

counterresistance memorandum that the Secretary of Defense approved on December, 2, 2002 (see Appendix U), and incorporated techniques designed for detainees who were identified as "unlawful combatants." Subsequent battlefield interrogation SOPs included techniques such as yelling, loud music, light control, environmental manipulation, sleep deprivation/adjustment, stress positions, 20 hour interrogations, and controlled fear (muzzled dogs) that are not in the FM 34-52. The special mission unit did not submit, and was not required to submit, SOPs to the U.S. Central Command for review. We believe that because the U.S. Central Command failed to provide overarching guidance, the special mission units and CJTF-7 never synchronized their counterresistance techniques.

- (U) ~~(S//NF)~~ **Human Intelligence Augmentation Teams.** DIA personnel assigned to these teams were trained to follow Army FM 34-52. Conflicts arose when the DIA personnel were assigned to special mission unit task force operators who had expanded their interrogation techniques. In June 2004, not long after the Abu Ghraib photos became public, DIA HUMINT augmentation team members attached to the Special Mission Unit Task Force redeployed to the Iraq Survey Group and provided accounts of some task force personnel abusing detainees. Based on this information, as well as fearing for the team's safety, the Director, DIA authorized the Iraq Survey Group to remove all DIA personnel from special mission unit task force operations pending further review.
- (U) ~~(C)~~ According to DIA Policy Memorandum No. 73, "DIA Policy for Interrogation Operations," March 2002, both the operational commander and Defense HUMINT, who will seek urgent resolution of the conflict through appropriate channels, must be informed immediately when conflicts arise between the operational chain of command's orders and DIA policy and procedures.
- (U) ~~(S//NF)~~ Reports of detainee abuse by special mission unit task force personnel dated back to June 2003, but we believe it took the publicized abuse at Abu Ghraib and the revelation of threats to HUMINT augmentation team members to elevate the issue to the Flag Officer level. Earlier allegations of interrogation irregularities, which included use of techniques not consistent with interrogation techniques designed for Iraq, were not always decisively reported, investigated, and acted on. Consequently, the disagreements between the DIA and special mission units were not reconciled to the benefit of all those conducting interrogation operations in Iraq. Instead, the issue of disaffected interrogators from DIA who were not prepared for the demanding and exacting pace of operations overshadowed the reality that different interrogation policies were in effect.
- (U) **Other Government Agencies.** As discussed in the Church report (see Appendix M) there was no uniform understanding of what rules govern the involvement of OGAs in the interrogation of DoD detainees. Such uncertainty could create confusion regarding the permissibility and limits of various interrogation techniques.

Interrogation Oversight Inadequate (U)

(U) Interrogation oversight, including high-level oversight of facilities and interrogation techniques, was often limited.

(U) We concluded that multiple organizations providing interrogation at multiple levels and locations in Iraq had separate reporting chains of command, ranging from tactical interrogations performed by special mission units to operational and strategic interrogations and debriefings conducted by the Iraq Survey Group and the CJTF-7. No single organization at the U.S. Central Command or the CJTF-7 was responsible for overarching oversight of planning and execution for the interrogation mission and, as a result, no one was responsible for reconciling the numerous competing demands from the operational and tactical levels.

- (U) ~~(S//NF)~~ We believe that the absence of universal interrogation standards may have significantly affected how allegations of abuse were reported up the chain of command. If certain actions that DIA personnel characterized as abusive by their doctrinal standards were judged by a special mission unit investigating officer to be in compliance with the task force "interrogation guidelines," the case would be closed. These on-scene rulings may have prevented accurate reporting of incidents from reaching a level at which decision makers could identify a problem that was potentially systemic.

Joint Planning Was Not Fully Developed (U)

(U) Joint planning documents did not adequately define the full extent of sustained detention and interrogation operations. Planning was influenced by the U.S. Central Command's assumption that long-term detention in Iraq would not be necessary. With the support of the local population and a new Iraqi government, the Commander, U.S. Central Command believed that "detainees should not be an issue." When this support did not materialize, sustaining operations amidst a hostile insurgency became much more difficult.

(U) **Perseverance, Legitimacy, and Restraint.** According to Joint Publication 3-0, "Doctrine for Joint Operations," September 10, 2001, operational planners should always prepare for the worst-case scenario application of military capability to sustain long-term operations. Commanders must balance the temptation to seek crisis-response options with the long-term goals of the strategic campaign plan to establish a legitimate government. The actions of military personnel are framed by the disciplined application of force, including specific rules of engagement. Therefore, the patient, resolute, and persistent restraint to achieve strategic campaign plan objectives is preferred over the expedient pursuit of actionable intelligence.

(U) There are many well-documented reasons why detention and interrogation operations were overwhelmed. Interrogators had to adjust to the following conditions: a wartime environment; an expanding detainee population; an initial reluctance to release anyone in the mixture of regular criminals and active insurgents; a lack of unity of command; inconsistent training; a critical shortage of skilled interrogators, translators, and guard force personnel; and the external influence of special operations forces and OGAs.

(U) ~~(S)~~ [REDACTED]

(U) The Chairman, Joint Chiefs of Staff, should develop doctrine that provides planners and warfighters with an approved framework to conduct detention and interrogation operations in a manner consistent with law, joint doctrine, and applicable policy.

Impact on Operational Requirements (U)

(U) ~~(S)~~ Operational commanders may have failed to realize the full potential of interrogations. In the words of the Commander, CJTF-7:

"We did not envision having to conduct detention operations of this scope and for this length of time. . .we did not envision continuing to conduct operations and increase the number of detainees. . .the same thing happened with interrogations. . .it clearly was not sufficient."

The Under Secretary of Defense for Intelligence draft study, "Taking Stock of Defense Intelligence Assessment," November 13, 2003, stated that planning for intelligence operations was not synchronized and that Combat Support Agency involvement did not occur early enough in the Combatant Command planning process to ensure timely and adequate support. Finally, the 2005 Combat Support Agency Review Team Assessment of the DIA reported that HUMINT policies and procedures needed to be updated to reflect changes in operational parameters and coordination mechanisms. Supporting the Iraq war in addition to other worldwide missions led to personnel shortages and a lack of adequately trained interrogators that hampered their ability to effectively collect intelligence to satisfy critical Combatant Command requirements.

b(1)

Summary

(U) A lack of unity of command and unity of effort in mission planning and execution by multiple organizations, with varying levels of interrogation and inconsistent interrogation standards negatively affected interrogation operations. The Office of the Secretary of Defense should establish authoritative directives and instructions that define both detention operations and interrogation policies and the Chairman, Joint Chiefs of Staff should update Joint doctrine to incorporate operational standards, roles and responsibilities, and oversight for interrogation and detention operations.

