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Review of Department of Defense Detention Operations and Detainee Interrogation Techniques (U)



VADM A.T. Church, III, USN

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DEPARTMENT OF THE NAVY
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IN REPLY REFER TO

March 7, 2005

MEMORANDUM FOR THE SECRETARY OF DEFENSE

SUBJECT: Report on DoD Detention Operations and Detainee Interrogation Techniques

Reference: Secretary of Defense, Detention Operations and Detainee Interrogation
Techniques, May 25, 2004

Pursuant to your tasking memorandum, I hereby submit the final results of my
investigation of DoD detention operations and detainee interrogation techniques in the
Global War on Terror (attached).

A. T. Church III
A. T. CHURCH III
Vice Admiral, U.S. Navy
Director, Navy Staff

Attachment:
As stated

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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 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, "We 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. For example, no lessons learned from previous conflicts were referenced in the operation orders (OPORDs) for either Operation ENDURING FREEDOM (OEF) in Afghanistan or Operation IRAQI FREEDOM (OIF). These OPORDs did cite military doctrine and Geneva Convention protections, but they did not evidence any specific awareness of the risk of detainee abuse - or any awareness that U.S. forces had confronted this problem before. Though we

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did not find evidence that this failure to highlight the inherent risk led directly to any detainee abuse, we recommend that future planning for detention and interrogation operations in the Global War on Terror take full advantage of prior and ongoing experience in these areas.

(U) Set forth below is a brief discussion of the significant events in the development of interrogation policy for Guantanamo Bay, Afghanistan and Iraq.

(U) Guantanamo Bay, Cuba (GTMO)

(U) Interrogation policy for GTMO has been the subject of extensive debate among both the uniformed services and senior DoD policy makers. At the beginning of interrogation operations at GTMO in January 2002, interrogators relied upon the techniques in FM 34-52. In October 2002, when those techniques had proven ineffective against detainees trained to resist interrogation, Major General Michael E. Dunlavey - the Commander of Joint Task Force (JTF) 170, the intelligence task force at GTMO at the time - requested that the SOUTHCOM Commander, General James T. Hill, approve 19 counter resistance techniques that were not specifically listed in FM 34-52. (This request, and descriptions of the 19 techniques, were declassified and released to the public by the Department of Defense on June 22, 2004.) The techniques were broken down into Categories I, II, and III, with the third category

containing the most aggressive techniques. The SOUTHCOM Commander forwarded the request to the Chairman of the Joint Chiefs of Staff, General Richard B. Myers, noting that he was uncertain whether the Category III techniques were legal under U.S. law, and requesting additional legal review. On December 2, 2002, on the advice of the DoD General Counsel, William J. Haynes II, the Secretary of Defense approved the use of Category I and II techniques, but only one of the Category III techniques (which authorized mild, non-injurious physical contact such as grabbing, poking in the chest with a finger, and light pushing). The Secretary's decision thus excluded the most aggressive Category III techniques: use of scenarios designed to convince the detainee that death or painful consequences are imminent for him and/or his family, exposure to cold weather or water, and the use of a wet towel and dripping water to induce the misperception of suffocation. (Notably, our investigation found that even the single Category III technique approved was never put into practice.)

(U) Shortly after the December 2, 2002 approval of these counter resistance techniques, reservations expressed by the General Counsel of the Department of the Navy, Alberto J. Mora, led the Secretary of Defense on January 15, 2003 to rescind his approval of all Category II techniques and the one Category III technique (mild, non-injurious physical contact), leaving only Category I techniques in effect. The same day, the Secretary

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Executive Summary (U)

Introduction (U)

(U) On May 25, 2004, Secretary of Defense Donald H. Rumsfeld directed the Naval Inspector General, Vice Admiral Albert T. Church, III, to conduct a comprehensive review of Department of Defense (DoD) interrogation operations. In response to this tasking, Vice Admiral Church assembled a team of experienced investigators and subject matter experts in interrogation and detention operations. The Secretary specified that the team was to have access to all documents, records, personnel and any other information deemed relevant, and that all DoD personnel must cooperate fully with the investigation. Throughout the investigation - which included over 800 interviews with personnel serving or having served in Iraq, Afghanistan and Guantanamo Bay, Cuba, and senior policy makers in Washington, as well as review and analysis of voluminous documentary material - an impressive level of cooperation was evident throughout DoD.

(U) Any discussion of military interrogation must begin with its purpose, which is to gain actionable intelligence in order to safeguard the security of the United States. Interrogation is often an adversarial endeavor. Generally, detainees are not eager to provide information, and they resist interrogation to the extent that their personal character or training permits. Confronting detainees are interrogators, whose mission is to extract useful information as quickly

as possible. Military interrogators are trained to use creative means of deception and to play upon detainees' emotions and fears even when conducting interrogations of Enemy Prisoners of War (EPWs), who enjoy the full protections of the Geneva Conventions. Those people unfamiliar with military interrogations might view a perfectly legitimate interrogation of an EPW, in full compliance with the Geneva Conventions, as offensive by its very nature.

(U) The natural tension that often exists between detainees and interrogators has been elevated in the post-9/11 world. In the Global War on Terror, the circumstances are different than those we have faced in previous conflicts. Human intelligence, or HUMINT - of which interrogation is an indispensable component - has taken on increased importance as we face an enemy that blends in with the civilian population and operates in the shadows. And as interrogation has taken on increased importance, eliciting useful information has become more challenging, as terrorists and insurgents are frequently trained to resist traditional U.S. interrogation methods that are designed for EPWs. Such methods - outlined in Army Field Manual (FM) 34-52, *Intelligence Interrogation*, which was last revised in 1992 - have at times proven inadequate in the Global War on Terror; and this has led commanders, working with policy makers, to search for new interrogation techniques to obtain critical intelligence.

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(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.

(U) Many of the details underlying our conclusions remain classified, and therefore cannot be presented in this unclassified executive summary. In addition, we have omitted from this summary any discussion of ICRC matters in order to respect ICRC concerns, and comply with DoD policy, regarding limitation of the dissemination of ICRC-provided information. Issues of senior official accountability were addressed by the Independent Panel to Review DoD Detention Operations (hereinafter "Independent Panel") - chaired by the Honorable James R. Schlesinger - with which we worked closely. Finally, we have based our conclusions primarily on the information available to us as of September 30, 2004. Should additional information become available, our conclusions would have to be considered in light of that information.

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directed that a working group be established to assess interrogation techniques in the Global War on Terror, and specified that the group should comprise experts from the Office of General Counsel of the Department of Defense, the Office of the Under Secretary of Defense for Policy, the military services and the Joint Staff.

(U) Following a sometimes contentious debate, this working group - led by U.S. Air Force General Counsel Mary Walker, and reporting to the DoD General Counsel - produced a series of draft reports from January through March 2003, including a March 6, 2003 draft report recommending approval of 36 interrogation techniques. As many as 39 techniques had been considered during the working group's review, including "water boarding" (pouring water on a detainee's towed face to induce the misperception of suffocation), which did appear among the 36 techniques in the March 6 draft. Four of the 39 techniques were considered unacceptable, however - including water boarding - and were ultimately dropped from the review, leaving 35 techniques that the working group recommended for consideration by the Secretary of Defense. In late March 2003, the Secretary of Defense adopted a more cautious approach, choosing to accept 24 of the proposed techniques, most of which were taken directly from or closely resembled those in FM 34-52. (The 35 techniques considered were reflected in the working group's final report, dated April 3, 2003.) The Secretary's guidance was promulgated to SOUTHCOM for use at GTMO in an April 16,

2003 memorandum (also declassified in June 2004) that remains in effect today.

(U) As this discussion demonstrates, the initial push for interrogation techniques beyond those found in FM 34-52 came in October 2002 from the JTF-170 Commander who, based on experiences to that point, believed that counter resistance techniques were needed in order to obtain actionable intelligence from detainees who were trained to oppose U.S. interrogation methods. In addition, the Secretary of Defense moderated proposed interrogation policies, cutting back on the number and types of techniques that were presented by some commanders and senior advisors for consideration. This was true when the Secretary rejected the three most aggressive Category III techniques that JTF-170 requested, and was later apparent in the promulgation of the April 16, 2003 policy, which included only 24 of the 35 techniques recommended for consideration by the working group, and included none of the most aggressive techniques.

(U) Military department lawyers were provided the opportunity for input during the interrogation policy debate, even if that input was not always adopted. This was evident during the review of JTF-170's initial request for counter resistance techniques in the lead-up to the December 2, 2002 policy, when service lawyer concerns were forwarded to the Joint Staff, and later in the establishment of the working group in January 2003 that led to the April 16, 2003 policy.

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In the first case, in November 2002 the services expressed serious reservations about approving the proposed counter resistance techniques without further legal and policy review, and thus they were uncomfortable with the Secretary's adoption of a subset of these techniques on December 2, 2002. However, in the aftermath of 9/11, the perceived urgency of gaining actionable intelligence from particularly resistant detainees - including Mohamed al Kahtani, the "20th hijacker" - that could be used to thwart possible attacks on the United States, argued for swift adoption of an effective interrogation policy. (In August 2001 Kahtani had been refused entry into the U.S. by a suspicious immigration inspector at Florida's Orlando International Airport, where the lead 9/11 hijacker, Mohamed Atta, was waiting for him.) This perception of urgency was demonstrated, for example, by the SOUTHCOM Commander's October 2002 memorandum forwarding the counter resistance techniques for consideration, which stated, "I firmly believe that we must quickly provide Joint Task Force 170 counter-resistance techniques to maximize the value of our intelligence collection mission."

(U) Afghanistan

(U) Rather than being the subject of debate within the Office of the Secretary of Defense, interrogation techniques for use in Afghanistan were approved and promulgated by the senior command in the theater. (Initially, this was Combined Joint Task Force 180, or CJTF-180,

subsequently renamed CJTF-76. At present, Combined Forces Command-Afghanistan, or CFC-A, commands operations in Afghanistan, with CJTF-76 as a subordinate command.)

(U) From the beginning of OEF in October 2001 until December 2002, interrogators in Afghanistan relied upon FM 34-52 for guidance. On January 24, 2003, in response to a Joint Staff inquiry via U.S. Central Command (CENTCOM), the CJTF-180 Acting Staff Judge Advocate forwarded to the CENTCOM Staff Judge Advocate a memorandum that listed and described the interrogation techniques then in use in Afghanistan. Many of these techniques were similar to the counter resistance techniques that the Secretary had approved for GTMO on December 2, 2002; however, the CJTF-180 techniques had been developed independently by interrogators in Afghanistan in the context of a broad reading of FM 34-52, and were described using different terminology.

(U) In addition to these locally developed techniques, however, the January 24, 2003 memorandum tacitly confirmed that "migration" of interrogation techniques had occurred separately. During December 2002 and January 2003, according to the memorandum, interrogators had employed some of the techniques approved by the Secretary of Defense for use at GTMO. Use of the Tier II and single Tier III technique ceased, however, upon the Secretary's rescission of their

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approval for GTMO on January 15, 2003.

(U) CJTF-180 did not receive any response to its January 24, 2003 memorandum from either CENTCOM or the Joint Staff, and interpreted this silence to mean that the techniques then in use (which, again, no longer included the tiered GTMO techniques) were unobjectionable to higher headquarters and therefore could be considered approved policy.

(U) On February 27, 2003, the CJTF-180 Commander, Lieutenant General Dan K. McNeill, revised the January 24, 2003 techniques by modifying or eliminating five "interrogator tactics" not found in FM 34-52 in response to the investigation of the December 2002 deaths of two detainees at the Bagram Collection Point. While the abuses leading to the Bagram deaths consisted of violent assaults, rather than any authorized techniques, the CJTF-180 Commander modified or eliminated these five tactics as a precaution, out of a general concern for detainee treatment. This revised policy remained in effect until March 2004, when CJTF-180 issued new interrogation guidance.

(U) The March 2004 guidance was not drafted as carefully as it could have or should have been. First, it revived some of the practices that CJTF-180 had modified or eliminated in February 2003, without explanation and without even referencing the February 2003 modifications. Second, some of the techniques in the new guidance were based upon an unsigned draft memo-

randum from the Secretary of Defense to CENTCOM (prepared by the Joint Staff) that was substantively identical to the Secretary's April 16, 2003 interrogation policy for GTMO. We found no evidence that the Secretary was ever aware of this draft memorandum, which was never approved.

(U) The March 2004 interrogation policy remained in effect until June 2004, when the CENTCOM Commander, General John Abizaid, directed that all interrogations in CENTCOM be standardized under a single policy. The CFC-A Commander, Lieutenant General David W. Barno, then directed that CJTF-76 adopt the existing interrogation policy used in Iraq, which had been developed in May 2004. This policy relies almost exclusively on interrogation techniques specifically outlined in FM 34-52, and remains in effect today.

(U) Iraq

(U) As in Afghanistan, interrogation policy in Iraq was developed and promulgated by the senior command in the theater, then Combined Joint Task Force-7, or CJTF-7. At the inception of OIF on March 19, 2003, interrogators relied upon FM 34-52 for guidance. In August 2003, amid a growing insurgency in Iraq, Captain Carolyn Wood, the commander of Alpha Company, 519th Military Intelligence Battalion (A/519), stationed at Abu Ghraib, submitted a draft interrogation policy directly to the 205th Military Intelligence Brigade and the CJTF-7 staff. This draft policy

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was based in part on interrogation techniques being used at the time by units in Afghanistan. On August 18, 2003, the Joint Staff's Director for Operations (J-3) sent a message requesting that the SOUTHCOM Commander provide a team of experts in detention and interrogation operations to provide advice on relevant facilities and operations in Iraq. As a result, from August 31 to September 9, 2003, the Joint Task Force Guantanamo (JTF-GTMO) Commander, Major General Geoffrey Miller, led a team to assess interrogation and detention operations in Iraq. One of his principal observations was that CJTF-7 had "no guidance specifically addressing interrogation policies and authorities disseminated to units" under its command.

(U) To rectify this apparent problem, the CJTF-7 Commander, Lieutenant General Ricardo Sanchez, published the first CJTF-7 interrogation policy on September 14, 2003. This policy was heavily influenced by the April 2003 JTF-GTMO interrogation policy, which MG Miller had provided during his visit, and was also influenced by the A/519 draft policy which, as noted above, contained some interrogation techniques in use in Afghanistan. However, LTG Sanchez and his staff were well aware that the Geneva Conventions applied to all detainees in Iraq, and thoroughly reviewed the CJTF-7 policy for compliance with the Conventions prior to its approval.

(U) After reviewing the September policy

once it was issued, CENTCOM's Staff Judge Advocate considered it overly aggressive. As a result, CJTF-7 promulgated a revised policy on October 12, 2003 that explicitly superseded the previous policy. This new policy removed several techniques that had been approved in the September 2003 policy, rendering the October 2003 policy quite similar to the guidance found in FM 34-52. It should be noted that none of the techniques contained in either the September or October 2003 CJTF-7 interrogation policies would have permitted abuses such as those at Abu Ghraib.

(U) On May 13, 2004, CJTF-7 issued another revised interrogation policy, which remains in effect today. The list of approved techniques remained identical to the October 2003 policy; the principal change from the previous policy was to specify that under no circumstances would requests for the use of certain techniques be approved. While this policy is explicit in its prohibition of certain techniques, like the earlier policies it contains several ambiguities, which - although they would not permit abuse - could obscure commanders' oversight of techniques being employed, and therefore warrant review and correction. (The details of these ambiguities remain classified, but are discussed in the main body of this report.) As noted above, in June 2004 this policy was adopted for use in Afghanistan.

(U) Subsequent to the completion of this

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report, we were notified that the Commander, Multi-national Forces Iraq (MNF-I). General George W. Casey, Jr., had approved on January 27, 2005 a new interrogation policy for Iraq. This policy approves a more limited set of techniques for use in Iraq, and also provides additional safeguards and prohibitions, rectifies ambiguities, and - significantly - requires commanders to conduct training on and verify implementation of the policy and report compliance to the Commander, MNF-I.

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. This close compliance with interrogation policy was due to a number of factors, including strict command oversight and effective leadership, adequate detention and interrogation resources, and GTMO's secure location far from any combat zone. And although

conditions at GTMO were initially spartan, relying on improvised interrogation booths and pre-existing detention facilities (Camp X-Ray, constructed in the 1990s to house Cuban and Haitian refugees), these conditions continuously improved over time. The most important development was establishment in November 2002 of a command organization that placed detention and intelligence operations under the command of a single entity, JTF-GTMO, superseding the bifurcated organization which had at times impeded intelligence collection due to lack of proper coordination between interrogators and military police. JTF-GTMO, with its well-developed standard operating procedures and clear lines of authority, enabled effective coordination.

(U) In light of military police participation in many of the abuses at Abu Ghraib, the relationship between military police (MP) and military intelligence (MI) personnel has come under scrutiny. Under the GTMO model of MP/MI relations, military police work closely with military intelligence in helping to set the conditions for successful interrogations, both by observing detainees and sharing observations with interrogators, and by assisting in the implementation of interrogation techniques that are employed largely outside the interrogation room (such as the provision of incentives for cooperation). When conducted under controlled conditions, with specific guidance and rigorous command oversight, as at GTMO, this is an effective model that greatly

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enhances intelligence collection and does not lead to detainee abuse. In our view, it is a model that should be considered for use in other interrogation operations in the Global War on Terror. Current MP and MI doctrine, however, is vague on the proper relationship between MP and MI units, and accordingly requires revision that spells out the details of the type of coordination between these units that has proven successful at GTMO.

(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. Thus, with limited exceptions (most of which were physical assaults, as described below in our discussion of detainee abuse), interrogators did not employ such techniques, nor did they direct MPs to do so. Significantly, nothing in our investigation of interrogation and detention operations in Afghanistan or Iraq suggested that the chaotic and abusive environment that existed at the Abu

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Ghraib prison in the fall of 2003 was repeated elsewhere.

(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. Yet, CJTF-7 was left to struggle with these issues on its own in the midst of fighting an insurgency. As a result, the September 2003 CJTF-7 interrogation policy was developed, as the CJTF-7 Staff Judge Advocate at the time stated, in an "urgent" fashion. Interrogation policy reflecting the lessons learned to date in the Global War on Terror should have been in place in Iraq long before September 2003.

(U) Finally, there has been much speculation regarding the notion that undue pressure for actionable intelligence contributed to the abuses at Abu Ghraib, and that such pressure also manifested itself throughout Iraq. It is certainly true that "pressure" was applied in Iraq through the chain of command, but a certain amount of pressure is to be expected in a combat environment. As LTG

Sanchez has stated, "if I had not been applying intense pressure on the intelligence community to know my enemy I would have been derelict in my duties and I shouldn't have been a commanding general." Our investigation indicated that interrogators in Iraq indeed were under intense pressure for intelligence, but this derived chiefly from a challenging detainee to interrogator (and interpreter) ratio and an inherent desire to help prevent coalition casualties. We agree with MG Fay's observation that pressure for intelligence "should have been expected in such a critical situation," and that it was not properly managed by unit-level leaders at Abu Ghraib. We found no evidence, however, that interrogators in Iraq believed that any pressure for intelligence subverted their obligation to treat detainees humanely in accordance with the Geneva Conventions, or otherwise led them to apply prohibited or abusive interrogation techniques. And although Major General Fay's investigation of the events at Abu Ghraib noted that requests for information were at times forwarded directly from various military commands and DoD agencies to Abu Ghraib, rather than through normal channels, we found no evidence to support the notion that the Office of the Secretary of Defense, the National Security Council staff, CENTCOM, or any other organization applied explicit pressure for intelligence, or gave "back-channel" permission to forces in the field in Iraq (or in Afghanistan) to use more aggressive interrogation techniques than those authorized by either command interrogation policies or FM 34-52.

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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, 100 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) Included among the open cases were several ongoing investigations related to abuse at Abu Ghraib, including the death of a detainee who was brought to Abu Ghraib by a special operations/OGA team in November 2003. Though not included in our abuse analysis, this case was considered in our review of medical issues. Similarly, the open cases include the December 2002 Bagram Collection Point deaths, as those investigations were not completed until October 2004; however, observations on the Bagram deaths are provided in our discussion below.

(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) For the purposes of our analysis, we categorized the substantiated abuse cases as

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deaths, serious abuse, or minor abuse. We considered serious abuse to be misconduct resulting or having the potential to result in death, or in grievous bodily harm (as defined in the Manual for Courts-Martial, 2002 edition.) In addition, we considered all sexual assaults, threats to inflict death or grievous bodily harm, and maltreatment likely to result in death or grievous bodily harm to be serious abuse. Finally, as noted above, we concluded that one of the 71 cases did not constitute abuse for our purposes: this case involved a soldier at GTMO who dared a detainee to throw a cup of water on him, and after the detainee complied, reciprocated by throwing a cup of water on the detainee. (The soldier was removed from his assignment as a consequence of inappropriate interaction with a detainee.) We discarded this

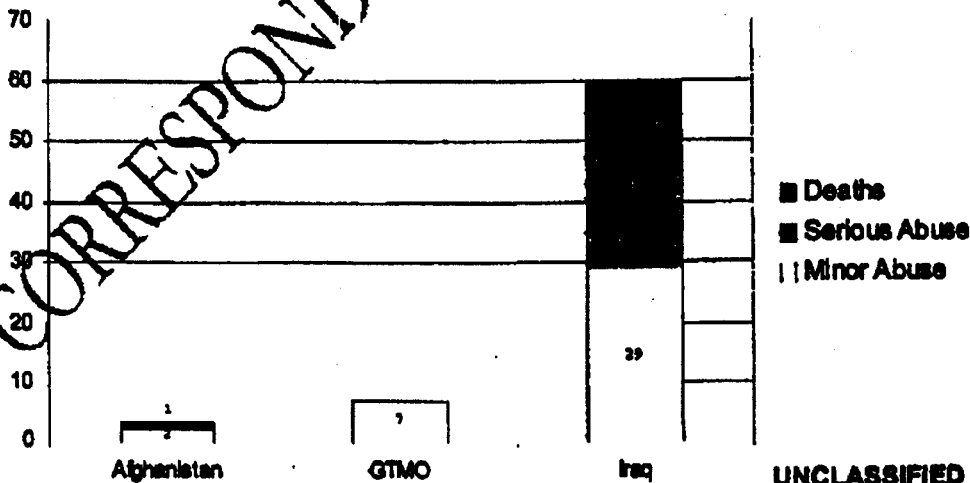
investigation, leaving us 70 substantiated detainee abuse cases to analyze. The chart below reflects the breakdown of these 70 abuse cases.

(U) There are approximately 121 abuse victims in these 70 cases of detainee abuse. As of September 30, 2004, disciplinary action had been taken against 115 service members for this misconduct, including numerous nonjudicial punishments, 15 summary courts-martial, 12 special courts-martial and nine general courts-martial.

(U) No Connection Between Interrogation Policies and Abuse

(U) We found no link between approved interrogation techniques and detainee abuse. Of

Closed Substantiated Abuse Cases (U)



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the 70 cases of closed, substantiated abuse, only 20 of these cases, or less than one-third, could be considered "interrogation-related;" the remaining 50 were unassociated with any kind of questioning, interrogation, or the presence of MI personnel. In determining whether a case was interrogation-related, we took an expansive approach: for example, if a soldier slapped a detainee for refusing to answer a question at the point of capture, we categorized that misconduct as interrogation-related abuse - even though it did not occur at a detention facility, the soldier was not an MI interrogator, and there was no indication the soldier was (or should have been) aware of interrogation policy approved for use by MI interrogators.

(U) At GTMO, where there have been over 24,000 interrogation sessions since the beginning of interrogation operations, there are only three cases of closed, substantiated interrogation-related abuse, all consisting of minor assaults in which MI interrogators exceeded the bounds of approved interrogation policy. As noted above, these cases included those of two female interrogators who, on their own initiative, touched and spoke to detainees in a sexually suggestive manner in order to incur stress based on the detainees' religious beliefs. All three cases resulted in disciplinary action against the interrogators.

(U) In Afghanistan, one case of interrogation-related abuse had been substantiated prior to

September 30, 2004. On March 18, 2004, when elements of a U.S. infantry battalion conducted a cordon and search operation in the village of Miam Do, the U.S. forces were met with resistance and several Afghans were killed in subsequent fighting. The unit then detained the entire population of the village for four days in order to conduct screening operations. An Army Lieutenant Colonel attached to the Defense Intelligence Agency accompanied the battalion during the screening operations, in which he punched, kicked, grabbed and choked numerous villagers. As a result, he was disciplined and suspended from participating in operations involving detainees.

(U) In addition, there are now two cases of closed, substantiated interrogation-related abuse involving two detainees who died on December 4 and December 10, 2002 at the Bagram Collection Point in Afghanistan. Those investigations were not closed until October 2004, after our data analysis had been completed, and thus are not included in our statistics. We did, however, review the final Army Criminal Investigative Division (CID) Reports of Investigation, which included approximately 200 interviews. We found both investigations to be thorough in addressing the practices and leadership problems that led to the deaths and we note that CID officials have already recommended charges against 15 soldiers (11 MP and four MI) in relation to the December 4 death, and 27 soldiers (20 MP and seven MI) in relation to the

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December 10 death. (Some of the same personnel are named in the detention and interrogation of both detainees.) Significantly, our review of the investigations showed that while this abuse occurred during interrogations, it was unrelated to approved interrogation techniques.

(U) In Iraq, there are 16 cases of closed, substantiated interrogation-related abuse. Five of these cases involved MI interrogators. There is no discernible pattern in the 16 cases: the incidents occurred at different locations and were committed by members of different units. The abusive behavior varied significantly among these incidents, although each involved methods of maltreatment that were clearly in violation of U.S. military doctrine and U.S. law of war obligations, as well as U.S. interrogation policy. The most common type of detainee abuse was straightforward physical abuse, such as slapping, punching and kicking. In addition, threats were made in nine of the 16 incidents.

(U) As the preceding discussion illustrates, there is no link between any authorized interrogation techniques and the actual abuses described in the closed, substantiated interrogation-related abuse cases. First, much of the abuse involved the sort of straightforward physical violence that plainly transgressed the bounds of any interrogation policy in any theater, and also violated any definition of "humane" detainee treatment. Second, much of the abuse is wholly unconnected

to any interrogation technique or policy, as it was committed by personnel who were not MI interrogators, and who almost certainly did not know (and had no reason to know) the details of such policy. Nevertheless, these personnel either knew or should have known that their actions were improper because they clearly violated military doctrine and law of war obligations. And third, even when MI interrogators committed the abuse, their actions were unrelated to any approved techniques. Even if interrogators were "confused" by the issuance of multiple interrogation policies within a short span of time, as some have hypothesized regarding Abu Ghraib, it is clear that *none* of the approved policies - no matter which version the interrogators followed - would have permitted the types of abuse that occurred.

(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

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reason for abuse, we did identify several factors that may help explain why the abuse occurred.

(U) First, 23 of the abuse cases, roughly one third of the total, occurred at the point of capture in Afghanistan or Iraq - that is, during or shortly after the capture of a detainee. This is the point at which passions often run high, as service members find themselves in dangerous situations, apprehending individuals who may be responsible for the death or serious injury of fellow service members. Because of this potentially volatile situation, this is also the point at which the need for military discipline is paramount in order to guard against the possibility of detainee abuse, and that discipline was lacking in some instances. Additionally, the nature of the enemy, and the tactics it has employed in Iraq (and to a lesser extent, in Afghanistan) may have played a role in this abuse. Our service members may have at times permitted the enemy's treacherous tactics and disregard for the law of war - exemplified by improvised explosive devices and suicide bombings - to erode their own standards of conduct. (Although we do not offer empirical data to support this conclusion, a consideration of past counter-insurgency campaigns - for example, in the Philippines and Vietnam - suggests that this factor may have contributed to abuse.) The highly publicized case involving an Army Lieutenant Colonel in Iraq provides an example. On August 20, 2003, during the questioning of an Iraqi detainee by field artillery soldiers, the Lieutenant Colonel fired his weapon near

the detainee's head in an effort to elicit information regarding a plot to assassinate U.S. service members. For his actions, the Lieutenant Colonel was disciplined and relieved of command.

(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 communiques 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. As documented in previous reports (including MG Fay's and MG Taguba's investigations), stronger leadership and greater oversight would have lessened the likelihood of abuse.

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Use of Contract Personnel in Interrogation Operations (U)

(U) It is clear that contract interrogators and support personnel are "bridging gaps" in the DoD force structure in GTMO, Afghanistan and Iraq. As a senior intelligence officer at CENTCOM stated: "[s]imply put, interrogation operations in Afghanistan, Iraq and Guantanamo cannot be reasonably accomplished without contractor support." As a result of these shortfalls in critical interrogation-related skills, numerous contracts have been awarded by the services and various DoD agencies. Unfortunately, however, this has been done without central coordination, and in some cases, in an *ad hoc* fashion (as demonstrated, for example, by the highly publicized use of a "Blanket Purchase Agreement" administered by the Department of the Interior to obtain interrogation services in Iraq from OACI Inc.). Nevertheless, we found - with limited exceptions - that contractor compliance with DoD policies, government command and control of contractors, and the level of contractor experience were satisfactory, thanks in large part to the diligence of contracting officers and local commanders.

(U) Overall, we found that contractors made a significant contribution to U.S. intelligence efforts. Contract interrogators were typically former MI or law enforcement personnel, and on average were older and more experienced than military interrogators; many anecdotal reports indi-

cated that this gave contract interrogators additional credibility in the eyes of detainees, thus promoting successful interrogations. In addition, contract personnel often served longer tours than DoD personnel, creating continuity and enhancing corporate knowledge at their commands.

(U) Finally, notwithstanding the highly publicized involvement of some contractors in abuse at Abu Ghraib, we found very few instances of abuse involving contractors. In addition, a comprehensive body of federal law permits the prosecution of U.S. nationals - whether contractor, government civilian, or military - who may be responsible for the inhumane treatment of detainees during U.S. military operations overseas. Thus, contractors are no less legally accountable for their actions than their military counterparts.

DoD Support to Other Government Agencies (U)

(U) For the purposes of our discussion, other government agencies, or OGAs, are federal agencies other than DoD that have specific interrogation and/or detention-related missions in the Global War on Terror. These agencies include the Central Intelligence Agency (CIA), the Federal Bureau of Investigation (FBI), the Drug Enforcement Administration (DEA), U.S. Customs and Border Protection, and the Secret Service. In conducting our investigation, we con-

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sidered DoD support to all of these agencies, but we focused primarily on DoD support to the CIA. (The CIA cooperated with our investigation, but provided information only on activities in Iraq.) It is important to highlight that it was beyond the scope of our tasking to investigate the existence, location or policies governing detention facilities that may be exclusively operated by OGAs, rather than by DoD.

(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 and OIF, 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

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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 OGAs in the interrogation of DoD detainees.

Medical Issues Related to Interrogation (U)

(U) In reviewing the performance of medical personnel in detention and interrogation-related operations during the Global War on Terror, we were able to draw preliminary insights in four areas: detainee screening and medical treatment; medical involvement in interrogation; interrogator access to medical information; and the role of medical personnel in preventing and reporting detainee abuse. We note that the Office of the Secretary of Defense is currently developing specific policies to address all of the issues raised below.

(U) First, the medical personnel that we interviewed understood their responsibility to provide humane medical care to detainees, in accordance with U.S. military medical doctrine and the Geneva Conventions. The essence of these requirements is captured succinctly in a DoD policy issued by the Assistant Secretary of

Defense for Health Affairs on April 10, 2002, "DoD Policy on Medical Care for Enemy Persons Under U.S. Control Detained in Conjunction with Operation Enduring Freedom." The policy states, "[I]n any case in which there is uncertainty about the need, scope, or duration of medical care for a detainee under U.S. control, medical personnel shall be guided by their professional judgments and standards similar to those that would be used to evaluate medical issues for U.S. personnel, consistent with security, public health management, and other mission requirements" (emphasis added). Few U.S. personnel, however, had received specific training relevant to detainee screening and medical treatment. As a result, in Afghanistan and Iraq we found inconsistent field-level implementation of specific requirements, such as monthly detainee inspections and weight recordings. Thus there is a need for a focused training program in this area so that our medical personnel are aware of and comply with detainee screening and medical treatment requirements.

(U) Second, it is a growing trend in the Global War on Terror for behavioral science personnel to work with and support interrogators. These personnel observe interrogations, assess detainee behavior and motivations, review interrogation techniques, and offer advice to interrogators. This support can be effective in helping interrogators collect intelligence from detainees; however, it must be done within proper limits. We found that behavioral science personnel were not involved in detainee

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medical care (thus avoiding any inherent conflict between caring for detainees and crafting interrogation strategies), nor were they permitted access to detainee medical records for purposes of developing interrogation strategies. However, since neither the Geneva Conventions nor U.S. military medical doctrine specifically address the issue of behavioral science personnel assisting interrogators in developing interrogation strategies, this practice has evolved in an *ad hoc* manner. In our view, DoD policy-level review is needed to ensure that this practice is performed with proper safeguards, as well as to clarify the status of medical personnel (such as behavioral scientists supporting interrogators) who do not participate in patient care.

(U) Another area that deserves DoD policy-level review (and that is unaddressed by the Geneva Conventions or current DoD policy) is interrogator access to detainee medical information. Interrogators often have legitimate reasons for inquiring into detainees' medical status. For example, interrogators need to be able to verify whether detainees are being truthful when they claim that interrogations should be restricted on medical grounds. Granting interrogators unfettered access to detainee medical records, however, raises the problem that detainee medical information could be inappropriately exploited during interrogations. Such access might also discourage detainees from being truthful with medical personnel, or from seeking help with medical issues, if detainees believe that their medical histories

will be used against them during interrogation. Although U.S. law provides no absolute confidentiality of medical information for any person, including detainees, DoD policy-level review is necessary in order to balance properly these competing concerns. This is especially true given the substantial variation that we found in field-level practices for maintaining and securing detainee medical records. While access to medical information was carefully controlled at GTMO, we found in Afghanistan and Iraq that interrogators sometimes had easy access to such information. Nevertheless, we found no instances where detainee medical information had been inappropriately used during interrogations, and in most situations interrogators had little interest in detainee medical information even when they had unfettered access to it.

(U) Finally, it was not possible for us to assess comprehensively whether medical personnel serving in the Global War on Terror have adequately discharged their obligation to report (and where possible, prevent) detainee abuse. However, our interviews with medical personnel indicated that they had only infrequently suspected or witnessed abuse, and had in those instances reported it through the chain of command. Separately, we performed a systematic review of investigative notes and autopsy results in order to assess the roles of medical personnel, especially in any case where detainee abuse was suspected. We reviewed 68 detainee deaths: 63 in Iraq and five in Afghanistan:

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there were no deaths at GTMO. (These deaths were not all abuse-related, and therefore do not correlate directly to the death cases described in our analysis of abuse.) Of these deaths, we identified three in which it appeared that medical personnel may have attempted to misrepresent the circumstances of death, possibly in an effort to disguise detainee abuse. Two of these were the previously described deaths in Bagram, Afghanistan in December 2002, and one was the aforementioned death at Abu Ghraib in November 2003. The Army Surgeon General is currently reviewing the specific medical handling of these three cases.

Conclusion (U)

(U) Human intelligence in general, and interrogation in particular, are indispensable components 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 GTMO did highlight the difficulty of precisely defining the boundaries of humane treatment.

(U) It bears emphasis that the vast majority of detainees held by the U.S. in the Global War on Terror have been treated humanely, and that the overwhelming majority of U.S. personnel have served honorably. For those few who have not, there is no single, overarching explanation. While authorized interrogation techniques have not been a causal factor in detainee abuse, we have nevertheless identified a number of missed opportunities in the policy development process. We cannot say that there would necessarily have been less detainee abuse had these opportunities been acted upon. These are opportunities, however, that should be considered in the development of future interrogation policies.

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CORRESPONDENCE & DOCUMENTS

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Introduction (U)

(U) In early 2004, revelations of detainee abuse in Iraq's Abu Ghraib prison, potentially involving U.S. Army military intelligence as well as military police personnel, suggested the need for an investigation of Department of Defense interrogation policy and implementation. On May 25, 2004, the Secretary of Defense directed the Naval Inspector General, through the Secretary of the Navy, to conduct a comprehensive review of Department of Defense interrogation techniques related to the following:

- (U) Guantanamo Bay detainee and interrogation operations from January 6, 2002;
- (U) Operation ENDURING FREEDOM;
- (U) Operation IRAQI FREEDOM;
- (U) Joint Special Operations in the U.S. Central Command area of responsibility; and
- (U) The Iraq Survey Group.

Specifically, the Naval Inspector General was tasked to identify and report on all Department of Defense interrogation techniques. The Secretary's directive specified that the Review must:

- (U) Examine all DoD interrogation techniques considered, authorized, prohibited, and employed during the Operations listed above;
- (U) Determine whether (and if so, to what extent) techniques prescribed for use in one command or Operation were adopted for use in another; and

- (U) Inquire into any DoD support to, or participation in, the interrogation operations of non-DoD entities.

In subsequent meetings with the Naval Inspector General, the Secretary of Defense emphasized his desire to investigate thoroughly and present all relevant facts to the Congress and the American people.

Scope of the Review (U)

(U) This independent review is intended to provide a comprehensive chronology regarding the development, approval and implementation of interrogation techniques. In order to meet desired timelines, minimize impact to ongoing operations, and avoid conducting multiple interviews of the same personnel, a decision was made to draw upon numerous other investigations and reviews of interrogation and detention operations, which are summarized in a later section of this report.

(U) Additionally, the Naval Inspector General was designated as the Secretary of Defense's principal representative to the Independent Panel to Review DoD Detention Operations (hereinafter referred to as the "Independent Panel"). Secretary Rumsfeld asked the Independent Panel, which was chaired by the Honorable James R. Schlesinger – a former Director of Central Intelligence, Secretary of Defense, and Secretary of Energy – to provide "independent, professional advice on the issues that you

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consider most pertinent related to the various allegations [of abuse at DoD detention facilities], based on [a] review of completed and pending investigative reports and other materials and information." During the course of our review, information was shared with the Independent Panel to facilitate its deliberations and to avoid duplication of effort in studying interrogation policy and procedures. (In addition to the Honorable James Schlesinger, the Independent Panel included the Honorable Harold Brown, former Secretary of Defense; the Honorable Tillie K. Fowler, former U.S. Representative from Florida; and retired Air Force General Charles A. Horner, who commanded coalition air forces during Operation DESERT STORM, and subsequently commanded the North American Aerospace Defense Command.)

(U) Our review focuses on the specific tasking in the Secretary's memorandum of May 25, 2004. As such, it does not address some issues that may be of importance but are nevertheless not directly related to our tasking. Issues dealing with the interpretation of international law, rationale for specific decisions by senior officials, the value and success of ongoing strategic intelligence efforts, and legal definitions are only addressed when specifically and directly determined to be relevant to our tasking. Finally, any information discovered that was related to potential abuse of detainees was referred to the appropriate criminal investigative authority.

Investigative Approach (U)

(U) On June 1, 2004, the Naval Inspector General, Vice Admiral Albert T. Church III, USN, assembled a planning staff that brought together experienced investigators, interrogation and detention subject matter experts, and representatives of the Office of the Secretary of Defense, the Joint Staff, the Services, and the applicable Combatant Commands (the U.S. Southern, Central and Special Operations Commands). The planning staff developed a nucleus of background knowledge that facilitated the creation of traveling assessment teams, organized to conduct field interviews and document collection, and a Washington team, which would merge and analyze the data collected. The planning staff included Dr. James Blackwell, Executive Director of the Independent Panel, in order to ensure the smooth coordination of our activities with those of the Independent Panel. In addition, William McSwain, an Assistant United States Attorney, was selected to serve as the Executive Editor for our report. Collectively, this group was designated the Interrogation Special Focus Team (ISFT).

(U) The ISFT's intent was to conduct a thorough investigation, including in-theater interviews, with a minimum of disruption to ongoing military operations. To that end, during the month of June 2004, the ISFT began detailed research into DoD interrogation policy and doctrine, as well as available information concerning specific interrogation operations in Guantanamo Bay, Afghanistan, and Iraq. The research encompassed

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informational interviews with interrogation subject matter experts and the review of policy and doctrine documents (many provided by multiple DoD agencies in response to ISFT data calls). This enabled the development of standard interview templates used to collect statements from interrogation-related personnel in the theaters of operation, as well as key senior military and civilian officials. Persons interviewed or who provided written responses would include:

- (U) Senior DoD policymakers, including the Deputy Secretary of Defense, the Under Secretary of Defense for Intelligence, and the General Counsel of the Department of Defense, and others (see figure below)
- (U) General and Flag officers, including the Vice Chairman of the Joint Chiefs of Staff, the Commander, U.S. Central Command, and others (see figure below)
- (U) Military Intelligence leaders
- (U) Interrogators, interpreters and intelligence analysts
- (U) Military Police
- (U) Staff judge advocates
- (U) Medical personnel
- (U) Chaplains
- (U) Interrogation instructors
- (U) Personnel involved in "point of capture" questioning of detainees (e.g., infantry soldiers)

Senior-Level ISFT Interviewees and Respondents (U)

Senior Civilians

- Dr. Paul Wolfowitz, Deputy Secretary of Defense
- Dr. Stephen Cambone, Under Secretary of Defense for Intelligence
- Mr. Douglas Feith, Under Secretary of Defense for Policy
- Mr. William Haynes, General Counsel of the Department of Defense
- Mr. Matt Waxman, Deputy Assistant Secretary of Defense for Detainee Affairs
- Ms. Mary Walker, General Counsel, Department of the Air Force
- Mr. Steven Morello, General Counsel, Department of the Army
- Mr. Alberto Mora, General Counsel, Department of the Navy
- Mr. Jacques Grimes, SES, Chief of Survey Center, Iraq Survey Group (ISG)

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General and Flag Officers

- Gen Peter Pace, USMC, Vice Chairman of the Joint Chiefs of Staff
- GEN John Abizaid, USA, Commander, U.S. Central Command
- GEN Dan McNeill, USA, United States Army Forces Command, former Commander, JTF-180
- LTG Anthony Jones, USA, Deputy CG/Chief of Staff, USA Training & Doctrine Command
- LTG Ricardo Sanchez, USA, CG, V Corps, former Commander, CJTF-7 (Iraq)

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- LTG Keith Alexander, USA, Deputy Chief of Staff of the Army, G-2
- LTG David Barno, USA, Commander, Combined Forces Command, Afghanistan (CFC-A)
- LtGen James Conway, USMC, Director, J-3, Joint Staff, former Commanding General, I MEF
- VADM Lowell Jacoby, USN, Director, Defense Intelligence Agency
- VADM David Nichols, USN, Commander, NAVCENT/Commander, FIFTH Fleet
- MG Geoffrey Miller, USA, DCG Detainee Ops/CG, TF 134 MNF-I, former CJTF-GTMO
- MG Keith Dayton, USA, Director of Strategy, Plans and Policy, G-3; Former Commander, Iraq Survey Group
- MG Thomas Romig, USA, Judge Advocate General of the Army
- MG Eric Olson, USA, CG, CJTF-76, Afghanistan
- MG Peter Chiaralli, USA, Commanding General, 1st Cavalry Division
- MG Walter Wojdakowski, USA, Deputy Commanding General, V Corps
- MG George Fay, USA, Deputy Commander (IMA), USA Intelligence & Security Command
- MG Ronald Burgess, USA, Director J-2, Joint Staff
- MG Stanley McChrystal, USA, CG, Joint Special Operations Command (JSOC)
- MG Barbara Fast, USA, former C-2, MNF-I
- MG Martin Dempsey, USA, CG, 1st Armored Division
- MG Michael Dunlavey (Retired), USAR, former CJTF-170 and CJTF-GTMO
- MajGen Thomas Fiskus, USAF, Judge Advocate General of the Air Force
- MajGen James Mattis, USMC, CG, Marine Corps Combat Development Command, former Commanding General, 1st Marine Division
- RADM Michael Lehr, USN, Judge Advocate General of the Navy
- BG Jay Hood, USA, Commander, JTF-GTMO
- BG John Custer, USA, Director for Intelligence, J-2, U.S. Central Command
- BG Charles Jacoby, USA, DCG Support, CJTF-76, Afghanistan
- BGen Michael Ennis, USMC, Deputy Director for Human Intelligence, DIA
- BGen Joseph McMenamin, USMC, Director, Iraq Survey Group
- BGen Kevin Sandkuhler, USMC, SJA to the Commandant of the Marine Corps
- RADM William McRaven, USN, Deputy CG for Operations, JSOC

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(U) We made a decision not to interview the detainees themselves in order to minimize any impact on ongoing interrogation operations; however, we did review many reports provided by the International Committee of the Red Cross (ICRC).

(U) In late June through early July 2004, the assessment teams traveled to Guantanamo Bay, Afghanistan and Iraq in order to conduct interviews and first-hand examinations of detention and interrogation facilities and operations. In total, the ISFT collected more than 800 statements from personnel involved in detainee operations. In addition, a series of follow-on questions was asked of senior officials in the Office of the Secretary of Defense and the Joint Staff during the course of the investigation. The information thus collected provided the foundation for the findings presented in this report. Throughout our effort, we were impressed by the high level of cooperation and accommodation we received, particularly from combat forces in the field.

(U) Following this introduction, the report is divided into nine main sections.

- (U) The first section discusses the legal, policy and doctrinal framework within which DoD detention and interrogation operations take place.

- (U) The second section provides a summary of previous reports that address detention and interrogation operations in the Global War on Terror.
- (U) The third section provides an analysis of detainee abuse investigations during the Global War on Terror.
- (U) The fourth, fifth, and sixth sections describe the evolution of interrogation techniques considered, authorized, prohibited, and employed in the course of the Global War on Terror in Guantanamo Bay, Afghanistan, and Iraq respectively.
- (U) The seventh section examines the role of contractors in DoD interrogations.
- (U) The eighth section examines DoD support to, or participation in, the interrogation operations of non-DoD entities, also termed other government agencies, or OGAs.
- (U) The ninth section examines the role of U.S. medical personnel in interrogation.

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**Department of Defense Interrogation:
 Law, Policy, Doctrine and Training (U)**

(U) Timely and accurate intelligence is essential to the effective conduct of military operations. Defense Department interrogators, both military and civilian, seek to gain human intelligence (HUMINT) from enemy prisoners of war and other detainees in order to support DoD missions, from the tactical (e.g., counter-insurgency patrols in Iraq or Afghanistan) to the strategic (e.g., defense of the U.S. homeland against a catastrophic terrorist attack).

(U) This section of our report provides the background for our subsequent discussion of interrogation operations in GTMO, Afghanistan, and Iraq. It begins with an overview of international law, U.S. law, Department of Defense policy, and doctrine governing DoD interrogations, including a discussion of the President's February 7, 2002 determination regarding the legal status of al Qaeda and Taliban members under the Geneva Conventions. It then provides a summary of DoD doctrine for detention operations, including the doctrinal relationship between military police (MP) and military intelligence (MI) personnel. Next, this section provides a summary of the limited doctrine pertaining to joint, coalition and interagency interrogation facilities. It concludes with an overview of the force structure and training for DoD interrogators.

Interrogation: Law and Policy (U)

(U) Army Field Manual 34-52, *Intelligence Interrogation*, states that "the goal of any interrogation is to obtain reliable information in a lawful manner, in a minimum amount of time, and to satisfy intelligence requirements of any echelon of command" (emphasis added). Interrogators are at all times bound by applicable U.S. laws, including treaty-based laws, and U.S. policies.

(U) Applied to detention and interrogation operations in time of armed conflict, this body of law and policy is intended to ensure the humane treatment of individuals who fall into the hands of a party to the conflict. In the following paragraphs, we will review the legal and policy framework governing detention and interrogation before turning to the subject of interrogation doctrine.

(U) DoD personnel are bound by U.S. law, including the law of armed conflict, found in treaties to which the U.S. is party. Among other things, these laws prohibit torture or other cruel, inhumane or degrading treatment of detainees. International and U.S. laws define torture in the *Convention Against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment* and in Title 18, Section 2340 of U.S. Code, respectively; note, however, that there is no treaty-defined or universally accepted definition of cruel, inhumane or degrading treatment.

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(U) It is U.S. policy to use the Geneva Conventions as a baseline for humane treatment even when the Conventions are not legally binding (in the words of DoD Directive 5100.77, "during all armed conflicts, however such conflicts are characterized"). The Geneva Conventions indicate that the irreducible minimum standard of treatment is "humanity," without further defining the term. Thus, the concept of humane treatment remains undefined, and well-meaning individuals analyzing interrogation techniques might differ on whether certain techniques are in fact humane.

(U) In addition, DoD personnel engaged in armed conflict are bound by the law of war, enumerated in the Geneva Conventions of 1949. The law of war is intended to "diminish the evils of war" by regulating the means of warfare, and by protecting the victims of war, both combatant and civilian. An overview of the purpose and scope of the Geneva Conventions, their implementation in DoD policy, and their application in the Global War on Terror is provided below.

(U) Purpose and Scope of the Law of War

(U) The Geneva Conventions pertinent to detention and interrogation operations are the *Geneva Convention Relative to the Treatment of Prisoners of War*, herein abbreviated as GPW, and the *Geneva Convention Relative to the*

Protection of Civilian Persons in Time of War, abbreviated as GC. The GPW provides protection for captured enemy military personnel, including military medical personnel and chaplains (referred to as "retained persons"). The GC protects civilian internees captured in a belligerent's home state or occupied territory. Private citizens who engage in unauthorized acts of violence and who fail to meet the criteria set forth in the GPW are unprivileged belligerents.

(U) Detainees meeting Geneva criteria are entitled to the protection commensurate with their category (prisoner of war or civilian protected person). The figure on the next page provides a list which, while not all-inclusive, describes the protections that are most relevant to interrogation operations. In all cases, DoD personnel are obliged to uphold the basic standard of humane treatment of detainees, and to obey laws prohibiting assault, torture, homicide, and other forms of maltreatment.

(U) GPW explicitly addresses those instances when capturing forces cannot immediately determine the status of a detainee: "should any doubt exist as to whether persons, having committed a belligerent act and having fallen into the hands of the enemy, belong to the categories enumerated in [GPW] Article 4, such persons shall enjoy the protection of [prisoners of war] until such time as their status has been determined by a com-

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Geneva Convention Protections: Prisoners of War and Protected Persons (U)

(U) Protections afforded to prisoners of war (GPW):

- (U) Shall be humanely treated at all times. (GPW, Article 13)
- (U) No physical or mental torture, nor any other form of coercion, may be inflicted on prisoners of war to secure from them information of any kind whatever. Prisoners of war who refuse to answer may not be threatened, insulted, or exposed to unpleasant or disadvantageous treatment of any kind. (GPW, Article 17)

(U) Protections afforded to protected persons (GC):

- (U) Shall be humanely treated at all times. (GC, Article 27)
- (U) No physical or moral coercion shall be exercised against protected persons, in particular to obtain information from them or from third parties. (GC, Article 31.)

petent tribunal" (GPW, Article 5). Though the Geneva Conventions do not describe the composition of such a tribunal, DoD policy provides specific guidance, as will be described below.

(U) In sum; DoD personnel are always bound to treat detainees humanely, at a minimum; and enemy prisoners of war and civilians covered by the Geneva Conventions are to be granted the additional protections prescribed by Geneva.

(U) The following section provides a survey of the DoD policy documents that amplify and assign responsibilities with regard to U.S. law of war obligations.

(U) DoD Policy

(U) Two Department of Defense Directives, or DoDDs, specify DoD policy regarding the law of war and detainee operations: DoDD 5100.77, *DoD Law of War Program*, and DoDD 2310.1, *DoD Program for Enemy Prisoners of War and Other Detainees*. These directives highlight several key points:

- (U) It is DoD policy to ensure that the law of war obligations of the United States are observed and enforced by the DoD Components.

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- (U) It is DoD policy to comply with the principles, spirit and intent of the international law of war, both customary and codified, to include the Geneva Conventions.
- (U) Captured or detained personnel must be accorded an appropriate legal status under international law. In addition, DoD personnel must comply with the law of war during all armed conflicts, however such conflicts are characterized, and with the principles and spirit of the law of war during all other operations.

These directives assign executive responsibility for the DoD law of war and detainee programs to the Secretary of the Army, and specify that individuals captured or detained by U.S. military forces should normally be handed over for safeguarding to U.S. Army MPs as soon as practical.

(U) Army Regulation (AR) 190-8, *Enemy Prisoners of War; Retained Personnel, Civilian Internees, and Other Detainees*, implements the detainee program and policies outlined in DoDD 2310.1. AR 190-8 has been adopted by all four Services, and is applicable with regard to treatment of detainees in the custody of the U.S. armed forces. In addition to describing the administration of the DoD detainee program, AR 190-8 establishes standard DoD terminology for detainee categories, derived from the Geneva Conventions (see figure on the next page). (The current edition

of AR 190-8 was approved in 1997.)

(U) In addition, AR 190-8 sets forth the requirements for "competent tribunals" for the determination of detainee status when such status is in doubt, as mandated by the Geneva Conventions. AR 190-8 requires that tribunals be convened by commanders holding general court-martial authority, be composed of three commissioned officers (at least one of whom must be field grade—a major or equivalent—or higher), and hear the testimony of the detainee, if so requested. Detainees determined not to be EPWs may not, as a matter of DoD policy (subject to other direction by higher authority) be imprisoned or otherwise penalized without further proceedings to determine what act they have committed and what the punishment should be.

(U) Army FM 34-52, *Intelligence Interrogation*, provides further amplification of Geneva Convention obligations pertaining directly to interrogation operations: "[the Geneva Conventions] and US policy expressly prohibit acts of violence or intimidation, including physical or mental torture, threats, insults, or exposure to inhumane treatment as a means of or aid to interrogation." Further, FM 34-52 prohibits physical or mental coercion, defined in the manual as "actions designed to unlawfully induce another...to act against one's will. Such actions would include, for example, committing or threatening torture, or implying that rights accorded by the Geneva Conventions will not be provided unless the detainee cooperates with the interrogator."

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Army Regulation 190-8: Detainee Categories (U)

(U) Detainee Categories:

- (U) EPW: Enemy prisoners of war.
- (U) CI: Civilian internees.
- (U) RP: Retained persons (medical personnel and chaplains).
- (U) OD: Other detainees. (AR 190-8 defines ODs as detainees who have not yet been classified as EPW, CI, or RP. ODs are entitled to EPW treatment until such a classification has been made by a competent tribunal.)

(U) Geneva and the War on Terror

(U) In a memo dated February 7, 2002, President George W. Bush determined that Taliban detainees were "unlawful combatants" not legally entitled to prisoner of war status, and al Qaeda members also did not qualify as prisoners of war, for the following reasons:

1. (U) *The Taliban*. Afghanistan is a party to the Geneva Conventions; however, members of the Taliban have not fulfilled the obligations of lawful combatants laid out in GPW.
2. (U) *Al Qaeda*. As a non-state organization, al Qaeda is not—and cannot be—a party to any international treaty, including the Geneva Conventions.

(U) Notwithstanding their legal status, the President determined 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."

(U) As the foregoing discussion demonstrates, U.S. military operations since September 11, 2001 have taken place within an established legal and policy framework. The Global War on Terror is distinct from traditional conflicts such as the World Wars because of our adversaries' disregard for the law of war; however, U.S. forces continue to be governed by the law of war and by U.S. policy with an emphasis on the humane treatment of all detainees.

Interrogation: Doctrine (U)

(U) There is no master DoD interrogation doctrine; however, the U.S. Army tactical interro-

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gation doctrine forms the *de facto* basis for interrogations conducted by DoD intelligence personnel. This doctrine is currently codified in the 1992 Army Field Manual 34-52, *Intelligence Interrogation*, and consists of seventeen interrogation techniques - called "approaches" in the manual - which may be used singly or in combination in order to elicit information from detainees. FM 34-52 specifies that these techniques, listed in the figure on the next page, are not intended to constitute an all-inclusive list; rather, they constitute a compilation of methods and procedures that have proven successful over time. Additionally, the techniques are described in broad terms, and leave room for creativity in their implementation. However, FM 34-52 explicitly requires that all interrogations be conducted in accordance with the detainee protections guaranteed by the laws and policies described above: "The approach techniques are not new nor are all the possible or acceptable techniques discussed below. Everything the interrogator says and does must be in concert with the [Geneva Conventions] and [the Uniform Code of Military Justice]."

(U) Although they have not officially adopted FM 34-52 as doctrine, other DoD components remain bound to work within the legal and policy limits associated with the law of war during interrogations. (FM 34-52 also notes that within any military unit that includes interrogators, the sen-

ior intelligence officer is assigned the responsibility of ensuring that all interrogations are performed in accordance with the Geneva Conventions and U.S. policies. FM 34-52 suggests that this may be effected through the review of oral or written interrogation plans by senior interrogators "when possible;" however, review of interrogation plans is not mandatory.) Within these bounds, interrogators may employ "psychological ploys, verbal trickery, or other nonviolent [and] non-coercive ruses...in the interrogation of hesitant or uncooperative sources."

(U) Prior to its approval in 1992, FM 34-52 was reviewed for legal sufficiency by the Office of the Judge Advocate General of the Army. Though FM 34-52's 17 techniques are not inherently legal or illegal, the stipulation that interrogators must adhere at all times to the Geneva Conventions and the Uniform Code of Military Justice (UCMJ) provides the backstop intended to prevent abuse.

(U) As previously noted, there is no official DoD-wide interrogation doctrine. Though the Joint Staff is developing a Joint interrogation doctrine, at present FM 34-52 constitutes the standard guide for conducting interrogations.

**(U) Questioning and Interrogation:
From Capture to Internment**

(U) Recognizing that the value of intelligence information may decrease with time, U.S. military doctrine states that detainees may be

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Interrogation Techniques (U)

(U) Source: U.S. Army Field Manual 34-52, *Intelligence Interrogation*

1. (U) **Direct.** The interrogator asks questions directly related to information sought, making no effort to conceal the interrogation's purpose. Always the first approach to be attempted, and reportedly highly effective during past conflicts (e.g., Operation DESERT STORM).
2. (U) **Incentive.** The interrogator uses luxury items (e.g., cigarettes) above and beyond those required by Geneva to reward the detainee for cooperation, with the implication that such items will be withheld for failure to cooperate. FM 34-52 cautions that any withholding of items must not amount to a denial of basic human needs - thus food, medicine, etc. may not be withheld.
3. (U) **Emotional Love.** The interrogator plays on the detainee's existing emotional tendencies to create a psychological "burden" which may be eased by cooperation with the interrogator. An "Emotional Love" technique might involve telling a detainee with apparent high regard for his fellow soldiers that cooperation will help shorten the conflict and ease their suffering.
4. (U) **Emotional Hate.** An "Emotional Hate" technique might involve telling a detainee with apparent contempt for his fellow soldiers that cooperation with the interrogator will allow allied forces to destroy the detainee's old unit, thus affording him a measure of revenge.
5. (U) **Fear Up (Harsh).** The "Fear Up" technique takes advantage of a detainee's pre-existing fears to promote cooperation. For example, an interrogator might exploit a detainee's fear of being prosecuted for war crimes. "Fear Up (Harsh)" involves the interrogator behaving in an overpowering manner with a loud and threatening voice, perhaps even throwing objects around the interrogation room. The intent is to convince the detainee that he does in fact have something to fear, but that the interrogator offers a possible way out of the "trap." FM 34-52 notes that of the 17 doctrinal approaches, "Fear Up"

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approaches have the greatest potential to violate the law of war, and that interrogators must take great care to avoid threatening or coercing a detainee in violation of the Geneva Convention. In addition, "Fear Up (Harsh)" is generally recommended only as a last resort, because other approaches may not be effective in generating rapport with the detainee once it has been used.

6. (U) **Fear Up (Mild).** "Fear Up (Mild)" uses a calm, rational approach to take advantage of the detainee's pre-existing fears, again in an attempt to convince the detainee that cooperation with the interrogator will have positive consequences.

7. (U) **Fear-Down.** The detainee is soothed and calmed in order to build rapport and a sense of security regarding the interrogator.

8. (U) **Pride and Ego-Up.** The detainee is flattered by the interrogator, prompting him to provide information in order to gain further praise (e.g., by demonstrating how important he was to his country's war effort).

9. (U) **Pride and Ego-Down.** The interrogator goads the detainee by challenging his loyalty, intelligence, etc.; the detainee may then reveal information in an attempt to demonstrate that the interrogator is wrong.

10. (U) **Futility.** The interrogator rationally persuades the detainee that it is futile to resist questioning, because (for example) the U.S. will inevitably win the conflict; everyone talks eventually; etc. This technique is not used by itself; rather, it is used to paint a bleak picture for the detainee, which can be exploited using other techniques (e.g., Emotional Love).

11. (U) **We Know All.** The interrogator employs test questions to which answers are already known in order to convince the detainee that the interrogator is all-knowing and resistance to questioning is therefore pointless.

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12. (U) **File and Dossier.** The interrogator prepares a dossier with complete information on the detainee's background, possibly padding the file with additional paper to increase its bulk. If this technique is successful, the detainee will be intimidated by the size of the file, and conclude that everything is already known and that resistance is pointless.

13. (U) **Establish Your Identity.** The interrogator insists that the detainee is not who he says he is, but rather an infamous person wanted on serious charges by higher authorities. The detainee may divulge information in an attempt to clear his name.

14. (U) **Repetition.** The interrogator repeats each question and answer multiple times until, in order to satisfy the interrogator and break the monotony, the detainee answers questions fully and candidly.

15. (U) **Rapid Fire.** The interrogator asks questions in rapid succession so that the detainee does not have time to answer fully. This may confuse and annoy the detainee, leading to contradictory answers; ultimately, the detainee may begin to speak more freely in order to make himself heard and explain inconsistencies pointed out by the interrogator.

16. (U) **Silent.** The interrogator silently looks the detainee squarely in the eye for an extended period, until the detainee becomes nervous or agitated. The interrogator breaks the silence when the detainee appears ready to talk.

17. (U) **Change of Scene.** The interrogator engages the detainee in an environment other than an interrogation room in order to ease the detainee's apprehension, or catch him with his guard down. For example, an interrogator might invite the detainee to another setting for coffee and pleasant conversation; alternatively, an interrogator might pose as a guard in the detention area and engage the detainee in conversation there.

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interrogated prior to their arrival at detention facilities, as noted in AR 190-8: "Prisoners may be interrogated in the combat zone. The use of physical or mental torture or any coercion to compel prisoners to provide information is prohibited...Interrogations will normally be performed by intelligence or counterintelligence personnel." Additionally, non-MI personnel may doctrinally conduct "tactical questioning" of detainees in the field prior to their delivery to short- or long-term detainee holding facilities.

(U) Detainees may be captured or collected in the field by any U.S. service member. Therefore, doctrine provides for basic, direct questioning of detainees by capturing forces to ascertain information of immediate tactical value. The figure on the following page provides an example of two memory aids created for U.S. Army soldiers for these purposes.

(U) After capture and tactical questioning by MI personnel (collectively termed "field processing"), detainees are normally transferred to Army MP units trained and organized to operate detention or internment/resettlement (I/R) facilities. (Though the Army has the primary responsibility for detention operations within DoD, other services may operate detention facilities as long as all of the provisions of the Geneva Conventions and AR 190-8 are fulfilled.) Detention and I/R doctrine is contained in Army Field Manual 3-19.40, *Military*

Police Detention and Internment/Resettlement Operations.

(U) By doctrine, there are three broad categories of detention facility: collecting points (normally operated by MP companies attached to Army divisions), holding areas (normally operated by MP companies attached to Army corps), and I/R facilities (normally operated by specially trained MP I/R battalions under MP brigades reporting to the theater commander). Division collecting points (CPs) and corps holding areas (CHAs) are intended to provide for the immediate safety and well-being of detainees, while preventing them from impeding combat operations on the battlefield. CP size may vary depending on the detainee capture rate, and facilities may range from simple concertina wire enclosures to existing structures such as abandoned schools or warehouses. CHAs may hold up to 2,000 detainees, and are established in existing structures or specially constructed camps. Internment/resettlement (I/R) facilities are intended to provide for long-term detention away from the combat zone, and normally consist of semi-permanent structures capable of holding up to 4,000 detainees.

(U) Division collecting points are further classified as either forward or central CPs. Closest to the battlefield, forward CPs are typically the most austere detention facilities, and by doctrine, should not house detainees for more than 12 hours

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Basic Detainee Capture and Questioning Procedures (U)

(U) Source: U.S. Army Special Text 2-91.6, *Small Unit Support to Intelligence*

(U) Handling of Enemy Prisoners of War and Detainees: "The Five S's"

- (U) **Search** - A thorough search of the person for weapons and documents.
- (U) **Silence** - Do not allow the EPWs/detainees to communicate with one another, either verbally or with gestures. Keep an eye open for potential troublemakers and be prepared to separate them.
- (U) **Segregate** - Keep civilians and military separate and then further divide them by rank, gender, nationality, ethnicity, and religion.
- (U) **Safeguard** - Provide security for and protect the EPWs/detainees. Get them out of immediate danger and allow them to keep their personal chemical protective gear, if they have any, and their identification cards.
- (U) **Speed** - Information is time sensitive. It is very important to move personnel to the rear as quickly as possible. An EPW/detainee's resistance to questioning grows as time goes on. The initial shock of being captured or detained wears off and they begin to think of escape. HUMINT soldiers who are trained in detailed exploitation, who have the appropriate time and means, will be waiting to talk to these individuals.

(U) Tactical Questioning: "JUMPS"

- (U) **J - Job**: What is your job? What do you do? If military: what is your rank? If civilian: what is your position title?
- (U) **U - Unit**: What is your unit or the name of the company you work for? Ask about chain of command and command structure.
- (U) **M - Mission**: What is the mission of your unit or element? What is the mission of the next higher unit or element? What mission or job were you performing when you were captured or detained?
- (U) **P - Priority Questions**: Ask questions based on small unit's tasking as briefed before patrol, roadblock, etc. Ensure questions are asked during natural conversation so unit's mission is not disclosed.
- (U) **S - Supporting Information**: Anything not covered above.

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prior to their transfer to a central CP. Central CPs are located further from the battlefield, and are intended to house detainees for up to 24 hours prior to their transfer to CHAs.

(U) Corps holding areas normally retain detainees for up to 72 hours, but may retain detainees for the duration of hostilities if required. Typically, one CHA is to be established per division conducting combat operations. Detainees in CHAs may be transferred to I/R facilities, where they remain until hostilities end or they are otherwise released.

(U) In sum, a detainee captured on the battlefield would typically be processed as follows: tactical questioning at the point of capture, followed by detention and possible interrogation at a forward CP for up to 12 hours, a central CP for up to 24 hours, a CHA for up to 72 hours (or longer as required), and finally an I/R facility (or CHA) until hostilities end or the detainee is approved for release. Detainees may also be turned over to facilities at any higher echelon immediately following capture. By doctrine, detainees are not to be released until they have been fully processed for control and accounting purposes by I/R-trained MP units.

(U) As noted in AR 190-8 and FM 34-52, interrogation by properly trained intelligence personnel may be conducted at any stage of the capture and detention process. In addition, AR 190-8

specifies that commanders of I/R facilities must provide an area for intelligence collection efforts (i.e., interrogation).

(U) Doctrinal Relationship Between Military Police and Military Intelligence

(U) *Doctrine does not clearly and distinctly address the relationship between the Military Police (MP) operating [internment/resettlement] facilities and the Military Intelligence (MI) personnel conducting intelligence exploitation at those facilities.*

from the Detainee Operations Inspection Report, Department of the Army Inspector General, July 21, 2004

(U) *The [Geneva Conventions] and US policy expressly prohibit acts of violence or intimidation, including physical or mental torture, threats, insults, or exposure to inhumane treatment as a means of or aid to interrogation.*

from Field Manual 34-52, *Intelligence Interrogation*

(U) *Coercion is not inflicted upon captives and detainees to obtain information...Inhumane treatment, even if committed under stress of combat and with deep provocation, is a serious and punishable violation under national law and international law...*

from Field Manual 3-19.40, *Military Police Internment/Resettlement Operations*

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(U) Previous investigations of detainee abuse, such as the Department of the Army Inspector General report quoted above, have correctly pointed out that MP and MI doctrine do not completely describe the functional relationship between detention and interrogation operations. Existing guidance regarding the direct involvement of MPs in the interrogation mission - as opposed to external support for interrogation - is vague (see figure on the next page), and non-existent with regard to the implementation of techniques that are employed outside the interrogation room. (Examples of such techniques include environmental and dietary manipulation, as described in the declassified April 16, 2003 Secretary of Defense memorandum approving interrogation techniques for use at Guantanamo Bay.) However, the second and third excerpts cited above - one drawn from an MI manual, the other from an MP manual - demonstrate that doctrine clearly and specifically forbids the inhumane treatment of detainees.

(U) As previously described, MPs are responsible for establishing and operating detention facilities, which are typically found at the division, corps and theater levels (collecting points, corps holding areas and internment/resettlement facilities respectively). Within these facilities, MPs are responsible for the security, discipline, health, welfare, and humane treatment of detainees. In addition, MPs must main-

tain complete accountability for all detainees, assigning each an internment serial number (ISN) and forwarding it to the National Detainee Reporting Center (NDRC), as mandated by Army Regulation 190-8.

(U) As the subsequent figure illustrates, MPs are also responsible for coordinating with MI personnel to facilitate the collection of intelligence from detainees. The most extensive discussion of this responsibility is contained in FM 3-19.40, *Military Police Internment/Resettlement Operations*. MP responsibilities related to detainee intelligence collection, including interrogation, drawn from FM 3-19.40 are summarized in the subsequent figure.

(U) The figure demonstrates that MP administrative procedures pertaining to interrogation operations are well defined, and stress accountability for detainees at every stage of the detention and interrogation process. (FM 3-19.40 goes so far as to specify that if a detainee is removed from the receiving/processing line at a detention facility by MI personnel, the detainee and his or her possessions must first be accounted for on DD Form 2708 - *Receipt for Inmate or Detained Person* - and Department of the Army (DA) Form 4137, *Evidence/Property Custody Document*.) In directing MPs to "assist MI personnel by identifying detainees who may have useful information," doctrine clearly permits MPs to conduct passive intelligence collection within deten-

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MP, MI and Detainee Intelligence Collection: Existing Doctrine (U)

(U) From Army Regulation 190-8, *Enemy Prisoners of War, Retained Personnel, Civilian Internees and Other Detainees*

"The [enemy prisoner of war/civilian internee] facility commander will provide an area for intelligence collection efforts."

(U) From Field Manual 3-19.1, *Military Police Operations*

"The MP perform their...function of collecting, evacuating, and securing EPWs throughout the [area of operations]. In this process, the MP coordinate with MI to collect information that may be used in current or future operations."

(U) From Field Manual 3-19.40, *Military Police Internment/Resettlement Operations*

"The MP work closely with military intelligence interrogation teams...to determine if captives, their equipment, and their weapons have intelligence value."

(U) From Field Manual 34-52, *Intelligence Interrogation*

"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 from the holding area, and what types of behavior on their part will facilitate the screenings." (NOTE: FM 34-52 defines screening as "the selection of sources for interrogation." Screening is not interrogation.)

tion facilities. In addition, both MI and MP doctrine repeatedly emphasize the requirement for humane treatment of all detainees.

(U) However, there is a lack of doctrine regarding MP and MI roles in the application of the "outside-the-interrogation-room" interrogation techniques approved by DoD and service authorities in the course of the Global War on Terror. The techniques set forth in FM 34-52, such as direct

questioning and fear up, are generally described in the context of an "interrogation site." In contrast, many of the "new" techniques - such as the substitution of Meals-Ready-to-Eat (MREs) for hot meals, or reversing a detainee's sleep cycle from night to day - are applied outside the interrogation area in an effort to render the detainee more cooperative during subsequent interrogations. Neither MP nor MI doctrine prescribes specific responsibilities for the employment of techniques requiring

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MP Responsibilities Related to Detainee Intelligence Collection (U)

(U) Source: Field Manual 3-19.40, *Military Police Internment/Resettlement Operations*

(U) Facilitate collection of enemy tactical information by allowing MI to station interrogation teams at detention facilities. MI personnel may be permitted to observe arriving detainees in order to expedite the collection process.

(U) Work closely with MI interrogators to determine whether detainees have intelligence value.

(U) Coordinate with MI to establish operating procedures that ensure accountability for detainees and their equipment and documents. (Before MI conduct interrogations, detainees must be provided with DoD (DD) Form 2745, *EPW Capture Tag*, and documented on DD Form 2708, *Receipt for Inmate or Detained Person*.)

(U) Assist MI personnel by identifying detainees who may have useful information.

(U) Conduct personal searches of detainees when requested by MI. (Within detention facilities, FM 3-19.40 specifies that this must be done out of sight of other detainees, by guards of the same gender as the detainee being searched.)

(U) Plan "MI screening sites" including interrogation areas. Interrogation areas should accommodate an interrogator, a captive, a guard and an interpreter.

(U) Escort captives to and from the interrogation area.

(U) Establish procedures to inform MI which detainees will be moved to, from or within the facility, and when the movement is to take place.

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coordination outside the interrogation room. For example, it is not clear under existing doctrine whether MP or MI personnel should effect an altered detainee sleep cycle. In the absence of a clear doctrinal division of labor, commanders must develop local policies for the employment of such techniques. A particular hazard of this arrangement is that if MPs are not adequately trained on approved interrogation techniques and their limits, they may make inappropriate individual judgments regarding the appropriateness of techniques ordered or implied by MI personnel.

(U) Similarly, doctrine appears to permit the presence of MP guards during interrogations (see FM 3-19.40's requirement that interrogation areas accommodate guards in addition to intelligence personnel), but does not describe what role they should play or prohibit any particular roles. This could also lead to inappropriate behavior if the limitations of interrogation techniques and requirements related to detainee treatment are not well understood by all parties involved.

(U) Two additional areas of MP doctrine that warrant discussion are the employment of military working dogs (MWD) and strip searches. Though MP doctrine prescribe these for security purposes only, their misuse could lead to abuse, as we have seen at Abu Ghraib.

(U) Military Working Dogs

(U) Existing MWD doctrine pertaining to detainee operations (codified in Army Regulation 190-12, *Military Working Dogs*, and Department of the Army Pamphlet 190-12, *Military Working Dog Program*) notes that patrol dogs may be used to secure the perimeter of EPW detention facilities, and to deter escape. The presence of dogs during interrogation is neither specifically authorized nor specifically prohibited. As with other interrogation techniques that are not described in FM 34-52, the presence of dogs - even if approved by appropriate authorities - could become problematic in the absence of additional, specific training.

(U) Strip Searches

(U) FM 3-19.40 not only permits, but actually prescribes the strip-searching of both EPWs and CIs during in-processing into detention or internment facilities. No particular cautions are listed; however, the manual does state that MPs of the same gender as the detainee should perform the searches.

(U) Finally, doctrine does not address the variety of detainee classifications that have arisen in the course of the Global War on Terror. Terms such as "unlawful combatant," "security internee," "high-value detainee," etc., are not always easily paired with the Geneva Convention categories. Without specific instruction by commanders, this could cause confusion regarding whether and which Geneva Convention protec-

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tions apply to individual detainees.

(U) Despite the concerns noted above, however, MP and MI doctrine clearly states the requirement that, at a minimum, all detainees must be treated humanely. The excerpts that introduce this section illustrate that it leaves no doubt that abusive behavior is prohibited.

Interrogation Facilities: Joint,

Interagency, and Coalition Policy (U)

(U) Though U.S. military doctrine permits (and in fact requires) the provision of intelligence collection areas at I/R facilities, and also permits interrogations at any point in the capture-internment continuum, there is no DoD policy or doctrine that specifically addresses the establishment and operation of Joint, interagency, or coalition interrogation facilities. The Army Inspector

Doctrine Related to Joint/Interagency Interrogation Facilities (U)

(U) From Field Manual 34-52, *Intelligence Interrogation*:

(U) **Theater Interrogation Facility:** Established above the corps level (e.g., at an I/R facility); may support a Joint or Unified Combatant Command. Staffed by multiple Services and national agencies as required; may include interrogators from allied nations. Interrogates prisoners of war, high-level political and military personnel, civilian internees, defectors, refugees, and displaced persons.

(U) From Field Manual 3-31, *Joint Force Land Component Commander Handbook*:

(U) **Joint Interrogation Facility:** Conducts initial screening and interrogation of prisoners of war. Forwards key reports to the Joint Interrogation and Debriefing Center.

(U) **Joint Interrogation and Debriefing Center:** Conducts follow-on exploitation of prisoners of war in support of Joint Task Force and higher requirements. May also interrogate civilian detainees, refugees, and other non-prisoner sources.

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General's report of 21 July 2004, *Detainee Operation Inspection*, found that the two relevant doctrinal publications - FM 34-52, *Intelligence Interrogation*, and FM 3-31, *Joint Force Land Component Commander Handbook* (also adopted by the Marine Corps), contain inconsistent guidance on the structure and function of facilities variously termed Theater Interrogation Facilities (TIFs), Joint Interrogation Facilities (JIFs) and Joint Interrogation and Debriefing Centers (JIDCs). Outside of the described Army and Marine Corps doctrine (summarized in the figure above), there are no standard DoD policies governing the interaction of the military Services within interrogation facilities, nor are there policies governing the interaction of DoD interrogators and CIA, FBI, or other U.S. Government law enforcement and intelligence personnel. (There are, however, various directives issued since the inception of the Global War on Terror that govern specific, unique interrogation-related DoD organizations such as the Criminal Investigative Task Force, or CITF.) As the figure shows, the limited existing doctrine pertaining to joint or interagency interrogation facilities is not specific or consistent, and makes implicit distinctions between categories of detainees that do not correspond to international law or DoD policy. The Department of Defense is now developing doctrine for the establishment and manning of joint, interagency, and coalition interrogation facilities.

**DoD Interrogators: Force Structure
and Training (U)**

(U) Department of Defense intelligence interrogators are found in each military service, and in the Defense HUMINT Service (DIA/DH), a component of the Defense Intelligence Agency (DIA). Though we did not conduct a detailed review of DoD interrogator force structure, our interviews with MI leaders and interrogators firmly supported the conclusions of previous reports - namely, that there are not enough interrogators and linguists to meet the demands of the Global War on Terror. We are aware, however, that significant efforts are underway within DoD to address and rectify the shortfall of interrogators and associated support personnel, particularly linguists.

(U) Within the military services, enlisted personnel are the primary interrogators, with warrant officer interrogators in technical supervisory positions. Commissioned MI officers charged with overall command of intelligence units typically receive overviews of interrogation techniques during their training. Our interviews confirmed that warrant officers were typically the senior service members directly involved in interrogations. As the reader will learn in later

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sections of this report, individual interrogators' compliance with approved interrogation policies was often proportional to the "fidelity of transmission" from higher headquarters to the unit level, and then to the interrogators via warrant officer and senior enlisted leadership. Our interviews indicated that the details of approved theater interrogation policies were often lost during this process, frequently during the latter stage (though many units never received the approved policies at all). In these cases, interrogators generally fell back on school-house training, which focused on FM 34-52 and the law of war. Nevertheless, to a significant degree this left implementation of interrogation

techniques up to individual interrogators' judgment. (This will be described at length later in the report.)

(U) In contrast with military interrogators, Defense HUMINT Service (DH) personnel are trained as "strategic debriefers" - focusing on strategic intelligence, rather than the tactical intelligence that forms the focus of service interrogation training, and using primarily the Direct Questioning technique - but are generally familiar with FM 34-52. In some cases, DH personnel have received service interrogation training prior to details assigning them to support MI operations.

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Summary of Previous Reports Relating to
 Interrogation or Detainee Abuse (U)

(U) There have been a number of previous reports—some completed before the misconduct at Abu Ghraib came to light, or otherwise unrelated to Abu Ghraib, and others in response to Abu Ghraib—that provide the backdrop to our report. Several of these reports were concerned with detainee operations in a broad sense, and none addressed interrogation techniques or detainee abuse at a level of detail similar to this report. These reports do inform our analysis, however, as they often contain observations and recommendations that bear directly on interrogation operations or detainee abuse. Furthermore, in order to avoid duplication of effort, we have where possible leveraged the interviews and witness statements collected by others. These previous reports are listed below, followed by a summary of their major conclusions, with an emphasis on those aspects that shed light upon our investigation of interrogation techniques and detainee abuse.

(U) There have been three previous reports concerning interrogation operations at GTMO.

- (U) First, Stuart Herrington, a retired Army colonel with a military intelligence background, visited GTMO on March 16-21, 2002, and on March 22, 2002 provided MG Michael Dunlavey, USA, the Commander of JTF-170 at GTMO, an assessment of the intelligence collection efforts of JTF-170 (hereinafter "Herrington GTMO Report"). COL Herrington also provided a copy of this report

to MG Gary Speer, USA, then the Acting Commander, U.S. Southern Command (SOUTHCOM).

- (U) Second, COL John Custer, USA, led a Joint Staff team from August 14 through September 4, 2002, in reviewing intelligence collection operations at GTMO, and on September 10, 2002 issued a report to the Chairman of the Joint Chiefs of Staff, Gen. Richard Myers (hereinafter "Custer Report"). The Custer Report was originally requested by MG Speer at SOUTHCOM.
- (U) Third, VADM Church led a review on May 4-7, 2004 into the treatment of enemy combatants detained at GTMO (and at the Naval Consolidated Brig in Charleston, South Carolina), and on May 11, 2004, briefed Secretary Rumsfeld with his findings (hereinafter "Church Review").

(U) There have been eight previous reports on interrogation or detainee operations focusing on Iraq that are relevant to our investigation.

- (U) First, MG Geoffrey Miller, the Commander, JTF-GTMO, led a team to Iraq from August 31 to September 9, 2003 and issued a report that assessed the ability of military intelligence forces in Iraq "to rapidly exploit internees for actionable intelligence" (hereinafter "Miller Report"). The appointing

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authority for the Miller Report is not clear from the report itself, but it was apparently commissioned at the request of the Commander of CJTF-7, LTG Ricardo Sanchez, USA.

- (U) Second, MG Donald Ryder, USA, the Army Provost Marshal General, conducted an assessment from October 13 to November 6, 2003 of detainee operations in Iraq, and on November 6, 2003 issued a report to LTG Sanchez (hereinafter "Ryder Report").
- (U) Third, COL Herrington visited Iraq on December 2-9, 2003 to evaluate intelligence operations, and on December 12, 2003, provided his report to MG Barbara Fast, the senior intelligence officer for CJTF-7 (hereinafter "Herrington Iraq Report").
- (U) Fourth, LTC Natalie Lee, USA investigated from January 23 to February 23, 2004 reports of detainee abuse that had allegedly occurred in the summer of 2003 at the Joint Interrogation and Debriefing Center (JIDC) facility at Camp Cropper, Iraq. On February 23, 2004 LTC Lee issued her report, pursuant to the procedures of AR 15-6, to the Deputy Commanding General, CJTF-7, MG Walter Wojdakowski (hereinafter "Lee Report").
- (U) Fifth, MG Antonio Taguba, USA, Deputy Commanding General for Support, Coalition Forces Land Component Command (CFLCC), led an investigation from January 31 to February 28, 2004 into the detention operations of the 800th Military Police Brigade, with particular emphasis on operations at the Abu Ghraib detention facility, and provided his report on March 9, 2004 to the Commander, CFLCC, LTG David McKiernan (hereinafter "Taguba Report"). The Taguba Report was originally requested by the Commander of CJTF-7, LTG Sanchez.
- (U) Sixth, the Army Inspector General, LTG Paul T. Mikolashek, conducted an inspection from February to June 2004 of detainee operations in Iraq and Afghanistan. LTG Mikolashek issued his report on July 21, 2004 to Acting Secretary of the Army R.L. Brownlee (hereinafter "Mikolashek Report").
- (U) Seventh, the Assistant Deputy Chief of Staff, Army, G2, MG George Fay, USA, was appointed by LTG Sanchez on March 31, 2004 to investigate potential misconduct by 205th Military Intelligence Brigade personnel at Abu Ghraib between August 15, 2003 and February 1, 2004. MG Fay's report was released in August 2004 (hereinafter "Fay Report").
- (U) Eighth, in June 2004, as a result of the evidence MG Fay had gathered to that point, LTG Sanchez, the Commander, CJTF-7,

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requested that a more senior investigating officer be appointed to examine whether actions of the commander and staff of CJTF-7 contributed to any misconduct related to interrogation operations at Abu Ghraib. The Acting Secretary of the Army selected GEN Paul Kern, USA, the Commander of Army Material Command, to act as the new appointing authority. LTG Anthony Jones, USA, the Deputy Commanding General of the U.S. Army Training and Doctrine Command, was appointed as an additional investigating officer. LTG Jones' report was released in August 2004 (hereinafter "Jones Report").

(U) In addition to the Mikolashek Report, which addressed detainee operations in both Iraq and Afghanistan, one other report focused on detainee operations and facilities in Afghanistan. BG Charles Jacoby, USA, the Combined Joint Task Force 76 (CJTF-76) Deputy Commanding General, was appointed on May 19, 2004 by the Commander, CJTF-76, MG Eric Olson, USA, to conduct a "top to bottom review of ... detainee operations" in the Combined Forces Command Afghanistan Area of Responsibility. BG Jacoby's assessment was completed in August 2004 (hereinafter "Jacoby Report").

(U) Finally, in May 2004, the Secretary of Defense appointed former Secretaries of Defense James Schlesinger and Harold Brown, former Congresswoman Tillie Fowler, and retired Air

Force Gen. Charles Horner to an Independent Panel "to provide independent professional advice on detainee abuses, what caused them and what actions should be taken to preclude their repetition." The Independent Panel was charged with examining detention and interrogation operations worldwide. The Independent Panel's report was released on August 24, 2004 (hereinafter "Independent Panel" or "Independent Panel Report").

GTMO Reports (U)

(U) Herrington GTMO Report

(U) The JTF-170 Commander at GTMO, MG Dunlavey, USAR, invited COL Herrington to GTMO in March 2002 to assess the status of JTF-170's intelligence collection effort. This short, nine-page report was prepared only a few months after interrogation operations at GTMO began, and thus it offers some general observations about the strengths and weaknesses of JTF-170, as well as recommendations for the future.

(U) The most important aspect of this report is that it came out strongly in favor of subordinating the security function (i.e., military police, represented by JTF-160) to the intelligence collection function (i.e., military intelligence, represented by JTF-170). More specifically, the report stated that "to effectively carry out its intelligence exploitation mission, JTF-170 and its interagency collaborators need to be in full control of the

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detainees' environment. Treatment, rewards, punishment, and anything else associated with a detainee should be centrally orchestrated by the debriefing team responsible for obtaining information from that detainee" (emphasis added). For example, the report explained, "[i]f a security guard wants to adopt a hard line with a detainee, single him out for a shakedown, or take any measures . . . that impact on that detainee's state of mind, the authority to either approve, disapprove, or postpone the planned action should be the call of the intelligence entity."

(U) Moreover, the report stated broadly that "[t]here is unanimity among all military and interagency participants in JTF-170 that *the security mission is sometimes the tail wagging the intelligence dog (i.e., impacting negatively)*" (emphasis added). The report took pains to explain that this was not a criticism of JTF-160 personnel, but instead "*a basic principle of human intelligence exploitation*" (emphasis added). COL Herrington drew upon his own experience in both Panama and the Persian Gulf, noting that "one day, we might instruct the guards to be particularly warm and cheerful toward a given detainee - because that approach would work on that day to the advantage of the debriefer. On another day, with a different detainee, a cold, firm demeanor by the guards might be more suitable - again, depending upon where the debriefer might be in his efforts to unlock the information possessed by the detainee." In contrast to these examples, JTF-170 was "cur-

rently caught between two separate efforts, security and exploitation," and only by "deconflicting" these efforts could the intelligence exploitation effort achieve success.

(U) The other significant conclusion of the Herrington GTMO Report was that the youth and inexperience of the Defense HUMINT Service (DH) and Army interrogators, and their lack of foreign language training, inhibited their ability to extract intelligence from the detainees. The report noted that "a young debriefer normally will have a problem establishing the kind of controlling relationship required with an older, trained, and savvy detainee," and recommended that the JTF Commander put out a request for "senior, older debriefers with experience and refined language skills." In this regard, COL Herrington pointed out that the U.S. Army INSCOM "contract linguist augmentees on site are one of the brightest stars on the ground," and that the interrogators "could not function without them."

(U) Custer Report

(S) The Acting Commander of SOUTH-COM, MG Gary Speer, in June 2002 requested through the Chairman of the Joint Chiefs of Staff, Gen. Richard Myers, an external review

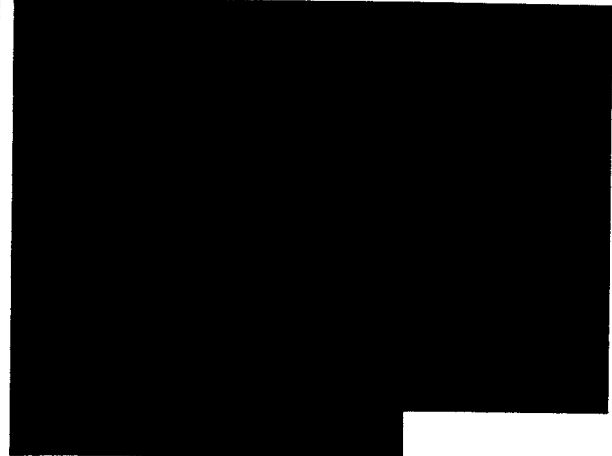
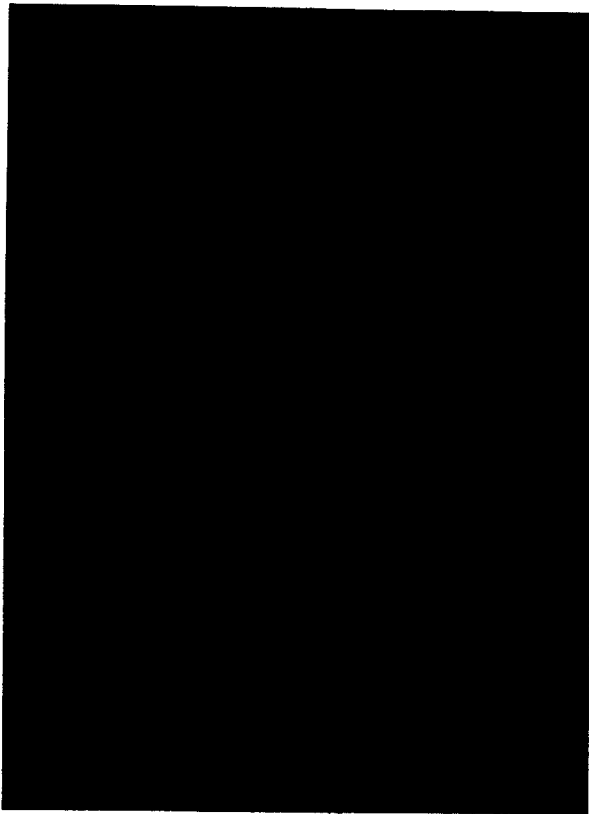
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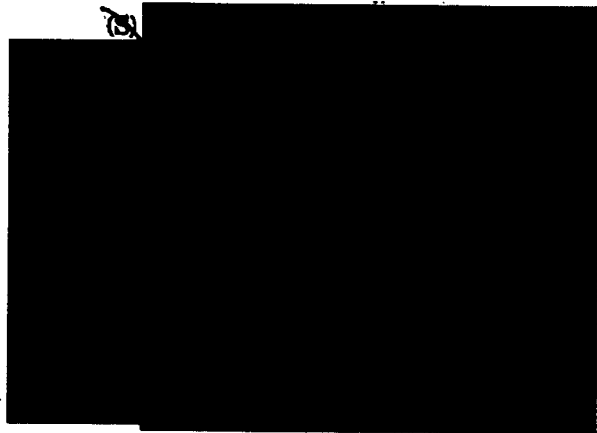
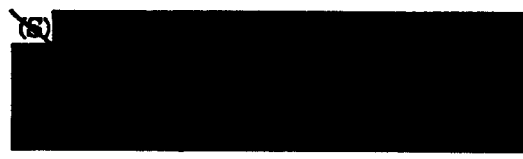
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[REDACTED]

(U) Church Review

(U) In the wake of revelations of prisoner abuse at Abu Ghraib, the Secretary of Defense commissioned this brief "review" of detainee operations at GTMO (and the Naval Consolidated Brig in Charleston, SC). The review culminated in a series of slides briefed to Secretary Rumsfeld on May 11, 2004, and was not accompanied by a separate, written report.

(b)(1) [REDACTED]

[REDACTED]

(U) The Church Review described itself as a "snapshot" of existing conditions at GTMO, and not a comprehensive historical review. The review found that detainees at GTMO were being treated properly and humanely. The review found "no evidence, or even suspicion, of serious or systemic problems," and no evidence of non-compliance with DoD orders. More specifically, there was no indication that unauthorized interrogation techniques were being used on the detainees.

(b)(1) [REDACTED]

(U) The Church Review concluded that appropriate procedures were in place at GTMO to detain, interrogate and report information, supported by effective SOPs and a strong chain of command. GTMO also had an effective training program, including instruction on the principles of the Geneva Conventions, and a positive command climate in which personnel appeared willing to report any concerns. In addition, the review noted that the roles of military police and military intelligence were separate and well-defined, yet still coordinated.

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(U) While the Church Review was primarily a snapshot of current conditions, it also summarized the reported instances of detainee abuse, whether as a result of inappropriate interrogation techniques or otherwise, since the initiation of intelligence operations at GTMO in January 2002. The review cited three instances of inappropriate interrogation techniques that led to abuse.

- (U) First, a female interrogator sexually assaulted a detainee on April 17, 2003, by running her fingers through a detainee's hair, and made sexually suggestive comments and body movements, including sitting on the detainee's lap, during an interrogation. The female interrogator was given a written admonishment for her actions.
- (U) Second, on April 22, 2003, an interrogator, using the fear-up harsh technique, assaulted a detainee by having MPs repeatedly bring the detainee from standing to a prone position and back. A review of medical records indicated superficial bruising to the detainee's knees. The interrogator was issued a letter of reprimand; furthermore, MG Miller, the Commander of JTF-GTMO, prohibited further use of the fear-up harsh technique, and also specifically prohibited MPs from direct involvement in interrogations.
- (U) Third, a female interrogator at an

unknown date, in response to being spat upon by a detainee, assaulted the detainee by wiping dye from a red magic marker on the detainee's shirt and telling the detainee that the red stain was blood. The female interrogator received a verbal reprimand for her actions.

(U) The Church Review also summarized three incidents of alleged misconduct by MPs, two of which resulted in substantiated abuse.

- (U) First, an MP assaulted a detainee on September 17, 2002, by attempting to spray him with a hose after the detainee had thrown an unidentified, foul-smelling liquid on the MP. The MP received non-judicial punishment in the form of seven days restriction and reduction in rate from E-4 to E-3.
- (U) Second, on March 23, 2003, an MP sprayed pepper spray on a detainee who was preparing to throw an unidentified liquid on another MP. The MP who had used the pepper spray requested a court martial in lieu of non-judicial punishment and was acquitted at a special court martial.
- (U) Finally, on April 10, 2003, after a detainee had struck an MP in the face (causing the MP to lose a tooth) and bitten another MP, the MP who was bitten had struck the detainee with a handheld radio. This

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MP was given non-judicial punishment in the form of 45 days extra duty and reduced in rate from E-4 to E-3.

