

		CHURCH REPORT - POSITIVE POINTS	
Positive	p. 144	(U) <i>Five</i> : The unifying theme among all participants in the debate surrounding interrogation policy for GTMO – from the SECDEF, to the Joint Staff, to the various military service lawyers, to the Working Group, to the leaders at SOUTHCOM and GTMO – was the sincere desire to do what was right for the United States under exceedingly difficult circumstances.	Positive
Positive	p. 145	(U) Intelligence operations at GTMO are conducted in a highly-structured, well-disciplined environment that is conducive to intelligence collection. This is partially due to the fact that GTMO is in a remote and secure location, far from any battlefield. ... [M]uch of the credit for the structure and discipline at GTMO is due to specific policies that have developed at GTMO over time, or what we refer to in shorthand as the GTMO “model.”	Positive
Positive	p. 153-154	(b)(1),(b)(5)	Positive
Positive	p. 175	(U) There have been over 24,000 interrogation sessions at GTMO since the beginning of interrogation operations, and in this time, there have been only 3 cases of closed, substantiated interrogation-related abuse. In addition, there have been only 4 cases of substantiated abuse committed by MPs, and 1 substantiated case in which a camp barber committed a minor infraction. All ... are relatively minor in nature, and none bears any resemblance to abuses depicted in the Abu Ghraib photos.	Positive

		CHURCH REPORT - POSITIVE POINTS	
Positive	p. 177-178	<p>(U) We can confidently state that ... we found nothing that would in any way substantiate detainee allegations of torture or violent physical abuse at GTMO.</p> <p>(Nevertheless, we found that such allegations are thoroughly investigated...) <u>First</u>, interrogation and detention policies at GTMO have not in any way directed, encouraged, or conducted torture or violent physical abuse of detainees, and the amount of command oversight ... makes it highly unlikely that such abuse could go unchecked. <u>Second</u>, even minor detainee abuse at GTMO is punished ... and thus it would be incongruous for violent physical abuse to exist and go unpunished. <u>Third</u>, our review of medical records found no evidence to support allegations of torture or violent physical abuse of detainees. <u>Finally</u>, many allegations of violent physical abuse ... concern ... GTMO's Immediate Reaction Force (IRF), ... a disciplinary squad employed only as a last resort to compel non-compliant detainees to follow guards' orders using the minimum necessary force, ... [which] sometimes entails a physical confrontation. ... [W]e identified no evidence of abuse from a review of IRF videotapes.</p>	Positive
Positive	p. 233	<p>(U) We found no evidence to suggest that senior personnel applied unusual pressure to operational units to obtain intelligence; nor did we find evidence suggesting that any units believed they were under pressure beyond that inherent in combat and stability operations.</p>	Positive

		CHURCH REPORT - POSITIVE POINTS	
Positive	p. 233	(U) Based on CENTCOM's figure of roughly 2,000 detainees held between October 2001 and August 2004, this means that abuse was alleged to have been perpetrated against less than three percent of all detainees in Afghanistan, by less than a quarter of one percent of the over 30,000 troops who have served in Afghanistan since the beginning of OEF. ... [T]he vast majority of detainees in Afghanistan appear to have been treated humanely, often receiving better food and medical care than they would in their everyday lives; and that the vast majority of U.S. troops are serving honorably in a dangerous environment.	Positive
Positive	p. 251	(U) We agree with LTG Jone's conclusion that "the CJTF-7 Commander [LTG Sanchez] and staff performed above expectations, in the overall scheme of OIF."	Positive
Positive	p. 274	(U) We found no evidence of any policy or directive that might be interpreted as ordering or permitting the Abu Ghraib abuse	[Positive; however, some could take issue with LTG Sanchez's claim that all the policies were in place, given the clear failure to disseminate them and evidence of non-compliance even when they were available]
Positive	P. 287	With the exception of the abuses at Abu Ghraib and several other isolated incidents that are described below and in the section covering abuse cases, we found no evidence of the use of interrogation techniques that are prohibited by law or by policies above the CJTF-7 level.	Positive - [but, the several exceptions, with the fact that there is a section devoted to them, juxtaposed with the phrase "no evidence" stretches credibility – at least in this context]
Positive	p. 293	(U) In reviewing these [274] cases, we found no evidence that approved interrogation policies contributed to abuse; furthermore, as of September 30, 2004, there were no closed, substantiated cases of death resulting from interrogation-related abuse.	Positive

