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contract interpreter employed by Titan Corporation reportedly became enraged during the questioning of the detainee and forced the detainee into a stress position (making the detainee lie on his stomach with arms and legs extended off the ground). An officer and another soldier told the interpreter to cease interrogating the detainee and simply translate. The interpreter disregarded them and continued his interrogation in Arabic without translating the questions or answers. During the interrogation, which lasted several hours, the interpreter hit the detainee on the back of the head with an open hand when the detainee did not answer questions. The soldiers told the interpreter that his conduct was illegal, and he responded that his conduct would have been worse had the soldiers not been present during the interrogation. The officer was issued a General Officer Memorandum of Reprimand for failing to control the situation, and the civilian interpreter was fired.

(U) Cases Not Involving Trained Interrogators

(U) In defining interrogation-related abuse cases, we considered any case where the abuse arose from any type of questioning of a detainee. The cases described below involve the questioning of detainees by personnel other than trained interrogators.

7. (U) On June 21, 2003, a Quick Reaction

Force assigned to the 4th Battalion, 1st Field Artillery, 1st Armor Division responded to reports of sniper fire from the Iraq Museum of Military History in Baghdad. An Iraqi civilian was taken into custody as a suspect, and several weapons were confiscated. A private first class approached the detainee, asked: "You been shooting at us?" and then struck the detainee in the face, making his nose bleed. The PFC also placed an inoperable pistol from the museum against the detainee's head and said "bang." Later, a staff sergeant allegedly pointed his M-16 at the detainee's head and then charged it. This occurred while the detainee was sitting cross-legged on the ground with his hands interlaced behind his head. Some witnesses stated that the SSG coaxed the detainee to pick up the inoperable pistol, but the detainee refused to take the gun. It was later determined that the detainee, who was subsequently released, had been hired by the U.S. Army to guard the museum. The PFC admitted to hitting the detainee and received non-judicial punishment (reduction in rank to E-1). The SSG denied any involvement, and was acquitted at a summary court-martial for assault and dereliction of duty.

8. (U) On June 30, 2003, in the vicinity of Abu Ghraib, a U.S. military convoy of the 1st Battalion, 9th Field Artillery Regiment came under attack by rocket-propelled

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grenades (RPG) that destroyed one of the convoy vehicles. When the convoy stopped, two Iraqis were discovered in a nearby field; they surrendered and offered no resistance. While being questioned, six to eight soldiers (including one SSG who was not a trained interrogator) allegedly kicked and punched the detainees. One detainee claimed that a soldier placed the barrel of a rifle in his mouth and pointed it at his chest. When the detainees were delivered to a local brigade holding facility, they had multiple non-life threatening injuries. A medic was summoned to treat the injuries. The resulting AR 15-6 investigation did not identify all of the assailants and recommended further investigation to determine their identities. We were unable to find results of the subsequent investigation, and any administrative or disciplinary actions taken are unknown.

9. (U) On August 2, 2003, at the Taza Police Station, two Iraqis were brought in to be questioned about RPG attacks. While interrogating one of the detainees, a SSG assigned to the 4th Infantry Division punched one of the detainees several times in the stomach and head, and a sergeant present also hit the detainee. The detainee was cut over his right eye, requiring stitches, and had a broken nose. This incident occurred the same day that the sergeants' unit lost a soldier in an RPG attack. On

October 9, 2003, the SSG was charged with four violations of UCMJ Article 128 (assault). The SSG submitted a request for an administrative discharge in lieu of court-martial, which was approved. He also received non-judicial punishment (exact punishment unknown) for his misconduct.

