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Taguba divided his specific findings and recommendations into three sections. First, he examined "all the facts and circumstances surrounding ... allegations of detainee abuse," with particular emphasis on "maltreatment at Abu Ghraib." Second, he examined "detainee escapes and accountability lapses," again with particular emphasis on "events at Abu Ghraib." Third, he investigated "the training, standards, employment, command policies, internal procedures, and command climate of the 800th MP Brigade."

(U) With regard to the allegations of detainee abuse, MG Taguba found "that between October and December 2003" the military police guard force at Tier 1A of Abu Ghraib "inflicted ... numerous incidents of sadistic, blatant, and wanton criminal abuses ... on several detainees." While MG Taguba did not set out deliberate definition of conduct that he considered to be "abuse," he referred exclusively to "intentional" acts of "criminal" misconduct.

(U) MG Taguba found that "the intentional abuse of detainees by military police personnel included:"

- (U) "punching, slapping, kicking ...;"
- (U) "videotaping and photographing naked male and female detainees;"
- (U) "forcibly arranging detainees in ... sexually explicit positions ...;"
- (U) "forcing detainees to remove their clothing and keeping them naked for several

days at a time;"

- (U) "forcing naked male detainees to wear women's underwear;"
- (U) "forcing groups of male detainees to masturbate ...;"
- (U) "arranging naked male detainees in a pile and then jumping on them;"
- (U) "positioning a naked male detainee on an MRE Box, with a sandbag on his head, and attaching wires to his fingers, toes, and penis to simulate electric torture;"
- (U) "writing 'I am a rapist' (sic) on the leg of a detainee alleged to have forcibly raped a 15-year old fellow detainee, and then photographing him naked;"
- (U) "placing a dog chain or strap around a naked detainee's neck and having a female Soldier pose for a picture" with the prisoner;"
- (U) "a male MP guard having sex with a female detainee;"
- (U) "using military working dogs (without muzzles) to intimidate and frighten detainees, and in at least one case biting and severely injuring a detainee;" and
- (U) "taking photographs of dead Iraqi detainees" for other than official purposes."

MG Taguba did not provide a precise count of the number of incidents of abuse, or of the numbers of soldiers, contractors or detainees involved.

(U) MG Taguba found that a contributing factor in the abuses was the failure of the 800th

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Military Police Brigade leadership to communicate clear standards to their soldiers, or to ensure their tactical proficiency. MG Taguba cited as an example the fact that although "an extensive CID investigation determined that four soldiers from the 320th Military Police Battalion had abused a number of detainees during inprocessing at Camp Bucca" well before the battalion assumed responsibility for detention operations at Abu Ghraib, neither the battalion nor the brigade leadership took "any steps to ensure that such abuse was not repeated."

(U) MG Taguba made nine recommendations regarding detainee abuse. The first was that the appropriate headquarters "immediately deploy to the Iraq Theater an integrated multi-discipline Mobile Training Team (MTT) comprising subject matter experts in internment/resettlement operations, international and operational law ..., interrogation and intelligence gathering techniques ..." and others "to oversee and conduct comprehensive training in all aspects of detainee and confinement operations." MG Taguba also recommended that "a single commander ... be responsible for overall detainee operations throughout ... Iraq ...." His remaining recommendations related to deficiencies in training, manning, resourcing, and leadership.

(U) With regard to detainee escapes and accountability lapses, MG Taguba found that there was "a general lack of knowledge, implementation and emphasis of basic legal regulatory, doctrinal, and command requirements within the 800th MP

Brigade and its subordinate units." By and large, accountability standard operating procedures "were not fully developed and ... were widely ignored." At Abu Ghraib in particular, "there was a severe lapse in the accountability of detainees." This lack of accountability made it impossible for the 800th Military Police Brigade to determine how many detainees had escaped from the facility.

(U) MG Taguba found that "the Abu Ghraib and Camp Bucca detention facilities" were "significantly over their intended maximum capacity while the guard force" was "undermanned and under resourced." Although these conditions contributed to poor accountability and increased escapes, MG Taguba also found that "no lessons learned" from previous incidents and escapes "seem to have been disseminated ... to enable corrective action." In MG Taguba's evaluation, "had the findings and recommendations contained within" the Brigade's "own investigations been analyzed and actually implemented ... many of the subsequent escapes, accountability lapses and causes of abuse may have been prevented."