Management Actions

(U) The following policy and guidance documents were published after the 13 senior-level reports discussed in this report were issued. See Appendix Q for a discussion on the DSLOC, which was established to ensure that the recommendations are addressed by the appropriate DoD Component.

(U) DoD Directive 3115.09, "DoD Intelligence Interrogations, Detainee Debriefings and Tactical Questioning," November 3, 2005, consolidates existing policies, including the requirement for humane treatment during all intelligence interrogations, detainee debriefings, or tactical questioning to gain intelligence from captured or detained personnel. The directive also assigns responsibilities as well as establishes requirements for reporting violations, intelligence interrogations, detainee debriefings, tactical questioning, and supporting activities that DoD personnel conduct.

(U) Deputy Secretary of Defense memorandum, "Interrogation and Treatment of Detainees by the Department of Defense," December 30, 2005, states that under the Defense Appropriations Act, 2006, no one in the custody of or under the effective control of DoD or detained in a DoD facility will be subject to any treatment or interrogation approach or technique that is not authorized and listed in U.S. Army FM 34-52, "Intelligence Interrogation," September 28, 1992. (See Appendix T.)

(U) Joint Publication 2-01.2, "Counterintelligence and Human Intelligence Support to Joint Operations, June 13, 2006." This revision establishes joint doctrine for interrogation operations.

(U) The following policy and guidance documents are pending release.

(U) DoD Directive 2310.1E, "The Department of Defense Detainee Program," establishes the responsibilities of the Office of Detainee Affairs under the Under Secretary of Defense for Policy. The directive reinforces the policy that all captured or detained personnel, to include enemy combatants, enemy prisoners of war, civilian internees, and retained

personnel, shall be treated humanely and in accordance with applicable law and policy.

(U) Joint Publication 3-63, "Detainee Operations." This publication provides guidelines for planning and executing detainee operations. It outlines responsibilities and discusses organizational options and command and control considerations across the range of military operations.

(U) Multi-Service Tactics, Techniques, and Procedures, "Detainee Operations in the Global War on Terror." This publication will support planners and warfighters by providing consolidated, accurate information on handling detainees from point of capture to release.

(U) Army Field Manual 2-22.3, "Human Intelligence Collector Operations." The new Field Manual will supersede Army FM 34-52 and update interrogation guidance with wartime lessons learned.

Recommendations (U)

In response to the comments from the Under Secretary of Defense for Policy we modified Recommendation B.2. to request that the Secretary of the Army expedite the issuance of Multi-Service Tactics, Techniques and Procedures, "Detention Operations in the Global Wars on Terrorism."

With the issuance of Joint Publication 2-01.2, "Counterintelligence and Human Intelligence Support to Joint Operations," we modified draft report Recommendation B.3. which recommended expedited issuance of the Joint Publication.

In response to verbal comments from the Under Secretary of Defense for Intelligence, we revised Recommendation B.4. to request that the Under Secretary of Defense for Intelligence, in coordination with the Secretary of the Army, expedite the issuance of Army FM 2-22.3, "Human Intelligence Collector Operations."

B.1. (U) We recommend that the Under Secretary of Defense for Policy expedite the issuance of DoD Directive 2310.1E, "The Department of Defense Detainee Program."

(U) **Management Comments.** The Under Secretary of Defense for Policy concurred with this recommendation and indicated that DoD Directive 2310.1E will be issued after all national-policy issues are resolved. The complete comments are included in the Management comments section.

(U) **Evaluator Response.** We consider these comments to be responsive and will monitor the progress that the Office of the Under Secretary of Defense for Policy makes in publishing this directive.

B.2. (U) We recommend that the Secretary of the Army review and expedite the Services issuance of the Multi-Service Tactics, Techniques, and Procedures, "Detainee Operations in the Global War on Terrorism."

(U) Management Comments. Although not required to comment, the Under Secretary of Defense for Policy nonconcurred stating that the Multi Service Tactics, Techniques and Procedures is the responsibility of the Joint Staff and the Army as the executive agent for detention operations. He further stated that the recommendation should be made to the Secretary of the Army.

(U) Evaluator Response. We redirected Recommendation B.2. to the Secretary of the Army. We request Army comments on this modified recommendation by September 29, 2006.

B.3. (U) We recommend that the Chairman, Joint Chiefs of Staff expedite issuance of Joint Publication 3-63, Detainee Operations."

(U) Management Comments. The Director, Joint Staff, nonconcurred with findings and recommendations assigning responsibilities to the Chairman of the Joint Chiefs of Staff that are beyond his statutory authority. The complete response is included in the Management Comments section.

(U) Evaluators Response. This specific recommendation is within Chairman of the Joint Chiefs of Staff's statutory authority; therefore we request that the Director, Joint Staff comment on this recommendation by September 29, 2006.

B.4. (U) We recommend that the Under Secretary of Defense for Intelligence, in coordination with the Secretary of the Army, expedite the issuance of Army Field Manual 2-22.3, "Human Intelligence Collector Operations."

(U) Management Comments. The Army Deputy Chief of Staff, G-2 concurred, but suggested that the report should present a more balanced perspective between interrogation operations and non-interrogation related detainee abuse. The G-2 also stated that on page 80-81 of the report, "the Colonel's AAR [After Action Report] did not include detainee abuse allegations." (See Appendix R.)

(U) Evaluator Response. The December 12, 2003, AAR, subject: Report of CI/HUMINT [Counterintelligence/Human Intelligence] Evaluation Visit sent to the CJTF-7 C2 describes accounts from the Officer In Charge of the Iraq Survey Group JIDC that prisoners captured by Task Force 121 showed signs of having been mistreated (beaten) by their captors, and that medical personnel noted during medical examination that detainees show signs of having been beaten. See Management Comments section for complete comments. During a status update briefing on August 4, 2006, the Under Secretary of Defense for

Intelligence stated that he is responsible for the release of Army Field Manual 2-22.3, and not the Army Deputy Chief of Staff, G-2. As a result, we revised Recommendation B.4. We request that the Under Secretary of Defense for Intelligence provide comments by September 29, 2006.