10. (U) On August 20, 2003, at Forward Operating Base Gurner in Taji, Iraq, a detainee was questioned concerning his participation in a plot to assassinate U.S. service members. During the questioning, five soldiers from the 2nd Battalion, 20th Field Artillery Regiment, and a civilian interpreter punched and kicked the detainee. The interpreter told the detainee, "If you don't talk, they will kill you." After approximately 30 minutes of questioning, an officer - LTC Allen B. West - entered the room, chambered a round in his pistol, and placed the weapon on his lap with the barrel pointing at the detainee. Shortly thereafter, the detainee's shirt was pulled over his head and he was punched many times in the chest. With his vision obstructed, the detainee was unable to determine how many Soldiers hit him, but later stated that LTC West never struck him. After still refusing to provide information, LTC West pulled him by the neck to a weapons clearing barrel, pushed his head inside the barrel, placed his weapon approximately one foot away from

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the detainee's head, and fired one round, causing the detainee to react hysterically. LTC West was awarded non-judicial punishment (forfeiture of \$2,500.00 for two months) and was relieved of command. Each of the five soldiers was awarded non-judicial punishment (reductions in rank and forfeitures of pay) for their misconduct.

11. (U) On August 31, 2003, a specialist from the 1st Battalion, 36th Infantry Regiment threatened two Iraqi detainees during questioning in a building near Baghdad. The SPC, who was an intelligence analyst (not an interrogator), was seeking the name of an individual conducting grenade attacks. In separate interrogations, the SPC handed one detainee a bullet and told him that the round would kill him if he did not talk, and placed the bullet in the detainee's mouth and then removed it. Within hearing distance of the detainee but out of his field of vision, the SPC simulated charging an empty weapon to lead the detainee to believe the weapon was loaded. During these interrogations, the detainees were handcuffed and posed no threat. At the time of this incident, the SPC had been in Iraq for 3½ months and had received training on proper treatment of detainees. He received non-judicial punishment (exact punishment unknown) for this abuse.

12. (U) On September 1, 2003, three detainees were seized near a mosque in Baghdad, their hands were zip-cuffed behind their backs, and they were taken to a nearby Ammunition Collection Point (ACP) operated by the 2nd Battalion, 6th Infantry Regiment. They matched the description of individuals who were seen earlier in the vicinity of the ACP perimeter with weapons. The detainees were brought to a Sergeant First Class who questioned each one separately, asking if they were al Qaeda or Fedayeen. The SFC asked one detainee if he was there to bomb the base or shoot soldiers, and slapped a detainee during questioning for not telling the truth. As instructed by the SFC, three SSGs alternated in kicking, tripping, and shoving the detainees. One detainee was also dragged and thrown into a HESCO barrier (a collapsible wire mesh container approximately 4-6' in height with a heavy plastic liner). The detainees claimed they were security guards for the local mosque and were eventually released to a cleric from the mosque. The SFC was convicted at a summary court-martial; one staff sergeant was convicted at a special court-martial, and the remaining staff sergeants were convicted at summary courts-martial. The punishments were not included in the reports reviewed.

13. (U) On October 1, 2003, near the perimeter

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of the Baghdad International Airport (BIAP), soldiers assigned to A Battery, 1st Battalion, 4th Air Defense Artillery apprehended nine detainees suspected of trespassing through a hole in BIAP's southern wall and stealing metal pipe. A captain interrogated the zip-tied detainees at gunpoint and fired his pistol approximately six times to deflate the tires of the tractor the detainees had been riding when caught. The captain was trained in rules of engagement and the proper treatment of detainees, and at the time of this incident had been in theater for six months. He received non-judicial punishment (exact punishment unknown) and relieved of his duties.

14. (U) On October 14, 2003, at a temporary holding facility in Al Ademiya, a detainee was questioned about his knowledge of plans to attack a U.S. convoy. The detainee, who had served as an informant, was in a convoy when it was attacked by an IED, but was uninjured. Intelligence revealed that the detainee might have known about the planned attack and possibly steered the convoy into the attack. After the attack, two SGTs from the 32d Military Police Company (who had been in the convoy) took the detainee to the Al Ademiya police station. The first SGT held a pistol to the detainee's head and threatened him during question-

ing. The second SGT was accused of physically assaulting the detainee by grabbing him by his shirt. Following an AR 15-6 investigation, the first SGT received non-judicial punishment (reduction in rank and forfeiture of \$945 pay for two months), and an assault charge against the second SGT was dismissed at the non-judicial punishment hearing.

