

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

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AMERICAN CIVIL LIBERTIES UNION, :  
CENTER FOR CONSTITUTIONAL RIGHTS, :  
PHYSICIANS FOR HUMAN RIGHTS, :  
VETERANS FOR COMMON SENSE AND :  
VETERANS FOR PEACE, : **ECF CASE**  
: :  
Plaintiffs, :  
: :  
v. :  
: :  
DEPARTMENT OF DEFENSE, AND ITS : **SECOND DECLARATION**  
COMPONENTS DEPARTMENT OF ARMY, : **OF STEWART F. ALY**  
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. :  
: :  
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STEWART F. ALY, 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 supplement my declaration of October 15, 2004.

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 205<sup>th</sup> 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 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 as 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. Bagram 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.

### FOIA Exemption 3 Applies to the ICRC Documents

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 interrogations 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. Richardo 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. Richardo 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 23 2005

  
STEWART F. ALY

# **EXHIBIT A**

Index of ICRC Reports Concerning Detainees in Iraq  
Record Reference Number 8

	Author	Addressee	Document	Subject	Date	Pgs
1	Detention Delegate	Camp Cropper	Working Paper	May 2003-June 2003 Working Paper re Camp Cropper (Main Compound)	Jun-03	5
2	Detention Delegate	Camp Cropper	Working Paper	May 2003-June 2003 Working Paper re Camp Cropper (VIP)	Jun-03	3
3	Detention Delegate	Camp Cropper	Working Paper	May 2003-June 2003 Working Paper re Camp Cropper (Military Intelligence)	Jun-03	4
4	Detention Delegate	400th MP Battalion	Working Paper	July Working Paper re Abu Ghraib	Jul-03	9
5	Deputy Coordinator	400th MP Battalion	Working Paper	June 2003 Working Paper re Al Salihiyye	Jun-03	5
6	Detention Team Leader	Tasferat	Working Paper	July 2003 Working Paper re Tasferat	Jul-03	6
7			Working Paper	July 2003 Working Paper re Camp Cropper ("HVD")	Jul-03	7
8	Protection Coordinator	101st Airborne Division	Working Paper	June 2003 - July 2003 Working Paper re Mosul	Jul-03	6
9	Protection Coordinator	173rd Battalion	Working Paper	June 2003 - July 2003 Working Paper re Bayonet	Jul-03	6
10	Protection Coordinator	400th MP Battalion	Working Paper	August 2003 Working Paper re Al Salihiyye and Al Russafa	Aug-03	18
11	Protection Coordinator	800th MP Brigade	Working Paper	September 2003 Working Paper re Camp Bucca	Sep-03	9
12	Protection Coordinator	800 MP Brigade	Working Paper	October 2003 Working Paper re "Special Detention Facility"	Oct-03	10
13	Protection Coordinator	800 MP Brigade	Working Paper	October 2003 Working Paper re Baghdad Central Detention Facility	Oct-03	5

Index of ICRC Reports Concerning Detainees in Iraq  
Record Reference Number 8

	Author	Addressee	Document	Subject	Date	Pgs
14	Protection Coordinator	CJTF-7	Working Paper	March 2004 Working Paper re Camp Cropper ("HVD")	Mar-04	8
15	Protection Coordinator	CJTF-7	Working Paper	January 2004 Working Paper re Abu Ghraib	Jan-04	5
16			Working Paper	February 2004 Working Paper re Camp Bucca	Feb-04	4
17	Protection Coordinator	2nd Medical Brigade	Working Paper	February 2004 Working Paper re 31st Combat Support Hospital	Feb-04	4
18	Protection Coordinator	CJTF-7	Working Paper	March 2004 Working Paper re Camp Cropper ("HVD")	Mar-04	5
19	Protection Coordinator	CJTF-7	Working Paper	March 2004 Working Paper re Abu Ghraib	Mar-04	5
20	Protection Coordinator	CJTF-7	Working Paper	March 2004 Working Paper re Camp Bucca	Mar-04	5
21	Physician Delegate	CJTF-7	Working Paper	April 2004 Health Care Report	Apr-04	3
22	Protection Coordinator	CJTF-7	Working Paper	April 2004 Working Paper re Camp Cropper	Apr-04	5
23	Protection Coordinator	CJTF-7	Working Paper	May 2004 Working Paper re Camp Bucca	May-04	6
24	Head of Delegation	CJTF-7	Working Paper	February 2004 Report on the Treatment of POW	Feb-04	26
25	US Army	Head of Delegation	Letter	27 June 2004 Itr re Camp Issues Update	Jun-04	19
26	Protection Coordinator	MNF-I	Working Paper	May-June 2004 Working Paper re Abu Ghraib	May - June 2004	9
27	Protection Coordinator	MNF-I	Working Paper	June 2004 Working Paper re Camp cropper (HVD)	Jun-04	6

