STEWART F. A.LY, pursuant to 28 U.S.C. § 1746, declares as follows:

1. I am Associate Deputy General Counsel (Legal Counsel) in the Office of the General Counsel (the “OGC”) of the Department of Defense (“DoD”). I have served in the OGC as either the Acting or Associate Deputy General Counsel since 1993. My areas of responsibility include the management and release of information under statutes such as the Privacy Act and the Freedom of Information Act (“FOIA”). I personally review FOIA requests, appeals, and cases in litigation as part of my official duties, and I have authority to make determinations...
regarding release of records of the OGC. Among my other responsibilities, I serve as counsel to
the Office for Freedom of Information and Security Review, which is the office responsible for
formulation and promulgation of DoD’s FOIA policy.

2. I am familiar with the FOIA requests submitted by the plaintiffs in this case
(“Plaintiffs”). I am also familiar with the complaint, answer and other materials filed in this
litigation. The statements in this declaration are based upon my personal knowledge and upon
my review of information available to me in my official capacity. This declaration is intended to

Plaintiffs’ Requests for Documents Relating
to the International Committee of the Red Cross

3. Among Plaintiffs’ seventy specific FOIA requests, Plaintiffs have made six
requests for documents relating to the International Committee of the Red Cross (the “ICRC”) in
Requests 8, 13, 49, 50, 51 and 58.

4. Request 8 seeks “[a]ll reports of the International Committee for the Red Cross
concerning treatment and detention of Detainees in Iraq.” approximates the date of the records as
February 2004, and cites an internet address as the source of the description of the documents.
The documents responsive to Request 8 are listed in the index attached at Exhibit A. DoD is
withholding the responsive documents.

5. Request 13 seeks a “[r]esponse to concerns raised by the ICRC regarding the
treatment of Detainees” but does not approximate the date of the record or records. It cites an
article from the June 14, 2004 edition of the Washington Post, titled “A Look Behind the ‘Wire’
at Guantanamo," as the source of the description of the document. Thus, only documents
concerning detainees held at Guantanamo are responsive to this request. The documents
responsive to Request 13 are listed in the index attached at Exhibit B. DoD is withholding the
responsive documents.

6. Request 49 seeks a single "[l]etter from military lawyers over the signature of
Brig. General Janis Karpinski to the [ICRC] responding to its concerns about conditions at Abu
Ghraib," and approximates the date of the letter as December 24, 2003. It cites an article from
the June 9, 2004 edition of the New York Times, titled "Documents Build a Case for Working
Outside the Laws in Interrogations," as the source of the description of the document. The
requested document is a three-page letter signed by General Karpinski dated December 24, 2003
that is addressed to the ICRC Protection Coordinator. DoD is withholding the responsive
document.

7. Request 50 seeks a "[m]emorandum for MP and MI personnel at Abu Ghraib"
from a United States Army officer "Re: New plan to restrict Red Cross access to Abu Ghraib," and
approximates the date of the memorandum as January 2, 2004. It cites a draft Congressional
subpoena proposed by Senators Leahy and Feinstein as the source of the description of the
document.

8. In connection with Request 50, and in response to other inquiries about the
document described in the request, we have searched locations where copies of the requested
document could reasonably be expected to be found, but no such document matching Plaintiffs'
description has been located. We also have searched the files in the office of the Deputy General
Counsel (International Affairs), where the compilation of documents relating to the ICRC is
maintained, but no such document has been located. Finally, we have contacted the named author of the memorandum, and he unequivocally denied signing any document matching the description provided by Plaintiffs.

9. Request 51 seeks a “[m]emorandum 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 [to] Abu Ghraib,” and approximates the date of the memorandum as January 4, 2004. It cites an article from the June 18, 2004 edition of the New York Times, titled “Rumsfeld Admits He Told Jailers to Keep Detainee in Iraq Out of Red Cross,” as the source of the description of the document. We have searched locations where such a document could reasonably expect to be located, including the office of the Deputy General Counsel (International Affairs), but no such document has been found.

