

coordination with TRADOC, the Office of the Provost Marshal General, and the Office of The Judge Advocate General (OTJAG) has initiated a training integration assessment for improving detainee handling from point of capture to repatriation, to include a review of CTT and specialized MP training across the Army during Combat Training Center (CTCs) rotations, MRXs and TRADOC institutional training. This assessment began in December 2003 and is currently ongoing with no projected completion date.

The G3, in coordination with the U.S. Army Training and Doctrine Command (TRADOC), the Office of the Provost Marshal General, and the Office of The Judge Advocate General (OTJAG), has initiated a training integration assessment for improving detainee handling from point of capture to repatriation, to include a review of CTT and specialized MP training across the Army during CTCs rotations, MRXs and TRADOC institutional training. This assessment began in December 2003 and is currently ongoing with no projected completion date.

TRADOC's institutional training assessment is focusing on the Law of War and the 5Ss and T (Search, Silence, Segregate, Safeguard, Speed, and Tag) regarding EPWs throughout the proponent schools. USAMPS has formed an MP subject matter expert team to develop a process to analyze, identify, evaluate, and integrate lessons learned from all CONUS/OCONUS MP operations. TRADOC, in coordination with OTJAG, is currently determining the feasibility of expanding or adjusting Law of War training in the proponent schools to include procedures for handling of detainees.

In January 2004, the U.S. Army Military Police School (USAMPS) sent a Mobile Training Team (MTT) to JRTC to conduct "train-the-trainer" education for their observer controllers (O/Cs) on detainee operations. The MTT training covered detainee operations, personal safety, forced cell movements, restraint procedures, communication with detainees, and case studies. USAMPS is also coordinating with the NTC for a MTT to conduct the same training.

Currently, the USAMPS MTT mission is to train identified CONUS/OCONUS units performing detainee operations or I/R missions in support of OIF 2 on select and approved tasks to enhance their capabilities of mission accomplishment. The 31E detainee operations support and MTT is comprised of a total of 29 (31E) Soldiers. The MTT has trained leaders and Soldiers from the following units: 160th MP Battalion (BN), 107th FA Battery, 172nd FA Battery, 391st MP BN, 152nd FA Battery, K 3/24 INF-USMC, 439th CLD, MEK: 336th MP BN, 579th FA Battery, and the 1/124th AR SQ. A total of 565 leaders and Soldiers have been trained as of 7 May 2004. The following units are scheduled: 1st INF DIV (9 May-11 Jun), 1st CAV DIV (24 May-12 JUN), 1st MEF (6-30 Jun), and MNB-N (TF-Olympia) (14-30 Jun).

(4) Root Cause: There is no prescribed detainee operations training program for units to train at home station. A majority of Reserve Component MP Units who deployed in support of OIF 1 were not told of their missions until they arrived into theater and their area of responsibility.

(5) Recommendation: The G3 integrate a prescribed detainee operations training program into unit training.

Recommendation: CFLCC and Force Providers coordinate to ensure, where possible, units are aware of their assigned mission upon mobilization so they can train for their specific mission.

Recommendation: FORSCOM integrate a standardized detainee operations training package as part of pre- and post-mobilization training.

Recommendation: CFLCC ensure that ILO MP units are trained before they assume their ILO MP missions.

n. Finding 22:

(1) Finding: To offset the shortage of interrogators, contractors were employed, however, 35% (11 of 31) of contract interrogators lacked formal training in military interrogation policies and techniques.

(2) Standard: See Appendix E.

(3) Inspection Results: 35% (11 of 31) Of the contract interrogators in OPERATION IRAQI FREEDOM (OIF), 35% (11 of 31) had not received formal training in military interrogation techniques, policy, and doctrine. These personnel conducted interrogations using skill sets obtained in previous occupational specialties such as civilian police interrogator or Military Intelligence (MI) officer. The lack of specific training in military policies and techniques has the potential of placing these interrogators at a higher risk of violating Army policies and doctrine, and decreasing intelligence yield. 65% (20 of 31) of contract interrogators in OIF had previous experience as Army or Marine interrogators (Army 97E military occupational specialty or Marine Corps 0211) where they received formal school training in military interrogation techniques and procedures. These individuals had received formal military interrogation training an average of 9.5 years prior to employment as interrogators in OIF. The range of time from having completed basic military interrogation training was 1 to 25 years. Field Manual (FM) 34-52, Intelligence Interrogation, 28 September 1992, is the base document for Army interrogation doctrine. Persons trained in interrogation techniques prior to publication of the current version of the FM would have been trained on some doctrinal techniques that are no longer valid.

Contract interrogators were a force multiplier in OIF, supplementing a shortage of military interrogators. Contract interrogators were used to perform screenings and interrogations at collecting points (CPs) and in internment/resettlement (I/R) facilities to free military interrogators and counterintelligence agents to perform tactical missions at points of capture and CPs.

CACI International, Inc. is the civilian company contracted through the Department of the Interior to provide civilian interrogators for OIF. CACI has provided a total of 31 contract interrogators since the blanket purchase agreement (contract) was issued on 14 August 2003. As of 17 May 2004, 19 contract interrogators were deployed in support of OIF, and 12 contract interrogators have returned to the United States citing personal or family reasons.

The CJTF-7 Statement of Work (SOW) required contract interrogators to be the civilian equivalent of military occupational specialty 97E (Human Intelligence Collector) or 351E (Human Intelligence Collection Technician), strategic debriefer (completed the DoD Strategic Debriefing Course), or an individual with a similar skill set. Contract interrogators that only meet the requirements of "strategic debriefer" or "similar skill sets" may not have training in military-

specific interrogation techniques and procedures as taught in the 97E and 351E qualification courses. This training is specific to human intelligence exploitation and includes collection priority, battlefield screening, planning and preparation, authorized approaches, methods of questioning, and termination of interrogations. It also includes 192 hours of direct and indirect training on the laws of land warfare, emphasizing compliance of all military interrogation techniques with the Geneva Conventions and Army policy.

The DAIG Team inspected the resumes of all 31 individuals hired as contract interrogators by CACI. 65% (20 of 31) were prior service military interrogators who had been awarded the Army 97E MOS or Marine Corps 0211 MOS. These individuals had received formal military interrogation training an average of 9.5 years prior to employment by CACI (range: 1-25 years). Of the contractors without prior military service, 35% (11 of 31) had "similar skill sets" acquired in related military or civilian experience (e.g., military intelligence/counterintelligence agent, police interrogator, intelligence analyst, and police officer).

Prior to May 2004, there was no CACI or CJTF-7 requirement for all contract interrogators to receive formal, comprehensive, military-specific interrogator training prior to performing interrogations in OIF. While in Iraq the DAIG Team did not find evidence of a formal training program for contract interrogators. The DAIG Team requested from the J2, CJTF-7, both in Iraq and upon return to the United States, a training plan or program of instruction (POI) outlining a formal training program. On 19 May 2004, the Chief, CJ2X, CJTF-7 provided an email message to the DAIG Team stating that prior to February 2004, new contract interrogators working at the Joint Interrogation and Debriefing Center (JIDC) received familiarization training, consisting of briefings on the approved interrogation approach techniques and the Geneva Conventions, "left seat-right seat ride" training, and evaluation by experienced interrogators prior to conducting interrogations. On 21 May 2004, the Chief, CJ2X, CJTF-7 provided an email message stating that in February 2004, the JIDC began a two-part newcomer's training/orientation for all contract interrogators deployed to OIF. This training consisted of an organizational overview, interrogation policy briefing, tour of the facilities, and "left seat-right seat ride" training on interrogation duties and responsibilities. The message stated that documentation of this training began in May 2004.

In interviews conducted during the inspection, when four contract interrogators were asked about in-theater training, there were three different responses. One stated he received no in-theater training of any kind. Two stated training was provided on the Geneva Conventions and the interrogation approach techniques, with some additional time spent observing experienced interrogators. One stated he received 2 weeks of "right seat" training at Abu Ghraib, followed by 1 week performing supervised interrogations. Two military interrogators interviewed stated, "While some contract interrogators were fine, some lacked understanding of proper interrogation policies and procedures." In contrast, the DAIG Team interviewed 5 leaders and Soldiers who found contract interrogators to be adequate to very good.

Two specific incidents were described to the DAIG Team where Army personnel stated they saw contract interrogators using techniques and procedures inconsistent with Army policy and doctrine (e.g., pouring water over detainees' heads while in stress positions); the chain of command was already aware of this incident. In one of these incidents military interrogators at that location were reportedly using the same techniques. The DAIG Team did not observe any improper interrogation techniques during the inspection. A DAIG Team member observed two

contract interrogators performing interrogations; both interrogations were conducted using tactics, techniques, and procedures in accordance with Army policy and doctrine.

The Taguba Investigation cited a contract interrogator who gave an MP non-doctrinal guidance that violated Army policy in order to facilitate conditions for interrogation. The contract interrogator has since requested to return to the United States. A lawyer representing CACI International stated that the Army has not requested, and no contract interrogators in OIF have received, administrative or disciplinary action as a result of improper performance of duties.

At the time of the inspection there were no contract interrogators employed in OPERATION ENDURING FREEDOM (OEF). In March 2004, CJTF-180 contracted with SYTEX, Inc. for 4 contract interrogators, all of which were assigned to the I/R facility at Bagram, Afghanistan. Two of the 4 contract interrogators have military interrogation training, and the other 2 are former police officers. The senior Army interrogator assigned to CJTF-180 stated that upon arrival at Bagram the contract interrogators were provided training on interrogation planning and preparation, interrogation approaches, Geneva Conventions, questioning methods, report writing, and the CJTF-180 interrogation approach techniques. They also underwent left/right seat interrogation training. CJTF-180 provided the DAIG Team with a training plan that outlines the above.

In summary, contract interrogators in OIF met the requirements of the CJTF-7 C2 Interrogation Cell SOW. The SOW did not mandate military interrogation training as a prerequisite for employment. While some training may have occurred at Abu Ghraib, there is no evidence of a formalized POI for contract interrogators. All contract interrogators should receive training on specific theater and Army techniques, policies, and doctrine for conducting military interrogations. This requirement should be reflected in the CJTF-7 C2 Interrogation Cell SOW.

(4) Root Cause: The CJTF-7 C2 Interrogation Cell SOW did not require contract interrogators to be trained in military interrogation procedures, policy, and doctrine. Pre-deployment and in-theater training for contract interrogators on military interrogation techniques, policy, and doctrine did not occur or was inconsistent.

