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(U) This aspect of the GTMO model in which MPs help to set the conditions for subsequent interrogations by collecting information on detainees and assisting with interrogation techniques outside the interrogation room has been the subject of much controversy in wake of the abuses at Abu Ghraib. In his September 2003 report on intelligence operations in Iraq, MG Miller, then-Commander of JTF-GTMO, stated that detention operations "must act as an enabler for interrogation," by helping to "set conditions for successful interrogations." Furthermore, he argued, it is "essential that the guard force be actively engaged in setting the conditions for successful exploitation of the internees," and that "[j]oint strategic interrogation operations are hampered by a lack of active control of the internees within the detention environment." These statements have been heavily criticized in the media as a causal factor in the detainee abuses committed by MPs at Abu Ghraib, which some of these MPs claim were directed by MI personnel.

(U) Much of this criticism is unfair, and flows both from a misunderstanding of the GTMO model and of basic MP and MI doctrine. As an initial matter, MG Miller's reference to the guard force acting as an "enabler" for interrogation and

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"setting the conditions" for successful interrogations clearly was not intended to turn MPs loose to violently and sexually abuse detainees, as no approved interrogation techniques at GTMO are even remotely related to the events depicted in the infamous photographs of Abu Ghraib abuses. As the Independent Panel observed, the pictured abuses represented "deviant" and "aberrant" behavior on the night shift at Cell Block 1 at Abu Ghraib, and it is merely "an excuse for abusive behavior toward detainees" to try to link this type of behavior to MG Miller's recommendation that MPs should set favorable conditions for interrogations.

(U) Just as importantly, both MP and MI doctrine clearly state the requirement that, at a minimum, all detainees must be treated humanely. Thus, there is no room for the argument that the pictured abuses were the inevitable consequence of MPs "setting the conditions" for interrogations. If an MP ever did receive an order to abuse a detainee in the manner depicted in any of the photographs, it should have been obvious to that MP that this was an illegal order that could not be followed. Not surprisingly, the MPs who have been charged in the Abu Ghraib abuses have begun to acknowledge this fact. For example, on October 20, 2004, when pleading guilty to conspiracy and maltreatment of detainees; dereliction of duty, assault and committing an indecent act, Staff Sergeant Ivan Frederick stated that "I was wrong about what I did, and I shouldn't have done it. I knew it was wrong at the time because I knew it was a form of abuse."

Likewise, if an interrogator or MI leader ever gave such an order, that person should have known that such an order was specifically prohibited by both law and doctrine, and could not have legitimately believed that it was part of "setting the conditions" for subsequent interrogations.

(U) Some of the criticism of MG Miller's recommendations has its roots in the limited discussion of MP and MI doctrine in the Ryder and Taguba Reports. The Ryder Report devoted only a single paragraph to analyzing the relationship between MP and MI units, but in that paragraph flatly rejected the Miller Report's views on MP/MI coordination by observing that "[r]ecent intelligence collection in support of Operation ENDURING FREEDOM has posited a template whereby military police actively set favorable conditions for subsequent interviews. Such actions generally run counter to the smooth operation of a detention facility, attempting to maintain its population in a compliant and docile state." The report did concede that MPs were "adept at passive collection of intelligence within a facility," but made clear that MP coordination with intelligence collection should go no further than that. The report therefore recommended that procedures be established "that define the role of military police soldiers securing the compound, clearly separating the actions of the guards from those of the military intelligence personnel." The Taguba Report specifically concurred with the Ryder Report, and argued that "Military Police should not be involved with

149

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COPY NUMBER ONE



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setting "favorable conditions" for subsequent interviews" noting that such actions "clearly run counter to the smooth operation of a detention facility" (emphasis in original).

(U) Both the Ryder and Taguba Reports, therefore, rejected a key ingredient of the GTMO model: MP participation in interrogation techniques outside the interrogation room that help to set the conditions for subsequent interrogations. Neither report, however, offered much analysis of this issue - the Ryder Report's analysis was contained in one paragraph, and the Taguba report essentially echoed the Ryder Report's conclusions - and thus it is difficult to know precisely why MGs Ryder and Taguba rejected this part of the GTMO model. To the extent that they rejected it because they believed it was prohibited by doctrine, we disagree with this position because, as explained earlier, MP and MI doctrine are silent on whether (and how) MPs should assist with interrogation techniques employed outside the interrogation room. And to the extent that they rejected it because they believed that it encouraged detainee abuse by MPs, we again disagree, because both MP and MI doctrine are unequivocal on the issue of humane treatment of detainees and none of the pictured Abu Ghraib abuses are in any way related to approved interrogation techniques that have been employed at GTMO outside the interrogation room.

(U) At bottom, both the Ryder and Taguba Reports rejected the idea of MPs "setting favorable

conditions for subsequent interviews" because the reports were primarily concerned with detention - rather than intelligence - operations. This concern was reflected in the statement that having MPs involved in intelligence operations in this manner would "run counter to the smooth operation of a detention facility, attempting to maintain its population in a compliant and docile state." Without rejecting this statement out of hand, we believe that it underestimates the importance of intelligence collection operations, which in our view may be aided by close - but carefully controlled - coordination between MP and MI units. As the Independent Panel noted, "the need for human intelligence has dramatically increased in the new threat environment" that our country faces in the Global War on Terror, and the "[i]nformation derived from interrogations is an important component of this human intelligence." Moreover, part of the lessons learned from OEF and earlier phases of OIF are "the need for doctrine tailored to enable police and interrogators to work together effectively," and "the need for MP and MI units to belong to the same tactical command." This necessarily involves more than MPs simply collecting intelligence on detainees - it includes, for example, MPs "supporting incentives recommended by military interrogators."

(U) None of this close coordination between MP and MI units would be possible, however, under the conception of MP/MI relations set forth in the Ryder and Taguba Reports, which rejected any active MP role in setting the conditions for

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subsequent interviews and advocated "clearly separating the actions of the guards from those of the military intelligence personnel." We therefore respectfully part company with the Ryder and Taguba Reports on this issue. The approach advocated in these reports runs the risk, to quote COL Herrington from his GTMO report, of the detention mission "tail wagging the intelligence dog," and does not adequately account for the importance of human intelligence in the Global War on Terror. It is entirely appropriate, indeed essential, for MPs to help set the conditions for successful interrogations - both by collecting intelligence on detainees, and by carrying out approved interrogation techniques outside the interrogation room. Before carrying out this mission, of course, MPs should be properly trained on implementing the techniques. And they should receive their tasking from a central authority - not via casual conversations with MI personnel. Further, we agree with the Independent Panel that MP and MI units should belong to the same tactical command, which makes close coordination between these units possible.

