

from file

- Applicable Policies, Directives & Instructions
- Enemy Prisoner of War Policy
- Oversight/Policy
- Command & Control
- Interrogations

*From material:
gathered in 11/20/01
office*

IPW 009

NOTE LAST SHEET WAS CLASSIFIED
DR MURSON RE...

DoDD 5100.77: DoD Law of War Program

- Dec 98
 - Expands responsibilities of Sec Army as the DoD Executive Agent for the investigation & reporting of reportable incidents
- Policy
 - DoD GC provides overall legal guidance
 - USD/P exercises primary staff responsibility
 - Secretaries of the Military Departments provide directives, publications, instructions & training so that principles & rules of law are known; provide for the prompt reporting & investigation of reportable incidents
 - All reportable incidents committed by or against US or enemy persons are promptly reported, thoroughly investigated and, where appropriate, remedied by corrective action
 - Sec Army, as the EA for the SecDef for reportable incidents, shall act for the SecDef in developing & coordinating plans & policies for, and in supervising the execution of, the investigation of reportable incidents. This authority is separate from and subject to the responsibilities assigned the Combatant Commanders
 - CJCS designate a POC to administer activities & issue plans, policies, directives & ROE consistent w/directive & law of war.
 - COCOMs institute effective programs to prevent violations of the rule of law of war & ensure plans, policies, directives & ROE are periodically reviewed, particularly in light of any violations reported
 - ASD/C3I (now USD/I shall ensure DIA provides information to SecArmy & COCOMs
 - Report incidents through chain of command by most expeditious means available – OPREP-3 report as established in Joint Pub 1-03.6
 - COCOMs shall report expeditiously reportable incidents to the CJCS, SecDef & Sec Army as EA

Enemy Prisoner of War Policy

DODD 2310.1: DoD Program for Enemy Prisoners of War (EPOW) & Other Detainees

- **Aug 94, Designates Sec Army as Executive Agent**
- **Policy**
 - US Military Services shall comply with Geneva Convention
 - Persons captured or detained may be transferred to and from the care, custody & control of the US Military Services on approval of ASD ISA & as authorized by the Geneva Conventions
- **Responsibilities**
 - USD/P provide in coordination with the ASD ISA appropriate reports to the CJCS & information or reports to other USG Agencies or Components to include Congress or the ICRC
 - USD/P ensure the Army JAG in coordination with the Army GC and the DoD GC provide legal guidance within the DoD about the DoD EPOW Detainee Program to include review of plans & policies

Oversight/Policy

DoDD 5106.1: Inspector General of the DoD

- Jan 01
- Responsibilities:
 - Develop policy, monitor & evaluate program performance & provide guidance wrt all DoD activities relating to criminal investigations programs
 - Provide policy direction for & conduct, supervise & coordinate audits & investigations relating to DoD programs & operations
 - Receive & investigate complaints or information concerning activity constituting a violation of law, rules or regulations
 - Evaluate, monitor & review the programs, policies, procedures & functions of the DoD IC – coordinate with ATSD IO

DoDD 5106.4: IGs of the Unified & Specified Commands

- Jan 93
- Responsibilities
 - Responsible to Commander for monitoring, evaluating, assessing & inspecting operational & other areas essential to mission performance
 - Evaluate operations C2

DoDD 5111.1: USD/P

- Dec 99
- Responsibilities
 - Develop, coordinate & oversee policy on POWs & MIA
 - Develop, coordinate & oversee the implementation for the defense & military aspect of constitutional democracy & respect for human rights in other countries, US participation in peace operations and in humanitarian assistance

DoDD 5148.11: ASD for Intelligence Oversight

- Jul 94
 - Responsibilities
 - Independent oversight of all intelligence activities – ensure all activities performed by intelligence & non-intelligence units are conducted in compliance with law
 - Monitor investigations & inspections conducted by DoD components, evaluate findings & submit recommendations for corrective action to the SecDef
 - Review DoD clandestine intelligence activities to ensure compliance with special constraints & controls
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Command & Control

Goldwater Nichols

- 1986
- Operational Chain of Command runs from the President to the SecDef to commanders of unified & specified combatant commands
- SecDef may assign responsibility to CJCS for overseeing the activities of the COCOMs
- Each COCOM performs duties under the authority, direction & control of the SecDef & is directly responsible to the SecDef for the performance of his command & its preparedness to execute assigned missions

Unified Command Plan (UCP)

- The document that sets forth basic guidance to all combatant commanders
 - Establishes combatant command missions, responsibilities, and force structures
 - Delineates geographic functional areas of responsibilities for functional combatant commands
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Command Authority

