



*Issue Title (Improve Communications):
J-011 JACOBY REPORT Section VI, Item k, pg 15*

(U) RECOMMENDATION / OBSERVATION:

Communication capabilities must be improved. Secure network capabilities at each site are critical for the timely transfer of information. Existing communication capabilities do not support the secure electronic transfer of documents or successful dissemination of large amounts of data. This hinders the forwarding of timely, actionable intelligence either forward or to the rear. Real time data transfer will improve the SECDEF criteria analysis conducted at points of capture, thus ensuring only individuals who are likely to meet the criteria are further processed.

~~(S)~~ CURRENT ASSESSMENT:

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

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

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

OPR: CENTCOM
OCR:

(x) RECOMMENDATION/OBSERVATION

• In addition to the integration of CCTV at the Bagram and Kandahar detention facilities, anti-intrusion devices or a security alarm system would significantly enhance the security posture of existing facilities. Centrally controlled door locks would also greatly enhance the security of the facility

• HQDA DODOIP Task: F1 

(x) CURRENT ASSESSMENT:

OPR: Army

OCR:

(x) FIX/ACTION/CHANGE:

Fix: Facility physical security standards for internment facilities

Action: Develop doctrine to incorporate minimum physical security standards as part of facility design

Change: Publish FMI 3-19.40





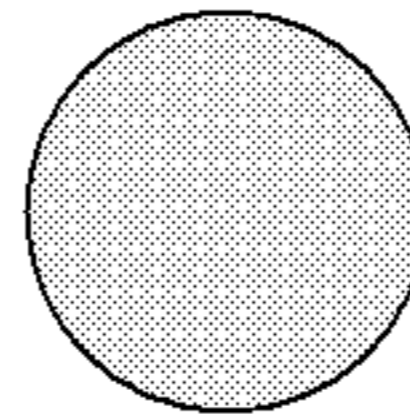
Jacoby Report – Closed Items

J-013 to J-014



J-015

OPR: Policy Working Group





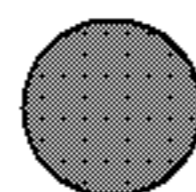
Jacoby Report – Closed Items

J-016 to J-017

J-018 / Detention Facility Minimum Standards**(x) RECOMMENDATION/OBSERVATION**

- The Kandahar detention facility is an outdoor holding area in need of repairs to accommodate its maximum number of detainees. These improvements are already being made and the facility will soon be able to operate at maximum capacity. Additionally, a 78 – person indoor holding area is under construction with a projected completion date of August 04. After a thorough assessment of maximum capacity thresholds; CJTF-7 committed to building another indoor holding facility next to the new indoor 78-person facility. Projected completion date is 1 Sep 2004. Total detention capability after construction will be 178 detainees

- HQDA DODOIP Task: F1

(x) CURRENT ASSESSMENT:

OPR: Army

OCR:

(x) FIX/ACTION/CHANGE:

Fix: Deteriorating infrastructure that impacted on having a clean, safe, and secure working environment for Soldiers and living conditions for detainees

Action: Develop doctrine to incorporate minimum infrastructure standards for adequate facilities to house

Change:

- On-site inspections/assessments
- Publish FMI 3-19.40

2004**2005****SEP**Publish
FMI 3-19.40



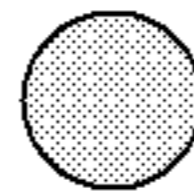
Jacoby Report – Closed Items

J-019 to J-020

J-021 / Detention Facility Minimum Standards**(x) RECOMMENDATION/OBSERVATION**

- As the theater matures, we have an opportunity to create corresponding improvements in our detention facilities and to better provide for the well being of detainees consistent with the principles of Geneva Conventions. Particularly for Low Level Enemy Combatants (LLECs), many of whom have already been detained in the Bagram Collection Point for extensive periods and who have little chance for release in the foreseeable future. Alternative arrangements are worth evaluating. This may be a significant challenge in the short-term given significant detainee population increases. Future construction efforts at Bagram may provide an area separate from other detainee where more space to exercise, take instruction, and even work might be made available. This will better meet the spirit of Geneva without hindering the intelligence gathering function

- HQDA DODOIP Task: F1

(x) CURRENT ASSESSMENT:

OPR: Army

OCR:

(x) FIX/ACTION/CHANGE:

Fix: Deteriorating infrastructure that impacted on having a clean, safe, and secure working environment for Soldiers and living conditions for detainees

Action: Develop doctrine to incorporate minimum infrastructure standards for adequate facilities to house

Change:
On-site inspections/assessments
Publish FMI 3-19.40

*SEP***2004****2005**

Publish
FMI 3-19.40



Jacoby Report – Closed Items

J-022 to J-032



Formica Report

8 Findings



Formica Report – Closed Items

FA-001 to FA-003



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)~~ FIX / ACTION / CHANGE:

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

~~(S)~~ CURRENT ASSESSMENT:

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

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:

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

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

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

OPR: CENTCOM

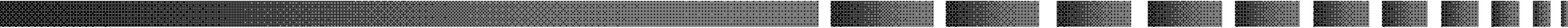
OCR:

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JS AMNESTY/CCR 1744



Formica Report – Closed Items

FA-006 to FA-008



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, the Justice Department, and the White House Council 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.
- NSC has developed PCC on "public diplomacy" to address gaps in understanding about applicability of LOAC to GWOT.