(U) Current MP and MI doctrine, however, needs to be updated to reflect these realities. As noted above, current doctrine leaves many of the specifics about the proper relationship between MP and MI units unanswered. As the Jones Report correctly observed, doctrine states that MPs "can enable, in coordination with MI personnel, a more successful interrogation." Unfortunately, however, "[e]xact procedures for

how MP Soldiers assist with informing interrogators about detainees or assist with enabling interrogations can be left to interpretation." Doctrine should not leave such important matters to interpretation. Accordingly, it requires revision, and we suggest the following points for consideration:

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151

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(U) Tiger Team Approach to Interrogations

~~(S)~~ Another key element of the GTMO model is the use of "Tiger Teams" who prepare for and carry out interrogations.

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(U) Adequate Resources and Oversight

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(U) Effective intelligence collection also requires adequate manpower. Since the beginning of detention operations, GTMO has enjoyed a relatively stable ratio of 1.5 MPs for every detainee. This high ratio, as the Independent Panel observed, fosters close coordination between military police and military intelligence because MPs have the time and resources to collect intelligence on detainees and "support incentives recommended by the military interrogators." In contrast, as the Independent Panel pointed out, stood the situation at Abu Ghraib, where "the ratio of military police to repeatedly unruly detainees was significantly smaller, at one point 1 to about 75 . . . making it difficult even to keep track of prisoners." Moreover, while GTMO is not strictly a doctrinal detention facility (because it is not located near a combat zone, or otherwise attached to an Army unit in battle), the MP to detainee ratio at GTMO compares favorably with detention doctrine. GTMO is most analogous to an Internment/resettlement (I/R) facility, which by doctrine is capable of holding up to 4,000 detainees and is supported by an MP I/R battalion. The doctrinal MP to detainee ratio at a full capacity I/R facility supported by a fully staffed MP I/R battalion would be approximately 1 to 8, which is significantly lower than at GTMO.

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153

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## (U) Comparison of Interrogation Techniques Approved and Employed

(U) At bottom, our investigation of interrogation techniques was focused on two principal areas: the development of approved techniques, and what techniques were actually used by interrogators on the ground. A comparison between these two illuminates whether interrogation policy was adequately followed. The chart on the next page provides a comprehensive picture of both approved and employed interrogation techniques at GTMO, which enables such a comparison to be made.

(U) A few words of explanation regarding the chart. First, the interrogation techniques are listed on the vertical axis. In order to facilitate comparison among GTMO, Afghanistan and Iraq, this list comprises the universe of possible interrogation techniques from all three locations. At times, the respective commands used different

nomenclature to describe the same (or very similar) techniques; therefore, the list of techniques represents our best effort to harmonize the nomenclature across all three theaters. The techniques are organized as follows:

- (U) Techniques 1-20: Techniques specifically associated with FM 34-52 (the 17 doctrinal techniques, plus Change of Scene Up and Down both broken out separately, plus Mutt and Jeff, which was in the 1987 version of FM 34-52);
- (U) Techniques 21-37: The counter resistance techniques approved in the Secretary of Defense's December 2, 2002 memorandum (deception is listed as a separate technique because it is closely related to the Category I techniques from the December 2, 2002 memorandum, and presence of military working dog is also listed as a separate technique);
- (U) Techniques 38-40: Techniques approved in the Secretary's April 16, 2003 memorandum that were in addition to the counter resistance techniques;
- (U) Techniques 41-50: Techniques taken from a variety of sources, including proposed or approved techniques in Afghanistan or Iraq, techniques considered by the Detainee Interrogation Working Group, as well as techniques used during U.S. military SERE training; and
- (U) Techniques 51-58: Techniques prohibit-

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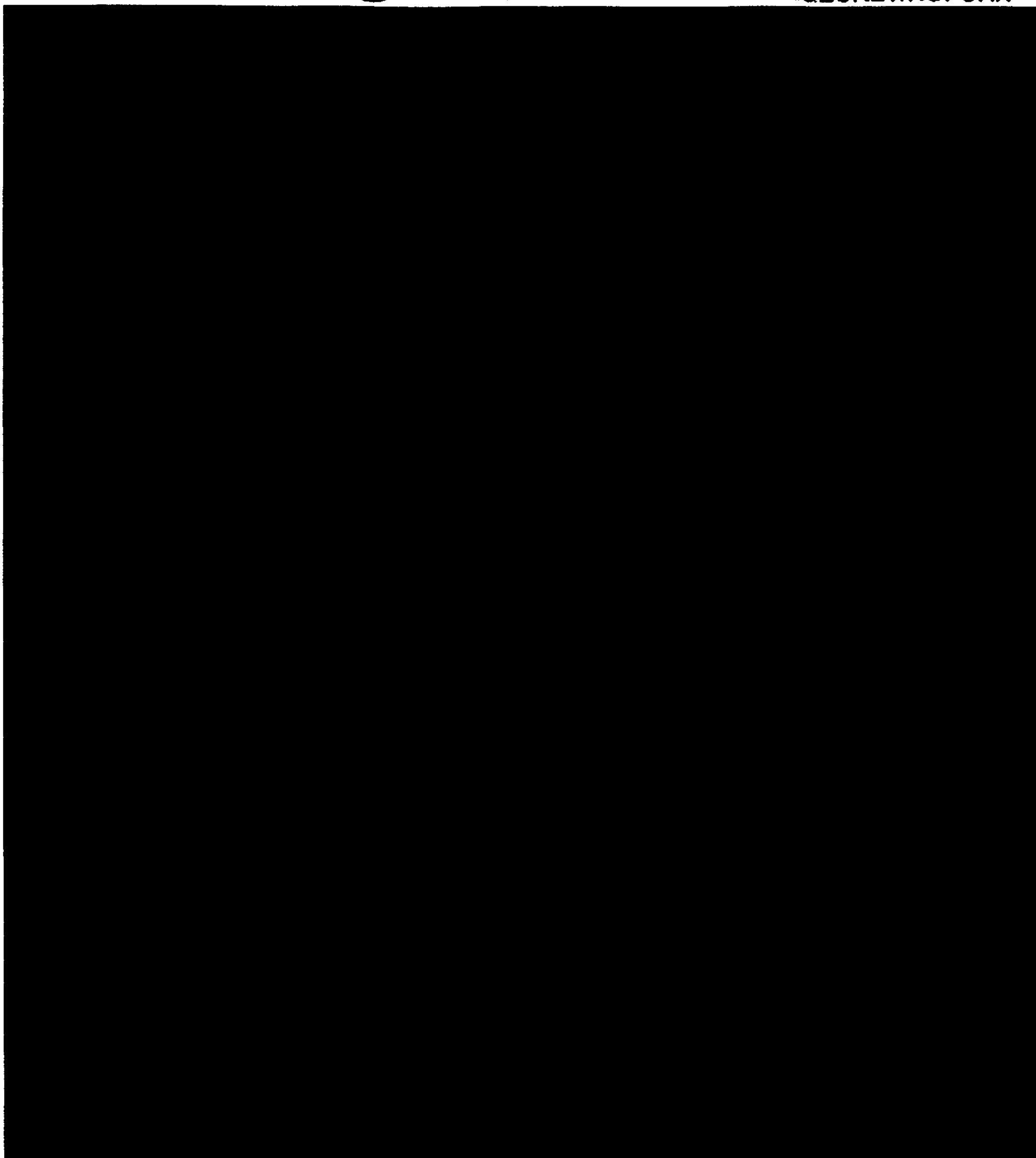
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ed by law or policy across all areas and never approved for use.