(5) Recommendation: The CFLCC contracting officer representative modify the CJTF-7 C2 Interrogation Cell Statement of Work to require civilian interrogators to be former military interrogators trained in current interrogation policy and doctrine or receive formal training in current military interrogation policy and doctrine.

o. Finding 23:

(1) Finding: Interviewed leaders and Soldiers indicated their Law of War refresher training was not detailed enough to sustain their knowledge obtained during initial and advanced training.

(2) Standard: See Appendix E.

(3) Inspection Results: Leaders and Soldiers from inspected units who commented on Law of War training stated they did receive some Law of War training prior to deploying, but 57% (272 of 474) of leaders and Soldiers indicated that the training was generic and did not prepare them for the current operating environment. The Level B Law of War training was

normally given by the brigade legal advisor. Law of War training is required for leaders and Soldiers throughout their military careers commensurate with their duties and responsibilities. There are currently 3 levels of training for the Law of War. Level A training is conducted during Initial entry training (IET) for all enlisted personnel and during basic courses of instruction for all warrant officers and officers. Level B training is conducted in units for officers, warrant officers noncommissioned officers (NCOs) and enlisted personnel and incorporates the missions of the unit. Level C training is conducted in Professional Military Education (PME).

Currently in IET, Level A Law of Land warfare training is designed to advise the Soldier on his rights, duties, and obligations under the Hague Convention of 1907, the Geneva Conventions of 1949, and the customary Law of War. The program of instruction used for this training is dated 1 October 1998, and is scheduled for one hour, which includes 36 minutes of classroom instruction on the principles, spirit, and intent of the Hague and Geneva Conventions; the laws of war prohibiting unnecessary destruction; and the laws of war requiring humane treatment of prisoners of war (PWs), other captured and detained persons, and civilians. In this portion of the training, Soldiers become familiar with their obligations not to commit war crimes and to report all violations of the laws of war, and the significant provisions of the Geneva Convention relative to the treatment of prisoners of war (EPWs). The other 24 minutes consists of a television tape covering the Law of Land Warfare, and emphasizes "honor" and the Army's Values. The tape stresses that each Soldier has a personal stake in knowing about these conventions and in understanding how they work. Soldiers are taught to comply with these provisions and that failure may subject them to provisions under the Uniform Code of Military Justice (UCMJ). This program of instruction is given to all IET Soldiers who enter the Army.

Level B Law of War training is designed to sustain the training received in IET and PME. Unit commanders are responsible for planning and executing Level B Law of War training. Level B training should reinforce the basic principles set forth in "The Soldiers' Rules." Level B training should be designed around current missions and contingency plans, including anticipated geographical areas of deployment or rules of engagement. Commanders ensure that Law of War training is integrated into unit training activities, field training exercises, and unit external evaluations. There are no Office of The Judge Advocate General (OTJAG) programs of instructions for Level B training. Level B training is designed to be refresher training, used to reinforce previous training and/or to sustain/regain previously acquired skills, knowledge, and experiences. Commanders determine the need for refresher training based on assessment of individual and unit proficiency. Leaders and Soldiers complained about the content and quality of their unit level B Law of War training during interviews and sensing sessions. All agreed that their Level B Law of War training needed more structure as part of Common Military Training (CMT) to help them to better function in the current operating environment.

Level C Law of War training is conducted in The Army School System (TASS); TASS is a composite school system consisting of Army National Guard (ARNG), U.S. Army Reserve (USAR), and Active Army institutional training systems. TASS conducts IET; functional training (Military Occupational Specialty (MOS), Area of Concentration (AOC), Additional Skill Identifier (ASI), and Language Identification Code (LIC)); reclassification; and officer, warrant officer, NCO, and DA civilian professional development training and education through both standard resident and distance learning courses. Level C Law of War training emphasizes officer, warrant officer, and NCO responsibilities for their performance of duties in accordance with the Law of War obligations of the United States; Law of War issues in command planning and execution of combat operations; and measures for the reporting of suspected or alleged war

crimes committed by or against U.S. or allied personnel. There are currently 2 PME common core Law of War tasks:

1. Conduct small unit combat operations according to the law of war (Task #181-431-1001) – taught at the Pre-commissioning Course (PRE), the Officer Basic Course (OBC), the Warrant Officer Candidate School (WOCS), the Basic Noncommissioned Officer Course (BNCOC), and the Primary Leadership Development Course (PLDC). This task helps leaders identify key provisions of the Hague and Geneva Conventions and those acts that constitute violations and war crimes against noncombatants, property, POWs, and medical transports/facilities, and prevent the engagement of unlawful targets and the excessive use of force. This task is designed to be programmed training, with specific learning objectives and an evaluation for proficiency. The task is trained by an instructor/trainer in a structured manner and serves as the foundation for other training. Normally the task is a qualification requirement and is presented and evaluated using the prescribed training conditions and performance standards. This task takes 100 minutes to train.

2. Conduct company level combat operations consistent with the laws of war and laws affecting peacekeeping and peacekeeping operations, rules of engagement, and other legal constraints (Task # 181-433-1001) – taught at the Captain's Career Course (CCC) and the Warrant Officer Advanced Course (WOAC). This task helps leaders prevent law of war violations and war crimes against protected noncombatants, property, POWs, and medical transports/facilities, and prevent engagement of unlawful targets and excessive use of force. This task is designed to be programmed training. This task has specific learning objectives and an evaluation for proficiency; is conducted by an instructor/trainer in a structured manner; serves as the foundation for other training; normally is a qualification requirement; and is presented and evaluated using the prescribed training conditions and performance standards. This task also takes 100 minutes to train.

Interviewed and sensed leaders and Soldiers stated that the Law of War training they received prior to deployment did not differentiate between the different classifications of detainees, causing confusion concerning the levels of treatment. Even though this confusion existed, most leaders and Soldiers treated detainees humanely.

TRADOC, in coordination with the Office of The Judge Advocate General, is currently determining the feasibility of increasing or adjusting Law of War training in the proponent schools to include procedures for handling civilian internees and other non-uniformed personnel on the battlefield.

(4) Root Cause: Level B Law of War training is a CMT task, coded "R" (Refresher), that does not require the training to have specific learning objectives and taught by an instructor/trainer in a structured manner.

(5) Recommendation: The G3, in coordination with the Office of The Judge Advocate General, mandate that Level B Law of War training have specific learning objectives, be conducted by an instructor/evaluator in a structured manner, and be presented and evaluated annually using the established training conditions and performance standards.

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Chapter 6

Summary of Recommendations

1. **Purpose:** The purpose of this chapter is to list all of the recommendations proffered in the report. Some recommendations may be similar to others; however, all recommendations are included here.

2. **Recommendation for Implementation:** Director, Army Staff task out appropriate recommendations and track compliance to Department of the Army Staffs and Major Commands. The Acting Secretary of the Army submit appropriate recommendations to the Joint Staff for consideration and implementation as appropriate by units deployed in OPERATION ENDURING FREEDOM and OPERATION IRAQI FREEDOM.

3. **Chapter 3, Capture, Care, and Control of Detainees:**

a. **Recommendation:** CJTF-7 and CJTF-180 continue to emphasize compliance with the requirements regarding the humane treatment of detainees.

b. **Recommendation:** Commanders continue to stress the importance of humane treatment of detainees and continue to supervise and train Soldiers on their responsibility to treat detainees humanely and their responsibility to report abuse.

c. **Recommendation:** Commanders enforce the basic fundamental discipline standards of Soldiers, provide training, and immediately correct inappropriate behavior of Soldiers towards detainees to ensure the proper treatment of detainees.

d. **Recommendation:** Commanders assess the quality of leadership in units and replace those leaders who do not enforce discipline and hold Soldiers accountable.

e. **Recommendation:** TRADOC develop and 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.

f. **Recommendation:** TRADOC integrate training into all Professional Military Education that strongly emphasizes leaders' responsibilities to have adequate supervision and control processes in place to ensure the proper treatment of detainees.

g. **Recommendation:** The G3 require pre-deployment training include a strong emphasis on leaders' responsibilities to have adequate supervision and control processes in place to ensure proper treatment of, and prevent abuse of, detainees.

h. **Recommendation:** CJTF-7 expand Camp Bucca as an internment/resettlement facility in order to transfer detainees from Camps Ganci and Vigilant, and phase out U.S. Armed Forces detainee operations at Abu Ghraib completely.

4. Chapter 4, Interrogation Operations:

a. Recommendation: TRADOC revise doctrine to address the criteria for establishing and operating collecting points to enable commanders to more effectively conduct intelligence exploitation in a non-linear battlespace.

b. Recommendation: TRADOC develop a single document for detainee operations that identifies the interdependent and independent roles of the Military Police custody mission and the Military Intelligence interrogation mission.

c. Recommendation: TRADOC establish doctrine to clearly define the organizational structures, command relationships, and roles and responsibilities of personnel operating interrogation facilities.

d. Recommendation: The Provost Marshal General revise, and the G2 establish, policy to clearly define the organizational structures, command relationships, and roles and responsibilities of personnel operating interrogation facilities.

e. Recommendation: The G3 direct the incorporation of integrated Military Police and Military Intelligence detainee operations into field training exercises, home station and mobilization site training, and combat training center rotations.

f. Recommendation: TRADOC and G2 ensure documentation of unit organizations meet interrogator personnel manning requirements, authorizations, and capabilities in order to provide commanders with timely intelligence.

g. Recommendation: The CFLCC contracting officer representative ensure enough Category II interpreters are hired to support timely intelligence exploitation of detainees.

h. Recommendation: TRADOC continue the integration of the G2X/S2X Battle Staff Course for all Military Intelligence officers assigned to G2X/S2X positions.

i. Recommendation: TRADOC integrate additional training on the collection and analysis of HUMINT into the Military Intelligence Officer Basic Course program of instruction.

j. Recommendation: TRADOC, in coordination with G2 and TJAG, revise doctrine to identify interrogation approach techniques that are acceptable, effective and legal for non-compliant detainees.

k. Recommendation: CJTF-7 and CJTF-180 ensure that standardized policy on interrogation approach techniques are received, understood, trained and enforced by all units.