Index of ICRC Reports Concerning Detainees in Iraq  
Record Reference Number 8

	Author	Addressee	Document	Subject	Date	Pgs
28	Head of Delegation	MNF-I	Letter	Communication between ICRC and DoD of 7 July 2004 re legal authority to detain individuals post June 2004	Jul-04	7
29	Liaison Delegation	CENTCOM	Letter	Communication between ICRC and DoD dated 12 May 2003; w/US response dated 29 Apr 2003	May-03	8
30	Protection Coordinator	MNF-I	Working Paper	May-June 2004 Working Paper re Abu Ghraib	Jun-04	10
31	Protection Coordinator	MNF-I	Letter	4 Jul 04 Communication from ICRC re RCM to Saddam Hussein	Jul-04	17
32	Protection Coordinator	MNF-I	Letter	6 July 04 letter requesting info no 13 individuals	Jul-04	6
33	Head of Delegation	MNF-I	Letter	20 July 04 Communication re registration issues	Jul-04	2
34	Delegation Physician	MNF-I	Working Paper w/itr	July 2004 Working Paper re Camp Bucca and 15 Aug 04 ICRC letter re medical care for Hussein	Jul-04	7



# **EXHIBIT B**

Index Of Responses to ICRC Concerns  
Record Reference Number 13

Item#	Author	Addressee	Document Type	Subject	Date	Pgs	Comments
1	G. Miller (DoD)	C. Girod (ICRC)	Letter	Ltr on Detainees	29-Jan-03	2	Letter commenting on ICRC report
2	G. Miller (DoD)	N. DeWatteville (ICRC)	Letter	Ltr regarding detainees I	6-Feb-03	3	Letter commenting on ICRC concerns
3	G. Miller (DoD)	O. Martin (ICRC)	Letter	Detainee Issues	10-Dec-02	1	Letter regarding individual detainee
4	G. Miller (DoD)	O. Martin (ICRC)	Letter	Detainee Issues	12-Dec-02	1	Letter regarding individual detainee
5	G. Miller (DoD)	D. Cavoli (ICRC)	Letters	Correspondence between Mr. Cavoli and MajGen Miller	11 Mar - 02 Apr 03	11	Exchange of letters on detainee issues
6	D. Beaver (DoD)	D. Cavoli (ICRC)	Letter	Exit interview	8-May-03	2	Letter addressing ICRC concerns
7	G. Miller (DoD)	D. Cavoli (ICRC)	Letter	JTF Improvements	17-Jun-03	2	Letter addressing ICRC concerns
8	G. Miller (DoD)	V. Cassard (ICRC)	Letter	Repatriation of internees fm GITMO	21-Aug-03	2	Letter stating ICRC concerns
9	G. Miller (DoD)	V. Cassard (ICRC)	Letter	Detainee Issues	19-Sep-03	2	Letter addressing ICRC concerns
10	T. Lynch (DoD)	V. Cassard (ICRC)	Letter	JTF Improvements	15-Aug-03	1	Letter addressing ICRC concerns
11	C. Keen (DoD)	ICRC	Memo	Detainee Mail	27-May-02	1	Memo on mail issues
12	J. Moure (DoD)	Cpt McKnight (DoD)	Memo	ICRC Request about detainees	12-Jul-02	2	States ICRC concerns for specific detainees
13	E. Davidson (DOD/OGC)	ICRC	E-mail	Your query concerning notification issues	31-Jan-03	1	E-mails back & forth between ICRC and DoD OGC
14	J. Kern (DoD)	ICRC	E-mail	Detention Issues Raised by ICRC	1-Mar-02	2	E-mails between ICRC and DoD on meeting. Portion released.

Index Of Responses to ICRC Concerns  
Record Reference Number 13

Item#	Author	Addressee	Document Type	Subject	Date	Pgs	Comments
15	E. Davidson (DOD/OGC)	Various	E-mail	Transfer and suicide case	4-Aug-04	2	E-mails back & forth between ICRC and DoD OGC
16	G. Miller (DoD)	V. Cassard (ICRC)	Memo	Request regarding detainee	27-Feb-04	1	Memo responding to ICRC concerns about an individual detainee
17	G. Miller (DoD)	V. Cassard (ICRC)	Memo	Conditions of repatriation of released internees	27-Feb-04	1	Memo responding to ICRC concerns about an individual detainee
18	DoD/OGC		E-mail	Detention Issues Raised by ICRC		3	Forwards ICRC summary of meetings. Portion released.
19	Beaver (DoD)	E. Davidson (DOD/OGC)	Fax and letter	ICRC	7-Feb-03	6	Includes ICRC letter to MGEN Miller. One page facsimile cover sheet released.
20	J. Hood (DoD)	V. Cassard (ICRC)	Letter	Response to ICRC request	29-Mar-04	1	Letter - Official response to ICRC requests (54)
21	J. Hood (DoD)	V. Cassard (ICRC)	Letter	Response to ICRC request	29-Mar-04	1	Letter - Official response to ICRC requests (55)
22	G. Miller (DoD)	V. Cassard (ICRC)	Memo	Clarification of Procedures for ICRC Visits	2-Feb-04	2	Memo responding to ICRC concerns about an individual detainee

