

I. Responsive Records Specifically Identified in Plaintiffs’ May 25, 2004 Torture FOIA Request

Record Reference Number	Approximate Date of Record	Description of Record¹	Source of Description
1	Late 2001	Memorandum from DOJ to CIA interpreting the Convention Against Torture	John Barry et al., <i>The Roots of Torture: The Road to Abu Ghraib Began After 9/11, When Washington Wrote New Rules to Fight a New Kind of War</i> , Newsweek.com, May 24, 2004.
2	April 2003	Orders broadening range of interrogation methods to be used against Afghanistan Detainees ²	Charlie Savage, <i>As Threats to U.S. Changed, So Did Prison Tactics</i> , BostonGlobe.com (May 16, 2004); David Johnston and Thom Shanker, <i>Pentagon Approved Intense Interrogation Techniques for Sept. 11 Suspect at Guantanamo</i> , NYTimes.com, May 20, 2004.
3	Sep. 9, 2003	Report of MG Geoffrey D. Miller, Commander JTF-GTMO, Guantánamo Bay, Cuba, entitled “Assessment of DOD Counter-Terrorism Interrogation and Detention Operations in Iraq”	Taguba Report, Executive Summary, available at http://www.msnbc.msn.com/id/4894001/ (document available only in part).
4	Sep. 14, 2003	Interim Policy put into effect by Lt. General Sanchez, based on the Guantánamo Bay policy	R. Jeffrey Smith, <i>Knowledge of Abusive Tactics May Go Higher</i> , Wash. Post, May 16, 2004; Mark Mazetti, et. al, <i>Inside the Iraq Prison Scandal</i> , USNews.com, May 24, 2004.

¹ The term “Record” includes any referenced attachments, exhibits or supporting records incorporated within the documents.

² The term “Detainees” refers to individuals apprehended after September 11, 2001, and held by the United States at military bases or detention facilities outside the United States.

Record Reference Number	Approximate Date of Record	Description of Record¹	Source of Description
		set forth in General Miller's report	
5	Oct. 12, 2003	Memorandum for Commander of MI Brigade from Lt. General Ricardo Sanchez, concerning military policing and intelligence work at Abu Ghraib	R. Jeffrey Smith, <i>Knowledge of Abusive Tactics May Go Higher</i> , Wash. Post, May 16, 2004; Congressional subpoena proposed by Senators Leahy and Feinstein.
6	Nov. 19, 2003	Memorandum from the office of Lt. Gen. Sanchez that formally placed two Abu Ghraib cellblocks under control of 205th Military Intelligence Brigade	R. Jeffrey Smith, <i>Knowledge of Abusive Tactics May Go Higher</i> , Wash. Post, May 16, 2004.
7	Feb. 2004	Complete Report (including all appendices) of Major General Antonio M. Taguba concerning abuse of Detainees in Iraq	Seymour M. Hersh, <i>Torture at Abu Ghraib</i> , The New Yorker, May 10, 2004; Taguba Report, Executive Summary: http://www.msnbc.msn.com/id/4894001/ (document available only in part).
8	Feb. 2004	All reports of the International Committee for the Red Cross concerning treatment and detention of Detainees in	Report of the International Committee of the Red Cross on the treatment by coalition forces of prisoners of war and other protected persons by the Geneva Convention in Iraq during arrest, internment and interrogation, Feb. 2004. http://www.redress.btinternet.co.uk/icrc.htm (document available only in