5. Chapter 5, Other Observations

a. Recommendation: CFLCC, CJTF-7, and CJTF-180 continue to stress the importance of positive unit morale and command climate.

b. Recommendation: TRADOC revise doctrine for the administrative processing of detainees to improve accountability, movement, and disposition in a non-linear battlespace. And further examine processes for capturing and validating lessons learned in order to rapidly modify doctrine and incorporate into training application for Soldiers and units.

c. Recommendation: The Provost Marshal General revise policy for the administrative processing of detainees to improve accountability, movement, and disposition in a non-linear battlespace.

d. Recommendation: The Provost Marshal General, in coordination with the G2, update detainee policy to specifically address the administration, internment/resettlement, and intelligence exploitation in a non-linear battlespace, enabling commanders to better manage resources, ensure safe and secure custodial environments, and improve intelligence gathering.

e. Recommendation: TRADOC and G3 update the Military Police force structure at the division level and below to support the simultaneous execution of detainee operations and other battlefield missions.

f. Recommendation: TRADOC and G3 update the Military Intelligence force structure at the division level and below to integrate the requirement for detainee operations that allows for timely intelligence exploitation.

g. Recommendation: TRADOC update doctrine to integrate tactical interrogation at battalion and company level to assist in the intelligence exploitation of detainees immediately upon capture.

h. Recommendation: CFLCC submit a Request for Forces for the Theater Detainee Reporting Branch Center (TDRC) to meet the requirements for reporting and accountability of detainees and their property.

i. Recommendation: The Provost Marshal General review the TDRC process, structure, and employment methods for maintaining information on detainees, their property, and other related requirements within an assigned theater of operations and consider the development of an information technology solution.

j. Recommendation: TRADOC and G3 continue to refine and implement the force structure changes in the Military Intelligence - Counterintelligence/Human Intelligence Force Design Update.

k. Recommendation: TRADOC integrate the Military Intelligence-Counter Intelligence/Human Intelligence Force Design Updates into the development of Units of Action and Units of Employment.

l. Recommendation: TRADOC and G3 continue to refine and implement the force structure changes in the Military Police - Internment/Resettlement Battalion Force Design Update.

m. Recommendation: TRADOC integrate this Force Design Update into the development of Units of Action and Units of Employment.

n. Recommendation: CJTF-7 and CJTF-180 ensure all units meet the guidelines for minimum infrastructure standards supporting detainee operations to allow for adequate facilities to house detainees.

- o. Recommendation: CJTF-7 and CJTF-180 implement a safety inspection program for all facilities that support detainee operations to identify and eliminate hazards to Soldiers and detainees.
- p. Recommendation: CJTF-7 and CJTF-180 evaluate current living and working conditions at all facilities housing detainees and take corrective actions to improve the current living and working environment.
- q. Recommendation: CJTF-7 review the physical and operations security requirements and policy/doctrinal procedures to ensure units operating internment/resettlement facilities comply with all requirements.
- r. Recommendation: Force Providers require commanders to have trained and equipped field sanitation teams prior to deployment, and deployed commanders ensure field sanitation teams comply with Army policy.
- s. Recommendation: TRADOC review the preventive medicine detachment force structure to ensure support to all collecting points and internment/resettlement facilities in a non-linear battlespace.
- t. Recommendation: MEDCOM train all medical personnel in the preventive medicine aspects of detainee operations to ensure compliance with policy and the laws of land warfare.
- u. Recommendation: MEDCOM ensure all health care personnel are trained on the medical treatment requirements for detainees in accordance with Army Regulations and ensure that units have the required medical equipment and supplies for treating detainees.
- v. Recommendation: CJTF-7 and CJTF-180 evaluate current detainee medical capabilities and requirements and take corrective action to ensure detainees receive the required medical screening and care.
- w. Recommendation: CJTF-7 segregate enemy prisoners of war and civilian internees to ensure compliance with the Geneva Conventions and Army Regulations.
- x. Recommendation: TRADOC identify minimum equipment requirements for detainee operations to ensure successful unit mission accomplishment.
- y. Recommendation: TRADOC establish and identify resource requirements for a standardized "Detainee Field Processing Kit" that will enable capturing units to properly secure and process detainees quickly, efficiently, and safely.
- z. Recommendation: Commanders continue to stress the importance of planning and providing for adequate transportation assets to support continuing detainee operations.
- aa. Recommendation: TRADOC integrate standardized detainee operations training into all Army proponent school common core programs of instruction and training support packages.
- bb. Recommendation: The G3 integrate a prescribed detainee operations training program into unit training.

cc. Recommendation: CFLCC and Force Providers coordinate to ensure, where possible, units are aware of their assigned mission upon mobilization so they can train for their specific mission.

dd. Recommendation: FORSCOM integrate a standardized detainee operations training package as part of pre- and post-mobilization training.

ee. Recommendation: CFLCC ensure that ILO MP units are trained before they assume their ILO MP missions.

ff. Recommendation: The CFLCC contracting officer representative modify the CJTF-7 C2 Interrogation Cell Statement of Work to require civilian interrogators to be former military interrogators trained in current interrogation policy and doctrine or receive formal training in current military interrogation policy and doctrine.

gg. Recommendation: The G3, in coordination with the Office of the Judge Advocate General, mandate that Level B Law of War training have specific learning objectives, be conducted by an instructor/evaluator in a structured manner, and be presented and evaluated annually using the established training conditions and performance standards.

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Appendix A

References

Reference	Date	Title
AR 1-201	12 January 2004	Army Inspection Policy
AR 25-30	16 March 2004	The Army Publishing Program
AR 27-10	6 September 2002	Military Justice
AR 40-5	15 October 1990	Preventive Medicine
AR 71-32	3 March 1997	Force Development and Documentation-Consolidated Policies
AR 190-5	28 August 1992	Evidence Procedures
AR 190-8	1 October 1997	Enemy Prisoners of War, Retained Personnel, Civilian Internees and Other Detainees
AR 190-11	12 February 1998	Physical Security of Arms, Ammunition and Explosives
AR 190-13	30 September 1993	The Army Physical Security Program
AR 190-14	12 March 1993	Carrying of Firearms and Use of Force for Law Enforcement and Security Duties
AR 190-22	1 February 1983	Searches, Seizures, and Disposition of Property
AR 190-40	30 November 1993	Serious Incident Report
AR 190-47	15 August 1996	The Army Corrections System
AR 350-1	9 April 2003	Army Training and Education
AR 381-20	15 November 1993	The Army Counterintelligence Program
AR 385-10	29 February 2000	The Army Safety Program
AR 420-70	10 October 1997	Buildings and Structures
AR 600-20	13 May 2002	Army Command Policy
AR 735-5	10 June 2002	Policies and Procedures for Property Accountability
ARTEP 19-472-MTP	2 March 2001	Mission Training Plan For The Military Police Combat Support And Internment And Resettlement Brigades And Criminal Investigation Division Groups
ARTEP 19-546-30 MTP	10 April 1999	MTP for HHC MP BN (IR)
ARTEP 19-647-30 MTP	10 April 1999	MTP for MP CO (Escort Guard)
ARTEP 19-667-30 MTP	10 April 1999	MTP for MP CO (Guard)
CENTCOM REG 27-13	7 February 1995	Captured Persons Determination of Eligibility For Enemy Prisoner of War Status
CFLCC	18 December 2001	OEF Detainee Handling Guidance
CFLCC FRAGO 254 to OPOD 03-032	111800Z April 2003	Subject is Classified Secret
CFLCC FRAGO 501 to OPOD 03-032	241500Z April 2003	Guidance for the Release and Repatriation of EPW.

CJCSI 3290.01A	15 October 2000	Program For Enemy Prisoners Of War, Retained Personnel, Civilian Internees, And Other Detained Personnel (EPW/Detainee Policy)
CJCSI 5810.01B	25 March 2002	Implementation Of The DoD Law Of War Program
CJCS Message	211933Z Jan02	Subject is Classified Secret
CJTF-7 CG Memo	14 September 2003	Subject is Classified Secret
CJTF-7 CG Memo	12 October 2003	Subject is Classified Secret
CJTF-7 CG Memo	13 May 2004	Subject is Classified Secret
CJTF-7 FRAGO 209 to CJTF-7 OPOD 03-036	282021D June 2003	Subject is Classified Secret
CJTF-7 FRAGO 368 to CJTF-7 OPOD 03-036	141028Z Jun03	Guidance for the Detention, Handling and Release of Individuals Who are Potentially Subject to Prosecution for War Crimes
CJTF-7 FRAGO 415 to CJTF-7 OPOD 03-036	151950D Jul03	Subject is Classified Secret
CJTF-7 FRAGO 455 to CJTF-7 OPOD 03-036	200415D Jul03	Classifying and Processing Enemy Prisoners of War/Detained Persons/Civilian Internees
CJTF-7 FRAGO 749 to CJTF-7 OPOD 03-036	242320DAug03	Subject is Classified Secret
CJTF-180 SJA Memo	24 January 2004	CJTF180 Interrogation Techniques
CJTF-180 DCG Memo	16 March 2004	Subject is Classified Secret
CJTF-180 DCG Memo	28 March 2004	Consolidated Detainee Operations Standard Operating Procedures
DA Form 3881	November 1989	Rights Warning Procedure/Waiver Certificate
DA Form 4237-R	August 1985	Detainee Personnel Record
DoD Directive 1325.4	1 December 2003	Confinement of Military Prisoners and Administration of Military Correctional Programs and Facilities
DoD Directive 2310.1	18 August 1994	DoD Program for Enemy Prisoners of War (EPOW) and Other Detainees (Short Title: DoD Enemy POW Detainee Program)
DoD Directive 5100.69	27 December 1972	DoD Program for Prisoners of War and Other Detainees
DoD Directive 5100.77	9 December 1998	DoD Law of War Program
DoD Directive 5210.56	24 January 2002	Use of Deadly Force and the Carrying of Firearms by DoD Personnel Engaged in Law Enforcement and Security Duties
FM 3-0	14 June 2001	Operations
FM 3-31	13 December 2001	Joint Force Land Component Commander Handbook (JFLCC)
FM 3-19.1	31 January 2002	Military Police Operations
FM 3-19.4	4 March 2002	Military Police Leaders' Handbook

