

**(U) Findings of Fact:
Physical Presence of Required Guard Force Personnel**

X. (U) Presence of Camp 1 Duty Leadership, 9 June 2006

1. (FOUO) Per the SOP, ¶5-3a, "Continuous leadership presence is required in each camp at all times. Camp Leadership of either the PL [Platoon Leader] or the SOG [Sergeant of the Guard] will remain present within their respective camps, in the causeway or on one of the blocks, at all times during a shift."
2. (FOUO) No evidence suggests that either the Camp 1 Platoon Leader or Sergeant of the Guard CTM1 (b)(3):10 was absent from his appointed place of duty.
3. (FOUO) MAC (b)(3) was duty Platoon Leader (PL) in Camp 1 for the night watch from about 1745 on 9 June 2006 to about 0545 on 10 June 2006.¹³⁰
4. (FOUO) MAC (b)(3) conducted a walk-through inspection of Alpha Block at about 2320.¹³¹
5. (FOUO) At approximately 0040, MAC (b)(3) heard "(b)(2) Alpha Block" on his radio and ran to Alpha Block.¹³²
6. (FOUO) CTM1 (b)(3):10 was duty Sergeant of the Guard (SOG) in Camp 1 for the night watch from about 1745 on 9 June 2006 to about 0545 on 10 June 2006.¹³³
7. (FOUO) CTM1 (b)(3):10 spoke with the Alpha Block NCO around 2030.¹³⁴
8. (FOUO) CTM1 (b)(3):10 visited the Alpha Block guard shack between 2130 and 2200.¹³⁵
9. (FOUO) CTM1 (b)(3):10 visited the Alpha Block guard shack shortly after 2300.¹³⁶
10. (FOUO) At approximately 0040, MA1 (b)(3):10 USC of an apparent suicide. CTM1 (b)(3):10 ran into Alpha Block, and on seeing ISN

¹³⁰ Watch Bill, NCIS Exhibit 2; NCIS (b)(3):10 USC §130b,(b)(6),(b)(7)(C)

¹³¹ DIMS 09JUN2006 2320L, entry by (b)(3):10 USC §130b,(b)(6),(b)(7)(C)

¹³² NCIS (b)(3):10 USC §130b,(b)(6),(b)(7)(C)

¹³³ Watch

¹³⁴ DIMS

¹³⁵ NCIS

¹³⁶ NCIS

093 called (b)(2) over his radio; (b)(2) is the brevity code for a suicide attempt.¹³⁷

XI. (U) Presence of Alpha Block Guard Team, 9 June 2006

(b)(2)

2. (FOUO) As noted above in section V, Presence of Camp 1 Duty Leadership, the duty Camp 1 Platoon Leader and Sergeant of the Guard visited Alpha Block at least four times on 9 June 2006.

- 3. (FOUO) CTM1 (b)(3):10 USC spoke with the Alpha Block NCO around 2030.¹³⁸ §130b,(b)(6),(b)(7)
- 4. (FOUO) CTM1 (C) visited the Alpha Block guard shack between 2130 and 2200.¹³⁹
- 5. (FOUO) CTM1 visited the Alpha Block guard shack shortly after 2300.¹⁴⁰
- 6. (FOUO) MAC (b)(3):10 conducted a walk-through inspection of Alpha Block at about 2320.¹⁴¹

7. (FOUO) The DIMS Alpha Block Blotter for 9 and 10 June 2006 contains the following entry at time 2320: "PL ON BLOCK."

8. (FOUO) The DIMS Alpha Block Blotter for 9 and 10 June 2006 contains the following entry at time 2323: "PL OFF BLOCK."

9. (FOUO) MA3 (b)(3):10 USC stated that "During my 2300-2330 watch, MA1 (b)(3) and MAC (b)(3) did a walk-through. I was approximately in the middle of the tier when they arrived. They came up behind and passed me. They walked to the end of the tier, turned around and walked back toward the guard shack. I do not know if they looked into each cell and by the time they passed me, they had passed cells A-5, A-8 and possibly A-12."¹⁴²

¹³⁷ DIMS 10JUN2006 00381, entry by MAC (b)(3):10 USC 6/14/06 (TAB C6).

¹³⁸ DIMS 6/9/06 2030; NCIS CTM1 (b)(3):1 6/14/06.

¹³⁹ NCIS (b)(3):10 USC §130b,(b)(6),(b)(7)(C)

¹⁴⁰ NCIS

¹⁴¹ DIMS

6/15/2006

¹⁴² NCIS

10. (FOUO) The Alpha Block guard team agreed upon an informal watch bill to take turns maintaining a constant presence on the block.

