



U.S. Department of Justice

United States Attorney
Southern District of New York

86 Chambers Street, 5th Floor
New York, New York 10007

April 6, 2005

By Facsimile

Lawrence S. Lustberg, Esq.
Gibbons, Del Deo, Dolan,
Griffinger & Vecchione, P.C.
One Riverfront Plaza
Newark, N.J. 07102

Re: ACLU, et al., v. Department of Defense, et al.
No. 04 Civ. 4151 (AKH)

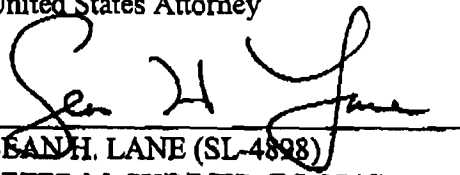
Dear Mr. Lustberg:

Enclosed please find a status report from the Department of Defense ("DOD") regarding processing completed for the month of March in the above-captioned Freedom of Information Act ("FOIA") case. As part of DOD's response, enclosed please find 29 pages being produced from the Defense Intelligence Agency. In addition, the Department of the Army is sending directly to your office under separate cover a CD containing responsive documents.

Very truly yours,

DAVID N. KELLEY
United States Attorney

By:


SEAN H. LANE (SL-4898)
PETER M. SKINNER (PS-9745)
Assistant United States Attorneys
Telephone: (212) 637-2737

Enclosures



**DEPARTMENT OF DEFENSE
OFFICE OF GENERAL COUNSEL
1600 DEFENSE PENTAGON
WASHINGTON, DC 20301-1600**



April 6, 2005

**Sean Lane, Esq.
Assistant United States Attorney
Office of the United States Attorney
Southern District of New York
86 Chambers Street
New York, NY 10007**

Re: ACLU, et al., v. Department of Defense, et al., No. 04 Civ. 4151 (AKH)

Dear Mr. Lane:

I attach the report of the Department of Defense on document processing for March in this case.

Sincerely,

A handwritten signature in black ink that reads "Stewart F. Aly".

**Stewart F. Aly
Associate Deputy General Counsel
(Legal Counsel)**



**UNITED STATES ATTORNEY'S OFFICE
SOUTHERN DISTRICT OF NEW YORK****86 Chambers Street, 5th Floor
New York, New York 10007****To:** (following distribution list)

<u>Name</u>	<u>Office</u>	<u>Fax Number</u>
Lawrence S. Lustberg	Gibbons, Del Deo	(973) 639-6285
Megan Lewis	Gibbons, Del Deo	(973) 639-8317

Date: April 6, 2005**No. Pages (including cover):** 33**From:** SEAN H. LANE
Assistant United States Attorney**Phone No.:** (212) 637-2737**Fax Number:** (212) 637-2750**Remarks:****FOR OFFICIAL USE U.S. ATTORNEY FACSIMILE COMMUNICATION**

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**REPORT OF THE DEPARTMENT OF DEFENSE
DOCUMENT PROCESSING FOR MARCH 2005**

Re: ACLU, et al., v. Department of Defense, et al., No. 04 Civ. 4151 (AKH)

1. *Number of pages in documents released to the plaintiffs*

A total of 2,907 pages were sent overnight delivery to the plaintiffs in two batches on March 23 and April 6 and one batch was delivered electronically on April 5th.

2. *Number of pages in documents denied in full*

A total of 5,364 pages were determined to be denied in full. More specifically, classified memoranda of the Department of Defense were denied under FOIA Exemption 1 because they contain classified information. Documents of the Department of the Army were denied under FOIA Exemption 7(A) as they concern ongoing proceedings under the Uniform Code of Military Justice and Exemption 5 as they contain attorney-client and deliberative process privileges. Documents of the Coalition Provisional Authority were denied under Exemptions 1 and 5 as they contain classified information as well as information privileged under the attorney-client and deliberative process privileges. The Department of Defense reserves the right to assert any other applicable exemptions for these documents under the FOIA.

3. *Number of pages in documents referred outside the Department of Defense*

A total of 590 pages were referred to agencies outside the Department of Defense. These documents were referred by the Army and the Office of the Secretary of Defense to other agencies within the Government; processing within the Department of Defense has been completed.

4. *Number of pages in documents determined to be non-responsive*

A. A total of the equivalent 2,655 pages of documents in the form of audio tapes of interviews were determined to be non-responsive after review of the tapes. The Department of Defense is including these figures in its total for pages processed in March because of the unusually intense nature of the review required. The review was performed by the Department of the Army.

B. More than 2,000 pages of documents of the Department of the Army and the Coalition Provisional Authority were determined to be non-responsive. The Department of Defense is not including these figures in its total for pages processed in March even though these documents were reviewed by the Department of Defense.

5. *Total pages included in Defense Department processing for March: 11,516*

(b)(3)

From: [REDACTED]

Sent: Monday, July 19, 2004 7:37 AM

(b)(3)

To: [REDACTED]

Cc: [REDACTED]

Subject: RE: RFI from ADM Church re Interrogator Issues

CLASSIFICATION: ~~SECRET~~CAVEATS: ~~NOFORN~~

TERMS: NONE

I don't know about the Army fighting for an expanded role, at least in Afghanistan, but I do know that CENTCOM never requested additional [REDACTED] Strategic interrogation and debriefing was, and still is, generally conducted at GTMO. [REDACTED]

(b)(1)

[REDACTED] Had CENTCOM requested more [REDACTED] we certainly would have provided them. I know of no RFI that was denied from CENTCOM. I can't speak for OIF.

[REDACTED]

I recommend that future doctrine establish the JIDC as an umbrella interrogation/debriefing HQ which have separate Joint Interrogation Facilities [REDACTED] and Joint Debriefing Facilities [REDACTED] subordinate to it. [REDACTED]

(b)(1)

Comments appreciated.