Iraq Reports (U)

(U) Miller Report

(U) The Church Review noted that the MP force generally operated under significant stress, as assaults against MPs were common, averaging fourteen per week. Detainees, for example, routinely physically assaulted MPs, spat upon them, and threw liquid, foods, or bodily fluids.

(U) From August 31 to September 9, 2003, the JTF GTMO commander, MG Geoffrey Miller, led a team to assess interrogation and detention operations in Iraq. (MG Miller's visit was the result of an August 18, 2003 message from the Joint Staff's Director for Operations [J-3], requesting that the SOUTHCOM commander provide a team of experts in detention and interrogation operations to provide advice on relevant facilities and operations in Iraq. The need for such assistance in light of the growing insurgency had originally been expressed by CJTF-7 and CENTCOM, and the Joint Staff tasking message was generated following discussions with both CENTCOM and SOUTHCOM.)

(U) In addition to the above incidents, the Church Review also identified two minor infractions.

- (U) First, on February 10, 2004, an MP inappropriately joked with a detainee, dared the detainee to throw water on him, and engaged in inappropriate casual conversations with the detainee. The MP was removed from duty.
- (U) Second, on February 15, 2004, a barber intentionally gave two detainees unusual haircuts, including an "inverse Mohawk," in an effort to frustrate the detainees' requests for similar haircuts as a sign of unity. The barber and his company commander were both counseled as a result of this incident.

(U) The overarching theme of the Miller Report was that "[t]actical interrogation operations differ greatly from strategic interrogation operations." While CJTF-7 had proven itself effective in accomplishing the tactical mission, it was now necessary to transition to strategic interrogation operations as CJTF-7 entered a new, counter-insurgency phase in the conflict in Iraq. This new phase involved a different "category of internees to interrogate," and required new "analytical backstopping," as well as a "clear strategy for implementing a long-term approach and clearly defined interrogation policies and authorities." In this regard, the report observed that CJTF-7 had not

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disseminated to its units any "written guidance specifically addressing interrogation policies and authorities." The Miller Report cautioned that such guidance should be accompanied by a legal review, as the "application of emerging strategic interrogation strategies and techniques contain new approaches and operational art." Therefore, "[l]egal review and recommendations of internee interrogation operations by a dedicated command staff judge advocate is required to maximize interrogation effectiveness."

(U) The Miller Report's most significant recommendation for making the transition from tactical to strategic interrogation was that "the detention operations function must act as an enabler for interrogation," by helping to "set conditions for successful interrogations." Significantly, the report did not offer any specifics on what MPs should or should not do in their role as "enablers," but it did state that "[i]t is essential that the guard force be actively engaged in setting the conditions for successful exploitation of the internees," and that "[j]oint strategic interrogation operations are hampered by lack of active control of the internees within the detention environment" (emphasis added). In sum, the report observed, "[d]etention operations must be structured to ensure [the] detention environment focuses the internee's confidence and attention on their interrogators," and the "MP detention staff should be an integrated element supporting the interrogation functions."

(U) The Miller Report made several other recommendations that drew upon lessons learned at GTMO. For example, the report recommended that CJTF-7 establish and train "Interrogation Tiger Teams comprised of [sic] one interrogator and one analyst, both with SCI access." The report also recommended the establishment of a Behavioral Science Consultation Team (BSCT), composed of behavioral psychologists and psychiatrists who could help develop "integrated interrogation strategies and assess interrogation intelligence production." In addition, MG Miller recommended the interrogation mission be consolidated at "one Joint Interrogation Debriefing Center (JIDC)/strategic interrogation facility under CJTF-7 command," and noted that "[t]his action has been initiated." Finally, the report offered a number of training recommendations, to include training the "MP detention staff [on] training programs utilized by JTF-GTMO."

(U) Ryder Report

(S) LTG Sanchez commissioned the Ryder Report in August 2003, to assess detention and corrections operations in Iraq. The Ryder Report, like the Miller Report, was an outgrowth of LTG Sanchez' interest in identifying and implementing improvements in detention and interrogation operations in August 2003, when these operations were taking on increased importance in light of the insurgency in Iraq and the need to rebuild Iraq's prison system. The Ryder Report, which was com-

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pleted on November 6, 2003, just two months after the Miller Report, was a detailed review of detention and corrections operations in Iraq. A key objective of the report was "developing recommendations on how to bridge from current operations to an Iraqi-run prison system," and thus much of the information in the report was not directly relevant to interrogation operations. Nevertheless, the report did address several detention issues that bear at least indirectly on interrogations or potential detainee abuse, which are summarized below.

(S) One of the most significant, and certainly the most surprising, aspects of this report is that the assessment team members did not identify any military police units purposely applying inappropriate confinement practices. The Ryder team conducted its assessment from October 13 to November 6, 2003, and as MG Taguba pointed out in his report on military police operations at Abu Ghraib, the most serious abuses at Abu Ghraib occurred in late October and early November 2003. It should be noted, however, that the team's visit to Abu Ghraib was an announced, escorted walk-through.

(S) The Ryder Report did, however, identify several problem areas within detention operations in Iraq. For example, the 800th MP Brigade - which was tasked to secure the detainee population throughout Iraq, and was at that time supporting 15 separate detention facilities, including Abu

Ghraib - was struggling to adapt its organizational structure, training and equipment resources from a unit designed to conduct standard EPW operations, to its current mission of essentially running an entire country's prison system. Making matters worse was that the Brigade did not receive Internment/Resettlement (I/R) and corrections specific training during its mobilization period. This problem was further exacerbated by the fact that the Battalions within the Brigade were generally undermanned. Moreover, the report observed, "[s]everal Division/Brigade collection points and US monitored Iraqi prisons had flawed or insufficiently detailed use of force and other standing operating procedures or policies."

(S) The Ryder Report also weighed in on the debate about the proper relationship between military intelligence and military police units, concluding that military police should not be subordinate to military intelligence. The report explained that according to Army doctrine, "AR 190-8 requires military police to provide an area for intelligence collection efforts within EPW facilities. Military police, though adept at passive collection of intelligence within a facility, do not participate in Military Intelligence supervised interrogation sessions." While not mentioning the Miller Report by name, the Ryder Report nonetheless rejected the Miller Report's central recommendation, stating that "[r]ecent intelligence collection in support of Operation

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ENDURING FREEDOM has posited a template whereby military police actively set favorable conditions for subsequent interviews. Such actions generally run counter to the smooth operation of a detention facility, attempting to maintain its population in a compliant and docile state." MG Ryder therefore recommended that procedures be established "that define the role of military police soldiers securing the compound, *clearly separating the actions of the guards from those of the military intelligence personnel*" (emphasis added). Significantly, the report concluded that the 800th MP Brigade had not been asked to change its procedures "to set the conditions for MI interviews, nor participate in those interviews."

(S) An additional, interrogation-related problem that the report identified was that Iraqi criminal detainees were sometimes co-located with other types of detainees, including security internees and EPWs. This was generally due to the lack of prison facilities and ongoing consolidation efforts at Abu Ghraib. The report noted that this was in violation of the Geneva Convention, and as a practical matter, "the management of multiple disparate groups of detained persons in a single location by members of the same unit invites confusion about handling, processing, and treatment, and typically facilitates the transfer of information between different categories of detainees." The report stated flatly that "[d]etainees must be segregated and managed by their designation," and

pointed out that doing so would establish "better control over the [detainees] environment," which should "increase their intelligence yield."

(U) Herrington Iraq Report

(U) The highest ranking intelligence officer in Iraq at the time, then-BG Barbara Fast, the C2 for CJTF-7, requested COL Herrington's assistance via the Army G-2 to evaluate human intelligence operations in Iraq. In his 14-page report, COL Herrington, the author of the first GTMO report, provided a summary of his site-specific impressions gained from a week-long visit to Iraq in December 2003. The most significant aspect of the report was the observations about the lack of resources and poor conditions at Abu Ghraib. The prison overcrowding and lack of MP personnel sometimes forced "MI soldiers with inadequate training and equipment" to assume the MP mission. Adding to the tension at the prison complex were "dangerous and difficult conditions," including frequent mortar attacks. Security at the facility was also compromised by the presence of Iraqi police, some of whom were apparently inadequately vetted and had on one occasion smuggled a weapon to a detainee. The situation was so dire that COL Thomas Pappas, the 205th MI Brigade Commander (and forward operating base commander for Abu Ghraib), LTC Steven Jordan, the Deputy Director of the Joint Interrogation and Debriefing Center (JIDC), and MAJ Michael Sheridan of the 800th MP Brigade expressed the

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view that if the overcrowding - which they referred to as a "pressure cooker" that could lead to a prisoner uprising - was not alleviated, "bad things" were likely to result, to include death, injury, or hostage situations involving U.S. personnel. COL Herrington recommended that CJTF-7 "urgently devote more resources to the Abu Ghraib challenge."

(U) The report credited JIDC personnel with doing the best they could under difficult conditions, and obtaining and reporting "significant information from detainees." And despite the conditions at Abu Ghraib, COL Herrington nonetheless stated that, "we neither saw nor learned of any evidence that detainees are being illegally or improperly treated at Abu Ghraib." The report acknowledged, however, that "on occasion," JIDC personnel had at the request of OGA personnel held "ghost detainees" (those without any ISN number assigned to them) at Abu Ghraib. COL Herrington warned that this practice "carries with it certain risks, not the least of which is that it may be technically illegal or in violation of C2 policy," and recommended that C2 staff address the issue.

(U) The report commented on the relationship between MP and MI units at various facilities, and consistent with his observations in his GTMO report, COL Herrington argued that military intelligence should be directing military police. For example, he complimented the "organized, clean,

well-run, and impressive" Division Interrogation Facility of the 1st Armor Division, where the "MP/MI interface was as it should be, with the MI people in the lead." In contrast, he was unimpressed with the Iraq Survey Group (ISG) JIDC, which "fell far short of what we expected to see," and where the MPs were "the visible masters (versus the interrogators)" and the detainees were permitted too much communication with one another.

(S) The report referenced allegations that prisoners arriving at the [REDACTED] who had been captured by [REDACTED] showed signs of being beaten by their captors. Medical personnel had documented these signs of abuse, and the Officer-in-Charge of the [REDACTED] at Camp Cropper stated that he had not reported the alleged abuse up the chain of command because "[e]verybody knows about it." [REDACTED]

(U) Finally, the report made two recommendations of note. First, high-ranking and senior Iraqi detainees held by the ISG (such as general officers, or ministerial-level officers) should be housed in better facilities, commensurate with their status. This was not only required by the Geneva Convention, but also made sense from an intelligence exploitation perspective. Second, the

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report suggested that the Army "build a corps of strategic interrogators/debriefers who are officers or senior civilians." This would help to eliminate the incongruity of capturing enemy leadership and archives, and then relying for intelligence on "tactical interrogator [non-commissioned officers] who are too young and inexperienced" for such a mission.

(U) Lee Report

(b)(1) (S) The Deputy Commanding General of CJTF-7, MG Wojdakowski, appointed LTC Lee on February 23, 2004 to investigate allegations of detainee abuse at Camp Cropper in Iraq. This extremely brief, three-page report found no evidence to substantiate allegations that [redacted] personnel had in the summer of 2003 abused detainees in its custody before bringing them to the [redacted] at Camp Cropper. These were essentially the same allegations that COL Herrington addressed in his report, which noted that medical personnel had documented the signs of abuse, and that the Officer-in-Charge of the [redacted] had considered the abuse common knowledge. The allegations were originally brought to light by [redacted] who worked in the [redacted] at Camp Cropper for approximately five weeks, beginning in June 2003. The [redacted] had not witnessed any abuse (or signs of abuse) first hand, but based his allegations on a handful of reports that he had heard from others working at Camp Cropper.

(U) The Lee Report "did not find information that would lead to a finding that there was a systematic problem." LTC Lee stated that she "was sure that there were isolated incidents where detainees arrived in less than pristine conditions," but she "would attribute some of these to the results of combative detentions at the time of capture." In any event, she could "find no proof to substantiate the allegations against the [special operations forces] or Army community." Nor could she find any evidence to suggest a "lack of knowledge of Geneva Convention requirements."

(S) The Lee Report itself was extremely brief and cursory, and there were obvious gaps in the investigation methodology. For example, LTC Lee noted that she had been unable to find contact information for certain key personnel (and in one case had not received responses to her questions), yet did not describe her efforts to procure the information. In fairness, the passage of time between the principal allegations (summer 2003) and the assignment of the investigation (January 23, 2004) made LTC Lee's work more difficult. This passage of time is unexplained, and represents a lost opportunity to address potential detainee abuse in Iraq early on.

(U) Taguba Report

(U) On January 31, 2004, the Commander of the Combined Forces Land Component

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Command (CFLCC), LTG McKiernan, appointed MG Taguba, the CFLCC Deputy Commanding General for Support, to investigate the 800th Military Police Brigade's "detention and internment operations" since November 1, 2003. LTG Sanchez, the Commander, CJTF-7, requested the investigation based upon the accumulation of a wide range of incidents and prior investigations, culminating in an Army Criminal Investigation Command investigation "into specific allegations of detainee abuse committed by members of the 372d MP Company" at Abu Ghraib. The 372d MP Company was then a subordinate unit of the 320th Military Police Battalion and the 800th Military Police Brigade. While portions of the Taguba Report remain classified, the bulk of the report, and almost all of its annexes, have become available to the public through unauthorized disclosure to several major media organizations (as well as official release of a redacted version of the report and many of its annexes). MG Taguba and other officials associated with the investigation have also provided public testimony before Congress on the matters contained in the report.

(U) MG Taguba's overall conclusion was that "several U.S. Army Soldiers have committed egregious acts and grave breaches of international law at Abu Ghraib/BCCF [Baghdad Central Confinement Facility] and Camp Bucca, Iraq. Furthermore, key leaders in both the 800th MP Brigade and the 205th MI Brigade failed to comply

with established regulations, policies and command directives in preventing detainee abuses at Abu Ghraib (BCCF) and at Camp Bucca during the period August 2003 to February 2004." Although MG Taguba endorsed the team's psychiatrist's determination that "there was evidence that the horrific abuses suffered by the detainees at Abu Ghraib (BCCF) were wanton acts of select soldiers in an unsupervised and dangerous setting," and were from a behavioral perspective the product of "a complex interplay of many psychological factors and command insufficiencies," he also found that there was "sufficient credible information to warrant an inquiry" to "determine the extent of culpability" of military intelligence personnel.

(U) MG Taguba made a number of preliminary observations on the Miller Report and the Ryder Report, including the comment that "the recommendations of MG Miller's team that the 'guard force' be actively engaged in setting the conditions for successful exploitation of the internees would appear to be in conflict with the recommendations of MG Ryder's Team and AR 190-8 that the military police 'do not participate in military intelligence supervised interrogation sessions.'" MG Taguba cited with approval the Ryder Report's conclusion "that the OEF template whereby military police actively set the favorable conditions for subsequent interviews runs counter to the smooth operation of a detention facility."

(U) As a reflection of his tasking, MG

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Taguba divided his specific findings and recommendations into three sections. First, he examined "all the facts and circumstances surrounding ... allegations of detainee abuse," with particular emphasis on "maltreatment at Abu Ghraib." Second, he examined "detainee escapes and accountability lapses," again with particular emphasis on "events at Abu Ghraib." Third, he investigated "the training, standards, employment, command policies, internal procedures, and command climate of the 800th MP Brigade."

(U) With regard to the allegations of detainee abuse, MG Taguba found "that between October and December 2003" the military police guard force at Tier 1A of Abu Ghraib "inflicted ... numerous incidents of sadistic, blatant, and wanton criminal abuses ... on several detainees." While MG Taguba did not set out deliberate definition of conduct that he considered to be "abuse," he referred exclusively to "intentional" acts of "criminal" misconduct.

(U) MG Taguba found that "the intentional abuse of detainees by military police personnel included:"

- (U) "punching, slapping, kicking ...;"
- (U) "videotaping and photographing naked male and female detainees;"
- (U) "forcibly arranging detainees in ... sexually explicit positions ...;"
- (U) "forcing detainees to remove their clothing and keeping them naked for several

days at a time;"

- (U) "forcing naked male detainees to wear women's underwear;"
- (U) "forcing groups of male detainees to masturbate ...;"
- (U) "arranging naked male detainees in a pile and then jumping on them;"
- (U) "positioning a naked male detainee on an MRE Box, with a sandbag on his head, and attaching wires to his fingers, toes, and penis to simulate electric torture;"
- (U) "writing 'I am a rapist' (sic) on the leg of a detainee alleged to have forcibly raped a 15-year old fellow detainee, and then photographing him naked;"
- (U) "placing a dog chain or strap around a naked detainee's neck and having a female Soldier pose for a picture" with the prisoner;"
- (U) "a male MP guard having sex with a female detainee;"
- (U) "using military working dogs (without muzzles) to intimidate and frighten detainees, and in at least one case biting and severely injuring a detainee;" and
- (U) "taking photographs of dead Iraqi detainees" for other than official purposes."

MG Taguba did not provide a precise count of the number of incidents of abuse, or of the numbers of soldiers, contractors or detainees involved.

(U) MG Taguba found that a contributing factor in the abuses was the failure of the 800th

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Military Police Brigade leadership to communicate clear standards to their soldiers, or to ensure their tactical proficiency. MG Taguba cited as an example the fact that although "an extensive CID investigation determined that four soldiers from the 320th Military Police Battalion had abused a number of detainees during inprocessing at Camp Bucca" well before the battalion assumed responsibility for detention operations at Abu Ghraib, neither the battalion nor the brigade leadership took "any steps to ensure that such abuse was not repeated."

(U) MG Taguba made nine recommendations regarding detainee abuse. The first was that the appropriate headquarters "immediately deploy to the Iraq Theater an integrated multi-discipline Mobile Training Team (MTT) comprising subject matter experts in internment/resettlement operations, international and operational law ..., interrogation and intelligence gathering techniques ..." and others "to oversee and conduct comprehensive training in all aspects of detainee and confinement operations." MG Taguba also recommended that "a single commander ... be responsible for overall detainee operations throughout ... Iraq" His remaining recommendations related to deficiencies in training, manning, resourcing, and leadership.

(U) With regard to detainee escapes and accountability lapses, MG Taguba found that there was "a general lack of knowledge, implementation and emphasis of basic legal regulatory, doctrinal, and command requirements within the 800th MP

Brigade and its subordinate units." By and large, accountability standard operating procedures "were not fully developed and ... were widely ignored." At Abu Ghraib in particular, "there was a severe lapse in the accountability of detainees." This lack of accountability made it impossible for the 800th Military Police Brigade to determine how many detainees had escaped from the facility.

(U) MG Taguba found that "the Abu Ghraib and Camp Bucca detention facilities" were "significantly over their intended maximum capacity while the guard force" was "undermanned and under resourced." Although these conditions contributed to poor accountability and increased escapes, MG Taguba also found that "no lessons learned" from previous incidents and escapes "seem to have been disseminated ... to enable corrective action." In MG Taguba's evaluation, "had the findings and recommendations contained within" the Brigade's "own investigations been analyzed and actually implemented ... many of the subsequent escapes, accountability lapses and causes of abuse may have been prevented."

(U) MG Taguba observed that "the various detention facilities operated by the 800th MP Brigade have routinely held persons brought to them by Other Government Agencies (OGAs)," referring to the Central Intelligence Agency, "without accounting for" the detainees, "knowing their identities, or even the reason for their detention." MG Taguba reported that "the Joint Interrogation and Debriefing Center (JIDC) at Abu Ghraib called

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these detainees 'ghost detainees.'" MG Taguba noted that "on at least one occasion, the 320th MP Battalion at Abu Ghraib held a handful of 'ghost detainees' (6-8) ... that they moved around within the facility to hide them from a visiting International Committee of the Red Cross (ICRC) survey team." MG Taguba characterized "this maneuver" as "deceptive, contrary to Army doctrine, and in violation of international law."

(U) MG Taguba made 17 recommendations regarding accountability lapses and escapes, generally related to leadership, training and resourcing. He also observed that units conducting detainee operations "must know of, train on, and constantly reference the applicable Army doctrine and ... command policies," noting that "the references provided in [his] report cover nearly every deficiency ... enumerated." "Although," MG Taguba offered, the references "do not, and cannot, make up for ... leadership shortfalls, all soldiers, at all levels, can use them to maintain standardized operating procedures and efficient accountability practices."

(U) With regard to the "the training, standards, employment, command policies, internal procedures, and command climate of the 800th MP Brigade," MG Taguba found a host of deficiencies. "Morale suffered" in the brigade, apparently as a result of the widespread but erroneous belief that the unit would be redeployed from Iraq once the Iraqi armed forces had been defeated. However, he

observed, "there did not appear to have been any attempt by the Command to mitigate this problem." MG Taguba found that in general, "the 800th MP Brigade was not adequately trained." "Soldiers throughout the 800th MP Brigade were not proficient in their basic [Military Occupational Specialty] skills," yet there was "no evidence that the Command, although aware of these deficiencies, attempted to correct them in any systematic manner." "Almost every individual witness we interviewed," he noted, "had no familiarity with the provisions of AR 190-8 or FM 3-19.40," the Army regulation and field manual that describe and govern detention operations. Despite these obvious shortfalls, no "Mission-Essential Task List (METL) based on their ... missions was ever developed, nor was a training plan implemented throughout the Brigade."

(U) MG Taguba found that "without adequate training for a civilian internee detention mission, Brigade personnel relied heavily upon individuals within the Brigade who had civilian corrections experience." Further, "because of past associations and familiarity of soldiers within the Brigade, it appears that friendship often took precedence over appropriate leader and subordinate relationships."

(U) MG Taguba found that these internal shortcomings were exacerbated by the fact that "the 800th MP Brigade as a whole was under-strength for the mission for which it was tasked," a

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problem that grew progressively worse as the units suffered attrition through casualties, statutorily mandated demobilizations, and other separations. These losses could not be replaced because "Reserve Component units do not have an individual replacement system to mitigate ... losses." What is more, "the quality of life for soldiers assigned to Abu Ghraib (BCCF) was extremely poor." A "severely undermanned" unit staffed a "severely overcrowded prison," with no dining facility, exchange, barbershop, or recreational facilities. "There were numerous mortar attacks, random rifle and RPG attacks, and a serious threat to soldiers and detainees in the facility."

(U) "With respect to the 800th MP Brigade mission at Abu Ghraib," MG Taguba found, "there was clear friction and a lack of effective communication between the Commander, 205th MI Brigade, who controlled" Forward Operating Base (FOB) "Abu Ghraib ... after 19 November 2003, and the Commander, 800th MP Brigade, who controlled detainees operations inside the FOB." "There was no clear delineation of responsibility between commands, little coordination at the command level, and no integration of the two functions." MG Taguba observed that "coordination occurred at the lowest possible levels with little oversight by commanders." Further, in his view, the decision to place the Military Intelligence Brigade in control of the security of detainees and force protection at Abu Ghraib was "not doctrinally sound due to the different missions and agendas assigned to each of

these respective specialties."

(U) MG Taguba also cited an extensive list of disciplinary actions involving leaders within the 800th Military Police Brigade as further evidence of the dysfunctional nature of the command. MG Taguba made numerous recommendations regarding disciplinary actions to be taken against members of the 800th Military Police Brigade and the military intelligence personnel assigned to duties at Abu Ghraib, up to and including the commander of the 205th Military Intelligence Brigade, COL Thomas Pappas, and the commander of the 800th Military Police Brigade, BG Janis Karpinski.

(U) MG Taguba noted that he "found particularly disturbing" BG Karpinski's "complete unwillingness to either understand or accept that many of the problems inherent in the 800th MP Brigade were caused or exacerbated by poor leadership and the refusal of her command to both establish and enforce basic standards and principles among its soldiers." MG Taguba recounted, discussed, and refuted a number BG Karpinski's assignments of blame to her subordinates, the military intelligence leadership, the Civil Affairs Command, and the court-martial convening authority of the soldiers involved in the Camp Bucca incidents for the shortcomings of her command. For the failures discussed above, as well as "material representations to the Investigation Team," MG Taguba recommended BG Karpinski be relieved for cause.

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(U) Mikolashek Report

(U) On February 10, 2004, Acting Secretary of the Army Brownlee ordered the Army Inspector General, LTG Mikolashek, to assess "detainee operations in Afghanistan and Iraq." This inspection was not intended to be "an investigation of any specific incidents or units, but rather a comprehensive review of how the Army conducts detainee operations in Afghanistan and Iraq." The assessment did not extend to "Central Intelligence Agency (CIA) or Defense HUMINT Services (DHS) [sic] operations," nor did it include "operations at Guantanamo Bay Naval Base."

(U) The Acting Secretary of the Army approved the Mikolashek Report on July 21, 2004, releasing the unclassified bulk of the report to the public, withholding only Appendix G, which is classified due to discussion of current operations and sensitive intelligence. LTG Mikolashek and other officials associated with the investigation have also provided public testimony before Congress on the matters contained in this report.

(U) In the course of their inspection, LTG Mikolashek's team "conducted interviews, sensing sessions, and a survey," inspected units involved in detention and interrogation operations, and examined "policies, plans, records ... and other related documents." A "sensing session" is a moderated, guided discussion of a designated topic by moderately-sized groups of designated soldiers. While

the "inspection tools," the blank interview questionnaires, sensing prompts, survey questions, etc., are included in the report, the soldiers' and leaders' statements are not. The report also does not indicate how many soldiers and leaders were interviewed, sensed, and surveyed, or precisely who they were. The report did indicate, however, that "all interviewed and observed commanders, leaders and soldiers treated detainees humanely and emphasized the importance of humane treatment."

(U) LTG Mikolashek's team "reviewed 103 summaries of Criminal Investigative Division (CID) reports of investigation and 22 unit investigation summaries ... involving detainee death or alleged abuse." Of those 125 investigations, 71 had been completed as of the time of LTG Mikolashek's analysis. Abuse, defined by LTG Mikolashek as "wrongful death, assault, battery, sexual assault, sexual battery, or theft," was substantiated in 40 of the 71 completed investigations. "No abuse was determined to have occurred in 31 cases," and 54 cases remained "open or undetermined" at the time of the report. "Based upon" his team's "review and analysis and case summaries of investigations" from all 125 investigations, founded, unfounded, and pending, LTG Mikolashek "could not identify a systemic cause for the abuse incidents."

(U) In a foreword to the report, LTG Mikolashek urged that "these abuses ... be viewed as what they are - unauthorized actions taken by a few individuals," actions that "in a few cases" were "coupled with the failure of a few leaders to provide

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adequate supervision and leadership." Further, in LTG Mikolashak's estimation, "the abuses that occurred" were "not representative of policy, doctrine, or soldier training."

(U) Despite his conclusion that he was "unable to identify system failures that resulted in incidents of abuse," LTG Mikolashak recounted numerous "system failures" in his detailed findings that echo problems previously described by MG Taguba as significant contributing factors in the abuse of detainees. Specifically, LTG Mikolashak found that:

(U) Policy

- (U) theater interrogation policies "generally met legal obligations under ... law, treaty ... and policy, if executed carefully, by trained soldiers, under the full range of safeguards," yet acknowledged that the interrogation policies "were not clear and contained ambiguities" and "implementation, training and oversight of these policies was inconsistent;"
- (U) "some ... units were unaware of the correct command policy;"
- (U) "commanders ... published high-risk policies that presented a significant risk of misapplication if not trained [to] and executed carefully."

(U) Training

- (U) "The potential for abuse increases when interrogations are conducted in an emotionally charged environment by untrained personnel who are unfamiliar with the approved interrogation techniques;"
- (U) "Not all interrogators were trained;"
- (U) "To satisfy the need to acquire intelligence as soon as possible, some officers and noncommissioned officers ... with no training in interrogation techniques began conducting their own interrogation sessions;"
- (U) "Military Intelligence officers are not adequately trained on ... human intelligence."

(U) Doctrine

- (U) "detainee ... policy and doctrine do not address ... operations conducted in the current operating environment;"
- (U) current "doctrine does not clearly specify the interdependent ... roles, missions, and responsibilities of Military Police and Military Intelligence units in the ... operation of interrogation facilities;"
- (U) "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) "tactical ... leaders ... held detainees

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longer than doctrinally recommended" at Forward Operating Bases because the leaders believed the intelligence infrastructure was failing to provide "timely tactical intelligence," despite the fact that such locations lacked the "infrastructure, medical care, ... trained personnel, logistics and security" required to hold detainees for more than a brief period of time and that the "personnel at these locations ... were unaware of or unable to comply with ... detainee processing ... and interrogation" policies and legal standards;

(U) Resources

- (U) "Military Intelligence units are not resourced with sufficient interrogators and interpreters."

(U) With regard to broader issues related to detention and interrogation operations, LTG Mikolashek recommended that:

- (U) the U.S. Army Training and Doctrine Command, in coordination with the Deputy Chief of Staff for Intelligence and The Judge Advocate General of the Army, "revise doctrine to identify interrogation ... techniques that are acceptable, effective and legal for non-compliant detainees;"
- (U) the U.S. Army Training and Doctrine Command and the Deputy Chief of Staff for

Operations "update the Military Intelligence force structure at the division level and below" to ensure adequately trained personnel are available in sufficient numbers to accomplish the mission;

- (U) the U.S. Army Training and Doctrine Command and the Provost Marshal General revise doctrine and policy "for the administrative processing of detainees to improve accountability, movement, and disposition in a non-linear battlespace;"
- (U) the U.S. Army Training and Doctrine Command "establish and identify resource requirements for a standardized 'Detainee Field Processing Kit' that will enable capturing units to properly secure and process detainees quickly, efficiently, and safely;"
- (U) the Deputy Chief of Staff for Operations "integrate a prescribed detainee operations training program into unit training," and
- (U) the Deputy Chief of Staff for Operations, "in coordination with the Office of the Judge Advocate General, mandate that ... Law of War training have specific learning objectives, be conducted by an instructor/evaluator in a structured manner, and be presented and evaluated annually using the established training conditions and performance standards."

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(U) Fay Report.

(U) As a result of MG Taguba's findings, the Commander, CJTF-7, LTG Sanchez, appointed the Assistant Deputy Chief of Staff, Army, G2, MG Fay, on March 31, 2004 to investigate potential misconduct by 205th Military Intelligence Brigade personnel at Abu Ghraib between August 15, 2003 and February 1, 2004. LTG Sanchez specifically tasked MG Fay to examine whether 205th Military Intelligence Brigade personnel "requested, encouraged, condoned, or solicited Military Police" to abuse detainees, and whether 205th Military Intelligence Brigade personnel "comported with established interrogation procedures and applicable laws and regulations" during interrogation operations at Abu Ghraib.

(U) While portions of the Fay Report remain classified, a redacted version of the bulk of the report has been released to the public. MG Fay and other officials associated with the investigation have also provided public testimony before Congress on the matters contained in the report.

(U) In his report, MG Fay found military intelligence personnel "not to have fully comported with established interrogation procedures and applicable laws and regulations." He identified 44 "alleged instances or events of detainee abuse" by soldiers and contractors at Abu Ghraib during the period under investigation. In 16 of those 44 instances, MG Fay found the alleged abuse was "requested, encouraged, condoned or solicited" by

military intelligence personnel, although "the abuse ... was directed on an individual basis and never officially sanctioned." In 11 of those 16 instances, MG Fay found military intelligence personnel were "directly involved" in the alleged abuse.

(U) MG Fay defined abuse to include not only clearly criminal acts, such as the various forms of assault that occurred, but also the application of certain "non-doctrinal interrogation techniques" that he deemed to be unlawful: the use of military working dogs, nudity, and isolation. While the purposeless terrorization of minors by two particular Military Working Dog handlers, described in Incident 26, was grossly abusive by any measure, MG Fay also termed the mere presence of a silent, muzzled Military Working Dog during an interrogation, described in Incident 29, "abuse."

(U) In his findings, MG Fay provided a brief description of each of the 44 alleged instances of abuse, identifying a total of 50 individual soldiers and 4 individual contractors as either "responsible" or criminally "culpable" for each of the events. Of the 54 named as responsible or culpable, 10 soldiers had already been referred for disciplinary action under the Uniform Code of Military Justice. Of the remaining 44 soldiers and contractors, MG Fay believed 27 to be "culpable" in one or more instance of abuse, while he assessed 17 soldiers and contractors to have become involved in abuse as a result of "misunderstanding of policy, regulation or law." MG Fay found that responsibility for the abuse extended up to the commanders of the 205th

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Military Intelligence Brigade and the 800th Military Police Brigade.

(U) MG Fay also found that "systemic problems ... also contributed to the volatile environment in which the abuse occurred." By MG Fay's count, he made 24 additional findings and two observations regarding "systemic failures." The major contributing factors "included inadequate interrogation doctrine and training," a "lack of a clear interrogation policy for the Iraq Campaign," "acute" shortages of military police and military intelligence personnel, a "lack of clear lines of responsibility" between military police and military intelligence, in doctrine, training, and operations, and "intense pressure felt by personnel on the ground to produce actionable intelligence from detainees."

(U) MG Fay found that "inadequacy of doctrine for detention ... and interrogation operations was a contributing factor to the situations that occurred at Abu Ghraib." Noting that existing Army interrogation doctrine, published in the 1992 Field Manual 34-52, "Intelligence Interrogation," is designed for the tactical interrogation of Enemy Prisoners of War in a conventional conflict, MG Fay observed that various "non-doctrinal approaches, techniques and practices were developed and approved" for the strategic interrogation of unlawful combatants "in the Global War on Terrorism." According to MG Fay, the soldiers and contractors at Abu Ghraib "were not trained on non-doctrinal

interrogation techniques" used in Afghanistan and Guantanamo, yet "the non-doctrinal, non-field manual approaches and practices" approved for limited use in those other theaters of operation were introduced into Abu Ghraib by the transfer of both "documents and personnel" from Afghanistan and Guantanamo. "These techniques became confused at Abu Ghraib and were implemented without proper authorities or safeguards," contributing both directly and indirectly to the conduct defined by MG Fay as abuse.

(U) MG Fay also found that what he called "theater Interrogation and Counter-Resistance Policies (ICRP)," the interrogation policies promulgated by CJTF-7, were "poorly defined, and changed several times," and that "as a result, interrogation activities sometimes crossed into abusive activity." He observed that "by October 2003," just prior to the most egregious abuses at Abu Ghraib, the Combined Joint Task Force 7 "interrogation policies in Iraq had changed three times in less than thirty days and it became very confusing as to what techniques could be employed and at what level non-doctrinal approaches had to be approved."

(U) MG Fay found that "acute" shortages of both military intelligence and military police personnel also contributed to abuses at Abu Ghraib. By his count, 6 different military intelligence battalions and groups were called upon to provide the 160 military intelligence personnel conducting and

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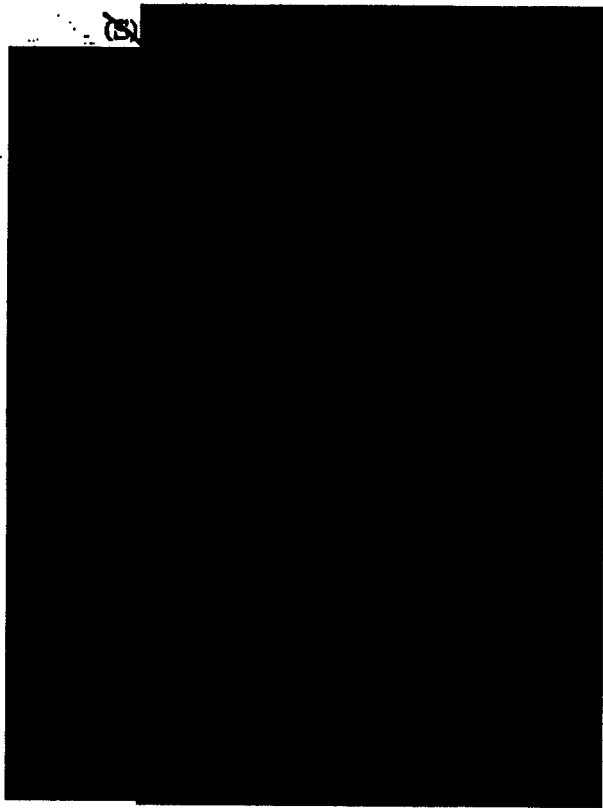
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supporting interrogation operations in the Joint Interrogation and Debriefing Center (JIDC) at Abu Ghraib by December 2003. These soldiers were supported at various times by a Mobile Training Team from Fort Huachuca, Arizona, three Tiger Teams from Guantanamo Bay, contract interrogators from CACI International, and contract linguists from the Titan Corporation. Because "the JIDC was created in a very short period of time with parts and pieces," MG Fay found, "it lacked unit integrity, and this lack was a fatal flaw."

able intelligence from detainees" was a "contributing factor to the environment that resulted in abuses." He found that the "pressure for better results" manifested itself at least in part in "directed guidance and prioritization from 'higher' ... to pursue specific lines of questioning with specific detainees, and high priority 'VFR Direct' taskings to the lowest levels in the JIDC." Although "this pressure should have been expected in such a critical situation," MG Fay concluded that it "was not managed by the leadership."

(U) MG Fay found that clear conflicts between military police and military intelligence doctrine, training and guidance caused "predictable tension and confusion" which "contributed to abusive interrogation practices at Abu Ghraib." "The military police," he noted, "referenced DoD-wide regulatory and procedural guidance that clashed with the theater interrogation and counter-resistance policies that the military intelligence interrogators followed." "Further," MG Fay concluded, "it appeared that neither group knew or understood the limits" of the other group's authority. He also found that the "lack of clear lines of responsibility" between military police and military intelligence, combined with "the leadership's failure to monitor operations adequately," caused the systemic "safeguards to ensure compliance and to protect against abuse" to fail.



(U) MG Fay found that "intense pressure felt by personnel on the ground to produce action-

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LTG Anthony Jones, the Deputy Commanding General of the U.S. Army Training and Doctrine Command, was appointed as an additional investigating officer. MG Fay continued to serve as an investigating officer until completion of the action. MG Fay and LTG Jones produced separate reports, each with separate but related series of findings and recommendations. While portions of the Jones Report remain classified, a redacted version of the bulk of the report has been released to the public. LTG Jones and other officials associated with the investigation have also provided public testimony before Congress on the matters contained in the report.

(U) Jones Report

(U) In June 2004, as a result of the evidence he had gathered to that point, MG Fay requested that a more senior investigating officer be appointed to examine whether actions of the commander and staff of CJTF-7 contributed to any misconduct related to the interrogation operations at Abu Ghraib. MG Fay's request was passed by LTG Sanchez to the Commander, U.S. Central Command, who in turn forwarded the request to the Secretary of Defense. The Secretary of Defense directed the Acting Secretary of the Army to designate a new appointing authority and a new or additional investigating officer, senior to LTG Sanchez. The Acting Secretary of the Army selected GEN Paul Kern, the Commander of U.S. Army Materiel Command, to act as the new appointing authority.

(U) GEN Kern appointed LTG Jones "specifically ... to focus on whether organizations or personnel higher than the 205th Military Intelligence Brigade were involved, directly or indirectly, in the ... detainee abuse at Abu Ghraib" on June 25, 2004. LTG Jones reviewed the material developed by MG Fay, as well as the majority of the reports discussed above. He then interviewed LTG Sanchez and MG Barbara Fast, the Commander and Deputy Chief of Staff for Intelligence, respectively, of CJTF-7 at the time of the alleged abuse.

(U) Noting in his report that the "events at Abu Ghraib cannot be understood in a vacuum," LTG Jones made several preliminary findings related to the "background and operational environment" in Iraq at the time of the abuses. First, LTG Jones found that "throughout the period

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under investigation," the CJTF-7 headquarters "was not resourced adequately to accomplish the missions," lacking "adequate personnel and equipment." Second, the mission of "providing operational support to the Coalition Provisional Authority ... required greater resources than envisioned." Third, "operational plans envisioned ... a relatively non-hostile environment," when, "in fact, opposition was robust," a circumstance which required that Combined Joint Task Force 7 conduct "tactical counter-insurgency operations, while also executing ... planned missions" in support of the Coalition Provisional Authority and general stabilization.

(U) LTG Jones found that "no organization or individual higher than the chain of command of the 205th MI Brigade was directly involved in the questionable activities regarding alleged detainee abuse at Abu Ghraib." Further, in LTG Jones' assessment, "no policy, directive or doctrine directly or indirectly caused violent or sexual abuse," the most egregious misconduct. Rather, "the primary causes of these actions were relatively straight-forward - individual criminal misconduct."

(U) LTG Jones did find, however, that CJTF-7 "leaders and staff actions ... contributed indirectly to ... detainee abuse." Specifically, "policy memoranda promulgated by the ... Commander led indirectly to some of the non-violent and non-sexual abuses;" the CJTF-7 "Commander and Deputy Commander failed to ensure proper staff

oversight of detention and interrogation operations," and; some "staff elements reacted inadequately to earlier indications and warnings that problems existed at Abu Ghraib."

(U) LTG Jones found that "the existence of confusing and inconsistent interrogation techniques contributed to the belief that additional interrogation techniques were condoned in order to gain intelligence." This was compounded by "Soldier knowledge of interrogation techniques permitted in GTMO and Afghanistan," "the availability of information on Counter-Resistance Techniques used in other theaters," and interactions with "non-DoD agencies" where "there was at least the perception, and perhaps the reality, that non-DoD agencies had different rules."

(U) LTG Jones' finding that the failure of the CJTF-7 "Commander and Deputy Commander ... to ensure proper staff oversight of detention and interrogation operations" was manifested by "the lack of a single ... staff proponent for detention and interrogation operations" and dispersion of "staff responsibility ... among the Deputy Commanding General, the C2, C3, C4 and SJA." This dispersion of staff responsibility "resulted in no individual staff member focusing on these operations."

(U) LTG Jones' finding that some "staff elements reacted inadequately to earlier indications and warnings that problems existed at Abu Ghraib" is related to the dispersion of staff respon-

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originally planned.

(U) Given these observations, the finding that the leadership of the 205th Military Intelligence Brigade and the 800th Military Police Brigade should be held responsible because they contributed to "both the violent/sexual abuse incidents and the misinterpretation/confusion incidents" through their inaction, regardless of "operational circumstances," while the leadership of CJTF-7, who "contributed indirectly to the questionable activities regarding alleged detainee abuse" through their "actions and inaction," should be excused as a result of "operational circumstances" is difficult to reconcile. It also appears that significant aspects of the operational circumstances of the military intelligence and military police brigades that contributed to the incidents at Abu Ghraib, such as the selection of Abu Ghraib as the interrogation operations site and the under-resourcing of the interrogation center, were within the direct control of their higher headquarters, CJTF-7.

(U) Like MG Fay, LTG Jones concluded that "interaction with ... other agency interrogators who did not follow the same rules" as the Military Intelligence interrogators was among the "contributing factors" that led to the abuse of detainees. "There was at least the perception, and perhaps the reality, that non-DOD agencies had different rules regarding interrogation and detention operations." LTG Jones found that "such a

perception encouraged soldiers to deviate from prescribed techniques."

Afghanistan Reports (U)

(U) Jacoby Report

(U) On May 19, 2004, the Commander of Combined Joint Task Force 76 (CJTF-76), MG Eric Olson, appointed BG Charles Jacoby, the CJTF-76 Deputy Commanding General, to conduct a "top to bottom review of ... detainee operations" in the Combined Forces Command Afghanistan (CFC-A) Area of Responsibility. Specifically, BG Jacoby was directed to identify "best practices," make "recommendations, both specific and general, for ... changes," list "corrective actions," and provide "suggestions with regard to future command ... initiatives ... to ensure adherence to operational and regulatory guidance."

(U) BG Jacoby found that "while theater forces understood the need for humane treatment and unit processes ... consistent with the spirit of extant doctrine, there was otherwise a consistent lack of knowledge regarding theater detention operations guidance." This "lack of thoroughly authorized, disseminated, and understood guidance and procedures," in BG Jacoby's assessment, "created opportunities for detainee abuse and the loss of intelligence value throughout the process."

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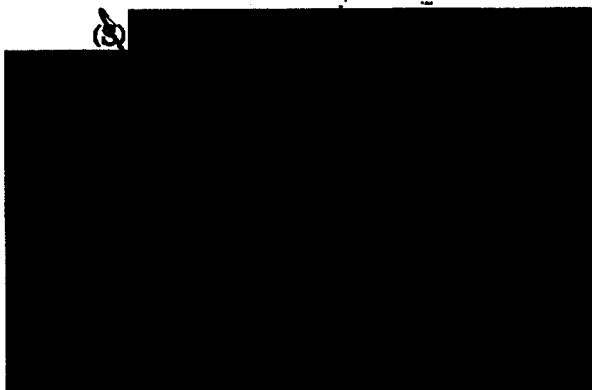
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(S) BG Jacoby noted that he was not directed to investigate "detainee abuse allegations," a task that is the province of military law enforcement, but rather to inspect "current detainee operations." Nonetheless, acknowledging that "allegations of detainee abuse have been substantiated," many of his findings examine the relationship of areas of concern to the potential abuse of detainees.



guidance. He cautioned that the "inconsistent and unevenly applied standards" that result from such circumstances "increase the possibility of the abuse of detainees, especially in the forward battle area."



He recommended the establishment of clear criteria and procedures for the transfer of detainees.



His recommendations included modification of interrogation and detention procedures, increases in manning and resourcing detention operations, and structural changes with the task force. BG Jacoby concluded with the observation that while his inspection had "revealed no systematic or widespread mistreatment of detainees, opportunities for mistreatment, ... ongoing investigations, and a maturing battlefield argue for modifications to the

(U) "Very significantly," BG Jacoby found, there was "inadequate authority for the interrogation techniques and approaches authorized by the Detainee Operations SOP" in effect at the time of his investigation. The impact of the lack of authority for some of the measures authorized by the policy, however, was mitigated by the fact that "only one-third of the bases had the SOP" and "it was generally not ... known or relied upon in the field." Most interrogators, BG Jacoby found, looked to their training rather than the command policy for

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current detainee operations process" in Afghanistan.

Independent Panel Report (U)

(U) In May 2004, the Secretary of Defense appointed an Independent Panel to Review Detention Operations "to provide independent professional advice on detainee abuses, what caused them and what actions should be taken to preclude their repetition." Unlike the Taguba, Fay and Jones Reports, the Independent Panel was charged with examining detention and interrogation operations worldwide. The members of the Independent Panel were former Secretaries of Defense James Schlesinger and Harold Brown, former Congresswoman Tillie Fowler, and retired Air Force Gen. Charles Horner. During the course of their investigation, the members of the Independent Panel reviewed the reports of investigations completed prior to the Panel's report, the statements, documents and other evidence gathered by the Fay/Jones investigations and our inquiry, and conducted a series of interviews of senior officers and defense officials, up to and including the Secretary of Defense. The Independent Panel Report, dated August 24, 2004, is unclassified and has been released to the public.

(U) The Independent Panel found that "the pictured abuses" at Abu Ghraib, "unacceptable even in wartime, were not part of authorized inter-

rogations nor were they even directed at intelligence targets." In the Panel's evaluation, the abuse photographed at Abu Ghraib represented "deviant behavior and a failure of military leadership and discipline." However, the Panel also found that there were other abuses that "were not photographed" that "did occur during interrogation," at Abu Ghraib and at other locations.

(U) The panel estimated that as of the date of their report our forces had detained approximately 50,000 individuals during operations in Afghanistan and Iraq. Of the approximately 300 abuse allegations lodged against our forces in that time, the Panel reported that commanders and law enforcement agents had completed investigations into 155 of the allegations, and had substantiated 66 of the allegations. The Panel noted that of the substantiated cases, "approximately one-third ... occurred at the point of capture or tactical collection point, frequently under uncertain, dangerous and violent circumstances." Nonetheless, the Panel emphasized that despite the fact that the abuses were "inflicted on only a small percentage of those detained," were "of varying severity," and "occurred at differing locations and in differing circumstances and context," the abuses "were serious in both number and effect."

(U) Although the Independent Panel found that "there is no evidence of a policy of abuse promulgated by senior officials or military authorities,"

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and "no approved procedures called for or allowed the kinds of abuse that in fact occurred," the Panel nonetheless concluded that "the abuses were not just the failure of some individuals to follow known standards, and they are more than the failure of a few leaders to enforce proper discipline." In the Panel's view, "there is both institutional and personal responsibility at higher levels."

(U) The Independent Panel prefaced their discussion of interrogation operations with the observation that "any discussion of interrogation techniques must begin with the simple reality that their purpose is to gain intelligence that will help protect the United States, its forces and interests abroad." Recounting the development of the policies that have framed the Global War on Terror at the national level and within the Department of Defense, the Panel observed that with "the events of September 11, 2001, the President, Congress and the American people recognized we were at war with a different kind of enemy." The nature and "severity of the post-September 11, 2001 terrorist threat and the escalating insurgency in Iraq," threats which are essentially different from an enemy force composed of massed troops, tanks, artillery, ships, and aircraft, made "information gleaned from interrogations especially important." The panel noted, "interrogations are inherently unpleasant, and many people find them objectionable by their very nature." Yet, in the Panel's assessment, "when lives are at stake, all legal and moral means of eliciting information must be con-

sidered." Further, the Independent Panel warned, "the conditions of war and the dynamics of detainee operations carry inherent risks for human mistreatment and must be approached with caution and careful planning and training."

(U) The Panel concluded that "in the initial development" of the Interrogation and Counter-Resistance Policies promulgated by the Secretary of Defense for the interrogation of unlawful combatants held at Guantanamo Bay, "the legal resources of the Services' Judge Advocates General and General Counsels were not used to their full potential." In the Panel's view, "had the Secretary of Defense had a wider range of legal opinions and a more robust debate regarding detainee policies and operations," the fluctuations in policy that occurred between December 2002 and April 2003 might well have been avoided.

(U) The Independent Panel found "it is clear that pressures for additional intelligence ... resulted in stronger interrogation techniques that were believed to be needed and appropriate in the treatment of detainees defined as 'unlawful combatants,' some of whom were presenting a "tenacious resistance" to doctrinal interrogation methods. "At Guantanamo," the Panel observed, "interrogators used those additional techniques with only two detainees, gaining important and time-urgent information in the process." While a limited application of those more aggressive techniques proved successful in Guantanamo, the

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Panel cautioned that "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."

(U) Inevitably, the Panel found, "interrogators and lists of techniques circulated from Guantanamo and Afghanistan to Iraq." In Afghanistan, the Panel noted, "more aggressive interrogation of detainees appears to have been ongoing" independent of the Guantanamo Counter-Resistance Policies. Standard Operating Procedures containing techniques adopted by Special Operations Forces and conventional Military Intelligence units in Afghanistan migrated to Iraq. Many interrogators served in both operations. In Iraq, the combined knowledge and experience of the interrogators and their leaders, which encompassed operations in both Afghanistan and Guantanamo, were brought together. Combined Joint Task Force 7 promulgated a series of inconsistent policies that "allowed for interpretation in several areas and did not adequately set forth the limits of the interrogation techniques." In the Panel's assessment, "the existence of confusing and inconsistent interrogation ... policies contributed to the belief that additional interrogation techniques were condoned."

(U) Addressing the integration of detention and interrogation operations, the Independent Panel contrasted the operations at Guantanamo to

those at Abu Ghraib. At Guantanamo, a system was eventually established where the Military Police and Military Intelligence worked "cooperatively, with the Military Police 'setting the conditions' for interrogations" conducted by Military Intelligence. In concept, the Panel noted, 'setting the conditions' for interrogations "included passive collection on detainees as well as supporting incentives recommended by the military interrogators." In the Panel's assessment, "these collaborative procedures worked well at Guantanamo," where the ratio of Military Police to detainees was "approximately 1 to 1," but failed Abu Ghraib, where the ratio was "at one point 1 to about 75," with the Military Police challenged "even to keep track of prisoners."

(U) The Independent Panel found that "in Iraq, there was not only a failure to plan for a major insurgency, but also to quickly and adequately adapt to the insurgency that followed ... major combat operations." As the insurgency grew, so did the population of the detention facilities. "The largest, Abu Ghraib, housed up to 7,000 detainees in October 2003," when the major abuses began at the facility, yet had "a guard force of only about 90 personnel from the 800th Military Police Brigade." The Panel, like MG Fay and LTG Jones, concluded that "Abu Ghraib was seriously overcrowded, under-resourced, and under continual attack."

(U) The Independent Panel noted that

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tors in Iraq relied upon" the field manual "and unauthorized techniques that had migrated from Afghanistan." These conditions, followed by a series of short-lived and poorly drafted CJTF-7 policies "clearly led to confusion on what practices were acceptable." Although "we cannot be sure how much the number and severity of abuses would have been curtailed had there been early and consistent guidance from higher levels," the Independent Panel concluded that "nonetheless such guidance was needed and likely would have had a limiting effect."

(U) Other factors that contributed to the leadership failures at Abu Ghraib included an "unclear Military Intelligence chain of command," the "confusing and unusual assignment of MI and MP responsibilities at Abu Ghraib," and the placement of the 800th Military Police Brigade under the tactical control of CJTF-7 while maintaining the brigade under the CFLCC for all other purposes. Finally, in the view of the Panel, "the failure to react appropriately to the October 2003 ICRC report," which described a number of the abuses that would remain uninvestigated until a soldier reported later incidents to his chain of command, was "indicative of the weakness of the leadership at Abu Ghraib."

(U) The Independent Panel made the following recommendations, among others:

- (U) "The United States should further define its policy ... on the categorization and status of all detainees;"
- (U) "The Department of Defense needs to ... develop joint doctrine to define the appropriate collaboration between Military Intelligence and Military Police in a detention facility;"
- (U) "The nation must acquire "more specialists for detention/interrogation operations, including linguists, interrogators," and others;"
- (U) "Joint Forces Command should ... develop" a new operational concept for detention operations," including preparation "for conditions in which normal law enforcement has broken down in an occupied or failed state;"
- (U) Although "clearly, the force structure in both MP and MI" in the Army "is inadequate to support the armed forces in this new form of warfare," there are "other forces besides the Army in need of force structure improvements" to accomplish the detention and interrogation missions. Accordingly, the Panel recommended "that the Secretaries of the Navy and Air Force undertake force structure reviews of their own;"

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- (U) Because "well-documented policy and procedures on approved interrogation techniques are imperative to counteract the current chilling effect the reaction to the abuses have had on the collection of valuable intelligence through interrogations," such policies must be promulgated;
- (U) A "professional ethics program" must be developed for all who participate in detention and interrogation operations;
- (U) "Clearer guidelines for the interaction of CIA with the Department of Defense in detention and interrogation operations must be defined;"
- (U) "The United States needs to redefine its approach to customary and treaty international humanitarian law, which must be adapted to the realities of the nature of the conflict," and
- (U) "The Department of Defense should continue to foster its operational relationship with the International Committee of the Red Cross."

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Examination of Detainee Abuse (U)

Overview (U)

(U) During our inquiry, we examined individual cases of detainee abuse in order to discern any relationship to detainee operations in general, and to interrogation in particular. We detail some of these cases in the sections covering GTMO, Afghanistan, and Iraq; however, in this section, we will provide an overview of our analytic method, and a high-level summary of DoD abuse investigations.

(U) As of September 30, 2004, the military services and DoD agencies had initiated 317 investigations in response to allegations of detainee abuse by DoD personnel and contractors in GTMO, Afghanistan, and Iraq. (In order to complete our analysis in a timely fashion, we chose September 30 as the cutoff date for the incorporation of investigations in this report. All of the following information is current as of September 30, except where otherwise noted.) For the purposes of our analysis, we define "abuse" as conduct that constitutes Uniform Code of Military Justice (UCMJ) offenses against persons (or would constitute such an offense if the perpetrator were subject to the UCMJ, in the case of contractors). These offenses include murder, manslaughter, negligent homicide, assault, rape, indecent assault, cruelty and maltreatment, reckless endangerment, and communi-

cating a threat. We did not treat thefts from detainees as abuse, unless such misconduct was combined with an assault or other form of maltreatment:

(U) In general, the Army Criminal Investigation Division (CID) and Naval Criminal Investigation Service (NCIS) investigated serious abuse allegations (i.e., misconduct resulting - or potentially resulting - in death or grievous bodily harm); while individual commands investigated lesser allegations. Many of the investigations have multiple victims and multiple suspects; consequently, there is no direct correlation between the number of cases and the numbers of suspects and victims. For example, the primary CID investigation of the abuses at Abu Ghraib (which remains open) has identified 15 suspects and 35 victims.

(U) The status of the 317 investigations is depicted on the chart on the next page.

(U) As the chart demonstrates, 187 investigations have been closed (38 death investigations and 149 for other abuse), of which six have substantiated that death resulted from abuse (five in Iraq and one in Afghanistan), and 65 have substantiated that other abuse occurred. These findings will be discussed in more detail below.

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DOD Detainee-Related Investigations Summary (U)

CASES	AFGHANISTAN			IRAQ			GTMO			TOTAL	TOTAL SUB-STATUTED
DETAINEE DEATHS	4	0	0	15	2	0	0	0	0	23	N/A
<i>OPEN</i>											
DETAINEE ABUSE	5	2	0	92	1	1*	2	2	0	107	N/A
	* Contractor										
DETAINEE DEATHS	1	0	0	32	0	0	0	0	0	38	SUBSTATUTED 6
<i>CLOSED</i>											
DETAINEE ABUSE	12	0	0	101	3	3*	12	0	0	149	SUBSTATUTED 65
	* Contractor										
TOTAL	27			274			16			317	71

Army Related Cases
 Navy Related Cases
 USMC Related Cases
 Other Related Cases
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(U) The status of the 317 open and closed investigations is again depicted in the following two charts on the next page, which break the investigations into death-related (in the first chart) and non-death related investigations (in the second chart).

(U) As the first chart demonstrates, of the 61 detainee death investigations, 38 have been closed; and in six cases it was determined that the deaths resulted from abuse. The remaining 32 closed death investigations resulted in determina-

tions that the fatalities resulted from either natural causes or justifiable homicides, or that the allegations of wrongdoing were unsubstantiated or unfounded. As the second chart shows, detainee abuse not resulting in death was substantiated in 65 of 149 closed investigations.

(U) Because information provided by open cases may not be reliable, and may ultimately be proven unfounded, we focused our analysis primarily on the 71 closed investigations that substantiated abuse. Of these, eight concerned incidents at

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Detainee Death Investigations (U)

CASES	AFGHANISTAN			IRAQ			GTMO			TOTAL	TOTAL SUB-STATISTICS
OPEN											
DETAINEE DEATHS	4	0	0	15	2	0	0	0	0	23	N/A
CLOSED											
DETAINEE DEATHS	1	0	0	32	0	0	0	0	0	38	6
<small>Note: Does not include 22 Abu Ghraib mortar attack deaths.</small>											
TOTAL	5			56			0			61	6

Army Related Cases
 Navy Related Cases
 USMC Related Cases
 Other Related Cases

All data as of 30 Sep 2004.

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Detainee Non-Death Abuse Investigations (U)

CASES	AFGHANISTAN			IRAQ			GTMO			TOTAL	TOTAL SUB-STATISTICS
OPEN											
DETAINEE ABUSES	5	2	0	92	1	1*	2	2	0	107	N/A
CLOSED											
DETAINEE ABUSES	12	0	0	101	3	3*	12	0	0	149	65
<small>* Contractor</small>											
TOTAL	22			218			16			256	65

Army Related Cases
 Navy Related Cases
 USMC Related Cases
 Other Related Cases

All data as of 30 Sep 2004.

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GTMO, three concerned incidents in Afghanistan, and 60 concerned incidents in Iraq. These 71 cases involve at least 122 victims, and so far, disciplinary or administrative action has been taken against 115 service members for misconduct. (This action includes numerous non-judicial punishments, 15 summary courts-martial, 12 special courts-martial, and 9 general courts-martial.) Criminal investigation of detainee abuse at Abu Ghraib, which has already resulted in the preferral of court-martial charges against seven service members and a guilty plea from three of those members, remains open.

(U) In addition, we concluded that one closed, substantiated investigation did not constitute abuse for our purposes. This case involved a soldier at GTMO who dared a detainee to throw a cup of water on him, and after the detainee complied, reciprocated by throwing a cup of water on the detainee. The soldier was removed from that camp as a consequence of inappropriate interaction with a detainee. We discarded this investigation, leaving us 70 detainees abuse cases to analyze.

(U) A comparison of our detainee abuse analysis with those of the Jones, Fay, and Taguba reports is provided later, in our section discussing Iraq. Unlike those reports, however, we did not investigate specific allegations of misconduct. Rather, our examination consisted of a broad review of investigative reports, focusing on factors that may have played a role in these incidents of

abuse. Our review was intended neither as a legal assessment of specific cases, nor as a recommendation for commanders in the independent exercise of their responsibilities under the Uniform Code of Military Justice (UCMJ) or other administrative procedures.

Categorizing Abuse Cases (U)

(U) As an initial matter, we examined the abuse cases for any trends related to geographic areas or individual units within Afghanistan and Iraq; however, we found no such trends.

(U) We next analyzed the 70 closed, substantiated abuse cases by grouping them by severity and location, and then by whether they were related to interrogation. We also categorized the cases by service and component (e.g., U.S. Army Reserve) of the personnel involved. Our results are described below.

(U) Severity of Abuse

(U) As noted previously, we considered serious abuse to be misconduct resulting, or having the potential to result, in death or grievous bodily harm. We used the definition of "grievous bodily harm" contained in the Manual for Courts-Martial (2002 edition): "Grievous bodily harm" means serious bodily injury. It does not include minor injuries such as a black eye or bloody nose, but does include

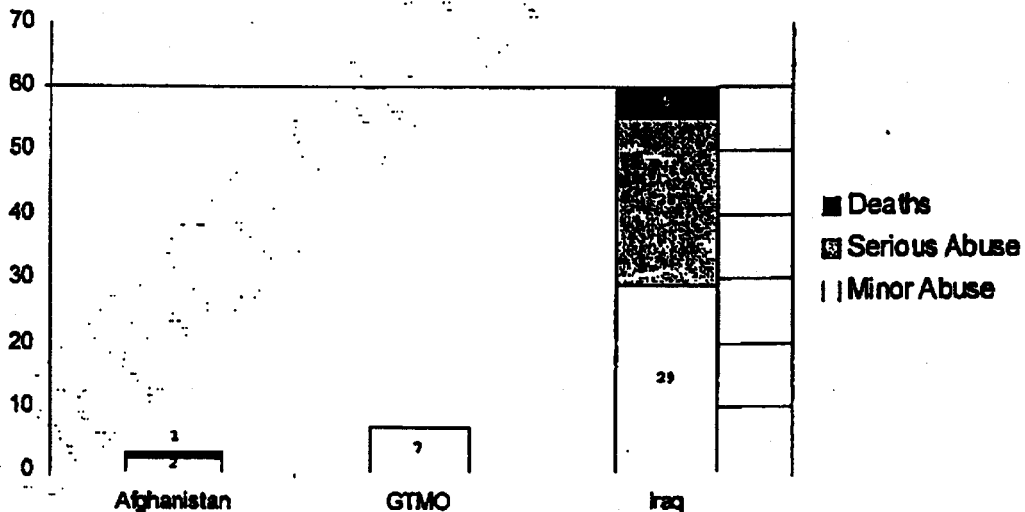
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fractured or dislocated bones, deep cuts, torn members of the body, serious damage to internal organs, and other serious bodily injuries." In addition, we considered all sexual assaults (in the Manual for Courts-Martial termed "Indecent Assault"), threats to inflict death or grievous bodily harm, and maltreatment likely to result in death or grievous bodily harm to be serious abuse.

Afghanistan and five in Iraq), 26 serious abuse incidents that did not result in death (all in Iraq), and 38 minor abuse incidents (two in Afghanistan, seven in GTMO, and 29 in Iraq). (We should note that the cases involving the two Bagram PUC deaths were substantiated and closed on October 8, 2004, after the majority of our analysis had been completed. These cases, therefore, are not included in the data that we analyzed.) Of the 64 non-death abuse cases analyzed, two were sexual assaults. The majority of

(U) As reflected in the chart below, there were a total of six substantiated deaths (one in

Closed Substantiated Abuse Cases (U)



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the remaining cases were assaults and other forms of physical abuse.

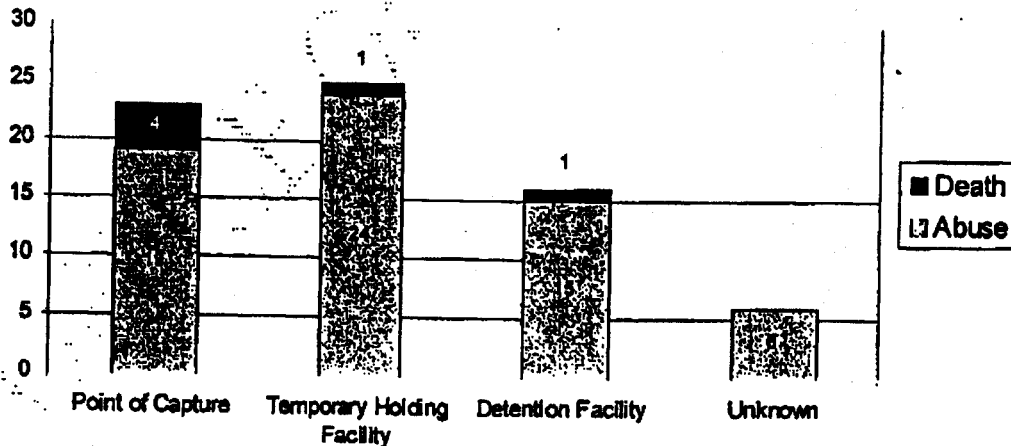
(U) Location of Abuse

(U) For the purposes of our analysis, we considered "point of capture" (POC) incidents to include any deaths or abuse occurring outside of holding facilities, including those that occurred during detainee transportation. Facilities at the division level and below were considered

Temporary Holding Facilities (THF) (e.g., Corps Holding Areas or Division Collection Points), and internment/resettlement facilities were considered Detention Facilities (DF) (e.g., Abu Ghraib). These terms are functional in nature rather than doctrinal and are used here only for the purpose of our analysis.

(U) The chart below depicts abuses by detention locations. Of the 70 cases analyzed, 23

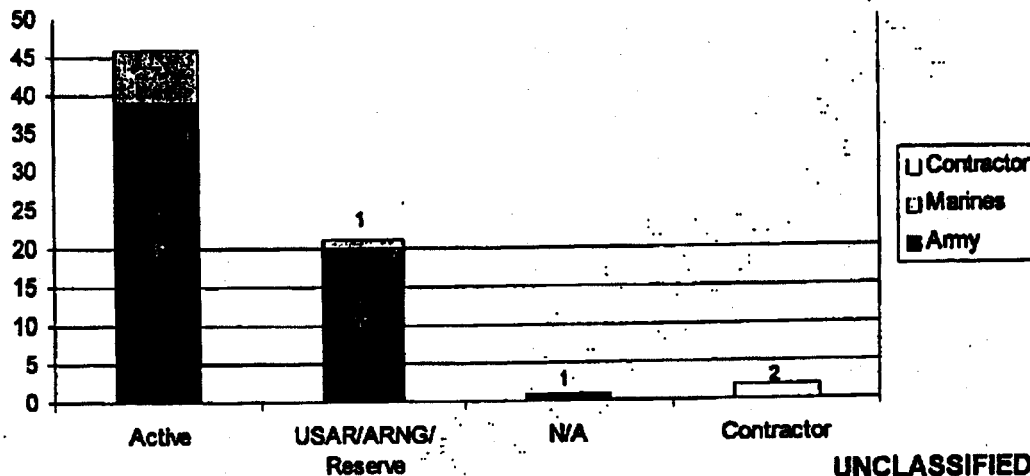
Reported Abuse by Site Type (U)



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Closed Substantiated Cases by Service Component of Personnel Involved (U)



occurred at POC, 25 at THFs, 16 at DFs, and six at unidentified locations. Included in those figures are the six death cases: four at POC, one at a THF, and one at a DF.

(U) Service and Component

(U) There were 46 Active Component investigations, 21 Reserve/National Guard (nine Reserve, eight National Guard, and four mixed), one from an unknown unit, and two contractor-related cases. The data are displayed in the chart above.

(U) Relationship of Abuse to Interrogation

(U) We categorized abuses arising from

questioning of detainees by any DoD personnel, not just MI interrogators, as interrogation-related. In categorizing abuse as "interrogation-related," we took an expansive approach. For example, if a soldier slapped a detainee for failing to answer a question at the point of capture, we treated that misconduct as interrogation-related abuse. Of the 70 investigations analyzed, 20 met this criteria. Closed substantiated interrogation related abuse cases are further categorized by theater of operations and type of site in the chart on the next page.

Analysis of Abuse Investigations (U)

(U) Methodology

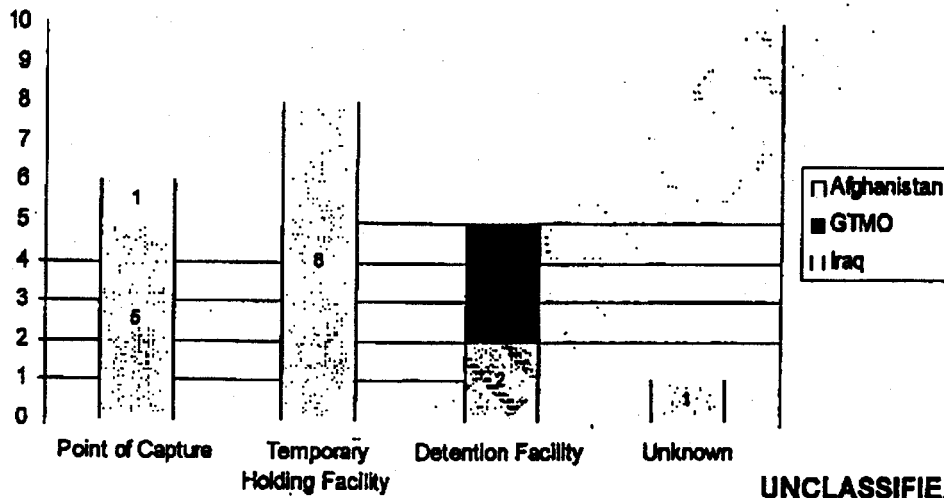
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Closed Substantiated Interrogation Related Abuse Case by Type of Facility at which the Incident Occurred (U)



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(U) After categorizing the substantiated abuse cases, we reviewed each investigation report to identify possible explanations for the abuse. For abuses investigated by a service criminal investigative agency (CID or NCIS), we reviewed the complete investigative reports. These investigations generally contained statements from eyewitnesses and, in some cases, statements from suspects and purported victims. For investigations conducted by individual commands, which generally addressed the less serious incidents, we reviewed summaries or reports of the substantiated abuse.

(U) Findings

(U) Our review suggested that there is no

single explanation for why abuses occurred; rather, a combination of factors played a role. After hundreds of interviews, however, one point is clear - we found no direct (or even indirect) link between interrogation policy and detainee abuse. We note that our conclusion is consistent with the findings of the Independent Panel to Review DoD Detention Operations, chaired by the Honorable James R. Schlesinger, 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." In fact, interviews that we conducted at point of capture and temporary holding facilities in Iraq and Afghanistan showed that a large majority

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of interrogators and most field officers interviewed at those locations were unaware of the specific guidance promulgated and relied solely on their respective training and experience. This point will be reiterated and discussed in more detail in later report sections focused on interrogation operations in Guantanamo Bay, Afghanistan and Iraq.

(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 at varying dates and in varying locations throughout Afghanistan and Iraq, as well as a small number of cases at GTMO. While this lack of a pattern argues against a single, overarching reason for abuse, we did identify several factors that may help explain why the abuse occurred.

(U) First, 23 of the abuse cases, roughly one third of the total, occurred at the point of capture in Afghanistan or Iraq - that is, during or shortly after the capture of a detainee. This is the point at which passions often run high, as service members find themselves in dangerous situations, apprehending individuals who may be responsible for the death or serious injury of fellow service members. Because of this potentially volatile situation, this is also the point at which the need for military discipline is paramount in order to guard against the possibility of detainee abuse, and that discipline was lacking in some instances.

(U) Second, the nature of the enemy in Iraq (and to a lesser extent, in Afghanistan) may have played a role in the abuse. Our service members may have at times permitted our enemy's treacherous tactics and disregard for the law of war - exemplified by improvised explosive devices and suicide bombings - to erode their own standards of conduct. (Although we do not offer empirical data to support this conclusion, a consideration of past counterinsurgency campaigns - for example, during the Philippine and Vietnam wars - suggests that this factor may have contributed to abuse.) The highly-publicized case involving an Army Lieutenant Colonel in Iraq provides an example. On August 20, 2003, during the questioning of an Iraqi detainee by field artillery soldiers, the Lieutenant Colonel fired his weapon near the detainee's head in an effort to elicit information regarding a plot to assassinate U.S. service members. For his actions, the Lieutenant Colonel was disciplined and relieved of command.

(U) Finally, a breakdown of good order and

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discipline in some units could account for other incidents of abuse. This breakdown implies a failure of unit-level leadership to recognize the potential for abuse in detention and interrogation operations, to detect and mitigate the enormous stress on our troops in detention and interrogation operations, and a corresponding failure to provide the requisite oversight to prevent such abuse. As documented in previous reports (including MG Fay's and MG Taguba's investigations), stronger leadership and greater oversight would have lessened the likelihood of abuse.

**Chronological Analysis of Abuse
Cases (U)**

(U) Overview

(U) We also conducted a chronological analysis to determine whether there was any correlation between particular events and the rate of detainee abuse. Specifically, we considered the relationship between the rate of abuse and the issuance of new interrogation-related policy directives to U.S. forces in each theater, and whether intensified combat operations or enemy resistance might help explain increases or decreases in detainee abuses. To determine whether abuse rates could be correlated to such events, we examined abuse cases on a month-to-month basis.

(U) The total number of cases considered in

this portion of our analysis is larger than in earlier sections, because we examined not only closed cases, but also certain open cases. In the chronological analysis we considered 189 cases, including 69 of the 71 closed, substantiated cases - one case was omitted because it did not identify the date of abuse, and we again omitted the GTMO water-throwing case - and 120 of 130 open cases (10 did not contain dates or were thefts). We recognize that many of the open cases may be eventually proved unsubstantiated or unfounded; however, we felt that including the open cases in chronological analysis might help identify potential trends.

(U) Results

(U) GTMO

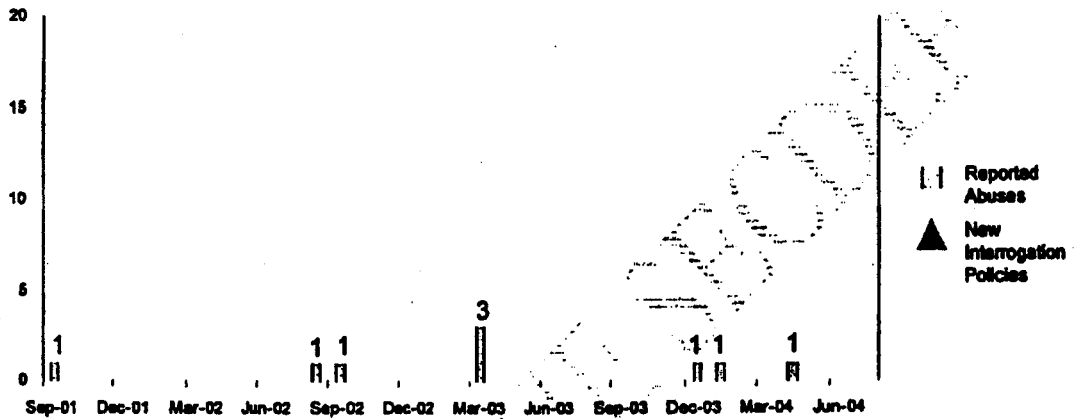
(U) Relatively few abuses have occurred at GTMO. As we will describe at further length in the GTMO section, we believe that this is attributable to, among other things, effective leadership, aggressive oversight, and a highly structured environment. While three of the abuse cases at GTMO occurred in April 2003, the same month that the Secretary of Defense approved a new interrogation policy for use there, the new interrogation policy did not cause those abuses to occur: as the GTMO section will describe, those abuses were completely unrelated to interrogation policy. We also found no correlation with other interrogation policies, issued in December 2002 and January 2003. (In

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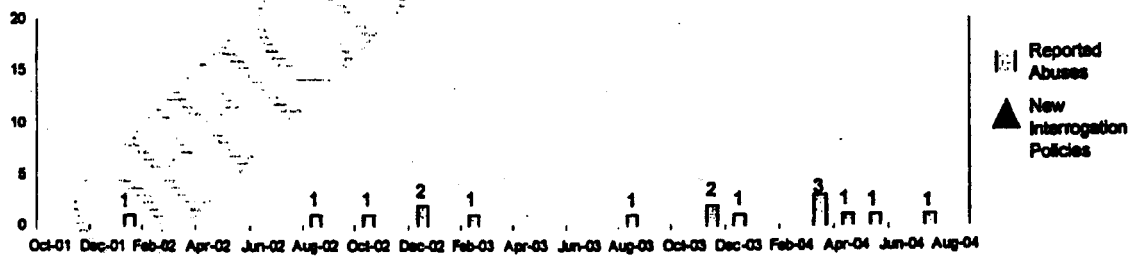
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GTMO (U)



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Afghanistan (U)



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the following charts, issuance of new interrogation policies is indicated by red triangles.)

(U) Afghanistan

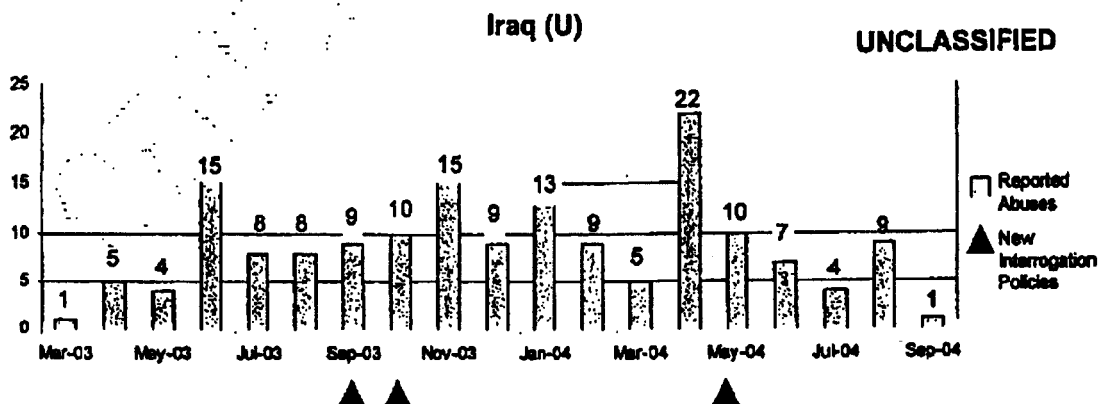
(U) Since Operation ENDURING FREEDOM began in October 2001, in no single month were there more than three cases of alleged abuse. With the limited numbers of reported abuse cases spread over many months, there is no discernable correlation of those abuses to CJTF 180's detention and interrogation policies (issued in January 2003, March 2004, and June 2004), combat operations, or other events.

(U) Iraq

(U) The total number of abuses in Iraq far exceeds those in GTMO and Afghanistan, which is not surprising based on the scale of combat operations and the ensuing insurgency. From the begin-

ning of Operation IRAQI FREEDOM in March 2003 through August 2004, the number of abuse cases per month remained relatively close to the average rate of nine per month, with the fewest number of reported abuses in March 2003 (one), July 2004 (four), and September 2004 (one). The issuance of interrogation policy memoranda in September 2003, October 2003, and May 2004, and MG Miller's visit to assess detention operations during August to September 2003 (all of which are described in our section on Iraq) do not appear to be correlated to the rate of detainee abuse, whether interrogation-related or not.

(U) We did observe spikes in abuse allegations in June 2003 (15), November 2003 (15), and April 2004 (22). While not necessarily statistically significant, it is possible that the June 2003 and April 2004 increases are attributable to the following events:



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(U) June 2003. Baghdad fell to Coalition Forces in May 2003. Almost immediately thereafter, Iraqis engaged in widespread looting and destruction. In this month, we observed a moderate increase in *alleged* detainee abuse cases; however, we found no evidence that this increase was interrogation-related or associated with U.S. policy changes. Rather, two thirds of the abuse cases in June 2003 involved point of capture abuses: the aggressive efforts of U.S. forces to stop looting and secure the peace appear to be a likely explanation for the increased number of alleged abuse cases that month.

(U) April 2004. This month saw an increase in combat operations, particularly in response to recent kidnappings, roadside bombings, and other attacks by insurgents against coalition forces. The number of U.S. service members killed in April 2004 increased to more than 150, almost a three-fold increase from only one month earlier in March 2004. During April 2004, alleged detainee abuse cases rose from five (all non-interrogation related) in March 2004 to 22 in April 2004 (with 8 of those cases being interrogation-related). It is possible, therefore, that increased combat operating tempo and efforts to stem the tide of the

insurgency led to increases in abuses.

Detainee Abuse: Summary (U)

(U) In sum, we found no evidence that detainee abuse was related to any interrogation policies. This explanation is supported by the more detailed descriptions of interrogation-related abuse cases that appear in the following sections on GTMO, Afghanistan and Iraq. Therefore, although interrogation policy has not been a causal factor in detainee abuse, we found several factors that may have contributed to the abuse. For example, much of it occurred at the point of capture in Afghanistan and Iraq, and in many instances our service members clearly lacked the discipline necessary at the point of capture to ensure that detainees were treated appropriately. Another factor may be the nature of the insurgency that we have encountered - one in which our enemy's disregard for the law of war may have at times led to an erosion of our own standards of conduct. Finally, a breakdown in good order and discipline, which may be attributable to the absence of strong leadership or oversight, may have contributed to setting the conditions for abuse.

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Guantanamo Bay, Cuba (U)

(U) This section examines the interrogation techniques approved and those actually employed at the U.S. Naval Base at Guantanamo Bay, Cuba (GTMO), and the relationship between those techniques and any detainee abuse. The section begins with a brief, background discussion below.

Background (U)

(U) GTMO and Operation ENDURING FREEDOM

(U) The first planeload of twenty detainees from Afghanistan arrived at the U.S. Naval Base at Guantanamo Bay, Cuba on January 11, 2002. They had been captured by U.S. forces on the battlefield during Operation ENDURING FREEDOM, which followed closely on the heels of 9/11 and was designed to flush out members of al Qaeda and their Taliban protectors from the hills and caves of Afghanistan. As suspected terrorists, these first detainees were transferred to the base for interrogation. By the summer of 2002, the detainee population at GTMO had quickly grown to nearly 600, a number that has remained fairly steady up until the present.

(U) GTMO was a logical place for the interrogation of al Qaeda and Taliban fighters. It had existing holding facilities at Camp X-Ray, which had originally been built to house Cuban and Haitian refugees who attempted illegally to enter the United States by sea in the mid 1990s. It was

close to the United States and under United States control, pursuant to a lease agreement with Cuba dating to 1903. Yet GTMO was in a remote and secure location, far from the battlefields of Afghanistan. And perhaps most importantly, GTMO was considered a place where these benefits could be realized without the detainees having the opportunity to contest their detention in the U.S. courts. This final consideration was negated, however, by the recent U.S. Supreme Court decision in Rasul v. Bush, __ S.Ct. __ (2004), which held that the U.S. courts have jurisdiction to consider challenges to the detention of foreign nationals held at GTMO. At the same time, the Supreme Court held in Hamdi v. Rumsfeld, __ S.Ct. __ (2004), that any U.S. citizens held in the U.S. as enemy combatants have a due process right to have a meaningful opportunity to contest their detention before a neutral decisionmaker.

(U) The combatants captured in Afghanistan during Operation ENDURING FREEDOM did not wear military uniforms or fall into any traditional military hierarchy. This presented the challenge, therefore, of determining which of them possessed (or were likely to possess) the most intelligence or law enforcement value and thus merited transfer to GTMO. Upon capture, a detainee was initially questioned on the battlefield to ascertain his level of participation in the conflict and to determine if he might possess valuable intelligence or be a continuing security threat to U.S. forces. The detainee was then sent from the front

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lines to a central holding facility, where he would undergo further screening and interrogation. If this screening indicated that the detainee might meet Secretary of Defense criteria for transfer to GTMO, a screening team of U.S. government officials - consisting of military lawyers, intelligence officers, and federal law enforcement officials - would review the detainee's relevant information, including the facts surrounding capture and detention, the threat posed by the individual, and the intelligence and law enforcement value of the detainee. The screening team, after reviewing all available information, then made a recommendation to retain the captured fighter in-country or transfer him to GTMO. Next, a general officer, designated by the Commander of U.S. Central Command (CENTCOM), reviewed the screening team's recommendation and made a final recommendation to Department of Defense officials in Washington, D.C.

(U) A Department of Defense review panel, including legal advisors and representatives from the Joint Staff and the Office of the Under Secretary of Defense for Policy, assessed this final recommendation and, if necessary, made additional inquiries regarding the detainee. Upon the review panel's recommendation and final authorization by the Secretary of Defense, the individual either remained detained in Afghanistan or was airlifted to GTMO. Since the beginning of Operation ENDURING FREEDOM to the present,

more than 10,000 suspected members of al Qaeda or the Taliban have been captured and processed through this screening process. Less than eight percent of these detainees (a total of 752 as of October 28, 2004) were ultimately transferred to GTMO. The most recent transfers occurred in September 2004, as DoD announced on September 22, 2004 that that it had transferred 10 detainees from Afghanistan to GTMO. These were the first transfers since November 2003.

(S/AF) As of October 2004, there were 550 detainees at GTMO. Of the detainees sent to GTMO during Operation ENDURING FREEDOM, 202 have departed the base: 146 of these were transferred to other countries for release, and 56 were transferred to the control of other governments [REDACTED]

[REDACTED] (seven to Russia, five to Morocco, five to Great Britain, four to France, four to Saudi Arabia, one to Spain, 29 to Pakistan and one to Sweden). In response to the U.S. Supreme Court decision in Rasul, the Secretary of the Navy, the Honorable Gordon England, is currently supervising Combatant Status Review Tribunals and Administrative Review Boards. Each detainee at GTMO will have the opportunity, with the help of a military representative, to contest the enemy combatant designation before a tribunal of three military officers. The detainees at GTMO will also have the opportunity to present information to an Administrative Review Board concerning why the detainee no longer poses a threat to the U.S. or its

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allies and should be released or transferred.

(U) It is U.S. policy not to release any detainees that still pose a threat to our country, but recent events have demonstrated the difficulty of making that assessment, and the difficulty now facing the Administrative Review Boards. On September 26, 2004, Afghanistan officials announced that Abdul Ghaffar, a senior Taliban commander who had been released from GTMO over one year ago, was killed on September 25th while apparently leading an ambush on U.S. forces, in which three American soldiers were wounded, one critically. According to Afghan officials, after his release Ghaffar had carried out several attacks on American Special Forces soldiers, as well as an attack on a district chief in Helmand, Afghanistan in which three Afghan soldiers were killed.

(U) Another former Taliban fighter who was held at GTMO for approximately two years and then released in March 2004, Abdullah Mehsud, has reportedly forged ties with al Qaeda and is leading a militant band that is opposing Pakistani forces hunting al Qaeda fighters along the Afghanistan-Pakistan border. In early October 2004, Mehsud's men kidnapped two Chinese engineers who were helping Pakistan to construct a dam near the border. The kidnapers, who were surrounded by Pakistani security forces, strapped explosives to the hostages and threatened to kill them if they were not allowed safe passage to where Mehsud was hiding in the nearby moun-

tains. The crisis ended on October 14th when Pakistani forces moved in and killed five of the kidnapers, but one of the hostages also died, and Mehsud is still at large. Moreover, since his release, Mehsud has bragged to reporters that he tricked his interrogators into believing that he was someone else, and has stated that he will fight America "until the very end."

(U) In addition to Ghaffar and Mehsud, Afghan officials have stated that at least five other Afghan detainees released from GTMO have returned to Afghanistan and again become Taliban commanders or fighters. The number may be higher, as there are uncorroborated reports that an additional seven have participated in attacks or provided support to anti-coalition forces in Afghanistan.

(U) Detention and Interrogation Facilities

(U) The first detainees to arrive at GTMO were held at Camp X-Ray, which had the advantage of being an existing facility. Camp X-Ray, however, had a limited capacity (it could hold only approximately 300 detainees after rapidly expanding from its initial capacity of 40), and also was somewhat primitive. Upon their arrival, the detainees were housed in temporary, eight by eight feet units with a concrete slab floor, a combination wood and metal roof, and open air sides composed of chain link fencing. The detainees slept on the floor, with mats and blankets.

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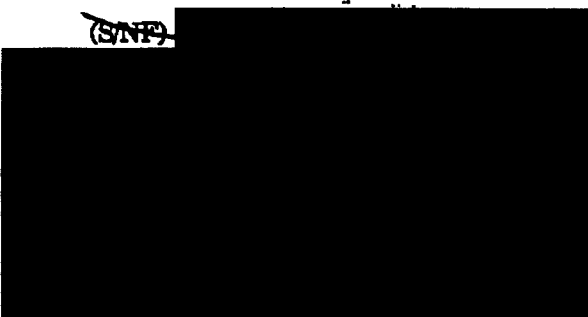
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~~(S)~~ The interrogation facilities at Camp X-Ray were also spartan. The interrogation rooms were simple, plywood structures, but they did have air conditioning. These rooms were approximately fifteen by fifteen feet, and commonly referred to as "boxes." The rooms were equipped for audio monitoring only.

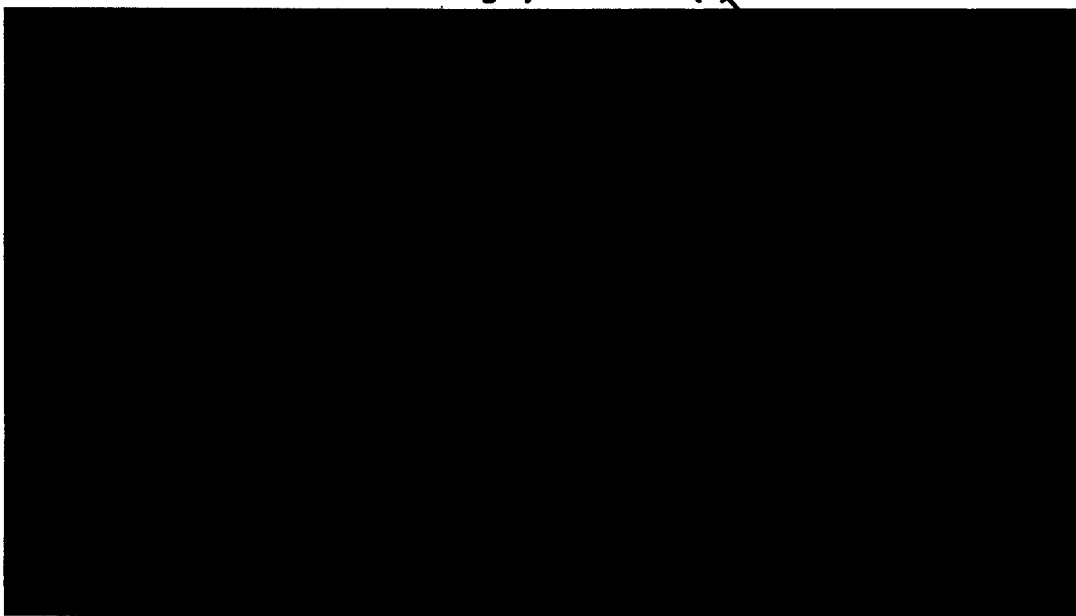
2002, the detainee population, numbering just over 300 individuals, moved from Camp X-Ray to Camp Delta, whereupon Camp X-Ray was closed. Camp Delta has since expanded to 816 detention units, 84 of which are maximum security.

~~(S/NF)~~ Due to Camp X-Ray's limited capacity and primitive conditions, plans were put into motion almost immediately after the arrival of the first detainees in GTMO to build a new detention facility, which became known as Camp Delta. This new facility had an initial capacity of 612 detention units, with room to expand as needed. In late April



Also within Camp Delta is the detainee hospital, which is dedicated to providing

Aerial Photograph of GTMO (S)



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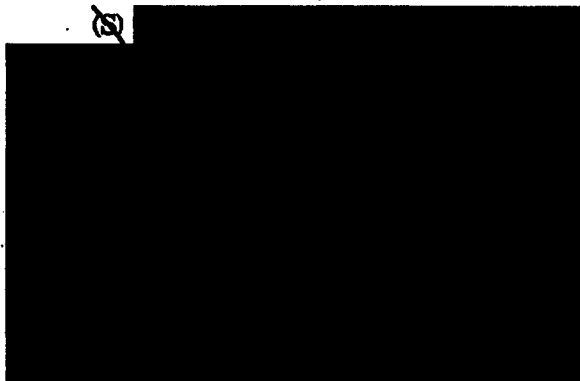
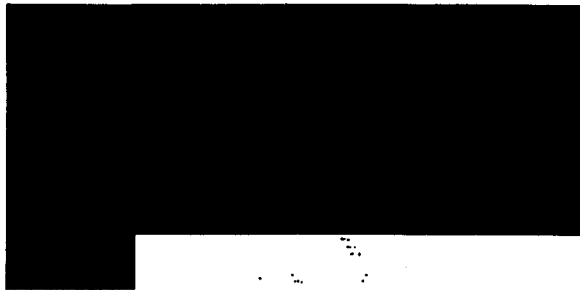
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medical care to the detainees and has a twenty bed capacity. Additionally, in April 2004 a maximum-security facility, designated as Camp 5, was opened approximately one-half mile from Camp Delta. Camp 5 holds the most uncooperative individuals. The detainees at Camp 5 are housed in a modern, two-story, multi-winged complex that has the capacity to hold approximately 100 detainees. The aerial photograph below shows the relative locations of Camp Delta (which contains Camps 1-4 and the detainee hospital), Camp 5 and Camp X-Ray.



(b)(1)



Camp Iguana is a lower-security detention facility that at one point held three juvenile combatants, aged 13 to 15 years, who had been captured in Afghanistan. These juveniles were repatriated to their home countries in early 2004.

(b)(1)



(U) Evolution of the Command Organization

(U) The command organization at GTMO has evolved significantly over time. Simply stated, the most significant aspect of the current organization is that it places both intelligence and detention operations under the command of a single entity, designated Joint Task Force GTMO (JTF-GTMO), whereas the original organization had separate chains of command for intelligence and detention operations. This new structure has permitted greater cooperation among the military intelligence (MI) units that are responsible for interrogation and the military police (MP) units

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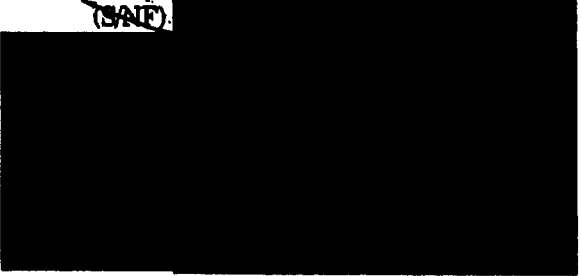
that are responsible for detention. In essence, this organization recognizes the primacy of the human intelligence collection mission at GTMO in support of the Global War on Terror, by ensuring a unity of effort between MI and MP units. This unity of effort between MI and MP units has been the subject of recent controversy, in light of MP participation in many of the abuses perpetrated at Abu Ghraib prison in Iraq. The details of the respective MI and MP roles (as well as a discussion of what those roles should be) are addressed elsewhere in the report; the purpose of the discussion here is merely to trace the evolution of the command organization at GTMO.



