

DEC. 6. 2006 5:45PM

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NO. 140 P. 1

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FACSIMILE TRANSMITTAL SHEET

TO: Ashley Deaca	FROM: <input type="text"/>
ORGANIZATION: State Department	DATE: 12/6/06
FAX NUMBER: (802) 647-6132	TOTAL NUMBER OF PAGES INCLUDING COVER: 3
PHONE NUMBER: (202) 647-9598	SENDER'S SECURE FAX NUMBER: (202) 201-1072
RE: MFR for 29 Nov mty	SENDER'S PHONE NUMBER: (202) 201-1052

(b)(3)  
(b)(6)

URGENT FOR REVIEW PLEASE COMMENT PLEASE REPLY PLEASE RECYCLE

Ashley -

Here is the MFR. Call if you have any questions.



(b)(3)  
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CLASSIFICATION

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OFFICE OF THE DIRECTOR OF NATIONAL INTELLIGENCE  
 OFFICE OF GENERAL COUNSEL  
 WASHINGTON, DC 20511

December 6, 2006

MEMORANDUM FOR: Distribution

FROM: Benjamin A. Powell

SUBJECT: (U) MFR for 29 November HVD Detainee Meeting

~~(S//NF)~~ On 29 November 2006, representatives from the NSC, DOD, State Department, DOJ, CIA and ODNI met to discuss several security issues concerning the 14 High Value Detainees (HVDs) being held at Guantanamo Bay. Consensus was reached on three of the four issues discussed with the fourth item, protection of information during military commission proceedings, being deferred pending additional discussions.

~~(S//NF)~~ Security Clearances. The group discussed clearance issues and based on the meeting and subsequent discussions recommends the following, three security categories for the CSRT process of the 14 HVDs at Guantanamo:

1. Those individuals who will have access to CIA codeword documents will require a TS/SCI codeword clearance (e.g. prosecutors, investigators).
2. Those individuals who may have substantive access to detainees but no access to CIA codeword documents will require a TS/SCI clearance but not codeword clearance (e.g., CSRT panel members, translators, stenographers). If the detainee provides codeword information to these individuals they will need to be retroactively debriefed that they have been exposed to compartmented information.
3. Those individuals who will only have incidental contact with the detainees will require a Secret level clearance. JTF Guantanamo officials, in consultation with other agencies as appropriate, will define the parameters of incidental contact.

~~(S//NF)~~ Codeword billet requirements for CSRT personnel are high priority based on the imminent start of the CSRT process but military commission billet requirements would immediately follow. Specific codeword billet requirements would be immediately forwarded to the NSC for consideration.

~~(S//NF)~~ Media Policy for CSRTs. The group recommends that no media be present for the CSRTs given the substantial likelihood of the disclosure of classified information. Redacted transcripts will be made public within 72 hours after the completion of the CSRTs, if possible, [redacted] All agreed that redacted audiotapes of the CSRTs should also be made public after the CSRTs once full translations were completed and comparisons were made with the written transcripts to ensure accuracy [redacted]

(b)(3)  
 (b)(1)

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 DRV FROM: Multiple Sources

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[Redacted]

~~(S//NF)~~ Access to 14 HVDs. All representatives agreed that a law enforcement team should be allowed to conduct a "historical narrative" interview of each of the HVDs.

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[Redacted] DOD and DOJ lawyers agreed to seek authorization for these interviews in the next week. All agreed that this interview should happen as soon as possible. Requests for access by other groups, such as [Redacted] military COCOM investigators, and NGOs, will be determined by the prosecutors on a case-by-case basis [Redacted]

*DOD determination*

(b)(1)  
(b)(3)

~~(S//NF)~~ Military Commission Proceedings. Final decisions on information requirements for a military commission proceeding were deferred to a NSC review effort. Participants, however, were favorably inclined to a Pan Am 103 trial arrangement in which a soundproof glass partition and curtain separate the well of the courtroom from the public gallery. DOD informed the group that discussions were ongoing with the Hill for the funding of these courtrooms but it is unclear if they will approve the current plan.

(b)(1)  
(b)(3)

Benjamin A. Powell  
ODNI General Counsel

Distribution:

- Mr. Pete Geren, Under Secretary of the Army, Department of Defense
- Mr. Peter Flory, Assistant Secretary of Defense for International Security Policy, Department of Defense
- Major General Scott S. Custer, Vice Director of the Joint Staff
- Mr. John Bellinger, Legal Adviser, Department of State
- Mr. Patrick Rowan, Deputy Assistant Attorney General, National Security Division, Department of Justice
- Ms. Eliana Davidson, National Security Counsel Deputy Legal Advisor
- Mr. John Rizzo, Office of General Counsel, Central Intelligence Agency

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