		CHURCH REPORT - POSITIVE POINTS	
Positive	p. 304	(U) There was no evidence of explicit pressure for intelligence other than that conveyed from CJTF-7 (and subsequently MNF-I) headquarters to interrogators via the chain of command	Positive
Positive	p. 304	(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.	Positive
Positive	p. 315	(U) We found, nevertheless, that contractor compliance with DoD policies, government command and control of contractors, and the level of contractor experience were generally good, thanks in large part to the diligence of contracting officers and local commanders.	Positive
Positive	p. 315	(U) Contractors made a significant contribution to U.S. intelligence efforts. Contractor personnel were typically former military intelligence or law enforcement personnel, and were on average older and more experienced than military interrogators. ... In addition, contract personnel often served longer tours than DoD personnel, creating continuity and enhancing corporate knowledge at their commands.	Positive

		CHURCH REPORT - POSITIVE POINTS	
Positive	p. 322	(b)(1), (b)(5)	Positive
Positive	p. 324, 326-327		Positive
Positive	p. 331		Positive

		CHURCH REPORT - POSITIVE POINTS	
Positive	p.333	(b)(1),(b)(5)	Positive
Positive	p. 352	GTMO- (FOUO) In May 2004, None [of 25 medical personnel interviewed] saw or suspected detainee abuse [at GTMO]. Our own examination of medical records supported these impressions. Health records ... revealed virtually no evidence of detainee abuse or injury.	Positive
Positive	p. 354-355	AFG- (FOUO) None of interviewed medical personnel had seen or suspected detainee abuse. Each indicated they would report it to their chain of command if they suspected it.	Positive
Positive	p. 366	(U) We found no cases of detainee death where we suspected direct involvement of medical personnel in detainee abuse.	Positive

(3RD) CHURCH REPORT – POLICY MIGRATION NOTES

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Migrate	p. 201	(b)(1), (b)(5)	
Migrate	p. 229, 231, 232		

		CHURCH REPORT - POLICY MIGRATION NOTES	
Migrate	p. 238	(b)(1),(b)(5)	
Migrate	p. 286		
Migrate	p. 289-290		
Migrate	p. 290	(U) In sum, we found that migration of interrogation techniques into Iraq was largely through official processes, including through the staffing of the September 2003 CJTF-7 interrogation policy (which included legal reviews by both CHTF-7 and CENTCOM); and that unofficial migration likely occurred when interrogators believed that techniques they had learned elsewhere were permissible under the Geneva Conventions and FM 34-52. We found no evidence that interrogators consciously imported techniques that they believed to exceed the laws and policies applicable in Iraq. Finally, we found no evidence that copies of the Detainee Interrogation Working Group report on interrogation techniques were ever circulated in Iraq.	

		CHURCH REPORT - POLICY MIGRATION NOTES	
Migrate	P. 289	(b)(1), (b)(5)	
Migrate	p. 303-304		

(3RD) CHURCH REPORT- ADDITIONAL ITEMS OF NOTE

		CHURCH REPORT – ADDITIONAL ITEMS OF NOTE	
Item of Note	p. 223	(b)(1),(b)(5)	
Item of Note	p. 233-237	<i>Discussion of specific cases of interrogation-related abuse</i>	
Item of Note	p. 238	(U) “Missed Opportunity” (<i>did not [itself] contribute to or cause abuse; unlikely that they could have prevented the interrogation-related abuse that did occur. However, had they been pursued, U.S. forces might have been better prepared for detention and interrogation operations in Afghanistan</i>)	(U) VADM Church’s Definition?
Item of Note	p. 253	(U) We generally concur with [MG Fay’s] findings regarding the conduct of detention operations in general prior to the assignment of MG Miller as [MNF-I] Deputy Commanding General for Detainee Operations [and Commander, TF-134]	

		CHURCH REPORT – ADDITIONAL ITEMS OF NOTE	
Item of Note	p. 270	(b)(1),(b)(5)	
Item of Note	p. 275	(U) [W]e must note one key observation regarding Abu Ghraib: the vast majority of abuses at Abu Ghraib (e.g., the “human pyramid”) are completely unrelated to any doctrinal or otherwise approved interrogation techniques or policies, and did not occur during actual interrogations. Because the abuses there indicated a complete disregard for approved policies, they should not be considered representative of other issues pertaining to compliance with approved policies in Iraq.”	
Item of Note	p. 302	(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	
Item of Note	p. 305	(b)(1),(b)(5)	

		CHURCH REPORT – ADDITIONAL ITEMS OF NOTE	
Item of Note	p. 288	(b)(1), (b)(5)	