15. (U) On December 31, 2003, Near Kalsu, a patrol from the 300th Military Police Company apprehended four males Iraqis in a farmhouse while searching for a mortar. While guarding the detainees in a nearby field, a PFC repeatedly asked "weapon?" in Arabic, and jabbed one detainee in the head with his rifle every time the detainee answered "no." After at least 10 jabs, the PFC butt-stroked the detainee in the groin. He also butt-stroked another detainee between his shoulder blades and in his face. Finally, the PFC threatened a detainee by placing his rifle into the detainee's mouth and pulling the trigger without a round chambered, and then firing a round into the ground next to the detainee. As of September 30, 2004, disciplinary action is still pending in this case.

16. (U) On February 5, 2004, a SPC (a counter-intelligence agent, but not a trained interrogator) assigned to 310th Military Police

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Battalion questioned three detainees at Camp Bucca who were suspected of attacking a convoy. During one interrogation, the detainee eluded questions and the Specialist bent down to speak to him. The flexi-cuffed detainees attempted to strike the SPC, who reacted by striking the detainee in the left eye with a closed fist. There were no U.S. witnesses; however, an interpreter was present. The battalion commander appointed an officer to conduct an AR 15-6 investigation; ultimately, the SPC received non-judicial punishment (a letter of reprimand, reduction in rate, and forfeiture of \$700.00 pay for one month) and was suspended from all contact with detainees.

(U) Interrogation-related Abuse: Observations

(U) There is no discernable pattern in these interrogation-related abuse investigations. However, by far the most common method of abuse was punching and kicking, which is simple assault and clearly unrelated to any interrogation policy. Only two of these incidents reflect the possible use of counter-resistance techniques: the contract interpreter who placed a detainee in a stress position and slapped the back of his head each time he refused to answer a question, and the possible use of physical training (calisthenics) resulting in a detainee breaking his jaw. In these cases, however, the evidence suggests that these techniques were employed on the perpetrators' own initiative rather than as a result of any policy or other direction. In

the first incident, there is also no evidence suggesting that the interpreter was knowledgeable of interrogation policy.

(U) Abuses Described in Other Investigations

(U) LTG Jones, MG Fay, and MG Taguba investigated the detainee abuses at Abu Gharib Prison. MG Taguba's investigation primarily examined the conduct of the 800th Military Police Brigade, while MG Fay's inquiry focused on the 205th Military Intelligence Brigade, and LTG Jones examined organizations and senior military leaders above those two brigades. In his report, MG Taguba did not detail each incident of abuse, but summarized various forms of abusive behavior. MG Fay, on the other hand, identified 44 specific incidents of abuse. In comparing the two reports, MG Fay noted that "The incidents identified in this investigation include some of the same abuses identified in the MG Taguba investigation; however, this investigation adds several previously unreported events. A direct comparison cannot be made of the abuses cited in the MG Taguba report and this one."

(U) Our approach to examining detainee abuses was different from both previous investigations. We did not investigate specific allegations of misconduct; rather, we reviewed detainee abuse investigations conducted by CID, NCIS, and individual military units. Due to our concern regard-

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ing the reliability of information in ongoing investigations, we limited our review primarily to closed investigations. In making that determination, we recognized that many of the ongoing investigations would probably be closed as unsubstantiated (current substantiation rate for Iraq abuse investigations is approximately 40%) and acknowledged that additional information could be uncovered that would change the character of open investigations. By focusing on closed investigations, we sought to remove uncertainty and increase the reliability of our findings.

(U) Of the 44 incidents identified in MG Fay's report, 26 incidents are covered by seven CID investigations. Four of those CID investigations are closed and two substantiate abuse (the sexual assault of a female detainee at Abu Ghraib, described above, and a case involving the use of military working dogs to humiliate detainees); the other CID investigations of the Abu Ghraib abuses remain open as of September 30, 2004.

(U) Finally, 18 of the incidents in MG Fay's report are not addressed by CID investigations. These incidents, many of which involve detainee nudity, isolation and humiliation, have been deemed outside the purview of CID's investigative responsibilities, and are considered sufficiently covered in MG Fay's report for administrative and disciplinary purposes.