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		Iraq	part).
9	Unknown	DOJ memorandum regarding circumstances in which Detainees are considered to be “in custody” of United States	Neil A. Lewis, <i>Justice Memos Explained How to Skip Prisoner Rights</i> , NYTimes.com, May 20, 2004.
10	Unknown	Videotapes, photographs and other records of abuse, including videotapes, photographs and other records of abuse catalogued and stored in Guantánamo Bay facilities	David Rose and Gaby Hinsliff, <i>U.S. Guards ‘Filmed Beatings’ at Terror Camp</i> , Observer.Guardian.uk.com, May 16, 2004; Jane Sutton, <i>Guantánamo Cell Tapes Turned Over to U.S. Officials</i> , Reuters, June 13, 2004.
11	Unknown	Videotapes, photographs and other records depicting abuse at Iraqi facilities	Barbara Starr, <i>Shocking Prison Pictures Emerge</i> , CNN.com, May 20, 2004.
12	Unknown	Records listing categories of interrogation techniques requiring approval from Lt. Gen. Sanchez	Greg Jaffe, <i>U.S. General Says No System Exists for Abuse Reports</i> , Wall St. J., May 20, 2004.
13	Unknown	Response to concerns raised by the ICRC regarding the treatment of Detainees	Scott Higham, <i>A Look Behind the “Wire” at Guantánamo</i> , Wash. Post, June 14, 2004.

Record Reference Number	Approximate Date of Record	Description of Record¹	Source of Description
14	Unknown	Pentagon records relating investigations in to the abuse of Detainees. abuse that are currently the subject of internal investigations	Miles Moffeit, <i>Brutal Interrogation in Iraq: Five Detainees' Deaths Probed</i> , Denver Post, May 19, 2004 (reporting at least seventy-five ongoing investigations into Detainee abuse).
15	Unknown	A complete set of Sworn statements of Detainees provided to military officials investigating allegations of abuse	Only a few of the sworn statements are available at http://www.washingtonpost.com/wpsrv/world/iraq/abughraib/swornstatements042104.html .
16	Unknown	Records involving allegations of abuse by members of the 800th Military Police Brigade and the 205th Military Intelligence Brigade	Taguba Report, Executive Summary: http://www.msnbc.msn.com/id/4894001/ (document available only in part).
17	Unknown	Records related to the conduct of medical personnel involved in the interrogations and abuse of Detainees	Peter Slevin and Joe Stephen, <i>Detainees' Medical Files Shared</i> , Wash. Post, June 10, 2004.

II. Supplemental List of Responsive Records Identified for Release By Plaintiffs

Record Reference Number	Approximate Date of Record	Description of Record	Source of Description
18	Sept. 25, 2001	Memorandum to Timothy E. Flannigan, Deputy Counsel to the President, from John Yoo, Deputy Assistant Attorney General, Office of Legal Counsel, Re: The President's authority to conduct military operations against terrorists and nations supporting them	Congressional subpoena proposed by Senators Leahy and Feinstein
19	Late 2001	Documents containing instructions from the Pentagon, ordering or permitting military intelligence officers to use a broader range of interrogation techniques on John Walker Lindh	Richard A. Serrano, <i>Prison Interrogators' Gloves Came Off Before Abu Ghraib</i> , L.A. Times, June 9, 2004.
20	Nov. 6, 2001	Memorandum for Alberto Gonzales, Counsel to the President, from Patrick F. Philbin, Deputy Assistant Attorney General, Office of Legal Counsel, Re: Legality of the use of military commissions to try terrorists	Congressional subpoena proposed by Senators Leahy and Feinstein
21	Early Dec., 2001	Document in which Secretary Rumsfeld approved 17 interrogation techniques for use on Guantánamo Detainees	Tim Golden and Don Van Natta Jr., <i>U.S. Said to Overstate Value of Guantánamo Detainees</i> , N.Y. Times, June. 21, 2004.
22	Dec. 2001	Photographs, documents, materials depicting mistreatment of John Walker	Seymour M. Hersch, <i>Chain of Command</i> , New Yorker, May 17, 2004

