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otherwise prohibited by policy. None of these techniques have ever been approved in Afghanistan. Of these, three (marked with X) are alleged to have been employed during interrogations. These techniques - sleep deprivation, the use of scenarios designed to convince the detainee that death or severely painful consequences are imminent for him and/or his family, and beating - are alleged to have been used in the incidents leading to the two deaths at Bagram in December 2002, which are described at greater length later in this report.

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Migration of Interrogation Techniques (U)

(U) Early Migration

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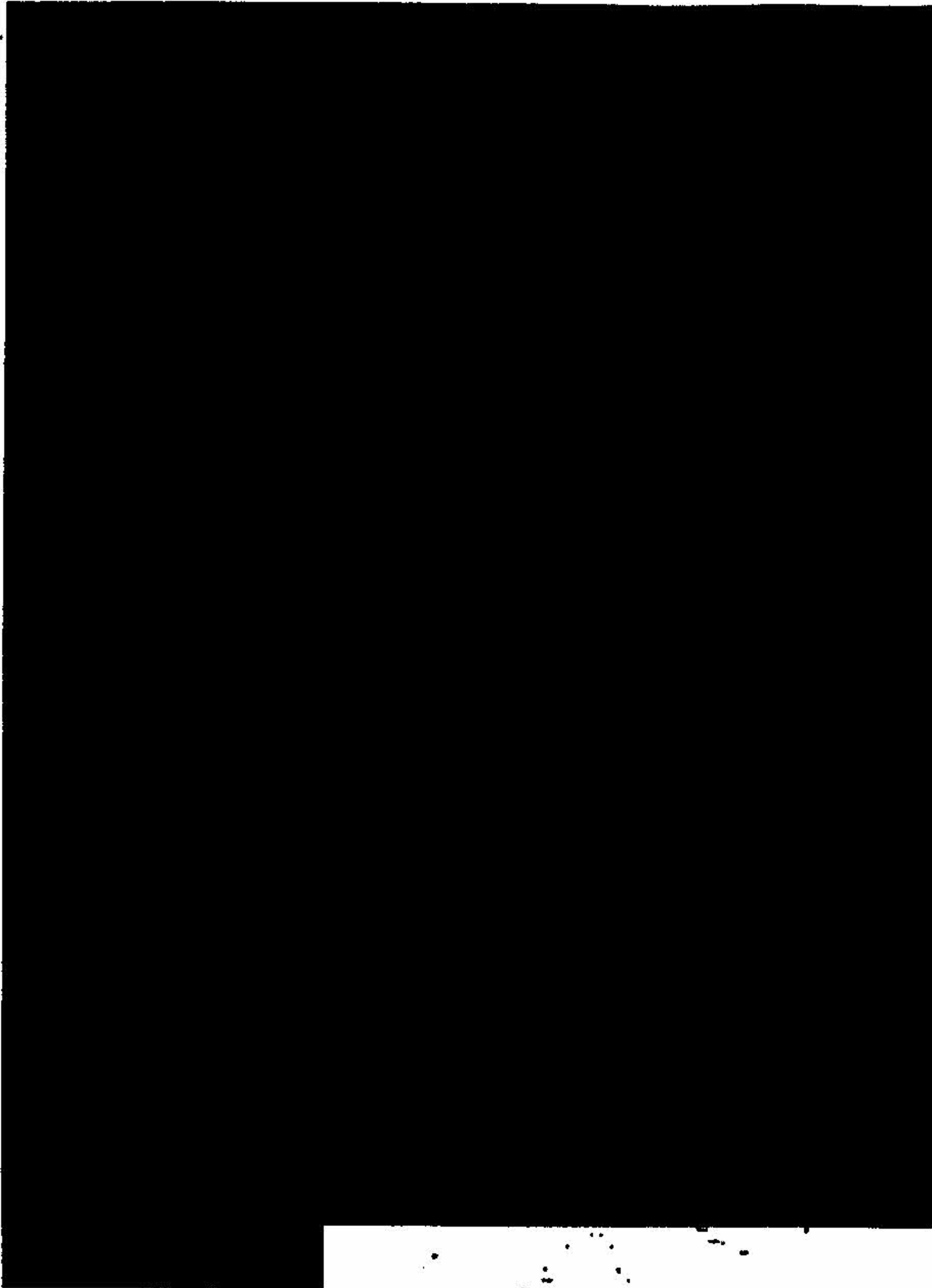
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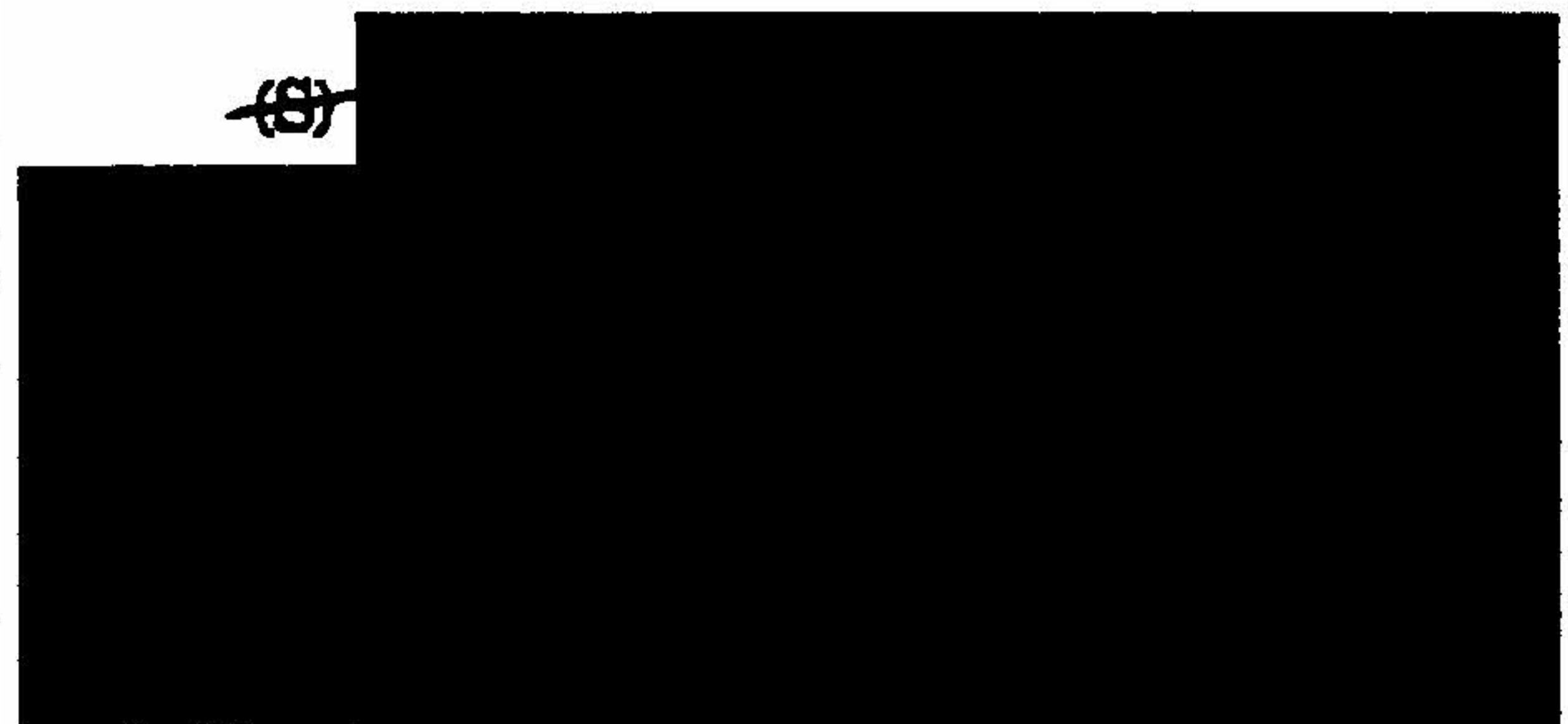
