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(b) (1)

X marks deriving from the abuses at Abu Ghraib.

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[Redacted]

nically correct in stating that "Interrogation techniques intended only for Guantanamo [from the perspective of the Secretary of Defense's cautions contained in the GTMO policy] came to be used in...Iraq." However, it must be emphasized that the CJTF-7 policies were explicitly crafted to comply with the Geneva Conventions. This form of "migration" was neither accidental nor uncontrolled.

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[Redacted]

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(U) Migration of Interrogation Techniques

(U) As we have seen from LTG Sanchez's and [Redacted] statements, the September 2003 CJTF-7 interrogation policy drew heavily upon techniques contained in the April 2003 GTMO policy provided by MG Miller, as well as the draft A/519 policy forwarded to CJTF-7 by CPT Wood. Therefore, the Independent Panel was tech-

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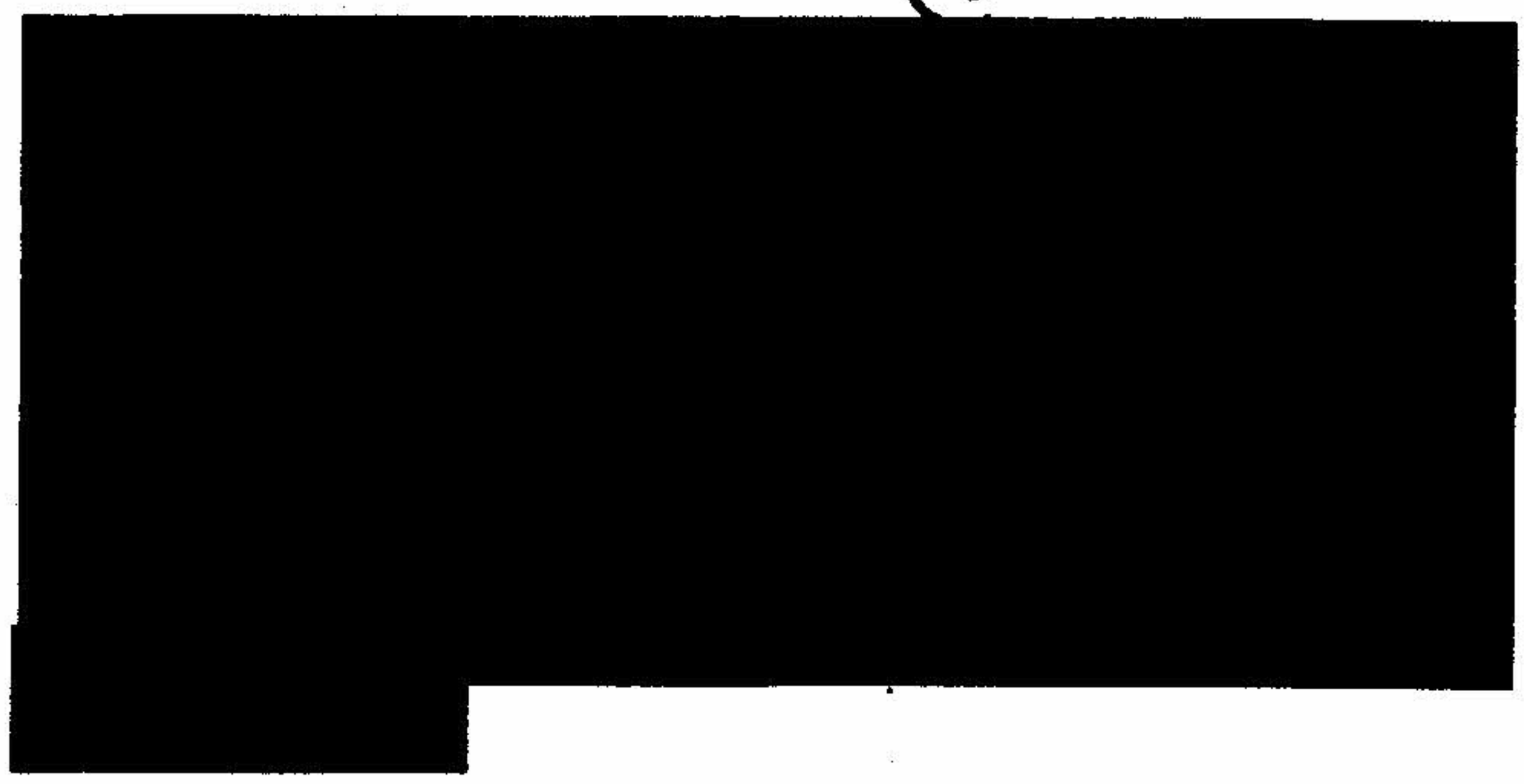
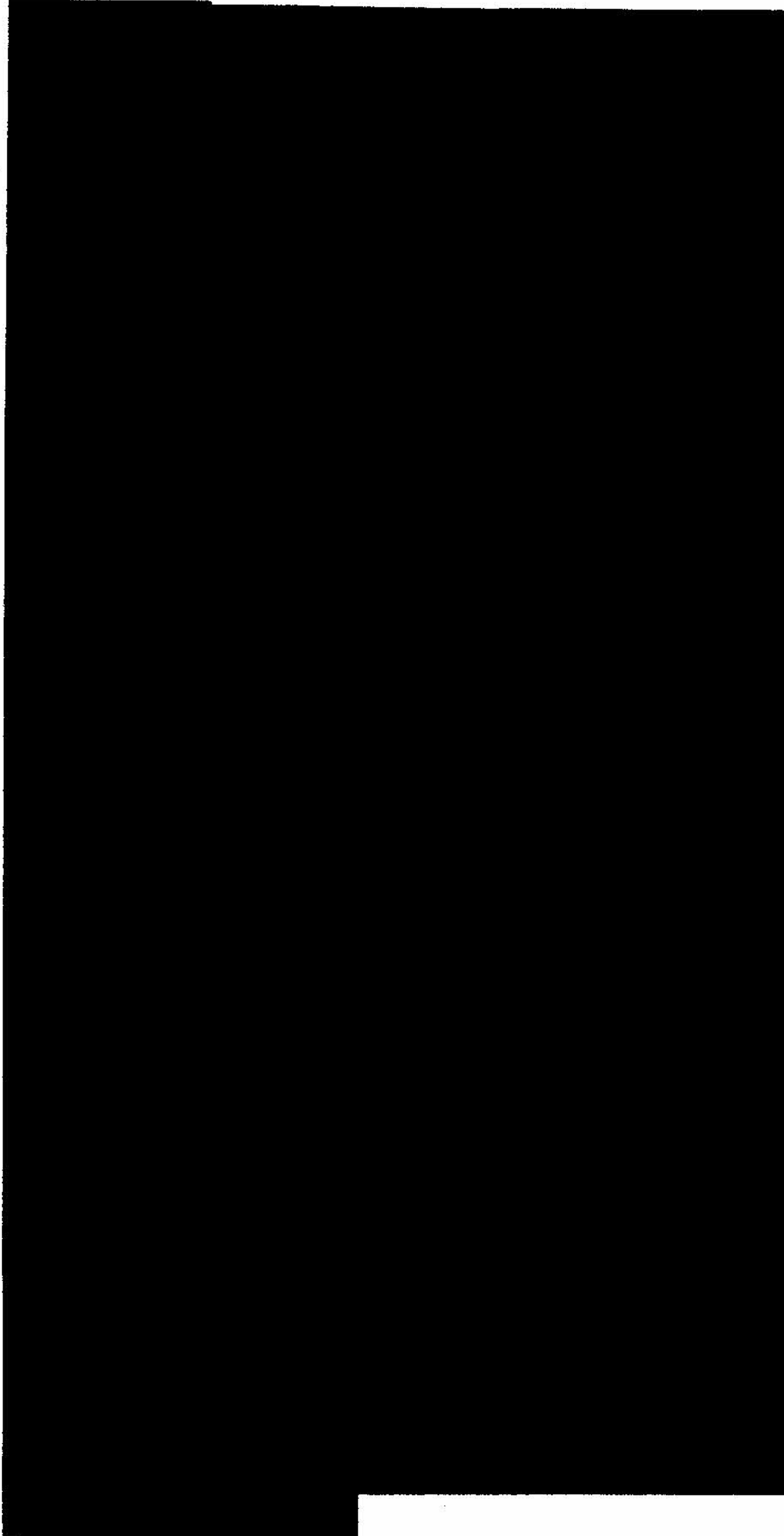
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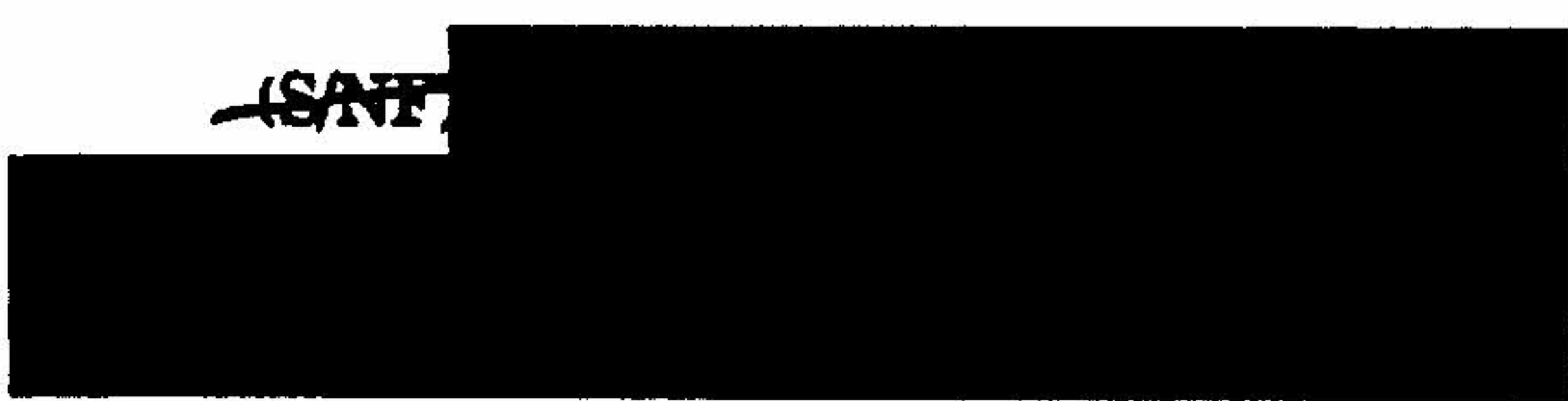