(U) Conclusions: Interrogation Techniques and Abuse

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

- (U) Dissemination of approved interrogation policies was ineffective, often resulting in interrogators' lack of awareness of which techniques were currently authorized. This was largely due to reliance on SIPRNET as the medium for disseminating guidance.
- (U) Compliance with approved interrogation policies was often incomplete, even when units were in possession of the latest guidance. Warrant officer or senior enlisted interrogators had to orally convey finely nuanced policies to junior enlisted and contract interrogators without the benefit of firsthand knowledge of the legal considerations that had guided policy development.



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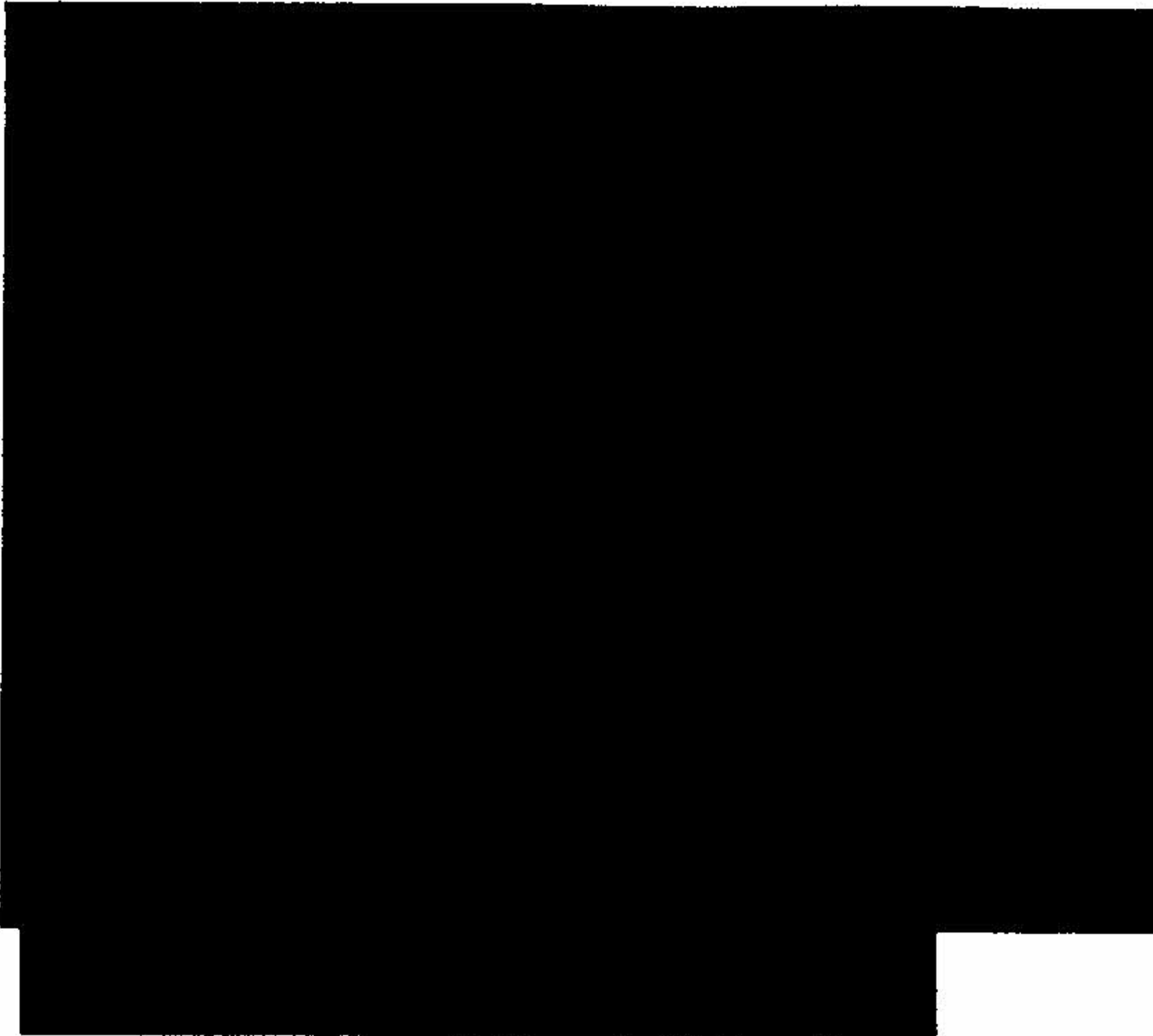
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(U) Missed Opportunities

(U) Our investigation suggested several additional "missed opportunities" (besides those suggested by our findings above). None of these missed opportunities themselves contributed to or caused abuse; in addition, it is unlikely that they could have prevented the interrogation-related abuses that did occur, which were already prohibited by other existing policies, law, and doctrine. However, had they been pursued, U.S. forces might have been better prepared for detention and interrogation operations in Iraq.