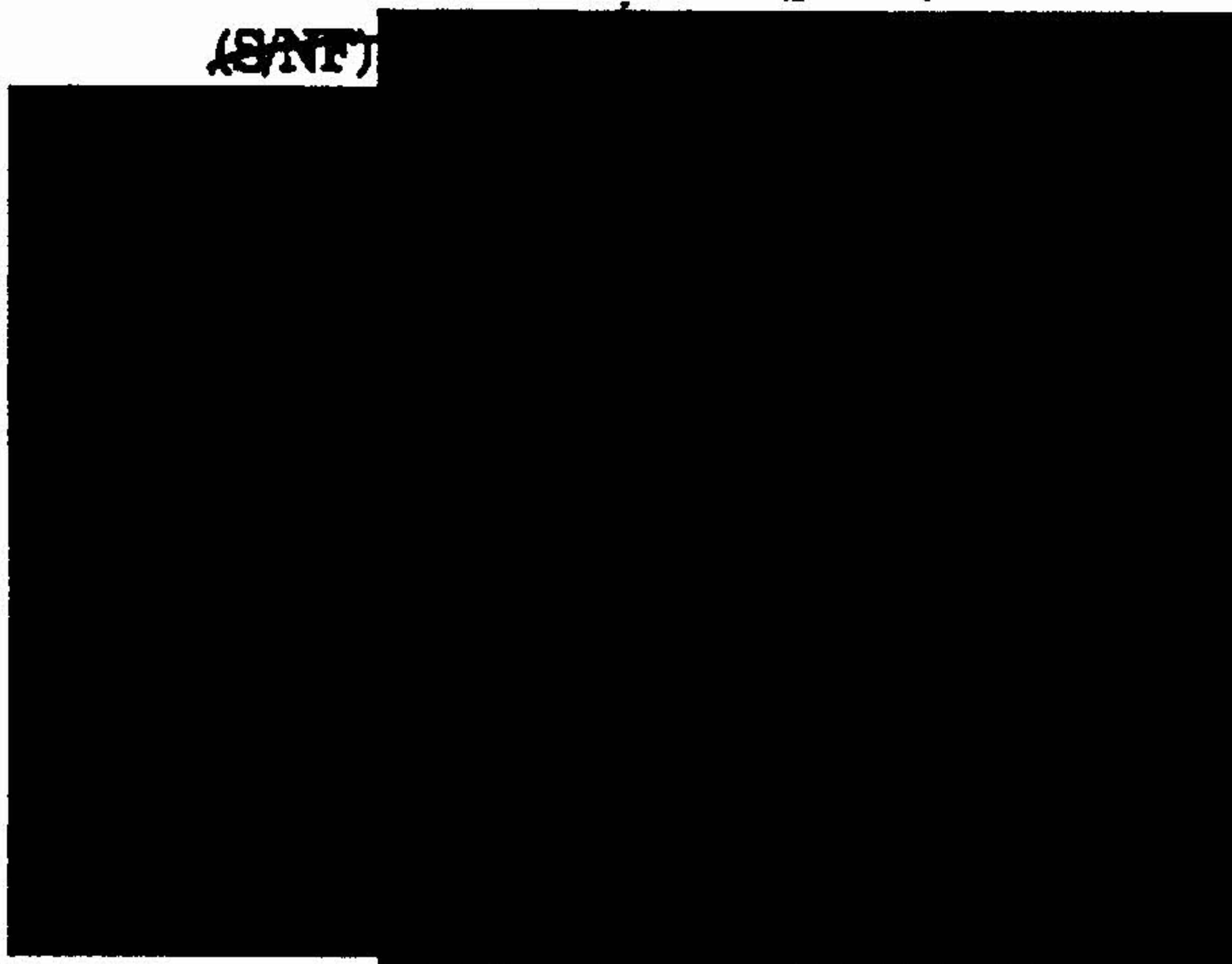
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(U) In sum, the most plausible explanation for the existence of additional techniques in Afghanistan prior to the migration of the December 2002 GTMO interrogation policy was that interrogators, drawing on their training and experience, developed these techniques in the context of a broad reading of FM 34-52, as has been previously discussed.