(U) MG Taguba observed that "the various detention facilities operated by the 800th MP Brigade have routinely held persons brought to them by Other Government Agencies (OGAs)," referring to the Central Intelligence Agency, "without accounting for" the detainees, "knowing their identities, or even the reason for their detention." MG Taguba reported that "the Joint Interrogation and Debriefing Center (JIDC) at Abu Ghraib called

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these detainees 'ghost detainees.' MG Taguba noted that "on at least one occasion, the 320th MP Battalion at Abu Ghraib held a handful of 'ghost detainees' (6-8) ... that they moved around within the facility to hide them from a visiting International Committee of the Red Cross (ICRC) survey team." MG Taguba characterized "this maneuver" as "deceptive, contrary to Army doctrine, and in violation of international law."

(U) MG Taguba made 17 recommendations regarding accountability lapses and escapes, generally related to leadership, training and resourcing. He also observed that units conducting detainee operations "must know of, train on, and constantly reference the applicable Army doctrine and ... command policies," noting that "the references provided in [his] report cover nearly every deficiency ... enumerated." "Although," MG Taguba offered, the references "do not, and cannot, make up for ... leadership shortfalls, all soldiers, at all levels, can use them to maintain standardized operating procedures and efficient accountability practices."

(U) With regard to the "the training, standards, employment, command policies, internal procedures, and command climate of the 800th MP Brigade," MG Taguba found a host of deficiencies. "Morale suffered" in the brigade, apparently as a result of the widespread but erroneous belief that the unit would be redeployed from Iraq once the Iraqi armed forces had been defeated. However, he

observed, "there did not appear to have been any attempt by the Command to mitigate this problem." MG Taguba found that in general, "the 800th MP Brigade was not adequately trained." "Soldiers throughout the 800th MP Brigade were not proficient in their basic [Military Occupational Specialty] skills," yet there was "no evidence that the Command, although aware of these deficiencies, attempted to correct them in any systematic manner." "Almost every individual witness we interviewed," he noted, "had no familiarity with the provisions of AR 190-8 or FM 3-19.40," the Army regulation and field manual that describe and govern detention operations. Despite these obvious shortfalls, no "Mission-Essential Task List (METL) based on their ... missions was ever developed, nor was a training plan implemented throughout the Brigade."

(U) MG Taguba found that "without adequate training for a civilian internee detention mission, Brigade personnel relied heavily upon individuals within the Brigade who had civilian corrections experience." Further, "because of past associations and familiarity of soldiers within the Brigade, it appears that friendship often took precedence over appropriate leader and subordinate relationships."

(U) MG Taguba found that these internal shortcomings were exacerbated by the fact that "the 800th MP Brigade as a whole was under-strength for the mission for which it was tasked," a

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problem that grew progressively worse as the units suffered attrition through casualties, statutorily mandated demobilizations, and other separations. These losses could not be replaced because "Reserve Component units do not have an individual replacement system to mitigate ... losses." What is more, "the quality of life for soldiers assigned to Abu Ghraib (BCCF) was extremely poor." A "severely undermanned" unit staffed a "severely overcrowded prison," with no dining facility, exchange, barbershop, or recreational facilities. "There were numerous mortar attacks, random rifle and RPG attacks, and a serious threat to soldiers and detainees in the facility."

(U) "With respect to the 800th MP Brigade mission at Abu Ghraib," MG Taguba found, "there was clear friction and a lack of effective communication between the Commander, 205th MI Brigade, who controlled" Forward Operating Base (FOB) "Abu Ghraib ... after 19 November 2003, and the Commander, 800th MP Brigade, who controlled detainee operations inside the FOB." "There was no clear delineation of responsibility between commands, little coordination at the command level, and no integration of the two functions." MG Taguba observed that "coordination occurred at the lowest possible levels with little oversight by commanders." Further, in his view, the decision to place the Military Intelligence Brigade in control of the security of detainees and force protection at Abu Ghraib was "not doctrinally sound due to the different missions and agendas assigned to each of

these respective specialties."

(U) MG Taguba also cited an extensive list of disciplinary actions involving leaders within the 800th Military Police Brigade as further evidence of the dysfunctional nature of the command. MG Taguba made numerous recommendations regarding disciplinary actions to be taken against members of the 800th Military Police Brigade and the military intelligence personnel assigned to duties at Abu Ghraib, up to and including the commander of the 205th Military Intelligence Brigade, COL Thomas Pappas, and the commander of the 800th Military Police Brigade, BG Janis Karpinski.