C. DoD Interrogation Techniques (U)

It is important to note that techniques effective under carefully controlled conditions in Guantanamo became far more problematic when they migrated and were not adequately safeguarded.

Final Report of the Independent Panel to
Review DoD Detention Operations,
August 24, 2004

(U) Counterresistance interrogation techniques migrated to Iraq because operations personnel believed that traditional interrogation techniques were no longer effective for all detainees. In addition, policy for and oversight of interrogation procedures were ineffective. As a result, interrogation techniques and procedures used exceeded the guidelines established in the Army FM 34-52.

Background (U)

(U) **Counterresistance techniques.** The FM 34-52 provides guidance on what techniques an intelligence interrogator should use to gain the cooperation of a detainee. As stated in the Secretary of Defense memorandum, "Counter-Resistance Techniques in the War on Terrorism," dated April 15, 2003, specific implementation guidance for techniques A-Q (see Appendix S) is provided in the FM 34-52. This finding addresses those techniques that are not included in FM 34-52.

(U) **Survival, Evasion, Resistance, and Escape (SERE) Training.** The U.S. Joint Forces Command is the DoD Executive Agent responsible for providing Service members with SERE training. The Joint Personnel Recovery Agency at Fort Belvoir, Virginia, monitors and oversees all DoD SERE training programs at the four DoD schools: Fairchild Air Force Base, Spokane, Washington (Air Force); Fort Bragg, North Carolina (Army); Naval Air Station Brunswick, Maine (Navy/Marines); and Naval Air Station North Island, San Diego, California (Navy/Marines). The Services train an estimated 6,200 members annually at these schools.

(U) DoD SERE training, sometimes referred to as code of conduct training, prepares select military personnel with survival and evasion techniques in case they are isolated from friendly forces. The schools also teach resistance techniques that are designed to provide U.S. military members, who may be captured or detained, with the physical and mental tools to survive a hostile interrogation and deny the enemy the information they wish to obtain. SERE training incorporates physical and psychological pressures, which act as counterresistance techniques, to replicate harsh conditions that the Service member might encounter if they are held by forces that do not abide by the Geneva Conventions.

(U) **Defensive Interrogation Techniques.** The U.S. Joint Forces Command defines the training employed to increase the Service member's resistance capabilities as a defensive response to interrogation. The Deputy Commander and the Command Group has concluded that the Joint Personnel Recovery Agency and the SERE schools do not have personnel assigned to be interrogators and do not advocate interrogation measures to be executed by our force. The SERE expertise lies in training personnel how to respond and resist interrogations--not in how to conduct interrogations. Therefore, the Joint Personnel Recovery Agency and SERE mission is defensive in nature, while the operational interrogation mission is sometimes referred to as offensive.

(U) **Migration of Techniques.** Migration refers to the introduction of interrogation techniques from one theater of operation to another. Official migration relates to those interrogation techniques intended only for use at a specific facility that are officially approved for use at other facilities. Unofficial migration occurred when interrogators remained unaware of the approved guidance and believed that techniques that they may have experienced, including those from basic training, SERE training, or tours at other detention facilities, were permissible in other theaters of operation.

(U) While this report primarily addresses the U.S. Central Command Area of Operations, some discussion of the involvement of the Joint Personnel Recovery Agency with the JTF 170 at Guantanamo Bay, Cuba, is necessary background information explaining how SERE techniques migrated to Iraq.

Joint Personnel Recovery Agency Involvement in the Development of Interrogation Policy at Guantanamo Bay, Cuba (U)

- (U) ~~(S)~~ Counterresistance techniques taught by the Joint Personnel Recovery Agency contributed to the development of interrogation policy at the U.S. Southern Command. According to interviewees, at some point in 2002, the U.S. Southern Command began to question the effectiveness of the Joint Task Force 170 (JTF-170), the organization at Guantanamo that was responsible for collecting intelligence from a group of hard core al Qaeda and Taliban detainees. As documented in the Vice Admiral Church report (Appendix M), the interrogators believed that some of the detainees were intimately familiar with FM 34-52 and were trained to resist the techniques that it described.
- (U) ~~(S/NF)~~ Counterresistance techniques were introduced because personnel believed that interrogation methods used were no longer effective in obtaining useful information from some detainees. On June 17, 2002, the Acting Commander, Southern Command requested that the Chairman, Joint Chiefs of Staff (CJCS) provide his command with an external review of ongoing detainee intelligence collection operations at Guantanamo Bay.

which included an examination of information and psychological operations plans. The CJCS review took place between August 14, 2002, and September 4, 2002, and concluded that the JTF-170 had limited success in extracting usable information from some of the detainees at Guantanamo because traditional interrogation techniques described in FM 34-52 had proven to be ineffective. The CJCS review recommended that the Federal Bureau of Investigation Behavioral Science Unit, the Army's Behavioral Science Consultation Team, the Southern Command Psychological Operations Support Element, and the JTF-170 clinical psychologist develop a plan to exploit detainee vulnerabilities. The Commander, JTF-170 expanded on the CJCS recommendations and decided to also consider SERE training techniques and other external interrogation methodologies as possible DoD interrogation alternatives.

- (U) ~~(S//NF)~~ Between June and July 2002, but before the CJCS review, the Chief of Staff of the Joint Personnel Recovery Agency, working with the Army Special Operations Command's Psychological Directorate, developed a plan designed to teach interrogators how to exploit high value detainees.
- (U) ~~(S//NF)~~ On September 16, 2002, the Army Special Operations Command and the Joint Personnel Recovery Agency co-hosted a SERE psychologist conference at Fort Bragg for JTF-170 interrogation personnel. The Army's Behavioral Science Consultation Team from Guantanamo Bay also attended the conference. Joint Personnel Recovery Agency personnel briefed JTF-170 representatives on the exploitation techniques and methods used in resistance (to interrogation) training at SERE schools. The JTF-170 personnel understood that they were to become familiar with SERE training and be capable of determining which SERE information and techniques might be useful in interrogations at Guantanamo. Guantanamo Behavioral Science Consultation Team personnel understood that they were to review documentation and standard operating procedures for SERE training in developing the standard operating procedure for the JTF-170, if the command approved those practices. The Army Special Operations Command was examining the role of interrogation support as a "SERE Psychologist competency area."
- (U) ~~(C)~~ On September 24, 2002, a Joint Personnel Recovery Agency representative at the SERE conference recommended in a conference memorandum report to his Commander that their organization "not get directly involved in actual operations." Specifically, the memorandum states that the agency had "no actual experience in real world prisoner handling," developed concepts based "on our past enemies," and assumes that "procedures we use to exploit our personnel will be effective against the current detainees." In a later interview, the Commander, Joint Personnel Recovery Agency stated that his agency's support to train and teach "was so common that he probably got 15 similar reports [memoranda] a week and it was not his practice to forward them to the U.S. Joint Forces Command."

