

**INDEX OF DoD DOCUMENTS,
ACLU v. DoD
DOCUMENTS DENIED IN FULL: SECTION 4**

ID	Type	To	From	Subject/Title	Date	Exemption(s)	Remarks
A-64	Draft Notes	N/A	N/A	N/A		<p>Two exemptions apply to this document.</p> <p><u>Exemption Three</u> This document is exempt under Exemption 3 and 10 USC 130c which protects unclassified information provided to DoD by a foreign government or international organization in confidence. This document contains communications from the senior legal official of the United Kingdom to DoD in the course of discussions concerning detainees between senior legal officials of his government and DoD. These communications were made on the condition that they remain in confidence, and thus they fall under the specific statutory provision of 10 USC 130c designed to protect them.</p> <p><u>Exemption Five:</u> This document records comments made in the course of discussions between senior legal officials of the US and a foreign government, and revisions to those notes. Public disclosure of the substance of an internal DoD draft and revisions to it concerning discussions with a foreign government would reveal the internal positions and considerations in the course of formulating responses. This kind of disclosure would make it impossible to conduct relations with foreign governments.</p>	<p>This is document F98 on DoD list 8/4/06. This document consists of a draft of notes recorded in a meeting between the Attorney General of the UK and the DoD General Counsel. It contains handwritten revisions of the typed draft.</p>

**INDEX OF DoD DOCUMENTS,
ACLU v. DoD
DOCUMENTS DENIED IN FULL: SECTION 4**

ID	Type	To	From	Subject/Title	Date	Exemption(s)	Remarks
A-65	Point Paper	N/A	N/A	US Policy to Transfer Detainees from US DoD Control to the Control of a Foreign Government	19 Sep 02	<p><u>Exemption Five</u>: This document consists of talking points prepared for use in discussions by senior officials of the US in negotiations with the United Kingdom. Public disclosure of the substance of internal DoD negotiating positions concerning future proposed actions to be used in consultations with a foreign government would reveal these internal positions and considerations underlying them. This document is both predecisional and deliberative because it contains: (1) preliminary negotiating positions, not DoD's final views, and are therefore pre-decisional; and (2) evaluations, proposals, and recommendations as part of the consultative process with a foreign government with regard to the treatment of detainees. This kind of disclosure would make it impossible to conduct relations with foreign governments.</p>	This is document F104 on DoD list dated 8/4/2006.

**INDEX OF DoD DOCUMENTS,
ACLU v. DoD
DOCUMENTS DENIED IN FULL: SECTION 4**

ID	Type	To	From	Subject/Title	Date	Exemption(s)	Remarks
A-66	Fax Cover Sheet w/ Letter	DoD/ Office of General Counsel	UK Atty Gen	Guantanamo Detainees	1 Aug 03	<u>Exemption Three</u> This document is exempt under Exemption 3 and 10 USC 130c which protects unclassified information provided to DoD by a foreign government or international organization in confidence. This document contains specific references to individual detainees and the substance of discussions about them. It is a confidential communication from the senior legal official of the United Kingdom to DoD in the course of continuing discussions concerning detainees between senior legal officials of his government and DoD. These communications were made on the condition that they remain in confidence, and thus they fall under the specific statutory provision of 10 USC 130c designed to protect them.	This is document F9 and F10 on DoD list dated 8/4/2006.

**INDEX OF DoD DOCUMENTS,
ACLU v. DoD
DOCUMENTS DENIED IN FULL: SECTION 4**

ID	Type	To	From	Subject/Title	Date	Exemption(s)	Remarks
A-67	Fax Cover Sheet W/ Letter	DoD Office of General Counsel	UK Atty Gen	Military Commissions	4 Aug 03	<u>Exemption Three</u> This document is exempt under Exemption 3 and 10 USC 130c which protects unclassified information provided to DoD by a foreign government or international organization in confidence. This document contains detailed proposals for further negotiation on matters relating to detainees. It is a confidential communication from the senior legal official of the United Kingdom to DoD in the course of continuing discussions concerning detainees between senior legal officials of his government and DoD. These communications were made on the condition that they remain in confidence, and thus they fall under the specific statutory provision of 10 USC 130c designed to protect them.	This is document F11 and F12 on DoD list dated 8/4/2006.