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(U) In sum, we found that migration of interrogation techniques into Iraq was largely through official processes, including through the staffing of the September 2003 CJTF-7 interrogation policy (which included legal reviews by both CJTF-7 and CENTCOM); and that unofficial migration likely occurred when interrogators believed that techniques they had learned elsewhere were permissible under the Geneva Conventions and FM 34-52. We found no evidence that interrogators consciously imported techniques that they believed to exceed the laws and policies applicable in Iraq. Finally, we found no evidence that copies of the Detainee Interrogation Working Group report on interrogation techniques were ever circulated in Iraq.

(U) Pressure for Intelligence

(U) There has been much speculation regarding the notion that pressure for actionable intelligence contributed to the abuses at Abu Ghraib, and it is true that "pressure" was applied through the chain of command: as LTG Sanchez



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stated to LTG Jones, "You bet there was intense pressure. Because my soldiers were fighting and dying every day and I needed to know what the enemy was doing in order to defeat him. I mean, that's a fundamental responsibility and a requirement of any commander on the battlefield. Everything that we do as war-fighters is Intel-based. It's threat-based. And if I had not been applying intense pressure on the intelligence community to know my enemy I would have been derelict in my duties and I shouldn't have been a commanding general."

(U) In the case of Abu Ghraib, this pressure was manifested within the 205th MI Brigade in shortcuts circumventing doctrinal procedures for the prioritization, reporting, and dissemination of intelligence, as MG Fay described in his report. In some cases, it appears that personnel from CENT-COM, DIA, and OSD may have sent requests for information directly to Abu Ghraib, rather than through normal intelligence channels. However, as MG Fay stated, "This pressure should have been expected in such a critical situation, but was not managed by the leadership and was a contributing factor to the environment that resulted in abuses." To this we would add that, in the face of understandable and appropriate pressure from the war-fighting commander for actionable intelligence, at Abu Ghraib there appeared to be a unit-level failure to either enforce existing standard operating procedures, or to develop and seek appropriate authorization for new, more effective ones.

(U) Another reported source of pressure to conduct aggressive interrogations was an August 14, 2003 e-mail from a member of the CJTF-7 C-2X staff to field MI leadership personnel in Iraq stating, "The gloves are coming off gentleman [sic] regarding these detainees, [assistant CJTF-7 C2] ██████████ has made it clear that we want these individuals broken." The language of this e-mail, if taken out of context, could be construed as creating a permissive atmosphere for interrogation-related abuses, and the possibility that it inadvertently did so cannot be ruled out (though we found no evidence to support such a conclusion). However, it is important to note that the purpose of the e-mail was to solicit "interrogation techniques 'wish list'" from MI leaders in the field, and did not grant permission for any non-doctrinal techniques - in fact, it asked field units to report "techniques...they feel would be effective...that [the CJTF-7] SJA could review." Responses to this e-mail were factored into the development of the September 2003 CJTF-7 policy, which was reviewed by the SJA, as previously described.