FM 3-19.30	8 January 2001	Physical Security
FM 3-19.40	1 August 2001	Military Police Internment/Resettlement Operations
FM 5-34, w/ C3	10 April 2003	Engineer Field Data
FM 6-0	11 August 2003	Mission Command: Command and Control of Army Forces
FM 6-22.5	23 JUNE 2000	Combat Stress
FM 7-0	22 October 2002	Training the Force
FM 22-51	29 September 1994	Leaders' Manual For Combat Stress Control
FM 27-10, w/ C1	15 July 1976	The Law of Land Warfare
FM 27-100	1 March 2000	Legal Support to Operations
FM 34-60	3 October 1995	Counterintelligence
FM 34-52	28 September 1992	Intelligence Interrogation
FORSCOM Message	162313Z Jan 03	Subject is Classified Secret
FORSCOM/ARNG/ USAR Reg 350-2	27 October 1999	Reserve Component Training
FORSCOM Reg 500-3-1	15 April 1998	FORMDEPS, Volume I, FORSCOM Mobilization Plan (FMP)
FORSCOM Reg 500-3-3	15 July 1999	FORMDEPS Volume III, Reserve Component Unit Commander's Handbook (RCUCH)
Geneva Convention	12 August 1949	Relative to the Treatment of POWs
Geneva Convention	12 August 1949	Amelioration of the Condition of the Wounded, Sick and Shipwrecked Members of Armed Forces at Sea
Geneva Convention	12 August 1949	Amelioration of the Condition of the Wounded and Sick in the Armed Forces in the Field
Geneva Convention	12 August 1949	Protection of War Victims
Geneva Convention	12 August 1949	Relative to the Protections of Civilian Persons in Time of War
Geneva Convention	1967	Relative to the Status of Refugees
Geneva Convention	1951	Relative to the Status of Refugees
Convention Against Torture	1984	Convention Against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment
Hague Convention No. IV	18 October 1907	Respecting the Laws and Customs of War on Land
JP 1-0	19 November 1998	Doctrine for Personnel Support to Joint Operations
JP 1-02	12 April 2001 (amended through 23 March 04)	Department of Defense Dictionary of Military and Associated Terms
JP 2-01	20 November 1996	Joint Intelligence Support to Military Operations
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Joint Operations Concepts	November 2003	Joint Operations Concepts
MG Antonio Taguba, AR 15-6 Investigation	14 March 2004	AR 15-6, Investigation of the 800th M P BDE
MG Donald J. Ryder, Provost Marshal Report	6 November 2003	Assessment of Detention and Corrections Operations in Iraq
MG Geoffrey D. Miller, CDR JTF-GTMO, Guantanamo Bay, Cuba Report	9 September 2003	Assessment of DoD Counter Terrorism Interrogation and Detention Operations in Iraq
ST 2-22.7	11 April 2002	Tactical Human Intelligence and Counterintelligence Operations
STP 19-95B1-SM	6 August 2002	MOS 95B, Skill Level 1
STP 19-95C14-SM-TG	26 March 1999	MOS 95C, Skill Levels 1/2/3/4
STP 19-95C1-SM	30 September 2003	MOS 95C, Skill Level 1
STP 19-95C24-SM-TG	30 September 2003	MOS 95C, Skill Level 2/3/4
V CORPS FRAGO 006M to V CORPS OPORD 0303-343	190200Z March 2003	Procedures for Handling the Detention of Iraqis in Internment Facilities and Detention Centers
V CORPS FRAGO 312M to V CORPS OPORD FINAL VICTORY	252146D May 2003	Guidance on Tactics, Techniques, and Procedures Designed to Improve the Preservation of Evidence of Crimes Committed by Civilians Detained and Transported to Detention Facilities

APPENDIX B

**Acting Secretary of the Army
Directive for Assessment of Detainee Operations
10 February 2004**

B-1

DOJ EOUSA AMNESTY/CCR 293

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B-2

DOJ EOUSA AMNESTY/CCR 294



DEPARTMENT OF THE ARMY
WASHINGTON DC 20310-0200

February 10, 2004

MEMORANDUM FOR THE INSPECTOR GENERAL

SUBJECT: Directive for Assessment of Detainee Operations

You are hereby directed to establish an Assessment Team to complete a Functional Analysis of the Department's internment, enemy prisoner of war, and detention policies, practices, and procedures as the Army executes its role as DOD Executive Agent for Enemy Prisoners of War and Detention Program.

When conducting this assessment, the following terms of reference apply. Use all potential Doctrine, Operations, Training, Materiel, Leadership, Personnel, and Facilities (DOTMLPF) approaches to identify any capability shortfalls with respect to internment, enemy prisoner of war, detention operations, and interrogation procedures and recommend appropriate resolutions or changes if required.

The assessment will focus on the following objectives:

- a. Assess the adequacy of DOTMLPF of Army Forces for internment, enemy prisoner of war, detention operations, and interrogation procedures.
- b. Determine the standards for Army Forces charged with internment, enemy prisoner of war, detention operations and interrogation procedures (e.g., size, equipment, standardization, and training).
- c. Assess current and future organizations and structures for Army Forces responsible for internment, enemy prisoner of war, detention operations and interrogation procedures.
- d. Identify and recommend any changes in policy related to internment, enemy prisoner of war, detention operations and interrogation procedures.

You are authorized to task the Army Staff and subordinate headquarters for those resources needed to ensure accomplishment of the detainee operations assessment. You are further authorized access to locations, documents, and personnel across the Army in order to complete your assessment. Coordinate with other Services for assistance, documentation, and information that may assist in completing this assessment.

You will provide me with a report at the conclusion of the assessment.

This assessment is exempt from the HQDA Short Notice Tasking Policy Message, dated 031353Z Jan 01, requiring units to be notified 180 days from execution of tasking and the HQDA memorandum dated January 27, 2004, subject: Travel [Restriction] to Iraq, Afghanistan, Kuwait and Qatar which requires my approval to travel to these countries.



R. L. Brownlee

Acting Secretary of the Army

Appendix C

Locations Visited

February 2004 (CONUS)

JRTC MRX (39th Separate Brigade) (Pre-Inspection)
NTC MRX (81st Separate Brigade) (Pre-Inspection)

March 2004 (Afghanistan)

Bagram (CJTF 180 and 237th MP BN)
Khandahar (274th MP CO, 805th MP CO, and 1/10th MTN DIV)
Gheresk (ODA 312)
Khost (1/501st Parachute Infantry Regiment)

March-April 2004 (Iraq)

Baghdad (CJTF 7, Camp Cropper, Camp Slayer, 1st AD Division Collecting Point, 2/1st AD Brigade Collecting Point)
Camp Bucca (160th MP BN)
Abu Ghraib (504th MI BDE)
Ar Ramadi (1/1st ID Brigade Collecting Point)
Brassfield-Mora (2/1st ID Brigade Collecting Point)
Tikrit (1st ID Division Collecting Point)
Mosul (MND-N Collecting Point and 3/2nd ID Brigade Collecting Point, Battalion Collecting Point)

March-April 2004 (Kuwait)

Camp Doha (CFLCC)
Arifjan (2/4th ID)

March-April 2004 (CONUS)

Fort Dix (310th MP BN and 320th MP BN; at two different times)
Fort Hood (4th ID and 720th MP BN)
Fort Bragg (2/82nd ABN DIV and USASOC SERE Course)
Fort Campbell (3/101st ABN DIV)
Fort Meade (HHC 400th MP BDE)
Owings Mill, MD (433rd MP CO)

June 2004 (CONUS)

Fort Leonard Wood (MP School)
Fort Huachuca (MI School)

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Appendix D

Inspection Tools

1. INTERVIEW QUESTIONS:

a. C-4/J-4/G-4

- 1). Concerning logistical operations, what is your role in the support of (Theater/Division) Detainee Operations?
- 2). Describe priority of support for Detainee Operations. How does this compete with your other mission requirements? Is the Priority of Support in SOPs, OPORDs/FRAGOs?
- 3). Describe how subordinate units plan and procure logistical support for Detainee Operations. (Include: transportation, sundry items, subsistence, organizational, and NBC clothing and equipment items, mail collection and distribution, laundry, and bath equipment) Have you ever coordinated for transportation to evacuate Detainees out of the AOR? Who approved the transfer?
- 4). What are some of the services being contracted out/outsourced to support Detainee Operations in Theater? Are there any issues concerning contracting or budget that you are aware of that impact Detainee Operations? If so, what are they? Who oversees the contracts that support Detainee Operations and where can we find out who the Army Representatives are (CORs)?
- 5). Are you aware of any Home Station Training that subordinate Combat Service Support units conducted prior to deployment to help them prepare for Detainee Operations? (To include collection point activities, etc) Can you describe it?
- 6). Have you had the opportunity to personally visit each of the Internment Facilities to determine if units have the necessary support and supplies to run their facilities? If so, what did you find? How about division and brigade Collection Points?
- 7). What are your challenges/issues in providing daily food rations in sufficient quantity, quality and variety to keep Detainees in good health and IAW with their cultural requirements? What is the schedule for feeding and what are they being fed? Please elaborate
- 8). How do Detainees receive fresh potable water in your area of responsibility? (Bottled water, Lister bags, running water--if so, is it potable)
- 9). What procedures are in place to account for and dispose of captured enemy supplies and equipment?
- 10). What are your biggest issues concerning adequate facilities for Detainees (tents, cots, etc)?
- 11). What are your biggest issues concerning logistical support for Detainee Operations?

12). What do you perceive to be doctrinal logistic shortcomings pertaining to Detainee Operations and how would you fix/incorporate into updated doctrine/accomplish differently? How about Force Structure of logistical units that ensures Detainee Operations can be successfully accomplished? What are the shortcomings and how do we fix at the Army-level?

13). Are you aware of your requirement to report abuse or suspected abuse of detainees?

14). What do you perceive as the mission of your unit? Describe the importance of your role in that mission.

15). Describe your working environment and living conditions since being in Theater.

16). Describe the unit command climate and Soldier morale. Has it changed or evolved since you have been in Theater

17). Are you aware of any incidences of detainee or other abuse in your unit?

18). ADVISEMENT OF RIGHTS (For military personnel)

The text of Article 31 provides as follows a. No person subject to this chapter may compel any person to incriminate himself or to answer any questions the answer to which may tend to incriminate him. b. No person subject to this chapter may interrogate or request any statement from an accused or a person suspected of an offense without first informing him of the nature of the accusation and advising him that he does not have to make any statement regarding the offense of which he is accused or suspected, and that any statement made by him may be used as evidence against him in a trial by court-martial. c. No person subject to this chapter may compel any person to make a statement or produce evidence before any military tribunal if the statement or evidence is not material to the issue and may tend to degrade him. d. No statement obtained from any person in violation of this article, or through the use of coercion, unlawful influence, or unlawful inducement, may be received in evidence against him in a trial by court-martial.

19). I am _____ (grade, if any, and name), a member of the (DAIG). I am part of a team inspecting detainee operations, this is not a criminal investigation. I am reading you your rights because of a statement you made causes me to suspect that you may have committed _____ (specify offense, i.e. aggravated assault, assault, murder). Under Article 31, you have the right to remain silent, that is, say nothing at all. Any statement you make, oral or written, may be used as evidence against you in a trial by courts-martial or in other judicial or administrative proceedings. You have the right to consult a lawyer and to have a lawyer present during this interview. You have the right to military legal counsel free of charge. In addition to military counsel, you are entitled to civilian counsel of your own choosing, at your own expense. You may request a lawyer at any time during this interview. If you decide to answer questions, you may stop the questioning at any time. Do you understand your rights? Do you want a lawyer? (If the answer is yes, cease all questions at this point). Are you willing to answer questions?

