



*Issue Title (Command Inspection Program):  
J-031 JACOBY REPORT Section VII, Item j, pg 19*

**(U) RECOMMENDATION /  
OBSERVATION:**

Initiate a formal, periodic command inspection program for detainee operations for regional and component commanders in the CFC-A AO.

**~~(S)~~ CURRENT ASSESSMENT:**

Request Closure.

OPR: CENTCOM  
OCR:

**~~(S)~~ FIX / ACTION / CHANGE:**

(b)(1)





*Issue Title (Detainee Working Group):  
J-032 JACOBY REPORT Section VII, Item k, pg 19*

**(U) RECOMMENDATION / OBSERVATION:**

Formation of an Implementation Working Group within CFC-A and its subordinate commands with a mandate to consider and plan the implementation of the above directives and approved recommendations from this inspection.

**~~(S)~~ FIX / ACTION / CHANGE:**

(b)(1),(b)(5)

**~~(S)~~ CURRENT ASSESSMENT:**

(b)(1),(b)(5)

OPR: CENTCOM  
OCR:



# Formica Report 8 Findings



# FA-001 FORMICA REPORT, pg 11

## (U) RECOMMENDATION / OBSERVATION:

CJSOTF-AP, 10th and 5th SF GP commands, should be provided a copy of this report and cautioned to ensure greater oversight of their subordinate units' detention/interrogation operations. CJSOTF-AF should respond by endorsement upon implementation of appropriate corrective action consistent with this report.

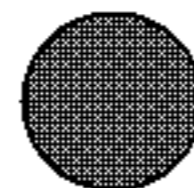
## ~~(S)~~ FIX / ACTION / CHANGE:

**Fix:**

**Action:**

**Change:**

## ~~(S)~~ CURRENT ASSESSMENT:



OPR: CENTCOM  
OCR:

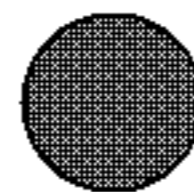


# FA-002 FORMICA REPORT pg8, para 5-6; pg 75, IV

## (U) RECOMMENDATION / OBSERVATION:

All CJSOTF-AP personnel, especially ODA 554 and ODA 065, should receive mandatory corrective training and education in the principles of the Geneva Conventions relating to the treatment of detainees, specifically including adequate diet, sufficiently comfortable quarters and the provision of adequate clothing.

## ~~(S)~~ CURRENT ASSESSMENT:



## ~~(S)~~ FIX / ACTION / CHANGE:

**Fix:**

**Action:**

**Change:**

OPR: CENTCOM  
OCR:

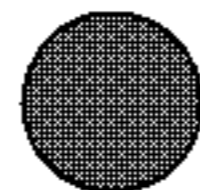


# FA-003 FORMICA REPORT pg 12, para 7

## (U) RECOMMENDATION / OBSERVATION:

Ensure dissemination of MNF-I/MNC-I policies to CJSOTF-AP and provide oversight of compliance. The establishment of a Deputy Commanding General (DCG) for Detention Operations at the MNF-I level provides the necessary organizational continuity to prevent future disconnects with subordinate units on applicable regulatory and policy guidance.

## ~~(S)~~ CURRENT ASSESSMENT:



## ~~(S)~~ FIX / ACTION / CHANGE:

**Fix:**

**Action:**

**Change:**

OPR: CENTCOM

OCR:

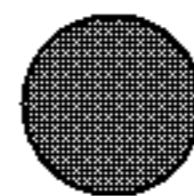


# *FA-004 FORMICA REPORT pg 10; pg 45, VI; pg 60, II; pg 75, IV*

## **(U) RECOMMENDATION / OBSERVATION:**

- (S/NF)CJSOTF-AP should publish policy guidance that:
  - (U) Clarifies authorized interrogation techniques;
  - (S/NF) Differentiates between tactical question and interrogation
  - (S/NF) Authorizes subordinate Naval Special Warfare Task Unit (NSWTU) and Operational Detachments Alpha (ODAs) to detain as capturing units with the explicit, documented approval of an LTC (O-5) or above and , then only long enough to get detainees to RPC or another suitable Coalition Force (CF) detention facility.
  - (S/NF) Establishes SOP for conduct of detention and interrogation operations and ensures periodic review for compliance with current MNF/MNC-I policies;
  - (S) Ensures all Special Operations Forces (SOF) personnel are trained on the SOP and implementing procedures.