# **EXHIBIT C**

Index of Documents Reflecting Discussions between ICRC and DoD Officials at Guantanamo Bay  
Record Reference Number 58

Author	Addressee	Document	Subject	Date	Pgs	Comments
1 D. Beaver (DoD)	Not Stated	Minutes	Meeting w/Ms. Rogge, ICRC 10 Apr 03	Undated	2	Minutes of Meeting b/w MGen Miller and ICRC delegation
2 Staff Judge Adv	MFR	Memo	Concerns of ICRC 15 - 22 June 02	6-Aug-03	5	Summary of ICRC issues from a JTF-ICRC meeting
3 M. Boehman (DoD)	JTF	Minutes	ICRC Meeting	Undated	2	Minutes of a JTF-ICRC meeting
4 Staff Judge Adv	Not Stated	Memo	Concerns of ICRC 17 Feb - 14 Apr 03	Undated	12	Summary of ICRC issues from 17 Feb - 14 Apr 03
5 W. J. Haynes (DoD OGC)	SD	Info Memo	Report of ICRC Mtg	28-Jan-02	2	Report to Secretary of Defense on substance of ICRC meeting including comments. Deliberative.
6 Not Stated	Not Stated	Minutes	ICRC Meeting 5 Nov 02	Undated	2	Minutes of meeting w/ ICRC about access to detainees.
7 D. Beaver (DoD)	MG Miller (DoD)	Minutes	ICRC Meeting 14 Mar 03	15-Mar-03	5	Minutes of meetings between ICRC and DoD representatives; recounts confidential conversations. Portion released.
8 Not Stated	Not Stated	Minutes	Meeting with ICRC 15 Oct 02	Undated	4	Minutes of meetings between ICRC and DoD representatives; recounts confidential conversations. Portion released.
9 D. Beaver (DoD)	MG Miller (DoD)	Minutes	ICRC Mtg of 19 Jun 03	24-Jun-03	4	Minutes of meetings between ICRC and DoD representatives; recounts confidential conversations. Portion released.
10 Staff Judge Advocate	MFR	Minutes	ICRC mtg w/MG Miller (DoD) 23 Sep 03	Undated	3	Minutes of meetings between ICRC and DoD representatives; recounts confidential conversations. Portion released.

Index of Documents Reflecting Discussions between ICRC and DoD Officials at Guantamano Bay  
Record Reference Number 58

Author	Addressee	Document	Subject	Date	Pgs	Comments
11 Staff Judge Advocate	JTF	Minutes	ICRC JDOG mtg 18 Aug 03	18-Aug-03	2	Minutes of meetings between ICRC and DoD representatives; recounts confidential conversations. Portion released.
12 Not Stated	MFR	Minutes	Meeting with ICRC - 22 Aug 03	Undated	2	Minutes of meetings between ICRC and DoD representatives; recounts confidential conversations. Portion released.
13 Staff Judge Advocate	MFR	Minutes	ICRC mtg w/MG Miller (DoD)- Oct 03	Undated	6	Minutes of meetings between ICRC and DoD representatives; recounts confidential conversations. Portion released.
14 Not Stated	MG Dunneavey (DOD)	Minutes	ICRC mtg minutes - 7 Nov 02	7-Nov-02	4	Minutes of meetings between ICRC and DoD representatives; recounts confidential conversations. Portion released.
15 D. E. Beaver (DoD)	MG Miller (DOD)	Minutes	ICRC mtg minutes - 19 Nov 02	19-Nov-02	4	Minutes of meetings between ICRC and DoD representatives; recounts confidential conversations. Portion released.
16 Staff Judge Advocate	Col Perrone (DoD)	Minutes	ICRC mtg - 19 Nov 02	19-Nov-02	2	Minutes of meetings between ICRC and DoD representatives; recounts confidential conversations. Portion released.
17 Staff Judge Advocate	Not Stated	Minutes	ICRC Mtg minutes - 25 Nov 02	25-Nov-02	2	Minutes of meetings between ICRC and DoD representatives; recounts confidential conversations. Portion released.
18 Staff Judge Advocate	MG Miller (DoD)	Minutes	ICRC Meeting - 2 Dec 02	2-Dec-02	4	Minutes of meetings between ICRC and DoD representatives; recounts confidential conversations. Portion released.

