

RELEASE IN PART
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From: Sullivan, Jacob J <SullivanJJ@state.gov>
Sent: Thursday, December 29, 2011 5:05 PM
To: Sullivan, Jacob J; H
Subject: RE: Reuters

Whoops, here you go:

Responses to Reuters' questions, 12/29/11

Overall message: insurgencies end with political processes, and that is why starting with the West Point speech we have been very clear that we are open to a reconciliation process provided Taliban who engage it recognize that the process will be Afghan-led and that at the end of the day they break ties with al-Qa'ida, renounce violence, and accept the Afghan Constitution, including its protections of women's and human rights.

Answers to specific questions:

1) We're told that the Obama administration has, at least tentatively, selected the Afghan Taliban detainees who would be transferred to Afghan custody as a CBM. Among them, we're told by two sources, is Mohammed Fazl, said to be a former Taliban deputy defense minister. Can you confirm this, and tell us if others who might be transferred are those whose release was sought by the Afghan High Peace Council back in February. Those others are Noorullah Noori; Mohammed Nabi; Abdul Huq Wasiq; and Khairullah Khairkhwa, according to news reports at the time.

The names you list are names that the Afghan government and individuals associated with the Taliban have requested of the USG be released to Afghanistan as far back as 2005 during the Bush Administration.

2) Mohammed Fazl was said to be involved in the uprising at Mazar-e-Sharif prison in late November 2001, an event that led to the death of CIA officer Johnny Michael Spann. Did Fazl play any role in Spann's death?

When the USG considers whether to transfer an individual detainee out of GTMO, it does so subject to a complete review and consistent with all relevant US statutes and international law, to include the detainee-related provisions of the FY 2011 Defense Authorization and, once enacted, the FY2012 National Defense Authorization Act.

A review of any potential transfers would take into account intelligence regarding what that individual has done in the past and an analysis of future risks. Typically, wherever possible, individuals who are alleged to have committed a crime are referred for prosecution in either a military commission or in the federal courts, which would certainly take into account intelligence or other sources of evidence of an individual's involvement in any possible crimes, including any that may have been conducted against Americans, which are taken very seriously.

3) Has the White House received letters from members of Congress that argue against/protest any transfer of detainees from Guantanamo into Afghan custody as part of confidence-building measures?

Yes, we have received letters from Congress stemming from our ongoing discussions with Congress related to Afghanistan and reconciliation. We will not characterize classified Congressional correspondence, but what is clear is the President's order to us to continue to discuss these important matters with Congress.

4) Is the plan, should these CBMs come about, for the detainees to be transferred to Qatar, as reported by the Washington Post a few days ago?

Any transfers out of GTMO would be conducted consistent with US law governing such transfers and with standing Administration policy to work toward a closure of Guantanamo, and ensure U.S. national security interests are protected. Further, if any Afghan detainees were under consideration for transfer in this context, then any transfer would be done in full consultation with the Afghan Government.

5) Finally, does the process appear to be moving again? Is Karzai "back on board"? Has the detainee transfer been approved, at least by the executive branch?

We refer you to the extensive background discussion of roughly two weeks ago.

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FYI – Reuters is back with a fresh story on reconciliation. Below are the points we're providing them: