

1007-039



REPLY TO
ATTENTION OF

DEPARTMENT OF DEFENSE
UNITED STATES SOUTHERN COMMAND
OFFICE OF THE COMMANDER
3511 NW 91ST AVENUE
MIAMI, FL 33172-1217

SCCC

5 February 2007

MEMORANDUM FOR Mr. Uldric L. Fiore, Jr., Assistant Inspector General and General Counsel, Office of the Inspector General, Department of Defense, 400 Army Navy Drive, Arlington, VA 22202

SUBJECT: Army Regulation (AR) 15-6 Investigation into Alleged Abuse of Detainees at Joint Task Force - Guantanamo

1. Enclosed for your review is a copy of the AR 15-6 investigation recently conducted into allegations raised to the Inspector General of the Department of Defense by Lieutenant Colonel Colby C. Vokey, USMC, on 4 October 2006.
2. Colonel Richard C. Bassett, USA, concluded his investigation on 22 January 2007, and I approved his findings and recommendations, except for Recommendation 2, on 5 February 2007.

J. STAVRIDIS
Admiral, U.S. Navy

Encl
as

CF:

- Mr. Eric S. Edelman, Under Secretary of Defense for Policy
- Mr. William J. Haynes II, General Counsel, Department of Defense
- Gen Peter Pace, Chairman, Joint Chiefs of Staff

REPORT OF PROCEEDINGS BY INVESTIGATING OFFICER/BOARD OF OFFICERS

For use of this form, see AR 15-6; the proponent agency is OTJA.

IF MORE SPACE IS REQUIRED IN FILLING OUT ANY PORTION OF THIS FORM, ATTACH ADDITIONAL SHEETS

SECTION I - APPOINTMENT

Appointed by General Bantz J. Craddock, Commander, United States Southern Command
(Appointing authority)

on 13 October 2006 (Date) (Attach inclosure 1: Letter of appointment or summary of oral appointment data.) (See para 3-15, AR 15-6.)

SECTION II - SESSIONS

The (investigation) (board) commenced at HQ, US Southern Command (Place) at 1430 (Time)

on 13 October 2006 (Date) (If a formal board met for more than one session, check here . Indicate in an inclosure the time each session began and ended, the place, persons present and absent, and explanation of absence, if any.) The following persons (members, respondents, counsel) were present: (After each name, indicate capacity, e.g., President, Recorder, Member, Legal Advisor.)

The following persons (members, respondents, counsel) were absent: (Include brief explanation of each absence.) (See paras 5-2 and 5-8a, AR 15-6.)

The (investigating officer) (board) finished gathering/hearing evidence at 0830 (Time) on 2 November 2006 (Date)
and completed findings and recommendations at 0800 (Time) on 22 January 2007 (Date)

SECTION III - CHECKLIST FOR PROCEEDINGS

A. COMPLETE IN ALL CASES

1 Inclosures (para 3-15, AR 15-6)		YES	NO ¹	NA ²
Are the following inclosed and numbered consecutively with Roman numerals: (Attached in order listed)				
a. The letter of appointment or a summary of oral appointment data?				
b. Copy of notice to respondent, if any? (See Item 9, below)		X		
c. Other correspondence with respondent or counsel, if any?				X
d. All other written communications to or from the appointing authority?				X
e. Privacy Act Statements (Certificate, if statement provided orally)?		X		
f. Explanation by the investigating officer or board of any unusual delays, difficulties, irregularities, or other problems encountered (e.g., absence of material witnesses)?				X
g. Information as to sessions of a formal board not included on page 1 of this report?				X
h. Any other significant papers (other than evidence) relating to administrative aspects of the investigation or board?				X

FOOTNOTES: 1) Explain all negative answers on an attached sheet.
2) Use of the N/A column constitutes a positive representation that the circumstances described in the question did not occur in this investigation or board.