- (U) There was no evidence of explicit pressure for intelligence other than that legitimately conveyed from CJTF-7 (and subsequently MNF-I) headquarters to interrogators via the chain of command.
- (U) Interrogation-related abuse, and the non-interrogation abuses at Abu Ghraib, appear unrelated to any approved interrogation policies. In particular, the promulgation of the September and October 2003 CJTF-7 interrogation policies did not appear to play any role in the abuses at Abu Ghraib or any of the closed, substantiated abuse cases in Iraq: in fact, had the policies been adhered to, some of the abuses might have been prevented.
- (U) There was no evidence that specific detention and interrogation lessons learned from previous conflicts in the Balkans, Afghanistan, and elsewhere were incorporated in planning for Operation IRAQI FREEDOM.
- (U) There were no standard procedures for identifying or reporting detainee abuse or for determining whether abuse allegations were legitimate. U.S. service members, DoD civilians, and contractors uniformly reported that they had an obligation to report any abuse that they observed; however, their descriptions of what constituted abuse

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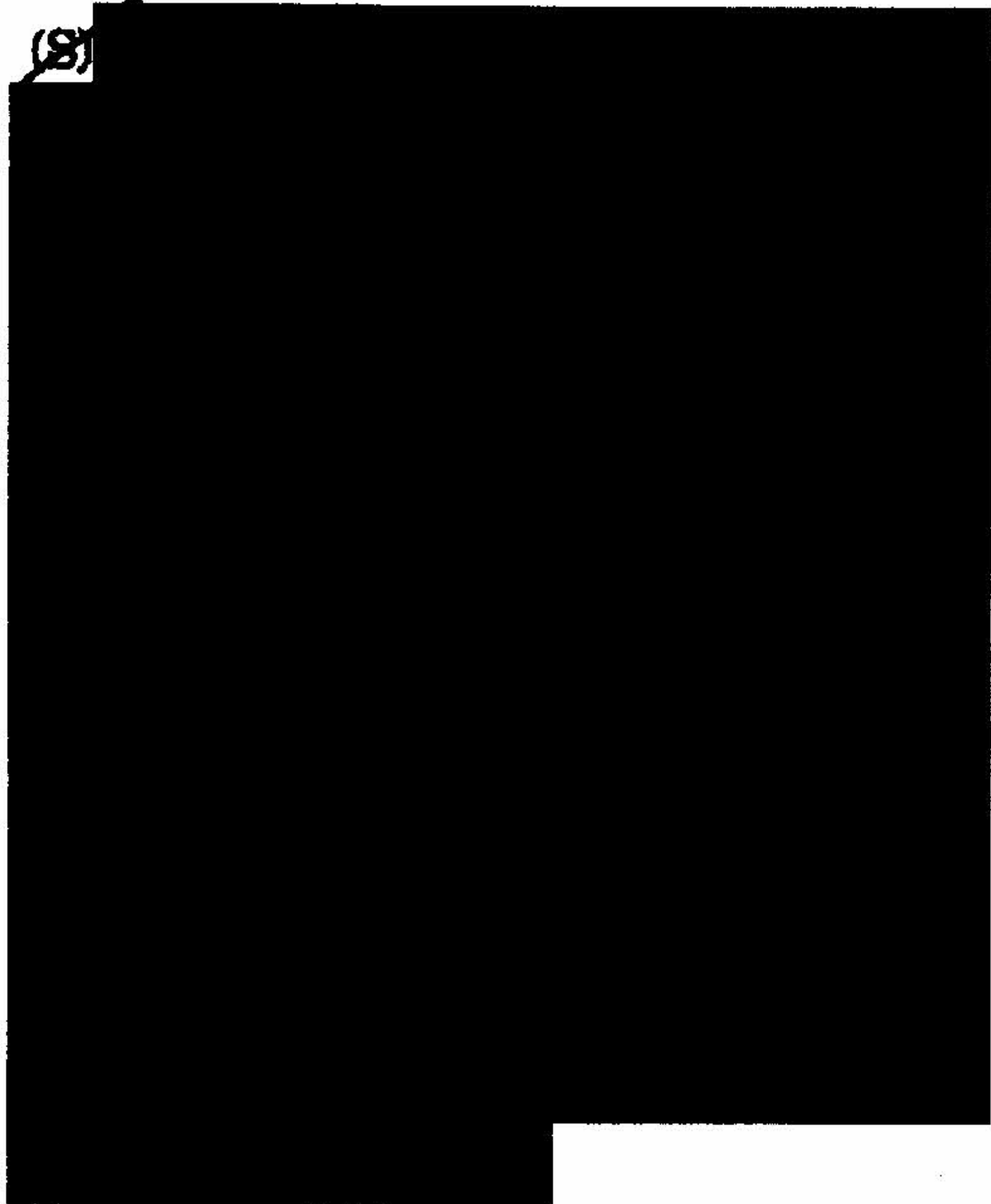
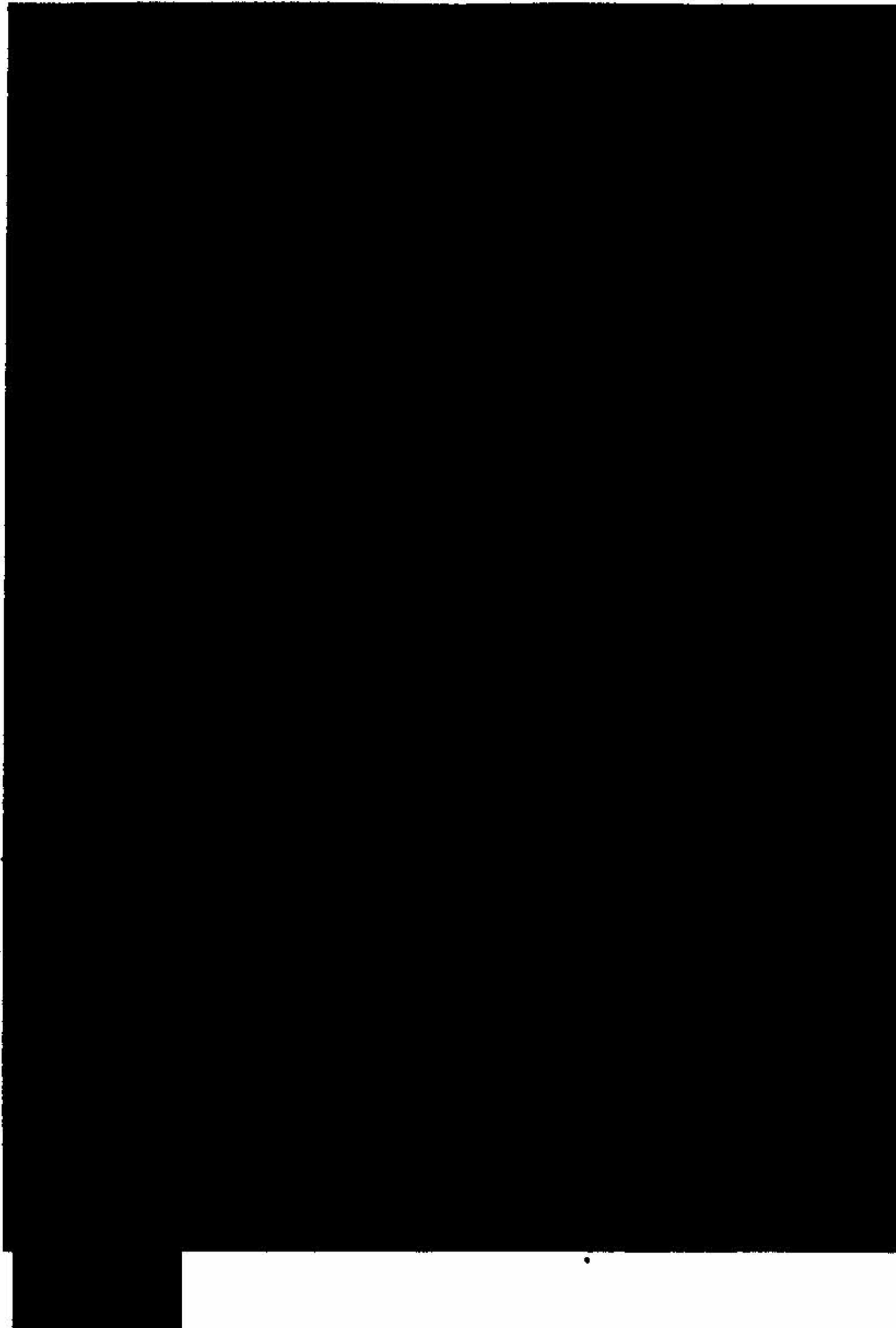
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(which ranged from "beating" to "verbal abuse"), to whom they would report abuse (ranging from their immediate superior in command to the unit inspector general), and who would determine whether abuse allegations were legitimate (often the senior enlisted or warrant officer, and sometimes the interrogator him or herself) were highly varied.