(b)(1)

(U) The existence of two, separate joint task forces created a bifurcated chain of command that impeded cooperation between the MI units in JTF-170 and the MP units in JTF-160 and did not establish priorities for their competing interrogation and detention missions. Two external reviews of intelligence operations at GTMO, the Herrington GTMO Report in March 2002 and the Custer Report in September 2002, were critical of this command structure. COL Herrington's Report, which was provided to MG Dunlavey as well as the Acting Commander of SOUTHCOM, MG Gary Speer, USA, was particularly pointed in its remarks. For example, the report called it a "basic principle of human intelligence exploitation" that the intelligence function must be supported by the security function, and observed that in GTMO, "the security mission is sometimes the tail wagging the intelligence dog."

(U) Just prior to the arrival of the first detainees on January 11, 2002, U.S. Southern Command (SOUTHCOM) established Joint Task Force 160 (JTF-160) to be responsible for the security and detention of the detainees arriving at GTMO. This joint task force was essentially an MP organization. BGen Michael Lehnert, USMC, originally commanded this task force, but was quickly succeeded by BG Rick Baccus, who took command on March 28, 2002.



(U) In an effort to address this situation and improve the intelligence collection effort at GTMO, the SOUTHCOM Commander, General James T. Hill, USA, placed MG Dunlavey in charge of both JTF-170 and JTF-160 in October 2002. Shortly thereafter, on November 4, 2002, the two joint task

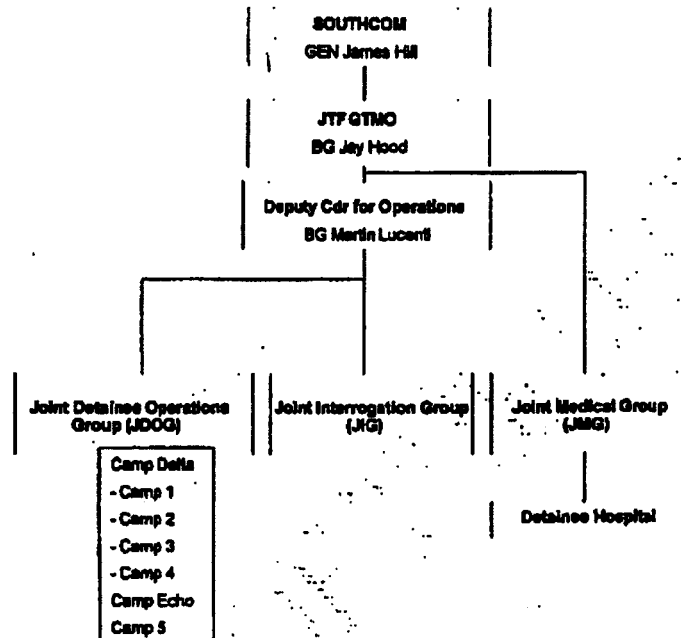
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JTF-GTMO Organization (U)



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forces were combined and renamed Joint Task Force GTMO. MG Geoffrey Miller, USA was appointed to lead this new joint task force. MG Miller was succeeded by BG Jay Hood on March 24, 2004, when MG Miller was transferred to Iraq to be Deputy Commander for Detainee Operations, Multinational Force-Iraq. The structure of JTF-GTMO and its current leadership is depicted in the figure above.

(U) As illustrated above, both the Joint Interrogation Group (JIG), which is responsible for intelligence collection, and the Joint

Detention Operations Group (JDOG), which is responsible for detainees security and handling, report to the JTF-GTMO Commander, who in turn reports to SOUTHCOM. The JDOG is composed of six MP companies. The centerpiece of the JIG is the Interrogation Control Element (ICE), which coordinates and supervises the efforts of MI interrogators, analysts and linguists (as well as civilian contract personnel who augment the military interrogation effort), in support of human intelligence exploitation. From the initiation of interrogation and detention

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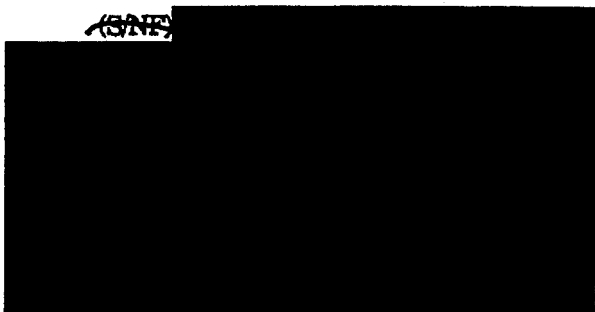
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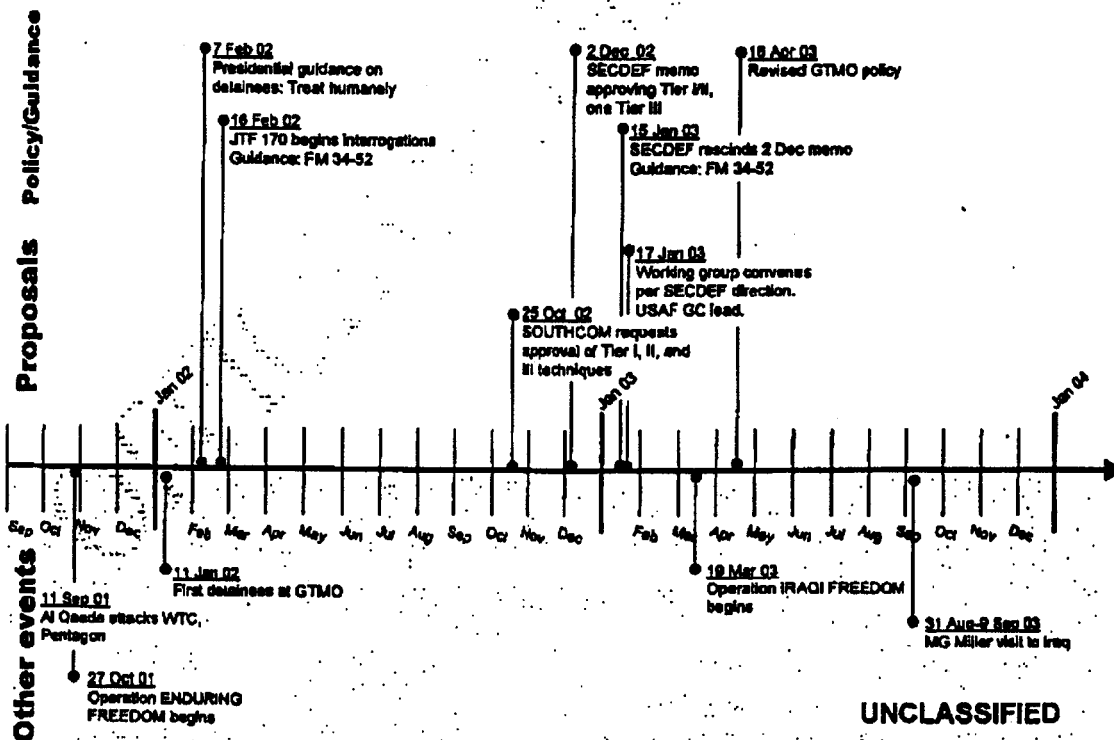
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operations at GTMO to the present, MPs have outnumbered the detainees by a relatively constant ratio of approximately 1.5 to 1. MI and contract interrogators, on the other hand, have been in more limited supply, with each interrogator assigned to approximately 20 to 25 detainees at any one time.



GTMO Counter-Resistance Policy Development (U)



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Field Manual 34-52, *Intelligence Interrogation*, when questioning detainees. Over the next several months, however, it became clear that many of the detainees were familiar with these techniques and had been trained to resist them. This eventually led SOUTHCOM on October 25, 2002, to seek Secretary of Defense approval to use additional techniques beyond those specifically listed in FM 34-52, or what we will call "counter resistance" techniques.

(U) On December 2, 2002, the Secretary of Defense approved a limited number of the counter resistance techniques that SOUTHCOM had requested, but rescinded his approval on January 15, 2003. The Secretary then directed the DoD General Counsel to form a working group. The DoD General Counsel requested that the General Council of the Department of the Air Force, Mary Walker, chair the group, to assess the legal, policy and operational issues relating to interrogation of detainees in the Global War on Terror and to make recommendations on the use of specific interrogation techniques.

(U) This working group issued its final report on April 4, 2003, and recommended 35 interrogation techniques to be used against "unlawful combatants outside the United States" subject to limitations described later in this section. In an April 16, 2003 memorandum, however, the Secretary of Defense accepted for use in GTMO only 24 of the proposed techniques,

Evolution of Approved Interrogation Techniques at GTMO (U)

(U) The interrogation techniques approved for use at GTMO have evolved significantly over time, and been the subject of much study and debate within the senior echelons of both the uniformed military and the Office of the Secretary of Defense. The highlights of this evolution are depicted in the figure on the previous page, and described briefly below. This is followed by a detailed, chronological examination of the major events and points of debate that have shaped the development of approved interrogation techniques at GTMO.

(U) When JTF-170 was established at GTMO on February 16, 2002, the military interrogators assigned to the task force relied upon existing interrogation doctrine, found in Army

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which included the 17 techniques already found in FM 34-52. This memorandum has remained in effect to the present.

(U) The Initial Development of "Counter Resistance" Techniques

(U) Within the first few months of interrogation operations at GTMO, it became apparent that many of the detainees were skilled at resisting the 17 interrogation techniques enumerated in FM 34-52, and likely had been trained on U.S. interrogation methods. COL John Custer, USA, who led a Joint Staff team from August 14 to September 10, 2002 in reviewing intelligence collection operations at GTMO, reflected this concern in his final report, which observed that "JTF-170 has experienced limited success in extracting information from many of the detainees at GTMO," because "traditional [interrogation] techniques have proven themselves to be ineffective in many cases." The report noted that "[m]any of the detainees have undoubtedly received vigorous resistance to interrogation training," and that the detainees appeared to understand the Geneva Convention rules, as well as the traditional "US rules of engagement (limitations) regarding interrogations."

(U) Members of al Qaeda, in particular, were likely to be schooled in resistance to interrogation. British forces, for example, had recovered an al Qaeda training manual from the apartment of an al Qaeda operative in Manchester, England

on May 10, 2000. Now commonly referred to as the Manchester Document, this manual contained detailed information on interrogation resistance, including instructions that an al Qaeda "brother" must:

- (U) "plan for his interrogation by discussing it with his commander"
- (U) maintain his cover story by "saying only the things that you agreed upon with your commander," and "executing the security plan that was agreed upon prior to execution of the operation and not deviating from it"
- (U) "pretend that the pain is severe by bending over and crying loudly" in the event that an interrogator applies physical coercion
- (U) "disobey the interrogator's orders as much as he can by raising his voice [and] cursing the interrogator back"
- (U) "disobey the interrogator's orders and take his time in executing them"
- (U) "proudly take a firm and opposing position against the enemy and not obey the orders"
- (U) "refuse to supply any information and deny his knowledge of the subject in question"
- (U) "not disclose any information, no matter how insignificant he might think it is, in order not to open a door that cannot be closed until he incriminates himself or exposes his Organization"

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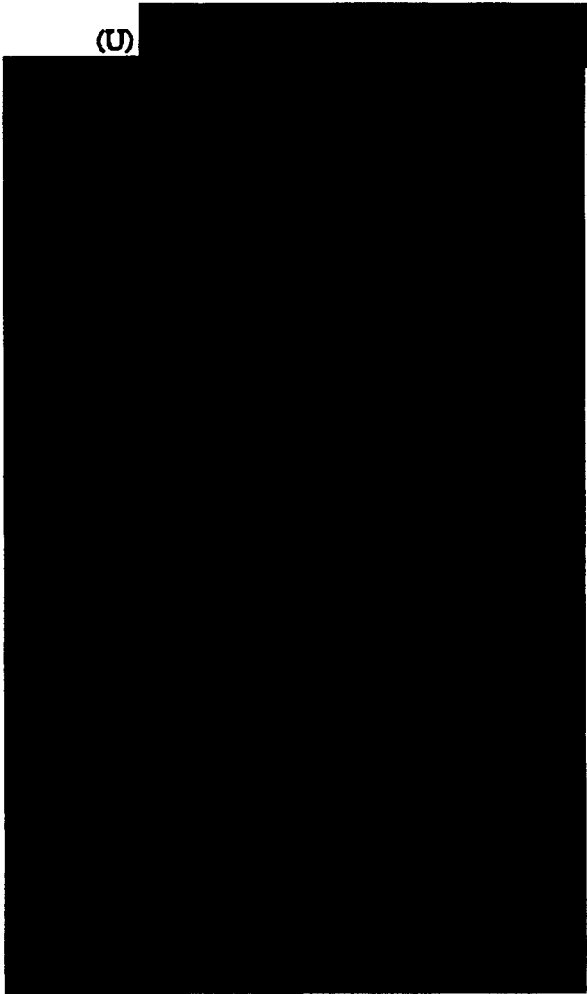
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- (U) "remember the basic rule: even a little disclosure of information would increase your amount of torture and result in additional information for the questioning apparatus," and
- (U) remain "patient, steadfast, and silent about any information whatsoever"

sible to leverage control over the detainees while providing acceptable guidelines for questioning." Such a paper, COL Custer suggested, "could be used as a 'rule of thumb' or 'Rules of Engagement' eliminating interrogator confusion."

(U) Another difficulty that hampered interrogations at GTMO was that interrogators did not have a clear understanding of the legal limits under which they were operating. While they did have FM 34-52 as a guide, this field manual was intended to guide interrogations of EPWs and therefore arguably was designed for a more restrictive environment than the one at GTMO. The danger, then, was twofold. On the one hand, interrogators might believe that their hands were essentially tied by FM 34-52, and adopt an overly conservative approach that would fail to extract intelligence from resistant detainees. On the other hand, interrogators who believed that they were unconstrained by the dictates of FM 34-52 might adopt overly aggressive strategies that could lead to detainee abuse. Again, the Custer Report acknowledged this problem by observing that interrogators did not "have a clear, delineated understanding of all the tools that are at their disposal when interrogating detainees." COL Custer recommended that SOUTHCOM "produce a 'White Paper' on 'Metrics for Interrogators' delineating what tools and measures are available and permis-



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~~SECRET/NOFORN~~**JTF-170 Proposed Counter Resistance Techniques - October 11, 2002 (U)****(U) Category I techniques**

- (U) Yelling at the detainee, but expressly excluding yelling that would cause pain or damage the detainee's hearing
- (U) The use of multiple interrogators
- (U) Deceiving the detainee by having the interrogator present a false identity. The assumption of a false identity would be intended to paint the interrogator as either a citizen of a foreign nation, or as an interrogator from a country with a reputation for harsh treatment of detainees

(U) Category II techniques

- (U) The use of stress positions (like standing), for a maximum of four hours
- (U) The use of falsified documents or reports
- (U) The use of an isolation facility for up to 30 days, with any extensions beyond the 30 days requiring approval from the JTF-170 Commander
- (U) Interrogation of the detainee in an environment other than the standard interrogation booth
- (U) Deprivation of light and auditory stimuli
- (U) The use of a hood placed over the detainee's head during transportation and questioning (the hood should not restrict breathing in any way and the detainee should be under direct observation when hooded)
- (U) The use of 20-hour interrogations
- (U) The removal of all comfort items (including religious items)
- (U) Switching the detainee's diet from hot meals to Meals, Ready-to-Eat (American military field rations)
- (U) Removal of clothing
- (U) Forced grooming (shaving of facial hair, etc.)
- (U) The use of a detainee's individual phobias (such as fear of dogs) to induce stress

(U) Category III techniques

- (U) The use of scenarios designed to convince the detainee that death or severely painful consequences are imminent for him and/or his family
- (U) Exposure to cold weather or water (with appropriate medical monitoring)
- (U) The use of a wet towel and dripping water to induce the misperception of suffocation
- (U) The use of mild, non-injurious physical contact such as grabbing, poking in the chest with the finger, and light pushing

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(U) MG Dunlavey indicated that the Category III techniques were "required for a very small percentage of the most uncooperative detainees," which he estimated to be "less than three percent" of those held at GTMO. Under the proposed policy, any of the most aggressive techniques that would "require more than light grabbing, poking or pushing" were to "be administered only by individuals specifically trained in their safe application."

(U) The JTF-170 Staff Judge Advocate, [REDACTED] wrote an extensive legal review of the interrogation and counter resistance policy proposed by MG Dunlavey. This legal review was declassified and released to the public by the Office of the Secretary of Defense on June 22, 2004. As a result of her legal review, which examined the proposed policy in light of domestic criminal law, the Uniform Code of Military Justice, treaties, customary international law, and decisions of the European Court of Human Rights, [REDACTED] recommended that Category I techniques be approved for general use. She recommended that whenever "interrogations involving Category II and III methods" were planned, however, that the interrogations "undergo a legal review prior to their commencement."

(U) The SOUTHCOM Commander, GEN Hill, forwarded JTF-170's request for approval of counter resistance techniques to the Chairman of

the Joint Chiefs of Staff on October 25, 2002. GEN Hill noted that JTF-170 had "yielded critical intelligence support for forces . . . prosecuting the War on Terrorism," but that "despite our best efforts, some detainees have tenaciously resisted our current interrogation methods." He stated that he believed "the first two categories of techniques are legal and humane," but was uncertain whether all the techniques in the third category were "legal under U.S. law, given the absence of judicial interpretation of the U.S. torture statute." GEN Hill was particularly troubled by the use of implied or expressed threats of death against the detainee or his family. He requested, therefore, that the Department of Defense and the Department of Justice review the third category of techniques. Finally, GEN Hill urged quick action on JTF-170's request for counter resistance techniques in view of the pressing need for actionable intelligence.

(U) On October 29, 2002, the Director of the Joint Staff, then-Lieutenant General John P. Abizaid, instructed the J-5 section of the Joint Staff, the Strategic Plans and Policy Directorate, to "take the lead in pulling this together quickly." On October 30, the J-5 section circulated MG Dunlavey's proposed techniques to the Joint Staff Office of Legal Counsel, J-2, J-3 and the service planners for comment, establishing a deadline of

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November 7.

(U) The Debate Surrounding the Request for Counter Resistance Techniques

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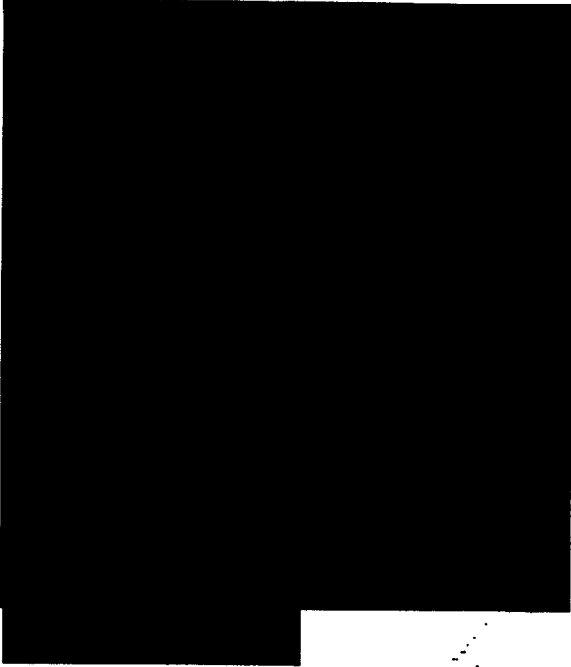
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had revolted against the four hijackers before they could maneuver the plane into either the White House or the U.S. Capitol. In August 2001, Kahtani had been refused entry by a suspicious immigration inspector at Florida's Orlando International Airport, where the 9/11 lead hijacker, Mohamed Atta, was waiting for him. Thus, Kahtani is commonly referred to as the "20th hijacker." (We note for clarification that some news reports have also referred to Zacarias Moussaoui, who was arrested in connection with the 9/11 attacks, as the "20th hijacker"; however, it is more accurate to use this description with Kahtani.)

(S//NF) Kahtani



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(U) The Interrogation Plan for Mohamed al Kahtani

(U) As discussion of JTF-170's request progressed, intelligence gathered from a variety of sources indicated that an al Qaeda operation against targets in the United States was likely or even imminent. Intelligence also indicated that Mohamed al Kahtani, a Saudi citizen and al Qaeda operative held at GTMO, possessed information that could facilitate United States action against that threat. As the 9/11 Commission Report observed, Kahtani was the operative who likely would have rounded out the team that hijacked United Airlines Flight 93, which crashed into an empty field in Shanksville, PA after the passengers

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In an action memorandum dated November 27, 2002, Mr. Haynes recommended to the Secretary of Defense that he approve for use all of the Category I and II techniques, but only the last of the Category III techniques, authorizing mild, non-injurious physical contact such as grabbing, poking in the chest with a finger, and light pushing. This recommendation therefore excluded the most aggressive Category III techniques - use of scenarios designed to convince the detainees that death or severely painful consequences are imminent for him and/or his family, exposure to cold weather or water, and the use of a wet towel and dripping water to induce the misperception of suffocation - that had particularly concerned both GEN Hill and representatives on the Joint Staff. Mr. Haynes noted in his forwarding memorandum that "[w]hile 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." This reflected Mr. Haynes' view that "[o]ur Armed Forces are trained to a standard of interrogation that reflects a tradition of restraint."

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(U) Secretary of Defense Approval of a Limited Number of Counter Resistance Techniques

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(U) The Secretary of Defense accepted this recommendation on December 2, 2002 by noting his approval on Mr. Haynes' November 27, 2002 memorandum. Below his signature, the Secretary questioned why standing (which was listed as an

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example under Category II stress positions) would be limited to 4 hours when he "stand[s] for 8-10 hours a day." This memorandum, with the Secretary's approval, was declassified and released to the public on June 22, 2004. For ease of reference, the counter resistance techniques approved by the Secretary on December 2, 2002 are listed in the figure below.

December 2, 2002 Approved Counter Resistance Interrogation Techniques (U)

(U) Category I:

1. (U) Yelling
2. (U) Use of multiple interrogators
3. (U) Deceiving the detainee by having the interrogator present a false identity

(U) Category II:

4. (U) Stress positions (like standing), for a maximum of four hours
5. (U) The use of falsified documents or reports
6. (U) Isolation for up to 30 days, with any extensions beyond the 30 days requiring approval from the JTF-GTMO Commander
7. (U) Interrogation of the detainee in an environment other than the standard interrogation booth
8. (U) Deprivation of light and auditory stimuli
9. (U) The use of a hood placed over the detainee's head during transportation and questioning
10. (U) The use of 20-hour interrogations
11. (U) The removal of all comfort items (including religious items)
12. (U) Switching the detainee's diet from hot meals to Meals, Ready-to-Eat (American military field rations)
13. (U) Removal of clothing
14. (U) Forced grooming (shaving of facial hair, etc.)
15. (U) The use of a detainee's individual phobias (such as fear of dogs) to induce stress

(U) Category III:

16. (U) The use of mild, non-injurious physical contact such as grabbing, poking in the chest with the finger, and light pushing

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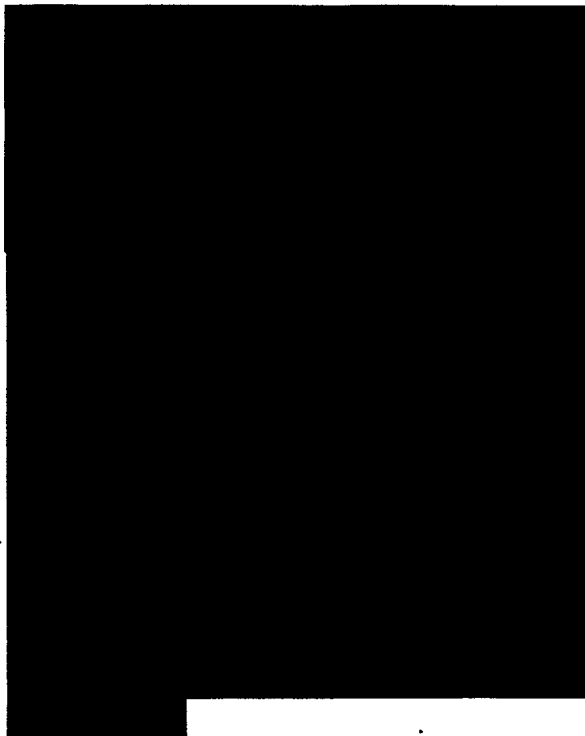
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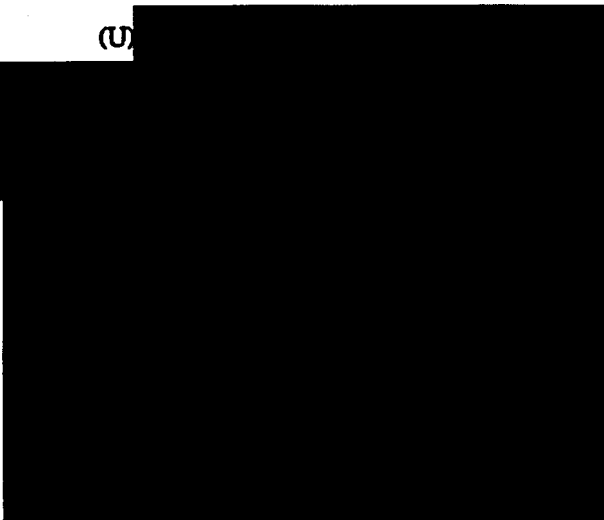
(U) We note for clarification purposes that the Independent Panel apparently was under the impression that the above techniques could only be employed with advance notice to the Secretary and his personal approval, which the Panel believed was "given in only two cases." The December 2, 2002 memorandum, however, approved these techniques for general use and did not require that the Secretary receive advance notice or grant specific approval before the techniques could be employed. Nevertheless, as a practical matter, the Independent Panel was correct that the use of Category II and III techniques was largely limited to Kahtani and one other high-value detainee, as discussed later in this section.



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(U) Rescission of the Counter Resistance Techniques

(U) Shortly after the December 2, 2002 approval of these counter resistance techniques, reservations expressed by the General Council of the Department of the Navy, Alberto J. Mora, led the Secretary of Defense on January 15, 2003 to rescind his approval of all Category II techniques and the one Category III technique (mild, non-injurious physical contact), leaving only Category I techniques in effect.



(U) Concerns Raised by the General Counsel of the Department of the Navy



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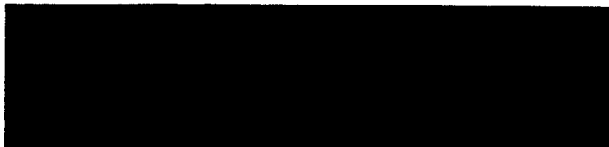
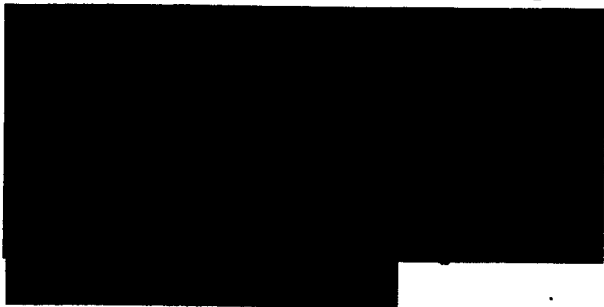
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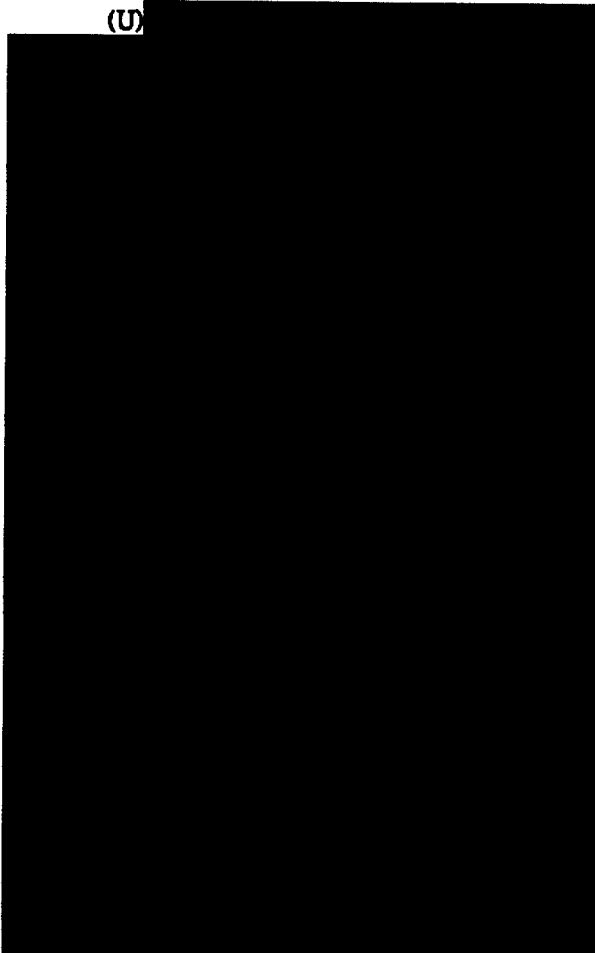
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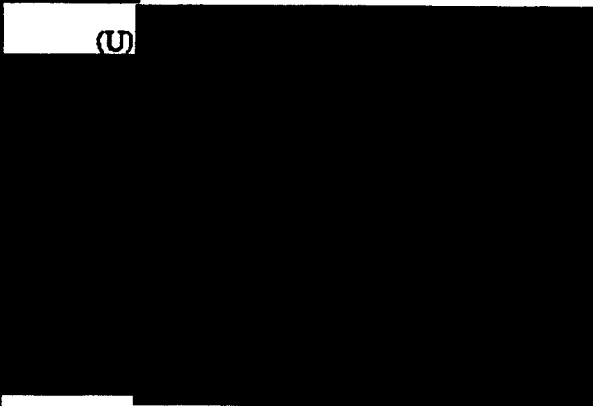
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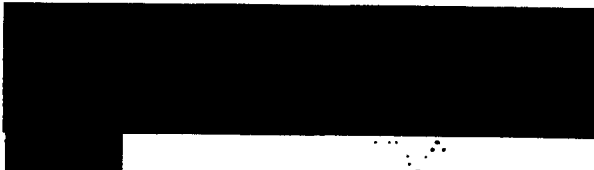
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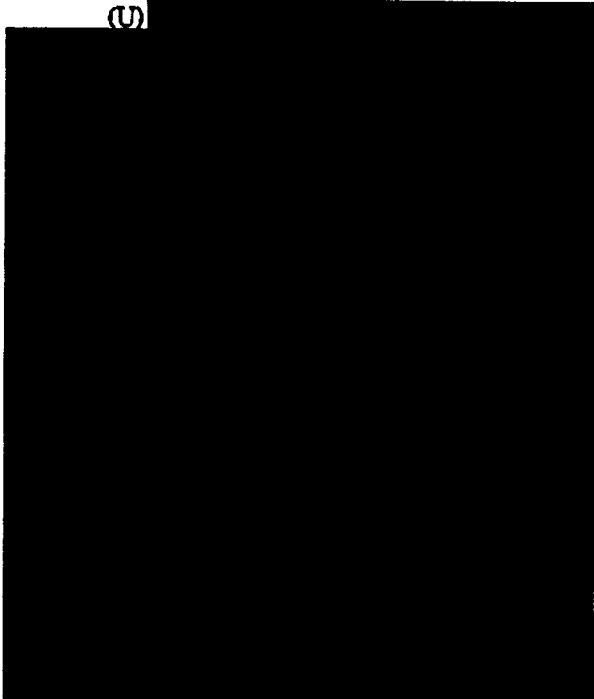
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In response, the Secretary on January 12, 2003 orally rescinded his December 2, 2002 memorandum, and then issued a January 15, 2003 memorandum to the SOUTHCOM Commander, GEN Hill, officially rescinding his approval of the Category II and one Category III techniques described above. As a practical matter, this decision limited the approved techniques at GTMO to the Category I techniques (yelling, the use of multiple interrogators, and deceiving the detainee by having the interrogator present a false identity) in addition to the techniques and guidance found in FM 34-52.

(U)



(U) The Secretary did allow, however, that if the SOUTHCOM Commander determined that "particular techniques in either of the two categories are warranted in an individual case, you should forward that request to me," and that such a request "should include a thorough justification for the employment of those techniques and a detailed plan for the use of such techniques." The Secretary also reiterated the underlying imperative, established by the President, that "[i]n all

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interrogations, you should continue the humane treatment of detainees, regardless of the type of interrogation technique employed." Finally, the Secretary advised GEN Hill that he had set in motion "a study to be completed within 15 days," committing himself to "provide further guidance." This January 15, 2003 memorandum, originally classified as secret, not releasable to foreign nationals, was declassified and released to the public on June 22, 2004.

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(U) Effect of the Secretary's Rescission on the Interrogation of Kahtani

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the working group address the legal issues relevant to the interrogation of detainees and the policy considerations related to the use of interrogation techniques, including the recommended techniques' "contribution to intelligence collection," their "effect on the treatment of captured U.S. personnel," and their impact on potential detainee prosecutions. The tasking also called for an analysis of the "historical role of U.S. armed forces in conducting investigations." This memorandum, originally classified as secret, not releasable to foreign nationals, was declassified and released to the public on June 22, 2004.

(U) The Development of Current Interrogation Policy

(U) On January 15, 2003, the same day that he officially rescinded the Category II and one Category III techniques, the Secretary of Defense by memorandum directed the General Counsel of the Department of Defense, Mr. Haynes, to establish a working group to assess the legal, policy and operational issues relating to the interrogation of detainees in the Global War on Terror held by United States forces outside the United States territory. The Secretary specified that the working group should consist of experts from the Office of General Counsel, the Office of the Undersecretary of Defense for Policy, the military services and the Joint Staff. The working group was tasked to make "recommendations for employment of particular interrogation techniques by DoD interrogators" within 15 days. The Secretary also directed that

(U) In response to the Secretary's tasking, Mr. Haynes on January 17, 2003 requested that the General Counsel of the Department of the Air Force, Mary Walker, chair an interdepartmental working group to prepare an assessment and recommendations regarding the legal, policy, and operational issues relating to the interrogation of detainees held by the U.S. Armed Forces in the Global War on Terror. On the same date, Ma. Walker issued a memo requesting the participation of the Under Secretary of Defense for Policy, the General Counsels of the Army and Navy, the Director of the Joint Staff, the Director of the Defense Intelligence Agency (DIA), the Counsel for the Commandant of the Marine Corps, the Judge Advocates General of the Army, Navy, Air Force, and the Staff Judge Advocate to the Commandant of the Marine Corps in the "Detainee Interrogation Working Group" (hereinafter "Working Group").

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(U) Initial Discussions of the Working Group

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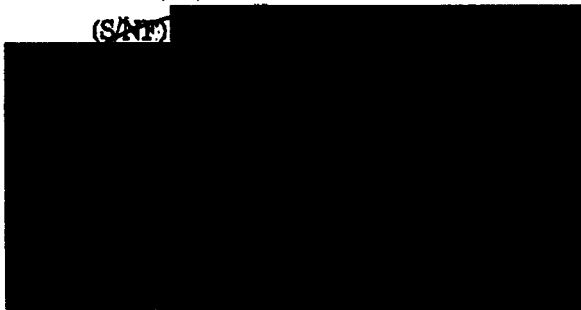
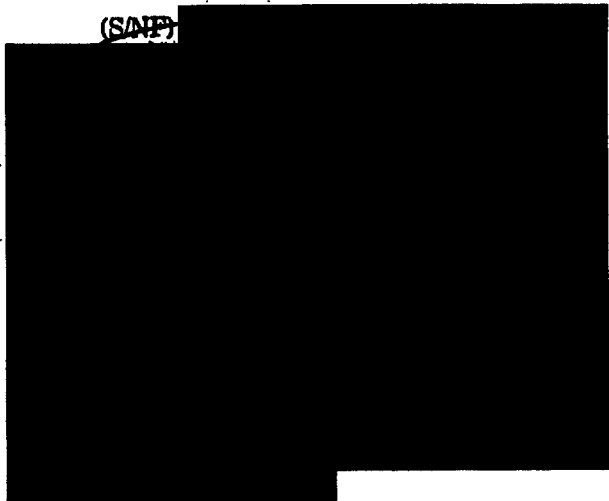
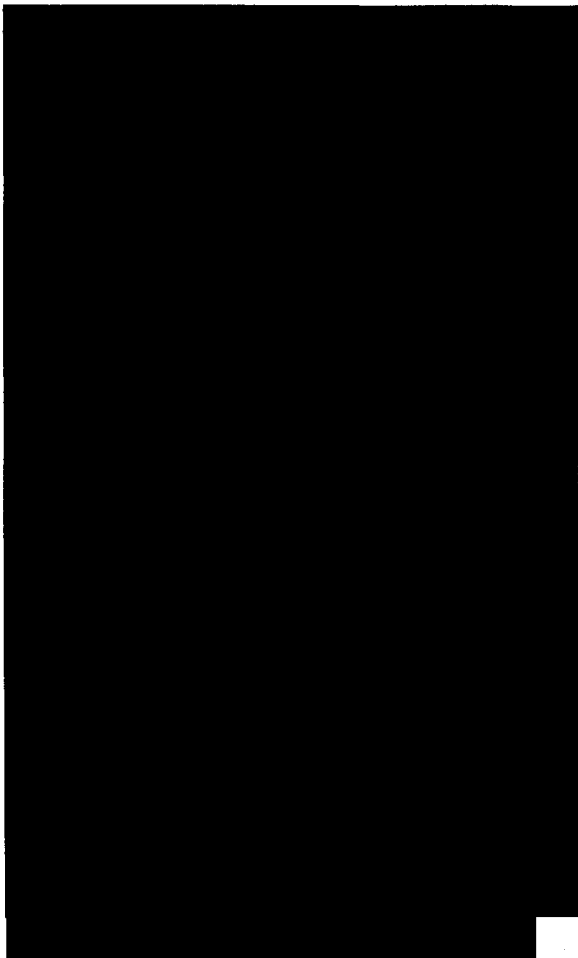
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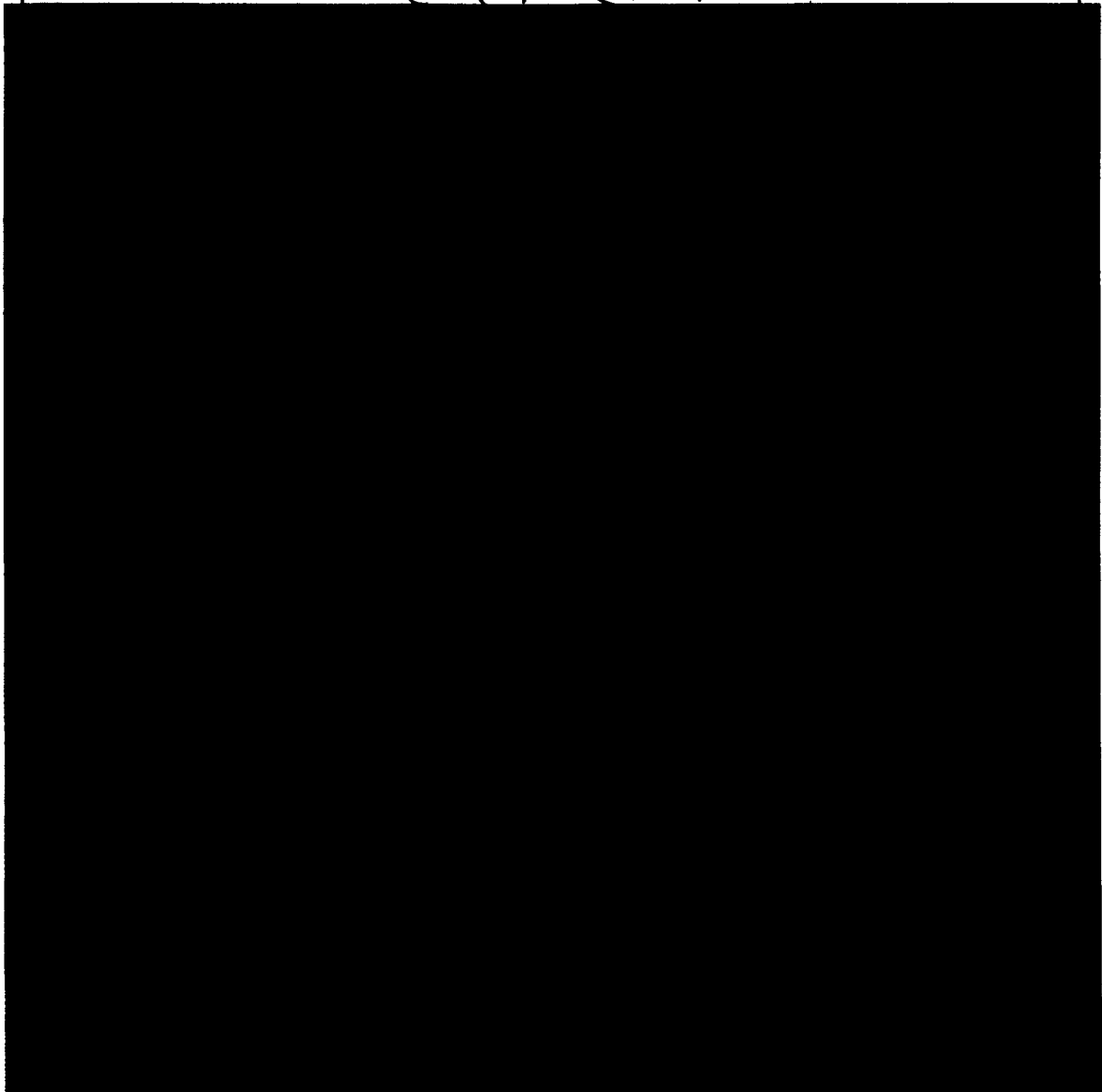
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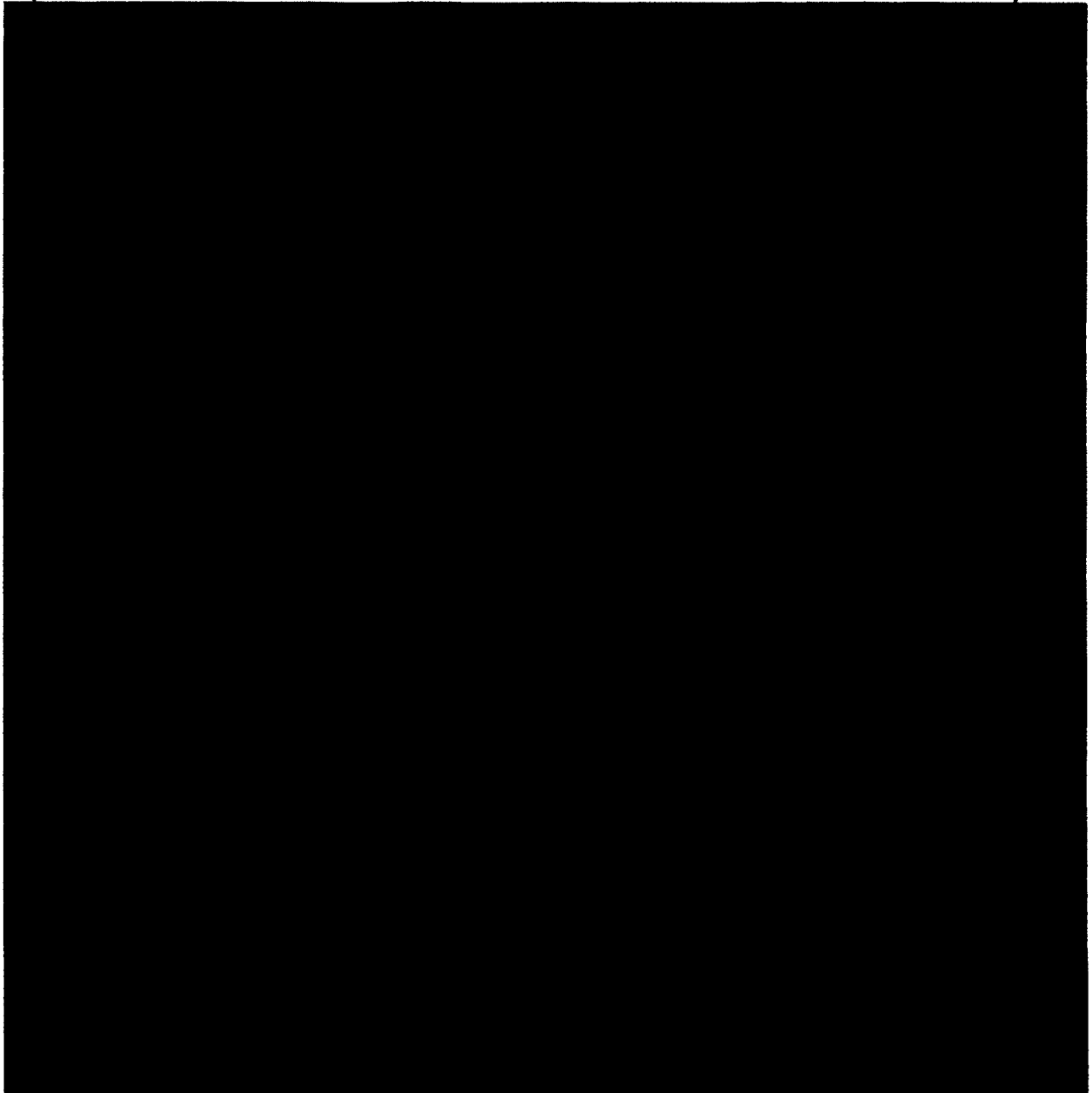
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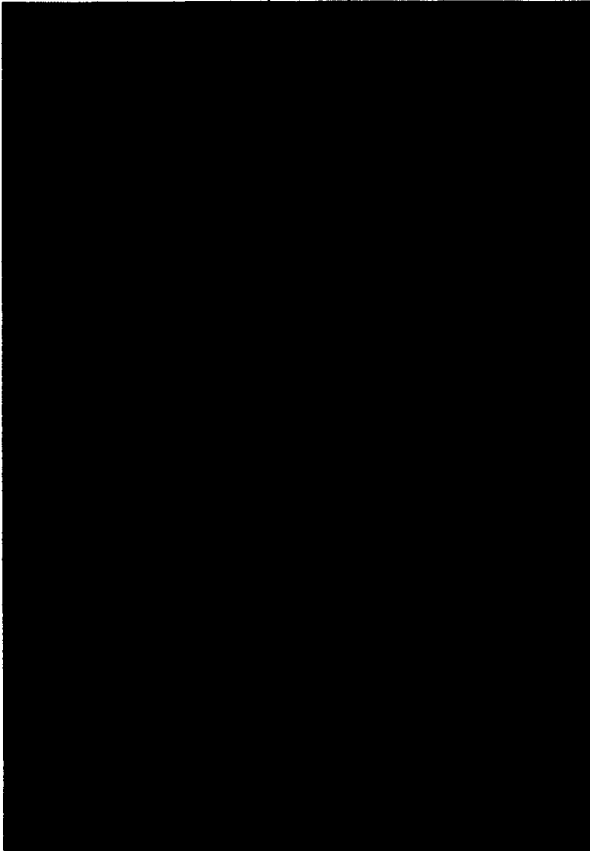
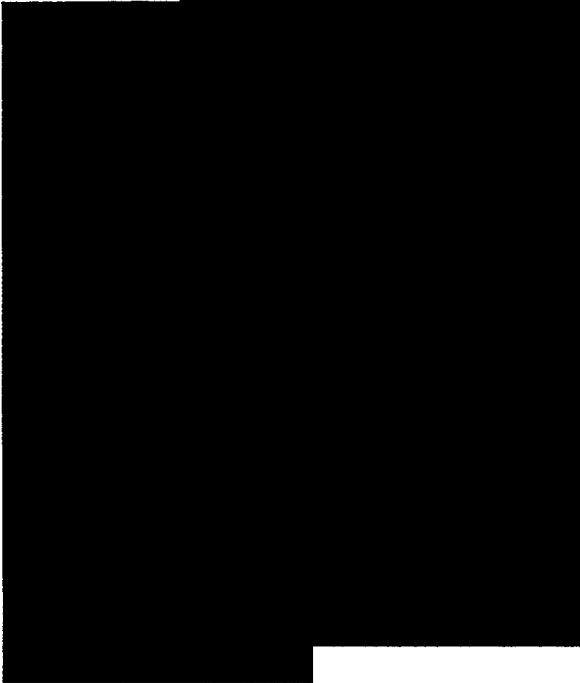
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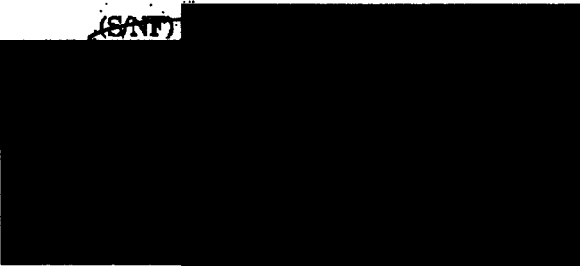
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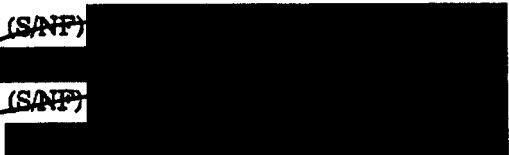


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(U) Military Department Judge Advocates General
Objections to the Working Group's Draft Report

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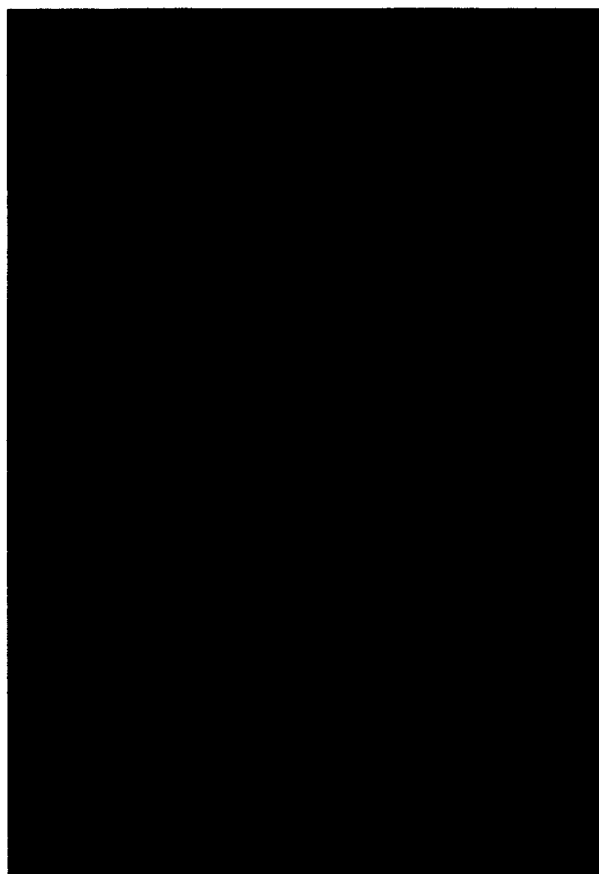
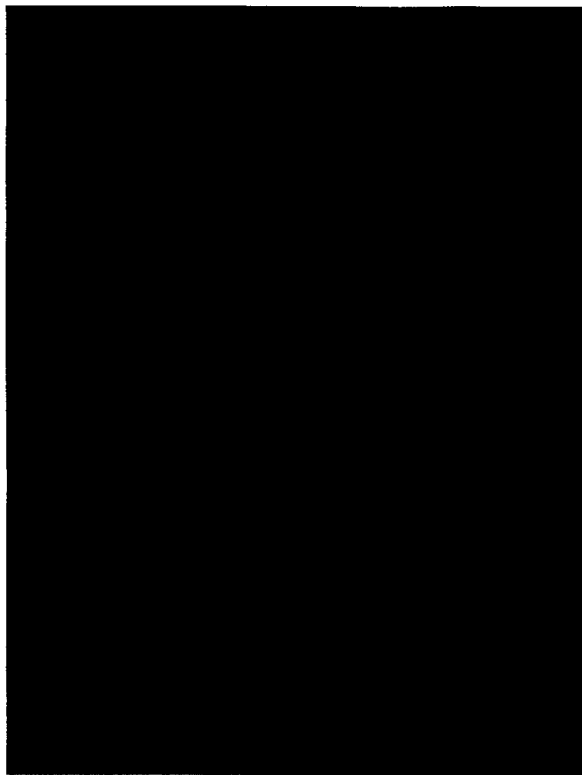
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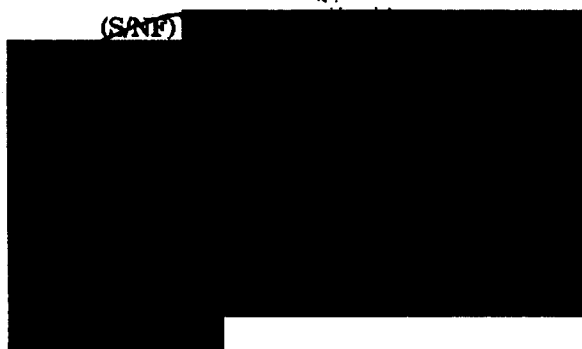
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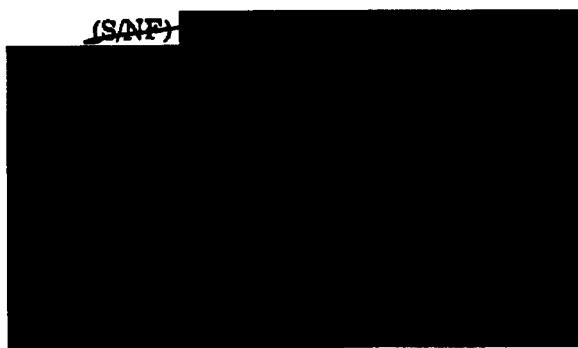
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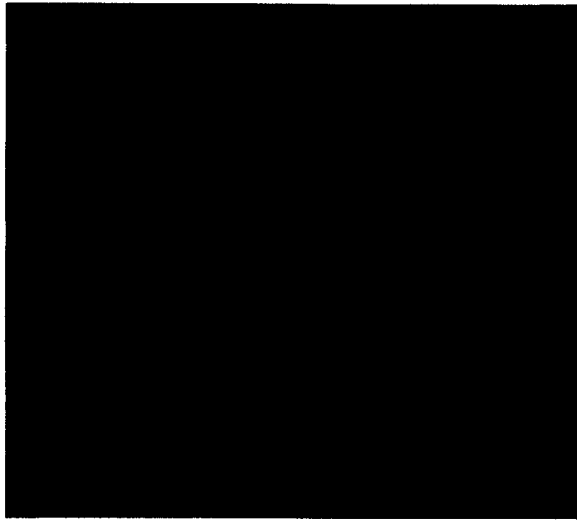
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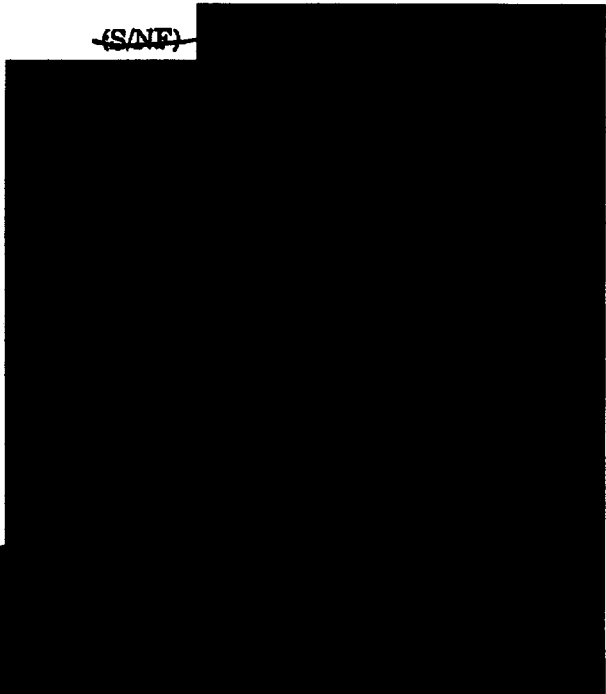
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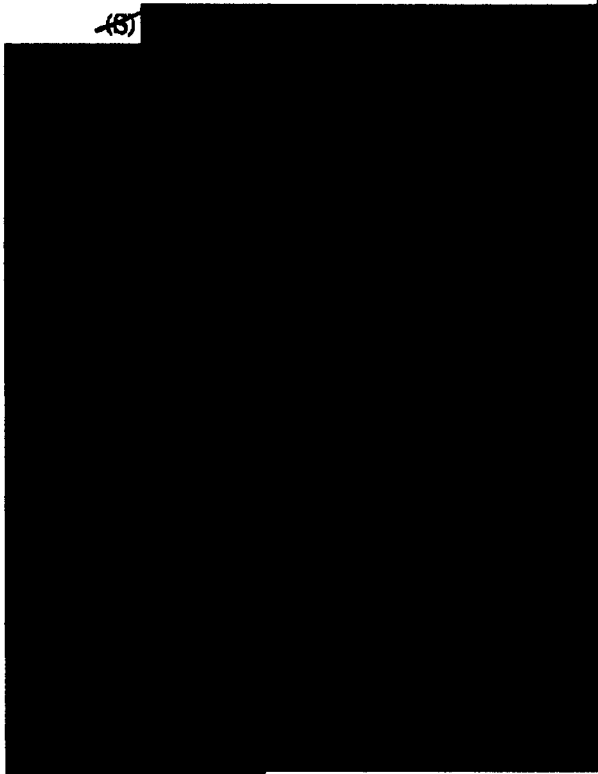
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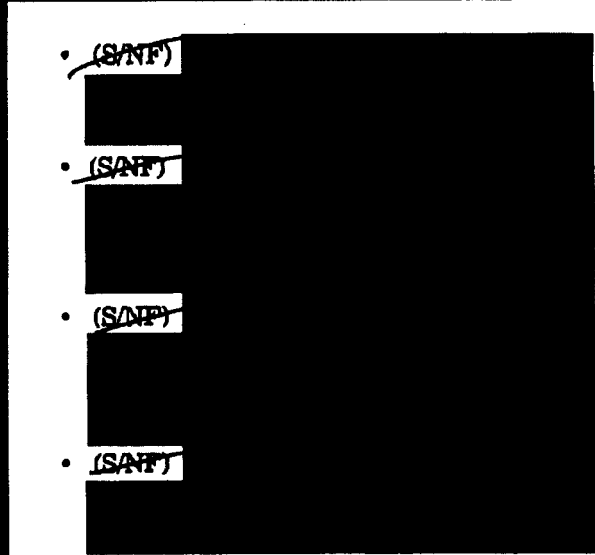


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(U) Secretary of Defense Approval of a Limited Number of Working Group Techniques

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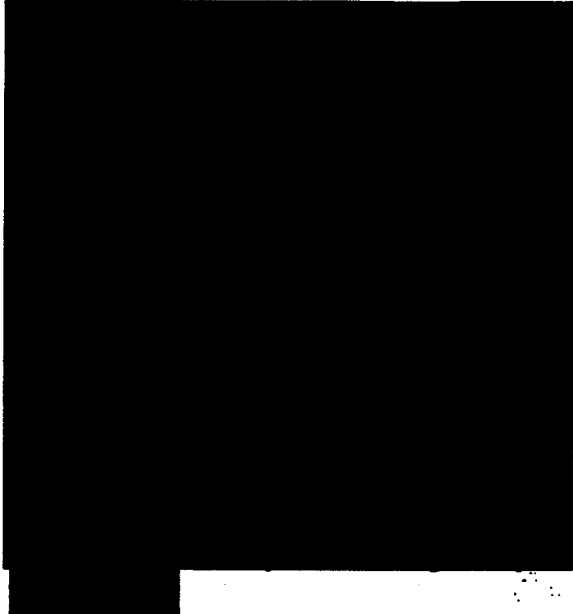
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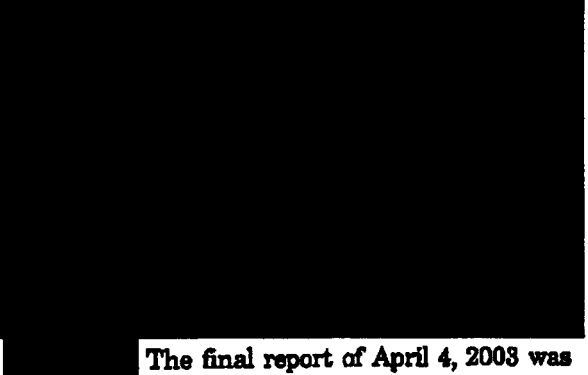
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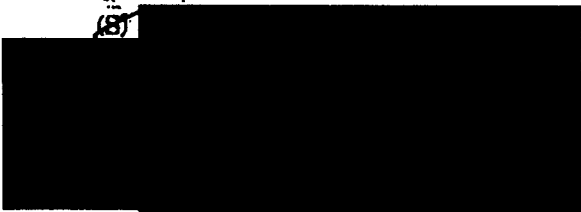
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(U) Ms. Walker on April 4, 2003 presented to Mr. Haynes the final version of the Working Group Report on Detainee Interrogations in the Global War on Terrorism: Assessment of Legal, Historical, Policy and Operational Considerations.



The final report of April 4, 2003 was not provided to the Working Group participants, principals or action officers. In fact, the majority of the Working Group participants first saw a copy of the final April 4, 2003 report in June 2004 when it was declassified and released to the public. According to Ms. Walker, her office was instructed by Daniel Dell'Orto, Principal Deputy General Counsel of the Department of Defense, not to provide copies of the final report to the Working Group



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participants. According to Mr. Dell'Orto, he directed that the final report not be distributed because he was concerned that "some might use it in settings other than Guantanamo and thereby cause confusion," particularly since it contained discussion of techniques that had been purposely rejected by the Secretary of Defense on March 28, 2003.

~~(S/NF)~~ On April 5, 2003, the Chairman of the Joint Chiefs of Staff, Gen Myers, forwarded to the Secretary of Defense an action memorandum, which enclosed a separate, proposed memorandum on interrogation techniques to the SOUTHCOM Commander for the Secretary's signature. This proposed memorandum to the SOUTHCOM Commander contained 24 interrogation techniques. In his action memorandum, General Myers noted that he was sending the memorandum to the Secretary as a follow-up to "our discussion on 31 March regarding the Working Group Report on Detainee Interrogations in the Global War on Terrorism." On April 8, 2003, Mr. Haynes concurred with Gen Myers' recommendation, and on April 15, 2003, Douglas Feith, the Under

Secretary of Defense for Policy, also concurred.

(U) The Secretary of Defense on April 16, 2003 approved the memorandum to the SOUTHCOM Commander. Entitled "Counter-Resistance Techniques in the War on Terrorism," the memorandum noted in its first sentence that the Secretary had "considered the report of the Working Group that I directed be established on January 15, 2003." The memorandum contained 24 approved interrogation techniques that were "limited to interrogations of unlawful combatants held at Guantanamo Bay, Cuba." (We note for clarification purposes that the Mikolashek Report indicated that this memorandum approved 26 specific techniques for use at GTMO; in fact, the memorandum contains only 24 techniques). Interrogations at GTMO continue to be governed by this memorandum to this day. The memorandum, originally classified as secret, not releasable to foreign nationals, was declassified and released to the public on June 22, 2004. The 24 approved techniques are listed in the figure on the following pages, as described verbatim in the memorandum.

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April 16, 2003 Approved GTMO Interrogation Techniques (U)

1. (U) Direct: Asking straightforward questions.
2. (U) 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 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 94). 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.]
3. (U) Emotional Love: Playing on the love a detainee has for an individual or group.
4. (U) Emotional Hate: Playing on the hatred a detainee has for an individual or group.
5. (U) Fear Up Harsh: Significantly increasing the fear level in a detainee.
6. (U) Fear Up Mild: Moderately increasing the fear level in a detainee.
7. (U) Reduced Fear: Reducing the fear level in a detainee.
8. (U) Pride and Ego Up. Boosting the ego of a detainee.
9. (U) 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 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.]
10. (U) Futility: Invoking the feeling of futility of a detainee.
11. (U) We Know All: Convincing the detainee that the interrogator knows the answers to questions he asks of the detainee.
12. (U) Establish Your Identity: Convincing the detainee that the interrogator has mistaken the detainee for someone else.
13. (U) Repetition Approach: Continuously repeating the same question to the detainee within interrogation periods of normal duration.
14. (U) File and Dossier: Convincing detainee that that the interrogator has a damning and

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inaccurate file, which must be fixed.

15. (U) Mutt and Jeff: A team consisting of a friendly and a 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 the Geneva are not applicable to the interrogation of unlawful combatants, consideration should be given to these views prior to application of the technique.]
16. (U) Rapid Fire: Questioning in rapid succession without allowing detainees to answer.
17. (U) Silence: Staring at the detainees to encourage discomfort.
18. (U) Change of Scenery Up: Removing the detainees from the standard interrogation setting (generally to a location more pleasant, but no worse).
19. (U) 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.
20. (U) 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.
21. (U) 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.]
22. (U) Sleep Adjustment: Adjusting the sleeping times of the detainee (e.g., reversing sleep cycles from night to day.) This technique is NOT sleep deprivation.
23. (U) False Flag: Convincing the detainee that individuals from a country other than the United States are interrogating him.
24. (U) Isolation: Isolating the detainees 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

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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 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.]

(U) The Secretary's memorandum specified that four of these techniques - incentive/removal of incentive, pride and ego down, Mutt and Jeff, and isolation - could only be used if the SOUTHCOM Commander specifically determined that military necessity required their use and notified the Secretary in advance. The Secretary also stated all of the 24 techniques must be employed with the following safeguards:

- (U) Limited to use only at strategic interrogation facilities;
- (U) There is a good basis to believe that the detainee possesses critical intelligence;
- (U) The detainee is medically and operationally evaluated as suitable (considering all techniques to be used in combination);
- (U) Interrogators are specifically trained for the technique(s);
- (U) 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;

- (U) There is appropriate supervision; and
- (U) There is appropriate specified senior approval for use with any specific detainee (after considering the foregoing and receiving legal advice).

These safeguards, which the Secretary mandated apply to all approved techniques, were virtually identical to the safeguards that the Working Group Report had recommended for only those techniques that the Working Group had identified as "exceptional."

(U) The Secretary's memorandum also reiterated 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." Finally, the Secretary left open the possibility that other interrogation techniques could be approved, noting that if, in the SOUTHCOM Commander's view, he required additional interrogation techniques for a particular detainee, he should provide the Secretary, via the Chairman of the Joint Chiefs of Staff, "a written

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request describing the proposed technique, recommended safeguards, and the rationale for applying it with an identified detainee." For ease of refer-

ence, the 24 techniques are listed in summary form in the figure below, with those techniques requiring advance notice to the Secretary in bold.

April 16, 2003 Approved Interrogation Techniques (U)

(Techniques requiring advance notice to Secretary of Defense in bold)

1. (U) Direct
2. (U) Incentive/removal of incentive
3. (U) Emotional love
4. (U) Emotional hate
5. (U) Fear up harsh
6. (U) Fear up mild
7. (U) Reduced fear
8. (U) Pride and ego up
9. (U) **Pride and ego down**
10. (U) Futility
11. (U) We Know All
12. (U) Establish your identity
13. (U) Repetition approach
14. (U) File and dossier
15. (U) **Mutt and Jeff**
16. (U) Rapid fire
17. (U) Silence
18. (U) Change of scenery up
19. (U) Change of scenery down
20. (U) Dietary manipulation
21. (U) Environmental manipulation
22. (U) Sleep adjustment
23. (U) False flag
24. (U) Isolation

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(U) These 24 techniques were significantly less aggressive than the techniques that the Secretary approved on December 2, 2002. The first 19 of the techniques were identical to the 17 specifically enumerated in FM 34-52, except that the policy added one technique (Mutt and Jeff) that was in the 1987 version of FM 34-52 but is not found in the current version, and the policy also listed Change of Scenery Up and Change of Scenery Down as separate techniques, rather than using the more general Change of Scene technique listed in FM 34-52. In two cases (incentive/removal of incentive, and pride and ego down), the policy was actually more restrictive than FM 34-52, as interrogators could not use these techniques without advance notice to the Secretary.

(U) Of the remaining five techniques, (dietary manipulation, environmental manipulation, sleep adjustment, false flag, and isolation), only one (isolation) was identified by the Working Group as "exceptional." The April 16, 2003 policy contained none of the most aggressive Category II techniques - such as stress positions, 20-hour interrogations, removal of clothing, or use of individual phobias (such as fear of dogs) to induce stress - contained in the December 2, 2002 policy, nor the one Category III technique (mild, non-injurious physical contact). Finally, as described above, the current policy included a number of safeguards, which were not specifically enumerated in the December 2, 2002 policy.

(U) Conclusion

(U) While the foregoing discussion lays out a detailed and often complicated debate surrounding the evolution of approved interrogation techniques for GTMO, several relatively simple themes emerge. First, the push for interrogation techniques beyond those found in FM 34-52 came from GTMO itself, not from the Office of the Secretary of Defense or the Joint Chiefs of Staff. The GTMO leadership and interrogators on the ground felt that they needed counter resistance techniques in order to obtain intelligence from high value detainees who had been trained to resist standard interrogations. Moreover, based on their experience with the counter resistance techniques - especially Kahtani's interrogation - the GTMO leadership felt that such techniques were essential to mission success.

(U) Second, when formulating GTMO interrogation policy, the Office of the Secretary of Defense received meaningful input from military service lawyers. This was most evident in the establishment of the Working Group in January 2003 and the ensuing debate among the Working Group representatives that led to the April 16, 2003 interrogation policy. While many of the representatives levied strong objections to the OLC memorandum - objections that turned out to be entirely justified, especially in light of the White House's and DOJ's June 2004 characterization of the August 1, 2002 memorandum which formed

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the basis of the OLC memorandum as "overbroad" and "unnecessary" - their specific concerns (or at the very least, the spirit of their concerns) ultimately carried the day when the Secretary dramatically cut back on the Working Group's recommendations and accepted only 24 interrogation techniques for GTMO on April 16, 2003.

(U) Similarly, when JTF-170 and SOUTHCOM initially requested counter resistance techniques in October 2002, the Joint Staff solicited input from all the services during the lead-up to the December 2, 2002 policy. While all of the services in November 2002 expressed serious reservations about approving these techniques without further legal and policy review, these views undoubtedly played a role in the Secretary's ultimate decision on December 2, 2002 to reject the three most aggressive Category III techniques. It is true that, in light of their objections, the respective services were uncomfortable with the Secretary's adoption of a subset of the counter resistance techniques, but this decision was driven by the perceived urgency at the time of gaining actionable intelligence from particularly resistant detainees (principally Kahtani) that could be used to thwart possible attacks on the United States.

(U) Third, when considering requests for additional interrogation techniques beyond those in FM 34-52, the Office of the Secretary of Defense was a moderating force that cut back on the number and types of techniques under consideration. Again, this was most evident in the promulgation

of the April 16, 2003 policy, which included only 24 of the 35 techniques recommended by the Working Group, and included none of the most aggressive techniques. This was also true to a lesser extent in the December 2, 2002 policy, which included only one of the requested Category III techniques. This policy netted valuable intelligence, especially from the 20th hijacker, Kahtani, and yet the Secretary took a relatively cautious approach by suspending this policy on January 15, 2003, largely in response to Mr. Mora's concerns, and establishing the Working Group.

(U) Fourth, the April 16, 2003 interrogation policy for GTMO (which is still in effect) was a conservative policy that was closely tied to FM 34-52 and contained none of the interrogation techniques - such as stress positions, removal of clothing, or the use of dogs to induce stress - that previous investigations have identified as possibly leading to detainee abuse. As noted above, the first 19 techniques in the current policy were virtually identical to the techniques found in FM 34-52. Of the remaining techniques, dietary manipulation simply consisted of feeding detainees military field rations instead of hot meals; sleep adjustment did not entail depriving detainees of sleep, but rather adjusting their sleep cycles from night to day; and false flag involved the sort of nonviolent trickery or ruse that is inherent in many of the FM 34-52 techniques. The last two techniques, environmental manipulation and isolation, were the most aggressive of the 24, but were to be implemented only with appropriate safeguards.

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(U) Finally, in our view, the unifying theme among all participants in the debate surrounding interrogation policy for GTMO - from the Secretary of Defense, to the Joint Staff, to the various military service lawyers, to the Working Group, to the leaders at SOUTHCOM and GTMO - was the sincere desire to do what was right for the United States under exceedingly difficult circumstances. Much of the debate on interrogation policy took place when the memory of 9/11 was much fresher than it is today, and many of the participants felt that the United States would be attacked again, and that the detainees at GTMO had information that could prevent such attacks. While it is impossible to quantify how many American lives have been saved by the intelligence gathered at GTMO, it is undoubtedly true that lives have been saved. As the Independent Panel wrote, "[t]he interrogation of al Qaeda members held at Guantanamo has yielded valuable information used to disrupt and preempt terrorist planning and activities," and in fact "[m]uch of the 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." The interrogation policy development process, we think, reflected the honest efforts of our country's military and civilian leaders to come up with the right solution - one that would both protect our nation and our values.

**Interrogation Techniques Actually
Employed (U)**

(U) The above discussion sets the stage for an analysis of interrogation techniques actually employed at GTMO. This section begins with a short description of our investigation, followed by a discussion of some of the specific policies and procedures that have developed at GTMO into what we describe as the GTMO "model." Next, we analyze the interrogation techniques actually employed at GTMO (and compare them to those that were approved for use), and conclude with a discussion of detainee abuse.

(U) Investigation Procedure

(U) Vice Admiral Church in early May 2004 led a review into detainee treatment at GTMO (and at the Naval Consolidated Brig in Charleston, SC), and briefed the Secretary of Defense with his findings on May 11, 2004. The review team completed more than 100 interviews, including 43 sworn statements from military intelligence and military police leadership, interrogators, interpreters, and military police guards. For purposes of the current investigation, we have attempted to leverage the work done in the previous review where possible, although the previous review looked more broadly at compliance with DoD orders in general and therefore did not focus on interrogation techniques with the detail found in the current investigation.

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(U) For our current investigation, we collected information from a variety of sources. First, a five-person team traveled to GTMO from June 21 to 25. Upon arrival, the team received a briefing from the current JIG Commander, Mr. Esteban Rodriguez. The team conducted a number of interviews with military intelligence and military police leadership, interrogators, military police guards, intelligence analysts, interpreters, linguists, military working dog handlers, staff judge advocates, and medical personnel. These interviews were then turned into sworn statements. The team also reviewed and collected a large volume of various documentation during the on-site visit. Second, we requested and received GTMO-related materials from throughout DoD, many of which were used to construct the detailed chronology of approved interrogation techniques described above. SOUTHCOM, in particular, proved especially helpful in gathering various documentation. Finally, in order to gain a more complete historical picture of interrogation operations at GTMO, the current investigation team conducted a number of "reach-back" interviews of personnel who had served at GTMO previously but had since moved on to other assignments. These reachback interviews included interrogators, military intelligence leadership and staff judge advocates who were stationed at GTMO as early as January 2002. Included in this reach-back effort were interviews and accompanying statements from the former JTF-170 Commander, MG Dunlavey, and the former JTF-GTMO Commander, MG Miller. Overall, we conducted

over 60 additional interviews as part of the current investigation, 47 of which were turned into sworn statements.

(U) The GTMO "Model"

(U) Intelligence operations at GTMO are conducted in a highly-structured, well-disciplined environment that is conducive to intelligence collection. This is partially due to the fact that GTMO is in a remote and secure location, far from any battlefield. Unlike their counterparts at Abu Ghraib, for example, interrogators and military police at GTMO have not had to contend with the numerous difficulties associated with operating within a combat zone: the confusion, chaos, mortal danger, logistical difficulties, highly variable detainee population, or any number of other challenges inherent to combat operations. But much of the credit for the structure and discipline at GTMO is due to specific policies and procedures that have developed at GTMO over time, or what we refer to in shorthand as the GTMO "model." Outlined below are the most significant aspects of this model.

(U) Command Organization

(U) As discussed in the background section, the command structure at GTMO has evolved significantly from the original organization, which had separate chains of command for intelligence and detention operations, to the current structure, which places both intelligence and detention oper-

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ations under the command of a single entity, designated Joint Task Force GTMO (JTF-GTMO). Placing one commander in charge of both military intelligence and military police operations has enabled greater coordination and cooperation in the accomplishment of the assigned mission.

(U) Significantly, the Independent Panel in its report endorsed this organizational structure by noting that the need for this type of organization was a lesson learned from Operation ENDURING FREEDOM and earlier phases of Operation IRAQI FREEDOM, but was not adequately followed in the phase of the Iraq campaign following major combat operations. The Independent Panel wrote of "the value of establishing a clear chain of command subordinating MP and MI to a Joint Task Force or Brigade Commander. This commander would be in charge of all aspects of both detention and interrogations just as tactical combat forces are subordinated to a single commander."

(U) Relationship Between Military Police and Military Intelligence

(U) Under the GTMO model, military police (MP) work closely with military intelligence (MI) in helping to set the conditions for successful interrogations. The overarching command structure is what makes this possible: having military police answer to the same commander as military intelligence ensures that the detention function supports the intelligence collection function, and

thus recognizes the primacy of the human intelligence collection mission at GTMO.

(U) When discussing MP/MI relations at GTMO, it is helpful to differentiate between events that occur during interrogations (or inside the interrogation room) and those that occur in preparation for interrogations (or in the cellblock, outside the interrogation room). Generally speaking, interrogators are in charge of a detainee when he is in the interrogation room, while MPs are in charge of a detainee when he is in the cellblock, or being moved anywhere within the detention facility. This is a matter of both doctrine and practicality. Interrogators are responsible for devising interrogation plans and have the specific training and experience to conduct interrogations. MPs, in turn, are responsible for the security, discipline and welfare of detainees in the cellblock.

(U) MPs at GTMO are not permitted to participate in the interrogations themselves. According to our investigation, this has always been generally understood by both military police and interrogators. However, in response to isolated instances in March and April 2003 in which interrogators directed MPs to carry out forced physical exercise on one particular detainee during interrogation sessions, MG Miller made it an official policy that MPs may not participate in interrogations. In a letter to the JIG Director on May 2, 2003, MG Miller wrote that "Military Police personnel may not participate in interrogations,"

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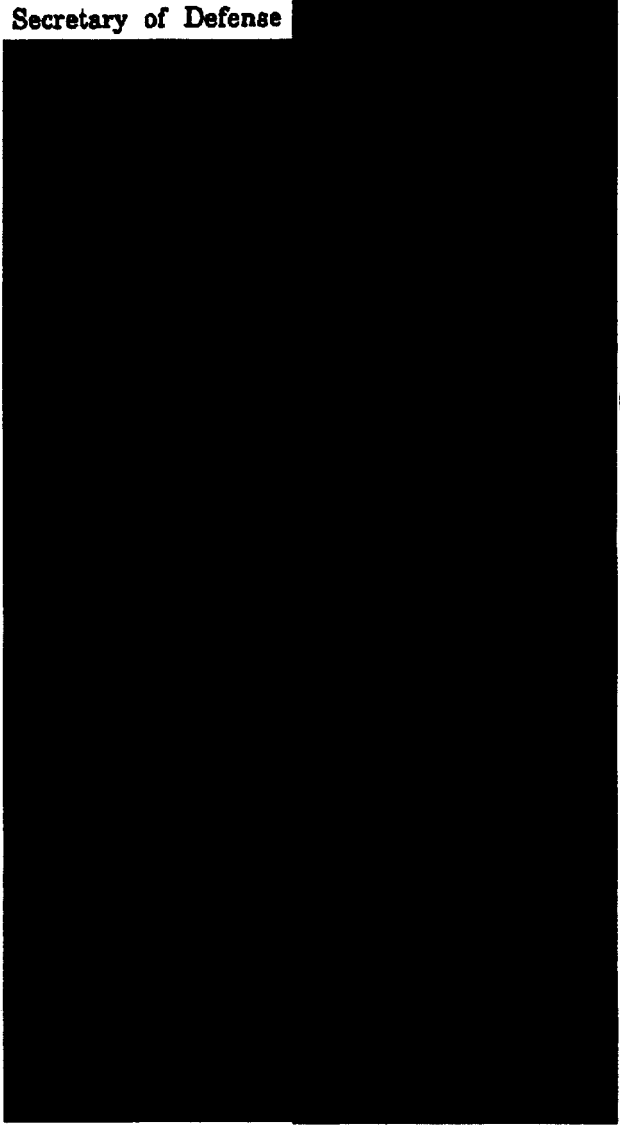
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except to safeguard the "security and safety of all involved."



(b)(2)

(U) Second, several of the interrogation techniques currently approved for either general use at GTMO or upon specific notification to the Secretary of Defense



(b)(2)

(U) MPs are very involved, however, in events outside the interrogation room that are done in preparation for interrogations. This is accomplished principally in two ways. First, as the Independent Panel described it, MPs serve "as the eyes and ears of the cellblocks for military intelligence personnel. This collaboration helped set conditions for successful interrogation by providing the interrogator more information about the detainee - his mood, his communications with other detainees, his receptivity to particular incentives, etc."



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(U) [Redacted]

[Redacted] (b)(2)

(U) This aspect of the GTMO model in which MPs help to set the conditions for subsequent interrogations by collecting information on detainees and assisting with interrogation techniques outside the interrogation room has been the subject of much controversy in wake of the abuses at Abu Ghraib. In his September 2003 report on intelligence operations in Iraq, MG Miller, then-Commander of JTF-GTMO, stated that detention operations "must act as an enabler for interrogation," by helping to "set conditions for successful interrogations." Furthermore, he argued, it is "essential that the guard force be actively engaged in setting the conditions for successful exploitation of the internees," and that "[j]oint strategic interrogation operations are hampered by a lack of active control of the internees within the detention environment." These statements have been heavily criticized in the media as a causal factor in the detainee abuses committed by MPs at Abu Ghraib, which some of these MPs claim were directed by MI personnel.

(U) [Redacted]

(U) Much of this criticism is unfair, and flows both from a misunderstanding of the GTMO model and of basic MP and MI doctrine. As an initial matter, MG Miller's reference to the guard force acting as an "enabler" for interrogation and

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"setting the conditions" for successful interrogations clearly was not intended to turn MPs loose to violently and sexually abuse detainees, as no approved interrogation techniques at GTMO are even remotely related to the events depicted in the infamous photographs of Abu Ghraib abuses. As the Independent Panel observed, the pictured abuses represented "deviant" and "aberrant" behavior on the night shift at Cell Block 1 at Abu Ghraib, and it is merely "an excuse for abusive behavior toward detainees" to try to link this type of behavior to MG Miller's recommendation that MPs should set favorable conditions for interrogations.

(U) Just as importantly, both MP and MI doctrine clearly state the requirement that, at a minimum, all detainees must be treated humanely. Thus, there is no room for the argument that the pictured abuses were the inevitable consequence of MPs "setting the conditions" for interrogations. If an MP ever did receive an order to abuse a detainee in the manner depicted in any of the photographs, it should have been obvious to that MP that this was an illegal order that could not be followed. Not surprisingly, the MPs who have been charged in the Abu Ghraib abuses have begun to acknowledge this fact. For example, on October 20, 2004, when pleading guilty to conspiracy and maltreatment of detainees, dereliction of duty, assault and committing an indecent act, Staff Sergeant Ivan Frederick stated that "I was wrong about what I did, and I shouldn't have done it. I knew it was wrong at the time because I knew it was a form of abuse."

Likewise, if an interrogator or MI leader ever gave such an order, that person should have known that such an order was specifically prohibited by both law and doctrine, and could not have legitimately believed that it was part of "setting the conditions" for subsequent interrogations.

(U) Some of the criticism of MG Miller's recommendations has its roots in the limited discussion of MP and MI doctrine in the Ryder and Taguba Reports. The Ryder Report devoted only a single paragraph to analyzing the relationship between MP and MI units, but in that paragraph flatly rejected the Miller Report's views on MP/MI coordination by observing that "[r]ecent intelligence collection in support of Operation ENDURING FREEDOM has posited a template whereby military police actively set favorable conditions for subsequent interviews. Such actions generally run counter to the smooth operation of a detention facility, attempting to maintain its population in a compliant and docile state." The report did concede that MPs were "adept at passive collection of intelligence within a facility," but made clear that MP coordination with intelligence collection should go no further than that. The report therefore recommended that procedures be established "that define the role of military police soldiers securing the compound, clearly separating the actions of the guards from those of the military intelligence personnel." The Taguba Report specifically concurred with the Ryder Report, and argued that "Military Police should not be involved with

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setting "favorable conditions" for subsequent interviews" noting that such actions "clearly run counter to the smooth operation of a detention facility" (emphasis in original).

(U) Both the Ryder and Taguba Reports, therefore, rejected a key ingredient of the GTMO model: MP participation in interrogation techniques outside the interrogation room that help to set the conditions for subsequent interrogations. Neither report, however, offered much analysis of this issue - the Ryder Report's analysis was contained in one paragraph, and the Taguba report essentially echoed the Ryder Report's conclusions - and thus it is difficult to know precisely why MGs Ryder and Taguba rejected this part of the GTMO model. To the extent that they rejected it because they believed it was prohibited by doctrine, we disagree with this position because, as explained earlier, MP and MI doctrines are silent on whether (and how) MPs should assist with interrogation techniques employed outside the interrogation room. And to the extent that they rejected it because they believed that it encouraged detainee abuse by MPs, we again disagree, because both MP and MI doctrine are unequivocal on the issue of humane treatment of detainees and none of the pictured Abu Ghraib abuses are in any way related to approved interrogation techniques that have been employed at GTMO outside the interrogation room.

(U) At bottom, both the Ryder and Taguba Reports rejected the idea of MPs "setting favorable

conditions for subsequent interviews" because the reports were primarily concerned with detention - rather than intelligence - operations. This concern was reflected in the statement that having MPs involved in intelligence operations in this manner would "run counter to the smooth operation of a detention facility, attempting to maintain its population in a compliant and docile state." Without rejecting this statement out of hand, we believe that it underestimates the importance of intelligence collection operations, which in our view may be aided by close - but carefully controlled - coordination between MP and MI units. As the Independent Panel noted, "the need for human intelligence has dramatically increased in the new threat environment" that our country faces in the Global War on Terror, and the "[i]nformation derived from interrogations is an important component of this human intelligence." Moreover, part of the lessons learned from OEF and earlier phases of OIF are "the need for doctrine tailored to enable police and interrogators to work together effectively," and "the need for MP and MI units to belong to the same tactical command." This necessarily involves more than MPs simply collecting intelligence on detainees - it includes, for example, MPs "supporting incentives recommended by military interrogators."

(U) None of this close coordination between MP and MI units would be possible, however, under the conception of MP/MI relations set forth in the Ryder and Taguba Reports, which rejected any active MP role in setting the conditions for

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subsequent interviews and advocated "clearly separating the actions of the guards from those of the military intelligence personnel." We therefore respectfully part company with the Ryder and Taguba Reports on this issue. The approach advocated in these reports runs the risk, to quote COL Herrington from his GTMO report, of the detention mission "tail wagging the intelligence dog," and does not adequately account for the importance of human intelligence in the Global War on Terror. It is entirely appropriate, indeed essential, for MPs to help set the conditions for successful interrogations - both by collecting intelligence on detainees, and by carrying out approved interrogation techniques outside the interrogation room. Before carrying out this mission, of course, MPs should be properly trained on implementing the techniques. And they should receive their tasking from a central authority - not via casual conversations with MI personnel. Further, we agree with the Independent Panel that MP and MI units should belong to the same tactical command, which makes close coordination between these units possible.

how MP Soldiers assist with informing interrogators about detainees or assist with enabling interrogations can be left to interpretation." Doctrine should not leave such important matters to interpretation. Accordingly, it requires revision, and we suggest the following points for consideration:

• (U)

• (U)

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(U) Current MP and MI doctrine, however, needs to be updated to reflect these realities. As noted above, current doctrine leaves many of the specifics about the proper relationship between MP and MI units unanswered. As the Jones Report correctly observed, doctrine states that MPs "can enable, in coordination with MI personnel, a more successful interrogation." Unfortunately, however, "[e]xact procedures for

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(U) Tiger Team Approach to Interrogations

~~(S)~~ Another key element of the GTMO model is the use of "Tiger Teams" who prepare for and carry out interrogations.

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[Redacted]

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(U) Adequate Resources and Oversight

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(U) Effective intelligence collection also requires adequate manpower. Since the beginning of detention operations, GTMO has enjoyed a relatively stable ratio of 1.5 MPs for every detainee. This high ratio, as the Independent Panel observed, fosters close coordination between military police and military intelligence because MPs have the time and resources to collect intelligence on detainees and "support incentives recommended by the military interrogators." In contrast, as the Independent Panel pointed out, stood the situation at Abu Ghraib, where "the ratio of military police to repeatedly unruly detainees was significantly smaller, at one point 1 to about 75 . . . making it difficult even to keep track of prisoners." Moreover, while GTMO is not strictly a doctrinal detention facility (because it is not located near a combat zone, or otherwise attached to an Army unit in battle), the MP to detainee ratio at GTMO compares favorably with detention doctrine. GTMO is most analogous to an Internment/resettlement (I/R) facility, which by doctrine is capable of holding up to 4,000 detainees and is supported by an MP I/R battalion. The doctrinal MP to detainee ratio at a full capacity I/R facility supported by a fully staffed MP I/R battalion would be approximately 1 to 8, which is significantly lower than at GTMO.

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(S) [REDACTED]

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**(U) Comparison of Interrogation
Techniques Approved and Employed**

(U) At bottom, our investigation of interrogation techniques was focused on two principal areas: the development of approved techniques, and what techniques were actually used by interrogators on the ground. A comparison between these two illuminates whether interrogation policy was adequately followed. The chart on the next page provides a comprehensive picture of both approved and employed interrogation techniques at GTMO, which enables such a comparison to be made.

(U) A few words of explanation regarding the chart. First, the interrogation techniques are listed on the vertical axis. In order to facilitate comparison among GTMO, Afghanistan and Iraq, this list comprises the universe of possible interrogation techniques from all three locations. At times, the respective commands used different

nomenclature to describe the same (or very similar) techniques; therefore, the list of techniques represents our best effort to harmonize the nomenclature across all three theaters. The techniques are organized as follows:

- (U) Techniques 1-20: Techniques specifically associated with FM 34-52 (the 17 doctrinal techniques, plus Change of Scene Up and Down both broken out separately, plus Mutt and Jeff, which was in the 1987 version of FM 34-52);
- (U) Techniques 21-37: The counter resistance techniques approved in the Secretary of Defense's December 2, 2002 memorandum (deception is listed as a separate technique because it is closely related to the Category I techniques from the December 2, 2002 memorandum, and presence of military working dog is also listed as a separate technique);
- (U) Techniques 38-40: Techniques approved in the Secretary's April 16, 2003 memorandum that were in addition to the counter resistance techniques;
- (U) Techniques 41-50: Techniques taken from a variety of sources, including proposed or approved techniques in Afghanistan or Iraq, techniques considered by the Detainee Interrogation Working Group, as well as techniques used during U.S. military SERE training; and
- (U) Techniques 51-58: Techniques prohibit-

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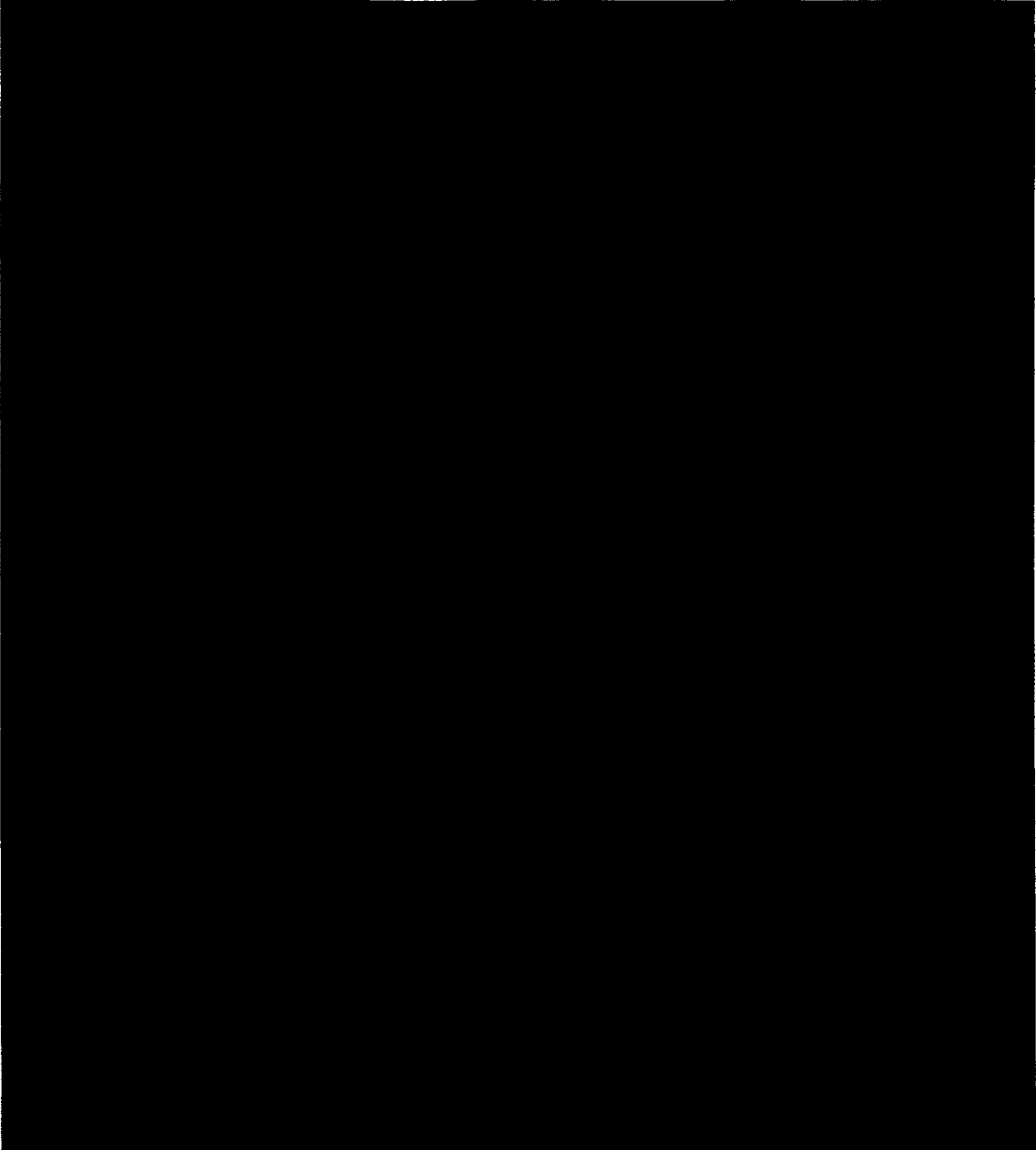
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ed by law or policy across all areas and never approved for use.

The Comments section of the chart provides, where appropriate, explanatory information about the interrogation policy governing particular techniques.

(U) Second, the various interrogation policies are presented in chronological order across the horizontal axis. This begins with the FM 34-52 guidance, followed by the Secretary's December 2, 2002 memorandum, followed by his rescission of that memorandum on January 15, 2003, and finally the current guidance, which has been in effect since April 16, 2003.

