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MP Responsibilities Related to Detainee Intelligence Collection (U)

(U) Source: Field Manual 3-19.40, *Military Police Internment/Resettlement Operations*

(U) Facilitate collection of enemy tactical information by allowing MI to station interrogation teams at detention facilities. MI personnel may be permitted to observe arriving detainees in order to expedite the collection process.

(U) Work closely with MI interrogators to determine whether detainees have intelligence value.

(U) Coordinate with MI to establish operating procedures that ensure accountability for detainees and their equipment and documents. (Before MI conduct interrogations, detainees must be provided with DoD (DD) Form 2745, *EPW Capture Tag*, and documented on DD Form 2708, *Receipt for Inmate or Detained Person*.)

(U) Assist MI personnel by identifying detainees who may have useful information.

(U) Conduct personal searches of detainees when requested by MI. (Within detention facilities, FM 3-19.40 specifies that this must be done out of sight of other detainees, by guards of the same gender as the detainee being searched.)

(U) Plan "MI screening sites" including interrogation areas. Interrogation areas should accommodate an interrogator, a captive, a guard and an interpreter.

(U) Escort captives to and from the interrogation area.

(U) Establish procedures to inform MI which detainees will be moved to, from or within the facility, and when the movement is to take place.

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coordination outside the interrogation room. For example, it is not clear under existing doctrine whether MP or MI personnel should effect an altered detainee sleep cycle. In the absence of a clear doctrinal division of labor, commanders must develop local policies for the employment of such techniques. A particular hazard of this arrangement is that if MPs are not adequately trained on approved interrogation techniques and their limits, they may make inappropriate individual judgments regarding the appropriateness of techniques ordered or implied by MI personnel.

(U) Similarly, doctrine appears to permit the presence of MP guards during interrogations (see FM 3-19.40's requirement that interrogation areas accommodate guards in addition to intelligence personnel), but does not describe what role they should play or prohibit any particular roles. This could also lead to inappropriate behavior if the limitations of interrogation techniques and requirements related to detainee treatment are not well understood by all parties involved.

(U) Two additional areas of MP doctrine that warrant discussion are the employment of military working dogs (MWD) and strip searches. Though MP doctrine prescribe these for security purposes only, their misuse could lead to abuse, as we have seen at Abu Ghraib.

(U) Military Working Dogs

(U) Existing MWD doctrine pertaining to detainee operations (codified in Army Regulation 190-12, *Military Working Dogs*, and Department of the Army Pamphlet 190-12, *Military Working Dog Program*) notes that patrol dogs may be used to secure the perimeter of EPW detention facilities, and to deter escape. The presence of dogs during interrogation is neither specifically authorized nor specifically prohibited. As with other interrogation techniques that are not described in FM 34-52, the presence of dogs - even if approved by appropriate authorities - could become problematic in the absence of additional, specific training.

(U) Strip Searches

(U) FM 3-19.40 not only permits, but actually prescribes the strip-searching of both EPWs and CIs during in-processing into detention or internment facilities. No particular cautions are listed; however, the manual does state that MPs of the same gender as the detainee should perform the searches.

(U) Finally, doctrine does not address the variety of detainee classifications that have arisen in the course of the Global War on Terror. Terms such as "unlawful combatant," "security internee," "high-value detainee," etc., are not always easily paired with the Geneva Convention categories. Without specific instruction by commanders, this could cause confusion regarding whether and which Geneva Convention protec-

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tions apply to individual detainees.

Interagency, and Coalition Policy (U)

(U) Despite the concerns noted above, however, MP and MI doctrine clearly states the requirement that, at a minimum, all detainees must be treated humanely. The excerpts that introduce this section illustrate that it leaves no doubt that abusive behavior is prohibited.

(U) Though U.S. military doctrine permits (and in fact requires) the provision of intelligence collection areas at I/R facilities, and also permits interrogations at any point in the capture-interment continuum, there is no DoD policy or doctrine that specifically addresses the establishment and operation of Joint, interagency, or coalition interrogation facilities. The Army Inspector

Interrogation Facilities: Joint,

Doctrine Related to Joint/Interagency Interrogation Facilities (U)

(U) From Field Manual 34-52, *Intelligence Interrogation*:

(U) **Theater Interrogation Facility:** Established above the corps level (e.g., at an I/R facility); may support a Joint or Unified Combatant Command. Staffed by multiple Services and national agencies as required; may include interrogators from allied nations. Interrogates prisoners of war, high-level political and military personnel, civilian internees, defectors, refugees, and displaced persons.