- The combatant commanders of combatant commands exercise combatant command (COCOM) of assigned forces & are directly responsible to the NCA (President & SECDEF) for the performance of assigned missions and the preparedness of their commands. COCOM is never delegated or shared with other echelons—
COCOM:
 - Prescribe the chain of command;
 - Organize commands and forces to carry out assigned missions;
 - Employ forces necessary to carry out assigned missions;
 - Coordinate and approve administration, support, and discipline; and
 - Exercise authority to select subordinate commanders and combatant command staff
 - The military departments operate under the authority, direction, and control of the SECDEF
 - This branch of the chain of command includes all military forces within the respective Services not specifically assigned to commanders of combatant commands
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Types of Command Authority

- **COCOM:** Authority vested over assigned forces vested in commanders by Title 10, U.S. Code, Section 164, and is not transferable
- **OPCON:** OPCON may be delegated to echelons below the combatant commander to provide authority to organize forces as the operational commander deems necessary to accomplish assigned missions
- **TACON:** Used in execution of operations and is defined as “the detailed and usually, local direction and control of movements or maneuvers necessary to accomplish missions or tasks assigned

Joint Task Forces

- A JTF is a joint force that is constituted and so designated by the SECDEF, a combatant commander, a subordinate unified command commander, or an existing JTF commander. A JTF may be established on a geographic or functional basis
 - Commanders of JTFs are responsible to the JTF-establishing authority
 - JTFs are usually operational, conducted to achieve operational-level objectives
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Role of the CJCS

- In the chain of command, the CJCS is threefold
 - Communications between the NCA and the combatant commanders may pass through the CJCS (President has in fact directed this)
 - Oversight of activities of combatant command may be delegated by the SECDEF to CJCS
 - CJCS is the spokesman for the combatant commanders on the operational requirements of their commands

OSD

- Principle staff element of the SECDEF in the exercise of:
 - Policy development
 - Planning
 - Resource management
 - Fiscal
 - Program evaluation responsibilities
- Within OSD, the USD(P) through the ASD (SO/LIC) is responsible for Information & Detainee Operations (DASD, Info & Detainee Operations is currently Vacant)

USD(I) Draft Charter

- The USD(I) shall have as a principal duty the overall supervision of all intelligence and intelligence-related affairs of the DoD—the USD(I) shall take precedence in the DoD on all intelligence, intelligence-related, CI, and security matters prescribed
 - Serve as the senior DoD intelligence policy & resource official below the SECDEF
 - Provide oversight and guidance for all DoD intelligence activities...
 - Provide policy oversight of all the intelligence organizations within the DoD
 - Oversee and coordinate DoD intelligence, intelligence-related, and security-related policy, plans, programs, requirements, and resource allocations
 - Ensure that intelligence activities of the Department are conducted jointly, as appropriate, in coordination with the Service Secretaries and CJCS
 - Provide oversight and policy guidance on sensitive intelligence activities as well as serve as the lead for DoD participation in all such activities
 - Develop and oversee policy regarding: DoD human intelligence programs; signals intelligence...
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CENTCOM Chain of Command

- Military Intelligence
 - Military Police
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DOD Operational Chain of Command

Secretary of Defense

**Chairman of the Joint Chiefs
of Staff & Joint Chiefs**

Commander US Central Command

**Commander Combined Joint Task Force Seven
Deputy Commander for Detainee Operations**

**Commander 504th MI
Brigade**

**Commander 391st MP
Battalion**

DOD Service Chain of Command

Secretary of Defense

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Secretary of the Army

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Chief of Staff of the Army

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Commander Forces Command

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Commander 3rd US Army

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Commander 377th Theater Support Command

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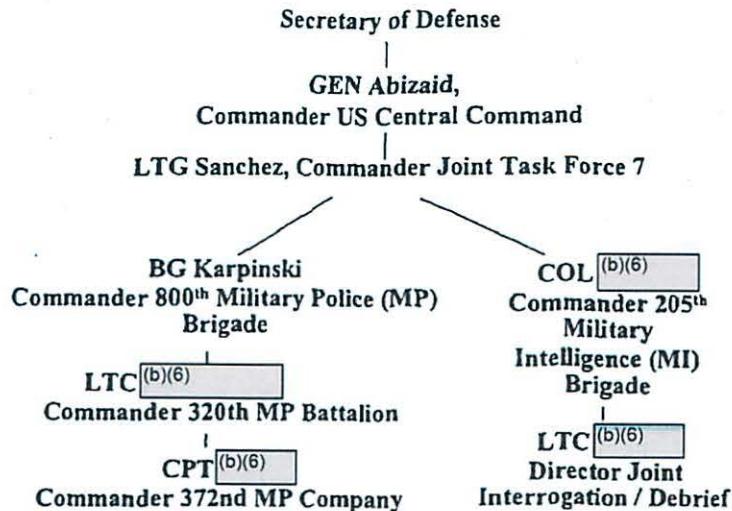
Commander 800th Military Police (MP) Brigade