Index of Documents Reflecting Discussions between ICRC and DoD Officials at Guantamano Bay  
Record Reference Number 58

Author	Addressee	Document	Subject	Date	Pgs	Comments
19 Staff Judge Advocate	Col McQueen (DoD)	Minutes	ICRC Mtg - 9 Dec 02	9-Dec-02	2	Minutes of meetings between ICRC and DoD representatives; recounts confidential conversations. Portion released.
20 D. Beaver (DoD)	MG Miller (DoD)	Minutes	ICRC mtg - 17 Dec 02	18-Dec-02	4	Minutes of meetings between ICRC and DoD representatives; recounts
21 D. Beaver (DoD)	MG Miller (DoD)	Minutes	ICRC mtg - 3 Jan 03	3-Jan-03	4	Minutes of meetings between ICRC and DoD representatives; recounts
22 A. McQueen (DoD)	A. McQueen (DoD)	Minutes	ICRC mtg - 21 Feb 03	22-Feb-03	4	Minutes of meetings between ICRC and DoD representatives; recounts confidential conversations. Portion released.
23 A. McQueen (DoD)	MG Miller (DoD)	Minutes	ICRC mtg - 24 Feb 03	26-Feb-03	3	Minutes of meetings between ICRC and DoD representatives; recounts confidential conversations. Portion released.
24 A. McQueen (DoD)	MG Miller (DoD)	Minutes	Mtg between JDOG & ICRC - 03 Mar 03	7-Mar-03	3	Minutes of meetings between ICRC and DoD representatives; recounts confidential conversations. Portion released.
25 A. McQueen (DoD)	MG Miller (DoD)	Minutes	Mtg btw JDOG & ICRC - 10 Mar 03	13-Mar-03	4	Minutes of meetings between ICRC and DoD representatives; recounts confidential conversations. Portion released.
26 A. McQueen (DoD)	MG Miller (DoD)	Minutes	ICRC mtg - 14 Mar 03	15-Mar-03	5	Minutes of meetings between ICRC and DoD representatives; recounts confidential conversations. Portion released.
27 A. McQueen (DoD)	MG Miller (DoD)	Minutes	Mtg btw JDOG & ICRC - 24 Mar 03	18-Mar-03	4	Minutes of meetings between ICRC and DoD representatives; recounts confidential conversations

Index of Documents Reflecting Discussions between ICRC and DoD Officials at Guantamano Bay  
Record Reference Number 58

Author	Addressee	Document	Subject	Date	Pgs	Comments
28	A. McQueen (DoD)	Minutes	Mtg btw JDOG & ICRC - 17 Mar 03	26-Mar-03	4	Minutes of meetings between ICRC and DoD representatives; recounts confidential conversations. Portion released.
29	A. McQueen (DoD)	Minutes	Mtg btw JDOG & ICRC - 24 Mar 03	31-Mar-03	4	Minutes of meetings between ICRC and DoD representatives; recounts confidential conversations. Portion released.
30	D. Beaver (DoD)	Minutes	ICRC mtg - 11 Apr 03	11-Apr-03	6	Minutes of meetings between ICRC and DoD representatives; recounts confidential conversations. Portion released.
31	D. Beaver (DoD)	Minutes	ICRC mtg - 10 Apr 03	Undated	2	Minutes of meetings between ICRC and DoD representatives; recounts confidential conversations
32	A. Bajus (DoD)	Minutes	ICRC Access	20-Sep-02	2	Minutes of meetings between ICRC and DoD representatives; recounts confidential conversations
33	Not Stated	Minutes	ICRC Mtg - 28 Feb 04	28-Feb-04	5	Minutes of meetings between ICRC and DoD representatives; recounts confidential conversations
34	Not Stated	Minutes	ICRC Mtg Minutes	Undated	6	Minutes of meetings between ICRC and DoD representatives; recounts confidential conversations
35	Not Stated	Minutes	Summary of ICRC Mtg on 10 Apr 02	10-Apr-02	2	Minutes of meetings between ICRC and DoD representatives; recounts confidential conversations. Portion released.
36	Not Stated	Minutes	Mtg w/ICRC	13-Jan-03	4	Minutes of meetings between ICRC and DoD representatives; recounts confidential conversations



Index of Documents Reflecting Discussions between ICRC and DoD Officials at Guantamano Bay  
 Record Reference Number 58

Author	Addressee	Document	Subject	Date	Pgs	Comments
37	Not Stated	Minutes	ICRC Mtg Minutes	19-Feb-04	3	Minutes of meetings between ICRC and DoD representatives; recounts confidential conversations
38	Not Stated	Minutes	ICRC Mtg Minutes	18-Feb-04	3	Minutes of meetings between ICRC and DoD representatives; recounts confidential conversations

