

**UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF VIRGINIA
ALEXANDRIA DIVISION**

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|-------------------------------------|---|--------------------------------|
| SUHAIL NAJIM |) | |
| ABDULLAH AL SHIMARI <i>et al.</i> , |) | |
| |) | |
| Plaintiffs, |) | Case No. 1:08-cv-827 (LMB/JFA) |
| |) | |
| v. |) | |
| |) | |
| CACI PREMIER TECHNOLOGY, INC. |) | |
| |) | |
| Defendant. |) | |
| |) | |
| CACI PREMIER TECHNOLOGY, INC., |) | |
| |) | |
| Third-Party Plaintiff, |) | |
| |) | |
| v. |) | |
| |) | |
| UNITED STATES OF AMERICA, and |) | |
| JOHN DOES 1-60, |) | |
| |) | |
| Third-Party Defendants. |) | |
| |) | |

DECLARATION OF JARED S. BUSZIN, ESQ.

I, JARED S. BUSZIN, hereby declare as follows:

1. I am co-counsel to Plaintiffs in the above captioned matter. I submit this Declaration in support of Plaintiffs’ Opposition to Defendant CACI Premier Technology, Inc.’s Motion to Dismiss Based on the State Secrets Privilege. I have personal knowledge of the facts stated herein.

2. Attached hereto are true and correct copies of the following exhibits:

Exhibit 1: Letter from Elliott Davis to John O’Connor, dated September 11, 2018;

- Exhibit 2:** Declaration and Third Assertion of State Secrets Privilege by James N. Mattis, Secretary of Defense;
- Exhibit 3:** Detainee file for Plaintiff Al Ejaili produced by the United States;
- Exhibit 4:** Letter from Elliott Davis to John O'Connor, dated November 19, 2018;
- Exhibit 5:** Detainee file for Plaintiff Al Zuba'e produced by the United States;
- Exhibit 6:** Detainee file for Plaintiff Rashid produced by the United States;
- Exhibit 7:** Excerpt from the detainee file for Plaintiff Al Shimari produced by the United States;
- Exhibit 8:** Select witness statements from Annex B to the Jones/Fay Report and select pages from Annex 53 to the Taguba Report;
- Exhibit 9:** Transcript excerpts from the March 3, 2013 deposition of Ivan Frederick;
- Exhibit 10:** Transcript excerpts from the April 22, 2013 deposition of Charles Graner;
- Exhibit 11:** Transcript excerpts from the April 25, 2013 deposition of James Beachner;
- Exhibit 12:** The United States' Supplemental Response to Interrogatory No. 3 of Defendant CACI Premier Technology Inc.'s Amended Second Set of Interrogatories to the United States;
- Exhibit 13:** Transcript of the October 4, 2018 deposition of CACI Interrogator A;
- Exhibit 14:** Email from Elliott Davis to Peter Nelson, dated August 14, 2018;
- Exhibit 15:** Transcript of the June 14, 2018 deposition of Army Interrogator B;
- Exhibit 16:** Transcript of the July 9, 2018 deposition of Army Interrogator F;
- Exhibit 17:** Declaration and Assertion of State Secrets Privilege by James N. Mattis, Secretary of Defense;
- Exhibit 18:** Declaration and Second Assertion of State Secrets Privilege by James N. Mattis, Secretary of Defense;
- Exhibit 19:** Transcript excerpts from the April 25, 2013 Rule 30(b)(6) deposition of CACI International, Inc. and CACI Premier Technology, Inc.;
- Exhibit 20:** Email from Mark Billings to Charles Mudd, dated May 2, 2004;

- Exhibit 21:** Email from Scott Northrup to Charles Mudd, David Norton, and Mark Billings, dated May 17, 2004;
- Exhibit 22:** Email from Daniel Porvaznik to Charles Mudd and Mark Billings, dated May 1, 2004;
- Exhibit 23:** Email from Charles Mudd to various CACI personnel, dated March 20, 2004;
- Exhibit 24:** Excerpts from J. Phillip London and the CACI Team, *Our Good Name: A Company's Fight to Defend Its Honor and Get the Truth Told About Abu Ghraib* (2008);
- Exhibit 25:** August 12, 2004 news release issued by CACI, titled: "CACI Reports Preliminary Findings of Internal Investigation";
- Exhibit 26:** Plaintiffs' First Request for the Production of Documents to CACI International, Inc. and CACI Premier Technology, Inc.;
- Exhibit 27:** Defendants' Objections to Plaintiffs' First Request for Production of Documents;
- Exhibit 28:** Transcript of the June 18, 2018 deposition of Major General Antonio Taguba;
- Exhibit 29:** Statement of Work between CACI and the United States;
- Exhibit 30:** Excerpt from Army Field Manual ("FM") 34-52;
- Exhibit 31:** Transcript excerpt from September 14, 2018 hearing;
- Exhibit 32:** Copy of *CACI Named "Best for Vets" Employer by Military Times* (May 15, 2018), http://www.caci.com/announcement/2018/CACI_Named_Best_for_Vets_Employer_by_Military_Times.shtml

Pursuant to 28 U.S.C. § 1746, I declare under penalty of perjury that the foregoing is true and correct.

Dated: New York, New York
January 22, 2019

/s/ Jared S. Buszin
Jared S. Buszin

EXHIBIT 1



U.S. Department of Justice

Civil Division

157-79-4937

Washington, D.C. 20530

September 11, 2018

BY E-MAIL

John F. O'Connor
Steptoe & Johnson LLP
1330 Connecticut Ave. NW
Washington, DC 20036
joconnor@steptoe.com

Re: Al Shimari v. CACI Premier Technology, Inc., No. 1:08-cv-0827 (E.D. Va.)

Dear John:

By this letter, the United States is supplementing its May 14, 2018, document production with an additional 5 pages in the following Bates range: AS-USA-054729 through AS-USA-054733.

This supplemental production completes the United States' rolling document production, and brings the United States' total document production as a party to this litigation to 60,843 pages and 220 native files.

As always, if you have any questions concerning the United States' production, please feel free to call me at (202) 616-4206, or email me at elliott.m.davis@usdoj.gov.

Best,

/s/ Elliott M. Davis
Elliott M. Davis

Attachment (via FTP uplink)

Cc: Plaintiffs' counsel (by email)

EXHIBIT 2

**IN THE UNITED STATES DISTRICT COURT FOR THE
EASTERN DISTRICT OF VIRGINIA
Alexandria Division**

**SUHAIL NAJIM ABDULLAH AL
SHIMARI, et al.,**

Plaintiffs,

v.

CACI PREMIER TECHNOLOGY, INC.,

Defendant.

No. 1:08-cv-827 (LMB-JFA)

CACI PREMIER TECHNOLOGY, INC.,

Third-Party Plaintiff,

v.

**UNITED STATES OF AMERICA,
and JOHN DOES 1-60,**

Third-Party Defendants.

**DECLARATION AND THIRD ASSERTION OF STATE SECRETS PRIVILEGE BY
JAMES N. MATTIS, SECRETARY OF DEFENSE**

I, James N. Mattis, do hereby state and declare as follows:

1. I am the Secretary of Defense and have served in this capacity since January 20, 2017. I am the head of the Department of Defense ("DoD") and the principal assistant to the President in all matters relating to DoD. The Secretary of Defense has authority, direction, and control

over DoD and its components, activities, and information. *See* 10 U.S.C. § 113(b). As more fully detailed in the declaration I submitted in connection with this litigation on April 27, 2018, prior to serving as the Secretary of Defense, I served more than four decades in uniform, commanding Marines at all levels, including during combat operations. *See* Declaration and Assertion of State Secrets Privilege by James N. Mattis, Secretary of Defense, Dkt. No. 775-1 (Apr. 27, 2018).

2. Since the filing of my April 27, 2018 declaration in which I asserted the state secrets privilege with respect to the names and visual representations of all individuals who served as interrogators and interrogation analysts in intelligence interrogations of the plaintiffs, and the filing of my July 18, 2018 declaration in which I asserted the state secrets privilege with respect to the names and visual representations of all individuals who supported the interrogations of the plaintiffs, including linguists and interpreters, and through the exercise of my official duties, I have been kept informed of significant developments in this litigation. The purpose of this declaration is to formally assert the state secrets privilege in order to protect a focused and discrete set of classified information of DoD contained in the unredacted versions of various redacted documents produced in this case. As summarized in this declaration, public disclosure of the information covered by my privilege assertion reasonably could be expected to cause serious damage to the national security of the United States. As the Secretary of Defense and pursuant to Executive Order 13256, "Classified National Security Information," I hold original classification authority up to the TOP SECRET level. This means that I have been authorized by the President to make original classification decisions. I make the following statements pursuant to that authority and based upon my personal knowledge and on information made available to me in my official capacity.

I. ASSERTION OF THE STATE SECRETS PRIVILEGE

3. As described further in the following paragraphs, and after personal consideration of the matter, I am asserting the state secrets privilege over classified information implicated by this litigation described below, which consists generally of: (a) the names and/or visual representations of individuals who either conducted or supported the intelligence interrogation or questioning of specific detainees, other than plaintiffs, at Abu Ghraib or other detention facilities in Iraq and the names or identities of specific detainees, other than plaintiffs, in connection with the names and/or visual representations of personnel who either conducted or supported the interrogation or questioning of these detainees; (b) the alpha-numeric portion of the plaintiffs' internment serial numbers ("ISNs"); (c) certain records of intelligence interrogations, detainee debriefings, or intelligence questioning related to transcribed interrogator notes, summary interrogation reports, an interrogation plan, and other related records pertaining to the plaintiffs; and (d) information relating to specific intelligence-gathering efforts and results, unrelated to plaintiffs, as well as information relating to non-DoD intelligence sources. Parts I.A. through I.D. of this Declaration describe these categories of information in more detail and set forth my conclusion regarding the consequences of unauthorized disclosure for each category of information: that such disclosure reasonably could be expected to cause serious damage to the national security of the United States. Parts II.A. through II.D. set forth in detail the explanation, corresponding to each category, of why I have reached that conclusion. In preparation for my assertion of the state secrets privilege over the information covered by this declaration, all of the disputed documents (27 documents consisting of approximately 300 pages) containing privileged information were made available to me for review in unredacted form. In the majority of these documents, DoD has disclosed to the parties in this litigation extensive portions of the

documents at issue, with redactions used narrowly and sparingly to protect only the information for which disclosure reasonably could be expected to cause serious damage to the national security of the United States. Significantly, given the subject matter of this litigation and the allegations of the plaintiffs, none of the withheld material discusses or describes the use of enhanced interrogation techniques or techniques not authorized by Army Field Manual (“FM”) 34-52. I have personally reviewed all of these documents that contain information in each of the above categories. I have also discussed the details of the documents and information sought in this case with knowledgeable members of my staff to ensure that the bases for the privilege assertions set forth in this Declaration are appropriate.

A. Statements Containing Protected Identities.

4. DoD classifies as “SECRET” the names and visual representations of DoD interrogators, debriefers, contract interrogators, support personnel, and foreign government interrogators when their identities are associated with the interrogation, debriefing, or other intelligence questioning of a specific detainee, pursuant to section 1.4(c) of Executive Order 13526. This is reflected in DoD Directive 3115.09, “DoD Intelligence Interrogations, Detainee Debriefings, and Tactical Questioning.” I previously asserted the state secrets privilege over information in this category pertaining to the interrogation personnel involved with intelligence interrogations of the plaintiffs in this litigation; however, other information properly classified and protected from disclosure by these authorities is contained in a statement at Annex 53 to the *Army Regulation 15-6 Investigation of the 800th Military Police Brigade*, conducted by Major General Antonio M. Taguba (“Taguba Report”), and in 13 statements in Annex B to the *Army Regulation 15-6 Investigation of the Abu Ghraib Detention Facility and 205th Military Intelligence Brigade*, conducted by Lieutenant General Anthony Jones and Major General

George Fay (“Jones-Fay Report”). In contrast to my two previous assertions of the state secrets privilege in this category, much of the information redacted from the documents now at issue comprises detainee identities (other than the plaintiffs’) rather than the identities of interrogation personnel. This permitted production of documents such as witness statements with the information most relevant to this litigation (such as the names of the witnesses providing the statements), while at the same time protecting the relationship between interrogation personnel and the intelligence interrogations of specific detainees. In my judgment, unauthorized disclosure of this information reasonably could be expected to cause serious damage to the national security of the United States.

B. Alpha-Numeric Portion of the Internment Serial Number (ISN).

5. Executive Order 13526, section 1.4(a), permits the classification of military plans, weapons systems, or operations. DoD classifies as “SECRET” the alpha-numeric portion of the ISN. This alpha-numeric portion of the ISN describes the capturing power (*i.e.*, the country that captured the individual), the theater code (*i.e.*, the theater where the individual was captured), and the serving power of the captured individual (*i.e.*, the individual’s country of military allegiance). The capturing country and military allegiance of the captured individual are denoted by letters, while the conflict zone is denoted by a number.¹ While that information remains redacted and classified², the unique six digit number portion of the ISN is unredacted for the

¹ For example, if the United States (referred to as “US” in this system) were to capture a Syrian fighter (referred to as “SY”) in Iraq (referred to as “9”), that individual’s complete ISN would be: US9SY-123456EPW. The “EPW” (Enemy Prisoner of War) portion references the detainee classification. Depending on the circumstances, this could be “CI” (Civilian Internee), among others. The six digit number portion of the ISN for this individual (123456) is releasable, but the alpha-numeric portion of the ISN would remain classified.

² Although the capture of the four plaintiffs in this case in Iraq is not a classified fact, it is impractical for DoD to declassify and unredact individual characters in an alphanumeric string

plaintiffs.³ Information properly classified and protected from disclosure by this authority is contained throughout the detainee files of Plaintiffs Al Shimari, Rashid, and Al Zubae. In my judgment and for the reasons outlined below, unauthorized disclosure of this information reasonably could be expected to cause serious damage to the national security of the United States.

C. Portions of Documents Created Before or After Intelligence Interrogations.

6. Pursuant to section 1.4(c) of Executive Order 13526 and DoD Manual 5200.01, “DoD Information Security Program,” DoD classifies as “SECRET” all transcribed interrogator notes, memoranda for the record, summary interrogation reports, and all other related records of intelligence interrogations, detainee debriefings, or intelligence questioning in accordance with the relevant security classification guides. *See* DoD Directive 3115.09, “DoD Intelligence Interrogations, Detainee Debriefings, and Tactical Questioning,” Enclosure 4, paragraph 13b. Within these documents, I am asserting the state secrets privilege over (i) counterintelligence (CI) information reports [AS-USA-054188 thru -054190, -054213 thru -054215, -054241 thru -054243], (ii) summary interrogation reports containing analyst and interrogator intelligence focus comments [AS-USA-054169, -054195, -054224; AS-USA-053950, -053954, -054113], (iii) interrogation collector comments [AS-USA-053945, -053948, -053949, -054122], (iv) detainee interrogation plans [AS-USA-053958], (v) approaches used during interrogation [AS-USA-053943, -053970; -054175, -054201, -054230]; (vi) observations related to the

while leaving the remainder classified and redacted. Attempting to do so would carry a high risk that portions of the adjacent characters would be inadvertently exposed through errors or imperfections in the redaction process, thereby causing the harms described in this declaration that would occur if the other portions of the alphanumeric string were to be released.

³ Al Shimari’s six digit ISN is 153913, Rashid’s is 150803, Al Zubae’s is 152529, and Al Ejaili’s is 152735. Their six digit ISN is unique, as is every other one issued. They are never re-issued to another detainee.

mood/attitude of the detainee [AS-USA-053943, -053970; -054176, -054202, -054231]; (vii) assessments by the interrogator regarding the truthfulness of the detainee [AS-USA-053943, -053970; -054176, -054202, -054231]; (viii) interrogator recommendations and/or suggested future approaches that may work with the detainee [AS-USA-053943, -053970; -054176, -054202, -054231]; and (ix) suggestions for when future interrogations should occur [AS-USA-054176, -054202, -054203], except where such information has been produced in discovery pursuant to a determination by DoD personnel that disclosure would not reasonably be expected to cause serious damage to the national security of the United States. The remainders of those documents have been produced in this litigation, and the information redacted is narrowly tailored to the information over which I am asserting the state secrets privilege. Such discrete information, properly classified and protected from disclosure as explained below, is contained within the written interrogation plan and interrogation reports for Plaintiff Al Shimari, and the interrogator notes for Plaintiffs Al Shimari and Al Zubae. In my judgment and for the reasons explained below, unauthorized disclosure of this information reasonably could be expected to cause serious damage to the national security of the United States.

D. Intelligence-Gathering Sources, Efforts, and Results, Unrelated to Plaintiffs.

7. Executive Order 13526, Section 1.4(c), authorizes the classification of intelligence activities and intelligence sources or methods. Annex H, Appendix 6-A of the Jones-Fay Report consists of a command briefing prepared by the 205th Military Intelligence Brigade regarding the Brigade's operations at Abu Ghraib in early 2004. Thirty-four of the 36 pages in that briefing have been declassified, including all pages in the mission, overview, internee operations, community outreach, and magistrate operations sections. In the interrogation operations section of the briefing, nine of the eleven pages have been declassified in full and the remaining two

pages have been declassified in part. I have reviewed and determined that the information in the remaining two pages that was not declassified is currently and properly classified as it contains detailed, sensitive information regarding two specific interrogation-based operations and includes specific actionable intelligence obtained from two identified detainees, other than plaintiffs in this litigation. For the reasons detailed below, it is my judgment that the unauthorized release of this information reasonably could be expected to cause serious damage to the national security.

8. Similarly, Annex H, Appendix 10 of the Jones-Fay Report contains a classified September 2003 briefing prepared for the Commander, Combined Joint Task Force 7, the senior military commander in Iraq at that time. Of the 27 pages of the briefing, styled as a “concept brief” for interrogation operations in Iraq, 23 pages have been declassified and released in full and the remaining four pages have been declassified in large part. I have reviewed and determined that the information withheld on the four partially-declassified pages is currently and properly classified pursuant to EO 13526, Section 1.4(c). The protected information relates to a non-DoD intelligence source and a proposal for integrating this source into the overall interrogation processes in Iraq. Although this particular briefing was presented 15 years ago, the information I am protecting by asserting the state secrets privilege remains applicable to some interrogation operations today. As more fully described below, failure to prevent unauthorized disclosure of this information reasonably could be expected to cause serious damage to our national security.

