

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

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AMERICAN CIVIL LIBERTIES UNION, et al., :  
 :  
 Plaintiffs, :  
 :  
 -against- :  
 :  
 DEPARTMENT OF DEFENSE, et al., :  
 :  
 Defendants. :  
 :  
-----X

**ORDER**  
04 Civ. 4151 (AKH)

ALVIN K. HELLERSTEIN, U.S.D.J.:

In connection with the parties' pending cross motions for summary judgment, the Court on June 8, 2006, reviewed ex parte and in camera twenty nine photographs taken by individuals serving in Iraq and Afghanistan, submitted to me by the government as responsive to Plaintiff's request for videotapes, photographs and other records depicting abuse in Iraq. Based upon my review of the color photographs in Government Exhibit A ("GXA") and the black and white photographs in Government Exhibit B ("GXB") (both color and black and white being the same), it is hereby

ORDERED that the Government shall release, pursuant to my holdings set out in my Opinion and Order Granting in Part and Denying in Part Motions for Partial Summary Judgment dated September 29, 2005, 389 F. Supp. 2d 547, 568-79, the photographs marked exhibits GXB A-6, A-7, A-8, B-1, B-2, C-1, D-1, E-1, E-2, E-3, E-4, E-5, E-6, E-7, E-8, E-9, E-10, E-11, E-12, and E-13; and it is further

ORDERED that the Government shall redact identifying facial features from the photographs marked as exhibits GXB A-6, A-7, A-8, B-1, B-2, C-1, E-1, E-2, E-3, E-4, E-5, E-6, E-7, E-8, E-9, E-10, E-11, E-12, and E-13, and release them as redacted; and it is further

ORDERED that the Government is not required to release the photographs marked as exhibits GXA and GXB A-1, A-2, A-3, A-4, A-5, G-1, and G-2, as the Court has determined that these photographs are not responsive; and

Judgment is reserved regarding F-1 and F-2.

SO ORDERED.

Dated: New York, New York  
June 9, 2006

  
ALVIN K. HELLERSTEIN  
United States District Judge

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

-----X  
AMERICAN CIVIL LIBERTIES UNION, et al., :

Plaintiffs, :

-against- :

DEPARTMENT OF DEFENSE, et al., :

Defendants. :

-----X  
ALVIN K. HELLERSTEIN, U.S.D.J.:

**SUPPLEMENTAL ORDER**  
**RELEASING PHOTOGRAPHS**

04 Civ. 4151 (AKH)


In connection with the parties' pending cross motions for summary judgment, the Court on June 8, 2006, reviewed ex parte and in camera twenty nine photographs taken by individuals serving in Iraq and Afghanistan, submitted to me by the government as responsive to Plaintiff's request for videotapes, photographs and other records depicting abuse in Iraq. Based upon my review of the color photographs, by Order dated June 9, 2006, I ordered the Government to release twenty of the twenty nine photographs, with redacting of identifying facial features in certain of the photos. I reserved decision on the photographs marked exhibits GXB F-1 and F-2. The parties having entered into a stipulation regarding the two remaining photographs, it is hereby

ORDERED that the Government shall release, pursuant to my holdings set out in my Opinion and Order Granting in Part and Denying in Part Motions for Partial Summary Judgment dated September 29, 2005, 389 F. Supp. 2d 547, 568-79, the photograph marked exhibit GXB F-1; and it is further

ORDERED that the Government shall redact identifying facial features from the photograph marked as exhibit GXB F-1, and release it as redacted; and it is further

ORDERED that the Government is not required to release the photographs marked as exhibits GXA and GXB F-2, as the parties have stipulated that plaintiffs do not object to the Government withholding photo F-2 in its entirety because it is not responsive.

Dated: New York, New York  
June 24, 2006

  
ALVIN K. HELLERSTEIN  
United States District Judge