10. As a result of our searches, and our contact with the named author of the document described in Request 50, the office of the Deputy General Counsel (International Affairs) has concluded that the documents described in Requests 50 and 51 do not exist. Our office did, however, locate a four-page memorandum dated January 8, 2004 that memorializes confidential communications from the ICRC related to a visit to Abu Ghraib. It is not, however, addressed to military police or military intelligence personnel, and it makes no reference to Lieutenant General Ricardo S. Sanchez. In addition, it does not address a “New plan to restrict Red Cross access to Abu Ghraib.” It is signed by the Deputy Commander, Headquarters 205th Military Intelligence Brigade and Forward Operating Base Abu Ghraib, and it memorializes communications from the ICRC related to a January 2004 visit to a detention facility, including a
discussion of ICRC access to detainees. DoD is withholding that document as non-responsive, and, even if it were responsive, it would be exempt from disclosure as discussed below.

11. Request 58 seeks "[a] complete set of documents reflecting discussions between the ICRC and military officers at Guantanamo Bay," but does not approximate the dates of the records. It cites the news article referred to in Request 13 as the source of the description of the documents. The documents responsive to Request 58 are listed in the index attached at Exhibit C. I directed a review of the responsive documents to determine whether any of the documents contain any "reasonably segregable portion" of non-exempt information responsive to the plaintiffs' FOIA request. DoD has produced to Plaintiffs redacted copies of the responsive documents. The redactions were made to withhold from disclosure confidential information provided by the ICRC or produced in cooperation with the ICRC or to withhold information that is inextricably intertwined with exempt information.

The Confidential Dialogue between the ICRC and DoD

12. The ICRC has requested opportunities to visit United States detention facilities in Guantanamo Bay, Cuba, and in Iraq in order to ascertain the conditions of confinement of detainees, to interview detainees, and to meet with officials who are responsible for the detention facilities. The United States granted those requests. As a result of such visits, ICRC employees have communicated to DoD, verbally and in writing, the ICRC's observations and findings regarding detainees and their conditions of detention. DoD officials have responded to the ICRC in writing, as well as orally in the course of meetings or telephone conversations. The documents
responsive to Requests 8, 13, 49, 50, 51 and 58 contain observations and findings made by ICRC representatives at Guantanamo and in Iraq as well as DoD responses to the ICRC.

13. Under long-standing practice, the ICRC requires and maintains confidentiality to its communications with governments regarding the ICRC’s observations and findings to ensure that the ICRC maintains continued access to detainees and detention facilities. Consistent with its general practice of confidentiality, the ICRC has stated that it treats as confidential its observations and findings regarding detainees at Guantanamo and in Iraq, and that it has provided such information on the condition that DoD not release such information to the public.

In a letter from the ICRC Deputy Head of Delegation for United States and Canada, Finn Ruda, to me dated March 9, 2005, the ICRC confirmed that “all records of communications from the ICRC or its representatives regarding detainees at Guantanamo and Iraq have been provided by the ICRC to the DoD on condition that the documents not be released to the public,” and that “the ICRC itself is withholding such documents from public disclosure.” A copy of this letter is provided at Exhibit D. In addition, the ICRC has stamped the reports it has submitted to DoD as “strictly confidential and intended only for the authorities to whom it is presented.”

14. An operational update issued by the ICRC emphasizes the importance of the confidentiality of its dialogue with the United States as follows:

**Dialogue with the US authorities**

The ICRC regularly discusses its findings concerning Bagram and Guantanamo Bay with the military authorities in the camps as well as with the appropriate US representatives in Kabul and Washington. While the ICRC has felt compelled to make some of its concerns public, notably regarding the legal status of the detainees, the primary channel for addressing issues related to detention remains its direct and confidential dialogue with the US authorities.

**Confidentiality. Why?**
Whenever the ICRC visits places of detention, its findings and observations about the conditions of detention and the treatment of detainees are discussed directly and confidentially with the authorities in charge. Bagam and Guantanamo Bay are no exceptions. The ICRC’s lack of public comment on detention issues must therefore not be interpreted to mean that it has no concerns.

Confidentiality is an important working tool for the ICRC in order to preserve the exclusively humanitarian and neutral nature of its work. The purpose of this policy is to ensure that the ICRC obtains and, importantly, maintains, access to tens of thousands of detainees around the world held in highly sensitive situations of armed conflict or other situations of violence.

