

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

Investigating Officer: MG Ryder, Army Provost Marshal General

Appointing Authority: LTG Sanchez, Commander, CJTF-7

Date of Initiation: October 16, 2003

Date of Completion: November 6, 2003

(U) Scope:

- "...to assess, and make specific recommendations concerning detention and corrections operations in Iraq." and to:
- "Verify that detainees are held and processed in accordance with United States and international law."
- "Identify problems, propose solutions and recommend the resources necessary to implement the solutions,"
- Restated Mission:
 - "Assume an assistance role; not an investigation."
 - "...emphasize overall Program issues, not specific facility operations."
 - "Identify bridging mechanism from current operations to an Iraqi-run prison system, synched with the Coalition Provisional Authority."
- Objective: "...to observe detention and prison operations, identify potential systemic and human rights issues, and provide near-term, midterm, and long-term recommendations to improve operations and transition the fledgling Iraqi prison system from military control/oversight to the Coalition Provisional Authority and eventually to the Iraqi government."

(U) Executive Summary Extract:

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

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

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

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

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

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

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

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

(U) **Executive Summary Extract:**

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

(U) Scope:

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

(U) Executive Summary Extract:

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

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

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

(U) Synopsis:

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

Interrogation Operations

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

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

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

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

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

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

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

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

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

Investigating Officer: USARC Inspector General

Appointing Authority: LTG Helmly, Commanding General US Army Reserve
Command

Date of Initiation: March 11, 2004

Date of Completion: December 15, 2004

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

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

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

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

(U) Executive Summary Extract:

(U) This Assessment was not an investigation.

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

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

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

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

Investigating Officer: LTG Jones, Deputy Commanding General, U.S. Army Training and Doctrine Command and MG Fay, Assistant Deputy Chief of Staff Army G2

Appointing Authority: GEN Kern, Commander, U.S. Army Materiel Command

Date of Initiation: March 31, 2004

Date of Completion: August 6, 2004

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

(U) **Executive Summary Extract:**

(Part I MG Fay's unclassified version)

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

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

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

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

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

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

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

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

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

c. (U) Detainee Abuse at Abu Ghraib.

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

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

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

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

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

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

c. (U) Abuse at Abu Ghraib

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

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

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

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

d. (U) Major Findings

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

(U) **Executive Summary Extract:**

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

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

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

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

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

(U) Scope:

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

(U) Executive Summary Extract:

OVERVIEW (U)

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

ABUSES (U)

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

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

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

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

CONCLUSION (U)

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

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

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

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

(U) **Scope:**

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

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

MAJOR FINDINGS

- (U) 1. ~~(S//NF)~~ CJSOTF-AP units are conducting operations that result in the killing or capturing of known AIF [Anti-Iraqi Forces]. They have detained and interrogated AIF consistent with their mission and CJTF-7 policy as capturing units. Based upon available data, the vast majority of CJSOTF-AP detainees were transferred to a conventional unit's custody coincident to or immediately following capture. Length of detention within CJSOTF-AP facilities was generally not an issue.
- (U) 2. ~~(S//NF)~~ CJSOTF-AP (10th SF GP) operated six (6) tactical interrogation facilities: one at their headquarters at Radwaniya Palace Complex (RPC) in Baghdad; one each with NSWTD [Naval Special Warfare Task Detachment]-N and NSWTD-W (Mosul and Al Asad); and three at ODA [Operational Detachment Alpha] safe houses (Adamiya Palace in Baghdad, Tikrit, and Samarra). These were not internment facilities, i.e. facilities intended for long-term detention, but rather temporary facilities to elicit tactical intelligence coincident to capture. These facilities at least met the minimum standards for tactical interrogation facilities, except as noted below. Only the RPC facility remains in operation at this time.
- (U) 3. ~~(S//NF)~~ NSWТУs [Naval Special Warfare Task Units] and ODAs are specially trained teams that are organized, trained, and resourced to conduct direct action missions in support of tactical operations. They have seasoned,

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

4. (U) The specific allegations of egregious physical abuse by indigenous personnel working with US forces or in conjunction with US forces are not substantiated by the evidence.
- (U) 5. ~~(S//NF)~~ Some detainees were held for periods of time in small (20" wide x 4' high x 4' deep) cells at ODA 065. As a technique for setting favorable conditions for interrogation, guards banged on the doors of the cells and played loud music to keep detainees awake and prevent them from communicating with one another. Two detainees claimed to have been held in these cells for five to seven days. ODA personnel stated it was not for more than 72 consecutive hours. I found an instance in which one detainee was held naked in this manner for uncertain periods of time.
- (U) 6. ~~(S//NF)~~ Some detainees, including [REDACTED] and [REDACTED] were fed primarily a diet of bread and water at ODA 554. There is evidence that this diet may have been supplemented by some ODA team members. ODA 554 could not specifically recall to what extent this occurred in each case. One detainee may have been fed just bread and water for 17 days.
- (U) 7. ~~(S//NF)~~ CJSOTF-AP (10th SF GP) units employed five (5) interrogation techniques that were no longer authorized by CJTF-7 policy, including Sleep Management, Stress Positions, Dietary Manipulation, Environmental Manipulation, and Yelling / Loud Music.
- (U) 8. ~~(S//NF)~~ As a general rule, CJSOTF-AP employed assigned personnel to conduct interrogations. In most cases, CJSOTF-AP used their targeting warrant officers (180A) and/or their intelligence NCO [Non Commissioned Officer] (18F).
9. (U) During the course of this investigation, I received information about seven (7) previously investigated incidents of alleged detainee mistreatment that potentially involved CJSOTF-AP units. As part of my general assessment of CJSOTF-AP detention and interrogation operations, I reviewed and considered these investigations and summarize them in PART II, SECTION FOUR. Of the seven, one was found not to involve CJSOTF-AP personnel; two were unfounded; two were founded; and two remain under investigation.