(U) The March 2004 Guidance



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[REDACTED]

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[REDACTED]

[REDACTED]

(U) Other Migration

~~(S)~~

[REDACTED]

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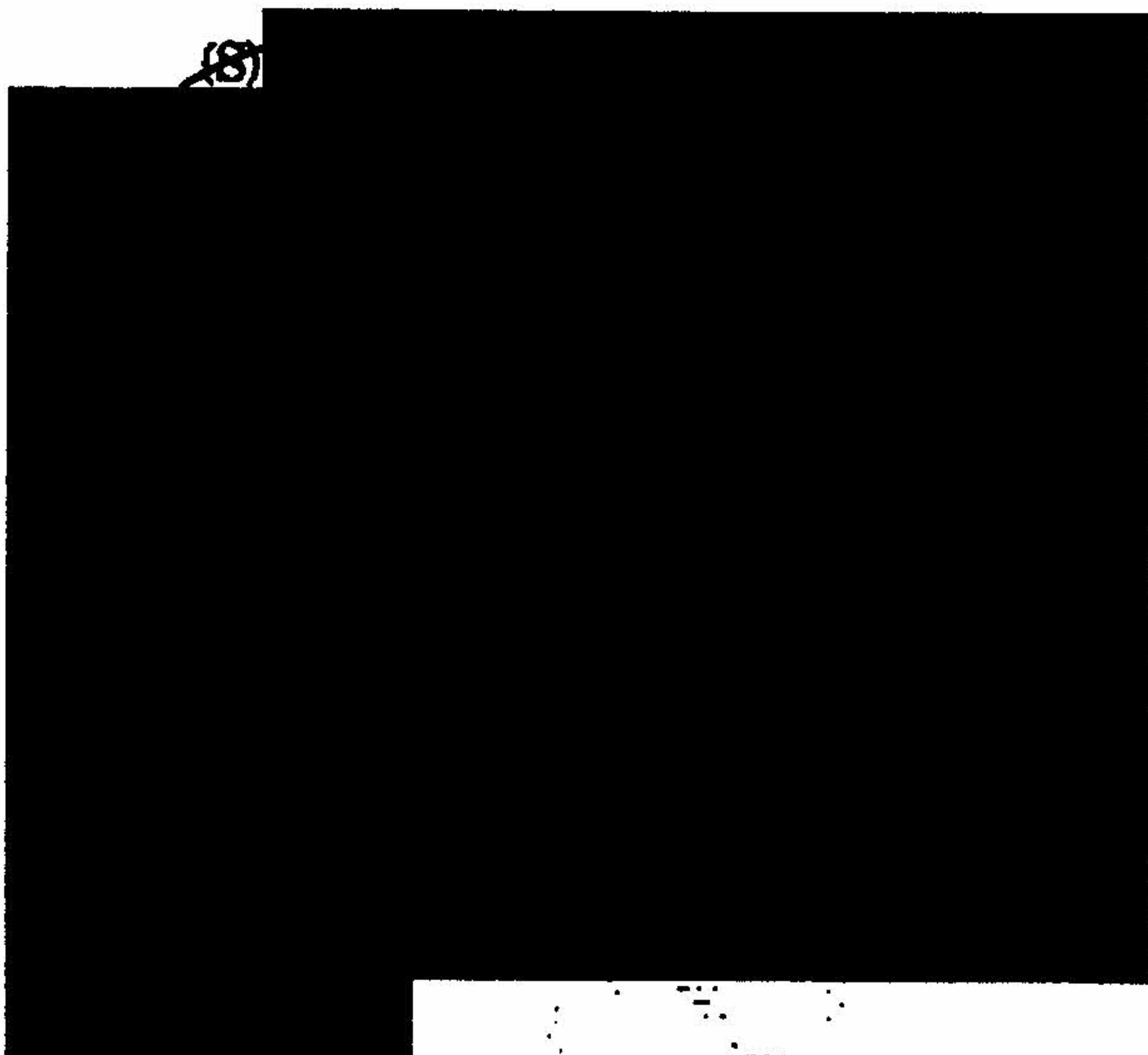
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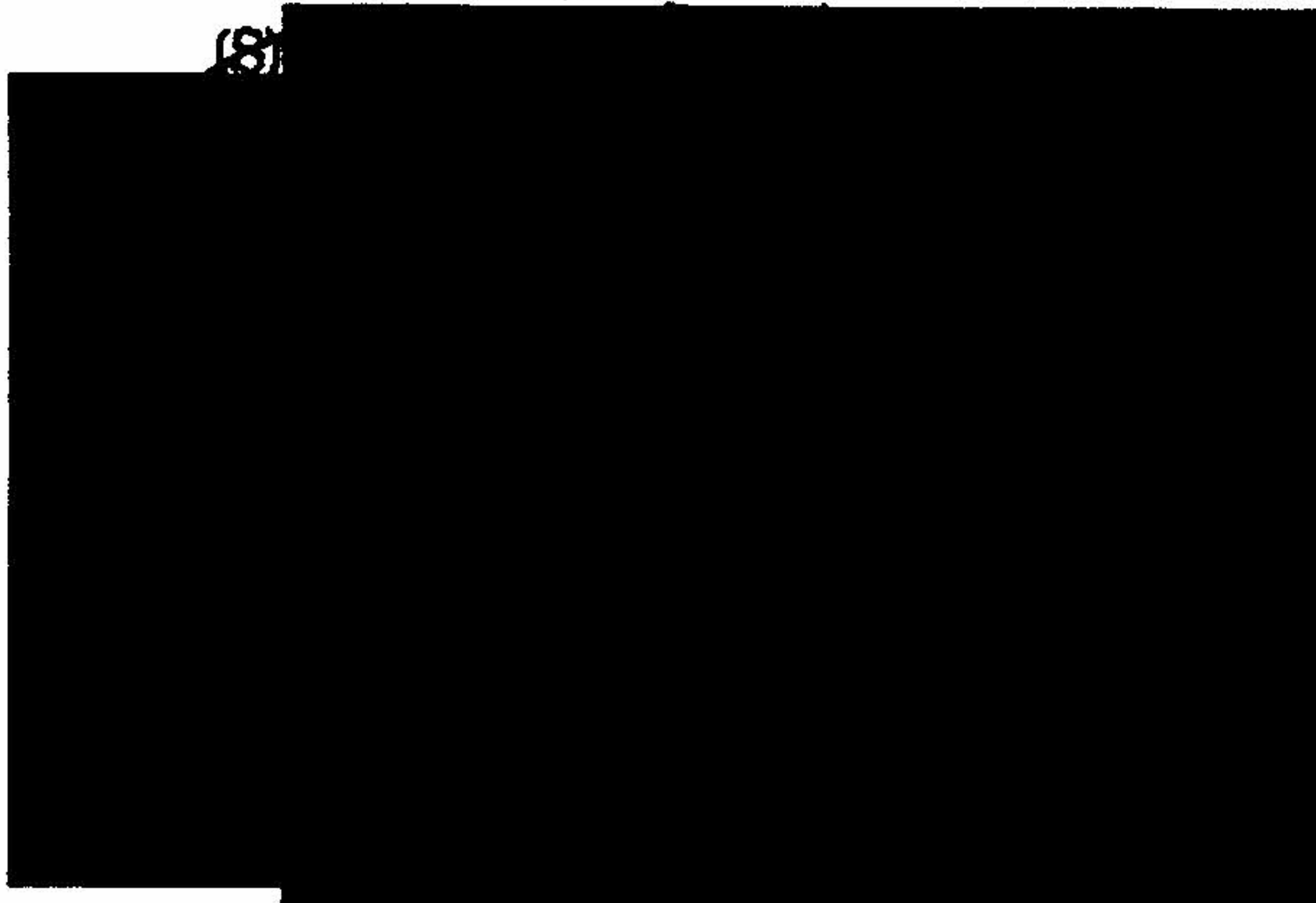


