



**DEPARTMENT OF THE ARMY  
THE INSPECTOR GENERAL**

**Detainee Operations Inspection**



**21 July 2004**



JUL 21 2004

MEMORANDUM FOR CHIEF OF STAFF, ARMY

SUBJECT: Department of the Army Inspector General Inspection Report on Detainee Operations

I approve the Department of the Army Inspector General Inspection Report on Detainee Operations dated 21 July 2004.

I direct:

- a. As an exception to policy, the unclassified portion of this report be released, without redactions, through posting on the Army website.
- b. Findings and recommendations concerning Central Command be forwarded through the Joint Staff to Central Command for consideration.
- c. The Director of the Army Staff task the appropriate Army Staffs and major Army commands with implementing the recommendations specified in the inspection report and then track their compliance.
- d. The Department of the Army Inspector General disseminate the inspection report to the Army leadership.

A handwritten signature in black ink, appearing to read "R. L. Brownlee", is positioned above the printed name.

R. L. Brownlee  
Acting Secretary of the Army

## FOREWORD

This inspection report responds to the Acting Secretary of the Army's 10 February 2004 directive to conduct a functional analysis of the Army's conduct of detainee and interrogation operations 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.

Based on this inspection:

-- the overwhelming majority of our leaders and Soldiers understand the requirement to treat detainees humanely and are doing so.

-- we were unable to identify system failures that resulted in incidents of abuse. These incidents of abuse resulted from the failure of individuals to follow known standards of discipline and Army Values and, in some cases, the failure of a few leaders to enforce those standards of discipline.

-- the current operational environment demands that we adapt; our Soldiers are adapting; so we must also adapt our doctrine, organization, and training.

We examined the two key components of detainee operations: the capture, security and humane treatment of the detainees; and the conduct of interrogation operations in order to gain useful intelligence. While we did not find any systemic failures that directly led to the abusive situations we reviewed, we have made recommendations to improve the effectiveness of detainee operations.

We found that Soldiers are conducting operations under demanding, stressful, and dangerous conditions against an enemy who does not follow the Geneva Conventions. They are in an environment that puts a tremendous demand on human intelligence, particularly, at the tactical level where contact with the enemy and the people are most intense. They do understand their duty to treat detainees humanely and in accordance with laws of land warfare. These Soldiers understand their obligation to report incidents of abuse when they do occur, and they do so. Our leaders have been developed, trained and educated to adapt to the environment in which they find themselves. They understand their tasks, conditions and standards. The conditions of the current operations have caused them to adapt their tactics, techniques and procedures within their capabilities to accommodate this operational environment.

Expanding our doctrine to provide commanders flexibility and adaptability within well-defined principles will better enable them to conduct these operations. Our training and education systems at the individual, unit, and institutional levels must continue to be thorough and realistically simulate the intensity of the environment in which we now operate.

While the primary purpose of this inspection was not to examine specific incidents of abuse, we did analyze reported incidents to determine their root or fundamental causes. To provide a context for the incidents, we noted that an estimated 50,000 individuals were detained for at least some period of time by U.S. Forces during the conduct of OPERATION ENDURING FREEDOM and OPERATION IRAQI FREEDOM. U.S. Forces' contact with the local populace at checkpoints, on patrols, and in other situations increases the number of contacts well in excess of this 50,000 estimate. As of 9 June 2004, there were 94 cases of confirmed or possible abuse of any type, which include, theft, physical assault, sexual assault, and death.

The abuses that have occurred are not representative of policy, doctrine, or Soldier training. These abuses should be viewed as what they are - unauthorized actions taken by a few individuals, and in some cases, coupled with the failure of a few leaders to provide adequate supervision and leadership. These actions, while regrettable, are aberrations when compared to the actions of fellow Soldiers who are serving with distinction.

## FOREWORD

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# Executive Summary

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## Detainee Operations

1. **Background:** On 10 February 2004, the Acting Secretary of the Army directed the Department of the Army Inspector General (DAIG) to conduct an assessment of detainee operations in Afghanistan and Iraq. In order to satisfy this directive, the DAIG inspected internment, enemy prisoner of war, detention operations, and interrogation procedures in Afghanistan and Iraq. The inspection focused on the adequacy of Doctrine, Organization, Training, Materiel, Leadership, Personnel, and Facilities (DOTMLPF), standards, force structure, and policy in support of these types of operations.

This inspection was not an investigation of any specific incidents or units but rather a comprehensive review of how the Army conducts detainee operations in Afghanistan and Iraq.

The DAIG did not inspect the U.S. military corrections system or operations at the Guantanamo Bay Naval Base during this inspection. Central Intelligence Agency (CIA) and Defense HUMINT Services (DHS) operations were not inspected.

2. **Purpose:** Conduct a functional analysis of the Army's internment, enemy prisoner of war, detention operations, and interrogation procedures, policies, and practices based on current Department of Defense and Army policies and doctrine. The inspection is to identify any capability and systemic shortfalls with respect to internment, enemy prisoner of war, detention operations, and interrogation procedures and recommend appropriate resolutions or changes if required.

3. **Concept:** Two teams conducted inspections of 26 locations in Iraq, Afghanistan, and the Continental United States (CONUS). The CONUS team consisted of seven personnel, including augmentees, and visited 10 locations while the OCONUS team consisted of nine personnel, including augmentees, and inspected 16 locations. We interviewed and surveyed over 650 leaders and Soldiers spanning the ranks from Private to Major General. We also reviewed 103 reports of allegations of abuse from Criminal Investigation Division (CID) and 22 unit investigations that covered the period from September 2002 to June 2004.

4. **Objectives:** The DAIG Team had four objectives for the inspection:

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.

## 5. Synopsis:

In the areas that we inspected, we found that the Army is accomplishing its mission both in the capture, care, and custody of detainees and in its interrogation operations. The overwhelming majority of our leaders and Soldiers understand and adhere to the requirement to treat detainees humanely and consistent with the laws of land warfare. Time and again these Soldiers, while under the stress of combat operations and prolonged insurgency operations, conduct themselves in a professional and exemplary manner.

The abuses that have occurred in both Afghanistan and Iraq are not representative of policy, doctrine, or Soldier training. These abuses were unauthorized actions taken by a few individuals, coupled with the failure of a few leaders to provide adequate monitoring, supervision, and leadership over those Soldiers. These abuses, while regrettable, are aberrations when compared to their comrades in arms who are serving with distinction.

The functional analysis of the Army's internment, enemy prisoner of war, detention operations, and interrogation procedures, policies, and practices can be broken down into two main functions: (1) capture, care, and control of detainees, and (2) interrogation operations.

We determined that despite the demands of the current operating environment against an enemy who does not abide by the Geneva Conventions, our commanders have adjusted to the reality of the battlefield and, are effectively conducting detainee operations while ensuring the humane treatment of detainees. The significant findings regarding the capture, care, and control of detainees are:

- All interviewed and observed commanders, leaders, and Soldiers treated detainees humanely and emphasized the importance of the humane treatment of detainees.
- In the cases the DAIG reviewed, all detainee abuse occurred when one or more individuals failed to adhere to basic standards of discipline, training, or Army Values; in some cases abuse was accompanied by leadership failure at the tactical level.
- Of all facilities inspected, only Abu Ghraib was determined to be undesirable for housing detainees because it is located near an urban population and is under frequent hostile fire, placing Soldiers and detainees at risk.

We determined that the nature of the environment caused a demand for tactical human intelligence. The demands resulted in a need for more interrogators at the tactical level and better training for Military Intelligence officers. The significant findings regarding interrogation are:

- Tactical commanders and leaders adapted their tactics, techniques, and procedures, and held detainees longer than doctrinally recommended due to the demand for timely, tactical intelligence.
- Doctrine does not clearly specify the interdependent, and yet independent, roles, missions, and responsibilities of Military Police and Military Intelligence units in the establishment and operation of interrogation facilities.
- Military Intelligence units are not resourced with sufficient interrogators and interpreters, to conduct timely detainee screenings and interrogations in the current



operating environment, resulting in a backlog of interrogations and the potential loss of intelligence.

- Tactical Military Intelligence Officers are not adequately trained to manage the full spectrum of the collection and analysis of human intelligence.
- Officially approved CJTF-7 and CJTF-180 policies and the early CJTF-180 practices generally met legal obligations under U.S. law, treaty obligations and policy, if executed carefully, by trained soldiers, under the full range of safeguards. The DAIG Team found that policies were not clear and contained ambiguities. The DAIG Team found implementation, training, and oversight of these policies was inconsistent; the Team concluded, however, based on a review of cases through 9 June 2004 that no confirmed instance of detainee abuse was caused by the approved policies.

We reviewed detainee operations through systems (Policy and Doctrine, Organizational Structures, Training and Education, and Leadership and Discipline) that influence how those operations are conducted, and have identified findings and recommendations in each. While these findings are not critical, the implementation of the corresponding recommendations will better enable our commanders to conduct detainee operations now and into the foreseeable future, decrease the possibility of abuse, and ensure we continue to treat detainees humanely.

The findings and observations from this inspection are separated into the following three chapters: Chapter 3 - Capture, Care, and Control of Detainees, Chapter 4 - Interrogation Operations, and Chapter 5 - Other Observations. A summary of the Capture, Care, and Control of Detainees and the Interrogation Operation findings is provided below.

#### Capture, Care, and Control of Detainees

Army forces are successfully conducting detainee operations to include the capture, care, and control of detainees. Commanders and leaders emphasized the importance of humane treatment of detainees. We observed that leaders and Soldiers treat detainees humanely and understand their obligation to report abuse. In those instances where detainee abuse occurred, individuals failed to adhere to basic standards of discipline, training, or Army Values; in some cases individual misconduct was accompanied by leadership failure to maintain fundamental unit discipline, failure to provide proper leader supervision of and guidance to their Soldiers, or failure to institute proper control processes.

We found through our interviews and observations conducted between 7 March 2004 and 5 April 2004 that leaders and Soldiers in Afghanistan and Iraq were determined to do what was legally and morally right for their fellow Soldiers and the detainees under their care. We found numerous examples of military professionalism, ingrained Army Values, and moral courage in both leaders and Soldiers. These leaders and Soldiers were self-disciplined and demonstrated an ability to maintain composure during times of great stress and danger. With the nature of the threat in both Afghanistan and Iraq, Soldiers are placed in extremely dangerous positions on a daily basis. They face the daily risks of being attacked by detainees, contracting communicable diseases from sick detainees, being taunted or spat upon, having urine or feces thrown upon them, and having to treat a detainee humanely who just attacked their unit or killed a fellow Soldier. Despite these challenges, the vast majority of Soldiers and other U.S. Military personnel continued to do their duty to care for detainees in a fair and humane manner.

Our review of the detainee abuse allegations attempted to identify underlying causes and contributing factors that resulted in abusive situations. We examined these from the perspective

of the Policy and Doctrine, Organizational Structures, Training and Education, and Leadership and Discipline systems. We also examined them in terms of location on the battlefield and sought to determine if there was a horizontal, cross-cutting system failure that resulted in a single case of abuse or was common to all of them. Based on this inspection, we were unable to identify system failures that resulted in incidents of abuse. These incidents of abuse resulted from the failure of individuals to follow known standards of discipline and Army Values and, in some cases, the failure of a few leaders to enforce those standards of discipline. We also found that our policies, doctrine, and training are being continually adapted to address the existing operational environment regarding detainee operations. Commanders adjusted existing doctrinal procedures to accommodate the realities of the battlefield. We expect our leaders to do this and they did. The Army must continue to educate for uncertain environments and develop our leaders to adapt quickly to conditions they confront on the battlefield.

Using a data cut-off of 9 June 2004 we reviewed 103 summaries of Army CID reports of investigation and 22 unit investigation summaries conducted by the chain of command involving detainee death or allegations of abuse. These 125 reports are in various stages of completion. 31 cases have been determined that no abuse occurred; 71 cases are closed; and 54 cases are open or undetermined. Of note, the CID investigates every occurrence of a detainee death regardless of circumstances.

Recognizing that the facts and circumstances as currently known in ongoing cases may not be all-inclusive, and that additional facts and circumstances could change the categorization of a case, the Team placed each report in a category for the purposes of this inspection to understand the overall numbers and the facts currently known, and to examine for trends or systemic issues. This evaluation of allegations of abuse reports is not intended to influence commanders in the independent exercise of their responsibilities under the Uniform Code of Military Justice (UCMJ) or other administrative disciplinary actions. As an Inspector General inspection, this report does not focus on individual conduct, but on systems and policies.

This review indicates that as of 9 June 2004, 48% (45 of 94) of the alleged incidents of abuse occurred at the point of capture, where Soldiers have the least amount of control of the environment. For this inspection, the DAIG Team interpreted point of capture events as detainee operations occurring at battalion level and below, before detainees are evacuated to doctrinal division forward or central collecting points (CPs). This allowed the DAIG Team to analyze and make a determination to where and what level of possible abuse occurred. The point of capture is the location where most contact with detainees occurs under the most uncertain, dangerous, and frequently violent circumstances.

This review further indicates that as of 9 June 2004, 22% (21 of 94) of the alleged incidents of abuse occurred at Internment/Resettlement (I/R) facilities. This includes the highly publicized incident at Abu Ghraib. Those alleged abuse situations at I/R facilities are attributed to individual failure to abide by known standards and/or individual failure compounded by a leadership failure to enforce known standards, provide proper supervision, and stop potentially abusive situations from occurring. As of 9 June 2004, 20%, (19 of 94) of the alleged incidents of abuse occurred at CPs. For the remaining 10% (9 of 94) of the alleged incidents of abuse, a location could not be determined based on the CID case summaries.

\*Note For the purpose of this inspection, we defined abuse as wrongful death, assault, sexual assault, and theft.

The Army estimates that over 50,000 detainees have been captured or processed. While even one case of abuse is unacceptable, we conclude that given the volume of detainees and the potential for abuse in these demanding circumstances, the overwhelming majority of our Soldiers and leaders are conducting these operations with due regard for the detainees right to be treated humanely and properly.

Detainee abuse does not occur when individual Soldiers remain disciplined, follow known procedures, and understand their duty obligation to report abusive behavior. Detainee abuse does not occur when leaders of those Soldiers who deal with detainees enforce basic standards of humane treatment, provide oversight and supervision of detainee operations, and take corrective action when they see potentially abusive situations developing. Our site visits, interviews, sensing sessions, and observations indicate that the vast majority of Soldiers and leaders, particularly at the tactical level, understand their responsibility to treat detainees humanely and their duty obligation to report infractions.

We inspected I/R facilities at Bagram, Baghdad, and Camp Bucca and found only Abu Ghraib overcrowded, located near a densely populated urban area, on a dangerous main supply route, and subject to frequent hostile enemy fire from enemy mortars or rockets. The physical design of the camps within the prison was not optimal for the mission: towers were not properly placed to support overlapping fields of fire and cover blind spots; entrance/egress routes were hampered by make-shift gates; and sally ports were not used correctly. The supply of fresh water was difficult to maintain and the food quality was sub-standard. Detainees did not have access to bunkers or shelters with overhead cover to protect them from hostile enemy mortar or rocket fire from outside the walls of Abu Ghraib.

### Interrogation Operations

The need for timely, tactical human intelligence is critical for successful military operations particularly in the current environment. Commanders recognized this and adapted by holding detainees longer at the point of capture and collecting points to gain and exploit intelligence. Commanders and interrogators also conducted tactical questioning to gain immediate battlefield intelligence. Commanders and leaders must set the conditions for success, and commanders, leaders, and Soldiers must adapt to the ever changing environment in order to be successful.

Of the interviewed point of capture battalion and company leaders, 61% (25 of 41) stated their units established CPs and held detainees at their locations from 12 hours up to 30 days. The primary reason units held detainees at these locations was to conduct screenings and interrogations closer to the point of capture. The result of holding detainees for longer timeframes at all locations was increased requirements in facility infrastructure, medical care, preventive medicine, trained personnel, logistics, and security. Organic unit personnel at these locations did not have the required institutional training and were therefore unaware of or unable to comply fully with Army policies in areas such as detainee processing, confinement operations, security, preventive medicine, and interrogation.

Doctrine does not clearly and distinctly address the relationship between the MP operating I/R facilities and the Military Intelligence (MI) personnel conducting intelligence exploitation at those facilities. Neither MP nor MI doctrine specifically defines the interdependent, yet independent, roles, missions, and responsibilities of the two in detainee operations. MP doctrine states MI may collocate with MP at detention sites to conduct interrogations, and coordination should be made to establish operating procedures. MP doctrine does not,

however, address approved and prohibited MI procedures in an MP-operated facility. It also does not clearly establish the role of MPs in the interrogation process. Conversely, MI doctrine does not clearly explain MP internment procedures or the role of MI personnel within an internment setting. Contrary to MP doctrine, FM 34-52, Intelligence Interrogation, 28 September 1992, implies an active role for MPs in the interrogation process: "Screeners coordinate with MP holding area guards on their role in the screening process. The guards are told where the screening will take place, how EPWs and detainees are to be brought there from the holding area, and what types of behavior on their part will facilitate the screenings." Subordination of the MP custody and control mission to the MI need for intelligence can create settings in which unsanctioned behavior, including detainee abuse, could occur. Failure of MP and MI personnel to understand each other's specific missions and duties could undermine the effectiveness of safeguards associated with interrogation techniques and procedures.

Doctrine that addresses the establishment and operation of interrogations contains inconsistent guidance on terminology, structure, and function of these facilities. At the time of the inspection there were facilities in OPERATION ENDURING FREEDOM and OPERATION IRAQI FREEDOM that conducted intelligence exploitation as Joint Interrogation Facilities and as a Joint Interrogation and Debriefing Center. The intelligence sections of each were uniquely structured to meet mission requirements.

Shortfalls in numbers of interrogators and interpreters, and the distribution of these assets within the battlespace, hampered human intelligence (HUMINT) collection efforts. Valuable intelligence—timely, complete, clear, and accurate—may have been lost as a result. Interrogators were not available in sufficient numbers to efficiently conduct screening and interrogations of the large numbers of detainees at collecting points (CPs) and internment/resettlement (I/R) facilities, nor were there enough to man sufficient numbers of Tactical Human Intelligence Teams (THTs) for intelligence exploitation at points of capture. Interpreters, especially those Category II personnel authorized to participate in interrogations, were also in short supply. Units offset the shortage of interrogators with contract interrogators. While these contract interrogators provide a valuable service, we must ensure they are trained in military interrogation techniques and policy.

Due to the demand for immediate tactical intelligence, tactical intelligence officers were conducting interrogations of detainees without thorough training on the management of HUMINT analysis and collection techniques. They were not adequately trained to manage the full spectrum of HUMINT assets being used in the current operating environment. The need for these officers to understand the management of the full spectrum of HUMINT operations is a key for successful HUMINT exploitation in the current operating environment.

Current interrogation doctrine includes 17 interrogation approach techniques. Doctrine recognizes additional techniques may be applied. Doctrine emphasizes that every technique must be humane and be consistent with legal obligations. Commanders in both OEF and OIF adopted additional interrogation approach technique policies. Officially approved CJTF-180 and CJTF -7 generally met legal obligations under U.S. law, treaties and policy, if executed carefully, by trained soldiers, under the full range of safeguards. The DAIG Team found that some interrogators were not trained on the additional techniques in either formal school or unit training programs. Some inspected units did not have the correct command policy in effect at the time of inspection. Based on a review of CID case summaries as of 9 June 2004, the team was unable to establish any direct link between the proper use of an approved approach technique or techniques and a confirmed case of detainee abuse.

**6. Conclusion:** The Army's leaders and Soldiers are effectively conducting detainee operations and providing for the care and security of detainees in an intense operational environment. Based on this inspection, we were unable to identify system failures that resulted in incidents of abuse. This report offers 52 recommendations that are designed to improve the ability of the Army to accomplish the key tasks of detainee operations: keep the enemy off the battlefield in a secure and humane manner, and gain intelligence in accordance with Army standards.

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# Chapter 1

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## Background and Inspection Concept

1. **Background:** On 10 February 2004, the Acting Secretary of the Army directed the Department of the Army Inspector General (DAIG) to conduct an assessment of detainee operations in Afghanistan and Iraq. In order to satisfy the Acting Secretary of the Army's directive, the DAIG inspected internment, enemy prisoner of war, detention operations, and interrogation procedures in Iraq and Afghanistan. The inspection focused on the adequacy of Doctrine, Organization, Training, Materiel, Leadership, Personnel, and Facilities (DOTMLPF), standards, force structure, and policy.

2. **Inspection Concept:** The detailed concept for this inspection is as follows:

a. **Purpose:** The purpose of this inspection was to conduct a functional analysis of detainee operations based on current Department of Defense (DoD) and Army policy and doctrine.

b. **Objectives:**

(1) Assess the adequacy of DOTMLPF of Army Forces for internment, enemy prisoner of war, detention operations, and interrogation procedures.

(2) 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).

(3) Assess current and future organizations and structures for Army Forces responsible for internment, enemy prisoner of war, detention operations and interrogation procedures.

(4) Identify and recommend any changes in policy related to internment, enemy prisoner of war, detention operations and interrogation procedures.

c. **Scope:** Two teams conducted inspections of 25 locations in Iraq, Afghanistan, and the Continental United States (CONUS). The CONUS team consisted of seven personnel, including augmentees, and visited seven locations while the OCONUS team consisted of nine personnel, including augmentees, and inspected 16 locations. We interviewed and surveyed over 650 leaders and Soldiers spanning the ranks from Private to Major General. We also reviewed 103 reports of allegations of abuse from Criminal Investigation Division (CID) and 22 unit investigations that cover the period of September 2002 to June 2004.

d. **Focus:** The inspection focused on the functional analysis of the Army's internment, enemy prisoner of war, and detention policies, practices, and procedures as the Army executes its role as the DoD Executive Agent for Enemy Prisoners of War and Detention Program. Numerous DoD Policies, Army Regulations, and Army Field Manuals provided the guiding tenets for this inspection.

e. **Task Organization:** Two teams from the DAIG Inspections Division, with augmentation from the Office of the Provost Marshal General (OPMG), Office of the Judge Advocate General (OTJAG), Office of the Surgeon General (OTSG), U.S. Army Maneuver Support Center

(USAMANSCEN), U.S. Army Criminal Investigation Command (USACIC), U.S. Army Special Operations Command (USASOC), and the U.S. Army Intelligence Center (USAIC) conducted the inspection by traveling to 25 locations in CONUS and OCONUS. The composition of these teams was as follows:

Inspector General

**CONUS**

Team Chief IG  
Detailed IG  
Detailed IG  
Assistant IG  
Expert from OTSG  
Expert from OPMG  
Expert from USACIC (Assistant IG)

**OCONUS**

Team Chief IG  
Operation Officer IG  
Detailed IG  
Detailed IG  
Expert from USASOC  
Expert from OTJAG  
Expert from USAIC  
Expert from USAMANSCEN (Assistant IG)  
Expert from OPMG

**f. Inspection Process:**

- (1) Preparation Phase: Research and Training (February - March 2004)
- (2) Execution Phase: On-Site Inspections (March - April 2004)
- (3) Completion Phase: Final Report Preparation (April - June 2004)

**g. Inspection Locations and Schedule:** See Appendix C.

**h. Inspection Approach:** The Inspectors General (IG) for Combined Forces Land Component Command (CFLCC), Combined Joint Task Force-7 (CJTF-7), Combined Joint Task Force-180 (CJTF-180), and local IGs served as coordinating agents for all DAIG inspection activities at those locations. These IGs were telephonically and electronically notified by DAIG with the Notification Memorandum and Detailed Inspection Plan that was sent to all affected Commanders/IGs on 20 February 2004.

**i. Other Reports:** This report mentions the Ryder Report, Miller Report, and Taguba Investigation throughout its inspection results. These two reports and investigation deal with the following: the Ryder Report is an assessment of detention and corrections operations in Iraq; the Miller Report is a classified assessment of the Department of Defense's counterterrorism interrogation and detention operations in Iraq; and the Taguba Investigation is a classified investigation under Army Regulation 15-6 into the 800th Military Police (MP) Brigade's detention and internment operations.

**j. Definitions:** The DAIG used the following definitions throughout the report.

(1) The DAIG defined the term "detainee operations" as the range of actions taken by Soldiers beginning at the point of capture, the movement of detainees through division forward and central collecting points (CPs), to internment at internment/resettlement (I/R) facilities, and release. This includes the administrative and medical processing of detainees, medical treatment of detainees, sanitary conditions at I/R facilities and CPs, and interrogation procedures. The term "detainee operations" does not apply to confined U.S. Military personnel.



(2) Army Regulation (AR) 190-8, Enemy Prisoners of War, Retained Personnel, Civilian Internees and Other Detainees, 1 October 1997, defines the term detainee as "any person captured or otherwise detained by an armed force." The DAIG uses the term as defined by AR 190-8 in this report. The term "detainee" includes enemy prisoners of war (EPWs), retained persons (RP), civilian internees (CIs), and other detainees (ODs). When making a differentiation between the different classifications of detainees, the report will specifically mention EPWs, RPs, CIs, or ODs. The report will also point out the use of non-doctrinal terms sometimes used as detainee classifications.

(3) The battlespace of OPERATION ENDURING FREEDOM (OEF) and OPERATION IRAQI FREEDOM (OIF) included an enemy that deployed asymmetrically with adaptive tactics; a battlespace in which there was not always a clear forward line of troops, massing of forces, or an identifiable rear area to which detainees could be rapidly evacuated. The battlespace of OEF and OIF was non-linear with combat and stability operations taking place simultaneously throughout the areas of operation. Combatants included both uniformed and non-uniformed state and non-state sponsored forces who fought using conventional and non-conventional methods to include terrorist actions against both military and civilian targets. Detainees were, and continue to be, more than compliant civilian internees and enemy prisoners of war. They are primarily a noncompliant hostile population that requires more intensive screening, interrogation and segregation. The Army is in a new and unique operational environment stemming from the need for immediate tactical level intelligence coupled with the significant numbers of non-traditional combatants/detainees encountered.

(4) We define a problem as systemic if it is widespread and presents a pattern. We attempted through observations, sensing sessions, interviews, site visits, surveys, and reviews of documents, other reports, and investigations to identify failures in the systems that comprise detainee operations.

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## Chapter 2

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### Inspection Methodology

The Department of the Army Inspector General (DAIG) Team developed a baseline approach to the inspection that focused on gathering information and data from five primary domains: interviews, sensing sessions, document reviews, surveys of commanders, leaders, and Soldiers, and site visits. This approach allowed the Team to glean perceptions and attitudes about detainee operations from selected individuals and populations; to assess detainee operations in doctrinal manuals, unit policies, unit Standing Operating Procedures (SOPs); and to determine compliance with Department of Defense (DoD) and Army policies. The Team visited U.S. Armed Forces-controlled internment/resettlement (I/R) facilities and division central and forward collecting points (CPs), as well as units conducting patrol missions, to gather overall trends and observations on detainee operations from point of capture to the processing conducted at U.S. Armed Forces-controlled I/R facilities.

This baseline methodology afforded the Team a standard, systematic approach to conducting an inspection at each location, which proved essential since the DAIG Team conducted split operations with two teams that traveled separately to continental United States (CONUS) and outside the continental United States (OCONUS) locations. The Team had to tailor their trips to look at units that had already returned from OPERATION ENDURING FREEDOM (OEF) and OPERATION IRAQI FREEDOM (OIF) as well as those units currently deployed.

The methodology established a three-phase plan for executing the inspection.

a. **Phase 1: Preparation.** This phase included travel planning, pre-deployment training, administrative requirements, a review of documents the Team requested in advance from the unit IGs, pre-inspection visits to the National Training Center (NTC) at Fort Irwin and the Joint Readiness Training Center (JRTC) at Fort Polk, and development of a detailed inspection plan.

b. **Phase 2: Execution.** This phase outlined the physical execution of the itinerary developed by the local IG in accordance with the Detailed Inspection Plan. Each visit began with an inbrief to the unit's senior leadership and ended with an outbrief. The DAIG Team conducted interviews, sensing sessions, and a survey of Commanders, leaders and Soldiers currently in the area of responsibility (AOR) and those who recently returned from OEF and OIF to determine detainee operations tactics, techniques, and procedures from point of capture to arrival at the CPs; inspected CPs from receipt of detainees to the transfer of detainees to U.S. Armed Forces-controlled I/R facilities; inspected U.S. Armed Forces-controlled I/R facilities and operations; and reviewed policies, plans, records, programs, Standard Operating Procedures (SOPs), and other related documents.

c. **Phase 3: Completion.** The DAIG Team returned to home station and conducted post-trip data analyses of the information gathered. The Team then crafted detailed trip reports of the visit that captured the critical information gleaned from the trips. These trip reports formed the basis from which the Team developed the findings outlined in the report. Additionally, team members cross-walked information and traveled to the MI and MP schools for coordination and confirmation of information used in the findings.

The following section outlines the baseline methodology in detail to include the specific requirements for interviews and sensing sessions based upon the type of unit visited.

**a. Inspection Methodology.** The local IG served as the coordinating agent for all DAIG inspection activities. The coordinating agent worked with his or her respective DAIG Team point of contact (POC) to develop an itinerary for a four-day inspection for CONUS units and a 30-day period for OCONUS. The coordinating agent and DAIG Team POC fine-tuned the itinerary to maximize the Team's ability to meet the inspection's baseline requirements.

**b. Personnel Interviewed:**

(1) OCONUS

(a) The Team conducted interviews at CFLCC, CJTF-7, CJTF-180, U.S. Armed Forces-controlled I/R facilities, and division CPs. The Team interviewed selected leaders from CFLCC/CJTF/division/brigade/battalion staffs and company level personnel. Individual interviews occurred in the interviewee's office or in a similar location free from interruptions and telephone calls. The coordinating agent scheduled these interviews to last no more than 1.5 hours. The coordinating agent also considered geographical dispersion and travel times between events. The interviews were conducted by one or two DAIG Team members with the unit interviewee.

(b) The DAIG Team conducted sensing sessions at each U.S. Armed Forces-controlled I/R facility, division CPs, and at the company level, one for junior enlisted (Private through Specialist, but not including Corporals) and one for junior noncommissioned officers (Sergeant and Staff Sergeant). Units provided eight to twelve Soldiers per session. Each sensing session required a classroom or similar facility that was removed from the unit's normal work location. The area was relatively quiet and free from interruptions and telephone calls. In addition, the room needed no less than 14 chairs or desks formed in a circle or square. The coordinating agent scheduled 1.5-hour time blocks for each sensing session. The sensing sessions were conducted by two DAIG Team members with the unit Soldiers.

(c) The coordinating agent adjusted the interview schedule, in coordination with the Team, based upon the availability of personnel. The Team recognized that only full-time manning personnel might be available in Reserve Component units.

(d) The matrix below was a strawman that was finalized by the DAIG Team POC and the local IG for the OCONUS inspection.

Interviewee/ Sensing Session Requirements	CFLCC	CJTF	DIV COLL Point	BDE COLL Point	Co	MP BDE /BN	US Military Controlled/ Oversight Det Fac
SJA			1			1	1
G2/S2 (for HUMINT purposes)	1	1	1	1		1	1
S1 (if involved with detainee processing)						1	1

SURGEON/ME D OFF	1	1	1	1		1	1
PMO	1	1	1				
CHAPLAIN			1	1		1	1
ENGINEER/S4		1	1	1		1	1
CDR/OIC			1	1	1	1	1
1SG/NCOIC			1	1	1	1	1
S3						1	
INTERROGAT OR (depending where they are located)			3	3			3
GUARD (E1-4) SENSING SESSION			1 EA (8- 12 SOLDIE RS)	1 EA (8-12 SOLDIERS)			1 EA (8-12 SOLDIER S)
GUARD (E5-6) SENSING SESSION			1 EA (8- 12 SOLDIE RS)	1 EA (8-12 SOLDIERS)			1 EA (8-12 SOLDIER S)
GUARD (NCOIC)			1	1			1
SECURITY FORCE (E1-4) SENSING SESSION							1 EA (8-12 SOLDIER S)
SECURITY FORCE (E5-6) SENSING SESSION							1 EA (8-12 SOLDIER S)
SECURITY FORCE NCOIC							1
INFANTRY BDE XO				1			
INFANTRY BN XO				1			
INFANTRY Co CDR/1SG				1			
PREVENTIVE MED INSP			1	1			1
COLL PT MP PLT LDR			1	1			
COLL PT MP PLT SGT			1	1			
UNIT PLT LDR INVOLVED WITH CAPTURE OF PERSONNEL						2	

UNI PLT SGT INVOLVED WITH CAPTURE OF PERSONNEL					2		
UNIT SOLDIERS INVOLVED WITH CAPTURE OF PERSONNEL (E1-4) SENSING SESSION					2 EA (8-12 SOLDIERS) PER COLLECTING POINT		
UNIT SOLDIERS INVOLVED WITH CAPTURE OF PERSONNEL (E5-6) SENSING SESSION					2 EA (8-12 SOLDIERS) PER COLLECTING POINT		

(2) CONUS

(a) The Team conducted interviews of division, brigade, battalion, and company level personnel. The Team interviewed selected leaders from each of these type units. Individual interviews occurred in the interviewee's office or in a similar location that was free from interruptions and telephone calls. The coordinating agent scheduled these interviews to last no more than 1.5 hours. The coordinating agent considered geographical dispersion and travel times between events. The interviews were conducted by one or two Team members with the unit interviewee.

(b) The DAIG Team conducted sensing sessions with collecting point and I/R facility guards and with Soldiers who captured personnel during OEF and OIF. Sensing sessions included one for junior enlisted (Private through Specialist, but not including Corporals) and one for junior noncommissioned officers (Sergeant and Staff Sergeant). Units provided eight to twelve Soldiers per session. Each sensing session required a classroom or similar facility that was removed from the unit's normal work location. The area was relatively quiet and free from interruptions and telephone calls. In addition, the room needed no less than 14 chairs or desks formed in a circle or square. The coordinating agent scheduled 1.5-hour time blocks for each sensing session. The sensing sessions were conducted by two Team members with the unit Soldiers.

(c) The coordinating agent adjusted the interview schedule, in coordination with the Team, based upon the availability of personnel. The Team recognized that only full-time manning personnel might be available in Reserve Component units.

(d) The matrix below was a strawman that was finalized by the DAIG Team POC and the local IG for the CONUS inspection.

Interviewee/Sensing Session Requirements	DIV/SEP BDE	BDE	BN	Co
INFANTRY CDR			1	1
INFANTRY CSM/1SG			1	1
INFANTRY XO		1		
MP CDR/XO	1		1	
MP S4	1		1	
PMO	1			
COLL PT GUARDS (E1-4) SENSING SESSION				1 EA (8-12 SOLDIERS)
COLL PT GUARDS (E5-6) SENSING SESSION				1 EA (8-12 SOLDIERS)
GUARD (NCOIC)				1
DSA/BSA CDR (if coll pt was is in DSA/BSA)			2	
COLL PT MP PLT LDR				1
COLL PT MP PLT SGT				1
UNIT PLT LDR INVOLVED WITH CAPTURE OF PERSONNEL			2	
UNIT PLT SGT INVOLVED WITH CAPTURE OF PERSONNEL			2	
UNIT SOLDIERS INVOLVED WITH CAPTURE OF PERSONNEL (E1-4) SENSING SESSION				2 EA (8-12 SOLDIERS)
UNIT SOLDIERS INVOLVED WITH CAPTURE OF PERSONNEL (E5-6) SENSING SESSION				2 EA (8-12 SOLDIERS)
CHAPLAIN	1	1	1	

**d. Administrative Support Requirements.** The DAIG Team conducted this inspection with minimal disruption to ongoing unit missions. The Team required special arrangements from the field Inspectors General (IGs), including assistance with country clearances, travel in the AOR, in-country travel, sleeping arrangements, convoy security arrangements, body armor, weapons and ammunition, communications, scheduling of inbriefs and outbriefs, interviews and sensing sessions, and an appropriate work space for up to nine personnel conducting DAIG business.

