

(U) **Executive Summary Extract:**

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

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

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

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

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Monthly DoD IG Overview of Investigations/Evaluations

Current as of 2/27/2006

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

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¹ SOUTHCOR: denotes previous SOUTHCOR reporting

² Army IG – Senior Official Inquiries

³ DIA initiated a criminal investigation on April 5, 2005

⁴ NCIS detainee abuse cases - ongoing.

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

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

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

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

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

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

Appendix Q. Detainee Senior Leadership Oversight Committee (U)

Background (U)

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

Purpose (U)

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

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

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

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

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

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

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

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

Part I (U)

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

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

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

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

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

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

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

Part 2 (U)

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

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

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

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

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

Summary (U)

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

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

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


~~SECRET//NOFORN~~
THE SECRETARY OF DEFENSE
1000 DEFENSE PENTAGON
WASHINGTON, D.C. 20330-1000

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APR 16 2003

MEMORANDUM FOR THE COMMANDER, US SOUTHERN COMMAND

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

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

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

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

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

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

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

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

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

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

Attachments:
As stated



NOT RELEASABLE TO FOREIGN NATIONALS

~~SECRET//NOFORN~~ X01310 /03
~~SECURITY CONTROL~~
UNCLASSIFIED

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TAB A

INTERROGATION TECHNIQUES

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

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

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

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

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

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

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

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

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

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

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

NOT RELEASABLE TO
FOREIGN NATIONALS

Tab A

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

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

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

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

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

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

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

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

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

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

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

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

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Tab A

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

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

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

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

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Tab A

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TAB B

GENERAL SAFEGUARDS

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

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

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

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

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

NOT RELEASABLE TO
FOREIGN NATIONALS

Tab B

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[S-1] It is important that interrogators be provided reasonable latitude to vary techniques depending on the detainee's culture, strengths, weaknesses, environment, extent of training in resistance techniques as well as the urgency of obtaining information that the detainee is known to have.

[S-1] While techniques are considered individually within this analysis, it must be understood that in practice, techniques are usually used in combination; the cumulative effect of all techniques to be employed must be considered before any decisions are made regarding approval for particular situations. The title of a particular technique is not always fully descriptive of a particular technique. With respect to the employment of any techniques involving physical contact, stress or that could produce physical pain or harm, a detailed explanation of that technique must be provided to the decision authority prior to any decision.

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Tab B

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



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

DEC 30 2005

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

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

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

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

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

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

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

Robert S. England
Acting
000 75001

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

UNCLASSIFIED



GENERAL COUNSEL OF THE DEPARTMENT OF DEFENSE
5000 DEFENSE PENTAGON
WASHINGTON, D.C. 20330-1000

GENERAL COUNSEL

2002 DEC -2 AM 11:03
OFFICE OF THE
SECRETARY OF DEFENSE

ACTION MEMO

November 27, 2002 (1:00 PM)

DEPSEC

TO: SECRETARY OF DEFENSE

FROM: William J. Haynes II, General Counsel

SUBJECT: Counter-Resistance Techniques

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

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

SECDEF DECISION

Approved DA Disapproved _____ Other _____

Attachments:
As stated

cc: CJCS, USD(P)
However, I served for 8-10 hours
A day. Why is standard, limited to 4 hours?

D.L. DEC 9 2002

177-2-10
DISAPPROVED

AUG 1 1999 11:13AM SJA



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NO 225 P. 3
NO 075 P. 4

DEPARTMENT OF DEFENSE
JOINT TASK FORCE 170
GUANTANAMO BAY, CUBA
APO AE 06440



JTF-170

11 October 2002

MEMORANDUM FOR Commander, Joint Task Force 170

SUBJECT: Request for Approval of Counter-Resistance Strategies

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

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

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

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

(2) Techniques of deception:

(a) Multiple-interrogator-technique,

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

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

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

(2) The use of classified documents or reports.

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

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REC. 1.1989 1:14PM
OCT 10 2002 9:49AM SJA

NO. 225 P. 4
NO. 075 P. 5

JTF 178-J3

SUBJECT: Request for Approval of Counter-Resistance Strategies

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

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

(5) Deprivation of sleep and auditory stimuli:

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

(7) The use of 24-hour interrogations.

