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RAASZYUW RUCAMFI2853 1651525-SSSS--RHMFISS.
ZNY ~~SSSSS~~
R 131529Z JUN 04
FM CDR CJTF7
TO RHMFISS/HQ USCENTCOM MACDILL AFB FL//CDAC RELAY//
ZEN/HQ USCENTCOM MACDILL AFB FL//CDR PERSONAL FOR//
BT
~~S E C R E T~~ NONE (U)
SUBJ: SPECIAL CATEGORY DETAINEE
~~SECRET////DB~~ (U)

~~SECRET/NOFORN~~ (U)
SUBJECT: REQUEST FOR DISPOSITION INSTRUCTIONS ON A SPECIAL CATEGORY DETAINEE //
PERSONAL FOR GEN ABIZAID FROM LTG SANCHEZ
MSGID/GENADMIN/MNF-I//
SUBJ/ SPECIAL CATEGORY DETAINEE
(REF/P4 MSG, FROM MG WHITCOMB TO CJTF-7 C3 MG MILLER, 150826ZNOV03.)
(U) RMKS/1: ~~(S/NOFORN)~~ SIR, IN NOV WE RECEIVED A P4 FROM STEVE WHITCOMB ON A SPECIAL DETAINEE WHO, ACCORDING TO DCI, IS A HIGH RANKING ANSAR AL ISLAM MEMBER. IN THE P4, WE WERE DIRECTED TO TRANSFER THE DETAINEE TO CAMP CROPPER, ISOLATE HIM, LIMIT THE SCOPE OF REPORTING

FROM HIM, NOT ASSIGN HIM A SERIAL NUMBER NOR KEEP ANY DATA IN A DATABASE, AND NOT NOTIFY ICRC OF HIS PRESENCE. DESPITE OUR REQUESTS, SUPPORTING INTELLIGENCE WAS NOT PROVIDED TO US BY OGA/TF-121 (CAPTURING UNIT) SO A FULL ASSESSMENT WAS PROBLEMATIC. WHEN WE INTERROGATED HIM OUR INTERROGATOR FOUND HIM TO BE OF LOW INTELLIGENCE VALUE AND HIS INFORMATION DID NOT MEET REPORTING THRESHOLDS. THE MEASURES EMPLOYED TO SAFEGUARD THIS DETAINEE'S IDENTITY APPEARED TO BE DISPROPORTIONATE TO HIS VALUE.
(U) 2: ~~(S/NOFORN)~~ MY C2X HAS BEEN ATTEMPTING TO GET THE DETAINEE'S SITUATION ADJUDICATED WITH JSD, CENTCOM; JCS, AND OSD SINCE JAN 04. MY DCG, DETAINEE OPS AND C2 HAVE ALSO ENGAGED, BUT WITH NO RESULTS THUS FAR. REALIZE THAT BG SCHWITTERS HAS RECENTLY ENGAGED ON THIS PERSONALLY AND VIGOROUSLY, BUT I BELIEVE THAT THIS NEEDS COMMAND VISIBILITY.
(U) 3: ~~(S/NOFORN)~~ RECOMMEND MOVING THIS DETAINEE OUT OF SPECIAL HANDLING AT CAMP CROPPER TO ABU GHRAIB WHERE HE CAN BE REGISTERED, REINTEGRATED INTO HUMAN CONTACT, AND EVENTUALLY CONSIDERED FOR RELEASE THROUGH THE NORMAL ARTICLE 78 REVIEW BOARD PROCESS.

REFERENCE:

CENTCOM AMNESTY/CCR 1

EMBEDDED ORIGINAL P4

FROM: USCENTCOM JOINT SECURITY(MC);
SENT: SATURDAY, NOVEMBER 15, 2003 8:26 PM
TO: CJTF7 C3(SC)
SUBJECT: SPECIAL CATEGORY DETAINEE P4
(U) ~~SECRET//NOFORN.//X1~~
(U) ~~SECRET/NOFORN~~
SUBJECT: SPECIAL CATEGORY DETAINEE AND SPECIAL HANDLING INSTRUCTIONS FOR SUBSEQUENT DETENTION//
PERSONAL FOR CJTF 7 C3, MG MILLER FROM MG WHITCOMB
MSGID/GENADMIN/COSUSCENTCOM//
SUBJ/PERSONAL FOR SPECIAL CATEGORY DETAINEE AND SPECIAL HANDLING INSTRUCTIONS FOR SUBSEQUENT DETENTION
(U) RMKS/1. ~~(S/NOFORN)~~ TOM; WE HAVE RECEIVED SOME VERY SPECIFIC GUIDANCE FROM OSD REGARDING THE CUSTODY AND DETENTION OF HIWA ABDUL RAHMAN RASHUL, A HIGH RANKING ANSAR AL ISLAM MEMBER CURRENTLY DETAINED BY COMMANDER, TASK FORCE 121. IAW THIS GUIDANCE CJTF-7 IS TO ACCEPT CUSTODY OF THIS DETAINEE WITHIN 24 HOURS OF RECEIPT OF THIS MESSAGE. PER OSD DIRECTION, THE DETAINEE SHALL BE CONFINED AS DESCRIBED HEREIN.

PAGE 4 RUCAMFI2853 ~~S E C R E T~~ (U)
2. ~~(S/NOFORN)~~ THE DETAINEE (b)(2) WILL BE AFFORDED THE PROTECTIONS OF THE GENEVA CONVENTION RELATIVE TO THE PROTECTION OF CIVILIAN PERSONS IN TIME OF WAR WITH THE FOLLOWING EXCEPTIONS:
(U) 3. ~~(S/NOFORN)~~ THE DETAINEE WILL REMAIN SEGREGATED AND ISOLATED FROM THE REMAINDER OF THE DETAINEE POPULATION. UNDER NO CIRCUMSTANCES, WILL HIS PRESENCE BE MADE KNOWN TO THE DETAINEE POPULATION AT THAT FACILITY.
(U) 4. ~~(S/NOFORN)~~ ONLY MILITARY PERSONNEL AND DEBRIEFERS WILL HAVE ACCESS TO THE DETAINEE. GUARD FORCE P(U)SONNEL AUTHORIZED CONTACT WITH THIS DETAINEE WILL BE RESTRICTED TO THE ABSOLUTE FEWEST NUMBER REQUIRED TO ACCOMPLISH THE MISSION. (b)(2)
(U) 5. ~~(S/NOFORN)~~ ANY REPORTS (TIRS, IIRS, ETC) FROM INTERROGATIONS OR DEBRIEFINGS WILL CONTAIN ONLY THE MINIMUM AMOUNT OF SOURCE INFORMATION REQUIRED IN ORDER TO PUBLISH. AT NO TIME WILL ANY KNOWLEDGEABILITY BRIEF OR BASIC SOURCE DATA BE SUBMITTED. NO SOURCE REFERENCE WILL BE MADE TO IDENTIFY EITHER SPECIAL DETAINEE STATUS, MEMBERSHIP IN ANSAR AL ISLAM OR OTHER TERRORIST GROUP. UNTIL

PAGE 5 RUCAMFI2853 ~~S E C R E T~~ (U)
FURTHER NOTICE, ONE TIME SOURCE CODE IDENTIFIERS MAY BE USED.
(U) 6. ~~(S/NOFORN)~~ AN INTERNMENT SERIAL NUMBER WILL NOT BE ASSIGNED TO THIS DETAINEE UNTIL FURTHER NOTICE. NO BIOGRAPHICAL DATA, OR ANY OTHER INFORMATION PERTAINING TO THE DETAINEE, WILL BE MAINTAINED IN

CENTCOM AMNESTY/CCR 2

ANY ELECTRONIC DATA BASE, OR ANY SHARED DATA BASE.

(b)(2)

(b)(1)

(U). ~~(S/NOFORN)~~ THIS WILL BE A LONG TERM DETENTION UNDER THE CONTROL OF U.S. FORCES. CJTF-7 WILL MAINTAIN CUSTODY OF THIS DETAINEE UNTIL FURTHER NOTICE//
DECLASSBY:
DECLASSREASON:
DECLASSDATE: X-1

PAGE 6 RUCAMFI2853 ~~S E C R E T~~ (U)

~~SECRET//ORIGINATOR CONTROLLED//X1~~ (U)

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DRV FM: 123-2
DATED: 24 FEB 98
DECL ON: X1
~~SECRET//ORIGINATOR CONTROLLED//X1~~ (U)
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NNNN

CENTCOM AMNESTY/CCR 3

UNCLASSIFIED

~~S E C R E T~~

SPECIAL CATEGORY DETAINEE

*** ***

(b)(6) 03/26/09 15:13, MCN: auc2003122218se4003C page 1

PAASZYUW RUCAACC2293 3561929-SSSS--RUCAACC.
ZNY SSSSS
P R 221857Z DEC 03
FM HQ USCENTCOM MACDILL AFB FL//CAT//
TO RUCAACC/HQ USCENTCOM MACDILL AFB FL//CDAC RELAY//
ZEN/CDR CJTF7
ZEN/CJTF7 C3
ZEN/CJTF7 TMS1 ADMIN
INFO ZEN/SECDEF WASHINGTON DC
ZEN/AMEMBASSY NAIROBI
ZEN/JOINT STAFF WASHINGTON DC//JSJ3 DDRO//
ZEN/WHITE HOUSE SITUATION ROOM WASHINGTON DC
ZEN/CIA WASHINGTON DC
ZEN/AFRL ROME NY
ZEN/CDR USEUCOM VAIHINGEN GE
ZEN/HQ COALITION PROVISIONAL AUTH BAGHDAD
ZEN/CJTF 180J3PLANS
ZEN/CJTF 180J3PLANS1
ZEN/AUAB CAOC AL UDEID AB QA
ZEN/COMSOCCENT MACDILL AFB FL
ZEN/MARCENT HQ ELEMENT MACDILL AFB FL
ZEN/COMUSARCENT (FWD) DOHA KU

PAGE 2 RUCAACC2293 ~~S E C R E T~~ (U)
ZEN/USCENTAF SHAW AFB SC~~(S)~~ (U)
ZEN/CJTF HOA
ZEN/CDR ARCENT KUWAIT DOHA KU
ZEN/COMJTF ONE TWO ONE
ZEN/COMJTF ONE TWO ONE PT ONE
ZEN/COMUSNAVCENT
ZEN/ISG BAGHDAD IZ
ZEN/HQ USCENTCOM MACDILL AFB FL//CCJ5//
ZEN/HQ USCENTCOM MACDILL AFB FL//CCJ2//
ZEN/HQ USCENTCOM MACDILL AFB FL//CCJ3-P//
BT
(U) ~~S E C R E T~~ NONE
X.400 OTHER ORGANIZATIONAL:
SUBJ: USCENTCOM FRAGO 09-447 KADEK DETAINEE SCREENING
GUIDANCE AND HANDLING INSTRUCTIONS ~~(S)~~// (U)
OPER/IRAQI FREEDOM//
MSGID/ORDER/CDRUSCENTCOM//
TIMEZONE/Z//
MSGID/GENADMIN/CDRUSCENTCOM//
REF/A/MEMO/SECDEF/30 JUN 03//

PAGE 3 RUCAACC2293 ~~S E C R E T~~ (U)
AMPN/~~(C)~~ OSD POLICY GUIDANCE ON PKK/KADEK IN IRAQ//
(U)

*** ~~S E C R E T~~ ***

UNCLASSIFIED

CENTCOM AMNESTY/CCR 4

(U) JARR/~~(S)~~ USCENTCOM FRAGO 09-447 FOR SPECIAL CATEGORY DETAINEE AND SPECIAL HANDLING INSTRUCTIONS FOR SUBSEQUENT DETENTION.//
GENTEXT/SITUATION/
1. ~~(S/NOFORN)~~ USCENTCOM RECEIVED INDICATION THAT A SELF-PROCLAIMED KADEK MEMBER SURRENDERED TO US FORCES IN MOSUL.//
GENTEXT/MISSION/
2. (U) NO CHANGE.//
GENTEXT/EXECUTION/
(U) . ~~(S/NOFORN)~~ EXECUTION. DUE TO POLITICAL SENSITIVITIES SURROUNDING THE KADEK ISSUE, IT IS IMPERATIVE THAT CJTF-7 MAINTAIN CUSTODY OF THIS DETAINEE UNTIL SPECIFIC DISPOSITION GUIDANCE IS RECEIVED FROM OSD. THE DETAINEE SHALL BE HANDLED IAW THE GUIDANCE DESCRIBED HEREIN UNTIL FINAL DETERMINATION OF STATUS.
3.A. (U) TASKS TO CJTF-7.
(U) .A.1. ~~(S/NOFORN)~~ THE DETAINEE WILL BE CONFINED AND WILL BE AFFORDED THE PROTECTIONS OF THE GENEVA CONVENTION. THIS INITIAL TREATMENT DOES NOT LIMIT FINAL STATUS DETERMINATION.
(U) .A.2. ~~(S/NOFORN)~~ THE DETAINEE WILL BE SCREENED TO DETERMINE HIS IDENTITY AND NATIONALITY. ALL AVAILABLE PERSONAL DOCUMENTATION WILL

BE EXAMINED AND TEN POINT FINGERPRINTS, PHOTOGRAPH, AND DNA SAMPLE WILL BE COLLECTED TO ASSIST WITH THIS DETERMINATION.
(U) .A.3. ~~(S/NOFORN)~~ THE DETAINEE WILL BE QUESTIONED TO DETERMINE HIS INVOLVEMENT IN WAR CRIMES OR TERRORIST ACTIVITY.
(U) .A.4. ~~(S/NOFORN)~~ CJTF-7 WILL FORWARD ALL DATA/INFORMATION COLLECTED TO USCENTCOM JIACG.
(U) .B. ~~(S/NOFORN)~~ THE DETAINEES LEGAL STATUS WILL BE DETERMINED BY INFORMATION COLLECTED DURING INITIAL SCREENING AND VETTING THROUGH THE INTERAGENCY.

(b)(1)

(U) .D. ~~(S/NOFORN)~~ USCENTCOM HAS REQUESTED FINAL DISPOSITION GUIDANCE FROM HIGHER HEADQUARTERS AND WILL PROMULGATE THIS GUIDANCE UPON RECEIPT.//
GENTEXT/ADMIN AND LOGISTICS/
4. (U) NO CHANGE.//
GENTEXT/COMMAND AND SIGNAL/
5. (U) USCENTCOM POC IS (b)(3):10 USC §130b,(b)(6) .//
DECLASSBY: MAJ GEN J.F. SATTLER, USMC, DIRECTOR OF OPERATIONS

DECLASSREASON: 1.5 (A)
DECLASSDATE: 232352Z DEC 13
BT
#2293

CENTCOM AMNESTY/CCR 5

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CENTCOM AMNESTY/CCR 20

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CENTCOM AMNESTY/CCR 22

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CENTCOM AMNESTY/CCR 41

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CENTCOM AMNESTY/CCR 56

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CENTCOM AMNESTY/CCR 103

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CENTCOM AMNESTY/CCR 112

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Cathcart had taken over, and they kind of got into some kind of argument because he was, like, "I'm not going to do anything you ask unless you have it in writing." So, a lot of things stopped. A lot of people got clothes back and it just mellowed down a lot, so--

Q. Okay.

A. I've never seen him physically hurt anybody, either.

Q. Big Steve?

A. Right, and whenever he came in I just went the opposite direction, so I don't know if he did give out orders or what.

Q. Okay. Um, did you ever see him in the tier when these things were going on? When the abuse was going on?

A. I can't remember.

Q. Okay. Um, does Al Kaida ring a bell? Well, obviously Al Kaida rings a bell, but a detainee known as Al Kaida?

A. There's a detainee--I can't remember what he looks like. I think-I think he was the one with the dog incident that was in the photograph with Cathcart. I might be wrong, though.

Q. Yep.

A. Right.

Q. Do you know him or know anything about him?

A. No.

Q. Did you see anybody abusing him? Al Kaida, at all?

A. There are only a few detainees that I paid attention to.

DOJ EOUSA AMNESTY/CCR 499

Q. Okay.

A. He definitely wasn't one of them.

Q. He wasn't one of them?

A. No.

Q. Okay. All right. Um, so as far as Steve is concerned, you never really saw him do anything. Was he—if you had to describe him what kind o person was he?

A. Over powering.

Q. Over powering?

A. I wouldn't want to be around him.

Q. Was he boisterous? Loud?

A. He seemed very arrogant.

Q. Arrogant? Okay. Okay. You never really had any discussions with him at all?

A. Not at all. If I did, it was "Hello" and "Good-bye".

Q. Um-hmm. Who did he deal with mostly?

A. Graner.

Q. He dealt with Graner?

A. Yes.

Q. Okay. Um, in your discussions with Graner did he ever tell you that he got orders from Steve or—

A. I can't recall. I really don't know.

DOJ EOUSA AMNESTY/CCR 500

Q. You're not sure. Now, and I ask this question because it's out there lingering, and of course it's one that we always get asked. Um, there's a lot of talk out there that MI told us to do this. Did anybody from MI ever tell you to abuse anybody?

A. We personally? I don't believe so. I did have a few sleep plans—I don't know who they were—who gave them to me.

Q. Okay. So, you were given some sleep plans?

A. Yes.

Q. Okay, but I mean as far as the abusive things that happened----

A. What's abuse? Now, there's a—

Q. Um,----

A. --big gray area now.

Q. Yeah. I mean, I use it----

A. To me, having somebody naked and cuffed to a door is abuse.

Q. Okay.

A. I don't know if that's abuse—

Q. Um-hmm.

A. --in the military now.

Q. Um-hmm. I mean, and we're looking at those. We're looking at all of those incidents where people are naked, underwear on their head, handcuffed, and what's been defined now as dress position. We're looking at all of those things.

A. Now, the underwear came before our company even got there.

DOJ EOUSA AMNESTY/CCR 501

Q. Um-hmm.

A. And Red Cross even said something to 'em, and so they even told us that, "Hey, we can't use this anymore."

Q. Did that use—once you guys were told did it discontinue? Obviously, it didn't.

A. It didn't. It----

Q. It did or it didn't?

A. It did.

Q. It didn't? Okay.

A. It did end up stopping. I remember I tried to give a pair of underwear to ship boy.

Q. Um-hmm.

A. And—as a towel because we didn't have any towels,--

Q. Um-hmm.

A. --and he tried to put them on, and I was, like, "All right. If you want 'em you can keep 'em" since he didn't have any. Then somebody told me—I think it was Graner or Ambule—that they couldn't have 'em.

Q. Hmm.

A. Or he couldn't have them because they were female.

Q. Okay. All right. Um, now the folks that we talked to—anybody out there that I didn't touch on that you could—that we need to talk about? And I know we went through quite a few folks rather quickly. Anybody that

DOJ EOUSA AMNESTY/CCR 502

you can think of as to say, "Hey, we didn't talk about this person or we didn't talk about"? How about any incidents?

A. I'm still thinking of that.

Q. Okay.

A. You sparked one with that dog, but that's about it.

Q. Now, everything that happened over there what is the one incident that stands out with you the most?

A. I think it would be taxicab; probably because he was my first. And then—

Q. Okay. The kicking incident with taxicab?

A. Right.

Q. Okay.

A. And then the covering up with the dead guy.

Q. Um-hmm. Okay. And I just ask the question, "What was the purpose of you guys taking photographs with him?"

A. The dead guy?

Q. Um-hmm.

A. Really, to take them? None. None whatsoever. Um, it was just another dead person. I mean,--

Q. Um-hmm.

A. --you go to war. You see things. It's definitely something you— I don't know. It can't be explained, I guess, but I guess there's a fascination when somebody dies; to get photos of it. But when you realize

DOJ EOUSA AMNESTY/CCR 503

the guy didn't die of a heart attack, you start trying to take photos of every single thing that you see wrong.

Q. Um-hmm. Okay. Um, let's talk about the medics first. And we'll talk about the orders from MI. You never got any orders per se from MI to appease anybody--

A. Not that I can recall.

Q. --of the things that you were involved in?

A. Other than the sleep plans.

Q. Okay. Sleep plans; yeah but----

A. And food deprivation.

Q. Yeah. "Go over here and beat somebody" or anything like that? No?

A. They're really were no-how do you say-there was no limit of what you can do. Uh, your limit is what you are able to do.

Q. Um-hmm.

A. I had my limits and they stopped at a certain point. Graner had his limits, I'm sure. They stopped at a certain point. So, it just depends on that person handling that person; that prisoner.

Q. Okay. Um, before-did you know Graner before you guys got to the prison?

A. On a working level or----

Q. Just if you knew anything about him.

A. I knew his name.

DOJ EOUSA AMNESTY/CCR 504

Q. You knew his name? You really didn't know a whole lot about him from Algular[phonetic] or----

A. I knew he was dating England.

Q. Okay. So, you guys kind of started to know each other when they put y'all down on the hard site?

A. We did.

Q. Uh, any distinct changes from the time you got--you guys first started working the hard site until the time this whole case broke?

A. Like----

Q. In his personality or anything like that? Did he seem the same?

A. He has always been the same. Uh, at first you think he's a complete asshole and you're kind of scared of him. Like, things you wouldn't find funny he would laugh about. And it's just because, I guess that's the Marine in you and everybody handles stress or something else different.

Q. Um-hmm.

A. So, you realize, okay; maybe this is just his way of coping with things. That's just my opinion on him.

Q. Okay. Uh was he and Stefano close? Did you see them talking a lot or ----

A. I've only seen Steve there a few times.

q. Only saw him a few times? Okay.

DOJ EOUSA AMNESTY/CCR 505

A. And if I did he wouldn't have come up to me. They all go straight to the male. It doesn't matter if we were even working that night. They go straight to the male.

Q. Okay. Um, medics. You were a combat medic, right?

A. Yes.

Q. Um, how often were the medics in the tier?

A. Uh, they're supposed to come around daily. Um, I try to get a list of anybody who needed any kind of--I don't know--aspirin or anything like that. So, they were supposed to come every single day during the day time. Like, you would leave a list.

Q. Okay.

A. Or do you mean for incidents?

Q. [Laughter.] No, but I'm glad you pointed that out 'cause I want it to go both ways. You're saying that they're supposed to come by daily,--

A. Correct.

Q. --to check and see how everything was going.

A. During the day shift.

Q. Okay. How about for incidents? Were they called a lot to incidents?

A. I remember that time and I remember a time where Gus needed an IV--

Q. Um-hmm.

DOJ EOUSA AMNESTY/CCR 506

A. --'cause he wouldn't eat. There was a medic—the last name starts with an "A", I believe. He came in for some lady who had head lice and they wanted me to shave her head.

Q. Um-hmm.

A. And—which I did not. Uh, that's all I can remember. I know—I'm sure there are other incidents, but nothing stands out.

Q. Okay. Were the medics to your knowledge and to what you saw, were they there when any abuses occurred?

A. Just that one time that I can remember for taxicab driver.

Q. For taxicab driver? And who was that? Do you know who the medic was then?

A. Sergeant Leighton.

Q. Leighton? Okay. So he was there when taxicab driver was kicked and----

A. I don't know if he was there when he was kicked.

Q. When he was hit with the asp?

A. Right.

Q. Okay. Okay. And we talked a little bit about sex in the hard site, right?

A. Right.

Q Okay. Nothing that you saw?

A. No.

Q. How about guards and detainees?

DOJ EOUSA AMNESTY/CCR 507

A. No. Absolutely not.

Q. Okay. All right. How about ghost detainees.

A. Quite a few.

Q. Quite a few? Tell me what you know about the ghost detainees.

A. I know that they didn't have numbers.

Q. Um-hmm.

A. They didn't have names. Sometimes they wouldn't have any paperwork, actually. I don't think any of 'em had paperwork. Um, I know the guy in the shower was a ghost detainee. I don't think the Red Cross was allowed to see them. I know they started putting paperwork up saying you can't see this prisoner whenever they would come through.

Q. Um-hmm.

A. I remember them typing up a bunch of those. Uh, when the Red Cross came through the last time, they started giving them all numbers,--

Q. Um-hmm.

A. --and giving them back their clothing.

Q. Okay.

A. That's pretty much it that I can remember.

Q. Okay.

A. They were in and out. I mean, they weren't even on the count.

Q. Well, they were but they weren't. Does that make sense?

A. Um-hmm.

Q. Like, OJ [phonetic] would have their own little section.

DOJ EOUSA AMNESTY/CCR 508

Q. Okay. Uh, who brought 'em in? Do you know? The ghost team?

A. Uh, they were ghosts, too. Uh, they started coming into the front and then for some reason they stopped, and started coming through the back door. They stuck a walkie-talkie in the back,--

Q. Um-hmm.

A. --and they would just buzz 'em and then they bring 'em in and leave 'em.

Q. Okay. Was it whoever was on duty accepted them or did somebody come down to get 'em , or--

A. Nobody accepted them in the main office. They went straight to 1 A.

Q. Okay.

A. Is that what you mean?

Q. Yeah. I mean,----

A. It would have been whoever was working. Like, either Graner or Sergeant Synder. Whoever the male was--

Q. Okay.

A. --usually went down.

Q. Okay.

A. Or their handler would bring them up.

Q. So, it was basically whoever was working down there--

A. Right.

DOJ EOUSA AMNESTY/CCR 509

Q. --that would be there? All right. Um, and again, I guess, to-- did you ever see Colonel Jordan in the tier?

A. If I did I don't recall.

Q. Okay. Um----

A. And again, I really didn't pay attention to faces or names. Uh,- -

Q. Uh-hmm.

A. Everybody was the same to me, it seemed like. There were only a few people that stood out.

Q. Okay. So, for you who were the people that actually stood out?

A. Chief Reevus stood out just because we talked and had conversations. DJ stood out, Spencer stood out. Um, the little fat guy that was with the prostitute--he stood out.

Q. Okay.

A. Um, Steve definitely stood out. Um, I can't remember that other guy's name. There was a guy named Mike. He was a captain; Michael, I believe.

Q. Okay.

A. He stood out. Um, now "stood out" means I just remember them. It doesn't mean I got orders from them or----

Q. Okay.

A. --listening to their conversation with other people.

DOJ EOUSA AMNESTY/CCR 510

17 pp

Article 32 Transcript

U.S. v Davis

The Article 32 Proceedings were called to order at 1000 hours, 7 April 2004, at Victory Base, Iraq.

The Investigating Officer stated for the record that the proceedings were scheduled to start on 6 Apr 04, but were delayed due the defense counsel's absence.

PERSONS PRESENT

MAJ John J. Coughlin, Investigating Officer
1LT Kyson Johnson, Government Counsel
CPT John McCabe, Assistant Government Counsel
CPT Scott E. Dunn, Defense Counsel
SGT Javal S. Davis, Accused
SFC Michael Bostic, Recorder

PERSONS ABSENT

None

The Investigating officer stated that this was a formal investigation and that he had been detailed as the Article 32 Investigating Officer by order of Colonel David E. Quantock, Commander, 16th Military Police Brigade (Airborne).

The Investigating Officer stated that the following witnesses would be present:

SA Scott E. Bobeck, 10th MP BN (CID)
SPC Matthew C. Wisdom, 372d MP CO
CPT Donald J. Reese, 372d MP CO
SFC Shannon Snider, 372d MP CO
SSG Robert J. Elliott, 372d MP CO
SPC Bruce Brown, 372d MP CO
SPC Jason Kenner, 372d MP CO
SGT William A. Cathcart, 372d MP CO
SGT Hydrue S. Joyner, 372d MP CO

The investigating officer informed the accused that his sole function as the Article 32 investigating officer was to determine thoroughly and impartially all of the relevant facts of the case, to weigh and evaluate those facts, and to determine the truth of the matters stated in the charges.

DOJ EOUSA AMNESTY/CCR 511

He further stated that he would also consider the form of the charges and the type of disposition that should be made in the case concerning the charges that have been preferred against the accused. He stated that he would impartially evaluate and weigh all the evidence, examine all available witnesses, and give the accused and counsel full opportunity to cross-examine any available witness.

The Investigating Officer advised the accused of his right to counsel.

The Accused stated the he would be represented by CPT Scott E. Dunn.

The Defense Counsel waived the reading of the charges.

The Investigating Officer notified the accused of his rights during the Article 32 Investigation.

The accused stated he understood his rights.

Government Counsel reminded the I.O. of the email traffic concerning the Defense Counsel's transportation problems and email traffic concerning co-accused witnesses rights invocation.

The Investigating officer stated that the email traffic would be marked as I.O. exhibits.

The Defense Counsel conducted a voire dire of the Investigating Officer, and made no objection to the Investigating Officer being detailed to the hearing.

Government Counsel clarified for the Investigating Officer and Defense Counsel, which requested defense witnesses were available, and would be present for testimony.

The following requested defense witnesses were determined to be unavailable for testimony:

SPC (CPL) Charles A. Graner , HHC 16th MP BDE (ABN)
SSG Ivan L. Frederick, HHC, 16th MP BDE (ABN)
PFC Lynndie R. England, HHC (rear) 16th MP BDE(ABN)
SPC Jeremy C. Sivits, HHC, 16th MP BDE (ABN)
SPC Sabrina D. Harman, HHC, 16th MP BDE (ABN)
SPC Megan M. Ambuhl, HHC, 16th MP BDE (ABN)
Nori Samir Gunbar Al Yasseri ISN # 7787, BCCF
Mustafa Jassim Mustafa det # 150542, BCCF
Ghalan Said Alsharoni det # 10422, BCCF
SA Warren Worth, 10th MP BN (CID)
SA Tler M. Pieron, 10th MP BN (CID)
SA Manora lem, (10th MP BN(CID)

DOJ EOUSA AMNESTY/CCR 512

SPC Roman Krol, 325th MI BN
SPC Helga Aldape-Moreno, HHC, 109th ASMB
Bakeer Naseef, JIDC
Adel L. Nakhla, Titan Corp
CPT Christopher Brinson, 372d MP CO
LTC Steve Jordan, BCCF
COL Thomas Pappas, JIDC
CPT Brent Fitch, JIDC
Dan Johnson, CACI (Titan Corp)
Timothy Dugan, CACI (Titan Corp)
Steven Stefanoicz, CACI (Titan Corp)
Special Agent-in-Charge James Bond, JIDC
BG Janis Karpinski, Cdr, 800th MP BDE (377th TSC)

The Defense Counsel objected to the unavailability of witnesses.

The Government Counsel discussed the availability and status of documents and miscellaneous information the Defense Counsel requested in discovery.

Defense Counsel objected to the Government's production of documents and miscellaneous information requested in Discovery.

Government Counsel did not make an opening statement.

Defense Counsel did not make an opening statement.

THE GOVERNMENT'S CASE

SA Scott Edward Bobeck, 10th MP BN (CID), Prisoner Interrogations, Abu Ghraib Prison, Iraq, was called as a witness, sworn, and testified in substance as follows:

DIRECT EXAMINATION

I am currently the Special Agent in Charge of a CID Team at Abu Ghraib Prison. The Prisoner Interrogation Team is a small CID element that interviews as screens various prisoners at the Abu Ghraib Prison. I have been a CID agent for 4 years. I went through 16 weeks of training to become an agent.

I first arrived at Abu in mid January 2004. This is the first case I have worked on at the prison. I was called from BIAP to help with this investigation. This investigation was initiated when a soldier named SPC Darby came forward anonymously, and provided a CD and letter to CID. He later came forward and made a sworn statement. He was afraid of any repercussions he might receive from the members of his unit. He had been on leave, and upon his return, he heard of a shooting, and wanted to see pictures of the incident. His roommate, CPL Graner gave him a CD to copy.

DOJ EOUSA AMNESTY/CCR 513

After SPC Darby reviewed the CD, he saw pictures of naked detainees in sexual situations and other various positions.

The Government Counsel hands the Witness Prosecution Exhibit 1 for Identification.

This is a copy of the CD of pictures and files we recovered during the investigation. It is labeled "CPU Exam", and has instructions listed on how to view the AIRs and files within.

The Defense Counsel objected to the admission of Prosecution Exhibit 1 into evidence.

I have reviewed the images on the CD, and I have seen pictures as depicted by SGT Davis. There are pictures of the dog pile incident, in which SGT Davis admitted to jumping onto a pile of detainees. Other images SGT Davis described were of a detainee-masturbating incident. These images are on the CD. With the help of SPC Darby, we used the CD to identify the parties involved in the images. We think the dog pile incident occurred in late Oct or early Nov when 7 prisoners were transferred from Ganci to the hard site for invoking a riot. SGT Davis was involved in escorting those prisoners. From PFC England's statement, she and SPC Ambuhl were on a tier looking down and saw SGT Davis, SSG Elliot and SSG Frederick escort the detainees into a pile on the floor. From all of our investigation, we were able to determine that SGT Davis was involved in placing the detainees in the pile.

The Government Counsel hands the Witness Prosecution Exhibit 2 for Identification.

This is a picture of detainees lying in a pile on the floor of Tier 1A. This is one of the pictures from the CD, which is Prosecution Exhibit 1. This is a fair and accurate representation of the dog pile as described in the accused's and co-accused's statements.

The Defense Counsel objected to the admission of Prosecution Exhibit 2 into evidence.

From looking at the folder on the computer, the folders were labeled 5 Nov, 7 Nov, etc, and the pictures were obtained in those folders.

Prosecution Exhibits 1 and 2 were admitted into evidence.

I interviewed SPC Ambuhl. She invoked her rights. SPC Harman, SPC Sivits, SGT Davis, and PFC England gave written sworn statements.

DOJ EOUSA AMNESTY/CCR 514

The Investigating Officer granted the Government Counsel's request of the co-accused and accused being declared as unavailable due to their rights invocation through their counsel.

The written sworn statements of SPC Sivits were admitted into evidence as Prosecution Exhibit 3 with no objection.

The written sworn statements of SPC Harman were admitted into evidence as Prosecution Exhibit 4 with no objection.

The written sworn statements of PFC England were admitted into evidence as Prosecution Exhibit 5 with no objection.

The written sworn statements of SGT Davis were admitted into evidence as Prosecution Exhibit 6 with objection.

I did not take statements from SPC Sivits, SPC Harman, PFC England or SGT Davis. No one agent took every statement. On large cases, many agents take statements and compile everything together. I recall the statement SPC England gave. She described the incident when SGT Davis helped escort prisoners into the hard site.

The Government Counsel hands the Defense Counsel, and Investigating Officer, and Witness, a CID sketch of the layout of tier 1A and 1B.

SPC England was on the top tier standing here, and the detainees were in a pile in this area [Witness points to the sketch]. The numbers on the sketch are cell numbers.

Per the sworn statements given, once the detainees were placed in a dog pile, they were jumped on and had their fingers and toes stepped on, and later stripped nude. SGT Davis was described as jumping into the air and landing on the pile, with the detainees grunting in pain. SPC Sivits identified SGT Davis as a jumper in his statement. SGT Davis initially denied, and later admitted jumping onto the pile. Some of the detainees described the soldiers as stepping on their hands and feet. SGT Davis first stated in his sworn statement that he stepped on hands and feet and fell onto the file by accident. In his second statement, he said that he stepped and jumped purposely.

SGT Davis stated that he observed a naked detainee standing masturbating and another naked detainee kneeling with his face towards the standing detainee's crotch.

The Government Counsel hands the Witness Prosecution Exhibits 7 and 8 for Identification.

These photos represent SGT Davis' description of the masturbation incident, and are stored on the CD. This incident happened in late Oct or early Nov.

DOJ EOUSA AMNESTY/CCR 515

Prosecution Exhibits 7 and 8 admitted into evidence with no objection.

SGT Davis was the NCOIC of tier 3A and 3B. He gave his first sworn statement on 14 Jan 04.

The Government Counsel hands the Witness Prosecution Exhibit 6.

SGT Davis says here that he did not intentionally step on the detainees' feet. In his second statement he said that he was not entirely honest in his first statement. SGT Davis gave his second statement on 15 Jan 04. He stated that he stepped on detainees' feet out of anger, and the he jumped on the pile once for sure, maybe twice.

CROSS EXAMINATION

The Investigating Officer reminded the Accused that this was the Defense's opportunity to examine the Government's witness.

I have been at Abu Ghraib since 6 Jan 04, and moved there permanently on 1 Feb 04. Through the course of this investigation, we determined that the detainees in 1A and 1B were stripped regularly. They basically followed this as a verbal SOP from the troops there before them.

Security checks were made by the Chain of Command in the evening, but I don't know how often. The incidents of 8 Nov 03 happened while the detainees were clothed and while they were naked.

I don't know if SGT Davis was there for the entire incident.

We collected files from the on-call medics on the detainees, and we interviewed the medical personnel. I have no recollection of injuries to detainees' hands or feet. We looked for injuries "out of the ordinary".

I was present when SGT Davis gave his statement. There is no rule for who has to be present during an interview. I don't believe SGT Davis did anything to the detainees after they were naked. His statement indicated that he left the room after they were stripped naked.

The SOP gathered by the other agents was written after the alleged incidents. Before the allegations, there were no SOPs on how to treat detainees. Procedures were "word of mouth" or just verbal guidelines.

Tier 1A and 1B housed MI, CID, OGA (FBI, CIA), female and juvenile detainees. They were segregated from the general population. The general population was criminals.

DOJ EOUSA AMNESTY/CCR 516

I don't know of the SOPs. There were guideline for specific sleep and eating patterns for detainees. It is not the MP guards who implement this sleep or eating pattern, but MI personnel who authorize it.

I never read a 15-6 Investigation, but I believe one was done. A number of personnel in the Chain of Command were relieved because of this investigation. I don't remember if it went on before or after our investigation.
I don't know how often the physical abuse occurred.

I do not know the unit's METL or any training they were given. They were mainly road MPs, and were put into the prison to serve as guards. A few may have been prison guards in their civilian jobs.

The prison is a dangerous environment. Tier 1A and 1B has two MPs who monitor the detainees. I don't know if the MI holds are worse than the general population. There may be terrorists and detainees involved in politically driven incidents in 1A and 1B.

The seven detainees transferred from Ganci were suspected to be leaders of a riot. Before I arrived at the prison, an Iraqi guard smuggled a weapon in to a prisoner, resulting in the prisoner shooting a soldier in the chest. The soldier's body armor saved him.

Camp Vigilant also holds HVDs, black list, and MI holds. The statements I read, listed the seven as being transferred from Ganci.

REDIRECT EXAMINATION

SGT Davis was the NCOIC of one wing at the hard site. He indicated that he observed the masturbating incident.

The Government Counsel hands the Witness Prosecution Exhibit 9 for Identification.

I recognize this picture from the CD, Prosecution Exhibit 1. This is the masturbating incident he described in his statement. I am not aware of any other masturbating incidents.

Prosecution Exhibit 9 admitted into evidence with no objection.

The 7 individuals were brought over from Ganci. Ganci was used to hold the general population, I don't know what crimes they committed. It holds anyone not in any special category. There are about 6,000 prisoners at Ganci.

With neither side having anything further, the witness was warned not to discuss his testimony with anyone other than the parties present, and permanently excused.

DOJ EOUSA AMNESTY/CCR 517

SPC Matthew Carl Wisdom, 372d Military Police Company, Abu Ghraib Prison, Iraq, was called as a witness, sworn, and testified in substance as follows:

DIRECT EXAMINATION

I have been in 372d MP CO for 1½ years. We had a Law and Order mission at Hillah for 4 months upon arrival here. We got here 15 May 03. SGT Davis is in 372d MP CO. We were all transferred to Abu Ghraib 1 Oct 03, and we replaced the 72d MP CO.

In Oct and Nov, I was in charge of a Tier with a few soldiers to make sure the prisoners got food, and medical care. I report to a NCOIC. The tier has two levels of cells. We were part of the hard site.

The first week of Nov, I was working an observed abuse after I was moved to the night shift. The abuse started in the inprocessing area. We escorted prisoners down to tier 1 for isolation. There were seven transfers from Ganci because of a riot.

The detainees were flexi-cuffed, and had sandbags on their heads. It is a long walk from Inprocessing to Tier 1.The escorts were leading them into walls and cell bars as they walked with them. They could not see where they were going because they had sandbags on their heads.

I was the last escort in line with a prisoner. When we arrived at tier 1, SFC Snider took my prisoner and placed him into a pile on top of the other prisoners. They were all restrained with zip ties on their hands behind their backs, and sandbags on their heads, clothed, and on top of each other.

I specifically remember SPC Graner posing for picture of him holding a prisoner with his left hand, and his left hand about to punch a detainee with a sand bag over his head. **[Witness simulates motion]** After the picture, he actually punched the detainee. I specifically remember SGT Davis walking around the pile of detainees stomping on the detainees' feet and toes. SGT Davis was wearing his issue boots. They would cry out in pain. It was powerful enough to be painful. I did not see SGT Davis jump onto any detainees. SFC Snider saw SGT Davis stomping, and motioned for SGT Davis to stop. He gave a cutting sign across his neck for SGT Davis to stop. **[Witness simulates motion]** SGT Davis then stopped.

CROSS EXAMINATION

I never saw SGT Davis jump on the pile of detainees. I left the room after SFC Snyder motioned for SGT Davis to stop. I did not see when SGT Davis left; he was still there when I left.

DOJ EOUSA AMNESTY/CCR 518

I was with the unit the whole time it was at the prison. We did not get much training. We RIP'd for a few days with the 72d MP CO. I went on leave in Oct, and when I returned, I was RIP'd by the day shift for about a week. They told me how to do things.

I did not see the detainees naked before then. That night was my first duty on the night shift.
When I say RIP, I mean training.

Tier 1A and 1B were MI holds and people with high profiles for MI questioning. The Ganci rioters were taken to 1A and 1B into isolation to calm down. I was never told that 1A and 1B were to be treated differently. It is implied from MI personnel that they have different sleep and eating schedules.

REDIRECT EXAMINATION

I do not recall who else was in the line escorting detainees down to tier 1.

With neither side having anything further, the witness was warned not to discuss his testimony with anyone other than the parties present, and permanently excused.

The Article 32 proceeding recessed at 1153, 7 April 2004.

The Article 32 proceeding reconvened at 1204, 7 April 2004, with all parties present.

SPC Matthew Carl Wisdom, 372d Military Police Company, Abu Ghraib Prison, Iraq, previously sworn, was recalled, and testified in substance as follows:

RECROSS EXAMINATION

The detainees were placed in the pile with flexi-cuffs on. The cuffs were not removed, nor do I know if they fell off of the detainees' hands.

With neither side having anything further, the witness was warned not to discuss his testimony with anyone other than the parties present, and permanently excused.

THE GOVERNMENT RESTS

DOJ EOUSA AMNESTY/CCR 519

THE DEFENSE'S CASE

CPT Donald J. Reese, 372d Military Police Company, Abu Ghraib Prison, Iraq, was called as a witness, sworn, and testified in substance as follows:

The witness was informed of his rights under Article 31, signed DA Form 3881, and was excused. DA Form 3881 attached as an I.O. exhibit.

SFC Shannon Snider, 372d Military Police Company, Abu Ghraib Prison, Iraq, was called as a witness, sworn, and testified in substance as follows:

The witness was informed of his rights under Article 31, signed DA Form 3881, and was excused. DA Form 3881 attached as an I.O. exhibit.

SSG Robert J. Elliott, 372d Military Police Company, Abu Ghraib Prison, Iraq, was called as a witness, sworn, and testified in substance as follows:

The witness was informed of his rights under Article 31, signed DA Form 3881, and was excused. DA form 3881 attached as an I.O. exhibit.

SPC Bruce Brown, 372d Military Police Company, Abu Ghraib Prison, Iraq, was called as a witness, sworn, and testified in substance as follows:

DIRECT EXAMINATION

I have been with the 372d MP CO since its arrival at Abu Ghraib Prison. For about 4 months, we were a Law and Order, working with Iraqi police and performing convoy security. We were transferred to the prison. We did left and right seat training with 72d MP CO, and I then went on leave. We didn't learn anything from 72d MP CO.

Then, we were responsible for 70-200 prisoners; now 1200-1600 prisoners. I work tier 1B, it holds females and juveniles. When they fight, they are disciplined by taking their cigarettes. Sometimes we even recommend no sunlight. There was no SOP.

Reports were filed with the Sergeant of the Guard (SOG), and then forwarded to the front office. We were not given much training. We were not given any written SOP. We developed our own SOP.

Our shift Supervisor was a correctional officer, SSG Ward.

I never saw a regulation on detainee operations. We are 31B's, Military Police, Combat Support.

DOJ EOUSA AMNESTY/CCR 520

Tiers 1A and 1B were mostly isolated. I worked tier 1B day shift. I never saw prisoners kept naked in their cells. I first heard of it when CID came out. I had little to no contact with MI. I would only see them in passing, and said hi or bye. They would take prisoners away, interrogate them, and bring them back to their cells. I don't know how they do interrogations. There were situations where they gave us ideas on how to treat detainees. They had sleep management plans and eating plans. When we first got there, everything was just verbal. Later it was put in writing. I only saw the sleep management in writing. 1A would sometimes share documents with me.

I heard of a dead detainee being stored in the hard site. We would spray air freshener to cover the scent. MI or OGA interrogated this guy, and somehow, he died. They finally took the body away.

I do not remember a riot at Ganci. I did my left and right seat training and went on leave. I returned from leave the first week of Nov.

With neither side having anything further, the witness was warned not to discuss his testimony with anyone other than the parties present, and permanently excused.

SPC Jason A. Kenner, 372d Military Police Company, Abu Ghraib Prison, Iraq, was called as a witness, sworn, and testified in substance as follows:

DIRECT EXAMINATION

I have been with the 372d MP CO for the entire deployment. We had left-right seat training with the 72d MP CO for 2 days. They were just showing us the ropes.

MI would take stuff from the detainees in 1A and 1B to discipline them. They also had sleep management plans. I did not work on a daily basis in 1A and 1B. I worked different tiers to fill in as NCOIC of day shift.

I have seen detainees strip-searched. MI would take away clothes and the detainees would sleep in their cells naked. I remember coming in for duty and seeing the detainees in their cells naked. CID, MI or OGA would have authorized a detainee to be naked.

It was never instructed to take anything away from detainees. If I saw a detainee naked, I thought that was how it was supposed to be.

Lieutenants, Captains, Majors, or Lieutenant Colonels would not come to hang around and walk the tier. No one really wore any rank. Our NOIC spent a lot of time down there. If they didn't walk the tier, they wouldn't see the nakedness. I don't remember how often they walked the tier.

DOJ EOUSA AMNESTY/CCR 521

I know a lot about a dead detainee being stored in the hard site. He wasn't dead at first. When he came in, we were told to not remove his sandbag, and we didn't know how much he was injured. He went into the showers for interrogation, and about an hour later, he died on them. I was sent to find out what was going on. Later that day, they decided to put him on ice. There was a battle between IGA and MI as to who was going to take care of the body. A couple of days later he was finally disposed of. OGA brought him in with a sandbag over his face. When we put his orange jumpsuit on to take him to the tier, we were told to not take the sandbag off at all. After he passed, the sandbag was removed, and I saw that he was severely beaten on his face. At the time, they would interrogate people in the shower rooms. He was shackled to the wall. I was not present for that. MPs were present on the tier, but not in the interrogation. The shower room was just used because there was no other space available. OGA did the interrogation.

I have known SGT Davis for about 5 years. I drilled with him back in the states. He is in a different squad. I only see him in passing. He is on a different shift than me. He knows his job, and does what is asked of him. We have butted heads, but who doesn't.

No one I know of, has a reputation of being tough on prisoners. A few others and me are considered to be tough verbally.

I remember a riot where a few prisoners were shot.

Conditions for MP guards were rough, ending a 30-day work cycle. Back then it was very dangerous. SGT Cathcart was shot because an IP smuggled a weapon in to a prisoner. We were exposed to external attacks. Not too often back then, now--every day.

Rarely are MP Guards assaulted, IP guards are assaulted more often than MP guards.

I would work tier 1 maybe once a week, and tiers 2-7 the rest of the week.

CROSS EXAMINATION

The outgoing shift, CPL Graner or SGT Cathcart would tell me if an individual should be naked or had stuff taken away. No one ever told me to take anything away or that someone should be naked.

SGT Davis was not involved in the dead body incident. He was not there with the body, or the interrogation. I believe Seal Team 7 brought the guy in.

With neither side having anything further, the witness was warned not to discuss his testimony with anyone other than the parties present, and permanently excused.

DOJ EOUSA AMNESTY/CCR 522

SGT William A. Cathcart, 372d Military Police Company, Abu Ghraib Prison, Iraq, was called as a witness, sworn, and testified in substance as follows:

This is the Soldier shot by w/ smuggled gun

DIRECT EXAMINATION

I have known SGT Davis since Feb 03. I initially entered the military as an MP in 1975, and stayed in until 1981. I came in again in Feb 1998 as a 92A. In Nov 03, I was involuntarily transferred to the 372d MP CO to serve as a MP again. SGT Davis and I are in the same squad. I was his team leader at Abu Ghraib.

He was a patrol supervisor at Hillah. He is a good soldier. I weigh things out. When at Ft Lee, I watched him work with the squad. We didn't always see eye to eye, but he works well, and works things out.

Conditions at the prison are pretty bad. When we first started, we had no interpreters, ICOs,(Iraqi Correctional Officers) or IP (Iraqi Police). We had to do a lot of OJT. We arrived there in Oct 03. When we took over, there were a lot of personnel. More and more prisoners slowly began to arrive.
There was no guidance given from higher on how to discipline detainees to SSG Elliot and I. I am blessed to have been a civilian correctional officer.

1A and 1B were treated differently because they were MI hold, and a no talking tier. Daily operations were the same as the rest of the prison, just a smaller population. MI and OGA told us how to treat them. I would ask OGA and MI what Geneva category to place prisoners in, but got no response. I also asked this of CPT Avery or CPT Fitch at JAG and the BN. I also discuss this intensively with the General who did the 15-6 investigation on the prison policies and procedures.

I have seen detainees held naked, but not often. We had one individual who would continuously urinate and put his feces all over himself. Another would try to escape. In Dec, I was designated as NCOIC when CPL Graner was assigned to transport prisoners by aircraft.

I wrote the SOP last month (March) for tier 1. MI said that they had started a draft SOP, but I never saw it.

There were several riots at Ganci--one coincided when I was shot, maybe around Thanksgiving. There was some significance to Islamic faith and Ramadan. I don't know of the seven detainees involved in this case. When a riot breaks out the company reactionary team goes in. A lot of times, they are just letting off steam. There has been very few times where we had to go in and use less than lethal means to restrain the detainees. They use it a lot now.

Inmate 151362 shot me. He was a Feydayeen CPT, and CID was investigating him. I was there as relief that night, and SPC Ambuhl let me know that this inmate had a possible weapon. We went through the procedure to find the individual.

DOJ EOUSA AMNESTY/CCR 523

LTC Jordan worked in the MI Group under COL Pappas. There was no SOP for sleep management. At one time it was done "at will" by the interrogators. When I got there, I wanted it in writing. A policy was drafted and sent to JAG.

OGA wore civilian clothes. They took inmates out of the facility. MI wore DCUs with no nametags or rank. Now, OGA cannot take inmates out of the facility.

Non-military or OGA are CIA, FBI, and CID. They would tell us to take something away from an inmate, like a pillow or something to make him uncomfortable. I would tell them to put it in writing. If I had sensed they wanted someone "roughed up", then I would have said something. Everyone should have been treated the same

I know PFC England, and I do not consider her to be forthright. At Hillah, I was the EOR, and she and CPL Graner were caught sleeping together. She tried to use the EO system to her advantage. That is my personal opinion. I do not consider her to be honest. It is a rumor that she has said things about me.

CROSS EXAMINATION

No one should have to tell SGT Davis to not stomp on detainees' feet. I don't know why he would stomp a detainees feet. OGA policy is not to pile detainees on the floor. There is no policy to dive on a pile of detainees or physically assault detainees. There is no reason to instruct a soldier to stomp on or abuse detainees, especially if they were flexi-cuffed and sandbagged

An NCO or supervisor observing a detainee forced to masturbate with another kneeling in front, should have the duty and responsibility to halt the behavior. There is no need to have to instruct SGT Davis to stop the behavior.

With neither side having anything further, the witness was warned not to discuss his testimony with anyone other than the parties present, and permanently excused.

The Article 32 proceeding recessed at 1315, 7 April 2004.

The Article 32 proceeding reconvened at 1412, 7 April 2004, with all parties present.

SGT Hydrue S. Joyner, 372d Military Police Company, Abu Ghraib Prison, Iraq, was called as a witness, sworn, and testified in substance as follows:

DOJ EOUSA AMNESTY/CCR 524

DIRECT EXAMINATION

I have known SGT Davis since April 2000. I have been in the military since September 1999. I served at the prison, Hillah, and in Bosnia together. I am on the day shift at the prison; SGT Davis is on the night shift. He is a competent NCO, very detailed, and not a show off or a piece of crap. He is a very good soldier.

We received a few days of OJT. No instruction on how to discipline detainees. No SOP or anything in writing or set in stone from the 72d MP CO. No idea of their standard practices.

I work MI holds in 1A and 1B day shift. I have seen detainees naked. Not every day, but from time to time. At first it was unusual, but normal after a while.

When SGT Cathcart got shot, the guy was trying for me.

I would sometimes see the detainees naked in their cells when I would come in for day shift duty. I'd ask why, and I was told because they were disruptive or threw feces or something. It was accepted after a while.

I made sure the detainees were fed, counted, showered, and taken wherever they needed to go for interrogations. We would pat them down, cuff them, and turn them over to MI.

I was too busy to know if they weren't getting any sleep at night. I do know of a sleep management plan given by MI.

There is chaos during a riot. I remember one when I was off duty, and called on to duty to assist at Ganci. It was all over then I arrived.

No one asked us to soften or roughen up detainees. Maybe "give them a little more attention" I would just do more PT with them. I think the detainees in 1A and 1B were more dangerous. MI had interest in them and they were all segregated. At first there were no files on them. Now there are files. We would get a face card and an arrest sheet. A lot of the info is wrong or half done, for instance one card would say: born: "Iraqi police", occupation: "Iraqi police". When the new MI unit arrived, we started seeing dossiers. I took leave in Dec. I didn't know what a 15-6 Inv was until after I came off of leave and a lot of the chain of command was suspended because of it. I thought 15-6 was some kind of form.

I did not question anything of MI personnel. They were there longer than me. The stuff they did, as far as I know was justified. I did not question them. I don't know anything about a regulation on detainee operations. I am not a correction officer. I'm just an MP, on the road fighting the forces of evil...

DOJ EOUSA AMNESTY/CCR 525

I know Gus--he refused all things. He was brought to me because he threw rocks at MPs. They couldn't handle him. CPT Brinson was the OIC of the hard site at the prison. He was the commander during our convoys. CPT Brinson was there when Gus was given IV's because he did not eat for two weeks. Gus was combative, he would take swings at people. He would just say: I REFUSE..." .I wouldn't take Gus' clothes; he just refused to wear any. I did see pictures when CID game around. I saw Gus naked when Gus refused to wear clothes. CPT Brinson was there. Gus refused all things.

CROSS EXAMINATION

There are many Ganci camps. During a riot, prisoners would throw rocks, wires, etc. When I got to the Ganci riot, it was over. One riot I witnessed was at the hard site. The prisoners were inside their cells, tearing beds apart, pulling pipes out of the walls, and breaking the lights. I never witnessed any Ganci riot.

CPL Graner would always tell me when the prisoners had no clothes.

Females were kept in 1B, the top tier. When 1A top and bottom tier filled up, some prisoners were put in the bottom tier 1B.

No one would have to tell me not to assault any detainees. No one would have to tell me to not allow masturbation amongst detainees. I would wholeheartedly want it to stop. An NCO should not allow it to occur. SGT Davis should have stopped it if he saw it. If MI told me to make detainees masturbate together, I would cut off his air supply until he turned blue in the face. This is not acceptable instruction to me. There is no special training to know this behavior is wrong except "life".

REDIRECT EXAMINATION

I don't know what cellblock SGT Davis works. He is on night shift, I am on day shift.

With neither side having anything further, the witness was warned not to discuss his testimony with anyone other than the parties present, and permanently excused.

THE DEFENSE RESTS

The Investigating Officer reminded the Accused that he had the right to make a statement during the proceeding or remain silent.

The Defense counsel stated that the SGT Davis would remain silent.

DOJ EOUSA AMNESTY/CCR 526

The Defense Counsel once again objected and commented on the government's production of witnesses, files, documents, and a speakerphone, which could have been used to produce telephonic testimony for unavailable witnesses; and requested that the government produce said items.

The Investigating Officer denied the Defense Counsel's request.

The Government Counsel made a Closing Statement.

The Defense Counsel made a Closing Statement.

The Government Counsel made a Rebuttal Statement.

The Investing Officer stated his recommendation in this case was advisory, and would be forwarded to the Convening Authority

The Article 32 proceeding adjourned at 1500, 7 April 2004.

DOJ EOUSA AMNESTY/CCR 527

Working Copy

Mike:

Attached please find a copy of the summarized transcript made of the Harman Article 32 transcript. I believe the witnesses with the most information for you are probably Donald Reese and Israel Rivera.

v/r

Chris

Christopher Graveline

CPT, JA

Trial Counsel

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25 pp.

ART 32 Transcript

DOJ EOUSA AMNESTY/CCR 528

Article 32 Transcript

U.S. v Harman

The Article 32 Proceedings were called to order at 1000 hours, 24 June 2004, at Victory Base, Iraq.

PERSONS PRESENT

MAJ Gary S. Carlson, Investigating Officer
MAJ Michael Holley, Government Counsel
CPT Christopher G. Graveline, Assistant Government Counsel
CPT Patsy Takemura, Detailed Military Defense Counsel
Mr. Frank Spinner, Defense Counsel
SPC Sabrina D. Harman Accused
SGT Jared F. Kary, Recorder
MAJ L. Peter Yob, Legal Advisor to Investigating Officer

PERSONS ABSENT

The Investigating officer stated that he was appointed by the order of Colonel David E. Quantock, Commander, 16th Military Police Brigade (Airborne) as the investigating officer under Article 32 (b) of the Uniform Code of Military Justice, to investigate certain charges against Specialist Sabrina D. Harman. The Investigating Officer read the general nature of the charges.

The Investigating officer insured that the accused had a copy of the charge sheet before her.

The accused waived the reading of the charges.

The investigating officer read the name of the accuser, Captain Phillip F. Edenfield.

The Investigating Officer stated that the following witnesses would be present:

SA Scott E. Bobeck, 10th MP BN (CID)
CPT Donald J. Reese, 372d MP CO
SFC Shannon Snider, 372d MP CO
SSG Robert J. Elliott, 372d MP CO
SPC Bruce Brown, 372d MP CO
SPC Jason Kenner, 372d MP CO
SGT Hydrue Joyer, 372d MP CO
SPC Mathew Wisdom, 372d MP CO
CPL Nichols, 372d MP CO
SGT Cathcart, 372d MP CO
SGT Stephen Hubbard, 372d MP CO
SGT Robert Jones, 372d MP CO
SGT Cesar Rodriguez, 372d MP CO

Telephonic testimony:

PV1 Jeremy Sivits,
SGT Samuel Provance, A CO, 302d MI BN, Germany
SA Tyler Pieron, CID

The investigation officer informed all parties that other requested witness were unavailable or would present testimony that is cumulative or not relevant to this particular case.

DOJ EOUSA AMNESTY/CCR 529

The investigating officer informed the accused that he was appointed as the investigating officer on 24 March 2004, by Colonel David E. Quantock. Then on 3 April 2004, he granted a delay that was submitted by defense until 10 April 2004. Colonel David E. Quantock then granted an additional delay from: 10 April 2004 to 24 April 2004; then from 24 April 2004 to 10 May 2004 and then 10 May 2004 to 24 June 2004.

The investigating officer informed the accused that his sole function as the Article 32 investigating officer was to determine thoroughly and impartially all of the relevant facts of the case, to weigh and evaluate those facts, and to determine the truth of the matters stated in the charges.

The Investigating officer requested that the Government provide something in writing at some point, indicating the elements of desecrating a human corpse.

The Investigating Officer notified the accused of her rights during the Article 32 Investigation.

He further stated that he would also consider the form of the charges and the type of disposition that should be made in the case concerning the charges that have been preferred against the accused. He stated that he would impartially evaluate and weigh all the evidence, examine all available witnesses, and give the accused and counsel full opportunity to cross-examine any available witness.

The accused stated she understood her rights.

The Investigating Officer advised the accused of her right to counsel.

The accused stated she understood her right; and that she would be represented by Mr. Spinner (civilian counsel) and CPT Takemura, and was ready to proceed.

The Government counsel stated his legal qualifications.

The Defense counsel stated his legal qualifications.

There was no objection to the Investigating Officer being detailed to the hearing.

All parties were prepared to proceed.

The Government and Defense Counsel made a comment concerning the clarification of witness that were available and want to establish who was going to be present today.

The Investigating Officer conducted a brief meeting to discuss administrative matters as to who had the correct witness list and clear up the misunderstanding of who was present to testify.

Defense Counsel (Mr. Spinner)

Requested that the government produce some reason why the Iraqi detainees would not be made available. He wanted a list of who was not available and the reason. He wanted something on the record to reflect the reason why witnesses were deemed unavailable. We are unclear as to the witness being called today. We have a request that the government submitted to you and the list contains three detainees. We want a clarification as to who will be here today to testify.

The Government Counsel made an Opening Statement (MAJ Holley)

We have made a tactical decision that we are not going to call any witnesses today. In compliance with R.CM 405 we will only introduce sworn statement of those that are deemed reasonably unavailable.

DOJ EOUSA AMNESTY/CCR 530

IO explains that there will be reasons, on the record, as to why the witnesses are not available

IO we will recess and clarify who has the correct list and work out the logistics of the day.

The Article 32 proceeding recessed at 1026, 24 June 2004.

The Article 32 proceeding reconvened at 1122, 24 June 2004, with all parties present.

IO dismissed the following witnesses:

CPL Nichols, 372d MP CO
SGT Stephen Hubbard, 372d MP CO

This agreement was made by all parties.

The Government's Witness (MAJ Holley):

Specialist Harman John Cruz, 502th Military Intelligence Battalion, was called as a witness, sworn, and testified in substance as follows:

The witness was informed of, and invoked his rights under Article 31, UCMJ, and was excused.

The Defense Calls Captain Donald J. Reese, Commander, 372nd Military Police Company, was called as a witness, sworn, and testified in substance as follows:

QUESTIONS BY THE DEFENSE COUNSEL (Mr. Spinner):

I have been the 372nd Military Police Commander since December of 2002.

I know the SPC Harman because she is a member of the 372nd MP CO. We meet in December of 2002. She was in the company before I took command. The unit is located in Cumberland Maryland. SPC Harman was part of forth platoon a detachment that was located at Fort Meade.

The unit was mobilized in February of 2003 and sent to Fort Meade, Virginia. We stayed there from February to May. We left from Fort Meade to Kuwait and stayed there for about a month. We then went north to Iraq.

I was aware of the training that SPC Harman received. At Fort Meade we were given a class on the Geneva Convention. I was present for that class when SPC Harman was there. The class was about a three hours block. We turned over the Alpha roster to verify that the class was taken.

We were not told (at that time) that we would be serving as prison guards in Iraq. We were not told at Fort Meade or Kuwait that we would be serving as prison guards. We did not receive and more instruction on Geneva Convention while in Kuwait. We did not receive anything in writing to carry with us in relation to the treatment of Prisoners of War or Iraqi Detainees.

We did not receive training on how to coordinated activities with Military Intelligence. We are typically a combat support company and not an interment resettlement (IR) company. An interment resettlement company would be a company designed to have the capacity to guard prisoners. We were typically combat support. Combat support consists of Main Supply Route (MSR) security, and rear area security. We are not designed to perform IR duties. It would be correct to say that we would normally apprehend Iraqis and turn those detainees over.

DOJ EOUSA AMNESTY/CCR 531

Prior to the mission at the prison, in Hilla we ran three substations in conjunction with the Iraqi police. We supervised and monitored the Iraqis while they ran the substation. We did have some Iraqi criminals at the substation. It was a small jail. The Iraqi criminals are those that committed Iraqi on Iraqi crimes. The Iraqi police were the ones in charge of the substation.

To my knowledge our unit was not trained in IR.

We were given various stories about how long we (the unit) would be in Iraq. We hoped to leave with the Marine Corp in October. We were extended once at Hilla. We entered Iraq in May of 2003. We were station in Hilla which is about 50 miles south of Baghdad. We were in Hilla from May until September or early October. In Hilla we were performing duties that we were trained to do. We were performing a law and order mission at Hilla.

During that time I witnessed SPC Harman in the performance of her duties. At that time she preformed excellent and I can say that because I observed her many time. A lot of the Iraqi kids liked her and she was very well known by the Iraqis. We would go to the substation that she was working at and I would see her with the kids. She had good relationship with the Iraqi national. The locals would be happy to see her yelling "Sabrina, Sabrina, Sabrina." If she was not there, they (Iraqis) would ask where she was.

During that period of time I never witnessed her being abusive toward Iraqis. My impression was that she had an excellent relationship with Iraqis.

I was told at Hilla that we might be leaving in September with the Marines, but then we found that we had been extended and we did not know how long it would be. I was notified in late September that we would be going to Camp Bucca and then a few weeks later we were notified that we would be going to Abu Ghraib instead. At Bucca the mission would have been IR.

The 310th MP Battalion out of New York was the unit we fell under and they notified us of the mission. The S-3 of the 310th notified us of the mission and I can not recall that person's name.

I expressed concern about the mission because I would have preferred to do a combat support type mission because that is what we are best suited for. I talked to the new Battalion the 320th at the Abu Ghraib and expressed my concern. I was told that we were not the only unit in this situation and that we would have to preform the mission. We completed a Relief in Place (RIP) with the 72nd MP CO for 10 days and that acted as our on the job training (OJT). There was a ten to fourteen day overlap of time that we were there with the 72nd MP CO.

I was not told much about the working relationship with the Military Intelligence I just knew that they had control of wing 1 of the prison. It was my understanding that they controlled the wing, but we had MPs there to safeguard the detainees and provide food and water. We would also provide the movement and transportation of the detainees within the prison.

I was confused about the chain of command at Abu Ghraib because we had so many different agencies there. The 320th was the military presence. Other agencies that were there were Coalition Provisional Authority (CPA), MI, OGA and FBI.

I determined where SPC Harman would be working at the prison. I did not specific assign her to that duty, but it was the forth platoon (her platoon) that was assigned to the hard site.

In wing one there were two cell blocks that were multi tiered. I usually had three people down there and they worked in both tiers. I do not recall exactly where she worked at all times. I recall women and children detained in cell block 1B.

I had the opportunity to go to the hard site and witness the performance of SPC Harman's duties. She worked the night shift from 1600 to 0400. I recall that SPC Harman did a good job. All the inmates knew her by name. I never witnessed anything hostile or any show of force from her. I never had an impression that there were problems with

DOJ EOUSA AMNESTY/CCR 532

her performance in 1B.

1A was where serious criminals and military intelligence holds were kept. I was aware that some of the detainees from 1A where put in 1B as overflow. We bought to the attention of the Battalion. We knew it was in violation in the Geneva Convention, but we had no other option because we had no space. We did the best we could to segregate the males, females and children. It was physically impossible to keep all the detainees separated. When we started the mission in October there were about 250 detainees in the hard site. There were about 4,000 to 5,000 detainees in all of Abu Ghraib.

I discussed the ratio of detainees to guard with my chain of command. I felt that we knew enough to complete the mission. Initially I thought that we had enough assets and soldiers to perform the mission, but as the number of detainees steadily increased and the number of the soldiers I had decreased it became an issue. Initial we were slightly higher then the balance of soldiers to detainees need to be within standard. Toward the end we were probably 1 in every 100 inmate. The desired ratio is probably 10 guards per 100 detainees.

I visited the hard site 100 times from mid October to mid December 2003 (about 25 days), from 1600 to 0400. Iraqis were hooded during those occasions. Iraqis were nude.

I did raise the issue of nudity to the previous company commander of the 72nd. I can not remember the name of the company commander at this time. He told me that it was a common practice to have the detainees nude. I raised the issue with the S-3 of the 320th MP Bn, Major Dinena. He told me that it was a tactic used by MI. The 320th is an IR Battalion. I assumed that since MAJ Dinena told me that the tactic was acceptable. I never looked for anything in writing.

It is safe to say that if I thought it was okay that SPC Harman and the others that worked in the hard site would assume that it was okay. I never sat down with the soldiers that worked in the hared site to explain who could be naked and who could not.

1A was on the right and 1B was on the left. There was no wall in front of the entrance when we got there. There was a wall erected and I do not know who had that done. The wall is about 12-14 feet away from the entrance and is at least 8 feet high. The wall covered 3/4 of the open bay across. I did not direct that the wall be put up. I was told that the wall was put up to keep the opposite sex from being able to look in. I believed that, that was a viable explanation to have the wall put up.

The Iraqi correctional officer knew that there were female detainees in there and the wall prevented them from looking in. There were female Iraqi correctional officers. Iraqi female guards were in that area when we got there. We discouraged them from going in there and we did not want them to go in the bay. The walls helped to keep them out.

I never saw SPC England in the hard site. I have seen the photos that portray SPC England in the hard site. In a hundred days of visits I never saw SPC England there. SPC was not assigned to work there. I was not aware that she was at the hard site. I knew of the relationship between CPL Graner and SPC England. I never gave them a No Contact order because I never prove the relationship. Based on their actions I knew that there was something going on between them. I knew late in December that she had been in the hard site. She had no reason to be there. She worked in the in processing area on the other side of the prison. When we found out that she had been in the hard site I had SFC Bennett, her platoon sergeant, gave her a written order, verbal order and a counseling statement that directed her to directly to her room after work. We looked for her one night and could not find her. We went looking for her and we found her in the other barracks with CPL Graner.

I do not know where the clothes were put when they were taken form the detainees. I knew that our soldiers were being told to assist in the sleep deprivation of the detainees. My soldiers were briefed by MI to assist in the sleep deprivation. MI told them who should be up and the hours they had to sleep. There was a set schedule of sleep. A few months into the program a detainee had a panic attack and my MP stopped the program and sought medical attention. One of the OGA guy was upset and said he had to start all over. That is when I realized that I needed something in writing to protect my guys.

DOJ EOUSA AMNESTY/CCR 533

I asked for something in writing from the battalion or COL Pappas. I instructed my NCOIC, SFC Snider, to brief my night time shift that we need specific instructions in writing if we are going to assist in the sleep deprivation program. We will do it if COL Pappas had requested it in writing.

I believe that CID collected those documents. Those documents were stored in a small file cabinet in a small office on top of the wing. I believe that CID collected that filing cabinet. I did not actually see the filing cabinet removed by CID. It is third hand information. I believe that it would be possible to get a copy of those documents from CID.

I never went to anyone in my chain of command to inquire about the sleep deprivation techniques. I received the information from COL Pappas and I did not question it because it came from a full bird Colonel. I did not do much with COL Pappas because he was not there to often.

LTC Jordan did not have anything to do with interrogations. I do not know who LTC Jordan worked for. LTC Jordan was around a lot and he is a civil affairs guy. He was not in charge of interrogations. I have never seen him involved in Interrogations. He was just always around.

The MI was in charge of the wing. It was run by the MI folks and they decided what went on in there. CPT Wood was the Company commander for the MI Company. I do not remember to many last names. I know faces of MI people. A lot of time their name tapes were covered up by the vests we were wearing. Chief Reyes was there a good bit.

The only OGA guy I knew was known as Big Steve. There were some younger guys there, E-4 and E-5s but I do not remember their names. I can not remember there names. I could recognize them. There were people around and I am not good with names. We did not exchange names. I could identify them in a line up if I had there pictures.

OGA typically wore civilian clothing and the MI soldiers wore military clothing. There was a time when a detainee became a corpse. It was in December sometime. It was in late 2003. I never saw him come in. All the information I have on the corpse is third party. This happened in one of my cell blocks. It happened in the shower. He was in the shower for a brief time before he passed.

The Government requested clarification if the knowledge was first hand to the witness.

I did see him after he died. His body was on the top tear as you walk into the cell block to the left. It was on the top left side of the tier. I was called by CPT Brison, Officer in Charge (OIC) of the wing, and he told me that we had a situation and that I should come up to see what was going on.

The body was clothed and laying on the floor. COL Pappas, LTC Jordan and some OGA guys were present looking at the body. There was another Major with COL Pappas and I do not know the name. It is safe to say that the detainee had been interrogated and died. It was my impression that he died in the shower. It was my impression that the interrogation took place in the shower. I was told that when they bought him in he was combative. I was told that he died during the interrogation. At that time I was told that he died of a heart attack.

I could see that he was bleeding form the head, nose and mouth. I am not aware of any medical personnel that came to the scene to ascertain the cause of death. I heard LTC Jordan tell CPT Brinson to get some ice from the chow hall and pack the body in ice.

I was aware of the action that was taken to either hook an IV to the body or to make it look like there was an IV attached to the body.

The OGA guys were visible upset that this had happened.

The detainee was never reported in as a prisoner or inmate. This was one of those ghost detainees. There was no record by name or number. It was clear that he was bought there for OGA or MI purposes. This was not unusual.

DOJ EOUSA AMNESTY/CCR 534

I did hear COL Pappas say something like "I'm not going to go down for this," or "I'm not going to go down alone for this."

Whatever decision was made was made and then LTC Jordan sent CPT Brison to get ice.

The story that I got that night was the man was involved with the Red Cross building being blown up that night in Baghdad. The team that went in eliminated two of the three threats and he was the one that they brought to the prison alive. They took him upstairs and started the interrogation and shortly after that he passed.

It appeared that he had an injury on the side of his head. It looked like it had been smashed or something. Again, this is third party information, but I was told that he was maybe hit with a rifle or something like that by one of the capturing units that bought him in.

To my knowledge no one took him for any medical attention. We had a clinic at the prison. We had doctors there. No one took him to see a doctor before they took him to the cell block. No one went to get a doctor to have the detainee treated. All of this is to the best of my knowledge.

CPT Brinson said that he died of a heart attack, but I am not sure where he got his information from. I do not think that CPT Brinson participated in the interrogation. That is not his job.

I do not remember anyone else saying that he died of a heart attack. I do not recall if anyone else heard CPT Brinson say that the man had a heart attack. It was a very small room with a lot of people present and a dead body. No one corrected CPT Brinson when he said the man died of a hear attack. At that point there was attempt to establish the cause of death.

From my understanding the next day there was an autopsy done on the detainee and the cause of death was maybe a blood clot or something else. I was told that it was a blood clot and trauma. I do not know of any official document that established the cause of death.

The next day the body was taken out of the prison hooked up to an IV. I was told the reasoning behind the IV was to not allow the other inmates become upset that someone in our custody had passed during an interrogation. I was not present when the body was removed from the cell block.

I do not know who preformed the autopsy and established the cause of death. I was told that he was taken to Baghdad, but I do not know where. I heard about this information after the fact. To my personal knowledge there was no medical personnel at Abu Ghraib looked at the body.

I have seen a lot of death and my soldiers have too. It is a war and death is not an uncommon thing for my soldiers. No one explained to the solider what had happened we wanted to keep it in the small group.

At some point a decision was made to put this body on ice and leave it there. OGA, COL Pappas, LTC Jordan, MI and I all left the area. We left the soldiers there to guard the corpse. We left the melting rotting corpse there. I did not pass down the chain how to deal with the situation.

I have no knowledge of who actually took the corpse out of the cell block. COL Pappas was there and he knew about the situation so I did not report it up my chain of command. I let the full bird do his job.

My people work in that cell block. My chain of command knew because Major Dinena, the S-3, knew. I am sure the Battalion commander knew and everybody else. I did not have to report it because it was common knowledge between the senior people there. I was the only one in my chain of command that was there. I did not see anyone from my Battalion come down and actually see the body.

I did not sit down with anyone from MI to establish the line between hooding, nudity and sleep deprivation. The only thing that was in writing was the sleep deprivation that I referred to earlier.

DOJ EOUSA AMNESTY/CCR 535

In October 2003 there was no guidance put in writing for the prison standards. We were not trained in IR. This was a totally new mission for all of us. At that time no one stopped to review the Geneva Convention.

The Red Cross visited cell block 1A in the October time frame. They were granted access. I did not accompany them. The Red Cross insisted that they be able to go on there on their own and visited who they wanted to visit. It was my understanding that they received permission to visit cell block 1A by COL Pappas. It was my understand that they allowed them to go into cell block 1A. They tried to put restriction on the second visit, but the ICRC was very persistent. After some discussion with COL Pappas they received access to where they wanted to go. It was my understanding that on the second visit they spoke to whoever they wanted to speak to. I was not aware of any complaints that the ICRC made.

I am not aware of any other outside group that wanted to gain access to see what the living conditions were like. I did not see any positioning or zip ties used to keep the detainees up. If there was a reason to go into a cell we would have the inmates stick their hands out and use the zip strips to keep them in one place. This technique could have been used for sleep deprivation.

One of the first things I saw when I walked in was female underwear over the heads of the detainees. This practice was taking place before we got there. This was in 1A and 1B.

One of the inmates used an MRE carton as underwear and to cover himself. I thought it was odd to have women's underwear on their heads so I talked to the person that I was taking over for. He told me that it was a humiliation technique, or an MI technique.

We had a supply issue. We had supply issues. We did not have enough underwear. I know some of the females had to wear male boxers. Putting underwear on the heads was an MI tactic. I never saw the detainees put in any awkward positions. I just saw them standing. I saw evidence of some other things.

Standing on a box could be one way to implement sleep deprivation. I do not know of any other practices that MI used.

I had no knowledge of MI telling my soldiers to soften up the inmates. My soldiers were receiving guidance from MI. My soldiers did express concern about the treatment and they wanted something in writing.

After the ICRC came in and complained about the nudity I noticed things changed. As time went on the nudity and women's underwear lessened. That was around the December time frame.

I was not aware of pictures being taken in 1A. The first time I saw the images was the night the Battalion commander called me to his office at midnight. It was in January 2004.

I was not aware pictures of the inmates being used as screensaver during that time. I never saw a screensaver with those images.

I was briefed by CID, Chief Author. I was asked to escort the accused to our living area. CID then collected evidence from their rooms that they thought was pertinent.

It is my testimony under oath that I had no knowledge of pictures being taken on the cell block.

The Iraqi detainees were there for different reasons. Some inmates where there as MI Holds, CID holds, and Iraqi on Iraqi criminals. There was a mix of detainees.

I had no first hand knowledge that SPC Harman tried to seek medical attention for the detainees, but I did hear second hand that she had attempted to help the detainees.

We were all concerned that women and children were being held there for a long period of time without charges. We talked with the JAG office and the battalion and expressed our concerns that the women and children were

DOJ EOUSA AMNESTY/CCR 536

staying next to possible terrorists.

We constantly made lists for JAG and they were supposed to go through the proper procedures to have the individuals cases reviewed. Possibly to have some of the detainees transferred, moved or released. We had a few cases that we felt that the Iraqi was innocent, but that was taking their word for it. Many of them were not even being processed.

My soldiers were not given a distinction between handling CID holds and MI holds. There was no guidance.

The only time I saw dogs being used was the night of the shooting when we bought the dogs in, to search the area. The dog handles did not work for me. I did not direct the dog handlers. My soldiers were not in the position to direct the dog handlers. They appeared to be under the direction of MI.

I had no knowledge of dog handlers being used for interrogations. I thought that there primary mission was to crowd control and riots. I was never told under the Geneva Convention or any other Army Regulation that it was prohibited to use dogs for interrogation. There was no clear cut guidance that I was aware of. It is fair to say that if COL Pappas directed the use of dogs then my soldiers would think that it was okay. The dogs were used after the incident that occurred on cell block 1A. An Iraqi detainee had a gun and shot at one of my soldiers.

Iraqi detainees were able to get a hold of weapons on cell block 1A. My soldiers were subject to threats by the Iraqi prisoners. It was well known among the guards that they were at risk. Based on the ratio of guards to inmates there was a threat to my soldiers. My soldiers were not trained to handle prisoners.

We were being mortared during that time frame. Mortars did hit SPC Harman's living area. The mortars were landing where we lived. They were coming in routinely. The soldiers would normally work 15 days in a row before getting a break. I would have to say that the shifts we were working were not to IR standards. SPC Harman was a reservist.

My soldiers were not trained for this type of mission. I was upset about the position that we were in, but I was told flat out that that was the mission that we had and we had to do it.

We did not have a choice. SPC Harman did not have a choice.

She was under orders to be there. We were not getting any help with the mission. We did not receive any additional soldier support.

The Article 32 proceeding recessed at 1247, 24 June 2004.

The Article 32 proceeding reconvened at 1414, 24 June 2004, with all parties present.

The IO advised Captain Reese that he was still under oath.

QUESTIONS BY THE GOVERNMENT COUNSEL (MAJ Holley)

The death in the prison occurred in early December and it was late at night. A SEAL team bought him in. I was not there when they bought him in. I do not have names of the soldiers.

OGA took control of the detainee from the SEAL team. Typically the OGA personnel wore civilian clothing and they were around 24 hours a day. They would come in and out. They would tell the MPs if they need a detainee. They would interrogate the detainees and then my MP would escort them around.

There were about a dozen OGA personnel around. The only name I know was Big Steve, a big tall guy. Stevanivich was another name. I believed he was a civilian because he wore the clothing. I have no reason to believe that he was involved in the death of the detainee.

DOJ EOUSA AMNESTY/CCR 537

I witnessed the body late at night around 2300. I can not remember exactly who was there, but there were few people around. COL Pappas was there. There was a female major from COL Pappas's staff that was there. I can not remember anymore names.

They could not remove the body that night. I do not remember why. The idea behind the IV was to prevent the other inmates from becoming upset. CPT Brison told me that information.

CPT Brison would be the best person to question about this incident. CPT Brison is home. He REFRADED back in December (he was sent home). He is a civilian now. The corpse was in the cell. CPT Brinson was given guidance to keep the body locked in the cell.

CPT Brison gave the keys to one of the MPs when he left for the night. The night shift could have been SSG Frederick, CPL Graner, SGT Davis, SPC Ambul. I am not sure who was on that shift, it could have been anyone that normally worked that shift. It could have been anyone of those that normally work there. I never saw the corpse again. It was a big event. We did talk about it from time to time. We did not go into a lot of detail about it later.

It was my understanding that we had a team of dog handlers from the Navy and the Army. I do not recall the name of any of the dog handlers or their supervisors.

To correct myself from earlier, the training we received before we deployed was at Fort Lee Virginia. The slide show that was presented was on law of war and rules of engagement. The slide show addressed how all soldiers will treat Iraqis. It was a typical ROE brief. The gist of the brief was to treat people humanly.

SPC Harman is an excellent soldier and a good MP. She did a very good job. MPs have many battle field missions. Treatment of EPWs is conducted during MP schooling. This training focuses on the humane treatment of POW and anyone in detention. I never personally advised or implied that any of my MPs could abuse a detainee.

I heard of verbal abuse of a detainee by a soldier that was working in the prison and I immediately removed him. I followed up with written counseling. The soldier understood that his behavior was unacceptable.

I had some long days at the prison. I would normally go to bed around 2330. Between the hours 0001 and 0700 I did not visit the cell block that often.

I assigned MPs that had corrections training. I entrusted them with the night shift. I had no reason to believe that they were not doing there job. It was likely that things could happen on that shift that I would not know about.

At that time I did not know that SPC England had been on the cell block at night.

There were a few occasions that the dogs were used to search for drugs. If I had known of the actions that were taking place after midnight I would have taken action.

There are a total of 7 tiers in the prison now. There were 4 at the time we are referring to. We ran tier 1A and 1B for the most part and tried to let the Iraqi's run the other area. The detainees were divided by numbers.

We supervised the entire thing, but we were trying to turn the control over. One of my MPs helped out a detainee that had a panic attack and I wanted to protect my MPs by setting up some standards. This MP stopped what was occurring to render aid. It is safe to say that if one of my MPs witness something that was inhumane that they could stop it.

I would expect that if my MPs witnessed something wrong they would stop it.

I read the directives that COL Pappas put out about sleep deprivation. None of those directives authorized physical abuse such as striking, slapping or punishing. None of those directives authorized sexual humiliation. None of those directives authorized the placing of electrical wires on the detainee's hands to create the impression that they would be electrocuted. None of those directives related to the authorization on abuse of detainees.

DOJ EOUSA AMNESTY/CCR 538

I saw a detainee with women's underwear on their head once or twice when I first got there. I believe MI or someone else directed that this be done. It is possible that some of the detainees did it themselves. We did have some bizarre detainees. There were some detainees with physiological problems. Some detainee had to receive women's underwear because we had supply issues.

I never authorized or witnessed individuals taking photos. I never remember witnessing any abusive photos such as a screen saver. I never witness the use of an MRE box as a sleep deprivation devise.

The process of adjudicating cases and releasing prisoners was extremely slow. The JAG and MI were overwhelmed with the amount of case files.

It is possible that our soldier could have started to resent the Iraqi people based on the attacks. Hatred could have been created.

I would put the men and women of my company up against any active duty company. That one wing was a very small part of what we did. I saw a number of acts of courage; dignity and professionalism form my soldiers. These acts were performed under very difficult circumstances. That is what we do a soldiers.

I was heartbroken when I first saw the photo. I was in tears when I saw what happened. I trusted the soldiers to do the job. I knew that this action was far beyond any action that was allowable. I selected the soldiers that would be suited for the job based on their corrections training.

Defense (Mr. Spinner) objects to the line of questioning, as to the focus away from SPC Harman's Article 32 Investigation.

I think that the world has seen those photos.

I love my soldiers including SPC Harman, but I was just as disappointed in her as I was in anyone else. She had no choice to be there. No soldiers had a choice to be there. She did have the choice as to how she would perform her duties. She was compassionate to others and she knew right from wrong. She knew as much as any one that this behavior was unacceptable.

QUESTIONS BY THE DEFENSE COUNSEL (Mr. Spinner):

I believe that SPC Harman is in one photo. It is more serious to kill someone then to take a picture.

Government (MAJ Holy) objects to the line of questioning, as to the focus away from SPC Harman's Article 32 Investigation.

IO asked the defense to continue but keep focused on SPC Harman's Art 32 Investigation

There is one picture of SPC Harman standing behind naked bodies.

I was not aware of SPC Harman complaining to her friends back home about the abuse. The prosecution did not inform me that SPC Harman was writing home to Virginia in October to express her concern about the abuse.

No one let me know that she was going to start taking photographs to document the abuse that was taking place. No one shared the information in the letter with me. There is always a chain of command and it is always available.

After the death in the cell block it may have been more difficult to report minor forms of abuse.

I was not aware that SPC Harman reported the abuse of an inmate being hand cuffed for a long period of time.

I had a computer that was seized by CID. It was a government computer. It was returned to me and the hard drive

DOJ EOUSA AMNESTY/CCR 539

was missing. I am not aware of what happened to the hard drive.

I was not aware of any pencil whipping going on at Fort Lee. I understand what pencil whipping is.

Government Counsel introduce Prosecution Exhibit 1, 2, and 3

Prosecution Exhibit 1: Photo
Prosecution Exhibit 2: Photo
Prosecution Exhibit 3: Photo

Government Counsel shows the witness Prosecution Exhibit 1

SPC Harman does not look upset. SPC Harman acts like it is a photo opportunity.

Government Counsel shows the witness Prosecution Exhibit 2 and 3

SPC Harman does not look upset.

I am not aware of who put the wires on his hand of the detainee. I do not believe that is it minor offense to place wires on the fingers of a detainee for the purpose of creating the perception that he would be electrocuted it he stepped off the MRE box.

The image in Prosecution exhibit 2 and 3 is the corpses I witnessed in early December.

QUESTIONS BY THE INVESTIGATING OFFICER (MAJ Carlson)

I have been an MP for 19 years. I have served in a variety of different units.

There could be a blur of the IR and CS mission.

Throughout this campaign we have had to adapt to the mission.

Having the detainees naked was already in place when we got there.

We had a good working relationship with MI. Many of my soldiers because good friends with the MI folks. There was no joint planning of how the detainees were going to be treated. The MI just told the MP what they wanted done. The MPs where there to safeguard and provide movement of the detainees.

When we arrived at Abu Guraib it was like a war zone with rubble everywhere. There was nothing there for the soldiers. It was a below average living standards.

There were no policies or SOPs in posted when we got there. We were in the process of working on one. We got there around October 15. There was a policy form the 72nd MP Company, but it was not approved from any higher level. It was a working copy.

QUESTIONS BY THE DEFENSE COUNSEL (Mr. Spinner):

This was SPC Harman's first deployment to my knowledge. There is a little bit of EPW training for MPs. It would not facilitate working in the hard site or working with MI.
Working with MI was a very unorthodox thing for the MPs.
We expected a lot from an inexperienced soldier.

I did not know that she delivered pizza in her civilian job.

I am aware that SPC Harman went on leave on the 9th of November.

DOJ EOUSA AMNESTY/CCR 540

From what I know most of this occurred on the 8th of November.

With neither side having anything further, the witness was warned not to discuss his testimony with anyone other than the parties present, and permanently excused.

The Defense called Sergeant First Class Shannon Snider, Assistant Operation Sergeant, 372nd Military Police Company was called as a witness, sworn, and testified in substance as follows:

QUESTIONS BY THE DEFENSE COUNSEL (Mr. Spinner):

I worked with SPC Harman. I started to work with her at Fort Lee, Virginia. During the deployment I saw her a couple of times a week; maybe once a day. I saw her about the same at Hilla as I did at Abu Guraib.

She was not a trouble maker. She was a good soldier. She was pretty quiet. She was a hard worker I had no discipline problems with her.

She was friendly with the Iraqis and they all knew her. I can not remember ever having to correct her at Abu Guraib (maybe a uniform violation).

I know who CPL Graner is. He had a computer and I assume that it was in his room. I did not see his screen safer. I never saw naked Iraqis on his screen saver.

QUESTIONS BY THE GOVERNMENT COUNSEL (CPT Graveline)

I was the total NCOIC of the hard site. I was able to help identify the soldiers that were correctional officers in their civilian jobs and set up the shifts based on that information. SSG Frederick and CPL Graner were put on the night shift. For the day shift it was SGT Washington, SPC Stavanas, and SGT Ward. Those with correction officer background were divided between night and day shift.

On November 9th there was a riot in the Ganci portion of the prison. I do not know what the riot was about . The rioters were moved to the hard site.

QUESTIONS BY THE DEFENSE COUNSEL (Mr. Spinner):

I was told that the detainees in the pyramid photos were the rioters.

With neither side having anything further, the witness was warned not to discuss his testimony with anyone other than the parties present, and permanently excused.

The Article 32 proceeding recessed at 1508, 24 June 2004.

The Article 32 proceeding reconvened at 1520, 24 June 2004, with all parties present.

IO dismissed the following witnesses:

SSG Robert J. Elliot, 372d MP CO
SGT Bruce Brown, 372d MP CO
SPC Jason Kenner, 372nd MP CO
SGT Hydrue Joyner, 372nd MP CO

This agreement was made by all parties.

The Defense called SPC Matthew K. Wisdom, 372nd MP, Military Police Officer, was called as a witness, sworn, and testified in substance as follows:

DOJ EOUSA AMNESTY/CCR 541

QUESTIONS BY THE DEFENSE COUNSEL (Mr. Spinner):

I worked at Abu Guriab in October and November of 2003. I know SPC Harman. I worked with her during that period of time. I worked on one of the four tiers. I was in one of the general population tiers.

Late on the 8th of November and early on the 9th of November I went to tier 1A. I witnessed a pile of clothed men on the floor. I was concerned about the pile. I took one of them down there.

When Ganci gave us trouble we would move them down there. I escorted one on them down there. We I got the SFC Snider grabbed my prisoner and threw him on the floor.

I went to SGT Jones after this and I told him everything I saw. I told him because I thought it was criminal in nature. I wanted to be removed from the prison. I had a problem with everything I saw.

SGT Jones said he passed the information up the chain. SGT Jones told me it was taken care of and I was moved form the prison the next day. SGT Jones told me it was taken care of so I believed it was.

QUESTIONS BY THE GOVERNMENT COUNSEL (CPT Graveline)

I was instructed to get SSG Frederick from the hard site because he needed to do something. When I went back down there I saw a naked man masturbating into another man's mouth. He had his mouth open and he was on his knees.

The other guards were Graner, Davis, Frederick, Ambul, Harman and England. I remember Graner posing for a photograph like he was going to hit a detainee with a sand bag on his head and then he did hit him. I saw SGT Davis walking around stomping on the toes of detainees. I saw SSG Frederick hit a detainee in the chest. The detainees where crying out in pain.

SFC Snider yelled from the top tier to stop SGT Davis from stepping on hands and toes. He asked me if I was the one that told him to stop and I said, "No, it was SFC Snider." He thought it was me that told him to stop, but it was not.

When I came back I saw SSG Frederick and heard England's voice. I heard her say, "he is getting hard." SSG Frederick said something like, "you see what these animals do when we leave them alone for a second," or something like that. I am not aware of anyone else telling them to stop assaulting the detainees.

QUESTIONS BY THE DEFENSE COUNSEL (Mr. Spinner):

I saw SFC Snider looking down on the pile so he did see what was going on. He was the senior NCO present at the time. He was in the position to stop it and take corrective action. I told SGT Jones the first person in my chain of command. I told him everything I saw and as far as I was concerned it was taken care of.

QUESTIONS BY THE INVESTIGATING OFFICER (MAJ Carlson)

I did not witness SPC Harman hit any detainees at anytime.

With neither side having anything further, the witness was warned not to discuss his testimony with anyone other than the parties present, and permanently excused.

The Defense called SGT Robert Jones, 372nd MP, team member, was called as a witness, sworn, and testified in substance as follows:

QUESTIONS BY THE DEFENSE COUNSEL (Mr. Spinner):

DOJ EOUSA AMNESTY/CCR 542

I worked at Abu Gurib on 8 November 2003.

SPC Wisdom did come to me and report abuse. I was in tower 5 at the time. SPC Wisdom came to the tower. I was his team leader. He told me witnessed a prisoner get his toes stepped on and some getting punched.

He came back and reported to me that a detainee was masturbating into the mouth of another detainee. He came to me twice in one hour.

I took that information to SSG Frederick. I was not satisfied with that conversation so I went to SSG Elliot and he wanted me to show him proof. I reported everything to SSG Elliott. I told SSG Frederick that I did not want SPC Wisdom working with him anymore and he reported to the tower the next day.

I do not know what SSG Elliot did with the information I just know that SPC Wisdom reported to me the next day.

QUESTIONS BY THE GOVERNMENT COUNSEL (CPT Graveline)

I have been SPC Wisdom's team leader since the beginning of the deployment (February of 2003).

SPC Wisdom is a religious, ethical and trust worthy person.

This was SPC Wisdom's first day back off leave and he came to me to report the incident. He said the detainees were involved in a riot and he did not want to be around when anyone was being hit.

The first report I did not have much urgency because I am a police officer and I know people get hit.

When he came back the second time about the masturbation I went to SSG Frederick. He told me he saw SGT Davis was stepping on the toes of the detainees and SSG Frederick punched one of them. I do not recall him mentioning any more names.

The second time he came back he said that SPC Harman, SPC England, CPL Graner, and SSG Frederick were there during the masturbation. I went and got in SSG Frederick face and had a heated conversation. It was an uncomfortable position to have to get in a higher ranking soldiers face. SSG Frederick told me to calm down, but I just wasn't SPC Wisdom out of there. He decided to move SPC Wisdom. I was not satisfied with that conversation so I went to SSG Elliot to find out what was going on. I did not hear anything else about the abuse after that. I have worked for the Baltimore City police department for five years.

QUESTIONS BY THE DEFENSE COUNSEL (Mr. Spinner):

I went around SSG Frederick to SSG Elliot. I do not know what capacity SSG Elliot worked as in the prison. I worked tower 5, force protection. I am not aware of him reporting that to anyone else. I wanted to protect SPC Wisdom, my soldier. I do not know what message came out of all of this.

With neither side having anything further, the witness was warned not to discuss his testimony with anyone other than the parties present, and permanently excused.

The Defense called SGT William A. Cathcart, 372nd MP, Military Police Officer, was called as a witness, sworn, and testified in substance as follows:

QUESTIONS BY THE DEFENSE COUNSEL (Mr. Spinner):

I worked at Abu Guraib form October of 2003 to around February of 2004. I was assigned to the night shift. form1600 to 0400.

We called the Iraqis detainees and inmates.

DOJ EOUSA AMNESTY/CCR 543

There was an occasion that an inmate shot at me. It happened in wing 1A. It was on Thanksgiving eve and we had not been on the shift to long when it happened. I was working with SPC Ambul who was working wing 1B.

She came to me and said an inmate in 1A indicated that there was a weapon in 1A. We took the inmate that provided the information upstairs. I referred to the inmates as numbers. We researched who it was. One detainee told us that another detainee had a weapon. We identified the detainee that had the weapon.

We were told that he had a handgun and two bayonet knives. Not know the environment I contacted my supervisors SSG Frederick and SSG Elliot. LTC Jordan was around and there were a couple MI folks there. Medical was on a round so they were there.

We identified the cell and did a tactical approach. I was the contact person. I asked him to step out. That is when he went to a praying position. Then he said he was not coming out. He reached over to the pillow and we stepped back.

That is when the shooting started and I want to say he got off 6 to 8 rounds. I felt something strike me. My chest was hurting after. I was wearing protective equipment and I was glad I was wearing it.

SSG Elliot returned fire with two non lethal rounds. The third round was lethal. The detainee was injured pretty badly. I checked the cell out first. We gave him medical attention and he survived.

It is fair to say that this was a dangerous environment that we worked in. We were mortared constantly and on alert a lot. We also had to worry about Iraqi Correctional Officers (ICO) because they smuggled weapons into the detainees. It was a stressful environment. Every time we did a cell search we found weapons.

I took over 1A in December 2003. We tried to sit down with MI, JAG and medical to all the parties involved to get on the same page. We wanted an SOP for the sleep management program. I do not know if it was required before that so I requested it. There were many people that had the job before me. I started worked full time at cell block 1A in December. There was an instruction sheet for the sleep deprivation program, but no SOP that stated who was to do it and how to do it. The doctor said that the detainees should only be on the program for 72 hours. There should have been a break in the sleep deprivation program after 72 hours, but there was nothing in writing.

QUESTIONS BY THE GOVERNMENT COUNSEL (CPT Graveline)

I work as a computer engineer in my civilian job. I was on active duty from 1975 to 1981. Then I worked as a deputy chief in Arlington, Virginia.

I took over in December. I tried to get people on the same page. I thought we needed an SOP. Chief Rivas was with the old MI group and Chief Olson was on the MI group that was transitioning in. MAJ Thompson was the Trans Interrogation Physician, for the cell block. There was a physiologist with the Major, but I do not remember the name.

We were never asked to pile naked detainees up on the floor, make them masturbate, or sexually humiliate them.

I replaced CPL Graner as the NCOIC of that shift.

With neither side having anything further, the witness was warned not to discuss his testimony with anyone other than the parties present, and permanently excused.

The Defense called SGT Caesar Rodriguez, 372nd MP, supply escort team member, was called as a witness, sworn, and testified in substance as follows:

QUESTIONS BY THE DEFENSE COUNSEL (Mr. Spinner):

DOJ EOUSA AMNESTY/CCR 544

I have been deployed since 14 May and my duties varied from law and order and jail house guard.

SPC Harman was my team member. I work with her everyday all day. She was a beneficial to the mission because she became or public relations person. She showed me that there was nothing wrong with the locals. She bought the family that live across for the substation a refrigerator and mattresses. It made our job easier. Her performance was good and it made our lives easier.

With neither side having anything further, the witness was warned not to discuss his testimony with anyone other than the parties present, and permanently excused.

The Defense called SPC Israel Rivera, B Company, 325th MI Battalion, was called as a witness, sworn, and testified in substance as follows:

QUESTIONS BY THE GOVERNMENT COUNSEL (MAJ Holley)

I am in the reserves from Texas. I have been in the military since 2001. I am a 96B intelligence analyst.

On 24 and 25 October there was an incident. At that time I belonged to 205th MI Bde. A mortar attack in September ended our after night interrogations. The 372nd took over in the middle of October.

SPC Cruz came to the living quarters around 1900 and told me about a rape of a 15 year old boy. I was told that two or three detainees held him down and raped him. I asked what they were going to do with them and he asked me if I wanted to come find out.

We headed to tier 1A, the isolation cell block to see what was going on. SPC Krol, with MI, had joined us. SPC Harman, Graner, another MP, and a specialist in green BDU were all there. The soldier with the green BDUs had a speaker box with a microphone attached to it. He was shooting homesexual slurs into the cell that the detainees were in. The soldier with the green BDU took the detainees out of the cell.

The detainees were shaking. They were told with the help Adal to get down on their stomachs and crawl. CPL Graner made a stipulation that they had to drag their genitally on the floor.

The MPs were in charge and Graner was in charge because he was the loudest. SPC Harman was instigating it tell them to roll around and she was making motions. She was asking for a confession.

I questioned this behavior and I knew it was illegal. I asked SPC Cruz if we even knew if they did what they were accused of. He said that one of them came forward and then recanted. SPC Krol poured a cup of water on the detainees.

One of the detainees started to bleed form the knee and SPC Cruz asked Graner if we should stop and he said, "no." He said it was just a small room. I saw no regret or fear from SPC Harman. It seamed as if she was happily participating. The detainees were freighted, they were shaking, begging and crying. It is terrible for and Arab to be naked with another man.. They begged for us to stop.

SPC Krol threw a Nerf football at them. The MPs, SPC Krol and Adal all put the detainees on the floor and handcuff them together in sexual position. I do not remember how many time SPC Krol threw the football from the top tier.

I stayed for about 10 to 15 minutes. I told SPC Cruz that I had enough and I headed back. He asked me form my silence. I reported it to SPC Schlegel and she told SGT Joyner. I did not follow up with that information and I do not think it went anywhere.

QUESTIONS BY THE DEFENSE COUNSEL (Mr. Spinner):

It was two or three people that were suspected of raping to boy. I do not know who decided to bring the three

DOJ EOUSA AMNESTY/CCR 545

detainees to the cell block. They were there when I we got there. SPC Cruz and I were there out of curiosity. I do not know who apprehended the detainees. I do not know what their duties where that night. I never questioned the rape and I never saw the boy at any time.

OGVERNEMT OBJECTION as to the line of questioning

I saw what was happening to the three men. I did not have the entire story. The law is the law

Graner was giving the order so he was in charge. I believe he was a Corporal.

I feel an obligation to step in if someone is in violation of the law. I did not step in and stop this situation because I was in fear. When you are there and you see this going it has an effect on you.

I do not know what the MPs were told to do. I do not know what they were told. I would be shocked if this were allowed. I did not report it at the time. I lied to SPC Cruz. I just wanted to get out of there. I want to separate myself from the situation. I told SPC Schlegel. I did not pursue it and I thought it was over. I would have been aware of an investigation.

To my knowledge SPC Cruz was never investigated.

QUESTIONS BY THE GOVERNMENT COUNSEL (MAJ Holley)

They all seamed to be having a good time. SPC Harman's demeanor never changed and she did not show any remorse. The interpreter kept looking at me saying "isn't this fun."

SPC Harman seamed to be enjoying this I do not minimize rape in any way.

I feel that everyone deserves due process for any crime that may have been committed.

I saw SPC Harman after this and she never approached me and told me that she enjoyed it or not.

I feel that the truth needs to be told at whatever cost.

QUESTIONS BY THE DEFENSE COUNSEL (Mr. Spinner):

I feel horrible about a 15 year old boy being raped.

QUESTIONS BY THE INVESTIGATING OFFICER (MAJ Carlson)

I never saw SPC Harman put a hand on a detainee.

With neither side having anything further, the witness was warned not to discuss his testimony with anyone other than the parties present, and permanently excused.

The Article 32 proceeding recessed at 1653, 24 June 2004.

The Article 32 proceeding reconvened at 1820, 24 June 2004, with all parties present.

Telephonic Testimony

The Government called PV1 Jeremy C. Sivits, 372nd MP CO, detained at Camp Arfjan, **was called as a witness, sworn, and testified telephonically in substance as follows:**

QUESTIONS BY THE GOVERNMENT COUNSEL (MAJ Holley)

DOJ EOUSA AMNESTY/CCR 546

I was activated on February 24th 2003. We arrive in Kuwait May 15th 2003 and then in Iraq on May 30th 2003. I am a 63B which is a light wheeled vehicle mechanic.

I was on generation maintenance detail on the night in question, which meant that I was on standby in the CO TOC. While I was in the TOC SSG Frederick came in and explained that seven detainees had to be in processed to the hard site because of a riot.

He asked me to come down to the hard site so I did. We went to the holding area and there were seven detainees and four guards. SSG Frederick asked me if I wanted to escort a detainee and I said yes. I took a detainee by the arm and lead him down to tier 1A.

SPC Harman, SGT Davis, PFC England, CPL Graner, SSG Frederick and SFC Snider where all in the cell block. I heard CPL Graner yelling something in Arabic. When I turned the corner and saw a pile of detainees on the floor. I shoved my detainee into the pile.

That is when the abuse started toward the detainees. One detainee was struck in the temple. One detainee was struck in the chest. I witnesses SPC Harman write Rapist on one of the detainee's thighs.

SSG Frederick and CPL Graner struck the detainees. SSG Frederick hit the detainee in the chest with a closed fist. SSG Frederick said that he though that he put the detainee in cardiac arrest. I went over to the detainee to check on his breathing. They called for a female medic to come down and check on him. SPC Ambul went bought an inhaler down for the second tier.

CPL Graner picked the detainees head up and punched him in the temple knocking him unconscious. The detainee was still breathing.

I did not see SPC Harman strike anyone. I witnessed SGT Davis and PFC England stepping on the hands and toes.

PFC England is not an MP. The only reason I know she might have been there was to see CPL Graner.

SFC Snider yelled at SGT Davis to stop; from the top tier. SGT Davis then left. SFC Snider tone was very strong. I have never heard SFC Snider speak in that tone before. I do not know it SFC Snider witness SSG Fredrick or CPL Graner hit a detainee. I do not know if SFC Snider witnessed SPC Harman write rapist on the leg of a detainee. I witness SPC Harman taking photographs of this event.

After this they had the detainees strip down. That is when they were put in the pyramid. More photos were taken at that point. SSG Frederick and CPL Graner put them in the pyramid. SPC Harman was standing back with me looking at the pyramid with a look of disgust on her face like she could not believe this was happening.

SPC Harman did not appear to approve of this behavior, but she did take photographs.

They had a detainee against the wall and one on his knees to make it look like the detainee was performing oral sex. CPL Graner put them in this position. SSG Frederick was standing there.

The detainees were all flex cuffed with sandbags over there head. The detainees appeared to be afraid. After CPL Graner hit the detainee he stood up and shook his hand and said, "dam that hurt." There a were number if individuals taking photos.

SPC Harman was primarily trying to avoid being in the photos.

PFC England took a photo behind the pyramid. She was commenting on the size of the detainee's genitals. She was pointing at their genitals with a cigarette in her mouth.

SPC Harman is a caring person. I spoke with SPC Harman when we went on leave. We had talked about the incident and she said she was disgusted with what went on. She did not approve of it. She did write rapist on the

DOJ EOUSA AMNESTY/CCR 547

leg of a detainee and she took photos. She did not physically contact any detainees. She had remorse about her conduct.

I am in confinement now. My sentence was one year for the conduct on that night. My involvement was to be there and not report or stop theses abuses.

The impact of these abuses is big. It is looked down upon.

There would be hell to pay if the chain of command found out about this.

QUESTIONS BY THE DEFENSE COUNSEL (Mr. Spinner):

I was aware of SPC Harman leaving one time during the evening. It is possible that I did not see her leaving at other times.

SFC Snider was in a position to be aware of what was going on for about a minute. He could have been there longer. He could have left through that office upstairs and went down in 1B. He was upstairs looking down. He was in 1A when I saw him. He could have crossed through the office area on the second tier. I did not see how he left. I saw him walk away. SFC Snider was there when I got there. He said "enough" to Davis. He was aware that this was going on. I never talked to SFC Snider about the event. SFC Snider could have stayed and taken control of the situation.

I was not aware that SSG Elliot knew what was going on. I know who SSG Elliot is.

SPC Harman told me that she did not think it was bad to write rapist on the leg of the detainee. The detainee was identified as a rapist on his in processing sheet. I do not know if that detainee could read what was written on his leg. The detainee had a sandbag on his head. I never observed SPC Harman sitting or ride on a prisoner. When we were coming back from leave SPC Harman told met that she was taking picture of the detainees to document the abuse.

She is a very credible person. She is one of the most kind heartedness persons that I have ever met. She had told me that she had documented detainee medical needs. As far as I knew she was there to be with the women and children.

QUESTIONS BY THE GOVERNMENT COUNSEL (MAJ Holley)

The detainees had sandbags on their heads. I believe the detainees were aware that their photographs were being taking because of they could feel and see the flash. They could hear the laughing.

The detainees were in fear. They did not know what was going to happen.

I did not know that SPC Harman attached wires to a detainee's hands.

QUESTIONS BY THE DEFENSE COUNSEL (Mr. Spinner):

Based on SPC Harman's size and nature she was not in a position to challenge CPL Graner or SSG Frederick.

With neither side having anything further, the witness was warned not to discuss his testimony with anyone other than the parties present, and permanently excused.

The Defense called SGT Samuel Provance, Military Intelligence, **was called as a witness, sworn, and testified telephonically in substance as follows:**

The witness was informed of, and invoked his rights under Article 31, UCMJ, and was excused.

IO deemed the witness unavailable and accepted the sworn statement that was previously given to investigating

DOJ EOUSA AMNESTY/CCR 548

officers.

With neither side having anything further, the witness was warned not to discuss his testimony with anyone other than the parties present, and permanently excused.

The Defense called SA Tyler Pieron, Military Intelligence, **was called as a witness, sworn, and testified telephonically in substance as follows:**

I was one of the case agents in this investigation. Initially there were three case agents assigned to Abu Guraib. SA Paul Author worked on the case. I was the lead agent on this case. SA Author was the Special Agent in Charge (SAC) at the office. I was lead agent form 13 January until late February.