- (U) ~~(S//NF)~~ The Commander, JTF-170 forwarded a request on October 11, 2002, to the Commander, U.S. Southern Command, seeking approval of counterresistance strategies. This memorandum in part stated:

"...the following techniques and other aversive techniques, such as those used in U.S. military interrogation resistance training or by other U.S. government agencies, may be utilized in a carefully coordinated manner to help interrogate exceptionally resistant detainees. Any or [sic] these techniques that require more than light grabbing, poking, or pushing, will be administered only by individuals specifically trained in their safe application."

The use of scenarios designed to convince the detainee that death or severely painful consequences are imminent for him and/or his family: exposure to cold weather or water (with appropriate medical monitoring); use of a wet towel and dripping water to induce the misperception of suffocation; use of mild, noninjurious physical contact such as grabbing, poking in the chest with the finger, and light pushing.

The accompanying legal brief recommended that the proposed methods of interrogation be approved and that the interrogators be properly trained in the approved methods of interrogation.

- (U) ~~(S//NF)~~ On at least two occasions, the JTF-170 requested that Joint Personnel Recovery Agency instructors be sent to Guantanamo to instruct interrogators in SERE counterresistance interrogation techniques. SERE instructors from Fort Bragg responded to Guantanamo requests for instructors trained in the use of SERE interrogation resistance techniques. Neither of those visits was coordinated with the Joint Forces Command, which is the office of primary responsibility for SERE training, or the Army, which is the office of primary responsibility for interrogation.

(U) As discussed previously, the U.S. Southern Command's request led to the issuance of Secretary of Defense, December 2, 2002, memorandum (see Appendix V). In response to Service-level concerns, a Working Group was formed to examine counterresistance techniques, leading to the Secretary of Defense, April 16, 2003, memorandum that approved counterresistance techniques for U.S. Southern Command.

Migration of Counterresistance Interrogation Techniques into the U.S. Central Command Area of Operation (U)

(U) Counterresistance interrogation techniques in the U.S. Central Command Area of Operation derived from multiple sources that included migration of documents and personnel, the JTF-Guantanamo Assessment Team, and the Joint Personnel Recovery Agency.

- (U) Unlike Guantanamo and Afghanistan where detainees were designated as unlawful combatants, the Geneva Conventions applied in Iraq. The Commander, CJTF-7 confirmed this by stating that "we all clearly understood that the conditions in GTMO [Guantanamo] were different than what the conditions were in Iraq because the Geneva Conventions applied."
- (U) ~~(S//NF)~~ **Afghanistan.** The Church report acknowledges that a draft copy of a Working Group report from which the Secretary of Defense's April 16, 2003, Guantanamo policy was derived influenced the development of interrogation policy in Afghanistan. The Jacoby Report observed the following: "There is a void in the availability of interrogation guidance in the field, and interrogation practice is as inconsistent and varied across the theater as are detention methods. There is some correlation between individual training and experience and interrogation methods being used, but there is little correlation between location and techniques employed." To fill this perceived void, interrogators attempted to integrate draft policy and "unevenly applied standards" in Afghanistan.
- (U) ~~(S//NF)~~ **Iraq.** The Church report also acknowledges the migration of policy and personnel in the interrogation procedures used. As documented in the Church Report, the CJTF-7 interrogation policy (Appendix V) itself drew from the techniques found in FM 34-52, the April 2003 Guantanamo policy, the special mission unit policy, and the experiences of interrogators in Afghanistan. Because interrogators were often unaware of the approved guidance, they relied on their prior training and experience.
- (U) Between August 2003 and February 2004, several visiting teams went to Iraq to advise the task force and assess interrogation operations within the Central Command's area of responsibility. On at least two occasions, visiting assessment teams discussed interrogation methods not sanctioned by FM 34-52.
- (U) ~~(FOUO)~~ **JTF-Guantanamo Assessment Team.** In August 2003, the Joint Chiefs of Staff J3 requested the U.S. Southern Command to send experts in detention and interrogation operations from Guantanamo to Iraq to assess the Iraq Survey Group's interrogation operations. The Iraq Survey Group did not request the assessment because they believed they had the proper interrogation standard operating procedures in place and in compliance with FM 34-52. Based on interviews with cognizant personnel, the JTF-Guantanamo assessment team reportedly discussed the use of harsher counterresistance techniques with Iraq Survey Group personnel. The Iraq Survey Group interrogators disagreed with what they described as the "hard line approach" that the assessment team recommended.
- (U) ~~(S//NF)~~ While the Iraq Survey Group did not endorse the JTF-Guantanamo techniques, the CJTF-7 incorporated some of the techniques in its policies and procedures. As discussed in the Church report, the CJTF-7 Staff Judge Advocate stated that its September 14, 2003,

Interrogation Policy was influenced by multiple factors, including the Army Field Manual. The Interrogation Policy also incorporated the Guantanamo counterresistance policies. The CJTF-7 Staff Judge Advocate attributed the "genesis of this product" to the JTF-Guantanamo assessment team.