The Comments section of the chart provides, where appropriate, explanatory information about the interrogation policy governing particular techniques.

(U) Second, the various interrogation policies are presented in chronological order across the horizontal axis. This begins with the FM 34-52 guidance, followed by the Secretary's December 2, 2002 memorandum, followed by his rescission of that memorandum on January 15, 2003, and finally the current guidance, which has been in effect since April 16, 2003.

(U) Third, the colors on the chart represent the approval status of a particular technique at a particular time. In order of most to least permissive status, green indicates that a particular technique was approved for general use; white means that no official guidance was given for the technique; yellow indicates that policy identifies the particular technique, but that the technique is not to be used without advance notice to and approval by the Secretary; orange means that the technique is not specifically identified by policy, but the policy in effect at the time forbids the use of non-identified techniques without advance notice to and approval by the Secretary; and red represents techniques that are prohibited by law or policy under all circumstances.

(U) Fourth, the X markings on the chart indicate where techniques were actually employed, while bracketed X markings ("[X]") indicate where techniques that required advance notice and approval were employed with such notice and approval. Thus, any X markings in yellow or orange areas (where advance notice and approval are required) are *potentially* problematic, because they would indicate situations in which such advance notice and approval were not sought and yet the techniques were nevertheless employed. Any X markings in red areas would, of course, be troublesome because this would indicate where prohibited techniques were employed. While the placement of X and [X] markings on this chart helps to illuminate whether interrogation policy was followed, it is important to understand the limitations of these markings. Most significantly, they do not indicate the frequency with which a particular technique was employed - they merely indicate that our investigation showed that the particular technique was employed at *least once* in the designated time period. Frequency of use is addressed in more detail in the fuller discussion of the Chart that appears below.

### (U) Overall Compliance With Approved Techniques

(U) An initial examination of the chart reveals that interrogations at GTMO have generally followed the approved policy, with some notable exceptions. There are four X markings in the red,

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prohibited areas, but these represent isolated incidents. There are several X markings in orange and yellow areas, but most of these represent either use of techniques that arguably fall within the broad guidance of FM 34-52 and therefore are not particularly problematic, or situations in which particular techniques were used only once under specific circumstances. There are also several X markings in white areas, but this is not particularly surprising. Interrogation policy did not always list every conceivable technique that an interrogator might use, and interrogators often employed techniques that were not specifically identified by policy but nevertheless arguably fell within its parameters.

(U) We found that from the beginning of interrogation operations to the present, interrogation policies at GTMO were effectively disseminated to interrogators and the interrogators had a good, working knowledge of these policies. Moreover, the close compliance with interrogation policy was due in large part to those aspects of the GTMO model discussed above: a command organization that placed detention and intelligence operations under the command of a single entity, JTF-GTMO; effective coordination between interrogators and military police; adequate detention and interrogation resources; and well-developed standard operating procedures. Strong command oversight and effective leadership also played important roles in ensuring that interrogators followed approved policy.