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dence any pressure of this nature.

(U) Again, as with the e-mail described previously, it is not impossible that visits by senior personnel led individual interrogators to perceive that they were receiving pressure for intelligence; however, effective leadership and enforcement of approved policies should have prevented any such misunderstandings. In any event, our interviews gave no evidence that such misunderstandings actually took place.

(U) We now turn to a discussion of interrogation-related abuse cases in Iraq.

Detainee Abuse (U)

(U) As we have seen earlier, there have been substantially more alleged abuse cases in Iraq than in GTMO or Afghanistan. Without minimizing the impact or importance of the abuses that have occurred in Iraq, it should be kept in mind throughout this discussion that over 50,000 detainees have been held in Iraq since Operation IRAQI FREEDOM began. Therefore, the abuses we describe below, as well as those at Abu Ghraib, represent a tiny proportion of detainee operations in Iraq, most of which, we believe, have been conducted honorably under challenging circumstances.

(U) As of September 30, 2004, 274 investigations of alleged detainee abuse in Iraq had

(U) Finally, we found no evidence to support the notion that the Office of the Secretary of Defense, National Security Council Staff, CENTCOM, or any other agency or command applied direct pressure for intelligence, or gave "back-channel" permission for more aggressive techniques than those authorized by FM 34-52 or CJTF-7 policy, to forces in the field in Iraq. We interviewed and took statements from a number of senior officials from the Office of the Secretary of Defense, all of whom stated that no such pressure had been applied. In addition, we posed questions to Ms. Fran Townsend of the National Security Staff Council, who visited Abu Ghraib in November 2003. Although she declined to respond to the questions, we were told that she stood by her previous statement that she visited Abu Ghraib in order to learn about the insurgency, and to investigate how better to integrate intelligence collection efforts, but did not pressure or give any guidance to personnel there. Finally, our interviews with commanders in the field did not evi-









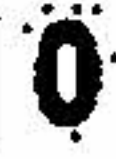


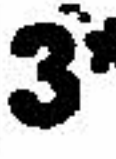
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A detailed overview of the 60 substantiated abuse cases is provided in the chart below.

Iraq Detainee Abuse

CASES	DEATHS	ABUSES	TOTAL	TOTAL SUB-STARTRATE
OPEN	15  2  0 	92  1  1* 	114	N/A
CLOSED	32  0  0  <small>Note: Does not include 22 Abu Ghraib mortar attack deaths.</small>	101  3  3*  <small>* Contractor</small>	160	60
TOTAL	56	218	274	60

 Army Related Cases
  Navy Related Cases
  USMC Related Cases
  Other Related Cases

All data as of 30 Sep 2004.

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been initiated. The chart above depicts the status of those investigations: 160 investigations have been closed, of which 60 substantiated abuse. Five of the substantiated abuse cases resulted in a detainee's death.

(U) Interrogation-related Abuse

(U) Each closed, substantiated investigation was reviewed to determine whether the abuse was interrogation-related (i.e., whether the abuse arose from the questioning of

detainees). In categorizing abuse as "interrogation-related," we took an expansive approach: for example, if a soldier slapped a detainee for failing to answer a question at the point of capture, we treated that misconduct as interrogation-related abuse. Therefore, these abuses are not all related to official interrogations, as the descriptions below will demonstrate. In reviewing these cases, we found no evidence whatsoever that approved interrogation policies contributed to abuse; furthermore, as of September, 30, 2004, there were no closed, substantiated cases of