The ICRC is also concerned that any information it divulges about its findings could easily be exploited for political gain.

The ICRC’s operational update is attached to Plaintiffs’ moving memorandum as Exhibit H.

15. The Secretary of Defense (the “Secretary”) established the required treatment of ICRC reports in a directive issued in the form of a Memorandum dated July 14, 2004 (Subject: Handling of Reports from the International Committee of the Red Cross). The directive states that all ICRC communications must be marked: “ICRC communications are provided to DoD as confidential, restricted-use documents. As such, they will be safeguarded the same as SECRET NODIS information using classified information channels. Dissemination of ICRC communications outside of DoD is not authorized without the approval of the Secretary or Deputy Secretary of Defense.” A copy of the directive is provided as Exhibit B to the Declaration of Charles A. Allen, Deputy General Counsel (International Affairs) in DoD’s OGC, dated March __, 2005.
16. As described below, all of the ICRC documents are exempt (or, in the case of the redacted documents produced in response to Request 58, partially exempt) from production under 10 U.S.C. § 130c(b), incorporated by Exemption 3.

17. FOIA Exemption 3(B) permits the withholding of records that are "specifically exempted from disclosure by statute ... provided that such statute ... establishes particular criteria for withholding or refers to particular types of matters to be withheld." 5 U.S.C. § 552(b)(3)(B). Information "provided by, otherwise made available by, or produced in cooperation with" the ICRC is generally exempt from release by statute, specifically 10 U.S.C. § 130c ("Nondisclosure of information: certain sensitive information of foreign governments and international organizations"). To be exempt, the ICRC also must be withholding the requested information from disclosure and one of three conditions must exist: (i) the ICRC requests in writing that the information be withheld, (ii) the ICRC provided the information on condition that it not be released to the public, or (iii) the information is covered by regulations that prescribe that the release of such information would adversely affect the ability of the United States to obtain the same or similar information in the future. See 10 U.S.C. § 130c(b).

18. The documents responsive to Request 8 are exempt from disclosure because all ICRC reports were provided to DoD officials by the ICRC, the ICRC has represented in writing that it is withholding the information contained in those reports from public disclosure, the ICRC has requested in writing that the United States withhold the information, the ICRC provided the reports on condition that the United States not release the reports to the public, and the
Secretary’s directive regarding ICRC communications prohibits dissemination of such communications outside of DoD.

19. The documents responsive to Request 13 and 49 are exempt from disclosure because any response by DoD to ICRC “concerns” regarding the treatment of detainees was produced “in cooperation with” the ICRC, and any ICRC “concerns” and any United States responses are covered by the ICRC’s written representations that it is withholding its communications from public disclosure and that its “dialogue” with the United States is “confidential.” Further, as noted above, the ICRC has requested that the United States withhold such information, the ICRC provides its observations and findings on condition that the United States not release them to the public, and the Secretary’s directive regarding ICRC communications prohibits dissemination of such communications outside of DoD.

20. As noted above, we have concluded that no document responsive to Requests 50 and 51 exists. In any event, even if the January 8, 2004 memorandum described above were responsive, it is exempt from disclosure. The memorandum memorializes communications to DoD from the ICRC relating to detainees, the ICRC has requested in writing that all such communications be kept confidential, the ICRC has requested that the United States withhold the information, the ICRC provides its observations and findings on condition that the United States not release them to the public, and the Secretary’s directive regarding ICRC communications prohibits dissemination of such communications outside of DoD.

21. The documents responsive to Request 58 have been produced in redacted form, and the redacted material is exempt from disclosure or is not reasonably segregable from material that is exempt from disclosure. The redacted material is information provided by the ICRC or
produced in cooperation with the ICRC relating to detainees at Guantanamo Bay, the ICRC has affirmed in writing that it is withholding such information from public disclosure and has requested in writing that DoD withhold such information. Moreover, the ICRC provided such information to DoD on condition that it not be released to the public, and the Secretary directed that it not be disseminated outside of DoD.

