

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

USDC SDNY
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AMERICAN CIVIL LIBERTIES UNION, et al., :

Plaintiffs, :

-against- :

DEPARTMENT OF DEFENSE, et al., :

Defendants. :

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ALVIN K. HELLERSTEIN, U.S.D.J.:

ORDER

04 Civ. 4151 (AKH)

In connection with the parties' pending cross motions for summary judgment, the Court on May 26, 2005, reviewed in camera eight documents containing photographs of detainees at Abu Ghraib, which are included as part of the larger collection of detainee photographs and images provided by Joseph Darby to the Department of the Army's Criminal Investigation Command (the "Darby photographs"). These eight documents were provided to the Court as a sample of some of the issues raised by the Darby photographs. Based upon the record before the Court, it is hereby

ORDERED that the Government shall redact identifying features from the photographs addressed by the Court in Government exhibits GX-1, GX-2, GX-7 and GX-9; and it is further

ORDERED that the Government is not required to further process or redact the photographs addressed in Government exhibits GX-3, GX-5 and GX-6 as the Court has determined that meaningful redaction of identifying information is not possible and the resulting redacted photographs would not be responsive; and it is further

ORDERED that the Government is not required to further process or redact the photographs addressed in Government exhibit GX-8 as the Court has determined that these photographs are not responsive; and it is further

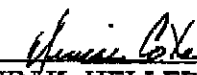
ORDERED that the Court determines that a ruling on the photograph addressed in Government exhibit GX-4 is not appropriate because the photograph, which was shown to the Court in camera for illustrative purposes by the Government, is not one of the Darby photographs; and it is further

ORDERED that the Department of Defense ("DOD") shall reprocess and redact the remaining Darby photographs based upon the principles incorporated in the Court's rulings above; such reprocessing and redaction shall take place as to the responsive Darby photographs by June 30, 2005; and it is further

ORDERED that DOD shall provide the Court by June 10, 2005, with an estimate regarding the length of time it will take to reprocess and redact the four movies included as part of the Darby photographs.

SO ORDERED.

Dated: New York, New York
June 1 , 2005



ALVIN K. HELLERSTEIN
United States District Judge
Part I