I believe Paul Author took over the case. SA Bobeck was a case agent. I believe that he was questioned in relation to a separate investigation. There was an allegation that there was some abuse, but I believe it was unfounded.

I do not know who questioned CPT Brinson. CPT Brinson redeployed so he was not interview at Abu Guraib. He was back in the states. I believe that we did receive a response, but I do not recall. I do not recall if there was a lead sent out to CPT Brinson, involving the corpse incident. I do not know if CPT Brinson was question about this case.

I have not seen the case file in a few months.

CPT Brinson would not be the subject of a case. There are at least three cases at the time. The major case is 003-04CID149. Case number 05 involved the use of Military working dogs. I know case 3 and 5 are related to the prison and I do not know what case number 4 is. CPT Brinson statement would be in case 3 or 5.

Copies of these case files should be in Iraq. I believe that CID would have these cases files.

I do not recall who ceased CPT Reese's computer. I did not collect his computer. I do not have information about his hard drive.

I believe detainee with the wires attached to him was a CID hold for the case related to the death of two soldiers. SFC Phillip and SPC Ott were the two soldiers. General CID holds were held there for their own safety. It depended on the situation.

It would have been up to MI to put the detainee on the sleep deprivation program. The detainees had their rights. I do not know how the guards determined who was on the sleep deprivation program.

COL Dwight Warren does the prosecution for this type of case. Generally the guards would just transport the detainees.

I believe that Agent Romero who is located at Fort Hood was tasked with interviewing that detainee. I believe that he was assigned to the 43rd MP Detachment while he was in Iraq. I would check on the CID holds at least once or twice a week for a general health and welfare.

I am sure I talked to the detainee after the incident with the box and the wires but I do not recall exactly when it was I talked to him. I remember talking to this detainee in a health and welfare capacity because I checked on all the CID holds. I was aware of his nickname Gilligan.

The only time he bought up the incident is when we asked about it during the investigation in January. He never complained about it until it was bought up to him. I do not recall that he said that a man put the wires on his hands. The wires were not live wires. I do not believe that he was in any danger from wires.

I do not believe that Gilligan had a lawyer. I do not know if he had a lawyer. I never questioned him. I do not know if he has been prosecuted. I do not even know the facts of the case.

DOJ EOUSA AMNESTY/CCR 549

I visited tier 1A from 15 October to the 9th of November 2003 about three times because I was just getting orientated. I believe that Gilligan was classified as a security detainee.

The Geneva Convention still applied as far as I know. I do not know where the term security detainee comes from. I do not know if he had a right to a lawyer. We decided that it was best to provide the rights to all the CID holds. There were no more then three to five CID holds in at the hard site during those three months.
With neither side having anything further, the witness was warned not to discuss his testimony with anyone other than the parties present, and permanently excused.

The Defense called SA Manora Iem, 78th MP Detachment CID, Fort Riley, Kansas **was called as a witness, sworn, and testified telephonically in substance as follows:**

QUESTIONS BY THE DEFENSE COUNSEL (Mr. Spinner):

My primary role was to identify the victims in this investigation. I interview the individual that had the wires on his hands.

The witness is read the statement by Mr. Spinner

I remember the statement and that individual goes by the nickname Gilligan. I am not aware of any other detainee that had wires placed on his figures. The statement says that the wires were attached to him by a tall black soldier.

SPC Harman is not a tall black man. I did not come across any evidence that showed that SPC Harman harmed any detainee.

I was not involved in ceasing the computers.

I do not recall being involved in contacting or locating CPT Brinson.

With neither side having anything further, the witness was warned not to discuss his testimony with anyone other than the parties present, and permanently excused.

The Article 32 proceeding recessed at 1930, 24 June 2004.

The Article 32 proceeding reconvened at 1009, 25 June 2004, with all parties present.

Defense Called Special Agent Scott Edward Bobeck, 10th MP BN (CID), Abu Ghraib Prison, Iraq, was called as a witness, sworn, and testified in substance as follows:

The investigation started on the night of the 14th of January 2004. I was one of the additional agents called in to help out with the case. I arrived at Abu Guraib on the 15th of January 2004.

My role in the investigation to interview a few subjects, collect evidence and interview detainees. I was not involved in any interview with CPT Brinson. There were many CID Agents on the case. There were about 8 agents on the case.
I did take some statement from the detainees.

I do not remember any statement that referenced SPC Harman or anyone the looked like her. I am not aware of any situation that SPC Harman wore glasses. It is safe to say that if they were talking about someone in glasses then they were not talking about SPC Harman.

I do not remember who actually collected the evidence. The computers were collected before I arrived. Iem, Perion and Author were assigned to Abu Guraib at the time. There were two inquires involving Iem and Perion, but I do not know that results of those inquires. One of the statement indicated that they may have been witness to abuse and that is why there was an inquiry.

DOJ EOUSA AMNESTY/CCR 550

Mr. Chmielewski is the operations officer at the Abu Gurab prison if you wanted to request that investigation. The investigation was started a few weeks after the initial inquiry. I do not know if they were actually suspended for duties. I have never seen the inquiries into the CID Agents. It is my understanding that it was an internal CID investigation. I am not sure how the investigation came about.

Agent Romero is at Fort Hood and there was a recent inquire based on an interpreter receiving a statement.

There are still a few loose ends to finish up with the case. With the MI piece there are some issues to deal with in relation to the case. There are a couple new subjects in the pictures that we are still identifying. Mr. Chmielewski would be the one to contact about the case tracking.

I am not aware on any statement that CPT Brinson made. The name is familiar. I have his name on my to-do list as someone to follow up with. He should have been interviewed. I do not know where his is. I will find him and follow up.

With neither side having anything further, the witness was warned not to discuss his testimony with anyone other than the parties present, and permanently excused.

Defense Calls Sergeant Jared F. Kary, 16th MP Bde (Abn), Paralegal, was called as a witness, sworn, and testified in substance as follows:

DIRECT EXAMINATION

There were a total of six detainees on the witness list, three from the defense and three from the government.

Fahel was never in the detention operation system. I double check the number. He was a CID hold and that concerned me. We did a name search and could not find him. I did not physically go to the prison to track him down. I tried to track him down through the C-2. I knew I had the correct name.

The two others that the government requested were now under the control of the ministry of justice (Iraqi control). The request was sent to the through MAJ Harris.

It will be difficult to have Iraqis testify for a trial down the road. It maybe possible to contact them to testify.

I was able to identify another from the defense list that was located in Bucca.

With neither side having anything further, the witness was warned not to discuss his testimony with anyone other than the parties present, and permanently excused.

The following exhibits were presented by the Government Counsel and admitted into evidence as follows:

Prosecution Exhibit 4: 22 Pages of Photos
Prosecution Exhibit 5: Sworn Statements of SPC Harman, Dated 16 Jan 04
Prosecution Exhibit 6: Sworn Statements of SPC Harman, Dated 02 Feb 04
Prosecution Exhibit 7: Sworn Statements of SPC Harman, Dated 14 Jan 04
Prosecution Exhibit 8: Sworn Statements of SPC Harman, Dated 15 Jan 04
Prosecution Exhibit 9: Sworn Statements of SPC England, Dated 15 Jan 04
Prosecution Exhibit 10: Sworn Statements of SPC England, Dated 14 Jan 04
Prosecution Exhibit 11: Sworn Statements of SPC Davis, Dated 14 Jan 04

The following exhibits were presented by the Defense Counsel and admitted into evidence as follows:

Defense Exhibit A: Sworn Statement of SGT Provance, Dated 21 Jan 04
Defense Exhibit B: Statement of Abdou Hussain Saad FALEH, Dated 16 Jan 04

DOJ EOUSA AMNESTY/CCR 551

Defense Exhibit C: Statement of Mustafa Jassim Mustafa, Dated 17 Jan 04

The Government Counsel made a Closing Statement.

The Defense Counsel made a Closing Statement.

The Government Counsel did not make a Rebuttal Statement.

The Article 32 proceeding adjourned at 1123, 25 June 2004.

DOJ EOUSA AMNESTY/CCR 552

S-012 Impartial Rapid Reporting to the Sec Def

(U) <u>RECOMMENDATION/OBSERVATION</u>

- The Secretary of Defense should ensure the effective functioning of rapid reporting channels for communicating bad news to senior Department of Defense leadership

(U) <u>CURRENT ASSESSMENT:</u>

- Proposal to fast-track information to the Secretary was approved 13 Dec 04.
- In addition – detainee affairs provides metric to key officials monthly.
- Routine briefings by ODA/DASD as required/appropriate.

OPR: USD (P&R)
OCR: USD (P)

(U) <u>FIX/ACTION/CHANGE:</u>

Fix: Joint adaptation of procedures such as the Air Force special notification process.

Action: Office to fast-track has been "stood up" – headed by Richard McGraw; still working space and employment/resource issues, but, office is functioning.

Change: No change from last meeting

S-014 Additional Training of Medical Personnel

(U) RECOMMENDATION/OBSERVATION

- Need training for medical personnel on reporting abuse. Medical personnel need to be trained with better field treatment techniques

(U) CURRENT ASSESSMENT:

- Medical ethics policy in final stages of promulgation. Directly addresses reporting violations.

- Currently discussing with ASD(HA) development tracks regarding treatment and non-treatment medical ops. (ODA/USD(I)/OGC/HA)

OPR: USD (HA)
OCR: USD (P)

(x) FIX/ACTION/CHANGE:

Fix: Provide structured training to Medical Personnel on Detainees matters

Action: USD(P) working with ASD(HA) in development of medical training policy.

Change: Detainees are given excellent medical care and doctors have clear methods for carrying out their obligations.

GS-001 Law of War Treaties

(U) RECOMMENDATION/OBSERVATION
- Harmonizing policies and treaties with allies

(U) CURRENT ASSESSMENT:
- ODA's assessment is that no policy is in conflict with our international or treaty obligations. All policies that have been issued since the beginning of GWOT were thoroughly examined by the DoDGC, the **Justice Department**, and **the White House Council** before issuance.
- International perceptions and analysis of the choices made at the SECDEF and POTUS level have created disagreements where the law is silent or has contradictory guidance.
- NSC has developed PCC on "public diplomacy" to address gaps in understanding about applicability of LOAC to GWOT.

OPR: USD (P)
OCR: USD (P)

(U) FIX/ACTION/CHANGE:

Fix: Review all current policies and regulations w/ regard to allies

Action: ODA is currently revising all DoDD and policies and will assist ARMY in the revisions of AR 190-8 and other documents as requested.

Change: Revision of Detainee Operations Policy as well as issuance of larger "covering" policies will demonstrate how DoD operations satisfy international treaty obligations.

GS-005 Review of JCS activity under Goldwater-Nichols

(U) RECOMMENDATION/OBSERVATION

- Review for adequacy with respect to detainee abuse (similar to post-Aberdeen)

(U) CURRENT ASSESSMENT:

- ????

OPR: Do not believe USD(P) has authority.

OCR: Do not believe USD(P) has oversight.

(U) FIX/ACTION/CHANGE:

None at this time.

2003

GS-011 Congress Questions on "Ghost Detainees"

(U) <u>RECOMMENDATION/OBSERVATION</u>

- Congress question: "What is a *Ghost Detainee* and how many have there been?"

(U) <u>CURRENT ASSESSMENT:</u>

- ODA has addressed this issue with the SECDEF as well as USD(I) and OGA's.
- The SECDEF has briefed this issue publicly regarding the *one* detainee who was held without prompt registration with the ICRC.
- It is DoD policy to promptly register all detainees.
- ODA & USD(P) officials have briefed Congress on this issue – we are preparing for upcoming hearings on issue.
- To the extent required, ODA will work with OGC and USD(I) to resolve any remaining issues on this sensitive matter.

OPR: USD (P)
OCR: USD (P)

(U) <u>FIX/ACTION/CHANGE:</u>

Fix: Adequately brief Congress regarding "Ghost Detainee" issue.

Action: Classified briefings with Congress.

Change: Congress question answered.

GS-016 Develop Policy for Joint Interagency Detainee Ops

(U) <u>RECOMMENDATION/OBSERVATION</u>

- Common guidance is required where multiple agencies (e.g. DoD, FBI, CIA) perform joint/combined interrogations, common guidance is required.

(U) <u>CURRENT ASSESSMENT:</u>

- USDI is addressing Joint Interagency roles in the DoD Interrogation process.
- Their policy is being drafted – but do not have date yet.

OPR: USD (I)

OCR: USD (P)

(U) <u>FIX/ACTION/CHANGE:</u>

Fix: Issue common guidance.

Action: Interagency coordination of interrogation policy.

Change: Common practices for all engaged in intelligence gathering.

GC-003P Inter-agency Process on Detainee Movement

(U) <u>RECOMMENDATION/OBSERVATION</u>

Examine inter-agency process for Detainee Movement Orders with a goal of simplifying and streamlining the process.

(U) <u>CURRENT ASSESSMENT:</u>

- DC has directed the PCC develop a process to streamline the IA process for releases.
- DoD working with State to develop a streamline transfer program for assurances and humane treatment qualifications.

(U) <u>FIX/ACTION/CHANGE:</u>

Fix: Simplify and streamline the Detainee movement process.

Action: Coordination with IA.

Change:

OPR: OUSD(P)

OCR: OUSD (P)

C-001P -- Standardization of Interrogation Policy Guidance

(U) RECOMMENDATION/OBSERVATION

Lack of specific guidance, clarity, and consistency on interrogation techniques among Afghanistan, Iraq, and GTMO interrogation operations. Standardize interrogation guidance under a single policy (specific and unambiguous) for all areas of operations.

(U) CURRENT ASSESSMENT:

- USD(I) has issued a draft of a HUMINT collection DoDD. Draft is in formal coordination.
- Meetings have taken place to resolve issues between USD(P) and USD(I). SD 106 coordination to be completed in near term.

OPR: USD (I)
OCR: USD (P)

(U) FIX/ACTION/CHANGE:

Fix: Issue common guidance.

Action: OUSD(P) and USD(I) coordination of policy

Change:

JS AMNESTY/CCR 2014

C-006P -- Standardization of Interrogation Policy re: OGA's

(U) RECOMMENDATION/OBSERVATION

Coalition and IA policies governing interrogation needs developing. Policies need specificity as to whom applicable, approved methods, with approved standards of supervision and enforcement.

(U) CURRENT ASSESSMENT:

- USD(I) has issued a draft of a HUMINT collection DoDD addressing OGA's and all interrogation policy matters. Draft is in formal coordination.
- Meetings have taken place to resolve issues between USD(P) and USD(I). SD 106 coordination to be completed in near term.

OPR: USD (I)
OCR: USD (P)

(U) FIX/ACTION/CHANGE:

Fix: Issue more specific guidance for OGA's involved in interrogation.

Action: OUSD(P) and USD(I) coordination of policy

Change:

C-009P -- Participation of Medical Personnel re: Interrogations

(U) RECOMMENDATION/OBSERVATION

DoD Policy-level review needed to ensure that medical personnel are practicing with proper safeguards, including clarifying the status of medical personnel (i.e., behavioral scientists supporting interrogators) who do not participate in patient care.

(U) CURRENT ASSESSMENT:

- ASDHA has issued a policy directly on this issue. Problem addressed, recommend closure.

OPR: OUSD(P)
OCR: OUSD(P)

(U) FIX/ACTION/CHANGE:

Fix: Issue policy for medical personnel clarifying roles of those providing medical care, and those serving as behavioral scientists.

Action: ASDHA and Policy to coordinate.

Change:

JS AMNESTY/CCR 2016

C-010P -- Interrogators Access to Detainee's Medical Files

(U) RECOMMENDATION/OBSERVATION

DoD policy-level review necessary in order to properly balance competing concerns.

(U) CURRENT ASSESSMENT:

- ASDHA has issued a policy directly on this issue. Problem addressed, recommend closure.

OPR: OUSD(P)
OCR: OUSD(P)

(U) FIX/ACTION/CHANGE:

Fix: Issue policy clarifying roles of those providing medical care, those serving as behavioral scientists, and those serving as interrogators.

Action: ASDHA and Policy to coordinate.

Change:

JS AMNESTY/CCR 2017

C-011P -- DoD Detention and Interrogation Policy/Doctrine

(U) <u>RECOMMENDATION/OBSERVATION</u>

Develop master DoD-level detention and interrogation policy and doctrine, including approved interrogation techniques.

(U) <u>CURRENT ASSESSMENT:</u>

- USD(I) has issued a draft of HUMINT collection DoDD. Draft in formal coordination.
- Meetings have taken place to resolve issues between USD(P) and USD(I). SD 106 coordination to be completed in near term.

OPR: OUSD(P)
OCR: OUSD(P)

(U) <u>FIX/ACTION/CHANGE:</u>

Fix: Develop master DoD-level detention/interrogation policy and doctrine, including approved interrogation techniques.

Action: USD(I) handling.

Change:

C-013P -- DoD Developed Definitions for Providing Humane Treatment

(U) <u>RECOMMENDATION/OBSERVATION</u>

Develop DoD level definitions for providing humane treatment of all detainees.

(U) <u>CURRENT ASSESSMENT:</u>

- OGC is working with ODA/USD(P) to develop a standard of care that would be the minimum requirement for "humane treatment."
- Also working with 2310.1 DoDD coordination to develop definition for inclusion in the DoDD.

OPR: OUSD(P)
OCR: OUSD(P)

(U) <u>FIX/ACTION/CHANGE:</u>

Fix: Develop higher level definition of "humane treatment" to decrease confusion in the field.

Action: OGC handling and 2310.1 DoDD being coordinated in near term.

Change:

C-027P -- Common Guidance to Military and DoD Agencies

(U) <u>RECOMMENDATION/OBSERVATION</u>

Common guidance is needed for use by all military departments and all DoD agencies regarding the practical effects of the President's 7 Feb 02 determination of "military necessity" and its impact in handling detainees under GPW.

(U) <u>CURRENT ASSESSMENT:</u>

- This matter, and other broader government issues impacting the war on Islamic extremism, have been brought to the Deputy, NSA.

OPR: OUSD(P)
OCR: OUSD(P)

(U) <u>FIX/ACTION/CHANGE:</u>

Fix: Provide common guidance to all military developments and DoD agencies.

Action: OUSD(P) has reached out to Deputy, NSA on this and other related matters.

Change:

C-028P -- Standard Reporting/Investigating of Claims of Detainee Abuse

(U) <u>RECOMMENDATION/OBSERVATION</u>

Establish standard reporting and investigating procedures for handling claims of detainee abuse.

(U) <u>CURRENT ASSESSMENT:</u>

- DoDD 5100.77 and USD(I) directives reiterate the need to report, and "how" to report abuses.
- CENTCOM issued FRAGO dealing with a set standard manner for reporting any abuse against a detainee (Coalition on Detainee, or ISF on Detainee) in theater.
- Doctrine and Training also reiterates a need to report suspected abuses.

OPR: OUSD(P)
OCR: OUSD(P)

(U) <u>FIX/ACTION/CHANGE:</u>

Fix: Need for standard procedures for identifying and reporting detainee abuse and investigating allegations that are legitimate.

Action: DoDD directives, training, doctrine, CENTCOM FRAGO's all address mandatory reporting and identification of legitimate abuse allegations.

Change: Completed

JS AMNESTY/CCR 2021

C-031P -- Clarifying Roles/Limits of Interpreters in Interrogations

(U) RECOMMENDATION/OBSERVATION

Doctrine should more clearly define the roles and limits of interpreters in interrogations (i.e., contract interpreters).

(U) CURRENT ASSESSMENT:

- USD(I) has in coordination a policy document to define doctrine and roles of interrogators.
- OUSD(P) assisting as needed.

OPR: OUSD(P)
OCR: OUSD(P)

(U) FIX/ACTION/CHANGE:

Fix: Need for clear definition of roles and limits of interpreters in the conduct of interrogations.

Action: USD(I) addressing with specific policy document.

Change: Completed

C-032P – Dissemination and Applicability of US Guidance to Coalition

(U) RECOMMENDATION/OBSERVATION

Need to clarify the applicability, coordination, dissemination, implementation of, and compliance with USG interrogation policy in Multi-National and Coalition Force operations.

(U) CURRENT ASSESSMENT:

- USD(I) has in coordination a policy document that addresses reporting and doctrine conditions regarding HUMINT collection DoDD.
- OUSD(P) assisting as needed.

OPR: OUSD(P)
OCR: OUSD(P)

(U) FIX/ACTION/CHANGE:

Fix: Need for clarity, coordination, dissemination, and compliance by all Multi-National and Coalition Forces.

Action: USD(I) addressing with specific policy document.

Change: In progress

JS AMNESTY/CCR 2023

C-034P – Training Contractors in DoD Interrogation/Detention Operations

(U) RECOMMENDATION/OBSERVATION

Establish DoD policy detailing minimum training requirements and standards for contractors supporting DoD interrogation and detention operations, including theater-specific knowledge, GC, and Law of Armed Conflict.

(U) CURRENT ASSESSMENT:

- OSD disagrees with task to Policy as OPR.
- Training for contractors in theater is operational.
- Policy discussed with LC, JS, and contractors arguably fall under Title 18 USCriminal Code) and UCMJ if offenses committed against detainees.
- Recommend Army as lead agency (Det Ops) with LC, JS input on legal matters.
- Training matters may also be addressed through dissemination of DoDD 2310.1.

(U) FIX/ACTION/CHANGE:

Fix: Need for DoD policy regarding Training for contractors supporting DoD interrogations and detention operations.

Action: Review assignment of OUSD(P) as lead OPR, suggest matter is operational and legal concern not best addressed through policy alone.

Change: In progress

OPR: OUSD(P)
OCR: OUSD(P)

JS AMNESTY/CCR 2024

C-035P – Prosecution Loopholes for DoD Contractors

(U) RECOMMENDATION/OBSERVATION

Possible loopholes exist for foreign contractors employed by non-DoD agencies that do not appear to fall under USG criminal jurisdiction purposes where it may be necessary to investigate and prosecute them for detainee abuse.

(U) CURRENT ASSESSMENT:

- OSD disagrees with task to Policy as OPR and does not believe loopholes exist.
- Training for contractors in theater is operational.
- Policy discussed with LC, JS, and contractors arguably fall under Title 18 USCriminal Code) and UCMJ if offenses committed against detainees.
- Recommend Army as lead agency (Det Ops) with LC, JS input on legal matters.

(U) FIX/ACTION/CHANGE:

Fix: Need for close alleged loopholes for foreign contractors employed by non-DoD agencies that may not fall under USG criminal jurisdiction.

Action: Review assignment of OUSD(P) as lead OPR, suggest matter is operational and legal concern.

Change: In progress

OPR: OUSD(P)
OCR: OUSD(P)

JS AMNESTY/CCR 2025

C-036P – Prosecution Loopholes for DoD Contractors

(U) RECOMMENDATION/OBSERVATION

Possible loopholes exist for foreign contractors employed by non-DoD agencies that do not appear to fall under USG criminal jurisdiction purposes where it may be necessary to investigate and prosecute them for detainee abuse.

(U) CURRENT ASSESSMENT:

- OSD disagrees with assigned task to Policy as OPR and does not believe loopholes exist.
- Training for contractors in theater is operational.
- Policy discussed with LC, JS, and contractors arguably fall under Title 18 USCriminal Code) and UCMJ if offenses committed against detainees.
- Recommend Army as lead agency (Det Ops) with LC, JS input on legal matters.

(U) FIX/ACTION/CHANGE:

Fix: Need for close alleged loopholes for foreign contractors employed by non-DoD agencies that may not fall under USG criminal jurisdiction.

Action: Review assignment of OUSD(P) as lead OPR, suggest matter is operational and legal concern.

Change: In progress

OPR: OUSD(P)
OCR: OUSD(P)

JS AMNESTY/CCR 2026

C-037P – Standard Contract Clauses for Detention-Related Operations

(U) <u>RECOMMENDATION/OBSERVATION</u>

DoD directed development of an appropriate standard clause (or set of clauses) for detention related contracts needed to ensure widespread understanding of exactly "how" DoD must exercise control over contractors in order to prevent potential detainee abuse.

(U) <u>CURRENT ASSESSMENT:</u>

- "Detention-related contract clauses" may be best addressed through LC, OGC, as they are not policy problems per se.
- To extend that standards of conduct are addressed in revised version of DoDD 2310.1, and the proposed USD(I), DoDD on HUMINT, the concerns about policy changes may be alleviated.
- Recommend OGC and LC as lead.

(U) <u>FIX/ACTION/CHANGE:</u>

Fix: Need for standard contract clauses for contractors involved in detention-related operations in order to prevent potential detainee abuse.

Action: Review assignment of OUSD(P) as lead OPR, suggest matter is mainly a legal concern.

Change: In progress

OPR: OUSD(P)
OCR: OUSD(P)

JS AMNESTY/CCR 2027

C-038P – Formalize Inter-agency Procedures re: DoD Support to OGA's

(U) RECOMMENDATION/OBSERVATION

Identify and, as required, develop formal inter-agency procedures to codify or formalize the process of DoD support to OGA's re: operations overseas.

(U) CURRENT ASSESSMENT:

- Concern has been raised by USD(P) in a memo to Deputy, NSA.

(U) FIX/ACTION/CHANGE:

Fix: Develop formal inter-agency procedures to formalize DoD support to OGA's during overseas operations.

Action: Inter-agency matter raised with Deputy, NSA.

Change: Addressed

OPR: OUSD(P)
OCR: OUSD(P)

JS AMNESTY/CCR 2028

C-039P – Develop Guidance DoD-CIA Relationship

(U) <u>RECOMMENDATION/OBSERVATION</u>

Develop guidance and implementing instructions governing the DoD-CIA relationship and cooperative intelligence gathering efforts.

(U) <u>CURRENT ASSESSMENT:</u>

- Concern has been raised by USD(P) in a memo to Deputy, NSA.
- Inter-agency coordination done through NSC-staff.

(U) <u>FIX/ACTION/CHANGE:</u>

Fix: Develop guidance and implementing instructions governing DoD-CIA relationship and cooperative intelligence gathering efforts.

Action: Inter-agency problem raised with Deputy, NSA.

Change: Addressed

OPR: OUSD(P)
OCR: OUSD(P)

JS AMNESTY/CCR 2029

C-040P – Investigating Deaths of Detainees in Armed Forces Control

(U) <u>RECOMMENDATION/OBSERVATION</u>

Lack of existing clarity for determining the proper procedures for handling examinations and documenting deaths of detainees in Armed Forces' control.

(U) <u>CURRENT ASSESSMENT:</u>

- Last DSLOC classification indicated matter as Green. Suggest closure.

(U) <u>FIX/ACTION/CHANGE:</u>

Fix: OAFME has primary jurisdiction within DoD for determining cause/manner of death, and explicitly presumes autopsies will be performed (unless otherwise determined by Armed Forces ME).

Action: SECDEF Memo "Proced. for Invest. into Deaths of Detainees in Custody of the Armed Forces of the US" (9 JUN 04), formalizes reporting requirements of detainee deaths.

OPR: OUSD(P)
OCR: OUSD(P)

Change: Addressed

JS AMNESTY/CCR 2030

Overview

Report completed

Report not completed

Results Pending

Ongoing

Comprehensive Reviews

Schlesinger:
Comprehensive Review of Detention Operations
Aug 04

Church:
Review of DOD Interrogation Ops
07 Mar 05

Church:
Gaps & Seams Report

Assessments

Ryder
Detention Operations
Nov 03

DAIG
Functional Assessment
Jul 04

Miller
Interrogation Operations
Sep 03

Navy IG
Detainee Care at GTMO
May 04

Jacoby
Detainee OPS Afghanistan
Aug 04

USAR IG
Reserve MP/MI Unit TNG

Investigations

Taguba
Investigate 800th MP BDE
Mar 04

Kern
Investigate 205th MI BDE
Aug 04

CID
Investigate Serious Crimes
On-going

Formica
Detainee Abuse By SOF
08 Nov 04

SOUTHCOM FBI Interrogation Memos
Jan 05

Other Ongoing Investigations

DAIG
Senior Accountability

Navy IG
FOIA

Surgeon General
Medical Review

Updated: 14 Mar 05

JS AMNESTY/CCR 1107

Ryder Report
160 Findings

JS AMNESTY/CCR 1108

USCENTCOM

Detainee Senior Leadership Oversight Council

27 Jan 05

CENTCOM OPENING REMARKS
USCENTCOM Participants:

BG(S) Riggle, Director, JSD
LTC (b)(6) Deputy PM/XO Detainee Tiger Team
LTC (b)(6) & CPT (b)(6) SJA

JS AMNESTY/CCR 1109

Status Definitions & CENTCOM Status to Date

- Green: Recommend Closure
- Amber: Approved Action Plan/Work In Progress
- Red: No Action/No Progress/Pending RFI
- No Fill/White: Recommend Reassignment of Lead

NOTE: Black Titles - Briefing for the first time
Blue Titles - Status change

JS AMNESTY/CCR 1110

Introductory Remarks

- ✓ Briefing CENTCOM recommendations not briefed at the last meeting
- ✓ Briefing recommendations from last meeting that have a status change
- ✓ Not prepared to brief Formica today – we sent an RFI out to TF Omaha last week to receive input - tasked by JS to add to our presentation on Friday 14 Jan 05.
- ✓ Distinction between "prisons/detention facilities" and "prisoners/ criminals/detainees/security internees"
- ✓ Need for an Interagency Strategic Plan for turning over detention facilities to Iraq and Afghanistan (correctional training, transition plan, address infrastructure issues, etc…) – CDRCENTCOM intent to transition as much as possible in 2005

JS AMNESTY/CCR 1111

Issue Title (Prison Responsibility): R-001 Ryder Near-term, Item 1a, pg 13

(U) RECOMMENDATION / OBSERVATION:

CPA MOJ Prisons Department identify clearly which facilities are or will be a part of the MOJ vice the MOI Include in this plan staffing instructions specifically identifying levels of authority, duties and pay scales for all confinement personnel. Establish memorandums of agreement between MOI and MOJ delineating each ministry's ability to utilize the other's facilities and which clearly identifies each other's responsibilities.

~~(S)~~ FIX / ACTION / CHANGE:

Fix:

Action:

Change:

~~(S)~~ CURRENT ASSESSMENT:

○ Request official relief. This appears to be a DOS /DOJ/IIG matter. Recommend J-5 lead to determine thru interagency if DOJ will address this issue.

OPR: CENTCOM
OCR:

Issue Title (Hiring Corrections Experts): R-002 Ryder Near-term, Item 1b, pg 14

(U) RECOMMENDATION / OBSERVATION:

Emphasis should be placed upon hiring the corrections experts who will assist in the development and transition of the Iraqi Correctional System. Allowing the CPA Prisons Department Staff to direct recruit or contracting with a corrections management company rather than relying on DOJ may be a more expeditious answer, at least for the training staff.

~~(S)~~ CURRENT ASSESSMENT:

◯ Request official relief. This appears to be a DOS /DOJ/ IIG matter. Recommend J-5 lead to determine thru interagency if DOJ will address this issue.

OPR: CENTCOM
OCR:

~~(S)~~ FIX / ACTION / CHANGE:

Fix:

Action:

Change:

Issue Title (Location of the Iraqi Correctional System HQ and the CPA Prisons Department): R-003 Ryder Near-term, Item 1c, pg 14

(U) RECOMMENDATION / OBSERVATION:

The Iraqi Correctional System HQ and the CPA Prisons Department need to be co-located or together more than periodically to facilitate training of the Iraqi leadership as much as possible, involving them in the restoration process. Sending the highly recruited Iraqi Correctional System Director to training in management, ethics, accounting and strategic planning will assist in the transition process, increase the perceived importance and make the position more desirable.

~~(S)~~ CURRENT ASSESSMENT:

◯ Request official relief. This appears to be a DOS /DOJ/IIG matter. Recommend J-5 lead to determine thru interagency if DOJ will address this issue.

OPR: CENTCOM

OCR:

~~(S)~~ FIX / ACTION / CHANGE:

Fix:

Action:

Change:

Issue Title (Operations and Budget Policy based on National Plan): R-004 Ryder Near-term, Item 1d, pg 14

(U) RECOMMENDATION / OBSERVATION:

Policy both operational and budget should be based on a national plan, which is centrally developed and managed, but locally administered to fit the needs of the region where it is being employed.

~~(S)~~ FIX / ACTION / CHANGE:

Fix:

Action:

Change

~~(S)~~ CURRENT ASSESSMENT:

◯ Request official relief. This appears to be a DOS /DOJ/IIG matter. Recommend J-5 lead to determine thru interagency if DOJ will address this issue and/or retask to the Policy Working Group.

OPR: CENTCOM
OCR:

Issue Title (Detainee Location/Segregation): R-005 Ryder Mid-term, Item 1e, pg 14

(U) RECOMMENDATION / OBSERVATION:

Detainees must be segregated and managed by their designation. Specifically, better control over the environment of the Security Detainees who are in various evaluative stages will increase their intelligence yield. Isolate detainees who continue to be in the evaluative process as much as possible, but at a minimum, visually segregate them from outside eyes.

~~(S)~~ FIX / ACTION / CHANGE:

(b)(2)

~~(S)~~ CURRENT ASSESSMENT:

- Request closure.

OPR: CENTCOM
OCR:

Issue Title (Consolidation of Operations): R-006 Ryder Mid-term, Item 1f, pg 14

(U) RECOMMENDATION / OBSERVATION:

Consolidate Security Internee operations by closing Camp Bucca and Trans Shipment Point (TSP) Whitford and transferring Security Internees to Abu Ghurayb and the proposed British Security Internee detention center.

~~(S)~~ CURRENT ASSESSMENT:

- Request closure.

~~(S)~~ FIX / ACTION / CHANGE:

(b)(1),(b)(5)

OPR: CENTCOM
OCR:

Issue Title (Ensure Adequate Force Requirements): R-007 Ryder Mid-term, Item 2a, pg 14

(U) RECOMMENDATION / OBSERVATION:

Once full staffing is achieved at the CPA MOJ Prisons Department, or even when the next thirty-four priority hires are complete, determine if military staff augmentation is necessary. By conducting an actual staffing requirements analysis, force requirements can be anticipated and a time line created for transition from military to civilian control that corresponds with the rotation plans of outgoing and incoming units.

~~(S)~~ CURRENT ASSESSMENT:

(b)(1),(b)(5)

~~(S)~~ FIX / ACTION / CHANGE:

Fix:

Action:

Change:

OPR: CENTCOM
OCR:

Issue Title (Develop Standard for Training to Ensure for Safe and Secure Operations):R-008 Ryder Mid-term, Item 2b, pg 14

(U) RECOMMENDATION / OBSERVATION:

Develop a standard issue for safe and secure operations of prison facilities. Take into account that the current threat environment may necessitate a more robust arsenal that may not be required once the country stabilizes. Training on all weapons and tactics to be used must be a substantial block of instruction at the corrections academy. Training records for *employees* should be developed with copies sent to the facility where a *cadre* is assigned and one maintained in a central personnel repository.

~~(S)~~ CURRENT ASSESSMENT:

(b)(1),(b)(5)

~~(S)~~ FIX / ACTION / CHANGE:

Fix:

Action:

Change:

JS AMNESTY/CCR 1119

Issue Title (Monitoring Pay Issues and Contracts): R-009 Ryder Mid-term, Item 2c, pg 15

(U) RECOMMENDATION / OBSERVATION:

Within the budget cycle, each of the ministries should submit a validated budget to MOF who would then fund the appropriate portions of the individual Ministry budgets. The funding should go to the specific ministry to be managed by that ministry and sent to the regional MOJ areas to achieve the objectives of the ministries national plan. In this way pay issues can be avoided and contracts can be monitored and paid in such a way as to provide contractor accountability to the MOJ.

~~(S)~~ CURRENT ASSESSMENT:

(b)(1),(b)(5)

~~(S)~~ FIX / ACTION / CHANGE:

Fix:

Action:

Change:

OPR: CENTCOM
OCR:

Issue Title (Lack of Consolidation and Separation): R-010 Ryder Mid-term, Item 2d, pg 15

(U) RECOMMENDATION / OBSERVATION:

Renovate all the available cells in the Abu Ghurayb complex to facilitate consolidation and separation of the different categories of detainees.

(S) FIX / ACTION / CHANGE:

(b)(2)

(S) CURRENT ASSESSMENT:

● No Change. Closed 16 Dec 04.

OPR: CENTCOM
OCR:

Issue Title (Location of Correction Officials): R-011 Ryder Mid-term, Item 2e, pg 15

(U) RECOMMENDATION / OBSERVATION:

Recruit and place civilian correctional administrators at each of the Iraqi Detention Operations to providing mentoring/oversight and hire sufficient personnel or contract to operate Iraqi Correctional Officer Training Academies.

(8) FIX / ACTION / CHANGE:

Fix:

Action:

Change:

(8) CURRENT ASSESSMENT:

○ Request official relief. This is a DOS / DOJ/ IIG matter. Recommend J-5 lead to determine thru interagency if DOJ will address this issue.

OPR: CENTCOM

OCR:

Issue Title (Unified Facility): R-012 Ryder Long-term, Item 3a, pg 15

(U) RECOMMENDATION / OBSERVATION:

Abu Ghurayb Prison complex (i.e., Baghdad Central Correctional Facility) should be the center piece of both the military mission and the eventual transfer of facilities to Iraqi control for their criminal justice system, until the new US $100 Million facility is built to International Standards at a new location. Abu Ghurayb should continue in operation to help meet anticipated future bed space requirements.

~~(S)~~ FIX / ACTION / CHANGE:

(b)(1),(b)(5)

~~(S)~~ CURRENT ASSESSMENT:

(b)(1),(b)(5)

OPR: CENTCOM
OCR:

Issue Title (Transfer of Detention Operations to the ICF): R-013 Ryder Long-term, Item 3b, pg 15

(U) RECOMMENDATION / OBSERVATION:

Transition operations at all Iraqi detention/prison facilities to the Iraqi Correctional Force with oversight by CPA MOJ Prisons Department.

~~(S)~~ FIX / ACTION / CHANGE:

(b)(1),(b)(2)

~~(S)~~ CURRENT ASSESSMENT:

◯ Request official relief. This is a DOS / DOJ/ IIG matter. Recommend J-5 lead to determine thru interagency if DOJ will address this issue.

OPR: CENTCOM
OCR:

Issue Title (Unified Facility): R-014 Ryder Long-term, Item 3c, pg 15

(U) RECOMMENDATION / OBSERVATION:

Complete construction of the 4 regional prisons is necessary to provide initial post trial capacity. A strategic plan for additional prison construction is required.

(~~S~~) FIX / ACTION / CHANGE:

(b)(1),(b)(5)

(~~S~~) CURRENT ASSESSMENT:

◯ Request official relief. This is a DOS / DOJ/ IIG matter. Recommend J-5 lead to determine thru interagency if DOJ will address this issue.

OPR: CENTCOM
OCR:

Issue Title (Remove Weapons): R-015 Ryder Near-term, Item 1a, pg 19

(U) RECOMMENDATION / OBSERVATION:

Current commanders must develop a plan to remove all weapons from the interior and close proximity of all internment/correctional facilities. This must be accomplished to prevent unnecessary loss of life in the immediate future.

(8) FIX / ACTION / CHANGE:

(b)(1),(b)(5)

(8) CURRENT ASSESSMENT:

- No Change. Closed 16 Dec 04.

OPR: CENTCOM

OCR:

Issue Title (Visitation Plan): R-016 Ryder Near-term, Item 1b, pgs 19-20

(U) RECOMMENDATION / OBSERVATION:

Current commanders must continue to develop SOPs that illustrate the basic requirements for visitation that identifies how detainees will be required to identify a list of immediate family members that they wish to receive visits from. This list should be verified, approved and made available to staff members at the facility entrance to facilitate the processing of visitors into the facility. Metal detectors should be placed at the entrances of the facilities to reduce the amount of contraband during visitation. All bags carried by visitors must be searched at the entrance. Only consumable food items that can be consumed during the visit and other times authorized by the facility commander or designated representative may be brought into visitation. This will significantly reduce the amount of contraband trafficked during visitation.

(Ø) FIX / ACTION / CHANGE:

(b)(1),(b)(5)

(Ø) CURRENT ASSESSMENT:

No Change. Closed 16 Dec 04.

OPR: CENTCOM

OCR:

Issue Title (Key Accountability): R-017 Ryder Near-term, Item 1c, pg 20

(U) RECOMMENDATION / OBSERVATION:

Current commanders must develop a plan to account for keys to facility doors, vehicles, and restraint keys. This should include as a minimum a master key roster, secure key rings, procedures for access points and a list of keys never to be allowed inside the secure areas of a facility. All vehicles that are brought into the facility must be locked and the keys secured in a central location for accountability. This must be accomplished to prevent escape attempts.

(U) FIX / ACTION / CHANGE:

(b)(2)

(U) CURRENT ASSESSMENT:

- Request Closure.

OPR: CENTCOM

OCR:

Issue Title (Tool Accountability): R-018 Ryder Near-term, Item 1d, pg 20

(U) RECOMMENDATION / OBSERVATION:

Tools used by contractors were unsecured or unsupervised inside the secure areas of facilities. Accountability for facility tools and the type and number of tools used by contractors is required.

(S) FIX / ACTION / CHANGE:

(b)(2)

(S) CURRENT ASSESSMENT:

No change. Closed 16 Dec 04.

OPR: CENTCOM

OCR:

Issue Title (Use of Guidelines): R-019 Ryder Near-term, Item 1e, pg 20

(U) RECOMMENDATION / OBSERVATION:

Continue to utilize the CPA Management of Detention and Prison Facilities program guidance and standards, tracking and Practical Guidelines for the Establishment of Correctional Services.

(~~S~~) FIX / ACTION / CHANGE:

Fix: Have an SOP for all detention operations.

Action: Both MNF-I and CFC-A have extensive SOPs IRT their respective detention facilities and operations.

Change: SOPs are now established.

(~~S~~) CURRENT ASSESSMENT:

Request Closure. DOD have their own guidelines and SOPs. Recommend DOS/DOJ develop for the prisons.

OPR: CENTCOM

OCR:

Issue Title (Facility SOPs): R-020 Ryder Near-term, Item 1f, pg 20

(U) RECOMMENDATION / OBSERVATION:

Utilize the experience of the existing MP units on the ground and the individual SOPs from the smaller supporting Iraqi facilities as well as the examples provided by the correctional assistance team as a guide to further develop the larger facility SOPs IAW AR 190-8 and local host national restrictions.

(U) FIX / ACTION / CHANGE:

MNF-I: SOP's developed with guidance from DA 31E Mission Training Team (MTT) and AR 190-8. SOPs have been published and validated and are updated as periodically as necessary.

CFC-A: Jacoby VI, c, 13. The experience of all MP units in Afghanistan as well as specialized 31E MP's are included in all CFC-A / CJTF-76 SOP's.

(U) CURRENT ASSESSMENT:

No change. Closed 16 Dec 04.

OPR: CENTCOM
OCR:

JS AMNESTY/CCR 1131

Issue Title (Training for Iraqi Correctional Officers): R-021 Ryder Near-term, Item 1g, pg 20

(U) RECOMMENDATION / OBSERVATION:

Continue to conduct training for the Iraqi correctional officers in basic confinement tasks, both in Baghdad and at remote locations.

~~(S)~~ FIX / ACTION / CHANGE:

(b)(1),(b)(5)

~~(S)~~ CURRENT ASSESSMENT:

(b)(1),(b)(5)

OPR: CENTCOM
OCR:

JS AMNESTY/CCR 1132

Issue Title (Resources and Emergency Funds): R-022 Ryder Near-term, Item 1h, pg 20

(U) RECOMMENDATION / OBSERVATION:

Visit the operating budget for each of the facilities and identify emergency funds that will allow them to properly resource needed cleaning equipment to initiate necessary maintenance requirements to facilitate a more sanitary living environment for the detainees. Initiate a program for select detainees to conduct the required daily upkeep of the living, eating and latrine facilities they are housed in to reduce idleness and improve the sanitary conditions and maintenance of the facilities.

(Ø) CURRENT ASSESSMENT:

Work in progress for DOD facilities. Recommend DOJ work with Iraqi prison officials for establishment of operations/maintenance budgets for Iraqi detention facilities.

(Ø) FIX / ACTION / CHANGE:

Fix: Establish operating budget for maintenance of the facilities.

Action: Currently assessing the inequities across the AOR in regards to the operating budget for maintenance and detention operations.

Change: Ensure budget process in place IOT have adequate operating budget for operations.

OPR: CENTCOM

OCR:

Issue Title (Judicial Process): R-023 Ryder Near-term, Item 1i, pg 20

(U) RECOMMENDATION / OBSERVATION:

CPA MOJ must direct the court to go to the facilities to expedite the judicial process, temporarily.

~~(S)~~ FIX / ACTION / CHANGE:

(b)(1),(b)(5)

~~(S)~~ CURRENT ASSESSMENT:

(b)(1),(b)(5)

OPR: CENTCOM
OCR:

Issue Title (Detainee Location and Segregation): R-024 Ryder Near-term, Item 1j, pg 20

(U) RECOMMENDATION / OBSERVATION:

Initiate procedures for segregating Detainees into separate buildings if and where available, based on category of detainee, sex, untried or sentenced, and severity of offense.

~~(S)~~ FIX / ACTION / CHANGE:

(b)(1),(b)(5)

~~(S)~~ CURRENT ASSESSMENT:

- Request Closure.

OPR: CENTCOM
OCR:

Issue Title (Database Management): R-025 Ryder Near-term, Item 1k, pg 21

(U) RECOMMENDATION / OBSERVATION:

Continue to maintain the excel spreadsheet developed by the 800th MP Bde, and distribute it to all sites that are not currently using this database. Review the Arabic excel database being utilized at the 400th MP Bn facilities, make all necessary corrections and distribute to all facilities.

~~(S)~~ FIX / ACTION / CHANGE:

(b)(1),(b)(5)

~~(S)~~ CURRENT ASSESSMENT:

No Change. Closed 16 Dec 04.

OPR: CENTCOM
OCR:

JS AMNESTY/CCR 1136

Issue Title (Intelligence Determinations): R-026 Ryder Mid-term, Item 1L, pg 21

(U) RECOMMENDATION / OBSERVATION:

MI and Legal should make intelligence determinations. A vulnerability or threat assessments, on each SI should also be accomplished. Where no intelligence or interrogation interest is found and the individual is determined to be of no intelligence value and low threat (NOLOW), the NOLOW individual should be paroled on condition of no further anti-coalition activity. Those who continue to pose a threat or are of sufficient intelligence/interrogation value will continue to be detained until US/Coalition forces reclassify their status.

~~(S)~~ FIX / ACTION / CHANGE:

(b)(1),(b)(5)

~~(S)~~ CURRENT ASSESSMENT:

- Request Closure.

OPR: CENTCOM
OCR:

R-027 OIF 2 Training

(U) RECOMMENDATION/OBSERVATION:

- Request OIF 2 forces designated for I/R operations to receive the same corrections program of instruction as those units deploying to GTMO.
- Expand requirement to include applicable forces from all Services

(U) CURRENT ASSESSMENT:

- Standard training package already developed and provided to all personnel designated for detainee operations.
- MPs from all Services already receiving training as required
- Combine and track with R-032

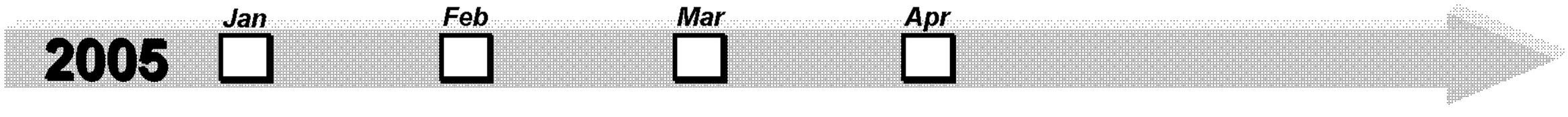
OPR: Joint Staff J-7
OCR: Army, JFCOM

(U) FIX/ACTION/CHANGE:

Fix: Provide common training to forces from all Services with theater detainee operations requirements.

Action: Distribute standard training package developed by Army.

Change: Policy/Organizations/ Training



JS AMNESTY/CCR 1138

Issue Title (Hardware for BATS): R-028 Ryder Mid-term, Item 2a, pg 21

(U) RECOMMENDATION / OBSERVATION:

CPA with MOJ should purchase the necessary badge printers, card readers and additional hardware for the SATS or similar system, and positively identify contractors and workers as they enter the facilities. The system can also be used to bar personnel from the facilities. Annex E has a draft screening SOP. BATS Fielding Plan, and Badging Matrix that can be adapted for this theater.

~~(S)~~ CURRENT ASSESSMENT:

Request closure. This is a DOS / DOJ / IIG matter. Recommend J-5 lead to determine thru interagency if DOJ will address this issue.

OPR: CENTCOM
OCR:

~~(S)~~ FIX / ACTION / CHANGE:

Fix: MOJ should purchase the necessary hardware/badge printers to positively identify contractors and workers for access to detention facilities.

(b)(1),(b)(5)

JS AMNESTY/CCR 1139

Issue Title (Facility SOPs/Visitation): R-029 Ryder Mid-term, Item 2b, pg 21

(U) RECOMMENDATION / OBSERVATION:

CPA with MOJ should further develop each facility SOP to delineate all procedures for visitation to include literature to be given to the families of the detainees explaining the rules of the facility during visitation to help expedite this process as well as significantly reduce the amount of contraband being trafficked during visitation.

(~~S~~) FIX / ACTION / CHANGE:

Fix: MOJ should develop each facility SOP to delineate all procedures for visitation

Action: DOD has addressed this issue and fixed same for DOD facilities. MOJ should do same for the Iraqi facilities.

Change: Ensure appropriate visitation procedures in place for Iraqi detention facilities

(~~S~~) CURRENT ASSESSMENT:

Request closure. This is a DOS / DOJ / IIG matter. Recommend J-5 lead to determine thru interagency if DOJ will address this issue.

OPR: CENTCOM
OCR:

Issue Title (Emergency Action Plan): R-030 Ryder Mid-term, Item 2c, pg 21

(U) RECOMMENDATION / OBSERVATION:

CPA and MOJ should work hand in hand with the current MP units within the facilities to develop an Emergency Action Plan (EAP) that not only delineates where weapons are stored but how they will be employed during an emergency within the facility.

~~(S)~~ FIX / ACTION / CHANGE:

(b)(2)

~~(S)~~ CURRENT ASSESSMENT:

Request closure. This is a DOS / DOJ / IIG matter. Recommend J-5 lead to determine thru interagency if DOJ will address this issue.

OPR: CENTCOM
OCR:

JS AMNESTY/CCR 1141

Issue Title (Key Control): R-031 Ryder Mid-term, Item 2d, pg 21

(U) RECOMMENDATION / OBSERVATION:

CPA and MOJ should work hand in hand with the current MP units within the facilities to develop an effective key control plan that not only delineates where keys are stored but how they will be employed at each specific location ie: (post orders).

(S) FIX / ACTION / CHANGE:

(b)(1),(b)(5)

(S) CURRENT ASSESSMENT:

(b)(1),(b)(5)

OPR: CENTCOM
OCR:

JS AMNESTY/CCR 1142

R-032 Continuing Detailed Training

(U) RECOMMENDATION/OBSERVATION:

- Continue to provide more detailed instructions in areas, such as discipline, instruments of restraint, and treatment of prisoners awaiting trial as well as those that are post trial.
- Expand requirement to include applicable forces from all Services

(U) CURRENT ASSESSMENT:

- Standard training package already developed and provided to all personnel designated for detainee operations.
- MPs from all Services already receiving training as required
- Combine and track with R-027

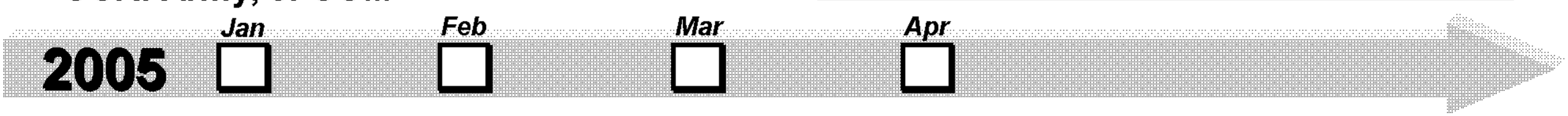
OPR: Joint Staff J-7
OCR: Army, JFCOM

(U) FIX/ACTION/CHANGE:

Fix: Provide common training to forces from all Services with theater detainee operations requirements.

Action: Distribute standard training package developed by Army.

Change: Policy/Organizations/ Training



JS AMNESTY/CCR 1143

Issue Title (Leadership): R-033 Ryder Mid-term, Item 2f, pg 22

(U) RECOMMENDATION / OBSERVATION:

Commanders publish and enforce these policies and procedures through the NCO support channel to facilitate their efficiency and reduce the fostering of complacency.

(S) FIX / ACTION / CHANGE:

(b)(2)

CFC-A: Jacoby VII, a, 18. The MP and MI NCO leadership in Afghanistan are thoroughly trained on all policies and procedures.

(S) CURRENT ASSESSMENT:

No change. Closed 16 Dec 04.

OPR: CENTCOM
OCR:

JS AMNESTY/CCR 1144

Issue Title (Iraqi Run Programs): R-034 Ryder Mid-term, Item 2g, pg 22

(U) RECOMMENDATION / OBSERVATION:

With the assistance of the CPA allow the National Public Safety Training Academy and Regionalized In-Service Training Programs to transition more towards exclusively Iraqi run and continue to develop a more comprehensive tiered training Program of Instruction.

~~(S)~~ FIX / ACTION / CHANGE:

Fix:

Action:

Change:

~~(S)~~ CURRENT ASSESSMENT:

Request official relief. This is a DOS / DOJ / IIG matter. Recommend J-5 lead to determine thru interagency if DOJ will address this issue and/or retask to the Policy Working Group.

OPR: CENTCOM

OCR:

Issue Title (Lack of Instruction for Correctional Officers): R-035 Ryder Mid-term, Item 2h, pg 22

(U) RECOMMENDATION / OBSERVATION:

CPA and the MOJ must continue to further develop a more comprehensive tiered training Program of Instruction. This plan should include a method of increasing the graduation rate to meet the system cadre requirements. Allow the CPA and MOJ to plan a more comprehensive training program with input from the Iraqi Correctional Officers currently employed to help the Iraqi people feel that they are apart of the building of their future as well as what the follow-up training requirements should be. This plan should allow for a reduced estimated timeline for the end-state of the in-service training requirement to encompass more than the original 30,000 correctional employees.

~~(S)~~ FIX / ACTION / CHANGE:

Fix:

Action:

Change:

~~(S)~~ CURRENT ASSESSMENT:

○ Request official relief. This is a DOS / DOJ / IIG matter. J-5 lead to determine thru interagency if DOJ will address this issue, per matrix.

OPR: CENTCOM
OCR:

Issue Title (Standards and Work Prioritization): R-036 Ryder Mid-term, Item 2i, pg 22

(U) RECOMMENDATION / OBSERVATION:

The CPA along with the MOJ need to take responsibility for establishing standards and prioritizing work projects being conducted at the facilities.

(S) CURRENT ASSESSMENT:

◯ Request official relief. This is a DOS / DOJ / IIG matter. Recommend J-5 lead to determine thru interagency if DOJ will address this issue and/or retask to the Policy Working Group (need OSD Policy-guidance on work projects).

OPR: CENTCOM
OCR:

(S) FIX / ACTION / CHANGE:

Fix: MOJ need to take responsibility for establishing standards and prioritizing work projects.

(b)(2)

JS AMNESTY/CCR 1147

Issue Title (Vehicle for Transporting Detainees): R-037 Ryder Mid-term, Item 2j, pg 22

(U) RECOMMENDATION / OBSERVATION:

CPA along with the MOJ must develop a plan to contract more vehicles to move the detainees where required with a combination of Iraqi Correctional Officers and US Army escorts.

(S) FIX / ACTION / CHANGE:

Fix: MOJ must develop a plan to contract more vehicles to move detainees.

(b)(2)

(b)(2),(b)(5)

(S) CURRENT ASSESSMENT:

Request closure. This is a DOS / DOJ / IIG matter. Recommend J-5 lead to determine thru interagency if DOJ will address this issue.

OPR: CENTCOM
OCR:

JS AMNESTY/CCR 1148

Issue Title (Allocate Emergency Funds): R-038 Ryder Mid-term, Item 2k, pg 22

(U) RECOMMENDATION / OBSERVATION:

Visit the operating budget for each of the facilities and identify emergency funds that will allow them to allocate funding for completion of existing construction of identified Regional Facilities for those sentenced detainees. Conduct a survey of current facility capacities to determine future facility housing requirements.

(~~S~~) CURRENT ASSESSMENT:

(b)(1),(b)(5)

OPR: CENTCOM
OCR:

(~~S~~) FIX / ACTION / CHANGE:

Fix: Establish operating budget for existing construction identified in the facilities for sentenced detainees.

(b)(2),(b)(5)

Change: Ensure budget process in place IOT have adequate operating budget for operations and construction.

Issue Title (Clarity in Visitation Policy): R-039 Ryder Long-term, Item 3a, pg 22

(U) RECOMMENDATION / OBSERVATION:

CPA with MOJ should work together with the families of the detainees to identify any questions they may have regarding visitation this will facilitate a better relationship between the Iraqi Department of Corrections and the local community.

(~~S~~) FIX / ACTION / CHANGE:

Fix: MOJ should develop each facility SOP to delineate all procedures for visitation.

Action: CENTCOM has established policy and has addressed this issue and fixed same for DOD facilities. MOJ should do same for the Iraqi facilities.

Change: Ensure appropriate visitation procedures in place for Iraqi detention facilities

(~~S~~) CURRENT ASSESSMENT:

Request closure. This is a DOS / DOJ / IIG matter. Recommend J-5 lead to determine thru interagency if DOJ will address this issue and/or retask the Policy Working Group.

OPR: CENTCOM
OCR:

Issue Title (Test of the EAP): R-040 Ryder Long-term, Item 3b, pg 22

(U) RECOMMENDATION / OBSERVATION:

CPA and MOJ should work hand in hand with the current MP units within the facilities to develop a mechanism to conduct tests of the EAP to use as an assessment of the facilities capabilities to react appropriately during any disturbance within the facility.

(S) FIX / ACTION / CHANGE:

(b)(1),(b)(2),(b)(5)

(S) CURRENT ASSESSMENT:

Request closure. This is a DOS / DOJ / IIG matter. Recommend J-5 lead to determine thru interagency if DOJ will address this issue.

OPR: CENTCOM
OCR:

JS AMNESTY/CCR 1151

Issue Title (Lack of Mechanism to Conduct Vulnerability Tests: R-041 Ryder Long-term, Item 3c, pg 23

(U) RECOMMENDATION / OBSERVATION:

CPA and MOJ should work hand in hand with the current MP units within the facilities to develop a mechanism to conduct vulnerability tests of the facility to use as an assessment of the staffs capabilities to react appropriately during any incident within the facility.

(~~S~~) CURRENT ASSESSMENT:

Request closure. This is a DOS / DOJ / IIG matter. Recommend J-5 lead to determine thru interagency if DOJ will address this issue.

OPR: CENTCOM
OCR:

(~~S~~) FIX / ACTION / CHANGE:

(b)(2),(b)(5)

(b)(2)

Change: Ensures leaders and soldiers are confident in SOPs and abilities to react to situations in the facility.

Issue Title (Adopt Lessons Learned): R-042 Ryder Long-term, Item 3d, pg 23

(U) RECOMMENDATION / OBSERVATION:

Conduct assessments of the program in an attempt to acquire any updated practical correctional practices that will assist the system in continuing to maintain its goals.

(S) CURRENT ASSESSMENT:

- Request closure.

OPR: CENTCOM
OCR:

(S) FIX / ACTION / CHANGE:

Fix: Conduct assessments of the detainee program.

Action: CENTCOM FRAGO 09-707, Detainee Operation Responsibilities, released 20 Jan 05. Requires multi-disciplined assessment team visit theater detention facilities across the AOR to ensure standards are being met.

Change: Allows higher headquarters assessment to ensure standards, policies and procedures are being followed.

Issue Title (SOPs Translated into Arabic/Correctional Training in the ICS): R-043 Ryder Long-term, Item 3e, pg 23

(U) RECOMMENDATION / OBSERVATION:

Through the combined effort of the CPA and the MOJ they should continue to work conjointly to continue the further development of a more comprehensive and consistent method of running all of the facilities by having all SOPs translated into Arabic and added as part of the In-Service portion of the correction training program to assist in the transformation of control of each facility to the Iraqi Correctional System.

(S) FIX / ACTION / CHANGE:

Fix:

Action:

Change:

(S) CURRENT ASSESSMENT:

◯ Request official relief. This is a DOS / DOJ / IIG matter. Recommend J-5 lead to determine thru interagency if DOJ will address this issue.

OPR: CENTCOM
OCR:

Issue Title (Application versus Training ICS): R-044 Ryder Long-term, Item 3f, pg 23

(U) RECOMMENDATION / OBSERVATION:

Conduct an annual assessment of the quality of training provided by the National Public Safety Training Academy and Regionalized In-Service Training Programs to identify any trends in application verses training that may be beneficial to future trainees.

(S) FIX / ACTION / CHANGE:

Fix:

Action:

Change:

(S) CURRENT ASSESSMENT:

◯ Request official relief. This is a DOS / DOJ / IIG matter. Recommend J-5 lead to determine thru interagency if DOJ will address this issue. J-5 tasked to clarify the requirement, per matrix.

OPR: CENTCOM
OCR:

JS AMNESTY/CCR 1155

Issue Title (Quality of Training ICS): R-045 Ryder Long-term, Item 3g, pg 23

(U) RECOMMENDATION / OBSERVATION:

Conduct an annual assessment of the quality of training programs to identify any trends in application verses training that may be beneficial to future trainees. And make the necessary adjustments to the training programs to ensure that not only the initial training is of quality but also the mid-level and upper level management training programs are consistent with the ever changing Iraqi Correctional System.

(S) CURRENT ASSESSMENT:

○ Request official relief. This is a DOS / DOJ / IIG matter. Recommend J-5 lead to determine thru interagency if DOJ will address this issue.

(S) FIX / ACTION / CHANGE:

Fix:

Action:

Change:

OPR: CENTCOM
OCR:

JS AMNESTY/CCR 1156

Issue Title (Contract Oversight): R-046 Ryder Long-term, Item 3h, pg 23

(U) RECOMMENDATION / OBSERVATION:

CPA and MOJ must establish statements of work (written contracts) for the contractors and effectively manage the work that is contracted.

(S) FIX / ACTION / CHANGE:

Fix:

Action:

Change:

(S) CURRENT ASSESSMENT:

Request closure. This is a DOS / DOJ / IIG matter. Recommend J-5 lead to determine thru interagency if DOJ will address this issue.

OPR: CENTCOM
OCR:

JS AMNESTY/CCR 1157

Issue Title (Hearings/Transportation of Detainees): R-047 Ryder Long-term, Item 3i, pg 23

(U) RECOMMENDATION / OBSERVATION:

The MOJ must develop a plan with the CPA that will allow for the hearings to be conducted at or near the correctional facilities to decrease transportation requirements and speed up the legal process. Furthermore, where possible, establish future court buildings adjacent to these facilities to decrease the transportation requirements. Establish a transportation section within the Iraqi, Department of Corrections with the sole purpose of transportation of detainees.

~~(S)~~ CURRENT ASSESSMENT:

Request closure. This is a DOS / DOJ / IIG matter. Recommend J-5 lead to determine thru interagency if DOJ will address this issue. No system currently in place in Afghanistan.

OPR: CENTCOM
OCR:

~~(S)~~ FIX / ACTION / CHANGE:

Fix:

Action:

Change:

Issue Title (Allocation of Funds): R-048 Ryder Long-term, Item 3j, pg 23

(U) RECOMMENDATION / OBSERVATION:

CPA along with the MOJ must develop a plan that will allocate funding for the construction of additional Regional facilities to meet capacity requirements.

~~(S)~~ FIX / ACTION / CHANGE:

(b)(1),(b)(5)

~~(S)~~ CURRENT ASSESSMENT:

(b)(1),(b)(5)

OPR: CENTCOM
OCR:

JS AMNESTY/CCR 1159

Issue Title (Set Conditions for OIF Success): R-049 Ryder Near-term, Item 1a, pg 27

(U) RECOMMENDATION / OBSERVATION:

Set the conditions for success of OIF 2 forces. As the 800th MP Bde structure contracts, identify those missions that require U.S. military police (e.g., HVD, "inside-the-wire" detention of Security Internees, MEK), only U.S. or Coalition Security Forces (e.g., force protection, facility defense, escort, etc.), and Iraqi personnel (i.e., criminal detainees). Array forces and program MP, security forces, and programs to train Iraqis against the respective missions.

~~(S)~~ FIX / ACTION / CHANGE:

(b)(1),(b)(5)

~~(S)~~ CURRENT ASSESSMENT:

(b)(1),(b)(5)

OPR: CENTCOM
OCR:

JS AMNESTY/CCR 1160

Issue Title (Consolidation of Detainees): R-050 Ryder Near-term, Item 1b, pg 27

(U) RECOMMENDATION / OBSERVATION:

Consolidate all security internees at the Abu Ghurayb complex (Camp Vigilant and Camp Ganci), except HVDs. Close Camp Bucca and TSP Whitford. The mission now, and in at least the mid-term period, will require one MP (I/R) Bn, with one MP Guard company, on MP Combat Support company, and two companies to perform exterior security and force protection. This unit could also provide monitoring support of the Baghdad Central Correctional Facility. This COA does carry risk, as Camp Ganci and Vigilant are temporary' "tent" internment facilities built on an EPW model. The less disciplined, more malicious, and often predatorily security intemees will likely take advantage of the less stringent security measures inherent in this type of facility. A hardened medium or maximum security detention facility would greatly mitigate this risk.

~~(S)~~ FIX / ACTION / CHANGE:

(b)(1),(b)(5)

~~(S)~~ CURRENT ASSESSMENT:

- Request closure.

OPR: CENTCOM
OCR:

Issue Title (HVD Facility): R-051 Ryder Near-term, Item 1c, pg 28

(U) RECOMMENDATION / OBSERVATION:

Identify a new location for the HVD facility (recommendation for location classified), and continue to source one MP (I/R) Bn with an MP Combat Support Company. This unit should also provide monitoring support of the Baghdad Jails and support to the CPA MOJ Prisons Department.

~~(S)~~ FIX / ACTION / CHANGE:

(b)(1),(b)(5)

~~(S)~~ CURRENT ASSESSMENT:

- Request closure.

OPR: CENTCOM
OCR:

JS AMNESTY/CCR 1162

Issue Title (Training and Resources): R-052 Ryder Near-term, Item 1d, pg 28

(U) RECOMMENDATION / OBSERVATION:

Continue to source one MP (I/R) Bn to secure the MEK Ashraf compound and continue to augment the MP Guard Company with MP Combat Support platoons until the company is replace with an MP Combat Support Company.

(S) FIX / ACTION / CHANGE:

(b)(1),(b)(5)

(S) CURRENT ASSESSMENT:

Request Closure.

OPR: CENTCOM
OCR:

Issue Title (Training and Resources): R-053 Ryder Near-term, Item 1e, pg 28

(U) RECOMMENDATION / OBSERVATION:

Continue to support the establishment of Iraqi prisons in the MND South Central sector and the 101st Abn (AA) Div AOs, till units depart in April 2003.

(S) FIX / ACTION / CHANGE:

(b)(1),(b)(5)

(S) CURRENT ASSESSMENT:

- Request Closure.

OPR: CENTCOM
OCR:

Issue Title (Poor Screening Procedures): R-054 Ryder Near-term, Item 1f, pg 28

(U) RECOMMENDATION / OBSERVATION:

Strongly recommend modification of the Abu Ghurayb Master Facilities Plan to refurbish the Southwest compound for the security internees (capacity 5,000 to 7,000 in individual and secure dorm-type rooms), the Northeast compound to assume the Camp Vigilant detention and screening mission (capacity 1600 in a maximum security setting). Convert the entire Southwest compound over to the MOJ CPA for use as the Baghdad Central Correctional Facility (capacity 2080 with hospital facility, inmate industries, and warehouses), and place soldier living and support facilities in the Northwest quadrant of the complex (see Diagram #1).

(S) FIX / ACTION / CHANGE:

(b)(1),(b)(5)

(S) CURRENT ASSESSMENT:

No change. Closed 16 Dec 04.

OPR: CENTCOM
OCR:

R-055 Align the Release Process of Security Internees w/ DoD Policy

(U) RECOMMENDATION/OBSERVATION

- The release process for security internees is not consistent with DoD Policy.

(U) CURRENT ASSESSMENT:

- USD (P) will coordinate with OSD, Army and other service components to harmonize policies and issue new guidance viz. 2320.1 and AR 190-8

OPR: USD (P)

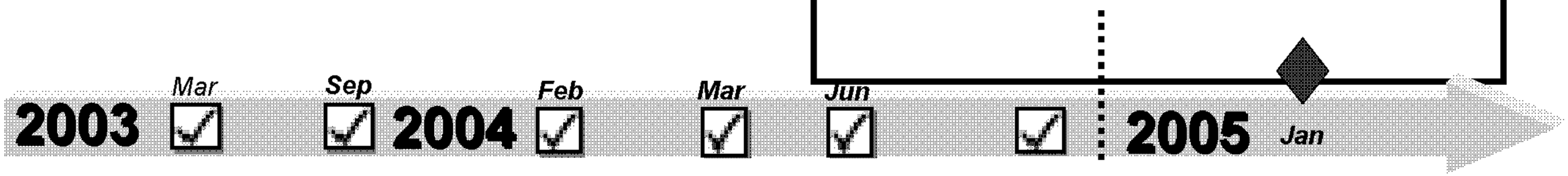
OCR: USD (P)

(U) FIX/ACTION/CHANGE:

Fix: Policy alignment required

Action: Align policy

Change: Issue new DoDD directives and rewrite 190-8 to reflect changes



JS AMNESTY/CCR 1166

Issue Title (Scope of Intelligence Collection): R-056 Ryder Near-term, Item 1h, pg 28

(U) RECOMMENDATION / OBSERVATION:

Determine the scope of intelligence collection that will occur at Camp Vigilant. Refurbish the Northeast compound to separate the screening operation from the Iraqi-run Baghdad Correctional facility. Establish procedures that define the role of military police soldiers securing the compound, clearly separating the actions of the guards from those of the military intelligence personnel.

~~(S)~~ FIX / ACTION / CHANGE:

(b)(1),(b)(5)

~~(S)~~ CURRENT ASSESSMENT:

- Request Closure.

OPR: CENTCOM
OCR:

JS AMNESTY/CCR 1167

Issue Title (Lessons Learned): R-057 Ryder Near-term, Item 1i, pg 28

(U) RECOMMENDATION / OBSERVATION:

The 800th MP (I/R) Bde and other MP units should actively gather lessons learned, and forward those observations to the United States Military Police School (USAMPS).

~~(S)~~ FIX / ACTION / CHANGE:

(b)(1),(b)(5)

~~(S)~~ CURRENT ASSESSMENT:

(b)(1),(b)(5)

OPR: CENTCOM
OCR:

JS AMNESTY/CCR 1168

Issue Title (Adequate C2): R-058 Ryder Mid-term, Item 2a, pg 29

(U) RECOMMENDATION / OBSERVATION:

All Security Internee operations, except the MEK security mission, be consolidated under a single Military Police Brigade Headquarters for OIF 2. This Brigade can also provide command and control of other MP Combat Support Battalions, performing other battlefield missions and stability and support operations.

~~(S)~~ FIX / ACTION / CHANGE:

(b)(1),(b)(5)

~~(S)~~ CURRENT ASSESSMENT:

No Change. Closed 16 Dec 04.

OPR: CENTCOM
OCR:

JS AMNESTY/CCR 1169

Issue Title (OIF C2): R-059 Ryder Mid-term, Item 2b, pg 29

(U) RECOMMENDATION / OBSERVATION:

Insist that all units identified to rotate into the Iraqi Theater of Operations (ITO) to conduct internment and confinement operations in support of OIF 2 be organic to CJTF-7.

~~(S)~~ FIX / ACTION / CHANGE:

(b)(1),(b)(5)

~~(S)~~ CURRENT ASSESSMENT:

(b)(1),(b)(5)

OPR: CENTCOM
OCR:

Issue Title (Abu Ghurayb Security): R-060 Ryder Mid-term, Item 2c, pg 30

(U) RECOMMENDATION / OBSERVATION:

Assign to a MP Combat Support Brigade two MP (I/R) Battalion HHC, two MP Combat Support companies, one MP Guard company, and two general companies to provide security at the Abu Ghurayb complex.

~~(S)~~ FIX / ACTION / CHANGE:

(b)(1),(b)(5)

~~(S)~~ CURRENT ASSESSMENT:

No change. Closed 16 Dec 04.

OPR: CENTCOM
OCR:

Ryder-061

OPR: Army
Presented: 16 Dec 04
Status: Amber

Ryder-062

OPR: Army
Presented: 16 Dec 04
Status: Amber

Issue Title (Renovation of Facilities): R-063 Ryder Mid-term, Item 2f, pg 30

(U) RECOMMENDATION / OBSERVATION:

Approved projects for the completion of renovations at the Baghdad Central Correctional Facility must be completed in order to expand its maximum capacity and allow for the transfer of all criminal detainees from Camp Ganci into the Iraqi run facility. Because of the proximity of Camp Vigilant to the BCCF all of the security detainees currently being held there must be moved prior to the opening of the wings currently being refurbished. In order to move those prisoners, who are for the most part being actively exploited by the JDIC, a new facility must be established within the Abu Ghurayb compound, or at a minimum additional segregation capability be built into Camp Ganci.

~~(S)~~ FIX / ACTION / CHANGE:

(b)(1),(b)(5)

~~(S)~~ CURRENT ASSESSMENT:

- No change. Closed 16 Dec 04.

OPR: CENTCOM
OCR:

Issue Title (Adequate Sourcing): R-064 Ryder Mid-term, Item 2g, pg 30

(U) RECOMMENDATION / OBSERVATION:

Continue to source one MP (I/R) Bn with an MP Combat Support Company. This unit should also provide monitoring support of the Baghdad Jails and support to the CPA MOJ Prisons Department. Augment this mission with one squad of Active Component 95C/31E soldiers, similar to augmentation provided the Bagram Short Term Holding Facility.

~~(S)~~ FIX / ACTION / CHANGE:

(b)(1),(b)(5)

~~(S)~~ CURRENT ASSESSMENT:

● Request Closure

OPR: CENTCOM
OCR:

Issue Title (Adequate Sourcing and C2): R-065 Ryder Mid-term, Item 2h, pg 30

(U) RECOMMENDATION / OBSERVATION:

Continue to source one MP (I/R) Bn to secure the MEK Ashraf compound and replace the MP Guard Company with MP Combat Support Company. Place the Battalion OPCON to the Maneuver unit responsible for the AO.

~~(S)~~ FIX / ACTION / CHANGE:

(b)(1),(b)(5)

~~(S)~~ CURRENT ASSESSMENT:

- Request Closure

OPR: CENTCOM
OCR:

Ryder-066

OPR: Army
OCR: JFCOM
Presented: 16 Dec 04
Status: Amber

Issue Title (Iraqi Criminals to ICS): R-067 Ryder Long-term, Item 3, pg 31

(U) RECOMMENDATION / OBSERVATION:

Ultimately all criminal detainees should be handed over to the Iraqi criminal system with monitoring and oversight performed by representatives from the CPA advisory staff. U.S. forces will solely be responsible for the internment of high value detainees and security internees until such a time as they have all been screened and released or other determination is made as to their status.

(S) CURRENT ASSESSMENT:

Request closure. Judicial system in Afghanistan in initial phases of development. This is a DOS / DOJ / IIG matter. Recommend J-5 lead to determine thru interagency if DOJ will address this issue.

OPR: CENTCOM
OCR:

(S) FIX / ACTION / CHANGE:

Fix: Criminals should be handed over to the Iraqi criminal system.

(b)(1),(b)(5)

Issue Title (Effective Judicial System): R-068 Ryder Near-term, Item 1a, pg 34

(U) RECOMMENDATION / OBSERVATION:

The success of the Iraqi prison system (IPS) is dependent upon the integrated and strategic planning through several phases of transition from military to Coalition Provisional Authority, to a self-sufficient Iraqi system. There are several main themes essential to the effective strategic planning for these transformations. System capacity, personnel plans and requirements, among these central themes. Attention to each of the interactive parts of the justice system is required for eventual effective transfer of the prison operations to an independent system.

~~(S)~~ CURRENT ASSESSMENT:

Request Closure. Judicial system in Afghanistan in initial phases of development. J-5 determine DOJ involvement in the IIG judicial system, per matrix 11 Jan 05.

OPR: CENTCOM

OCR:

~~(S)~~ FIX / ACTION / CHANGE:

(b)(2)

(b)(5)

JS AMNESTY/CCR 1179

Issue Title (Magistrate Hearings): R-069 Ryder Near-term, Item 1b, pg 34

(U) RECOMMENDATION / OBSERVATION:

The courts must begin processing larger numbers of magistrate hearings. These initial hearings could be conducted at the prison sites. Transportation and security requirements are greatly reduced and attendant force protection and security requirements can be better identified.

(~~S~~) FIX / ACTION / CHANGE:

(b)(1),(b)(5)

(~~S~~) CURRENT ASSESSMENT:

(b)(1),(b)(5)

OPR: CENTCOM
OCR:

Issue Title (Integration of IZ Leadership in Corrections System):R-070 Ryder Near-term, Item 1c, pg 34

(U) RECOMMENDATION / OBSERVATION:

Full integration of the Iraqi leadership in the planning and development of the corrections system and other areas of the Justice System is essential to comprehensive strategic planning. The weekly meeting should consider refocusing their discussions on policy, budget, planning, benchmarking and quality checks related to those benchmarks. Attendance should include only the stakeholders from the Prisons Department, Courts, Juvenile System Police, and their Iraqi counterparts. Weekly reports from the facility locations could be sent the day prior for discussion as part of a specific agenda. Educating the Iraqi system's eventual leadership in areas of system management, operations, security, custody, and control techniques is also necessary. There are several very good international corrections management-training locations available (fore example, Kings College of England or the National Institute of Corrections). The system leadership should become involved in national and international corrections associations as a resource for information and future assistance. Planning and implementation must be an integrated process between the military, CPA and the emerging Iraqi Prison System.

(U) FIX / ACTION / CHANGE:

Fix:

Action:

Change:

(U) CURRENT ASSESSMENT:

○ Request official relief. This is a DOS / DOJ / IIG matter. Recommend J-5 lead to determine thru interagency if DOJ will address this issue.

OPR: CENTCOM
OCR:

Issue Title (Self-Sustainment by ICS): R-071 Ryder Near-term, Item 1d, pg 35

(U) RECOMMENDATION / OBSERVATION:

Facility supervisory transitions cannot be driven by when a facility is "certified ready," but military necessity provides the first benchmark from which all other points of transition (training pace, facility renovation schedule and Iraqi prison personnel employment within the facilities) flow. There will be a natural tendency towards extended reliance on the military assets, however, planning must be accomplished on pace with the rotation rhythm of the military assets. To do otherwise creates potential for a lethargic dependency and gaps is coverage, both of which will slow the progress of the immerging system. CPA MOJ Prisons Department and 800th MP BDE planners should meet weekly, following the general Prison meeting, to integrate transition plan away from the military presence to CPA and an independent self-sustaining system.

~~(S)~~ FIX / ACTION / CHANGE:

Fix:

Action:

Change:

~~(S)~~ CURRENT ASSESSMENT:

◯ Request official relief. This is a DOS / DOJ / IIG matter. Recommend J-5 lead to determine thru interagency if DOJ will address this issue.

OPR: CENTCOM
OCR:

JS AMNESTY/CCR 1182

Issue Title (Staff Augmentation): R-072 Ryder Mid-term, Item 2a, pg 35

(U) RECOMMENDATION / OBSERVATION:

Replace the staff augmentation at CPA MOJ Prisons Department with a small Liaison Cell from the MP Combat Support Brigade responsible for the security internee mission.

~~(S)~~ FIX / ACTION / CHANGE:

OBE – no longer a requirement.

~~(S)~~ CURRENT ASSESSMENT:

- Request Closure.

OPR: CENTCOM
OCR:

Issue Title (Required Number of ICS Officers): R-073 Ryder Mid-term, Item 2b, pg 35

(U) RECOMMENDATION / OBSERVATION:

CPA MOJ should conduct a staffing analysis, based upon the Iraqi cultural patterns. Once a required number of correctional officers is established, CPA should prioritize staff efforts to recruit and train, similar to those actions being taken with the Iraqi police. This becomes critical as the reconstruction projects are completed at the larger regional correctional facilities.

(S) CURRENT ASSESSMENT:

○ Request official relief. This is a DOS / DOJ / IIG matter. Recommend J-5 lead to determine thru interagency if DOJ will address this issue, per matrix 11 Jan 05.

OPR: CENTCOM
OCR:

(S) FIX / ACTION / CHANGE:

Fix:

Action:

Change:

JS AMNESTY/CCR 1184

Issue Title (Training Capacity for IIG Corrections): R-074 Ryder Mid-term Item 2c, pg 35

(U) RECOMMENDATION / OBSERVATION:

Background checks are a critical aspect of the prison employment process. The potential for abuse, corruption and threat to public safety is such that extreme attention must be paid. Due to the high number of cadre required, the length of the vetting process and the comprehensive training it is recommended that the training program must increase its graduation pace (i.e., greater capacity, not a shorter course). The training academy program should soon move from dependency upon military assets to a robust CPA program or consideration of a contract training program through one of the many companies who specialize in corrections training in order to meet present and future needs.

~~(S)~~ FIX / ACTION / CHANGE:

Fix:

Action:

Change:

~~(S)~~ CURRENT ASSESSMENT:

Request official relief. This is a DOS / DOJ / IIG matter. Recommend J-5 lead to determine thru interagency if DOJ will address this issue, per matrix 11 Jan 05.

OPR: CENTCOM

OCR:

Issue Title (Anticipated Criminal Population): R-075 Ryder Item 3, pg 35

(U) RECOMMENDATION / OBSERVATION:

We cannot overstate the importance of strategic planning in relation to anticipated criminal population trends and facility needs. The experience within the current CPA MOJ Prisons Department is clearly capable of accomplishing a prospectus of needs and a proposed strategic 10-30 year plan. The Iraqi Prison System leadership must be involved in the development process so that they may undertake the task independently upon the CPA's transition of authority to the new Iraqi government. The CPA MOJ Prisons Department should assist the Iraqi Prison System leadership to establish its own professional organization and relationships with other nations' corrections associations (e.g., The American Correctional Association, International Corrections and Prisons Association, etc.).

~~(S)~~ FIX / ACTION / CHANGE:

Fix:

Action:

Change:

~~(S)~~ CURRENT ASSESSMENT:

○ Request official relief. This is a DOS / DOJ / IIG matter. Recommend J-5 lead to determine thru interagency if DOJ will address this issue, per matrix 11 Jan 05.

OPR: CENTCOM
OCR:

Issue Title (Lack of SOP): R-076 Ryder Near-term, Item 1a, pg 39

(U) RECOMMENDATION / OBSERVATION:

Task key players to develop and distribute a standard operating procedure as discussed above. Key players should include but not be limited to: the CJTF-7 PMO, JAG, Surgeon, 800th MP BDE Surgeon, CPA MOJ Prisons Department, and the Ministry of Health (MOH) prison health care medical advisor.

(S) FIX / ACTION / CHANGE:

Fix: Develop SOP for continuity for detainee medical care.

Action: TF 115th published a general policy letter IRT detainee medical care as well as Bagram and Kandahar detention facilities – each with the intent of ensuring medical staff adhere to specific SOPs.

Change: Dedicated detainee medical care facilities are established and standards and procedures implemented IAW the Geneva Convention and Rules of Land Warfare.

(S) CURRENT ASSESSMENT:

- Request Closure.

OPR: CENTCOM
OCR:

JS AMNESTY/CCR 1187

Issue Title (Health Care Policy)
R-077 Ryder Near-term, Item 1b, pg 39

(U) RECOMMENDATION / OBSERVATION:

Take the CJTF-7 Surgeon, 800th MP BDE Surgeon, and PMO (with JAG review) to prepare and publish an agreed upon detainee health care policy. Then develop and publish an SOP for detainee health care operation in theater based on input from providers within each battalion. This guide would be developed in coordination with the above document as the basis to delineate provider responsibilities and then should continue to address items such as detainee medical in processing, health care operations, infectious disease management, record keeping, logistics, special programs, health and sanitation requirements, patient transfer, security and control, and additional topics as needed.

~~(S)~~ CURRENT ASSESSMENT:

Request Closure. Policy Task Force develop overarching policy on detainee medical care, per matrix 11 Jan 05.

OPR: CENTCOM
OCR:

~~(S)~~ FIX / ACTION / CHANGE:

Fix: Develop SOP and health care policy for continuity for detainee medical care.

Action: TF 115th published a general policy letter IRT detainee medical care as well as Bagram and Kandahar detention facilities – each with the intent of ensuring medical staff adhere to specific SOPs.

Change: Dedicated detainee medical care facilities are established and standards and procedures implemented IAW the Geneva Convention and Rules of Land Warfare.

Issue Title (Medical Advisor): R-078 Ryder Near-term, Item 1c, pg 39

(U) RECOMMENDATION / OBSERVATION:

Retain the services of the military advisor to the MOH charged with overseeing the corrections health care system.

(S) FIX / ACTION / CHANGE:

Fix:

Action:

Change:

(S) CURRENT ASSESSMENT:

◯ Request official relief. This is a DOS / IIG matter.

OPR: CENTCOM
OCR:

Issue Title (MOH Health Care System): R-079 Ryder Near-term, Item 1d, pg 39

(U) RECOMMENDATION / OBSERVATION:

Conduct a hiring action retaining the services of a process action team (PAT) as discussed above. (MOH Health Care System)

~~(S)~~ FIX / ACTION / CHANGE:

Fix:

Action:

Change:

~~(S)~~ CURRENT ASSESSMENT:

◯ Request official relief. This is a DOS / IIG matter.

OPR: CENTCOM
OCR:

JS AMNESTY/CCR 1190

Issue Title (Health Care Consultant): R-080 Ryder Near-term, Item 1e, pg 40

(U) RECOMMENDATION / OBSERVATION:

Hire a full time corrections health care consultant to provide a correctional framework for the provision of health care, safety, and sanitation of the facilities. This individual would serve on the senior leadership team for the Department of Prisons.

~~(S)~~ FIX / ACTION / CHANGE:

Fix:

Action:

Change:

~~(S)~~ CURRENT ASSESSMENT:

◯ Request official relief. This is a DOS / IIG matter.

OPR: CENTCOM
OCR:

Issue Title (Policy to Replacement Units): R-081 Ryder Near-term, Item 1f, pg 40

(U) RECOMMENDATION / OBSERVATION:

Forward the health care policy to current and designated replacement units.

~~(S)~~ FIX / ACTION / CHANGE:

Fix: Forward health care policy to current and designated replacement units.

Action: Designated medical teams in MNF-I and CFC-A promulgate their policies and SOPs.

Change: Ensure that all incoming units are properly trained on medical policies and SOPs before working in the detention facilities.

~~(S)~~ CURRENT ASSESSMENT:

- Request Closure.

OPR: CENTCOM
OCR:

Issue Title (Oversight of Health Care): R-082 Ryder Near-term, Item 1g, pg 40

(U) RECOMMENDATION / OBSERVATION:

Rely on the CJTF-7 and CENTCOM Surgeons offices to address and provide oversight for ongoing detainee health care operations and the oversight within the US Military Corrections mission.

~~(S)~~ FIX / ACTION / CHANGE:

Fix: Provide oversight for ongoing detainee health care operations.

Action: Established a medical task force within Detainee Operations responsible for training all oversight and all incoming medical personnel to standards IAW AR 190-8, paragraph 6-6 and Chapter 3, Article 29 of the Geneva Convention.

Change: The CJTF and CENTCOM Surgeon offices are responsible for oversight of medical activities in detention facilities to ensure compliance with policy.

~~(S)~~ CURRENT ASSESSMENT:

- Request Closure.

OPR: CENTCOM
OCR:

Issue Title (BDE Surgeon Position): R-083 Ryder Near-term, Item 1h, pg 40

(U) RECOMMENDATION / OBSERVATION:

Prepare and submit one-year tasking to fill the brigade surgeon's position, while continuing the military medical advisor support to the MOH.

~~(S)~~ FIX / ACTION / CHANGE:

Fix: Establish surgeon general position.

Action: MED TF (TF 115) established and coordinating with MoH as required. Surgeon is also on the CFC staff.

Change: Ensures establishment and sourcing for medical expertise.

~~(S)~~ CURRENT ASSESSMENT:

- Request Closure.

OPR: CENTCOM
OCR:

JS AMNESTY/CCR 1194

Issue Title (Publish Medical Policies): R-084 Ryder Mid-term, Item 1a, pg 40

(U) RECOMMENDATION / OBSERVATION:

Publish and distribute all new Policies and SOPs to all affected parties and re-evaluate the application and adherence to medical practices.

~~(S)~~ FIX / ACTION / CHANGE:

Fix: Designated medical teams in MNF-I and CFC-A promulgate their policies and SOPs.

Action: MED TF established to address policy and procedural issues.

Change: All incoming units are properly trained on medical policies and SOPs before working in the detention facilities.

~~(S)~~ CURRENT ASSESSMENT:

Working action. Policy Working Group will address, per matrix 11 Jan 05 – standard of medical care and preventive care.

OPR: CENTCOM
OCR:

Issue Title (Training of Medical Personnel): R-085 Ryder Mid-term, Item 2b, pg 40

(U) RECOMMENDATION / OBSERVATION:

Provide continued in-service training to all newly assigned and/or rotating medical personnel on the provisions, rules, and responsibilities stated.

~~(S)~~ FIX / ACTION / CHANGE:

Fix: Designated medical teams in MNF-I and CFC-A promulgate their policies and SOPs.

Action: MED TF established to address policy and procedural issues.

Change: All incoming units are properly trained on medical policies and SOPs before working in the detention facilities.

~~(S)~~ CURRENT ASSESSMENT:

Request Closure. J-7 will address IRT joint training integration, per matrix 11 Jan 05.

OPR: CENTCOM
OCR:

Issue Title (Medical Needs Assessment): R-086 Ryder Mid-term, Item 2c, pg 40

(U) RECOMMENDATION / OBSERVATION:

Charge the process action team with conducting a needs assessment, prioritize projects in each category, move to action completion within established timelines. Keep historical documents and records of all actions.

~~(S)~~ FIX / ACTION / CHANGE:

Fix:

Action:

Change:

~~(S)~~ CURRENT ASSESSMENT:

Working action. Pending assessment by Medical TF.

OPR: CENTCOM
OCR:

JS AMNESTY/CCR 1197

Issue Title (Iraq Hospital Coordination): R-087 Ryder Mid-term, Item 2d, pg 40

(U) RECOMMENDATION / OBSERVATION:

Contract with local Iraqi hospitals within a reasonable distance from Iraqi prisons, in order to provide specialized and tertiary care to established regions.

~~(S)~~ FIX / ACTION / CHANGE:

Fix: Contract with local Iraqi hospitals within a reasonable distance from Iraqi prisons, in order to provide specialized and tertiary care to established regions.

Action: **Medical Task Force** currently working with the Iraqi local and regional hospitals for specialized care.

Change: Specialized care available if needed by Iraqi detainees.

~~(S)~~ CURRENT ASSESSMENT:

- Continuous process.

OPR: CENTCOM
OCR:

Issue Title (Regional Hospitals): R-088 Ryder Mid-term, Item 2e, pg 40

(U) RECOMMENDATION / OBSERVATION:

Complete and incorporate the regional corrections hospitals in Baghdad Central, and Mosul, Dahuk and Basrah Regional Confinement Facilities.

~~(S)~~ FIX / ACTION / CHANGE:

Fix:

Action:

Change:

~~(S)~~ CURRENT ASSESSMENT:

● Will request clarification of observation from OPMG.

OPR: CENTCOM
OCR:

JS AMNESTY/CCR 1199

Issue Title (Medical Operations Order): R-089 Ryder Mid-term, Item 2f, pg 40

(U) RECOMMENDATION / OBSERVATION:

Review and refine the operations order as needed.

~~(S)~~ FIX / ACTION / CHANGE:

Fix: Review and refine the operations order.

Action: MTF currently developing an OPORD.

Change: Ensures that adequate guidelines are in place for medical personnel.

~~(S)~~ CURRENT ASSESSMENT:

- Medical Task Force developing a comprehensive OPORD to cover Medical Detainee Operations.

OPR: CENTCOM
OCR:

Issue Title (Report Health Care Status): R-090 Ryder Long-term, Item 3a, pg 40

(U) RECOMMENDATION / OBSERVATION:

Review and report on current state of health care operations to the CPA, US military, and coalition forces corrections authorities and medical commands. Examples of assessment tools are available through the American Correctional Association and the Commission on Correctional Health Care. Copies of these assessment tools will be provided to the CPA and the CJTF-7 surgeon.

~~(S)~~ FIX / ACTION / CHANGE:

OBE – no longer a requirement.

~~(S)~~ CURRENT ASSESSMENT:

- Request closure.

OPR: CENTCOM
OCR:

Issue Title (Provide Level III Care): R-091 Ryder Long-term, Item 3b, pg 41

(U) RECOMMENDATION / OBSERVATION:

Baghdad Central Corrections hospital should be expanded to provide all level III health care services and function as the hub for health care within the Baghdad region. This would support the regional management of resources by consolidating efforts. Additionally, this facility should be used as the logistical support, medical equipment, and supply transfer point.

~~(S)~~ CURRENT ASSESSMENT:

Medical Task force currently working. Need to develop action plan for funding for Iraqi and Afghanistan medical facilities – recommend DOS/DOJ involvement.

OPR: CENTCOM
OCR:

~~(S)~~ FIX / ACTION / CHANGE:

Fix: Baghdad Central Corrections hospital should be expanded to provide all level III health care services and function as the hub for health care within the Baghdad region.

Action: Being worked by the Medical Task Force.

Change: Ensures adequate Level III care is provided.

Issue Title (Report/Review Program Progression): R-092 Ryder Long-term, Item 3c, pg 41

(U) RECOMMENDATION / OBSERVATION:

Annual review and report of program progression to the Ministry of Justice Department of Prisons and the Ministry of Health.

~~(S)~~ FIX / ACTION / CHANGE:

Fix:

Action:

Change:

~~(S)~~ CURRENT ASSESSMENT:

◯ Request official relief. This is a DOS / IIG matter. Recommend J-5 lead to determine thru interagency if DOJ will address this issue.

OPR: CENTCOM
OCR:

Issue Title (Fire Suppression System): R-093 Ryder Near-term, Item 1a, pg 44

(U) RECOMMENDATION / OBSERVATION:

Obtaining adequate supplies of functional fire extinguishers and fire suppression systems is a top safety issue for all facilities. Evacuation plans and emergency operations drills need to be developed immediately.

~~(S)~~ FIX / ACTION / CHANGE:

(b)(1)

~~(S)~~ CURRENT ASSESSMENT:

(b)(1)

OPR: CENTCOM
OCR:

JS AMNESTY/CCR 1204

Issue Title (Inadequate Logistical Support): R-094 Ryder Near-term, Item 1b, pg 44

(U) RECOMMENDATION / OBSERVATION:

The CPA needs to significantly increase logistical support to the Iraqi correctional health care facilities to make them operational. This is an immediate, high-priority recommendation.

~~(S)~~ FIX / ACTION / CHANGE:

OBE – this was accomplished by the CPA and DOD after this recommendation was made.

~~(S)~~ CURRENT ASSESSMENT:

- Request closure.

OPR: CENTCOM
OCR:

Issue Title (Additional Staff and Vehicle Support): R-095 Ryder Near-term, Item 1c, pg 44

(U) RECOMMENDATION / OBSERVATION:

U.S. medical units supporting detainee facilities require additional professionals to maximize the efficiency of the few professional staff. Additional vehicle support (ambulances) is needed to ensure access and continuity of care for detainees.

~~(S)~~ FIX / ACTION / CHANGE:

Fix: Provide additional professionals and vehicle support for detainee operations.

Action: TF 115th established. Adequate ambulances are available for detainee transport, as required.

Change: Dedicated detainee medical care staff and transport is established; standards and procedures implemented IAW the Geneva Convention and Rules of Land Warfare.

~~(S)~~ CURRENT ASSESSMENT:

- Request closure.

OPR: CENTCOM
OCR:

Issue Title (Inadequate Equipment): R-096 Ryder Near-term, Item 1d, pg 44

(U) RECOMMENDATION / OBSERVATION:

The hospital at Baghdad Central must be equipped immediately to manage the chronically ill and special needs detainees. This will require hospital beds, diagnostic equipment, and training for paraprofessionals in how to provide appropriate custodial care.

~~(S)~~ FIX / ACTION / CHANGE:

Fix: Baghdad Central Corrections hospital equipped to manage chronically ill and special needs detainees.

Action: Being worked by the Medical Task Force.

Change: Ensures adequate equipment is in place to ensure care is provided.

~~(S)~~ CURRENT ASSESSMENT:

- Work in progress – TF 115.

OPR: CENTCOM
OCR:

Issue Title (Inadequate Infrastructure): R-097 Ryder Near-term, Item 1e, pg 44

(U) RECOMMENDATION / OBSERVATION:

Camp Ganci and Camp Vigilant need to be upgraded to provide adequate shelters from the weather and hostile fire. Construct floors and increase the height of the sandbags to protect the detainees from hostile fire.

~~(S)~~ FIX / ACTION / CHANGE:

MNF-I: New Internment Facility (Camp Redemption) constructed, allowing for the closure of Camps Ganci and Vigilant. Adequate protective bunkers are in place to ensure detainees have protection from hostile fire. Detainee tents have ECUs installed allowing them to remain climate controlled. New facilities are also being constructed to Camp Bucca to remove detainees from hostile fire areas and to provide better living conditions.

~~(S)~~ CURRENT ASSESSMENT:

No change. Closed 16 Dec 04.

OPR: CENTCOM
OCR:

Issue Title (Inadequate Laundry Support): R-098 Ryder Near-term, Item 1f, pg 44

(U) RECOMMENDATION / OBSERVATION:

Laundry facilities to support the washing of clothes are an immediate need.

~~(S)~~ FIX / ACTION / CHANGE:

Fix: Laundry facilities required to wash detainee clothes.

Action: Detainees are issued two jumpsuits upon in-processing. Detainee jumpsuits are laundered weekly by the same contractor that provides the jumpsuits and other detainee supplies and provisions.

Change: Ensures sanitary and personal hygiene issues are met.

~~(S)~~ CURRENT ASSESSMENT:

Request Closure.

OPR: CENTCOM
OCR:

Issue Title (Cleaning Supplies): R-099 Ryder Near-term, Item 1g, pg 44

(U) RECOMMENDATION / OBSERVATION:

Brooms should be purchased and dispersed throughout the prison system. Although bleach is generally not brought into a correctional facility, it may be the best option to support the sanitation of these facilities.

~~(S)~~ FIX / ACTION / CHANGE:

Fix: Purchase necessary supplies for facility sanitation.

Action: Supplies purchased and consistently maintained.

Change: Cleaner facilities and better living conditions.

~~(S)~~ CURRENT ASSESSMENT:

- Request Closure.

OPR: CENTCOM
OCR:

Issue Title (Fire Safety): R-100 Ryder Mid-term, Item 2a, pg 44

(U) RECOMMENDATION / OBSERVATION:

Incorporate emergency operations planning onto the design of all prison renovations and new facility designs. Adequate fire suppression systems must be considered a high priority.

~~(S)~~ FIX / ACTION / CHANGE:

Fix: Incorporate emergency operations planning onto the design of all prison renovations.

Action: Work with J4 and Safety to assess detention facility safety.

Change: Ensure the safety of U.S. personnel and detainees.

~~(S)~~ CURRENT ASSESSMENT:

Working to ensure we meet basic safety measures. DA tasked previously to provide facility design criteria and standards for detainee facilities.

OPR: CENTCOM
OCR:

Issue Title (Detainee Activity): R-101 Ryder Mid-term, Item 2b, pg 44

(U) RECOMMENDATION / OBSERVATION:

Develop institutional programs to overcome detainee idleness. Recreation, spiritual services and counseling programs should be available to all detainees. Work details should start with institutional support (housekeeping and laundry services) and gradually increase to include vocational and educational programs.

~~(S)~~ CURRENT ASSESSMENT:

No change. Closed 16 Dec 04. Reopened 11 Jan 05 Policy Working Group and J-7 for Joint Doctrine Development.

~~(S)~~ FIX / ACTION / CHANGE:

MNF-I: Education program in place at BCCF as well as a detainee library. Recreation in all Camps and religious practices are accommodated. Korans and prayer rugs issued to all detainees. Prayer tents also available. Special meals at Ramadan arranged.

CFC-A: Jacoby VI, u, 17. Recreational programs as well as opportunities to practice religion are available at both Kandahar and Bagram.

OPR: CENTCOM
OCR:

Issue Title (Suicide Awareness Programs): R-102 Ryder Mid-term, Item 2c, pg 45

(U) RECOMMENDATION / OBSERVATION:

Suicide awareness and intervention programs should be incorporated into the daily operations.

~~(S)~~ CURRENT ASSESSMENT:

Request closure.

OPR: CENTCOM
OCR:

~~(S)~~ FIX / ACTION / CHANGE:

Fix: Suicide awareness and intervention programs should be incorporated into daily operations.

Action: Special needs detainees are currently segregated based upon their medical, psychiatric, or juvenile status. Mental health, rehabilitation, and educational services are provided to all special needs detainees. Special Needs detainees are currently located at Abu Ghurayb almost exclusively until facility services can be stood up at Camp Bucca. Currently a US Army Field Hospital provides the majority of care (less educational) to special needs cases.

Change: Ensures suicide awareness measures are in place.

Issue Title (Lack of Special Needs Services): R-103 Ryder Mid-term, Item 2d, pg 45

(U) RECOMMENDATION / OBSERVATION:

Separate special needs detainees (elderly, children, females, and mentally ill detainees) from the general population and develop services for these detainees.

~~(S)~~ CURRENT ASSESSMENT:

No Change. Closed 16 Dec 04. Reopened on 11 Jan 05 - Policy Working Group will address.

OPR: CENTCOM
OCR:

~~(S)~~ FIX / ACTION / CHANGE:

All special needs detainees are currently segregated based upon their medical, psychiatric, or juvenile status. No female are currently in coalition custody at BCCF or Camp Bucca. Mental health, rehabilitation, and educational services are provided to all special needs detainees. Special Needs detainees are currently located at Abu Ghurayb almost exclusively until facility services can be stood up at Camp Bucca. Currently a US Army Field Hospital provides the majority of care (less educational) to special needs cases.

Issue Title (Sanitation): R-104 Ryder Mid-term, Item 2e, pg 45

(U) RECOMMENDATION / OBSERVATION:

Camp Ganci and Camp Vigilant require hardened facilities and sites to ensure appropriate sanitation.

~~(S)~~ FIX / ACTION / CHANGE:

MNF-I: Camp Ganci and Vigilant are closed. New interment facility has better sanitation facilities. Chemical latrines still in use. Showers are improved and excess standing water has been virtually eliminated. New facilities at Bucca are improved.

~~(S)~~ CURRENT ASSESSMENT:

No Change. Closed 16 Dec 04.

OPR: CENTCOM
OCR:

Issue Title (Inadequate Nutrition): R-105 Ryder Mid-term, Item 2f, pg 45

(U) RECOMMENDATION / OBSERVATION:

Medical personnel need to ensure detainees are provided appropriate meals to meet their medical needs. This may require a contract modification or internal food preparation center.

~~(S)~~ FIX / ACTION / CHANGE:

Fix: Medical personnel need to ensure detainees are provided appropriate meals to meet their medical needs.

Action: Daily meals are provided with adequate caloric intake and special foods as required.

Change: Appropriate nutrition standards available to all detainees.

~~(S)~~ CURRENT ASSESSMENT:

Request Closure

OPR: CENTCOM
OCR:

Issue Title (Corrections Perspective): R-106 Ryder Mid-term, Item 2g, pg 45

(U) RECOMMENDATION / OBSERVATION:

A correctional health care certification program should be implemented to ensure a corrections perspective in the practice of detainee health care.

~~(S)~~ FIX / ACTION / CHANGE:

Fix: Create a correctional health care certification program.

Action: TF 115th established and working with detainee operations to ensure a corrections perspective is implemented in the practice of detainee health.

Change: Dedicated detainee medical care staff is established; standards and procedures implemented IAW the Geneva Convention and Rules of Land Warfare.

~~(S)~~ CURRENT ASSESSMENT:

● Request Closure

OPR: CENTCOM
OCR:

Issue Title (Lack of Collaboration with Regional Correctional Health Care): R-107 Ryder Mid-term

(U) RECOMMENDATION / OBSERVATION:

Further collaboration and coordination between regional correctional health care administrators should be initiated. Lessons learned, practice guidelines and best practices should be shared and explored through these contacts.

~~(S)~~ FIX / ACTION / CHANGE:

Fix: Further collaboration and coordination between regional correctional health care administrators should be initiated.

Action: TF 115 has been put in place.

Change: Appropriate coordination and collaboration is being done.

~~(S)~~ CURRENT ASSESSMENT:

Request Closure

OPR: CENTCOM
OCR:

Issue Title (Detainee Training Program): R-108 Ryder Long-term, Item 3a, pg 45

(U) RECOMMENDATION / OBSERVATION:

Vocational and educational training programs should be initiated to assist detainees gain marketable skills and their transition back into society.

~~(S)~~ FIX / ACTION / CHANGE:

Fix:

Action:

Change:

~~(S)~~ CURRENT ASSESSMENT:

◯ Request official relief. Recommend this be tasked to the Policy Working Group.

OPR: CENTCOM
OCR:

Issue Title (Inadequate Detainee Activity): R-109 Ryder Long-term, Item 3b, pg 45

(U) RECOMMENDATION / OBSERVATION:

A laundry facility at Baghdad Central should be considered for employment of detainees. With regionalization of the prison system, additional facilities should be considered in the northern and southern regions.

~~(S)~~ FIX / ACTION / CHANGE:

Fix: Establish a laundry facility at Abu Ghurayb and consider at other facilities.

(b)(1)

(b)(2)

~~(S)~~ CURRENT ASSESSMENT:

(b)(1),(b)(5)

OPR: CENTCOM
OCR:

Issue Title (Inadequate Mental Health Services): R-110 Ryder Long-term, Item 3c, pg 45

(U) RECOMMENDATION / OBSERVATION:

Mental health services must be incorporated into the correctional health care model to appropriately manage mentally ill detainees. These services will significantly reduce acting out by the mentally ill in prison and reduce recidivism rates.

~~(S)~~ FIX / ACTION / CHANGE:

Fix: Mental health services must be incorporated into the correctional health care model to appropriately manage mentally ill detainees.

Action: TF 115 has been put in place.

Change: Appropriate medical health services are available to mentally ill detainees, if needed.

~~(S)~~ CURRENT ASSESSMENT:

- Request Closure

OPR: CENTCOM
OCR:

Issue Title (Insufficient Resources to Improve the Iraqi Corrections and Court System): R-111 Ryder

(U) RECOMMENDATION / OBSERVATION:

Near-term (a thru k). Recommendation Synopsis: Immediately hire trained staff in various disciplines to meet workload demand requirements. Mid-term (a thru h). Recommendation Synopsis: Equip with the necessary assets and relax CPA policy positions in order to efficiently and effectively resolve performance issues.

Long-term (a thru c). Recommendation Synopsis: Implement the Position Model Plan, amend Iraqi Criminal Law and Procedures, where needed, and prepare to modify CPA orders, directives, policies, and procedures.

~~(S)~~ FIX / ACTION / CHANGE:

Fix:

Action:

Change:

~~(S)~~ **CURRENT ASSESSMENT:**

◯ Request official relief. This is a DOS / IIG matter. Recommend J-5 lead to determine thru interagency if DOJ will address this issue, per matrix 11 Jan 05.

OPR: CENTCOM
OCR:

Issue (Recognition for Noteworthy Accomplishments): R-112 Ryder Near-term, Item 9, pg 49

(U) RECOMMENDATION / OBSERVATION:

Recommendation of noteworthy recognition for work started/completed.

(S) FIX / ACTION / CHANGE:

Fix:

Action:

Change:

(S) CURRENT ASSESSMENT:

○ Request official relief. This is a DOS / IIG matter. Recommend J-5 lead to determine thru interagency if DOJ will address this issue. This appears to be tied to the progress made by MOJ.

OPR: CENTCOM
OCR:

Issue Title (Disconnect Between MOJ and MOF): R-113 Ryder Near-term, Item a, pg 49

(U) RECOMMENDATION / OBSERVATION:

Solve the disconnect between the Ministry of Justice and the Ministry of Finance by implementing an immediate change to the CPA orders/directives and operating procedure to require two signatures on any checks or two signatures on any directives for payment for physical improvements. One of the signatories should be the authorized representative of the Ministry of Finance of and the other signatory should be a representative of the Ministry of Justice. This would enable the Ministry of Justice to insure that the work had been done satisfactory before payment is made. As the process now exists, payment is made by an entity that has no direct interest in the outcome, quality or status of the work being performed.

~~(S)~~ FIX / ACTION / CHANGE:

Fix:

Action:

Change:

~~(S)~~ CURRENT ASSESSMENT:

○ Request official relief. This is a DOS / IIG matter. Recommend J-5 lead to determine thru interagency if DOJ will address this issue.

OPR: CENTCOM
OCR:

Issue Title (Separation of Criminal Detainees): R-114 Ryder Near-term, Item b, pg 49

(U) RECOMMENDATION / OBSERVATION:

Separate all Criminal Detainees from all other detainees, i.e.., High Value, Detainees, Security Internees, EPW's. Criminal pre-trial detainees and post trial prisoners must also be separated.

~~(S)~~ FIX / ACTION / CHANGE:

MNF-I: Criminal detainees are separated from other Security Internees once they are identified as being a criminal. Segregation areas and levels are established and utilized. Care is taken to transfer all criminals to MoJ custody as soon as possible.

