~~SECRET//NOFORN//MR20000007~~

Report No. 06-INTEL-10
August 25, 2006
Evaluation Report

OFFICE OF THE INSPECTOR GENERAL OF THE DEPARTMENT OF DEFENSE

DEPUTY INSPECTOR GENERAL FOR INTELLIGENCE

Review of DoD-Directed Investigations of Detainee Abuse (U)

Derived from: ~~Multiple Sources~~
Reason: ~~1.5(c)~~
Declassify on: ~~MR20000007~~

Copy____of 75

~~*This document will not be released (in whole or in part), or given additional dissemination (in whole or in part) outside the Department of Defense without the prior written approval of the Inspector General of the Department of Defense.*~~

~~SECRET//NOFORN//MR20000007~~

DODIG AMNESTY/CCR 1

(U)

Additional Information and Copies

To request copies of this report, contact [redacted] at (703) 604-[redacted] (DSN 664-[redacted]).

Suggestions for Future Audits or Evaluations

To suggest ideas for or to request future audits or evaluations of Defense intelligence issues, contact the Office of the Deputy Inspector General for Intelligence at (703) 604-8800 (DSN 664-8800) or fax (703) 604-0045. Ideas and requests can also be mailed to:

Office of the Deputy Inspector General for Intelligence
Inspector General of the Department of Defense
400 Army Navy Drive (Room 703)
Arlington, VA 22202-4704

Acronyms (U)

CJCS	Chairman, Joint Chiefs of Staff
CJTF	Combined Joint Task Force
DIA	Defense Intelligence Agency
DSLOC	Detainee Senior Leadership Oversight Committee
HUMINT	Human Intelligence
JIDC	Joint Interrogation and Debriefing Center
JTF	Joint Task Force
OGA	Other Government Agency
SERE	Survival, Evasion, Resistance, and Escape
SOP	Standard Operating Procedure

b(6)

~~SECRET//NOFORN//MR20200307~~

INSPECTOR GENERAL
DEPARTMENT OF DEFENSE
400 ARMY NAVY DRIVE
ARLINGTON, VIRGINIA 22202-4704

August 25, 2006

MEMORANDUM FOR SECRETARY OF DEFENSE
UNDER SECRETARY OF DEFENSE FOR POLICY
UNDER SECRETARY OF DEFENSE FOR INTELLIGENCE
DIRECTOR, JOINT STAFF
COMMANDER, U.S. JOINT FORCES COMMAND
SECRETARY OF THE ARMY

SUBJECT: Review of DoD-Directed Investigations of Detainee Abuse (Report No. 06-INTEL-10) (U)

(U) We are providing this report for review and comment. We performed this review as a result of our monitoring and oversight of the investigations of allegations of detainee abuse and of the 13 senior-level reports appointed to inspect, assess, review, and investigate detention and interrogation operations initiated as a result of allegations of detainee abuse. We considered management comments on a draft of this report when preparing the final report.

(U) We requested and received written comments from the Under Secretary of Defense for Policy; the Director, Joint Staff; and the Deputy Chief of Staff, Army G-2. While not required, we received written comments from the Director, Defense Intelligence Agency, and the Department of the Army Inspector General.

(U) DoD Directive 7650.3 requires that all recommendations be resolved promptly. The Under Secretary of Defense for Policy and the Department of the Army G-2's comments were responsive. The Director, Joint Staff's comments were partially responsive and we request additional comments on Recommendation A.2. and B.3. We did not receive written comments from the Secretary of Defense; the Under Secretary of Defense for Intelligence; and the Commander, U.S. Joint Forces Command. We redirected Recommendation B.2. to the Secretary of the Army based on comments from the Under Secretary of Defense for Policy. We revised Recommendation B.4. to include the Under Secretary of Defense for Intelligence in addition to the Secretary of the Army. We request comments on the final report by September 29, 2006.

(U) If possible, please send management comments in electronic format (Adobe Acrobat file only) to Team2@dodig.mil. Copies of the management comments must contain the actual signature of the authorizing official. We cannot accept the / Signed / symbol in place of the actual signature. If you arrange to send classified comments electronically, they must be sent over the SECRET Internet Protocol Router Network (SIPRNET) or the Joint World-wide Communications System (JWICS).

(U) We appreciate the courtesies extended to the staff. Questions should be directed to [redacted] at (703) 604-[redacted] (DSN 664-[redacted]) or [redacted] at (703) 604-[redacted] (DSN 664-[redacted]). See Appendix X for the report distribution. The evaluation team members are listed inside the back cover.

Shelton Young

Shelton R. Young
Deputy Inspector General
for Intelligence

b(6)

Office of the Inspector General of the Department of Defense

Report No. 06-INTEL-10 **August 25, 2006**
(Project No. D2004-DINT01-0174)

Review of DoD-Directed Investigations of Detainee Abuse (U)

Executive Summary (U)

(U) Who Should Read This Report and Why? DoD officials overseeing and determining policy on detainee operations and training personnel involved in detention and interrogation operations should read this report to understand the significance of oversight, timely reporting, and investigating allegations of detainee and prisoner abuse.

(U) Background. Following news media reports of allegations that U.S. Forces were abusing detainees held at detention facilities in Iraq, on May 7, 2004, 110 Members of Congress formally requested of the Secretary of Defense that the DoD Inspector General "supervise the investigations of tortured Iraqi prisoners of war and other reported gross violations of the Geneva Conventions at Abu Ghraib Prison in Iraq." In response to this request, the Inspector General announced, in a May 13, 2004, memorandum to the Secretaries of the Military Departments, the establishment of a multidisciplinary team to monitor allegations of detainee and prisoner abuse. This announcement generated a reporting requirement for the various military criminal investigative organizations and other agencies reporting allegations of detainee and prisoner abuse on the status of all open and closed investigations. The multidisciplinary team comprised personnel from two separate functional components of the DoD Office of Inspector General, with two separate objectives. For the first objective, the Office of Investigative Policy and Oversight evaluated the thoroughness and timeliness of criminal investigations into allegations of detainee abuse by focusing on the closed case files of 50 criminal investigations of allegations. That office issued a separate report on August 25, 2006.

(U) For the second objective, the Office of the Deputy Inspector General for Intelligence monitored allegations of detainee and prisoner abuse and evaluated the 13 senior-level inspections, assessments, reviews, and investigations of detention and interrogation operations that were initiated as a result of allegations of detainee abuse. The purpose of this review was to evaluate the reports to determine whether any overarching systemic issues should be addressed.

(U) The Deputy Inspector General for Intelligence's team developed a matrix to assist in tracking the growth in the number of allegations of criminal and noncriminal detainee abuse. As of February 27, 2006, DoD Components opened 842 criminal investigations or inquiries into allegations of detainee and prisoner abuse. A matrix detailing the status of these allegations is at Appendix P. According to the Deputy Assistant Secretary of Defense for Detainee Affairs, as of May 2005, more than 70,000 individuals have been detained by U.S. military and security forces since military operations began in Afghanistan on October 7, 2001.

(U) Beginning on August 31, 2003, through April 1, 2005, DoD officials released 13 senior-level reports that included 492 separate recommendations. The Secretary of Defense established the Detainee Senior Leadership Oversight Committee to review and track all recommendations. Commanders and their respective Inspectors General should implement adequate corrective actions to prevent reoccurrence of the conditions identified. As of March 1, 2006, 421 recommendations were closed and 71 recommendations remained open.

(U) Results. The 13 senior-level reports provided extensive coverage of interrogation and detention operations, including detainee abuse. However, we identified three areas that should be examined further.

(U) Allegations of detainee abuse were not consistently reported, investigated, or managed in an effective, systematic, and timely manner. Multiple reporting channels were available for reporting allegations and, once reported, command discretion could be used in determining the action to be taken on the reported allegation. We did not identify any specific allegations that were not reported or reported and not investigated. Nevertheless, no single entity within any level of command was aware of the scope and breadth of detainee abuse. The Secretary of Defense should, when applicable, direct that all Combatant Commanders assign a Deputy Commanding General for Detention Operations, based on mission assignments. The Chairman, Joint Chiefs of Staff should expedite issuance of Joint Publications that outline responsibilities for intelligence interrogations. (See Finding A.)

(U) Interrogation support in Iraq lacked unity of command and unity of effort. Multiple DoD organizations planned and executed diverse interrogation operations without clearly defined command relationships, common objectives, and a common understanding of interrogation guidance. The Under Secretary of Defense for Intelligence and the Under Secretary of Defense for Policy should expedite issuance of relevant Manuals and Directives. The Chairman, Joint Chiefs of Staff and the Secretary of the Army should also expedite issuance of Joint and Multi-Service Publications. (See Finding B.)

(U) Counterresistance interrogation techniques migrated to Iraq, in part, because operations personnel believed that traditional interrogation techniques were no longer effective for all detainees. In addition, policy for and oversight of interrogation procedures were ineffective. As a result, interrogation techniques and procedures used exceeded the limits established in the Army Field Manual 34-52, "Intelligence Interrogation," September 28, 1992. The Under Secretary of Defense for Intelligence in coordination with the Commander, U.S. Joint Forces Command should develop and implement policy and procedures to preclude introducing survival, escape, resistance, and evasion techniques in an environment other than training. (See Finding C.)

(U) Management Comments. The Under Secretary of Defense for Policy concurred with one recommendation and nonconcurred with Recommendation B.2. requesting we redirect the recommendation to the Secretary of the Army. We redirected Recommendation B.2. to the Secretary of the Army.

(U) The Department of the Army G-2 concurred with the report, with comments. In response to verbal comments from the Under Secretary of Defense for Intelligence, we revised Recommendation B.4. to request that the Under Secretary of Defense for Intelligence, in coordination with the Secretary of the Army, expedite the issuance of Army Field Manual 2-22.3, "Human Intelligence Collector Operations."

(U) Although not required to provide comments, the Director, Defense Intelligence Agency and the Department of the Army Inspector General concurred with the report, with comments.

(U) The Director, Joint Staff nonconcurred with findings and recommendations that he believed assigned responsibilities to the Chairman of the Joint Chiefs of Staff that were beyond his statutory authority. The Director, Joint Staff did not address specific recommendations directed to the Chairman that are within his statutory authority. We consider these comments nonresponsive and request that the Director, Joint Staff comment on the recommendations by September 29, 2006.

(U) We did not receive written comments on the draft report from the Secretary of the Defense; the Under Secretary of Defense for Intelligence; and the Commander, Joint Forces Command. Therefore, we request the Secretary of Defense, the Under Secretary of Defense for Intelligence, and the Commander, Joint Forces Command provide comments by September 29, 2006.

THIS PAGE INTENTIONALLY LEFT BLANK (U)

Table of Contents (U)

(U)

Executive Summary i

Background 1

Objectives 5

Findings

A. Reporting Incidents of Alleged Detainee Abuse 6
B. Joint Interrogation Support 12
C. DoD Interrogation Techniques 23

Appendixes

A. Scope and Methodology 31
B. Timeline of Senior-Level Reports 32
C.-O. Compendium of Scopes, Executive Summary Extracts, and Assessments of Senior-Level Detention and Interrogation Reviews 33
P. Matrix of Detainee Investigations and Evaluations 78
Q. Detainee Senior Leadership Oversight Committee 79
R. Case Study: Reporting and Investigating 81
S. Secretary of Defense Memorandum, April 16, 2003 84
T. Deputy Secretary of Defense Memorandum, December 30, 2005 90
U. Counter-Resistance Techniques, December 2, 2002 91
V. Combined Joint Task Force 7 Interrogation and Counter-Resistance Policy 96
W. Other Matters of Interest 102
X. Report Distribution 104

Management Comments

Under Secretary of Defense for Policy 106
Director, Joint Staff 109
Defense Intelligence Agency 112
Department of the Army 114

THIS PAGE INTENTIONALLY LEFT BLANK (U)

Background (U)

(U) On May 13, 2004, the DoD Inspector General announced the establishment of a multidisciplinary team to monitor allegations of abuse of Enemy Prisoners of War and other detainees (hereafter referred to collectively as detainees). This action was precipitated by the growing number of investigations subsequent to the April 2004 media release of photos taken from October through December 2003 that showed various abuses of detainees held at the Abu Ghraib Prison. The review also followed a May 7, 2004, letter to the Secretary of Defense in which 110 Members of Congress formally requested that the DoD Inspector General "supervise the investigation of tortured Iraqi prisoners of war, and other reported gross violations of the Geneva Convention at Abu Ghraib Prison in Iraq."

(U) The multidisciplinary team comprised personnel from two separate functional components of the DoD Office of Inspector General--the Office of Investigative Policy and Oversight and the Office of the Deputy Inspector General for Intelligence. The Office of Investigative Policy and Oversight evaluated the thoroughness and timeliness of criminal investigations into allegations of detainee abuse by focusing on the closed case files of 50 criminal investigations of allegations. The Office of Investigative Policy and Oversight prepared a separate report (see Appendix A). The Office of the Deputy Inspector General for Intelligence monitored allegations of detainee and prisoner abuse and evaluated the 13 senior-level inspections, assessments, reviews, and investigations of detention and interrogation operations that were initiated as a result of allegations of detainee abuse. (See Appendix B.) The purpose of this review was to evaluate the reports to determine whether any overarching systemic issues should be addressed.

(U) Although there are legal distinctions between Enemy Prisoners of War, civilian internees, retained personnel, and others captured or detained by U.S. Forces, this report focuses on reports, investigations, and reviews of matters involving persons who were in custody of the U.S. military, without regard to the status of the person in custody.

(U) On May 19, 2004, the DoD Inspector General tasked DoD Components to report the status of their organizations' review of allegations of detainee and prisoner abuse. Following a prescribed format, organizations reported on their opened and closed cases for criminal and non-criminal investigations, inspections, or reviews. Components started weekly reporting on May 20, 2004, and biweekly reporting on March 1, 2005. As of February 27, 2006, DoD Components opened 842 criminal investigations or inquiries into allegations of detainee and prisoner abuse. A reporting matrix detailing these Service-specific efforts is at Appendix P.

(U) From August 2003 through December 2004, senior officials directed the accomplishment of 13 senior-level reviews and investigations on

detention and interrogation operations. The last report was issued on April 13, 2005. Although the purpose, mandate, and format of the reports were different, each report ultimately highlighted specific problems in the management and conduct of detention and interrogation operations. (See Appendix B.)

(U) The Secretary of Defense signed an order on July 16, 2004, that created the Office of Detainee Affairs to review detainee problems and formulate a coherent and seamless policy. The Deputy Assistant Secretary of Defense for Detainee Affairs, who is responsible for developing policy recommendations, reports to the Under Secretary of Defense for Policy.

(U) The 13 senior-level reports resulted in 492 recommendations. In November 2004, the Deputy Assistant Secretary of Defense for Detainee Affairs and the Joint Staff J-5 Deputy Director, War on Terrorism established the Detainee Senior Leadership Oversight Council (DSLOC) to review and monitor the status of the recommendations and actions in the major detainee abuse reviews, assessments, inspections and investigations. Working in concert with the Office of Detainee Affairs, the DSLOC meets quarterly to review the status reports and action plans from the designated office of primary responsibility on all open recommendations. See Appendix Q for information on the DSLOC as well as for observations and suggestions from the DoD Office of the Deputy Inspector General for Intelligence.

Detainee Treatment (U)

(U) Various international laws and national treaties govern the treatment of detainees taken during war and other armed hostilities. The Geneva Conventions set the standard for international law to address humanitarian concerns. Overall, the laws and treaties are intended to ensure that detainees taken during armed hostilities are treated humanely.

(U) As of May 2004, the date of the congressional request, the DoD programs governing detainee treatment were prescribed in DoD Directive 5100.77, "DoD Law of War Program," December 9, 1998, and DoD Directive 2310.1, "DoD Program for Enemy Prisoners of War (EPOW) and Other Detainees," August 18, 1994.

(U) **Detention Operations**. Within DoD, the Under Secretary of Defense for Policy has overall responsibility for the coordination, approval, and implementation of major DoD policies and plans relating to detainee operations. The Secretary of the Army, as the DoD Executive Agent, administers the program through DoD Directive 2310.1 and Army Regulation 190-8 (AR 190-8), "Enemy Prisoners of War, Retained Personnel, Civilian Internees, and Other Detainees," October 1, 1997.

(U//~~FOUO~~) The Deputy Assistant Secretary of Defense for Detainee Affairs reported that, as of May 2005, the United States had eight theater-level holding facilities, and coalition forces had five facilities in Iraq; two

theater-level holding facilities and 20 Forward Operating Bases in Afghanistan; and one facility at Guantanamo Bay. Further, U.S. military and security forces detained over 70,000 individuals since military operations began in Afghanistan on October 7, 2001.

Interrogation (U)

(U) **Department of the Army Field Manual 34-52 (FM 34-52), "Intelligence Interrogation."** Prior to the issuance of the Deputy Secretary of Defense memorandum, "Interrogation and Treatment of Detainees by the Department of Defense," December 30, 2005, there was no official DoD-wide interrogation doctrine, but FM 34-52 was the de facto doctrine for intelligence personnel who conduct interrogations. The FM 34-52 expressly prohibits inhumane treatment and warns that the use of torture by U.S. personnel will bring discredit upon the United States and its armed forces, while undermining domestic and international support for the war effort.

(U) **Interrogation Operations**. DoD defines intelligence interrogation as the systematic process of using approved interrogation approaches to question a captured or detained person to obtain reliable information to satisfy intelligence requirements, consistent with applicable law. Interrogation is an art that can only be effective if practiced by trained and certified interrogators. Certified interrogators are trained to employ techniques that will convince an uncooperative source to provide accurate and relevant information.

(U) **Tactical to Strategic Interrogation.** Interrogation may be conducted at any level, from tactical questioning at the point of capture to the debriefing or interrogation conducted at a detainee's long-term internment facility. AR 190-8 recognizes that the value of intelligence information diminishes with time and therefore allows prisoners to be interrogated in the combat zone, usually by intelligence or counterintelligence personnel. Additionally, non-Military Intelligence personnel can conduct "tactical questioning" of detainees in the field prior to moving them to short-term or long-term holding facilities. After capture and tactical questioning, detainees should be expeditiously transferred to collecting points, corps holding areas, internment, or resettlement facilities. High value detainees are then selected for debriefing or interrogation at a Joint Interrogation and Debriefing Center (JIDC) or Joint Interrogation Facility.

(U) **Coercive Techniques.** The FM 34-52 states that:

> Physical or mental torture and coercion revolves around eliminating the source's free will and are expressly prohibited by GWS [Geneva Convention for the Amelioration of the Wounded and Sick in Armed Forces in the Field], Article 13; GPW [Geneva Convention Relative to the Treatment of Prisoners of War], Articles 13 and 17; and GC [Geneva

> Convention Relative to the Protection of Civilian Persons in Time of War], Articles 31 and 32. Torture is defined as the infliction of intense pain to body or mind to extract a confession or information, or for sadistic pleasure. Examples of physical torture include-- electric shock, forcing an individual to stand, sit, or kneel in abnormal positions for prolonged periods of time, food deprivation, and any form of beating. Examples of mental torture include--mock executions, abnormal sleep deprivation, and chemically induced psychosis. Coercion is defined as actions designed to unlawfully induce another to compel an act against one's will. Examples of coercion include—threatening or implying physical or mental torture to the subject, his family or others to whom he owes loyalty.

According to the FM 34-52, prohibited techniques are not needed to gain the cooperation of detainees; their use leads to unreliable information that may damage subsequent collection efforts. Not only does a detainee under duress provide information simply to stop the pain, but future interrogations will require more coercive, perhaps more dangerous, techniques. Finally, the interrogator must consider the negative effect that captivity stories will have on the local population, such as choosing not to communicate with or to actively oppose the presence of U.S. military personnel.

(U) **Field Manual 27-10 (FM 27-10), "The Law of Land Warfare."** provides authoritative guidance to military personnel on customary and treaty law for conducting warfare as follows:

> Places limits on the exercise of a belligerent's power...and requires that belligerents refrain from employing any kind or degree of violence which is not actually necessary for military purposes and that they conduct hostilities with regard for the principles of humanity and chivalry."

FM 27-10 further discusses prisoners of war and persons entitled to be treated as prisoners of war.

(U) **Presidential Military Order.** In a memorandum dated February 7, 2002, the President stated that Taliban and al Qaeda detainees were "unlawful combatants" not legally entitled to prisoner of war status. However, he did determine that al Qaeda and Taliban detainees were to be treated "humanely and to the extent appropriate and consistent with military necessity, in a manner consistent with the principles of Geneva [Conventions]."

(U) ~~(S//NF)~~ **Approved Counterresistance Interrogation Techniques for Guantanamo Bay.** On April 16, 2003, the Secretary of Defense approved "Counter-Resistance Techniques in the War on Terrorism," which were designed for the U.S. Southern Command, specifically the Guantanamo Bay, Cuba, facility. The April 16, 2003, memorandum reiterated that U.S. Forces must continue to treat detainees humanely. A previous (U)

memorandum dated December 2, 2002, incorporated techniques not found in the Army FM 34-52, but that were designed for those detainees identified as "unlawful combatants." (See Appendix V.) In response to Service-level concerns, the Secretary of Defense rescinded the harsher techniques and directed that a study be completed before he provided further guidance. This action led to a Working Group which evaluated 39 techniques for compliance with U.S. and international law and policy. The Secretary of Defense approved 24 of these interrogation techniques and included them in the April 16, 2003, memorandum. All 17 approved interrogation techniques found in Army FM 34-52 were also included in the April memorandum. Once again, these techniques were limited to interrogations of unlawful combatants held at Guantanamo Bay, Cuba. (See Appendix S.)

Objectives (U)

(U) Our overall objective was to monitor allegations of detainee and prisoner abuse. Specifically, our objective was to evaluate each of the 13 senior-level reports and recommendations to determine whether any overarching systemic problems should be addressed. We identified three areas of concern and they are described as Findings A, B, and C. See Appendix A for a discussion of the scope and methodology and related report coverage. We did not review the management control program of any organization discussed in this report because such a review would be outside the scope of this review.

A. Reporting Incidents of Alleged Detainee Abuse (U)

The primary objective that the staff seeks to attain for the commander and for subordinate commanders is understanding, or situational awareness--a prerequisite for commanders anticipating opportunities and challenges. True understanding should be the basis for information provided to commanders in order to make decisions.

Joint Publication 0-2, "Unified Action Armed Forces (UNAAF)," July 10, 2001.

(U) Allegations of detainee abuse were not consistently reported, investigated, or managed in an effective, systematic, and timely manner because clear procedural guidance and command oversight were either inadequate or nonexistent. As a result, no single entity within any level of command was aware of the scope and breadth of detainee abuse.

(U) See paragraph, Management Actions, in the finding discussion.

Background (U)

(U) **DoD Policies.** DoD Directive 2310.1 supports the DoD policy to provide humane treatment and effective care of all persons captured or detained. DoD Directive 5100.77 and DoD Directive 2310.1 prescribe policy to handle reportable incidents and require prompt reporting and thorough investigations. DoD Directive 5240.1-R, "Procedures Governing the Activities of DoD Intelligence Components that Affect United States Persons," December 1982, which applies to intelligence components, also contains reporting requirements for questionable activities.

(U) DoD Directive 5100.77 pertains to the DoD Law of War Program, which encompasses all law for the conduct of hostilities binding on the United States, applicable U.S. law, treaties to which the United States is a party, and customary international law. Among other things, DoD policy is to ensure humane treatment and full accountability for all persons under DoD control. As defined in DoD Directive 5100.77, a reportable incident is, ". . .[a] possible, suspected, or alleged violation of the law of war," and provides that:

> All reportable incidents committed by or against U.S. or enemy persons are promptly reported, thoroughly investigated, and, where appropriate, remedied by corrective action.

(U) DoD Directive 2310.1 requires the implementation of the international law of war, both customary and codified, including the Geneva Conventions for Enemy Prisoners of War, to include the sick or wounded, retained personnel, civilian internees, and other detained personnel. The program's objectives require that the U.S. Military Services observe and enforce the obligations and responsibilities of the U.S. Government for humane and efficient care and full accountability for all persons captured or detained by the U.S. Military Services throughout the range of military operations.

(U) DoD Directive 2310.1 defines a reportable incident as ". . . suspected or alleged violations of the Geneva Conventions and other violations of the international law of war," and states that the Secretaries of the Military Departments and the Commanders of the Unified Combatant Commands are responsible for reporting and investigating incidents promptly to the appropriate authorities in accordance with the DoD Law of War Program prescribed in DoD Directive 5100.77.

(U) DoD Directive 5240.1-R, "Procedures Governing the Activities of DoD Intelligence Components that Affect United States Persons," December 1982, Procedure 15, requires each employee to report any questionable activity to the General Counsel or Inspector General for the DoD Component concerned or to the DoD General Counsel or the Assistant to the Secretary of Defense (Intelligence Oversight). DoD Directive 5240.1, " DoD Intelligence Activities," April 25, 1988, requires DoD intelligence component employees to report all activities that may violate a law, an Executive order, a Presidential Directive, or applicable DoD policy to the Inspector General or General Counsel responsible for the DoD intelligence component concerned, or to the Assistant to the Secretary of Defense (Intelligence Oversight).

(U) Army Policies. Army reporting criteria for allegations of detainee abuse fall under the reporting requirements of Army Regulation 190-40, "Serious Incident Report," June 15, 2005. A serious incident is any actual or alleged incident, accident, misconduct, or act, primarily criminal in nature, that, because of its nature, gravity, potential for adverse publicity, or potential consequences, warrants timely notice to Headquarters Department of the Army.

(U) Army Regulation 15-6, "Procedure for Investigative Officers and Boards of Officers," September 30, 1996, includes procedures that Army commanders in the field typically use to conduct administrative investigations. The regulation states that the policy is limited to investigations "not specifically authorized by any other directive." Commanders' inquiries under this regulation are subordinate to criminal investigations.

Inconsistent Reporting of Incidents (U)

(U) Allegations of detainee abuse were not reported consistently, in part because multiple channels existed to report them.[1] Multiple reporting channels were available for reporting allegations and, once reported, command discretion could be used in determining the action to be taken on the reported allegation. We did not identify any allegations that were not reported or reported and not investigated. Appendix R includes a case study on the difficulty of reporting and investigating allegations in a command environment with multiple organizations and differing reporting chains of command.

(U) Each command level has multiple channels available to report an allegation of abuse: the supervisor/commander, Inspector General, criminal investigators, and others, such as doctors, Staff Judge Advocates, and Chaplains. Once received by a commander, the following general options may be considered:

- Based on the lack of information or evidence, the receiving official may decide there is not enough evidence to take any action or that the alleged actions may not violate approved interrogation techniques.
- The receiving officials may initiate an internal investigation.
- The receiving official may also refer the case for outside review to a higher command or other channel.

(U) The reporting processes of the various Services and DoD agencies were different and therefore less than effective. Multiple reporting channels added to the challenge of maintaining situational awareness of authority and responsibility for directing, conducting, and overseeing unit-level investigations. Different DoD personnel could report an observed incident through any number of reporting channels. This is further exacerbated when some personnel are temporarily assigned or embedded with organizations that have different reporting procedures. The presence and activities of other Government agencies and Coalition partners not wholly subject to U.S. military procedures and policies also present intense challenges to commanders charged with overall situational awareness and oversight within their geographic and operational areas of responsibility. Despite the existence of DoD specialty-specific guidance for criminal investigators, Inspectors General, and medical organizations, the overarching guidance on detainee treatment was either not specific enough or nonexistent.

[1] We are not suggesting that multiple reporting channels be removed. However, multiple reporting channels do not provide the commander with situational awareness; therefore no single entity within the command is aware of the scope and breadth of the detainee abuse.

(U) As documented in the Vice Admiral Church Report (Appendix M), Service members, DoD civilians, and contractors all agreed that they had an obligation to report any observed abuse. However, their descriptions of what constituted abuse (which ranged from "beating" to "verbal abuse"), to whom they would report abuse (ranging from supervisor to command's Inspector General), and finally who would determine the legitimacy of those allegations (senior enlisted or warrant officer, the interrogator, or the unit judge advocate) were varied.

Investigations Not Managed in an Effective Manner (U)

(U) We believe that allegations of detainee abuse were not consistently investigated or managed in an effective, systematic, and timely manner. Commanders usually exemplify a strong tendency to limit information sharing during ongoing investigations. For example, the need to protect evidence and privacy in criminal cases may discourage Service investigative organizations from readily sharing case information, particularly during open cases and investigations or other high profile inquiries. The need to protect and the need to communicate are at odds with each other. For example, information developed by the Inspector General tends to stay in a restricted Inspector General channel, while private medical information remains within medical channels. Although this process works well for investigations in which one office has primary jurisdiction, such stove-piping otherwise disrupts and impedes a commander's oversight ability and prevents information from reaching the commander. As a result, decision makers often do not have the necessary information to make effective and informed decisions.

(U) The Military Criminal Investigative Organizations are responsible for investigating felony crimes committed in their respective Military Departments. In May 2004, the Commander, U.S. Army Criminal Investigation Command, announced that it would investigate all allegations involving detainees under U.S. Army personnel control or within U.S. Army facilities.

(U) As discussed in the Office of Investigative Policy and Oversight report, commanders frequently did not expeditiously refer potential criminal matters to the Army Criminal Investigation Command. Delays in investigations frequently resulted in evidence degradation or less reliable testimonial evidence as memories faded. Military commanders who do not refer potentially criminal matters to the Military Criminal Investigative Organizations in a timely fashion may also contribute to the perceptions of conspiracies and "coverups." Additionally, a commander's administrative investigation into a criminal matter may prematurely influence witness testimony in a subsequent criminal investigation, or eliminate interviews by trained investigators altogether when individuals invoke their right to counsel.

(U) A delay occurred in reporting potential felony crimes to the Army Criminal Investigation Command in 13 of the 50 cases reviewed

(26 percent), which may have adversely affected the collection of evidence and subsequent punitive or remedial action. (See Appendix A.)

Procedural Guidance and Command Oversight

(U) The inconsistency in reporting and investigating allegations was caused, in part, by the lack of clear procedural guidance and command oversight. Without command oversight, no single entity within any level of command was aware of the results of all investigations.

(U) At the initiation of enemy hostilities and planning for the War on Terrorism, DoD operations orders, local standard operating procedures, and other command guidance did not include or require clear criteria and procedures for reporting, processing, and investigating incidents of alleged detainee abuse.

(U) Before the position of Deputy Commanding General for Detention Operations, Multi-National Force-Iraq was established in July 2004, no single office was specifically responsible for detainee operations and treatment. This position is now the natural focal point for all allegations of detainee abuse in Iraq. All detention-related incidents in theater are now required to be reported through the Deputy Commanding General for Detention Operations.