(b)(3)

-----Original Message-----

From: [REDACTED]

Sent: Friday, July 16, 2004 5:15 PM

(b)(3)

To: [REDACTED]

Cc: [REDACTED]

Subject: FW: RFI from ADM Church re Interrogator Issues

CLASSIFICATION: ~~SECRET~~

7/19/2004

~~CAVEATS: NOFORN~~

TERMS: NONE

(b)(3)

(b)(1)

- I find the atch'd really interesting -

and that they fought for as large a piece of the pie as possible?

- The admiral is correct in stating the original intent in the consolidation of DoD HUMINT was that [redacted] would be responsible for interrogation at major EPW detention areas.

(b)(1)

(b)(1)

- In any event, do any of you have any comments/observations you'd like to contribute to help us develop a response to the attached memo?

(b)(3)

-----Original Message-----

From: [redacted]
Sent: Friday, July 16, 2004 4:11 PM
To: [redacted]
Subject: FW: RFI from ADM Church re Interrogator Issues

(b)(3)

From: [redacted]
Sent: Friday, July 16, 2004 4:11:25 PM

(b)(3)

Subject: RE: RFI from ADM Church re Interrogator Issues
Auto forwarded by a Rule

7/19/2004

~~CLASSIFICATION: SECRET~~

~~CAVEATS: NONE~~

TERMS: NONE

ALCON:

(b)(3)

At 0900 hours on 19 Jul, we will meet in [REDACTED] office to discuss the issues in the attached RFI and sort out responsibilities for the input. Suspense has been moved to COB 23 Jul. [REDACTED] would like a draft by SOB Thursday, 22 Jul.
Thanks

(b)(3)

-----Original Message-----

From: [REDACTED]

Sent: July 16, 2004 15:52

To: [REDACTED]

(b)(3)

Cc: [REDACTED]

Subject: RE: RFI from ADM Church re Interrogator Issues

~~CLASSIFICATION: SECRET~~

~~CAVEATS: NOFORN~~

TERMS: NONE

Gentlemen:

Attached is the subject memo for your viewing pleasure [REDACTED] just spoke with [REDACTED] and said the due date is pretty tight for the info being requested, so we now have until next Fri to turn our response in.

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

(b)(3)

-----Original Message-----

7/19/2004

(b)(3)

From: [REDACTED]
Sent: Friday, July 16, 2004 3:33 PM
To: [REDACTED]
Cc: [REDACTED]
Subject: RE: RFI from ADM Church re Interrogator Issues

CLASSIFICATION: ~~SECRET~~

CAVEATS: ~~NOFORN~~

TERMS: NONE

(b)(3)

[REDACTED] is working a similar action for the DIA IG. Suspect the questions are similar.

-----Original Message-----

(b)(3)

From: [REDACTED]
Sent: Friday, July 16, 2004 3:29 PM
To: [REDACTED]
Cc: [REDACTED]
Subject: RFI from ADM Church re Interrogator Issues
Importance: High

CLASSIFICATION: ~~SECRET~~

CAVEATS: ~~NOFORN~~

TERMS: NONE

Gentlemen:

[REDACTED] received a faxed memo today from ADM Church re an RFI/statement of record on DHS's role in OIF/OEF, mainly focusing on interrogator issues. Response is due 20 July to the ADM. I have copies of the memo, so who is best to take lead on this so I can give them a copy to work off of? I will give you all a copy as well. Thanks.

(b)(3)

(b)(2)

VIR,
[REDACTED]

(b)(3)

7/19/2004

(b)(3)

From: [REDACTED]
Sent: Friday, July 16, 2004 5:15 PM
To: [REDACTED]
Cc: [REDACTED]

(b)(3)

Subject: FW: RFI from ADM Church re Interrogator Issues

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~~CAVEATS: NOFORN~~

TERMS: NONE

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- In any event, do any of you have any comments/observations you'd like to contribute to help us develop a response to the attached memo?

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Subject: FW: RFI from ADM Church re Interrogator Issues

7/19/2004

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CLASSIFICATION: ~~SECRET~~

CAVEATS: NONE

TERMS: NONE

ALCON:

At 0900 hours on 18 Jul, we will meet in [REDACTED] office to discuss the issues in the attached RFI and sort out responsibilities for the input. Suspense has been moved to COB 23 Jul. [REDACTED] would like a draft by SOB Thursday, 22 Jul.
Thanks

[REDACTED]

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To: [REDACTED]
Cc: [REDACTED]
Subject: RE: RFI from ADM Church re Interrogator Issues

CLASSIFICATION: ~~SECRET~~

CAVEATS: ~~NOFORN~~

TERMS: NONE

Gentlemen:

7/19/2004

Attached is the subject memo for your viewing pleasure. [REDACTED] just spoke with [REDACTED] and said the due date is pretty tight for the info being requested, so we now have until next Fri to turn our response in.

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

[REDACTED]
(b)(3)

-----Original Message-----

From: [REDACTED]
Sent: Friday, July 16, 2004 3:33 PM
To: [REDACTED]
Cc: [REDACTED]
Subject: RE: RFI from ADM Church re Interrogator Issues

~~CLASSIFICATION: SECRET~~

~~CAVEATS: NOFORN~~

TERMS: NONE

[REDACTED]
(b)(3)

[REDACTED] is working a similar action for the DIA IG. Suspect the questions are similar. (b)(3)

[REDACTED]
(b)(3)

-----Original Message-----

From: [REDACTED]
Sent: Friday, July 16, 2004 3:29 PM
To: [REDACTED]
Cc: [REDACTED]
Subject: RFI from ADM Church re Interrogator Issues
Importance: High

~~CLASSIFICATION: SECRET~~

~~CAVEATS: NOFORN~~

TERMS: NONE

Gentlemen:

7/19/2004

Page 12 of 33

[REDACTED] received a faxed memo today from ADM Church re an RFI/statement of record on (b)(3)(b)(6)
role in OIF/OEF, mainly focusing on interrogator issues. Response is due 20 July to the (b)(2)
ADM. I have copies of the memo, so who is best to take lead on this so I can give them a copy to
work off of? I will give you all a copy as well. Thanks.