- (U) ~~(S//NF)~~ **Joint Personnel Recovery Agency Team.** The Joint Personnel Recovery Agency was also responsible for the migration of counterresistance interrogation techniques into the U.S. Central Command's area of responsibility. In September 2003, at the request of the Commander, TF-20, the Commander, Joint Personnel Recovery Agency sent an interrogation assessment team to Iraq to provide advice and assistance to the task force interrogation mission. The TF-20 was the special mission unit that operated in the CJTF-7 area of operations. The Joint Personnel Recovery Agency did not communicate its intent to introduce SERE interrogation resistance training to TF-20 interrogators with the Commander, U.S. Joint Forces Command.
- (U) ~~(S//NF)~~ The Commander, Joint Personnel Recovery Agency, explained that he understood that the detainees held by TF-20 were determined to be Designated Unlawful Combatants (DUCs), not Enemy Prisoners of War (EPW) protected by the Geneva Convention and that the interrogation techniques were authorized and that the JPRA team members were not to exceed the standards used in SERE training on our own Service members. He also confirmed that the U.S. Joint Forces Command J-3 and the Commanding Officer, TF-20 gave a verbal approval for the SERE team to actively participate in "one or two demonstration" interrogations.
- (U) ~~(S//NF)~~ SERE team members and TF-20 staff disagreed about whether SERE techniques were in compliance with the Geneva Conventions. When it became apparent that friction was developing, the decision was made to pull the team out before more damage was done to the relationship between the two organizations. The SERE team members prepared After Action Reports that detailed the confusion and allegations of abuse that took place during the deployment. These reports were not forwarded to the U.S. Joint Forces Command because it was not a common practice at that time.

Oversight (U)

(U) A lack of uniform interrogation standards and oversight at the Combatant Command level from 2002-2004 as well as a lack of oversight over the Joint Personnel Recovery Agency activities allowed counterresistance techniques to influence interrogation operations. It was only after the Joint Personnel and Recovery Agency requested to take a SERE team to Afghanistan in May 2004, that the U.S. Joint Forces Command concluded that "the use of resistance to interrogation knowledge for offensive purposes lies outside the roles and responsibilities of JPRA [Joint Personnel Recovery Agency]." A Joint Personnel Recovery Agency Mission Guidance Memorandum,

September 29, 2004, from the Commander, U.S. Joint Forces Command expressly prohibited such activities without specific approval from the U.S. Joint Forces Commander, Deputy, or Chief of Staff.

Conclusion (U)

- (U) ~~(S//NF)~~ Many causes contributed to the migration of counterresistance interrogation techniques in Iraq. As shown in the Church report, even the process of developing policy can contribute to the development of policy in other theaters. The Church report states:

"...the experience of SERE school impresses itself indelibly in the minds of graduates, and is frequently their first and most vivid association with the broad concept of interrogation. Although our interview data did not reveal the employment of any specific SERE techniques in Afghanistan, the prevalence of the association between SERE school and interrogation suggests that specific cautions should be included in approved interrogation policies to counter the notion that any techniques employed against SERE students may be appropriate for use in interrogation of captured personnel."

(U) This finding recognizes those avenues, and also focuses on the role of the Joint Personnel Recovery Agency. The Joint Personnel Recovery Agency mission is extremely important in preparing select military personnel with survival and evasion techniques in case they are isolated from friendly forces. We are not suggesting that SERE training is inappropriate for those subject to capture; however, it is not appropriate to use in training interrogators how to conduct interrogation operations. We agree with the conclusion of the U.S. Joint Forces command that the use of resistance to interrogation knowledge for offensive purposes lies outside the role of the Joint Personnel Recovery Agency. The following recommendations are meant to institutionalize this conclusion.

Management Actions

(U) The following guidance is pending release:

(U) Army Field Manual 2-22.3, "Human Intelligence Collector Operations." The new Field Manual will supersede Army FM 34-52 and update interrogation guidance with wartime lessons learned.

Recommendations (U)

C.1. (U) We recommend that the Under Secretary of Defense for Intelligence develop policies that preclude the use of Survival, Evasion, Resistance, and Escape physical and psychological coercion

techniques and other external interrogation techniques that have not been formally approved for use in offensive interrogation operations.

(U) **Management Comments.** The Under Secretary of Defense for Intelligence did not provide written comments on the draft report. Therefore, we request that the Under Secretary of Defense for Intelligence comment on the final report by September 29, 2006.

C.2. (U) We recommend that the Commander, U.S. Joint Forces Command, Office of Primary Responsibility for Personnel Recovery and Executive Agent for all Survival, Evasion, Resistance and Escape training implement formal policies and procedures that preclude the introduction and use of physical and psychological coercion techniques outside the training environment.

(U) **Management Comments.** The Commander, U.S. Joint Forces Command, did not respond to this recommendation. We request that the Commander, U.S. Joint Forces Command provide comments on the final report by September 29, 2006.

Appendix A. Scope and Methodology (U)

(U) This review is the result of monitoring and oversight of all of the DoD organizations involved in the investigation of allegations of detainee abuse. In addition to tracking the status of detainee abuse investigations, we reviewed the senior-level reports, covering the period August 2003 through April 2005, and their recommendations to determine whether any overarching systemic issues should be addressed. We performed this review in accordance with the *Quality Standards for Federal Office of Inspector General* during the period May 2004 through March 2006.

(U) To achieve our objective, we:

- Tracked reports on detainee abuse investigation from all of the Military Criminal Investigative Organizations.
- Examined more than 11,000 pages of documentation including DoD regulations, policy letters, briefings, and course curricula.
- Participated as observers in the quarterly meetings of the DSLOC.
- Interviewed senior officials from Combatant Commands, the Joint Personnel Recovery Agency, and DIA intelligence professionals assigned to the Iraq Theater of Operations.
- Reviewed in detail each of the 13 senior-level reports of investigation into allegations of detainee and prisoner abuse, and,
- Reviewed other reports and external reviews on intelligence collection operations at detention facilities.

(U) **Related Coverage:** During the last 5 years, The DoD Office of the Inspector General has issued one report discussing detainee abuse.

OIG, DoD

(U) Report No. IPO2004C005, "Report on Review of Criminal Investigations of Alleged Detainee Abuse," August 25, 2006, Office of the Deputy Inspector for Inspections and Policy, Investigative Policy and Oversight.