		YES	NO ^{1/}	NA ^{2/}
2	Exhibits (para 3-16, AR 15-6)			
	a. Are all items offered (whether or not received) or considered as evidence individually numbered or lettered as exhibits and attached to this report?	X		
	b. Is an index of all exhibits offered to or considered by investigating officer or board attached before the first exhibit?	X		
	c. Has the testimony/statement of each witness been recorded verbatim or been reduced to written form and attached as an exhibit?	X		
	d. Are copies, descriptions, or depictions (if substituted for real or documentary evidence) properly authenticated and is the location of the original evidence indicated?			X
	e. Are descriptions or diagrams included of locations visited by the investigating officer or board (para 3-5b, AR 15-6)?			X
	f. Is each written stipulation attached as an exhibit and is each oral stipulation either reduced to writing and made an exhibit or recorded in a verbatim record?			X
	g. If official notice of any matter was taken over the objection of a respondent or counsel, is a statement of the matter of which official notice was taken attached as an exhibit (para 3-16d, AR 15-6)?			X
3	Was a quorum present when the board voted on findings and recommendations (paras 4-1 and 5-2b, AR 15-6)?			X
B. COMPLETE ONLY FOR FORMAL BOARD PROCEEDINGS (Chapter 5, AR 15-6)				
4	At the initial session, did the recorder read, or determine that all participants had read, the letter of appointment (para 5-3b, AR 15-6)?			
5	Was a quorum present at every session of the board (para 5-2b, AR 15-6)?			
6	Was each absence of any member properly excused (para 5-2a, AR 15-6)?			
7	Were members, witnesses, reporter, and interpreter sworn, if required (para 3-1, AR 15-6)?			
8	If any members who voted on findings or recommendations were not present when the board received some evidence, does the inclosure describe how they familiarized themselves with that evidence (para 5-2d, AR 15-6)?			
C. COMPLETE ONLY IF RESPONDENT WAS DESIGNATED (Section II, Chapter 5, AR 15-6)				
9	Notice to respondents (para 5-5, AR 15-6):			
	a. Is the method and date of delivery to the respondent indicated on each letter of notification?			
	b. Was the date of delivery at least five working days prior to the first session of the board?			
	c. Does each letter of notification indicate --			
	(1) the date, hour, and place of the first session of the board concerning that respondent?			
	(2) the matter to be investigated, including specific allegations against the respondent, if any?			
	(3) the respondent's rights with regard to counsel?			
	(4) the name and address of each witness expected to be called by the recorder?			
	(5) the respondent's rights to be present, present evidence, and call witnesses?			
	d. Was the respondent provided a copy of all unclassified documents in the case file?			
	e. If there were relevant classified materials, were the respondent and his counsel given access and an opportunity to examine them?			
10	If any respondent was designated after the proceedings began (or otherwise was absent during part of the proceedings):			
	a. Was he properly notified (para 5-5, AR 15-6)?			
	b. Was record of proceedings and evidence received in his absence made available for examination by him and his counsel (para 5-4c, AR 15-6)?			
11	Counsel (para 5-6, AR 15-6):			
	a. Was each respondent represented by counsel?			
	Name and business address of counsel:			
	(If counsel is a lawyer, check here <input type="checkbox"/>)			
	b. Was respondent's counsel present at all open sessions of the board relating to that respondent?			
	c. If military counsel was requested but not made available, is a copy (or, if oral, a summary) of the request and the action taken on it included in the report (para 5-6b, AR 15-6)?			
12	If the respondent challenged the legal advisor or any voting member for lack of impartiality (para 5-7, AR 15-6):			
	a. Was the challenge properly denied and by the appropriate officer?			
	b. Did each member successfully challenged cease to participate in the proceedings?			
13	Was the respondent given an opportunity to (para 5-8a, AR 15-6):			
	a. Be present with his counsel at all open sessions of the board which deal with any matter which concerns that respondent?			
	b. Examine and object to the introduction of real and documentary evidence, including written statements?			
	c. Object to the testimony of witnesses and cross-examine witnesses other than his own?			
	d. Call witnesses and otherwise introduce evidence?			
	e. Testify as a witness?			
	f. Make or have his counsel make a final statement or argument (para 5-9, AR 15-6)?			
14	If requested, did the recorder assist the respondent in obtaining evidence in possession of the Government and in arranging for the presence of witnesses (para 5-8b, AR 15-6)?			
15	Are all of the respondent's requests and objections which were denied indicated in the report of proceedings or in an inclosure or exhibit to it (para 5-11, AR 15-6)?			
FOOTNOTES: 1) Explain all negative answers on an attached sheet. 2) Use of the N/A column constitutes a positive representation that the circumstances described in the question did not occur in this investigation or board.				

SECTION IV - FINDINGS (para 3-10, AR 15-6)

The (investigating officer) (board), having carefully considered the evidence, finds:
See Attached.

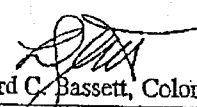
SECTION V - RECOMMENDATIONS (para 3-11, AR 15-6)

In view of the above findings, the (investigating officer) (board) recommends:
See Attached.

SECTION VI - AUTHENTICATION (para 3-17, AR 15-6)

THIS REPORT OF PROCEEDINGS IS COMPLETE AND ACCURATE. (If any voting member or the recorder fails to sign here or in Section VII below, indicate the reason in the space where his signature should appear.)

(Recorder)


Richard C. Bassett, Colonel, US Army
(Investigating Officer) (President)

(Member)

(Member)

(Member)

(Member)

SECTION VII - MINORITY REPORT (para 3-13, AR 15-6)

To the extent indicated in Inclosure _____, the undersigned do(es) not concur in the findings and recommendations of the board. (In the inclosure, identify by number each finding and/or recommendation in which the dissenting member(s) do(es) not concur. State the reasons for disagreement. Additional/substitute findings and/or recommendations may be included in the inclosure.)