(3RD) CHURCH REPORT – RECOMMENDATIONS OVERVIEW

DSLOC REF No.	CHURCH REPORT NOTATION	PROBLEM IN DETAIL (FINDING)	REPORT RECOMMENDATIONS
C-001P	p. 3, 7, 196-197, 214, 201-203, 237, 268-269	(U) Lack of specific guidance, clarity, and consistency on interrogation techniques among Afghanistan, Iraq, and GTMO interrogation operations	(U) <u>Inferred</u> : Standardize interrogation guidance under a single policy that provides for specific and unambiguous guidance applicable to all areas of operation. Decisions on the applicability of specific techniques should be reserved for the policy source and not left for interpretation by implementing levels.
C-002P	p. 3, 239, 304	(U) Interrogation Operations Planning -- Missed Opportunity: No evidence that specific detention or interrogation <u>lessons learned</u> from previous conflicts were incorporated into planning for operations in support of the GWOT.	(U) Future planning for detention and interrogation operations in the GWOT should take full advantage of prior and ongoing experience in these areas.
C-003P	p. 10, 11, 47, 92, 237, 303	(U) Ineffective Policy Dissemination	<u>Inferred</u> : Need improved processes for dissemination of policy guidance, ensuring compliance, and obtaining feedback on implementation down through the unit-level [Issue closely related to C-030, Compliance]

DSLOC REF No.	CHURCH REPORT NOTATION	PROBLEM IN DETAIL (FINDING)	REPORT RECOMMENDATIONS
C-004P	p. 10, 41, 42, 44, 148, 150, 151, 153, 217-218, 256-257	(U) Compatibility and sufficiency of MP and MI Doctrine for detention and interrogation operations	Inferred: Clarify and reconcile doctrine for MP and MI detention and interrogation operations
C-005P	p. 16, 92-94, 97, 236, 274	(U) Failure to anticipate, detect, and react to warning signs of abuse	(U) Inferred: Put in place more specific procedures and direct guidance to prevent further abuse. Emphasize stronger leadership, greater oversight, and enforcement of good military discipline to lessen the likelihood of abuse.
C-006P	p. 18, 46, 332-333, 334-335, 337	(U) Lack of Interagency policy governing the involvement of OGAs in the interrogation of DoD detainees	(b)(1),(b)(5) (U) We therefore recommend the establishment and wide promulgation of interagency policies governing the involvement of OGAs in the interrogation of DoD detainees.
C-007P	p. 19, 354, 357, 365	(U) Limited/Non-Standard Training of Medical Personnel in the screening/treatment of detainees led to inconsistent field-level implementation of specific requirements.	(U) There is a need for [a] focused training program in this area so that our medical personnel are aware of and comply with detainee screening and medical treatment requirements. One obvious need is for a clear and concise training curriculum in a standardized format amenable to use in diverse settings

DSLOC REF No.	CHURCH REPORT NOTATION	PROBLEM IN DETAIL (FINDING)	REPORT RECOMMENDATIONS
C-008P	p. 19-20, 353, 359, 362-363, 367	(U) Assess whether medical personnel have adequately discharged their obligation to report (and where possible, prevent) detainee abuse.	(U) Our insights, taken together, suggest the need to clarify and reinforce the special responsibilities of medical personnel in preventing and reporting suspected detainee abuse. <u>Inferred</u> : Standardize practice for medical personnel to report suspected incidents of detainee abuse
C-009P	p. 20, 286, 343, 355, 359, 366	(U) Participation of medical personnel in interrogation support roles (non-care giving duties)	(U) DoD policy-level review is needed to ensure that this practice is performed with proper safeguards, as well as to clarify the status of medical personnel (such as behavioral scientists supporting interrogators) who do not participate in patient care.
C-010P	p. 20, 344, 366	Interrogator access to detainee medical information	(U) DoD policy-level review is necessary in order to balance properly competing concerns
C-011P	p. 33, 34, 44, 45, 46, 153, 232, 255-256, 290	(U) Lack of master, DoD-level interrogation doctrine	(U) <u>Inferred</u> : Develop master DoD-level detention/interrogation policy and doctrine, including approved interrogation techniques.
C-012P	p. 46	(U) There are not enough interrogators and linguists to meet the demands of the GWOT	(U) Significant efforts are underway to address and rectify the shortfall.
C-013P	p. 21, 161, 162,-163, 174,	(U) Difficulty of precisely defining the boundaries of humane treatment, particularly under extraordinary circumstances.	(b)(1),(b)(5)