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

(9) Switching the detainee from hot-cold to 34°C.

(10) Removal of clothing.

(11) Beard-grooming (shaving of facial hair etc.)

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

c. Category III techniques. Techniques in this category may be used only by submitting a request through the Director, JIC, for approval by the Commanding General with appropriate legal review and information to Commander, USSOUTHCOM. These techniques are required for a very small percentage of the most noncompliant detainees (less than 1%). The following techniques and other invasive techniques, such as those used in U.S. military interrogation resistance training or by other U.S. government agencies, may be utilized in a carefully coordinated manner to help interrogate exceptionally resistant detainees. Any of these techniques that require more than light pinching, poking, or pushing, will be administered only by individuals specifically trained in their safe application.

(1) The use of occasions designed to convince the detainee that death or severely painful consequences are imminent for him and/or his family.

(2) Hypoxia in cold weather or sauna (with appropriate medical monitoring).

(3) Use of a motorized fan/dripping water to induce the misperception of suffocation.

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SJA

10.225 P.5
NO.075 P.6

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JTF 170-J2

SUBJECT: Request for Approval of Counter-Resistance Strategies

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

3. (b) The POC for this memorandum is the head of my SJA.



Director, JS

b(6)

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



MEMORANDUM FOR COMMANDER USSOUTHCOM JAN 15 2003

SUBJECT: Counter-Resistance Techniques (U)

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

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

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

D. A. R.

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

Declassify Under the Authority of Executive Order 13526
By Executive Secretary, Office of the Secretary of Defense
By William P. Marlow, CAPT, USN
June 21, 2008

~~UNCLASSIFIED~~



X00176 / 03

ISJANOS

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

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

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

CJTF7-CG

14 SEP 2003

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

SUBJECT: CJTF-7 Interrogation and Counter-Resistance Policy

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

Encl
As

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

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

CJTF7-CG

UNCLASSIFIED

14 SEP 2003

MEMORANDUM FOR

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

SUBJECT: CJTF-7 Interrogation and Counter-Resistance Policy

1. ~~(S//NF)~~ This memorandum establishes the interrogation and counter-resistance policy for CJTF-7.
2. ~~(S//NF)~~ I approve the use of specified interrogation and counter-resistance techniques A-DD, as described in enclosure 1, subject to the following:
 - a. ~~(S//NF)~~ These techniques must be used within safeguards described in enclosure 2.
 - b. ~~(S//NF)~~ Use of these techniques is limited to interrogations of detainees, security internees and enemy prisoners of war under the control of CJTF-7.
 - c. ~~(S//NF)~~ Use of techniques B,I, O and X on enemy prisoners of war must be approved by me personally prior to use. Submit written requests for use of these techniques, with supporting rational, to me through the CJTF-7 C2. A legal review from the CJTF-7 SJA must accompany each request.
3. ~~(S//NF)~~ CJTF-7 is operating in a theater of war in which the Geneva conventions are applicable. Coalition forces will continue to treat all persons under their control humanely.
4. ~~(S//NF)~~ Requests for use of techniques not listed in enclosure 1 will be submitted to me through the CJTF-7 C2, and include a description of the proposed technique and recommended safeguards. A legal review from the CJTF-7 SJA must accompany each request.
5. ~~(S//NF)~~ Nothing in this policy limits existing authority for maintenance of good order and discipline among detainees.
6. ~~(S//NF)~~ POC is xxxxxxxxxxxxDNVT558-0709, DSN 318 822-1115/1116/1117.