II. HARM TO NATIONAL SECURITY THAT REASONABLY COULD RESULT FROM DISCLOSURE OF PRIVILEGED INFORMATION

A. Statements Containing Protected Identities.

9. Disclosure of the identities of intelligence interrogators and support personnel, in connection with the interrogation of specific detainees, reasonably could be expected to cause serious damage to the national security of the United States. DoD human intelligence (HUMINT) collection activities, including intelligence interrogations, provide the President, the National Security Council, Congress, the Secretary of Defense, commanders at every echelon, and other U.S. Government departments and agencies the intelligence they need to protect the national security. The identities of intelligence interrogators and support personnel, when associated with the interrogation of specific detainees, and the identities of specific detainees, in connection with the names and/or visual representations of individuals who either conducted or supported the intelligence interrogation or questioning of these detainees, could expose intelligence interrogators and support personnel, and their families, to an unacceptable risk of harm through possible retribution by the detainees, groups to which the detainees belong, or other sympathizers. Failure to protect the identities of intelligence interrogators and support personnel in connection with the interrogations of specific detainees would also have a chilling effect on DoD's ability to recruit and retain intelligence interrogators and support personnel and to collect intelligence on these dangerous groups and individuals. DoD asks its intelligence interrogators and support personnel to assist in the collection of information from persons who belong to or are associated with some of the most dangerous enemies of the United States, including individuals who belong to or are associated with al Qaeda or its affiliates or with the Islamic State of Iraq and ash-Sham ("ISIS"), organizations whose stated purpose is to kill Americans, military or civilian, wherever they are found. Intelligence interrogators and support personnel who assist in the conduct of interrogation operations do so with the expectation that their identities and involvement with interrogations of particular detainees will be protected from

public disclosure. For these reasons, I previously asserted the state secrets privilege over other information in this category and explained the reasons for doing so in my April 27, 2018 and July 18, 2018 declarations. I hereby provide a renewed explanation of the importance of protecting this information for the Court's convenience.

10. The risk of harm to U.S. national security interests from the disclosure of the intelligence interrogator and support personnel information at issue is not merely theoretical. Terrorist groups and their affiliates have targeted U.S. military personnel and contractors supporting U.S. military operations for attacks for many years, sometimes with devastating consequences. For the past few years, ISIS sympathizers and hackers have periodically published "kill lists" online, which include personally identifiable information, such as the names and home addresses of DoD personnel. As recently as December 2017, a "kill list" that included the names and contact information of DoD military and civilian personnel was posted to the Internet by ISIS supporters who encouraged "lone wolves" to use the information for targeting purposes. In addition, there have been actual attacks against DoD interrogators by detainees. If the names of these intelligence interrogators and support personnel were disclosed in court in connection with their interrogations of specific detainees, then they could be added to the "kill lists." In my judgment, the likelihood that such kill lists will inspire action by ISIS, Al Qaeda, their sympathizers, or lone wolves is substantially greater where such action can be linked to the actual interrogation of a detainee and characterized as retribution on behalf of that individual detainee.

11. Despite the passage of time since the events at Abu Ghraib that are the subject of this lawsuit, violent extremist organizations continue to look to capitalize on existing, lingering resentment towards the United States from these events. Indeed, pursuant to the Protected

National Security Documents Act of 2009, Section 565 of the Department of Homeland Security Appropriations Act of 2010 (Public law 111-83), three of my predecessors, former Secretaries of Defense Gates, Panetta, and Carter, have all certified that the public release of photos of detainee mistreatment, including at Abu Ghraib, would continue to endanger U.S. citizens, including members of the Armed Forces and employees of the U.S. government abroad. On November 2, 2018, based on recommendations from the commanders of U.S. Central Command, U.S. Africa Command, and U.S. Forces—Afghanistan, I determined that public disclosure of certain detainee abuse photos continues to pose a danger to U.S. personnel abroad and renewed the statutory certification. My certification will remain in effect until November 2021. *See* Section 565(d)(2) (certifications expire three years after issued). It is my assessment that these violent extremist groups would similarly exploit the disclosure of the identities of the Abu Ghraib personnel who were confirmed to have participated in the interrogation of specific Abu Ghraib detainees in order to inspire and recruit individuals in support of their causes and encourage attacks on identified individuals. I am confident they will try to kill them. In my view, if any of these groups or their allies or sympathizers were successful in targeting intelligence interrogators or support personnel, or their families, and could claim successful retribution for Abu Ghraib, it would be a significant propaganda event. Indeed, it would strengthen our adversaries in their recruiting and ability to propagandize effectively, which in turn would be to the significant detriment of our national security. Thus, I am asserting the state secrets privilege to protect the safety of intelligence interrogators and support personnel, and their families, both now and in the future. In addition, I make this assertion to prevent the damage to national security that actions by violent extremist groups based on a disclosure could cause to the important missions of DoD.

12. Since the issuance of DoD Directive 3115.09, DoD has, to my knowledge, never declassified the identity of an intelligence interrogator or anyone who has supported an intelligence interrogator when their identity has been associated with the interrogation of a particular detainee or otherwise officially acknowledged such an identity. In addition, public speculation about the identity of an individual who either interrogated or supported the interrogation of a particular detainee—whether through allegations in a lawsuit, media reporting, or conjecture based on a partial picture of the facts—does not constitute an official declassification or acknowledgment. The disclosure of national security information only through official acknowledgment or confirmation is vital to the protection of intelligence information and personnel. The absence of official confirmation leaves an important element of doubt about the veracity of speculation and reports, and thus provides an essential additional layer of protection and confidentiality. That protection would be lost, however, if the Government were forced to confirm or deny the accuracy of speculation or unofficial disclosures.

B. Alpha-Numeric Portion of the Internment Serial Number (ISN).

13. Disclosure of the alpha-numeric portions of ISNs reasonably could be expected to cause serious damage to the national security of the United States. As explained in paragraph 5 and note 1, *supra*, throughout the detainee files for Plaintiffs Al Shimari, Rashid, Al Zubae, and Al Ejaili, there is a unique ISN for each individual. Each individual was assigned a six digit number that remains unredacted. This information was previously provided to the parties. In many instances, this six-digit number appears on its own in the documents produced in this case; however, there are numerous other instances where more than a six digit number is present. Where more than six digits appear, the portion immediately preceding that unique six digit

number has been redacted. The specific information redacted is referred to as the alpha-numeric portion of the ISN. This alpha-numeric portion of the ISN describes the capturing power (i.e., the country that captured the individual), the theater code (i.e., the theater where the individual was captured), and the serving power of the captured individual (i.e., the individual's country of military allegiance). The capturing country and military allegiance of the captured individual are denoted by letters, while the conflict zone is denoted by a number. As explained previously, the alpha-numeric portion of the ISN remains redacted in whole, as it is not practical to segregate individual characters within an alphanumeric string without a substantial risk that other information in the alphanumeric string would be disclosed; thus, specific information, such as the numeric identifier for the theater, is not segregable.

14. This information remains classified because its protection is critical to fostering and maintaining sensitive coalition relationships in combined military operations.⁴ From the beginning of Operation Iraqi Freedom, as well as in other military operations around the world, such as Operation Enduring Freedom in Afghanistan, the United States has relied on international military partners to assist in its operations. These partners contribute specialized capabilities and facilitate diplomacy, and their participation serves as a force multiplier by permitting the United States and its partners to direct their resources collectively at common, shared goals. The participation of coalition partners is essential to accomplishing the United States' military and national security objectives, as well as to safeguarding the lives of American military service members participating in military operations. Foreign partners are also vital to our world-wide efforts to collect intelligence and thwart terrorist attacks. Although DoD has

⁴ As commonly used by the United States and DoD in connection with military activities, a coalition is a group of countries engaged in military operations together under a unified command structure.

publicly acknowledged the participation of many coalition partners and the approximate troop numbers associated with those partners, acknowledgment of general participation in American-led military operations is not the same as describing the specific operational functions performed. Frequently, our coalition partners do not want it to be publicly acknowledged that they participated in a specific mission, or that they captured an individual and turned the individual over to the United States for interrogation and/or detention, and disclosure of such information is likely to be viewed as a breach of the trust on which our military partnerships are based and lead to a less robust relationship in the future. The latter, in particular, could negatively impact their military at home.

15. In these detainee files, the alpha-numeric portion of the ISN for one of the individuals establishes that a coalition partner was the capturing power. This was a combined mission led by that capturing power, although the actual detaining soldier was an American as reflected in the apprehension form. Our coalition partners are aware that we classify and safeguard this information, and expect us to continue to do so long after a military operation has occurred. The passage of time since the events at issue in this litigation has not eliminated the risk of serious damage to the national security; indeed, many coalition partners continue to participate alongside the United States in ongoing military activities in Iraq and Afghanistan and continue to perform in similar roles. Thus, the unauthorized disclosure of their participation in specific events 15 years ago reasonably could be expected to undermine the willingness of foreign partners to assist the United States in the future and cause the foreign governments to distance themselves publicly from the U.S. Government or U.S. military. This could result in the withdrawal of coalition forces from current, ongoing military activities or a future unwillingness of coalition forces to participate in military operations or to turn captured individuals over to

United States military units for interrogations and/or detention in the future. The loss or diminution of coalition military partners and the support they provide reasonably could be expected to cause serious damage to the national security of the United States.

16. The concerns described above also require nondisclosure of the “US” where the United States was the capturing power. If DoD disclosed that the United States was the capturing power in such cases, it would be apparent by implication that a coalition partner was the capturing power in all cases where the alpha-numeric string was redacted. And because there may be other information that is publicly-available about capture locations, including information about which other nations were operating in a specific sector at a specific time, it would then be likely that the specific country involved with a particular capture could be identified. This is particularly true because there were a limited number of coalition partners operating in conjunction with the United States in the Iraq theater at any given time. For this reason, disclosure of the alpha-numeric string in cases where the United States was the capturing power also reasonably could be expected to cause the serious damage to national security described above.

C. Portions of Documents Created Before or After Intelligence Interrogations.

17. Disclosure of information about the selection of methods used to interrogate particular military detainees, evaluations of the effectiveness of those methods, and other judgments related to those methods, reasonably could be expected to cause serious damage to the national security of the United States. As previously noted, the intelligence interrogation of detainees is critical to the mission of collecting information from human sources. This, in turn, greatly aids in the DoD’s ability to fight and win the nation’s wars. In conducting these intelligence interrogations, DoD personnel seek information regarding, among other things, the

identities of individual terror suspects, terrorist methods of operation, and terrorist plans and intentions with regard to U.S. military and civilian targets in the United States and abroad. Timely collection of intelligence information from detainees is critical to the DoD's ability to analyze, produce, and disseminate foreign and military intelligence to support national security decision making by senior civilian and military leaders within the DoD and the United States Government. In general, and as described more fully below, the unauthorized disclosure of details about the selection of methods used to interrogate particular military detainees and evaluation of the effectiveness of those methods would significantly limit the DoD's future ability to collect actionable intelligence from detainees and, thus, reasonably could be expected to cause serious damage to national security.⁵ In some cases, information of this nature may be sufficiently innocuous such that under the specific facts and circumstances its unauthorized disclosure may pose no risk of damage to the national security. This is because adversaries would be unable to derive any useful information to thwart our intelligence gathering capabilities. The mere fact that some information has been determined to not require SECRET classification does not necessarily mean that the unauthorized disclosure of other similar information would not cause serious damage to the national security.⁶

⁵ Congress has separately recognized the importance of protecting intelligence sources and methods from unauthorized disclosure. Public Law 108-458, the Intelligence Report and Terrorism Prevention Act of 2004, imposes an obligation on the Director of National Intelligence to ensure that the U.S. Intelligence Community adequately protects intelligence sources and methods from unauthorized disclosure. That requirement is now codified in 50 U.S.C. § 403-1(i), and my conclusion here that disclosure of information about intelligence methods could reasonably be expected to cause serious damage to national security is consistent with Congress's enactment of this statute.

⁶ It is the role of individuals with original classification authority and other classification experts to make determinations regarding whether particular information should be classified because disclosure of that information reasonably could be expected to cause serious damage to national security. An untrained eye may look at a document released in full and see no apparent

18. The interrogation techniques described in the documents that are subject to this state secrets privilege assertion are still in use today. Although the United States Government has publicly disclosed the interrogation methods and approaches that it may use with detainees in general,⁷ the DoD necessarily exercises a high degree of judgment in choosing which methods to use with a particular detainee, when to use a given method, how to modify an interrogation plan as the interrogation proceeds, and otherwise how best to interrogate a particular detainee. These judgments, which are extremely subjective, reflect an assessment of the detainee's background and conduct, as well as observation of the detainee while in custody. The judgments are incorporated into a written interrogation plan – that is, a plan to use certain specific methods and approaches with the detainee in specific ways and at specific times – which may be modified from time to time depending on the progress of interrogation and continued observations of the detainee. In general, disclosing the details of the decisions DoD made regarding how to interrogate a given detainee would enlighten our adversaries about the orchestration of interrogation methods, thereby increasing the likelihood of effective resistance to interrogation. For example, our adversaries could use this information to develop, and train their personnel to use, techniques that would channel DoD interrogators towards the use of a particular interrogation method. Then, knowing the likely interrogation method that would be employed, such personnel could be specifically trained in how to resist that interrogation method. Thus, although the interrogation methods themselves are unclassified, disclosure of the manner in

difference between it and one with portions withheld as SECRET, but an individual making such judgment may lack important context or understanding of how disclosure of the particular information could damage national security.

⁷ Army Field Manual (FM) 2-22.3, Human Intelligence Collector Operations, establishes Army doctrine on approach techniques and detainee questioning and is an unclassified document for official use only.

which they may be applied as part of a specific detainee's interrogation plan and recommendations for future approaches based on the results of interrogations as documented in interrogation reports and interrogator notes reasonably could be expected to cause serious damage to the national security.

19. Plaintiff Al Shimari's Interrogation Plan, Interrogation Reports, and Interrogator Notes. Unlike the United States Government's general, unclassified descriptions of authorized interrogation methods, the tailored interrogation plan [Bates AS-USA-053958] actually used for a lengthy interrogation of Plaintiff Al Shimari provides a focused assessment of the approach best suited to assist the interrogators in obtaining his cooperation in responding to questions and disclosing information about subjects into which interrogators wished to inquire.⁸ Disclosing this interrogation plan would reveal the subjective judgments made by the interrogation team involved in developing, using, and modifying an interrogation plan in an attempt to obtain this information from Plaintiff Al Shimari. Likewise, portions of the documents titled Summary Interrogation Reports and Interrogator Notes [AS-USA-053943, -053945, -053948, -053949, -053970, -054113, and -054122] related to interrogations of Plaintiff Al Shimari were redacted for the same reasons as his interrogation plan. These documents summarize the results of interrogations and were completed close in time to their conclusion. While these documents were not redacted in full, the portions containing interrogator notes regarding the effectiveness of the approach used, the mood of the detainee, the overall assessment of the detainee during the interrogation and recommended future approaches were redacted.

⁸ The plan for interrogating Plaintiff Al Shimari never contemplated the use of enhanced interrogation techniques or techniques not authorized by FM 34-52.

20. If our adversaries were aware of the information redacted from Plaintiff Al Shimari's interrogation plan, summary interrogation reports, and interrogator notes, they could develop strong counter-interrogation tactics and hinder our ability to gather intelligence through interrogations. This is because disclosure of the specific circumstances in which these approaches were employed would shed light on how those approaches are chosen for a specific detainee, permitting adversaries to train their personnel how to thwart our interrogation approaches. Such training could seriously undermine our ability to collect intelligence from detainees. Thus, disclosure of information of this type reasonably could be expected to cause serious damage to the national security.

21. Counterintelligence (CI) Information Reports and Interrogator Notes Related to Plaintiff Al Zubae. Portions of three versions of the same document titled CI Information Report related to Plaintiff Al Zubae were redacted [AS-USA-054188 thru -054190, -054213 thru -054215, -054241 thru -054243]. The redactions included a specific intelligence requirement [AS-USA-054188, -054213, -054241], intelligence comments on the source [AS-USA-054189, -054214, -054242], and intelligence field comments regarding the specific information provided [AS-USA-054190, -054215, -054243]. This report is included in Plaintiff Al Zubae's detainee file because he was subsequently captured in a vehicle that coalition forces were looking for as a result of the underlying CI information report. The unauthorized disclosure of information of this type would provide our adversaries with insight regarding how we identify and evaluate intelligence sources and information, which reasonably could be expected to cause serious damage to the national security. Further, portions of some of the documents titled "Interrogator Notes" related to interrogations of Plaintiff Al Zubae were redacted for the same reasons previously discussed for Plaintiff Al Shimari. These documents summarize the results of

interrogations and were completed close in time to their conclusion. While these documents were not redacted in full, some of the portions containing interrogator notes regarding the effectiveness of the approach used, the mood of the detainee, the overall assessment of the detainee during the interrogation, and recommendations/suggested future approaches were redacted.⁹ Plaintiff Al Zubae's interrogator notes illustrate how interrogations build off previous ones with the interrogator noting what approach was utilized, how that impacted the mood/attitude of the detainee, and recommended future approaches that would work well. Each of the three interrogator notes is more detailed than the previous notes, offering additional insight into interrogation methods. As previously discussed in connection with Plaintiff Al Shimari, disclosure of this information would enlighten our adversaries about why and when a specific approach is used, thereby increasing the likelihood of them developing effective resistance techniques. Thus, the unauthorized disclosure of information of this type reasonably could be expected to cause serious damage to the national security.

22. Counter-Interrogation Techniques and Resistance Training. For the reasons already referred to above and for other reasons, disclosure of information regarding the effectiveness of interrogation techniques and methods, as well as the decisions regarding which techniques to employ while in military custody, would assist terrorist organizations, and thus could reasonably be expected to cause serious damage to the national security of the United States. At least one terrorist organization has studied and learned many counter-interrogation measures, and this organization's training has already apparently changed over time in response to the conduct of

⁹ DoD personnel concluded that some other portions of Plaintiff Al Zubae's interrogator notes, although superficially pertaining to detainee mood and assessment, or the effectiveness and selection of approaches, were innocuous, did not need to be redacted and withheld, and would not substantially enlighten or assist our adversaries.

U.S. interrogations. As that terrorist organization has gained insights into the interrogation process, more recent detainees have shown that organization's ability to adopt new counter-interrogation methods. Disclosing information about specific interrogations, such as the interrogations of these detainees, could allow terrorist organizations to further modify their counter-interrogation techniques, particularly when many of the same interrogation methodologies are in use today. Disclosure of this information would provide terrorist organizations' trainers and operators extremely valuable insights into how DoD intelligence interrogators approach the subject of an interrogation on a practical level. Information of this type is contained within the interrogation plan for Al Shimari [Bates AS-USA-053958], as well as summary interrogation reports and interrogator notes for Al Shimari [AS-USA-053943, -053945, -053950, -053954, -053970, -054113, and -054122] and interrogator notes for Al Zubae [AS-USA-054169, -054175 thru -054176, -054195, -054201 thru -054202; -054224, -054230 thru -054231].