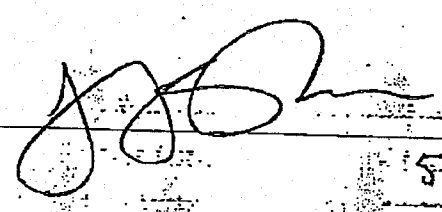
(Member)

(Member)

SECTION VIII - ACTION BY APPOINTING AUTHORITY (para 2-3, AR 15-6)

The findings and recommendations of the (investigating officer) (board) are (~~approved~~) (~~disapproved~~) (approved with following exceptions/substitutions). (If the appointing authority returns the proceedings to the investigating officer or board for further proceedings or corrective action, attach that correspondence (or a summary, if oral) as a numbered inclosure.)

Recommendation 2 is disapproved.



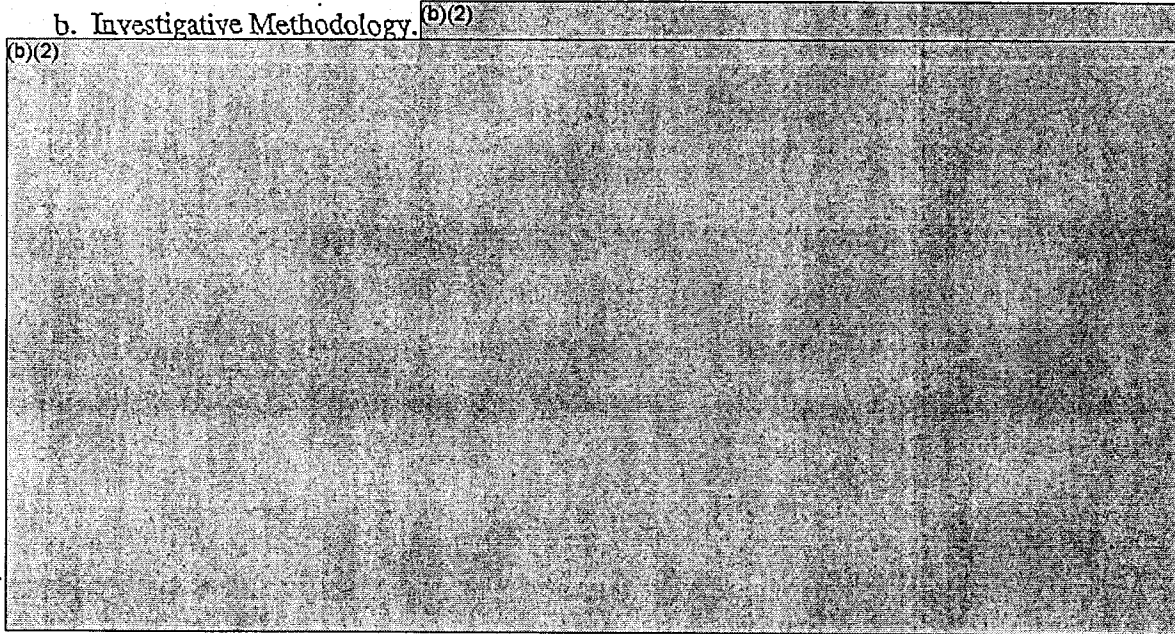
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I. Appointment and Investigative Methodology.

a. Appointment. GEN Bantz J. Craddock, Commander, United States Southern Command (USSOUTHCOM), appointed me the Army Regulation (AR) 15-6 investigating officer on 13 October 2006 to examine the allegations made in a sworn affidavit by Sgt Heather Cerveny USMC (Tab A), and determine if any Joint Task Force-Guantanamo (JTF-GTMO) personnel violated the UCMJ, U.S. laws, or DoD directives (Tab B). After RDML Harry B. Harris, Commander, JTF-GTMO, and (b)(3):10 USC §130b,(b)(6) JTF-GTMO SJA, received further allegations (Tabs C and D, respectively), ADM James Stavridis, the new Commander, USSOUTHCOM, expanded the scope of my investigation on 23 October 2006 (Tab E).

b. Investigative Methodology. (b)(2)

(b)(2)



2. Summary of Events. This report is divided into three parts to accurately reflect the expansion of the investigation over time with Part 1 focusing on those events surrounding the investigation into Sgt Cerveny's affidavit; Part 2 focusing on those events surrounding the statement presented by RDML Harris; and, Part 3 focusing on those events surrounding the JTF-GTMO Joint Intelligence Group (JIG) summary of detainee complaints. In some instances, information gained from one part of the investigation overlaps with another.

a. Part I (Sgt Cerveny's Affidavit).