(U) Migration from Iraq

(U) We found no evidence of unofficial migration of interrogation techniques from Iraq to Afghanistan. Of course, the June 2004 adoption of the CJTF-7 interrogation policy was a form of officially sanctioned migration.

(U) Pressure for Intelligence

(U) In light of speculation that pressure for actionable intelligence contributed to the abuses at Abu Ghraib in Iraq, we considered whether such pressure might play a role in Afghanistan.



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However, we found no evidence to suggest that senior personnel applied unusual pressure to operational units to obtain intelligence; nor did we find evidence suggesting that any units believed they were under pressure beyond that inherent in combat and stability operations. It seems likely that this is due to the fact that detainees believed to possess valuable intelligence have typically been transferred to GTMO for focused interrogation. According to LTG McNeill, "I don't recall receiving any pressure or encouragement from anyone above me to produce intelligence from detainees...My priority was to get detainees moved to GTMO or released as fast as possible."

Detainee Abuse (U)

(U) According to CENTCOM, as of August 2004 U.S. forces had detained just over 2,000 people in Afghanistan since OEF began (excluding those who were detained for short periods - ranging from hours to a few days - for screening against Secretary of Defense detention criteria, and then released). Through September 30, 2004, there have been 27 cases of alleged abuse resulting in the initiation of official investigations, as described. 12 of these cases were determined to be unsubstantiated (e.g., U.S. forces were determined to be acting in legitimate self-defense; it was determined that detainee injuries predated capture by U.S. forces; or detainee deaths were determined to result from natural causes). Of the remaining 15 cases, 12 were still being investigated as of September 30, 2004, and three have been closed, substantiating

the allegations of the wrongful death or abuse of detainees.

(U) In these last 15 cases, approximately 65 U.S. service members are implicated - for either action or inaction - in alleged or substantiated abuse against approximately 25-50 detainees (allowing for uncertainty in the number of people abused in the closed case described immediately below). Based on CENTCOM's figure of roughly 2,000 detainees held between October 2001 and August 2004, this means that abuse was alleged to have been perpetrated against less than three percent of all detainees in Afghanistan, by less than a quarter of one percent of the over 30,000 U.S. troops who have served in Afghanistan since the beginning of OEF. Thus, it is important to bear in mind through the subsequent discussion that the vast majority of detainees in Afghanistan appear to have been treated humanely, often receiving better food and medical care than they would in their everyday lives; and that the vast majority of U.S. troops are serving honorably in a dangerous environment.

(U) Interrogation-related Abuse

(U) Of the three closed, substantiated abuse cases in Afghanistan, one - an assault not resulting in death - is related to interrogation. The other two cases involve a shooting in August 2002 that resulted in a detainee's death at Fire Base Lwara and a January 2002 incident at a Temporary Holding Facility where detainees were

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Abuse (U)

Afghanistan Detainee Abuse

CASES	DEATHS	ABUSES	TOTAL	TOTAL SUB- STANTIATED
OPEN	4 <input type="checkbox"/> 0 <input type="checkbox"/> 0 <input type="checkbox"/>	5 <input type="checkbox"/> 2 <input type="checkbox"/> 0 <input type="checkbox"/>	12	N/A
CLOSED	1 <input type="checkbox"/> 0 <input type="checkbox"/> 0 <input type="checkbox"/>	12 <input type="checkbox"/> 0 <input type="checkbox"/> 0 <input type="checkbox"/>	15	3
TOTAL	5	22	27	3

☐ Army Related Cases ☐ Navy Related Cases All data as of 30 Sep 2004.
☐ USMC Related Cases ☐ Other Related Cases

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taunted. The one closed, substantiated interrogation-related case occurred on March 18, 2004 and involved elements of a U.S. infantry battalion who conducted a cordon and search operation in the village of Miam Do, accompanied by an Army lieutenant colonel attached to the Defense Intelligence Agency. The operation was initially met with resistance, and between seven and 20 Afghans were killed. The unit then detained the entire population of the village for four days while conducting intelligence screening operations. In the course of these operations, the LTC punched, kicked, grabbed and choked numerous villagers. (This

conduct is considered interrogation-related only because it was perpetrated in the course of screening operations. No specific interrogation techniques were employed.) An AR 15-6 investigation was initiated, and the LTC was given a General Officer Memorandum of Reprimand and suspended from any further operations involving detainees.