Record Reference Number	Approximate Date of Record	Description of Record	Source of Description
		Lindh while in the custody of the Defense Department or the CIA	
23	Jan. 2002	Memorandum in which Secretary Rumsfeld approved the use of dogs with respect to Guantánamo Detainees	R. Jeffrey Smith and Josh White, <i>General Granted Latitude at Prison</i> , Wash. Post, June 12, 2004
24	Jan. 11, 2002	Document from William H. Taft, State Department's legal advisor, to the Justice Department's deputy assistant attorney general, discussing the Justice Department's legal advice to President Bush on the treatment of the Detainees in the war on terrorism.	R. Jeffrey Smith, <i>Lawyer for State Dept. Disputed Detainee Memo</i> , Wash. Post, June 24, 2004
25	Jan. 11, 2002	State Department memorandum concerning the violation of international laws	Congressional subpoena proposed by Senators Leahy and Feinstein
26	Feb. 1, 2002	Memorandum from James C. Ho, Attorney-Advisor, Office of Legal Counsel to John Yoo, Deputy Assistant Attorney General, Office of Legal Counsel, Re: Possible interpretations of Common Article 3 of the 1949 Geneva Convention Relative to the Treatment of Prisoners of War	Congressional subpoena proposed by Senators Leahy and Feinstein
27	Feb. 2, 2002	Memorandum (including all attachments) from William H. Taft IV, the State Department's legal adviser, to White House Counsel Gonzales discussing the view that the Geneva Conventions did not apply to	Neil A. Lewis, <i>Documents Build a Case for Working Outside the Laws in Interrogations</i> , N.Y. Times, June 9, 2004.

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		the Afghanistan conflict.	
28	Apr. 8, 2002	Memorandum from Patrick F. Philbin, Deputy Assistant Attorney General, Office of Legal Counsel to Daniel J. Bryant, Assistant Attorney General, Office of Legal Counsel, Re: Swift Justice Authorization Act	Congressional subpoena proposed by Senators Leahy and Feinstein
29	Aug. 2002	DOJ memorandum, specifying interrogation methods that the CIA may use against top al-Qaeda members.	Toni Locy and John Diamond, <i>Memo lists acceptable 'aggressive' interrogation methods Justice Dept. gave guidance to CIA</i> , USA Today, June 28, 2004.
30	Sep. 2002	A study by the CIA raising questions about the significance of Detainees held at Guantánamo Bay.	Tim Golden and Don Van Natta Jr., <i>U.S. Said to Overstate Value of Guantánamo Detainees</i> , N.Y. Times, June 21, 2004.
31	2002 and 2003	Communications among CIA, FBI and Defense Intelligence Agency officials concerning the questioning of high-value Detainees in United States custody, and the use of new tactics authorized by CIA and military-intel interrogators such as "physical roughing up; sensory, food and sleep deprivation," and a "water pit" in which Detainees have to stand on tip-toe to keep from drowning.	Michael Hirsh, <i>et al.</i> , <i>A Tortured Debate</i> , Newsweek, June 21, 2004.
32	Jan. 8, 2003	Memorandum listing techniques such as hooding prisoners during questioning, placing them in "stress positions" like	Tim Golden and Don Van Natta Jr., <i>U.S. Said to Overstate Value of Guantánamo Detainees</i> , N.Y. Times, June 21, 2004.

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		standing or squatting for up to four hours, aggravating phobias like fear of dogs and “mild injurious physical contact”	
33	Apr. 2003	Memorandum regarding interrogation techniques that could be used with approval of Defense Secretary, from Defense Secretary Rumsfeld to Gen. James T. Hill, senior officer of the Southern Command.	Thom Shanker, <i>Rumsfeld Admits He Told Jailers to Keep Detainee in Iraq Out of Red Cross View</i> , N.Y. Times, June 18, 2004; Congressional subpoena proposed by Senators Leahy and Feinstein
34	Apr. 2003	Memorandum from Secretary of Defense Donald H. Rumsfeld to General James T. Hill outlining twenty-four permitted interrogation techniques, four of which required Mr. Rumsfeld’s explicit approval.	Neil A. Lewis, <i>Documents Build a Case for Working Outside the Laws in Interrogations</i> , N.Y. Times, June 9, 2004.
35	Apr. 2003	Memorandum in which Defense Secretary Rumsfeld approved the use of at least five techniques also listed in a memo dated October 9, 2003 that appeared at Abu Ghraib.	R. Jeffrey Smith and Josh White, <i>General Granted Latitude at Prison</i> , Wash. Post, June 12, 2004.
36	Spring 2003	Memoranda from senior military lawyers in the Air Force, Marine Corps and Army, and a memorandum by the Navy’s top civilian lawyer, Alberto J. Mora, discussing the Justice Department’s legal advice to President Bush concerning the status and	R. Jeffrey Smith, <i>Lawyer for State Dept. Disputed Detainee Memo</i> , Wash. Post, June 24, 2004.