(1) Background. Sgt Cerveny provided a sworn affidavit to her supervisor, LtCol Colby C. Vokey USMC, on 4 October 2006. Upon receipt of Sgt Cerveny's statement, LtCol Vokey added a cover letter, and forwarded the packet to the DoD Inspector General (IG) requesting a full investigation. Subsequently, the matter was forwarded to U.S. Southern Command and GEN Craddock initiated this investigation. In Sgt Cerveny's affidavit, she specifically identifies four U.S. Navy personnel by name or nickname, their general description, and where she believed they worked within JTF-GTMO. She identified the four personnel as follows:

(a) two Naval Expeditionary Guard Battalion (NEGB) personnel with the names or nicknames of (b)(3):10 USC §130b,(b)(6)

(b) a Camp America postal clerk, with the name or nickname of (b)(3):10 USC and,

(c) a female who works in intelligence by the name or nickname of (b)(3):10 USC §130b,(b)(6)

Prior to my arrival at Guantanamo Bay, the JTF-GTMO SJA and the NEGB chain of command sought to identify the four named individuals. In short order, they had potentially identified (b)(3):10 USC but had not identified (b)(3):10 USC. Upon my arrival at GTMO, (b)(3):10 USC §130b,(b)(6) JTF-GTMO Assistant SJA, was assigned as my investigative assistant. (b)(3):10 USC provided me with the identities of (b)(3):10 USC §130b,(b)(6) was identified as (b)(3):10 USC §130b,(b)(6) both members of the NEGB. (b)(3):10 USC §130b,(b)(6) was identified as (b)(3):10 USC §130b,(b)(6) a former Camp America postal clerk who had returned to his ship, (b)(6). During my first afternoon at GTMO, and after an e-mail name search, I was able to identify (b)(3):10 USC §130b,(b)(6) a member of the Joint Intelligence Group (JIG).

(2) Interview of Principals. Over the course of the next two days, (b)(3):10 USC and I interviewed the three personnel who were still located at GTMO. (b)(3):10 USC §130b,(b)(6) were both accused by Sgt Cerveny of bragging about abusing the detainees, and therefore, were suspected of violating the UCMJ. Accordingly, prior to questioning either of them, I advised both of them of their rights (Tabs F and G). After I read (b)(3):10 USC §130b,(b)(6) their rights, both agreed to cooperate fully, answer my questions, and make sworn written statements (Tabs H and I). (b)(3):10 USC §130b,(b)(6) was considered a witness and was not suspected of any wrongdoing, and therefore, was not advised of her rights. (b)(3):10 USC §130b,(b)(6) agreed to cooperate fully, and provided a sworn written statement (Tab J). Finally, I successfully contacted (b)(3):10 USC §130b,(b)(6) and scheduled an interview with (b)(3):10 USC §130b,(b)(6) who was traveling to Norfolk enroute to Camp Pendleton. (b)(3):10 USC §130b,(b)(6) cooperated fully with the investigation and provided a sworn statement (Tab K). (b)(3):10 USC §130b,(b)(6) did not read (b)(3):10 USC §130b,(b)(6) his rights, because I had previously determined that he was not suspected of any wrongdoing. Despite the fact that Sgt Cerveny accused (b)(3):10 USC §130b,(b)(6) of bragging about tampering with detainee mail, which is a violation of the UCMJ and US law, I ruled out the possibility of wrongdoing based on my interview of (b)(3):10 USC §130b,(b)(6) (Tab L). In summary, the detainee mail handling procedures precluded (b)(3):10 USC §130b,(b)(6) from having direct contact with any detainee mail, thus making it impossible for him to have committed the acts of which he was accused.

(3) Additional Interviews. In addition to the personnel identified in Sgt Cerveny's affidavit, I felt it necessary to pursue an understanding of the JDG environment, and policies under which the JDG guards operate. In pursuit of understanding I interviewed (b)(3):10 USC §130b,(b)(6). In addition to the interviews, I received a tour of Camps 2/3 and 4. Based on the knowledge I gained from my interviews and the tours, I decided to interview a medical professional from the JTF-GTMO Joint Medical Group (JMG) to determine if any medical personnel had identified any injuries sustained by the detainees that could be indicative of abuse. I interviewed (b)(3):10 USC §130b,(b)(6).

(b)(3):10 USC §130b,(b)(6) who served as the primary medical care provider for detainees at Camps 2/3 and 4 (Tab M).