CFC-A: All detention facilities segregate their detainees based on category (LLEC, PUC, detainee)

~~(S)~~ CURRENT ASSESSMENT:

No Change. Closed 16 Dec 04.

OPR: CENTCOM
OCR:

Issue Title (Separation of Juvenile Detainees): R-115 Ryder Near-term, Item c, pg 50

(U) RECOMMENDATION / OBSERVATION:

Review all juvenile detainee files and insure that those classified as/or being treated as security internees/detainees are separated from other juvenile detainees. Establish a fast track review system to determine which can be released and which must be detained. Coordination needs to be made with a CJTF legal representative and MI representative and the Juvenile Detention representative to establish a fast track review system, perhaps at the facility. Consideration should be given to establishing a fixed review time of at least weekly to review the files so that those juveniles that can be released are released. It is suggested that they be held for no more than 30 days, and if their case is not adequately reviewed and a proper determination made, then release authority should revert to that person who currently has the authority to release any other juvenile that is being detained. Due to personnel and resource limitations, this is a problematic area that is not being addressed adequately at the present time.

U) CURRENT ASSESSMENT:

No Change. Closed 16 Dec 04. Reopened on 11 Jan 05 – task Policy Working Group.

(U) FIX / ACTION / CHANGE:

MNF-I: Juvenile case files appear before the Combined Review and Release Board within 30 days of detention. Juveniles are housed in a compound separate from the general population.

CFC-A: Juveniles are housed in different areas than general population. Juvenile case reviews also are treated differently than normal detainees that are of age.

OPR: CENTCOM
OCR:

Issue Title (Hire Juvenile Programs Expert): R-116 Ryder Near-term, Item d, pg 50

(U) RECOMMENDATION / OBSERVATION:

CPA should hire a Juvenile Probation/Programs consultant/expert to assist in the development of a model juvenile probation program, placement program, placement options, treatment options and other related services and training therein.

(S) FIX / ACTION / CHANGE:

Fix:

Action:

Change:

(U) CURRENT ASSESSMENT:

◯ Request official relief. This is a DOS / IIG matter. Recommend J-5 lead to determine thru interagency if DOJ will address this issue, per matrix dated 11 Jan 05.

OPR: CENTCOM
OCR:

JS AMNESTY/CCR 1227

Issue Title (Release of JAG Assets): R-117 Ryder Near-term, Item e, pg 50

(U) RECOMMENDATION / OBSERVATION:

Establish a time line for transition from the use of JAG liaisons and personnel to monitor and assist the Iraqi Court system to CPA/civilian experts monitoring. This would release JAG assets for other missions and would assist SJA's in focusing on military law and operations.

(U) CURRENT ASSESSMENT:

○ Request official relief. This is a DOS / IIG matter. Recommend J-5 lead to determine thru interagency if DOJ will address this issue, per matrix dated 11 Jan 05.

OPR: CENTCOM
OCR:

(U) FIX / ACTION / CHANGE:

Fix:

Action:

Change:

JS AMNESTY/CCR 1228

Issue Title (Lack of Continuity): R-118 Ryder Near-term, Item f, pg 50

(U) RECOMMENDATION / OBSERVATION:

Ensure that there is someone/some specific entity tasked with collection/capture of the efforts of each of the individual JAG Court assistance cells so as to be able to preserve, sort and use the expertise, forms and experience and to not re-invent the wheel over and over again.

~~(S)~~ FIX / ACTION / CHANGE:

Fix:

Action:

Change:

(U) CURRENT ASSESSMENT:

◯ Request official relief. This is a DOS / IIG matter. Recommend J-5 lead to determine thru interagency if DOJ will address this issue, per matrix dated 11 Jan 05.

OPR: CENTCOM
OCR:

Issue Title (Lack of Security): R-119 Ryder Near-term, Item g, pg 50

(U) RECOMMENDATION / OBSERVATION:

CPA should immediately insure that the Courts and Courthouses meet minimal security requirements to ensure that the courts, courthouses and personnel are protected. The Courthouses are busy and a symbol of Iraqi freedom from oppression, and, consequently at considerable risk. Iraqi Judges and court employees are very concerned about their personal security.

(U) CURRENT ASSESSMENT:

◯ Request official relief. This is a DOS / IIG matter. Recommend J-5 lead to determine thru interagency if DOJ will address this issue, per matrix dated 11 Jan 05.

OPR: CENTCOM
OCR:

~~(S)~~ FIX / ACTION / CHANGE:

Fix:

Action:

Change:

Issue Title (Establish Anti-Corrupt Dept.): R-120 Ryder Near-term, Item h, pg 50

(U) RECOMMENDATION / OBSERVATION:

Identify and hire an individual to establish an Anti-Corruption/internal Affairs Department within the Ministry of Justice. While there will be trepidation on the part of the Minister of Justice, such action is necessary to restore and preserve the Iraqi people's confidence in the Justice system. It should be stressed to the Minister of Justice that such departments and procedures exist in all public agencies in the United States and is a critical factor in maintaining the integrity of the public offices and officers.

(U) CURRENT ASSESSMENT:

◯ Request official relief. This is a DOS / IIG matter. Recommend J-5 lead to determine thru interagency if DOJ will address this issue, per matrix dated 11 Jan 05.

OPR: CENTCOM

OCR:

~~(S)~~ FIX / ACTION / CHANGE:

Fix:

Action:

Change:

Issue Title (Contract of Judicial Experts) : R-121 Ryder Near-term, Item i, pg 51

(U) RECOMMENDATION / OBSERVATION:

Establish a dialogue/relationship with the National Judicial College, the National Council of Juvenile and Family Court Judges, the International Association of Juvenile and Family Court Judges, and other public organizations which specialize in Judicial Education, Judicial Administration and Operations with a goal toward contracting with experts/consultants on a 60 to 90 day presence in Iraq, if this increases the number of qualified persons willing to come to Iraq, to assist in court integration and docket control management issues, on a local and Iraqi wide level. Various Public Defender Agencies and Prosecuting Attorney entities and Court Administration Resource Centers should also be tapped for assistance.

(U) CURRENT ASSESSMENT:

◯ Request official relief. This is a DOS / IIG matter. Recommend J-5 lead to determine thru interagency if DOJ will address this issue, per matrix dated 11 Jan 05.

OPR: CENTCOM
OCR:

~~(S)~~ FIX / ACTION / CHANGE:

Fix:

Action:

Change:

Issue Title (Rebuild IZ Court Syst.): R-122 Ryder Near-term, Item j, pg 51

(U) RECOMMENDATION / OBSERVATION:

CPA should hire a Court Administrator to serve the Ministry of Justice in four primary areas: Court Administration, Technology Implementation, Docket Management, Courts and Courthouse Security. Court Administration would focus on Judicial and Court personnel support and administration assistance. Technology Implementation would concentrate primarily on the development and use of technology and bringing same into each courtroom, courthouse and the linking of courts and courthouses with other regions. Docket Management would be responsible for insuring that the courts are moving forward as quickly as possible with effective docket management systems as well as serve as the central collection point and identifier of best docket management being contemplated and/or used in various locations for broader implementation, and ultimately computerization. Courts and Courthouse Security would be responsible for coordinating and insuring adequate security in the Courts and Courthouses. Over the course of time, this function could be absorbed by one of the existing Iraqi departments of the Ministry of Justice or recognized as an independent department.

(U) CURRENT ASSESSMENT:

◯ Request official relief. This is a DOS / IIG matter. Recommend J-5 lead to determine thru interagency if DOJ will address this issue, per matrix dated 11 Jan 05.

(~~S~~) FIX / ACTION / CHANGE:

Fix:

Action:

Change:

OPR: CENTCOM
OCR:

Issue Title (Minimal Security Requirements): R-123 Ryder Near-term, Item k, pg 51

(U) RECOMMENDATION / OBSERVATION:

Identify those Criminal Detainees awaiting appearance before Investigative Courts/Judges wherein there exist transportation resource problems, (i.e., distance, security, vehicles and determine in what situations we can transport the Judges to the detainees instead of transporting the detainees to the Courts). It is easier to move a small group of persons who are not an escape risk than those who are. This should not be a widely implemented procedure and Iraqi Judges would have to be supportive but it presents one possible solution to the delay between apprehension and appearance before the Investigative Court. There has been some attempt to do this with some success. Again, the efforts of the 101st in the Mosul area with the Central Booking Facility concept should be carefully studied for greater application. Judges could go to those detained or the magistrate hearings are held en masse. Either way, better use of resources will result in an immediate reduction in both force protection requirements and greater security to the judges and court personnel and the prisoner. Once a docket is established and operating on a regular basis, transportation and force protection can be more efficiently planned.

~~(S)~~ CURRENT ASSESSMENT:

No Change. Closed 16 Dec 04.

~~(S)~~ FIX / ACTION / CHANGE:

MNF-I: Personnel at the Embassy CCCI (Central Criminal Court of Iraq) office coordinate with the MPs at the internment facilities well in advance of scheduled court appearances so that detainees are able to appear at the court without issue.

OPR: CENTCOM
OCR:

Issue Title (Develop Court Admin Dept.): R-124 Ryder Mid-term, Item a, pg 52

(U) RECOMMENDATION / OBSERVATION:

Develop a Court Administration Department within the Ministry of Justice, with sufficient assets to serve as a liaison between the courts and the Ministry of Justice with respect to all court administration.

(~~S~~) FIX / ACTION / CHANGE:

Fix:

Action:

Change:

(~~S~~) CURRENT ASSESSMENT:

◯ Request official relief. This is a DOS / IIG matter. Recommend J-5 lead to determine thru interagency if DOJ will address this issue, per matrix dated 11 Jan 05.

OPR: CENTCOM
OCR:

Issue Title (MOJ Budget): R-125 Ryder Mid-term, Item b, pg 52

(U) RECOMMENDATION / OBSERVATION:

Issue an order amending the operation of the Ministry of Finance that would require that once the budget for the Ministry of Justice is approved that such money be transferred to the Ministry of Justice and placed in its operating budget for payment of its operations on an as needed basis. The Ministry of Finance would retain its oversight and monitoring powers and the Ministry of Finance could impose periodic reporting requirements and perform auditing functions. As an alternative, the approved operating budget could be released to the Ministry of Justice on a quarterly basis.

(~~S~~) CURRENT ASSESSMENT:

○ Request official relief. This is a DOS / IIG matter. Recommend J-5 lead to determine thru interagency if DOJ will address this issue.

(~~S~~) FIX / ACTION / CHANGE:

Fix:

Action:

Change:

OPR: CENTCOM
OCR:

Issue Title (Establish a Technology TF): R-126 Ryder Mid-term, Item c, pg 52

(U) RECOMMENDATION / OBSERVATION:

Establish a Technology Task Force composed of the Court Administrator or his representative, a representative or representatives from the Iraqi Judges, from among the Iraqi Prosecutors, from the Juvenile Division, from the Bureau of Prisons, and any other interested stakeholders to determine the short term and long term technology needs of the courts and their interface with the jails and prisons and to move the Iraqi Criminal Courts from typewriters and carbon copies to computers and docket management systems. The danger of delaying this process will result in different courts being at different stages with different resources and systems. There is no problem with development being at different stages, given a gatekeeper.

~~(S)~~ FIX / ACTION / CHANGE:

Fix:

Action:

Change:

~~(S)~~ CURRENT ASSESSMENT:

○ Request official relief. This is a DOS / IIG matter. Recommend J-5 lead to determine thru interagency if DOJ will address this issue, per matrix dated 11 Jan 05.

OPR: CENTCOM
OCR:

Issue Title (Position Model): R-127 Ryder Mid-term, Item d, pg 52

(U) RECOMMENDATION / OBSERVATION:

Plan for which CPA positions or Coalition Force assignments can be co-staffed by Iraqi's and/or shadowed by Iraqi's and/or transferred to Iraqi's and a timeline for such ("Position Model Plan").

~~(S)~~ FIX / ACTION / CHANGE:

Fix:

Action:

Change:

~~(S)~~ CURRENT ASSESSMENT:

○ Request official relief. This is a DOS / IIG matter. Recommend J-5 lead to determine thru interagency if DOJ will address this issue.

OPR: CENTCOM
OCR:

JS AMNESTY/CCR 1238

Issue Title (Educational Requirements): R-128 Ryder Mid-term, Item e, pg 52

(U) RECOMMENDATION / OBSERVATION:

Establish educational requirements for all Juvenile Detention Facilities and secure appropriate educational services.

(S) FIX / ACTION / CHANGE:

Fix:

Action:

Change:

(S) CURRENT ASSESSMENT:

○ Request official relief. This is a DOS / DOJ/ IIG matter. Per matrix dated 11 Jan 05, J-7 lead IRT Joint Doctrine.

OPR: CENTCOM
OCR:

Issue Title (Amend Iraqi Juvenile Law)
R-129 Ryder Mid-term, Item f, pg 52

(U) RECOMMENDATION / OBSERVATION:

Consider amending Iraqi Juvenile law to allow for the transfer or waiver of juveniles accused of serious offenses into the adult criminal court. Once established this could serve as an alternative disposition to trying Iraqi juveniles for committing serious crimes against coalition forces in a Commission forum.

~~(S)~~ FIX / ACTION / CHANGE:

Fix:

Action:

Change:

~~(S)~~ CURRENT ASSESSMENT:

○ Request official relief. This is a DOS / IIG matter. Recommend J-5 lead to determine thru interagency if DOJ will address this issue.

OPR: CENTCOM
OCR:

Issue Title (Lack of Adult Probation Service): R-130 Ryder Mid-term, Item g, pg 52

(U) RECOMMENDATION / OBSERVATION:

Establish an Adult Probation Services Division within the Prison Department with a liaison with the Courts.

~~(S)~~ FIX / ACTION / CHANGE:

Fix:

Action:

Change:

~~(S)~~ CURRENT ASSESSMENT:

○ Request official relief. This is a DOS / IIG matter. Recommend J-5 lead to determine thru interagency if DOJ will address this issue, per matrix dated 11 Jan 05.

OPR: CENTCOM
OCR:

Issue Title (Failure of Bond/Bail Process): R-131 Ryder Mid-term, Item h, pg 52

(U) RECOMMENDATION / OBSERVATION:

Consider revising the current "bond"/"bail" procedures in order to facilitate the release of Criminal Detainees awaiting appearance before the Investigative Courts or awaiting trial when their risk of flight is minimal and they pose no real threat to the community. This would decrease the detainee population.

~~(S)~~ FIX / ACTION / CHANGE:

Fix:

Action:

Change:

~~(S)~~ CURRENT ASSESSMENT:

○ Request official relief. This is a DOS / IIG matter. Recommend J-5 lead to determine thru interagency if DOJ will address this issue.

OPR: CENTCOM

OCR:

Issue Title (Implement Position Model): R-132 Ryder Long-term, Item a, pg 53

(U) RECOMMENDATION / OBSERVATION:

Implement the Position Model Plan and place Iraqi's in key CPA positions identified above as either co-partners or shadows and transition or set the dates for transition of CPA positions to the Iraqi government.

(S) FIX / ACTION / CHANGE:

Fix:

Action:

Change:

(S) CURRENT ASSESSMENT:

○ Request official relief. This is a DOS / IIG matter. Recommend J-5 lead to determine thru interagency if DOJ will address this issue.

OPR: CENTCOM
OCR:

Issue Title (Review IZ Law): R-133 Ryder Long-term, Item b, pg 53

(U) RECOMMENDATION / OBSERVATION:

Review Iraqi Criminal Law and Procedure with Iraqi participation and amend where needed.

~~(S)~~ FIX / ACTION / CHANGE:

Fix:

Action:

Change:

~~(S)~~ CURRENT ASSESSMENT:

○ Request official relief. This is a DOS / IIG matter. Recommend J-5 lead to determine thru interagency if DOJ will address this issue, per matrix dated 11 Jan 05.

OPR: CENTCOM
OCR:

Issue Title (Evaluate IZ Constitution): R-134 Ryder Long-term, Item c, pg 53

(U) RECOMMENDATION / OBSERVATION:

Evaluate the new Iraqi Constitution (once ratified) and be prepared to modify CPA orders, directives and policies and procedures.

~~(S)~~ FIX / ACTION / CHANGE:

Fix:

Action:

Change:

~~(S)~~ CURRENT ASSESSMENT:

○ Request official relief. This is a DOS / IIG matter. Recommend J-5 lead to determine thru interagency if DOJ will address this issue, per matrix dated 11 Jan 05.

OPR: CENTCOM
OCR:

Issue Title (Screening Process): R-135 Ryder Near-term, Item a, pg 57

(U) RECOMMENDATION / OBSERVATION:

CJTF-7 review the 14 day period allowed from initial detention to the "72 hour" review to determine whether that period should be shortened in light of the lessening of hostile action and the greater availability of transportation assets.

~~(S)~~ FIX / ACTION / CHANGE:

(b)(1)

~~(S)~~ CURRENT ASSESSMENT:

Working action. Policy Working Group tasked to review detention timeline, per matrix dated 11 Jan 05. OSD Policy.

OPR: CENTCOM
OCR:

JS AMNESTY/CCR 1246

Issue Title (Detainee Forms): R-136 Ryder Near-term, Item b, pg 57

(U) RECOMMENDATION / OBSERVATION:

Consideration be given to adopting the 4th ID's Detainee Disposition Form Worksheet and Detainee Inquiry Response Form. It compliments the Apprehension form and helps to capture the command's recommendation as to the ultimate disposition of the Internee.

~~(S)~~ FIX / ACTION / CHANGE:

Fix:

Action:

Change:

~~(S)~~ CURRENT ASSESSMENT:

◯ Request official relief. J-7 tasked to review for application to Joint Doctrine, per 11 Jan 05 matrix.

OPR: CENTCOM
OCR:

Issue Title (Refresher Training): R-137 Ryder Near-term, Item c, pg 57

(U) RECOMMENDATION / OBSERVATION:

Due to anticipated rotation of units, consideration is given to refresher training on compliance with FRAG order 749 and accurate completion of required documentation.

~~(S)~~ FIX / ACTION / CHANGE:

Fix: Provide easy access to FRAGO 749 and ensure refresher training is given.

Action: FRAGO 749 superceded by FRAGO 329. FRAGO 329 is published and disseminated to all units and appropriate training conducted.

Change: Detainee guidelines are available for refresher training.

~~(S)~~ CURRENT ASSESSMENT:

Request Closure. J-7 tasked to review for application to Joint Doctrine, per 11 Jan 05 matrix.

OPR: CENTCOM
OCR:

Issue Title (Request for USAR SJA Support)
R-138 Ryder Near-term, Item d, pg 57

(U) RECOMMENDATION / OBSERVATION:

Immediate review and approval of COL Warren's request for Reserve Component Judge Advocates and support personnel by the U.S. Army Reserve Command and at OTJAG. Consideration be given to the mobilization period be not less than 90 days and not more than 179 days to facilitate continuity of the mission and to increase the likelihood of filling the requirements with willing Judge Advocate's dedicated to the mission.

(S) FIX / ACTION / CHANGE:

Fix:

Action:

Change:

(S) CURRENT ASSESSMENT:

◯ Request official relief. Recommend JS take the lead.

OPR: CENTCOM
OCR:

Issue Title (Record Keeping): R-139 Ryder Near-term, Item e, pg 57

(U) RECOMMENDATION / OBSERVATION:

Review the process of record keeping and communication/coordination between the intelligence community, military police community and JAG to insure that the necessary information is being communicated in the appropriate forum/method to the appropriate people in a timely manner so as to expedite release when ordered, to insure files are kept current and that all required dates are being met. Standardize the files, file keeping and tracking practices and document them.

~~(S)~~ CURRENT ASSESSMENT:

Request Closure. Issue for the Policy Working Group, per 11 Jan 05 matrix.

OPR: CENTCOM
OCR:

~~(S)~~ FIX / ACTION / CHANGE:

Fix: Develop coordinated record keeping among all units involved with detainee operations.

(b)(1)

Change: Good communication and coordination occurring among MP, MI and JAG units assigned to detainee operations.

Issue Title (Safeguard Files): R-140 Ryder Near-term, Item f, pg 57

(U) RECOMMENDATION / OBSERVATION:

Review the current procedures to safeguard information contained in the Detainee files

~~(S)~~ FIX / ACTION / CHANGE:

Fix: Ensure detainee file information is secure.

Action: All detainee files are currently appropriately stored and classified.

Change: All detainee file information will be secure.

~~(S)~~ CURRENT ASSESSMENT:

Request Closure

OPR: CENTCOM
OCR:

Issue Title (Detainee Processing Cell): R-141 Ryder Mid-term, Item a, pg 58

(U) RECOMMENDATION / OBSERVATION:

Once the additional Reserve Component support is approved, identify and equip a separate location for the operation of the Detainee Processing Cell with adequate support. Consideration should be made as to whether the Detainee Processing Cell should be located at Camp Victory or at a location nearer to where the detainees are being held. Additional consideration should be given as how the Cell is going to be organized and to whom it should report.

~~(S)~~ FIX / ACTION / CHANGE:

(b)(1),(b)(5)

~~(S)~~ CURRENT ASSESSMENT:

Request Closure

OPR: CENTCOM
OCR:

JS AMNESTY/CCR 1252

Issue Title (Develop Standards and Process): R-142 Ryder Mid-term, Item b, pg 58

(U) RECOMMENDATION / OBSERVATION:

Develop standards and processes for preparation of the case file for the six month review board that would take into consideration the following items: 1) contact(s) by MI representatives since the last review; 2) amount of useful information/Intel obtained from the Security Detainee; 3) cooperation and conduct of the Security Detainee; 4) input from the capturing unit; 5) a present risk assessment using a standardized checklist designed for same; 6) a health assessment; 7) family contacts, if any; 8) MI/intelligence personnel input as to whether or not subsequent interrogation is anticipated; and an 9) interview by a behavioral scientist or therapist. These are but a few suggestions that could be utilized in preparation of the case for presentation before the board, but at a minimum the process must comply with DoD 2310.1 and involve USD (ISA). A checklist would be beneficial. Consideration of the GWOT model would be appropriate also.

~~(S)~~ FIX / ACTION / CHANGE:

(b)(1),(b)(2),(b)(5)

~~(S)~~ CURRENT ASSESSMENT:

● Request Closure

OPR: CENTCOM
OCR:

Issue Title (Two Panel System): R-143 Ryder Mid-term, Item c, pg 58

(U) RECOMMENDATION / OBSERVATION:

Implement the two-review panel system, as is being done by COL (b)(6)

~~(S)~~ FIX / ACTION / CHANGE:

Fix:

Action:

Change:

~~(S)~~ CURRENT ASSESSMENT:

Will request clarification of recommendation with OPMG.

OPR: CENTCOM
OCR:

JS AMNESTY/CCR 1254

Issue Title (Establish Military Commissions): R-144 Ryder

(U) RECOMMENDATION / OBSERVATION:

Establishment of Military Commissions to try persons in Iraq accused of crimes against United States Forces. This includes staffing of sufficient personnel to prosecute and defend as well as the identification of Presiding Judges and other commission support personnel.

- Convene Military Commissions in Iraq and try Iraqi's accused of crimes against United States Forces.
- Consider reconfiguring the Review and Appeals Board to be composed of three other senior members of the command or three senior members of another command, or three members of the U.S. Army Trial Judiciary.
- Convene Military Commissions in Iraq and try Iraqi's accused of crimes against United States Forces.

~~(S)~~ CURRENT ASSESSMENT:

◯ Request official relief. Policy Working Group tasked, per 11 Jan 05 matrix.

OPR: CENTCOM
OCR:

~~(S)~~ FIX / ACTION / CHANGE:

Fix:

Action:

Change:

Issue Title (BATS Terminals): R-145 Ryder Near-term, Item 4 & 5, pg 62

(U) RECOMMENDATION / OBSERVATION:

Not all detainee facilities have a BATs terminal. As a backup method of tracking detainees, as sites also are managing an Excel spreadsheet of detainees. Consequently, a biometric record is not being established on all detainees. BATS terminals at all locations are essential to properly tracking all detainees that enter the system as well as providing for more comprehensive analysis.

~~(S)~~ FIX / ACTION / CHANGE:

(b)(1),(b)(5)

~~(S)~~ CURRENT ASSESSMENT:

● Request Closure – tasked to the Policy Working Group, per 11 Jan 05 matrix.

OPR: CENTCOM
OCR:

Issue Title (Reinforce NDRS Standards): R-146 Ryder Near-term, Item 1a, pg 62

(U) RECOMMENDATION / OBSERVATION:

Reinforce NDRS guidelines regarding who is entered into the NDRS and enforce reporting standards.

~~(S)~~ FIX / ACTION / CHANGE:

(b)(1),(b)(5)

~~(S)~~ CURRENT ASSESSMENT:

◯ Request official relief. Work in progress to ensure data fields are being entered properly by users. Request DA take the lead.

OPR: CENTCOM
OCR:

JS AMNESTY/CCR 1257

Issue Title (Update SOPs): R-147 Ryder Near-term, Item 1b, pg 62

(U) RECOMMENDATION / OBSERVATION:

Establish an SOP and TTPs for the proper operation and data sharing of BATS. Training should accompany the SOP and TTPs to ensure personnel are aware of the requirements that are established.

~~(S)~~ FIX / ACTION / CHANGE:

Fix: Standardize BATS operation throughout the MNF-I and CFC-A detention facilities.

Action: Revised existing SOP and TTPs to augment the recently upgraded hardware / software throughout the ITO.

Change: SOPs and TTPs established and continually updated.

~~(S)~~ CURRENT ASSESSMENT:

Request Closure – J-7 tasked to look at integrating into Joint Training, per matrix dated 11 Jan 05. Recommend Policy Task Force establish standard before entering into a training program.

OPR: CENTCOM
OCR:

JS AMNESTY/CCR 1258

Issue Title:
R-148 Ryder Near-term, Item 1c, pg 62

(U) RECOMMENDATION / OBSERVATION:

Establish courier runs to update the central server database from those sites that do not have SIPRNET connectivity. Courier runs that occur either daily or every other day should be sufficient.

~~(S)~~ FIX / ACTION / CHANGE:

(b)(1),(b)(2)

~~(S)~~ CURRENT ASSESSMENT:

(b)(1),(b)(5)

OPR: CENTCOM
OCR:

JS AMNESTY/CCR 1259

Issue Title (Equipment Replacement for BATS) R-149 Ryder Near-term, Item 1d, pg 62

(U) RECOMMENDATION / OBSERVATION:

Invest in BATs terminals for all sites. In addition, an equipment replacement and maintenance program should be implemented to resource the replacement of terminals that break due to the extreme environment they are operating in.

~~(S)~~ FIX / ACTION / CHANGE:

Fix: BATS at all detention facilities with a Preventive Maintenance program.

Action: Established a program for operator maintenance of terminals and a replacement schedule.

Change: Program in place in both Iraq and Afghanistan to replace inoperable BATS systems.

~~(S)~~ CURRENT ASSESSMENT:

● Request Closure

OPR: CENTCOM
OCR:

JS AMNESTY/CCR 1260

Issue Title (Insufficient BATS Terminal): R-150 Ryder Near-term, Item e, pg 62

(U) RECOMMENDATION / OBSERVATION:

Implement a mobile BATs team to visit all sites that do not have a BATs terminal and start registering all detainees. Schedule regular visits to ensure detainee population is current.

~~(S)~~ FIX / ACTION / CHANGE:

(b)(1),(b)(5)

~~(S)~~ CURRENT ASSESSMENT:

Request Closure

OPR: CENTCOM
OCR:

Issue Title (BATS Entry): R-151 Ryder Near-term, Item f, pg 62

(U) RECOMMENDATION / OBSERVATION:

Recommend that individuals are entered into BATS upon their first entry into US control, regardless of whether it is a jail or prison.

~~(S)~~ FIX / ACTION / CHANGE:

(b)(1),(b)(2)

~~(S)~~ CURRENT ASSESSMENT:

Request closure. According to the 11 Jan 05 matrix, Policy Working Group was tasked.

OPR: CENTCOM
OCR:

JS AMNESTY/CCR 1262

Issue Title (Monitor Data Entered into NDRS): R-152 Ryder Mid-term, Item a, pg 62

(U) RECOMMENDATION / OBSERVATION:

Continue to carefully monitor the detainee categories that are entered into NDRS

(S) CURRENT ASSESSMENT:

Work in progress to ensure data fields are being entered properly by users. Recommend J-7 tasked to look at integrating into Joint Training

OPR: CENTCOM
OCR:

(S) FIX / ACTION / CHANGE:

Fix: Proper classification of detainees in NDRS.

Action: Review data entry records and update / modify as required.

Change: Records are routinely reviewed for accuracy and corrections are made in a timely manner in response to NDRC requests.

Issue Title (Telecommunications Infrastructure): R-153 Ryder Mid-term, Item b, pg 63

(U) RECOMMENDATION / OBSERVATION:

Establish connectivity to all detainee camps through tactical means or commercialization of the telecommunications infrastructure.

~~(S)~~ FIX / ACTION / CHANGE:

Fix: Establish connectivity to all camps.

Action: Solve connectivity problems.

Change: Working with signal assets to have complete connectivity with all camps by the use of commercial and or tactical communications assets.

~~(S)~~ CURRENT ASSESSMENT:

No Change. Currently working connectivity issues.

OPR: CENTCOM
OCR:

Issue Title (Failure of Equipment): R-154 Ryder Mid-term, Item c, pg 63

(U) RECOMMENDATION / OBSERVATION:

Continue to invest in the maintenance of the equipment. The extreme environment will ensure that equipment meantime between failure (MTSF) is considerably shorter than manufacturer expectations.

~~(S)~~ FIX / ACTION / CHANGE:

Fix: Maintenance of equipment.

Action: Establish a preventative maintenance program with the host unit.

Change: Established preventative maintenance program to maintain the BATS equipment to include replacement of inoperable systems thru unit funds.

~~(S)~~ CURRENT ASSESSMENT:

● Request Closure

OPR: CENTCOM
OCR:

JS AMNESTY/CCR 1265

Issue Title (Data Sharing): R-155 Ryder Mid-term, Item d, pg 63

(U) RECOMMENDATION / OBSERVATION:

Close coordination should begin with CPA to ensure BATs system/program requirements for data sharing and data merge are known by CPA in order for them to establish requirements as they procure the future commercially available detainee tracking system that the Iraqi government will own and operate. This action is required to simplify importing of data being collected into BATS into the future CPA procured detainee tracking system.

~~(S)~~ FIX / ACTION / CHANGE:

(b)(1)

~~(S)~~ CURRENT ASSESSMENT:

Request closure. This issue should be worked by DOS/DOJ ICW the IIC.

OPR: CENTCOM
OCR:

Issue Title (Sharing of BATS Database): R-156 Ryder Mid-term, Item e, pg 63

(U) RECOMMENDATION / OBSERVATION:

The BATs database (after proper vetting) should be made available to the CPA MOJ as the control of the detainee facilities is handed off from US/Coalition Forces to Iraqi government. C lose coordination should continue on-going to ensure the CPA is aware of the data being collected and the system/program requirements for data sharing and data merge.

~~(S)~~ FIX / ACTION / CHANGE:

(b)(1)

~~(S)~~ CURRENT ASSESSMENT:

Request closure. This issue should be worked by DOS/DOJ ICW the IIC.

OPR: CENTCOM
OCR:

Ryder-157

OPR: Army
Presented: 16 Dec 04
Status: Amber

Issue Title (Central Server): R-158 Ryder Mid-term, Item b, pg 63

(U) RECOMMENDATION / OBSERVATION:

CPA should commercialize the connectivity between the detainee facilities and the central server.

~~(S)~~ FIX / ACTION / CHANGE:

(b)(1),(b)(5)

~~(S)~~ CURRENT ASSESSMENT:

(b)(1),(b)(5)

OPR: CENTCOM
OCR:

Issue Title (Database Access): R-159 Ryder Mid-term, Item c, pg 63

(U) RECOMMENDATION / OBSERVATION:

Advertise the detainee database to ensure multiple organizations are aware and have the capability to effective use the database for analysis. Care should be taken by the system administrator to ensure different users with different requirements/permitted access are given the proper access rights to prevent the improper disclosure of sensitive information.

~~(S)~~ CURRENT ASSESSMENT:

Request Closure – ret asked to Policy Working Group per 11 Jan 05 matrix.

OPR: CENTCOM
OCR:

~~(S)~~ FIX / ACTION / CHANGE:

Fix: User friendly and protected database advertised.

Action: On going advertisement of BATS capabilities to other organizations that could benefit from its use.

Change: Allows for better coordination among all departments and agencies in fighting the war on terrorism.

Issue Title (Criminal System): R-160 Ryder Mid-term, Item d, pg 63

(U) RECOMMENDATION / OBSERVATION:

Continue to use BATs for the criminal system until CPA/IRAQ decides which system they will implement.

~~(S)~~ FIX / ACTION / CHANGE:

Fix:

Action:

Change:

~~(S)~~ CURRENT ASSESSMENT:

○ Request official relief. This is a DOS / IIG matter. Recommend J-5 lead to determine thru interagency if DOJ will address this issue.

OPR: CENTCOM
OCR:

Miller Report
21Findings

None presented on 16 Dec 2004

Issue Title (Duplication of Effort): M-001 MILLER REPORT Item 3a, Recommendation, pg 2

(U) RECOMMENDATION / OBSERVATION:

Establish a robust coordinating authority to direct and coordinate all HUMINT collection and analysis in Iraq. Supplement this authority with a collection management operation focused to support the needs of the Global War on Terrorism (GWOT), the Theater Commander and CJTF-7 Commanders' intelligence and targeting objectives. Additional resources are required for the CJTF-7 CJ2X to sustain effort.

(~~S~~) FIX / ACTION / CHANGE:

Fix:

Action:

Change:

(~~S~~) CURRENT ASSESSMENT:

● UNK

OPR: CENTCOM
OCR:

JS AMNESTY/CCR 1273

Issue Title (Unclear Priority Definition): M-002 MILLER REPORT Item 3a, Recommendation, pg 3

(U) RECOMMENDATION / OBSERVATION:

CJTF-7 CJ2X has established a clear method of prioritization for collection requirements. Requirements are now being combined into areas of focus to drive interrogation tasking and operations.

~~(S)~~ FIX / ACTION / CHANGE:

Fix:

Action:

Change:

~~(S)~~ CURRENT ASSESSMENT:

● UNK

OPR: CENTCOM
OCR:

JS AMNESTY/CCR 1274

Issue Title (No Written Guidance):
M-003 MILLER REPORT Item 3b, Recommendation, pg 3

(U) RECOMMENDATION / OBSERVATION:

CJTF-7 is drafting approval documents containing the authorities, policies and practices to outline requirements to process, interrogate, and exploit security internees.

~~(S)~~ FIX / ACTION / CHANGE:

(b)(1),(b)(5)

~~(S)~~ CURRENT ASSESSMENT:

Request closure. Tasked to the Policy Working Group, per matrix dated 11 Jan 05.

OPR: CENTCOM
OCR:

JS AMNESTY/CCR 1275

Issue Title (Information Sharing): M-004 MILLER REPORT

(U) RECOMMENDATION / OBSERVATION:

CJTF-7 is establishing a HUMINT Collection and Targeting meeting that provides a weekly forum for system information sharing, internee access, and tasking protocols to fully leverage the participation of all entities active in the theater (to include Special Operations Forces (SOF), the Criminal Investigative Task Force, Central Intelligence Agency, and the Iraqi Survey Group) to support the CJTF-7 commander's intelligence and targeting objectives.

~~(S)~~ CURRENT ASSESSMENT:

UNK

~~(S)~~ FIX / ACTION / CHANGE:

Fix:

Action:

Change:

OPR: CENTCOM
OCR:

JS AMNESTY/CCR 1276

Issue Title (Information Sharing: M-005 MILLER REPORT

(U) RECOMMENDATION / OBSERVATION:

Expedite the exchange of Counterterrorism information and analysis between collectors in the field and the national intelligence community by integrating the Interrogator Tiger Teams with analysts at the CJTF-7 CJ2X and national intelligence community through JITF-CT. Energize the analysis-collection feedback loop of the intelligence cycle with robust, timely, GWOT oriented, collection management planning and execution.

~~(S)~~ FIX / ACTION / CHANGE:

Fix:

Action:

Change:

~~(S)~~ CURRENT ASSESSMENT:

UNK

OPR: CENTCOM
OCR:

JS AMNESTY/CCR 1277

Issue Title (Lack of Doctrine):
M-006 MILLER REPORT Item 4, Recommendation, pg 4

(U) RECOMMENDATION / OBSERVATION:

Establish and train interrogation Tiger Teams comprised of one interrogator and one analyst, both with SCI access. CJTF-7 has established an initial cadre of integrated Interrogation Tiger Teams from current assets and scheduled deploying interrogators and analysts to attend strategic interrogator and analyst training at Tiger team University, USAICS, and Fort Huachuca in October 03.

~~(S)~~ FIX / ACTION / CHANGE:

Fix:

Action:

Change:

~~(S)~~ CURRENT ASSESSMENT:

UNK - Tasked to the Policy Working Group and J-7 – Joint Integration of Doctrine, per matrix dated 11 Jan 05.

OPR: CENTCOM
OCR:

JS AMNESTY/CCR 1278

Issue Title (Consolidate Operations):
M-007 MILLER REPORT Item 4, Recommendation, pg 4

(U) RECOMMENDATION / OBSERVATION:

Consolidate the interrogation mission at one Joint Interrogation Debriefing Center (JIDC)/strategic interrogation facility under CJTF-7 command. This action has been initiated.

~~(S)~~ FIX / ACTION / CHANGE:

Fix:

Action:

Change:

~~(S)~~ CURRENT ASSESSMENT:

● UNK

OPR: CENTCOM
OCR:

JS AMNESTY/CCR 1279

Issue Title (Dedicated Guard Force):
M-008 MILLER REPORT Item 4, Recommendation, pg 5

(U) RECOMMENDATION / OBSERVATION:

Dedicate and train a detention guard force subordinate to the JIDC Commander that sets the conditions for the successful interrogation and exploitation of internees/detainees. This action is now in progress.

~~(S)~~ FIX / ACTION / CHANGE:

Fix:

Action:

Change:

~~(S)~~ CURRENT ASSESSMENT:

UNK - Tasked to the J-7 – Joint Integration of Doctrine/Training, per matrix dated 11 Jan 05.

OPR: CENTCOM
OCR:

Issue Title (Train Analysts):
M-009 MILLER REPORT Item 4, Recommendation, pg 5

(U) RECOMMENDATION / OBSERVATION:

Train analysts to incorporate databases including DIMS, CT-link, web-safe, CIA Source, Harmony, and Coliseum in interrogation planning and execution. This training is provided at Tiger team University and can be leveraged with a sustained theater training program.

~~(S)~~ FIX / ACTION / CHANGE:

Fix:

Action:

Change:

~~(S)~~ CURRENT ASSESSMENT:

UNK - Tasked to the J-7 – Joint Integration of Doctrine/Training, per matrix dated 11 Jan 05.

OPR: CENTCOM
OCR:

JS AMNESTY/CCR 1281

Issue Title (Bandwidth Adequacy): M-010 MILLER REPORT Item 4, Recommendation, pg 5

(U) RECOMMENDATION / OBSERVATION:

Provide the necessary systems and bandwidth to enable direct analytical support to interrogation operations. See paragraph 6 (Information Technology).

~~(S)~~ FIX / ACTION / CHANGE:

Fix:

Action:

Change:

~~(S)~~ CURRENT ASSESSMENT:

UNK

OPR: CENTCOM
OCR:

Issue Title (Lack of a BSCT): M-011 MILLER REPORT

(U) RECOMMENDATION / OBSERVATION:

Provide 1 BSCT to support interrogation operations.

~~(S)~~ FIX / ACTION / CHANGE:

Fix:

Action:

Change:

~~(S)~~ CURRENT ASSESSMENT:

UNK

OPR: CENTCOM
OCR:

Issue Title (Refine Transfer Criteria):
M-012 MILLER REPORT Item 4, Recommendation, pg 5

(U) RECOMMENDATION / OBSERVATION:

Assess and refine transfer criteria to support continued rapid exploitation of high value internees and the release of fully exploited or low value internees in a more timely manner.

~~(S)~~ FIX / ACTION / CHANGE:

(b)(1),(b)(5)

~~(S)~~ CURRENT ASSESSMENT:

- Request closure.

OPR: CENTCOM
OCR:

Issue Title (Lack of Trained Analyst):
M-013 MILLER REPORT Item 4, Recommendation, pg 5

(U) RECOMMENDATION / OBSERVATION:

CJTF-7 should provide TF-20 Tiger Team support.

~~(S)~~ FIX / ACTION / CHANGE:

Fix:

Action:

Change:

~~(S)~~ CURRENT ASSESSMENT:

UNK

OPR: CENTCOM
OCR:

JS AMNESTY/CCR 1285

Issue Title (Dedicated SJA):
M-014 MILLER REPORT Item 4, Recommendation, pg 6

(U) RECOMMENDATION / OBSERVATION:

Dedicate one or more judge advocates to advise commanders and interrogation leadership on requirements to operate within approved interrogation authorities responsible for the detention and intelligence missions. This action is in progress.

(S) CURRENT ASSESSMENT:

Request closure. Policy Working Group tasked in the 11 Jan 05 matrix.

OPR: CENTCOM
OCR:

(S) FIX / ACTION / CHANGE:

Fix: Dedicated judge advocates to advise commanders on interrogation authorities.

Action: SJA in place at MNF-I, CFC and TF Omaha to advise leadership on requirements to operate within approved guidelines/authorities.

Change: Ensures legal guidelines are being followed IRT interrogations.

Issue Title (Lack of Guidelines):
M-015 MILLER REPORT Item 5, Recommendation, pg 6

(U) RECOMMENDATION / OBSERVATION:

Develop a comprehensive set of detention physical security SOPs. Conduct training for detention center leadership and staff on the implementation of these procedures. JTF-GTMO SOPs for physical security and detention operations were provided to CJTF-7 staff.

~~(S)~~ FIX / ACTION / CHANGE:

(b)(1),(b)(5)

~~(S)~~ CURRENT ASSESSMENT:

Request Closure. Tasked to the Policy Working Group and J-7 – Joint Integration of Doctrine, per matrix dated 11 Jan 05.

OPR: CENTCOM
OCR:

JS AMNESTY/CCR 1287

Issue Title (Training of Leadership and Staff): M-016 MILLER REPORT Item 5, Recommendation, pg 6

(U) RECOMMENDATION / OBSERVATION:

Scenario-based training for the current operational and future theater operational environment is recommended to ensure standing procedures (e.g. Rules of Engagement) are known and their application thoroughly understood by the detention leadership and staff.

(~~S~~) FIX / ACTION / CHANGE:

Fix: Scenario-based training for the detention leadership and staff.

Action: All Soldiers and leaders performing detention operations receive a comprehensive POI in over 30 detention/confinement facility tasks. This training is then reinforced at daily guard mount and through periodic refresher training.

Change: Ensures that leaders and soldiers are trained on detention operations.

(~~S~~) CURRENT ASSESSMENT:

Request Closure. Tasked to the J-7 – Joint Integration of Doctrine, per matrix dated 11 Jan 05.

OPR: CENTCOM
OCR:

JS AMNESTY/CCR 1288

Issue Title (Interrogator Staff)

M-017 MILLER REPORT Item 5, Recommendation, pg 7

(U) RECOMMENDATION / OBSERVATION:

Assign, train, and sustain interrogator and detention staff team building focused on improving the collection of intelligence. MP detention staff training programs utilized by JTF-GTMO were provided to CJTF-7 for consideration and baseline implementation.

(~~S~~) FIX / ACTION / CHANGE:

Fix:

Action:

Change:

(~~S~~) CURRENT ASSESSMENT:

UNK - Tasked to the J-7 – Joint Integration of Doctrine, per matrix dated 11 Jan 05.

OPR: CENTCOM
OCR:

JS AMNESTY/CCR 1289

Issue Title (Disciplinary Measures for Detainees): M-018 MILLER REPORT Item 5, Recommendation, pg 7

(U) RECOMMENDATION / OBSERVATION:

The unit is updating its operating procedures for implementing disciplinary measures related to detainee operations.

~~(S)~~ CURRENT ASSESSMENT:

Request Closure. Tasked to the Policy Working Group, per matrix dated 11 Jan 05.

OPR: CENTCOM
OCR:

~~(S)~~ FIX / ACTION / CHANGE:

Fix: Update SOPs implementing disciplinary measures related to detainee operations.

Action: A comprehensive discipline matrix has been established and put in the place in an SOP. This matrix is revised, as appropriate, and legally reviewed to ensure changes are appropriate. The discipline matrix is briefed/trained and part of the rotational SOP training that is conducted.

Change: Ensures discipline of detainees is carried out IAW approved guidelines.

Issue Title (Segregation of Detainees): M-019 MILLER REPORT Item 5, Recommendation, pg 7

(U) RECOMMENDATION / OBSERVATION:

Procedures to segregate males, females, and juvenile internees in the detention facility to prevent unauthorized contact are being refined.

~~(S)~~ FIX / ACTION / CHANGE:

(b)(1),(b)(5)

~~(S)~~ CURRENT ASSESSMENT:

- Request Closure.

OPR: CENTCOM
OCR:

Issue Title (Special Need Detainees):
M-020 MILLER REPORT Item 5, Recommendation, pg 7

(U) RECOMMENDATION / OBSERVATION:

Special needs sections of the detention facility should be developed for internees with contagious medical conditions and internees who exhibit mental illness.

~~(S)~~ FIX / ACTION / CHANGE:

(b)(2)

~~(S)~~ CURRENT ASSESSMENT:

- Request Closure.

OPR: CENTCOM
OCR:

JS AMNESTY/CCR 1292

Issue Title (Inadequate Information Systems): M-021 MILLER REPORT Item 6, (Cont)

(U) RECOMMENDATION / OBSERVATION:

- A similar system should be implemented in Afghanistan for the detainee operations conducted there.

--The goal of a worldwide-integrated detainee database is to address the needs of detainee interrogation operations and to share information regardless of location. It is the tool to bridge intelligence and technology in order to achieve information dominance and efficient operational control over the detainee/internee population and allow for near-real time data mining, information visualization, and intelligence exploitation to combat the Global War on Terrorism.

~~(S)~~ CURRENT ASSESSMENT:

(b)(1),(b)(5)

~~(S)~~ FIX / ACTION / CHANGE:

(b)(1),(b)(5)

OPR: CENTCOM

OCR:

JS AMNESTY/CCR 1293

Issue Title (Inadequate Information Systems): M-021 MILLER REPORT Item 6, Recommendation, pg 7

(U) RECOMMENDATION / OBSERVATION:

Create a robust automated knowledge center, incorporating information and documents currently located in diverse data stores to allow for sharing of all information on internees: OPTIONS (ref pg 11)

-- Implement a theater level network that supports folder, file, and document sharing.

- Ensure bandwidth is adequate to support the network traffic and all the users.
- Ensure that all units have access to the network with adequate number of workstations to support the mission, especially for those units that capture and/or initially process internees and those units that conduct analysis and interrogations.

-- Develop a database that incorporates the various data stores, from the time of capture and through the intelligence analysis and interrogation process.

- The web-based Joint Detainee Information Management System (JDIMS) developed for and currently utilized by JTF Guantanamo, with some tailoring and modifications, will be adequate to meet this need of a consolidated internee database. This database also contains a collection management and dissemination module that manages all requirements and reporting on internees. It also contains an online reports writing feature, which allows the analysts and interrogators to create reports and immediately share information.
- The Detention Information Management System (DIMS) also developed for and utilized by JTF Guantanamo to capture initial detainee information as well as operational data gathered by the military police, will allow for input of internee information from the time of capture and throughout their stay at the detention facilities when not being interrogated.
- A Joint Detainee Information Management System-Iraq will share data with JTF Guantanamo detainee database and make it available to the intelligence community. By sharing detainee information, the intelligence community will benefit from a web-based single source of detainee information readily available to them via the SIPR network.

Taguba Report
35 Findings

Taguba-001

OPR: Army
Presented: 16 Dec 04
Status: Green
Closed

Taguba-002

Issue Title (C2):
T-003 TAGUBA REPORT Part 1, Item 3 pg 21

(U) <u>RECOMMENDATION / OBSERVATION</u>:
That a single commander in CJTF-7 be responsible for overall detainee operations throughout the Iraq Theater of Operations. I also recommend that the Provost Marshal General of the Army assign a minimum of two (2) subject matter experts, one officer and one NCO, to assist CJTF-7 in coordinating detainee operations.

(~~S~~) <u>CURRENT ASSESSMENT:</u>

Request Closure.

<u>(U) FIX / ACTION / CHANGE:</u>

Fix: Single commander put in charge of detention operations and 31E's be provided by the Army.

Action: GO C2 put in place for detainee operations. Multiple 31E'S have been assigned to augment detainee operations.

Change: Ensures appropriate oversight and leadership and provides SME support to detainee operations.

OPR: CENTCOM
OCR:

Issue Title (Copies of Geneva Convention Provided): T-004 TAGUBA REPORT Part 1, Item 4

(U) RECOMMENDATION / OBSERVATION:
That detention facility commanders and interrogation facility commanders ensure that appropriate copies of the Geneva Convention Relative to the Treatment of Prisoners of War and notice of protections be made available in both English and the detainees' language and be prominently displayed in all detention facilities. Detainees with questions regarding their treatment should be given the full opportunity to read the Convention.

~~(S)~~ CURRENT ASSESSMENT:

(b)(1),(b)(5)

OPR: CENTCOM
OCR:

(U) FIX / ACTION / CHANGE:

Fix: Ensure that copies of the Geneva Convention, relative to the treatment of POWs are available.

Action: Arabic copies of the Geneva Convention, Relative to the Treatment of POWs has been placed in each facility. Notices are posted to inform detainees of the location of the Articles and how they can obtain a copy. Given the large size of the volume, it is not feasible to give every detainee a copy. Signs are also posted that inform the detainees how to report abuse or other problems.

Change: Ensures detainees have access to the Geneva Convention.

Issue Title (SOPs):
T-005 TAGUBA REPORT Part 1, Item 5 pg 21

(U) RECOMMENDATION / OBSERVATION:
That each detention facility commander and interrogation facility commander publish a complete and comprehensive set of Standing Operating Procedures (SOPs) regarding treatment of detainees, and that all personnel be required to read the SOPs and sign a document indicating that they have read and understand the SOPs.

(~~S~~) CURRENT ASSESSMENT:

- Request Closure.

OPR: CENTCOM
OCR:

(~~S~~) FIX / ACTION / CHANGE:

Fix: Develop comprehensive set of detention SOPs and conduct training.

Action: SOPs and FRAGOs developed with guidance from DA 31E Mission Training Team (MTT) and AR-190-8. SOPs have been published and validated and are updated periodically.

Change: Ensures guidelines are followed IRT treatment of detainees.

Issue Title (C2):
T-006 TAGUBA REPORT Part 1, Item 6 pg 21

(U) RECOMMENDATION / OBSERVATION:
That in accordance with the recommendations of MG Ryder's Assessment Report, and my findings and recommendations in this investigation, all units in the Iraq Theater of Operations conducting internment/confinement/detainment operations in support of Operation Iraqi Freedom be OPCON for all purposes, to include action under the UCMJ, to CJTF-7.

(U) FIX / ACTION / CHANGE:

Fix: Single commander put in charge of detention operations.

Action: GO C2 put in place for detainee operations. They have total OPCON of forces that work for them.

Change: Ensures appropriate oversight, leadership and C2.

(S) CURRENT ASSESSMENT:

- Request closure.

OPR: CENTCOM
OCR:

Issue Title (C2):
T-007 TAGUBA REPORT Part 1, Item 7 pg 21

(U) RECOMMENDATION / OBSERVATION:
Appoint the C3, CJTF as the staff proponent for detainee operations in the Iraq Joint Operations Area (JOA). (MG Tom Miller, C3, CJTF-7, has been appointed by COMCJTF-7).

(U) FIX / ACTION / CHANGE:

Fix: Single commander put in charge of detention operations.

Action: GO C2 put in place for detainee operations.

Change: Ensures appropriate oversight and leadership.

(S) CURRENT ASSESSMENT:

● Request Closure.

OPR: CENTCOM
OCR:

Issue Title (Procedure 15): T-008 TAGUBA REPORT Part 1, Item 8 pg 21

(U) RECOMMENDATION / OBSERVATION:
That an inquiry UP AR 381-10, Procedure 15 be conducted to determine the extent of culpability of Military Intelligence personnel, assigned to the 205th MI Brigade and the Joint Interrogation and Debriefing Center (JIDC) regarding abuse of detainees at Abu Ghraib (BCCF).

~~(S)~~ FIX / ACTION / CHANGE:

Fix:

Action:

Change:

~~(S)~~ CURRENT ASSESSMENT:

◯ Request official relief. Recommend Army lead.

OPR: CENTCOM
OCR:

Issue Title (Dedicated SJA): T-009 TAGUBA REPORT Part 1, Item 9 pg 21

(U) RECOMMENDATION / OBSERVATION:

That it is critical that the proponent for detainee operations is assigned a dedicated Senior Judge Advocate, with specialized training and knowledge of international and operational law, to assist and advise on matters of detainee operations.

(S) CURRENT ASSESSMENT:

● Request Closure.

OPR: CENTCOM
OCR:

(S) FIX / ACTION / CHANGE:

Fix: Dedicated judge advocates to advise commanders.

Action: SJA in place at MNF-I, CFC and TF Omaha to advise leadership on requirements to operate within approved guidelines/authorities.

Change: Ensures legal guidelines are being followed IRT detainee operations.

Issue Title (Detainee Accountability): T-010 TAGUBA REPORT Part 2, Item 1 pg 31

(U) RECOMMENDATION / OBSERVATION:

ANNEX 100 of this investigation contains a detailed and referenced series of recommendations for improving the detainee accountability practice throughout the OIF area of operations.

~~(S)~~ CURRENT ASSESSMENT:

Request closure.

OPR: CENTCOM
OCR:

~~(S)~~ FIX / ACTION / CHANGE:

Fix: Consider recommendations for improving detainee accountability practices.

Action: Procedures in place to ensure detainee accountability is performed in accordance with the standards and practices developed by the 31E MTT IAW Army Regulations. Accountability is also performed to standard in the Detainee Reporting System with oversight by the Department of the Army and International Committee of the Red Cross (ICRC).

Change: Procedures followed to ensure detainee accountability.

Issue Title (Detainee Accountability): T-011 TAGUBA REPORT Part 2, Item 2 pg 31

(U) RECOMMENDATION / OBSERVATION:

Accountability practices throughout any particular detention facility must be standardized and in accordance with applicable regulations and international law.

~~(S)~~ CURRENT ASSESSMENT:

Request Closure. Tasked to the Policy Working Group, per matrix dated 11 Jan 05.

OPR: CENTCOM
OCR:

~~(S)~~ FIX / ACTION / CHANGE:

Fix: Standardize detainee accountability practices.

Action: Procedures in place to ensure detainee accountability is performed in accordance with the standards and practices developed by the 31E MTT IAW Army Regulations. Accountability is also performed to standard in the Detainee Reporting System with oversight by the Department of the Army and International Committee of the Red Cross (ICRC).

Change: Procedures followed to ensure detainee accountability.

Issue Title (Accountability Systems): T-012 TAGUBA REPORT Part 2, Item 3 pg 31

(U) RECOMMENDATION / OBSERVATION:
The NDRS and BATS accounting systems must be expanded and used to their fullest extent to facilitate real time updating when detainees are moved and or transferred from one location to another.

~~(S)~~ FIX / ACTION / CHANGE:

(b)(1),(b)(5)

~~(S)~~ CURRENT ASSESSMENT:

(b)(1),(b)(5)

OPR: CENTCOM
OCR:

JS AMNESTY/CCR 1307

Issue Title (Detainee Accountability): T-013 TAGUBA REPORT Part 2, Item 4 pg 32

(U) RECOMMENDATION / OBSERVATION:
"Change sheets," or their doctrinal equivalent, must be immediately processed and updated into the system to ensure accurate accountability. The detainee roll call or ISN counts must match the manifest provided to the compound guards to ensure proper Accountability of detainees.

~~(S)~~ FIX / ACTION / CHANGE:

(b)(5)

~~(S)~~ CURRENT ASSESSMENT:

- Request Closure.

OPR: CENTCOM
OCR:

Issue Title (SOPs):
T-014 TAGUBA REPORT Part 2, Item 5 and 6 pg 32

(U) RECOMMENDATION / OBSERVATION:

Develop, staff, and implement comprehensive and detailed SOPs utilizing the lessons learned from this investigation as well as any previous findings, recommendations, and reports.

SOPs must be written, disseminated, trained on, and understood at the lowest level.

~~(S)~~ FIX / ACTION / CHANGE:

(b)(1)

~~(S)~~ CURRENT ASSESSMENT:

- Request closure.

OPR: CENTCOM
OCR:

JS AMNESTY/CCR 1309

Issue Title (Criminal Separation)
T-015 TAGUBA REPORT Part 2, Item 7 pg 32

(U) RECOMMENDATION / OBSERVATION:
Iraqi criminal prisoners must be held in separate facilities from any other category of detainee.

~~(S)~~ FIX / ACTION / CHANGE:

Fix: Criminals must be held in separate facilities from other detainee.

Action: Criminals are separated from other detainees once they are identified as being a criminal. Segregation areas and levels are established and utilized. Care is taken to transfer all criminals to Iraqi custody as soon as possible.

Change: Ensures criminal s and detainees are not confined together.

~~(S)~~ CURRENT ASSESSMENT:

- Request Closure.

OPR: CENTCOM
OCR:

Issue Title (Accountability of Detainees): T-016 TAGUBA REPORT Part 2, Item 8 pg 32

(U) RECOMMENDATION / OBSERVATION:
All the compounds wired into the master manifest so MP soldiers can account for their detainees in real time and without waiting for their change sheets to be processed. This would also have the change sheet serve as a way to check up on the accuracy of the manifest as updated by each compound. BATS and NDRS system can be utilized for this function

~~(S)~~ CURRENT ASSESSMENT:

Development of system architecture for Iraq and Afghanistan continues.

OPR: CENTCOM
OCR:

(U) FIX / ACTION / CHANGE:

Fix: Account for detainees in real time.

Action: With the implementation of the Detainee Information Management System (DIMS) set to come on line, real time transmission of changes and counts will now be possible. Currently ISN counts are conducted twice daily and changed annotated on Change Sheets. Likewise, intercompound transfers, new additions, and other top-down changes are delivered to the compounds twice daily.

Change: Ensures detainee accountability.

Issue Title (SIR):
T-017 TAGUBA REPORT Part 2, Item 9 pg 32

(U) RECOMMENDATION / OBSERVATION:
Accountability lapses, escapes, and disturbances within the detainment facilities must be reported immediately through operational and administrative chains of command via Serious Incident Reports. The SIRs must be tracked and followed by daily SITREPs until the situation is resolved.

~~(S)~~ CURRENT ASSESSMENT:

- Request Closure.

OPR: CENTCOM
OCR:

(U) FIX / ACTION / CHANGE:

Fix: Report through operational and administrative chains of command serious incidents.

Action: All serious incidents, be they escapes, attempted escapes, death of a detainee, use of Less than Lethal force, etc, are all reported up via SIR as well as telephonically and electronically upon first indication. SIRs are tracked and where necessary followed up by an official Commander's Inquiry or 15-6 Investigation.

Change: Ensures COC is informed.

Issue Title (ROE):
T-018 TAGUBA REPORT Part 2, Item 10 pg 32

(U) RECOMMENDATION / OBSERVATION:
Detention Rules of Engagement (DROE), Interrogation Rules of Engagement (IROE), and the principles of the Geneva Conventions need to be briefed at every shift change and guard mount.

(U) FIX / ACTION / CHANGE:

Fix: Soldiers need to be trained and briefed often on DROE and IROE.

Action: All soldiers performing detention operations receive a comprehensive Program of Instruction In Geneva Convention and the Rules of Engagement. This training is then reinforced at daily Guard Mount and through periodic refresher training.

Change: Ensures soldiers follow ROE.

~~(S)~~ CURRENT ASSESSMENT:

● Request Closure.

OPR: CENTCOM
OCR:

Issue Title (AARs Conducted): T-019 TAGUBA REPORT Part 2, Item 11 pg 32

(U) RECOMMENDATION / OBSERVATION:

AARs must be conducted after serious incidents at any given facility. The observations and corrective actions that develop from the AARs must be analyzed by the respective MP Battalion S-3 section, developed into a plan of action, shared with the other facilities, and implemented as a matter of policy.

~~(S)~~ FIX / ACTION / CHANGE:

(b)(2)

~~(S)~~ CURRENT ASSESSMENT:

- Publish CENTCOM AAR policy.

OPR: CENTCOM
OCR:

JS AMNESTY/CCR 1314

Issue Title (Structural Improvements): T-020 TAGUBA REPORT Part 2,

(U) RECOMMENDATION / OBSERVATION:

- There must be significant structural improvements at each of the detention facilities. The needed changes include significant enhancement of perimeter lighting, additional chain link fencing, staking down of all concertina wire, hard site development, and expansion of Abu Ghraib (BCCF) .
- The Geneva Conventions and the facility rules must be prominently displayed in English and the language of the detainees at each compound and encampment at every detention facility IAW AR 190-8.
- Further restrict US civilians and other contractors' access throughout the facility. Contractors and civilians must be in an authorized and easily identifiable uniform to be more easily distinguished from the masses of detainees in civilian clothes.
- Facilities must have a stop movement/transfer period of at least 1 hour prior to every 100% detainee roll call and ISN counts to ensure accurate accountability.

~~(S)~~ CURRENT ASSESSMENT:

Require published standards from Army.

OPR: CENTCOM
OCR:

(U) FIX / ACTION / CHANGE:

Fix: Must be significant structural improvements at each of the detention facilities.

Action: New/Improved facilities were constructed at all theater internment facilities. Physical security has been enhanced, lighting improved, concertina wire staked down, additional fencing and gates added, and towers situated appropriately. Contractors must also display identification at all times. All movements are stopped at least an hour before ISN counts.

Change: Ensures adequate force protection.

Issue Title (Detainee Accountability): T-021 TAGUBA REPORT Part 2, Item 16 pg 33

(U) RECOMMENDATION / OBSERVATION:
The method for doing head counts of detainees within a given compound must be standardized.

(U) FIX / ACTION / CHANGE:

Fix: Develop a standardized headcount method.

Action: Detainee accountability is performed in accordance with the standards and practices developed by the 31E MTT and IAW Army Regulations.

Change: A standardized headcount method is being used in the AOR.

~~(S)~~ CURRENT ASSESSMENT:

- Request Closure.

OPR: CENTCOM
OCR:

Taguba-022

OPR: Army
OCR: JS J-7
Presented: 16 Dec 04
Status: Amber

Taguba-023

OPR: Army
Presented: 16 Dec 04
Status: Green
Closed

Issue Title (Leadership Failure): T-024 TAGUBA REPORT Part 3, Item 2 pg 45

(U) RECOMMENDATION / OBSERVATION:
That COL Pappas be given a General Officer Memorandum of Reprimand and Investigated UP Procedure 15, AR 381-10, US Army Intelligence Activities for the acts identified on p. 45 of the Taguba report.

(S) FIX / ACTION / CHANGE:

Fix:

Action:

Change:

(S) CURRENT ASSESSMENT:

◯ Request official relief. Army lead.

OPR: CENTCOM
OCR:

JS AMNESTY/CCR 1319

Issue Title (Leadership Failure): T-025 TAGUBA REPORT Part 3, Item 3 pg 45

(U) RECOMMENDATION / OBSERVATION:
That LTC Phillabaum be relieved from command, be removed from the O-6 promotion list, and that he be given General Officer Memorandum of Reprimand for the acts identified on p. 45 of the Taguba Report.

(U) FIX / ACTION / CHANGE:

Fix: Take disciplinary action as appropriate.

Action: Administrative Action taken.

Change: LTC Phillabaum received a relief for cause, General Officer Memorandum of Reprimand filed in his Official Military Personnel File and was removed from the Promotion list.

~~(S)~~ **CURRENT ASSESSMENT:**

◯ Request official relief. Army lead.

OPR: CENTCOM
OCR:

Issue Title (Leadership Failure): T-026 TAGUBA REPORT Part 3, Item 4 pg 45

(U) RECOMMENDATION / OBSERVATION:
That LTC Jordan, be relieved from duty and given General Officer Memorandum of Reprimand for the acts identified on p. 45 of the Taguba Report.

~~(S)~~ FIX / ACTION / CHANGE:

Fix:

Action:

Change:

~~(S)~~ CURRENT ASSESSMENT:

◯ Request official relief. Army lead.

OPR: CENTCOM
OCR:

Issue Title (Leadership Failure): T-027 TAGUBA REPORT Part 3, Item 5 pg 46

(U) RECOMMENDATION / OBSERVATION:
MAJ DiNella, Sr., S-3, 320th MP Battalion, be relieved from his position as the Battalion S-3 and be given a General Officer Reprimand for acts reported on p. 46 of the Taguba Report.

(U) FIX / ACTION / CHANGE:

Fix: Take disciplinary action as appropriate

Action: Administrative Action

Change: MAJ DiNenna received a General Officer Memorandum of Reprimand filed in his Official Military Personnel File

~~(S)~~ **CURRENT ASSESSMENT:**

◯ Request official relief. Army lead.

OPR: CENTCOM
OCR:

Issue Title (Leadership Failure): T-028 TAGUBA REPORT Part 3, Item 6 pg 46

(U) RECOMMENDATION / OBSERVATION:
That CAPT Reese be relieved from command and given General Officer Memorandum of Reprimand for the acts identified on p. 46 of the Taguba Report.

(U) FIX / ACTION / CHANGE:

Fix: Take disciplinary action as appropriate

Action: Administrative Action

Change: Temporarily suspended; CPT Reese received an General Officer Memorandum of Reprimand filed in his Official Military Personnel File; returned to Command

(S) CURRENT ASSESSMENT:

○ Request official relief. Army lead.

OPR: CENTCOM
OCR:

Issue Title (Leadership Failure): T-029 TAGUBA REPORT Part 3, Item 7 pg 46

(U) <u>RECOMMENDATION / OBSERVATION</u>:
That 1LT Raeder be relieved from command and given General Officer Memorandum of Reprimand for the acts identified on p. 46-47 of the Taguba Report.

<u>(U) FIX / ACTION / CHANGE:</u>

Fix: Take disciplinary action as appropriate

Action: Administrative Action

Change: 1LT Raeder received a Letter of Admonishment

~~(S)~~ <u>CURRENT ASSESSMENT:</u>

◯ Request official relief. Army lead.

OPR: CENTCOM
OCR:

Issue Title (Leadership Failure): T-030 TAGUBA REPORT Part 3, Item 8 pg 47

(U) RECOMMENDATION / OBSERVATION:

That SGM Emerson, be relieved from duty and given General Officer Memorandum of Reprimand for the acts identified on p. 47 of the Taguba Report.

(U) FIX / ACTION / CHANGE:

Fix: Take disciplinary action as appropriate

Action: Administrative Action

Change: SGM Emerson received a General Officer Memorandum of Reprimand filed in his Official Military Personnel File

~~(S)~~ **CURRENT ASSESSMENT:**

◯ Request official relief. Army lead.

OPR: CENTCOM
OCR:

Issue Title (Leadership Failure): T-031 TAGUBA REPORT Part 3, Item 9 pg 47

(U) RECOMMENDATION / OBSERVATION:
That 1SG Lipinski, be relieved from duty and given General Officer Memorandum of Reprimand for the acts identified on p. 47 of the Taguba Report.

(U) FIX / ACTION / CHANGE:

Fix: Take disciplinary action as appropriate

Action: Administrative Action

Change: 1SG Lipinski received a General Officer Memorandum of Reprimand filed in his Official Military Personnel File

(~~S~~) CURRENT ASSESSMENT:

◯ Request official relief. Army lead.

OPR: CENTCOM
OCR:

Issue Title (Leadership Failure): T-032 TAGUBA REPORT Part 3, Item 10 pg 47

(U) RECOMMENDATION / OBSERVATION:

That SFC Snider, be relieved from duty and given General Officer Memorandum of Reprimand and receive action under the Uniformed Code of Military Justice for the acts identified on p. 47 of the Taguba Report.

(U) FIX / ACTION / CHANGE:

Fix: Take disciplinary action as appropriate

Action: Administrative Action

Change: SFC Snider received a General Officer Memorandum of Reprimand filed in his Official Military Personnel File

~~(S)~~ **CURRENT ASSESSMENT:**

◯ Request official relief. Army lead.

OPR: CENTCOM
OCR:

Issue Title (Inappropriate Conduct): T-033 TAGUBA REPORT Part 3, Items 11 and 12

(U) RECOMMENDATION / OBSERVATION:

That Mr. Stephanowicz be given an Official Reprimand to be placed in his employee file, termination of employment, and generation of a derogatory report to revoke his security clearance for the acts identified on p. 48 of the Taguba Report.

~~(S)~~ FIX / ACTION / CHANGE:

Fix:

Action:

Change:

~~(S)~~ CURRENT ASSESSMENT:

◯ Request official relief. Army lead.

OPR: CENTCOM
OCR:

Issue Title (Inappropriate Conduct): T-034 TAGUBA REPORT Part 3, Item 12 pg 48

(U) RECOMMENDATION / OBSERVATION:

That Mr. Israel be given an official reprimand for his employee file and that his clearance be reviewed for the acts identified on p. 48 of the Taguba Report.

(U) FIX / ACTION / CHANGE:

Fix:

Action:

Change:

(U) CURRENT ASSESSMENT:

◯ Request official relief. Army lead.

OPR: CENTCOM
OCR:

Issue Title (Leadership):
T-035 TAGUBA REPORT Part 3, Item 13 pg 48

(U) RECOMMENDATION / OBSERVATION:

I find that there is sufficient credible information to warrant an Inquiry UP 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). Specifically, I suspect that COL Thomas M. Pappas, LTC Steve L. Jordan, Mr. Steven Stephanowicz, and Mr. John Israel were either directly or indirectly responsible for the abuses at Abu Ghraib (BCCF) and strongly recommend immediate disciplinary actions as described in the preceding paragraphs as well as the initiation of a Procedure 15 Inquiry to determine the full extent of their culpability. (ANNEX 36)

(U) CURRENT ASSESSMENT:

◯ Request official relief. Recommend Army lead. Linked to Taguba #8.

~~(S)~~ FIX / ACTION / CHANGE:

Fix:

Action:

Change:

OPR: CENTCOM
OCR:

JS AMNESTY/CCR 1330

DAIG Report
52 Findings

DAIG-001

OPR: CENTCOM
OCR: JS J-5, JS J-7, Policy Working Group
Presented: 16 Dec 04
Status: Amber

Issue Title (Humane Treatment): D-001 DAIG REPORT Ch 6, Item 3a-Ch 3, p93

(U) RECOMMENDATION / OBSERVATION:

CJTF-7 and CJTF-180 continue to emphasize compliance with the requirements regarding the humane treatment of detainees

(S) FIX / ACTION / CHANGE:

Fix: Emphasize humane treatment of detainees.

Action: Both MNF-I and CFC-A have established and published SOPs emphasizing humane treatment of detainees.

Change: All units in the CENTCOM AOR understand the importance of humane treatment of detainees.

(S) CURRENT ASSESSMENT:

Request Closure. Retasked to JS J5 and J7, per 11 Jan 05 matrix.

OPR: CENTCOM
OCR:

Issue Title (Humane Treatment): D-002 DAIG REPORT Ch 6, Item 3b-Ch 3, p93

(U) RECOMMENDATION / OBSERVATION:

Commanders continue to stress the importance of humane treatment of detainees and continue to supervise and train Soldiers on their responsibility to treat detainees humanely and their responsibility to report abuse.

~~(S)~~ FIX / ACTION / CHANGE:

Fix: Commanders emphasize humane treatment of detainees.

Action: Both MNF-I and CFC-A have established and published SOPs emphasizing humane treatment of detainees.

Change: All units in the CENTCOM AOR understand the importance of humane treatment of detainees.

~~(S)~~ CURRENT ASSESSMENT:

Request Closure. Retasked to JS J5 and J7, per 11 Jan 05 matrix. PWG consider defining "humane."

OPR: CENTCOM
OCR:

Issue Title (Humane Treatment): D-003 DAIG REPORT Ch 6, Item 3c-Ch 3, p93

(U) RECOMMENDATION / OBSERVATION:

Commanders enforce the basic fundamental discipline standards of Soldiers, provide training, and immediately correct inappropriate behavior of Soldiers towards detainees to ensure the proper treatment of detainees.

(U) FIX / ACTION / CHANGE:

These responsibilities are germane to all detainee operations in the CENTCOM AOR and inherent of all Commanders. Commanders were give a copy of the DAIG report and CDRCENTCOM has discussed these issues with his subordinate Commanders.

(~~S~~) CURRENT ASSESSMENT:

Closed 16 Dec 04. Retasked to JS J5 and J7, per 11 Jan 05 matrix.

OPR: CENTCOM
OCR:

Issue Title (Discipline):
D-004 DAIG REPORT Ch 6, Item 3d-Ch 3, p93

(U) RECOMMENDATION / OBSERVATION:

Commanders assess the quality of leadership in units and replace those leaders who do not enforce discipline and hold Soldiers accountable.

(U) FIX / ACTION / CHANGE:

These responsibilities are germane to all detainee operations in the CENTCOM AOR and inherent of all Commanders. Commanders were give a copy of the DAIG report and CDRCENTCOM has discussed these issues with his subordinate Commanders.

~~(S)~~ CURRENT ASSESSMENT:

Closed 16 Dec 04. Army assigned lead.

OPR: CENTCOM
OCR:

DAIG-005

OPR: Army
OCR: JS J-7
Presented: 16 Dec 04
Status: Amber

DAIG-006

OPR: Army
OCR: JS J-7
Presented: 16 Dec 04
Status: Amber

DAIG-007

OPR: Army
OCR: JS J-7
Presented: 16 Dec 04
Status: Amber

Issue Title (Expand Facilities): D-008 DAIG REPORT Ch 6, Item 3 -Ch 3h, p 93

(U) RECOMMENDATION / OBSERVATION:

CJTF-7 expand Camp Bucca as an internment/resettlement facility in order to transfer detainees from Camps Ganci and Vigilant, and phase out U.S. Armed Forces detainee operations at Abu Ghraib completely.

~~(S)~~ FIX / ACTION / CHANGE:

MNF-I: Camp Ganci is currently closed. Construction continues at Camp Bucca. MNF-I is in the process of developing a transition plan that will consolidate theater detainee operations at Camp Bucca.

~~(S)~~ CURRENT ASSESSMENT:

No Change - Working – construction complete Fall 05.

OPR: CENTCOM
OCR:

JS AMNESTY/CCR 1340

DAIG-009

OPR: Army
OCR: JS J-7
Presented: 16 Dec 04
Status: Amber

DAIG-010

OPR: Army
OCR: JS J-7
Presented: 16 Dec 04
Status: Amber

DAIG-011

OPR: Army
OCR: JS J-7
Presented: 16 Dec 04
Status: Amber

DAIG-012

OPR: Army
OCR: JS J-7
Presented: 16 Dec 04
Status: Amber

JS AMNESTY/CCR 1344

DAIG-013

OPR: Army
OCR: JS J-7
Presented: 16 Dec 04
Status: Amber

DAIG-014

OPR: Army
Presented: 16 Dec 04
Status: Amber

JS AMNESTY/CCR 1346

Issue Title (Lack of Cat II Interpreters): D-015 DAIG REPORT Ch 6, Item 4g -Ch 4, p 94

(U) RECOMMENDATION / OBSERVATION:

The CFLCC contracting officer representative ensures enough Category II interpreters are hired to support timely intelligence exploitation of detainees.

~~(S)~~ CURRENT ASSESSMENT:

RFI pending to MNF-I and CFC-A.

OPR: CENTCOM
OCR:

~~(S)~~ FIX / ACTION / CHANGE:

Fix: Ensure adequate number of Category II interpreters are available.

Action: The CFLCC contracting office does not conduct any contracts for Category II interpreters. This mission would is executed by the sub-unified commands.

Change: Appropriate number of interpreters are on hand.

JS AMNESTY/CCR 1347

DAIG-016

OPR: Army
OCR: JS J-7
Presented: 16 Dec 04
Status: Amber

DAIG-017

OPR: Army
OCR: JS J-7
Presented: 16 Dec 04
Status: Amber

DAIG-018

OPR: Army
OCR: JS J-7
Presented: 16 Dec 04
Status: Amber

Issue Title (Policy for Interrogations): D-019 DAIG REPORT Ch 6, Item 4j -Ch 4, p 94

(U) RECOMMENDATION / OBSERVATION:

CJTF-7 and CJTF-180 ensure that standardized policy on interrogation approach techniques are received, understood, trained on, and enforced by all units

~~(S)~~ CURRENT ASSESSMENT:

Confirmed. Request Closure. Per matrix dated 17 Jan 05, tasked to Policy Working Group.

OPR: CENTCOM
OCR:

(S) FIX / ACTION / CHANGE:

Fix: Ensure that standardized policy on interrogation approach techniques are received, understood, trained on, and enforced by all units

Action: CENTCOM promulgated standard guidelines for interrogation throughout the AOR. FM 34-52 are the acceptable guidelines.

Change: All units now understand and enforce the basic guidelines put forth by CDR, USCENTCOM.

JS AMNESTY/CCR 1351

Issue Title (Leadership Failure): D-020 DAIG REPORT Ch 6, Item 5a-Ch 5, p94

(U) <u>RECOMMENDATION / OBSERVATION</u>:

CFLCC, CJTF-7, and CJTF-180 continue to stress the importance of positive unit morale and command climate.

~~(S)~~ <u>CURRENT ASSESSMENT:</u>

Closed 16 Dec 04. J-7 tasked 11 Jan 05 per matrix.

OPR: CENTCOM
OCR:

<u>(U) FIX / ACTION / CHANGE:</u>

During the recent DA/CFLCC Detainee Operations Assessment (18 October – 3 November 2004) soldiers that were encountered in Afghanistan and Iraq seemed motivated and proud to serve in OEF/OIF. Soldiers seemed satisfied with the services provided and felt that the chain command was doing everything possible to improve their quality of life. CFLCC will continue to stress the importance of positive unit morale and command climate.

D-021 Joint /Army Doctrine Revision

(x) RECOMMENDATION/OBSERVATION

- TRADOC revise doctrine for the administrative processing of detainees to improve accountability, movement, and disposition in a non-linear battle space and further examine processes for capturing and validating lessons learned in order to rapidly modify doctrine and incorporate into training application for Soldiers and units.

(x) CURRENT ASSESSMENT:

D1, D3, D8

OPR: ARMY

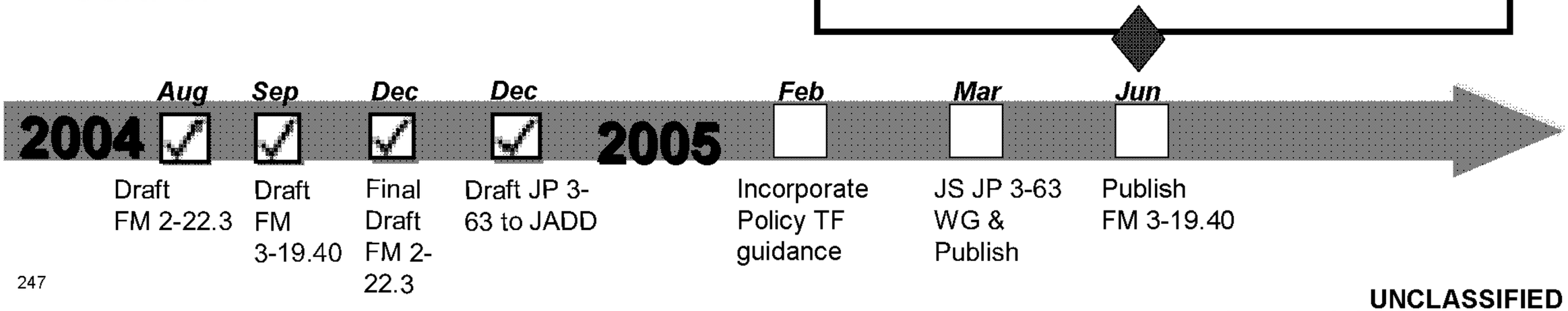
OCR: J7

(x) FIX/ACTION/CHANGE:

Fix: Revise Doctrine

Action: Support update of JP 3-63 *Joint Doctrine for Detainee Operations* and publish updated FM 3-19.40 *I/R Operations.* Incorporate Policy TF Guidance.

Change: Doctrine will be improved to incorporate Global War on Terrorism lessons learned in the current operational environment.



JS AMNESTY/CCR 1353

DAIG-022

OPR: Army
OCR: Policy Working Group
Presented: 16 Dec 04
Status: Amber

DAIG-023

OPR: Army
OCR: Policy Working Group
Presented: 16 Dec 04
Status: Amber

DAIG-024

OPR: Army
Presented: 16 Dec 04
Status: Amber

DAIG-025

OPR: Army
Presented: 16 Dec 04
Status: Amber

D-026 / Doctrine Revision

(x) RECOMMENDATION/OBSERVATION

- TRADOC update doctrine to integrate tactical interrogation at battalion and company level to assist in the intelligence exploitation of detainees immediately upon capture.

(x) CURRENT ASSESSMENT:

D5.3

OPR: ARMY

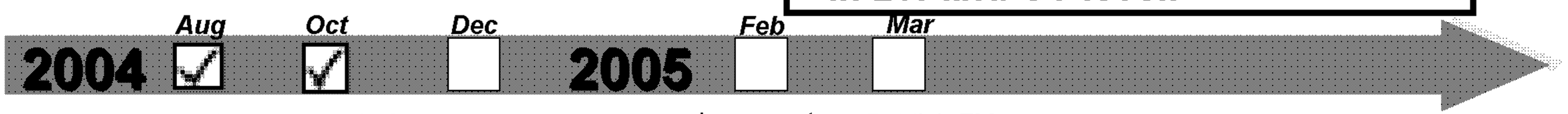
OCR: J7

(x) FIX/ACTION/CHANGE:

Fix: Update FM 2-22.3 *HUMINT Collector Operations* (approved Jan 05 for publication)

Action: Update doctrine to integrate tactical interrogation at battalion and company level to assist in the intelligence exploitation of detainees immediately upon capture.

Change: Doctrine will be improved to integrate tactical interrogation at BN and Co level.



JS AMNESTY/CCR 1358

Issue Title (TDRC):
D-027 DAIG REPORT Ch 6, Item h -Ch 5, p 95

(U) RECOMMENDATION / OBSERVATION:

CFLCC submit a Request for Forces for the Theater Detainee Reporting Branch Center (TDRC) to meet the requirements for reporting and accountability of detainees and their property.

(S) FIX / ACTION / CHANGE:

(b)(1),(b)(5)

(S) CURRENT ASSESSMENT:

- Request closure.

OPR: CENTCOM
OCR:

D-028 / Operational Needs Statement (TDRC)

(x) RECOMMENDATION/OBSERVATION

- The Provost Marshal General review the TDRC process, structure, and employment methods for maintaining information on detainees, their property, and other related requirements within an assigned theater of operations and consider the development of an information technology solution.

(x) CURRENT ASSESSMENT:

M1/O2

OPR: ARMY

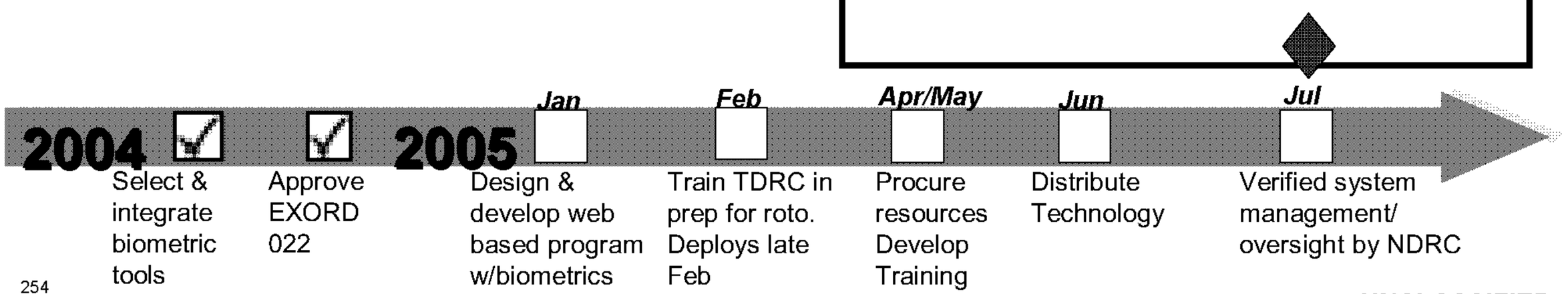
OCR: NONE

(x) FIX/ACTION/CHANGE:

Fix: TDRC sourcing and employment.

Action: Field DRS v5.0 technology; update AR 190-8 RR; source/deploy EXORD Mod 022, which incorporates TDRC.

Change: Policy, Materiel, Organizational solutions to improve detainee information management.



Issue Title (Review TDRC Process): D-028 DAIG REPORT Ch 6, Item i -Ch 5, p95

(U) <u>RECOMMENDATION / OBSERVATION</u>:

The Provost Marshal General review the TDRC process, structure, and employment methods for maintaining information on detainees, their property, and other related requirements within an assigned theater of operations and consider the development of an information technology solution.

(U) <u>CURRENT ASSESSMENT:</u>

- Retasked to Army 16 Dec 04.

OPR: CENTCOM
OCR:

<u>(U) FIX / ACTION / CHANGE:</u>

RECOMMEND JOINT STAFF TASK OPMG

JS AMNESTY/CCR 1361

DAIG-029

OPR: Army
Presented: 16 Dec 04
Status: Amber

DAIG-030

OPR: Army
Presented: 16 Dec 04
Status: Amber

DAIG-031

OPR: Army
Presented: 16 Dec 04
Status: Amber

DAIG-032

OPR: Army
Presented: 16 Dec 04
Status: Amber

Issue Title (Lack of Resources): D-033 DAIG REPORT Ch 6, Item n -Ch 5, p 95

(U) RECOMMENDATION / OBSERVATION:

CJTF-7 and CJTF-180 ensure all units meet the guidelines for minimum infrastructure standards supporting detainee operations to allow for adequate facilities to house detainees.

(S) CURRENT ASSESSMENT:

Request Closure. Recommend retask to Army and/or Policy Working Group.

OPR: CENTCOM
OCR:

(S) FIX / ACTION / CHANGE:

Fix: Ensure all units meet the guidelines for minimum infrastructure standards supporting detainee operations

Action: Both MNF-I and CFC-A have refurbished their facilities to improve conditions.

Change: Improved facilities have been established throughout the CENTCOM AOR based on improvised standards.

JS AMNESTY/CCR 1366

Issue Title (Lack of Safety Inspection Program): D-034 DAIG REPORT Ch 6, Item 5o -Ch 5, p 96

(U) RECOMMENDATION / OBSERVATION:

CJTF-7 and CJTF-180 implement a safety inspection program for all facilities that support detainee operations to identify and eliminate hazards to soldiers and detainees.

(S) CURRENT ASSESSMENT:

CENTCOM requested detainee operations safety inspection standards / guidelines / reference from policy working group. Retasked to Policy Working Group, per 11 Jan 05 matrix.

OPR: CENTCOM
OCR:

(S) FIX / ACTION / CHANGE:

Fix: Implement a safety inspection program for all CENTCOM detainee facilities.

Action: MNF-I and CFC-A have implemented safety inspection programs for all of their respective facilities.

Change: Greater ability to identify and eliminate hazards to soldiers and detainees.

JS AMNESTY/CCR 1367

Issue Title (Lack of Adequate Facilities): D-035 DAIG REPORT Ch 6, Item 5p -Ch 5, p 96

(U) RECOMMENDATION / OBSERVATION:
CJTF-7 and CJTF-80 evaluate current living and working conditions at all facilities housing detainees and take corrective actions to improve the current living and working environment.

(S) CURRENT ASSESSMENT:

Request Closure. CENTCOM requested QOL standards / guidelines / references for living / working conditions at facilities housing detainees from policy working group. Retasked to Policy Working Group on 11 Jan 05, per matrix.

OPR: CENTCOM
OCR:

(S) FIX / ACTION / CHANGE:

Fix: Evaluate current living and working conditions at all facilities and improve the current living and working environment.

Action: Both MNF-I and CFC-A have improved QOL issues at all detention facilities in their respective theaters.

Change: QOL has been improved for detainees as well as personnel working at detention facilities.

Issue Title (Physical/Operations Scty.): D-036 DAIG REPORT Ch 6, Item 5q -Ch 5, p 96

(U) RECOMMENDATION / OBSERVATION:

CJTF-7 review the physical and operations security requirements and policy/doctrinal procedures to ensure units operating internment/resettlement facilities comply with all requirements.

~~(S)~~ FIX / ACTION / CHANGE:

Fix: Develop comprehensive set of detention physical security and operations security SOPs and conduct training.

Action: SOPs and FRAGOs developed with guidance from DA 31E Mission Training Team (MTT) and AR-190-8, 13 and 16.

Change: Ensures guidelines are followed IRT physical and operations security.

~~(S)~~ CURRENT ASSESSMENT:

- Request Closure.

OPR: CENTCOM
OCR:

DAIG-037

OPR: Army
OCR: JS J-7
Presented: 16 Dec 04
Status: Amber

DAIG-038

OPR: Army
Presented: 16 Dec 04
Status: Amber

DAIG-039

OPR: Army
OCR: JS J-7
Presented: 16 Dec 04
Status: Amber

DAIG-040

OPR: Army
OCR: JS J-7
Presented: 16 Dec 04
Status: Amber

Issue Title (Required Medical Care): D-041 DAIG REPORT Ch 6, Item 5v -Ch 5, p96

(U) RECOMMENDATION / OBSERVATION:
CJTF-7 and CJTF-180 evaluate current detainee medical capabilities and requirements and take corrective action to ensure detainees receive the required medical screening and care.

~~(S)~~ CURRENT ASSESSMENT:

Request closure. Retasked to DA Surgeon, 16 Dec 04.

OPR: CENTCOM
OCR:

~~(S)~~ FIX / ACTION / CHANGE:

CFC-A: CJTF-76 published FRAGO 36 to implement TTPs for cordon and search operations and FRAGO 245 to implement a detainee ops SOP. These two FRAGOS cover all TTPS for interaction with detainees, interrogations, medical care.

MNF-I: Detainees receive level III/IV health care to include screening exams during in-processing and out-processing, routine and emergency outpatient care, dental and mental health care, and specialty care as required at other facilities.

JS AMNESTY/CCR 1374

Issue Title (Segregate EPWs/Civilian Internees): D-042 DAIG REPORT Ch 6, Item 5w -Ch 5, p 96

(U) RECOMMENDATION / OBSERVATION:

CJTF-7 segregate enemy prisoners of war and civilian internees to ensure compliance with the Geneva Conventions and Army Regulations.

~~(S)~~ FIX / ACTION / CHANGE:

MNF-I: MNF-I currently segregates EPWs from Civilian Internees in all detention facilities.

~~(S)~~ CURRENT ASSESSMENT:

Closed 16 Dec 04.

OPR: CENTCOM
OCR:

DAIG-043

OPR: Army
OCR: JS J-7
Presented: 16 Dec 04
Status: Amber

DAIG-044

OPR: Army
OCR: JS J-7
Presented: 16 Dec 04
Status: Amber

Issue Title (Adequate Transportation): D-045 DAIG REPORT Ch 6, Item 5z-Ch 5, p96

(U) RECOMMENDATION / OBSERVATION:

Commanders continue to stress the importance of planning and providing for adequate transportation assets to support continuing detainee operations.

~~(S)~~ FIX / ACTION / CHANGE:

Fix: Plan and provide adequate transportation for detainee operations.

Action: MNF-I and CFC both have plans in place and adequate transportation to move detainees as required.

Change: Ensure adequate transportation to transport detainees.

~~(S)~~ CURRENT ASSESSMENT:

- Request Closure.

OPR: CENTCOM
OCR:

DAIG-046

OPR: Army
OCR: JS J-7
Presented: 16 Dec 04
Status: Amber

DAIG-047

OPR: Army
OCR: JS J-7
Presented: 16 Dec 04
Status: Amber

Issue Title (Pre-Deployment Training): D-048 DAIG REPORT Ch 6, Item cc, p97

(U) RECOMMENDATION / OBSERVATION:

CFLCC and Force Providers coordinate to ensure, where possible, units are aware of the assigned mission upon mobilization so they can train for their specific mission

(S) CURRENT ASSESSMENT:

Request Closure. Recommend J-7 Joint Training issue.

OPR: CENTCOM
OCR:

(S) FIX / ACTION / CHANGE:

Fix: Coordinate to ensure, where possible, units are aware of the assigned mission upon mobilization so they can train for their specific mission

Action: CFLCC conducts the appropriate coordination for type of forces needed, specific training requirements and units assigned mission through the Request For Forces (RFF) and Sourcing process.

Change: Units mobilized for missions in the CENTCOM AOR are able to train more for their specific mission.

JS AMNESTY/CCR 1381

DAIG-049

OPR: Army
OCR: JS J-7
Presented: 16 Dec 04
Status: Amber

Issue Title (Pre-Deployment Training): D-050 DAIG REPORT Ch 6, Item ee, p97

(U) RECOMMENDATION / OBSERVATION:

CFLCC ensure that ILO MP units are trained before they assume their ILO MP missions.

(S) FIX / ACTION / CHANGE:

(b)(5)

(S) CURRENT ASSESSMENT:

(b)(5)

OPR: CENTCOM
OCR:

Issue Title (Interrogator Requirements): D-051 DAIG REPORT Ch 6, Item ff, p97

(U) RECOMMENDATION / OBSERVATION:

The CFLCC contracting officer representative modify the CJTF-7 C2 Interrogation Cell Statement of Work to require civilian interrogators to be former military interrogators trained in current interrogation policy and doctrine or receive formal training in current military interrogation policy and doctrine.

~~(S)~~ FIX / ACTION / CHANGE:

The CFLCC contracting office is not involved in the contracting process of civilian interrogators. In the past, this process was conducted at the INSCOM and DA level.

~~(S)~~ CURRENT ASSESSMENT:

(b)(5)

OPR: CENTCOM
OCR:

DAIG-052

OPR: Army
OCR: JS J-7
Presented: 16 Dec 04
Status: Amber

Fay Report
(Fay/Jones)
28 Findings

Fay-001

OPR: Army
OCR: Policy Working Group
Presented: 16 Dec 04
Status: Amber

Issue Title (C2): F-002 FAY REPORT, Item 6b1, p109-110

(U) RECOMMENDATION / OBSERVATION:

There should be a single authority designated for command and control for detention and interrogation operations.

(S) CURRENT ASSESSMENT:

- Request closure.

OPR: CENTCOM
OCR:

(U) FIX / ACTION / CHANGE:

Fix: Designate a single authority for Detention and Interrogation Operations.

Action: The MNF-I DCG-DO position was established and is currently filled by MG Brandenburg. BG Jacoby provides GO leadership in Afghanistan.

Change: Both theaters have established command responsibility for detention and interrogation operations.

JS AMNESTY/CCR 1388

Issue Title (C2): F-003 FAY REPORT, Item 2, p109-110

(U) <u>RECOMMENDATION / OBSERVATION</u>:

Joint Task Forces such as CJTF-7 should clearly specify relationships in FRAGOs so as to preclude confusion. Terms such as Tactical Control (TACON) should be clearly defined to identify specific command relationships and preclude confusion.

(~~S~~) <u>CURRENT ASSESSMENT:</u>

- Request Closure.

OPR: CENTCOM
OCR:

<u>(U) FIX / ACTION / CHANGE:</u>

Fix: Clearly specify relationships and terms laid out in FRAGOs so as to preclude confusion.

Action: Both MNF-I and CFC-A have published FRAGOs clearly outlining command relationships as well as the definitions of key terms.

Change: Clear command relationships and key terms IRT detainee operations are published in both theaters.

F-004 JIDC Chain of Command

(U) RECOMMENDATION/OBSERVATION

A decision was made not to run the JIDC as a unit mission. The JIDC was manned, led and managed by staff officers from multiple organizations as opposed to a unit with its functioning chain of command. Responsibilities for balancing the demands of managing interrogation operations and establishing good order and discipline in this environment were unclear and lead to lapses in accountability.

(U) CURRENT ASSESSMENT:

Appropriate changes are incorporated into the draft Joint Publication 2-01.2, *Joint Tactics, Techniques and Procedures for Counterintelligence and Human Intelligence Support Operations*

OPR: J-2

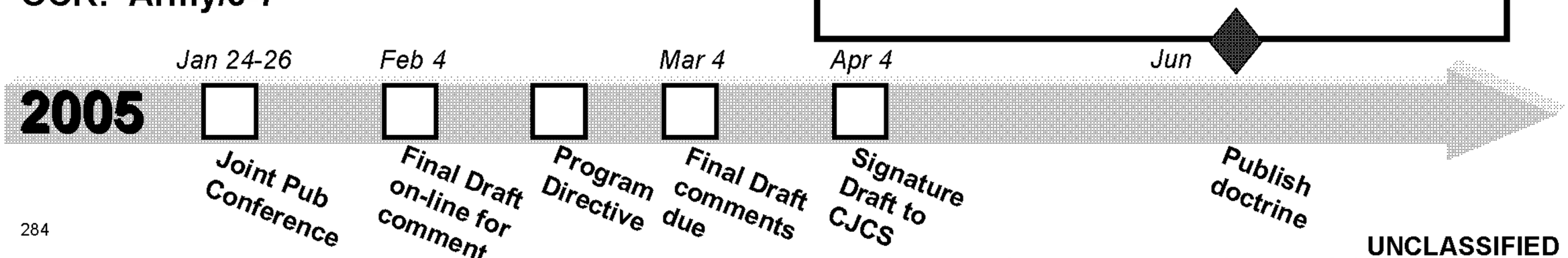
OCR: Army/J-7

(U) FIX/ACTION/CHANGE:

Fix: Establish a doctrinal JDIC chain of command.

Action: Change Joint, Army Doctrine

Change: New Joint doctrine provides templates for organizing both a Joint Interrogation & Debriefing Center and a Joint Strategic Exploitation Center. Includes checklists for facilities, personnel & logistics



JS AMNESTY/CCR 1390

Issue Title (Safety of Soldiers and Detainees) : F-005 FAY REPORT, Item 4, p111

(U) RECOMMENDATION / OBSERVATION:

Detention centers must be established in accordance with AR 190-8 to ensure safety and compliance with the Geneva Conventions. As a matter of policy, force protection concerns must be applicable to any detention facility and all detention operations. Protect detainees in accordance with Geneva Convention IV by providing adequate force protection.

~~(S)~~ CURRENT ASSESSMENT:

○ Request official relief. Retasked to the Army on 11 Jan 05, per matrix.

~~(S)~~ FIX / ACTION / CHANGE:

Fix:

Action:

Change:

OPR: CENTCOM
OCR:

Issue Title (Balance Mission Requirements): F-006 FAY REPORT, Item 5, p111-112

(U) RECOMMENDATION / OBSERVATION:

Leaders must balance mission requirements with unit capabilities, soldier morale and effectiveness. Protecting Soldiers from unnecessary pressure to enhance mission effectiveness is a leader's job. Rigorous and challenging training can help prepare units and soldiers for the stress they face in combat.

(S) FIX / ACTION / CHANGE:

Fix:

Action:

Change:

~~(S)~~ CURRENT ASSESSMENT:

◯ Request official relief. Retasked to the Army on 11 Jan 05, per matrix.

OPR: CENTCOM
OCR:

JS AMNESTY/CCR 1392

Issue Title (Procedures for Captured Persons): F-007 FAY REPORT, Item 6, p112

(U) <u>RECOMMENDATION / OBSERVATION</u>:

Screening, interrogation and release procedures at the tactical level need to be properly executed. Those detainees who pose no threat and are of no intelligence value should be released by capturing units within 72 hours. Those detainees thought to be a threat but of no further intelligence value should be sent to a long term confinement facility. Those detainees thought to possess further intelligence value should be sent to a Corps/Theater Interrogation Center.

(U) <u>FIX / ACTION / CHANGE:</u>

Fix: Specify capture and release procedures.

Action: Both MNF-I and CFC-A adhere to the Mar 04 OSD Global Screening Guidance.

Change: Detainees are assessed within a 5 day window and appropriately processed thereafter.

(S) <u>CURRENT ASSESSMENT:</u>

◯ Request official relief. Retasked to the Army on 11 Jan 05, per matrix.

OPR: CENTCOM

OCR:

F-008 Adopt One DoD Policy on Interrogation

(U) RECOMMENDATION/OBSERVATION

- Adopt one DoD policy for interrogation, within the framework of existing doctrine, adhering to the standards found in doctrine, and enforce that standard policy across DoD.

(U) CURRENT ASSESSMENT:

- USD(P) is working with USD(I) to complete develop and publish DoD policy on interrogation

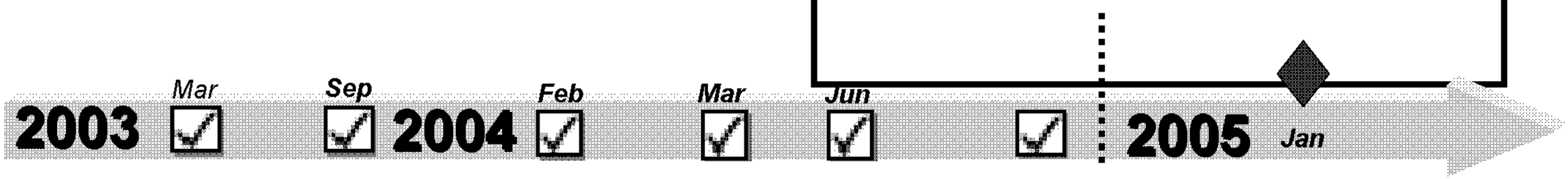
OPR: USD (I)
OCR: USD (P)

(U) FIX/ACTION/CHANGE:

Fix: USD (I) develop interrogation policy

Action: USD(I) has lead on policy development

Change: Harmonized policy.



JS AMNESTY/CCR 1394

Fay-009

OPR: Army
Presented: 16 Dec 04
Status: Amber

F-010 JIDC Planning, Personnel and Support

(U) RECOMMENDATION/OBSERVATION

The JIDC was established in an ad hoc manner without proper planning, personnel, and logistical support for the missions it was intended to perform. Interrogation and analyst personnel were quickly kluged together from a half dozen units in an effort to meet personnel requirements. Even at its peak strength, interrogation and analyst manpower at the JIDC was too shorthanded to deal with the large number of detainees at hand..

(U) CURRENT ASSESSMENT:

Appropriate changes are incorporated into the draft Joint Publication 2-01.2, *Joint Tactics, Techniques and Procedures for Counterintelligence and Human Intelligence Support Operations*

OPR: J-2

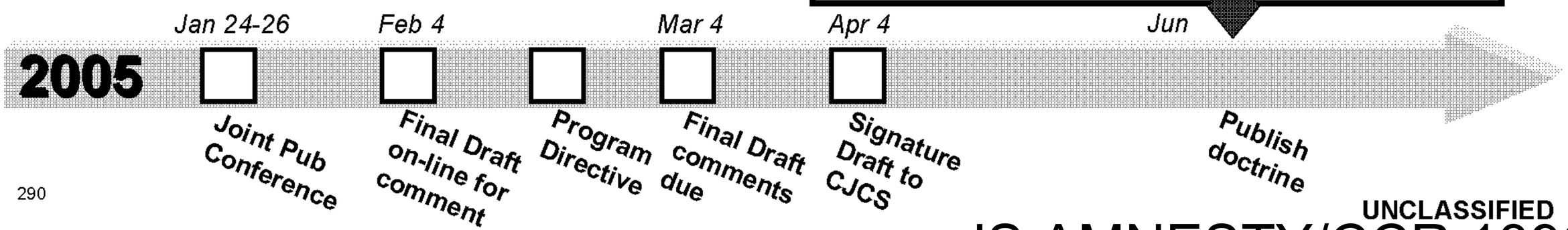
OCR: Army/J-7

(U) FIX/ACTION/CHANGE:

Fix: Write procedures for planning, personnel & logistic support into JIDC doctrine.

Action: Change Joint, Army Doctrine

Change: New Joint doctrine provides checklists for facilities, personnel & logistics as well as organizational guidance and templates.



JS AMNESTY/CCR 1396

Issues

- Joint interrogation operations are tasked organized and do not have a standing "unit" identification
- Each Army Service Component Command has a INSCOM MI Bde/Group to provide operational HUMINT support to the command and would constitute the Army element of any joint interrogation facility.
- New doctrine will permit the Joint Force Commander to establish a Joint Strategic Exploitation Center as well as Joint Interrogation and Debriefing Center(s)

JS AMNESTY/CCR 1397

Fay-011

OPR: OSD
Presented: 16 Dec 04
Status: Amber

Fay-012

OPR: Army
Presented: 16 Dec 04
Status: Amber

Fay-013

OPR: Army
OCR: JS J-7
Presented: 16 Dec 04
Status: Amber

F-014 Failure to Report & Treatment NOT IAW Geneva Convention

(U) RECOMMENDATION/OBSERVATION:

- DOD should improve training provided to all personnel in Geneva Conventions, detainee operations, and the responsibilities of reporting detainee abuse.

(U) CURRENT ASSESSMENT:

- Review current Joint and Service training policy and guidance
- Combine and track with S-007

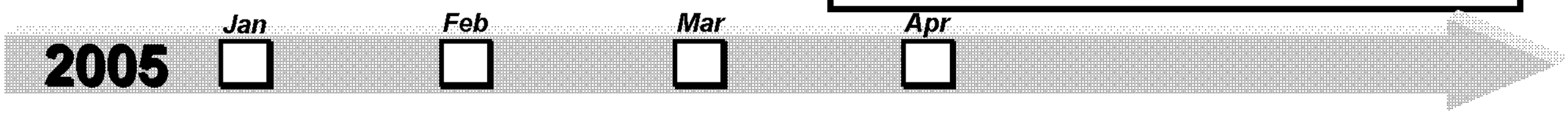
OPR: Joint Staff J-7
OCR: Joint Staff J-5, Army, JFCOM

(U) FIX/ACTION/CHANGE:

Fix: Update Values training to address the requirement for humane treatment of detainees.

Action: Develop doctrine for detention ops to remain within Geneva conventions, International Law and AR 190-8 emphasizing conditions where normal law enforcement has broken down in an occupied or failed state.

Change: Policy/Training/Leadership



Fay-015

OPR: Army
Presented: 16 Dec 04
Status: Amber

Fay-016

OPR: Army
OCR: JS J-7
Presented: 16 Dec 04
Status: Amber

Fay-017

OPR: Army
OCR: JS J-7
Presented: 16 Dec 04
Status: Amber

Fay-018

OPR: Army
OCR: JS J-7
Presented: 16 Dec 04
Status: Amber

F-019 Contracting Shortfalls to Training

(U) RECOMMENDATION/OBSERVATION

- The contracting system failed to ensure that properly trained and vetted linguist and interrogator personnel were hired to support operations at Abu Ghraib.

(U) CURRENT ASSESSMENT:

- Issue will be addressed by the Joint Task Force Policy Charter between OSD and ARMY
- Issue has been discussed with P&R to develop a plan for training and vetting linguists in contract work.

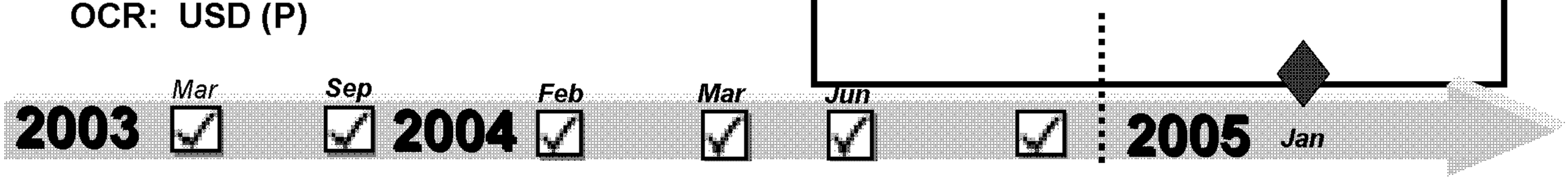
OPR: Joint Policy Task Force
OCR: USD (P)

(U) FIX/ACTION/CHANGE:

Fix: DoD should establish policy on the use of contract interrogators for all services

Action: Working w/ ASAALT to establish clear standards in SOW

Change: Policy/Training



JS AMNESTY/CCR 1406

Fay-020

OPR: OSD
OCR: Policy Working Group
Presented: 16 Dec 04
Status: Amber

Fay-021

OPR: Army
OCR: JS J-7
Presented: 16 Dec 04
Status: Amber

Fay-022

OPR: Army
OCR: JS J-7
Presented: 16 Dec 04
Status: Amber

F-023 DoD Enforcement of Procedures Conducted by OGA

(U) <u>RECOMMENDATION/OBSERVATION</u>

- DoD must enforce adherence by OGA with established DoD practices and procedures while conducting detainee interrogation operations at DoD facilities

(U) <u>CURRENT ASSESSMENT:</u>

- **USD(I) responsible for inter-agency coordination on intelligence issues. They have been developing policy to address the concerns of DoD when OGA's are engaged in law/intelligence activities.**

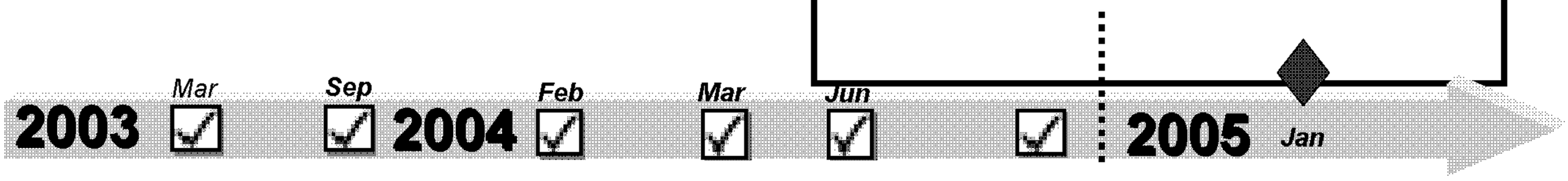
OPR: USD (I)
OCR: USD (P)

(x) <u>FIX/ACTION/CHANGE:</u>

Fix: DoD Policy Emphasis

Action: Issue Policy guidance and update existing MOUs

Change: Clearly defined OGA role in interrogation of DoD detainees



JS AMNESTY/CCR 1410

Fay-024

OPR: OSD
Presented: 16 Dec 04
Status: Green
Closed

Issue Title (Administration Action): F-025 FAY REPORT, Item 24, p119

(U) <u>RECOMMENDATION / OBSERVATION</u>:

Once soldiers in a unit have been identified as possible participants in abuse related to the performance of their duties, they should be suspended from such duties or flagged.