## **~~(S)~~ CURRENT ASSESSMENT:**



## **~~(S)~~ FIX / ACTION / CHANGE:**

**Fix:**

**Action:**

**Change:**

OPR: CENTCOM

OCR:

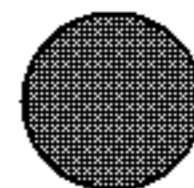


# FA-005 FORMICA REPORT pg 55, VI; pg 62, 1,2

## (U) RECOMMENDATION / OBSERVATION:

~~(S)~~ MNF-I should establish policy guidance that delineates minimum standards for detention facilities, including capturing unit operations, to include: adequate, environmentally controlled holding areas in a secure, guarded facility; adequate bedding (blanket or mat) and clothing; adequate food and water (type and quantity; three meals a day); documented, systematic medical screening as every level of detention; formalized accountability process at every level.

## ~~(S)~~ CURRENT ASSESSMENT:



OPR: CENTCOM  
OCR:

## ~~(S)~~ FIX / ACTION / CHANGE:

**Fix:**

**Action:**

**Change:**





# FA-006 FORMICA REPORT pg 30, VI

## (U) RECOMMENDATION / OBSERVATION:

(b)(1),(b)(5)



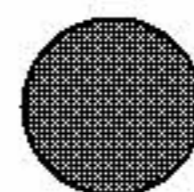
## ~~(S)~~ FIX / ACTION / CHANGE:

Fix:

Action:

Change:

## ~~(S)~~ CURRENT ASSESSMENT:



OPR: CENTCOM  
OCR:



*FA-007 FORMICA REPORT pg 12, see footnotes; pg 68,  
para 10*

**(U) RECOMMENDATION / OBSERVATION:**

(U) While the specific allegations of abuse are not substantiated by the evidence, these circumstances raise the issue of how indigenous personnel are employed to conduct or participate in Coalition detention operations or interrogations. This is an area that may require an MNF-I policy.

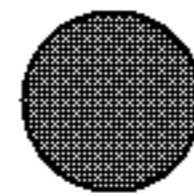
**~~(S)~~ FIX / ACTION / CHANGE:**

**Fix:**

**Action:**

**Change:**

**~~(S)~~ CURRENT ASSESSMENT:**



OPR: CENTCOM  
OCR:



# FA-008 FORMICA REPORT pg 12, para 8

## (U) RECOMMENDATION / OBSERVATION:

(b)(1),(b)(5)



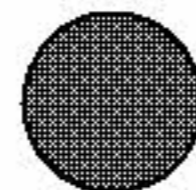
## ~~(S)~~ FIX / ACTION / CHANGE:

Fix:

Action:

Change:

## ~~(S)~~ CURRENT ASSESSMENT:



OPR: CENTCOM

OCR:



# Gaps and Seams

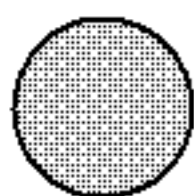
## 17 Findings

# GS-001 Law of War Treaties

## (U) RECOMMENDATION/OBSERVATION

- Harmonizing policies and treaties with allies

## (U) CURRENT ASSESSMENT:



- ODA's assessment is that no policy is in conflict with our international or treaty obligations. All policies that have been issued since the beginning of GWOT were thoroughly examined by the DoDGC before issuance.
- International perceptions and analysis of the choices made at the SECDEF and POTUS level have created disagreements where the law is silent or has contradictory guidance.
- The nature of GWOT has produced unique situations that need *better* guidance based upon what we have learned – lessons that can be applied to creating better policy as well as better international relations with our allies.