20). Describe what you understand happened leading up to and during the incident(s) of abuse.

21). Describe Soldier morale, feelings and emotional state prior to and after these incidents?

22). Was this incident reported to the chain of command? How, when & what was done? What would you have done?

23). How could the incident have been prevented?

24). Describe any unit training or other programs that you are aware of that teach leaders and Soldiers how to recognize and resolve combat stress.

25). What measures are in place to boost morale or to relieve stress

26). What measures could the command enact to improve the morale and command climate of your unit

b. PROVOST MARSHAL

1). What references/standards/publications/SOPs do you use to conduct Detainee Operations?

2). What is the C2 structure/organization of internment facilities across Theater? How many internment facilities under U.S. Military Control, do you oversee? How many divisional Central Collection Points? How about Brigade Forward Collection Points? What MP units in Theater operate internment facilities and where are they positioned? (Battalion and Above) Describe the essential organizational requirements to run an internment facility. (Organizational Elements, Manning, Facilities, Equipment). Do you have what you need to accomplish the mission? If not, explain?

3). How do you ensure the units operating these locations/facilities are complying with the provisions of the Geneva Convention and AR 190-8?

4). Are detainees being employed to work? What are the General policy and procedures for the Employment and Compensation of Detainees?

5). Is there a policy on the ratio of guards to Detainees in Theater? If so, what is it? Is this standard being met? If not, what is the shortfall and how are units meeting the challenge to overcome the shortfall?

6). What is your detainee segregation policy? ((EPWs, Females, Juveniles, Civilian Internees (to include those that are security threats, those that are hostile to coalition forces, and possible HTD/HVD, and Retained Persons, Criminals, etc.)) What can you tell me about the categories of Detainees that you are holding? What are they and what are the definitions of the different categories that your organizations detain? How are you organized to handle the different categories of Detainees (EPW, CI, HVD, OD, and refugees?)

7). What is the minimum living space standard for each Detainee? How is it determined and who set the provisions of minimum living space for internment facilities? (when possible, consult the preventative medicine authority in theater for provisions of minimum living space and sanitary facilities). Has a preventative medicine expert given advice on this?

- 8). Do you use Military Working Dogs (MWD) within internment facilities?
- 9). How does the command ensure that Detainee Operations is conducted in compliance with the international Law of war? (OPORD/FRAGO, ROE, Interrogation Techniques, general orders, humane treatment, etc)
- 10). What is the current policy to grant conditional access to the International Red Cross/Crescent to Detainees? Has this always been the policy? Are they the only NGOs that have conditional access? If not, who are the other organizations?
- 11). What is your responsibility to the National Detainee Reporting Center (NDRC)? What is your relationship with the Theater Detainee Reporting Center (TDRC)? To the best of your knowledge, when were these centers stood up? Describe the Detainee Reporting System? (Software used, Data Base Management, Data Validation, Contingencies, Security and Privacy, etc.) Who has access?
- 12). What are the policies and procedures for US Forces transferring detainees to other Coalition Forces/Host Nation Forces? Has this been done?
- 13). What are the procedures that allow other United States Government Agencies (OGA) access and control to Detainees for the purpose of interrogations? What is the process for transfer and accountability of the Detainee? Does the commander of each internment facility have approval authority to transfer to OGAs? How much notice do they have to provide the chain of command for access or request for transfer? Do the same procedures apply when Military Intelligence personnel request access and control?
- 14). Describe the screening /background checks required prior to hiring interpreters. Are they trusted by U.S. Soldiers?
- 15). What are your biggest issues concerning adequate facilities for Detainees?
- 16). Since you have been in your position, what Detention facilities/locations have you visited and inspected for compliance with law, policy, and regulations? What were the results and findings? Can we get copies of your results?
- 17). What procedures are in place when a detainee in U S custody dies?
- 18). What do you perceive to be doctrinal Military Police shortcomings pertaining to Detainee Operations and how would you fix/incorporate into updated doctrine/accomplish differently? How does your doctrinal law enforcement mission suffer? How about Force Structure of Military Police units that ensures Detainee Operations can be successfully accomplished? What are the shortcomings and how do we fix at the Army-level?
- 19). Are you aware of your requirement to report abuse or suspected abuse of detainees?
- 20). What do you perceive as the mission of your unit? Describe the importance of your role in that mission.
- 21). Describe your working environment and living conditions since being in Theater.

22). Describe the unit command climate and Soldier morale. Has it changed or evolved since you have been in Theater

23). Are you aware of any incidences of detainee or other abuse in your unit?

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25). I am _____ (grade, if any, and name), a member of the (DAIG). I am part of a team inspecting detainee operations, this is not a criminal investigation. I am reading you your rights because of a statement you made causes me to suspect that you may have committed _____. (specify offense, i.e. aggravated assault, assault, murder). Under Article 31, you have the right to remain silent, that is, say nothing at all. Any statement you make, oral or written, may be used as evidence against you in a trial by courts-martial or in other judicial or administrative proceedings. You have the right to consult a lawyer and to have a lawyer present during this interview. You have the right to military legal counsel free of charge. In addition to military counsel, you are entitled to civilian counsel of your own choosing, at your own expense. You may request a lawyer at any time during this interview. If you decide to answer questions, you may stop the questioning at any time. Do you understand your rights? Do you want a lawyer? (If the answer is yes, cease all questions at this point). Are you willing to answer questions?

26). Describe what you understand happened leading up to and during the incident(s) of abuse.

27). Describe Soldier morale, feelings and emotional state prior to and after these incidents?

28). Was this incident reported to the chain of command? How, when & what was done? What would you have done?

29). How could the incident have been prevented?

30). Describe any unit training or other programs that you are aware of that teach leaders and Soldiers how to recognize and resolve combat stress.

31). What measures are in place to boost morale or to relieve stress?

32). What measures could the command enact to improve the morale and command climate of your unit?

c. RED CROSS

- 1). Which US Military Controlled Internment Facilities have you visited? What did you find?
- 2). Have you visited any Collection Points in US Army areas? Which ones and what did you find?
- 3). How often are the US Army collection points/internment facilities inspected? What is the make-up of the team? (Prev Med, Doctors, Psychiatrists/Psychologists, etc) What, specifically do you inspect? What do you do with the results of the inspections? Are the appropriate commanders taking the necessary actions to correct the shortcomings noted during your monthly medical inspections? Have you observed any recurring deficiencies during your inspections? Have you noted improvements and if so, what are the improvements? In what areas can we make improvements and what are those?
- 4). How often do you or your staff conduct routine medical inspections (examinations) of detainees under US Military control? What does the medical evaluation consist of? What is the purpose of the medical examination? How are the results recorded/reported?
- 5). Does every US Military Controlled Internment Facility have an infirmary? How adequate is the medical care to the detainees? (Are Retained Persons used?) Do you know of any detainees being denied medical treatment or delayed medical attention? If so, why?
- 6). Do detainees at US Military Controlled Internment Facilities have access to personal hygiene products?
- 7). Have you noticed any markings and/or injuries on a detainee at a US Military Controlled Internment Facility that might lead you to believe the detainee was being abused? Did you bring this to the attention of the Facility Commander? Do you know what he did with the information?
- 8). Are detainees in US Military Controlled Internment Facilities segregated by nationality, language, rank, and sex? Do detainees have the ability to practice their religion? Are detainees able to send and receive mail?
- 9). Can you describe the living conditions at US Military Controlled Internment Facilities? (Sanitary conditions, heat during the winter, shelter for rain, fire prevention measures, latrines, sleep areas, etc)
- 10). How do the detainees get fresh water? What kind of meals are they being fed? Do they get enough food?
- 11). Overall, how do you feel detainees are being treated at US Military Controlled Internment Facilities? What systemic weaknesses have you identified?

d. SJA

- 1). What specific measures has the commander/unit taken to ensure compliance with the Law of War regarding detainee operations? Individual training events? When?

Collective/unit training events? When?

2). What is the minimum standard of treatment that the US must provide any detainee? What policies/procedures do units have in place to support the U. S. General Protection policy relative to the treatment of Detainees in the custody of the U S forces?

3). What specific measures did the unit take prior to arrival in the AOR to ensure that subordinate leaders and soldiers know and understand how to treat, handle, and process detainees properly? Do leaders and Soldiers know and understand how to apply Detainee Operations doctrine and standards when they arrive in the AOR? Can you provide some examples.

4). How is the issue of classification of detainees being handled? Are any Article 5 tribunals being held or is there a presumption that the insurgents clearly do not meet the Article 4 GC III EPW criteria (commanded by a person responsible for his subordinates, wearing fixed distinctive sign, carrying arms openly, conducting operations in accordance with the laws of war)?

5). Did units receive training on the reporting of Detainee abuse? When did this training occur last and how often is it conducted by the units? Are units reporting Detainee abuse? What is happening to individuals who abuse Detainees? How many cases of detainee abuse have you heard of and or processed since you have been in country? At what point in the detention process are most of the abuses occurring? (point of capture, initial collection point, by guards at internment facility, by interrogators)

6). What control measures are units using to maintain detainee discipline and security in each internment facility/collection point?

7). What are the procedures you follow if you personally notice or if it is reported to you that a detainee is injured and you suspect the detainee has been abused? What training has the unit received regarding reporting procedures for detainee abuse?

8). What are the procedures if a detainee in U.S. custody dies?

9). What are the Theater guidelines for any EPW, CI, and RP claims against the U.S. Government?

10). (Internment facility Judge Advocate only) What is the procedure if an EPW or detainee wants to make a complaint or requests to the camp commander regarding conditions of their internment? How are Detainees complaints and requests to the camp commander processed?

11). Have any detainees refused repatriation? If so, what happened to them ?

12). What happens when a detainee is suspected of, or is known to have committed a serious offense while they are being interned at either the collection point or detention facility? Describe the due process available to detainees and rights of the detainee suspected of committing a serious offense. Have you or any Staff Judge Advocate provided legal advice to a detainee who might have committed an offense?

13). What is your feeling on how Detainees are being treated? What do you feel is the

primary focus/purpose of detainee operations. (force protection, punishment, rehabilitation, protection, merely a regulatory/legal requirement) No standard. Personnel observations and feelings.

14). What AARs or lessons learned have you written or received regarding detainee operations? Can I get a copy?