Summary

(U) A lack of oversight and uniformity in reports and investigations and in following up on incidents of alleged detainee abuse adversely affected situational awareness at the command level. With the establishment of the Deputy Commanding General for Detention Operations, Multi-National Force-Iraq, the commander created the focal point required for situational awareness on detainee abuse and any potential systemic problems. DoD needs to establish policy on detainee abuse that covers reporting criteria, mechanisms, chains of command, and responsibilities for the Services to include applicable Joint and Service policies and regulations.

Management Actions

(U) The following directive was published after the 13 senior-level reports were issued.

(U) DoD Directive 3115.09, "DoD Intelligence Interrogations, Detainee Debriefings and Tactical Questioning," November 3, 2005, consolidates and codifies existing DoD policies and assigns responsibilities for intelligence interrogation, detainee debriefings, tactical questioning, and support activities conducted by DoD personnel. The Directive also establishes requirements for reporting violations of the policy on humane treatment during intelligence interrogations, detainee debriefings, or tactical questioning. Reportable incidents must be reported immediately

through command or supervisory channels to the responsible Combatant Commander.

Recommendations (U)

A.1 (U) We recommend that the Secretary of Defense, when appropriate, direct all Combatant Commanders to assign a Deputy Commanding General for Detention Operations.

(U) Management Comments. The Secretary of Defense did not respond to this recommendation. We request a response from the Office of the Secretary of Defense to this recommendation by September 29, 2006.

A.2 (U) We recommend that the Chairman, Joint Chiefs of Staff expedite issuance of Joint Publications that outline responsibilities for intelligence interrogations, debriefings, and tactical questioning, and issue guidance for reporting, tracking, and resolving reports of all detainee abuse inquiries and investigations.

(U) Management Comments. The Director, Joint Staff nonconcurred with the findings and recommendations assigning responsibilities to the Chairman of the Joint Chiefs of Staff that are beyond his statutory authority. The complete response is included in the Management Comments section of the report.

(U) Evaluator Response. We agree that some recommendations in the report are not within the Chairman of the Joint Chiefs of Staff's statutory authority; however, this specific recommendation is. Therefore we request comments on this recommendation by September 29, 2006.

B. Joint Interrogation Support (U)

To be effective, interrogations must be conducted by specially trained personnel operating under strict guidelines and with proper oversight.
LTG William Boykin, USA
Deputy Under Secretary for Intelligence & Warfighter Support (House Permanent Select Committee on Intelligence, July 14, 2004)

(U) Interrogation in Iraq lacked unity of command and unity of effort. Multiple DoD organizations planned and executed interrogation operations without clearly defined command relationships and common objectives and understanding of interrogation guidance. These conditions occurred because:

- Interrogation policy was not uniform and consistent.
- Interrogation oversight was inadequate, and
- The Joint planning documents did not adequately consider the possible need for sustained and widespread detention and interrogation operations.

As a result, operational commanders may have failed to realize the full potential of interrogations.

(U) See Management Actions in the finding discussion.

Background (U)

(U) Staff Planning. Planning for effective command and control is the result of commanders and their staffs collaborating to define the commander's intent, the mission statement, and the operational objectives. A collaborative environment disseminates the overarching strategic plan for staffs working on the various sections and helps commanders quickly identify and resolve conflicts early in the planning process. In this way, campaign objectives and operational guidance are communicated at every level, from beginning to end of operations. The Joint Strategic Capabilities Plan and other planning documents provide a complete description of the forces and resources required to execute the Combatant Commander's concept of operations for all phases of a campaign. Military planners prioritize and apportion available forces and resources, including limited and critical support forces.

Interrogation Support Lacked Unity of Command and Unity of Effort (U)

(U) Strategic interrogation support in Iraq lacked unity of command and unity of effort because multiple organizations performed interrogations without common objectives and clearly defined roles and responsibilities for all command participants.

(U) Unity of Command. Command is central to all military actions, and inherent in command is the authority that a military commander lawfully exercises over subordinates to demand accountability. Unity of command means that all forces operate under a single commander who has the requisite authority to direct all forces employed in pursuit of a common purpose. Unity of command is the foundation for the trust, coordination, and teamwork necessary for unified action and requires responsibility among commanders to be described in detail.

(U) Unity of Effort. Unity of command is central to unity of effort. A single commander with the necessary authority can influence all forces, even those that are not part of the same command structure, to coordinate and collaborate to achieve a common objective of obtaining intelligence within the established rules and winning the cooperation of the populace. This unity of effort cannot be achieved when command relationships and procedures for coordination are unclear.

(U) Combined Joint Task Force-7 (CJTF-7). The U.S. Central Command ordered the formation of CJTF-7 to coordinate and execute all Coalition military operations in Iraq. The primary mission of the CJTF-7 was to conduct "stability and support" operations to facilitate the eventual transfer of power to an Iraqi government. The CJTF-7 was also responsible for interrogation operations, including the maintenance of interrogation facilities at all locations. The objective of the interrogations was to obtain actionable tactical and operational intelligence on insurgency groups. However, the CJTF-7 did not control the detention and interrogation operations conducted by the Iraq Survey Group, the Special Mission Unit Task Force, and Other Government Agencies. There was no unity of command for all detention and interrogation operations in Iraq until July 2004 when Major General Geoffrey Miller was assigned as Deputy Commanding General for Detainee Operations.

(U) ~~(S//NF)~~ **Iraq Survey Group.** In May 2003, the Secretary of Defense established the Iraq Survey Group to undertake the U.S. Central Command's search for weapons of mass destruction. The Iraq Survey Group was responsible for operating an interagency JIDC comprising a mix of intelligence community, allied, and contractor personnel. The objective of their debriefings and interrogations was to obtain strategic intelligence from high value detainees.

(U) ~~(S//NF)~~ [redacted]

(U) ~~(S//NF)~~ **Human Intelligence Augmentation Teams.** The Defense Intelligence Agency (DIA) assigned human intelligence (HUMINT) augmentation teams to assist the special mission units in Iraq. These task-organized, direct-support interrogators and case officers plan, coordinate, conduct, and supervise interrogation operations.

(U) ~~(S//NF)~~ **Other Government Agencies.** DoD interrogation operations were sometimes conducted in conjunction with external agencies. In particular, Other Government Agencies (OGAs) operated with military units and used military facilities without interagency agreements that clearly defined roles and responsibilities. The lack of specific guidance led to the development of local agreements and contributed to the concerns expressed about what interrogation techniques were appropriate. (See Appendix M.)

(U) ~~(S//NF)~~ **Command Relationships.** For approximately 1 year, from May 2003 to June 2004, interrogations in Iraq were not conducted as part of a coordinated intelligence campaign plan. The command or supporting relationships among those elements operating in the U.S. Central Command Area of Responsibility were often not clearly understood. This ambiguous condition negatively impacted resource management. For example, Lieutenant General Jones stated in his report that the Iraq Survey Group did not acknowledge a mutual support relationship with the CJTF-7 and went so far as to "deny a request for interrogation support" from the Commander, U.S. Central Command. (See Appendix H.) Based on interviews with cognizant HUMINT personnel, we concluded that the DIA interrogators assigned to the Iraq Survey Group and attached to the special mission unit task forces were unable to effectively collaborate or support operations at the CJTF-7 JIDC when it was overwhelmed with detainees. Because these organizations had no previous common operational experience, as was the case with the Iraq Survey Group when it was first established in May 2003, formal command relationships were not fully developed enough to deal with complex coordination required in Iraq. In a July 6, 2004, memorandum to the Director, DIA, the Commander responsible for special mission units emphasized the need to build and maintain the right team for the mission, but admitted that the command "did not adequately in-brief and assimilate your personnel into the scheme of operations."

b(1)

Interrogation Policy Was Not Uniform and Consistent (U)

(U) Interrogations in Iraq lacked uniform execution of interrogation policy because approved interrogation techniques varied. Although the Commander, U.S. Central Command had primary responsibility for establishing interrogation policy in theater, the Under Secretary of Defense for Intelligence and the Under Secretary of Defense for Policy did not promulgate one definitive interrogation policy to reinforce the existing FM 34-52.[2]

(U) ~~(S//NF)~~ **Combined Joint Task Force-7.** The CJTF-7 September 2003 Interrogation Policy used the FM 34-52 as a baseline for conducting interrogations, but expanded the techniques by incorporating more aggressive counterresistance policies. (See Appendix V.) As discussed in the Church Report,[3] it was only after the U.S. Central Command's legal review that some of the techniques, such as stress positions, isolation, sleep management, yelling, and loud music, were removed when CJTF-7 released a revised policy on October 12, 2003.

(U) Major General Fay (see Appendix H) reported that interrogation policies promulgated by CJTF-7 were poorly defined and had changed three times in less than 30 days so that it became very confusing as to what techniques could be employed. According to the Schlesinger Report:[4]

> "changes in DoD interrogation policies between December 2, 2002 and April 16, 2003 were an element contributing to uncertainties in the field as to which techniques were authorized." "in the absence of specific guidance from [U.S.] CENTCOM [Central Command], interrogators in Iraq relied on Field Manual FM 34-52 and on unauthorized techniques that had migrated from Afghanistan. . .clearly led to confusion on what practices were acceptable."

(U) Iraq Survey Group. The Iraq Survey Group used interrogation or debriefing techniques in the Army FM 34-52. The Commander, Iraq Survey Group and numerous interrogators operating at the Iraq Survey Group described debriefing techniques that included direct questions and incentives.

(U) ~~(S//NF)~~ **Special Mission Unit Task Force.** At the commencement of Operation Iraqi Freedom, the special mission unit forces used a January 2003 Standard Operating Procedure (SOP) which had been developed for operations in Afghanistan. The Afghanistan SOP was influenced by the

[2] Army FM 34-52 was the guideline used until December 29, 2005. (See Background for more information on FM 34-52.

[3] See original Church Report.

[4] See original Schlesinger Report.

counterresistance memorandum that the Secretary of Defense approved on December, 2, 2002 (see Appendix U), and incorporated techniques designed for detainees who were identified as "unlawful combatants." Subsequent battlefield interrogation SOPs included techniques such as yelling, loud music, light control, environmental manipulation, sleep deprivation/adjustment, stress positions, 20 hour interrogations, and controlled fear (muzzled dogs) that are not in the FM 34-52. The special mission unit did not submit, and was not required to submit, SOPs to the U.S. Central Command for review. We believe that because the U.S. Central Command failed to provide overarching guidance, the special mission units and CJTF-7 never synchronized their counterresistance techniques.

(U) ~~(S//NF)~~ **Human Intelligence Augmentation Teams.** DIA personnel assigned to these teams were trained to follow Army FM 34-52. Conflicts arose when the DIA personnel were assigned to special mission unit task force operators who had expanded their interrogation techniques. In June 2004, not long after the Abu Ghraib photos became public, DIA HUMINT augmentation team members attached to the Special Mission Unit Task Force redeployed to the Iraq Survey Group and provided accounts of some task force personnel abusing detainees. Based on this information, as well as fearing for the team's safety, the Director, DIA authorized the Iraq Survey Group to remove all DIA personnel from special mission unit task force operations pending further review.

(U) ~~(C)~~ According to DIA Policy Memorandum No. 73, "DIA Policy for Interrogation Operations," March 2002, both the operational commander and Defense HUMINT, who will seek urgent resolution of the conflict through appropriate channels, must be informed immediately when conflicts arise between the operational chain of command's orders and DIA policy and procedures.

(U) ~~(S//NF)~~ Reports of detainee abuse by special mission unit task force personnel dated back to June 2003, but we believe it took the publicized abuse at Abu Ghraib and the revelation of threats to HUMINT augmentation team members to elevate the issue to the Flag Officer level. Earlier allegations of interrogation irregularities, which included use of techniques not consistent with interrogation techniques designed for Iraq, were not always decisively reported, investigated, and acted on. Consequently, the disagreements between the DIA and special mission units were not reconciled to the benefit of all those conducting interrogation operations in Iraq. Instead, the issue of disaffected interrogators from DIA who were not prepared for the demanding and exacting pace of operations overshadowed the reality that different interrogation policies were in effect.

(U) **Other Government Agencies.** As discussed in the Church report (see Appendix M) there was no uniform understanding of what rules govern the involvement of OGAs in the interrogation of DoD detainees. Such uncertainty could create confusion regarding the permissibility and limits of various interrogation techniques.

Interrogation Oversight Inadequate (U)

(U) Interrogation oversight, including high-level oversight of facilities and interrogation techniques, was often limited.

(U) We concluded that multiple organizations providing interrogation at multiple levels and locations in Iraq had separate reporting chains of command, ranging from tactical interrogations performed by special mission units to operational and strategic interrogations and debriefings conducted by the Iraq Survey Group and the CJTF-7. No single organization at the U.S. Central Command or the CJTF-7 was responsible for overarching oversight of planning and execution for the interrogation mission and, as a result, no one was responsible for reconciling the numerous competing demands from the operational and tactical levels.

(U) ~~(S//NF)~~ We believe that the absence of universal interrogation standards may have significantly affected how allegations of abuse were reported up the chain of command. If certain actions that DIA personnel characterized as abusive by their doctrinal standards were judged by a special mission unit investigating officer to be in compliance with the task force "interrogation guidelines," the case would be closed. These on-scene rulings may have prevented accurate reporting of incidents from reaching a level at which decision makers could identify a problem that was potentially systemic.

Joint Planning Was Not Fully Developed (U)

(U) Joint planning documents did not adequately define the full extent of sustained detention and interrogation operations. Planning was influenced by the U.S. Central Command's assumption that long-term detention in Iraq would not be necessary. With the support of the local population and a new Iraqi government, the Commander, U.S. Central Command believed that "detainees should not be an issue." When this support did not materialize, sustaining operations amidst a hostile insurgency became much more difficult.

(U) **Perseverance, Legitimacy, and Restraint**. According to Joint Publication 3-0, "Doctrine for Joint Operations," September 10, 2001, operational planners should always prepare for the worst-case scenario application of military capability to sustain long-term operations. Commanders must balance the temptation to seek crisis-response options with the long-term goals of the strategic campaign plan to establish a legitimate government. The actions of military personnel are framed by the disciplined application of force, including specific rules of engagement. Therefore, the patient, resolute, and persistent restraint to achieve strategic campaign plan objectives is preferred over the expedient pursuit of actionable intelligence.

(U) There are many well-documented reasons why detention and interrogation operations were overwhelmed. Interrogators had to adjust to the following conditions: a wartime environment; an expanding detainee population; an initial reluctance to release anyone in the mixture of regular criminals and active insurgents; a lack of unity of command; inconsistent training; a critical shortage of skilled interrogators, translators, and guard force personnel; and the external influence of special operations forces and OGAs.

(U) ~~(FOUO)~~ [redacted]

(U) The Chairman, Joint Chiefs of Staff, should develop doctrine that provides planners and warfighters with an approved framework to conduct detention and interrogation operations in a manner consistent with law, joint doctrine, and applicable policy.

Impact on Operational Requirements (U)

(U) ~~(S)~~ Operational commanders may have failed to realize the full potential of interrogations. In the words of the Commander, CJTF-7:

> "We did not envision having to conduct detention operations of this scope and for this length of time. . .we did not envision continuing to conduct operations and increase the number of detainees. . .the same thing happened with interrogations. . .it clearly was not sufficient."

The Under Secretary of Defense for Intelligence draft study, "Taking Stock of Defense Intelligence Assessment," November 13, 2003, stated that planning for intelligence operations was not synchronized and that Combat Support Agency involvement did not occur early enough in the Combatant Command planning process to ensure timely and adequate support. Finally, the 2005 Combat Support Agency Review Team Assessment of the DIA reported that HUMINT policies and procedures needed to be updated to reflect changes in operational parameters and coordination mechanisms. Supporting the Iraq war in addition to other worldwide missions led to personnel shortages and a lack of adequately trained interrogators that hampered their ability to effectively collect intelligence to satisfy critical Combatant Command requirements.

b(1)

Summary

(U) A lack of unity of command and unity of effort in mission planning and execution by multiple organizations, with varying levels of interrogation and inconsistent interrogation standards negatively affected interrogation operations. The Office of the Secretary of Defense should establish authoritative directives and instructions that define both detention operations and interrogation policies and the Chairman, Joint Chiefs of Staff should update Joint doctrine to incorporate operational standards, roles and responsibilities, and oversight for interrogation and detention operations.

Management Actions

(U) The following policy and guidance documents were published after the 13 senior-level reports discussed in this report were issued. See Appendix Q for a discussion on the DSLOC, which was established to ensure that the recommendations are addressed by the appropriate DoD Component.

(U) DoD Directive 3115.09, "DoD Intelligence Interrogations, Detainee Debriefings and Tactical Questioning," November 3, 2005, consolidates existing policies, including the requirement for humane treatment during all intelligence interrogations, detainee debriefings, or tactical questioning to gain intelligence from captured or detained personnel. The directive also assigns responsibilities as well as establishes requirements for reporting violations, intelligence interrogations, detainee debriefings, tactical questioning, and supporting activities that DoD personnel conduct.

(U) Deputy Secretary of Defense memorandum, "Interrogation and Treatment of Detainees by the Department of Defense," December 30, 2005, states that under the Defense Appropriations Act, 2006, no one in the custody of or under the effective control of DoD or detained in a DoD facility will be subject to any treatment or interrogation approach or technique that is not authorized and listed in U.S. Army FM 34-52, "Intelligence Interrogation," September 28, 1992. (See Appendix T.)

(U) Joint Publication 2-01.2, "Counterintelligence and Human Intelligence Support to Joint Operations, June 13, 2006." This revision establishes joint doctrine for interrogation operations.

(U) The following policy and guidance documents are pending release.

(U) DoD Directive 2310.1E, "The Department of Defense Detainee Program," establishes the responsibilities of the Office of Detainee Affairs under the Under Secretary of Defense for Policy. The directive reinforces the policy that all captured or detained personnel, to include enemy combatants, enemy prisoners of war, civilian internees, and retained

personnel, shall be treated humanely and in accordance with applicable law and policy.

(U) Joint Publication 3-63, "Detainee Operations." This publication provides guidelines for planning and executing detainee operations. It outlines responsibilities and discusses organizational options and command and control considerations across the range of military operations.

(U) Multi-Service Tactics, Techniques, and Procedures, "Detainee Operations in the Global War on Terror." This publication will support planners and warfighters by providing consolidated, accurate information on handling detainees from point of capture to release.

(U) Army Field Manual 2-22.3, "Human Intelligence Collector Operations." The new Field Manual will supersede Army FM 34-52 and update interrogation guidance with wartime lessons learned.

Recommendations (U)

In response to the comments from the Under Secretary of Defense for Policy we modified Recommendation B.2. to request that the Secretary of the Army expedite the issuance of Multi-Service Tactics, Techniques and Procedures, "Detention Operations in the Global Wars on Terrorism."

With the issuance of Joint Publication 2-01.2, "Counterintelligence and Human Intelligence Support to Joint Operations," we modified draft report Recommendation B.3. which recommended expedited issuance of the Joint Publication.

In response to verbal comments from the Under Secretary of Defense for Intelligence, we revised Recommendation B.4. to request that the Under Secretary of Defense for Intelligence, in coordination with the Secretary of the Army, expedite the issuance of Army FM 2-22.3, "Human Intelligence Collector Operations."

B.1. (U) We recommend that the Under Secretary of Defense for Policy expedite the issuance of DoD Directive 2310.1E, "The Department of Defense Detainee Program."

(U) **Management Comments.** The Under Secretary of Defense for Policy concurred with this recommendation and indicated that DoD Directive 2310.1E will be issued after all national-policy issues are resolved. The complete comments are included in the Management comments section.

(U) **Evaluator Response.** We consider these comments to be responsive and will monitor the progress that the Office of the Under Secretary of Defense for Policy makes in publishing this directive.

B.2. (U) We recommend that the Secretary of the Army review and expedite the Services issuance of the Multi-Service Tactics, Techniques, and Procedures, "Detainee Operations in the Global War on Terrorism."

(U) Management Comments. Although not required to comment, the Under Secretary of Defense for Policy nonconcurred stating that the Multi Service Tactics, Techniques and Procedures is the responsibility of the Joint Staff and the Army as the executive agent for detention operations. He further stated that the recommendation should be made to the Secretary of the Army.

(U) Evaluator Response. We redirected Recommendation B.2. to the Secretary of the Army. We request Army comments on this modified recommendation by September 29, 2006.

B.3. (U) We recommend that the Chairman, Joint Chiefs of Staff expedite issuance of Joint Publication 3-63, Detainee Operations."

(U) Management Comments. The Director, Joint Staff, nonconcurred with findings and recommendations assigning responsibilities to the Chairman of the Joint Chiefs of Staff that are beyond his statutory authority. The complete response is included in the Management Comments section.

(U) Evaluators Response. This specific recommendation is within Chairman of the Joint Chiefs of Staff's statutory authority; therefore we request that the Director, Joint Staff comment on this recommendation by September 29, 2006.

B.4. (U) We recommend that the Under Secretary of Defense for Intelligence, in coordination with the Secretary of the Army, expedite the issuance of Army Field Manual 2-22.3, "Human Intelligence Collector Operations."

(U) Management Comments. The Army Deputy Chief of Staff, G-2 concurred, but suggested that the report should present a more balanced perspective between interrogation operations and non-interrogation related detainee abuse. The G-2 also stated that on page 80-81 of the report, "the Colonel's AAR [After Action Report] did not include detainee abuse allegations." (See Appendix R.)

(U) Evaluator Response. The December 12, 2003, AAR, subject: Report of CI/HUMINT [Counterintelligence/Human Intelligence] Evaluation Visit sent to the CJTF-7 C2 describes accounts from the Officer In Charge of the Iraq Survey Group JIDC that prisoners captured by Task Force 121 showed signs of having been mistreated (beaten) by their captors, and that medical personnel noted during medical examination that detainees show signs of having been beaten. See Management Comments section for complete comments. During a status update briefing on August 4, 2006, the Under Secretary of Defense for

Intelligence stated that he is responsible for the release of Army Field Manual 2-22.3, and not the Army Deputy Chief of Staff, G-2. As a result, we revised Recommendation B.4. We request that the Under Secretary of Defense for Intelligence provide comments by September 29, 2006.

C. DoD Interrogation Techniques (U)

It is important to note that techniques effective under carefully controlled conditions in Guantanamo became far more problematic when they migrated and were not adequately safeguarded.

Final Report of the Independent Panel to Review DoD Detention Operations, August 24, 2004

(U) Counterresistance interrogation techniques migrated to Iraq because operations personnel believed that traditional interrogation techniques were no longer effective for all detainees. In addition, policy for and oversight of interrogation procedures were ineffective. As a result, interrogation techniques and procedures used exceeded the guidelines established in the Army FM 34-52.

Background (U)

(U) **Counterresistance techniques.** The FM 34-52 provides guidance on what techniques an intelligence interrogator should use to gain the cooperation of a detainee. As stated in the Secretary of Defense memorandum, "Counter-Resistance Techniques in the War on Terrorism," dated April 15, 2003, specific implementation guidance for techniques A-Q (see Appendix S) is provided in the FM 34-52. This finding addresses those techniques that are not included in FM 34-52.

(U) **Survival, Evasion, Resistance, and Escape (SERE) Training.** The U.S. Joint Forces Command is the DoD Executive Agent responsible for providing Service members with SERE training. The Joint Personnel Recovery Agency at Fort Belvoir, Virginia, monitors and oversees all DoD SERE training programs at the four DoD schools: Fairchild Air Force Base, Spokane, Washington (Air Force); Fort Bragg, North Carolina (Army); Naval Air Station Brunswick, Maine (Navy/Marines); and Naval Air Station North Island, San Diego, California (Navy/Marines). The Services train an estimated 6,200 members annually at these schools.

(U) DoD SERE training, sometimes referred to as code of conduct training, prepares select military personnel with survival and evasion techniques in case they are isolated from friendly forces. The schools also teach resistance techniques that are designed to provide U.S. military members, who may be captured or detained, with the physical and mental tools to survive a hostile interrogation and deny the enemy the information they wish to obtain. SERE training incorporates physical and psychological pressures, which act as counterresistance techniques, to replicate harsh conditions that the Service member might encounter if they are held by forces that do not abide by the Geneva Conventions.

(U) **Defensive Interrogation Techniques.** The U.S. Joint Forces Command defines the training employed to increase the Service member's resistance capabilities as a defensive response to interrogation. The Deputy Commander and the Command Group has concluded that the Joint Personnel Recovery Agency and the SERE schools do not have personnel assigned to be interrogators and do not advocate interrogation measures to be executed by our force. The SERE expertise lies in training personnel how to respond and resist interrogations--not in how to conduct interrogations. Therefore, the Joint Personnel Recovery Agency and SERE mission is defensive in nature, while the operational interrogation mission is sometimes referred to as offensive.

(U) **Migration of Techniques.** Migration refers to the introduction of interrogation techniques from one theater of operation to another. Official migration relates to those interrogation techniques intended only for use at a specific facility that are officially approved for use at other facilities. Unofficial migration occurred when interrogators remained unaware of the approved guidance and believed that techniques that they may have experienced, including those from basic training, SERE training, or tours at other detention facilities, were permissible in other theaters of operation.

(U) While this report primarily addresses the U.S. Central Command Area of Operations, some discussion of the involvement of the Joint Personnel Recovery Agency with the JTF 170 at Guantanamo Bay, Cuba, is necessary background information explaining how SERE techniques migrated to Iraq.

Joint Personnel Recovery Agency Involvement in the Development of Interrogation Policy at Guantanamo Bay, Cuba (U)

(U) ~~(S)~~ Counterresistance techniques taught by the Joint Personnel Recovery Agency contributed to the development of interrogation policy at the U.S. Southern Command. According to interviewees, at some point in 2002, the U.S. Southern Command began to question the effectiveness of the Joint Task Force 170 (JTF-170), the organization at Guantanamo that was responsible for collecting intelligence from a group of hard core al Qaeda and Taliban detainees. As documented in the Vice Admiral Church report (Appendix M), the interrogators believed that some of the detainees were intimately familiar with FM 34-52 and were trained to resist the techniques that it described.

(U) ~~(S//NF)~~ Counterresistance techniques were introduced because personnel believed that interrogation methods used were no longer effective in obtaining useful information from some detainees. On June 17, 2002, the Acting Commander, Southern Command requested that the Chairman, Joint Chiefs of Staff (CJCS) provide his command with an external review of ongoing detainee intelligence collection operations at Guantanamo Bay,

which included an examination of information and psychological operations plans. The CJCS review took place between August 14, 2002, and September 4, 2002, and concluded that the JTF-170 had limited success in extracting usable information from some of the detainees at Guantanamo because traditional interrogation techniques described in FM 34-52 had proven to be ineffective. The CJCS review recommended that the Federal Bureau of Investigation Behavioral Science Unit, the Army's Behavioral Science Consultation Team, the Southern Command Psychological Operations Support Element, and the JTF-170 clinical psychologist develop a plan to exploit detainee vulnerabilities. The Commander, JTF-170 expanded on the CJCS recommendations and decided to also consider SERE training techniques and other external interrogation methodologies as possible DoD interrogation alternatives.

(U) ~~(S//NF)~~ Between June and July 2002, but before the CJCS review, the Chief of Staff of the Joint Personnel Recovery Agency, working with the Army Special Operations Command's Psychological Directorate, developed a plan designed to teach interrogators how to exploit high value detainees.

(U) ~~(S//NF)~~ On September 16, 2002, the Army Special Operations Command and the Joint Personnel Recovery Agency co-hosted a SERE psychologist conference at Fort Bragg for JTF-170 interrogation personnel. The Army's Behavioral Science Consultation Team from Guantanamo Bay also attended the conference. Joint Personnel Recovery Agency personnel briefed JTF-170 representatives on the exploitation techniques and methods used in resistance (to interrogation) training at SERE schools. The JTF-170 personnel understood that they were to become familiar with SERE training and be capable of determining which SERE information and techniques might be useful in interrogations at Guantanamo. Guantanamo Behavioral Science Consultation Team personnel understood that they were to review documentation and standard operating procedures for SERE training in developing the standard operating procedure for the JTF-170, if the command approved those practices. The Army Special Operations Command was examining the role of interrogation support as a "SERE Psychologist competency area."

(U) ~~(C)~~ On September 24, 2002, a Joint Personnel Recovery Agency representative at the SERE conference recommended in a conference memorandum report to his Commander that their organization "not get directly involved in actual operations." Specifically, the memorandum states that the agency had "no actual experience in real world prisoner handling," developed concepts based "on our past enemies," and assumes that "procedures we use to exploit our personnel will be effective against the current detainees." In a later interview, the Commander, Joint Personnel Recovery Agency stated that his agency's support to train and teach "was so common that he probably got 15 similar reports [memoranda] a week and it was not his practice to forward them to the U.S. Joint Forces Command."

(U) ~~(S//NF)~~ The Commander, JTF-170 forwarded a request on October 11, 2002, to the Commander, U.S. Southern Command, seeking approval of counterresistance strategies. This memorandum in part stated:

> "...the following techniques and other aversive techniques, such as those used in U.S. military interrogation resistance training or by other U.S. government agencies, may be utilized in a carefully coordinated manner to help interrogate exceptionally resistant detainees. Any or [sic] these techniques that require more than light grabbing, poking, or pushing, will be administered only by individuals specifically trained in their safe application."
>
> The use of scenarios designed to convince the detainee that death or severely painful consequences are imminent for him and/or his family; exposure to cold weather or water (with appropriate medical monitoring); use of a wet towel and dripping water to induce the misperception of suffocation; use of mild, noninjurious physical contact such as grabbing, poking in the chest with the finger, and light pushing.

The accompanying legal brief recommended that the proposed methods of interrogation be approved and that the interrogators be properly trained in the approved methods of interrogation.

(U) ~~(S//NF)~~ On at least two occasions, the JTF-170 requested that Joint Personnel Recovery Agency instructors be sent to Guantanamo to instruct interrogators in SERE counterresistance interrogation techniques. SERE instructors from Fort Bragg responded to Guantanamo requests for instructors trained in the use of SERE interrogation resistance techniques. Neither of those visits was coordinated with the Joint Forces Command, which is the office of primary responsibility for SERE training, or the Army, which is the office of primary responsibility for interrogation.

(U) As discussed previously, the U.S. Southern Command's request led to the issuance of Secretary of Defense, December 2, 2002, memorandum (see Appendix V). In response to Service-level concerns, a Working Group was formed to examine counterresistance techniques, leading to the Secretary of Defense, April 16, 2003, memorandum that approved counterresistance techniques for U.S. Southern Command.

Migration of Counterresistance Interrogation Techniques into the U.S. Central Command Area of Operation (U)

(U) Counterresistance interrogation techniques in the U.S. Central Command Area of Operation derived from multiple sources that included migration of documents and personnel, the JTF-Guantanamo Assessment Team, and the Joint Personnel Recovery Agency.