**e. Documents Reviewed In Advance (OCONUS Only):**

(1) All inspections related to detainee operations, including command products, Inspector General products, Criminal Investigative Division(CID), legal, etc.

(2) All case histories of punishment (judicial and non-judicial) relating to detainee abuse.

(3) Past and current Rules of Engagement (ROE).

**f. Documents Reviewed on Site (OCONUS Only):**

(1) Unit TACSOPs relating to detainee operations (e.g., 5Ss and T, collecting point procedures, and inventorying EPW belongings).

(2) U.S. Armed Forces-controlled I/R facility SOPs.

(3) I/R BDE/BN/CO unit manning documentation.

(4) DD Form 2745 (EPW Capture Tag) log.

(5) DD Form 629 (Receipt for Prisoner or Detained Person) log.

(6) DA Form 4137 (Receipt for Evidence/Property Custody Document) log.

(7) DD Form 2708 (Receipt of Inmate/Detained Person) log.

(8) DD Form 1594 (Duty Logs).

(9) U.S. Armed Forces-controlled I/R facilities reporting system database.

(10) Facility maintenance and repair documentation.

(11) Facility security SOP.

(12) Detainee in/out-processing documentation.

**g. Documents Reviewed During Inspections (CONUS Only):**

(1) Unit Tactical Standing Operating Procedures (TACSOP) relating to detainee operations (e.g., 5Ss and T, collecting point procedures, and inventorying EPW belongings).

(2) U.S. Armed Forces-controlled I/R facility SOPs.



(3) I/R Brigade (BDE)/Battalion (BN)/Company (Co) unit manning documentation.

**h. Inspection Itineraries.** DAIG requested each coordinating agent develop a draft itinerary that met the requirements listed in paragraph b. DAIG requested the coordinating agent include the necessary travel time between scheduled locations. The DAIG Team POC and the coordinating agent developed an itinerary that allows the DAIG Team to meet the objectives listed in Chapter 1 paragraph 2b. The DAIG Team conducted an inbrief with the senior commander/representative at each location.

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## Chapter 3

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### Capture, Care, and Control of Detainees

1. **Summary of Findings:** Army forces are successfully conducting detainee operations to include the capture, care, and control of detainees. Commanders and leaders emphasized the importance of humane treatment of detainees and, currently, leaders and Soldiers treat detainees humanely and understand their obligation to report abuse. In those instances where detainee abuse occurred, individuals failed to adhere to basic standards of discipline, training, or Army Values; in some cases individual misconduct was accompanied by leadership failure to maintain fundamental unit discipline, failure to provide proper leader supervision of and guidance to their Soldiers, or failure to institute proper control processes.

For the purpose of this inspection, we defined abuse as wrongful death, assault, battery, sexual assault, sexual battery, or theft. As of 9 June 2004 we had reviewed 103 summaries of Criminal Investigative Division (CID) reports of investigation and 22 unit investigation summaries conducted by the chain of command involving detainee death or alleged abuse. These 125 reports are in various stages of completion. No abuse was determined to have occurred in 31 cases; 71 cases are closed; and 54 cases are open or undetermined. Of note, the CID investigates every occurrence of a detainee death regardless of circumstances. While recognizing that any abuse incident is one too many, we conducted a review and categorization of the summary reports of the 125 investigations. Based on our review and analysis of reports and case summaries of investigations and our observations and interviews conducted throughout this inspection, we could not identify a systemic cause for the abuse incidents. The DAIG uses the term "systemic" specifically to describe a problem if it is widespread and presents a pattern. As defined by the DAIG in this report, a systemic issue may be found either horizontally across many various types of units, or vertically through many command levels or within systems. The DAIG determined that incidents where detainees were allegedly mistreated occurred as isolated events. In a few incidents, higher ranking individuals up to Lieutenant Colonel were involved; however, the chain of command took action when an allegation of detainee abuse was reported.

Abu Ghraib had problems with deteriorating infrastructure that impacted the clean, safe, and secure working environment for Soldiers and living conditions for detainees. Poor food quality and food distribution, lack of laundry capability, and inadequate personal hygiene facilities affected the detainees' living conditions. Overcrowding, frequent enemy hostile fire, and lack of in-depth force protection measures also put Soldiers and detainees at risk.

#### 2. Findings:

##### a. Finding 1:

(1) Finding: All interviewed and observed commanders, leaders, and Soldiers treated detainees humanely and emphasized the importance of the humane treatment of detainees.

(2) Standard: See Appendix E.

(3) Inspection Results: The DAIG Team conducted numerous interviews and sensing sessions with leaders and Soldiers that revealed most leaders and Soldiers have treated detainees humanely and would report detainee abuse if they became aware of it.

For OPERATION ENDURING FREEDOM(OEF), Chairman Joint Chiefs of Staff(CJCS) Message dated 211933Z JAN 02, stated that Al Qaida and Taliban would be treated humanely and, to the extent appropriate and consistent with military necessity, in a manner consistent with the principles of the Geneva Conventions. Therefore, most detainees were classified as civilian internees (CIs) (sub-classified for OEF by the following non-doctrinal terms: Persons Under U.S. Control (PUC), Enemy Combatant (EC), and Low-level Enemy Combatant (LLEC)). Interviews, sensing sessions, and document reviews revealed that most Soldiers were aware of their requirement to treat detainees humanely. In most cases, the present level of treatment exceeded the Common Article 3 standard of treatment. Notwithstanding, while detainee abuse had occurred in OEF in the past, the DAIG Team observed that units currently conducting detainee operations missions treated detainees humanely.

Many noncommissioned officers (NCOs) stated very clearly that the humane treatment of detainees was paramount to the success of the mission. Another group of junior enlisted Soldiers stated that they received substantial training on detainee treatment. They went on to specifically mention that they were taught to treat detainees with dignity and respect. In another sensing session, the NCOs stated that the minimum standard for treating detainees is protection, respect, and humane treatment. Some went on to say that violations are not tolerated by the command or fellow Soldiers.

Consistent with these statements, the DAIG Team that visited Iraq and Afghanistan discovered no incidents of abuse that had not been reported through command channels; all incidents were already under investigation. The DAIG Team that visited units recently returning from Iraq did receive a total of 5 new allegations of potential abuse that occurred prior to January 2004. The DAIG Team immediately turned these over to the chain of command and Army Criminal Investigation Division (CID). There is no evidence of the cover-up of current detainee abuse by U.S. Soldiers. This is consistent with the results of the teams' sensing sessions; all currently deployed Soldiers were aware of their responsibility to report abuse and appeared to be willing and able to report any potential abuse.

In OIF, U.S. Forces detained the full spectrum of classes of detainees, but most were classified as EPWs or CIs. Presently, CIs make up the vast majority of the U.S.-controlled detainee population. EPWs are entitled to all the protections in the Geneva Convention Relative to the Treatment of Prisoners of War (GPW), and CIs are entitled to relevant protections in the Geneva Convention Relative to the Protection of Civilian Persons in Time of War (GC). The GPW and GC provide detailed levels and standards of treatment for EPWs and CIs that include treatment during armed conflict and occupation. Most leaders and Soldiers treated EPWs and CIs humanely and consistent with the Geneva Conventions (GPW and GC).

The Army estimates that over 50,000 detainees have been captured or processed. While even one case of abuse is unacceptable, we conclude that given the volume of detainees and the potential for abuse in these demanding circumstances, the overwhelming majority of our Soldiers and leaders are conducting these operations with due regard for the detainees right to be treated humanely and properly.

Detainee abuse does not occur when individual Soldiers remain disciplined, follow known procedures and understand their duty obligation to report abusive behavior. Detainee

abuse does not occur when leaders of those Soldiers who deal with detainees enforce basic standards of humane treatment, provide oversight and supervision of detainee operations and take corrective action when they see potentially abusive situations developing. Our site visits, interviews, sensing sessions and observations indicate that the vast majority of Soldiers and leaders, particularly at the tactical level, understand their responsibility to treat detainees humanely and their duty obligation to report infractions.

The GC and GPW require that copies of the GC be posted in the detainees' language in facilities that contain EPWs and/or CIs. Only 25% (4 of 16) facilities inspected maintained copies of the Geneva Conventions in the detainees' language. No facilities in Afghanistan complied with this Geneva requirement, while only 4 facilities in Iraq were compliant. Other specific details of treatment outlined in the GPW and GC are covered elsewhere in this report.

The DAIG Team observed that units made efforts to comply with the DoD requirement to treat the detainees consistent with the Geneva Conventions. Some of the improvements being made by units and resourceful individuals include: increased training for key noncommissioned officers (NCOs) and small unit leaders; developing standing operating procedures (SOPs); and requesting copies of the Geneva Conventions in the detainees' language for posting.

In general, the Miller Report recognized that detainees should be secured in a humane environment and that greater involvement by judge advocates was required. The DAIG Team did not observe a dedicated judge advocate for interrogation operations, but did note that the MI brigades, assigned to duty at Abu Ghraib, were each assigned at least 1 brigade judge advocate. The Ryder Report stated EPWs and CIs should receive the full protections of the Geneva Conventions unless the denial of these protections was due to specifically articulated military necessity.

The Taguba Investigation observed that many Soldiers and units upheld the Army Values. The Taguba Investigation also detailed numerous incidents where U.S. Soldiers abused detainees, which the investigation characterized as "systemic." As used in the Taguba Investigation, the term "systemic" deals with a subset of the security and interrogation operations at only one interment /resettlement facility and is not theater-wide. However, MG Taguba testified before the Senate Armed Services Committee on 11 May 04, narrowing the extent of the term "systemic" by stating that these particular abuses were individual actions not committed at the direction of the chain of command and that the resulting photos were taken with personal cameras. Additionally, the Taguba Investigation recommended detention facilities make several changes that would help ensure compliance with the Geneva Conventions. As stated above, the DAIG uses the term "systemic" specifically to describe a problem if it is widespread and presents a pattern. As defined by the DAIG in this report, a systemic issue may be found either horizontally across many various types of units, or vertically through many command levels from squad through division or higher level. Based on our review and analysis of reports and case summaries of investigations and our observations and interviews conducted throughout this inspection, we could not identify a systemic cause for the abuse incidents.

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

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.

**b. Finding 2:**

(1) Finding: In the cases the DAIG reviewed, all detainee abuse occurred when one or more individuals failed to adhere to basic standards of discipline, training, or Army Values; in some cases abuse was accompanied by leadership failure at the tactical level.

(2) Standard: See Appendix E.

(3) Inspection Results: As of 9 June 2004, there were 125 reported cases of detainee abuse (to include death, assault, or indecent assault) that either had been, or were, under investigation.

For the purpose of this inspection, we defined abuse as wrongful death, assault, sexual assault, or theft. As of 9 June 2004 we had reviewed 103 summaries of Criminal Investigation Division (CID) reports of investigation and 22 unit investigation summaries conducted by the chain of command involving detainee death or alleged abuse. These 125 reports are in various stages of completion. No abuse was determined to have occurred in 31 cases; 71 cases are closed; and 54 cases are open or undetermined. Of note, the CID investigates every occurrence of a detainee death regardless of circumstances.

Recognizing that the facts and circumstances as currently known in ongoing cases may not be all inclusive, and that additional facts and circumstances could change the categorization of a case, the Team placed each report in a category for the purposes of this inspection to understand the overall numbers and the facts currently known, and to examine for a trend or systemic issue. This evaluation of alleged abuse reports is not intended to, nor should it, influence commanders in the independent exercise of their responsibilities under the Uniform Code of Military Justice (UCMJ) or other administrative disciplinary actions. As an Inspector General inspection, this report does not focus on individual conduct, but on systems and policies.

We separated these 125 cases into two categories:

- (1) no abuse occurred
- (2) confirmed or possible abuse

In the first category of no abuse occurring, we further separate the reports into deaths (to include death from natural causes and justified homicide as determined by courts martial) and other instances (to include cases where there was insufficient evidence to determine whether abuse occurred or where the leadership determined, through courts martial or investigation, that no abuse occurred). There were a total of 19 natural deaths and justified homicides, and 12 instances of insufficient evidence or determined that no abuse occurred. Deaths occurred at the following locations: 15 at I/R facilities; 1 at Central Collecting Points (CPs); 1 at Forward CPs; and 2 at the point of capture (POC) for a total of 19. Other instances where it was determined that no abuse occurred were at the following locations: 2 at I/R facilities; 1 at Central CPs; 2 at Forward CPs; 5 at the POC; and 2 at locations which could not be determined or did not fall into doctrinal categories, for a total of 12.

In the second category of confirmed or possible abuse, we further separated the reports into wrongful deaths, deaths with undetermined causes, and other alleged abuse (e.g., assault, sexual assault, or theft). There were a total of 20 deaths and 74 incidents of other alleged abuse. Deaths occurred at the following locations: 10 at I/R facilities; 0 at Central CPs; 5 at

Forward CPs; and 5 at the POC, for a total of 20. Other instances of alleged abuse occurred at the following locations: 11 at I/R facilities; 3 at Central CPs; 11 at Forward CPs; 40 at the POC; and 9 at locations which could not be determined or did not fall into doctrinal categories, for a total of 74.

This review indicates that as of 9 June 2004, 48% (45 of 94) of the alleged incidents of abuse occurred at the point of capture. For this inspection, the DAIG Team interpreted point of capture events as detainee operations occurring at battalion level and below, before detainees are evacuated to doctrinal division forward or central collecting points (CPs). This allowed the DAIG Team to analyze and make a determination to where and what level of possible abuse occurred. The point of capture is the location where most contact with detainees occurs under the most uncertain, dangerous and frequently violent circumstances. During the period of April-August 2003 when units were most heavily engaged in combat operations, 56% (29 of 52) of point of capture incidents were reported. Even during this period of high intensity combat operations, Soldiers and leaders identified incidents that they believe to be abuse and the command took action when reported. Most of the allegations of abuse that occurred at the point of capture were the result of actions by a Soldier or Soldiers who failed to maintain their self discipline, integrity, and military bearing, when dealing with the recently captured detainees. There are a few incidents that clearly show criminal activity by an individual or individuals with disregard of their responsibility as a Soldier.

This review further indicates that as of 9 June 2004, 22% (21 of 94) of the alleged incidents of abuse occurred at I/R facilities. This includes the highly publicized incident at Abu Ghraib. Those alleged abuse situations at the I/R facilities are attributed to: individual failure to abide by known standards and/or individual failure compounded by a leadership failure to enforce known standards, provide proper supervision and stop potentially abusive situations from occurring.

While recognizing that any abuse incident is one too many, through a review of the summary reports of the 125 investigations and categorizing them, the DAIG did not identify a systemic cause for the abuse incidents. The DAIG uses the term "systemic" specifically to describe a problem if it is widespread and presents a pattern. As defined by the DAIG in this report, a systemic issue may be found either horizontally across many various types of units, or vertically through many command levels from squad through division or higher level. The DAIG determined that incidents where detainees were allegedly mistreated occurred as isolated events. In a few incidents, higher ranking individuals up to Lieutenant Colonel were involved; however, the chain of command took action when an allegation of detainee abuse was reported.

Recognizing that the facts and circumstances as currently known in ongoing cases may not be all inclusive, and that additional facts and circumstances could change the categorization of a case, the Team placed each report in a category for the purposes of this inspection to understand the overall numbers and the facts currently known, and to examine for a trend or systemic issue. This evaluation of alleged abuse reports is not intended to influence commanders in the independent exercise of their responsibilities under the Uniform Code of Military Justice (UCMJ) or other administrative disciplinary actions.

The DAIG Team that visited Iraq and Afghanistan found no incidents of abuse that had not already been reported through command channels; all incidents were already under investigation. The DAIG Team that visited units recently returning from Iraq did receive a total of 5 new allegations of potential abuse that occurred prior to January 2004. In each of these cases, CID and the chain of command were notified of the allegations. There is no evidence of

any cover-up of current detainee abuse by U.S. Soldiers. This is consistent with the results of the teams' sensing sessions that all currently deployed Soldiers were aware of their responsibility to report abuse and appeared to be willing and able to report it.

In studying the actual abuse investigations, the incidents may be broken down into 2 broad categories. The first category will be referred to as isolated abuse, and the second as progressive abuse. The first are those incidents that appear to be a one-time occurrence. In other words, these are incidents where individual Soldiers took inappropriate actions upon the capture of detainees or while holding or interrogating them. The second category of detainee abuse, referred to as progressive abuse because these usually develop from an isolated incident into a more progressive abuse.

There is substantial research on the behavior of guards in prisons and Enemy Prisoner of War (EPW)/Prisoner of War (POW) camps, in addition to the Department of Defense (DoD) experience of running simulated prisoner of war resistance training. Research indicates that regardless of how good the training and oversight, some inappropriate behavior will occur. (For example, one of the seminal studies of prisoner/guard behavior is Haney, C., Banks, C., & Zimbardo, P., A Study of Prisoners and Guards in a Simulated Prison, the Office of Naval Research, 1973. For a more recent review, along with significant commentary, see Philip Zimbardo, A Situationalist Perspective on the Psychology of Evil: Understand How Good People are Transformed into Perpetrators, a chapter in Arthur Miller (Ed.) The social psychology of good and evil: Understanding our capacity for kindness and cruelty. New York: Guilford, 2004. Also worth reviewing are Stanley Milgram's studies, starting with Obedience to authority, New York: Harper & Row, 1974.) Because of this, the DoD simulated prisoner of war resistance training that prepares service members to resist exploitation, requires intensive oversight to prevent the abuse of Soldiers by other Soldiers.

Contributing factors to the first category of abuse include poor training (common in the cases the DAIG Team reviewed), poor individual discipline, novel situations (to include the stressors involved in combat operations), and a lack of control processes (specific oversight mechanisms). Commander's addressed the first category of abuse through counseling, administrative action, and UCMJ (up to and including courts-martial).

Below are 4 examples of this first category of detainee abuse from the 125 reported allegations referenced in the first paragraph of the inspection results above.

- One incident occurred at an internment/resettlement (I/R) facility where a Master Sergeant and her 3 subordinates attempted to beat several detainees as they arrived at the camp. Other Soldiers, not in her chain of command, prevented much of the potential abuse and then reported the Master Sergeant to the chain of command who took corrective action. All 4 Soldiers were administratively separated from the Army; 3 of these Soldiers also received nonjudicial punishment.

- In another incident a Specialist was threatening detainees by stating he would shoot them. A guard observed him making these threats and immediately turned the Specialist in to his chain of command. The commander took quick action, administering an Article 15, to prevent a recurrence.

- Another example occurred in an internment facility where a Specialist and a Staff Sergeant began to punish a detainee by using excessive force. Another Soldier from a different company joined them. The Platoon Sergeant discovered the incident and immediately relieved



both of the Soldiers in his platoon and pressed charges against all 3. All 3 received field-grade Article 15 punishments.

– Another illustrative incident occurred when an interrogator struck a detainee on the head during questioning. The International Committee of the Red Cross, via the mayor of the detainee's compound, discovered this after the fact. Once he was made aware of the incident, the Soldier's commander investigated and ultimately issued a field-grade Article 15. The commander then required 2 Soldiers to be present during every interrogation.

In these examples, abuse was discovered immediately by the command, and corrective actions were taken to prevent a recurrence. One comment made by a Noncommissioned officer (NCO) from a unit that did not have any abuse cases was that multiple levels of NCO oversight ensured compliance with the Rules of Engagement (ROE), and the team leaders and Platoon Sergeant maintained strict standards for all Military Police (MP). One interrogator NCO stated that in his unit there would be a number of people in the room during interrogations to ensure that Soldiers did not violate the Interrogation ROE.

The psychological research on abuse (see above) suggests that in similar situations, such as prisons, when some relatively minor abusive behavior occurs and corrective action is not taken, there is an escalation of violence. If there is uncorrected abuse and more people become involved, there is a diffusion of responsibility making it easier for individuals to commit abuse. The research further suggests that a moral disengagement occurs which allows individuals to rationalize and justify their behavior. (See Bandura, A., Moral Disengagement in the Perpetration of Inhumanities, Personality and Social Psychology Review, 1999.)

In at least 11 of the 125 incidents reviewed by the DAIG Team, immediate corrective action was not taken by the chain of command. The reasons for this leadership failure included either a lack of fundamental unit discipline, ambiguous command and control over the facility or individuals involved, ambiguous guidance from command on the treatment of detainees, no control processes in place to provide oversight and notify the command of the incident, or, in very few cases, leader complicity at the Lieutenant Colonel level and below in the actions. This led to the second category of detainee abuse, referred to as progressive abuse because these usually develop from an isolated incident into a more progressive abuse.

Here are 5 examples of this second category from the 125 reported allegations referenced in the first paragraph of the inspection results above, where actions were not taken until more generalized abuse had occurred.

– The incidents involving Tier 1A at Abu Ghraib began no later than October and continued until December 2003. The degradation of the detainees by the guard force appears to have started out with smaller, less-intensive types of abuse and humiliation, and increased to physical assault and injury. There were no formal control processes, such as a routine inspection of Tier 1A during the night hours or electronic monitoring, in place to easily identify abuse and bring it to the attention of the command. Eventually, a Soldier who knew it was wrong was made aware of the abuse and reported it to CID. Charges were preferred on 20 March 2004 against 6 reserve MP Soldiers for detainee abuse, and further investigation continues.

– In a different incident that resulted in a death, 2 Warrant Officers appeared to exhibit a pattern of abusive interrogations. A detainee, who was overweight and in poor physical health, died during an interrogation. The CID investigation contained sworn statements indicating that

physical beatings at this site were common during this time and alleged that the two Warrant Officers routinely slapped and beat the detainees they were questioning. There were no control processes in place to review the interrogation techniques used in this facility. There was apparently no oversight on the behavior of the interrogators, and, although many of the guard personnel were aware of the techniques being used, the abusive behavior was not reported. There was a perception among the guard personnel that this type of behavior by the interrogators was condoned by their chain of command. Both Warrant Officers received a General Officer Memorandum of Reprimand and further disposition of the case is under review.

– In another incident a platoon detained 2 individuals, later released them on a bridge, and made them jump into a river below. One of the detainees drowned. Sworn statements indicated the platoon "as a whole" had previously discussed having detainees jump off the bridge, and the planned action apparently had the support of the Platoon Sergeant. There is no evidence to support any previous incidents by this platoon, but these discussions are indicators that junior leader deficiencies at the platoon level contributed to the death of a detainee. CID continues to investigate this incident.

– There was an incident involving a Sergeant First Class (SFC) telling his subordinates to, "rough them up," referring to 2 detainees in custody. This occurred in the middle of the night without any oversight and at a division collecting point operated by an infantry unit. There are indications that this SFC had given similar guidance earlier. Several of the SFC's subordinates actually performed most of the subsequent beating. There is no evidence that the SFC had abused detainees previously. This incident was adjudicated by both Special and Summary Courts-Martial, with the SFC receiving a reduction to Staff Sergeant (SSG) and a punitive censure. One SSG was reduced to a Specialist and received 30 days confinement; another SSG pled guilty to one specification of violation of a lawful general order and was reduced to the grade of Sergeant. Finally, a Specialist was found guilty at a summary court-martial and his punishment included forfeiture of \$1092 and hard labor without confinement for 45 days.

– One final example is an incident where a Soldier had been talking extensively with others in his unit about wanting to kill an Iraqi. This Soldier later shot and killed an Iraqi detainee who was flexi-cuffed and may have tripped while walking away from the Soldier. This incident is currently under investigation.

Although elimination of all abuse is the goal of the DoD Law of War Training several factors prevent the complete elimination of detainee abuse. These include:

a. The psychological process that increases the likelihood of abusive behavior when one person has complete control over another is a major factor. This is the same process that occurs in prisons, in EPW/POW camps, and in DoD resistance training. Even in well-trained and screened populations, it is a constant threat. This threat can be minimized through individual and unit training on proper procedures and standards of behavior and by leader supervision of actual operations.

b. Poor training in the handling of detainees increases the risk of abuse. Although most personnel interviewed had some training in the Law of Land Warfare, many did not have training specific to detainee handling. It was often the case that individuals conducting interrogations were not school-trained as interrogators.

c. Ambiguous instructions concerning the handling of detainees also greatly increase the risk of abuse. Some Soldiers believed their command encouraged behavior at the harsher end

of the acceptable range of behavior in the treatment of detainees. This can very quickly lead to abusive behavior, even if it is not the intent of the command. The Taguba Investigation makes clear that the 800th MP (I/R) Brigade leadership did not properly communicate to its Soldiers the requirements for the treatment of detainees. In order to mitigate the risk of abuse, commanders must give clear, unambiguous guidance, make sure that Soldiers understand the guidance, supervise Soldiers' operations, and then hold their Soldier's accountable for meeting standards.

d. Criminal behavior among a small percentage of Soldiers.

e. Combat operations, as a new experience for many Soldiers, combined with the above, may lead to Soldiers justifying abusive behavior as a result of their exposure to danger. This leads to a moral disengagement where Soldiers do not take responsibility for their actions.

f. Poor unit discipline, which is a function of poor leader supervision, allows abusive behavior an opportunity to occur. Again, the Taguba Investigation identified a serious lack of discipline among the units involved in detainee abuse.

The last 3 of these factors can be best prevented by making sure Soldiers understand the standards of behavior expected of them, and by leaders who maintain unit and individual discipline and exercise appropriate supervision of Soldiers.

Almost all of the abuse cases studied by the DAIG Team were isolated events. The Soldiers' chain of command, when notified of the allegation of abuse, took appropriate action and prevented further abusive behavior. The DAIG Team found that most abuse incidents were isolated events that, when discovered, were immediately corrected by commanders at battalion level and lower.

Those cases where corrective action did not occur, usually because the chain of command was not aware of the abuse, resulted in a continuation of abuse or a progression from talking about abuse to actually committing abuse. Factors that influenced this progression of abuse and responsive actions taken by units to mitigate these factors were:

a. Poor oversight and poor control mechanisms to inspect and check on Soldiers' behavior decreased the likelihood that abuse would be discovered by command. This led to a breakdown in the command and control of Soldiers interacting with detainees. One NCOIC stated that the chain of command did not visit his location very often, and that when they began to receive enemy fire, he did not see the Commander or Command Sergeant Major (CSM). In response, over time, several units developed standing operating procedures that incorporated specific control mechanisms, such as requiring a certain number of personnel to be present during interrogations, having all Soldiers sign a document outlining acceptable behavior, and tasking independent officers to monitor all detainee operations, with the ability to observe anything, anytime, within their facility.

b. A command climate that encourages behavior at the harsher end of the acceptable range of behavior towards detainees may unintentionally, increase the likelihood of abuse. One officer interviewed stated that there is often a "do what it takes" mindset. This appeared to be more prevalent in the early days of the war in Iraq. Among other responses, the CJTF-7 Rules for Detainee Operations, published 30 November 2003, states, "Treat all persons with dignity and respect." In addition, on 12 October 2003, CJTF-7 published a memorandum stating all interrogations would be, "applied in a humane and lawful manner with sufficient oversight by

trained investigators or interrogators. Interrogators and supervisory personnel will ensure uniform, careful, and safe conduct of interrogations."

c. In the few cases involving the progression to more serious abuse by Soldiers, tolerance of inappropriate behavior by any level of the chain of command, even if minor, led to an increase in the frequency and intensity of abuse. In a few cases, the perception, accurate or not, that Other Governmental Agencies(OGA) conducted interrogations using harsher methods than allowed by Army Regulation, led to a belief that higher levels of command condoned such methods. As noted in paragraph b above, CJTF-7 began to publish specific guidance that emphasized the humane treatment of detainees. At the time of the DAIG Team's visit to the theater, leaders and Soldiers uniformly understood the need to treat detainees humanely.

It is evident there were Soldiers who knew the right thing to do and reported abuse when they discovered it. Soldiers who believed that abusive behavior was not acceptable reported almost all of the abuse incidents. Some of these Soldiers stopped other Soldiers from hurting detainees, demonstrating moral courage in the face of peer pressure. Others reported serious abuse when it involved their comrades and leaders. This finding on abuse focused on a very small percentage of Soldiers who may have committed abusive behavior, and not on the vast majority that, even under the stress of combat and poor living conditions, and presented with sometimes resistant and hostile detainees, have treated all within their care humanely.

(4) Root Cause: Detainee abuse was an individual failure to uphold Army Values and in some cases involved a breakdown in the leadership supervision of Soldiers' behavior.

(5) 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.

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

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.

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.

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.

**c. Finding 3:**

(1) Finding: Of all facilities inspected, only Abu Ghraib was determined to be undesirable for housing detainees because it is located near an urban population and is under frequent hostile fire, placing Soldiers and detainees at risk.

(2) Standard: See Appendix E.

(3) Inspection Results: Abu Ghraib was overcrowded, located near a densely populated urban area and on a dangerous main supply route, and subject to frequent hostile enemy fire from enemy mortars or rockets. The facility was located approximately 20 miles west of Baghdad. The entire encampment of Abu Ghraib was quite large, covering 280 acres. This facility has had up to 10,000 persons interned there and was considered the most notorious landmark in all of Iraq, made so by the previous regime under Saddam Hussein.

Abu Ghraib consisted of three distinct separate facilities: the hard site prison complex, Camp Vigilant, and Camp Ganci. Except for Tier 1, the rest of the hard site prison complex (Tiers 2 through 7) was under complete control of Iraqi prison guards under supervision of the Coalition Provisional Authority. Criminals were housed there who had committed crimes against other Iraqis. Camp Vigilant was under complete U.S. Armed Forces control. It was the least populated facility of the three at Abu Ghraib, housing several hundred detainees.

The facility employs over 1500 Soldiers and civilians and there is no Post Exchange (PX) within the walls of Abu Ghraib. This was one of the major complaints from Soldiers. Routine trips for PX runs did not occur because of the danger in traveling to Camp Victory on the main supply route. Soldiers complained that they could not get necessary clothing and uniform items when needed.

On 19 March 2004, the official detainee headcount in Camps Ganci and Vigilant was 5967 detainees under U.S. control. This number frequently fluctuated because of releases, transfers, or additional captures of detainees. Including the hard site, there were 7490 detainees on this date. Only one internment/resettlement (I/R) Military Police battalion was charged with managing, operating, and maintaining security of Camps Ganci and Vigilant. By doctrine an I/R battalion should support the following ratios: up to 4,000 EPWs/CIs; 8,000 dislocated civilians; or 1,500 U.S. Armed Forces prisoners. The Taguba Investigation also addressed the problems of under-manning at Abu Ghraib.

Abu Ghraib also did not have sufficient protection measures in place to protect the detainees from hostile fire. Abu Ghraib was frequently under mortar and small arms fire. Detainees suffered casualties in the past due to enemy hostile fire. Detainees at Camps Vigilant and Ganci did not have access to protective bunkers or shelters, placing them at great risk.

Camp Ganci was overcrowded with a population of over 5000 detainees at the time of the DAIG inspection. Camp Ganci was designed and built as an Enemy Prisoner of War (EPW) camp, and the camp living environment was not conducive to a criminal or high security population. The population of the camp alone made security and control inherently difficult and dangerous. There were 8 compounds in Camp Ganci, and the capacity for each compound was 500. During the inspection, the average population was from 600 to 700 detainees per compound.

Camp Ganci's 8 compounds inside of Abu Ghraib had similar problems with the guard towers and perimeter triple-standard concertina wire that the old compounds at Camp Bucca suffered. The overcrowding and cramped conditions at Camp Ganci, and the fact that the distance between each compound was only 30 to 40 feet, compounded the safety and security concerns for Soldiers. Detainee rioting had occurred in the past. Lighting at Camp Ganci was poor, especially at compound 6, according to interviewed Soldiers. The physical design of the camps within the facility was not optimal for the mission. The towers, for example, provided limited visibility due to numerous blind spots. Towers supporting Camp Ganci were not placed

reasonably well, as they should have been, with good fields of fire. Some towers faced each other, and there were some identified blind spots throughout the compounds according to interviewed Soldiers. Entrance and egress to the compounds were hampered by cumbersome, makeshift gates made of concertina wire and wood that dragged across the ground. This made rapid access very difficult. Sally ports were used primarily as gates or "slow down" barriers.

The Single Channel Ground/Air Radio System (SINCGARS) system used at Abu Ghraib, when operable, was maintained inside the compound for communication with units outside the compound and the roving patrols. Because many units were using the same frequency, crossed radio traffic was common between roving patrols, other outside units, and the Tactical Operations Center (TOC) inside the compound. The facility NCOIC at Abu Ghraib stated there was also a shortfall in radios, which hampered communications and security within the compound. In some instances, the guards in the towers had communication with the TOC, but not with the roving guards on the ground. So, in order to communicate with a tower, the roving guards would have to yell up to them. The guards would also have to yell up to the towers when they wanted to pass information to the TOC. Due to the ineffective communication systems at Abu Ghraib and Camp Bucca, Soldiers took it upon themselves to purchase handheld commercial radios to communicate within the camps. Because these radios are unsecured, they pose a communications security (COMSEC) problem; frequencies can be easily monitored by outside forces using the same commercially available radios. The commercial radios were also unable to communicate with the military issue radios.

During sensing sessions, NCOs at Abu Ghraib stated there were no standardized procedures for searching Iraqis entering the compound. The DAIG Team's findings are consistent with the Ryder Report that stated, "The lack of policy and standard operating procedures results in inconsistent application of basic security protocols. Visitation is a serious opportunity to introduce security and safety hazards."

Refuse and litter were seen within one of the Ganci compounds. It could not be determined if the trash was actually refuse that had migrated to the surface from an old landfill site on which Camp Ganci was built. There was approximately one portable latrine per 25 detainees, and there was a contract in place to clean the latrines. There was, however, a bad smell throughout the area from sewage because disinfectant chemicals were not replaced in the latrines. According to sensing sessions, there were only 12 showerheads in each Ganci compound for 600 to 700 detainees. The detainees showered every other day, but the guards ran all 600 to 700 detainees through the process in 2 hours. The lack of laundry capabilities or services for the detainees was similar to the situation at Camp Bucca. Detainees had tubs and soap, but there was no accountability on where the tubs were and how many there were. The unit submitted a contract request to start a laundry service for detainees.

The supply of fresh water was difficult to maintain at the required levels for drinking and personal hygiene for both Soldiers and detainees. According to interviews, Abu Ghraib received fresh water from a Baghdad city water main that frequently broke down. A 3-day supply (200K gallons) was required to be on-hand. The day before the DAIG Team arrived, the reserve water supply was down to 50K gallons. Rationing of fresh water was not uncommon for Soldiers and detainees according to leaders and Soldiers from interviews and sensing sessions.

Food quality for detainees was a serious issue at Abu Ghraib. Spoiled and contaminated food (rodent droppings and dirt) had been delivered by the contractor for the detainees in the past. Units at Abu Ghraib had to use unit stocks of Meals, Ready to Eat

(MREs) to distribute to detainees instead. The unit was working with the contracting officer to remedy the substandard work of the contractor.

Other problems observed included problems with the existing power generators and lack of ventilation for the detainees.