(U) Third, the colors on the chart represent the approval status of a particular technique at a particular time. In order of most to least permissive status, green indicates that a particular technique was approved for general use; white means that no official guidance was given for the technique; yellow indicates that policy identifies the particular technique, but that the technique is not to be used without advance notice to and approval by the Secretary; orange means that the technique is not specifically identified by policy, but the policy in effect at the time forbids the use of non-identified techniques without advance notice to and approval by the Secretary; and red represents techniques that are prohibited by law or policy under all circumstances.

(U) Fourth, the X markings on the chart indicate where techniques were actually employed, while bracketed X markings ("[X]") indicate where techniques that required advance notice and approval were employed with such notice and approval. Thus, any X markings in yellow or orange areas (where advance notice and approval are required) are *potentially* problematic, because they would indicate situations in which such advance notice and approval were not sought and yet the techniques were nevertheless employed. Any X markings in red areas would, of course, be troublesome because this would indicate where prohibited techniques were employed. While the placement of X and [X] markings on this chart helps to illuminate whether interrogation policy was followed, it is important to understand the limitations of these markings. Most significantly, they do not indicate the frequency with which a particular technique was employed - they merely indicate that our investigation showed that the particular technique was employed at *least once* in the designated time period. Frequency of use is addressed in more detail in the fuller discussion of the Chart that appears below.

(U) Overall Compliance With Approved Techniques

(U) An initial examination of the chart reveals that interrogations at GTMO have generally followed the approved policy, with some notable exceptions. There are four X markings in the red,

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prohibited areas, but these represent isolated incidents. There are several X markings in orange and yellow areas, but most of these represent either use of techniques that arguably fall within the broad guidance of FM 34-52 and therefore are not particularly problematic, or situations in which particular techniques were used only once under specific circumstances. There are also several X markings in white areas, but this is not particularly surprising. 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 its parameters.

[REDACTED]

(b)(1)

(S) [REDACTED]

(S) [REDACTED]

(S) [REDACTED]

(b)(1)

(U) We found that from the beginning of interrogation operations to the present, interrogation policies at GTMO were effectively disseminated to interrogators and the interrogators had a good, working knowledge of these policies. Moreover, the close compliance with interrogation policy was due in large part to those aspects of the GTMO model discussed above: a command organization that placed detention and intelligence operations under the command of a single entity, JTF-GTMO; effective coordination between interrogators and military police; adequate detention and interrogation resources; and well-developed standard operating procedures. Strong command oversight and effective leadership also played important roles in ensuring that interrogators followed approved policy.

(S) [REDACTED]

(b)(1) (S) [REDACTED]

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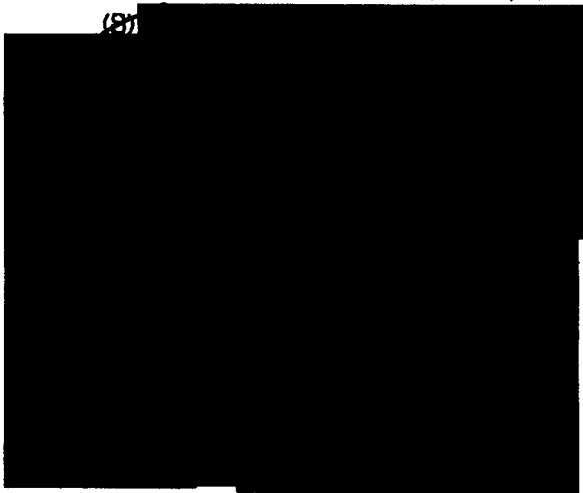
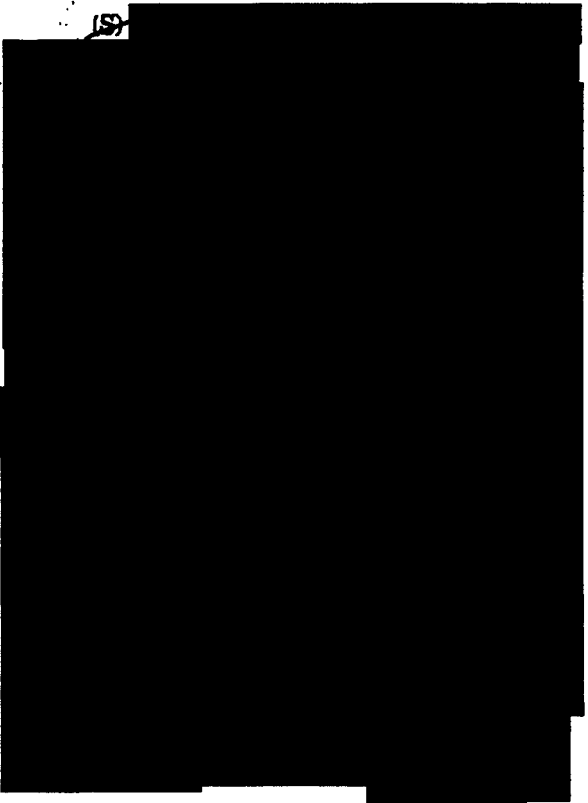
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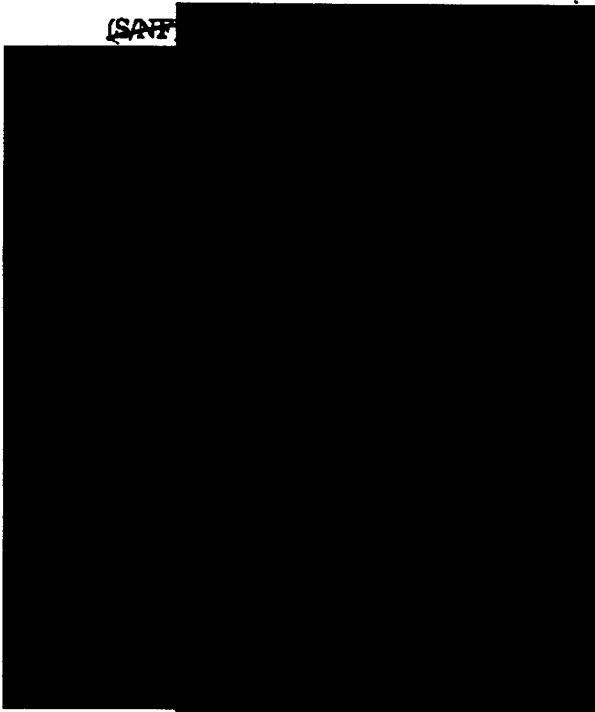
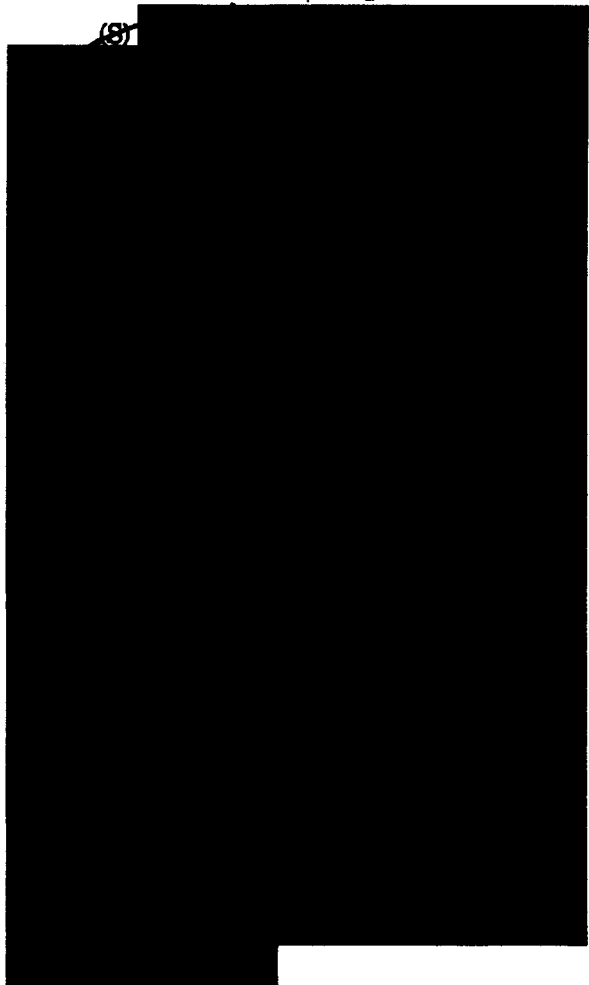
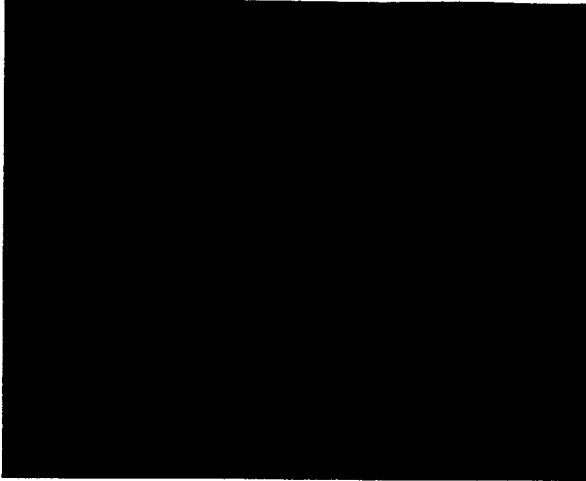
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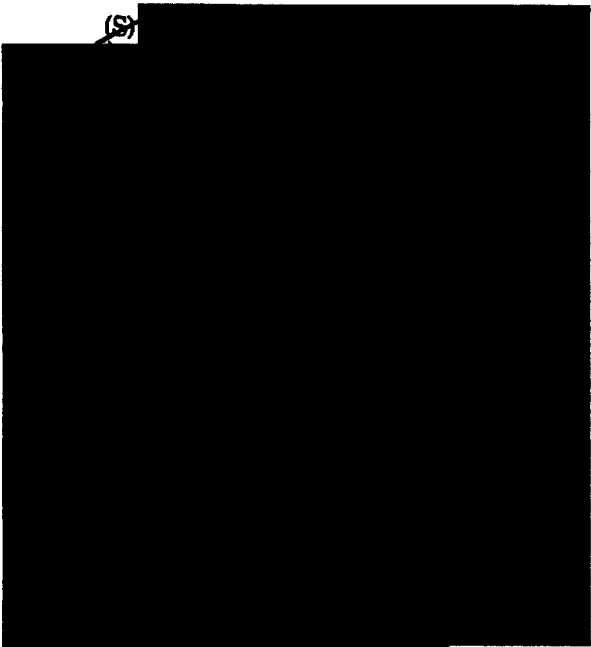
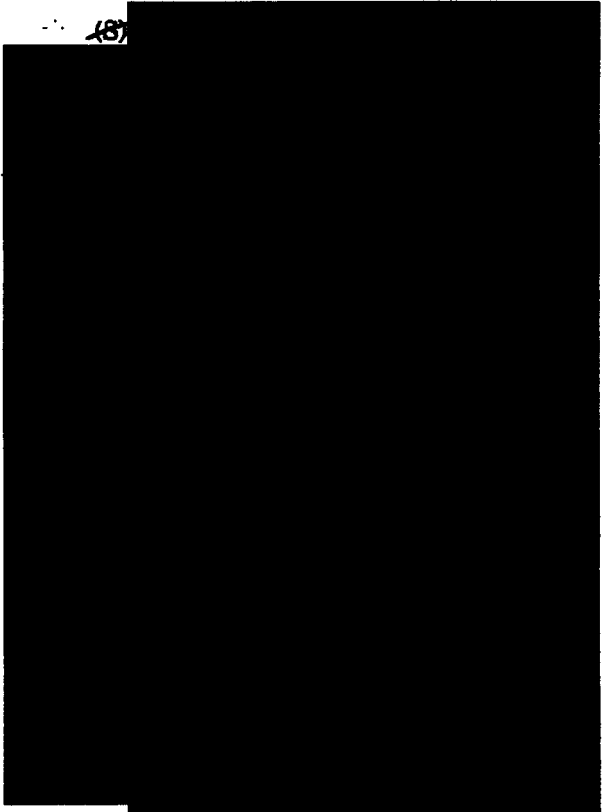
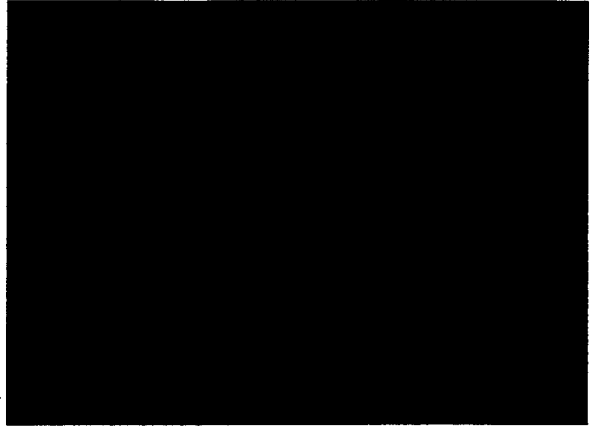
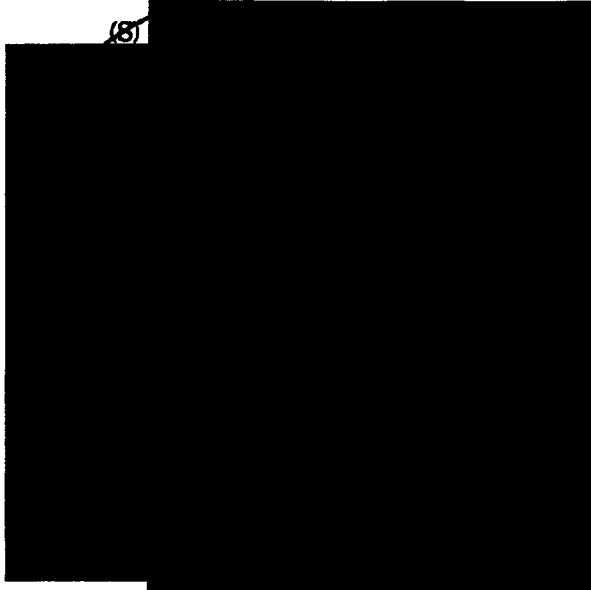
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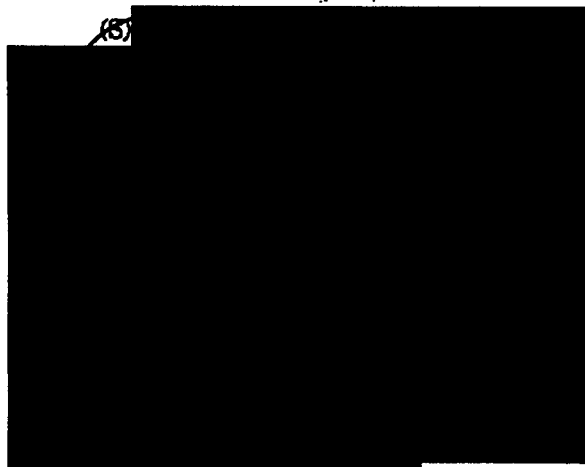
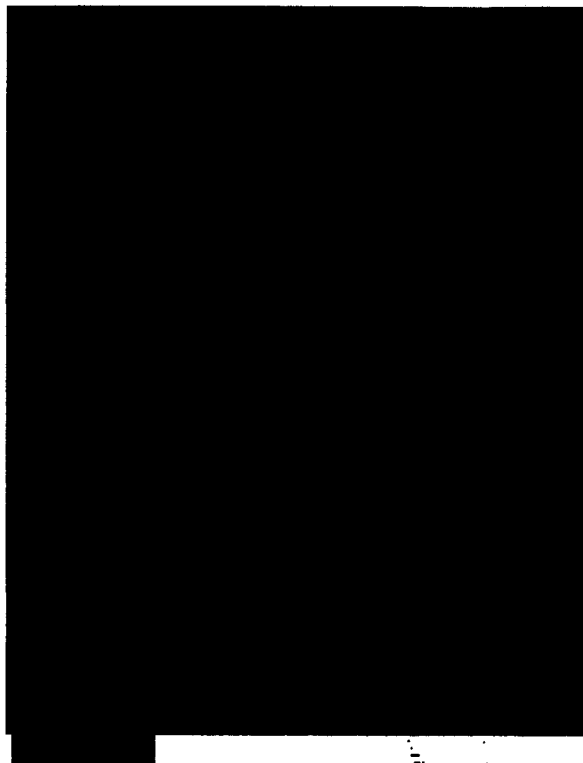
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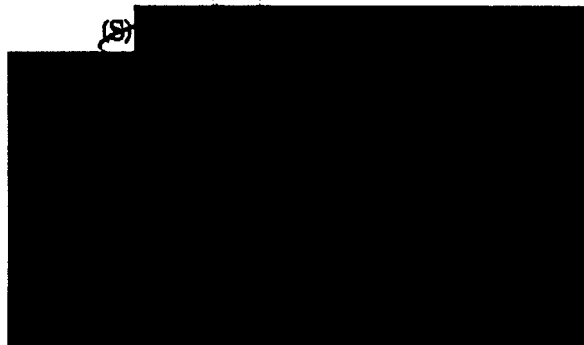
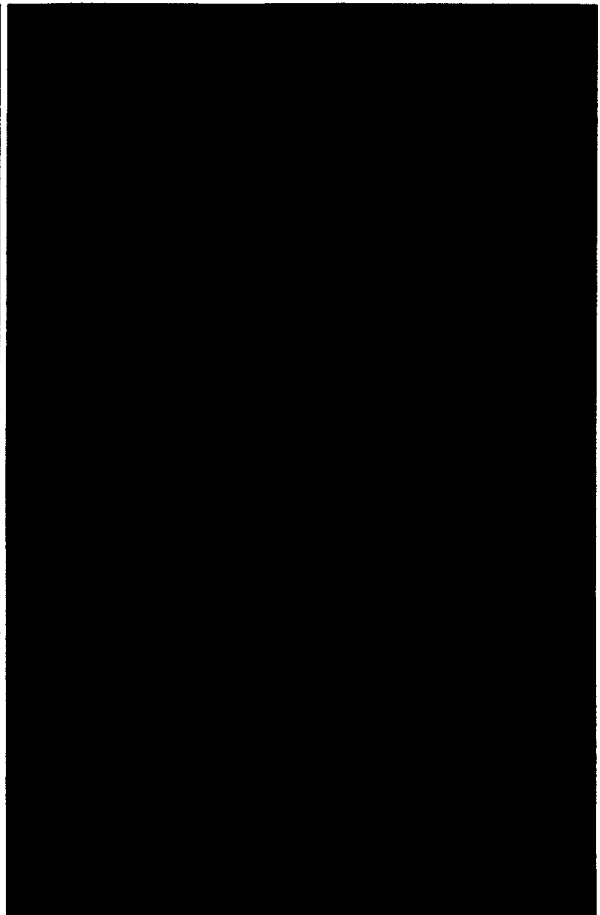
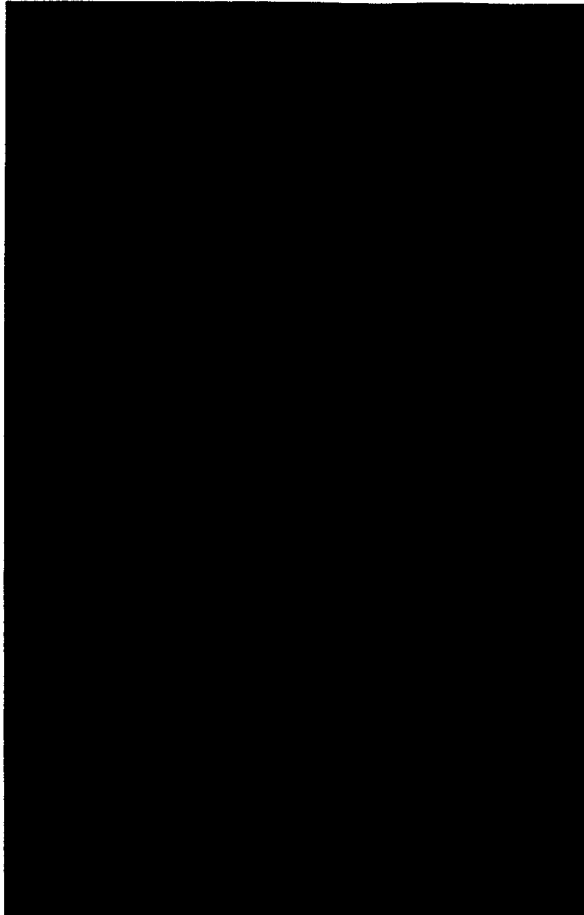
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(U) Analysis of Techniques Employed

(U) As explained above, the chart, which provides a comprehensive picture of both approved and employed interrogation techniques at GTMO, helps to illuminate whether interrogation policy at GTMO was adequately followed. The discussion below provides details on the employment of the individual techniques, with particular focus on any

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potential problem areas where an X marking appears in either a yellow, orange or red block in the chart.

(U) Incentive

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(U) FM 34-52 Techniques: (1) Direct through (20) Mutt. and Jeff

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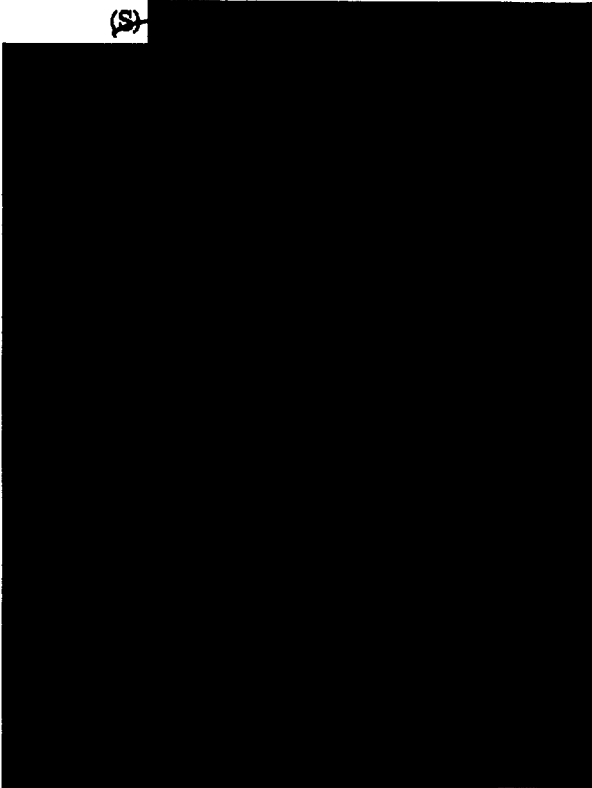
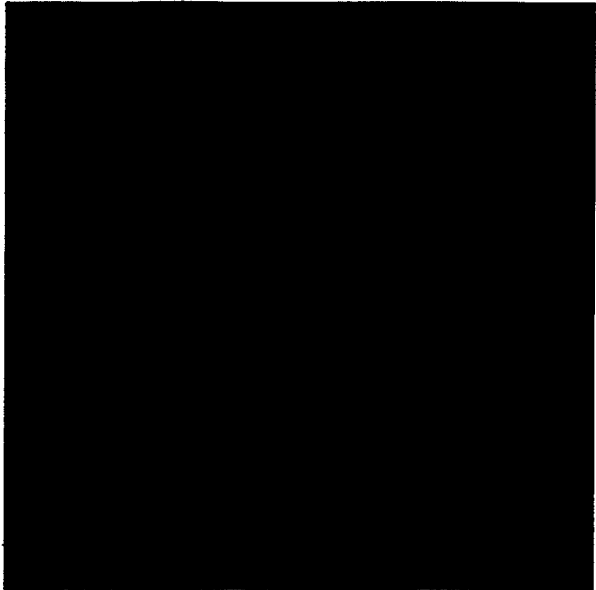
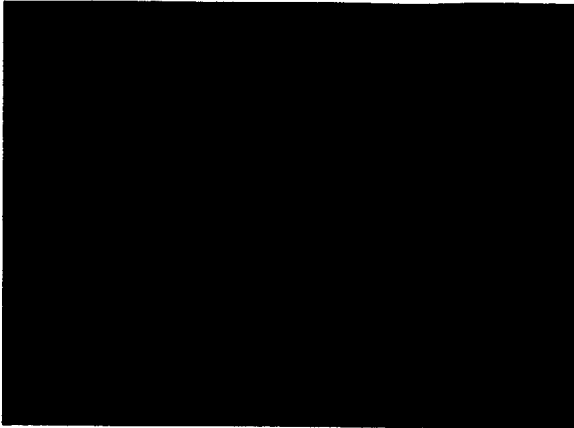
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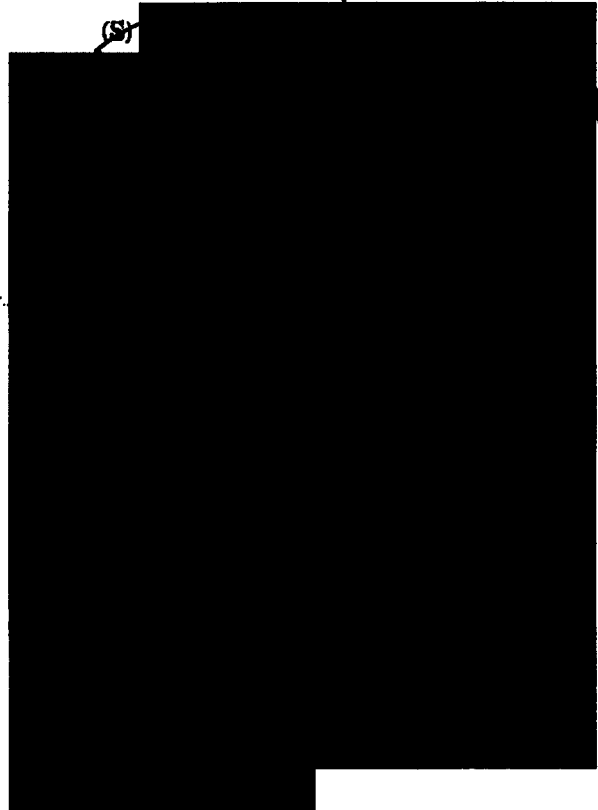
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(U) As demonstrated by the chart, current interrogation policy, which went into effect on April 16, 2003, requires that the Secretary receive advance notice before incentive (and removal of incentive) may be used as interrogation techniques. This condition was fulfilled by a June 2, 2003, letter from GEN Hill to the Secretary of Defense stating, "the [Walker] Working Group was most concerned about removing the Koran from detainees. We no longer do this. Providing incentives (e.g. McDonald's Fish Sandwiches) remains an integral part of interrogations. My intent is to provide you notice when the proposed incentive would exceed that outlined by interrogation doctrine detailed in Army Field Manual 34-52 (which implements Geneva Convention standards), or when interrogators intend to remove an incentive from a detainee." GEN Hill also stated his intent in a June 2, 2003, memorandum to MG Miller. We found no evidence that any exceptional incentive techniques were requested or employed.

(U) *Change of Scene, and Change of Scene Up and Down*



(b)(1)

(U) *Pride and Ego Down*



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[Redacted]

(U) *Mutt and Jeff*

(S)

[Redacted]

(U) December 2, 2002 Counter Resistance Techniques: (21) Yelling to (37) Mild Contact

(U) Category I: Yelling, Deception, Multiple Interrogators and Interrogator Identity

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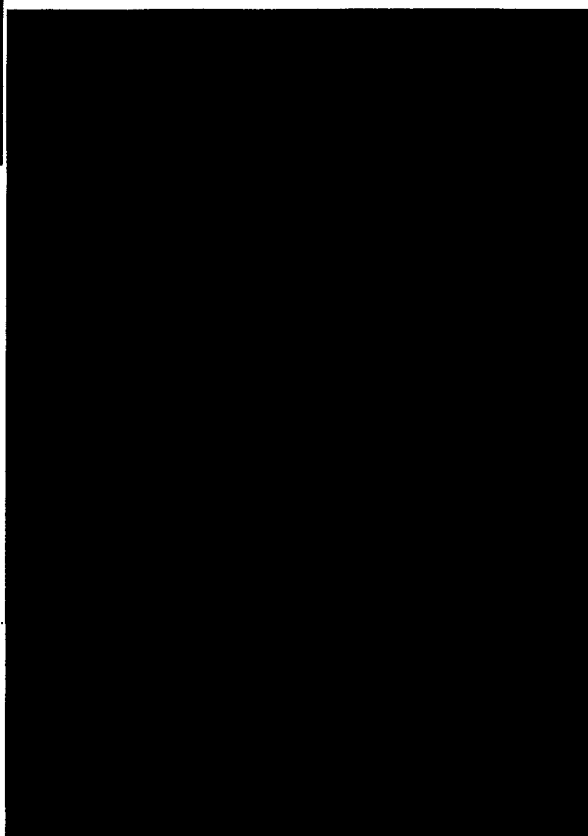
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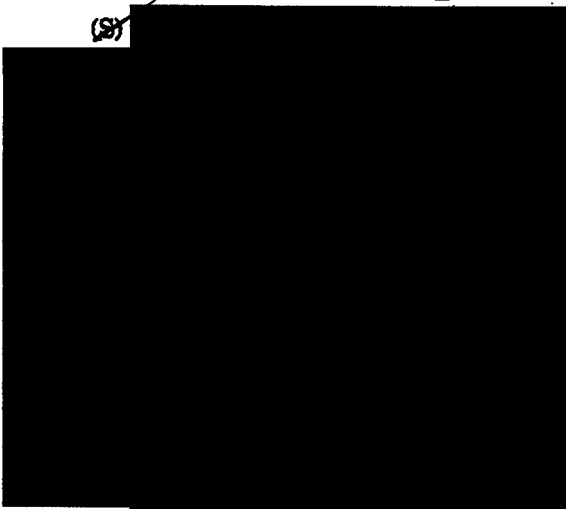
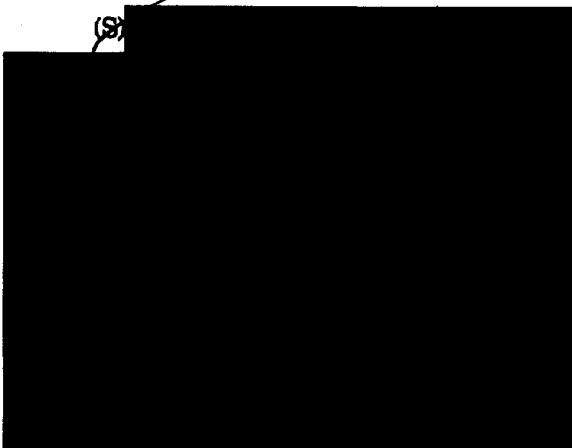
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*(U) Category II: Stress Positions through
Presence of Military Working Dog*



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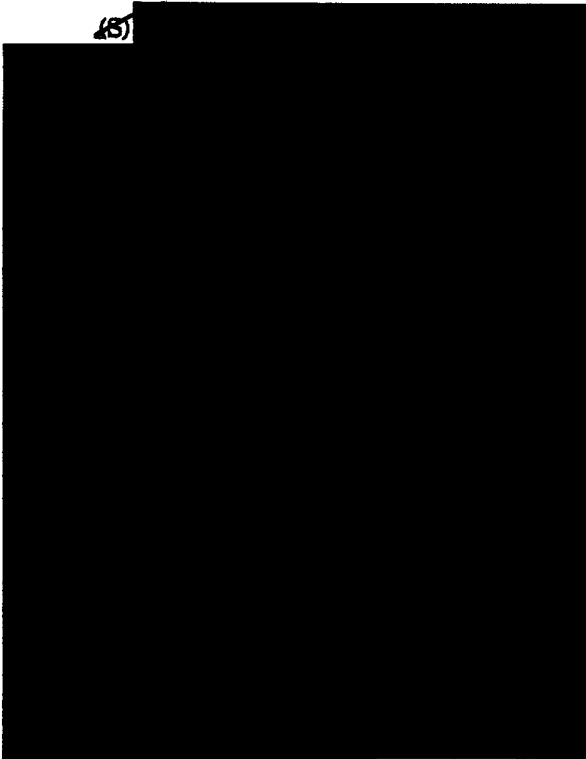
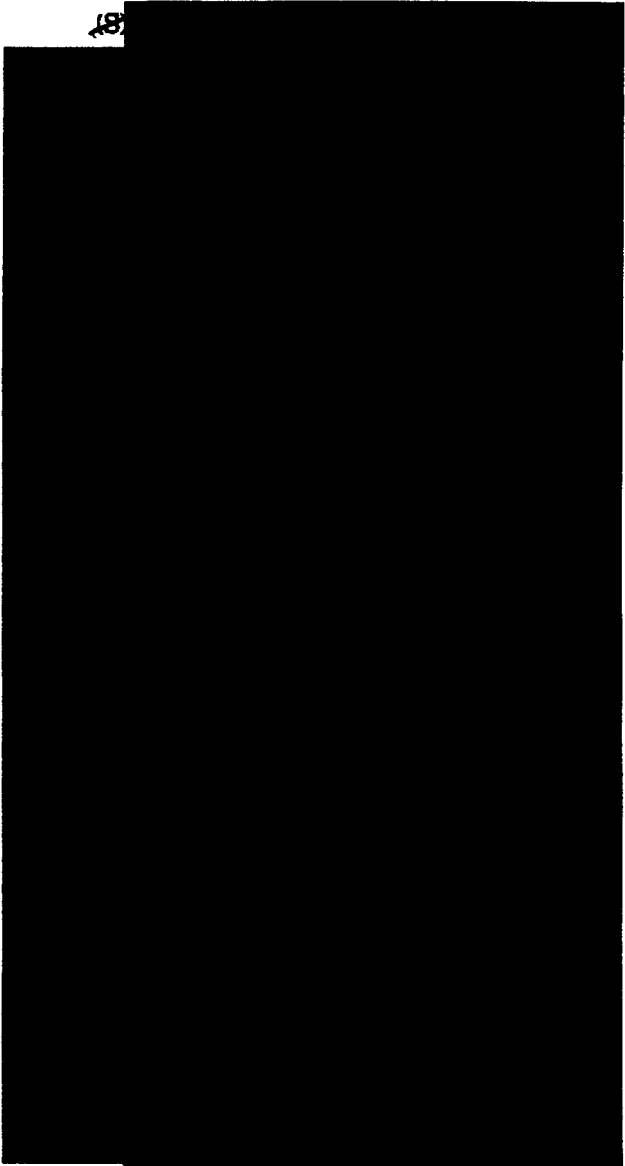
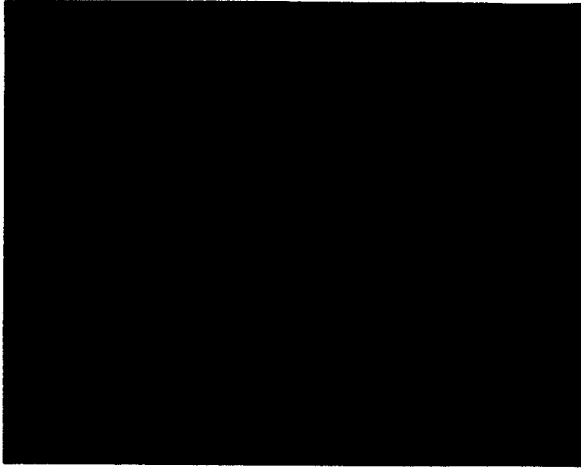
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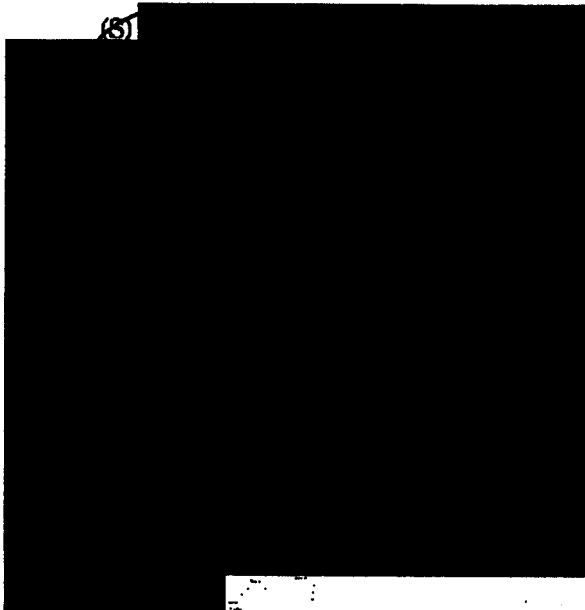
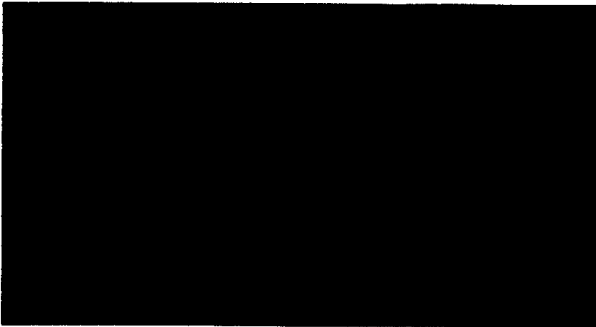
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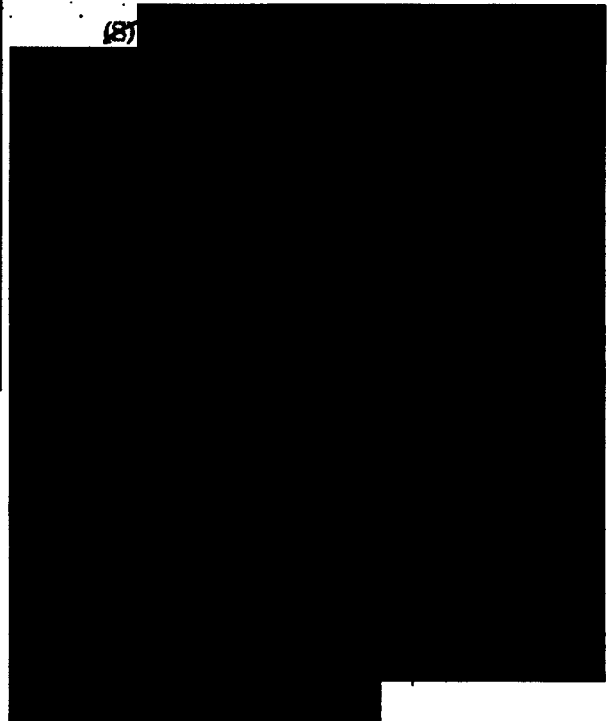
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(U) April 16, 2003 Techniques: (38) Sleep Adjustment to (40) Environmental Manipulation



(U) Category III: Mild, Non-injurious Physical Contact



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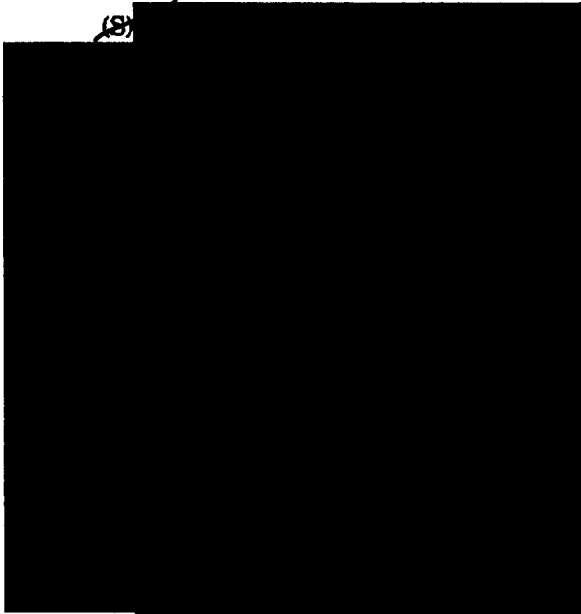
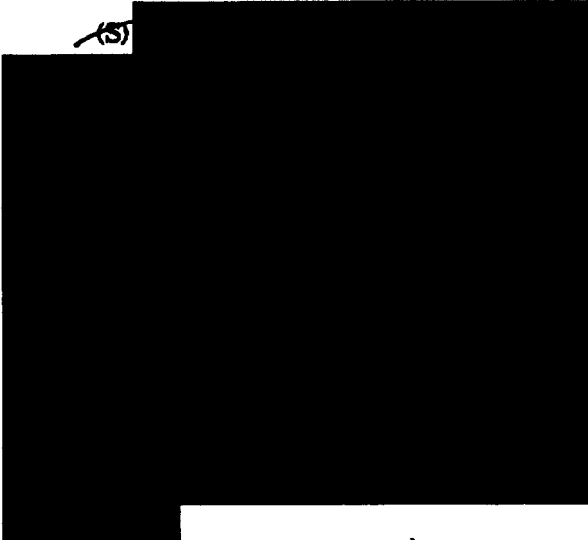
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(U) Notably, on April 22, 2003, this technique was employed in an unauthorized and inappropriately aggressive manner, when an interrogator directed MPs to facilitate bringing [redacted] from standing to a prone position, and the detainee suffered superficial bruising to his knees. As a result, the interrogator involved was issued a letter of reprimand. Furthermore, this abuse was compounded by the fact that the Secretary did not receive advance notice prior to the employment of this technique on April 22, 2003, even though the April 16, 2003 policy requires such advance notice whenever techniques

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not listed in the policy (such as physical training) are employed. This incident was identified and summarized in the May 2004 Church Review.

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(U) Prohibited Techniques: (51) Food Deprivation to (58) Threats Against Others

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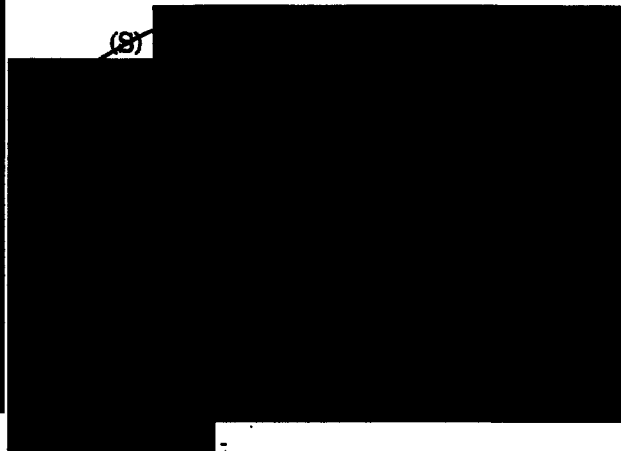
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(U) *Sleep Deprivation*

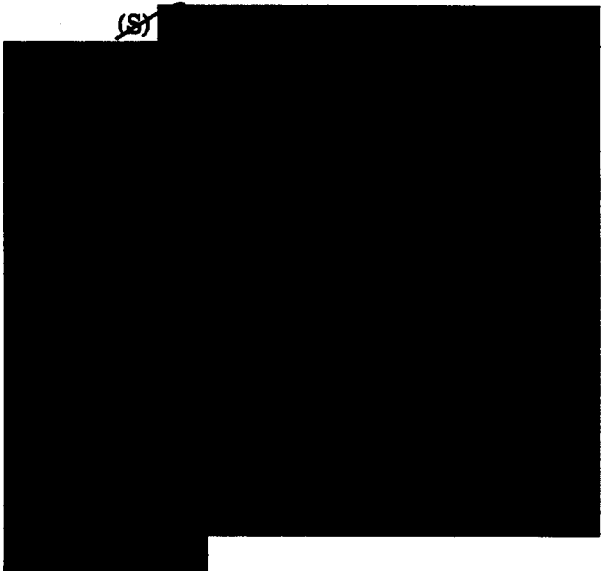
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(U) *Sexual Acts or Mock Sexual Acts*

(U) Finally, on April 17, 2003, a female interrogator made inappropriate contact with a detainee by running her fingers through the detainee's hair and making sexually suggestive comments and body movements, including sitting on the detainee's lap. As mentioned in the abuse section of our report, we used the Manual for Courts-Martial definition of sexual assault, referred therein as "Indecent Assault," to characterize any potential sexual assault case. Consequently, we did not consider this case to be a sexual assault because the interrogator did not perpetrate the act with the intent to gratify her own sexual desires. The female interrogator was given a written admonishment for her actions. This incident was identified and summarized in the May 2004 Church Review.

(U) *Use of Threatening Scenarios and Threats Against Others*



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~~SECRET/NOFORN~~**Detainee Abuse (U)****(U) Overview**

(U) There have been over 24,000 interrogation sessions at GTMO since the beginning of interrogation operations, and in this time, there have been only three cases of closed, substantiated interrogation-related abuse. In addition, there have been only four cases of substantiated abuse committed by MPs, and one substantiated case in which a camp barber committed a minor infraction. All of the closed, substantiated abuse cases are relatively minor in nature, and none bears any resemblance to the abuses depicted in the Abu Ghraib photographs. Almost without exception, therefore, detainees at GTMO have been treated humanely.

(U) We think it bears emphasis that the military leadership at GTMO has been and is making vigorous efforts to investigate all allegations of detainee abuse, whether the allegations come from DoD personnel, contractors, the International Committee of the Red Cross (ICRC), or the detainees themselves. Detainees have numerous channels available to report allegations of abuse: they can report allegations to military police, interrogators, linguists, medical personnel and chaplains. They also have opportunities to bring any concerns to the attention of the ICRC, which is a regular presence at GTMO that advocates on the detainees' behalf.

(U) In our view, the extremely low rate of abuse at GTMO is largely due to strong command oversight, effective leadership, and adequate training on detainee handling and treatment. Additionally, those aspects of the GTMO "model" already discussed above - namely, a command organization that placed detention and intelligence operations under the command of a single entity, JTF-GTMO; effective coordination between interrogators and military police; adequate detention and interrogation resources; and well-developed standard operating procedures - have clearly played a role in keeping detainee abuse to a minimum.

(U) Provided below are the details of the closed, substantiated abuse cases, followed by a brief discussion of some additional allegations of detainee abuse.

(U) Closed, Substantiated Abuse Cases

(U) The three cases of interrogation-related abuse all involved relatively minor assaults, in which MI interrogators clearly exceeded the bounds of approved interrogation policy:

- (U) First, as noted above, a female interrogator inappropriately touched a detainee on April 17, 2003 by running her fingers through the detainee's hair, and made sexually suggestive comments and body movements, including sitting on the detainee's

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lap, during an interrogation. The female interrogator was given a written admonishment for her actions.

- (U) Second, also discussed above, on April 22, 2003, an interrogator assaulted a detainee by directing MPs to repeatedly bring the detainee from standing to a prone position and back. A review of medical records indicated superficial bruising to the detainee's knees. The interrogator was issued a letter of reprimand.
- (U) Third, a female interrogator at an unknown date, in response to being spit upon by a detainee, assaulted the detainee by wiping dye from a red magic marker on the detainee's shirt and telling the detainee that the red stain was menstrual blood. The female interrogator received a verbal reprimand for her behavior.

It should be noted that the first and third cases above, despite their relatively minor physical nature, involved unauthorized, sexually suggestive behavior by interrogators, which - as has been reported in the press - raises problematic issues concerning cultural and religious sensitivities.

(U) The four cases of abuse committed by MPs also involved minor assaults:

- (U) First, an MP assaulted a detainee on September 17, 2002, by attempting to spray him with a hose after the detainee had

thrown an unidentified, foul-smelling liquid on the MP. The MP received non-judicial punishment in the form of seven days restriction and reduction in rate from E-4 to E-3.

- (U) Second, on April 10, 2003, after a detainee had struck an MP in the face (causing the MP to lose a tooth) and bitten another MP, the MP who was bitten struck the detainee with a handheld radio. This MP was given non-judicial punishment in the form of 45 days extra duty and reduced in rate from E-4 to E-3.
- (U) Third, on January 4, 2004, an MP platoon leader had received an initial allegation that one of his guards had thrown cleaning fluid on a detainee and later made inappropriate comments to the detainee. The platoon leader, however, did not properly investigate the allegation or report it up the chain of command. The initial allegation against the guard ultimately turned out to be substantiated. This MP was given non-judicial punishment in the form of reduction in rate from E-2 to E-1 and forfeiture of pay of \$150/month for two months; the platoon leader was issued a letter of reprimand for dereliction of duty.
- (U) Fourth, on February 10, 2004, an MP inappropriately joked with a detainee, and dared the detainee to throw a cup of water on him. After the detainee complied, the MP reciprocated by throwing a cup of water

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on the detainee. The MP was removed from duty as a consequence of his inappropriate interaction with the detainee. (As noted in our previous analysis of detainee abuse, we did not consider this case to rise to the level of "abuse" for purposes of our overall examination of detainee abuse in that section.)

(U) The final case of detainee abuse occurred on February 15, 2004, when a barber intentionally gave two detainees unusual haircuts, including an "inverse Mohawk," in an effort to frustrate the detainees' requests for similar haircuts as a sign of unity. The barber and his company commander were both counseled as a result of this incident.

(U) Other Allegations of Abuse

(U) As described above, there have been only a small number of relatively minor, substantiated instances of abuse at GTMO. Nevertheless, recent media reports have fueled controversy over detainee treatment at GTMO, as several detainees (or their lawyers) have made claims of violent physical abuse and torture. For example, three Britons who were held for over two years at GTMO and then released - Shafiq Rasul, Asif Iqbal and Rhuhel Ahmed - have claimed in a 115-page report released by their attorneys that they and other detainees were forcibly injected with drugs, brutally beaten and attacked by dogs. Another British detainee held at GTMO, Moazzam Begg, claimed in a letter released to his legal team that he had been

subjected to beatings and "actual vindictive torture." A Yemeni and former chauffeur for Usama Bin Ladin, Salim Ahmed Hamdan, who is currently held at GTMO, has claimed in a lawsuit that he has been regularly beaten at GTMO. And two Australians held at GTMO, David Hicks and Mamdouh Habib (who has since been released), have also through their lawyers made widely-publicized claims of torture.

(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 (in the case of an interrogator who allegedly bent a detainee's thumbs backward), 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) We can confidently state that based upon our investigation, we found nothing that would in any way substantiate detainee allegations of torture or violent physical abuse at GTMO. (Nevertheless, we found that such allegations are

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thoroughly investigated, as evidenced by ongoing investigations of Hick's and Habib's claims by the Naval Criminal Investigative Service.)

(U) First, interrogation and detention policies at GTMO have not in any way directed, encouraged or condoned torture or violent physical abuse of detainees, and the amount of command oversight, discussed in some detail above, makes it highly unlikely that such abuse could go unchecked. Second, even minor detainee abuse at GTMO is punished - as noted above, striking a detainee in response to being bitten, or spraying a detainee with a hose in response to being sprayed with a foul-smelling liquid, are grounds for restriction, extra duty and reduction in rank - and thus it would be incongruous for violent physical abuse to exist and go unpunished. Third, as discussed in more detail later in this report, our review of medical records found no evidence to support allegations of torture or violent physical abuse of detainees. In fact, detainees were more likely to suffer injury from

playing soccer or volleyball during recreational periods than they were from interactions with interrogators or guards. Furthermore, the medical personnel that we interviewed stated that no detainees had ever reported physical abuse to them, even though detainees rarely hesitated to complain about minor physical symptoms (such as headaches, rashes, or minor scrapes) or other frustrations (such as disliked food or unruly detainees in nearby cells). Finally, many allegations of violent physical abuse against detainees concern the use of GTMO's Immediate Reaction Force (IRF), which is a disciplinary squad employed only as a last resort to compel non-compliant detainees to follow guards' orders using the minimum necessary force. Detainee non-compliance, therefore, sometimes entails a physical confrontation with the IRF, but this is a necessary and legitimate aspect of camp discipline. Moreover, we identified no evidence of abuse from a review of IRF videotapes, and our findings in this regard are consistent with a SOUTHCOM review conducted in June 2004.

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Operation ENDURING FREEDOM - Afghanistan (U)

(U) This section examines the evolution of interrogation techniques approved and employed in Operation ENDURING FREEDOM (OEF) in Afghanistan. It begins with a discussion of the background to interrogation operations in Afghanistan.

Background (U)

(U) Shortly after noon Eastern Daylight Time on October 7, 2001, less than four weeks after the terrorist attacks of September 11, coalition forces commenced combat action against al Qaeda and the Taliban in Afghanistan. The conflict that followed was unique for its successful integration of U.S. special operations forces (SOF) with local Afghan militia forces, and for its unprecedented speed and success, despite the challenges posed by inhospitable terrain, a history of internecine fighting among Afghan tribes, and an enemy who attempted to use the local populace for cover and concealment.

(U) Broadly speaking, the campaign can be broken into three major phases: an initial phase of intense aerial bombardment lasting from October to late November 2001 in which the preponderance of U.S. ground presence consisted of SOF; a build-up of U.S. conventional forces that began in late November 2001 with the insertion of Marines into Camp Rhino, near Kandahar; and a period of ongoing low-intensity conflict and counter-insurgency operations involving a mix of conventional forces

and SOF that began in May 2002 with the establishment of Combined Joint Task Force 180 (CJTF 180). The extensive reliance on light, highly mobile forces including both SOF and the paramilitary forces of other government agencies (OGA) shaped the development of interrogation facilities and techniques in the conflict by limiting the number of large, fixed bases capable of supporting detention and interrogation of large numbers of detainees. Even today, nearly three years after the start of the conflict, only two U.S. military facilities in Afghanistan - those at Bagram and Kandahar - are equipped and staffed with dedicated interrogation facilities and interrogators and have the ability to hold more than a handful of detainees.

(U) The reliance on light, mobile forces was driven largely by the rugged geography and political composition of Afghanistan. The country is inaccessible by sea, and high mountain passes that are prime locations for ambush limit interior communication by road. Most U.S. materiel and large equipment is shipped to Karachi, Pakistan where it is loaded on trucks and then driven hundreds of miles over unimproved roads. Drivers must endure ambushes, illegal tariffs, and pilfering before eventually arriving at their destination in Kandahar or Bagram. This trip may take two weeks to complete, if completed at all. Virtually all U.S. personnel have to be airlifted into the country. The 2003 CIA World Factbook lists only ten airports with paved runways in the country, placing a heavy reliance on helicopters and smaller fixed-

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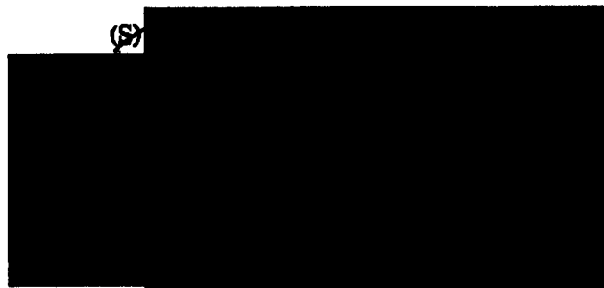
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wing transport, capable of carrying lighter loads and landing on unimproved fields. Over 49 percent of the country is at greater than 6,500 feet above sea level, with passes in the mountainous regions frequently exceeding 10,000 feet above sea level. These conditions further limit the loads that can be carried by aircraft, especially helicopters. The movement of large heavy troop formations and the construction of suitable facilities to house them is nearly impossible in these conditions.

(U) Political power in Afghanistan has historically been concentrated in local tribes or clans rather than a central government. Even during the Soviet occupation, the mujaheddin fighters who successfully opposed the Soviets were not a unified force, but a loose coalition of leaders who frequently fought amongst themselves even as they were fighting the Soviet Union. During the initial phases of OEF, small formations of U.S. military and paramilitary forces were able to integrate with tribal leaders, establishing bonds of trust in a way that large formations of conventional troops could not have done. After the Taliban fell, operations to root out terrorist and Taliban strongholds in Afghanistan's mountains, caves, and valleys favored small units that could exploit air mobility and mass in larger formations when required, rather than large, heavy forces with their associated garrisons and facilities.

Evolution of Command Structures and Detention Facilities (U)

(U) Overall combatant command in Operation ENDURING FREEDOM has always resided with the Commander, United States Central Command (CENTCOM), headquartered in Tampa, Florida, with forward headquarters initially in Saudi Arabia, and later in Qatar. During the initial stages of combat in Afghanistan, operations fell principally under the purview of the combined forces component commanders. The Combined Force Air Component Commander (CFACC), Lieutenant General T. Michael Moseley, USAF, for instance, directed air operations. He reported directly to the CENTCOM commander, General Tommy Franks, USA. The Combined Force Land Component Commander (CFLCC), Lieutenant General P. T. Mikolashek, USA, controlled all ground forces except SOF, which fell under the purview of the Combined Force Special Operations Component Commander (CFSOCC), Rear Admiral Albert Calland, USN (also referred to as the Combined Joint Force Special Operations Component Commander, or CJFSOCC).



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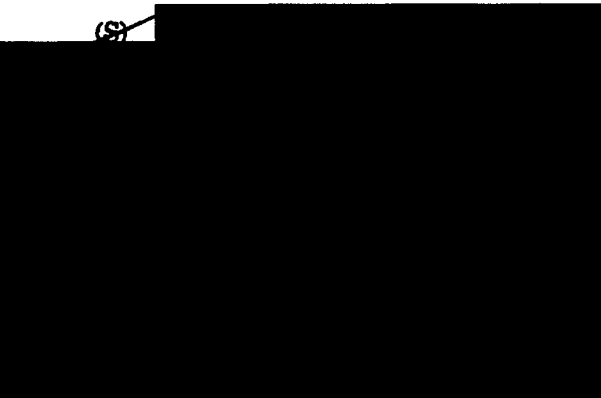
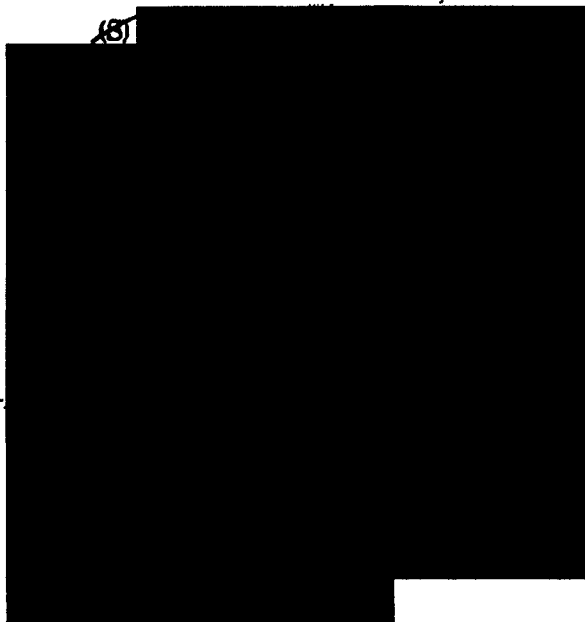
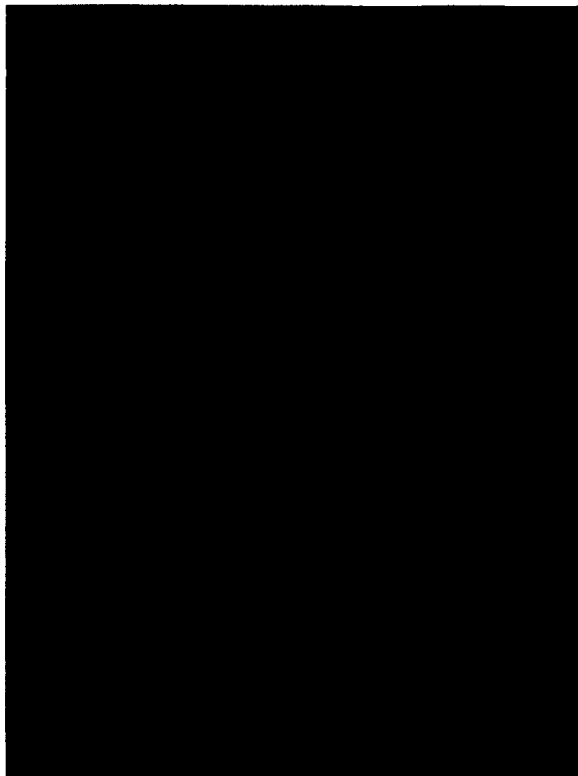
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forces grew and their scope of action increased, LTG Mikolashek deployed MG Frank "Buster" Hagenbeck, USA, commander of the 10th Mountain Division, as CFLCC (Forward) in Afghanistan.



(U) On November 25, 2001, Task Force 58 (TF 58), composed of U.S. Marines from the 15th and 26th Marine Expeditionary Units (Special Operations Capable), or MEU (SOC), assaulted and gained control of an airfield west of Kandahar, which was dubbed "Camp Rhino." Using Rhino as an operating base, TF 58 seized control of Kandahar airfield on December 13, 2001. In the east, on November 30, CFLCC had taken charge of the Bagram Air Base 20 miles north of Kabul, and in early December deployed Army units to Mazar-E-Sharif. As the number of conventional ground

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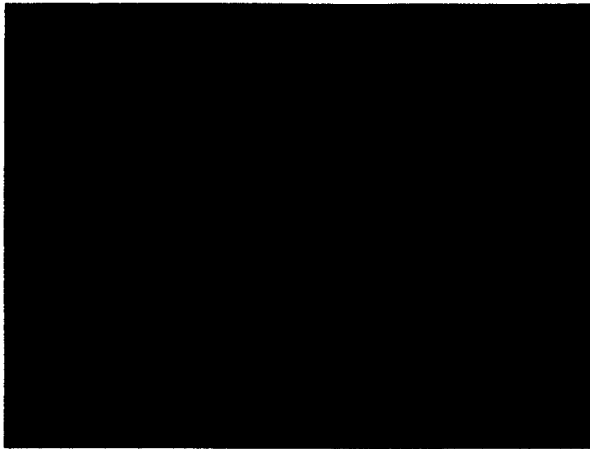
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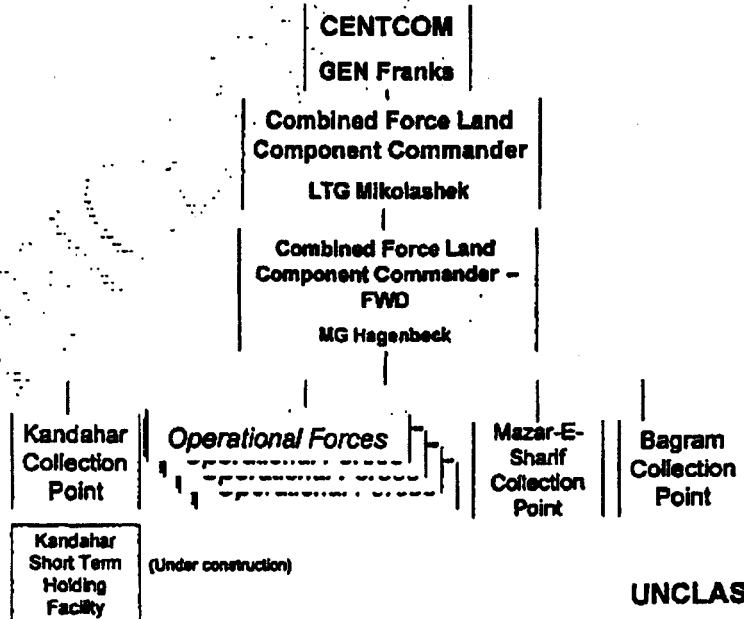


detention and interrogation operations in early January 2002, and the locations of detention facilities are depicted in the following figures.

(U) Kandahar's fall to coalition forces on December 13, 2001 represented the collapse of the last Taliban stronghold, although heavy combat continued through the new year and into the spring of 2002, particularly around the Tora Bora region. Coalition combat successes yielded new detainees, which threatened to overcrowd the limited facilities available. As discussed previously,

(U) The resulting command structure for the U.S. Naval Base at Guantanamo Bay, Cuba was

Early Afghanistan Detention Command Structure- January 2002 (U)



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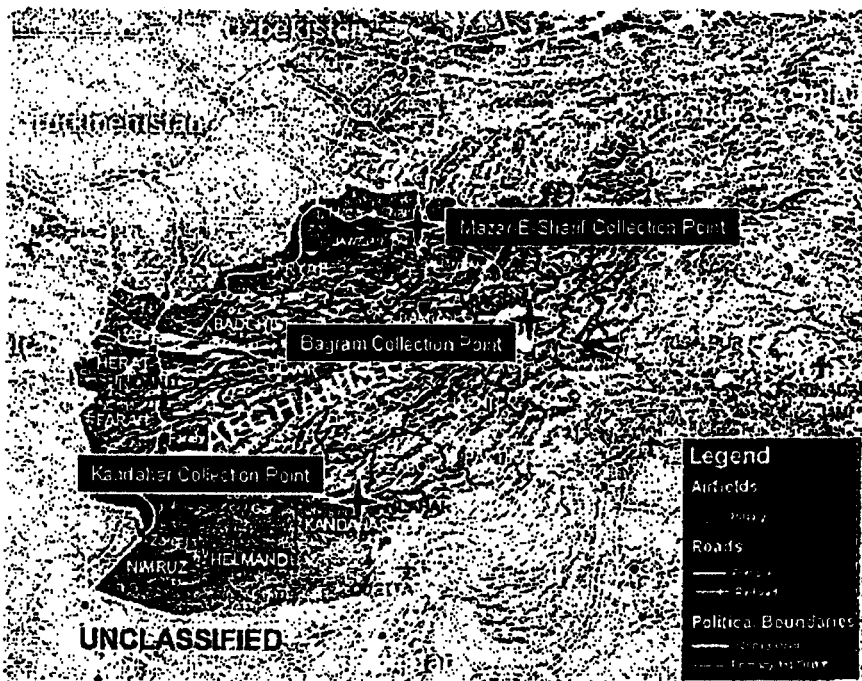
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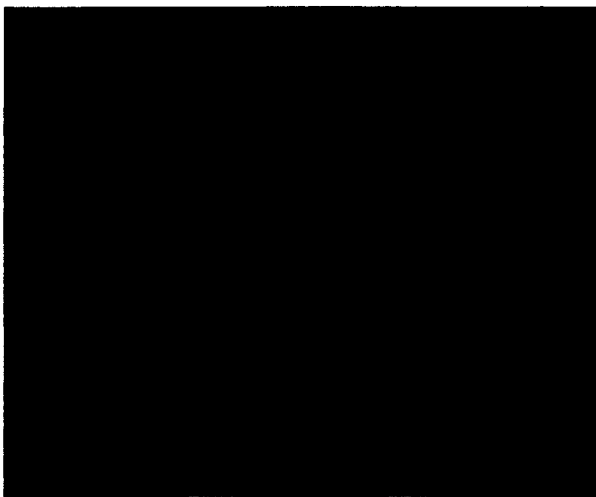
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DoD Detention Facilities in Afghanistan - January 2002 (U)



identified as a suitable location for a long-term detention and strategic interrogation facility. The first transfers of detainees to the GTMO facility commenced on January 7, 2002.

(S) By May 2002, Afghanistan had developed into a more mature theater of operations. On May 21,



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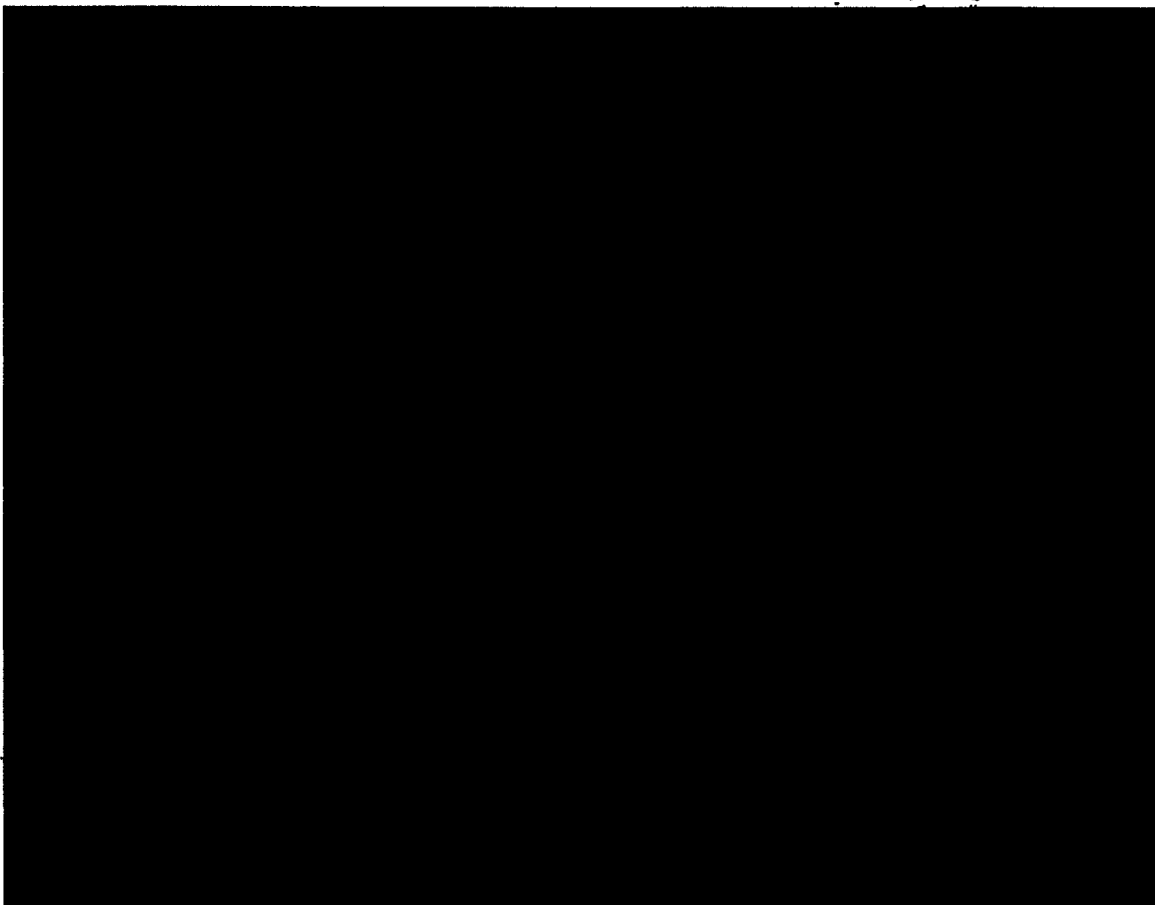
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Afghanistan Detention Command Structure - May 2002 (U)



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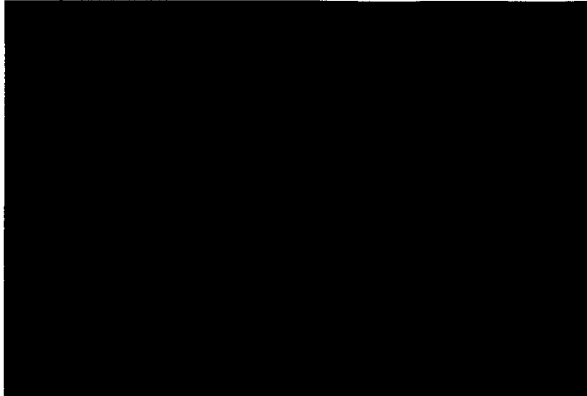
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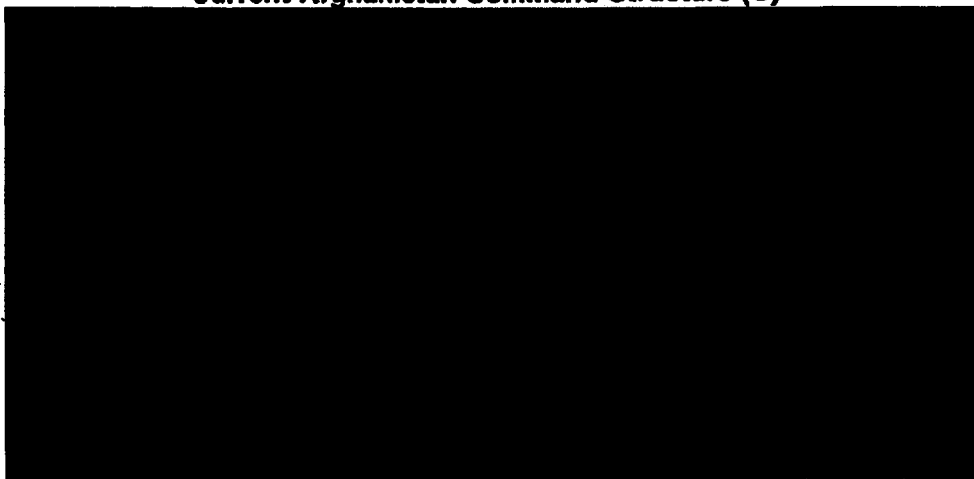


Combined Forces Commander Afghanistan (CFC-A), LTG David Barno, USA. (Headquartered in Kabul, CFC-A had been established on February 4, 2004.) On May 15, CJTF-180 was re-designated CJTF-76. The effect of these changes was to consolidate under a single command the command and control of both the peacekeeping mission (executed by the International Security Assistance Force) and the war-fighting mission. Authority and responsibility for the detention and interrogation mission remains with the CJTF-76 commander, under CFC-A. The current command structure is depicted in the figure below.

(U) In April and May 2004, the command structure in Afghanistan underwent another evolution, this one coincident with a planned force rotation. MG Eric Olson, commanding the Army's 25th Infantry Division, was designated CJTF commander on April 15, 2004, and the CJTF was placed under the operational command of the

(U) In July 2004, due to a growing detainee population, the facility at Kandahar was re-designated a collection point and detainees are now housed there for a longer period of time. Following

Current Afghanistan Command Structure (U)



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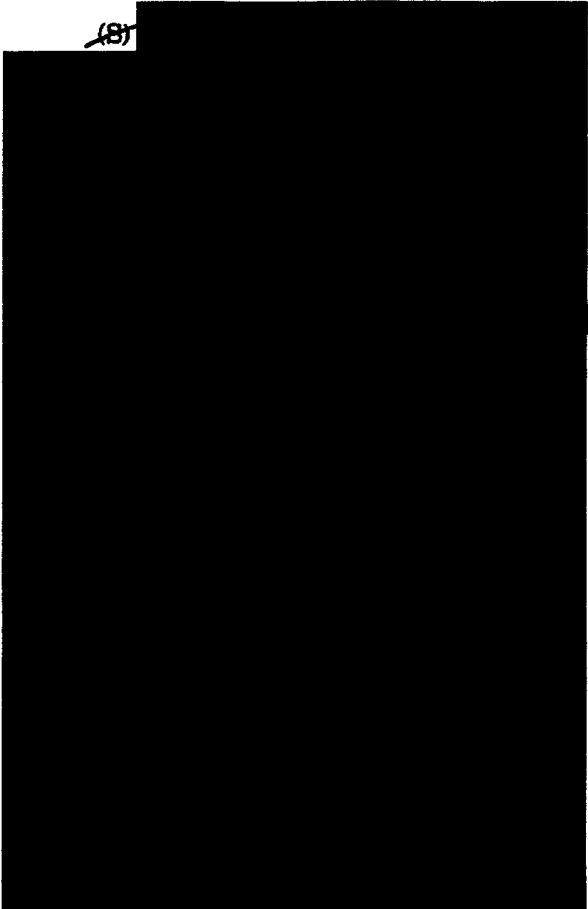
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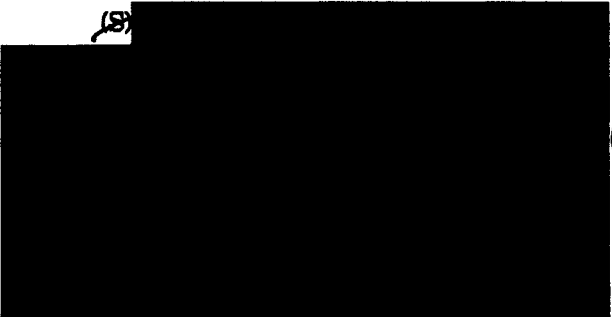
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the designation of Bagram as the primary collection point and interrogation facility in May 2002, Kandahar continued to function as a short term detention facility, though interrogation personnel were not permanently assigned there. The re-designation of Kandahar as a collection point is not strictly in keeping with the doctrinal definition of "collecting point," since (like Bagram) the facility is functioning more as an internment/resettlement (I/R) facility. With the re-designation of Kandahar as a longer-term facility, it is anticipated that additional interrogators and interrogation support personnel will again operate there.



**Evolution of Guidance Regarding
Detainee Treatment (U)**

(U) The status and treatment of captured personnel in Afghanistan has been the subject of considerable debate at the policy level, largely due to the question of the legal status of Taliban and al Qaeda combatants. According to an information paper prepared on February 5, 2002, prior to the initiation of hostilities CENTCOM had sought clarification from the Joint Staff as to the legal status of personnel who might be captured in Afghanistan; and two days after hostilities began, these questions had not yet been resolved to CENTCOM's satisfaction (based on further specific requests to the Joint Staff for legal clarification contained in an Unconventional Warfare Campaign OPORD dated October 9, 2001).



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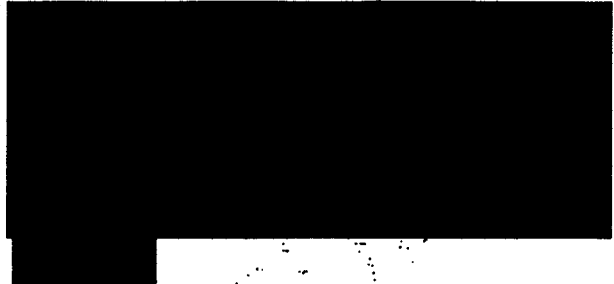
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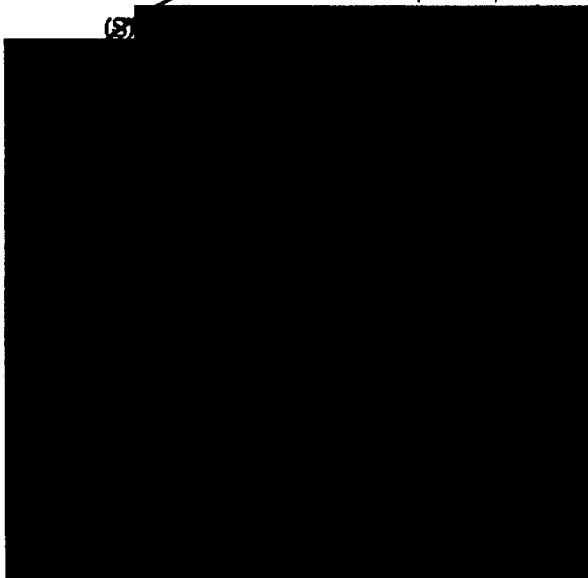
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(U) The next new guidance regarding detainee status came in mid-January 2002. On January 19, the Secretary of Defense concluded in a memorandum to the Chairman of the Joint Chiefs of Staff (CJCS) that al Qaeda and Taliban detainees were not entitled to EPW status under GPW. CJCS forwarded the content of this memo to CENTCOM and SOUTHCOM commanders by message on January 21, 2002. The message provided the formulation, which would appear again two weeks later in a Presidential memorandum, to "treat [detainees] humanely and, to the extent appropriate and consistent with military necessity, in accordance with the principles of the Geneva Conventions of 1949." CENTCOM promulgated this guidance verbatim to its component commands by message on January 24, 2002.



(U) On February 4, 2002, CENTCOM issued Appendix 1 to Annex E to the campaign plan for Operation ENDURING FREEDOM. Apparently developed independent of the guidance received from the Secretary of Defense and CJCS, this Appendix encapsulates the requirements of the GPW and Army Regulation 190-8, *Enemy*

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Prisoners of War, Retained Persons, Civilian Internees and Other Detainees (AR 190-8). It provides that "captured personnel are presumed to be EPW immediately upon capture...if questions arise as to whether captured personnel belong in the EPW category, they receive the same treatment as EPW until their status has been determined by a competent military tribunal according to AR 190-8." The appendix defines "other detainee" (OD) as "a person in U.S. custody who has not been classified as an EPW (Article 4, GPW), an RP (Article 33, GPW), or a CI (Article 78, GC) [and] is afforded protection similar to an EPW until a legal status is ascertained by competent authority." The appendix makes no reference to al Qaeda or Taliban specifically, nor does it list the CJCS message regarding status of al Qaeda and Taliban detainees as a reference.



- (S)
- (S)
- (S)



(U) The President re-affirmed the Secretary of Defense memorandum regarding treatment and status of detainees in a memorandum dated February 7, 2002. As previously described in our interrogation policy and doctrine section, this memorandum found that the Geneva Conventions did not apply to the conflict with al Qaeda, and that, although the Geneva Conventions did apply to our conflict with the Taliban, the Taliban were unlawful combatants and thus not entitled to EPW status.

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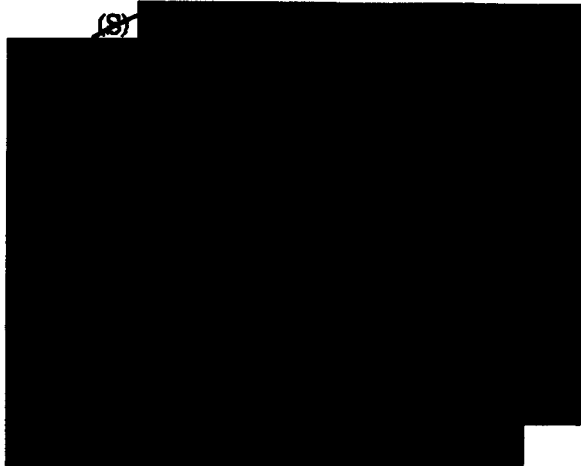
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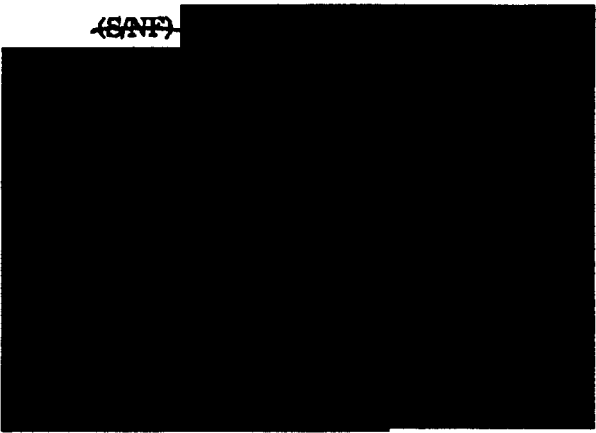
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sought based on intelligence information. Detainees are also captured in the immediate aftermath of attacks against U.S. or Afghan forces, if there is reason to suspect that the person has information pertaining to the attack, or which could help prevent future attacks. In addition, "cordon and sweep" operations have been conducted in areas known to harbor Taliban or al Qaeda elements in order to capture or kill those elements, or to gain intelligence about their location and activities.

Detainee Flow From Point of Capture Through Detention (U)

(U) Persons come into U.S. custody in Afghanistan through several means. First, there are a small number who were captured during traditional force-on-force fighting against Taliban or al Qaeda groups, or following the seizure of an enemy facility. Many of these detainees have since been transferred to GTMO. There are also detainees who were captured by opposition groups, such as the Northern Alliance, and transferred to U.S. control after being screened using the criteria described above. Finally, there are those who are picked up by U.S. forces in the course of ongoing operations, as described below. The majority of captured persons in Afghanistan now fall in the last category.



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(U) Ongoing operations by U.S. forces include raids in which specific personnel are

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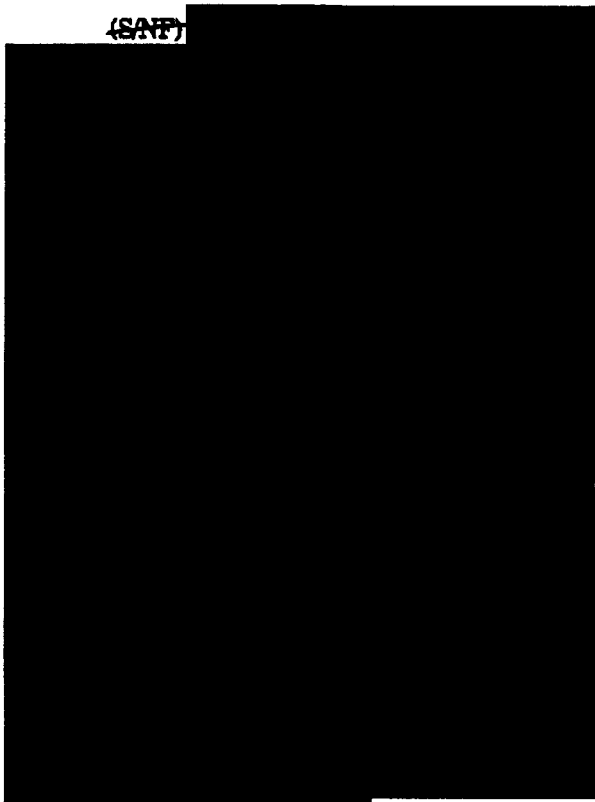
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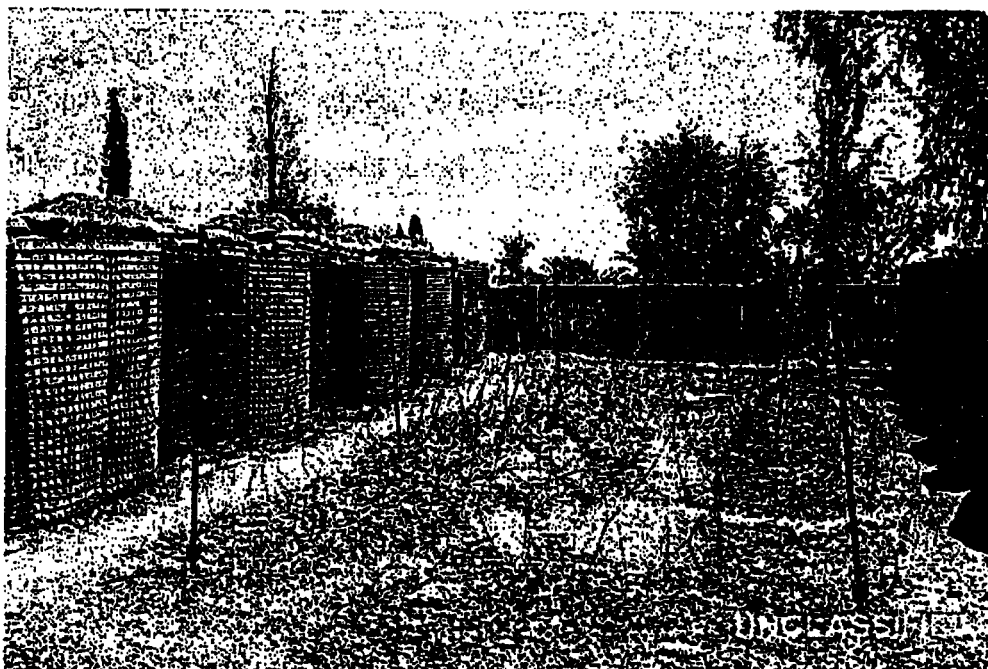


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Field Holding Site at Salerno (U)



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ited aircraft availability, which may result in ground transportation by convoy. Poor road conditions throughout the country, coupled with the danger of enemy attacks or roadside bombs, land mines or improvised explosive devices (IEDs), can create extremely long travel times. For example, surface travel from Kandahar to the FOB at Geresht, a distance of less than 60 miles, can take more than six hours.

(U) Transfer from field holding sites to the facilities at Kandahar and Bagram can be challenging and time-consuming. The preferred method of transfer is by helicopter, but competing operational requirements frequently result in lim-



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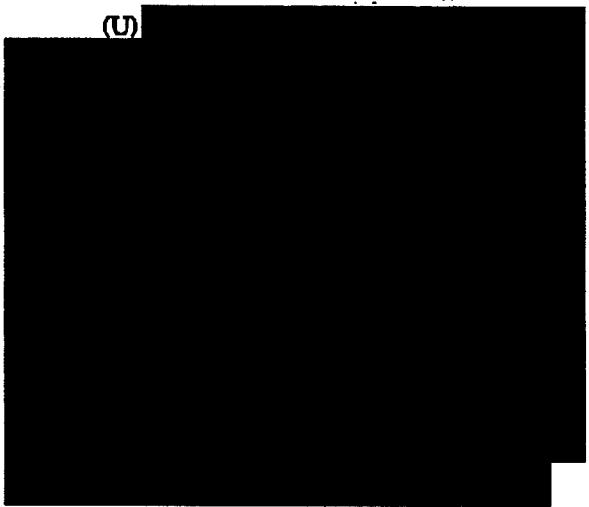
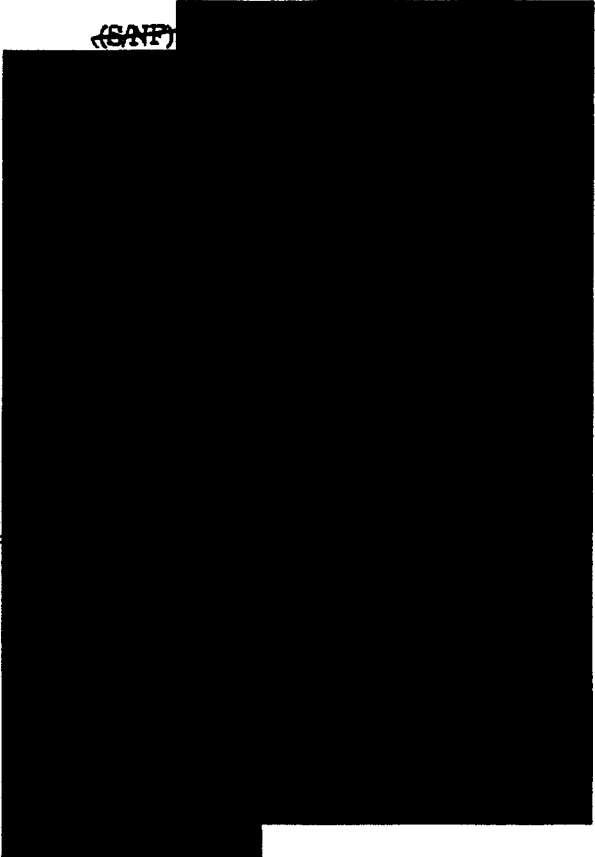
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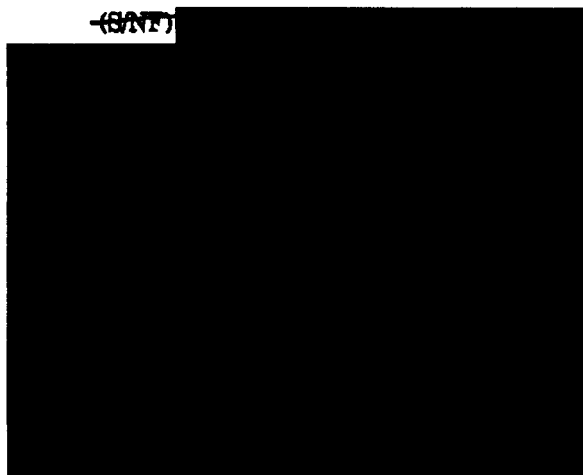
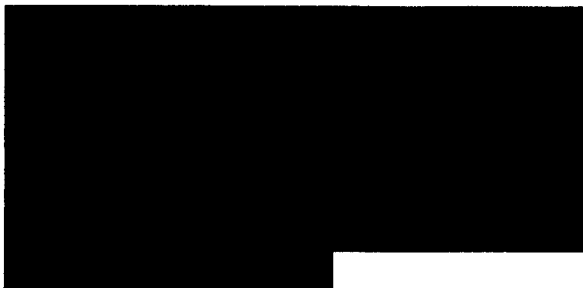
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MI-MP Relationship (U)

(U) In Afghanistan, the working relationship between MI and MP personnel was dictated by doctrine, albeit with all of the uncertainties regarding implementation of interrogation techniques described in our report's section on MI-MP Doctrine. Interviewees repeatedly stated, "MPs do not interrogate." However, the decision as to whether MPs participated in the implementation

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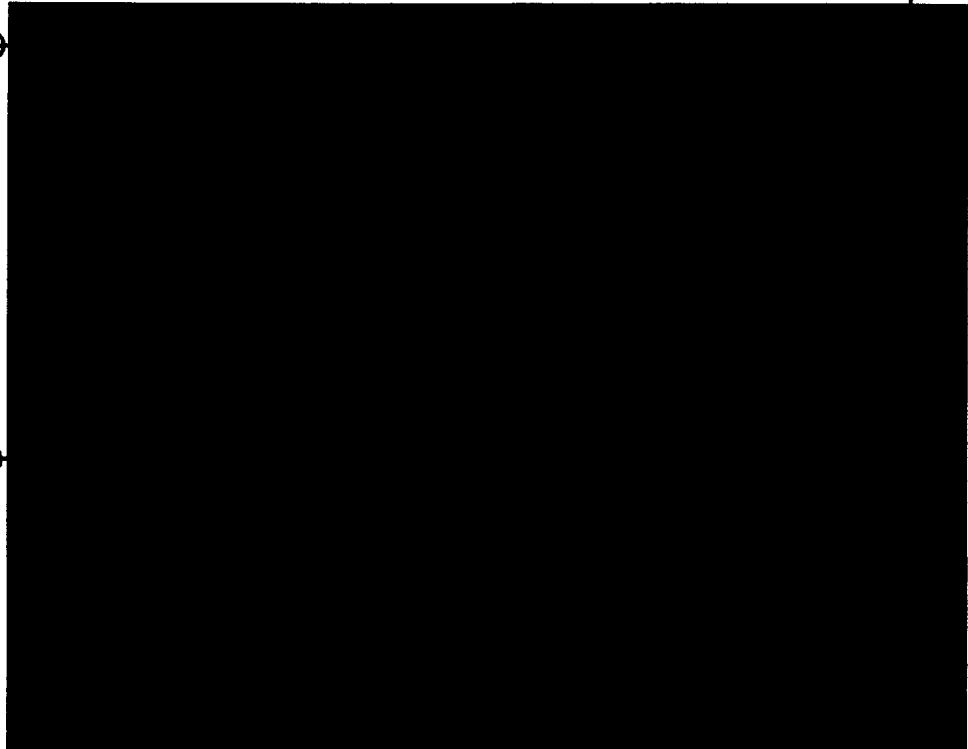
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Classification of Captured Persons in Afghanistan (U)

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of techniques such as Sleep Adjustment or MRE-Only Diet, or were present in interrogation rooms, devolved to the unit level for reasons we have discussed previously in our discussion of doctrine. For instance, we received some reports that at times, MPs had enforced detainee compliance with Safety Positions.