(4) Narrative. After interviewing the four potential suspects and witnesses identified by Sgt Cerveny, and receiving their sworn statements, it was apparent that their recollections of the night of 23 September 2006, and early morning hours of 24 September 2006 are reasonably consistent with one another. (Note: During the interview process, I determined that (b)(3):10

(b)(3):10 USC §130b,(b)(6) however, (b)(3):10 USC §130b,(b)(6) so they are rarely together nor do they speak to one another. (b)(3):10 USC acknowledges (b)(3):10 USC as a friend. (b)(3):10 USC vaguely remembered (b)(3):10 USC §130b,(b)(6) but does not know them personally. Similarly, (b)(3):10 USC §130b,(b)(6) does not personally know any of the other named individuals, and, as previously stated, had departed GTMO on 30 September 2006, prior to Sgt Cerveny making her statement. These are pertinent facts with regard to corroboration of statements between the potential suspects and witnesses. I found no evidence of collaboration between the potential suspects and witnesses. Each individual was not specifically told why they were meeting with (b)(3):10 USC §130b,(b)(6) and me until they arrived for their interviews. Each individual was forthcoming with his/her recollections and was understandably concerned).

(a) Sgt Cerveny's Affidavit. Sgt Cerveny stated that she went to the Windjammer Club to meet with some other Marines she had earlier met in the gym. When she could not locate them, she joined a group of Sailors who were bragging about abusing detainees. She identified (b)(3):10 USC §130b,(b)(6) as bragging about beating detainees. She identified (b)(3):10 USC as a guard in Camps 5 and 6 who bragged about harassing detainees (Note: The NEGB was responsible for Camps 2/3 and 4. The Army guard element was responsible for Camp 5, and Camp 6 was under construction and unoccupied). She identified (b)(3):10 USC §130b,(b)(6) as boasting that he tampered with detainee mail. Finally, she identifies (b)(3):10 USC §130b,(b)(6) as someone from intelligence who was there with her. Sgt Cerveny ends her affidavit by stating that everyone was drinking. She states she had one drink, and that no one showed signs of being intoxicated. After about an hour with them, she states that she told them that she worked for a detainee defense attorney, whereupon everyone in the group got quiet.

(b) Sworn Statements of (b)(3):10 USC §130b,(b)(6)
(b)(3):10 USC §130b,(b)(6) Although there are some minor inconsistencies between the statements of these four individuals, which I attribute to consumption of alcohol affecting their memories, the statements of these Sailors are fairly consistent. All individuals admit to being in the Windjammer on the evening of 23 September 2006, and to being in the company of Sgt Cerveny. All individuals were drinking alcohol, except for (b)(3):10 USC §130b,(b)(6). Based on the preponderance of evidence, I believe the following occurred: All personnel previously identified were present at the Windjammer late on the evening of 23 September 2006, at approximately 2300. The Windjammer is an all-hands club, and the personnel present were enjoying a typical Saturday night's festive environment. At one time or another over the course of the next hour or so, (b)(3):10 USC §130b,(b)(6) each talked with Sgt Cerveny at the bar. (b)(3):10 USC §130b,(b)(6) met and remained with Sgt Cerveny for the majority of the night. As the Windjammer was closing, (b)(3):10 USC §130b,(b)(6) met Sgt Cerveny. Upon the closing of the Windjammer, all involved moved to "the bus," a converted school bus known throughout GTMO as a party bus. While on the bus, all involved save (b)(3):10 USC §130b,(b)(6) continued to drink alcohol. After

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being on the bus for an hour or so, (b)(3):10 USC § 130b.(b)(6) drove the bus to the (b)(6) housing area, where the group continued the party. The personnel involved continued to party both on the bus and in the (b)(6) housing area for sometime until the party ended, because of excessive noise and the late hour. Throughout the evening, very little of the group discussions or individual conversations concerned contact with detainees. Though (b)(3):10 USC § 130b.(b)(6) all state they talked in generalities about their work at JTF-GTMO with Sgt Cerveny, all vehemently state that at no time did anyone individually or in a group boast about beating or harassing detainees, or tampering with their mail. (b)(6)

(c) Other Individuals at the Windjammer. Neither (b)(3):10 USC § 130b.(b)(6) could recall the names or identities of any other individuals present at the Windjammer on the evening of 23 September 2006 (Tabs N and O). (b)(3):10 USC § 130b.(b)(6) indicated that (b)(6) arrived at the Windjammer on the night of 23 September 2006 with (b)(3):10 USC § 130b.(b)(6) but that (b)(3):10 USC § 130b.(b)(6) departed before Sgt Cerveny arrived at the club. Additionally, (b)(3):10 USC § 130b.(b)(6) could not recall the names or identities of any other individuals present at the Windjammer (Tab O).