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157

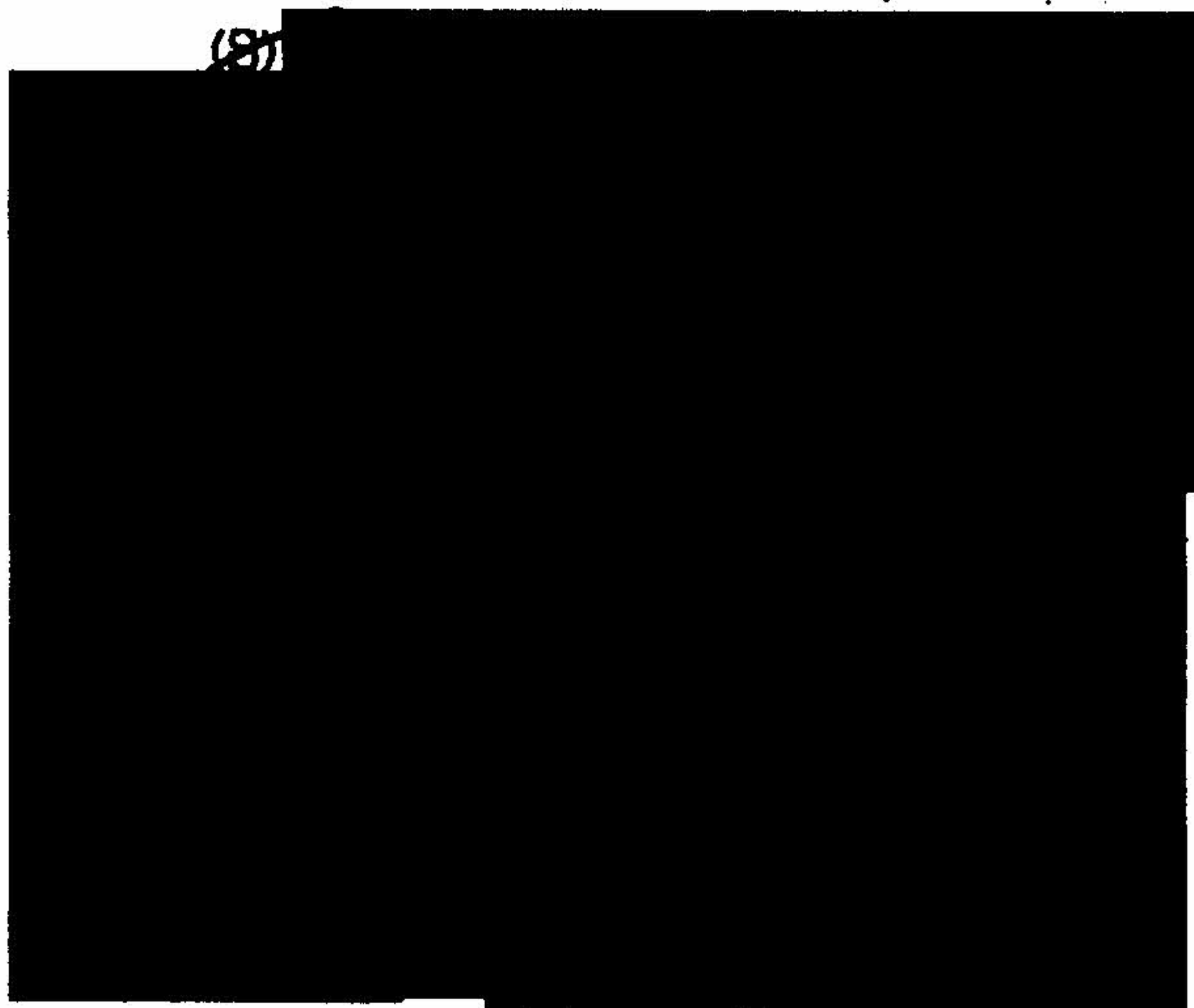
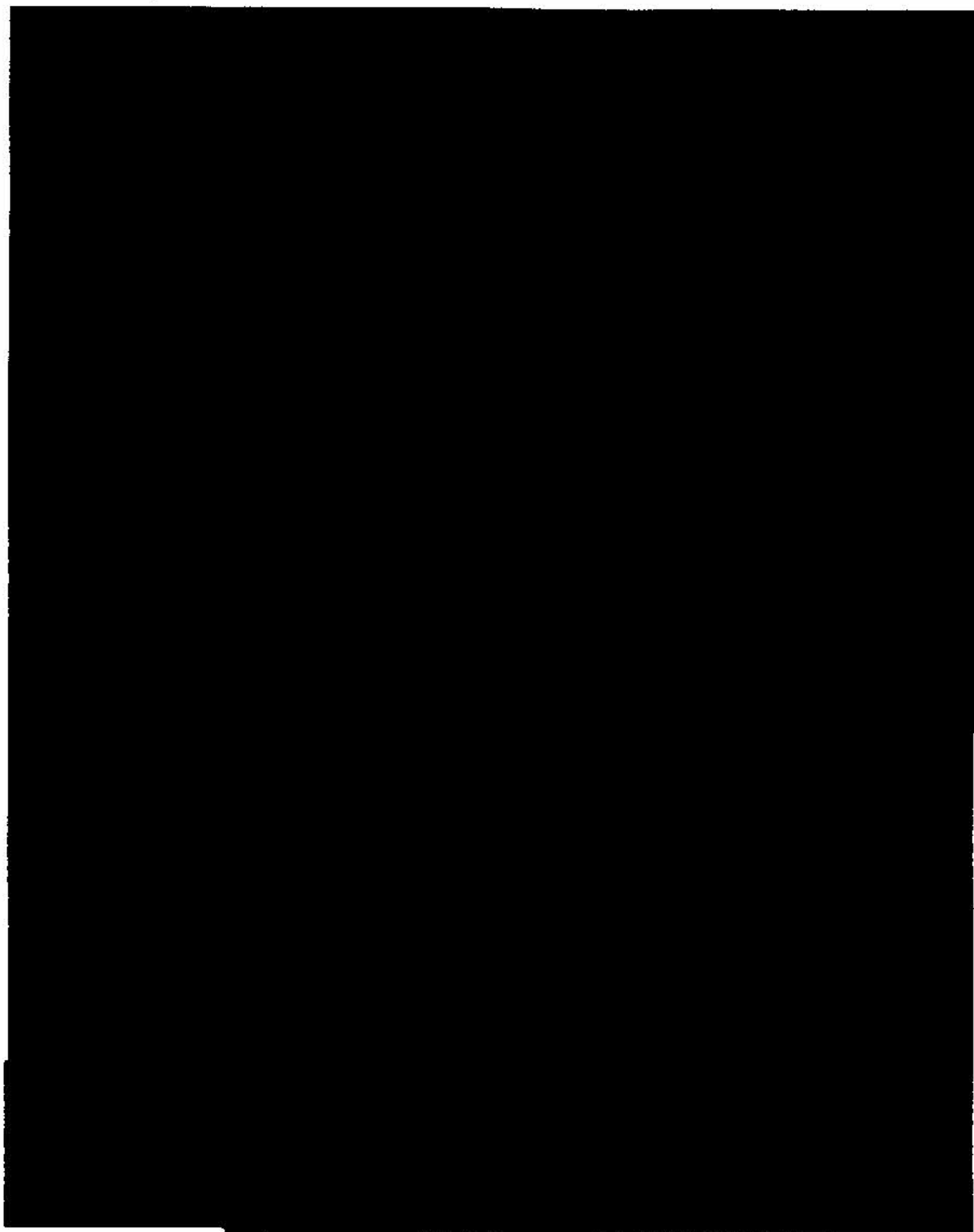