(U) Unlike Guantanamo and Afghanistan where detainees were designated as unlawful combatants, the Geneva Conventions applied in Iraq. The Commander, CJTF-7 confirmed this by stating that "we all clearly understood that the conditions in GTMO [Guantanamo] were different than what the conditions were in Iraq because the Geneva Conventions applied."

(U) ~~(S//NF)~~ **Afghanistan.** The Church report acknowledges that a draft copy of a Working Group report from which the Secretary of Defense's April 16, 2003, Guantanamo policy was derived influenced the development of interrogation policy in Afghanistan. The Jacoby Report observed the following: "There is a void in the availability of interrogation guidance in the field, and interrogation practice is as inconsistent and varied across the theater as are detention methods. There is some correlation between individual training and experience and interrogation methods being used, but there is little correlation between location and techniques employed." To fill this perceived void, interrogators attempted to integrate draft policy and "unevenly applied standards" in Afghanistan.

(U) ~~(S//NF)~~ **Iraq**. The Church report also acknowledges the migration of policy and personnel in the interrogation procedures used. As documented in the Church Report, the CJTF-7 interrogation policy (Appendix V) itself drew from the techniques found in FM 34-52, the April 2003 Guantanamo policy, the special mission unit policy, and the experiences of interrogators in Afghanistan. Because interrogators were often unaware of the approved guidance, they relied on their prior training and experience.

(U) Between August 2003 and February 2004, several visiting teams went to Iraq to advise the task force and assess interrogation operations within the Central Command's area of responsibility. On at least two occasions, visiting assessment teams discussed interrogation methods not sanctioned by FM 34-52.

(U) ~~(FOUO)~~ **JTF-Guantanamo Assessment Team.** In August 2003, the Joint Chiefs of Staff J3 requested the U.S. Southern Command to send experts in detention and interrogation operations from Guantanamo to Iraq to assess the Iraq Survey Group's interrogation operations. The Iraq Survey Group did not request the assessment because they believed they had the proper interrogation standard operating procedures in place and in compliance with FM 34-52. Based on interviews with cognizant personnel, the JTF-Guantanamo assessment team reportedly discussed the use of harsher counterresistance techniques with Iraq Survey Group personnel. The Iraq Survey Group interrogators disagreed with what they described as the "hard line approach" that the assessment team recommended.

(U) ~~(S//NF)~~ While the Iraq Survey Group did not endorse the JTF-Guantanamo techniques, the CJTF-7 incorporated some of the techniques in its policies and procedures. As discussed in the Church report, the CJTF-7 Staff Judge Advocate stated that its September 14, 2003,

Interrogation Policy was influenced by multiple factors, including the Army Field Manual. The Interrogation Policy also incorporated the Guantanamo counterresistance policies. The CJTF-7 Staff Judge Advocate attributed the "genesis of this product" to the JTF-Guantanamo assessment team.

(U) ~~(S//NF)~~ **Joint Personnel Recovery Agency Team.** The Joint Personnel Recovery Agency was also responsible for the migration of counterresistance interrogation techniques into the U.S. Central Command's area of responsibility. In September 2003, at the request of the Commander, TF-20, the Commander, Joint Personnel Recovery Agency sent an interrogation assessment team to Iraq to provide advice and assistance to the task force interrogation mission. The TF-20 was the special mission unit that operated in the CJTF-7 area of operations. The Joint Personnel Recovery Agency did not communicate its intent to introduce SERE interrogation resistance training to TF-20 interrogators with the Commander, U.S. Joint Forces Command.

(U) ~~(S//NF)~~ The Commander, Joint Personnel Recovery Agency, explained that he understood that the detainees held by TF-20 were determined to be Designated Unlawful Combatants (DUCs), not Enemy Prisoners of War (EPW) protected by the Geneva Convention and that the interrogation techniques were authorized and that the JPRA team members were not to exceed the standards used in SERE training on our own Service members. He also confirmed that the U.S. Joint Forces Command J-3 and the Commanding Officer, TF-20 gave a verbal approval for the SERE team to actively participate in "one or two demonstration" interrogations.

(U) ~~(S//NF)~~ SERE team members and TF-20 staff disagreed about whether SERE techniques were in compliance with the Geneva Conventions. When it became apparent that friction was developing, the decision was made to pull the team out before more damage was done to the relationship between the two organizations. The SERE team members prepared After Action Reports that detailed the confusion and allegations of abuse that took place during the deployment. These reports were not forwarded to the U.S. Joint Forces Command because it was not a common practice at that time.

Oversight (U)

(U) A lack of uniform interrogation standards and oversight at the Combatant Command level from 2002-2004 as well as a lack of oversight over the Joint Personnel Recovery Agency activities allowed counterresistance techniques to influence interrogation operations. It was only after the Joint Personnel and Recovery Agency requested to take a SERE team to Afghanistan in May 2004, that the U.S. Joint Forces Command concluded that "the use of resistance to interrogation knowledge for offensive purposes lies outside the roles and responsibilities of JPRA [Joint Personnel Recovery Agency]." A Joint Personnel Recovery Agency Mission Guidance Memorandum,

September 29, 2004, from the Commander, U.S. Joint Forces Command expressly prohibited such activities without specific approval from the U.S. Joint Forces Commander, Deputy, or Chief of Staff.

Conclusion (U)

(U) ~~(S//NF)~~ Many causes contributed to the migration of counterresistance interrogation techniques in Iraq. As shown in the Church report, even the process of developing policy can contribute to the development of policy in other theaters. The Church report states:

> "...the experience of SERE school impresses itself indelibly in the minds of graduates, and is frequently their first and most vivid association with the broad concept of interrogation. Although our interview data did not reveal the employment of any specific SERE techniques in Afghanistan, the prevalence of the association between SERE school and interrogation suggests that specific cautions should be included in approved interrogation policies to counter the notion that any techniques employed against SERE students may be appropriate for use in interrogation of captured personnel."

(U) This finding recognizes those avenues, and also focuses on the role of the Joint Personnel Recovery Agency. The Joint Personnel Recovery Agency mission is extremely important in preparing select military personnel with survival and evasion techniques in case they are isolated from friendly forces. We are not suggesting that SERE training is inappropriate for those subject to capture; however, it is not appropriate to use in training interrogators how to conduct interrogation operations. We agree with the conclusion of the U.S. Joint Forces command that the use of resistance to interrogation knowledge for offensive purposes lies outside the role of the Joint Personnel Recovery Agency. The following recommendations are meant to institutionalize this conclusion.

Management Actions

(U) The following guidance is pending release:

(U) Army Field Manual 2-22.3, "Human Intelligence Collector Operations." The new Field Manual will supersede Army FM 34-52 and update interrogation guidance with wartime lessons learned.

Recommendations (U)

C.1. (U) We recommend that the Under Secretary of Defense for Intelligence develop policies that preclude the use of Survival, Evasion, Resistance, and Escape physical and psychological coercion

techniques and other external interrogation techniques that have not been formally approved for use in offensive interrogation operations.

(U) Management Comments. The Under Secretary of Defense for Intelligence did not provide written comments on the draft report. Therefore, we request that the Under Secretary of Defense for Intelligence comment on the final report by September 29, 2006.

C.2. (U) We recommend that the Commander, U.S. Joint Forces Command, Office of Primary Responsibility for Personnel Recovery and Executive Agent for all Survival, Evasion, Resistance and Escape training implement formal policies and procedures that preclude the introduction and use of physical and psychological coercion techniques outside the training environment.

(U) Management Comments. The Commander, U.S. Joint Forces Command, did not respond to this recommendation. We request that the Commander, U.S. Joint Forces Command provide comments on the final report by September 29, 2006.

Appendix A. Scope and Methodology (U)

(U) This review is the result of monitoring and oversight of all of the DoD organizations involved in the investigation of allegations of detainee abuse. In addition to tracking the status of detainee abuse investigations, we reviewed the senior-level reports, covering the period August 2003 through April 2005, and their recommendations to determine whether any overarching systemic issues should be addressed. We performed this review in accordance with the *Quality Standards for Federal Office of Inspector General* during the period May 2004 through March 2006.

(U) To achieve our objective, we:

- Tracked reports on detainee abuse investigation from all of the Military Criminal Investigative Organizations,
- Examined more than 11,000 pages of documentation including DoD regulations, policy letters, briefings, and course curricula,
- Participated as observers in the quarterly meetings of the DSLOC,
- Interviewed senior officials from Combatant Commands, the Joint Personnel Recovery Agency, and DIA intelligence professionals assigned to the Iraq Theater of Operations,
- Reviewed in detail each of the 13 senior-level reports of investigation into allegations of detainee and prisoner abuse, and,
- Reviewed other reports and external reviews on intelligence collection operations at detention facilities.

(U) Related Coverage: During the last 5 years, The DoD Office of the Inspector General has issued one report discussing detainee abuse.

OIG, DoD

(U) Report No. IPO2004C005, "Report on Review of Criminal Investigations of Alleged Detainee Abuse," August 25, 2006, Office of the Deputy Inspector for Inspections and Policy, Investigative Policy and Oversight.

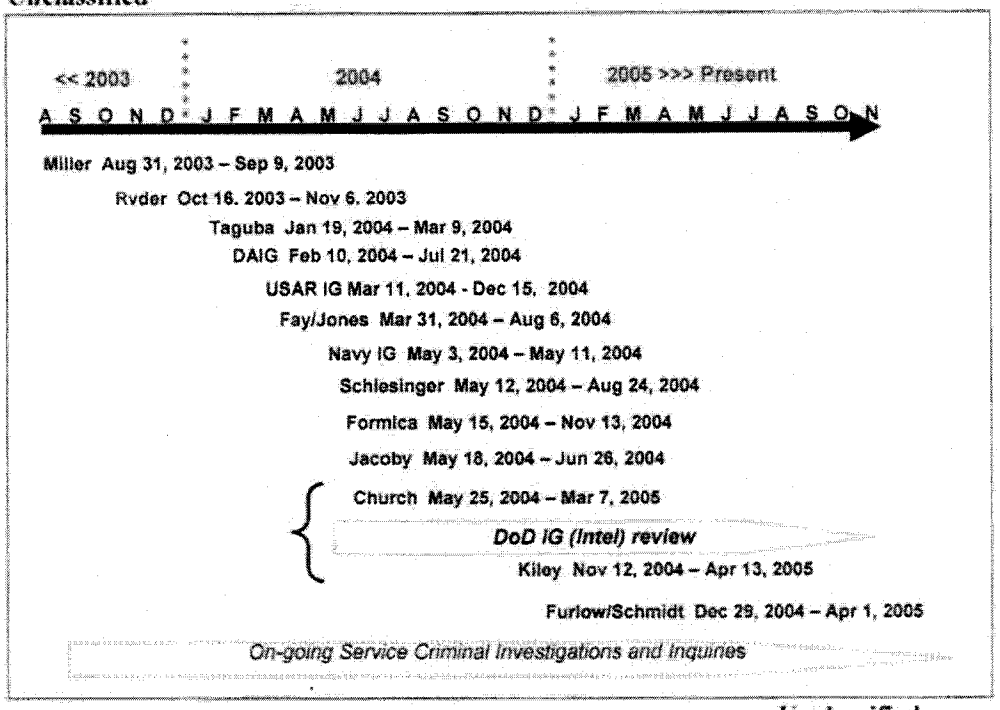
Appendix B. Timeline of Senior-Level Reports (U)

(U) DoD officials directed or conducted 13 separate senior-level reviews and investigations related to detention and interrogation operations or training in the Global War on Terrorism. The first review commenced August 31, 2003, and the last report ended April 1, 2005. The following timeline shows when each major DoD review or investigation was conducted.

(U) Appendix C through Appendix O provides a synopsis of each report's scope, a limited extract of its executive summary, and a brief OIG assessment of the specific report. Although the reports represent widely differing scopes and various methodologies, they, intentionally or unintentionally, ultimately highlighted specific and systemic problems in the overall management and conduct of detention and interrogation operations. However, the narrow scope of some reports may also have unduly limited, or in some cases understated, the need, focus, and results of subsequent investigations.

TIMELINE: MAJOR SENIOR LEVEL REPORTS AND INVESTIGATIONS

Unclassified



Unclassified

Appendix C. Assessment of DoD Counter-terrorism Interrogation and Detention Operations in Iraq (Miller Report) (U)

Investigating Officer: MG Miller, formerly Commander, Guantanamo
Appointing Authority: Secretary of Defense
Date of Initiation: August 31, 2003
Date of Completion: September 9, 2003

(U) **Scope:** Using the "JTF-GTMO operational procedures and interrogation authorities as baseline," visit to Iraq to "conduct assistance visits to CJTF-7, TF-20, and the Iraqi Survey Group to discuss current theater ability to rapidly exploit internees for actionable intelligence." The assessment focused on three areas: intelligence integration, synchronization, and fusion; interrogation operations; and detention operations.

(U) **Extract of Executive Summary**

(U) The dynamic operational environment in Iraq requires an equally dynamic intelligence apparatus. To improve velocity and operational effectiveness of counterterrorism interrogation, attention in three major mission areas is needed. The team observed that the Task Force did not have authorities and procedures in place to affect a unified strategy to detain, interrogate, and report information from detainees/internees in Iraq. Additionally, the corps commander's information needs required an in-theater analysis capability integrated throughout the interrogation operations structure to allow for better and faster reach-back to other worldwide intelligence databases.

(U) The command initiated a system to drive the rapid exploitation of internees to answer CJTF-7, theater, and national level counterterrorism requirements. This is the first stage toward the rapid exploitation of detainees. Receipt of additional resources currently in staffing will produce a dramatic improvement in the speed of delivering actionable intelligence and leveraging the effectiveness of the interrogation efforts. Our assessment is that a significant improvement in actionable intelligence will be realized within 30 days.

(U) **OIG Assessment:** The report focused on how to conduct and exploit interrogation and detention operations. Although the findings and recommendations were limited to Iraq, they also applied to the U.S. Central Command's entire area of responsibility. The report did not discuss command and control of interrogation and detention facilities.

Appendix D. Office of the Provost Marshal General of the Army – Assessment of Detention and Corrections Operations in Iraq (Ryder Report) (U)

Investigating Officer: MG Ryder, Army Provost Marshal General
Appointing Authority: LTG Sanchez, Commander, CJTF-7
Date of Initiation: October 16, 2003
Date of Completion: November 6, 2003

(U) **Scope:**

- "…to assess, and make specific recommendations concerning detention and corrections operations in Iraq." and to:
- "Verify that detainees are held and processed in accordance with United States and international law."
- "Identify problems, propose solutions and recommend the resources necessary to implement the solutions."

- Restated Mission:
  - "Assume an assistance role; not an investigation."
  - "…emphasize overall Program issues, not specific facility operations."
  - "Identify bridging mechanism from current operations to an Iraqi-run prison system, synched with the Coalition Provisional Authority."

- Objective: "…to observe detention and prison operations, identify potential systemic and human rights issues, and provide near-term, midterm, and long-term recommendations to improve operations and transition the fledgling Iraqi prison system from military control/oversight to the Coalition Provisional Authority and eventually to the Iraqi government."

(U) **Executive Summary Extract:**

(U) "Coalition Forces are detaining EPW's [enemy prisoner of war] and Civilian Internees (both security internees and criminal detainees) in accordance with DoD Directives and accepted U.S. and international practices. To date, Coalition Forces have processed over 30,000 detainees. The transition to an Iraqi-run corrections operation is progressing, though there is disparate progress in different regions/unit areas of responsibility throughout the country. Iraqi Police or Correctional Officers, requiring only periodic monitoring and mentorship by U.S. personnel already operate many facilities outside of Baghdad. However, in and around Baghdad, U.S. Military Police units and Iraqi Correctional Officers jointly operate facilities, while in

al-Anbar province (e.g., ar-Ramadi and Falluja); U.S. Forces have allowed Iraqi officials greater autonomy with their police and prison operations. As reconstruction of larger regional prisons, detention centers and additional city jails approach completion (or are approved for funding), there will be a future challenge to train sufficient Iraqi Corrections Officers in basic tasks, intermediate level supervision, and senior management. There will also be an increased requirement to provide oversight and mentoring by the CPA [Coalition Provisional Authority] MOJ [Minister of Justice] Prisons Department of the more complex long-term correctional facilities; vice the current smaller operations. Finally, as several detention facilities currently under MOI [Ministry of Interior] (Iraqi Police) control likely transfer to MOJ control, the hiring of all authorized personnel within that CPA MOJ Prisons Department and the development of an Iraqi National Prison leadership takes on greater importance.

(U) Generally, conditions in existing prisons, detention facilities and jails meet minimal standards of health, sanitation, security, and human rights established by the Geneva Conventions and encouraged in the Practical Guidelines for the Establishment of Correctional Services within United Nations Peace Operations. There is room for continued improvement in all areas. New prison facilities must be constructed during the next one to three years to achieve projected prison bed capacity requirements (approx 23,000 within five years). This will require a major capital investment to ensure appropriate security, health care, adequate living space, food service, and staff training (custody and control, security and safety, and basic human rights). In the near term, CPA should continue to prioritize training of Iraqi correctional officers in basic tasks and aggressively hire sufficient corrections subject-matter experts to mentor Iraqi prison officials on the application of effective correctional practices and ensure humane treatment of detainees and prisoners.

(U) Lessons learned regarding necessary changes in doctrine and organizational structure related to detention and corrections operations will not be addressed in any detail in this report. The team did identify a significant paradigm shift in standard EPW/Detainee operations doctrine, as applied to post-hostilities detention of security internees, let alone the reconstruction of the Iraqi prison system. Similar doctrinal lessons learned had been identified in Operation Enduring Freedom, leading to work on a Military Police Bottom-up review and Force Design Update. The team will forward the suggested doctrinal and organizational changes to the appropriate proponent school for review and action."

(U) **OIG Assessment:** Because the investigation was limited to Iraq, the report focused primarily on the management of prison operations: segregation, movement and accountability, command and control, integration with the CPA and adequacy of transition plans, medical care, legal processing, logistics, and automation and records management. The report did not discuss specific allegations of detainee abuse, nor did it wholly address Military Police and Military Intelligence interaction and responsibilities in detainee operations.

Appendix E. Army Regulation 15-6 Investigation of the 800th Military Police Brigade (Taguba Report) (U)

Investigating Officer: MG Taguba, CJTF-7
Appointing Authority: LTG Sanchez, Commander, CJTF-7
Date of Initiation: January 19, 2004
Date of Completion: March 9, 2004

(U) **Scope:** To investigate the conduct of operations at 800th MP Brigade. Specifically, investigate the detention and internment operations conducted by the Brigade from 1 Nov 03 to Jan 04.

(U) **Executive Summary Extract:**

Note: Although originally classified as overall SECRET, the Taguba Report lacked individual paragraph classification markings and subsequently was published widely in open-source media and other UNCLASSIFIED public venues. For this OIG evaluation, the following summary extract portion is marked UNCLASSIFIED in its entirety.

1. (U) This inquiry into all facts and circumstances surrounding recent allegations of detainee abuse at Abu Ghraib Prison (Baghdad Central Confinement Facility) has produced incontrovertible evidence that such abuse did occur. While those who perpetrated the criminal acts are individually responsible, the command climate, unclear command structure, and insufficient training created an environment conducive to the commission of these offenses.

a. (U) Two prior external assessments, the Report on Detention and Corrections in Iraq (MG Ryder) and the Assessment of DoD Counter-Terrorism Interrogation and Detention Operations in Iraq (MG Miller), both agreed that there was a lack of command guidance and structure regarding detainee internment operations. Based on my investigation, I find that these were contributing factors leading to the criminal actions of Soldiers at Abu Ghraib Prison. In an effort to provide structure, the CJTF-7 Commander attempted to create a single chain of command under FRAGO ["Fragmentary" Order] #1108 to OPORD [Operation Order] 03-036. The FRAGO stated "Effective Immediately, Commander 205th MI BDE assumes responsibility for the Baghdad Central Confinement Facility (BCCF) and is appointed the FOB [Forward Operating Base] Commander and units currently at Abu Ghraib (BCCF) are TACON [Tactical Control] to 205th MI BDE for security of detainees and FOB protection." However, the Commanders of these respective units failed to adhere to the FRAGO and continued to operate independently.

b. (U) Lack of clear understanding of the command structure led to insufficient control and oversight of detainee operations at Abu Ghraib (BCCF). The command and supervisory presence within the facility was non-existent due to the weak and ineffective leadership at the 800th MP BDE and 320th MP BN. These leadership failures resulted in an environment that allowed those criminally culpable of the abuse to feel they had free rein in their treatment of detainees.

c. (U) The lack of Internment/Resettlement (I/R) training of 800th MP BDE units at home and mobilization stations, and also in theater, was a factor leading to the criminal actions by Soldiers and US contract civilians assigned to the 205th MI BDE at Abu Ghraib Prison.

3. (U) This inquiry found that a perversive command climate in the 800th MP Brigade created conditions that allowed for the loss of accountability and abuse of the detainees.

a. (U) Commanders and staff officers failed to prioritize their missions or take responsibility for their actions and those of their subordinates. Commanders failed to ensure that Soldiers within the command were properly trained for their mission.

b. (U) Basic Soldier standards were infrequently met and not enforced. A lack of enforcement of Army standards by leaders with regard to uniforms and basic military customs and courtesies, as well as unclear command policies, contributed to a lack of military discipline.

c. (U) Units were not properly task organized, which created unclear command relationships. Furthermore, lack of effective leaders in key positions resulted in ambiguous chains of command. Leaders were unable or unwilling to confront situations of misbehavior and misconduct. Addressing these situations may have obviated some of the underlying problems.

4. (U) My investigation is based on numerous oral interviews; reviews of written statements, AR 190-8, FM 3-19.40, FM 34-52, the Geneva Convention, and The Law of Land Warfare (AR 27-10); facility visits of Abu Ghraib Prison (BCCF) and three other detention facilities; and review of Command Standing Operating Procedures, the written Assessment of DoD Counter-Terrorism Interrogation and Detention Operations in Iraq, and the written Assessment of Detention and Corrections Operations in Iraq. Based on my investigation, I recommend the following:

a. (U) Establish a single command structure in CJTF-7 and/or Iraq Joint Operations Area (JOA) with responsibility for detainee and interrogation operations.

b. (U) Reorganize the Abu Ghraib / BCCF under a single command and control element to ensure Army and higher authority standards are met. The BCCF is currently under control of the Commander, 504th MI BDE.

Resource the BCCF with sufficient personnel, Information Technology, and other resources to ensure the success of the mission.

c. (U) Immediately train all Coalition forces conducting detainee operations in a comprehensive and multi-functional training program. All units must be resourced and trained properly to use Biometric Automated Toolset System (BATS) technology to facilitate detainee accounting and management in order to enable mission accomplishment. The use of this technology will enhance accountability procedures but not replace doctrinally proven techniques that must be reinforced.

d. (U) Expedite release process for detainees who offer little or no intelligence value and pose minimal or no security risk.

e. (U) Establish distinctly separate facilities for detainees under US control and Iraqi criminals under Iraqi control.

f. (U) Develop a deliberate plan to address detainee program shortfalls, considering recommendations from this investigation and previous AR 15-6 investigations related to detainee abuse.

6. (U) I find that there is sufficient credible information to warrant an Inquiry Procedure 15, AR 381-10, US Army Intelligence Activities, be conducted to determine the extent of culpability of MI personnel, assigned to the 205th MI Brigade and the Joint Interrogation and Debriefing Center (JDIC) at Abu Ghraib (BCCF).

8. (U) In conclusion, I have determined that as Operation Iraqi Freedom continues, internment and resettlement operations will become a significant and resource intensive endeavor that will potentially be scrutinized by international organizations.

a. (U) Immediate and comprehensive actions must be taken to meet the minimum standards required by Army Regulations and the Law of Land Warfare, in order to accomplish the mission and intent of detention and interrogation operations in the Iraq Joint Operations Area (JOA).

b. (U) U.S. Soldiers have committed egregious acts of abuse to detainees in violation of the UCMJ [Uniform Code of Military Justice] and international law at Abu Ghraib (BCCF). Key senior leaders in both the 800th MP Brigade and the 205th MI Brigade have failed to comply with established Army standards, DoD policies, and command guidance.

(U) OIG Assessment: The report provided a detailed description of the failings of the military police and the role of military intelligence personnel at Abu Ghraib. However, the scope was limited primarily to detainee-related issues only within the 800th MP Brigade. A separate AR-15 investigation was conducted on the 205th Military Intelligence Brigade.

Appendix F. Department of the Army Inspector General: Detainee Operations Inspection (Department of Army IG Report) (U)

Investigating Officer: LTG Mikolashek, The Army Inspector General
Appointing Authority: Hon R. L. Brownlee, Acting Secretary of the Army
Date of Initiation: February 10, 2004
Date of Completion: July 21, 2004

(U) **Scope:**

- To conduct a functional analysis of the Army's conduct of detainee and interrogation operations in order to identify any capability shortfalls *(sic)* with respect to internment, EPW, detention operations, and interrogation procedures and recommend appropriate resolutions or changes if required.
- Note: Included analysis of, reported incidents, "to determine their root or fundamental cause."
- Inspect and assess doctrine and training of personnel conducting detention operations.

(U) **Executive Summary Extract:**

(U) Background: On 10 February 2004, the Acting Secretary of the Army directed the Department of the Army Inspector General (DAIG) to conduct an assessment of detainee operations in Afghanistan and Iraq. The DAIG inspected the internment and enemy prisoner of war detention operations, and interrogation procedures in Afghanistan and Iraq. The inspection focused on the adequacy of Doctrine, Organization, Training, Materiel, Leadership and Education, Personnel, and Facilities (DOTMLPF), standards, force structure, and policy in support of these types of operations.

(U) This inspection was not an investigation of any specific incidents or unit but rather a comprehensive review of how the Army conducts detainee operations in Afghanistan and Iraq.

(U) The DAIG did not inspect the U.S. military corrections system or operations at the Guantanamo Bay Naval Base during this inspection. Central Intelligence Agency (CIA) and Defense HUMINT Services (DHS) operations were not inspected.

(U) Synopsis:

(U) In the areas that we inspected, we found that the Army is accomplishing its mission both in the capture, care, and custody of detainees and in its interrogation operations. The overwhelming majority of our leaders and Soldiers understand and adhere to the requirement to treat detainees humanely and consistent with the laws of land warfare. Time and again these Soldiers, while under the stress of combat operations and prolonged insurgency operations, conduct themselves in a professional and exemplary manner.

(U) The abuses that have occurred in both Afghanistan and Iraq are not representative of policy, doctrine, or Soldier training. These abuses were unauthorized actions taken by a few individuals, coupled with the failure of a few leaders to provide adequate monitoring, supervision, and leadership over those Soldiers. These abuses, while regrettable, are aberrations when compared to their comrades in arms who are serving with distinction.

(U) We determined that despite the demands of the current operating environment against an enemy who does not abide by the Geneva Conventions, our commanders have adjusted to the reality of the battlefield and, are effectively conducting detainee operations while ensuring the humane treatment of detainees. The significant findings regarding the capture, care, and control of detainees are:

(U) We determined that the nature of the environment caused a demand for tactical human intelligence. The demands resulted in a need for more interrogators at the tactical level and better training for Military Intelligence officers. The significant findings regarding interrogation are:

- Tactical commanders and leaders adapted their tactics, techniques, and procedures, and held detainees longer than doctrinally recommended due to the demand for timely, tactical intelligence.
- Doctrine does not clearly specify the interdependent, and yet independent, roles, missions, and responsibilities of Military Police and Military Intelligence units in the establishment and operation of interrogation facilities.
- Military Intelligence units are not resourced with sufficient interrogators and interpreters to conduct timely detainee screenings and interrogations in the current operating environment, resulting in a backlog of interrogations and the potential loss of intelligence.
- Tactical Military Intelligence Officers are not adequately trained to manage the full spectrum of the collection and analysis of human intelligence.
- Officially approved CJTF-7 and CJTF-180 policies and the early CJTF-180 practices generally met legal obligations under U.S. law, treaty obligations and policy, if executed carefully, by trained soldiers, under the full range of safeguards. The DAIG Team found that policies were not clear and contained ambiguities. The DAIG Team found implementation, training, and oversight of

these policies was inconsistent; the Team concluded, however, based on a review of cases through June 9, 2004, that no confirmed instance of detainee abuse was caused by the approved policies.

(U) Capture, Care, and Control of Detainees:

(U) Army forces are successfully conducting detainee operations to include the capture, care, and control of detainees. Commanders and leaders emphasized the importance of humane treatment of detainees. We observed that leaders and Soldiers treat detainees humanely and understand their obligation to report abuse. In those instances where detainee abuse occurred, individuals failed to adhere to basic standards of discipline, training, or Army Values; in some cases individual misconduct was accompanied by leadership failure to maintain fundamental unit discipline, failure to provide proper leader supervision of and guidance to their Soldiers, or failure to institute proper control processes.

(U) Our review of the detainee abuse allegations attempted to identify underlying causes and contributing factors that resulted in abusive situations. We examined these from the perspective of the Policy and Doctrine, Organizational Structures, Training and Education, and Leadership and Discipline systems. We also examined them in terms of location on the battlefield and sought to determine if there was a horizontal, cross-cutting system failure that resulted in a single case of abuse or was common to all of them. Based on this inspection, we were unable to identify system failures that resulted in incidents of abuse. These incidents of abuse resulted from the failure of individuals to follow known standards of discipline and Army Values and, in some cases, the failure of a few leaders to enforce those standards of discipline. We also found that our policies, doctrine, and training are being continually adapted to address the existing operational environment regarding detainee operations. Commanders adjusted existing doctrinal procedures to accommodate the realities of the battlefield. We expect our leaders to do this and they did. The Army must continue to educate for uncertain environments and develop our leaders to adapt quickly to conditions they confront on the battlefield.

(U) Using a data cut-off of June 9, 2004, we reviewed 103 summaries of Army CID [Criminal Investigative Command] reports of investigation and 22 unit investigation summaries conducted by the chain of command involving detainee death or allegations of abuse. These 125 reports are in various stages of completion: 31 cases have been determined that no abuse occurred; 71 cases are closed; and 54 cases are open or undetermined. Of note, the CID investigates every occurrence of a detainee death regardless of circumstances.

(U) Recognizing that the facts and circumstances as currently known in ongoing cases may not be all-inclusive, and that additional facts and circumstances could change the categorization of a case, the Team placed each report in a category for the purposes of this inspection to understand the overall numbers and the facts currently known, and to examine for

trends or systemic issues. This evaluation of allegations of abuse reports is not intended to influence commanders in the independent exercise of their responsibilities under the Uniform Code of Military Justice (UCMJ) or other administrative disciplinary actions. As an Inspector General inspection, this report does not focus on individual conduct, but on systems and policies.