2 Encls

1. Interrogation Techniques
2. General Safeguards

RICHARDO S. SANCHEZ

Lieutenant General, USA
Commanding

CF: Commander, US Central Command

UNCLASSIFIED

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Enclosure 1

INTERROGATION TECHNIQUES

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

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

- A. (S//NF) Direct: Asking straightforward questions.
- B. (S//NF) Incentive/Removal of Incentive: Providing a reward or removing a privilege, above and beyond those that are required by the Geneva Convention, from detainees. [Caution: Other nations that believe detainees are entitled to EPW protections may consider that provision and retention of religious items (e.g. the Koran) are protected under international law (see, Geneva III, Article 34). Although the provisions of the Geneva convention are not applicable to the interrogation of unlawful combatants, consideration should be given to these views prior to application of the technique.]
- C. (S//NF) Emotional Love: Playing on the love a detainee has for an individual or group.
- D. (S//NF) Emotional Hate: Playing on the hatred a detainee has for an individual or group.
- E. (S//NF) Fear Up Harsh: Significantly increasing the fear level in a detainee.
- F. (S//NF) Fear Up Mild: Moderately increasing the fear level in a detainee.
- G. (S//NF) Reduced Fear: Reducing the fear level in a detainee.
- H. (S//NF) Pride and Ego Up: boosting the ego of a detainee.
- I. (S//NF) Pride and Ego Down: Attacking or insulting the ego of a detainee, not beyond the limits that would apply to an EPW. [Caution: Article 17 of Geneva III provides, "Prisoners of war who refuse to answer may not be threatened, insulted, or exposed to any unpleasant or disadvantageous treatment of any kind." Other nations that believe detainees are entitled to EPW protections may consider this technique inconsistent with the provisions of Geneva. Although the provisions of Geneva are not applicable to the interrogation of unlawful combatants, consideration should be given to these views prior to application of the technique.]
- J. (S//NF) Futility: Invoking the feeling of futility of a detainee.
- K. (S//NF) We Know All: Convincing the detainee that the interrogator already knows the answers to questions he asks the detainee.
- L. (S//NF) Establish Your Identity: convincing the detainee that the interrogator has mistaken the detainee for someone else.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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Enclosure 2

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

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

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

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

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

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

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Appendix W. Other Matters of Interest (U)

Other Matters of Interest (U)

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

HUMINT Strategic Interrogation Program (U)

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

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

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

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

Management Actions (U)

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

Appendix X. Report Distribution (U)

(U) Office of the Secretary of Defense

Secretary of Defense

Under Secretary of Defense for Policy

 Deputy Assistant Secretary of Defense for Detainee Affairs

Under Secretary of Defense for Intelligence

 Deputy Under Secretary of Defense for Intelligence (Intelligence and Warfighter Support)

(U) Joint Staff

Director, Joint Staff

(U) Department of the Army

Secretary of the Army

Assistant Secretary of the Army (Financial Management and Comptroller)

Deputy Chief of Staff, G-2

Auditor General, Department of the Army

Inspector General, Department of the Army

(U) Department of the Navy

Assistant Secretary of the Navy (Manpower and Reserve Affairs)

Auditor General, Department of the Navy

Naval Inspector General

(U) Department of the Air Force

Assistant Secretary of the Air Force (Financial Management and Comptroller)

Auditor General, Department of the Air Force

(U) Combatant Commands

Commander, U.S. Northern Command

Commander, U.S. Southern Command

Commander, U.S. Joint Forces Command

Commander, U.S. Pacific Command

Commander, U.S. European Command

Commander, U.S. Central Command

Commander, U.S. Transportation Command

Commander, U.S. Special Operations Command

Commander, U.S. Strategic Command

(U) Other Defense Organizations

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

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

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

Under Secretary of Defense for Policy(U)

Final Report
Reference


~~SECRET//NOFORN//MR20200307~~
OFFICE OF THE UNDER SECRETARY OF DEFENSE
2000 DEFENSE PENTAGON
WASHINGTON, DC 20301-2000

POLICY

JUL 19 2006

MEMORANDUM FOR DEPUTY ASSISTANT INSPECTOR GENERAL
FOR INTELLIGENCE EVALUATION

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

SUBJECT: Report on Review of DoD-Directed Investigations of Detainee
Abuses (Project No. D2004-DINT01-0174)

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

With respect to the recommendations made in your report:

- I concur in recommendation "B1," subject to the understanding that such policies at the moment are being discussed within the senior levels of the Executive and Legislative branches of the USG; DoD 2310.01E will be issued once all national-policy issues are resolved.
- I non-concur in recommendation "B2." The development of Tactics, Techniques, and Procedures (TTP) is a responsibility of the Joint Staff and the US Army as the executive agent for detention operations. Under current DoD Directives, we would submit that this would be a responsibility of the Secretary of the Army, to the extent he would agree such changes are required, as the Army is the executive agent with responsibility over this requirement.