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		treatment of Detainees.	
37	Early Sep. 2003	Documents showing that Lt. Gen. Ricardo Sanchez approved the use of high-pressure interrogation techniques by senior officials at Abu Ghraib without requiring them to obtain prior approval from outside the prison.	R. Jeffrey Smith and Josh White, <i>General Granted Latitude at Prison</i> , Wash. Post, June 12, 2004.
38	Late 2003/ early 2004	Sworn statements by dog handlers provided to military investigators relating to use of unmuzzled dogs to frighten and intimidate Detainees during interrogations at Abu Ghraib	Josh White & Scott Higham, <i>Use of Dogs to Scare Prisoners was Authorized; Military Intelligence Personnel Were Involved, Handlers Say</i> , Wash. Post, June 11, 2004.
39	Sep. 10, 2003	Memorandum from Combined Joint Task Force (CJTF-7), Re: Applicability of Army Field Manual 34-52 and sensory deprivation	Congressional subpoena proposed by Senators Leahy and Feinstein
40	Sep. 10, 2003	Document regarding "Interrogation and Counter-Resistance Policy" listing interrogation tactics approved by Combined Joint Task Force-7..	Jeffrey Smith and Josh White, <i>General Granted Latitude at Prison</i> , Wash. Post, June 12, 2004.
41	Sep. 12, 2003	Directive of Lt. General Ricardo Sanchez entitled "Interrogation and Counter-Resistance Policy"	Congressional subpoena proposed by Senators Leahy and Feinstein
42	Sep. 28, 2003	Memorandum from CJTF-7 on interrogations	Congressional subpoena proposed by Senators Leahy and Feinstein
43	Oct. 2003	Document(s) relating to Central	Thom Shanker and Andrea Elliott, <i>Rumsfeld Admits He</i>

Record Reference Number	Approximate Date of Record	Description of Record	Source of Description
		Intelligence Director, George Tenet's request that Defense Secretary Donald Rumsfeld hold an Iraqi suspect at a high level detention center but not be listed on the prison rolls, and Rumsfeld's order implementing that request	<i>Told Jailers to Keep Detainee in Iraq Out of Red Cross view</i> , N.Y. Times, June 18, 2004; Eric Schmitt and Thom Shanker, <i>Rumsfeld Issued an Order to Hide Detainee in Iraq</i> , N.Y. Times, June 17, 2004.
44	Oct. 9, 2003	Memorandum for MI personnel at Abu Ghraib, Re: Interrogation rules of engagement	Congressional subpoena proposed by Senators Leahy and Feinstein
45	Oct. 12, 2003	Memorandum for Commander of MI Brigade from Lt. General Ricardo Sanchez, concerning military policing and intelligence work at Abu Ghraib.	Congressional subpoena proposed by Senators Leahy and Feinstein
46	Nov. 2003 onwards	Documents from military interrogators from the Detainee Assessment Branch at Abu Ghraib prison to senior military officers and judge advocates, reporting allegations of prisoner abuse, including the beatings of five blindfolded Iraqi generals.	Andrea Elliott, <i>Unit Says It Gave Earlier Warning of Abuse in Iraq</i> , N.Y. Times, June 14, 2004.
47	Nov. 1, 2003 through Jan. 31, 2004	Memoranda for Review and Appeal Board at Abu Ghraib from Detainee Assessment Branch	Congressional subpoena proposed by Senators Leahy and Feinstein
48	Nov. 6, 2003	Report of Major General Donald J. Ryder entitled "Assessment of Detention and Corrections Operations in Iraq," issued after his visit to Abu Ghraib. The report concludes "due to operational limitations,	Taguba Report Executive Summary; <i>Army Saw Prison Violation in Fall</i> , Assoc. Press, June 2, 2004.