**INDEX OF DoD DOCUMENTS,
ACLU v. DoD
DOCUMENTS DENIED IN FULL: SECTION 4**

ID	Type	To	From	Subject/Title	Date	Exemption(s)	Remarks
A-68	Letter	DoD Office of General Counsel	UK Atty Gen	Guantanamo Detainees	11 Sep 04	<u>Exemption Three</u> This document is exempt under Exemption 3 and 10 USC 130c which protects unclassified information provided to DoD by a foreign government or international organization in confidence. This document contains detailed proposals for further negotiation on matters relating to detainees. It is a confidential communication from the senior legal official of the United Kingdom to DoD in the course of continuing discussions concerning detainees between senior legal officials of his government and DoD. These communications were made on the condition that they remain in confidence, and thus they fall under the specific statutory provision of 10 USC 130c designed to protect them.	This is document F50 on DoD list dated 8/4/2006.

**INDEX OF DoD DOCUMENTS,
ACLU v. DoD
DOCUMENTS DENIED IN FULL: SECTION 4**

ID	Type	To	From	Subject/Title	Date	Exemption(s)	Remarks
A-69	Letter	British Embassy	Prin Deputy Under Sec Def		02 Sep 04	<p>Two exemptions apply to this document: Exemptions 1 and 3. <u>Exemption One</u> This document is currently and properly classified under Executive Order 12958, as amended, Sections 1.4 (a) and (d), which pertain to military operations and foreign relations of the United States. Classified portions of this document contain detailed and specific proposals and responses to proposals from a foreign government. Release of this classified information would cause damage to the national security, as specific details of discussion between the US and a foreign government must be classified to protect the ability of the United States to conduct relations with the other party, and with third parties who may be referred to in such deliberations.</p> <p><u>Exemption Three</u> Unclassified portions of this document are exempt under Exemption 3 and 10 USC 130c which protects unclassified information provided to DoD by a foreign government in confidence. This document discusses the substance of communications from the UK made on the condition that they remain in confidence, and thus they fall under the specific statutory provision of 10 USC 130c designed to protect them.</p>	This is document F121 on DoD list dated 8/4/2006.

**INDEX OF DoD DOCUMENTS,
ACLU v. DoD
DOCUMENTS DENIED IN FULL: SECTION 4**

ID	Type	To	From	Subject/Title	Date	Exemption(s)	Remarks
A-70	Letter	Dep Sec of State	Dep Sec of Def	Response to UK Correspondence	21 May 04	<p><u>Exemption One</u> This document is currently and properly classified under Executive Order 12958, as amended, Sections 1.4 (a) and (d), which pertain to military operations and foreign relations of the United States. It addresses Executive Branch discussions and deliberations about individual detainees with a foreign government or governments. Release of such classified information would cause damage to the national security, as internal deliberations and specific negotiating positions of the United States Government in the course of the relations between the United States Government and a foreign government or international organization must be classified to protect the ability of the United States to conduct relations with the other party, and with third parties who may be referred to in such deliberations.</p>	This is document F17 on DoD list dated 8/4/2006.