15). What do you perceive to be doctrinal legal shortcomings pertaining to Detainee Operations and how would you fix/incorporate into updated doctrine/accomplish differently? How about Force Structure of Staff Judge Advocate to ensure Detainee Operations can be successfully accomplished? What are the shortcomings and how do we fix the problem at the Army-level?

16). What do you perceive as the mission of your unit? Describe the importance of your role in that mission.

17). Describe your working environment and living conditions since being in Theater.

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25). How could the incident have been prevented?

26). Describe any unit training or other programs that you are aware of that teach leaders and Soldiers how to recognize and resolve combat stress.

27). What measures are in place to boost morale or to relieve stress?

28). What measures could the command enact to improve the morale and command climate of your unit?

e. STAFF ENGINEER (DIVISION & ABOVE)

1). Describe facilities' infrastructure overall that support Detainee Operations. (Sewer, water distribution, storm drainage, electrical distribution, HVAC systems, and lighting, etc.) What are the problems concerning existing facilities and what is being done to fix?

2). What program is in place in Theater that allows for the maintenance and repair of facilities that house Detainees and their supporting facilities?

3). Are the Corps of Engineers involved in any facility upgrades/improvements in Theater for Detainees? If so, what are some ongoing projects? Can I get a list by Project Number? Who is your POC in USACE? What do you know of the Engineer Corps' Theater Construction Management System (TCMS). Were you aware that they have plans, specifications, and materiel requirements for Internment Facilities based on Detainee population?

4). Do you have any knowledge as to why U.S. Forces chose existing facilities rather than to use the Theater Construction Management System (TCMS) and build facilities elsewhere? (How and why were facilities picked as Long Term Detention Facilities?)

5). What is your role in determining provisions of minimum living space for Detention Facilities across the AOR? (when possible, consult the preventative medicine authority in theater for provisions of minimum living space and sanitary facilities). What is the minimum living space standard for each Detainee? Has a preventative medicine expert given advice on this?

6). Do engineer officers train and supervise internal and external labor for Detention Facilities? (construction and repair of detention facilities)? If so, describe the work ((construction, maintenance, repair, and operation of utilities (water, electricity, heat, and sanitation.))

7). Are you aware of your requirement to report abuse or suspected abuse of detainees?

8). What do you perceive as the mission of your unit? Describe the importance of your role in that mission.

9). Describe your working environment and living conditions since being in Theater.

10). Describe the unit command climate and Soldier morale. Has it changed or evolved since you have been in Theater?

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f. MI BDE/BN CDR/S-3/CO CDR/1SG

1). (All) What is your overall role in detainee operation process? What involvement do you have in the interrogation process of detainee operations? Do you provide a means to validate detainee's information? Do you provide input as to the disposition of the detainee?

2). (All) What references/standards/publications/SOPs do you use to conduct interrogation Operations?

3). (All) Did your soldiers undergo Level B Law of War training prior to deployment? Explain what training occurred. Is there a plan to train new Soldiers (replacements) to the unit? Did this training include the treatment of Detainees? Explain.

4). (All) What training have you received to ensure your knowledge of DO is IAW the provisions under the Geneva Convention?

5). (All) What Home Station/Mob Site Training did your unit conduct prior to deployment to help your unit prepare for Detainee/interrogation Operations? Describe it. How did the training prepare you to conduct Detainee/interrogation Operations for this deployment? How did this training distinguish between the different categories of Detainees (EPWs, RPs, CIs, etc.)?

6). (All) What training did your unit receive on the established Rules of Engagement (ROE)? How often does this occur? Does this training include Rules of Interaction (ROI)?

7). (All) What procedures are in place to ensure your Soldiers do not violate the rules of engagement for the interment facility/collection point?

8). (All) What guidance or policies are there to ensure fraternization is not taking place between U.S. military personnel and the detainees?

9). (All) How does the command ensure that interrogation Operations is conducted in compliance with the international Law of war? (OPORD/FRAGO, ROE, Interrogation Techniques, general orders, humane treatment, etc)

10). (All) Have you personally visited each of the interrogation Facilities to determine if your unit has the necessary support and supplies to run their facilities? If so, what did you find?

11). (All) What control measures are you using to maintain discipline and security within the interrogation facility?

12). (BN/CO Cdr) Are you receiving sufficient information from the capture paperwork to properly conduct screenings and interrogations? Are the current requirements for documentation of a captured person sufficient or excessive? Did the changes in procedures as far as documenting captured person improve your ability to gather intelligence?

13). (BN/CO Cdr) What are the procedures for the transfer of custody of Detainees from the MP/Guard personnel to Military Intelligence personnel? When the detainee is returned to the guard force, what procedures occur?

14). (CO Cdr/BN S3) Describe the screening /background checks required prior to hiring interpreters. Are they trusted by U.S. Soldiers?

15). (All) Do counterintelligence agents conduct interrogations of detainees? What training have they received for conducting interrogations? What is their understanding of the laws of war as it pertains to interrogating detainees?

16). (All) What do you perceive to be doctrinal shortcomings pertaining to Interrogation Operations? How would you fix/incorporate into updated doctrine/accomplish differently? How about Force Structure to ensure Interrogation Operations can be successfully accomplished? What are the shortcomings and how do we fix the problem at the Army-level?

17). (All) What are the procedures if a detainee in U.S. custody dies?

18). (All) Do you know of the procedures to get stress counseling (Psychiatrist, Chaplain, Medical)? Do your Soldiers know of the procedures to get counseling (Psychiatrist, Chaplain, Medical)?

19). (All) Are you aware of your requirement to report abuse or suspected abuse of detainees?

20). (All) Do your subordinates know the reporting procedures if they observe or become aware of a Detainee being abused?

21). (All) What steps would you take if a subordinate reported to you an incident of alleged Detainee abuse?

22). (All) Do you feel you can freely report an incident of alleged Detainee abuse outside Command channels (IG, CID)?

23). (All) What procedures do you have to report suspected detainee abuse (IG, CID, Next Level Commander)?

24). (All) What procedures are in place for Detainees to report alleged abuse?

25). (All) What do you perceive as the mission of your unit? Describe the importance of your role in that mission.

26). (All) Describe your working environment and living conditions since being in Theater.

27). (All) Describe the unit command climate and Soldier morale. Has it changed or evolved since you have been in Theater?

28). (All) Are you aware of any incidences of detainee or other abuse in your unit

29). ADVISEMENT OF RIGHTS (For military personnel)

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30). I am _____ (grade, if any, and name), a member of the (DAIG). I am part of a team inspecting detainee operations, this is not a criminal investigation. I am reading you your rights because of a statement you made causes me to suspect that you may have committed _____. (specify offense, i.e. aggravated assault, assault, murder). Under Article 31, you have the right to remain silent, that is, say nothing at all. Any statement you make, oral or written, may be used as evidence against you in a trial by courts-martial or in other judicial or administrative proceedings. You have the right to consult a lawyer and to have a lawyer present during this interview. You have the right to military legal counsel free of charge. In addition to military counsel, you are entitled to civilian counsel of your own choosing, at your own expense. You may request a lawyer at any time during this interview. If you decide to answer questions, you may stop the questioning at any time. Do you understand your rights? Do you want a lawyer? (If the answer is yes, cease all questions at this point). Are you willing to answer questions?

31). (All) Describe what you understand happened leading up to and during the incident(s) of abuse.

32). (All) Describe Soldier morale, feelings and emotional state prior to and after these incidents?

33). (All) Was this incident reported to the chain of command? How, when & what was done? What would you have done?

34). (All) How could the incident have been prevented?

35). (All) Describe any unit training or other programs that you are aware of that teach leaders and Soldiers how to recognize and resolve combat stress.

36). (All) What measures are in place to boost morale or to relieve stress?

37). (All) What measures could the command enact to improve the morale and command climate of your unit?

g. MP BDE COMMANDER INTERVIEW QUESTIONS

- 1). What references/standards/publications/SOPs do you require your subordinates to use for Detainee Operations?
- 2). What MP units under your command operate US military controlled Internment Facilities? (Battalion and Company) How many Internment Facilities under U.S. Military Control, do you operate? Where are they positioned across the Theater? Have you visited any of DIV /BDE Collection Points?
- 3). What are the policies on the establishment of Internment facilities? How do you ensure the units are operating these locations/facilities under the provisions of the Geneva Convention and AR 190-8(ROE, Interrogation Techniques, general orders, humane treatment, etc)?
- 4). Are your operations employing detainees for work? If so, what are the General policy and procedures for the Employment and Compensation of Detainees?
- 5). Is there (or do you have) a policy on the ratio of guards to Detainees? If so, what is it? Is this standard being met? If not, what is the shortfall and how are your units managing the challenge?
- 6). What is your detainee segregation policy?
- 7). What is the minimum living space standard for each Detainee? Who set the provisions of minimum living space for Internment Facilities? (when possible, consult the preventative medicine authority in theater for provisions of minimum living space and sanitary facilities). Has a preventative medicine expert given advice on this?
- 8). Are the Corps of Engineers involved in any facility upgrades/improvements in Theater for Detainees? If so, what are some ongoing projects? What do you know of the Engineer Corps' Theater Construction Management System (TCSM). Were you aware that they have plans, specifications, and materiel requirements for Internment Facilities based on Detainee population?
- 9). Do you use Military Working Dogs (MWD) within detention facilities?
- 10). What is the current policy to grant conditional access to the International Red Cross/Crescent to Detainees? Has this always been the policy? Are they the only NGOs that have conditional access? If not, who are the other organizations?
- 11). Explain how medical information is kept on each individual Detainee?
- 12). What is your responsibility to the National Detainee Reporting Center (NDRC)? What is your relationship with the Theater Detainee Reporting Center (TDRC)? To the best of your knowledge, when were these centers stood up? Describe the Detainee Reporting System? (Software used, Data Base Management, Data Validation, Contingencies, Security and Privacy, etc.) Who has access?
- 13). When are Detainees assigned Internment Serial Numbers (ISNs) (from point of capture to internment? Are there any reasons why Detainees would not be assigned ISNs?

14). What are the policies and procedures for US Forces transferring detainees to other Coalition Forces/Host Nation Forces? Has this been done?

15). What are the procedures that allow other United States Government Agencies (OGA) access to Detainees? Who is the approval authority? How much notice do they have to provide the chain of command? Do Detainees ever leave U.S. Military Control for interrogation? How about U.S. Military Police control to MI control? What is the process for turnover and accountability of the Detainee? What happens if a detainee is returned to U.S. Military Control from an OGA, and it is determined that abuse has occurred?

16). How are interpreters (linguists/translators) integrated within the Detainee Detention system (within each facility)?