<u>(U) FIX / ACTION / CHANGE:</u>

This recommendation is pertinent to all detention operations in the CENTCOM AOR and is the inherent responsibility of all commanders.

(~~S~~) <u>CURRENT ASSESSMENT:</u>

- Request Closure.

OPR: CENTCOM
OCR:

F-026/Accountability

(x) RECOMMENDATION/OBSERVATION

- Ref: Individual Responsibility for Detainee Abuse at Abu Ghraib. This information should be forwarded to his/her chain of command for appropriate action.
- Item 25c thru 29, pgs 119-135 (27 Individual Recommendations, with #29 including 17 personnel)

(x) CURRENT ASSESSMENT:

OPR: Army

OCR:

(x) FIX/ACTION/CHANGE:

Fix: Personal Accountability

Action: HQDA OTJAG is monitoring actions taken by Soldiers' Court Martial Convening Authority

Change: Of the 45 individuals recommended for referral to the chain of command, all have been referred.

F-027/Medical Task Force Assessment

(x) RECOMMENDATION/OBSERVATION

- An inquiry should be conducted into
- 1) whether appropriate medical records were maintained, and if so, were they properly stored and collected and
- 2) whether medical personnel were aware of detainee abuse and failed to properly document and report the abuse.
- CID should review case #0216-03-CID259-61211 to determine if further investigation is appropriate. The case should then be forwarded to the Soldiers' chain of command for appropriate action.

(x) FIX/ACTION/CHANGE:

Fix: Ensure medical ethics is maintained and abuse was/is adequately reported.

Action:

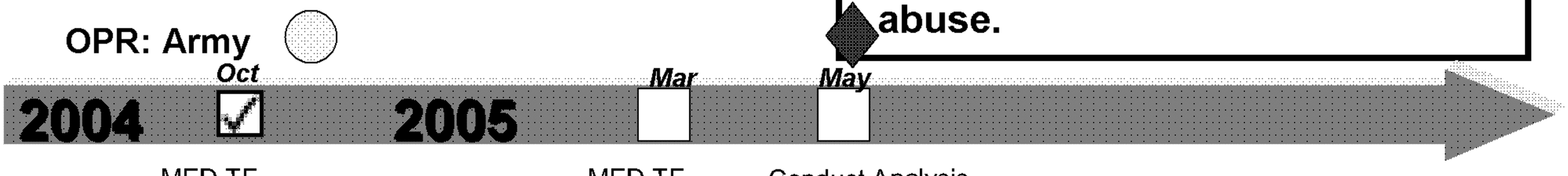
1) MED Task Force is conducting a thorough review of detainee operations medical procedures.

2) CID conducted a review and completed case #0216-03-259.

Change: Based on Med TF, Confirm/Improve detainee medical record handling and personal accountability for abuse.

(x) CURRENT ASSESSMENT:

OPR: Army



JS AMNESTY/CCR 1414

F-028/Accountability

(x) RECOMMENDATION/OBSERVATION

- CID should continue to aggressively pursue all available leads to identify this person and determine the degree of his involvement in detainee abuse.

(x) CURRENT ASSESSMENT:

CID case 0052-04-CID149
Individual has been identified.
Titling pending legal review.

OPR: ARMY

OCR:

(x) FIX/ACTION/CHANGE:

Fix: Personal Accountability.

Action: CID is aggressively investigating all reports of detainee abuse to the investigative standards of due diligence.

Change: Provide investigative and disposition for closed cases.

Fay/Jones Report

(Jones)

19 Findings

Issue Title (Inadequate Staff Structure): F/J-001 JONES REPORT pg 26,

(U) RECOMMENDATION / OBSERVATION:

CJTF-7 should designate a single staff proponent for Detention and Interrogation Operations. The grade of this officer should be commensurate with the level of responsibilities of the particular operation. Further, that the Army in concert with JFCOM should review the concept and clarify responsibilities for a single staff position for Detention and Interrogation operations as part of a JTF capable organization.

(S) FIX / ACTION / CHANGE:

(b)(5)

(S) CURRENT ASSESSMENT:

- Request Closure.

OPR: CENTCOM
OCR:

JS AMNESTY/CCR 1417

Issue Title (Guidance): F/J-002 JONES REPORT

(U) RECOMMENDATION / OBSERVATION:

CJTF-7 should, in concert with CENTCOM, publish clear guidance that applies to all units and agencies in the ITO on roles and responsibilities for Detention and Interrogation Operations, and publish clear guidance on the limits of interrogation authority for interrogation techniques as it pertains to the detainee population in the ITO.

(S) FIX / ACTION / CHANGE:

(b)(5)

(S) CURRENT ASSESSMENT:

- Request Closure.

OPR: CENTCOM
OCR:

JS AMNESTY/CCR 1418

Issue Title (C2): F/J-003 JONES REPORT

(U) RECOMMENDATION / OBSERVATION:

CENTCOM should review command relationships and responsibilities for the 800th MP BDE with CJTF-7 in the conduct of detention operations in the ITO.

(S) CURRENT ASSESSMENT:

- Request Closure.

OPR: CENTCOM
OCR:

(S) FIX / ACTION / CHANGE:

(b)(5)

JS AMNESTY/CCR 1419

Issue Title (IG): F/J-004 JONES REPORT

(U) RECOMMENDATION / OBSERVATION:

CJTF-7 Inspector General should be designated the staff proponent to rapidly investigate ICRC allegations. CJTF-7 Inspector General should periodically conduct unscheduled inspections of detention and interrogation operations providing direct feedback to the commander.

(S) FIX / ACTION / CHANGE:

(b)(5)

(S) CURRENT ASSESSMENT:

Request Closure.

OPR: CENTCOM
OCR:

JS AMNESTY/CCR 1420

F/J-005 JIDC in Future Environment

(U) RECOMMENDATION/OBSERVATION:

- Update Joint and Army publications to clearly address the concept, organization and operations of a Joint Interrogation and Debriefing Center in a future joint operational environment.

(U) CURRENT ASSESSMENT:

- This issue is addressed in doctrinal publications currently under revision and development.

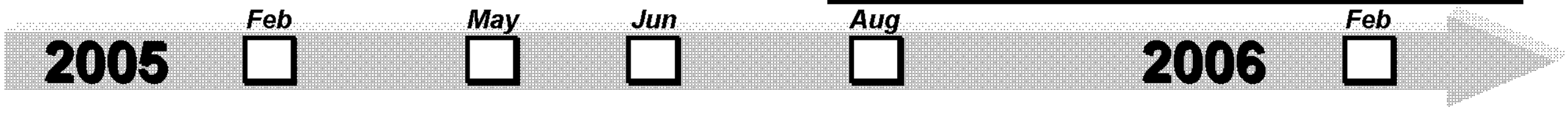
OPR: Joint Staff J-7
OCR: Joint Staff J-5, Army, JFCOM

(U) FIX/ACTION/CHANGE:

Fix: Review and Revise Doctrine

Action: ICW the Joint Staff, update Army and Joint doctrine to address concept, organization and operations, and procedures for the JIDC

Change: Doctrine and Organizations



JS AMNESTY/CCR 1421

Fay/Jones-006

OPR: Army
OCR: JS J-7
Presented: 16 Dec 04
Status: Amber

Fay/Jones-007

OPR: OSD
OCR: Policy Working Group
Presented: 16 Dec 04
Status: Amber

F/J-008 Corps Transition to JTF

(U) <u>RECOMMENDATION/OBSERVATION:</u>

- The Army should expedite the development and transition of Corps-level command and control headquarters into JTF-capable organizations.

(U) <u>CURRENT ASSESSMENT:</u>

- The Army is specifically addressing this issue in its new "Units of Employment" concept.
- SecDef implementation memo pending re: Forming and Sustaining a JTF Headquarters

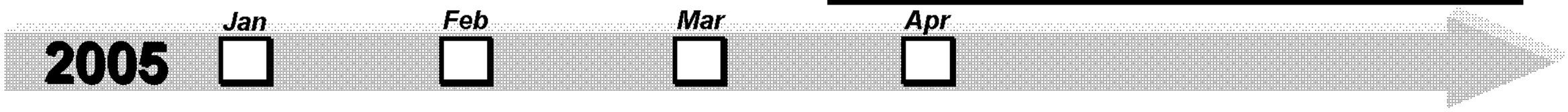
OPR: JFCOM
OCR: Joint Staff J-7, Army

(U) <u>FIX/ACTION/CHANGE:</u>

Fix: Transition Corps-level command and control headquarters into JTF-capable organizations

Action: Expedite the planned development and transition of Corps-level command and control headquarters into JTF-capable organizations

Change: Organizations



JS AMNESTY/CCR 1424

F/J-009 Resource Future JTF Capable HQs

(U) RECOMMENDATION/OBSERVATION:

- Institutionalize and resource the personnel and equipment needs of future JTF-capable headquarters, to include the intelligence architecture of such a headquarters.

(U) CURRENT ASSESSMENT:

- This action should be consolidated and tracked with F/J-008

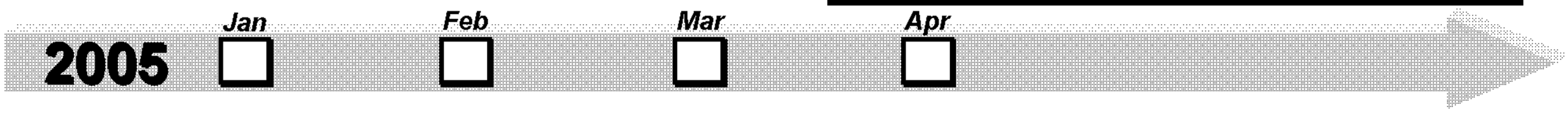
OPR: JFCOM
OCR: Joint Staff J-7, Army

(U) FIX/ACTION/CHANGE:

Fix: JTF capable Headquarters personnel and equipment

Action: Based on JFCOM/TRADOC study and recommendations, institutionalize the personnel and equipment needs of future JTF-capable headquarters, including the intelligence architecture of such headquarters

Change: Organizations



JS AMNESTY/CCR 1425

Fay/Jones-010

OPR: Army
Presented: 16 Dec 04
Status: Amber

Fay/Jones-011

OPR: Army
Presented: 16 Dec 04
Status: Amber

Fay/Jones-012

OPR: Army
OCR: JS J-7
Presented: 16 Dec 04
Status: Amber

Fay/Jones-013

OPR: Army
OCR: Policy Working Group
Presented: 16 Dec 04
Status: Amber

Fay/Jones-014

OPR: OSD
OCR: USD(I)
Presented: 16 Dec 04
Status: Amber

Issue Title (Unified Guidance): F/J-015 JONES REPORT pg 29, V Corps Transition

(U) RECOMMENDATION / OBSERVATION:

That CENTCOM publish guidance for compliance by all agencies utilizing military detention facilities

~~(S)~~ CURRENT ASSESSMENT:

● UNK

OPR: CENTCOM
OCR:

(S) FIX / ACTION / CHANGE:

Fix: CENTCOM publish guidance for compliance by all agencies utilizing military detention facilities.

Action:

Change:

Fay/Jones-016

OPR: OSD
OCR: USD(I)
Presented: 16 Dec 04
Status: Amber

Fay/Jones-017

OPR: OSD
Presented: 16 Dec 04
Status: Amber

Fay/Jones-018

OPR: Army
OCR: JS J-7
Presented: 16 Dec 04
Status: Amber

F/J-019 Detainee Message

(U) RECOMMENDATION/OBSERVATION

- How do we communicate what were doing to inspire confidence in our soldiers?
- Is the broader message of what happened in the investigations getting out?

(U) CURRENT ASSESSMENT:

- Council needs to decide what is a proper forum/way ahead/ or TF to deal with the problem. USD(P) is willing to coordinate with OSD(PA) once a strategy is developed to execute the strategy.

OPR: OSD(PA)/USD(P)

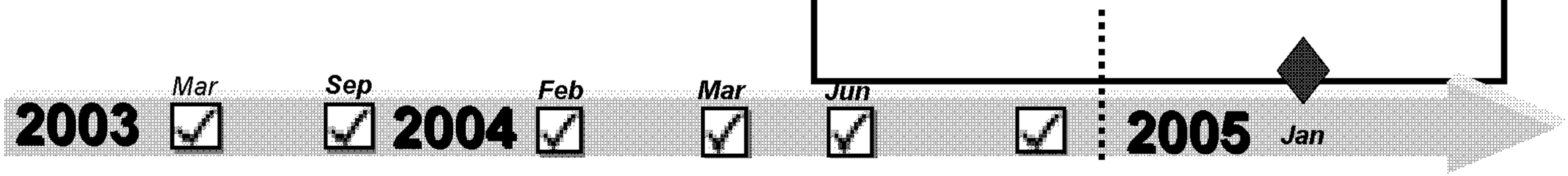
OCR: USD(P)

(U) FIX/ACTION/CHANGE:

Fix: Need to better communicate the changes we have made and the actions taken.

Action: Develop communications plan?

Change:



JS AMNESTY/CCR 1435

Schlesinger Panel
14 Findings

JS AMNESTY/CCR 1436

S-001 Policy Alignment w/ Geneva

(U) RECOMMENDATION/OBSERVATION

- **Need to further define policy for DoD and other government agencies to align with Geneva Conventions**

(U//FOUO) CURRENT ASSESSMENT:

- Defining policy is "easy" – question is resolving our own internal conflicts over intelligence missions and international perceptions of our legal obligations.
- Priority for ODA – development of "tiger team" to directly address how to define future policy objectives and harmonize positions between other detainee and perceptions of rights to traditional EPW's.

OPR: USD(P)

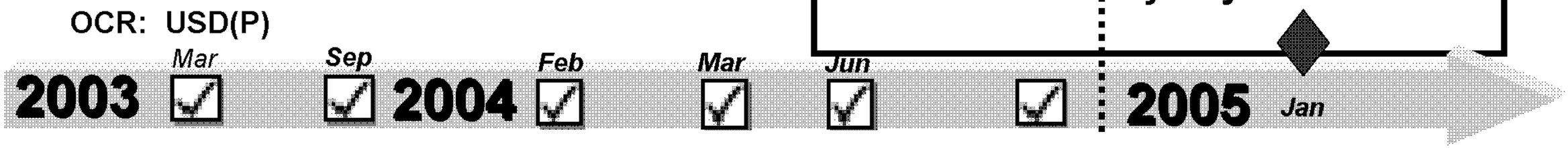
OCR: USD(P)

(U) FIX/ACTION/CHANGE:

Fix: Develop DoD Policy or NSPD.

Action: Form team to examine specific policy issues regarding GC and detention operations. Draft DoD Policy, DoDD, and NSPD (along with inter-agency) to address specific issues.

Change: Development of "grand strategy" for detention that is GC compliant and addresses national security objectives.



JS AMNESTY/CCR 1437

S-002 MI/MP Collaboration

(U) RECOMMENDATION/OBSERVATION:

- DOD develop joint doctrine to define appropriate collaboration between MI and MP in a detention facility. Define meaning of guidance with precision.

(U) CURRENT ASSESSMENT:

- Required doctrinal publications currently under revision or development.

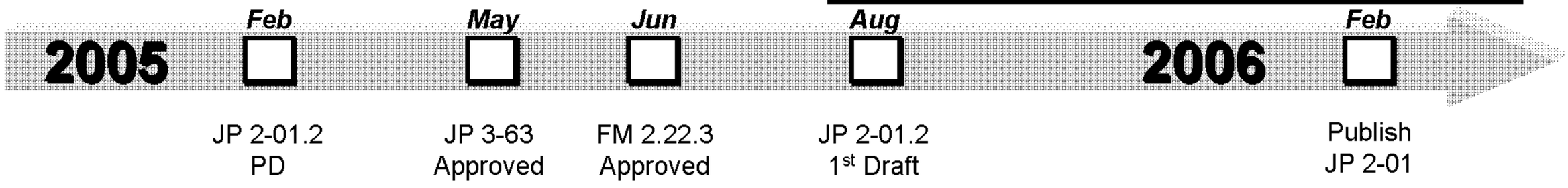
OPR: Joint Staff J-7
OCR: Joint Staff J-2 & Army

(U) FIX/ACTION/CHANGE:

Fix: Doctrine and Policy review

Action: Clarify doctrine to define the organizational structures, command relationships, and roles and responsibilities of personnel operating internment and interrogation facilities IAW AR 190-8

Change: Policy/Organizations/ Training



JS AMNESTY/CCR 1438

S-003 Filling Personnel Requirements

(U) RECOMMENDATION/OBSERVATION

- Need more professional linguists, interrogators, human intelligence, counter-intelligence, corrections police and behavioral scientists

(U) CURRENT ASSESSMENT:

- **Met with representatives of P&R to discuss recommendations (January 05).**
- **They are developing strategy and will report back to ODA before next SLOC meeting.**
- **ODA assisting ASD(HA) in development of hiring program/track for Behavioral scientists.**

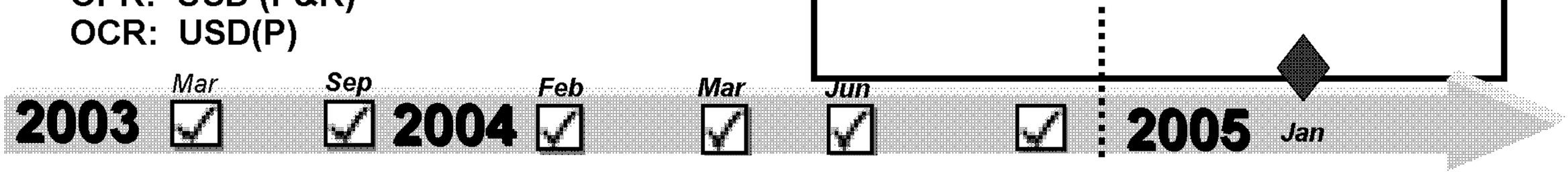
OPR: USD (P&R)
OCR: USD(P)

(U) FIX/ACTION/CHANGE:

Fix: Develop action plan to recruit more linguists, intelligence analysts, and other personnel to support detention operations.

Action: Develop action plan for recruiting and retaining people with necessary skill.

Change: GWOT mission will be better staffed and provide for efficacy in intel and interrogation missions.



JS AMNESTY/CCR 1439

S-004 Operational Concept for Detainee Ops

(U) RECOMMENDATION/OBSERVATION:

- JFCOM chair a Joint Service Integrated Process Team to develop new Operational Concept for Detention Operations in the new era of warfare, covering the Global War on Terror.
- Emphasize detention operations during Counter-Insurgency campaigns and Stability Operations where law enforcement has broken down in an occupied or failed state.
- Study idea of a deployable detention facility and implement as appropriate.

(U) CURRENT ASSESSMENT:

- Issues addressed in doctrinal publications currently under revision or development.

OPR: JFCOM
OCR: Joint Staff J-7 & Army

(U) FIX/ACTION/CHANGE:

Fix: Policy review and possible materiel requirements from study

Action: Develop Concept of Operations for Detention Ops and study alternative ideas

Change: Policy/Organizations/ Training/Materiel

2005

Jan	Feb	Mar	Apr
	Establish Team	Initiate Study & CONOPs	

JS AMNESTY/CCR 1440

Schlesinger-005

OPR: OSD
Presented: 16 Dec 04
Status: Amber

S-006 Interrogation Policy

(U) <u>RECOMMENDATION/OBSERVATION</u>

- Well-documented policy and procedures on approved interrogation techniques

(U) <u>CURRENT ASSESSMENT:</u>

- USD(I) has designated their Policy and Strategy office to develop DoD Interrogation Policy

OPR: USD (I)

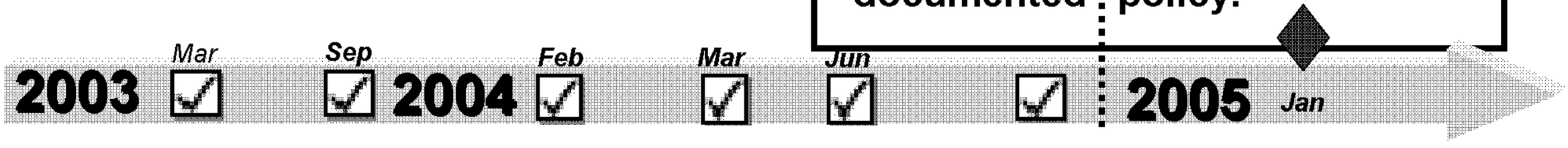
OCR: USD(P)

(U) <u>FIX/ACTION/CHANGE:</u>

Fix: Issue DOD Interrogation Policy

Action: USD(I) designated their Policy and Strategy office to develop and coordinate DoD Interrogation Policy

Change: USD(I) policy will serve as policy guidance for interrogation – recommendation satisfied in developing "well documented" policy.



Classification

JS AMNESTY/CCR 1442

S-007 Professional Ethics Training

(U) <u>RECOMMENDATION/OBSERVATION:</u>

- All personnel who may be engaged in detention operations, from point of capture to final disposition, should participate in a professional ethics program to equip them with a sharp moral compass for guidance in situations often rife with conflicting moral obligations.
- Development of a values-oriented ethics program should be the responsibility of the Services assisted by the JCS.

(U) <u>CURRENT ASSESSMENT:</u>

- Review current Joint and Service training policy and guidance
- Combine and track with F-014

OPR: Joint Staff J-7
OCR: Services, JFCOM

(U) <u>FIX/ACTION/CHANGE:</u>

Fix: Update doctrine and values training.

Action: Update doctrine and values training to address requirement and importance of providing humane treatment to detainees and the strategic consequences when this standard is not achieved.

Change: Policy/Training/Leaders.

JS AMNESTY/CCR 1443

S-008 DOD/OGA Guidelines

(U) <u>RECOMMENDATION/OBSERVATION</u>

- Clearer guidelines for the interaction of OGA's with the Department of Defense in detention and interrogation operations must be defined

(U) <u>CURRENT ASSESSMENT:</u>

- **USD(I) is reviewing in development of the DoD policy.**
- **Promulgation of interrogation policy under development. Policy will address relationships of OGA's and DOD directorates and agents.**

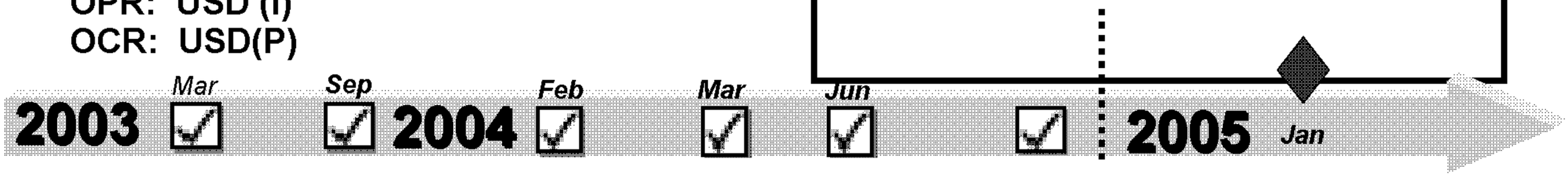
OPR: USD (I)
OCR: USD(P)

(U) <u>FIX/ACTION/CHANGE:</u>

Fix: Issue DOD Interrogation Policy

Action: USD(I) will promulgate policy that defines relationships between OGA's and DOD agents.

Change: Ambiguity resolved.



JS AMNESTY/CCR 1444

Schlesinger-009

OPR: OSD
Presented: 16 Dec 04
Status: Amber

Schlesinger-010

OPR: OSD
Status: Red

340

16 Dec

JS AMNESTY/CCR 1446

Schlesinger-011

OPR: OSD
Presented: 16 Dec 04
Status: Green
Closed

JS AMNESTY/CCR 1447

S-012 Impartial Rapid Reporting to the Sec Def

(U) RECOMMENDATION/OBSERVATION

- The Secretary of Defense should ensure the effective functioning of rapid reporting channels for communicating bad news to senior Department of Defense leadership

(U) CURRENT ASSESSMENT:

- Proposal to fast-track information to the Secretary was approved 13 Dec 04.

OPR: USD (P&R)

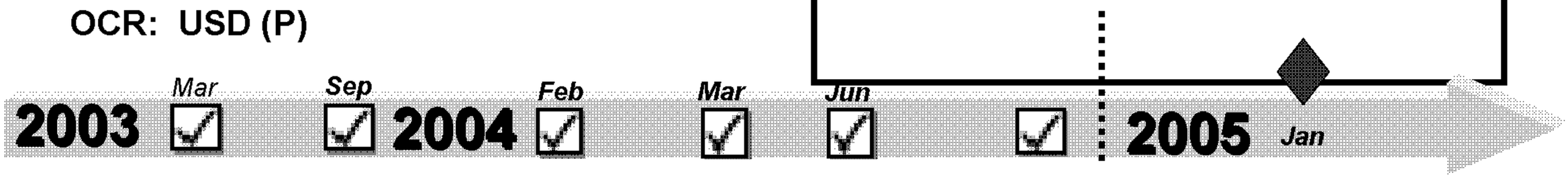
OCR: USD (P)

(x) FIX/ACTION/CHANGE:

Fix: Joint adaptation of procedures such as the Air Force special notification process.

Action: Office to fast-track has been "stood up" – headed by Richard McGraw; still working space and employment/resource issues, but, office is functioning.

Change: No change from last meeting



JS AMNESTY/CCR 1448

S-013 Medical Personnel Training to Report/Assess

(U) RECOMMENDATION/OBSERVATION:

- The Fay investigation cited some medical personnel for failure to report detainee abuse. Training should include obligation to report any detainee abuse. The Panel also notes the Army IG found significant shortfalls in training and force structure for field sanitation, preventive medicine and medical treatment requirements for detainees.
- Address need for medical personnel to screen/monitor the health of detention personnel and detainees.

(U) CURRENT ASSESSMENT:

- Review current Joint and Service training policy and guidance

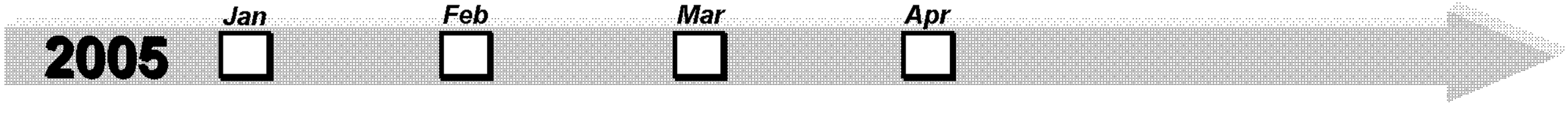
OPR: Joint Staff J-7
OCR: Services, JFCOM

(U) FIX/ACTION/CHANGE:

Fix: Update medical training to address detainee operations

Action: Emphasize need to screen and monitor health conditions of detainees, and report any abuses

Change: Policy/Training/Leaders



JS AMNESTY/CCR 1449

S-014 Additional Training of Medical Personnel

(U) RECOMMENDATION/OBSERVATION

- Need training for medical personnel on reporting abuse. Medical personnel need to be trained with better field treatment techniques

(U) CURRENT ASSESSMENT:

- Medical ethics policy in final stages of promulgation. Directly addresses reporting violations.

- Currently discussing with ASD(HA) development tracks regarding treatment and non-treatment medical ops. (ODA/USD(I)/OGC/HA)

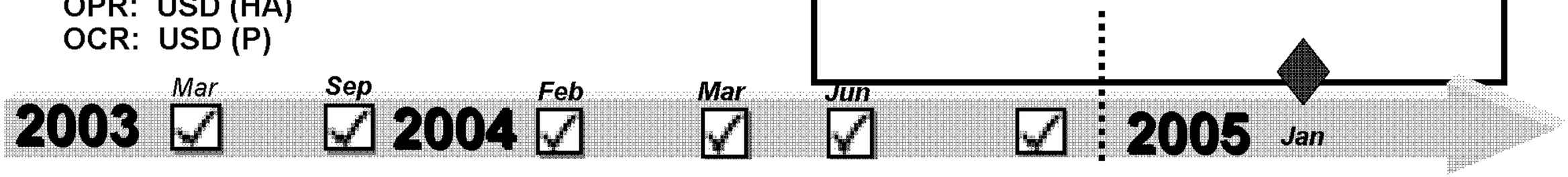
OPR: USD (HA)
OCR: USD (P)

(x) FIX/ACTION/CHANGE:

Fix: Provide structured training to Medical Personnel on Detainees matters

Action: USD(P) working with ASD(HA) in development of medical training policy.

Change: Detainees are given excellent medical care and doctors have clear methods for carrying out their obligations.



JS AMNESTY/CCR 1450

Jacoby Report
32 Findings

Issue Title (31E Requirement):
J-001 JACOBY REPORT Section VI, Item a, pg 13

(U) RECOMMENDATION / OBSERVATION:

To properly conduct detainee operations throughout Afghanistan requires the right kinds of forces to bring the requisite expertise to the process. Military Police I/R units, Confinement units, and MP Guard companies if assigned, would provide the custodial care and expertise to run the two major collection facilities at Bagram and Kandahar, as well as assist the theater forward collection points with the proper guidance, training, and oversight to properly conduct detainee operations. Forces on the ground today do not have 31E MP Corrections Specialist expertise to run the daily operations in the detention facilities at Bagram and Kandahar, which is required if MP I/R or confinement units are not resourced. Requests for eleven 31E's and a MP LTC respectively to run detainee operations throughout the theater were submitted on 13 April 2004 and 18 May 2004 respectfully (Enclosure U). The JMD was updated to permanently reflect the need for these positions in case other contingency operations prohibit the requested units from being sourced.

(S) FIX / ACTION / CHANGE:

(b)(5)

~~(S)~~ CURRENT ASSESSMENT:

- Request closure.

OPR: CENTCOM
OCR:

Issue Title (MITs):
J-002 JACOBY REPORT Section VI, Item b, pg 13

(U) RECOMMENDATION / OBSERVATION:

Mobile Interrogation Teams are required to ensure the timely collection of actionable intelligence and to identify persons meeting SECDEF criteria so they may be processed further or released. These forces have been requested for OEF 6 and are an enduring requirement for future rotations. The farther forward in the detainee process certified interrogators are pushed, the better the chance of obtaining timely, actionable intelligence that meets both battlefield and global intelligence requirements. Pushing interrogators forward also mitigates the risk of abuse that can result from unauthorized interrogations.

(S) FIX / ACTION / CHANGE:

(b)(1),(b)(5)

(S) CURRENT ASSESSMENT:

- Request closure.

OPR: CENTCOM
OCR:

Issue Title (Cat II Int.):
J-003 JACOBY REPORT Section VI, Item c, pg 13

(U) RECOMMENDATION / OBSERVATION:

Additional Level III Counter-intelligence personnel, Category II Interpreters, 35F Clandestine Case Officers, and 97E Interrogators are needed throughout Afghanistan. When these specialties are not available, units tend to try to replace them with the next best thing (for example, an MI officer for a certified interrogator) or simply do without. This prevents the unit from maximizing the benefit that can be obtained from detaining an individual and results in more individuals being detained for longer periods than are necessary to obtain the desired information.

(U) CURRENT ASSESSMENT:

(No Change) Contracts and requests for forces in place, awaiting fulfillment. RFI pending to MNF-I

~~(S)~~ FIX / ACTION / CHANGE:

(b)(1),(b)(5)

OPR: CENTCOM
OCR:

JS AMNESTY/CCR 1454

Jacoby-004

OPR: Army
OCR: JS J-7
Presented: 16 Dec 04
Status: Amber

Jacoby-005

OPR: Army
OCR: JS J-7
Presented: 16 Dec 04
Status: Amber

J-006/(TNG Support Packages/Doctrine Revisions)

(x) RECOMMENDATION/OBSERVATION

- Particularly for units new to theater, cordon and search operations can have a tendency to replace the careful, deliberate development of intelligence. This is the result of a lack of experience and appropriate intelligence gathering assets at the small unit level. Large, unspecific cordon and search operations more often than not result in a large number of local nationals being temporarily displaced from their homes, but a relatively small number of individuals actually being detained. The general lack of pre-operation intelligence also leads to more persons being detained than is necessary, as some units play it safe and detain an individual rather than release an individual who might be hostile. This can clearly have a negative effect on the local populace. Whenever possible, participation and support of Afghan military or police forces and government officials should be sought. Additional detention training, to include profiling training, is required to maximize the effectiveness of cordon and search operations.

(x) CURRENT ASSESSMENT:

D3, T13, T14

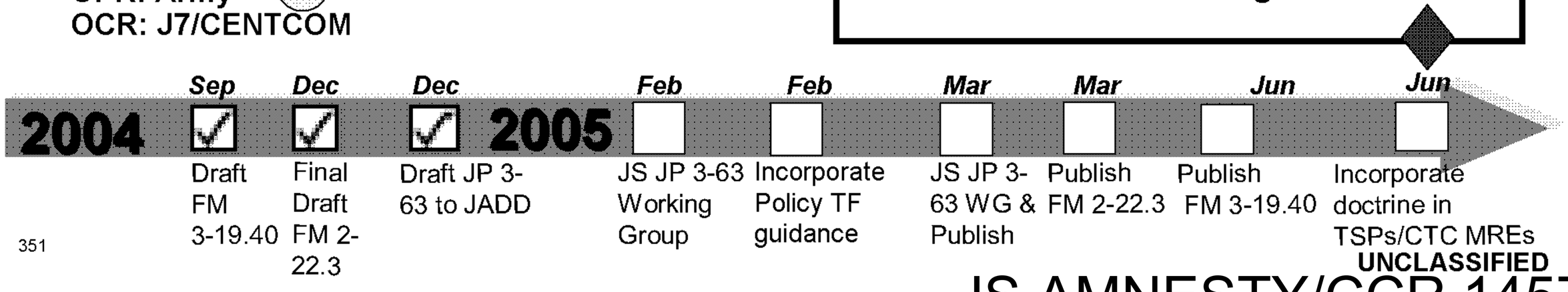
OPR: Army
OCR: J7/CENTCOM

(x) FIX/ACTION/CHANGE:

Fix: Improve doctrinal techniques, intelligence analysis and detainee profiling ISO C/S's.

Action: Analyze Lessons Learned (TTPs) & update doctrine for Intel support to C/S operations—specifically intelligence analysis, profiling, and HN coordination. Incorporate doctrine thru specific training requirements.

Change: Improve Training Support Packages to enhance TTPs and Soldier/leader knowledge.



JS AMNESTY/CCR 1457

Jacoby-007

OPR: Army
OCR: JS J-7
Presented: 16 Dec 04
Status: Amber

Issue Title (Interrogation Training): J-008 JACOBY REPORT Section VI, Item h, pg 15

(U) RECOMMENDATION / OBSERVATION:

Improved interrogation training leading to the certification of all interrogators will improve intelligence gathering and dissemination of actionable intelligence as well as improve the detainee screening process. Interrogators need training on Afghan culture, traditions and history to be able to get the most intelligence from detainees. Additionally, combat commanders at all levels need training on interrogation and detainee chain of custody to ensure that unit actions do not interfere with or negatively affect the interrogation of detainees. Recommend that each commander's right seat ride include case studies on the interrogation process and how the capturing unit can best facilitate and positively impact the process.

(S) CURRENT ASSESSMENT:

(b)(5)

(S) FIX / ACTION / CHANGE:

CFC-A: JIF conducts a certification course for all incoming interrogators and CI personnel. Cultural awareness training is conducted for all soldiers during pre-deployment train-up and periodically while in theater. MTTs conduct mandated commander's training on proper handling of detainees.

MNF-I: ???

OPR: CENTCOM

OCR:

Issue Title (Age Determination Training): J-009 JACOBY REPORT Section VI, Item i, pg 15

(U) RECOMMENDATION / OBSERVATION:

Familiarization training in age determination methods would benefit units detaining individuals claiming to be youths and in determining whether individuals detained should be segregated as a youth.

~~(S)~~ FIX / ACTION / CHANGE:

Fix:

Action:

Change:

(U) CURRENT ASSESSMENT:

◯ Request confirmation that CENTCOM has been officially relieved and Joint Staff has the lead. J-4 Lead?

OPR: CENTCOM
OCR:

Issue Title (CCTVs):
J-010 JACOBY REPORT Section VI, Item j, pg 15

(U) RECOMMENDATION / OBSERVATION:

All facilities in Afghanistan provide only the most basic security enhancements. INSCOM has offered to add closed circuit television (CCTV) to the current Bagram Holding Facility. CJTF-76 CJ2 is coordinating with INSCOM to see if they will consider funding additional CCTVs for expansion projects for Bagram and Kandahar. Additional CCTVs would be used to monitor and record interrogations, a capability that would facilitate enhanced supervisory oversight and review of interrogations for additional content value.

~~(S)~~ CURRENT ASSESSMENT:

(b)(5)

~~(S)~~ FIX / ACTION / CHANGE:

(b)(5)

OPR: CENTCOM
OCR:

Issue Title (Improve Communications):
J-011 JACOBY REPORT Section VI, Item k, pg 15

(U) RECOMMENDATION / OBSERVATION:

Communication capabilities must be improved. Secure network capabilities at each site are critical for the timely transfer of information. Existing communication capabilities do not support the secure electronic transfer of documents or successful dissemination of large amounts of data. This hinders the forwarding of timely, actionable intelligence either forward or to the rear. Real time data transfer will improve the SECDEF criteria analysis conducted at points of capture, thus ensuring only individuals who are likely to meet the criteria are further processed.

~~(S)~~ FIX / ACTION / CHANGE:

(b)(1),(b)(5)

~~(S)~~ CURRENT ASSESSMENT:

(b)(1),(b)(5)

OPR: CENTCOM

OCR:

JS AMNESTY/CCR 1462

Issue Title (Anti-Intrusion Devices): J-012 JACOBY REPORT Section VI, Item l, pg 15

(U) RECOMMENDATION / OBSERVATION:

In addition to the integration of CCTV at the Bagram and Kandahar detention facilities, anti-intrusion devices or a security alarm system would significantly enhance the security posture of existing facilities. Centrally controlled door locks would also greatly enhance the security of the facility.

~~(S)~~ CURRENT ASSESSMENT:

(b)(1),(b)(5)

~~(S)~~ FIX / ACTION / CHANGE:

(b)(1),(b)(5)

OPR: CENTCOM
OCR:

Jacoby-013

OPR: OSD
Status: Red

Issue Title (Handheld Metal Detectors): J-014 JACOBY REPORT Section VI, Item n, pg 16

(U) RECOMMENDATION / OBSERVATION:

Handheld metal detectors can discover hidden devices undiscoverable by an external search. Metal detectors can also negate a perceived need for more invasive physical examinations in exceptional cases. All facilities and units that handle detainees should be equipped with these proven devices.

(S) CURRENT ASSESSMENT:

(b)(1),(b)(5)

(U) FIX / ACTION / CHANGE:

Fix: Equip personnel with hand held metal detectors.

Action: Systems are in place at Bagram and Kandahar and in Iraq. Request submitted for similar equipment to be used at forward collection points.

Change: Enhance force protection.

OPR: CENTCOM
OCR:

JS AMNESTY/CCR 1465

Issue Title (System for Recording Detainee Behavior): J-015 JACOBY REPORT

(U) RECOMMENDATION / OBSERVATION:

A central database for guard personnel to record pertinent observations regarding detainee behavior, for review by authorized personnel responsible for the safeguarding or interrogation of the detainee, is critical to assure the safety of the guard force and assist in the collection of information or actionable intelligence. The task force should consider acquiring the Detainee Information Management System (DIMS) to record observed behavior of the detainees

(S) CURRENT ASSESSMENT:

(b)(1),(b)(5)

OPR: CENTCOM
OCR:

(U) FIX / ACTION / CHANGE:

Fix: Acquisition of a central detainee database that tracks detainee behavior.

Action: Currently planning to implement DIMS system in Iraq and a similar system in CFC-A.

Change: Guard personnel will have a capability to centrally record observed detainee behavior.

JS AMNESTY/CCR 1466

Issue Title (Non-Lethal Equipment):
J-016 JACOBY REPORT Section VI, Item p, pg 16

(U) RECOMMENDATION / OBSERVATION:

At Transfer of Authority (TOA), no non lethal equipment was available at the Bagram or Kandahar detention facilities. A full suite of non-lethal capability must, be on hand at both facilities and available to regional commanders.

~~(S)~~ FIX / ACTION / CHANGE:

(b)(1)

~~(S)~~ CURRENT ASSESSMENT:

- Need to determine the exact requirement?

OPR: CENTCOM
OCR:

361

Issue Title (Facility Upgrade): J-017 JACOBY REPORT Section VI, Item q pg 16

(U) RECOMMENDATION / OBSERVATION:

The Bagram detention facility is essentially an old Soviet industrial warehouse with the interior gutted and holding cells constructed. While it has seen improvements over the years, much work is still required to make this a more safe and secure facility. A $4.95 million project to provide upgrades to the facility is pending approval. Once approved, this project will improve plumbing and sanitation, make electrical and roof repairs, install security doors and make other security improvements to the facility. Since it is operating at maximum capacity, engineers have also developed a plan to expand the current facility. The approved plan will provide an additional 18 multi-person cells, shower facility, social activity room and bunkers. The cost of this facility is $1.3 million, and it will be completed in November 2004. Total detention capability after construction will be 564 detainees.

~~(S)~~ CURRENT ASSESSMENT:

(No Change)

Construction not completed until Spring 05. Awaiting Council decision on lead agency IRT facility (fixed / deployable) standards.

(S) FIX / ACTION / CHANGE:

CFC-A: $5 million renovation plan is in place at Kandahar and Bagram for improvements on detention facilities. Expected completion is Dec 04 for Kandahar and Spring 05 for Bagram.

OPR: CENTCOM

OCR:

JS AMNESTY/CCR 1468

Issue Title (Facility Upgrade): J-018 JACOBY REPORT Section VI, Item r pg 16

(U) RECOMMENDATION / OBSERVATION:

The Kandahar detention facility is an outdoor holding area in need of repair to accommodate its maximum number of detainees. These improvements are already being made and the facility will soon be able to operate at maximum capacity. Additionally, a 78-person indoor holding area is under construction with a projected completion date of August 04. After a thorough assessment of maximum capacity thresholds; CJTF-76 committed to building another indoor holding facility next to the new indoor 78-person facility. Projected completion date is 1 September 2004. Total detention capability after construction will be 178 detainees.

(S) CURRENT ASSESSMENT:

(No Change)

Construction not completed until Spring 05. Awaiting Council decision on lead agency IRT facility (fixed / deployable) standards.

OPR: CENTCOM

OCR:

(S) FIX / ACTION / CHANGE:

CFC-A: $5 million renovation plan is in place at Kandahar and Bagram for improvements on detention facilities. Expected completion is Dec 04 for Kandahar and Spring 05 for Bagram.

Issue Title (Field Holding Site Standards): J-019 JACOBY REPORT Section VI, Item S pg 17

(U) RECOMMENDATION / OBSERVATION:

Minimal standards for field detention sites must be included in a revision to the Detention Operations SOP and distributed throughout the theater. These standards should include adequate room to lay down and stand up without touching the walls or ceiling, proper ventilation, sufficient lighting, both natural and/or artificial, protection from the elements, cover from attack, and adequate latrine facilities. Each detention site should also have a pre-established plan for segregating women and children from the men.

~~(S)~~ FIX / ACTION / CHANGE:

(b)(1)

~~(S)~~ CURRENT ASSESSMENT:

(No change). Policy Working Group tasked 11 Jan 05, per matrix.

OPR: CENTCOM
OCR:

JS AMNESTY/CCR 1470

Issue Title (Management Structure):
J-020 JACOBY REPORT Section VI, Item t, pg 17

(U) RECOMMENDATION / OBSERVATION:

Detainee operations should be a theater-wide focus, not one solely directed towards the detention facilities at Bagram or Kandahar. At the CJTF -76 level, the OIC of detainee operations is resourced on the JMD as a captain, yet a theater wide focus requires the expertise and maturity of a senior field grade officer, preferably an MP LTC. Pending the sourcing of I/R units recommended under the RFF section and approval of changes to the JMD an interim theater level detainee operations chain of command would include an MP LTC responsible for custodial and safeguarding issues and an MI LTC responsible for interrogation issues both reporting to the CJTF -76 PM who in turn reports directly to the CJTF-76 CG. This organization will coordinate detainee operations directly with the Regional Brigade and Component Command Headquarters. Regional Brigade and Component Commanders should appoint commanders in their region responsible for the safeguarding and care of detainees while detained in collection points in their areas of operation. Base commanders should in turn appoint an OIC or NCOIC as the "warden" or single point of contact who is in charge of detainee operations at the local collection point. A clear mandate to operate the facility according to standards established by appropriate authorities and an unequivocal acceptance of command responsibility at these facilities will go a long way in preventing detainee abuse and maintaining standards.

~~(S)~~ CURRENT ASSESSMENT:

Request Closure – verify JMD.

OPR: CENTCOM
OCR:

~~(S)~~ FIX / ACTION / CHANGE:

Fix: Designate a single authority for Detention and Interrogation Operations.
Action: (b)(6) is the PM/Detention Operations Commander for CJTF-76.
Change: Both theaters have established command responsibility for detention and interrogation operations.

Issue Title (Develop Rehab Program): J-021 JACOBY REPORT Section VI, Item u, pg 17

(U) RECOMMENDATION / OBSERVATION:
As the theater matures, we have an opportunity to create corresponding improvements in our detention facilities and to better provide for the well being of detainees consistent with the principles of the Geneva Conventions. Particularly for Low Level Enemy Combatants (LLECs), many of whom have already been detained in the Bagram Coll Point for extensive periods and who have little chance for release in the foreseeable future, alternative arrangements are worth evaluating. This may be a significant challenge in the short-term given significant detainee population increases, but future construction efforts at Bagram may provide an area separate from other detainees where more space to exercise, take instruction, and even work might be made available in the spirit of Geneva without hindering the intelligence gathering function.

~~(S)~~ FIX / ACTION / CHANGE:

(b)(5)

~~(S)~~ CURRENT ASSESSMENT:

(b)(1),(b)(5)

OPR: CENTCOM
OCR:

Issue Title (Guidance and Standards): J-022 JACOBY REPORT Section VII, Item a, pg 18

(U) RECOMMENDATION / OBSERVATION:

Immediate issue of theater interrogation guidance and standards. At the same time, direct an immediate halt of non-CJTF-76 supervised interrogation at CFC-A AO joint use detention facilities.

~~(S)~~ FIX / ACTION / CHANGE:

Fix: Provide overarching guidance IRT interrogation standards.

Action: Guidance put out by CDR, USCENTCOM May 04 to use only techniques found in FM 34-52.

Change: All interrogators follow the same theater-wide standard for interrogations.

~~(S)~~ CURRENT ASSESSMENT:

Request Closure. Retasked to Policy Working Group, per matrix 11 Jan 05.

OPR: CENTCOM
OCR:

Issue Title (Develop SOPs): J-023 JACOBY REPORT Section VII, Item b, pg 18

(U) RECOMMENDATION / OBSERVATION:

CJTF-76 finalize revisions and issue, consistent with CFC-A guidance, appropriate theater detainee standard operation procedures including: i. CJTF-76 Detainee Operations SOP; ii. CJTF-76 Interrogation Techniques SOP; iii. CJTF-76 Bagram detention facility Provost Marshal Operations SOP; and iv. CJTF-76 ICRC Visit and Liaison SOP.

~~(S)~~ CURRENT ASSESSMENT:

Closed 16 Dec 04.

OPR: CENTCOM
OCR:

~~(S)~~ FIX / ACTION / CHANGE:

Fix: Develop theater specific detainee SOP's.

Action: Both MNF-I and CFC-A have developed SOP's for their respective theaters.

Change: Standardized and up to date guidance published for detainee operations.

Issue Title (MP O6 PM): J-024 JACOBY REPORT Section VII, Item c, pg 18

(U) RECOMMENDATION / OBSERVATION:

Approval of a JMD position for an MP 06 as Provost Marshal of CJTF-76 reporting directly to the Commanding General, CJTF 76. Immediate appointment of an MP 05 as Commander of Detainee Operations reporting directly to the Provost Marshal of CJTF-76.

~~(S)~~ FIX / ACTION / CHANGE:

CFC-A: JMD has been approved, individual has arrived in theater.

~~(S)~~ CURRENT ASSESSMENT:

- Request Closure.

OPR: CENTCOM
OCR:

JS AMNESTY/CCR 1475

Jacoby-025

OPR: Army
Presented: 16 Dec 04
Status: Amber

Jacoby-026

OPR: Army
Presented: 16 Dec 04
Status: Amber

Issue Title (C2):
J-027 JACOBY REPORT Section VII, Item f, pg 19

(U) RECOMMENDATION / OBSERVATION:

Formal assignment of each detention facility in the AO to an appropriate Regional or Component Commander who will exercise C2 oversight over assigned detention facilities.

~~(S)~~ FIX / ACTION / CHANGE:

(b)(1),(b)(5)

~~(S)~~ CURRENT ASSESSMENT:

- Closed 16 Dec 04.

OPR: CENTCOM
OCR:

Issue Title (Appointment of OIC/NCOIC): J-028 JACOBY REPORT Section VII, Item g, pg 19

(U) RECOMMENDATION / OBSERVATION:

Formal appointment of a commissioned or non-commissioned officer in charge over each detention facility.

~~(S)~~ FIX / ACTION / CHANGE:

(b)(1),(b)(5)

~~(S)~~ CURRENT ASSESSMENT:

Request Closure.

OPR: CENTCOM
OCR:

Issue Title (ICRC Access to Detainees): J-029 JACOBY REPORT Section VII, Item h, pg 19

(U) RECOMMENDATION / OBSERVATION:
That all individuals detained by US forces be made available for interviews by the ICRC within 30 days after original detention unless approved by CFC-A and CENTCOM.

(S) FIX / ACTION / CHANGE:

(b)(1),(b)(5)

(S) CURRENT ASSESSMENT:

○ No status change. Pending OSD guidance.

OPR: CENTCOM
OCR:

Issue Title (Detainee Handling Procedures): J-030 JACOBY REPORT Section VII, Item i, pg 19

(U) RECOMMENDATION / OBSERVATION:

That the following detainee handling procedures to the extent they are still used, be formally discontinued by forces throughout the CFC-AO: i. Mandatory removal of all clothing during medical exams; ii. Rectal or hernia exams unless medically required; iii. Sensory deprivation for the purposes of disorientation except during movement; iv. Use of flex cuffs for extended periods of time; and v. Photographing detainees and detention facilities unless for identification or documentation purposes.

~~(S)~~ CURRENT ASSESSMENT:

(b)(5)

~~(S)~~ FIX / ACTION / CHANGE:

(b)(1)

OPR: CENTCOM
OCR:

Issue Title (Command Inspection Program): J-031 JACOBY REPORT Section VII, Item j, pg 19

(U) RECOMMENDATION / OBSERVATION:

Initiate a formal, periodic command inspection program for detainee operations for regional and component commanders in the CFC-A AO.

~~(S)~~ CURRENT ASSESSMENT:

- Request Closure.

OPR: CENTCOM
OCR:

~~(S)~~ FIX / ACTION / CHANGE:

(b)(1)

JS AMNESTY/CCR 1482

Issue Title (Detainee Working Group): J-032 JACOBY REPORT Section VII, Item k, pg 19

(U) RECOMMENDATION / OBSERVATION:

Formation of an Implementation Working Group within CFC-A and its subordinate commands with a mandate to consider and plan the implementation of the above directives and approved recommendations from this inspection.

(S) FIX / ACTION / CHANGE:

(b)(1),(b)(5)

(S) CURRENT ASSESSMENT:

(b)(1),(b)(5)

OPR: CENTCOM
OCR:

Formica Report
8 Findings

FA-001 FORMICA REPORT , pg 11

(U) <u>RECOMMENDATION / OBSERVATION</u>:

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-AF should respond by endorsement upon implementation of appropriate corrective action consistent with this report.

~~(S)~~ <u>FIX / ACTION / CHANGE:</u>

Fix:

Action:

Change:

~~(S)~~ <u>CURRENT ASSESSMENT:</u>

OPR: CENTCOM
OCR:

JS AMNESTY/CCR 1485

FA-002 FORMICA REPORT pg8, para 5-6; pg 75, IV

(U) RECOMMENDATION / OBSERVATION:

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.

(S) FIX / ACTION / CHANGE:

Fix:

Action:

Change:

(S) CURRENT ASSESSMENT:

OPR: CENTCOM
OCR:

FA-003 FORMICA REPORT pg 12, para 7

(U) RECOMMENDATION / OBSERVATION:

Ensure dissemination of MNF-I/MNC-I policies to CJSOTF-AP and provide oversight of compliance. The establishment of a Deputy Commanding General (DCG) for Detention Operations at the MNF-I level provides the necessary organizational continuity to prevent future disconnects with subordinate units on applicable regulatory and policy guidance.

~~(S)~~ FIX / ACTION / CHANGE:

Fix:

Action:

Change:

~~(S)~~ CURRENT ASSESSMENT:

OPR: CENTCOM
OCR:

JS AMNESTY/CCR 1487

FA-004 FORMICA REPORT pg 10; pg 45, VI; pg 60, II; pg 75, IV

(U) RECOMMENDATION / OBSERVATION:

(S/NF)CJSOTF-AP should publish policy guidance that:
- (U) Clarifies authorized interrogation techniques;
- (S/NF) Differentiates between tactical question and interrogation
- (S/NF) Authorizes subordinate Naval Special Warfare Task Unit (NSWTU) and Operational Detachments Alpha (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 Coalition Force (CF) detention facility.
- (S/NF) Establishes SOP for conduct of detention and interrogation operations and ensures periodic review for compliance with current MNF/MNC-I policies;
- (S) Ensures all Special Operations Forces (SOF) personnel are trained on the SOP and implementing procedures.

~~(S)~~ FIX / ACTION / CHANGE:

Fix:

Action:

Change:

~~(S)~~ CURRENT ASSESSMENT:

OPR: CENTCOM
OCR:

JS AMNESTY/CCR 1488

FA-005 FORMICA REPORT pg 55, VI; pg 62, 1,2

(U) RECOMMENDATION / OBSERVATION:

~~(S)~~ 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 screening as every level of detention; formalized accountability process at every level.

~~(S)~~ FIX / ACTION / CHANGE:

Fix:

Action:

Change:

~~(S)~~ CURRENT ASSESSMENT:

OPR: CENTCOM
OCR:

JS AMNESTY/CCR 1489

FA-006 FORMICA REPORT pg 30, VI

(U) RECOMMENDATION / OBSERVATION:

(b)(1),(b)(5)

~~(S)~~ CURRENT ASSESSMENT:

~~(S)~~ FIX / ACTION / CHANGE:

Fix:

Action:

Change:

OPR: CENTCOM
OCR:

JS AMNESTY/CCR 1490

FA-007 FORMICA REPORT pg 12, see footnotes; pg 68, para 10

(U) RECOMMENDATION / OBSERVATION:

(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. This is an area that may require an MNF-I policy.

~~(S)~~ FIX / ACTION / CHANGE:

Fix:

Action:

Change:

~~(S)~~ CURRENT ASSESSMENT:

OPR: CENTCOM
OCR:

FA-008 FORMICA REPORT pg 12, para 8

(U) RECOMMENDATION / OBSERVATION:

(b)(1),(b)(5)

~~(S)~~ FIX / ACTION / CHANGE:

Fix:

Action:

Change:

~~(S)~~ CURRENT ASSESSMENT:

OPR: CENTCOM
OCR:

JS AMNESTY/CCR 1492

Gaps and Seams
17 Findings

GS-001 Law of War Treaties

(U) RECOMMENDATION/OBSERVATION
- Harmonizing policies and treaties with allies

(U) CURRENT ASSESSMENT:
- ODA's assessment is that no policy is in conflict with our international or treaty obligations. All policies that have been issued since the beginning of GWOT were thoroughly examined by the DoDGC before issuance.
- International perceptions and analysis of the choices made at the SECDEF and POTUS level have created disagreements where the law is silent or has contradictory guidance.
- The nature of GWOT has produced unique situations that need *better* guidance based upon what we have learned – lessons that can be applied to creating better policy as well as better international relations with our allies.

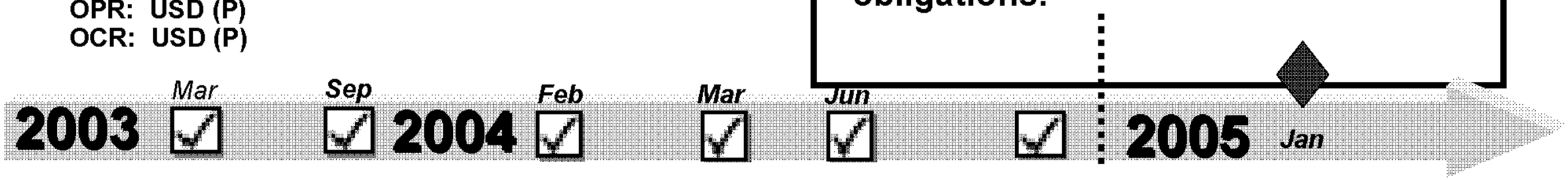
OPR: USD (P)
OCR: USD (P)

(U) FIX/ACTION/CHANGE:

Fix: Review all current policies and regulations w/ regard to allies

Action: ODA is currently revising all DoDD and policies and will assist ARMY in the revisions of AR 190-8 and other documents as requested.

Change: Revision of Detainee Operations Policy as well as issuance of larger "covering" policies will demonstrate how DoD operations satisfy international treaty obligations.



JS AMNESTY/CCR 1494

GS-002 Partial Immunity Program

(U) RECOMMENDATION/OBSERVATION
- **Develop limited program designed to encourage disclosure of any remaining abuses**

(U) CURRENT ASSESSMENT:
- Mechanisms currently exist to report/disclose abuses.
- Greater command emphasis needed in how to use existing reporting channels
- OSD is working with P&R (Health Affairs) to address training requirements for reporting abuse.
- OGC has addressed this in its revision of the DoDD on "law of war".
- ODA will be reporting to Congress 2X a year on violations reported to the SECDEF.

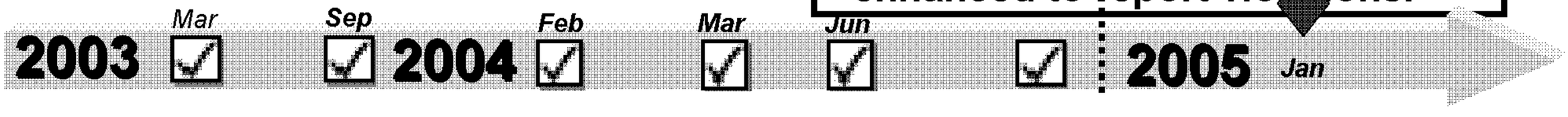
OPR: USD (P)/DoD OGC
OCR: USD (P)

(U) FIX/ACTION/CHANGE:

Fix: Develop and implement appropriate training and update related DoDD and Regs

Action: ODA will be assisting on the revision of AR 190-8 w/ Army. OGC is revising 5100.77 to reflect changes in US law and requirements on reporting. Other OSD components are issuing their own reporting policies (e.g. ASD(HA) medical ethics policy.)

Change: Mechanisms will be enhanced to report violations.



JS AMNESTY/CCR 1495

GS-003 Coalition Doctrine for Detainee Ops

(U) RECOMMENDATION/OBSERVATION:

- Need to develop doctrine for coalition operations

(U) CURRENT ASSESSMENT:

- Allied Joint Pub 2.5 addresses Detainee Ops in the NATO coalition and is often used as a model in other coalitions. A coalition formed quickly for the purpose of executing a specific campaign will not produce doctrine, a long process used for enduring coalitions, but will coordinate and issue orders under the authority of the coalition force commander establishing guidance for coalition activities such as Detainee Ops.

OPR: Joint Staff J-7
OCR: Army, JFCOM

(U) FIX/ACTION/CHANGE:

Fix: Develop means to establish and ensure coalition compliance with US standards

Action: Include specific and detailed detainee ops guidance in theater ROE

Change:

2005 Jan ☐ Feb ☐ Mar ☐ Apr ☐

JS AMNESTY/CCR 1496

GS-004 Review of Manual for Courts-Martial and UCMJ

(U) RECOMMENDATION/OBSERVATION

- Review for adequacy with respect to detainee abuse (similar to post-Aberdeen)

(U) CURRENT ASSESSMENT:

- Do not believe task is properly assigned to OSD/USD(P) request reassignment as USD(P) has no authority over UCMJ or to evaluate adequately

OPR: Do not believe USD(P) has authority.

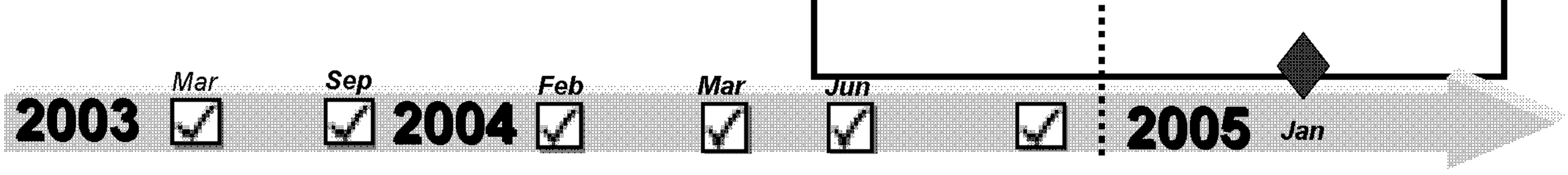
OCR: Do not believe USD(P) has oversight.

(U) FIX/ACTION/CHANGE:

Fix:

Action:

Change:



JS AMNESTY/CCR 1497

GS-005 Review of JCS activity under Goldwater-Nichols

(U) RECOMMENDATION/OBSERVATION

- Review for adequacy with respect to detainee abuse (similar to post-Aberdeen)

(U) CURRENT ASSESSMENT:

- Do not believe task is properly assigned to OSD/USD(P) request reassignment as USD(P) has no authority

OPR: Do not believe USD(P) has authority.

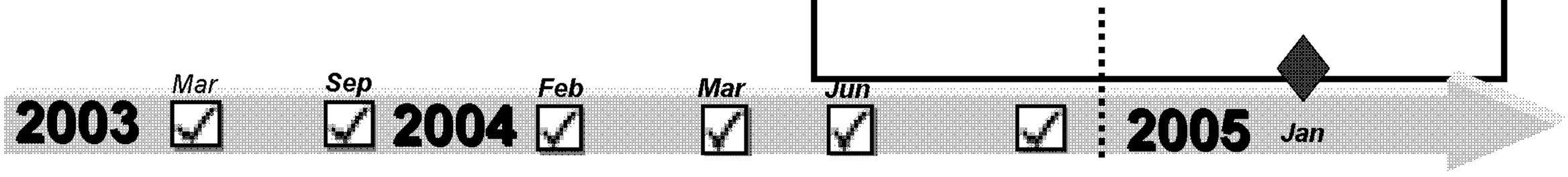
OCR: Do not believe USD(P) has oversight.

(U) FIX/ACTION/CHANGE:

Fix:

Action:

Change:



JS AMNESTY/CCR 1498

Gaps and Seams-006

OPR: OSD
Status: Red

GS-007/ Criminal Investigations

(x) RECOMMENDATION/OBSERVATION

- Completion of all Criminal Investigations of Detainee Abuse

(x) CURRENT ASSESSMENT:

OPR: Army

OCR: None

As of 21 Jan 05, US Army CID has initiated 300 Cases with 197 closed and 103 open investigations.

(x) FIX/ACTION/CHANGE:

Fix: Personal Accountability

Action: CID is aggressively investigating all reports of detainee abuse. Investigations are not conducted to Time but rather based on Due Diligence.

Change: Continue to update case status

GS-008 Capturing Lessons Learned

(U) RECOMMENDATION/OBSERVATION:

- Capture lessons learned from OEF/OIF

(U) CURRENT ASSESSMENT:

- The discussion and recommendation portions of current detainee operations investigations provide the inputs needed to derive findings, take corrective actions, and assess those corrective actions toward issue resolution. This cycle results in a lesson learned on detainee operations

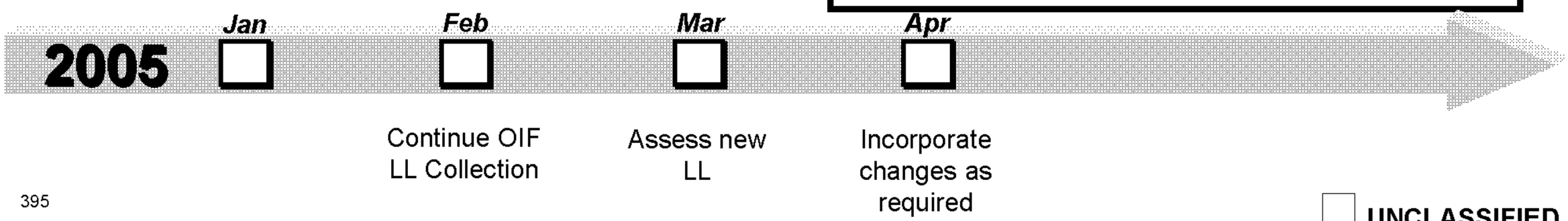
OPR: JFCOM
OCR: J5; J7; CENTCOM; Services

(U) FIX/ACTION/CHANGE:

Fix: Maximize use of issue resolution opportunities available from the findings of various investigation processes

Action: Empower detainee ops action plan to leverage the appropriate DOTMLPF and Policy change mechanisms

Change: Standardize the process for recording and storing findings, as well as appropriate actions taken, for future reference



JS AMNESTY/CCR 1501

GS-009 Sufficiency of Ongoing Investigations

(U) RECOMMENDATION/OBSERVATION

- Is the scope of ongoing investigations sufficient to address issues to satisfy all interests

(U) CURRENT ASSESSMENT:

- Church was charged with this mandate – to make a formal determination.
- OSD is supporting all DoD investigations
- 13 investigations – 8 major, 5 operational.
- New investigation opened – SOUTHCOM response to FOIA FBI allegations.

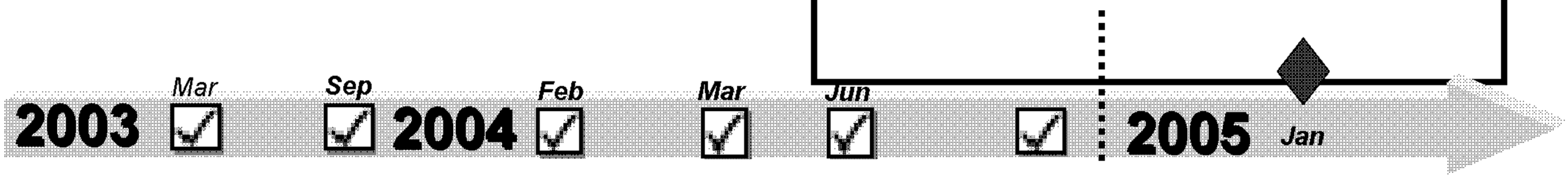
OPR: USD (P)
OCR: USD (P)

(U) FIX/ACTION/CHANGE:

Fix:

Action:

Change:



JS AMNESTY/CCR 1502

GS-010 Applying Previous Lessons Learned

(U) <u>RECOMMENDATION/OBSERVATION:</u>

- Did we apply lessons learned from previous conflicts (e.g. Bosnia) to the current insurgency?

(U) <u>CURRENT ASSESSMENT:</u>

- Currently lack references or evidence of the application of findings from the detainee operations of previous military operations.

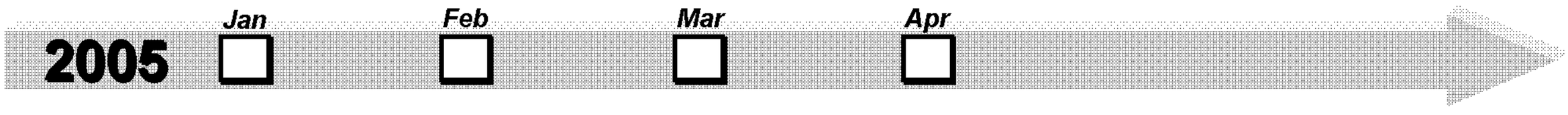
OPR: JFCOM
OCR: J5; J7; CENTCOM; EUCOM; Services

(U) <u>FIX/ACTION/CHANGE:</u>

Fix: Assign responsibility for cataloging the findings from current detainee operations investigations for future reference

Action: Poll Services to identify Lessons Learned from previous conflicts if any.

Change:



GS-011 Congress Questions on "Ghost Detainees"

(U) <u>RECOMMENDATION/OBSERVATION</u>

- Congress question: "What is a *Ghost Detainee* and how many have there been?"

(U) <u>CURRENT ASSESSMENT:</u>

- ODA has addressed this issue with the SECDEF as well as USD(I) and OGA's.
- The SECDEF has briefed this issue publicly regarding the *one* detainee who was held without prompt registration with the ICRC.
- It is DoD policy to promptly register all detainees.
- ODA & USD(P) officials have briefed Congress on this issue – we are preparing for upcoming hearings on issue.
- To the extent required, ODA will work with OGC and USD(I) to resolve any remaining issues on this sensitive matter.

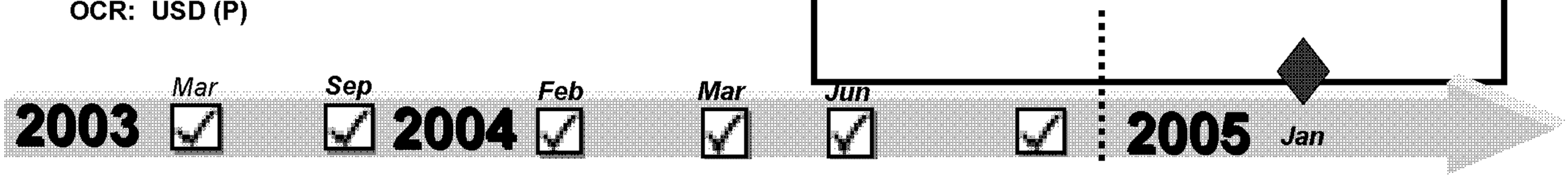
OPR: USD (P)
OCR: USD (P)

(U) <u>FIX/ACTION/CHANGE:</u>

Fix: Adequately brief Congress regarding "Ghost Detainee" issue.

Action: Classified briefings with Congress.

Change: Congress question answered.



Gaps and Seams-012

OPR: OSD (P)
Status: Red

JS AMNESTY/CCR 1505

Note: G&S-013 submitted by both OSD and Army

OPR: Army

GS-013/Role of Medical Personnel in Abuse

(x) RECOMMENDATION/OBSERVATION

- Personnel in Abuse: To what extent if any, did medical personnel participate in or fail to report alleged abuse?

(x) CURRENT ASSESSMENT:

OPR: Army

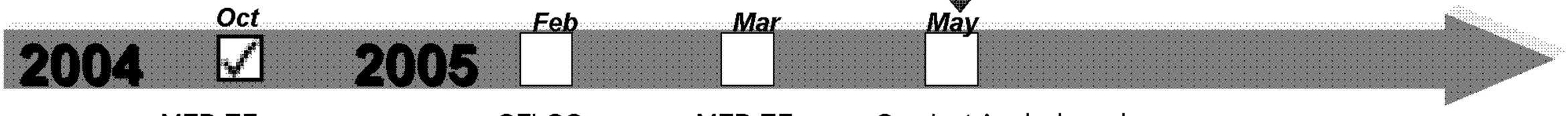
OCR: None

(x) FIX/ACTION/CHANGE:

Fix: Ensure medical ethics is maintained and abuse is/was adequately reported.

Action: MED Task Force is conducting a thorough review of detainee operations medical procedures. Any allegations will be reported to CID.

Change: Improve personal accountability for abuse.



JS AMNESTY/CCR 1507

GS-013 Role of Medical Personnel in Abuse

(U) RECOMMENDATION/OBSERVATION

- To what extent, if any, did medical personnel participate in or fail to report alleged abuse

(U) CURRENT ASSESSMENT:

- Action is under review.
- USD(P) has been working closely with USD(P&R) (Health Affairs) in examining the legal, ethical, and practical elements of Medical personnel interaction w/ detainees.
- Worked with HA to draft medical ethics policy – awaiting SECDEF approval for ASD(HA) to issue.
- Tiger team of USD(I) USD(P) and ASD(HA) reviewing the use of behavioral sciences in lawful interrogations.

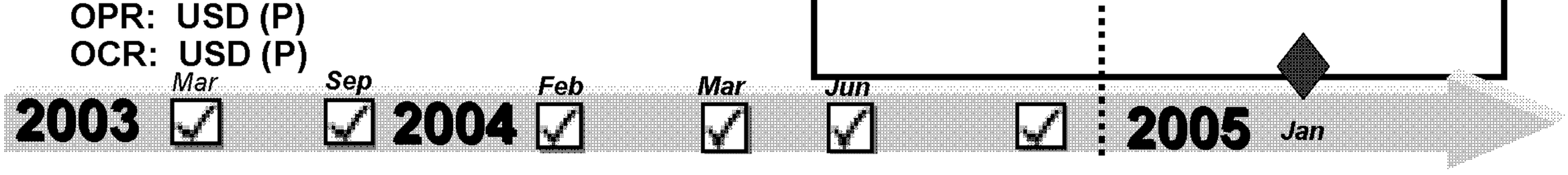
OPR: USD (P)
OCR: USD (P)

(x) FIX/ACTION/CHANGE:

Fix: Issue Policy Guidance on role of medical personnel in Detainee Operations

Action: Develop DoD Policy Guidance

Change: Defined role of medical personnel



GS-014/Investigative Inconsistencies (Taguba)

(x) RECOMMENDATION/OBSERVATION

- BG Karpinski disagrees with CJTF-7 on her request for additional manpower. ((b)(6) supports BG Karpinski in letter to several Senators)

(x) CURRENT ASSESSMENT:

OPR: Army

OCR:

(x) FIX/ACTION/CHANGE:

This task is currently under analysis.

GS-015 Interagency Coordination and Harmonization

(U) RECOMMENDATION/OBSERVATION

- Task force to review streamlining interagency process to support GWOT

(U) CURRENT ASSESSMENT:

- USD (P) does not see an actionable recommendation
- USGs Detainee Policy is an governed through the interagency process (PCC, DC, and PC)
- ODA routinely engages DOS, DOJ, NSC, and DHS on issues on GWOT and detention. Not sure that "the system is broken" when analyzing Church's recommendation.

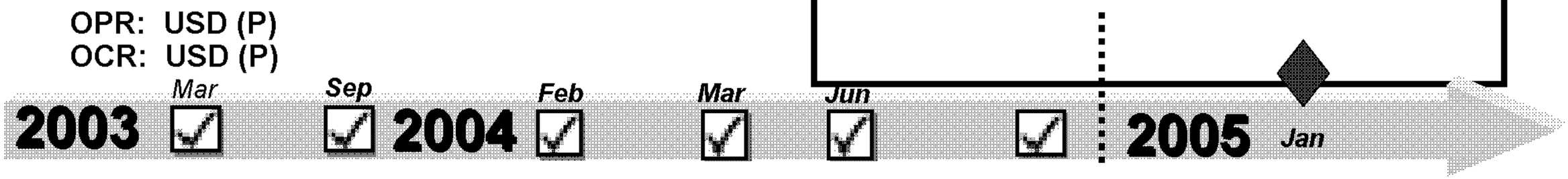
(U) FIX/ACTION/CHANGE:

Fix:

Action:

Change:

OPR: USD (P)
OCR: USD (P)



GS-016 Develop Policy for Joint Interagency Detainee Ops

(U) RECOMMENDATION/OBSERVATION

- Common guidance is required where multiple agencies (e.g. DoD, FBI, CIA) perform joint/combined interrogations, common guidance is required.

(U) CURRENT ASSESSMENT:

- USDI is addressing Joint Interagency roles in the DoD Interrogation process

OPR: USD (I)

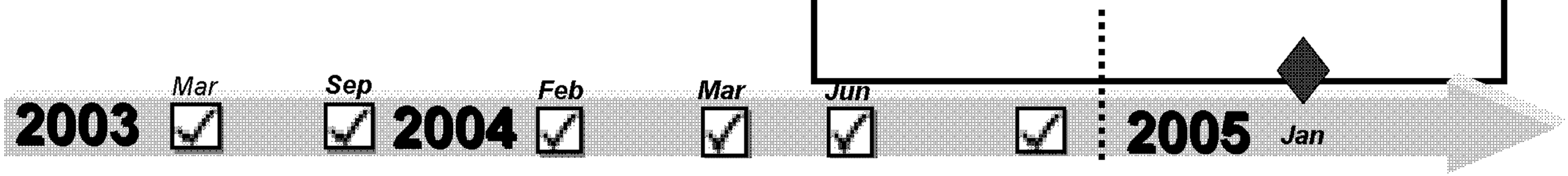
OCR: USD (P)

(U) FIX/ACTION/CHANGE:

Fix: Issue common guidance.

Action: Interagency coordination of interrogation policy.

Change: Common practices for all engaged in intelligence gathering.



JS AMNESTY/CCR 1511

Gaps and Seams-017

OPR: OSD
Status: Red

Reports Completed

Issue Title (DoD Policy on Detainee Release): R-055 Ryder Near-term, Item 1g, pg 28

(U) RECOMMENDATION / OBSERVATION:

Align the release process for security internees with DoD policy. The process of screening security internees should include Intelligence findings, interrogation results and a current threat assessment. These analyses should be provided to the Assistant Secretary of Defense for International Security Affairs (ASD(ISA)) for guidance on decisions for transfer, care and continued custody. Once decision authority is decided a regular review process and release protocols can be implemented. This required process adds to the importance of carefully determining which detainees are to be classified as security internees.

~~(S)~~ CURRENT ASSESSMENT:

(b)(5)

(S) FIX / ACTION / CHANGE:

(b)(5)

OPR: CENTCOM
OCR:

Issue Title (Review TDRC Process): D-028 DAIG REPORT Ch 6, Item i -Ch 5, p95

(U) <u>RECOMMENDATION / OBSERVATION</u>:

The Provost Marshal General review the TDRC process, structure, and employment methods for maintaining information on detainees, their property, and other related requirements within an assigned theater of operations and consider the development of an information technology solution.

(U) <u>CURRENT ASSESSMENT:</u>

- Retasked to Army 16 Dec 04.

OPR: CENTCOM
OCR:

<u>(U) FIX / ACTION / CHANGE:</u>

RECOMMEND JOINT STAFF TASK OPMG

D-041/ JMD/Operational Needs (Medical)

(x) RECOMMENDATION/OBSERVATION

- CJTF-7 and CJTF-180 evaluate current detainee medical capabilities and requirements and take corrective action to ensure detainees receive the required medical screening and care.

(x) CURRENT ASSESSMENT:

Z3

OPR: CENTCOM

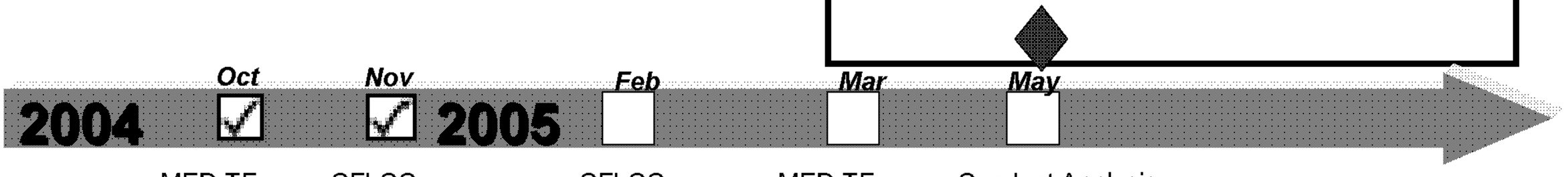
OCR: J4

(x) FIX/ACTION/CHANGE:

Fix: Review & adjust Detainee medical screening and care (as appropriate).

Action: Use results of two assessments (CFLCC & MED TF) to validate medical screening and care; incorporate any additional tasks into the Army Synch Matrix.

Change: Ensure adequate quality of medical support for detainee screening and care.



JS AMNESTY/CCR 1516

Issue Title (Cordon and Search):
J-006 JACOBY REPORT Section VI, Item f, pg 14

(U) RECOMMENDATION / OBSERVATION:

Particularly for units new to theater, cordon and search operations can have a tendency to replace the careful, deliberate development of intelligence. This is the result of a lack of experience and appropriate intelligence gathering assets at the small unit level. Large, unspecific cordon and search operations more often than not result in a large number of local nationals being temporarily displaced from their homes, but a relatively small number of individuals actually being detained. The general lack of pre-operation intelligence also leads to more persons being detained than is necessary, as some units play it safe and detain an individual rather than release an individual who might be hostile. This can clearly have a negative effect on the local populace. Whenever possible, participation and support of Afghan military or police forces and government officials should be sought. Additional detention training, to include profiling training, is required to maximize the effectiveness of cordon and search operations.

~~(S)~~ FIX / ACTION / CHANGE:

(b)(1)

MNF-I: ???

~~(S)~~ CURRENT ASSESSMENT:

Closed 11 Jan 05 - Changed to Army lead 11 Jan 05.

OPR: CENTCOM
OCR:

JS AMNESTY/CCR 1517

DSLOC

OPEN RECOMMENDATIONS REVIEW

BG Robert L. Caslen, Jr.
Deputy Director for War on Terrorism

03 Aug 05

Overall Classification of this Briefing is:

~~SECRET/NOFORN~~

Classified By: RADM W.D. Sullivan, USN, VDJ-5
Reason 1.4(a), (c), and (e)
Declassify On: 03 Aug 2015

JS AMNESTY/CCR 1518

EXAMPLE – CLOSED ITEM TRACKING SLIDE

Zebra Report – Closed Items

Z-014 to Z-016

Closed recommendations will be highlighted throughout the briefing as depicted above.

JS AMNESTY/CCR 1519

Ryder Report

160 Findings

Issue Title (Prison Responsibility): R-001 Ryder Near-term, Item 1a, pg 13

(U) <u>RECOMMENDATION / OBSERVATION</u>:

CPA MOJ Prisons Department identify clearly which facilities are or will be a part of the MOJ vice the MOI Include in this plan staffing instructions specifically identifying levels of authority, duties and pay scales for all confinement personnel. Establish memorandums of agreement between MOI and MOJ delineating each ministry's ability to utilize the other's facilities and which clearly identifies each other's responsibilities.

~~(S//NF)~~ <u>CURRENT ASSESSMENT:</u>

- Initial intent met. OSD continues to work with Justice on greater rule of law and judicial sector development/reforms.

<u>(U) FIX / ACTION / CHANGE:</u>

Fix: Identify prisons and correctional facilities.

Action: ID proper facility and authority.

Change: Ends uncertainty.

OPR: OSD
OCR: OSD - DOJ

Ryder Report – Closed Items

R-002

JS AMNESTY/CCR 1522

Issue Title (Location of the Iraqi Correctional System HQ and the CPA Prisons Department):
R-003 Ryder Near-term, Item 1c, pg 14

(U) <u>RECOMMENDATION / OBSERVATION</u>:

The Iraqi Correctional System HQ and the CPA Prisons Department need to be co-located or together more than periodically to facilitate training of the Iraqi leadership as much as possible, involving them in the restoration process. Sending the highly recruited Iraqi Correctional System Director to training in management, ethics, accounting and strategic planning will assist in the transition process, increase the perceived importance and make the position more desirable.

(U) <u>CURRENT ASSESSMENT:</u>

- Initial intent met. OSD continues to work with Justice on greater rule of law and judicial sector development/reforms.

OPR: OSD
OCR: OSD-DOJ/STATE

(U) <u>FIX / ACTION / CHANGE:</u>

Fix: Co-locate correctional HQ and Prisons Department.

Action: Justice incorporated a similar finding as part of grand strategy – DOJ working with MOJ in Iraq.

Change: Recruitment ongoing.

Issue Title (Operations and Budget Policy based on National Plan):
R-004 Ryder Near-term, Item 1d, pg 14

(U) RECOMMENDATION / OBSERVATION:

Policy both operational and budget should be based on a national plan, which is centrally developed and managed, but locally administered to fit the needs of the region where it is being employed.

(U) FIX / ACTION / CHANGE:

Fix: Need national plan.

Action: Develop a comprehensive plan.

Change: National plan to address varying needs of regions.

(U) CURRENT ASSESSMENT:

● Initial intent met. OSD continues to work with Justice on greater rule of law and judicial sector development/reforms.

OPR: OSD
OCR: OSD – DoJ/State

Ryder Report – Closed Items

R-005 to R-007

Issue Title (Develop Standard for Training to Ensure for Safe and Secure Operations):R-008 Ryder Mid-term, Item 2b, pg 14

(U) RECOMMENDATION / OBSERVATION:

Develop a standard issue for safe and secure operations of prison facilities. Take into account that the current threat environment may necessitate a more robust arsenal that may not be required once the country stabilizes. Training on all weapons and tactics to be used must be a substantial block of instruction at the corrections academy. Training records for employees should be developed with copies sent to the facility where a cadre is assigned and one maintained in a central personnel repository.

(U) CURRENT ASSESSMENT:

Justice disagrees with keeping a "personnel registry," but is working with Iraqi MOI (Corrections) to address "records" issue and other administrative matters associated with operating facilities. Force training is being handled by Army and the COCOM.

(U) FIX / ACTION / CHANGE:

Fix: Develop standards.

Action: Assess threat and develop appropriate force to mitigate. Training records for employees should be monitored.

Change: Justice is developing program for monitoring employee training.

OPR: OSD

OCR: PWG/CENTCOM

Issue Title (Monitoring Pay Issues and Contracts): R-009 Ryder Mid-term, Item 2c, pg 15

(U) RECOMMENDATION / OBSERVATION:

Within the budget cycle, each of the ministries should submit a validated budget to MOF who would then fund the appropriate portions of the individual Ministry budgets. The funding should go to the specific ministry to be managed by that ministry and sent to the regional MOJ areas to achieve the objectives of the ministries national plan. In this way pay issues can be avoided and contracts can be monitored and paid in such a way as to provide contractor accountability to the MOJ.

(U) CURRENT ASSESSMENT:

- Emb. Baghdad addressing the issue; Justice believes that corruption is endemic to Iraq Gov't. Justice reviews contracts in Washington, D.C.; action item for PC/DC level for solution.

OPR: OSD

OCR: OSD-DoJ/State

(U) FIX / ACTION / CHANGE:

Fix: Improve accountability.

Action: Better accountability mechanisms to ensure money allocated to ministries are properly appropriated.

Change: Being addressed by the DC/PC level.

JS AMNESTY/CCR 1527

Ryder Report – Closed Items

R-010 to R-012

JS AMNESTY/CCR 1528

Issue Title (Transfer of Detention Operations to the ICF): R-013 Ryder Long-term, Item 3b, pg 15

(U) RECOMMENDATION / OBSERVATION:

Transition operations at all Iraqi detention/prison facilities to the Iraqi Correctional Force with oversight by CPA MOJ Prisons Department.

~~(S)~~ FIX / ACTION / CHANGE:

(b)(1),(b)(5)

(U) CURRENT ASSESSMENT:

● Initial intent met. OSD continues to work with Justice on greater rule of law and judicial sector development/reforms.

OPR: OSD
OCR: OSD-DoJ/State

JS AMNESTY/CCR 1529

Issue Title (Unified Facility): R-014 Ryder Long-term, Item 3c, pg 15

(U) RECOMMENDATION / OBSERVATION:

Complete construction of the 4 regional prisons is necessary to provide initial post trial capacity. A strategic plan for additional prison construction is required.

~~(S)~~ FIX / ACTION / CHANGE:

(b)(1)

(U) CURRENT ASSESSMENT:

● Initial intent met. OSD continues to work with Justice on greater rule of law and judicial sector development/reforms.

OPR: OSD
OCR: OSD – DoJ/State

JS AMNESTY/CCR 1530

Ryder Report – Closed Items

R-015 to R-020

Issue Title (Training for Iraqi Correctional Officers): R-021 Ryder Near-term, Item 1g, pg 20

(U) RECOMMENDATION / OBSERVATION:

Continue to conduct training for the Iraqi correctional officers in basic confinement tasks, both in Baghdad and at remote locations.

(U) CURRENT ASSESSMENT:

- Initial intent met. OSD continues to work with Justice on greater rule of law and judicial sector development/reforms.

(S) FIX / ACTION / CHANGE:

(b)(1),(b)(5)

OPR: OSD
OCR: OSD – DoJ/State

Ryder Report – Closed Items

R-022 to R-034

Issue Title (Lack of Instruction for Correctional Officers): R-035 Ryder Mid-term, Item 2h, pg 22

(U) RECOMMENDATION / OBSERVATION:

CPA and the MOJ must continue to further develop a more comprehensive tiered training Program of Instruction. This plan should include a method of increasing the graduation rate to meet the system cadre requirements. Allow the CPA and MOJ to plan a more comprehensive training program with input from the Iraqi Correctional Officers currently employed to help the Iraqi people feel that they are apart of the building of their future as well as what the follow-up training requirements should be. This plan should allow for a reduced estimated timeline for the end-state of the in-service training requirement to encompass more than the original 30,000 correctional employees.

(U) CURRENT ASSESSMENT:

- Initial intent met. OSD continues to work with Justice on greater rule of law and judicial sector development/reforms.

(U) FIX / ACTION / CHANGE:

Fix: Iraqi's run their own prisons.

Action: Train Iraqis to run their prisons.

Change: Justice developed national strategy for training more corrections personnel.

OPR: OSD
OCR: OSD – DoJ/State

JS AMNESTY/CCR 1534

Ryder Report – Closed Items

R-036 to R-037

Issue Title:
R-038 – Lack of Emergency Funds

(U) RECOMMENDATION / OBSERVATION:

Lack of Emergency Funds for each of the facilities to ensure adequate construction. Identify emergency funds to complete construction of regional facilities for sentenced detainees. Conduct a survey of current facility capacities to determine future facility housing requirements.

(U) CURRENT ASSESSMENT:

- DoD is dealing with reconstruction costs/building projects for both AF and IZ. Justice is working with DoS and DoD on this issue through the NSC. DC decision to build PEC IV in AF moving forward and in final decision stage. Construction in Iraq is next item and will need to interface with Justice plan.

~~(S)~~ FIX / ACTION / CHANGE:

(b)(1),(b)(5)

OPR: OSD
OCR: OSD – DoJ/State

JS AMNESTY/CCR 1536

Ryder Report – Closed Items

R-039 to R-045

JS AMNESTY/CCR 1537

Issue Title (Contract Oversight): R-046 Ryder Long-term, Item 3h, pg 23

(U) <u>RECOMMENDATION / OBSERVATION</u>:

CPA and MOJ must establish statements of work (written contracts) for the contractors and effectively manage the work that is contracted.

(U) <u>FIX / ACTION / CHANGE:</u>

Fix: Need better oversight over contracting.

Action: Exercise oversight.

Change: Justice reviewing all contracts.

(U) <u>CURRENT ASSESSMENT:</u>

● Initial intent met. OSD continues to work with Justice on greater rule of law and judicial sector development/reforms.

OPR: OSD
OCR: OSD – DoJ/State

JS AMNESTY/CCR 1538

Issue Title (Hearings/Transportation of Detainees): R-047 Ryder Long-term, Item 3i, pg 23

(U) RECOMMENDATION / OBSERVATION:

The MOJ must develop a plan with the CPA that will allow for the hearings to be conducted at or near the correctional facilities to decrease transportation requirements and speed up the legal process. Furthermore, where possible, establish future court buildings adjacent to these facilities to decrease the transportation requirements. Establish a transportation section within the Iraqi, Department of Corrections with the sole purpose of transportation of detainees.

(U) CURRENT ASSESSMENT:

Continuing concern – part of the national strategy for Justice.

(U) FIX / ACTION / CHANGE:

Fix: Need hearings conducted in closer in proximity to correctional facilities.

Action: Need dedicated corrections transportation.

Change: Justice assessing this recommendation on a daily basis.

OPR: OSD
OCR: OSD - Justice

Issue Title (Allocation of Funds): R-048 Ryder Long-term, Item 3j, pg 23

(U) RECOMMENDATION / OBSERVATION:

CPA along with the MOJ must develop a plan that will allocate funding for the construction of additional Regional facilities to meet capacity requirements.

~~(S)~~ FIX / ACTION / CHANGE:

(b)(1),(b)(5)

(U) CURRENT ASSESSMENT:

- Justice believes it is being done by DoD. Need more information as to who is responsible for appropriating the funds and overseeing the construction projects.

OPR: OSD
OCR: OSD – DoJ/State

JS AMNESTY/CCR 1540

Ryder Report – Closed Items

R-049 to R-054

JS AMNESTY/CCR 1541

Issue Title (Policy):

R-055 Align the Release Process of Security Internees

(U) <u>RECOMMENDATION/OBSERVATION</u>

The release process for security internees is not consistent with DoD Policy.

(U) <u>CURRENT ASSESSMENT:</u>

- USD (P) will coordinate with OSD, Army and other service components to harmonize policies and issue new guidance viz. 2310.1 and AR 190-8.

(U) <u>FIX/ACTION/CHANGE:</u>

Fix: Policy alignment required

Action: Align policy

Change: Issue new DoDD directives and rewrite 190-8 to reflect changes

OPR: USD(P)
OCR: USD(P)

JS AMNESTY/CCR 1542

Ryder Report – Closed Items

R-056 to R-060

R-061 /Unit Activation/Acceleration of RFF/JMD

(x) RECOMMENDATION/OBSERVATION

- Request that one of two MP Detachments (IR Brigade Liaison Detachment) be replaced with a MP Detachment (IR Camp Branch Liaison Team). The I/R Camp Branch Liaison Team includes MOS 95C/31E soldiers not included in the I/R Brigade Liaison Detachment. The special corrections skills of these soldiers will add technical expertise in confinement operations. Attached one MP Detachment Brigade Liaison Team to plan and coordinate the security internee mission and one Camp Branch Liaison Team to provide the subject matter expertise in confinement operations lacking in a Combat Support Military Police Brigade
- HQDA DODOIP Task: O1.2/O1.4

(x) FIX/ACTION/CHANGE:

Fix: Provide forces in accordance with theater detainee operations requirements

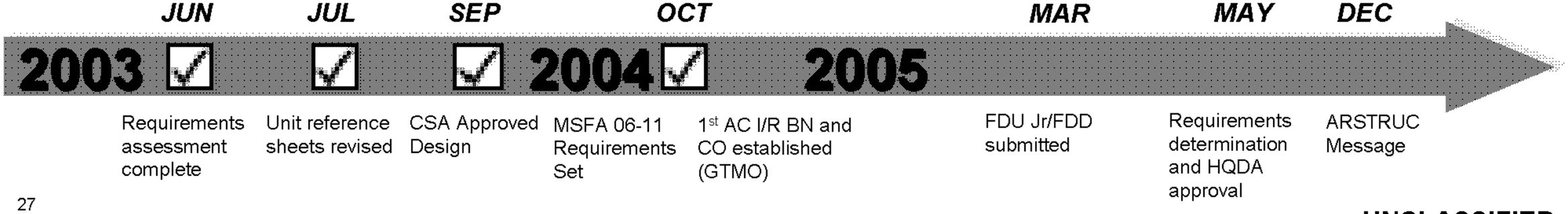
Action: Source adequate I/R units

Change: Update MP I/R force structure (FDU)

(x) CURRENT ASSESSMENT:

OPR: Army

OCR:



JS AMNESTY/CCR 1544

Ryder Report – Closed Items

R-062 to R-066

Issue Title (Iraqi Criminals to ICS): R-067 Ryder Long-term, Item 3, pg 31

(U) RECOMMENDATION / OBSERVATION:

Ultimately all criminal detainees should be handed over to the Iraqi criminal system with monitoring and oversight performed by representatives from the CPA advisory staff. U.S. forces will solely be responsible for the internment of high value detainees and security internees until such a time as they have all been screened and released or other determination is made as to their status.

~~(S)~~ CURRENT ASSESSMENT:

(b)(1),(b)(5)

~~(S)~~ FIX / ACTION / CHANGE:

(b)(1),(b)(5)

OPR: OSD
OCR: OSD - Justice

Issue Title (Effective Judicial System): R-068 Ryder Near-term, Item 1a, pg 34

(U) RECOMMENDATION / OBSERVATION:

The success of the Iraqi prison system (IPS) is dependent upon the integrated and strategic planning through several phases of transition from military to Coalition Provisional Authority, to a self-sufficient Iraqi system. There are several main themes essential to the effective strategic planning for these transformations. System capacity, personnel plans and requirements, among these central themes. Attention to each of the interactive parts of the justice system is required for eventual effective transfer of the prison operations to an independent system.

(U) CURRENT ASSESSMENT:

- OSD Continues to track.

OPR: OSD
OCR: OSD - Justice

(S) FIX / ACTION / CHANGE:

Fix: TBD

(b)(1),(b)(5)

Change: TBD

JS AMNESTY/CCR 1547

Issue Title (Magistrate Hearings): R-069 Ryder Near-term, Item 1b, pg 34

(U) RECOMMENDATION / OBSERVATION:

The courts must begin processing larger numbers of magistrate hearings. These initial hearings could be conducted at the prison sites. Transportation and security requirements are greatly reduced and attendant force protection and security requirements can be better identified.

(U) CURRENT ASSESSMENT:

- Part of Justice national strategy. Working to improve capability of justice system to process cases. OSD continues to track.

(S) FIX / ACTION / CHANGE:

Fix: TBD

(b)(1),(b)(5)

Change: TBD

OPR: OSD
OCR: OSD - Justice

JS AMNESTY/CCR 1548

Issue Title (Integration of IZ Leadership in Corrections System):R-070 Ryder Near-term, Item 1c, pg 34

(U) RECOMMENDATION / OBSERVATION:

Full integration of the Iraqi leadership in the planning and development of the corrections system and other areas of the Justice System is essential to comprehensive strategic planning. The weekly meeting should consider refocusing their discussions on policy, budget, planning, benchmarking and quality checks related to those benchmarks. Attendance should include only the stakeholders from the Prisons Department, Courts, Juvenile System Police, and their Iraqi counterparts. Weekly reports from the facility locations could be sent the day prior for discussion as part of a specific agenda. Educating the Iraqi system's eventual leadership in areas of system management, operations, security, custody, and control techniques is also necessary. There are several very good international corrections management-training locations available (fore example, Kings College of England or the National Institute of Corrections). The system leadership should become involved in national and international corrections associations as a resource for information and future assistance. Planning and implementation must be an integrated process between the military, CPA and the emerging Iraqi Prison System.

(U) CURRENT ASSESSMENT:

- Continual process. Senior advisors to MOI in country and working to resolve training issues. Justice has included similar finding as part of national strategy.

(U) FIX / ACTION / CHANGE:

Fix: Need weekly meetings on strategic development of justice sector issues.

Action: Having meetings as needed.

Change: Justice developing national strategy – has advisors in Iraq to address issue directly.

OPR: OSD
OCR: OSD - Justice

Ryder Report – Closed Items

R-071 & R-072

JS AMNESTY/CCR 1550

Issue Title (Required Number of ICS Officers): R-073 Ryder Mid-term, Item 2b, pg 35

(U) <u>RECOMMENDATION / OBSERVATION</u>:

CPA MOJ should conduct a staffing analysis, based upon the Iraqi cultural patterns. Once a required number of correctional officers is established, CPA should prioritize staff efforts to recruit and train, similar to those actions being taken with the Iraqi police. This becomes critical as the reconstruction projects are completed at the larger regional correctional facilities.

(U) <u>CURRENT ASSESSMENT:</u>

- Justice national strategy. Conducting necessary evaluation to determine appropriate staffing.

OPR: OSD
OCR: OSD - Justice

<u>(U) FIX / ACTION / CHANGE:</u>

Justice addressing in national strategy.

JS AMNESTY/CCR 1551

Issue Title (Training Capacity for IIG Corrections): R-074 Ryder Mid-term Item 2c, pg 35

(U) RECOMMENDATION / OBSERVATION:

Background checks are a critical aspect of the prison employment process. The potential for abuse, corruption and threat to public safety is such that extreme attention must be paid. Due to the high number of cadre required, the length of the vetting process and the comprehensive training it is recommended that the training program must increase its graduation pace (i.e., greater capacity, not a shorter course). The training academy program should soon move from dependency upon military assets to a robust CPA program or consideration of a contract training program through one of the many companies who specialize in corrections training in order to meet present and future needs.

(U) CURRENT ASSESSMENT:

- To the extent training programs require, justice is conducting necessary checks and managing training programs.

(U) FIX / ACTION / CHANGE:

Justice addressing in national strategy.

OPR: OSD

OCR: OSD - Justice

Issue Title (Anticipated Criminal Population): R-075 Ryder Item 3, pg 35

(U) RECOMMENDATION / OBSERVATION:

We cannot overstate the importance of strategic planning in relation to anticipated criminal population trends and facility needs. The experience within the current CPA MOJ Prisons Department is clearly capable of accomplishing a prospectus of needs and a proposed strategic 10-30 year plan. The Iraqi Prison System leadership must be involved in the development process so that they may undertake the task independently upon the CPA's transition of authority to the new Iraqi government. The CPA MOJ Prisons Department should assist the Iraqi Prison System leadership to establish its own professional organization and relationships with other nations' corrections associations (e.g., The American Correctional Association, International Corrections and Prisons Association, etc.).

(U) CURRENT ASSESSMENT:

- National Justice Strategy.

~~(S)~~ FIX / ACTION / CHANGE:

Justice addressing as part of its national strategy in Iraq.

OPR: OSD
OCR: OSD - Justice

Ryder Report – Closed Items

R-076 to R-077

Issue Title (Medical Advisor): R-078 Ryder Near-term, Item 1c, pg 39

(U) <u>RECOMMENDATION / OBSERVATION</u>:

Retain the services of the military advisor to the MOH charged with overseeing the corrections health care system.

(U) <u>FIX / ACTION / CHANGE:</u>

Army Surgeon General and ASD(HA) are reviewing – final report pending.

(U) <u>CURRENT ASSESSMENT:</u>

- Being reviewed by Army OTSG, ASD(HA), final report pending.

OPR: OSD
OCR: OSD

JS AMNESTY/CCR 1555

Issue Title (MOH Health Care System): R-079 Ryder Near-term, Item 1d, pg 39

(U) RECOMMENDATION / OBSERVATION:

Conduct a hiring action retaining the services of a process action team (PAT) as discussed above. (MOH Health Care System)

(U) FIX / ACTION / CHANGE:

Army Surgeon General and ASD(HA) are reviewing – final report pending.

(S) CURRENT ASSESSMENT:

- Being reviewed by Army OTSG, ASD(HA), final report pending.

OPR: OSD
OCR: OSD

JS AMNESTY/CCR 1556

Issue Title (Health Care Consultant): R-080 Ryder Near-term, Item 1e, pg 40

(U) <u>RECOMMENDATION / OBSERVATION</u>:

Hire a full time corrections health care consultant to provide a correctional framework for the provision of health care, safety, and sanitation of the facilities. This individual would serve on the senior leadership team for the Department of Prisons.

(U) <u>FIX / ACTION / CHANGE:</u>

Army Surgeon General and ASD(HA) are reviewing – final report pending.

(U) <u>CURRENT ASSESSMENT:</u>

- Being reviewed by ASD(HA), Army OTSG, final report pending.

OPR: CENTCOM
OCR:

JS AMNESTY/CCR 1557

Ryder Report – Closed Items

R-081 to R-091

Issue Title (Report/Review Program Progression): R-092 Ryder Long-term, Item 3c, pg 41

(U) RECOMMENDATION / OBSERVATION:

Annual review and report of program progression to the Ministry of Justice Department of Prisons and the Ministry of Health.

(U) FIX / ACTION / CHANGE:

None at this time.

(U) CURRENT ASSESSMENT:

- Army and ASD(HA) reviewing, final report pending.

OPR: OSD
OCR: OSD - Justice

Issue Title (Fire Suppression System): R-093 Ryder Near-term, Item 1a, pg 44

(U) RECOMMENDATION / OBSERVATION:

Obtaining adequate supplies of functional fire extinguishers and fire suppression systems is a top safety issue for all facilities. Evacuation plans and emergency operations drills need to be developed immediately.

~~(S)~~ FIX / ACTION / CHANGE:

(b)(1),(b)(5)

~~(S)~~ CURRENT ASSESSMENT:

(b)(1),(b)(5)

OPR: CENTCOM
OCR:

JS AMNESTY/CCR 1560

Ryder Report – Closed Items

R-094 to R-095

JS AMNESTY/CCR 1561

Issue Title (Inadequate Equipment): R-096 Ryder Near-term, Item 1d, pg 44

(U) RECOMMENDATION / OBSERVATION:

The hospital at Baghdad Central must be equipped immediately to manage the chronically ill and special needs detainees. This will require hospital beds, diagnostic equipment, and training for paraprofessionals in how to provide appropriate custodial care.

(S) CURRENT ASSESSMENT:

(b)(5)

(S) FIX / ACTION / CHANGE:

(b)(5)

OPR: CENTCOM
OCR:

JS AMNESTY/CCR 1562

Ryder Report – Closed Items

R-097 to R-100

R-101

OPR: Policy Working Group

Ryder Report – Closed Items

R-102

JS AMNESTY/CCR 1565

R-103

OPR: Policy Working Group

Ryder Report – Closed Items

R-104 to R107

JS AMNESTY/CCR 1567

Issue Title (Detainee Training Program): R-108 Ryder Long-term, Item 3a, pg 45

(U) RECOMMENDATION / OBSERVATION:

Vocational and educational training programs should be initiated to assist detainees gain marketable skills and their transition back into society.

(U) FIX / ACTION / CHANGE:

None at this time.

(U) CURRENT ASSESSMENT:

USD(P) disputes validity of finding and employing this program. Believe this is a nation building issue that must be addressed best addressed by the ITG.

OPR: USD(P)

OCR: USD(P)

R-109

OPR: Policy Working Group

Ryder Report – Closed Items

R-110 to R-111

JS AMNESTY/CCR 1570

Issue Title (Recognition for Noteworthy Accomplishments): R-112 Ryder Near-term, Item 9, pg 49

(U) RECOMMENDATION / OBSERVATION:

Recommendation of noteworthy recognition for work started/completed.

(S) CURRENT ASSESSMENT:

No change. Continuous action.

OPR: CENTCOM
OCR:

(S) FIX / ACTION / CHANGE:

Fix: Implement noteworthy recognition program.

Action: Annex C of MNF-I memorandum 11-1, date 15 Feb 05, specifies the process for recognizing noteworthy achievement for soldiers and units in theater. CFC-A has equivalent program.

Change: Ensures appropriate recognition.

JS AMNESTY/CCR 1571

Ryder Report – Closed Items

R-113 to R-114

JS AMNESTY/CCR 1572

R-115

OPR: Policy Working Group

Issue Title (Hire Juvenile Programs Expert): R-116 Ryder Near-term, Item d, pg 50

(U) RECOMMENDATION / OBSERVATION:

CPA should hire a Juvenile Probation/Programs consultant/expert to assist in the development of a model juvenile probation program, placement program, placement options, treatment options and other related services and training therein.

(U) FIX / ACTION / CHANGE:

Justice is addressing in it's National Strategy for Iraq.

(U) CURRENT ASSESSMENT:

- Initial intent met. OSD continues to track.

OPR: OSD
OCR: OSD

Ryder Report – Closed Items

R-117 to R-123

Issue Title (Develop Court Admin Dept.): R-124 Ryder Mid-term, Item a, pg 52

(U) <u>RECOMMENDATION / OBSERVATION</u>:

Develop a Court Administration Department within the Ministry of Justice, with sufficient assets to serve as a liaison between the courts and the Ministry of Justice with respect to all court administration.

(U) <u>CURRENT ASSESSMENT:</u>

- Justice is working with USAID, State INL to develop a solution.

(U) <u>FIX / ACTION / CHANGE:</u>

Justice addressing in it's national strategic plan to improve the overall functioning of the Iraqi Criminal and Civil Court systems.

OPR: OSD
OCR: OSD - Justice

Ryder Report – Closed Items

R-125

JS AMNESTY/CCR 1577

Issue Title (Establish a Technology TF): R-126 Ryder Mid-term, Item c, pg 52

(U) RECOMMENDATION / OBSERVATION:

Establish a Technology Task Force composed of the Court Administrator or his representative, a representative or representatives from the Iraqi Judges, from among the Iraqi Prosecutors, from the Juvenile Division, from the Bureau of Prisons, and any other interested stakeholders to determine the short term and long term technology needs of the courts and their interface with the jails and prisons and to move the Iraqi Criminal Courts from typewriters and carbon copies to computers and docket management systems. The danger of delaying this process will result in different courts being at different stages with different resources and systems. There is no problem with development being at different stages, given a gatekeeper.

(U) CURRENT ASSESSMENT:

- Justice working with MOJ to address.

(U) FIX / ACTION / CHANGE:

Justice working closely on a daily basis with Iraqi MOJ to improve all aspects of court, MOJ (Judges, Prosecutors, etc), and prison operational functioning.

OPR: OSD
OCR: OSD – Justice/State

Ryder Report – Closed Items

R-127

JS AMNESTY/CCR 1579

Issue Title (Educational Requirements): R-128 Ryder Mid-term, Item e, pg 52

(U) <u>RECOMMENDATION / OBSERVATION</u>:

Establish educational requirements for all Juvenile Detention Facilities and secure appropriate educational services.