(U) This review indicates that as of June 9, 2004, 48%,(45 of 94) of the alleged incidents of abuse occurred at the point of capture, where Soldiers have the least amount of control of the environment. For this inspection, the DAIG [Department of the Army, Office of the Inspector General] Team interpreted point of capture events as detainee operations occurring at battalion level and below, before detainees are evacuated to doctrinal division forward or central collecting points (CPs). This allowed the DAIG Team to analyze and make a determination to where and what level of possible abuse occurred. The point of capture is the location where most contact with detainees occurs under the most uncertain, dangerous, and frequently violent circumstances.

(U) This review further indicates that as of June 9, 2004, 22% (21 of 94) of the alleged incidents of abuse occurred at Internment/Resettlement (I/R) facilities. This includes the highly publicized incident at Abu Ghraib. Those alleged abuse situations at I/R facilities are attributed to individual failure to abide by known standards and/or individual failure compounded by a leadership failure to enforce known standards, provide proper supervision, and stop potentially abusive situations from occurring. As of June 9, 2004, 20%, (19 of 94) of the alleged incidents of abuse occurred at CPs. For the remaining 10% (9 of 94) of the alleged incidents of abuse, a location could not be determined based on the CID case summaries.

(U) Detainee abuse does not occur when individual Soldiers remain disciplined, follow known procedures, and understand their duty obligation to report abusive behavior. Detainee abuse does not occur when leaders of those Soldiers who deal with detainees enforce basic standards of humane treatment, provide oversight and supervision of detainee operations, and take corrective action when they see potentially abusive situations developing. Our site visits, interviews, sensing sessions, and observations indicate that the vast majority of Soldiers and leaders, particularly at the tactical level, understand their responsibility to treat detainees humanely and their duty obligation to report infractions.

Interrogation Operations

(U) The need for timely, tactical human intelligence is critical for successful military operations particularly in the current environment. Commanders recognized this and adapted by holding detainees longer at the point of capture and collecting points to gain and exploit intelligence. Commanders and interrogators also conducted tactical questioning to gain immediate battlefield intelligence. Commanders and leaders must set the conditions for success, and commanders, leaders, and Soldiers must adapt to the ever changing environment in order to be successful.

(U) Doctrine does not clearly and distinctly address the relationship between the MP operating Internment/Resettlement facilities and the Military Intelligence (MI) personnel conducting intelligence exploitation at those facilities. Neither MP nor MI doctrine specifically defines the interdependent, yet independent, roles, missions, and responsibilities of the two in detainee operations. MP doctrine states MI may collocate with MP at detention sites to conduct interrogations, and coordination should be made to establish operating procedures. MP doctrine does not, however, address approved and prohibited MI procedures in an MP-operated facility. It also does not clearly establish the role of MPs in the interrogation process.

(U) Conversely, MI doctrine does not clearly explain MP internment procedures or the role of MI personnel within an internment setting. Contrary to MP doctrine, FM 34-52, Intelligence Interrogation, 28 September 1992, implies an active role for MPs in the interrogation process: "Screeners coordinate with MP holding area guards on their role in the screening process. The guards are told where the screening will take place, how EPWs and detainees are to be brought there from the holding area, and what types of behavior on their part will facilitate the screenings." Subordination of the MP custody and control mission to the MI need for intelligence can create settings in which unsanctioned behavior, including detainee abuse, could occur. Failure of MP and MI personnel to understand each other's specific missions and duties could undermine the effectiveness of safeguards associated with interrogation techniques and procedures.

(U) Shortfalls in numbers of interrogators and interpreters, and the distribution of these assets within the battlespace, hampered human intelligence (HUMINT) collection efforts. Valuable intelligence-timely, complete, clear, and accurate-may have been lost as a result. Interrogators were not available in sufficient numbers to efficiently conduct screening and interrogations of the large numbers of detainees at collecting points (CPs) and internment/resettlement (I/R) facilities, nor were there enough to man sufficient numbers of Tactical Human Intelligence Teams (THTs) for intelligence exploitation at points of capture. Interpreters, especially those Category II personnel authorized to participate in interrogations, were also in short supply. Units offset the shortage of interrogators with contract interrogators. While these contract interrogators provide a valuable service, we must ensure they are trained in military interrogation techniques and policy.

(U) Current interrogation doctrine includes 17 interrogation approach techniques. Doctrine recognizes additional techniques may be applied. Doctrine emphasizes that every technique must be humane and be consistent with legal obligations. Commanders in both OEF and OIF adopted additional interrogation approach technique policies. Officially approved CJTF-180 and CJTF -7 generally met legal obligations under U.S. law, treaties and policy, if executed carefully, by trained soldiers, under the full range of safeguards. The DAIG Team found that some interrogators were not trained on the additional techniques in either formal

school or unit training programs. Some inspected units did not have the correct command policy in effect at the time of inspection. Based on a review of CID case summaries as of 9 June 2004, the team was unable to establish any direct link between the proper use of an approved approach technique or techniques and a confirmed case of detainee abuse.

(U) Conclusion: The Army's leaders and Soldiers are effectively conducting detainee operations and providing for the care and security of detainees in an intense operational environment. Based on this inspection, we were unable to identify system failures that resulted in incidents of abuse. This report offers 52 recommendations that are designed to improve the ability of the Army to accomplish the key tasks of detainee operations: keep the enemy off the battlefield in a secure and humane manner, and gain intelligence in accordance with Army standards."

(U) OIG Assessment: In accordance with Army Regulation 20-1, Department of the Army Inspector General records are restricted and may not be used for adverse action without prior approval from the Army Inspector General. The Army IG report did not identify any traditional management control or systemic failure that might have led to incidents of abuse. It attributed detainee abuse only to the failure of individuals, "...to follow known standards of discipline and Army Values and, in a few cases, the failure of a few leaders to enforce those standards of discipline."

Appendix G. U.S. Army Reserve Command Inspector General Special Assessment of Training for Army Reserve Units on the Law of Land Warfare, Detainee Treatment Requirements, Ethics, and Leadership (Army Reserve IG Report) (U)

Investigating Officer: USARC Inspector General
Appointing Authority: LTG Helmly, Commanding General US Army Reserve Command
Date of Initiation: March 11, 2004
Date of Completion: December 15, 2004

(U) **Scope:** (verbatim per Directing Authority memo dated March 11, 2004)

- "…conduct a review of training for Army Reserve Soldiers and units on the Law of Land Warfare, Detainee Treatments Requirements, Ethics and Leadership. The assessment will focus on the following objectives:"
- "Determine the frequency and standards for training Army Reserve Soldiers on the Law of Land Warfare, Detainee Treatment Requirements, Ethics and Leadership training."
- "Assess the adequacy of specified training for Army Reserve units."
- "Assess the quality of specified training in Army Reserve units."
- "Observe specified training to determine if training is conducted to standard."
- "Identify and recommend any changes to training guidance and procedures related to the Law of Land Warfare, detainee treatment Requirements, Ethics and Leadership."

Additional instructions included, "… conduct the assessment at selected Army Reserve units and locations. *Military Police and Military Intelligence units are given a higher priority for assessment (emphasis added)*, but a cross sample of the Army Reserve will be obtained. You will also observe specific training conducted by Army reserve instructors to include: Advanced Individual training; One Station Unit Training;

Officer Basic course; during unit assemblies; at the Army Reserve Center and School; and at Power Projection Platforms."

(U) **Executive Summary Extract:**

(U) This Assessment was not an investigation.

a. (U) In the areas assessed, shortcomings were found in training on the Law of Land Warfare and detainee operations; however, Soldiers and leaders expressed knowledge of the requirements. IGs observed briefings on "The Soldier's Rules" used as the training vehicle on the Law of Land Warfare. These briefings provided Soldiers a good overview of the Law of Land Warfare and the Geneva and Hague Convention requirements, but they were not conducted to standard for the specified Soldier task. IGs also noted that during detainee operations training, trainers did not always include all Soldier task performance steps and test performance measures. Nearly all Soldiers indicated an understanding of the Army Values and had a strong belief in their own personal ethics, to include adherence to the Law of Land Warfare. Soldiers also had a positive belief that their peers and leaders would adhere to the Army Values and would ethically treat detainees in accordance with the Law of War. This is encouraging in spite of a lack of systematic training on the Army Values and values-based ethics in Army Reserve units.

(U) Conclusion. The Army Reserve is aggressively moving to correct faults in Law of Land Warfare and detainee handling training. Training initiatives were developed and implemented to better teach Soldiers, particularly MPs [Military Police], how unit mission relates to the principles of the Law of Land Warfare. The same model must be applied to other Combat Support and Combat Service Support units to ensure that all Soldiers understand the application of Law of Land Warfare training. Training should be integrated with different units, particularly, but not limited to, MP and MI [Military Intelligence] units. The training of future Army Reserve Force Packages in annual "Warrior Exercises" can be critical to accomplishing integration. Army Reserve Soldiers expressed strong feelings of individual ethics and the Army Values. Capitalizing on this with relevant training and dedicated leadership can only make the Army Reserve a better, stronger national asset.

(U) **OIG Assessment:** As indicated by its stated scope, the U.S. Army Reserve Command IG report is a comprehensive assessment only of the type, frequency, and adequacy of Reserve training on the Law of Land Warfare, Detainee Treatments Requirements, and Ethics and Leadership. It is not a comprehensive assessment of the causes or frequency of substantiated detainee abuse committed by Army Reserve Soldiers. While some statistics in the report may possibly be perceived as slightly skewed by the overwhelmingly higher proportion of MP soldiers and MP units surveyed compared to Military Intelligence personnel and other non-MP units, the report's overall methodology and findings appear to otherwise adequately support the root cause for the issues addressed.

Appendix H. Army Regulation 15-6 Investigation of the Abu Ghraib Prison and the 205th MI Bde (Fay Report; and/or Fay/Jones Report; and/or Kern Report) (U)

Investigating Officer: LTG Jones, Deputy Commanding General, U.S. Army Training and Doctrine Command and MG Fay, Assistant Deputy Chief of Staff Army G2
Appointing Authority: GEN Kern, Commander, U.S. Army Materiel Command
Date of Initiation: March 31, 2004
Date of Completion: August 6, 2004

(U) **Scope**: To investigate all relevant facts and circumstances surrounding alleged misconduct on the part of personnel assigned and/or attached to the 205th MI Bde from 15 Aug 03 to 1 Feb 04 at the Abu Ghraib Detention facility in Iraq.

(U) **Executive Summary Extract:**

(Part I MG Fay's unclassified version)

(2) (U) This investigation identified forty-four (44) alleged instances or events of detainee abuse committed by MP [Military Police] and MI [Military Intelligence] Soldiers, as well as civilian contractors. On sixteen (16) of these occasions, abuse by the MP Soldiers was, or was alleged to have been, requested, encouraged, condoned, or solicited by MI personnel. The abuse, however, was directed on an individual basis and never officially sanctioned or approved. MI solicitation of MP abuse included the use of isolation with sensory deprivation, the removal of clothing to humiliate, the use of dogs as an interrogation tool to induce fear, and physical abuse. In eleven (11) instances, MI personnel were found to be directly involved in the abuse. MI personnel were also found not to have fully comported with established interrogation procedures and applicable laws and regulations. Theater Interrogation and Counterresistance Policies (ICRP) were found to be poorly defined, and changed several times. As a result, interrogation activities sometimes crossed into abusive activity.

(3) (U) This investigation found that certain individuals committed offenses in violation of international and US law to include the Geneva Conventions and the UCMJ [Uniform Code of Military Justice] and violated Army Values. Leaders in key positions failed to properly

supervise the interrogation operations at Abu Ghraib and failed to understand the dynamics created at Abu Ghraib. Leaders also failed to react appropriately to those instances where detainee abuse was reported, either by other Service members, contractors, or by the International Committee of the Red Cross (ICRC).

(4) (U) Leader responsibility, command responsibility, and systemic problems and issues also contributed to the volatile environment in which the abuse occurred. These systemic problems included: inadequate interrogation doctrine and training, an acute shortage of MP and MI Soldiers, the lack of clear lines of responsibility between the MP and MI chains of command, the lack of a clear interrogation policy for the Iraq Campaign, and intense pressure felt by the personnel on the ground to produce actionable intelligence from detainees.

b. (U) Problems: Doctrine, Policy, Training, Organization, and Other Government Agencies.

(1) (U) Inadequacy of doctrine for detention operations and interrogation operations was a contributing factor to the situations that occurred at Abu Ghraib. The Army's capstone doctrine for the conduct of interrogation operations is Field Manual (FM) 34-52, Intelligence Interrogation, dated September 1992. Non-doctrinal approaches, techniques, and practices were developed and approved for use in Afghanistan and GTMO as part of the Global War on Terrorism (GWOT). These techniques, approaches, and practices became confused at Abu Ghraib and were implemented without proper authorities or safeguards. Soldiers were not trained in non-doctrinal interrogation techniques such as sleep adjustment, isolation, and the use of dogs. Many interrogators and personnel overseeing interrogation operations at Abu Ghraib had prior exposure to or experience in GTMO or Afghanistan. Concepts for the non-doctrinal, non field-manual approaches and practices came from documents and personnel in GTMO and Afghanistan. By October 2003, interrogation policy in Iraq had changed three times in less than thirty days and soldiers became very confused about what techniques could be employed and at what level non-doctrinal approaches had to be approved.

(2) (U) MP personnel and MI personnel operated under different and often incompatible rules for treatment of detainees. The military police referenced DoD-wide regulatory and procedural guidance that clashed with the theater interrogation and counterresistance policies that the military intelligence interrogators followed. Further, it appeared that neither group knew or understood the limits imposed by the other's regulatory or procedural guidance concerning the treatment of detainees, resulting in predictable tension and confusion. This confusion contributed to abusive interrogation practices at Abu Ghraib. Safeguards to ensure compliance and to protect against abuse also failed due to confusion about the policies and the leadership's failure to monitor operations adequately.

(4) (U) The term Other Government Agencies (OGA) most commonly referred to the Central Intelligence Agency (CIA). The CIA conducted

unilateral and joint interrogation operations at Abu Ghraib. The CIA's detention and interrogation practices contributed to a loss of accountability and abuse at Abu Ghraib. No memorandum of understanding existed on the subject interrogation operations between the CIA and CJTF-7, and local CIA officers convinced military leaders that they should be allowed to operate outside the established local rules and procedures. CIA detainees in Abu Ghraib, known locally as "Ghost Detainees," were not accounted for in the detention system. With these detainees unidentified or unaccounted for, detention operations at large were impacted because personnel at the operations level were uncertain how to report or classify detainees.

c. (U) Detainee Abuse at Abu Ghraib.

(1) (U) The physical and sexual abuses of detainees at Abu Ghraib were by far the most serious. The abuses spanned from direct physical assault, such as delivering head blows rendering detainees unconscious, to sexual posing and forced participation in group masturbation. At the extremes were the death of a detainee in OGA custody, an alleged rape committed by a US translator and observed by a female Soldier, and the alleged sexual assault of a female detainee. These abuses are, without question, criminal. They were perpetrated or witnessed by individuals or small groups. Such abuse can not be directly tied to a systemic US approach to torture or approved treatment of detainees. The MPs being prosecuted claim their actions came at the direction of MI. Although self-serving, these claims do have some basis in fact. The environment created at Abu Ghraib contributed to the occurrence of such abuse and it remained undiscovered by higher authority for a long period of time. What started as nakedness and humiliation, stress and physical training (exercise), carried over into sexual and physical assaults by a small group of morally corrupt and unsupervised Soldiers and civilians.

(2) (U) Abusing detainees with dogs started almost immediately after the dogs arrived at Abu Ghraib on 20 November 2003. By that date, abuses of detainees was already occurring and the addition of dogs was just one more device. Dog Teams were brought to Abu Ghraib as a result of recommendations from MG G. Miller's assessment team from GTMO. MG G. Miller recommended dogs as beneficial for detainee custody and control issues. Interrogations at Abu Ghraib, however, were influenced by several documents that spoke of exploiting the Arab fear of dogs. The use of dogs in interrogations to "fear up" detainees was utilized without proper authorization.

(3) (U) The use of nudity as an interrogation technique or incentive to maintain the cooperation of detainees was not a technique developed at Abu Ghraib, but rather a technique which was imported and can be traced through Afghanistan and GTMO. As interrogation operations in Iraq began to take form, it was often the same personnel who had operated and deployed in other theaters and in support of GWOT who were called upon to establish and conduct interrogation operations in Abu Ghraib. The lines of authority and the prior legal opinions blurred. They simply carried

forward the use of nudity into the Iraqi theater of operations. The use of clothing as an incentive (nudity) is significant in that it likely contributed to an escalating "de-humanization" of the detainees and set the stage for additional and more severe abuses to occur.

(4) (U) There was significant confusion by both MI and MPs between the definitions of "isolation" and "segregation." LTG Sanchez approved the extended use of isolation on several occasions, intending for the detainee to be kept apart, without communication with their fellow detainees. His intent appeared to be the segregation of specific detainees. The technique employed in several instances was not, however, segregation but rather isolation - the complete removal from outside contact other than required care and feeding by MP guards and interrogation by MI. Use of isolation rooms in the Abu Ghraib Hard Site was not closely controlled or monitored. Lacking proper training, clear guidance, or experience in this technique, both MP and MI stretched the bounds into further abuse; sensory deprivation and unsafe or unhealthy living conditions. Detainees were sometimes placed in excessively cold or hot cells with limited or poor ventilation and no light."

(Part II Extract from LTG Jones' Separate Classified Report)

c. (U) Abuse at Abu Ghraib

(1) (U) Clearly, abuses occurred at the prison at Abu Ghraib. For purposes of this report, I defined abuse as treatment of detainees that violated U.S. criminal law or international law or treatment that was inhumane or coercive without lawful justification. Whether the Soldier or contractor knew, at the time of the acts, that the conduct violated any law or standard is not an element of the definition. MG Fay's portion of this report describes the particular abuses in detail.

(2) (U) I found that no single, or simple, explanation exists for why some of the Abu Ghraib abuses occurred. For clarity of analysis, my assessment divides abuses at Abu Ghraib into two different types of improper conduct: First, intentional violent or sexual abuses and, second, actions taken based on misinterpretations of or confusion about law or policy.

(3) (U) Intentional violent or sexual abuses include acts causing bodily harm using unlawful force as well as sexual offenses including, but not limited to rape, sodomy and indecent assault. No Soldier or contractor believed that these abuses were permitted by any policy or guidance. If proven, these actions would be criminal acts. The primary causes of the violent and sexual abuses were relatively straightforward - individual criminal misconduct clearly in violation of law, policy, and doctrine and contrary to Army values.

(4) (U) Incidents in the second category resulted from misinterpretations of law or policy or resulted from confusion about what interrogation techniques were permitted. These latter abuses include some cases of clothing removal (without any touching) and some uses of dogs in interrogations (uses without physical contact or extreme fear). Some of these incidents may have violated international law. At the time the Soldiers or contractors committed the acts, however, some of them may have honestly believed the techniques were condoned.

d. (U) Major Findings

(1) (U) The chain of command directly above the 205th MI Brigade was not directly involved in the abuses at Abu Ghraib. However, policy memoranda promulgated by the CJTF-7 Commander led indirectly to some of the non-violent and non-sexual abuses. In addition, the CJTF-7 Commander and Deputy Commander failed to ensure proper staff oversight of detention and interrogation operations. Finally, CJTF-7 staff elements reacted inadequately to earlier indications and warnings that problems existed at Abu Ghraib. Command and staff actions and inaction must be understood in the context of the operational environment discussed above. In light of the operational environment, and CJTF-7 staff and subordinate unit's under-resourcing and increased missions, the CJTF-7 Commander had to prioritize efforts. CJTF-7 devoted its resources to fighting the counter-insurgency and supporting the CPA, thereby saving

Coalition and civilian Iraqi lives and assisting in the transition to Iraqi self-rule. I find that the CJTF-7 Commander and staff performed above expectations, in the over-all scheme of OIF.

(2) (U) Most, though not all, of the violent or sexual abuses occurred separately from scheduled interrogations and did not focus on persons held for intelligence purposes. No policy, directive or doctrine directly or indirectly caused violent or sexual abuse. Soldiers knew they were violating the approved techniques and procedures.

(3) (U) Confusion about what interrogation techniques were authorized resulted from the proliferation of guidance and information from other theaters of operation; individual interrogator experiences in other theaters; and the failure to distinguish between interrogation operations in other theaters and Iraq. This confusion contributed to the occurrence of some of the non-violent and non-sexual abuses.

(4) (U) MI and MP units also had missions throughout the Iraqi Theater of Operations (ITO), however, 205th MI Brigade and 800th Military Police Brigade leaders at Abu Ghraib failed to execute their assigned responsibilities. The leaders from these units located at Abu Ghraib or with supervision over Soldiers and units at Abu Ghraib, failed to supervise subordinates or provide direct oversight of this important mission. These leaders failed to properly discipline their Soldiers. These leaders failed to learn from prior mistakes and failed to provide continued mission-specific training. The 205th MI Brigade Commander did not assign a specific subordinate unit to be responsible for interrogations at Abu Ghraib and did not ensure that a Military Intelligence chain of command at Abu Ghraib was established. The absence of effective leadership was a factor in not sooner discovering and taking actions to prevent both the violent/sexual abuse incidents and the misinterpretation/confusion incidents.

(5) (U) Neither Defense nor Army doctrine caused any abuses. Abuses would not have occurred had doctrine been followed and mission training conducted. Nonetheless, certain facets of interrogation and detention operations doctrine need to be updated, refined or expanded, including the concept, organization, and operations of a Joint Interrogation and Debriefing Center (JIDC); guidance for interrogation techniques at both tactical and strategic levels; the roles, responsibilities and relationships between MP and MI personnel at detention facilities; and, the establishment and organization of a Joint Task Force (JTF) structure and, in particular, its intelligence architecture.

(6) (U) No single or simple theory can explain why some of the abuses at Abu Ghraib occurred. In addition to individual criminal propensities, leadership failures, and multiple policies, many other factors contributed to the abuses occurring at Abu Ghraib, including: safety and security conditions at Abu Ghraib; multiple agencies/organizations involvement in interrogation operations at Abu Ghraib; failure to effectively screen, certify, and then integrate contractor interrogators/analysts/linguists; lack of a clear understanding of MP and MI roles and responsibilities in

interrogation operations; and dysfunctional command relationships at brigade and higher echelons, including the tactical control relationship between the 800th MP Brigade and CJTF-7.

(8) (U) Working alongside non-DoD organizations/agencies in detention facilities proved complex and demanding. The perception that non-DoD agencies had different rules regarding interrogation and detention operations was evident. Interrogation and detention policies and limits of authority should apply equally to all agencies in the Iraqi Theater of Operations.

(9) (U) Leaders and Soldiers throughout Operation Iraqi Freedom were confronted with a complex and dangerous operational environment. Although a clear breakdown in discipline and leadership, the events at Abu Ghraib should not blind us from the noble conduct of the vast majority of our Soldiers. We are a values based profession in which the clear majority of our Soldiers and leaders take great pride.

(U) OIG Assessment: The Fay report is a very detailed and exhaustive review of the allegations of misconduct by personnel assigned to the 205th MI Bde at the Abu Ghraib Detention facility in Iraq. MG Fay identified several issues that were determined to be outside the scope of his report. One issue dealt with other government agency involvement with detainees and prisoners. A second issue referred to the accounts by a Colonel (U.S. Army retired) who deployed to Iraq at the request of CJTF-7 and the U.S. Army G2 to provide feedback on the overall HUMINT process in the Iraq Theater of Operations. The Colonel became aware of allegations of detainee abuse and summarized his allegations in his after-action report following his return from Iraq. This information was eventually passed to the Church Team. The Fay report acknowledged severe shortages in personnel, training and resource issues which were beyond the control of the 205th MI Brigade's ability to overcome. The report ultimately assigned primary responsibility to the Brigade Commander under the auspices of leadership failure, while acknowledging the CJTF-7 Commander and Deputy Commander failed to ensure proper oversight of detention and interrogation operations.

Appendix I. Treatment of Enemy Combatants Detained at Naval Station Guantanamo Bay, Cuba, and Naval Consolidated Brig Charleston (First Navy IG Review; and/or Church: GITMO and Charleston Report) (U)

Note: This initial Navy IG review preceded the subsequent full Church review which began May 25, 2004.

Investigating Officer: Vice Admiral Church, Navy Inspector General
Appointing Authority: Secretary of Defense
Date of Initiation: May 3, 2004
Date of Completion: May 11, 2004

(U) **Scope:** "...ensure DoD orders concerning proper treatment of enemy combatants detained by the Department at Guantanamo Bay, Cuba and Naval Consolidated Brig Charleston are followed ... immediately review the relevant practices at such locations and...brief findings to SECDEF by May 10, 2004."

(U) **Executive Summary Extract:**

Given the short suspense of one week, a briefing was presented to the Secretary of Defense on 8 May 2004 in lieu of a more formal written report. The essence of those briefing slides provided a "snapshot of current existing conditions." The slides also reported that the review uncovered, "No evidence or suspicion of serious or systemic problems." Additionally, while humane treatment of detainees was assessed as, "Appears to be in Compliance," ... a number of possible "infractions" were described which seemed to indicate a potential pattern of a somewhat lesser degree of compliance than otherwise indicated or assumed. The briefing slides stated however, "All incidents documented during review were reported to SOUTHCOM [U.S. Southern Command] and resulted in timely action."

(U) **OIG Assessment:** The one week assessment necessitated a cursory review rather than a more thorough investigation of the assigned scope. The resulting May 8, 2004, out-brief to Secretary of Defense stated the findings were therefore "not based on 100 percent compliance" and provided a "snapshot of current existing conditions." Consequently, the review uncovered no evidence or suspicion of serious or systemic problems. Additionally, while humane treatment of detainees was assessed as "in

compliance," a number of possible infractions were also described. Those infractions seemed to indicate a lesser degree of compliance than was otherwise indicated or assumed. The briefing stated that all incidents documented during the review were reported to U.S. Southern Command and resulted in timely action; however, the review did not specify what actions, or whether any action included investigating allegations of possible detainee abuse.

Appendix J. Schlesinger: Final Report of the Independent Panel to Review DoD Detention Operations (Schlesinger Report) (U)

Investigating Officer: Schlesinger Panel
Appointing Authority: Secretary of Defense
Date of Initiation: May 12, 2004
Date of Completion: Aug 24, 2004

(U) **Scope:**

- To review all previous DoD investigations and reports.
- Provide advice on highlighting issues most important for SECDEF attention and correction.
- Provide views on the causes and contributing factors to problems in detainee operations and corrective measures required.

(U) **Executive Summary Extract:**

OVERVIEW (U)

(U) The events of October through December 2003 on the night shift of Tier 1 at Abu Ghraib Prison were acts of brutality and purposeless sadism. We now know these abuses occurred at the hands of both military police and military intelligence personnel. The pictured abuses, unacceptable even in wartime, were not part of authorized interrogations nor were they even directed at intelligence targets. They represent deviant behavior and a failure of military leadership and discipline. However, we do know that some of the egregious abuses at Abu Ghraib which were not photographed did occur during interrogation sessions and that abuses during interrogation sessions occurred elsewhere.

ABUSES (U)

(U) As of the date of this report, there were about 300 incidents of alleged detainee abuse across the Joint Operations Areas. Of the 155 completed investigations, 66 resulted in a determination that detainees under the control of U.S. forces were abused. Dozens of non-judicial punishments have already been awarded. Others are in various stages of the military justice process.

(U) Of the 66 already substantiated cases of abuse, eight occurred at Guantanamo, three in Afghanistan and 55 in Iraq. Only about one-third were related to interrogation, and two-thirds to other causes. There were five cases of detainee deaths as a result of abuse by U.S. personnel during interrogations. Many more died from natural causes and enemy mortar attacks. There are 23 cases of detainee deaths still under investigation: three in Afghanistan

and 20 in Iraq. Twenty-eight of the abuse cases are alleged to include Special Operations Forces (SOF) and, of the 15 SOF cases that have been closed, 10 were determined to be unsubstantiated and 5 resulted in disciplinary action. The Jacoby review of SOF detention operations found a range of abuses and causes similar in scope and magnitude to those found among conventional forces.

(U) Concerning the abuses at Abu Ghraib, the impact was magnified by the fact the shocking photographs were aired throughout the world in April 2004. Although U.S. Central Command had publicly addressed the abuses in a press release in January 2004, the photographs remained within the official criminal investigative process. Consequently, the highest levels of command and leadership in the Department of Defense were not adequately informed nor prepared to respond to the Congress and the American public when copies were released by the press.

CONCLUSION (U)

(U) The vast majority of detainees in Guantanamo, Afghanistan and Iraq were treated appropriately, and the great bulk of detention operations were conducted in compliance with U.S. policy and directives. They yielded significant amounts of actionable intelligence for dealing with the insurgency in Iraq and strategic intelligence of value in the Global War on Terror. For example, much of the information in the recently released 9/11 Commission's report, on the planning and execution of the attacks on the World Trade Center and Pentagon, came from interrogation of detainees at Guantanamo and elsewhere.

(U) OIG Assessment: Similarly to the Church Report, the Schlesinger Panel's report was a broad overview of detainee and detention operations along a timeline which denoted major actions taken up to August 2004. The report stated, "There is both institutional and personal responsibility at higher levels." However, the panel's overall recommendations did not specify where and to whom such culpability should be assigned for follow–up investigation. While the finding provided a useful historical perspective, it lacked sufficient detail to pinpoint the root causes and effects. Recommendation 14 acknowledged this gap and suggested that the report's recommendations and all other assessments on detention operations should be studied further. Most notably, detention and interrogation operations, including personnel and leadership resourcing, common doctrine, and skill certification training, were not fully addressed.

Appendix K. Combined Joint Special Operations Task Force (CJSOTF) Abuse (Formica Report) (U)

Investigating Officer: BG Formica, Commander, III Corps Artillery
Appointing Authority: LTG Sanchez, Commander, CJTF-7
Date of Initiation: May 15, 2004
Date of Completion: November 13, 2004

(U) **Scope:**

- Determine command and control for detainee operations within JSOTF-AP and 5th SF Group.
- Investigate specific allegations of detainee abuse within CJSOTF-AP and 5th SF Group.
- Inform LTG Sanchez if other specific incidents of abuse within CJSOTF-AP were discovered, and investigate them.
- Determine whether CJSOTF-AP was in compliance with regulatory and policy guidance established for detainee operations within Iraq.

(U) ~~(S/NF)~~ **Executive Summary Extract:**

MAJOR FINDINGS

(U) 1. ~~(S/NF)~~ CJSOTF-AP units are conducting operations that result in the killing or capturing of known AIF [Anti-Iraqi Forces]. They have detained and interrogated AIF consistent with their mission and CJTF-7 policy as capturing units. Based upon available data, the vast majority of CJSOTF-AP detainees were transferred to a conventional unit's custody coincident to or immediately following capture. Length of detention within CJSOTF-AP facilities was generally not an issue.