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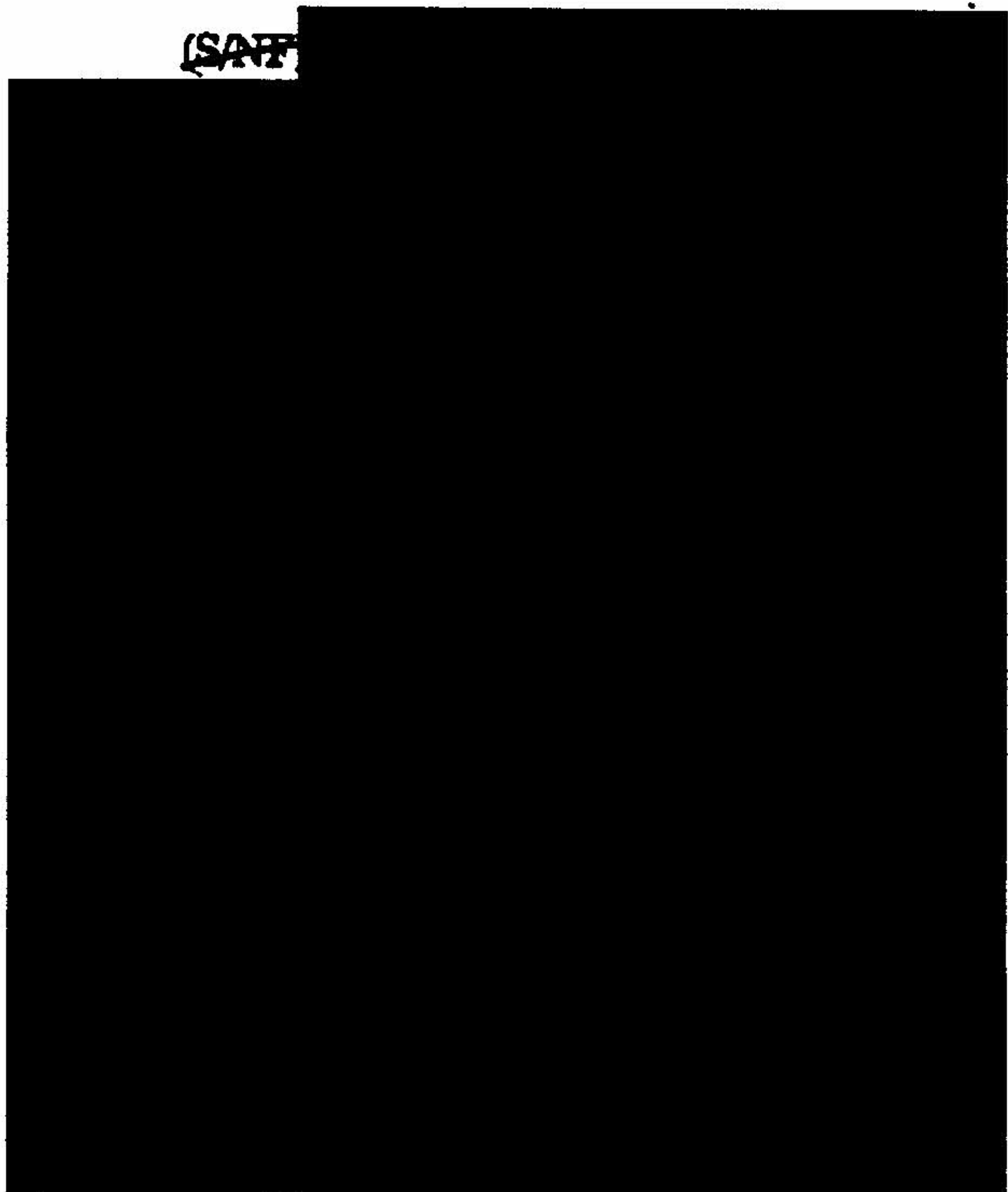