D. Intelligence-Gathering Sources, Efforts, and Results, Unrelated to Plaintiffs.

23. Disclosure of specific, actionable intelligence obtained from identified detainees (other than plaintiffs) reasonably could be expected to cause serious damage to the national security of the United States. As described in paragraph 7, *supra*, two pages in Annex H, Appendix 6-A of the Jones-Fay Report contain detailed information regarding specific interrogation-based operations, including specific actionable intelligence obtained from two identified detainees (other than plaintiffs in this litigation), and other sensitive details about these detainees, their capture, and relationships with certain organizations. DoD's ability to obtain timely, actionable intelligence from those responsible for attacks against our forces is critical to our ability to deter and prevent future similar attacks. For the reasons described in paragraphs

17-22, *supra*, divulging the details of successful interrogations of specific detainees would provide our adversaries valuable insights into our interrogation operations and permit them to develop effective counter-interrogation techniques and train potential future detainees on those procedures. Because of the nature of these two pages, however, there are further harms that would likely occur in the event of disclosure. Our experience in military and intelligence operations indicates that it is likely that our adversaries would attempt to retaliate against a former detainee who is identified as having provided valuable, actionable information to our intelligence collectors. Such retaliation may occur not only for the purpose of retribution, but also in order to make an example of any detainee who provides information to our intelligence collectors.¹⁰ Such acts of reprisal would undoubtedly further deter future detainees from providing information, hampering our human intelligence collection operations. Accordingly, I have concluded that the release of the portions of the two pages from Annex H, Appendix 6, Tab A of the Jones-Fay Report that contain this information – which, again, is unrelated to any of the plaintiffs – reasonably could be expected to cause serious damage to national security.

24. Disclosure of the limited withheld portions of the “concept brief” for interrogation operations in Iraq also reasonably could be expected to cause serious damage to the national security of the United States. As set forth in paragraph 8, *supra*, information has been withheld from four of the 27 pages of the briefing. This information relates to a non-DoD intelligence

¹⁰ In light of the affirmative steps to bring this litigation taken by the plaintiffs (thereby exposing their identities as detainees), the allegations set forth in their complaint, and the relatively unremarkable nature of plaintiffs’ information, it is DoD’s experience and predictive judgment that it is unlikely that they will face retaliation for any intelligence they provided to our intelligence collectors, and thus, that there is no serious risk of harm to national security from disclosing the detainees’ statements during their detention, including, for example, plaintiff Al Zubae’s forewarning of a rumored attack on American forces and identification of individuals who may be involved. *See, e.g.*, AS-USA-054189 thru AS-USA-054190.

source and a proposal for integrating this source into overall interrogation processes in Iraq. Safeguarding DoD's intelligence activities and methodologies, including if, when, and how non-DoD actors may be integrated into DoD operations, is of paramount importance in preserving the integrity and effectiveness of the overall human intelligence collection efforts. In order to avoid undermining the activities of non-DoD actors, DoD employs all available measures to ensure that the identity of non-DoD intelligence sources is not disclosed without specific authorization. Unauthorized disclosure of such information is reasonably likely to thwart the independent activities of non-DoD actors and reduce their willingness to participate in coordinated endeavors with DoD.

25. I do not make this assertion of the state secrets privilege lightly. I have attempted to limit the scope of the privilege asserted, consistent with my responsibilities to protect classified information and comply with the Attorney General's guidance. See Attorney General's September 23, 2009 Memorandum on Policies and Procedures Governing Invocation of the State Secrets Privilege.

26. I declare under penalty of perjury pursuant to 28 U.S.C. § 1746 that the foregoing is true and correct.

Executed this 9TH day of November 2018.



James N. Mattis
Secretary of Defense

EXHIBIT 4



U.S. Department of Justice

Civil Division

157-79-4937

Washington, D.C. 20530

November 19, 2018

BY E-MAIL

John F. O'Connor
Step toe & Johnson LLP
1330 Connecticut Ave. NW
Washington, DC 20036
joconnor@steptoe.com

Re: Al Shimari v. CACI Premier Technology, Inc., No. 1:08-cv-0827 (E.D. Va.)

Dear John:

By this letter, and pursuant to footnote 4 of the United States' November 16, 2018, opposition brief (Doc. 992), the United States is reproducing the plaintiff-specific files of Plaintiff Al Ejaili and Plaintiff Al Zubae that are subject to CACI's pending motion to compel.

The Al Ejaili file, as reproduced at AS-USA-035150 through -035165, is now produced in full, without any redactions. The Al Zubae file, as reproduced at AS-USA-054127 through -054244, is now produced in much-less-redacted form. As set forth in Appendix A, the United States is reproducing nineteen pages from the Al Zubae file in full, and is reproducing nine pages from the Al Zubae file in lesser-redacted form. All remaining redactions¹ in this Al Zubae file are subject to the United States' assertions of the state secrets privilege.

Best,

A handwritten signature in blue ink, appearing to read "E. Davis".

Elliott M. Davis

Attachment (via FTP uplink)

Cc: Plaintiffs' counsel (by email)

¹ Apart from magic-marker-type redactions that have been produced as they are found in this file, explained in my letter dated October 24, 2018.

Appendix A – Al Zubae Reproduction

Pages Reproduced in Full

AS-USA-054130
AS-USA-054132
AS-USA-054137
AS-USA-054138
AS-USA-054139
AS-USA-054140
AS-USA-054141
AS-USA-054143
AS-USA-054149
AS-USA-054150
AS-USA-054152
AS-USA-054153
AS-USA-054155
AS-USA-054158
AS-USA-054160
AS-USA-054165
AS-USA-054186
AS-USA-054220
AS-USA-054221

Pages Reproduced in Lesser-Redacted Form

AS-USA-054131
AS-USA-054133
AS-USA-054167
AS-USA-054183
AS-USA-054188
AS-USA-054210
AS-USA-054213
AS-USA-054239
AS-USA-054241

EXHIBIT 14

Buszin, Jared (x7626)

From: Davis, Elliott M. (CIV) <Elliott.M.Davis@usdoj.gov>
Sent: Tuesday, August 14, 2018 10:44 AM
To: Nelson, Peter (x2406); ~bazmy@ccrjustice.org; ~kgallagher@ccrjustice.org; ~jz@zwerling.com; LoBue, Robert P. (x2596); Funk, Matthew (x2130); Buszin, Jared (x7626); Hittson, Terra (x2201)
Cc: Wetzler, Lauren (USAVAE); Kirschner, Adam (CIV); Stern, Paul David (CIV); Krieger, Jocelyn (CIV); Mauler, Dan (CIV)
Subject: RE: Al Shimari: CACI Interrogator A / Interpreter Developments
FilingDate: 8/14/2018 2:52:00 PM

Pete:

The identity of CACI Interrogator A is classified, and will not be declassified. The United States will not disclose the identity of CACI Interrogator A to Plaintiffs.

Best,
Elliott

Elliott M. Davis
Trial Attorney
U.S. Department of Justice
Civil Division, Torts Branch
Benjamin Franklin Station
P.O. Box 888
Washington, DC 20044
(202) 616-4206 (Office)
(202) 616-5200 (Fax)
elliott.m.davis@usdoj.gov

From: Nelson, Peter (x2406) [mailto:pnelson@pbwt.com]
Sent: Wednesday, August 01, 2018 4:19 PM
To: Davis, Elliott M. (CIV) <eldavis@CIV.USDOJ.GOV>; ~bazmy@ccrjustice.org <bazmy@ccrjustice.org>; ~kgallagher@ccrjustice.org <kgallagher@ccrjustice.org>; ~jz@zwerling.com <jz@zwerling.com>; LoBue, Robert P. (x2596) <rplobue@pbwt.com>; Funk, Matthew (x2130) <mfunk@pbwt.com>; Buszin, Jared (x7626) <jbuszin@pbwt.com>; Hittson, Terra (x2201) <thittson@pbwt.com>
Cc: Wetzler, Lauren (USAVAE) <Lauren.Wetzler@usdoj.gov>; Kirschner, Adam (CIV) <akirschn@CIV.USDOJ.GOV>; Stern, Paul David (CIV) <pstern@CIV.USDOJ.GOV>; Krieger, Jocelyn (CIV) <jokriege@CIV.USDOJ.GOV>; Mauler, Dan (CIV) <dmauler@CIV.USDOJ.GOV>
Subject: RE: Al Shimari: CACI Interrogator A / Interpreter Developments

Elliott,

Thank you for the update. Since CACI apparently knows the identity of CACI Interrogator A, Plaintiffs are also entitled to learn the identity of CACI Interrogator A, through declassification if necessary. Please let us know the government's position on this issue as soon as possible.

Plaintiffs are available to participate in the deposition of Interpreter K on August 8.

Thanks.
Pete

From: Davis, Elliott M. (CIV) [<mailto:Elliott.M.Davis@usdoj.gov>]
Sent: Tuesday, July 31, 2018 4:50 PM
To: Nelson, Peter (x2406); ~bazmy@ccrjustice.org; ~kgallagher@ccrjustice.org; ~jz@zwerling.com; LoBue, Robert P. (x2596); Funk, Matthew (x2130); Buszin, Jared (x7626); Hittson, Terra (x2201)
Cc: Wetzler, Lauren (USAVAE); Kirschner, Adam (CIV); Stern, Paul David (CIV); Krieger, Jocelyn (CIV); Mauler, Dan (CIV)
Subject: RE: Al Shimari: CACI Interrogator A / Interpreter Developments

Pete:

John O'Connor has advised me that someone whom he believes to be CACI Interrogator A reached out to him in response to receiving a subpoena, and that that individual has indicated an intent to retain counsel. We are now in the process of determining how to accommodate this request given the security interests at stake. As a result, the August 7 deposition will need to be rescheduled. I will revert to you when this process gets sorted out in order to reschedule that deposition.

As my schedule has shifted a bit, please let me know if Plaintiffs are available on August 8 (instead of my previously-contemplated August 9 date) for a deposition of Interpreter K. I am still in the process of confirming Interpreter Jamil for August 21.

Thank you,
Elliott

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elliott.m.davis@usdoj.gov

From: Nelson, Peter (x2406) [<mailto:pnelson@pbwt.com>]
Sent: Tuesday, July 31, 2018 9:42 AM
To: Davis, Elliott M. (CIV) <eldavis@CIV.USDOJ.GOV>; ~bazmy@ccrjustice.org <[bazmy@ccrjustice.org](mailto:~bazmy@ccrjustice.org)>; ~kgallagher@ccrjustice.org <kgallagher@ccrjustice.org>; ~jz@zwerling.com <jz@zwerling.com>; LoBue, Robert P. (x2596) <rplobue@pbwt.com>; Funk, Matthew (x2130) <mfunk@pbwt.com>; Buszin, Jared (x7626) <jbuszin@pbwt.com>; Hittson, Terra (x2201) <thittson@pbwt.com>
Cc: Wetzler, Lauren (USAVAE) <Lauren.Wetzler@usdoj.gov>; Kirschner, Adam (CIV) <akirschn@CIV.USDOJ.GOV>; Stern, Paul David (CIV) <pstern@CIV.USDOJ.GOV>; Krieger, Jocelyn (CIV) <jokriege@CIV.USDOJ.GOV>; Mauler, Dan (CIV) <dmauler@CIV.USDOJ.GOV>
Subject: Re: Al Shimari: CACI Interrogator A / Interpreter Developments

Elliott,

Plaintiffs are available to participate in the interpreter depositions on August 9 and 21. Please let us know which interpreters will be deposed on those dates.

We are generally available for telephonic depositions during the weeks of August 20 and 27.

Also, do you have any updates on the status of the CACI interrogator A deposition?

Thanks.
Pete

On Jul 30, 2018, at 11:23 AM, Nelson, Peter (x2406) <pnelson@pbwt.com> wrote:

Elliott,

Plaintiffs consent to the proposed order. You have permission to sign John Z.'s name. We will get back to you shortly about our availability on the dates you provided for interpreter depositions.

Thanks.
Pete

From: Davis, Elliott M. (CIV) [<mailto:Elliott.M.Davis@usdoj.gov>]
Sent: Friday, July 27, 2018 5:09 PM
To: ~bazmy@ccrjustice.org; ~kgallagher@ccrjustice.org; ~jz@zwerling.com; LoBue, Robert P. (x2596); Nelson, Peter (x2406); Funk, Matthew (x2130); Buszin, Jared (x7626); Hittson, Terra (x2201)
Cc: Wetzler, Lauren (USAVAE); Kirschner, Adam (CIV); Stern, Paul David (CIV); Krieger, Jocelyn (CIV); Mauler, Dan (CIV)
Subject: RE: Al Shimari: CACI Interrogator A / Interpreter Developments

Counsel:

Following up on my email from yesterday and this morning's hearing, attached please find a draft of a proposed agreed order to extend the deadline to depose CACI Interrogator A. My understanding from Baher after this morning's hearing was that Plaintiffs would agree to such an extension in principle. Please let me know if Plaintiffs agree to the attached proposed agreed order and, if so, if Lauren has permission to sign John Z.'s name.

Separately, please also let me know if Plaintiffs are available on the dates I listed below for interpreter depositions.

Thank you,
Elliott

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Washington, DC 20044
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(202) 616-5200 (Fax)
elliott.m.davis@usdoj.gov

From: Davis, Elliott M. (CIV)
Sent: Thursday, July 26, 2018 10:30 AM
To: '~bazmy@ccrjustice.org' <bazmy@ccrjustice.org>; '~kgallagher@ccrjustice.org' <kgallagher@ccrjustice.org>; 'jz@zwerling.com' <jz@zwerling.com>; 'LoBue, Robert P. (x2596)' <rplobue@pbwt.com>; 'Nelson, Peter (x2406)' <pnelson@pbwt.com>; 'Funk, Matthew (x2130)' <mfunk@pbwt.com>; 'jbuszin@pbwt.com' <jbuszin@pbwt.com>; Hittson, Terra (x2201)

(thittson@pbwt.com) <thittson@pbwt.com>

Cc: Wetzler, Lauren (USAFAE) <Lauren.Wetzler@usdoj.gov>; Kirschner, Adam (CIV) <akirschn@CIV.USDOJ.GOV>; Soskin, Eric (CIV) <ESoskin@civ.usdoj.gov>; Stern, Paul David (CIV) <pstern@CIV.USDOJ.GOV>; Krieger, Jocelyn (CIV) <jokriege@CIV.USDOJ.GOV>

Subject: Al Shimari: CACI Interrogator A / Interpreter Developments

Counsel:

Yesterday evening, the United States personally served CACI Interrogator A with a deposition subpoena set for Tuesday, August 7 at 10 a.m. ET. I have not heard from the deponent yet and cannot predict whether he will reach out to me in advance of the deposition, but for the time being, please plan to be available on August 7 for a telephonic deposition.

On the same note, the United States plans to move the Court to extend the July 13 deadline for CACI Interrogator A's deposition to August 31 (out of an abundance of scheduling caution). Please let us know whether Plaintiffs consent to this motion, and whether they will agree to waive hearing on this motion.

Moving further afield, we have made contact with two of the three living interpreters whom we have been able to identify. Both appear willing to sit for pseudonymous telephonic depositions. Please let me know whether you are available for telephonic depositions on Thursday, August 9th and Tuesday, August 21st. If you could provide me more broadly with your availability for telephonic depositions during the weeks of August 20th and August 27th, that would be helpful as well.

Thank you,
Elliott

Elliott M. Davis
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Privileged/Confidential Information may be contained in this message. If you are not the addressee indicated in this message (or responsible for delivery of the message to such person), you may not copy or deliver this message to anyone. In such case, you should destroy this message and kindly notify the sender by reply email. Please advise immediately if you or your employer do not consent to Internet email for messages of this kind.

EXHIBIT 17

**IN THE UNITED STATES DISTRICT COURT FOR THE
EASTERN DISTRICT OF VIRGINIA
Alexandria Division**

SUHAIL NAJIM ABDULLAH AL
SHIMARI, *et al.*,

Plaintiffs,

v.

CACI PREMIER TECHNOLOGY, INC.,

Defendant.

No. 1:08-cv-827 (LMB/JFA)

CACI PREMIER TECHNOLOGY, INC.,

Third-Party Plaintiff,

v.

UNITED STATES OF AMERICA,
and JOHN DOES 1-60,

Third-Party Defendants.

**DECLARATION AND ASSERTION OF STATE SECRETS PRIVILEGE BY
JAMES N. MATTIS, SECRETARY OF DEFENSE**

I, James N. Mattis, do hereby state and declare as follows:

1. I am the Secretary of Defense and have served in this capacity since January 20, 2017. I am the head of the Department of Defense (“DoD”) and principal assistant to the President in all matters relating to DoD. The Secretary of Defense has authority, direction, and control over DoD and of its components, activities, and information. *See* 10 U.S.C. § 113(b). Prior to serving as the Secretary of Defense, I served more than four decades in uniform, commanding Marines at

all levels, from infantry rifle platoon to Marine Expeditionary Force. I led an infantry battalion in Iraq in 1991, an expeditionary brigade in Afghanistan after the 9/11 terror attacks in 2001, a Marine Division in the initial attack and subsequent stability operations in Iraq in 2003, and all U.S. Marine Forces in the Middle East as Commander, I Marine Expeditionary Force and U.S. Marine Forces Central Command. As a joint force commander, I commanded U.S. Joint Forces Command, NATO's Supreme Allied Command for Transformation, and U.S. Central Command. Following my retirement from the U.S. Marine Corps in 2013, I served as the Davies Family Distinguished Visiting Fellow at the Hoover Institution at Stanford University.

2. Through the exercise of my official duties, I have been advised of this litigation. I make the following statements based upon my personal knowledge and on information made available to me in my official capacity. The purpose of this declaration is to formally assert the state secrets privilege in order to protect classified information of DoD. As summarized in this declaration, public disclosure of the information covered by my privilege assertion reasonably could be expected to cause serious damage to the national security of the United States. As the Secretary of Defense and pursuant to Executive Order 13526, "Classified National Security Information," I hold original classification authority up to the TOP SECRET level. This means I have been authorized by the President to make original classification decisions.

I. ASSERTION OF THE STATE SECRETS PRIVILEGE

3. As described in the following paragraphs, and after personal consideration of the matter, I am asserting the state secrets privilege over the names and visual representations of all individuals who interrogated the plaintiffs. DoD classifies as "SECRET" the names and visual representations of DoD interrogators, debriefers, contract interrogators, support personnel, and

foreign government interrogators when their identities are associated with the interrogation, debriefing, or other intelligence questioning of a specific detainee, pursuant to section 1.4(c) of Executive Order 13526. This is reflected in DoD Directive 3115.09, "DoD Intelligence Interrogations, Detainee Debriefings, and Tactical Questioning." In my judgment, unauthorized disclosure of this information reasonably could be expected to cause serious damage to the national security of the United States.