(U) From Field Manual 3-31, *Joint Force Land Component Commander Handbook*:

(U) **Joint Interrogation Facility:** Conducts initial screening and interrogation of prisoners of war. Forwards key reports to the Joint Interrogation and Debriefing Center.

(U) **Joint Interrogation and Debriefing Center:** Conducts follow-on exploitation of prisoners of war in support of Joint Task Force and higher requirements. May also interrogate civilian detainees, refugees, and other non-prisoner sources.

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General's report of 21 July 2004, *Detainee Operation Inspection*, found that the two relevant doctrinal publications - FM 34-52, *Intelligence Interrogation*, and FM 3-31, *Joint Force Land Component Commander Handbook* (also adopted by the Marine Corps), contain inconsistent guidance on the structure and function of facilities variously termed Theater Interrogation Facilities (TIFs), Joint Interrogation Facilities (JIFs) and Joint Interrogation and Debriefing Centers (JIDCs). Outside of the described Army and Marine Corps doctrine (summarized in the figure above), there are no standard DoD policies governing the interaction of the military Services within interrogation facilities, nor are there policies governing the interaction of DoD interrogators and CIA, FBI, or other U.S. Government law enforcement and intelligence personnel. (There are, however, various directives issued since the inception of the Global War on Terror that govern specific, unique interrogation-related DoD organizations such as the Criminal Investigative Task Force, or CITE.) As the figure shows, the limited existing doctrine pertaining to joint or interagency interrogation facilities is not specific or consistent, and makes implicit distinctions between categories of detainees that do not correspond to international law or DoD policy. The Department of Defense is now developing doctrine for the establishment and manning of joint, interagency, and coalition interrogation facilities.

DoD Interrogators: Force Structure and Training (U)

(U) Department of Defense intelligence interrogators are found in each military service, and in the Defense HUMINT Service (DIA/DH), a component of the Defense Intelligence Agency (DIA). Though we did not conduct a detailed review of DoD interrogator force structure, our interviews with MI leaders and interrogators firmly supported the conclusions of previous reports - namely, that there are not enough interrogators and linguists to meet the demands of the Global War on Terror. We are aware, however, that significant efforts are underway within DoD to address and rectify the shortfall of interrogators and associated support personnel, particularly linguists.

(U) Within the military services, enlisted personnel are the primary interrogators, with warrant officer interrogators in technical supervisory positions. Commissioned MI officers charged with overall command of intelligence units typically receive overviews of interrogation techniques during their training. Our interviews confirmed that warrant officers were typically the senior service members directly involved in interrogations. As the reader will learn in later

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sections of this report, individual interrogators' compliance with approved interrogation policies was often proportional to the "fidelity of transmission" from higher headquarters to the unit level, and then to the interrogators via warrant officer and senior enlisted leadership. Our interviews indicated that the details of approved theater interrogation policies were often lost during this process, frequently during the latter stage (though many units never received the approved policies at all). In these cases, interrogators generally fell back on school-house training, which focused on FM 34-52 and the law of war. Nevertheless, to a significant degree this left implementation of interrogation

techniques up to individual interrogators' judgment. (This will be described at length later in the report.)

(U) In contrast with military interrogators, Defense HUMINT Service (DH) personnel are trained as "strategic debriefers" - focusing on strategic intelligence, rather than the tactical intelligence that forms the focus of service interrogation training, and using primarily the Direct Questioning technique - but are generally familiar with FM 34-52. In some cases, DH personnel have received service interrogation training prior to details assigning them to support MI operations.

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Summary of Previous Reports Relating to Interrogation or Detainee Abuse (U)

(U) There have been a number of previous reports—some completed before the misconduct at Abu Ghraib came to light, or otherwise unrelated to Abu Ghraib, and others in response to Abu Ghraib—that provide the backdrop to our report. Several of these reports were concerned with detainee operations in a broad sense, and none addressed interrogation techniques or detainee abuse at a level of detail similar to this report. These reports do inform our analysis, however, as they often contain observations and recommendations that bear directly on interrogation operations or detainee abuse. Furthermore, in order to avoid duplication of effort, we have where possible leveraged the interviews and witness statements collected by others. These previous reports are listed below, followed by a summary of their major conclusions, with an emphasis on those aspects that shed light upon our investigation of interrogation techniques and detainee abuse.