(U) MG Taguba noted that he "found particularly disturbing" BG Karpinski's "complete unwillingness to either understand or accept that many of the problems inherent in the 800th MP Brigade were caused or exacerbated by poor leadership and the refusal of her command to both establish and enforce basic standards and principles among its soldiers." MG Taguba recounted, discussed, and refuted a number BG Karpinski's assignments of blame to her subordinates, the military intelligence leadership, the Civil Affairs Command, and the court-martial convening authority of the soldiers involved in the Camp Bucca incidents for the shortcomings of her command. For the failures discussed above, as well as "material representations to the Investigation Team," MG Taguba recommended BG Karpinski be relieved for cause.

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### (U) Mikolashek Report

(U) On February 10, 2004, Acting Secretary of the Army Brownlee ordered the Army Inspector General, LTG Mikolashek, to assess "detainee operations in Afghanistan and Iraq." This inspection was not intended to be "an investigation of any specific incidents or units, but rather a comprehensive review of how the Army conducts detainee operations in Afghanistan and Iraq." The assessment did not extend to "Central Intelligence Agency (CIA) or Defense HUMINT Services (DHS) [sic] operations," nor did it include "operations at Guantanamo Bay Naval Base."

(U) The Acting Secretary of the Army approved the Mikolashek Report on July 21, 2004, releasing the unclassified bulk of the report to the public, withholding only Appendix G, which is classified due to discussion of current operations and sensitive intelligence. LTG Mikolashek and other officials associated with the investigation have also provided public testimony before Congress on the matters contained in the report.

(U) In the course of their inspection, LTG Mikolashek's team "conducted interviews, sensing sessions, and a survey," inspected units involved in detention and interrogation operations, and examined "policies, plans, records ... and other related documents." A "sensing session" is a moderated, guided discussion of a designated topic by moderately-sized groups of designated soldiers. While

the "inspection tools," the blank interview questionnaires, sensing prompts, survey questions, etc., are included in the report, the soldiers' and leaders' statements are not. The report also does not indicate how many soldiers and leaders were interviewed, sensed, and surveyed, or precisely who they were. The report did indicate, however, that "all interviewed and observed commanders, leaders and soldiers treated detainees humanely and emphasized the importance of humane treatment."

(U) LTG Mikolashek's team "reviewed 103 summaries of Criminal Investigative Division (CID) reports of investigation and 22 unit investigation summaries ... involving detainees death or alleged abuse." Of those 125 investigations, 71 had been completed as of the time of LTG Mikolashek's analysis. Abuse, defined by LTG Mikolashek as "wrongful death, assault, battery, sexual assault, sexual battery, or theft," was substantiated in 40 of the 71 completed investigations. "No abuse was determined to have occurred in 31 cases," and 54 cases remained "open or undetermined" at the time of the report. "Based upon" his team's "review and analysis and case summaries of investigations" from all 125 investigations, founded, unfounded, and pending, LTG Mikolashek "could not identify a systemic cause for the abuse incidents."

(U) In a foreword to the report, LTG Mikolashek urged that "these abuses ... be viewed as what they are - unauthorized actions taken by a few individuals," actions that "in a few cases" were "coupled with the failure of a few leaders to provide

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adequate supervision and leadership." Further, in LTG Mikolashek's estimation, "the abuses that occurred" were "not representative of policy, doctrine, or soldier training."

(U) Despite his conclusion that he was "unable to identify system failures that resulted in incidents of abuse," LTG Mikolashek recounted numerous "system failures" in his detailed findings that echo problems previously described by MG Taguba as significant contributing factors in the abuse of detainees. Specifically, LTG Mikolashek found that:

## (U) Policy

- (U) theater interrogation policies "generally met legal obligations under ... law, treaty ... and policy, if executed carefully, by trained soldiers, under the full range of safeguards," yet acknowledged that the interrogation policies "were not clear and contained ambiguities" and "implementation, training and oversight of these policies was inconsistent;"
- (U) "some ... units were unaware of the correct command policy;"
- (U) "commanders ... published high-risk policies that presented a significant risk of misapplication if not trained [to] and executed carefully."

## (U) Training

- (U) "The potential for abuse increases when interrogations are conducted in an emotionally charged environment by untrained personnel who are unfamiliar with the approved interrogation techniques;"
- (U) "Not all interrogators were trained;"
- (U) "To satisfy the need to acquire intelligence as soon as possible, some officers and noncommissioned officers ... with no training in interrogation techniques began conducting their own interrogation sessions;"
- (U) "Military Intelligence officers are not adequately trained on ... human intelligence."