There were planned and ongoing projects at Abu Ghraib. The new Entry Control Point (ECP) was recently completed. This will allow 200 visitations of detainee family members a day and will provide a stand-off of 100 meters for force protection. The project included a new parking lot. Another ongoing project was the new reception center. Besides the ECP and reception center, other projects planned include: perimeter fencing around Abu Ghraib; completion of Camp Avalanche (recently renamed Camp Redemption), a new facility with a capacity of 3000 detainees; and future plans to upgrade Camps Ganci and Vigilant. Both the Taguba Investigation and Ryder Report mentioned the need for structural improvements and renovations at various facilities. The Taguba Investigation stated the need for structural improvements, including enhancements of perimeter lighting, additional chain link fencing, staking down of all concertina wire, hard site development, and expansion of Abu Ghraib. One recommendation of the Ryder Report included renovation of all available cells at Abu Ghraib to facilitate consolidation and separation of the different categories of detainees. The Ryder Report also recommended modification of the Abu Ghraib master plan that allowed expansion and increased detainee capacity by means of renovation. All of the improvements mentioned in the Taguba Investigation and Ryder Report are needed at Abu Ghraib if U.S. Forces continue to use it as an I/R facility. However, because of its location in a densely populated urban area and the frequent hostile fire, the DAIG Team found that the facility should be phased out as an I/R facility, with Camp Bucca becoming the primary I/R facility in Iraq.

Abu Ghraib will be the central facility for the Iraqi Prison System after transition to the interim government. However, Abu Ghraib's location near an urban and hostile environment goes against doctrine for setting up I/R facilities. The area lends itself to poor and dangerous living and working conditions. In contrast, Camp Bucca in southern Iraq is isolated from local Iraqi populations, not frequently attacked, and is close to vital supply lines and logistical support (Navistar in Kuwait). Camp Bucca has room to expand if necessary and is already used as an overflow facility for Abu Ghraib. At the time of the DAIG visit, the detainee population of Camp Bucca was just over 1700. The new compounds at Camp Bucca (1 through 6) have a capacity for 4500 detainees. If the old compounds (7 through 11) are renovated in the same manner as the new compounds, Camp Bucca could reasonably expand the population capacity by several thousand if needed. Once the Camp Bucca expansion is completed and the "Iraqi on Iraqi" criminal population at Camp Ganci are segregated from other detainees, a phase out of Abu Ghraib as an I/R facility and complete turnover to the interim Iraqi government can take place.

(4) Root Cause: Units operating the Abu Ghraib facility were overwhelmed by the frequent hostile fire, the overcrowded conditions, and the deteriorating infrastructure.

(5) 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.

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## Chapter 4

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### Interrogation Operations

1. **Summary of Findings:** Commanders recognized the need for timely, tactical human intelligence and adapted to the environment by keeping detainees longer at the point of capture and collecting points to gain and exploit intelligence. Commanders and interrogators conducted tactical questioning to gain immediate battlefield intelligence. Holding detainees longer than 72 hours increased requirements for facility infrastructure, medical care, preventive medicine, trained personnel, logistics, and security.

Doctrine does not clearly and distinctly address the relationship between the Military Police (MP) operating I/R facilities and the Military Intelligence (MI) personnel conducting intelligence exploitation at those facilities. Neither MP nor MI doctrine specifically defines the distinct but interdependent roles and responsibilities of the two in detainee operations. MP doctrine states MI may collocate with MP at detention sites to conduct interrogations, and coordination should be made to establish operating procedures. MP doctrine does not, however, address approved and prohibited MI procedures in an MP-operated facility. It also does not clearly establish the role of MPs in the interrogation process. Conversely, MI doctrine does not clearly explain MP internment procedures or the role of MI personnel within an internment setting.

There is no DoD or Army policy that addresses the establishment and operation of interrogation facilities, including Joint Interrogation Facilities (JIFs) and Joint Interrogation and Debriefing Centers (JIDCs). Doctrine provided in two field manuals (FMs) dealing with military intelligence, FM 34-52 and FM 3-31, Joint Force Land Component Commander Handbook (JFLCC), 13 December 2001, contains inconsistent guidance on terminology, structure, and function of these facilities.

Shortfalls in numbers of interrogators and interpreters, and the distribution of these assets within the battlespace, hampered human intelligence (HUMINT) collection efforts. Valuable intelligence—timely, complete, clear, and accurate—may have been lost as a result. Interrogators were not available in sufficient numbers to efficiently conduct screening and interrogations of the large numbers of detainees at collecting points (CPs) and internment/resettlement (I/R) facilities, nor were there enough to man sufficient numbers of Tactical Human Intelligence Teams (THTs) for intelligence exploitation at points of capture. Interpreters, especially those Category II personnel authorized to participate in interrogations, were also in short supply.

Interviewed MI leaders and Soldiers indicated that G2s and S2s were conducting interrogations of detainees without the proper training on the management of HUMINT analysis and collection techniques. They were not adequately trained to manage the full spectrum of HUMINT assets being used in the current operating environment. The need for these officers to understand the management of HUMINT operations is critical to successful HUMINT exploitation in the current operating environment.

Army doctrine found in Field Manual (FM) 34-52, Intelligence Interrogation, 28 September 1992, lists 17 accepted interrogations approach techniques. It states that those approach techniques are not inclusive of all possible or accepted techniques. The DAIG Team reviewed interrogation approach techniques policy for both OEF and OIF and determined that

CJTF-180 and CJTF-7 included additional interrogation approach techniques not found FM 34-52. The DAIG Team found that officially approved CJTF-7 and CJTF-180 policies and the early CJTF-180 practices generally met legal obligations under Geneva Convention Relevant to Prisoners of War (GPW), the Geneva Convention Relative to the Protection of Civilian Persons in Time of War (GC), the UN Convention Against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment (CAT), the U.S. Torture statute, 18 USC §§2034, 2034A, if executed carefully, by trained soldiers, under the full range of safeguards. The DAIG Team found that some interrogators may not have received formal instruction from the U.S. Army Military Intelligence Center on interrogation approach techniques not contained in FM 34-52. Additionally, the DAIG Team found that while commands published interrogation approach policy, some subordinate units were unaware of the current version of those policies. Content of unit interrogator training programs varied among units in both OEF and OIF. However, no confirmed instance involving the application of approved approach techniques resulted in an instance of detainee abuse.

## 2. Findings:

### a. Finding 4:

(1) Finding: Tactical commanders and leaders adapted to the environment and held detainees longer than doctrinally recommended due to the demand for timely, tactical intelligence.

(2) Standard: See Appendix E.

(3) Inspection Results: In OPERATION ENDURING FREEDOM (OEF) and OPERATION IRAQI FREEDOM (OIF), company through division units held detainees longer than the doctrinal timeframes. By doctrine, companies and battalions are to evacuate detainees as quickly as possible to a division forward collecting point (CP). Interviewed point of capture battalion and company leaders stated 61% (25 of 41) of their units established CPs and held detainees at their locations from 12 hours up to 30 days. Of the geographically remote inspected companies and battalions, 3 of 3, established CPs at their locations. By doctrine, division forward CPs are located at maneuver brigades and can hold detainees for up to 12 hours before evacuating to division central CPs.

All interviewed leaders from 11 division forward CPs stated their facilities held detainees from 24 hours up to 54 days. By doctrine, division central CPs are located near the division support area (DSA) and can hold detainees for up to 24 hours before evacuating to the corps holding area (CHA) or internment/resettlement (I/R) facility. All interviewed leaders from 4 central CPs stated their facilities held detainees from 72 hours up to 45 days.

The primary reason units held detainees at these locations was to conduct screenings and interrogations closer to the point of capture. The result of holding detainees for longer timeframes at all locations was increased requirements in facility infrastructure, medical care, preventive medicine, trained personnel, logistics, and security. Organic unit personnel at these locations did not have the required institutional training and were therefore unaware of, or unable, to comply with Army policies in areas such as detainee processing, confinement operations, security, preventive medicine, and interrogation.

Current detainee doctrine is written to apply to a linear battlefield with an identifiable combat zone and rear area, and with the presumption that detainees at the point of capture will

normally be enemy prisoners of war (EPWs). EPWs are to be humanely evacuated from the combat zone to internment facilities (normally located in the corps communication zone (COMMZ)). Evacuation is accomplished as quickly as possible for the safety of the EPWs and to ensure operations of the maneuver unit are not hampered. Doctrine assumes EPWs are normally captured forward in the combat zone by company and battalion-sized units. While doctrine does provide for interrogations to be conducted at forward locations, it limits the time detainees should be held at these sites.

By doctrine, EPWs are evacuated from companies and battalions to a division forward CP located in the brigade area of operations. A forward CP is normally a guarded, roped-off area (concertina or razor tape) or a secure fixed facility, with potable water, a latrine, and a trench or cover for protection from indirect fire. A division MP company commander plans for a platoon to operate the forward CP and process EPWs using the STRESS method (search, tag, report, evacuate, segregate, and safeguard). The MP company medical section provides medical support. Additional medical support can be requested by the brigade medical officer from the forward support battalion (FSB). EPWs doctrinally do not remain at a forward CP for more than 12 hours before being escorted to the division central CP.

By doctrine, the division central CP is established near the division support area (DSA). The central CP is larger than the forward CP, contains some type of tentage or uses an existing shelter/structure to protect detainees from the elements. The central CP may have multiple water and latrine sites. A division MP company operates the CP and continues to process EPWs using the STRESS method. The MP company medical section provides medical support. Units within the DSA provide support as stated in the division operations order. EPWs do not remain at a central CP for more than 24 hours before being escorted to the CHA.

By doctrine, a CHA is usually located near a base or base cluster in the corps rear area with one CHA to support each division conducting operations. Normal hold time at the CHA is 72 hours, but the CHA must be prepared to hold EPWs for extended periods until they are evacuated to an internment facility or until hostilities end. A CHA is a semi-permanent facility. The capture rate and captive categories determine the size of the CHA, and it should be divided into two or more compounds for segregation, security, and ease of control. The CHA has areas designated for EPW reception, processing, storage and accountability of detainee property, interrogation, medical facilities, showers, and protection from direct and indirect fire. A corps MP platoon or corps MP company operates a CHA and may be augmented with additional MPs. Support agreements can be arranged between MP headquarters and a base or base cluster where the CHA is located. Class I through Class IX supplies are requested through logistics channels and Class VIII through medical channels.

Doctrine does not address the unique characteristics of OIF and OEF, specifically operations in non-linear battlespaces and large numbers of detainees whose status is not readily identifiable as combatants, criminals, or innocents. In OIF and OEF, units held detainees at division CPs longer than doctrinal timeframes and established CPs at companies and battalions. Commanders held detainees at forward locations to facilitate more effective initial screenings (to determine detainees' status and disposition) and to obtain more timely intelligence than would be obtained from interrogations at I/R facilities. Interviews and sensing sessions with leaders and Soldiers indicated a common perception at the unit level that once a detainee was evacuated, interrogations conducted at higher echelon facilities did not return tactical intelligence to the capturing unit. Furthermore, commanders and MI personnel perceived additional value in holding detainees at CPs where they can be segregated and intelligence is less likely to be compromised. Detainees held at CPs were also available for

follow-up interrogations and clarifications of details based on the tactical exploitation of intelligence previously provided. Finally, interrogators at CPs are familiar with the unique local characteristics that enable more effective intelligence exploitation, i.e., religious affiliation, tribal affiliation, and regional politics.

Doctrine does not address how to effectively screen and interrogate large numbers of captured persons of undetermined status. Unlike EPWs, detained persons in OIF and OEF did not have a clear status upon capture. Capturing units were attempting to screen persons close to the point of capture to confer status in a timely manner. By doing so, they could quickly release innocent persons with no intelligence value who would otherwise burden the detention system, or detain combatants or persons of potential intelligence value for continued exploitation. In situations where effective screening couldn't be accomplished at the point of capture, companies and battalions established collecting points and held detainees instead of evacuating them to higher echelons. The time detainees were held at company and battalion locations varied from 12 hours up to 30 days based on the number of detainees and the availability of interrogators.

A result of holding detainees at CPs was company, battalion, brigade and divisional units were being required to meet the standards of CHAs without the organic resources (trained personnel, materials, equipment, and facilities) to do so. The DAIG Team found most personnel, especially at battalion and brigade CPs, did not have the training to perform the humanitarian, security, and administrative requirements for extended holding times. Because most personnel were not trained in detention operations they were unaware of Army doctrinal requirements, policies, and procedures that address the specific responsibilities for confinement, security, preventive medicine, and interrogation. The DAIG Team found most CP operations were conducted using standing operating procedures (SOPs) developed by previous units; internal tactics, techniques, and procedures; common sense; and basic soldier skills and knowledge.

Holding detainees for longer periods of time at CPs increases the infrastructure requirements from those needed for mobile, temporary holding areas to the more substantial demands of semi-permanent facilities. CPs have to provide increased internal and external security to physically contain the detainees. Considerations have to be made for areas designated for detainee reception, processing, storage and accountability of detainee property, interrogation, medical care, latrines, and protection from direct and indirect fire. The medical requirements for the care of detainees increase (e.g., trained personnel, supplies, and equipment), as do the requirements for preventive medicine (e.g., showers, sundry packs, pest control, and facility inspections). Units have increased requirements for logistics (e.g., Class I, Class II (shotguns, restraints, communications, and uniforms), Class III, Class V (non-lethal ammunition), and security (e.g., permanent external guard force and quick reaction force).

Detainee doctrine does not address operations in a non-linear battlespace. Doctrine was written for operations on a linear battlefield on which EPWs were to be quickly evacuated to corps holding areas or I/R facilities. Commanders in OIF and OEF were holding detainees closer to the point of capture to expedite intelligence exploitation. The result of holding detainees forward of I/R facilities was that companies, battalions, brigades and divisions were being required to meet higher standards of detainee humanitarian care when these units are not organically resourced with the trained personnel, materials or equipment to operate semi-permanent facilities. The DAIG Team found that battalions, brigades or divisions operating CPs are not trained or resourced to run semi-permanent collection/holding facilities, and no units are fully compliant with Army policy. The DAIG Team also found that the inspected units were

treating detainees humanely and in accordance with the provisions of the Geneva Conventions. Units continue to physically improve the facilities of the CPs and obtain external support for personnel and resources.

Although the Ryder Report cited changes are required in doctrine and organizational structure related to detention and correction operations, it did not go into specific details. The report did note the wide variance of standards and approaches at collecting points and recommended assessing the tactical feasibility of decreasing the number of collection points.

(4) Root Cause: Units did not comply with doctrine that requires the quick evacuation of detainees to internment facilities. Units held detainees at CPs closer to the point of capture for longer periods of time to conduct more effective interrogation and intelligence exploitation.

(5) 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. Finding 5:**

(1) Finding: Doctrine does not clearly specify the interdependent, and yet independent, roles, missions, and responsibilities of Military Police and Military Intelligence units in the establishment and operation of interrogation facilities.

(2) Standard: See Appendix E.

(3) Inspection Results: Doctrine does not provide clear guidance on the relationship between Military Police (MP), responsible for the safekeeping of detainees, and Military Intelligence (MI), responsible for intelligence collection. Neither MP nor MI doctrine clearly defines the distinct but interdependent roles, missions, and responsibilities of the two in detainee operations. MP doctrine states MI may collocate with MP at detention sites to conduct interrogations, and coordination should be made to establish operating procedures. MP doctrine does not, however, address approved and prohibited MI procedures in an MP-operated facility. It also does not clearly establish the role of MPs in the interrogation process. Conversely, MI doctrine does not clearly explain MP internment procedures or the role of MI personnel in an internment setting. Subordination of the MP custody and control mission to the MI need for intelligence can create settings in which unsanctioned behavior, including detainee abuse, could occur. Failure of MP and MI personnel to understand each other's specific missions and duties could undermine the effectiveness of safeguards associated with interrogation techniques and procedures. Failure of MP and MI personnel to understand each other's specific missions and duties could undermine the effectiveness of safeguards associated with interrogation techniques and procedures.

MP doctrine explicitly outlines MP roles and responsibilities in operating collecting points (CPs), corps holding areas (CHAs) and internment/resettlement (I/R) facilities. MP doctrine identifies the priorities of detainee operations as the custody and control of detainees and the security of the facility. MP doctrine states detainees may be interrogated at CPs, CHAs and I/R facilities operated by MPs to facilitate the collection of intelligence information. It highlights the need for coordination between MP and MI to establish operating procedures. MPs are responsible for passively detecting and reporting significant information. MPs can assist MI screeners by identifying captives who may have information that supports Priority Intelligence Requirements (PIRs). MPs can acquire important information through observation and insight

even though they are not trained intelligence specialists. MP interaction with detainees is limited, however, to contact necessary for the management of a safe and secure living environment and for security escort functions during detainee movement. Thus, active participation by MPs in the intelligence exploitation process is not within the doctrinal scope of the MP mission.

MI doctrine clearly states MPs command and operate CPs and CHAs, but it does not address operational authority for I/R facilities. MI doctrine specifies MPs conduct detainee receipt, escort, transport, and administrative processing functions, including document handling and property disposition. MI doctrine in FM 34-52, contrary to MP doctrine in FM 3-19.1, contains a passage that implies an active role for MPs in the screening/interrogation process: "Screeners coordinate with MP holding area guards on their role in the screening process. The guards are told where the screening will take place, how EPWs and detainees are to be brought there from the holding area, and what types of behavior on their part will facilitate the screenings." The implication in FM 34-52 that MPs would have an active role in the screening process is in conflict with MP doctrine that states MPs maintain a passive role in both the screening and interrogation processes. This passage could cause confusion with MI personnel as to the role of MPs in screenings and interrogations. The Ryder Report addressed the issue of MPs maintaining a passive role in interrogations, stating that, "Military police, though adept at passive collection of intelligence within a facility, do not participate in Military Intelligence supervised interrogation sessions." The report further states that the active participation of MPs in interrogations could be a source of potential problems: "Such actions generally run counter to the smooth operation of a detention facility, attempting to maintain its population in a compliant and docile state." The Ryder Report recommends establishing "procedures that define the role of military police soldiers securing the compound, clearly separating the actions of the guards from those of the military intelligence personnel."

Additionally, two intelligence oriented field manuals, FM 34-52, Intelligence Interrogation (discussed above), and FM 3-31, Joint Force Land Component Commander Handbook (JFLCC), contain inconsistent guidance on terminology, structure, and function of interrogation facilities. Neither field manual address the relationship of MI and MP personnel within those facilities. FM 34-52 describes a Theater Interrogation Facility (TIF). FM 3-31 describes a Joint Interrogation Facility (JIF) and Joint Interrogation and Debriefing Center (JIDC). Interrogation facilities in OEF and OIF identified themselves as JIFs and JIDCs. Commanders and leaders structured the organization and command relationships within these JIFs and JIDCs to meet the unique requirements of their operating environments.

The DAIG Team determined MP and MI doctrine did not sufficiently address the interdependent roles of MP and MI personnel in detainee operations in OEF and OIF. Doctrine needs to be updated to clearly specify the roles and responsibilities of MPs in the intelligence exploitation of detainees. It should also clearly specify the roles and responsibilities of MI personnel within MP-operated internment facilities. For example, MP and MI doctrine should address and clarify: (1) command and control relationship of MP and MI personnel within internment facilities; (2) MPs' passive or active role in the collection of intelligence; (3) interrogation techniques and the maintenance of good order within the detention facility; (4) detainee transfer procedures between MP and MI to conduct interrogations, including specific information related to the safety and well-being of the detainee; and (5) locations for conducting interrogations within I/R or other facilities.

(4) Root Cause: Current doctrine does not adequately address or prepare MP or MI units for collaboratively conducting detainee operations and provides inconsistent guidance on terminology, structure, and function of interrogation facilities.

(5) 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.

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

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.

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.

#### **c. Finding 6:**

(1) Finding: Military Intelligence units are not resourced with sufficient interrogators and interpreters, to conduct timely detainee screenings and interrogations in the current operating environment, resulting in a backlog of interrogations and the potential loss of intelligence.

(2) Standard: See Appendix E.

(3) Inspection Results: Shortfalls in numbers of interrogators (Military Occupational Specialty (MOS) 97E and 351E) and interpreters, and the distribution of these assets within the battlespace, hampered human intelligence (HUMINT) collection efforts. Valuable intelligence—timely, complete, clear, and accurate—may have been lost as a result. Interrogators were not available in sufficient numbers to efficiently conduct screening and interrogations of the large numbers of detainees at collecting points (CPs) and internment/resettlement (I/R) facilities, nor were there enough to man adequate numbers of Tactical Human Intelligence (HUMINT) Teams (THTs) for intelligence exploitation at points of capture. Interpreters, especially those Category II personnel authorized to participate in interrogations, were also in short supply. Interrogations were conducted at locations throughout the battlespace by trained military interrogators, contract interrogators, and, in some forward locations, by leaders and Soldiers with no training in military interrogation tactics, techniques, and procedures. Interrogations observed by DAIG Team members were conducted in accordance with Army policy and doctrine. Policy and doctrine clearly reinforce and fully comply with the provisions of the laws of land warfare, and all Army interrogators are trained extensively on approved and prohibited interrogation techniques.

The quantity and distribution of military interrogators were insufficient to conduct timely intelligence exploitation of non-compliant detainees in the current operational environment. 78% (18 of 23) of interviewed S2s and G2s stated the shortage of interrogators at points of capture and company and battalion CPs resulted in untrained combat leaders and Soldiers conducting screenings and field interrogations. 89% (17 of 19) of interviewed military interrogators cited a shortage of interrogators, resulting in backlogs of interrogations at I/R

facilities. Military interrogators at Abu Ghraib stated there were detainees that had been in custody for as long as 90 days before being interrogated for the first time.

In OEF and OIF, the total number of interrogators varied by unit and location. Each division (1ID, 1AD, 4ID, 1st CAV, 82nd ABN, and 101st ABN) deployed with an MI battalion that was resourced with interrogators. The 519<sup>th</sup> MI BN of the XVIII ABN Corps, and the 202<sup>nd</sup> MI BN, echelons above corps, deployed with interrogators. The 30<sup>th</sup> and 39<sup>th</sup> Army National Guard (ARNG) Separate Brigades were resourced with interrogators. All of the above units supplemented interrogators with counterintelligence Soldiers (MOS 97B and 351B) to increase interrogation capabilities. The 205<sup>th</sup> MI Brigade, V Corps; 504<sup>th</sup> MI Brigade, III Corps; and the 902nd MI Group had no interrogators and therefore conducted all interrogations using counterintelligence Soldiers. The number of interrogators in the above units varied from 4 in the ARNG Separate Brigades to 16 in some divisions, to approximately 60 in the 519<sup>th</sup> MI BN. Military interrogators in OIF were supplemented by 31 contract interrogators. (12 contract interrogators have re-deployed for personal reasons since the blanket purchase agreement (contract) was issued 14 August 2003). CJTF-180 was preparing to hire contract interrogators for OEF at the time of the inspection.

Because detainees have varying degrees of intelligence value, there is no doctrinal formula to determine the recommended ratio of interrogators and interpreters to detainees. All detainees require initial screening after capture to determine their status and potential intelligence value. The requirement for interrogation of each detainee is unique and based on potential intelligence yield, the characteristics of the detainee, and the information requirements of the unit. Some detainees may only require a single screening to determine their status and be released, while others will be screened, determined to be of intelligence value, and subsequently interrogated a few times, several times over many weeks, or numerous times over many months. The ratio of interrogators to detainees varied at each facility. At Abu Ghraib there were 120 interrogators for 1500 detainees determined to be of intelligence value; at Brassfield-Mora there were 2 interrogators for 50 such detainees; and at Bagram there were 12 interrogators for 192 detainees of intelligence value.

Category II Arabic, Pashtu, and Dari interpreters--interpreters with U.S. citizenship, but no security clearances-- were also identified as shortages throughout OEF and OIF. As crucial players in every aspect of operations, skilled interpreters were in high demand. The quality of intelligence derived from an interrogation can depend greatly on the ability of the interpreter to work effectively with the interrogator. An effective interpreter must not only convey the accurate meaning of language, he/she must be able to express the implied message in the demeanor of the interrogator. To function together as a successful team requires specific, individualized training prior to employment in the field, as well as time working together to maximize their effectiveness. Category II interpreters should be deployed in sufficient numbers to support the commander's intelligence gathering requirements.

Detainee operations in a non-linear battlespace presented a unique challenge, requiring screening operations to be placed closer to points of capture. Using properly trained HUMINT soldiers to screen detainees in the immediate vicinity of the point of capture reduces the number of innocents detained, produces more timely intelligence, and increases the quality of evidence collection and documentation for use in future judicial proceedings. One senior MI officer indicated that his division only had the manpower to utilize THTs at points of capture approximately 10% of the time. Failure to position trained HUMINT Soldiers close to points of capture puts a burden on units farther up the chain of custody and delayed the collection of timely intelligence. The backlog of unscreened detainees quickly overwhelmed the internment



system in OIF, where I/R facilities were unprepared to deal with such large numbers of detainees. This slowed the process of intelligence exploitation and prevented the timely release of detainees who were apprehended and later found to have no intelligence value and to be of no threat to Coalition Forces.

If performed by trained interrogators, front-line interrogations offer other advantages. Recently captured persons are less likely to resist the interrogator. They also have not yet entered the general detainee population where they can conspire with others to resist interrogation techniques. In untrained hands, however, these advantages can be lost. To satisfy the need to acquire intelligence as soon as possible following capture, some officers and noncommissioned officers (NCOs) with no training in interrogation techniques began conducting their own interrogation sessions. Inexperienced and untrained persons using unproven interrogation techniques often yield poor intelligence and can harden detainees against future questioning by trained interrogators. The potential for abuse increases when interrogations are conducted in an emotionally-charged environment by untrained personnel who are unfamiliar with the approved interrogation approach techniques. The quality of these interrogations was further eroded by the absence of Category II interpreters. Category I interpreters—local nationals without security clearances—were the only interpreters available in forward locations, and there was no way to guarantee the accuracy or trustworthiness of their work.

The Military Intelligence (MI) School has internally resourced a mobile training team (MTT) to offset the shortage of interrogators in the field. The MTT trains non-MI personnel in the skills and knowledge required to perform basic questioning techniques and operations in order to enhance ongoing HUMINT collection missions at the tactical level. Tactical questioning (TQ) is a critical element of small unit operations. Tactical Questioning (TQ) is defined as the questioning of the local population (noncombatants and enemy prisoners of war (EPWs)/detainees) for information of immediate tactical value. Through TQ, the handling of detainees, and the handling of captured documents, Soldiers serve as the commander's eyes and ears. The information that the Soldiers report as a result of TQ is passed up the chain of command and forms a vital part of planning and operations. The TQ MTT has trained approximately 4000 Soldiers as of March 2004.

Current military interrogation procedures as published in FM 34-52, Intelligence Interrogations, 28 September 1992, and taught at the U.S. Army Intelligence Center, Fort Huachuca, remain valid. Interrogation approach techniques, themselves, are addressed in Finding 9. Military interrogators receive 16.5 weeks of intensive training on interrogation procedures and techniques at the Army's Human Intelligence Collector Course. This training includes collection priority, screening, planning and preparation, approaches, questioning, and termination of interrogations. A total of 192 hours of direct and indirect training on the laws of land warfare emphasizes compliance of all military interrogation techniques with the Geneva Conventions and Army policy. Prohibited activities are covered in detail and reinforced in interrogation operation exercises.

Interrogation approach techniques policies were issued for OEF and OIF. The CJTF-7 Commander issued initial interrogation approach techniques policy on 14 September 2003, and amended the interrogation approach techniques policy on 12 October 2003 and 13 May 2004. The CJTF-180 Commander issued approved interrogation approach techniques policy on 16 March 2004.

The DAIG Team observed 2 detainee facilities using digital video recording devices, 1 in Afghanistan and 1 in Iraq. Because interrogations are confrontational, a monitored video

recording of the process can be an effective check against breaches of the laws of land warfare and Army policy. It further protects the interrogator against allegations of mistreatment by detainees and provides a permanent record of the encounter that can be reviewed to improve the accuracy of intelligence collection. All facilities conducting interrogations would benefit from routine use of video recording equipment.

In summary, the DAIG Team found the quantity and distribution of military interrogators were insufficient to conduct timely intelligence exploitation of non-compliant detainees in OEF and OIF. Military interrogators observed in OEF and OIF were performing interrogations of detainees in accordance with doctrine.

(4) Root Cause: The shortages of interrogators and interpreters at all echelons caused commanders and other leaders to use untrained personnel to conduct interrogations of detainees. Insufficient numbers of Category II interpreters, especially those with experience working with interrogators, further hampered interrogation operations.

(5) 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.

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

**d. Finding 7:**

(1) Finding: Tactical Military Intelligence officers are not adequately trained on how to manage the full spectrum of the collection and analysis of human intelligence.

(2) Standard: See Appendix E.

(3) Inspection Results: Interviewed Military Intelligence (MI) leaders and Soldiers indicated that G2s and S2s were conducting interrogations of detainees without the proper training on the management of Human Intelligence (HUMINT) analysis and collection techniques. They were not adequately trained to manage the full spectrum of HUMINT assets being used in the current operating environment. The counterintelligence team leaders (TL) interviewed expressed a wish that all G2s and S2s were trained on how to manage the collection and analysis of HUMINT. The need for these officers to understand the management of HUMINT operations is the key for successful HUMINT exploitation in the current operating environment. Battalion commanders, company commanders, and platoon leaders were interrogating detainees at the point of capture according to counterintelligence TLs interviewed. They complained about this practice because these leaders were not properly trained in interrogation techniques and quite possibly jeopardized the intelligence gathering process to acquire timely intelligence from detainees. Counterintelligence TLs were told on several occasions by these leaders that they had the interrogations under control and did not require their Military Intelligence (MI) assistance.

Currently, MI officers only receive a general overview of HUMINT during their Professional Military Education (PME) courses. During the Military Intelligence Officer Basic Course (MIOBC), MI officers receive a 9 day Intelligence Battlefield Operating System (IBOS) block of instruction which includes a 6-hour block on: review/reinforcement of counterintelligence/human intelligence principles; counterintelligence organizations; Subversion

& Espionage Directed Against U.S. Army & Deliberate Security Violations (SAEDA); and the role of the tactical human intelligence teams (THTs). Furthermore, the MIOBC students receive approximately an hour block of instruction from their Stability and Support Operations (SASO) instructor on displaced civilians/refugees on the battlefield.

MI Captain Career Course (MICCC) officers receive a one-hour block of instruction in their intelligence support to brigade operations (ISBO) on imagery intelligence (IMINT), counterintelligence/human intelligence, and signals intelligence (SIGINT). Additionally, during practical exercises the students receive 40 hours of Stability and Support Operations (SASO) training, 32 hours of threat training, and 2 hours of crime link training from their instructor. Also, during intelligence, surveillance, and reconnaissance planning the basic principles of counterintelligence/HUMINT are reinforced during practical exercises (30 minutes in length) that addresses IMINT, counterintelligence/HUMINT, and SIGINT being used on the battlefield to collect intelligence information. During the Intelligence Support Course to division, corps, and joint officers, there is one day of counterintelligence/HUMINT training. This training includes an overview, specific training, and a practical exercise for counterintelligence/HUMINT. Additionally, the 35E series (Counterintelligence Officer) course conducts counterintelligence/HUMINT training for 8 hours, and the Strategic Intelligence Officer Course conducts counterintelligence /HUMINT training for 5 hours.

Interviewed career course captains with experience in OPERATION ENDURING FREEDOM (OEF) and OPERATION IRAQI FREEDOM (OIF) from the Military Intelligence school stated their home station training on detainee operations was limited and concentrated on EPWs or compliant detainee populations. These officers stated the training they received at the MI Basic Course did not provide them with enough training to prepare them to conduct detainee or human intelligence gathering operations.

The G2, in coordination with TRADOC, has created a G2X/S2X Battle Staff Course to begin in July 2004 for MI officers. The G2X/S2X Battle Staff Course will prepare a G2X/S2X staff of a deploying Army division with the capability to synchronize, coordinate, manage and de-conflict counterintelligence and HUMINT sources within the division's area of responsibility (AOR). The G2X/S2X program of instruction (POI) will be tailored for a staff operating within a Joint or multi-national (Coalition) environment which will focus on real world missions, Army-centric, and counterintelligence/HUMINT tool-specific training. The G2X/S2X curriculum is based upon the counterintelligence/HUMINT critical tasks and incorporates J2X/G2X/S2X emerging doctrine/methodology and lessons learned. This course will be hands-on and application based. The G2X/S2X Battle Staff Course provides the critical knowledge and skills required to enable the G2X staff to successfully synchronize and monitor asset management to place sources against the combatant commander's target in support of the mission.

The G2, in coordination with the MI School, is currently revising Field Manual (FM) 34-52, Intelligence Interrogation, 28 September 1992. Additionally, the G2 is spearheading a coordinated effort with TRADOC and the U.S. Army Military Police School to synchronize between the 3 disciplines of intelligence, surveillance, and reconnaissance, particularly in the area of detainee handling and internment/resettlement facility management.

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, the vast majority of 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: The MI School is not adequately training the management of HUMINT to tactical MI officers. The MI School has no functional training course available to teach the management of HUMINT.

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

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

**e. Finding 8:**

(1) Finding: The DAIG Team found that officially approved CJTF-7 and CJTF-180 policies and the early CJTF-180 practices generally met legal obligations under U.S. law, treaty obligations and policy, if executed carefully, by trained soldiers, under the full range of safeguards. The DAIG Team found that policies were not clear and contained ambiguities. The DAIG Team found implementation, training, and oversight of these policies was inconsistent; the Team concluded, however, based on a review of cases through 9 June 2004 that no confirmed instance of detainee abuse resulted from the approved policies.

(2) Standard: See Appendix E.

(3) Inspection Results: Interrogation approach techniques policy is identified by several different titles by the different commands of OEF and OIF. For the purpose of standardization of this report those titles will be referred to collectively as interrogation approach techniques policy.

Army doctrine found in Field Manual (FM) 34-52, Intelligence Interrogation, 28 September 1992, lists 17 accepted interrogations approach techniques. It states that those approach techniques are not inclusive of all possible or accepted techniques. The DAIG Team reviewed interrogation approach techniques policy for both OEF and OIF and determined that CJTF-180 and CJTF-7 included additional interrogation approach techniques not found FM 34-52. The DAIG Team found that officially approved CJTF-7 and CJTF-180 policies and the early CJTF-180 practices generally met legal obligations under Geneva Convention Relevant to Prisoners of War (GPW), the Geneva Convention Relative to the Protection of Civilian Persons in Time of War (GC), the UN Convention Against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment (CAT), the U.S. Torture statute, 18 USC §§2034, 2034A, if executed carefully, by trained soldiers, under the full range of safeguards. The DAIG Team found that some interrogators may not have received formal instruction from the U.S. Army Military Intelligence Center on interrogation approach techniques not contained in FM 34-52. Additionally, the DAIG Team found that while commands published interrogation approach policy, some subordinate units were unaware of the current version of those policies. Content of unit interrogator training programs varied among units in both OEF and OIF. However, no confirmed instance involving the application of approved approach techniques resulted in an instance of detainee abuse.