11. (FOUO) MA3 (b)(2) (b)(2)

12. (FOUO) MA2 (b)(3):10 stated "That day [9 June 2006] MA3 (b)(3):10 USC did the watch bill."¹⁴⁴

13. (FOUO) MA3 (b)(3):10 USC stated that "The guards were assigned watches for 30 minute intervals. This night [9 June 2006] they were:"¹⁴⁵

- 14. 2130---2200 MA1 (b)(3):10 USC
- 15. 2200---2230 MA3 §130b,(b)(6), (b)(7)(C)
- 16. 2230---2300 MAS

17. 2300---2330 (b)(3):10 USC [No watch stander is indicated in MA3 (b)(3):10 USC list for the period 2300---2330, but elsewhere in her statement she says explicitly that she stood the 2300-2330 shift.]

18. 2330---2400 MA3 (b)(3):10 USC [actually MA1 (b)(3):10 USC §130b,(b)(6), (b)(7)(C)'s listing of herself here is an error, as discussed in the "Conclusions" section and illustrated in Appendix C.]

19. 2400---0030 MA2 (b)(3):10 USC §130b,(b)(6),(b)(7)(C) exchanged to 0030-0100]

20. 0030---0100 MA3 (b)(3):10 USC §130b,(b)(6),(b)(7)(C) exchanged to 0001---0030]

21. (FOUO) MA3 (b)(3):10 USC further stated that "It is my understanding that (b)(3):10 USC changed watches with MA2 (b)(3):10 USC"¹⁴⁶

¹⁴³ NCIS (b)(3):10 6/14/2006 (TAB B5.a)
¹⁴⁴ NCIS 10 6/15/2006 (TAB B3.a)
¹⁴⁵ NCIS USC 6/8/2006 (TAB B4.b)
¹⁴⁶ NCIS §130b,(b)(6), (b)(7)(C) 6/15/2006 (TAB B4.a)

XII. (U) Possibility that Guards Left Alpha Block Unattended, 9 June 2006

1. (FOUO) Per SOP (b)(2) (b)(2)

2. (FOUO) Per SOP ¶8-15i (b)(2) (b)(2)

3. (FOUO) One Alpha Block guard stated that as a consequence of violating SOP ¶8-15i, there was a period of ten minutes after serving food to the detainees during which "No one was watching the detainees."¹⁴⁷

4. (FOUO) MASN (b)(3):10 USC stated that "After serving the food to the detainees [at about 1900 on 9 June 2006], the all of alpha block crew met outside of the guard shack towards the Sallys. We ate some of the extra food that the detainees did not want and had a short conversation, which last[ed] approximately 10 minutes. No one was watching the detainees at that time."¹⁴⁸

5. (FOUO) Two Alpha Block guards acknowledged some of the basic facts of MASN (b)(3):10 USC statement, but distinguished between being off the tier and off the block.

6. (FOUO) MA3 (b)(3):1 responded to the questions "Do guards step out of the block for leftover chow? Did that happen on night of 9-10 June?" MA3 by stating that "I have seen guards eat in (b)(2) block when the chow has been left out. On the night of 9-10 of June all of the block guards stayed on the block after chow was handed out, we sat at the bottom of the stairs in the front of the block and talked about work and personal subjects."¹⁴⁹

7. (FOUO) MA2 (b)(3) responded to the questions "Do guards step out of the block for leftover chow? Did that happen on night of 9-10 June?" by stating that "Guards often step off the tier, to my knowledge, not off the block, to eat snacks of left over meals. It is a common occurrence amongst night shift personnel because we were only authorized one meal break per 13 hour shift, usually 30-45 minutes in the middle of shift, whereas on days you are authorized two meal breaks. Most guards I knew on nights would skip meals at home to get more sleep because the job tired them out. As for it happening on the night of 9 June, I believe there is a good possibility that guards ate the meals, but I don't remember if they did or not."

¹⁴⁷ NCIS (b)(3): 6/14/2006 (TAB B6.a)

¹⁴⁸ NCIS 10 6/14/2006 (TAB B6.a)

¹⁴⁹ NCIS USC §130b, 7/8/2006 (TAB B4.b)

(b)(6),(b)(7)(C)

8. (FOUO) The Alpha Block NCO stated that the surplus chow that guards ate came from Camp 1 watch supervisors.