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

~~SECRET//NOFORN//MR20200307~~

[Redacted] [Redacted] G

2006, to the report. While it is clear that the Inspector General has incorporated some of the line comments made in the March 24 comments, the report continues to fail to acknowledge the substantive objection raised with respect to the premise that SERF training was a determinative variable in the development of *T4t-170* interrogation techniques, as well as other statements made in the report with respect to the development of detainee policy and the accountability (or lack thereof) of senior DoD officials.

I believe that the historical record supports the opposite conclusion - that SERF did not play a determinative role in the development of counter-resistance interrogation tactics. I would refer you to page 106 of the Church report which lays out a timeline for how policy was developed, and pages 107-144 of the Church report which describes in detail how the counter-resistance techniques were developed.

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

We also believe that as senior leaders from the Pentagon and the Iraqi theatre of Operations were discussing and reviewing a myriad of techniques, the ability to contain what may have been intended simply as an exercise in "brainstorming" interrogation ideas proved difficult to contain and had unintended consequences.

Deleted

The push for more "aggressive interrogations," when coupled with a lack of united of command and unity of effort, created an atmosphere in which the pressure to produce actionable intelligence overwhelmed the primacy of the Geneva Conventions. ...

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

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

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

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

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

Sincerely,



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

3

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[REDACTED]
[REDACTED]
[REDACTED]

b(6)

Director, Joint Staff (U)

Final Report
Reference

~~SECRET//NOFORN~~



THE JOINT STAFF
WASHINGTON, DC

Reply ZIP Code:
20318-0300

DJSM 0588-06
06 Jun 2006

MEMORANDUM FOR THE INSPECTOR GENERAL OF THE DEPARTMENT OF DEFENSE

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

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

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

3. Without enclosure, this memorandum is UNCLASSIFIED.

A handwritten signature in black ink, appearing to read "Walter L. Sharp".

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

Enclosure

Reference:

1 DAIG-IE memorandum, 25 April 2006, "Review of DoD-Directed Investigations of Detainee Abuse (Project No. D2004-DINT01-0174) (U)"

b(6)

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Final Report
Reference

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ENCLOSURE

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

Revised

1. (U) General Comment: Number the paragraphs and subparagraphs to facilitate editing and post-completion referencing.
2. (U) Page i, paragraph 1, "Executive Summary (U):" Delete: "determining policy on-detention and detainee operations and training personnel..."
REASON: Eliminate redundant phrase.

Revised

3. (U) Page i, paragraph 2, "Executive Summary (U):" Delete: "...abusing enemy prisoners of war and other detainees..."
REASON: Eliminate redundant phrase. The definition of detainee under DODD 3115.09 includes enemy prisoners of war.

Revised

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

Revised

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

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

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

Modified
Page 4

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

Classified By: RADM W. D. Sullivan, USN; VDJ-5
Reason: ~~174 (a) b - 1~~
Declassify On: 1 June 2016

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FOREIGN NATIONALS~~

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Enclosure

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detainees humanely, he approved 'Counter-Resistance Techniques...'"*

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

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

Revised
Page 8

REASON: Clarity.

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

Revised

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

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

REASON: Accuracy.