V/R.

(b)(3)

~~DERIVED FROM: DH 100 SEP 2000~~~~DECLASSIFY ON: X1~~~~CLASSIFICATION: SECRET~~~~CAVEATS: NOFORN~~~~TERMS: NONE~~~~DERIVED FROM: DH 100 SEP 2000~~~~DECLASSIFY ON: X1~~~~CLASSIFICATION: SECRET~~~~CAVEATS: NOFORN~~~~TERMS: NONE~~~~DERIVED FROM: DH 100 SEP 2000~~~~DECLASSIFY ON: X1~~~~CLASSIFICATION W/O ATCH: SECRET~~~~CAVEATS W/O ATCH: NOFORN~~~~TERMS W/O ATCH: NONE~~~~CLASSIFICATION: SECRET~~

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(b)(3)

From: [REDACTED]

Sent: Thursday, July 01, 2004 11:07 AM

To: [REDACTED]

Cc: [REDACTED]

Subject: FW: [REDACTED] "RFI in Support of Detainee Task Force (DH)" S: 20-JUL-04

(b)(2)

CLASSIFICATION: UNCLASSIFIED

CAVEATS: FOUO

TERMS: NONE

Provided as we discussed. Thanks for assistance. [REDACTED]

(b)(3)

-----Original Message-----

From: [REDACTED]

Sent: Tuesday, June 29, 2004 2:45 PM (b)(3)

To: [REDACTED]

Cc: [REDACTED]

Subject: [REDACTED] "RFI in Support of Detainee Task Force (DH)" S: 20-JUL-04

(b)(2)

CLASSIFICATION: UNCLASSIFIED

CAVEATS: FOUO

TERMS: NONE

THIS IS AN OFFICIAL EMAIL TASKER. [REDACTED] IS DELEGATED AS ACTION. THE DUE DATE IS 20 JULY.

(b)(2)

ACTION: [REDACTED]

(b)(2)

- Review initiator's guidance below
- Send your response to [REDACTED] by suspense date.

(b)(3)

SUSPENSE DATE: 20-Jul-2004

REQUESTING COMPONENT: [REDACTED]
TASKING TYPE: NORMAL TASKING
PRIORITY: Priority

OVERALL GUIDANCE:

1. The IG point of contact is [REDACTED]

7/9/2004

2. References:

a. Department of Defense Inspector General memorandum, 19 May 2004, subj: Reporting on the Status of Component Activities Review of Detainees/Prisoner Abuse

b. Secretary of Defense memorandum, 25 May 2004, subj: Detention Operations and Detainee Interrogation Techniques

c. Deputy Secretary of Defense memorandum, 23 June 2004, subj: Support to the DoD Detainee Task Force (DTF)

3. Recent allegations pertaining to alleged abuses of detainees and prisoners in Iraq have generated multiple, high level inquiries into the matter. At present the agency, through the IG, is coordinating responses to three such inquiries. The DoD IG requires, reference a., weekly reporting on all investigations or inquiries conducted by DoD components. The Secretary of Defense, reference b., chartered the Navy Inspector General to conduct a wide ranging review of DoD interrogation and debriefing policies, procedures, and activities. Additionally, the Deputy Secretary of Defense, reference c., has requested documentation in support of the Detainee Task Force (DTF). These separate inquiries have stated their document search requirements and, while there are some redundancies in requests, it is in the interest of the agency not only to reply as promptly and thoroughly as possible, but also to maintain meticulous records of what has been submitted.

4. The most recent document search request, reference c., tasked all DoD elements to conduct a search of documents in support of the DoD Detainee Task Force (DTF) which is conducting a comprehensive review of allegations of abuse at DoD facilities from January 2000 to present.

5. The scope of the DTF search is:

"The search for documents should include all references to prisoners of war, detainees or civilian internees of the DoD, pursuant to the Global War on Terrorism or Operation Iraqi Freedom, whether located in: Guantanamo Bay, Cuba; the Naval Consolidated Brig, Charleston, South Carolina; Abu Ghraib, Camp Bucca, or other locations in Iraq; or in Afghanistan."

6. This tasking supplements the previous request for documents in support of the SECDEF Initiated Inquiry being conducted by the Navy Inspector General and applies to Operation Enduring Freedom (OEF) and Operation Iraqi Freedom (OIF). Directorates will provide material documenting DIA interaction with OEF/OIF organizations, including the Iraq Survey Group (ISG).

7. Do not contact ISG for documentation. ISG will respond to tasking from U.S. Central Command.

8. Documents identified in response to this tasker which were previously supplied in response to reference b. need not be submitted. However,

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responding directorates will annotate on their responses, consistent with guidance in subparagraphs a. through c. below, that such documents exist and when they were submitted. Responding directorates will forward the following information along with each submission:

- a. An index identifying each document by date and author and including the document's classification level.
- b. The name, grade, duty location, and telephone number of the individual(s) who performed the search.
- c. An index of documents that are the subject of this request already disseminated outside the Department, including to whom, when, and why.