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(U) Other Issues

(U) Finally, we offer some observations on detention and interrogation issues concerning coalition and Iraqi National Guard forces.

(U) Coalition Forces

(U) Though coalition forces in Iraq fall under the command of MNF-I (and previously CJTF-7), we did not visit any non-U.S.-run detention facilities or conduct any interviews with non-U.S. personnel. The British and Australian

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personnel attached to the Iraq Survey Group are presumably required to abide by ISG policies; however, it is not clear whether the CJTF-7 interrogation policy memoranda were distributed to coalition units, or indeed whether U.S. policy explicitly requires coalition units to adhere to interrogation policies promulgated by a commander without multinational coordination. In addition, the aforementioned reliance on SIPRNET to disseminate interrogation guidance undoubtedly hindered dissemination to coalition units, which do not have access to the U.S.-only secure network. These are areas that should be explored and clarified during DoD's ongoing revision of department-wide interrogation policies.

(U) The Iraqi National Guard

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The Role of Contractors in Department of Defense
 Interrogation Operations (U)

(U) GENERAL ALLEGATIONS: ...On June 19, 2003, and June 20, 2003, [Central Intelligence Agency contractor] Defendant David A. Passaro interrogated Abdul Wali about the rocket attacks. During these interrogations, Defendant David A. Passaro beat Abdul Wali, using his hands and feet, and a large flashlight. Abdul Wali died in a cell on Asadabad Base [Afghanistan] on June 21, 2003.

- from United States of America v. David A. Passaro, filed June 17, 2004

Contractor Policy and Doctrine (U)

(U) Allegations of contractor-perpetrated detainee abuse in Afghanistan and Iraq (in particular, at Abu Ghraib) have cast a spotlight on the U.S. Government's use of contract personnel to conduct intelligence interrogations. Though it concerns a CIA contractor, the example cited above illustrates two key points that are also true for DoD contract interrogators:

1. (U) A comprehensive body of federal law permits the prosecution of U.S. nationals - whether contractor, government civilian, or military - who are found responsible for the inhumane treatment of detainees, or who otherwise violate U.S. and international law;
2. (U) Contractors supporting the U.S. Government in the Global War on Terror are often found in areas exposed to hostile

action, where they may be contractually assigned to take on functions of a traditionally military nature such as interrogation of detainees. (This does not relieve military commanders of their duty to ensure humane treatment of detainees, however, no matter which functions are performed by contractors.)

The second point highlights the importance of DoD policies regarding contractors that perform operational, rather than purely logistical functions. The following paragraphs provide an overview of the laws and policies pertinent to the employment and accountability of DoD contract interrogators and associated support personnel (e.g., linguists and analysts).

DoD Policy (U)

(U) The Department of Defense employs contract services under two circumstances. First,

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