(U) There have been three previous reports concerning interrogation operations at GTMO.

- (U) First, Stuart Herrington, a retired Army colonel with a military intelligence background, visited GTMO on March 16-21, 2002, and on March 22, 2002 provided MG Michael Dunlavey, USA, the Commander of JTF-170 at GTMO, an assessment of the intelligence collection efforts of JTF-170 (hereinafter "Herrington GTMO Report"). COL Herrington also provided a copy of this report

to MG Gary Speer, USA, then the Acting Commander, U.S. Southern Command (SOUTHCOM).

- (U) Second, COL John Custer, USA, led a Joint Staff team from August 14 through September 4, 2002, in reviewing intelligence collection operations at GTMO, and on September 10, 2002 issued a report to the Chairman of the Joint Chiefs of Staff, Gen. Richard Myers (hereinafter "Custer Report"). The Custer Report was originally requested by MG Speer at SOUTHCOM.

- (U) Third, VADM Church led a review on May 4-7, 2004 into the treatment of enemy combatants detained at GTMO (and at the Naval Consolidated Brig in Charleston, South Carolina), and on May 11, 2004, briefed Secretary Rumsfeld with his findings (hereinafter "Church Review").

(U) There have been eight previous reports on interrogation or detainee operations focusing on Iraq that are relevant to our investigation.

- (U) First, MG Geoffrey Miller, the Commander, JTF-GTMO, led a team to Iraq from August 31 to September 9, 2003 and issued a report that assessed the ability of military intelligence forces in Iraq "to rapidly exploit internees for actionable intelligence" (hereinafter "Miller Report"). The appointing

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authority for the Miller Report is not clear from the report itself, but it was apparently commissioned at the request of the Commander of CJTF-7, LTG Ricardo Sanchez, USA.

- (U) Second, MG Donald Ryder, USA, the Army Provost Marshal General, conducted an assessment from October 13 to November 6, 2003 of detainee operations in Iraq, and on November 6, 2003 issued a report to LTG Sanchez (hereinafter "Ryder Report").
- (U) Third, COL Herrington visited Iraq on December 2-9, 2003 to evaluate intelligence operations, and on December 12, 2003, provided his report to MG Barbara Fast, the senior intelligence officer for CJTF-7 (hereinafter "Herrington Iraq Report").
- (U) Fourth, LTC Natalie Lee, USA investigated from January 23 to February 23, 2004 reports of detainee abuse that had allegedly occurred in the summer of 2003 at the Joint Interrogation and Debriefing Center (JIDC) facility at Camp Cropper, Iraq. On February 23, 2004 LTC Lee issued her report, pursuant to the procedures of AR 15-6, to the Deputy Commanding General, CJTF-7, MG Walter Wojdakowski (hereinafter "Lee Report").
- (U) Fifth, MG Antonio Taguba, USA, Deputy Commanding General for Support, Coalition Forces Land Component Command (CFLCC), led an investigation from January 31 to February 28, 2004 into the detention operations of the 800th Military Police Brigade, with particular emphasis on operations at the Abu Ghraib detention facility, and provided his report on March 9, 2004 to the Commander, CFLCC, LTG David McKiernan (hereinafter "Taguba Report"). The Taguba Report was originally requested by the Commander of CJTF-7, LTG Sanchez.
- (U) Sixth, the Army Inspector General, LTG Paul T. Mikolashek, conducted an inspection from February to June 2004 of detainee operations in Iraq and Afghanistan. LTG Mikolashek issued his report on July 21, 2004 to Acting Secretary of the Army R.L. Brownlee (hereinafter "Mikolashek Report").
- (U) Seventh, the Assistant Deputy Chief of Staff, Army, G2, MG George Fay, USA, was appointed by LTG Sanchez on March 31, 2004 to investigate potential misconduct by 205th Military Intelligence Brigade personnel at Abu Ghraib between August 15, 2003 and February 1, 2004. MG Fay's report was released in August 2004 (hereinafter "Fay Report").
- (U) Eighth, in June 2004, as a result of the evidence MG Fay had gathered to that point, LTG Sanchez, the Commander, CJTF-7,

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requested that a more senior investigating officer be appointed to examine whether actions of the commander and staff of CJTF-7 contributed to any misconduct related to interrogation operations at Abu Ghraib. The Acting Secretary of the Army selected GEN Paul Kern, USA, the Commander of Army Material Command, to act as the new appointing authority. LTG Anthony Jones, USA, the Deputy Commanding General of the U.S. Army Training and Doctrine Command, was appointed as an additional investigating officer. LTG Jones' report was released in August 2004 (hereinafter "Jones Report").