9. Specific Guidance: Search all files and collect all DIA directives, instructions, regulations, memoranda, requests for information and responses, letters, or other written materials applicable since 1 January 2000 that:

- a. Pertain to DIA interrogation policy, procedures, or "rules of engagement" with respect to prisoners of war, detainees, or civilian detainees of the Department or any of its components.
- b. Address the following:
 - (1) Personnel detention policy, procedures, and organization.
 - (2) Interrogation policy, procedures, and organization.
 - (3) Relationship between detention and interrogation as they relate to force structure.
 - (4) Training of regular and reserve personnel for these missions.
 - (5) Use of contractors (e.g., interrogators, linguists, and interpreters) in connection with interrogation activities of missions of the DIA. Provide copies of contracts.
- c. Address DIA detention and interrogation as they relate to the Geneva Conventions and other applicable laws.
- d. Address DIA detention and interrogation policy, procedures or organization in relation to matters raised by the International Committee of the Red Cross.
- e. Show command relationships and operational practices that guided DoD detention and interrogation policies and procedures.
- f. Special access programs pertaining to DIA support for DoD/non-DoD interrogation and detention operations shall be identified by project name only with point of contact for access authorization.

10. Additional Guidance:

- a. DA/J2/DI: Identify all personnel assigned to DoD/non-DoD

7/9/2004

activities who participated in interrogations/debriefings in support of OEF/OIF operations. Provide name, grade, home assignment location, unit of attachment, dates of attachment, duty title, and, contact information.

b. DH: Provide a comprehensive list of all DIA documentation pertaining to interrogation and debriefing techniques that have been considered, authorized, used, and prohibited during OEF/OIF operations as noted below:

(1) For OEF/OIF, all specified material covering the period from initial DIA participation until present. For OIF only, required information is only until establishment of the ISG in June 2003.

(2) Letter of instructions issued by DIA personnel attached as supervisor in charge of the Joint Interrogation and Debriefing Centers (JIDC) in support of OEF/OIF.

(3) Provide copies of all DH internal e-mails, memoranda, notes of meetings, etc., pertaining to the interrogation and debriefing of detainees/prisoners in Iraq or Afghanistan from January 2000 to date.

(4) Identify all personnel assigned to the DoD HUMINT augmentation teams or other tactical unit augmentations for OEF/OIF operations inception to date. Provide name, grade, home assignment location, unit of attachment, dates of attachment, duty title, and, contact information.

(5) Identify all personnel attached for HUMINT augmentation to non-DoD organizations for OEF/OIF operations from inception to date. Provide name, grade, home assignment location, unit of attachment, dates of attachment, duty title, and, contact information.

(6) Copies of all DIA generated SITREPs, operations reports, spot reports, and similar reports pertaining to interrogations and debriefing activities in which DIA personnel participated from inception to present.

CLASSIFICATION: UNCLASSIFIED

CAVEATS: ~~FOUO~~

TERMS: NONE

CLASSIFICATION: UNCLASSIFIED

CAVEATS: ~~FOUO~~

TERMS: NONE

7/9/2004

Page 1 of 1

(b)(3)

From: [REDACTED]
Sent: Thursday, June 05, 2003 9:04 AM
To: [REDACTED]
Cc: [REDACTED]

(b)(1) (b)(2) Subject: [REDACTED]

CLASSIFICATION: ~~SECRET~~CAVEATS: ~~NOFORN~~

TERMS: NONE

(b)(2)

(S/NF) On 4 December 2002, the [REDACTED] notified the ATSD(10) that a [REDACTED] officer, while assigned to (b)(2) [REDACTED] as an interrogator may have violated federal statutes during the interrogation of a Bosnian national. Because the officer was assigned [REDACTED] investigative jurisdiction was with [REDACTED] On 27 May 2003, the [REDACTED] notified [REDACTED] that [REDACTED] had (b)(1) completed its investigation and had found no credible evidence that the [REDACTED] officer and others had violated law.

(S/NF) However, the investigation did determine "...that at the time of the incident, there were no specific guidelines regarding interrogation techniques of detainees operations in Bosnia or elsewhere." Based on the [REDACTED] (b)(1) comment I recommend you review interrogation guidelines and procedures governing [REDACTED] activities worldwide and ensure that DIA personnel are familiar with statutory and regulatory provisions affecting such operations.

(b)(3)

~~DERIVED FROM DHS 000, MAR 02~~~~DECLASSIFY ON: X1~~CLASSIFICATION: ~~SECRET~~CAVEATS: ~~NOFORN~~

TERMS: NONE

6/5/2003

DODDIA 000191

~~SECRET NSFOU~~

SUBJECT: Draft Concept for Utilization of Cooperating Source (U)

1. (U) Purpose: To request coordination /comment on subject

2. (U) Security: The unclassified nickname for this project is [REDACTED]

(b)(2)

(b)(1)

(b)(6)

(b)(1)

(b)(1)

- Phase 2: Movement coordination and movement [REDACTED] / DOJ / JTF GTMO). The actual request for movement needed to come from DoD. (DOJ/USA suggested DoD to the USA who would forward to Main Justice.) (DIA/SOUTHCOM)

(b)(2)

- Phase 3: GTMO - Employ [REDACTED] IAW JTF GTMO assessment & utilization plan (JTF GTMO).

(b)(1), (b)(6)

- DoD would be required to clearly and specifically articulate how [REDACTED] would be used in GTMO. General statements will not be acceptable.

(b)(1), (b)(6)

- Phase 4: Operational assessment, lessons learned (DIA [REDACTED] SOUTHCOM/JTFGTMO)

(b)(2)

(b)(1)

7. (S) [REDACTED]: Asset assessment operations

* Videotapes provided by JTF GTMO

~~SECRET~~

From: [REDACTED]
 (b)(3) Sent: Tuesday, December 09, 2003 11:55 AM
 To: [REDACTED]
 Cc: [REDACTED]
 Subject: Interrogation Policy

CLASSIFICATION: ~~SECRET~~

CAVEATS: ~~NOFORN~~

TERMS: NONE

(b)(3) [REDACTED] — Please see below from [REDACTED]. In speaking with [REDACTED] just now, he recommends bringing [REDACTED] into the fray. He has the institutional knowledge and expertise to best convey our argument to GC.

