

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

AMERICAN CIVIL LIBERTIES UNION,
CENTER FOR CONSTITUTIONAL RIGHTS,
PHYSICIANS FOR HUMAN RIGHTS,
VETERANS FOR COMMON SENSE AND
VETERANS FOR PEACE,

Plaintiffs,

v.

DEPARTMENT OF DEFENSE, AND ITS
COMPONENTS DEPARTMENT OF ARMY,
DEPARTMENT OF NAVY, DEPARTMENT
OF AIR FORCE, DEFENSE INTELLIGENCE
AGENCY; DEPARTMENT OF HOMELAND
SECURITY; DEPARTMENT OF JUSTICE,
AND ITS COMPONENTS CIVIL RIGHTS
DIVISION, CRIMINAL DIVISION, OFFICE OF
INFORMATION AND PRIVACY, OFFICE OF
INTELLIGENCE POLICY AND REVIEW,
FEDERAL BUREAU OF INVESTIGATION;
DEPARTMENT OF STATE; AND CENTRAL
INTELLIGENCE AGENCY,

Defendants.

ECF CASE

04 Civ. 4151 (AKH)

DECLARATION OF

RONALD SCHLICHER

Ronald Schlicher, pursuant to 28 U.S.C. § 1746, declares as follows:

1. I am Ronald Schlicher. Until July 15, 2005, I served as Deputy Assistant Secretary and Coordinator for Iraq in the Bureau of Near Eastern Affairs (NEA) within the United States Department of State. In this capacity, I was responsible for supervising several offices in the Near Eastern Bureau that track and review Iraqi political, economic, and security issues. In addition, I was a principal point of contact in the State Department through which all United States government agencies coordinate policy and decisions with respect to Iraq.

2. I currently have the rank of Minister-Counselor in the Senior Foreign Service. I have been a member of the Foreign Service for 23 years. I have spent the majority of that career in positions that have given me significant expertise in the Middle East region. From 1982 to 1984, I was Vice-Consul at the U.S. Consulate General in Dhahran, Saudi Arabia. From 1984 to 1986, I was Consul at the U.S. Embassy in Damascus, Syria. From 1987 to 1989, I served as Deputy Principal Officer in Alexandria, Egypt. I transferred to Cairo, Egypt to become the First Secretary in the Political section of the Embassy from 1989 to 1991, specializing in internal Egyptian politics and Islamic movements. From 1991 to 1992, I was the Chief Civilian Observer in the Multinational Forces and Observers, the international organization created to monitor the security provisions of the Israeli-Egyptian peace treaty. In 1992, I returned to the Department to serve as a Deputy Director for Regional Affairs in the Office of the Coordinator for Counter-terrorism. From 1994 to 1997, I went back to the region to serve as the Deputy Chief of Mission at our Embassy in Beirut, Lebanon. From 1997 to 2000, I was the Director of the Office of Egyptian and North African Affairs within NEA. In 2000, I was the Chief of Mission and Consul-General at the U.S. Consulate in Jerusalem.

3. With respect to my Iraq-specific experience, I served as the Director of the Iraq Task Force within the Department of State during the 2003 war. Following the initial conflict, I served in Baghdad, Iraq for six months with the Coalition Provisional Authority, first as Regional Coordinator for the North and then as Director of the Office of Provincial Outreach. As Deputy Assistant Secretary for Near Eastern Affairs and Coordinator for Iraq, I oversaw the work of several offices within NEA that are responsible for Iraq issues. I provided advice to senior State Department and U.S.

government officials on the subject of U.S. policy regarding Iraq. I participated in several weekly senior-level interagency meetings, the purpose of which is to decide and monitor implementation of U.S. government policy on Iraq. I also participated in frequent meetings with Iraqi and other foreign government officials and private individuals regarding Iraq. Finally, I maintained daily contact with the U.S. Embassy Baghdad, Iraq through telephone conversations, email, video conferences and diplomatic cable traffic.

4. In these capacities, I have gained significant personal and professional experience regarding Iraq, the reactions of the Iraqi people and an understanding of the Muslim world more generally. I have worked intensively on both an analytical and practical basis on issues related to the dangers currently faced by both the U.S. military and civilians serving in Iraq, and as well as those faced by the Iraqi citizens on a daily basis. Finally, I consulted, on a regular basis, with the United States Embassy in Baghdad, Iraq regarding the situation on the ground.

5. By virtue of this experience, I have become one of the leading policy experts in the United States government on the political and security situation in Iraq. The statements contained in this declaration are based on my personal knowledge and expertise, on information made available to me in my official capacity as Coordinator for Iraq in the Bureau of Near Eastern Affairs and previous positions, through consultations with Embassy Baghdad and policy experts within the Department of State who report to me, and on determinations that I have made in accordance therewith.

6. In my capacity as Deputy Assistant Secretary and Coordinator for Iraq, I have been informed that, under the Freedom of Information Act (FOIA), the plaintiffs

seek the release of photographic and digital video records relating to the alleged physical or mental abuse or mistreatment of detainees held by the United States in, *inter alia*, Iraq, Afghanistan and Guantanamo Bay. Further, my staff has explained to me that the plaintiffs have specifically requested photographs of detainees abuse or mistreatment taken or provided by Joseph Darby, a military policeman assigned to the Abu Ghraib detention facility in Iraq.

7. I have personally viewed all of the responsive still photographs, both in their original state and redacted versions, as well as the four responsive video clips identified in the addendum to the Third Declaration of Phillip J. McGuire. I condemn the activities that led to the existence of the responsive photographs. It is not my desire to prevent the use of the information contained in the responsive photographs in law enforcement proceedings. The purpose of this declaration is to set forth my professional opinion that the public release of the responsive photographs could reasonably be expected to endanger the lives and physical safety of American and other international personnel, civilian and military, in Iraq; Iraqi officials who work with or are perceived to work with American and other international personnel; and Iraqi civilians. Public release would also pose a threat to U.S. national security interests by inflaming Iraqi and regional public opinion against the United States military at a time when our forces are engaged in military operations to bring democracy and stability in Iraq and elsewhere.

Testimony stricken by court

8. One must be cautious about making generalizations about any culture, as differences between individuals in other cultures are as varied as our own. Nevertheless, I