17). What are your biggest issues concerning logistical, contractor, and interpreter support for Detainee Operations?

18). What are your biggest issues concerning adequate facilities for Detainees?

19). Can you describe the in-processing actions required for Detainees? What are some of the reasons that Detainees are not accepted to the internment facility? Are capturing units/subordinate units properly processing Detainees? If not, what are they doing wrong? Is it administrative in nature or in the physically handling of Detainees?

20). What is the process to account for and dispose of weapons and contraband confiscated from Detainees? What happens to personal property? (Is it disposed of/tagged along with the Detainee and is it stored properly and accounted for?) Why is the DD Form 2745 (Capture Tag) not being used? What are units using in lieu of (if any)? ((Detainee Capture Card found in draft MTTP, Detainee Ops—this card does not require near as much data as DD 2745 (). The CPA Apprehension Form helps offset the lack of info on the Detainee, however it is usually filled out in a single copy (not the 3 required))) Who decided on the use of the Coalition Provisional Authority Apprehension Form and why?

21). Does the current force structure meet the requirements to run Internment Facilities? If not why? What recommendations can you provide? Do your units have what they need to accomplish the mission (personnel/equipment) without additional support? If not, explain? What do you perceive to be doctrinal shortcomings pertaining to Detainee Operations and how would you fix/incorporate into updated doctrine and accomplish differently?

22). What is the ROE concerning Detainees? How do you ensure that this ROE is being followed and understood by all Soldiers in your command that have any contact with Detainees? What is the policy to train on the established Rules of Engagement (ROE)? How often does this occur? Does this training include Rules of Interaction (ROI)?

23). What procedures are in place when a detainee in U S custody dies?

24). What are the procedures for repatriation?

25). What religious activities are permitted?

26). Are you aware of your requirement to report abuse or suspected abuse of detainees?

27). Do your subordinates know the reporting procedures if they observe or become aware of a Detainee being abused?

28). What steps would you take if a subordinate reported to you an incident of alleged Detainee abuse?

29). Do you feel you can freely report an incident of alleged Detainee abuse outside Command channels (IG, CID)?

30). What procedures do you have to report suspected detainee abuse (IG, CID, Next Level Commander)?

31). What procedures are in place for Detainees to report alleged abuse?

32). What do you perceive as the mission of your unit? Describe the importance of your role in that mission.

33). Describe your working environment and living conditions since being in Theater.

34). Describe the unit command climate and Soldier morale. Has it changed or evolved since you have been in Theater?

35). Are you aware of any incidences of detainee or other abuse in your unit?

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37). I am _____ (grade, if any, and name), a member of the (DAIG). I am part of a team inspecting detainee operations, this is not a criminal investigation. I am reading you your rights because of a statement you made causes me to suspect that you may have committed _____. (specify offense, i.e. aggravated assault, assault, murder). Under Article 31, you have the right to remain silent, that is, say nothing at all. Any statement you make, oral or written, may be used as evidence against you in a trial by courts-martial or in other judicial or administrative proceedings. You have the right to consult a lawyer and to have a lawyer present during this interview. You have the right to military legal counsel free of charge. In addition to military counsel, you are entitled to civilian counsel of your own choosing, at your own expense. You may request a lawyer at any time during this interview. If you decide to answer questions, you may stop the questioning at any time e. Do you understand your rights? Do you want a

lawyer? (If the answer is yes, cease all questions at this point). Are you willing to answer questions?

38). Describe what you understand happened leading up to and during the incident(s) of abuse.

39). Describe Soldier morale, feelings and emotional state prior to and after these incidents?

40). Was this incident reported to the chain of command? How, when & what was done? What would you have done?

41). How could the incident have been prevented?

42). Describe any unit training or other programs that you are aware of that teach leaders and Soldiers how to recognize and resolve combat stress.

43). What measures are in place to boost morale or to relieve stress

44). What measures could the command enact to improve the morale and command climate of your unit?

h. CDR/OIC & SGM/NCOIC INTERNMENT FACILITY

1). Can you tell me what basic publications you use for Detainee Operations (doctrine and standards)?

2). What standards were used in establishing this facility?

3). What procedures do you have in place to ensure Soldiers and leaders understand the use of force and rules of engagement for the interment facility?

4). How did you prepare yourself and your junior leaders to become familiar with and understand the applicable regulations, OPORDS/FRAGOs, directives, international laws and administrative procedures to operate an I/R facility?

5). How did Home Station/Mob Site Training prepare you to conduct Detainee Operations at this facility? What training have you and your Soldiers received to ensure your knowledge of DO is IAW the Geneva Convention and DoD/Army policy? (Did this include Law of War and treatment of Detainees training.)?

6). Describe the training the guard force received to prepare them for their duties.

7). How does your unit conduct sustainment training for Detainee Operations or training for newly assigned personnel? When did your unit last conduct this training?

8). Describe some of the basic operations of the camp relating to detainee segregation, captured medical/religious personnel, feeding, sanitation, etc? Where do you maintain copies of the Geneva Convention around the facility? (Is it posted in the detainee's home language within the facilities)? Are camps segregating Detainees by nationality, language, rank, and sex? How are captured Medical personnel and Chaplains being used in the camps?

What provisions are in place for the receipt and distribution of Detainee correspondence/mail? Are the daily food rations sufficient in quantity or quality and variety to keep detainees in good health? Are personal hygiene items and needed clothing being supplied to the Detainees? Are the conditions within the camp sanitary enough to ensure a clean and healthy environment free from disease and epidemics? Is there an infirmary located within the camp?

9). How are you organized to handle the different categories of personnel (EPW, CI, OD, females, JVs, and refugees)? How about female Detainees? How and where do you house them? Do you maintain a separate site for sick or wounded Detainees? If so where is it and how does your unit maintain the security and safeguarding of Detainees there?

10). Describe the procedures you use when you inprocess a detainee. (CPA Forces Apprehension Form, two sworn statements, EPW tag, where do you store Detainees' confiscated personal affects (if any) and how are they accounted for (are they tagged with DD Form 2745)? How is evidence tagged? What procedures are in place to dispose of captured enemy supplies and equipment?) How is the transfer of Detainees handled between different services and Other Governmental Organizations?

11). Where do you store Detainees' confiscated personal affects (if any) and how are they accounted for? (Are they tagged with DD Form 2745)?

12). What are the procedures for the interrogation/questioning of Detainees?

13). What are the procedures for the transfer of custody of Detainees from the MP/Guard personnel to Military Intelligence personnel? When the detainee is returned to the guard force, what procedures occur? (what info is passed on to the Guard Force (type of reward?)?...Observation report, paper trail audit)

14). What control measures do you use to maintain discipline and security in the facility?

15). What MP units (guards, escort, detachments) do you have at your disposal to operate and maintain this internment facility? Do you have any shortages? How do these shortages impact your mission? What non-MP units are you using to help operate this facility? Do you have any shortages? How do these shortages impact your mission?

16). What kind of security lighting do you have that ensures you have a safe and secure operation at night? How do you provide heat to detainees during the winter? What fire prevention/safety measures do you have?

17). Are you employing detainees for work? What are the General policy and procedures for the Employment and Compensation of Detainees?

18). What type of Medical assets are present in support of medical treatment of detainees?

19). What kind of stress counseling do you provide to Soldiers/Guards?

20). Are Detainees allowed to practice their religion? Is there a chaplain available to minister to the detainees? Is the chaplain a Retained Personnel, US Forces, or a civilian?

21). Describe the latrine facilities for Detainees' use (do they have access to it day and night and does it conform to the rules of hygiene and do females have separate facilities). How are they cleaned and how often and by whom? Where do they bathe and conduct of her personal hygiene (this will depend how long it takes to evacuate Detainees to U.S. Military Controlled Detention Facilities--12 hours is the standard)?

22). Describe how the unit plans and procures logistical support to include: transportation, subsistence, organizational, and NBC clothing and equipment items, mail collection and distribution, laundry, and bath equipment ISO DO. What logistical support do you receive to run this Facility? What types of supplies is greater in-demand for the unit during detainee operations? What are your shortfalls?

23). How do the Detainees receive fresh water (Bottled water or Lister bag)?

24). What personnel or equipment USR shortages are affecting your ability to perform detainee operations?

25). What do you perceive to be doctrinal shortcomings pertaining to Detainee Operations and how would you fix/incorporate into updated doctrine/accomplish differently? How about Force Structure to ensure Detainee Operations can be successfully accomplished? What are the shortcomings and how do we fix the problem at the Army-level?

26). What are the procedures if an EPW or RP in U.S. custody dies?

27). What AARs or lessons learned have you written or received regarding detainee operations? Can I get a copy?

28). Are you aware of your requirement to report abuse or suspected abuse of detainees?

29). Do your subordinates know the reporting procedures if they observe or become aware of a Detainee being abused?

30). What steps would you take if a subordinate reported to you an incident of alleged Detainee abuse?

31). Do you feel you can freely report an incident of alleged Detainee abuse outside Command channels (IG, CID)?

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33). What procedures are in place for Detainees to report alleged abuse?

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35). Describe your working environment and living conditions since being in Theater.

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43). How could the incident have been prevented?

44). Describe any unit training or other programs that you are aware of that teach leaders and Soldiers how to recognize and resolve combat stress.

45). What measures are in place to boost morale or to relieve stress?

46). What measures could the command enact to improve the morale and command climate of your unit?

i. MANEUVER BDE/BN XO

1). What are your responsibilities concerning detainee operations?

- 2). (BDE XO) What are your responsibilities concerning the Forward Collection Point in the BSA? What is your relationship with the Forward Collection Point OIC?
- 3). Can you tell me what basic publications you use for Detainee Operations?
- 4). How did you prepare yourself and your junior leaders to become familiar with and understand the applicable regulations, OPORDS/FRAGOs directives, international laws and administrative procedures to support Detainee Operations?
- 5). How did Home Station/Mob Site Training prepare you to conduct Detainee Operations?
- 6). Can you describe the process of getting a Detainee to the Forward Collection Point in the BSA beginning with the point of Capture? How long do detainees stay in the company holding area before being transported to the BDE Forward Collection Point?
- 7). (BN XO) How do your companies integrate the security and defense of the company holding areas into their perimeter defense? What is your normal ratio of guards to detainees in the holding area? Is this ratio the proper mix for you to perform your mission? If not, what are the shortfalls? How do these shortfalls impact your mission?
- 8). Are you experiencing any transportation problems to move detainees, and if so what? What is the number of personnel needed to move prisoners internally or externally (i.e. from the BN holding areas to the Forward Collection Point, for medical evacuation, etc)?
- 9). What personnel or equipment USR shortages are affecting your ability to support detainee operations? What are your resource shortfalls to support this operation? What types of supplies is greater in-demand for the unit during detainee operations?
- 10). What do you perceive to be doctrinal shortcomings pertaining to Detainee Operations and how would you fix/incorporate into updated doctrine/accomplish differently? How about Force Structure to ensure Detainee Operations can be successfully accomplished? What are the shortcomings and how do we fix the problem at the Army-level?
- 11). What procedures are in place to ensure Soldiers and leaders understand the use of force and rules of engagement?
- 12). What kind of stress counseling are Soldiers/Guards provided?