The 17 approved interrogation approach techniques listed in FM 34-52 are direct, incentive, emotional love, emotional hate, fear-up (harsh), fear-up (mild), fear-down, pride and ego-up, pride and ego-down, futility, we know all, file and dossier, establish your identity, repetition, rapid fire, silent, and change of scene. Approach techniques can be used individually or in combination as part of a cohesive, logical interrogation plan. These approach techniques are found in the current training curriculum at the Military Intelligence School. The FM states these approach techniques are "not new nor are all the possible or acceptable techniques discussed. Everything the interrogator says and does must be in concert with the GWS [Geneva Convention For the Amelioration of the Wounded and Sick in Armed Forces in the Field], GPW, GC and UCMJ [Uniform Code of Military Justice]." The FM further states, "Almost any ruse or deception is usable as long as the provisions of the GPW are not violated." Techniques considered to be physical or mental torture and coercion are expressly prohibited, including electric shock, any form of beating, mock execution, and abnormal sleep deprivation.

The FM gives commanders additional guidance in analyzing additional techniques. On page 1-9 it states: "When using interrogation techniques, certain applications of approaches and techniques may approach the line between lawful actions and unlawful actions. It may often be difficult to determine where lawful actions end and unlawful actions begin. In attempting to determine if a contemplated approach or technique would be considered unlawful, consider these two tests: Given all the surrounding facts and circumstances, would a reasonable person in the place of the person being interrogated believe that his rights, as guaranteed under both international and U.S. law, are being violated or withheld if he fails to cooperate. If your contemplated actions were perpetrated by an enemy against U.S. PWs [Prisoners of War], you would believe such actions violate international or U.S. law. If you answer yes to either of these tests, do not engage in the contemplated action. If a doubt still remains as to the legality of the proposed action, seek a legal opinion from your servicing judge advocate."

The FM lists four primary factors that must be considered when selecting interrogation approach techniques:

- (1) The person under interrogation's mental or physical state,
- (2) The person under interrogation's background and experience,
- (3) The objective of the interrogation, and
- (4) The interrogator's background and abilities.

The DAIG Team found some interrogation approach techniques approved for use at Guantanamo Bay were used in development of policies in OEF and OIF. As interrogation policy was developed for Joint Task Force (JTF) Guantanamo, the Commander, U.S. Southern Command requested additional approach techniques to be approved. A Working Group on Detainee Interrogations in the Global War on Terrorism was convened. This group was required to recommend legal and effective interrogation approach techniques for collection of strategic intelligence from detainees interned at Guantanamo Bay. The working group collected information on 39 existing or proposed interrogation tactics, techniques and procedures from the U.S. Central Command (CENTCOM) and U.S. Southern Command in a 6 March 2003 report. It recommended approval of 26 interrogation approaches.

A memorandum on 16 April 2003, entitled "Counter-Resistance Techniques" approved 26 specific techniques for use only by JTF Guantanamo. It required the use of 7 enumerated safeguards in all interrogations. The memorandum stated that the use of any additional interrogation techniques required additional approval. The instructions noted that the intent in

all interrogations was to use "the least intrusive method, always applied in a humane and lawful manner with sufficient oversight by trained investigators or interrogators."

Both CJTF-180 and CJTF-7 developed interrogation policies for intelligence exploitation operations in OEF and OIF. All policies contained additional interrogation approach techniques other than those identified in FM 34-52. The DAIG Team identified this occurred for three reasons: (1) Drafters referenced the JTF Guantanamo policy memorandum as a basis for development for their policy; (2) In two instances, published policy made reference to the 8 May 1987 version of FM 34-52 which listed a technique that was later removed from the 28 September 1992 revision; and (3) Some intelligence personnel believed that additional interrogation techniques would assist in more effective intelligence exploitation of a non-compliant or hardened detainee population. Both OEF and OIF included safeguards in their policy, although they differed from each other and from the 16 April 2003 memorandum applicable to JTF Guantanamo. Reliance on the Guantanamo policy appears to contradict the terms of the memorandum itself which explicitly states it was applicable to interrogations of unlawful combatants at JTF Guantanamo and failed to take into account that different standards applied to JTF Guantanamo, CJTF-180 and CJTF-7.

The DAIG Team found that CJTF-7 issued a series of evolving policy statements, while CJTF-180 only issued one policy. The DAIG Team, however, found evidence of practices that had been in effect in Afghanistan since at least early 2003. The DAIG Team reviewed the officially approved interrogation approach technique policies for both CJTF-7 and CJTF-180, and the record of practices in use in CJTF-180 prior to adoption of a formal policy. The changes in policies and practices, over time, reflect the struggle that commanders faced in developing approach techniques policies that were both effective and complied generally with legal obligations applicable to the theater. In Iraq, in particular, the commander was faced with a group of detainees that ranged from Enemy Prisoners of War (EPW's), to security internees (SI's) to unlawful combatants. In both theaters, commanders were operating under combat conditions, facing the death and wounding of scores of U.S. soldiers, civilians and other non-combatants on a daily basis. Their decisions and decision-making process must be viewed against this backdrop.

The DAIG Team found that officially approved CJTF-7 and CJTF-180 policies and the early CJTF-180 practices generally met legal obligations under U.S. law, treaty obligations and policy, if executed carefully, by trained soldiers, under the full range of safeguards. The approved policies, however, presented significant risk if not executed in strictest compliance with their own safeguards. In this light, the caution noted in FM 34-52 (above) appears applicable, "It may often be difficult to determine where lawful actions end and unlawful actions begin." In a high-stress, high pressure combat environment, soldiers and subordinate leaders require clear, unambiguous guidance well within established parameters that they did not have in the policies we reviewed.

The DAIG Team found that the established policies were not clear and contained ambiguity. The absence of clarity could have been mitigated by additional training, detailed planning and brief-backs, detailed case-by-case legal analysis and other command and staff execution safeguards. In the absence of the safeguards, however, the commands could have embarked on high risk interrogation operations without adequate preparation or safeguards. Contributing to the ambiguity were command policies that included both approved techniques and security and safety provisions. While some security provisions provide a secondary benefit to an interrogation, it is not proper to use the security provision solely for the purpose of causing this secondary benefit in the interrogation. Both the CJTF-180 and CJTF-7 policies and the

known CJTF-180 practices prior to their first published policy, imprudently mixed discussion of security provisions into interrogation techniques. This added to the possible confusion regarding whether a particular action was truly a security provision or an interrogation technique. While the language of the approved policies could be viewed as a careful attempt to draw the line between lawful and unlawful conduct, the published instructions left considerable room for misapplication, particularly under high-stress combat conditions.

Application of the additional techniques involving higher risk of violations required additional training for interrogators. Formal school training at the U.S. Army Intelligence Center and School (USAICS) for both MOS 97E, Enlisted Human Intelligence Collector, and 351E, Warrant Officer Human Intelligence Collection Technician, provides instruction on the interrogation approach techniques identified in FM 34-52. The DAIG Team identified that interrogators only received training on doctrinal approach techniques listed in FM 34-52 from the USAICS, however, some interrogators may have received training on the additional approach techniques at the unit level. Interviewed intelligence personnel stated they were also trained on the additional approaches through mobile training teams. In some organizations, the team found a comprehensive unit training program; in others, the team found no formal or standardized interrogator training program. Inadequately trained interrogators present an increased risk that the approach technique will be improperly applied. The team found no indication that a lack of training resulted in an improper application of any particular technique or techniques; however, it remains critical that units applying any of the additional interrogation approach techniques have a comprehensive training program as a risk mitigation measure for those higher risk techniques.

The DAIG Team observed that although both CJTF-180 and CJTF-7 published interrogation approach technique policies, some inspected units were unaware of the correct command policy in effect at the time of inspection. The differences noted were omission of approved approach techniques and failure to note that a particular approach technique required higher command approval. The team was unable to determine if inspected units with incorrect versions of higher headquarters policy had requested authorization to use, or had used, any of the additional techniques. The unit policies did include safeguards consistent with the higher headquarters policy. As with other sensitive changes in unit mission orders, commanders should ensure that they have an effective feedback mechanism to ensure subordinate units receive, acknowledge and comply with changes in approved approach techniques.

Interviews and sworn statements from personnel in both CJTF-180 and CJTF-7 indicated that some of the approach techniques included in their policies, but not listed in FM 34-52, were used by some interrogators. The DAIG team found no indication of the frequency or consistency with which these additional approach techniques were employed. The DAIG Team conducted a review of 125 case summaries from the Criminal Investigation Division (CID) and unit investigations available as of 9 June 2004. Based on a review of case summaries, and despite the significant shortcomings noted in the command policies and practices, the team was unable to establish any direct link between the use of an approved approach technique or techniques and a confirmed case of detainee abuse.

(4) Root Cause: Commanders perceived interrogation approach techniques found in FM 34-52 were insufficient for effective intelligence exploitation of non-compliant detainees in OEF and OIF and published high risk policies that presented a significant risk of misapplication if not trained and executed carefully. Not all interrogators were trained on all approved approach techniques.

(5) 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.

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



## Chapter 5

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### Other Observations

1. **Summary of Findings:** We examined seven key systems (Leadership and Discipline, Policy and Doctrine, Military Intelligence/Military Police Relationship, Organizational Structures, Facilities, Resources, and Training and Education) that influence how detainees are handled throughout the detention process, including interrogations. In the course of that examination we identified a number of observations that while not critical, require attention and resolution. None of the findings contributed directly to any specific case of abuse. The recommendations accompanying the 15 following findings are designed to improve our ability to properly conduct detainee operations.

#### 2. Findings:

##### a. Finding 9:

(1) Finding: Interviewed leaders and Soldiers stated the unit's morale (71%) and command climate (68%) had steadily improved due to competent leadership, caring for Soldiers by leaders, and better working and living conditions as the theater matured.

(2) Standard: See Appendix E.

(3) Inspection Results: We attempted to determine the effect of stress and morale on detainee operations and conducted a Combat/Operational Stress Survey. We interviewed or sensed more than 650 leaders and Soldiers and received 603 of the surveys back. The DAIG Team found that 71% (428 of 603) of leaders and Soldiers surveyed stated the unit's morale, (71%, 428 of 603) and command climate (68%, 410 of 603) had steadily improved in OPERATION ENDURING FREEDOM (OEF) and OPERATION IRAQI FREEDOM (OIF). The survey results found that leaders and Soldiers perceived that morale and the command climate was good. The results of the survey, interviews, and sensing sessions showed that the morale and command climate improved due to competent leadership, caring for Soldiers by leaders, and better working and living conditions as the theater matured. The DAIG Team also found that most perceptions of morale and command climate varied widely between senior leaders, junior leaders, and Soldiers. The morale and command climate perception was higher for those interviewed and surveyed leaders and Soldiers who deployed prior to November 2003 and had redeployed from OEF/OIF than those that were still in country or arrived after the first of the year when living conditions started to improve.

The morale and command climate perceptions varied depending upon the difficulty of the unit's mission and its location. Soldiers conducting detainee operations in remote and dangerous locations complained of very poor to poor morale and command climate due to the lack of higher command involvement and the perception that their leaders did not care. These Soldiers stated that the leadership from higher commands hardly ever visited their locations, they were living in much worse conditions than other Soldiers, they suffered increased dangers, they were untrained to perform their mission, and the work schedule/lack of personnel depth caused them to "burn out."

Of the Soldiers who arrived in theater since November/December 2003 (61%, 194 of 318), expressed morale as good to excellent, while 51% (145 of 285) of Soldiers who deployed during the initial stages of OEF/OIF complained of poor morale, but also expressed that it seemed to get better with time.

Most Soldiers talked of how morale improved as living and working conditions improved. A majority of Soldiers mentioned the arrival of air conditioning, installation of Internet cafes, rest and recuperation (R&R) trips to Qatar, and environmental leave as some of the things that improved morale. Many engaged in Morale, Welfare, and Recreation (MWR) activities, such as weight lifting, basketball, softball, billiards, and ping-pong. Many enjoyed TV, hot meals, satellite phones, volleyball, and MWR bands in some locations. Soldiers were very pleased with how the leaders helped and listened to them more than they had before. The majority of Soldiers got more downtime or time off when possible. Most leaders expressed a need to continue to obtain more comfort items sooner to speed up improvements in living conditions as a measure to boost the morale.

The survey was given to every leader and Soldier that was interviewed and in sensing sessions both in theater and CONUS. The survey revealed that the majority of leaders and Soldiers agreed that unit members can depend, cooperate, and stand up for each other, which are factors of having good unit morale. In addition, leaders and Soldiers were told when they were doing a good job, were not embarrassed in front of peers, and were not assigned extra missions by leadership to look good for the chain of command, which are some indicators that there is a perception of a good command climate. Although the morale and command climate was poor under certain conditions, it steadily improved as living conditions in the theater improved over time.

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

**b. Finding 10:**

(1) Finding: Detainee administration, internment, and intelligence exploitation policy and doctrine does not address detainee operations conducted in the current operating environment, which has a higher demand for human intelligence exploitation at the tactical level and the need for additional classifications of detainees.

(2) Standard: See Appendix E.

(3) Inspection Results:

POLICY

Although classified detainee operations policy has been issued to address individual situations at specific geographic locations, current published detainee operations policy in AR 190-8, Enemy Prisoners of War, Retained Personnel, Civilian Internees and Other Detainees, 1 October 1997, does not address additional definitions of detainee designations and related treatment requirements. In addition to enemy prisoners of war (EPWs) in OPERATION IRAQI FREEDOM (OIF) and compliant, non-hostile civilian internees (CIs) in OPERATION ENDURING

FREEDOM (OEF) and OIF, units were faced with capturing, transporting, segregating and controlling other categories of detainees, such as non-state combatants and non-compliant CIs. AR 190-8 also does not address the relationship between mission requirements for re-establishing a civilian prison system and detainee operations. Policy must address requirements for expanded employment of confinement expertise for managing detainee security, custody, and control challenges for a wider array of detainee designations. Policy must also address the confinement expert's role in standing up indigenous prison systems, enabling rapid segregation and transfer of criminal detainee populations from U.S. Forces to indigenous control.

The DAIG Team found the addition of new detainee administrative policy classifications of detainees resulted in inconsistent administrative procedures. Current doctrine, regulations, and policy are based on a linear battlefield and a largely compliant population, with the primary goal of removing individuals from the battlefield. In addition to EPWs and compliant, non-hostile CIs, units in OEF and OIF were confronted with capturing, transporting, processing, and confining other classifications of detainees, such as non-state combatants and non-compliant CIs. The nature of the environment in which we now conduct detainee operations requires a more specific classification of the detainees interned. Instead of compliant, non-hostile detainees, units are capturing and transporting non-state combatants, insurgents, criminals, and detainees who are either known or perceived security threats. Policy needs to be updated to address the management of detainees captured and detained primarily for intelligence exploitation, the potential security threat they may pose, or the pending reestablishment of indigenous prison systems.

Army Regulation (AR) 190-8, Enemy Prisoners of War, Retained Personnel, Civilian Internees and Other Detainees, 1 October 1997, accords appropriate legal status using four detainee classifications: EPW, Retained Personnel (RP), CI, and Other Detainees (OD). In OEF and OIF, various fragmentary orders, policy memorandums, and unit standing operating procedures utilized several variations on these classifications, including Enemy Combatants, Under-privileged Enemy Combatant, Security Internee, Criminal Detainee, Person Under U.S. Forces Control (PUC), and Low Level Enemy Combatant (LLEC). In accordance with AR 190-8, administrative and treatment requirements are based on the classification assigned to a particular detainee. For example, detainees are to be segregated in facilities according to their status. The development of classifications not correlated to one of the four terms defined in AR 190-8 resulted in confusing and ambiguous requirements for those charged with managing detainees and created the potential for inconsistent treatment. From points of capture to internment/resettlement (I/R) facilities, there are varying degrees of understanding as to which standards apply to the various classifications of detainees in OEF and OIF. Policy does not specifically address administrative responsibilities related to the timely release of detainees captured and detained primarily for intelligence exploitation and/or the potential security threat they may pose. Administrative processing of detainees by units in OEF and OIF was not standardized or fully compliant with policy and doctrine.

The time between capture and receipt of an Internment Serial Number (ISN) at an I/R facility far exceeded the time specified in policy and doctrine. Once the detainee reached an I/R facility, the required documentation received from collecting points (CPs) was often incomplete. The National Detainee Reporting Center (NDRC) did not receive all mandatory data elements, or in a timely manner, as detainee designation was often not determined until long after capture. From points of capture to corps holding areas, detainees are to be moved "as soon as practical"

depending on the condition of the detainee, the threat faced in moving them, and military necessity. The non-linear nature of the battlespace and missions dependent on human intelligence made administrative processing a secondary priority to intelligence exploitation of detainees. This had additional second- and third-order effects on accountability, security, and reporting requirements for detainees. Detaining individuals primarily for intelligence collection or because of their potential security threat, though necessary, presented units with situations not addressed by current policy and doctrine.

Administrative processing is further hampered by the absence of the Branch Prisoner of War Information Center (now called the Theater Detainee Reporting Center (TDRC)), the central agency in theater required by policy to manage information on all EPW, CI and RP and their personal property. This resulted in missing data on individual detainees, poor detainee and property accountability, and the inability of the NDRC to completely and accurately report all required data elements to the DoD, the Army, and other appropriate agencies. Inadequate property accountability could also result in claims against the U.S. government for losses incurred by detainees while in U.S. custody.

According to Department of Defense Directive (DoDD) 2310.1, DoD Program for Enemy Prisoners of War (EPOW) and Other Detainees, 18 August 1994, the transfer of detainees to or from the custody and control of U.S. Forces requires the approval of the Assistant Secretary of Defense for International Security Affairs (ASD(ISA)). In OEF, oversight of detainee operations policy was transferred from ASD(ISA) to the Assistant Secretary of Defense for Special Operations and Low Intensity Conflict (ASD(SO/LIC)) in a memorandum dated 17 January 2002, SUBJECT: Responsibility for Detainees in Association with the Global War on Terrorism. In OIF, ASD(ISA) maintained transfer authority under DoDD 2310.1 for most detainees, but ASD(SO/LIC) had authority under the 17 January 2002 memorandum for specific classifications of detainees. Release decisions were made by commanders or review boards at multiple echelons of detention in OIF, from points of capture to the Detainee Release Board (DRB) developed by CJTF-7. The DAIG Team did not find evidence of ASD(ISA) oversight of release decisions in OIF.

Complex detainee release mechanisms contributed to overcrowding of I/R facilities. Multiple reviews were required to make release recommendations prior to approval by the release authority. Non-concurrence by area commanders, intelligence organizations or law enforcement agencies resulted in retention of larger numbers of detainees. Interviews with the CJTF-7 Chief Magistrate, Appeal & Review Board members, and Release Review Board members indicated they believed up to 80% of detainees being held for security and intelligence purposes might be eligible for release upon review of their cases with the other 20% either requiring continued detention due to security reasons or continued intelligence requirements. Interviews also indicated area commanders were reluctant to concur with some release decisions out of concern that potential combatants may be re-introduced into their areas of operation. The Ryder Report referenced the overcrowded conditions and recommended holding Iraqi magistrate proceedings at individual facilities, reducing the requirement to manage many detainees centrally. Release of those individuals locally would substantially reduce the detainee population and the related resources and manpower, and would improve the capability to manage the remaining population. The remaining detainee population would be made up of only those criminals awaiting the restoration of the Iraqi prison system, those who are under active or pending interrogation, or those being held for specific security reasons.

During interviews and sensing sessions, the DAIG Team noted all Active Component and Reserve Component leaders indicated that current detainee operations policy was not consistent with the requirements of ongoing operations in OEF and OIF. Detainee operations policy must reflect requirements of the Future Force for strategic and operational versatility—conducting combat and stability operations simultaneously—while operating in a joint environment. As Army Transformation continues, detainee operations policy should be appropriate for and responsive to the requirements of non-linear battlespaces. Policy should provide specific guidance for a wider array of detainees who have significantly varying security requirements. This will reduce confusion in relation to the applicability of these requirements to various categories of detainees.

The Ryder Report points to several areas where current policy is not sufficient for detainee operations. It stated that, ". . . more detailed instructions in areas such as discipline, instruments of restraint, and treatment of prisoners awaiting trial. . ." are needed. The report suggested that the 800th MP Brigade's challenges in adapting its organizational structure, training, and equipment resources to expand from a purely EPW operation to also managing Iraqi and third country national detainee populations can be attributed to a lack of policy guidance. The Taguba Investigation also points to a lack of sufficient policy and training on existing policy.

The DAIG Team concluded DoD-developed classifications of detainees were different from those found in AR 190-8 and led to inconsistent segregation of these groups as directed by policy. The lack of an adequate system-wide capacity for handling detainees, the lack of specific policy on adequacy of information/evidence collection, and the lack of an operating detainee release process at all echelons, along with the perceived need to conduct interrogations closer to the point of capture, caused units to retain detainees beyond doctrinal time periods and without properly segregating the various classifications of detainees. The decision by capturing units to hold and interrogate detainees also interfered with the policy requirements for accountability of detainees and their property within the system, leading to substantial delays in determining an individual's status and his/her subsequent disposition. Policy must address the appropriate, safe, secure, and humane custody of detainees, the specialized confinement skills required in a high-risk detainee I/R setting, and the need for timely intelligence exploitation of detainees in a non-linear battlespace. Lack of a TDRC contributed to units' failure to administratively process detainees in accordance with all regulations and policy, and the loss of theater-wide detainee and property accountability. Incomplete documentation and a cumbersome review process caused detainees to be held for extended periods of time and contributed to the overcrowding of I/R facilities.

## DOCTRINE

Current doctrine was designed to quickly evacuate compliant, non-hostile enemy prisoners of war (EPWs) and CIs from point of capture to I/R facilities. It does not envision the demands of gaining immediate, tactical human intelligence, hence the requirement to detain and interrogate at lower levels. The nature of OEF and OIF battlespaces, coupled with the urgent need for human intelligence (HUMINT), compelled many units to adapt their tactics, techniques, and procedures (TTPs) for conducting detainee operations. While the necessary basic skill sets and organizational responsibilities contained in current detainee operations doctrine remain applicable, the procedural timelines for detainee processing and movement from the point of capture to the I/R facilities do not consider current operational needs. Also the unit task

organizations for detainee processing and movement are not properly resourced to meet many of the challenges faced in OEF and OIF.

During interviews and sensing sessions, the DAIG Team noted leaders and Soldiers indicated current detainee operations doctrine was not consistent with the requirements of ongoing operations. According to current doctrine, the swift flow of detainees to the rear is critical in getting them to trained interrogators for intelligence exploitation, and to secure them in I/R facilities designed and operated for long-term internment. Under present doctrine, combat units must rely on support elements from other units to perform many mission-related tasks (e.g., MPs to provide escort and guard functions, and Tactical Human Intelligence (HUMINT) Teams (THTs) to screen detainees at points of capture and forward collecting points (CPs)). While current doctrine is meant to relieve combat formations of the significant manpower and logistical requirements for managing detainees before they have a negative impact on combat effectiveness, it has failed to do so in OEF and OIF. Current doctrine does not address a non-linear battlespace where units at division level and below hold detainees for extended periods of time to provide commanders with intelligence for the conduct of effective tactical operations. Traditional task organizations are not properly resourced to meet the needs of this new operating paradigm.

Standing operating procedures (SOPs) for CPs and I/R facilities that were drafted by units prior to deployment (and in accordance with current doctrine) were found early on to be outdated based on the current operating environment for OEF and OIF. Soldiers were required to perform effectively in a variety of missions across a spectrum of operations. Units quickly found themselves taking on roles in detainee operations which were unanticipated. For example, the need for timely intelligence compelled officers and Noncommissioned officers (NCOs) in combat units to conduct tactical questioning even though none had been trained in proper interrogation TTPs. Manpower shortages at CPs and I/R facilities were satisfied by using in lieu of (ILO) units; most received little or no training in detainee operations.

The limitations of current doctrine meant that mission, enemy, terrain and weather, time, troops available, and civilian (METT-TC) considerations often drove the design and operations of division CPs and battalion and company CPs. This had negative second- and third-order effects on the accountability, intelligence exploitation, security, and safeguarding of detainees. Instead of capturing and rapidly transporting detainees to doctrinal CPs, battalions and companies were holding detainees for up to 30 days without the training, materiel, or infrastructure for doing so. The desire for timely intelligence, transportation and security concerns, and delays in administrative processing caused units at all echelons to retain detainees for periods of time that exceeded those recommended by doctrine. While adapting and operating outside of established doctrine is necessary and desirable, especially when current doctrine fails to meet the needs of ongoing operations, doing so carries with it a requirement to ensure that mission effectiveness is not hampered while ensuring safeguards are in place to prevent unsanctioned activities and meet other established requirements.

The DAIG Team observed and determined through interviews and sensing sessions that capture information was often incomplete when detainees were processed at detention locations. Capturing units lacked knowledge of procedures for information and evidence collection, critical for the accurate disposition of detainees. This was particularly apparent as OIF 2 units began deploying into theater and new commanders were faced with making release decisions based on insufficient information and documentation. The lack of required information

and specificity resulted in an administrative processing backlog at all echelons of internment. CPs and I/R facilities now require capturing units to have complete documentation prior to the transfer of a detainee into their custody.

Current interrogation doctrine for intelligence preparation of the battlefield and the composition and structure of interrogation assets does not adequately cover the current operational environment. Field Manual (FM) 34-52, Intelligence Interrogation, 28 September 1992, describes military interrogation approaches that remain valid, but the FM may not include all acceptable and effective techniques. Army interrogators receive 16.5 weeks of intensive training on interrogation procedures and techniques at the Human Intelligence Collection Course. This training includes collection priority, screening, planning and preparation, approaches, questioning, and termination of the interrogation. Specific instruction on the laws of land warfare emphasizes compliance of all Army interrogation TTPs with the Geneva Conventions and Army policy. All Army interrogators interviewed in OEF and OIF stated they were performing interrogations of detainees in accordance with policy and doctrine.

The Ryder Report and Taguba Investigation indicated deficiencies in detainee operations doctrine. The Ryder Report noted significant variances from doctrine and highlighted the need for changes in current doctrine to address the "significant paradigm shift" in detainee operations. The report, however, does not provide information on specific instances where doctrine needs to be revised. (The report did state, "the team will forward suggested doctrinal and organizational changes to the appropriate proponent schools for review and action.") The Taguba Investigation of the 800th MP Brigade found, "basic Army doctrine was not widely referenced or utilized to develop the accountability practices throughout the 800th MP Brigade's subordinate units." Procedures were "made up," with "reliance on, and guidance from, junior members of the unit who had civilian corrections experience." The relevance of current doctrine to present and future operations was beyond the scope of the Taguba Investigation. The DAIG Team found the statements made in these earlier reports to be consistent with the results of this inspection.

Findings from interviews, sensing sessions, and direct observations of AC and RC units consistently indicated that current doctrine fell short in preparing Soldiers to conduct detainee operations in the fluid and dynamic environment of OEF and OIF. Detainee operations doctrine needs to fulfill the requirement of the Future Force for strategic versatility—conducting combat and stability operations simultaneously—while operating in a joint environment with relative independence and at a high operational tempo. As Army Transformation continues, detainee operations doctrine needs to be appropriate for, and responsive to, the requirements of asymmetric battlespaces, the role of non-State belligerents, and modular force structures.

(4) Root Cause: Current doctrine and policy does not provide adequate guidance for detainee operations in OEF and OIF.

(5) 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.

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

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.

**c. Finding 11:**

(1) Finding: Shortfalls in both the Military Police and Military Intelligence organizational structures resulted in the tactical unit commanders adjusting their tactics, techniques, and procedures to conduct detainee operations.

(2) Standard: See Appendix E.

(3) Inspection Results:

DOCTRINE

Doctrine indicates that Military Police (MP) units accept detainees from capturing units as far forward and as rapidly as possible. MPs operate divisional forward collecting points (CPs), divisional central CPs, and corps holding areas (CHA). MP units operating CPs and CHAs have the responsibilities to sustain, safeguard and ensure sick and wounded detainees receive medical treatment.

A platoon from the division MP company operates the forward CPs and should hold detainees for no more than 12 hours before transporting detainees to the central CP. The central CP should not hold detainees for more than 24 hours before transporting detainees to the CHA. Units will protect the detainees from enemy attacks and provide medical support, food, potable water, latrine facilities, and shelter. Detainee property is tagged with part C of Department of Defense (DD) Form 2745, Enemy Prisoner of War Capture Tag, and given to the escort guards. The MP leader will request transportation through logistic channels to transfer detainees from the forward CP to the central CP with the same procedures to transport the detainees to the CHA.

The CHA is operated by a platoon or company from a corps MP battalion and should not keep detainees for more than 72 hours. The decision to hold detainees longer is based on mission, enemy, terrain, time, troops available and civilian (METT-TC) considerations and the availability of forces. An MP platoon can guard 500 detainees, while an MP company can guard 2,000 detainees. As the population of the CHA increases, detainee evacuations to the internment/resettlement (I/R) facility also increase. Logistical requirements for food, water, medical care and sanitation must be considered. Locations for use by Military Intelligence (MI) interrogators need to be identified. The MP leader will request transportation through logistic channels to transport detainees from the CHA to the I/R facility.

The I/R facilities provide appropriate segregation, accountability, security, and support of detainees. An I/R facility is semi-permanent and normally consists of one to eight compounds,



with each compound capable of interning 500 detainees. The facility is operated by the HHC, MP battalion (I/R) (EPW/CI/DC) which provides command and control, administrative, and logistics functions to operate the facility. The battalion is capable of interning and supporting 4,000 enemy prisoner of war (EPWs) and civilian internees (CIs) or 8,000 dislocated civilians (DCs). An MP company (Guard) is assigned to provide guards for EPWs, CIs, and DCs, at the I/R facility. The company is capable of securing 2,000 EPWs, 2,000 CIs, or 4,000 DCs. The MP company (Escort Guard) provides supervision and security for evacuating and moving EPWs, CIs, DCs and other detained persons via vehicles, trains, aircraft, and road marches. The minimal security requirements for the facility include clear zones, guard towers, lights, sally ports, communications, and patrol roads. The MP and support personnel accepting detainees into the facility will search the detainee, conduct medical screening, perform administrative accountability, photograph and fingerprint as needed, account for personal property, and review records.

Doctrinally the first location an interrogation could take place is at the brigade. The interrogation teams are temporarily attached to the brigade from the division MI battalion interrogation section. The teams at the brigade level are strictly tactical and deal with information of immediate value. Interrogators are not usually assigned below the brigade level unless the combat situation requires limited tactical interrogation at battalion or company. Interrogations below brigade level are brief and concerned with information bearing directly on the combat mission of the capturing unit. This information is immediate tactical intelligence that is necessary for mission accomplishment and permits rapid reaction based on the information obtained.

In addition, MP personnel and MI interrogator teams at CPs and CHAs need to work closely together to determine which detainees, their personal belongings, and completed paperwork will offer intelligence information that would be useful to the command. The MI interrogators must support operations from brigade to theater level. Interrogators have to be highly mobile, and have communication equipment to report timely intelligence information to the supported commander.

Units conducting detainee operations in OPERATION ENDURING FREEDOM (OEF) and OPERATION IRAQI FREEDOM (OIF) adapted tactics, techniques, and procedures to make up for organizational shortfalls and to fill the void in doctrine resulting from the current operational environment.

#### OPERATION ENDURING FREEDOM

In OEF, units at point of capture processed their detainees at a non-doctrinal company CPs that held the detainees for up to 72 hours before releasing them or transporting them to higher headquarters. Detainees were held longer than 72 hours if required for intelligence purposes. Battalion Tactical Human Intelligence (HUMINT) Teams (THTs) sent to the company were extremely successful in gathering intelligence information from the detainees. If the THT was not available, the commander determined whether to detain or release a detainee after screening. MP personnel were not assigned to these company CPs, so the forward units had to provide their own guard force for the detainees. This additional duty took Soldiers away from performing their combat mission, which decreased the combat effectiveness of the unit. To process a detainee into the CP, the unit had to complete all required paperwork. The unit inventoried and tagged detainee personal property which would accompany the detainee when

he was repatriated or transferred to another location. The unit also tracked detainees with a Department of the Army (DA) Form 2708, Receipt of Inmate or Detained Person, when they were transferred to another location. The company CP provided detainees with food, water, shelter, and limited medical treatment.

The battalion CP held anywhere from 11 to 24 detainees for a period of 2 to 30 days. The battalions operating the CPs received sufficient information from the point of capture units to aid in their processing of the detainees. The interrogators examined all evidence before they began interrogating a detainee. When there was no THT present, commanders screened detainees for their intelligence value to determine if they should be released or transferred to the I/R facility. The determination to retain or release detainees at lower levels helped to ease the backlog of detainees requiring screening and questioning at higher locations. There were no MP personnel assigned to the battalions to support the battalion CPs. The battalions drew guards from their subordinate companies to act as a guard force for the detainees. This requirement to guard detainees diverted Soldiers from performing their combat mission and decreased the combat effectiveness of the unit. The unit leadership supervised its Soldiers to ensure detainees were protected, accounted for, and safeguarded. The unit provided detainees with; food, bottled water, shelter, and limited medical treatment. The unit evacuated detainees by air or tactical vehicles to higher level facilities.

The division central CP at Kandahar was operated by platoons from an MP Company. The MP personnel in-processed the detainees, inventoried their personal property on a DA Form 4137, Evidence/Property Custody Document, placed their items in bags (if they would fit) or large suitcases and other items. A copy of the inventory sheet was placed inside with the property (with the detainee internally generated identification number) and stored the property in a secure area. The detainees were physically searched, checked for injuries, digitally photographed, and if sick or wounded, evacuated to a medical treatment facility (MTF) for treatment. The central CP held anywhere from 23 to 40 detainees. Most detainees were repatriated or transferred within 72 hours of arrival at this location, however detainees could be held longer for intelligence exploitation. MP guards escorted detainees to the interrogators and remained in close proximity during the interrogation. Since the detainees did not leave the facility, there was no custodial transfer of detainees to interrogators. When an interrogator requested to screen detainee personal effects prior to the interrogation, the MP guard would have the interrogator sign for the items prior to releasing them. The unit provided detainees with food, bottled water, shelter, blanket, Qur-an, medical treatment and showers for personal hygiene. CP personnel transported detainees by air to the I/R facility.

Detainees were held at the Bagram I/R facility for an unspecified length of time. The facility could house up to 275 detainees and, at the time of the inspection, housed 175. The I/R facility was operated by an MP battalion. The MP battalion did not deploy with two of its organic MP companies, but was augmented with two Reserve Component (RC) MP companies, one company was an MP company (combat support) and the other was an MP company (guard), to aid them with the internment duties. Upon a detainee's arrival, the MPs in-processed the detainee's personal effects and accounted for the items on a DA Form 4137. The evidence custodian signed for the property and stored it in a secure area. The detainee was photographed, received a medical screening including height and weight, was issued a jumpsuit, showered and shaved, and then was photographed again. The MP guards escorted the detainee to the interrogators and remained in close proximity to the interrogation. Since the detainee did not leave the facility there was no custodial transfer of the detainee to the

interrogator. If the detainee was transferred outside the facility, a DD Form 2708, Receipt of Inmate or Detained Person, was completed and signed to maintain accountability. Upon return the detainee received a complete medical exam to check for injuries. When an interrogator requested to screen detainee's personal effects prior to the interrogation, the MP guard would have the interrogator sign for the items. The interrogators used the same screening sites they use for interrogations to review personal effects. One MI Officer felt there was a doctrinal shortcoming pertaining to interrogation operations. He felt there should be a standing operating procedure (SOP) for the operations of a joint interrogation facility (JIF) that is standard Army wide. MP personnel provided the detainees with food, bottled water and access to medical treatment. The detainees slept in cells, received blankets and had access to latrines and showers.