<u>(U) FIX / ACTION / CHANGE:</u>

Justice working with MOJ to address all aspects to improve the Iraqi Juvenile Justice System.

(U) <u>CURRENT ASSESSMENT:</u>

- The National Strategy to rebuild the Iraqi criminal justice system includes a program for dealing with juvenile offenders.

OPR: OSD
OCR: OSD

Issue Title (Amend Iraqi Juvenile Law)
R-129 Ryder Mid-term, Item f, pg 52

(U) RECOMMENDATION / OBSERVATION:

Consider amending Iraqi Juvenile law to allow for the transfer or waiver of juveniles accused of serious offenses into the adult criminal court. Once established this could serve as an alternative disposition to trying Iraqi juveniles for committing serious crimes against coalition forces in a Commission forum.

(U) FIX / ACTION / CHANGE:

Justice discussing all aspects of the Iraqi Juvenile Justice System (i.e., improvements, changes, needs, etc.) with the Iraqi MOJ. National Strategy to address all aspects of Iraqi Juvenile Justice.

(U) CURRENT ASSESSMENT:

- Part of the National Strategy to rebuild the Iraqi criminal justice system includes a program for dealing with juvenile offenders.

OPR: OSD
OCR: OSD - Justice

Issue Title (Lack of Adult Probation Service): R-130 Ryder Mid-term, Item g, pg 52

(U) <u>RECOMMENDATION / OBSERVATION</u>:

Establish an Adult Probation Services Division within the Prison Department with a liaison with the Courts.

(U) <u>FIX / ACTION / CHANGE:</u>

Justice national strategy.

(U) <u>CURRENT ASSESSMENT:</u>

- National Strategy – Justice is addressing.

OPR: OSD
OCR: OSD – DoJ/State

Issue Title (Failure of Bond/Bail Process): R-131 Ryder Mid-term, Item h, pg 52

(U) RECOMMENDATION / OBSERVATION:

Consider revising the current "bond"/"bail" procedures in order to facilitate the release of Criminal Detainees awaiting appearance before the Investigative Courts or awaiting trial when their risk of flight is minimal and they pose no real threat to the community. This would decrease the detainee population.

(U) FIX / ACTION / CHANGE:

Justice working with the Iraqi MOJ to determine necessity of having bail bondsmen. National Strategy and Plan will address this recommendation if needed.

(U) CURRENT ASSESSMENT:

- To the extent Justice believes bail-bondsmen are appropriate, they will address in their development efforts.

OPR: OSD

OCR: OSD – DoJ/State

Ryder Report – Closed Items

R-132 to R-138

JS AMNESTY/CCR 1584

R-139

OPR: Policy Working Group

Ryder Report – Closed Items

R-140 to R-145

Issue Title (Reinforce NDRS Standards): R-146 Ryder Near-term, Item 1a, pg 62

(U) RECOMMENDATION / OBSERVATION:

Reinforce NDRS guidelines regarding who is entered into the NDRS and enforce reporting standards.

~~(S)~~ FIX / ACTION / CHANGE:

(b)(1),(b)(5)

~~(S)~~ CURRENT ASSESSMENT:

○ No change. Continuous process to ensure data fields are being entered properly by users.

OPR: CENTCOM
OCR: DA/Biometric Working Group/J7

JS AMNESTY/CCR 1587

Issue Title (Update SOPs): R-147 Ryder Near-term, Item 1b, pg 62

(U) RECOMMENDATION / OBSERVATION:

Establish an SOP and TTPs for the proper operation and data sharing of BATS. Training should accompany the SOP and TTPs to ensure personnel are aware of the requirements that are established.

~~(S)~~ CURRENT ASSESSMENT:

(b)(1),(b)(5)

~~(S)~~ FIX / ACTION / CHANGE:

(b)(1),(b)(5)

OPR: CENTCOM
OCR: J7/Biometrics Working Group

JS AMNESTY/CCR 1588

Issue Title:
R-148 Ryder Near-term, Item 1c, pg 62

(U) RECOMMENDATION / OBSERVATION:

Establish courier runs to update the central server database from those sites that do not have SIPRNET connectivity. Courier runs that occur either daily or every other day should be sufficient.

~~(S)~~ CURRENT ASSESSMENT:

(b)(1),(b)(5)

OPR: CENTCOM
OCR:

~~(S)~~ FIX / ACTION / CHANGE:

(b)(1),(b)(5)

Ryder Report – Closed Items

R-149 to R-151

JS AMNESTY/CCR 1590

Issue Title (Monitor Data Entered into NDRS): R-152 Ryder Mid-term, Item a, pg 62

(U) RECOMMENDATION / OBSERVATION:

Continue to carefully monitor the detainee categories that are entered into NDRS

~~(S)~~ FIX / ACTION / CHANGE:

(b)(1),(b)(5)

~~(S)~~ CURRENT ASSESSMENT:

(b)(1),(b)(5)

OPR: CENTCOM
OCR:

Issue Title (Telecommunications Infrastructure): R-153 Ryder Mid-term, Item b, pg 63

(U) RECOMMENDATION / OBSERVATION:

Establish connectivity to all detainee camps through tactical means or commercialization of the telecommunications infrastructure.

~~(S)~~ FIX / ACTION / CHANGE:

(b)(1)

~~(S)~~ CURRENT ASSESSMENT:

(b)(1),(b)(5)

OPR: CENTCOM
OCR:

JS AMNESTY/CCR 1592

Ryder Report – Closed Items

R-154 to R-156

JS AMNESTY/CCR 1593

R-157 /ONS/Programming

(x) RECOMMENDATION/OBSERVATION

- Department of the Army should consider implementing Biometrics in NDRS for positive EPW identification.

- HQDA DODOIP Task: M1

(x) CURRENT ASSESSMENT:

OPR: Army

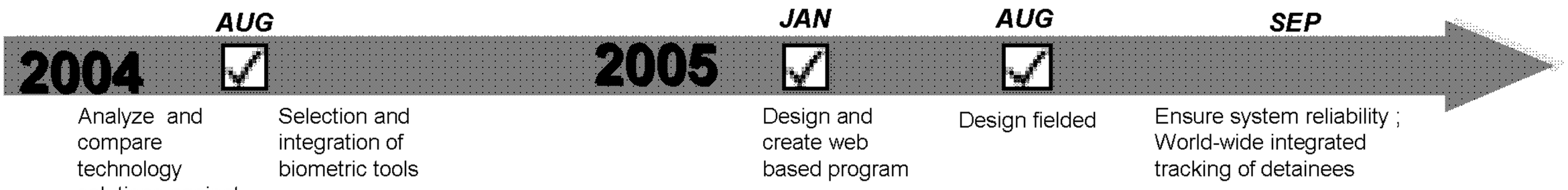
OCR:

(x) FIX/ACTION/CHANGE:

Fix: Improve positive EPW identification capabilities

Action: Field improved EPW identification systems ICW DRS and other detainee identification systems

Change: Developed a web-based version of DRS



Issue Title (Central Server): R-158 Ryder Mid-term, Item b, pg 63

(U) RECOMMENDATION / OBSERVATION:

CPA should commercialize the connectivity between the detainee facilities and the central server.

~~(S)~~ Fix/Action/Change

(b)(1),(b)(5)

(U) CURRENT ASSESSMENT:

- Coordination needs to continue per Council.

OPR: OSD
OCR: OSD - Justice

JS AMNESTY/CCR 1595

R-159

OPR: Policy Working Group

Issue Title (Criminal System): R-160 Ryder Mid-term, Item d, pg 63

(U) RECOMMENDATION / OBSERVATION:

Continue to use BATs for the criminal system until CPA/IRAQ decides which system they will implement.

~~(S)~~ FIX / ACTION / CHANGE:

(b)(1),(b)(5)

(U) CURRENT ASSESSMENT:

- USDP continues to request closure. Not in policy's purview to tell Iraqi government which tracking system to use for criminal justice system.

OPR: OSD
OCR: OSD - Justice

JS AMNESTY/CCR 1597

Miller Report

21 Findings

Issue Title (Duplication of Effort): M-001 MILLER REPORT Item 3a, Recommendation, pg 2

(U) RECOMMENDATION / OBSERVATION:

Establish a robust coordinating authority to direct and coordinate all HUMINT collection and analysis in Iraq. Supplement this authority with a collection management operation focused to support the needs of the Global War on Terrorism (GWOT), the Theater Commander and CJTF-7 Commanders' intelligence and targeting objectives. Additional resources are required for the CJTF-7 CJ2X to sustain effort.

~~(S)~~ CURRENT ASSESSMENT:

(b)(1),(b)(5)

OPR: CENTCOM

OCR:

~~(S)~~ FIX / ACTION / CHANGE:

(b)(1),(b)(5)

JS AMNESTY/CCR 1599

Miller Report – Closed Items

M-02

M-003

OPR: Policy Working Group

Miller Report – Closed Items

M-04

Issue Title (Information Sharing): M-005 MILLER REPORT

(U) RECOMMENDATION / OBSERVATION:

Expedite the exchange of Counterterrorism information and analysis between collectors in the field and the national intelligence community by integrating the Interrogator Tiger Teams with analysts at the CJTF-7 CJ2X and national intelligence community through JITF-CT. Energize the analysis-collection feedback loop of the intelligence cycle with robust, timely, GWOT oriented, collection management planning and execution.

~~(S)~~ CURRENT ASSESSMENT:

CENTCOM requests closure. System in place to meet requirements in the recommendation.

OPR: CENTCOM
OCR:

~~(S)~~ FIX / ACTION / CHANGE:

(b)(1),(b)(5)

JS AMNESTY/CCR 1603

Miller Report – Closed Items

M-06 to M-07

M-008 Conditions for Successful Interrogation

(U) <u>RECOMMENDATION/OBSERVATION:</u>

- Dedicate and train a detention guard force subordinate to the JIDC Commander that sets the conditions for the successful interrogation and exploitation of internees/detainees.

(U) <u>CURRENT ASSESSMENT:</u>

- This issue is addressed in doctrinal publications currently under revision and development.

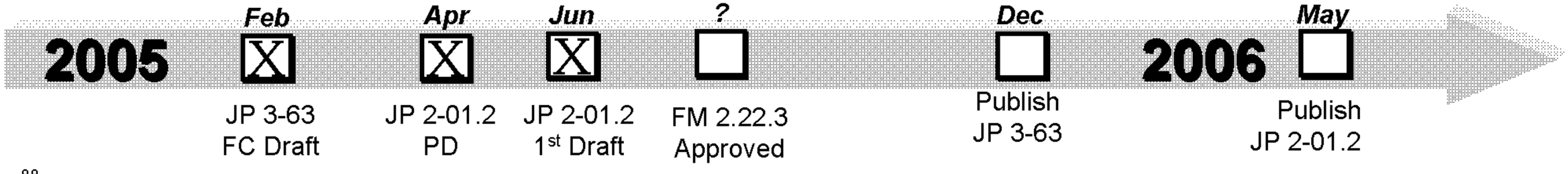
OPR: Joint Staff J-7
OCR: Joint Staff J-5, Army, JFCOM

(U) <u>FIX/ACTION/CHANGE:</u>

Fix: Review and Revise Doctrine

Action: ICW the Joint Staff, update Army and Joint doctrine to address concept, organization and operations, and procedures for the JIDC

Change: Doctrine and Organizations



JS AMNESTY/CCR 1605

Miller Report – Closed Items

M-09

JS AMNESTY/CCR 1606

Issue Title (Bandwidth Adequacy): M-010 MILLER REPORT Item 4, Recommendation, pg 5

(U) RECOMMENDATION / OBSERVATION:

Provide the necessary systems and bandwidth to enable direct analytical support to interrogation operations. See paragraph 6 (Information Technology).

~~(S)~~ FIX / ACTION / CHANGE:

(b)(1),(b)(5)

~~(S)~~ CURRENT ASSESSMENT:

(b)(1),(b)(5)

OPR: CENTCOM
OCR:

JS AMNESTY/CCR 1607

Miller Report – Closed Items

M-011 to M-020

Issue Title (Inadequate Information Systems): M-021 MILLER REPORT Item 6, Recommendation, pg 7

(U) RECOMMENDATION / OBSERVATION:

Create a robust automated knowledge center, incorporating information and documents currently located in diverse data stores to allow for sharing of all information on internees: OPTIONS (ref pg 11)

-- Implement a theater level network that supports folder, file, and document sharing.

- Ensure bandwidth is adequate to support the network traffic and all the users.
- Ensure that all units have access to the network with adequate number of workstations to support the mission, especially for those units that capture and/or initially process internees and those units that conduct analysis and interrogations.

-- Develop a database that incorporates the various data stores, from the time of capture and through the intelligence analysis and interrogation process.

- The web-based Joint Detainee Information Management System (JDIMS) developed for and currently utilized by JTF Guantanamo, with some tailoring and modifications, will be adequate to meet this need of a consolidated internee database. This database also contains a collection management and dissemination module that manages all requirements and reporting on internees. It also contains an online reports writing feature, which allows the analysts and interrogators to create reports and immediately share information.
- The Detention Information Management System (DIMS) also developed for and utilized by JTF Guantanamo to capture initial detainee information as well as operational data gathered by the military police, will allow for input of internee information from the time of capture and throughout their stay at the detention facilities when not being interrogated.
- A Joint Detainee Information Management System-Iraq will share data with JTF Guantanamo detainee database and make it available to the intelligence community. By sharing detainee information, the intelligence community will benefit from a web-based single source of detainee information readily available to them via the SIPR network.

Issue Title (Inadequate Information Systems): M-021 MILLER REPORT Item 6, Recommendation, pg 7 (Cont)

(U) RECOMMENDATION / OBSERVATION:

- A similar system should be implemented in Afghanistan for the detainee operations conducted there.

--The goal of a worldwide-integrated detainee database is to address the needs of detainee interrogation operations and to share information regardless of location. It is the tool to bridge intelligence and technology in order to achieve information dominance and efficient operational control over the detainee/internee population and allow for near-real time data mining, information visualization, and intelligence exploitation to combat the Global War on Terrorism

(b)(1),(b)(5)

~~(S)~~ FIX / ACTION / CHANGE:

(b)(1),(b)(5)

OPR: CENTCOM

OCR: DA

JS AMNESTY/CCR 1610

Taguba Report

35 Findings

Taguba Report – Closed Items

T-001 to T-011

Issue Title (Accountability Systems): T-012 TAGUBA REPORT Part 2, Item 3 pg 31

(U) RECOMMENDATION / OBSERVATION:
The NDRS and BATS accounting systems must be expanded and used to their fullest extent to facilitate real time updating when detainees are moved and or transferred from one location to another.

~~(S)~~ FIX / ACTION / CHANGE:

(b)(1),(b)(5)

~~(S)~~ CURRENT ASSESSMENT:

(b)(1),(b)(5)

OPR: CENTCOM
OCR:

Taguba Report – Closed Items

T-013 to T-015

Issue Title (Accountability of Detainees): T-016 TAGUBA REPORT Part 2, Item 8 pg 32

(U) RECOMMENDATION / OBSERVATION:
All the compounds wired into the master manifest so MP soldiers can account for their detainees in real time and without waiting for their change sheets to be processed. This would also have the change sheet serve as a way to check up on the accuracy of the manifest as updated by each compound. BATS and NDRS system can be utilized for this function

~~(S)~~ CURRENT ASSESSMENT:
(b)(1),(b)(5)

OPR: CENTCOM
OCR:

(U) FIX / ACTION / CHANGE:

Fix: Account for detainees in real time.

Action: With the implementation of the Detainee Information Management System (DIMS) set to come on line, real time transmission of changes and counts will now be possible. Currently ISN counts are conducted twice daily and changed annotated on Change Sheets. Likewise, intercompound transfers, new additions, and other top-down changes are delivered to the compounds twice daily. DIMS is in use at Abu Ghraib for all of these functions and is undergoing implementation at Camp Bucca.

Change: DIMS needs to link to NDRS.

JS AMNESTY/CCR 1615

Taguba Report – Closed Items

T-017 to T-019

JS AMNESTY/CCR 1616

Issue Title (Structural Improvements):T-020 Taguba Report Part 2, Items 12,13, 14&15 pg32-3

(U) RECOMMENDATION / OBSERVATION:

- There must be significant structural improvements at each of the detention facilities. The needed changes include significant enhancement of perimeter lighting, additional chain link fencing, staking down of all concertina wire, hard site development, and expansion of Abu Ghraib (BCCF) .
- The Geneva Conventions and the facility rules must be prominently displayed in English and the language of the detainees at each compound and encampment at every detention facility IAW AR 190-8.
- Further restrict US civilians and other contractors' access throughout the facility. Contractors and civilians must be in an authorized and easily identifiable uniform to be more easily distinguished from the masses of detainees in civilian clothes.
- Facilities must have a stop movement/transfer period of at least 1 hour prior to every 100% detainee roll call and ISN counts to ensure accurate accountability.

~~(S)~~ CURRENT ASSESSMENT:

No change. Significant improvements made. Continues to be a working action. Require published standards from Army.

OPR: CENTCOM
OCR: DA

(U) FIX / ACTION / CHANGE:

Fix:

- Must be significant structural improvements at each of the detention facilities.
- Access to Geneva Convention and facility rules.
- Access of US civilians and contractors to detention facilities.
- Ensure accountability during ISN count.

Action:

- New/Improved facilities were constructed at all theater internment facilities. Physical security has been enhanced, lighting improved, concertina wire staked down, additional fencing and gates added, and towers situated appropriately.
- Geneva Convention and facility rules are prominently displayed in all internment facilities.
- Contractors must also display ID at all times.
- All movements are stopped at least an hour before ISN counts.

Change: Ensures appropriate improvements are made to facilities, material, policy, leadership

JS AMNESTY/CCR 1617

Taguba Report – Closed Items

T-021 to T-025

JS AMNESTY/CCR 1618

T-26 /Personal Accountability

(x) RECOMMENDATION/OBSERVATION

- LTC Jordan, former Director, Joint Interrogation and Debriefing Center and liaison officer to 205th MI Brigade, made material misrepresentations to the investigating team and that he failed to ensure soldiers under his direct control were properly trained

(x) CURRENT ASSESSMENT:

OPR: Army

OCR:

(x) FIX/ACTION/CHANGE:

Fix: Personal Accountability

Action: The Army is aggressively investigating all reports of detainee abuse

Change: Final Disposition

2004 **2005**

Taguba Report – Closed Items

T-027 to T-035

JS AMNESTY/CCR 1620

DAIG Report

52 Findings

D-001

OPR: Policy Working Group

D-002

OPR: Policy Working Group

DAIG Report – Closed Items

D-003 to D-004

D-005 /POI Revision/Exportable Training Package

(x) RECOMMENDATION/OBSERVATION

- TRADOC develop and implement a train-the-trainer package that strongly emphasizes leaders' responsibilities to have adequate supervision and control processes in place to ensure the proper treatment of detainees.

- HQDA DODOIP Task: T2.1/T5.3

(x) CURRENT ASSESSMENT:

OPR: Army

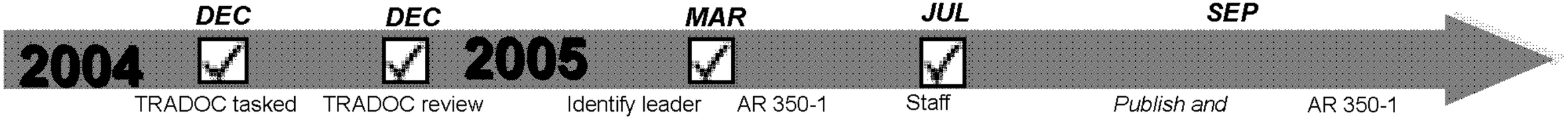
OCR: J7

(x) FIX/ACTION/CHANGE:

Fix: Revise Training

Action: Develop / implement a train-the-trainer package that strongly emphasizes leaders' responsibilities to have adequate supervision and control processes in place to ensure the proper treatment of detainees, and the immediate reporting of detainee abuse.

Change: Develop DO LDR Train-the-Trainer Package



JS AMNESTY/CCR 1625

D-006 /Revise Training

(x) RECOMMENDATION/OBSERVATION

- TRADOC integrate training into all Professional Military Education that strongly emphasizes leaders' responsibilities to have adequate supervision and control processes in place to ensure the proper treatment of detainees.

- HQDA DODOIP Task: T2

(x) CURRENT ASSESSMENT:

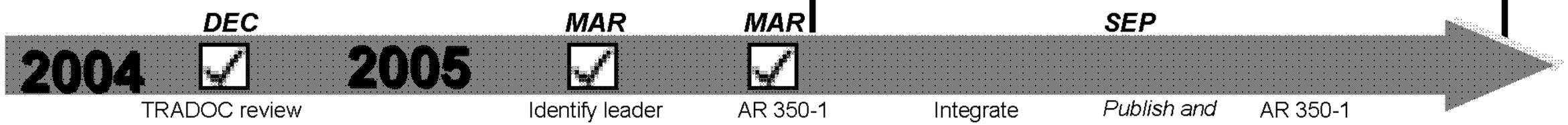
OPR: Army

OCR: J7

Fix: DO Training Integration

Action: Integrate training into all PME that emphasizes leaders' responsibilities to supervise and control processes to ensure the proper treatment of detainees. Ensure training includes the potential for abuse involved in DO and DIO, methods to train Soldiers on responsibility to treat detainees humanely and to report abuse.

Change: Update common core tasks in areas of Leadership Fundamentals, Ethics & Ethical Decision Making, and Law of War.



JS AMNESTY/CCR 1626

DAIG Report – Closed Items

D-007

Issue Title (Expand Facilities): D-008 DAIG REPORT Ch 6, Item 3 -Ch 3h, p 93

(U) RECOMMENDATION / OBSERVATION:

CJTF-7 expand Camp Bucca as an internment/resettlement facility in order to transfer detainees from Camps Ganci and Vigilant, and phase out U.S. Armed Forces detainee operations at Abu Ghraib completely.

~~(S)~~ FIX / ACTION / CHANGE:

(b)(1),(b)(5)

~~(S)~~ CURRENT ASSESSMENT

(b)(1),(b)(5)

OPR: CENTCOM
OCR:

D-009 /Joint/Army Doctrine Revision

(x) <u>RECOMMENDATION/OBSERVATION</u>

- TRADOC revise doctrine to address the criteria for establishing and operating collecting points to enable commanders to more effectively conduct intelligence exploitation in a non-linear battlespace

- HQDA DODOIP Task: D4/D5

(x) <u>CURRENT ASSESSMENT:</u>

OPR: Army

OCR: J7

Fix: Review, expand, revise detainee operations doctrine as appropriate

Action: Specifically address detainee administration, internment and resettlement, and facilitate intelligence exploitation enabling commanders to better manage resources, ensure safe and secure custodial environments and improve intelligence collection

Change:

- Develop PoC – IF TSP
- Update FM 2-22.3
- Publish updated FMI 3-19.40

JS AMNESTY/CCR 1629

D-010 /Joint/Army Doctrine Revision

(x) <u>RECOMMENDATION/OBSERVATION</u>

- TRADOC develop a single document for detainee operations that identifies the interdependent and independent roles of the Military Police custody mission and the Military Intelligence interrogation mission.

- HQDA DODOIP Task: D3.1/D3.2/D5

(x) <u>CURRENT ASSESSMENT:</u>

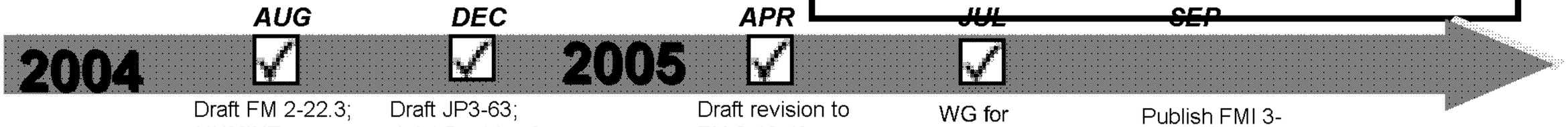
OPR: Army

OCR: J7

Fix: Clarify doctrine and policy

Action: Clarify doctrine to define the organizational structures, command relationships, and roles and responsibilities of personnel operating internment and interrogation facilities IAW AR 190-8

Change:
- Update FM 2-22.3
- Draft JP 3-63
- Publish updated FMI 3-19.40



JS AMNESTY/CCR 1630

D-011 /Joint/Army Doctrine Revision

(x) <u>RECOMMENDATION/OBSERVATION</u>

- TRADOC establish doctrine to clearly define the organizational structures, command relationships, and roles and responsibilities of personnel operating interrogation facilities.

- HQDA DODOIP Task: D3.1/D3.2/D5

(x) <u>CURRENT ASSESSMENT:</u>

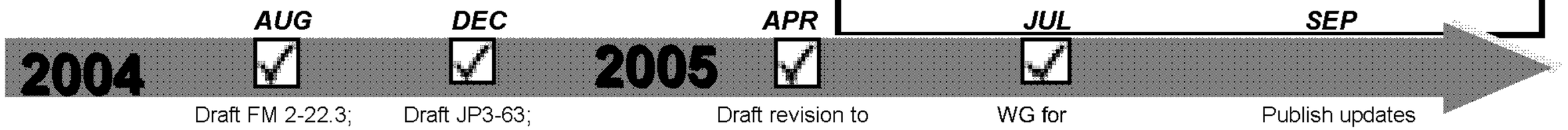
OPR: Army

OCR: J7

Fix: Review, expand, revise detainee operations doctrine

Action: Address detainee administration, internment and resettlement, and facilitate intelligence exploitation enabling commanders to better manage resources, ensure safe and secure custodial environments, and improve intelligence collection

Change: Update the following:
- FM 2-22.3 and FMI 3-19.40
- JP 3-63



JS AMNESTY/CCR 1631

D-012 /Joint Policy Task Force

(x) <u>RECOMMENDATION/OBSERVATION</u>

- The Provost Marshal General revise, and the G2 establish, policy to clearly define the organizational structures, command relationships, and roles and responsibilities of personnel operating interrogation facilities

- HQDA DODOIP Task: Po1.2/Po2.2/D3.1/

(x) <u>CURRENT ASSESSMENT:</u>

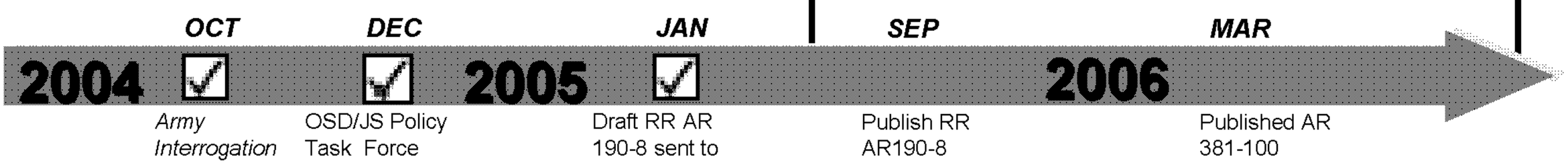
OPR: Army

OCR: J7/Policy Working Group

Fix: Establish policy clearly delineating the relationship between MI and MP personnel with respect to interrogation operations

Action: Establish policy clearly delineating the relationship between MI and MP personnel with respect to interrogation operations and that clearly defines the organizational structures, command relationships, roles and responsibilities of MI, MP, and Medical personnel operating interrogation facilities

Change: Add to and update policy AR 381-100, RR AR 190-8



JS AMNESTY/CCR 1632

DAIG Report – Closed Items

D-013

D-014 / Unit Activation/Acceleration of RFF/JMD

(x) RECOMMENDATION/OBSERVATION

- TRADOC and G2 ensure documentation of unit organizations meet interrogator personnel manning requirements, authorizations, and capabilities in order to provide commanders with timely intelligence

- HQDA DODOIP Task: O3/Pe1.1

(x) CURRENT ASSESSMENT:

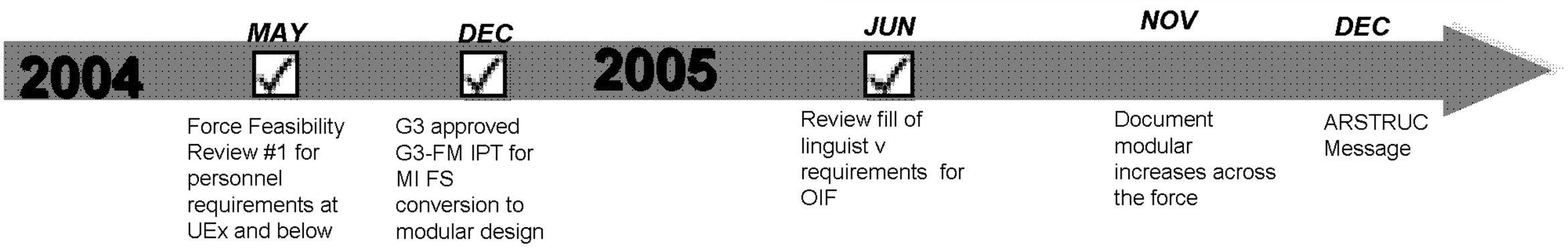
OPR: Army

OCR:

Fix: Review organizational structure and manning documents

Action: HQDA ensures organizational structure meets requirements

Change:
- Assess level of fill of linguists and 97E in OEF/OIF
- Document modular increases across the force of 97E Interrogators



JS AMNESTY/CCR 1634

Issue Title (Lack of Cat II Interpreters): D-015 DAIG REPORT Ch 6, Item 4g -Ch 4, p 94

(U) RECOMMENDATION / OBSERVATION:

The CFLCC contracting officer representative ensures enough Category II interpreters are hired to support timely intelligence exploitation of detainees.

~~(S)~~ FIX / ACTION / CHANGE:

(b)(1),(b)(5)

~~(S)~~ CURRENT ASSESSMENT:

(b)(1),(b)(5)

OPR: CENTCOM
OCR:

DAIG Report – Closed Items

D-016

D-017 / POI Revision

(x) <u>RECOMMENDATION/OBSERVATION</u>

- TRADOC integrate additional training on the collection and analysis of HUMINT into the Military Intelligence Officer Basic Course program of instruction

- HQDA DODOIP Task: T4.5

(x) <u>CURRENT ASSESSMENT:</u>

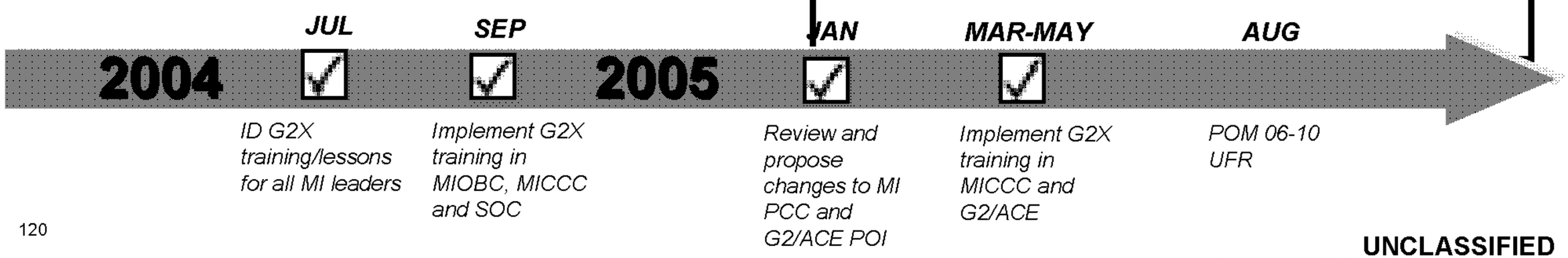
OPR: Army

OCR: J7

Fix: Integrate/revise HUMINT training

Action: Integrate additional training on collection and analysis of HUMINT into MI PME programs of instruction to prepare leaders for the HUMINT intensive demands of insurgency

Change:
- Identify G2X training/lessons leaders
- Implement G2X training in MIOBC, MICCC & SOC
- Review MI PCC and G2/ACE POIs
- Implement G2X training in MIPCC & G2/ACE



JS AMNESTY/CCR 1637

D-018 / Joint/Army Doctrine Revision

(x) <u>RECOMMENDATION/OBSERVATION</u>

- TRADOC, in coordination with G2 and TJAG, revise doctrine to identify interrogation approach techniques that are acceptable, effective, and legal for non-compliant detainees

- HQDA DODOIP Task: D5.1

(x) <u>CURRENT ASSESSMENT:</u>

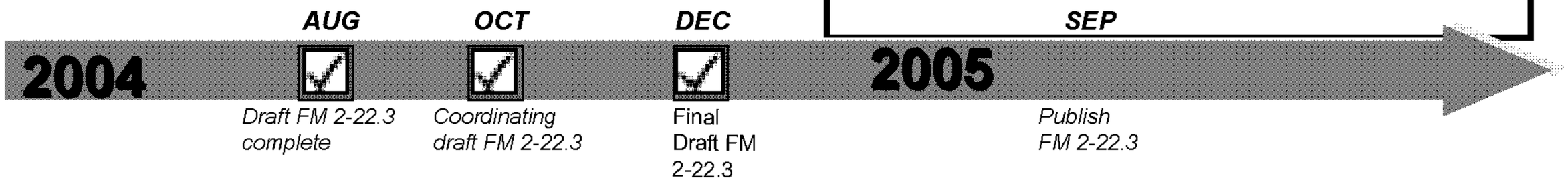
OPR: Army

OCR: J7/Policy Working Group

Fix: Revise Interrogation Doctrine

Action: Revise doctrine to identify interrogation approach techniques that are acceptable, effective and legal for non-compliant detainees, delineates responsibilities, and adds requirements for video taping interrogations at strategic and tactical levels

Change:
- Publish FM 2-22.3



JS AMNESTY/CCR 1638

D-019

OPR: Policy Working Group

DAIG Report – Closed Items

D-020

D-021 Joint /Army Doctrine Revision

(x) RECOMMENDATION/OBSERVATION

- TRADOC revise doctrine for the administrative processing of detainees to improve accountability, movement, and disposition in a non-linear battle space and further examine processes for capturing and validating lessons learned in order to rapidly modify doctrine and incorporate into training application for Soldiers and units.

- HQDA DODOIP Task D1, D3, D8

(x) CURRENT ASSESSMENT:

OPR: ARMY

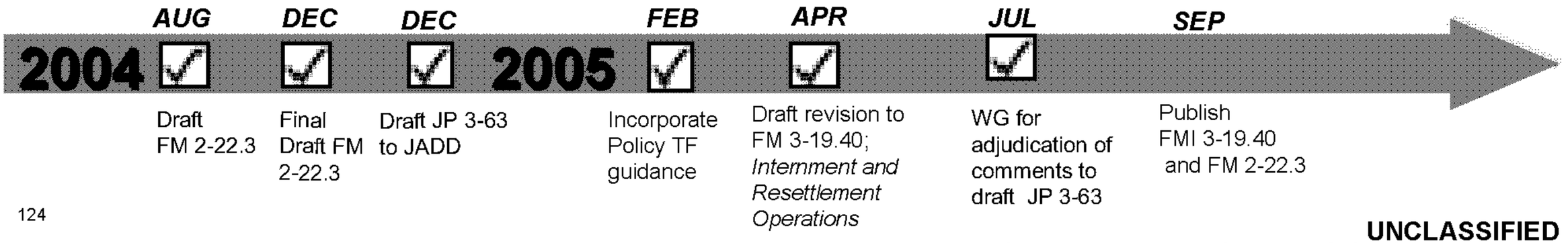
OCR: J7

(x) FIX/ACTION/CHANGE:

Fix: Revise Doctrine

Action: Support update of JP 3-63 *Joint Doctrine for Detainee Operations* and publish updated FMI 3-19.40 *I/R Operations.* Incorporate Policy TF Guidance.

Change: Doctrine will be improved to incorporate Global War on Terrorism lessons learned in the current operational environment.



JS AMNESTY/CCR 1641

D-022 / Joint Policy Task Force

(x) <u>RECOMMENDATION/OBSERVATION</u>

- The Provost Marshal General revise policy for the administrative processing of detainees to improve accountability, movement, and disposition in a non-linear battlespace

- HQDA DODOIP Task: Po1.2

(x) <u>CURRENT ASSESSMENT:</u>

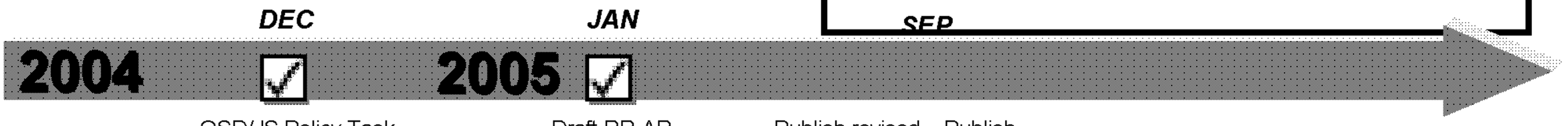
OPR: Army

OCR: Policy Working Group

Fix: Review and Revise DO Policy

Action: Update detainee policy to specifically address the administration internment / resettlement, and intelligence exploitation in any operating environment, enabling Commanders to better manage resources, ensure safe and secure custodial environments and improve intelligence gathering

Change: Revise AR 190-8



OSD/JS Policy Task Force established for revision of DoDD 2310.1 and AR 190-8

Draft RR AR 190-8 sent to publication

Publish revised DoDD 2310.1

Publish RR AR190-8

JS AMNESTY/CCR 1642

D-023 / Joint Policy Task Force

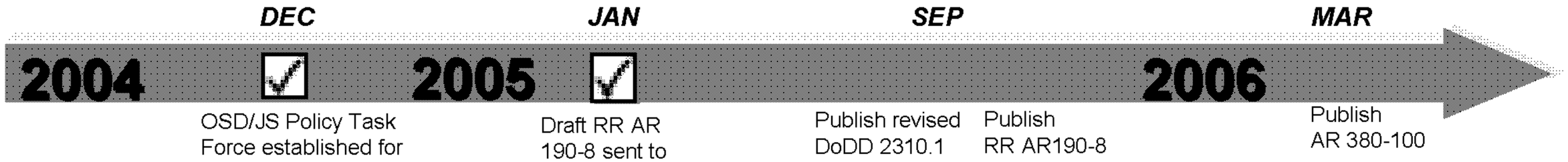
(x) <u>RECOMMENDATION/OBSERVATION</u>

- The Provost Marshal General, in coordination with the G2, update detainee policy to specifically address the administration, internment/resettlement, and intelligence exploitation in a non-linear battle space, enabling commanders to better manage resources, ensure safe and secure custodial environments, and improve intelligence gathering
- HQDA DODOIP Task: Po1.2

(x) <u>CURRENT ASSESSMENT:</u>

OPR: Army
OCR: Policy Working Group

Fix: Review and Revise Policy
Action: Update detainee policy to specifically address the administration internment / resettlement, and intelligence exploitation in any operating environment, enabling Commanders to better manage resources, ensure safe and secure custodial environments and improve intelligence gathering
Change: Revise:
AR 190-8
AR 381-100



JS AMNESTY/CCR 1643

D-024 / Unit Activation/Acceleration

(x) RECOMMENDATION/OBSERVATION

- TRADOC and G3 update the Military Police force structure at the division level and below to support the simultaneous execution of detainee operations and other battlefield missions.

- HQDA DODOIP Task:O1/O1.2/O1.4

(x) CURRENT ASSESSMENT:

OPR: Army

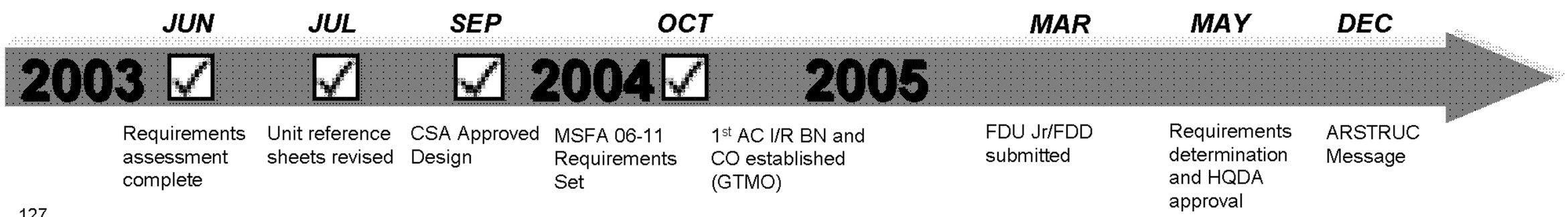
OCR:

(x) FIX/ACTION/CHANGE:

Fix: Update MP Force Structure

Action: Assessed Requirements and Confirm TOEs met requirements

Change: Adequate MP Force Structure



JS AMNESTY/CCR 1644

D-025 / Unit Activation/Acceleration

(x) RECOMMENDATION/OBSERVATION

- TRADOC and G3 update the Military Intelligence force structure at the division level and below to integrate the requirement for detainee operations that allows for timely intelligence exploitation.

- HQDA DODOIP Task: O3.1

(x) CURRENT ASSESSMENT:

OPR: ARMY

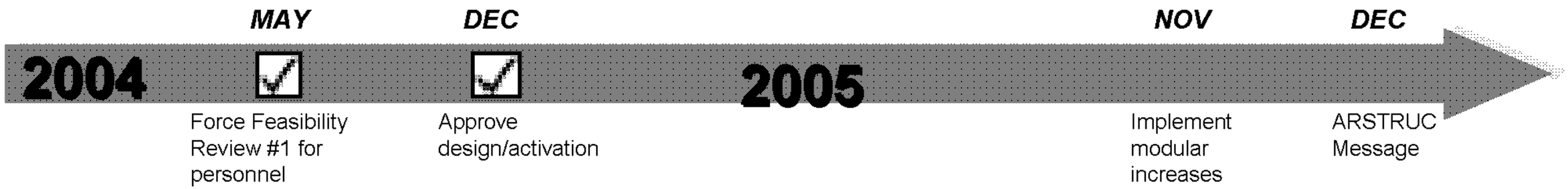
OCR:

(x) FIX/ACTION/CHANGE:

Fix: Implement MI FS Change

Action: Implement FS change in MI-CI/HUMINT force design update.

Change: Document modular increases across the force



JS AMNESTY/CCR 1645

DAIG Report – Closed Items

D-026 & D-27

D-028 / Operational Needs Statement (TDRC)

(x) RECOMMENDATION/OBSERVATION

- The Provost Marshal General review the TDRC process, structure, and employment methods for maintaining information on detainees, their property, and other related requirements within an assigned theater of operations and consider the development of an information technology solution.

- HQDA DODOIP Task: M1/O2/O2.1

(x) CURRENT ASSESSMENT:

OPR: ARMY

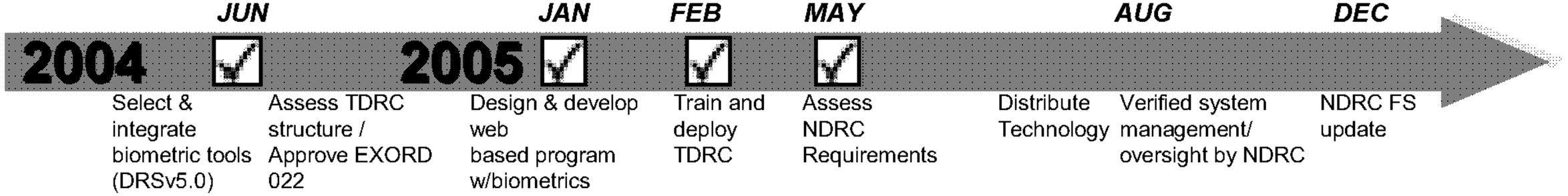
OCR: NONE

(x) FIX/ACTION/CHANGE:

Fix: TDRC sourcing and employment

Action: Field DRS v5.0 technology; Source/deploy EXORD Mod 022, which incorporates TDRC. Review future TDRC FS requirements. Review future NDRC FS requirements

Change: Update biometric tools; Assess TDRC and NDRC Requirements



JS AMNESTY/CCR 1647

D-029 / Unit Activation/Acceleration

(x) RECOMMENDATION/OBSERVATION

- TRADOC and G3 continue to refine and implement the force structure changes in the Military Intelligence - Counterintelligence/Human Intelligence Force Design Update

- HQDA DODOIP Task: O3.2

(x) CURRENT ASSESSMENT:

OPR: Army

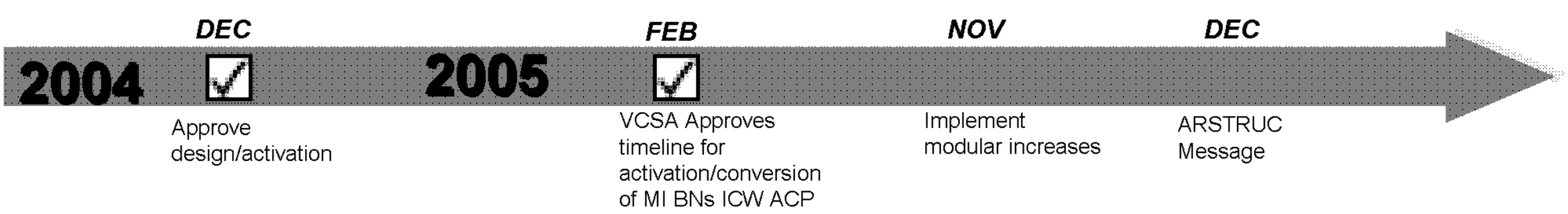
OCR: None

(x) FIX/ACTION/CHANGE:

Fix: Implement MI FS Change

Action: Implement FS change in MI-CI/HUMINT force design update

Change:
- Approve design/activation
- Schedule unit activations
- Execute activations



JS AMNESTY/CCR 1648

D-030 / Unit Activation/Acceleration

(x) RECOMMENDATION/OBSERVATION

- TRADOC integrate the Military Intelligence-Counter Intelligence/Human Intelligence Force Design Updates into the development of Units of Action and Units of Employment

- HQDA DODOIP Task: O3.2

(x) CURRENT ASSESSMENT:

OPR: Army

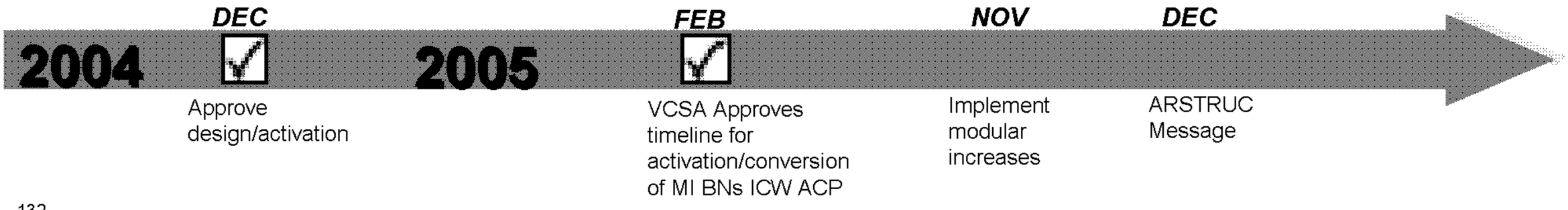
OCR: J7

(x) FIX/ACTION/CHANGE:

Fix: Review modular resign for HUMINT

Action: Implement modular HUMINT redesign

Change: Organizations
- Approve design/activation
- Schedule unit activations
- Execute activations



JS AMNESTY/CCR 1649

D-031 / Unit Activation/Acceleration

(x) RECOMMENDATION/OBSERVATION

- TRADOC and G3 continue to refine and implement the force structure changes in the Military Police - Internment/Resettlement Battalion Force Design Update

- HQDA DODOIP Task: O1

(x) CURRENT ASSESSMENT:

OPR: Army

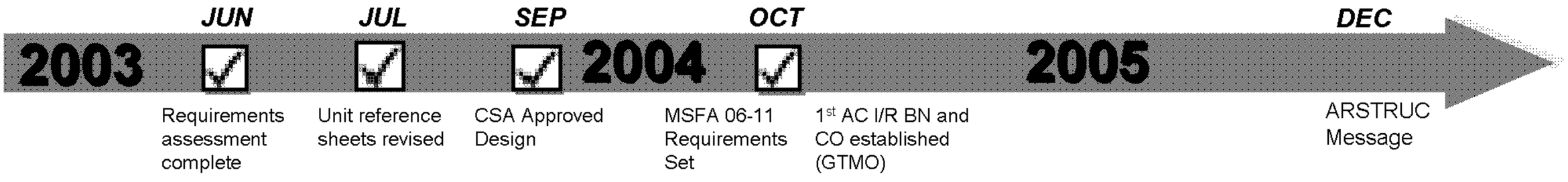
OCR: J7

(x) FIX/ACTION/CHANGE:

Fix: Implement MP FDU

Action: Implement FS changes in MP I/R BN FDU

Change: Adequate MP I/R Force Structure



JS AMNESTY/CCR 1650

D-032 / Unit Activation/Acceleration

(x) RECOMMENDATION/OBSERVATION

- TRADOC integrate this Force Design Update into the development of Units of Action and Units of Employment.

- HQDA DODOIP Task: O1/O1.4

(x) CURRENT ASSESSMENT:

OPR: Army

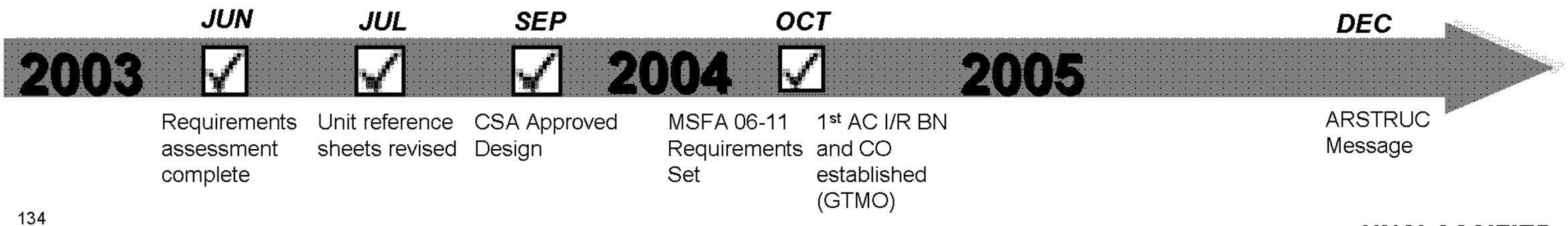
OCR: J7

(x) FIX/ACTION/CHANGE:

Fix: Review modular resign

Action: Update Military Police force structure design at the UA, UEy, and UEx levels to support the simultaneous execution of detainee operations and other battlefield missions; ensure the AC/RC mix is appropriately maintained

Change: Organizations



JS AMNESTY/CCR 1651

D-033 / Facility Standards

(x) <u>RECOMMENDATION/OBSERVATION</u>

- CJTF-7 and CJTF-180 ensure all units meet the guidelines for minimum infrastructure standards supporting detainee operations to allow for adequate facilities to house detainees.

- HQDA DODOIP Task: F1.1

Fix: deteriorating infrastructure that impacted on having a clean, safe, and secure working environment for Soldiers and living conditions for detainees.

Action: Coordinate through JS to ensure all MNF-I and CJTF-76 units meet the guidelines for minimum infrastructure standards supporting detainee operations to allow for adequate facilities to house detainees

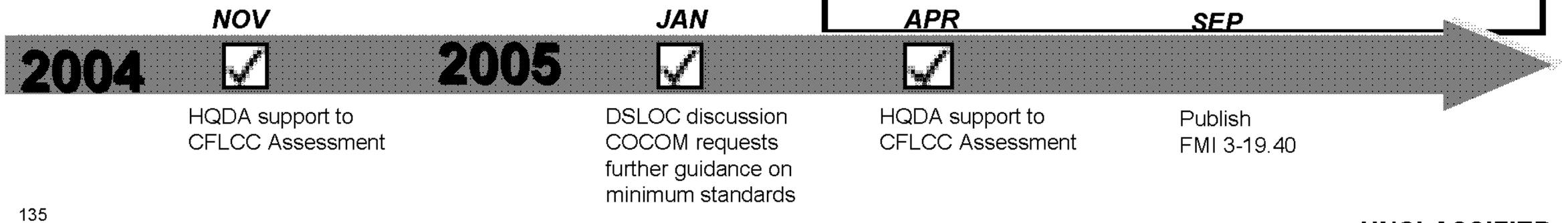
Change:

- On site inspections
- Publish FMI 3-19.40

(x) <u>CURRENT ASSESSMENT:</u>

OPR: Army

OCR: Policy Working Group/CENTCOM



JS AMNESTY/CCR 1652

Issue Title (Lack of Safety Inspection Program): D-034 DAIG REPORT Ch 6, Item 5o -Ch 5, p 96

(U) RECOMMENDATION / OBSERVATION:

CJTF-7 and CJTF-180 implement a safety inspection program for all facilities that support detainee operations to identify and eliminate hazards to soldiers and detainees.

~~(S)~~ FIX / ACTION / CHANGE:

(b)(1),(b)(5)

~~(S)~~ CURRENT ASSESSMENT:

(b)(1),(b)(5)

OPR: CENTCOM
OCR: DA & Policy Working Group

JS AMNESTY/CCR 1653

DAIG Report – Closed Items

D-035 to D-037

JS AMNESTY/CCR 1654

D-038 / Unit Activation/Acceleration

(x) RECOMMENDATION/OBSERVATION

- TRADOC review the preventive medicine detachment force structure to ensure support to all collecting points and internment/resettlement facilities in a non-linear battlespace.

- HQDA DODOIP Task: O4

(x) CURRENT ASSESSMENT:

OPR: Army

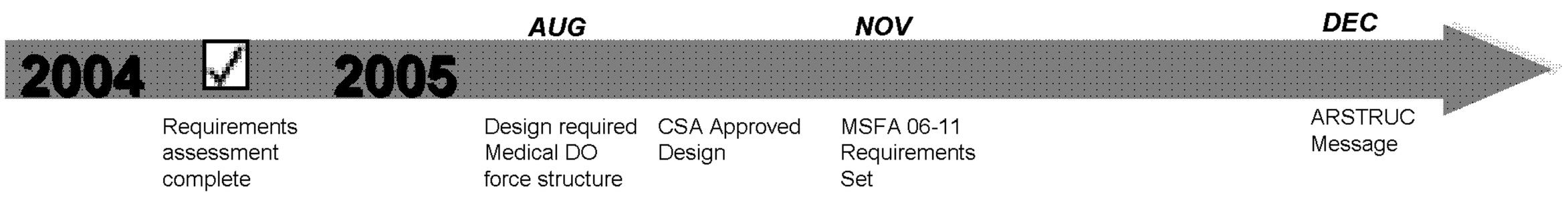
OCR: J7

(x) FIX/ACTION/CHANGE:

Fix: Analyze medical force structure for DO

Action: Modify medical force structure as required

Change:
- Design medical force structure
- Resource new force structure
- Implement new force structure



JS AMNESTY/CCR 1655

DAIG Report – Closed Items

D-039 to D-042

JS AMNESTY/CCR 1656

D-043 / ONS Programming

(x) <u>RECOMMENDATION/OBSERVATION</u>

- TRADOC identify minimum equipment requirements for detainee operations to ensure successful unit mission accomplishment

- HQDA DODOIP Task: M2, M3.1

(x) <u>CURRENT ASSESSMENT:</u>

OPR: Army

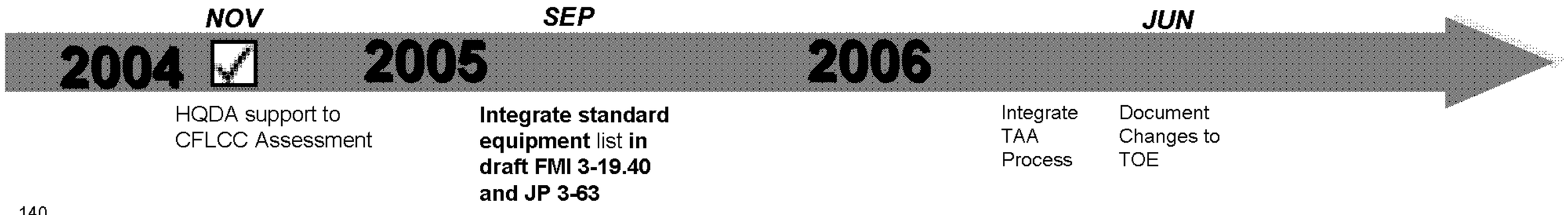
OCR: J7

(x) <u>FIX/ACTION/CHANGE:</u>

Fix: Review DO equipment requirements

Action: Review and adjust minimum equipment requirements for detainee operations

Change: Equipment Requirements



JS AMNESTY/CCR 1657

DAIG Report – Closed Items

D-044 to D-045

JS AMNESTY/CCR 1658

D-046 / Exportable Training Package

(x) RECOMMENDATION/OBSERVATION

- TRADOC integrate standardized detainee operations training into all Army proponent school common core programs of instruction and training support packages.

- HQDA DODOIP Task: T5.2/T5.3

(x) CURRENT ASSESSMENT:

OPR: Army

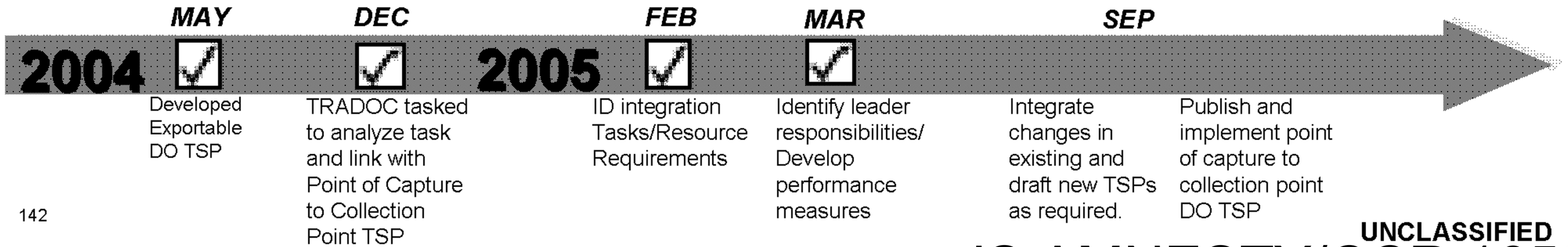
OCR: J7

(x) FIX/ACTION/CHANGE:

Fix: Review and Revise Detainee Operations Programs of Instruction

Action: Integrate standardized detainee operations training into appropriate Army proponent school common core programs of instruction utilizing the point of capture to collection point training support package.

Change: Create and revise detainee operations POIs and TSPs using lessons learned from OEF/OIF



JS AMNESTY/CCR 1659

DAIG Report – Closed Items

D-047 to D-048

D-049 / Exportable Training Package

(x) RECOMMENDATION/OBSERVATION

- FORSCOM integrate a standardized detainee operations training package as part of the pre- and post-mobilization training.

- HQDA Task T5.3

(x) CURRENT ASSESSMENT:

OPR: Army

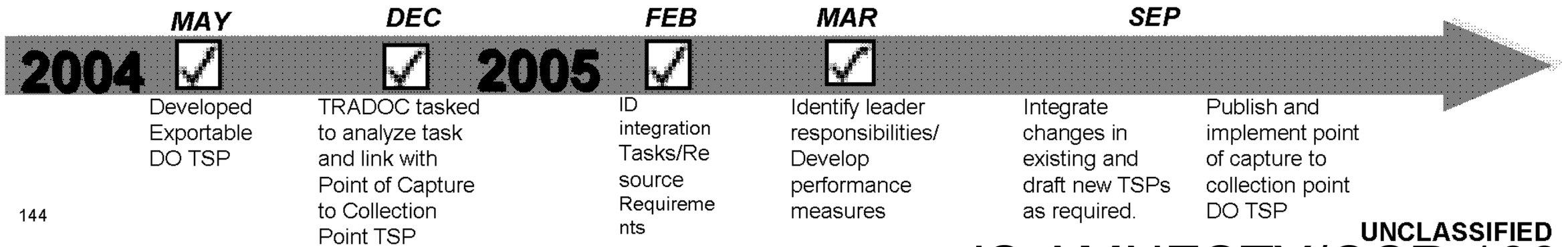
OCR: J7

(x) FIX/ACTION/CHANGE:

Fix: Review and modify pre and post mobilization training

Action: Integrate a standardized detainee operations training package as part of pre-and post mobilization training for all soldiers

Change: Revise and Develop DO Training Support Packages



JS AMNESTY/CCR 1661

DAIG Report – Closed Items

D-050

D-051

OPR: Policy Working Group

DAIG Report – Closed Items

D-052

Fay Report

28 Findings

JS AMNESTY/CCR 1665

F-001 / Joint/Army Doctrine Revision

(x) RECOMMENDATION/OBSERVATION

- The Army needs to re-emphasize Soldier and leader responsibilities in interrogation and detention operations and retrain them to perform in accordance with law, regulations, and Army values and to live up to the responsibilities of their rank and position. Leaders must also provide adequate training to ensure Soldiers understand their authorities. The Army must ensure that future interrogation policies are simple, direct and include safeguards against abuse. Organizations such as the JIDC must possess a functioning chain of command capable of directing interrogation operations.
- HQDA DODOIP Task: Po2/3.3/4.1/D2.4/5.1/6.1/6.2/T1/2/2.1.3/5.3/7.4/7.5 /L1/2/3/O3.7/6

Fix: Integrate soldier responsibilities related to detainee operations into all PME

Action: Direct Commanders to enforce the basic fundamental discipline standards of Soldiers, provide training, and immediately correct inappropriate behavior of Soldiers towards detainees to ensure the proper treatment of detainees

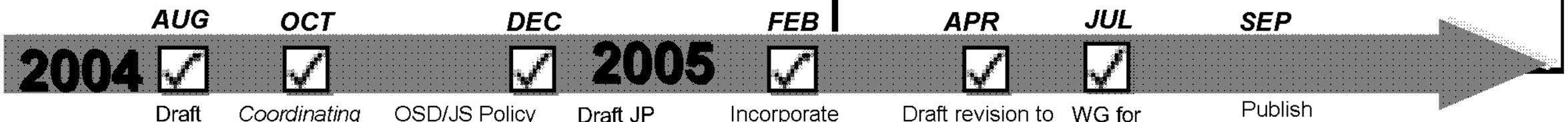
Change:

- Update AR 190-8, JP2-01.2, FM 2-22.3, JP3-63, FMI-3-19.40
- Develop TSPs

(x) CURRENT ASSESSMENT:

OPR: Army

OCR: J7/Policy Working Group



JS AMNESTY/CCR 1666

Fay Report – Closed Items

F-002 to F-003

F-004 JIDC Chain of Command

(U) RECOMMENDATION

JIDCs need to be structured, manned, trained and equipped as standard military organizations. These organizations should be certified by TRADOC and/or JFCOM. Appropriate Service and Joint doctrine should be developed defining JIDCs' missions and functions as separate commands.

(U) CURRENT ASSESSMENT:

-- JDIC sourcing formalized via COCOM-validated JMDs
-- Appendix C, Interrogation Operations, to JP 2-01.2 contains doctrinal JDIC structure, manning, training. Issued as interim guidance. Doctrine in coordination.
-- Army has similar sections in FM 2-22.3.
-- Development of a joint intelligence structure to field JIDCs capable of sustaining current requirements and possibly future contingencies is underway; Army has agreed to provide command elements.
-- DHMO staffing Joint Interrogator Training concept with Services, Joint Staff, and COCOMs.

Recommend change to BLUE – Intent Met.

OPR: J-2

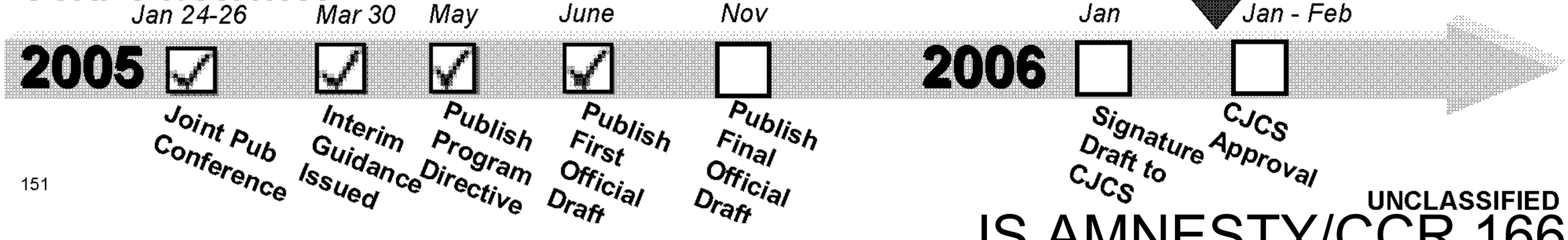
OCR: J-7/Services

FIX/ACTION/CHANGE:

Fix: (U) Define JDIC mission, force structure and functions in Joint and Service Doctrine.

Action: (U) Define JDIC mission, structure and functions in Joint Pub 2-01.2 and Service Doctrine.

Change: (U) Under new doctrine, JIDCs will have defined missions and functions and standard structure, manning, training and equipment.



JS AMNESTY/CCR 1668

F-005 / Joint/Army Doctrine Revision

(x) <u>RECOMMENDATION/OBSERVATION</u>

- Detention centers must be established in accordance with AR 190-8 to ensure safety and compliance with the Geneva Conventions.
- As a matter of policy, force protection concerns must be applicable to any detention facility and all detention operations.
- Protect detainees in accordance with Geneva Convention IV by providing adequate force protection.
- HQDA DODOIP Task: Po1.1/Po1.2 /Po3.6/F3/Z2

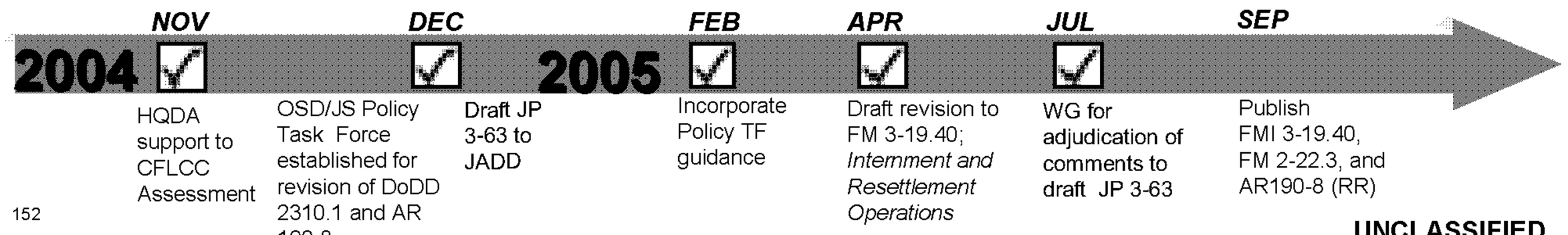
(x) <u>CURRENT ASSESSMENT:</u>
OPR: Army
OCR: Policy Working Group

(x) <u>FIX/ACTION/CHANGE:</u>

Fix: Review and Revise Policy

Action: Publish Rapid Revision to Army Regulation (AR) 190-8, Enemy Prisoners of War, Retained Personnel, Civilian Internees and Other Detainees

Change:
- Update AR 190-8 (RR)
- Assess onsite force protection



JS AMNESTY/CCR 1669

Fay Report – Closed Items

F-06

JS AMNESTY/CCR 1670

F-007/Joint/Army Policy and Doctrine

(x) <u>RECOMMENDATION/OBSERVATION</u>

- Screening, interrogation and release procedures at the tactical level need to be properly executed. Those detainees who pose no threat and are of no intelligence value should be released by capturing units within 72 hours. Those detainees thought to be a threat but of no further intelligence value should be sent to a long term confinement facility. Those detainees thought to possess further intelligence value should be sent to a Corps/Theater Interrogation Center.
- HQDA DODOIP Task: Po1.2/3.7/D5.3/ D8/T1.1/T5.1

(x) <u>CURRENT ASSESSMENT:</u>

OPR: Army

OCR: J7/Policy Working Group

(x) <u>FIX/ACTION/CHANGE:</u>

Fix: Review and Revise AR 190-8

Action: Publish Rapid Revision to AR 190-8, *Enemy Prisoner of War, Retained Personnel, Civilian Internees and Other Detainees*.

Change:
- RR AR 190-8
- FM 2-22.3/FMI 3-19.40
- Standardize DO training packages

2004 OCT	DEC	2005 JAN	APR	JUL	SEP
Army Interrogation policy gap analysis complete	OSD/JS Policy Task Force established for revision of DoDD 2310.1 and AR 190-8	Draft RR AR 190-8 sent to publication	Draft revision to FM 3-19.40; *Internment and Resettlement Operations*	WG for adjudication of comments to draft JP 3-63	Publish FMI 3-19.40, FM 2-22.3 and RR AR190-8

JS AMNESTY/CCR 1671

F-008

OPR: OSD

OCR: Army / J-2

JS AMNESTY/CCR 1672

F-009 / Unit Activation/Acceleration

(x) RECOMMENDATION/OBSERVATION

- The Army must increase the number of HUMINT units to overcome downsizing of HUMINT forces over the last 10 years and to address current and future HUMINT requirements

- HQDA DODOIP Task: O3/O3.1/O3.2/O3.3/O3.4/O3.6

(x) CURRENT ASSESSMENT:

OPR: Army

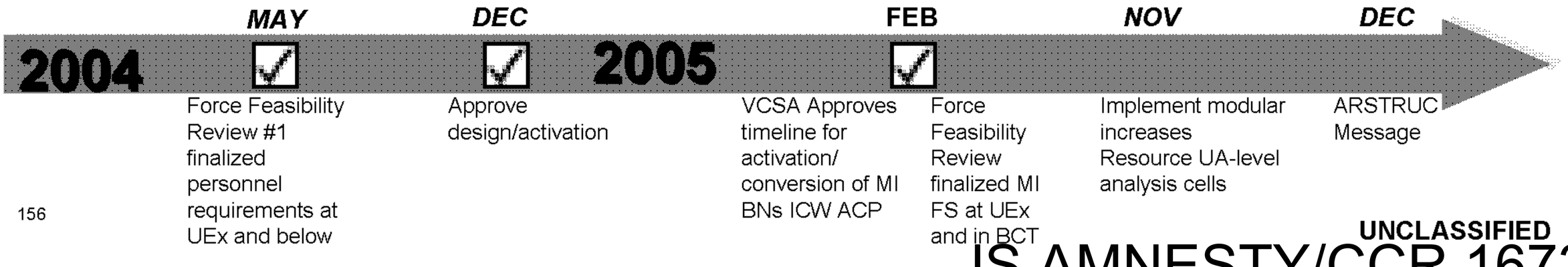
OCR:

(x) FIX/ACTION/CHANGE:

Fix: Conduct review to determine future requirements

Action: Increase the number of HUMINT units and implement MI FS Change

Change: Adjust MI force structure



JS AMNESTY/CCR 1673

F-010 JIDC Planning, Personnel and Support

(U) RECOMMENDATION

The Army and DoD should plan on operating JIDC organizations in future operational environments, establish appropriate manning and equipment authorizations for the same.

(U) CURRENT ASSESSMENT:

-- JDIC sourcing formalized via COCOM-validated JMDs
-- Appendix C, Interrogation Operations, to JP 2-01.2 contains doctrinal JDIC structure, manning, training. Issued as interim guidance. Doctrine in coordination.
-- Army has similar sections in FM 2-22.3.
-- Development of a joint intelligence structure to field JIDCs capable of sustaining current requirements and possibly future contingencies is underway; Army has agreed to provide command elements.
-- DHMO designated policy group contributing to future JIDC planning.

Recommend change to BLUE – Intent Met.

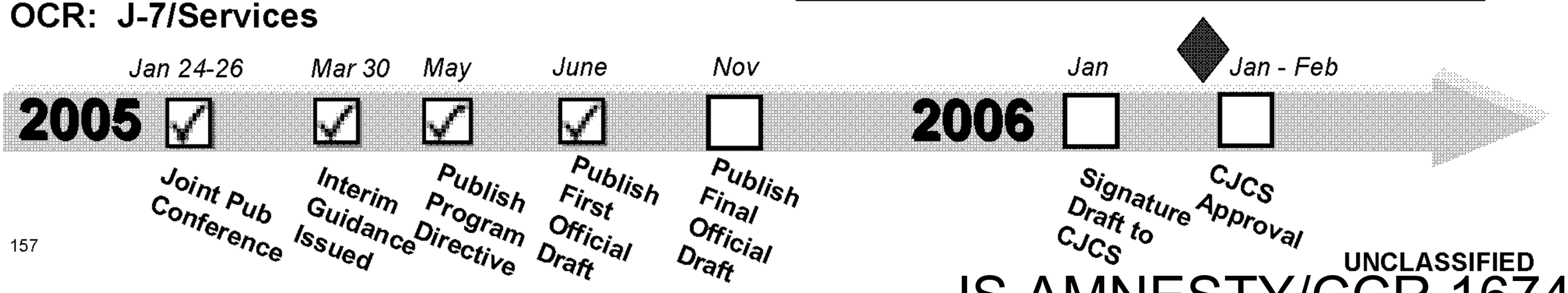
OPR: J-2
OCR: J-7/Services

FIX/ACTION/CHANGE:

Fix: (U) Write procedures for planning, personnel & logistic support into Joint and Service doctrine. Establish manning authorizations for future JIDCs.

Action: (U) Write procedures for planning, personnel, and logistic support for JDIC into JP 2-01.2 and Service Doctrine. Establish manning authorizations for future JIDCs through manning conferences and White papers.

Change: (U) JIDCs will be doctrinally structured and appropriately manned.



JS AMNESTY/CCR 1674

Issue Title: F-011 Inadequate Linguists

(U) RECOMMENDATION / OBSERVATION:

This shortage negatively affected every level of detainee operations from point-of-capture through detention facility… Linguists were a critical node and limited the maximum number of interrogations that could be conducted at any time to the number of linguists available.

(U) FIX/ACTION/CHANGE:

None at this time.

(U) CURRENT ASSESSMENT:

- P&R is working with the services to better identify their needs and articulate those needs in advance. P&R has developed a system for planning and identifying gaps and will be testing that system May 2 with EUCOM.

OPR: USD(P&R)
OCR: USD(P)

Fay Report – Closed Items

F-012

F-013 / Revise Policy, Training and Guidance

(x) RECOMMENDATION/OBSERVATION

- More training emphasis needs to be placed on Soldier and leader responsibilities concerning the identification and reporting of detainee abuse incidents or concerns up through the chain of command, or to other offices such as CID, IG or SJA. This training should not just address the rules, but address case studies from recent and past detainee and interrogation operations to address likely issues interrogators and their supervisors will encounter. Soldiers and leaders need to be taught to integrate Army values and ethical decision making to deal with interrogation issues that are not clearly prohibited or allowed. Furthermore, it should be stressed that methods employed by US Army interrogators will represent US values.
- HQDA DODOIP Task: T1/T11/D11/L1

(x) CURRENT ASSESSMENT:

Intra-Council Green

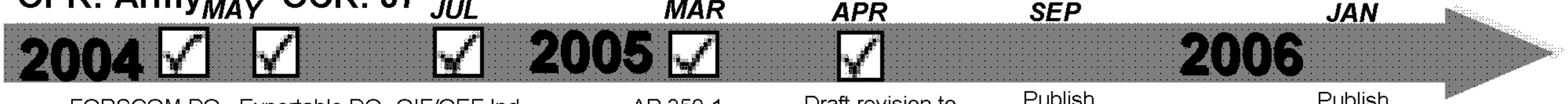
OPR: Army **OCR: J7**

(x) FIX/ACTION/CHANGE:

Fix: Personal Accountability and values in Detainee Operations

Action: Revise policy and training guidance to reflect annual Law of War training requirements. Enforce fundamental standards

Change:
- AR 350-1 updated
- Incorporate lessons learned into leader development and training guidance



JS AMNESTY/CCR 1677

Fay Report – Closed Items

F-014

F-015 / POI Revision/Exportable TNG Package

(x) RECOMMENDATION/OBSERVATION

- TRADOC should initiate an effort to develop a cross branch training program in detainee and interrogation operations training. FORSCOM should reinstitute combined MI/MP unit training such as the Gold Sword/Silver Sword Exercises that were conducted annually.
- HQDA DODOIP Task: T3

(x) CURRENT ASSESSMENT:

OPR: Army

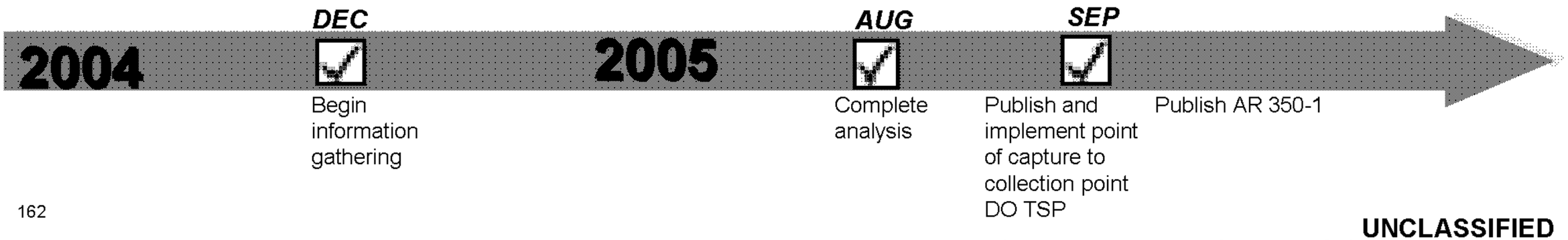
OCR:

(x) FIX/ACTION/CHANGE:

Fix: Review and analyze potential for a cross branch training program.

Action: HQDA identify, develops and resources cross branch training program.

Change: Revise training guidance and MP/MI institutional DO training methods



JS AMNESTY/CCR 1679

F-016 / Joint/Army Doctrine Revision

(x) <u>RECOMMENDATION/OBSERVATION</u>

- MI Officer, NCO and Warrant Officer training needs to include interrogation operations to include management procedures, automation support, collection management and JIDC operations. Officer and senior NCO training should also emphasize the potential for abuse involved in detention and interrogation operations.
- HQDA DODOIP Task:Pe1.1/Pe2/T4.2/ T4.3/T4.4

(x) <u>CURRENT ASSESSMENT:</u>

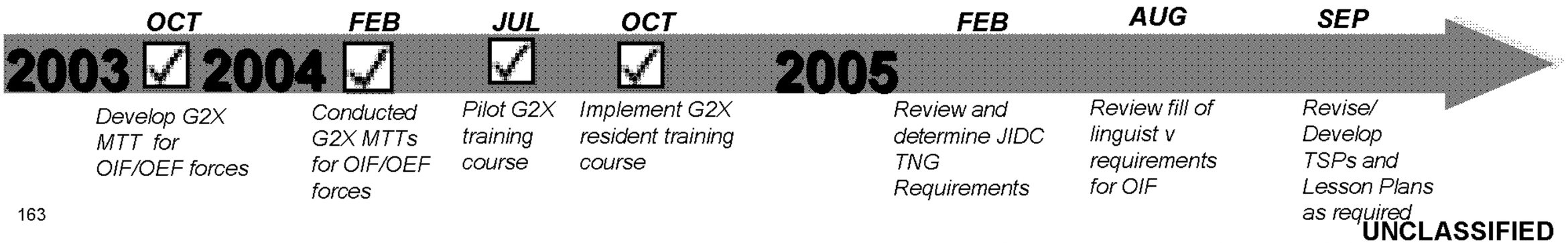
OPR: Army
OCR: J7

(x) <u>FIX/ACTION/CHANGE:</u>

Fix: Quality and quantity of linguists and level of training for HUMINT personnel

Action: Analyze current manning, training and PME

Change:
- Review fill of linguist
- Determine future requirements
- Revise PME



JS AMNESTY/CCR 1680

F-017 / Joint/Army Doctrine Revision

(x) RECOMMENDATION/OBSERVATION

- DA should conduct a review to determine future Army doctrine for interrogation operations and detention operations.
- HQDA DODOIP Task: D2/D2.4/D3

(x) CURRENT ASSESSMENT:

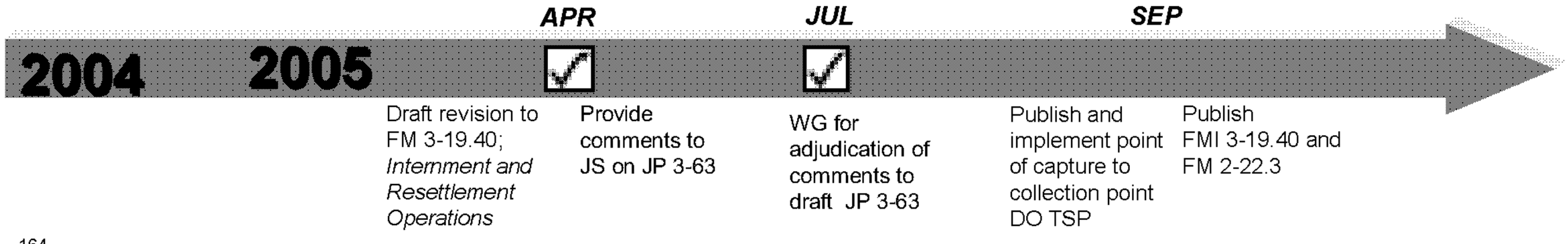
OPR: Army

OCR: J7

Fix: Review, expand, revise detainee operations doctrine as appropriate

Action: Doctrine should address detainee administration, internment and resettlement, and facilitate intelligence exploitation enabling commanders to better manage resources, ensure safe and secure custodial environments, and improve intelligence collection;

Change: Draft FM 2-22.3, FMI 3-19.40



JS AMNESTY/CCR 1681

F-018 / Joint/Army Doctrine Revision/POI

(x) <u>RECOMMENDATION/OBSERVATION</u>

- As TRADOC reviews and enhances detainee and interrogation operations doctrine, it should ensure that record keeping and information sharing requirements are addressed.
- HQDA DODOIP Task: D8/D8.1/D8.2/D8.3/T5.3

Fix: Develop and implement standardized Task, Conditions, and Standards for detention facility operations

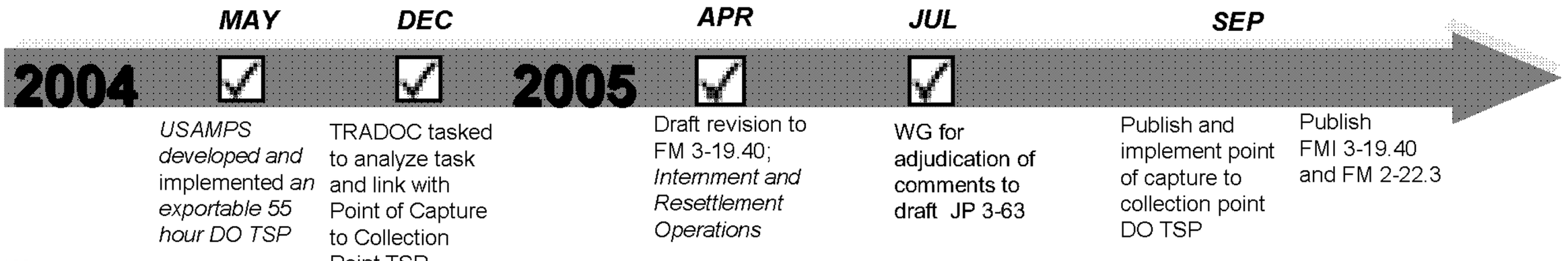
Action: Standards must include detention facility operations for record keeping and communication and coordination between military intelligence, military police, medical personnel and JAG to insure files are kept current and required dates are being met, to expedite detainee release when ordered

Change: Draft FM 2-22.3, FMI 3-19.40

(x) <u>CURRENT ASSESSMENT:</u>

OPR: Army

OCR: J7



JS AMNESTY/CCR 1682

F-019 Contracting Shortfalls to Training

(U) RECOMMENDATION/OBSERVATION

- The contracting system failed to ensure that properly trained and vetted linguist and interrogator personnel were hired to support operations at Abu Ghraib.

(U) CURRENT ASSESSMENT:

- Issue will be addressed by the Joint Task Force Policy Charter between OSD and ARMY
- Issue has been discussed with P&R to develop a plan for training and vetting linguists in contract work.
- Intelligence contracting issues – intel being competitively bid through private sector competing with USG efforts to hire for Army.

OPR: Joint Policy Task Force
OCR: USD (P)

(U) FIX/ACTION/CHANGE:

Fix: DoD should establish policy on the use of contract interrogators for all services

Action: Working w/ ASAALT to establish clear standards in SOW

Change: Policy/Training

JS AMNESTY/CCR 1683

Fay Report – Closed Items

F-020 to F-022

F-023 DoD Enforcement of Procedures Conducted by OGA

(U) RECOMMENDATION/OBSERVATION

- DoD must enforce adherence by OGA with established DoD practices and procedures while conducting detainee interrogation operations at DoD facilities

~~(S//NF)~~ CURRENT ASSESSMENT:

(b)(1),(b)(5)

OPR: USD (I)
OCR: USD (P)

(U) FIX/ACTION/CHANGE:

Fix: DoD Policy Emphasis

Action: Issue Policy guidance and update existing MOUs

Change: Clearly defined OGA role in interrogation of DoD detainees

JS AMNESTY/CCR 1685

Fay Report – Closed Items

F-024 to F-025

JS AMNESTY/CCR 1686

F-026/Accountability

(x) RECOMMENDATION/OBSERVATION

- Ref: Individual Responsibility for Detainee Abuse at Abu Ghraib. This information should be forwarded to his/her chain of command for appropriate action.
- Item 25c thru 29, pgs 119-135 (27 Individual Recommendations, with #29 including 17 personnel)

(x) CURRENT ASSESSMENT:

OPR: Army

OCR:

(x) FIX/ACTION/CHANGE:

Fix: Personal Accountability

Action: HQDA OTJAG is monitoring actions taken by Soldiers' Court Martial Convening Authority

Change: Of the 45 individuals recommended for referral to the chain of command, all have been referred.

F-027 / Medical Task Force Assessment

(x) <u>RECOMMENDATION/OBSERVATION</u>

- An inquiry should be conducted into
- 1) whether appropriate medical records were maintained, and if so, were they properly stored and collected and
- 2) whether medical personnel were aware of detainee abuse and failed to properly document and report the abuse.
- CID should review case #0216-03-CID259-61211 to determine if further investigation is appropriate. The case should then be forwarded to the Soldiers' chain of command for appropriate action.
- HQDA DODOIP Task: D7, T7

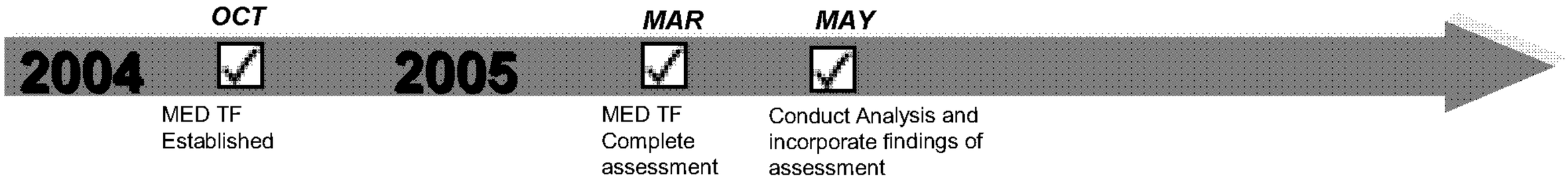
(x) <u>CURRENT ASSESSMENT:</u>

Fix: Ensure medical ethics is maintained and abuse was/is adequately reported.

Action:
1) MED Task Force is conducting a thorough review of detainee operations medical procedures.
2) CID conducted a review and completed case #0216-03-259.

Change: Based on Med TF, Confirm/Improve detainee medical record handling and personal accountability for abuse.

OPR: Army OCR: None



JS AMNESTY/CCR 1688

Fay Report – Closed Items

F-028

Fay/Jones Report

19 Findings

JS AMNESTY/CCR 1690

Fay/Jones Report - Closed Items

F/J-001

JS AMNESTY/CCR 1691

F/J-002 JONES REPORT

(U) RECOMMENDATION / OBSERVATION:

CJTF-7 should, in concert with CENTCOM, publish clear guidance that applies to all units and agencies in the ITO on roles and responsibilities for Detention and Interrogation Operations, and publish clear guidance on the limits of interrogation authority for interrogation techniques as it pertains to the detainee population in the ITO.

(U) CURRENT ASSESSMENT:

Initial intent met by CENTCOM. Long term policy issues being addressed by USD(I) interrogation and OSD detention policy development processes.

OPR: J-7
OCR: Army

FIX / ACTION / CHANGE:

***Fix*:** (U) Publish clear guidance that applies to all units and agencies in the ITO on roles and responsibilities for Detention and Interrogation Operations.

***Action*:** (U) USCENTCOM, in concert with subordinate units, has established guidance that applies to all units IRT interrogation and operations.

***Change*:** (U) All units have guidance on detention and interrogation operations.

JS AMNESTY/CCR 1692

Fay/Jones Report - Closed Items

F/J-003 to F/J-004

F/J-005 JIDC in Future Environment

(U) RECOMMENDATION/OBSERVATION:

- Update Joint and Army publications to clearly address the concept, organization and operations of a Joint Interrogation and Debriefing Center in a future joint operational environment.

(U) CURRENT ASSESSMENT:

- This issue is addressed in doctrinal publications currently under revision and development.

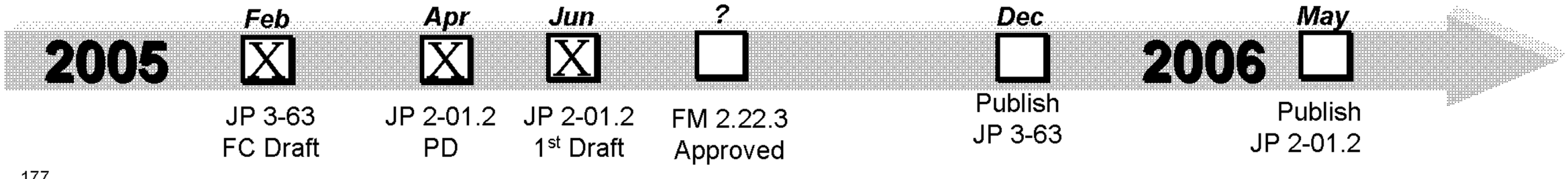
OPR: Joint Staff J-7
OCR: Joint Staff J-5, Army, JFCOM

(U) FIX/ACTION/CHANGE:

Fix: Review and Revise Doctrine

Action: ICW the Joint Staff, update Army and Joint doctrine to address concept, organization and operations, and procedures for the JIDC

Change: Doctrine and Organizations



JS AMNESTY/CCR 1694

F/J-006 / Joint/Army Doctrine Revision

(x) <u>RECOMMENDATION/OBSERVATION</u>

- The Army should update interrogation operations doctrine to clarify responsibilities for interrogation techniques at both tactical and strategic levels. The ongoing revision and update of FM 34-52, Intelligence Interrogations, should clarify the roles and responsibilities of MP and MI units at centralized detention facilities.
- HQDA DODOIP Task: D2.4/D3.1 /D5.1/O6

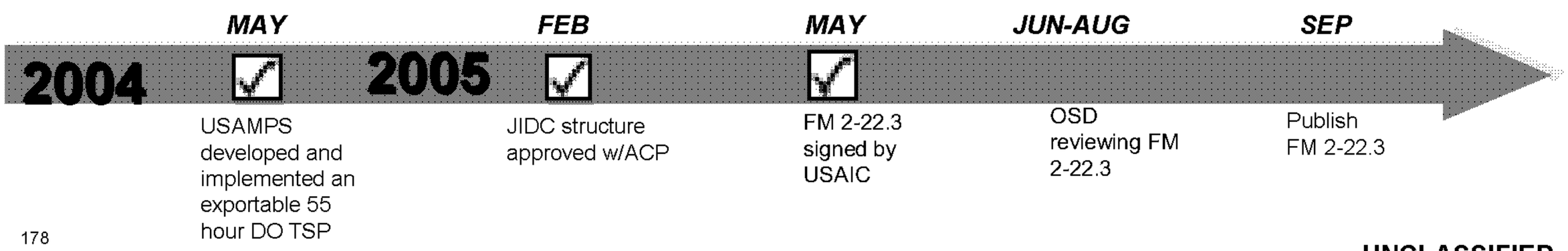
(x) <u>CURRENT ASSESSMENT:</u>

OPR: Army
OCR: J7

Fix: Review, expand, revise detainee operations doctrine

Action: Detainee Operations doctrine must address clarification of responsibilities for interrogation techniques at both the tactical and strategic levels to ensure safe and secure custodial environments, and improve intelligence collection

Change: JP 2-01.2, FM 2-22.3



JS AMNESTY/CCR 1695

F/J-007 Impact on Interrogation Operations

(U) RECOMMENDATION/OBSERVATION

- DoD should assess the impact of current policies on Detention and interrogation operations…

~~(S//NF)~~ CURRENT ASSESSMENT:

(b)(1),(b)(5)

OPR: USD (I)
OCR: USD (P)

(U) FIX/ACTION/CHANGE:

None at this time.

JS AMNESTY/CCR 1696

F/J-008 Corps Transition to JTF

(U) RECOMMENDATION/OBSERVATION:

- The Army should expedite the development and transition of Corps-level command and control headquarters into JTF-capable organizations.

(U) CURRENT ASSESSMENT:

- Recommend combine F/J-008 & F/J-009
- The Secretary of Defense memo dated Feb 4, 2005, "Policy Implementation to Improve Formation and Sustainment of Joint Task Force (JTF) Headquarters," tasks USJFCOM to develop joint staffing documents, training programs and readiness standards for JTF HQs.

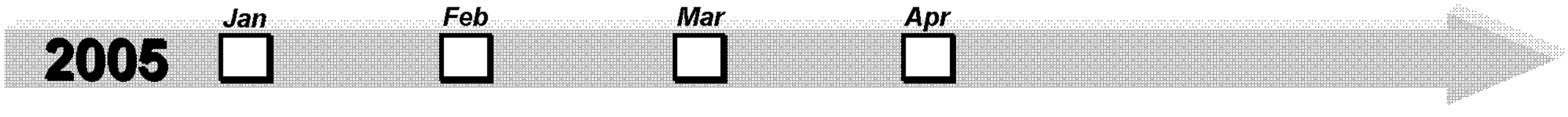
OPR: JFCOM
OCR: Joint Staff J-7, Army

(U) FIX/ACTION/CHANGE:

Fix:

Action: USJFCOM determine JTF resource requirements in collaboration with Services. Services resource personnel and equipment IAW Title 10 responsibilities.

Change:



JS AMNESTY/CCR 1697

F/J-009 Resource Future JTF Capable HQs

(U) RECOMMENDATION/OBSERVATION:

- The Army in concert with JFCOM institutionalize and resource the personnel and equipment needs of future JTF-capable headquarters, including the intelligence architecture of such headquarters

(U) CURRENT ASSESSMENT:

- The Secretary of Defense memo dated Feb 4, 2005, "Policy Implementation to Improve Formation and Sustainment of Joint Task Force (JTF) Headquarters," tasks USJFCOM to develop joint staffing documents, training programs and readiness standards for JTF HQs.

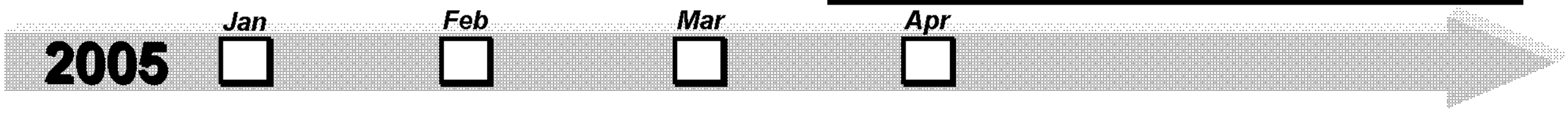
OPR: JFCOM
OCR: Joint Staff J-7, Army

(U) FIX/ACTION/CHANGE:

Fix:

Action: USJFCOM determine JTF resource requirements in collaboration with Services. Services resource personnel and equipment IAW Title 10 responsibilities.

Change:



JS AMNESTY/CCR 1698

F/J-010 / Unit Activation/Acceleration

(x) <u>RECOMMENDATION/OBSERVATION</u>

- That the Army conduct a holistic review of the CIIHUMINT intelligence force structure and prioritize needs for the future joint operational environment. The review should consider personnel, equipment, intelligence capability from the tactical level to the commander
- HQDA DODOIP Task: O3.2/O3.3/M2/Pe2.0.1

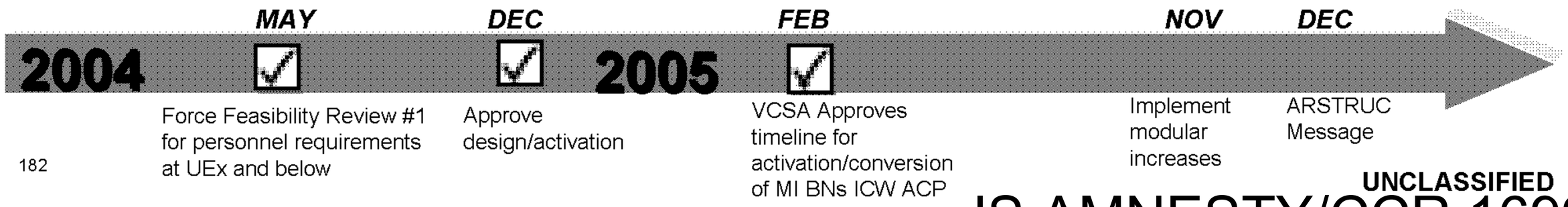
(x) <u>CURRENT ASSESSMENT:</u>

OPR: Army
OCR:

Fix: Refine and implement the force structure changes in the Military Intelligence - Counterintelligence/Human Intelligence

Action: Continue to refine and implement the force structure changes

Change:
- Activate units
- Redesign to support modular units
- Align HUMINT Units



JS AMNESTY/CCR 1699

F/J-011 / Unit Activation/Acceleration

(x) <u>RECOMMENDATION/OBSERVATION</u>

- That the Army align and train HUMINT assets geographically to leverage language skills and knowledge of culture.

HQDA DODOIP
Task:O3.2/O3.3/T4.6/Pe2.1

(x) <u>CURRENT ASSESSMENT:</u>

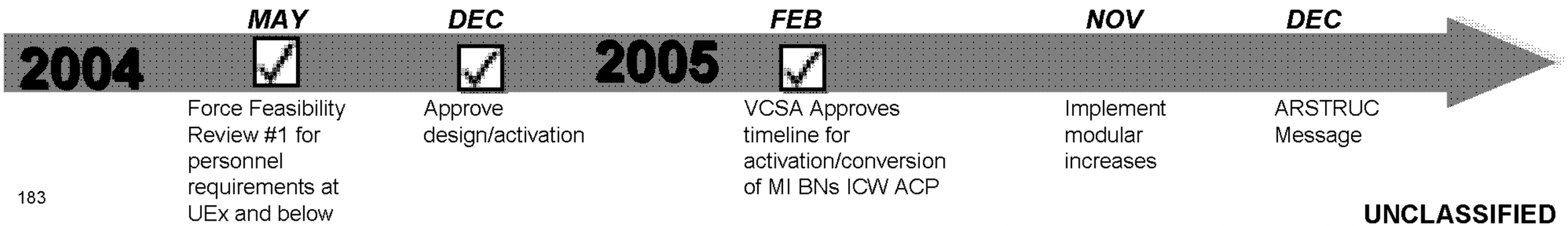
OPR: Army

OCR: J7/OSD

Fix: Implement the modular redesign for Human Intelligence and Operational Management Teams

Action: Implement the modular redesign for Human Intelligence and Operational Management Teams in Units of Action to provide a seamless intelligence capability from the tactical to strategic level.

Change:
- Activate units
- Implement modular redesign
- Align HUMINT personnel geographically



JS AMNESTY/CCR 1700

Fay/Jones Report - Closed Items

F/J-012

F/J-013 / ONS Programming

(x) <u>RECOMMENDATION/OBSERVATION</u>

- That the Army review the concept of detainee contingency facilities that can be rapidly deployed and established to safeguard and secure detainees.

HQDA DODOIP Task:O7/M5/F2

(x) <u>CURRENT ASSESSMENT:</u>

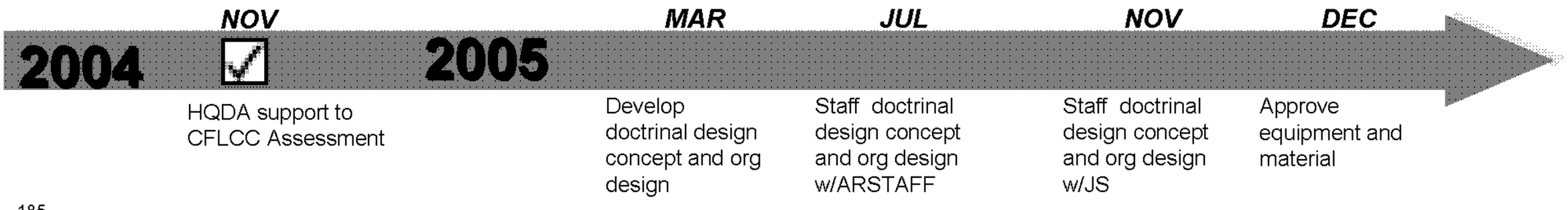
OPR: Army

OCR: POLICY Working Group

Fix: Review doctrinal concept and organizational construct of a deployable detention facility

Action: Define with the Joint Staff, the doctrinal concept and organizational construct of a deployable detention facility -- its composition, and employment concepts.

Change: If determined feasible explore options



JS AMNESTY/CCR 1702

F/J-014 Adherence to DoD regulations at facilties

(U) RECOMMENDATION/OBSERVATION

- DoD review the inter-agency policies to ensure all parties in a specific TOA adhere to the same guidance and rules.

~~(S//NF)~~ CURRENT ASSESSMENT:

(b)(1),(b)(5)

(U) FIX/ACTION/CHANGE:

None at this time.

OPR: USD (I)
OCR: USD (P)

Fay/Jones Report - Closed Items

F/J-015

F/J-016 Responsibility for Interrogation

(U) RECOMMENDATION/OBSERVATION

- DoD review the responsibilities for interrogations…

~~(S//NF)~~ CURRENT ASSESSMENT:

(b)(1),(b)(5)

OPR: USD (I)
OCR: USD (P)

(U) FIX/ACTION/CHANGE:

None at this time.

F/J-017 Impact of Policies on Interrogation

(U) RECOMMENDATION/OBSERVATION

- DoD assess the impact of current policies and guidance on unlawful combatants in the conduct of Detention and Interrogation operations.

(U) CURRENT ASSESSMENT:

- **USD(I) is conducting a review of all policies relating to interrogation for the purposes of identifying gaps/seams and to draft policy as they feel appropriate.**
- **USD(P) has already reviewed all policies and has revised 2310.1 as it believed was appropriate. 2310.1 USDP is incorporating comments from SD106 coordination.**
- **USD(P) 2310.1 requires adherence to DoD regulations at DoD facilties/sites.**

OPR: USD (I)
OCR: USD (P)

(U) FIX/ACTION/CHANGE:

None at this time.

JS AMNESTY/CCR 1706

Fay/Jones Report - Closed Items

F/J-018

F/J-019 Detainee Message

(U) RECOMMENDATION/OBSERVATION

- How do we communicate what were doing to inspire confidence in our soldiers?
- Is the broader message of what happened in the investigations getting out?

(U) CURRENT ASSESSMENT:

- Council needs to address the validity of this recommendation.
- US leadership from the President down (SecDef, CJCS, & Congress) publicly (TV & visits to bases) acknowledge our soldiers contributions and sacrifices.

OPR: OSD(PA)/USD(P)

OCR: USD(P)

(U) FIX/ACTION/CHANGE:

Fix: Need to better communicate the changes we have made and the actions taken.

Action: Develop communications plan?

Change:

JS AMNESTY/CCR 1708

Schlesinger Panel

14 Findings

S-001 Policy Alignment w/ Geneva

(U) RECOMMENDATION/OBSERVATION

- **Need to further define policy for DoD and other government agencies to align with Geneva Conventions**

~~(U//FOUO)~~ CURRENT ASSESSMENT:

- Report begins with a false premise – that DoD/USG is not in compliance/alignment. DoD in how it fights GWOT is *fully* aligned with GC. To the extent changes in DoDD's neeed to be made to reflect GWOT realities - DoDD 2310 now reflects those changes and is in formal staffing with departments/components.
- Schlesinger recommendation essentially asks for DoD to "redefine" policy to adhere to what USG critics assert are our obligations.
- DoD and DoS officials continue to wok with the international community on the issues of LOAC and DoD/USG application of it in GWOT.
- Issues of national policy changes are being discussed by the PC and DC committees. ODA has raised the issue with the NSC directly.
- Recommend closure – recommendation is satisfied – DoD policies are GC compliant.

(U) FIX/ACTION/CHANGE:

Fix: Develop DoD Policy or NSPD.

Action: Form team to examine specific policy issues regarding GC and detention operations. Draft DoD Policy, DoDD, and NSPD (along with inter-agency) to address specific issues.

Change: Development of "grand strategy" for detention that is GC compliant and addresses national security objectives.

OPR: USD(P)
OCR: USD(P)

S-002 MI/MP Collaboration

(U) RECOMMENDATION/OBSERVATION:

- DOD develop joint doctrine to define appropriate collaboration between MI and MP in a detention facility. Define meaning of guidance with precision.

(U) CURRENT ASSESSMENT:

- Required doctrinal publications currently under revision or development. Challenges center on producing doctrine that complies with evolving policy. Expected earliest completion date for the publications is Fall 05.

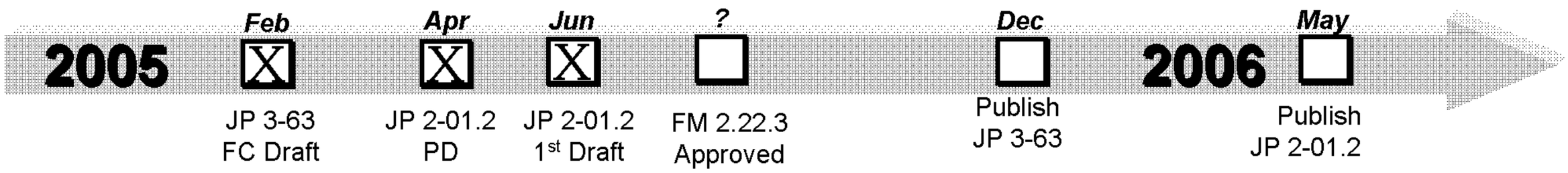
OPR: Joint Staff J-7
OCR: Joint Staff J-2 & Army

(U) FIX/ACTION/CHANGE:

Fix: Doctrine and Policy review

Action: Clarify doctrine to define the organizational structures, command relationships, and roles and responsibilities of personnel operating internment and interrogation facilities IAW AR 190-8

Change: Policy/Organizations/ Training



JS AMNESTY/CCR 1711

S-003 Filling Personnel Requirements

(U) <u>RECOMMENDATION/OBSERVATION</u>

- Need more professional linguists, interrogators, human intelligence, counter-intelligence, corrections police and behavioral scientists

(U) <u>CURRENT ASSESSMENT:</u>

- ODA assisting ASD(HA) in development of hiring program/track for Behavioral scientists.
- Intelligence contracting issues – intel being competitively bid through private sector competing with USG efforts to hire for Army.
- Procurement of personnel being addressed by plans of P&R through services.

OPR: USD (P&R)
OCR: USD(P)

(U) <u>FIX/ACTION/CHANGE:</u>

Fix: Develop action plan to recruit more linguists, intelligence analysts, and other personnel to support detention operations.

Action: Develop action plan for recruiting and retaining people with necessary skill.

Change: GWOT mission will be better staffed and provide for efficacy in intel and interrogation missions.

JS AMNESTY/CCR 1712

S-004 Operational Concept for Detainee Ops

(U) RECOMMENDATION/OBSERVATION:

- JFCOM chair a Joint Service Integrated Process Team to develop new Operational Concept for Detention Operations in the new era of warfare, covering the Global War on Terror.
- Emphasize detention operations during Counter-Insurgency campaigns and Stability Operations where law enforcement has broken down in an occupied or failed state.
- Study idea of a deployable detention facility and implement as appropriate.

(U) CURRENT ASSESSMENT:

Joint Pub 3-63 (draft) is currently under development. It will not address a deployable detention facility concept. **Recommend closure of this item** – it is not being requested.

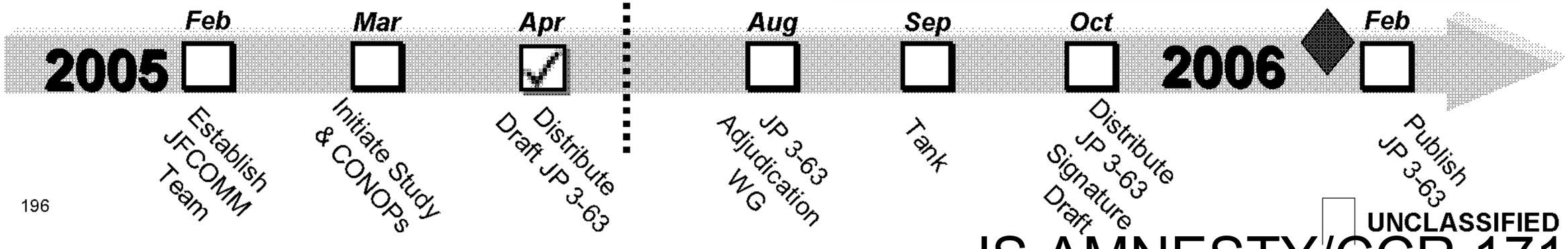
OPR: J-5 / OCR: Joint Staff J-7 & Army

(U) FIX/ACTION/CHANGE:

Fix: **(U)** Develop detention operations doctrine to provide a template for standardized detention operations worldwide.

***Action*: (U)** Staff Joint Pub 3-63 "Detainee Operations" for CJCS signature and publication. Explore feasibility of deployable detention facilities.