9. (FOUO) MA1 (b)(3) stated that "On 09Jun06, we had some extra food and offered it to the detainees."¹⁵⁰ MA1 (b)(3) responded to the questions "What about surplus chow? Do guards eat any of it?" as follows: "At the end of chow, the surplus goes in the trash. Rovers bring chow to the block on the cart, any leftovers go in the trash. PIs & SOGs have separate extra chow out on the causeway, which guards can eat there or out at table at front of block [i.e., at the picnic table shelters located in (b)(2) Block]. Sometimes this surplus is available, sometimes not."¹⁵¹

10. (FOUO) I visually verified that the four squares drawn in Block (b)(2) in the map at Tab J-1 represent sheltered tables. The rectangle depicted in (b)(2) Block is a set of heads for guards.

(U) Findings of Fact: Quality of Guard Oversight on Alpha Block

XIII. (U) Vigilance of Alpha Block Guard Team, 9 June 2006

1. (FOUO) Per SOP (b)(2)
(b)(2)

2. (FOUO) One Alpha Block guard stated that he felt the Alpha Block guard team did an inadequate job monitoring the detainees on the night of 9/10 June 2006.

3. (FOUO) MASN (b)(3):10 stated "I feel that the guards and myself on Alpha block did an inadequate job monitoring the detainees that night to make sure that they were following the rules as to show some kind of (b)(2) while sleeping. I feel this happens with everyone on every block, everyday. We see and do the same things every day, and it gets old and boring. I wish I would have been more attentive and could have done something to save the detainees. I don't know if the detainees died on my watch, but I somehow feel responsible for their deaths."¹⁵²

4. (FOUO) For reasons discussed in below in "Conclusions," I did not find this statement a credible characterization of the Alpha Block guard team.

¹⁵⁰ (b)(3):10 USC /2006 (TAB B2.a)
¹⁵¹ §130b,(b)(6),(/0/06 (TAB B2.c)
¹⁵² b)(7)(C) /14/2006 (TAB B6.a)

5. (FOUO) One Alpha Block guard stated that the Alpha Block guard team was more vigilant than any other team.

6. (FOUO) MA3 (b)(3):10
ISC responded to the question "Why do you think it took the Alpha Block guards so long to find the bodies?" with the following statement: "It is my personal opinion that if it had been any other block guard team on Alpha Block that night, that it is very possible that the detainees would not have been found until turnover that morning, and that more detainee deaths might have occurred."¹⁵³

XIV. (U) Random Headcounts, 9 June 2006

1. (FOUO) Per SOP (b)(2)
(b)(2)

(b)(1) Sec 1.4 A, (b)(2)

5. (FOUO) On 9 June 2006, DOC ordered the (b)(2) more than (b)(2) hours apart, (b)(2)

6. (FOUO) Alpha Block received the 9 June 2006 calls for (b)(2) at 2004 and 2335, and replied via DIMS at 2017 and 2350.