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Commander 320th MP Battalion

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Commander 372nd MP Company

DoD Operational Chain of Command (as of Dec 03)

DRAFT WORKING PAPERS

UNCLASSIFIED

¹Administrative Control (ADCON): *Direction or exercise of authority over subordinate in respect to administration, support and other matters not included in the operational mission.* JP 1-02

ATTACHED TO 377TH THEATER SUPPORT COMMAND FEB 03: CFLCC DEPORD 177B PART I DTG131900Z FEB 03

²Tactical Control (TACON): *Command authority over assigned or attached forces/commands made available for tasking. TACON is inherent in operational control.* JP 1-02

RELEASED TACON TO V CORPS 11 JUNE 03; TRANSFER OF AUTHORITY OF CJTF-7 MISSION TO V CORPS DTG 110700Z JUN 03

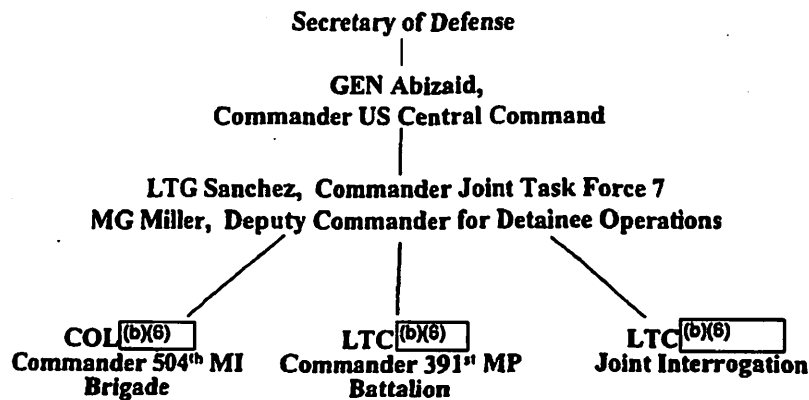
MISSION: (Excerpted from investigation report)

Forward Operating Base (FOB) Abu Ghraib (BCCF) provides security of both criminal and security detainees at the Baghdad Central Correctional Facility, facilitates the conducting of interrogations for CJTF-7, supports other CPA operations at the prison, and enhances the force protection/quality of life of Soldiers assigned in order to ensure the success of ongoing operations to secure a free Iraq

Commander, 205th Military Intelligence Brigade, was designated by CJTF-7 as the Commander of FOB Abu Ghraib (BCCF) effective 19 November 2003

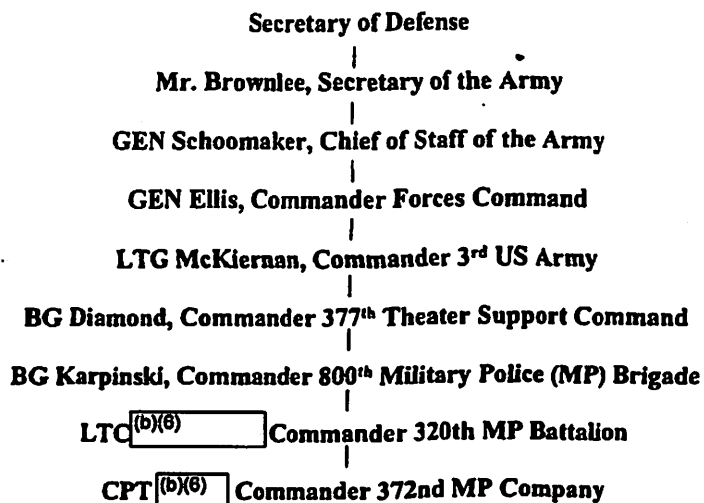
205th MI Brigade conducts operational and strategic interrogations for CJTF-7. That from 19 November 2003 until Transfer of Authority (TOA) on 6 February 2004, COL (b)(6) was the Commander of the 205th MI Brigade and the Commander of FOB Abu Ghraib (BCCF).

320th Military Police Battalion of the 800th MP Brigade is responsible for the Guard Force at Camp Ganci, Camp Vigilant, & Cellblock 1 of FOB Abu Ghraib (BCCF). That from February 2003 to until he was suspended from his duties on 17 January 2004, LTC (b)(6) served as the Battalion Commander of the 320th MP Battalion. That from December 2002 until he was suspended from his duties, on 17 January 2004, CPT (b)(6) served as the Company Commander of the 372nd MP Company, which was in charge of guarding detainees at FOB Abu Ghraib. BG Janis L. Karpinski was the Commander of the 800th MP Brigade.