***Change*: (U) Modern doctrine suitable for the GWOT era will guide detention operations.**



JS AMNESTY/CCR 1713

S-005 Force Structure Inadequate for MI and MP

~~(S)~~ CURRENT ASSESSMENT:

(b)(1),(b)(5)

(b)(1),(b)(5)

2005

JS AMNESTY/CCR 1714

S-006 Interrogation Policy

(U) <u>RECOMMENDATION/OBSERVATION</u>

- Well-documented policy and procedures on approved interrogation techniques

(U) <u>CURRENT ASSESSMENT:</u>

- USD(I) has designated their Policy and Strategy office to develop DoD Interrogation Policy.
- They are currently reviewing all policy for the purposes of identifying gaps and seams. Deadline for such is April 30, 2005.
- USD(I) intends to propose new policy based on this analysis.
- USD(I) is staffing DoDD.

OPR: USD (I)
OCR: USD(P)

(U) <u>FIX/ACTION/CHANGE:</u>

Fix: Issue DOD Interrogation Policy

Action: USD(I) designated their Policy and Strategy office to develop and coordinate DoD Interrogation Policy

Change: USD(I) policy will serve as policy guidance for interrogation – recommendation satisfied in developing "well documented" policy.

JS AMNESTY/CCR 1715

S-007 Professional Ethics Training

(U) RECOMMENDATION/OBSERVATION:

- All personnel who may be engaged in detention operations, from point of capture to final disposition, should participate in a professional ethics program to equip them with a sharp moral compass for guidance in situations often rife with conflicting moral obligations.
- Development of a values-oriented ethics program should be the responsibility of the Services assisted by the JCS.

(U) CURRENT ASSESSMENT:

- All services have established PME courses on Professional Military Ethics targeting Officer and senior NCOs.
- Junior enlisted personnel are trained to abide by Service core values and the Laws of War
- Recommend intention met (blue)

OPR: Joint Staff J-7

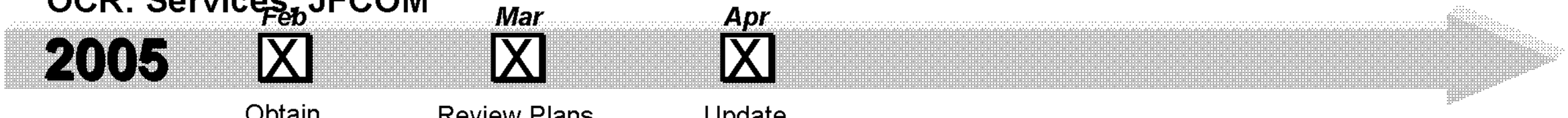
OCR: Services, JFCOM

(U) FIX/ACTION/CHANGE:

Fix: Provide ethics training to all military personnel.

Action: Review Service core training programs to ensure ethics are included.

Change: Policy/Training/Leaders.



JS AMNESTY/CCR 1716

S-008 DOD/OGA Guidelines

(U) <u>RECOMMENDATION/OBSERVATION</u>

- Clearer guidelines for the interaction of OGA's with the Department of Defense in detention and interrogation operations must be defined

(U) <u>CURRENT ASSESSMENT:</u>

- **USD(I) is reviewing in development of the DoD policy.**

- **Promulgation of interrogation policy under development. Policy will address relationships of OGA's and DOD directorates and agents.**

OPR: USD (I)
OCR: USD(P)

(U) <u>FIX/ACTION/CHANGE:</u>

Fix: Issue DOD Interrogation Policy

Action: USD(I) will promulgate policy that defines relationships between OGA's and DOD agents.

Change: Ambiguity resolved.

JS AMNESTY/CCR 1717

S-009 Customary International Law

(U) RECOMMENDATION/OBSERVATION

- USG needs to redefine its approach to customary and treaty international humanitarian law....

(U) CURRENT ASSESSMENT:

- **NSC has established a PCC/Working Group on "public diplomacy" to address the "gap" between USG positions on LOAC and international community.**
- **2310 Draft recognizes non-traditional combatants and describes treatment.**
- **NSC/DoD/WH not in favor of "renegotiating" Geneva Conventions or adopting Protocols – seen as adequate.**
- **Issue is being actively discussed by the DC and PC's with respect to changing policies.**
- **Rejected in part – satisfied in part.**

OPR: USD (I)
OCR: USD(P)

(U) FIX/ACTION/CHANGE:

None to date.

Schlesinger Panel - Closed Items

S-010 to S-011

S-012 Impartial Rapid Reporting to the Sec Def

(U) <u>RECOMMENDATION/OBSERVATION</u>

- The Secretary of Defense should ensure the effective functioning of rapid reporting channels for communicating bad news to senior Department of Defense leadership

(U) <u>CURRENT ASSESSMENT:</u>

- Proposal to fast-track information to the Secretary was approved 13 Dec 04.
- In addition – detainee affairs provides metric to key officials monthly.
- Routine briefings by ODA/DASD as required/appropriate.

OPR: USD (P&R)
OCR: USD (P)

(U) <u>FIX/ACTION/CHANGE:</u>

Fix: Joint adaptation of procedures such as the Air Force special notification process.

Action: Office to fast-track has been "stood up" – headed by Richard McGraw; still working space and employment/resource issues, but, office is functioning.

Change: No change from last meeting

JS AMNESTY/CCR 1720

S-013 Medical Personnel Training to Report/Assess

(U) <u>RECOMMENDATION/OBSERVATION:</u>

- Fay investigation cited medical personnel for failure to report detainee abuse.
- Training should include obligation to report any detainee abuse.
- Panel notes Army IG found shortfalls in training and force structure for field sanitation, preventive medicine and medical treatment for detainees.
- Address need for medical personnel to screen/monitor the health of detention personnel and detainees.

(U) <u>CURRENT ASSESSMENT:</u>

- on 3 Jun 05, ASD for medical affairs issued principles & procedures for protection & treatment of detainees to medical personnel
- Services have incorporated detainee operations into medical training programs
- Quality and professionalism of medical personnel dealing with detainees noted by ASD "Their professionalism, if you could only see it, would make all Americans proud."
- Recommend close (green)

OPR: Joint Staff J-7 OCR: Services, JFCOM

(U) <u>FIX/ACTION/CHANGE:</u>

Fix: Incorporate detainee operation requirements into medical training programs

Action: Review Service medical training programs relating to detainee operation

Change: Policy/Training/Leaders

S-014 Additional Training of Medical Personnel

(U) RECOMMENDATION/OBSERVATION

- Need training for medical personnel on reporting abuse. Medical personnel need to be trained with better field treatment techniques

(U) CURRENT ASSESSMENT:

- Medical ethics policy in final stages of promulgation. Directly addresses reporting violations.

- Currently discussing with ASD(HA) development tracks regarding treatment and non-treatment medical ops. (ODA/USD(I)/OGC/HA)

OPR: USD (HA)
OCR: USD (P)

(x) FIX/ACTION/CHANGE:

Fix: Provide structured training to Medical Personnel on Detainees matters

Action: USD(P) working with ASD(HA) in development of medical training policy.

Change: Detainees are given excellent medical care and doctors have clear methods for carrying out their obligations.

Jacoby Report

32 Findings

Jacoby Report – Closed Items

J-001 to J-002

Issue Title (Cat II Int.):
J-003 JACOBY REPORT Section VI, Item c, pg 13

(U) RECOMMENDATION / OBSERVATION:

Additional Level III Counter-intelligence personnel, Category II Interpreters, 35F Clandestine Case Officers, and 97E Interrogators are needed throughout Afghanistan. When these specialties are not available, units tend to try to replace them with the next best thing (for example, an MI officer for a certified interrogator) or simply do without. This prevents the unit from maximizing the benefit that can be obtained from detaining an individual and results in more individuals being detained for longer periods than are necessary to obtain the desired information.

(U) CURRENT ASSESSMENT:

● Working action. Pending fill of 97E for CFC-A.

OPR: CENTCOM
OCR:

~~(S)~~ FIX / ACTION / CHANGE:

(b)(1),(b)(5)

JS AMNESTY/CCR 1725

Jacoby Report – Closed Items

J-004 to J-005

J-006 / TSP & Doctrine Revisions

(x) RECOMMENDATION/OBSERVATION

- Particularly for units new to theater, cordon and search operations can have a tendency to replace the careful, deliberate development of intelligence. This is the result of a lack of experience and appropriate intelligence gathering assets at the small unit level. Large, unspecific cordon and search operations more often than not result in a large number of local nationals being temporarily displaced from their homes, but a relatively small number of individuals actually being detained. The general lack of pre-operation intelligence also leads to more persons being detained than is necessary, as some units play it safe and detain an individual rather than release an individual who might be hostile. This can clearly have a negative effect on the local populace. Whenever possible, participation and support of Afghan military or police forces and government officials should be sought. Additional detention training, to include profiling training, is required to maximize the effectiveness of cordon and search operations.
- HQDA DODOIP Task: D3, T13, T14

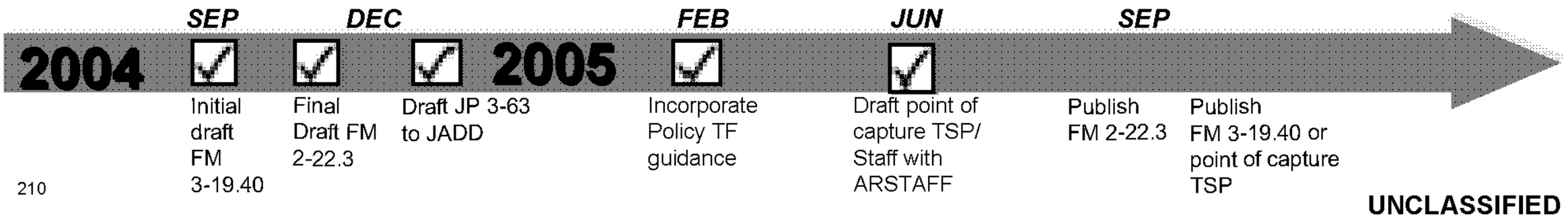
Fix: Improve doctrinal techniques, intelligence analysis and detainee profiling ISO C/S's.

Action: Analyze Lessons Learned (TTPs) & update doctrine for Intel support to C/S operations—specifically intelligence analysis, profiling, and HN coordination. Incorporate doctrine thru specific training requirements.

Change: Improve Training Support Packages to enhance TTPs and Soldier/leader knowledge.

(x) CURRENT ASSESSMENT:

OPR: Army OCR: J7/CENTCOM



JS AMNESTY/CCR 1727

J-007 / Exportable TNG

(x) RECOMMENDATION/OBSERVATION

- Troops in contact (TIC) is an event of high stress and emotion that may result in the detention of individuals. If a TIC results in detention, an opportunity for abuse arises as a result of the stress and emotion. There is a need for additional individual and collective pre-mobilization training that emphasizes doctrine, the 5 S's (search, silence, segregate, safeguard and speed to the rear), and cultural sensitivity. This will allow those who come into initial contact with detainees to respond in accordance with their training vice emotion and stress. Leadership and supervision, in addition to training, are the keys to success in detainee handling at the point of capture.
- HQDA DODOIP Task: T5/5.1/T5.3

(x) FIX/ACTION/CHANGE:

Fix: Pre and Post Mobilization training using standard DO doctrine

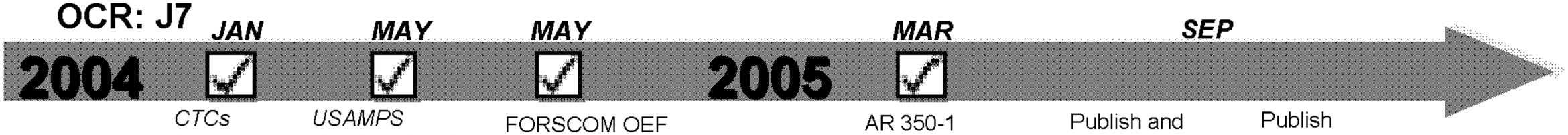
Action: Integrate a standardized detainee operations training package as part of pre-and post mobilization training for all soldiers

Change: Training support packages to pre and post mob stations

(x) CURRENT ASSESSMENT:

OPR: Army

OCR: J7



JS AMNESTY/CCR 1728

Issue Title (Interrogation Training): J-008 JACOBY REPORT Section VI, Item h, pg 15

(U) RECOMMENDATION / OBSERVATION:

Improved interrogation training leading to the certification of all interrogators will improve intelligence gathering and dissemination of actionable intelligence as well as improve the detainee screening process. Interrogators need training on Afghan culture, traditions and history to be able to get the most intelligence from detainees. Additionally, combat commanders at all levels need training on interrogation and detainee chain of custody to ensure that unit actions do not interfere with or negatively affect the interrogation of detainees. Recommend that each commander's right seat ride include case studies on the interrogation process and how the capturing unit can best facilitate and positively impact the process.

(b)(5)

OPR: CENTCOM

212 OCR: DA

~~(S)~~ FIX / ACTION / CHANGE:

(b)(1),(b)(5)

Jacoby –009: Age Determination Methods

(b)(1),(b)(5)

~~(S)~~ FIX/ACTION/CHANGE:

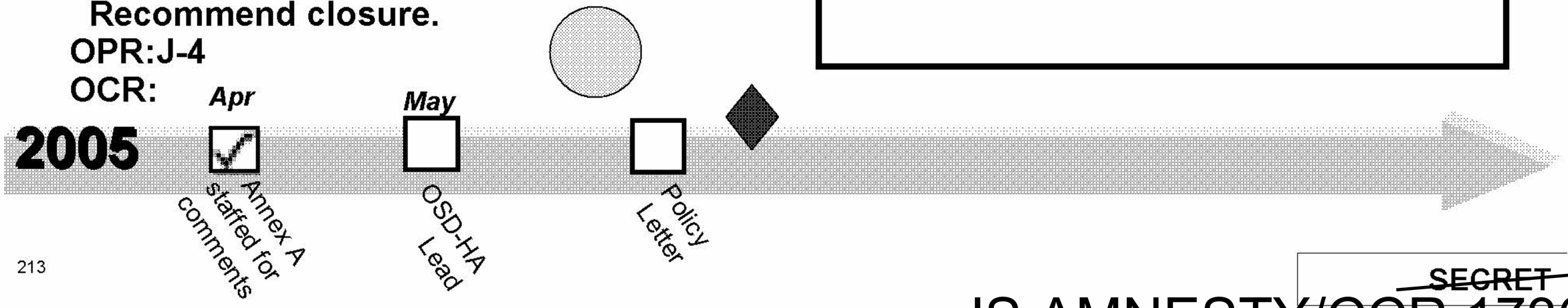
(b)(1),(b)(5)

(U) CURRENT ASSESSMENT:

Familiarization training to units detaining individuals claiming to be youths is best supported by including CENTCOM inputs into Annex A/Global Screening Criteria. The guidelines provide objective data to include dental x-rays and wrist x-rays. Recommend closure.

OPR:J-4

OCR:



JS AMNESTY/CCR 1730

Jacoby Report – Closed Items

J-010

Issue Title (Improve Communications): J-011 JACOBY REPORT Section VI, Item k, pg 15

(U) RECOMMENDATION / OBSERVATION:

Communication capabilities must be improved. Secure network capabilities at each site are critical for the timely transfer of information. Existing communication capabilities do not support the secure electronic transfer of documents or successful dissemination of large amounts of data. This hinders the forwarding of timely, actionable intelligence either forward or to the rear. Real time data transfer will improve the SECDEF criteria analysis conducted at points of capture, thus ensuring only individuals who are likely to meet the criteria are further processed.

~~(S)~~ CURRENT ASSESSMENT:

(b)(1),(b)(5)

~~(S)~~ FIX / ACTION / CHANGE:

(b)(1),(b)(5)

OPR: CENTCOM
OCR:

JS AMNESTY/CCR 1732

J-012 / Internment Facility Physical Security Standards

(x) <u>RECOMMENDATION/OBSERVATION</u>

- In addition to the integration of CCTV at the Bagram and Kandahar detention facilities, anti-intrusion devices or a security alarm system would significantly enhance the security posture of existing facilities. Centrally controlled door locks would also greatly enhance the security of the facility

- HQDA DODOIP Task: F1

(x) <u>CURRENT ASSESSMENT:</u>

OPR: Army

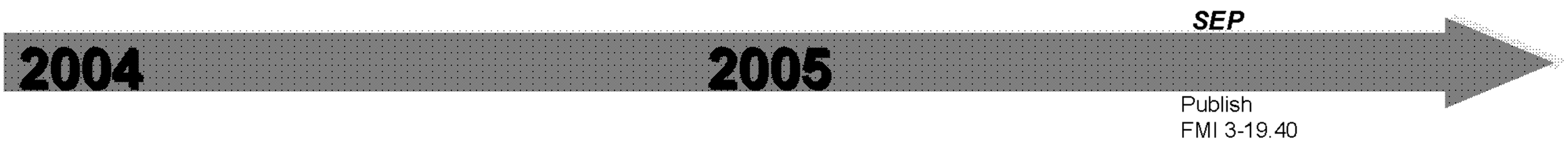
OCR:

(x) <u>FIX/ACTION/CHANGE:</u>

Fix: Facility physical security standards for internment facilities

Action: Develop doctrine to incorporate minimum physical security standards as part of facility design

Change: Publish FMI 3-19.40



Jacoby Report – Closed Items

J-013 to J-014

J-015

OPR: Policy Working Group

Jacoby Report – Closed Items

J-016 to J-017

J-018 / Detention Facility Minimum Standards

(x) RECOMMENDATION/OBSERVATION

- The Kandahar detention facility is an outdoor holding area in need of repairs to accommodate its maximum number of detainees. These improvements are already being made and the facility will soon be able to operate at maximum capacity . Additionally, a 78 – person indoor holding area is under construction with a projected completion date of August 04. After a thorough assessment of maximum capacity thresholds; CJTF-7 committed to building another indoor holding facility next to the new indoor 78-person facility. Projected completion date is 1 Sep 2004. Total detention capability after construction will be 178 detainees

- HQDA DODOIP Task: F1

(x) CURRENT ASSESSMENT:

OPR: Army
OCR:

(x) FIX/ACTION/CHANGE:

Fix: Deteriorating infrastructure that impacted on having a clean, safe, and secure working environment for Soldiers and living conditions for detainees

Action: Develop doctrine to incorporate minimum infrastructure standards for adequate facilities to house

Change:
- On-site inspections/assessments
- Publish FMI 3-19.40

2004 **2005** ***SEP***

Publish
FMI 3-19.40

Jacoby Report – Closed Items

J-019 to J-020

J-021 / Detention Facility Minimum Standards

(x) RECOMMENDATION/OBSERVATION

- As the theater matures, we have an opportunity to create corresponding improvements in our detention facilities and to better provide for the well being of detainees consistent with the principles of Geneva Conventions. Particularly for Low Level Enemy Combatants (LLECs), many of whom have already been detained in the Bagram Collection Point for extensive periods and who have little chance for release in the foreseeable future. Alternative arrangements are worth evaluating. This may be a significant challenge in the short-term given significant detainee population increases. Future construction efforts at Bagram may provide an area separate form other detainee where more space to exercise, take instruction, and even work might be made available. This will better meet the spirit of Geneva without hindering the intelligence gathering function

- HQDA DODOIP Task: F1

(x) CURRENT ASSESSMENT:

OPR: Army
OCR:

(x) FIX/ACTION/CHANGE:

Fix: Deteriorating infrastructure that impacted on having a clean, safe, and secure working environment for Soldiers and living conditions for detainees

Action: Develop doctrine to incorporate minimum infrastructure standards for adequate facilities to house

Change:
On-site inspections/assessments
Publish FMI 3-19.40

2004 **2005** ***SEP***

Publish
FMI 3-19.40

Jacoby Report – Closed Items

J-022 to J-032

Formica Report

8 Findings

Formica Report – Closed Items

FA-001 to FA-003

FA-004 FORMICA REPORT pg 10; pg 45, VI; pg 60, II; pg 75, IV

(U) RECOMMENDATION / OBSERVATION:

~~(S/NF)~~CJSOTF-AP should publish policy guidance that:
- (U) Clarifies authorized interrogation techniques;
- ~~(S/NF)~~ Differentiates between tactical question and interrogation
- ~~(S/NF)~~ Authorizes subordinate Naval Special Warfare Task Unit (NSWTU) and Operational Detachments Alpha (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 Coalition Force (CF) detention facility.
- ~~(S/NF)~~ Establishes SOP for conduct of detention and interrogation operations and ensures periodic review for compliance with current MNF/MNC-I policies;
- ~~(S)~~ Ensures all Special Operations Forces (SOF) personnel are trained on the SOP and implementing procedures.

~~(S)~~ FIX / ACTION / CHANGE:

(b)(1),(b)(5)

~~(S)~~ CURRENT ASSESSMENT:

(b)(1),(b)(5)

OPR: CENTCOM
OCR:

JS AMNESTY/CCR 1743

FA-005 FORMICA REPORT pg 55, VI; pg 62, 1,2

(U) RECOMMENDATION / OBSERVATION:

~~(S)~~ 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 screening as every level of detention; formalized accountability process at every level.

~~(S)~~ CURRENT ASSESSMENT:

(b)(1),(b)(5)

~~(S)~~ FIX / ACTION / CHANGE:

(b)(1),(b)(5)

OPR: CENTCOM

OCR:

JS AMNESTY/CCR 1744

Formica Report – Closed Items

FA-006 to FA-008

Gaps and Seams
17 Findings

GS-001 Law of War Treaties

(U) RECOMMENDATION/OBSERVATION
- Harmonizing policies and treaties with allies

(U) CURRENT ASSESSMENT:
- ODA's assessment is that no policy is in conflict with our international or treaty obligations. All policies that have been issued since the beginning of GWOT were thoroughly examined by the DoDGC, the **Justice Department**, and **the White House Council** before issuance.
- International perceptions and analysis of the choices made at the SECDEF and POTUS level have created disagreements where the law is silent or has contradictory guidance.
- NSC has developed PCC on "public diplomacy" to address gaps in understanding about applicability of LOAC to GWOT.

OPR: USD (P)
OCR: USD (P)

(U) FIX/ACTION/CHANGE:

Fix: Review all current policies and regulations w/ regard to allies

Action: ODA is currently revising all DoDD and policies and will assist ARMY in the revisions of AR 190-8 and other documents as requested.

Change: Revision of Detainee Operations Policy as well as issuance of larger "covering" policies will demonstrate how DoD operations satisfy international treaty obligations.

Gaps and Seams – Closed Items

GS-002

JS AMNESTY/CCR 1748

GS-003 Coalition Doctrine for Detainee Ops

(U) RECOMMENDATION/OBSERVATION:

- Need to develop doctrine for coalition operations

(U) CURRENT ASSESSMENT:

- Allied Joint Pub 2.5 addresses Detainee Ops in the NATO coalition and is often used as a model in other coalitions. A coalition formed quickly for the purpose of executing a specific campaign will not produce doctrine, a long process used for enduring coalitions, but will coordinate and issue orders under the authority of the coalition force commander establishing guidance for coalition activities such as Detainee Ops.

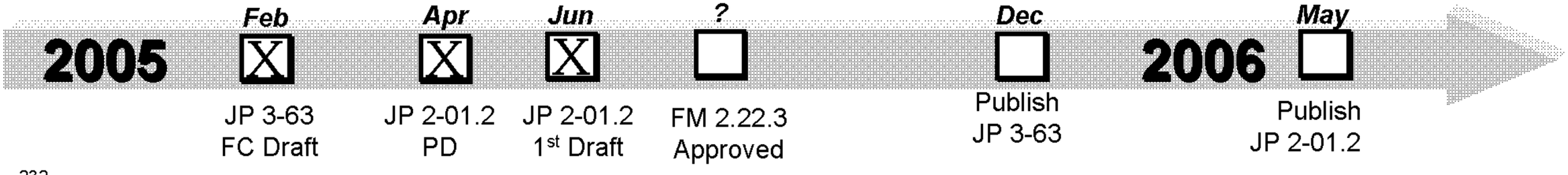
(U) FIX/ACTION/CHANGE:

Fix: Develop means to establish and ensure coalition compliance with US standards

Action: Include specific and detailed detainee ops guidance in theater ROE

Change:

OPR: Joint Staff J-7
OCR: Army, JFCOM



JS AMNESTY/CCR 1749

Gaps and Seams – Closed Items

GS-004

GS-005 Service/COCOM Responsibility under Goldwater-Nichols

(U) RECOMMENDATION/OBSERVATION
- Review COCOM responsibility regarding detention operations to include investigation an prosecution of alleged abuses

(U) CURRENT ASSESSMENT:
- In response to SF 1005, proposed Accountability Study Group will evaluate existing processes and procedures and submit proposed solutions to CJCS/SD

OPR: JS-LC & OSD GC
OCR: CENTCOM & SOUTHCOM

(U) FIX/ACTION/CHANGE:

Fix: Accountability Study Group members nominated

Action: Terms of Reference completed

Change: Waiting approval by SD

JS AMNESTY/CCR 1751

GS-006

OPR: OSD

Gaps and Seams – Closed Items

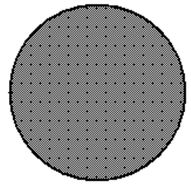
GS-007 to GS-008

JS AMNESTY/CCR 1753

GS-009

OPR: OSD/

JS Oversight Council



GS-010 Applying Previous Lessons Learned

(U) RECOMMENDATION/OBSERVATION:

- Did we apply lessons learned from previous conflicts (e.g. Bosnia) to the current insurgency?

(U) CURRENT ASSESSMENT:

- USJFCOM Joint Center for Operation Analysis-Lessons Learned will research and review available DOD lessons learned data and address Detention Operations lessons learned from previous conflicts.

OPR: JFCOM
OCR: J5; J7; CENTCOM; EUCOM; Services

(U) FIX/ACTION/CHANGE:

Fix:

Action: Research DOD lessons learned data from previous conflicts and poll Service contacts for tactical lessons learned

Change:

2005 Jan ☐ Feb ☐ Mar ☐ Apr ☐

Request Info from Services

JS AMNESTY/CCR 1755

GS-011 Congress Questions on "Ghost Detainees"

(U) RECOMMENDATION/OBSERVATION

- Congress question: "What is a *Ghost Detainee* and how many have there been?"

(U) CURRENT ASSESSMENT:

- ODA has addressed this issue with the SECDEF as well as USD(I) and OGA's.
- The SECDEF has briefed this issue publicly regarding the *one* detainee who was held without prompt registration with the ICRC.
- It is DoD policy to promptly register all detainees.
- ODA & USD(P) officials have briefed Congress on this issue – we are preparing for upcoming hearings on issue.
- To the extent required, ODA will work with OGC and USD(I) to resolve any remaining issues on this sensitive matter.

OPR: USD (P)
OCR: USD (P)

(U) FIX/ACTION/CHANGE:

Fix: Adequately brief Congress regarding "Ghost Detainee" issue.

Action: Classified briefings with Congress.

Change: Congress question answered.

JS AMNESTY/CCR 1756

Gaps and Seams – Closed Items

GS-012 to GS-015

GS-016 Develop Policy for Joint Interagency Detainee Ops

(U) RECOMMENDATION/OBSERVATION

- Common guidance is required where multiple agencies (e.g. DoD, FBI, CIA) perform joint/combined interrogations, common guidance is required.

(U) CURRENT ASSESSMENT:

- USDI is addressing Joint Interagency roles in the DoD Interrogation process.
- Their policy is being drafted – but do not have date yet.

OPR: USD (I)

OCR: USD (P)

(U) FIX/ACTION/CHANGE:

Fix: Issue common guidance.

Action: Interagency coordination of interrogation policy.

Change: Common practices for all engaged in intelligence gathering.

JS AMNESTY/CCR 1758

Gaps and Seams – Closed Items

GS-017

Church
GTMO-Charleston
Review

12 Findings

GC 001-GTMO MP Force Rotation

(U) RECOMMENDATION
- GTMO-MP Force guards work 8-hour shifts, 7 days/week; a change to 12 hour shifts would be detrimental. MP Force is under stress: Assaults against guards average 14/week (e.g., spitting, throwing liquids, food, or body fluids and physical assault.)
- Consider expanding other service participation during GTMO 5 rotation GTMO MP Force

(U) <u>CURRENT ASSESSMENT: GREEN</u>

GTMO Rotations 5, 6, and 7 have increased non Army personnel in guard force. The GTMO 5 rotation was augmented by Marine, Navy and Air Force personnel. GTMO 6 included a Navy provisional battalion led by a Navy Captain. GTMO 7 will have more Navy participation than Army participation. The Navy will provide a Navy Provisional Guard Battalion for the guard force, manning for the Joint Medical Group, and manning for the Joint Intelligence Group.

OPR: SOUTHCOM

OCR:

FIX/ACTION/CHANGE:

<u>Fix:</u> **(U) Increase participation of other services in GTMO guard force.**

***<u>Action</u>*: (U) GTMO rotations have increased number of non-Army members in rotations.**

***<u>Change</u>*: (U) Significant presence of Navy personnel in GTMO rotations 5-7.**

JS AMNESTY/CCR 1761

GC-003P Inter-agency Process on Detainee Movement

(U) RECOMMENDATION/OBSERVATION

Examine inter-agency process for Detainee Movement Orders with a goal of simplifying and streamlining the process.

(U) CURRENT ASSESSMENT:

- DC has directed the PCC develop a process to streamline the IA process for releases.
- DoD working with State to develop a streamline transfer program for assurances and humane treatment qualifications.

(U) FIX/ACTION/CHANGE:

Fix: Simplify and streamline the Detainee movement process.

Action: Coordination with IA.

Change:

OPR: OUSD(P)

OCR: OUSD (P)

JS AMNESTY/CCR 1762

GC 004-Complaint Process for GTMO Detainees

(U) RECOMMENDATION
- GTMO -No formal process for detainees to make complaints.
- Specific recommendation not made. *Inferred recommendation*: Establish and implement a formal process for detainees to make complaints

(U) <u>CURRENT ASSESSMENT: GREEN</u>

This inferred recommendation was considered but rejected by JTF-GTMO.
The current informal systems in place at JTF-GTMO allow detainees the ability to make complaints. Detainees are not inhibited from complaining to guards, interrogators, the ICRC, OARDEC personnel, or their habeas counsel. Many investigations result from these complaints. Additionally, JTF-GTMO has a formal SOP in place for addressing abuse allegations by detainees.

OPR: SOUTHCOM

OCR:

FIX/ACTION/CHANGE:

<u>Fix:</u> **(U) Recommendation considered but rejected by Commander, JTF-GTMO.**

***<u>Action</u>*: (U) No action required.**

***<u>Change</u>*: (U) None. The informal systems in place provide a sufficient outlet for detainees and a formal mechanism for detainees' complaints is neither necessary nor required, as detainees, as unlawful combatants, are not entitled to a formal complaint system (unlike GC III EPWs under Article 78.)**

GC 005-GTMO Packages for GTMO Detainees

(U) RECOMMENDATION

- GTMO-Detainees do not receive packages. Compliance Checklist-Other Items of Note Regarding GTMO (White House Fact Sheet, 07 Feb 02)-Regarding packages of food and clothing, the ability to receive same is subject to security screening. No packages allowed at GTMO for security reasons.

- Specific recommendation not made. *Inferred recommendation*: Review GTMO detainee package delivery policy.
- **(U) CURRENT ASSESSMENT: GREEN**

This inferred recommendation was considered but rejected by JTF-GTMO. JTF-GTMO detainees, as unlawful combatants, have no entitlement to packages (unlike GC III EPWs under Article 72). JTF-GTMO has significant security concerns regarding packages sent to detainees. Creating a process to screen care packages for detainees to accommodate legitimate security issues would pose an inordinate logistical burden on JTF-GTMO.

OPR: SOUTHCOM
OCR:

247

FIX/ACTION/CHANGE:

Fix: **(U) Recommendation considered but rejected by Commander, JTF-GTMO.**

***Action*: (U) No action required.**

***Change*: (U) None. While security and logistical concerns preclude allowing detainees to receive packages, detainees have the ability to mail and receive letters and JTF-GTMO has processed over 30,000 letters addressed to and from detainees.**

GC 006-GTMO Short Pants for Detainees

(U) RECOMMENDATION

- GTMO-Short pants (maximum security block) conflict with religious observance. Compliance Checklist-DoD Orders (MILORD 13 Nov 01; DoD Memo 19 Jan 02; & White House Memo, 07 Feb 02)- Regarding requirement to allow free exercise of religion: At GTMO, detainees in maximum security block required to wear short pants. Traditional Islamic practice requires males to be covered from navel to below knees during prayer.
- Specific recommendation not made. *Inferred recommendation*: Review and amend as required detainee clothing policy.

(U) CURRENT ASSESSMENT: GREEN

JTF-GTMO has acknowledged the concerns of detainees and adjusted its policies accordingly. JTF-GTMO found that the issue was more of a cultural than religious issue as some Muslim detainees had no objections to the short pants.

OPR: SOUTHCOM

OCR:

FIX/ACTION/CHANGE:

Fix: **(U) Accommodate cultural preference of some Muslim detainees where possible.**

***Action*: (U) GTMO procured short pants that go below the knees to accommodate detainees who objected to previous design.**

***Change*: (U) Short pants now go below the knee. Additionally, short pants are only required for those detainees who demonstrate a potential for self harm.**

GC-007 Detainee Isolation

(U) <u>RECOMMENDATION/OBSERVATION:</u>

- Specific recommendation not made. *Inferred recommendation: Prepare response to anticipated accusations of using Isolation as a counter-resistance technique.*

(U) <u>CURRENT ASSESSMENT:</u>

OPR: JFCOM
OCR:

(U) <u>FIX/ACTION/CHANGE:</u>

<u>Fix</u>: Determine and institute detainee isolation policy

<u>Action</u>: Prepare response to anticipated accusations of using Isolation as a counter-resistance technique.

<u>Change</u>:

2005 *Apr* ☐ *Aug* ☐

GC-008 Lack of Muslim Chaplain

(U) RECOMMENDATION/OBSERVATION:

- Christian Chaplain could be perceived as forced proselytization
- Specific recommendation not made. *Inferred recommendation:* Consider alternatives to Chaplains as socializing agents for detainees. [or] Assign a Muslim Chaplain.

(U) CURRENT ASSESSMENT:

OPR: JFCOM
OCR:

(U) FIX/ACTION/CHANGE:

Fix: Establish legitimate socialization agents.

Action: Consider alternatives to Chaplains as socializing agents for detainees. [or] Assign a Muslim Chaplain.

Change:

2005 Apr ☐ Aug ☐

GC-009 "SOUTHCOM IG to Inspect GTMO"

(U) RECOMMENDATION/OBSERVATION:

- Consider expanding scope to examine both GTMO and Charleston; specifically address issues raised here.

(U) CURRENT ASSESSMENT:

(U) FIX/ACTION/CHANGE:

Fix:

Action:

Change:

OPR: SOUTHCOM
OCR: JFCOM

JS AMNESTY/CCR 1768

GC-010 Incentive/Removal of Incentives

(U) RECOMMENDATION/OBSERVATION:

- One detainee (in Charleston) had Koran, mattress, pillow removed from cell, and fed cold MREs as part of JFCOM-approved interrogation technique.

- SECDEF memo addresses GTMO only

(U) CURRENT ASSESSMENT:

OPR: JFCOM
OCR: SOUTHCOM

(U) FIX/ACTION/CHANGE:

Fix: Cease using removal of Koran as interrogation technique

Action: Develop standard interrogation policy

Change:

2005 Apr ☐ Aug ☐

JS AMNESTY/CCR 1769

GC-011 Incentive/Removal of Incentive - Koran

(U) RECOMMENDATION/OBSERVATION:

- One detainee (in Charleston) had Koran removed from cell as part of JFCOM-approved interrogation technique.
- Inferred recommendation – Cease using removal of Koran as interrogation technique.

(U) CURRENT ASSESSMENT:

OPR: JFCOM
OCR:

(U) FIX/ACTION/CHANGE:

Fix: Cease using removal of Koran as interrogation technique

Action: Develop standard interrogation policy

Change:

2005 Apr ☐ Aug ☐

JS AMNESTY/CCR 1770

GC-012 Incentive/Removal of Incentive - Mattress

(U) <u>RECOMMENDATION/OBSERVATION:</u>

- One detainee (in Charleston) had mattress removed as part of JFCOM-approved interrogation plan
- Identified as potential issue only

(U) <u>CURRENT ASSESSMENT:</u>

OPR: JFCOM
OCR:

(U) <u>FIX/ACTION/CHANGE:</u>

<u>Fix</u>: Develop standard interrogation policy

<u>Action</u>: Develop standard interrogation policy

<u>Change</u>:

2005 *Apr* ☐ *Aug* ☐

Church Detention Operations & Detainee Interrogation Techniques

44 Findings

C-001 -- Standardization of Interrogation Policy Guidance

(U) RECOMMENDATION/OBSERVATION

Lack of specific guidance, clarity, and consistency on interrogation techniques among Afghanistan, Iraq, and GTMO interrogation operations. Standardize interrogation guidance under a single policy (specific and unambiguous) for all areas of operations.

(U) CURRENT ASSESSMENT:

- USD(I) has issued a draft of a HUMINT collection DoDD. Draft is in formal coordination.
- Meetings have taken place to resolve issues between USD(P) and USD(I). SD 106 coordination to be completed in near term.

OPR: USD (I)
OCR: USD (P)

(U) FIX/ACTION/CHANGE:

Fix: Issue common guidance.

Action: OUSD(P) and USD(I) coordination of policy

Change:

C-002 / Interrogation Doctrine/TSP

(x) <u>RECOMMENDATION/OBSERVATION</u>

- Future planning for detention and interrogation operations in the GWOT should take full advantage of prior and ongoing experience in these areas

HQDA DODOIP Task: D1

(x) <u>CURRENT ASSESSMENT:</u>

OPR: Army

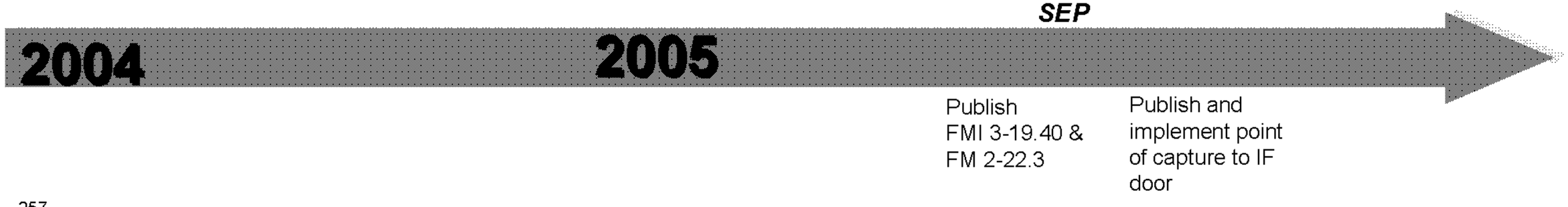
OCR: None

(x) <u>FIX/ACTION/CHANGE:</u>

Fix: Improve detention and interrogation operations planning

Action: Incorporate Lessons Learned into planning for DO

Change: Doctrine will be improved to incorporate GWOT lessons learned in the current operational environment



Issue Title (Ineffective Policy Dissemination): C-003 CHURCH REPORT pg. 10, 11, 47, 92, 237, 303

(U) RECOMMENDATION / OBSERVATION:

Need improved processes for dissemination of policy guidance, ensuring compliance, and obtaining feedback on implementation down through the unit-level [Issue closely related to C-030, Compliance].

~~(S)~~ CURRENT ASSESSMENT

CENTCOM requests closure. System in place to meet requirements in the recommendation. CDRs have effective means of ensuring policy is disseminated and checked.

OPR: CENTCOM

OCR:

~~(S)~~ FIX / ACTION / CHANGE:

(b)(5)

C-004 / MP/MI Doctrine/TSP

(x) RECOMMENDATION/OBSERVATION

- Clarify and reconcile doctrine for MP and MI detention and interrogation operations

HQDA DODOIP Task: D3

(x) CURRENT ASSESSMENT:

OPR: Army

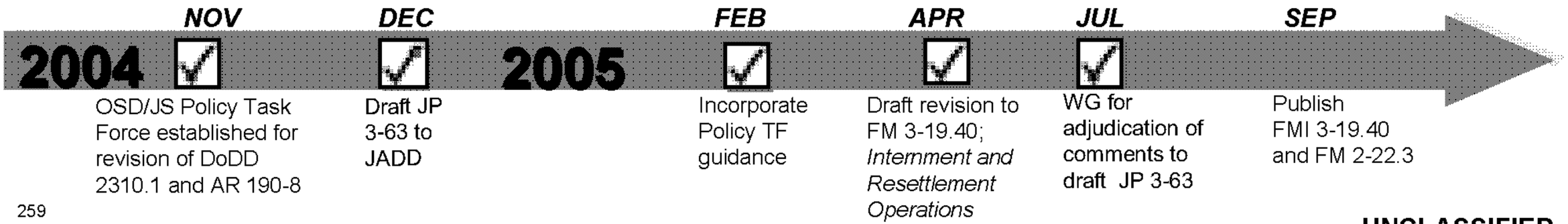
OCR: None

(x) FIX/ACTION/CHANGE:

Fix: Review, expand, revise detainee operations doctrine as appropriate

Action: Doctrine should address MP/MI detention and interrogation operational

Change: Draft FM 2-22.3, FMI 3-19.40



JS AMNESTY/CCR 1776

C-005 / Leadership

(x) <u>RECOMMENDATION/OBSERVATION</u>

- Put in place more specific procedures and direct guidance to prevent further abuse. Emphasize stronger leadership, greater oversight, and enforcement of good military discipline to lessen the likelihood of abuse

HQDA DODOIP Task: T2.1/T5.3/L2

(x) <u>CURRENT ASSESSMENT:</u>

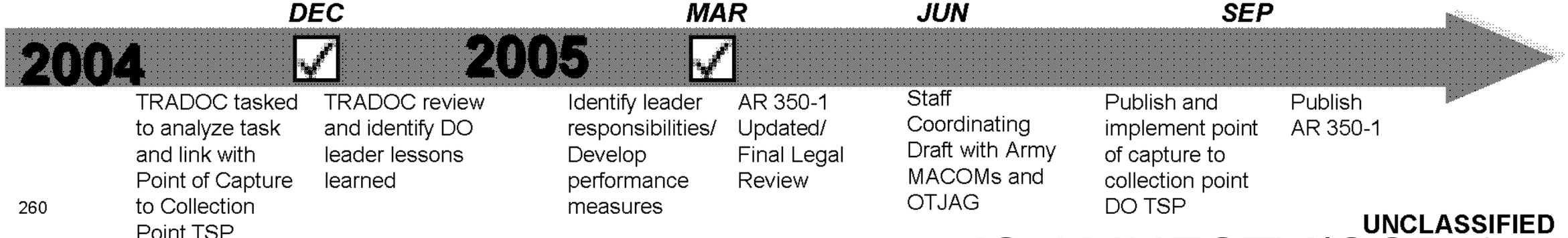
OPR: Army

OCR:

Fix: Revise Training

Action: Develop / implement a train-the-trainer package that strongly emphasizes leaders' responsibilities to have adequate supervision and control processes in place to ensure the proper treatment of detainees, and the immediate reporting of detainee abuse

Change: Develop DO LDR Train-the-Trainer Package



JS AMNESTY/CCR 1777

C-006 -- Standardization of Interrogation Policy re: OGA's

(U) <u>RECOMMENDATION/OBSERVATION</u>

Coalition and IA policies governing interrogation needs developing. Policies need specificity as to whom applicable, approved methods, with approved standards of supervision and enforcement.

(U) <u>CURRENT ASSESSMENT:</u>

- USD(I) has issued a draft of a HUMINT collection DoDD addressing OGA's and all interrogation policy matters. Draft is in formal coordination.
- Meetings have taken place to resolve issues between USD(P) and USD(I). SD 106 coordination to be completed in near term.

OPR: USD (I)
OCR: USD (P)

(U) <u>FIX/ACTION/CHANGE:</u>

Fix: Issue more specific guidance for OGA's involved in interrogation.

Action: OUSD(P) and USD(I) coordination of policy

Change:

JS AMNESTY/CCR 1778

C-007 "Training of Medical Personnel"

(U) RECOMMENDATION/OBSERVATION

(U) There is a need for [a] focused training program in this area so that our medical personnel are aware of and comply with detainee screening and medical treatment requirements. One obvious need is for a clear and concise training curriculum in a standardized format amenable to use in diverse settings

(U) FIX/ACTION/CHANGE:

Fix:

Action:

Change:

(U) CURRENT ASSESSMENT:

•

OPR: OSD (ASD-HA)
OCR: J-4)

JS AMNESTY/CCR 1779

C-008 "Preventing and Reporting Detainee Abuse"

(U) RECOMMENDATION/OBSERVATION

(U) Our insights, taken together, suggest the need to clarify and reinforce the special responsibilities of medical personnel in preventing and reporting suspected detainee abuse. Inferred: Standardize practice for medical personnel to report suspected incidents of detainee abuse

(U) CURRENT ASSESSMENT:

•

OPR: OSD (ASD-HA)
OCR: J-4

(U) FIX/ACTION/CHANGE:

Fix:

Action:

Change:

JS AMNESTY/CCR 1780

C-009 -- Participation of Medical Personnel re: Interrogations

(U) RECOMMENDATION/OBSERVATION

DoD Policy-level review needed to ensure that medical personnel are practicing with proper safeguards, including clarifying the status of medical personnel (i.e., behavioral scientists supporting interrogators) who do not participate in patient care.

(U) CURRENT ASSESSMENT:

- ASDHA has issued a policy directly on this issue. Problem addressed, recommend closure.

OPR: OUSD(P)
OCR: OUSD(P)

(U) FIX/ACTION/CHANGE:

Fix: Issue policy for medical personnel clarifying roles of those providing medical care, and those serving as behavioral scientists.

Action: ASDHA and Policy to coordinate.

Change:

JS AMNESTY/CCR 1781

C-010 -- Interrogators Access to Detainee's Medical Files

(U) <u>RECOMMENDATION/OBSERVATION</u>

DoD policy-level review necessary in order to properly balance competing concerns.

(U) <u>CURRENT ASSESSMENT:</u>

- ASDHA has issued a policy directly on this issue. Problem addressed, recommend closure.

OPR: OUSD(P)
OCR: OUSD(P)

(U) <u>FIX/ACTION/CHANGE:</u>

Fix: Issue policy clarifying roles of those providing medical care, those serving as behavioral scientists, and those serving as interrogators.

Action: ASDHA and Policy to coordinate.

Change:

JS AMNESTY/CCR 1782

C-011 -- DoD Detention and Interrogation Policy/Doctrine

(U) <u>RECOMMENDATION/OBSERVATION</u>

Develop master DoD-level detention and interrogation policy and doctrine, including approved interrogation techniques.

(U) <u>CURRENT ASSESSMENT:</u>

- USD(I) has issued a draft of HUMINT collection DoDD. Draft in formal coordination.
- Meetings have taken place to resolve issues between USD(P) and USD(I). SD 106 coordination to be completed in near term.

OPR: OUSD(P)
OCR: OUSD(P)

(U) <u>FIX/ACTION/CHANGE:</u>

Fix: Develop master DoD-level detention/interrogation policy and doctrine, including approved interrogation techniques.

Action: USD(I) handling.

Change:

JS AMNESTY/CCR 1783

C-012 / Unit Activations/Accelerations

(x) RECOMMENDATION/OBSERVATION

- There are not enough interrogators and linguists to meet the demands of the GWOT. Significant efforts are underway to address and rectify the shortfall.

HQDA DODOIP Task: Pe2.02/Pe2.03

(x) CURRENT ASSESSMENT:

OPR: Army

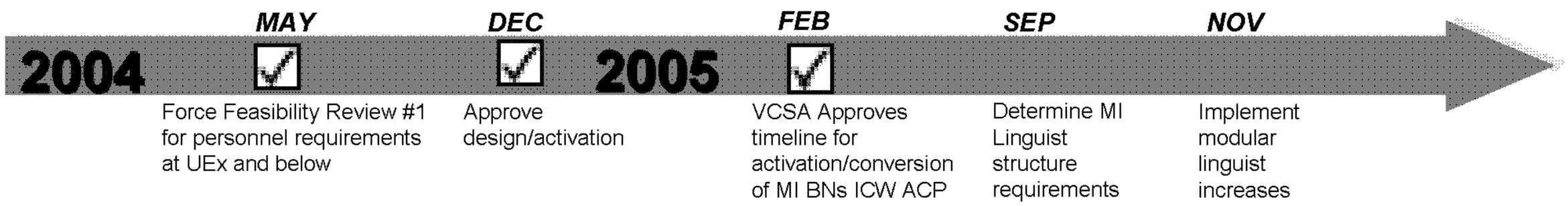
OCR: None

(x) FIX/ACTION/CHANGE:

Fix: Military Intelligence Force Structure to meet interrogator and linguist requirements

Action: Refine and implement Military Intelligence Force Structure changes

Change: Redesign and align HUMINT units and linguist requirements.



JS AMNESTY/CCR 1784

C-013 -- DoD Developed Definitions for Providing Humane Treatment

(U) RECOMMENDATION/OBSERVATION

Develop DoD level definitions for providing humane treatment of all detainees.

(U) CURRENT ASSESSMENT:

- OGC is working with ODA/USD(P) to develop a standard of care that would be the minimum requirement for "humane treatment."
- Also working with 2310.1 DoDD coordination to develop definition for inclusion in the DoDD.

OPR: OUSD(P)
OCR: OUSD(P)

(U) FIX/ACTION/CHANGE:

Fix: Develop higher level definition of "humane treatment" to decrease confusion in the field.

Action: OGC handling and 2310.1 DoDD being coordinated in near term.

Change:

JS AMNESTY/CCR 1785

C 014 Special Interrogation of ISN 760-Mohamedou Ould Slahi at GTMO

~~(S)~~ RECOMMENDATION(S)

(b)(1),(b)(5)

~~(C/NF)~~ CURRENT ASSESSMENT:

(b)(1),(b)(5)

OPR: SOUTHCOM **OCR:**

FIX/ACTION/CHANGE:

Fix: **(U) Investigate allegation.**

Action: ~~(C/NF)~~

(b)(1),(b)(5)

Change: ~~(C/NF)~~

JS AMNESTY/CCR 1786

C-015 Use of Chaining at GTMO

~~(S)~~ (b)(1)

(b)(1)

~~(S)~~ **CURRENT ASSESSMENT:** (b)(1),(b)(5)

(b)(1),(b)(5)

FIX/ACTION/CHANGE:

Fix: ~~(S)~~ (b)(1)

Action: ~~(S)~~

(b)(1)

Change: ~~(S)~~

(b)(1)

OPR: SOUTHCOM
OCR:

JS AMNESTY/CCR 1787

C 016 Possible Sleep Deprivation at GTMO

~~(S)~~ RECOMMENDATION

- ~~(S)~~ (b)(1)

(b)(1)

- ~~(S)~~ (b)(1)

(b)(1)

~~(S)~~ **CURRENT ASSESSMENT:** (b)(1)

(b)(1)

OPR: SOUTHCOM **OCR:**

FIX/ACTION/CHANGE:

Fix: ~~(S)~~ (b)(1)

***Action*:** ~~(S)~~ (b)(1)

***Change*:** ~~(S)~~

(b)(1)

C 017 Sexual Acts or Mock Sexual Acts at GTMO

(U) RECOMMENDATION

- (U) **Sexual Acts or Mock Sexual Acts (GTMO)**: A female interrogator made inappropriate contact with a detainee by running her fingers through the detainee's hair, making sexually suggestive comments and body movements, including sitting on the detainees lap.…[W]e used the Manual for Courts-Martial definition of sexual assault, referred therein as "Indecent Assault," to characterize any potential sexual assault case. Consequently, we did not consider this case to be a sexual assault because the interrogator did not perpetrate the act with the intent to gratify her own sexual desires.
- **(U)** We refer the discussion of techniques employed that clearly violate any standard of "humane" treatment to JTF-GTMO for further investigation, as appropriate. The female interrogator was given a written admonishment for her actions. This incident was identified and summarized in the May 2004 Church Review [Highlighted by Sen. Feinstein 16 Feb 05 letter to SECDEF]

~~(C/NF)~~ CURRENT ASSESSMENT: (b)(1)

(b)(1),(b)(5)

OPR: SOUTHCOM **OCR:**

FIX/ACTION/CHANGE:

Fix: **(U) Investigate allegations.**

***Action*: ~~(C/NF)~~** (b)(1)

(b)(1),(b)(5)

***Change*: ~~(C/NF)~~** (b)(1)

(b)(1),(b)(5)

Issue Title (Possible food deprivation (Iraq)): C-018 Church, pg 280

~~(S/NF)~~ RECOMMENDATION / OBSERVATION:

(b)(1),(b)(5)

~~(S)~~ CURRENT ASSESSMENT:

Working action.

OPR: Navy
OCR:

~~(S)~~ FIX / ACTION / CHANGE:

Fix:

Action:

Change:

JS AMNESTY/CCR 1790

C-019 / Accountability

(x) RECOMMENDATION/OBSERVATION

(b)(5)

[redacted]

(x) CURRENT ASSESSMENT:
OPR: Army
OCR: None

(x) FIX/ACTION/CHANGE:

Fix: Personal Accountability

Action: CID is aggressively investigating all reports of detainee abuse to the investigative standards of due diligence.

Change: Final Disposition

2004 **2005**

JS AMNESTY/CCR 1791

Issue Title (Possible sleep deprivation (Iraq)): C-020 Church, pg 285

~~(S/NF)~~ RECOMMENDATION / OBSERVATION:

(b)(5)

~~(S)~~ CURRENT ASSESSMENT:

Working action.

OPR: Navy
OCR:

~~(S)~~ FIX / ACTION / CHANGE:

Fix:

Action:

Change:

JS AMNESTY/CCR 1792

Issue Title (Possible abusive use of body cavity search (Iraq)): C-021 Church, pg 285

~~(S/NF)~~ RECOM

(b)(5)

~~(S)~~ **CURRENT ASSESSMENT:**

Working action.

OPR: Navy
OCR:

~~(S)~~ FIX / ACTION / CHANGE:

Fix:

Action:

Change:

C-022 / Accountability

(x) RECOMMENDATION/OBSERVATION

(b)(5)

(x) FIX/ACTION/CHANGE:

Fix: Personal Accountability

Action: CID is aggressively investigating all reports of detainee abuse to the investigative standards of due diligence.

Change: Final Disposition

(x) CURRENT ASSESSMENT:

OPR: Army
OCR: None

2005

JS AMNESTY/CCR 1794

(x) RECOMMENDATION/OBSERVATION

(b)(1),(b)(5)

(x) CURRENT ASSESSMENT:

OPR: Army

OCR: None

(x) FIX/ACTION/CHANGE:

Fix: Personal Accountability

Action: CID is aggressively investigating all reports of detainee abuse to the investigative standards of due diligence

Change: A search of CID files and databases did not identify any information concerning this allegation—case closed

2004 **2005**

C-024 / Accountability

(x) RECOMMENDATION/OBSERVATION

- (FOUO) Suspected abuse reported by medical personnel (Iraq): Note from VADM Church Memo Enclosure, 17 March 2005: Unclear whether suspected abuse reported by medical personnel (four cases) was properly investigated.

(x) CURRENT ASSESSMENT:

OPR: Army

OCR: None

(x) FIX/ACTION/CHANGE:

Fix: Personal Accountability

Action: CID is aggressively investigating all reports of detainee abuse to the investigative standards of due diligence.

Change: Final Disposition

Ongoing-Aug

2004 **2005**

CID is investigating 2 cases and 2 cased were referred to NCIS

C-025 "Sleep Deprivation – Sleep Adjustment"

(x) <u>RECOMMENDATION/OBSERVATION</u>

- ~~(S)~~ Inferred: Develop standard definition of "sleep deprivation" as distinct from "sleep adjustment."

(x) <u>CURRENT ASSESSMENT:</u>

OPR: OSD

OCR:

Inter-agency Action

(x) <u>FIX/ACTION/CHANGE:</u>

Fix:

Action:

Change:

2005

JS AMNESTY/CCR 1797

Issue Title (Reassignment of Military Personnel): C-026 CHURCH REPORT pg. 236

(U) RECOMMENDATION / OBSERVATION:

We were not able to determine why military personnel involved or potentially implicated in this investigation were reassigned to other units (e.g., Abu Ghraib) before the investigation was completed. Review service and COCOM assignment processes to ensure that military personnel under investigation, but eligible for reassignment are held pending investigator's determination.

~~(S)~~ CURRENT ASSESSMENT

CENTCOM requests closure. Command issue - Commanders will follow intent of recommendation.

~~(S)~~ FIX / ACTION / CHANGE:

(b)(5)

OPR: CENTCOM
OCR:

C-027 -- Common Guidance to Military and DoD Agencies

(U) RECOMMENDATION/OBSERVATION

Common guidance is needed for use by all military departments and all DoD agencies regarding the practical effects of the President's 7 Feb 02 determination of "military necessity" and its impact in handling detainees under GPW.

(U) CURRENT ASSESSMENT:

- This matter, and other broader government issues impacting the global struggle against violent extremism, have been brought to the Deputy, NSA.

OPR: OUSD(P)
OCR: OUSD(P)

(U) FIX/ACTION/CHANGE:

Fix: Provide common guidance to all military developments and DoD agencies.

Action: OUSD(P) has reached out to Deputy, NSA on this and other related matters.

Change:

C-028 -- Standard Reporting/Investigating of Claims of Detainee Abuse

(U) RECOMMENDATION/OBSERVATION

Establish standard reporting and investigating procedures for handling claims of detainee abuse.

(U) CURRENT ASSESSMENT:

- DoDD 5100.77 and USD(I) directives reiterate the need to report, and "how" to report abuses.
- CENTCOM issued FRAGO dealing with a set standard manner for reporting any abuse against a detainee (Coalition on Detainee, or ISF on Detainee) in theater.
- Doctrine and Training also reiterates a need to report suspected abuses.

OPR: OUSD(P)
OCR: OUSD(P)

(U) FIX/ACTION/CHANGE:

Fix: Need for standard procedures for identifying and reporting detainee abuse and investigating allegations that are legitimate.

Action: DoDD directives, training, doctrine, CENTCOM FRAGO's all address mandatory reporting and identification of legitimate abuse allegations.

Change: Completed

Issue Title (Dissemination of Policy): C-029 CHURCH REPORT pg. 275-276, 277

(U) RECOMMENDATION / OBSERVATION:

Dissemination of approved interrogation policies from theater headquarters to individual units was ineffective, resulting in widespread lack of awareness of which techniques were currently authorized…[The breakdown of dissemination was pervasive at the unit level…and, we believe, stemmed in large part from a reliance on SIPRNET…to disseminate CJTF-7 policy memos to the field. In short, effective dissemination of CJTF-7 interrogation policies appeared to rely largely on timely posting of the memoranda to SIPRNET web sites; reliable SIPRNET connectivity of widely dispersed forces under often-hostile conditions in the field; and initiative on the part of units in the field to access SIPRNET to download interrogation guidance. Although this may have been backed up by distribution of hardcopy memoranda through normal command channels, our interviews revealed that the chain frequently broke down. Review efficiency of using SIPRNET to disseminate interrogation policy and consider development, implementation, and use of alternative means, as required. [While this appears to duplicate C-003, the discussion points to the need to examine reliance on SIPRNET– a specific subset of the greater problem.]

~~(S)~~ CURRENT ASSESSMENT – CENTCOM requests closure. System in place to meet requirements in the recommendation. CDRs have effective means of ensuring policy is disseminated and checked.

OPR: CENTCOM

OCR:

~~(S)~~ FIX / ACTION / CHANGE:

(b)(1),(b)(5)

Issue Title (Compliance with Interrogation Policy): C-030 CHURCH REPORT pg. 10, 166, 168-169, 192, 215, 276-277, 303

(U) RECOMMENDATION / OBSERVATION:

Another key finding [that represents a missed opportunity to control the application of interrogation techniques in Iraq]. Compliance with approved interrogation policies was often incomplete, even when units were in possession of the latest guidance. Need to improve compliance via policy, doctrine, and monitoring changes.

~~(S)~~ CURRENT ASSESSMENT

CENTCOM requests closure. System in place to meet requirements in the recommendation. CDRs have effective means of ensuring policy is disseminated and checked.

OPR: CENTCOM

OCR:

~~(S)~~ FIX / ACTION / CHANGE:

(b)(1),(b)(5)

C-031 -- Clarifying Roles/Limits of Interpreters in Interrogations

(U) RECOMMENDATION/OBSERVATION

Doctrine should more clearly define the roles and limits of interpreters in interrogations (i.e., contract interpreters).

(U) CURRENT ASSESSMENT:

- USD(I) has in coordination a policy document to define doctrine and roles of interrogators.
- OUSD(P) assisting as needed.

OPR: OUSD(P)
OCR: OUSD(P)

(U) FIX/ACTION/CHANGE:

Fix: Need for clear definition of roles and limits of interpreters in the conduct of interrogations.

Action: USD(I) addressing with specific policy document.

Change: Completed

JS AMNESTY/CCR 1803

C-032 – Dissemination and Applicability of US Guidance to Coalition

(U) RECOMMENDATION/OBSERVATION

Need to clarify the applicability, coordination, dissemination, implementation of, and compliance with USG interrogation policy in Multi-National and Coalition Force operations.

(U) CURRENT ASSESSMENT:

- USD(I) has in coordination a policy document that addresses reporting and doctrine conditions regarding HUMINT collection DoDD.
- OUSD(P) assisting as needed.

OPR: OUSD(P)
OCR: OUSD(P)

(U) FIX/ACTION/CHANGE:

Fix: Need for clarity, coordination, dissemination, and compliance by all Multi-National and Coalition Forces.

Action: USD(I) addressing with specific policy document.

Change: In progress

JS AMNESTY/CCR 1804

Issue Title (Maltreatment by Iraqi National Guard Forces. C-033 CHURCH REPORT pg. 306

(U) RECOMMENDATION / OBSERVATION:

Our interviews revealed persistent allegations and rumors of detainee maltreatment by Iraqi National Guard forces. These allegations have troubling implications that warrant further study and action.

~~(S)~~ CURRENT ASSESSMENT

CENTCOM requests closure. System in place to meet the intent of the recommendation. CDRs are complying with SIR requirements and reporting IZ on IZ abuse.

~~(S)~~ FIX / ACTION / CHANGE:

(b)(1),(b)(5)

OPR: CENTCOM
OCR:

C-034 – Training Contractors in DoD Interrogation/Detention Operations

(U) RECOMMENDATION/OBSERVATION

Establish DoD policy detailing minimum training requirements and standards for contractors supporting DoD interrogation and detention operations, including theater-specific knowledge, GC, and Law of Armed Conflict.

(U) CURRENT ASSESSMENT:

- OSD disagrees with task to Policy as OPR.
- Training for contractors in theater is operational.
- Policy discussed with LC, JS, and contractors arguably fall under Title 18 USCriminal Code) and UCMJ if offenses committed against detainees.
- Recommend Army as lead agency (Det Ops) with LC, JS input on legal matters.
- Training matters may also be addressed through dissemination of DoDD 2310.1.

(U) FIX/ACTION/CHANGE:

Fix: Need for DoD policy regarding Training for contractors supporting DoD interrogations and detention operations.

Action: Review assignment of OUSD(P) as lead OPR, suggest matter is operational and legal concern not best addressed through policy alone.

Change: In progress

OPR: OUSD(P)
OCR: OUSD(P)

C-035 – Prosecution Loopholes for DoD Contractors

(U) RECOMMENDATION/OBSERVATION

Possible loopholes exist for foreign contractors employed by non-DoD agencies that do not appear to fall under USG criminal jurisdiction purposes where it may be necessary to investigate and prosecute them for detainee abuse.

(U) CURRENT ASSESSMENT:

- OSD disagrees with task to Policy as OPR and does not believe loopholes exist.
  - Training for contractors in theater is operational.
  - Policy discussed with LC, JS, and contractors arguably fall under Title 18 USCriminal Code) and UCMJ if offenses committed against detainees.
  - Recommend Army as lead agency (Det Ops) with LC, JS input on legal matters.

(U) FIX/ACTION/CHANGE:

Fix: Need for close alleged loopholes for foreign contractors employed by non-DoD agencies that may not fall under USG criminal jurisdiction.

Action: Review assignment of OUSD(P) as lead OPR, suggest matter is operational and legal concern.

Change: In progress

OPR: OUSD(P)
OCR: OUSD(P)

JS AMNESTY/CCR 1807

C-036 – Prosecution Loopholes for DoD Contractors

(U) RECOMMENDATION/OBSERVATION

Possible loopholes exist for foreign contractors employed by non-DoD agencies that do not appear to fall under USG criminal jurisdiction purposes where it may be necessary to investigate and prosecute them for detainee abuse.

(U) CURRENT ASSESSMENT:

- OSD disagrees with assigned task to Policy as OPR and does not believe loopholes exist.
- Training for contractors in theater is operational.
- Policy discussed with LC, JS, and contractors arguably fall under Title 18 USCriminal Code) and UCMJ if offenses committed against detainees.
- Recommend Army as lead agency (Det Ops) with LC, JS input on legal matters.

(U) FIX/ACTION/CHANGE:

Fix: Need for close alleged loopholes for foreign contractors employed by non-DoD agencies that may not fall under USG criminal jurisdiction.

Action: Review assignment of OUSD(P) as lead OPR, suggest matter is operational and legal concern.

Change: In progress

OPR: OUSD(P)
OCR: OUSD(P)

JS AMNESTY/CCR 1808

C-037 – Standard Contract Clauses for Detention-Related Operations

(U) RECOMMENDATION/OBSERVATION

DoD directed development of an appropriate standard clause (or set of clauses) for detention related contracts needed to ensure widespread understanding of exactly "how" DoD must exercise control over contractors in order to prevent potential detainee abuse.

(U) CURRENT ASSESSMENT:

- "Detention-related contract clauses" may be best addressed through LC, OGC, as they are not policy problems per se.
- To extend that standards of conduct are addressed in revised version of DoDD 2310.1, and the proposed USD(I), DoDD on HUMINT, the concerns about policy changes may be alleviated.
- Recommend OGC and LC as lead.

(U) FIX/ACTION/CHANGE:

Fix: Need for standard contract clauses for contractors involved in detention-related operations in order to prevent potential detainee abuse.

Action: Review assignment of OUSD(P) as lead OPR, suggest matter is mainly a legal concern.

Change: In progress

OPR: OUSD(P)
OCR: OUSD(P)

C-038– Formalize Inter-agency Procedures re: DoD Support to OGA's

(U) RECOMMENDATION/OBSERVATION

Identify and, as required, develop formal inter-agency procedures to codify or formalize the process of DoD support to OGA's re: operations overseas.

(U) CURRENT ASSESSMENT:

- Concern has been raised by USD(P) in a memo to Deputy, NSA.

(U) FIX/ACTION/CHANGE:

Fix: Develop formal inter-agency procedures to formalize DoD support to OGA's during overseas operations.

Action: Inter-agency matter raised with Deputy, NSA.

Change: Addressed

OPR: OUSD(P)
OCR: OUSD(P)

JS AMNESTY/CCR 1810

C-039 – Develop Guidance DoD-CIA Relationship

(U) RECOMMENDATION/OBSERVATION

Develop guidance and implementing instructions governing the DoD-CIA relationship and cooperative intelligence gathering efforts.

(U) CURRENT ASSESSMENT:

- Concern has been raised by USD(P) in a memo to Deputy, NSA.
- Inter-agency coordination done through NSC-staff.

(U) FIX/ACTION/CHANGE:

Fix: Develop guidance and implementing instructions governing DoD-CIA relationship and cooperative intelligence gathering efforts.

Action: Inter-agency problem raised with Deputy, NSA.

Change: Addressed

OPR: OUSD(P)
OCR: OUSD(P)

JS AMNESTY/CCR 1811

Church:
Detainee Operations/
Interrogation Techniques

C-040

JS AMNESTY/CCR 1812

C-041 / ONS Programming

(x) RECOMMENDATION/OBSERVATION

- AFG-Medical personnel were not equipped to fully comply with all doctrinal requirements for detainee medical care. For example, there was no mention of monthly medical assessments or weight recordings, as required by AR 190-8, and it seems unlikely these would be feasible under the broader conditions described.
- HQDA DODOIP Task: D7, T7, M3.1

(x) CURRENT ASSESSMENT:

OPR: Army
OCR: J4, J5

(x) FIX/ACTION/CHANGE:

Fix: Equipping for medical personnel ISO detainee operations

Action: Align equipping with doctrinal requirements and update/develop TOE/equipment sets

Change: Medical units or facilities provided organic equipment or standard equipment sets to meet all medical requirements ISO detainee operations

2004 **2005**

MAR

MEDCOM, completed assessment and developed required force template for MED support

JUN

All deploying medical units use force template and are equipped to provide Level-4 (long-term) care

JS AMNESTY/CCR 1813

C-042 "Documentation System for Detainee Medical Care"

(x) RECOMMENDATION/OBSERVATION

- (U) Inferred: Develop and implement a standardized and rigorous documentation system for detainee medical care. [Records maintenance and standardization. See also p. 358]

(x) CURRENT ASSESSMENT:

OPR: OSD (ASD-HA)

OCR:

(x) FIX/ACTION/CHANGE:

Fix:

Action:

Change:

2005

C-043 / Accountability

(x) RECOMMENDATION/OBSERVATION

- Concerns that medical personnel may have misrepresented detainee injuries

- HQDA DODOIP Task:

(x) CURRENT ASSESSMENT:

OPR: Army

OCR: None

(x) FIX/ACTION/CHANGE:

Fix: Personal Accountability

Action: The Army conducted a thorough assessment of abuse

Change: Final Disposition

2004 **2005** ***AUG***

Army DTF is reviewing the OTSG/MEDCOM report and trip reports for corroborating evidence

C-044 "Feedback on Punishments for Detainee Abuses"

(x) RECOMMENDATION/OBSERVATION

- **(U) Therefore, I recommend that the Military Department OGCs and JAGs be engaged to examine and provide feedback on the punishments for detainee abuses to date. Though sentencing and non-judicial punishment are the prerogative of the appropriate judicial and command authorities, such a review would enable DoD to more effectively respond to inquiries related to the release of investigative records pursuant to FOIA Requests."**

- **(x) CURRENT ASSESSMENT:**

OPR: Joint UCMJ Working Grp
OCR:

(x) FIX/ACTION/CHANGE:

Fix:

Action:

Change:

2005

CDR USSOUTHCOM Directed AR 15-6 Investigation into FBI Allegations of Detainee Abuse at Guantanamo Bay, Cuba Detention Facility

Investigated by Lt Gen Schmidt & BG Furlow

Overview Briefing

By

LTC (b)(6)

SOUTHCOM

JS AMNESTY/CCR 1817

-Background- FBI Emails/ACLU FOIA release

-29 Dec 04 CDR USSOUTHCOM appoints BG Furlow to investigate; LtGen Schmidt appointed on 28 Feb 05

-Investigated 9 specific FBI allegations as well as other non-FBI allegations

-Findings and Recommendations

- Allegations from FBI and other sources
- High value detainees

JS AMNESTY/CCR 1818

Lt Gen Schmidt & BG Furlow Report

27 Findings

(Provisional Recommendations)

SF-01 "Impersonation of FBI Special Agent"

PROBLEM

(U) "That DoD interrogators improperly impersonated FBI agents or Department of State officers during the interrogation of detainees."

RECOMMENDATION

(U) The allegation should be closed. The technique, while authorized, was undermining the inter-agency working relationship. No additional corrective action is necessary or appropriate.

OPR: SOUTHCOM
OCR: USD(I)

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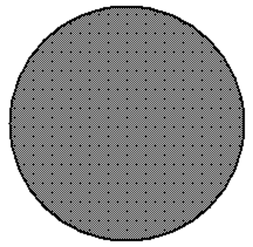

SF-02 "Lap Dance"

PROBLEM

(U) "That a female military interrogator performed a "lap dance" on a detainee during an interrogation. I have expanded this allegation to "That female military interrogators performed acts designed to take advantage of their gender in relation to Muslim males."

RECOMMENDATION

(U) Command action was effective and sufficient with respect to the individual interrogators. AR 15-6 recommends that the approval authority for the use of gender coercion as futility technique be withheld to the JTF GTMO-CG.

OPR: SOUTHCOM
OCR: USD(I)

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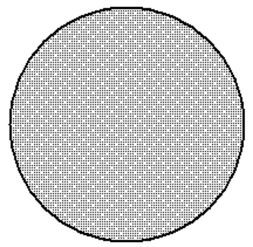

SF-03 "Menstrual Blood"

PROBLEM
(U) "That a female military interrogator wiped "menstrual blood" on a detainee during an interrogation."

RECOMMENDATION
(U) Command action was inadequate with respect to the individual interrogator. The interrogator should have been formally admonished or reprimanded for using a technique that was not approved in advance. Advance approval ensures that retaliatory techniques are not employed on impulse. Considering the lapse in time, recommend this allegation be closed.

FIX/ACTION/CHANGE:

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OPR: SOUTHCOM
OCR:

SF-04 "Loud Music"

PROBLEM
(U) "That DoD interrogators improperly played loud music and yelled at detainees."

RECOMMENDATION
(U) The allegation should be closed. Recommend JTF-GTMO develop specific guidance on the length of time that a detainee may be subjected to futility music. Placement of a detainee in the interrogation booth and subjecting him to loud music and strobe lights should be limited and conducted within clearly prescribed limits.

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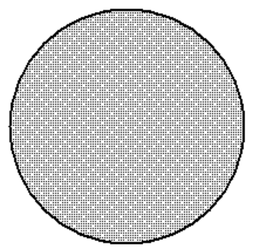

OPR: SOUTHCOM
OCR: USD(I)

SF-05 "Heat & Cold"

PROBLEM
(U) "That military interrogators improperly used extremes of heat and cold during their interrogation of detainees."

RECOMMENDATION
(U) The allegation should be closed.

FIX/ACTION/CHANGE:

Fix:

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OPR: SOUTHCOM
OCR: USD(I)

SF-06 "Sleep Deprivation"

PROBLEM
(U) "That military interrogators improperly used sleep deprivation against detainees."

RECOMMENDATION
(U) The allegation should be closed. Recommend USSOUTHCOM clarify policy on sleep deprivation.

OPR: SOUTHCOM
OCR: USD(I)

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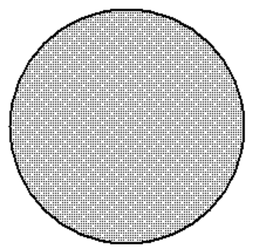

SF-07 "Duct Tape"

PROBLEM

(U) "That military interrogators used duct tape to cover a detainee's mouth and head."

RECOMMENDATION

(U) Command action was inadequate with respect to the ICE Chief. He should be formally admonished or reprimanded for directing an inappropriate restraint to be used on a detainee.

OPR: SOUTHCOM
OCR:

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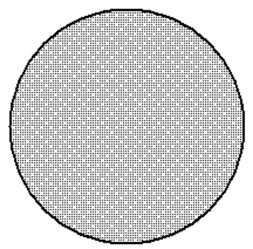

SF-08 "Chaining"

PROBLEM

(U) "That military interrogators improperly chained detainees and placed them in a fetal position on the floor."

RECOMMENDATION

(U) The allegation should be closed. The AR 15-6 was not able to find any evidence to adequately assign responsibility for these actions. This practice is now specifically prohibited by current GTMO interrogation policy.

OPR: SOUTHCOM
OCR:

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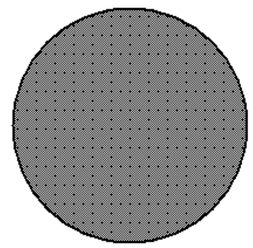

SF-09 "Interrogation Interference"

PROBLEM
(U) "That military personnel improperly interfered with FBI interrogators in the performance of their FBI duties."

RECOMMENDATION
(U) The allegation should be closed.

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Fix:

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OPR: SOUTHCOM
OCR:

JS AMNESTY/CCR 1828

SF-10 "Food & Water"

PROBLEM
(U) "That military interrogators denied detainees food and water for long periods of time."

RECOMMENDATION
(U) The allegation should be closed.

FIX/ACTION/CHANGE:

Fix:

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OPR: SOUTHCOM
OCR:

SF-11 "Military Working Dogs"

PROBLEM

(U) FIRST SPECIAL INTERROGATION PLAN

"That military interrogators improperly used military working dogs (MWD) during interrogation sessions to threaten detainees, or for some other purpose."

RECOMMENDATION

(U) The allegation should be closed. While the ICE Chief was aware of and condoned the first use of the MWD, additional corrective action is not necessary. The event occurred on two occasions and was expressly approved after the first occasion for this detainee. This practice is now specifically prohibited by current GTMO interrogation policy.

OPR: SOUTHCOM
OCR:

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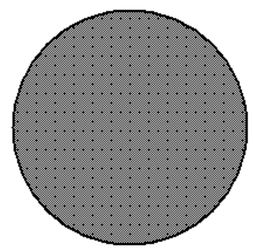

SF-12 "Lap Dance"

PROBLEM

(U) FIRST SPECIAL INTERROGATION PLAN "That a female military interrogator performed a "lap dance" on a detainee during an interrogation. I have expanded this allegation to "That female military interrogators performed acts designed to take advantage of their gender in relation to Muslim males."

RECOMMENDATION

(U) The allegation should be closed. No command action is necessary with respect to the individual interrogators. Their supervisor acknowledged that he approved the approached at the time of the interrogation. AR 15-6 recommends that the approval for the use of gender coercion as futility techniques be withheld to the JTF-GTMO CG.

OPR: SOUTHCOM
OCR:

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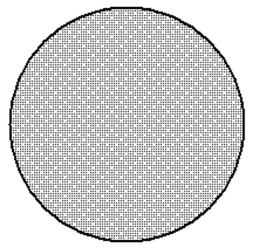

SF-13 "Loud Music"

PROBLEM

(U) FIRST SPECIAL INTERROGATION PLAN "That DoD interrogators improperly played loud music and yelled at detainees."

RECOMMENDATION

(U) The allegation should be closed. Recommend JTF-GTMO develop specific guidance on the length of time that a detainee may be subjected to futility music. Placement of a detainee in the interrogation booth and subjecting him to loud music and strobe lights should be limited and conducted within clearly prescribed limits.

FIX/ACTION/CHANGE:

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OPR: SOUTHCOM
OCR: USD

SF-14 "Heat & Cold"

PROBLEM

(U) FIRST SPECIAL INTERROGATION PLAN

That military interrogators improperly used extremes of heat and cold during their interrogation of detainees."

RECOMMENDATION

(U) The allegation should be closed.

OPR: SOUTHCOM
OCR:

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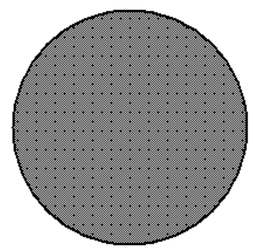

SF-15 "Sleep Deprivation"

PROBLEM

(U) FIRST SPECIAL INTERROGATION PLAN

That military interrogators improperly used sleep deprivation against detainees."

RECOMMENDATION

(U) The allegation should be closed.

Recommend USSOUTHCOM clarify policy on sleep deprivation.

FIX/ACTION/CHANGE:

Fix:

Action:

Change:

OPR: SOUTHCOM
OCR: USD(I)

SF-16 "Inappropriate Interrogation Techniques"

PROBLEM

(U) FIRST SPECIAL INTERROGATION PLAN

In addition to the FBI allegations addressed above, additional interrogation techniques (not all inclusive) were used in the interrogation of the subject of the first Special Interrogation Plan. Each act is documented in the interrogation MFR's maintained on the subject of the first Special Interrogation Plan.

RECOMMENDATION

(U) The Commander JTF-GTMO should be held accountable for failing to supervise the interrogation of the subject of the first Special Interrogation Plan and should be admonished for that failure.

FIX/ACTION/CHANGE:

Fix:

Action:

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OPR: SOUTHCOM
OCR:

JS AMNESTY/CCR 1835

SF-17 "Additional Allegations"

PROBLEM

(U) In addition to the allegations above, the AR 15-6 also considered additional allegations raised specifically by the subject of the first Special Interrogation Plan.

RECOMMENDATION

(U) The allegation should be closed.

OPR: SOUTHCOM
OCR:

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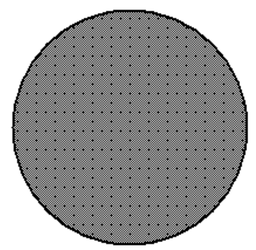

SF-18 "Subject to Torture"

PROBLEM

(U) SECOND SPECIAL INTERROGATION PLAN

In addition to the interrogation logs, the AR-16 also considered allegations of abuse raised by the subject of the second special interrogation, himself. Specifically, after months of cooperation with interrogators, on 11 Dec 04, the subject of the second special interrogation notified his interrogator that he had been "subject to torture" by past interrogators during the months of July to October 2003.

FIX/ACTION/CHANGE:

Fix:

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RECOMMENDATION

(U) The allegation should be closed.

OPR: SOUTHCOM
OCR:

SF-19 "Removal of BDU Tops"

PROBLEM

(U) The subject of the second special interrogation alleges that female military interrogators removed their BDU tops and rubbed themselves against the detainee, fondled his genitalia and made lewd sexual comments, noises, and gestures.

RECOMMENDATION

(U) The allegation should be closed.

OPR: SOUTHCOM
OCR:

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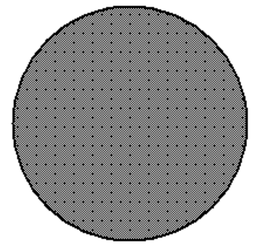

SF-20 "Hit by Guards"

PROBLEM
(U) The subject of the second Special Interrogation Plan alleges that in late summer of 2003 he was hit by guards and an interrogator "very hard" and "with all their strength" he was hit "all over."

RECOMMENDATION
(U) The allegation should be closed.

OPR: SOUTHCOM
OCR:

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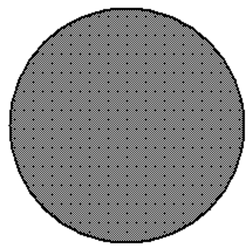

SF-21 "Navy Captain"

PROBLEM
(U) A DoD interrogator improperly impersonated a Navy Captain assigned to the White House.

RECOMMENDATION
(U) The allegation should be closed. No further action necessary.

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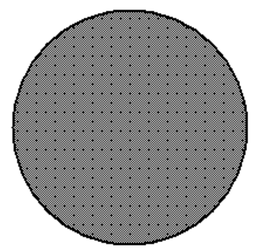
OCR:



JS AMNESTY/CCR 1840

SF-22 "Threats to Detainee & Family"

PROBLEM

(U) That Military Interrogators threatened the subject of the second special interrogation and his family.

RECOMMENDATION

(U) While the threats do not rise to the level of torture as defined under U.S. law, the facts support a conclusion that the Special Team Chief violated the UCMJ, Article 134, by communicating a threat. Recommend his current commander discipline the Special Team Chief.

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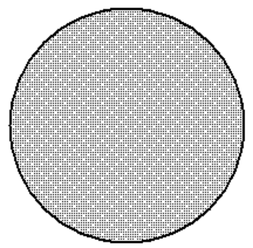

OPR: SOUTHCOM
OCR:

SF-23 "Treatment of All Detainees"

PROBLEM

RECOMMENDATION

(U) Recommend a policy-level review and determination of the status and treatment of all detainees, when not classified as EPWs. This review needs to particularly focus on the definition of humane treatment, military necessity, and proper employment of interrogation techniques. (e.g. boundaries or extremes)

FIX/ACTION/CHANGE:

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OPR: DASD-DA
OCR:

SF-24 "Authorized Interrogation Techniques"

PROBLEM

RECOMMENDATION

- (U) Recommend study of the DoD authorized interrogation techniques to establish a framework for evaluating their cumulative impact in relation to the obligation to treat detainees humanely.

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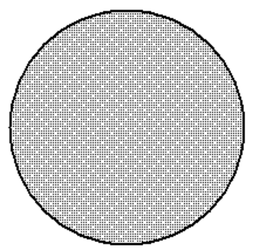
OPR: USD(I)
OCR:



SF-25 "Interrogation Training"

PROBLEM

RECOMMENDATION
(U) Recommend a reevaluation of the DoD and Inter-agency interrogation training consistent with the new realities of the requirements of the global war on terror.

FIX/ACTION/CHANGE:

Fix:

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OPR: USD(I)
OCR:

SF-26 "Role of MP"

PROBLEM

RECOMMENDATION

- (U) Recommend a policy-level determination on role of Military Police in "setting the conditions" for intelligence gathering and interrogation of detainees at both the tactical level and strategic level facilities.

OPR: USD(I)
OCR: USA

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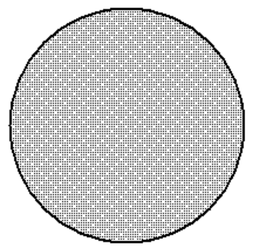

SF-27 "Standards for Interrogation"

PROBLEM

RECOMMENDATION

(U) Recommend an Inter-Agency policy review to establish "standards" for interrogations when multiple agencies and interrogation objectives are involved. Particular emphasis should be placed on setting policy for who has priority as the lead agency, the specific boundaries for the authorized techniques in cases with multiple agencies involved, a central "data-base" for all intelligence gathered at a detention facility, and procedures for record keeping to include historical, litigation support, lessons learned, and successful/unsuccessful intelligence gathering techniques.

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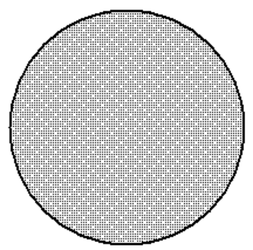

OPR: USD(I)
OCR:
Inter-agency Action: DOJ

LTG Kiley Report

23 Findings

(Provisional Recommendations)

K-01 "Medical Records –Detainee Abuse Reporting"

PROBLEM

(U) A significant number of medical personnel surveyed from the AC/RC that have served or are serving in OEF, GTMO and OIF report they did not receive any school training on detainee medical records or training on detainee abuse reporting.

RECOMMENDATION

(U) AMEDDC&S should ensure standardization of training of detainees healthcare documentation and disposition of retired detainee records across the entire healthcare spectrum in all theaters, from the point of capture and collection point to the detention facilities.

OPR: Army
OCR: OSD

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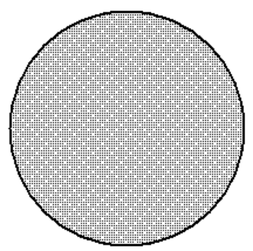

K-02 "Training-TOE 70E & 91G Personnel"

PROBLEM

(U) PAD officers expressed concerns about maintaining proficiency for TOE 70E and 91G personnel. Skills training and sustainment have not been a unit priority.

RECOMMENDATION

(U) Establish a team under the direction of the AMEDDC&S comprised of clinicians and PAD expertise with exceptional knowledge of the generation, storage, maintenance and collection of detainee medical records from the point of capture, collection point to the detention facilities. The tasks and training content should be developed by this team. The AMEDDC&S should facilitate this process. The above team should analyze courses' POIs and LPs to determine training gaps in the generation, storage and collection of detainee medical records. (U) Create and deploy an exportable training package specific to the generation, storage and collection of detainee medical records for medical personnel in AC/RC TDA and TOE medical units. Medical assets assigned to AC/RC MP and maneuver units should receive the training package. (U) Incorporate training that is focused on the generation, storage and collection of detainee medical records into the 70E and 91G courses. (Additional recommendations cited on 6-5 not recorded due to limited space available).

FIX/ACTION/CHANGE:

Fix:

Action:

Change:

OPR: Army
OCR: OSD

332

K-03 "Medical Reporting-Detainee Abuse"

PROBLEM

(U) Less than half of all students surveyed reported that training included a process of medical reporting for suspected detainee abuse.

RECOMMENDATION

(U) Tools should be introduced to assist students in recalling their training; for example, a reference pocket training aid. The tool should display a decision algorithm to assist them in distinguishing actual or suspected abuse from injuries as a result of lawful combat operations. (U) AMEDDC&S, as the proponent for training of medical personnel in detainee healthcare across the entire healthcare spectrum in theater, from the point of capture and collection point to a detention facility should: (see 6-14). (U) MEDCOM should provide all medical senior leaders (AC/RC) detention care policies, regulations and references which could be accessed through the Army Knowledge Online (AKO) site. MEDCOM should continually update AKO so that evolving guidance, tools and references are current (see 6-14).

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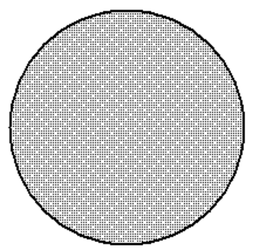

OPR: Army
OCR:

K-04 "Standard of Care"

PROBLEM

(U) Present DA and DoD guidance regarding the standard of care for detainees has gaps, at times is ambiguous, and is not specific enough.

RECOMMENDATION

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. Specific areas of guidance should include: 1) initial and continual screening assessments, 2) medical care equal to standards for U.S. Soldiers in the theater of operations, 3) informed consent, 4) protection of detainee medical information, 5) documentation in and handling of medical records, 6) recognition, documentation, and reporting of suspected abuses, 7) planning factors for medical resources required for detainee care. (U) All medical personnel must be trained on this guidance, with follow-up assessment of competency. (Recommendation continues - see 7-6)

OPR: OSD

OCR: Army

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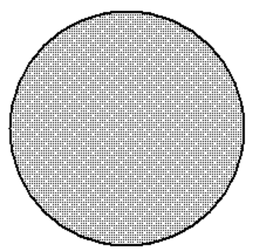


K-05 "Medical Screening"

PROBLEM

(U) Guidance regarding criteria for pre and post-interrogation medical screening is inconsistent.

RECOMMENDATION

(U) DA guidance (DoD level is preferable) should: a) authorize medical personnel to halt any interrogation or interrogation technique if the detainee's health or welfare is endangered; b) require interrogations to stop immediately if a detainee requires any medical treatment during the interrogation; c) authorize medical personnel to perform pre- and post-interrogation med evals at their discretion; d) require pre-, during, and post-interrogation medical care delivered to be documented and included in the detainee medical records; e) require all pre, during and post-interrogation medical evaluations be performed and included in the detainee medical records; f) describe the process for documenting medical care during or due to an interrogation; g) describe the process to report and document in the medical record suspected abuse; h) require medical personnel to be trained on the above recommendations, with follow-up assessment of competency to measure the effectiveness of training.

FIX/ACTION/CHANGE:

Fix:

Action:

Change:

OPR: OSD
OCR: USD(I)

335

K- 06"Maintaining Medical Records"

PROBLEM

(U) Detention facilities that kept medical records - Interviewees from units providing level I and II medical care reported extreme variability in method of documentation, circumstances influencing the creation of documentation, and the maintenance and final disposition of detainee medical records.

RECOMMENDATION

(U) Require that detainee medical records at facilities that deliver level III and higher care be generated in the same manner as records of U.S. patients in theater. Address the appropriate location an duration of maintenance as well as the final disposition of detainee medical records at facilities that deliver level III or higher care. Define appropriate generation, maintenance, storage, and final disposition of detainee medical records at units that deliver level I and II care. Address the need for uniform documentation, to include accurate identification of all individuals entering information into all detainee medical records. Clearly outline the rules for access to detainee medical records and provision of medical information to non-health care providers. The guidance should only permit release of detainee medical information to interrogators when needed to ensure the health and welfare of the detainee.

FIX/ACTION/CHANGE:

Fix:

Action:

Change:

OPR: Army
OCR:

K-07 "Defining Detainee Abuse"

PROBLEM

(U) Medical personnel are often in a position to observe the physical evidence of actual or suspected abuse. Alleged abuse can also be revealed when obtaining a detainee's medical history. Specific guidance is required defining detainee abuse.

RECOMMENDATION

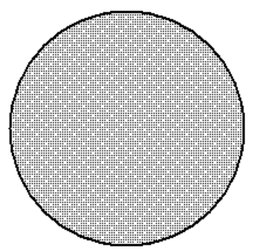
(U) A DA definition of detainee abuse should be adopted (a DoD definition is preferable). (U) At all levels of professional training medical personnel should receive instruction on the definition of detainee abuse and the requirement to document and report actual or suspected detainee abuse. (U) Pocket cards should be developed and distributed to all deploying medical personnel with "Medical Rules of Engagement" on the front and a training aid on detainee abuse on the back.

FIX/ACTION/CHANGE:

Fix:

Action:

Change:



OPR: OSD
OCR: Army

JS AMNESTY/CCR 1854

K-08 "Documenting Detainee Abuse"

PROBLEM

(U) Medical personnel did not consistently nor uniformly document detainee abuse on the medical record.

RECOMMENDATION

(U) A DA definition of detainee abuse should be adopted (a DoD definition is preferable). DA standard requiring actual, alleged or suspected abuse be documented in a detainee's medical record. The standard should require: 1) Documentation of actual, alleged or suspected abuse in the detainee's medical record, 2) the medical provider's opinion if the medical evidence supports actual, alleged or suspected abuse. (U) If the medical evidence fails to support the alleged abuse this fact should be noted in the detainee's medical record. (U) If the medical evidence is consistent with abuse, or is inconclusive, medical personnel must report the alleged or suspected abuse to the hospital/MTF commander. (U) A notation in the detainee's medical record that a report was made, when and to whom. (U) A DA standard detainee medical screening form should be developed and fielded.

FIX/ACTION/CHANGE:

Fix:

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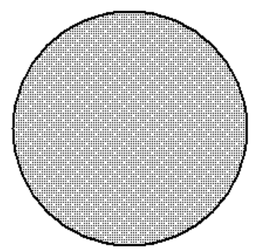
Change:



OPR: OSD
OCR: USA

338

K-09 "Reporting Actual or Suspected Detainee Abuse"

PROBLEM

(U) Medical personnel interviewed failed to properly report actual or suspected detainee abuse which had not otherwise been conveyed to an appropriate authority.

RECOMMENDATION

(U) At all levels of professional training, medical personnel should receive instruction on the requirement to document and report actual or suspected detainee abuse. This training should include the definition and signs of actual or suspected detainee abuse. (U) Scenario-based training on detecting abuse should be developed and fielded at all PPPs, MUICs, and reserve medical training sites. All deploying medical personnel should receive this training prior to arrival in theater. All deploying medical personnel, prior to arrival in theater, should receive refresher training on the requirements and procedures to document and report actual or suspected detainee abuse. (U) All individual and collective training for medical personnel should include reinforcing training on recognizing and reporting actual or suspected detainee abuse. (U) Follow-on competency evaluations should be incorporated into all training guidance and plans.

FIX/ACTION/CHANGE:

Fix:

Action:

Change:

OPR: OSD

339 **OCR: Army**

K-10 "Policy - Reporting Detainee Abuse"

PROBLEM

(U) The Team did not discover a theater level policy specifically requiring medical personnel to report detainee abuse.

RECOMMENDATION

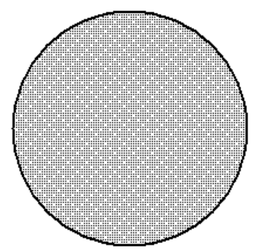
(U) Clearly written standardized policies for documenting and reporting actual or suspected detainee abuse should exist at all levels of command. These policies must then receive command emphasis on a continuing basis. (U) Medical planners at all levels should ensure clearly written standardized guidance is provided to medical personnel. This guidance should list possible indicators of abuse and contain concise instruction on how, and to whom medical personnel should document and report actual or suspected abuse. (U) Develop DA level guidance on the procedures for processing allegations of abuse not supported by medical evidence. This guidance should contain clear instructions on how medical personnel should properly document allegations of abuse that are not further reported based on lack of medical evidence.

FIX/ACTION/CHANGE:

Fix:

Action:

Change:



OPR: OSD
OCR: Army

K-11 "Use of Translators"

PROBLEM

(U) Site Visits to OEF, GTMO and OIF - Translators used during medical intakes and other clinic visits were also used by MI staff during interrogations.

RECOMMENDATION

(U) CFLCC guidance, regulations, and standards in relation to detainee healthcare, to OEF and OIF theaters, should be standard across the AOR, consistent with DoD guidance, and disseminated to the lowest levels. (U) Prior to the onset of operations, combat or humanitarian, dedicated translators must be embedded within level III healthcare units, for use by medical assets only. (U) OIF medical commanders should ensure medical assets are in place, and have a viable system to replenish them when necessary, at level I or II facilities that have significant detainee contact. (U) To ensure that medical information is protected, translators assisting medical personnel with detainee care should not assist interrogators who question the same detainees.

FIX/ACTION/CHANGE:

Fix:

Action:

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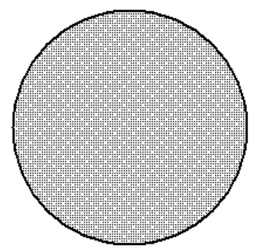


OPR: OSD
OCR: CENTCOM

JS AMNESTY/CCR 1858

K-12 "Available Assets - EPW Medical Care"

PROBLEM

(U) OIF Theater Preparation for Detainee Medical Care - There were limited assets allocated to provide support for detainee/EPW medical care.

RECOMMENDATION

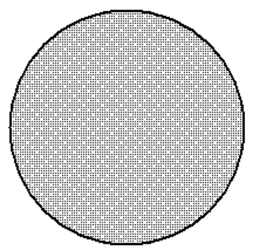
(U) The AMEDD should establish an experienced SME team to: 1) comprehensively define the personnel, equipment and supply needs for detainee operations, 2) develop a method to ensure a flexible delivery system for these special resources to the appropriate levels of care and for the entire timeline of future military operations. (U) Military planners need to assume that there is a high likelihood for detainee operations in all future conflicts and must allocate resources for detainee medical care in the planning process.

FIX/ACTION/CHANGE:

Fix:

Action:

Change:



OPR: OSD
OCR: CENTCOM / Army

JS AMNESTY/CCR 1859

K-13 "Standardized Guidance – Med Screening"

PROBLEM

(U) Medical Screening and Sick Call at the DIF's and Prisons lacks standardized guidance.

RECOMMENDATION

(U) DA guidance (DoD) level is preferable) should: 1) require initial medical screening examinations upon in processing to a detention facility, daily access to medical care for all detainees, and appropriate training, 2) daily access to medical care for all detainees. (U) All military personnel must be trained on the above policy and demonstrate competency.

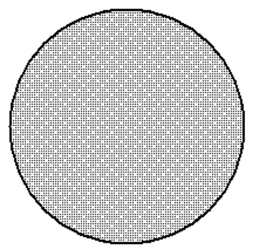
OPR: OSD
OCR: Army

FIX/ACTION/CHANGE:

Fix:

Action:

Change:



K-14 "Restraints"

PROBLEM

(U) Restraints/Security - The use of physical restraints for detainees lacks specific guidance.

RECOMMENDATION

(U) DA guidance (DoD) level is preferable) should 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 restraint. Medical personnel must be trained on this guidance, with follow-up competency evaluations. (U) Use of restraints on any patient should be appropriately documented in the medical record. (U) All facilities providing level II of III care should be appropriately supplemented with MPs dedicated to provide detainee security.

FIX/ACTION/CHANGE:

Fix:

Action:

Change:

OPR: OSD
OCR: Army

K-15 "Photographing Detainees"

PROBLEM

(U) Medical Personnel Photographing Detainees - There are inconsistencies among AR's, individual unit guidance, and usual medical practices regarding photographing detainees.

RECOMMENDATION

(U) DA guidance (DoD level is preferable) should: 1) authorize photographing detainee patients for the exclusive purpose of including these photos in medical records, and not require informed consent for photographs used in this manner, 2) Mandate that photographers of detainees taken by medical personnel for other reasons, including future personal education material, research, or unit logs, must first have informed consent from the detainee. (U) Guidance for the above should be included in AR 190-8, which is currently under revision.

FIX/ACTION/CHANGE:

Fix:

Action:

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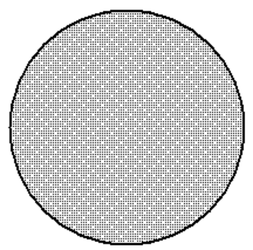

OPR: OSD
OCR: Army

K-16 "Use of BSCT"

PROBLEM

(U) Use of Behavioral Science Consultation Teams (BSCT) in the Interrogation Process - Conflicts surfaced involving the lack of SOPs, policy and guidance on how to function in the BSCT role.

RECOMMENDATION

(U) DoD develop well-defined doctrine and policy for the use of BSCT members. (U) DA policy should permit only BSCT personnel to participate in interrogation planning. (U) Psychiatrists/physicians should not be used in a BSCT role. (U) All psychologists and behavioral health technicians serving in BSCT positions should receive structured training on the roles and responsibilities while functioning in this capacity. (U) MI personnel should clearly understand the defined roles, responsibilities and limitations of behavioral health personnel serving in a BSCT position. (U) All psychologists utilized as BSCT members should be senior, experienced personnel.

FIX/ACTION/CHANGE:

Fix:

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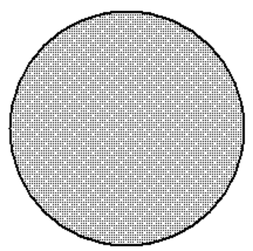

OPR: OSD
OCR: Army / USD(I)

K-17 "Participation in Interrogation"

PROBLEM

(U) Medical Personnel Interactions with Interrogators - On rare occasions, medical personnel participated in interrogations occurring in OIF at units providing level I or II care.

RECOMMENDATION

(U) DA guidance (DoD level is preferable) should: 1) prohibit all medical personnel from participating in interrogations. This includes medical personnel with specialized language skills serving as translators, 2) empower medical personnel to halt interrogations when any examinations or treatment is required. (U) All military personnel should be trained on the above recommendations. (U) Scenario training is highly recommended. (U) Follow-on competency evaluations should be incorporated into all training guidance and plans.

FIX/ACTION/CHANGE:

Fix:

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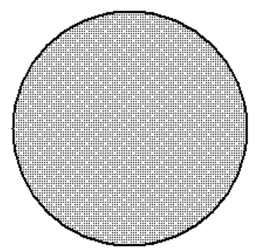

OPR: OSD
OCR: Army

K-18 "Stress on Medical Personnel"

PROBLEM

(U) Stress on Medical Personnel Providing Detainee Medical Care - Medical personnel must be prepared for the psychological aspects of providing detainee care.

RECOMMENDATION

MEDCOM should establish an experienced SME Team comprised of a psychiatrist, a psychologist, clinical representation from all levels of care, and include representation from a Chaplain. The team should: 1) comprehensively define the training requirements for medical personnel for inclusion into their pre-deployment preparation, 2) consider revising CSC doctrine to effectively deliver support to medical personnel in theater. 3) develop an effective system to regularly monitor post deployment stress, 3) refine leadership competencies to assess, monitor and identify coping strategies of medical personnel in a warfare environment. (U) AMEDDC&S should develop the training content defined by the above team. The above team should approve the content. The training should include ethical dilemmas medical personnel face and the emotional aspects in providing care to insurgents and detainees. (U) MEDCOM should assure post deployment mental health assessment of medical personnel and provide follow-up care.

OPR: Army

OCR:

FIX/ACTION/CHANGE:

Fix:

Action:

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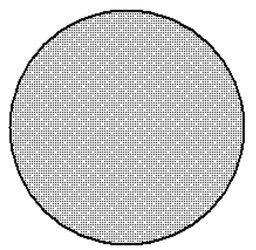


K-19 "JRTC – Quality of Training"

PROBLEM

(U) Joint Readiness Training Center (JRTC) - JRTC observer controllers expressed concerns that there were no selection criteria to serve as an OC and it impacts on the quality of training.

RECOMMENDATION

(U) Establish a SME team comprised of expertise from clinicians to develop the tasks and framework to formalize the training program. The framework should encompass all levels of care, from point of capture to care in the detention facility. (U) The above team should assess the current training, specifically the scenarios to determine training deficiencies and determine the best practices in improving the quality of training as it relates to detainee medical care. (U) Since AMEDD personnel must be prepared to provide care across the entire healthcare spectrum in theater, from the point of capture and collection point to the prison facilities, the training content should be developed by medical personnel with exceptional knowledge of detainee care. Additionally, the team should be comprised of representation from JAG, a medical ethicist, and subject matter experts serving in the prison healthcare system. The team members should develop the content and the JRTC medical OCs should facilitate. (Recommendation continues- see 19-2)

OPR: Army

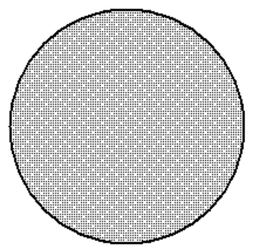
OCR:

FIX/ACTION/CHANGE:

Fix:

Action:

Change:



JS AMNESTY/CCR 1866

K-20 "NTC-Update Med Training"

PROBLEM

(U) National Training Center (NTC) - NTC has evolved to mirror the ITO in battlefield causing the need to update medical training.

RECOMMENDATION

(U) Add a detainee medical operations specific task to the Expert Field Medical Badge task list. (U) Add detainee medical operations into combat lifesaver training - the true first interface between the fighting force medical provider and the detainee. (U) Commanders need to incorporate detainee medical operations into the METL.

FIX/ACTION/CHANGE:

Fix:

Action:

Change:

OPR: Army
OCR:

JS AMNESTY/CCR 1867

K-21 "PPPs – Lack of Sufficient Training"

PROBLEM

(U) Power Projection Platforms (PPP) - PPPs lack sufficient training to educate medical personnel deploying to a detainee healthcare mission in theater.

RECOMMENDATION

(U) PPPs need to ensure medical personnel deploying are able to use their time at the training site to prepare for their upcoming mission. They should not be tasked with non-training missions unless a quantifiable training effect can be assessed from such medical care. (U) PPP's need to make their training "theater-specific to ensure Soldiers processing through are adequately informed of any unique theater challenges or dangers. (U) Geneva Conventions/Law of War training needs to be improved upon by reflecting current rules of engagement and ethical challenges facing Soldiers. (U) Units should still bear the responsibility of training Soldiers on detainee medical records.

FIX/ACTION/CHANGE:

Fix:

Action:

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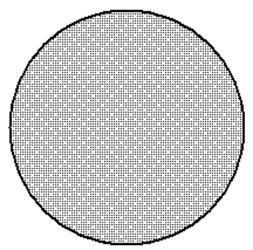

OPR: Army
OCR:

JS AMNESTY/CCR 1868

K-22 "CRCs – Insufficient Training"

PROBLEM

(U) CONUS Replacement Centers (CRC) - CRCs do not provide classes on the generation, collection and storage of detainee medical records or on reporting detainee abuse.

RECOMMENDATION

(U) CRCs need to look at opportunities to expand current detainee operations training to include more comprehensive teachings on reporting suspected or actual detainee abuse. (U) Geneva Convention/Law of War training needs to be improved upon by reflecting current rules of engagement and ethical challenges facing Soldiers and use a scenario based component to enhance learning modalities. It needs to emphasize reporting suspected or actual abuse. (U) Units should still bear the responsibility of training soldiers on detainee medical records.

FIX/ACTION/CHANGE:

Fix:

Action:

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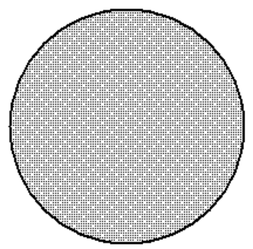

OPR: Army
OCR:

K-23 "EAIT Training"

PROBLEM

(U) Military Intelligence Training - The Enhanced Analysis and Interrogation Training (EAIT) course was established as an advanced course for Human Intelligence Collectors and Intelligence Analysts who would be working at the GTMO detention facility. The curriculum for the EAIT course is very dynamic, and rather than being driven by doctrine, as is the 97 E training, it appears to be driven by the leadership needs at GTMO for their ever-changing personnel staffing need/desires.

FIX/ACTION/CHANGE:

Fix:

Action:

Change:

RECOMMENDATION

(U) DA, or preferably DoD, should exercise oversight in the revision of current interrogation training doctrine to ensure compatibility with the Geneva Conventions, the Law of War, and all policies that apply to medical personnel.

OPR: OSD
OCR: Army

JS AMNESTY/CCR 1870

OSD & Detainee Affairs Task Updates

For DLSOC scheduled April 28, 2005

Status Definitions

- Green: Recommend Closure
- Amber: Approved Action
- Plan/Work In Progress
- Red: No Action/No Progress/Pending RFI
- Blue: Intent met – additional tracking required.
- No Fill/White: Recommend Reassignment of Lead

NOTE: Black Titles - Briefing for the first time
Blue Titles - Status change

Issue Title (Prison Responsibility): R-001 Ryder Near-term, Item 1a, pg 13

(U) <u>RECOMMENDATION / OBSERVATION</u>:

CPA MOJ Prisons Department identify clearly which facilities are or will be a part of the MOJ vice the MOI Include in this plan staffing instructions specifically identifying levels of authority, duties and pay scales for all confinement personnel. Establish memorandums of agreement between MOI and MOJ delineating each ministry's ability to utilize the other's facilities and which clearly identifies each other's responsibilities.

<u>(U) FIX / ACTION / CHANGE:</u>

Fix: Identify prisons and correctional facilities.

Action: ID proper facility and authority.

Change: Ends uncertainty.

~~(S//NF)~~ <u>CURRENT ASSESSMENT:</u>

(b)(1),(b)(5)

OPR: OSD
OCR: OSD - DOJ

JS AMNESTY/CCR 1873

Issue Title (Hiring Corrections Experts): R-002 Ryder Near-term, Item 1b, pg 14

(U) <u>RECOMMENDATION / OBSERVATION</u>:

Emphasis should be placed upon hiring the corrections experts who will assist in the development and transition of the Iraqi Correctional System. Allowing the CPA Prisons Department Staff to direct recruit or contracting with a corrections management company rather than relying on DOJ may be a more expeditious answer, at least for the training staff.

(U) <u>CURRENT ASSESSMENT:</u>

Being done but not as MG Ryder described. DoJ/State using USG assets and personnel are working with Iraqi MOJ/MOI.

OPR: OSD
OCR: OSD – DoJ/State

<u>(U) FIX / ACTION / CHANGE:</u>

Fix: Hire corrections experts.

Action: DoJ is hiring corrections experts viz. their "grand strategy" and development operations.

