

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

UNCLASSIFIED

GENERAL COUNSEL OF THE DEPARTMENT OF DEFENSE
3800 QUARTERMASTER BUILDING
WASHINGTON, D.C. 20315-5000

MR2 DEC -2 AM 11-03 ACTION MEMO November 27, 2002 (1:00 PM)

OFFICE OF THE SECRETARY OF DEFENSE DEFSEC

FOR: SECRETARY OF DEFENSE

FROM: William J. Haynes II, General Counsel

SUBJECT: Counter-Resistance Techniques

- The Commander of USNSOUTHCOM has forwarded a request by the Commander of Joint Task Force 170 (now JTF CRTMO) 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 Fields and General Myers. I believe that all jobs in any system/operation that, as a matter of policy, you authorize the Commander of USNSOUTHCOM 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 USNSOUTHCOM Commander's use of these 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: CICS, USDP) *However, I served for 8-10 hours a day. Why is standard limited to 4 hours?*

D.R. DEC 9 2002

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REF ID: A66666
CLASSIFIED BY: SIA

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NO. 225 P. 3
NO. 075 P. 4



DEPARTMENT OF DEFENSE
JOINT TASK FORCE 170
QUANTICO, VA, CIMA
APO AE 09000



JTF-12

11 October 2002

MEMORANDUM FOR Commander, Joint Task Force 170

SUBJECT: Request for Approval of Coercive-Resistance Strategies

1. **PROBLEM:** The current guidelines for interrogative procedures at OTCMO limit the ability of interrogators to counter advanced resistance.

2. 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 focus 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) Whipping 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 techniques.

(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 OIC, 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 fabricated documents or reports.

(3) Use of the isolation facility for up to 30 days. Request must be made to through the OIC, 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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NO. 225 P. 4
NO. 075 P. 5

JTY 170-23

SUBJECT: Request for Approval of Counter-Intelligence Strategies

detainees, the CIC, Integration 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) Disposition of light 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 watches from detainees religious items.

(9) Switching the detainee from hot cell to I-20.

(10) Removal of clothing.

(11) Forced grooming (shaving of head hair, etc.).

(12) Using detainees individual photos (such as four 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, GCSOUTHCOM. These techniques are required for a very small percentage of the most uncooperative detainees (less than 1%). The following techniques and other creative techniques, such as those used in U.S. military interrogation operations training or by other U.S. government agencies, may be utilized in a carefully supervised manner to help interrogate exceptionally resistant detainees. Any of these techniques that require more than light pinching, poking, or shaking, will be administered only by individuals specifically trained in their safe application.

(not approved)

(1) The use of restraints designed to constrain the detainee that do not or severely restrict communication capabilities for him or her or his family.

(2) Exposure to cold weather or snow (with appropriate medical monitoring).

(3) Use of a mist and dripping water to induce the misperception of suffocation.

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NO. 225 P. 5
NO. 075 P. 6

JEF 170-23
SUBJECT: Request for Approval of Counter-Suicidal Strategies

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

1. (b) The POC for this information is not available in 134 A.



134 A

b(6)

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~~SECRET//NOFORN~~
SECRETARY OF DEFENSE
1000 DEFENSE PENTAGON
WASHINGTON, DC 20301-1000

MEMORANDUM FOR COMMANDER USSOUTHCOM JAN 15 2003

SUBJECT: Counter-Resistance Techniques (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.

385.0

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

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Declassify Under the Authority of Executive Order 13526
By Executive Security Office of the Secretary of Defense
By William P. Hurst, CAPT, USN
June 11, 2004

15JDN03



SECRET CONTROL X00176 /03

**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.

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14 SEP 2003

CJTF7-CG

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 rationale, 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

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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 techniques(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



OFFICE OF THE UNDER SECRETARY OF DEFENSE
2000 DEFENSE PENTAGON
WASHINGTON, DC 20301-2000



JUL 19 2006

MEMORANDUM FOR DEPUTY ASSISTANT INSPECTOR GENERAL
FOR INTELLIGENCE EVALUATION

CC DIRECTOR, DDWO1 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 Appendixes that summarize various DoD-lead 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 3310.01E 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~~



Final Report
Reference

2006, in the report. While it is clear that the Inspector General has incorporated some of the fine comments made in the March 24 comments, the report continues to fail to acknowledge the substantive objection raised with respect to the premise that SERE training was a determinative variable in the development of 11B-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 MRB 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 107-124 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.