## (U) Doctrine

- (U) "detainee ... policy and doctrine do not address ... operations conducted in the current operating environment;"
- (U) current "doctrine does not clearly specify the interdependent ... roles, missions, and responsibilities of Military Police and Military Intelligence units in the ... operation of interrogation facilities;"
- (U) "failure of MP and MI personnel to understand each other's specific missions and duties could undermine the effectiveness of safeguards associated with interrogation techniques and procedures;"
- (U) "tactical ... leaders ... held detainees

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longer than doctrinally recommended" at Forward Operating Bases because the leaders believed the intelligence infrastructure was failing to provide "timely tactical intelligence," despite the fact that such locations lacked the "infrastructure, medical care, ... trained personnel, logistics and security" required to hold detainees for more than a brief period of time and that the "personnel at these locations ... were unaware of or unable to comply with ... detainee processing ... and interrogation" policies and legal standards;

### *(U) Resources*

- (U) "Military Intelligence units are not resourced with sufficient interrogators and interpreters."

(U) With regard to broader issues related to detention and interrogation operations, LTG Mikolashek recommended that:

- (U) the U.S. Army Training and Doctrine Command, in coordination with the Deputy Chief of Staff for Intelligence and The Judge Advocate General of the Army, "revise doctrine to identify interrogation ... techniques that are acceptable, effective and legal for non-compliant detainees;"
- (U) the U.S. Army Training and Doctrine Command and the Deputy Chief of Staff for

Operations "update the Military Intelligence force structure at the division level and below" to ensure adequately trained personnel are available in sufficient numbers to accomplish the mission;

- (U) the U.S. Army Training and Doctrine Command and the Provost Marshal General revise doctrine and policy "for the administrative processing of detainees to improve accountability, movement, and disposition in a non-linear battlespace;"
- (U) the U.S. Army Training and Doctrine Command "establish and identify resource requirements for a standardized Detainee Field Processing Kit" that will enable capturing units to properly secure and process detainees quickly, efficiently, and safely;"
- (U) the Deputy Chief of Staff for Operations "integrate a prescribed detainee operations training program into unit training," and
- (U) the Deputy Chief of Staff for Operations, "in coordination with the Office of the Judge Advocate General, mandate that ... Law of War training have specific learning objectives, be conducted by an instructor/evaluator in a structured manner, and be presented and evaluated annually using the established training conditions and performance standards."

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## (U) Fay Report

(U) As a result of MG Taguba's findings, the Commander, CJTF-7, LTG Sanchez, appointed the Assistant Deputy Chief of Staff, Army, G2, MG Fay, 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. LTG Sanchez specifically tasked MG Fay to examine whether 205th Military Intelligence Brigade personnel "requested, encouraged, condoned, or solicited Military Police" to abuse detainees, and whether 205th Military Intelligence Brigade personnel "comported with established interrogation procedures and applicable laws and regulations" during interrogation operations at Abu Ghraib.

(U) While portions of the Fay Report remain classified, a redacted version of the bulk of the report has been released to the public. MG Fay and other officials associated with the investigation have also provided public testimony before Congress on the matters contained in the report.

(U) In his report, MG Fay found military intelligence personnel "not to have fully comported with established interrogation procedures and applicable laws and regulations." He identified 44 "alleged instances or events of detainee abuse" by soldiers and contractors at Abu Ghraib during the period under investigation. In 16 of those 44 instances, MG Fay found the alleged abuse was "requested, encouraged, condoned or solicited" by

military intelligence personnel, although "the abuse ... was directed on an individual basis and never officially sanctioned." In 11 of those 16 instances, MG Fay found military intelligence personnel were "directly involved" in the alleged abuse.

(U) MG Fay defined abuse to include not only clearly criminal acts, such as the various forms of assault that occurred, but also the application of certain "non-doctrinal interrogation techniques" that he deemed to be unlawful: the use of military working dogs, nudity, and isolation. While the purposeless terrorization of minors by two particular Military Working Dog handlers, described in Incident 26, was grossly abusive by any measure, MG Fay also termed the mere presence of a silent, muzzled Military Working Dog during an interrogation, described in Incident 29, "abuse."