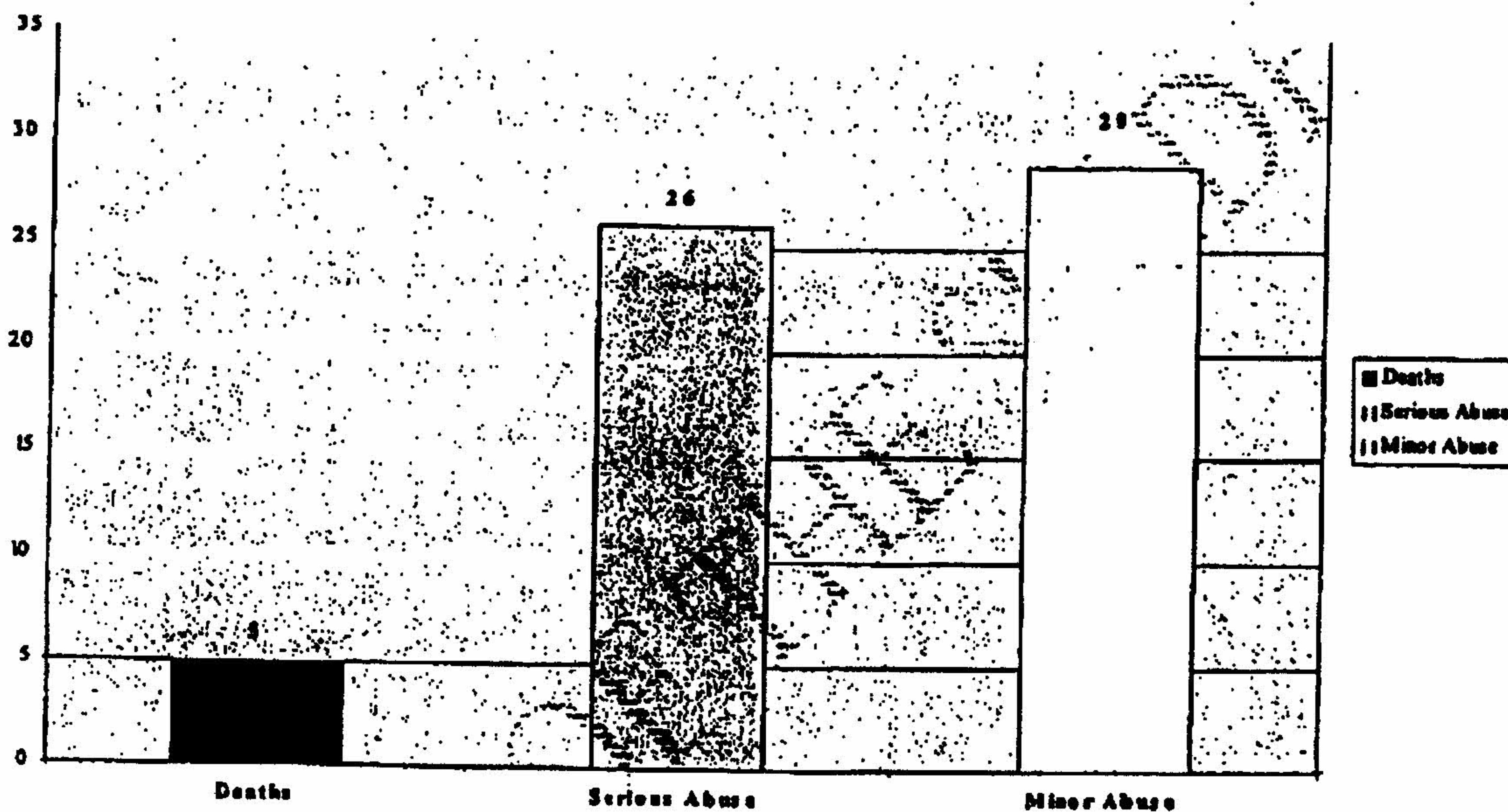
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IRAQ - Closed Substantiated Cases



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death resulting from interrogation-related abuse. following pages.

(U) As of September 30, 2004, there were 16 substantiated interrogation-related abuse cases. (Investigators substantiated that the five deaths and 39 other abuse cases were not related to interrogations.) The interrogation-related abuses are categorized by type, location, and service and component of the perpetrator on the

(U) Brief descriptions of the 16 interrogation-related abuse cases are presented next.

(U) Cases Involving Trained Interrogators

1. (U) On September 24, 2003, at Forward Operating Base Iron Horse, an interrogator