### OPERATION IRAQI FREEDOM

Based on interviews and sensing sessions with leaders and Soldiers in Continental United States (CONUS)/Outside CONUS (OCONUS) the DAIG Team found 50% (13 of 26) of interviewed point of capture company leaders stated that their companies had established and operated non-doctrinal company CPs in OIF. These companies detained individuals during their cordon and search operations and raids. The remaining 50% of interviewed point of capture company leaders transported their detainees to the next higher collecting point. The companies held anywhere from 3 to 15 detainees for a period of 12 hours up to 3 days. This was longer than the recommended doctrinal standard of 12 hours. Doctrine also has the MP operating CPs to temporarily secure EPWs /CIs until they can be evacuated to the next higher echelon's holding area. MP personnel are not doctrinally assigned at the company level to collect or guard detainees. The capturing unit had the responsibility to guard their detainees for extended periods of time, which took the Soldiers away from performing their combat mission and adversely impacted the combat effectiveness of the unit. The company CPs were established to interrogate detainees closer to the point of capture prior to evacuating the detainee to the next higher level CP. The unit completed the required detainee paperwork at this location. The required paperwork included 2 sworn statements, the Coalition Provisional Authority Forces Apprehension Form, and DD Form 2745, Enemy Prisoner of War Capture Tag. The unit had to complete this process in order to evacuate the detainees to the next higher location. Units inventoried and bagged the detainees' personal property as part of the paperwork process. Of the interviewed company leaders that had established the company CPs, 62% (16 of 26) said they would interrogate the detainee to gather information while holding them at the company CP. This tactical questioning (TQ) was more than just asking the detainee basic questions (name, age, place of residence, etc); it was an attempt to gather intelligence that might aid the unit in locating other potential targets. In a few cases, when available, units had THTs to conduct initial intelligence screening of detainees. Another 15% (4 of 26) of interviewed company leaders that had established the company CPs, asked detainees basic questions to complete the paperwork. The remaining 23% (6 of 26) of interviewed company leaders that had established the company CPs said they did not conduct interrogations or question detainees at all. The unit leadership did not have the proper training in interrogation procedures and techniques to conduct effective interrogations. Without training, individual conducting interrogation could possibly jeopardize vital intelligence information instead of quickly processing and transporting detainees to an area with trained interrogators. The company CP provided detainees with; food, bottled water, limited shelter and limited medical treatment. The unit transported detainees to the battalion CP during re-supply assets operations for unit security.

Of the interviewed combat arms brigade/battalion leaders who performed cordon and search missions and raids 77% (10 of 13), operated their own non-doctrinal battalion CPs. The remaining three interviewed battalion/brigade leaders said they did not operate CPs but would transport the detainee to the division forward CP. Battalions held 12 to 20 detainees at their CPs for 12 hours up to 14 days, relying on their subordinate units to guard the detainees for extended periods of time. This guard requirement took Soldiers away from performing their combat mission and adversely impacted the combat effectiveness of their units. MP personnel are not doctrinally assigned at the company level to collect or guard detainees. The battalions required capturing units to complete all mandatory paperwork (sworn statements, Coalition Provisional Authority Forces Apprehension Form, and DD Form 2745) before accepting the detainees into their battalion CP. The interviewed combat arms brigade/battalion leaders (77%, 10 of 13) said TQ or interrogations of detainees were performed to gather tactical information if there were no trained interrogators at their location. Battalion commanders and S2s did their own interrogations of detainees to ease the backlog of detainees at CPs. Of these battalion commanders 18% (1 of 13) said they had a THT team at their location to conduct interrogation of detainees and 15% (2 of 13) said they did not question detainees. There were not enough interrogators to be pushed down to battalion level to conduct interrogations of detainees. Without trained interrogators at the battalion level and below, the units risked missing intelligence information by holding detainees, instead of quickly processing and transporting them to an area with trained interrogators. The battalion CPs provided detainees with; food, water, shelter, blankets, latrines, and limited medical treatment. Battalions transported the detainees to the division forward CP during re-supply operations.

Based on interviews with leaders in OCONUS/CONUS who said they operated division forward CPs located in a brigade area, the DAIG Team found 45% (5 of 11) were operated by non-MP units during the period of May 03 to April 04. Another 27% (3 of 11) of division MP platoons operating CPs required augmentation from 4 to 14 Soldiers from Infantry units to help them with this mission. The remaining 27% (3 of 11) of CPs were operated by MP platoons. The forward CPs held between 4 to 150 (150 detainees in one incident) detainees from 24 hours up to 54 days. The MP platoon provided trained MP personnel to handle, safeguard, and account for detainees. This included reviewing the point of capture unit's paperwork for each detainee, assigning detainees an internally generated detainee number, and a complete inventory of each detainee's personal belongings on a DA Form 4137. The personal belongings were bagged with the DA Form 4137 to include a matched internally generated detainee number and secured in an evidence room, separate cell, small footlocker, container, or tent. If the unit delivering detainees to the forward CP did not have the required paperwork (sworn statements, Coalition Provisional Authority Forces Apprehension Form, and DD Form 2745), the in-processing personnel would not accept the detainee into the CP until the unit completed the paperwork. The paperwork, to include evidence the unit brought in with the detainee, was a critical source of useful information the interrogator could use during their interrogations. The brigades were using their MI interrogators and contracted interpreters to interrogate detainees and gather tactical intelligence information for their units. Personnel operating CPs had different procedures in place for transferring a detainee to an interrogator. If the detainee was not leaving the CP then the guard did not have the interrogator sign for the detainee. When the interrogator was finished with the detainee he would return the detainee to the guard who would then return the detainee to the cell. However, if a detainee was taken outside the CP then the interrogator would sign for the detainee on a DD Form 2708 or DD Form 629, Receipt for Prisoner or Detained Person. Upon the detainee's return, the guards would sign for the

detainee and the medic or guard would check the detainee for marks or bruises and then annotate the marks or bruises if any, on an SF 600, Medical Record - Chronological Record of Medical Care. The DAIG Team did a sampling of detainee records to include the SF 600 and the team found no annotations of marks or bruises. The detainees were provided; food, bottled water, shelter, blankets, latrines, and medical treatment. The unit transported detainees to the division central CPs by either ground (wheeled convoy) or air (CH-47 helicopter).

Two of 4 division central CPs were operated by a platoon from the division MP company, which required augmentation of 7 to 15 Soldiers from Infantry or Engineer units to help them with this mission. The remaining two division central CPs were operated by platoons from a different division or from a company from the MP battalion (Corps). MP platoons provided trained personnel to handle, safeguard, account for, and input information into the Detainee Reporting System (DRS) and or Biometric Automated Tool Set (BATS) system. This included a review of point of capture paperwork for each detainee and an inventory of their personal belongings on DA Form 4137. Once the inventory was complete the evidence custodian locked the detainee's personal property in a separate room. The central CPs used both MI interrogators and contract interrogators and interpreters to interrogate detainees. The MP guards did not have the interrogator sign for the detainee if the interrogator was not departing the CP. Division central CP SOP required the guards to have the interrogators sign a DD Form 629 or DD Form 2708, and enter the information on their DA Form 1594, Daily Staff Journal or Duty Officer's Log, if the detainee departed the CP. Three Provost Marshals said Other Government Agencies (OGAs) did interrogate detainees, however, this required their approval, and the OGAs had to sign for the detainee. Upon their return they were examined and resigned for to regain custody of the detainee. The division central CP held anywhere between 70 to 200 detainees from 72 hours up to 45 days. The division central CP provided the detainees with food, bottled water, shelter, blankets, latrines, and medical treatment. The division central CP transported detainees by ground convoys or helicopter to I/R facilities.

I/R facilities were operated and controlled by MP battalions, MP companies, and in lieu of units (non-MP units). MP personnel processed the detainees into their facilities, which included checking the detainees against the roster for arrival, obtaining weight and height, issuing an Internment Serial Number (ISN), medical screening, inventorying, and tagging property, and review of paperwork (sworn statement, Coalition Provisional Authority Forces Apprehension Form, completed DD Form 2745 verifying that detainee data was entered into the DRS system, and amending and updating the database information as required. The detainee's personal property was annotated on DA Form 4137 and placed in a bag or a box with the detainee's ISN number. The property was then placed in a controlled access evidence room. Each detainee was issued a blanket, jumpsuit, shoes, and a Qur-an as part of their in-processing.

There was no specific length of time I/R facilities held detainees. The I/R facilities held anywhere from 1700 detainees up to a maximum of 7000 detainees depending on the facility. Inside each I/R facility were a series of compounds housing from 450 to 700 detainees each. The operations of I/R facilities and compounds were the responsibility of the MP (Combat Support) battalions who were sometimes not properly equipped with specific items necessary for detainee operations and were not trained specifically on detainee tasks in order to perform this mission. Additionally, in lieu of (ILO) units assigned the guard force (tower) and escort mission for I/R facilities received limited MP training at their Mobilization Site.

Interrogators used the screening procedure to identify a detainee who may have intelligence information. The interrogators screened both the detainee paperwork along with his/her personal effects to determine which individual possessed intelligence information. When an interrogator requested to screen a detainee's personal effects prior to the interrogation, the MP guard would have him sign for the items using DA Form 4137. The MP guard escorted the detainee to the interrogators, and since the detainee was not leaving the facility the interrogator was not required to sign for the detainees. If the detainee was leaving the facility a written authorization was required, and the guard had the individual sign for the detainee on a DD Form 2708 or DD Form 629. The MI units used military and contract interrogators and interpreters to interrogate the detainees. MP personnel provided the detainees with food, water (bottled water or 5 gallon cans), and access to medical treatment. Each compound had shelter, mats or cots to sleep on, latrines, and showers.

(4) Root Cause: Division level units are not resourced with sufficient numbers of Military Police personnel and Military Intelligence personnel (interrogators) to conduct detainee operations in a non-linear battlespace. Point of capture units did not comply with doctrine that requires the quick evacuation of detainees to internment facilities. Units held detainees at CPs closer to the point of capture for longer periods of time to conduct more effective interrogation and intelligence exploitation so they could obtain time-sensitive tactical intelligence.

(5) 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.

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.

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

**d. Finding 12:**

(1) Finding: There was no Theater Detainee Reporting Center (TDRC) acting as the central, theater-level agency responsible for detainee accountability, resulting in a lack of detainee personnel and data management.

(2) Standard: See Appendix E.

(3) Inspection Results: The Office of the Provost Marshal General (OPMG) has redesignated the doctrinal term Prisoner of War Information Center (PWIC) used in the above standards as the TDRC, and the doctrinal term National Prisoner of War Information Center (NPWIC) as the National Detainee Reporting Center (NDRC). The following inspection results will refer to these organizations by their redesignated titles.

The DAIG Team found there was no central agency in theater to collect and manage detainee information for OPERATION ENDURING FREEDOM (OEF) or OPERATION IRAQI FREEDOM (OIF), and no consolidated, comprehensive, and accurate database for detainee

accountability. The TDRC that had the doctrinal mission to maintain detainee accountability was not deployed to OIF or OEF during the timeframe of the inspection. In OIF, the TDRC mission of detainee data collection was consolidated at one location in Iraq and was executed as an additional duty by a battalion S1 section. None of the major functions of the TDRC were performed in accordance with policy. Internment facilities were not fully accounting for detainees or property, and they were not meeting policy requirements. There were no procedures to ensure records on detainee disposition, health status, and personal/evidentiary property were adequately accounted for during movement of detainees between collecting points and internment facilities. Capturing units did not have standardized procedures for recording detainee personal and property information or for maintaining accountability. Doctrine and policy for detainee data collection need to be revised to address technological requirements for personnel accountability systems (biometrics) and the processing of non-compliant detainees in the current operating environment.

The TDRC is the specialized unit whose mission is to be the central agency in theater for total detainee and property accountability, from which consolidated detainee data is forwarded to the NDRC. There are two Reserve Component TDRCs, and no Active Component TDRCs, in the Army. TDRCs are structured as 59-Soldier units consisting of a headquarters detachment, operations, record keeping, property accountability, postal operations, public relations, information management, and other staff sections. TDRCs were not used in OIF or OEF. A TDRC was activated and deployed to Kuwait during the mobilization for OIF, but it did not move forward into Iraq in support of detainee operations and was re-deployed to Continental United States (CONUS). However, the large numbers of captured detainees, holding detainees longer for intelligence exploitation, and a slow release process resulted in a significantly higher detainee population and a demonstrated need for the TDRC.

In OIF, the TDRC mission of detainee data collection for Iraq was assigned to the MP battalion at Camp Bucca and overseen by the S1 as an additional duty. Detainee data was consolidated as it was received from locations throughout the country and forwarded to the NDRC. Forwarded data was often incomplete, and the S1 lacked the resources to track down missing data from reporting internment facilities. The TDRC responsibilities for detainee property accountability, tracking, records management, and postal operations were not met. The S1 performed as well as could be expected with limited organic assets, but it was impossible to execute the many mission requirements that would normally be executed by a 59-Soldier TDRC. A TDRC was not deployed in OEF. The internment facility at Bagram performed the mission of detainee data collection, consolidation, and reporting. Although information management and property accountability were more consistent in Afghanistan than in Iraq, most TDRC responsibilities were not being performed.

In the absence of a TDRC there were inefficiencies in accounting, reporting and tracking of detainee information from internment/resettlement facilities to the NDRC. The NDRC developed the automated Detainee Reporting System (DRS) as a standardized, automated data system that the TDRC uses to consolidate data from the internment facilities and forward to the NDRC. With no TDRC to provide oversight, OIF and OEF detainee processing centers often used simple spreadsheets or alternate automated data systems (Joint Automated Booking System (JABS) and Biometric Assessment Tool Set (BATS)) with the ability to capture biometric data (e.g., fingerprints), but these applications did not capture other data required by Army policy. Moreover, the alternate data systems were not compatible with DRS and could not transfer information to the NDRC. At the direction of the NDRC, the DRS became the primary

automated database that internment facilities were required to use. Concurrently, internment facilities continued to enter data in JABS and BATS due to the inability of DRS to record biometric data. (Note: The DRS is projected to have the capability to collect and store fingerprints by July 2004.) There is a fourth detainee reporting system in place to collect the same data in Arabic for use by the Coalition Provisional Authority (CPA). Because of the use of multiple data systems, incomplete data entry, and the inconsistent implementation of the DRS there are approximately 50,000 missing data points in the NDRC database.

Capturing units did not have standardized procedures for recording detainee personal and property information or for maintaining accountability. In OEF and OIF, units at points of capture and collecting points were not uniformly using DD Form 2745, Enemy Prisoner of War (EPW) Capture Tag. Of the assessed units in Iraq (19%) were using DD Form 2745, compared to 55% in Afghanistan and 30% of units redeploying from both theaters. In Iraq, the Coalition Provisional Authority Forces Apprehension Form was used, a form that is more comprehensive than the EPW Capture Tag. Although the CPA form appears better than DD Form 2745 for the purpose of intelligence exploitation and continued custody determinations, there was no TDRC in theater to manage the use of the form or capture information from the form for forwarding to the NDRC. Units did not uniformly forward documentation (medical, evidence/property, capture, and intelligence documents) when detainees were transferred to other echelons of detention. Furthermore, there was no mechanism during the transfer process to maintain accountability for records that accompanied a particular detainee.

The DAIG concluded the reason for the lack of accountability, standardization and reliability of detainee data is directly related to the absence of the TDRC. The sole purpose of the TDRC, as the field operating agency for the NDRC, is to ensure the accountability of detainees and their property by standardizing practices throughout the theater and implementing DoD and Army policy. An 8-person Camp Liaison Detachment (CLD) was deployed as part of OIF 2 to perform the functions of the TDRC, in addition to numerous other responsibilities. They have received initial training on the DRS, but as a CLD they are not trained on the procedures for executing the other specific TDRC tasks. The CLD may be able to accomplish the TRDC mission if appropriately trained and relieved of additional, unrelated duties, but they lack sufficient manpower to address the backlog of unaccounted-for detainees and property.

(4) Root Cause: The TDRC was not deployed for OEF. In OIF, it was initially deployed and subsequently redeployed without moving forward in the theater.

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

Recommendation: The Provost Marshal General review the TRDC 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.



**e. Finding 13:**

(1) Finding: The ongoing Military Intelligence Force Design Update is better suited to conduct simultaneous and sustained human intelligence missions in the current and future operating environment.

(2) Standard: See Appendix E.

(3) Inspection Results: The DAIG Team found the ongoing Military Intelligence - Counterintelligence/Human Intelligence Force Design Update is better suited than the current Military Intelligence force structure to conduct simultaneous and sustained human intelligence collection and counterintelligence/force protection missions in the current and future operating environments.

The current Military Intelligence (MI) force structure lacks the necessary 97E - Human Intelligence (HUMINT) Collectors (formerly called interrogators) and 97B - Counterintelligence personnel to conduct simultaneous and sustained HUMINT collection and counterintelligence/force protection missions. The current force structure does not allow the commander to employ the doctrinal concept of conducting both HUMINT and counterintelligence missions simultaneously. Currently the commander must choose which mission is the priority. These items are covered in the Current Military Intelligence Force Structure Section below.

The ongoing Military Intelligence - Counterintelligence/Human Intelligence (HUMINT) Force Design Update (FDU), provides the necessary 97E and 97B personnel to conduct simultaneous and sustained HUMINT collection and counterintelligence/force protection missions. Multiple MI initiatives and programs, specifically the Counterintelligence/HUMINT FDU, are reshaping the MI force structure in a multi-tiered approach, to include: increasing the 97E authorizations, converting 97Bs to 97Es, converting 97L (Translator/Interpreter) to 97E and 97B, rebalancing the Active Component (AC) to Reserve Component (RC) mix to move more personnel to the AC, increasing the number of MI units and the dispersion of Tactical Human Intelligence (HUMINT) Teams (THTs) in the division and Stryker Brigade force structures, and designing Human Intelligence (HUMINT) Collection Teams (HCTs) throughout the Unit of Action (UA), Unit of Employment x (UE<sub>x</sub>), and Unit of Employment y (UE<sub>y</sub>) level. These items are addressed in the Military Intelligence - Counterintelligence/Human Intelligence Force Design Update Section below.

#### CURRENT MI FORCE STRUCTURE

The MI mission to gain HUMINT information during detainee operations is performed by the 97E. In contrast, the 97B counters the intelligence gathering of foreign intelligence and security services (FIS). Gathering information from detainees focuses the 97Es on their specialty: gathering and developing intelligence from the local environment. The 97E10 is a highly trained Soldier who has gone through 82 weeks of training. This Soldier has completed language training from the Defense Language Institute, in addition to the required Military Occupational Specialty (MOS) training. Developing this asset is a costly and time-consuming process.

The current force structure does not give the commander on the ground the amount of 97E and 97B expertise required. A divisional MI battalion has all of the 97Es in the division (depending on the type of division, approximately 16 are authorized). The DAIG Team visited one division that had six 97Es. In the current operating environment people are the key terrain, but the force structure lacks 97Es and 97Bs at the brigade level.

The average maneuver brigade has an intelligence team consisting of four 97B - Counterintelligence personnel and three 97E - HUMINT personnel (approximately two Tactical HUMINT Teams (THTs)). These 97Es come from the division MI battalion. The commander must set the intelligence priorities at either HUMINT (gathering intelligence from the local environment and information exploitation from detainees) or at counterintelligence (denying FIS intelligence on U.S. Forces).

G3 Force Developers stated current rotations in OPERATION ENDURING FREEDOM (OEF) and OPERATION IRAQI FREEDOM (OIF) require approximately 130 THTs per deployment. There are approximately four personnel per team. The ongoing Counterintelligence/HUMINT Force Design Update has greatly contributed to meeting the current operational needs. Since 2001, the number of THTs has grown from 300 teams to 450 teams. Even with these changes, the current force structure lacks the depth to meet this doctrinal requirement for a sustained period.

There are usually three 97E HUMINT specialists in the current brigade force structure; they come from the division MI battalion. They gather intelligence on threat forces and capabilities. The 97Es, as part of THTs, accompany patrols, visit communities, talk to local leaders, to gather information on how U.S. Forces are being targeted. The 97Es evaluate the internment/resettlement (I/R) population to identify potential intelligence sources. They conduct interviews and interrogations across the range of detainees, gathering information from civilian internees, enemy prisoners of war (EPWs), and high-risk detainees (HRDs).

Information gathered from detainees is critical to meeting the doctrinal mission of the 97E "to conduct focused collection, analysis, and production on the adversary's composition, strength, dispositions, tactics, equipment, personnel, personalities, capabilities, and intentions". Exploitation of intelligence gathered from EPWs and HRDs is one of the reasons detainees are kept beyond the doctrinal time standard at the point of capture and brigade level. The current force structure of three 97Es in the brigade (division MI battalion assets) provides limited resources to evaluate, gather, and analyze information from detainees.

The 97B counterintelligence mission requires the intelligence assets of the brigade to cover a large section of the local population. The brigade has a total of 4 counterintelligence specialists who gather information on threat forces and foreign intelligence services and their activities and then develop force protection and information denial measures. The 97B focus on denying intelligence to the enemy is based on their ability to stop the following FIS operations: counter-HUMINT, counter-signals intelligence (C-SIGINT), and counter-imagery intelligence (C-IMINT). The 97Bs are not accomplishing their counterintelligence and force protection missions if they are supporting the HUMINT mission of gathering information from detainees.

The current force structure of the MI is a result of the 1997 Quadrennial Defense Review (QDR) process. The QDR reshaped tactical MI units, relying heavily on the Reserve Component (RC) to carry a large portion of MI personnel. Additionally, in 1994 and 1995, the

Army restructured personnel authorizations and sent 97E personnel to the Defense Intelligence Agency.

A substantial number of active component 97Es and 97Bs are in U.S. Army Intelligence and Security Command (INSCOM) Theater Intelligence Brigades (BDEs)/Groups (GPs). Until recently, those personnel were not available to support rotational sourcing.

Some commands were using 97Bs to fill 97E requirements to meet the shortage of personnel who can conduct interrogations of detainees. Commanders who chose the collection and exploitation of information as the priority mission gave up the 97Bs from performing their counterintelligence/force protection mission. However, force protection is still a critical issue due to the non-linear battlefield. Based on the current force structure, the Army has the ability to support either force protection or HUMINT.

Currently, 60% of the 97E and 97B force structure is in the Reserve Component (RC). Deployment of some units as battalions vs. teams in early rotations to OEF followed by OIF artificially reduced the available population to support subsequent rotations. The buildup of RC THTs prior to OIF met the immediate requirement for tactical intelligence but denied a sustained capability. Additionally, the MOS qualification rate in the RC is at 50%. So even if all RC authorized positions were filled, only one-half of the personnel would be deployable.

The TRADOC proponent (U.S. Army Intelligence Center and Fort Huachuca) developed the Military Intelligence - Counterintelligence/HUMINT Force Design Update and other initiatives to meet the requirements of the current and future operating environments. G3 Force Management is restructuring the force through redesign of current Modified Tables of Organization and Equipment (MTOEs) of MI units and creation of new MTOEs. The new force structure increases the authorizations for and distribution of 97E and 97B.

#### MI - COUNTERINTELLIGENCE/HUMAN INTELLIGENCE FORCE DESIGN UPDATE

The Army recognizes the current force structure does not allow the commander to conduct the doctrinal missions of HUMINT and counterintelligence simultaneously. Currently, the commander must choose which mission is the priority. The Counterintelligence/HUMINT FDU was approved on 2 August 2001. Some aspects of the Counterintelligence/HUMINT FDU and other MI initiatives and programs have assisted the force in current operations, while the majority is still ongoing (as of 21 May 2004). The number of THTs in the Army has increased by 50% since 2001 (300 THTs to 450 THTs).

The main portions of the Counterintelligence/HUMINT FDU will occur from 2005 to 2009 Total Army Analysis 09 (TAA 09); additional changes will continue in 2007 through 2011 (TAA 11). The changes to the force structure are being documented in the UA, UEx, UEy, templates and in the Stryker Brigades' Modified Tables of Organization and Equipment.

The near-term changes include adding one counterintelligence company per Theater at Echelon Above Corps Theater Intelligence Groups/Brigades in Fiscal Year (FY) 05-07. The FDU and other initiatives add a variety of active component Counterintelligence/HUMINT Teams to Theater Intelligence Groups/Brigades for an increase of 400 counterintelligence/HUMINT spaces in FY06. Other changes include revising the MI Corps Support BN (MI-CSB) and changing the MI-CSB allocation from one MI-CSB per Theater to one MI-CSB per Corps.

Another Corps-level change is the creation of a "Corps G2X Cell" in the G2 section of the HHC with HUMINT authorizations.

Four counterintelligence and 2 HUMINT companies (U.S. Army Reserve) will activate in FY05-07. Finally, the AC/RC mix will rebalance, resulting in activation of 2 HUMINT companies and 1 counterintelligence company (active component) and deactivation of 2 U.S. Army Reserve counterintelligence companies.

The design of the HUMINT team will change. Previously, Warrant Officers led HUMINT teams; in the future a Sergeant First Class will lead some HUMINT teams. The current force structure can convert to an enlisted-led team by using currently available NCOs.

The Counterintelligence/HUMINT FDU is programmed to increase the number of 97E and 97B Soldiers; 97E will increase by 50%. An increase of "in excess of" 1400 97E and 97B personnel is programmed from FY05-07, including an increase in authorizations for 97E and 97B in the AC. Some of these changes will be the result of rebalancing the AC/RC mix of 97E. The 97E personnel increases have been implemented early and continue to occur. Other changes include the conversion of 460 Compo 2 MOS 97L (Translator/Interpreter) to 97E and 97B authorizations in FY05.

MI Branch will restructure the 97E MOS. 97E10 Soldiers will no longer have a language requirement following initial entry training (IET). By removing the language requirement at Skill Level 1 for 97E MOS the MI branch can send 97E10 Soldiers directly to units to gain experience. The language requirement will shift to a 97E20 requirement. Currently the 97E10 Soldier spends up to 82 weeks post-IET meeting the language requirement.

The Counterintelligence/HUMINT FDU and other initiatives will support the design of elements within the UEy, UEx, and UA. (The current design of the UEy, UEx, and UA are the base for this section of the report). This increase of counterintelligence/HUMINT units at each level is significant and is designed to add an intelligence gathering and processing capability at the UA level, as well as at higher levels. The Army's ability to add counterintelligence/HUMINT resources as it transforms into the Modular Design is based on an increase in the number of 97Es authorizations, which go from the FY04 level of 861 authorizations to the FY 11 projection of 3312 authorizations.

The UEy's Theater Intelligence Brigade will add an Exploitation Battalion and a RC Battalion that are in-Theater assets. The Exploitation Battalion and the RC Battalion will each add a counterintelligence company and a HUMINT company to the Theater, providing an additional 2 counterintelligence companies and 2 HUMINT companies to the commander.

The UEx has a G2X cell designed into its Main HQ staff. The G2X is a new organization not in the current division template. The G2X acts as the single point for all counterintelligence/HUMINT data. The G2X is a 6-person team led by an officer (MAJ/CPT) and contains a CW3 HUMINT Technician, one 97B, and three 97Es. Supplying information to the G2X are the Counterintelligence Control Authority (CICA) and the HUMINT Operations Cell (HOC). The CICA provides the counterintelligence function with 97Bs while the HOC adds 4 more 97Es for the HUMINT function. The G2X also contains a Language Coordination Section which sets up contracts for interpreters. The main HUMINT and counterintelligence gathering capability will exist in the UAs.

There are HUMINT and counterintelligence gathering capability in both Maneuver UAs (MUA) and Reconnaissance, Surveillance, and Target Acquisition UAs (RSTA UA). In the MUA and the RSTA UA the main HUMINT collection will be conducted by the HUMINT Collection Teams (HCTs) which have taken the place of the Tactical HUMINT Teams (THTs). The HCT is made up of four 97E whose mission is to gather HUMINT. This will eliminate the THTs' requirement of dividing the time among the mission of the 97B and the 97E that made up the THT. The THT currently exists in the division force structure and the Stryker Brigade force structure; THTs are not in the UA or UE force structures.

Each MUA has an S2X in the headquarters, serving the same function as the G2X does at the UEx. The MUA also has an MI company with a robust intelligence gathering capability. The HUMINT platoon contains 26 Soldiers focused on gathering HUMINT. The HUMINT platoon has two Operations Management Teams (OMTs) that each manages two HCT. Each OMT also has the ability to serve as a HCT. At the minimum, each MUA has an organic capability to field four HCTs and, if needed, generate 2 more from the OMTs. This gives the UA commander the ability to put HCTs at the point of capture or where detainees are first encountered.

The RSTA UA has a greater HUMINT capability. The MI battalion in the RTSA UA has a Collection and Exploitation (C&E) company and a counterintelligence/HUMINT company. The C&E Company has 3 HCT platoons (28 Soldiers per platoon) with 1 OMT and 5 HCTs per platoon. The C&E Company has a total of 15 HCTs. The counterintelligence/HUMINT company has 9 OMTs and 27 HCTs. At the minimum, each RSTA UA will have 42 HCTs on the ground.

The significant difference from the current division force structure is that the average division has all 16 Soldiers with MOS 97E in the division MI battalion. The UEx will deploy into theater with a modular capability that is based on the mission requirements. If the UEx deploys with 4 MUAs and a RSTA UA, it will have a total of 20 OMTs and 58 HCTs and a robust HUMINT planning, coordination, and analysis capability.

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

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

**f. Finding 14:**

(1) Finding: The ongoing Military Police Force Design Update provides a force structure for internment/resettlement operations that has the flexibility and is better suited to conduct sustained detainee operations in the current and future operating environment.

(2) Standard: See Appendix E.

(3) Inspection Results: The DAIG Team found the ongoing Military Police - Internment/Resettlement Battalion Force Design Update provides a force structure for Military Police internment/resettlement operations that has the flexibility and is better suited than the current Military Police force structure to conduct sustained detainee operations in the current and future operating environments, to include control and internment of high-risk detainees.

The current Military Police force structure lacks the 31E (Internment/Resettlement Specialist) personnel to meet the requirements of manning the current detention facilities and conducting sustained detainee operations in the current and future operating environments, to include control and confinement of high-risk detainees. The 31E is the only Soldier trained to run a detention facility and specifically deals with controlling and confining high value detainees. The Active Component (AC) 31Es are in the Table of Distribution and Allowance (TDA) that runs the U.S. Military Disciplinary Barracks (USDB), staffs Guantanamo Bay Naval Station (GTMO) and other outside the continental United States (OCONUS)-based confinement facilities, and staffs continental United States (CONUS)-based confinement facilities. The Reserve Component (RC) does not have the 31E personnel to provide units to run sustained detainee operations. These items are covered in the Current Military Police Force Structure Section below:

The ongoing Military Police Internment/Resettlement (I/R) Battalion Force Design Update (FDU) standardizes the force structure of Active Component (AC) and Reserve Component (RC) I/R units, converts AC Tables of Distribution and Allowance (TDAs) to I/R Modified Tables of Organization and Equipment (MTOEs), and increases personnel and units throughout the AC and RC force structure. The FDU was approved September 2003, this analysis is based on that data and is current as of 21 May 2004. The increase of deployable 31Es will give Combatant Commanders the flexibility to conduct sustained detainee operations in a non-linear battlefield and the ability to control and confine high-risk detainees (HRDs). The I/R FDU provides the RC force structure necessary to carry out its sustainability mission. Employment of the I/R FDU has been incorporated into the Unit of Employment (UE) design at Unit of Employment y (UEy) level with staff support at Unit of Employment x (UEx) level. These items are covered in the Military Police Internment/Resettlement (I/R) Battalion Force Design Update Section below:

### CURRENT MP FORCE STRUCTURE

The current AC TDA organizations, such as the U.S. Army Disciplinary Barracks (USDB) and Regional Correctional Facilities (RCFs) are not deployable, and each has a different force structure. Each facility will convert to at least one I/R company.

The AC 31E population is based out of 4 installations within CONUS TDA units and 2 Modified Table of Organization and Equipment (MTOE) MP battalions that are OCONUS. In CONUS, the largest population of 31Es is at the USDB at Fort Leavenworth. Large numbers of 31Es are also assigned to the 3 Regional Correctional Facilities (RCFs) at Fort Lewis, Fort Sill, and Fort Knox. These are TDA organizations and not designed to deploy, lacking a rotational base to support the TDA corrections mission and other missions such as GTMO. There are 824 AC MOS 31E authorizations in the Army; of these, 770 are directly related to running the current detention facilities. There are 371 31E authorizations at the USDB. The other 31E authorizations are at Fort Lewis (112), Fort Sill (81), Fort Knox (80), and 24 at Navy/Marine facilities (CONUS and OCONUS). The 2 OCONUS MP battalions contain 31Es in their MTOE,

but lack the depth to support rotations; USAREUR has 76 authorizations and USFK has 26 authorizations. The remaining 54 are not directly working with U.S. prisoners or detainees. These Soldiers are at the U.S. Army Military Police School (24), recruiting (12), AC/RC support (6), and 12 others throughout the AC force.

The deployable 31Es are in the RC. The RC has 119 31E authorizations, 90 of which were filled as of 22 April 2004. The RC internment/resettlement (I/R) units' missions are to deploy or provide backfill for the AC's 31Es that deploy. However, the RC I/R units lack the qualified personnel to sustain the mission. Additionally, the RC has the only I/R command and control elements, two I/R brigades.

This force structure does not support the policy or doctrine requirement for a deployable, sustainable, and standardized, modular MP I/R battalion force design package that can meet the I/R operations objective of processing, handling, caring for, accounting for, and securing EPWs, CIs, RPs, ODs, DCs, and U.S. Armed Forces prisoners, as well as supporting the global war on terrorism (GWOT) and controlling and confining high-risk detainees. The I/R doctrine is a revision of the old Enemy Prisoner of War concept, reminiscent of Cold War doctrine applicable to a unit that is modular, capabilities-based, and deployable.

The new I/R doctrine adapts well to the Units of Action concept, however, the 31E force structure does not support I/R doctrine. FM 3-19.40, Military Police Internment/Resettlement Operations, 1 August 2001, covers most detainee operations, but at the time the doctrine was written, the MP Corps had not yet developed or defined the term high-risk detainee.

FM 3-19.1 Military Police Operations, Change-1, 31 January 2002, and FM 3-19.40, refer to the MPs as having the responsibility for coordinating sustainment for EPW/CI and that I/R battalions are equipped and trained to handle the EPW/CI mission for the long term. This is not true under the current force structure. By doctrine, an I/R battalion should support up to 4,000 EPWs/CIs, 8000 dislocated civilians, or 1500 U.S. Armed Forces prisoners. This formula does not address confinement of high-risk detainees. The current MP doctrine only focuses on long-term confinement of U.S. Armed Forces personnel.

The 31E Soldier receives his/her MOS training as part of Military Police Advanced Individual Training (AIT). All MP AIT is based on 31B (Military Police) training. There is a split in the MP AIT where 31Es and 31Bs go to different tracks. MOS 31E Soldiers take a 4-week Corrections track while the 31B receive 4 weeks of Law and Order training. The 31B (Military Police) do not receive corrections training. 31Bs receive one day of I/R training in MP AIT. The 31E10 gains MOS experience at a correctional facility or the USDB.

The current Military Police force structure is not designed to support Units of Action. The TDA-based AC units are not flexible, adaptable, or deployable.