**INDEX OF DoD DOCUMENTS,
ACLU v. DoD
DOCUMENTS DENIED IN FULL: SECTION 4**

ID	Type	To	From	Subject/Title	Date	Exemption(s)	Remarks
A-71	Memo	Under Sec of Def for Policy	Joint Staff	Allegation of Detainee Abuse	17 Sep 04	<u>Exemption One</u> This document is currently and properly classified under Executive Order 12958, as amended, Sections 1.4 (a) and (d), which pertain to military operations and foreign relations of the United States. It provides detailed classified information for a potential response to an inquiry from a foreign government. This memo provides information for use in internal DoD deliberations on the content of this proposed response. Release of such classified information would cause damage to the national security, as internal deliberations and specific negotiating positions of the United States Government in the course of the relations between the United States Government and a foreign government or international organization must be classified to protect the ability of the United States to conduct relations with the other party, and with third parties who may be referred to in such deliberations.	This is document D20 on DoD List dated 8/4/2006.

**INDEX OF DoD DOCUMENTS,
ACLU v. DoD
DOCUMENTS DENIED IN FULL: SECTION 4**

ID	Type	To	From	Subject/Title	Date	Exemption(s)	Remarks
A-72	Memo	DoS	Dep Asst Sec of Def	Allegation of Detainee Abuse	8 Oct 04	<p><u>Exemption One</u> This document is currently and properly classified under Executive Order 12958, as amended, Sections 1.4 (a) and (d), which pertain to military operations and foreign relations of the United States. It provides detailed classified information for a potential response to an inquiry from a foreign government. This memorandum provides proposals and information in the course of interagency deliberations on the substance of the appropriate response to the foreign government. Release of such classified information would cause damage to the national security, as internal deliberations and specific negotiating positions of the United States Government in the course of the relations between the United States Government and a foreign government or international organization must be classified to protect the ability of the United States to conduct relations with the other party, and with third parties who may be referred to in such deliberations.</p>	<p>This is document D16 on DoD list dated 8/4/2006.</p>

**INDEX OF DoD DOCUMENTS,
ACLU v. DoD
DOCUMENTS DENIED IN FULL: SECTION 4**

ID	Type	To	From	Subject/Title	Date	Exemption(s)	Remarks
A-73	Letter	Joint Staff	Dep Asst Sec of Def	Detainee Abuse Allegation	27 Oct 04	<p><u>Exemption One</u> This document is currently and properly classified under Executive Order 12958, as amended, Sections 1.4 (a) and (d), which pertain to military operations and foreign relations of the United States. It provides detailed summary of internal Executive Branch deliberations on the substance of a response to a inquiry from a foreign government. Release of such classified information would cause damage to the national security, as internal deliberations and specific negotiating positions of the United States Government in the course of the relations between the United States Government and a foreign government or international organization must be classified to protect the ability of the United States to conduct relations with the other party, and with third parties who may be referred to in such deliberations.</p>	This is document D17 on DoD list dated 8/4/2006.

**INDEX OF DoD DOCUMENTS,
ACLU v. DoD
DOCUMENTS DENIED IN FULL: SECTION 4**

ID	Type	To	From	Subject/Title	Date	Exemption(s)	Remarks
A-74	Memo	Under Sec of Def	Joint Staff	Detainee Abuse Allegation	8 Nov 04	<p><u>Exemption One</u> This document is currently and properly classified under Executive Order 12958, as amended, Sections 1.4 (a) and (d), which pertain to military operations and foreign relations of the United States. It provides detailed classified information for a potential response to an inquiry from a foreign government. This memo provides information for use in internal DoD deliberations on the content of this proposed response. Release of such classified information would cause damage to the national security, as internal deliberations and specific negotiating positions of the United States Government in the course of the relations between the United States Government and a foreign government or international organization must be classified to protect the ability of the United States to conduct relations with the other party, and with third parties who may be referred to in such deliberations.</p>	This is document D18 on DoD list dated 8/4/2006.