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.



Gaps and Seams – Closed Items

GS-002

GS-003 Coalition Doctrine for Detainee Ops

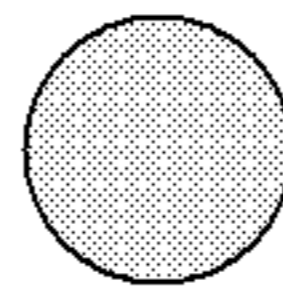
(U) RECOMMENDATION/OBSERVATION:

- 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

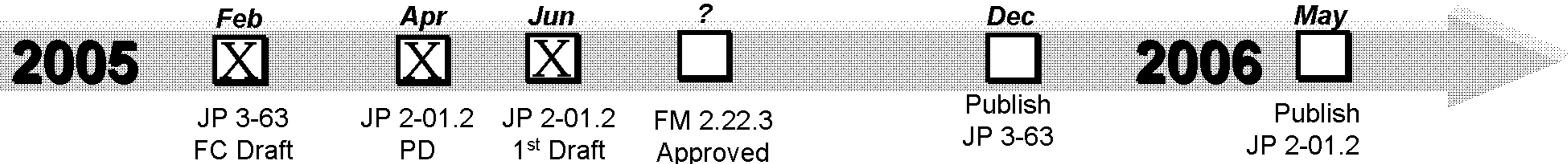


(U) FIX/ACTION/CHANGE:

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

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

Change:





Gaps and Seams – Closed Items

GS-004

GS-005 Service/COCOM Responsibility under Goldwater-Nichols

(U) RECOMMENDATION/OBSERVATION

- Review COCOM responsibility regarding detention operations to include investigation and prosecution of alleged abuses

(U) CURRENT ASSESSMENT:

- In response to SF 1005, proposed Accountability Study Group will evaluate existing processes and procedures and submit proposed solutions to CJCS/SD

OPR: JS-LC & OSD GC

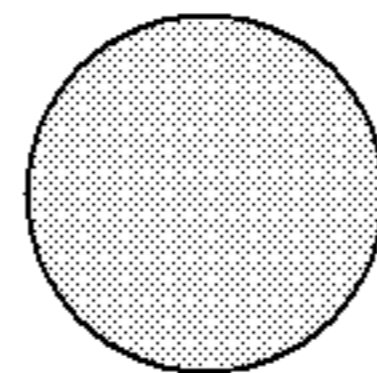
OCR: CENTCOM & SOUTHCOM

(U) FIX/ACTION/CHANGE:

Fix: Accountability Study Group members nominated

Action: Terms of Reference completed

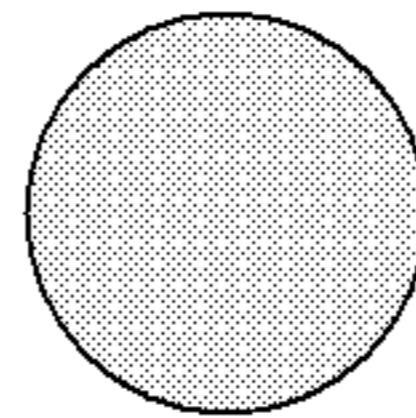
Change: Waiting approval by SD





GS-006

OPR: OSD





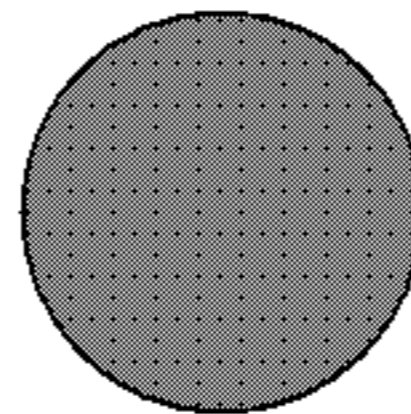
Gaps and Seams – Closed Items

GS-007 to GS-008



GS-009

**OPR: OSD/
JS Oversight Council**



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:

- USJFCOM Joint Center for Operation Analysis-Lessons Learned will research and review available DOD lessons learned data and address Detention Operations lessons learned from previous conflicts.

OPR: JFCOM

OCR: J5; J7; CENTCOM; EUCOM; Services

(U) FIX/ACTION/CHANGE:

Fix:

Action: Research DOD lessons learned data from previous conflicts and poll Service contacts for tactical lessons learned

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.