(U) 2. ~~(S/NF)~~ CJSOTF-AP (10th SF GP) operated six (6) tactical interrogation facilities: one at their headquarters at Radwaniya Palace Complex (RPC) in Baghdad; one each with NSWTD [Naval Special Warfare Task Detachment]-N and NSWTD-W (Mosul and Al Asad); and three at ODA [Operational Detachment Alpha] safe houses (Adamiya Palace in Baghdad, Tikrit, and Samarra). These were not internment facilities, i.e. facilities intended for long-term detention, but rather temporary facilities to elicit tactical intelligence coincident to capture. These facilities at least met the minimum standards for tactical interrogation facilities, except as noted below. Only the RPC facility remains in operation at this time.

(U) 3. ~~(S/NF)~~ NSWTUs [Naval Special Warfare Task Units] and ODAs are specially trained teams that are organized, trained, and resourced to conduct direct action missions in support of tactical operations. They have seasoned,

experienced personnel who are trained in conducting battlefield questioning coincident to capture. Some personnel received additional training in interrogations prior to deployment. There is a valid requirement for immediate tactical intelligence derived from temporary detention by capturing units. However, without augmentation, CJSOTF-AP units do not have the facilities or resources to conduct such operations, except for short periods of time (i.e. 24-48 hours) coincident to capture.

4. (U) The specific allegations of egregious physical abuse by indigenous personnel working with US forces or in conjunction with US forces are not substantiated by the evidence.

(U) 5. ~~(S//NF)~~ Some detainees were held for periods of time in small (20" wide x 4' high x 4' deep) cells at ODA 065. As a technique for setting favorable conditions for interrogation, guards banged on the doors of the cells and played loud music to keep detainees awake and prevent them from communicating with one another. Two detainees claimed to have been held in these cells for five to seven days. ODA personnel stated it was not for more than 72 consecutive hours. I found an instance in which one detainee was held naked in this manner for uncertain periods of time.

(U) 6. ~~(S//NF)~~ Some detainees, including [redacted] and [redacted] were fed primarily a diet of bread and water at ODA 554. There is evidence that this diet may have been supplemented by some ODA team members. ODA 554 could not specifically recall to what extent this occurred in each case. One detainee may have been fed just bread and water for 17 days.

(U) 7. ~~(S//NF)~~ CJSOTF-AP (10th SF GP) units employed five (5) interrogation techniques that were no longer authorized by CJTF-7 policy, including Sleep Management, Stress Positions, Dietary Manipulation, Environmental Manipulation, and Yelling / Loud Music.

(U) 8. ~~(S//NF)~~ As a general rule, CJSOTF-AP employed assigned personnel to conduct interrogations. In most cases, CJSOTF-AP used their targeting warrant officers (180A) and/or their intelligence NCO [Non Commissioned Officer] (18F).

9. (U) During the course of this investigation, I received information about seven (7) previously investigated incidents of alleged detainee mistreatment that potentially involved CJSOTF-AP units. As part of my general assessment of CJSOTF-AP detention and interrogation operations, I reviewed and considered these investigations and summarize them in PART II, SECTION FOUR. Of the seven, one was found not to involve CJSOTF-AP personnel; two were unfounded; two were founded; and two remain under investigation.

RECOMMENDATIONS (U)

(U) 1. ~~(S//NF)~~ CJSOTF-AP, 10th and 5th SF GP commands should be provided a copy of this report and cautioned to ensure greater oversight of their subordinate units' detention / interrogation operations. CJSOTF-AP should respond by

b(6)

endorsement upon implementation of appropriate corrective action consistent with this report.

(U) 2. ~~(S//NF)~~ The evidence does not support imposing adverse action against any CJSOTF-AP personnel in connection with the allegations that are the subject of this investigation. However, all CJSOTF-AP personnel, especially ODA 554 and ODA 065, should receive mandatory corrective training and education in the principles of the Geneva Conventions relating to the treatment of detainees, specifically including adequate diet, sufficiently comfortable quarters, and the provision of adequate clothing.

3. (U) Ensure dissemination of MNF-I [Multi National Forces-Iraq]/ MNC-I [Multi National Corps-Iraq] policies to CJSOTF-AP and provide oversight of compliance.

(U) 4. ~~(S//NF)~~ CJSOTF-AP should publish policy guidance that:

- (U) Clarifies authorized interrogation techniques;

(U) • ~~(S//NF)~~ Differentiates between tactical questioning and interrogation - NSWTDs and ODAs authorized to conduct tactical questioning unless specifically trained and / or augmented with trained interrogators;

(U) • ~~(S//NF)~~ Authorizes subordinate NSWTDs and ODAs to detain as capturing units with the explicit, documented approval of an LTC (0-5) or above and, then only long enough to get detainees to RPC or another suitable CF detention facility, i.e. 24-48 hours;

(U) ~~(S//NF)~~ Establishes SOP for conduct of detention and interrogation operations and ensures periodic review for compliance with current MNF / MNC-I policies;

(U) ~~(S)~~ Ensures all Special Operations Forces (SOF) personnel are trained on the SOP and implementing procedures.

5. (U) MNF-I should establish policy guidance that delineates minimum standards for detention facilities, including capturing unit operations, to include:

- Adequate, environmentally controlled holding areas in a secure, guarded facility;
- Adequate bedding (blanket or mat) and clothing;
- Adequate food and water (type and quantity; three meals a day);
- Documented, systematic medical screenings at every level of detention;
- Formalized accountability process at every level.

6. (U) MNF-I policy should ensure that the accountability process requires annotation of dates of capture, transfers between units, medical screenings, and detainee locations starting at the capturing unit level and through each transfer. Results of this process should be maintained in a permanent file that travels with the detainee and copies should be retained by the units involved at each stage in the process.

7. (U) While the specific allegations of abuse are not substantiated by the evidence, these circumstances raise the issue of how indigenous personnel are employed to conduct or participate in Coalition detention operations or interrogations.

(U) 8. ~~(S//NF)~~ [redacted]

(U) ~~(S//NF)~~ [redacted]

b(1)

Appendix L. Detention Operations and Facilities in Afghanistan (Jacoby Report) (U)

Investigating Officer: BG Jacoby, Deputy Commanding General CJTF-76
Appointing Authority: MG Eric Olson, Commanding General, CJTF-76
Date of Initiation: May 18, 2004
Date of Completion: June 26, 2004

(U) **Scope:**

- Conduct "top-to-bottom review" of all detainee operations across the CFC-A CJOA (Afghanistan), to ensure compliance with current operational guidance and Army regulations for detention and safeguarding of detainees.
- "…ascertain the standard of treatment provided to persons detained by US forces throughout the detention process from apprehension to release or long-term confinement."
- Focus Areas: "C2" [Command and Control]
  - "medical treatment provided to detainees"
  - "collection area procedures"
  - "Soldier special instructions and general orders"
  - "compliance with international humanitarian law as it applies to this conflict." {War on Terrorism}
- Review and assess:
  - Requests for Forces (RFF)
  - Request for training
  - Technology support
  - Facility upgrades

(U) **Executive Summary Extract:**

3. (U) While there was a near universal understanding in CJTF-76 that humane treatment was the standard by which detainees would be treated, guard awareness and application of standard operating procedures (SOP) was lacking. Comprehensive SOP do exist in theater, but dissemination, implementation, and a corresponding appreciation for assigned responsibilities were inconsistent across the AO [Area of Operations]. Failure to establish and enforce standards throughout the detention process creates friction on the process, which increases risk of detainee abuse and frustrates effective collection and dissemination of intelligence and information. A lack of focused training for Soldiers responsible for both handling and collecting intelligence and information also increases the risk of potential abuse.

6. (U) Conditions--within a month of the Transfer of Authority (TOA) between the outgoing 10th Mountain Division and the incoming 25th Infantry Division (Light), allegations of detainee abuse surfaced in Iraq. Amidst concerns about the scope of these issues, this inspection was initiated within a command actively engaged in major combat operations and extensive civil-military operations. Approximately one-third of the bases visited as part of this inspection were established within the past three months or were under construction. All had either recently conducted a relief in place (RIP) or were in the process of a RIP. This same period also witnessed an on-going shift in operational focus from active counter-terrorism operations to complex counter-insurgency and stability operations."

(U) OIG Assessment: The review was limited to inspecting detainee operations in Afghanistan and did not assess factors which may have influenced detainee interrogation operations. However, the report notes that, "Of special interest in this inspection was the humane treatment of detainees." Despite this acknowledgement, there is no indication that the Jacoby team pursued any specific allegations of detainee abuse.

Appendix M. Review of DoD Detention Operations and Detainee Interrogation Techniques (Church Report) (U)

Investigating Officer: VADM Church, Navy Inspector General
Appointing Authority: Secretary of Defense
Date of Initiation: May 25, 2004
Date of Completion: March 7, 2005

(U) **Scope:**

- Identify and report, "on all DoD interrogation techniques, including those considered, authorized, prohibited and employed, identified with, or related to the following operations: GTMO from the inception of detainee operations; Operation Enduring Freedom; Operation Iraqi Freedom; Joint Special Operations in the U.S. Central Command Area of Responsibility; the Iraqi Survey Group."

- "...monitor all reviews and investigations, completed and on-going, relating to the Department's involvement in detention operations, and to report any gaps among these reviews and investigations."

- Inquire into any DoD support to or participation in non-DoD entity interrogation techniques.

(U) **Executive Summary Extract:**

(U) Interrogation is constrained by legal limits. Interrogators are bound by U.S. laws, including U.S. treaty obligations, and Executive (including DoD) policy - all of which are intended to ensure the humane treatment of detainees. The vast majority of detainees held by U.S. forces during the Global War on Terror have been treated humanely. However, as of September 30, 2004, DoD investigators had substantiated 71 cases of detainee abuse, including six deaths. Of note, only 20 of the closed, substantiated abuse cases – less than a third of the total - could in any way be considered related to interrogation, using broad criteria that encompassed any type of questioning (including questioning by non-military-intelligence personnel at the point of capture), or any presence of military-intelligence interrogators. Another 130 cases remained open as of September 30, 2004, with investigations ongoing.

(U) The events at Abu Ghraib have become synonymous with the topic of detainee abuse. We did not directly investigate those events, which have been comprehensively examined by other officials and are the subject of ongoing investigations to determine criminal culpability. Instead, we considered the findings, conclusions and recommendations of previous Abu Ghraib investigations as we examined the larger context of interrogation policy

development and implementation in the Global War on Terror. In accordance with our direction from the Secretary of Defense, our investigation focused principally on: (a) the development of approved interrogation policy (specifically, lists of authorized interrogation techniques), (b) the actual employment of interrogation techniques, and (c) what role, if any, these played in the aforementioned detainee abuses. In addition, we investigated DoD's use of civilian contractors in interrogation operations, DoD support to or participation in the interrogation activities of Other Government Agencies (OGAs), and medical issues relating to interrogations. Finally, we summarized and analyzed detention-related reports and working papers submitted to DoD by the International Committee of the Red Cross (ICRC). Our primary observations and findings on these issues are set forth below.

Interrogation Policy Development (U)

(U) Overview

(U) An early focus of our investigation was to determine whether DoD had promulgated interrogation policies or guidance that directed, sanctioned or encouraged the abuse of detainees. We found that this was not the case. While no universally accepted definitions of "torture" or "abuse" exist, the theme that runs throughout the Geneva Conventions, international law, and U.S. military doctrine is that detainees must be treated "humanely." Moreover, the President, in his February 7, 2002, memorandum that determined that al Qaeda and the Taliban are not entitled to EPW [Enemy Prisoner of War] protections under the Geneva Conventions, reiterated the standard of "humane" treatment. We found, without exception, that the DoD officials and senior military commanders responsible for the formulation of interrogation policy evidenced the intent to treat detainees humanely, which is fundamentally inconsistent with the notion that such officials or commanders ever accepted that detainee abuse would be permissible. Even in the absence of a precise definition of "humane" treatment, it is clear that none of the pictured abuses at Abu Ghraib bear any resemblance to approved policies at any level, in any theater. We note, therefore, that our conclusion is consistent with the findings of the Independent Panel, which in its August 2004 report determined that "[n]o approved procedures called for or allowed the kinds of abuse that in fact occurred. There is no evidence of a policy of abuse promulgated by senior officials or military authorities."

(U) Nevertheless, with the clarity of hindsight we consider it a missed opportunity that no specific guidance on interrogation techniques was provided to the commanders responsible for Afghanistan and Iraq, as it was to the U.S. Southern Command (SOUTHCOM) for use at Guantanamo Bay. As the Independent Panel noted, "[w]e cannot be sure how the number and severity of abuses would have been curtailed had there been early and consistent guidance from higher levels."

(U) Another missed opportunity that we identified in the policy development process is that we found no evidence that specific detention or interrogation lessons learned from previous conflicts (such as those from the Balkans, or

even those from earlier conflicts such as Vietnam) were incorporated into planning for operations in support of the Global War on Terror.

Interrogation Techniques Actually Employed by Interrogators (U)

(U) Guantanamo Bay, Cuba

(U) In GTMO, we found that from the beginning of interrogation operations to the present, interrogation policies were effectively disseminated and interrogators closely adhered to the policies, with minor exceptions. Some of these exceptions arose because interrogation policy did not always list every conceivable technique that an interrogator might use, and interrogators often employed techniques that were not specifically identified by policy but nevertheless arguably fell within the parameters of FM 34-52.

(U) Finally, we determined that during the course of interrogation operations at GTMO, the Secretary of Defense approved specific interrogation plans for two "high-value" detainees who had resisted interrogation for many months, and who were believed to possess actionable intelligence that could be used to prevent attacks against the United States. Both plans employed several of the counter-resistance techniques found in the December 2, 2002, GTMO policy, and both successfully neutralized the two detainees' resistance training and yielded valuable intelligence. We note, however, that these interrogations were sufficiently aggressive that they highlighted the difficult question of precisely defining the boundaries of humane treatment of detainees.

(U) Afghanistan and Iraq

(U) Our findings in Afghanistan and Iraq stand in contrast to our findings in GTMO. Dissemination of interrogation policy was generally poor, and interrogators fell back on their training and experience, often relying on a broad interpretation of FM 34-52. In Iraq, we also found generally poor unit-level compliance with approved policy memoranda even when those units were aware of the relevant memoranda. However, in both Afghanistan and Iraq, there was significant overlap between the techniques contained in approved policy memoranda and the techniques that interrogators employed based solely on their training and experience.

(U) While these problems of policy dissemination and compliance were certainly cause for concern, we found that they did not lead to the employment of illegal or abusive interrogation techniques. According to our investigation, interrogators clearly understood that abusive practices and techniques - such as physical assault, sexual humiliation, terrorizing detainees with unmuzzled dogs, or threats of torture or death - were at all times prohibited, regardless of whether the interrogators were aware of the latest policy memorandum promulgated by higher headquarters.

(U) Nevertheless, as previously stated, we consider it a missed opportunity that interrogation policy was never issued to the CJTF commanders in Afghanistan or Iraq, as was done for GTMO. Had this occurred, interrogation policy could have benefited from additional expertise and oversight. In Iraq,

by the time the first CJTF-7 interrogation policy was issued in September 2003, two different policies had been thoroughly debated and promulgated for GTMO, and detention and interrogation operations had been conducted in Afghanistan for nearly two years.

Detainee Abuse (U)

(U) Overview

(U) We examined the 187 DoD investigations of alleged detainee abuse that had been closed as of September 30, 2004. Of these investigations, 71 (or 38%) had resulted in a finding of substantiated detainee abuse, including six cases involving detainee deaths. Eight of the 71 cases occurred at GTMO, all of which were relatively minor in their physical nature, although two of these involved unauthorized, sexually suggestive behavior by interrogators, which raises problematic issues concerning cultural and religious sensitivities. (As described below, we judged that one other substantiated incident at GTMO was inappropriate but did not constitute abuse. This incident was discarded from our statistical analysis, as reflected in the chart below.) Three of the cases, including one death case, were from Afghanistan, while the remaining 60 cases, including five death cases, occurred in Iraq. Additionally, 130 cases remained open, with investigations ongoing. Finally, our investigation indicated that commanders are making vigorous efforts to investigate every allegation of abuse - regardless of whether the allegations are made by DoD personnel, civilian contractors, detainees, the International Committee of the Red Cross, the local populace, or any other source.

(U) We also reviewed a July 14, 2004, letter from an FBI official notifying the Army Provost Marshal General of several instances of "aggressive interrogation techniques" reportedly witnessed by FBI personnel at GTMO in October 2002. One of these was already the subject of a criminal investigation, which remains open. The U.S. Southern Command and the current Naval Inspector General are now reviewing all of the FBI documents released to the American Civil Liberties Union (ACLU) - which, other than the letter noted above, were not known to DoD authorities until the ACLU published them in December 2004 - to determine whether they bring to light any abuse allegations that have not yet been investigated.

(U) Underlying Reasons for Abuse

(U) If approved interrogation policy did not cause detainee abuse, the question remains, what did? While we cannot offer a definitive answer, we studied the DoD investigation reports for all 70 cases of closed, substantiated detainee abuse to see if we could detect any patterns or underlying explanations. Our analysis of these 70 cases showed that they involved abuses perpetrated by a variety of active duty, reserve, and National Guard personnel from three Services on different dates and in different locations throughout Afghanistan and Iraq, as well as a small number of cases at GTMO. While this diversity argues against a single, overarching reason for abuse, we did identify several factors that may help explain why the abuse occurred.

(U) Second, there was a failure to react to early warning signs of abuse. Though we cannot provide details in this unclassified executive summary, it is clear that such warning signs were present - particularly at Abu Ghraib - in the form of communiqués to local commanders, that should have prompted those commanders to put in place more specific procedures and direct guidance to prevent further abuse. Instead, these warning signs were not given sufficient attention at the unit level, nor were they relayed to the responsible CJTF commanders in a timely manner.

(U) Finally, a breakdown of good order and discipline in some units could account for other incidents of abuse. This breakdown implies a failure of unit-level leadership to recognize the inherent potential for abuse due to individual misconduct, to detect and mitigate the enormous stress on our troops involved in detention and interrogation operations, and a corresponding failure to provide the requisite oversight.

Use of Contract Personnel in Interrogation Operations (U)

(U) Overall, we found that contractors made a significant contribution to U.S. intelligence efforts. . . not withstanding the highly publicized involvement of some contractors in abuse at Abu Ghraib, we found very few instances of abuse involving contractors.

DoD Support to Other Government Agencies (U)

(U) DoD personnel frequently worked together with OGAs to support their common intelligence collection mission in the Global War on Terror, a cooperation encouraged by DoD leadership early in Operation ENDURING FREEDOM. In support of OGA detention and interrogation operations, DoD provided assistance that included detainee transfers, logistical functions, sharing of intelligence gleaned from DoD interrogations, and oversight and support of OGA interrogations at DoD facilities. However, we were unable to locate formal interagency procedures that codified the support roles and processes.

(U) In OEF [Operation Enduring Freedom] and OIF [Operation Iraqi Freedom], senior military commanders were issued guidance that required notification to the Secretary of Defense prior to the transfer of detainees to or from other federal agencies. This administrative transfer guidance was followed, with the notable exception of occasions when DoD temporarily held detainees for the CIA – including the detainee known as "Triple-X" – without properly registering them and providing notification to the International Committee of the Red Cross. This practice of holding "ghost detainees" for the CIA was guided by oral, *ad hoc* agreements and was the result, in part, of the lack of any specific, coordinated interagency guidance. Our review indicated, however, that this procedure was limited in scope. To the best of our knowledge, there were approximately 30 "ghost detainees," as compared to a total of over 50,000 detainees in the course of the Global War on Terror. The practice of DoD holding "ghost detainees" has now ceased.

(U) Aside from the general requirement to treat detainees humanely, we found no specific DoD-wide direction governing the conduct of OGA interrogations in DoD interrogation facilities. In response to questions and interviews for our report, however, senior officials expressed clear expectations that DoD-authorized interrogation policies would be followed during any interrogation conducted in a DoD facility. For example, the Joint Staff J-2 stated that "[o]ur understanding is that any representative of any other governmental agency, including CIA, if conducting interrogations, debriefings, or interviews at a DoD facility must abide by all DoD guidelines." On many occasions, DoD and OGA personnel did conduct joint interrogations at DoD facilities using DoD authorized interrogation techniques. However, our interviews with DoD personnel assigned to various detention facilities throughout Afghanistan and Iraq demonstrated that they did not have a uniform understanding of what rules governed the involvement of OGAs in the interrogation of DoD detainees. Such uncertainty could create confusion regarding the permissibility and limits of various interrogation techniques. We therefore recommend the establishment and wide promulgation of interagency policies governing the involvement of Other Government Agencies in the interrogation of DoD detainees.

CONCLUSION (U)

(U) Human intelligence, in general, and interrogation, in particular, is an indispensable component of the Global War on Terror. The need for intelligence in the post-9/11 world and our enemy's ability to resist interrogation have caused our senior policy makers and military commanders to reevaluate traditional U.S. interrogation methods and search for new and more effective interrogation techniques. According to our investigation, this search has always been conducted within the confines of our armed forces' obligation to treat detainees humanely. In addition, our analysis of 70 substantiated detainee abuse cases found that no approved interrogation techniques caused these criminal abuses; however, two specific interrogation plans approved for use at Guantanamo did highlight the difficulty of precisely defining the boundaries of humane treatment."

(U) **OIG Assessment:** The Church Report largely declared that all DoD areas of concern regarding detention operations were being addressed "adequately and expeditiously." However, subsequent information and other reports demonstrated a seeming disconnect between policy for local techniques, tactics, and procedures, and leadership and command oversight of how actual, suspected, and reported incidents of detainee abuse were investigated for resolution. The Church Report did not explain if, how, or to what extent, detainee abuse practices infiltrated, and from what source, throughout U.S. Central Command's detention and interrogation operations. Although the Church review lacked the statutory authority normally associated with an issue of this magnitude, it nonetheless served as a basis for several other investigations, assessments, and reviews.

(U) Notably, the report provided a holistic, positive, yet somewhat indirect approach to DoD interrogation techniques and operations. However, it lacked clear and explicit individual findings and specific recommendations. This

lack highlighted the need for more information in several areas, including separate assessments of possible detainee abuse involving Guantanamo, Afghanistan, Iraq, Special Operations, and the Iraq Survey Group. Also, the report did not perform an in-depth review of special operations forces and protected units, although a classified attachment to the base report included some special mission unit interrogation practices. However, the Church team did attempt to determine whether responsible parties conducted any investigations, and if so, whether they reported results. For example, the classified portion dealing with special mission units assessed nonjudicial punishment under AR 15-6 and compared the consistency and equitableness of punishments throughout the theater. As appropriate, the overall report also sought to assess when and whether nonjudicial reviews were passed to criminal investigators.

Appendix N. U.S. Army Surgeon General Assessment of Detainee Medical Operations for OEF, GTMO, and OIF (Kiley Report) (U)

Investigating Officer: MG Martinez-Lopez, Commander, U.S. Army Medical Research and Materiel Command
Appointing Authority: LTG Kiley, US Army Surgeon General
Date of Initiation: November 12, 2004
Date of Completion: April 13, 2005

(U) **Scope:**

To assess detainee medical operations in OEF [Operation Enduring Freedom], GTMO [Guantanamo], and OIF [Operation Iraqi Freedom], (primarily via a 14-question assessment survey), that focused on:

- detainee medical policies and procedures
- medical records management
- the incidence and reporting of alleged detainee abuse by medical personnel
- training of medical personnel for the detainee health care mission

(U) **Executive Summary Extract:**

(U) **Methods**

(U) The team interviewed medical personnel in maneuver, combat support, and combat service support units in 22 states and 5 countries. The interviewees were preparing to deploy (future), had previously deployed (past), or were currently deployed (present) to OEF, GTMO, or OIF; they included AC [Active Component] and RC (U.S. Army Reserve (USAR) and National Guard (NG)) personnel. For the current interviews, the Team visited the detention medical facilities at Bagram, Afghanistan and Guantanamo Bay, Cuba, and in Iraq, the Team met with the Commander, Task Force (TF) 134 (TF responsible for detainee operations), and interviewed medical personnel supporting detainee operations at Abu Ghraib, Camp Danger, Camp Liberty and Camp Bucca. In Kuwait, the Team met with the Combined Forces Land Component Command (CFLCC) Deputy Commander and Chief of Staff, as well as the CFLCC Surgeon, to gain a perspective on the planning factors for detainee medical operations. For the past and future interviews, the Team traveled to units in 22 states and Germany. A leadership perspective on the issue of detainee medical operations was gained through interviews with medical personnel from command and control elements at corps, theater, and level I, II and III medical units. For training interviews, the Team visited faculty and students of training programs at the Army Medical Department Center and School (AMEDDC&S), and trainers at the Military Intelligence (MI) School, National Training Center (NTC), Joint Readiness Training

Center (JRTC), Continental U.S. Replacement Centers (CRC), and 12 Power Projection Platform (PPP) sites. Additionally, lesson plans and other training materials were reviewed at these training sites.

(U) Policy and Guidance

(U) Theater-Level Policy and Guidance. In reviewing policy and guidance, including Operation Orders (OPORDERs), Fragmentary Orders (FRAGOs), and Standing Operating Procedures (SOPs), OEF theater-specific detainee medical policies were found dating back to 2004; 47% of past and 60% of present OEF interviewees were aware of the policies. GTMO had well-defined detainee medical policies that have been in place since 2003; 100% of the interviewed personnel were aware of the policies. For OIF, there was no evidence of specific theater-level policies for detainee medical operations until 2004. Only 56% of past OIF interviewees were aware of policies in theater, whereas 88% of current OIF interviewees were aware of policies in theater. This improvement is attributed to the superlative efforts of TF134, combined with the introduction of one field hospital for level III+ detainee health care management across the theater.

(U) Standard of Care. In the early stage of OIF, there was confusion among some medical personnel, both leaders and subordinates, regarding the required standard of care for detainees. Medical personnel were unsure if the standard of care for detainees was the same as that for U.S./Coalition Forces in theater, or if it was the standard of care available in the Iraqi health care system. This confusion may be explained by the use of different classifications for detained personnel (Enemy Prisoner of War (EPW), detainees, Retained Personnel (RP), Civilian Internees (CI)) that, under Department of Defense (DoD) and Department of the Army (DA) guidance, receive different levels of care. Theater-level guidance was not provided in a timely manner to early-deploying medical units or personnel, and in the absence of guidance many units developed their own policies. As the OIF theater matured and roles and responsibilities were clarified, theater-level policy was developed and promulgated, resolving the early confusion.

(U) Recommendations. Although not required by law, DA guidance (DoD level is preferable) should standardize detainee medical operations for all theaters, should clearly establish that all detained individuals are treated to the same care standards as U.S. patients in the theater of operation, and require that all medical personnel are trained on this policy and evaluated for competency.

(U) Medical Records

(U) Medical Records Training. Medical records management was a primary area of focus for this assessment. When asking past/present/future personnel from OEF, GTMO, and OIF about their training in detainee medical records management, 4% of AC and 6% of RC interviewees received Military Occupational Specialty (MOS) or other school training.

(U) Medical Records Generation. There was wide variability in medical records generation at level I and II facilities. In some cases, no records were generated. In others, detainee care was documented in a log book for statistical purposes and unit reports. In other cases, care was documented on Field Medical Cards (FMCs) (Department of Defense Form 1380 (DD1380)) only.

(U) Access to and Security of Detainee Medical Records at Detention Medical Facilities. The Team was asked to address access to, and security of, detainee medical records at detention medical facilities. In general, the medical records for detainees were managed the same as records for the AC. The security of records and confidentiality of medical information tended to be better at detention facilities that were co-located with medical facilities. Security and confidentiality also generally improved as an individual theater matured.

(U) Medical Screening, Medical Care, and Medical Documentation Associated with Interrogation. There are inconsistencies in the guidance for pre- and post-interrogation screening. Medical care, including screenings, at or near the time of interrogation, was neither consistently documented nor consistently included in detainee medical records. Some medical personnel were unclear whether interrogations could be continued if a detainee required medical care during the interrogation.

(U) Recommendations. DA [Department of the Army] guidance (DoD level is preferable) should require that detainee medical records at facilities delivering level III and higher care be generated in the same manner as records of U.S. patients in theater. Guidance should address the appropriate location and duration of maintenance as well as the final disposition of detainee medical records at facilities that deliver level III or higher care. Most importantly, guidance is needed to define the appropriate generation, maintenance, storage, and final disposition of detainee medical records at units that deliver level I and II care.

(U) Reporting of Detainee Abuse

(U) Abuse Reporting Training. The Team found that 16% of AC and 15% of RC interviewees (past/present/future OEF/GTMO/OIF combined) received MOS or other school training about reporting possible detainee abuse.

(U) Abuse Reporting Policies. Unit policies, SOPs and Tactics, Techniques, and Procedures (TTPs) were most often either absent or not properly disseminated to deployed medical personnel. The Team found no DoD, Army, or theater policies requiring that actual or suspected abuse be documented in a detainee's medical records; however, theater-level guidance specifically requiring medical personnel to report detainee abuse was implemented just within the past year.

(U) Observing and Reporting Suspected Detainee Abuse. The personnel interviewed during this assessment were vigilant in reporting actual or suspected detainee abuse to their medical supervisor, chain of command, or

CIO. Only 5% of interviewees directly observed suspected abuse and only 5% had a detainee report abuse to them. Previously deployed interviewees reported the suspected abuse 91% of the time when the suspected abuse was alleged by a detainee and 80% if they directly observed suspected detainee abuse. For those interviewees presently deployed, 25% had a detainee report alleged abuse and 3% directly observed suspected abuse. All presently deployed interviewees reported the alleged or suspected abuse. Only two medical personnel failed to properly report actual or suspected detainee abuse that had not previously been conveyed to an appropriate authority. The Team referred these cases to the CID.

(U) Recommendations.

(U) Medical. At all levels of professional training, medical personnel should receive instruction on the requirement to detect, document and report actual or suspected detainee abuse.

(U) DoD-Wide. Medical planners at all levels should ensure clearly written standardized guidance is provided to all medical personnel. This guidance should list possible indicators of abuse and contain concise instruction documentation and procedure for reporting actual or suspected abuse.

(U) Other Issues

(U) OIF Theater Preparation for Detainee Care. In planning for detainee medical operations, there were limited assets allocated to provide support for detainee/EPW medical care. Recommend the AMEOO establish an experienced subject-matter expert team to comprehensively define the personnel, equipment, and supplies needed to support detainee medical operations, and develop a method to ensure a flexible delivery system for these special resources.