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		facility limitations and force protection issues, there are criminal Detainees collocated with other types of Detainees. However, the Geneva Convention does not allow for this.”	
49	Dec. 24, 2003	Letter from military lawyers over the signature of Brig. Gen Janis Karpinski to the International Committee for the Red Cross (ICRC) responding to its concerns about conditions at Abu Ghraib.	Neil A. Lewis, <i>Documents Build a Case for Working Outside the Laws in Interrogations</i> , N.Y. Times, June 9, 2004
50	Jan. 2, 2004	Memorandum for MP and MI personnel at Abu Ghraib from Colonel Marc Warren, Re: New plan to restrict Red Cross access to Abu Ghraib	Congressional subpoena proposed by Senators Leahy and Feinstein
51	Jan. 4, 2004	Memorandum from a top legal adviser to Lt. Gen. Ricardo S. Sanchez, to military intelligence and police personnel at the Abu Ghraib prison, regarding a new plan to restrict Red Cross access the Abu Ghraib.	Thom Shanker and Andrea Elliott, <i>Rumsfeld Admits He Told Jailers to Keep Detainee in Iraq Out of Red Cross View</i> , N.Y. Times, June 18, 2004.
52	Feb. 10, 2004	Memorandum from Army Secretary Les Brownlee, to General Paul T. Mikolashek ordering him to identify any capability shortfalls with respect to internment, enemy prisoner of war, detention operations and interrogation procedures and recommend appropriate resolutions or changes, if required.	Eric Schmitt, <i>Army Report Criticizes Training and Practices at Prisons</i> , N.Y. Times, July 2, 2004.
53	Feb. 21, 2004	Statement made by Lt. Colonel Steven L.	Viveca Novak and Douglas Waller, <i>New Abuse</i>

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		Jordon, former head of the Abu Ghraib interrogation center to Major General Taguba, concerning a late-night interrogation of two female Detainees last October.	<i>Charges, Classified sections of the military's prisoner abuse report detail sexual assaults on women Detainees</i> , Time.com, June 20, 2004.
54	Mar. 12, 2004	Memorandum for Superiors from Maj. General Antonio Taguba, Re: Results of investigation into the 800th MP Brigade's actions in Abu Ghraib.	Congressional subpoena proposed by Senators Leahy and Feinstein
55	June 2004	UNICEF report detailing the arrest and detention of children in Iraq by U.S. and U.K. forces. The report includes a section on child protection, called, "Children in Conflict with the Law or with Coalition Forces."	Neil Mackay, <i>Iraq's Child Prisoners</i> , Sun. Herald, August 1, 2004
56	Unknown	Memorandum from the Department of Justice, Re: Liability of interrogators under the Convention Against Torture and the Anti-Torture Act when a prisoner is not in U.S. custody.	Congressional subpoena proposed by Senators Leahy and Feinstein
57	Unknown	Review, study, or investigation report by LTC Chamberlain, Re: State of prisons in Iraq (addressing the proportion of innocent people in the prisons and the release procedures for detained Iraqis).	Congressional subpoena proposed by Senators Leahy and Feinstein
58	Unknown	A complete set of documents reflecting	Scott Higham, <i>A Look Behind the 'Wire' At</i>