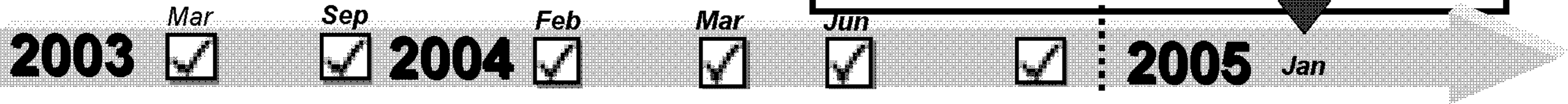
OPR: USD (P)  
OCR: USD (P)

## (U) FIX/ACTION/CHANGE:

**Fix:** Review all current policies and regulations w/ regard to allies

**Action:** ODA is currently revising all DoDD and policies and will assist ARMY in the revisions of AR 190-8 and other documents as requested.

**Change:** Revision of Detainee Operations Policy as well as issuance of larger "covering" policies will demonstrate how DoD operations satisfy international treaty obligations.



# GS-002 Partial Immunity Program

**(U) RECOMMENDATION/OBSERVATION**

- Develop limited program designed to encourage disclosure of any remaining abuses

**(U) CURRENT ASSESSMENT:**

- Mechanisms currently exist to report/disclose abuses.
- Greater command emphasis needed in how to use existing reporting channels
- OSD is working with P&R (Health Affairs) to address training requirements for reporting abuse.
- OGC has addressed this in its revision of the DoDD on "law of war".
- ODA will be reporting to Congress 2X a year on violations reported to the SECDEF.

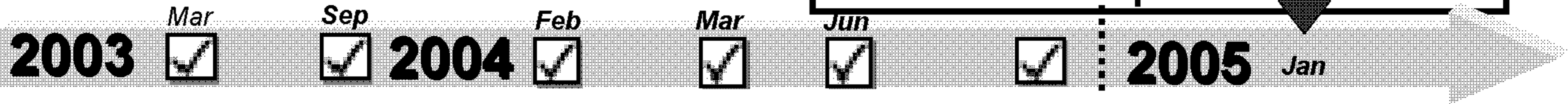
OPR: USD (P)/DoD OGC  
OCR: USD (P)

**(U) FIX/ACTION/CHANGE:**

**Fix:** Develop and implement appropriate training and update related DoDD and Regs

**Action:** ODA will be assisting on the revision of AR 190-8 w/ Army. OGC is revising 5100.77 to reflect changes in US law and requirements on reporting. Other OSD components are issuing their own reporting policies (e.g. ASD(HA) medical ethics policy.)

**Change:** Mechanisms will be enhanced to report violations.



# GS-003 Coalition Doctrine for Detainee Ops

**(U) RECOMMENDATION/OBSERVATION:**

- Need to develop doctrine for coalition operations

**(U) CURRENT ASSESSMENT:**

- Allied Joint Pub 2.5 addresses Detainee Ops in the NATO coalition and is often used as a model in other coalitions. A coalition formed quickly for the purpose of executing a specific campaign will not produce doctrine, a long process used for enduring coalitions, but will coordinate and issue orders under the authority of the coalition force commander establishing guidance for coalition activities such as Detainee Ops.