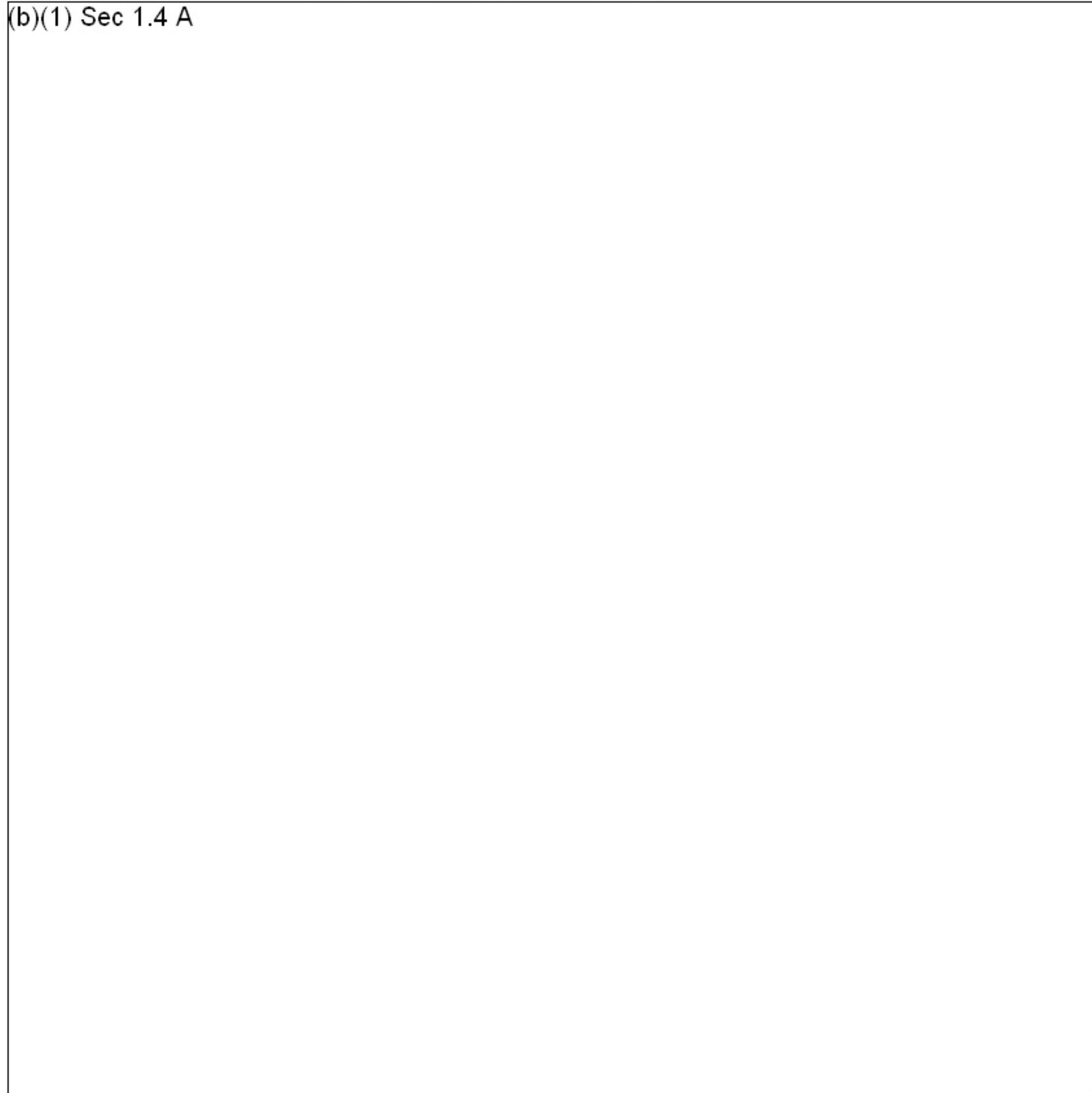
(b)(1) Sec 1.4 A

(b)(1) Sec 1.4 A

¹⁵³ (b)(3):10 8/2006 (TAB B4.1)

¹⁵⁴ DIMS: Alpha Block Blotter, Entry DTG 09JUN2006 2017L (TAB J5)

(b)(1) Sec 1.4 A



15. (FOUO) Alpha Block guards stated that they do not know who made the random headcount entries for their block at 2017 and 2350 on 9 June 2006.

16. (FOUO) MA1 (b)(3)₁₀ stated "he did not make the [random headcount] entry and did not know who did." MA1 (b)(3)₁₀ also stated that "anyone on the block can make random headcount entries."¹⁵⁹

17. (FOUO) MA2 (b)(3)₁₀ stated that "I didn't log in any of the computerized DOC random head counts that night."¹⁶¹

¹⁵² DIMS Headcount Report 09JUN2006 2004L (Complete) (TAB J6)
¹⁵⁶ DIMS Headcount Report 09JUN2006 2004L (Complete) (TAB J6)
¹⁵⁷ DIMS: Alpha Block Blotter, Entry DTG 09JUN2006 2350L (TAB J5)
¹⁵⁸ DIMS Headcount Report 09JUN2006 2004L (Complete) (TAB J6)
¹⁵⁹ DIMS Headcount Report 09JUN2006 2004L (Complete) (TAB J6)
¹⁶⁰ NCIS (b)(3) 6/16/2006 re-interview (TAB B2.b)
¹⁶¹ NCIS (b)(3) 6/15/2006 (TAB B3.a)

18. (FOUO) MA3 (b)(3):1 said in an NCIS re-interview on 16 June 2006 "[r]egarding the DIMS headcount entry made at 2350 hours, [that] he did not make the entry and did not know who did." In the same re-interview, "MA3 (b)(3):1 said he was not on A-Block at 2350 hours; he came back late from chow around 2355 hours after stopping to see MAC (b)(3):1 at (b)(2) Block."¹⁶²

19. (FOUO) MA3 (b)(3):1 said "I have no knowledge on who replied to those random headcounts, as I was walking the block from 2330 to 2400, [and] I was not told to do an actual headcount, or that there was even a headcount initiated."¹⁶³

20. (FOUO) MASN (b)(3):10 stated that "he did not make the entry and didn't remember anyone doing the headcount" and that "No one had ordered a head counts [sic] that day except for the one that I performed at the beginning of the shift."¹⁶⁴

21. (FOUO) MASN (b)(3):10 stated "The A-block team did the head counts like we were supposed to by visually seeing (b)(2) in every cell at the beginning of the shift, because I was the one that conducted it, and the other one was done when I was in the shack and the NCO told someone I don't remember who to do it and they did the head count."¹⁶⁵

22. (FOUO) Camp 1 guard force personnel gave conflicting accounts of proper procedures for conducting a random headcount at night during detainee sleep time, between lights dimmed at 2200 and lights restored at 0600.