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Enclosure b(1)

Director, Defense Intelligence Agency (U)

Final Report
Reference



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DEFENSE INTELLIGENCE AGENCY

WASHINGTON, D.C. 20340-5100



JUN 02 2006

U-06-6158 DHO-I

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

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

1. (U//~~FOUO~~) The Defense Intelligence Agency (DIA) has reviewed the documents pertaining to the Department of Defense (DoD) directed investigations into allegations of detainee abuse. In general, DIA believes it is imperative to make a clear distinction between detention and interrogation operations. This is NOT clearly distinguished in this review.
2. (U//~~FOUO~~) Interrogations, questioning, and debriefings are often incorrectly discussed as a matter of detention operations. DIA clearly recognizes interrogation and detention operations are integral to one another; however, they are clearly different functions and require separate discussion on policy, responsibilities, and relationships.
3. (U//~~FOUO~~) DIA recognizes interrogation operations must be coordinated with detention operations personnel. We recommend an annex be included in detention and interrogation Standard Operating Procedures (SOPs), at all levels, defining the roles, responsibilities, and actions to be carried out by respective Interrogation Control Elements (ICE). The SOP should detail comprehensive procedures for interrogators to gain access to a detainee for questioning.
4. (U//~~FOUO~~) DIA recommends a breakout of the 833 investigations adjudicated to date and found to be unsubstantiated or unfounded. As written, the report assumes that all 833 investigations were with merit; however, many of the allegations were without merit and should be mentioned.
5. (U//~~FOUO~~) Regarding the reporting of incidents of alleged detainee abuse, DIA concurs with the recommendation to assign a Deputy Commanding General for Detention Operations. Further, DIA recommends the office be staffed with military police personnel qualified in detention operations, a medical officer, and a senior qualified interrogator.
 - a. (U//~~FOUO~~) DIA concurs with the recommendation to formulate policy for reporting allegations of abuse at all levels.
 - b. (U//~~FOUO~~) While tracking the resolution of abuse is critical, DIA does NOT concur with the recommendation that tracking and resolution policies be included in interrogation SOPs. This is a command issue to be resolved outside of the interrogation operation elements.

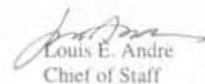
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6. (U//~~FOUO~~) DIA concurs with recommendation B.1. on detainee policy. However, the recommendation to implement formal guidance, policy and oversight for interrogation operations, including interrogation in intelligence campaign planning, should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

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

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



Louis E. Andre
Chief of Staff

b(6)

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Department of the Army

Final Report
Reference



REPLY TO
ATTENTION OF

DAMI-CD

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

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

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

2. (S) General Comments:

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

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

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

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

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

Enclosure

Derived from: Multiple Sources 14 (g)
Declassify on: 7 April 2013

b(6)

~~SECRET//NOFORN~~

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

SPECIFIC Comments:

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

Revised
Page 3

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

Deleted

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

Page 8

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

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

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

Revised

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

Revised

h. (S) Page 17, fourth para. Recommend including 'the shortage and expertise of HUMINT managers (e.g. C2X/S2X)' in the discussion of reasons why detention and interrogation operations were overwhelmed.

Page 18

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

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Page 33

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

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

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

l. ~~(S)~~ Page 28, first para. Abu Ghraib revelations occurred in Jan 04, not May 04. Also note that CG, CJTF-7 ordered an investigation within 24 hours of seeing evidence. No delay.

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

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

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Derived from: Multiple Sources 14(g)
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Pages 81-83

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

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

3

Derived from: Multiple Sources 1.4(g)
Declassify on ~~[redacted]~~

Encl

Final Report
Reference


DEPARTMENT OF THE ARMY
OFFICE OF THE INSPECTOR GENERAL
1700 ARMY PENTAGON
WASHINGTON DC 20310-1700
JUN 1 2 2006

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

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

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

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

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

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

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

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

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

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

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Final Report
Reference

SAIG-IN

Subject: Draft Review of DOD-Directed investigations of Detainee Abuse

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

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

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

Revised
Page 82


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

*Note: Army G2 submitted comments
separately.*

-2-

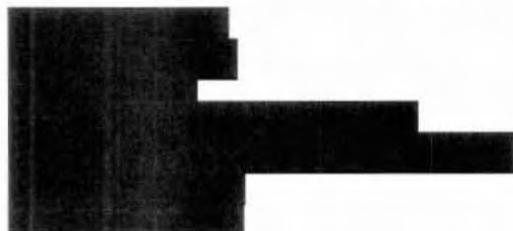
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(U)

Team Members

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



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