(U) In addition, four other cases warrant further discussion - not only for the severity of the alleged abuse they describe, but also for their potential relationship to interrogation. The first

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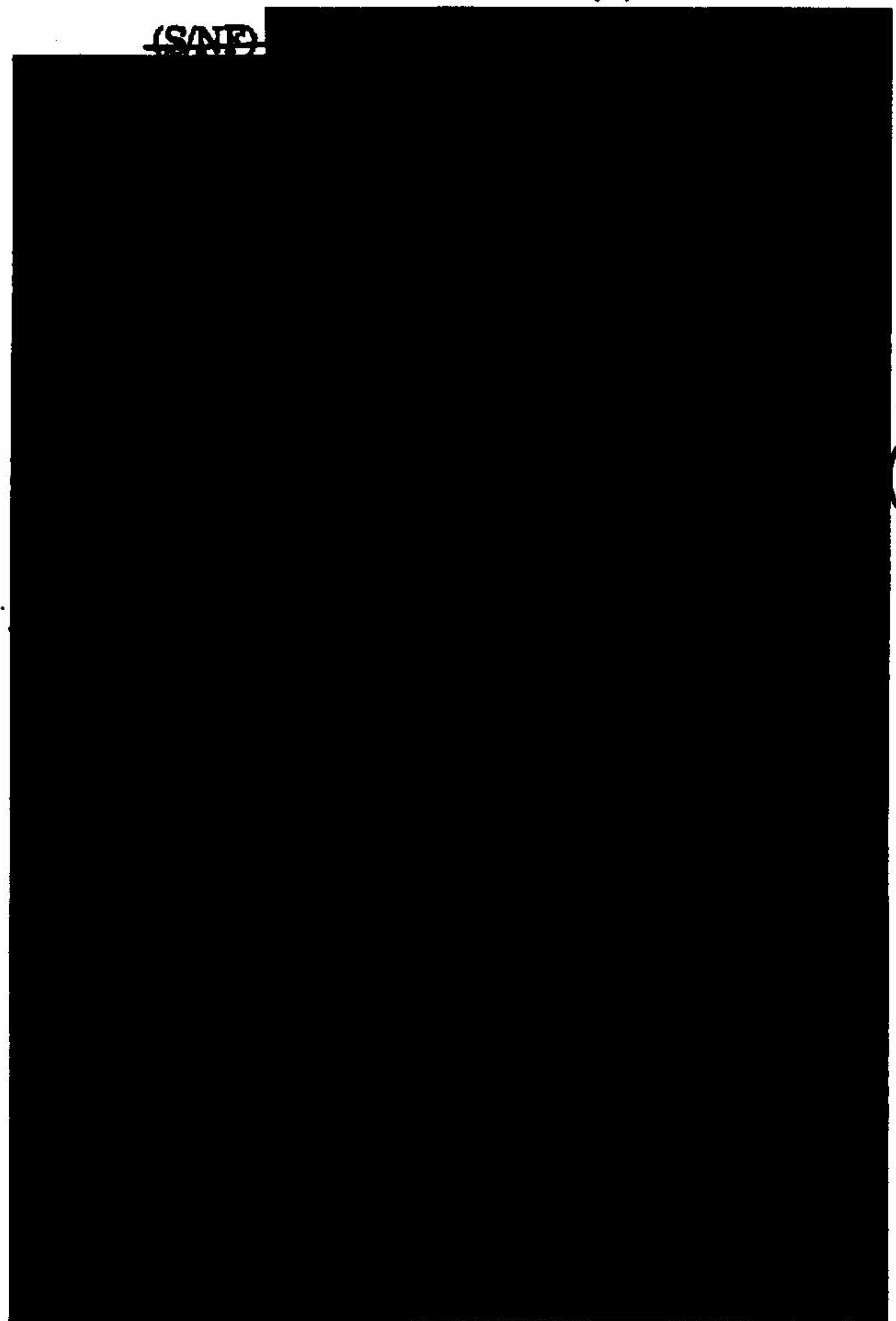
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two cases concern the December 2002 detainee deaths at the Bagram Collection Point, the third concerns a detainee death following questioning by OGA contractor David Passaro, and the fourth concerns allegations of detainee abuse at the hands of SOF personnel at Gardez in March 2003 resulting in the death of an Afghan Army recruit. (The last two cases are open, as described below; and the two Bagram death cases were closed on October 8, 2004, after our data analysis had been completed.) Notwithstanding their association with interrogation, however, it will be evident that these cases of abuse do not correlate to any approved interrogation policy.