II. HARM TO NATIONAL SECURITY THAT REASONABLY COULD RESULT FROM DISCLOSURE OF PRIVILEGED INFORMATION

4. DoD human intelligence (HUMINT) collection activities, including intelligence interrogations, provide the President, the National Security Council, Congress, the Secretary of Defense, commanders at every echelon, and other U.S. Government departments and agencies the intelligence they need to protect the national security. The identities of intelligence interrogators, when associated with the interrogation of specific detainees, could expose the interrogators and their families to an unacceptable risk of harm through possible retribution by the detainees, groups to which the detainees belong, or other sympathizers. Failure to protect the interrogators' identities in connection with the interrogations of specific detainees would also have a chilling effect on DoD's ability to recruit and retain interrogators and to collect intelligence on these dangerous groups and individuals. DoD asks its intelligence interrogators to collect information from persons who belong to or are associated with some of the most dangerous enemies of the United States, including individuals who belong to or are associated with al Qaeda or its affiliates or with the Islamic State of Iraq and the Levant (ISIS), organizations whose stated purpose is to kill Americans, military or civilian, wherever they are found. Interrogators who conduct interrogation operations do so with the expectation that their

identities and involvement with interrogations of particular detainees will be protected from public disclosure.

5. The risk of harm to U.S. national security interests from the disclosure of the interrogator information at issue is not merely theoretical. Terrorist groups and their affiliates have targeted U.S. military personnel and contractors supporting U.S. military operations for attacks for many years, sometimes with devastating consequences. For the past few years, ISIS sympathizers and hackers have periodically published “kill lists” online, which include personally identifiable information, such as the names and home addresses of DoD personnel. As recently as December 2017, a “kill list” that included the names and contact information of DoD military and civilian personnel was posted to the Internet by ISIS supporters who encouraged “lone wolves” to use the information for targeting purposes. In addition, there have been actual attacks against DoD interrogators by detainees. Within the past year, one DoD interrogator was attacked by a detainee with scissors, and another DoD interrogator was stabbed in the face by a detainee with thumb tacks. The public disclosure of the identities of these interrogators, along with their associations with the plaintiffs, all of whom were detainees at Abu Ghraib during the well-publicized period of abuse, will likely put them and their families at risk.

6. Despite the passage of time since the events at Abu Ghraib that are the subject of this lawsuit, violent extremist organizations continue to look to capitalize on existing, lingering resentment towards the United States from these events. Indeed, pursuant to the Protected National Security Documents Act of 2009, Section 565 of the Department of Homeland Security Appropriations Act of 2010 (Public law 111-83), three of my predecessors, former Secretaries of

Defense Gates, Panetta, and Carter, have all certified that the public release of photos of detainee mistreatment at Abu Ghraib would continue to endanger U.S. citizens, including members of the Armed Forces and employees of the U.S. government abroad. Secretary Carter's November 7, 2015, certification remains in effect today. *See* Section 565(d)(2) (certifications expire three years after issued). It is my assessment that these violent extremist groups would similarly exploit the disclosure of the identities of the Abu Ghraib interrogators who were confirmed to have interrogated the plaintiffs in order to inspire and recruit individuals in support of their causes and encourage attacks on identified individuals. I am confident that they will try to kill them. In my view, if any of these groups or their allies or sympathizers were successful in targeting an interrogator or his or her family and could claim successful retribution for Abu Ghraib, it would be a significant propaganda event. Indeed, it would strengthen our adversaries in their recruiting and ability to propagandize effectively, which in turn would be to the significant detriment of our national security. Thus, I am asserting the state secrets privilege to protect the safety of interrogators and their families both now and in their future. In addition, I make this assertion to prevent the damage to national security that actions by violent extremist groups based on a disclosure could cause to the important missions of DoD.

7. DoD treats the identities of interrogators differently than the identities of other service members because of the close, face-to-face relationships that interrogators have with those they interrogate. Intelligence operations are particularly sensitive because DoD interrogators seek to rely on the development of a perceived close bond between interrogators and detainees in order to foster the disclosure of valuable information. Most service members, by contrast, do not directly interact in the same fashion with the enemy. Protecting the identity of interrogators who

interacted with specific detainees thus not only serves in part to protect interrogators and their families from reprisals, but to protect DoD's ability to develop the kind of relationships needed to gain valuable intelligence.

8. Since the issuance of DoD Directive 3115.09, DoD has, to my knowledge, never declassified the identity of an intelligence interrogator in association with the interrogation of a particular detainee or otherwise officially acknowledged such an identity. Although DoD has officially acknowledged that a specific person was an interrogator at Abu Ghraib, it has not acknowledged that a specific person carried out intelligence interrogations of a particular detainee. In addition, public speculation about the identity of an interrogator for a particular detainee—whether through allegations in a lawsuit, media reporting, or conjecture based on a partial picture of the facts—does not constitute an official declassification or acknowledgment. The disclosure of national security information only through official acknowledgment or confirmation is vital to the protection of intelligence information and personnel. The absence of official confirmation leaves an important element of doubt about the veracity of speculation and reports, and thus provides an essential additional layer of protection and confidentiality. That protection would be lost, however, if the Government were forced to confirm or deny the accuracy of speculation or unofficial disclosures. DoD has reviewed information about each of the interrogators and detainees and has verified that there is no official confirmation in the public record establishing that any individual interrogator whose identity I am protecting through this state secrets privilege assertion conducted an intelligence interrogation of any of the plaintiffs in this action.

9. In addition, DoD does not know if the plaintiffs can identify their interrogators by name or image. It has been approximately 15 years since the interrogators questioned the plaintiffs, and the plaintiffs' ability to identify their interrogators visually or otherwise may have faded with the passage of time. Thus, disclosure of this information at this time to the plaintiffs risks harm to the interrogators. In addition, regardless of whether plaintiffs could identify the interrogators visually, others who may wish to target the interrogators or their families would gain valuable information for targeting these persons. For example, this could occur if disclosure of the interrogators' identities is required by the Court and if the interrogators' names or identities can be linked to their images through information disclosed in this litigation, available in the public domain via social media, or otherwise. In my judgment, if the plaintiffs, the groups to which they belong, or other sympathizers learn the identities of these interrogators through this litigation, I believe there is a significant risk that the interrogators and their families may become targets of reprisal.

10. I do not make this assertion of the state secrets privilege lightly, and I have also attempted to narrowly limit the scope of the privilege asserted, consistent with both my responsibility to protect DoD personnel and their supporting contractors and the Attorney General's guidance. *See* Attorney General's September 23, 2009 Memorandum on Policies and Procedures Governing Invocation of State Secrets Privilege. DoD has offered to permit the individuals who interrogated the plaintiffs to testify in a manner that protects their identities (e.g., by using pseudonyms), but I am advised that the defendant-contractor declined our offer. I believe this proposal would provide an opportunity to question these individuals for purposes of this litigation while still protecting the national security interests of the United States. Absent

this approach, and faced with a demand by the defendant-contractor that the Court compel disclosure of the interrogators who interacted with specific detainees, I have determined, after careful and personal consideration, that it is necessary to assert the state secrets privilege to protect the identity of the nine interrogators who potentially conducted intelligence interrogations of the plaintiffs in order to protect the national security interests of the United States.

I declare under penalty of perjury pursuant to 28 U.S.C. § 1746 that the foregoing is true and correct.

Executed this 25th day of April 2018

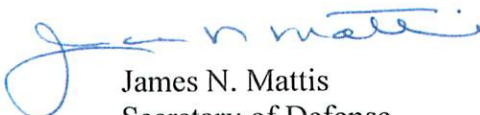

James N. Mattis
Secretary of Defense

EXHIBIT 18

**IN THE UNITED STATES DISTRICT COURT FOR THE
EASTERN DISTRICT OF VIRGINIA
Alexandria Division**

SUHAIL NAJIM ABDULLAH AL
SHIMARI, *et al.*,

Plaintiffs,

v.

CACI PREMIER TECHNOLOGY, INC.,

Defendant.

No. 1:08-cv-827 (LMB/JFA)

CACI PREMIER TECHNOLOGY, INC.,

Third-Party Plaintiff,

v.

UNITED STATES OF AMERICA,
and JOHN DOES 1-60,

Third-Party Defendants.

**DECLARATION AND SECOND ASSERTION OF STATE SECRETS PRIVILEGE BY
JAMES N. MATTIS, SECRETARY OF DEFENSE**

I, James N. Mattis, do hereby state and declare as follows:

1. I am the Secretary of Defense and have served in this capacity since January 20, 2017. I am the head of the Department of Defense (“DoD”) and principal assistant to the President in all matters relating to DoD. The Secretary of Defense has authority, direction, and control over DoD and its components, activities, and information. *See* 10 U.S.C. § 113(b). As more fully detailed in the declaration I submitted in connection with this litigation on April 27, 2018, prior

to serving as the Secretary of Defense, I served more than four decades in uniform, commanding Marines at all levels, including during combat operations. *See* Declaration and Assertion of State Secrets Privilege by James N. Mattis, Secretary of Defense, Dkt. No. 775-1 (Apr. 27, 2018).

2. I previously asserted the state secrets privilege in this case with respect to the names and visual representations of all individuals who interrogated the plaintiffs. Since the filing of my earlier declaration, and through the exercise of my official duties, I have been kept informed of significant developments in this litigation. The purpose of this declaration is to again formally assert the state secrets privilege in order to protect classified information of DoD. As summarized in this declaration, public disclosure of the information covered by my privilege assertion reasonably could be expected to cause serious damage to the national security of the United States. As the Secretary of Defense and pursuant to Executive Order 13526, “Classified National Security Information,” I hold original classification authority up to the TOP SECRET level. This means I have been authorized by the President to make original classification decisions. I make the following statements pursuant to that authority and based upon my personal knowledge and on information made available to me in my official capacity.

I. ASSERTION OF THE STATE SECRETS PRIVILEGE

3. As described in the following paragraphs, and after personal consideration of the matter, I am asserting the state secrets privilege over the names and visual representations of linguists (otherwise known as interpreters) who supported the interrogations of the plaintiffs. DoD classifies as “SECRET” the names and visual representations of DoD interrogators, debriefers, contract interrogators, support personnel, and foreign government interrogators when their identities are associated with the interrogation, debriefing, or other intelligence questioning of a specific detainee, pursuant to section 1.4(c) of Executive Order 13526. This is reflected in DoD

Directive 3115.09, "DoD Intelligence Interrogations, Detainee Debriefings, and Tactical Questioning." Linguists who serve as interpreters for interrogations are a type of support personnel. In my judgment, unauthorized disclosure of these identities reasonably could be expected to cause serious damage to the national security of the United States.

II. HARM TO NATIONAL SECURITY THAT REASONABLY COULD RESULT FROM DISCLOSURE OF PRIVILEGED INFORMATION

4. DoD human intelligence (HUMINT) collection activities, including intelligence interrogations, provide the President, the National Security Council, Congress, the Secretary of Defense, commanders at every echelon, and other U.S. Government departments and agencies the intelligence they need to protect the national security. The identities of support personnel, when associated with the interrogation of specific detainees, could expose the support personnel and their families to an unacceptable risk of harm through possible retribution by the detainees, groups to which the detainees belong, or other sympathizers. Failure to protect the identities of support personnel in connection with the interrogations of specific detainees would also have a chilling effect on DoD's ability to recruit and retain support personnel and to collect intelligence on these dangerous groups and individuals. DoD asks its interrogation support personnel to assist in the collection of information from persons who belong to or are associated with some of the most dangerous enemies of the United States, including individuals who belong to or are associated with al Qaeda or its affiliates or with the Islamic State of Iraq and ash-Sham (ISIS), organizations whose stated purpose is to kill Americans, military or civilian, wherever they are found. Support personnel who assist in the conduct of interrogation operations do so with the expectation that their identities and involvement with interrogations of particular detainees will be protected from public disclosure.

5. The risk of harm to U.S. national security interests from the disclosure of the support personnel information at issue is not merely theoretical. Terrorist groups and their affiliates have targeted U.S. military personnel and contractors supporting U.S. military operations for attacks for many years, sometimes with devastating consequences. Last year, one DoD interrogator and his interpreter were attacked by a detainee with scissors. For the past few years, ISIS sympathizers and hackers have periodically published “kill lists” online, which include personally identifiable information, such as the names and home addresses of DoD personnel. As recently as December 2017, a “kill list” that included the names and contact information of DoD military and civilian personnel was posted to the Internet by ISIS supporters who encouraged “lone wolves” to use the information for targeting purposes. If the names of these support personnel were disclosed in court, then they could be added to the “kill lists.”

6. Furthermore, Congress has determined that local national contractor translators and interpreters who supported U.S. forces in Iraq and Afghanistan are a critical link between our troops and the Iraqi and Afghani people and have been targeted by insurgents as U.S. collaborators and come under threat for their cooperation with the United States. *See* H.R. Rep. No. 110-158, at 2 (2007). Recognizing these serious threats, Congress made certain translators and interpreters eligible to receive special immigrant visas to the United States. *See* National Defense Authorization Act for Fiscal Year 2008, § 1244(g), Public Law 110-181, January 28, 2008, as amended, and Afghan Allies Protection Act of 2009, § 602(b), Division F, Title VI, of the Omnibus Appropriations Act, 2009, Public Law 111-8, March 11, 2009, as amended. Regardless of the veracity of the plaintiffs’ claims, the public disclosure of the identities of these support personnel, along with their associations with the plaintiffs, all of whom were detainees at

Abu Ghraib during the well-publicized period of abuse, will likely put them and their families at risk.

7. Despite the passage of time since the events at Abu Ghraib that are the subject of this lawsuit, violent extremist organizations continue to look to capitalize on existing, lingering resentment towards the United States from these events. Indeed, pursuant to the Protected National Security Documents Act of 2009, Section 565 of the Department of Homeland Security Appropriations Act of 2010 (Public law 111-83), three of my predecessors, former Secretaries of Defense Gates, Panetta, and Carter, have all certified that the public release of photos of detainee mistreatment at Abu Ghraib would continue to endanger U.S. citizens, including members of the Armed Forces and employees of the U.S. government abroad. Secretary Carter's November 7, 2015, certification remains in effect today. *See* Section 565(d)(2) (certifications expire three years after issued). It is my assessment that these violent extremist groups would similarly exploit the disclosure of the identities of the Abu Ghraib personnel who were confirmed to have supported the interrogation of the plaintiffs in order to inspire and recruit individuals in support of their causes and encourage attacks on identified individuals. I am confident that they will try to kill them. In my view, if any of these groups or their allies or sympathizers were successful in targeting interrogation support personnel or their families and could claim successful retribution for Abu Ghraib, it would be a significant propaganda event. Indeed, it would strengthen our adversaries in their recruiting and ability to propagandize effectively, which in turn would be to the significant detriment of our national security. Thus, I am asserting the state secrets privilege to protect the safety of support personnel and their families both now and in the future. In addition, I make this assertion to prevent the damage to national security that actions by violent extremist groups based on a disclosure could cause to the important missions of DoD.

8. Since the issuance of DoD Directive 3115.09, DoD has, to my knowledge, never declassified the identity of an intelligence interrogator or anyone who has supported an intelligence interrogator when their identity has been associated with the interrogation of a particular detainee or otherwise officially acknowledged such an identity. In addition, public speculation about the identity of an individual who either interrogated or supported the interrogation of a particular detainee—whether through allegations in a lawsuit, media reporting, or conjecture based on a partial picture of the facts—does not constitute an official declassification or acknowledgment. The disclosure of national security information only through official acknowledgment or confirmation is vital to the protection of intelligence information and personnel. The absence of official confirmation leaves an important element of doubt about the veracity of speculation and reports, and thus provides an essential additional layer of protection and confidentiality. That protection would be lost, however, if the Government were forced to confirm or deny the accuracy of speculation or unofficial disclosures. DoD has reviewed information about each of the individuals who supported the interrogations of the plaintiffs and has verified that there is no official confirmation in the public record establishing that any individual whose identity I am protecting through this state secrets privilege assertion supported an intelligence interrogation of any of the plaintiffs in this action.

9. In addition, DoD does not know if the plaintiffs can identify the individuals who supported the interrogations of the plaintiffs by name or image. It has been approximately 15 years since the plaintiffs were interrogated, and the plaintiffs' ability to identify the individuals who supported the plaintiffs' interrogations visually or otherwise may have faded with the passage of time. Thus, disclosure of this information at this time to the plaintiffs risks harm to these individuals. In addition, regardless of whether plaintiffs could visually identify the

individuals who supported the plaintiffs' interrogations, others who may wish to target these individuals or their families would gain valuable information for targeting these individuals. For example, this could occur if disclosure of these individuals' identities is required by the Court and if these individuals' names or identities can be linked to their images through information disclosed in this litigation, available in the public domain via social media, or otherwise. In my judgment, if the plaintiffs, the groups to which they belong, or other sympathizers learn the identities of these individuals through this litigation, I believe there is a significant risk that these individuals and their families may become targets of reprisal. The risk of retribution to the family members continues to exist even after the individual is deceased, as do the national security harms associated with such retribution. This is particularly true for the family members of linguists, who often live in countries where ISIS and other terrorist groups are most prevalent. Accordingly, I have determined that the identities of the intelligence personnel over which the state secrets privilege is asserted should not be released even when those personnel are deceased.

10. I do not make this assertion of the state secrets privilege lightly, and I have also attempted to narrowly limit the scope of the privilege asserted, consistent with both my responsibility to protect DoD personnel and their supporting contractors and the Attorney General's guidance. *See* Attorney General's September 23, 2009 Memorandum on Policies and Procedures Governing Invocation of State Secrets Privilege. DoD remains willing to authorize all individuals who supported the interrogations of the plaintiffs to testify in a manner that protects their identities (*e.g.*, by using pseudonyms), to the extent that is feasible and consistent with their personal safety. However, DoD does not have the same type of relationship with contractor personnel that it has with current and former military personnel, so it may be difficult to secure cooperation from contractor interrogation personnel. Where such cooperation can be

obtained, depositions under appropriate conditions may provide an opportunity to question these individuals for purposes of this litigation while still protecting the national security interests of the United States. If this approach is not feasible, however, then faced with a demand by the defendant-contractor that the Court compel disclosure of the identities of the linguists, analysts, or other interrogation support personnel who interacted with the plaintiffs, I have determined, after careful and personal consideration, that it is necessary to assert the state secrets privilege to protect the identities of these individuals in order to protect the national security interests of the United States.

I declare under penalty of perjury pursuant to 28 U.S.C. § 1746 that the foregoing is true and correct.

Executed this 18th day of July 2018



James N. Mattis
Secretary of Defense

EXHIBIT 24

J. PHILLIP
LONDON

"We will not stand silent when facts are twisted to debase our good name."