DSLOC REF NO.	CHURCH REPORT NOTATION	PROBLEM IN DETAIL (FINDING)	REPORT RECOMMENDATIONS
		(b)(1),(b)(5)	
C-014P	p. 160- 161, 174		
C-015P	p. 168		
C-016P	p. 171, 174	<hr/>	

DSLOC REF NO.	CHURCH REPORT NOTATION	PROBLEM IN DETAIL (FINDING)	REPORT RECOMMENDATIONS
			(b)(1),(b)(5)
C-017P	p. 174	<p>(U) Sexual Acts or Mock Sexual Acts (GTMO): A female interrogator made inappropriate contact with a detainee by running her fingers through the detainee's hair, making sexually suggestive comments and body movements, including sitting on the detainees lap.... [W]e used the Manual for Courts-Martial definition of sexual assault, referred therein as "Indecent Assault," to characterize any potential sexual assault case. Consequently, we did not consider this case to be a sexual assault because the interrogator did not perpetrate the act with the intent to gratify her own sexual desires.</p>	<p>(U) We refer the discussion of techniques employed that clearly violate any standard of "humane" treatment to JTF-GTMO for further investigation, as appropriate. The female interrogator was given a written admonishment for her actions. This incident was identified and summarized in the May 2004 Church Review [Highlighted by Sen. Feinstein 16 Feb 05 letter to SECDEF]</p>
C-018P	p. 280, 288	(b)(1),(b)(5)	
C-019P	p. 283		

DSLOC REF NO.	CHURCH REPORT NOTATION	PROBLEM IN DETAIL (FINDING)	REPORT RECOMMENDATIONS
		(b)(1),(b)(5)	
C-020P	p. 285		
C-021P	p. 285		
C-022P	p. 287		

DSLOC REF NO.	CHURCH REPORT NOTATION	PROBLEM IN DETAIL (FINDING)	REPORT RECOMMENDATIONS
C-023P	289	(b)(1),(b)(5)	
C-024P	p. 359	(FOUO) Suspected abuse reported by medical personnel (Iraq): Note from VADM Church Memo Enclosure, 17 March 2005: Unclear whether suspected abuse reported by medical personnel (four cases) was properly investigated.	(FOUO) Note from VADM Church Memo Enclosure, 17 March 2005: Recommend NCIS/CID conduct investigations as appropriate.
C-025P	p. 171, 209, 213, 222, 228,	(b)(1),(b)(5)	
C-026P	p. 236	(U) We were not able to determine why military personnel involved or potentially implicated in this investigation were reassigned to other units (e.g., Abu Ghraib) before the investigation was completed.	<u>Inferred:</u> Review service and COCOM assignment processes to ensure that military personnel under investigation but eligible for reassignment are held pending investigator's determination

DSLOC REF NO.	CHURCH REPORT NOTATION	PROBLEM IN DETAIL (FINDING)	REPORT RECOMMENDATIONS
C-027P	p. 238	(U) [N]o specific guidance was given to CENTCOM with regard to the practical effects of [the President's February 7, 2002] determination, in particular with regard to interrogation techniques and the concept of "military necessity" as a justification for exceeding the guidelines of GPW. We found no evidence that the determination was employed to justify techniques beyond the boundaries of GPW.	(U) We recommend that common guidance be provided to all of the military departments and DoD agencies
C-028P	P. 239, 304-305	(U) Though all personnel were aware that abuse must be reported, there were no standard procedures for identifying or reporting detainee abuse or for determining whether abuse allegations were legitimate.	(U) <u>Inferred</u> : Establish standard reporting and investigating procedures
C-029P	p. 275-276, 277	(b)(1), (b)(5)	
C-030P	p. 10, 166, 168-169, 192, 215, 303, 276-277		
C-031P	p. 279		

DSLOC REF NO.	CHURCH REPORT NOTATION	PROBLEM IN DETAIL (FINDING)	REPORT RECOMMENDATIONS
C-032P	p. 306	(U) [Dissemination and Applicability of US guidance to Coalition units:] [I]t 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.	(U) <u>Inferred</u> : Clarify applicability, coordination, dissemination, implementation of, and compliance with U.S. interrogation policy in multinational/coalition operations.
C-033P	p. 306	(b)(1), (b)(5)	
C-034P	p. 312, 313	(U) Lack of DoD Policy regarding Training for contractors supporting DoD interrogation & detention operations	(U) <u>Inferred</u> : Establish DoD policy detailing minimum training requirements and standards for contractors supporting DoD interrogation and detention operations. Training should include, e.g., basic theater-specific knowledge, GC, and Law of Armed Conflict.
C-035P	p. 314	(U) [Loophole #1]: The summary suggests two "loopholes" which, while not applicable to DoD contractors, warrant further review. First, foreign contractors (e.g., local interpreters) employed by non-DoD agencies do not appear to fall under U.S. jurisdiction under any of these statutes even if an alleged crime were committed within a DoD facility..	(U) [T]he existence of a contact relationship with the U.S. might argue for the extension of Military Extraterritorial Jurisdiction-like coverage to contractors supporting all U.S. government agencies abroad