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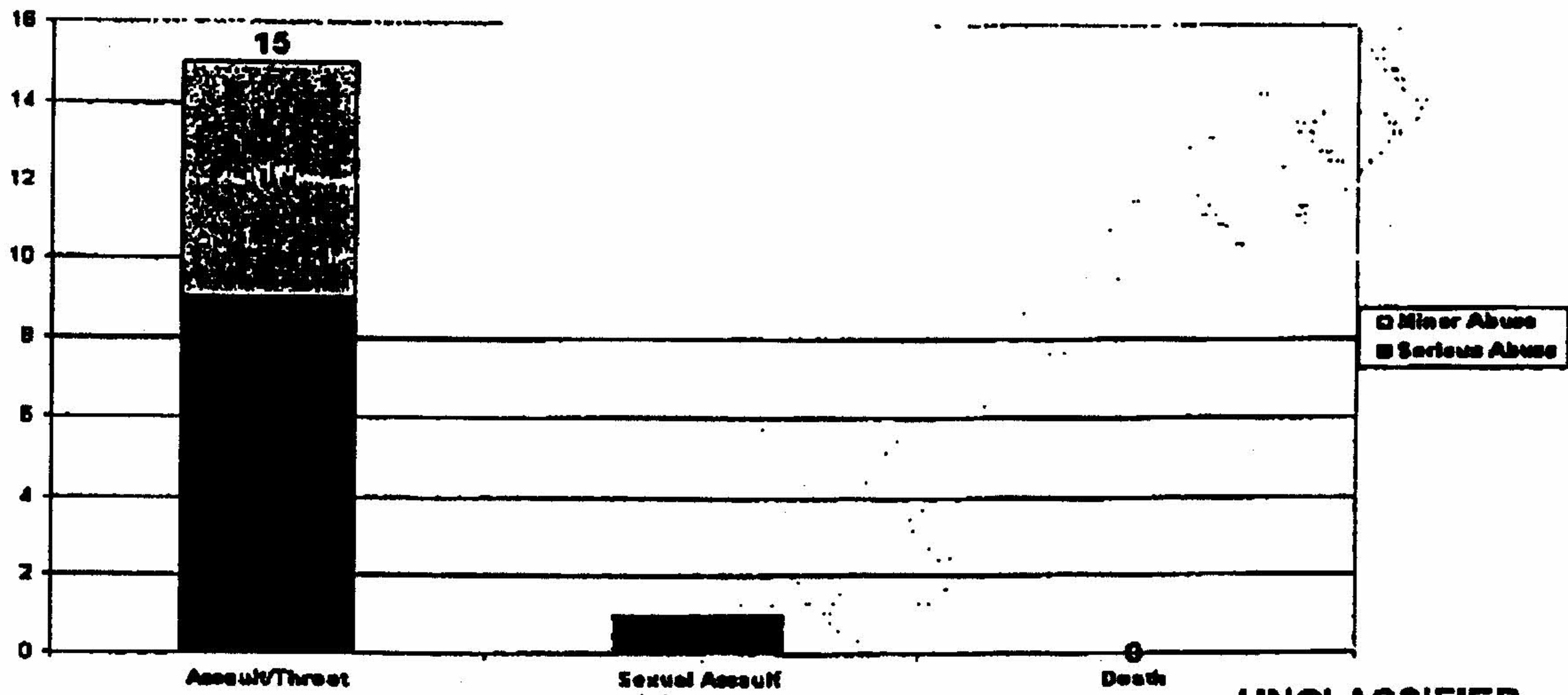
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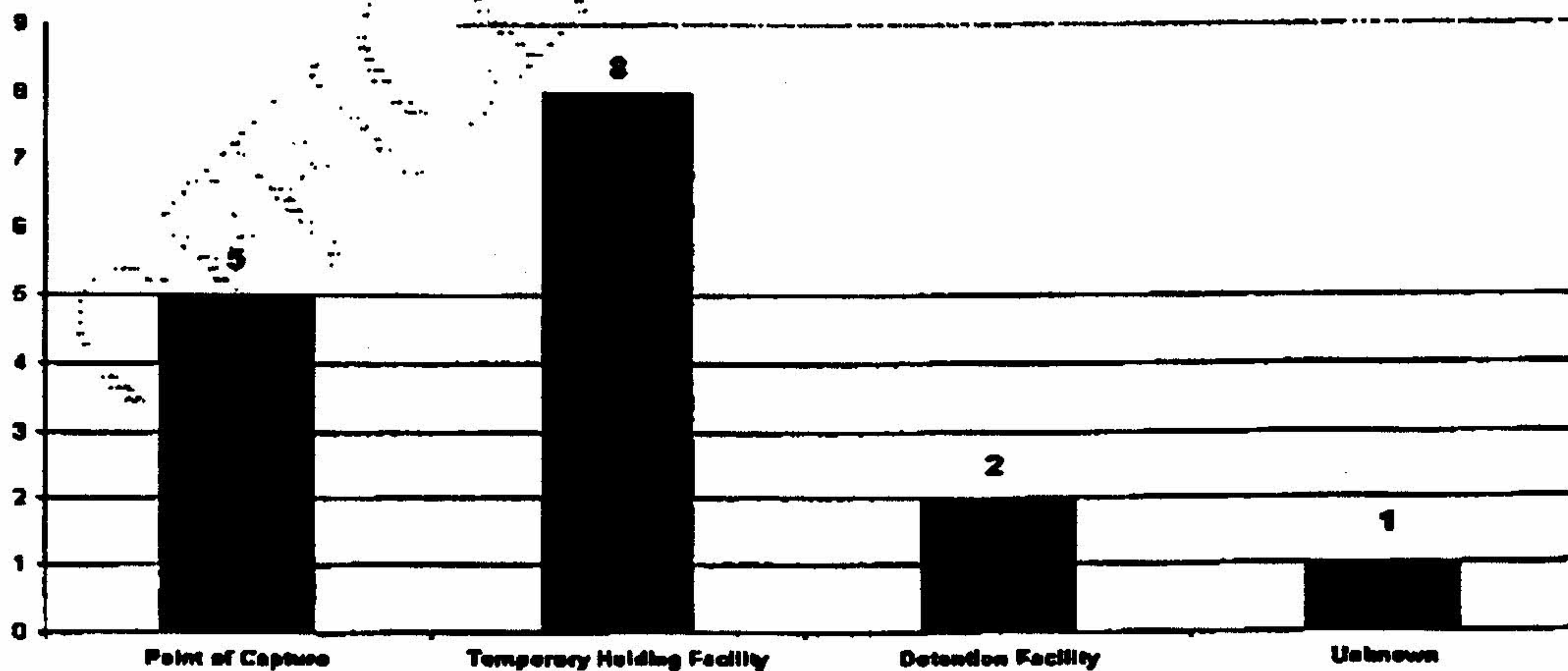
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Iraq Closed Substantiated Cases Related to Interrogation by Type of Incident
INTERROGATION RELATED ONLY
IRAQ Total = 16



