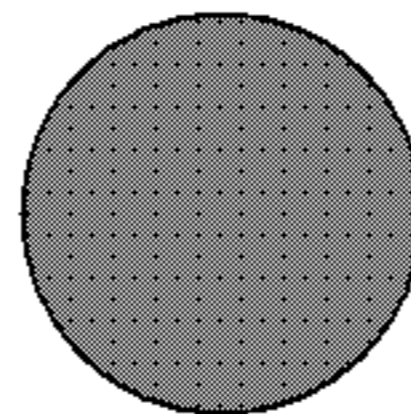# Gaps and Seams – Closed Items

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.

239

Gaps and Seams – Closed Items

GS-012 to GS-015

GS-016 Develop Policy for Joint Interagency Detainee Ops

(U) RECOMMENDATION/OBSERVATION

- Common guidance is required where multiple agencies (e.g. DoD, FBI, CIA) perform joint/combined interrogations, common guidance is required.

(U) CURRENT ASSESSMENT:

- USDI is addressing Joint Interagency roles in the DoD Interrogation process.
- Their policy is being drafted – but do not have date yet.

OPR: USD (I)

OCR: USD (P)

(U) FIX/ACTION/CHANGE:

Fix: Issue common guidance.

Action: Interagency coordination of interrogation policy.

Change: Common practices for all engaged in intelligence gathering.

Gaps and Seams – Closed Items

GS-017

Church

GTMO-Charleston

Review

12 Findings

JS GHOST DOCS 668

GC 001-GTMO MP Force Rotation

(U) RECOMMENDATION
- GTMO-MP Force guards work 8-hour shifts, 7 days/week; a change to 12 hour shifts would be detrimental. MP Force is under stress: Assaults against guards average 14/week (e.g., spitting, throwing liquids, food, or body fluids and physical assault.)
- Consider expanding other service participation during GTMO 5 rotation GTMO MP Force

(U) CURRENT ASSESSMENT: GREEN

⬤   GTMO Rotations 5, 6, and 7 have increased non Army personnel in guard force. The GTMO 5 rotation was augmented by Marine, Navy and Air Force personnel. GTMO 6 included a Navy provisional battalion led by a Navy Captain. GTMO 7 will have more Navy participation than Army participation. The Navy will provide a Navy Provisional Guard Battalion for the guard force, manning for the Joint Medical Group, and manning for the Joint Intelligence Group.

OPR: SOUTHCOM

OCR:

FIX/ACTION/CHANGE:

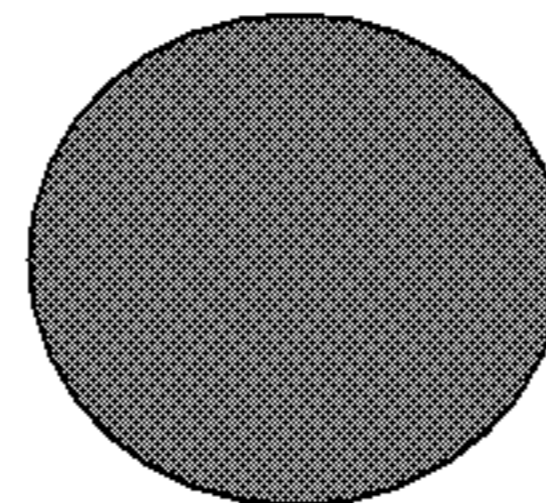*Fix:* (U) Increase participation of other services in GTMO guard force.

Action: (U) GTMO rotations have increased number of non-Army members in rotations.

Change: (U) Significant presence of Navy personnel in GTMO rotations 5-7.

GC-002

OPR: JFCOM
OCR: SOUTHCOM

GC-003P Inter-agency Process on Detainee Movement

(U) RECOMMENDATION/OBSERVATION

Examine inter-agency process for Detainee Movement Orders with a goal of simplifying and streamlining the process.

(U) CURRENT ASSESSMENT:

- DC has directed the PCC develop a process to streamline the IA process for releases.
- DoD working with State to develop a streamline transfer program for assurances and humane treatment qualifications.

OPR: OUSD(P)

OCR: OUSD (P)

(U) FIX/ACTION/CHANGE:

Fix: Simplify and streamline the Detainee movement process.

Action: Coordination with IA.