The U.S. Army Training and Doctrine Command (TRADOC) proponent (U.S. Army Military Police School) developed an I/R Battalion Force Design Update and which was approved September 2003. G3 Force Management is restructuring the force through redesign of current MTOEs of AC and RC MP units and creation of new MTOEs. The new force structure increases the number of I/R units and 31E authorizations and is covered in the next section of this finding.

## MP I/R BATTALION FORCE DESIGN UPDATE SECTION

The ongoing Military Police Internment/Resettlement (I/R) Battalion Force Design Update addresses the flexibility and sustainability of the current MP force structure. The current AC TDA organizations, such as the U.S. Army Disciplinary Barracks (USDB) and Regional Correctional Facilities (RCFs) are not deployable, and each has a different force structure. Each facility will convert to at least one I/R company.

The Director of Force Management approved the I/R Tables of Organization and Equipment (TOEs) on 17 May 2004. The I/R FDU will occur from Fiscal Year (FY04) through FY11. The FDU will standardize the I/R force structures in the AC and RC. The distribution of personnel and units will rebalance between the AC and RC, giving the AC the ability to immediately deploy I/R companies. The RC will have the force structure to accomplish the mission of backfilling Army confinement facilities as well as providing a sustained rotation of deployable units.

The I/R FDU will standardize the force structure and increase the MOS 31E expertise within the units conducting the I/R mission. The I/R battalion will be modular in nature, providing a command and control capability that is flexible and tailorable, that by design supports the Units of Action concept. The MP I/R battalion will be a flexible base that can be tailored to the Theater of Operations and the operating environment.

The I/R battalion Headquarters and Headquarters Detachment (HHD) is a 74-person unit that provides the command and control function and supports a mix of I/R companies, guard companies, and I/R detachments as required. A standard I/R battalion template for deployment could include the battalion HHD, 1 guard company, 1 I/R company, and 3 I/R detachments.

The I/R company is tailored around accomplishing the 31E mission and is the base of the new force structure. It can operate independently or as part of an I/R battalion. The I/R company will have 124 personnel, with 100 31Es. It has the built-in administrative support to conduct detainee operations as well as 2 internment platoons and a Maximum Security Section. The internment platoons each contain 42 personnel while the Maximum Security Section has 12 personnel. The Maximum Security Section is different from an I/R detachment. The I/R company should have the ability in the short term to control and intern HRDs, a capability that is essential in the current operating environment.

The I/R company can either operate as a stand-alone organization or operate as part of an I/R battalion. In either mission it provides command and control, staff planning, administration and logistical services (for both assigned personnel and the prisoner population). If the I/R company operates as a stand-alone unit, it is limited in the detainee operations functions it can perform. The stand-alone I/R company can operate either a U.S. Armed Forces prisoner confinement facility or a high-risk detainee internment facility.

If the I/R company operates as part of an I/R battalion, it can conduct a wider range of detainee operations due to the support of the I/R battalion's guard company and I/R detachments. When the I/R company operates as part of I/R battalion, it can operate the following types of facilities: high-risk detainee internment facilities; Enemy Prisoner of War/Civilian Internee (EPW/CI) internment facilities; or displaced civilian (DC) resettlement facilities.



The I/R company and I/R battalion force structures are focused on the I/R mission. Any I/R unit will require support from the Command it falls under. I/R units will require engineer support to build facilities, medical support for Soldiers and detainees, maintenance support, water purification, and other support as required.

The I/R company's main focus is supporting its 2 internment platoons and 1 Maximum Security Section. The I/R company has different capabilities based on whether it is conducting stand-alone operations or operating as part of an I/R battalion. If operating in the stand-alone function the I/R company has the capability to confine up to 300 U.S. prisoners or detain up to 100 high-risk detainees. If the I/R company is operating as part of an I/R battalion, the I/R company has the capability to detain up to 300 high-risk detainees when supported by 1 MP guard company. The I/R company also has the capability to conduct detainee operations for enemy prisoners of war/civilian internees or resettlement operations for dislocated civilians. In these detainee operations, the I/R company will also require support from one MP guard company.

The Maximum Security Section in the I/R company is responsible for detainees/prisoners who require special supervision, control, and discipline. These detainees/prisoners require close and intense management, special precautions, and more stringent confinement, search, and handling measures. The Maximum Security Section is merged with the internment platoons when conducting high-risk detainee operations.

The MP guard company has personnel and equipment resources to provide a perimeter security function as well as a transportation function. Each guard company has 3 platoons of 31Bs. Each platoon has four 11-man squads. The MP guard company has 3 light medium tactical vehicle (LMTV) trucks and 16 high mobility multipurpose wheeled vehicle (HMMWV) trucks authorized. This robust guard force and transportation assets will give the I/R battalion the capability to control and transport detainees using internal resources.

The I/R detachment is a 24-person unit that exists only in the RC. The I/R detachment augments an AC or RC I/R battalion HHD. There are no 31Es in an I/R detachment; the detachments support the detainee operations mission by providing 31Bs to act as outside-the-wire security and additional support personnel. The I/R detachment is not designed to detain HRD or U.S. prisoners. The 60 I/R detachments allow a high degree of flexibility in modularizing any organization for a mission. These units are designed to be mobilized and attached to other units as needed.

To meet the requirement for the I/R FDU, G3 plans to increase 31E authorizations through conversion of some 31Bs (Military Police) to 31Es (Internment/Resettlement Specialist), increased recruiting for 31E positions, and a redesignation of RC units to the 31E mission.

The conversion of Active Component MP TDA organizations to an I/R company MTOE has begun. The first AC I/R company will activate in FY04 at Guantanamo Bay (GTMO). A total of 10 AC I/R companies will activate by FY11.

The RC will contain the bulk of the 31E units and personnel. The RC currently contains 119 authorizations. When the I/R battalion FDU is completed in FY11, the RC will contain approximately 1720 31E authorizations, a 14-fold increase in personnel.

The U.S. Army Reserve (USAR) will contain most of the I/R battalions, while the Army National Guard (ARNG) will contain most of the I/R companies. By FY11, the RC will be organized with 20 I/R battalions (17 USAR, 3 ARNG) compared to the AC's 1 I/R battalion. The RC will have 17 I/R companies (7 USAR, 10 ARNG) compared to the AC's 10 I/R companies. The RC will contain all 60 I/R detachments (51 USAR, 9 ARNG). The I/R sustainment mission will be supplemented by this RC build-up of 17 I/R companies and 60 I/R detachments.

Based on the currently proposed MTOE, the standard I/R battalion will deploy with a battalion HHD, 1 guard company, 1 I/R company, and 3 I/R detachments. The template for a deployed I/R battalion will contain 427 personnel; 101 of them will be 31Es. The I/R company contains the 31E personnel in the 2 I/R platoons and the Maximum Security Section. The I/R FDU units contain the following personnel:

- I/R battalion HHDs: 74 total personnel (one 31E)
- I/R companies: 124 total personnel (100 31Es)
- I/R platoons: 42 total personnel (41 31Es)
- Maximum Security Sections: 12 total personnel (12 31Es)
- MP guard companies: 157 total personnel (no 31Es)
- I/R detachments (RC only): 24 total personnel (no 31Es)

The I/R FDU is designed to provide I/R units to the UEy that meet the specific requirements of the commander. The primary employment of 31Es will be at the UEy level. They will deploy in the I/R configuration best suited to the mission, whether it be as I/R brigades or I/R battalions. Current planning calls for two 31E NCOs (E-7s) working on the UEx staff, one in the UEx Main and one in the UEx TAC. Both will act as liaisons to the UEy I/R units and as advisors on I/R capabilities at the UEx level. There are no current plans to place 31Es in the Unit of Action (UA) or Stryker Brigades.

A UA will contain a 41-person MP platoon (31Bs). There will be no 31Bs in the Stryker Brigades. In the UEx and UEy, the 31Bs outside of the I/R units will not be primarily tasked with I/R operations.

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

Recommendation: TRADOC integrate the Military Police - Internment/Resettlement Battalion Force Design Update into the development of Units of Action and Units of Employment.

**g. Finding 15:**

(1) Finding: Three of 4 inspected internment/resettlement facilities and many of the collecting points, had inadequate force protection measures, Soldier working conditions, detainee living conditions, and did not meet the minimum preventive medicine and medical treatment requirements.

(2) Standard: See Appendix E.

(3) Inspection Results: The DAIG Team inspected 4 internment/resettlement (I/R) facilities and 12 forward and central collecting points (CPs). Three of 4 inspected internment/resettlement (I/R) facilities, and 3 of 12 (25%) inspected collecting points (CPs), had problems and shortcomings with deteriorating infrastructure that impacted on having a clean, safe, and secure working environment for Soldiers and living conditions for detainees. Poor food quality and food distribution, lack of laundry capability, and lack of personal hygiene facilities at some of these facilities affected the detainees' living conditions. Overcrowding, safety hazards, frequent enemy hostile fire, and lack of in-depth force protection measures also put both Soldier and detainee at risk.

Four of 16 (25%) inspected facilities (Camp Bucca, Bagram, Abu Ghraib, and Brassfield-Mora) were found to have safety hazards that posed risks to Soldiers and detainees. In addition, there was little evidence that units operating facilities had safety inspection programs in place. Safety programs in just a few facilities amounted to nothing more than detainee fire evacuation plans, weapons clearing procedures, and military working dog safety considerations. At the time of the inspection, Camp Cropper, Camp Bucca, and Abu Ghraib did not have finalized and approved Standing Operating Procedures (SOPs) for their facilities. At the time, units were busy revising and tailoring their SOPs for the mission. However, during SOP reviews conducted by the DAIG Team, there was no evidence that the risk management process was being incorporated into the working draft SOPs as required. Reviews of finalized SOPs at other facilities yielded the same results as the working drafts—no risk management was incorporated into SOPs.

No units fully complied with the medical treatment of detainees or with the sanitary conditions of the detainee facilities. Not all medical personnel supporting division CPs and I/R facilities were aware of detainee medical treatment requirements or had the proper equipment to treat a detainee population. The medical personnel interviewed stated that they did not receive any specific training in detainee operations and were not aware of Army Regulation (AR) 190-8, Enemy Prisoners of War, Retained Personnel, Civilian Internees and Other Detainees, 1 October 1997, although most believed they were required to treat detainees to the same standard of care as Coalition Forces. There was a widespread lack of preventive medicine staffing, supplies, and equipment to meet the needs of CPs and I/R facilities. This shortfall was compounded by the failure of units to deploy appropriately trained and supplied field sanitation teams. Medical leaders responsible for direct oversight of preventive medicine personnel lacked specific training in detainee operations and field sanitation. I/R facility site selection, design and construction decisions did not incorporate preventive medicine considerations. There was significant variance in the hygiene and sanitation conditions at CPs and in I/R facilities throughout Afghanistan and Iraq. While major improvements continue to upgrade conditions at most sites, the process has been hampered by shortages of preventive medicine personnel and materiel, problems with site selection and design, and detainee populations that exceed the current system capacity. Lack of trained preventive medicine personnel and required field sanitation supplies has contributed significantly to deficiencies in hygiene and sanitation at CPs and I/R facilities.

### CAMP BUCCA

Soon after the ground conflict began in Iraq, the Camp Bucca I/R facility was designed and established as an internment facility for Enemy Prisoners of War (EPWs). At the time of the

DAIG inspection, Camp Bucca was considered an overflow I/R facility for Abu Ghraib, and all detainees were kept in the old facility, which contained 6 compounds. The new facility, containing six additional compounds, was in the final stages of completion. The old facility housed a non-compliant Civilian Internee (CI) population, third-country nationals, and a very small number of EPWs. Detainees were not segregated according to category (i.e., EPWs and CIs (to include Security Internees) were housed together in compounds 7 through 11). Compound 12 housed the third-country nationals.

The DAIG Team found inadequate security measures at the Camp Bucca. Camp Bucca had 2 controlled entry points leading into the compound, but blind spots along the perimeter made access possible at other points. The facility had a sally port gate, but it was used as a serpentine instead of a true double-gate security mechanism to control the entrance and exit of personnel and vehicles. The perimeter security consisted of roving guards, a gate guard, and a guard in each of the towers. There were 2 vehicular security patrols, but they would consistently take the same route, making them vulnerable to enemy attacks and Improvised Explosive Devices (IEDs) placed on the patrol route. The visitation process at Camp Bucca presented security concerns. During visitation hours Iraqi family members were searched at the exterior entry point, but thereafter they were allowed to mingle around guards who were carrying weapons until they were taken inside the compound to visit detained relatives. This posed a major security concern should one or more of the visitors overtake a guard and seize his weapon.

In numerous places at the old facility, the triple-standard concertina wire was over-stretched and not tied down properly, and the short and long U-shaped pickets were not spaced properly. This, and the fact that the detainees vastly outnumbered the guard force, posed a security concern and potentially put Soldiers at risk if detainees rushed the wire. There were 8 perimeter towers that were not mutually supporting, creating dead space and blind spots throughout the old compounds. The towers also did not have effective communications with the roving guards. The facility had good lighting according to leaders and Soldiers due to recently receiving 32 trailer-mounted portable light stands that can be moved around the facility as needed. The acquired light stands significantly improved the lighting around the compounds. At the time of the Taguba Investigation, the perimeter lighting around Camp Bucca was inadequate and needed to be improved to illuminate dark areas that routinely became avenues of escape. Many of the security concerns due to the wire fences were corrected when the detainees were transferred to the 6 new compounds that have been constructed. The chain link fence at the new compounds was not staked to the ground between fence posts to prevent detainees from slipping through the bottom. However, to overcome this shortcoming, the battalion was placing concertina wire around the inside perimeter of the chain-link fence. This is a significant improvement in security over the old compounds. Detainees were transferred to the new compounds after the DAIG visit. These safety and security concerns were resolved once the detainees were transferred and the old compounds phased out.

According to interviews and sensing sessions at Camp Bucca, Soldiers said food is distributed and served in 30 gallon plastic containers, sometimes long after it is prepared. Detainees served themselves by dipping whatever containers they possessed into the food. No utensils were provided, and no portion control measures were in place to ensure that each detainee got the proper amount of food. One leader interviewed stated that serving ladles were on order, but none were on-hand. Food frequently ran out before all detainees had an opportunity to eat. Soldiers stated in sensing sessions that Meals, Ready to Eat (MREs) had to

be used to ensure all detainees were fed. The detainees got their drinking water from water spigots at Camp Bucca. It was noted during the walk-through that at least one water source at one of the compounds was located several feet from the human waste dump (septic tank). This problem was eliminated once the detainees were transferred.

There was no laundry service at Camp Bucca to support the detainees so they did their own laundry with the small tubs and soap given them. However, leaders and Soldiers said during interviews that they did not know if there were enough washtubs supplied to the detainees. They were not sure how many detainees actually possessed tubs and soap, and where the tubs were located within the 6 compounds.

Camp Bucca did not routinely receive hostile fire, if at all. However, the compounds did not have adequate force protection measures in place to ensure the safety and protection of detainees and Soldiers from potential hostile indirect and small arms fire. There were no bunkers or shelters constructed with overhead cover for detainees to enter if the compounds came under attack. There were also no such bunkers or shelters constructed in the new compounds where the detainees are scheduled to be transferred.

The Taguba Investigation mentioned Camp Bucca as significantly over its intended maximum capacity, with a guard force that is under-manned and under-resourced. The DAIG Team found that Camp Bucca was not overcrowded nor under-manned because the facility had been scheduled to be discontinued as an I/R facility, and a drawdown in the detainee population had occurred after the investigation was conducted. A decision to use it as an overflow facility for Abu Ghraib kept it operational. The detainee population during the DAIG Inspection was 1769. Capacity for the newly constructed facility is 4500 according to the command briefing given to the DAIG Team.

### BAGRAM I/R FACILITY

The Bagram I/R facility was designed and used as a Soviet aircraft maintenance facility that was built in the early 1960s. The DAIG Team found several safety hazards at the facility that posed risks to both Soldiers and detainees. Based on the document review and a thorough walk-through of the Bagram I/R facility, there was little evidence of a unit safety program. However, extensive engineering and environmental surveys of the facility, to include contaminated rooms and roof failures, had been recently conducted. At the time of the DAIG inspection, the infrastructure to support the facility was inadequate. Examples included inadequate ventilation/climate control and lighting on the main floor, the electrical distribution system throughout the facility, and non-existent sanitary facilities at the main floor.

In the Bagram I/R facility, there were no handrails and banisters on many of the steep stairwells and landings. The DAIG Team determined this was particularly dangerous while Soldiers escorted blindfolded detainees up and down the stairs. Team members actually witnessed Soldiers escorting blindfolded detainees on these stairs. Some drop-offs from the second floor landings were 5 to 7 feet.

Potential shock hazards existed at the Bagram I/R facility. There were numerous examples of open and exposed electrical wiring around the facility, to include a major electrical panel located in the vicinity of a known roof leak. Throughout the office areas, uncovered receptacles and light switches were found.

Contaminated soil (evidence of heavy metals) was found in the former metal plating rooms. The rooms were previously used as a metal plating facility as part of the Soviet aircraft maintenance facility. The unit requested and received an environmental survey of the rooms, and the conclusion was that the sampled materials represented a health risk. A rough cost estimate (\$3-6 million) to remediate the contaminated rooms was cost-prohibitive, and the decision was made to seal the rooms to protect Soldiers and detainees from exposure.

According to an interview, lead-based paint was procured from the local economy to paint the interior in various locations in the facility. Lead-based paint had been used in the past and was still being used in the Bagram I/R facility, creating a potential risk to Soldiers and detainees.

Concerning the non-existing sanitary system, Soldiers were required to remove modified portable latrines from each detainee group cell by hand. These latrines were dragged to a designated location outside the facility where contractors would empty and clean them. After cleaning the latrines, Soldiers dragged the latrines back into place in each detainee cell. During interviews and sensing sessions, Soldiers stated that human waste spills were frequent on the main floor. There was a project ongoing that will remedy this problem. The project included an installed indoor septic system that consisted of a 4-inch main line running underneath the newly poured concrete pads and along the length of the group cells. Toilets were being installed inside of each cell, and the effluent will flow via gravity to an exterior waste system. The estimated completion date was April or May 2004.

The facility had multiple roof leaks, to include an area that was repaired after damage from aerial bombing. In December 2003, the engineer group conducted a roof inspection and found possible obstructed roof drains and deterioration of parapet walls and flashing. The estimated cost to repair the roof is \$350K. This project was not funded at the time of the inspection.

At the time of this inspection, the facility had inadequate personal hygiene facilities for the number of detainees. An ongoing indoor plumbing system project to fix the problem will consist of a newly built shower room with full shower capabilities (10 shower heads) as well as a white water supply system. The fresh water supply will be housed inside of an exterior water system building that must also be designed and built.

The electrical distribution system in place was inadequate, especially to support planned upgrades for the facility that include lighting for new cells and towers and power for the Morale, Welfare, and Recreation room for the Soldiers. Current electrical amperage draw is 1279.7 amps. Amperage draw, once the upgrades are complete, will increase by another 340 amps, beyond the current transformer's capability of 1441 amps. The facility engineer was assessing the electrical load and prioritizing electrical distribution throughout the facility, with office air conditioning units and hot water heaters being shut down first during overloads to the system. There was concern that serious overloads to the system will occur this summer. There is a project planned to replace the transformer and renovate the electrical distribution system for the facility, but at the time of the inspection the project had not been funded.

## ABU GHRAIB

Abu Ghraib had problems with deteriorating infrastructure that impacted the clean, safe, and secure working environment for Soldiers and living conditions for detainees. Poor food quality and food distribution, lack of laundry capability, and inadequate personal hygiene facilities affected the detainees' living conditions. Overcrowding, frequent enemy hostile fire, and lack of in-depth force protection measures also put Soldiers and detainees at risk. There is a separate finding concerning Abu Ghraib. See Finding 3 in Chapter 3.

## COLLECTING POINTS

Detainees were being held at division forward and central CPs from 1 to 54 days for intelligence exploitation before release or transfer based on interviews and sensing sessions of leaders and Soldiers. If detainees are kept longer than doctrinally recommended, then the infrastructure standards for the facilities should be similar to I/R facilities for the security, safety, and wellbeing of the detainee. 3 of the 12 (25%) forward and central CPs inspected (Green Zone in Baghdad, Brassfield-Mora in Samarra, and Khost, Afghanistan) were determined to be inadequate to keep detainees for longer than doctrinally recommended due to not having the needed laundry services, personal hygiene facilities, medical care, and adequate shelter from adverse weather conditions and the elements. The division forward collecting point (CP) at Brassfield-Mora was also located within 100 feet of an ammunition holding area and fuel point. Enemy hostile fire targeting these areas could result in detainee casualties due to the close proximity of these sites to the collecting point. There were plans to fix a majority of these shortcomings at these three facilities.

Many forward and central facilities visited had recent improvements and upgrades made to them because of the inadequate facilities and harsh conditions. These improvements included upgrades to supporting infrastructure and expansions to facilities to relieve overcrowding, enhance security, and to provide for better sanitation conditions. Improvements and upgrades at collecting points included (but are not limited to) a completely new facility (construction ongoing) at the Kandahar division central CP; new roof, new interrogation room, new electrical system, installed personal hygiene facility, and additional security lighting at the division forward CP in the Green Zone; security upgrades at the division forward CP at Ar Ramadi; addition of gravel around latrines at the Brassfield-Mora division forward CP to improve drainage; and a repaired guard tower at the division central CP at the Baghdad International Airport.

Planned upgrades and improvements included (but are not limited to) installation of two 500 gallon water tanks, laundry washers, and shower facility at Ar Ramadi; new cells in a hardened facility that will protect detainees from the elements in Khost; and planned security upgrades and construction of new shower facilities for the CP at Brassfield-Mora. All units inspected were placing a great deal of effort on making improvements and upgrades to existing collecting points for the health and welfare of detainees.

## PREVENTIVE MEDICINE

Six of 8 inspected units operated CPs and I/R facilities that did not comply with minimum preventive medicine standards established in policy and doctrine. Two of 8 units met or exceeded minimum preventive medicine standards. The DAIG Team conducted

comprehensive preventive medicine inspections at 8 of the 16 (50%) internment/resettlement (I/R) facilities and collecting points (CPs) visited that were interning detainees.

Leaders and Soldiers from 36 units, both continental U.S. (CONUS) and outside CONUS (OCONUS), were interviewed concerning preventive medicine practices and procedures in detainee operations. There was a widespread lack of preventive medicine staffing, supplies, and equipment to meet the needs of CPs and I/R facilities. This shortfall was compounded by the failure of units to deploy appropriately trained and supplied field sanitation teams. Medical leaders responsible for direct oversight of preventive medicine personnel lacked specific training in detainee operations and field sanitation. I/R facility site selection, design and construction decisions did not incorporate preventive medicine considerations. The capacity of the detainee system was exceeded early in the operations, leading to prolonged holding times at CPs and other areas not prepared for long-term housing of detainees.

There was significant variance in the hygiene and sanitation conditions at CPs and in I/R facilities throughout Afghanistan and Iraq. While major improvements continue to upgrade conditions at most sites, the process has been hampered by shortages of preventive medicine personnel and materiel, problems with site selection and design, and detainee populations that exceed the current system capacity. As of March 2004, Camp Bucca still had potable water sources within a few feet of exposed fecal material; Abu Ghraib continued to struggle with garbage and rodents in living areas; and Kandahar's food service sanitation was extremely poor. Hand washing stations were still absent from 3 of 8 (38%) locations inspected, and sanitary orders had not been published and posted at any detainee facilities in accordance with Army Regulation (AR) 190-8, Enemy Prisoners of War, Retained Personnel, Civilian Internees and Other Detainees, 1 October 1997.

Lack of trained preventive medicine personnel and required field sanitation supplies contributed significantly to deficiencies in hygiene and sanitation at CPs and I/R facilities. Units (97%, 35 of 36) did not deploy with properly trained and equipped field sanitation teams in accordance with AR 40-5, Preventive Medicine, 15 October 1990. Preventive medicine technicians (Military Occupational Specialty 91S) were not deployed in sufficient numbers to support detainee operations, with only one assigned to each Military Police (MP) I/R battalion and none available to support units operating CPs. Preventive medicine detachments at the division level provided support to I/R facilities and CPs when distance and security permitted, but the non-linear battlespace precluded support to the majority of CPs forward of brigade. Shortages of supplies and equipment prohibited preventive medicine personnel from providing complete field sanitation services. Holding times at CPs (up to 54 days; doctrinal maximum is 24 hours) required a more robust infrastructure than units were prepared or resourced to provide.

During interviews and sensing sessions, the DAIG Team noted that (86%, 31-36) leaders and Soldiers were unaware of the specific hygiene and sanitation requirements for CPs and I/R facilities. They relied on "common sense" and contractors to establish local, often unwritten, standards. All (16 of 16) of the interviewed battalion, brigade, and division surgeons said they were not trained in detainee operations and/or preventive medicine and therefore lacked the knowledge to provide adequate oversight for hygiene and sanitation of CPs and I/R facilities. There were no theater- or unit-level policies that addressed preventive medicine requirements for detainee operations. Additionally, there was no evidence of specific medical planning for field sanitation/preventive medicine support to detainee operations.



Despite the many obstacles, recent (March 2004 timeframe) International Committee of the Red Cross (ICRC) inspections of the U.S.-operated I/R facilities in OIF have indicated general satisfaction with the efforts underway to address persistent problems in hygiene and sanitation (although the slow pace of improvements was criticized). As of March 2004, contractors have assumed responsibility for many sanitation functions, including food and water supplies, latrines, laundry, and waste disposal. The most significant problems that persist include overcrowding and insect/rodent control.

The Ryder Report and the Taguba Investigation indicated deficiencies in preventive medicine aspects of detainee operations. The Ryder Report stated that "significant variance in the health, hygiene and sanitation conditions were observed in the detention facilities throughout Iraq." The report referred to ICRC reports that indicated "major progress" in all areas, and further stated that "most facilities have adequate water supplies, sewage management and appropriate food services to comply with the United Nations guidelines." The deficiencies observed were attributed in this report to "inadequate logistical support for facility operations." The Ryder Report pointed out major sanitation problems at Camps Ganci and Vigilant (compounds at Abu Ghraib). Camp Ganci was littered with trash, had large amounts of standing water around latrines, lacked laundry facilities, had insufficient cleaning supplies, and housed detainees in tents that did not provide adequate protection from severe weather or hostile fire. Camp Vigilant had problems with water supply and latrines. The Taguba Investigation did not look at hygiene and sanitation, but it noted that Abu Ghraib and Camp Bucca were "significantly over their intended maximum capacity", with the overcrowding contributing to "poor living conditions." The DAIG Team's findings are consistent with those of the Ryder Report and the Taguba Investigation, but they were not chartered to perform specific evaluations of preventive medicine conditions at U.S.-operated CPs and I/R facilities. While the Ryder Report found most facilities to be in compliance with United Nations guidelines, the DAIG Team inspected I/R facilities and CPs against Army standards (AR 190-8, AR 40-5, and FM 21-10).

### MEDICAL TREATMENT

No inspected units supporting detainee operations complied with all medical treatment requirements for enemy prisoners of war and civilian internees, such as monthly height/weight screenings, chest x-rays, and tuberculin skin tests. The DAIG Team found none of the inspected units were following all the medical requirements in accordance with AR 190-8. However, at the time of the inspection all units were attempting to provide detainees with the same quality of medical treatment as that provided to Coalition Forces.

AR 190-8 requires an initial medical screening at I/R facilities for both enemy prisoners of war (EPWs) and civilian internees (CIs). At the time of the inspection, all I/R facilities and collecting points (CPs) were performing a medical screening upon initial in processing, but not to standards. At least one I/R facility (Camp Bucca) had previously provided no medical screening, relying on sick call to discover detainees who required medical treatment. The regulation also requires a continuing monthly medical screening, to include weight measurements that ensure detainees are properly nourished. Two of the 4 I/R facilities (Camp Bucca and the Bagram Internment Facility) were aware of this requirement, and both stated they had started performing these screenings in December 2003. Only 2 of the 4 I/R facilities (Camp Cropper and Bagram Internment Facility) conducted a routine, follow-up monthly

examination for detainees held over one month as required by regulation.

AR 190-8 also requires CIs be administered a "radioscopic chest examination." None of the facilities had performed this examination. At least one facility (Camp Bucca) had no means of diagnosis for tuberculosis until December 2003. At the time of the inspection, all I/R facilities isolated potentially contagious detainees and provided some preventive measures for Soldiers treating these detainees. All I/R facilities and 7 of 12 (58%) inspected collecting points, established medical records for personnel who required medical treatment. At least 3 facilities transferred these records with the detainee when they were medically evacuated. Medical personnel at only one facility stated they would provide detainees with their medical records upon release.

Medical personnel at all facilities stated they provided medical care comparable to that afforded to Coalition Soldiers. The DAIG Team found this to be accurate in most cases, with some diagnosis-specific exceptions. The exceptions occurred when treatment required transportation out of the host nation, the patient required significant psychiatric care, or treatment was of an elective nature. Previously, one unit reported there had been some conflict between AR 190-8 and Coalition Provisional Authority treatment policy, which reportedly dictated that U.S. medical care was only available to detainees to prevent loss of life, limb, or eyesight. In these cases Army medical personnel attempted to maintain the higher standard by providing detainees with all necessary care. All interviewed medical providers stated they did not have the proper equipment for treating a detainee population that included older, chronically ill patients. In one I/R facility a senior medical Noncommissioned officer (NCO) stated that over 50% of his population had diabetes, and he had neither glucometers nor insulin. At another location a medical NCO stated that approximately 75% of his detainees had hypertension, and one-third were diabetics. At least 4 medical personnel and I/R facility commanders described shortfalls in resources to provide adequate psychiatric treatment. At least 2 I/R facilities had severely ill psychiatric patients (detainees who, in the estimation of the facility's medical personnel, required inpatient treatment) who were being treated pharmacologically by non-psychiatrist physicians.

The medical personnel interviewed stated that they did not receive any specific training in detainee operations or were aware of AR 190-8, although most believed they were required to treat detainees to the same standard of care as Coalition Forces. All requested additional training. At least one provider requested Mobile Training Teams to provide in-theater training.

The Ryder Report also noted medical personnel lacked adequate training and guidance on the treatment of detainees. Specifically, this report recommended that CJTF-7, "Publish and distribute all new Policies and SOPs to all affected parties and re-evaluate the application and adherence to medical practices." It went on to recommend that CJTF-7, "Provide continued in-service training to all newly assigned and/or rotating medical personnel on the provisions, rules and responsibilities stated."

(4) Root Cause: Some units did not have thorough plans to upgrade their facilities and in some cases, were not funded for upgrades. Field sanitation teams were not deployed in compliance with AR 40-5 and did not have adequate supplies to provide the services required. None of the units inspected were fully aware of, or trained on the specific medical requirements for detainees in accordance with AR 190-8. Medical leaders were not adequately trained for detainee operations and were unprepared to provide oversight for preventive medicine functions

at collecting points and I/R facilities. Preventive medicine aspects of detainee operations were not appropriately incorporated into medical planning processes. Preventive medicine detachments lacked sufficient personnel on their Modified Tables of Organization and Equipment (MTOEs) to adequately inspect all division collecting points and I/R facilities. Units did not have all the necessary medical equipment or supplies to meet the specific requirements contained in AR 190-8.

(5) 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.

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.

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.

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.

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.

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.

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.

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.

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.

#### **h. Finding 16:**

(1) Finding: Two of 4 internment/resettlement facilities did not segregate enemy prisoners of war from civilian internees in accordance with legal requirements.

(2) Standard: See Appendix E.

(3) Inspection Results: The DAIG Team observed that 2 of the 4 inspected internment/resettlement (I/R) facilities did not segregate enemy prisoners of war (EPWs) from civilian internees (CIs). Inspections of I/R facilities, leader interviews, Soldier sensing sessions, and document reviews showed that there were 46 documented EPWs in Iraq, few of which were segregated from the CI population. Units did not segregate EPWs for 2 reasons: (1) it was too difficult a task because some of the compounds within the internment facility would only have a few EPWs in them, thus wasting space that could be used to house CIs; and (2) they were co-mingled to support interrogation requirements. Continued failure to segregate EPWs from CIs in Iraq is in contradiction to the legal requirements of GC, Article 84.

The Ryder Report mentioned, "Currently, due to the lack of Iraqi prison facilities and the ongoing consolidation efforts at the Abu Ghraib complex, Iraqi criminals are detained with security internees (generally Iraqi-on-Coalition offenses) and EPWs; though segregated in different cells/compounds. These categories of offenders need to be separated as soon as facility construction and renovation projects permit, especially separating those facilities run by U.S. personnel (for Iraqi criminals). The management of multiple disparate groups of detained persons in a single location by members of the same unit invites confusion about handling, processing, and treatment, and typically facilitates the transfer of information between different categories of detainees. Absent specific mission constraints, intermingling these categories of detainees should be avoided." Abu Ghraib abided by the Ryder Report recommendation regarding segregation of detainees by either releasing EPWs or moving them to other facilities, as the DAIG Team observed no EPWs at Abu Ghraib. In addition, the Ryder Report mentions segregation, but not specifically in the context of EPWs and CIs: "Initiate procedures for segregating Detainees into separate buildings if and where available, based on category of detainee, sex, untried, or sentenced, and severity of offense."

(4) Root Cause: Leaders at all levels were aware of the legal and regulatory requirement to segregate EPWs from CIs. Units did not comply with the segregation standard because they felt it was too difficult a task or they acted to support intelligence requirements.

(5) Recommendation: CJTF-7 segregate enemy prisoners of war and civilian internees to ensure compliance with the Geneva Conventions and Army Regulations.

**i. Finding 17:**

(1) Finding: Units operating collecting points (42%, 5 of 12), and units operating internment/resettlement facilities (2 of 4), were not adequately resourced with communications equipment, shotguns, and non-lethal ammunition.

(2) Standard: See Appendix E.

(3) Inspection Results: The DAIG Team inspected 12 collecting points and 4 internment/resettlement (I/R) facilities. Five out of 12 (42%) units operating collecting points (CPs), and 2 of 4 (Camp Bucca and Abu Ghraib) units operating I/R facilities experienced equipment shortfalls, including hand-held radios for communications between guards, escorts, and towers; weapon systems with non-lethal ammunition; hand and leg restraint devices; and rubber gloves to safely handle detainees.

The Military Police (MP) I/R battalion at Abu Ghraib experienced equipment shortfalls of weapons, radios, and non-lethal ammunition. This problem was compounded because the MP battalion was augmented with in lieu of (ILO) units (a Marine Infantry company and a Field Artillery battery) to perform MP missions. The MP battalion was short radios, so Soldiers at Abu Ghraib purchased their own commercial hand-held radios to overcome their shortages. These radios were used primarily for communication between tower guards, roving guards, and for detainee escort missions. Lack of batteries and working radios in the units compounded the problem. Leaders and Soldiers stated during interviews and sensing sessions that detainee operations placed additional communication burdens on the units. These commercial hand-held radios lacked the range and the communications security (COMSEC) capabilities required to maintain secure communications. According to interviews and sensing sessions, the ILO MP units did not deploy with the authorized number of shotguns, non-lethal ammunition, and radios for guard companies and escort guard companies under the Modified Table of Organization and Equipment (MTO&E) of an I/R battalion.