MI and MP units maintained separate chains of command and remained focused on their independent missions. After the BCP's establishment, for example, the CJTF-180 Provost Marshal (the senior officer responsible for detention operations) designated a principal assistant to oversee detention operations there, while the CJTF-180 CJ2 was responsible for interrogation operations in the facility. The two work together to coordinate execution of their respective missions. A dedicated judge advocate has been assigned full time to the

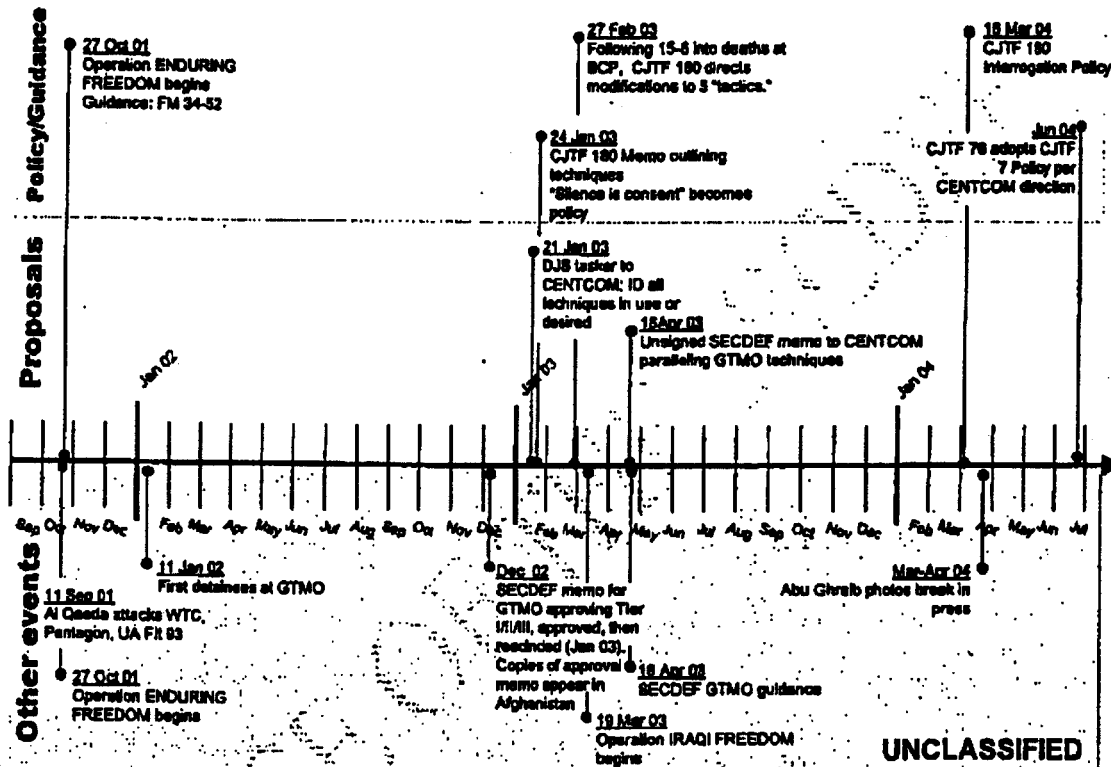
(U) In general, though, we found that in practice the MI-MP relationship in Afghanistan was well-defined, particularly at the BCP, and that

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Afghanistan Counter-Resistance Policy Development (U)



facility, and the CJTF-76 Inspector General provides independent oversight.

(U) Our MP interviews also suggested that media coverage of the Abu Ghraib abuses has resulted in a feeling among some guards that any misconduct on the part of the interrogators will also reflect upon them. The Kandahar facility's provost marshal provided an example of a resultant precautionary measure: at Kandahar, Plexiglas has been installed between interrogation

rooms and adjacent observation rooms so that guards may observe interrogations. Guards are directed to ensure the safety of detainees as well as of interrogators.

Evolution of Approved Techniques (U)

(U) As with GTMO, the interrogation techniques approved for use in Afghanistan have evolved significantly over time. The highlights of this evolution are depicted in the above figure and

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are described briefly below, followed by a detailed, chronological examination of the major events and that have shaped the development of approved interrogation techniques in Afghanistan.

(U) From the beginning of OEF on October 27, 2001 until January 23, 2003, the only official interrogation guidance in Afghanistan was the doctrine contained in FM 34-52. In response to a January 21, 2003 message from the Director of the Joint Staff (DJS), on January 24, 2003 the CJTF-180 Acting Staff Judge Advocate (SJA) forwarded a memorandum describing techniques then being employed in Afghanistan, citing FM 34-52 as the only reference and noting that the techniques described were "based on interrogators' experiences during Operation ENDURING FREEDOM (OEF) from Dec 01 - Jan 03," and strongly recommending that the techniques listed be approved as official policy.

(U) Our interviews indicated that, in the absence of any response, CJTF-180 adopted the January 24 memo as policy under an assumption that "silence is consent," and it remained in effect until March 16, 2004, when it was superceded by a new CJTF-180 interrogation policy, as described below. (In the interim, CJTF-180 commander LTG Dan K. McNeill had prohibited certain techniques as a precaution following detainee deaths at Bagram; however, these techniques were revived without explanation in the March 16 policy.) Finally, by direction of CENTCOM, in June 2004 CFC-A ordered the adoption of CJTF-7's (the coalition command in Iraq) interrogation policy.

(U) October 2001 - February 2004

(U) As described previously, no dedicated U.S. interrogation personnel entered the Afghanistan Combined-Joint Operating Area (CJOA) until late November 2001. Having no other specific guidance, these HUMINT teams relied on FM 34-52, which would remain a basic source of approved interrogation techniques throughout OEF.

(U) Evidence suggests that in developing techniques, interrogators in Afghanistan took so literally FM 34-52's suggestion to be creative that they strayed significantly from a plain-language reading of FM 34-52. In particular, Alpha Company, 519th MI Battalion (A/519), [REDACTED] developed a variety of techniques that went well beyond those authorized in FM 34-52. Some of these techniques, including sleep adjustment and stress positions, were similar to those included in the counter-resistance techniques requested by SOUTHCOM and approved by the Secretary of Defense in December 2002 for employment at Guantanamo. (How these techniques appeared in Afghanistan is described later in this section during our discussion of technique "migration.") However, rather than considering these techniques to be distinct, as in the GTMO policy development process, interrogators in Afghanistan appear to have broadly interpreted FM 34-52 so as to consider the techniques included within existing doctrine. For example, in a memorandum written shortly after A/519 moved from Afghanistan to Iraq, [REDACTED] related each of the techniques the A/519 had devel-

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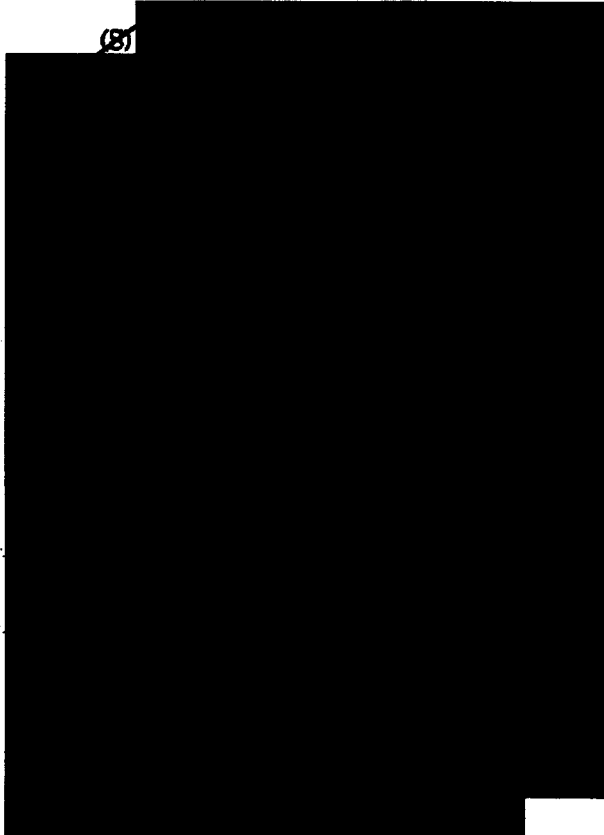
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oped to FM 34-52 (as will be discussed further in our section covering Iraq); and in an interview with our team on September 15, 2004, [REDACTED] indicated that she used the same rationale in Afghanistan. (Of the techniques she identified, [REDACTED] has indicated that sleep adjustment and stress positions were the only ones used by her unit in Afghanistan.)

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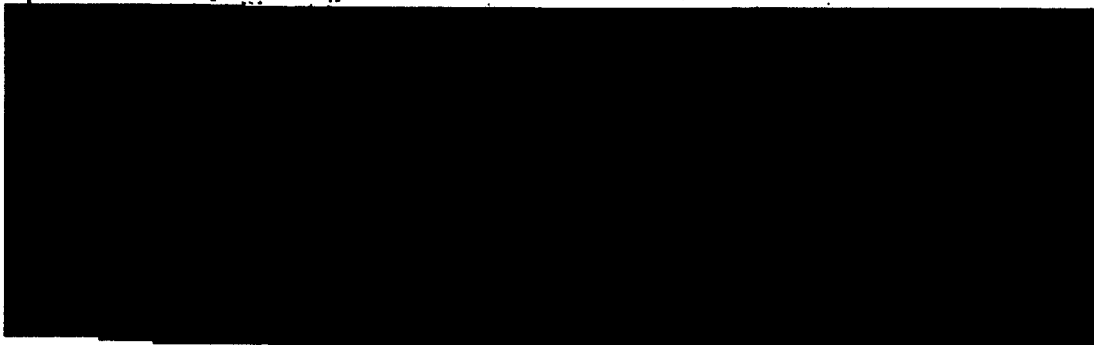
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(U) Of note, [REDACTED] references to FM 34-52 cite its Appendix H, a summary of interrogation techniques that appears in the outdated 1987 edition but not in the current 1992 edition of FM 34-52. As the Independent Panel has noted, the 1987 edition also calls for the interrogator to appear to control all aspects of interrogation, "to include lighting and heating, as well as food, clothing and shelter given to detainees." Notwithstanding the qualifier "appear to control," this language may have been perceived by interrogators as conveying a broad span of control which, when coupled with an expansive interpretation of the techniques themselves, made it possible to cite doctrinal origins for many of the most controversial counter-resistance techniques.

Battlefield Interrogation Techniques In Use by CJTF-180 as of January 24, 2003 (U)



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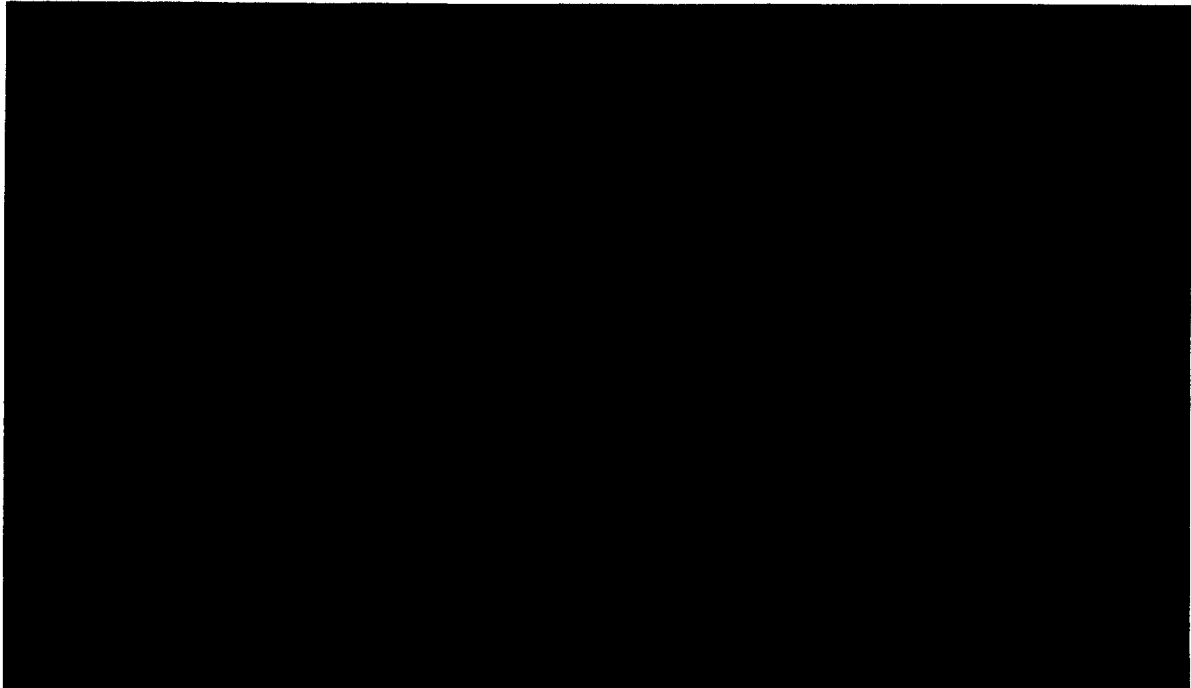
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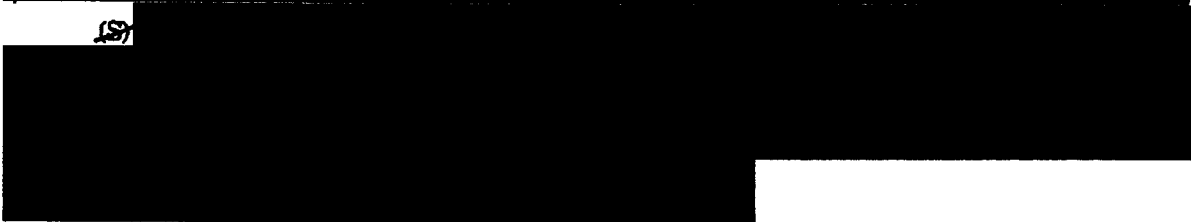
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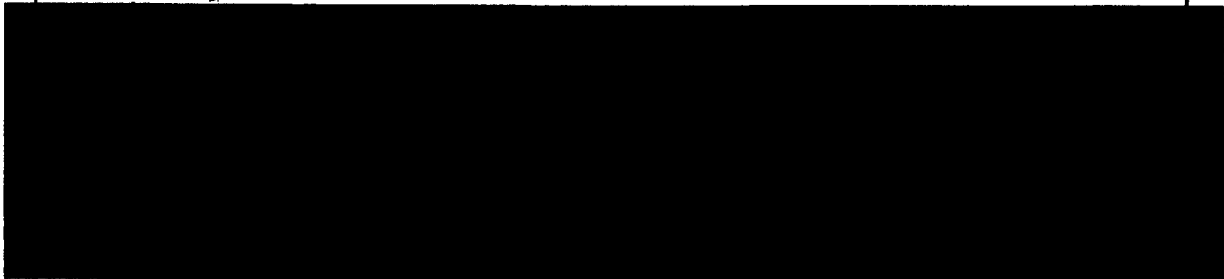
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**Battlefield Interrogation Techniques Desired - But Not in Use -
by CJTF-180 as of January 24, 2003 (U)**



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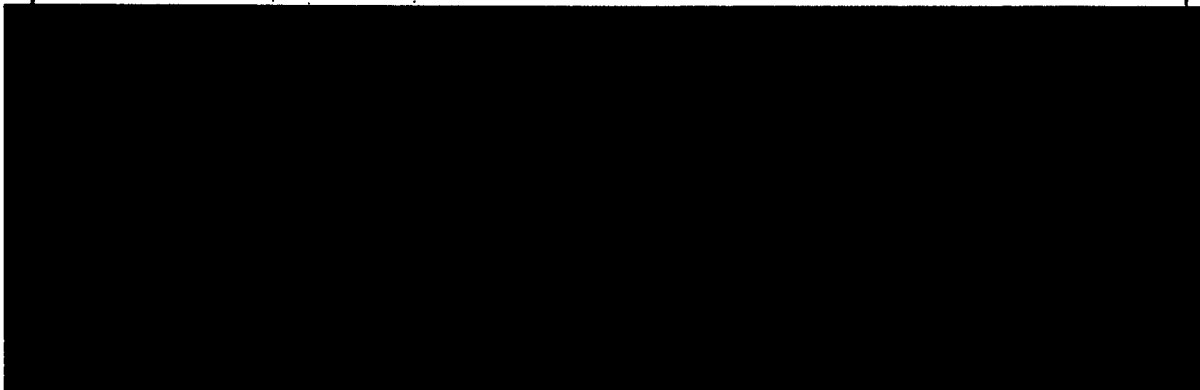
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Bagram Collection Point Techniques In Use by CJTF-180 as of January 24, 2003 (U)



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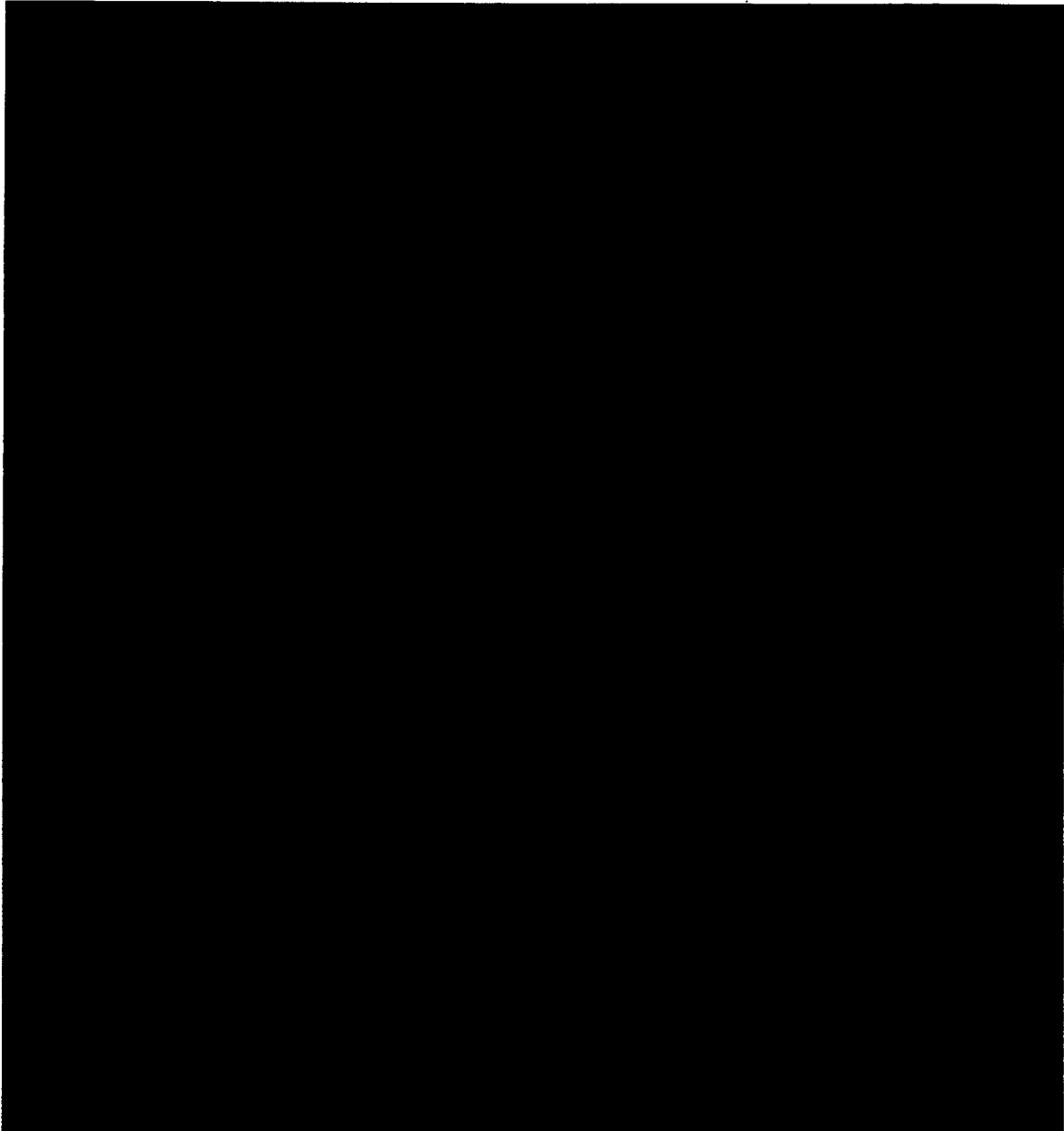
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absence of any negative feedback, the CJTF legal staff concluded that the techniques described as being currently employed in the January 24, 2003 memorandum were unobjectionable to higher headquarters and that the memorandum could be considered an approved policy. There is no indication, however, that any of the additional desired techniques requested in the memorandum (i.e., those listed above for BI, plus deprivation of light and noise at BCP) ever received any official sanction, whether from LTG McNeill or higher authority. (In fact, LTG McNeill stated that he did not recall approving any specific techniques at all up to this point.)

(U) Finally, in addition to these locally developed techniques, the January 24, 2003 memorandum tacitly confirmed that "migration" of interrogation techniques had occurred separately. During December 2002 and January 2003, according to the memorandum, interrogators had employed some of the techniques approved by the Secretary of Defense for use at GTMO. Use of the Tier II and single Tier III technique ceased, however, upon the Secretary's rescission of their approval for GTMO on January 15, 2003.

(U) Why was there no response to CJTF-180's January 24, 2003 request for approval of techniques? According to Vice Chairman of the Joint Chiefs of Staff (VCJCS), General Peter Pace, USMC, "The USCENTCOM Deputy Commander [then Lt Gen M. P. DeLong, USMC] sent a letter to me dated 11 Apr 03 requesting OSD approval of a list of CJTF-180 prepared interrogation techniques for the Bagram Collection Point. The request was coordinated within the Joint Staff and CJCS determined that the CENTCOM request was inconsistent with the guidance provided SOUTHCOM on interrogations. On 15 May 03, CJCS forwarded a memo recommending the same interrogation guidelines [i.e., those approved for GTMO] be issued to CENTCOM. I have no evidence that CENTCOM was provided any formal response to their 11 Apr 03 memo."

(U) The CJTF-180 Assistant SJA submitted this memorandum to CENTCOM on January 24, 2003, but received no response from CENTCOM or from the Joint Staff. According to a brief provided by the Deputy Commander, CJTF-76 to VADM Church on June 24, 2004, the CJTF interpreted this lack of response as "silence is consent" with regard to the techniques already being employed (which, again, no longer included the tiered GTMO techniques). From CJTF-180's perspective, they had submitted a summary of techniques used in the field to their operational commander for further transmittal to the Joint Staff, and in the

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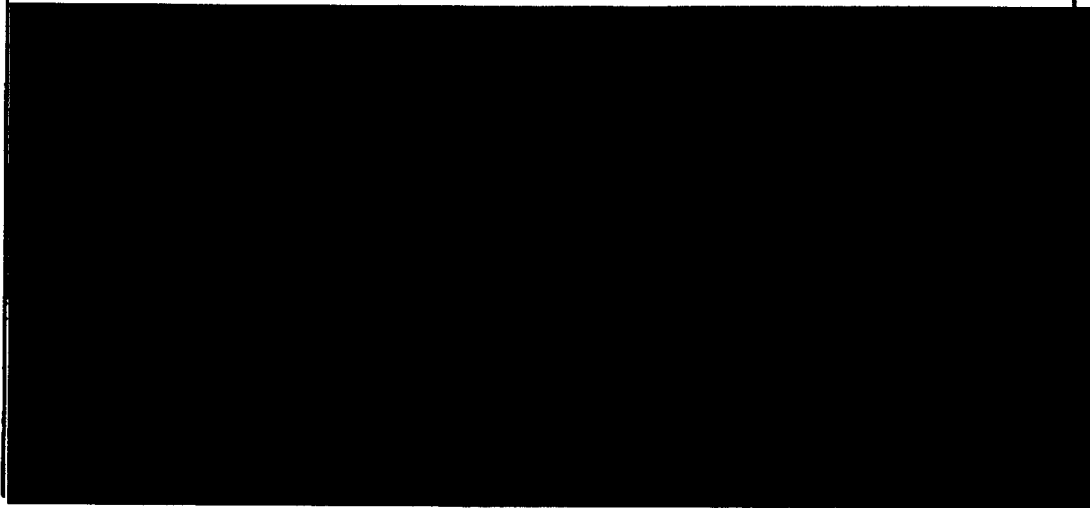
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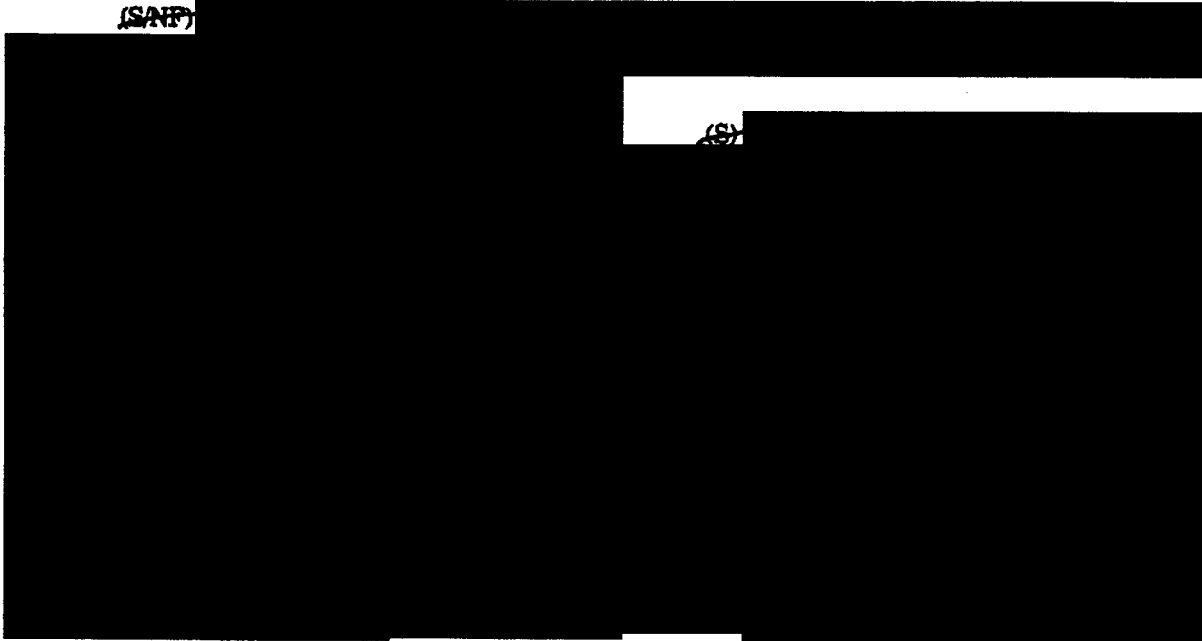
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BCP Techniques Listed in Deputy CENTCOM's April 11, 2003
Memorandum to VCJCS (U)



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(U) Development of the March 2004 CJTF-180 Interrogation Policy

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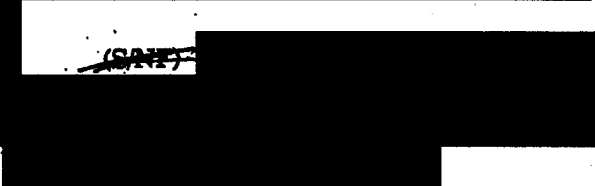
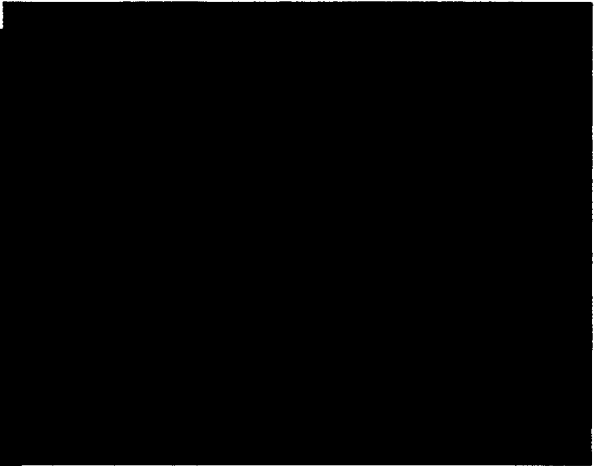
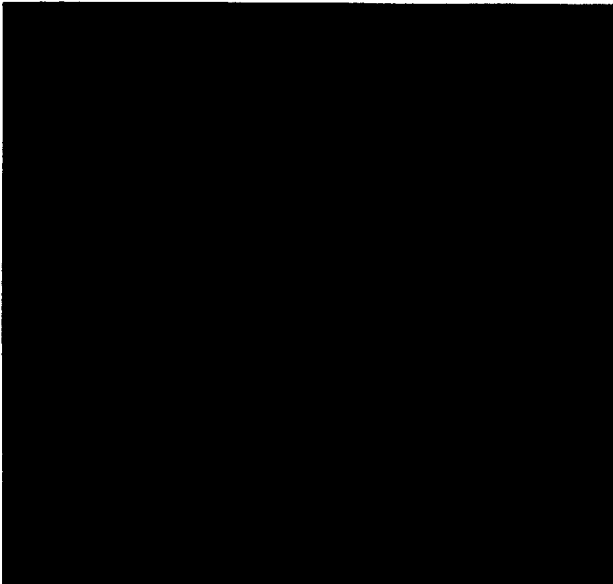
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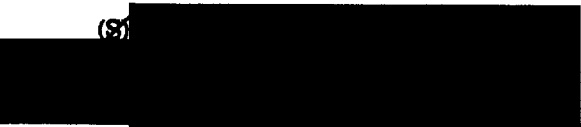
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**March 2004 Afghanistan Interrogation
Guidance (U)**

(U) Because the March 16 memorandum governed the conduct of the primary interrogation facility - BCP - we have considered this guidance to be effective as of that date. Additionally, the March 16 memorandum provides the most detailed discussion of the techniques approved. In the discussion that follows, we will reference the March 28 SOP where it provides additional relevant information, or where it differs from the March 16 memorandum.

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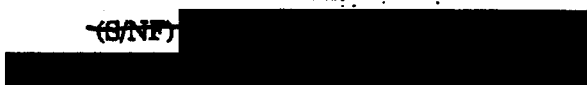
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purpose of all interviews and interrogations is to get the most information from a detainee with the least intrusive method; always applied in a humane and lawful manner with sufficient oversight by trained interrogators or investigators."

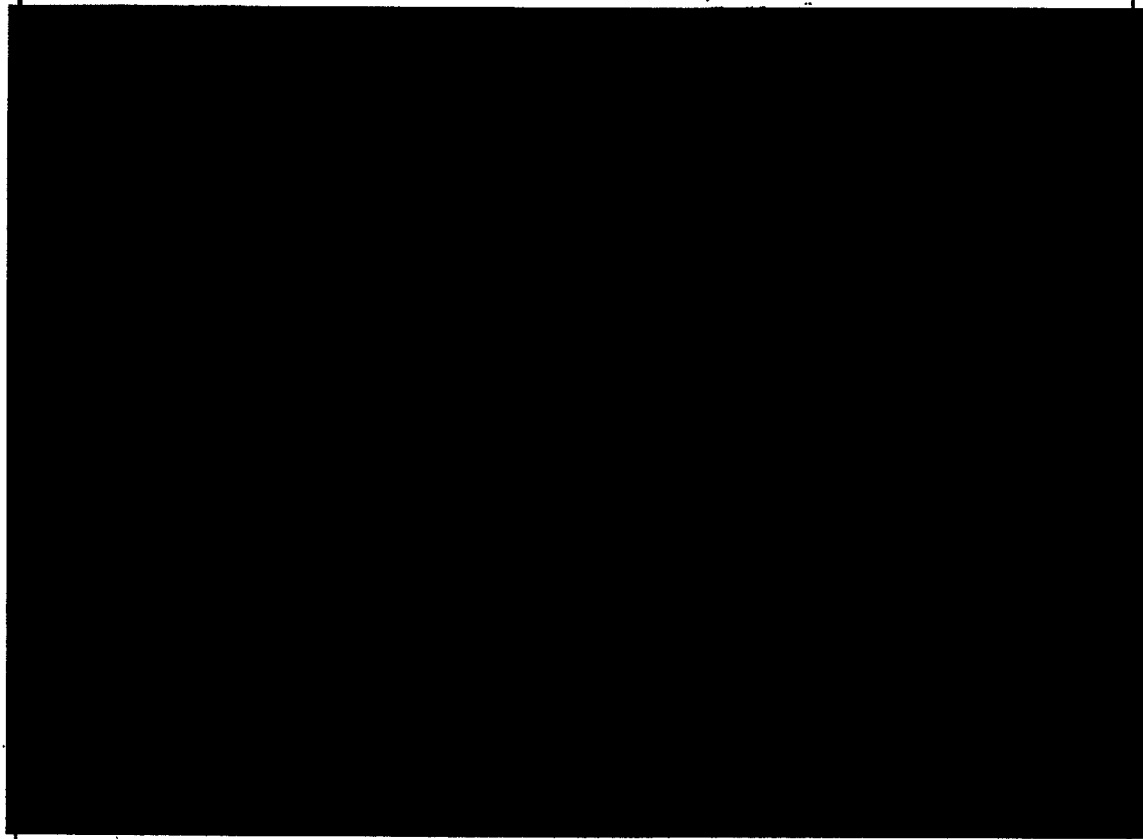
(U) The memorandum concludes with a caution labeled "Safety First;" "Remember, the

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Additional Techniques Approved in the March 16, 2004 CJTF-180 Policy (U)



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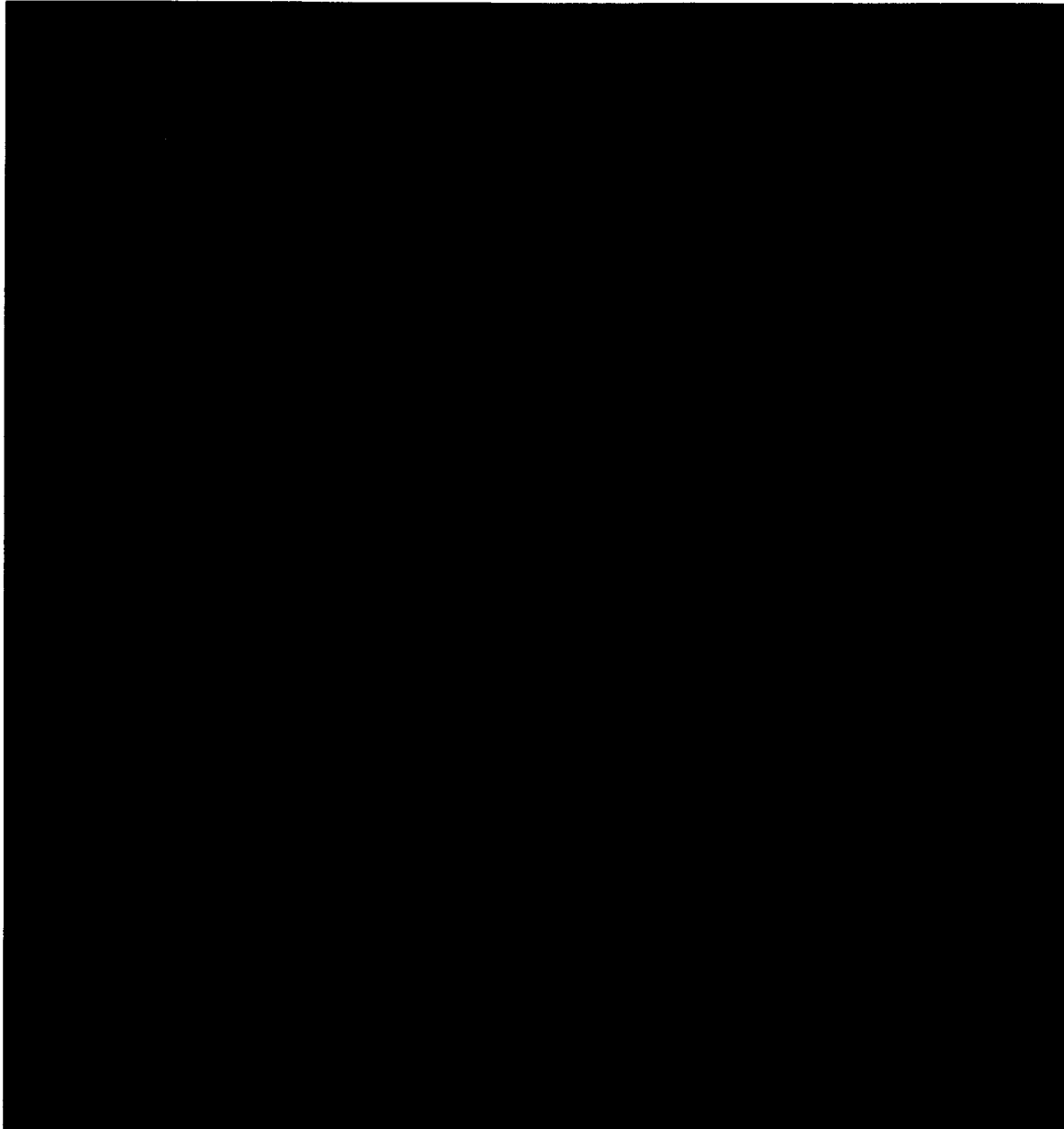
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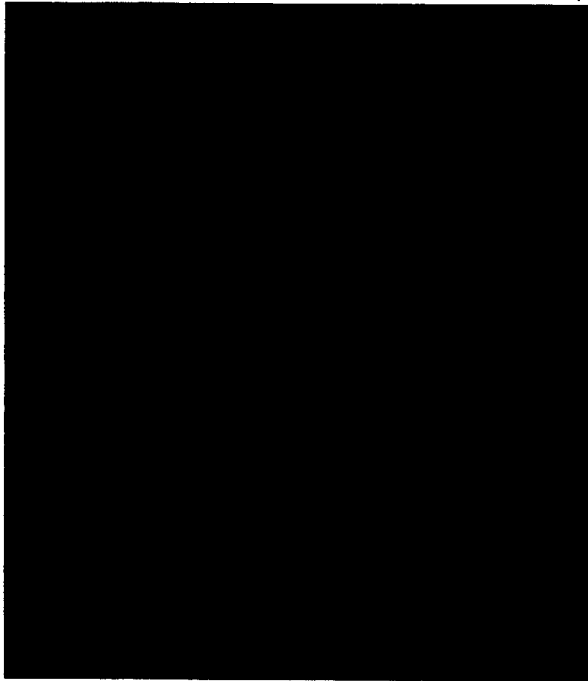
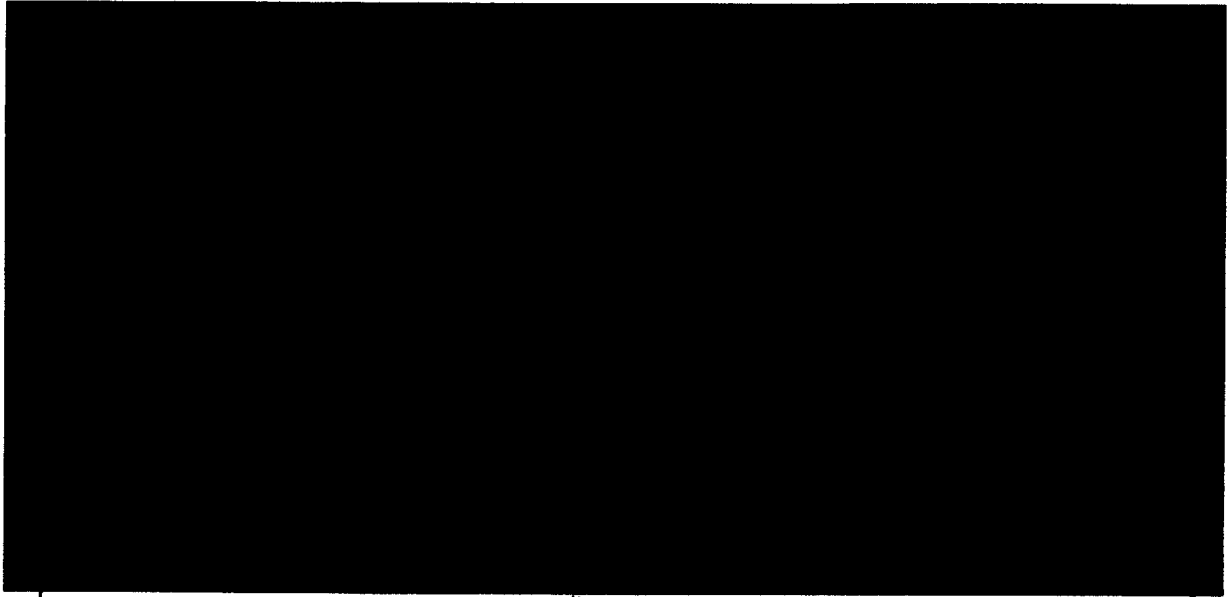
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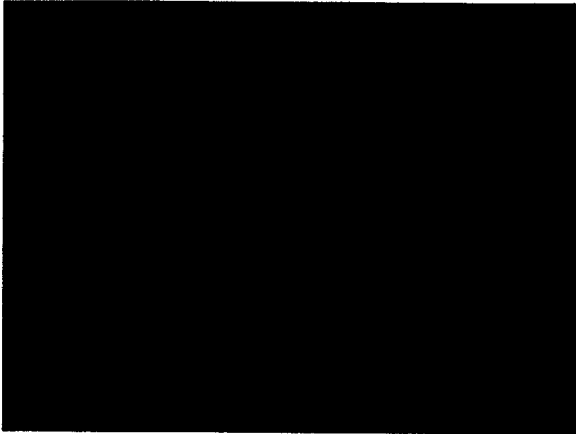
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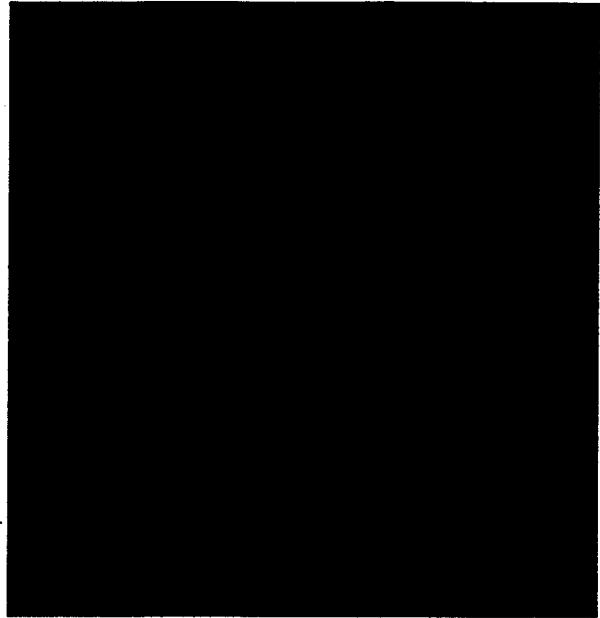
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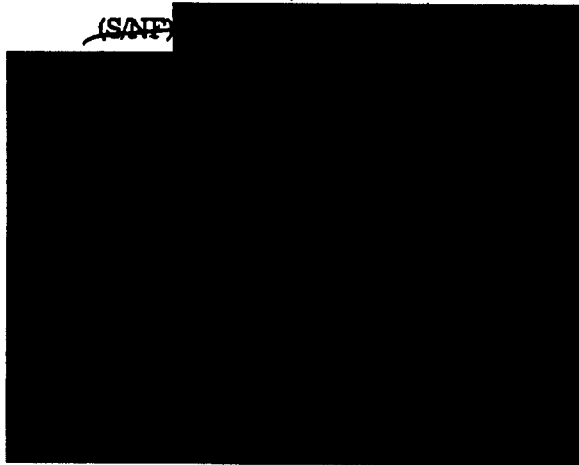


(U) June 2004: Adoption of the May 2004 CJTF-7 (Iraq) Interrogation Policy

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Techniques Approved in the May 13, 2004 CJTF-7 Policy Memorandum (U)

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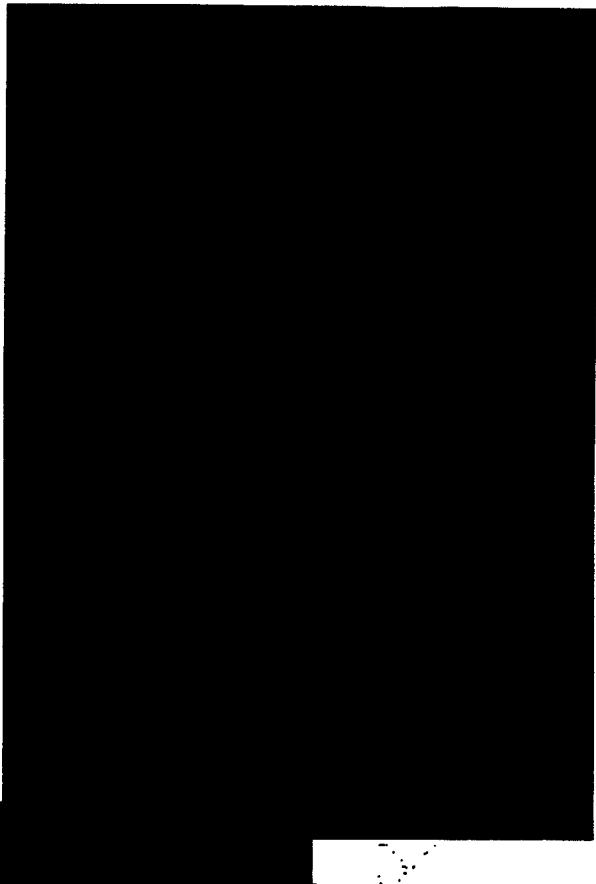
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reported to our interviewers.

(U) Investigative Procedure

(U) From June 19 to July 8, 2004, 24 Interrogation Special Focus Team members deployed to Afghanistan. These personnel were divided into a team that focused on CFC-A, CJTF 76 and CENTCOM headquarters, traveling to each of those locations; a team that focused on the Bagram detention facility; a team that focused on the Kandahar detention facility and outlying FOBs; and a team that focused on the operations of forces in the field, including SOF, which also traveled to several FOBs. The teams reviewed records, visited facilities, observed all aspects of detainee operations - including interrogations - and conducted approximately 315 interviews, most resulting in sworn statements.

(U) Our interviews covered the entire spectrum of personnel involved in detainee and interrogation operations, from flag and general officers to junior enlisted interrogators and troops who participated in the capture of detainees. In addition, our team in Washington conducted an extensive review of the documentary evidence gleaned from responses to our data requests to commands and agencies throughout DoD, as well as data collected during previous investigations. We also took advantage of previous reports, including the Jacoby report (described previously in our summa-

Interrogation Techniques Employed (U)

(U) As in the previous section covering GTMO, this section begins with a brief summary of our investigation, followed by a comparison of the techniques approved for use in Afghanistan (i.e., the CJTF-180 and CFC-A interrogation policies) with those techniques actually employed, as

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ry of existing reports).

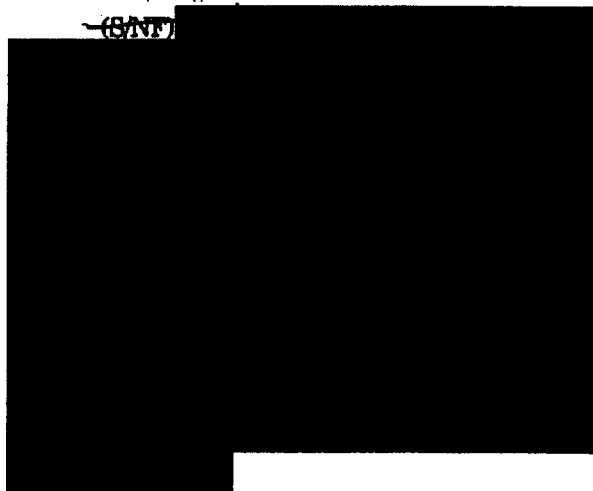
**(U) Comparison of Interrogation Techniques
Approved and Employed**

(S) The chart on the following page presents the comparison between interrogation techniques approved for use in Afghanistan and the techniques that were actually employed, as determined through our interviews and document reviews. Readers are invited to refer to the description of the chart format presented in the GTMO section, as the same explanatory information and qualifications apply here.



(U) As in the GTMO section, the chart depicts the use of many techniques coded white or orange, indicating techniques employed without specific approval that nonetheless are not necessarily problematic. These two colors indicate that the applicable policy memoranda did not specifically discuss the techniques in question; therefore, it is by no means certain that interrogators would categorize the techniques' application as distinct from other, approved techniques. For example, though the current (1992) edition of FM 34-52 does not specifically authorize Mutt and Jeff, nothing in the FM, the Geneva Conventions, or other policies

or doctrine inherently prohibits it. Similarly, interrogators in Afghanistan often opined that Yelling was inherent to Fear Up Harsh, which is a doctrinal technique, and that Deception was inherent to many, if not most of the doctrinal techniques. In these instances, X marks in orange blocks may not be a matter for concern, since neither interrogators nor the drafters of the policies might presume the technique to be outside the bounds of doctrine. (We will of course discuss exceptions below.)



(U) A final qualification regarding the chart bears repeating: as in the GTMO section, the absence of an X does not mean conclusively that a technique was never employed; rather, that we found no evidence or allegations indicating its employment. Nevertheless, based on our exhaustive interviews we are confident that the chart presents an accurate picture of the techniques

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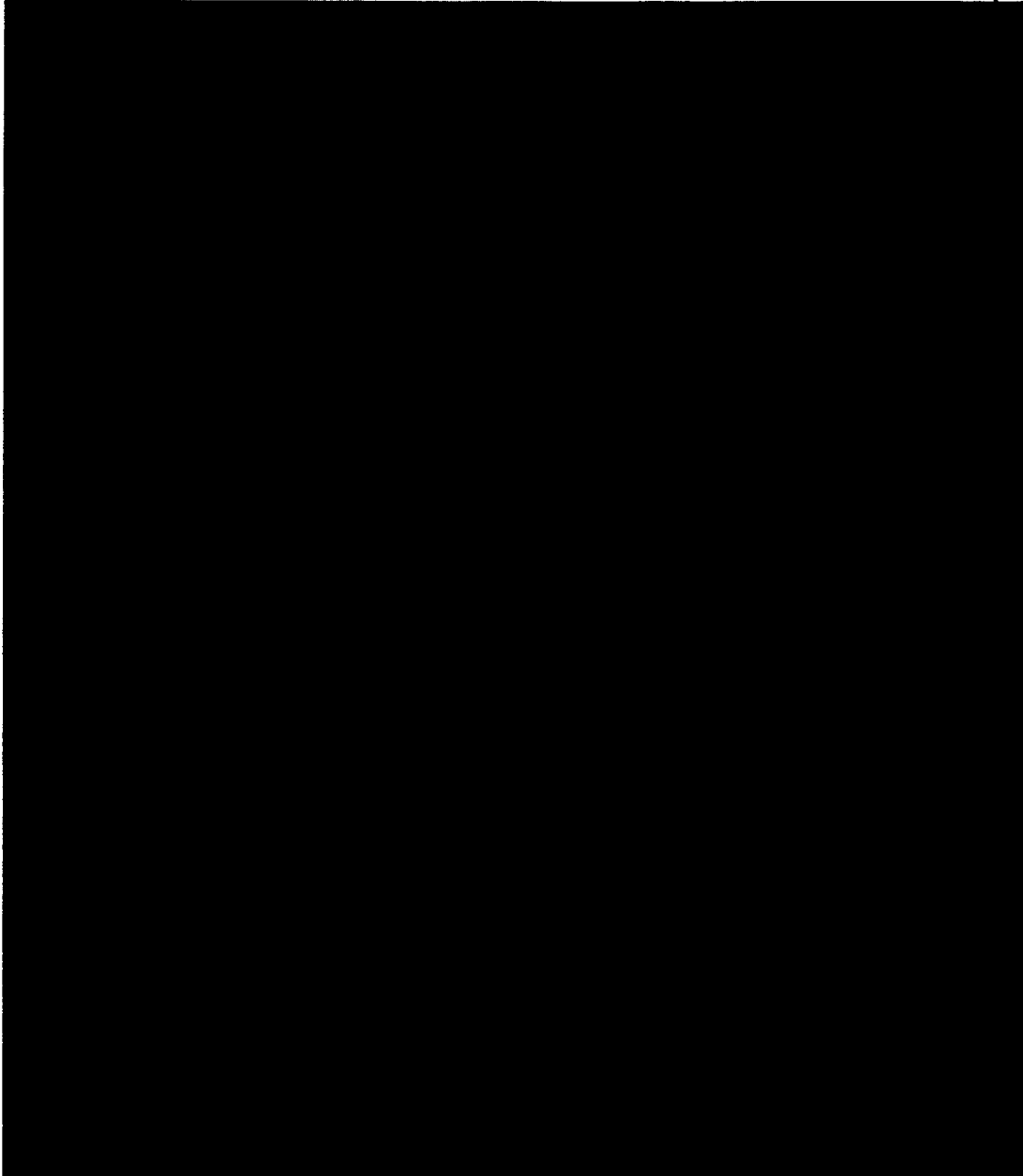
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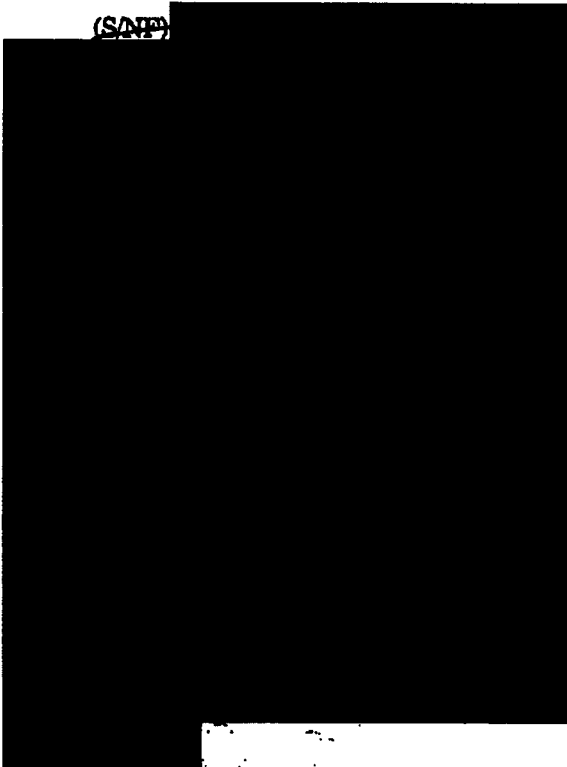
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employed in Afghanistan, and that any abuse incidents or improper employment of techniques unknown to us would have been isolated events.

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(U) First, the initial column reveals that numerous techniques not specified in FM 34-52 were in use in Afghanistan prior to the January 24, 2003 CJTF-180 *de facto* interrogation policy (which affirmed that many of those techniques were already in use). The most likely explanation for this fact (which we will revisit in this report's section discussing migration of interrogation techniques) is that interrogators used a variety of techniques that they believed - based on a broad interpretation - to be in accordance with FM 34-52 doctrine.

(U) Next, dissemination of approved interrogation policies to forces in the field was poor prior to the implementation of the CJTF-7 policy in June 2004. For example, BG Jacoby found with regard to the March 2004 policy that "only one-third of the bases had the SOP...it was generally not guidance known or relied upon in the field." (Of course, it should also be noted that the March 2004 policy actually added techniques that had previously been prohibited by LTG McNeill.) In short, up until the adoption of the CJTF-7 policy in June 2004, it is likely that many units in Afghanistan were simply conducting interrogations as they always had: based on their interpretation of FM 34-52, rather than any theater interrogation policy. This finding is supported by the general left-to-right continuity of X marks representing techniques employed, including some in techniques that had been prohibited by LTG McNeill (e.g., stress positions).

(U) Overall Compliance with Approved Techniques

(U) A broad look at the chart illustrates several findings regarding overall compliance with approved techniques. Our general findings are summarized here to provide background for our examination of techniques employed.

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(U) Third, as BG Jacoby found, dissemination of the CJTF-7 policy in June 2004 was more effective (possibly because its shorter length - five pages as opposed to the March policy's 22 - permitted easier transmission over tactical satellite systems to FOBs that did not have secure e-mail capability). Our interviews reflected this finding: as the fourth column of the chart demonstrates, interrogators complied with the policy's prohibitions (there are no X marks in techniques coded red within the range 1-50). (There are, however, X marks with no brackets in techniques coded orange, indicating that they were improperly used without CJTF-76 permission; again, this was most likely due to interrogators' belief that those techniques fell within the bounds of FM 34-52.)

(U) Finally, an examination of the techniques always prohibited by law or policy (51 through 58) reveals few incidences of their use, as will be described fully in the section that follows.

(U) We now turn to a discussion of specific interrogation techniques employed in the course of Operation ENDURING FREEDOM. Previous sections have described legal and humanitarian concerns surrounding the use of certain techniques; with some exceptions, we have not reiterated those concerns in this section, which simply describes the techniques employed. Nevertheless, the aforementioned concerns should be borne in mind.

(U) Our discussion is divided into six parts: first, doctrinal techniques contained in FM 34-52; second, techniques introduced by the January 2003 CJTF-180 interrogation policy; third, techniques introduced by the March 2004 CJTF-180 interrogation policy; fourth, techniques introduced by the adoption of the May 2004 CJTF-7 interrogation policy; fifth, additional techniques not specifically mentioned by any policy; and sixth, techniques prohibited by law or policy.

(U) FM 34-52 Techniques

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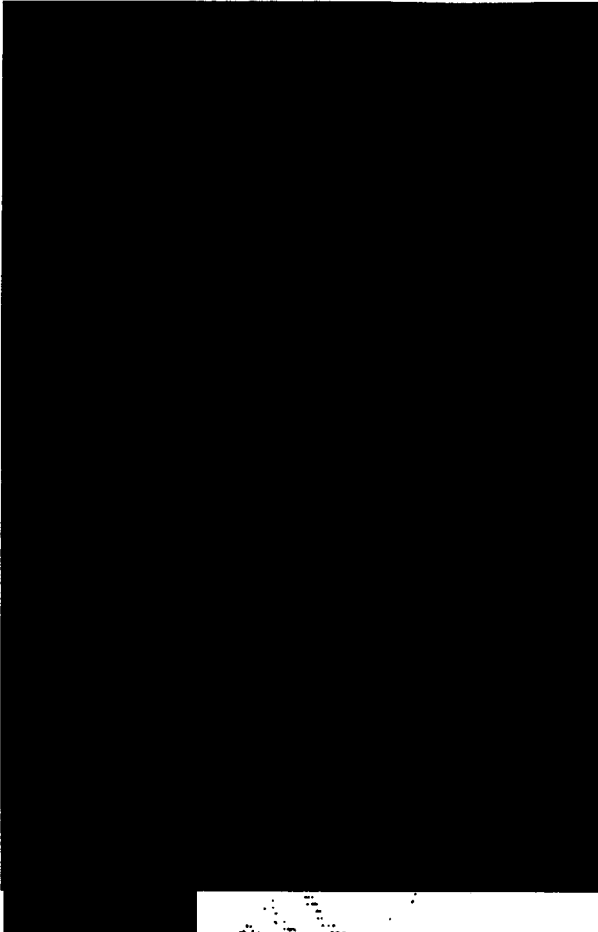
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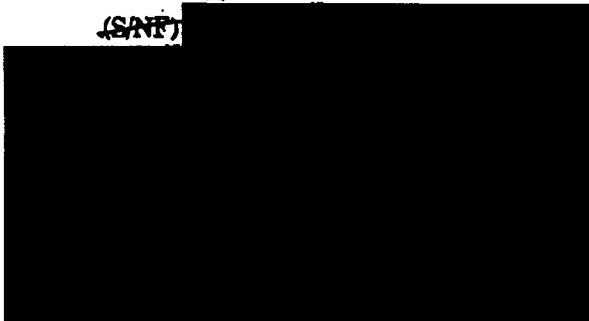
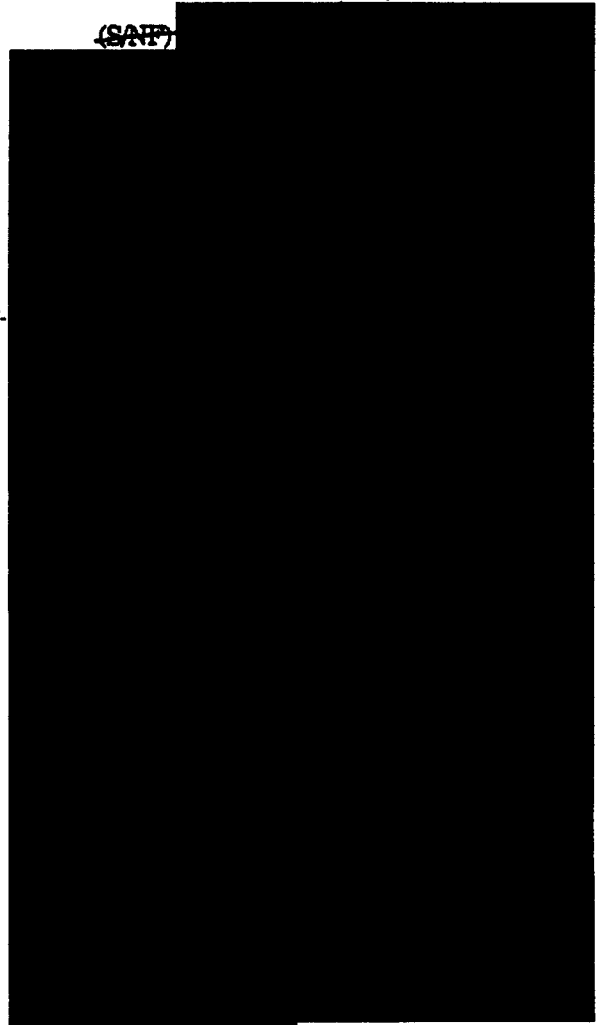
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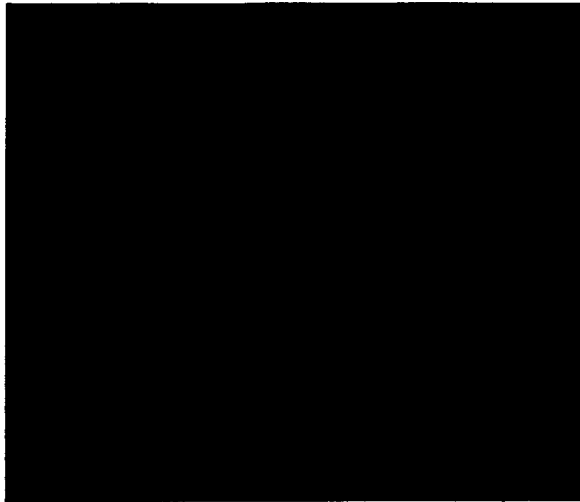
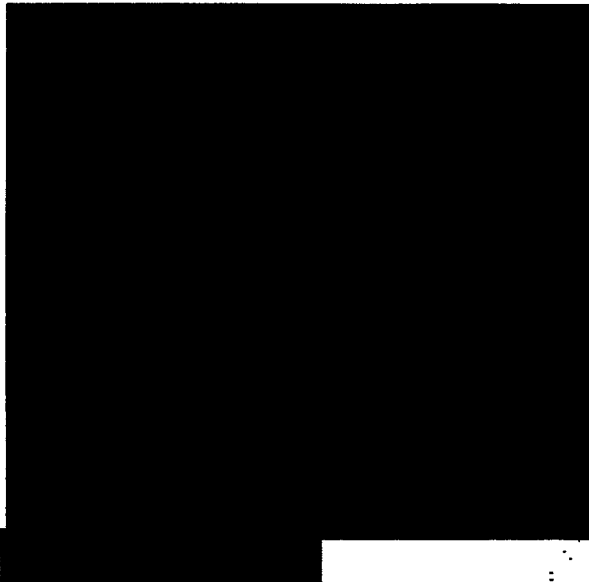
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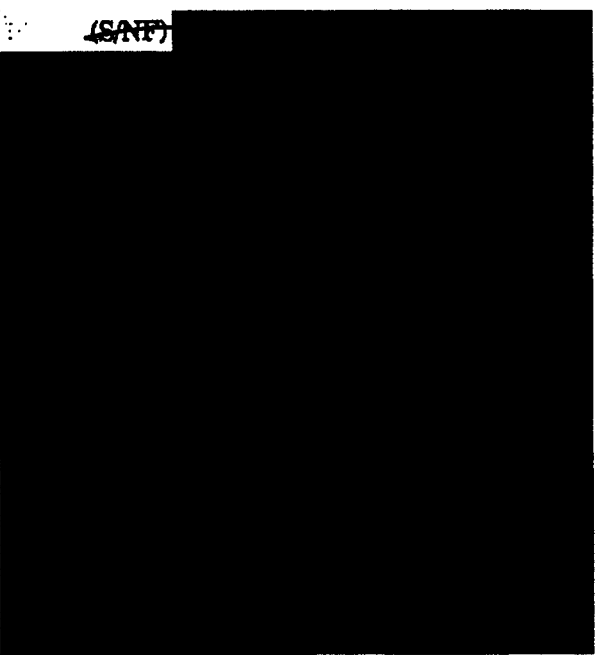
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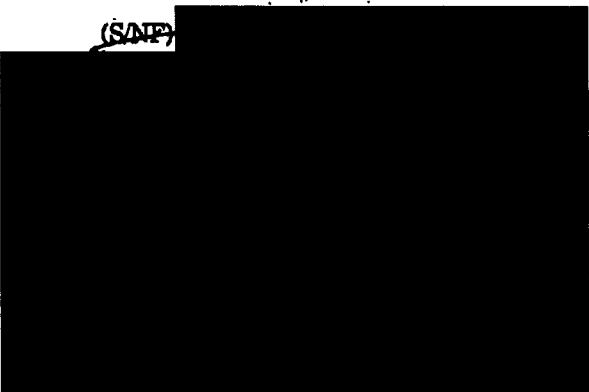


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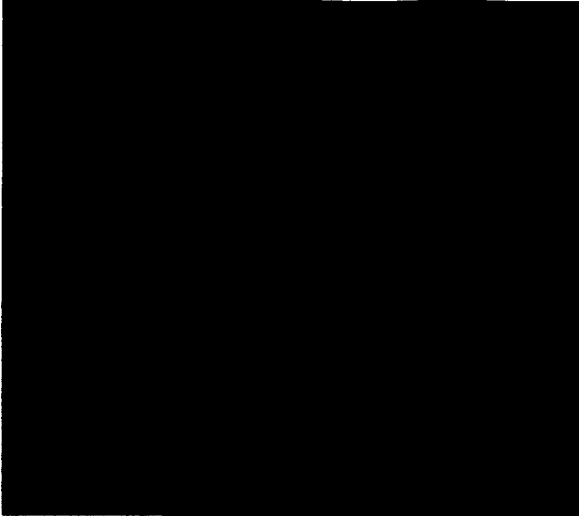
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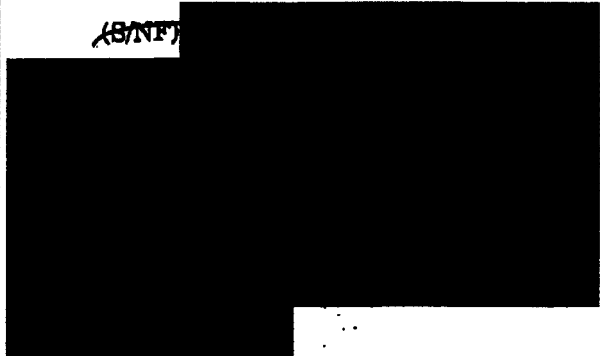
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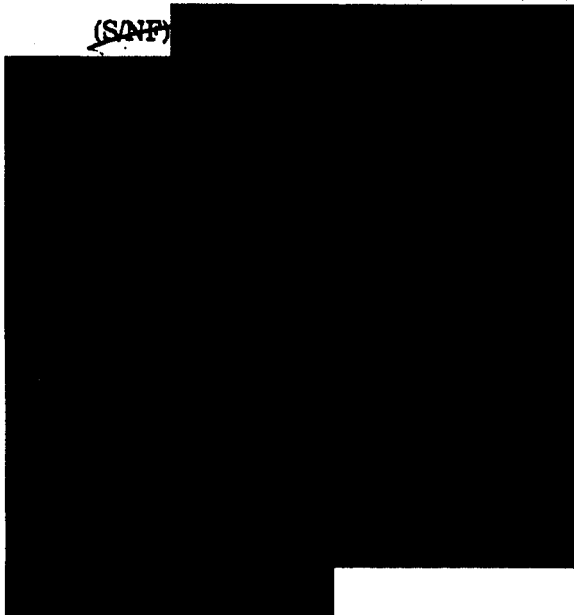
(U) Sleep Adjustment



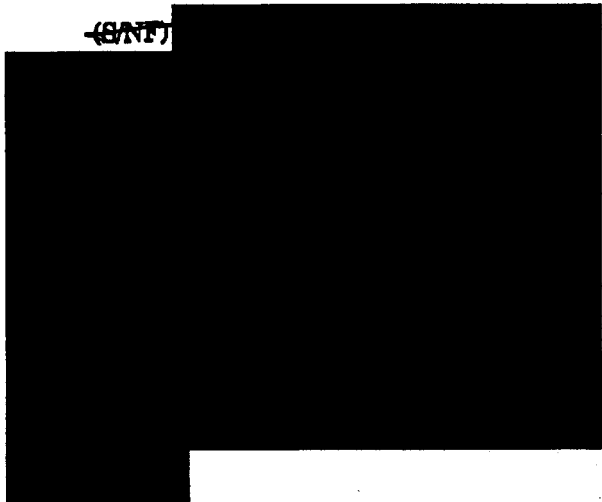
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(U) Threat of Transfer to Third Country

(S/NF)

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(U) Relaxed Grooming Standards: Sterile
Uniforms: Informing Detainees Why Detained:
Female Interrogators / Guards

(S)

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(U) Techniques Introduced by the
March 16, 2004 CJTF-180 CJ2
Memorandum

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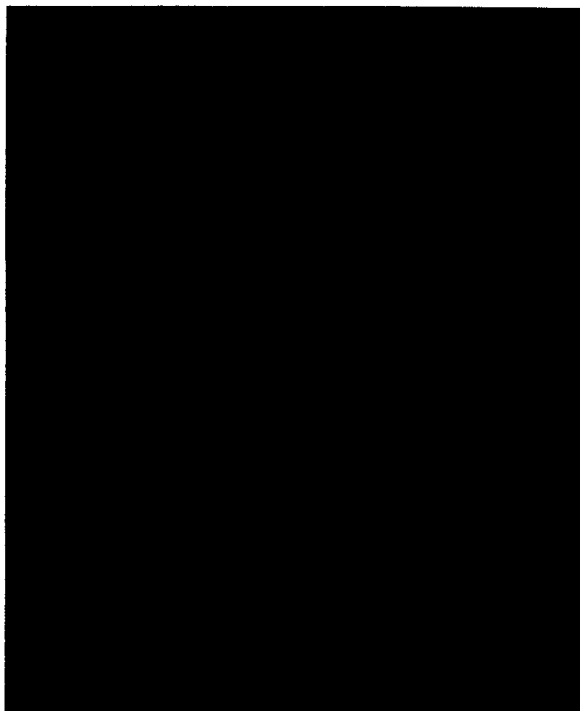
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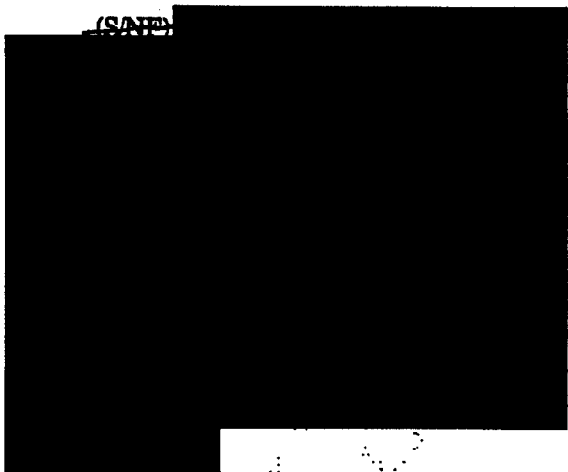
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(U) Loud Music / Light Control

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easy to arrive at this technique through the employment of Fear Up, Pride and Ego Down, and Fear Down in combination. Unlike GTMO, where employment of this technique currently requires permission of the combatant commander and prior notification to the Secretary of Defense, no particular cautions are prescribed for its use in Afghanistan. Interview data indicates that it was employed at least as early as February 2003, and although there is no specific interview data to confirm it, it is likely that this technique was used - in one form or another - from the beginning of interrogation operations in Afghanistan. (Our chart includes X marks under Multiple Interrogators as well as Mutt and Jeff to indicate its use.)

(S/NF) [Redacted]

(S/NF) [Redacted]

(S/NF) [Redacted]

(U) Techniques Introduced by the May 13, 2004 CJTF-7 Interrogation Policy (Adopted by CFC-A in June 2004)

(S/NF) Mutt and Jeff

(U) Mutt and Jeff (the employment of one hostile interrogator and one friendly interrogator) was specifically listed in each revision of FM 34-52 from 1973 to 1987, but was omitted from the 1992 edition of FM 34-52. However, it is a staple of interrogations, and although not specifically mentioned in the current revision of FM 34-52, it is

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[Redacted]

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(U) Additional Techniques

(U) Removal of Clothing

~~(S/NF)~~
[Redacted]

~~(S/NF)~~
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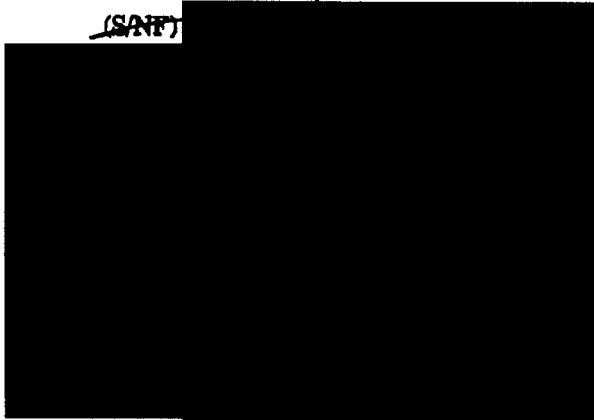


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(U) CJTF-76 reinforced the guidance provided by BG Jacoby in FRAGO 88 to OPORD 04-04, dated August 15, 2004. The FRAGO states that "Rectal searches are prohibited. Rectal and hernia exams are prohibited unless determined necessary by competent medical authority. Medical doctors are the only persons authorized to conduct these procedures. If either procedure is required, the individual must be informed of the reason in a language he or she understands, a witness must be present, and the reason for the exam must be documented."

(U) Physical Training: Face Slap / Stomach Slap



(U) Prohibited Techniques

(U) The final eight techniques on the chart represent techniques that are clearly unlawful or

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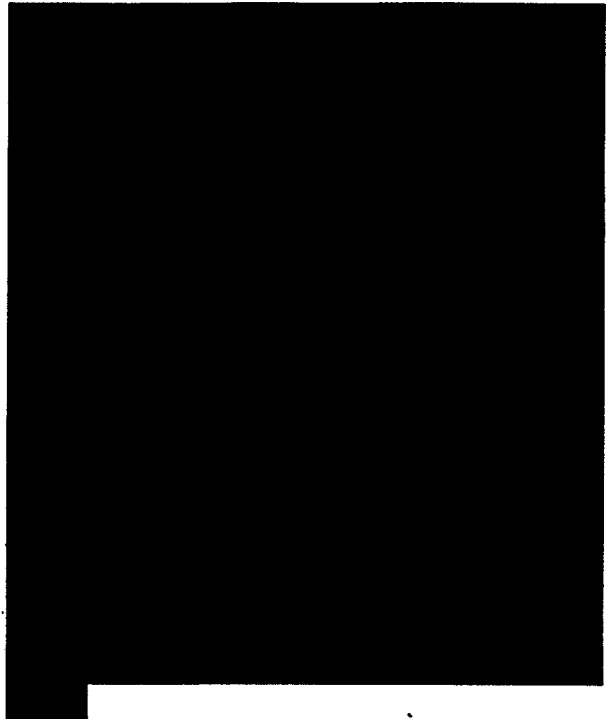
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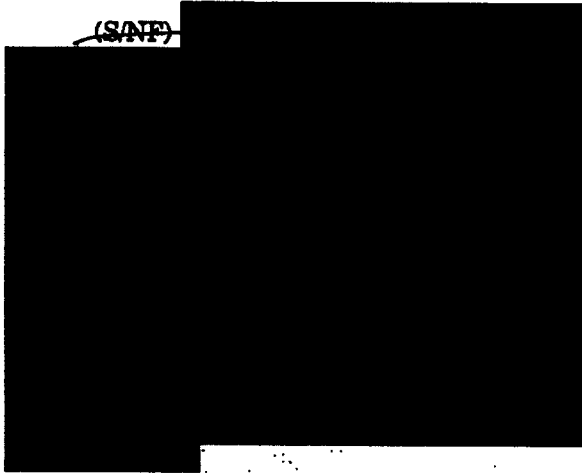
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otherwise prohibited by policy. None of these techniques have ever been approved in Afghanistan. Of these, three (marked with X) are alleged to have been employed during interrogations. These techniques - sleep deprivation, the use of scenarios designed to convince the detainee that death or severely painful consequences are imminent for him and/or his family, and beating - are alleged to have been used in the incidents leading to the two deaths at Bagram in December 2002, which are described at greater length later in this report.

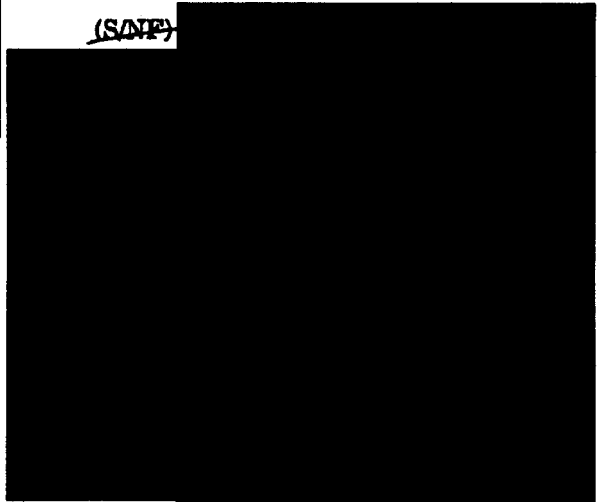


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Migration of Interrogation Techniques (U)

(U) Early Migration

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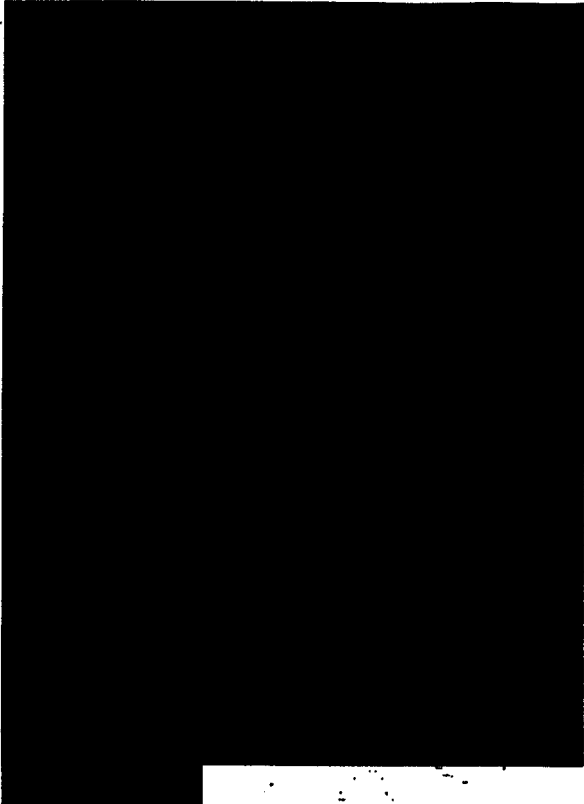
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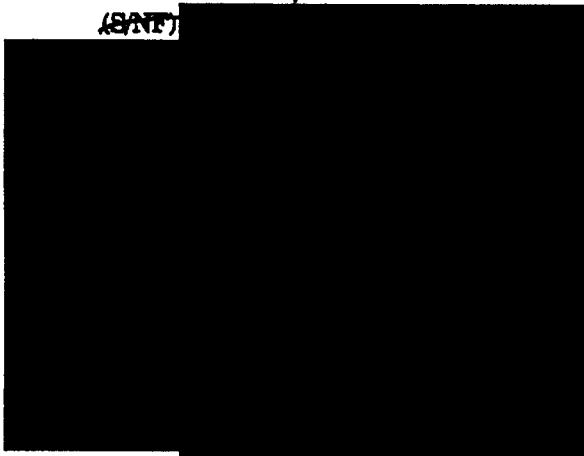
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(U) In sum, the most plausible explanation for the existence of additional techniques in Afghanistan prior to the migration of the December 2002 GTMO interrogation policy was that interrogators, drawing on their training and experience, developed these techniques in the context of a broad reading of FM 34-52, as has been previously discussed.

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(U) The March 2004 Guidance

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(U) Other Migration

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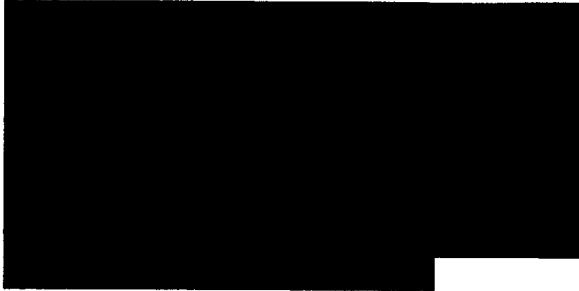
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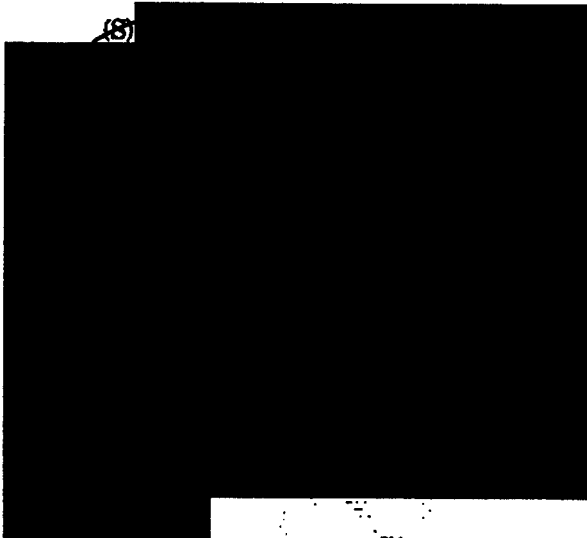
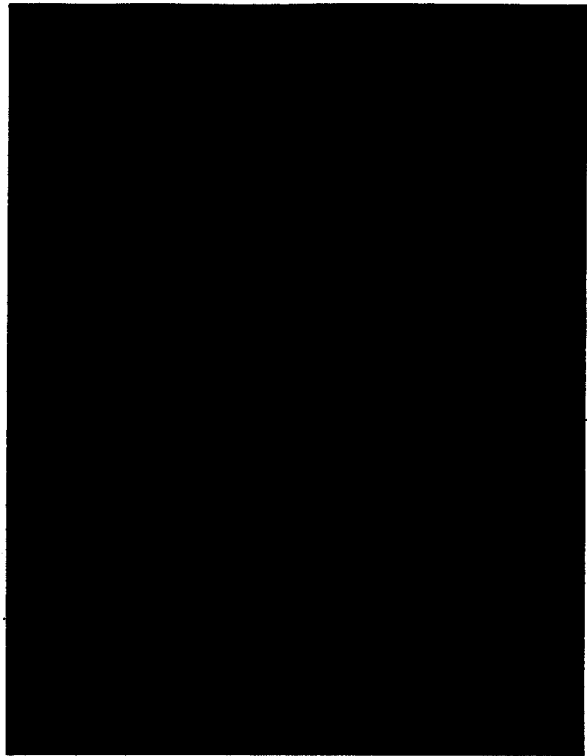
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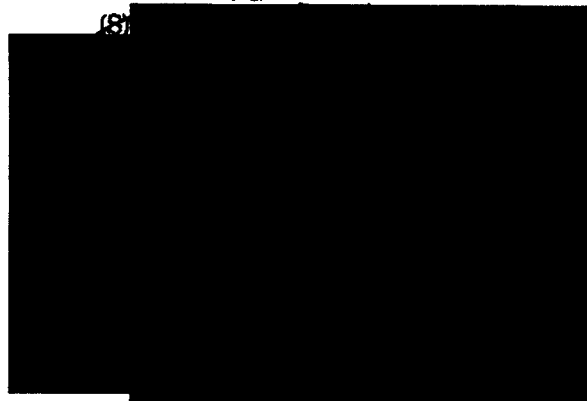


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(U) Migration from Iraq

(U) We found no evidence of unofficial migration of interrogation techniques from Iraq to Afghanistan. Of course, the June 2004 adoption of the CJTF-7 interrogation policy was a form of officially sanctioned migration.



(U) Pressure for Intelligence

(U) In light of speculation that pressure for actionable intelligence contributed to the abuses at Abu Ghraib in Iraq, we considered whether such pressure might play a role in Afghanistan.

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However, we found no evidence to suggest that senior personnel applied unusual pressure to operational units to obtain intelligence; nor did we find evidence suggesting that any units believed they were under pressure beyond that inherent in combat and stability operations. It seems likely that this is due to the fact that detainees believed to possess valuable intelligence have typically been transferred to GTMO for focused interrogation. According to LTG McNeill, "I don't recall receiving any pressure or encouragement from anyone above me to produce intelligence from detainees...My priority was to get detainees moved to GTMO or released as fast as possible."

Detainee Abuse (U)

(U) According to CENTCOM, as of August 2004 U.S. forces had detained just over 2,000 people in Afghanistan since OEF began (excluding those who were detained for short periods - ranging from hours to a few days - for screening against Secretary of Defense detention criteria, and then released). Through September 30, 2004, there have been 27 cases of alleged abuse resulting in the initiation of official investigations, as described. 12 of these cases were determined to be unsubstantiated (e.g., U.S. forces were determined to be acting in legitimate self-defense; it was determined that detainee injuries predated capture by U.S. forces; or detainee deaths were determined to result from natural causes). Of the remaining 15 cases, 12 were still being investigated as of September 30, 2004, and three have been closed, substantiating

the allegations of the wrongful death or abuse of detainees.

(U) In these last 15 cases, approximately 65 U.S. service members are implicated - for either action or inaction - in alleged or substantiated abuse against approximately 25-50 detainees (allowing for uncertainty in the number of people abused in the closed case described immediately below). Based on CENTCOM's figure of roughly 2,000 detainees held between October 2001 and August 2004, this means that abuse was alleged to have been perpetrated against less than three percent of all detainees in Afghanistan, by less than a quarter of one percent of the over 30,000 U.S. troops who have served in Afghanistan since the beginning of OEF. Thus, it is important to bear in mind through the subsequent discussion that the vast majority of detainees in Afghanistan appear to have been treated humanely, often receiving better food and medical care than they would in their everyday lives; and that the vast majority of U.S. troops are serving honorably in a dangerous environment.

(U) Interrogation-related Abuse

(U) Of the three closed, substantiated abuse cases in Afghanistan, one - an assault not resulting in death - is related to interrogation. The other two cases involve a shooting in August 2002 that resulted in a detainee's death at Fire Base Lwara and a January 2002 incident at a Temporary Holding Facility where detainees were

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Abuse (U)

Afghanistan Detainee Abuse

CASES	DEATHS	ABUSES	TOTAL	TOTAL SUB-STATUTES
OPEN	4 Army 0 Navy 0 Other	5 Army 2 Navy 0 Other	12	N/A
CLOSED	1 Army 0 Navy 0 Other	12 Army 0 Navy 0 Other	15	3
TOTAL	5	22	27	3

Army Related Cases
 Navy Related Cases
 USMC Related Cases
 Other Related Cases

All data as of 30 Sep 2004.

UNCLASSIFIED

taunted. The one closed, substantiated interrogation-related case occurred on March 18, 2004 and involved elements of a U.S. infantry battalion who conducted a cordon and search operation in the village of Miam Do, accompanied by an Army lieutenant colonel attached to the Defense Intelligence Agency. The operation was initially met with resistance, and between seven and 20 Afghans were killed. The unit then detained the entire population of the village for four days while conducting intelligence screening operations. In the course of these operations, the LTC punched, kicked, grabbed and choked numerous villagers. (This

conduct is considered interrogation-related only because it was perpetrated in the course of screening operations. No specific interrogation techniques were employed.) An AR 15-6 investigation was initiated, and the LTC was given a General Officer Memorandum of Reprimand and suspended from any further operations involving detainees.

(U) In addition, four other cases warrant further discussion - not only for the severity of the alleged abuse they describe, but also for their potential relationship to interrogation. The first

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two cases concern the December 2002 detainee deaths at the Bagram Collection Point, the third concerns a detainee death following questioning by OGA contractor David Passaro, and the fourth concerns allegations of detainee abuse at the hands of SOF personnel at Gardez in March 2003 resulting in the death of an Afghan Army recruit. (The last two cases are open, as described below; and the two Bagram death cases were closed on October 8, 2004, after our data analysis had been completed.) Notwithstanding their association with interrogation, however, it will be evident that these cases of abuse do not correlate to any approved interrogation policy.

coronary artery disease was complicated by the blunt force trauma.

~~(S/NF)~~

(U) December 2002 Deaths at the Bagram Collection Point

(U) On December 4, 2002, a PUC died in custody at the BCP. Six days later, on December 10, a second PUC died at the BCP. The patterns of detainee abuse in these two incidents share some similarities. In both cases, for example, the PUCs were handcuffed to fixed objects above their heads in order to keep them awake. Additionally, interrogations in both incidents involved the use of physical violence, including kicking, beating and the use of "compliance blows" which involved striking the PUCs' legs with the MP's knee. In both cases, blunt force trauma to the legs was implicated in the deaths. In one case, a pulmonary embolism developed as a consequence of the blunt force trauma, and in the other case pre-existing

(U) Criminal investigation into the BCP deaths was completed in early October 2004. The Army's Criminal Investigative Division (CID) has recommended charges against 28 soldiers in connection with the deaths: 15 in conjunction with

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the December 4 death (four MI and 11 MP), and 27 in conjunction with the December 10 death (seven MI and 20 MP). (Some of the same personnel are named in the detention and interrogation of both detainees.)

(U) We reviewed the Bagram Collection Point AR 15-6 investigation directed by LTG McNeill, the final CID Reports of Investigation, and approximately 200 interviews associated with the CID investigation. We also reviewed the medical practices at the BCP. We found the CID investigation to be thorough in addressing the practices and leadership problems that directly led to the deaths and consequently we believe that no further investigation into the criminal aspects of the deaths is required. However, we did find areas that were not addressed, and may require further investigation:

- (U) As discussed in more detail in the medical section of this report, it is unclear if medical personnel properly examined or documented the physical condition of the deceased.
- (U) Oversight of detainee operations at the BCP prior to the deaths was not examined in any depth. For example, the only direct oversight found in our review was by the local CJTF-180 Provost Marshal (an Army major). Although he identified questionable practices a month prior to the deaths, he did not ensure corrective action was taken.

- (U) Finally, we were not able to determine why military personnel involved or potentially implicated in this investigation were reassigned to other units (e.g., to Abu Ghraib) before the investigation was completed.

(U) The Passaro Case

(U) On June 21, 2003, a detainee died in U.S. custody at FOB Gereshk, a DoD facility. Though an OGA contractor, David Passaro, was questioning the detainee, Army personnel were responsible for guarding the detainee and providing him water. Based on a local *ad hoc* division of labor, Passaro was responsible for feeding and interrogating the detainee.

(U) Passaro is currently being tried for four counts of assault in the federal district court for the Eastern District of North Carolina (under the United States Special Maritime and Territorial Jurisdiction, as expanded by the Patriot Act of 2001.) Passaro is alleged to have struck the detainee with a flashlight and kicked him numerous times in the course of interrogation; safety positions and sleep deprivation were also allegedly employed. Following an interrogation session, the detainee became distressed and asked one of the guards to shoot him. Later, the detainee freed one hand from his handcuffs and beat his head against a wall until he collapsed. No autopsy was conducted before the detainee's remains were released to

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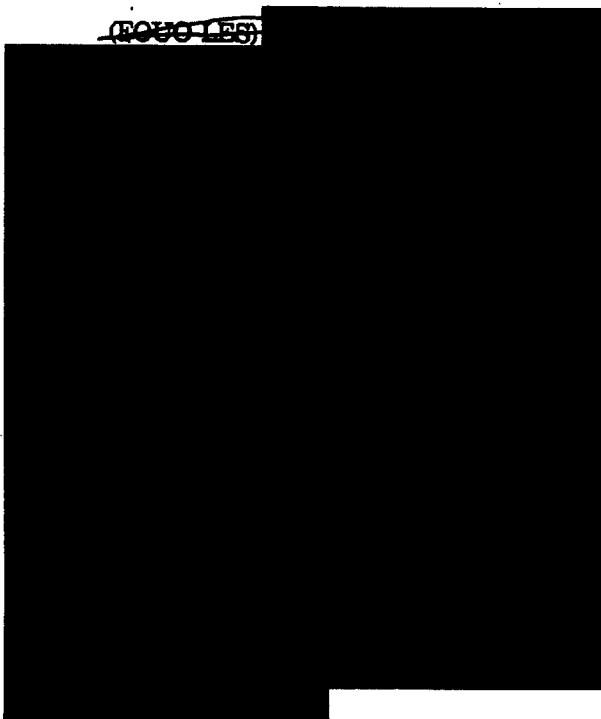
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local nationals. Military personnel are also under investigation by the Army for their potential role in facilitating his death by not stopping abusive practices when they saw them.

(U) This case highlights some of the challenges associated with the close interaction between DoD and OGA forces in war, which are described at greater length in this report's section discussing DoD support to OGA.

(U) Gardez



(U) Conclusions: Interrogation Techniques and Abuse

(U) In sum, our major findings regarding interrogation techniques employed, and interrogation-related abuses in Afghanistan are as follows:

- (U) We concur with BG Jacoby that dissemination of approved interrogation policies in Afghanistan was poor until the adoption of CJTF-7's May 13, 2004 interrogation policy. Until that point, interrogators largely relied upon broad interpretation of FM 34-52.
- (U) The Secretary of Defense issued specific guidance for the interrogation of al Qaeda and Taliban detainees at GTMO, but guidance for interrogation of al Qaeda and Taliban detainees in Afghanistan was developed within CJTF-180. CJTF-180 submitted to the Joint Staff a list of techniques being employed in Afghanistan in January 2003; and though the CJCS determined that the list was inconsistent with the techniques approved for GTMO, no response was provided. As a result, interrogation policies in Afghanistan - while they did not contribute to any detainee abuses - remained less restrictive than those in GTMO until June 2004, when CJTF-7's policy was adopted.

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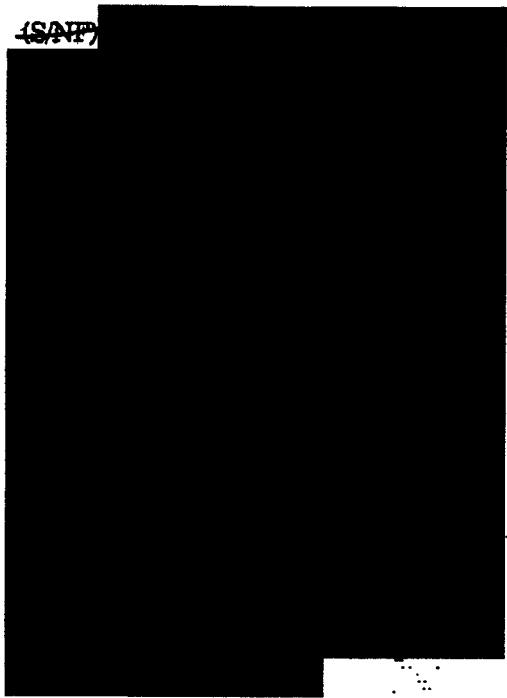
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additional "missed opportunities" (besides those suggested by our findings above). None of these missed opportunities themselves contributed to or caused abuse; in addition, it is unlikely that they could have prevented the interrogation-related abuses that did occur, which were already prohibited by other existing policies, law, and doctrine. However, had they been pursued, U.S. forces might have been better prepared for detention and interrogation operations in Afghanistan.

- (U) The few substantiated interrogation-related abuses in Afghanistan - which consisted of physical violence - were unrelated to any approved interrogation policies, which prohibited such behavior. In addition, the abuses at Bagram took place before any interrogation policy other than FM 34-52 was codified for Afghanistan.