**INDEX OF DoD DOCUMENTS,
ACLU v. DoD
DOCUMENTS DENIED IN FULL: SECTION 4**

ID	Type	To	From	Subject/Title	Date	Exemption(s)	Remarks
A-75	Memo	DoS	Under Sec of Def	Allegation of Detainee Abuse	22 Nov 04	<p><u>Exemption One</u> This document is currently and properly classified under Executive Order 12958, as amended, Sections 1.4 (a) and (d), which pertain to military operations and foreign relations of the United States. It provides detailed classified information for a potential response to an inquiry from a foreign government. This memorandum provides proposals and information in the course of interagency deliberations on the substance of the appropriate response to the foreign government. Release of such classified information would cause damage to the national security, as internal deliberations and specific negotiating positions of the United States Government in the course of the relations between the United States Government and a foreign government or international organization must be classified to protect the ability of the United States to conduct relations with the other party, and with third parties who may be referred to in such deliberations.</p>	<p>This is document D19 on DoD list dated 8/4/2006.</p>

**INDEX OF DoD DOCUMENTS,
ACLU v. DoD
DOCUMENTS DENIED IN FULL: SECTION 4**

ID	Type	To	From	Subject/Title	Date	Exemption(s)	Remarks
A-76	E-mail string	DoS General Counsel	DoD Office of General Counsel	Swedish Demarche on Guantanamo Detainee	02 Aug 02	<p><u>Exemption One</u> This document is currently and properly classified under Executive Order 12958, as amended, Sections 1.4 (a) and (d), which pertain to military operations and foreign relations of the United States. This email string includes a detailed summary of an inquiry from a foreign government about detainee policy and an individual detainee. It also includes specific proposals and comments for consideration in formulating a potential response. This email string is an interagency deliberation on the substance of the appropriate response to the foreign government's inquiry. Release of such classified information would cause damage to the national security, as internal deliberations and specific negotiating positions of the United States Government in the course of the relations between the United States Government and a foreign government or international organization must be classified to protect the ability of the United States to conduct relations with the other party, and with third parties who may be referred to in such deliberations.</p>	This is document F19 on DoD list dated 8/4/2006.

**INDEX OF DoD DOCUMENTS,
ACLU v. DoD
DOCUMENTS DENIED IN FULL: SECTION 4**

ID	Type	To	From	Subject/Title	Date	Exemption(s)	Remarks
A-77	E-mail string	DoD	CENT-COM	Advance copy of Ramcharan Report on Human Rights	31 May 04	<p>Two exemptions apply to this document. <u>Exemption Three</u> This document is exempt under Exemption 3 and 10 USC 130c which protects unclassified information provided to DoD by a foreign government or international organization in confidence. Some segments of this email string contain confidential communications from an official of the United Kingdom to DoD in the course of discussions concerning detainees matters. These communications were made on the condition that they remain in confidence, and thus they fall under the specific statutory provision of 10 USC 130c designed to protect them.</p> <p><u>Exemption Five</u>: Segments of this email string discuss potential future actions and policy proposals that might be taken in response to the communication from the UK. This document is both predecisional and deliberative because it contains: (1) preliminary opinions, not DoD's final views, and are therefore pre-decisional; and (2) evaluations, proposals, and recommendations made as part of the consultative process with a foreign government with regard to the treatment of detainees. This kind of disclosure would make it impossible to conduct relations with foreign governments.</p>	This is document F92 on DoD list dated 8/4/2006.

**INDEX OF DoD DOCUMENTS,
ACLU v. DoD
DOCUMENTS DENIED IN FULL: SECTION 4**

ID	Type	To	From	Subject/Title	Date	Exemption(s)	Remarks
A-78	E-mail	DoJ	DoD Office of Legal Counsel	Letter	15 Sep 03	<u>Exemption Three</u> This document is exempt under Exemption 3 and 10 USC 130c which protects unclassified information provided to DoD by a foreign government in confidence. It discusses the substance of communications from the UK made on the condition that they remain in confidence, and thus they fall under the specific statutory provision of 10 USC 130c designed to protect them.	This is document F38 on DoD list dated 8/4/2006.
A-79	Draft Memo	DoD Compo- nents	DoD	Request for Coordination on Letter to Center for Constitutional Rights	Undated	<u>Exemption Five:</u> This draft memo was prepared for use in internal deliberations, seeking coordination and comments of DoD officials on a proposed response to an inquiry. Public disclosure of the substance of internal DoD discussions would reveal those internal deliberations. This document is both predecisional and deliberative because it contains: (1) preliminary opinions which do not reflect DoD's final views, and are therefore pre-decisional; and (2) evaluations, policy proposals, and recommendations as part of the consultative process with regard to the treatment of detainees. Disclosure of any of this deliberative information is likely to chill full, frank, and open internal discussions.	This is document F27 on DoD list dated 8/4/2006.