22. DoD’s response to Plaintiffs’ requests for ICRC documents is consistent with the approach DoD took in litigating the exempt status of ICRC-related documents in Gerstein v. Dept. of Defense, Case No. 03-05193 JF (HRL) (N.D. Cal.).

Description of Documents Concerning Interrogation Techniques

23. Among Plaintiffs’ seventy specific FOIA requests, Plaintiffs have made six requests for documents relating to interrogation techniques in Requests 4, 37, 39, 40, 41, and 42. Item 4 seeks an “Interim Policy put into effect by Lt. General Sanchez, based upon the Guantanamo Bay policy set forth in General Miller’s report.” Item 37 requests “[d]ocuments 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.” Item 39 seeks a “[m]emorandum from Combined Joint Task Force (CJTF-7), Re: Applicability of Army Field Manual 34-52 and sensory deprivation.” Item 40 seeks “[d]ocument regarding ‘Interrogation and Counter-Resistance Policy’ listing interrogation tactics approved by Combined Joint Task Force-7.” Item 41 seeks a “[d]irective of Lt. Gen. Ricardo Sanchez entitled “Interrogation and Counter-Resistance Policy.” Item 42 seeks an unspecified “[m]emorandum from CJTF-7 on interrogations.” The descriptions of these items in
the list of 70 refer either to news media reports or a "Congressional subpoena proposed by Senators Leahy and Feinstein."

24. After receiving Plaintiffs' list of seventy requests, I determined that any documents responsive to these six requests could reasonably be expected to be found in the records of three organizations within the Department Defense: the Joint Staff, located in the Pentagon; the headquarters of United States Central Command, located at MacDill Air Force Base in Florida; and the headquarters of the Multi-National Force Iraq in Baghdad. The Chairman of the Joint Chiefs of Staff has statutory and regulatory responsibilities for transmitting communications to these commands. Accordingly, after I consulted with the Office of Legal Counsel to the Chairman, the Deputy General Counsel (Legal Counsel) of the Department of Defense asked the Director of the Joint Staff to direct a search for any documents matching these descriptions. The results of the searches in Florida and Iraq were returned to me, and my consultation with The Office of Legal Counsel to the Chairman confirmed my conclusion that the descriptions of these six items greatly overlapped and, in fact, only two documents are responsive to Requests 4, 37, 39, 40, 41, and 42.

25. The first responsive document is dated September 14, 2003. It consists of a cover memorandum and two attachments totaling six pages. It was originally classified as SECRET. It has been declassified, and a copy of the document is provided at Exhibit E.

26. The second responsive document is dated October 12, 2003. It consists of a cover memorandum and two attachments totaling six pages. It was originally classified as SECRET. It is one of the attachments to the Taguba Report, Annex 94, which has been declassified. A copy of the document is provided at Exhibit F.
I declare under penalty of perjury that the foregoing is true and correct.

Date:  Washington, DC
       March 13 2005

[Signature]  STEWART F. ALY
EXHIBIT A
EXHIBIT B
<table>
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<td>C. Girod (ICRC)</td>
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<td>N. DeWittville (ICRC)</td>
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<td>O. Martin (ICRC)</td>
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<td>11 Mar - 02 Apr 03</td>
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Tab B to Aly Declaration
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<td>Report of ICRC Mtg</td>
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Tab C to Aly Declaration

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Tab C to Aly Declaration

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303/2005
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Tab C to A1y Declaration

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323/2005
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EXHIBIT D
March 9th, 2005  
WAS 05121

Stewart F. Ay
Associate Deputy General Counsel
Department of Defense
Washington, DC 20350-1600

Dear Mr. Ay,

I am writing to you in reference to your request of March 7th, 2005 for confirmation on elements of ICRC’s long established practice on the confidentiality of its communications.

Specifically, I would like to confirm that all records of communications from the ICRC or its representatives regarding detainees in Guantanamo and Iraq have been provided by the ICRC to the DoD on condition that the documents not be released to the public.

Furthermore, the ICRC itself is withholding such documents from public disclosure.

I trust that this information clarifies the position of the ICRC in this regard.