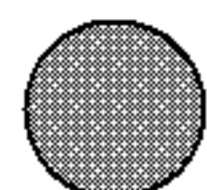Change:

GC 004-Complaint Process for GTMO Detainees

(U) RECOMMENDATION
- GTMO -No formal process for detainees to make complaints.
- Specific recommendation not made. *Inferred recommendation*: Establish and implement a formal process for detainees to make complaints

(U) CURRENT ASSESSMENT: GREEN

This inferred recommendation was considered but rejected by JTF-GTMO. The current informal systems in place at JTF-GTMO allow detainees the ability to make complaints. Detainees are not inhibited from complaining to guards, interrogators, the ICRC, OARDEC personnel, or their habeas counsel. Many investigations result from these complaints. Additionally, JTF-GTMO has a formal SOP in place for addressing abuse allegations by detainees.

OPR: SOUTHCOM

OCR:

FIX/ACTION/CHANGE:

Fix: **(U) Recommendation considered but rejected by Commander, JTF-GTMO.**

Action: (U) No action required.

Change: (U) None. The informal systems in place provide a sufficient outlet for detainees and a formal mechanism for detainees' complaints is neither necessary nor required, as detainees, as unlawful combatants, are not entitled to a formal complaint system (unlike GC III EPWs under Article 78.)

JS GHOST DOCS 672

GC 005-GTMO Packages for GTMO Detainees

(U) RECOMMENDATION

- GTMO-Detainees do not receive packages. Compliance Checklist-Other Items of Note Regarding GTMO (White House Fact Sheet, 07 Feb 02)-Regarding packages of food and clothing, the ability to receive same is subject to security screening. No packages allowed at GTMO for security reasons.

- Specific recommendation not made. *Inferred recommendation*: Review GTMO detainee package delivery policy.
- (U) **CURRENT ASSESSMENT: GREEN**

⬤ This inferred recommendation was considered but rejected by JTF-GTMO. JTF-GTMO detainees, as unlawful combatants, have no entitlement to packages (unlike GC III EPWs under Article 72). JTF-GTMO has significant security concerns regarding packages sent to detainees. Creating a process to screen care packages for detainees to accommodate legitimate security issues would pose an inordinate logistical burden on JTF-GTMO.

OPR: SOUTHCOM
OCR:

248

FIX/ACTION/CHANGE:

Fix: (U) Recommendation considered but rejected by Commander, JTF-GTMO.

Action: (U) No action required.

Change: (U) None. While security and logistical concerns preclude allowing detainees to receive packages, detainees have the ability to mail and receive letters and JTF-GTMO has processed over 30,000 letters addressed to and from detainees.

GC 006-GTMO Short Pants for Detainees

(U) RECOMMENDATION

- GTMO-Short pants (maximum security block) conflict with religious observance. Compliance Checklist-DoD Orders (MILORD 13 Nov 01; DoD Memo 19 Jan 02; & White House Memo, 07 Feb 02)- Regarding requirement to allow free exercise of religion: At GTMO, detainees in maximum security block required to wear short pants. Traditional Islamic practice requires males to be covered from navel to below knees during prayer.
- Specific recommendation not made. *Inferred recommendation*: Review and amend as required detainee clothing policy.

(U) <u>CURRENT ASSESSMENT: GREEN</u>

JTF-GTMO has acknowledged the concerns of detainees and adjusted its policies accordingly. JTF-GTMO found that the issue was more of a cultural than religious issue as some Muslim detainees had no objections to the short pants.

OPR: SOUTHCOM

OCR:

<u>FIX/ACTION/CHANGE</u>:

<u>*Fix:*</u> **(U) Accommodate cultural preference of some Muslim detainees where possible.**

<u>*Action*</u>: **(U) GTMO procured short pants that go below the knees to accommodate detainees who objected to previous design.**

<u>*Change*</u>: **(U) Short pants now go below the knee. Additionally, short pants are only required for those detainees who demonstrate a potential for self harm.**

JS GHOST DOCS 674

GC-007 "Isolation"

(U) RECOMMENDATION/OBSERVATION:

- Specific recommendation not made. *Inferred recommendation: Prepare response to anticipated accusations of using Isolation as a counter-resistance technique.*
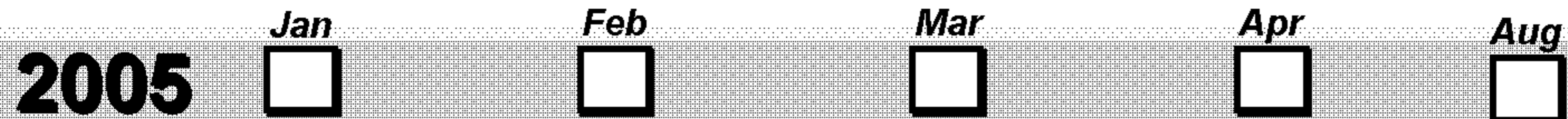
(U) CURRENT ASSESSMENT: ⊙

