

***Brief for the
Secretary of Defense
on Gaps and Seams***

Vice Admiral Tom Church III, USN
19 August 04

Tasking

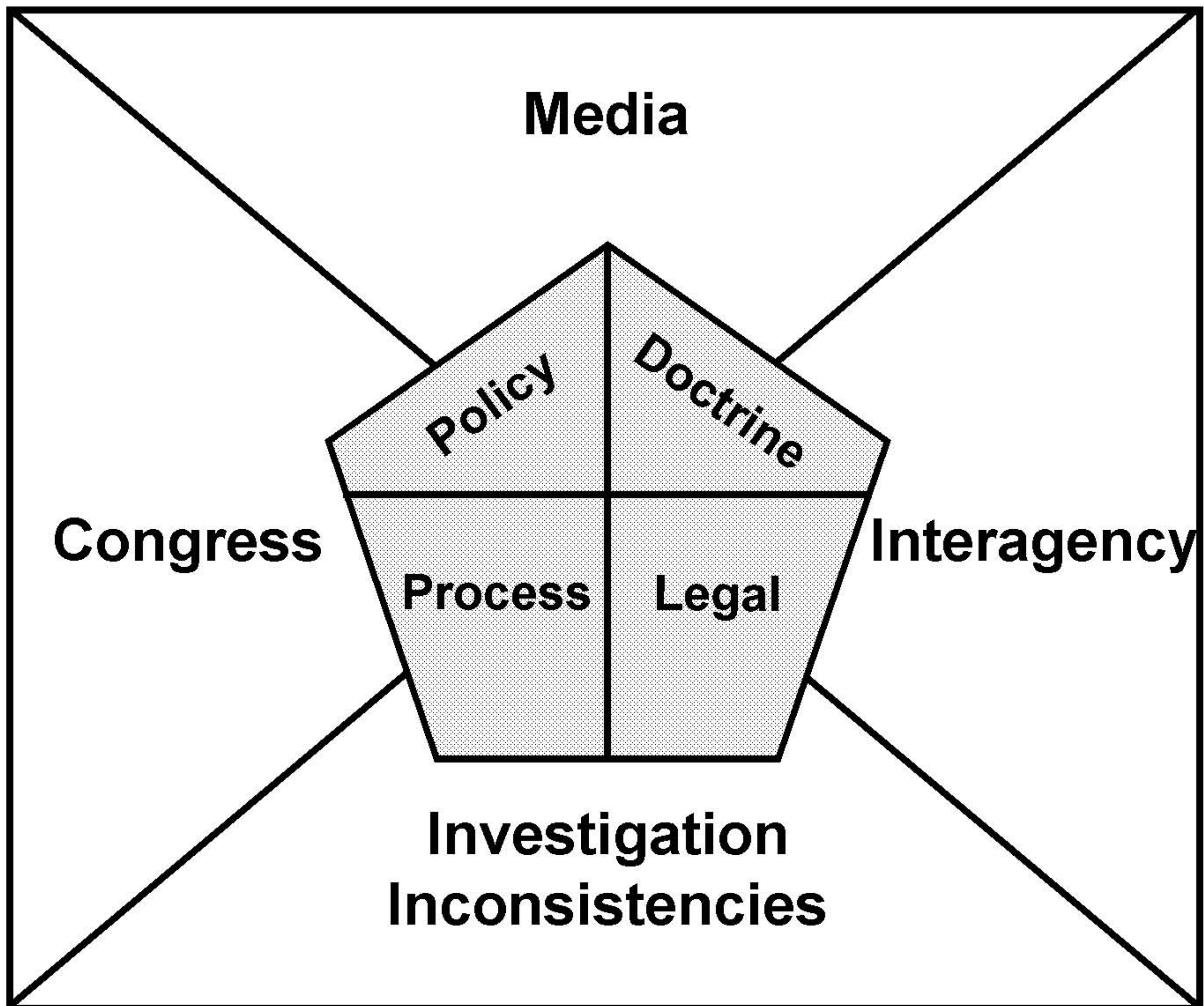
*“ ...ensure all areas of concern to the Department of Defense regarding detention operations are being addressed adequately and expeditiously. (And) **report to me any gaps or seams** among those review and investigations.”*