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Iraq Closed Substantiated Cases Related to Interrogation by Type of Facility at which the Incident Occurred
INTERROGATION RELATED ONLY
IRAQ Total = 16



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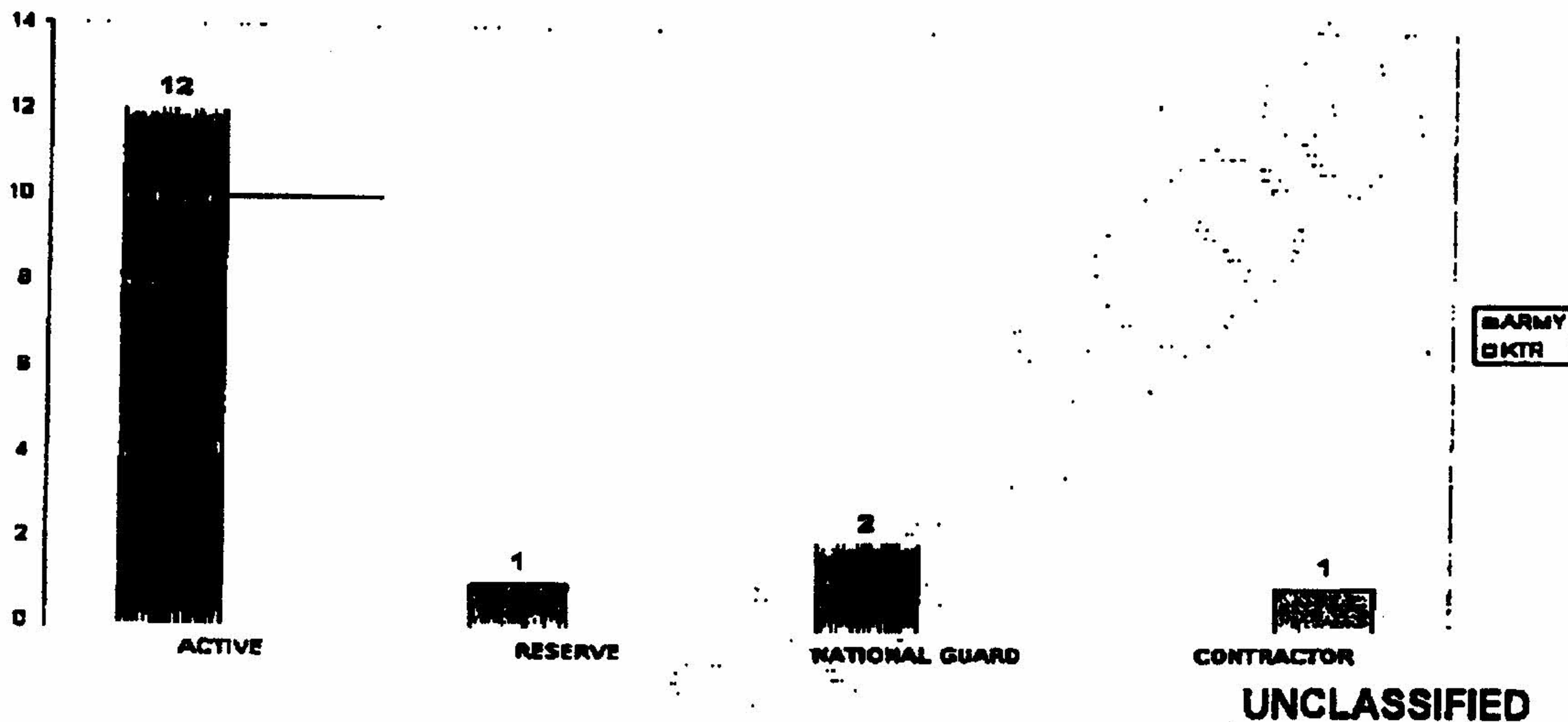
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Closed Substantiated Cases by Service Component of Personnel Involved
INTERROGATION RELATED ONLY
IRAQ Total = 16



