

UNCLASSIFIED

Peay, T. Michael

From: Solomon, Steven A  
Sent: Thursday, December 19, 2002 10:12 AM  
To: Moley, Kevin E; Foley, James B; Peay, T. Michael; DeLaurentis, Jeffrey A; Campbell, Piper  
Cc: Danies, Joel D; (U) Aker, Richard(Geneva)  
Subject: FW: Detainee Deaths - DoD PAG

RELEASED IN PART

B5

FYI. Note the third message from the top has press guidance regarding the detainee deaths. R/Steve

-----Original Message-----

From: DOLANJA@ms.state.gov  
Sent: Wednesday, December 18, 2002 6:53 PM  
To: TaftWH@ms.state.gov; BUCHWALDTF@ms.state.gov; DOROSINJ@ms.state.gov; SURENAAM@ms.state.gov; BRANCATOGM@ms.state.gov; SolomonSA@state.gov; CummingsER@ms.state.gov  
Subject: FW: Detainee Deaths - DoD PAG

B5

-----Original Message-----

From: Boltz, Donna, LTC, OSD-POLICY [mailto:Donna.Boltz@osd.mil]  
Sent: Tuesday, December 17, 2002 11:31 AM  
To: 'mwaxman@nsc.eop.gov'; 'MillerRonW@state.gov'  
Subject: FW: Detainee PAG

Gentlemen,

Below find the press guidance I mentioned in last night's email (on classified system) regarding detainee deaths.

> -----Original Message-----

> From: Hetlage, Daniel, LT, OASD-PA  
> Sent: Tuesday, December 17, 2002 9:59 AM  
> To: Davidson, Eliana, Ms, DoD OGC; Boltz, Donna, LTC, OSD-POLICY;  
> Wadsworth, Ted, Maj, OASD-PA; Popal, Mustafa, CIV, OSD-POLICY  
> Cc: Barna, Stephanie A Ms OGC; Casler, Jeffrey, LCDR, DoD OGC; Burfeind,  
> Barbara, LtCmdr., OASD-PA; Allen, Charles, Mr, DoD OGC  
> Subject: RE: Detainee PAG

> All,

> Appreciate all your hard work and input. This release came directly  
> from the DEPSECDEF and ASD/PA (Ms. Clarke) who worked it personally.

> "ON DECEMBER 10TH, A DETAINEE DIED AT THE BAGRAM DETENTION FACILITY. THIS  
> DEATH FOLLOWS A PREVIOUS DEATH AT THE FACILITY ON DECEMBER 3.

> AUTOPSIES HAVE BEEN PERFORMED ON BOTH INDIVIDUALS BY COALITION MEDICAL  
> TEAMS THAT INCLUDE REPRESENTATIVES FROM JORDAN, KOREA AND THE U.S. THE  
> AUTOPSY FINDINGS ON THE DETAINEE THAT DIED ON DECEMBER 3, FOUND THE CAUSE  
> OF DEATH TO BE A PULMONARY EMBOLISM. THE AUTOPSY FINDINGS FOR THE  
> DETAINEE THAT DIED ON DECEMBER 10, FOUND THE CAUSE OF DEATH TO BE A HEART  
> ATTACK.

> AN INVESTIGATION HAS BEEN INITIATED BY THE ARMY'S CRIMINAL  
> INVESTIGATION DIVISION TO DETERMINE IF THE CIRCUMSTANCES OF THEIR  
> DETENTION WAS RELATED OR CONTRIBUTED TO THEIR DEATHS. THE FINDINGS OF THE  
> INVESTIGATION WILL BE RELEASED ONCE THE INVESTIGATION IS COMPLETE."

> Very respectfully,

> LT Hetlage

>

UNITED STATES DEPARTMENT OF STATE  
REVIEW AUTHORITY: CHARLES L DARIS  
DATE/CASE ID: 14 DEC 2004 200303827

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DOS-001861

UNCLASSIFIED

ACLU-RDI 4197 p.1



**United States Department of State**

*Washington, D.C. 20520*

Case No. 200303827  
Segment ER003

Mr. Amrit Singh  
American Civil Liberties Union Foundation  
125 Broad Street, 18<sup>th</sup> Floor  
New York, NY 10004-2400

DEC 23 1994

Dear Mr. Singh:

I refer to our previous correspondence regarding the release of certain Department of State material you had requested under the Freedom of Information Act (Title 5 USC Section 552) in your letters of October 7, 2003 and May 25, 2004.

We have retrieved 83 additional documents from the Central Foreign Policy Records that appear responsive to your request, and have grouped them as Segment ER003. After reviewing these documents, we have determined that 22 may be released in full, 33 may be released with excisions, and 22 must be withheld in full. All released material is enclosed. A decision on six documents requires interagency coordination; we will inform you when we receive the results of that coordination.

Material in the excised portions of 29 of the documents released in part and in all 22 of the documents withheld in full is currently and properly classified under Executive Order 12958 in the interest of national defense or foreign relations. As such, it is exempt from release under subsection (b)(1) of the Freedom of Information Act.

Material in the excised portions of four of the documents released in part is related solely to the internal personnel rules and practices of an agency. As such, it is exempt from release under subsection (b)(2) of the Freedom of Information Act.

Material in the excised portions of five of the documents released in part is specifically exempted from disclosure by statute, to wit, the Central Intelligence Agency Act of 1949 (Title 50 USC Section 403g). As such, it is exempt from release under subsection (b) (3) of the Freedom of Information Act.

Information in the excised portions of two of the documents released in part is exempt from release under subsection (b) (5) of the Freedom of Information Act because it is protected by the deliberative process privilege, attorney client privilege, attorney work product privilege, and/or another privilege incorporated by subsection (b) (5).

Material in the excised portions of eight of the documents released in part and in two of the documents withheld in full is of such a nature that its release would constitute a clearly unwarranted invasion of personal privacy. As such, it is exempt from release under subsection (b) (6) of the Freedom of Information Act.

Material in the excised portions of seven of the documents released in part and in two of the documents withheld in full is information compiled for law enforcement purposes which, if produced, could reasonably be expected to interfere with enforcement proceedings. As such, it is exempt from release under subsection (b) (7) (A) of the Freedom of Information Act.

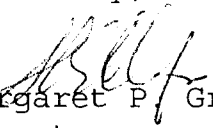
Material in the excised portions of ten of the documents released in part and in two of the documents withheld in full is information compiled for law enforcement purposes which, if produced, could reasonably be expected to constitute an unwarranted invasion of personal privacy. As such, it is exempt from release under subsection (b) (7) (C) of the Freedom of Information Act.

In some cases, two or more exemptions may apply to the same document. In the case of a document released in part, all non-exempt material that is reasonably segregable from the exempt material has been released.

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The search of the other files has been completed, and we will let you know as the review of the various segments has been accomplished.

Sincerely,

  
Margaret P. Grafeld  
Director

Office of Information Programs  
and Services

Enclosures:  
As stated.