Yours sincerely,

Finn Ruda
Deputy Head of Delegation for
United States and Canada
MEMORANDUM FOR

Cf, Combined Joint Task Force Seven, Baghdad, Iraq 09335
Cf, Combined Joint Task Force Seven, Baghdad, Iraq 09335
Commander, 206th Military Intelligence Brigade, Baghdad, Iraq 09335

SUBJECT: CJTF-7 Intelligence and Counter-Reresistance Policy

1. This memorandum establishes the interrogation and counter-resistance policy for CJTF-7.

2. CJTF-7 approves the use of specified interrogation and counter-resistance techniques A-D, as described in enclosure 1, subject to the following:
   a. These techniques must be used within safeguards described in enclosure 2.
   b. Use of these techniques is limited to interrogations of detainees, security personnel, and enemy prisoners of war under the control of CJTF-7.

3. Requests for use of techniques B, C, D, E, F, G, and H must be approved by the CJTF-7 CO prior to use. Senate column requests for use of these techniques, with supporting rationale, to go through the CJTF-7 CO. A legal review from the CJTF-7 JAG must accompany each request.

4. CJTF-7 is operating in a theater of war in which the Geneva Convention is applicable. Coalition forces will continue to treat all persons under their control humanely.

5. Requests for use of techniques listed in enclosure 1 will be submitted in writing through the CJTF-7 CO, and include descriptions of the proposed techniques and recommended safeguards. A legal review from the CJTF-7 JAG must accompany each request.

6. Reviewing POC isари

ESCAPADE

ECC, Commander, US Central Command

UNCLASSIFIED
INTERROGATION TECHNIQUES

Enclosure 1

The use of techniques A-C are subject to the general safeguards as provided below as well as specific implementation guidelines to be provided by 205th MI BDE Commander. Specific implementation guidelines with respect to techniques A-C are provided in U.S. Army Field Manual 34-52. Further implementation guidelines will be developed by 205th MI BDE Commander.

(205) Of the techniques set forth below, the policy aspects of certain techniques should be considered to the extent they reflect the views of other Coalition contributing nations. The description of the technique is included to include some policy issues that should be considered before application of the technique.

A. (205) Direct: Asking straightforward questions.

B. (205) Incentive/Removal of Benevolence: Providing a reward or removing a privilege, above and beyond those that are provided by the Geneva Conventions, from detainees. [Caution: Other nations that believe detainees are entitled to EFPW protections may consider that provision and retention of religious items (e.g. the Koran) are provided under international law (see, Geneva III, Article 36).]

C. (205) Emotional Love: Playing on the love a detainees has for an individual or group.

D. (205) Emotional Hate: Playing on the hatred a detainees has for an individual or group.

E. (205) Fear Up: Increasing the fear level in a detainee.

F. (205) Fear Up: Mildly increasing the fear level in a detainee.

G. (205) Reduced Fear: Reducing the fear level in a detainee.

H. (205) Pride and Ego Up: Boosting the ego of a detainee.

I. (205) Pride and Ego Down: Attacking or las heating the ego of a detainees, not beyond the limits that would apply to an EFPW. [Caution: Article 17 of Geneva III provides, “Prisoners of war who refuse an answer may not be threatened, intimated, or exposed to any punishment or disadvantageous treatment of any kind.” Other nations that believe detainees are entitled to EFPW protections may consider this technique inconsistent with the provisions of Geneva.]

J. (205) Futility: Invoking the feeling of futility of admission.

K. (205) We Know All: Convincing the detainees that the interrogator already knows the answers to questions he asks the detainees.

L. (205) Establish Your Identity: Convincing the detainees that the interrogator has maintained the detainee for someone else.

SECRET/CONFIDENTIAL

UNCLASSIFIED
M. (Law) Rappel: Continuous repeating the same question to the detainee within interrogation periods of normal duration.

N. (Law) File and Develop: Convincing detainees the interrogator has a stemming and inaccurate file, which must be fine.

O. (Law) Matt and Left: A team consisting of a friendly and harsh interrogator. The harsh interrogator might employ the Pkoe and Apo Dovv technique. (Caution: Other nations that believe that EPMI protections apply to detainees may view this technique as inconsistent with Geneva 1977, Article 13 which provides that EPMI must be performed against acts of international. Consideration should be given to these views prior to application of the technique.)