(b)(3) [REDACTED] you are not missing anything. It is the lawyers who are missing the point. The [REDACTED] (b)(2)
 interrogation mission is codified under JCS and combatant command doctrine, and included in the [REDACTED]
 founding documents. In keeping with this mission, [REDACTED] has routinely identified and deployed
 interrogators to assist JTFs and Combatant Commanders with interrogations. With the increased
 demand for interrogators post-9/11, [REDACTED]

(b)(1)

(b)(2)

(b)(3)

[REDACTED] Based
 on questionable conduct in the past by [REDACTED] interrogators, murky rules of the road, OSD interest in
 GTMO rules, significantly different [REDACTED] rules, and the central role [REDACTED] plays at GTMO, I directed a
 [REDACTED] interrogation policy be developed. I am pretty sure the DD was aware of this. [REDACTED]
 attended several OSD legal meetings on interrogation policy. I believe the legal view that we
 simply belong to the Combatant Commanders and fall under their rules is shortsighted. [REDACTED]
 [REDACTED] It seems to me that these individuals need to be
 able to operate off of a fully coordinated and vetted interrogation policy. We have the experience and
 expertise to prepare such a document, and it definitely should be a joint document. If the lawyers want
 it to be a Joint Staff document, then I would argue the way to go is for DIA to coordinate and dispatch
 its policy, and then let the Joint Staff codify it in their doctrine, as we did with [REDACTED]. The
 Joint Staff does not have the expertise to prepare what you guys pulled together. I do not recall
 discussing this with [REDACTED] but I know he was aware of its development and of the meetings
 [REDACTED]. Frankly, it never occurred to me that anyone except [REDACTED] DIA would
 prepare and issue such a policy. We issue policies on everything else we do—why not interrogation?

(b)(3)

-----Original Message-----

(b)(3) From: [REDACTED]
 Sent: Tuesday, December 09, 2003 9:28 AM
 To: [REDACTED]
 Subject: FW: Interrogation Policy
 Sensitivity: Private

(b)(3) File://C:\ADDOCTIME-1\ [REDACTED] DIA\Decision\INTERF-1\INTERF-1 [REDACTED]-1 HTML

7/17/2004

(b)(2)

HEADQUARTERS [REDACTED] INDEX.

1. PHONE LIST, [REDACTED] UNKNOWN AUTHOR, UNDATED, ~~SECRET//NOFORN~~2. PHONE LIST, [REDACTED] UNKNOWN AUTHOR, UNDATED,
~~CONFIDENTIAL//NOFORN~~

3. EMAIL, LIST OF PERSONNEL INVOLVED IN CONSOLIDATED [REDACTED]

(b)(6)

~~SECRET//NOFORN~~

(b)(2)

4. [REDACTED] LISTING OF
INTERROGATION PERSONNEL (JIDC), JUNE 2003. AUTHOR, [REDACTED]
~~SECRET//NOFORN~~5. LIST OF DEPLOYED PERSONNEL - [REDACTED] DATED 15 JULY 2004, AUTHOR,
[REDACTED] ~~SECRET//NOFORN~~6. LIST OF DEPLOYED PERSONNEL - [REDACTED] DATED 16 JULY 2004, AUTHOR,
[REDACTED] ~~SECRET//NOFORN~~

HEADQUARTERS [REDACTED] PERSONNEL INVOLVED IN TASKER SEARCH:

[REDACTED]

(b)(3)

[REDACTED]

~~SECRET//NOFORN//20290720~~

(b)(1)

- (b)(2) 1. 29 OCT 02: [REDACTED] SUPPORT TO U.S. CENTRAL
COMAND OPLAN 1003 ~~(S//NF)~~
2. 15 NOV 02: AUTHORIZATION FOR [REDACTED] OFFICERS TO PARTICIPATE IN
CUSTODIAL INTERVIEWS ~~(S//NF)~~

(b)(1)
(b)(2)

12 JUL 04: [REDACTED] CONTACT [REDACTED] LIAISON CONTACT WITH [REDACTED] (b)(1) (b)(2)

~~(S)~~~~SECRET//NOFORN//20290720~~



**Defense Intelligence Agency
Office of the Inspector General
Office for Investigations
Report of Conversation**

Date: 5 May 2004

Time: 1020

Name of Contact: [REDACTED]

Office/Division: [REDACTED]

Phone: [REDACTED]

Address of Organization: [REDACTED]

Employee Name: [REDACTED]

Office/Division: IG

Phone #: [REDACTED]

Circle One
HE/I

CALLED/VISITED

Subject: Concerns relating to IRAQ Prison Situation

What was said:

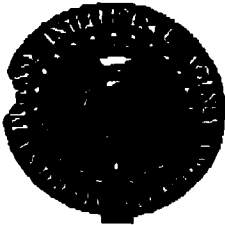
Met with [REDACTED] who related that [REDACTED] related that [REDACTED] recently returned from a 6 month rotation in IRAQ. [REDACTED] related that [REDACTED] told [REDACTED] while in IRAQ [REDACTED] was in charge of the interrogations of the prisoners, and during this time [REDACTED] and the senior leadership knew of, or were aware of the incidents going on at the prison, as it has been described in the newspaper (Washington Post, dated 4 May 2004). [REDACTED] provided a copy of the newspaper. [REDACTED] went on to say that [REDACTED] related that there were two incidents involving the rape of two female detainees. [REDACTED] was asked if [REDACTED] witnessed or knew who committed the alleged rape. [REDACTED] stated [REDACTED] did not know who committed the rape and did not know witness the act. Additionally, [REDACTED] briefly related that the detainees were treated very roughly, as described in the newspaper. Once again, [REDACTED] did not provide specific details. [REDACTED] related that [REDACTED] was despondent over the fact that weapons of mass destruction (WMD) had not been found. [REDACTED] also could not say with any certainty if [REDACTED] had control over or the flow of information from the interrogators or if [REDACTED] was directly somehow in charge of the interrogators. [REDACTED] was asked if [REDACTED] while in IRAQ, was in a supervisory capacity or position to report or intervene with any regulatory violations, or human rights violations. [REDACTED] stated [REDACTED] did not state or indicate that [REDACTED] was in any type of supervisory position. However, [REDACTED] did related that while in IRAQ [REDACTED] worked at Camp Slayr, the prison was in another location, but [REDACTED] had the opportunity on more than one occasion to visit the prison. Once again [REDACTED] related that [REDACTED] related that [REDACTED] was assigned to handle the interrogations. [REDACTED] stated [REDACTED] is not accusing [REDACTED] of anything. [REDACTED] is not sure if [REDACTED] has been interviewed by [REDACTED] or any other agency. [REDACTED] ended the conversation by saying [REDACTED] did not want [REDACTED] released to [REDACTED] for providing the above listed information.