Record Reference Number	Approximate Date of Record	Description of Record	Source of Description
		discussions between the ICRC and military officers at Guantánamo Bay.	<i>Guantánamo, Defense Memos Raised Questions About Detainee Treatment as Red Cross Sought changes</i> , Wash. Post, June 13, 2004.
59	Unknown	Documents regarding “Interaction with Defense Counsel,” authored by the legal office of the Army-led task force in charge of Guantánamo, conveying to soldiers and interrogators that they are not required to provide defense attorneys with statements about the “personal treatment of Detainees” or any “failure to report actions of others.”	Toni Locy, <i>Document Warns Guantánamo Employees Not to Talk</i> , USA Today, June 11, 2004.
60	Unknown	Tapes, transcripts or records of proceedings brought against military personnel and officers involved in alleged abuse of Detainees, (for example record of military court hearing of Pfc. Lyndie England)	Gail Gibson, <i>Judge to Rule on Witnesses in Prisoner Abuse Hearing</i> , Balt. Sun, Aug. 8, 2004; Kate Zernike, <i>At Abuse Hearing, No Testimony that G.I.’s Acted on Orders</i> , N.Y. Times, Aug. 7, 2004
61	Unknown	Directive signed by President Bush that grants CIA, the authority to set up detention facilities outside the United States and/or outlining interrogation methods that may be used against Detainees	John Barry, Michael Hirsch, and Michael Isikoff, et. al, <i>The Roots of Torture</i> , Newsweek, May 24, 2004.
62	Unknown	Timeline, developed by an independent panel headed by Rumsfeld, outlining which officials knew of abuse of Detainees	Michael Hirsch and John Barry, et. al, <i>The Abu Ghraib Scandal Cover-Up?</i> , Newsweek, June 7, 2004

Record Reference Number	Approximate Date of Record	Description of Record	Source of Description
63	Unknown	Abu Ghraib guards' logs of Detainees' daily activities, which includes information about who was likely to break down in interrogation sessions	Richard A. Serrano, <i>Testimony Implicates Abu Ghraib Questioners</i> , L.A. Times, Aug. 6, 2004
64	Unknown	Signs posted at Abu Ghraib prison that describe policies protecting Detainees against abuse	Richard A. Serrano, <i>Testimony Implicates Abu Ghraib Questioners</i> , L.A. Times, Aug. 6, 2004
65	Unknown	72-point matrix indicating which interrogation techniques may be applied in various circumstances	John Barry, Michael Hirsch, and Michael Isikoff, et. al, <i>The Roots of Torture</i> , Newsweek, May 24, 2004
66	Unknown	Report of Major General George Fay relating to the abuse of Detainees in Iraq	Michael Hirsch and John Barry, et. al, <i>The Abu Ghraib Scandal Cover-Up?</i> , Newsweek, June 7, 2004
67	Unknown	Report of Lieutenant General Anthony R. Jones (who replaced Fay) relating to the abuse of Detainees in Iraq	<i>Army Replaces Leader of Iraq Prison Inquiry</i> , L.A. Times, June 26, 2004.
68		Report of James Schlesinger relating to the	Michael Hirsch and John Barry, <i>A Battle Over Blame</i> ,

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	Unknown	abuse of Detainees in Iraq (when issued).	Newsweek, Aug. 9, 2004; <i>Prisoner Abuse Report May Assign Blame to Senior Pentagon Officials</i> , The White House Bulletin, August 2, 2004
69	Unknown, but handed over on January 13, 2004	A report of Detainee mistreatment and a CD with photographs that Joseph Darby, a military policeman assigned to Abu Ghraib, provided to the Army's Criminal Investigations Division	Seymour M. Hersch, <i>The Gray Zone</i> , The New Yorker, May 24, 2004

III. Documents provided by Defendant agencies to Congress, Congressional Committees, or Individuals Members of Congress

70	Various	All records from any Defendant agency relating to abuse of Detainees that were identified for, provided to, and/or sought by Congress, congressional committees, or individual members of Congress, including, but not limited to, documents, videotapes, audiotapes and photographs.	John Barry, Michael Hirsch, and Michael Isikoff, et. al, <i>The Roots of Torture</i> , Newsweek, May 24, 2004; <i>Senate Copy of Report on Abuse May Be Short: 2,000 Pages Missing, Committee Aides Say</i> , Wash. Post, May 24, 2004; Johanna McGeary et. al, <i>The Scandal's Growing Stain</i> , Time Mag., May 17, 2004.
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