-

OPR: JFCOM
OCR:

(U) FIX/ACTION/CHANGE:

Fix:

Action:

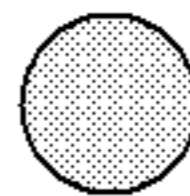Change:

2005 Jan ☐ Feb ☐ Mar ☐ Apr ☐ Aug ☐
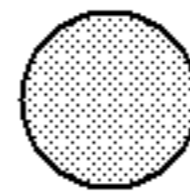
GC-008 "Muslim Chaplain"

(U) RECOMMENDATION/OBSERVATION:

- Specific recommendation not made. *Inferred recommendation:* Consider alternatives to Chaplains as socializing agents for detainees. [or] Assign a Muslim Chaplain.
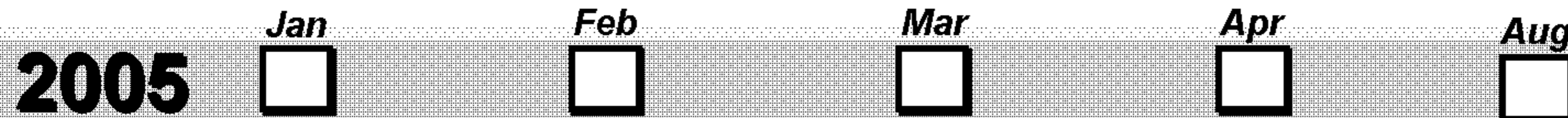
(U) CURRENT ASSESSMENT:

OPR: JFCOM
OCR:

(U) FIX/ACTION/CHANGE:

Fix:

Action:
Change:

Jan **Feb** **Mar** **Apr** **Aug**

2005

GC-009 " IG Inspection of GTMO"

(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: SOUTHCOM
OCR:

(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	Aug
	☐	☐	☐	☐	☐

252

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.
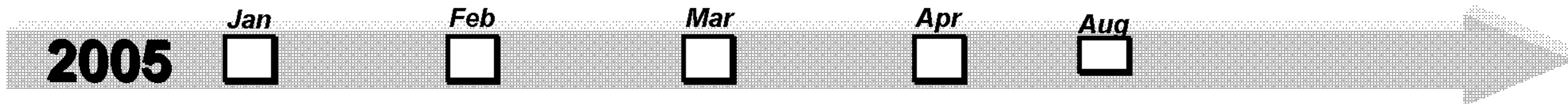
OPR: JFCOM
OCR: J5; J7; CENTCOM; EUCOM; Services

(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

253

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

254

Church

Detention Operations &

Detainee Interrogation

Techniques

44 Findings

255

C-001P -- Standardization of Interrogation Policy Guidance

(U) RECOMMENDATION/OBSERVATION

Lack of specific guidance, clarity, and consistency on interrogation techniques among Afghanistan, Iraq, and GTMO interrogation operations. Standardize interrogation guidance under a single policy (specific and unambiguous) for all areas of operations.

(U) CURRENT ASSESSMENT:

- USD(I) has issued a draft of a HUMINT collection DoDD. Draft is in formal coordination.
- Meetings have taken place to resolve issues between USD(P) and USD(I). SD 106 coordination to be completed in near term.

(U) FIX/ACTION/CHANGE:

Fix: Issue common guidance.

Action: OUSD(P) and USD(I) coordination of policy

Change:

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

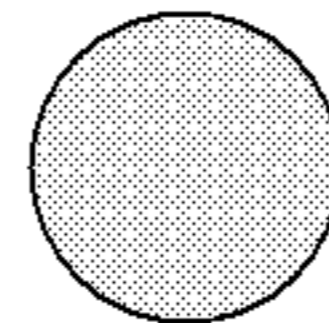# *C-002 / Interrogation Doctrine/TSP*

(x) RECOMMENDATION/OBSERVATION

• Future planning for detention and interrogation operations in the GWOT should take full advantage of prior and ongoing experience in these areas

HQDA DODOIP Task: D1

(x) CURRENT ASSESSMENT:

OPR: Army

OCR: None

(x) FIX/ACTION/CHANGE:

Fix: Improve detention and interrogation operations planning

Action: Incorporate Lessons Learned into planning for DO

Change: Doctrine will be improved to incorporate GWOT lessons learned in the current operational environment

2004　　　**2005**

SEP

Publish
FMI 3-19.40 &
FM 2-22.3

Publish and
implement point
of capture to IF
door

257

(U) RECOMMENDATION / OBSERVATION:

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].