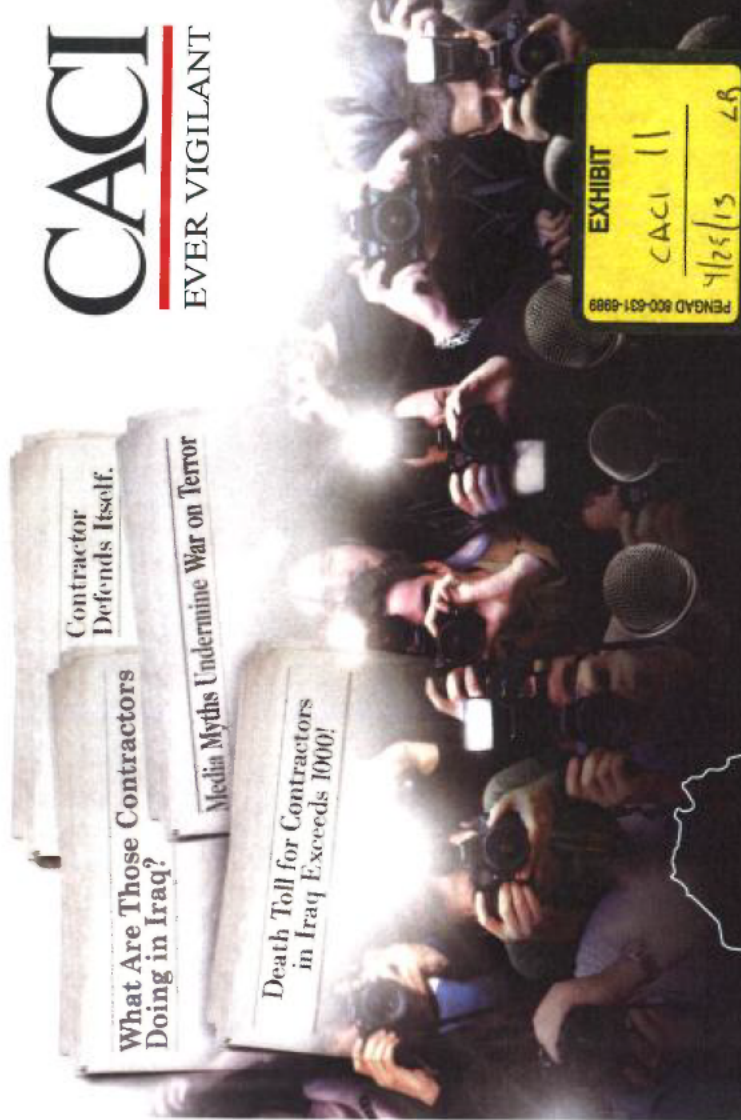
OUR GOOD NAME

OUR GOOD NAME

The Truth About
Abu Ghraib



CACI
EVER VIGILANT



A Company's Fight to Defend Its Honor and
Get the Truth Told About

Abu Ghraib

istently said that the company was
ation that anything was amiss with
ould also be no apologies for doing

of running a business and serving
ers had to respond to a wide range
media, shareholders, the army, the
es, investigative reporters, and Wall
rst weeks, media articles and reports
e fact that no CACI employee was
erious misconduct for work at Abu
; national network news, reported on
at a time.

terrible and totally false accusations:
Hire," "Hired Killers," and "Torture

tries alone was almost impossible be-
which early on exceeded a hundred
ay. The task was complicated further
knew came in the form of confused
at CACI's leaders were being asked
n't seen or heard and had no way of
arned, the quality of journalism var-
ed to spend tremendous amounts of
ying to educate reporters about in-
ment contracting process.

for CACI was the ensuing avalanche
uries into the company and its em-
and continued to "pile on" over the

production of the Center for Constitutional
suit against CACI and Titan on a site called
credited as an Associated Press story. "Tor-
l publications as well as on placards during
l activist called the company "Hired Killers"
e Conspirators" is how CACI et al. are refer-
2004.

following months. The initial negative media onslaught triggered a domino effect by numerous government agencies and sources that put CACI under intense microscopic scrutiny and gave the company a thorough wire brushing that extended, in some cases, into the following year.

Key CACI employees worked night after night and weekend upon weekend, for months, to uncover facts, seek out the truth, respond to the outside audiences and investigations, keep employees informed, and maintain internal morale. Thousands of hours were devoted to a top-to-bottom examination of company records to organize the facts in response to official inquiries, as well as to enable CACI's decision-makers to learn for themselves whether any of the company's people had done any wrong or any of its management systems had failed. From Chairman and CEO Jack London and his Board of Directors down to the senior executives, everyone wanted to know whether the events at Abu Ghraib, and the decisions that had led the company there, involved mistakes that needed correction or were an accident of war that CACI could not have predicted or prevented. Or were these simply reported, but unsubstantiated allegations?

For most Americans, the Hersh story was likely the first time they heard that the army was employing civilian contractors to interrogate detainees. Many probably believed that interrogation was handled exclusively by the military. Hersh's article drew the media to CACI which had provided civilian interrogators in the early fall of 2003 when the army asked for help to make up for the shortage of military interrogator personnel in Iraq. It soon became publicly known that civilian interrogators (though not provided by CACI) had already been employed also in Afghanistan and at Guantanamo Bay, Cuba.

While most Americans are now familiar with the tragic prisoner abuses that occurred at Abu Ghraib, few people are aware of the horrific acts of violence that were inflicted upon the Iraqi people at Abu Ghraib prior to the occupation of Iraq by allied forces. Before the liberation of Baghdad, Abu Ghraib had a horrible reputation as "Hell on Earth" being the dreaded site of Saddam Hussein's "Death Chamber." In 1984 alone, an estimated 4,000 prisoners were executed at Abu Ghraib. Amnesty International reported other mass executions occurring in January of 1994 and in November of 1996 with the slaughter of hundreds of

leaking (unlawful release) of U.S. government classified documents and information, and the inordinate and unnecessary damage leaks can cause to the success of U.S. Armed Services in the field, and ultimately, to the security of the American people.

In particular, this book does provide credible and penetrating analyses of the allegations, the media, and the challenges faced by CACI. From day one (with the initial news of alleged abuse, even before the release of the illegally leaked Taguba report) the company understood the seriousness and importance of the allegations, and thoroughly investigated every aspect of the situation, including through that of its own outside investigative counsel. And the results of all inquiries — government, military and the company's — clearly show from all the information available at the time and to date that no one associated with CACI participated in any behavior that remotely approached the kinds of heinous acts depicted in the Abu Ghraib abuse photos.

Today the detention facility at Abu Ghraib is empty. Associated Press television footage in September of 2006 showed only vacant hallways, rows of unlocked cells with doors swung open. Abu Ghraib's days as a working prison are over, but questions — and misperceptions — about what happened there remain.

As for CACI being at Abu Ghraib, this book is the story — largely from CACI's perspective — of how a company and its people answered the call to serve the U.S. military in time of war. And it is the story of how they responded when, suddenly and without warning, they were swept into a highly publicized international incident, and a media firestorm of distortions and wrongful accusations. It examines the issues and forces they confronted; reviews their successes and failures; and, hopefully, provides some insights into how they steered the company back to its solid footing amid a highly emotion-charged controversy, necessitated by distant events over which they had no control. This is their story.

only a few months later. It was a
the family, but it was the last time
Seesan.⁵⁹

h.D. in psychology, had been tapped
company in its M&A search program.
ess development with some of the
and professional consulting firms in
panies she had helped CACI acquire
approaching \$200 million, she was
acquisition candidate when news of
would soon ask her to shift focus to
nd recommendations having to do
relations aspects of the unfolding
scandal.

ced some of his key executives and
as that were being leveled at CACI.
nowing how long or how large this
eady inundated with the media: in-
Other senior leaders were busy stay-
tock markets and CACI's contracts
became evident that the pace of
only intensify and quicken, London
e to switch from a reactive position

comprehensive, and immediate ap-
convened the newly formed CACI
am of all the senior executives and
e company's work in Iraq. The per-
ill up the files of all CACI staff in
cesses. CACI's contracts and audit
viewing every detail of the contract
h the contracts were obtained and

Seesan was tragically killed, the victim of a
e leading his platoon on a reconnaissance

administered. The company's finance group would be called upon to assess the revenue from the Iraq contracts, and project the legal and PR costs of representing the company. Also included in the CISG activities was the investor relations (IR) function, which would monitor any market risks to the company and shareholders. Meanwhile attorneys and staff in the legal department would assess whether the company had acted appropriately and would ensure that it continued to do so. Additional members from external legal and public affairs groups would eventually join the team.

All of these activities were directed by London in the (often twice) daily CISG meetings while Schneider, as project coordinator, helped keep the process moving along. Although the CISG had a full but well-organized agenda, not everything would go smoothly. For the first few months particularly, every day brought new challenges, posed new questions and required an adjustment in strategy or some new action. Each member of the CISG possessed particular knowledge of different aspects of CACI's Iraq operations. While decisions about how the company would address certain issues were resolved simply by discussion, others induced heated arguments particularly with respect to how the company would push back against the media onslaught.

This was not the time for consensus building, but decision-making. London would always listen to his senior leadership team, but as the leader of CACI for the past two decades, the final answers would come from him.

The CACI leadership group, which would meet in full session twice a day and once daily on weekends for the next several months, agreed it needed to be briefed on exactly what the roles were of those who were assigned to Abu Ghraib, and what — if anything — the army had said about them. They also had to know, to the greatest extent possible, what had transpired. Had any CACI people participated in abuses like those shown on CBS and described by Taguba? If not directly involved, had any of CACI's people been aware of any misconduct and what, if anything, had they done about it? And what of Taguba's most fundamental accusation — that someone who was employed by CACI had in some way been responsible for the abuses alleged?

Koegel, the outside litigator and legal investigator, was immediately tasked with the job of gathering the information and answering key

questions. With a team of Steptoe attorneys that would work exclusively on CACI's internal investigation, he was told to tear down CACI's internal processes piece by piece — finding out who was hired and why. He needed to determine as best he could exactly what CACI employees had or had not done at Abu Ghraib. Taguba had “urged” in his report that Stefanowicz be fired. But before making that decision, London and his colleagues wanted to know for themselves everything they could about Stefanowicz. Without seeing any evidence beyond Taguba's broad accusation, London felt he didn't yet have a basis for firing an employee. Doing so before the facts were available would be wrong, signal premature acceptance of blame or guilt, and be a negative sign to the CACI workforce. Furthermore, the company was receiving positive feedback from the army on CACI employees' performance at Abu Ghraib. He wanted Koegel's help to get some answers fast.

Koegel had served as outside counsel to CACI since 1991. His specialty was litigation and much of his practice involved corporate clients. Koegel's relationship with CACI was mostly in support of the company's Board of Directors in matters of legal defense, litigation, executive agreements, and contract assessments. Over the years, his role had been in many ways that of a legal advisor to London and to senior board member Warren Phillips. Koegel was one of the best litigators in town, and he had a mind that could retain and articulate the most intricate arguments and details.

Koegel was as surprised as anyone when he was called by London to discuss the impact of the breaking Abu Ghraib story. Koegel had known CACI's reputation as a valued government contractor and was stunned, like everyone at CACI, when the news was first heard. In all of his years working with CACI, he had known the company to be nothing less than exemplary among government contractors.

In fact, at this point, the company didn't even know for certain whether anything had really gone wrong at all with its personnel. It had not had any earlier indication at all. It did not know whether it had a substantive problem or just a public relations challenge. It didn't know whether any misconduct by Stefanowicz (or any other company employee) indicated a crack in the administrative process or if someone had simply run amok. And if any individual had gone bad, just how culpable was that person? Had somebody clearly crossed the line by taking part in

NAME

in some of these critical skill set
ctors to provide a wide variety of
ed to the global war on terrorism.
initiatives and requirements. The
ompetent and capable," he said.
CACI's services and, finally, noted
ib should not cloud the patriotism
to defend our country against ter-
1."

ession that followed, London also
misconduct by an individual and
erved that companies survive be-
rporate business practices are sep-
human beings sometimes step out

atifying. In a report to investors,
d CACI with "an excellent job." It
t and said that the decline in share
r the first reports linking CACI to

management's conviction, candor,
nd James said.

Morgan Stanley said the decline in
said Abu Ghraib would only be a
it pulled contractors out of the
/ unlikely."

it have the internal manpower or
side contracting," Morgan Stanley
ctors on May 5.

investment community was one
ed a more repentant tone.

, and innocent or guilty, it doesn't
ough to ward off a trip to the pyre,"
e "witch hunt" fear also had been
illen, an analyst with Stephens Inc.
ess natural for London. CACI was
olitical connections. Though indi-

vidual employees and officers contributed some money to political candidates, the amounts were not large. The company did not sponsor a political action committee. It did not spend large sums of money on lobbyists, nor did it employ an aggressive internal team for political outreach.¹¹³ Instead, CACI had focused its energy on playing by the rules, figuring that if it had the right skills and served its clients well, it would be recognized for its capabilities and work ethic and would do just fine.

Watching the congressional hearings, it was obvious that there was very little knowledge on Capitol Hill about CACI, and, in particular, about the support it was providing the military with regard to interrogation services. Burkhart, London's business advisor, reminded him that people could not identify with an entity with which they had no knowledge. She suggested that the company develop an information package about CACI that would be different from the usual marketing materials, something to supplement existing information with a human-interest component that would help people relate to and understand CACI and its employees.

Burkhart also stressed: "It is important to get this information out as soon as possible, before negative perceptions are solidified." It was critical, she believed, to tell the whole story about CACI. Any void in the public's knowledge of the company was going to be filled each day by media commentary, opinion, and speculation, and just as importantly, by Web sites, bloggers, and rumor mills. "It is vital," she said, "to get a full, accurate story about CACI out so those who care enough to inquire, or are aware of the evolving story, will at least have the company's history and position to review."

What resulted was a four-piece package that included the historical human-interest element drafted by Burkhart and incorporated into a corporate technical piece prepared as a mailer by the communications team. Included in each mailer were an introductory letter, one handout about the company's history and services, and another handout about CACI's corporate culture. These documents were placed in large envelopes, that featured CACI's characteristically patriotic imagery, and

¹¹³ Before Abu Ghraib CACI had, in only one situation, hired a firm associated with lobbying activity. The Livingston Group was engaged by CACI's Director of Business Development for marketing support in the New Orleans area to assist the company in identifying and developing new business opportunities.

hand delivered to every member of Congress. This package became a useful supplement to CACI's introduction to Congress, which was about to get underway.

Later mailings would include a copy of two August news releases announcing the results of CACI's internal investigation and army contract extension, and a feature card with the CACI logo and a brief message asking the reader to take a few minutes to look at CACI. This package would be distributed not only to members of Congress, but to CACI's customers and business contacts.

While Congress may not have known CACI, the company was not completely unconnected to Congress. Among London's acquaintances in Congress were Representative Tom Davis, a Republican from Fairfax County, Virginia, who chaired the House Government Reform Committee, and Democratic Representative Jim Moran of Alexandria, in whose district CACI's headquarters were located. London had recently traveled with the two men to Amman, Jordan, as part of a delegation of business and political leaders from Northern Virginia. He had enjoyed their company and the casual conversations and experiences they shared while there. London now decided to get in touch with the two men as a first step to introduce CACI on Capitol Hill. Davis and Moran listened to London's position, and in London's view they both seemed receptive to information about the company and the Abu Ghraib situation. He chalked that up as a positive result.

London doubted, however, that conversations with only two congressmen were sufficient by themselves to meet CACI's need for recognition on Capitol Hill.

Because CACI had virtually no profile in Congress, the company had no staunch supporters who might speak up for CACI if it were to come under intense congressional scrutiny. Without political connections CACI seemed vulnerable. London and his senior executives did not have a history of participating in political affairs.

CACI's predicament would seem even more precarious should any lawmaker or group of lawmakers decide to make CACI an example or summon CACI executives for questioning by a committee. If this were to be the case, it would be difficult to find allies to support CACI. It would be especially difficult if that support could be construed as defending prisoner abuse, should the findings show a CACI employee to

NAME

forty-five cents in fiscal 2003 to
in was significantly higher than
redicted by Wall Street and the
re, a 14 percent gain, to \$46.55.
back to the pre-Abu Ghraib lev-
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in for the funds was worth more

ey've given us a very healthy out-
ld Reuters. Significantly, Vafi said
view mirror at this point."³⁹²

makes clear that Vafi's opinion
es on Wall Street. The seventy-
1 financial matters. Iraq came up
ut the expenses associated with
the call, a second question about
ion due out the following week.
matter, the Iraq issue was begin-
e that the approaching report by
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ay come from the Fay report. I
London said. He noted that the
roduced any tangible evidence
or were in any way responsible
Fay report might conclude, "we
at."

any's growing confidence as well
on August 12, CACI had finally
lts of its investigation conducted
n."³⁹³ This move, to release the

" Reuters, August 19, 2004.

ary Findings of Internal Investigation,
terrogator Support Personnel in Iraq,
red," August 12, 2004.

preliminary investigation's findings whatever they may be, had been rec-
ommended strongly by media advisor Claire Sanders Swift at a time
when the media landscape was relatively tranquil.

After considerable discussion between the lawyers and the PR team
about the release's language, the company issued "preliminary findings"
that it could find no evidence that CACI employees had been involved
in abuse. Other than the conclusion and a note about the constraints
under which the lawyers operated, the press release provided no further
information.

The release revealed that while some CACI interrogators had ro-
tated out of their position for "routine reasons," several others had "left
at the request of the army and are no longer with the company." The an-
nouncement said that the employees' departure "did *not* involve the
abuse of detainees or any other inappropriate behavior that has been
identified with the Abu Ghraib prison." (Some personnel turnover on
services-type contracts is not at all that unusual, but it was an even
greater challenge in Iraq due to the war zone environment, which was
daunting to many who worked there.) For certain, it was a conscien-
tious, yet carefully worded statement that was necessitated by the fact
that other government investigations were still to be released.

The PR consultants at Prism worried that the lack of detail in the press
release might attract a raft of probing and politically biased questions.

Sensitive to the media criticism of the army IG report just two
weeks before, particularly the "whitewash" label, the PR consultants at
Prism also feared that skeptical journalists might simply belittle the in-
vestigation. For one thing, any internal investigation faces an inherent
credibility hurdle because of doubts that any institution, public or pri-
vate, will voluntarily come clean if it finds wrongdoing. Indeed, inter-
nal and institutional bias or cover-up was among the very charges
being tossed at the army IG. While the CACI investigation was han-
dled exclusively by outside legal counsel at Steptoe & Johnson, not by
CACI officials, the law firm did have a long-standing relationship
with CACI.

In any case, London was still getting solid counsel from Swift that a
press release on the internal investigation's findings should fare well. If
something adverse had been found, she said, release it; if not, then say
that nothing was found. "Let the chips fall where they may" was a slogan

London had used repeatedly. Swift recommended staying ahead of the story, whatever the case might be.

The investigation had faced some inherent limitations. Despite several requests, the army did not provide CACI with the Taguba annexes or any other documentation related to the abuse allegations. (Later, as time went by and most of the Annexes were declassified, the army provided them to the company's legal counsel). Access to Abu Ghraib prison and the people there was also limited, and the lawyers had no means or ability to question military personnel or detainees.