OPR: Joint Staff J-7  
OCR: Army, JFCOM

**(U) FIX/ACTION/CHANGE:**

**Fix: Develop means to establish and ensure coalition compliance with US standards**

**Action: Include specific and detailed detainee ops guidance in theater ROE**

**Change:**



# GS-004 Review of Manual for Courts-Martial and UCMJ

**(U) RECOMMENDATION/OBSERVATION**

- Review for adequacy with respect to detainee abuse (similar to post-Aberdeen)

**(U) CURRENT ASSESSMENT:**

- Do not believe task is properly assigned to OSD/USD(P) request reassignment as USD(P) has no authority over UCMJ or to evaluate adequately

**OPR: Do not believe USD(P) has authority.**

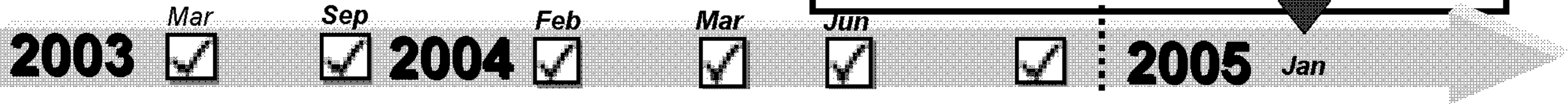
**OCR: Do not believe USD(P) has oversight.**

**(U) FIX/ACTION/CHANGE:**

**Fix:**

**Action:**

**Change:**





# *GS-005 Review of JCS activity under Goldwater-Nichols*

**(U) RECOMMENDATION/OBSERVATION**

- Review for adequacy with respect to detainee abuse (similar to post-Aberdeen)

**(U) CURRENT ASSESSMENT:**

- Do not believe task is properly assigned to OSD/USD(P) request reassignment as USD(P) has no authority

**OPR: Do not believe USD(P) has authority.**

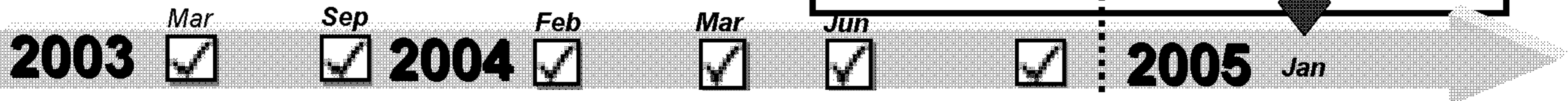
**OCR: Do not believe USD(P) has oversight.**

**(U) FIX/ACTION/CHANGE:**

**Fix:**

**Action:**

**Change:**





# Gaps and Seams-006

**OPR: OSD**  
**Status: Red**

## *GS-007/ Criminal Investigations*

**(x) RECOMMENDATION/OBSERVATION**

- Completion of all Criminal Investigations of Detainee Abuse

**(x) CURRENT ASSESSMENT:**

OPR: Army

OCR: None

As of 21 Jan 05, US Army CID has initiated 300 Cases with 197 closed and 103 open investigations.

**(x) FIX/ACTION/CHANGE:**

**Fix: Personal Accountability**

**Action: CID is aggressively investigating all reports of detainee abuse. Investigations are not conducted to Time but rather based on Due Diligence.**

**Change: Continue to update case status**

# GS-008 Capturing Lessons Learned

**(U) RECOMMENDATION/OBSERVATION:**

- Capture lessons learned from OEF/OIF

**(U) CURRENT ASSESSMENT:**

- The discussion and recommendation portions of current detainee operations investigations provide the inputs needed to derive findings, take corrective actions, and assess those corrective actions toward issue resolution. This cycle results in a lesson learned on detainee operations

OPR: JFCOM

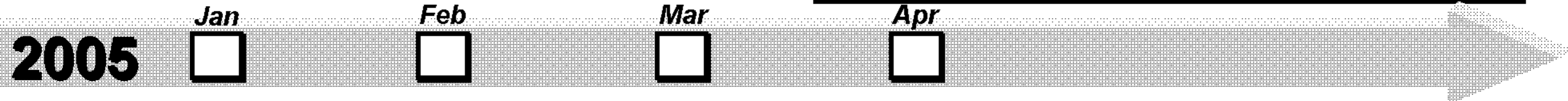
OCR: J5; J7; CENTCOM; Services

**(U) FIX/ACTION/CHANGE:**

**Fix: Maximize use of issue resolution opportunities available from the findings of various investigation processes**

**Action: Empower detainee ops action plan to leverage the appropriate DOTMLPF and Policy change mechanisms**

**Change: Standardize the process for recording and storing findings, as well as appropriate actions taken, for future reference**