# **EXHIBIT D**



ICRC

INTERNATIONAL COMMITTEE OF THE RED CROSS  
DELEGATION WASHINGTON

March 9<sup>th</sup>, 2005  
WAS 05/121

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

Dear Mr. Aly,

I am writing to you in reference to your request of March 7<sup>th</sup>, 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



HEADQUARTERS  
COMBINED JOINT TASK FORCE SEVEN  
BAGHDAD, IRAQ  
APO AE 96335

CJTF-7-CG

14 SEP 2003


MEMORANDUM FOR

C2, Combined Joint Task Force Seven, Baghdad, Iraq 09335  
C3, Combined Joint Task Force Seven, Baghdad, Iraq 09335  
Commander, 205th Military Intelligence Brigade, Baghdad, Iraq 09335

SUBJECT: CJTF-7 Interrogation and Counter-Resistance Policy

1. (S//NF) This memorandum establishes the interrogation and counter-resistance policy for CJTF-7.
2. (S//NF) I approve the use of specified interrogation and counter-resistance techniques A-DD, as described in enclosure 1, subject to the following:
  - a. (S//NF) These techniques must be used within safeguards described in enclosure 2.
  - b. (S//NF) Use of these techniques is limited to interrogations of detainees, security internees and enemy prisoners of war under the control of CJTF-7.
  - c. (S//NF) Use of techniques B, I, O, X, Y, AA and CC on enemy prisoners of war must be approved by me personally prior to use. Submit written requests for use of these techniques, with supporting rationale, to me through the CJTF-7 C2. A legal review from the CJTF-7 SJA must accompany each request.
3. (S//NF) CJTF-7 is operating in a theater of war in which the Geneva Conventions are applicable. Coalition forces will continue to treat all persons under their control humanely.
4. (S//NF) Requests for use of techniques not listed in enclosure 1 will be submitted to me through the CJTF-7 C2, and include a description of the proposed technique and recommended safeguards. A legal review from the CJTF-7 SJA must accompany each request.
5. (S//NF) Nothing in this policy limits existing authority for maintenance of good order and discipline among detainees.
6. (S//NF) POC is ~~XXXXXXXXXX~~, DNVT ~~XXXXXXXXXX~~, DSN ~~XXXXXXXXXX~~.

2 Encls  
1. Interrogation Techniques  
2. General Safeguards

  
RICARDO S. SANCHEZ  
Lieutenant General, USA  
Commanding

CF: Commander, US Central Command

~~SECRET//NOFORN~~

UNCLASSIFIED

Enclosure 1

## INTERROGATION TECHNIQUES

<sup>U</sup>~~(S//NF)~~ The use of techniques A-CC are subject to the general safeguards as provided below as well as specific implementation guidelines to be provided by 205<sup>th</sup> MI BDE Commander. Specific implementation guidance with respect to techniques A-CC is provided in U.S. Army Field Manual 34-52. Further implementation guidance will be developed by 205<sup>th</sup> MI BDE Commander.

<sup>U</sup>~~(S//NF)~~ 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 annotated to include some policy issues that should be considered before application of the technique.

- A. <sup>U</sup>~~(S//NF)~~ Direct: Asking straightforward questions.
- B. <sup>U</sup>~~(S//NF)~~ Incentive/Removal of Incentive: Providing a reward or removing a privilege, above and beyond those that are required by the Geneva Convention, from detainees. [Caution: Other nations that believe detainees are entitled to EPW protections may consider that provision and retention of religious items (e.g. the Koran) are protected under international law (see, Geneva III, Article 34).]
- C. <sup>U</sup>~~(S//NF)~~ Emotional Love: Playing on the love a detainee has for an individual or group.
- D. <sup>U</sup>~~(S//NF)~~ Emotional Hate: Playing on the hatred a detainee has for an individual or group.
- E. <sup>U</sup>~~(S//NF)~~ Fear Up Harsh: Significantly increasing the fear level in a detainee.
- F. <sup>U</sup>~~(S//NF)~~ Fear Up Mild: Moderately increasing the fear level in a detainee.
- G. <sup>U</sup>~~(S//NF)~~ Reduced Fear: Reducing the fear level in a detainee.
- H. <sup>U</sup>~~(S//NF)~~ Pride and Ego Up: Boosting the ego of a detainee.
- I. <sup>U</sup>~~(S//NF)~~ Pride and Ego Down: Attacking or insulting the ego of a detainee, not beyond the limits that would apply to an EPW. [Caution: Article 17 of Geneva III provides, "Prisoners of war who refuse to answer may not be threatened, insulted, or exposed to any unpleasant or disadvantageous treatment of any kind." Other nations that believe detainees are entitled to EPW protections may consider this technique inconsistent with the provisions of Geneva.]
- J. <sup>U</sup>~~(S//NF)~~ Futility: Invoking the feeling of futility of a detainee.
- K. <sup>U</sup>~~(S//NF)~~ We Know All: Convincing the detainee that the interrogator already knows the answers to questions he asks the detainee.
- L. <sup>U</sup>~~(S//NF)~~ Establish Your Identity: Convincing the detainee that the interrogator has mistaken the detainee for someone else.