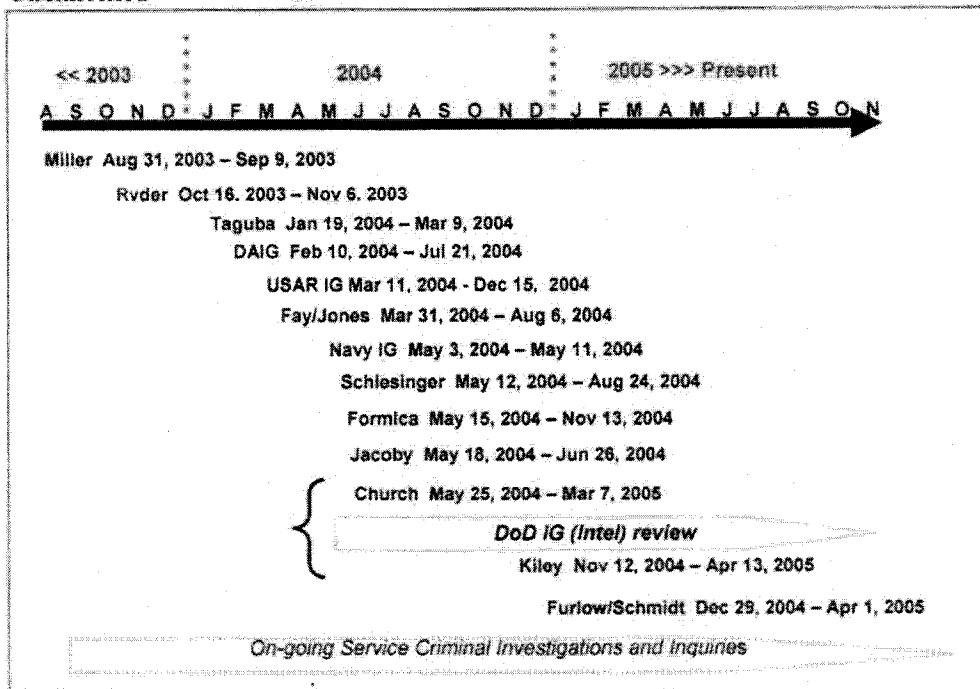
Appendix B. Timeline of Senior-Level Reports (U)

(U) DoD officials directed or conducted 13 separate senior-level reviews and investigations related to detention and interrogation operations or training in the Global War on Terrorism. The first review commenced August 31, 2003, and the last report ended April 1, 2005. The following timeline shows when each major DoD review or investigation was conducted.

(U) Appendix C through Appendix O provides a synopsis of each report's scope, a limited extract of its executive summary, and a brief OIG assessment of the specific report. Although the reports represent widely differing scopes and various methodologies, they, intentionally or unintentionally, ultimately highlighted specific and systemic problems in the overall management and conduct of detention and interrogation operations. However, the narrow scope of some reports may also have unduly limited, or in some cases understated, the need, focus, and results of subsequent investigations.

TIMELINE: MAJOR SENIOR LEVEL REPORTS AND INVESTIGATIONS

Unclassified



Unclassified

Appendix C. Assessment of DoD Counterterrorism Interrogation and Detention Operations in Iraq (Miller Report) (U)

Investigating Officer: MG Miller, formerly Commander, Guantanamo
Appointing Authority: Secretary of Defense
Date of Initiation: August 31, 2003
Date of Completion: September 9, 2003

(U) **Scope:** Using the "JTF-GTMO operational procedures and interrogation authorities as baseline," visit to Iraq to "conduct assistance visits to CJTF-7, TF-20, and the Iraqi Survey Group to discuss current theater ability to rapidly exploit internees for actionable intelligence." The assessment focused on three areas: intelligence integration, synchronization, and fusion; interrogation operations; and detention operations.

(U) Extract of Executive Summary

(U) The dynamic operational environment in Iraq requires an equally dynamic intelligence apparatus. To improve velocity and operational effectiveness of counterterrorism interrogation, attention in three major mission areas is needed. The team observed that the Task Force did not have authorities and procedures in place to affect a unified strategy to detain, interrogate, and report information from detainees/internees in Iraq. Additionally, the corps commander's information needs required an in-theater analysis capability integrated throughout the interrogation operations structure to allow for better and faster reach-back to other worldwide intelligence databases.

(U) The command initiated a system to drive the rapid exploitation of internees to answer CJTF-7, theater, and national level counterterrorism requirements. This is the first stage toward the rapid exploitation of detainees. Receipt of additional resources currently in staffing will produce a dramatic improvement in the speed of delivering actionable intelligence and leveraging the effectiveness of the interrogation efforts. Our assessment is that a significant improvement in actionable intelligence will be realized within 30 days.

(U) **OIG Assessment:** The report focused on how to conduct and exploit interrogation and detention operations. Although the findings and recommendations were limited to Iraq, they also applied to the U.S. Central Command's entire area of responsibility. The report did not discuss command and control of interrogation and detention facilities.

Appendix D. Office of the Provost Marshal General of the Army – Assessment of Detention and Corrections Operations in Iraq (Ryder Report) (U)

Investigating Officer: MG Ryder, Army Provost Marshal General
Appointing Authority: LTG Sanchez, Commander, CJTF-7
Date of Initiation: October 16, 2003
Date of Completion: November 6, 2003

(U) Scope:

- "...to assess, and make specific recommendations concerning detention and corrections operations in Iraq." and to:
- "Verify that detainees are held and processed in accordance with United States and international law."
- "Identify problems, propose solutions and recommend the resources necessary to implement the solutions."

- Restated Mission:
 - "Assume an assistance role; not an investigation."
 - "...emphasize overall Program issues, not specific facility operations."
 - "Identify bridging mechanism from current operations to an Iraqi-run prison system, synched with the Coalition Provisional Authority."

- Objective: "...to observe detention and prison operations, identify potential systemic and human rights issues, and provide near-term, midterm, and long-term recommendations to improve operations and transition the fledgling Iraqi prison system from military control/oversight to the Coalition Provisional Authority and eventually to the Iraqi government."

(U) Executive Summary Extract:

(U) "Coalition Forces are detaining EPW's [enemy prisoner of war] and Civilian Internees (both security internees and criminal detainees) in accordance with DoD Directives and accepted U.S. and international practices. To date, Coalition Forces have processed over 30,000 detainees. The transition to an Iraqi-run corrections operation is progressing, though there is disparate progress in different regions/unit areas of responsibility throughout the country. Iraqi Police or Correctional Officers, requiring only periodic monitoring and mentorship by U.S. personnel already operate many facilities outside of Baghdad. However, in and around Baghdad, U.S. Military Police units and Iraqi Correctional Officers jointly operate facilities, while in

al-Anbar province (e.g., ar-Ramadi and Falluja); U.S. Forces have allowed Iraqi officials greater autonomy with their police and prison operations. As reconstruction of larger regional prisons, detention centers and additional city jails approach completion (or are approved for funding), there will be a future challenge to train sufficient Iraqi Corrections Officers in basic tasks, intermediate level supervision, and senior management. There will also be an increased requirement to provide oversight and mentoring by the CPA [Coalition Provisional Authority] MOJ [Minister of Justice] Prisons Department of the more complex long-term correctional facilities; vice the current smaller operations. Finally, as several detention facilities currently under MOI [Ministry of Interior] (Iraqi Police) control likely transfer to MOJ control, the hiring of all authorized personnel within that CPA MOJ Prisons Department and the development of an Iraqi National Prison leadership takes on greater importance.