DoD Operational Chain of Command (as of May 04)

SecDef signed a memo on 30 Apr which proposes "creation of an organization under CJTF-7/MNF-I to act as a single point of contact with responsibility for these actions related to detainees in Iraq." Commander USCENTCOM is directed in the memo to brief SecDef on implementation plan by 7 May.

There is no SecDef document which vests MG Miller with command responsibility.

Service Chain of Command (as of Dec 03)

¹Administrative Control (ADCON): *Direction or exercise of authority over subordinate in respect to administration, support and other matters not included in the operational mission. JP 1-02*

ATTACHED TO 377th THEATER SUPPORT COMMAND FEB 03; CFLCC DEPOD 177B PART I DTG131900Z FEB 03

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RELEASED TACON TO V CORPS 11 JUNE 03; TRANSFER OF AUTHORITY OF CJTF-7 MISSION TO V CORPS DTG 110700Z JUN 03

3rd Army- Ft McPherson, GA. Fwd HQ- Kuwait

377th TSC- New Orleans, LA. Fwd HQ- Kuwait

800th MP Bde- Uniondale, NY

320th MP Bn- Ashley, PA

372nd MP CO- Cresaptown, MD

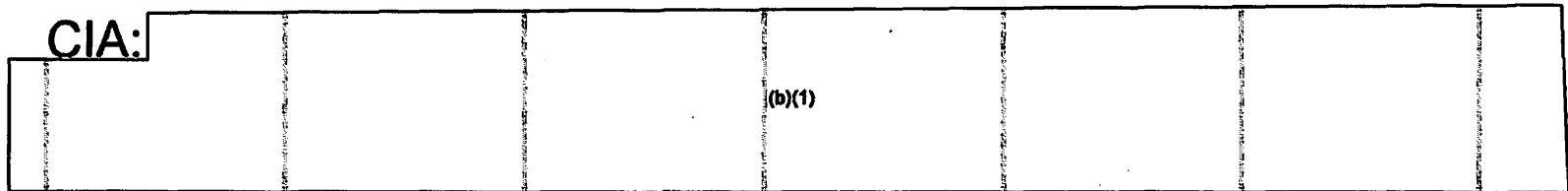
Interrogations

National Agencies Conduct of Interrogations

All National Agencies have policies and procedures which state that interrogations will adhere to the Geneva Convention

- **DIA:** Promulgated in DIA Policy Memo No 73
 - Consistent with Presidential & SECDEF guidance and follows TTP in FM 3010.40 & 3-19.40
 - Stresses that all prisoners will be treated in a manner consistent with the principles of the Geneva Convention
 - Techniques used will carefully follow those in FM 34-52

• **CIA:**



J2 CENTCOM Interrogation Guidance

- AR FM- 34-52 (written in 1987) served as the doctrinal basis for training Army interrogators
 - CENTCOM published interrogation guidance to TAB G to Appendix 5 to Annex B to OPLAN 1003V
 - CJTF-7 provided additional guidance which reinforces the approaches in FM 34-52 and directs that requests for the use of any other approach be submitted to Commander, CJTF-7 for approval (to include a legal review)



Interrogator Chain of Command - JIDC

President of the United States

Secretary of Defense

Commander, United States Central Command

Commander, Joint Task Force 7

Director, Joint Interrogation & Debriefing Center

Interrogation Officer In Charge

Noncommissioned Officer In Charge

Tiger Team
(Interrogator & Analyst)

JIDC In-Brief, 01 OCT 03

Interrogation Rules of Engagement

Approved approaches

All detainees:

- Direct
- Incentive
- Incentive Removal
- Emotional Love/Hate
- Fear Up Harsh
- Fear Up Mild
- Reduced Fear
- Pride & Ego Up
- Futility
- We Know All
- Establish Your Identity
- Repetition
- File & Dossier
- Rapid Fire
- Silence

Required CG's Approval

Requests must be submitted in writing

- Change of scenery down
- Dietary Manip
- Environmental Manipulation
- Sleep adjustment (reverse sched)
- Isolation for longer than 30 days
- Presence of Mil working Dogs
- Sleep Management (72 hrs max)
- Sensory Deprivation (72 hrs max)
- Stress Positions (no longer than 45 min)

SAFEGUARDS:

- Techniques must be annotated in questioning strategy
- Approaches must always be humane and lawful
- Detainees will NEVER be touched in a malicious or unlawful manner
- Wounded or medically burdened detainees must be medically cleared prior to interrogation
- The Geneva Conventions apply within CJTF-7

**EVERYONE IS RESPONSIBLE FOR ENSURING COMPLIANCE TO THE IROE.
VIOLATIONS MUST BE REPORTED IMMEDIATELY TO THE OIC.**

The use of the techniques are subject to the general safeguards as provided as well as specific guidelines implemented by the 205th MI Cdr, FM 34-52, and the Commanding General, CJTF-7