RECOMMENDATIONS (U)

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

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

- (U) 2. ~~(S/NF)~~ The evidence does not support imposing adverse action against any CJSOTF-AP personnel in connection with the allegations that are the subject of this investigation. However, all CJSOTF-AP personnel, especially ODA 554 and ODA 065, should receive mandatory corrective training and education in the principles of the Geneva Conventions relating to the treatment of detainees, specifically including adequate diet, sufficiently comfortable quarters, and the provision of adequate clothing.
3. (U) Ensure dissemination of MNF-I [Multi National Forces-Iraq]/ MNC-I [Multi National Corps-Iraq] policies to CJSOTF-AP and provide oversight of compliance.
- (U) 4. ~~(S/NF)~~ CJSOTF-AP should publish policy guidance that:
- (U) Clarifies authorized interrogation techniques;
 - (U) • ~~(S/NF)~~ Differentiates between tactical questioning and interrogation - NSWTDs and ODAs authorized to conduct tactical questioning unless specifically trained and / or augmented with trained interrogators;
 - (U) • ~~(S/NF)~~ Authorizes subordinate NSWTDs and ODAs to detain as capturing units with the explicit, documented approval of an LTC (0-5) or above and, then only long enough to get detainees to RPC or another suitable CF detention facility, i.e. 24-48 hours;
- (U) ~~(S/NF)~~ Establishes SOP for conduct of detention and interrogation operations and ensures periodic review for compliance with current MNF / MNC-I policies;
- (U) ~~(S)~~ Ensures all Special Operations Forces (SOF) personnel are trained on the SOP and implementing procedures.
5. (U) MNF-I should establish policy guidance that delineates minimum standards for detention facilities, including capturing unit operations, to include:
- Adequate, environmentally controlled holding areas in a secure, guarded facility;
 - Adequate bedding (blanket or mat) and clothing;
 - Adequate food and water (type and quantity; three meals a day);
 - Documented, systematic medical screenings at every level of detention;
 - Formalized accountability process at every level.

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

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

(U) 8. (S//NF) [REDACTED]

(U) (S//NF) [REDACTED]

b(1)

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

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

(U) Scope:

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

(U) Executive Summary Extract:

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

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

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

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

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

(U) Scope:

- Identify and report, "on all DoD interrogation techniques, including those considered, authorized, prohibited and employed, identified with, or related to the following operations: GTMO from the inception of detainee operations; Operation Enduring Freedom; Operation Iraqi Freedom; Joint Special Operations in the U.S. Central Command Area of Responsibility; the Iraqi Survey Group."
- "...monitor all reviews and investigations, completed and on-going, relating to the Department's involvement in detention operations, and to report any gaps among these reviews and investigations."
- Inquire into any DoD support to or participation in non-DoD entity interrogation techniques.

(U) Executive Summary Extract:

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

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

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

Interrogation Policy Development (U)

(U) Overview

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

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

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

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

Interrogation Techniques Actually Employed by Interrogators (U)

(U) Guantanamo Bay, Cuba

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

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

(U) Afghanistan and Iraq

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

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

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

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

Detainee Abuse (U)

(U) Overview

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

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

(U) Underlying Reasons for Abuse

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

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

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

Use of Contract Personnel in Interrogation Operations (U)

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

DoD Support to Other Government Agencies (U)

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

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

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

CONCLUSION (U)

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

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

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

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

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

Investigating Officer: MG Martinez-Lopez, Commander, U.S. Army Medical
Research and Materiel Command

Appointing Authority: LTG Kiley, US Army Surgeon General

Date of Initiation: November 12, 2004

Date of Completion: April 13, 2005

(U) Scope:

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

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

(U) Executive Summary Extract:

(U) Methods

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

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

(U) Policy and Guidance

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

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

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

(U) Medical Records

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

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

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

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

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

(U) Reporting of Detainee Abuse

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

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

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

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

(U) Recommendations.

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

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

(U) Other Issues

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

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

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

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

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

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

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

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

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

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

Investigating Officers: BG Furlow, United States Army South Deputy
Commander for Support and LTG Schmidt, United States Southern Command
Air Forces Commander

Appointing Authority: GEN Craddock, Commander, USSOUTHCOM

Date of Initiation: December 29, 2004 (*note: LTG Schmidt assigned lead on
February 28, 2005*)

Date of Completion: April 1, 2005

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

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