(U) In addition to the Mikolashek Report, which addressed detainee operations in both Iraq and Afghanistan, one other report focused on detainee operations and facilities in Afghanistan. BG Charles Jacoby, USA, the Combined Joint Task Force 76 (CJTF-76) Deputy Commanding General, was appointed on May 19, 2004 by the Commander, CJTF-76, MG Eric Olson, USA, to conduct a "top to bottom review of ... detainee operations" in the Combined Forces Command Afghanistan Area of Responsibility. BG Jacoby's assessment was completed in August 2004 (hereinafter "Jacoby Report").

(U) Finally, in May 2004, the Secretary of Defense appointed former Secretaries of Defense James Schlesinger and Harold Brown, former Congresswoman Tillie Fowler, and retired Air

Force Gen. Charles Horner to an Independent Panel "to provide independent professional advice on detainee abuses, what caused them and what actions should be taken to preclude their repetition." The Independent Panel was charged with examining detention and interrogation operations worldwide. The Independent Panel's report was released on August 24, 2004 (hereinafter "Independent Panel" or "Independent Panel Report").

GTMO Reports (U)

(U) Herrington GTMO Report

(U) The JTF-170 Commander at GTMO, MG Dunlavey, USAR, invited COL Herrington to GTMO in March 2002 to assess the status of JTF-170's intelligence collection effort. This short, nine-page report was prepared only a few months after interrogation operations at GTMO began, and thus it offers some general observations about the strengths and weaknesses of JTF-170, as well as recommendations for the future.

(U) The most important aspect of this report is that it came out strongly in favor of subordinating the security function (i.e., military police, represented by JTF-160) to the intelligence collection function (i.e., military intelligence, represented by JTF-170). More specifically, the report stated that "to effectively carry out its intelligence exploitation mission, JTF-170 and its interagency collaborators need to be in full control of the

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detainees' environment. Treatment, rewards, punishment, and anything else associated with a detainee should be centrally orchestrated by the debriefing team responsible for obtaining information from that detainee (emphasis added). For example, the report explained, "[i]f a security guard wants to adopt a hard line with a detainee, single him out for a shakedown, or take any measures . . . that impact on that detainee's state of mind, the authority to either approve, disapprove, or postpone the planned action should be the call of the intelligence entity."

(U) Moreover, the report stated broadly that "[t]here is unanimity among all military and interagency participants in JTF-170 that *the security mission is sometimes the tail wagging the intelligence dog (i.e., impacting negatively)*" (emphasis added). The report took pains to explain that this was not a criticism of JTF-160 personnel, but instead "*a basic principle of human intelligence exploitation*" (emphasis added). COL Herrington drew upon his own experience in both Panama and the Persian Gulf, noting that "one day, we might instruct the guards to be particularly warm and cheerful toward a given detainee - because that approach would work on that day to the advantage of the debriefer. On another day, with a different detainee, a cold, firm demeanor by the guards might be more suitable - again, depending upon where the debriefer might be in his efforts to unlock the information possessed by the detainee." In contrast to these examples, JTF-170 was "cur-

rently caught between two separate efforts, security and exploitation," and only by "deconflicting" these efforts could the intelligence exploitation effort achieve success.

(U) The other significant conclusion of the Herrington GTMO Report was that the youth and inexperience of the Defense HUMINT Service (DH) and Army interrogators, and their lack of foreign language training, inhibited their ability to extract intelligence from the detainees. The report noted that "a young debriefer normally will have a problem establishing the kind of controlling relationship required with an older, trained, and savvy detainee," and recommended that the JTF Commander put out a request for "senior, older debriefers with experience and refined language skills." In this regard, COL Herrington pointed out that the U.S. Army INSCOM "contract linguist augmentees on site are one of the brightest stars on the ground," and that the interrogators "could not function without them."

(U) Custer Report

(S) The Acting Commander of SOUTH-COM, MG Gary Speer, in June 2002 requested through the Chairman of the Joint Chiefs of Staff, Gen. Richard Myers, an external review

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