The situation at Camp Bucca was slightly different. The I/R battalion was augmented by two Field Artillery batteries that were ILO MP units. According to interviewed and sensed leaders and Soldiers, the MP battalion, to include the ILO units at Camp Bucca, was short authorized hand and leg restraint devices, radios, shotguns, and non-lethal ammunition. Soldiers at Camp Bucca also purchased commercial hand-held radios to overcome unit communication shortages. Like the ILO MP units at Abu Ghraib, the Field Artillery batteries experienced shortages before and after deployment due to MTO&E differences with I/R MP Guard and Guard Escort companies and experienced many of same impacts that the units at Abu Ghraib faced.

Based on interviews and sensing sessions, the collecting points at Baghdad (Green Zone), Tikrit, Baghdad International Airport (BIAP), Brassfield-Mora, and Ar Ramadi all had equipment shortages. Soldiers at the division forward collecting points at Brassfield-Mora and Ar Ramadi said that they did not have enough radios for detainee operations. The forward and central collecting points at the Green Zone, Tikrit, Ar Ramadi, and BIAP experienced shortages in hand and leg restraint devices. Collecting points at the Green Zone and Brassfield-Mora had difficulties in acquiring identification bracelets. All five of the collecting points mentioned above suffered shortages in rubber gloves for the handling of detainees.

(4) Root Cause: Combat support MPs and in lieu of MP units are not adequately equipped to perform detainee operations.

(5) Recommendation: TRADOC identify minimum equipment requirements for detainee operations to ensure successful unit mission accomplishment.

**j. Finding 18:**

(1) Finding: All inspected point of capture units established ad hoc kits containing necessary items and supplies for detainee field processing, but the items they contained and their quantities varied from unit to unit.

(2) Standard: See Appendix E.

(3) Inspection Results: Current operations involving the securing and field processing of detainees require specific equipment and paperwork. A "Detainee Field Processing Kit" would assist all units in processing detainees. Based on leader and Soldier interviews, the DAIG Team found that capturing units had established some type of ad hoc kit, which included a variety of items required for securing and field processing a detainee, however, the contents and quantities varied from unit to unit. Some units had more complete kits than others.

These kits were put together at unit level with no guidance from higher and no standardization except generally for the type of forms required for field processing. Capturing units developed the kits by trial and error over a period of time to streamline the processing of detainees to the forward collecting points. In some units, leaders and Soldiers were not aware of all the processing requirements for detainees for evacuation or transfer to forward collecting points. They expressed concern over not knowing these requirements and felt that if the kit had been established through doctrine, it would have expedited and standardized the field processing of detainees.

Some of the more complete kits contained copies of the required forms from AR 190-8, Enemy Prisoners of War, Retained Personnel, Civilian Internees and Other Detainees, 1 October 1997, such as DA Form 4137, Receipt for Evidence/Property Custody Document; DD Form 2745, Enemy Prisoner of War (EPW) Capture Tag; DA Form 2823, Sworn Statement; and the Coalition Provisional Authority (CPA) Forces Apprehension Form (OPERATION IRAQI FREEDOM only). Other items generally found in the more complete kits were flexi-cuffs, string or wire (to attach the Capture Tag or CPA Form to the detainee), large plastic bags (to hold evidence, personal effects and other large confiscated items), small zip-lock plastic bags (to hold currency or small valuable items), an instant or digital camera, hearing protection, sandbags, bandages, or blacked-out goggles (to cover eyes), and in times of cold weather, blankets for the detainees.

(4) Root Cause: Capturing units did not have doctrinal guidance to follow in preparing or funding detainee kits that enabled units to safely and efficiently field process detainees.

(5) 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.

**k. Finding 19:**

(1) Finding: All inspected units had adequate transportation assets to evacuate and/or transfer detainees from points of capture to collecting points, and eventually to internment/resettlement facilities.

(2) Standard: See Appendix E.

(3) Inspection Results: The DAIG Team determined that inspected units had adequate transportation assets to evacuate, transfer, or repatriate detainees. Only a few units experienced minor difficulties arranging transportation, usually during surge periods. These transportation shortages were usually temporary problems that were resolved through coordination with supporting units.

Leaders and Soldiers stated that supporting units, such as forward support and main support battalions, were able to assist in providing transportation assets if capturing units were hampered due to other ongoing missions when required.

Capturing units typically transported detainees to the battalion or division forward collecting points in the back of High Mobility Multi-Wheeled Vehicles or Bradley Fighting Vehicles. Guard ratios and the numbers of accompanying security vehicles were generally well planned out. Most units took advantage of resupply assets to move detainees across the battlefield.

(4) Root Cause: Units were planning for and using transportation assets efficiently to move detainees across the battlefield and through the system.

(5) Recommendation: Commanders continue to stress the importance of planning and providing for adequate transportation assets to support continuing detainee operations.

#### **I. Finding 20:**

(1) Finding: Common leader training in professional military schools contains only one detainee operations task.

(2) Standard: See Appendix E.

(3) Inspection Results: The DAIG Team found that leaders and Soldiers from 87% (53 of 61) of the units that commented on Professional Military Education (PME) indicated that their PME common core does not train them to conduct detainee operations. The only PME courses that cover detainee operations training in their common core are during pre-commissioning, Warrant Officer Candidate School and the Primary Leadership Development Course. The Noncommissioned officers (NCOs) interviewed and sensed said they received little detainee operations training in their PME courses. These same NCOs talked more specifically about the Situational Training Exercises (STX) that are conducted at the end of each level of NCOES through the Advanced Noncommissioned Officer Course (ANCOC). Their STX training was force-on-force play using Multi-Integrated Laser Engagement System (MILES), and detainee operations training ceased after the point of capture.

The NCOs experienced difficulty in filling out and completing the required detainee apprehension forms correctly, which included witness statements. They also experienced difficulty in creating a detailed list and accounting for captured detainee property and evidence. The NCOs agreed that there is a training shortfall dealing with detainee classification, and status and treatment afforded to each classification under the provisions of the Geneva Convention. STXs did not cover the classifying of detainees or the paperwork involved in field processing detainees. Their PME training for detainee operations only covered the processing of enemy prisoners of war (EPW). Leaders and Soldiers interviewed and sensed indicated a need to incorporate detainee operations tasks into their PME common core programs of instruction (POI). The current operating environment has evolved and Soldiers at all levels must have a clear understanding of and how to execute detainee operations in a non-linear battlespace. The PME must apply lessons learned quickly to adjust their training to what is occurring in the current operating environment. Interviewed leaders and Soldiers all said that PME is a very important training base, but that it must keep up with current operational lessons

learned and evolving tactics, techniques and procedures.

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.

Currently, TRADOC has integrated one detainee operations task into the PME common core: Process Captives, (191-000-0001). The pre-commissioning course, Warrant Officers Candidate School and NCOs at the Primary Leadership Development Course are only courses receiving training on this task.

The U.S. Army Military Police School (USAMPS) has several ongoing initiatives that began in December 2003. USAMPS is currently in the process of creating and revising their detainee operations programs of instruction and training support packages using lessons learned from OPERATION ENDURING FREEDOM (OEF) and OPERATION IRAQI FREEDOM (OIF). Military Police (MP) NCOs attending the MP NCO Academy receive training on the following new and revised detainee operations tasks:

- Introduction to Detainee operations
- Communication with detainees
- Use of Force and Detainees
- Detainee Frisk, Undress, Cell and area search operations
- Restraint procedures and Detainees
- The Geneva Conventions and detainee operations

USAMPS has currently revised the tasks to provide updated programs of instruction and training support packages to support detainee operations training at all PME schools and colleges.

(4) Root Cause: There are currently not enough programs of instruction and training support packages available to the Professional Military Education schools and colleges that support detainee operations training.

(5) Recommendation: TRADOC integrate standardized detainee operations training into all Army proponent school common core programs of instruction and training support packages.

**m. Finding 21:**

(1) Finding: Leaders and Soldiers assigned to 69% (46 of 67) of inspected units stated they desired additional home station training; and pre- and post mobilization training to assist them in performing detainee operations.

(2) Standard: See Appendix E.

(3) Inspection Results: The DAIG Team found that leaders and Soldiers assigned to 27 of 39 (69%) of inspected Active Component (AC) units indicated their home station training did not prepare their units to perform detainee operations. Individual and collective training at home station was concentrated on fighting an enemy on a linear battlefield, according to interviewed



and sensed leaders and Soldiers. Their units did little in the way of training on detainee operations. All inspected units did execute the Common Military Training (CMT) as outlined in Army Regulation 350-1, Army Training and Education, 9 April 2003. However, the CMT classes on the Law of War, the Geneva Conventions, and Code of Conduct were generic and did not address the specific application of detainee operations in the current operating environment. These same leaders and Soldiers said their detainee operations training only covered field processing of enemy prisoners of war (EPWs) and not other classifications of detainees. The training these units received on field processing of detainees was comprehensive when dealing with EPWs only.

Once deployed in support of OPERATION ENDURING FREEDOM (OEF) and OPERATION IRAQI FREEDOM (OIF), leaders and Soldiers identified a training shortfall dealing with the handling of the different classifications of detainees and their special handling procedures. Units did not have established tactics, techniques, and procedures (TTPs) or standing operating procedures (SOPs) to cover the handling and processing of different classifications of detainees. This lack of training by point of capture units placed a burden on their resources (manpower, logistics and medical). To compound the problem, a number of leaders and Soldiers were unaware of the specific Army regulation or field manuals that govern detainee operations.

Soldiers assigned to division MP units told the DAIG Team that they did not train at home station on the five MP functional areas that were assigned to the units in theater. One example concerned a division MP platoon conducting maneuver and mobility support training at home station and then being assigned the internment/resettlement (I/R) function after deployment. These Soldiers said that their training at home station should include all 5 of the MP battlefield functions. This agrees with the Taguba Investigation finding that states, "Those military units conducting I/R operations must know of, train on, and constantly reference the applicable Army Doctrine and CJTF command policies."

Reserve Component (RC) leaders and Soldiers assigned to 64% (14 of 22) of inspected RC units stated the training they received at their mobilization sites did not prepare them to conduct detainee operations. OEF and OIF experienced RC career course captains, interviewed at the U.S. Army Military Police School (USAMPS), also said their units did not receive adequate training at their mobilization sites to prepare them to conduct detainee operations. Training at some mobilization sites concentrated on improving combat soldiering skills and to pass the Common Task Test (CTT). Leaders and Soldiers were not required to attend deployment briefings at these mobilization sites, also these units maintained no tracking systems to ensure that every Soldier received mandatory training.

Interviewed and sensed leaders and Soldiers said they were not given enough time at the mobilization sites to conduct collective unit level training. Some units had just enough time to complete their central issue facility (CIF) draw, and complete the Soldier readiness checks (SRC) before deploying overseas. Training was considered and treated like a "revolving door" at some mobilization sites. Interviewed leaders and soldiers assigned to 64% (14 of 22) of inspected RC stated they were not given a clear mission statement prior to mobilization and were not notified of their MP mission until after deploying. The units received their MP mission upon their arrival in theater. Interviewed Soldiers gave examples of being placed in stressful situations in internment/resettlement (I/R) facility with thousands of non-compliant detainees and not being trained to handle them. The lack of a mission statement limited units in support of

OEF 4 and OIF 1 from training on mission essential tasks at their mobilization site. This is also supported by the findings in the Taguba Investigation.

Once deployed, these MP units had no means to gain access to the necessary tactics, techniques, and procedures (TTPs) to train their Soldiers on the MP essential tasks based on their new missions. Regulations and field manuals were digitized, but unit leaders and Soldiers had no access to computers or the internet. It was very difficult to train Soldiers on MP missions early in their deployment. Interviewed leaders and Soldiers assigned to 64% (14 of 22) of inspected RC units stated they were assigned battlefield missions that they had never received training on at their home station or at their mobilization site. Soldiers provided examples of unit training primarily as an escort or guard MP company, but once deployed the unit was assigned I/R or law and order missions. A consensus among leaders and Soldiers was that their units should have concentrated their training on all 5 of the MP functional areas. They also agreed that all MP units should be resourced to conduct all 5 MP functional areas.

Interviewed leaders and Soldiers assigned to 5 of 6 inspected in lieu of (ILO) Military Police (MP) units did not receive detainee operations training at their mobilization site. These ILO units deployed into theater with little post-mobilization training on detainee operations and were assigned the ILO MP Security missions. Soldiers assigned to these units had little knowledge on what to do, but just trusted in their leaders to provide them good guidance. The ILO MP units inspected that deployed in support of OIF 1 were not given a clear mission statement prior to mobilization and were not notified of their ILO MP mission until after deploying. The units received their ILO MP mission upon their arrival in theater and were given a just few days to conduct a battle-handover with the outgoing units.

Once deployed, the ILO MP units had difficulty in gaining access to the necessary tactics, techniques, and procedures (TTPs) to train their Soldiers on the MP essential tasks based on their new missions. Army regulations and field manuals were digitized and unit leaders and Soldiers had no access to computers or the internet. It was very difficult to train Soldiers on MP missions early in their deployment. During OIF 1 there were no training programs in theater to train units designated ILO MP before they assumed their ILO MP Security missions. Leaders and Soldiers interviewed and assigned to these ILO MP units were assigned battlefield missions that they had never received training on at their home station or at their mobilization site.

Interviewed and sensed leaders and Soldiers stated that the Law or 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. Interviewed and sensed leaders and Soldiers said the Army has the necessary training tools in place, but doctrine and/or policy needs to address and apply lessons learned more quickly to incorporate changes coming from OEF and OIF. The Common Task Test (CTT) was identified by these leaders and Soldiers as an excellent training tool, but the tasks require updating to comply with changes evolving from the current operating environments in OEF and OIF. CTT would be an excellent tool to integrate detainee operations into the force by using a multi-echelon training approach. The CMT tasks outlined in AR 350-1 should be updated to address the different classifications of detainees and how to apply the Geneva Conventions and the Law of War to each type of detainee. Interviewed Soldiers complained about the lack of detainee operations training their units received during their respective rotations at the National Training Center (NTC) or the Joint

Readiness Training Center (JRTC). Soldiers said detainee operations during their rotation at NTC or JRTC was not evaluated beyond the point of capture and lacked realism.

Post-mobilization training for units that deployed in support of OEF 5 and OIF 2 consisted of a comprehensive training program ending in a Mission Rehearsal Exercise (MRX) to assess units' ability to execute wartime missions. Leaders and Soldiers interviewed said that all Soldiers were required to sign-in for all mandatory training received at the mobilization site. Soldiers deploying in support of OEF 5 and OIF 2 were required to sign a statement acknowledging the training they received at their mobilization site. These Soldiers were being tracked by name and by unit. This process ensured that all mobilized leaders and Soldiers were accounted for and trained. Mobilization site training was broken down into 7 Modules culminating in a Simulation Exercise (SIMEX):

Module 1: Soldier Readiness Packet, Central Issue Facility, Theater Specific Individual Readiness Training briefings

Module 2: NBC survival tasks, Land Navigation, Communications

Module 3: Crew and Individual Basic and Advanced Weapons Qualification Skills, Leader Training & New Equipment Training

Module 4: Specialty Training

Module 5: Squad and Platoon Training

Module 6: Platoon Training

Module 6.1: Combat Support/Combat Service Support training

Module 7: Multi-Echelon Training / Support and Stability Operations Training (CAPSTONE)

Brigade SIMEX that covers Battalion and Brigade level collective tasks.

Modules 1 and 2 are augmented with a series of leader and Soldier concurrent training on Common Task Test supporting tasks. Leaders and Soldiers, deployed in support of OIF 2 and OEF 5, were very complimentary of the training they received at their respective mobilization sites. These training modules provided unit commanders the ability to execute detainee operations training during Modules 4, 5, 6, and 7. Interviewed leaders and Soldiers that deployed in support of OIF 2 said that post-mobilization training helped them once they deployed into theater. Forces Command (FORSCOM) issued specific guidance on the collective and individual tasks units must train on prior to deploying in support of OEF and OIF. These tasks did not prepare units to conduct detainee operation in the current operating environment.

The Combat Training Centers (CTC) are using an internal After Action Review (AAR) process in order to continue making improvements to their detainee operations scenario and to include the synchronization and integration of detainee operations into every unit's rotation. NTC's current focus is on conducting detainee operations to the doctrinal standard and by incorporating approved procedures used in OIF. Both JRTC and NTC have incorporated detainee operations into their Mission Rehearsal Exercises (MRXs) and Contemporary Operational Environment High Intensity (COE HI) rotations.

In the future, the Combat Training Centers' (CTCs) detainee operations training during MRX scenarios will be based upon reports and lessons learned from OIF and/or OEF, to include 1st Armored Division SOPs/TTPs, and doctrinal guidelines. All rotating units will be required to establish and operate a collecting point of some kind as part of their rotations. The CTCs are striving to replicate the best scenarios for the current operating environment. The G3, in

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.

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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 or 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

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### 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

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### 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	211933ZJan02	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 OPORD 03-036	282021D June 2003	Subject is Classified Secret
CJTF-7 FRAGO 368to CJTF-7 OPORD 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 OPORD 03-036	151950DJul03	Subject is Classified Secret
CJTF-7 FRAGO 455 to CJTF-7 OPORD 03-036	200415DJul03	Classifying and Processing Enemy Prisoners of War/Detained Persons/Civilian Internees
CJTF-7 FRAGO 749 to CJTF-7 OPORD 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 MP 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**

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

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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.

A handwritten signature in black ink, appearing to read "R. L. Brownlee". The signature is fluid and cursive, with a long horizontal stroke extending to the right.

R. L. Brownlee  
Acting Secretary of the Army



## Appendix C

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### 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

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### 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)

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

**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

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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 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. 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 other 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)?

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

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

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

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

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

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

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39). 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?

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

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

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

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.

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

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27). 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?

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

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

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

31). How could the incident have been prevented?

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

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

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

**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, OPORD/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 other 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 interrogation 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

the OIC/NCOICs provide a means to validate detainee's information? Do the OIC/NCOICs provide input as to the disposition of the detainee?

10). Where are your screening sites located (where detainees are interrogated and screened)? Are these facilities adequate for your needs? Do you have enough interrogators for your operation needs? What are your personnel shortfalls?

11). What is the procedure on how to identify a detainee who may have intelligence information? Who performs this procedure? Are MPs involved in the decision-making? Are PIRs used as a basis for the identification of detainees of interest, personality lists used, etc?

12). Have you personally observed the interrogation operations at this Facility to determine if your unit has the necessary support and supplies to run the facilities? If so, what did you find?

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

14). How many people are authorized to be present in the room when interrogating/screening a detainee? Under what circumstances are you required and authorized to have more people?

15). Are the personal effects of a detainee released to the interrogator or is the interrogator allowed to examine the items?

16). 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?

17). 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?

18). Describe the screening /background checks required prior to hiring interpreters. Are they trusted by U.S. Soldiers?

19). What is your perception of the contract interrogators training and capabilities to conduct proper interrogations of detainees?

20). How are translators/linguists used during the screening/interrogation process? Do you trust the interpreter? How are MPs/Guards used during this process?

21). 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?

22). 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?

- 23). What are the procedures if a detainee in U.S. custody dies?
- 24). 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)?
- 25). Are you aware of your requirement to report abuse or suspected abuse of detainees?
- 26). Do your subordinates know the reporting procedures if they observe or become aware of a Detainee being abused?
- 27). What steps would you take if a subordinate reported to you an incident of alleged Detainee abuse?
- 28). Do you feel you can freely report an incident of alleged Detainee abuse outside Command channels (IG, CID)?
- 29). What procedures do you have to report suspected detainee abuse (IG, CID, Next Level Commander)?
- 30). What procedures are in place for Detainees to report alleged abuse?
- 31). What do you perceive as the mission of your unit? Describe the importance of your role in that mission.
- 32). Describe your working environment and living conditions since being in Theater.
- 33). Describe the unit command climate and Soldier morale. Has it changed or evolved since you have been in Theater?
- 34). Are you aware of any incidences of detainee or other abuse in your unit?
- 35). 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.
- 36). 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?

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

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

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

40). How could the incident have been prevented?

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

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

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

## **I. INTERROGATOR QUESTIONS**

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

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

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

5). What is the procedure on how to identify a detainee who may have intelligence information? Who performs this procedure? Are MPs involved in the decision-making? Are PIRs used as a basis for the identification of detainees of interest, personality lists used, etc?

6). What is the Rules of Engagement (ROE)/Rules of Interaction (ROI) when interrogating a detainee?



- 7). What is the maximum amount of time allowed a detainee could be interrogated during one session? Where is this standard located?
- 8). What is the procedure in determining how long to hold a detainee at this level for interrogation once he refuses to cooperate?
- 9). How many people are authorized to be present in the room when interrogating/screening a detainee? Under what circumstances are you required and authorized to have more people?
- 10). Who may allow an interrogator to question a detainee if he is wounded or sick? (Medical personnel)
- 11). What types of restraining devices are authorized on the detainee during the interrogation? What type and/or amount of physical constraints are interrogators authorized to place on an unruly detainee during interrogation?
- 12). Where are your screening sites located (where detainees are interrogated and screened)? Are these facilities adequate for your needs? Do you have enough interrogators for your operation needs? What are your personnel shortfalls?
- 13). 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?
- 14). 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)
- 15). Are the personal effects of a detainee released to the interrogator or is the interrogator allowed to examine the items?
- 16). How are translators/linguists used during the screening/interrogation process? Do you trust the interpreter? How are MPs/Guards used during this process?
- 17). What is your perception of the contract interrogators training and capabilities to conduct proper interrogations of detainees?
- 18). 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?
- 19). 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)?
- 20). What is considered abuse to a detainee during interrogation?

- 21). Are you aware of your requirement to report abuse or suspected abuse of detainees?
- 22). Do your subordinates know the reporting procedures if they observe or become aware of a Detainee being abused?
- 23). What steps would you take if a subordinate reported to you an incident of alleged Detainee abuse?
- 24). Do you feel you can freely report an incident of alleged Detainee abuse outside Command channels (IG, CID)?
- 25). What procedures do you have to report suspected detainee abuse (IG, CID, Next Level Commander)?
- 26). What procedures are in place for Detainees to report alleged abuse?
- 27). What do you perceive as the mission of your unit? Describe the importance of your role in that mission.
- 28). Describe your working environment and living conditions since being in Theater.
- 29). Describe the unit command climate and Soldier morale. Has it changed or evolved since you have been in Theater?
- 30). Are you aware of any incidences of detainee or other abuse in your unit?

31). ADVISEMENT OF RIGHTS (For military personnel)  
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32). 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?

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

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

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

36). How could the incident have been prevented?

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

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

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

m. **Chaplain**

1). 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 chaplain, or a civilian?

2). What are your unit ministry team's responsibilities as part of the cadre for the detainees at this collection point / internment facility? (Looking for contraband the detainee might have hidden in their Koran?)

3). What are the procedures to bring local religious clergy members into the collection point or facility to help ministry to detainees?

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

5). Has any service member spoken with you about abusing detainees or seeing detainees being abused? If yes, can you provide details without violating your privilege information / confidentially status between you and the service member? (We do not want names).

6). How many times have you heard about detainees being abused or mistreated? What did you hear?

7). Have you made the Chain of Command aware of these allegations of abuse and have you seen the Chain of Command do anything about correcting detainee abuse?

8). What is your feeling on how Detainees are being treated? No standard. Personnel observations and feelings.

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

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

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

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

13). ADVISEMENT OF RIGHTS (For military personnel)

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14). 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?

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

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

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

18). How could the incident have been prevented?

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

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

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

m. **S-4 (INTERNMENT FACILITY)**

1). Concerning logistical operations, what is your role in the support of (Theater/Division) Detainee Operations?

2). What references/standards/publications do you use to conduct Detainee Operations or does your operation depend solely on existing SOPs, OPORDs, FRAGOs, supply/logistic requests?

3). What Home Station Training did your unit conduct prior to deployment to help the unit (and you) prepare for this mission? Describe it.

4). Describe how your unit plans and procures logistical support for Detainee Operations. (include: transportation, subsistence, organizational, and NBC clothing and equipment items, distribution, laundry, and bath equipment) What are the procedures for transporting and evacuating Detainees? Have you ever coordinated for transportation to evacuate Detainees out of the AOR? Who approved the transfer?

5). Do you have any responsibilities for feeding the detainees? If so, are the daily food rations sufficient in quantity and quality and variety to keep Detainees in good health and IAW with their cultural requirements? How and what are they being fed? Please elaborate.

6). Do detainees have adequate furnishings for sleeping and eating (does it include bedding/blankets)? Is the supply system in place allowing you to replace or procure necessary furnishings? Is there a means to launder clothing items for the Detainees here at this facility

7). How do Detainees receive fresh potable water in your area of responsibility? (Bottled water, Lister bags, running water--if so, is it potable)?

8). What procedures are in place to account for and dispose of captured enemy supplies and equipment?

9). How are personal hygiene items and needed clothing being supplied to the Detainees? What precisely are provided to them? Do detainees have access to sundry items?

10). What do you perceive to be doctrinal logistic shortcomings pertaining to Detainee Operations and how would you fix/incorporate into updated doctrine/accomplish differently?

11). What are your biggest issues concerning logistical support for Detainee Operations?

12). What are your biggest issues concerning adequate facilities for Detainees? Who provides engineer support to this facility? What is your relationship with the engineer? (If the S-4 provides engineer support, then ask the Engineer Support to Internment Facility Questions.)

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

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

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

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

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

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

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

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

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

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

23). ADVISEMENT OF RIGHTS (For military personnel)

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24). 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?

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

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

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

28). How could the incident have been prevented?

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

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

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

#### **n. CID Special Agent**

1). What is your involvement with detainee abuse investigations? Please provide a general description of the quantity and type of investigations that you were involved in?

2). Can you list the detainee facilities that these incidents occurred?

3). During those investigations did you establish the motives for soldiers that abused detainees? If so, please list the motives you uncovered and explain each individually in as much detail as possible.

4). During those investigations, did you establish any deficiencies regarding training of those persons who committed abuse? If so, please explain?

5). During those investigations, did you establish any deficiencies in regards to the leadership of those who committed abuse? If so, please explain?

6). During those investigations, did you establish if the environmental factors (length of work day, shift schedule, living conditions, weather, food, etc...) might have been the cause of abuse? If so, explain?

7). During those investigations, did you determine if combat stress was a cause of the abuse? If so, please explain.

8). During those investigations did you establish if the assignment of MOS' that do not normally deal with detainee operations had an impact on those soldiers abusing detainees. If so, please explain.

9). During these investigations did you establish any patterns as far as one unit having more soldiers who abused detainees, or a specific MOS that had more soldiers who abused detainees. Did you see any specific patterns?

10): Is there anything else that you may have observed that you felt was the cause of those soldiers abusing detainees?

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

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

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

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

15). 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.

16). 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?

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



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

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

20). How could the incident have been prevented?

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

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

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

**n. ENGINEER SUPPORT TO INTERNMENT FACILITIES (MP BDE/BN)**

1). What is your role in assisting this unit to maintain the security and safeguarding of Detainees at this internment facility?

2). What is the maximum capacity for this particular facility? What is the current Detainee population? What is your plan for surge? (tentage, latrines, etc)

3). What standards were used in establishing this internment facility? What standards do you use in providing engineer support for this facility? Have any facility standards been waived, and if so, by whom, and why?

4). Why was this facility picked as an internment facility (permanent)? What makes this the place of choice? Who decided the location of this facility?

5). What are some of the services being contracted out/outsourced to support Detainee Operations in Theater? (Custodial, Garbage, etc.) What are issues concerning contracting or budget that you are aware of that impact Detainee Operations? If so, what are they? Who oversees these contracts that support Detainee Operations (CORs)?

6). What do you know about 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?

7). What is the minimum living space standard for each Detainee? Who set the provisions of minimum living space for this facility (Engineers are managers of real property) (when possible, consult the preventative medicine authority in theater for provisions of minimum living space and sanitary facilities). What is your relationship with the preventative medicine expert? Has a preventative medicine expert given advice on this?

8). 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. Are they serviced with running water)? How are they cleaned and how often, and by whom

(Contracted?)? Where do they bathe and conduct other personal hygiene? How recently has a preventative medicine expert inspected the latrine and personal hygiene facilities?

9). Is the sewage system intact? If not, what are the problems and what is being done to fix. What is used in lieu of?

10). Describe your lighting system for the internment facility. How does it enhance the security of the facility? Does the facility have emergency lighting/power capability? Describe the system. How about the electrical distribution system? What are your problems with the system?

11). How do the Detainees receive fresh potable water (Bottled water, Lister bags, running water--if so, is it potable)? How reliable is the (running) water distribution system (any breakdowns and if so, how often)?

12). How about heating during the winter? What fire prevention/safety measures are in place? Describe major problems in these areas.

13). Describe the facilities where the Detainees eat? (Is there a kitchen facility), what equipment do you have in place?

14). Do you train and supervise internal and external labor (CIs) (construction and repair of facilities)? If so, describe the work ((construction, maintenance, repair, and operation of utilities (water, electricity, heat, and sanitation.))

15). How do you prioritize your maintenance and repair? What is your backlog on work orders? Are there any future plans for this facility in terms of renovation or expansion? Please describe (how will they use swing space).

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

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

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

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

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

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

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

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

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

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

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

31). How could the incident have been prevented?

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

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

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

**o. Medical Officer / Preventive Medical Officer**

1). What medical requirements in support of the detainee program were identified in the medical annexes of relevant OPLANs, OPORDs, and other contingency planning documents? What identified requirements were actually allocated? What procedures were specified in these documents

2). What training, specific to detainee medical operations, did you receive prior to this deployment? What training have you received during this deployment?

3). What are the minimum medical care and field sanitation standards for collection points/internment facilities? What have you observed when detainees are received at collection points/internment facilities? (Describe the process)

4). How often are the collection points/internment facilities inspected (PVNTMED inspections)? Who performs the inspections (field sanitation team, PVNTMED detachment)? What do the inspections consist of? 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?

5). How do you ensure that each unit has a field sanitation team and all necessary field sanitation supplies? What PVNTMED personnel are assigned to MP units responsible for detention operations?

6). How are detainees initially evaluated (screened) and treated for medical conditions (same as US)? Who performs the screening? What do you do if a detainee is suspected of having a communicable disease (isolated)?

7). How often do you or your staff conduct routine medical inspections (examinations) of detainees? What does the medical evaluation consist of? What is the purpose of the medical examination? How are the results recorded/reported?

8). Does every internment facility have an infirmary? If not, why not? How do detainees request medical care? What are the major reasons detainees require medical care? Have any detainees been denied medical treatment or has medical attention been delayed? If so, why?

9). How do detainees obtain personal hygiene products?

10). What are the procedures for the transfer of custody of detainees to/from the infirmary for medical treatment? How is security maintained when a detainee is transferred to a medical facility? (Database, form, etc

11). What are the procedures for repatriation of sick and wounded detainees? Who is eligible for repatriation based on a medical condition? How do you interact with the Mixed Medical Commission (EPW/RP only)?

12). Who maintains medical records of detainees? How are these maintained and accessed? What is kept in the medical record? Who collects, analyzes, reports, and responds to detainee DNBI data

13). What are the standards for detainee working conditions? Who monitors and enforces them? Who administers the safety program? What is included in the safety program? How does a detainee apply for work-related disability compensation

14). How are retained medical personnel identified? What special conditions apply to them? How are they employed in the care of detainees? How are they certified as proficient? Who supervises them?

15). What measures are taken to protect US personnel from contracting diseases carried by detainees? Who monitors/enforces these procedures?

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

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

18). What do you perceive to be doctrinal medical shortcomings pertaining to detainee operations? How would you fix/incorporate into updated doctrine/accomplish differently? Does the current force structure of the Medical/MS/SP Corps support the successful accomplishment of detainee operations? What are the shortcomings, and how do we fix the problem at the Army level?

19). If you noticed any markings and/or injuries on a detainee that might lead you to believe the detainee was being abused, what would you do with the information? Do your subordinates know the reporting procedures if they observe or become aware of a detainee being abused?

20). Overall, how do you feel detainees are being treated at the infirmary, collection points and/or detention facilities? What systemic weaknesses have you identified?

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

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

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

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

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

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

31). How could the incident have been prevented?

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

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

#### **p. NCOIC GUARD FORCE COLLECTION POINT & INTERNMENT FACILITY**

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

2). Did you and all of your Soldiers undergo Law of War training prior to deployment? Explain what training occurred. What is your plan to train new Soldiers (replacements) to the unit? Did this training include the treatment of Detainees? Explain.

3). What policies/procedures does your unit have in place to support the U. S. policy relative to the humane treatment of Detainees?

- 4). Does your unit have a formal training program for the care and control of Detainees? Describe what it includes. (For Permanent Internment Facilities only)
- 5). 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)?
- 6). What procedures do you have in place to ensure Soldiers understand the use of force and rules of engagement for the internment facility/collection point?
- 7). What guidance or policies do you have to ensure fraternization is not taking place between U.S. military personnel and the detainees?
- 8). Describe the training the guard force received to prepare them for their duties (5Ss & T)) How does your unit conduct sustainment training for Detainee Operations in Theater? How often does this occur and please describe it? When did your unit last conduct this training?
- 9). What Home Station/Mob Site Training did your unit conduct prior to deployment to help your unit prepare for Detainee Operations? Describe it. How did the training prepare you to conduct Detainee Operations for this deployment? What are your unit's strengths and weaknesses? How did this training distinguish between the different categories of Detainees (EPWs, RPs, CIs, etc.)?
- 10). Describe the training you received during your last Military Institutional School (BNCOC/ANCOC) in handling/processing Detainees. How was it helpful in preparing you for Detainee Operations? How would you improve the training at the schoolhouse?
- 11). What are some of the basic operations of the collection point/internment facility? Is there a copy of the Geneva Convention posted in the detainee's home language within these camps? 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?
- 12). What control measures are your unit using to maintain discipline and security in the collection point/internment facility?
- 13). What procedures are in place to account for and dispose of captured enemy supplies and equipment? What procedures are in place to process personnel, equipment, and evidence?
- 14). What is your ratio of guards to detainees in your collection point/internment facility? 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). How are you organized to handle the different categories of personnel (EPW, CI, OD, females, juveniles and refugees)? 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?

16). What is the number of personnel needed to escort prisoners internally and externally? (i.e. for medical, evacuation, etc.)?

17). What are the procedures for transporting and evacuating detainees? What are the procedures for transferring Detainees from the collection points to US Military controlled detention facilities? How is the transfer of Detainees handled between different services?

18). What are the procedures for the transfer of custody of Detainees from the collection points/internment facility to Military Intelligence/OGA personnel? When the detainee is returned to the guard force, what procedures occur with the detainee? (in processing, medical screening, suicide watch, observation report DD Form 2713?, etc)

19). What MP units (guards, escort, detachments) do you have at your disposal to operate and maintain this collection point/internment facility? What non-MP units are you using to help operate this collection point/internment facility? If you do not use MP teams, what forces are required to operate the Collection Point (guard, security etc)? Do you have any shortfalls in performing the Collection Point mission? How does this affect your doctrinal mission? How long are you holding Detainees at the collection point? Is holding the detainees longer than the 12/24 hours impacting on your units' ability to perform its mission? Why?

20). Describe how this unit is able to maintain the security and safeguarding of Detainees at this internment facility/collection point. Describe your security requirements. (What are your clear zones? How do your Guard Towers permit an unobstructed view of the clear zone and how do they allow for overlapping fields of fire? Describe your perimeter security.

21). How do you maintain a high state of discipline with your Soldiers to enhance the internal and external security of the internment facility/Collection Point?

22). Does this facility include Sally Ports? Describe the system in place.