(U) Medical Screening and Sick Call at the Division Internment Facilities (DIF) and Prisons. The Team found that detainees have excellent access to daily sick call, outpatient, and inpatient medical care at the OIFs and Prisons. Recommend DA guidance (DoD level is preferable) require initial medical screening examinations shortly after arriving at the detention facility.

(U) Restraints/Security. The use of physical restraints for detainees varied widely within and among all interviewed units. The Team found no evidence that medical personnel used medications to restrain detainees. Interviewees reported medical personnel were tasked to perform a variety of detainee security roles. [a]s medical personnel were tasked to provide security support, it impacted on the ability of the medical unit to provide care to all patients, including U.S. Soldiers. Recommend DA (DoD level is preferable) standardize the use of restraints for detainees in units delivering medical care. The guidance should contain clear rules for security-based restraint versus medically-based restraints. Medical personnel should not be encumbered with duties related to security of detainees.

(U) **Medical Personnel Interactions with Interrogators.** DA guidance (DoD level is preferable) should prohibit all medical personnel from active participation in interrogations. This includes medical personnel with specialized language skills serving as translators. Empower medical personnel to halt interrogations when a necessary examination or treatment is required.

(U) **Medical Personnel Photographing Detainees.** DA guidance (DoD level is preferable) should authorize photographing detainee patients for the exclusive purpose of including these photos in medical records. Informed consent should not be required to use photographs in this manner (consistent with AR 40-66). Additionally, photographs of detainees taken by medical personnel for other reasons, including future educational material, research, or unit logs, should require a detainee's informed consent.

(U) **Behavioral Science Consultation Teams (BSCT).** There is no doctrine or policy that defines the role of behavioral science personnel in support of interrogation activities. DoD should develop well-defined doctrine and policy for the use of BSCT personnel. A training program for BSCT personnel should be implemented to address the specific duties. The Team recommends that more senior psychologists should serve in this type of position. There is no requirement or need for physicians/psychiatrists to function in this capacity.

(U) **Stress on Medical Personnel Providing Detainee Medical Care.** Recommend the U.S. Army Medical Command (MEDCOM) establish an experienced SME team comprised of a psychiatrist, a psychologist, chaplain, and clinical representation from all levels of care, to comprehensively define the training requirements for medical personnel in their pre-deployment preparation. Other initiatives include revising combat stress control doctrine to effectively deliver support to medical personnel in theater, develop an effective system to regularly monitor post deployment stress, and refine leadership competencies to assess, monitor and identify coping strategies of medical personnel in a warfare environment.

(U) **Interviewee Training Requests.** The Team asked interviewees the following question: "If you were responsible for the training of medical personnel prior to deployment, what aspects of training would you focus on with regard to detainee care?" Many interviewees noted that current training in this area was not sufficient.

(U) **OIG Assessment:** Although the assessment discussed the reporting of detainee abuse, it did not conclusively determine whether deployed medical personnel may have directly participated in or otherwise aided others in the commission of any reported or suspected case of possible detainee abuse. The report did not adequately indicate whether field medical commanders personally initiated any internal, unit-level investigations of any allegation that medical personnel may have participated in, directly or indirectly.

Appendix O. Army Regulation 15-6 Investigation into FBI Allegations of Detainee Abuse at Guantanamo Bay, Cuba Detention Facility (Furlow/Schmidt Report) (U)

Investigating Officers: BG Furlow, United States Army South Deputy Commander for Support and LTG Schmidt, United States Southern Command Air Forces Commander
Appointing Authority: GEN Craddock, Commander, USSOUTHCOM
Date of Initiation: December 29, 2004 *(note: LTG Schmidt assigned lead on February 28, 2005)*
Date of Completion: April 1, 2005

(U) **Scope:** In response to FBI agent allegations regarding possible detainee abuse at Guantanamo, the Army Regulation 15-6 was directed to address eight allegations of abuse:

- That military interrogators improperly used military working dogs during interrogation sessions to threaten detainees, or for some other purpose.
- That military interrogators improperly used duct tape to cover a detainee's mouth and head.
- That DoD interrogators improperly impersonated FBI agents and Department of State officers during the interrogation of detainees.
- That, on several occasions, DoD interrogators improperly played loud music and yelled loudly at detainees.
- That military personnel improperly interfered with FBI interrogators in the performance of their FBI duties.
- That military interrogators improperly used sleep deprivation against detainees.
- That military interrogators improperly chained detainees and placed them in a fetal position on the floor, and denied them food and water for long periods of time.
- That military interrogators improperly used heat and cold during their interrogation of detainees.

(U) Executive Summary Extract:

(U) Detention and Interrogation operations at GTMO cover a 3-year period and over 24,000 interrogations. This AR 15-6 investigation found only three interrogations acts to be conducted in violation of existing interrogation techniques authorized by Army Field Manual 34-52 and the existing DoD guidance. The AR 15 -6 also found the failure to monitor the cumulative impact of the authorized interrogations of one high value detainee resulted in abusive and degrading treatment. Finally, the AR 15-6 investigation found that the communication of a threat to another high value detainee was in violation of SECDEF guidance and the UCMJ. We found no evidence of torture."

(U) OIG Assessment: Although the report covered approximately 3 years at Guantanamo (2001-2004), the scope of the investigation was limited to allegations from the Federal Bureau of Investigation. This report also relied heavily on the Church Report's findings to establish when key policy decisions and changes in interrogation procedures occurred. The report stated, "Our independently derived findings regarding the development and adjustments to policy and interrogation techniques are identical to the Church report." Also, the report did not summarize or submit as a complete exhibit the Federal Bureau of Investigation's own internal investigation and findings.

Appendix P. Matrix of Detainee Investigations and Evaluations (U)

(U) **Purpose:** In May 2004, following the media release of photos showing abuses of prisoners and detainees of the DoD controlled Abu Ghraib Prison Facility, the DoD IG established a reporting requirement for the various Military Criminal Investigative Organizations and other agencies reporting allegations of detainee and prisoner abuse. The statistics from this reporting are presented in matrix format for the leadership and depicts the status of all open and closed investigative activities regarding reported allegations of detainee and prisoner abuse. The statistics provide a single-source database of reported detainee abuse activities and could be used for trend analysis.

~~FOR OFFICIAL USE ONLY/LAW ENFORCEMENT SENSITIVE~~

Monthly DoD IG Overview of Investigations/Evaluations

Current as of 2/27/2006

TYPE	DoD JOINT/COCOM Ongoing/Closed	ARMY Ongoing/Closed	NAVY Ongoing/Closed	MARINES Ongoing/Closed	AIR FORCE Ongoing/Closed	TOTAL (Ongoing/Closed)
Preliminary Inquiries	0[1]/7	0[2]/11	0/0	13/111	0/0	142 13/119
Criminal Investigations	3[3] 0/1	152/462	10/23[4]	0/0	2/3	653 164/489
Non-Criminal Investigations	0[5]/4	28[6]/0	0/0	0[7]/10	0/0	42 28/14
Inspections/ Reviews	1[8]/2	0[9]/2	0/0[10]	0/0	0/0	5 1/4
Total	15 *1/14*	655 180/475	33 10/23	134 13/121	5 2/3	842 206/636

~~FOR OFFICIAL USE ONLY/LAW ENFORCEMENT SENSITIVE~~

1 SOUTHCOM: denotes previous SOUTHCOM reporting

2 Army IG – Senior Official Inquiries

3 DIA initiated a criminal investigation on April 5, 2005

4 NCIS detainee abuse cases - ongoing.

5 BG Formica, 3 Corps, AR 15-6 into detainee completed; MG Fay CJTF-7 directed AR 15-6 – completed; MG Taguba AR 15-6 completed; BG Furlow, 15-6 JTF GITMO completed.

6 Non-criminal command investigations (15-6) – ongoing; no further status

7 Marine IG reporting Command JAG non-criminal cases - ongoing.

8 DoDIG Oversight of investigations and inspections DoD-wide - ongoing; VADM Church Interrogation Special Focus Group -complete; Honorable James R. Schlesinger Independent Panel to Review DoD Detention Operations - complete.

9 Army IG review of detainee procedures (Report published 21 Jul) and Reserve IG assessment of training - completed.

10 Navy review conducted at Guantanamo Bay by VADM Church - completed.

Appendix Q. Detainee Senior Leadership Oversight Committee (U)

Background (U)

(U) In November 2004, the Deputy Assistant Secretary of Defense for Detainee Affairs and the Joint Staff J-5 Deputy Director, War on Terrorism established the Detainee Senior Leadership Oversight Council (DSLOC) within the Office of the Secretary of Defense. DSLOC members include representatives from the Office of the Secretary of Defense, the Deputy Under Secretary of Defense for Intelligence, the Joint Staff, the Services, and the Combatant Commands. The DSLOC is chaired by the Vice Director, Joint Staff. A DoD Inspector General representative attends the DSLOC meetings in an observation role. Working in concert with the DoD Detainee Task Force, which provides daily oversight of detainee issues, the DSLOC meets quarterly to review and monitor the status of 492 recommendations and actions resulting from the 13 senior-level reports. These meetings provide attendees with the opportunity to brief others on the status of each plan for implementing the separate recommendations made by the reports.

Purpose (U)

(U) The primary purpose of the DSLOC is to consolidate and evaluate each of the 492 recommendations and assign an office of primary responsibility to track the implementation status of each recommendation.

(U) OIG Observation #1. The DSLOC has evaluated, assigned for action, and tracked the implementation and adjudication status of 492 recommendations as of March 2006. The recommendations include quality of life issues; infrastructure and communication requirements; medical records; incident reporting processes; and policy, doctrine and training, in an effort to systematically improve the overall conduct and management of detention and interrogation operations. The DSLOC process for assigning office of primary responsibility and tracking the implementation status of each recommendation is very effective. As a result, the DSLOC is able to consolidate key resources to support successful management and oversight. By requiring periodic updates and meeting quarterly, the DSLOC systematically tracks the implementation status of the individual recommendations.

(U) OIG Suggestion. We suggest that the Office of the Secretary of Defense continue to resource the DSLOC quarterly meetings and work with the Detainee Task Force until DoD management officials satisfactorily implement or adjudicate each recommendation. The DSLOC should report its results to the Office of the Secretary of Defense detailing the actions taken to implement

or otherwise resolve each individual recommendation. To sustain the long-term effectiveness of each recommendation, each Service Secretary, Combatant Commander, and agency Inspector General should initiate followup inspections and evaluations of actions taken to implement those recommendations.

(U) **OIG Observation #2.** Attendance at the DSLOC quarterly meeting is disappointing. Although Office of the Secretary of Defense and Joint Staff policy action officers and legal advisors are well represented, Service and Combatant Command Inspectors General, as well as representatives of the Joint and interagency intelligence community and other agencies, usually do not attend.

(U) Suggestion. The DSLCOC could increase attendance at the quarterly meetings by formally inviting the Inspectors General of the Services and Combatant Commands. The Inspectors General can assist offices of primary responsibility in preparing and reviewing DSLOC input. The Inspectors General could also use Command annual inspection programs to sustain implementation and to advise commanders of future areas of concern, as necessary. Additionally, the DSLOC could encourage more senior-level officials from the DoD intelligence community, the Department of Justice, and the Department of State to improve interagency coordination and information-sharing by formally inviting them to DSLOC meetings, where they could brief council members on the implementation status of recommendations within their areas of responsibility. The Army G2 could also encourage senior Army intelligence staff to attend quarterly DSLOC meetings and to brief other attendees on key military intelligence issues, such as interrogations.

(U) **Conclusion.** The DoD Inspector General commends the overall work of the DSLOC leadership and membership as highly exemplary. Bringing order and efficiency to widely disparate DoD offices, organizations, and issues, the DSLOC initiatives are an outstanding example of a well managed and professional program to provide senior-level DoD officials with the information they need on detainee abuse. The DSLOC ability to identify and leverage primary offices of responsibility in implementing and monitoring each recommendation is a mammoth task that has led to the successful resolution of many of the 492 recommendations. As of March 2006, 421 recommendations were closed and 71 recommendations remain open.

Appendix R. Case Study: Reporting and Investigating (U)

Part I (U)

(U) This case study illustrates the difficulty that can occur in reporting and investigating allegations of detainee abuse in a command environment with multiple organizations and differing reporting chains of command.

(U) A senior DoD civilian from a Defense agency who served in a management position within the former Iraq Survey Group, henceforth referred to as "Mr. Q," reported poor living conditions and made early allegations of detainee mistreatment. Specifically, Mr. Q said that other members of his organization reported to him that certain detainees delivered to the Joint Interrogation and Debriefing Center located at Camp Cropper showed signs of possible physical abuse. Believing that capturing units might be responsible for these actions, Mr. Q informed his immediate supervisors, his unit commander, and his agency Inspector General verbally and via e-mail. The capturing units were not in the Iraq Survey Group or Defense agency chain of command. Mr. Q departed theater shortly thereafter without the issue being resolved. Subsequently, the Iraq Survey Group Commander verbally raised the issue of possible detainee abuse with the U.S. Central Command Chief of Staff and to the Commander of the capturing unit that the allegations of abuse were directed toward. However, Mr. Q's specific allegation dealing with detainee mistreatment was seemingly overshadowed and the command initially focused only on the issue of poor living conditions. In response to a DoD Inspector General questionnaire, the former U.S. Central Command Chief of Staff discussed his conversation with the Iraq Survey Group Commander and wrote, "I took his concern more from the "physical plant" stand-point and the access of intelligence agency personal *(sic)* to these detainees – I did not take his comments as allegations of abuse by personnel at Camp Cropper." Consequently, U.S. Central Command took no initial action (i.e. formal inquiry or investigation) concerning the allegation of possible detainee abuse at that time.

(U) Approximately 5 months later, a retired U.S. Army Colonel, ("the Colonel"), visited Iraq at the request of Combined Joint Task Force-7 (CJTF- 7) and the U.S. Army Deputy Chief of Staff for Intelligence to provide feedback on the overall HUMINT process in the Iraq Theater of Operations, to include, "...advice concerning in-country detainee operations and interrogations." Informed of the Colonel's pending trip, Mr. Q forwarded the Colonel a summary of his previously submitted allegations and asked the Colonel to follow up on them during his visit to Iraq if possible.

(U) Upon completing his mission in Iraq and prior to departing, the Colonel verbally out-briefed his observations to the CJTF-7 senior intelligence officer

(C2) in December 2003. He also provided a copy of a memorandum for record that detailed the essence of Mr. Q's original allegations.

(U) Based on the memorandum for the record detailing Mr. Q's allegation, the CJTF-7 C2 then briefed the CJTF-7 Staff Judge Advocate and showed the information provided by the Colonel. The Staff Judge Advocate concurred that the matter should be presented to the CJTF-7 Commander and accompanied the CJTF-7 C2 to visit the CJTF-7 Commander the following day. The CJTF-7 C2 later related that the Staff Judge Advocate took over from that point and that the CJTF-7 Commander directed that an investigation be conducted.

(U) In January 2004, the Deputy Commanding General, Combined joint Task Force-7, appointed an officer from the III Corps G2 to conduct the AR 15-6 investigation. About 7 months had elapsed from Mr. Q's initial notification of the allegations until an AR 15-6 investigation was finally conducted. Not surprising during this confused and extremely high operational tempo period, the quality and availability of possible evidence, the accessibility of alleged victims, and witness recollections all eroded. Consequently, the investigating officer's actions were significantly constrained and the accuracy and effectiveness of the resulting report less than optimal. A III Corps Staff Judge Advocate memo to the Colonel dated April 7, 2004, detailing the investigator's findings specifically concluded, "For whatever reason, perhaps because her conversations with people took place almost four months after yours and a full eight months after the events should have been first reported, people did not remember events with the same clarity and sincerity with which they obviously recounted to you."

Part 2 (U)

(U) Returning to the case study, Mr. Q's original complaint in June 2003 was parsed into two distinct elements as it moved up the chain of command. The first element, quality of life, concentrated on the physical care, housing, and the conditions under which detainees lived. The second element focused on direct allegations of detainee abuse. However, despite the Iraq Survey Group Commander's personal briefing of Mr. Q's complaint, only detainee physical care and housing later emerged as an immediate action item. The Iraq Survey Group Commander also personally informed the Special Operations Task Force Commander of the allegations of detainee abuse and received the Special Operations Task Force Commander's assurance that an investigation would look into the allegations. However, our evaluation determined that there are no written results or indication that an investigation occurred. Meanwhile, a local subordinate commander of the local 800th MP Brigade oversaw physical improvements of living conditions at the temporary Camp Cropper facility.

(U) The III Corps G2 officer that was finally appointed as an AR 15-6 investigating officer focused primarily on the quality of life conditions described in the appointing letter. Remarkably, the substantive allegations of

possible detainee abuse were not addressed as the report moved through III Corps. Consequently:

- The AR 15-6 investigating officer failed to properly investigate the allegations of detainee abuse, but also investigated the wrong camp location. Specifically, the AR 15-6 officer's report focused on the former Joint Interrogation and Debriefing Center located at Camp Cropper, which had been closed before the AR 15-6 investigation.
- Assuming that the quality of life issue was now moot, the AR 15-6 officer closed the investigation without:
    - addressing the actual allegations of detainee abuse, or
    - pursuing contact with the original complainant.

(U) The investigating officer's failure to interview Mr. Q as the original source of the complaint greatly exasperated the case's misdirection. Likewise, the investigating officer was not aware of the Colonel's own observations and information. Regardless, III Corps accepted the investigating officer's final report as complete. Only when the results of the investigation were later sent to the complainants (the Colonel and Mr. Q) was the officer's report seriously questioned.

Summary (U)

(U) The case study aptly demonstrates some of the obvious difficulties encountered by those who sought to report allegations of possible detainee abuse. As discussed in this case study and the report findings, problems occurred in identifying the proper command element in the various operational control and administrative control relationships resulting from differences in the multiple component and task organized structures. Unity of command difficulties involved multiple players including initially V Corps, then III Corps, coalition partners, and various task forces including Commander, Joint Special Operations Task Force, CJTF-7, the Iraq Survey Group, and its assorted force providers such as the DIA and Other Government Agencies (i.e. the Central Intelligence Agency and the Federal Bureau of Investigation). The presence of multiple headquarters operating within the same theater of operations created numerous management and oversight problems in deciphering procedures and policy guidance.

(U) When allegations of abuse randomly flow up and across command channels without commanders flagging those issues for action, the result is sometimes lack of official documentation, miscommunication of key issues, and misdirection of proper response. Consequently, commanders, other official reporting channels, and investigating elements remain unaware of the actual frequency of occurrence and severity of allegations of detainee abuse. As the case study highlights, untimely and inconsistent reporting hinders expeditious decision-making and creates unnecessary obstacles to solving the problem.

Appendix S. Secretary of Defense Memorandum, April 16, 2003

~~SECRET//NOFORN~~

THE SECRETARY OF DEFENSE
[illegible] PENTAGON

UNCLASSIFIED

APR 16 2003

MEMORANDUM FOR THE COMMANDER, US SOUTHERN COMMAND

SUBJECT: Counter-Resistance Techniques in the War on Terrorism (S)

(S//NF) I have considered the report of the Working Group that I directed be established on January 15, 2003.

(S//NF) I approve the use of specified counter-resistance techniques, subject to the following:

(U) a. The techniques I authorize are those lettered A-X, set out at Tab A.

(U) b. These techniques must be used with all the safeguards described at Tab B.

(U) c. Use of these techniques is limited to interrogations of unlawful combatants held at Guantanamo Bay, Cuba.

(U) d. Prior to the use of these techniques, the Chairman of the Working Group on Detainee Interrogations in the Global War on Terrorism must brief you and your staff.

(S//NF) I reiterate that US Armed Forces shall continue to treat detainees humanely and, to the extent appropriate and consistent with military necessity, in a manner consistent with the principles of the Geneva Conventions. In addition, if you intend to use techniques B, I, O, or X, you must specifically determine that military necessity requires its use and notify me in advance.

(S//NF) If, in your view, you require additional interrogation techniques for a particular detainee, you should provide me, via the Chairman of the Joint Chiefs of Staff, a written request describing the proposed technique, recommended safeguards, and the rationale for applying it with an identified detainee.

(U) Nothing in this memorandum in any way restricts your existing authority to maintain good order and discipline among detainees.

Attachments:
As stated

NOT RELEASABLE TO FOREIGN NATIONALS

Classified By: Secretary of Defense
Reason: 1.5(a)
Declassify On: 2 April 2013

~~SECRET~~ [illegible] CONTROLS

X01310 /03

UNCLASSIFIED

~~UNCLASSIFIED~~

TAB A

INTERROGATION TECHNIQUES

(S/NF) The use of techniques A - X is subject to the general safeguards as provided below as well as specific implementation guidelines to be provided by the appropriate authority. Specific implementation guidance with respect to techniques A - Q is provided in Army Field Manual 34-52. Further implementation guidance with respect to techniques R - X will need to be developed by the appropriate authority.

(S/NF) Of the techniques set forth below, the policy aspects of certain techniques should be considered to the extent those policy aspects reflect the views of other major U.S. partner nations. Where applicable, the description of the technique is annotated to include a summary of the policy issues that should be considered before application of the technique.

A. (S/NF) Direct: Asking straightforward questions.

B. (S/NF) Incentive/Removal of Incentive: Providing a reward or removing a privilege, above and beyond those that are required by the Geneva Convention, from detainees. [Caution: Other nations that believe that detainees are entitled to POW protections may consider that provision and retention of religious items (e.g., the Koran) are protected under international law (see, Geneva III, Article 34). Although the provisions of the Geneva Convention are not applicable to the interrogation of unlawful combatants, consideration should be given to these views prior to application of the technique.]

C. (S/NF) Emotional Love: Playing on the love a detainee has for an individual or group.

D. (S/NF) Emotional Hate: Playing on the hatred a detainee has for an individual or group.

E. (S/NF) Fear Up Harsh: Significantly increasing the fear level in a detainee.

F. (S/NF) Fear Up Mild: Moderately increasing the fear level in a detainee.

G. (S/NF) Reduced Fear: Reducing the fear level in a detainee.

H. (S/NF) Pride and Ego Up: Boosting the ego of a detainee.

Classified By: Secretary of Defense
Reason: 1.5(a)
Declassify On: 2 April 2013

NOT Rreleasable to FOREIGN NATIONALS

~~UNCLASSIFIED~~

Tab A

~~UNCLASSIFIED~~

I. (U//~~FOUO~~) Pride and Ego Down: Attacking or insulting the ego of a detainee, not beyond the limits that would apply to a POW. [Caution: Article 17 of Geneva III provides, "Prisoners of war who refuse to answer may not be threatened, insulted, or exposed to any unpleasant or disadvantageous treatment of any kind." Other nations that believe that detainees are entitled to POW protections may consider this technique inconsistent with the provisions of Geneva. Although the provisions of Geneva are not applicable to the interrogation of unlawful combatants, consideration should be given to these views prior to application of the technique.]

J. (U//~~FOUO~~) Futility: Invoking the feeling of futility of a detainee.

K. (U//~~FOUO~~) We Know All: Convincing the detainee that the interrogator knows the answer to questions he asks the detainee.

L. (U//~~FOUO~~) Establish Your Identity: Convincing the detainee that the interrogator has mistaken the detainee for someone else.

M. (U//~~FOUO~~) Repetition Approach: Continuously repeating the same question to the detainee within interrogation periods of normal duration.

N. (U//~~FOUO~~) File and Dossier: Convincing detainee that the interrogator has a damning and inaccurate file, which must be fixed.

O. (U//~~FOUO~~) Mutt and Jeff: A team consisting of a friendly and harsh interrogator. The harsh interrogator might employ the Pride and Ego Down technique. [Caution: Other nations that believe that POW protections apply to detainees may view this technique as inconsistent with Geneva III, Article 13 which provides that POWs must be protected against acts of intimidation. Although the provisions of Geneva are not applicable to the interrogation of unlawful combatants, consideration should be given to these views prior to application of the technique.]

P. (U//~~FOUO~~) Rapid Fire: Questioning in rapid succession without allowing detainee to answer.

Q. (U//~~FOUO~~) Silence: Staring at the detainee to encourage discomfort.

R. (U//~~FOUO~~) Change of Scenery Up: Removing the detainee from the standard interrogation setting (generally to a location more pleasant, but no worse).

S. (U//~~FOUO~~) Change of Scenery Down: Removing the detainee from the standard interrogation setting and placing him in a setting that may be less comfortable; would not constitute a substantial change in environmental quality.

T. (U//~~FOUO~~) Dietary Manipulation: Changing the diet of a detainee; no intended deprivation of food or water; no adverse medical or cultural effect and without intent to deprive subject of food or water, e.g., hot rations to MREs.

~~UNCLASSIFIED~~

Tab A

~~UNCLASSIFIED~~

U. (S//NF) Environmental Manipulation: Altering the environment to create moderate discomfort (e.g., adjusting temperature or introducing an unpleasant smell). Conditions would not be such that they would injure the detainee. Detainee would be accompanied by interrogator at all times. [Caution: Based on court cases in other countries, some nations may view application of this technique in certain circumstances to be inhumane. Consideration of these views should be given prior to use of this technique.]

V. (S//NF) Sleep Adjustment: Adjusting the sleeping times of the detainee (e.g., reversing sleep cycles from night to day.) This technique is NOT sleep deprivation.

W. (S//NF) False Flag: Convincing the detainee that individuals from a country other than the United States are interrogating him.

X. (S//NF) Isolation: Isolating the detainee from other detainees while still complying with basic standards of treatment. [Caution: The use of isolation as an interrogation technique requires detailed implementation instructions, including specific guidelines regarding the length of isolation, medical and psychological review, and approval for extensions of the length of isolation by the appropriate level in the chain of command. This technique is not known to have been generally used for interrogation purposes for longer than 30 days. Those nations that believe detainees are subject to POW protections may view use of this technique as inconsistent with the requirements of Geneva III, Article 13 which provides that POWs must be protected against acts of intimidation; Article 14 which provides that POWs are entitled to respect for their person; Article 34 which prohibits coercion and Article 126 which ensures access and basic standards of treatment. Although the provisions of Geneva are not applicable to the interrogation of unlawful combatants, consideration should be given to these views prior to application of the technique.]

~~UNCLASSIFIED~~

Tab A

UNCLASSIFIED

TAB B

GENERAL SAFEGUARDS

(S//NF) Application of these interrogation techniques is subject to the following general safeguards: (i) limited to use only at strategic interrogation facilities; (ii) there is a good basis to believe that the detainee possesses critical intelligence; (iii) the detainee is medically and operationally evaluated as suitable (considering all techniques to be used in combination); (iv) interrogators are specifically trained for the technique(s); (v) a specific interrogation plan (including reasonable safeguards, limits on duration, intervals between applications, termination criteria and the presence or availability of qualified medical personnel) has been developed; (vi) there is appropriate supervision; and, (vii) there is appropriate specified senior approval for use with any specific detainee (after considering the foregoing and receiving legal advice).

(U) The purpose of all interviews and interrogations is to get the most information from a detainee with the least intrusive method, always applied in a humane and lawful manner with sufficient oversight by trained investigators or interrogators. Operating instructions must be developed based on command policies to insure uniform, careful, and safe application of any interrogations of detainees.

(S//NF) Interrogations must always be planned, deliberate actions that take into account numerous, often interlocking factors such as a detainee's current and past performance in both detention and interrogation, a detainee's emotional and physical strengths and weaknesses, an assessment of possible approaches that may work on a certain detainee in an effort to gain the trust of the detainee, strengths and weaknesses of interrogators, and augmentation by other personnel for a certain detainee based on other factors.

(S//NF) Interrogation approaches are designed to manipulate the detainee's emotions and weaknesses to gain his willing cooperation. Interrogation operations are never conducted in a vacuum; they are conducted in close cooperation with the units detaining the individuals. The policies established by the detaining units that pertain to searching, silencing, and segregating also play a role in the interrogation of a detainee. Detainee interrogation involves developing a plan tailored to an individual and approved by senior interrogators. Strict adherence to policies/standard operating procedures governing the administration of interrogation techniques and oversight is essential.

Classified By: Secretary of Defense
Reason: 1.5(a)
Declassify On: 2 April 2013

NOT Rreleasable to FOREIGN NATIONALS

UNCLASSIFIED

Tab B

~~UNCLASSIFIED~~

(S//NF) It is important that interrogators be provided reasonable latitude to vary techniques depending on the detainee's culture, strengths, weaknesses, environment, extent of training in resistance techniques as well as the urgency of obtaining information that the detainee is known to have.

(S//NF) While techniques are considered individually within this analysis, it must be understood that in practice, techniques are usually used in combination; the cumulative effect of all techniques to be employed must be considered before any decisions are made regarding approval for particular situations. The title of a particular technique is not always fully descriptive of a particular technique. With respect to the employment of any techniques involving physical contact, stress or that could produce physical pain or harm, a detailed explanation of that technique must be provided to the decision authority prior to any decision.

~~UNCLASSIFIED~~

Tab B

Appendix T. Deputy Secretary of Defense, Memorandum, December 30, 2005 (U)

DEPUTY SECRETARY OF DEFENSE
1010 DEFENSE PENTAGON
WASHINGTON, DC 20301-1010

DEC 30 2005

MEMORANDUM FOR SECRETARIES OF THE MILITARY DEPARTMENTS
CHAIRMAN OF THE JOINT CHIEFS OF STAFF
UNDER SECRETARIES OF DEFENSE
COMMANDERS OF THE COMBATANT COMMANDS
DIRECTORS OF THE DEFENSE AGENCIES
DIRECTORS OF THE DOD FIELD ACTIVITIES

SUBJECT: Interrogation and Treatment of Detainees by the Department of Defense

The following provision appears in the Defense Appropriations Act, 2006 (§ 1402):

> No person in the custody or under the effective control of the Department of Defense or under detention in a Department of Defense facility shall be subject to any treatment or technique of interrogation not authorized by and listed in the United States Army Field Manual on Intelligence Interrogation.

Pursuant to the above, effective immediately, and until further notice, no person in the custody or under the effective control of the Department of Defense or under detention in a Department of Defense facility shall be subject to any treatment or interrogation approach or technique that is not authorized by and listed in United States Army Field Manual 34-52, "Intelligence Interrogation," September 28, 1992. Department of Defense Directive 3115.09, "DoD Intelligence Interrogations, Detainee Debriefings and Tactical Questioning," November 3, 2005, remains in effect.

This guidance does not apply to any person in the custody or under the effective control of the Department of Defense pursuant to a criminal law or immigration law of the United States.

The President's February 7, 2002 direction that all persons detained by the U.S. Armed Forces in the War on Terrorism shall be treated humanely remains in effect. Consistent with the President's guidance, DoD shall continue to ensure that no person in the custody or under the control of the Department of Defense, regardless of nationality or physical location, shall be subject to cruel, inhuman, or degrading treatment or punishment.