(a specialist assigned to the 104th Military Intelligence Battalion) hit a detainee's back, buttocks, and the bottom of his feet with a Military Police baton. Another SPC, an interpreter, was present during this interrogation. The detainee complained of discomfort to his back and buttocks for two days. An Article 15-6 investigation was conducted, and both SPCs received non-judicial punishment and were relieved of interrogation duties. The specific punishment awarded was not included in the reports we reviewed.

2. (U) On October 7, 2003, three military intel-

ligence personnel assigned to the 519th Military Intelligence Battalion (one sergeant and two specialists, one of whom was an interrogator) sexually assaulted a female detainee in a cell at Abu Ghraib. The SGT and SPCs moved the detainee from her cell to a more isolated cell where one soldier acted as lookout, another held her arms, and the third kissed her. The detainee was then taken to another section of the prison and shown a naked male detainee. She was told that if she did not cooperate, she would look the same way. The detainee was then taken back to the abandoned cell where a soldier removed her blouse. When

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she started to cry, the soldiers gave her blouse back and told her that they would be back each night. During the investigation, she claimed that she smelled alcohol on the breath of one interrogator. On January 3, 2004, COL Thomas M. Pappas, Commander, 205th Military Intelligence Brigade, awarded non-judicial punishment to the three soldiers for failing to get authorization to interrogate the female detainee. The SGT was reduced in rank and required to forfeit \$500 pay; one SPC was reduced in rank and required to forfeit \$500 pay; and the other SPC received a suspended reduction in rank and was required to forfeit \$750.00 pay. Both of the SPCs had previously served in Afghanistan, and assault, dereliction of duty and maltreatment charges have been recommended against both by the Army CID investigations into the December 2002 PUC deaths at the Bagram Collection Point

3. (U) On December 10, 2003, a detainee suffered a fractured lower jaw at the 2d Brigade Holding Facility. Investigators believed that this injury resulted from abuse. An AR 15-6 investigation and medical examination could not determine if the fracture occurred as a result of a blow to the face, or after the detainee fell face-first onto the floor following extensive calisthenics,

presumably used as a means to wear down detainees during interrogations. A General Officer Memorandum of Reprimand was issued to the Warrant Officer in charge of the facility for failing to provide adequate supervision to interrogators.

4. (U) In January 2004 at a holding facility, an interrogator assigned to a SOF unit told two detainees that they would be sterilized, then poured the contents of a Chemlight onto one of those detainee's genitals. (The investigation did not reveal whether the detainee was clothed at the time of this incident.) A unit investigation also revealed that another soldier, a guard, struck a detainee. The interrogator was orally reprimanded and reassigned, and the guard received non-judicial punishment.
5. (U) On April 1, 2004, several interrogators assigned to a SOF unit slapped a detainee during an interrogation. The summary of the unit investigation into this misconduct did not identify the location of this abuse, and the detainee was evidently not seriously harmed. Each interrogator received a Letter of Admonishment.
6. (U) On April 19, 2004, Task Force 82d Airborne apprehended a detainee who was suspected of killing a TF 82d soldier using an improvised explosive device (IED). A

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