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DEPARTMENT OF DEFENSE
OFFICE OF FREEDOM OF INFORMATION
1155 DEFENSE PENTAGON
WASHINGTON, DC 20301-1155

SEP 30 2011

Ref: 04-F-1886

Mr. John Greenwald Jr.
[REDACTED]
[REDACTED]

Dear Mr. Greenwald:

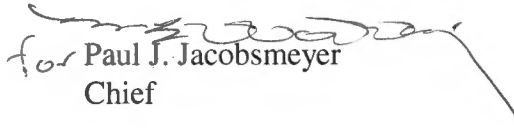
This is the final response to your Freedom of Information Act (FOIA) request dated June 17, 2004, for "all documents pertaining to the hiding of a prisoner being held at a high level prison in Iraq." A search was conducted of the records systems of the Office of the Under Secretary of Defense for Policy (USD(P)) which resulted in the location of three documents responsive to your request.

The Department of Defense is currently involved in FOIA litigation case concerning ghost detainees. This case involves documents that would be responsive to your FOIA request but are being processed through litigation. At this time we are unable to determine when the litigation will be complete however we have begun to post documents that have been cleared for release and as further documents are released they will be located in our electronic reading room which you can find at this address:

http://www.dod.mil/pubs/foi/operation_and_plans/Detainee/death_investigation/ghost_detainees/
The enclosed three documents located in the USD(P) search are provided to you as they were released in litigation.

If you are not satisfied with this action, you may appeal to the appellate authority, the Director of Administration and Management, Office of the Secretary of Defense, by writing directly to the Defense Freedom of Information Policy Office, Attn: Mr. James Hogan, 1155 Defense Pentagon, Washington, D.C. 20301-1155. Your appeal should be postmarked within 60 calendar days of the date of this letter, should cite to case number 04-F-1886, and should be clearly marked "Freedom of Information Act Appeal."

Sincerely,


for Paul J. Jacobsmeyer
Chief

~~SECRET~~

INFO MEMO

DepSecDef _____

USD(P) _____

I-04/010339-DA

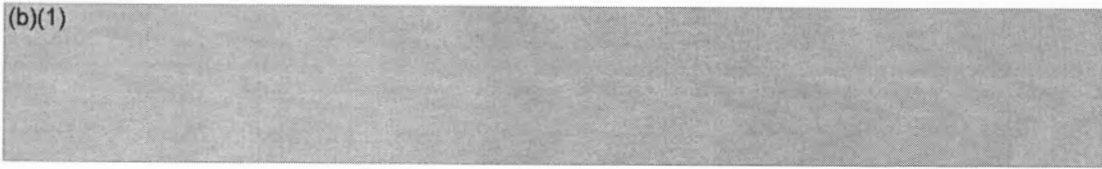
FOR SECRETARY OF DEFENSE

FROM: Ryan Henry, PD Under Secretary of Defense for Policy

SUBJECT: Defining "Ghost" Detainees

- (U) Members of Congress, the press, and some NGOs have raised questions and made allegations about "ghost" detainees. It is important to clarify the differences among detainees who are being categorized under this term and to set the record straight.

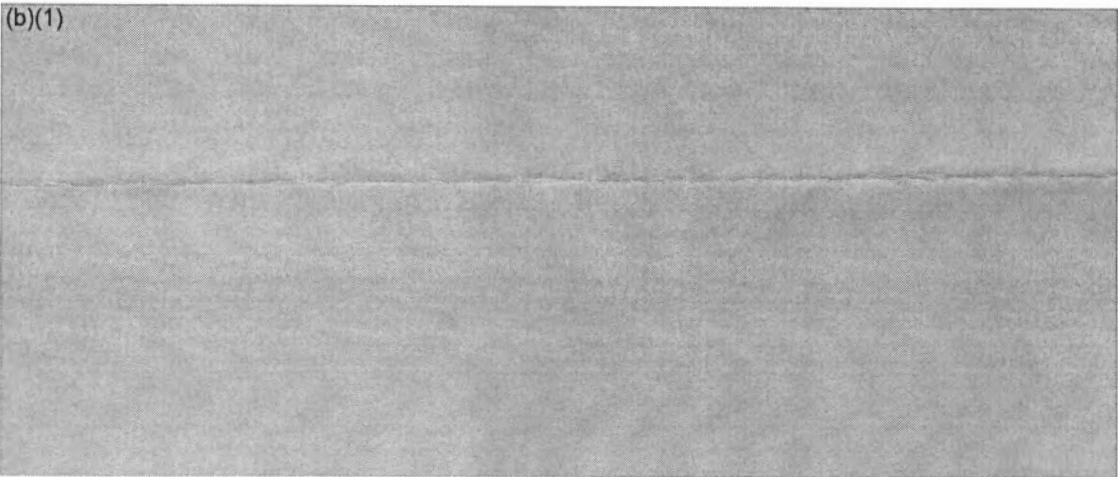
- (b)(1)



- (U) The media and Congress have since used the term "ghost" detainees to refer to three other categories of detainees:

- ~~(S)~~ Detainees recently captured: DoD policy is that detainees must have an ISN within 96 hours unless the security situation prohibits moving a detainee to a processing point in that time.

- (b)(1)



- (U) The attached talking points should be used in response to queries on the subject of "ghost" detainees to clarify the definition (Tab A).

Derived from: Multiple Sources
Reason or Reasons: 1.4 (a)
Declassify On: 3 August 2024

~~SECRET~~

USD(P) AMNESTY/CCR 6

~~SECRET~~

Coordination: Tab B

Attachment: As stated.

Prepared by: (b)(6) OUSD(P) Detainee Affairs, (b)(2)

~~SECRET~~

USD(P) AMNESTY/CCR 7

DRAFT

Talking Points on "Ghost" Detainees

- There have been several recent media reports alleging that DoD holds "ghost" or "hidden" detainees. I would like to clarify this issue.
- DoD does not hold "ghost" detainees.
- All DoD detainees have internment numbers, and the Red Cross is notified that they are under DoD control.
 - DoD policy is to issue an internment number to each detainee captured within 96 hours.
- On occasion, for reasons of military necessity, DoD may restrict access to a detainee. However, the detainee is not "hidden" from the ICRC, and the ICRC knows that the person remains in DoD control.
- As I discussed in a press conference on June 17, there was one detainee in Iraq whom we did not register with the ICRC for about seven months in response to a request by the (b)(1)
- This situation was an anomaly, and DoD has taken steps to correct the situation. That situation does not reflect our policy on ICRC access to detainees.

DRAFT

USD(P) AMNESTY/CCR 8

COORDINATION

Office of the General Counsel
Of the Department of Defense

Copy provided August 2, 2004

USD (Intelligence)

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Joint Staff

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ASD (Public Affairs)

Copy provided August 3, 2004

~~SECRET~~

In response refer to:
I-04/010339-DA

FOR UNDER SECRETARY OF DEFENSE (INTELLIGENCE)
GENERAL COUNSEL OF THE DEPARTMENT OF DEFENSE
ASSISTANT SECRETARY (PUBLIC AFFAIRS)
DIRECTOR, JOINT STAFF

SUBJECT: Press Points on "Ghost" or "Hidden" Detainees

Members of Congress, the press, and some NGOs have made statements or asked questions about "ghost" or "hidden" detainees being held by the Department of Defense. It is important that we set the record straight on this issue and clarify what the term "ghost" detainee means.

Please verify the veracity of the attached information memorandum and talking points and provide your coordination by August 9, 2004.

Ryan Henry

~~SECRET~~

Unclassified when separate from attachment

USD(P) AMNESTY/CCR 10