Continue OIF LL Collection

Assess new LL

Incorporate changes as required

# GS-009 Sufficiency of Ongoing Investigations

**(U) RECOMMENDATION/OBSERVATION**

- Is the scope of ongoing investigations sufficient to address issues to satisfy all interests

**(U) CURRENT ASSESSMENT:**

- Church was charged with this mandate – to make a formal determination.
- OSD is supporting all DoD investigations
- 13 investigations – 8 major, 5 operational.
- New investigation opened – SOUTHCOM response to FOIA FBI allegations.

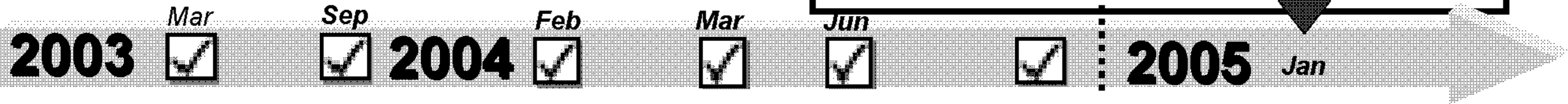
OPR: USD (P)  
OCR: USD (P)

**(U) FIX/ACTION/CHANGE:**

**Fix:**

**Action:**

**Change:**



# GS-010 Applying Previous Lessons Learned

**(U) RECOMMENDATION/OBSERVATION:**

- Did we apply lessons learned from previous conflicts (e.g. Bosnia) to the current insurgency?

**(U) CURRENT ASSESSMENT:**

- Currently lack references or evidence of the application of findings from the detainee operations of previous military operations.

OPR: JFCOM

OCR: J5; J7; CENTCOM; EUCOM; Services

**(U) FIX/ACTION/CHANGE:**

**Fix: Assign responsibility for cataloging the findings from current detainee operations investigations for future reference**

**Action: Poll Services to identify Lessons Learned from previous conflicts if any.**

**Change:**

**2005**

*Jan*

*Feb*

*Mar*

*Apr*

Request Info  
from Services

# GS-011 Congress Questions on “Ghost Detainees”

**(U) RECOMMENDATION/OBSERVATION**

- Congress question: “What is a *Ghost Detainee* and how many have there been?”

**(U) CURRENT ASSESSMENT:**

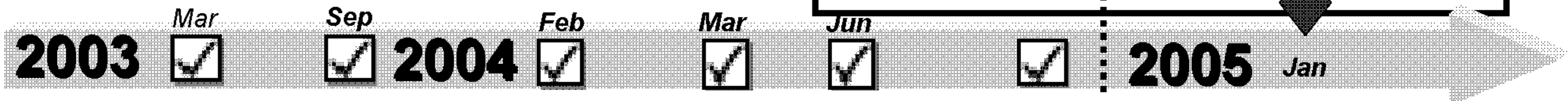
- ODA has addressed this issue with the SECDEF as well as USD(I) and OGA’s.
- The SECDEF has briefed this issue publicly regarding the *one* detainee who was held without prompt registration with the ICRC.
- It is DoD policy to promptly register all detainees.
- ODA & USD(P) officials have briefed Congress on this issue – we are preparing for upcoming hearings on issue.
- To the extent required, ODA will work with OGC and USD(I) to resolve any remaining issues on this sensitive matter.

OPR: USD (P)  
OCR: USD (P)

**(U) FIX/ACTION/CHANGE:**  
**Fix: Adequately brief Congress regarding “Ghost Detainee” issue.**

**Action: Classified briefings with Congress.**

**Change: Congress question answered.**





# Gaps and Seams-012

**OPR: OSD (P)**

**Status: Red**





Note: G&S-013 submitted by  
both OSD and Army

OPR: Army