

**PRINCIPAL DEPUTY UNDER SECRETARY OF DEFENSE**

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Policy

AUG 23 2004

Michael Thawley  
Ambassador to the United States  
Embassy of Australia  
1601 Massachusetts Avenue, NW  
Washington, DC 20036

Dear Ambassador Thawley:

I am writing to advise you of the findings of the investigation the Deputy Secretary of Defense ordered for a comprehensive review of the treatment of Mr. Hicks and Mr. Habib while in U.S. Department of Defense custody.

As you are aware, the investigation arose from a number of allegations made by Mr. Hicks and Mr. Habib that they had been abused while under Department of Defense control and reflects the seriousness with which we respond to such allegations.

U.S. commands responsible for Mr. Hicks' and Mr. Habib's detention prior to their arrival and during their detention at Guantanamo (U.S. Central Command and U.S. Southern Command respectively) have reviewed records relevant to the alleged abuses. These classified reports will be provided separately.

Examination of medical records and other documents concerning the detention of Mr. Hicks and Mr. Habib by the Department of Defense reveals no information to support the abuse allegations.

The examination did- reveal that Mr. Habib had been forcibly removed from his cell in Guantanamo on four occasions by the Initial Response Force (IRF). This was as a consequence of his threatening and disruptive behavior and his refusal to comply voluntarily with directions by the guard force. The IRF is a specially-trained guard force that handles life-threatening and other critical situations, including suicide attempts and hostage situations. Many prison systems around the world, including those of the United States, have an IRF-like

capability. The existence of the IRF and other support personnel with specialized skills and training at Guantanamo exemplify that the detention facility is operated professionally and reflect the importance of ensuring the security and safety of the detainees. The use of the IRF does not constitute abusive treatment.

Regular visits to Mr. Hicks and Mr. Habib at Guantanamo by Australian representatives have enabled your government to conduct first-hand assessments related to the humane treatment of the Australian detainees at Guantanamo. While under Department of Defense control, Mr. Hicks and Mr. Habib, and all other detainees, are provided food, religious materials, shelter, medical care, mail service, reading materials, and clothing. They are treated humanely. Department of Defense policies do not permit, tolerate, or condone torture by its personnel under any circumstances. Violations of these policies result in investigation and further actions as appropriate. Additionally, Guantanamo is regularly visited by the International Committee of the Red Cross and Members of the U.S. Congress.

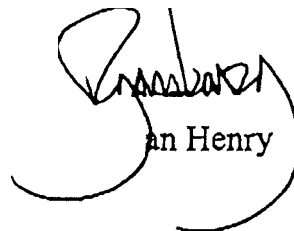
As you are aware, the Naval Criminal Investigative Service (NCIS) is conducting an independent investigation into the allegations of abuse, which has included interviews with Mr. Hicks and Mr. Habib. NCIS hopes to have their findings completed soon, and will then have the results quickly reviewed by the Naval Inspector General, Vice Admiral Albert Church. These results will be communicated to you as soon as possible.

The Department of Defense continues to treat the cases of Mr. Hicks and Mr. Habib as a matter of priority. Mr. Hicks' case is before a military commission for a preliminary hearing. Mr. Habib has been designated for trial by military commission, and we are in the process of assigning him legal counsel. This affords both Mr. Hicks and Mr. Habib a full and fair process to address the criminal charges against them.

I hope this information is helpful to you. Please let me know if I can assist you further.

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Sean Henry