Gordon England
Actings

Appendix U. Counter-Resistance Techniques December 2, 2002 (U)

UNCLASSIFIED

GENERAL COUNSEL OF THE DEPARTMENT OF DEFENSE

2002 DEC -2 AM 11:03

OFFICE OF THE SECRETARY OF DEFENSE

ACTION MEMO

November 27, 2002 (1:00 PM)

DEPSEC_____

FOR: SECRETARY OF DEFENSE

FROM: William J. Haynes II, General Counsel

SUBJECT: Counter-Resistance Techniques

- The Commander of USSOUTHCOM has forwarded a request by the Commander of Joint Task Force 170 (now JTF GTMO) for approval of counter-resistance techniques to aid in the interrogation of detainees at Guantanamo Bay (Tab A).
- The request contains three categories of counter-resistance techniques, with the first category the least aggressive and the final category the most aggressive (Tab B).
- I have discussed this with the Deputy, Doug Feith and General Myers. I believe that all join in my recommendation that, as a matter of policy, you authorize the Commander of USSOUTHCOM to employ, in his discretion, only Categories I and II and the fourth technique listed in Category III ("Use of mild, non-injurious physical contact such as grabbing, poking in the chest with the finger, and light pushing").
- While all Category III techniques may be legally available, we believe that, as a matter of policy, a blanket approval of Category III techniques is not warranted at this time. Our Armed Forces are trained to a standard of interrogation that reflects a tradition of restraint.

RECOMMENDATION: That SECDEF approve the USSOUTHCOM Commander's use of these counter-resistance techniques listed in Categories I and II and the fourth technique listed in Category III during the interrogation of detainees at Guantanamo Bay.

SECDEF DECISION

Approved [signature] Disapproved _____ Other _____

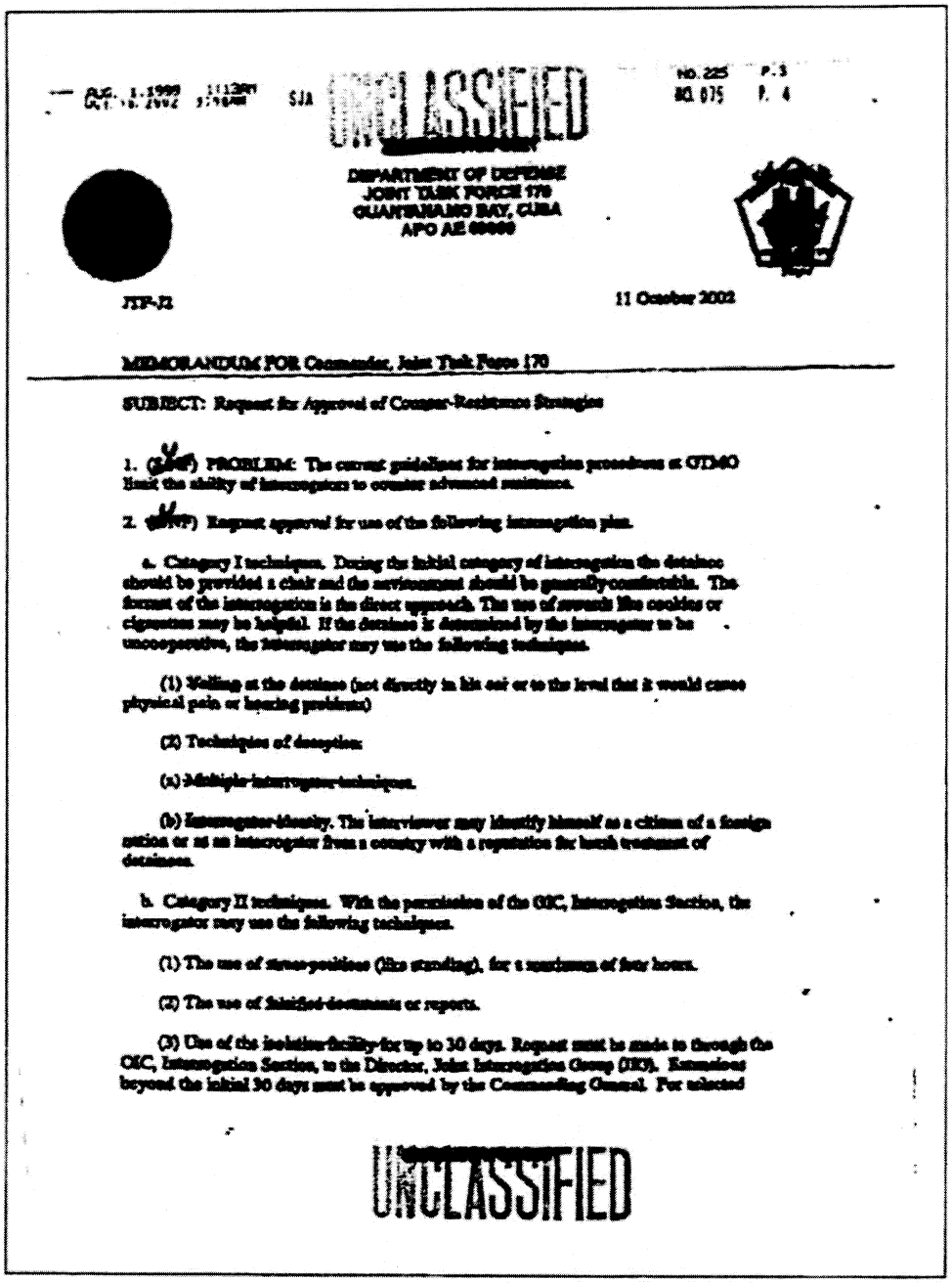
Attachments
As stated

cc: CJCS, USD(P)

However, I intend for 8-10 hours a day. Why is standard limited to 4 hours?

D.R. DEC 9 2002

~~UNCLASSIFIED~~



— AUG. 1-1999 11:12PM SJA UNCLASSIFIED NO. 225 P. 3
OCT. 10. 2002 3:14PM NO. 075 P. 4

DEPARTMENT OF DEFENSE
JOINT TASK FORCE 170
GUANTANAMO BAY, CUBA
APO AE 09860

JTF-JI 11 October 2002

MEMORANDUM FOR Commander, Joint Task Force 170

SUBJECT: Request for Approval of Counter-Resistance Strategies

1. (S//NF) PROBLEM: The current guidelines for interrogation procedures at GTMO limit the ability of interrogators to counter advanced resistance.

2. (S//NF) Request approval for use of the following interrogation plan.

a. Category I techniques. During the initial category of interrogation the detainee should be provided a chair and the environment should be generally comfortable. The format of the interrogation is the direct approach. The use of rewards like cookies or cigarettes may be helpful. If the detainee is determined by the interrogator to be uncooperative, the interrogator may use the following techniques.

(1) Yelling at the detainee (not directly in his ear or to the level that it would cause physical pain or hearing problems)

(2) Techniques of deception:

(a) Multiple interrogator techniques.

(b) Interrogator identity. The interviewer may identify himself as a citizen of a foreign nation or as an interrogator from a country with a reputation for harsh treatment of detainees.

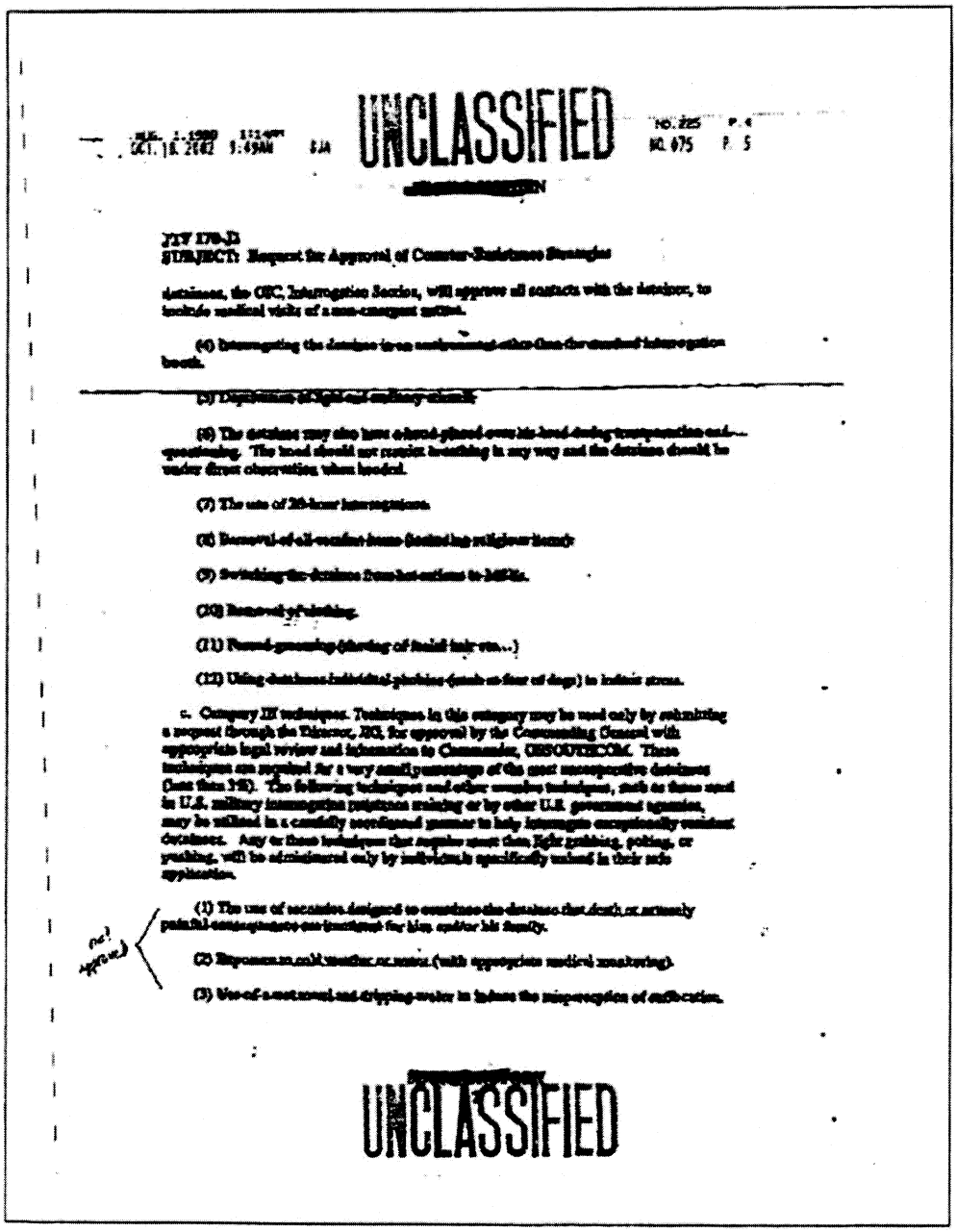
b. Category II techniques. With the permission of the OIC, Interrogation Section, the interrogator may use the following techniques.

(1) The use of stress positions (like standing), for a maximum of four hours.

(2) The use of falsified documents or reports.

(3) Use of the isolation facility for up to 30 days. Request must be made through the OIC, Interrogation Section, to the Director, Joint Interrogation Group (JIG). Extensions beyond the initial 30 days must be approved by the Commanding General. For selected

UNCLASSIFIED



UNCLASSIFIED

[redacted]

JTF 170-D
SUBJECT: Request for Approval of Counter-Resistance Strategies

detainee, the OIC, Interrogation Section, will approve all contacts with the detainee, to include medical visits of a non-emergent nature.

(4) Interrogating the detainee in an environment other than the standard interrogation booth.

(5) Deprivation of light and auditory stimuli.

(6) The detainee may also have a hood placed over his head during transportation and questioning. The hood should not restrict breathing in any way and the detainee should be under direct observation when hooded.

(7) The use of 20-hour interrogations.

(8) Removal of all comfort items (including religious items).

(9) Switching the detainee from hot cells to cold, etc.

(10) Removal of clothing.

(11) Forced grooming (shaving of facial hair, etc...)

(12) Using detainee individual phobias (such as fear of dogs) to induce stress.

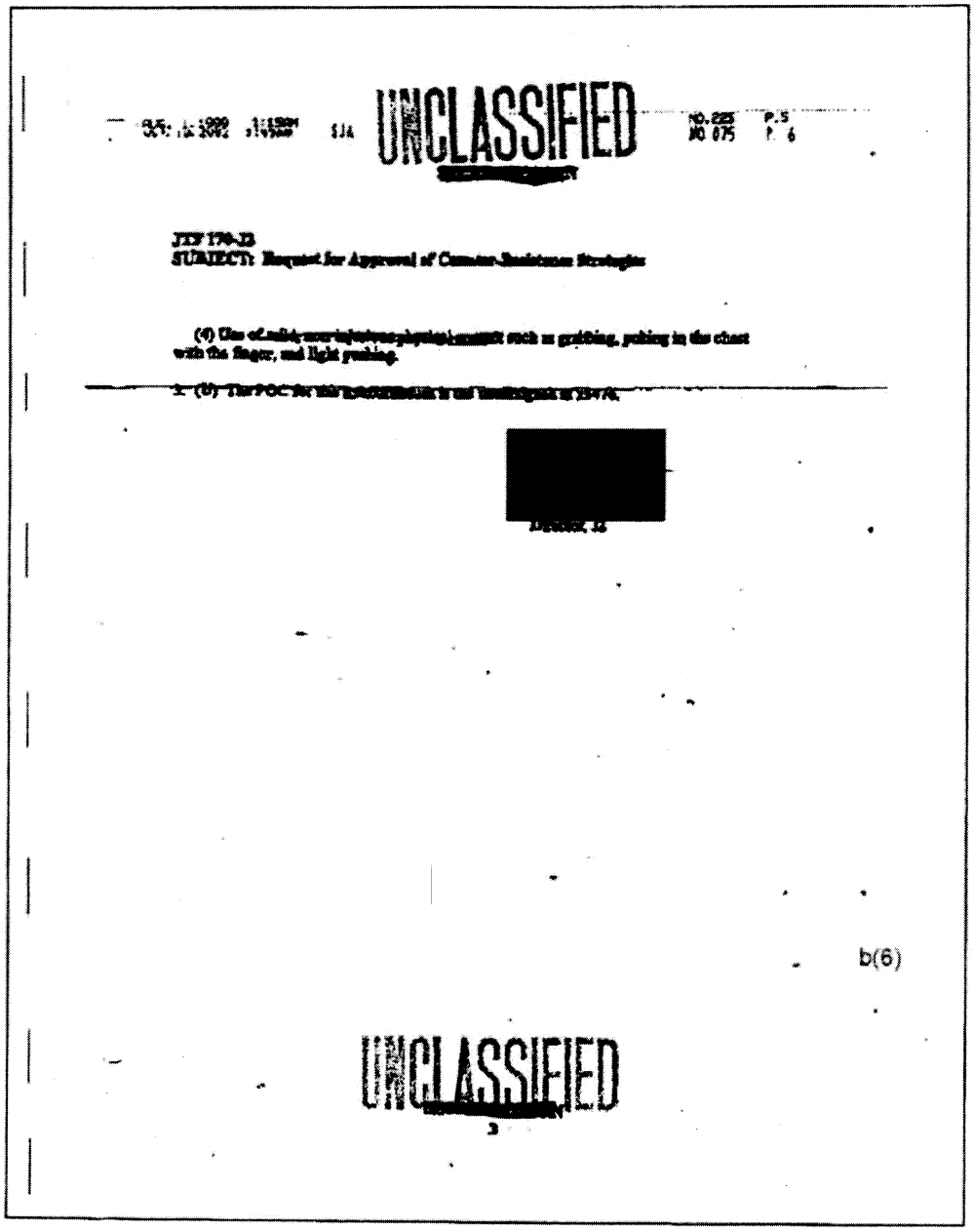
c. Category III techniques. Techniques in this category may be used only by submitting a request through the Director, JIG, for approval by the Commanding General with appropriate legal review and information to Commander, USSOUTHCOM. These techniques are required for a very small percentage of the most noncooperative detainees (see Para 3H). The following techniques and other countries techniques, such as those used in U.S. military interrogation programs training or by other U.S. government agencies, may be utilized in a carefully coordinated manner to help interrogate exceptionally resistant detainees. Any of these techniques that employ more than light grabbing, poking, or pushing, will be administered only by individuals specifically trained in their safe application.

(1) The use of incentives designed to overcome the detainee that don't cause extreme physical consequences are contrary to law, either for him and/or his family.

(2) Exposure to cold weather or water (with appropriate medical monitoring).

(3) Use of a wet towel and dripping water to induce the misperception of suffocation.

UNCLASSIFIED



UNCLASSIFIED

JTF 170-JI
SUBJECT: Request for Approval of Counter-Resistance Strategies

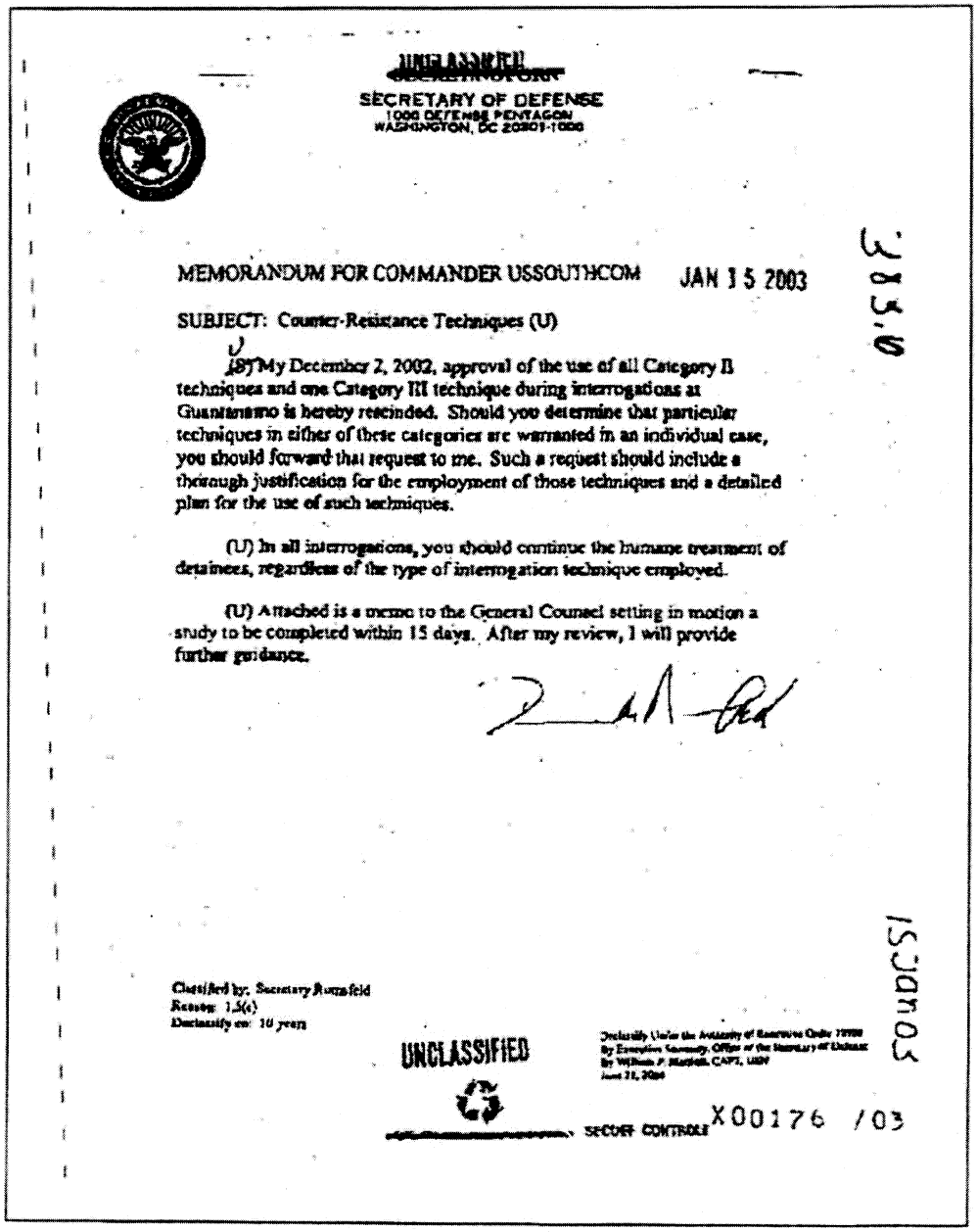
(4) Use of mild, non-injurious physical contact such as grabbing, poking in the chest with the finger, and light pushing.

2. (S) The POC for this [redacted] is [redacted] at 239-[redacted].

[redacted]
Director, JI

b(6)

UNCLASSIFIED



~~UNCLASSIFIED~~
~~SECRET//NOFORN~~

SECRETARY OF DEFENSE
1000 DEFENSE PENTAGON
WASHINGTON, DC 20301-1000

3153.0

MEMORANDUM FOR COMMANDER USSOUTHCOM JAN 15 2003

SUBJECT: Counter-Resistance Techniques (U)

(U) My December 2, 2002, approval of the use of all Category II techniques and one Category III technique during interrogations at Guantanamo is hereby rescinded. Should you determine that particular techniques in either of these categories are warranted in an individual case, you should forward that request to me. Such a request should include a thorough justification for the employment of those techniques and a detailed plan for the use of such techniques.

(U) In all interrogations, you should continue the humane treatment of detainees, regardless of the type of interrogation technique employed.

(U) Attached is a memo to the General Counsel setting in motion a study to be completed within 15 days. After my review, I will provide further guidance.

15 Jan 03

Classified by: Secretary Rumsfeld
Reason: 1.5(c)
Declassify on: 10 years

UNCLASSIFIED

Declassified Under the Authority of Executive Order 13526
By Executive Secretary, Office of the Secretary of Defense
By: William F. Marriott, CAPT, USN
June 21, 2004

SECDEF CONTROL X00176 /03

Appendix V. Commander, Joint Task Force-7 Interrogation and Counter-Resistance Policy, September 14, 2003 (U)

The following is an exact copy of the text contained in a memorandum signed by Lieutenant General Sanchez and dated September 14, 2003. Attempts to scan a copy of an original signature copy failed to produce a legible copy.

DEPARTMENT OF THE ARMY
HEADQUARTERS COMMAND, JOINT TASK FORCE SEVEN
CAMP VICTORY, BAGHDAD, IRAQ
APO AE 09335

CJTF7-CG 14 SEP 2003

MEMORANDUM FOR Commander, U.S. Central Command, 7115 South Boundary Boulevard
MacDill Air Force Base, Florida 33621

SUBJECT: CJTF-7 Interrogation and Counter-Resistance Policy

Enclosed is the CJTF-7 Interrogation and Counter-Resistance Policy, modeled on the one implemented for interrogations conducted at Guantanamo Bay, but modified for applicability to a theatre of war in which the Geneva Conventions apply. Unless otherwise directed, my intent is to implement this policy immediately.

Encl
As

RICHARD S. SANCHEZ
Lieutenant General, U.S. Army
Commanding

The following is an exact copy of the text contained in a memorandum signed by Lieutenant General Sanchez and dated September 14, 2003. Attempts to scan a copy of an original signature copy failed to produce a legible copy.

CJTF7-CG UNCLASSIFIED 14 SEP 2003

MEMORANDUM FOR

C2, Combined Joint Task Force Seven Baghdad, Iraq 09335
C3, Combined Joint Task Force Seven, Baghdad, Iraq 09335
Commander, 205th Military Intelligence Brigade, Baghdad, Iraq 09335

SUBJECT: CJTF-7 Interrogation and Counter-Resistance Policy

1. (S//NF) This memorandum establishes the interrogation and counter-resistance policy for CJTF-7.

2. (S//NF) I approve the use of specified interrogation and counter-resistance techniques A-DD, as described in enclosure 1, subject to the following:

a. (S//NF) These techniques must be used within safeguards described in enclosure 2.

b. (S//NF) Use of these techniques is limited to interrogations of detainees, security internees and enemy prisoners of war under the control of CJTF-7.

c. (S//NF) Use of techniques B,I, O and X on enemy prisoners of war must be approved by me personally prior to use. Submit written requests for use of these techniques, with supporting rational, to me through the CJTF-7 C2. A legal review from the CJTF-7 SJA must accompany each request.

3. (S//NF) CJTF-7 is operating in a theater of war in which the Geneva conventions are applicable. Coalition forces will continue to treat all persons under their control humanely.

4. (S//NF) Requests for use of techniques not listed in enclosure 1 will be submitted to me through the CJTF-7 C2, and include a description of the proposed technique and recommended safeguards. A legal review from the CJTF-7 SJA must accompany each request.

5. (S//NF) Nothing in this policy limits existing authority for maintenance of good order and discipline among detainees.

6. (S//NF) POC is xxxxxxxxxxxxDNVT558-0709, DSN 318 822-1115/1116/1117.

2 Encls
1. Interrogation Techniques
2. General Safeguards

RICHARDO S. SANCHEZ
Lieutenant General, USA
Commanding

CF: Commander, US Central Command

UNCLASSIFIED

UNCLASSIFIED

Enclosure 1

INTERROGATION TECHNIQUES

(S//NF) The use of techniques A-DD are subject to the general safeguards as provided below as well as specific implementation guidelines to be provided by 205th MI BDE Commander. Specific implementation guidance with respect to techniques A-DD is provided in U.S. Army Field Manual 34-52. Further implementation guidance will be developed by 205th MI BDE Commander.

(S//NF) Of the techniques set forth below, the policy aspects of certain techniques should be considered to the extent those policy aspects reflect the views of other Coalition contributing nations. When applicable, the description of the technique is annotated to include a summary of the policy issues that should considered before application of the technique.

A. (S//NF) Direct: Asking straightforward questions.

B. (S//NF) Incentive/Removal of Incentive: Providing a reward or removing a privilege, above and beyond those that are required by the Geneva Convention, from detainees. [Caution: Other nations that believe detainees are entitled to EPW protections may consider that provision and retention of religious items (e.g. the Koran) are protected under international law (see, Geneva III, Article 34). Although the provisions of the Geneva convention are not applicable to the interrogation of unlawful combatants, consideration should be given to these views prior to application of the technique.]

C. (S//NF) Emotional Love: Playing on the love a detainee has for an individual or group.

D. (S//NF) Emotional Hate: Playing on the hatred a detainee has for an individual or group.

E. (S//NF) Fear Up Harsh: Significantly increasing the fear level in a detainee.

F. (S//NF) Fear Up Mild: Moderately increasing the fear level in a detainee.

G. (S//NF) Reduced Fear: Reducing the fear level in a detainee.

H. (S//NF) Pride and Ego Up: boosting the ego of a detainee.

I. (S//NF) Pride and Ego Down: Attacking or insulting the ego of a detainee, not beyond the limits that would apply to an EPW. [Caution: Article 17 of Geneva III provides, "Prisoners of war who refuse to answer may not be threatened, insulted, or exposed to any unpleasant or disadvantageous treatment of any kind." Other nations that believe detainees are entitled to EPW protections may consider this technique inconsistent with the provisions of Geneva. Although the provisions of Geneva are not applicable to the interrogation of unlawful combatants, consideration should be given to these views prior to application of the technique.]

J. (S//NF) Futility: Invoking the feeling of futility of a detainee.

K. (S//NF) We Know All: Convincing the detainee that the interrogator already knows the answers to questions he asks the detainee.

L. (S//NF) Establish Your Identity: convincing the detainee that the interrogator has mistaken the detainee for someone else.

UNCLASSIFIED

UNCLASSIFIED

M. (S//NF) Repetition: continuously repeating the same question to the detainee within interrogation periods of normal duration.

N. (U//NF) File and Dossier: Convincing detainee that the interrogator has a damning and inaccurate file, which must be fixed.

O. (S//NF) Mutt and Jeff: A team consisting of a friendly and harsh interrogator. The harsh interrogator might employ the Pride and Ego Down technique. [Caution: Other nations that believe that EPW protections apply to detainees may view this technique as inconsistent with Geneva III, Article 13 which provides that EPWs must be protected against acts of intimidation. Although the provisions of Geneva are not applicable to the interrogation of unlawful combatants, consideration should be given to these views prior to application of the technique.]

P. (S//NF) Rapid Fire: Questioning in rapid succession without allowing detainee to answer.

Q. (S//NF) Silence: Staring at the detainee to encourage discomfort.

R. (U//NF) Change of Scenery Up: Removing the detainee from the standard interrogation setting (generally to a location more pleasant, but no worse).

S. (S//NF) Change of Scenery Down: Removing the detainee from the standard interrogation setting and placing him in a setting that may be less comfortable; would not constitute a substantial change in environmental quality.

T. (U//NF) Dietary Manipulation: Changing the diet of a detainee; no intended deprivation of food or water; no adverse medical or cultural effect and without intent to deprive subject of food or water, e.g., hot rations to MREs.

U. (U//NF) Environmental Manipulation: Altering the environment to create moderate discomfort (e.g. adjusting temperature or introducing an unpleasant smell). Conditions may not be such that they injure the detainee. Detainee is accompanied by interrogator at all times. [Caution: Based on court cases in other countries, some nations may view application of this technique in certain circumstances to be inhumane. Consideration of these views should be given prior to use of this technique.]

V. (S//NF) Sleep Adjustment: Adjusting the sleeping times of the detainee (e.g. reversing sleep cycles from night to day). This technique is not sleep deprivation.

W. (S//NF) False Flag: Convincing the detainee that individuals from a country other than the United States are interrogating him.

X. (S//NF) Isolation: Isolating the detainee from other detainees while still complying with basic standards of treatment. [Caution: the use of isolation as an interrogation technique requires detailed implementation instructions, including specific guidelines regarding the length of isolation, medical and psychological review, and approval for extensions of the length of isolation by the 205th MI BDE Commander. This technique will not be used for interrogation purposes for longer than 30 days continuously. Use of this technique for more than 30 continuous days must be briefed to 205th MI BDE Commander prior to implementation. Those nations that believe detainees are subject to EPW protections may view use of this technique as inconsistent with the requirements of Geneva III; Article 13 which provides that EPWs must be protected against acts of intimidation; Article 14 which provides that EPWs are entitled to respect for their persons; Article 34 which prohibits coercion and Article 126 which ensures access and basic standards of treatment. Although these provisions are not applicable to the interrogation of unlawful combatants, consideration should be given to these views prior to application of the technique.]

UNCLASSIFIED

UNCLASSIFIED

Y. (~~S//NF~~) Presence of Military Working Dog: Exploits Arab fear of dogs while maintaining security during interrogations. Dogs will be muzzled and under control of MWD handler at all times to prevent contact with detainee.

Z. (~~S//NF~~) Sleep Management: Detainee provided minimum 4 hours of sleep per 24 hour period, not to exceed 72 continuous hours.

AA. (~~S//NF~~) Yelling, Loud Music, and Light Control: Used to create fear, disorient detainee and prolong capture shock. Volume controlled to prevent injury.