- (U) Though the President's February 7, 2002 determination stated that al Qaeda and Taliban members were not EPWs, no specific guidance was given to CENTCOM with regard to the practical effects of this determination, in particular with regard to interrogation techniques and the concept of "military necessity" as a justification for exceeding the guidelines of GPW. We found no evidence that the determination was employed to justify techniques beyond the boundaries of GPW: it was clearly not a driving factor in CJTF-180 interrogations - in fact, LTG McNeill stated that he had no personal knowledge of the impact of the President's determination. Nevertheless, we recommend that common guidance be provided to all of the military departments and DoD agencies.

(U) Missed Opportunities

(U) Our investigation suggested several

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- (U) There was no evidence that specific detention and interrogation lessons learned from previous conflicts were incorporated in planning for Operation ENDURING FREEDOM.
- (U) Though all personnel were aware that abuse must be reported, there were no standard procedures for identifying or reporting detainee abuse or for determining whether abuse allegations were legitimate.

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Operation IRAQI FREEDOM (U)

(U) This section examines the evolution of interrogation techniques approved and employed in Operation IRAQI FREEDOM, and begins with a discussion of the background to interrogation operations in Iraq. The discussion below presumes a familiarity with the previous reports concerning detention and interrogation operations in Iraq, and particularly at Abu Ghraib, summarized earlier in this report (i.e., Miller, Ryder, Taguba, Army Inspector General [Mikolashek], Fay, Jones, and Independent Panel), but will re-emphasize key points - and, where appropriate, offer clarifications - in order to provide context for our analysis.

Background (U)

(U) Operation IRAQI FREEDOM began at approximately 10 p.m. Eastern Standard Time on March 19, 2003, with air and cruise missile strikes intended to kill Saddam Hussein and other key leaders of the Ba'athist regime. The main body of coalition ground forces crossed the border from Kuwait into Iraq on March 20, and three weeks later, on April 9, coalition forces had taken Baghdad. By early May, the Iraqi armed forces and the Ba'athist regime had been defeated, and coalition forces could begin the task of stabilizing and reconstructing Iraq in coordination with the new Coalition Provisional Authority (CPA) established on May 12, 2003. (The CPA superseded the Office for Reconstruction and Humanitarian Assistance, which had been in place since April.) Although full responsibility and authority for governing Iraq was handed over to the fully sovereign and independent

Iraqi interim government on June 28, 2004, coalition forces continue to support Iraqi security and reconstruction.

(U) As in the early stages of Operation ENDURING FREEDOM, ground operations in IRAQI FREEDOM were marked by both rapid maneuver and the participation of SOF and OGA personnel. These factors would necessitate multiple, often far-flung detention facilities: the rapid and wide-ranging maneuver of conventional forces, combined with the dispersed nature of SOF and OGA operations, meant that Iraq was never a "linear" battlefield with clearly defined front lines, or rear areas in which to establish internment facilities. In addition, continuing insurgent and terrorist activity throughout the country required coalition units to maintain short-term detention facilities within their own areas of responsibility for the safeguarding of detainees before their transfer to theater internment facilities.

(U) While operations in Afghanistan and Iraq have both resulted in large numbers of civilian detainees, Operation IRAQI FREEDOM is distinct in that the initial stages of ground combat - from March 20 through early May of 2003 - produced significant numbers of enemy prisoners of war (EPWs) as well. The figure on the next page, an excerpt from the Center for Army Lessons Learned publication *On Point* (a history of Army operations in IRAQI FREEDOM through May 2003), describes the 3^d Infantry Division's early experi-

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ence with EPW operations during the battle to secure an air base and a bridge over the Euphrates River near the town of Tallil in southeastern Iraq. The narrative illustrates some of the challenges related to detention operations on a fluid battle-

field encompassing fast-moving forces and long lines of communication. In addition, it calls attention to the segue from EPW to civilian internee detention attending the transition from major combat to stability operations.

Handling the Enemy Prisoners of War (U)

(U) "The Battle of Tallil presented the 3rd ID with its first substantial numbers of EPWs. Handling the prisoners was a major task that the division and corps had been working for months. This would be the first test of that effort. At 0900 on 22 March...the 3rd MP Company commander led the advance party of Task Force EPW to [Assault Point] BARROW and established the first EPW collection point. Shortly thereafter, the main body arrived and received and processed the first three Iraqi EPWs.

(U) "While processing the prisoners at BARROW...[the] 3rd ID provost marshal received a message from 3rd BCT [Brigade Combat Team] asking for assistance with the prisoners taken at Tallil Air Base. [A] small advance party moved north...to take control of the prisoners, established a hasty collection point, and accepted 3rd BCT's prisoners. The following morning at 0900...the 3rd BCT cleared a building complex planned as the location of Division Central Collection Point HAMMER. Task Force EPW occupied the complex in the early afternoon.

(U) "By the morning of 24 March, ...the 709th MP Battalion commander arrived at Tallil Air Base...[and] effected a relief-in-place with Task Force EPW. This freed Task Force EPW to continue movement north following the 3rd ID brigades. However, [the 709th MP Battalion commander] quickly realized that he did not have adequate combat power to relieve Task Force EPW and conduct his second mission of escorting critical logistics convoys to the fighting forces. The only available forces at his disposal were two platoons and the company headquarters of the 511th MP Company from Fort Drum, New York, all of which had arrived ahead of the unit equipment.

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(U) "[The battalion commander] decided to commit this force to conduct the EPW mission at Tallil. On 24 March, [the] commander of the 511th MP Company led 80 soldiers in six Black Hawk helicopters from Camp PENNSYLVANIA to Tallil Air Base, with only their weapons, rucksacks, a picket pounder, and two days' supply of food and water. They immediately augmented the 709th MP Battalion and effectively relieved Task Force EPW. The 709th MPs remained the collection point Corps Holding Area WARRIOR. With limited equipment and supplies, the 511th MP Company expanded the collection point and processed and safeguarded over 1,500 EPWs until the 744th MP Battalion (Internment/Resettlement) relieved them on 6 April 2003.

(U) "The holding area at Tallil Air Base ultimately became Camp WHITFORD, a trans-shipment point where all coalition ground forces brought EPWs pending movement by the 800th MP Brigade to the theater internment facility at Camp BUCCA [in the Iraqi Persian Gulf port city of Umm Qasr]. On 9 April, coalition forces had over 7,300 EPWs in custody. Most of these prisoners ultimately [were transferred] to the theater internment facility. However, coalition commanders released prisoners who they determined did not have ties to the Iraqi armed forces or the Ba'ath Party. As coalition forces transitioned to peace support operations, the internment and resettlement mission also transitioned. Shortly after 1 May 2003, when President Bush declared the end of major combat operations, the 800th MP Brigade began paroling approximately 300 EPWs a day. As the prisoners were released, criminals replaced them in the camps as coalition forces began to establish law and order throughout the country."

(U) Evolution of Command Structures
and Detention Facilities

(U) Combat Operations

(U) As with operations in Afghanistan, overall combatant command of operations in Iraq resided with the Commander, U.S. Central

Command (CENTCOM): General Tommy Franks, USA until July 7, 2003, and then his successor, General John Abizaid, USA. During the early combat operations, CENTCOM's Combined Forces Land Component Commander (CFLCC) - Third U.S. Army Commanding General, Lieutenant General David McKiernan, who by then had relieved LTG Mikolashek - directed conventional

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force ground operations, while the Combined Force Special Operations Component Commander (CFSOCC) directed SOF operations. In addition, a Joint Interagency Coordinating Group (JIACG) was established as part of the CENTCOM staff to assist in coordinating the activities of non-DoD agencies operating in Iraq.

(U) Major conventional forces under the CFLCC's command included the U.S. Army V Corps, then commanded by LTG William S. Wallace, USA, and the 1st Marine Expeditionary Force (I MEF) - with attached British forces - under LtGen James T. Conway, USMC. Major units assigned to V Corps included 3^d ID, 4th ID, and the 82d Airborne and 101st Air Assault Divisions. In addition, CENTCOM placed the 173d Airborne Brigade under the CFSOCC's command as part of Joint Special Operations Task Force North (JSOTF-N). In the early days of Operation IRAQI FREEDOM, the 3^d ID spear-headed V Corps' drive to Baghdad through southwestern Iraq; the 173d Airborne Brigade and 101st Air Assault Division secured northern Iraq; and I MEF, together with British forces, secured the oil fields of southern Iraq and drove to Baghdad from the southeast. Later, these units would be joined by the 4th ID and by then-Major General Ricardo S. Sanchez's 1st Armored Division, arriving via Kuwait; subsequent troop rotations (not described in detail in this report)

began in early 2004.

(U) As *On Point* relates, planning for detention and related intelligence operations - and the attendant challenges - began well before March 2003. CFLCC planners anticipated that EPW numbers could range from approximately 16,000, in the event of an early collapse of the Iraqi regime, to a high of approximately 57,000 if Iraqi forces put up a lengthy defense. MPs would also be required to stabilize liberated territories in addition to conducting standard missions including detainee operations, protection of high-value assets and personnel, and regulation of supply routes, among others.

(U) As early as December 2001, while tailoring forces in support of CENTCOM's Operation Plan (OPLAN) 1003V in the event of hostilities with Iraq, V Corps' 18th MP Brigade began planning for EPWs captured in combat. The Brigade's initial plan was to have two battalion headquarters and eight to ten MP companies available if and when hostilities began. However, as Operation IRAQI FREEDOM approached, the CFLCC made a decision to place these MP units toward the "tail" of the forces flowing into theater, giving preference for early arrival to combat arms units. This decision would result in increased responsibility for early-arriving MP units. From *On Point*:

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(U) "[This decision] had the greatest effect on the division provost marshals (i.e., senior MP officers), who were responsible for coordinating MP support to the divisions with only half of the required police forces...To manage the problem, [the 3^d ID provost marshal] formed Task Force EPW. In addition to the division's MP company, the task force received the 546th Area Support Hospital, the 274th Medical Detachment (Field Surgical Team), a tactical human intelligence (HUMINT) team, a mobile interrogation team, a criminal investigation division (CID) division support element, and an adviser from the Staff Judge Advocate. With the 3d MP Company, the task force had the resources necessary to receive, process, and safeguard prisoners."

(U) Besides handling detainees during combat operations, the CFLCC would require a theater EPW internment capability. In a March 14, 2003 OPORD, the CFLCC assigned this task to MG David E. Kratzer's 377th Theater Support Command (TSC), a unit assigned to the CFLCC that included the Army Reserve 800th MP Brigade (Internment/Resettlement). The 800th MP Brigade (then commanded by Army Reserve BG Paul H. Hill) was primarily composed of six MP battalions, four of which specialized in EPW processing and counterintelligence, and two of which were trained for the I/R mission. (The Brigade's 320th MP Battalion, a non-I/R unit composed of reservists trained for guard duty that included the 372d MP Company, would later assume responsibility for the prison at Abu Ghraib.) In addition, the CFLCC delegated to the 800th MP Brigade its authority to conduct GPW Article 5 tribunals to ascertain appropriate categories for detainees whose Geneva Convention status was unclear. An organization chart depicting the overall command structure relevant to detainee operations is provided in the figure on the following page.

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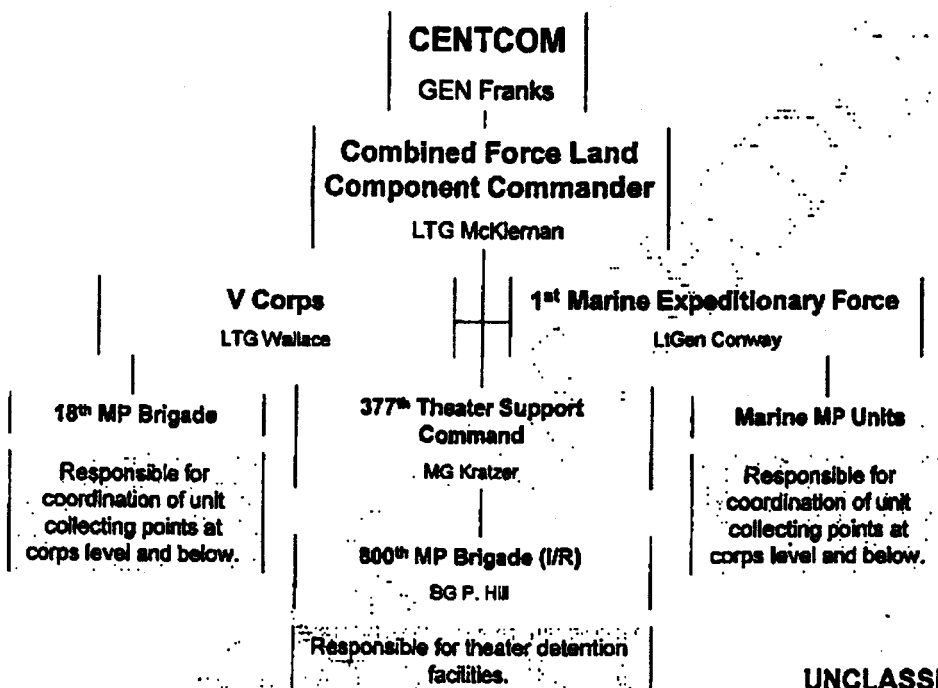
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Iraq Detention-Related Command Structure - March 2003 (U)



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(U) Prior to the war, V Corps also began preparing for detainees-related intelligence operations by rotating Tactical HUMINT Teams (four-soldier teams including interrogators and linguists) into the CENTCOM theater in order to hone language skills and conduct mission-specific training.

(U) Initial Development of Detention Facilities

(U) With the inception of ground combat operations on March 20, 2003, coalition ground forces throughout Iraq had to develop facilities for the temporary detention and tactical interrogation of EPWs, civilian internees (CI) and other detainees (OD) prior to turning them over to the

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18th MP Brigade or channeling them directly to a theater internment facility. Throughout the war, various collecting points were established and disestablished at the brigade level and below as circumstances dictated. As noted previously in our discussion of detention doctrine, the lowest-echelon detention facility described in MP doctrine is the division collecting point (CP); however, the realities of combat operations in Afghanistan and Iraq have often dictated the establishment of temporary detention facilities at lower levels; e.g., by maneuver brigades, or by SOF operating independently.

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(U) Theater-level Facilities

(U) Among the detention sites established in the course of Operation IRAQI FREEDOM, four have emerged as major theater-level facilities for the detention of EPWs and civilians. The 800th MP Brigade operated all of these facilities until relieved by the 16th MP Brigade (Airborne) in early 2004. As of July 2004, the Multinational Forces-Iraq Deputy Commanding General for Detainee Operations assumed responsibility for all detention and interrogation operations in Iraq.

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(U) Abu Ghraib. (Baghdad Central Confinement Facility, BCCF, or Baghdad Central Collecting Point, BCCP). In late summer 2003 CPA Administrator Bremer selected the former Iraqi prison at Abu Ghraib to be the central civilian correctional facility for Iraq. According to the Jones report, though aware of the prison's poor condition - exacerbated by looting - and history of torture under the Ba'ath regime, after extensive consideration LTG Sanchez judged that there were no other suitable, existing structures in Iraq in which to centrally house detainees captured by U.S. forces, and designated Abu Ghraib

CJTF-7's internment facility. The use of this site would also preclude the need for hazardous convoy operations to move detainees captured in the vicinity of Baghdad to more distant facilities such as Camp Bucca.

(U) At the time of the detainee abuses perpetrated by members of the 320th MP Battalion, the BCCF complex included Camps Ganci and Vigilant, which housed the general detainee population, and a "Hard Site" within the permanent prison structure for the isolation of "MI hold" detainees. As detailed in previous reports, a Joint Interrogation and Debriefing

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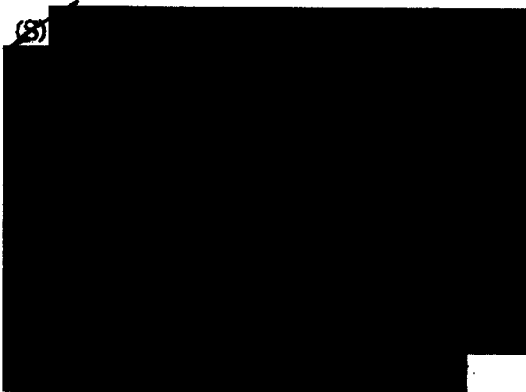
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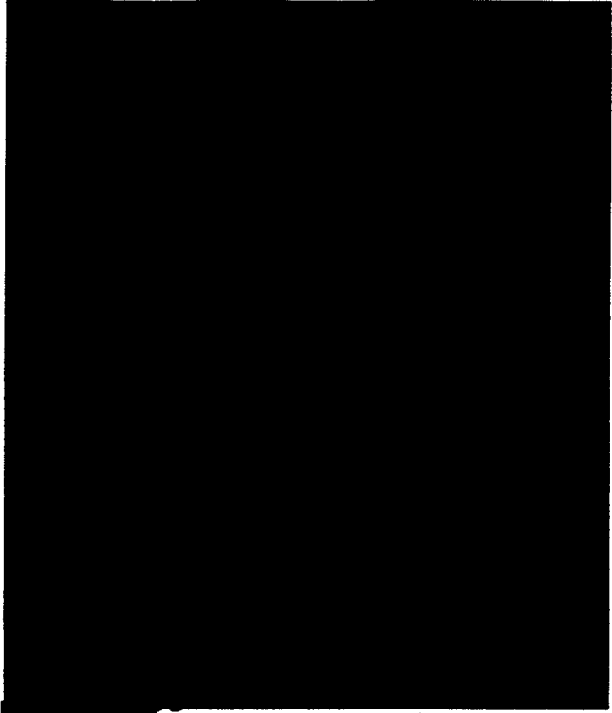
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Center (JIDC) was established at Abu Ghraib.

- (U) **Camp Bucca.** Originally a British-run EPW camp known as "Camp Freddy," this internment facility - located near the Arabian Gulf port city of Umm Qasr - was turned over to the 800th MP Brigade in April 2003.

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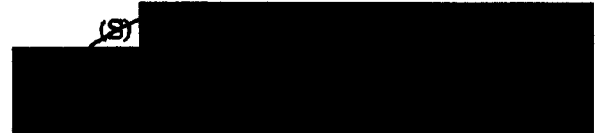
- (U) **Camp Ashraf.** This camp, in eastern Iraq near the Iranian border, houses roughly 3,800 members of the Mujahedin-E Khalq (an anti-Iranian paramilitary group - designated as a foreign terrorist organization by the Secretary of State - supported by the Ba'ath regime) who surrendered en masse to coalition forces in April 2003.



(U) The Shift to Stability Operations



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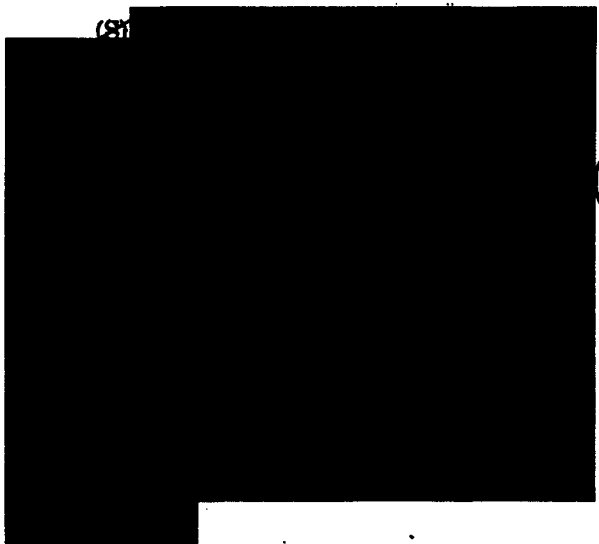
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at Abu Ghraib has been extensively described by previous reports.

(U) The Iraq Survey Group



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(U) The Jones report notes that when major combat operations were declared over, U.S. forces held much fewer than the tens of thousands of EPWs predicted during pre-war planning. Though planners had initially envisioned a need for up to 12 major detention facilities, the smaller number of detainees actually held resulted in the de-mobilization of reserve MP units in the U.S. that had been identified for duty in Iraq. By the summer of 2003, however, the number of civilian detainees had risen dramatically as a result of coalition counter-insurgency operations, and a central detention facility was required. The civilian prison population at Abu Ghraib alone - criminals, security detainees, and detainees with potential intelligence value - grew to an estimated 4,000-5,000 by the fall of 2003, and as of early September 2004 included roughly 3,000 detainees (though the number continues to drop). The history of events

(U) MG Keith Dayton, USA commanded the ISG from its inception until his relief by BGen Joseph McMenemy, USMC in July 2004. In addition to its military leadership, the ISG receives guidance from a CIA appointee (nominally a special adviser to the Commander, CENTCOM). Dr. David Kay, former chief nuclear weapons inspector for the United Nations Special Commission (UNSCOM) on Iraqi weapons of mass destruction, filled this position from the ISG's inception until December 2003; subsequently, in February 2004, former UNSCOM deputy director Charles Duelfer assumed this duty.

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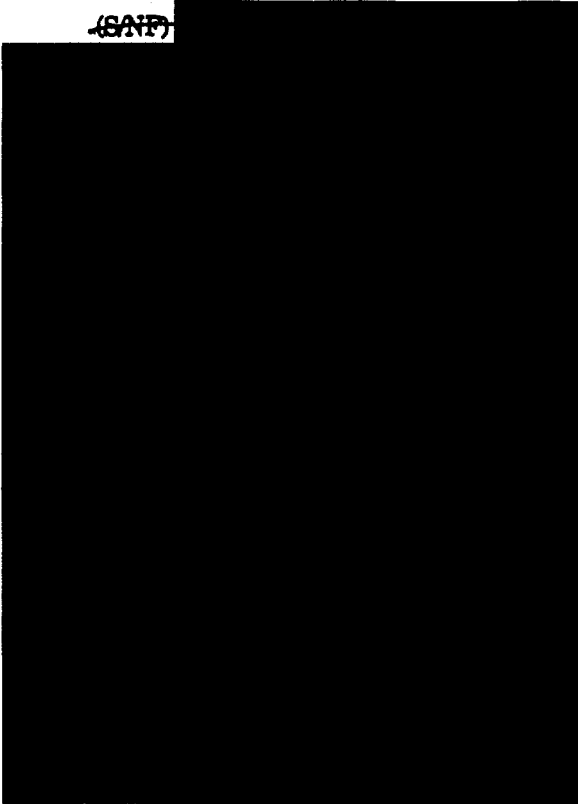
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architecture, severely degraded the commander and staff during transition. Personnel shortages documented in the [joint manning document] continued to preclude operational capabilities." This problem has since been at least partially addressed by the May 15, 2004 establishment of the joint Multinational Force-Iraq (MNF-I) under LTG Sanchez (relieved by four-star General George Casey, USA on July 1, 2004), though personnel shortages continued to be a problem. A three-star subordinate command, the Multinational Corps-Iraq (MNC-I), focuses on counter-insurgency combat operations, allowing MNF-I to concentrate on strategic issues within the Iraq theater. In the interim period before the inception of MNF-I, LTG Sanchez initiated numerous measures to improve V Corps' capability to act as a CJTF, such as the assignment of general officers in key staff positions: for example, military intelligence MG Barbara Fast, USA was assigned as the CJTF's senior intelligence officer (a position normally filled by a colonel at the corps level). These efforts have been described in previous reports, but their impetus bears repeating here: in view of the unexpected intensity of the Iraqi insurgency, LTG Sanchez was forced to seek out and pursue aggressively additional resources to augment V Corps' capability from the very beginning of his tenure in command. We agree with LTG Jones' conclusion that "the CJTF-7 Commander and staff performed above expectations, in the over-all scheme of OIF [Operation IRAQI FREEDOM]."

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(U) Toward a Focus on Detainee Operations

(U) As noted in several previous reports on detainee operations, the V Corps staff was not administratively configured, or initially provided the resources, to function as a JTF - to act, in essence, as a unified combatant commander. As LTG Jones stated in his report, "V Corps was never adequately resourced as a CJTF. The challenge of transitioning from V Corps HQs to CJTF-7 without adequate personnel, equipment, and intelligence

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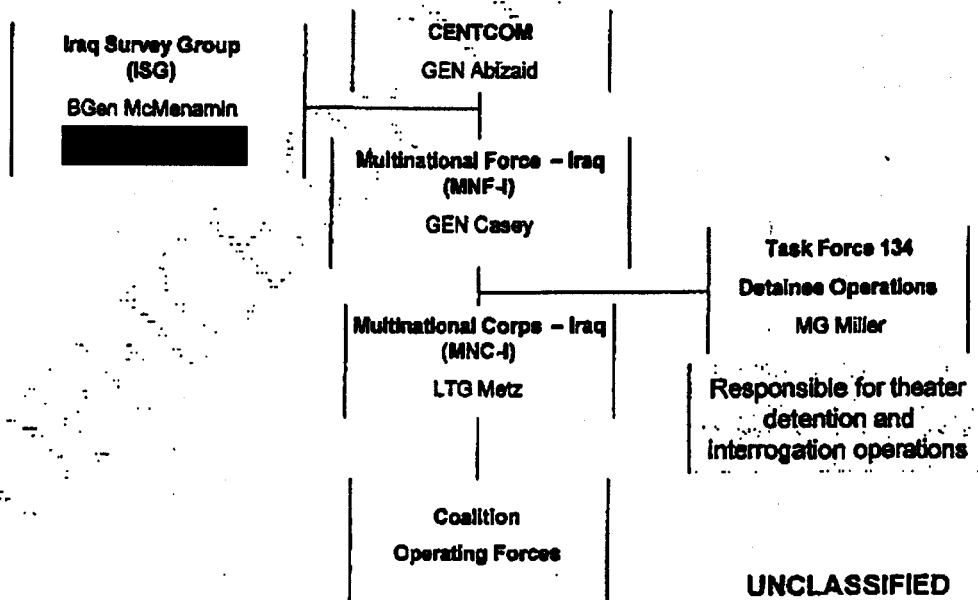
(U) In light of concerns raised by the abuses at Abu Ghraib, Task Force 134 was established within MNF-I in July 2004 under the command of MG Geoffrey Miller, USA (former commanding general of JTF GTMO), who was assigned as Deputy Commanding General for Detainee Operations and charged with the oversight and coordination of MP and MI units conducting detention and interrogation operations in Iraq. Like JTF GTMO, Task Force 134 provides unity of com-

mand and control for all detainee operations in the theater. The figure below illustrates the current command structure.

(U) We now turn to detention and interrogation operations. Unlike our previous section covering Afghanistan, we do not here provide a separate discussion of the evolution of guidance regarding detainee treatment, because in Iraq these operations were (in theory) completely doc-

Iraq Detention-Related Command Structure - July 2004 (U)

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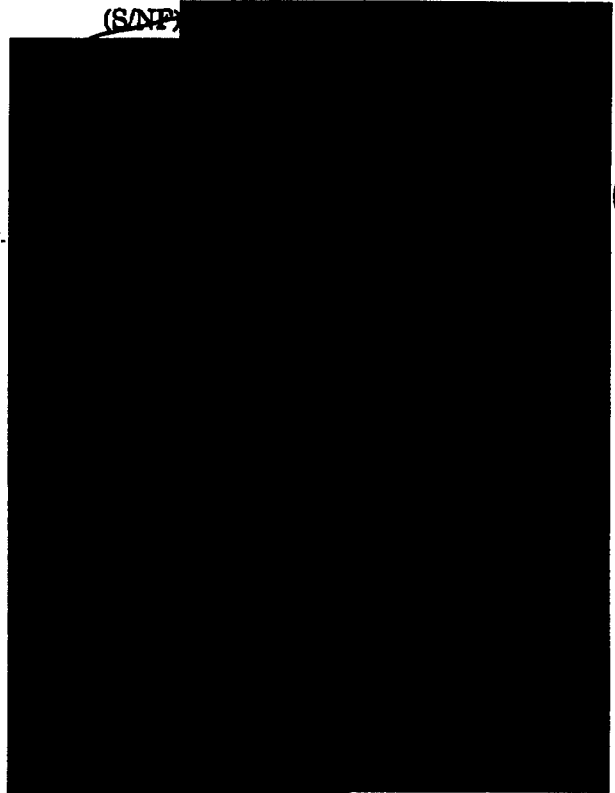
trinal. Instead, pertinent details are included where appropriate in the following sections.

(U) Detainee Flow From Point of Capture Through Detention

(U) Detainee flow from point of capture to detention in Iraq has been well described in MG Fay's report, and we generally concur with his findings regarding the conduct of detention operations in general prior to the assignment of MG Miller as Deputy Commanding General for Detainee Operations. The following paragraphs summarize MG Fay's findings and introduce the detainee classification system used in Iraq.

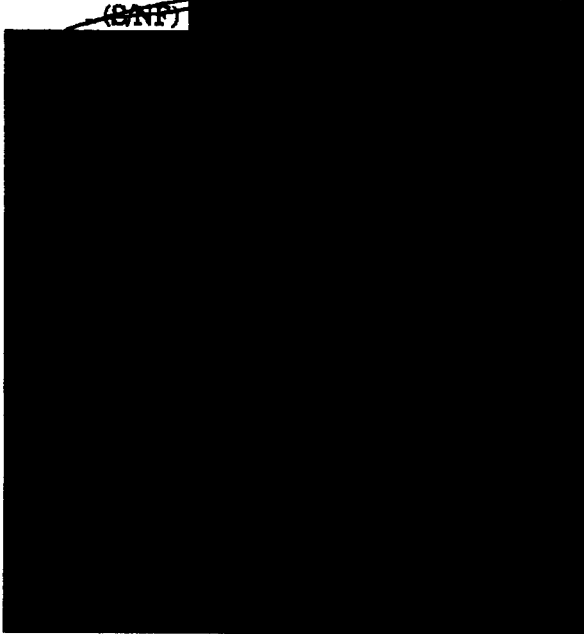


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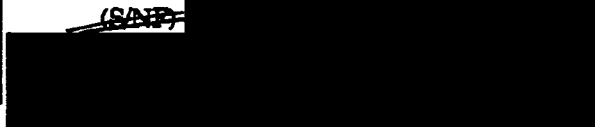
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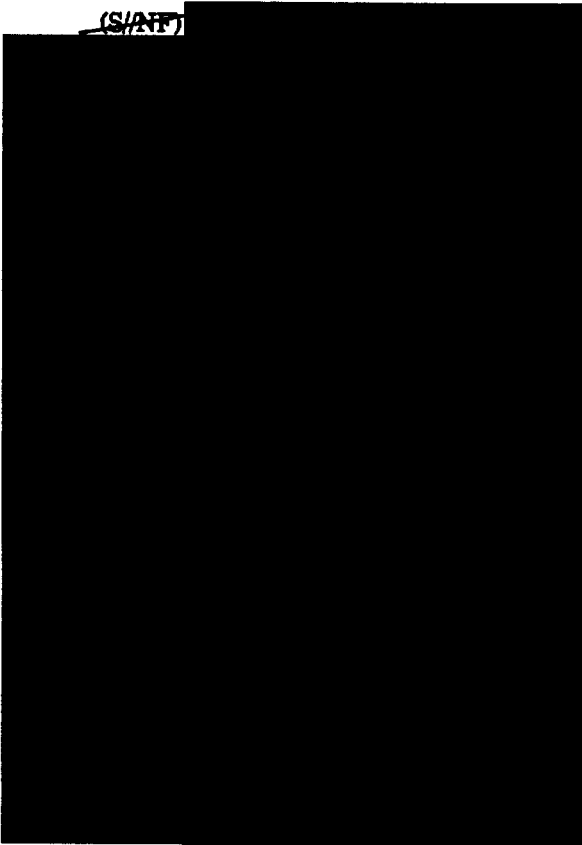
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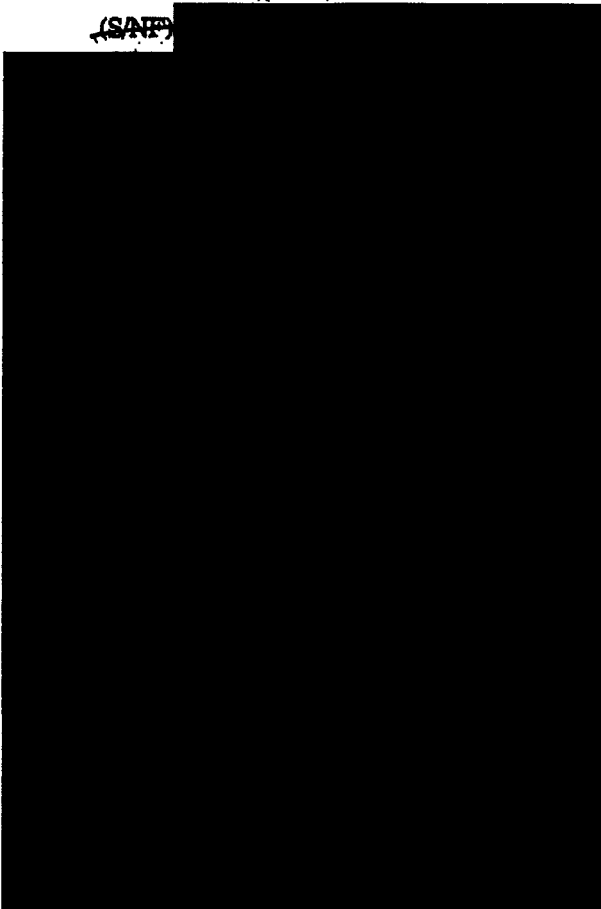
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Excerpt from FRAGO 749 - Detainee Classification Definitions (U)

1.C. (U//REL TO USA and MCFI) DEFINITIONS.

1.C.1. (U) **CIVILIAN INTERNEE (CI)**: A PERSON WHO IS INTERNED DURING ARMED CONFLICT OR OCCUPATION IF HE/SHE IS CONSIDERED A SECURITY RISK, NEEDS PROTECTION OR HAS COMMITTED AN OFFENSE (INSURGENT OR CRIMINAL) AGAINST THE DETAINING POWER. A CIVILIAN INTERNEE IS PROTECTED ACCORDING TO GENEVA CONVENTION IV (PROTECTION OF CIVILIAN PERSONS IN TIME OF WAR).

1.C.2. (U) **CRIMINAL DETAINEE (CD)**: A PERSON DETAINED BECAUSE HE/SHE IS REASONABLY SUSPECTED OF HAVING COMMITTED A CRIME AGAINST IRAQI NATIONALS OR IRAQI PROPERTY OR A CRIME NOT RELATED TO THE COALITION FORCE MISSION.

1.C.3. (U) **SECURITY INTERNEE (SI)**: A CIVILIAN INTERNED DURING CONFLICT OR OCCUPATION FOR THEIR OWN PROTECTION OR BECAUSE THEY POSE A THREAT TO THE SECURITY OF COALITION FORCES, ITS MISSION, OR ARE OF INTELLIGENCE VALUE. THIS INCLUDES PERSONS DETAINED FOR COMMITTING OFFENSES (INCLUDING ATTEMPTS) AGAINST COALITION FORCES (OR PREVIOUS COALITION FORCES) MEMBERS OF THE PROVISIONAL GOVERNMENT, NGOS, STATE INFRASTRUCTURE OR ANY PERSON ACCUSED OF COMMITTING WAR CRIMES OR CRIMES AGAINST HUMANITY. CERTAIN SECURITY INTERNEES MAY ALSO BE CLASSIFIED AS A HIGH VALUE DETAINEE (HVD). SECURITY INTERNEES ARE A SUBSET OF CIVILIAN INTERNEES.

1.C.4. (U) **HVDS**: HVDS ARE SECURITY INTERNEES OF SIGNIFICANT INTELLIGENCE OR POLITICAL VALUE. UNITS WILL BE INFORMED BY C2 CJTF-7 OF THE IDENTITY OF SUCH INDIVIDUALS.

1.C.5. (U) **ENEMY PRISONER OF WAR (EPW)**: A MEMBER OF ARMED OR UNIFORMED SECURITY FORCES THAT CONFORM TO THE REQUIREMENTS OF ARTICLE 4, GENEVA CONVENTION RELATING TO TREATMENT OF PRISONERS OF WAR.

1.C.6. (U) **CRIMINAL INVESTIGATION DIVISION (CID) HOLD**: A DIRECTIVE TO HOLD AND NOT RELEASE A DETAINEE/INTERNEE IN THE CUSTODY OF COALITION FORCES, ISSUED BY A MEMBER OR AGENT OF THE U.S. ARMY CRIMINAL INVESTIGATION DIVISION.

1.C.7. (U) **MILITARY INTELLIGENCE (MI) HOLD**: A DIRECTIVE TO HOLD AND NOT RELEASE A DETAINEE/INTERNEE IN THE CUSTODY OF COALITION FORCES, ISSUED BY A MEMBER OR AGENT OF A U.S. MILITARY INTELLIGENCE ORGANIZATION.

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(U) MI-MP Relationship

(U) In Iraq, as in Afghanistan, the working relationship between MI and MP personnel was dictated by doctrine, albeit with all of the uncertainties regarding implementation of interrogation techniques described in our earlier section on the doctrinal relationship between MI and MP. Over and over, our interviewees - from the top of the chain of command to the bottom, MP and interrogator alike - stated, "MPs do not interrogate." However, decisions as to whether MPs participated in the implementation of techniques such as Sleep Adjustment or MRE-Only Diet, or were present in the interrogation room, devolved to the unit level due to the doctrinal vagaries we have discussed previously. The lines delineating MI and MP responsibilities appeared to be completely lost at Abu Ghraib due to the well-documented failure of leadership and supervision. As MG Taguba stated in his report, "Coordination occurred at the lowest possible levels with little oversight by commanders."

(U) MG Taguba suggested that the assignment of the 205th MI Brigade commander, COL Pappas, as the overall commander of the base at Abu Ghraib from November 19, 2003 through

February 6, 2004, with the 372nd MP Company assigned the subordinate role was "not doctrinally sound due to the different missions and agendas assigned to each of these respective specialties." We disagree. First, there is nothing "non-doctrinal" about assigning the senior officer present at the base authority as well as responsibility for its defense. In addition, our review of MI and MP doctrine did not indicate that such a command relationship between MI and MP units would have any effect on working relationships between individual MI and MP personnel, with the possible exception of a *perception* (not deriving from any military doctrine) that MI personnel might have positional authority over MPs. In any event, at a minimum, LTG Sanchez's rationale for the assignment deserves consideration: "I was very aware of what Tom Pappas' capacities were. I knew what other missions he had in support of the task force. I knew from previous orders we had issued that he had a good part of his capacity at Abu Ghraib and that he personally was focused on Abu Ghraib. Being the senior man on the ground, that is inherently what our profession is all about - he had to be able to defend his position against the enemy. Therefore, all I thought I was doing was officially establishing that responsibility and making sure that everybody on that compound understood without a doubt who was going to direct the defense, who was going to be responsible for defending Abu Ghraib from enemy attack" (from LTG Sanchez's statement to LTG Jones). In his statement to us, LTG Sanchez added, "The asser-

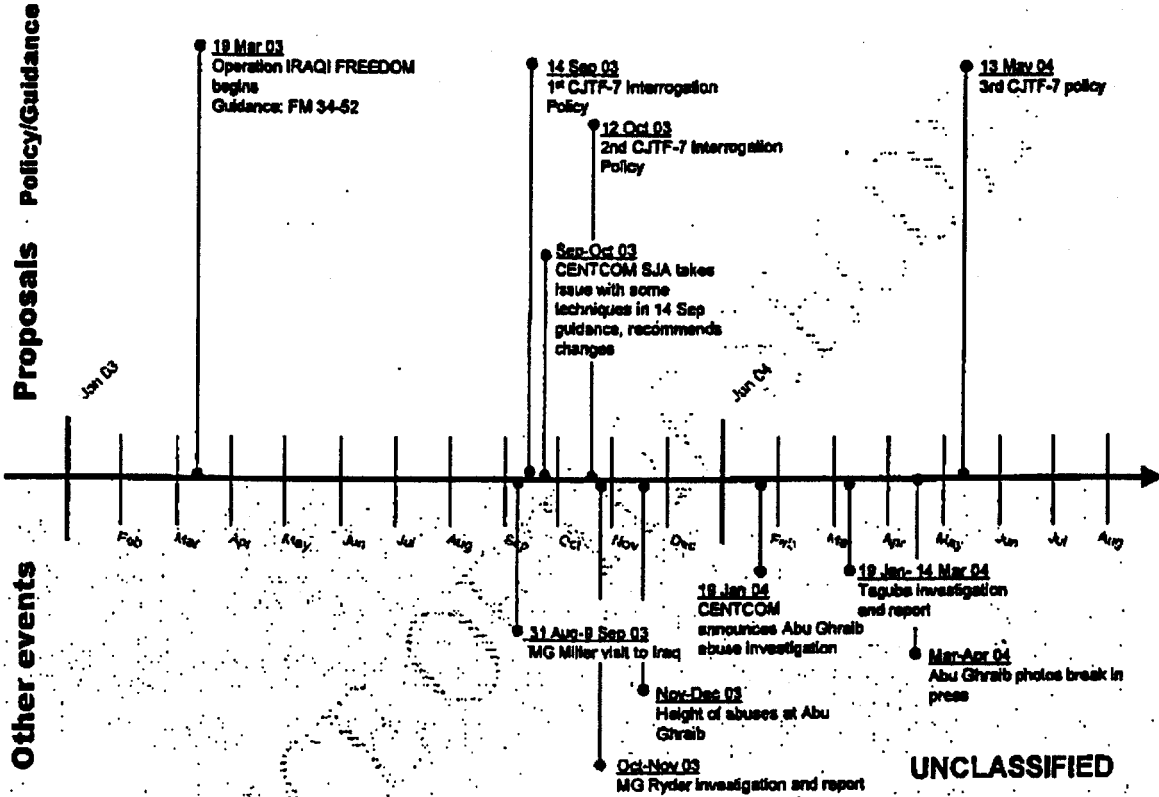
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Iraq Counter Resistance Policy Development (U)



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tion made in the Taguba report that this relationship was non-doctrinal is contentious and one that I totally disagree with, especially given the operational environment and circumstances that existed in Iraq during this period." Again, our review of interrogation and detention doctrine supports LTG Sanchez's position.

(U) Evolution of Approved Techniques

(U) The overall development of interrogation policy in Iraq is depicted in the figure above. For six months after the beginning of combat operations in March 2003, interrogators were guided by FM 34-52. In September and October 2003, the initial CJTF-7 "counter-resistance" interrogation

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policy was promulgated and then revised respectively; and in May 2004, the current policy was issued. We now turn to a discussion of this policy evolution.

(U) The evolution of approved interrogation techniques in Iraq was heavily influenced by the fact that most initial planning focused on defeating the Iraqi military forces, rather than on the subsequent occupation. LTG Sanchez, in his statement to LTG Jones, outlined the problem: "Remember the war had ended and we did not envision having to conduct detention operations of this scope and for this length of time. It was go to the FM [Field Manual] and figure out how you are going to do it based on the FM. We did not envision continuing to conduct operations and increase the numbers of detainees at the levels that we wound up having to do. The same thing happened with interrogations. Let's go to the FM and you do it according to the FM. It clearly was not sufficient."

(U) OPOD 1003V and Major Combat Operations

(U) CENTCOM's war plan for the invasion of Iraq, OPOD 1003V, gave no specific interrogation guidance, and little guidance on detainees beyond that which could be found in governing doctrine. Appendix 1 to Annex E to CENTCOM OPLAN 1003V, "Enemy Prisoners of War (EPW), Retained Persons, Civilian Internees, and Other Detainees," echoes the familiar distinctions

between EPW, RP and CI found in GPW and GC, as codified for the military through AR 190-8 and CENTCOM Regulation 27-13. The Appendix provides no specific guidance with relation to interrogation policy. Dated September 25, 2002, the Appendix runs only nine pages, and appears to be drawn directly from AR 190-8; nowhere in the annex do the words "Iraq" or "Iraqi" appear. It is virtually indistinguishable from the same annex to the Operation ENDURING FREEDOM war plan.

(U) In light of the absence of specific guidance governing interrogations in the OPOD, as LTG Sanchez indicated, interrogators initially relied on the techniques outlined in FM 34-52. There is little record of interrogation operations during the major combat phase of the war; indeed, given the coalition forces' speed of advance and overwhelming air supremacy it seems likely that coalition forces may have had a more complete operational picture of friendly and hostile force disposition than most captured Iraqis, minimizing the importance of interrogations of EPWs.

(U) The Iraq Survey Group

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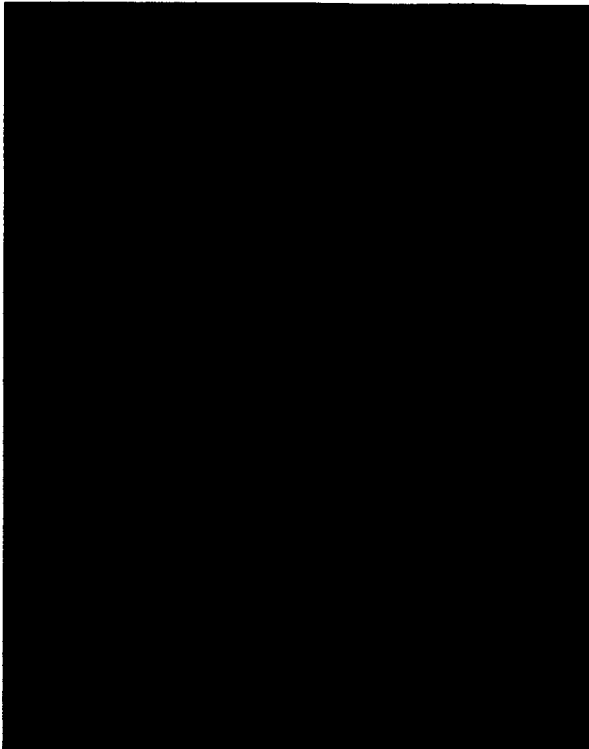
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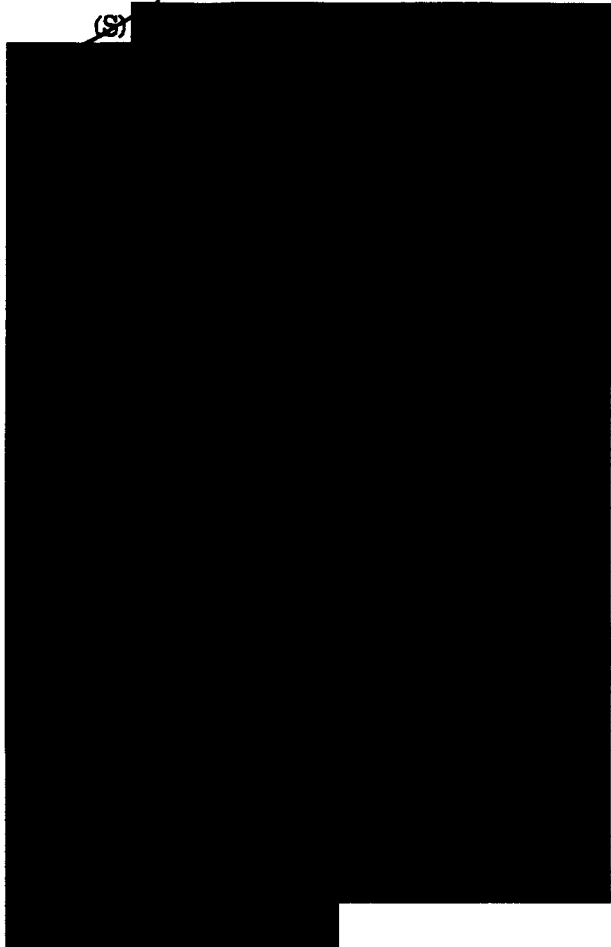
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(U) Although the ISG did not report to CJTF-7 (with the exception of at least one brief period as the command structure evolved), but to CENTCOM, and thus was not bound by CJTF-7 interrogation guidance, we found that the guidance promulgated by MG Dayton was more explicit (and conservative) than any put forth by CJTF-7 at this early stage of the operation. MG Dayton confirmed to us his doctrinal foundation: "The ISG did not use any interrogation/debriefing techniques beyond those in FM 34-52. Debriefing techniques primarily consisted of direct questions and incentives (cigarettes, coffee, and so forth)."

(U) April-September 2003

(U) The defeat of Saddam's regime and disbanding of the Iraqi army left a vacuum in the provision of Iraqi government services. Free from the ubiquitous presence of Saddam's security forces and secret police for the first time in over 30 years, criminal elements of Iraqi society began wide-

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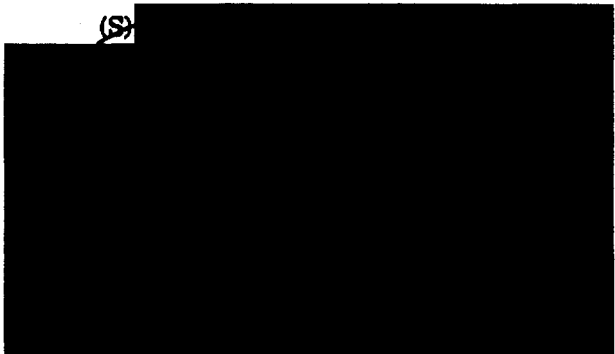
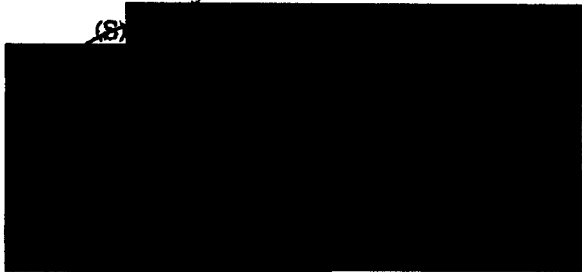
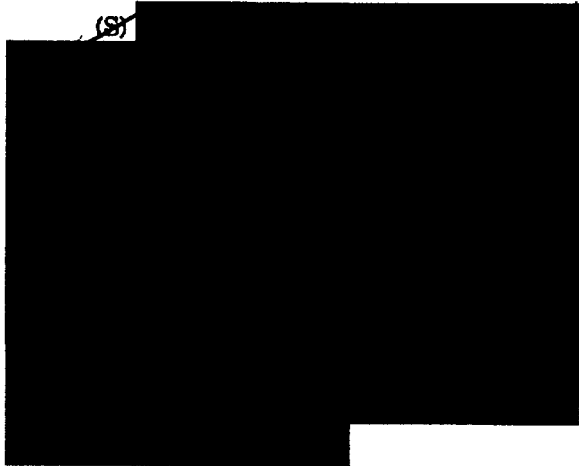
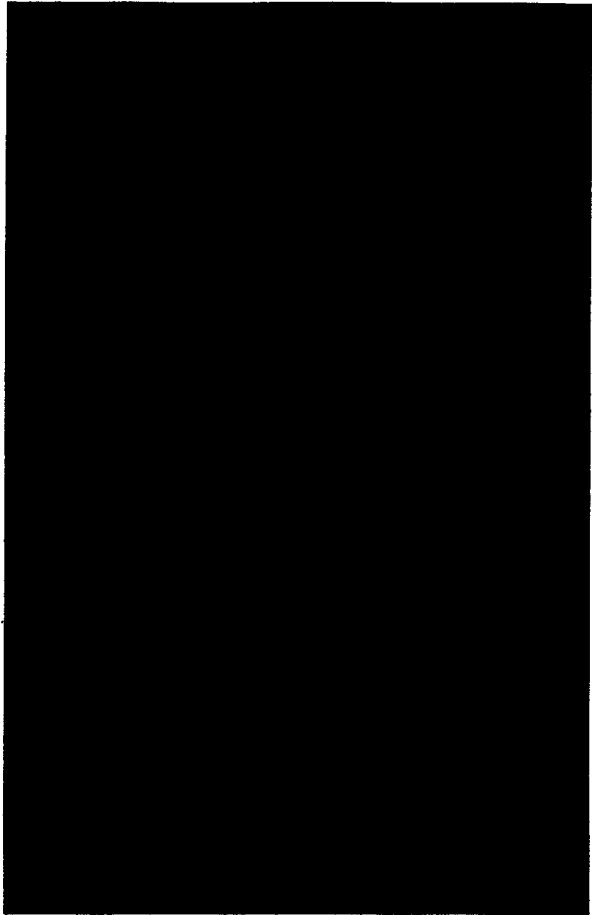
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spread looting and crime. (This was compounded by Saddam's release of tens of thousands of criminals from Iraqi prisons shortly before the war.) At the same time, other elements began an insurgency campaign against coalition forces, attacking supply lines, sabotaging public infrastructure such as electric power generation and distribution facilities, and assassinating Iraqi citizens who cooperated with coalition forces. Coalition forces found themselves in the unaccustomed position of performing basic police and detention duties at the same time they were engaged in combat operations against a growing insurgency.



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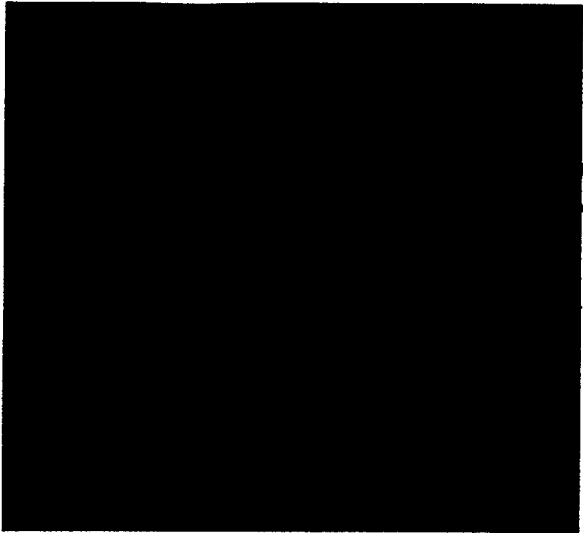
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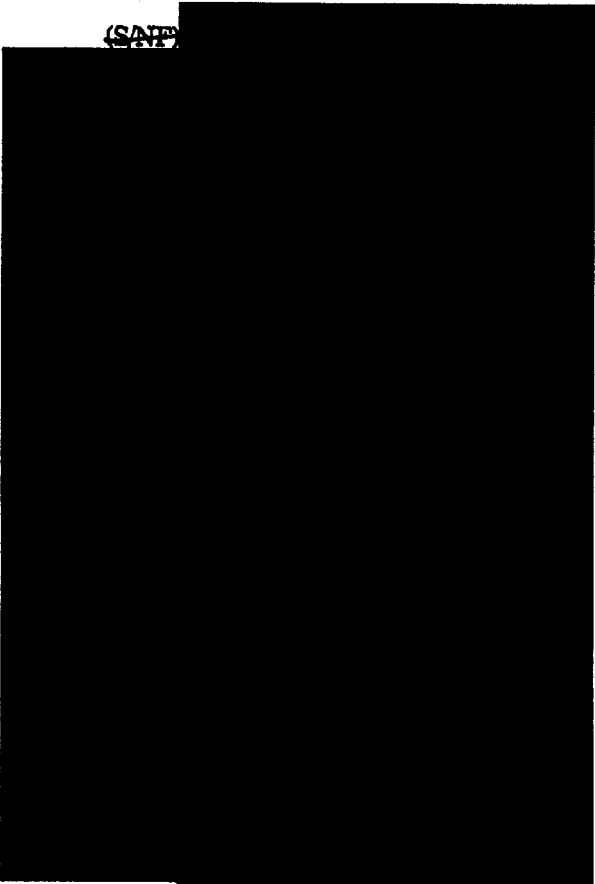
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(U) MG Fay's report has provided a comprehensive description of the evolution of interrogation policy in Iraq. In the paragraphs that follow, we review the key points of that evolution, adding our observations and data from our interviews where appropriate.

(U) Development of the September 2003 CJTF-7 Interrogation Policy



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(U) As planning for Operation VICTORY BOUNTY continued, CJTF-7 began to shut down the Camp Cropper corps holding area, transferring first hundreds, then thousands of detainees to Abu Ghraib. The A/519 Company Commander requested that the 519th MI Battalion transfer Captain Carolyn Wood, USA, who had served as Officer-in-Charge of the battalion's interrogation operations in Bagram, Afghanistan, from battalion headquarters to Abu Ghraib to head the growing interrogation mission there. CPT Wood arrived at Abu Ghraib in early August 2003 to assume responsibility for what was coalescing into the Saddam Fedayeen Interrogation Facility (SFIF).

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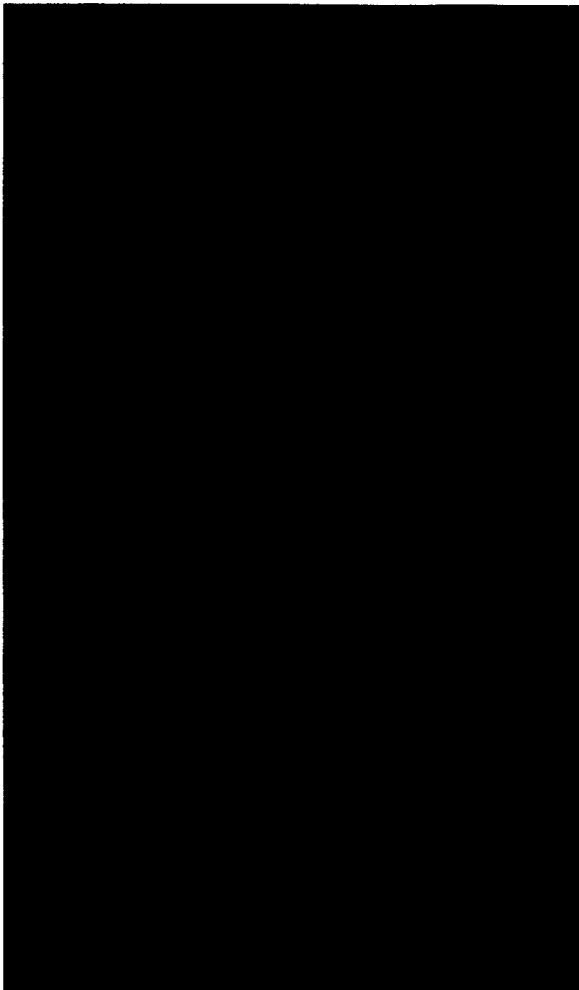
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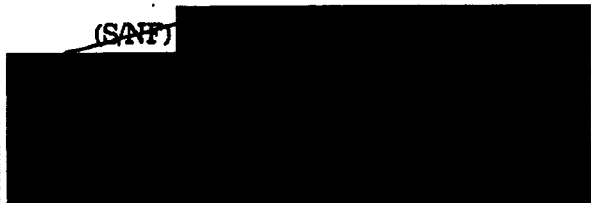
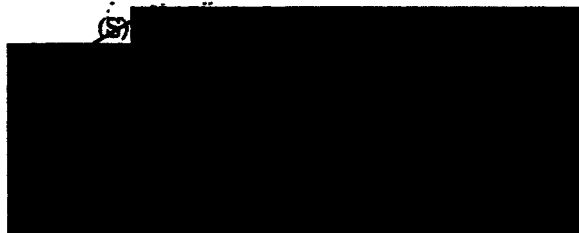
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(U) Shortly thereafter, from August 31 to September 9, 2003, the JTF GTMO commander, MG Geoffrey Miller, led a team to assess interrogation and detention operations in Iraq. (MG Miller's visit was the result of an August 18, 2003 message from the Joint Staff's Director for Operations [J-3], requesting that the SOUTHCOM commander provide a team of experts in detention and interrogation operations to provide advice on relevant facilities and operations in Iraq. The need for such assistance in light of the growing insurgency had originally been expressed by CJTF-7 and CENTCOM, and the Joint Staff tasking message was generated following discussion with both CENTCOM and SOUTHCOM.) A key observation by the team was that CJTF-7 had "no guidance specifically addressing interrogation policies and authorities disseminated to units" under its command. This observation was closely related to the assessment team's central finding that CJTF-7 "did not have authorities and procedures in place to effect a unified strategy to detain, interrogate and report information from detainees/internees in Iraq."



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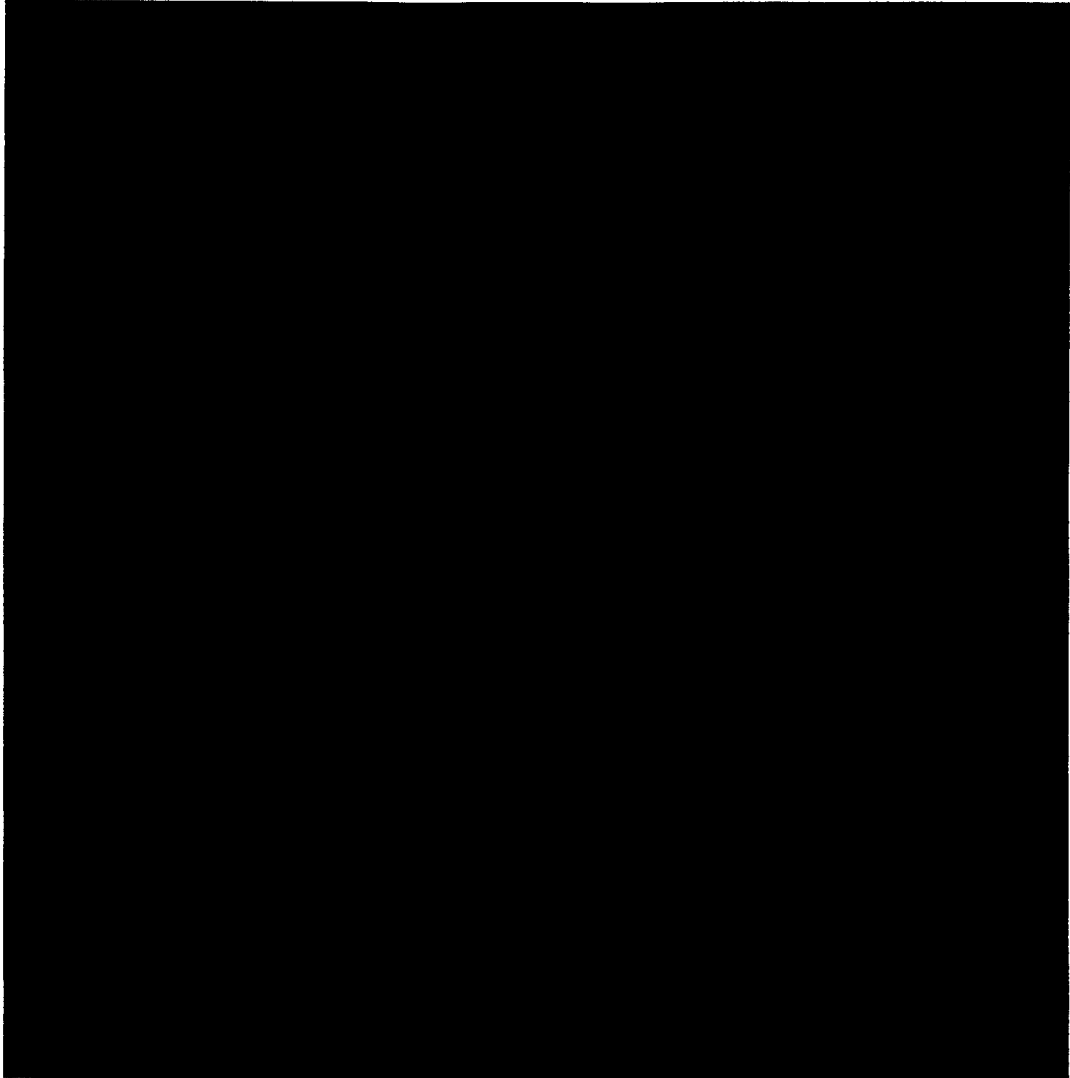
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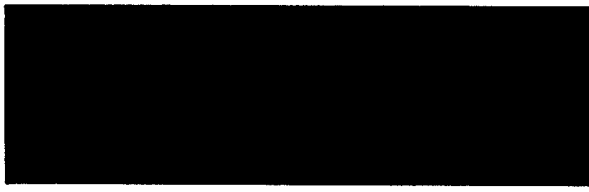
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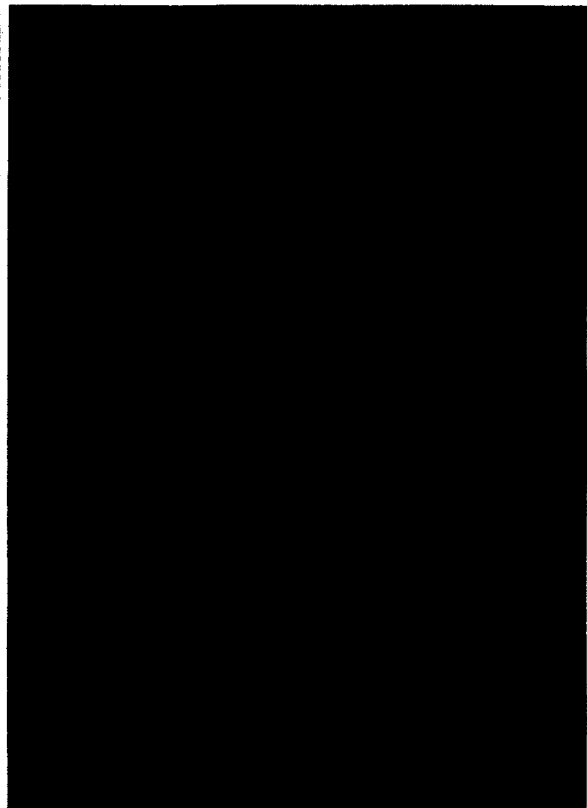
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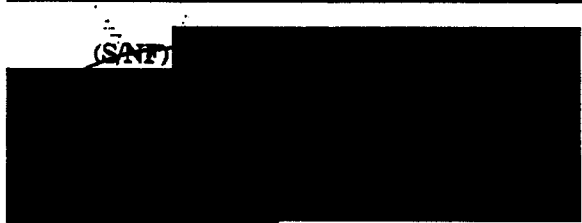
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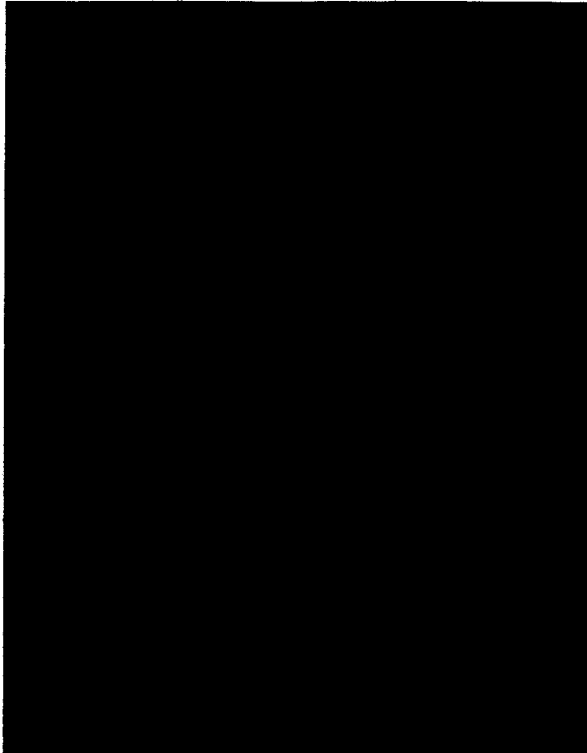
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(U) October 12, 2003 CJTF-7 Interrogation
and Counter-Resistance Policy

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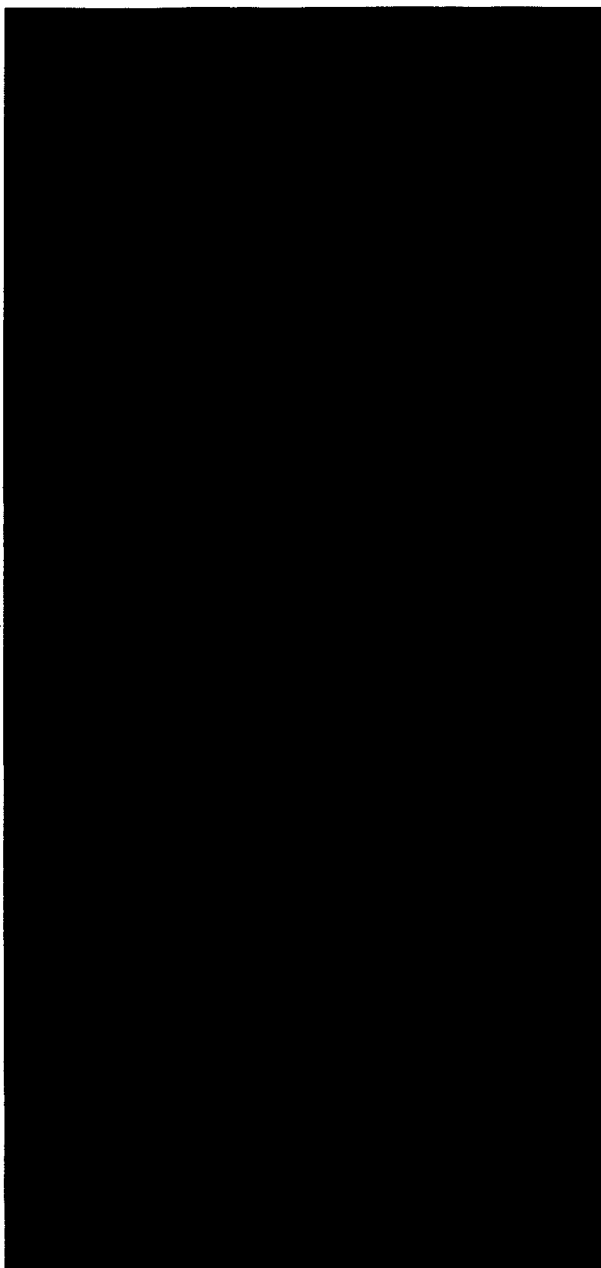
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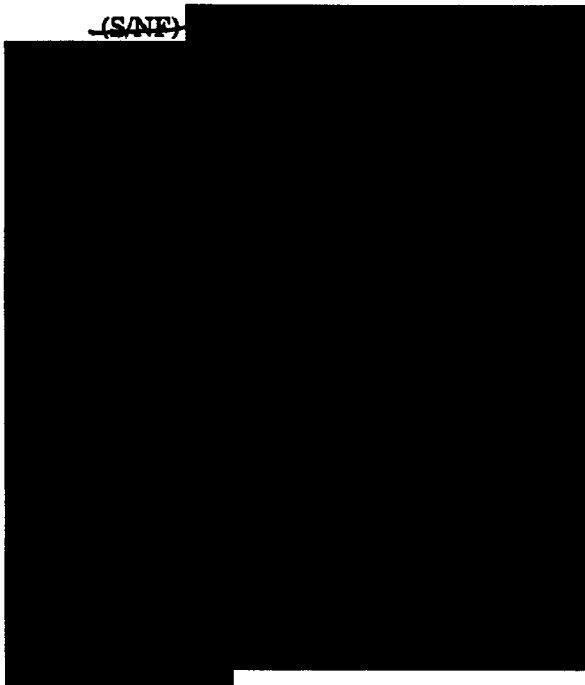
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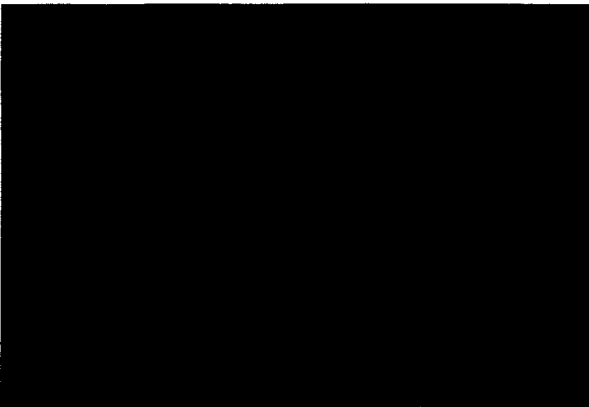
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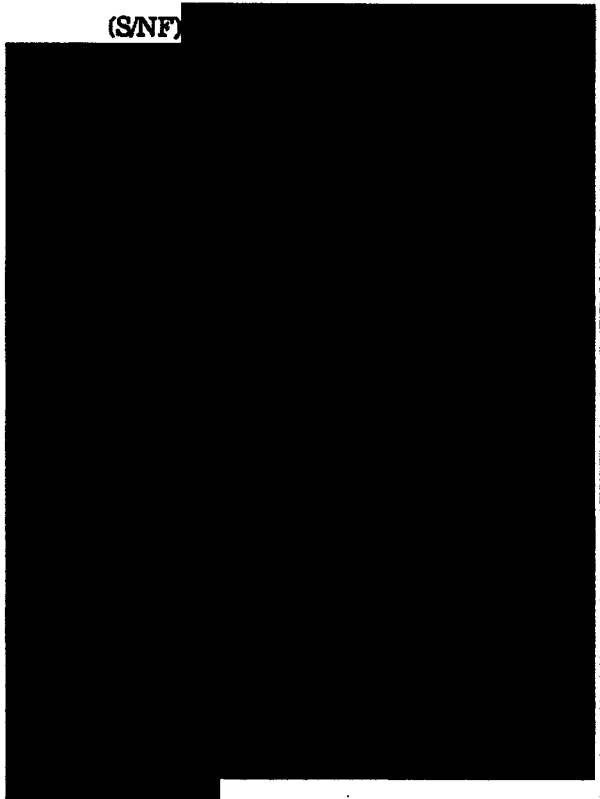
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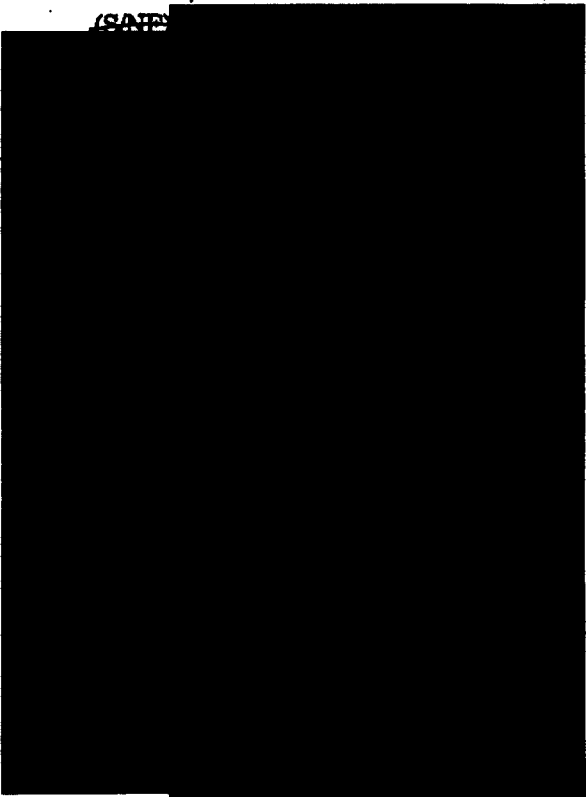


(U) May 13, 2004 CJTF-7 Interrogation and Counter-Resistance Policy

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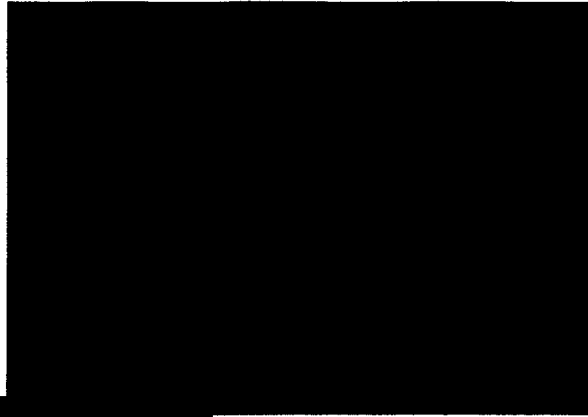
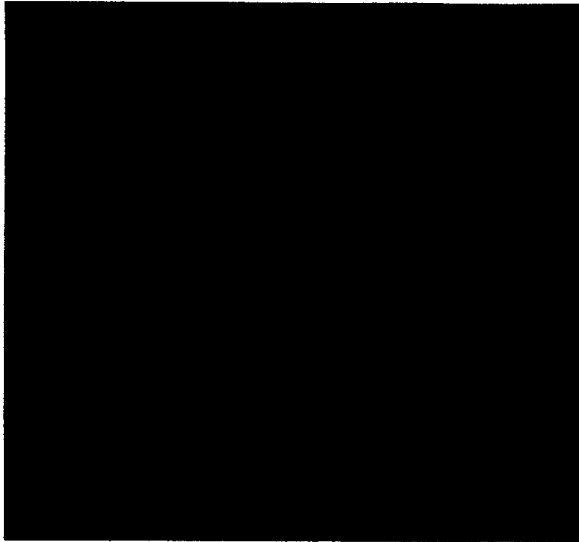
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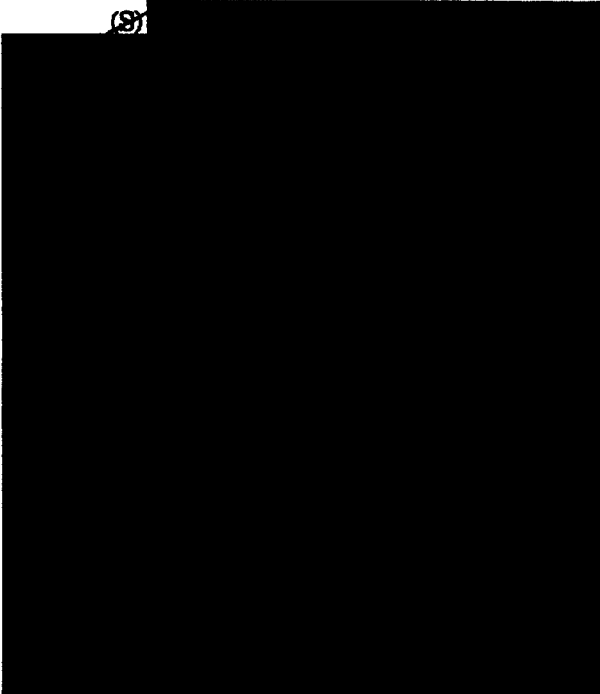
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(U) Interrogation Techniques Employed

(U) As in the previous sections covering GTMO and Afghanistan, this section begins with a brief summary of our investigation, followed by a comparison of the techniques approved for use in Iraq (i.e., the CJTF-7 interrogation policies) with those techniques actually employed.

(U) Investigative Procedure



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(U) In order to avoid duplication of previous efforts by other investigations that focused on Abu Ghraib, and because of constraints related to ongoing criminal proceedings concerning the abuses there, we relied primarily on the Taguba, Jones, and Fay reports for data regarding the Abu Ghraib events of October through December 2003. However, the analysis presented here is our own; in addition, our team's visit and interviews at Abu Ghraib provided a snapshot of current interrogation and detention conditions there.

(U) As in GTMO and Afghanistan, the interviews covered the entire spectrum of personnel involved in detainee and interrogation operations, from flag and general officers to junior enlisted interrogators and personnel who participated in the capture of detainees. We took interviews or written statements from general officers including GEN Abizaid and LTG Sanchez, as well as other key personnel including CJTF-7/MNF-I senior intelligence officer MG Barbara Fast, MG Geoffrey Miller, and the debriefing and interrogation commanders at the ISG and Abu Ghraib, respectively. In addition, our team in Washington conducted an extensive review of the documentary evidence gleaned from responses to our data requests to commands and agencies throughout DoD, as well as data collected during previous investigations, particularly the reports of LTG Jones, MG Fay, MG Taguba, and the Independent Panel.

(U) Comparison of Interrogation Techniques Approved and Employed



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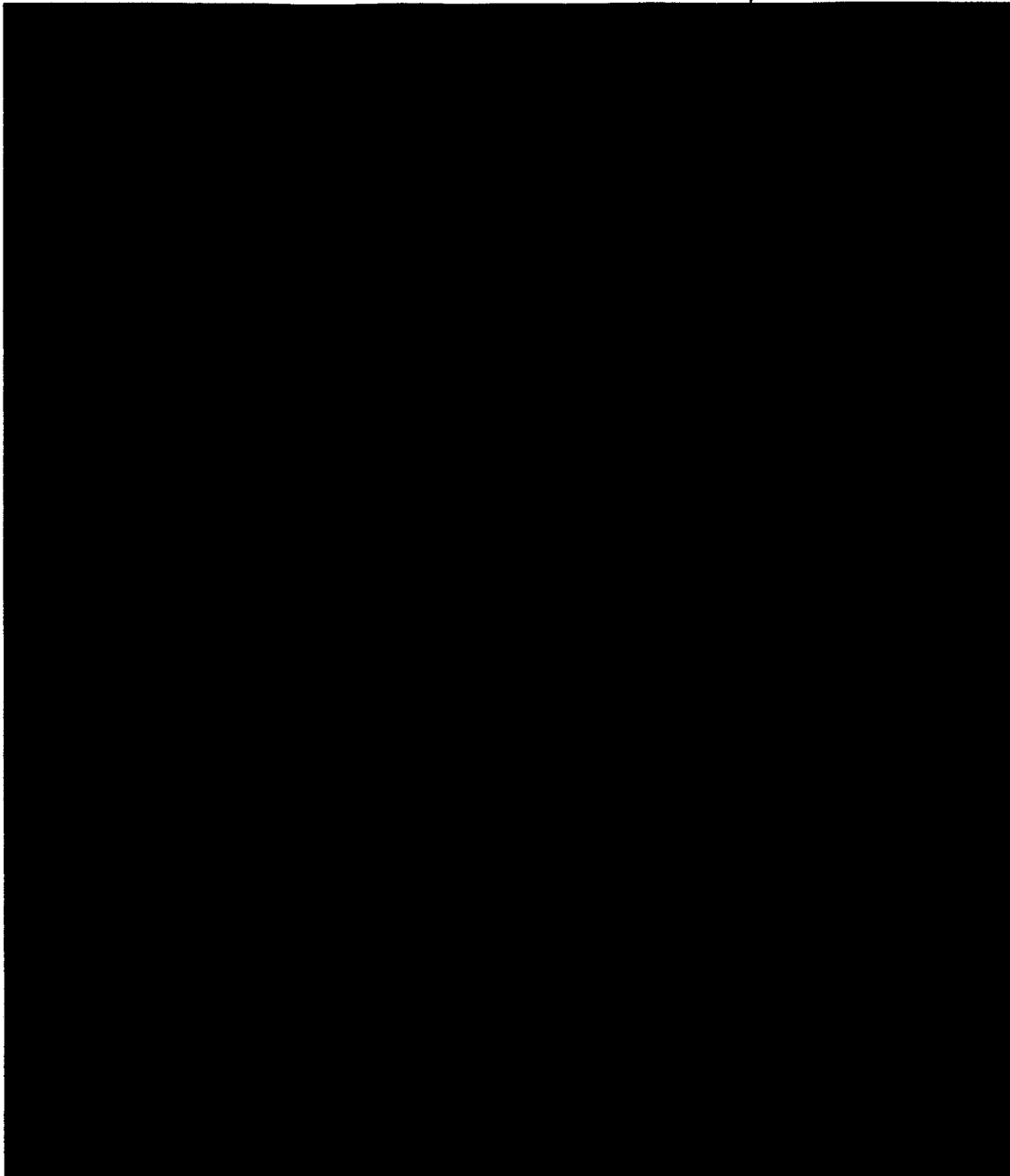
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(U) In addition, before beginning our analysis of the chart, a further clarifying note is necessary: in the third column, representing the period between October 12, 2003, and May 12, 2004, the chart includes several X markings depicting the abuses at Abu Ghraib detailed in MG Taguba's report - in particular, Removal of Clothing; Presence of Military Working Dogs (which attacked detainees, rather than simply being present); Beating; Mock Electric Shock; Photographing under Humiliating Circumstances; and Sexual Acts / Mock Sexual Acts. By including the Abu Ghraib abuses on the chart, we do not imply that those specific acts are in fact considered to be interrogation techniques, that they were the result of any policy, or that they occurred during the course of interrogations (except as noted in previous reports). Rather, they are included in order to contrast the nature of those abuses with the interrogation policy that LTG Sanchez had mandated for all security internees held by CJTF-7, including those at Abu Ghraib. Clearly, each of these abuses was prohibited by the October 12, 2003 CJTF-7 interrogation policy, and LTG Jones found that the Abu Ghraib abuses primarily resulted from individual criminal misconduct; misinterpretation or ignorance of law, policy, doctrine, and approved interrogation techniques; and lack of proper organization, training, and supervision of the MI and MP forces at the prison. We found no evidence of any policy or directive that might be interpreted as ordering or permitting the Abu Ghraib abuse, and agree with LTG Sanchez, who stated to us that:

(U) "The cause of these abuses and deaths were the training, leadership and discipline failures inside of the units. The institutional guidance and the policies were all in place. The advice, the procedures, everything that was necessary for a commander to be successful I think had been done. The resourcing was progressing at a very slow pace, but it was in concert with the overall situation of the task force and the environment that we were in...And I think in the end, it was just plain and simple failures in those three areas at the lowest levels of leadership."

(U) As in the GTMO and Afghanistan sections, the chart depicts the use of many techniques coded white or orange, indicating techniques employed without specific approval that nonetheless are not necessarily problematic. To reiterate, these two colors indicate that the applicable policy memoranda did not specifically discuss the techniques in question; therefore, it is by no means certain that interrogators would categorize the techniques' application as distinct from other, approved techniques. For example, though the current (1992) edition of FM 34-52 does not specifically authorize Mutt and Jeff (see first column), nothing in the FM, the Geneva Conventions, or other policies or doctrine inherently prohibits it. Similarly, interrogators in Iraq often opined that Yelling was inherent to Fear Up Harsh, which is a doctrinal technique, and that Deception was inherent to many, if not most of the

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doctrinal techniques. In these instances, X marks in orange blocks may not be a matter for concern, since neither interrogators nor the drafters of the policies might presume the technique to be outside the bounds of doctrine. (We will of course discuss exceptions below. In particular, when examining a line on the chart corresponding to a technique, if the color code changes from yellow to orange under subsequent policies, it can be understood that LTG Sanchez retracted the technique, but could allow it on a case-by-case basis following an official request and legal review.)

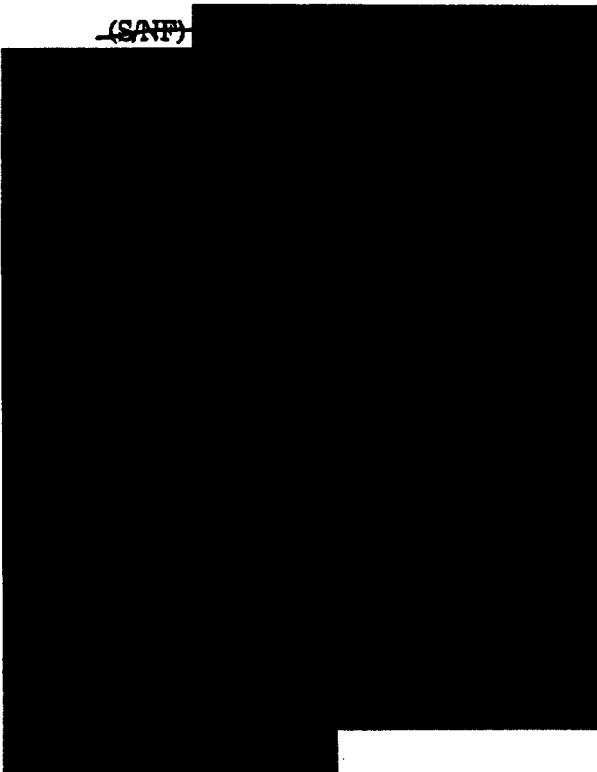
(U) A final qualification regarding the chart bears repeating: as in the previous sections, the absence of an "X" does not mean conclusively that a technique was never employed; rather, that we found no evidence of its employment. Nevertheless, based on our interviews we are confident that the chart presents an accurate picture of the techniques employed in Iraq, and that any abuse incidents or improper employment of techniques unknown to us would have been isolated events.

(U) Overall Compliance with Approved Techniques

(U) Before beginning our discussion of compliance with approved techniques, we must note one key observation regarding Abu Ghraib: the vast majority of abuses at Abu Ghraib (e.g., the "human pyramid") are completely unrelated to any doctrinal or otherwise approved interrogation techniques or policies, and did not occur during actual interrogations. Because the abuses there indicated a complete disregard for approved policies, they should not be considered representative of other issues pertaining to compliance with approved policies in Iraq (which are discussed below).

(U) A broad look at the chart illustrates a key finding regarding interrogation techniques employed in Iraq: the X marks in orange, yellow and red areas corresponding to techniques 1

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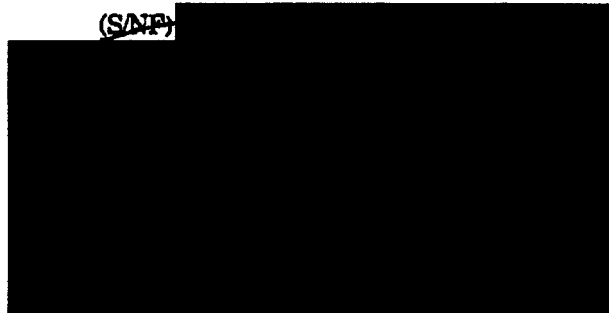
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through 50 indicate that dissemination of approved interrogation policies was ineffective, resulting in widespread lack of awareness of which techniques were currently authorized. Though our interviews of senior leaders in Iraq uniformly demonstrated that they were aware of the latest guidance, the breakdown of dissemination was pervasive at the unit level - for example, many personnel interviewed in June and July were unaware of the May 13, 2004 CJTF-7 interrogation policy - and, we believe, stemmed in large part from a reliance on SIPRNET (DoD's classified internet system) to disseminate the CJTF-7 policy memos to the field.

(U) When asked how command interrogation policy was provided to individual units, the former CJTF-7 C-2X (i.e., the staff officer responsible for HUMINT and counterintelligence) stated, "These were posted on the CJTF-7 (SIPRNET) web page." At the other end of the distribution chain, a brigade S-2 (intelligence officer), a major, told us that a "guy has to look on the web each day" for guidance relevant to detention and interrogation. Unlike standard DoD messaging systems, this reliance on web-based dissemination requires units in the field - many of which may have limited access to SIPRNET - to "pull" guidance from higher headquarters. In addition, the CJTF-7 policy memos - unlike many OPORDs and FRAGOs issued during the course of IRAQI FREEDOM - do not include a requirement for units to acknowledge receipt; therefore, the CJTF-7 staff had no way of knowing whether dissemination had been effective.

(U) In short, effective dissemination of CJTF-7 interrogation policies appeared to rely largely on timely posting of the memoranda to SIPRNET web sites; reliable SIPRNET connectivity of widely dispersed forces under often-hostile conditions in the field; and initiative on the part of units in the field to access SIPRNET to download interrogation guidance. Although this may have been backed up by distribution of hardcopy memoranda through normal command channels, our interviews revealed that the chain frequently broke down. For example, on June 27, an Army captain commanding a Tactical HUMINT Platoon stated that he was aware of the May 13, 2004 CJTF-7 policy, but had not received it from his superior officer; rather, he had found the memo on his own. The last policy he had received from his chain of command was the October 12, 2003, memo. In addition, as of September 18, 2004, we discovered that the October 2003 CJTF-7 policy was still posted next to the current, May 2004 policy on the MNC-I C-2X SIPRNET web site with no amplifying information, adding to the potential for confusion.

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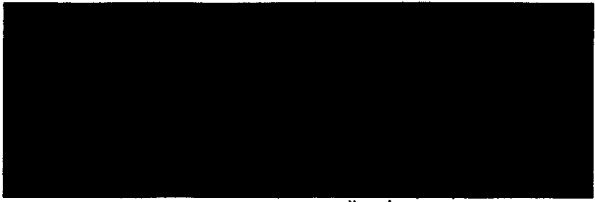
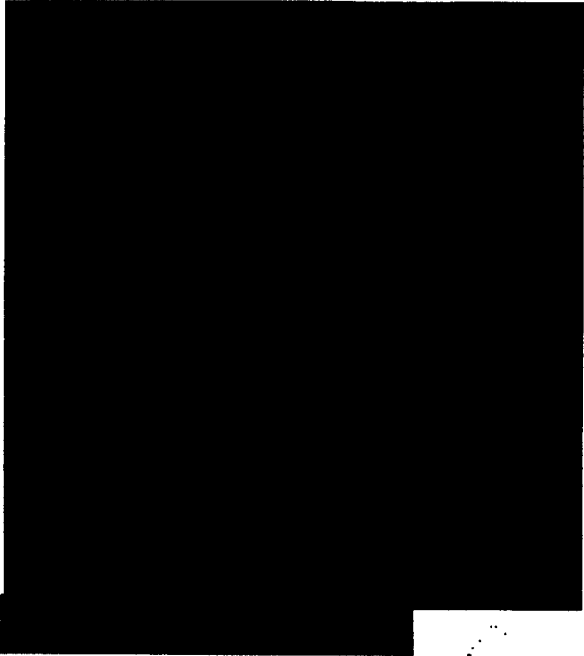
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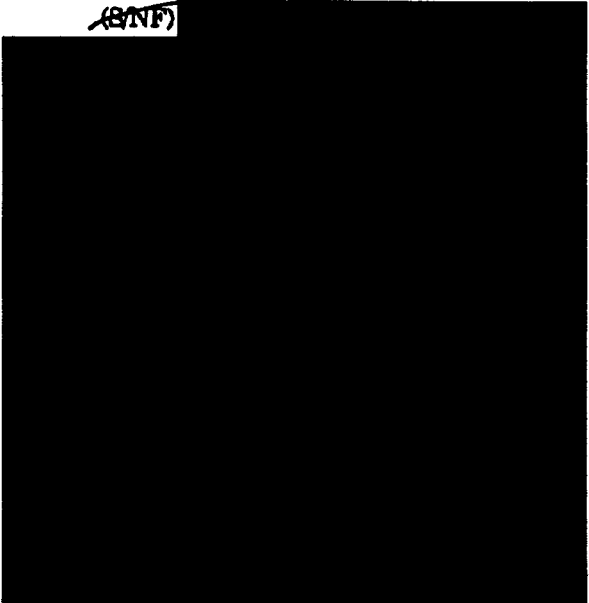
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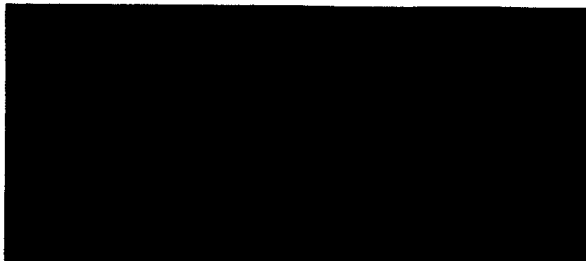
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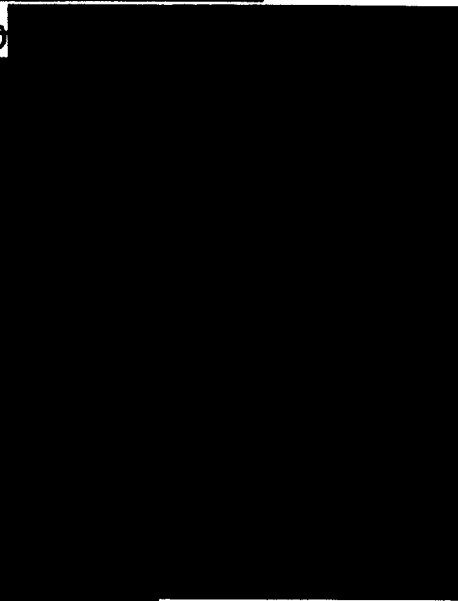
(U) We now turn to a discussion of specific interrogation techniques employed in the course of Operation IRAQI FREEDOM. Our GTMO and Afghanistan sections have described legal and humanitarian concerns surrounding the use of certain techniques, such as stress positions; with some exceptions, we have not reiterated those concerns in this section, which simply describes the techniques employed. Nevertheless, the aforementioned concerns should be borne in mind.

