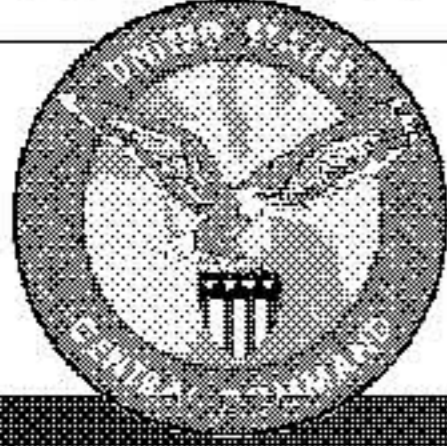




Formica Report 8 Findings



FA-001 FORMICA REPORT , pg 11

(U) RECOMMENDATION / OBSERVATION:

CJSOTF-AP, 10th and 5th SF GP commands, should be provided a copy of this report and cautioned to ensure greater oversight of their subordinate units' detention/interrogation operations. CJSOTF-AP should respond by endorsement upon implementation of appropriate corrective action consistent with this report.

~~(S)~~ CURRENT ASSESSMENT:

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



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

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



Change: Copies provided.

OPR: CENTCOM

OCR:



FA-002 FORMICA REPORT pg8, para 5-6; pg 75, IV

(U) RECOMMENDATION / OBSERVATION:

All CJSOTF-AP personnel, especially ODA 554 and ODA 065, should receive mandatory corrective training and education in the principles of the Geneva Conventions relating to the treatment of detainees, specifically including adequate diet, sufficiently comfortable quarters and the provision of adequate clothing.

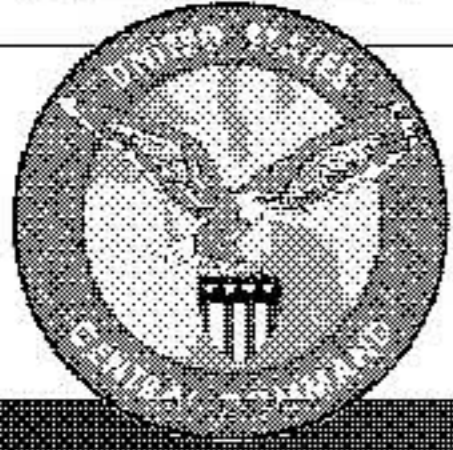
~~(S)~~ CURRENT ASSESSMENT:

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

OPR: CENTCOM
OCR:

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

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



FA-003 FORMICA REPORT pg 12, para 7

(U) RECOMMENDATION / OBSERVATION:

Ensure dissemination of MNF-I/MNC-I policies to CJSOTF-AP and provide oversight of compliance. The establishment of a Deputy Commanding General (DCG) for Detention Operations at the MNF-I level provides the necessary organizational continuity to prevent future disconnects with subordinate units on applicable regulatory and policy guidance.

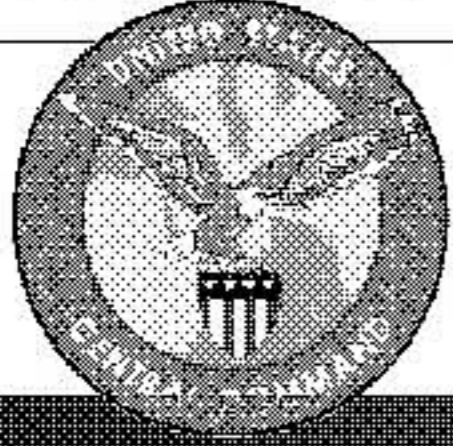
~~(S)~~ CURRENT ASSESSMENT:

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

OPR: CENTCOM
OCR:

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

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



FA-004 FORMICA REPORT
pg 10; pg 45, VI; pg 60, II; pg 75, IV

(U) RECOMMENDATION / OBSERVATION:

- (S/NF)CJSOTF-AP should publish policy guidance that:
- (U) Clarifies authorized interrogation techniques;
 - (S/NF) Differentiates between tactical question and interrogation
 - (S/NF) Authorizes subordinate Naval Special Warfare Task Unit (NSWTU) and Operational Detachments Alpha (ODAs) to detain as capturing units with the explicit, documented approval of an LTC (O-5) or above and , then only long enough to get detainees to RPC or another suitable Coalition Force (CF) detention facility.
 - (S/NF) Establishes SOP for conduct of detention and interrogation operations and ensures periodic review for compliance with current MNF/MNC-I policies;
 - (S) Ensures all Special Operations Forces (SOF) personnel are trained on the SOP and implementing procedures.