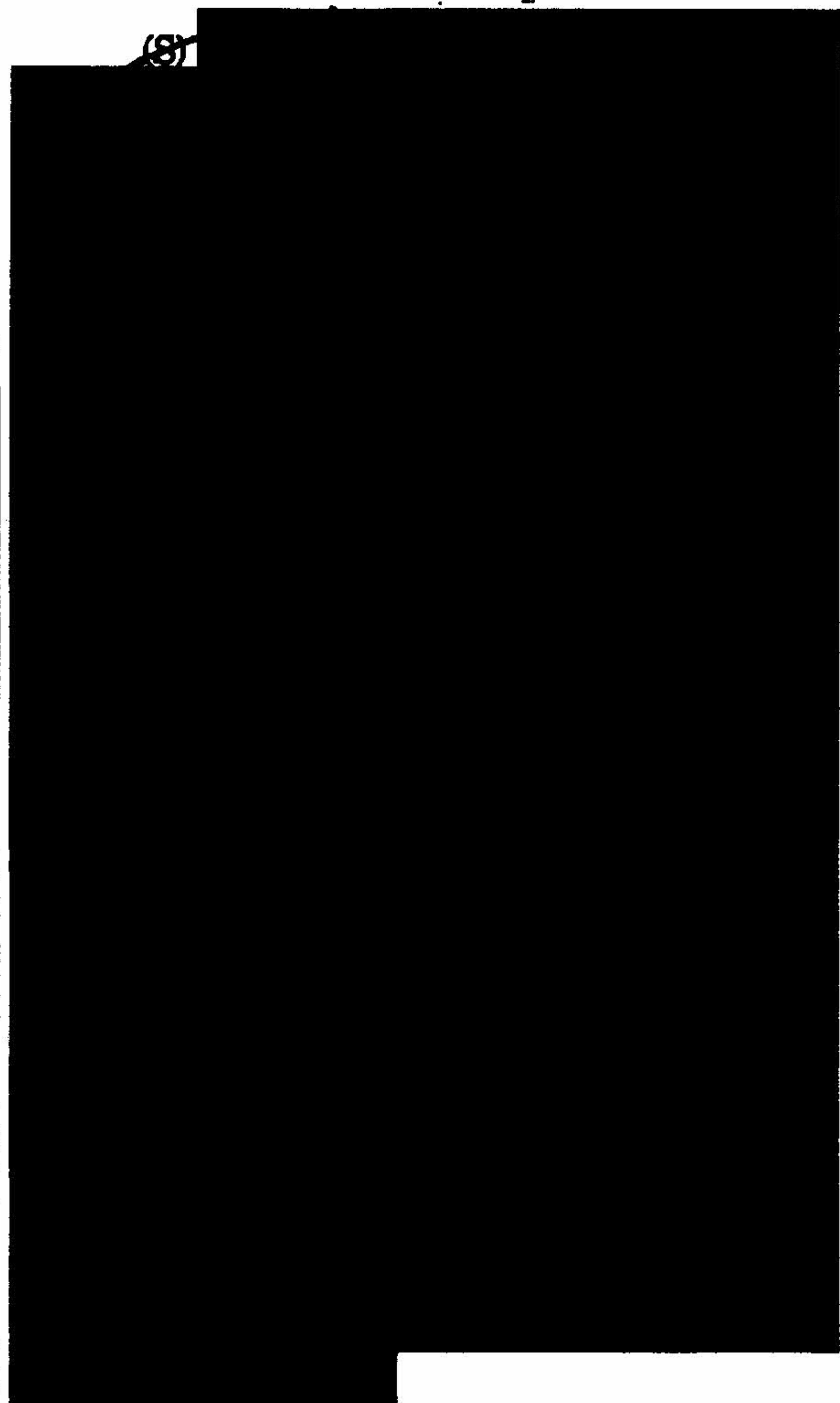
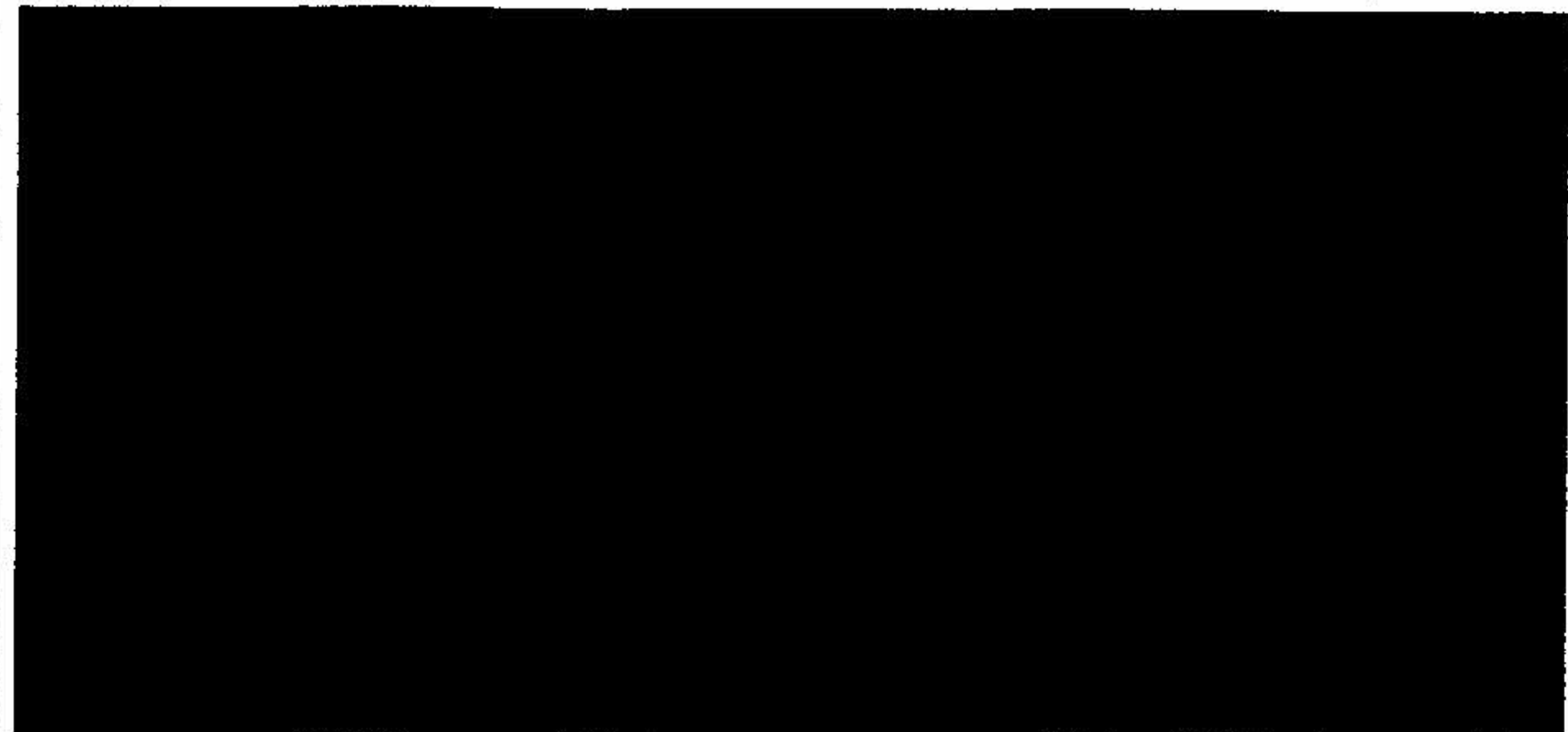
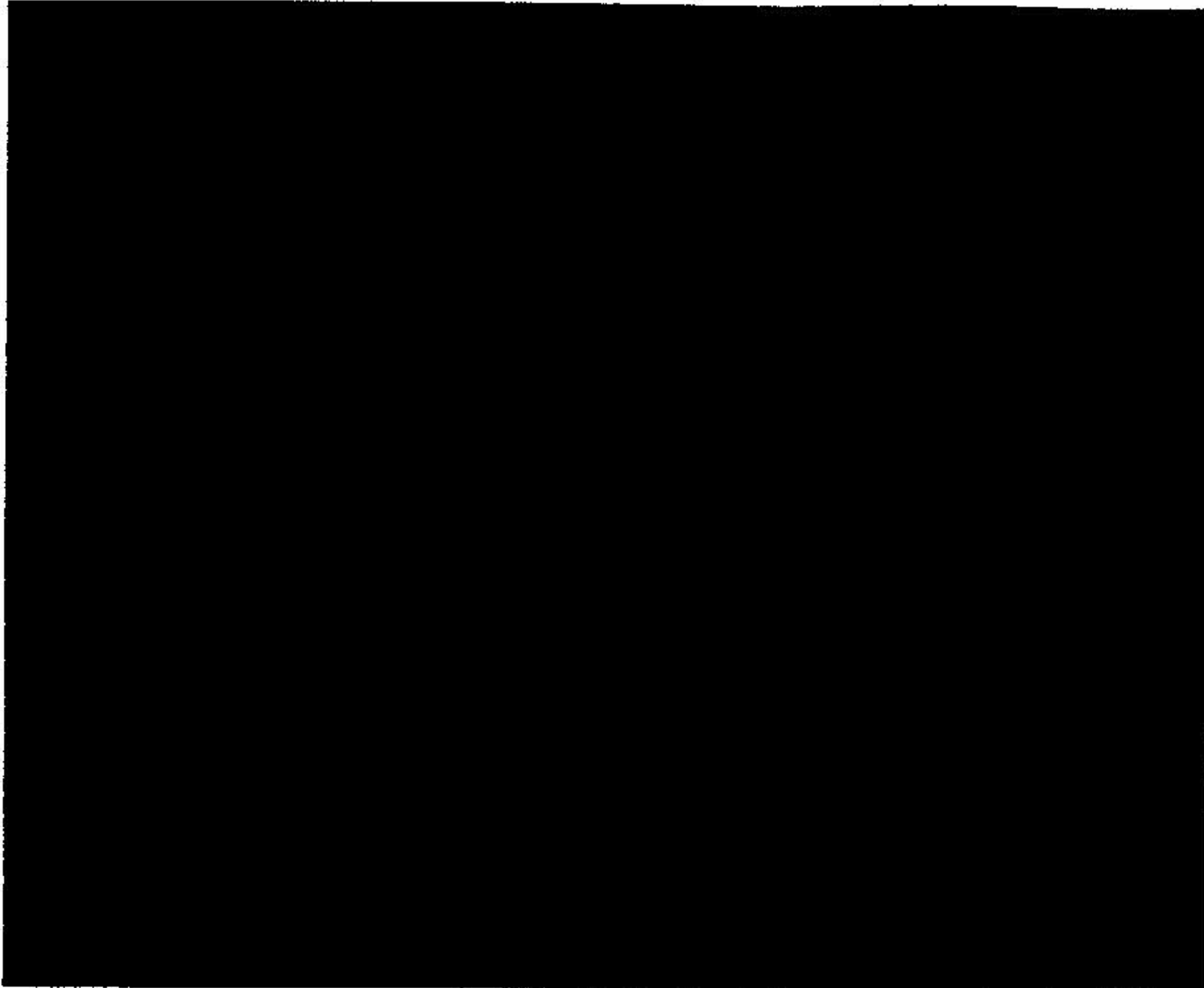