Change: Currently 107 DoJ personnel are working at six facilities in Iraq and growing.

JS AMNESTY/CCR 1874

Issue Title (Location of the Iraqi Correctional System HQ and the CPA Prisons Department): R-003 Ryder Near-term, Item 1c, pg 14

(U) <u>RECOMMENDATION / OBSERVATION</u>:

The Iraqi Correctional System HQ and the CPA Prisons Department need to be co-located or together more than periodically to facilitate training of the Iraqi leadership as much as possible, involving them in the restoration process. Sending the highly recruited Iraqi Correctional System Director to training in management, ethics, accounting and strategic planning will assist in the transition process, increase the perceived importance and make the position more desirable.

(U) <u>CURRENT ASSESSMENT:</u>

- DoJ implementing solution to a similar finding as part of its "grand strategy" in developing justice sector assets in Iraq. Recommend closure.

OPR: OSD
OCR: OSD-DOJ/STATE

<u>(U) FIX / ACTION / CHANGE:</u>

Fix: Co-locate correctional HQ and Prisons Department.

Action: Justice incorporated a similar finding as part of grand strategy – DOJ working with MOJ in Iraq.

Change: Recruitment ongoing.

Issue Title (Operations and Budget Policy based on National Plan): R-004 Ryder Near-term, Item 1d, pg 14

(U) RECOMMENDATION / OBSERVATION:

Policy both operational and budget should be based on a national plan, which is centrally developed and managed, but locally administered to fit the needs of the region where it is being employed.

(U) FIX / ACTION / CHANGE:

Fix: Need national plan.

Action: Develop a comprehensive plan.

Change: National plan to address varying needs of regions.

(U) CURRENT ASSESSMENT:

- DoJ/State implementing national plan to address justice sector issues. Budgeting for development of Iraqi assets (by region) is part of that plan. Justice is addressing issues and OSD is satisfied. Recommend closure or "blue" status.

OPR: OSD

OCR: OSD – DoJ/State

Issue Title (Ensure Adequate Force Requirements): R-007 Ryder Mid-term, Item 2a, pg 14

(U) RECOMMENDATION / OBSERVATION:

Once full staffing is achieved at the CPA MOJ Prisons Department, or even when the next thirty-four priority hires are complete, determine if military staff augmentation is necessary. By conducting an actual staffing requirements analysis, force requirements can be anticipated and a time line created for transition from military to civilian control that corresponds with the rotation plans of outgoing and incoming units.

(U) CURRENT ASSESSMENT:

No longer applicable. Request closure. Justice is addressing staffing and training requirements for correctional facilities.

(U) FIX / ACTION / CHANGE:

Fix: Manage civilian staffing requirements in light of military assets.

Action: Hire staff as needed and train properly.

Change: Military not primarily responsible for MOJ-related activity.

OPR: OSD
OCR: OSD – DoJ/State

Issue Title (Develop Standard for Training to Ensure for Safe and Secure Operations):R-008 Ryder Mid-term, Item 2b, pg 14

(U) RECOMMENDATION / OBSERVATION:

Develop a standard issue for safe and secure operations of prison facilities. Take into account that the current threat environment may necessitate a more robust arsenal that may not be required once the country stabilizes. Training on all weapons and tactics to be used must be a substantial block of instruction at the corrections academy. Training records for employees should be developed with copies sent to the facility where a cadre is assigned and one maintained in a central personnel repository.

(U) CURRENT ASSESSMENT:

- Justice disagrees with keeping a "personnel registry," but is working with Iraqi MOI (Corrections) to address "records" issue and other administrative matters associated with operating facilities. Force training is being handled by Army and the COCOM.

(U) FIX / ACTION / CHANGE:

Fix: Develop standards.

Action: Assess threat and develop appropriate force to mitigate. Training records for employees should be monitored.

Change: Justice is developing program for monitoring employee training.

Issue Title (Monitoring Pay Issues and Contracts): R-009 Ryder Mid-term, Item 2c, pg 15

(U) RECOMMENDATION / OBSERVATION:

Within the budget cycle, each of the ministries should submit a validated budget to MOF who would then fund the appropriate portions of the individual Ministry budgets. The funding should go to the specific ministry to be managed by that ministry and sent to the regional MOJ areas to achieve the objectives of the ministries national plan. In this way pay issues can be avoided and contracts can be monitored and paid in such a way as to provide contractor accountability to the MOJ.

(U) CURRENT ASSESSMENT:

- Emb. Baghdad addressing the issue; Justice believes that corruption is endemic to Iraq Gov't. Justice reviews contracts in Washington, D.C.; action item for PC/DC level for solution.

OPR: OSD

OCR: OSD-DoJ/State

(U) FIX / ACTION / CHANGE:

Fix: Improve accountability.

Action: Better accountability mechanisms to ensure money allocated to ministries are properly appropriated.

Change: Being addressed by the DC/PC level.

JS AMNESTY/CCR 1879

Issue Title (Location of Correction Officials): R-011 Ryder Mid-term, Item 2e, pg 15

(U) RECOMMENDATION / OBSERVATION:

Recruit and place civilian correctional administrators at each of the Iraqi Detention Operations to providing mentoring/oversight and hire sufficient personnel or contract to operate Iraqi Correctional Officer Training Academies.

~~(S)~~ FIX / ACTION / CHANGE:

(b)(1),(b)(5)

(U) CURRENT ASSESSMENT:

Justice assets in Iraq are directly addressing similar activity by providing expert training and mentoring. Activity is ongoing.

OPR: OSD

OCR: OSD – DoJ

Issue Title (Unified Facility): R-012 Ryder Long-term, Item 3a, pg 15

(U) RECOMMENDATION / OBSERVATION:

Abu Ghraib Prison complex (i.e., Baghdad Central Correctional Facility) should be the center piece of both the military mission and the eventual transfer of facilities to Iraqi control for their criminal justice system, until the new US $100 Million facility is built to International Standards at a new location. Abu Ghraib should continue in operation to help meet anticipated future bed space requirements.

~~(S)~~ CURRENT ASSESSMENT:

(b)(1),(b)(5)

~~(S)~~ FIX / ACTION / CHANGE:

(b)(1),(b)(5)

OPR: OSD
OCR: OSD

Issue Title (Transfer of Detention Operations to the ICF): R-013 Ryder Long-term, Item 3b, pg 15

(U) RECOMMENDATION / OBSERVATION:

Transition operations at all Iraqi detention/prison facilities to the Iraqi Correctional Force with oversight by CPA MOJ Prisons Department.

(U) CURRENT ASSESSMENT:

- The main focus of Justice's national plan is to achieve this goal. Interagency actively working to develop Justice reforms. ODA has developed timeframe and milestones for NSC.

OPR: OSD
OCR: OSD-DoJ/State

~~(S)~~ FIX / ACTION / CHANGE:

Fix: Transition operations at all Iraqi detention/prison facilities to the Iraqi Correctional Force with oversight by CPA MOJ Prisons Department.

(b)(1)

Issue Title (Unified Facility): R-014 Ryder Long-term, Item 3c, pg 15

(U) RECOMMENDATION / OBSERVATION:

Complete construction of the 4 regional prisons is necessary to provide initial post trial capacity. A strategic plan for additional prison construction is required.

~~(S)~~ FIX / ACTION / CHANGE:

(b)(1)

(U) CURRENT ASSESSMENT:

- Justice rejects as their responsibility. Cite that DoD primarily responsible for construction projects in Iraq. Request reassignment to COCOM.

OPR: OSD
OCR: OSD – DoJ/State

JS AMNESTY/CCR 1883

Issue Title (Training for Iraqi Correctional Officers): R-021 Ryder Near-term, Item 1g, pg 20

(U) RECOMMENDATION / OBSERVATION:

Continue to conduct training for the Iraqi correctional officers in basic confinement tasks, both in Baghdad and at remote locations.

(U) CURRENT ASSESSMENT:

- Justice is handling this as part of it's national strategy. Recommend Closure.

(~~S~~) FIX / ACTION / CHANGE:

(b)(1)

OPR: OSD
OCR: OSD – DoJ/State

Issue Title : R-023 Lack of Judicial Process for Detianees

(U) RECOMMENDATION / OBSERVATION:

CPA MOJ must direct the court to go to the facilities to expedite the judicial process, temporarily.

(U) CURRENT ASSESSMENT:

- Justice has developed its own plan for expediting criminal prosecution. Recommend closure.

OPR: OSD
OCR: OSD – DoJ/State

~~(S)~~ FIX / ACTION / CHANGE:

(b)(1)

Issue Title (Hardware for BATS): R-028 Ryder Mid-term, Item 2a, pg 21

(U) RECOMMENDATION / OBSERVATION:

CPA with MOJ should purchase the necessary badge printers, card readers and additional hardware for the SATS or similar system, and positively identify contractors and workers as they enter the facilities. The system can also be used to bar personnel from the facilities. Annex E has a draft screening SOP. BATS Fielding Plan, and Badging Matrix that can be adapted for this theater.

(U) CURRENT ASSESSMENT:

- Money is allocated – ID cards are being issued. Request Closure.

OPR: OSD
OCR: OSD – Justice

~~(S)~~ FIX / ACTION / CHANGE:

(b)(1)

JS AMNESTY/CCR 1886

Issue Title (Facility SOPs/Visitation): R-029 Ryder Mid-term, Item 2b, pg 21

(U) <u>RECOMMENDATION / OBSERVATION</u>:

CPA with MOJ should further develop each facility SOP to delineate all procedures for visitation to include literature to be given to the families of the detainees explaining the rules of the facility during visitation to help expedite this process as well as significantly reduce the amount of contraband being trafficked during visitation.

(U) <u>CURRENT ASSESSMENT:</u>

Request closure. Justice believes problem resolved and effective SOP's are in place.

OPR: OSD
OCR: OSD – DoJ/State

<u>(U) FIX / ACTION / CHANGE:</u>

Fix: MOJ should develop each facility SOP to delineate all procedures for visitation

Action: DOD has addressed this issue and fixed same for DOD facilities. MOJ should do same for the Iraqi facilities.

Change: Ensure appropriate visitation procedures in place for Iraqi detention facilities

Issue Title (Emergency Action Plan): R-030 Ryder Mid-term, Item 2c, pg 21

(U) RECOMMENDATION / OBSERVATION:

CPA and MOJ should work hand in hand with the current MP units within the facilities to develop an Emergency Action Plan (EAP) that not only delineates where weapons are stored but how they will be employed during an emergency within the facility.

~~(S)~~ FIX / ACTION / CHANGE:

(b)(1)

(U) CURRENT ASSESSMENT:

- Request closure. Justice has own civil action team for crises at detention facilities operated by Iraqis.

OPR: OSD
OCR: OSD – DoJ/State

JS AMNESTY/CCR 1888

Issue Title (Iraqi Run Programs): R-034 Ryder Mid-term, Item 2g, pg 22

(U) RECOMMENDATION / OBSERVATION:

With the assistance of the CPA allow the National Public Safety Training Academy and Regionalized In-Service Training Programs to transition more towards exclusively Iraqi run and continue to develop a more comprehensive tiered training Program of Instruction.

~~(S)~~ FIX / ACTION / CHANGE:

(b)(1)

~~(S)~~ CURRENT ASSESSMENT:

(b)(1)

OPR: OSD

OCR: OSD – DoJ/State

Issue Title (Lack of Instruction for Correctional Officers): R-035 Ryder Mid-term, Item 2h, pg 22

(U) RECOMMENDATION / OBSERVATION:

CPA and the MOJ must continue to further develop a more comprehensive tiered training Program of Instruction. This plan should include a method of increasing the graduation rate to meet the system cadre requirements. Allow the CPA and MOJ to plan a more comprehensive training program with input from the Iraqi Correctional Officers currently employed to help the Iraqi people feel that they are apart of the building of their future as well as what the follow-up training requirements should be. This plan should allow for a reduced estimated timeline for the end-state of the in-service training requirement to encompass more than the original 30,000 correctional employees.

(U) CURRENT ASSESSMENT:

- Justice & DoD training correctional personnel.

(U) FIX / ACTION / CHANGE:

Fix: Iraqi's run their own prisons.

Action: Train Iraqis to run their prisons.

Change: Justice developed national strategy for training more corrections personnel.

OPR: OSD
OCR: OSD – DoJ/State

JS AMNESTY/CCR 1890

Issue Title:
R-038 – Lack of Emergency Funds

(U) RECOMMENDATION / OBSERVATION:

Lack of Emergency Funds for each of the facilities to ensure adequate construction. Identify emergency funds to complete construction of regional facilities for sentenced detainees. Conduct a survey of current facility capacities to determine future facility housing requirements.

(U) CURRENT ASSESSMENT:

- This recommendation is OBE. DoD is dealing with reconstruction costs/building projects for both AF and IZ. Justice is working with DoS and DoD on this issue through the NSC. DC decision to build PEC IV in AF moving forward and in final decision stage. Construction in Iraq is next item and will need to interface with Justice plan.

~~(S)~~ FIX / ACTION / CHANGE:

(b)(1),(b)(5)

OPR: OSD
OCR: OSD – DoJ/State

JS AMNESTY/CCR 1891

Issue Title (Clarity in Visitation Policy): R-039 Ryder Long-term, Item 3a, pg 22

(U) RECOMMENDATION / OBSERVATION:

CPA with MOJ should work together with the families of the detainees to identify any questions they may have regarding visitation this will facilitate a better relationship between the Iraqi Department of Corrections and the local community.

~~(S)~~ FIX / ACTION / CHANGE:

(b)(1),(b)(5)

(U) CURRENT ASSESSMENT:

Request closure. Justice is working with MOJ to develop policy similar to DoD visitation policy for Iraqi run facilties.

OPR: OSD
OCR: OSD - Justice

Issue Title (SOPs Translated into Arabic/Correctional Training in the ICS): R-043 Ryder Long-term, Item 3e, pg 23

(U) RECOMMENDATION / OBSERVATION:

Through the combined effort of the CPA and the MOJ they should continue to work conjointly to continue the further development of a more comprehensive and consistent method of running all of the facilities by having all SOPs translated into Arabic and added as part of the In-Service portion of the correction training program to assist in the transformation of control of each facility to the Iraqi Correctional System.

(U) CURRENT ASSESSMENT:

Part of Justice development of SOP's for Iraqi facilities. Request closure.

(U) FIX / ACTION / CHANGE:

Fix: Need SOP's.

Action: Develop SOP's.

Change: Justice developing a national strategic plan, including the development of facility SOP's.

OPR: OSD
OCR: OSD - Justice

Issue Title (Application versus Training ICS): R-044 Ryder Long-term, Item 3f, pg 23

(U) RECOMMENDATION / OBSERVATION:

Conduct an annual assessment of the quality of training provided by the National Public Safety Training Academy and Regionalized In-Service Training Programs to identify any trends in application verses training that may be beneficial to future trainees.

(U) CURRENT ASSESSMENT:

- Annual assessment completed by Justice. Recommend closure.

(U) FIX / ACTION / CHANGE:

Fix: Need annual assessment.

Action: Conduct assessment.

Change: Justice has conducted necessary assessments to identify trends and is updating training as they believe appropriate.

OPR: OSD
OCR: OSD-Justice

JS AMNESTY/CCR 1894

Issue Title (Quality of Training ICS): R-045 Ryder Long-term, Item 3g, pg 23

(U) <u>RECOMMENDATION / OBSERVATION</u>:

Conduct an annual assessment of the quality of training programs to identify any trends in application verses training that may be beneficial to future trainees. And make the necessary adjustments to the training programs to ensure that not only the initial training is of quality but also the mid-level and upper level management training programs are consistent with the ever changing Iraqi Correctional System.

(U) <u>CURRENT ASSESSMENT:</u>

- 24/7 oversight in place by Justice. Request closure.

(U) <u>FIX / ACTION / CHANGE:</u>

Fix: Need SOP's.

Action: Develop SOP's.

Change: Justice developed national plan – included as part is SOP's for facility operation.

OPR: OSD
OCR: OSD - Justice

JS AMNESTY/CCR 1895

Issue Title (Contract Oversight): R-046 Ryder Long-term, Item 3h, pg 23

(U) RECOMMENDATION / OBSERVATION:

CPA and MOJ must establish statements of work (written contracts) for the contractors and effectively manage the work that is contracted.

(U) FIX / ACTION / CHANGE:

Fix: Need better oversight over contracting.

Action: Exercise oversight.

Change: Justice reviewing all contracts.

(U) CURRENT ASSESSMENT:

Request closure. Justice believes problem solved – Contracting oversight conducted by DoJ in Washington.

OPR: OSD
OCR: OSD – DoJ/State

Issue Title (Hearings/Transportation of Detainees): R-047 Ryder Long-term, Item 3i, pg 23

(U) <u>RECOMMENDATION / OBSERVATION</u>:

The MOJ must develop a plan with the CPA that will allow for the hearings to be conducted at or near the correctional facilities to decrease transportation requirements and speed up the legal process. Furthermore, where possible, establish future court buildings adjacent to these facilities to decrease the transportation requirements. Establish a transportation section within the Iraqi, Department of Corrections with the sole purpose of transportation of detainees.

(U) <u>CURRENT ASSESSMENT:</u>

Continuing concern – part of the national strategy for Justice.

(U) <u>FIX / ACTION / CHANGE:</u>

Fix: Need hearings conducted in closer in proximity to correctional facilities.

Action: Need dedicated corrections transportation.

Change: Justice assessing this recommendation on a daily basis.

OPR: OSD
OCR: OSD - Justice

Issue Title (Allocation of Funds): R-048 Ryder Long-term, Item 3j, pg 23

(U) RECOMMENDATION / OBSERVATION:

CPA along with the MOJ must develop a plan that will allocate funding for the construction of additional Regional facilities to meet capacity requirements.

(U) CURRENT ASSESSMENT:

- Justice believes it is being done by DoD. Need more information as to who is responsible for appropriating the funds and overseeing the construction projects.

OPR: OSD
OCR: OSD – DoJ/State

(S) FIX / ACTION / CHANGE:

(b)(1),(b)(5)

Issue Title (Policy):

R-055 Align the Release Process of Security Internees

(U) RECOMMENDATION/OBSERVATION

The release process for security internees is not consistent with DoD Policy.

(U) CURRENT ASSESSMENT:

USD (P) will coordinate with OSD, Army and other service components to harmonize policies and issue new guidance viz. 23120.1 and AR 190-8.

(U) FIX/ACTION/CHANGE:

Fix: Policy alignment required

Action: Align policy

Change: Issue new DoDD directives and rewrite 190-8 to reflect changes

OPR: USD(P)
OCR: USD(P)

Issue Title (Iraqi Criminals to ICS): R-067 Ryder Long-term, Item 3, pg 31

(U) RECOMMENDATION / OBSERVATION:

Ultimately all criminal detainees should be handed over to the Iraqi criminal system with monitoring and oversight performed by representatives from the CPA advisory staff. U.S. forces will solely be responsible for the internment of high value detainees and security internees until such a time as they have all been screened and released or other determination is made as to their status.

~~(S)~~ FIX / ACTION / CHANGE:

(b)(1),(b)(5)

~~(S)~~ CURRENT ASSESSMENT:

(b)(1),(b)(5)

OPR: OSD
OCR: OSD - Justice

Issue Title (Effective Judicial System): R-068 Ryder Near-term, Item 1a, pg 34

(U) RECOMMENDATION / OBSERVATION:

The success of the Iraqi prison system (IPS) is dependent upon the integrated and strategic planning through several phases of transition from military to Coalition Provisional Authority, to a self-sufficient Iraqi system. There are several main themes essential to the effective strategic planning for these transformations. System capacity, personnel plans and requirements, among these central themes. Attention to each of the interactive parts of the justice system is required for eventual effective transfer of the prison operations to an independent system.

(U) CURRENT ASSESSMENT:

Similar finding part of National Strategy.

~~(S)~~ FIX / ACTION / CHANGE:

(b)(1),(b)(5)

OPR: OSD
OCR: OSD - Justice

Issue Title (Magistrate Hearings): R-069 Ryder Near-term, Item 1b, pg 34

(U) RECOMMENDATION / OBSERVATION:

The courts must begin processing larger numbers of magistrate hearings. These initial hearings could be conducted at the prison sites. Transportation and security requirements are greatly reduced and attendant force protection and security requirements can be better identified.

~~(S)~~ FIX / ACTION / CHANGE:

(b)(1),(b)(5)

(U) CURRENT ASSESSMENT:

- Part of Justice national strategy. Working to improve capability of justice system to process cases.

OPR: OSD
OCR: OSD - Justice

Issue Title (Integration of IZ Leadership in Corrections System):R-070 Ryder Near-term, Item 1c, pg 34

(U) RECOMMENDATION / OBSERVATION:

Full integration of the Iraqi leadership in the planning and development of the corrections system and other areas of the Justice System is essential to comprehensive strategic planning. The weekly meeting should consider refocusing their discussions on policy, budget, planning, benchmarking and quality checks related to those benchmarks. Attendance should include only the stakeholders from the Prisons Department, Courts, Juvenile System Police, and their Iraqi counterparts. Weekly reports from the facility locations could be sent the day prior for discussion as part of a specific agenda. Educating the Iraqi system's eventual leadership in areas of system management, operations, security, custody, and control techniques is also necessary. There are several very good international corrections management-training locations available (fore example, Kings College of England or the National Institute of Corrections). The system leadership should become involved in national and international corrections associations as a resource for information and future assistance. Planning and implementation must be an integrated process between the military, CPA and the emerging Iraqi Prison System.

(U) CURRENT ASSESSMENT:

Continual process. Senior advisors to MOI in country and working to resolve training issues. Justice has included similar finding as part of national strategy.

(U) FIX / ACTION / CHANGE:

Fix: Need weekly meetings on strategic development of justice sector issues.

Action: Having meetings as needed.

Change: Justice developing national strategy – has advisors in Iraq to address issue directly.

OPR: OSD
OCR: OSD - Justice

JS AMNESTY/CCR 1903

Issue Title (Self-Sustainment by ICS): R-071 Ryder Near-term, Item 1d, pg 35

(U) RECOMMENDATION / OBSERVATION:

Facility supervisory transitions cannot be driven by when a facility is "certified ready," but military necessity provides the first benchmark from which all other points of transition (training pace, facility renovation schedule and Iraqi prison personnel employment within the facilities) flow. There will be a natural tendency towards extended reliance on the military assets, however, planning must be accomplished on pace with the rotation rhythm of the military assets. To do otherwise creates potential for a lethargic dependency and gaps is coverage, both of which will slow the progress of the immerging system. CPA MOJ Prisons Department and 800th MP BDE planners should meet weekly, following the general Prison meeting, to integrate transition plan away from the military presence to CPA and an independent self-sustaining system.

(U) FIX / ACTION / CHANGE:

OBE.

(U) CURRENT ASSESSMENT:

OBE. Military conducting force protection operations outside the facilities and DOJ is operating inside the facilities.

OPR: OSD

OCR: OSD - Justice

Issue Title (Required Number of ICS Officers): R-073 Ryder Mid-term, Item 2b, pg 35

(U) <u>RECOMMENDATION / OBSERVATION</u>:

CPA MOJ should conduct a staffing analysis, based upon the Iraqi cultural patterns. Once a required number of correctional officers is established, CPA should prioritize staff efforts to recruit and train, similar to those actions being taken with the Iraqi police. This becomes critical as the reconstruction projects are completed at the larger regional correctional facilities.

(U) <u>CURRENT ASSESSMENT:</u>

- Justice national strategy. Conducting necessary evaluation to determine appropriate staffing.

OPR: OSD
OCR: OSD - Justice

<u>(U) FIX / ACTION / CHANGE:</u>

Justice addressing in national strategy.

Issue Title (Training Capacity for IIG Corrections): R-074 Ryder Mid-term Item 2c, pg 35

(U) RECOMMENDATION / OBSERVATION:

Background checks are a critical aspect of the prison employment process. The potential for abuse, corruption and threat to public safety is such that extreme attention must be paid. Due to the high number of cadre required, the length of the vetting process and the comprehensive training it is recommended that the training program must increase its graduation pace (i.e., greater capacity, not a shorter course). The training academy program should soon move from dependency upon military assets to a robust CPA program or consideration of a contract training program through one of the many companies who specialize in corrections training in order to meet present and future needs.

(U) CURRENT ASSESSMENT:

- To the extent training programs require, justice is conducting necessary checks and managing training programs.

(U) FIX / ACTION / CHANGE:

Justice addressing in national strategy.

OPR: OSD

OCR: OSD - Justice

Issue Title (Anticipated Criminal Population): R-075 Ryder Item 3, pg 35

(U) RECOMMENDATION / OBSERVATION:

We cannot overstate the importance of strategic planning in relation to anticipated criminal population trends and facility needs. The experience within the current CPA MOJ Prisons Department is clearly capable of accomplishing a prospectus of needs and a proposed strategic 10-30 year plan. The Iraqi Prison System leadership must be involved in the development process so that they may undertake the task independently upon the CPA's transition of authority to the new Iraqi government. The CPA MOJ Prisons Department should assist the Iraqi Prison System leadership to establish its own professional organization and relationships with other nations' corrections associations (e.g., The American Correctional Association, International Corrections and Prisons Association, etc.).

(U) CURRENT ASSESSMENT:

- National Justice Strategy.

~~(S)~~ FIX / ACTION / CHANGE:

(b)(1)

OPR: OSD

OCR: OSD - Justice

Issue Title (Medical Advisor): R-078 Ryder Near-term, Item 1c, pg 39

(U) RECOMMENDATION / OBSERVATION:

Retain the services of the military advisor to the MOH charged with overseeing the corrections health care system.

(U) FIX / ACTION / CHANGE:

Army Surgeon General and ASD(HA) are reviewing – final report pending.

(U) CURRENT ASSESSMENT:

- Being reviewed by Army OTSG, ASD(HA), final report pending.

OPR: OSD
OCR: OSD

JS AMNESTY/CCR 1908

Issue Title (MOH Health Care System): R-079 Ryder Near-term, Item 1d, pg 39

(U) <u>RECOMMENDATION / OBSERVATION</u>:

Conduct a hiring action retaining the services of a process action team (PAT) as discussed above. (MOH Health Care System)

<u>(U) FIX / ACTION / CHANGE:</u>

Army Surgeon General and ASD(HA) are reviewing – final report pending.

~~(S)~~ <u>CURRENT ASSESSMENT:</u>

Being reviewed by Army OTSG, ASD(HA), final report pending.

OPR: OSD
OCR: OSD

JS AMNESTY/CCR 1909

Issue Title (Health Care Consultant): R-080 Ryder Near-term, Item 1e, pg 40

(U) RECOMMENDATION / OBSERVATION:

Hire a full time corrections health care consultant to provide a correctional framework for the provision of health care, safety, and sanitation of the facilities. This individual would serve on the senior leadership team for the Department of Prisons.

(U) FIX / ACTION / CHANGE:

Army Surgeon General and ASD(HA) are reviewing – final report pending.

(U) CURRENT ASSESSMENT:

- Being reviewed by ASD(HA), Army OTSG, final report pending.

OPR: CENTCOM
OCR:

Issue Title (Policy to Replacement Units): R-081 Ryder Near-term, Item 1f, pg 40

(U) RECOMMENDATION / OBSERVATION:

Forward the health care policy to current and designated replacement units.

~~(S)~~ FIX / ACTION / CHANGE:

Fix: Forward health care policy to current and designated replacement units.

Action: Designated medical teams in MNF-I and CFC-A promulgate their policies and SOPs.

Change: Ensure that all incoming units are properly trained on medical policies and SOPs before working in the detention facilities.

(U) CURRENT ASSESSMENT:

- Request Closure.

OPR: CENTCOM
OCR:

Issue Title (Report/Review Program Progression): R-092 Ryder Long-term, Item 3c, pg 41

(U) RECOMMENDATION / OBSERVATION:

Annual review and report of program progression to the Ministry of Justice Department of Prisons and the Ministry of Health.

(U) FIX / ACTION / CHANGE:

None at this time.

(U) CURRENT ASSESSMENT:

- Army and ASD(HA) reviewing, final report pending.

OPR: OSD
OCR: OSD - Justice

JS AMNESTY/CCR 1912

Issue Title (Fire Safety): R-100 Ryder Mid-term, Item 2a, pg 44

(U) RECOMMENDATION / OBSERVATION:

Incorporate emergency operations planning onto the design of all prison renovations and new facility designs. Adequate fire suppression systems must be considered a high priority.

(U) CURRENT ASSESSMENT:

DoD PCO has addressed. Justice has developed policies and drills – even had a fire in which detainees were *bravely* evacuated by Justice personnel!

OPR: OSD
OCR: OSD - Justice

(S) FIX / ACTION / CHANGE:

Fix: Incorporate emergency operations planning onto the design of all prison renovations.

Action: Work with J4 and Safety to assess detention facility safety.

Change: Ensure the safety of U.S. personnel and detainees.

JS AMNESTY/CCR 1913

Issue Title (Detainee Training Program): R-108 Ryder Long-term, Item 3a, pg 45

(U) RECOMMENDATION / OBSERVATION:

Vocational and educational training programs should be initiated to assist detainees gain marketable skills and their transition back into society.

(U) FIX / ACTION / CHANGE:

None at this time.

(U) CURRENT ASSESSMENT:

- USD(P) disputes validity of finding and employing this program. Believe this is a nation building issue that must be addressed best addressed by the ITG.

OPR: USD(P)
OCR: USD(P)

Issue Title: R-110 – Mental Health

(U) RECOMMENDATION / OBSERVATION:

Mentally health services must be incorporated into the correctional health care model to appropriately manage mentally ill detainees.

~~(S)~~ FIX / ACTION / CHANGE:

Fix: Mental health services must be incorporated into the correctional health care model to appropriately manage mentally ill detainees.

Action: TF 115 has been put in place.

Change: Appropriate medical health services are available to mentally ill detainees, if needed.

(U) CURRENT ASSESSMENT:

- To the extent appropriate – being addressed by Justice/State with ITG.

OPR: OSD
OCR: OSD

JS AMNESTY/CCR 1915

Issue Title (Insufficient Resources to Improve the Iraqi Corrections and Court System): R-111 Ryder

(U) RECOMMENDATION / OBSERVATION:

(1) Near-term (a thru k). Recommendation Synopsis: Immediately hire trained staff in various disciplines to meet workload demand requirements. (2) Mid-term (a thru h). Recommendation Synopsis: Equip with the necessary assets and relax CPA policy positions in order to efficiently and effectively resolve performance issues. (3) Long-term (a thru c). Recommendation Synopsis: Implement the Position Model Plan, amend Iraqi Criminal Law and Procedures, where needed, and prepare to modify CPA orders, directives, policies, and procedures.

(U) CURRENT ASSESSMENT:

- Main focus of the national plan by Justice. Well along the way in rebuilding Iraqi civil/criminal justice system and "rule of law.

(U) FIX / ACTION / CHANGE:

National Plan – Justice/State

OPR: OSD
OCR: OSD – DoJ/State

JS AMNESTY/CCR 1916

Issue Title (Disconnect Between MOJ and MOF): R-113 Ryder Near-term, Item a, pg 49

(U) RECOMMENDATION / OBSERVATION:

Solve the disconnect between the Ministry of Justice and the Ministry of Finance by implementing an immediate change to the CPA orders/directives and operating procedure to require two signatures on any checks or two signatures on any directives for payment for physical improvements. One of the signatories should be the authorized representative of the Ministry of Finance of and the other signatory should be a representative of the Ministry of Justice. This would enable the Ministry of Justice to insure that the work had been done satisfactory before payment is made. As the process now exists, payment is made by an entity that has no direct interest in the outcome, quality or status of the work being performed.

(U) FIX / ACTION / CHANGE:

OBE.

(U) CURRENT ASSESSMENT:

OBE. No longer applicable. To the extent required – Justice is addressing through DC/PC level on broader finance/appropriations issues.

OPR: OSD

OCR: OSD - Justice

Issue Title (Hire Juvenile Programs Expert): R-116 Ryder Near-term, Item d, pg 50

(U) RECOMMENDATION / OBSERVATION:

CPA should hire a Juvenile Probation/Programs consultant/expert to assist in the development of a model juvenile probation program, placement program, placement options, treatment options and other related services and training therein.

(U) FIX / ACTION / CHANGE:

Justice is addressing in it's National Strategy for Iraq.

(U) CURRENT ASSESSMENT:

- Part of the National Strategy to rebuild the Iraqi criminal justice system includes a program for dealing with juvenile offenders.

OPR: OSD
OCR: OSD

Issue Title (Establish Anti-Corrupt Dept.): R-120 Ryder Near-term, Item h, pg 50

(U) <u>RECOMMENDATION / OBSERVATION</u>:

Identify and hire an individual to establish an Anti-Corruption/internal Affairs Department within the Ministry of Justice. While there will be trepidation on the part of the Minister of Justice, such action is necessary to restore and preserve the Iraqi people's confidence in the Justice system. It should be stressed to the Minister of Justice that such departments and procedures exist in all public agencies in the United States and is a critical factor in maintaining the integrity of the public offices and officers.

(U) <u>CURRENT ASSESSMENT:</u>

- Part of the anti-corruption group (Office of Public Integrity) efforts. Corruption endemic in Iraq – being addressed by MOJ, Justice, and Embassy Baghdad.

OPR: OSD

OCR: OSD-DoJ/State

<u>(U) FIX / ACTION / CHANGE:</u>

Justice's National Strategy attacks corrupt aspects of the Iraqi MOJ and the civil and criminal court systems.

Issue Title (Contract of Judicial Experts) : R-121 Ryder Near-term, Item i, pg 51

(U) <u>RECOMMENDATION / OBSERVATION</u>:

Establish a dialogue/relationship with the National Judicial College, the National Council of Juvenile and Family Court Judges, the International Association of Juvenile and Family Court Judges, and other public organizations which specialize in Judicial Education, Judicial Administration and Operations with a goal toward contracting with experts/consultants on a 60 to 90 day presence in Iraq, if this increases the number of qualified persons willing to come to Iraq, to assist in court integration and docket control management issues, on a local and Iraqi wide level. Various Public Defender Agencies and Prosecuting Attorney entities and Court Administration Resource Centers should also be tapped for assistance.

(U) <u>CURRENT ASSESSMENT:</u>

Justice is funding and following a similar finding as part of their national strategy.

<u>(U) FIX / ACTION / CHANGE:</u>

Justice addressing in it's national strategic attack plan to improve the Iraqi Justice System, and the civil courts of Iraq.

OPR: OSD
OCR: OSD - Justice

Issue Title (Rebuild IZ Court Syst.): R-122 Ryder Near-term, Item j, pg 51

(U) RECOMMENDATION / OBSERVATION:

CPA should hire a Court Administrator to serve the Ministry of Justice in four primary areas: Court Administration, Technology Implementation, Docket Management, Courts and Courthouse Security. Court Administration would focus on Judicial and Court personnel support and administration assistance. Technology Implementation would concentrate primarily on the development and use of technology and bringing same into each courtroom, courthouse and the linking of courts and courthouses with other regions. Docket Management would be responsible for insuring that the courts are moving forward as quickly as possible with effective docket management systems as well as serve as the central collection point and identifier of best docket management being contemplated and/or used in various locations for broader implementation, and ultimately computerization. Courts and Courthouse Security would be responsible for coordinating and insuring adequate security in the Courts and Courthouses. Over the course of time, this function could be absorbed by one of the existing Iraqi departments of the Ministry of Justice or recognized as an independent department.

(U) CURRENT ASSESSMENT:

- Justice is funding and following a similar finding as part of their national strategy.

(U) FIX / ACTION / CHANGE:

Justice addressing in it's national strategic plan to improve the overall functioning of the Iraqi Criminal and Civil Court systems.

OPR: OSD
OCR: OSD – DoJ/State

JS AMNESTY/CCR 1921

Issue Title (Develop Court Admin Dept.): R-124 Ryder Mid-term, Item a, pg 52

(U) RECOMMENDATION / OBSERVATION:

Develop a Court Administration Department within the Ministry of Justice, with sufficient assets to serve as a liaison between the courts and the Ministry of Justice with respect to all court administration.

(U) FIX / ACTION / CHANGE:

Justice addressing in it's national strategic plan to improve the overall functioning of the Iraqi Criminal and Civil Court systems.

(U) CURRENT ASSESSMENT:

- Justice is working with USAID, State INL to develop a solution.

OPR: OSD
OCR: OSD - Justice

Issue Title (Establish a Technology TF): R-126 Ryder Mid-term, Item c, pg 52

(U) RECOMMENDATION / OBSERVATION:

Establish a Technology Task Force composed of the Court Administrator or his representative, a representative or representatives from the Iraqi Judges, from among the Iraqi Prosecutors, from the Juvenile Division, from the Bureau of Prisons, and any other interested stakeholders to determine the short term and long term technology needs of the courts and their interface with the jails and prisons and to move the Iraqi Criminal Courts from typewriters and carbon copies to computers and docket management systems. The danger of delaying this process will result in different courts being at different stages with different resources and systems. There is no problem with development being at different stages, given a gatekeeper.

(U) CURRENT ASSESSMENT:

- Justice working with MOJ to address.

(U) FIX / ACTION / CHANGE:

Justice working closely on a daily basis with Iraqi MOJ to improve all aspects of court, MOJ (Judges, Prosecutors, etc), and prison operational functioning.

OPR: OSD
OCR: OSD – Justice/State

Issue Title (Educational Requirements): R-128 Ryder Mid-term, Item e, pg 52

(U) RECOMMENDATION / OBSERVATION:

Establish educational requirements for all Juvenile Detention Facilities and secure appropriate educational services.

(U) FIX / ACTION / CHANGE:

Justice working with MOJ to address all aspects to improve the Iraqi Juvenile Justice System.

(U) CURRENT ASSESSMENT:

- The National Strategy to rebuild the Iraqi criminal justice system includes a program for dealing with juvenile offenders.

OPR: OSD
OCR: OSD

Issue Title (Amend Iraqi Juvenile Law)
R-129 Ryder Mid-term, Item f, pg 52

(U) <u>RECOMMENDATION / OBSERVATION</u>:

Consider amending Iraqi Juvenile law to allow for the transfer or waiver of juveniles accused of serious offenses into the adult criminal court. Once established this could serve as an alternative disposition to trying Iraqi juveniles for committing serious crimes against coalition forces in a Commission forum.

(U) <u>CURRENT ASSESSMENT:</u>

- Part of the National Strategy to rebuild the Iraqi criminal justice system includes a program for dealing with juvenile offenders.

<u>(U) FIX / ACTION / CHANGE:</u>

Justice discussing all aspects of the Iraqi Juvenile Justice System (i.e., improvements, changes, needs, etc.) with the Iraqi MOJ. National Strategy to address all aspects of Iraqi Juvenile Justice.

OPR: OSD
OCR: OSD - Justice

Issue Title (Lack of Adult Probation Service): R-130 Ryder Mid-term, Item g, pg 52

(U) RECOMMENDATION / OBSERVATION:

Establish an Adult Probation Services Division within the Prison Department with a liaison with the Courts.

(U) FIX / ACTION / CHANGE:

Justice national strategy.

(U) CURRENT ASSESSMENT:

National Strategy – Justice is addressing.

OPR: OSD
OCR: OSD – DoJ/State

Issue Title (Failure of Bond/Bail Process): R-131 Ryder Mid-term, Item h, pg 52

(U) RECOMMENDATION / OBSERVATION:

Consider revising the current "bond"/"bail" procedures in order to facilitate the release of Criminal Detainees awaiting appearance before the Investigative Courts or awaiting trial when their risk of flight is minimal and they pose no real threat to the community. This would decrease the detainee population.

(U) FIX / ACTION / CHANGE:

Justice working with the Iraqi MOJ to determine necessity of having bail bondsmen. National Strategy and Plan will address this recommendation if needed.

(U) CURRENT ASSESSMENT:

- To the extent Justice believes bail-bondsmen are appropriate, they will address in their development efforts.

OPR: OSD

OCR: OSD – DoJ/State

Issue Title (Review IZ Law): R-133 Ryder Long-term, Item b, pg 53

(U) RECOMMENDATION / OBSERVATION:

Review Iraqi Criminal Law and Procedure with Iraqi participation and amend where needed.

(U) CURRENT ASSESSMENT:

- Iraq has penal/corrections legislation – to the extent changes need to be made, Justice will assist in suggesting those revisions to the Iraqi MOJ.

(U) FIX / ACTION / CHANGE:

Iraq Penal Code (IPC) of 1969 and Iraq Criminal Procedure Code (ICPC) of 1972 exists, has been appropriately modified by CPA Orders (as needed), and is referenced in Iraq's Transitional Administrative Law (TAL). The IPC and ICPC are being used in criminal Courts in Iraq.

OPR: OSD
OCR: OSD DoJ/State

Issue Title (Evaluate IZ Constitution): R-134 Ryder Long-term, Item c, pg 53

(U) RECOMMENDATION / OBSERVATION:

Evaluate the new Iraqi Constitution (once ratified) and be prepared to modify CPA orders, directives and policies and procedures.

Slide Not Required
Already Closed

(U) CURRENT ASSESSMENT:

- OBE. 2nd Iraqi Constitution to replace Interim will be drafted by the Constitutional convention. CPA/TAL directives and policies will be modified by the ITG process of governing Iraq. Not clear recommendation (relating to CPA) still is applicable – nor that Justice/State standing in for CPA.

(U) FIX / ACTION / CHANGE:

OBE.

OPR: OSD
OCR: OSD-Justice

Issue Title (Establish Military Commissions): R-144 Ryder

(U) RECOMMENDATION / OBSERVATION:

Establishment of Military Commissions to try persons in Iraq accused of crimes against United States Forces. This includes staffing of sufficient personnel to prosecute and defend as well as the identification of Presiding Judges and other commission support personnel.

- Convene Military Commissions in Iraq and try Iraqi's accused of crimes against United States Forces.
- Consider reconfiguring the Review and Appeals Board to be composed of three other senior members of the command or three senior members of another command, or three members of the U.S. Army Trial Judiciary.
- Convene Military Commissions in Iraq and try Iraqi's accused of crimes against United States Forces.

(U) CURRENT ASSESSMENT:

- Policy is to use the CCCI to prosecute crimes against coalition forces. Any Iraqis charged with War Crimes during Saddam regime are tried in IST. CRRB now incorporates Iraqis (6 iraqis – MOI, MOJ, MOHR; 3MNFI).

(U) FIX / ACTION / CHANGE:

Closed.

Slide Not Required
Already Closed

OPR: OSD
OCR: OSD - Justice

Issue Title (Central Server): R-158 Ryder Mid-term, Item b, pg 63

(U) RECOMMENDATION / OBSERVATION:

CPA should commercialize the connectivity between the detainee facilities and the central server.

(U) CURRENT ASSESSMENT:

Request closure. No longer appropriate.

OPR: OSD
OCR: OSD - Justice

~~(S)~~ Fix/Action/Change

(b)(1)

Issue Title (Criminal System): R-160 Ryder Mid-term, Item d, pg 63

(U) RECOMMENDATION / OBSERVATION:

Continue to use BATs for the criminal system until CPA/IRAQ decides which system they will implement.

~~(S)~~ FIX / ACTION / CHANGE:

(b)(1)

(U) CURRENT ASSESSMENT:

OBE.

OPR: OSD
OCR: OSD - Justice

Issue Title (Inappropriate Conduct): T-033 TAGUBA REPORT Part 3, Items 11 and 12

(U) RECOMMENDATION / OBSERVATION:

That Mr. Stephanowicz be given an Official Reprimand to be placed in his employee file, termination of employment, and generation of a derogatory report to revoke his security clearance for the acts identified on p. 48 of the Taguba Report.

(U) FIX / ACTION / CHANGE:

OBE.

(U) CURRENT ASSESSMENT:

Employee terminated. Request closure.

OPR: OSD
OCR: OSD - DoJ

Issue Title: F-011 Inadequate Linguists

(U) RECOMMENDATION / OBSERVATION:

This shortage negatively affected every level of detainee operations from point-of-capture through detention facility… Linguists were a critical node and limited the maximum number of interrogations that could be conducted at any time to the number of linguists available.

(U) FIX/ACTION/CHANGE:

None at this time.

(U) CURRENT ASSESSMENT:

- P&R is working with the services to better identify their needs and articulate those needs in advance. P&R has developed a system for planning and identifying gaps and will be testing that system May 2 with EUCOM.

OPR: USD(P&R)
OCR: USD(P)

F-019 Contracting Shortfalls to Training

(U) RECOMMENDATION/OBSERVATION

- The contracting system failed to ensure that properly trained and vetted linguist and interrogator personnel were hired to support operations at Abu Ghraib.

(U) CURRENT ASSESSMENT:

- Issue will be addressed by the Joint Task Force Policy Charter between OSD and ARMY
- Issue has been discussed with P&R to develop a plan for training and vetting linguists in contract work.
- Intelligence contracting issues – intel being competitively bid through private sector competing with USG efforts to hire for Army.

OPR: Joint Policy Task Force
OCR: USD (P)

(U) FIX/ACTION/CHANGE:

Fix: DoD should establish policy on the use of contract interrogators for all services

Action: Working w/ ASAALT to establish clear standards in SOW

Change: Policy/Training

JS AMNESTY/CCR 1935

F-023 DoD Enforcement of Procedures Conducted by OGA

(U) RECOMMENDATION/OBSERVATION

- DoD must enforce adherence by OGA with established DoD practices and procedures while conducting detainee interrogation operations at DoD facilities

~~(S//NF)~~ CURRENT ASSESSMENT:

(b)(1)

(U) FIX/ACTION/CHANGE:

Fix: DoD Policy Emphasis

Action: Issue Policy guidance and update existing MOUs

Change: Clearly defined OGA role in interrogation of DoD detainees

OPR: USD (I)
OCR: USD (P)

JS AMNESTY/CCR 1936

F/J-007 Impact on Interrogation Operations

(U) <u>RECOMMENDATION/OBSERVATION</u>

- DoD should assess the impact of current policies on Detention and interrogation operations…

~~(S//NF)~~ <u>CURRENT ASSESSMENT:</u>

- **USD(I) is conducting a review of all policies relating to interrogation for the purposes of identifying gaps/seams and to draft policy as they feel appropriate.**

- **USD(P) has already reviewed all policies and has revised 2310.1 as it believed was appropriate. 2310.1 is out for formal coordination – June 1, 2005 pub date.**

OPR: USD (I)
OCR: USD (P)

(U) <u>FIX/ACTION/CHANGE:</u>

None at this time.

JS AMNESTY/CCR 1937

F/J-014 Adherence to DoD regulations at facilties

(U) RECOMMENDATION/OBSERVATION

- DoD review the inter-agency policies to ensure all parties in a specific TOA adhere to the same guidance and rules.

~~(S//NF)~~ CURRENT ASSESSMENT:

- **USD(I) is conducting a review of all policies relating to interrogation for the purposes of identifying gaps/seams and to draft policy as they feel appropriate.**
- **USD(P) has already reviewed all policies and has revised 2310.1 as it believed was appropriate. 2310.1 is out for formal coordination – June 1, 2005 pub date.**
- **USD(P) 2310 requires adherence to DoD regulations at DoD facilties/sites.**

(b)(1)

OPR: USD (I)
OCR: USD (P)

(U) FIX/ACTION/CHANGE:

None at this time.

JS AMNESTY/CCR 1938

F/J-016 Responsibility for Interrogation

(U) RECOMMENDATION/OBSERVATION

- DoD review the responsibilities for interrogations…

~~(S//NF)~~ CURRENT ASSESSMENT:

- **USD(I) is conducting a review of all policies relating to interrogation for the purposes of identifying gaps/seams and to draft policy as they feel appropriate.**
- **USD(P) has already reviewed all policies and has revised 2310.1 as it believed was appropriate. 2310.1 is out for formal coordination – June 1, 2005 pub date.**

OPR: USD (I)
OCR: USD (P)

(U) FIX/ACTION/CHANGE:

None at this time.

JS AMNESTY/CCR 1939

F/J-017 Impact of Policies on Interrogation

(U) <u>RECOMMENDATION/OBSERVATION</u>

- DoD assess the impact of current policies and guidance on unlawful combatants in the conduct of Detention and Interrogation operations.

(U) <u>CURRENT ASSESSMENT:</u>

- **USD(I) is conducting a review of all policies relating to interrogation for the purposes of identifying gaps/seams and to draft policy as they feel appropriate.**
- **USD(P) has already reviewed all policies and has revised 2310.1 as it believed was appropriate. 2310.1 is out for formal coordination – June 1, 2005 pub date.**
- **USD(P) 2310.1 requires adherence to DoD regulations at DoD facilties/sites.**

OPR: USD (I)
OCR: USD (P)

(U) <u>FIX/ACTION/CHANGE:</u>

None at this time.

F/J-019 Detainee Message

(U) RECOMMENDATION/OBSERVATION

- How do we communicate what were doing to inspire confidence in our soldiers?
- Is the broader message of what happened in the investigations getting out?

(U) CURRENT ASSESSMENT:

- Council needs to address the validity of this recommendation.
- US leadership from the President down (SecDef, CJCS, & Congress) publicly (TV & visits to bases) acknowledge our soldiers contributions and sacrifices.

OPR: OSD(PA)/USD(P)

OCR: USD(P)

(U) FIX/ACTION/CHANGE:

Fix: Need to better communicate the changes we have made and the actions taken.

Action: Develop communications plan?

Change:

JS AMNESTY/CCR 1941

S-001 Policy Alignment w/ Geneva

(U) RECOMMENDATION/OBSERVATION

- **Need to further define policy for DoD and other government agencies to align with Geneva Conventions**

~~(U//FOUO)~~ CURRENT ASSESSMENT:

- Report begins with a false premise – that DoD/USG is not in compliance/alignment. DoD in how it fights GWOT is *fully* aligned with GC. To the extent changes in DoDD's neeed to be made to reflect GWOT realities - DoDD 2310 now reflects those changes and is in formal staffing with departments/components.
- Schlesinger recommendation essentially asks for DoD to "redefine" policy to adhere to what USG critics assert are our obligations.
- DoD and DoS officials continue to wok with the international community on the issues of LOAC and DoD/USG application of it in GWOT.
- Recommend closure – recommendation is satisfied – DoD policies are GC compliant.

(U) FIX/ACTION/CHANGE:

Fix: Develop DoD Policy or NSPD.

Action: Form team to examine specific policy issues regarding GC and detention operations. Draft DoD Policy, DoDD, and NSPD (along with inter-agency) to address specific issues.

Change: Development of "grand strategy" for detention that is GC compliant and addresses national security objectives.

OPR: USD(P)

OCR: USD(P)

JS AMNESTY/CCR 1942

S-003 Filling Personnel Requirements

(U) RECOMMENDATION/OBSERVATION

- Need more professional linguists, interrogators, human intelligence, counter-intelligence, corrections police and behavioral scientists

(U) CURRENT ASSESSMENT:

- ODA assisting ASD(HA) in development of hiring program/track for Behavioral scientists.
- Intelligence contracting issues – intel being competitively bid through private sector competing with USG efforts to hire for Army.
- Procurement of personnel being addressed by plans of P&R through services.

OPR: USD (P&R)
OCR: USD(P)

(U) FIX/ACTION/CHANGE:

Fix: Develop action plan to recruit more linguists, intelligence analysts, and other personnel to support detention operations.

Action: Develop action plan for recruiting and retaining people with necessary skill.

Change: GWOT mission will be better staffed and provide for efficacy in intel and interrogation missions.

JS AMNESTY/CCR 1943

S-006 Interrogation Policy

(U) <u>RECOMMENDATION/OBSERVATION</u>

- Well-documented policy and procedures on approved interrogation techniques

(U) <u>CURRENT ASSESSMENT:</u>

- USD(I) has designated their Policy and Strategy office to develop DoD Interrogation Policy.
- They are currently reviewing all policy for the purposes of identifying gaps and seams. Deadline for such is April 30, 2005.
- USD(I) intends to propose new policy based on this analysis.
- USD(I) is staffing DoDD.

OPR: USD (I)
OCR: USD(P)

(U) <u>FIX/ACTION/CHANGE:</u>

Fix: Issue DOD Interrogation Policy

Action: USD(I) designated their Policy and Strategy office to develop and coordinate DoD Interrogation Policy

Change: USD(I) policy will serve as policy guidance for interrogation – recommendation satisfied in developing "well documented" policy.

S-008 DOD/OGA Guidelines

(U) <u>RECOMMENDATION/OBSERVATION</u>

- Clearer guidelines for the interaction of OGA's with the Department of Defense in detention and interrogation operations must be defined

(U) <u>CURRENT ASSESSMENT:</u>

- **USD(I) is reviewing in development of the DoD policy.**

- **Promulgation of interrogation policy under development. Policy will address relationships of OGA's and DOD directorates and agents.**

OPR: USD (I)
OCR: USD(P)

(U) <u>FIX/ACTION/CHANGE:</u>

Fix: Issue DOD Interrogation Policy

Action: USD(I) will promulgate policy that defines relationships between OGA's and DOD agents.

Change: Ambiguity resolved.

S-009 Customary International Law

(U) RECOMMENDATION/OBSERVATION

- USG needs to redefine its approach to customary and treaty international humanitarian law....

(U) CURRENT ASSESSMENT:

- **NSC has established a PCC/Working Group on "public diplomacy" to address the "gap" between USG positions on LOAC and international community.**
- **2310 Draft recognizes non-traditional combatants and describes treatment.**
- **NSC/DoD/WH not in favor of "renegotiating" Geneva Conventions or adopting Protocols – seen as adequate.**
- **Rejected in part – satisfied in part.**

OPR: USD (I)
OCR: USD(P)

(U) FIX/ACTION/CHANGE:

None to date.

S-012 Impartial Rapid Reporting to the Sec Def

(U) RECOMMENDATION/OBSERVATION

- The Secretary of Defense should ensure the effective functioning of rapid reporting channels for communicating bad news to senior Department of Defense leadership

(U) CURRENT ASSESSMENT:

- Proposal to fast-track information to the Secretary was approved 13 Dec 04.
- In addition – detainee affairs provides metric to key officials monthly.
- Routine briefings by ODA/DASD as required/appropriate.

OPR: USD (P&R)
OCR: USD (P)

(U) FIX/ACTION/CHANGE:

Fix: Joint adaptation of procedures such as the Air Force special notification process.

Action: Office to fast-track has been "stood up" – headed by Richard McGraw; still working space and employment/resource issues, but, office is functioning.

Change: No change from last meeting

S-014 Additional Training of Medical Personnel

(U) RECOMMENDATION/OBSERVATION

- Need training for medical personnel on reporting abuse. Medical personnel need to be trained with better field treatment techniques

(U) CURRENT ASSESSMENT:

- Medical ethics policy in final stages of promulgation. Directly addresses reporting violations.

- Currently discussing with ASD(HA) development tracks regarding treatment and non-treatment medical ops. (ODA/USD(I)/OGC/HA)

OPR: USD (HA)
OCR: USD (P)

(x) FIX/ACTION/CHANGE:

Fix: Provide structured training to Medical Personnel on Detainees matters

Action: USD(P) working with ASD(HA) in development of medical training policy.

Change: Detainees are given excellent medical care and doctors have clear methods for carrying out their obligations.

JS AMNESTY/CCR 1948

J-012 Bagram and Kandahar

(U) RECOMMENDATION/OBSERVATION

- In addition to the integration of CCTV at the Bagram and Kandahar detention facilities, anti-intrusion devices or a security alarm system would significantly enhance the security posture of existing facilities. Centrally controlled door locks would also greatly enhance the security of the facility.

(U) CURRENT ASSESSMENT:

Requirement should be handled by Joint Staff or COCOM/CENTCOM.

OPR: USD (P)
OCR: USD (P)

~~(S)~~ FIX/ACTION/CHANGE

(b)(1),(b)(2)

JS AMNESTY/CCR 1949

Jacoby-012

OSD? Re-assign – CENTCOM.

OPR: OSD
Status: Red

Jacoby-012

OSD? Re-assign – COCOM.

OPR: OSD
Status: Red

Issue Title (Detainee Handling Procedures): J-030 JACOBY REPORT Section VII, Item i, pg 19

(U) RECOMMENDATION / OBSERVATION:

That the following detainee handling procedures to the extent they are still used, be formally discontinued by forces throughout the CFC-AO: i. Mandatory removal of all clothing during medical exams; ii. Rectal or hernia exams unless medically required; iii. Sensory deprivation for the purposes of disorientation except during movement; iv. Use of flex cuffs for extended periods of time; and v. Photographing detainees and detention facilities unless for identification or documentation purposes.

~~(S)~~ CURRENT ASSESSMENT:

(b)(1)

~~(S)~~ FIX / ACTION / CHANGE:

(b)(1)

OPR: Policy Working Group
OCR: CENTCOM

Item Previously Closed

JS AMNESTY/CCR 1952

GS-001 Law of War Treaties

(U) RECOMMENDATION/OBSERVATION
- Harmonizing policies and treaties with allies

(U) CURRENT ASSESSMENT:
- ODA's assessment is that no policy is in conflict with our international or treaty obligations. All policies that have been issued since the beginning of GWOT were thoroughly examined by the DoDGC, the **Justice Department**, and **the White House Council** before issuance.
- International perceptions and analysis of the choices made at the SECDEF and POTUS level have created disagreements where the law is silent or has contradictory guidance.
- NSC has developed PCC on "public diplomacy" to address gaps in understanding about applicability of LOAC to GWOT.

OPR: USD (P)
OCR: USD (P)

(U) FIX/ACTION/CHANGE:

Fix: Review all current policies and regulations w/ regard to allies

Action: ODA is currently revising all DoDD and policies and will assist ARMY in the revisions of AR 190-8 and other documents as requested.

Change: Revision of Detainee Operations Policy as well as issuance of larger "covering" policies will demonstrate how DoD operations satisfy international treaty obligations.

GS-004 Review of Manual for Courts-Martial and UCMJ

(U) RECOMMENDATION/OBSERVATION

- Review for adequacy with respect to detainee abuse (similar to post-Aberdeen)

(U) CURRENT ASSESSMENT:

Review by CJCS/LC and DoDGC believes that UCMJ is adequate in preventing and reporting abuses. Request either additional guidance or closure.

OPR: DoDGC

OCR: OSD-Policy

(U) FIX/ACTION/CHANGE:

None at this time.

GS-005 Review of JCS activity under Goldwater-Nichols

(U) RECOMMENDATION/OBSERVATION

- Review for adequacy with respect to detainee abuse (similar to post-Aberdeen)

(U) CURRENT ASSESSMENT:

- Do not believe task is properly assigned to OSD/USD(P) request reassignment as USD(P) has no authority

OPR: Do not believe USD(P) has authority.

OCR: Do not believe USD(P) has oversight.

(U) FIX/ACTION/CHANGE:

None at this time.

2003

GS-011 Congress Questions on "Ghost Detainees"

(U) <u>RECOMMENDATION/OBSERVATION</u>

- Congress question: "What is a *Ghost Detainee* and how many have there been?"

(U) <u>CURRENT ASSESSMENT:</u>

- ODA has addressed this issue with the SECDEF as well as USD(I) and OGA's.
- The SECDEF has briefed this issue publicly regarding the *one* detainee who was held without prompt registration with the ICRC.
- It is DoD policy to promptly register all detainees.
- ODA & USD(P) officials have briefed Congress on this issue – we are preparing for upcoming hearings on issue.
- To the extent required, ODA will work with OGC and USD(I) to resolve any remaining issues on this sensitive matter.

OPR: USD (P)
OCR: USD (P)

(U) <u>FIX/ACTION/CHANGE:</u>

Fix: Adequately brief Congress regarding "Ghost Detainee" issue.

Action: Classified briefings with Congress.

Change: Congress question answered.

GS-016 Develop Policy for Joint Interagency Detainee Ops

(U) <u>RECOMMENDATION/OBSERVATION</u>

- Common guidance is required where multiple agencies (e.g. DoD, FBI, CIA) perform joint/combined interrogations, common guidance is required.

(U) <u>CURRENT ASSESSMENT:</u>

- USDI is addressing Joint Interagency roles in the DoD Interrogation process.
- Their policy is being drafted – but do not have date yet.

OPR: USD (I)

OCR: USD (P)

(U) <u>FIX/ACTION/CHANGE:</u>

Fix: Issue common guidance.

Action: Interagency coordination of interrogation policy.

Change: Common practices for all engaged in intelligence gathering.

JS AMNESTY/CCR 1957

OSD & Detainee Affairs Task Updates

For DLSOC scheduled August 3, 2005

Status Definitions

- Green: Recommend Closure
- Amber: Approved Action
- Plan/Work In Progress
- Red: No Action/No Progress/Pending RFI
- Blue: Intent met – additional tracking required.
- No Fill/White: Recommend Reassignment of Lead

NOTE: Black Titles - Briefing for the first time
Blue Titles - Status change

Issue Title (Prison Responsibility): R-001 Ryder Near-term, Item 1a, pg 13

(U) <u>RECOMMENDATION / OBSERVATION</u>:

CPA MOJ Prisons Department identify clearly which facilities are or will be a part of the MOJ vice the MOI Include in this plan staffing instructions specifically identifying levels of authority, duties and pay scales for all confinement personnel. Establish memorandums of agreement between MOI and MOJ delineating each ministry's ability to utilize the other's facilities and which clearly identifies each other's responsibilities.

~~(S//NF)~~ <u>CURRENT ASSESSMENT:</u>

- Initial intent met. OSD continues to work with Justice on greater rule of law and judicial sector development/reforms.

OPR: OSD
OCR: OSD - DOJ

<u>(U) FIX / ACTION / CHANGE:</u>

Fix: Identify prisons and correctional facilities.

Action: ID proper facility and authority.

Change: Ends uncertainty.

Issue Title (Location of the Iraqi Correctional System HQ and the CPA Prisons Department): R-003 Ryder Near-term, Item 1c, pg 14

(U) <u>RECOMMENDATION / OBSERVATION</u>:

The Iraqi Correctional System HQ and the CPA Prisons Department need to be co-located or together more than periodically to facilitate training of the Iraqi leadership as much as possible, involving them in the restoration process. Sending the highly recruited Iraqi Correctional System Director to training in management, ethics, accounting and strategic planning will assist in the transition process, increase the perceived importance and make the position more desirable.

(U) <u>CURRENT ASSESSMENT:</u>

- Initial intent met. OSD continues to work with Justice on greater rule of law and judicial sector development/reforms.

OPR: OSD
OCR: OSD-DOJ/STATE

<u>(U) FIX / ACTION / CHANGE:</u>

Fix: Co-locate correctional HQ and Prisons Department.

Action: Justice incorporated a similar finding as part of grand strategy – DOJ working with MOJ in Iraq.

Change: Recruitment ongoing.

JS AMNESTY/CCR 1961

Issue Title (Operations and Budget Policy based on National Plan): R-004 Ryder Near-term, Item 1d, pg 14

(U) RECOMMENDATION / OBSERVATION:

Policy both operational and budget should be based on a national plan, which is centrally developed and managed, but locally administered to fit the needs of the region where it is being employed.

(U) FIX / ACTION / CHANGE:

Fix: Need national plan.

Action: Develop a comprehensive plan.

Change: National plan to address varying needs of regions.

(U) CURRENT ASSESSMENT:

● Initial intent met. OSD continues to work with Justice on greater rule of law and judicial sector development/reforms.

OPR: OSD
OCR: OSD – DoJ/State

JS AMNESTY/CCR 1962

Issue Title (Develop Standard for Training to Ensure for Safe and Secure Operations):R-008 Ryder Mid-term, Item 2b, pg 14

(U) RECOMMENDATION / OBSERVATION:

Develop a standard issue for safe and secure operations of prison facilities. Take into account that the current threat environment may necessitate a more robust arsenal that may not be required once the country stabilizes. Training on all weapons and tactics to be used must be a substantial block of instruction at the corrections academy. Training records for employees should be developed with copies sent to the facility where a cadre is assigned and one maintained in a central personnel repository.

(U) CURRENT ASSESSMENT:

- Initial intent met. OSD continues to work with Justice on greater rule of law and judicial sector development/reforms.

(U) FIX / ACTION / CHANGE:

Fix: Develop standards.

Action: Assess threat and develop appropriate force to mitigate. Training records for employees should be monitored.

Change: Justice is developing program for monitoring employee training.

OPR: OSD
OCR: OSD-DOJ/STATE

Issue Title (Monitoring Pay Issues and Contracts): R-009 Ryder Mid-term, Item 2c, pg 15

(U) RECOMMENDATION / OBSERVATION:

Within the budget cycle, each of the ministries should submit a validated budget to MOF who would then fund the appropriate portions of the individual Ministry budgets. The funding should go to the specific ministry to be managed by that ministry and sent to the regional MOJ areas to achieve the objectives of the ministries national plan. In this way pay issues can be avoided and contracts can be monitored and paid in such a way as to provide contractor accountability to the MOJ.

(U) CURRENT ASSESSMENT:

- Emb. Baghdad addressing the issue; Justice believes that corruption is endemic to Iraq Gov't. Justice reviews contracts in Washington, D.C.; action item for PC/DC level for solution.

OPR: OSD

OCR: OSD-DoJ/State

(U) FIX / ACTION / CHANGE:

Fix: Improve accountability.

Action: Better accountability mechanisms to ensure money allocated to ministries are properly appropriated.

Change: Being addressed by the DC/PC level.

Issue Title (Transfer of Detention Operations to the ICF): R-013 Ryder Long-term, Item 3b, pg 15

(U) RECOMMENDATION / OBSERVATION:

Transition operations at all Iraqi detention/prison facilities to the Iraqi Correctional Force with oversight by CPA MOJ Prisons Department.

~~(S)~~ FIX / ACTION / CHANGE:

(b)(1)

(U) CURRENT ASSESSMENT:

- Initial intent met. OSD continues to work with Justice on greater rule of law and judicial sector development/reforms.

OPR: OSD
OCR: OSD-DoJ/State

JS AMNESTY/CCR 1965

Issue Title (Unified Facility): R-014 Ryder Long-term, Item 3c, pg 15

(U) RECOMMENDATION / OBSERVATION:

Complete construction of the 4 regional prisons is necessary to provide initial post trial capacity. A strategic plan for additional prison construction is required.

(U) CURRENT ASSESSMENT:

● Initial intent met. OSD continues to work with Justice on greater rule of law and judicial sector development/reforms.

OPR: OSD
OCR: OSD – DoJ/State

~~(S)~~ FIX / ACTION / CHANGE:

(b)(1)

Issue Title (Training for Iraqi Correctional Officers): R-021 Ryder Near-term, Item 1g, pg 20

(U) RECOMMENDATION / OBSERVATION:

Continue to conduct training for the Iraqi correctional officers in basic confinement tasks, both in Baghdad and at remote locations.

(U) CURRENT ASSESSMENT:

- Initial intent met. OSD continues to work with Justice on greater rule of law and judicial sector development/reforms.

(~~S~~) FIX / ACTION / CHANGE:

(b)(1)

OPR: OSD
OCR: OSD – DoJ/State

Issue Title (Lack of Instruction for Correctional Officers): R-035 Ryder Mid-term, Item 2h, pg 22

(U) RECOMMENDATION / OBSERVATION:

CPA and the MOJ must continue to further develop a more comprehensive tiered training Program of Instruction. This plan should include a method of increasing the graduation rate to meet the system cadre requirements. Allow the CPA and MOJ to plan a more comprehensive training program with input from the Iraqi Correctional Officers currently employed to help the Iraqi people feel that they are apart of the building of their future as well as what the follow-up training requirements should be. This plan should allow for a reduced estimated timeline for the end-state of the in-service training requirement to encompass more than the original 30,000 correctional employees.

(U) CURRENT ASSESSMENT:

- Initial intent met. OSD continues to work with Justice on greater rule of law and judicial sector development/reforms.

(U) FIX / ACTION / CHANGE:

Fix: Iraqi's run their own prisons.

Action: Train Iraqis to run their prisons.

Change: Justice developed national strategy for training more corrections personnel.

OPR: OSD
OCR: OSD – DoJ/State

Issue Title:
R-038 – Lack of Emergency Funds

(U) RECOMMENDATION / OBSERVATION:

Lack of Emergency Funds for each of the facilities to ensure adequate construction. Identify emergency funds to complete construction of regional facilities for sentenced detainees. Conduct a survey of current facility capacities to determine future facility housing requirements.

(U) CURRENT ASSESSMENT:

- DoD is dealing with reconstruction costs/building projects for both AF and IZ. Justice is working with DoS and DoD on this issue through the NSC. DC decision to build PEC IV in AF moving forward and in final decision stage. Construction in Iraq is next item and will need to interface with Justice plan.

~~(S)~~ FIX / ACTION / CHANGE:

(b)(1),(b)(5)

OPR: OSD
OCR: OSD – DoJ/State

Issue Title (Contract Oversight): R-046 Ryder Long-term, Item 3h, pg 23

(U) <u>RECOMMENDATION / OBSERVATION</u>:

CPA and MOJ must establish statements of work (written contracts) for the contractors and effectively manage the work that is contracted.

(U) <u>FIX / ACTION / CHANGE:</u>

Fix: Need better oversight over contracting.

Action: Exercise oversight.

Change: Justice reviewing all contracts.

(U) <u>CURRENT ASSESSMENT:</u>

- Initial intent met. OSD continues to work with Justice on greater rule of law and judicial sector development/reforms.

OPR: OSD
OCR: OSD – DoJ/State

JS AMNESTY/CCR 1970

Issue Title (Hearings/Transportation of Detainees): R-047 Ryder Long-term, Item 3i, pg 23

(U) <u>RECOMMENDATION / OBSERVATION</u>:

The MOJ must develop a plan with the CPA that will allow for the hearings to be conducted at or near the correctional facilities to decrease transportation requirements and speed up the legal process. Furthermore, where possible, establish future court buildings adjacent to these facilities to decrease the transportation requirements. Establish a transportation section within the Iraqi, Department of Corrections with the sole purpose of transportation of detainees.

(U) <u>CURRENT ASSESSMENT:</u>

Continuing concern – part of the national strategy for Justice.

(U) <u>FIX / ACTION / CHANGE:</u>

Fix: Need hearings conducted in closer in proximity to correctional facilities.

Action: Need dedicated corrections transportation.

Change: Justice assessing this recommendation on a daily basis.

OPR: OSD
OCR: OSD - Justice

JS AMNESTY/CCR 1971

Issue Title (Allocation of Funds): R-048 Ryder Long-term, Item 3j, pg 23

(U) RECOMMENDATION / OBSERVATION:

CPA along with the MOJ must develop a plan that will allocate funding for the construction of additional Regional facilities to meet capacity requirements.

(U) CURRENT ASSESSMENT:

- Justice believes it is being done by DoD. Need more information as to who is responsible for appropriating the funds and overseeing the construction projects.

OPR: OSD
OCR: OSD – DoJ/State

(S) FIX / ACTION / CHANGE:

(b)(1)

JS AMNESTY/CCR 1972

Issue Title (Policy):

R-055 Align the Release Process of Security Internees

(U) RECOMMENDATION/OBSERVATION

The release process for security internees is not consistent with DoD Policy.

(U) CURRENT ASSESSMENT:

- USD (P) will coordinate with OSD, Army and other service components to harmonize policies and issue new guidance viz. 2310.1 and AR 190-8.

(U) FIX/ACTION/CHANGE:

Fix: Policy alignment required

Action: Align policy

Change: Issue new DoDD directives and rewrite 190-8 to reflect changes

OPR: USD(P)
OCR: USD(P)

JS AMNESTY/CCR 1973

Issue Title (Iraqi Criminals to ICS): R-067 Ryder Long-term, Item 3, pg 31

(U) RECOMMENDATION / OBSERVATION:

Ultimately all criminal detainees should be handed over to the Iraqi criminal system with monitoring and oversight performed by representatives from the CPA advisory staff. U.S. forces will solely be responsible for the internment of high value detainees and security internees until such a time as they have all been screened and released or other determination is made as to their status.

~~(S)~~ FIX / ACTION / CHANGE:

(b)(1)

~~(S)~~ CURRENT ASSESSMENT:

(b)(1),(b)(5)

OPR: OSD
OCR: OSD - Justice

Issue Title (Effective Judicial System): R-068 Ryder Near-term, Item 1a, pg 34

(U) RECOMMENDATION / OBSERVATION:

The success of the Iraqi prison system (IPS) is dependent upon the integrated and strategic planning through several phases of transition from military to Coalition Provisional Authority, to a self-sufficient Iraqi system. There are several main themes essential to the effective strategic planning for these transformations. System capacity, personnel plans and requirements, among these central themes. Attention to each of the interactive parts of the justice system is required for eventual effective transfer of the prison operations to an independent system.

(U) CURRENT ASSESSMENT:

- OSD Continues to track.

(S) FIX / ACTION / CHANGE:

Fix: TBD

(b)(1),(b)(5)

OPR: OSD
OCR: OSD - Justice

JS AMNESTY/CCR 1975

Issue Title (Magistrate Hearings): R-069 Ryder Near-term, Item 1b, pg 34

(U) RECOMMENDATION / OBSERVATION:

The courts must begin processing larger numbers of magistrate hearings. These initial hearings could be conducted at the prison sites. Transportation and security requirements are greatly reduced and attendant force protection and security requirements can be better identified.

~~(S)~~ FIX / ACTION / CHANGE:

Fix: TBD

(b)(1)

(U) CURRENT ASSESSMENT:

- Part of Justice national strategy. Working to improve capability of justice system to process cases. OSD continues to track.

OPR: OSD
OCR: OSD - Justice

JS AMNESTY/CCR 1976

Issue Title (Integration of IZ Leadership in Corrections System):R-070 Ryder Near-term, Item 1c, pg 34

(U) RECOMMENDATION / OBSERVATION:

Full integration of the Iraqi leadership in the planning and development of the corrections system and other areas of the Justice System is essential to comprehensive strategic planning. The weekly meeting should consider refocusing their discussions on policy, budget, planning, benchmarking and quality checks related to those benchmarks. Attendance should include only the stakeholders from the Prisons Department, Courts, Juvenile System Police, and their Iraqi counterparts. Weekly reports from the facility locations could be sent the day prior for discussion as part of a specific agenda. Educating the Iraqi system's eventual leadership in areas of system management, operations, security, custody, and control techniques is also necessary. There are several very good international corrections management-training locations available (fore example, Kings College of England or the National Institute of Corrections). The system leadership should become involved in national and international corrections associations as a resource for information and future assistance. Planning and implementation must be an integrated process between the military, CPA and the emerging Iraqi Prison System.

(U) CURRENT ASSESSMENT:

- Continual process. Senior advisors to MOI in country and working to resolve training issues. Justice has included similar finding as part of national strategy.

(U) FIX / ACTION / CHANGE:

Fix: Need weekly meetings on strategic development of justice sector issues.

Action: Having meetings as needed.

Change: Justice developing national strategy – has advisors in Iraq to address issue directly.

OPR: OSD
OCR: OSD - Justice

JS AMNESTY/CCR 1977

Issue Title (Required Number of ICS Officers): R-073 Ryder Mid-term, Item 2b, pg 35

(U) <u>RECOMMENDATION / OBSERVATION</u>:

CPA MOJ should conduct a staffing analysis, based upon the Iraqi cultural patterns. Once a required number of correctional officers is established, CPA should prioritize staff efforts to recruit and train, similar to those actions being taken with the Iraqi police. This becomes critical as the reconstruction projects are completed at the larger regional correctional facilities.

(U) <u>CURRENT ASSESSMENT:</u>

- Justice national strategy. Conducting necessary evaluation to determine appropriate staffing.

OPR: OSD
OCR: OSD - Justice

<u>(U) FIX / ACTION / CHANGE:</u>

Justice addressing in national strategy.

JS AMNESTY/CCR 1978

Issue Title (Training Capacity for IIG Corrections): R-074 Ryder Mid-term Item 2c, pg 35

(U) RECOMMENDATION / OBSERVATION:

Background checks are a critical aspect of the prison employment process. The potential for abuse, corruption and threat to public safety is such that extreme attention must be paid. Due to the high number of cadre required, the length of the vetting process and the comprehensive training it is recommended that the training program must increase its graduation pace (i.e., greater capacity, not a shorter course). The training academy program should soon move from dependency upon military assets to a robust CPA program or consideration of a contract training program through one of the many companies who specialize in corrections training in order to meet present and future needs.

(U) CURRENT ASSESSMENT:

- To the extent training programs require, justice is conducting necessary checks and managing training programs.

(U) FIX / ACTION / CHANGE:

Justice addressing in national strategy.

OPR: OSD

OCR: OSD - Justice

JS AMNESTY/CCR 1979

Issue Title (Anticipated Criminal Population): R-075 Ryder Item 3, pg 35

(U) RECOMMENDATION / OBSERVATION:

We cannot overstate the importance of strategic planning in relation to anticipated criminal population trends and facility needs. The experience within the current CPA MOJ Prisons Department is clearly capable of accomplishing a prospectus of needs and a proposed strategic 10-30 year plan. The Iraqi Prison System leadership must be involved in the development process so that they may undertake the task independently upon the CPA's transition of authority to the new Iraqi government. The CPA MOJ Prisons Department should assist the Iraqi Prison System leadership to establish its own professional organization and relationships with other nations' corrections associations (e.g., The American Correctional Association, International Corrections and Prisons Association, etc.).

(U) CURRENT ASSESSMENT:

- National Justice Strategy.

~~(S)~~ FIX / ACTION / CHANGE:

(b)(1)

OPR: OSD

OCR: OSD - Justice

JS AMNESTY/CCR 1980

Issue Title (Medical Advisor): R-078 Ryder Near-term, Item 1c, pg 39

(U) <u>RECOMMENDATION / OBSERVATION</u>:

Retain the services of the military advisor to the MOH charged with overseeing the corrections health care system.

(U) <u>FIX / ACTION / CHANGE:</u>

Army Surgeon General and ASD(HA) are reviewing – final report pending.

(U) <u>CURRENT ASSESSMENT:</u>

- Being reviewed by Army OTSG, ASD(HA), final report pending.

OPR: OSD
OCR: OSD

Issue Title (MOH Health Care System): R-079 Ryder Near-term, Item 1d, pg 39

(U) <u>RECOMMENDATION / OBSERVATION</u>:

Conduct a hiring action retaining the services of a process action team (PAT) as discussed above. (MOH Health Care System)

<u>(U) FIX / ACTION / CHANGE:</u>

Army Surgeon General and ASD(HA) are reviewing – final report pending.

~~(S)~~ **<u>CURRENT ASSESSMENT:</u>**

- Being reviewed by Army OTSG, ASD(HA), final report pending.

OPR: OSD
OCR: OSD

JS AMNESTY/CCR 1982

Issue Title (Health Care Consultant): R-080 Ryder Near-term, Item 1e, pg 40

(U) RECOMMENDATION / OBSERVATION:

Hire a full time corrections health care consultant to provide a correctional framework for the provision of health care, safety, and sanitation of the facilities. This individual would serve on the senior leadership team for the Department of Prisons.

(U) FIX / ACTION / CHANGE:

Army Surgeon General and ASD(HA) are reviewing – final report pending.

(U) CURRENT ASSESSMENT:

- Being reviewed by ASD(HA), Army OTSG, final report pending.

OPR: CENTCOM
OCR:

JS AMNESTY/CCR 1983

Issue Title (Report/Review Program Progression): R-092 Ryder Long-term, Item 3c, pg 41

(U) RECOMMENDATION / OBSERVATION:

Annual review and report of program progression to the Ministry of Justice Department of Prisons and the Ministry of Health.

(U) FIX / ACTION / CHANGE:

None at this time.

(U) CURRENT ASSESSMENT:

- Army and ASD(HA) reviewing, final report pending.

OPR: OSD
OCR: OSD - Justice

Issue Title (Detainee Training Program): R-108 Ryder Long-term, Item 3a, pg 45

(U) RECOMMENDATION / OBSERVATION:

Vocational and educational training programs should be initiated to assist detainees gain marketable skills and their transition back into society.

(U) FIX / ACTION / CHANGE:

None at this time.

(U) CURRENT ASSESSMENT:

USD(P) disputes validity of finding and employing this program. Believe this is a nation building issue that must be addressed best addressed by the ITG.

OPR: USD(P)

OCR: USD(P)

Issue Title (Hire Juvenile Programs Expert): R-116 Ryder Near-term, Item d, pg 50

(U) RECOMMENDATION / OBSERVATION:

CPA should hire a Juvenile Probation/Programs consultant/expert to assist in the development of a model juvenile probation program, placement program, placement options, treatment options and other related services and training therein.

(U) FIX / ACTION / CHANGE:

Justice is addressing in it's National Strategy for Iraq.

(U) CURRENT ASSESSMENT:

- Initial intent met. OSD continues to track.

OPR: OSD
OCR: OSD

JS AMNESTY/CCR 1986

Issue Title (Develop Court Admin Dept.): R-124 Ryder Mid-term, Item a, pg 52

(U) RECOMMENDATION / OBSERVATION:

Develop a Court Administration Department within the Ministry of Justice, with sufficient assets to serve as a liaison between the courts and the Ministry of Justice with respect to all court administration.

(U) FIX / ACTION / CHANGE:

Justice addressing in it's national strategic plan to improve the overall functioning of the Iraqi Criminal and Civil Court systems.

(U) CURRENT ASSESSMENT:

- Justice is working with USAID, State INL to develop a solution.

OPR: OSD
OCR: OSD - Justice

Issue Title (Establish a Technology TF): R-126 Ryder Mid-term, Item c, pg 52

(U) RECOMMENDATION / OBSERVATION:

Establish a Technology Task Force composed of the Court Administrator or his representative, a representative or representatives from the Iraqi Judges, from among the Iraqi Prosecutors, from the Juvenile Division, from the Bureau of Prisons, and any other interested stakeholders to determine the short term and long term technology needs of the courts and their interface with the jails and prisons and to move the Iraqi Criminal Courts from typewriters and carbon copies to computers and docket management systems. The danger of delaying this process will result in different courts being at different stages with different resources and systems. There is no problem with development being at different stages, given a gatekeeper.

(U) CURRENT ASSESSMENT:

- Justice working with MOJ to address.

(U) FIX / ACTION / CHANGE:

Justice working closely on a daily basis with Iraqi MOJ to improve all aspects of court, MOJ (Judges, Prosecutors, etc), and prison operational functioning.

OPR: OSD
OCR: OSD – Justice/State

Issue Title (Educational Requirements): R-128 Ryder Mid-term, Item e, pg 52

(U) RECOMMENDATION / OBSERVATION:

Establish educational requirements for all Juvenile Detention Facilities and secure appropriate educational services.

(U) FIX / ACTION / CHANGE:

Justice working with MOJ to address all aspects to improve the Iraqi Juvenile Justice System.

(U) CURRENT ASSESSMENT:

- The National Strategy to rebuild the Iraqi criminal justice system includes a program for dealing with juvenile offenders.

OPR: OSD
OCR: OSD

Issue Title (Amend Iraqi Juvenile Law)
R-129 Ryder Mid-term, Item f, pg 52

(U) <u>RECOMMENDATION / OBSERVATION</u>:

Consider amending Iraqi Juvenile law to allow for the transfer or waiver of juveniles accused of serious offenses into the adult criminal court. Once established this could serve as an alternative disposition to trying Iraqi juveniles for committing serious crimes against coalition forces in a Commission forum.

(U) <u>CURRENT ASSESSMENT:</u>

- Part of the National Strategy to rebuild the Iraqi criminal justice system includes a program for dealing with juvenile offenders.

<u>(U) FIX / ACTION / CHANGE:</u>

Justice discussing all aspects of the Iraqi Juvenile Justice System (i.e., improvements, changes, needs, etc.) with the Iraqi MOJ. National Strategy to address all aspects of Iraqi Juvenile Justice.

OPR: OSD
OCR: OSD - Justice

Issue Title (Lack of Adult Probation Service): R-130 Ryder Mid-term, Item g, pg 52

(U) <u>RECOMMENDATION / OBSERVATION</u>:

Establish an Adult Probation Services Division within the Prison Department with a liaison with the Courts.

(U) <u>FIX / ACTION / CHANGE:</u>

Justice national strategy.

(U) <u>CURRENT ASSESSMENT:</u>

- National Strategy – Justice is addressing.

OPR: OSD
OCR: OSD – DoJ/State

Issue Title (Failure of Bond/Bail Process): R-131 Ryder Mid-term, Item h, pg 52

(U) RECOMMENDATION / OBSERVATION:

Consider revising the current "bond"/"bail" procedures in order to facilitate the release of Criminal Detainees awaiting appearance before the Investigative Courts or awaiting trial when their risk of flight is minimal and they pose no real threat to the community. This would decrease the detainee population.

(U) FIX / ACTION / CHANGE:

Justice working with the Iraqi MOJ to determine necessity of having bail bondsmen. National Strategy and Plan will address this recommendation if needed.

(U) CURRENT ASSESSMENT:

- To the extent Justice believes bail-bondsmen are appropriate, they will address in their development efforts.

OPR: OSD

OCR: OSD – DoJ/State

Issue Title (Criminal System): R-160 Ryder Mid-term, Item d, pg 63

(U) RECOMMENDATION / OBSERVATION:

Continue to use BATs for the criminal system until CPA/IRAQ decides which system they will implement.

~~(S)~~ FIX / ACTION / CHANGE:

(b)(1),(b)(5)

(U) CURRENT ASSESSMENT:

- USDP continues to request closure. Not in policy's purview to tell Iraqi government which tracking system to use for criminal justice system.

OPR: OSD
OCR: OSD - Justice

JS AMNESTY/CCR 1993

Issue Title: F-011 Inadequate Linguists

(U) RECOMMENDATION / OBSERVATION:

This shortage negatively affected every level of detainee operations from point-of-capture through detention facility… Linguists were a critical node and limited the maximum number of interrogations that could be conducted at any time to the number of linguists available.

(U) FIX/ACTION/CHANGE:

None at this time.

(U) CURRENT ASSESSMENT:

- P&R is working with the services to better identify their needs and articulate those needs in advance. P&R has developed a system for planning and identifying gaps and will be testing that system May 2 with EUCOM.

OPR: USD(P&R)
OCR: USD(P)

F-019 Contracting Shortfalls to Training

(U) RECOMMENDATION/OBSERVATION

- The contracting system failed to ensure that properly trained and vetted linguist and interrogator personnel were hired to support operations at Abu Ghraib.

(U) CURRENT ASSESSMENT:

- Issue will be addressed by the Joint Task Force Policy Charter between OSD and ARMY
- Issue has been discussed with P&R to develop a plan for training and vetting linguists in contract work.
- Intelligence contracting issues – intel being competitively bid through private sector competing with USG efforts to hire for Army.

OPR: Joint Policy Task Force
OCR: USD (P)

(U) FIX/ACTION/CHANGE:

Fix: DoD should establish policy on the use of contract interrogators for all services

Action: Working w/ ASAALT to establish clear standards in SOW

Change: Policy/Training

JS AMNESTY/CCR 1995

F-023 DoD Enforcement of Procedures Conducted by OGA

(U) RECOMMENDATION/OBSERVATION

- DoD must enforce adherence by OGA with established DoD practices and procedures while conducting detainee interrogation operations at DoD facilities

(~~S//NF~~) CURRENT ASSESSMENT:

(b)(1),(b)(5)

(U) FIX/ACTION/CHANGE:

Fix: DoD Policy Emphasis

Action: Issue Policy guidance and update existing MOUs

Change: Clearly defined OGA role in interrogation of DoD detainees

OPR: USD (I)
OCR: USD (P)

JS AMNESTY/CCR 1996

F/J-007 Impact on Interrogation Operations

(U) <u>RECOMMENDATION/OBSERVATION</u>

- DoD should assess the impact of current policies on Detention and interrogation operations…

~~(S//NF)~~ CURRENT ASSESSMENT:

(b)(1),(b)(5)

OPR: USD (I)
OCR: USD (P)

(U) <u>FIX/ACTION/CHANGE:</u>

None at this time.

JS AMNESTY/CCR 1997

F/J-014 Adherence to DoD regulations at facilties

(U) <u>RECOMMENDATION/OBSERVATION</u>

- DoD review the inter-agency policies to ensure all parties in a specific TOA adhere to the same guidance and rules.

(U) <u>FIX/ACTION/CHANGE:</u>

None at this time.

~~(S//NF)~~ CURRENT ASSESSMENT:

(b)(1),(b)(5)

OPR: USD (I)
OCR: USD (P)

JS AMNESTY/CCR 1998

F/J-016 Responsibility for Interrogation

(U) RECOMMENDATION/OBSERVATION

- DoD review the responsibilities for interrogations…

~~(S//~~NF~~)~~ CURRENT ASSESSMENT:

- **USD(I) is conducting a review of all policies relating to interrogation for the purposes of identifying gaps/seams and to draft policy as they feel appropriate.**
- **USD(P) has already reviewed all policies and has revised 2310.1 as it believed was appropriate. 2310.1 USDP is incorporating comments and will be entering final coordination July 2005.**

OPR: USD (I)
OCR: USD (P)

(U) FIX/ACTION/CHANGE:

None at this time.

JS AMNESTY/CCR 1999

F/J-017 Impact of Policies on Interrogation

(U) <u>RECOMMENDATION/OBSERVATION</u>

- DoD assess the impact of current policies and guidance on unlawful combatants in the conduct of Detention and Interrogation operations.

(U) <u>CURRENT ASSESSMENT:</u>

- **USD(I) is conducting a review of all policies relating to interrogation for the purposes of identifying gaps/seams and to draft policy as they feel appropriate.**
- **USD(P) has already reviewed all policies and has revised 2310.1 as it believed was appropriate. 2310.1 USDP is incorporating comments from SD106 coordination.**
- **USD(P) 2310.1 requires adherence to DoD regulations at DoD facilties/sites.**

OPR: USD (I)
OCR: USD (P)

(U) <u>FIX/ACTION/CHANGE:</u>

None at this time.

F/J-019 Detainee Message

(U) RECOMMENDATION/OBSERVATION

- How do we communicate what were doing to inspire confidence in our soldiers?
- Is the broader message of what happened in the investigations getting out?

(U) CURRENT ASSESSMENT:

- Council needs to address the validity of this recommendation.
- US leadership from the President down (SecDef, CJCS, & Congress) publicly (TV & visits to bases) acknowledge our soldiers contributions and sacrifices.

OPR: OSD(PA)/USD(P)

OCR: USD(P)

(U) FIX/ACTION/CHANGE:

Fix: Need to better communicate the changes we have made and the actions taken.

Action: Develop communications plan?

Change:

S-001 Policy Alignment w/ Geneva

(U) RECOMMENDATION/OBSERVATION

- **Need to further define policy for DoD and other government agencies to align with Geneva Conventions**

~~(U//FOUO)~~ CURRENT ASSESSMENT:

- Report begins with a false premise – that DoD/USG is not in compliance/alignment. DoD in how it fights GWOT is *fully* aligned with GC. To the extent changes in DoDD's neeed to be made to reflect GWOT realities - DoDD 2310 now reflects those changes and is in formal staffing with departments/components.
- Schlesinger recommendation essentially asks for DoD to "redefine" policy to adhere to what USG critics assert are our obligations.
- DoD and DoS officials continue to wok with the international community on the issues of LOAC and DoD/USG application of it in GWOT.
- Issues of national policy changes are being discussed by the PC and DC committees. ODA has raised the issue with the NSC directly.
- Recommend closure – recommendation is satisfied – DoD policies are GC compliant.

OPR: USD(P)
OCR: USD(P)

(U) FIX/ACTION/CHANGE:

Fix: Develop DoD Policy or NSPD.

Action: Form team to examine specific policy issues regarding GC and detention operations. Draft DoD Policy, DoDD, and NSPD (along with inter-agency) to address specific issues.

Change: Development of "grand strategy" for detention that is GC compliant and addresses national security objectives.

S-003 Filling Personnel Requirements

(U) RECOMMENDATION/OBSERVATION

- Need more professional linguists, interrogators, human intelligence, counter-intelligence, corrections police and behavioral scientists

(U) CURRENT ASSESSMENT:

- ODA assisting ASD(HA) in development of hiring program/track for Behavioral scientists.
- Intelligence contracting issues – intel being competitively bid through private sector competing with USG efforts to hire for Army.
- Procurement of personnel being addressed by plans of P&R through services.

OPR: USD (P&R)
OCR: USD(P)

(U) FIX/ACTION/CHANGE:

Fix: Develop action plan to recruit more linguists, intelligence analysts, and other personnel to support detention operations.

Action: Develop action plan for recruiting and retaining people with necessary skill.

Change: GWOT mission will be better staffed and provide for efficacy in intel and interrogation missions.

JS AMNESTY/CCR 2003

S-006 Interrogation Policy

(U) <u>RECOMMENDATION/OBSERVATION</u>

- Well-documented policy and procedures on approved interrogation techniques

(U) <u>CURRENT ASSESSMENT:</u>

- USD(I) has designated their Policy and Strategy office to develop DoD Interrogation Policy.
- They are currently reviewing all policy for the purposes of identifying gaps and seams. Deadline for such is April 30, 2005.
- USD(I) intends to propose new policy based on this analysis.
- USD(I) is staffing DoDD.

OPR: USD (I)
OCR: USD(P)

(U) <u>FIX/ACTION/CHANGE:</u>

Fix: Issue DOD Interrogation Policy

Action: USD(I) designated their Policy and Strategy office to develop and coordinate DoD Interrogation Policy

Change: USD(I) policy will serve as policy guidance for interrogation – recommendation satisfied in developing "well documented" policy.

S-008 DOD/OGA Guidelines

(U) <u>RECOMMENDATION/OBSERVATION</u>

- Clearer guidelines for the interaction of OGA's with the Department of Defense in detention and interrogation operations must be defined

(U) <u>CURRENT ASSESSMENT:</u>

- **USD(I) is reviewing in development of the DoD policy.**
- **Promulgation of interrogation policy under development. Policy will address relationships of OGA's and DOD directorates and agents.**

OPR: USD (I)
OCR: USD(P)

(U) <u>FIX/ACTION/CHANGE:</u>

Fix: Issue DOD Interrogation Policy

Action: USD(I) will promulgate policy that defines relationships between OGA's and DOD agents.

Change: Ambiguity resolved.

S-009 Customary International Law

(U) RECOMMENDATION/OBSERVATION

- USG needs to redefine its approach to customary and treaty international humanitarian law....

(U) CURRENT ASSESSMENT:

- **NSC has established a PCC/Working Group on "public diplomacy" to address the "gap" between USG positions on LOAC and international community.**
- **2310 Draft recognizes non-traditional combatants and describes treatment.**
- **NSC/DoD/WH not in favor of "renegotiating" Geneva Conventions or adopting Protocols – seen as adequate.**
- **Issue is being actively discussed by the DC and PC's with respect to changing policies.**
- **Rejected in part – satisfied in part.**

OPR: USD (I)
OCR: USD(P)

(U) FIX/ACTION/CHANGE:

None to date.

U.S. Department of Justice
Office of the Inspector General

A Review of the FBI's Involvement in and Observations of Detainee Interrogations in Guantanamo Bay, Afghanistan, and Iraq

Oversight and Review Division
Office of the Inspector General
May 2008

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OSD AMNESTY/CCR 553

TABLE OF CONTENTS

EXECUTIVE SUMMARY i

CHAPTER ONE: INTRODUCTION 1

I. Introduction 1

II. The OIG Investigation 2

III. Prior Reports Regarding Detainee Mistreatment 3

IV. Methodology of OIG Review of Knowledge of FBI Agents Regarding Detainee Treatment 5

A. The OIG June 2005 Survey 5

B. OIG Selection of FBI Personnel for Interviews 7

C. OIG Treatment of Military Conduct 7

V. Organization of the OIG Report 8

CHAPTER TWO: FACTUAL BACKGROUND 11

I. The Changing Role of the FBI After September 11 11

II. FBI Headquarters Organizational Structure for Military Zones 12

A. Counterterrorism Division 13

1. International Terrorism Operations Sections 13
2. Counterterrorism Operations Response Section 14

B. Critical Incident Response Group 15

C. Office of General Counsel 15

III. Other DOJ Entities Involved in Overseas Detainee Matters 16

IV. Inter-Agency Entities and Agreements Relating to Detainee Matters. 16

A. The Policy Coordinating Committee 16

B. Inter-Agency Memorandums of Understanding 18

V. Background Regarding the FBI's Role in the Military Zones 19

A. Afghanistan 19

1. Military Operations and Detention Facilities 19
2. The FBI's Mission 21

OSD AMNESTY/CCR 554

3. FBI Deployments 22
4. Organizational Structure of the FBI in Afghanistan 23
5. FBI Activities in Afghanistan 24

B. Guantanamo Bay, Cuba 27

1. Military Operations and Detention Facilities 27
2. The FBI's Mission 31
3. FBI Deployments 32
4. FBI Organizational Structure at GTMO 32
5. FBI Activities at GTMO 33

C. Iraq 35

1. Military and CIA Operations and Detention Facilities 35
2. The FBI's Mission in Iraq 36
3. FBI Deployments to Iraq 37
4. Organizational Structure of the FBI in Iraq 37
5. FBI Activities in Iraq 38

CHAPTER THREE: BACKGROUND REGARDING INTERROGATION POLICIES 47

I. Pre-existing FBI Policies and Practices 47

A. FBI Interview/Interrogation Techniques 47

B. Working with Other Agencies 49

1. FBI Interaction with Other Domestic Law Enforcement Agencies 50
2. FBI Interaction with Agencies of Foreign Governments 50

C. FBI Duty to Report 51

II. Department of Defense Interrogation Policies 53

A. Legal Background: the Geneva Conventions, the Convention Against Torture, and Related Statutes 54

B. DOD Interrogation Policies Relating to GTMO 56

C. DOD Policies Relating to Afghanistan 59

D. DOD Policies Relating to Iraq 61

E. Recent Changes to DOD Policy 63

III. Reasons for the Differences Between the FBI and Military Approaches to Interviews 63

CHAPTER FOUR: THE EARLY DEVELOPMENT OF FBI POLICIES REGARDING DETAINEE INTERVIEWS AND INTERROGATIONS 67

I. The Interrogation of Abu Zubaydah 67

A. FBI Agents Interview Zubaydah and Report to FBI Headquarters on CIA Techniques 67

B. FBI Assistant Director D'Amuro Meets with DOJ Officials Regarding the Zubaydah Interrogation 69

C. D'Amuro Meets with the FBI Director, Who Decides that the FBI Will Not Participate 71

II. Subsequent Decisions Regarding FBI Involvement with High Value Detainees 74

CHAPTER FIVE: FBI CONCERNS ABOUT MILITARY INTERROGATION AT GUANTANAMO BAY 77

I. Background on Al-Qahtani 77

II. Discovery of Al-Qahtani's Links to September 11 78

III. FBI Interviews of Al-Qahtani: August 2002 80

IV. FBI Supervisory Special Agents Foy and Lyle Observe Military Interrogations of Al-Qahtani: Early October 2002 82

V. The FBI's MLDU Unit Chief and DOJ Counsel Nahmias Visit GTMO: October 15 to 18, 2002 85

VI. FBI Continues Objecting to the Al-Qahtani Interrogation Plans: November 2002 86

VII. Proposal To [redacted] Al-Qahtani To Be Interrogated Using an Alternative Debriefing Model of the Sort Used on Zubaydah 92

VIII. The Military Proceeds with the Interrogation of Al-Qahtani, Over FBI Objections 102

IX. Concerns about the Interrogation of Al-Qahtani and Other Detainees Are Elevated at FBI Headquarters 104

X. Concerns Regarding Interrogations of Al-Qahtani and Others Are Elevated by the FBI to the DOJ Criminal Division 107

XI. Concerns Regarding Efficacy of DOD Interrogations at GTMO Are Raised to the Attorney General 113

XII. DOJ Efforts to Address Guantanamo Interrogation Issues in the Inter-Agency Process 115

OSD AMNESTY/CCR 556

XIII. Al-Qahtani Becomes Fully Cooperative 117

XIV. The May 30, 2003 Electronic Communication 120

XV. Concerns Raised Regarding Slahi's Interrogation 122

XVI. Conclusion 128

CHAPTER SIX: THE FBI'S RESPONSE TO THE DISCLOSURE OF DETAINEE MISTREATMENT AT ABU GHRAIB PRISON 131

I. Abu Ghraib Prison and the Development of the FBI's May 2004 Detainee Policy 131

II. The Horton Matter 135

III. FBI Employees Raise Concerns About the FBI's May 2004 Detainee Policy 137

A. The Iraq On-Scene Commander and the Meaning of "Abuse" 137

B. The FBI Counterterrorism Division's Draft "Clarification" of the FBI's May 2004 Detainee Policy 139

C. FBI OGC Concerns Regarding the Meaning of "Participation" 140

D. FBI OGC and CTD Respond to Agent Concerns Regarding a Facility in Iraq 142

IV. OIG Assessment of the FBI Policies Regarding Detainee Treatment 144

A. FBI-Approved Interrogation Techniques 145

B. FBI Policy When Another Agency's Interrogator Uses Non-FBI Techniques 146

C. FBI Interrogation of Detainees After Other Agencies Use Non-FBI Techniques 147

D. Reporting Abuse or Mistreatment 150

E. Comparison: December 2002 CITF Guidance 152

V. FBI Internal Investigations 154

A. The Iraq Inquiry 154

B. The GTMO Special Inquiry 156

C. The Afghanistan Poll 158

OSD AMNESTY/CCR 557

D. The GTMO Review of FD-302 Forms and Development of a Reporting Process for Detainee Abuse Allegations 159

CHAPTER SEVEN: TRAINING REGARDING DETAINEE TREATMENT PROVIDED TO FBI AGENTS IN THE MILITARY ZONES 161

I. Training During the Period Before the FBI's May 2004 Detainee Policy 161

A. FBI Training for Overseas Deployments 161

B. Training Topics Relating to Detainees 164

II. Expanded Training Provided to FBI Agents After Issuance of the FBI's May 2004 Detainee Policy 168

CHAPTER EIGHT: FBI OBSERVATIONS REGARDING DETAINEE TREATMENT IN GUANTANAMO BAY 171

I. Introduction 171

II. Observations Regarding Specific Techniques 174

A. Beating or Physically Abusing a Detainee 174

B. Prolonged Shackling and Stress Positions 179

C. Sleep Deprivation or Sleep Disruption 182

D. Extreme Temperatures 184

E. Use of Working Dogs 185

F. Isolation 185

G. Mistreatment of the Koran 187

H. Touching or Acting Toward a Detainee in a Sexual Manner 188

I. Use of Bright Flashing Lights or Loud Music 190

J. Use of Duct Tape on Detainees 191

K. Forced Shaving 193

L. Withholding Medical Care 193

M. Forced Cell Extractions 195

N. Placing Women's Clothing on a Detainee 195

O. Transfer to Another Country for More Aggressive Interrogation 196

P. Threatened Transfer to Another Country 197

Q. Threatening a Detainee's Family 198

R. Depriving a Detainee of Food or Water 199
S. Depriving a Detainee of Clothing 199
T. FBI Impersonation 200
U. Other Conduct 201

III. Disposition of FBI Agent Reports Regarding Detainee Treatment at GTMO 203
A. Early Reports of Short-Shackling 204
B. Agent Reports to Their On-Scene Commanders 205
C. Detainee Allegations of Mistreatment 206
D. Referral Back to the Military 208

IV. Conclusion 209

CHAPTER NINE: FBI OBSERVATIONS REGARDING DETAINEE TREATMENT IN AFGHANISTAN 213

I. Introduction 213

II. Observations Regarding Particular Techniques 216
A. FBI Knowledge of Detainee Beating Deaths 216
B. Beating, Choking, Strangling, or Other Abusive Handling of Detainees 217
C. Using Shackles or Other Restraints in a Harsh or Prolonged Manner 218
D. Sexually Abusive or Humiliating Contact 220
E. Abusive Body Cavity Searches 220
F. Stressful or Painful Positions or Calisthenics 221
G. Deprivation of Clothing 222
H. Hooding or Blindfolding 223
I. Sleep Deprivation or Interruption 224
J. Undocumented "Ghost" Detainees 226
K. Actual or Threatened Transfer to a Third Country 226
L. Isolation of Detainees 227
M. Impersonation of FBI Agents 228
N. Other Techniques 229

OSD AMNESTY/CCR 559

III. Disposition of FBI Agent Reports Regarding Detainee Treatment in Afghanistan 231

IV. Conclusion 234

CHAPTER TEN: FBI OBSERVATIONS IN IRAQ 235

I. Introduction 235

II. Observations Regarding Particular Techniques 238

A. FBI Knowledge Regarding Detainee Deaths 238

B. Beating, Choking, Strangling, or Other Abusive Handling of Detainees 238

C. Causing Burns by Placing Detainees on Hot Surfaces 241

D. Use of Electric Shock 243

E. Harsh or Prolonged Shackling 244

F. Using Military Working Dogs 246

G. Sexually Abusive or Humiliating Contact 247

H. Using Water To Prevent Breathing by a Detainee or To Create the Sensation of Drowning 247

I. Stressful or Painful Positions or Calisthenics 248

J. Deprivation of Food and Water 250

K. Depriving Detainees of Clothing 250

1. Abu Ghraib Prison 251
2. [redacted] 252

L. Hooding or Blindfolding Detainees 253

M. Sleep Deprivation or Interruption 255

N. Unregistered "Ghost" Detainees 256

O. Actual or Threatened Transfer to a Third Country 258

P. Threats Against Detainee Family Members 258

Q. Impersonation of FBI Agents by Other U.S. Government Personnel 259

R. Other Findings Concerning Agent Observations 260

III. Disposition of FBI Agent Reports Regarding Detainee Treatment in Iraq 261

IV. Conclusion 264

CHAPTER ELEVEN: OIG REVIEW OF ALLEGATIONS OF MISCONDUCT BY FBI EMPLOYEES IN MILITARY ZONES 265

I. Alleged Mistreatment of Moazzam Begg.....266
A. Background 266
B. Begg's Allegations 267
C. OIG Investigation 268
D. OIG Analysis of Begg's Allegations.....268
1. Alleged Threats and Psychological Ploys in Afghanistan 269
2. Alleged Physical Abuse in Afghanistan 271
3. Alleged Threats and Coercion at GTMO.....273

II. Allegations of Mistreatment of Saleh Muklif Saleh.....276
A. Background and Allegations.....277
B. OIG Investigation 281
1. FBI Special Agent Bennett 281
2. FBI Special Agent Howard.....284
3. FBI Special Agent Rohr 285
4. FBI Special Agent Cisco 286
5. Other Witnesses 287
C. OIG Conclusions.....288
1. Saleh's Allegations Regarding [redacted].....288
2. Alleged Mistreatment of Detainees at [redacted].....290

III. Allegations of FBI Mistreatment of Mohamedou Ould Slahi.....295
A. Slahi's Allegations.....295
B. OIG Analysis.....296
1. Alleged FBI Participation in the "Boat Ride" Incident...296
2. Alleged FBI Predictions of Harsh Treatment by Military.....296
3. Alleged FBI Threat to Transfer Slahi to Afghanistan or Iraq 298
4. Alleged Threat by a Task Force Officer 299

IV. Misconduct Involving Zuhail Abdo Al-Sharabi.....300
A. OIG Investigation 300
1. Contemporaneous FBI Documents.....300
2. Interview of Al-Sharabi 301
3. Interview of FBI Special Agent Demeter.....301

4. Interviews of Other Agents 303
B. OIG Analysis of the Allegations 304
1. Analysis of Allegations of "Psychological Torture" 304
2. Analysis of Demeter's Conduct 305
V. Allegations Regarding FBI Participation in Interrogation of Detainee Yousef Abkir Salih Al Qarani 306
A. Background 306
B. FBI Special Agents Brandon and Stephenson 307
C. The Alleged Short-Chaining Incident 308
D. Alleged Use of the "Frequent Flyer Program" on Al Qarani 312
E. Allegations by Al Qarani Regarding "Clint" 313
F. Allegations by Al Qarani Regarding "Daoud" 315
VI. Alleged Mistreatment of Mohammad A. A. Al Harbi 316
VII. Abuse Allegations Involving Abu Zubaydah 317
A. The FBI Investigation of the Allegations against FBI Special Agent Gibson 317
B. FBI Interviews of Landis and Morehead 318
C. Gibson's Statement to the FBI 320
D. Gibson's Polygraph Examinations 320
E. Findings by the FBI Office of Professional Responsibility 321
F. FBI Special Agent Gibson's OIG Interview 321
G. OIG Interviews of FBI Special Agent Thomas and Acting Deputy Assistant Director Frahm 323
H. OIG Analysis 323
VIII. Allegations of Abuse at the [redacted] 328
A. Background 329
1. The Facility 329
2. FBI Special Agent Adair 329
3. The Team of FBI Agents 330
4. FBI Special Agent Ryan 331
B. Allegations by Ryan 332
C. Prior Investigations 333

D. OIG Investigation 335
E. OIG Analysis of the Allegations 336
1. Alleged Inhumane Physical Conditions 336
2. Allegations Regarding Medical and Hygiene Conditions 337
3. Alleged Deprivation of Food or Water 339
4. Alleged Sleep Deprivation 340
5. Allegations Regarding Harsh Interrogation Techniques 342
6. Allegations Regarding Use of Restraints 344
7. Allegations Regarding Blindfolding/Goggles 349
8. Alleged Threats 350
9. Allegations that Detainee Was Subjected to Electric Shock 350
10. Allegation Concerning Abuse of a Female Detainee 351
F. OIG Conclusions Concerning Allegations at [redacted] 351

CHAPTER TWELVE: CONCLUSIONS 353

I. Background 353

II. FBI Policies Regarding Detainee Interrogations 354

III. Agent Observations Regarding Detainee Treatment 354

IV. The Disposition of FBI Agents' Reports Regarding Detainee Mistreatment 357

V. OIG Analysis 361
A. FBI Conduct in the Military Zones 361
B. FBI Guidance 363
1. FBI-Approved Interrogation Techniques 363
2. FBI Policy When Another Agency's Interrogator Uses Non-FBI Techniques 364
3. FBI Interrogation of Detainees After Other Agencies Use Non-FBI Techniques 365
4. Reporting Abuse or Mistreatment 365
C. OIG Assessment of FBI Headquarters and DOJ Handling of Agents' Reports Regarding Detainee Mistreatment 367

VI. Conclusion 369

APPENDICES

EXECUTIVE SUMMARY[1]

I. Introduction

This Executive Summary summarizes the results of the review conducted by the Department of Justice (DOJ) Office of the Inspector General (OIG) regarding the Federal Bureau of Investigation's (FBI) involvement in and observations of detainee interrogations in Guantanamo Bay (GTMO), Afghanistan, and Iraq. The focus of our review was whether FBI agents witnessed incidents of detainee abuse in the military zones, whether FBI employees reported any such abuse to their superiors or others, and how those reports were handled. The OIG also examined whether FBI employees participated in any detainee abuse. In addition, we examined the development and adequacy of the policies, guidance, and training that the FBI provided to the agents it deployed to the military zones.