~~SECRET//NOFORN~~

UNCLASSIFIED

M. (S/NF) Repetition: Continuously repeating the same question to the detainee within interrogation periods of normal duration.

N. (S/NF) File and Dossier: Convincing detainee that the interrogator has a damning and inaccurate file, which must be fixed.

O. (S/NF) Mutt and Jeff: A team consisting of a friendly and harsh interrogator. The harsh interrogator might employ the Pride and Ego Down technique. [Caution: Other nations that believe that EPW protections apply to detainees may view this technique as inconsistent with Geneva III, Article 13 which provides that EPWs must be protected against acts of intimidation. Consideration should be given to these views prior to application of the technique.]

P. (S/NF) Rapid Fire: Questioning in rapid succession without allowing detainee to answer.

Q. (S/NF) Silence: Staring at the detainee to encourage discomfort.

R. (S/NF) Change of Scenery Up: Removing the detainee from the standard interrogation setting (generally to a location more pleasant, but no worse).

S. (S/NF) Change of Scenery Down: Removing the detainee from the standard interrogation setting and placing him in a setting that may be less comfortable; would not constitute a substantial change in environmental quality.

T. (S/NF) Dietary Manipulation: Changing the diet of a detainee; no intended deprivation of food or water; no adverse medical or cultural effect and without intent to deprive subject of food or water, e.g., hot rations to MREs.

U. (S/NF) Environmental Manipulation: Altering the environment to create moderate discomfort (e.g. adjusting temperature or introducing an unpleasant smell). Conditions may not be such that they injure the detainee. 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. (S/NF) 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. (S/NF) False Flag: Convincing the detainee that individuals from a country other than the United States are interrogating him.

X. (S/NF) Isolation: Isolating the detainee from other detainees while still complying with basic standards of treatment. [Caution: the use of isolation as an interrogation technique requires detailed implementation instructions, including specific guidelines regarding the length of isolation, medical and psychological review, and approval for extensions of the length of isolation by the 205<sup>th</sup> MI BDE Commander. Use of this technique for more than 30 days, whether continuous or not, must be briefed to 205<sup>th</sup> MI BDE Commander prior to implementation.

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UNCLASSIFIED

U  
Y. (S//NF) Presence of Military Working Dog: Exploits Arab 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 detainee.

U  
Z. (S//NF) Sleep Management: Detainee provided minimum 4 hours of sleep per 24 hour period, not to exceed 72 continuous hours.

U  
AA. (S//NF) Yelling, Loud Music, and Light Control: Used to create fear, disorient detainee and prolong capture shock. Volume controlled to prevent injury.

U  
BB. (S//NF) Deception: Use of falsified representations including documents and reports.

U  
CC. (S//NF) 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.

~~SECRET//NOFORN~~

UNCLASSIFIED

GENERAL SAFEGUARDS

<sup>U</sup>  
(~~SECRET~~) 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 evaluated as suitable (considering all techniques to be used in combination); (iv) interrogators are specifically trained for the technique(s); (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 specified senior approval as identified by 205<sup>th</sup> MI BDE Commander for use with any specific detainee (after considering the foregoing and receiving legal advice).

(U) The purpose of all interviews 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 command policies to insure uniform, careful, and safe application of interrogations of detainees.

<sup>U</sup>  
(~~SECRET~~) Interrogations must always be planned, deliberate actions that take into account factors such as a detainee's current and past performance in both detention and interrogation; a detainee's emotional and physical strengths and weaknesses; assessment of possible approaches that may work on a certain detainee in an effort to gain the trust of the detainee; strengths and weaknesses of interrogators; and augmentation by other personnel for a certain detainee based on other factors.

<sup>U</sup>  
(~~SECRET~~) Interrogation approaches are designed to manipulate the detainee'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 units detaining the individuals. The policies established by the detaining units that pertain to searching, silencing and segregating also play a role in the interrogation of the detainee. Detainee interrogation involves developing a plan tailored to an individual and approved by senior interrogators. Strict adherence to policies/standard operating procedures governing the administration or interrogation techniques and oversight is essential.

<sup>U</sup>  
(~~SECRET~~) 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 the detainee is believed to have.