(U) Several observations regarding specific techniques derived from FM 34-52 follow.

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(U) Our discussion is divided into four parts: first, doctrinal techniques contained in FM 34-52; second, techniques introduced by the September 2003 CJTF-7 interrogation policy; third, techniques not specifically mentioned by any policy; and fourth, techniques prohibited by law or policy.

(U) FM 34-52 Techniques

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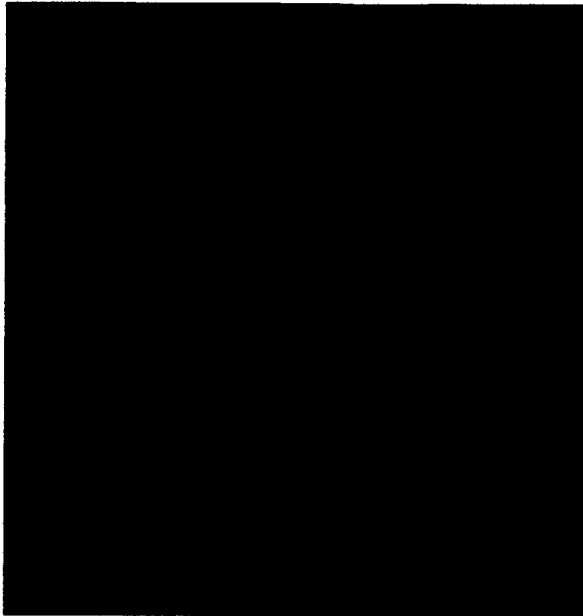
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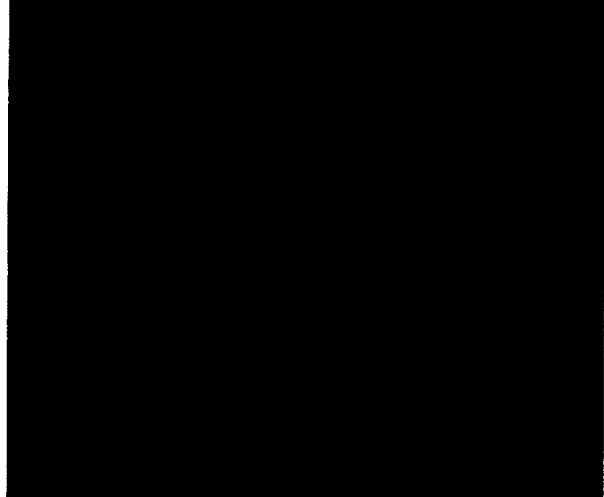
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(U) Techniques Introduced by the
September 14, 2003 CJTF-7 Policy
Memorandum

(U) General Observations

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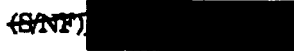
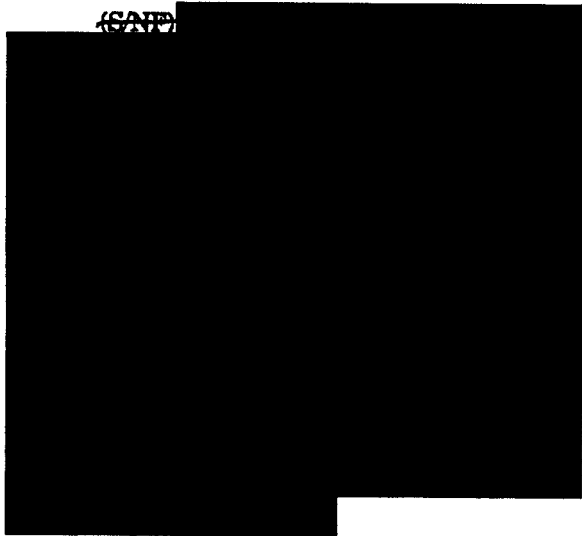
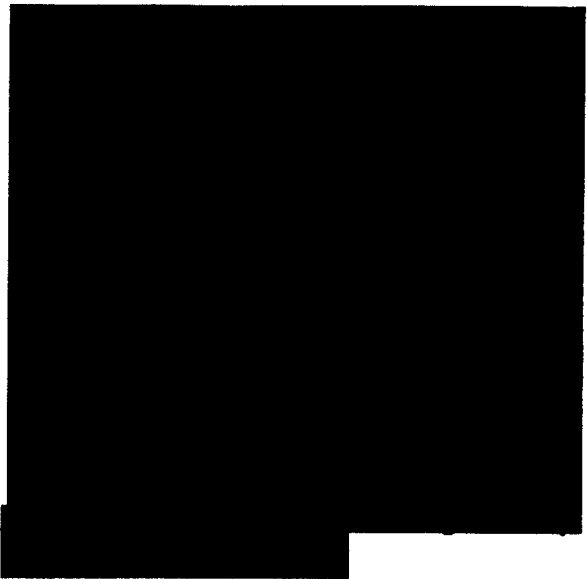
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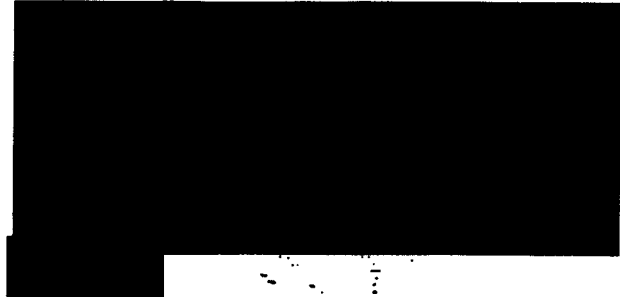
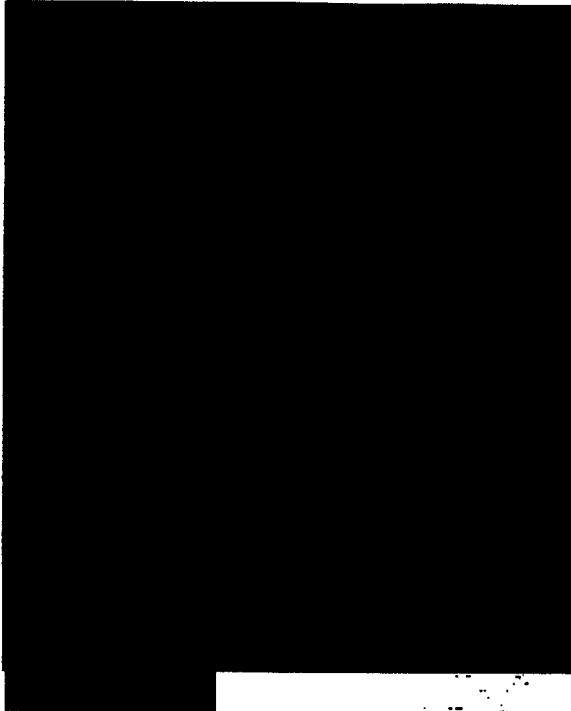
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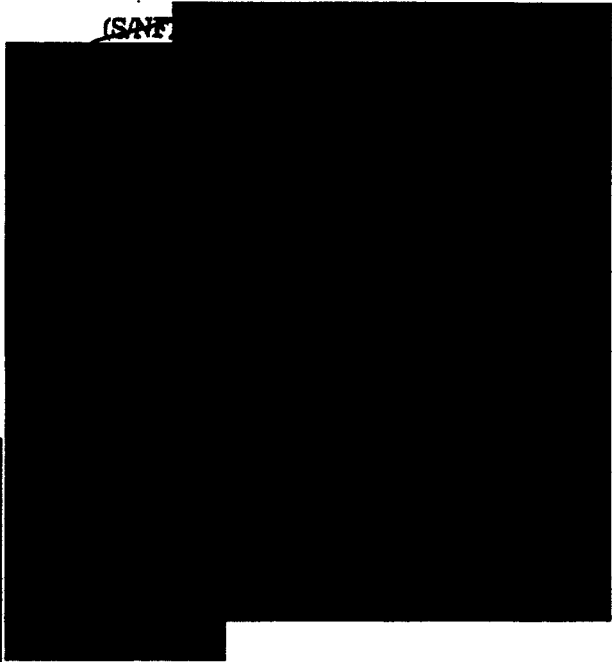
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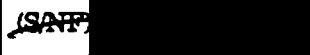
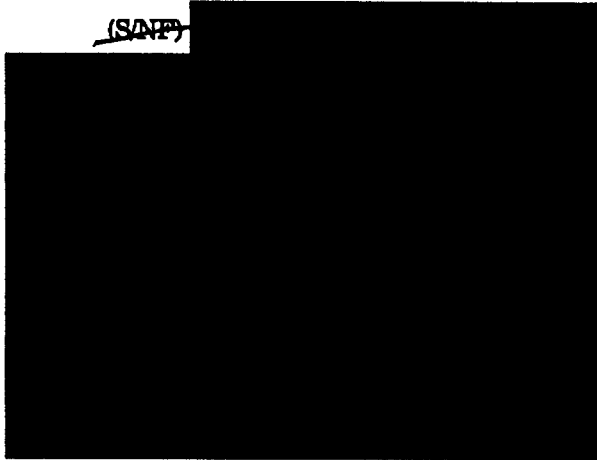
(U) Doctrinal Techniques

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(U) Continued Use of Some Retracted and Prohibited Techniques

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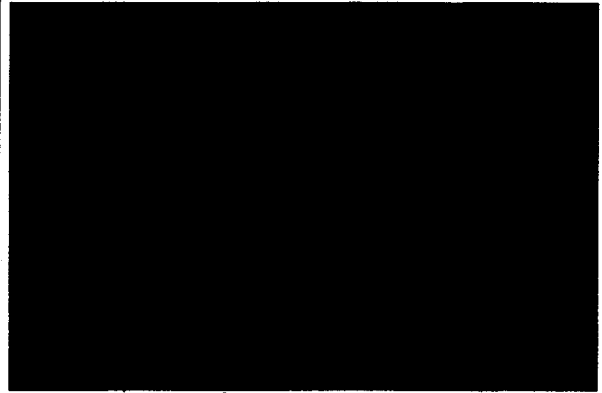
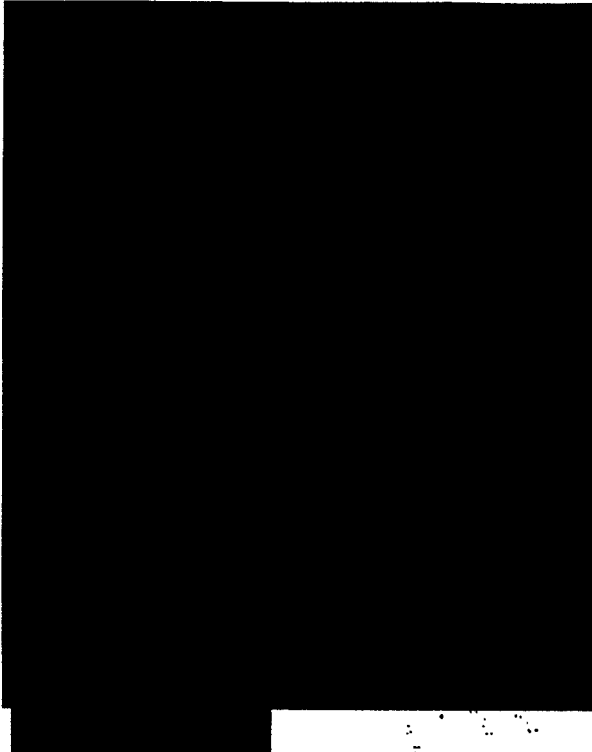
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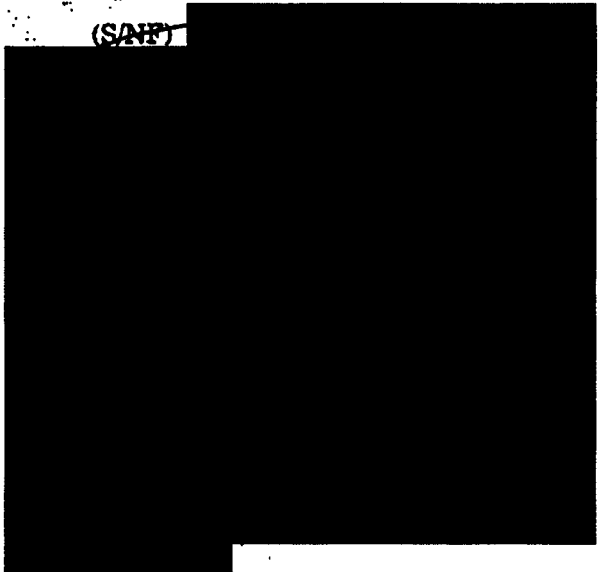
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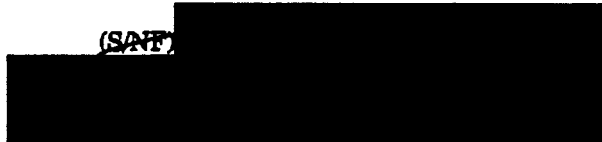


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[REDACTED]

(U) Additional Techniques

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[REDACTED]

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[REDACTED]

~~(S/NF)~~

[REDACTED]

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individual consideration due to their potential for abuse.

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[REDACTED]

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(U) We received only rare reports of the other techniques listed; however, these deserve

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[REDACTED]

(U) As in Afghanistan, the normal employment of strip searches by MPs, and hygiene inspections by medical personnel, may contribute to any impression that U.S. forces employed clothing removal techniques. These practices had stopped by the time of our visit to Iraq, and U.S. forces were clearly making every effort to safeguard the privacy of detainees during security and hygiene procedures. (It should be reiterated, however, that strip-searching detainees is a doctrinal technique in accordance with FM 3-19.40.)

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~~(S/NF)~~ [REDACTED]

~~(S/NF)~~ [REDACTED]

~~(S/NF)~~ [REDACTED]

~~(S/NF)~~ [REDACTED]

~~(S/NF)~~ [REDACTED]

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[REDACTED]

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[REDACTED]

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[REDACTED]

(U) Prohibited Techniques

~~(S/NF)~~
[REDACTED]

(U) We next describe our specific findings pertaining to these prohibited techniques. We have erred on the side of caution by including in our discussion examples that might not be of sufficient severity to merit inclusion among the prohibited techniques, or were not explicitly related to interrogation, and thus do not appear on the chart. In addition, we describe several factors that, like strip searches and hygiene inspections, could contribute to *perceptions* that some of these techniques have been employed. Except where necessary, we do not provide further discussion of

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X marks deriving from the abuses at Abu Ghraib.

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~~(S/NF)~~ [Redacted]

~~(S/NF)~~ [Redacted]

~~(S/NF)~~ [Redacted]

~~(S/NF)~~ [Redacted]

~~(S/NF)~~ [Redacted]

~~(S/NF)~~ [Redacted]

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nically correct in stating that "Interrogation techniques intended only for Guantanamo [from the perspective of the Secretary of Defense's cautions contained in the GTMO policy] came to be used in...Iraq." However, it must be emphasized that the CJTF-7 policies were explicitly crafted to comply with the Geneva Conventions. This form of "migration" was neither accidental nor uncontrolled.

(S/NF)

[REDACTED]

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(S/NF) [REDACTED]

(S/NF)

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(U) Migration of Interrogation Techniques

(U) As we have seen from LTG Sanchez's and [REDACTED] statements, the September 2003 CJTF-7 interrogation policy drew heavily upon techniques contained in the April 2003 GTMO policy provided by MG Miller, as well as the draft A/519 policy forwarded to CJTF-7 by CPT Wood. Therefore, the Independent Panel was tech-

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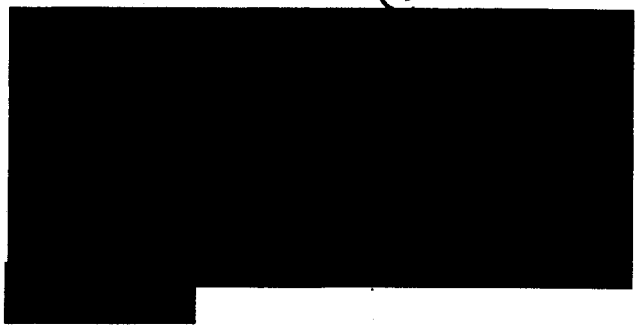
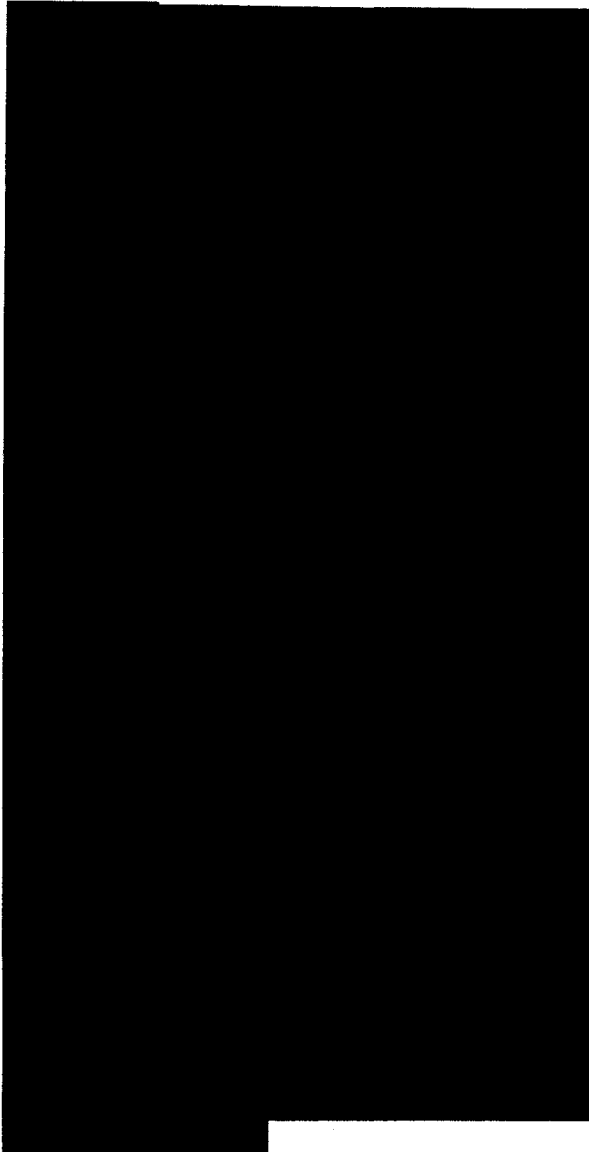
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(U) In sum, we found that migration of interrogation techniques into Iraq was largely through official processes, including through the staffing of the September 2003 CJTF-7 interrogation policy (which included legal reviews by both CJTF-7 and CENTCOM); and that unofficial migration likely occurred when interrogators believed that techniques they had learned elsewhere were permissible under the Geneva Conventions and FM 34-52. We found no evidence that interrogators consciously imported techniques that they believed to exceed the laws and policies applicable in Iraq. Finally, we found no evidence that copies of the Detainee Interrogation Working Group report on interrogation techniques were ever circulated in Iraq.

(U) Pressure for Intelligence

(U) There has been much speculation regarding the notion that pressure for actionable intelligence contributed to the abuses at Abu Ghraib, and it is true that "pressure" was applied through the chain of command: as LTG Sanchez



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stated to LTG Jones, "You bet there was intense pressure. Because my soldiers were fighting and dying every day and I needed to know what the enemy was doing in order to defeat him. I mean, that's a fundamental responsibility and a requirement of any commander on the battlefield. Everything that we do as war-fighters is Intel-based. It's threat-based. And if I had not been applying intense pressure on the intelligence community to know my enemy I would have been derelict in my duties and I shouldn't have been a commanding general."

(U) In the case of Abu Ghraib, this pressure was manifested within the 205th MI Brigade in shortcuts circumventing doctrinal procedures for the prioritization, reporting, and dissemination of intelligence, as MG Fay described in his report. In some cases, it appears that personnel from CENTCOM, DIA, and OSD may have sent requests for information directly to Abu Ghraib, rather than through normal intelligence channels. However, as MG Fay stated, "This pressure should have been expected in such a critical situation, but was not managed by the leadership and was a contributing factor to the environment that resulted in abuses." To this we would add that, in the face of understandable and appropriate pressure from the war-fighting commander for actionable intelligence, at Abu Ghraib there appeared to be a unit-level failure to either enforce existing standard operating procedures, or to develop and seek appropriate authorization for new, more effective ones.

(U) Another reported source of pressure to conduct aggressive interrogations was an August 14, 2003 e-mail from a member of the CJTF-7 C-2X staff to field MI leadership personnel in Iraq stating, "The gloves are coming off gentleman [sic] regarding these detainees, [assistant CJTF-7 C2] ██████████ has made it clear that we want these individuals broken." The language of this e-mail, if taken out of context, could be construed as creating a permissive atmosphere for interrogation-related abuses, and the possibility that it inadvertently did so cannot be ruled out (though we found no evidence to support such a conclusion). However, it is important to note that the purpose of the e-mail was to solicit "interrogation techniques 'wish list'" from MI leaders in the field, and did not grant permission for any non-doctrinal techniques - in fact, it asked field units to report "techniques...they feel would be effective...that [the CJTF-7] SJA could review." Responses to this e-mail were factored into the development of the September 2003 CJTF-7 policy, which was reviewed by the SJA, as previously described.

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dence any pressure of this nature.

(U) Again, as with the e-mail described previously, it is not impossible that visits by senior personnel led individual interrogators to perceive that they were receiving pressure for intelligence; however, effective leadership and enforcement of approved policies should have prevented any such misunderstandings. In any event, our interviews gave no evidence that such misunderstandings actually took place.

(U) Finally, we found no evidence to support the notion that the Office of the Secretary of Defense, National Security Council Staff, CENTCOM, or any other agency or command applied direct pressure for intelligence, or gave "back-channel" permission for more aggressive techniques than those authorized by FM 34-52 or CJTF-7 policy, to forces in the field in Iraq. We interviewed and took statements from a number of senior officials from the Office of the Secretary of Defense, all of whom stated that no such pressure had been applied. In addition, we posed questions to Ms. Fran Townsend of the National Security Staff Council, who visited Abu Ghraib in November 2003. Although she declined to respond to the questions, we were told that she stood by her previous statement that she visited Abu Ghraib in order to learn about the insurgency, and to investigate how better to integrate intelligence collection efforts, but did not pressure or give any guidance to personnel there. Finally, our interviews with commanders in the field did not evi-

(U) We now turn to a discussion of interrogation-related abuse cases in Iraq.

Detainee Abuse (U)

(U) As we have seen earlier, there have been substantially more alleged abuse cases in Iraq than in GTMO or Afghanistan. Without minimizing the impact or importance of the abuses that have occurred in Iraq, it should be kept in mind throughout this discussion that over 50,000 detainees have been held in Iraq since Operation IRAQI FREEDOM began. Therefore, the abuses we describe below, as well as those at Abu Ghraib, represent a tiny proportion of detainee operations in Iraq, most of which, we believe, have been conducted honorably under challenging circumstances.

(U) As of September 30, 2004, 274 investigations of alleged detainee abuse in Iraq had

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A detailed overview of the 60 substantiated abuse cases is provided in the chart below.

Iraq Detainee Abuse

CASES	DEATHS	ABUSES	TOTAL	TOTAL SUB- STANTIATED
OPEN	15 <input type="checkbox"/> 2 <input type="checkbox"/> 0 <input type="checkbox"/>	92 <input type="checkbox"/> 1 <input type="checkbox"/> 1*	114	N/A
CLOSED	32 <input type="checkbox"/> 0 <input type="checkbox"/> 0 <input type="checkbox"/> <small>Note: Does not include 22 Abu Ghraib mortar attack deaths.</small>	101 <input type="checkbox"/> 3 <input type="checkbox"/> 3* <small>* Contractor</small>	160	60
TOTAL	56	218	274	60

Army Related Cases Navy Related Cases All data as of 30 Sep 2004.
 USMC Related Cases Other Related Cases

UNCLASSIFIED

been initiated. The chart above depicts the status of those investigations: 160 investigations have been closed, of which 60 substantiated abuse. Five of the substantiated abuse cases resulted in a detainee's death.

(U) Interrogation-related Abuse

(U) Each closed, substantiated investigation was reviewed to determine whether the abuse was interrogation-related (i.e., whether the abuse arose from the questioning of

detainees). In categorizing abuse as "interrogation-related," we took an expansive approach: for example, if a soldier slapped a detainee for failing to answer a question at the point of capture, we treated that misconduct as interrogation-related abuse. Therefore, these abuses are not all related to official interrogations, as the descriptions below will demonstrate. In reviewing these cases, we found no evidence whatsoever that approved interrogation policies contributed to abuse; furthermore, as of September, 30, 2004, there were no closed, substantiated cases of

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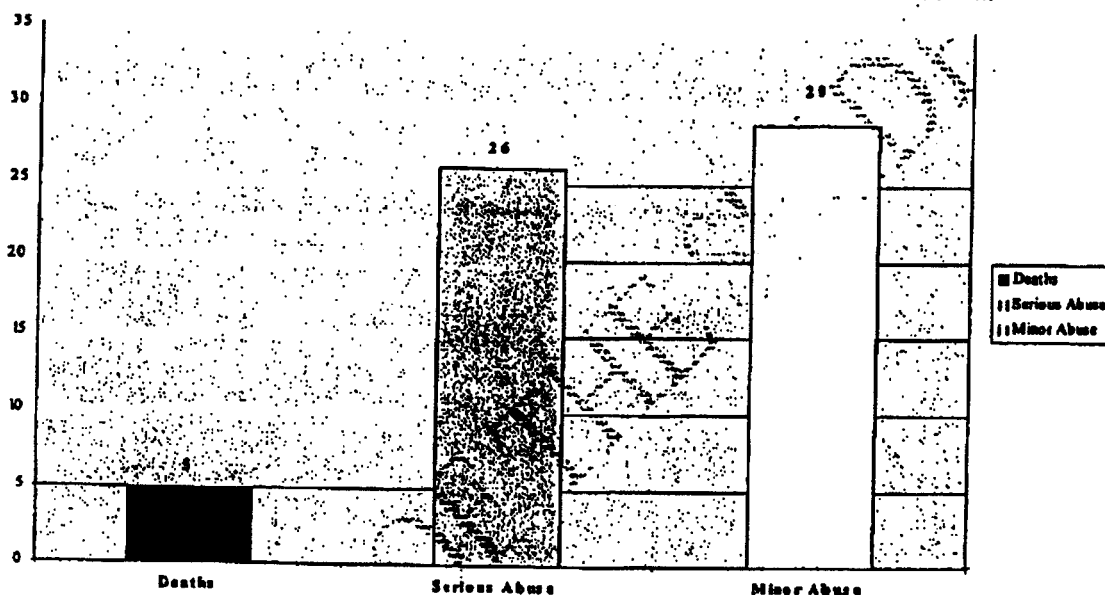
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IRAQ - Closed Substantiated Cases



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death resulting from interrogation-related abuse. following pages.

(U) As of September 30, 2004, there were 16 substantiated interrogation-related abuse cases. (Investigators substantiated that the five deaths and 39 other abuse cases were not related to interrogations.) The interrogation-related abuses are categorized by type, location, and service and component of the perpetrator on the

(U) Brief descriptions of the 16 interrogation-related abuse cases are presented next.

(U) Cases Involving Trained Interrogators

1. (U) On September 24, 2003, at Forward Operating Base Iron Horse, an interrogator

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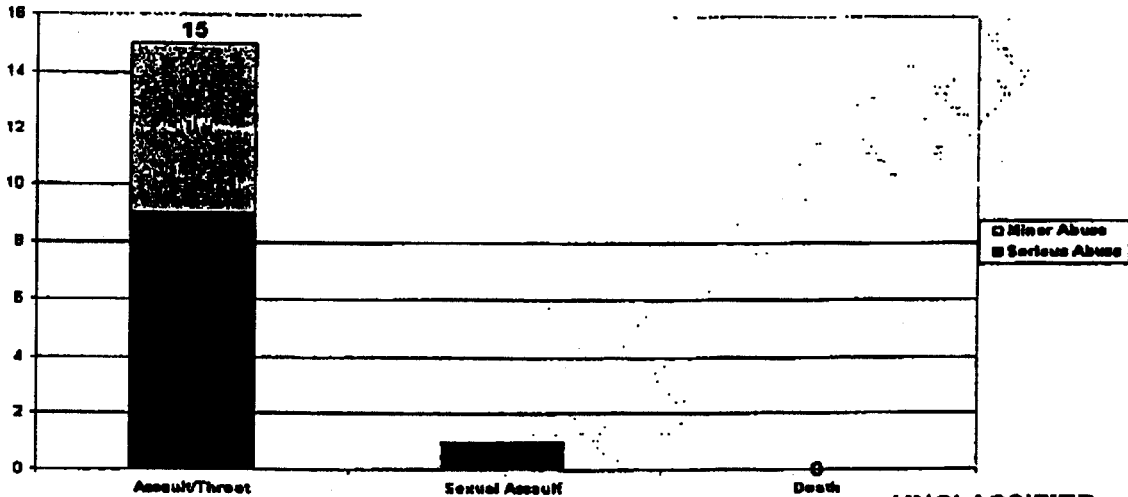
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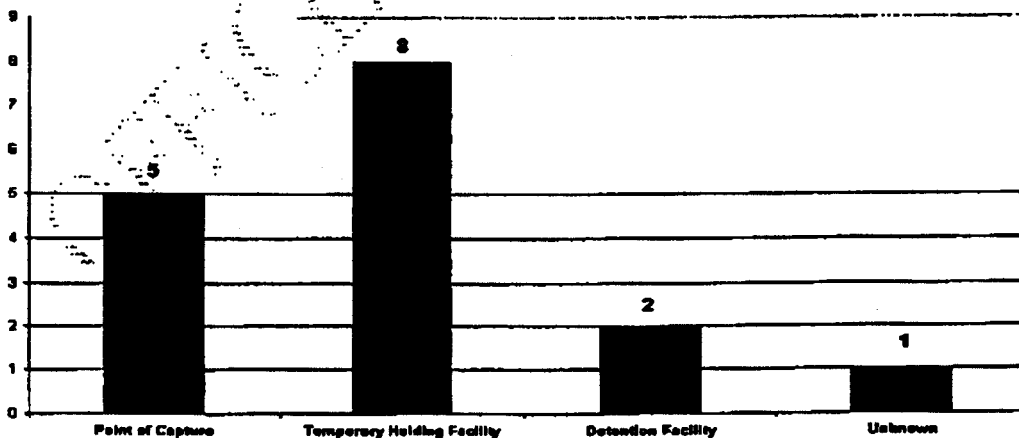
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Iraq Closed Substantiated Cases Related to Interrogation by Type of Incident
INTERROGATION RELATED ONLY
IRAQ Total = 16



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Iraq Closed Substantiated Cases Related to Interrogation by Type of Facility at which the Incident Occurred
INTERROGATION RELATED ONLY
IRAQ Total = 16



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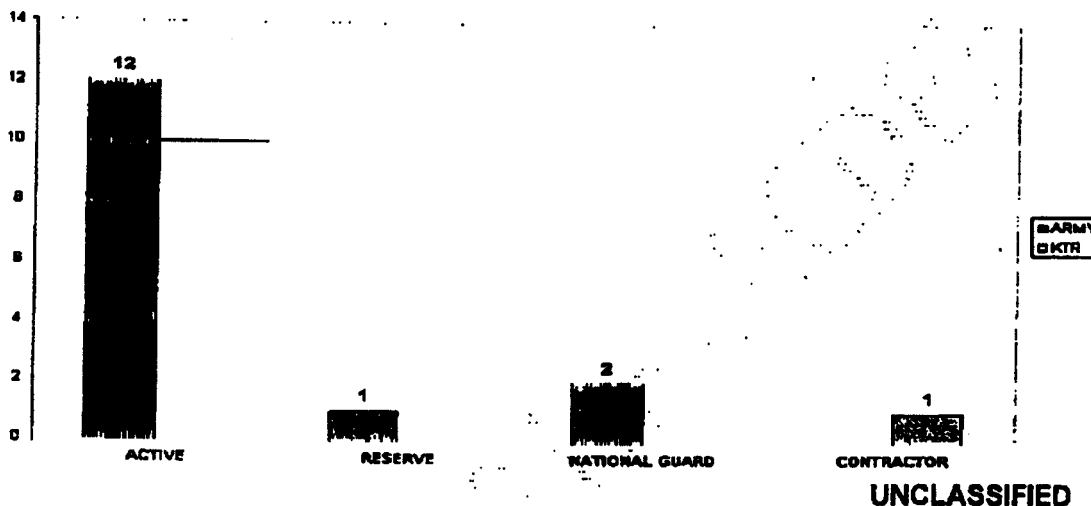
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Closed Substantiated Cases by Service Component of Personnel Involved
INTERROGATION RELATED ONLY
IRAQ Total = 16



(a specialist assigned to the 104th Military Intelligence Battalion) hit a detainee's back, buttocks, and the bottom of his feet with a Military Police baton. Another SPC, an interpreter, was present during this interrogation. The detainee complained of discomfort to his back and buttocks for two days. An Article 15-6 investigation was conducted, and both SPCs received non-judicial punishment and were relieved of interrogation duties. The specific punishment awarded was not included in the reports we reviewed.

2. (U) On October 7, 2003, three military intel-

ligence personnel assigned to the 519th Military Intelligence Battalion (one sergeant and two specialists, one of whom was an interrogator) sexually assaulted a female detainee in a cell at Abu Ghraib. The SGT and SPCs moved the detainee from her cell to a more isolated cell where one soldier acted as lookout, another held her arms, and the third kissed her. The detainee was then taken to another section of the prison and shown a naked male detainee. She was told that if she did not cooperate, she would look the same way. The detainee was then taken back to the abandoned cell where a soldier removed her blouse. When

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she started to cry, the soldiers gave her blouse back and told her that they would be back each night. During the investigation, she claimed that she smelled alcohol on the breath of one interrogator. On January 3, 2004, COL Thomas M. Pappas, Commander, 205th Military Intelligence Brigade, awarded non-judicial punishment to the three soldiers for failing to get authorization to interrogate the female detainee. The SGT was reduced in rank and required to forfeit \$500 pay; one SPC was reduced in rank and required to forfeit \$500 pay; and the other SPC received a suspended reduction in rank and was required to forfeit \$750.00 pay. Both of the SPCs had previously served in Afghanistan, and assault, dereliction of duty and maltreatment charges have been recommended against both by the Army CID investigations into the December 2002 PUC deaths at the Bagram Collection Point

3. (U) On December 10, 2003, a detainee suffered a fractured lower jaw at the 2d Brigade Holding Facility. Investigators believed that this injury resulted from abuse. An AR 15-6 investigation and medical examination could not determine if the fracture occurred as a result of a blow to the face, or after the detainee fell face-first onto the floor following extensive calisthenics,

presumably used as a means to wear down detainees during interrogations. A General Officer Memorandum of Reprimand was issued to the Warrant Officer in charge of the facility for failing to provide adequate supervision to interrogators.

4. (U) In January 2004 at a holding facility, an interrogator assigned to a SOF unit told two detainees that they would be sterilized, then poured the contents of a Chemlight onto one of those detainee's genitals. (The investigation did not reveal whether the detainee was clothed at the time of this incident.) A unit investigation also revealed that another soldier, a guard, struck a detainee. The interrogator was orally reprimanded and reassigned, and the guard received non-judicial punishment.
5. (U) On April 1, 2004, several interrogators assigned to a SOF unit slapped a detainee during an interrogation. The summary of the unit investigation into this misconduct did not identify the location of this abuse, and the detainee was evidently not seriously harmed. Each interrogator received a Letter of Admonishment.
6. (U) On April 19, 2004, Task Force 82d Airborne apprehended a detainee who was suspected of killing a TF 82d soldier using an improvised explosive device (IED). A

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contract interpreter employed by Titan Corporation reportedly became enraged during the questioning of the detainee and forced the detainee into a stress position (making the detainee lie on his stomach with arms and legs extended off the ground). An officer and another soldier told the interpreter to cease interrogating the detainee and simply translate. The interpreter disregarded them and continued his interrogation in Arabic without translating the questions or answers. During the interrogation, which lasted several hours, the interpreter hit the detainee on the back of the head with an open hand when the detainee did not answer questions. The soldiers told the interpreter that his conduct was illegal, and he responded that his conduct would have been worse had the soldiers not been present during the interrogation. The officer was issued a General Officer Memorandum of Reprimand for failing to control the situation, and the civilian interpreter was fired.

(U) Cases Not Involving Trained Interrogators

(U) In defining interrogation-related abuse cases, we considered any case where the abuse arose from any type of questioning of a detainee. The cases described below involve the questioning of detainees by personnel other than trained interrogators.

7. (U) On June 21, 2003, a Quick Reaction

Force assigned to the 4th Battalion, 1st Field Artillery, 1st Armor Division responded to reports of sniper fire from the Iraq Museum of Military History in Baghdad. An Iraqi civilian was taken into custody as a suspect, and several weapons were confiscated. A private first class approached the detainee, asked: "You been shooting at us?" and then struck the detainee in the face, making his nose bleed. The PFC also placed an inoperable pistol from the museum against the detainee's head and said "bang." Later, a staff sergeant allegedly pointed his M-16 at the detainee's head and then charged it. This occurred while the detainee was sitting cross-legged on the ground with his hands interlaced behind his head. Some witnesses stated that the SSG coaxed the detainee to pick up the inoperable pistol, but the detainee refused to take the gun. It was later determined that the detainee, who was subsequently released, had been hired by the U.S. Army to guard the museum. The PFC admitted to hitting the detainee and received non-judicial punishment (reduction in rank to E-1). The SSG denied any involvement, and was acquitted at a summary court-martial for assault and dereliction of duty.

8. (U) On June 30, 2003, in the vicinity of Abu Ghraib, a U.S. military convoy of the 1st Battalion, 9th Field Artillery Regiment came under attack by rocket-propelled

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grenades (RPG) that destroyed one of the convoy vehicles. When the convoy stopped, two Iraqis were discovered in a nearby field; they surrendered and offered no resistance. While being questioned, six to eight soldiers (including one SSG who was not a trained interrogator) allegedly kicked and punched the detainees. One detainee claimed that a soldier placed the barrel of a rifle in his mouth and pointed it at his chest. When the detainees were delivered to a local brigade holding facility, they had multiple non-life threatening injuries. A medic was summoned to treat the injuries. The resulting AR 15-6 investigation did not identify all of the assailants and recommended further investigation to determine their identities. We were unable to find results of the subsequent investigation, and any administrative or disciplinary actions taken are unknown.

9. (U) On August 2, 2003, at the Taza Police Station, two Iraqis were brought in to be questioned about RPG attacks. While interrogating one of the detainees, a SSG assigned to the 4th Infantry Division punched one of the detainees several times in the stomach and head, and a sergeant present also hit the detainee. The detainee was cut over his right eye, requiring stitches, and had a broken nose. This incident occurred the same day that the sergeants' unit lost a soldier in an RPG attack. On

October 9, 2003, the SSG was charged with four violations of UCMJ Article 128 (assault). The SSG submitted a request for an administrative discharge in lieu of court-martial, which was approved. He also received non-judicial punishment (exact punishment unknown) for his misconduct.

10. (U) On August 20, 2003, at Forward Operating Base Gurner in Taji, Iraq, a detainee was questioned concerning his participation in a plot to assassinate U.S. service members. During the questioning, five soldiers from the 2nd Battalion, 20th Field Artillery Regiment, and a civilian interpreter punched and kicked the detainee. The interpreter told the detainee, "If you don't talk, they will kill you." After approximately 30 minutes of questioning, an officer - LTC Allen B. West - entered the room, chambered a round in his pistol, and placed the weapon on his lap with the barrel pointing at the detainee. Shortly thereafter, the detainee's shirt was pulled over his head and he was punched many times in the chest. With his vision obstructed, the detainee was unable to determine how many Soldiers hit him, but later stated that LTC West never struck him. After still refusing to provide information, LTC West pulled him by the neck to a weapons clearing barrel, pushed his head inside the barrel, placed his weapon approximately one foot away from

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the detainee's head, and fired one round, causing the detainee to react hysterically. LTC West was awarded non-judicial punishment (forfeiture of \$2,500.00 for two months) and was relieved of command. Each of the five soldiers was awarded non-judicial punishment (reductions in rank and forfeitures of pay) for their misconduct.

11. (U) On August 31, 2003, a specialist from the 1st Battalion, 36th Infantry Regiment threatened two Iraqi detainees during questioning in a building near Baghdad. The SPC, who was an intelligence analyst (not an interrogator), was seeking the name of an individual conducting grenade attacks. In separate interrogations, the SPC handed one detainee a bullet and told him that the round would kill him if he did not talk, and placed the bullet in the detainee's mouth and then removed it. Within hearing distance of the detainee but out of his field of vision, the SPC simulated charging an empty weapon to lead the detainee to believe the weapon was loaded. During these interrogations, the detainees were handcuffed and posed no threat. At the time of this incident, the SPC had been in Iraq for 3½ months and had received training on proper treatment of detainees. He received non-judicial punishment (exact punishment unknown) for this abuse.

12. (U) On September 1, 2003, three detainees were seized near a mosque in Baghdad, their hands were zip-cuffed behind their backs, and they were taken to a nearby Ammunition Collection Point (ACP) operated by the 2nd Battalion, 6th Infantry Regiment. They matched the description of individuals who were seen earlier in the vicinity of the ACP perimeter with weapons. The detainees were brought to a Sergeant First Class who questioned each one separately, asking if they were al Qaeda or Fedayeen. The SFC asked one detainee if he was there to bomb the base or shoot soldiers, and slapped a detainee during questioning for not telling the truth. As instructed by the SFC, three SSGs alternated in kicking, tripping, and shoving the detainees. One detainee was also dragged and thrown into a HESCO barrier (a collapsible wire mesh container approximately 4-6' in height with a heavy plastic liner). The detainees claimed they were security guards for the local mosque and were eventually released to a cleric from the mosque. The SFC was convicted at a summary court-martial; one staff sergeant was convicted at a special court-martial, and the remaining staff sergeants were convicted at summary courts-martial. The punishments were not included in the reports reviewed.

13. (U) On October 1, 2003, near the perimeter

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of the Baghdad International Airport (BIAP), soldiers assigned to A Battery, 1st Battalion, 4th Air Defense Artillery apprehended nine detainees suspected of trespassing through a hole in BIAP's southern wall and stealing metal pipe. A captain interrogated the zip-tied detainees at gunpoint and fired his pistol approximately six times to deflate the tires of the tractor the detainees had been riding when caught. The captain was trained in rules of engagement and the proper treatment of detainees, and at the time of this incident had been in theater for six months. He received non-judicial punishment (exact punishment unknown) and relieved of his duties.

14. (U) On October 14, 2003, at a temporary holding facility in Al Ademiya, a detainee was questioned about his knowledge of plans to attack a U.S. convoy. The detainee, who had served as an informant, was in a convoy when it was attacked by an IED, but was uninjured. Intelligence revealed that the detainee might have known about the planned attack and possibly steered the convoy into the attack. After the attack, two SGTs from the 32d Military Police Company (who had been in the convoy) took the detainee to the Al Ademiya police station. The first SGT held a pistol to the detainee's head and threatened him during question-

ing. The second SGT was accused of physically assaulting the detainee by grabbing him by his shirt. Following an AR 15-6 investigation, the first SGT received non-judicial punishment (reduction in rank and forfeiture of \$945 pay for two months), and an assault charge against the second SGT was dismissed at the non-judicial punishment hearing.

15. (U) On December 31, 2003, Near Kalsu, a patrol from the 300th Military Police Company apprehended four males Iraqis in a farmhouse while searching for a mortar. While guarding the detainees in a nearby field, a PFC repeatedly asked "weapon?" in Arabic, and jabbed one detainee in the head with his rifle every time the detainee answered "no." After at least 10 jabs, the PFC butt-stroked the detainee in the groin. He also butt-stroked another detainee between his shoulder blades and in his face. Finally, the PFC threatened a detainee by placing his rifle into the detainee's mouth and pulling the trigger without a round chambered, and then firing a round into the ground next to the detainee. As of September 30, 2004, disciplinary action is still pending in this case.

16. (U) On February 5, 2004, a SPC (a counter-intelligence agent, but not a trained interrogator) assigned to 310th Military Police

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Battalion questioned three detainees at Camp Bucca who were suspected of attacking a convoy. During one interrogation, the detainee eluded questions and the Specialist bent down to speak to him. The flexi-cuffed detainee attempted to strike the SPC, who reacted by striking the detainee in the left eye with a closed fist. There were no U.S. witnesses; however, an interpreter was present. The battalion commander appointed an officer to conduct an AR 15-6 investigation; ultimately, the SPC received non-judicial punishment (a letter of reprimand, reduction in rate, and forfeiture of \$700.00 pay for one month) and was suspended from all contact with detainees.

(U) Interrogation-related Abuse: Observations

(U) There is no discernable pattern in these interrogation-related abuse investigations. However, by far the most common method of abuse was punching and kicking, which is simple assault and clearly unrelated to any interrogation policy. Only two of these incidents reflect the possible use of counter-resistance techniques: the contract interpreter who placed a detainee in a stress position and slapped the back of his head each time he refused to answer a question, and the possible use of physical training (calisthenics) resulting in a detainee breaking his jaw. In these cases, however, the evidence suggests that these techniques were employed on the perpetrators' own initiative rather than as a result of any policy or other direction. In

the first incident, there is also no evidence suggesting that the interpreter was knowledgeable of interrogation policy.

(U) Abuses Described in Other Investigations

(U) LTG Jones, MG Fay, and MG Taguba investigated the detainee abuses at Abu Gharib Prison. MG Taguba's investigation primarily examined the conduct of the 800th Military Police Brigade, while MG Fay's inquiry focused on the 205th Military Intelligence Brigade, and LTG Jones examined organizations and senior military leaders above those two brigades. In his report, MG Taguba did not detail each incident of abuse, but summarized various forms of abusive behavior. MG Fay, on the other hand, identified 44 specific incidents of abuse. In comparing the two reports, MG Fay noted that "The incidents identified in this investigation include some of the same abuses identified in the MG Taguba investigation; however, this investigation adds several previously unreported events. A direct comparison cannot be made of the abuses cited in the MG Taguba report and this one."

(U) Our approach to examining detainee abuses was different from both previous investigations. We did not investigate specific allegations of misconduct; rather, we reviewed detainee abuse investigations conducted by CID, NCIS, and individual military units. Due to our concern regard-

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ing the reliability of information in ongoing investigations, we limited our review primarily to closed investigations. In making that determination, we recognized that many of the ongoing investigations would probably be closed as unsubstantiated (current substantiation rate for Iraq abuse investigations is approximately 40%) and acknowledged that additional information could be uncovered that would change the character of open investigations. By focusing on closed investigations, we sought to remove uncertainty and increase the reliability of our findings.

(U) Of the 44 incidents identified in MG Fay's report, 26 incidents are covered by seven CID investigations. Four of those CID investigations are closed and two substantiate abuse (the sexual assault of a female detainee at Abu Ghraib, described above, and a case involving the use of military working dogs to humiliate detainees); the other CID investigations of the Abu Ghraib abuses remain open as of September 30, 2004.

(U) Finally, 18 of the incidents in MG Fay's report are not addressed by CID investigations. These incidents, many of which involve detainee nudity, isolation and humiliation, have been deemed outside the purview of CID's investigative responsibilities, and are considered sufficiently covered in MG Fay's report for administrative and disciplinary purposes.

(U) Conclusions: Interrogation Techniques and Abuse

(U) In sum, our major findings regarding interrogation techniques employed, and interrogation-related abuses in Iraq are as follows:

- (U) Dissemination of approved interrogation policies was ineffective, often resulting in interrogators' lack of awareness of which techniques were currently authorized. This was largely due to reliance on SIPRNET as the medium for disseminating guidance.
- (U) Compliance with approved interrogation policies was often incomplete, even when units were in possession of the latest guidance. Warrant officer or senior enlisted interrogators had to orally convey finely nuanced policies to junior enlisted and contract interrogators without the benefit of firsthand knowledge of the legal considerations that had guided policy development.



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(U) Missed Opportunities

(U) Our investigation suggested several additional "missed opportunities" (besides those suggested by our findings above). None of these missed opportunities themselves contributed to or caused abuse; in addition, it is unlikely that they could have prevented the interrogation-related abuses that did occur, which were already prohibited by other existing policies, law, and doctrine. However, had they been pursued, U.S. forces might have been better prepared for detention and interrogation operations in Iraq.

- (U) There was no evidence of explicit pressure for intelligence other than that legitimately conveyed from CJTF-7 (and subsequently MNF-I) headquarters to interrogators via the chain of command.
- (U) Interrogation-related abuse, and the non-interrogation abuses at Abu Ghraib, appear unrelated to any approved interrogation policies. In particular, the promulgation of the September and October 2003 CJTF-7 interrogation policies did not appear to play any role in the abuses at Abu Ghraib or any of the closed, substantiated abuse cases in Iraq: in fact, had the policies been adhered to, some of the abuses might have been prevented.
- (U) There was no evidence that specific detention and interrogation lessons learned from previous conflicts in the Balkans, Afghanistan, and elsewhere were incorporated in planning for Operation IRAQI FREEDOM.
- (U) There were no standard procedures for identifying or reporting detainees abuse or for determining whether abuse allegations were legitimate. U.S. service members, DoD civilians, and contractors uniformly reported that they had an obligation to report any abuse that they observed; however, their descriptions of what constituted abuse

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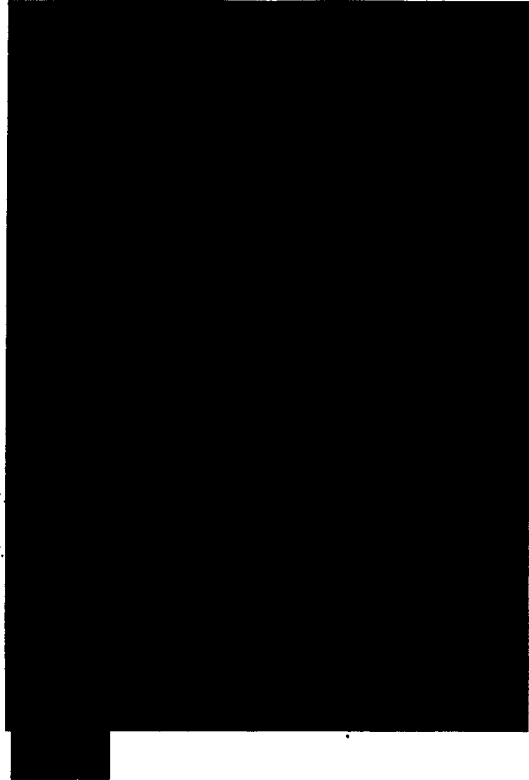
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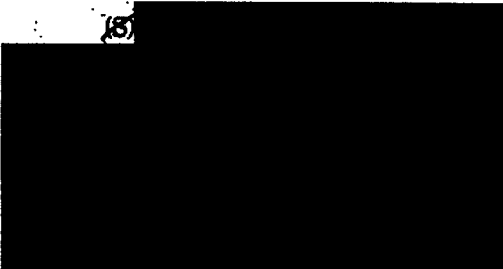
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(which ranged from "beating" to "verbal abuse"), to whom they would report abuse (ranging from their immediate superior in command to the unit inspector general), and who would determine whether abuse allegations were legitimate (often the senior enlisted or warrant officer, and sometimes the interrogator him or herself) were highly varied.



(b)(1)



(U) Other Issues

(U) Finally, we offer some observations on detention and interrogation issues concerning coalition and Iraqi National Guard forces.

(U) Coalition Forces

(U) Though coalition forces in Iraq fall under the command of MNF-I (and previously CJTF-7), we did not visit any non-U.S.-run detention facilities or conduct any interviews with non-U.S. personnel. The British and Australian

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personnel attached to the Iraq Survey Group are presumably required to abide by ISG policies; however, it is not clear whether the CJTF-7 interrogation policy memoranda were distributed to coalition units, or indeed whether U.S. policy explicitly requires coalition units to adhere to interrogation policies promulgated by a commander without multinational coordination. In addition, the aforementioned reliance on SIPRNET to disseminate interrogation guidance undoubtedly hindered dissemination to coalition units, which do not have access to the U.S.-only secure network. These are areas that should be explored and clarified during DoD's ongoing revision of department-wide interrogation policies.

(U) The Iraqi National Guard



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**The Role of Contractors in Department of Defense
 Interrogation Operations (U)**

(U) GENERAL ALLEGATIONS: ...On June 19, 2003, and June 20, 2003, [Central Intelligence Agency contractor] Defendant David A. Passaro interrogated Abdul Wali about the rocket attacks. During these interrogations, Defendant David A. Passaro beat Abdul Wali, using his hands and feet, and a large flashlight. Abdul Wali died in a cell on Asadabad Base [Afghanistan] on June 21, 2003.

- from United States of America v. David A. Passaro, filed June 17, 2004

Contractor Policy and Doctrine (U)

(U) Allegations of contractor-perpetrated detainee abuse in Afghanistan and Iraq (in particular, at Abu Ghraib) have cast a spotlight on the U.S. Government's use of contract personnel to conduct intelligence interrogations. Though it concerns a CIA contractor, the example cited above illustrates two key points that are also true for DoD contract interrogators:

1. (U) A comprehensive body of federal law permits the prosecution of U.S. nationals - whether contractor, government civilian, or military - who are found responsible for the inhumane treatment of detainees, or who otherwise violate U.S. and international law;
2. (U) Contractors supporting the U.S. Government in the Global War on Terror are often found in areas exposed to hostile

action, where they may be contractually assigned to take on functions of a traditionally military nature such as interrogation of detainees. (This does not relieve military commanders of their duty to ensure humane treatment of detainees, however, no matter which functions are performed by contractors.)

The second point highlights the importance of DoD policies regarding contractors that perform operational, rather than purely logistical functions. The following paragraphs provide an overview of the laws and policies pertinent to the employment and accountability of DoD contract interrogators and associated support personnel (e.g., linguists and analysts).

DoD Policy (U)

(U) The Department of Defense employs contract services under two circumstances. First,

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Determining Whether Activities are "Inherently Governmental" (U)

(U) In order to ensure that the U.S. Government acquires needed goods and services in the most economical and efficient manner, Executive Order 12615 (November 19, 1987), *Performance of Commercial Activities*, specifies that "commercial activities" - i.e., recurring services that could be performed by the private sector - shall be provided by private industry, except where statute or national security requires government performance. In implementing this Executive Order, Office of Management and Budget Circular Number A-76 requires that all federal agencies identify all activities performed by their personnel as either *commercial* or *inherently governmental*. In general, inherently governmental activities are those that "are so intimately related to the public interest as to mandate performance by government personnel" - e.g., positions requiring an individual to make policy decisions, or the command of military forces - whereas commercial activities "may be provided by contract support...where the contractor does not have the authority to decide on the course of action, but is tasked to develop options or implement a course of action, with agency oversight."

when there is an established private sector capability to perform certain functions, it may be more cost effective for DoD to "hire" those functions rather than perform them with government assets. Second (and more directly related to contract interrogation), doctrine states that contract support can "augment existing capabilities, provide expanded sources of supplies and services, and bridge gaps in the deployed force structure" (Joint Publication 4-0, *Doctrine for Logistic Support of Joint Operations*). In no circumstance, however, may DoD contract services that are "inherently governmental" in nature (see figure above).

interrogation services have been acquired via contract implies that DoD does not consider interrogation to be an inherently governmental function. We did not consider the question of whether interrogation should or should not be so categorized: the Federal Acquisition Regulation - described below - specifies that the direction and control of intelligence and counter-intelligence operations is an inherently governmental function; however, our discussion proceeds from the assumption that interrogation does not constitute such "direction and control." (This issue may warrant further high-level review, particularly in light of a December 26, 2000 memorandum by the Assistant Secretary of the Army for Manpower and Reserve

(U) The fact that military intelligence

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Affairs that found tactical and strategic intelligence functions to be ineligible for private performance on the grounds of inherently governmental nature and risk to national security respectively. The memo does provide for exceptions when a required intelligence capability is not resident in the Department of the Army, and further specifies - as noted during Acting Army Secretary Brownlee's and LTG Mikolashek's July 22, 2004 testimony before the Senate Armed Service Committee - that the *memo does not apply to Army forces under the operational control of other DoD components, including combatant commanders* [emphasis added].)

(U) Acquisition of contract interrogation services is therefore guided by DoD policies governing commercial activities (see figure below). In any event, the Army Inspector General Report, among others, makes it clear that contract interrogators supporting Operations ENDURING FREEDOM and IRAQI FREEDOM are "bridging gaps in force structure" - critical gaps, given the importance of HUMINT - in addition to simply providing services in the most economical fashion.

(U) The nature of the military intelligence force structure has the potential to exacerbate certain management challenges inherent to the use of

DoD Policies Regarding Contract Services (U)

(U) Sources: DoD Directive 4100.15 (March 10, 1989), *Commercial Activities Program*; and DoD Instruction 3020.37 (as amended January 26, 1996), *Continuation of Essential DoD Contractor Services During Crises*.

- (U) Rely on the most effective mix of the Total Force, cost and other factors considered, including active, reserve, civilian, host-nation and contract resources in order to fulfill assigned peacetime and wartime missions.
- (U) Achieve economy and quality through competition.
- (U) Retain governmental functions in-house.
- (U) Rely on the commercial sector to provide commercial products and services, except when [otherwise] required for national defense.

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contract services. Specifically, contract interrogators, like military interrogators, fill positions that are characterized as "combat support," rather than the logistically-oriented "combat service support" positions traditionally occupied by contractors (see figure below). This operational - versus logistical - use of contract services, which may find contract and active-duty military interrogators working side-by-side, is complicated by the fact that DoD's control of contract interrogators is exercised through the terms of their contracts, rather than through a military chain of command. Though the terms of a contract could specify a similar degree of direct military control over a contractor, this control would be specific to that contract, rather than universal. Further, this type of contractual clause is not mandated by any DoD regulation.

Command and Control of Contract Interrogators (U)

(U) As noted above, contract interrogators work side-by-side with their military counterparts, who must obey the lawful orders of their superiors in the chain of command. The contractors, by contrast, are bound by the terms and conditions of the contract between their parent companies and the U.S. Government, which cannot be modified except by an officially designated DoD contracting officer. A contract may be written to offer military supervisors significant direct authority over contractors' actions in a combat support role; however, there is no guarantee that this will be the case for every such contract.

(U) Title 41 of the U.S. Code, "Public

Combat Support vs. Combat Service Support (U)

(U) Sources: Joint Publication 1-02, *DoD Dictionary of Military and Associated Terms*; Department of the Army Pamphlet 10-1, *Organization of the United States Army*.

(U) **Combat support** is the provision of fire support and other *operational* assistance to combat arms units such as infantry and armor. Military intelligence interrogation is a combat support function. **Combat service support**, on the other hand, provides for the sustainment of operating forces, and includes supply, transportation, medical, legal, and other related services.

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Contracts," requires the Secretary of Defense to "establish clear lines of authority, accountability, and responsibility for procurement decisionmaking" within DoD. The Federal Acquisition Regulation (jointly administered by DoD, the General Services Administration and NASA), in turn, specifies that only designated contracting officers may enter into contracts - or modify them - on behalf of the Government. Therefore, since the contracting officer responsible for the procurement of interrogation services may or may not be readily accessible to the military intelligence leadership in the field, it is important that the terms and conditions of such contracts are sufficiently specific to ensure contractor compliance with military commanders' expectations, yet sufficiently flexible to permit the inherently dynamic employment of contractors in operational, combat support roles. For example, a contract could specify that contract interrogators must follow FM 34-52 techniques in general, but also comply with any additional interrogation guidance provided by the military intelligence commander.

(U) Even with a well-written contract, however, the relationship between a contract interrogator and military intelligence leadership is not a direct one. If there is any disagreement regarding quality of work or interpretation of the contract's terms, the dispute must be mediated by the contracting officer (or his or her officially designated on-site representative) and the senior contractor employee present, in order to ensure that federal acquisition laws and the directives contained in the Federal Acquisition Regulation are not violated in

the process. (See figure below for pertinent, representative Army policy regarding command and control of contractors in the field). This does not, however, prevent military commanders from fulfilling their obligation to protect detainees in their custody from abuse or mistreatment. Such behavior by a contractor is a clear violation of law that is not protected by contract terms. If a contractor physically attacked or sexually harassed DoD personnel, contractual procedures would certainly not be cited as an impediment to disciplining or removing the contractor. The actions involved here are no less serious, and commanders should immediately remove any contractor involved in such behavior, immediately document the behavior, and then coordinate with the contracting officer.

(U) Under the Geneva Conventions, contractors accompanying an armed force in the field are entitled to prisoner of war privileges if captured, so long as they have received authorization from that force. Theater commanders may revoke that authorization in response to contractors' violation of orders and instructions, particularly when those violations jeopardize mission accomplishment or force protection, and may direct the contracting officer to demand that the contractor replace the offending individual (see, for example, AR 715-9). However, the fact remains that commanders' freedom of action in directing the actions of contract interrogators - short of wholesale removal - is limited by the terms and scope of the contract, and by the administrative nature of the Government-contractor relationship.

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**Excerpts from Army Regulation 715-9, Contractors
Accompanying the Force (U)**

- (U) Command and control of commercial support service personnel will be defined by the terms and conditions of the contract. The cognizant contracting officer or his/her designated representative(s) will monitor contractor performance and maintain day-to-day liaison activities...[and] communicate the Army's requirements and prioritize the contractor's activities within the terms and conditions of the contract.
- (U) The commercial firm(s) providing the battlefield support services will perform the necessary supervisory and management functions of their employees. Contractor employees are not under the direct supervision of military personnel in the chain of command...[and] will not command, supervise, administer or control Army personnel.

(U) Finally, it is worth reiterating that the Federal Acquisition Regulation specifically designates "leadership of military personnel" and "direction and control of intelligence and counter-intelligence operations" as inherently governmental functions. Therefore, contract interrogators cannot be assigned in supervisory positions over DoD military or civilian personnel. Together with the restrictions on contractor control and discipline described above, this point illustrates that contractors may parallel, but not be part of, the military chain of command that they support.

**Interrogation-Related Training
Requirements (U)**

(U) There is no DoD policy mandating specific training requirements for contract interrogators, linguists, or analysts. Rather, it is up to contracting officers to specify in writing the functions to be performed by the contractors, including any necessary qualifications. (Note, however, that a contract may specify that contract personnel must be individually approved by the government.) A representative Army policy is illustrative:

(U) "The statement of work to be performed is established in the government contract with an employer. The...contractor is responsible for hiring qualified personnel to satisfy the identified contract/task assignment." (From Department

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of the Army Pamphlet 716-16, *Contractor Deployment Guide*.) For example, a typical contract might require that the contracting company provide interrogators with Army Military Occupational Specialty 97E (Interrogator) or equivalent U.S. Government training acquired during previous military or government service.

(U) In addition, the Army has created Individual Deployment Sites (IDS) and Continental US Replacement Centers (CRC) to provide basic, theater-specific knowledge to contract employees. Pre-deployment training at these facilities is given only if specified by the governing contract, and covers topics ranging from local customs and courtesies to the Geneva Conventions. Alternatively, the contracting company may provide equivalent training to its employees if so specified in the contract. None of this training is mandatory, though Army doctrine indicates that it "should" be provided (Army Pamphlet 716-16).

Legal Accountability of Contractors (U)

(U) As discussed previously, military commanders do not have non-judicial disciplinary authority over contract personnel short of removal of the offending individual (effected via the contracting officer). However, federal law does provide for the prosecution of contract personnel who have committed crimes while attached to forces in the field. Several bodies of law apply, depending on the

circumstances of the conflict and the status of the contract employee:

1. (U) In time of congressionally declared war, all persons serving with or accompanying an armed force in the field are subject to the Uniform Code of Military Justice (UCMJ). At other times, the UCMJ may apply in some cases (e.g., contract personnel who are retired service members drawing pay are subject to the UCMJ at all times).
2. (U) In all other cases, individuals employed by or accompanying the armed forces outside the U.S. are subject to U.S. jurisdiction under one of three legal regimes specified by U.S. Code:
 - a. (U) War Crimes (18 U.S.C. §2441): Whether inside or outside the United States, U.S. nationals who commit "grave breaches" of the Geneva Conventions or acts prohibited by certain articles of the Hague Convention may be prosecuted for war crimes. (This statute simply codifies individual accountability deriving from U.S. obligations under these conventions.)
 - b. (U) Special Maritime and Territorial Jurisdiction (18 U.S.C. §7): Any U.S. national who commits a federal offense while on the premises of U.S.

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military facilities (among other places) in foreign states may be prosecuted. (Foreign nationals committing crimes against U.S. nationals within overseas U.S. military facilities may also be prosecuted.) This is the statute under which CIA contractor David Passaro is being prosecuted, as the alleged assault took place at a U.S. military base in Afghanistan.

- c. (U) Military Extraterritorial Jurisdiction (18 U.S.C. §3261-3267): Anyone (including a foreign national) who commits a federal offense that would be punishable by imprisonment for over one year if it had occurred within the special maritime and territorial jurisdiction of the U.S. - e.g., assault - while providing contract services to U.S. armed forces anywhere outside the U.S. may be prosecuted.

(U) As this summary of pertinent jurisdiction demonstrates, DoD contract personnel are accountable for any criminal acts that might be committed during interrogation sessions. However, the summary suggests two "loopholes" which, while not applicable to DoD contractors, warrant further review.

(U) First, foreign contractors (e.g., local interpreters) employed by non-DoD agencies do not appear to fall under U.S. jurisdiction under any of these statutes even if an alleged crime were committed within a DoD facility. While it is logical that "foreign-on-foreign" crimes should fall under local rather than U.S. jurisdiction in the absence of a U.S. Government presence, the existence of a contract relationship with the U.S. might argue for the extension of Military Extraterritorial Jurisdiction-like coverage to contractors supporting all U.S. Government agencies abroad.

(U) Second, as noted in MG Fay's investigation of contract personnel at the Abu Ghraib detention facility, DoD contractors acquired through other agencies of the U.S. Government (such as the CACI, Inc. contractors at Abu Ghraib, whose contract was part of a "blanket purchase agreement" maintained by the Interior Department) may not be subject to Military Extraterritorial Jurisdiction, based on a strict interpretation of the term "Department of Defense contractor." In many cases, however, such contractors could be prosecuted under Special Maritime and Territorial Jurisdiction or the war crimes statute. In any event, as a result of the Army's Abu Ghraib investigations, this question has been referred to the Department of Justice.

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(U) Contractor Accountability: Summary

(U) The preceding discussion addressed several administrative and operational concerns regarding the employment of contractors in support of military interrogation activities. However, DoD policies and regulations for interrogation are founded on respect for humane treatment and international and domestic law: any crimes committed by DoD contract interrogators may be prosecuted, and problems of lesser severity may be dealt with by dismissal of the offending contractor.

**Specific Findings Regarding
Contractors (U)**

(U) It is clear that contract interrogators and related support personnel are "bridging gaps" in the DoD force structure in Guantanamo Bay, Afghanistan and Iraq. As a senior intelligence officer at the U.S. Central Command (CENTCOM) stated, "Simply put, interrogation operations in Afghanistan, Iraq and Guantanamo can not be reasonably accomplished without contractor support." As a result of these shortfalls in critical interrogation-related skills, however, numerous contracts have been awarded by the services and various DoD agencies without central coordination; and in some cases, in an *ad hoc* fashion (as demonstrated by the highly publicized use of a "Blanket Purchase Agreement" administered by the Department of Interior to obtain interrogation services from

CACI, Inc.). We found, nevertheless, that contractor compliance with DoD policies, government command and control of contractors, and the level of contractor experience were generally good, thanks in large part to the diligence of contracting officers and local commanders.

(U) We also found that contractors made a significant contribution to U.S. intelligence efforts. The U.S. Southern Command's (SOUTHCOM) contracting officer opined that contract interrogator performance had been "superb," an observation that our interviews with senior leaders at GTMO supported. Contract interrogators were typically former military intelligence or law enforcement personnel, and were on average older and more experienced than military interrogators; many anecdotal reports indicated that this brought additional credibility in the eyes of the detainees being interrogated, thus promoting successful interrogations. In addition, contract personnel often served longer tours than DoD personnel, creating continuity and enhancing corporate knowledge at their commands.

(U) Finally, as was described at greater length in our discussion of interrogation-related abuse, there were some, but not many instances of abuse involving contractors.

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Department of Defense Support to Other
 Government Agencies (U)

(U) Working alongside non-military organizations/agencies to jointly execute missions for our nation, proved to be complex and demanding on military units at the tactical level.

- LTG Anthony Jones, AR 15-6 Investigation of the Abu Ghraib Prison and the 205th Military Intelligence Brigade

(U) As I understand this issue, the conditions were set for "ghost detainees" based on a verbal agreement between CJTF-7 staff officers and OGA to allow the agency the use of a number of cells at Abu Ghraib for their exclusive use. There was no requirement for them to in-process the prisoner when they used those cells. This cell arrangement was concluded as part of the overall intelligence cooperation effort in the country with no directive or agreement being formally consummated.

- LTG Ricardo Sanchez, Commander, CJTF-7, July 2004

Introduction (U)

(U) As part of our report, we were tasked to assess Department of Defense (DoD) support to or participation in the interrogation activities of non-DoD entities. For purposes of our discussion, these entities, also known as Other Government Agencies or OGAs, are federal agencies external to DoD with specific interrogation and/or detention-related missions in the Global War on Terror. OGAs involved with such missions include the Central Intelligence Agency (CIA), the Federal Bureau of Investigation (FBI), Drug Enforcement

Administration (DEA), U.S. Customs and Border Protection, and the Secret Service.

(U) There were clear limitations to our investigation of DoD support to OGAs. We did not investigate the existence, location or purpose of any dedicated or OGA-run facilities. Similarly, it was beyond the scope of our investigation to pursue the activities, legal authorities, or policies governing OGA operations at those locations. Simply stated, we considered only those situations where DoD provided interrogation or detention-related support for another federal agency.

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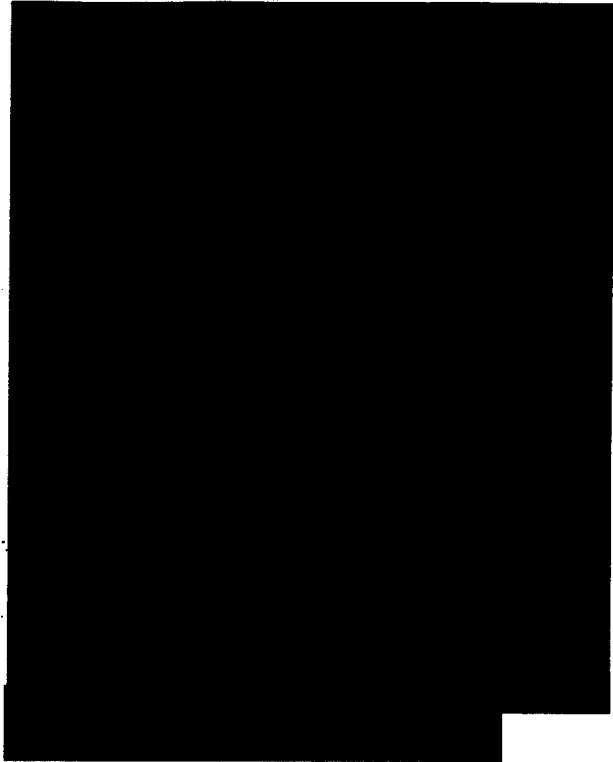
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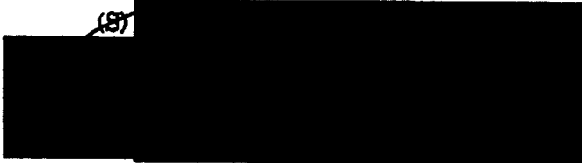
(U) Discussion in this section of the report will focus on two areas of consideration. First, we will address agreements and guidance that governed the relationships between DoD and OGAs in Guantanamo Bay (GTMO), Afghanistan and Iraq. The second area of discussion will explain exactly how DoD supported OGAs. In some instances, DoD assisted OGA interrogations by holding detainees for OGAs without registering or accounting for them. Our discussion will address, to the extent that our information and interviews can support, the nature and scope of this practice of holding detainees without record, known locally at Abu Ghraib prison in Iraq as "ghost detainees." The section will also address DoD's role in supporting OGA logistical requirements to include: facilities for interrogation, interpreters, security, military escort for detainees and, on occasion, personnel shelter and food services. Additionally, while the level and type of support differed in each country, DoD support uniformly involved sharing information on the capture, location and interrogation of detainees as well as the intelligence gained from those interrogations. Finally, this section will address DoD's oversight of other agency interrogations held in DoD facilities.



Interagency Coordination Guidance (U)



Methodology (U)



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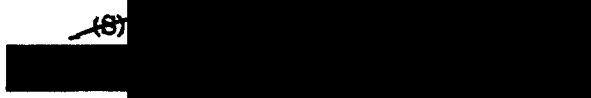
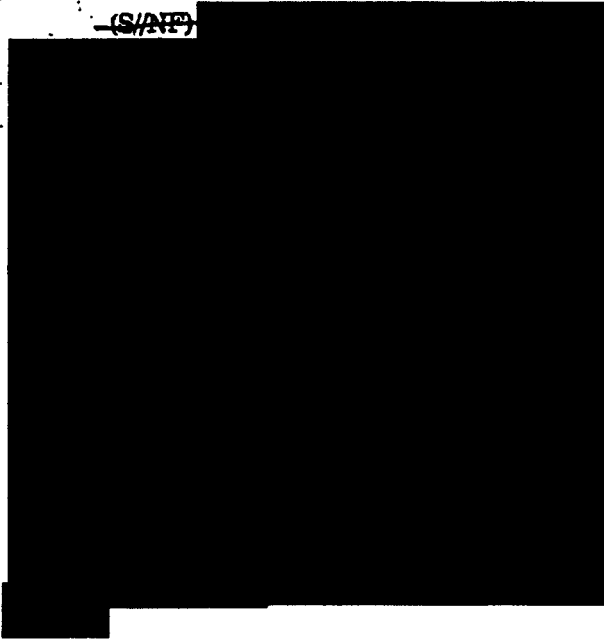
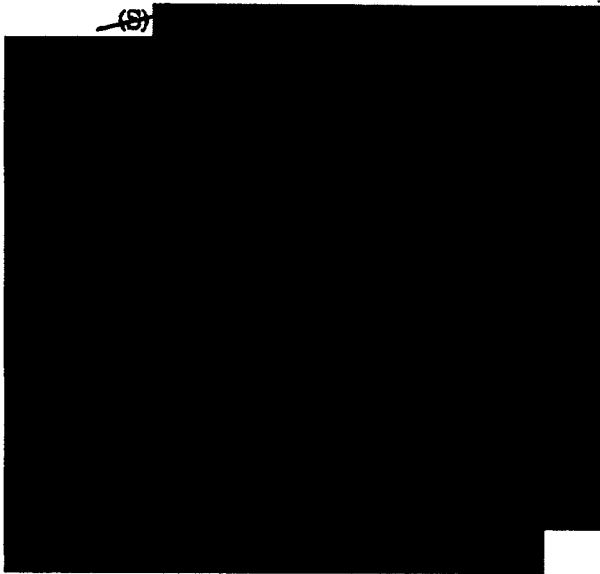
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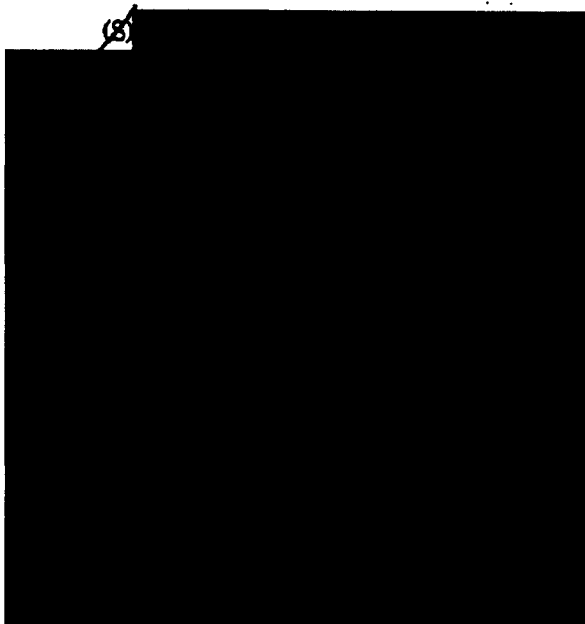
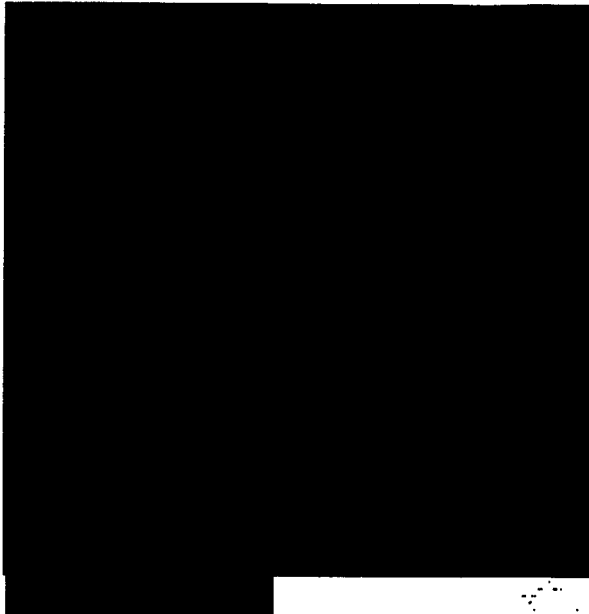
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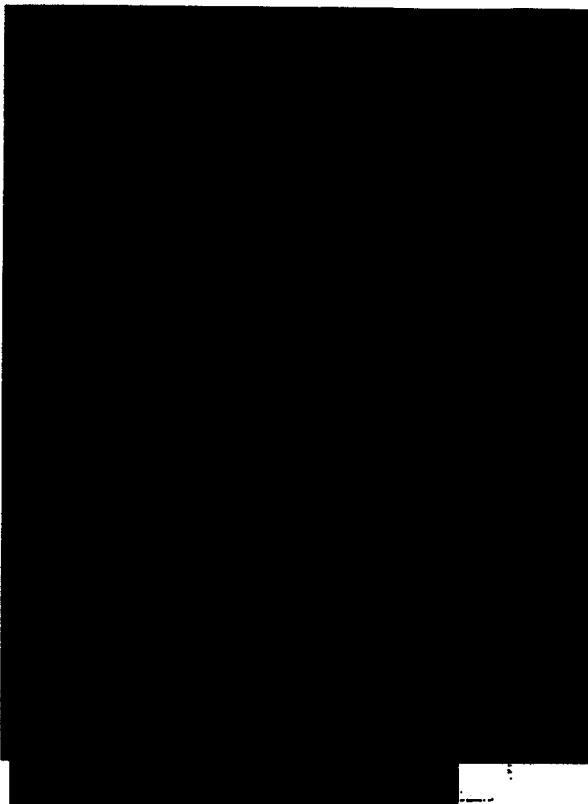
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to CIA Headquarters: "But it also appears that all levels within the military understand CIA's priorities and provide us the necessary support." DoD's support to OGA is addressed below.

DoD Support to OGA (U)

(U) DoD has provided a wide number of services to OGAs in support of interrogation and detention operations since detention operations began in Afghanistan in December 2001. Services provided to OGAs in GTMO, Afghanistan and Iraq differed based on the existing infrastructure and specific mission requirements of the various agencies in those countries. This section will address the four major areas of support that we identified: (1) Transfer and custody of detained personnel to include keeping detainees without formal record or processing, also known as "ghost detainees"; (2) Logistical support; (3) Intelligence sharing; and (4) DoD oversight of OGA interrogations.

(U) In conclusion, the lack of clearly promulgated formal guidance or any implementing guidance is obvious. Without this guidance, DoD personnel were unsure of exactly what was authorized and expected. The importance of a shared mission to support the Global War on Terror, however, remained the same. In light of that mission, DoD and OGA personnel worked to identify and fulfill their respective requirements. This interagency working relationship was characterized by a CIA official in Baghdad in a November 2003 cable

(U) Transfer and Custody of Detained Personnel

(U) One area of DoD support for OGAs that we identified involved the transfer of detainees to or from OGAs. Detainee transfers occurred for a variety of reasons. For example, in Iraq, as previously discussed, OGAs relied on DoD to maintain custody and control of detainees with limited exceptions. We are not able to quantify the frequency of this transfer process within the security

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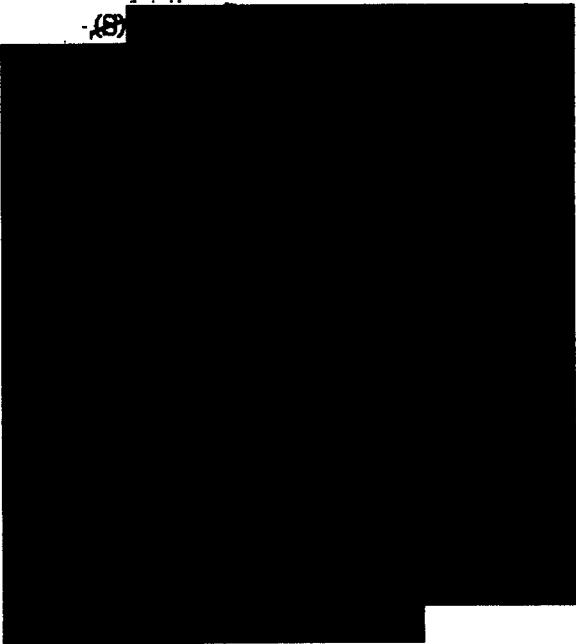
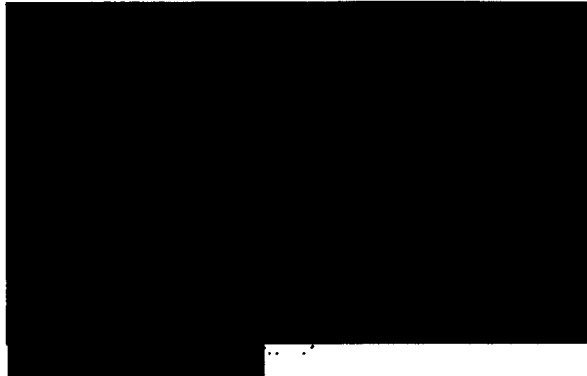
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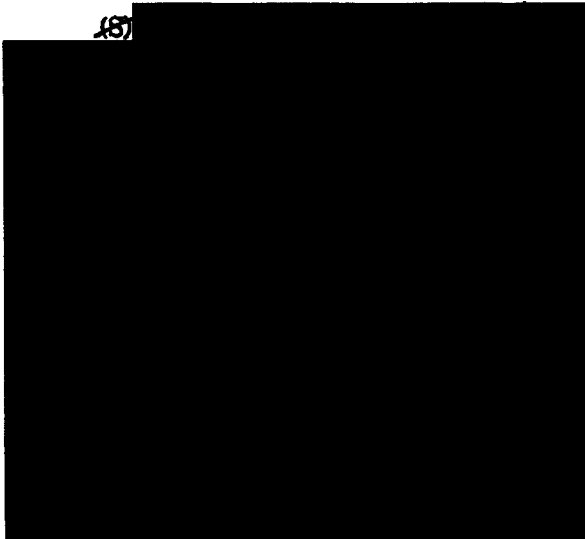
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classification of this report; however, we can say that the guidance to combatant commanders that governed the transfer process was very specific. In February 2002, just months after the start of OEF, CENTCOM provided transfer of custody guidance that required advanced Coalition Force Commander (CFC) coordination and SECDEF approval for the transfer of custody to or from other U.S. governmental agencies or to foreign governments. Similarly, an April 2003 CJCS EXORD provided that, "Upon direction from SECDEF or his designee, other combatant commanders may transfer control of designated detainees ... to a U.S. Federal Agency, or to a DoD agent who will accept control of detainees. SECDEF notification is required 72 hours prior to all inter-theater movement of detainees and all transfer of control to and from federal agencies."