13). What are the procedures for evacuating a sick or wounded Detainee? How does your unit maintain the security and safeguarding of sick or wounded Detainees while in transport?

14). Describe how the unit plans and procures logistical support to include: subsistence, organizational, and NBC clothing and equipment items, mail collection and distribution, laundry, and bath equipment ISO DO.

15). (BN XO) How do you provide your unit holding area with water? (Bottled water or bulk water)?

16). What are the procedures if a detainee in U.S. custody dies?

17). What AARs or lessons learned have you written or received regarding detainee operations? Can I get a copy?

18). Are you aware of your requirement to report abuse or suspected abuse of detainees?

19). What procedures do you have to report suspected detainee abuse? Who can you report abuse/suspected abuse to?

20). Do your subordinates know the reporting procedures if they observe or become aware of a Detainee being abused?

21). What steps would you take if a subordinate reported to you an incident of alleged Detainee abuse?

22). What do you perceive as the mission of your unit? Describe the importance of your role in that mission.

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j. OIC & NCOIC COLLECTION POINT

1). Can you tell me what sources that you use to get policy, doctrine and standards for Detainee Operations? (What doctrine was used in setting up the collection point?) Describe the basic principles of detainee operations and how you are applying them.

2). How did you prepare yourself and your junior leaders/Soldiers to understand applicable regulations, OPOD/FRAGO, directives, international laws and administrative procedures to operate a collection Point?

3). How did Home Station/Mob Site Training prepare you to conduct Detainee Operations? (Did this include Law of War and treatment of Detainees training.)?

4). Describe the training the guard force received to prepare them for their duties.

- 5). How does your unit conduct sustainment training for Detainee Operations or training for newly assigned personnel? (How often does this occur and please describe it?) When did your unit last conduct this training?
- 6). What kind of security lighting do you have that ensures you have a safe and secure operation at night? How do you provide heat to detainees during the winter? What fire prevention/safety measures do you have?
- 7). In relation to where the detainees are housed, how far away are your ammunition and fuel storage sites? Where is your screening site where MI Soldiers interrogate Detainees?
- 8). Describe some of the basic operations of the collection point relating to detainee segregation, captured medical/religious personnel, feeding, sanitation, etc? (Do you segregate Detainees by nationality, language, religion, rank, and sex? How are captured Medical personnel and Chaplains being used? Are the daily food rations sufficient in quantity or quality and variety to keep detainees in good health? Are personal hygiene items and needed clothing being supplied to the Detainees? Are the conditions within the collection point sanitary enough to ensure a clean and healthy environment free from disease and epidemics)?
- 9). What control measures do you use to maintain detainee discipline and security in the collection point?
- 10). What are the procedures for the transfer of Detainees from the collection points to US Military controlled detention facilities? How is the transfer of Detainees handled between coalition forces/host nation?
- 11). What transportation problems do you experience moving detainees during the operation?
- 12). Describe the procedures you use when you in process a detainee. (CPA Forces Apprehension Form, two sworn statements, EPW tag, where do you store Detainees' confiscated personal affects (if any) and how are they accounted for (are they tagged with DD Form 2745)? How is evidence tagged? What procedures are in place to dispose of captured enemy supplies and equipment? Do you medically screen detainees?)
- 13). What MP units (platoon, guards, escort, detachments) do you have at your disposal to operate and maintain the collection point? Do you have any shortages? How do these shortages impact your mission? What non-MP units are you using to help operate the collection point? Do you have any shortages? How do these shortages impact your mission?
- 14). What is your normal ratio of guards to detainees in the collection point? Is this ratio the proper mix for you to perform your mission? If not, what are the shortfalls? Why are their shortfalls? How do these shortfalls impact your mission?
- 15). What is the number of personnel that is needed to move prisoners internally and externally (i.e. to the internment facility, from the BN Collection Points, for medical, evacuation, etc
- 16). What personnel shortages do you have? What issues, if any, do you feel your unit has regarding manning or personnel resourcing in conducting Detention Operations?

17). What equipment shortages (USR) are affecting your ability to perform detainee operations? What other equipment is the unit experiencing as a shortfall concerning detainee operations, (i.e., restraints, uniforms, CIF items, weapons, etc.)? What major shortfalls has the unit encountered in regards to materiel and supply distribution?

18). Describe how the unit plans and procures logistical support to include: transportation, subsistence, organizational, and NBC clothing and equipment items, mail collection and distribution, laundry, and bath equipment ISO DO.

19). What logistical support do you receive to run this Facility? What types of supplies is greater in-demand for the unit during detainee operations? And are these items regularly filled?

20). What procedures do you have in place to ensure Soldiers and leaders understand the use of force and rules of engagement for the collection point?

21). What are the unit's procedures for the interrogation/questioning of Detainees?

22). What kind of stress counseling are Soldiers/Guards provided?

23). Do you maintain a separate site for sick or wounded Detainees? If so where is it and how does your unit maintain the security and safeguarding of Detainees there? How about female Detainees? How and where do you house them?

24). What type of Medical personnel/units are available in support of medical treatment of detainees?

25). Are Detainees given the latitude to practice their religion? Is there a chaplain available to minister to the detainees? Is the chaplain a Retained Personnel, US Forces, or a civilian?

26). Describe the latrine facilities for Detainees' use (do they have access to it day and night and does it conform to the rules of hygiene and do females have separate facilities). How are they cleaned and how often and by whom? Where do they bathe and conduct of her personal hygiene (this will depend how long it takes to evacuate Detainees to U.S. Military Controlled Detention Facilities--12 hours is the standard)?

27). How do the Detainees receive fresh water (Bottled water or Lister bag)?

28). What are the procedures if a detainee in U.S. custody dies?

29). What AARs or lessons learned have you written or received regarding detainee operations? Can I get a copy?

30). Are you aware of your requirement to report abuse or suspected abuse of detainees?

31). Do your subordinates know the reporting procedures if they observe or become aware of a Detainee being abused?

32). What steps would you take if a subordinate reported to you an incident of alleged Detainee abuse?

33). Do you feel you can freely report an incident of alleged Detainee abuse outside Command channels (IG, CID)?

34). What procedures do you have to report suspected detainee abuse (IG, CID, Next Level Commander)?

35). What systems are in place for detainees to report alleged abuse?

36). What do you perceive as the mission of your unit? Describe the importance of your role in that mission.

37). Describe your working environment and living conditions since being in Theater.

38). Describe the unit command climate and Soldier morale. Has it changed or evolved since you have been in Theater?

39). Are you aware of any incidences of detainee or other abuse in your unit?

40). ADVISEMENT OF RIGHTS (For military personnel)

The text of Article 31 provides as follows a. No person subject to this chapter may compel any person to incriminate himself or to answer any questions the answer to which may tend to incriminate him. b. No person subject to this chapter may interrogate or request any statement from an accused or a person suspected of an offense without first informing him of the nature of the accusation and advising him that he does not have to make any statement regarding the offense of which he is accused or suspected, and that any statement made by him may be used as evidence against him in a trial by court-martial. c. No person subject to this chapter may compel any person to make a statement or produce evidence before any military tribunal if the statement or evidence is not material to the issue and may tend to degrade him. d. No statement obtained from any person in violation of this article, or through the use of coercion, unlawful influence, or unlawful inducement, may be received in evidence against him in a trial by court-martial.

41). I am _____ (grade, if any, and name), a member of the (DAIG). I am part of a team inspecting detainee operations, this is not a criminal investigation. I am reading you your rights because of a statement you made causes me to suspect that you may have committed _____ (specify offense, i.e. aggravated assault, assault, murder). Under Article 31, you have the right to remain silent, that is, say nothing at all. Any statement you make, oral or written, may be used as evidence against you in a trial by courts-martial or in other judicial or administrative proceedings. You have the right to consult a lawyer and to have a lawyer present during this interview. You have the right to military legal counsel free of charge. In addition to military counsel, you are entitled to civilian counsel of your own choosing, at your own expense. You may request a lawyer at any time during this interview. If you decide to answer questions, you may stop the questioning at any time. Do you understand your rights? Do you want a lawyer? (If the answer is yes, cease all questions at this point). Are you willing to answer questions?

42). Describe what you understand happened leading up to and during the incident(s) of abuse.

43). Describe Soldier morale, feelings and emotional state prior to and after these incidents?

44). Was this incident reported to the chain of command? How, when & what was done? What would you have done?

45). How could the incident have been prevented?

46). Describe any unit training or other programs that you are aware of that teach leaders and Soldiers how to recognize and resolve combat stress.

47). What measures are in place to boost morale or to relieve stress?

48). What measures could the command enact to improve the morale and command climate of your unit?

k. INTERROGATOR OIC/NCOIC

1). What references/standards/publications/SOPs do you use to conduct inter rogation Operations?

2). How does the command ensure that interrogation Operations is conducted in compliance with the international Law of war? (OPORD/FRAGO, ROE, Interrogation Techniques, general orders, humane treatment, etc)

3). Did you and your soldiers undergo Level B Law of War training prior to deployment? Explain what training occurred. Is there a plan to train new Soldiers (replacements) to the unit? Did this training include the treatment of Detainees? Explain.

4). What Home Station/Mob Site Training did you and your soldiers receive prior to deployment to help your unit prepare for Detainee/interrogation Operations? Describe it. How did the training prepare you to conduct Detainee/interrogation Operations for this deployment? How did this training distinguish between the different categories of Detainees (EPWs, RPs, CIs, etc.)?

5). What training did you receive on the established Rules of Engagement (ROE)? How often does this occur? Does this training include Rules of Interaction (ROI)?

6). What procedures are in place to ensure your Soldiers do not violate the rules of engagement for the interment facility/collection point?

7). What guidance or policies are there to ensure fraternization is not taking place between U.S. military personnel and the detainees?

8). What training have you and your subordinates received to ensure your knowledge of DO is IAW the provisions under the Geneva Convention?

9). What is the OIC/NCOICs overall role in detainee operation process? What involvement do the OIC/NCOICs have in the interrogation process of detainee operations? Do