DSLOC REF No.	CHURCH REPORT NOTATION	PROBLEM IN DETAIL (FINDING)	REPORT RECOMMENDATIONS
C-036P	p. 314	(U) [Loophole #2]: The summary suggests two "loopholes" which, while not applicable to DoD contractors, warrant further review. Second , as noted in MG Fay's investigation of contract personnel at the Abu Ghraib detention facility, DoD contractors acquired through other agencies of the U.S. government (such as the CACI, Inc. contractors at Abu Ghraib, whose contract was part of a "blanket purchase agreement" maintained by the Interior Department) may not be subject to <u>Military Extraterritorial Jurisdiction</u> , based on a strict interpretation of the term "Department of Defense contractor." In many cases, however, such contractors could be prosecuted under Special Maritime and Territorial Jurisdiction or the war crimes statute.	(U) As a result of the Army's Abu Ghraib investigations, this question has been referred to the Department of Justice.
C-037P	p. 315	(U) There were some, but not many instances of abuse involving contractors. Such behavior is a clear violation of law that is not protected by contract terms. ... DoD's control of contract interrogators is exercised through the terms of their contracts, rather than through a military chain of command. A contractual clause specifying a similar degree of direct military control over a contractor would be specific to that contract, rather than universal, and is not mandated by any DoD regulation.	(U) <u>Inferred</u> : DoD-directed development of an appropriate standard clause (or set of clauses) for detention related contracts. Address need for widespread understanding of exactly how DoD must exercise control through contract terms rather than military chain of command
C-038P	p. 318	(b)(1), (b)(5)	
C-039P	p. 319-324		

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C-040P	p. 236, 345, 366, 367,	(U) [I]t is unclear if medical personnel properly examined or documented the physical condition of the deceased.	(U) SECDEF Memorandum, "Procedures for Investigation into Deaths of Detainees in the Custody of the Armed Forces of the United States, 09 Jun 04, formalizes requirements to immediately report the death of any detainee, ... establishes the OAFME as having primary jurisdiction within DoD for determining cause and manner of death, ... and explicitly presumes that autopsies will be performed unless otherwise determined by the Armed Forces Medical Examiner.
C-041P	p. 354	(FOUO) AFG- [Medical personnel] were not equipped to fully comply with all doctrinal requirements for detainee medical care. For example, there was no mention of monthly medical assessments or weight recordings, as required by AR 190-8, and it seems unlikely these would be feasible under the broader conditions described.	(FOUO) Inferred: Review and modify medical support planning for detention operations [Logistics, possibly training, issue]
C-042P	p. 354, 358	(FOUO) AFG- Documentation of medical care is not standardized or rigorous, although clearly some care is recorded. Separate detainee medical records are not maintained. Instead, medical records that do exist were kept in Person Under Control (PUC) files also used for other purposes. This practice makes it impossible to control or even monitor access to detainee medical information.	(FOUO) Inferred: Develop and implement a standardized and rigorous documentation system for detainee medical care. [Records maintenance and standardization. See also p. 358]
C-043P	p. 355- 356, 362, 366,	(FOUO) Concerns that medical personnel may have misrepresented detainee injuries	(FOUO) The appropriateness of medical documentation in these cases deserves further review, separate from the issue of abuse by guards, as does the possibility that medical personnel may have acted to misrepresent circumstances.
C-044P	Memo 17 Mar 05	"In addition, though we have not specifically tracked the punishments of individuals charged with abuses, I have	(U) Therefore, I recommend that the Military Department OGCs and JAGs be engaged to examine

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		noted that in some cases the punishments appear (at least on the surface) to be very light...	and provide feedback on the punishments for detainee abuses to date. Though sentencing and non-judicial punishment are the prerogative of the appropriate judicial and command authorities, such a review would enable DoD to more effectively respond to inquiries related to the release of investigative records pursuant to FOIA Requests." [Joint UCMJ WG]
		//////////////////// Last Item //////////////////////	