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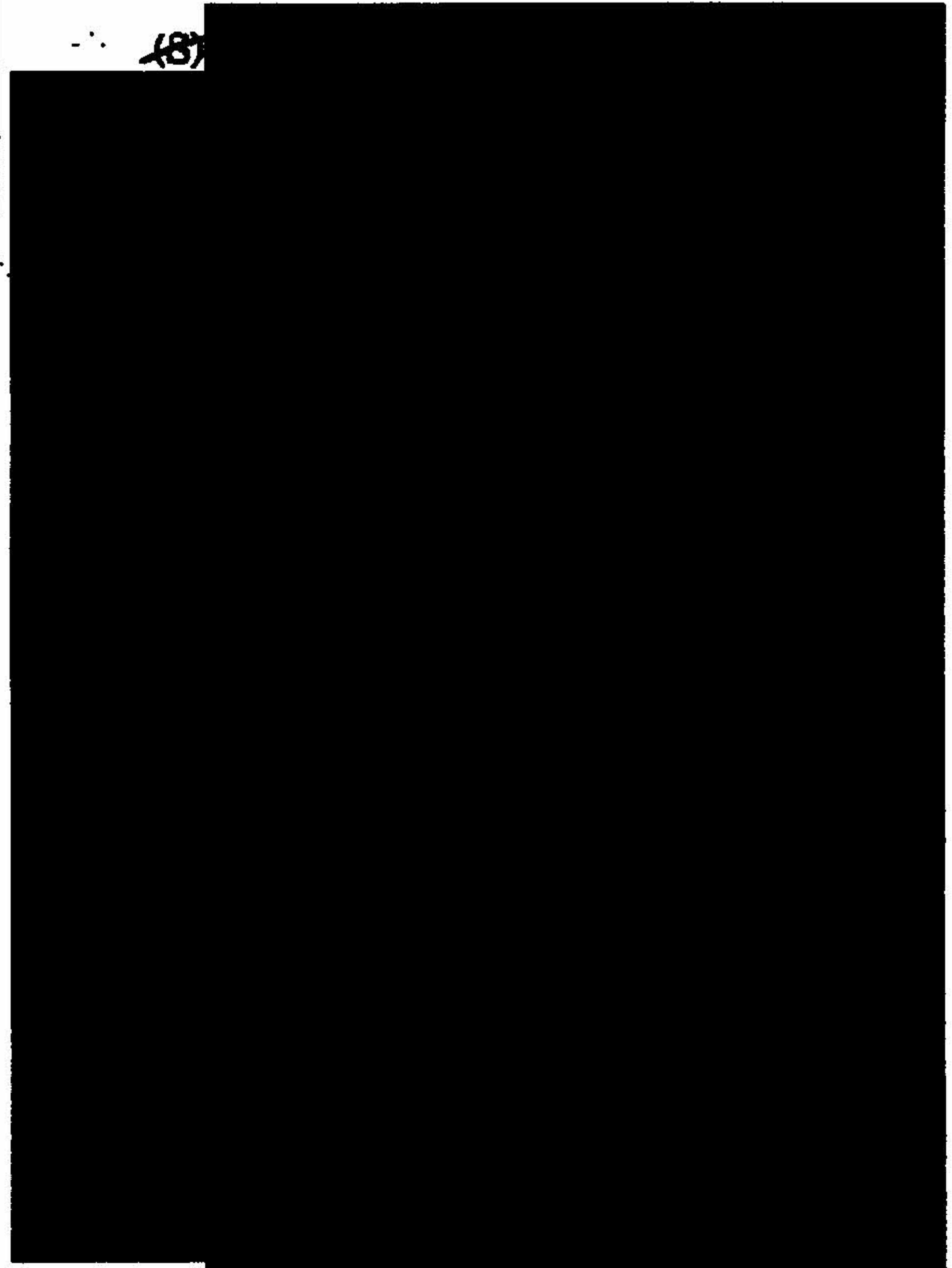
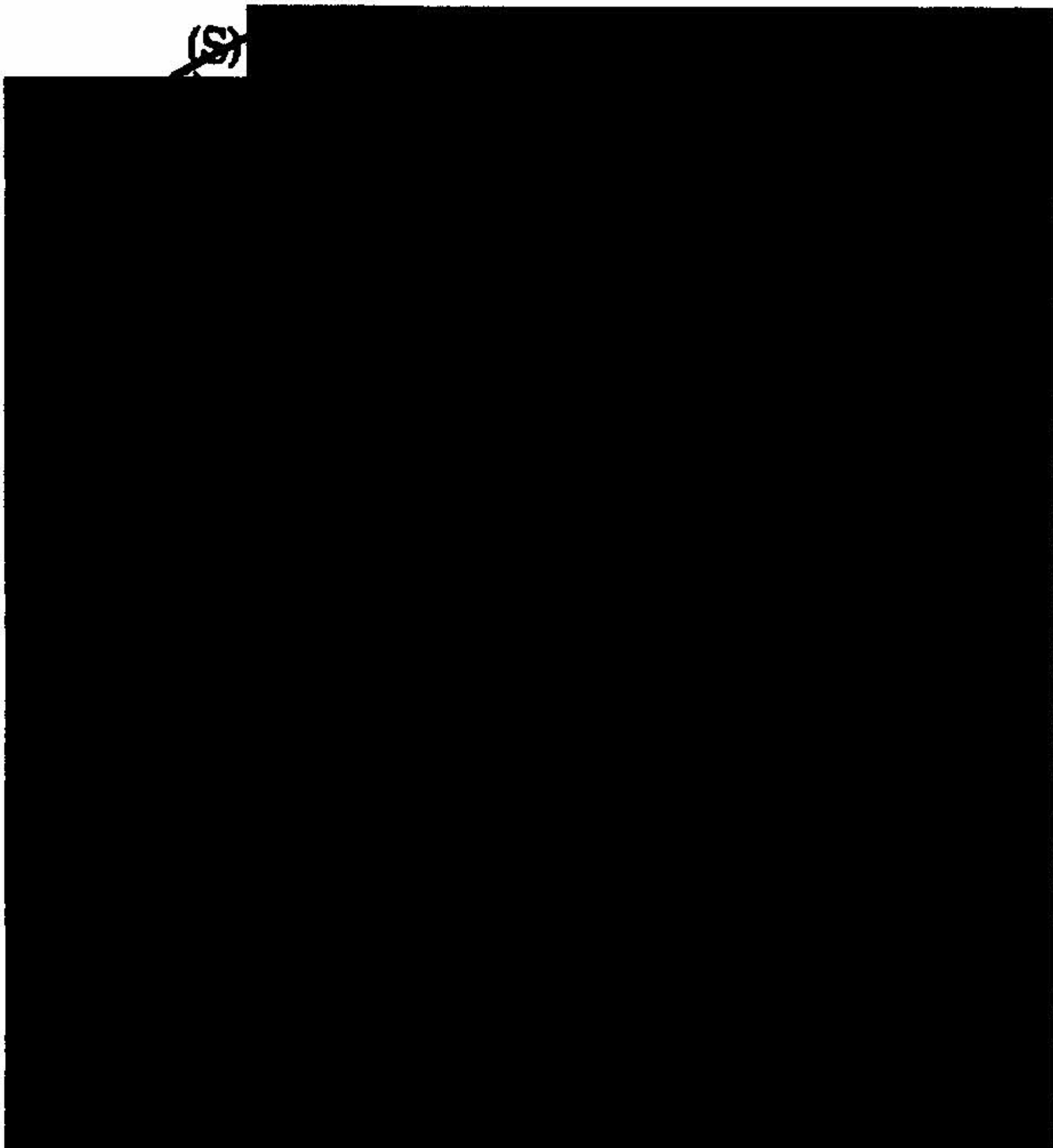