SECDEF Memo of 25 May 04

Assumptions

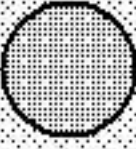
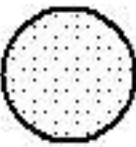
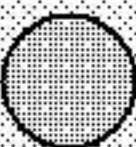
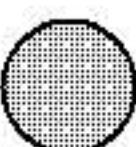
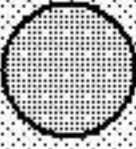
- Ongoing reviews (Jones/Fay, Formica, Jacoby and Schlesinger) report out as expected.
- An office (to be designated) will assume responsibility for tracking progress of actions identified in this brief.
- Some gaps will not be completely addressed.
 - Ability of ongoing investigations to sufficiently address issues to the satisfaction of some interests
 - Definitive “ghost detainee” accountability
 - DoD sensitive support to Other Government Agencies (OGAs)

Gaps and Seams

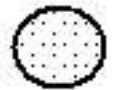


- 61 - Action Initiated
- 16 - Action Not Initiated or Pending Decision

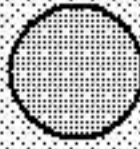
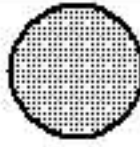
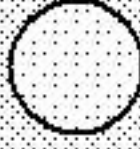
Policy/Force Structure Issues

<u>Issue</u>	<u>Lead</u>	<u>Status</u>
1. Oversight and Governance of Detainee Ops <i>- Need permanent leadership to manage change and improvements</i>	USD(P)	
2. Law of War Treaties <i>- Geneva and Hague Conventions' applicability to Global War on Terrorism</i> <i>- Harmonizing policies and treaties with allies</i>	OGC	
3. Policy Documents <i>- Review and revise overarching policy documents to include DoD Directives and Instructions and Law of Land Warfare (FM 27-10) and Tri-service Regulations (AR 190-8)</i>	USD(P)	
4. Force Structure <i>- Review Active / Reserve / Guard / Contractor mix for MP / MI capabilities</i> <i>- Review language skill requirements</i> <i>- Revisit Special Operations Forces capabilities and manning requirements</i>	Dept of the Army	
5. Defense HUMINT Services (DHS) <i>- Study in progress to review DHS ability to meet future requirements based on lessons learned</i>	USD(I)	

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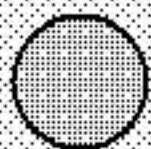
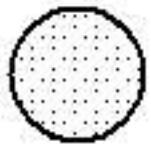
Policy/Force Structure Issues

<u>Issue</u>	<u>Lead</u>	<u>Status</u>
6. Medical - Formalize role of medical personnel in detainee ops - Update detainee autopsy policy	ASD(HA)	
7. Early Notification of Significant Events - What changes have been made to ensure appropriate notification of abuse incidents, at the highest levels, in the future?	DA&M	
8. Partial Immunity Program - Develop limited program designed to encourage disclosure of any remaining abuses	OGC	

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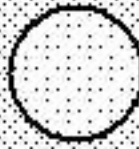
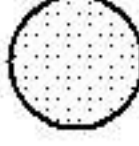
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Doctrine Issues

<u>Issue</u>	<u>Lead</u>	<u>Status</u>
1. Develop Joint Doctrine for Detainee Ops <i>- Working on several pubs (e.g., Air Land Sea Application Center Multiservice Tactics, Techniques and Procedures, Joint Pub 3-63 Joint Detainee Operations, Joint Pub 2-01.2)</i>	Joint Staff	
2. Coalition Doctrine for Detainee Ops <i>- Need to develop doctrine for coalition operations</i>	Joint Staff	

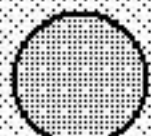
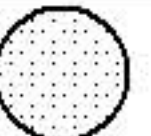
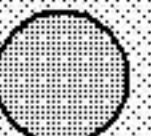


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Legal Issues


<u>Issue</u>	<u>Lead</u>	<u>Status</u>
1. Review of Manual for Courts-Martial and UCMJ <i>- Review for adequacy with respect to detainee abuse (similar to post-Aberdeen)</i>	Service JAGs	
2. Service Responsibilities Under Goldwater - Nichols <i>- Review COCOM responsibilities regarding detention operations to include investigation and prosecution of alleged abuses</i>	Services/ Joint Staff	