[REDACTED] stated that [REDACTED] is currently on leave in [REDACTED] and upon his return will be transitioning to retire on or about the [REDACTED]

Reviewed by: [REDACTED]

1

(b)(2)
(b)(3), (b)(6)



**Defense Intelligence Agency
Office of the Inspector General
Office for Investigations
Report of Conversation**

Date: 15 June 2004

Project

Time: 0900

Name of Contact: [REDACTED]

Office/Division: [REDACTED]

Phone

Address of Organization: [REDACTED]

Employee Name: [REDACTED]

Office/Division: IG

Phone #: [REDACTED]

Circle One

CALLED/VISITED

Subject: IRAQ PRISON

What was said:

Met with [REDACTED] who related that [REDACTED] was deployed to IRAQ between [REDACTED] where [REDACTED] worked as a counter-terrorism analyst at the Inlet fusion center located on Camp Slayer. [REDACTED] stated [REDACTED] visited the Brigade Interrogation Facility (BIF) during the early part of Jan 04. The purpose of [REDACTED] visit was to assist in an interrogation of a detainee suspected of making bombs. In addition to [REDACTED] there was a [REDACTED] interrogator, a [REDACTED] and a [REDACTED] interrogator. [REDACTED] stated that during the interrogation, there was no touching of the detainee by any of the interrogators, nor was there any rough treatment of the detainee. [REDACTED] stated [REDACTED] did notice that the detainee had bruises under both of his eyes, and that the bruises did not appear to be fresh. [REDACTED] stated they were not the first group to interrogate the detainee, as the detainee knew the procedures of the interrogation. [REDACTED] stated [REDACTED] did not visit the Abu Ghraib prison during [REDACTED] time in Iraq. [REDACTED] stated [REDACTED] did have multiple telephone conversations with the interrogators who worked at the Abu Ghraib prison, and during those conversations there were never any discussions of the activities that were going on at that prison. [REDACTED] stated [REDACTED] heard rumors of the detainees being subjected to sleep deprivation, and the use of dogs to instill fear in the detainees, but has no first hand knowledge of those incidents. [REDACTED] provided no additional information concerning either prison facility.

Reviewed by: *6/16/04*(b)(2)
(b)(3) (b)(6)

Tasking

UNCLASSIFIED

Task No: (b)(2)

Subject: UNCLASSIFIED

Suspense:

GUIDANCE FOR RELEASE OR TRANSFER OF DETAINEES

08-JUL-2002 1600

Action:

Assigned By DO

DH 08-JUL-2002 1600

Assigned By Initiator

09-JUL-2002 1600 (b)(2)

Collab:

Assigned By Initiator

DH 08-JUL-2002 1600
08-JUL-2002 1600

DO (b)(2) 08-JUL-2002 1600

DP 08-JUL-2002 1600

Guidance: UNCLASSIFIED

Written By DO

ACTION: DH

- REVIEW INITIATOR'S GUIDANCE AND DOCUMENT.
- PROVIDE PLANNER LEVEL COMMENTS TO [REDACTED] BY SUSPENSE DATE.
- PROVIDE NAME OF THE ACTION OFFICER WITHIN 24 HOURS OF RECEIPT OF THIS TASKER.

S: 8 JUL 02/1600

NOTE:

- DOCUMENT SENT VIA E-MAIL
- ENSURE COORDINATION WITH APPROPRIATE MANAGEMENT ELEMENTS
- ENSURE COMPLIANCE WITH YOUR HEADQUARTER'S ESTABLISHED POLICY REGARDING TASKING CLOSURE.

DO: [REDACTED] /2JUL02

(b)(3)

Written By Initiator

NOTE: ATTACHMENT WAS SENT ELECTRONICALLY TO [REDACTED]

1. ACTION OFFICE: [REDACTED] PLEASE REVIEW THE ATTACHED DRAFT IMPLEMENTING GUIDANCE DEVELOPED TO SUPPORT OUR APPROVED POLICY ON RELEASE OR TRANSFER OF DETAINEES. RESPOND USING LINE IN/OUT FORMAT. (b)(2)

2. DP, DI, DO. [REDACTED] PLEASE PROVIDE YOUR PLANNER COMMENTS TO [REDACTED] MLT 8 JULY. (b)(2)

Status:

OPEN

Flag:

Reference No:

Scanned Pages:

Delegator:

DO

Delegation Date:

03-JUL-2002 1510

Delegator POC:

Delegator Phone:

Initiator:

[REDACTED] (b)(2)

Issued Date:

02-JUL-2002 0850

Initiator POC:

Initiator Phone:

Category: D

DOCUMENT REVIEW/RELEASE

Consumer: JS

DIR, STRAT PLANS AND POLICY

Unclassified

(b)(2)