P. (Law) Rapid Fix: Questioning in rapid succession without allowing detainee to answer.

Q. (Law) Silence: Staring at the detainee to encourage discomfort.

R. (Law) Change of Summary Up: Removing the detainees from the standard interrogation setting (typically a location marijuana, but no worse).

S. (Law) Change of Summary Down: Removing the detainees from the standard interrogation setting and placing them in a setting that may be less comfortable, would not constitute a substantial change in environmental quality.

T. (Law) Diet: Manipulation: Changing the diet of a detainee; to limited deprivation of food or water; no adverse medical or cultural effect and without intent to deprive subject of food or water; e.g., but relates to HDRs.

U. (Law) Environmental Manipulation: Adjusting the environment to create discomfort (e.g., adjusting temperature or introducing an unpleasant smell). Conditions may not be such that they violate the detainees. Detainee is accompanied by interrogator at all times. (Caution: Based on court cases in other countries, some nations may view application of this technique in certain circumstances to be inhumane. Consideration of these views should be given prior to use of this technique.)

V. (Law) Sleep Adjustment: Adjusting the sleeping times of the detainee (e.g., reversing sleep cycles from night to day). This technique is NOT sleep deprivation.

W. (Law) False Flag: Convincing the detainee that individuals from a country other than the United States are interrogating him.

X. (Law) Inducement: Inducing the detainee from other detainees while self-complying with basic standards of treatment. (Caution: The use of these interrogation techniques requires detailed implementation instructions; handling specific guidelines regarding the length of isolation, medical and psychological review, and approval for execution of the length of isolation by the 20th MI BDE Commander. Use of this technique for more than 24 hours, whether continuous or not, must be briefed to 20th MI BDE Commander prior to implementation.)

UNCATEGORIZED
Y. (a) Presence of Military Working Dog: Expects a fear of dogs while maintaining security during interrogations. Dogs will be muzzled and under control of MWD handler at all times to prevent contact with detainees.

Z. (a) Sleep Management: Detainees provided minimum 4 hours of sleep per 24 hour period, not to exceed 72 continuous hours.

AA. (a) Yelling, Loud Music, and Light Control: Used to create fear, disorient detainees and prolong capture shock. Volume controlled to prevent injury.

BB. (a) Deception: Use of falsified representations including documents and reports.

CC. (a) Stress Positions: Use of physical postures (sitting, standing, kneeling, prone, etc.) for no more than 1 hour per use. Use of technique(s) will not exceed 4 hours and adequate rest between use of each position will be provided.

UNCLASSIFIED
GENERAL SAFEGUARDS

(1) Application of these interrogation techniques is subject to the following general safeguards: (i) limited to use at interrogation facilities only; (ii) there is a reasonable basis to believe that the detainee possesses critical intelligence; (iii) the detainee is medically and operationally assessed as suitable (considering all techniques to be used in combination); (iv) interrogators are specifically trained for the techniques; (v) a specific interrogation plan (including reasonable safeguards, limits on duration, intervals between applications, termination criteria and the presence or availability of qualified medical personnel) has been developed; (vi) there is appropriate supervision; and, (vii) there is appropriate specific Order approval as identified by 30th filled EOD Commander for use with any specific detainee (after considering the targeting and resolving legal advice).

(2) The purpose of all interrogations and interrogations is to get the most information from a detainee with the least intrusive method, always applied in a humane and lawful manner with sufficient oversight by trained investigators or interrogators. Operating instructions must be developed based on experienced policies to ensure uniform, ethical, and safe application of interrogations of detainees.

(3) Interrogations must always be planned, deliberate actions that take into account factors such as the detainee's current and past performance in both detention and interrogations, a detainee's emotional and physical state and weaknesses, statements of possible approaches that may work in a certain detainee in an effort to gain the trust of the detainee; strengths and weaknesses of interrogators; and augmentation by other physicals for a certain detainee based on other factors.