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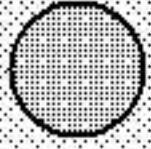
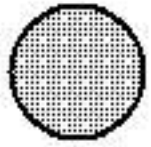
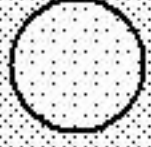
Process Issues

<u>Issue</u>	<u>Lead</u>	<u>Status</u>
1. Detainee Tracking System <i>- Develop a centralized detainee tracking and reporting system that captures essential data (e.g., retinal scan, finger prints, correct name and spelling and DNA) that is compatible with existing law enforcement and intelligence data bases</i>	Dept of the Army	
2. Establish DoD Ombudsman or other OSD Oversight Mechanism	USD(P)	
3. Mobilization Process <i>- Review sufficiency in light of recent operations</i>	USD(P&R)	
4. ICRC Process <i>- Formalize processing, review and reporting of ICRC contacts</i>	USD(P)	
5. Review and Release Procedure for Declassifying Detainee Operations (e.g., Interrogation Documentation) <i>- Declassified GTMO documentation</i> <i>- GTMO briefs to Congress</i> <i>- Appropriately classify documentation</i> <i>- Maintain and take action on documents once classified</i>	USD(I)	

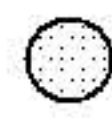
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Process Issues

<u>Issue</u>	<u>Lead</u>	<u>Status</u>
6. Complete On-going Senior Investigations <ul style="list-style-type: none"> - Miller Report (Completed 09 Sept 03) - Ryder Report (Completed 06 Nov 03) - Taguba Report (Completed 09 Mar 04) - Church GTMO Report (Completed 11 Mar 04) - Army Inspector General Report (Completed 22 Jul 04) - Formica Report (Signed 08 Aug 04) - Jacoby Report (Aug 04) - Fay / Jones / Kern Report (Aug 04) - Independent Panel (Aug 04) - Church Report (Estimated Completion Sep 04) - Army Reserve Inquiry (Estimated Completion Nov 04) 		
7. Update All Instructions Related to Detainee Operations	DA&M	
8. Completion of All Criminal Investigations of Detainee Abuse	Depts of the Army & Navy	

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Process Issues

<u>Issue</u>	<u>Lead</u>	<u>Status</u>
<p>9. Capture Lessons Learned for OEF and OIF Relating to Detainee Ops (Representative list)</p> <p><i>a. Which interrogation techniques were effective?</i></p> <p><i>b. Which interrogation techniques possibly led to abuse?</i></p> <p><i>c. What other factors led to abuse?</i></p> <p><i>d. Where was valued intelligence gained—point of capture to detainee center?</i></p> <p><i>e. Performance of in lieu of/ad hoc organizations</i></p> <p><i>f. Accuracy of media reporting</i></p> <p><i>g. Impact on soldiers of Abu Ghraib incident and follow-on investigations and reviews on troops</i></p> <p><i>h. Review range of disciplinary measures taken against US forces with regard to detainee abuse</i></p> <p><i>i. Organization: Did combining elements (e.g., a CFLCC, Army Corps and MEF) work?</i></p> <p><i>j. Title X issues (Operations, Equipment and Training)</i></p> <p><i>k. Investigation reporting process (COCOM situational awareness)</i></p>	JFCOM	○

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Congress

<u>Issue</u>	<u>Lead</u>	<u>Status</u>
All issues listed here also of interest to the media.		
1. Accountability <ul style="list-style-type: none"> - Has accountability been adequately addressed at senior levels? - Who addressed Ambassador Bremer's prison concerns prior to the abuse incidents? - Did leadership create a climate conducive to abuse? 	SCH C SCH	<input type="radio"/> <input type="radio"/> <input type="radio"/>
2. Sufficiency of Ongoing Investigations <ul style="list-style-type: none"> - Is the scope of ongoing investigations sufficient to address issues to the satisfy all interests? - Are we still considering compensation for abused detainees? 	Gap OGC	<input type="radio"/> <input type="radio"/>
3. Nature of Abuse <ul style="list-style-type: none"> - Are there systemic problems that led to detainee abuse? - Did additional interrogation techniques directly or indirectly contribute to detainee abuse? - What guidance was used to create the 'Interrogation Rules of Engagement' document that hung at Abu Ghraib? 	SCH C C/FJK	<input type="radio"/> <input type="radio"/> <input type="radio"/>