(U) Generally, conditions in existing prisons, detention facilities and jails meet minimal standards of health, sanitation, security, and human rights established by the Geneva Conventions and encouraged in the Practical Guidelines for the Establishment of Correctional Services within United Nations Peace Operations. There is room for continued improvement in all areas. New prison facilities must be constructed during the next one to three years to achieve projected prison bed capacity requirements (approx 23,000 within five years). This will require a major capital investment to ensure appropriate security, health care, adequate living space, food service, and staff training (custody and control, security and safety, and basic human rights). In the near term, CPA should continue to prioritize training of Iraqi correctional officers in basic tasks and aggressively hire sufficient corrections subject-matter experts to mentor Iraqi prison officials on the application of effective correctional practices and ensure humane treatment of detainees and prisoners.

(U) Lessons learned regarding necessary changes in doctrine and organizational structure related to detention and corrections operations will not be addressed in any detail in this report. The team did identify a significant paradigm shift in standard EPW/Detainee operations doctrine, as applied to post-hostilities detention of security internees, let alone the reconstruction of the Iraqi prison system. Similar doctrinal lessons learned had been identified in Operation Enduring Freedom, leading to work on a Military Police Bottom-up review and Force Design Update. The team will forward the suggested doctrinal and organizational changes to the appropriate proponent school for review and action."

(U) **OIG Assessment:** Because the investigation was limited to Iraq, the report focused primarily on the management of prison operations: segregation, movement and accountability, command and control, integration with the CPA and adequacy of transition plans, medical care, legal processing, logistics, and automation and records management. The report did not discuss specific allegations of detainee abuse, nor did it wholly address Military Police and Military Intelligence interaction and responsibilities in detainee operations.

Appendix E. Army Regulation 15-6 Investigation of the 800th Military Police Brigade (Taguba Report) (U)

Investigating Officer: MG Taguba, CJTF-7
Appointing Authority: LTG Sanchez, Commander, CJTF-7
Date of Initiation: January 19, 2004
Date of Completion: March 9, 2004

(U) **Scope:** To investigate the conduct of operations at 800th MP Brigade. Specifically, investigate the detention and internment operations conducted by the Brigade from 1 Nov 03 to Jan 04.

(U) **Executive Summary Extract:**

Note: Although originally classified as overall SECRET, the Taguba Report lacked individual paragraph classification markings and subsequently was published widely in open-source media and other UNCLASSIFIED public venues. For this OIG evaluation, the following summary extract portion is marked UNCLASSIFIED in its entirety.

I. (U) This inquiry into all facts and circumstances surrounding recent allegations of detainee abuse at Abu Ghraib Prison (Baghdad Central Confinement Facility) has produced incontrovertible evidence that such abuse did occur. While those who perpetrated the criminal acts are individually responsible, the command climate, unclear command structure, and insufficient training created an environment conducive to the commission of these offenses.

a. (U) Two prior external assessments, the Report on Detention and Corrections in Iraq (MG Ryder) and the Assessment of DoD Counter-Terrorism Interrogation and Detention Operations in Iraq (MG Miller), both agreed that there was a lack of command guidance and structure regarding detainee internment operations. Based on my investigation, I find that these were contributing factors leading to the criminal actions of Soldiers at Abu Ghraib Prison. In an effort to provide structure, the CJTF-7 Commander attempted to create a single chain of command under FRAGO ["Fragmentary" Order] #1108 to OPORD [Operation Order] 03-036. The FRAGO stated "Effective Immediately, Commander 205th MI BDE assumes responsibility for the Baghdad Central Confinement Facility (BCCF) and is appointed the FOB [Forward Operating Base] Commander and units currently at Abu Ghraib (BCCF) are TACON [Tactical Control] to 205th MI BDE for security of detainees and FOB protection." However, the Commanders of these respective units failed to adhere to the FRAGO and continued to operate independently.

b. (U) Lack of clear understanding of the command structure led to insufficient control and oversight of detainee operations at Abu Ghraib (BCCF). The command and supervisory presence within the facility was non-existent due to the weak and ineffective leadership at the 800th MP BDE and 320th MP BN. These leadership failures resulted in an environment that allowed those criminally culpable of the abuse to feel they had free rein in their treatment of detainees.

c. (U) The lack of Internment/Resettlement (I/R) training of 800th MP BDE units at home and mobilization stations, and also in theater, was a factor leading to the criminal actions by Soldiers and US contract civilians assigned to the 205th MI BDE at Abu Ghraib Prison.

3. (U) This inquiry found that a perversive command climate in the 800th MP Brigade created conditions that allowed for the loss of accountability and abuse of the detainees.

a. (U) Commanders and staff officers failed to prioritize their missions or take responsibility for their actions and those of their subordinates. Commanders failed to ensure that Soldiers within the command were properly trained for their mission.

b. (U) Basic Soldier standards were infrequently met and not enforced. A lack of enforcement of Army standards by leaders with regard to uniforms and basic military customs and courtesies, as well as unclear command policies, contributed to a lack of military discipline.

c. (U) Units were not properly task organized, which created unclear command relationships. Furthermore, lack of effective leaders in key positions resulted in ambiguous chains of command. Leaders were unable or unwilling to confront situations of misbehavior and misconduct. Addressing these situations may have obviated some of the underlying problems.

4. (U) My investigation is based on numerous oral interviews; reviews of written statements, AR 190-8, FM 3-19.40, FM 34-52, the Geneva Convention, and The Law of Land Warfare (AR 27-10); facility visits of Abu Ghraib Prison (BCCF) and three other detention facilities; and review of Command Standing Operating Procedures, the written Assessment of DoD Counter-Terrorism Interrogation and Detention Operations in Iraq, and the written Assessment of Detention and Corrections Operations in Iraq. Based on my investigation, I recommend the following:

a. (U) Establish a single command structure in CJTF-7 and/or Iraq Joint Operations Area (JOA) with responsibility for detainee and interrogation operations.

b. (U) Reorganize the Abu Ghraib / BCCF under a single command and control element to ensure Army and higher authority standards are met. The BCCF is currently under control of the Commander, 504th MI BDE.