But what the lawyers did have was the company's blessings, a free hand to talk to CACI employees without oversight from company officials, and their own years of experience in sifting through bits and pieces of often contradictory evidence to reconstruct events and prepare a case for trial. They also possessed the ability, honed in the give-and-take of the courtroom and witness preparation, in framing questions and following up those questions in a way that coaxed information from even the most reluctant witnesses.

Using the skills at their disposal, the lawyers interviewed every CACI interrogator they could access, typically when the employees were outside Iraq for an R&R (rest and relaxation) break. Then, having established a relationship, they were able to follow up using satellite phone or e-mail once the CACI employees had returned to Iraq.

Beginning with Stefanowicz, whom the lawyers interviewed upon his departure from Iraq in early May, the lawyers conducted interviews with the majority of the CACI interrogators, as well as other CACI employees who served at Abu Ghraib. As interview built upon interview, the lawyers were able to make judgments about each witness's credibility, examine gaps or inconsistencies in the various accounts, and draw conclusions about the role of CACI's interrogators in events at Abu Ghraib.

Significantly, they could not confirm the suspicion of the Taguba Report about Stefanowicz or find any credible evidence of abuse by CACI interrogators.

The company's strategy of full disclosure was showing positive results. The journalists, who months earlier had cast a jaundiced eye on everything the company said and did, seemed to either have lost their interest in the story or came to the realization that the facts, as presented by the investigations and CACI, were telling a quite different

EXHIBIT 25

News Release

CACI International Inc - 1100 North Glebe Road - Arlington Virginia 22201

CACI Reports Preliminary Findings of Internal Investigation

- Company Provides Information About its Interrogator Support Personnel in Iraq, No Evidence of Abusive Wrongdoing Uncovered -

Arlington, Va., August 12, 2004 - CACI International Inc (NYSE: CAI) announced today that the internal investigation it is conducting concerning its interrogator personnel in Iraq to date has not produced any credible or tangible evidence that substantiates the involvement of CACI personnel in the abuse of detainees at Abu Ghraib prison or elsewhere in Iraq (interrogation services are an intelligence information gathering function). As part of its ongoing investigation, CACI has formally requested that the U.S. Army provide the company with any information it has concerning misconduct by CACI personnel in Iraq. The information recently released by the Army since the disclosure ("leak") of the Major General Antonio Taguba Report is not inconsistent with information developed by CACI. While the information developed to date does not indicate the involvement of any CACI employee in such misconduct, CACI cautioned that its internal investigation continues unabated. CACI further noted that the information developed by its investigation has been compiled despite the constraints of the ongoing conflict and the limitation of access to information and witnesses under the control of the U.S. Army and the Department of Defense (DoD), as well as by the restrictions against conducting on-site interviews of witnesses in Iraq.

CACI continues to cooperate fully with all inquiries from the U.S. government concerning all matters of their investigations.

Since the beginning of its interrogation support services contract in August 2003, CACI has provided a total of 36 interrogators to support the military efforts in Iraq with not more than 10 on site at Abu Ghraib at any one time. CACI's contracts have provided other professionals, as well as interrogators, such as screeners, intelligence analysts, and logisticians. Although CACI represents only a portion of the overall interrogation effort in Iraq, CACI has been proud to support its client, the U.S. military. The company also emphasized that public reports implying that the only interrogators working in Iraq have been those employed by CACI are false.

During the past year, a number of CACI's interrogator personnel have rotated out of their positions for routine reasons, but in addition a few others left at the request of the Army and are no longer with the company. CACI emphasized that the circumstances concerning the employees' departure did not involve the abuse of detainees or any other inappropriate behavior that has been identified with the Abu Ghraib prison.

CACI also reiterated emphatically that it does not condone, tolerate or in any way endorse illegal behavior by its employees and said it would take swift action if the evidence demonstrates culpable wrongdoing by any of its employees. But, CACI also emphasized its strong commitment to the fundamental American principle that people are presumed innocent until proven guilty.

CACI Senior Vice President, Jody Brown noted, "CACI has received, and continues to receive, good reports from its U.S. military customers in Iraq about its support services. We also remain proud of the stalwart services we have provided the Army, which are continuing. Earlier this week, we were pleased to announce the award of a contract to extend our interrogation and professional support services to the U.S. Army in Iraq."

CACI Chairman, President, and CEO, Dr. J.P. (Jack) London emphasized: "Conditions in Iraq are extremely dangerous, difficult and unrelenting. It is not easy to recruit qualified people to go to Iraq, and to remain there for extended periods of time. Yet we have had many loyal, dedicated and hard-working professionals who have been willing to face danger over the past year in support of our country's military in their mission to establish a free Iraq and eliminate terrorism."

CACI revealed its findings in keeping with its pledge to inform the public of the results of its internal investigation and any action taken. Given the publicity received by one of its employees, Steven Stefanowicz, the company concluded that it was also appropriate to note that he remains employed by CACI at a location within the U.S.A. However, the company has a longstanding policy of not publicly discussing individual personnel matters. CACI maintains a policy of confidentiality regarding its personnel and is mindful of the privacy, safety and security of all its employees.

With American troops risking their lives in Iraq, CACI has been proud to honor the Army's request for services, including interrogation support, to help our country's men and women at war and perhaps reduce the risk to their lives.

CACI's advanced information technology solutions and intelligence support services in Iraq enhance military effectiveness. The company's efforts also free up the troops for other critical military missions. Its U.S. military customers in Iraq have commended the company for its performance. Since 1962, the company has successfully provided IT services during nine U.S. Presidential administrations that have had varying policies and objectives. With over 9,400 employees operating from over 100 office locations in the USA and around the world, CACI takes pride in satisfying its customers and in complying with the highest ethical standards. Additional information, news releases, and FAQs on CACI's Iraq business and these related matters is available on CACI's website: www.caci.com at "The Truth Will Out."

CACI International Inc provides the IT and network solutions needed to prevail in today's new era of defense, intelligence, and e-government. From systems integration and managed network solutions to knowledge management, engineering, simulation, and information assurance, we deliver the IT applications and infrastructures our federal customers use to improve communications and collaboration, secure the integrity of information systems and networks, enhance data collection and analysis, and increase efficiency and mission effectiveness. Our solutions lead the transformation of defense and intelligence, assure homeland security, enhance decision-making, and help government to work smarter, faster, and more responsively. CACI, a member of the Russell 2000 and S&P SmallCap 600 indices, provides dynamic careers for approximately 9,400 employees working in over 100 offices in the U.S. and Europe. CACI is the IT provider for a networked world. Visit CACI on the web at www.caci.com.

There are statements made herein which do not address historical facts and, therefore could be interpreted to be forward-looking statements as that term is defined in the Private Securities Litigation Reform Act of 1995. Such statements are subject to factors that could cause actual results to differ materially from anticipated results. The factors that could cause actual results to differ materially from those anticipated include, but are not limited to, the following: regional and national economic conditions in the United States and the United Kingdom, including conditions that result from terrorist activities or war; failure to achieve contract awards in connection with recompetes for present business and/or competition for new business; the risks and uncertainties associated with client interest in and purchases of new products and/or services; continued funding of U.S. Government or other public sector projects in the event of a priority need for funds, such as homeland security, the war on terrorism or rebuilding Iraq; government contract procurement (such as bid protest, small business set asides, etc.) and termination risks; the results of government investigations into allegations of improper actions related to the provision of services in support of U.S. military operations in Iraq; the results of the appeal of CACI International Inc ASBCA No. 53058; individual business decisions of our clients; paradigm shifts in technology; competitive factors such as pricing pressures and/or competition to hire and retain employees; material changes in laws or regulations applicable to our businesses, particularly in connection with (i) government contracts for services, (ii) outsourcing of activities that have been performed by the government, and (iii) competition for task orders under Government Wide Acquisition Contracts ("GWACs") and/or schedule contracts with the General Services Administration; our own ability to achieve the objectives of near term or long range business plans; and other risks described in the company's Securities and Exchange Commission filings.

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For other information contact:

Jody Brown

Senior Vice President, Public Relations

(703) 841-7801, jbrown@caci.com

EXHIBIT 26

2. “Plaintiff” means any or all of the plaintiffs in this action, Suhail Najim Abdullah Al Shimari, Taha Yaseen Arraq Rashid, Asa’ad Hamza Hanfoosh Al-Zuba’e, and Salah Hasan Nsaif Jasim Al-Ejaili.

3. “CACI,” “Defendant,” “Defendants,” “You,” and “Your” mean CACI International, Inc. and any of its predecessors, affiliates, subsidiaries (including but not limited to CACI Premier Technology, Inc. (“CACI PT”)), divisions, business units, partners, principals, directors, officers, employees, attorneys, accountants, agents, consultants, independent contractors, assigns, and any person or entity purporting to act on its behalf.

4. “United States” means any and all Executive Branch and Congressional Branch governmental entities of any sort, including but not limited to, the House of Representatives, the Senate, any committee or subcommittee of the House or the Senate, individual members of the House or Senate, the United States Army, Navy, Air Force, Marines, the Department of Defense, the Department of the Interior, the Department of Justice, and any and all other governmental agencies; and any and all persons employed by any such Executive or Congressional Branch entities. The term “United States” *excludes* the Judicial Branch and private contractors such as CACI retained by the United States government to provide services.

5. “Services” means any conduct engaged in by any and all CACI employees or agents of any sort whatsoever for which CACI was paid, sought to be paid, or had a reasonable expectation that CACI would be paid or would seek to be paid, by the United States. Conduct is not outside the scope of the definition of Services merely because CACI ultimately decided not to bill the United States for the conduct and/or the United States ultimately decided not to pay CACI for the conduct.

6. “Abu Ghraib” means the Abu Ghraib prison complex in or near Baghdad, Iraq.

7. “Record” means any report, statement, document or communication, regardless of format, medium, or physical characteristics, including electronic records and information, audiotapes, videotapes and photographs.

8. “Facts” means evidentiary facts, not factual allegations.

9. “Identify,” with respect to documents, means to provide the type of document, general subject matter, date of document, and authors, addressees, and recipients.

10. “Possession,” “custody” and “control” are used in a comprehensive sense and refer to possession, custody or control by any one or more of the following entities: CACI International, CACI PT, any other entity that is an affiliate of CACI International or CACI PT, and attorneys, accountants, and other agents and advisors for any of them.

11. “Including” shall always be construed to mean “including, but not limited to,” or “including, without limitation.”

12. “Relating to” means in any way, directly or indirectly, alluding to, amending, assisting with, cancelling, commenting on, comprising, concerning, confirming, considering, constituting, contradicting, describing, discussing, endorsing, evidencing, identifying, incorporating, mentioning, modifying, negating, pertaining to, qualifying, referring to, regarding, relevant to, representing, revoking, showing, suggesting, supplementing, supporting, terminating, underlying, or otherwise involving the subject matter of the specific request.

13. “Lawsuit” refers to the lawsuit entitled *Al-Shimari, et al. v. CACI Int’l, Inc., et al.*, in the United States District Court, Eastern District of Virginia, Civil Action No. 08-cv-0827 (GBL) (JFA), and shall include all claims asserted or which may have been asserted therein.

14. “Our Good Name” refers to the book *Our Good Name: A Company’s Fight to Defend its Honor and Get the Truth Told About Abu Ghraib* by J. Phillip London and the CACI Team.

15. The “Relevant Date Range” refers to the period of time between March 2003 and March 27, 2008, including any portion thereof.

INSTRUCTIONS

1. Each request covers documents in your possession, custody or control, which extends to any document in the possession, custody or control of any of your agents, employees, advisors, accountants and attorneys, and includes documents which are not in your custody but are owned in whole or in part by you, or those which you have an understanding, express or implied, that you may use, inspect, examine or copy.

2. If any document requested was, but is no longer, in your possession, custody or control, identify the document and state what disposition was made of it and the date or dates upon which such disposition was made, and additionally, produce all documents relating to the disposition of such document.

3. If you object to any request, you should: (i) identify the portion of such request claimed to be objectionable and state the nature and basis of the objection; (ii) identify any such information withheld pursuant to such objection with sufficient particularity and in sufficient detail to permit the court to determine whether the information falls within the scope of such objection; and (iii) answer any portion of such Request that is not claimed to be objectionable. In accordance with Eastern District of Virginia Local Rule 26, all objections must be in writing, stated with specificity, and served within 15 days after the service of these requests.

4. If you assert a claim of privilege with respect to any request, or a portion thereof, you must identify the nature of the privilege (including work product) which is being claimed and, if the privilege is governed by state law, indicate the state's privilege rule being invoked. You must also provide the following information in the objection: (i) the type of document, e.g., letter or memorandum; (ii) the general subject matter of the document; (iii) the date of the document; and (iv) the author of the document, the addressees of the document, and any other recipients, and, where not apparent, the relationship of the author, addressees, and recipients to each other.

5. This document request is of a continuing nature. If you acquire possession, custody or control of any additional documents responsive to this request after the service of responses hereto, you shall promptly furnish such documents to the Plaintiffs' attorneys.

6. This document request includes all documents responsive to this request not already produced to plaintiffs in relation to the case *Saleh v. Titan Corp.*, in the United States District Court, District of Columbia, Civil Action No. 05-cv-1165.

7. If a document exists only in electronic form, please convert the document into printed form and also provide a copy thereof in computer-readable form and indicate which software application(s) were used to create the document and/or can be used to read the document.

8. The terms "and," "or," "and/or" have both conjunctive and disjunctive meanings, and the terms "each," "any," and "all" mean "each and every."

9. Any singular term will be deemed to include the plural, and any plural term the singular. All pronouns and variations thereof will be deemed to refer to the feminine, masculine or neuter, singular or plural, as the identity of the person or thing referred to requires.

DOCUMENT REQUESTS

1. All documents, records, or communications relating to the arrest and detention of Plaintiffs at Abu Ghraib, including records reflecting the dates on which each of their detentions began and ended and records relating to any interrogations of Plaintiffs.

2. All duty rosters, work schedules, and shift logs evidencing the job assignments of the personnel identified in Interrogatory No. 2 in Plaintiffs' First Interrogatories for the duration of their work at Abu Ghraib.

3. All personnel files, including employment applications, background checks, training documents, performance evaluations, disciplinary records, resignation letters, and documents related to termination of employment for each of the personnel identified in Interrogatory No. 2 in Plaintiffs' First Interrogatories for the duration of their work with CACI.

4. All documents relating to employment or post-employment agreements between CACI and each of the personnel identified in Interrogatory No. 2 in Plaintiffs' First Interrogatories.

5. All organization charts used by Defendants which show both the organizational structure of their personnel at Abu Ghraib and/or any levels of managerial and executive oversight over said personnel.

6. All documents and records relating to any discipline, counseling, reprimands, or termination of CACI personnel by Defendants relating to conduct at Abu Ghraib.

7. All documents and records relating to any commendation or promotion of CACI personnel at Abu Ghraib by Defendants, including, if any, documents related to Steve Stefanowicz, Daniel Johnson, and Tim Dugan

8. All policies, procedures, rules, directives, guidelines, orders, instructions or recommendations issued or adopted by Defendants relating to or otherwise applicable to CACI personnel at Abu Ghraib.

9. All training materials issued or adopted by Defendants relating to or otherwise applicable to CACI personnel at Abu Ghraib.

10. All written job descriptions and post assignments issued or adopted by Defendants relating to or otherwise applicable to CACI personnel at Abu Ghraib.

11. All recruiting materials issued or adopted by Defendants which were used to fill positions for work at Abu Ghraib.

12. All contracts (including all addenda, attachments, amendments, and modifications) between Defendants and any branch or agency of the United States or military relating to or otherwise applicable to services performed at the Abu Ghraib detention facility.

13. All documents memorializing and/or referring to the working relationship between CACI personnel and the United States or military personnel assigned to Abu Ghraib.

14. All documents, records, and/or other writings relied upon, identified, or referred to in your responses to Plaintiffs' First Interrogatories.

15. All documents that you and/or your counsel have received from non-parties in response to subpoenas, third-party requests for production of documents, Freedom of Information Act Requests, *Touhy* requests, or informal requests that have been served in connection with this action.

16. All incident reports, interrogation plans or reports, handwritten notes, photographs, video recordings or other documents prepared or submitted by CACI personnel, including Steve Stefanowicz, Daniel Johnson, and Tim Dugan, in connection with any Abu

Ghraib detainee, including any of the Plaintiffs, as well as any and all documents relating to Defendants' review of such materials, and any subsequent action taken in responses thereto.

17. All documents, including any complaints, letters, emails or other written communication, containing or relating to any statements or reports made by CACI personnel or any spokesperson or representative of Defendants in connection with any alleged incident of detainee abuse or mistreatment at Abu Ghraib or any incident relating to this lawsuit.

18. All documents related to any investigation(s) conducted by Defendants into the role of CACI personnel in the mistreatment of detainees at Abu Ghraib, including documents reviewed or created during the course of any such investigation(s), communications regarding such investigation(s), and any documents reflecting the results of such investigation(s), including documents submitted or presented to the United States.

19. All documents, including any complaints, letters, emails or other written communication, containing or relating to any statements obtained by Defendants from CACI personnel or any third party in connection with any alleged incident of detainee abuse at Abu Ghraib or any incident relating to this lawsuit.

20. All press releases or public statements released by Defendants in connection with any aspect of Abu Ghraib, the services performed there, or the relationship between CACI personnel and United States personnel assigned to Abu Ghraib.

21. All manuals, texts, protocols, or other documents relating to principles and procedures of interrogation to be used by CACI personnel at Abu Ghraib.

22. All communications between CACI personnel and the United States or employees of the United States in connection with services performed at Abu Ghraib.

23. All documents relating to compensation of Defendants for services performed at Abu Ghraib.

24. All documents relating to the relationship between private contractors (including but not limited to Defendants) and United States personnel, and the delineation of responsibilities and duties of private versus public employees (including members of the U.S. military) assigned to Abu Ghraib.

25. All documents relating to the supervision, oversight, or monitoring of CACI personnel at Abu Ghraib, by any person or entity.

26. All documents relating to any alleged integration of CACI employees at Abu Ghraib with the U.S. military or into the military chain of command.

27. All documents relating to rules of engagement applicable to CACI personnel at Abu Ghraib.

28. All documents relating to any orders, direction, guidance or requests provided to CACI by the United States concerning CACI's performance of services to or on behalf of the United States at Abu Ghraib.

29. All legal opinions received by CACI from the United States relating to the legality of any interrogation techniques or other activities conducted by CACI personnel at Abu Ghraib.

30. All photographs of any of the personnel identified in Interrogatory No. 2 in Plaintiffs' First Interrogatories.

31. Any insurance policy held by CACI that covers any portion of the claims in this lawsuit, including any excess coverage policies.