C – Church Report

FJK – Fay/Jones/Kern Report

SCH – Schlesinger Independent Panel

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Congress

<u>Issue</u>	<u>Lead</u>	<u>Status</u>
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4. Legal Concerns <ul style="list-style-type: none"> - Did additional techniques get adequate legal review and are they humane? - Was SECDEF made aware of senior department OGC and JAG concerns? - Do the Geneva Conventions apply precisely in Iraq? - Did we apply lessons learned from previous conflicts (e.g., Bosnia) to the current insurgency? 	SCH C USD(P) C	<input checked="" type="radio"/> <input checked="" type="radio"/> <input checked="" type="radio"/> <input type="radio"/>
5. Policy, Guidance and Doctrine <ul style="list-style-type: none"> - At what senior level were interrogation procedures approved? - Were interrogation policies adequately disseminated and enforced? - Did MG Miller's visit lead to policy that resulted in abuse? - Does Army doctrine clearly delineate the roles of MPs and Mis? 	C C/J C/FJK DAIG	<input checked="" type="radio"/> <input checked="" type="radio"/> <input checked="" type="radio"/> <input checked="" type="radio"/>

C – Church Report

DAIG – Army IG Report

FJK – Fay/Jones/Kern Report

J – Jacoby Report

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<u>Issue</u>	<u>Lead</u>	<u>Status</u>
All issues listed here also of interest to the media.		
6. ICRC <ul style="list-style-type: none"> - At what senior level were Abu Ghraib ICRC reports reviewed? * To whom was the November 2003 ICRC report addressed and what actions were taken? - Do we hide prisoners or detain them without record? - Has the Department of Defense now addressed outstanding ICRC reports? 	<p>C</p> <p>C</p> <p>FJK/C/ SCH</p> <p>C</p>	<p><input type="radio"/></p> <p><input type="radio"/></p> <p><input type="radio"/></p> <p><input type="radio"/></p>
7. OGA <ul style="list-style-type: none"> - What role did OGAs play in DoD interrogations? - What role did DoD play in OGA interrogations? - Do OGA interrogators adhere to DoD interrogation rules? - What is a "ghost detainee" and how many have there been? 	<p>C</p> <p>C</p> <p>C</p> <p>Gap</p>	<p><input type="radio"/></p> <p><input type="radio"/></p> <p><input type="radio"/></p> <p><input type="radio"/></p>

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Congress

<u>Issue</u>	<u>Lead</u>	<u>Status</u>
All issues listed here also of interest to the media.		
8. Civilian Contractors <ul style="list-style-type: none"> - Is it appropriate to have contractors conducting DoD interrogations? - Are contractors bound by DoD interrogation rules? - Is current legal construct sufficient to hold contractors accountable for their actions? 	Dept of the Army DAIG/C DAIG/C	<input type="radio"/> <input type="radio"/> <input type="radio"/>
9. Relationship between MPs and MIs <ul style="list-style-type: none"> - Did the transfer of tactical control at Abu Ghraib blur lines of responsibility in the prison? - What role did MI have in the abusive activities in Abu Ghraib? - Was MG Miller's recommendation for MPs to "set conditions for successful interrogation" inconsistent with Army doctrine? 	FJK/T FJK DAIG	<input type="radio"/> <input type="radio"/> <input type="radio"/>

C – Church Report

DAIG – Army IG Report

FJK – Fay/Jones/Kern Report

T – Taguba Report

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Congress

<u>Issue</u>	<u>Lead</u>	<u>Status</u>
All issues listed here also of interest to the media.		
10. Force Structure and Training <ul style="list-style-type: none"> - Did DoD plan and equip appropriately for this mission and is force structure adequate to meet GWOT requirements? - Is our MI/MP force structure sufficient? - Did MI/MP personnel receive the training essential to perform their mission to include training in the Geneva Conventions? 	SCH DAIG DAIG	<input type="radio"/> <input type="radio"/> <input type="radio"/>
11. Intelligence <ul style="list-style-type: none"> - Did interrogation techniques result in actionable intelligence? - Has the abuse scandal impacted our ability to get good intelligence? 	SCH DAIG/C	<input type="radio"/> <input type="radio"/>