<sup>U</sup>  
(~~SECRET~~) While techniques are considered individually within this analysis, it must be understood that in practice, techniques are usually used in combination. The cumulative effect of all techniques to be employed must be considered before any decisions are made regarding approval for particular situations. The title of a particular technique is not always fully descriptive of a particular technique. 205<sup>th</sup> MI BDE Commander is responsible for oversight of all techniques involving physical contact.

~~SECRET//NOFORN~~

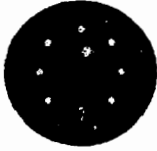
UNCLASSIFIED



UNCLASSIFIED

~~SECRET//NOFORN//X-1~~

HEADQUARTERS  
COMBINED JOINT TASK FORCE SEVEN  
BAGHDAD, IRAQ  
APO AE 09335



REPLY TO  
ATTENTION OF

CJTF7-CG

12 OCT 2003

MEMORANDUM FOR

C2, Combined Joint Task Force Seven, Baghdad, Iraq 09335  
C3, Combined Joint Task Force Seven, Baghdad, Iraq 09335  
Commander, 205th Military Intelligence Brigade, Baghdad, Iraq 09335

SUBJECT: CJTF-7 Interrogation and Counter-Resistance Policy

1. <sup>U</sup>(~~SECRET~~) 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. <sup>U</sup>(~~SECRET~~) 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. <sup>U</sup>(~~SECRET~~) Use of these approaches is limited to interrogations of security internees under the control of CJTF-7.
  - b. <sup>U</sup>(~~SECRET~~) These approaches must be used in combination with the safeguards described in Enclosure 2.
  - c. <sup>U</sup>(~~SECRET~~) 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 detainees or otherwise provide for their security. Additionally, the Geneva Convention provides that security internees under definite 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 nonconsecutive. Submit written requests with supporting rationale to me through the CJTF-7 C2. A legal review from the CJTF-7 SJA must accompany each request.
  - d. <sup>U</sup>(~~SECRET~~) 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, heating and configuration of the interrogation room, as well as the food, clothing and shelter given to the security internee.

~~SECRET//NOFORN//X-1~~

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~~SECRET//NOFORN//X-1~~


CJTF7-CG

SUBJECT: CJTF-7 Interrogation and Counter-Resistance Policy

3. (~~SECRET~~)<sup>U</sup> Requests for use of approaches not listed in Enclosure 1 will be submitted to me through CJTF-7 C2, and will include a description of the proposed approach and recommended safeguards. A legal review from the CJTF-7 SJA will accompany each request.
4. (~~SECRET~~)<sup>U</sup> Nothing in this policy limits existing authority for maintenance of good order and discipline among persons under Coalition control.
5. (~~SECRET~~)<sup>U</sup> This policy supersedes the CJTF-7 Interrogation and Counter-Resistance Policy signed on 14 September 2003.
6. (~~SECRET~~)<sup>U</sup> POC is ██████████, DNVT ██████████, DSN ██████████

2 Encls

1. Interrogation Approaches (SI)
2. General Safeguards

  
RICARDO S. SANCHEZ  
Lieutenant General, USA  
Commanding

CF: Commander, US Central Command

**UNCLASSIFIED**

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~~SECRET//NOFORN//X-1~~ INTERROGATION APPROACHES (Security Internees)

<sup>U</sup>  
~~(S//NF)~~ Use of the following approaches is subject to the application of the general safeguards provided in enclosure (2). Specific implementation guidance with respect to approaches A-Q is provided in U.S. Army Field Manual 34-52. Brigade Commanders may provide additional implementation guidance.

<sup>U</sup>  
A. ~~(S//NF)~~ Direct: Asking straightforward questions. The most effective of all approaches, it is the most simple and efficient approach to utilize.

<sup>U</sup>  
B. ~~(S//NF)~~ Incentive/Removal of Incentive: Providing a reward 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.

<sup>U</sup>  
C. ~~(S//NF)~~ Emotional Love: Playing on the love a security internee has for an individual or group. May involve an incentive, such as allowing communication with the individual or group.

<sup>U</sup>  
D. ~~(S//NF)~~ Emotional Hate: Playing on the genuine hatred or desire for revenge a security internee has for an individual or group.

<sup>U</sup>  
E. ~~(S//NF)~~ Fear Up Harsh: Significantly increasing the fear level in a security internee. F. ~~(S//NF)~~ Fear Up Mild: Moderately increasing the fear level in a security internee.

<sup>U</sup>  
G. ~~(S//NF)~~ Reduced Fear: Reducing the fear level in a security internee or calming him by convincing him that he will be properly and humanely treated.

<sup>U</sup>  
H. ~~(S//NF)~~ Pride and Ego Up: Flattering or boosting the ego of a security internee.

