



*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.

(U) CURRENT ASSESSMENT:

OBE.

**OPR: OSD
OCR: OSD - Justice**

<u>(S) FIX / ACTION / CHANGE:</u>	
(b)(1)	



*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) CURRENT ASSESSMENT:

Employee terminated. Request closure.

**OPR: OSD
OCR: OSD - DoJ**

(U) FIX / ACTION / CHANGE:

OBE.



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) 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.

(U) FIX/ACTION/CHANGE:

None at this time.

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




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)



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:

- 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.



F/J-014 Adherence to DoD regulations at facilities

(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:

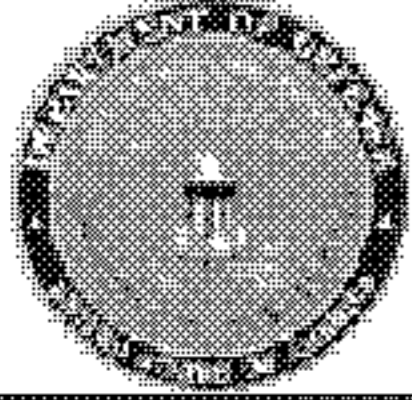
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- USD(P) has already reviewed all policies and has revised 2310.1 as it believed was appropriate. 2310.1 is out for formal coordination – June 1, 2005 pub date.
- USD(P) 2310 requires adherence to DoD regulations at DoD facilities/sites.

(b)(1)

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

(U) FIX/ACTION/CHANGE:

None at this time.



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.



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 is out for formal coordination – June 1, 2005 pub date.
- USD(P) 2310.1 requires adherence to DoD regulations at DoD facilities/sites.

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

(U) FIX/ACTION/CHANGE:

None at this time.



F/J-019 Detainee Message

(U) RECOMMENDATION/OBSERVATION

- How do we communicate what we 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 needed 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 work 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)



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.

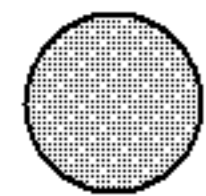


S-006 Interrogation Policy

(U) RECOMMENDATION/OBSERVATION

- Well-documented policy and procedures on approved interrogation techniques

(U) CURRENT ASSESSMENT:



- 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) FIX/ACTION/CHANGE:

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) RECOMMENDATION/OBSERVATION

- Clearer guidelines for the interaction of OGA's with the Department of Defense in detention and interrogation operations must be defined

(U) CURRENT ASSESSMENT:

- • 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) FIX/ACTION/CHANGE:

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)

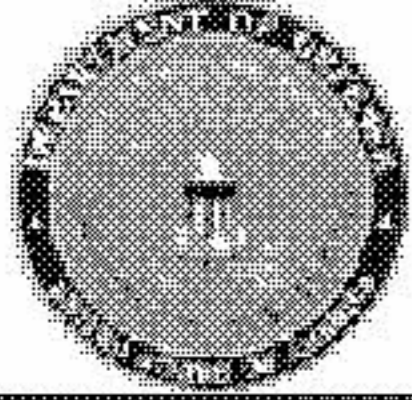
OPR: USD (HA)
OCR: USD (P)

(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.



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)



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)

OPR: Policy Working Group
OCR: CENTCOM

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

(b)(1)

Item Previously Closed



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) 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.