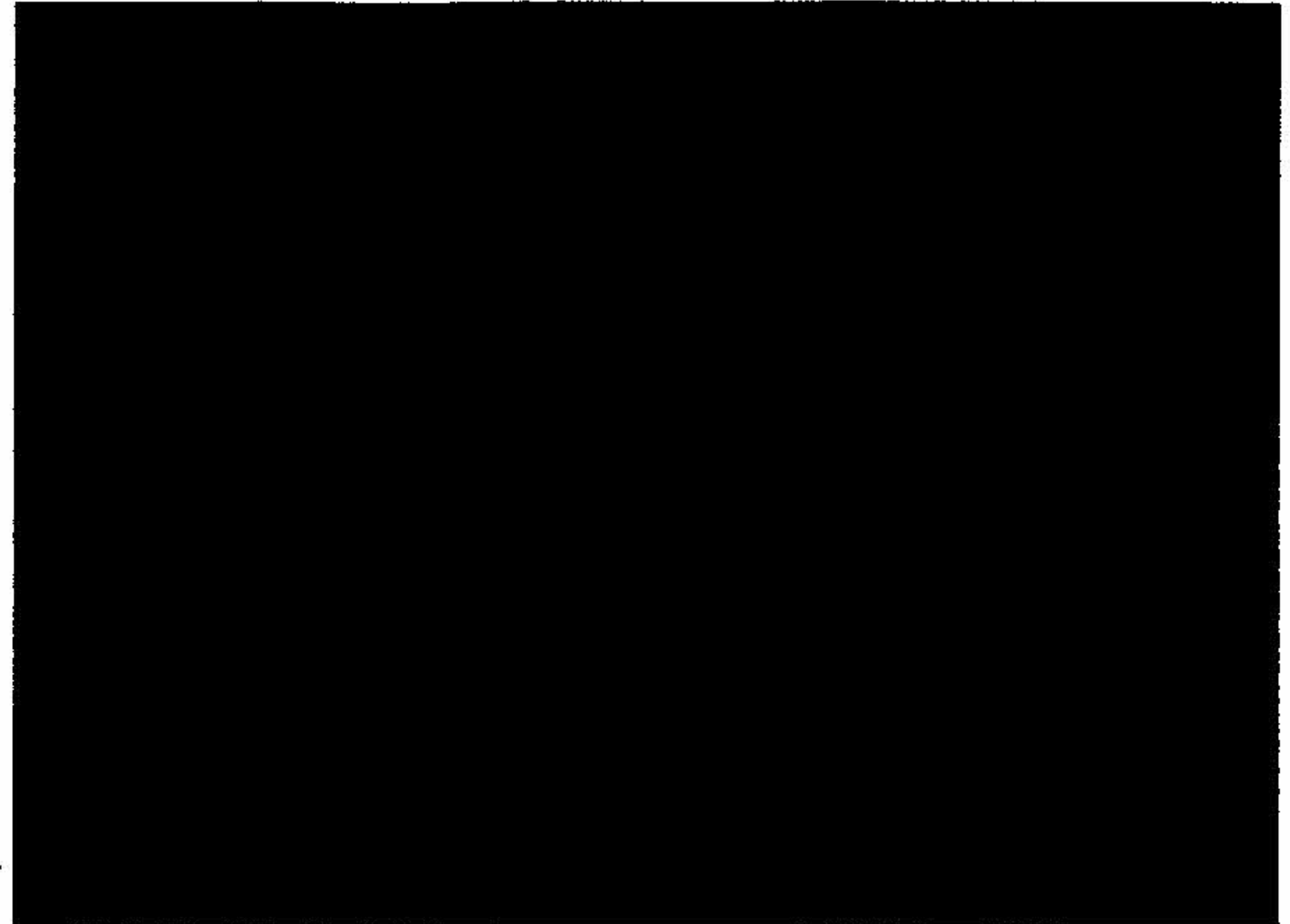
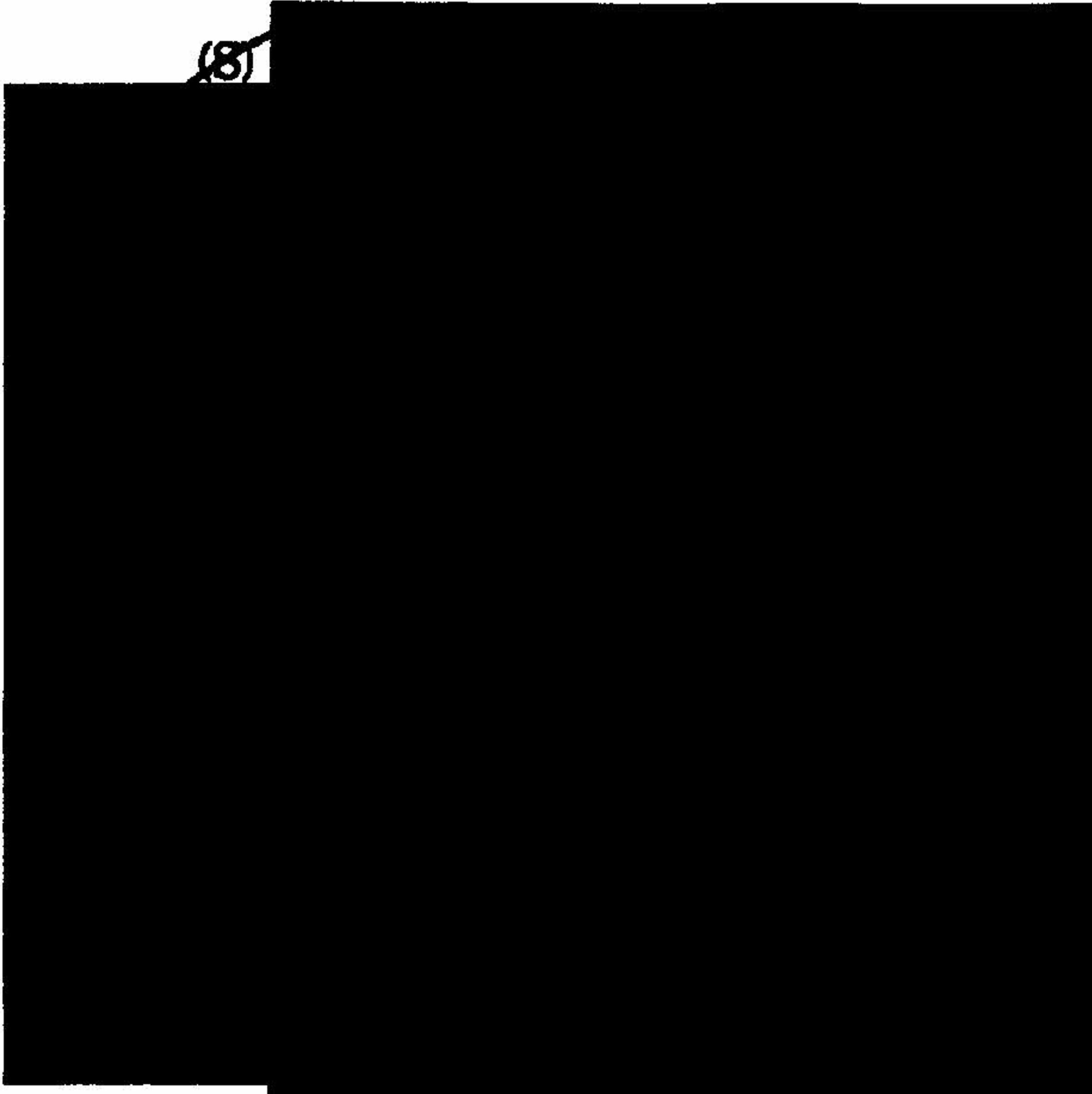
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