32. Any interrogation plans or lists of interrogation tactics referenced or cited on pages 309-12 of Our Good Name or in the sworn statement of Steve Stefanowicz cited in footnote 311 of Our Good Name.

33. All written statements and testimony given by past or present CACI employees concerning the mistreatment by anyone of detainees at Abu Ghraib or as part of any investigation of such mistreatment, including without limitation the sworn statement of Steve Stefanowicz cited in footnote 311 of Our Good Name.

34. Any documents or correspondence, including attachments, sent or received by CACI relating to the *USA Today* article referenced on page 88 of Our Good Name, including the correspondence cited in footnote 96.

35. Any documents relating to CACI's screening and hiring of the personnel identified in Interrogatory No. 2 in Plaintiffs' First Interrogatories, including any documents relating to the investigation referenced on pages 95-100 of Our Good Name, and any documents relating to the claim on page 100 of Our Good Name that "Subsequent formal U.S. government inquiries reached the same conclusion – that every CACI interrogator met the qualifications set out by the army in the CACI contract Statement of Work."

36. Any documents or correspondence, including attachments, received by CACI from CACI employees referenced on pages 108-09 of Our Good Name, and any responses sent by CACI to CACI employees.

37. Any document relating to the claim on page 160 of Our Good Name, that CACI "left money on the table."

38. Any documents relating to the audit or investigation of CACI conducted by the Defense Contract Audit Agency ("DCAA") referenced on pages 224-31 of Our Good Name,

including the 87 requests for information made by DCAA and CACI's reply to each request, referenced on page 230 of Our Good Name.

39. Any documents relating to the inquiry by the General Services Administration ("GSA") referenced in Our Good Name beginning on page 241, including the presentation and packet prepared and submitted to the GSA, referenced on pages 272-79 of Our Good Name, and any documents relating to the preparation of these documents or materials.

40. Any documents or materials provided by CACI to GSA in response to GSA inquiries relating to Abu Ghraib, including the materials cited or referenced in footnote 325 on page 330 of Our Good Name, and any documents relating to the preparation of these documents or materials.

Dated: New York, New York
December 24, 2012

/s/ Baher Azmy
Baher Azmy, *Admitted pro hac vice*
Katherine Gallagher, *Admitted pro hac vice*
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Attorneys for Plaintiffs

CERTIFICATE OF SERVICE

I hereby certify that on the 24th of December 2012, I served Plaintiffs' First Request for Production of Documents to CACI International, Inc. and CACI Premier Technology, Inc. by email to the following:

J. William Koegel, Jr.
John F. O'Connor
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/s/ Peter A. Nelson
Peter A. Nelson, *Admitted pro hac vice*
PATTERSON BELKNAP WEBB & TYLER LLP
1133 Avenue of the Americas
New York, NY 10036

EXHIBIT 27

3. CACI objects to the extent that these requests seek to require CACI to search for responsive documents in any place other than where responsive documents reasonably might be expected to be located.

4. CACI does not concede that any document produced in response to these requests will be admissible at trial or in connection with any non-discovery proceeding. CACI reserves all rights to object to the introduction of any document produced in this action.

5. CACI objects to the definitions of “CACI,” “Defendant,” “Defendants,” “You,” and “Your” on the grounds that they seek to impose discovery obligations on the two entities named as defendants in this action beyond the obligations imposed on those entities by the Federal Rules of Civil Procedure and also because the failure to differentiate between CACI International Inc and CACI Premier Technology, Inc. creates ambiguity.

6. CACI objects to the definition of “Relevant Date Range” on the grounds that it is overly broad insofar that it encompasses a period of time far in excess of the period of time in which CACI Premier Technology, Inc., provided interrogation services in Iraq.

SPECIFIC OBJECTIONS

REQUEST FOR PRODUCTION NO. 1: All documents, records, or communications relating to the arrest and detention of Plaintiffs at Abu Ghraib, including records reflecting the dates on which each of their detentions began and ended and records relating to any interrogations of Plaintiffs.

RESPONSE: CACI incorporates its General Objections.

REQUEST FOR PRODUCTION NO. 2: All duty rosters, work schedules, and shift logs evidencing the job assignments of the personnel identified in Interrogatory No. 2 in Plaintiffs’ First Interrogatories for the duration of their work at Abu Ghraib.

RESPONSE: CACI incorporates its General Objections.

REQUEST FOR PRODUCTION NO. 3: All personnel files, including employment applications, background checks, training documents, performance evaluations, disciplinary records, resignation letters, and documents related to termination of employment for each of the personnel identified in Interrogatory No. 2 in Plaintiffs' First Interrogatories for the duration of their work with CACI.

RESPONSE: CACI incorporates its General Objections. CACI also objects to producing personnel files for CACI executives who merely made site visits to Abu Ghraib to check on employee welfare but performed no interrogation or intelligence-gathering services, as searching for and producing such documents is unduly burdensome and not reasonably calculated to lead to the discovery of admissible evidence.

REQUEST FOR PRODUCTION NO. 4: All documents relating to employment or post-employment agreements between CACI and each of the personnel identified in Interrogatory No. 2 in Plaintiffs' First Interrogatories.

RESPONSE: CACI incorporates its General Objections. CACI also objects to producing employment and post-employment agreements for CACI executives who merely made site visits to Abu Ghraib to check on employee welfare but performed no interrogation or intelligence-gathering services, as searching for and producing such documents is unduly burdensome and not reasonably calculated to lead to the discovery of admissible evidence..

REQUEST FOR PRODUCTION NO. 5: All organization charts used by Defendants which show both the organizational structure of their personnel at Abu Ghraib and/or any levels of managerial and executive oversight over said personnel.

RESPONSE: CACI incorporates its General Objections.

REQUEST FOR PRODUCTION NO. 6: All documents and records relating to any discipline, counseling, reprimands, or termination of CACI personnel by Defendants relating to conduct at Abu Ghraib.

RESPONSE: CACI incorporates its General Objections.

REQUEST FOR PRODUCTION NO. 7: All documents and records relating to any commendation or promotion of CACI personnel at Abu Ghraib by Defendants, including, if any, documents related to Steve Stefanowicz, Daniel Johnson, and Tim Dugan.

RESPONSE: CACI incorporates its General Objections.

REQUEST FOR PRODUCTION NO. 8: All policies, procedures, rules, directives, guidelines, orders, instructions or recommendations issued or adopted by Defendants relating to or otherwise applicable to CACI personnel at Abu Ghraib.

RESPONSE: CACI incorporates its General Objections.

REQUEST FOR PRODUCTION NO. 9: All training materials issued or adopted by Defendants relating to or otherwise applicable to CACI personnel at Abu Ghraib.

RESPONSE: CACI incorporates its General Objections.

REQUEST FOR PRODUCTION NO. 10: All written job descriptions and post assignments issued or adopted by Defendants relating to or otherwise applicable to CACI personnel at Abu Ghraib.

RESPONSE: CACI incorporates its General Objections.

REQUEST FOR PRODUCTION NO. 11: All recruiting materials issued or adopted by Defendants which were used to fill positions for work at Abu Ghraib.

RESPONSE: CACI incorporates its General Objections.

REQUEST FOR PRODUCTION NO. 12: All contracts (including all addenda, attachments, amendments, and modifications) between Defendants and any branch or agency of the United States or military relating to or otherwise applicable to services performed at the Abu Ghraib detention facility.

RESPONSE: CACI incorporates its General Objections.

REQUEST FOR PRODUCTION NO. 13: All documents memorializing and/or referring to the working relationship between CACI personnel and the United States or military personnel assigned to Abu Ghraib.

RESPONSE: CACI incorporates its General Objections.

REQUEST FOR PRODUCTION NO. 14: All documents, records, and/or other writings relied upon, identified, or referred to in your responses to Plaintiffs' First Interrogatories.

RESPONSE: CACI incorporates its General Objections.

REQUEST FOR PRODUCTION NO. 15: All documents that you and/or your counsel have received from non-parties in response to subpoenas, third-party requests for production of documents, Freedom of Information Act Requests, *Touhy* requests, or informal requests that have been served in connection with this action.

RESPONSE: CACI incorporates its General Objections.

REQUEST FOR PRODUCTION NO. 16: All incident reports, interrogation plans or reports, handwritten notes, photographs, video recordings or other documents prepared or submitted by CACI personnel, including Steve Stefanowicz, Daniel Johnson, and Tim Dugan, in connection with any Abu Ghraib detainee, including any of the Plaintiffs, as well as any and all documents relating to Defendants' review of such materials, and any subsequent action taken in responses thereto.

RESPONSE: CACI incorporates its General Objections.

REQUEST FOR PRODUCTION NO. 17: All documents, including any complaints, letters, emails or other written communication, containing or relating to any statements or reports made by CACI personnel or any spokesperson or representative of Defendants in connection with any alleged incident of detainee abuse or mistreatment at Abu Ghraib or any incident relating to this lawsuit.

RESPONSE: CACI incorporates its General Objections. CACI further objects on the grounds that this request is overly broad, unduly burdensome, and not reasonably calculated to lead to the discovery of admissible evidence.

REQUEST FOR PRODUCTION NO. 18: All documents related to any investigation(s) conducted by Defendants into the role of CACI personnel in the mistreatment of detainees at Abu Ghraib, including documents reviewed or created during the course of any such investigation(s), communications regarding such investigation(s), and any documents reflecting the results of such investigation(s), including documents submitted or presented to the United States.

RESPONSE: CACI incorporates its General Objections.

REQUEST FOR PRODUCTION NO. 19: All documents, including any complaints, letters, emails or other written communication, containing or relating to any statements obtained by Defendants from CACI personnel or any third party in connection with any alleged incident of detainee abuse at Abu Ghraib or any incident relating to this lawsuit.

RESPONSE: CACI incorporates its General Objections.

REQUEST FOR PRODUCTION NO. 20: All press releases or public statements released by Defendants in connection with any aspect of Abu Ghraib, the services performed there, or the relationship between CACI personnel and United States personnel assigned to Abu Ghraib.

RESPONSE: CACI incorporates its General Objections. CACI further objects on the grounds that this request is overly broad, unduly burdensome, and not reasonably calculated to lead to the discovery of admissible evidence.

REQUEST FOR PRODUCTION NO. 21: All manuals, texts, protocols, or other documents relating to principles and procedures of interrogation to be used by CACI personnel at Abu Ghraib.

RESPONSE: CACI incorporates its General Objections.

REQUEST FOR PRODUCTION NO. 22: All communications between CACI personnel and the United States or employees of the United States in connection with services performed at Abu Ghraib.

RESPONSE: CACI incorporates its General Objections.

REQUEST FOR PRODUCTION NO. 23: All documents relating to compensation of Defendants for services performed at Abu Ghraib.

RESPONSE: CACI incorporates its General Objections. CACI further objects on the grounds that this request is overly broad, unduly burdensome, and not reasonably calculated to lead to the discovery of admissible evidence.

REQUEST FOR PRODUCTION NO. 24: All documents relating to the relationship between private contractors (including by not limited to Defendants) and United States

personnel, and the delineation of responsibilities and duties of private versus public employees (including members of the U.S. military) assigned to Abu Ghraib.

RESPONSE: CACI incorporates its General Objections. CACI further objects on the grounds that this request is overly broad, unduly burdensome, and not reasonably calculated to lead to the discovery of admissible evidence insofar as it purports to require a search for and production of documents relating to contractors other than CACI.

REQUEST FOR PRODUCTION NO. 25: All documents relating to the supervision, oversight, or monitoring of CACI personnel at Abu Ghraib, by any person or entity.

RESPONSE: CACI incorporates its General Objections.

REQUEST FOR PRODUCTION NO. 26: All documents relating to any alleged integration of CACI employees at Abu Ghraib with the U.S. military or into the military chain of command.

RESPONSE: CACI incorporates its General Objections.

REQUEST FOR PRODUCTION NO. 27: All documents relating to rules of engagement applicable to CACI personnel at Abu Ghraib.

RESPONSE: CACI incorporates its General Objections.

REQUEST FOR PRODUCTION NO. 28: All documents relating to any orders, direction, guidance or requests provided to CACI by the United States concerning CACI's performance of services to or on behalf of the United States at Abu Ghraib.

RESPONSE: CACI incorporates its General Objections.

REQUEST FOR PRODUCTION NO. 29: All legal opinions received by CACI from the United States relating to the legality of any interrogation techniques or other activities conducted by CACI personnel at Abu Ghraib.

RESPONSE: CACI incorporates its General Objections.

REQUEST FOR PRODUCTION NO. 30: All photographs of any of the personnel identified in Interrogatory No. 2 in Plaintiffs' First Interrogatories.

RESPONSE: CACI incorporates its General Objections.

REQUEST FOR PRODUCTION NO. 31: Any insurance policy held by CACI that covers any portion of the claims in this lawsuit, including any excess coverage policies.

RESPONSE: CACI incorporates its General Objections.

REQUEST FOR PRODUCTION NO. 32: Any interrogation plans or lists of interrogation tactics referenced or cited on pages 309-12 of Our Good Name or in the sworn statement of Steve Stefanowicz cited in footnote 311 of Our Good Name.

RESPONSE: CACI incorporates its General Objections.

REQUEST FOR PRODUCTION NO. 33: All written statements and testimony given by past or present CACI employees concerning the mistreatment by anyone of detainees at Abu Ghraib or as part of any investigation of such mistreatment, including without limitation the sworn statement of Steve Stefanowicz cited in footnote 311 of Our Good Name.

RESPONSE: CACI incorporates its General Objections.

REQUEST FOR PRODUCTION NO. 34: Any documents or correspondence, including attachments, sent or received by CACI relating to the *USA Today* article referenced on page 88 of Our Good Name, including the correspondence cited in footnote 96.

RESPONSE: CACI incorporates its General Objections. CACI further objects on the grounds that this request is overly broad, unduly burdensome, and not reasonably calculated to lead to the discovery of admissible evidence.

REQUEST FOR PRODUCTION NO. 35: Any documents relating to CACI's screening and hiring of the personnel identified in Interrogatory No. 2 in Plaintiffs' First Interrogatories, including any documents relating to the investigation referenced on pages 95-100 of Our Good Name, and any documents relating to the claim on page 100 of Our Good Name that "Subsequent formal U.S. government inquiries reached the same conclusion – that every CACI interrogator met the qualifications set out by the army in the CACI contract Statement of Work."

RESPONSE: CACI incorporates its General Objections. CACI further objects on the grounds that this request is overly broad, unduly burdensome, and not reasonably calculated to lead to the discovery of admissible evidence.

REQUEST FOR PRODUCTION NO. 36: Any documents or correspondence, including attachments, received by CACI from CACI employees referenced on pages 108-09 of Our Good Name, and any responses sent by CACI to CACI employees.

RESPONSE: CACI incorporates its General Objections. CACI further objects on the grounds that this request is overly broad, unduly burdensome, and not reasonably calculated to lead to the discovery of admissible evidence.

REQUEST FOR PRODUCTION NO. 37: Any document relating to the claim on page 160 of Our Good Name, that CACI “left money on the table.”

RESPONSE: CACI incorporates its General Objections. CACI further objects on the grounds that this request is overly broad, unduly burdensome, and not reasonably calculated to lead to the discovery of admissible evidence.

REQUEST FOR PRODUCTION NO. 38: Any documents relating to the audit or investigation of CACI conducted by the Defense Contract Audit Agency (“DCAA”) referenced on pages 224-31 of Our Good Name, including the 87 requests for information made by DCAA and CACI’s reply to each request, referenced on page 230 of Our Good Name.

RESPONSE: CACI incorporates its General Objections.

REQUEST FOR PRODUCTION NO. 39: Any documents relating to the inquiry by the General Services Administration (“GSA”) referenced in Our Good Name beginning on page 241, including the presentation and packet prepared and submitted to the GSA, referenced on pages 272-79 of Our Good Name, and any documents relating to the preparation of these documents or materials.


RESPONSE: CACI incorporates its General Objections.

REQUEST FOR PRODUCTION NO. 40: Any documents or materials provided by CACI to GSA in response to GSA inquiries relating to Abu Ghraib, including the materials cited

or referenced in footnote 325 on page 330 of Our Good Name, and any documents relating to the preparation of these documents or materials.

RESPONSE: CACI incorporates its General Objections.

Respectfully submitted,



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January 11, 2013

CERTIFICATE OF SERVICE

I hereby certify that on the 11th day of January, 2013, I caused the foregoing to be served by first class U.S. Mail, postage prepaid, on the following counsel of record:

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EXHIBIT 30

Chapter 1

Interrogation and the Interrogator

Interrogation is the art of questioning and examining a source to obtain the maximum amount of usable information. The goal of any interrogation is to obtain usable and reliable information, in a lawful manner and in the least amount of time, which meets intelligence requirements of any echelon of command. Sources may be civilian internees, insurgents, EPWs, defectors, refugees, displaced persons, and agents or suspected agents. A successful interrogation produces needed information which is timely, complete, clear, and accurate. An interrogation involves the interaction of two personalities: the source and the interrogator. Each contact between these two differs to some degree because of their individual characteristics and capabilities, and because the circumstances of each contact and the physical environment vary.

PRINCIPLES OF INTERROGATION

Intelligence interrogations are of many types, such as the interview, debriefing, and elicitation. However, the principles of objective, initiative, accuracy, prohibitions against the use of force, and security apply to all types.

OBJECTIVE

The objective of any interrogation is to obtain the maximum amount of usable information possible in the least amount of time. Each interrogation has a definite purpose: to obtain information to satisfy the assigned requirement which contributes to the successful accomplishment of the supported unit's mission. The interrogator must keep this purpose firmly in mind as he obtains the information. The objective may be specific, establishing the exact location of a minefield, or it may be general, seeking order of battle (OB) information about a specific echelon of the enemy forces. In either case, the interrogator uses the objective as a basis for planning and conducting the interrogation. He should not concentrate on the objective to the extent that he overlooks or fails to recognize and exploit other valuable information extracted from the source. For example, during an interrogation, he learns of an unknown, highly destructive weapon. Although this information may not be in line with his specific objective, he develops this lead to obtain all possible information concerning this weapon. It is then obvious that the objective of an interrogation can be changed as necessary or desired.

INITIATIVE

Achieving and maintaining the initiative is essential to a successful interrogation just as the offense is the key to success in combat operations. The interrogator must remain in charge throughout the interrogation. He has certain advantages at the beginning of an interrogation, such as the psychological shock the source receives when becoming a prisoner of war, which enable him to grasp the initiative and assist him in maintaining it. An interrogator may lose control during the interrogation by allowing the source to take control of the interrogation. If this occurs, he must postpone the interrogation and reassess the situation. To resume the interrogation, a different interrogator should conduct the interrogation. In addition, the interrogator must identify and exploit leads developed during the interrogation.