<sup>U</sup>  
I. ~~(S//NF)~~ Pride and Ego Down: Attacking or insulting the pride or ego of a security internee.

<sup>U</sup>  
J. ~~(S//NF)~~ Futility: Invoking the feeling in a security internee that it is useless to resist by playing on the doubts that already exist in his mind.

<sup>U</sup>  
K. ~~(S//NF)~~ We Know All: Convincing the security internee that the interrogator already knows the answers to questions being asked.

<sup>U</sup>  
L. ~~(S//NF)~~ Establish Your Identity: Convincing the security internee that the interrogator has mistaken the security internee for someone else. The security internee is encouraged to "clear his name."

<sup>U</sup>  
M. ~~(S//NF)~~ Repetition: Continuously repeating the same question to the security internee during an interrogation to encourage full and candid answers to questions.

<sup>U</sup>  
N. ~~(S//NF)~~ File and Dossier: Convincing security internee that the interrogator has a voluminous, damning and inaccurate file, which must be corrected by the security internee.

~~SECRET//NOFORN//X-1~~  
Enclosure 1

UNCLASSIFIED

)

UNCLASSIFIED

~~SECRET//NOFORN//X-1~~ GENERAL SAFEGUARDS

<sup>U</sup>  
~~(SECRET)~~ Application of these interrogation approaches is subject to the following general safeguards:  
(i) limited to use by trained interrogation personnel; (ii) there is a reasonable basis to believe that the security internee possesses information of intelligence value; (iii) the security internee is medically evaluated as a suitable candidate for interrogation (considering all approaches to be used in combination); (iv) interrogators are specifically trained for the approaches; (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; and (vi) there is appropriate supervision.

(U) The purpose of all interviews and interrogations is to get the most information from a security internee with the least intrusive method, applied in a humane and lawful manner with sufficient oversight by trained investigators or interrogators. Interrogators and supervisory personnel will ensure uniform, careful, and safe conduct of interrogations.

<sup>U</sup>  
~~(SECRET)~~ Interrogations must always be planned, deliberate actions that take into account factors such as a security internee's current and past performance in both detention and interrogation; a security internee's emotional and physical strengths and weaknesses; assessment of approaches and individual techniques that may be effective; strengths and weaknesses of interrogators; and factors which may necessitate the augmentation of personnel.

<sup>U</sup>  
~~(SECRET)~~ Interrogation approaches are designed to manipulate the security internee'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 units. 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 credibility of the interrogation team and the effectiveness of the interrogation. Strict adherence to such regulations, policies and standard operating procedures is essential.

<sup>U</sup>  
~~(SECRET)~~ Interrogators must appear to completely control the interrogation environment. It is important that interrogators be provided reasonable latitude to vary approaches depending on the security internee's cultural background, strengths, weaknesses, environment, extent of resistance training, as well as the urgency with which information believed in the possession of the security internee must be obtained.

<sup>U</sup>  
~~(SECRET)~~ Interrogators must ensure the safety of security internees, and approaches must in no way endanger them. Interrogators will ensure that security internees are allowed adequate sleep; and that diets provide adequate food and water and cause no adverse medical or cultural effects. Where segregation is necessary, security internees must be monitored for adverse medical or psychological reactions. Should military working dogs be present during interrogations, they will be muzzled and under control of a handler at all times to ensure safety.

<sup>U</sup>  
~~(SECRET)~~ While approaches are considered individually within this analysis, it must be understood that in practice, 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.

~~SECRET//NOFORN//X-1~~

Enclosure 2

UNCLASSIFIED

DECLASSIFIED

~~SECRET/NOFORN/IX-1~~

O. (~~S/AF~~)<sup>U</sup> Mutt and Jeff: An interrogation team consisting of a friendly and a harsh interrogator. This approach is designed to cause the security internee to have a feeling of hostility toward one interrogator and a feeling of gratitude toward the other.

P. (~~S/AF~~)<sup>U</sup> Rapid Fire: Questioning in rapid succession without allowing security internee to answer questions fully.

Q. (~~S/AF~~)<sup>U</sup> Silence: Staring at the security internee to encourage discomfort.

~~SECRET/NOFORN/IX-1~~

Enclosure 1

**UNCLASSIFIED**



UNCLASSIFIED

DEPARTMENT OF THE ARMY  
HEADQUARTERS, COMBINED JOINT TASK FORCE SEVEN  
CAMP VICTORY, BAGHDAD, IRAQ  
APO AE 08303

CJTF7-CG

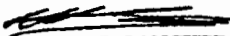
14 SEP 2003

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 Guantanamo 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.

Encl  
as

  
RICARDO S. SANCHEZ  
Lieutenant General, U.S. Army  
Commanding

UNCLASSIFIED