C T E D C O P Y (SENSITIVE CAPTION ADDED)

SIPDIS

E.O. 12958: N/A
 TAGS: MARR, MOPS, NATO, PREL, AF
 SUBJECT: ABU GHRAIB AND AFGHANISTAN DETAINEE TALKING POINTS

REF: BRUSSELS 984

1. (U) Embassy Brussels may draw upon the points in paras 2-3 below in answering questions about the status of Abu Ghraib prison in Iraq and about detainee policy and practice in Afghanistan. The points in para 4 can be shared as a fact sheet.

2. (U) Abu Ghraib prison was transferred to the Government of Iraq on September 2, 2006. The facility is now controlled by the Iraqi Ministry of Justice and has been renamed "Baghdad Central Prison." The GOI reopened the facility in February 2009. Questions about the prison should be directed to the Government of Iraq.

NATO/ISAF Detainee Procedures

3. (U) According to ISAF standard operating procedures, ISAF troop contributing nations (TCNs) release or hand over to the appropriate Afghan authorities, any detainee captured by ISAF personnel within 96 hours of capture. ISAF procedures allow, under exceptional circumstances, the period of time prior to transfer to be extended beyond 96 hours for medical or logistical reasons. U.S. Forces operating under the auspices of ISAF release or hand over detainees to the appropriate Afghan authorities within 96 hours of capture, pursuant to ISAF procedures.

OEF Detainee Procedures

4. (U) The following points on U.S. detainee procedures under Operation Enduring Freedom (OEF) can be shared with government officials, NGOs, and the media as a fact-sheet.

-- U.S. Forces hold detainees at the Bagram Theater Internment Facility (BTIF) in accordance with the law of war.

Detainees remain in DOD custody unless and until a review board determines that the threat they pose may be sufficiently mitigated without continued detention by U.S. Forces.

-- Where appropriate, DOD transfers detainees to Afghan authorities for prosecution under Afghan law. To date, the Afghan Government has tried more than 400 detainees, with a conviction rate of approximately 83%. These detainees are held by the Afghan Government at the Afghan National Detention Facility (ANDF).

-- To improve our ability to assess each detainee's status, threat, and potential for rehabilitation and reconciliation, DOD has developed enhanced detainee review procedures for the BTIF. The modified procedures also enhance each detainee's ability to challenge his or her detention.

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-- DOD intends to implement the new procedures this fall, following a 60-day congressional notification period required by U.S. law.

-- Building on lessons learned in our detention operations in Iraq, DOD is building a new BTIF, to be completed this fall.

-- The new facility is designed to house the current population of approximately 600 detainees and it will have a surge capacity of nearly 1200 detainees. The design includes features such as classrooms where detainees can participate in basic education classes and religious discussions, and vocational facilities where detainees can develop technical skills that will enable them to find employment upon their release. The goal of these programs is to assist the detainees in becoming productive members of Afghan society when they are eventually released.

Background

5. (U) U.S. Forces operating under the auspices of Operation Enduring Freedom (OEF) currently hold approximately 600 detainees at the Bagram Theater Internment Facility (BTIF). These detainees are believed to be part of, or substantially supporting, Taliban or al-Qaida forces or associated forces that are engaged in hostilities against the United States or its coalition partners, including those who have directly supported hostilities in aid of such enemy forces. U.S. Forces operating under the auspices of the International Security and Assistance Force (ISAF) turn detainees over to Afghan authorities within 96 hours of capture, pursuant to ISAF policy.

6. (SBU) Since 2007, DoD has transferred 691 detainees from the BTIF and Guantanamo to the Afghan National Detention Facility (ANDF). Of these, 435 have been prosecuted in Afghan courts, with a conviction rate of 83%. The Afghan Government has released 357 detainees from the ANDF, either without trial or following acquittal or service of sentence. Detainees whose threat cannot be mitigated through criminal prosecution remain in DoD control, unless and until a review board determines that they may be safely released.

7. (U) On July 2, 2009, DoD approved new procedures for reviewing the status of detainees at the BTIF. These enhanced procedures significantly improve DoD's ability to assess whether the facts support the detention of each detainee as an unprivileged enemy belligerent, the threat

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each detainee represents, and the detainee's potential for rehabilitation and reconciliation. The modified procedures also enhance the detainee's ability to challenge his or her detention. The Detainee Treatment Act requires DoD to notify the Committees on Armed Services and the Committees on the Judiciary of the Senate and House of Representatives at least 60 days before changes in detention procedures go into effect. DoD provided written notice of these changes on July 14, 2009.

8. (U) DoD is building a new BTIF, which is expected to be completed in the fall of 2009. The facility is designed to hold 672 detainees, and it will have a surge capacity of nearly 1,200. The design of the new BTIF also will better accommodate detainee rehabilitation efforts and thus support the broader counter-insurgency campaign.