(d) Interviews of (b)(3):10 USC § 130b.(b)(6) In order to fully investigate the allegations of abuse, I needed to understand the JDG environment, specifically as it applied to the NEGB, and the policies under which they operate. I interviewed (b)(3):10 USC § 130b.(b)(6) the (b)(3):10 USC § 130b.(b)(6) to gain additional information on (b)(3):10 USC § 130b.(b)(6) (Tab P). First, (b)(3):10 USC § 130b.(b)(6) confirmed that a review of the Detainee Information Management System (DIMS), a computer database maintained by (b)(2) revealed no record of any incident of alleged detainee abuse involving either (b)(3):10 USC § 130b.(b)(6). She further indicated that, prior to her arrival at JTF-GTMO, (b)(3):10 USC § 130b.(b)(6) had been in some previous disciplinary trouble in (b)(3):10 USC § 130b.(b)(6). (b)(3):10 USC § 130b.(b)(6) also relayed to me that the previous (b)(3):10 USC § 130b.(b)(6) had informed her that (b)(3):10 USC § 130b.(b)(6) had previously gone to Combat Stress and had told them that he had abused detainees. (b)(3):10 USC § 130b.(b)(6) told (b)(3):10 USC § 130b.(b)(6) claims were reviewed and found unsubstantiated, and were attributed to the fact that he was pending disciplinary action at the time he made the statements. With regards to (b)(3):10 USC § 130b.(b)(6) indicated that he was a good Sailor who did his job, and had not been in any trouble since their arrival at GTMO. However, (b)(3):10 USC § 130b.(b)(6) acknowledged that, while training at (b)(3):10 USC § 130b.(b)(6) prior to their unit's arrival at GTMO, (b)(3):10 USC § 130b.(b)(6) kicked a detainee role player for calling him a racial slur. (b)(3):10 USC § 130b.(b)(6) was temporarily removed from the exercise, and received some counseling and retraining. He subsequently returned to his unit without any further incidents.

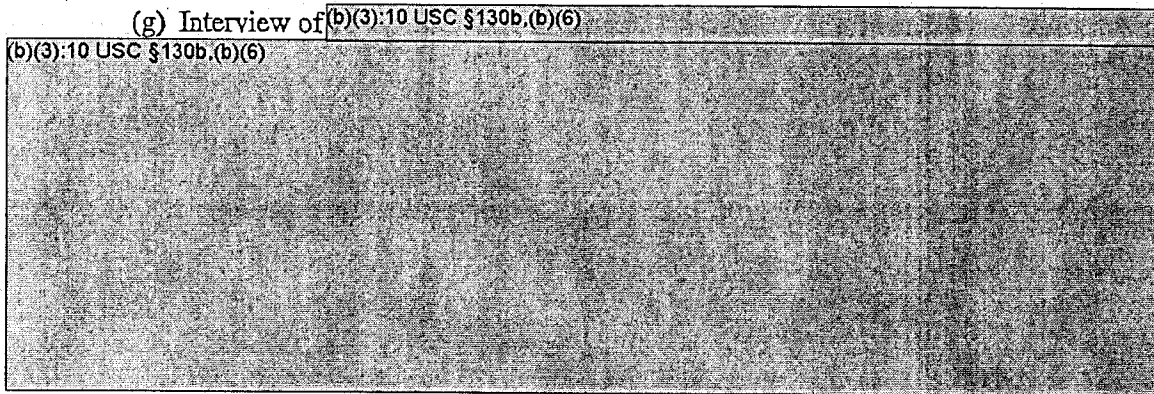
(e) Interview of other NEGB Personnel. Per my direction, (b)(3):10 USC § 130b.(b)(6) interviewed several personnel who serve directly with (b)(3):10 USC § 130b.(b)(6). These interviews revealed that neither individual has a reputation for engaging in abusive behavior towards detainees and no allegations of detainee abuse were disclosed (Tab Q). However, (b)(3):10 USC § 130b.(b)(6) who was (b)(3):10 USC § 130b.(b)(6) supervisor, (b)(3):10 USC § 130b.(b)(6) did relay that she orally counseled him after hearing rumors that he had made noise in the cell blocks by rattling chains to annoy detainees. (b)(3):10 USC § 130b.(b)(6) reported that she had caught (b)(3):10 USC § 130b.(b)(6)

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(b)(3):10 USC § 130b (b)(6) in a lie when he attempted to secure a better duty position. Finally (b)(3):10 USC § 130b (b)(6) (b)(3):10 USC § 130b (b)(6) indicated that (b)(3):10 USC § 130b (b)(6) had neither a history or reputation for any violence (Tab R).

(f) Review of Procedures. From the interviews with (b)(3):10 USC § 130b (b)(6) (b)(3):10 USC § 130b (b)(6) reading applicable portions of the Camp Delta Standard Operating Procedures (SOP), and touring Camps 2/3 and 4, I gained a good understanding of the guard procedures and environment. I observed no indications of inappropriate procedures or conduct by the guard force. I also found that the chain of command fully understands and appreciates the sensitivities involved in their mission, and I found the chain of command properly supervises their subordinates in the accomplishment of said mission.