DOCUMENT ID [REDACTED]

SUBJECT: Implementing Guidance for release or transfer of detainees under DoD control to foreign governments

ACTION [REDACTED] Lead Sus 9 July
Collab DP, DI, DO, [REDACTED] Sus 8 July

.....
___ AO comment/concurrence ___ X ___ PLANNER comment/concurrence

(b)(2) (b)(3)

- [REDACTED]
1. Action Office: [REDACTED] please review the attached draft implementing guidance developed to support our approved policy on release or transfer of detainees. Respond using line in/out format (b)(2)
 2. DP, DI, DO, [REDACTED] please provide your planner comments to [REDACTED] NLT 8 July

Notebook Entry

UNCLASSIFIED

Task No: (b)(2) **Subject:** UNCLASSIFIED
GUIDANCE FOR RELEASE OR TRANSFER OF DETAINEES

Officer: DH **Date:** 03-JUL-2002 1506 **Name:** (b)(3) **Reason:** REQUEST

Comment: UNCLASSIFIED

PLEASE CLOSE FOR DH ACTION. [REDACTED] SPOKE TO [REDACTED] AND THEY CAME TO THE CONCLUSION THAT THIS IS IN FACT A [REDACTED] ACTION. [REDACTED] HAS TAKEN RESPONSIBILITY FOR THIS ACTION. PLEASE RE-TASK THIS TO [REDACTED]

(b)(2)
(b)(3)

(b)(3)

~~CONFIDENTIAL~~THE WHITE HOUSE
WASHINGTON

February 7, 2002

MEMORANDUM FOR THE VICE PRESIDENT
THE SECRETARY OF STATE
THE SECRETARY OF DEFENSE
THE ATTORNEY GENERAL
CHIEF OF STAFF TO THE PRESIDENT
DIRECTOR OF CENTRAL INTELLIGENCE
ASSISTANT TO THE PRESIDENT FOR NATIONAL
SECURITY AFFAIRS
CHAIRMAN OF THE JOINT CHIEFS OF STAFF

SUBJECT: Humane Treatment of al Qaeda and Taliban Detainees

1. Our recent extensive discussions regarding the status of al Qaeda and Taliban detainees confirm that the application of the Geneva Convention Relative to the Treatment of Prisoners of War of August 12, 1949 (Geneva) to the conflict with al Qaeda and the Taliban involves complex legal questions. By its terms, Geneva applies to conflicts involving "High Contracting Parties," which can only be states. Moreover, it assumes the existence of "regular" armed forces fighting on behalf of states. However, the war against terrorism ushers in a new paradigm, one in which groups with broad, international reach commit horrific acts against innocent civilians, sometimes with the direct support of states. Our Nation recognizes that this new paradigm -- ushered in not by us, but by terrorists -- requires new thinking in the law of war, new thinking that should nevertheless be consistent with the principles of Geneva.
2. Pursuant to my authority as Commander in Chief and Chief Executive of the United States, and relying on the opinion of the Department of Justice dated January 22, 2002, and on the legal opinion rendered by the Attorney General in his letter of February 1, 2002, I hereby determine as follows:
 - a. I accept the legal conclusion of the Department of Justice and determine that none of the provisions of Geneva apply to our conflict with al Qaeda in Afghanistan or elsewhere throughout the world because, among other reasons, al Qaeda is not a High Contracting Party to Geneva.
 - b. I accept the legal conclusion of the Attorney General and the Department of Justice that I have the authority under the Constitution to suspend Geneva as between the United States and Afghanistan, but I decline to

~~CONFIDENTIAL~~

Reason: 1.5 (d)

Declassify on: 02/07/12

NSC DECLASSIFICATION REVIEW (E.O. 12958 as amended)

DECLASSIFY IN FULL

by D.Sanborn on 10/25/2004

Previously declassified 6/17/2004

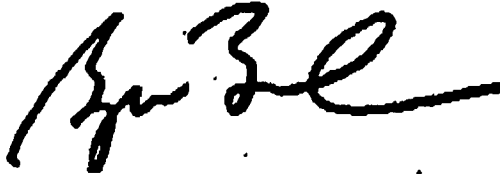
~~CONFIDENTIAL~~

2

exercise that authority at this time. Accordingly, I determine that the provisions of Geneva will apply to our present conflict with the Taliban. I reserve the right to exercise this authority in this or future conflicts.

- c. I also accept the legal conclusion of the Department of Justice and determine that common Article 3 of Geneva does not apply to either al Qaeda or Taliban detainees, because, among other reasons, the relevant conflicts are international in scope and common Article 3 applies only to "armed conflict not of an international character."
- d. Based on the facts supplied by the Department of Defense and the recommendation of the Department of Justice, I determine that the Taliban detainees are unlawful combatants and, therefore, do not qualify as prisoners of war under Article 4 of Geneva. I note that, because Geneva does not apply to our conflict with al Qaeda, al Qaeda detainees also do not qualify as prisoners of war.

- 3. Of course, our values as a Nation, values that we share with many nations in the world, call for us to treat detainees humanely, including those who are not legally entitled to such treatment. Our Nation has been and will continue to be a strong supporter of Geneva and its principles. As a matter of policy, the United States Armed Forces shall continue to treat detainees humanely and, to the extent appropriate and consistent with military necessity, in a manner consistent with the principles of Geneva.
- 4. The United States will hold states, organizations, and individuals who gain control of United States personnel responsible for treating such personnel humanely and consistent with applicable law.
- 5. I hereby reaffirm the order previously issued by the Secretary of Defense to the United States Armed Forces requiring that the detainees be treated humanely and, to the extent appropriate and consistent with military necessity, in a manner consistent with the principles of Geneva.
- 6. I hereby direct the Secretary of State to communicate my determinations in an appropriate manner to our allies, and other countries and international organizations cooperating in the war against terrorism of global reach.