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

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

~~(S)~~ CURRENT ASSESSMENT:

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

OPR: CENTCOM
OCR:



FA-005 FORMICA REPORT pg 55, VI; pg 62, 1,2

(U) RECOMMENDATION / OBSERVATION:

~~(S)~~ MNF-I should establish policy guidance that delineates minimum standards for detention facilities, including capturing unit operations, to include: adequate, environmentally controlled holding areas in a secure, guarded facility; adequate bedding (blanket or mat) and clothing; adequate food and water (type and quantity; three meals a day); documented, systematic medical screening as every level of detention; formalized accountability process at every level.

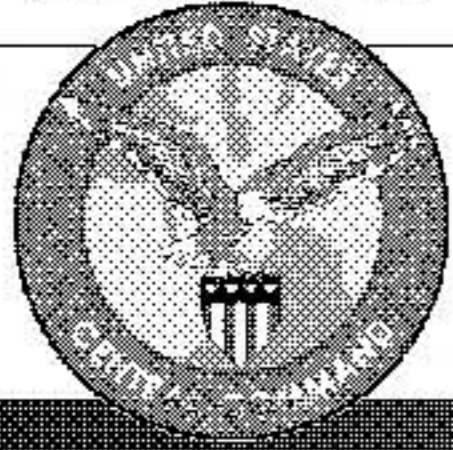
~~(S)~~ CURRENT ASSESSMENT:

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

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

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

OPR: CENTCOM
OCR:



(U) RECOMMENDATION / OBSERVATION:

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

~~(S)~~ CURRENT ASSESSMENT:

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

OPR: CENTCOM
OCR:

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

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



(U) RECOMMENDATION / OBSERVATION:

(U) While the specific allegations of abuse are not substantiated by the evidence, these circumstances raise the issue of how indigenous personnel are employed to conduct or participate in Coalition detention operations or interrogations. This is an area that may require an MNF-I policy.

~~(S)~~ CURRENT ASSESSMENT:

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

OPR: CENTCOM
OCR:

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

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



FA-008 FORMICA REPORT pg 12, para 8

(U) RECOMMENDATION / OBSERVATION:

~~(S/NF)~~ MNF-I OSJA should notify receiving commands for 3ACR and Seal Team 7 to ensure awareness of on-going investigations into the actions of personnel who have redeployed.

~~(S)~~ CURRENT ASSESSMENT:

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

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

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

OPR: CENTCOM

OCR:



Gaps and Seams

17 Findings

GS-001 Law of War Treaties

(U) RECOMMENDATION/OBSERVATION

- Harmonizing policies and treaties with allies

(U) CURRENT ASSESSMENT:

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

OPR: USD (P)

OCR: USD (P)

(U) FIX/ACTION/CHANGE:

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

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

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



Gaps and Seams – Closed Items

GS-002

GS-006 to GS-008

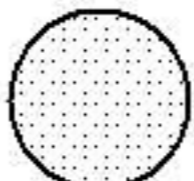
GS-012 to GS-015

GS-017



GS-003

OPR: J-7

Status on 27 Jan 05: 

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



Gaps and Seams – Closed Items

GS-002

GS-006 to GS-008

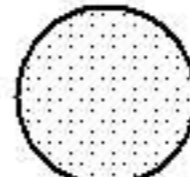
GS-012 to GS-015

GS-017



GS-009

OPR: OSD/JS Oversight Council

Status on 27 Jan 05: 

GS-010 Applying Previous Lessons Learned

(U) RECOMMENDATION/OBSERVATION:

- Did we apply lessons learned from previous conflicts (e.g. Bosnia) to the current insurgency?

(U) CURRENT ASSESSMENT:

- USJFCOM Joint Center for Operation Analysis-Lessons Learned will research and review available DOD lessons learned data and address Detention Operations lessons learned from previous conflicts.

OPR: JFCOM

OCR: J5; J7; CENTCOM; EUCOM; Services

(U) FIX/ACTION/CHANGE:

Fix:

Action: Research DOD lessons learned data from previous conflicts and poll Service contacts for tactical lessons learned

Change:

2005

Jan

Feb

Mar

Apr

Request Info from Services

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.



Gaps and Seams – Closed Items

GS-002

GS-006 to GS-008

GS-012 to GS-015

GS-017

GS-016 Develop Policy for Joint Interagency Detainee Ops

(U) RECOMMENDATION/OBSERVATION

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

(U) CURRENT ASSESSMENT:

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

OPR: USD (I)

OCR: USD (P)

(U) FIX/ACTION/CHANGE:

Fix: Issue common guidance.

Action: Interagency coordination of interrogation policy.

Change: Common practices for all engaged in intelligence gathering.



Gaps and Seams – Closed Items

GS-002

GS-006 to GS-008

GS-012 to GS-015

GS-017