(g) Interview of (b)(3):10 USC § 130b (b)(6) (b)(3):10 USC § 130b (b)(6)



(h) Review of Records. In addition to the DIMS database, which is maintained by the (b)(2) I also requested a review of the files maintained by the JTF-GMTO SJA and the JDG Investigations office for any record involving either (b)(3):10 USC § 130b (b)(6) The SJA's (b)(2) revealed no reported allegation of mistreatment or abuse involving (b)(3):10 USC § 130b (b)(6) (Tab S). Likewise, the JDG Investigations office found no case listing either (b)(3):10 USC § 130b (b)(6) as a suspect in any allegation of detainee abuse (Tab T). Lastly, I requested a review of the records maintained by the Joint Medical Group and Detention Hospital for any record of detainee abuse during the time period that (b)(3):10 USC § 130b (b)(6) served as guards (November 2005 through December 2006). The JMG Commander found no reported detainee abuse cases or records of detainee injuries suggestive of abuse in the detainee medical records during that time period (Tab U).

(3) Findings. Based on a preponderance of evidence, I find the following:

Finding 1: There is insufficient evidence to substantiate the alleged physical abuse or other mistreatment of detainees by (b)(3):10 USC § 130b (b)(6) Given the structured procedures and oversight at JTF-GTMO, and the fact that there is no DIMS, JDG, SJA, or JMG record of detainee abuse involving either (b)(3):10 USC § 130b (b)(6) I believe that despite whatever may have been said, heard, or construed in conversations on 23 and 24 September 2006, there is no evidence of actual abuse or mistreatment of detainees by either of these Sailors.

Finding 2: There is insufficient evidence to substantiate the allegations of detainee mail tampering by (b)(3):10 USC [redacted]

Finding 3: The Camp Delta Standard Operating Procedure, dated 15 October 2006, was properly written to ensure the best possible care and well-being of all detainees under the responsibility of the JDG.

Finding 4: The JDG chain of command, specifically the NEGB chain of command, fully understands their role in accomplishing this very sensitive mission, and the chain of command provides proper leadership and oversight to ensure an environment that adheres to the most stringent standards.

Finding 5: The current practice within the NEGB to (b)(2) [redacted] (b)(2) [redacted] is not conducive to teamwork and camaraderie, and, is not an efficient and effective use of manpower.

b. Part 2 (Statement presented by RDML Harris).

(1) Background. Upon my arrival on 18 October 2006 at GTMO, (b)(3):10 USC [redacted] gave me a memorandum from RDML Harris outlining additional allegations of detainee abuse. RDML Harris wrote the statement based on an e-mail he received from (b)(3):10 USC [redacted] a (b)(3):10 USC [redacted] with the JIG. The statement related the details of a conversation (b)(3) [redacted] had on the firing range with an individual named (b)(3):10 USC §130b.(b)(6) [redacted] stated that (b)(3):10 [redacted] related information about block guards who purposely antagonize and harass detainees (for example, shortening the time in the shower, verbally and physically abusing the detainees (derogatory remarks and rough handling), interrupting prayer, searching cells, waking the detainees, and general disruption aimed at antagonizing the detainees). (b)(3):10 USC [redacted] stated that (b)(3):10 [redacted] was bothered by the fact that the guards treated the detainees in this way. (b)(3):10 [redacted] believed that the behavior of the guards was unprofessional, and it made (b)(3) [redacted] job harder (i.e., trying to escort a harassed detainee). I made an appointment to interview (b)(3):10 USC [redacted] and was under the impression (b)(3) [redacted] was going to bring (b)(3):10 [redacted] with (b)(3):10 USC [redacted] arrived with (b)(3):10 USC [redacted] a subordinate of (b)(3) [redacted] in the JIG. Upon questioning (b)(3):10 USC [redacted] revealed that (b)(3) [redacted] was not present on the range. (b)(3):10 USC [redacted] was on the range, and (b) [redacted] had related his conversation with (b)(3):10 [redacted] to (b)(3):10 USC §130b.(b)(6) [redacted] having heard of the ongoing investigation, came forward with the e-mail to RDML Harris. I interviewed and received sworn written statements from (b)(3):10 USC §130b.(b)(6) [redacted] (Tabs V and W). The statements given by (b)(3):10 USC §130b.(b)(6) [redacted] didn't provide any additional relevant information. (b)(3):10 USC [redacted] contacted (b)(3):10 USC [redacted] a NEGB training officer, who provided me with a roster of all personnel who attended the range on 6 October 2006 (Tab X). The roster included additional ranges that occurred on 29 September and 13 October 2006. I reviewed the roster for any (b)(3):10 [redacted] named (b)(3):10 [redacted] or any variation thereof. There was no (b)(3):10 [redacted] on the list with the name (b)(3):10 [redacted] or any variant. With the assistance of the NEGB leadership, we contacted each (b)(3):10 [redacted] on the roster, and were unable to identify (b)(3):10 [redacted] but during the process, (b)(3):10 USC [redacted] told me that a portion of their SRT was conducting training at Fort Leonard Wood, Missouri. (b)(3):10 USC [redacted] (b)(3):10 [redacted] located the deployed SRT leadership and requested to talk to the two (b)(3):10 [redacted] who were present for training. During the telephone conversation, (b)(3):10 USC §130b.(b)(6) [redacted] confessed to

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posing as (b)(3):10 USC §130b,(b)(6) provided sworn written statements (collectively at Tab Y).