(U) December 2002 Deaths at the Bagram Collection Point

(U) On December 4, 2002, a PUC died in custody at the BCP. Six days later, on December 10, a second PUC died at the BCP. The patterns of detainee abuse in these two incidents share some similarities. In both cases, for example, the PUCs were handcuffed to fixed objects above their heads in order to keep them awake. Additionally, interrogations in both incidents involved the use of physical violence, including kicking, beating and the use of "compliance blows" which involved striking the PUCs' legs with the MP's knee. In both cases, blunt force trauma to the legs was implicated in the deaths. In one case, a pulmonary embolism developed as a consequence of the blunt force trauma, and in the other case pre-existing

coronary artery disease was complicated by the blunt force trauma.

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(U) Criminal investigation into the BCP deaths was completed in early October 2004. The Army's Criminal Investigative Division (CID) has recommended charges against 28 soldiers in connection with the deaths: 15 in conjunction with

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the December 4 death (four MI and 11 MP), and 27 in conjunction with the December 10 death (seven MI and 20 MP). (Some of the same personnel are named in the detention and interrogation of both detainees.)

(U) We reviewed the Bagram Collection Point AR 15-6 investigation directed by LTG McNeill, the final CID Reports of Investigation, and approximately 200 interviews associated with the CID investigation. We also reviewed the medical practices at the BCP. We found the CID investigation to be thorough in addressing the practices and leadership problems that directly led to the deaths and consequently we believe that no further investigation into the criminal aspects of the deaths is required. However, we did find areas that were not addressed, and may require further investigation:

- (U) As discussed in more detail in the medical section of this report, it is unclear if medical personnel properly examined or documented the physical condition of the deceased.
- (U) Oversight of detainee operations at the BCP prior to the deaths was not examined in any depth. For example, the only direct oversight found in our review was by the local CJTF-180 Provost Marshal (an Army major). Although he identified questionable practices a month prior to the deaths, he did not ensure corrective action was taken.

- (U) Finally, we were not able to determine why military personnel involved or potentially implicated in this investigation were reassigned to other units (e.g., to Abu Ghraib) before the investigation was completed.

(U) The Passaro Case

(U) On June 21, 2003, a detainee died in U.S. custody at FOB Gereshk, a DoD facility. Though an OGA contractor, David Passaro, was questioning the detainee, Army personnel were responsible for guarding the detainee and providing him water. Based on a local *ad hoc* division of labor, Passaro was responsible for feeding and interrogating the detainee.

(U) Passaro is currently being tried for four counts of assault in the federal district court for the Eastern District of North Carolina (under the United States Special Maritime and Territorial Jurisdiction, as expanded by the Patriot Act of 2001.) Passaro is alleged to have struck the detainee with a flashlight and kicked him numerous times in the course of interrogation; safety positions and sleep deprivation were also allegedly employed. Following an interrogation session, the detainee became distressed and asked one of the guards to shoot him. Later, the detainee freed one hand from his handcuffs and beat his head against a wall until he collapsed. No autopsy was conducted before the detainee's remains were released to

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local nationals. Military personnel are also under investigation by the Army for their potential role in facilitating his death by not stopping abusive practices when they saw them.

(U) This case highlights some of the challenges associated with the close interaction between DoD and OGA forces in war, which are described at greater length in this report's section discussing DoD support to OGA.

(U) Gardez

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(U) **Conclusions: Interrogation Techniques and Abuse**

(U) In sum, our major findings regarding interrogation techniques employed, and interrogation-related abuses in Afghanistan are as follows:

- (U) We concur with BG Jacoby that dissemination of approved interrogation policies in Afghanistan was poor until the adoption of CJTF-7's May 13, 2004 interrogation policy. Until that point, interrogators largely relied upon broad interpretation of FM 34-52.
- (U) The Secretary of Defense issued specific guidance for the interrogation of al Qaeda and Taliban detainees at GTMO, but guidance for interrogation of al Qaeda and Taliban detainees in Afghanistan was developed within CJTF-180. CJTF-180 submitted to the Joint Staff a list of techniques being employed in Afghanistan in January 2003; and though the CJCS determined that the list was inconsistent with the techniques approved for GTMO, no response was provided. As a result, interrogation policies in Afghanistan - while they did not contribute to any detainee abuses - remained less restrictive than those in GTMO until June 2004, when CJTF-7's policy was adopted.

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