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(U) "Ghost Detainees"



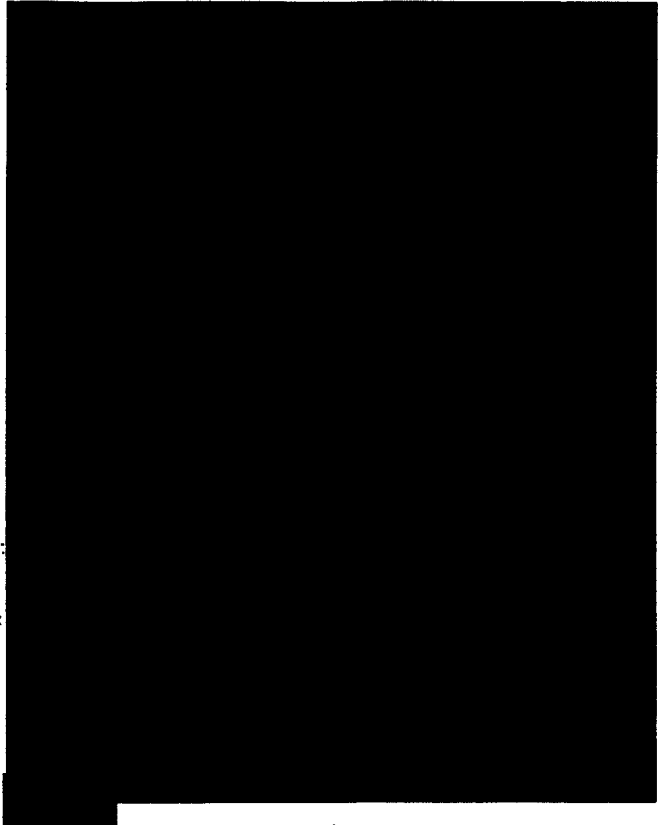
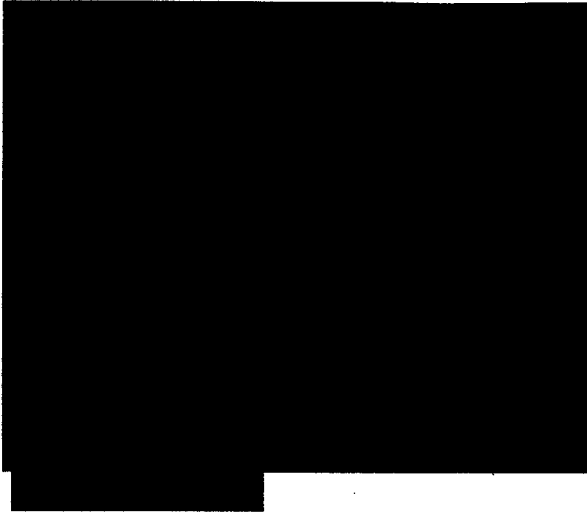
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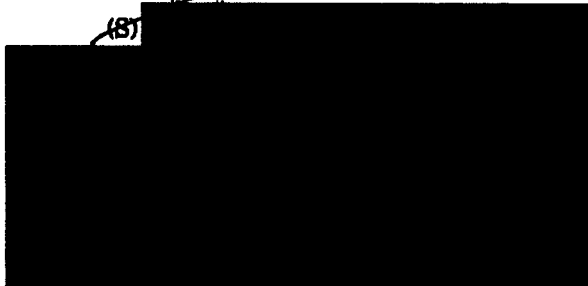
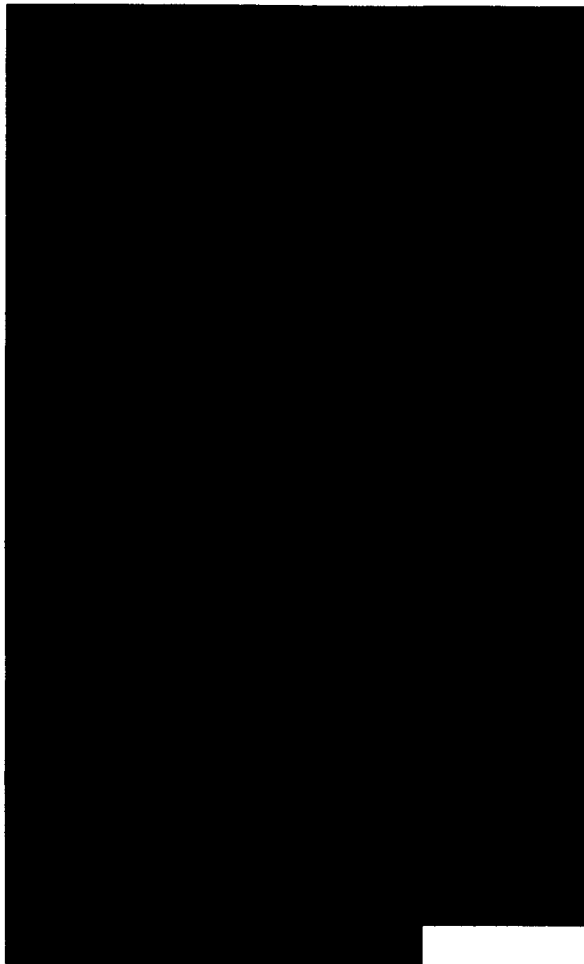
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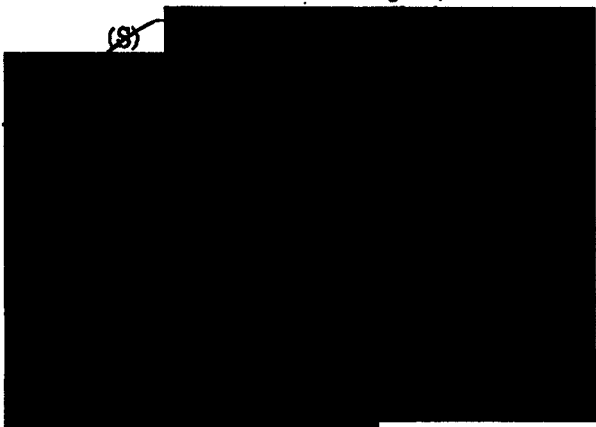
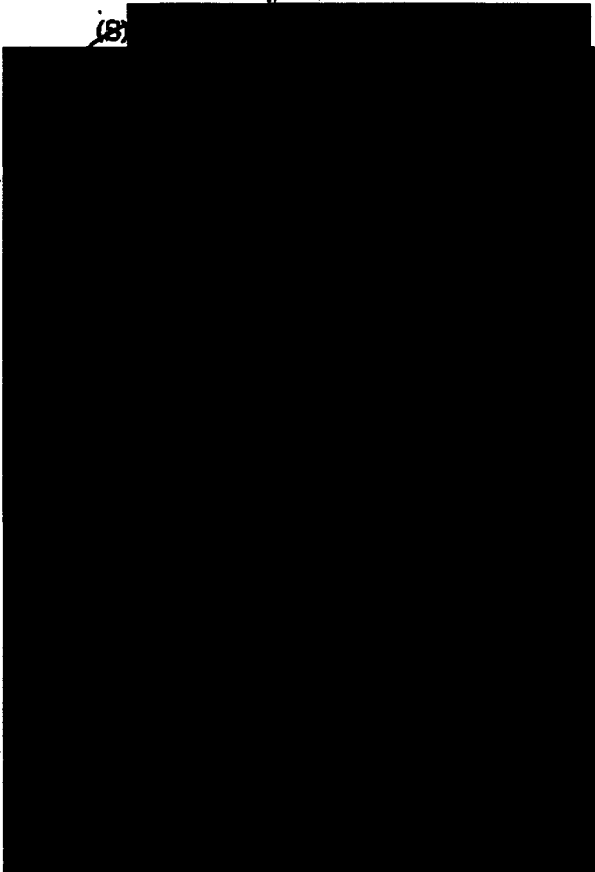
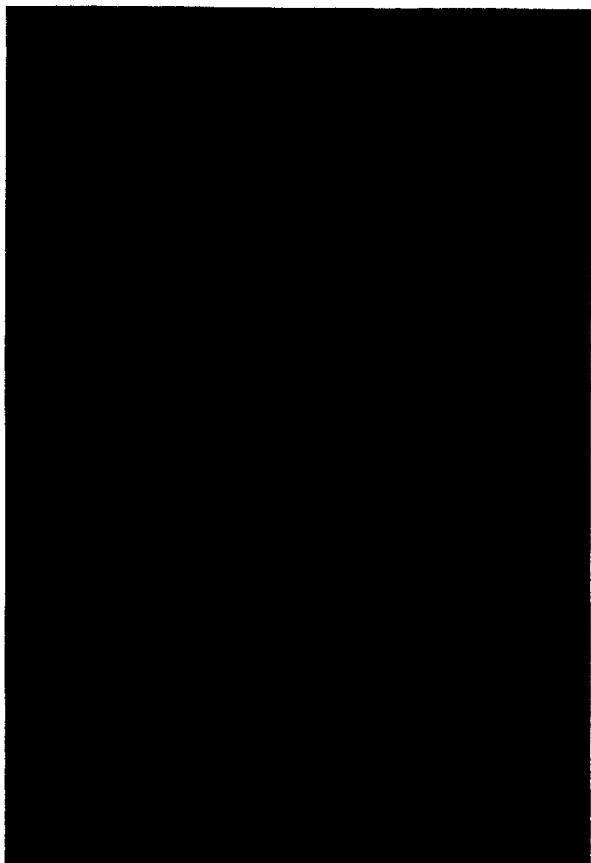
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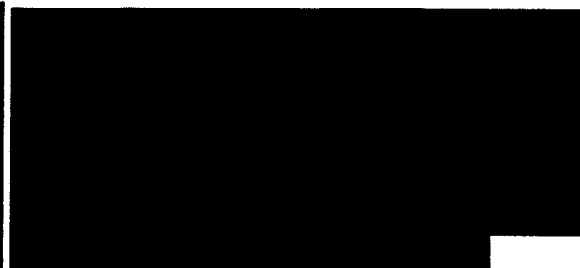
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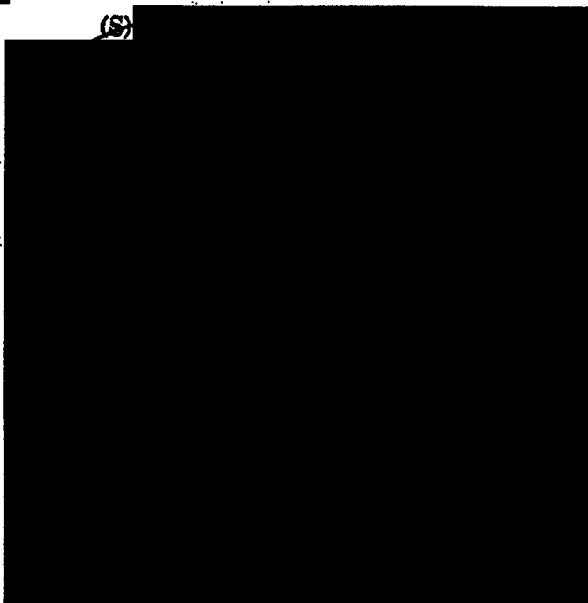
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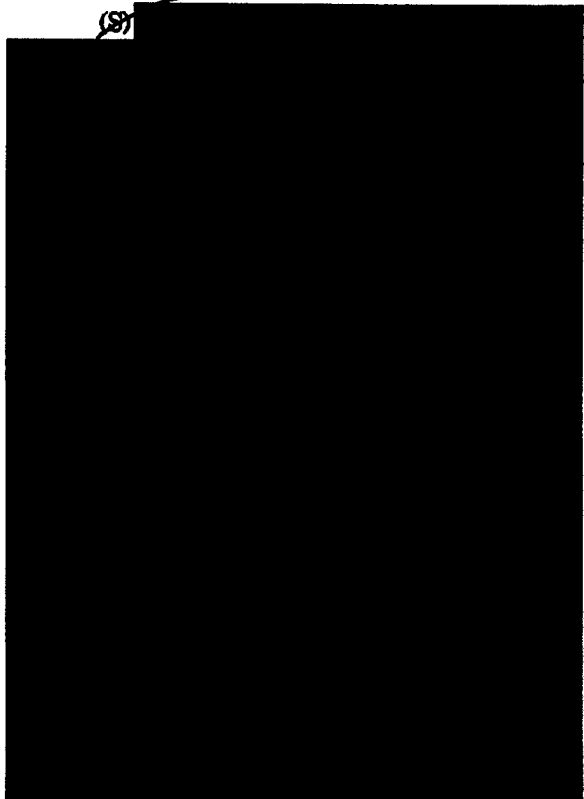


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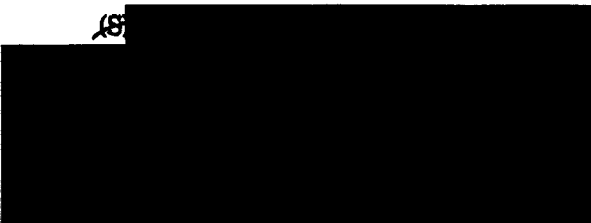
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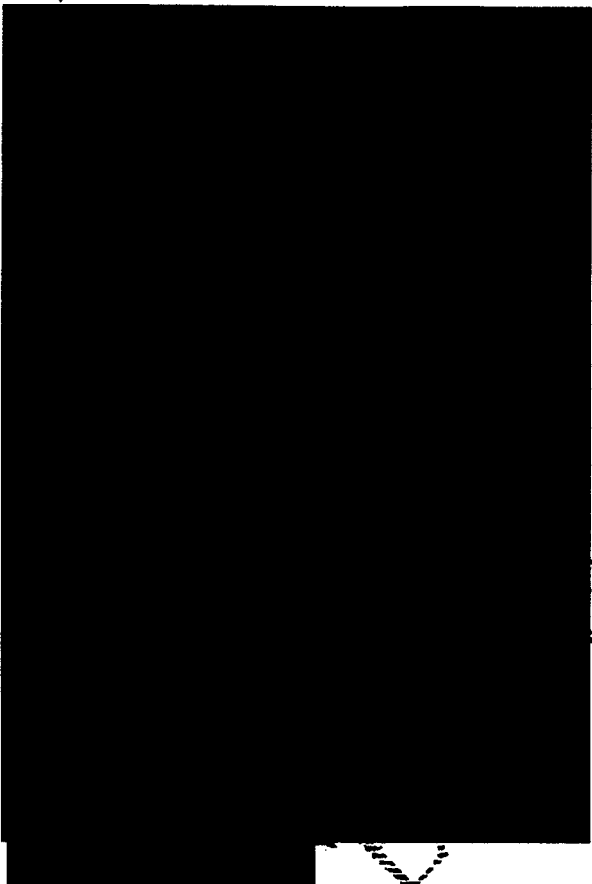
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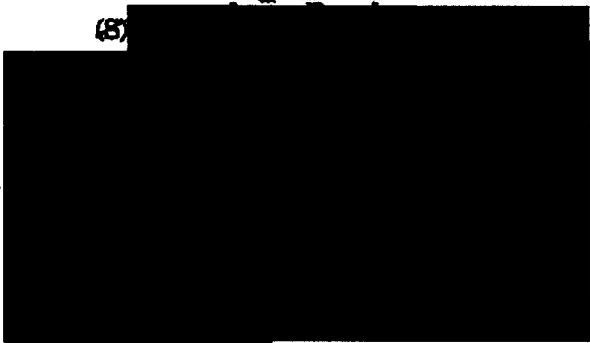
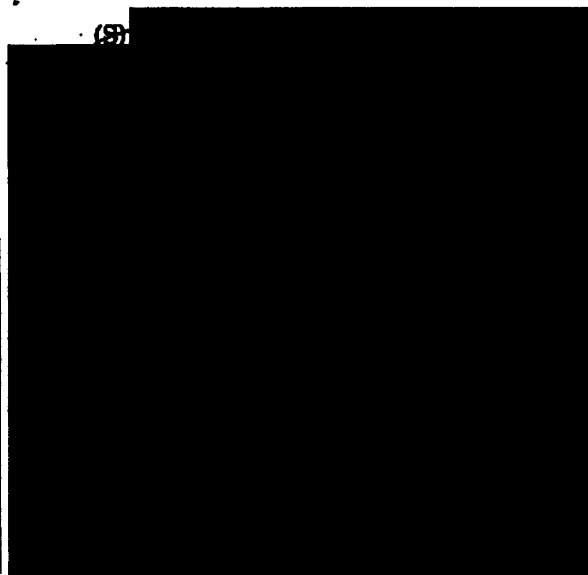
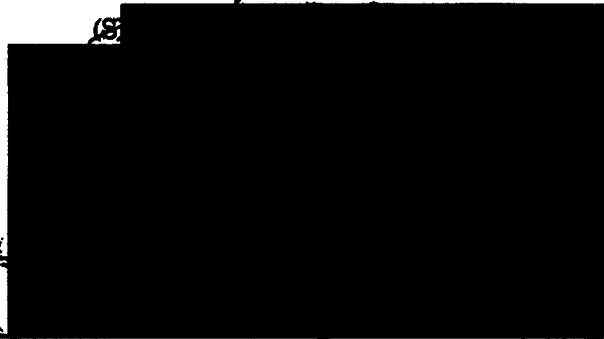
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(U) Intelligence Sharing



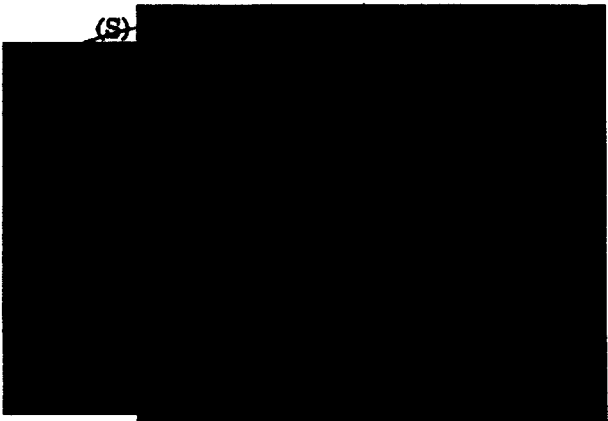
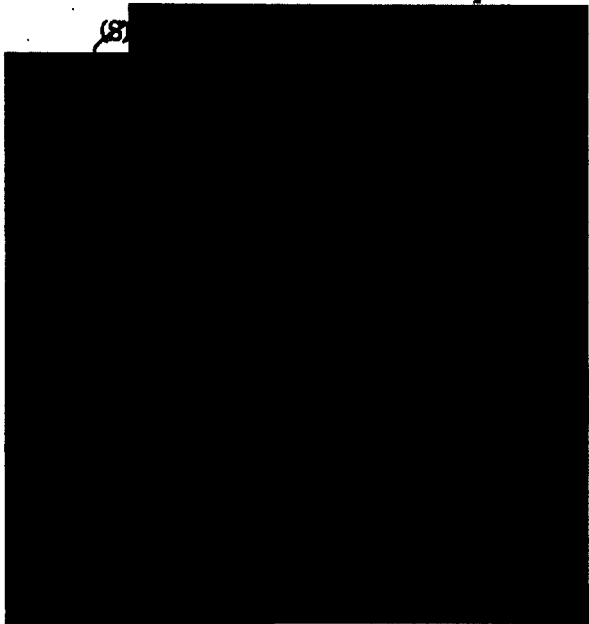
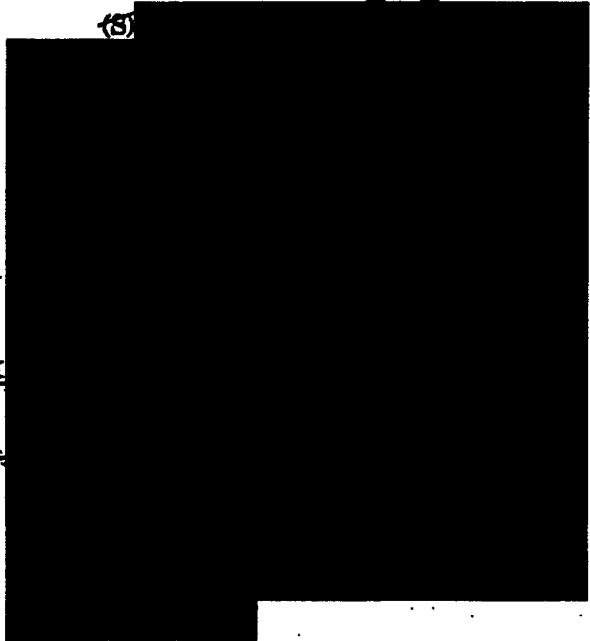
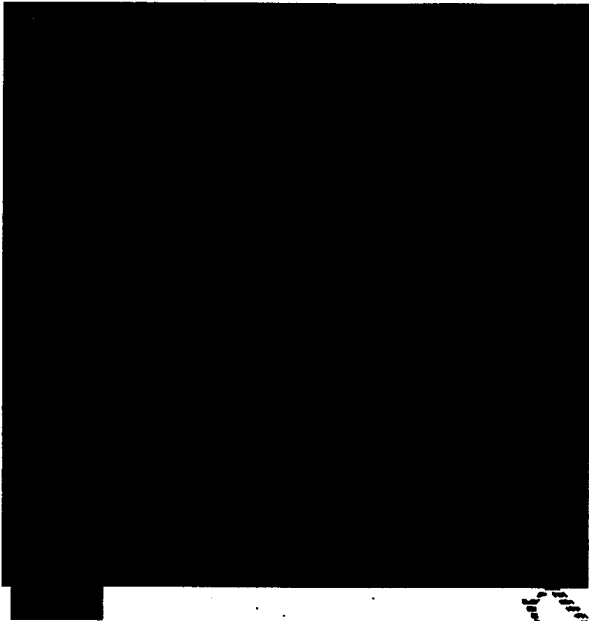
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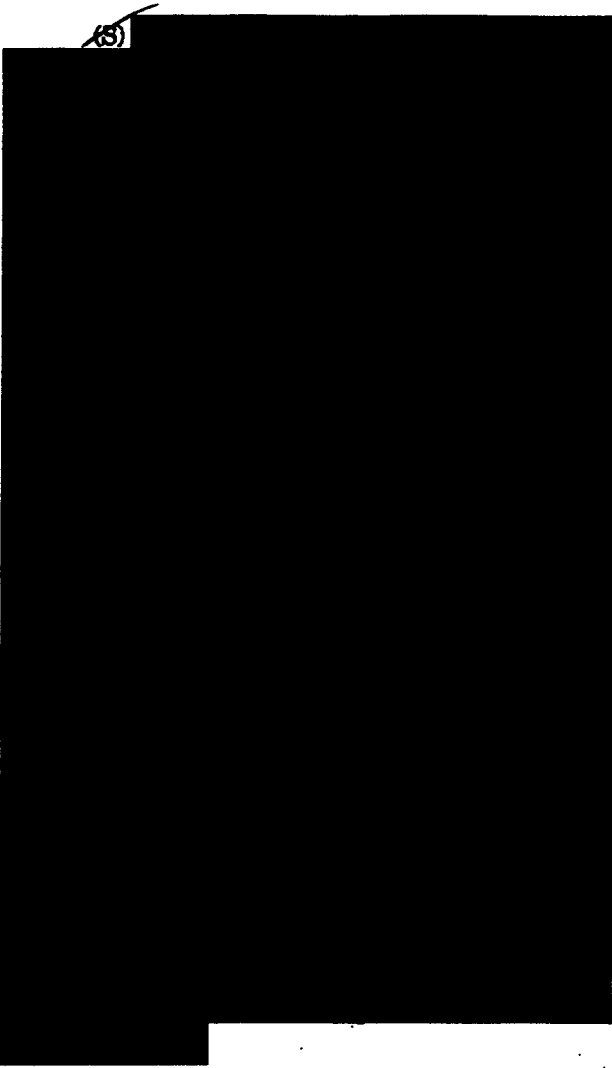
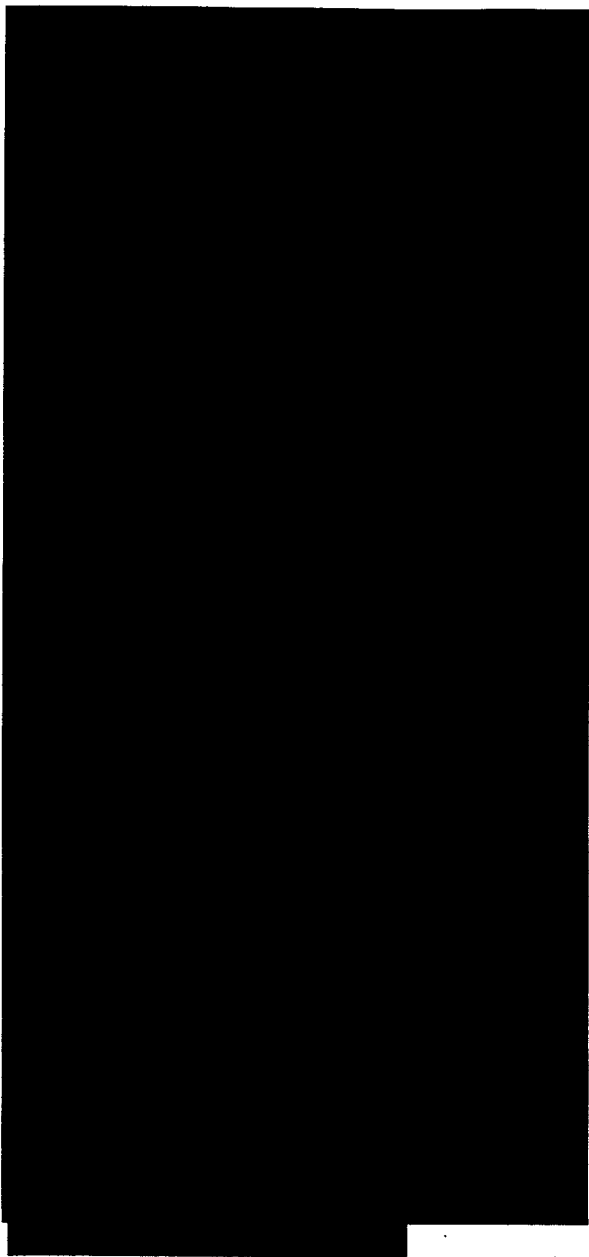
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(U) OGA Interrogations at DoD Facilities

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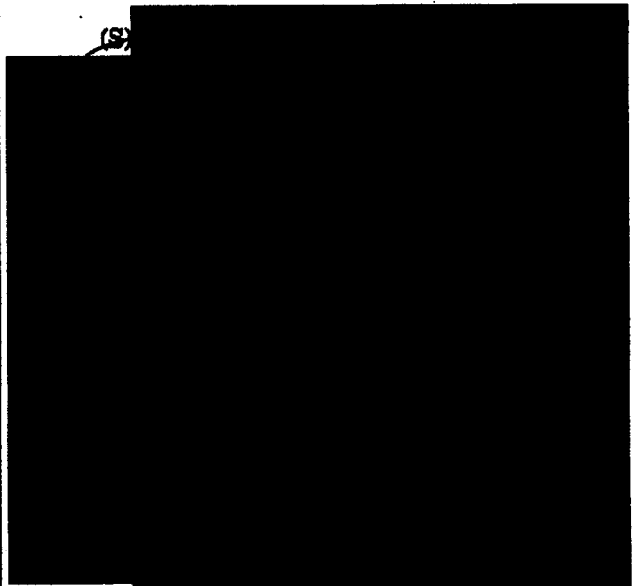
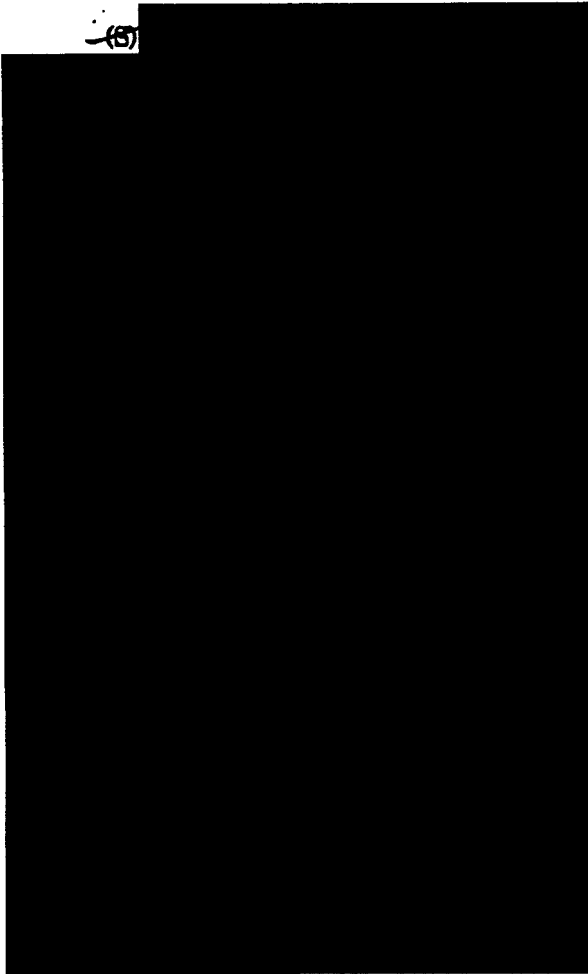
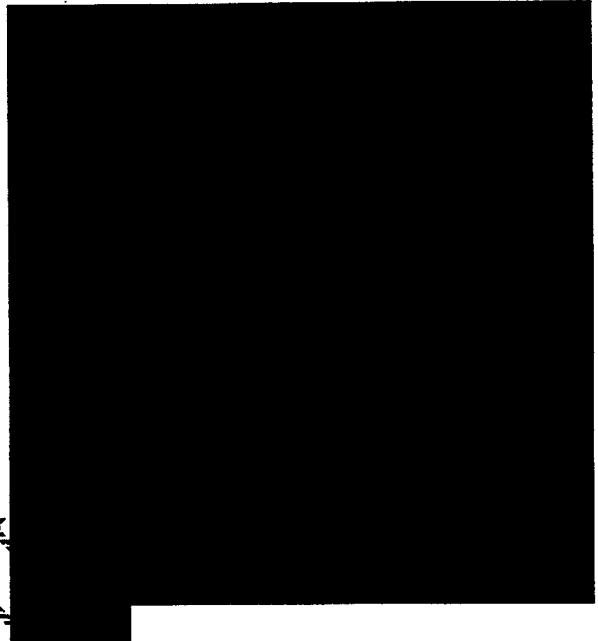
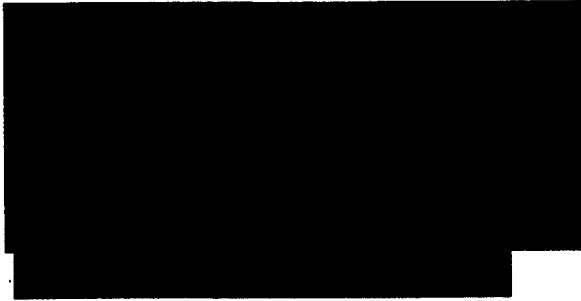
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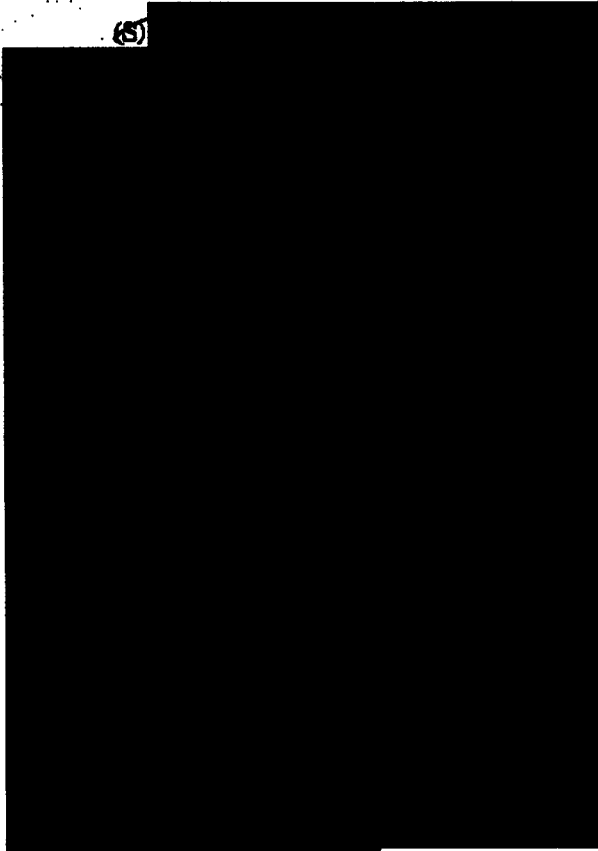
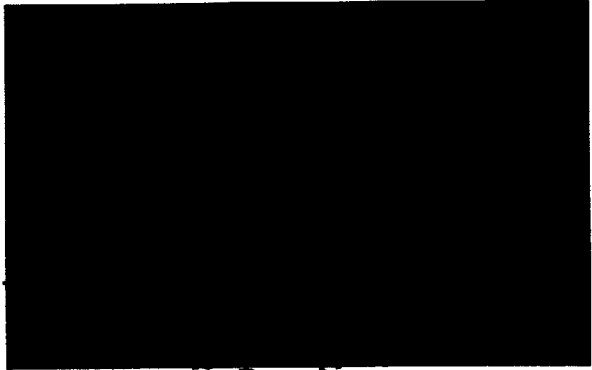
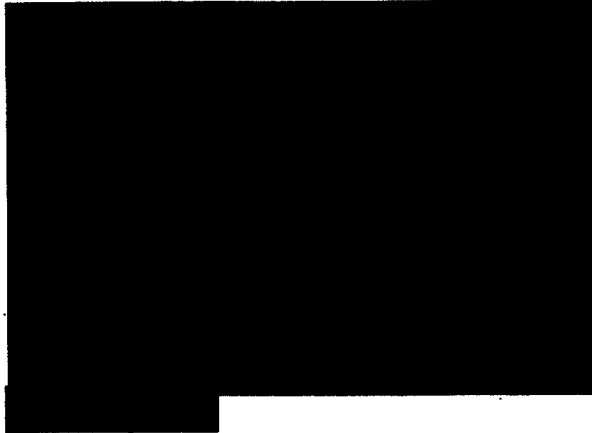
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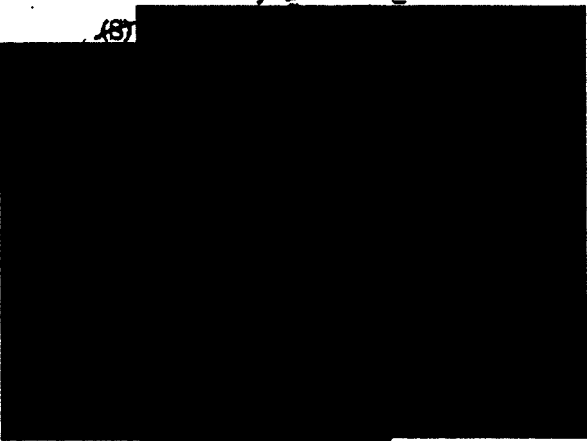
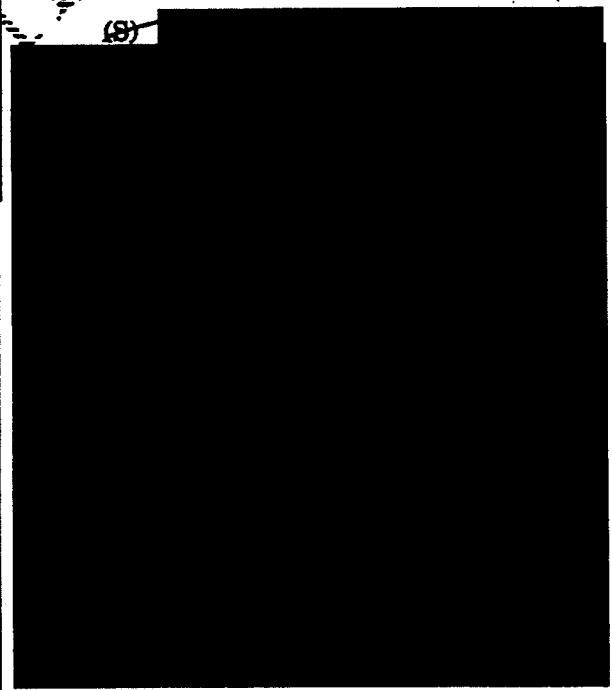
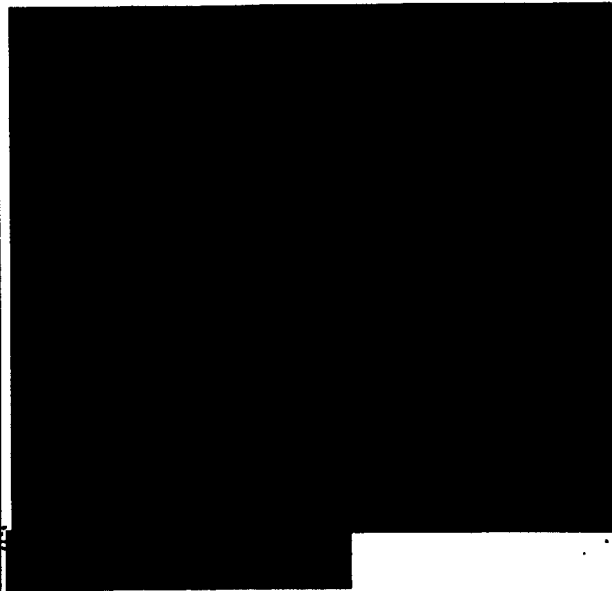
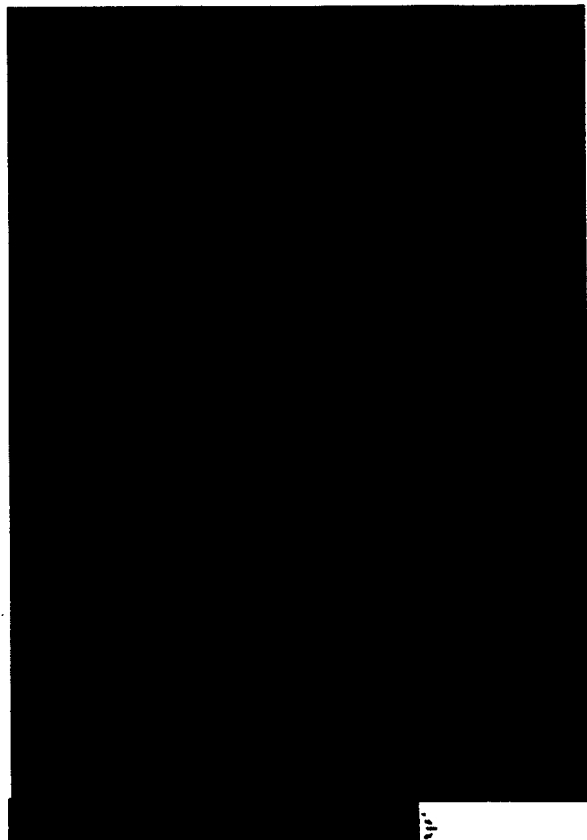
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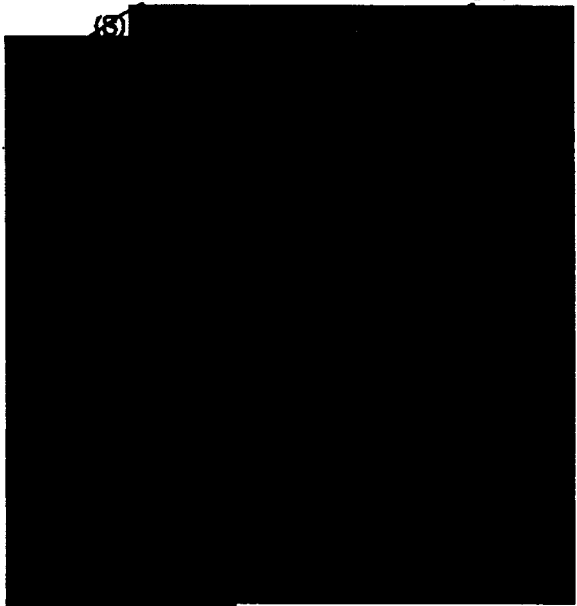
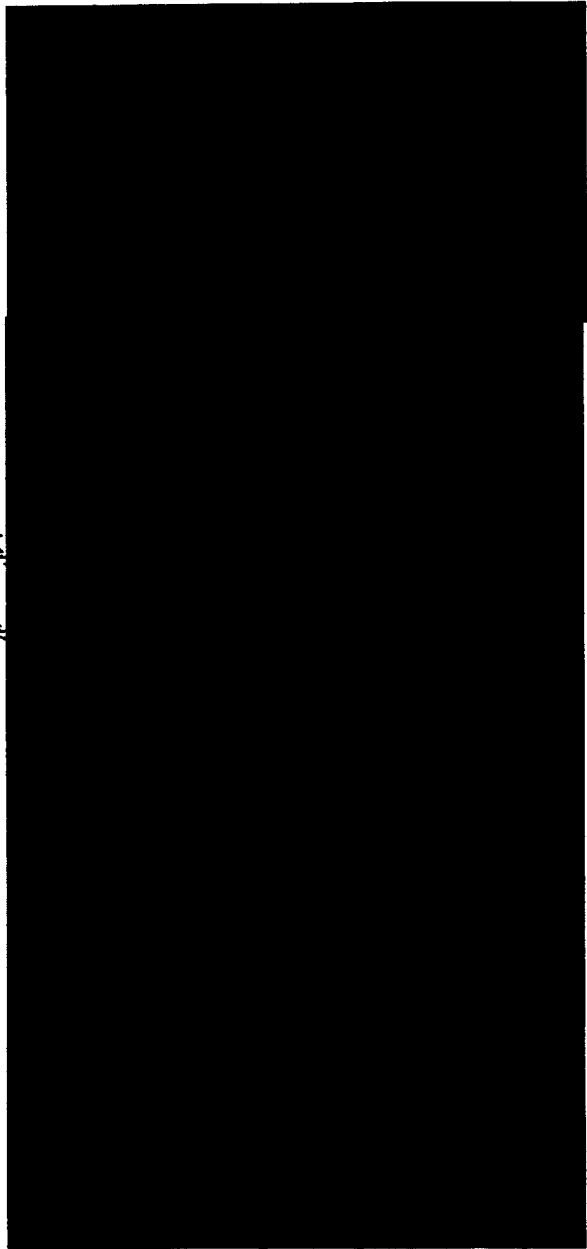
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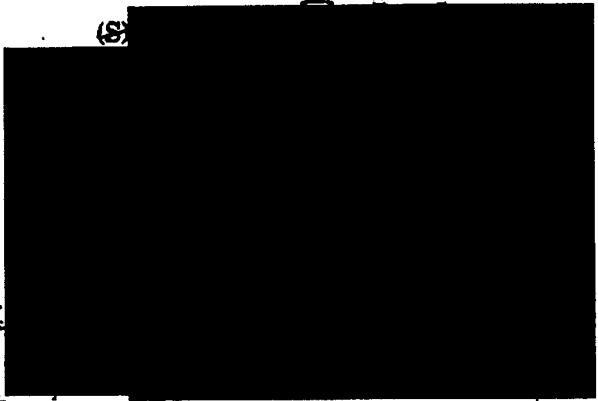
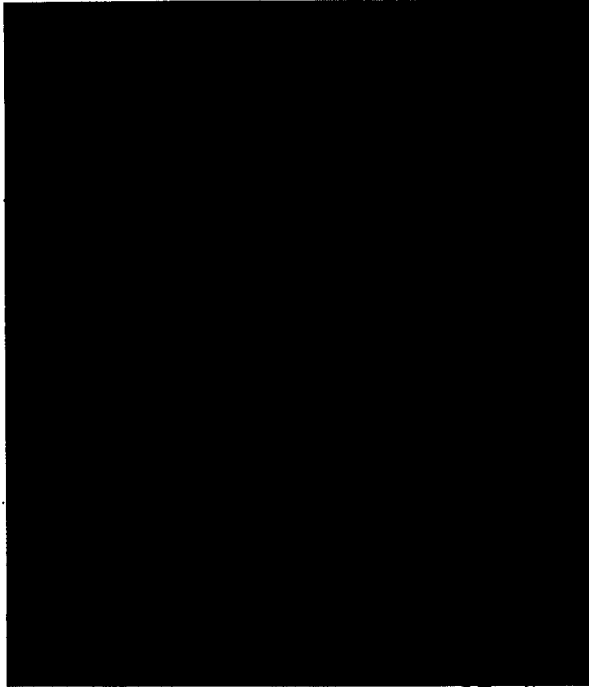
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Medical Issues Relevant to Interrogation and Detention Operations (U)

Background (U)

(U) The primary task of the Interrogation Special Focus Team was to identify and report on interrogation techniques in Guantanamo Bay, Afghanistan, and Iraq; consequently, our investigative process was not specifically designed or intended to exhaustively study all medical aspects of detention operations. However, our investigation still led to important insights into detainee medical care and the roles of medical personnel. In this section of our report, we summarize those insights and our relevant findings.

(U) Military medical personnel serve vital and diverse roles in supporting the operational readiness and combat effectiveness of U.S. Armed Forces. They promote force readiness through comprehensive individual healthcare. They maintain the effectiveness of deployed forces through preventive efforts that cut the risks of contagious disease and non-battle injury. They save lives on the battlefield through state-of-the-art combat casualty care and medical evacuation. Military medical personnel also serve as ambassadors of American goodwill through civic and humanitarian activities worldwide. In addition, their scientific research advances medical knowledge and public health both at home and abroad.

(U) On numerous levels, the emotional bonds between military medicine and American combat forces are strong. Medics and corpsmen

are cited often for valor and sacrifice alongside fighting men and women of all services. Many have died, and many more go in harm's way to render lifesaving care. This report is not intended to alter such proud heritage.

Medical Doctrine (U)

(U) Medical doctrine of the U.S. Armed Forces is rooted in the Geneva Conventions of 1949, which are repeatedly cited or quoted in DoD Directives, service regulations, and implementing orders. DoD guidance applies the standard of humane medical care to all detainee categories; requires that forces receive training adequate to ensure knowledge of their obligations under the Geneva Conventions and DoD policy; and requires that all military personnel (not just medical personnel) report suspected violations to their chains of command.

(U) Summarized below are important sources of U.S. military medical doctrine as it pertains to detainee operations and interrogation.

(U) Detainee Screening and Medical Treatment

(U) Recent DoD Policy Guidance

(U) On April 10, 2002 the Assistant Secretary of Defense for Health Affairs (ASD(HA)) issued HA Policy 02-005, "DoD Policy on Medical

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Care for Enemy Persons Under U.S. Control Detained in Conjunction with Operation ENDURING FREEDOM." This brief document primarily directs that detainees from Afghanistan be provided medical care "to the extent appropriate and consistent with military necessity" in accordance with the 1997 multi-service regulation, "Enemy Prisoners of War, Retained Personnel, Civilian Internees and other Detainees" (described below). Unlike many other documents, HA Policy 02-005 makes no distinction between different categories of detainees. It also states the following:

(U) "In any case in which there is uncertainty about the need, scope, or duration of medical care for a detainee under U.S. control, medical personnel shall be guided by their professional judgments and standards *similar to those that would be used to evaluate medical issues for U.S. personnel*, consistent with security, public health management, and other mission requirements (emphasis added).

(U) DoD Enemy POW-Detainees Program

(U) "DoD Program for Enemy Prisoners of War (EPoW) and Other Detainees" (DoD Directive 2310.1) was issued August 18, 1994. It confirms as DoD policy that U.S. Military Services shall comply with the principles, spirit, and intent of the international law of war, both customary and codified, to include the Geneva Conventions (Section 3.1). It also requires that U.S. forces receive training to

ensure knowledge of their obligations under the Geneva Conventions and the DoD Law of War Program (discussed below) before assignment to a foreign area where capture or detention of enemy personnel is possible (Section 3.2).

(U) Multi-Service Regulation ~~Army Regulation~~ 190-8)

(U) "Enemy Prisoners of War, Retained Personnel, Civilian Internees and Other Detainees" is a multi-service regulation coordinated by the U.S. Army and issued jointly by the Army (AR 190-8), Navy (OPNAVINST 3461.6), Air Force (AFJI-91-304), and Marine Corps (MCO 3461.1). This regulation is hereinafter cited AR 190-8.

(U) AR 190-8 contains detailed guidance on numerous issues pertaining to the administration and treatment of enemy prisoners of war (EPW), retained personnel (RP), civilian internees (CI), and other detainees (OD) in the custody of U.S. Armed Forces. Its stated purpose is to implement international law, both customary and codified, and the four 1949 Geneva Conventions are specifically listed as the principal relevant treaties. AR 190-8 also states "In the event of conflicts or discrepancies between this regulation and the Geneva Conventions, the provisions of the Geneva Conventions take precedence."

(U) Specific provisions for "hygiene and medical care" call for sanitary quarters, personal

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hygiene items, and access to medical care. Required medical records must include documentation of initial medical examinations, monthly medical inspections, and monthly weight recordings. Separate requirements for healthy food rations and adequate water supply appear elsewhere.

(U) Throughout AR 190-8, distinctions are made between different categories of persons in custody, and careful reading is necessary to determine exactly which provisions apply to whom. Provisions for hygiene and medical care, along with those for food rations and water supply, appear identically in one section addressing EPW/RP and another section addressing CE. There is no analogous section addressing ODs, who are specifically mentioned in few places.

(U) AR 190-8 emphasizes that all detainees are entitled generically to "humanitarian care and treatment." While HA Policy 02-005 (described above) extends provisions pertaining to medical care and its documentation to all enemy persons detained in conjunction with Operation ENDURING FREEDOM (Afghanistan), it does not extend any other provisions of AR 190-8 to ODs.

(U) Third Geneva Convention

(U) The Third Geneva Convention Relative to the Treatment of Prisoners of War of August 12, 1949 (GPW) is an international treaty ratified by

the United States. GPW establishes criteria for defining status as an enemy prisoner of war (EPW). These criteria do not encompass all categories of detainees. It is important to note that no detainees from Operation ENDURING FREEDOM (Afghanistan) and relatively few detainees from Operation IRAQI FREEDOM (Iraq) are assessed by the United States to meet criteria for EPW status. In any case, several key provisions of the Convention form the foundation of U.S. military medical doctrine as it relates to EPWs. Those provisions are summarized below.

(U) Articles 9-11 (in Part I, General Provisions) propose roles for impartial humanitarian organizations, such as the ICRC, which is mentioned by name but not specifically mandated.

(U) Article 13 (in Part II, General Protection of Prisoners of War) mandates humane treatment of POWs and their protection from violence or intimidation, and Article 15 (also in Part II) requires the Detaining Power to provide EPWs with free medical care as required by their state of health. Part III of the Convention addresses captivity.

(U) Articles 29-31 (in Chapter III [Hygiene and Medical Attention] of Section II [Internment of Prisoners of War] of Part III [Captivity]) collectively establish requirements for clean and healthful camps, personal hygiene accommodations, local access to medical care, and monthly medical

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inspections. Prisoners must be admitted to any military or civilian medical unit able to provide necessary special treatment.

(U) Articles 120-121 (in Section III [Death of Prisoners of War] of Part III [Captivity]) call for documentation of POW deaths along with their cause and circumstances, medical examination of bodies, and official inquiries when EPW deaths may have been caused by sentries or other persons, or when their cause of death is unknown.

(U) Fourth Geneva Convention

(U) The Fourth Geneva Convention Relative to the Protection of Civilian Persons in Time of War of August 12, 1949 (GC) is a separate international treaty, also ratified by the United States. While the two documents differ in many respects, those GPW provisions cited above are all extended in GC (most are copied verbatim) to also cover civilian internees (CI), who constitute the large majority of detainees under U.S. control in Iraq.

(U) International Committee of the Red Cross

(U) The ICRC is a humanitarian organization that works to protect and assist victims of war and violence. They utilize structured site visits and personal interviews in order to assess the psychological and material conditions of detention.

Findings and recommendations are reported to the detaining authority, either verbally or in writing, and are not normally made public. Similarly, the ICRC does not normally request written responses to their recommendations, but instead seeks to build working relationships with detaining authorities and to promote compliance with their recommendations during periodic site re-visits. Recommendations of the ICRC are not legally binding. One of their positions, for example, is that prisoners on hunger strike should not be force fed, even at the risk of death - an issue not addressed in Geneva Conventions.

(U) Until recently, medical doctrine of the U.S. Armed Forces provided little specific guidance on interactions with the ICRC. AR 190-8 mentions the ICRC as one example of a "neutral state or an international humanitarian organization" that may be designated by the U.S. Government to monitor whether "protected persons" (EPW, CI, and PR) were receiving humane treatment as required by the Geneva Conventions. It does not specifically require ICRC coordination, despite its mention by name in several places that discuss interface with outside observers.

(U) Medical Involvement in Interrogation

(U) U.S. armed forces doctrine envisions medical involvement adequate to ensure that detainees are interrogated in safety and only when

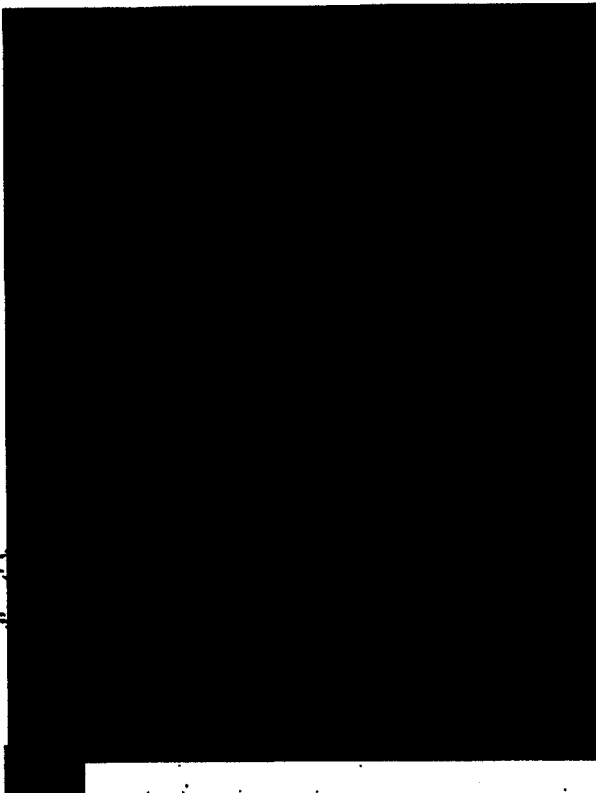
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medically fit. For example, Army Field Manual [FM] 34-52, *Intelligence Interrogation*, requires medical coordination when establishing an interrogation site (Chapter 5) and medical release of the sick or wounded before interrogation. Another field manual requires that Division Surgeons establish procedures for detainees casualty treatment and disposition, and that medical personnel advise commanders of violations of the Geneva Conventions, including interrogations of enemy wounded or sick who are medically unfit, or the killing, torture, mistreatment, or harming of a wounded or sick enemy soldier (FM 8-10-5, *The Brigade and Division Surgeon's Handbook*, Chapter 5).



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(U) Beyond this, existing U.S. medical doctrine does not specifically address the participation of medical personnel in detainee interrogations. In particular, DoD policy does not prevent individuals with expertise in mental health or behavioral science from helping interrogators to develop and refine interrogation strategies.

(U) Military Legal Review

(FOUO) In July 2002, the Staff Judge Advocate of Joint Task Force (JTF) 170 at Guantanamo Bay provided the only military opinion [redacted]

(U) General Assembly Resolution 37/194

(U) The United Nations General Assembly on December 18, 1982 issued Resolution 37/194, "Principles of Medical Ethics Relevant to the Role of Health Personnel, Particularly Physicians, in the Protection of Prisoners and Detainees against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment." Though not legally binding, this resolution states, in part, "It is a contravention of medical ethics for health personnel,

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particularly physicians, to apply their knowledge and skills in order to assist in the interrogation of prisoners and detainees in a manner that may adversely affect the physical or mental health or condition of such prisoners or detainees...."

(U) Interrogator Access to Medical Information

(U) Medical doctrine of the U.S. Armed Forces does not prohibit interrogator access to detainee medical information. As discussed later, the actual practice appears to be rare. Command-level military policies generally recognize two acceptable bases for such access. The first basis involves situations where interrogators might need insight into active medical issues to ensure that interrogations are safely limited. A second basis arises when detainees claim that interrogations should be restricted on medical grounds. In this instance, interrogators might wish to know if real medical issues deserve special consideration or, conversely, if the detainee is making false claims.

(U) Preventing and Reporting Suspected Abuse

(U) Under U.S. military doctrine, responsibilities for preventing and reporting detainee abuse are not limited to medical personnel. DoD directives, such as the DoD Enemy POW Detainee Program (discussed above), require all military personnel to know their obligations under interna-

tional law. Others, such as the DoD Law of War Program (discussed below) establish strict requirements for reporting suspected violations.

(U) DoD Law of War Program

(U) DoD Law of War Program (DoD Directive 5100.77) was issued December 9, 1998. It emphasizes that *law of war* encompasses "all international law for the conduct of hostilities binding on the United States or its individual citizens, including treaties and international agreements to which the United States is a party, and applicable customary international law." The directive specifically references all four Geneva Conventions of 1949, and it goes on to establish DoD policy that all possible, suspected, or alleged violations of the law of war be reported through chains of command, and then thoroughly investigated.

(U) Other Sources of Guidance

(U) A number of professional organizations have issued ethical statements or proposed standards for professional behavior. Although useful as ethical guidelines, none are legally controlling. One often-cited example is the World Medical Association's 1975 Declaration of Tokyo, "Guidelines for Medical Doctors Concerning Torture and Other Cruel, Inhuman, or Degrading Treatment or Punishment in Relation to Detention and Imprisonment," which forbids physician participation, observation, or counte-

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nance of torture or cruel and inhuman punishment.

(U) Cause of Death Determinations

(U) Military guidance on detainee autopsy has evolved since 2001. Although autopsy is the rule for any death of a prison inmate in the American civilian sector, medical doctrine of the U.S. Armed Forces did not specifically address the issue until recently.

(U) AR 190-8

(U) AR 190-8 only briefly mentions "Death and burial" in identical sections that apply respectively to EPW/RP and to CI, but not to ODs. These provisions call for investigative reports of suicides, deaths or serious injury caused by guards or others, and deaths resulting from unnatural or unknown causes. Autopsies are not addressed, and much of the focus is on disposition of remains. That theme is also reflected in an attached Certificate of Death format (DA Form 2669-R, May 62), which only allows one-third of one line for indicating Cause of Death and does not ask whether an autopsy has been performed.

(U) Interim Efforts

~~(FOUO)~~ Upon recognizing that some detainee death cases were not being referred for

autopsy, the Office of the Armed Forces Medical Examiner (OAFME) coordinated with the U.S. Army Office of the Provost Marshall General (OPMG), which in October 2005 directed its Criminal Investigative Division (CID) personnel to ensure that all detainee deaths are referred for autopsy. The situation improved, but some subsequent cases still involved release of remains before notifying CID.

(U) Recent DoD Policy Guidance

(U) Secretary of Defense Memorandum, "Procedures for Investigation into Deaths of Detainees in the Custody of the Armed Forces of the United States," signed June 9, 2004, formalizes requirements to immediately report the death of any detainee in the custody of U.S. Armed Forces (including EPW, RP, CI, and OD) to a U.S. Armed Forces service investigative agency. The memorandum establishes the OAFME as having primary jurisdiction within DoD for determining the cause and manner of death in such cases, and explicitly presumes that autopsies will be performed unless otherwise determined by the Armed Forces Medical Examiner (AFME) specifically. It goes on to summarize, "Determination of the cause and manner of death in these cases will be the sole responsibility of the AFME or another physician designated by the AFME."

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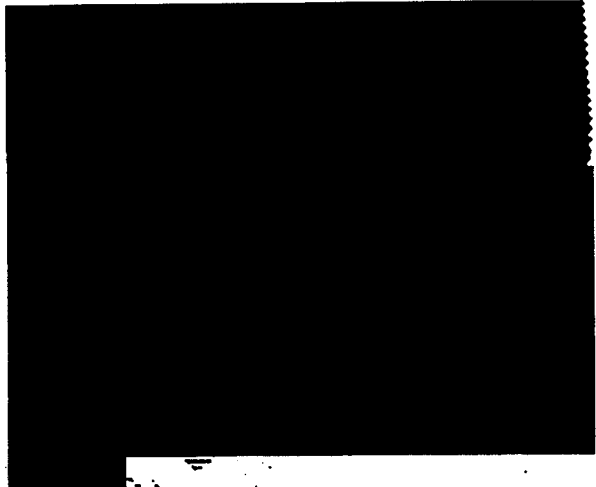
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Medical Findings (U)

(U) Our findings relevant to medical issues are organized below into four sections. The first section is an overview of detainee deaths and the processes in place to determine causes of death. Three site-specific sections then follow, addressing Guantanamo Bay, Afghanistan, and Iraq, respectively. The site-specific sections include reviews of individual detainee deaths, along with other impressions from local site visits and interviews of medical personnel. In this regard, our discussion of Guantanamo Bay is more extensive and detailed than those of Afghanistan and Iraq. Although unintended, this is no accident. The concentration of facilities and stable environment at Guantanamo Bay allowed us, in a very brief period, to aggressively tour detention and medical facilities, review medical records, and interview medical personnel. This was not possible in Afghanistan and Iraq.



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(U) Our findings in relation to detainee deaths are based primarily on our own review of investigative summary reports by CID as of September 30, 2004. We augmented these reviews with discussion of overall processes and selected individual cases during a visit to the OAFME in Rockville, Maryland.

(U) We elected to study detainee deaths for pragmatic reasons. Detainee deaths are sentinel events more likely to trigger attention, reporting, and independent CID investigation. In many cases, forensic autopsies add objective corroboration of other findings. The overall result is a reasonable body of documentation on a manageable number of cases. Meanwhile, our medical interest in reviewing summary reports on detainee deaths differed from the focus of CID investigators. Even though we sometimes applied our own label of "Suspicious for Abuse" in categorizing detainee deaths, we did not attempt to definitively assess detainee abuse. Instead, we looked for references to healthcare or medical personnel, and for insights on how their roles related to those of non-medical processes and individuals. Our assessments in this regard are necessarily subjective.

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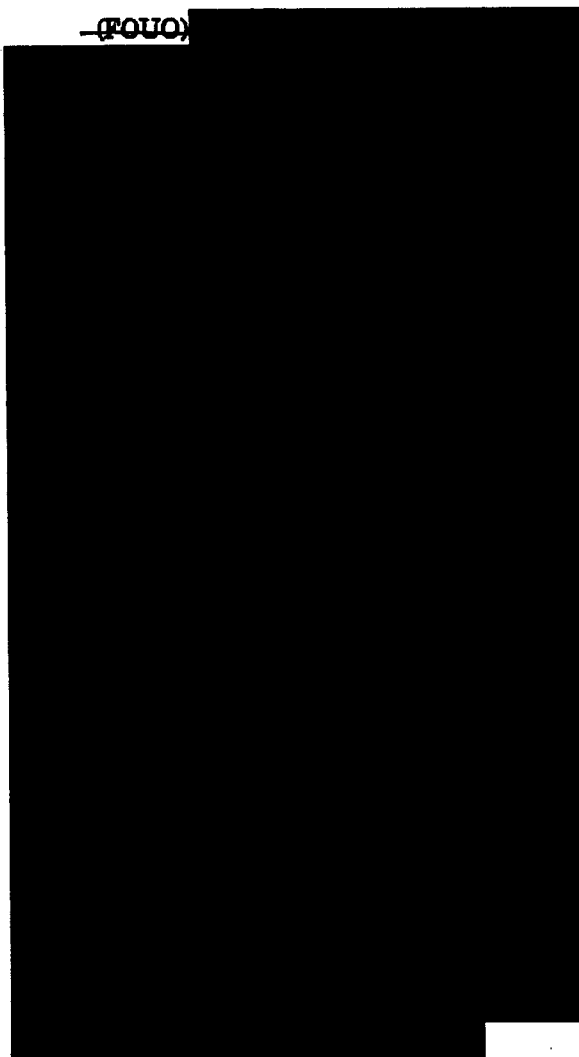
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(U) Overview of Detainee Deaths

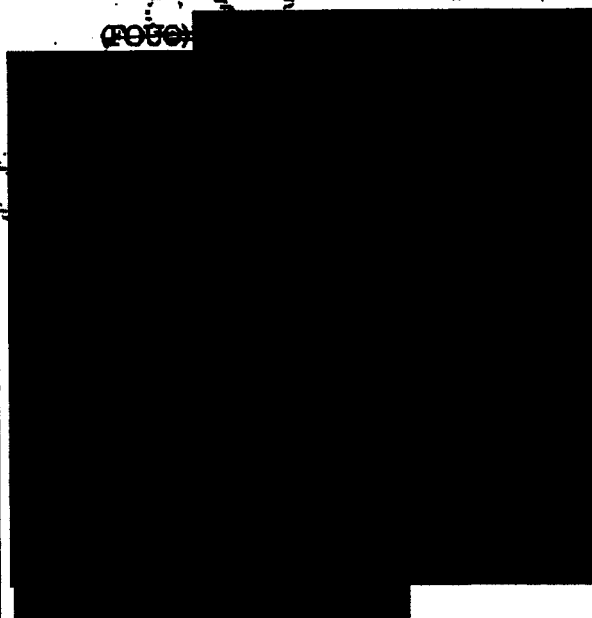
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(U) Guantanamo Bay

(U) Detainee Screening and Medical Treatment

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~~(FOUO) Detainees at Guantanamo Bay~~

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Individual Detainee Deaths Cited in DoD Investigations in
Guantanamo Bay, Afghanistan and Iraq (March 2003 - September 2004) (U)

Location	False Report	Killed by Enemy Attack	Killed in Rioting	Detainee Other Deaths	Total
Guantanamo Bay	0	0	0	0	0
Afghanistan	0	0	0	5	5
Iraq	1	27	13	49	90
Total	1	27	13	54	95

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receive several levels of healthcare. The first involves daily sick call held in each callblock. Sick call teams are based in a fixed-facility clinic within the Camp Delta compound, where detainees sometimes receive other outpatient care. The inpatient Detention Hospital is a separate and modern facility within Camp Delta with its own physician staff and capabilities equivalent to a field surgical hospital.

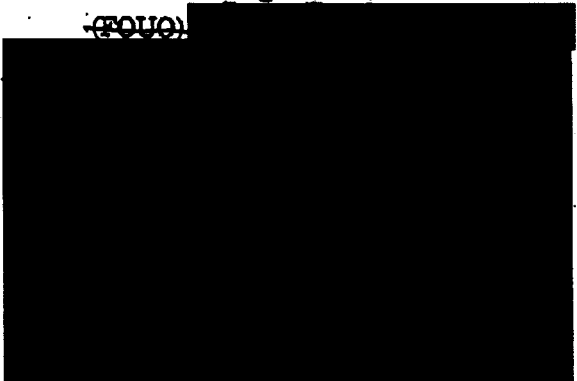


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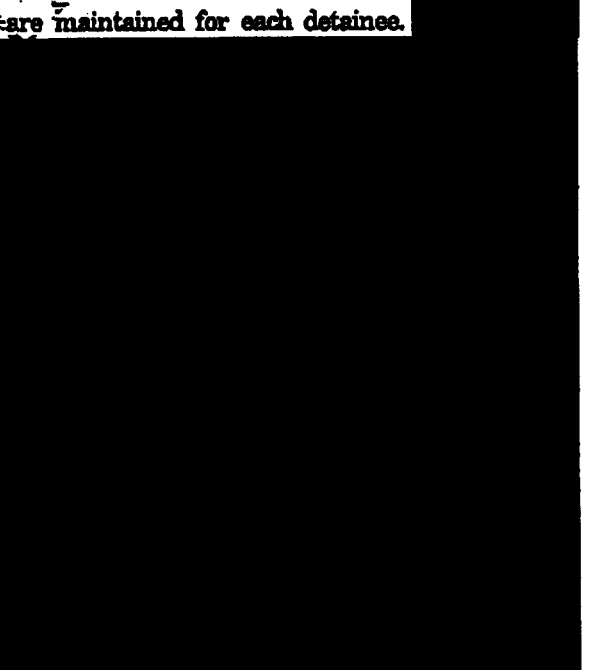
(FOUO) Health Records. Health records are maintained for each detainee.



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[Redacted]

~~(FOUO)~~ Detainee Nutrition. Medical personnel attempt to weigh all detainees monthly, but 10 percent of detainees refuse this. Detainees are categorized by Body Mass Index (BMI) and tracked over time.

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(S)(6)

~~(FOUO)~~ Mental Health Care. [Redacted]

(U) Medical Involvement in Interrogation

~~(FOUO)~~ Recent Involvement. Detainee Hospital personnel coordinate extensively with [Redacted]

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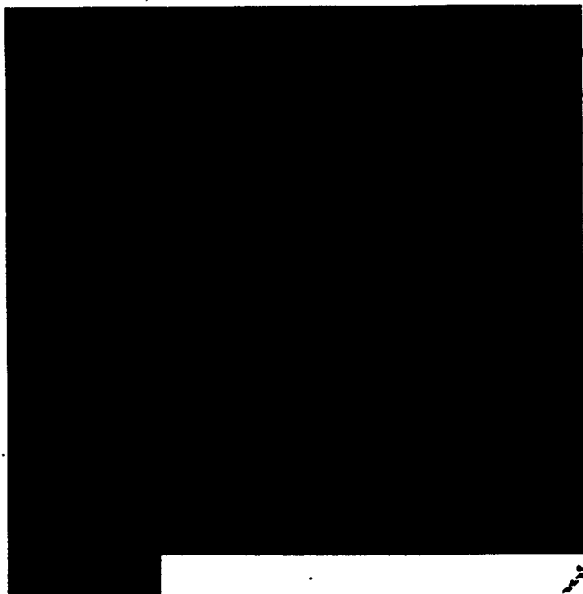
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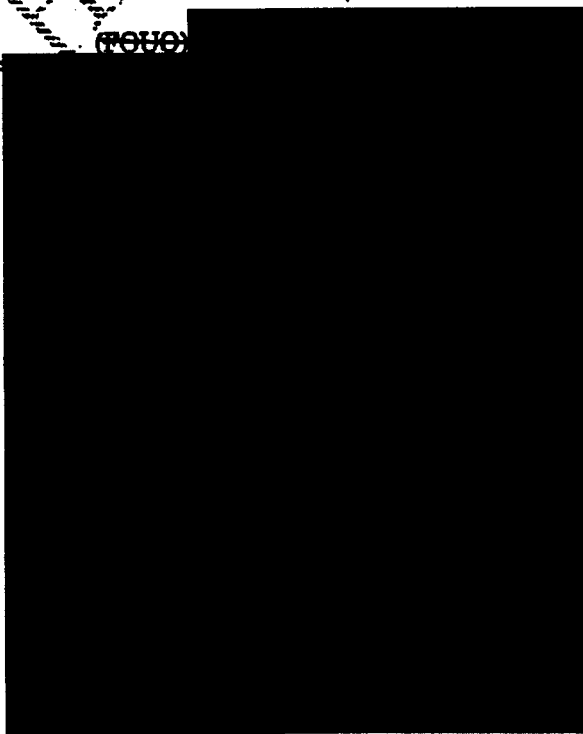
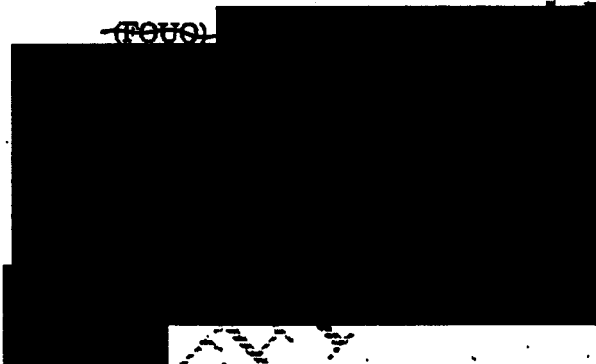
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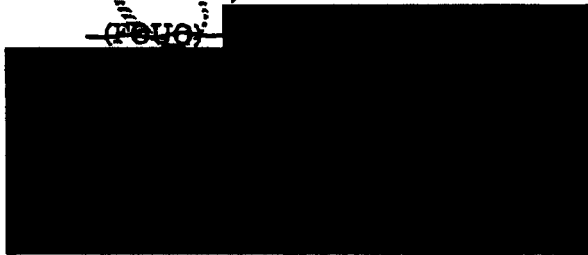


~~(FOUO)~~

~~(FOUO)~~

(U) Behavioral Science Consultation Team

~~(FOUO)~~



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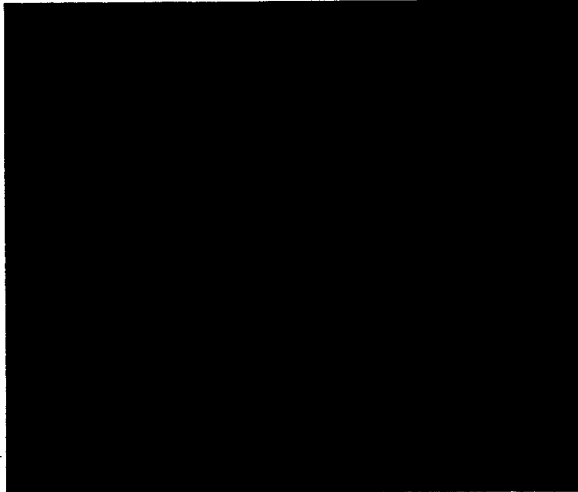
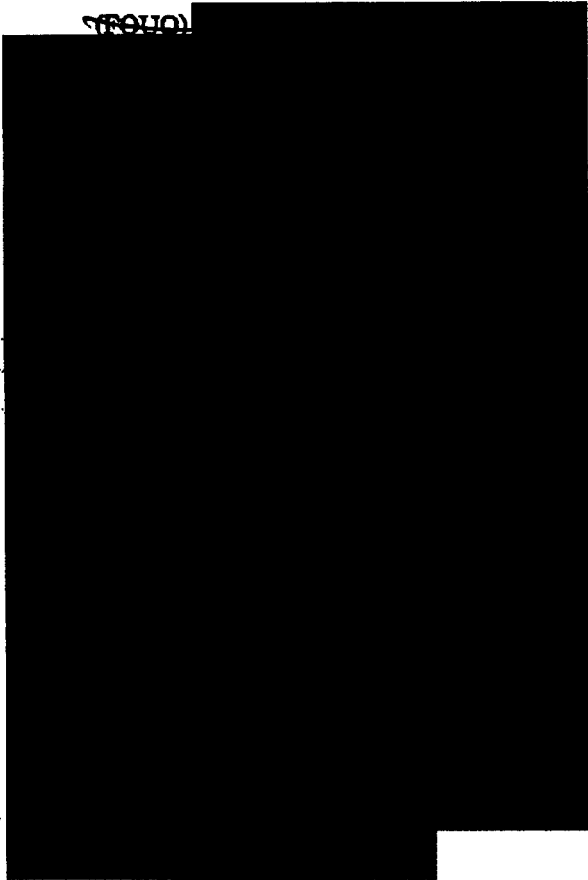
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to a combat support role.

(S)(U)



(U) Interrogator Access to Medical Information



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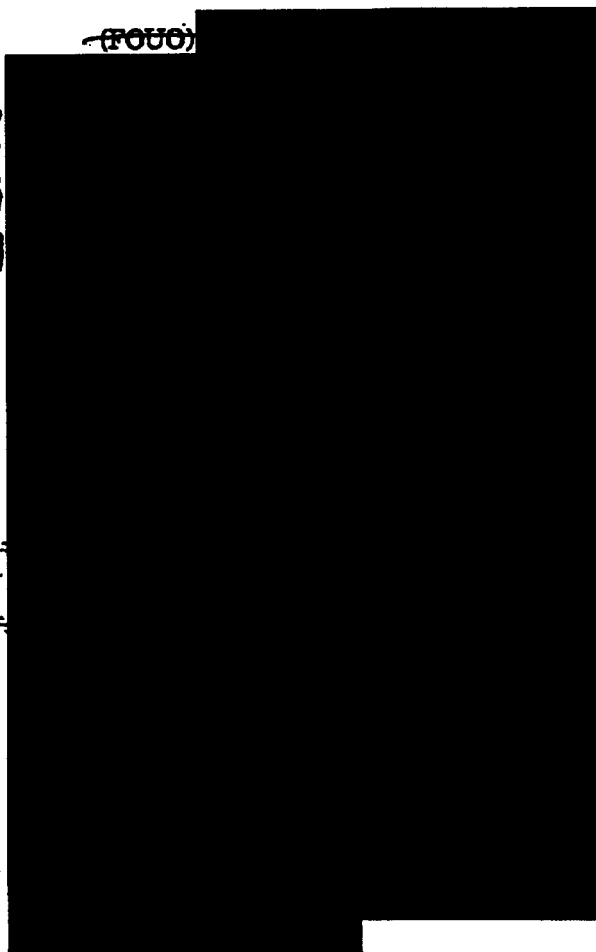
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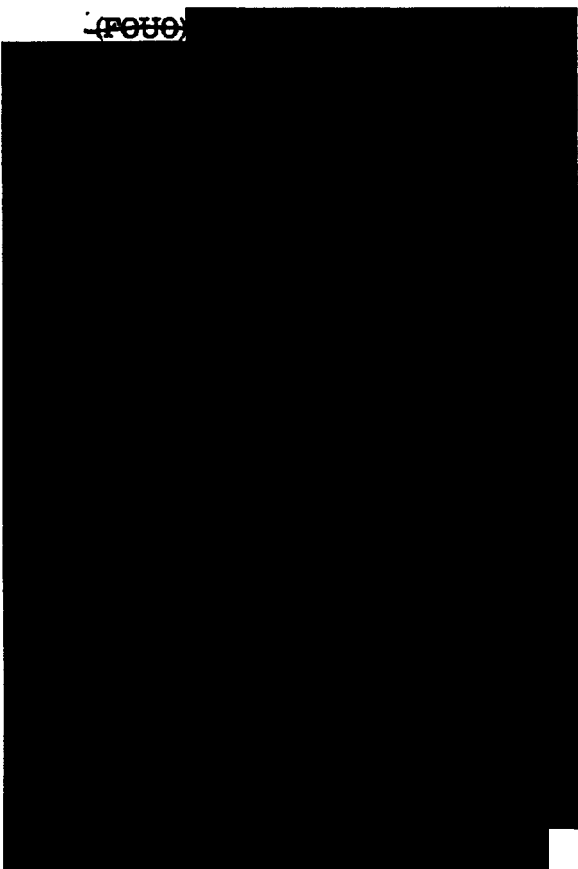


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(U) Preventing and Reporting Suspected Abuse

~~(FOUO)~~



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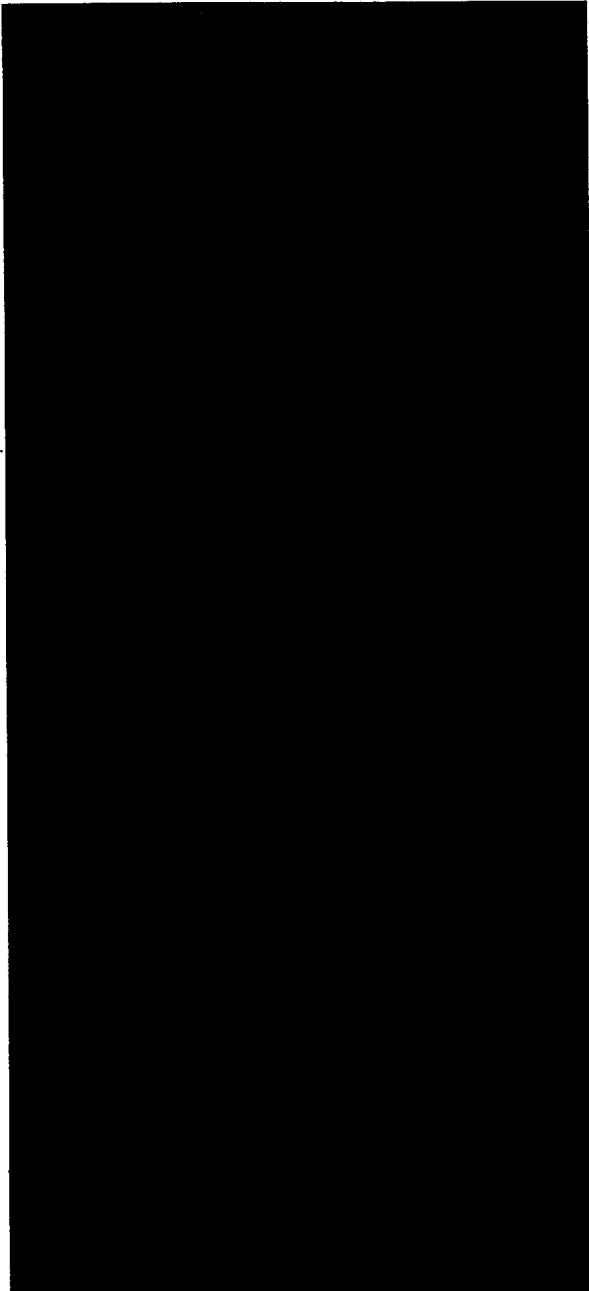


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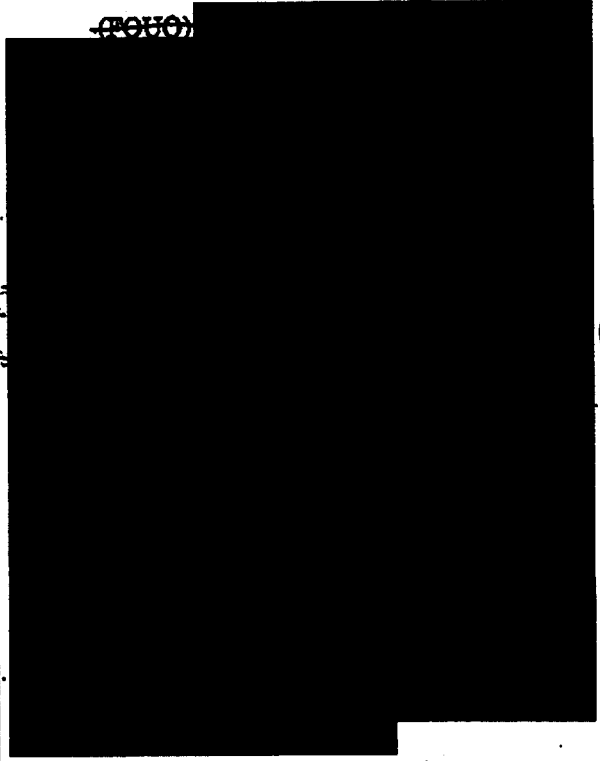


(U) Afghanistan

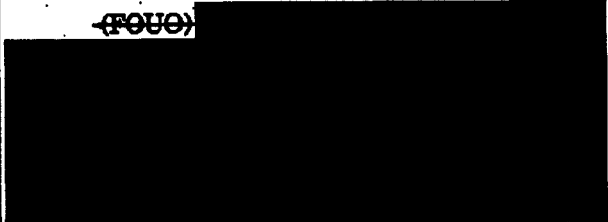
(U) Interviews of Medical Personnel
in Afghanistan



~~(FOUO)~~



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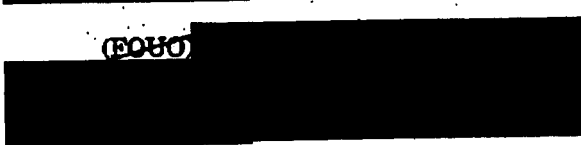
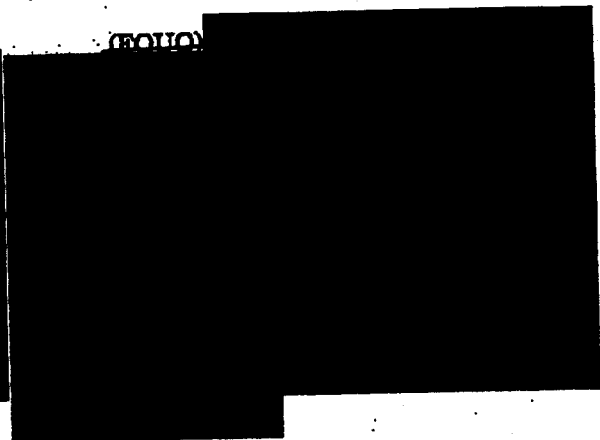
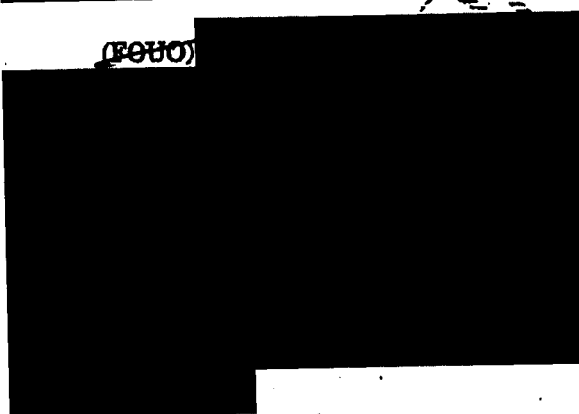
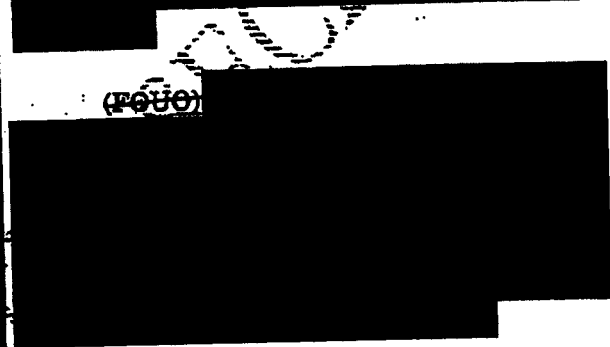
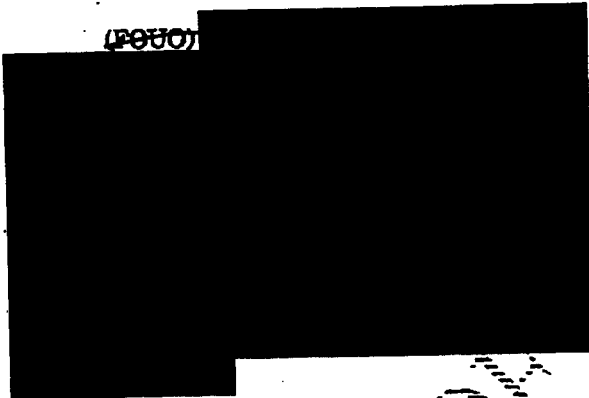
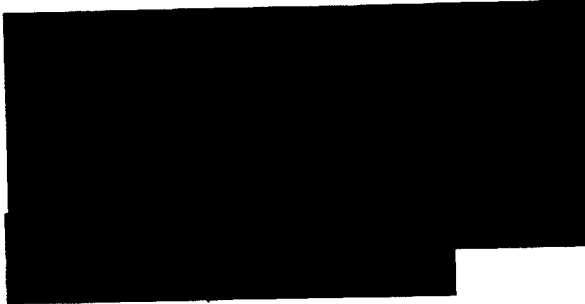
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Each indicated they would report abuse to their chain of command if they suspected it.

September 30, 2004. [REDACTED]

(U) Psychology Support of Interrogations

(FOUO) [REDACTED]

[REDACTED]

(b)(5)

The table below shows our own categorization of reported detainee deaths, which differ from that used internally by CID. The differences reflect our separate focus on medical perspectives and not any disagreement with the investigative interpretation of case findings. "Point of Capture" deaths represent individuals killed by U.S. forces at about the time of apprehension under diverse circumstances that are difficult to assess. "Suspicious for Abuse" is our own subjective label for four deaths individually described further below.

(b)(2)

(FOUO) [REDACTED]

(b)(6)

(U) Detainee Deaths in Afghanistan

(FOUO) As shown in the table on the next page, we reviewed [REDACTED]

[REDACTED] on five detainee deaths occurring in Afghanistan between August 28, 2002 and November 6, 2003. No other detainee death investigations have been initiated in Afghanistan as of

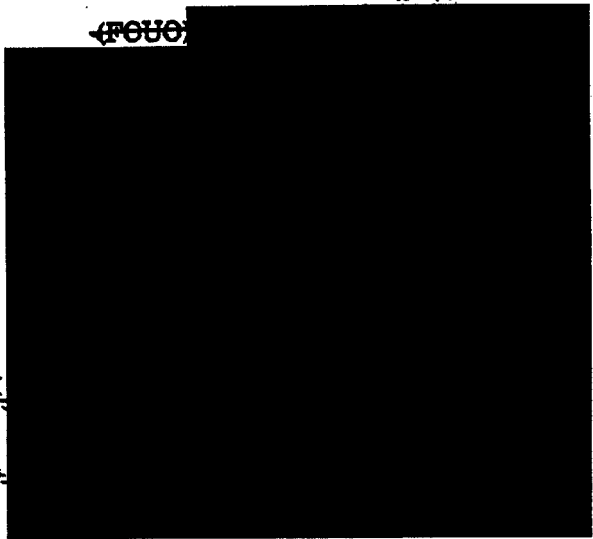
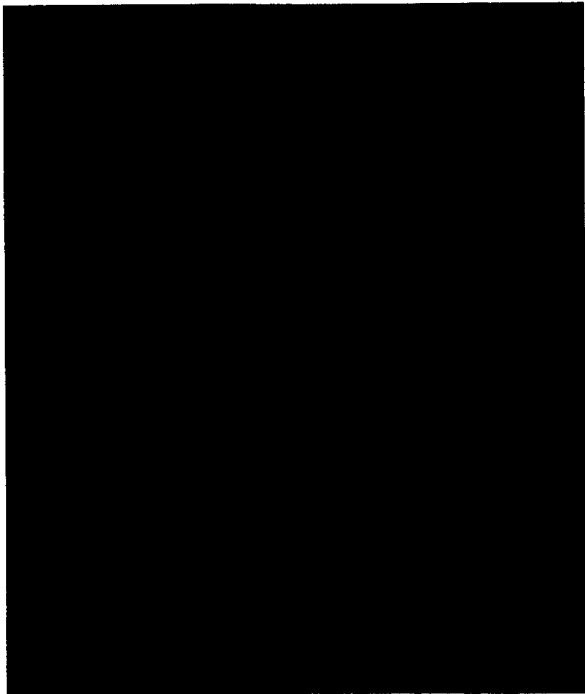
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Individual Detainee Deaths Cited in DoD Investigations in
Afghanistan (March 2003 - September 2004) (U)

	Cause of Death Category		Total
	Point of Capture	Suspicious for Abuse	
Number of Individuals Mentioned	1	4	5
Status of Associated Investigations			
Investigations Still Open	0	4	4
Investigations Closed	1	0	1

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[REDACTED]

in detainee medical care. They represented at least a dozen different units at various locations. Feedback did not differ in any obvious way between these groups of interviewees. Our interviews focused on the same themes we have used to organize other parts of our report on medical issues. In contrast to our discussions of Guantanamo Bay, we group these themes closely together here as interview findings only, because our processes in Afghanistan and Iraq did not allow us to corroborate interview findings with medical facility tours and files review as had been possible at Guantanamo Bay.

(FOUO)

[REDACTED]

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(FOUO)

[REDACTED]

(b)(2)

(FOUO) 8/28/02 at Lwara (Point of Capture) - Detainee was shot and died shortly after capture by U.S. forces. Summary investigative report makes no mention of medical care or medical personnel.

(U) Iraq

(U) Interviews of Medical Personnel in Iraq

(FOUO) We interviewed 38 medical personnel in Iraq during June 2004, including two headquarters-level physicians, 20 other physicians, four other medical department officers, and 12 enlisted medics and corpsmen. Most were directly involved

(FOUO)

[REDACTED]

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[Redacted]

[Redacted]

(FOUO)
[Redacted]

(FOUO)
[Redacted]

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[Redacted]

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[Redacted]

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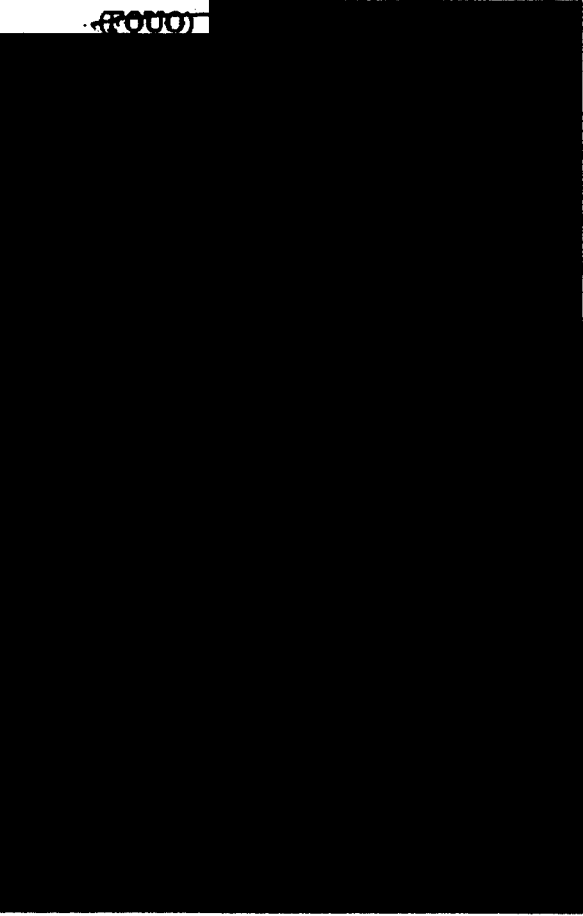
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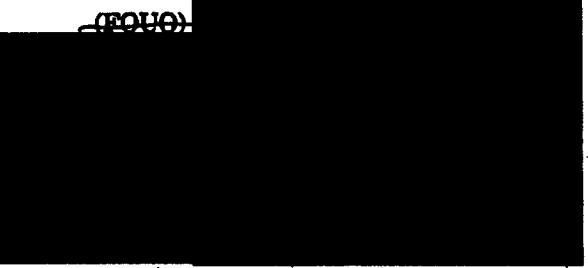
~~(FOUO)~~ As with our own processes, Major General Fay's recent investigation at Abu Ghraib was not designed to focus specifically on medical aspects of detainees operations. However, some of his findings add to our own with regard to the roles of medical personnel in preventing and reporting suspected detainee abuse. Specifically, he found that enlisted medics had witnessed obvious episodes of detainee abuse, apparently without reporting them to superiors. One episode involved a detainee whose wounded leg was intentionally hit. Two others involved detainees handcuffed uncomfortably to beds for prolonged periods, such that one eventually suffered a dislocated shoulder and another experienced pain when eventually forced to stand. A further episode involved a medic who saw pictures of naked detainees in a pyramid.



~~(FOUO)~~

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(U) Psychology Support of Interrogations



~~(FOUO)~~

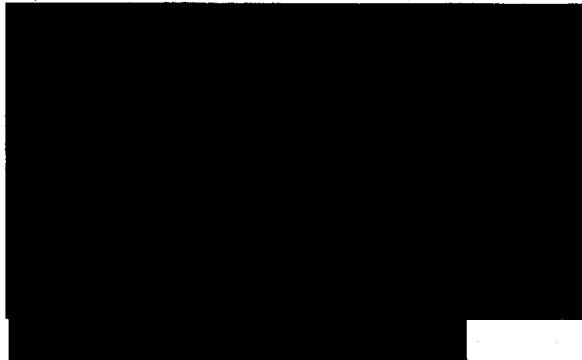
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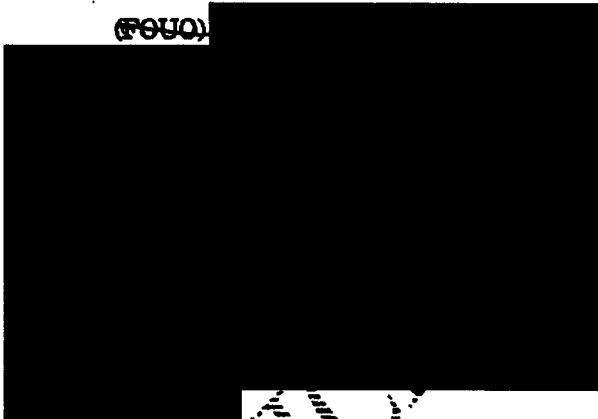
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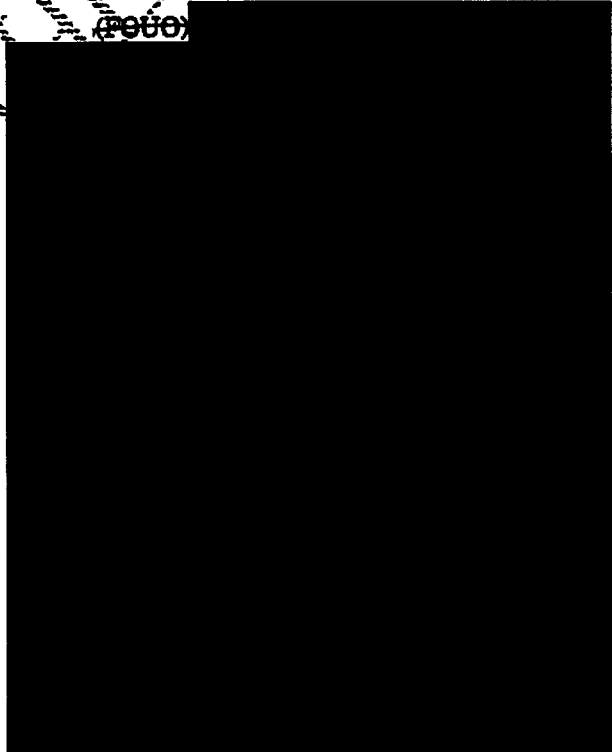
ease, along with cases where environmental conditions may have contributed. "Killed in Rioting" deaths represent detainees killed by U.S. forces while rioting or attempting escape. "Point of Capture" deaths represent individuals killed by U.S. forces at about the time of apprehension under diverse circumstances that are difficult to assess. "Suspicious for Abuse" is our own subjective label for eight deaths individually described further below. "Battlefield Injury" deaths are those due to complications directly related to major battle wounds, despite adequate medical care.

(U) Detainee Deaths in Iraq

(FOUO)



(FOUO)



(FOUO) The table on the next page shows our own categorization of the 90 total reported detainee deaths in Iraq as of September 30, 2004.



We labeled as "Non-Trauma" those natural deaths from underlying medical dis-

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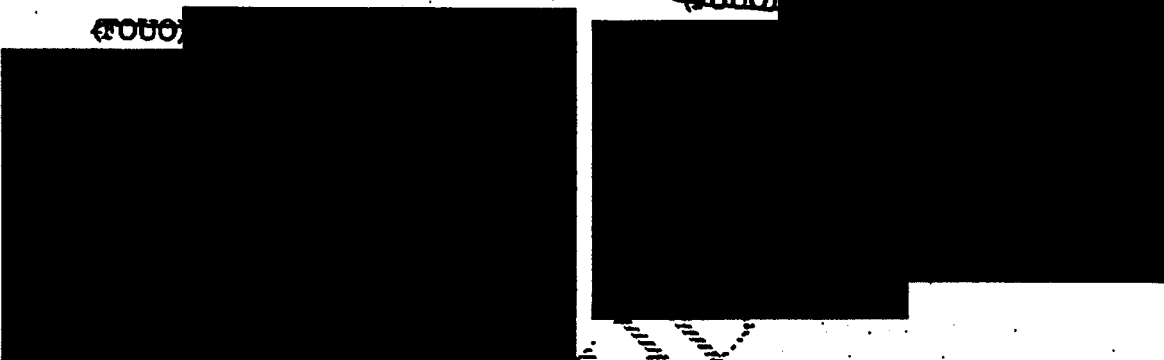
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(FOUO)



**Individual Detainee Deaths Cited in DoD Investigations
 In Iraq (March 2003 - September 2004) (U)**

Site	Enemy Attacks	Fatal Trauma	Task Force Categorization of Death Cause						Total
			Killed in Rioting	Point of Capture	Suspicious for Abuse	Battlefield Injury	No Information	False Report	
Abu Ghraib	27	15	10	8	1	0	1	0	54
Other Sites	0	9	3	10	7	4	2	1	35
Total	27	24	13	10	8	4	3	1	90
Status of Associated Investigations									
Investigations Still Open	n/a	5	3	4	7	0	2	0	21
Investigations Closed	n/a	19	10	6	1	4	1	1	42
Mention in CID Investigative Summary Notes of Medical Involvement									
Medical Mentioned	n/a	19	4	0	6	3	1	0	33
No Medical Mention	n/a	5	9	10	2	1	2	1	30

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(U) "Suspicious for Abuse" Detainee Deaths in Iraq

[Redacted]

(FOUO)

[Redacted]

(FOUO)

[Redacted]

(FOUO)

[Redacted]

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[Redacted]

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(FOUO)

[Redacted]

(U) "Non-Trauma" Detainee Deaths in Iraq

(FOUO) The chart on the next page shows the monthly distribution of 24 total "Non-Trauma" detainee deaths in Iraq. One observation is the reasonably similar pattern of "Non-Trauma" deaths occurring at Abu Ghraib and elsewhere; another is the higher number of deaths in August 2003, when the local climate was very hot.

(FOUO)

[Redacted]

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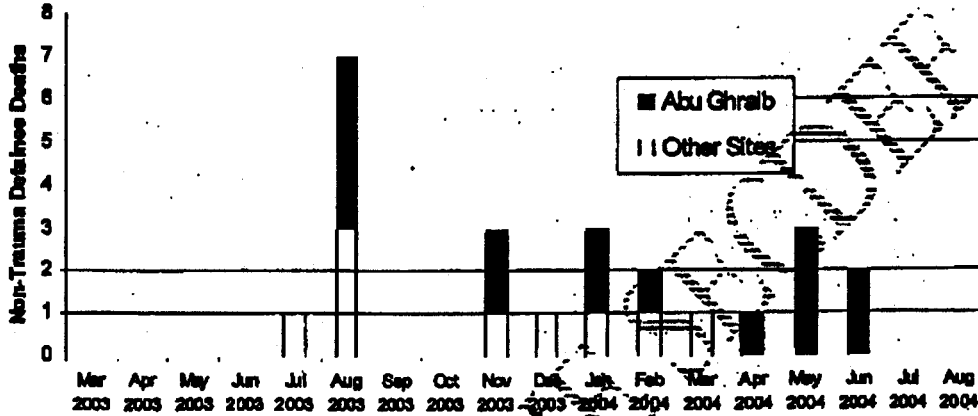
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Non-Transit Detainee Deaths in Iraq, By Month (U)



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(b)(7)(C) [Redacted]

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Conclusions (U)

(U) Medical doctrine of the U.S. Armed Forces is ultimately rooted in the Geneva Conventions of 1949, and applies the standard of humane medical care to all categories of detainees. This doctrine has been in place throughout operations in GTMO, Afghanistan and Iraq. In addition, we note that the Office of the Secretary of Defense is currently developing specific policies to address the issues raised below.

(U) The medical personnel that we interviewed appeared to understand, in general terms, their responsibility for providing humane medical care to detainees, but few had received training specifically relevant to detainee screening and medical treatment. In Afghanistan and Iraq, however, we found inconsistent field-level implementation of specific requirements, such as monthly medical inspections and weight recordings. One

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obvious need is for a clear and concise training curriculum in a standardized format amenable to use in diverse settings.

(U) Two specific areas deserve further policy-level and legal review, as appropriate. Both touch on important ethical issues not specifically addressed by the Geneva Conventions of 1949. The first involves the roles and responsibilities of behavioral science personnel working in direct non-medical support of detainee interrogators to refine interrogation techniques. The status of medical personnel assigned to these non-medical duties deserves clarification, even though much of their work actually focused on encouraging less coercive interrogation techniques for most detainees. The second area deserving further policy-level review involves standards for detainee medical records and who should have access to them. We found substantial variation in field-level practices for maintaining and securing detainee medical records. In some situations, interrogators had easy access to detainee medical information, even though we separately found little interest by interrogators for that information and no instances where detainees medical information had been used coercively during interrogations. Although U.S. law provides no absolute confidentiality of medical information for any person, including detainees, DoD policy-level review is necessary in order to balance properly these reporting concerns. Meanwhile, a third important policy area, involving requirements for reporting detainee death, performing autopsies, and determining causes of death, was addressed by updated

DoD policy guidance in June 2004, as previously discussed.

(U) While it is clear to us that medical personnel had frequent opportunities to observe the circumstances of detainee confinement, it was not possible for us to comprehensively assess when or whether medical personnel reported suspicions of detainee abuse. We were able, however, to obtain useful insights from a systematic review of investigative notes and autopsy results from detainee death cases. We found no cases of detainee death where we suspected direct involvement of medical personnel in detainee abuse. We did identify three individual cases of detainee death that warrant additional focused review of whether medical personnel may have attempted to misrepresent the circumstances of death. Specifically, in two similar cases from Bagram, Afghanistan, military physicians are said to have reported no evidence of trauma, when subsequent autopsies found severe soft tissue injuries to both legs. The third case involves a detainee death during interrogation at Abu Ghraib, in Baghdad, Iraq. Some reports suggest that medical personnel may have attempted to place an IV line after death to create a false appearance that life-saving efforts had been attempted. Finally, we identified several cases where medical personnel witnessed behavior or circumstances that should probably have led them to suspect detainee abuse. We do not know whether they reported those suspicions. In one instance from Iraq, military physicians documented concerns about possible detainee abuse in a Memorandum for the Record dated May 11, 2004 - six months after the detainee's death. Although

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existing doctrine of the U.S. Armed Forces requires that all military personnel report suspicions of detainee abuse to their chain of command, our insights, taken together, suggest the need to clarify and reinforce the special responsibilities of medical personnel in preventing and reporting suspected detainee abuse. Further, ongoing CID investigations should address this additional aspect of detainee abuse or detainee death cases.

(U) We were reassured by the credible practices of the Office of the Armed Forces Medical Examiner (OAFME) in determining

causes of detainee death, and in the unbiased summary reports from investigators of Army's Criminal Investigative Division (CID). In addition, OAFME and the Army Provost Marshal General have collaborated progressively for some time to develop field guidance to ensure OAFME autopsies in cases of detainee death. We anticipate that those efforts will culminate in expanded and clarified medical doctrine regarding procedures in such cases. We have no additional recommendations with regard to detainee cause of death determinations.

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