ACCURACY

The interrogator makes every effort to obtain accurate information from the source. He assesses the source correctly by repeating questions at varying intervals. The interrogator, however, is not the final analyst and should not reject or degrade information because it conflicts with previously obtained information. The interrogator's primary mission is the collection of information, not evaluation. Conversely, the interrogator should not accept all information as the truth; he views all information obtained with a degree of

doubt. If possible, and when time permits, he should attempt to confirm information received and annotate less credible or unproven information. It is of great importance to report accurate information to the using elements. The interrogator checks his notes against the finished report to ensure that the report contains and identifies the information as heard, seen, or assumed by the source.

PROHIBITION AGAINST USE OF FORCE

The use of force, mental torture, threats, insults, or exposure to unpleasant and inhumane treatment of any kind is prohibited by law and is neither authorized nor condoned by the US Government. Experience indicates that the use of force is not necessary to gain the cooperation of sources for interrogation. Therefore, the use of force is a poor technique, as it yields unreliable results, may damage subsequent collection efforts, and can induce the source to say whatever he thinks the interrogator wants to hear. However, the use of force is not to be confused with psychological ploys, verbal trickery, or other nonviolent and noncoercive ruses used by the interrogator in questioning hesitant or uncooperative sources.

The psychological techniques and principles outlined should neither be confused with, nor construed to be synonymous with, unauthorized techniques such as brainwashing, mental torture, or any other form of mental coercion to include drugs. These techniques and principles are intended to serve as guides in obtaining the willing cooperation of a source. The absence of threats in interrogation is intentional, as their enforcement and use normally constitute violations of international law and may result in prosecution under the UCMJ. Additionally, the inability to carry out a threat of violence or force renders an interrogator ineffective should the source challenge the threat. Consequently, from both legal and moral viewpoints, the restrictions established by international law, agreements, and customs render threats of force, violence, and deprivation useless as interrogator techniques.

SECURITY

The interrogator, by virtue of his position, possesses a great deal of classified information. He is aware constantly that his job is to obtain information, not impart it to the source. He safeguards military information at all times as well as the source of information. This becomes very clear when one considers that among those persons with whom the interrogator has contact, there are those attempting to collect information for the enemy. The interrogator is alert to detect any attempt made by the source to elicit information.

SOURCES OF INFORMATION

The interrogator is concerned primarily with two sources of information in his intelligence collection effort: human sources and material sources (mainly captured enemy documents (CEDs)). The senior interrogator, depending on the supported commander's priority intelligence requirements (PIR) and information requirements (IR), decides which of these sources will be more effective in the intelligence collection effort.

HUMAN SOURCES

The interrogator encounters many sources who vary greatly in personality, social class, civilian occupation, military specialty, and political and religious beliefs. Their physical conditions may range from near death to perfect health, their intelligence levels may range from well below average to well above average, and their security consciousness may range from the lowest to the highest. Sources may be civilian internees, insurgents, EPWs, defectors, refugees, displaced persons, and agents or suspected agents. Because of these variations, the interrogator makes a careful study of every source to evaluate his mental, emotional, and physical state and uses it as a basis for interrogation. He deals mainly with three categories of sources: cooperative and friendly, neutral and nonpartisan, and hostile and antagonistic. Cooperative and Friendly

A cooperative and friendly source offers little resistance to the interrogation and normally speaks freely on almost any topic introduced, other than that which will tend to incriminate or degrade him personally. To obtain the maximum amount of information from cooperative and friendly sources, the interrogator takes care to establish and to preserve a friendly and cooperative atmosphere by not inquiring into those private affairs which are beyond the scope of the interrogation. At the same time, he must avoid becoming overly friendly and losing control of the interrogation.

Neutral and Nonpartisan

A neutral and nonpartisan source is cooperative to a limited degree. He normally takes the position of answering questions asked directly, but seldom volunteers information. In some cases, he may be afraid to answer for fear of reprisals by the enemy. This often is the case in low-intensity conflict (LIC) where the people may be fearful of insurgent reprisals. With the neutral and nonpartisan source, the interrogator may have to ask many specific questions to obtain the information required.

Hostile and Antagonistic

A hostile and antagonistic source is most difficult to interrogate. In many cases, he refuses to talk at all and offers a real challenge to the interrogator. An interrogator must have self-control, patience, and tact when dealing with him. As a rule, at lower echelons, it is considered unprofitable to expend excessive time and effort in interrogating hostile and antagonistic sources. When time is available and the source appears to be an excellent target for exploitation, he should be isolated and repeatedly interrogated to obtain his cooperation. A more concentrated interrogation effort can be accomplished at higher levels, such as corps or echelons above corps (EAC), where more time is available to exploit hostile and antagonistic sources.

CAPTURED ENEMY DOCUMENTS

CEDs include any piece of recorded information which has been in the possession of a foreign nation and comes into US possession. This includes US documents which the foreign nation may have possessed. There are numerous ways to acquire a document, some of the most common ways are found in the possession of human sources, or enemy dead, or on the battlefield. There are two types of documents: (1) official (government or military) documents such as overlays, field orders, maps, and codes; (2) personal (private or commercial) documents such as letters, diaries, newspapers, and books.

PERSONAL QUALITIES

An interrogator should possess an interest in human nature and have a personality which will enable him to gain the cooperation of a source. Ideally, these and other personal qualities would be inherent in an interrogator, however, in most cases, an interrogator can correct some deficiencies in these qualities if he has the desire and is willing to devote time to study and practice. Some desirable personal qualities in an interrogator are motivation, alertness, patience and tact, credibility, objectivity, self-control, adaptability, perseverance, and personal appearance and demeanor.

MOTIVATION

An interrogator may be motivated by several factors, for example, an interest in human relations, a desire to react to the challenge of personal interplay, an enthusiasm for the collection of information, or just a profound interest in foreign languages and cultures. Whatever the motivation, it is the most significant factor used by an interrogator to achieve success. Without motivation, other qualities lose their significance. The stronger the motivation, the more successful the interrogator.

ALERTNESS

The interrogator must be constantly aware of the shifting attitudes which normally characterize a source's reaction to interrogation. He notes the source's every gesture, word, and voice inflection. He determines why the source

is in a certain mood or why his mood suddenly changed. It is from the source's mood and actions that the interrogator determines how to best proceed with the interrogation. He watches for any indication that the source is withholding information. He must watch for a tendency to resist further questioning, for diminishing resistance, for contradictions, or other tendencies, to include susceptibility.

PATIENCE AND TACT

The interrogator must have patience and tact in creating and maintaining rapport between himself and the source, thereby, enhancing the success of the interrogation. Additionally, the validity of the source's statements and the motives behind these statements may be obtainable only through the exercise of tact and patience. Displaying impatience encourages the difficult source to think that if he remains unresponsive for a little longer, the interrogator will stop his questioning. The display of impatience may cause the source to lose respect for the interrogator, thereby, reducing his effectiveness. An interrogator, with patience and tact, is able to terminate an interrogation and later continue further interrogation without arousing apprehension or resentment.

CREDIBILITY

The interrogator must maintain credibility with the source and friendly forces. Failure to produce material rewards when promised may adversely affect future interrogations. The importance of accurate reporting cannot be overstressed, since interrogation reports are often the basis for tactical decisions and operations.

OBJECTIVITY

The interrogator must maintain an objective and a dispassionate attitude, regardless of the emotional reactions he may actually experience, or which he may simulate during the interrogation. Without this required objectivity, he may unconsciously distort the information acquired. He may also be unable to vary his interrogation techniques effectively.

SELF-CONTROL

The interrogator must have an exceptional degree of self-control to avoid displays of genuine anger, irritation, sympathy, or weariness which may cause him to lose the initiative during the interrogation. Self-control is especially important when employing interrogation techniques which require the display of simulated emotions or attitudes.

ADAPTABILITY

An interrogator must adapt himself to the many and varied personalities which he will encounter. He should try to imagine himself in the source's position. By being able to adapt, he can smoothly shift his techniques and approaches during interrogations. He must also adapt himself to the operational environment. In many cases, he has to conduct interrogations under a variety of unfavorable physical conditions.

PERSEVERANCE

A tenacity of purpose, in many cases, will make the difference between an interrogator who is merely good and one who is superior. An interrogator who becomes easily discouraged by opposition, non-cooperation, or other difficulties will neither aggressively pursue the objective to a successful conclusion nor seek leads to other valuable information.

PERSONAL APPEARANCE AND DEMEANOR

The interrogator's personal appearance may greatly influence the conduct of the interrogation and the attitude of the source toward the interrogator. Usually a neat, organized, and professional appearance will favorably influence the source. A firm, deliberate, and businesslike manner of speech and attitude may create a proper environment for a successful interrogation. If the interrogator's personal manner reflects fairness, strength, and efficiency, the source may prove cooperative and more receptive to questioning. However,

depending on the approach techniques, the interrogator can decide to portray a different (for example, casual, sloven) appearance and demeanor to obtain the willing cooperation of the source

SPECIALIZED SKILLS AND KNOWLEDGE

The interrogator must be knowledgeable and qualified to efficiently and effectively exploit human and material sources which are of potential intelligence interest. He is trained in the techniques and proficiency necessary to exploit human and material sources. His initial training is in foreign language, and his entry-level training is in the exploitation of documents and human sources. The interrogator must possess, or acquire through training and experience, special skills and knowledge

WRITING AND SPEAKING SKILLS

The most essential part of the interrogator's intelligence collection effort is reporting the information obtained. Hence, he must prepare and present both written and oral reports in a clear, complete, concise, and accurate manner. He must possess a good voice and speak English and a foreign language idiomatically and without objectionable accent or impediment.

Knowledge of a foreign language is necessary since interrogators work primarily with non-English speaking people. Language ability should include a knowledge of military terms, foreign idioms, abbreviations, colloquial and slang usages, and local dialects. Although a trained interrogator who lacks a foreign language skill can interrogate successfully through an interpreter, the results obtained by the linguistically proficient interrogator will be more timely and comprehensive. Language labs, tapes, or instructors should be made available wherever possible to provide refresher and enhancement training for interrogator linguists.

KNOWLEDGE OF THE US ARMY'S MISSION, ORGANIZATION, AND OPERATIONS

Interrogation operations contribute to the accomplishment of the supported commander's mission. The interrogator must have a working knowledge of the US Army's missions, organizations, weapons and equipment, and methods of operation. This knowledge enables him to judge the relative significance of the information he extracts from the source.

KNOWLEDGE OF THE TARGET COUNTRY

Every interrogator should be knowledgeable about his unit's target country, such as armed forces uniforms and insignia, OB information, and country familiarity. Armed Forces Uniforms and Insignia

Through his knowledge of uniforms, insignia, decorations, and other distinctive devices, the interrogator may be able to determine the rank, branch of service, type of unit, and military experience of a military or paramilitary source. During the planning and preparation and the approach phases, later discussed in this manual, the identification of uniforms and insignia is very helpful to the interrogator.

Order of Battle Information

OB is defined as the identification, strength, command structure, and disposition of personnel, units, and equipment of any military force. OB elements are separate categories by which detailed information is maintained. They are composition, disposition, strength, training, combat effectiveness, tactics, logistics, electronic technical data, and miscellaneous data. During the questioning phase, OB elements assist the interrogator in verifying the accuracy of the information obtained and can be used as an effective tool to gain new information. Aids which may be used to identify units are names of units, names of commanders, home station identifications, code designations and numbers, uniforms, insignia, guidons, documents, military postal system data, and equipment and vehicle markings.

Country Familiarity

The interrogator should be familiar with the social, political, and economic institutions, geography, history, and culture of the target country. Since many

sources will readily discuss nonmilitary topics, the interrogator may induce reluctant prisoners to talk by discussing the geography, economics, or politics of the target country. He may, then, gradually introduce significant topics into the discussion to gain important insight concerning the conditions and attitudes in the target country. He should keep abreast of major events as they occur in the target country. By knowing the current events affecting the target country, the interrogator will better understand the general situation in the target country, as well as the causes and repercussions.

KNOWLEDGE OF COMMON SOLDIER SKILLS

Interrogators must be proficient in all common soldier skills. However, map reading and enemy material and equipment are keys to the performance of interrogator duties.

Map Reading

Interrogators must read maps well enough to map track using source information obtained about locations of enemy activities. Through the use of his map tracking skills, the interrogator can obtain information on the locations of enemy activities from sources who can read a map. Furthermore, his map reading skills are essential to translate information into map terminology from sources who cannot read a map. Map reading procedures are outlined in FM 21-26.

Enemy Material and Equipment

The interrogator should be familiar with the capabilities, limitations, and employment of standard weapons and equipment so that he may recognize and identify changes, revisions, and innovations. Some of the more common subjects of interest to the interrogator include small arms, infantry support weapons, artillery, aircraft, vehicles, communications equipment, and NBC defense. FM 100-2-3 provides information on enemy material and equipment.

Specialized Training

The interrogator requires specialized training in international regulations, security, and neurolinguistics.

International Agreements

The interrogator should know international regulations on the treatment of prisoners of war and the general principles of the Law of Land Warfare and The Hague and Geneva Conventions.

Security

Interrogators must know how to identify, mark, handle, and control sensitive material according to AR 380-5. He should have received special training on Subversion and Espionage Directed Against the Army (SAEDA).

Neurolinguistics

Neurolinguistics is a behavioral communications model and a set of procedures that improve communication skills. The interrogator should read and react to nonverbal communications. An interrogator can best adapt himself to the source's personality and control his own reactions when he has an understanding of basic psychological factors, traits, attitudes, drives, motivations, and inhibitions.

EXHIBIT 31

UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF VIRGINIA
ALEXANDRIA DIVISION

| | | |
|--------------------------------|---|----------------------------|
| SUHAIL NAJIM ABDULLAH | . | Civil Action No. 1:08cv827 |
| AL SHIMARI, et al., | . | |
| | . | |
| Plaintiffs, | . | |
| | . | |
| vs. | . | Alexandria, Virginia |
| | . | September 14, 2018 |
| CACI PREMIER TECHNOLOGY, INC., | . | 10:19 a.m. |
| | . | |
| Defendant. | . | |
| | . | |
| -----X | | |
| CACI PREMIER TECHNOLOGY, INC., | . | |
| | . | |
| Third-Party Plaintiff, | . | |
| | . | |
| vs. | . | |
| | . | |
| UNITED STATES OF AMERICA, and | . | |
| JOHN DOES 1-60, | . | |
| | . | |
| Third-Party Defendants. | . | |
| | . | |
| | X | |

TRANSCRIPT OF MOTION HEARING
BEFORE THE HONORABLE LEONIE M. BRINKEMA
UNITED STATES DISTRICT JUDGE

APPEARANCES:

| | |
|--|--|
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| FOR THE THIRD-PARTY DEFENDANT: | LAUREN A. WETZLER, AUSA Office of the United States Attorney 2100 Jamieson Avenue Alexandria, VA 22314 |
|-----------------------------------|--|

(Pages 1 - 9)

COMPUTERIZED TRANSCRIPTION OF STENOGRAPHIC NOTES

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1 ruling on a very similar matter involving the interrogators.

2 MR. O'CONNOR: That's true.

3 THE COURT: That these depositions could go forward
4 under certain, you know, pseudonyms and with certain
5 information not being permitted, and I'm going to be consistent
6 with what I've ruled with that previous group of depositions.
7 This ruling, obviously, is not with prejudice for you. In
8 other words, go ahead and take these depositions, and when
9 that's all been said and done, then we're going to look at the
10 whole picture, I'll let Judge Anderson look at it first, to see
11 whether there are such gaps in the information that you've
12 gotten such that you could not be able to mount your defense,
13 all right?

14 MR. O'CONNOR: Yes, Your Honor.

15 THE COURT: So at this point, I am going to deny the
16 appeal, all right, and affirm the magistrate judge.

17 I would urge the government to do, however, to think
18 carefully about just how far you want to go with this. It's
19 one thing to prevent the name from being public. I've tried
20 cases, I've tried criminal cases using pseudonyms for witnesses
21 and witnesses in disguise, so the jury never even saw what the
22 person truly looked like, and that has adequately complied with
23 due process in a criminal context.

24 Now, this is only a civil case, but nevertheless,
25 there are ways, in my view, of reasonably protecting the

1 identity of sensitive witnesses and still giving the parties
2 fair opportunity to litigate their case. Now, if it's a whole
3 lot more information than just the name of the person and maybe
4 their rank and specifically identifying facts, that may be more
5 problematic, and I know that's one of the things you've argued,
6 but at this point, I'm satisfied that Judge Anderson, who's a
7 very thorough and careful magistrate judge, has looked at this
8 and is using what really is an incremental approach to the
9 discovery.

10 So let's complete the depositions, and then we'll see
11 just how egregious this problem has been, all right?

12 MR. O'CONNOR: Yes, Your Honor. Could I take 30
13 seconds to give the Court an update on these that might preview
14 something we might have to come back on?

15 THE COURT: All right.

16 MR. O'CONNOR: Two of the twelve persons identified
17 by the United States as having participated in interrogations
18 of the plaintiffs are CACI employees. One of them -- and
19 obviously, we're not permitted to know who they are. One of
20 them called me two days after he was served with a subpoena by
21 the United States, so I know who CACI Interrogator A is.

22 THE COURT: Okay.

23 MR. O'CONNOR: And working with the United States was
24 a lengthy process, but everyone did what they should, and we've
25 arranged to get counsel at that interrogator's request to

1 for CACI.

2 MR. O'CONNOR: Formerly. There are no current
3 interrogators employed by CACI.

4 THE COURT: No, I -- all right. All right.

5 MR. O'CONNOR: They're former.

6 THE COURT: Well, that's an interesting issue.
7 We'll -- either I or Judge Anderson will take a look at that,
8 all right?

9 MR. O'CONNOR: Or maybe we'll work it out. That
10 would be even better.

11 THE COURT: I hope you can. All right?

12 MR. O'CONNOR: Thank you, Your Honor.

13 THE COURT: All right. Thank you. You're all free
14 to go.

(Which were all the proceedings
had at this time.)

17
18 CERTIFICATE OF THE REPORTER

19 I certify that the foregoing is a correct transcript of
20 the record of proceedings in the above-entitled matter.

21
22
23 /s/

24 _____
Anneliese J. Thomson

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EXHIBIT 32

Special Announcement

May 15, 2018

CACI Named 'Best for Vets' Employer by Military Times

CACI has once again been named a "**Best for Vets**" company by Military Times. The publication recognizes companies with a good track record for hiring people connected to the military, and takes into account a company's culture, as well as its policies for veterans, reservists, and their families, among other criteria.

Employing veterans is a top priority at CACI, and its corporate culture of ethics, integrity, and innovation makes the company a natural choice for those affiliated with the military. Veterans comprise more than one-third of CACI employees. They enjoy a wealth of opportunities to continue their national service on project teams that support national security and government modernization. The company highly values the immense talent, commitment, and integrity that veterans bring to critical customer missions.

For more information about CACI's Veteran Hiring program, [click here](#).

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