23. (FOUO) One Alpha Block guard stated that a random head count required immediate visual confirmation of detainee (b)(2) in each cell.

24. (FOUO) MASN (b)(3):1 stated that when "the random head counts are done right[,] (b)(2) (b)(2) How you perform a head (b)(2) counting the detainees by physically looking into the cell and visually seeing (b)(2) as per SOP. You walk to one end, turn around and do the other side the same way."¹⁶⁶

25. (FOUO) Three Alpha Block guards stated that a random head count was for enumerating guards, not detainees.

162 (b)(3):10 USC §130b,(b)(6),(b)(7)(C)
163
164
165
166

e-interview 6/17/2006 (TAB B6)

26. (FOUO) MA3 (b)(3):1 stated words to the effect that he "understood this [i.e., a random head count] to be an administrative check focusing on how many guards were on hand, rather than on detainees."¹⁶⁷

27. (FOUO) MA1 (b)(3) stated that "Random headcounts were administrative, (b)(2) (b)(2) for whichever block and it would have the number of detainees accounted, present, and out. The Block NCO or a Block Guard who is authorized to (b)(2)

28. (FOUO) MA2 (b)(3):10 responded to the question, "Were you aware of guards not visually confirming the headcount via sighting of (b)(2) or (b)(2)?" by stating that "The On-Coming and Off-Going Headcounts was when we visually conducted a sighting of (b)(2) and they were written into the DIMS system as (b)(2) but a visual sighting of (b)(2) was not conducted by any guards in Camp Delta during a (b)(2)." ¹⁶⁹

29. (FOUO) In the same statement, MA2 (b)(3):10 added "We were told it (b)(2) was for administrative purposes to show our manpower."¹⁷⁰

XV. (U) Frequency with which Guards Checked Detainees

1. (FOUO) Per SOP (b)(2) (b)(2)

2. (FOUO) While all the lights were on, Alpha Block guards normally walked the cell tier at their own pace.

3. (FOUO) MA2 (b)(3):10 stated that until lights out "there was no set time as to how long it took to walk a tier, (b)(2) (b)(2)

4. (FOUO) Camp Delta detainees at risk for self-harm were observed at fifteen-minute intervals.

167 (b)(3): interview 7/26/2006 (TAB B5.c)
168 10 statement 8/9/2006 (TAB B2.c)
169 USC statement 8/8/2006 (TAB B3.b)
170 §130b statement 8/8/2006 (TAB B3.b)
171 (b)(6) statement 8/8/2006 (TAB B3.b)

5. (FOUO) A day-shift Sergeant of the Guard log entry six weeks before the

(b)(2)

6. (FOUO) This SOG log entry is consistent with SOP directives regarding

(b)(2)

(b)(2)

8. (FOUO) No Alpha Block detainees were identified as current self-harm risks in the Platoon Leader and Sergeant of the Guard logs on 9 June 2006.

9. (FOUO) During the (b)(2) were required by SOP to sight (b)(2)

10. (FOUO) (b)(3):10 USC responded to the question "How long does it take to make a circuit of the tier after lights out?" as follows: "Depending on how many detainees

(b)(2)

XVI. (U) Rules for Guard Sightings of Detainees at Night

(b)(2)

2. (FOUO) (b)(3):10 USC responded to the question, "Were you aware of guards not visually confirming the headcount via (b)(2) (b)(2) by stating that "The On-Coming and Off-Going Headcounts was when we visually conducted a (b)(2) and they were written into the DIMS system as On-Coming or Off-Going, but a visual sighting of (b)(2) was not conducted by any guards in Camp Delta during a Random Initiated Headcount."¹⁷⁴

(b)(2)

¹⁷⁴ SOG Log 4/29/2006 (TAB J10)

(b)(3):10 USC 8/8/2006 (TAB B4.b)
§130b,(b)(6),(b) 8/8/2006 (TAB B3.b)
(7)(C)