The push for more "aggressive interrogations," when coupled with a lack of united 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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Deleted

Final Report
Reference

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 Ryden, Schlesinger, Formica, Jacoby, Kiley, and Schmidt-Furlow.

My POC for this action is [REDACTED] 703.607 [REDACTED]

Sincerely,



Charles "Cully" Stinson
Deputy Assistant Secretary of Defense
For Detainee Affairs

b(6)

Director, Joint Staff (U)

Final Report
Reference



~~SECRET//NOFORN~~

THE JOINT STAFF
WASHINGTON, DC

Reply ZIP Code:
20318-0300

DJSM 0388-06
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.

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)

~~SECRET//NOFORN~~

Final Report
Reference

~~SECRET//NOFORN~~

ENCLOSURE

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

1. (U) General Comment: Number the paragraphs and subparagraphs to facilitate editing and post-completion referencing.

Revised

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

Classified By: RADM W. D. Sullivan, USN; VDJ-5

Reason: ~~1.1.6.2.1~~

Declassify On: 1 June 2016

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Enclosure

b(1)

~~SECRET//NOFORN~~

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 (II)"
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.

REASON: Clarity.

9. (U) Page 15, paragraph 1, "Interrogation Policy Was Not Uniform and Consistent (II)"
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."

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.

Revised
Page 8

Revised

~~SECRET//NOFORN~~

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 DHQ-1

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 [REDACTED] (703) 614- [REDACTED]


Louis E. Andre
Chief of Staff

b(6)

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Department of the Army

Final Report
Reference



~~SECRET//NOFORN~~
DEPARTMENT OF THE ARMY
OFFICE OF THE DEPUTY CHIEF OF STAFF G-2
WASHINGTON DC 20315-1001

REPLY TO
ATTENTION DA

DAMI:CO

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) HODA G-2 point of contact is [redacted] 703-695-[redacted] NIPRNET:
[redacted]@us.army.mil, SIPRNET: [redacted]@dami.army.mil

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

Enclosure

~~SECRET//NOFORN~~
Derived from Multiple Sources (4 IG)
Declassify on: 1 April 2032

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

SPECIFIC Comments:

a. ~~SECRET//NOFORN~~ 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. ~~SECRET//NOFORN~~ 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. ~~SECRET//NOFORN~~ Page 7, Para 5. It should be noted that DoDD 3115.09 was not approved until 3 Nov 2005.

Page 8

d. ~~SECRET//NOFORN~~ 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. ~~SECRET//NOFORN~~ Page 10, last para; page 13, 4th para. Recommend re-confirming the arrival date of MG Miller into theater.

f. ~~SECRET//NOFORN~~ Page 13-14. Recommending providing more detail on the chains of command/reporting channels for all organizations described on pages 13-14.

Revised

g. ~~SECRET//NOFORN~~ 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
Page 18

h. ~~SECRET//NOFORN~~ 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.

i. ~~SECRET//NOFORN~~ 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

Page 18

~~SECRET//NOFORN~~
Derived from: Multiple Sources (AIG)
Declassify on: ~~SECRET//NOFORN~~

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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.

Page 27

j. ~~SECRET//NOFORN~~ 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.

Deleted

k. ~~SECRET//NOFORN~~ 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.

Deleted
Page 33

l. ~~SECRET//NOFORN~~ 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.

Page 53

m. ~~SECRET//NOFORN~~ 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. ~~SECRET//NOFORN~~ 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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~~SECRET//NOFORN~~

Checked from Multiple Sources: 1 Page
Released by ~~SECRET//NOFORN~~

End

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Pages 81-83

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o 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 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

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Derived from: Multiple Sources 1-4 (p)
Declassify on:

End

Final Report
Reference



DEPARTMENT OF THE ARMY
OFFICE OF THE INSPECTOR GENERAL
1120 ARMY PENTAGON
WASHINGTON DC 20310-1120

JUN 12 2008

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 2008.

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 2008. It is unclear what these numbers represent. In fact, as of 27 February 2008, 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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Page 78

Page 82

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]


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

Note: Army G2 submitted comments separately.

Revised
Page 82

b(6)

(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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