(2) (b)(3):10 USC §130b,(b)(6) Statement (b)(3):10 USC related that, during (b)(3): conversation with (b)(3):10 USC found out (b)(3): was in intelligence, and an interrogator. Given a perceived history of contention between the interrogators and the guard force, (b)(3): decided to make up a story in jest. In addition to admitting to making up the story in defense of all detainee escorts (b)(3):10 USC §130b,(b)(6) stated that (b)(3): has never witnessed any type of abuse between guards and detainees.

(3) Findings. Based on a preponderance of evidence, I find the following:

Finding 6: There is insufficient evidence to substantiate the allegations raised in (b)(3):10 USC §130b,(b)(6) e-mail to RDML Harris of detainee abuse by the guard force.

Finding 7: (b)(3):10 USC demonstrated poor judgment in telling a story (b)(3): knew to be false about a very sensitive subject.

c. Part 3 (JIG Summary of Detainee Complaints presented by (b)(3):10 USC §130b,(b)(6)

(a) Background. Based on the e-mail from (b)(3):5 USC §574(d) to RDML Harris, and his subsequent memorandum (b)(3):10 USC asked the JIG to provide any recent relevant complaints made by the detainees to their interrogators. Based on (b)(3):10 USC §130b,(b)(6) query, the JIG provided a 16-page summary with complaints dating back to June 2006. The complaints were all from Camp 2/3, Blocks M, N, O, P, Q, and S: I reviewed the complaints to determine the likelihood of guard abuse of detainees and I contacted the JDG Investigations Office, whose purpose is to investigate these types of allegations. At the JDG Investigations Office, I met with (b)(3):10 USC who gave me access to the JDG records that documented all previous and current investigations into detainee abuse. Additionally (b)(3):10 USC described the procedures involved in the JDG investigations -- upon receipt of an allegation of abuse, regardless of where it comes from (JDG, JIG, JMG, etc.), the allegation is forwarded to the JDG Commander, who, after review of the allegation, (b)(2)

(b)(2)

(b)(2)

The JDG Investigation Office's records showed from June through October 2006, 14 investigations were conducted into allegations of abuse, of which one was substantiated. The substantiated allegation involved an (b)(3):1 guard in Camp 5 who threatened to beat a detainee (no physical contact involved). The guard was subsequently punished by his chain of command. While an allegation similar to the allegation that (b)(3): took a detainee's head and slammed it into the cell block was raised, it involved a different guard. There were no substantiated allegations of abuse in Camps 2/3 or 4, the camps for which the NEGB is responsible. I reviewed the JIG summary provided by (b)(3):10 USC §130b,(b)(6) and compared it to the JDG Investigation Office's records, and I determined the complaints on the JIG summary either did not rise to the level of an allegation requiring investigation, had already been investigated and found unsubstantiated, or were currently being investigated. A summary of the allegations is contained at Tab Z.

(b): Findings. Based on a preponderance of evidence, I find the following:

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Finding 8: The allegations of detainee abuse raised by the JIG either did not warrant further inquiry, had already been appropriately investigated, or were currently being investigated by JTF-GTMO.

Finding 9: The current procedures for investigating allegations of detainee abuse are efficient and effective. All JTF-GTMO personnel (whether in the JDG, JIG, and JMG) know and follow the proper reporting procedures.

3. Recommendations. Based on the above findings, I make the following recommendations:

Recommendation 1: I recommend no action be taken against (b)(3):10 USC §130b,(b)(6) (b)(3):10 USC §130b,(b)(6)

Recommendation 2: (b)(5)
(b)(5)

Recommendation 3: I recommend that (b)(3):10 USC §130b,(b)(6) receive a letter of counseling from her immediate supervisor outlining her lapse in judgment and reminding her of the sensitivity of the JTF-GTMO mission.

Recommendation 4: I recommend the NEGB organize their guards into (b)(2)
(b)(2)
(b)(2) I further recommend the NEGB leadership (b)(2)
(b)(2)

Recommendation 5: I recommend the JDG continue to treat their SOP as a living document to ensure they are efficiently and effectively accomplishing their very sensitive mission.

Recommendation 6: I recommend the JTF-GTMO chain of command continue to adequately train and actively supervise all personnel involved in detainee operations.

Recommendation 7: I recommend that Commander, JTF-GTMO, in coordination with the Commanding Officer, Naval Station Guantanamo, ensure that the "party bus" is a properly authorized vehicle/activity.