(S) CURRENT ASSESSMENT

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

(S) FIX / ACTION / CHANGE:

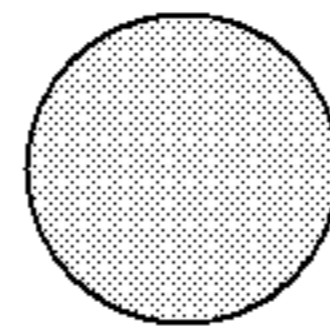(b)(1),(b)(5)

OPR: CENTCOM

258 OCR:

C-004 / MP/MI Doctrine/TSP

(x) RECOMMENDATION/OBSERVATION

- Clarify and reconcile doctrine for MP and MI detention and interrogation operations

HQDA DODOIP Task: D3

(x) CURRENT ASSESSMENT:

OPR: Army

OCR: None

(x) FIX/ACTION/CHANGE:

Fix: Review, expand, revise detainee operations doctrine as appropriate

Action: Doctrine should address MP/MI detention and interrogation operational

Change: Draft FM 2-22.3, FMI 3-19.40

NOV	DEC		FEB	APR	JUL	SEP
2004 ☑	☑	**2005**	☑	☑	☑	☑
OSD/JS Policy Task Force established for revision of DoDD 2310.1 and AR 190-8	Draft JP 3-63 to JADD		Incorporate Policy TF guidance	Draft revision to FM 3-19.40; *Internment and Resettlement Operations*	WG for adjudication of comments to draft JP 3-63	Publish FMI 3-19.40 and FM 2-22.3

259
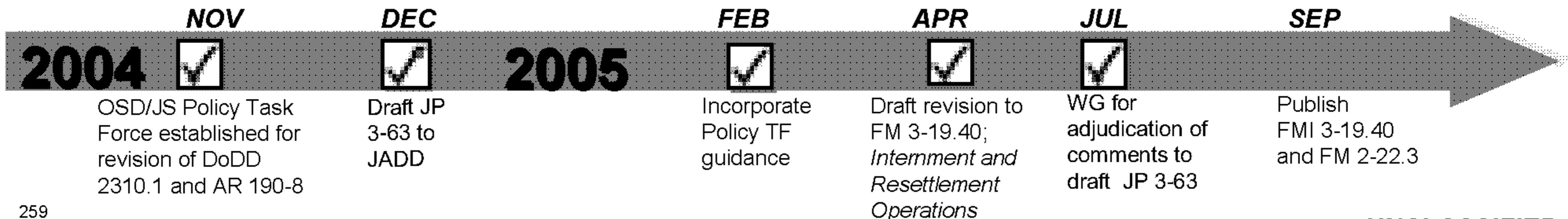
(x) RECOMMENDATION/OBSERVATION

• 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
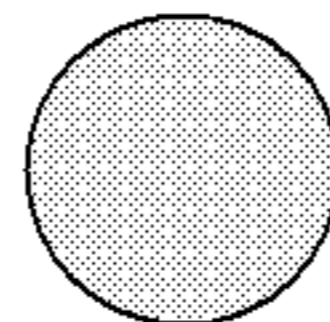
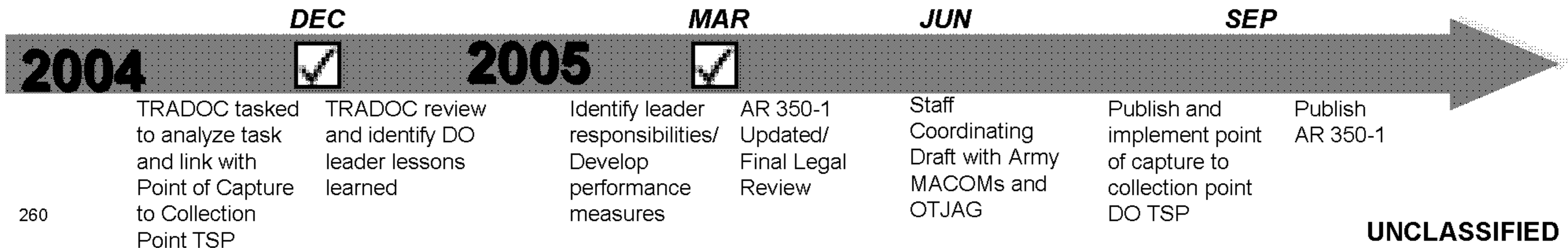HQDA DODOIP Task: T2.1/T5.3/L2

(x) CURRENT ASSESSMENT:

OPR: Army

OCR:

Fix: Revise Training

Action: Develop / implement a train-the-trainer package that strongly emphasizes leaders' responsibilities to have adequate supervision and control processes in place to ensure the proper treatment of detainees, and the immediate reporting of detainee abuse