**INDEX OF DoD DOCUMENTS,
ACLU v. DoD
DOCUMENTS DENIED IN FULL: SECTION 4**

ID	Type	To	From	Subject/Title	Date	Exemption(s)	Remarks
A-80	E-mail string	DoD	CENT-COM	US Grants Protection for anti-Tehran group in Iraq	28 Jul 04	<p><u>Exemption 5</u> Two privileges apply: <u>Deliberative process</u>: The segments of this email string discuss the formulation of proposed responses to reports in the press concerning a matter relating to detainees. Public disclosure of the substance of internal DoD discussions on the substance of proposed responses to this report would reveal sensitive internal deliberations. This discussion is both predecisional and deliberative because it contains: (1) preliminary opinions which do not reflect DoD's final views, and are therefore predecisional; and (2) observations, opinions, advice, with regard to the treatment of detainees. Disclosure of any of this deliberative information is likely to chill full, frank, and open internal discussions.</p> <p><u>Attorney-client</u>: Some segments of this email string contain confidential communications among counsel and between counsel and their clients on a matter in which the client sought legal advice.</p>	This is document F115 on DoD list dated 8/4/2006.

**INDEX OF DoD DOCUMENTS,
ACLU v. DoD
DOCUMENTS DENIED IN FULL: SECTION 4**

ID	Type	To	From	Subject/Title	Date	Exemption(s)	Remarks
A-81	Videos	N/A	N/A	Videos of Immediate Reaction Force	Various	<p>To the extent that these documents are determined to be responsive, two exemptions apply to them: Exemptions 1 and 2.</p> <p><u>Exemption One</u> These documents are currently and properly classified under Executive Order 12958, as amended, Sections 1.4 (a) and (c), which pertain to military operations and intelligence activities of the United States. These videos record military operations and intelligence activities regarding detainees. Release would allow the videos to be viewed by hostile organizations which could then use information gained from this viewing to impede these critical military operations and intelligence activities.</p> <p><u>ExemptionTwo</u>: These videos are internal DoD documents and are used for internal purposes. The release of the detailed information recorded on these videos regarding detainees would permit hostile entities to gain specific knowledge of the operational methods employed in certain circumstances, which would provide them an opportunity to adjust their behavior to frustrate these operations.</p>	<p>These videos are referenced in paragraph VI(1) of plaintiffs' letter dated 15 Aug 2006. None of these videos have been determined to be responsive to the plaintiffs' request.</p>

**INDEX OF DoD DOCUMENTS,
ACLU v. DoD
DOCUMENTS DENIED IN FULL: SECTION 4**

ID	Type	To	From	Subject/Title	Date	Exemption(s)	Remarks
A-82	Letter	DoS	Asst Sec of Def	None stated	18 Jul 03	<p><u>Exemption One</u> This document is currently and properly classified under Executive Order 12958, as amended, Sections 1.4 (a) and (c), which pertain to military operations and intelligence activities of the United States. This document discusses methods to improve interrogation procedures and sources of additional expertise that might be useful in the deliberations on detainee matters. Release of this detailed information would cause serious damage to the national security, specifically intelligence activities and methods, as disclosure would allow hostile entities to discover what future actions may be planned or policies developed concerning detainees.</p>	<p>This is document F8 on DoD list dated 8/4/2006.</p>