C – Church Report

DAIG – Army IG Report

SCH – Schlesinger Independent Panel

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Media

<u>Issue</u>	<u>Lead</u>	<u>Status</u>
Other areas of interest covered in Congressional section.		
1. Theory/Policy <ul style="list-style-type: none"> - How is torture defined? Do expanded techniques constitute torture? - Will the Office of Detainee Affairs approve interrogation techniques? - Is the use of military dogs in interrogations authorized under Geneva Conventions? 	OGC TBD FJK/C/ SCH	<input checked="" type="radio"/> <input type="radio"/> <input checked="" type="radio"/>
2. Unit Level Procedures <ul style="list-style-type: none"> - Did interrogation plans include unapproved interrogation techniques? - What role does the Initial Reaction Force play in interrogations? - Do military interrogators have access to prisoner medical records? - Did analysts perform interrogations due to manning shortfalls? - Did leadership approve the use of dogs for interrogations? - Were different types of detainees (High-Value Detainees, Security Detainees, etc.) subject to different types of techniques? 	C/J/ FJK C C C C/J/ FJK C/FJK	<input checked="" type="radio"/> <input checked="" type="radio"/> <input checked="" type="radio"/> <input checked="" type="radio"/> <input checked="" type="radio"/> <input checked="" type="radio"/>

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Media

<u>Issue</u>	<u>Lead</u>	<u>Status</u>
Other areas of interest covered in Congressional section.		
3. SOF <i>- What role did SOF play in interrogations?</i> <i>- Are SOF forces authorized more aggressive interrogation techniques?</i>	C/F/J C/J	<input checked="" type="radio"/> <input checked="" type="radio"/>
4. Pressure for Intelligence <i>- Was extreme pressure for intelligence put on interrogators to produce actionable intelligence and did this contribute to the abuse?</i>	C/ FJK/ SCH	<input checked="" type="radio"/>
5. Role of Medical Personnel in Abuse <i>- To what extent, if any, did medical personnel participate in or fail to report alleged abuse?</i>	C/ FJK	<input type="radio"/>

C – Church Report

F – Formica Report

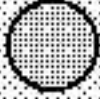



FJK – Fay/Jones/Kern Report

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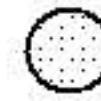
Investigation Inconsistencies

<u>Issue</u>	<u>Lead</u>	<u>Status</u>
1. Relationship between MPs and MIs - Taguba and Ryder disagree, from a doctrine perspective, with Miller's recommendation that MPs set conditions for interrogations. - Taguba disagrees with Ryder's conclusion that 800 th MP Brigade were not directed to set conditions for successful interrogations.	DAIG/C FJK	 
2. Nature of Abuse - DAIG conclusion that abuse was isolated and not systemic does not mirror Taguba's finding of "systemic and illegal abuse of detainees."	C	
3. "Ghost Detainees" - DAIG report does not directly address Taguba's finding that the 800 th MP Brigade routinely held "ghost detainees" brought to them by OGAs.	C/FJK	



C – Church Report

DAIG – Army IG Report

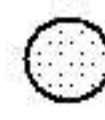
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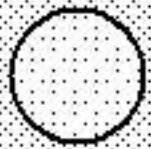
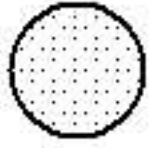
Investigation Inconsistencies

<u>Issue</u>	<u>Lead</u>	<u>Status</u>
4. Taguba Report Inconsistencies <i>- BG Karpinski disagrees with CJTF7 on her request for additional manpower. (MAJ Weidenbush supports BG Karpinski in letter to several Senators.)</i>	C	
5. Coordinated Delivery of Reports and Reviews <i>- Completed investigation reports released with limited explanation of their individual tasking as it relates to other senior-level reviews.</i>	OASD(PA)	

C – Church Report

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or Pending Decision

Interagency

<u>Issue</u>	<u>Lead</u>	<u>Status</u>
1. Coordination and Harmonization <i>- Task Force to review streamlining interagency process to support GWOT.</i>	USD(P)	
2. Develop Policy for Joint Interagency Detainee Ops <i>- Where multiple agencies (e.g., DoD, FBI, CIA) perform joint / combined interrogations, common guidance is required</i>	USD(P)	

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