As part of our review, the OIG developed and distributed a detailed survey to over 1,000 FBI employees who had deployed to one or more of the military zones. Among other things, the OIG survey sought information regarding observations or knowledge of specifically listed interview or interrogation techniques and other types of detainee treatment, and whether the FBI employees reported such incidents to their FBI supervisors or others.[2]

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[1] The OIG has redacted (blacked out) from the public version of this report information that the FBI, the Central Intelligence Agency (CIA), or the Department of Defense (DOD) considered classified. We have provided full versions of the classified reports to the Department of Justice, the CIA, the DOD, and Congressional committees. The effort to identify classified information in this report has been a significant factor delaying release of this report. To obtain the agencies' classification comments, we provided a draft report to the FBI, the CIA, and the DOD for classification review on October 25, 2007. The FBI and the CIA provided timely responses. The DOD's response was not timely. Eventually, the DOD provided initial classification comments to us on March 28, 2008. However, we believed those classification markings were over-inclusive. After several additional weeks of discussion with the DOD about these issues, the DOD provided revised classification comments. The DOD's delay in providing comments, and its over-inclusive initial comments, delayed release of this report.

[2] Although a major focus of our investigation was to collect information about the observations by FBI agents of DOD interrogation practices in the military zones, the OIG did not attempt to make an ultimate factual determination regarding the alleged misconduct by non-FBI personnel. Such a determination would have exceeded the DOJ OIG's jurisdiction. Moreover, the OIG did not have access to all of the witnesses, such (Cont'd.)

OSD AMNESTY/CCR 564

The OIG also interviewed more than 230 witnesses and reviewed over 500,000 pages of documents provided by the FBI, other components of the Department of Justice (DOJ), and the Department of Defense (DOD). OIG employees made two trips to GTMO to tour the detention facilities, review documents, and interview witnesses, including five detainees held there. We also interviewed one released detainee by telephone.[3]

Our review focused primarily on the activities and observations of FBI agents deployed to military facilities under the control of the Department of Defense between 2001 and 2004. With limited exceptions, we were unable to and did not investigate the conduct or observations of FBI agents regarding detainees held at CIA facilities for several reasons. First, we were unable to obtain highly classified information about CIA-controlled facilities, what occurred there, and what legal authorities governed their operations. Second, during the course of our review we learned that in January 2003 the CIA Inspector General had initiated a review of the CIA terrorist detention and interrogation program. Therefore, our review focused mainly on the conduct and observations of the approximately 1,000 FBI employees related to detainee interviews in military zones.

A. Organization of Report

The OIG's complete report, which contains the full results of our review, has been classified by the relevant government agencies at the Top Secret/SCI level. The full report contains 12 chapters. The first three chapters provide introductory and background information, including a description of the role of the FBI in the military zones and the various FBI interrogation policies in place at the time of the September 11 attacks. Chapter Four discusses the FBI's involvement in the joint interrogation of a "high value detainee," Zayn Abidin Muhammed Hussein Abu Zubaydah, shortly after his capture, and the subsequent deliberations within the FBI regarding the participation of its agents in joint interrogations with agencies that did not follow FBI interview policies.[4] Chapter Five examines the dispute between the FBI and the

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as DOD or CIA personnel, who would have been necessary to make such a determination.

[3] In addition, the OIG examined prior reports addressing the issue of detainee treatment in the military zones. Among the most significant of those reports were the *Church Report*, a review of DOD interrogation operations conducted in 2004 and 2005 by the DOD, and the *Schmidt-Furlow Report*, a DOD investigation in 2005 into allegations of detainee abuse at GTMO.

[4] When the OIG investigative team was preparing for its trip to GTMO in early 2007, we asked the DOD for permission to interview several detainees, including

(Cont'd.)

OSD AMNESTY/CCR 565

DOD regarding the treatment of another detainee held at GTMO, Muhammad Al-Qahtani. The dispute regarding Al-Qahtani arose from the tension between the differing interrogation techniques employed by the FBI and the military. This dispute was elevated to higher-level officials and eventually resolved in favor of the DOD's approach.

Chapter Six examines the FBI's response to the public disclosure of detainee mistreatment at Abu Ghraib prison in Iraq and related concerns expressed by FBI agents in the military zones. These responses included issuance of the FBI's May 2004 Detainee Policy, which reminded FBI agents not to use force, threats, or abuse in detainee interviews and instructed FBI agents not to participate in joint interviews in which other agencies were using techniques that were not in compliance with FBI rules. The FBI also conducted an internal review to determine the extent of the FBI's knowledge regarding detainee mistreatment. The seventh chapter discusses the communication of FBI policies to FBI employees who were deployed in military zones, including the FBI's efforts to provide training and guidance to its agents on appropriate interrogation techniques.

Chapters Eight, Nine, and Ten detail the results of the OIG's survey and investigation into what FBI agents saw, heard about, and reported with respect to detainee interrogations in GTMO, Afghanistan, and Iraq.

Zubaydah. The DOD agreed, stating that our interviews would not interfere with their attempts to obtain any intelligence from the detainees, including Zubaydah. However, the CIA Acting General Counsel objected to our interviewing Zubaydah. [redacted] In addition, the CIA Acting General Counsel asserted that the OIG had not persuaded him that the OIG had a "demonstrable and immediate need to interview Zubaydah at that time" given what the Acting General Counsel understood to be the OIG's "investigative mandate." In addition, the CIA Acting General Counsel asserted that Zubaydah could make false allegations against CIA employees. We believe that none of these reasons were persuasive or warranted denying us access to Zubaydah. First, neither the FBI nor the DOD objected to our access to Zubaydah at that time. In addition, neither the FBI nor the DOD stated that an OIG interview would interfere with their interviews of him. Second, at GTMO we were given access to other high value detainees. Third, we did have a demonstrable and immediate need to interview Zubaydah at that time, as well as the other detainees who we were given access to, notwithstanding the CIA Acting General Counsel's position that we had not persuaded him. Finally, the fact that Zubaydah could make false allegations against CIA employees – as could other detainees – was not in our view a legitimate reason to object to our access to him. In sum, we believe that the CIA's reasons for objecting to OIG access to Zubaydah were unwarranted, and its lack of cooperation hampered our investigation.

OSD AMNESTY/CCR 566

Chapter Eleven discusses our investigation of eight separate allegations that FBI agents in the military zones were involved in detainee abuse or mistreatment.

Chapter Twelve presents the OIG's conclusions and recommendations.

B. Summary of OIG Conclusions

Our report found that after FBI agents in GTMO and other military zones were confronted with interrogators from other agencies who used more aggressive interrogation techniques than the techniques that the FBI had successfully employed for many years, the FBI decided that it would not participate in joint interrogations of detainees with other agencies in which techniques not allowed by the FBI were used.

Our review determined that the vast majority of FBI agents complied with FBI interview policies and separated themselves from interrogators who used non-FBI techniques. In a few instances, FBI agents used or participated in interrogations during which techniques were used that would not normally be permitted in the United States. These incidents were infrequent and were sometimes related to the unfamiliar circumstances agents encountered in the military zones. They in no way resembled the incidents of detainee mistreatment that occurred at Abu Ghraib.

However, FBI agents continued to witness interrogation techniques by other agencies that caused them concern. Some of these concerns were reported to their supervisors, which sometimes resulted in friction between FBI and the military over the use of these interrogation techniques on detainees. Some FBI agents' concerns were resolved directly by the agents working with their military counterparts, while other concerns were never reported. Ultimately, however, the DOD made the decisions regarding which interrogation techniques could be used on the detainees in military zones. In our report, we describe the types of techniques that FBI employees reported to their supervisors.

We also concluded that the FBI had not provided sufficient guidance to its agents on how to respond when confronted with military interrogators who used interrogation techniques that were not permitted by FBI policies.

In sum, while our report concluded that the FBI could have provided clearer guidance earlier, and while the FBI and DOJ could have pressed harder for resolution of FBI concerns about detainee treatment, we believe the FBI should be credited for its conduct and professionalism

OSD AMNESTY/CCR 567

in detainee interrogations in the military zones and in generally avoiding participation in detainee abuse.

The remainder of this unclassified Executive Summary summarizes in more detail the factual background and findings contained in our full report.

II. Factual Background

As a result of the September 11 attacks, the FBI changed its top priority to counterterrorism and preventing terrorist attacks in the United States. As a consequence of this shift in its priorities, and in recognition of the FBI's investigative expertise and familiarity with al-Qaeda, the FBI became more involved in collecting intelligence and evidence overseas, particularly in military zones in Afghanistan, at GTMO, and in Iraq.

Beginning in December 2001, the FBI sent a small number of agents and other employees to Afghanistan to obtain actionable intelligence for its counterterrorism efforts, primarily by interviewing detainees at various facilities. In January 2002, the military began transferring "illegal enemy combatants" from Afghanistan to GTMO, and the FBI began deploying personnel to GTMO to obtain further intelligence and evidence from detainees in cooperation with military interrogators. Following the invasion of Iraq in March 2003, the FBI also sent agents and other employees to Iraq for the primary objective of collecting and analyzing information to prevent terrorist attacks in the United States and to protect U.S. personnel or interests overseas.

FBI deployments in the military zones peaked at approximately 25 employees in Afghanistan, 30 at GTMO, and 60 in Iraq at any one time between 2001 and the end of 2004, the period covered by our review. In total, more than 200 FBI employees served in Afghanistan between late 2001 and the end of 2004, more than 500 employees served at GTMO during this period, and more than 260 served in Iraq. In each military zone, FBI agents were supervised by an FBI On-Scene Commander.

III. FBI and DOD Interrogation Policies

A. FBI Policies Prior to the September 11 Attacks

Most of the FBI's written policies regarding permissible interrogation techniques for its agents and for its agents' conduct in collaborative or foreign interviews were developed prior to the September 11 attacks. When these policies were drafted, they reflected

OSD AMNESTY/CCR 568

the FBI's primary focus on domestic law enforcement, which emphasized obtaining information for use in investigating and prosecuting crimes. These policies are designed to ensure that witness statements met legal and constitutional requirements of voluntariness so that they would be admissible in U.S. courts. In addition, the FBI has consistently stated its belief that the most effective way to obtain accurate information is to use rapport-building techniques in interviews.

Conducting Interviews The FBI's Legal Handbook for Special Agents states, among other things, that "[i]t is the policy of the FBI that no attempt be made to obtain a statement by force, threats, or promises." The FBI's Manual of Administrative and Operational Procedures (MAOP) describes the importance of FBI agents not engaging in certain activities when conducting investigative activities, including foreign counterintelligence, and specifically states that "[n]o brutality, physical violence, duress or intimidation of individuals by our employees will be countenanced . . . ."

Joint Interviews Prior to the September 11 attacks, the FBI had policies for working with other government agencies, both domestic and foreign, in joint or cooperative investigations. However, the FBI's work with the military in GTMO, Afghanistan, and Iraq raised new issues regarding which agency's interrogation policies would apply and how the FBI would work with personnel from other agencies who operated under different interrogation rules. FBI agents told us that they have always been trained to adhere to FBI protocols, not to other agencies' rules with respect to interview policies or evidence collection.

However, the FBI's expanded mission after the September 11 attacks gave rise to circumstances in which (1) entities other than the FBI were the lead agencies and had custody of the witnesses, (2) prosecution of crimes was not necessarily the primary goal of the interrogations, and (3) the evidentiary rules of U.S. Article III courts did not necessarily apply. As a consequence and as detailed below, existing FBI policies were not always sufficient to address these circumstances.

Reporting Misconduct FBI policies prior to the September 11 attacks required FBI agents to report to FBI Headquarters any incidents of misconduct or improper performance by other FBI employees. However, the duty of an FBI employee to report on the activities of non-FBI government personnel was limited to criminal behavior by other personnel. We did not find any FBI policy prior to May 2004 imposing an obligation on FBI employees to report abuse or mistreatment of detainees by non-FBI government employees falling short of a crime.

OSD AMNESTY/CCR 569

B. DOD Interrogation Policies

In our report, we summarize the detainee interrogation policies adopted by the DOD after the September 11 attacks for prisoners and detainees. These policies were generally developed for use in war zones rather than in the law-enforcement context. The range of permissible DOD techniques was expanded after the September 11 attacks and was modified over time. These military policies permitted techniques that were inconsistent with the FBI's longstanding approach towards witness interrogations.

Although DOD policies were not applicable to FBI agents, they were relevant to our report for several reasons. First, as detailed below, the tensions between DOD policies and the FBI's interview policies created concerns for some FBI agents in the military zones which sometimes led to conflicts between FBI and DOD employees.

Second, FBI agents in the military zones had a unique opportunity to observe the conduct of other agencies' interrogators, including conduct related to alleged detainee abuse in GTMO, Iraq, and other detention facilities. A significant portion of our review involved the FBI's observations regarding the treatment of detainees by military interrogators. Because military interrogators were governed by the DOD's interrogation policies, these policies are relevant to the OIG's report.

Third, in May 2004 the FBI instructed its agents to report to their superiors any incidents of known or suspected abuse or mistreatment of detainees by other agencies' interrogators. Some FBI agents were told that they should report any abusive interrogation technique that the agent believed was outside the legal authority of the interrogator. This instruction required FBI agents to have some familiarity with other agencies' policies, which we briefly summarize below.

DOD Policies for GTMO When interrogations began at GTMO in January 2002, military interrogators relied on Army Field Manual 34-52, *Intelligence Interrogation*, for guidance as to permissible interrogation techniques. In additional to conventional direct questioning techniques, Field Manual 34-52 permitted military interrogators to utilize methods that, depending on the manner of their use, might not be permitted under FBI policies, such as "Fear Up (Harsh)," defined as exploiting a detainee's pre-existing fears including behaving in an overpowering manner with a loud and threatening voice. On December 2, 2002, the Secretary of Defense approved additional techniques for use on detainees at GTMO, including stress positions for a maximum of 4 hours, isolation, deprivation of light and auditory stimuli, hooding, 20-hour

OSD AMNESTY/CCR 570

interrogations, removal of clothing, and exploiting a detainee's individual phobias (such as fear of dogs).

On January 15, 2003, the Secretary of Defense rescinded his approval of these techniques. On April 16, 2003, the Secretary of Defense promulgated revised guidance approving 24 techniques for use at GTMO, most of which were taken from or closely resembled those in Field Manual 34-52. The April 2003 GTMO Policy also approved the use of dietary manipulation, environmental manipulation, sleep adjustment, and isolation. This policy continued in effect for GTMO until September 2006 when the U.S. Army issued Field Manual 2-22.3, discussed below.

DOD Policies for Afghanistan Prior to 2003, the only official guidance regarding military detainee interrogation techniques in effect in Afghanistan was that contained in Field Manual 34-52. In early 2003, the military followed a policy that permitted techniques similar to those approved under the December 2002 GTMO Policy, including isolation, sleep adjustment, hooding, stress positions, sensory deprivation, and mild physical contact. In February 2003, after a military investigation into two detainee deaths at the Bagram Collection Point in December 2002, the military revised its approved interrogation tactics and prohibited handcuffing as a means to enforce sleep deprivation and physical contact for interrogation purposes.

In March 2004 the military issued a new policy for Afghanistan interrogations that was based on the prior Afghanistan policies and the April 2003 GTMO Policy. This policy added dietary manipulation and environmental manipulation to the list of approved techniques and relaxed the prior prohibitions on using stress positions as an incentive for cooperation. In June 2004, in the aftermath of the Abu Ghraib disclosures, the military in Afghanistan adopted the same policy that was issued for Iraq on May 13, 2004 (discussed below).

DOD Policies for Iraq For the first few months of the war in Iraq, military interrogators were governed by Field Manual 34-52. In September 2003, the DOD adopted a policy describing 29 permissible interrogation techniques. Most were adopted nearly verbatim from the April 2003 GTMO Policy approved by the Secretary of Defense, but additional approved techniques included muzzled military working dogs, sleep management, yelling, loud music, light control, and stress positions for up to 1 hour per use.

On October 12, 2003, the Commander in Iraq rescinded approval for several of these techniques. On May 13, 2004, in the wake of the Abu Ghraib abuse revelations, the military further revised its policies to specify that "under no circumstances" would requests for certain

OSD AMNESTY/CCR 571

techniques be approved, including "sleep management, stress positions, change of scenery, diet manipulation, environment manipulation, or sensory deprivation." In January 2005, the military adopted an interrogation policy for Iraq that approved only those techniques listed in Field Manual 34-52, with additional safeguards, prohibitions, and clarifications, including explicit prohibitions against the removal of clothing and the use or presence of military working dogs during interrogations.

Field Manual 2-22.3 In September 2006, the U.S. Army issued Field Manual 2-22.3 in fulfillment of a mandate of the Detainee Treatment Act, enacted in December 2005, requiring a uniform standard for treatment of detainees under DOD custody. Field Manual 2-22.3 reiterated and elaborated on many of the techniques listed in its predecessor, Field Manual 34-52, but placed much greater emphasis on rapport-based interrogation techniques similar to those endorsed by the FBI. It also identified several prohibited actions, including nudity, sexual acts or poses, beatings, waterboarding, use of military dogs, and deprivation of food or water. Field Manual 2-22.3 also placed specific controls on the use of the technique of isolating detainees from other detainees. However, Field Manual 2-22.3 was not in effect during any part of the period that was the focus of the OIG's review.

IV. The Interrogation of Zubaydah and the Development of Early FBI Policies Regarding Detainee Interviews in the Military Zones

In the spring of 2002, the FBI began addressing the need for specific policies governing the conduct of its agents during detainee interrogations overseas. This need came to light in connection with the interrogation of Abu Zubaydah, a "high value detainee" then being held by the CIA. Zubaydah had been severely wounded when he was captured, and two FBI agents were assigned to assist the CIA in obtaining intelligence from him while he was recovering from his injuries. The FBI agents conducted the initial interviews of Zubaydah, assisting in his care and developing rapport with him. However, when the CIA interrogators arrived at the site they assumed control of the interrogation. After observing the CIA use interrogation techniques that undoubtedly would not be permitted under FBI interview policies, one of the FBI agents expressed strong concerns about these techniques to senior officials in the Counterterrorism Division at FBI Headquarters.

This agent's reports led to discussions at FBI Headquarters and with the DOJ and the CIA about the FBI's role in joint interrogations with other agencies. Ultimately, these discussions resulted in a determination

OSD AMNESTY/CCR 572

by FBI Director Robert Mueller in approximately August 2002 that the FBI would not participate in joint interrogations of detainees with other agencies in which harsh or extreme techniques not allowed by the FBI would be employed.

However, the issue arose again in late 2002 and early 2003 in connection with the FBI's efforts to gain access to another high value detainee held in a foreign location. FBI agents assisted another agency in developing questions for this detainee during a period when he was being subjected to interrogation techniques that FBI agents would not be allowed to use in the United States.[5]

V. FBI Concerns about Military Interrogations at GTMO

Late in 2002, FBI agents assigned to GTMO also began raising questions to FBI Headquarters regarding harsh interrogation techniques being used by the military. These concerns were focused particularly on the treatment of Muhammad Al-Qahtani, who had unsuccessfully attempted to enter the United States in August 2001 shortly before the September 11 attacks, allegedly for the purpose of being an additional highjacker. After his capture and transfer to GTMO, Al-Qahtani resisted initial FBI attempts to interview him. In September 2002, the military assumed control over his interrogation, although behavioral specialists from the FBI continued to observe and provide advice.

The FBI agents became concerned when the military announced a plan to keep Al-Qahtani awake during continuous 20-hour interviews every day for an indefinite period and when the FBI agents observed military interrogators use increasingly harsh and demeaning techniques, such as menacing Al-Qahtani with a snarling dog during his interrogation.

The friction between FBI officials and the military over the interrogation plans for Al-Qahtani increased during October and November 2002. The FBI continued to advocate a long-term rapport-based strategy, while the military insisted on a different, more aggressive approach. Between late November 2002 and mid-January 2003, the military used numerous aggressive techniques on Al-Qahtani, including attaching a leash to him and making him perform dog tricks, placing him

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[5] The FBI agents' accounts of the techniques they witnessed during the interrogations of Zubaydah and the other high value detainee are described in our classified full report. Although the CIA has publicly acknowledged using waterboarding with three detainees, none of the FBI agents we interviewed reported witnessing this technique.

OSD AMNESTY/CCR 573

in stress positions, forcing him to be nude in front of a female, accusing him of homosexuality, placing women's underwear on his head and over his clothing, and instructing him to pray to an idol shrine. FBI and DOJ officials did not learn about the techniques used between late November 2002 and mid-January 2003 until much later. However, in early December 2002, an agent learned that Al-Qahtani was hospitalized briefly for what the military told the FBI was low blood pressure and low core body temperature.

As a result of the interrogations of Al-Qahtani and other detainees at GTMO, several FBI agents raised concerns with the DOD and FBI Headquarters about: (1) the legality and effectiveness of DOD techniques; (2) the impact of these techniques on the future prosecution of detainees in court or before military commissions; and (3) the potential problems that public exposure of these techniques would create for the FBI as an agency and FBI agents individually. Some of these concerns were expressed to FBI Headquarters in e-mails from agents at GTMO. The informal response that some of these agents received from FBI Headquarters was that agents could continue to witness DOD interrogations involving non-FBI authorized techniques so long as they did not participate.

During this period, however, FBI agents continued to raise objections directly with DOD officials at GTMO and to seek guidance from senior officials in the FBI's Counterterrorism Division. No formal responses were ever received by the agents who wrote these communications.

We determined, however, that some of the FBI agents' concerns regarding the DOD's interrogation approach at GTMO were communicated by officials in the FBI's Counterterrorism Division to senior officials in the Criminal Division of DOJ and ultimately to the Attorney General. FBI Headquarters officials said they discussed the issue in meetings with senior officials in the DOJ Criminal Division. Two witnesses told us that they recalled conversations with Alice Fisher (at the time the Deputy Assistant Attorney General for the Criminal Division) regarding the ineffectiveness of military interrogations at GTMO, but they did not recall discussing specific techniques with Fisher. Fisher told us that she could not recall discussing detainee treatment or particular interrogation techniques with the FBI, but that she was aware that the FBI did not consider DOD interrogations at GTMO to be effective.

Concerns about the efficacy of DOD interrogation techniques also reached then Assistant Attorney General for the Criminal Division

OSD AMNESTY/CCR 574

Michael Chertoff, Deputy Attorney General Larry Thompson, and Attorney General John Ashcroft.[6] The senior-level witnesses we interviewed generally said they recalled that the primary concern expressed about the GTMO interrogations was that DOD techniques and interrogators were ineffective at developing actionable intelligence. These senior DOJ officials did not identify FBI agents' concerns about the legality of the techniques or their impact on future prosecutions as a focus of these discussions.

In addition, we were unable to determine definitively whether the concerns of the FBI and DOJ about DOD interrogation techniques were ever addressed by any of the federal government's inter-agency structures created for resolving disputes about anti-terrorism issues. These structures included the Policy Coordinating Committee, the "Principals" Committee, and the "Deputies" Committee, all chaired by the National Security Council (NSC).

Several senior DOJ Criminal Division officials told us that they raised concerns about particular DOD detainee practices in 2003 with the National Security Council, but they did not recall that any changes were made at GTMO as a result. Several witnesses also told us that they believed that Attorney General Ashcroft spoke with the NSC or the DOD about these concerns, but we could not confirm this because former Attorney General Ashcroft declined to be interviewed for this review.

We found no evidence that the FBI's concerns influenced DOD interrogation policies. Ultimately, the DOD made the decisions regarding what interrogation techniques would be used by military interrogators at GTMO, because GTMO was a DOD facility and the FBI was there in a support capacity. Similarly, the DOD controlled what techniques were used in Afghanistan and Iraq. As a result, once it was clearly established within each zone that military interrogators were permitted to use interrogation techniques that were not available to FBI agents, the FBI On-Scene Commanders said they often did not elevate additional reports of harsh detainee interrogations to their superiors at FBI Headquarters.

Eventually, the DOD modified its own policies as a result of its internal deliberations. As noted above, on January 15, 2003, Defense Secretary Rumsfeld rescinded his prior authorization of some of the more aggressive DOD interrogation techniques. In April 2003, Al-Qahtani became cooperative with military interrogators. Based on the information we obtained in the OIG survey and our follow-up interviews, we believe that around this time the military also reduced the frequency

[6] Former Attorney General Ashcroft declined to be interviewed for this review.

OSD AMNESTY/CCR 575

and severity of its use of many of the techniques that concerned the FBI agents deployed at GTMO.

FBI witnesses almost uniformly told us that they strongly favored non-coercive rapport-based interview techniques to the harsher techniques used on Al-Qahtani and others due to the FBI's extensive history of success with such techniques in the law enforcement context. However, we also learned about a proposal advanced by certain officials from the FBI and DOJ in late 2002 to change the circumstances of Al-Qahtani's interrogation. A draft letter prepared for the purpose of presenting this proposal to the National Security Council indicated that this proposal involved subjecting Al-Qahtani to interrogation techniques of the sort that had previously been used by the CIA on Zubaydah and another detainee. DOJ and FBI officials involved with this proposal stated to us that the rationale for this proposal was to bring more effective interrogation techniques to bear on Al-Qahtani than the ineffective interrogation techniques that the military had been using on him up to that time. The techniques that had been previously used by the CIA on Zubaydah included methods that did not remotely resemble the rapport-based techniques that are permitted under FBI policy. However, the DOJ and FBI officials involved in the proposal stated to the OIG that they did not learn what specific techniques had been used by the CIA until much later, and that they based their recommendation on the fact that the CIA had been effective at obtaining useful information from Zubaydah. Senior officials in DOJ and the FBI such as FBI Director Mueller, former Assistant Attorney General Chertoff, current Assistant Attorney General Fisher, and others, told us the draft letter never reached them, that they were not aware of a proposal to subject Al-Qahtani to methods of the sort that had been used on Zubaydah, and did not take part in any specific discussion of such a proposal.

We also determined that the DOD opposed the proposal for Al-Qahtani, and the proposal was never adopted. Moreover, Al-Qahtani began cooperating with military interrogators in April 2003, obviating the underlying rationale for the proposal.

We concluded that the proposal to subject Al-Qahtani to the type of techniques that the CIA had used on Zubaydah was inconsistent with Director Mueller's directive that the FBI should not be involved with interrogations in which non-FBI techniques would be utilized, and with the frequently stated position of DOJ and FBI officials that the FBI's rapport-based techniques were superior to other techniques. We were also troubled that FBI and DOJ officials would suggest this proposal without knowing what interrogation techniques the proposal entailed.

OSD AMNESTY/CCR 576

VI. The FBI's Response to the Disclosure of Detainee Mistreatment at Abu Ghraib

In January 2004, senior managers in the FBI learned about allegations of prisoner mistreatment at Abu Ghraib prison in Iraq. Managers in the FBI's Counterterrorism Division agreed with the recommendation of the FBI's On-Scene Commander that the military should conduct the investigation into the alleged abuses at Abu Ghraib without the assistance of the FBI, because the matter was outside of the FBI's mission and the FBI's participation might harm its relationship with the military.

However, as described below, public disclosure of explicit photographs and accounts of detainee mistreatment at the Abu Ghraib prison in late April 2004 triggered a significant effort within the FBI to assess the adequacy of its own policies regarding detainee treatment in the military zones and to determine what, if anything, its agents knew about detainee mistreatment at Abu Ghraib, GTMO, and Afghanistan.

A. The FBI's May 2004 Detainee Policy

Following the Abu Ghraib disclosures, the FBI quickly determined that although existing FBI policies prohibited FBI agents from utilizing coercive interview techniques, no policy had ever been issued to address the question of what FBI agents should do if they saw non-FBI interrogators using coercive or abusive techniques. On May 19, 2004, the FBI General Counsel issued an official FBI policy regarding "Treatment of Prisoners and Detainees."[7] This policy included the following instructions for FBI agents in dealing with detainees:

- Agents were reminded that existing FBI policy prohibited agents from obtaining statements during interrogations by the use of force, threats, physical abuse, threats of such abuse, or severe physical conditions.
- Agents were told that FBI personnel may not participate in any treatment or use any interrogation technique that is in violation of these guidelines, regardless of whether the co-interrogator is in compliance with his or her own guidelines. If a co-interrogator is complying with the rules of his or her agency, but is not in compliance with FBI rules, FBI personnel may not participate in the interrogation and must remove themselves from the situation.

[7] We refer to the policy as the "FBI's May 2004 Detainee Policy."

OSD AMNESTY/CCR 577

- Agents were told that if an FBI employee knows or suspects non-FBI personnel has abused or is abusing or mistreating a detainee, the FBI employee must report the incident to the FBI On-Scene Commander, who shall report the situation to the appropriate official at FBI Headquarters. FBI Headquarters is responsible for further follow up with the other party.

B. Concerns Expressed by FBI Agents in the Field

Shortly after the public disclosure of the Abu Ghraib abuses, several FBI agents in the military zones expressed significant concerns about how the military's use of certain interrogation techniques could affect the FBI. For example, in May 2004 an FBI supervisor stationed in Afghanistan sent a series of e-mails to senior Counterterrorism Division officials in FBI Headquarters stating that although the military had temporarily restricted the use of aggressive interrogation techniques such as stress positions, dogs, and sleep deprivation, military interrogators were likely to resume such methods soon. The FBI supervisor stated that even if the FBI was not present during such interrogations, FBI agents would inherently be participating in the process because they would be interviewing detainees who had either recently been subjected to such techniques by the military or who would be subjected to them after the FBI interviews were completed. He questioned whether it would be ethical for FBI agents to be involved in such a process and whether they would be held culpable for detainee abuse. He recommended that the FBI move quickly to issue definitive guidance to its agents in Afghanistan. By this time, the FBI Office of General Counsel was in the process of drafting the FBI's May 2004 Detainee Policy (described above).

However, almost immediately after the FBI's May 2004 Detainee Policy was issued, several FBI employees raised additional questions and concerns. In late May 2004, the FBI's On-Scene Commander in Iraq transmitted an e-mail to senior managers in the FBI's Counterterrorism Division stating that the instruction in the FBI's May 2004 Detainee Policy that agents report any known or suspected abuse or mistreatment did not draw an adequate line between conduct that is "abusive" and techniques such as stress positions, sleep management, stripping, or loud music that, while seemingly harsh, may have been permissible under orders or policies applicable to non-FBI interrogators.

In late May 2004, the FBI General Counsel stated in an e-mail to the FBI Director that agents who asked about the meaning of "abuse" in the FBI's May 2004 Detainee Policy were being told that the intent of the Policy was for agents to report conduct that they "know or suspect is

OSD AMNESTY/CCR 578

beyond the authorization of the person doing the harsh interrogation," and that there was no reason to report on "routine" harsh interrogation techniques that the DOD had authorized its interrogators to use. Consistent with this interpretation, senior FBI officials in the Counterterrorism Division drafted a "clarification" of the May 2004 Detainee Policy instructing FBI agents to report any techniques that exceed "lawfully authorized practices." This clarification was never formally issued, although the interpretation contained in it was communicated to some FBI agents in the military zones.

In addition, in response to concerns expressed by agents and attorneys in the FBI after the May 2004 Policy was issued, the FBI General Counsel directed lawyers in the Office of General Counsel to prepare legal advice that addressed, among other things, how long FBI agents needed to wait after another agency interrogated a detainee so as not to be considered a participant in the harsh interrogation. Several drafts of supplemental policy to address this issue were prepared by the Office of General Counsel, but none was ever finalized. However, as detailed in Section VII below, this issue was addressed in training provided to agents prior to their deployment in the military zones.

C. OIG Assessment of FBI Policies

As described below, our report concluded that while the FBI provided some guidance to its agents about conduct in the military zones, FBI Headquarters did not fully or timely respond to repeated requests from its agents in the military zones for additional guidance regarding their participation in detainee interrogations.

FBI Interview Techniques Although FBI agents were aware that FBI policies regarding interviews prohibited the use of threats or coercion, we believe that the agents had several reasons to be uncertain about whether the rules were different in the military zones. Following the September 11 attacks, the FBI announced a change in priorities from evidence collection for prosecution to intelligence collection for terrorism prevention. In addition, conditions at detention facilities in the military zones were vastly different from conditions in U.S. jails or prisons. We believe that under these circumstances FBI agents in the military zones could reasonably have concluded that traditional law enforcement constraints on interview techniques were not strictly applicable in the military zones, particularly with respect to "high value" detainees.

Ultimately, senior FBI management determined that pre-existing FBI standards should remain in effect for all FBI interrogations in military zones even where future prosecution was not contemplated. However, we determined that this message did not reach all FBI agents

OSD AMNESTY/CCR 579

in the military zones. We also found that a few FBI interrogators used interrogation strategies that might not be appropriate in the United States, such as extreme isolation from other detainees or other strategies to undermine detainee solidarity. We concluded that FBI management should have realized sooner than May 2004 that it needed to issue written guidance addressing the question of whether its pre-September 11 policies and standards for custodial interviews should continue to be strictly applied in the military zones.

Joint Interrogations The FBI's May 2004 Detainee Policy stated: "If a co-interrogator is in compliance with the rules of his or her agency, but is not in compliance with FBI rules, FBI personnel may not participate in the interrogation and must remove themselves from the situation." Yet, the question of whether the FBI should participate in, assist, or observe interrogations conducted by others using non-FBI techniques was raised to FBI Headquarters well before the Abu Ghraib scandal broke, and we believe that the FBI should have clarified its guidance before May 2004.

FBI Interrogations Following Other Agencies' Interrogations The FBI's May 2004 Detainee Policy also does not address the issue of whether FBI agents may interview a detainee who had previously been subjected to non-FBI interrogation techniques by other agencies. Although the problem was diminished somewhat when the military promulgated a new, uniform interrogation policy in 2006 for all military theaters that stresses non-coercive interrogation approaches (Field Manual 2-22.3), we believe this has not fully eliminated the need for clearer FBI guidance with regard to this question. The revised military policy still permits DOD interrogators to use some techniques that FBI agents probably cannot employ. Moreover, to the extent that the FBI is involved with interrogating detainees who have been interrogated by the CIA, the issue remains significant.

We therefore recommend in our report that the FBI consider completing the project that its Office of General Counsel began shortly after the issuance of its May 2004 Detainee Policy and address the issue of when FBI agents may interview detainees previously interrogated by other agencies using non-FBI techniques. We also recommend that the FBI address the circumstances under which FBI agents may use information obtained in interrogations by other agencies that employed non-FBI techniques.

Reporting Prior to issuance of the FBI's May 2004 Detainee Policy, the FBI did not provide specific or consistent guidance to its agents regarding when or how the conduct of other agencies toward detainees should be reported. Some agents told us they were instructed

OSD AMNESTY/CCR 580

to report problematic interrogation techniques, but the definition of what to report was left unclear. Leaving this matter to the discretion of individual FBI agents put them in a difficult position because FBI agents were trying to establish a cooperative working relationship with the DOD while fulfilling their intelligence-gathering responsibilities. Under these circumstances, FBI agents had reasons to avoid making reports regarding potential mistreatment of detainees. In addition, the agents lacked information regarding what techniques were permissible for non-FBI interrogators. It was therefore not surprising that some agents who later told us that they observed or heard about potentially coercive interrogation techniques did not report such incidents to anyone at the time.

It is important to note, however, that despite the absence of clear guidance, several FBI agents brought concerns about other agencies' interrogation techniques to the attention of their On-Scene Commanders or senior officials at the FBI. We believe these agents should be commended for their actions.

In addition, in light of the recurring instances beginning in 2002 in which FBI agents in the military zones raised questions about the appropriateness of other agencies' interrogation techniques, we believe that FBI management should have recognized sooner the need for clearer and more consistent standards and procedures for FBI agents to make these reports. If this issue had been more fully addressed by FBI and DOD Headquarters officials, it would have reduced friction between FBI agents in the military zones and their military counterparts. Such an approach should have clarified: (1) what DOD policies were, (2) how the DOD was dealing with deviations from these policies, and (3) what FBI agents should do in the event they observed such deviations.

The FBI's May 2004 Detainee Policy, while providing some guidance, did not fully resolve these issues. The Policy requires FBI employees to report any instance when the employee "knows or suspects non-FBI personnel has abused or is abusing or mistreating a detainee," but it contains no definition of abuse or mistreatment. According to an e-mail from the FBI General Counsel to the Director dated May 28, 2004, agents with questions about the definitions of abuse or mistreatment were instructed to report conduct that they know or suspect is "beyond the authorization of the person doing the harsh interrogation." Agents told us, however, that they often did not know what techniques were permitted under military policies.

Going forward, the military's adoption of a single interrogation policy for all military zones (Field Manual 2-22.3) may reduce the difficulties for FBI agents seeking to comply with the reporting

OSD AMNESTY/CCR 581

requirement in the FBI's May 2004 Detainee Policy. Nevertheless, military interrogators are still permitted to use some techniques not available to FBI agents, and it is therefore important for agents to receive training on the approved military interrogation policies and for the FBI to clarify what conduct should or should not be reported.

As a result, in our report we recommend that the FBI consider supplementing its May 2004 Detainee Policy or expanding pre-deployment training to clarify the circumstances under which FBI agents should report potential mistreatment by other agencies' interrogators. If the FBI requires its employees to report any conduct beyond the interrogator's authority, then the FBI should provide guidance to its agents on what interrogation techniques are permitted under military policy. If the FBI requires agents to report "abuse or mistreatment," it should define these terms and explain them with examples, either in the policy itself or in agent training.

VII. FBI Training Regarding Detainee Treatment

We also examined the training that FBI agents received regarding issues of detainee interrogation and detainee abuse or mistreatment in connection with their deployments to the military zones during the periods before and after issuance of the FBI's May 2004 Detainee Policy.

A large majority of agents who completed their deployments prior to May 19, 2004, reported in the OIG survey that they did not receive any training, instruction, or guidance concerning FBI or other agency standards of conduct relating to detainees prior to or during their deployment. Most of the FBI agents who reported receiving training regarding detainee mistreatment issues said they received it orally from their On-Scene Commander or other FBI agents after they arrived at the military zone.

By January 2004, the FBI had implemented a 5-day pre-deployment training program for agents detailed to Iraq. The agenda provided to the OIG included approximately 1 hour of training regarding "Interviewing Techniques," but it did not specifically identify any issues relating to detainee mistreatment.

Almost all the FBI agents who received training during this period told us that they were instructed to continue to adhere to the same FBI standards of conduct that applied to custodial interviews in the United States. Most agents told us they did not receive any specific information regarding which interrogation techniques were permissible for military interrogators. Several agents told us the FBI did not provide specific training about how to conduct joint interviews with the DOD, including

OSD AMNESTY/CCR 582

whether agents could observe or assist in interviews led by other agencies who were using techniques not permitted in the FBI. Several agents told us they were instructed to leave the interview if they saw anything "extreme" or "inappropriate." A few FBI agents also said they were told to report detainee mistreatment by other agencies, but they received little guidance on what conduct was sufficiently improper to trigger the reporting requirement.

We determined that in the months following the issuance of the FBI's May 2004 Detainee Policy, the FBI's Military Liaison and Detainee Unit (MLDU) substantially increased the scope of pre-deployment training provided to FBI agents who were being sent to the military zones, particularly Iraq and Afghanistan. After May 2004, the FBI began addressing the issue of detainee treatment in a more systematic way than it had prior to the Abu Ghraib disclosures. Agents received a legal briefing that included training regarding the contents of the May 2004 Detainee Policy. Agents were also told to "attenuate" their interviews of potential criminal defendants in cases where the detainee had previously been questioned by a foreign government or other intelligence community agency so as to enhance the likelihood that any resulting statement would be admissible in a judicial proceeding, such as by allowing a lapse of time and choosing a different location for the FBI interview.

We found no indication that the FBI devised a comparable pre-deployment program for agents assigned to GTMO. However, in August 2004 the FBI Office of General Counsel attorney stationed at GTMO began giving training to FBI personnel deployed there, advising them to rely on the guidance provided in the Legal Handbook for Special Agents. He told the newly arrived FBI employees that if they saw anything "untoward" beyond what the FBI was authorized to do or outside the scope of the military's authority, the agent was to remove himself from the room and report the incident to the Office of General Counsel attorney or to the FBI's On-Scene Commander at GTMO. The Office of General Counsel attorney told us that he and the On-Scene Commander instructed the newly arrived employees on the scope of the military's approved techniques.

Although the quantity and quality of FBI training clearly increased after issuance of the FBI's May 2004 Detainee Policy, numerous agents told us in survey responses and interviews that it would have been useful to them to receive a more detailed explanation of what constituted "abuse" and what techniques were permissible to military or other government agency interrogators under their agencies' policies.

OSD AMNESTY/CCR 583

VIII. FBI Observations Regarding Detainee Treatment at GTMO

In this section we summarize our report's findings regarding what more than 450 FBI agents who served at GTMO told us they observed or heard about regarding detainee interrogations, any reports by these agents concerning detainee mistreatment, and what the FBI did with such reports. These findings, as well as our corresponding findings relating to Afghanistan and Iraq that are also summarized below, were based on our survey of FBI employees and numerous follow-up interviews.

Our survey sought information about whether FBI agents observed or heard about approximately 40 separate aggressive interrogation techniques, including such techniques as using water to create the sense of drowning ("waterboarding"), using military dogs to frighten detainees, and mistreating the Koran.

A majority of FBI employees who served at GTMO reported in response to our survey that they never saw or heard about any of the specific aggressive interrogation techniques listed in our survey. However, over 200 FBI agents said they had observed or heard about military interrogators using a variety of harsh interrogation techniques on detainees. These techniques generally were not comparable to the most egregious abuses that were observed at Abu Ghraib prison in Iraq. Moreover, it appears that some but not all of these harsh interrogation techniques were authorized under military policies in effect at GTMO.

The most commonly reported technique used by non-FBI interrogators on detainees at GTMO was sleep deprivation or disruption. Over 70 FBI employees had information regarding this technique. "Sleep adjustment" was explicitly approved for use by the military at GTMO under the policy approved by the Secretary of Defense on April 16, 2003. Numerous FBI agents told the OIG that they witnessed the military's use of a regimen known as the "frequent flyer program" to disrupt detainees' sleep in an effort to lessen their resistance to questioning and to undermine cell block relationships among detainees. Only a few FBI agents participated in this program by requesting military officials to subject particular detainees to frequent cell relocations.

Other FBI agents described observing military interrogators use a variety of techniques to keep detainees awake or otherwise wear down their resistance. Many FBI agents told the OIG that they witnessed or heard about the military's use of bright flashing strobe lights on detainees, sometimes in conjunction with loud rock music. Other agents described the use of extreme temperatures on detainees.

OSD AMNESTY/CCR 584

Prolonged short-shackling, in which a detainee's hands were shackled close to his feet to prevent him from standing or sitting comfortably, was another of the most frequently reported techniques observed by FBI agents at GTMO. This technique was sometimes used in conjunction with holding detainees in rooms where the temperature was very cold or very hot in order to break the detainees' resolve. A DOD investigation, discussed in the *Church Report*, classified the practice of short-shackling prisoners as a "stress position." Stress positions were prohibited at GTMO under DOD policy beginning in January 2003. However, these FBI agents' observations confirm that prolonged short-shackling continued at GTMO for at least a year after the revised DOD policy took effect.

Many FBI agents reported the use of isolation at GTMO, sometimes for periods of 30 days or more. In some cases, isolation was used to prevent detainees from coordinating their responses to interrogators. It was also used to deprive detainees of human contact as a means of reducing their resistance to interrogation.

In addition, a few FBI agents reported other harsh or unusual interrogation techniques used by the military at GTMO. These incidents tended to be small in number, but they became notorious at GTMO because of their nature. They included using a growling military dog to intimidate a detainee during an interrogation; twisting a detainee's thumbs back; using a female interrogator to touch or provoke a detainee in a sexual manner; wrapping a detainee's head in duct tape; and exposing a detainee to pornography.

We also examined how the reports from FBI agents regarding detainee treatment at GTMO were handled by the FBI. In addition to the reports relating to Al-Qahtani described above in Part V of this Executive Summary, we found that early FBI concerns about detainee short-shackling were raised with the military command at GTMO in June 2002. However, FBI agents continued to observe the use of short-shackling as a military interrogation technique as late as February 2004. Reports to FBI Headquarters about these techniques led to the instructions that FBI agents should stand clear of non-FBI techniques. As time passed, other reports from FBI agents to their On-Scene Commanders regarding military conduct were not elevated within the FBI chain of command because the On-Scene Commanders understood that the conduct in question was permitted under DOD policy.

FBI agents also reported to us that detainees sometimes told FBI agents they had previously been abused or mistreated. FBI practices in dealing with such allegations varied over time. Some agents were told to record such allegations for inclusion in a "war crimes" file; others were

OSD AMNESTY/CCR 585

told to include the allegations in their regular FD-302 interview summaries. As noted above, other FBI agents told us they were instructed not to record such allegations at all. No formal FBI procedure for reporting incidents or allegations of mistreatment to the military was established until after the Abu Ghraib prison abuses became public in 2004.

IX. FBI Observations Regarding Detainee Treatment in Afghanistan

In this section we summarize our report's findings regarding what more than 170 FBI agents who served in Afghanistan told us they observed or heard about with respect to detainee interrogations, any reports by these agents concerning detainee mistreatment, and what the FBI did with such reports.

FBI employees in Afghanistan conducted detainee interviews at the major military collection points in Bagram and Kandahar and at other smaller facilities. A majority of FBI employees who served in Afghanistan reported in response to our survey that they never saw or heard about any of the specific aggressive interrogation techniques listed in our survey. However, some FBI employees reported witnessing or hearing about certain techniques.

Like at GTMO, the most frequently reported technique used by military interrogators in Afghanistan was sleep deprivation or disruption. According to the *Church Report*, sleep deprivation was a prohibited technique under military policy, but sleep disruption (in which the detainee was permitted to sleep a total of at least 4 hours per 24-hour period) was permitted prior to June 2004. FBI agents observed sleep deprivation or disruption at the major detainee facilities in both Kandahar and Bagram. Many FBI agents also described the use of loud music or bright or flashing lights to interfere with detainees' sleep.

FBI agents in Afghanistan also told us about observing the use of shackles or other restraints in a harsh, painful, or prolonged manner in Afghanistan. However, most of the agents stated that these restraints were used primarily as a military security measure rather than an interrogation technique. In addition, several agents told us that they observed or heard about the use of stressful or painful positions by the military in Afghanistan.

Several FBI agents also described the use of prolonged isolation by the military in Afghanistan, but not as a punishment for a detainee's refusal to cooperate with questioners. Instead, the agents described the

OSD AMNESTY/CCR 586

use of isolation to prevent the coordination of stories among detainees and as punishment for disruptive behavior.

Several FBI employees told us they had heard about two detainee deaths at the military facility in Bagram, but none of the FBI employees said they had personal knowledge of these deaths. According to the *Church Report*, two detainees died at the Bagram facility following interrogations in which they were shackled in standing positions and kicked and beaten by military interrogators and military police.[8]

We found few contemporaneous reports by FBI agents to their supervisors in Afghanistan regarding concerns about the potential mistreatment of detainees. In several cases the agents believed, sometimes incorrectly, that the conduct they saw or heard about was authorized for use by military interrogators and therefore did not need to be reported. Moreover, the need for FBI agents to establish their role in Afghanistan and their dependence on the military for their protection and material support may have contributed to their reluctance to elevate their concerns about the military's treatment of detainees. In addition, several agents told the OIG that they were able to resolve concerns about the mistreatment of individual detainees by speaking directly to military supervisors in Afghanistan.

X. FBI Observations Regarding Detainee Treatment in Iraq

In this section we summarize our report's findings regarding what more than 260 FBI agents who served in Iraq told us they observed or heard about regarding detainee interrogations, any reports by these agents concerning detainee mistreatment, and what the FBI did with such reports.

We received varied reports from FBI agents who were detailed to Iraq. For example, several FBI agents said they observed detainees deprived of clothing. Other frequently reported techniques identified by FBI agents as used by military personnel in Iraq included sleep deprivation or interruption, loud music and bright lights, isolation of detainees, and hooding or blindfolding during interrogations. FBI employees also reported the use of stress positions, prolonged shackling, and forced exercise in Iraq. In addition, several FBI agents told the OIG

[8] The Army's Criminal Investigative Division recommended charges against 28 soldiers in connection with these deaths. At least 15 of these soldiers have been prosecuted by the Army, and at least 6 have pleaded guilty or been convicted of assault and other crimes. Several have been acquitted.

OSD AMNESTY/CCR 587

that they became aware of unregistered "ghost detainees" at Abu Ghraib whose presence was not reflected in official DOD records.

Although several FBI agents had been deployed to the Abu Ghraib prison in Iraq, they told us that they did not witness the extreme conduct that occurred at that facility in late 2003 and that was publicly reported in April 2004. The FBI agents explained that they typically worked outside of the main prison building where the abuses occurred, and they did not have access to the facility at night when much of the abuse took place.

Few of the FBI agents who served in Iraq made contemporaneous reports to anyone in the FBI or the military regarding mistreatment of detainees in Iraq. Almost all of the FBI On-Scene Commanders who served in Iraq in 2003 and 2004 told the OIG that they never received any reports from FBI agents regarding detainee mistreatment. We believe this occurred at least in part because there was no formal FBI reporting requirement prior to May 19, 2004, and some agents assumed that the conduct that they observed was permitted under military interrogation policies in Iraq. As in the other military zones, FBI agents in Iraq generally did not consider their role to include policing the conduct of the military personnel with whom they were working. Some agents also told us that they were able to get their concerns resolved by taking them directly to military officials.

XI. Specific Allegations of Misconduct by FBI Agents

We also investigated several specific allegations that FBI agents participated in abuse of detainees in connection with interrogations in the military zones. Some of these allegations were referred to us by the FBI, and others came to our attention during the course of our review.

In general, we did not find support for these allegations. We found that the vast majority of FBI agents in the military zones understood that existing FBI policies prohibiting coercive interrogation tactics continued to apply in the military zones and that they should not engage in conduct overseas that would not be permitted under FBI policy in the United States. To the FBI's credit, as noted above, it decided in 2002 to continue to apply FBI interrogation policies to the detainees in the military zones. As a result, most FBI agents adhered to the FBI's traditional rapport-based interview strategies in the military zones and avoided participating in the aggressive or questionable interrogation techniques that the military employed. We found no instances in which an FBI agent participated in clear detainee abuse of the kind that some military interrogators used at Abu Ghraib prison. For this, we credit the

OSD AMNESTY/CCR 588

good judgment of the agents deployed to the military zones as well as the guidance that some FBI supervisors provided.

The following paragraphs discuss the most significant allegations against FBI agents that we reviewed.

Begg We investigated allegations made against the FBI by Moazzam Begg, a British national who was arrested in Pakistan in late January 2002 and detained in Afghanistan and at GTMO until his release in January 2005. Begg alleged that an FBI agent and a New York Police Department (NYPD) officer working with the agent participated in interrogations at Bagram Air Force Base during which Begg was threatened with rendition to Egypt and implied threats were made against Begg's family. Begg stated he was also subjected to a ploy to make him believe his wife was being tortured in a nearby room in the facility. Begg also alleged that on one occasion he was hooded and "hog-tied" by military personnel as punishment for failing to tell the interrogators what they wanted to hear, struck or kicked in the back and head, and left in this position overnight. He stated that the FBI agent and the NYPD officer directed or were aware of this treatment. Begg also alleged that the same FBI agent and NYPD officer later coerced him into signing a written statement at GTMO by threats of imprisonment and execution.

We did not find sufficient evidence to support Begg's allegations with respect to the FBI agent. Specifically, Begg stated that the CIA and the DOD were in charge of his interrogations in Afghanistan. Begg's own version of events did not establish that an FBI employee participated in threatening Begg with rendition, threatening his family, or staging a harsh interrogation of a female. There was also no evidence that the FBI participated in, observed, or knew about the alleged "hog-tying" incident.

Saleh We investigated allegations that the FBI participated in abusive interrogations of detainee Saleh Mukleif Saleh in Iraq in early 2004. Saleh claimed that interrogators tortured him, cuffed him in a "scorpion" position, punched him, forced him to drink water until he vomited, dragged him across barbed wire, and subjected him to loud music. We did not find evidence of FBI involvement in most of these activities. However, we found that four FBI agents were present during an interview of Saleh and another detainee in March 2004 in which a DOD interrogator poured water down the detainees' throat while the detainees were in a cuffed, kneeling position, and in a rough manner that

OSD AMNESTY/CCR 589

would be considered coercive and would not be permissible conduct for FBI agents conducting interviews in the United States.[9]

The FBI agents did not join actively in this conduct. In addition, the FBI's May 2004 Detainee Policy requiring agents to remove themselves from such situations and report them to their superiors had not yet been issued. However, the FBI was the lead agency during this interrogation and we believe that agents could have influenced the techniques used by other interrogators during this interview, or at least reported this incident to their On-Scene Commander. We also found that the FBI participated in using duct tape to blindfold one of the detainees in a potentially painful matter, but we were unable to determine which FBI agent participated in this activity.

Slahi We investigated several allegations by detainee Mohammed Ould Slahi relating to FBI agents at GTMO. Slahi alleged that an FBI agent was involved in subjecting him to a harrowing boat ride as a ruse for making him believe he was being transferred to a different location, that another FBI agent implied that Slahi would be tortured by the military if Slahi did not cooperate with the FBI, that another FBI agent said Slahi would be sent to Iraq or Afghanistan if the charges against him were proved, and that an interrogator told Slahi he would be sent to a "very bad place" if Slahi did not provide certain information.

However, we determined that the FBI was not involved in the boat ride ruse that the military used with Slahi. We concluded that an Army Sergeant impersonated an FBI agent, without the consent of the FBI, in connection with this incident.

We also concluded that although an FBI agent who was leaving GTMO may have told Slahi that the military would treat him differently than the FBI, he did not intend to threaten Slahi. The military implemented a plan to use much harsher techniques on Slahi, but this plan was not agreed to or condoned by the FBI. We also found insufficient evidence to conclude that another FBI agent threatened Slahi by telling him he would be transferred to Iraq or Afghanistan if convicted.

Al-Sharabi We investigated several allegations relating to FBI agents who were involved in questioning GTMO detainee Zuhail Abdo Al-Sharabi. We found that the military kept Al-Sharabi in an isolation cell for at least 2 months in 2003 in order to break his resistance to cooperating with interrogators. FBI agents participated in this tactic by

[9] This activity was not equivalent to "waterboarding" as that technique has been described in media reports.

OSD AMNESTY/CCR 590

repeatedly telling Al-Sharabi that he would only be removed from isolation if he began to provide information. The FBI agents also suggested to Al-Sharabi that he could win his freedom by speaking openly. We found that although these tactics were fairly widespread at GTMO, and several agents told us they understood that the FBI could use these tactics at GTMO, these tactics would not be permissible for FBI agents to use in the United States.

As discussed previously, the FBI policy reiterating that existing FBI policies applied in the military zones was not issued until May 19, 2004. We believe that the Al-Sharabi matter illustrated the inadequacy and lack of clarity in the guidance provided to FBI agents regarding permissible interrogation techniques in the military zones.

Al Qarani We investigated allegations regarding the FBI's treatment of detainee Yousef Abkir Salih Al Qarani at GTMO. We determined that in September 2003 FBI agents participated in a joint interview with the military in which a military interrogator directed that Al Qarani be short-chained to the floor. This technique would not be permissible to FBI agents under existing interview policies. Al Qarani was left alone in this position for several hours, during which time he urinated on himself. There was no evidence that the FBI agents knew in advance that the military interrogator would put Al Qarani in this position. We found this incident to be a further illustration of the inadequacy of FBI guidance. At the time, FBI policy was not clear about what an FBI agent should do if another agency's interrogator utilized such a technique.

We also found that at least one FBI agent participated in subjecting Al Qarani to a program of disorientation and sleep disruption, and that the On-Scene Commander at GTMO was aware that other FBI agents participated in this technique.

Al Qarani told the OIG that he was abused by two FBI agents. We investigated Al Qarani's allegations and found that the evidence did not support the conclusion that the allegations related to any FBI employees.

Al Harbi We investigated an allegation in a written FBI interview summary that detainee Muhammad A. A. Al Harbi claimed he was beaten by unidentified FBI agents in Afghanistan. However, during his interview with the OIG, Al Harbi told us that he had no complaints about his treatment by the FBI and that he believed that the individuals who struck him in Afghanistan were from another agency.

Zubaydah We investigated an allegation that an FBI agent who was assigned to assist in the CIA's interrogation of Zubaydah at a secret

OSD AMNESTY/CCR 591

location participated in the use of "brutal" interrogation techniques.[10] The FBI agent was present when the CIA used techniques on Zubaydah that clearly and obviously would not be available to FBI agents for use in the United States. However, these interrogations took place in early 2002, before the FBI had determined whether its traditional policies regarding interviews would apply to overseas interrogations of terrorism suspects. The agent described these interrogations to his superiors at the FBI. At the time of the interrogation, the FBI agent was told that the other agency was in charge of the interrogation and that normal FBI procedures should not be followed. The FBI's formal policy addressing participation in joint interrogations with other agencies in overseas locations was not issued until 2 years later, in May 2004.

We also examined the FBI's internal investigation regarding an allegation that the same FBI agent disclosed classified information about this interrogation and other subjects to persons not authorized to receive such information. The FBI agent's ex-fiancé and a friend of hers alleged that the agent told them numerous specific details about his participation in the interrogation of a terrorism subject at an overseas location. The FBI's Inspection Division investigated the matter, and the FBI's Office of Professional Responsibility concluded that it was unable to determine whether information alleged to have been improperly disclosed was in fact classified or sensitive because of the vague descriptions provided by the ex-fiancé and her friend.

However, we found that the information the ex-fiancé attributed to the FBI agent was detailed, specific, and accurate, and appeared to contain classified information about the Zubaydah interrogation. Further, we found no indication that the FBI made any attempt to determine whether the ex-fiancé's detailed account of the FBI agent's activities was accurate and if so whether the information was classified or sensitive. Consequently, we believe that the FBI's investigation of this allegation was deficient.

Facility in or near Baghdad We addressed allegations relating to FBI conduct during the spring and summer of 2004 at a DOD facility in or near Baghdad. An FBI agent serving in his capacity as an active duty officer in the U.S. Army was the officer in charge of the facility. Several other FBI agents were detailed to the facility to serve as interrogators during this period. The allegations included claims that detainees were kept in inhumane conditions at the facility, were denied showers and medical attention, were deprived of food and water, and were subjected

[10] As noted above in footnote 4, because the CIA objected to our access to Zubaydah we were unable to fully investigate these allegations.

OSD AMNESTY/CCR 592

to harsh interrogation techniques such as nudity and dripping cold water, prolonged in-cell restraints, and threats.

In evaluating the conduct of the officer in charge, we recognized that the officer was acting in his capacity as a military commander while he was stationed at the detention facility, not as an FBI employee. In this capacity, he was expected to comply with military regulations relating to the treatment of detainees, not FBI policies. The other FBI agents deployed to the facility were not military, however, and were subject to FBI rules.

We found that conditions inside the cells in the facility were primitive and likely extremely hot and uncomfortable during the summer. However, we did not find that the officer in charge of the facility was responsible for these conditions, which existed before he arrived, or that he could control them. We also found insufficient evidence to conclude that the officer was responsible for any inadequacies in medical treatment at the facility.

We found evidence that the military used the following interrogation techniques at the facility, which may have been prohibited under military policies in effect at the time:

- Depriving detainees of food and water for the first 24 hours after their arrival
- Sleep deprivation
- "Harsh up" interrogation techniques such as nudity, stress positions, dripping cold water on the detainee, and forced exercise
- A categorization system in which detainees who did not cooperate with interrogators were kept with hands cuffed behind their backs while in their cells, while more cooperative detainees were not restrained in the cells
- Use of blindfolds or blacked-in goggles during interrogations
- Threatening detainees with the arrest and prosecution of family members

We recommend that the military make its own findings regarding whether these practices at the facility violated military policies, and whether the officer in charge was responsible for any violation.

We did not find evidence to substantiate that the other FBI agents who served as interrogators at the facility from May to June 2004 engaged in most of the conduct described above, such as deprivation of

OSD AMNESTY/CCR 593

food and sleep and inhumane treatment. However, two FBI agents knowingly participated in the categorization system for restraining detainees in the cells who were not cooperative during interrogations. We believe that this activity probably would not have been permitted in the United States under FBI policies. The FBI's May 2004 Detainee Policy, which reiterated the applicability of existing FBI interrogation policies in the military zones, was issued near or during the time that this conduct took place. We also believe that these incidents demonstrate that the applicability of existing FBI policies in the military zones was not made clear to all FBI agents prior to the issuance of the May 2004 Detainee Policy.

XII. Conclusion

The FBI deployed agents to military zones after the September 11 attacks in large part because of its expertise in conducting custodial interviews and in furtherance of its expanded counterterrorism mission. The FBI has had a long history of success in custodial interrogations using non-coercive, rapport-based interview techniques developed for the law enforcement context. Some FBI agents deployed to GTMO experienced disputes with the DOD, which used more aggressive interrogation techniques. These disputes placed some FBI agents in difficult situations at GTMO and in the military zones. However, apart from raising concerns with their immediate supervisors or military officials, the FBI had little leverage to change DOD policy.

Our review found that the vast majority of the FBI agents deployed in the military zones dealt with these issues by separating themselves from other interrogators who used non-FBI techniques and by continuing to adhere to FBI policies. In only a few instances did FBI agents use or participate in interrogations using techniques that would not be permitted under FBI policy in the United States.

The FBI decided in the summer of 2002 that it would not participate in joint interrogations of detainees with other agencies in which techniques not allowed by the FBI were used. However, the FBI did not issue formal written guidance about detainee treatment to its agents until May 2004, shortly after the Abu Ghraib abuses became public. We believe that the FBI should have recognized earlier the issues raised by the FBI's participating with the military in detainee interrogations in the military zones and should have moved more quickly to provide clearer guidance to its agents on these issues.

In sum, we believe that while the FBI could have provided clearer guidance earlier, and while the FBI could have pressed harder for

OSD AMNESTY/CCR 594

resolution of concerns about detainee interrogations by other agencies, the FBI should be credited for its conduct and professionalism in detainee interrogations in the military zones in Guantanamo Bay, Afghanistan, and Iraq and in generally avoiding participation in detainee abuse.

OSD AMNESTY/CCR 595

(b)(1),(b)(6)

(b)(1)

USD(P) AMNESTY/CCR 317

(b)(1)

USD(P) AMNESTY/CCR 318

(b)(1)

HILLAS
BT
#0203

DERIVED FROM: Multiple Sources
DECLASSIFY ON: 09 Feb 2016

USD(P) AMNESTY/CCR 319

12 Oct 2006

ECJA POC: LCDR (b)(2),(b)(6)

SUBJECT: ECJA Review of Detainee Divert Options

1. The US European Command (USEUCOM) Office of the Judge Advocate (ECJA) has reviewed the comments provided by US Central Command (USCENTCOM) Office of the Judge Advocate (CCJA) and concurs with their recommendation that agreements be negotiated with countries that may be used as detainee movement divert locations. However, ECJA advises that the current political environment may not permit the negotiation of such agreements, especially in the USEUCOM area of responsibility (AOR) because of the positions of the Council on Europe, the EU and various heads of state in the AOR. (b)(5)

1.A. Similar to USCENTCOM, most of our existing US Government (USG) agreements in the AOR require us to "respect" the host nation laws. Failure to comply may prevent successful future engagements; therefore it is in the USG's best interest to not violate host nation law or cause the host nation to violate its own legal obligations.

1B. CCJA also raised the issue regarding the nationality of the detainees and the locations where the detainee flights may land. The recent Council of Europe Venice Commission examined alleged "secret detention sites" and "rendition flights" occurring in territories under control of member states. The Commission's opinion may have some bearing on member states ability to permit Guantanamo (GTMO) detainee transits

USD(P) AMNESTY/CCR 320

through their countries. The Venice Commission opinion called for a prohibition on extradition, transfer, or transit through a Council of Europe country to a foreign country where there is a risk of torture or ill treatment. It also stated that states must secure respect for human rights obligations in cases of overflights of foreign aircraft. This opinion may be interpreted by member states that they have an affirmative responsibility to take a detainee into custody once the individual lands on their soil because of their obligations contained in the European Convention on Human Rights (ECHR) and the International Covenant on Civil and Political Rights (ICCPR).

1.C. It is unlikely any EU countries will be able to accept GTMO detainees because of existing obligations under the Universal Declaration on Human Rights (UDHR), ICCPR, ECHR, and the United Nations (UN) Convention Against Torture (CAT). All of the European countries listed below are members of the Council of Europe (COE) and, therefore, are bound not only by international and domestic law but also by additional obligations required under European Law.

2. **Applicable Legal Authorities**:

2.A. The UDHR prohibits arbitrary arrest, detention or exile. The UN General Assembly adopted the UDHR as a Resolution; it is not a treaty and is non-binding. However, most international lawyers consider the UDHR a normative instrument that creates some legal obligations for UN Member States and some provisions are considered customary international law.[1]

2.B. The ICCPR prohibits the deprivation of liberty except on such grounds and in accordance with such procedures as established by law. The ICCPR obligates each member to respect and to ensure to all individuals within its territory and subject to its

[1] Universal Declaration of Human Rights, G.A. Res 217A(III), U.N. Doc. A/810 (1948).

USD(P) AMNESTY/CCR 321

jurisdiction the rights recognized in the present Covenant, without distinction of any kind, such as race, colour, sex, language, religion, political, or other opinion, national or social origin, property, birth or other status.[2] The Council of Europe and Member States have some concerns regarding the military commission/detainee process and if able to do so, may take action to assume jurisdiction over detainees present on their soil.

2.C. The ECHR obligates each state party to secure the right to liberty and security of every person within its jurisdiction, and limits the circumstances under which persons may be arrested, detained, or deported.[3] Because there is widespread disagreement between European countries and the U.S. regarding the rights of GTMO detainees, it is possible that under ECHR, Governments in which the detainees land may claim legal obligations to act on behalf of the detainees and remove them from USG custody.

2.D. CAT prohibits torture and cruel, inhuman or degrading treatment of persons, including the extradition or transfer of an individual to a foreign country where it is likely that the person will be subjected to torture.[4]

3. An access agreement may permit the U.S. to land in a particular country but if the U.S. chooses not to notify the host nation of the presence of detainees on the aircraft it may place the host nation in direct contravention to some of the countries treaty obligations. None of the access agreements in question mention or consider detainee transfers in their sovereign territory. The silence on the subject of detainees can be interpreted either as permissive or prohibitive depending on the situation and specific circumstances surrounding each detainee transfer. Europeans have had a very negative

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[2] International Covenant on Civil and Political Rights, 999 U.N.T.S. 171 (1966).
[3] European Convention on Human Rights(ECHR) art. 5, Rome, 4.XI.1950.
[4] Convention Against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, G.A. Res. 39/46, Annex, 39 U.N. GAOR Supp. No. 51, U.N. Doc. A/39/51 (1984).

USD(P) AMNESTY/CCR 322

reaction to GTMO, the arrest and allegedly bad treatment provided to detainees, as well as the use of what Europeans call illegal Central Intelligence Agency (CIA) torture prisons throughout the world. Therefore, legal and policy considerations prohibit conducting detainee transfer missions in most European countries.

4. **Analysis of specific access and/or transit agreements:**

(b)(5)

(b)(5)

(b)(5)

(b)(5)

~~SECRET~~ ~~NOFORN~~

UNITED STATES SPECIAL OPERATIONS COMMAND
OFFICE OF THE CHIEF OF STAFF
7701 TAMPA POINT BLVD.
MACDILL AIR FORCE BASE, FLORIDA 33621-5323

OCT - 1 2004

FOR: JOINT CHIEFS OF STAFF, ATTN: J5/DETAINEE AFFAIRS DIVISION, WASHINGTON, DC 20301-5000

SUBJECT: (b)(1)
(b)(1)

1. ~~(S)~~ The United States Special Operations Command (USSOCOM) conducted a preliminary and time-constrained investigation into the (b)(1)
(b)(1)
(b)(1) Enclosed for your review are the findings of this investigation.

2. (U) I endorse the enclosed investigation findings, which were limited to the questions posed for USSOCOM's response. The investigating officer, (b)(3):10 USC §130b, (b)(6) (b)(7)(C)
(b)(2) can provide further information upon request.

Encl
as

GEORGE J. FLYNN
Brigadier General, U.S. Marine Corps
Chief of Staff

Derived from Multiple Sources
Reason(s): 1.4(b), (d)
Declassify on 30 Sep 2014

~~SECRET~~ ~~NOFORN~~

USD(P) AMNESTY/CCR 327

UNITED STATES SPECIAL OPERATIONS COMMAND
7701 TAMPA POINT BLVD.
MACDILL AIR FORCE BASE, FLORIDA 33621-5323

SOJA

30 September 2004

MEMORANDUM FOR BGen George J. Flynn, U.S. Marine Corps, Chief of Staff, USSOCOM (SOCS), 7701 Tampa Point Boulevard, MacDill AFB, FL 33621-5323

SUBJECT: AR 15-6 Report of Investigation, (b)(1) (b)(1)

1. INVESTIGATIVE AUTHORITY AND BRIEF OVERVIEW OF ALLEGATIONS SERVING AS BASIS FOR INVESTIGATION:

a. Investigative Authority: On 28 September 2004, BGen George J. Flynn (USMC), USSOCOM Chief of Staff, appointed me to conduct an informal investigation pursuant to Army Regulation (AR) 15-6 into (b)(1) (b)(1) (b)(1) See Enclosure 1 (Appointment Memo, dated 28 September 2004).

b. Brief Overview of Allegations Serving as Basis for Investigation:

(b)(1)

DERIVED FROM MULTIPLE SOURCES
REASON(S): 1.4(b), (d)
DECLASSIFY ON 30 SEP 2014

USD(P) AMNESTY/CCR 328

SOJA
SUBJECT: AR 15-6 Report of Investigation (b)(1)
(b)(1)

(b)(6),(b)(7)(C) emails, dated 23 and 29 September 2004). (b)(1)
(b)(1)
(b)(1)

(b)(1)
(b)(1) See again Enclosure 3 (Office of the Under Secretary of Defense Memo, dated 23 September 2004).

2. SCOPE OF INVESTIGATION AND ANSWERS TO QUESTIONS POSED: Consistent with my Appointment, the scope of this investigation shall narrowly focus on answering the eight questions posed by (b)(6),(b)(7)(those questions and my corresponding responses are as follows:

(b)(1)

(b)(1) See Enclosure 5 (Non-Verbatim MFR of PHONECON with
(b)(6),(b)(7)(C) dated 29 September 2004). (b)(1)
(b)(1)

(b)(1) See Enclosure 6 (Non-Verbatim MFR of

USD(P) AMNESTY/CCR 329

~~SECRET~~

SOJA
SUBJECT: AR 15-6 Report of Investigation, (b)(1)
(b)(1)

PHONECON with (b)(6),(b)(7)(C) dated 29 September 2004 plus related, attached follow-on documents provided by (b)(6),(b)(7)(C)

(b)(1),(b)(6),(b)(7)(C)

See 30 September 2004 email from (b)(6),(b)(7)(C (included as part of Enclosure 6).

(b)(1),(b)(6),(b)(7)(C)

See again Enclosure 6 (Non-Verbatim MFR of PHONECON with (b)(6),(b)(7)(C) dated 29 September 2004).

(b)(1)

AND

~~SECRET~~

USD(P) AMNESTY/CCR 330

SOJA
SUBJECT: AR 15-6 Report of Investigation (b)(1)
(b)(1)

(b)(1)

(b)(6),(b)(7)(C) See again Enclosure 5 (Non-Verbatim MFR of PHONECON with (b)(6),(b)(7)(C) dated 29 September 2004).

3. (U) SUMMARY OF INVESTIGATIVE EFFORTS AND LISTING OF ALL ENCLOSED STATEMENTS/EVIDENCE: Due to the quick turnaround required, I conducted virtually the entirety of this Investigation via telephonic and/or email correspondence. In addition to the Enclosures already referenced, see also additional Enclosures listed below. Should follow-on work be required, I can of course expand the scope of the Investigation to include Sworn Statements and possibly even personal, face-to-face interviews.

(U)
4. Please do not hesitate to contact me with any questions or concerns at telephone #s (b)(2) (COM/UNCLAS) / (b)(2) (DSN/UNCLAS) or (b)(2),(b)(3):10 USC (UNCLAS).

(b)(3):10 USC §130b,(b)(6),
(b)(7)(C)

19 Encls
1. AR 15-6 Appt. Memo, 28 Sep. 2004
2. (b)(1)
3. U-SECDEF Memo, 23 Sep. 2004
4. (b)(6),(b)(7)(C) MFR, 29 Sep. 2004
5. (b)(6),(b)(7)(C) MFR, 30 Sep. 2004
6. (b)(6),(b)(7)(C) MFR, 29 Sep. 2004
7. (b)(6),(b)(7)(C) Email, 24 Sep. 2004
8. (b)(6),(b)(7)(C) Emails, 23 and 29 Sep. 2004
9. 27 Sep. 2004
10. (b)(6),(b)(7)(Email, 27 Sep. 2004
11. (b)(6),(b)(7) MFR, 24 Sep. 2004
12. (C) MFR, 27 Sep. 2004
13. (b)(6),(b)(7)(MFR, 27 Sep. 2004
14. (b)(6),(b) MFR, 30 Sep. 2004
15. (7)(C) MFR, 27 Sep. 2004
16. (b)(6),(b)(7)(C) MFR, 29 Sep. 2004
17. MFR, 29 Sep. 2004
18. (b)(6),(b) MFR, 28 Sep. 2004
19. (7)(C) MFR, 30 Sep. 2004

USD(P) AMNESTY/CCR 331

~~SECRET~~

SEP 2 8 2004

SOCS

MEMORANDUM FOR (b)(3):10 USC §130b (b)(6) (b)(7)(C HQ, USSOCOM, ATTN: SOJA

SUBJECT: Appointment as Investigating Officer

1. Pursuant to the directive of the Joint Staff, you are hereby appointed as USSOCOM's investigating officer, under the provisions of AR 15-6, to conduct an informal investigation into (b)(1)
(b)(1)

2. From the evidence you gather, you will answer the specific questions posed in the Joint Staff tasker forwarded to you. In addition, you will recommend whether any remedial action is appropriate, based on the results of your informal investigation.

3. Given the short suspense of this tasker, you are not required to obtain sworn witness statements. If at any time during the course of your investigation you suspect an individual of having committed an offense under the UCMJ, you must advise the individual of his rights under Art. 31, UCMJ before questioning him further.

4. Prior to initiating your investigation, contact SOJA (b)(3):10 USC for further guidance. (b)(3):10 USC will also provide legal advice if needed during the course of your investigation.

5. This investigation takes priority over all other duties. Your answers and recommendations will be submitted to me NLT 30 Sep 04. Requests for extension will be submitted to me in writing and will include justification for the request.

FOR THE COMMANDER:

GEORGE J. FLYNN
BGen, U.S. Marine Corps
Chief of Staff

DERIVED FROM MULTIPLE SOURCES
REASON(S): 1.4(b), (d)
DECLASSIFY ON 30 SEP 2014

~~SECRET~~

ENCL. 1

USD(P) AMNESTY/CCR 332

~~SECRET~~

SOJA 29 September 2004

MEMORANDUM FOR RECORD

SUBJECT: (b)(6),(b)(7)(C) - Summary of Telephonic Testimony, AR 15-6 Report of Investigation (b)(1)
(b)(1)

1. PERSON INTERVIEWED: (b)(6),(b)(7)(C)
(b)(2),(b)(6)

2. INFORMAL (NOT VERBATIM) SUMMARY OF TELEPHONIC INTERVIEW:
Via my telephonic interview with (b)(6) of 29 September 2004 (b)(6),(b)(7)(C) testified to the following effect:

a. (b)(1)
(b)(6)
(b)(6) (b)(1)
(b)(1)

DERIVED FROM MULTIPLE SOURCES
REASON(S): 1.4(b), (d)
DECLASSIFY ON 30 SEP 2014

~~SECRET~~

ENCL. 4

USD(P) AMNESTY/CCR 333

SOJA
SUBJECT: (b)(1),(b)(6),(b)(7)(C) - Summary of Telephonic Testimony, AR 15-6 Report of Investigation, (b)(1)
(b)(1)

(b)(1)

3. NOTHING FOLLOWS.

4. Please direct all questions or concerns to the undersigned at telephone #s (b)(2) (COM/UNCLAS) / (b)(2) (DSN/UNCLAS) or (b)(2),(b)(3):10 USC §130b,(b)(6),(b)(7)(C) (UNCLAS).

(b)(3):10 USC §130b,(b)(6),(b)(7)(C)

USD(P) AMNESTY/CCR 334

~~SECRET~~

SOJA 23 September 2004

MEMORANDUM FOR RECORD

SUBJECT: (b)(6),(b)(7)(C) – Attempts to Make Contact, AR 15-6 Report of Investigation, (b)(1) (b)(1)

1. PERSON TO BE INTERVIEWED: (b)(6),(b)(7)(C) (b)(6),(b)(7)(C) was assigned (b)(6),(b)(7)(C) (b)(1) Unfortunately, to date, I have not been able to make contact with (b)(6),(b)(7)(C)

2. Please direct all questions or concerns to the undersigned at telephone #s (b)(2) (COM/UNCLAS) / (b)(2) (DSN/UNCLAS) or (b)(2),(b)(3):10 USC §130b (b)(6) (b)(7)(C) (UNCLAS).

(b)(3):10 USC §130b,(b)(6),(b)(7)(C)

DERIVED FROM MULTIPLE SOURCES
REASON(S): 1.4(b), (d)
DECLASSIFY ON 30 SEP 2014

~~SECRET~~

ENCL. (5) 12

USD(P) AMNESTY/CCR 335

~~SECRET~~

SOJA 30 September 2004

MEMORANDUM FOR RECORD

SUBJECT: (b)(6),(b)(7)(C) - Summary of Telephonic Testimony, AR 15-6 Report of Investigation, (b)(1) (b)(1)

(U)
1. PERSON INTERVIEWED: (b)(6),(b)(7)(C) now assigned (b)(6) telephone #s (b)(2) (COM) / (b)(2) (DSN), email (b)(2),(b)(6),(b)(7)(C)

(U)
2. INFORMAL (NOT VERBATIM) SUMMARY OF TELEPHONIC INTERVIEW: Via my telephonic interviews with (b) of 29 and 30 September 2004, (b)(6) (b)(6),(b) testified to the following effect (see also miscellaneous follow-up attachments provided by (b)(6),(b)(7)(C)):

(U)
a. "I was (b)(6)
(b)(6)

(b)(1),(b)(6),(b)(7)(C)

DERIVED FROM MULTIPLE SOURCES
REASON(S): 1.4(b), (d)
DECLASSIFY ON 30 SEP 2014

~~SECRET~~

ENCL. (6)

USD(P) AMNESTY/CCR 336

~~SECRET~~

SOJA
SUBJECT: (b)(6),(b)(7)(C) - Summary of Telephonic Testimony, AR 15-6 Report of Investigation, (b)(1)
(b)(1)

(b)(1),(b)(6),(b)(7)(C)

(b)(1)

(b)(1),(b)(6),(b)(7)(C)

~~SECRET~~

USD(P) AMNESTY/CCR 337

~~SECRET~~

SOJA
SUBJECT: (b)(6),(b)(7)(C) - Summary of Telephonic Testimony, AR 15-6 Report of Investigation, (b)(1)
(b)(1)

3. (U) NOTHING FOLLOWS.

4. (U) Please direct all questions or concerns to the undersigned at telephone #s (b)(2) (COM/UNCLAS) / (b)(2) (DSN/UNCLAS) or (b)(2),(b)(3):10 USC (UNCLAS).

(b)(3):10 USC §130b,(b)(6),(b)(7)(C)

Atchs (Misc)

~~SECRET~~

USD(P) AMNESTY/CCR 338

~~SECRET~~

SOJA 30 September 2004

MEMORANDUM FOR RECORD

SUBJECT: (b)(6),(b)(7)(C) – Attempts to Make Contact, AR 15-6 Report of Investigation, (b)(1) (b)(1)

1. PERSON TO BE INTERVIEWED: (b)(6),(b)(7)(C) assigned to (b)(6) email address (b)(2),(b)(3):10 USC §130b,(b)(6),((CLAS). (b)(6) (b)(6),(b)(7)(C) (b)(6)

See attached my 24 September 2004, email to (b)(6),(b)(7)(C) Unfortunately, to date, I have not received a reply from (b)(6),(b)(7)(C) or otherwise been able to make contact with (b)(6)

2. Please direct all questions or concerns to the undersigned at telephone #s (b)(2) (COM/UNCLAS) / (b)(2) (DSN/UNCLAS) or (b)(2),(b)(3):10 USC §130b,(b)(6),(b)(7)(C) (UNCLAS).

(b)(3):10 USC §130b,(b)(6),(b)(7)(C)

Atch

DERIVED FROM MULTIPLE SOURCES
REASON(S): 1.4(b), (d)
DECLASSIFY ON 30 SEP 2014

~~SECRET~~

Encl. 7

USD(P) AMNESTY/CCR 339

~~SECRET~~

(b)(3):10 USC §130b,(b)(6),(b)(7)(C)

From: (b)(3):10 USC §130b,(b)(6),(b)(7)(
Sent: Friday, September 24, 2004 4:44 PM
To: (b)(6),(b)(7)(C)
Cc: (b)(3):10 USC §130b,(b)(6),(b)(7)(C)
Subject: To (b)(6),(b)(7)(C) (b)(1)
(b)(1)

Classification: ~~SECRET~~

Caveats: NONE

(b)(6),(b)(7)(C)

(b)(1)

2. (b)(6),(b)(7)(C) FYI & as requested.

3. Thanks again.

(b)(3):10 USC §130b,(b)(6),(
USSOCOM SOJA
7701 Tampa Point Boulevard
MacDill AFB, FL 33621-5323
Tel. #s: (b)(2) (COM/UNCLAS) / (b)(2) (DSN/UNCLAS)
Fax #s: (b)(2) (COM/UNCLAS) / (b)(2) (COM/CLAS) / (b)(2) (DSN/UNCLS) / (b)(2) (DSN/CLAS)
Email Addresses: (b)(2),(b)(3):10 USC §130b,(b)(6) (UNCLAS) / (b)(2),(b)(3):10 USC §130b, (CLAS)

Classification: ~~SECRET~~

Caveats: NONE

DERIVED FROM MULTIPLE SOURCES
REASON(S): 1.4(b), (d)
DECLASSIFY ON 30 SEP 2014

~~SECRET~~

9/30/2004

USD(P) AMNESTY/CCR 340

~~SECRET~~

SOJA 27 September 2004

MEMORANDUM FOR RECORD

SUBJECT: (b)(6),(b)(7)(C) - Summary of Telephonic Testimony, AR 15-6 Report of Investigation, (b)(1) (b)(1)

(U)
1. PERSON INTERVIEWED: (b)(6),(b)(7)(C) (b)(2),(b)(6) (COM) / (b)(2) (DSN), email address (b)(2),(b)(3):10 USC §130b, (b)(6),(b)(7)(C)

(U)
2. INFORMAL (NOT VERBATIM) SUMMARY OF TELEPHONIC INTERVIEW: Via my telephonic interview with (b)(6 of 27 September 2004, (b)(6),(b)(7)(C) testified to the following effect:

(b)(6)

(b)(1),(b)(6),(b)(7)(C)

3. NOTHING FOLLOWS.

4. Please direct all questions or concerns to the undersigned at telephone #s (813) 828-4740 (COM/UNCLAS) / 299-4740 (DSN/UNCLAS) or (b)(2),(b)(3):10 USC § (UNCLAS).

(b)(3):10 USC §130b,(b)(6),(b)(7)(C)

DERIVED FROM MULTIPLE SOURCES
REASON(S): 1.4(b), (d)
DECLASSIFY ON 30 SEP 2014

~~SECRET~~

ENCL. 9

USD(P) AMNESTY/CCR 341

~~SECRET~~

(b)(3):10 USC §130b,(b)(6), (b)(7)(C)

From: (b)(3):10 USC §130b,(b)(6),(b)(7)

Sent: Monday, September 27, 2004 11:46 AM

To: (b)(6),(b)(7)(C)

Cc: (b)(3):10 USC §130b,(b)(6),(b)(7)(C)

Subject: (b)(6),(b)(7)(RE (b)(1) - & Request for Assistance ~~(SECRET)~~

Classification: ~~SECRET~~

Caveats: NONE

(b)(6),(b)(7)(C)

(b)(1)

2. (b)(3):10 USC FYI & as requested.

(b)(3):10 USC §130b,

USSOCOM SOJA
7701 Tampa Point Boulevard
MacDill AFB, FL 33621-5323
Tel. #s: (b)(2) (COM/UNCLAS) / (b)(2) (DSN/UNCLAS)
Fax #s: (COM/UNCLAS) / (b)(2) (COM/CLAS) / (b)(2) (DSN/UNCLS) / (b)(2) (DSN/CLAS)
Email Addresses: (b)(2),(b)(3):10 USC §130b,(b)(6 (UNCLAS) / (b)(2),(b)(3):10 USC §130b,(b) (CLAS)

Classification: ~~SECRET~~

Caveats: NONE

Classification: ~~SECRET~~

Caveats: NONE

DERIVED FROM MULTIPLE SOURCES
REASON(S): 1.4(b), (d)
DECLASSIFY ON 30 SEP 2014

~~SECRET~~

9/30/2004

ENCL. (D)

82

USD(P) AMNESTY/CCR 342

~~SECRET~~

SOJA 24 September 2004

MEMORANDUM FOR RECORD

SUBJECT: (b)(6),(b)(7)(C) - Summary of Telephonic Testimony, AR 15-6 Report of Investigation, (b)(1) (b)(1)

1. (U) PERSON INTERVIEWED: (b)(6),(b)(7)(C) (b)(2) (COM).

2. (U) INFORMAL (NOT VERBATIM) SUMMARY OF TELEPHONIC INTERVIEW: Via my telephonic interview with (b) of 24 September 2004, (b)(6),(b)(7)(C) testified to the following effect:

(b)(6)

(b)(1)

3. (U) NOTHING FOLLOWS.

4. (U) Please direct all questions or concerns to the undersigned at telephone #s (b)(2) (COM/UNCLAS), (b)(2) (DSN/UNCLAS) or (b)(2),(b)(3):10 USC §130b,(b)(6),(b)(7)(C) (UNCLAS).

(b)(3):10 USC §130b,(b)(6),(b)(7)(C)

DERIVED FROM MULTIPLE SOURCES
REASON(S): 1.4(b), (d)
DECLASSIFY ON 30 SEP 2014

~~SECRET~~

ENCL. (11)

USD(P) AMNESTY/CCR 343

~~SECRET~~

SOJA 24 September 2004

MEMORANDUM FOR RECORD

SUBJECT: (b)(6),(b)(7)(C) - Summary of Telephonic Testimony, AR 15-6 Report of Investigation, (b)(1) (b)(1)

1. (U) PERSON INTERVIEWED: (b)(6),(b)(7)(C) (b)(6) tel. #s (b)(2) (COM) / (b)(2) (b)(2) (DSN).

2. (S) INFORMAL (NOT VERBATIM) SUMMARY OF TELEPHONIC INTERVIEW: Via my telephonic interview with (b)(of 27 September 2004, (b)(6),(b)(7)(C) testified to the following effect:

(b)(1),(b)(6),(b)(7)(C)

3. (U) NOTHING FOLLOWS.

4. (U) Please direct all questions or concerns to the undersigned at telephone #s (b)(2) (COM/UNCLAS) / (b)(2) (DSN/UNCLAS) or (b)(2),(b)(3):10 USC § UNCLAS).

(b)(3):10 USC §130b,(b)(6),(b)(7)(C)

DERIVED FROM MULTIPLE SOURCES
REASON(S): 1.4(b), (d)
DECLASSIFY ON 30 SEP 2014

~~SECRET~~

ENCL. 12

USD(P) AMNESTY/CCR 344

~~SECRET~~

SOJA 27 September 2004

MEMORANDUM FOR RECORD

SUBJECT: (b)(6),(b)(7)(C) - Summary of Telephonic Testimony, AR 15-6 Report of Investigation, (b)(1) (b)(1)

1. PERSON INTERVIEWED: (b)(6),(b)(7)(C) assigned as (b)(6) (b)(6) telephone #s (b)(2) (COM) / (b)(6) (Home).

2. INFORMAL (NOT VERBATIM) SUMMARY OF TELEPHONIC INTERVIEW: Via my telephonic interview with (b) of 27 September 2004, (b)(6),(b)(7)(C) testified to the following effect:

(b)(1),(b)(6),(b)(7)(C)

(b)(1),(b)(5)

DERIVED FROM MULTIPLE SOURCES
REASON(S): 1.4(b), (d)
DECLASSIFY ON 30 SEP 2014

~~SECRET~~

ENCL. (13)

USD(P) AMNESTY/CCR 345

~~SECRET~~

SOJA
SUBJECT: (b)(6),(b)(7)(C) - Summary of Telephonic Testimony, AR 15-6 Report of Investigation, (b)(1)

(b)(1)

(b)(1),(b)(5),(b)(6),(b)(7)(C)

3. (U) NOTHING FOLLOWS.

4. (U) Please direct all questions or concerns to the undersigned at telephone #s (b)(2) (COM/UNCLAS) / (b)(2) (DSN/UNCLAS) or (b)(2),(b)(3):10 USC (UNCLAS)

(b)(3):10 USC §130b,(b)(6),(b)(7)(C)

~~SECRET~~

86

USD(P) AMNESTY/CCR 346

~~SECRET~~

SOJA 30 September 2004

MEMORANDUM FOR RECORD

SUBJECT: (b)(6),(b)(7)(C) – Attempts to Make Contact, AR 15-6 Report of Investigation, (b)(1) (b)(1)

1. PERSON TO BE INTERVIEWED: (b)(6),(b)(7)(C) assigned (b)(6) (b)(6) Unfortunately, to date, I have not been able to make contact with (b)(6),(b)(7)

2. Please direct all questions or concerns to the undersigned at telephone #s (b)(2) (COM/UNCLAS) / (b)(2) (DSN/UNCLAS) or (b)(2),(b)(3):10 USC (UNCLAS).

(b)(3):10 USC §130b,(b)(6),(b)(7)(C)

DERIVED FROM MULTIPLE SOURCES
REASON(S): 1.4(b), (d)
DECLASSIFY ON 30 SEP 2014

~~SECRET~~

ENCL. 14

87

USD(P) AMNESTY/CCR 347

~~SECRET~~

SOJA 27 September 2004

MEMORANDUM FOR RECORD

SUBJECT: (b)(6),(b)(7)(C) - Summary of Telephonic Testimony, AR 15-6 Report of Investigation, (b)(1) (b)(1)

1. (U) PERSON INTERVIEWED: (b)(6),(b)(7)(C) assigned (b)(6) (b)(6) telephone #s (b)(2)

2. (U) INFORMAL (NOT VERBATIM) SUMMARY OF TELEPHONIC INTERVIEW: Via my telephonic interview with (b)(6) of 27 September 2004, (b)(6),(b)(7)(C) testified to the following effect:

(b)(1),(b)(6),(b)(7)(C)

3. (U) NOTHING FOLLOWS.

4. (U) Please direct all questions or concerns to the undersigned at telephone #s (b)(2) (COM/UNCLAS) / (b)(2) (DSN/UNCLAS) or (b)(2),(b)(3):10 USC §130b,(b)(6),(b)(7)(C) (UNCLAS).

(b)(3):10 USC §130b,(b)(6),(b)(7)(C)

DERIVED FROM MULTIPLE SOURCES
REASON(S): 1.4(b), (d)
DECLASSIFY ON 30 SEP 2014

~~SECRET~~

ENCL. (15)

USD(P) AMNESTY/CCR 348

~~SECRET~~

SOJA 29 September 2004

MEMORANDUM FOR RECORD

SUBJECT: (b)(3):10 USC §130b,(b)(6),(b)(7)(C) - Summary of Telephonic Testimony, AR 15-6 Report of Investigation. (b)(1) (b)(1)

1. PERSON INTERVIEWED: (b)(3):10 USC §130b,(b)(6),(b)(7)(C) assigned (b)(6) (b)(6) telephone #s (b)(6) (b)(6) (Cell), email address (b)(2),(b)(3):10 USC §130b,(b)(6),(b)(7)(C)

2. INFORMAL (NOT VERBATIM) SUMMARY OF TELEPHONIC INTERVIEW: Via my telephonic interview with (b)(6) of 29 September 2004, (b)(3):10 USC §130b,(b)(6),(b)(7)(C) testified to the following effect:

(b)(1),(b)(5),(b)(6),(b)(7)(C)

DERIVED FROM MULTIPLE SOURCES
REASON(S): 1.4(b), (d)
DECLASSIFY ON 30 SEP 2014

~~SECRET~~

ENCL. 16

USD(P) AMNESTY/CCR 349

SOJA
SUBJECT: (b)(3):10 USC §130b (b)(6) (b)(- Summary of Telephonic Testimony, AR 15-6 Report of Investigation, (b)(1)

(b)(1)

(b)(1),(b)(5)

3. NOTHING FOLLOWS.

4. Please direct all questions or concerns to the undersigned at telephone #s (b)(2) (COM/UNCLAS) / (b)(2) (DSN/UNCLAS) or (b)(2),(b)(3):10 USC §130b (b)(6) (b)(7)(C) (UNCLAS).

(b)(3):10 USC §130b,(b)(6),(b)(7)(C)

~~SECRET~~

SOJA 29 September 2004

MEMORANDUM FOR RECORD

SUBJECT: (b)(6),(b)(7)(C) - Summary of Telephonic Testimony, AR 15-6 Report of Investigation, (b)(1) (b)(1)

(U) 1. PERSON INTERVIEWED: (b)(6),(b)(7)(C) assigned (b)(6) (b)(6) telephone #s (b)(2) (DSN), email (b)(2),(b)(6),(b)(7)(C)

~~(S)~~ 2. INFORMAL (NOT VERBATIM) SUMMARY OF TELEPHONIC INTERVIEW: Via my telephonic interview with (b)(6) of 29 September 2004, (b)(6),(b)(7)(C) testified to the following effect:

(b)(1),(b)(6),(b)(7)(C)

(U) 3. NOTHING FOLLOWS.

(U) 4. Please direct all questions or concerns to the undersigned at telephone #s (b)(2) (COM/UNCLAS) (b)(2) (DSN/UNCLAS) or (b)(2),(b)(3):10 USC §130b,(b)(6),(b)(7)(C) (UNCLAS)

(b)(3):10 USC §130b,(b)(6),(b)(7)(C)

DERIVED FROM MULTIPLE SOURCES
REASON(S): 1.4(b), (d)
DECLASSIFY ON 30 SEP 2014

~~SECRET~~

ENCL. 17

USD(P) AMNESTY/CCR 351

~~SECRET~~

SOJA 28 September 2004

MEMORANDUM FOR RECORD

SUBJECT: (b)(6),(b)(7)(C) - Summary of Telephonic Testimony, AR 15-6 Report of Investigation (b)(1) (b)(1)

1. (U) PERSON INTERVIEWED: (b)(6),(b)(7)(C) telephone #s (b)(6) (Home) / (b)(6) (Cell), email address (b)(2),(b)(3):10 USC §130b,(b)(6),(b)(7)(C)

2. INFORMAL (NOT VERBATIM) SUMMARY OF TELEPHONIC INTERVIEW: Via my telephonic interview with (b)(6) of 28 September 2004, (b)(6),(b)(7)(C) testified to the following effect:

(b)(1),(b)(5),(b)(6),(b)(7)(C)

DERIVED FROM MULTIPLE SOURCES
REASON(S): 1.4(b), (d)
DECLASSIFY ON 30 SEP 2014

~~SECRET~~

ENCL. (18)

USD(P) AMNESTY/CCR 352

~~SECRET~~

SOJA
SUBJECT: (b)(6),(b)(7)(C) - Summary of Telephonic Testimony, AR 15-6 Report of Investigation, (b)(1)

(b)(1)

(b)(1),(b)(5),(b)(6)

3. NOTHING FOLLOWS.

4. Please direct all questions or concerns to the undersigned at telephone #s (b)(2) (COM/UNCLAS) / (b)(2) (DSN/UNCLAS) or (b)(2),(b)(3):10 USC §130b,(b)(6),(b)(7)(C) (UNCLAS).

(b)(3):10 USC §130b,(b)(6),(b)(7)(C)

~~SECRET~~

993

USD(P) AMNESTY/CCR 353

~~SECRET~~

SOJA 30 September 2004

MEMORANDUM FOR RECORD

SUBJECT: (b)(6),(b)(7)(C) – Attempts to Make Contact, AR 15-6 Report of Investigation, (b)(1) (b)(1)

(U) 1. PERSON TO BE INTERVIEWED: (b)(6),(b)(7)(C) telephone # (b)(6) (b)(6),(b)(7)(C) reportedly (b)(6) (b)(6) Unfortunately, to date, I have not been able to make contact with (b)(6),(b)(7)

(U) 2. Please direct all questions or concerns to the undersigned at telephone #s (b)(2) (COM/UNCLAS) / (b)(2) (DSN/UNCLAS) or (b)(2),(b)(3):10 USC §130b (b)(6) (b)(7)(C) (UNCLAS). (b)(3):10 USC §130b,(b)(6),(b)(7)(C)

DERIVED FROM MULTIPLE SOURCES
REASON(S): 1.4(b), (d)
DECLASSIFY ON 30 SEP 2014

~~SECRET~~

ENCL. (19)

USD(P) AMNESTY/CCR 354

Date: July 23, 2004

(b)(1)

(U) **Issue**. What support can/should be provided to the Danish investigation.

~~(S)~~ **Bottom Line**

(b)(1)

- (U) SECDEF is meeting with the Danish MOD on 10 Aug 04 and will most likely require further updated information on the (b)(6) request for assistance/information.

~~(S)~~ **Background**.

(b)(1)

(b)(1)

Prepared by: (b)(6)

ENCL. (2)

ENCL. (2)

USD(P) AMNESTY/CCR 355

~~SECRET//NOFORN~~

THE JOINT STAFF
WASHINGTON, DC

Reply ZIP Code:
20318-0300

DJSM 1056-04
06 October 2004

MEMORANDUM FOR THE UNDER SECRETARY OF DEFENSE FOR POLICY

Subject: (b)(1) ~~(S)~~

(b)(1)

2. (U) Enclosed is the USSOCOM information that answers your specific questions and includes the MFRs from the interviews along with unit SITREPs and background DIA emails. You had requested a response that is releasable to the Government of Denmark. Although the interviews were unclassified, the USSOCOM cover letter is stamped SECRET//NOFORN due to the classification of the unit SITREPs in Enclosure 6 and the DIA emails in Enclosure 8

3. (U) The Joint Staff point of contact is (b)(6), USAF, J-5/DAD, (b)(6)

Michael D. Maples

MICHAEL D. MAPLES
Major General, USA
Vice Director, Joint Staff

Enclosure

Classified By: RADM W.D. Sullivan, USN; VDJ-5
Reason: 1.4(d)
Declassify On: 24 September 2014

~~SECRET//NOFORN~~

USD(P) AMNESTY/CCR 356

Reference:

1 (b)(1)

(b)(6)

From: (b)(6)
Sent: Thursday, September 23, 2004 2:22 PM
To: (b)(6)
Subject: FW: (b)(1)

(b)(1)

Classification: ~~SECRET~~
Caveats: NONE

-----Original Message-----
From: (b)(6)
Sent: Thursday, July 29, 2004 7:16 AM
To: (b)(6)
Cc: (b)(6)
(b)(6)
Subject: RE: (b)(1)

COL,

(b)(1),(b)(5)

(b)(6)

END 2. (8)

USD(P) AMNESTY/CCR 358

-----Original Message-----
From: (b)(6)
Sent: Wednesday, July 28, 2004 2:21 PM
To: (b)(6)
Cc:
Subject: FW: (b)(1)

CLASSIFICATION: UNCLASSIFIED

GENTS, EXPECT THIS TO BECOME AN ISSUE DURING MOD VISIT. COULD YOU TALK TO YOUR SUBORDINATES AND SEE IF WE HAVE ANYTHING? (b)(6) LOOKS LIKE CFCA HAS ALREADY DONE THIS BUT PROBABLY SHOULD VERIFY. (b)(6) CAN YOU SEND TO BRAGG? WE PROBABLY WON'T GET ANYWHERE BUT WE CAN LOOK. I'VE ATTACHED MY 5X8 SO YOU CAN SEE WHERE WE ARE. (b)(6)

-----Original Message-----
From: Maples, Michael D, MG, JCS VDJS/DOM
Sent: Thursday, July 22, 2004 6:30 PM
To: (b)(6) JCS SJS
Subject: RE: (b)(1)

CLASSIFICATION: UNCLASSIFIED

Need this put into an info paper that we can deal with. Danish MOD meets SECDEF early AUG. Thanks

-----Original Message-----
From: (b)(6) JCS SJS
Sent: 22 July, 2004 5:09 PM
To: Maples, Michael D, MG, JCS VDJS/DOM
Subject: FW: (b)(1)

CLASSIFICATION: UNCLASSIFIED

Sir, FYI. I vaguely remember a blurb coming out on this but it quickly fell off the radar. Looks like we should keep it on our scope now. Not sure if VADM Church's is still out investigating in Afghan, but if they are, this might be helpful. If nothing else, we should try to get a statement from the individual. If we don't, and our report comes out, he'll likely be full of contradictory statements. v/r (b)(

-----Original Message-----
From: (b)(6), JCS SJS
Sent: Thursday, July 22, 2004 6:24 AM
To: (b)(6)
Subject: FW: (b)(1)

CLASSIFICATION: UNCLASSIFIED

Sir,

FYI.

Thanks,

(b)

-----Original Message-----
From: (b)(6)
Sent: Thursday, July 22, 2004 1:21 AM
To: (b)(6)

USD(P) AMNESTY/CCR 359

Cc: (b)(6)
B.;
Subject: FW: (b)(1)

(b)(6)

(b)(1)

(b)(6)

-----Original Message-----
From: (b)(6)
Sent: Wednesday, July 21, 2004 11:15 PM
To: (b)(6)
Cc: (b)(6)
Subject: Re: (b)(1)

(b)(1)

(b)(6)

USD(P) AMNESTY/CCR 360

(b)(6)

Subject: Re: (b)(1)

(b)(1)

(b)(1)

(b)(6)

07/21/04 04:04 PM

~~SECRET//NOT RELEASABLE TO FOREIGN NATIONALS//25X1~~

(b)(1)

v/r

(b)(6)

(U) E-mail is classified due to possible identification of PROTECT personnel and their association with the Intelligence Community/DIA.

(b)(6)

(b)(1)

Subject: (b)(1)

(b)(1)

07/21/04 09:54

AM

USD(P) AMNESTY/CCR 361

~~SECRET//NOT RELEASABLE TO FOREIGN NATIONALS//20280901~~

(b)(6)

(U) Please work this with our GC and (b)(6) Also, please explain to (b)(6)
no earlier reply. Thank you.

(b)(6)

(b)(6)

Subject: (b)(1)

(b)(1)

(b)(1)

~~SECRET//X1~~

(b)(1),(b)(6)

(b)(6)

Subject: (b)(1)

(b)(1)

(b)(1)

~~SECRET//X1~~

(b)(1),(b)(6)

USD(P) AMNESTY/CCR 362

(b)(1)

USD(P) AMNESTY/CCR 363

(b)(1)

~~Derived From: do/humint/scg, March/2002~~
~~Declassify On: X1~~

~~SECRET//X1~~

~~Derived From: do/humint/scg, March/2002~~
~~Declassify On: X1~~

~~SECRET//X1~~

~~Derived From: DIA DH HUMINT SCG, September 2003~~
~~Declassify On: 20200901~~
~~Date of Source: Sep 2003~~

~~SECRET//NOT RELEASABLE TO FOREIGN NATIONALS//20200901~~

USD(P) AMNESTY/CCR 364

~~Derived From: DH HUMINT SCG, SEP 2003~~
~~Declassify On: 25X1~~

~~SECRET//NOT RELEASABLE TO FOREIGN NATIONALS//25X1~~

~~Classification: SECRET~~
~~Caveats: NONE~~

USD(P) AMNESTY/CCR 365

(b)(6)

From: (b)(6)
Sent: Wednesday, September 29, 2004 2:08 PM
To: (b)(6)
Cc:
Subject: (b)(1),(b)(6) ~~(S) (S) (SECRET)~~

Classification: ~~SECRET~~

Caveats: NONE

(b)(6) thanks for your help; forwarding to (b)(6) for his follow-up. We will ensure you get cy of whatever we turn up. v/r, (b)(6)

-----Original Message-----
From: (b)(6)
Sent: Wednesday, September 29, 2004 1:45 PM
To: (b)(6)
Cc: (b)(6)
Subject: RE: (b)(1) ~~(S) (S) (SECRET)~~

Sir,

(b)(1),(b)(5)

(b)(6)

ATTENTION: This electronic transmission may contain attorney work-product or information protected under the attorney-client privilege, which is protected from disclosure under the Freedom of Information Act, 5 USC 552. Do not release outside of DoD channels without prior authorization from the sender.

-----Original Message-----
From: (b)(6)
Sent: Wednesday, September 29, 2004 4:14 PM
To: (b)(6)
Cc: (b)(6)
Subject: RE: (b)(1) ~~(S) (S) (SECRET)~~

~~Classification: SECRET~~

~~Caveats: NONE~~

(b)(1),(b)(5),(b)(6)

-----Original Message-----
From: (b)(6)
Sent: Wednesday, September 29, 2004 3:49 AM
To: (b)(6)
Cc:
Subject: FW: (b)(1) ~~(S) (S) (SECRET)~~

(b)(1),(b)(6)

(b)(1)

vr,

(b)(6)

ATTENTION: This electronic transmission may contain attorney work-product or information protected under the attorney-client privilege, which is protected from disclosure under the Freedom of Information Act, 5 USC 552. Do not release outside of DoD channels without prior authorization from the sender.

I

-----Original Message-----
From: (b)(6)
Sent: Wednesday, September 29, 2004 8:04 AM
To: (b)(6)
Subject: FW: (b)(1) ~~(S) (S) (SECRET)~~

Please provide an update to (b)(6)
Thanks

(b)(6)

-----Original Message-----
From: (b)(6)
Sent: Tuesday, September 28, 2004 9:27 PM
To: (b)(6)
Subject: FW (b)(1) ~~(S) (S) (SECRET)~~

From: (b)(6)
Sent: Tuesday, September 28, 2004 7:24:44 PM
To: (b)(6)
Subject: FW: (b)(1) ~~(S) (S) (SECRET)~~
Auto forwarded by a Rule

~~Classification: SECRET~~

~~Caveats: NONE~~

Handling: The message content is UNCLASSIFIED when separated from attachment.

(b)(1),(b)(5),(b)(6)

-----Original Message-----
(b)(6) MAJ, JCS SJS
Sent: Thursday, September 23, 2004 4:03 PM
To: (b)(6)
Cc: (b)(6) JCS SJS
Subject: FW: (b)(1) ~~(S)~~

~~***CLASSIFICATION: SECRET***~~
Sir,

Despite our efforts to: (1) kill this; and/or (2) give you more time, we were clearly ignored. Sorry. Got run over by that bus.

-----Original Message-----
From: (b)(6) OSD-POLICY (b)(6)
Sent: Thursday, September 23, 2004 3:41 PM
To: Joint Secretariat; (b)(6) MAJ, JCS SJS
Cc: (b)(6)
Subject: (b)(1) ~~(S)~~

~~***SECRET***~~

All,
(b)(1)

(b)(6)
OSD Policy Detainee Affairs

(b)(6)

~~DERIVED FROM: Multiple Sources~~
~~DECLASSIFY ON: 23 Sep 2014~~

~~Classification: SECRET~~

~~Caveats: NONE~~

~~Classification: SECRET~~

~~Caveats: NONE~~

~~Classification: SECRET~~

~~Caveats: NONE~~

(b)(6)

From: (b)(6)
Sent: Friday, September 24, 2004 4:44 PM
To: (b)(6)
Cc:
Subject: (b)(1)

~~Classification: SECRET~~

~~Caveats: NONE~~

(b)(6)

(b)(1)

2. (b)(6) **FYI & as requested.**

3. **Thanks again.**

(b)(6)

~~Classification: SECRET~~

~~Caveats: NONE~~

USD(P) AMNESTY/CCR 371

A. I saw him and Frederick. He had a female partner. Um, I can't remember her name. I don't know what she was. I don't know if she was a translator or MI. She was in a uniform, also.

Q. Um-hmm.

A. Again, I get confused on who's what, but they were always together and they were usually with Sergeant Frederick.

Q. Okay. So, DJ pretty much worked with Frederick, then?

A. Yes.

Q. Okay. All right. Um, does the name Etaf [phonetic] ring a bell?

A. I think that's her but I'm not sure. **[Harman appears to be pointing to a picture.]**

Q. The female that he worked with?

13 pp.

A. Right.

Q. All right. How about Tim Dugan?

A. I don't think so.

Q. It doesn't ring a bell?

A. I'd have to see a face.

Q. Okay, and, of course, Steve; Big Steve Stafano. Did you know him?

A. Yeah.

Q. What do you know about him?

A. I've seen him around a few times. I knew he was taxicab's handler. I know that when Graner left, Steve was pretty passed because

DOJ EOUSA AMNESTY/CCR 498