(4) Interrogation approaches are designed to manipulate the detainee's emotions and weaknesses to gain his/her cooperation. Interrogation operations are never conducted in a vacuum; they are conducted in close cooperation with the main detainee and the individual. The policies established by the detainee units that permit in searching, interviewing, and interrogating also play a role in the interrogation of the detainee. Detainee interrogations involve developing a plan tailored to an individual and approved by senior interrogators. Strict adherence to policies and standard operating procedures governing the administration or interrogation techniques and oversight is essential.

(5) It is important that interrogators be provided reasonable latitude to vary techniques depending on the detainee's culture, strengths, weaknesses, environment, extent of training in resistance techniques as well as the urgency of obtaining information that is the detainee is believed to have.

(6) While techniques are considered individually within the analysis, it must be understood that a given technique is usually used in combination. The cumulative effect of all techniques to be employed must be considered before any detainees are made regarding approval for particular situations. The title of a particular technique is not always fully descriptive of a particular technique. 30th filled EOD Commander is responsible for oversight of all techniques involving physical contact.
MEMORANDUM FOR

C2, Combined Joint Task Force Seven, Baghdad, Iraq 09335
C3, Combined Joint Task Force Seven, Baghdad, Iraq 09335
Commander, 20th Military Intelligence Brigade, Baghdad, Iraq 09335

SUBJECT: CJTF-7 Interrogation and Counter-Resistence Policy

1. [Blank] This memorandum establishes the interrogation and counter-resistance policy for security internees under the control of CJTF-7. Security internees are civilians who are detained pursuant to Articles 5 and 78 of the Geneva Convention Relative to the Protection of Civilian Persons in Time of War of August 12, 1949 (hereinafter, Geneva Convention).

2. [Blank] I approve the use of specified interrogation and counter-resistance approaches A-Q, as described in Enclosure 1, relating to security internees, subject to the following:

a. [Blank] Use of these approaches is limited to interrogations of security internees under the control of CJTF-7.

b. [Blank] These approaches must be used in combination with the safeguards described in Enclosure 2.

c. [Blank] Segregation of security internees will be required in many instances to ensure the success of interrogations and to prevent the sharing of interrogation methods among internees. Segregation may also be necessary to protect sources from other detainee or otherwise provide for their security. Additionally, the Geneva Convention provides that security internees under defense-suspicion of activity hostile to the security of Coalition forces shall, where absolute military necessity requires, be regarded as having forfeited rights of communication. Accordingly, these security internees may be segregated. I must approve segregation in all cases where such segregation will exceed 30 days in duration, whether consecutive or non-consecutive. Submit written requests with supporting rationale to the through the CJTF-7 C2. A legal review from the CJTF-7 SJA must accompany each request.

d. [Blank] In employing each of the authorized approaches, the interrogator must maintain control of the interrogation. The interrogator should appear to be the one who controls all aspects of the interrogation, to include the lighting, seating and configuration of the interrogation room, as well as the food, clothing and shelter given to the security internee.
CJTFO-09

SUBJECT: CJTF-09 Interrogation and Counter-Resistance Policy

3. (S//SI) Requests for use of approaches not listed in Enclosure 1 will be submitted to the through CJTF-09 C2, and will include a description of the proposed approach and recommended safeguards. A legal review from the CJTF-09 SJA will accompany each request.

4. (S//SI) Nothing in this policy limits existing authority for maintenance of good order and discipline among persons under joint control.

5. (S//SI) This policy supersedes the CJTF-09 Interrogation and Counter-Resistance Policy signed on 14 September 2001.

6. (S//SI) POC is [Redacted] DNVT [Redacted]

2 Enclos
1. Interrogation Approaches (ST)
2. General Safeguards

CF Commander, US Central Command

Ricardo S. Sanchez
Lieutenant General, USA
Commanding
INTERROGATION APPROACHES (Security Interests)

A. Direct: Asking straightforward questions. The most effective of all approaches, it is the most simple and efficient approach to utilize.

B. Incentive (Removal of Incentive): Proving or removing a privilege, above and beyond those required by the Geneva Convention. Possible incentives may include favorite food items, changes in environmental quality, or other traditional or regional comforts not required by the Geneva Convention.