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ACTION L-00

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DEPARTMENT FOR L-A/S KOH

E.O. 12958: DECL: 10/06/2019
 TAGS: PGOV, PREL, AF
 SUBJECT: THREE ALLEGED JUVENILE DETAINEES IN GOOD HEALTH;
 TWO REMAIN AT ANDF

Classified By: Deputy Ambassador Francis Ricciardone, reasons 1.4 (b) and (d).

1. (C) SUMMARY: On September 16, EmbOffs, CSTC-A detainee attorney John Torresala and CSTC-A Afghan National Detention Facility (ANDF) Embedded Training Team (ETT) Director Col. Thomas Cantwell visited the Kabul Juvenile Detention Center to meet with three juvenile detainees transferred from the Afghan National Detention Facility (ANDF). All three appeared in good health, but were unclear on the status of their legal proceedings.

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[REDACTED] END SUMMARY.

WELFARE OF THREE JUVENILE DETAINEES TRANSFERRED FROM ANDF

2. (SBU) [REDACTED]
 were transferred on August 4 from the ANDF to the Kabul Juvenile Detention Center by Afghan National Army forces. U.S./Coalition Forces captured [REDACTED] on February 28 in Ghazni Province after he was observed with four other individuals attempting to plant Improvised Explosive Devices

B6

in two separate locations. Per Bagram Theater Internment Facility (BTIF) case files, he told the capturing unit he was born on [REDACTED]. Later, during in-processing at the ANDF, he said he was 17 years old.

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3. U.S./Coalition Forces captured [REDACTED] on April 4 in Kandahar Province during a mission to capture his brother. [REDACTED] is reported to be a member of a group that killed four coalition troops in March. Per BTIF case files he told the capturing unit he was born on [REDACTED]. During in-processing at the ANDF, however, he claimed to be 15 years old.

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4. (SBU) U.S./Coalition Forces captured [REDACTED] on March 30 in Khowst Province. He is reported to be involved with the HIG insurgency network in the Province. Per BTIF case files, he told the capturing unit he was born on [REDACTED]. During in-processing at the ANDF, however, he claimed to be 13 years old.

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5. (SBU) EmbOffs found the Center clean and orderly, although security precautions and educational opportunities are limited. Director of the Center Maqbel told us that after some adjustment to the city noise, the village boys have settled in well, even teaching the Koran to other detainees. All three boys told Embassy and CSTC-A officers that they are being fed and have no complaints about their care at the Center.

TRANSFERRED JUVENILES UNCLEAR ON LEGAL STATUS/PROCEEDINGS

6. (SBU) All three juveniles said their lawyers have been visiting them on a weekly basis, but a review of the visitor's log by corrections advisors revealed that many of the visits were in fact by prosecutors. Neither the Center staff nor the detainees appeared to understand the difference between having discussions with defense lawyers versus with prosecutors. When the detainees asked the visiting CSTC-A and ANDF ETT Director for updates on their legal status, Torresala and Cantwell explained that the detainees are now in Afghan custody and beyond Coalition control. The detainees did not appear to fully grasp the difference in their situation and continued to appeal for U.S. assistance.

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NATIONAL SECURITY COUNCIL
WASHINGTON, D.C. 20504

RELEASED IN PART
B1, 1.4(D), B5

SE55

Summary of Conclusions for
Meeting of the NSC Deputies Committee

DATE: October 16, 2002

LOCATION: White House Situation Room

TIME: 12:00 - 12:45 p.m.

SUBJECT: Summary of Conclusions of DC Meeting on Detainees (S)

PARTICIPANTS:

Chair

Steve Hadley

COS

No Representative

State

Richard Armitage (DepSec/State)

William Taft

OVP

Eric Edelman (PDAVP/NSA)

David Addington

Treasury

Kenneth Dam (DepSec/Treasury)

David Aufhauser

NSC/NEC

No Representative

Defense

Douglas Feith (USDP/Defense)

Marshall Billingslea

Paul Cobb

JCS

General Peter Pace (VCJCS)

MajGen Michael Dunn

Justice

Larry Thompson (Dep AG)

James McAtamney

White House

John Gordon

OMB

Nancy Dorn (DepDir/OMB)

Robin Cleveland

NSC

John Bellinger

Elliott Abrams

Summary of Conclusions

It was agreed that:

DOJ will brief Principals on October 18 on changes it plans to make to its program for housing, interrogating, and processing detainees.

[Redacted]

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Classified by: Stephen E. Biegun

Reason: 1.5(d)

Declassify on: 10/17/12

UNITED STATES DEPARTMENT OF STATE
REVIEW AUTHORITY: ARCHIE M BOLSTER
DATE/CASE ID: 17 AUG 2012 200903327

SECRET

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[Redacted]

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[Redacted]

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[Redacted]

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[Redacted]

B5

The interagency transfer working group will continue to review cases and working group members will ensure coordination and approval within their respective departments.
(U)

[Redacted]

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[Redacted]

B1

[Redacted]

B5

(Action: State, October 22) (U)

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