BB. (~~S//NF~~) Deception: Use of falsified representations including documents and reports.

CC. (~~S//NF~~) Stress Positions: Use of physical postures (sitting, standing, kneeling, prone etc) for no more than 1 hour per use. Use of technique(s) will not exceed 4 hours and adequate rest between use of each position will be provided.

UNCLASSIFIED

UNCLASSIFIED

Enclosure 2

(S//NF) Application of these interrogation techniques is subject to the following general safeguards: (i) limited to use at interrogation facilities only; (ii) there is reasonable basis to believe that the detainee possesses critical intelligence; (iii) the detainee is medically and operationally evaluated as suitable (considering all techniques to be used in combination); (iv) interrogators are specifically trained for the techniques(s); (v) a specific interrogation plan (including reasonable safeguards, limits on duration, intervals between applications, termination criteria and the presence or availability of qualified medical personnel) has been developed; (vi) there is appropriate supervision; and, (vii) there is appropriate specified senior approval as identified by 205th MI BDE Commander for use with any specific detainee (after considering the foregoing and receiving legal advice).

(U) The purpose of all interviews and interrogations is to get the most information from a detainee with the least intrusive method, always applied in a humane and lawful manner with sufficient oversight by trained investigators or interrogators. Operating instructions must be developed based on command policies to insure uniform, careful, and safe application of interrogations of detainees.

(S//NF) Interrogations must always be planned, deliberate actions that take into account factors such as a detainee's current and past performance in both detention and interrogation; a detainee's emotional and physical strengths and weaknesses; assessment of possible approaches that may work on a certain detainee in an effort to gain the trust of the detainee; strengths and weaknesses of interrogators; and augmentation by other personnel for a certain detainee based on other factors.

(S//NF) Interrogation approaches are designed to manipulate the detainee's emotions and weaknesses to gain his willing cooperation. Interrogation operations are never conducted in a vacuum; they are conducted in close cooperation with the units detaining the individuals. The policies established by the detaining units that pertain to searching, silencing and segregating also play a role in the interrogation of the detainee. Detainee interrogation involves developing a plan tailored to an individual and approved by senior interrogators. Strict adherence to polices/standard operating procedures governing the administration or interrogation techniques and oversight is essential.

(U//NF) It is important that interrogators be provided reasonable latitude to vary techniques depending on the detainee's culture, strengths, weaknesses, environment, extent of training in resistance techniques as well as the urgency of obtaining information that the detainee is believed to have.

(S//NF) While techniques are considered individually within this analysis, it must be understood that in practice, techniques are usually used in combination. The cumulative effect of all techniques to be employed must be considered befo9re any decisions are made regarding approval for particular situations. The title of a particular technique is not always fully descriptive of a particular technique. 205th MI BDE Commander is responsible for oversight of all techniques involving physical contact.

UNCLASSIFIED

Appendix W. Other Matters of Interest (U)

Other Matters of Interest (U)

(U) The following items did not fall within the scope of this evaluation. However, they are noteworthy for their impact on Strategic Interrogation.

HUMINT Strategic Interrogation Program (U)

(U) Consider establishing a position of Executive Agent for Strategic and Operational Interrogation to be responsible for Tactics, Techniques, and Procedures; ethics; training standards for interrogators and interpreters; cultural and language programs; and oversight of operations across the spectrum of the Global War on Terrorism. This office would collect, collate, consolidate, and integrate information from Combatant Commands and DIA into an overall assessment of interrogation operations. As an Executive Agent, the office for Strategic Interrogation would review and update interrogation policy.

(U) Also consider instituting a sustainable strategic and operational interrogation career program within the Services and appropriate Intelligence agencies. The program would be able to institutionalize and maintain the highest degree of professionalism and mission capability at a Strategic Interrogation Center of Excellence.

(U) ~~(S//NF)~~ A DoD official noted that "all commanders believe that we lack seasoned U.S. interrogators with appropriate language skills and cultural awareness to maximize the intelligence gained from detainees." The root cause of the perceived lack of "actionable intelligence" may be linked to unfamiliarity with Arab language and culture, rather than inadequate interrogation techniques. Numerous first-hand accounts reveal that inexperienced task force personnel grew impatient with detainees who would not respond to their questions.

(U) Language training and cultural expertise have not had the historical, institutional support afforded other warfighting skills. Consequently, DoD and the Services were unable to cultivate foreign area specialists and linguists. Specific planning guidance is essential so that language and regional expertise requirements are prioritized in Intelligence Campaign Plans that support the operations plans for the Global War on Terrorism. The Services, in turn, must comply with the Deputy Secretary of Defense, February 2005 memorandum, "Defense Language Transformation Roadmap," and the Defense Intelligence Planning Guidance for FY 2007-2011 which identify these skills as core competencies.

Management Actions (U)

(U) ~~(S//NF)~~ In response to the discussion draft, DIA officials indicated that they had made significant headway establishing an interrogator specialist cadre and instituting a "train all" policy to ensure that all Defense Human Intelligence personnel scheduled to deploy receive adequate training on Law of Land Warfare and authorized interrogation techniques, as well as on the requirement and procedures to report prisoner abuse.

Appendix X. Report Distribution (U)

(U) Office of the Secretary of Defense

Secretary of Defense
Under Secretary of Defense for Policy
  Deputy Assistant Secretary of Defense for Detainee Affairs
Under Secretary of Defense for Intelligence
  Deputy Under Secretary of Defense for Intelligence (Intelligence and Warfighter Support)

(U) Joint Staff

Director, Joint Staff

(U) Department of the Army

Secretary of the Army
Assistant Secretary of the Army (Financial Management and Comptroller)
Deputy Chief of Staff, G-2
Auditor General, Department of the Army
Inspector General, Department of the Army

(U) Department of the Navy

Assistant Secretary of the Navy (Manpower and Reserve Affairs)
Auditor General, Department of the Navy
Naval Inspector General

(U) Department of the Air Force

Assistant Secretary of the Air Force (Financial Management and Comptroller)
Auditor General, Department of the Air Force

(U) Combatant Commands

Commander, U.S. Northern Command
Commander, U.S. Southern Command
Commander, U.S. Joint Forces Command
Commander, U.S. Pacific Command
Commander, U.S. European Command
Commander, U.S. Central Command
Commander, U.S. Transportation Command
Commander, U.S. Special Operations Command
Commander, U.S. Strategic Command

(U) Other Defense Organizations

Director, Defense Intelligence Agency
Inspector General, Defense Intelligence Agency
Director, National Security Agency
Inspector General, National Security Agency

(U) Congressional Committees and Subcommittees, Chairman and Ranking Minority Member

Senate Subcommittee on Defense, Committee on Appropriations
Senate Committee on Armed Services
Senate Committee on Governmental Affairs
Senate Select Committee on Intelligence
House Subcommittee on Defense, Committee on Appropriations
House Committee on Armed Services
House Subcommittee on Government Efficiency and Financial Management, Committee on Government Reform
House Subcommittee on National Security, Emerging Threats, and International Relations, Committee on Government Reform
House Subcommittee on Technology, Information Policy, Intergovernmental Relations, and the Census, Committee on Government Reform
House Permanent Select Committee on Intelligence

Under Secretary of Defense for Policy(U)

Final Report Reference

OFFICE OF THE UNDER SECRETARY OF DEFENSE
2000 DEFENSE PENTAGON
WASHINGTON, DC 20301-2000

JUL 19 2006

MEMORANDUM FOR DEPUTY ASSISTANT INSPECTOR GENERAL FOR INTELLIGENCE EVALUATION

CC DIRECTOR, DDWOI J-5 JOINT STAFF
OFFICE OF LEGAL COUNSEL TO THE CHAIRMAN OF THE JOINT CHIEFS OF STAFF
OFFICE OF THE GENERAL COUNSEL OF THE DEPARTMENT OF DEFENSE

SUBJECT: Report on Review of DoD-Directed Investigations of Detainee Abuses (Project No. D2004-DIN191-0174)

The Office of Detainee Affairs thanks you for providing your preliminary report on Review of DoD-Directed Investigations of Detainee Abuses to us for comments. My comments address three aspects of the report: recommendations that would pertain to the office of the Under Secretary of Defense for Policy, the Report's conclusions, and the Appendixes that summarize various DoD-lead reviews investigations.

With respect to the recommendations made in your report:

- I concur in recommendation "B1," subject to the understanding that such policies at the moment are being discussed within the senior levels of the Executive and Legislative branches of the USG; DoD 2310.01E will be issued once all national-policy issues are resolved.

- I non-concur in recommendation "B2." The development of Tactics, Techniques, and Procedures (TTP) is a responsibility of the Joint Staff and the US Army as the executive agent for detention operations. Under current DoD Directives, we would submit that this would be a responsibility of the Secretary of the Army, to the extent he would agree such changes are required, as the Army is the executive agent with responsibility over this requirement.

With respect to the conclusions and analysis pertaining to Search Evasion and Rescue (SERE) in section "C," I would reiterate my objections of March 24.

~~SECRET//NOFORN~~

Final Report Reference

[redacted]

2008, to the report. While it is clear that the Inspector General has incorporated some of the four comments made in the March 24 comments, the report continues to fail to acknowledge the substantive objection raised with respect to the premise that SERE training was a determinative variable in the development of [illegible] interrogation techniques, as well as other statements made in the report with respect to the development of detainee policy and the accountability (or lack thereof) of senior DoD officials.

I believe that the historical record supports the opposite conclusion - that SERE did not play a determinative role in the development of counter-resistance interrogation tactics. I would refer you to page 196 of the Church report which lays out a timeline for how policy was developed, and pages 197-344 of the Church report which describes in detail how the counter-resistance techniques were developed.

In light of the Church and other detainee reports, I also non-concur with the following conclusion on page 28:

Deleted

> **We also believe that as senior leaders from the Pentagon and the Iraqi theatre of Operations were discussing and reviewing a myriad of techniques, the ability to contain what may have been intended simply as an exercise in "brainstorming" interrogation ideas proved difficult to contain and had unintended consequences.**
>
> **The push for more "aggressive interrogations," when coupled with a lack of united of command and unity of effort, created an atmosphere in which the pressure to produce actionable intelligence overwhelmed the primacy of the Geneva Conventions. ...**

The above leads the reader to the erroneous conclusion that the Secretary and senior-DoD officials have direct responsibility, or in the alternative that the policies developed by DoD detainee operations were responsible for the abuses that occurred in Iraq, Afghanistan, and by implication, Guantanamo. I do not believe the evidence presented in this report supports such a conclusion.

I would direct your attention to the conclusions of the Church Report, the Schlesinger Report, the Fay-Jones-Kern report, and the Department of the Army Inspector General report. All four concluded that neither policy nor senior officials

[redacted]

Final Report Reference

[redacted]

were responsible for detainee abuse. Absent additional compelling information, I must non-concur with the main conclusion of this report and state that I believe its release would cause irreparable harm to the Department.

I also non-concur with the OIG assessments regarding the various DoD investigations as they tend to mischaracterize the mandates of individual reports by suggesting a "failing" to investigate a subject that was not part of the investigative charter. For example, the OIG's criticism of the Church Report that it "did not explain if, how, or to what extent, detainee abuse practices infiltrated, and from what source, throughout the U.S. Central Command's detention and interrogation operations." The Charter of the Church report did not include such a mandate; thus, it is inappropriate to criticize VADM Church's investigation for failing to examine a subject not within its mandate. Similarly, I non-concur with the OIG assessments of Ryder, Schlesinger, Formica, Jacoby, Kiley, and Schmidt Furlow.

My POC for this action is [redacted] 703-697[redacted]

Sincerely,

Charles "Cully" Stimson
Deputy Assistant Secretary of Defense
For Detainee Affairs

[redacted]

b(6)

Director, Joint Staff (U)

Final Report Reference

~~SECRET//NOFORN~~

THE JOINT STAFF
WASHINGTON, DC

Reply ZIP Code:
20318-0300

DJSM 0588-06
06 Jun 2006

MEMORANDUM FOR THE INSPECTOR GENERAL OF THE DEPARTMENT OF DEFENSE

Subject: IG, DOD, Draft Report, Review of DOD-Directed Investigations of Detainee Abuse (Project No. D2004-DINT01-0174)

1. In response to your request,[1] the Joint Staff offers the enclosed comments. We nonconcur with findings and recommendations assigning responsibilities to the Chairman of the Joint Chiefs of Staff that are beyond his statutory authority as well as with generalized findings that are overly broad.

2. The Joint Staff point of contact is [redacted] USA; J-5/DAD; 703-693[redacted]

3. Without enclosure, this memorandum is UNCLASSIFIED.

WALTER L. SHARP
Lieutenant General, USA
Director, Joint Staff

Enclosure

Reference:
1. DAIG-IE memorandum, 28 April 2006, "Review of DoD-Directed Investigations of Detainee Abuse (Project No. D2004-DINT01-0174) (U)"

b(6)

~~SECRET//NOFORN~~

Final Report Reference

~~SECRET//NOFORN~~

ENCLOSURE

COORDINATION OF OSD/IG DRAFT REPORT, REVIEW OF DOD-DIRECTED INVESTIGATIONS OF DETAINEE ABUSE (U)

1. (U) General Comment: Number the paragraphs and subparagraphs to facilitate editing and post-completion referencing.

Revised

2. (U) Page i, paragraph 1, "Executive Summary (U)." Delete: "determining policy on ~~detention and~~ detainee operations and training personnel..."

REASON: Eliminate redundant phrase.

Revised

3. (U) Page i, paragraph 2, "Executive Summary (U)." Delete: "...abusing ~~enemy prisoners of war and other~~ detainees..."

REASON: Eliminate redundant phrase. The definition of detainee under DODD 3115.09 includes enemy prisoners of war.

Revised

4. (U) Page i, paragraph 4, "Executive Summary (U)." Add: "...military and security forces since military operations began in Afghanistan on 7 October 2001."

REASON: Clarity and completeness.

Revised

5. (U) Page ii, paragraph 9, "Executive Summary (U)." Comment: Change the responsibilities assigned to the Chairman of the Joint Chiefs of Staff and to the Army G-2. The Chairman does not issue formal interrogation policy guidance; that is the responsibility of the US Army.

REASON: Accuracy and legality.

6. (U) Page ii, paragraph 10, "Executive Summary (U)." Comment: The Joint Staff nonconcurs in the sentence stating, "In addition, policy for and oversight of interrogation procedures were ineffective."

REASON: Accuracy and clarity. As stated, sentence implies policy and oversight were completely ineffective across all aspects of interrogation. Recommend a more precise and limiting statement.

Modified Page 4

7. ~~(U) Page~~ Page 5, paragraph 4, "~~Re: SECDEF~~ Approved Counterresistance Interrogation Techniques for Guantanamo Bay." Change to read: "~~While~~ The Secretary of Defense ~~reiterated that U.S. Armed Forces must continue to treat~~

~~NOT RELEASABLE TO FOREIGN NATIONALS~~

Classified By: RADM W. D. Sullivan, USN; VDJ-5
Reason: ~~1.4 (b, c, g)~~
Declassify On: ~~1 June 2016~~

~~SECRET//NOFORN~~ Enclosure b(1)

Final Report Reference

~~SECRET//NOFORN~~

~~detainees humanely, he~~ approved "Counter-Resistance Techniques...."

REASON: Clarity. Removes any connection between SecDef's reiteration that detainees be treated humanely with issuance of counter-resistance techniques and the implication that SecDef did something improper or illegal.

8. (U) Page 9, paragraph 1, "Inconsistent Reporting of Incidents (U)." Comment: Doctors, Chaplains, and Staff Judge Advocates may not decide that there is insufficient evidence to take action, initiate an internal investigation, or refer cases for outside review. Recommend revision of paragraph accordingly. — Revised Page 8

REASON: Clarity.

9. (U) Page 15, paragraph 1, "Interrogation Policy Was Not Uniform and Consistent (U)." Comment: The Joint Staff nonconcurs in finding that, "...the Chairman, Joint Chiefs of Staff did not promulgate one definitive interrogation policy to reinforce the existing FM 34-52." — Revised

REASON: Accuracy and legality. Promulgation of interrogation policy is not within the Chairman's statutory authority.

10. (U) Page 19, paragraph 3, "Management Actions." Comment: The Joint Staff nonconcurs in the statement that the DepSecDef 30 September 2005 memorandum on "Interrogation and Treatment of Detainees by the Department of Defense" was management action that resulted from the 13 senior-level reports. This memorandum was simply to notify combatant commands, Services, etc., that the Detainee Treatment Act had become law.

REASON: Accuracy.

Director, Defense Intelligence Agency (U)

Final Report Reference

~~UNCLASSIFIED//FOR OFFICIAL USE ONLY~~

DEFENSE INTELLIGENCE AGENCY

WASHINGTON, D.C. 20340-5100

JUN 0 2 2006

U-06-6158/DHO-1

To: Department of Defense Inspector General
5000 Defense Pentagon
Washington, DC 20301-6000

Subject: (U//~~FOUO~~) Review of Department of Defense Directed Investigations of Detainee Abuse

1. (U//~~FOUO~~) The Defense Intelligence Agency (DIA) has reviewed the documents pertaining to the Department of Defense (DoD) directed investigations into allegations of detainee abuse. In general, DIA believes it is imperative to make a clear distinction between detention and interrogation operations. This is NOT clearly distinguished in this review.

2. (U//~~FOUO~~) Interrogations, questioning, and debriefings are often incorrectly discussed as a matter of detention operations. DIA clearly recognizes interrogation and detention operations are integral to one another; however, they are clearly different functions and require separate discussion on policy, responsibilities, and relationships.

3. (U//~~FOUO~~) DIA recognizes interrogation operations must be coordinated with detention operations personnel. We recommend an annex be included in detention and interrogation Standard Operating Procedures (SOPs), at all levels, defining the roles, responsibilities, and actions to be carried out by respective Interrogation Control Elements (ICE). The SOP should detail comprehensive procedures for interrogators to gain access to a detainee for questioning.

4. (U//~~FOUO~~) DIA recommends a breakout of the 833 investigations adjudicated to date and found to be unsubstantiated or unfounded. As written, the report assumes that all 833 investigations were with merit; however, many of the allegations were without merit and should be mentioned.

5. (U//~~FOUO~~) Regarding the reporting of incidents of alleged detainee abuse, DIA concurs with the recommendation to assign a Deputy Commanding General for Detention Operations. Further, DIA recommends the office be staffed with military police personnel qualified in detention operations, a medical officer, and a senior qualified interrogator.

a. (U//~~FOUO~~) DIA concurs with the recommendation to formulate policy for reporting allegations of abuse at all levels.

b. (U//~~FOUO~~) While tracking the resolution of abuse is critical, DIA does NOT concur with the recommendation that tracking and resolution policies be included in interrogation SOPs. This is a command issue to be resolved outside of the interrogation operation elements.

~~UNCLASSIFIED//FOR OFFICIAL USE ONLY~~

Final Report Reference

UNCLASSIFIED//~~FOR OFFICIAL USE ONLY~~

6. (U//[redacted]) DIA concurs with recommendation B.1. on detainee policy. However, the recommendation to implement formal guidance, policy and oversight for interrogation operations, including interrogation in intelligence campaign planning, should be removed from this portion and introduced as a separate recommendation. It is important to separate detention policy from interrogation policy.

7. (U//[redacted]) DIA concurs with the recommendation to create the HUMINT Strategic Interrogation Program. An executive agent, who is an expert in interrogation, will give a senior voice to interrogators who have expressed concern over their profession for several years.

8. (U) My point of contact for this action is [redacted] (703) 614-[redacted]

Louis E. Andre
Chief of Staff

b(6)

UNCLASSIFIED//~~FOR OFFICIAL USE ONLY~~

Department of the Army

Final Report Reference

~~SECRET//NOFORN~~

DEPARTMENT OF THE ARMY
OFFICE OF THE DEPUTY CHIEF OF STAFF, G-2
WASHINGTON DC 20310-1001

REPLY TO
ATTENTION OF

DAMI-CD

SUBJECT: (U) Army G-2 comments on DoD IG report "Review of DoD-Directed Investigations of Detainee Abuse"

1. (U) Army G-2 concurs with the reference report, with comments.

2. ~~(S)~~ General Comments:

a. ~~(S)~~ The objective of the *Review of DoD-Directed Investigations of Detainee Abuse* is to "evaluate the reports [13 senior-level inspections, assessments, reviews, and investigations of detention and interrogation operations that were initiated as a result of allegations of detainee abuse] to determine whether any overarching systematic issues should be addressed."

b. ~~(S)~~ The report as written focuses almost entirely on interrogation operations. However, to the best of our knowledge and research, only 12-15% of recognized detainee abuse cases are associated with interrogation. To achieve better balance and perspective, increased emphasis needs to be placed on non-interrogation related detainee abuse.

3. (U) Specific Comments can be found at enclosure.

4. (U) HQDA G-2 point of contact is [redacted] 703-695-[redacted] NIPRNET [redacted]@us.army.mil, SIPRNET [redacted]@dami.army.smil.mil

Thomas A. Gandy
Director, Counterintelligence, Human Intelligence, Disclosure and Security

Enclosure

~~SECRET//NOFORN~~

Derived from: Multiple Sources 1-4 (g)
Declassify on: 1 April 2013

b(6)

Final Report Reference

~~SECRET//NOFORN~~

Army G-2 comments on DoD IG report "Review of DoD-Directed Investigations of Detainee Abuse"

SPECIFIC Comments:

a. (S) Page 4, Para 1, last sentence. The number of personnel detained by U.S. military and security forces only refers to those detained in Afghanistan. The number of personnel detained in Iraq should also be identified in this paragraph. — Revised Page 3

b. (S) Page 4, Para 2. It should be noted in this section that while the Army was and is the DoD Executive Agent for Detainee Operations, it is not the DoD Executive Agent for interrogation operations.

c. (S) Page 7, Para 5. It should be noted that DoDD 3115.09 was not approved until 3 Nov 2005. — Deleted

d. (S) Page 9, Para 3. The report gives the impression that allegations were not taken seriously nor investigated. While there were multiple paths for conducting investigations, there is little evidence to indicate that leaders did not investigate abuse when information of abuse reached the command level. For example, the Appendix R case study identifies that the CJTF-7 chain of command, when provided with information related to detainee abuse in organizations outside their control, immediately identified the need for an investigation to USCENTCOM. — Page 8

e. (S) Page 10, last para; page 13, 4th para. Recommend re-confirming the arrival date of MG Miller into theater.

f. (S) Page 13-14. Recommending providing more detail on the chains of command/reporting channels for all organizations described on pages 13-14.

g. (S) Page 14, third para. Recommend modifying the report to read: "The lack of specific DOD guidance may have led to the development of local agreements and could have contributed to the concerns expressed about what interrogation techniques were appropriate." There was no prior precedence for interagency agreements involving interrogation. If there was such a need, it should have been accomplished at the OGA-DOD level. — Revised

h. (S) Page17, fourth para. Recommend including the shortage and expertise of HUMINT managers (e.g. C2X/S2X)" in the discussion of reasons why detention and interrogation operations were overwhelmed. — Revised Page 18

i. (S) Page 17, fourth para. Contrary to the report, there was no reluctance to release detainees by - except initially at the CENTCOM level and above. First, there was no prior Detainee Parole and Release Policy available that could serve as a — Page 18

~~SECRET//NOFORN~~

Derived from: Multiple Sources 1-4(g)
Declassify on: [redacted]

Encl

Final Report Reference

~~SECRET//NOFORN~~

precedent to manage the release process. One was eventually produced by CJTF-7. Initially, almost all releases could only be approved above the CJTF-7 level, and it was difficult get approval at that level to release detainees, including POW's. Once release boards were started, there was a 72% detainee release rate. There was, however, also an inability for the detainee release boards to keep pace with the large numbers of individuals being detained, despite many mechanisms put into place to expedite the process. Much of this was due to a shortage of personnel to screen files, lawyers, intelligence screeners, etc. An additional factor was that there was no Iraqi judicial system in place.

Revised Page 23

j. (S//NF) Page 21, first para. The statement that argues that DoD organizations and personal introduced expanded counter resistance interrogation techniques in Iraq because operations personnel believed traditional interrogation techniques were no longer effective" is an over generalization. Traditional interrogation techniques were may have no longer been effective for some selected detainees, but certainly not the case for the majority of detainees. The introduction of expanded, unauthorized techniques certainly wasn't policy or command sanctioned.

Page 27

k. (S//NF) Page 25, fifth para. Most interrogators were well aware of the interrogation policies. In fact, at Abu Ghraib, the interrogation policy was clearly posted in a common area. There are numerous statements in several reports which describe the efforts the units took to promulgate interrogation guidelines.

Deleted

l. (S//NF) Page 26, first para. Abu Ghraib revelations occurred in Jan 04, not May 04. Also note that CG, CJTF-7 ordered an investigation within 24 hours of seeing evidence. No delay.

Deleted Page 33

m. (S//NF) Page 32, last para. Iraq was not just a forward-deployed tactical battlefield environment. Iraq was a tactical through operational level battlefield with strategic issues as relates to terrorists and their connections (IZ to UBL/AF, etc). The report understates this. Therefore, interrogations also had to be done at the tactical and operational levels. That was one of the stated reasons why JCS/OSD sent MG Miller to Iraq.

Page 53

n. (S//NF) Page 52, last para. The intent of the CJTF-7 C2 in requesting the retired Army Colonel's visit was to get advice and assistance in conducting counterinsurgency intelligence operations and to better understand the adversary CJTF-7 was facing. The Colonel's AAR did not include detainee abuse allegations – these were only provided verbally to the CJTF-7 C2, along with passage of a letter. The CJTF-7 took immediate action to consult that night with CJTF-7 JAG, recommending investigation by CENTCOM as neither command where the alleged abuse took place fell under the command and control of CJTF-7. CDR, CJTF-7 concurred, and directed that JAG forward all relevant information to CENTCOM for an investigation, which JAG did. This information was passed to multiple follow-on investigation teams to include the Kern-Jones-Fay investigation.

~~SECRET//NOFORN~~

Declassified from: Multiple Sources 1 Aug
Declassify on: [redacted]

[redacted]

Final Report Reference

~~SECRET//NOFORN~~

p. [redacted] Page 52, last para. The last statement in the paragraph is incorrect. The whole reason for the Kern-Jones investigation was to look at the senior level and leadership responsibility. It was requested by Commander, CJTF-7 based on allegations and comments in the Fay report. This inaccurate sentence sends the wrong message.

Revised Page 53

p. [redacted] Page 80 -81. The intent of the CJTF-7 C2 in requesting the retired Army Colonel's visit was to get advice and assistance in conducting counterinsurgency intelligence operations and to better understand the adversary CJTF-7 was facing. The Colonel's AAR did not include detainee abuse allegations – these were only provided verbally to the CJTF-7 C2, along with passage of a letter. The CJTF-7 took immediate action to consult that night with CJTF-7 JAG, recommending investigation by CENTCOM as neither command where the alleged abuse took place fell under the command and control of CJTF-7. CDR, CJTF-7 concurred, and directed that JAG forward all relevant information to CENTCOM for an investigation, which JAG did. This information was passed to multiple investigation teams to include the Kern-Jones-Fay investigation.

Pages 81-83

3

~~SECRET//NOFORN~~

Derived from: Multiple Sources 1-4(g)
Declassify on: [redacted]

Encl

Final Report Reference

DEPARTMENT OF THE ARMY
OFFICE OF THE INSPECTOR GENERAL
1700 ARMY PENTAGON
WASHINGTON DC 20310-1700

JUN 1 2 2006

MEMORANDUM FOR THE ACTING INSPECTOR GENERAL (IG), DEPARTMENT OF DEFENSE (DOD), 400 ARMY NAVY DRIVE, ARLINGTON, VA 22202-4704

SUBJECT: Draft Report of Review of DOD-Directed Investigations of Detainee Abuse

1. Reference: Draft of a Proposed Report - Review of DOD-Directed Investigations of Detainee Abuse, dated 25 April 2006.

2. DAIG appreciates the opportunity to participate in the review of the draft report and to assist in the accurate representation of events pertaining to detainee operations.

3. Concur with draft report as written with the following exceptions:

a. On page 77, a matrix of detainee investigations and evaluations titled "Monthly Status of Open and Closed Investigations of Detainee Abuse" appears to intend to reflect the total of all investigative activities pertaining to detainee abuse conducted by the Services. It is unclear what events are represented by the Army numbers.

Revised Page 78

(1) For example, the chart reflects that the Army had zero ongoing preliminary inquiries (PIs) and two closed PIs as of 27 February 2006. It is unclear what these numbers represent. In fact, as of 27 February 2006, the Army Detainee Operations Task Force correctly reported to DOD that the Department of the Army Inspector General Agency (DAIG) had initiated and completed 11 PIs or investigations into allegations regarding senior official accountability relative to detainee operations. DAIG referred one senior official allegation to IG, DOD. Of the 11 closed PIs/investigations, one addressed allegations against BG Karpinski.

(2) DAIG non-concurs with the title of the chart. None of the DAIG PIs/investigations addressed allegations of detainee abuse against a senior official. Instead, DAIG addressed allegations of senior official accountability relative to detainee operations. The chart should be more accurately titled "Monthly Status of Open and Closed Investigations Regarding Detainee Operations."

(3) Additionally, the chart should be modified to clearly indicate what investigative activities are represented by the data, and the Army data for this chart should be coordinated with the Army.

Page 82

b. On page 81, paragraph 2, the report reads: "In January 2004, the III Corps Commander appointed an officer from the III Corps G-2 to conduct an Army Regulation (AR) 15-6 investigation."

~~FOR OFFICIAL USE ONLY - DISSEMINATION IS PROHIBITED EXCEPT AS AUTHORIZED BY AR 20-1~~

Final Report Reference

SAIG-IN
Subject: Draft Review of DOD-Directed Investigations of Detainee Abuse

(1) Although the Commander, III Corps, subsequently approved the final AR 15-6 report of investigation, the appointing officer for the investigation was Major General Walter Wojdakowski, Deputy Commanding General (DCG), Combined Joint Task Force-7 (CJTF-7).

(2) The report should be corrected to read: "In January 2004, the DCG, CJTF-7, appointed an officer from the III Corps G-2 to conduct an AR 15-6 investigation."

Revised Page 82

4. The points of contact for this action are [redacted] or [redacted] (703) 601-[redacted]

Stanley E. Green
Lieutenant General, US Army
The Inspector General

Note: Army G2 submitted comments separately.

-2-

~~FOR OFFICIAL USE ONLY - SENSITIVE BUT UNCLASSIFIED INFORMATION~~
~~AS AUTHORIZED BY AR 20-1~~

b(6)

(U)

Team Members

The Office of the Deputy Inspector General for Intelligence prepared this report. Personnel of the Office of the Inspector General of the Department of Defense who contributed to the report are listed below.

[redacted]

b(6)