~~CONFIDENTIAL~~

Document Index: Intelligence Interrogation of Enemy Combatant Detainee Ali Saleh al-Marr

(b)(2) (b)(3) Compiled by: [REDACTED]

Date of compilation: 15 Jul 04

Index:

- (b)(1) (b)(8)
1. [REDACTED] ~~SNF~~
 2. [REDACTED] ~~SNF~~
 3. [REDACTED] ~~SNF~~
 4. [REDACTED] ~~SNF~~
 5. [REDACTED] ~~SNF~~
 6. [REDACTED] ~~SNF~~
 7. [REDACTED] ~~SNF~~
-

Document Index: Intelligence Interrogation of Enemy Combatant Detainee [REDACTED] (b)(1)

Compiled by: [REDACTED] (b)(8)

Date of compilation: 15 Jul 04

Index:

1. Copy of e-mail traffic, originating on 18 Apr 02, detailing NR and FBI approval for [REDACTED] to contact detainee [REDACTED] ~~SANF~~
2. After-Action Report, undated, detailing contact between [REDACTED] personnel and detainee [REDACTED] ~~SANF~~
3. After-Action Report, undated, detailing the debriefing of detainee [REDACTED] AAR contains a list of IIRs produced as a result of the debriefing. ~~SANF/ORGON~~
4. DRAFT Memorandum for Director, Joint Staff, dated 4 Sep 03, pertaining to detainee [REDACTED] ~~SANF~~
5. SITREP, dated 16 Sep 03, detailing turnover meeting after transfer of detainee [REDACTED] ~~SANF~~
6. INFO MEMO for SJA, JFCOM, Status of Norfolk Detainee, 25 Nov 03, ~~SANF~~

(b)(1) (b)(8)

List of Interrogation, Debriefing and Detainee Documents

(b)(3)

<u>Document</u>	<u>Date</u>
Captured HVD Status, CCJ2X	1 July 2003
DIA Briefing to the SSCI Staff, DIA Interactions with Iraqi Prisoners	Undated
Memorandum: CJTF-7 Interrogation and Counter-Resistance Policy	12 Oct. 2003
JIDC Memo: Mission Impact on No Contract Conducted Interrogation/Debriefings	9 May 2004
ISG Info Memo: Interrogations at the Abu Ghurayb Prison	2 May 2004
ISG Standing Operating Procedure for Nomination for Release, Parole, Transfer or Immunity of Detainees	8 May 2004
JIDC/ISG Interrogation Standing Operating Procedures (Updated 05/04)	3 Oct. 2003
JIDC Memo: JIDC Operational Review	5 May 2004
ISG Standing Operating Procedures for Nomination for Release, Parole, Transfer or Immunity of Detainees	13 Oct. 2003
Email: Dubious Detainee Disclosures (ILR 6 067 2804 04)	24 May 2004
Email: Brief to SSCI Staff	19 May 2004
Email: Briefing to the SSCI	11 May 2004
Email: DR Guidance for SSCI Meeting on Iraqi Prisoners	10 May 2004
Email: Justification for 25 Contract Interrogators	29 April 2004
Email: Question on Detainee Accesses/Conduits	28 April 2004
Email: Re: TF-Detainee	29 March 2004
Email: Can You Share? - Improved handling for detainee information	9 Feb. 2004
Email: J2 Meeting - Tactical HUMINT Requirements	15 Oct. 2003
(b)(2) Email: [REDACTED] CENTCOM Detainee Database Solution	26 Mar 2004

~~SECRET~~

05/19/2004 01:23 PM

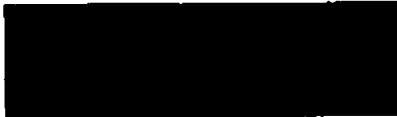
To: [REDACTED]
CC: [REDACTED]
Subject: RE: [REDACTED]

(b)(3)

~~SECRET-NO RELEASE TO FOREIGN NATIONALS~~

[REDACTED] please print and pass to [REDACTED]

Thanks!



----- Forwarded by [REDACTED] on 05/19/04 01:17 PM -----



05/19/04 07:30 AM

To: [REDACTED]
CC: [REDACTED]
Subject: RE: [REDACTED]

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(b)(2) [REDACTED] The SJA review of the AB 15-8 investigation is attached along with a copy of the letter of reprimand that was issued. [REDACTED] is waiting on his response. They'll forward his response and the Commanding General's recommendation for filing, along with entire investigative packet to us. We'll then add [REDACTED] recommendation and forward to [REDACTED] for a filing decision.

Please let me know if you have questions



----- Forwarded by [REDACTED] on 05/19/04 07:22 AM -----

(b)(2)



05/08/04 01:14 AM

To: [REDACTED]
CC: [REDACTED]
Subject: RE: [REDACTED]

[REDACTED] 6/2/04

~~SECRET~~

~~SECRET~~

as requested. FYI, [REDACTED] has not yet responded. Will let you know [REDACTED] recommendation before forwarding.

(b)(3)

-----Original Message-----

FROM: [REDACTED]

Sent: Thursday, May 06, 2004 8:24 PM

(b)(2)

To: [REDACTED]

Subject: RE: [REDACTED]

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DIA must do a "round up" of all possible detainee abuse cases. Can you please send me a copy of the reprimand (either via email or fax to [REDACTED]) so I can answer the chain of command on the exact nature of the reprimand?

(b)(2)

Thanks, [REDACTED]

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PDF.pdf



PDF.pdf

UNCLASSIFIED//~~FOR OFFICIAL USE ONLY~~~~Source: [REDACTED]~~~~Declassify on: [REDACTED]~~~~SECRET//NOT RELEASABLE TO FOREIGN NATIONALS~~~~SECRET~~