(U) In his findings, MG Fay provided a brief description of each of the 44 alleged instances of abuse, identifying a total of 50 individual soldiers and 4 individual contractors as either "responsible" or criminally "culpable" for each of the events. Of the 54 named as responsible or culpable, 10 soldiers had already been referred for disciplinary action under the Uniform Code of Military Justice. Of the remaining 44 soldiers and contractors, MG Fay believed 27 to be "culpable" in one or more instance of abuse, while he assessed 17 soldiers and contractors to have become involved in abuse as a result of "misunderstanding of policy, regulation or law." MG Fay found that responsibility for the abuse extended up to the commanders of the 205th

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Military Intelligence Brigade and the 800th Military Police Brigade.

(U) MG Fay also found that "systemic problems ... also contributed to the volatile environment in which the abuse occurred." By MG Fay's count, he made 24 additional findings and two observations regarding "systemic failures." The major contributing factors "included inadequate interrogation doctrine and training," a "lack of a clear interrogation policy for the Iraq Campaign," "acute" shortages of military police and military intelligence personnel, a "lack of clear lines of responsibility" between military police and military intelligence, in doctrine, training, and operations, and "intense pressure felt by personnel on the ground to produce actionable intelligence from detainees."

(U) MG Fay found that "inadequacy of doctrine for detention ... and interrogation operations was a contributing factor to the situations that occurred at Abu Ghraib." Noting that existing Army interrogation doctrine, published in the 1992 Field Manual 34-52, "Intelligence Interrogation," is designed for the tactical interrogation of Enemy Prisoners of War in a conventional conflict, MG Fay observed that various "non-doctrinal approaches, techniques and practices were developed and approved" for the strategic interrogation of unlawful combatants "in the Global War on Terrorism." According to MG Fay, the soldiers and contractors at Abu Ghraib "were not trained on non-doctrinal

interrogation techniques" used in Afghanistan and Guantanamo, yet "the non-doctrinal, non-field manual approaches and practices" approved for limited use in those other theaters of operation were introduced into Abu Ghraib by the transfer of both "documents and personnel" from Afghanistan and Guantanamo. "These techniques became confused at Abu Ghraib and were implemented without proper authorities or safeguards," contributing both directly and indirectly to the conduct defined by MG Fay as abuse.

(U) MG Fay also found that what he called "theater Interrogation and Counter-Resistance Policies (ICRP)," the interrogation policies promulgated by CJTF-7, were "poorly defined, and changed several times," and that "as a result, interrogation activities sometimes crossed into abusive activity." He observed that "by October 2003," just prior to the most egregious abuses at Abu Ghraib, the Combined Joint Task Force 7 "interrogation policies in Iraq had changed three times in less than thirty days and it became very confusing as to what techniques could be employed and at what level non-doctrinal approaches had to be approved."

(U) MG Fay found that "acute" shortages of both military intelligence and military police personnel also contributed to abuses at Abu Ghraib. By his count, 6 different military intelligence battalions and groups were called upon to provide the 160 military intelligence personnel conducting and

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supporting interrogation operations in the Joint Interrogation and Debriefing Center (JIDC) at Abu Ghraib by December 2003. These soldiers were supported at various times by a Mobile Training Team from Fort Huachuca, Arizona, three Tiger Teams from Guantanamo Bay, contract interrogators from CACI International, and contract linguists from the Titan Corporation. Because "the JIDC was created in a very short period of time with parts and pieces," MG Fay found, "it lacked unit integrity, and this lack was a fatal flaw."

(U) MG Fay found that clear conflicts between military police and military intelligence doctrine, training and guidance caused "predictable tension and confusion" which "contributed to abusive interrogation practices at Abu Ghraib." "The military police," he noted, "referenced DoD-wide regulatory and procedural guidance that clashed with the theater interrogation and counter-resistance policies that the military intelligence interrogators followed." "Further," MG Fay concluded, "it appeared that neither group knew or understood the limits of the other group's authority. He also found that the lack of clear lines of responsibility between military police and military intelligence, combined with the leadership's failure to monitor operations adequately, caused the systemic safeguards to ensure compliance and to protect against abuse to fail."

(U) MG Fay found that "intense pressure felt by personnel on the ground to produce action-

able intelligence from detainees" was a "contributing factor to the environment that resulted in abuses." He found that the "pressure for better results" manifested itself at least in part in "directed guidance and prioritization from higher ... to pursue specific lines of questioning with specific detainees, and high priority VFR Direct taskings to the lowest levels in the JIDC." Although "this pressure should have been expected in such a critical situation," MG Fay concluded that it "was not managed by the leadership."

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