Change: Develop DO LDR Train-the-Trainer Package

	DEC		MAR		JUN	SEP	
2004 ☑	**2005**		☑				
TRADOC tasked to analyze task and link with Point of Capture to Collection Point TSP	TRADOC review and identify DO leader lessons learned	Identify leader responsibilities/ Develop performance measures	AR 350-1 Updated/ Final Legal Review		Staff Coordinating Draft with Army MACOMs and OTJAG	Publish and implement point of capture to collection point DO TSP	Publish AR 350-1

C-006P -- Standardization of Interrogation Policy re: OGA's

(U) RECOMMENDATION/OBSERVATION

Coalition and IA policies governing interrogation needs developing. Policies need specificity as to whom applicable, approved methods, with approved standards of supervision and enforcement.

(U) CURRENT ASSESSMENT:

- USD(I) has issued a draft of a HUMINT collection DoDD addressing OGA's and all interrogation policy matters. Draft is in formal coordination.
- Meetings have taken place to resolve issues between USD(P) and USD(I). SD 106 coordination to be completed in near term.

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

(U) FIX/ACTION/CHANGE:

Fix: Issue more specific guidance for OGA's involved in interrogation.

Action: OUSD(P) and USD(I) coordination of policy

Change:

261

C-009P -- Participation of Medical Personnel re: Interrogations

(U) RECOMMENDATION/OBSERVATION

DoD Policy-level review needed to ensure that medical personnel are practicing with proper safeguards, including clarifying the status of medical personnel (i.e., behavioral scientists supporting interrogators) who do not participate in patient care.

(U) CURRENT ASSESSMENT:

- ASDHA has issued a policy directly on this issue. Problem addressed, recommend closure.

OPR: OUSD(P)
OCR: OUSD(P)

(U) FIX/ACTION/CHANGE:

Fix: Issue policy for medical personnel clarifying roles of those providing medical care, and those serving as behavioral scientists.

Action: ASDHA and Policy to coordinate.

Change:

C-010P -- Interrogators Access to Detainee's Medical Files

(U) RECOMMENDATION/OBSERVATION
DoD policy-level review necessary in order to properly balance competing concerns.

(U) CURRENT ASSESSMENT:

- ASDHA has issued a policy directly on this issue. Problem addressed, recommend closure.

OPR: OUSD(P)
OCR: OUSD(P)

(U) FIX/ACTION/CHANGE:

Fix: Issue policy clarifying roles of those providing medical care, those serving as behavioral scientists, and those serving as interrogators.

Action: ASDHA and Policy to coordinate.

Change:

C-011P -- DoD Detention and Interrogation Policy/Doctrine

(U) RECOMMENDATION/OBSERVATION

Develop master DoD-level detention and interrogation policy and doctrine, including approved interrogation techniques.

(U) CURRENT ASSESSMENT:

- USD(I) has issued a draft of HUMINT collection DoDD. Draft in formal coordination.
- Meetings have taken place to resolve issues between USD(P) and USD(I). SD 106 coordination to be completed in near term.

OPR: OUSD(P)
OCR: OUSD(P)

(U) FIX/ACTION/CHANGE:

Fix: Develop master DoD-level detention/interrogation policy and doctrine, including approved interrogation techniques.

Action: USD(I) handling.

Change:

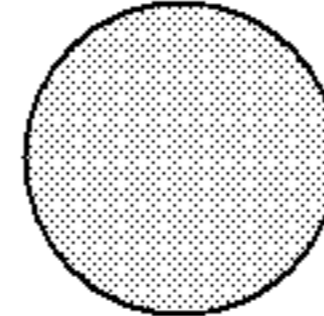# *C-012 / Unit Activations/Accelerations*

(x) RECOMMENDATION/OBSERVATION

- There are not enough interrogators and linguists to meet the demands of the GWOT. Significant efforts are underway to address and rectify the shortfall.

HQDA DODOIP Task: Pe2.02/Pe2.03

(x) CURRENT ASSESSMENT:

OPR: Army

OCR: None

(x) FIX/ACTION/CHANGE:

Fix: Military Intelligence Force Structure to meet interrogator and linguist requirements

Action: Refine and implement Military Intelligence Force Structure changes

Change: Redesign and align HUMINT units and linguist requirements.

	MAY	DEC	FEB	SEP	NOV
2004	✓	✓ **2005**	✓		
	Force Feasibility Review #1 for personnel requirements at UEx and below	Approve design/activation	VCSA Approves timeline for activation/conversion of MI BNs ICW ACP	Determine MI Linguist structure requirements	Implement modular linguist increases

JS GHOST DOCS 690