Resource the BCCF with sufficient personnel, Information Technology, and other resources to ensure the success of the mission.

- c. (U) Immediately train all Coalition forces conducting detainee operations in a comprehensive and multi-functional training program. All units must be resourced and trained properly to use Biometric Automated Toolset System (BATS) technology to facilitate detainee accounting and management in order to enable mission accomplishment. The use of this technology will enhance accountability procedures but not replace doctrinally proven techniques that must be reinforced.
- d. (U) Expedite release process for detainees who offer little or no intelligence value and pose minimal or no security risk.
- e. (U) Establish distinctly separate facilities for detainees under US control and Iraqi criminals under Iraqi control.
- f. (U) Develop a deliberate plan to address detainee program shortfalls, considering recommendations from this investigation and previous AR 15-6 investigations related to detainee abuse.

6. (U) I find that there is sufficient credible information to warrant an Inquiry Procedure 15, AR 381-10, US Army Intelligence Activities, be conducted to determine the extent of culpability of MI personnel, assigned to the 205th MI Brigade and the Joint Interrogation and Debriefing Center (JDIC) at Abu Ghraib (BCCF).

8. (U) In conclusion, I have determined that as Operation Iraqi Freedom continues, internment and resettlement operations will become a significant and resource intensive endeavor that will potentially be scrutinized by international organizations.

- a. (U) Immediate and comprehensive actions must be taken to meet the minimum standards required by Army Regulations and the Law of Land Warfare, in order to accomplish the mission and intent of detention and interrogation operations in the Iraq Joint Operations Area (JOA).
- b. (U) U.S. Soldiers have committed egregious acts of abuse to detainees in violation of the UCMJ [Uniform Code of Military Justice] and international law at Abu Ghraib (BCCF). Key senior leaders in both the 800th MP Brigade and the 205th MI Brigade have failed to comply with established Army standards, DoD policies, and command guidance.

(U) **OIG Assessment:** The report provided a detailed description of the failings of the military police and the role of military intelligence personnel at Abu Ghraib. However, the scope was limited primarily to detainee-related issues only within the 800th MP Brigade. A separate AR-15 investigation was conducted on the 205th Military Intelligence Brigade.

Appendix F. Department of the Army Inspector General: Detainee Operations Inspection (Department of Army IG Report) (U)

Investigating Officer: LTG Mikolashek, The Army Inspector General
Appointing Authority: Hon R. L. Brownlee, Acting Secretary of the Army
Date of Initiation: February 10, 2004
Date of Completion: July 21, 2004

(U) Scope:

- To conduct a functional analysis of the Army's conduct of detainee and interrogation operations in order to identify any capability shortfalls (*sic*) with respect to internment, EPW, detention operations, and interrogation procedures and recommend appropriate resolutions or changes if required.
- Note: Included analysis of reported incidents, "to determine their root or fundamental cause."
- Inspect and assess doctrine and training of personnel conducting detention operations.

(U) Executive Summary Extract:

(U) Background: On 10 February 2004, the Acting Secretary of the Army directed the Department of the Army Inspector General (DAIG) to conduct an assessment of detainee operations in Afghanistan and Iraq. The DAIG inspected the internment and enemy prisoner of war detention operations, and interrogation procedures in Afghanistan and Iraq. The inspection focused on the adequacy of Doctrine, Organization, Training, Materiel, Leadership and Education, Personnel, and Facilities (DOTMLPF), standards, force structure, and policy in support of these types of operations.

(U) This inspection was not an investigation of any specific incidents or unit but rather a comprehensive review of how the Army conducts detainee operations in Afghanistan and Iraq.

(U) The DAIG did not inspect the U.S. military corrections system or operations at the Guantanamo Bay Naval Base during this inspection. Central Intelligence Agency (CIA) and Defense HUMINT Services (DHS) operations were not inspected.

(U) Synopsis:

(U) In the areas that we inspected, we found that the Army is accomplishing its mission both in the capture, care, and custody of detainees and in its interrogation operations. The overwhelming majority of our leaders and Soldiers understand and adhere to the requirement to treat detainees humanely and consistent with the laws of land warfare. Time and again these Soldiers, while under the stress of combat operations and prolonged insurgency operations, conduct themselves in a professional and exemplary manner.

(U) The abuses that have occurred in both Afghanistan and Iraq are not representative of policy, doctrine, or Soldier training. These abuses were unauthorized actions taken by a few individuals, coupled with the failure of a few leaders to provide adequate monitoring, supervision, and leadership over those Soldiers. These abuses, while regrettable, are aberrations when compared to their comrades in arms who are serving with distinction.

(U) We determined that despite the demands of the current operating environment against an enemy who does not abide by the Geneva Conventions, our commanders have adjusted to the reality of the battlefield and, are effectively conducting detainee operations while ensuring the humane treatment of detainees. The significant findings regarding the capture, care, and control of detainees are:

(U) We determined that the nature of the environment caused a demand for tactical human intelligence. The demands resulted in a need for more interrogators at the tactical level and better training for Military Intelligence officers. The significant findings regarding interrogation are:

- Tactical commanders and leaders adapted their tactics, techniques, and procedures, and held detainees longer than doctrinally recommended due to the demand for timely, tactical intelligence.
- Doctrine does not clearly specify the interdependent, and yet independent, roles, missions, and responsibilities of Military Police and Military Intelligence units in the establishment and operation of interrogation facilities.
- Military Intelligence units are not resourced with sufficient interrogators and interpreters to conduct timely detainee screenings and interrogations in the current operating environment, resulting in a backlog of interrogations and the potential loss of intelligence.
- Tactical Military Intelligence Officers are not adequately trained to manage the full spectrum of the collection and analysis of human intelligence.
- Officially approved CJTF-7 and CJTF-180 policies and the early CJTF-180 practices generally met legal obligations under U.S. law, treaty obligations and policy, if executed carefully, by trained soldiers, under the full range of safeguards. The DAIG Team found that policies were not clear and contained ambiguities. The DAIG Team found implementation, training, and oversight of