C. Emotional Love: Playing on the love a security interest has for an individual or a group. May involve an incentive, such as allowing communication with the individual or group.

D. Emotional Hate: Playing on the genuine hatred or desire for revenge a security interest has for an individual or a group.

E. Fear of Hurt: Significantly increasing the fear level in a security interest. F. (S/NF) Fear of Hurt: Mildly increasing the fear level in a security interest.

G. Reduced Fear: Reducing the fear level in a security interest or calming him by convincing him that he will be properly and humanely treated.

H. Pride and Ego: Flattering or boosting the ego of a security interest.

I. Pride and Ego Down: Attacking or insulting the pride or ego of a security interest.

J. Futility: Involving the security interest in a situation that is useless to resist by playing on the doubts that already exist in his mind.

K. We Know: All Convincing the security interest that the interrogator already knows the answers to questions being asked.

L. Establish Your Identity: Convincing the security interest that the interrogator has maximum the security interest for some reason. The security interest is encouraged to "think his name."

M. Repetition: Continuously repeating the same question to the security interest during an interrogation to encourage full and careful answers to questions.

N. File and Frame: Convincing the security interest that the interrogator has a voluminous, damaging and inaccurate file, which must be corrected by the security interest.
Application of these interrogation approaches is subject to the following general safeguards:

- The purpose of all interrogations is to gain information from a security interest with the least intrusive method employed in a humane and lawful manner with sufficient oversight by trained interrogators or inspectors. Interrogators and support personnel will interact uniformly, courteously, and with a sense of professionalism.

- Interrogation must always be planned and considered actions that take into account factors such as the security interest's current and past performance in both detention and interrogation, the security interest's cultural and physical strengths and weaknesses; assessment of approaches and individual techniques that may be effective; strengths and weaknesses of interrogators, and factors which may influence the augmentation of personnel.

- Interrogation approaches are designed to manipulate security interest's emotions and, weaknesses to gain his willing cooperation. Interrogation operations are never conducted in a vacuum; they are conducted in close cooperation with the detaining entity. Detention regulations and policies established by detaining units should be harmonized to ensure consistency with the interrogation policies of the intelligence collection unit. Such consistency will help to maximize the probability of the interrogation team and the effectiveness of the interrogation. Strict adherence to such guidelines, policies, and operating procedures is essential.

- Interrogation must be designed to completely control the interrogation environment. It is important that interrogators provide responsible behavior. We have no approach depending on the security interest's cultural background, strengths, weaknesses, environment, extent of resistance training, as well as the urgency of the situation in which information believed to be possessed by the security interest must be obtained.

- Interrogators must ensure the safety of security interest, and approaches must be no way endanger them. Interrogation will ensure that security interest are allowed adequate sleep and that they provide adequate food and water and cause no adverse medical or cultural effects. Where segregation is necessary, security interest must be measured for adverse medical or psychological reactions. Should military working dogs be present during interrogation, they will be released and under control of a handler at all times to ensure safety.

While the approach is considered individually within this analysis, it must be understood that the approaches are usually used in combination. The title of a particular approach is not always fully descriptive of a particular approach. The cumulative effect of all approaches to be employed must be considered before any decision is made regarding approval of a particular interrogation plan.
O. Interrogation team consisting of a friendly and a harsh interrogator. This approach is designed to cause the security interest to have a feeling of hostility toward one interrogator and a feeling of gratitude toward the other.

P. Rapid Fire Questioning in rapid succession without allowing security interest to answer questions fully.

Q. Science Warfare at the security interest to encourage discomfort.
MEMORANDUM FOR Commander, U.S. Central Command, 7115 South Boundary Boulevard, MacDill Air Force Base, Florida 33621-5101

SUBJECT: CJTF-7 Interrogation and Counter-Resistance Policy

Enclosed is the CJTF-7 Interrogation and Counter-Resistance Policy, modeled on the one implemented for interrogations conducted at Guantánamo Bay, but modified for applicability to a theater of war in which the Geneva Conventions apply. Unless otherwise directed, my intent is to implement this policy immediately.

Ricardo S. Sanchez
Lieutenant General, U.S. Army
Commanding