23). What do you have in place for communications (between guards/towers and the TOC/C<sup>2</sup>)? What problems do you have? How do you overcome them?

24). 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 other personal hygiene (this will depend how long it takes to evacuate Detainees to U.S. Military Controlled Detention Facilities—12/24 hours is the standard)?

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

26). Can you give some examples of contraband? What are the procedures when you find contraband?? (i.e., Knives, Narcotics, weapons, currency)

27). Describe your lighting systems at the Facility/Collection Point (how does it affect security) . How about heating during the winter? What fire prevention/safety measures are in place?



- 28). How are Detainee complaints and requests to the camp commander processed?
- 29). What are your shortcomings/problems in feeding the population? What is the menu of the population?
- 30). What problems, if any, do you feel the unit has regarding manning or personnel resourcing in conducting Detention Operations? What about the number of personnel to control the detention operation in regards to riot control?
- 31). What personal equipment is the unit experiencing as a shortfall concerning detainee operations, (i.e., restraints, uniforms, CIF items, weapons, etc)?
- 32). What types of supplies is greater in-demand for the unit during detainee operations? And are these items regularly filled? What major shortfalls has the unit encountered in regard to materiel and supply distribution?
- 33). What transportation problems is the unit experiencing to move detainees during the operation?
- 34). What safety programs/policies are currently being used in the Detainee camps?
- 35). 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)?
- 36). Are you aware of your requirement to report abuse or suspected abuse of detainees?
- 37). Do your subordinates know the reporting procedures if they observe or become aware of a Detainee being abused?
- 38). What steps would you take if a subordinate reported to you an incident of alleged Detainee abuse?
- 39). Do you feel you can freely report an incident of alleged Detainee abuse outside Command channels (IG, CID)?
- 40). What procedures do you have to report suspected detainee abuse (IG, CID, Next Level Commander)?
- 41). What systems are in place for detainees to report alleged abuse?
- 42). What do you perceive as the mission of your unit? Describe the importance of your role in that mission.
- 43). Describe your working environment and living conditions since being in Theater.
- 44). Describe the unit command climate and Soldier morale. Has it changed or evolved since you have been in Theater?
- 45). Are you aware of any incidences of detainee or other abuse in your unit?

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

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

51). How could the incident have been prevented?

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

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

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

q. **POINT OF CAPTURE-- CDR/ 1SG/ PL/ PS**

- 1). 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 a unit Collection Point?
- 2). Did you and all of your Soldiers undergo Law of War training prior to deployment? Explain what training occurred. Did this training include the treatment of Detainees? Is there a plan to train new Soldiers (replacements) to the unit? Explain.
- 3). What Home Station/Mob Site Training did your unit conduct prior to deployment to help your unit prepare for Detainee Operations? Describe it. How did the training prepare you to conduct Detainee Operations for this deployment? How did this training distinguish between the different categories of Detainees (EPWs, RPs, CIs, etc.)?
- 4). 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)?
- 5). Describe the training you received at the last Professional Military Education on handling/processing Detainees. How was it helpful in preparing you for Detainee Operations? How would you improve the training at the schoolhouse?
- 6). Describe the training the guard force received to prepare them for their duties. How do you ensure your guards understand their orders?
- 7). How does your unit conduct sustainment training for Detainee Operations? How often does this occur and please describe it? When did your unit last conduct this training?
- 8). (CDR/1SG) What are your policies on the establishment of a unit holding area? How do you ensure that these areas operate IAW Law of War?
- 9). (PL/PS) What is the units' policy on the establishment of a unit holding area? How do you know that you are operating the holding areas IAW Law of War? ?
- 10). How do you administratively process each detainee, (i.e., tagging pax and equipment, evidence, witness statements, etc.)?
- 11). How do you maintain good morale and discipline with Soldiers and leaders to enhance the security of the unit collection point?
- 12). What procedures do you have in place to ensure Soldiers and leaders understand the use of force and rules of engagement for the unit collection point? (ROE Card, sustainment tng, etc)
- 13). What procedures are in place to dispose of captured contraband (enemy supplies and equipment)?
- 14). (CDR/1SG) What policies/procedures do you have in place to ensure that all Detainees are protected, safeguarded, and accounted for (5Ss & T)? What policies/procedures does your unit have to ensure the humane treatment of Detainees?
- 15). What are your procedures for questioning Detainees? (Is interrogation taking place?) Who is interrogating the detainees?

16). What are your procedures to evacuate a detainee from the point of capture to the Battalion/Brigade collection point? What transportation problems is the unit experiencing either to move troops or detainees during the operation? How do you process detainees too sick or wounded to be evacuated?

17). What is the number of personnel that is needed to move prisoners within the holding area and then to higher? (i.e. for medical sick call, evacuation, etc.)?

18). What medical personnel are available to support DO?

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

20). What equipment is the unit experiencing as a shortfall concerning detainee operations, (i.e., restraints, uniforms, CIF items, radios, weapons, etc.)?

21). (CDR) Are any of these USR shortages and if so are you reporting them on your USR?

22). What types of supplies is greater in-demand for the unit during detainee operations? What about health and comfort items? And are these items regularly filled?

23). What duties put the most stress on soldiers in terms of personnel resources?

24). What is the most important factor that you would address in terms of personnel resources in regards to a successful detainee operation?

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

26). 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)?

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

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

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

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

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

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

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

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

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37). 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.

38). 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?

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

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

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

42). How could the incident have been prevented?

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

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

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

**r. DETAINEE ADMINISTRATION COLLECTION POINT/INTERMENT FACILITY**

1). Can you tell me what basic publications that you use to get doctrine and standards for Detainee Operations? How are you applying standards/doctrine to your processing of Detainees?

2). How often does your immediate supervisor/commander come here to ensure that Detainee Operations is conducted in compliance with the international Law of war? How about other commanders in your chain of command?

3). Describe the in processing for Detainees at this Collection Point/Internment Facility. (TAGGING, EQUIPMENT, EVIDENCE, SWORN STATEMENTS, ETC)? By what means are they transported here? ? How long do Detainees typically stay here (12/24 hours is the standard for each location of captivity until they get to the Long Term Detention Facility)? How long does it typically take Detainees to get here after capture? How are they out-processed and where do they go? How are they transported to the next higher level facility/Collection Point? (What is the documentation required for the transfer of prisoners/Civilian Internees? (What is the documentation required for the transfer of Detainees to other locations or to either MI Soldiers or other U.S. Government Agencies?)

4). 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)

5). 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 you detain? How are you organized to handle the different categories of Detainees (EPW, CI, HVD, OD, and refugees?)

6). What happens to weapons/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 in country? Who gave the authority not to use this form? 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 in single copy (not the 3 required))) Who decided on the use of the Coalition Provisional Authority Apprehension Form? Why and under whose authority?

7). How are interpreters (linguists/translators) used in this Collection Point/Internment Facility? How many do you have at your disposal? How do you obtain them? Do you and your Soldiers trust them?

8). (COLLECTING POINT ONLY) Are the daily food rations sufficient in quantity or quality and variety to keep detainees in good health (HOW MUCH FOOD DO THEY GET)? Are

personal hygiene items and needed clothing being supplied to the Detainees if they are kept longer than 12/24 hours here? Explain?

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

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

11). What steps would you take if a subordinate reported to you an incident of alleged Detainee abuse? Do you feel you can freely report an incident of alleged Detainee abuse outside Command channels (IG, CID)

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

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

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

## **2. SENSING SESSION QUESTIONS**

### **a. NCO (Point of Capture)**

1). What regulations, directives, policies, are you aware of that deal with detainee operations?

2). Did you and all of your Soldiers undergo Law of War/Geneva Convention training prior to deployment? Explain what training occurred. Did this training include the treatment of Detainees? What is your plan to train new Soldiers (replacements) to the unit? Explain.

3). 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) (How can you interact with the detainees)?

4). Does your unit conduct sustainment training for Detainee Operations? How often does this occur and please describe it? When did your unit last conduct this training?

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

6). Describe the training you received During PLDC/BNCOC/ANCOC in handling/processing Detainees. How was it helpful in preparing you for Detainee Operations? How would you improve the training at the schoolhouse?



- 7). What procedures are in place to ensure Soldiers understand the use of force and rules of engagement? (ROE Card? Etc)
- 8). How do you maintain discipline and security until the detainees are handed off to higher? Describe the training/GUIDANCE the guard force received to prepare them for their duties?
- 9). What is the minimum standard of treatment US Soldiers must provide detainees? What policies/procedures does your unit have to ensure the humane treatment of Detainees? What procedures does your unit have in place to ensure that Detainees are protected, safeguarded, and accounted for?
- 10). How do you tag detainees for processing? ) (CPA Forces Apprehension Form, two sworn statements, EPW tag) What procedures do you go through? How do you tag equipment? ( are they tagged with DD Form 2745)? What about evidence? What procedures do you use to process equipment/evidence? What about confiscated personal affects? Where do you store Detainees' confiscated personal affects (if any)?
- 11). What is your ratio of guards to detainees? 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?
- 12). What is the number of personnel needed to maintain security for the detainees until they are processed to a higher collection point?
- 13). What is the number of personnel needed to move prisoners within the holding area (i.e. from one point to another, for medical, evacuation, etc.)?
- 14). How long do you keep detainees at the unit collection point? In relation to the Collection Point, how far away are your ammunition and fuel storage sites? Where is your Tactical Operation Center (TOC)? Where is your screening site where MI Soldiers interrogate Detainees?
- 15). 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?
- 16). What are the procedures for transporting and evacuating detainees? What procedures are in place to account for or dispose of captured enemy supplies and equipment?
- 17). What transportation problems is the unit experiencing either to move troops or detainees during the operation?
- 18). What is the most important factor that you would address in terms of personnel resources in regards to a successful detainee operation?
- 19). What equipment is the unit experiencing as a shortfall concerning detainee operations, (i.e., restraints, uniforms, CIF items, weapons, etc)?
- 20). How do the Detainees receive fresh water (Bottled water or Lister bag)?

- 21). What types of supplies is greater in-demand for the unit during detainee operations? And are these items regularly filled?
- 22). What procedures are in place when a detainee in U S custody dies?
- 23). 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)?
- 24). Are you aware of your requirement to report abuse or suspected abuse of detainees?
- 25). Do your subordinates know the reporting procedures if they observe or become aware of a Detainee being abused?
- 26). What steps would you take if a subordinate reported to you an incident of alleged Detainee abuse?
- 27). Do you feel you can freely report an incident of alleged Detainee abuse outside Command channels (IG, CID)?
- 28). What procedures do you have to report suspected detainee abuse (IG, CID, Next Level Commander)?
- 29). What procedures are in place for detainees to report alleged abuse?
- 30). What do you perceive as the mission of your unit? Describe the importance of your role in that mission.
- 31). Describe your working environment and living conditions since being in Theater.
- 32). Describe the unit command climate and Soldier morale. Has it changed or evolved since you have been in Theater?
- 33). Please provide by show of hands if you aware of any incidences of detainee or other abuse in your unit? (Those that raise their hands, need to be noted and interviewed individually afterwards using the ABUSE QUESTIONNAIRE)

**b. SOLDIER (Point of Capture)**

- 1). Did you undergo Law of War training prior to deployment? Explain what training occurred. Did this training include the treatment of Detainees? Explain.
- 2). Describe the training/guidance you received to prepare you for handling/guarding the detainees. Does your unit conduct sustainment training for Detainee Operations in Theater? How often does this occur and please describe it? When did your unit last conduct this training?
- 3). What Home Station/Mob Site Training did your unit conduct prior to deployment to help your unit prepare for Detainee Operations? Describe it. (5Ss & T) How did the training

prepare you to conduct Detainee Operations for this deployment? What are your unit's strengths and weaknesses? How did this training distinguish between the different categories of Detainees (EPWs, RPs, CIs, etc.)? What training have you received to ensure your knowledge of DO is IAW the provisions under the Geneva Convention?

4). Describe the training you received during Basic Training in handling/processing Detainees. How was it helpful in preparing you for Detainee Operations? How would you improve the training at the schoolhouse?

5). How does your unit train on the established Rules of Engagement (ROE)? How often does this occur? Does this training include Rules of Interaction (ROI)? What about Standards of Conduct? (How can you interact with the detainees)? What guidance or policies have you been trained/briefed on to ensure you understand interaction/ fraternization and that it is not taking place between U.S. military personnel and the detainees?

6). What procedures has your leadership developed to ensure you understand the use of force and the rules of engagement?

7). How is your unit ensuring that all Detainees are protected, safeguarded, and accounted for IAW the 5Ss & T?

8). How do you tag detainees for processing (CPA Form, DD Form 2745)? What procedures do you go through? How do you tag equipment (DD Form 2745, DA Form 4137)? What about evidence (DD Form 2745, DA Form 4137)? What procedures do you use to process equipment/evidence? What about confiscated personal affects? Where do you store Detainees' confiscated personal affects (if any)?

9). What are the procedures for transporting and evacuating detainees?

10). What transportation problems is the unit experiencing either to move troops or detainees during the operation?

11). What is the ratio of guards to detainees? 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?

12). What equipment is the unit experiencing as a shortfall concerning detainee operations, (i.e., restraints, uniforms, CIF items, weapons, etc.)?

13). 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 other personal hygiene (this will depend how long it takes to evacuate Detainees to CO/BN?

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

15). Do you know of the procedures to get stress counseling (Psychiatrist, Chaplain, Medical)?

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

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

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

19). What procedures are in place for detainees to report alleged abuse?

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. (Identify physical and psychological impact on Soldier's attitude).

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

23). Please provide by show of hands if you aware of any incidences of detainee or other abuse in your unit. (Those that raise their hands, need to be noted and interviewed individually afterwards using the ABUSE QUESTIONNAIRE)

### **c. GUARD FORCE (NCO) COLLECTION POINT & INTERNMENT FACILITY**

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

2). Did you and all of your Soldiers undergo Law of War training prior to deployment? Explain what training occurred. What is your plan to train new Soldiers (replacements) to the unit? Did this training include the treatment of Detainees? Explain.

3). What policies/procedures does your unit have in place to support the U. S. policy relative to the humane treatment of Detainees?

4). Does your unit have a formal training program for the care and control of Detainees? Describe what it includes. (For Permanent Internment Facilities only)

5). 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)?

6). What procedures do you have in place to ensure Soldiers understand the use of force and rules of engagement for the interment facility/collection point? What guidance or policies do you have to ensure fraternization is not taking place between U.S. military personnel and the detainees?

7). Describe the training the guard force received to prepare them for their duties (5Ss & T)) How does your unit conduct sustainment training for Detainee Operations in Theater? How often does this occur and please describe it? When did your unit last conduct this training?

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

9). Describe the training you received during your last Military Institutional School (BNCOC/ANCOC) in handling/processing Detainees. How was it helpful in preparing you for Detainee Operations? How would you improve the training at the schoolhouse?

10). What are some of the basic operations of the collection point/internment facility? Is there a copy of the Geneva Convention posted in the detainee's home language within these camps? 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?

11). What control measures are your unit using to maintain discipline and security in the collection point/internment facility?

12). What procedures are in place to account for and dispose of captured enemy supplies and equipment? What procedures are in place to process personnel, equipment, and evidence?

13). What is your ratio of guards to detainees in your collection point/internment facility? 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?

14). How are you organized to handle the different categories of personnel (EPW, CI, OD, females, juveniles and refugees)? 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?

15). What is the number of personnel needed to escort prisoners internally and externally? (i.e. for medical, evacuation, etc.)?

16). What are the procedures for transporting and evacuating detainees? What are the procedures for transferring Detainees from the collection points to US Military controlled detention facilities? How is the transfer of Detainees handled between different services?

17). What are the procedures for the transfer of custody of Detainees from the collection points/internment facility to Military Intelligence/OGA personnel? When the detainee is returned to the guard force, what procedures occur with the detainee? (in processing, medical screening, suicide watch, observation report DD Form 2713?, etc)

18). What MP units (guards, escort, detachments) do you have at your disposal to operate and maintain this collection point/internment facility? What non-MP units are you using to help operate this collection point/internment facility? If you do not use MP teams, what forces are required to operate the Collection Point (guard, security etc)? Do you have any shortfalls in

performing the Collection Point mission? How does this affect your doctrinal mission? How long are you holding Detainees at the collection point? Is holding the detainees longer than the 12/24 hours impacting on your units' ability to perform its mission? Why

19). Describe how this unit is able to maintain the security and safeguarding of Detainees at this internment facility/collection point. Describe your security requirements. (What are your clear zones? How do your Guard Towers permit an unobstructed view of the clear zone and how do they allow for overlapping fields of fire? Describe your perimeter security.

20). How do you maintain a high state of discipline with your Soldiers to enhance the internal and external security of the internment facility/Collection Point?

21). Does this facility include Sally Ports? Describe the system in place.

22). What do you have in place for communications (between guards/towers and the TOC/C<sup>2</sup>)? What problems do you have? How do you overcome them?

23). 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 other personal hygiene (this will depend how long it takes to evacuate Detainees to U.S. Military Controlled Detention Facilities—12/24 hours is the standard)?

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

25). Can you give some examples of contraband? What are the procedures when you find contraband?? (i.e., Knives, Narcotics, weapons, currency)

26). Describe your lighting systems at the Facility/Collection Point (how does it affect security) . How about heating during the winter? What fire prevention/safety measures are in place?

27). How are Detainee complaints and requests to the camp commander processed?

28). What are your shortcomings/problems in feeding the population? What is the menu of the population?

29). What problems, if any, do you feel the unit has regarding manning or personnel resourcing in conducting Detention Operations? What about the number of personnel to control the detention operation in regards to riot control?

30). What personal equipment is the unit experiencing as a shortfall concerning detainee operations, (i.e., restraints, uniforms, CIF items, weapons, etc.)?

31). What types of supplies is greater in-demand for the unit during detainee operations? And are these items regularly filled? What major shortfalls has the unit encountered in regard to materiel and supply distribution?

32). What transportation problems is the unit experiencing to move detainees during the operation?

- 33). What safety programs/policies are currently being used in the Detainee camps?
- 34). 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)?
- 35). Are you aware of your requirement to report abuse or suspected abuse of detainees?
- 36). Do your subordinates know the reporting procedures if they observe or become aware of a Detainee being abused?
- 37). What steps would you take if a subordinate reported to you an incident of alleged Detainee abuse?
- 38). Do you feel you can freely report an incident of alleged Detainee abuse outside Command channels (IG, CID)
- 39). What procedures do you have to report suspected detainee abuse (IG, CID, Next Level Commander)?
- 40). What systems are in place for detainees to report alleged abuse?
- 41). What do you perceive as the mission of your unit? Describe the importance of your role in that mission.
- 42). Describe your working environment and living conditions since being in Theater.
- 43). Describe the unit command climate and Soldier morale. Has it changed or evolved since you have been in Theater?
- 44). Please provide by show of hands if you aware of any incidences of detainee or other abuse in your unit? (Those that raise their hands, need to be noted and interviewed individually afterwards using the ABUSE QUESTIONNAIRE)

**d. GUARD FORCE (ENLISTED) COLLECTION POINT & INTERNMENT FACILITY**

- 1). Did all of you undergo 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.
- 2). What training have you received to ensure your knowledge of DO is IAW the provisions under the Geneva Convention? (5Ss & T)
- 3). 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)?
- 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 here in Theater? How often does this occur and please describe it? When did your unit last conduct this training?

6). (For Permanent Internment Facilities only) Does your unit have a formal training program for the care and control of Detainees? Describe what it includes.

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

8). What are some of the basic operations of the collection point/facility? Is there a copy of the Geneva Convention posted in the detainee's home language within these camps? Are camps segregating Detainees by nationality, language, rank, and sex? What provisions are in place for the receipt and distribution of Detainee correspondence/mail? 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). What is the maximum capacity for this particular collection point/facility? What is the current Detainee population? What is your ratio of guards to detainees in the collection point/facility? 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?

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

11). Describe how this unit is able to maintain the security and safeguarding of Detainees at this collection point/internment facility. Describe your security requirements. (What are your clear zones)? How do your Guard Towers permit an unobstructed view of the clear zone and how do they allow for overlapping fields of fire? Describe your perimeter security.

12). What MP units (guards, escort, detachments) do you have at your disposal to operate and maintain this collection point/facility? What non-MP units are you using to help operate this collection point/facility?

13). What is the number of personnel that is needed to move prisoners internally and externally, (i.e. for medical, evacuation, etc.)?

14). How are you organized to handle the different categories of personnel (EPW, CI, OD, and refuges)? How many female Detainees are housed here? How and where do you house them? How do you maintain separation from the male population (during the day or during recreational activities)? What about other categories (juveniles, CI, RP, etc)? What about other categories (juveniles, CI, RP, etc)? 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?

15). (Collection Point only) How long are you holding Detainees at the collection point? Is holding the detainees longer than the 12 hours (FWD CP) or 24 hours (Central CP) impacting on your units' ability to perform its mission? Why?



- 16). What procedures are in place to account for and dispose of captured enemy supplies and equipment?
- 17). Can you give some examples of contraband? What are the procedures when you find contraband?? (i.e., Knives, Narcotics, weapons, currency)
- 18). (Collection Point only ) What are the procedures for transporting and evacuating detainees?
- 19). 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 different services?
- 20). What are the procedures for the transfer of custody of Detainees from the collection points/internment facility to Military Intelligence/OGA personnel? When the detainee is returned to the guard force, what procedures occur with the detainee? (in processing, medical screening, suicide watch, observation report DD Form 2713?, etc)
- 21). Does this facility include Sally Ports? Describe the system in place.
- 22). What do you have in place for communications (between guards/towers and the TOC/C<sup>2</sup>)? What problems do you have?
- 23). How do the Detainees receive fresh water (Bottled water or Lister bag)?
- 24). How are Detainee complaints and requests to the internment facility commander processed?
- 25). What safety programs/policies are currently being used in the internment facilities?
- 26). What personal equipment is the unit experiencing as a shortfall concerning detainee operations, (i.e., restraints, uniforms, CIF items, weapons, etc.)?
- 27). What transportation problems is the unit experiencing either to move troops or detainees during the operation?
- 28). What problems, if any, do you feel the unit has regarding manning or personnel resourcing in conducting Detention Operations?
- 29). Do you know of the procedures to get stress counseling (Psychiatrist, Chaplain, Medical)?
- 30). Are you aware of your requirement to report abuse or suspected abuse of detainees?
- 31). Do you feel you can freely report an incident of alleged Detainee abuse outside Command channels (IG, CID)
- 32). What procedures do you have to report suspected detainee abuse (IG, CID, Next Level Commander)

- 33). What procedures are in place for detainees to report alleged abuse?
- 34). What do you perceive as the mission of your unit? Describe the importance of your role in that mission.
- 35). Describe your working environment and living conditions since being in Theater.
- 36). Describe the unit command climate and Soldier morale. Has it changed or evolved since you have been in Theater?
- 37). Please provide by show of hands if you aware of any incidences of detainee or other abuse in your unit? (Those that raise their hands, need to be noted and interviewed individually afterwards using the ABUSE QUESTIONNAIRE)

**e. ABUSE QUESTIONNAIRE.**

- 1). What do you perceive as the mission of your unit? Describe the importance of your role in that mission.
- 2). Describe your working environment and living conditions since being in Theater.
- 3). Describe the unit command climate and Soldier morale. Has it changed or evolved since you have been in Theater
- 4). Are you aware of any incidences of detainee or other abuse in your unit?
- 5). 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. (1.2, 1.6)

6). 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?

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

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

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

10). How could the incident have been prevented?

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

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

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

### 3. INSPECTION TOOLS.

#### a. Receipt at the US Military Controlled Detention Facilities Worksheet

**UNIT:** \_\_\_\_\_ **DATE:** \_\_\_\_\_ **NAME:** \_\_\_\_\_

<b>Receipt at the US Military Controlled Detention Facilities:</b>	
1.	What means of transportation are Detainees delivered to the Detention Facility? How are they subdued? Are detainees receiving humane treatment? Are they immediately screened and searched upon arrival? Who is in Charge? (What Unit?)
	Remarks:
2.	Describe in Detail what the In-Processing Procedures are.
	Remarks:
3.	Describe in Detail what the Out-Processing Procedures are.
	Remarks:
4.	Describe security at the Interment Facility. What is the Guard to Detainee Ratio? Describe the Facility in Detail?

Remarks:					
5. Is the Facility using DA Form 2674-R (Strength Report) to maintain accountability of detainees?	Yes	No	Are the detainees' names listed on this form?	Yes	No
Remarks:					
6. Is the DA 4237-R used for Protected Persons?	Yes	No	Are there children annotated on the form?	Yes	No
Remarks: ((Ask if there compassionate Detainees? (children?))					
7. What paperwork follows the Detainee: Is it completed to standard: If not, why? If not to standard, what happens?					
Remarks:					
8. Did you witness anyone taking photos or films of detainees outside the parameters of internment facilities administration or for intelligence/counterintelligence purposes?	Yes	No			

Remarks:		
9. Are sick or wounded detainees kept separately and in the same manner as US Forces? Does the Facility have an Infirmary? Describe in Detail.	Yes	No
Remarks:		
10. Do detainees enjoy the latitude in the exercise of their religious practices?	Yes	No
Remarks:		
11. Are there interpreters at the Internment Facility? How many? What background checks are conducted?	Yes	No
Remarks:		
12. Are the following forms/requirements being used properly for Civilian Detainees	Yes	No
a. DA Form 1132 (Prisoners Personal Property)	Yes	No
b. DA Form 2677-R (Civilian Internee Identification Card)	Yes	No
c. Are Internment Serial Numbers assigned to each Civilian Internee?	Yes	No
d. DA Form 2678-R (Civilian Internee Notification of Address)	Yes	No
e. DA Form 2663-R (Fingerprint Card) or (BAT Process)	Yes	No
f. or any other forms used (possibly in lieu of) IAW local SOPs or Policy (CPA Apprehension Form?)	Yes	No

Remarks:		
13. What type of unit is in charge of operating the Internment Facility? Is there an adequate number of personnel running the Facility?	Yes	No
Remarks:		
14. Describe physical security at and around the Facility? Describe lighting systems. How about Sally Ports?		
Remarks:		
15. 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?		
Remarks:		
16. Describe the furnishings for sleeping and eating (does it include bedding/blankets)? Is there a means to launder clothing items for the Detainees at the Facility		
Remarks:		
17. Describe the Facility's Infrastructure.		
a. Electrical Distribution and Lighting.		
Remarks:		
b. Sewer or Sanitation System (Waste Water, if any).		
Remarks:		
c. Potable Water Supply (drinking).		
Remarks:		

d. Water for bathing and laundry.		
Remarks:		
e. Heating and Ventilation.		
Remarks:		
f. Fire Prevention Measures.		
Remarks:		
g. Segregation based on Detainee Classification.		
Remarks:		
h. Vector/Animal/Pest Control.		
Remarks:		
18. Preventative Medicine Remarks.		
Remarks:		
19. Are Medical Records Maintained for each Detainee? Where are they kept?	Yes	No
Remarks:		
20. Where is the screening site? Where are detainees interrogated? Who interrogates/questions the detainees?		
Remarks:		

19. General Observations: (Include sketch of location/facility area).

SAFETY PROGRAM

SCREENING/INTERROGATION SITE

ADD RECEIVING/INPROCESSING STATION

ADD INTERROGATION LOCATION IF APPLICABLE

**b. Receipt at the (BDE/DIV) Collection Point to Evacuation to US Military Controlled Detention Facilities Worksheet.**

**UNIT:** \_\_\_\_\_ **DATE:** \_\_\_\_\_ **NAME:** \_\_\_\_\_

<b>Receipt at the (BDE/DIV) Collection Point to Evacuation to US Military Controlled Detention Facilities:</b>					
1. Describe security at the Collection Point. What is the Guard to Detainee Ratio?					Ratio:
Remarks:					
2. Is the Collection point using DD Form 629 to maintain accountability of detainees?	Yes	No	Are the detainees' names listed on this list?	Yes	No
Remarks:					
3. Did you witness anyone taking photos or films of detainees outside the parameters of internment facilities administration or for intelligence/counterintelligence purposes?				Yes	No
Remarks:					
4. Describe the Collection Point? Is it located near ammunition sites, fuel facilities, communications equipment, or other potential targets?				Yes	No
Remarks:					



5. Are sick or wounded detainees evacuated separately and in the same manner as US Forces? Are they classified by qualified medical personnel (walking wounded, litter, non-walking wounded)?	Yes	No
Remarks:		
6.. Do detainees enjoy the latitude in the exercise of their religious practices?	Yes	No
Remarks:		
7. How long are detainees kept in the Collection point?		
Remarks:		
8. Are escorts provided a DD Form 629 with all the escorted detainees' names listed while evacuating them to US Military Controlled Detention facilities?		
Remarks:		
9. Are there interpreters at the Collection Point?	Yes	No
Remarks:		
10. Are detainees being evacuated to US Military Controlled Detention facilities? How soon after arrival at the CP? Can you describe the process of evacuation?	Yes	No
Remarks:		
11. Is DA Form 4137 being used to account for the detainee's personal property?	Yes	No
Remarks:		
12. What type of unit is in charge of operating the Collection point (MPs or other)? What type of unit does the guard force consist of (MPs or others)? Is there an adequate number of personnel running the Collection Point?	Yes	No
Remarks:		
13. Describe your lighting systems at the Collection Point. How about heating during the winter? What fire prevention/safety measures are in place?		
Remarks:		
14. 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 other personal hygiene (this will depend how long it takes to evacuate Detainees to U.S. Military Controlled Detention Facilities--12 hours is the standard)?		

Remarks:
15. Describe the furnishings for sleeping and eating (does it include bedding/blankets)? Is there a means to launder clothing items for the Detainees at this Collection Point (this will depend how long it takes to evacuate Detainees to U.S. Military Controlled Detention Facilities-- 12 Hours is the standard).
Remarks:
16. How do the Detainees receive fresh water (Bottled water or Lister bag)? How are they fed (how often and what)?
Remarks:
17. What is the overall Description of the Collection Point? (Hardened Facility, tents, etc)
Remarks:
18. Where is the screening site? Where are detainees interrogated? Who interrogates/questions the detainees?
Remarks:
19. Describe Receiving/In-processing Station.
Remarks:
20. General Observations: (Include sketch of location/facility area).

**c. From Capture to the Collection Point Worksheet**

**UNIT:** \_\_\_\_\_ **DATE:** \_\_\_\_\_ **NAME:** \_\_\_\_\_

<b>From Capture to the Collection Point</b>					
1. Are detainees receiving humane treatment?				Yes	No
Remarks:					
2. Were detainees searched immediately upon capture?				Yes	No
Remarks:					
3. Was currency confiscated?	Yes	No	Did a commissioned officer approve the confiscation?	Yes	No
Remarks:					
4. Were detainees able to keep some personal effects, such as jewelry, protective mask and garments, helmets, clothing, ID Cards, badges of rank/nationality, etc?				Yes	No
Remarks:					
5. Were the detainees tagged using DD Form 2745? Was the required information entered onto the form (date of capture, grid coordinates of capture, capturing unit, and how the detainee was captured)?				Yes	No
Remarks:					
6. Is the DD Form 2745 properly divided into Parts A (attached to the detainee), B (retained by the capturing unit), and C (attached to the property of the detainee)?				Yes	No
Remarks:					
7. What other Forms and in-processing techniques are used and for what (CPA Apprehension Form?)					
Remarks:					
8. Are the detainees being interrogated/questioned soon after being captured? BY WHOM?				Yes	No
Remarks:					
9. Are wounded detainees receiving medical treatment?				Yes	No
Remarks:					
10. How are detainees evacuated to the Collection Points and how soon after capture?					
Remarks:					
11. General Observations:					

**d. PREVENTIVE MEDICINE SITE ASSESSMENT TOOL (FOR COLLECTION POINTS / INTERNMENT FACILITIES)**

NAME OF CP / FACILITY: _____		TYPE OF CP / FACILITY: _____	
LOCATION (TOWN/CITY, COUNTRY): _____			
_____			
DETAINEE POPULATION:	MEN _____	WOMEN _____	

**PERSONAL HYGIENE**

**SHOWERS**

NUMBER OF SHOWERS: \_\_\_\_\_

SOAKAGE PITS / GOOD DRAINAGE / NO STANDING WATER:                      Y

N

NON-POTABLE WATER SIGNS POSTED IN LOCAL LANGUAGE:                      Y

N

SOAP / SHAMPOO & TOWELS PRESENT:    Y      N

CLEANLINESS:                      POOR              FAIR              GOOD

EXCELLENT

FREQUENCY OF INSPECTION:      DAILY              WEEKLY              MONTHLY

COMMENTS: \_\_\_\_\_

**HAND WASHING STATIONS**

OUTSIDE ALL LATRINES:    Y      N

IN FOOD SERVICE AREA:    Y      N

SOAKAGE PITS / GOOD DRAINAGE / NO STANDING WATER:                      Y

N

SOAP & TOWELS PRESENT:    Y

N

NON-POTABLE WATER SIGNS POSTED IN LOCAL LANGUAGE:                      Y

N

CLEANLINESS:                      POOR              FAIR              GOOD

EXCELLENT

FREQUENCY OF INSPECTION:      DAILY              WEEKLY              MONTHLY

COMMENTS: \_\_\_\_\_

LAUNDRY FACILITIES PRESENT  
ABSENT  
SOAKAGE PITS / GOOD DRAINAGE / NO STANDING WATER: Y  
N  
NON-POTABLE WATER SIGNS POSTED IN LOCAL LANGUAGE: Y  
N  
CLEANLINESS: POOR FAIR GOOD  
EXCELLENT  
FREQUENCY OF INSPECTION: DAILY WEEKLY MONTHLY  
COMMENTS: \_\_\_\_\_

POTABLE WATER SUPPLY

QUANTITY AVAILABLE PER PERSON PER DAY (GALLONS): POTABLE \_\_\_\_\_  
*3-4 gal/person/day potable; 3-15 gal/person/day non-potable* NON-  
POTABLE \_\_\_\_  
WATER SOURCE(S): SURFACE GROUND RAIN ROWPU  
WATER CONTAINERS: 5-GAL CANS FABRIC DRUM  
TRAILER  
SOAKAGE PITS / GOOD DRAINAGE / NO STANDING WATER: Y N  
ALL SPIGOTS FUNCTIONAL: Y N  
POTABLE WATER SIGNS POSTED IN LOCAL LANGUAGE: Y N  
CONTAINER CLEANLINESS: POOR FAIR GOOD  
EXCELLENT  
FREQUENCY OF INSPECTION: DAILY WEEKLY MONTHLY  
COMMENTS: \_\_\_\_\_

FOOD SERVICE SANITATION

TYPE OF MEALS PROVIDED: MREs A/B/T RATIONS  
PREPARED  
NUMBER OF MEALS SERVED PER DAY: \_\_\_\_\_  
TRANSPORT VEHICLE CLEAN & COMPLETELY COVERED: Y N  
FACILITY CLEANLINESS: POOR FAIR GOOD EXCELLENT

FREQUENCY OF INSPECTION:                      DAILY                      WEEKLY                      MONTHLY

COMMENTS: \_\_\_\_\_

IF HOT MEALS PREPARED:

REFRIG AT 45°F OR BELOW:	Y	N
ICE: APPROVED SOURCE / IN APPROPRIATE CONTAINER:	Y	N
FOOD CONTAINERS CLEAN & INSULATED:	Y	N
PALLETS FOR DRY STORAGE:	Y	N
FOOD NOT CONTAMINATED DURING PREP & SERVING:	Y	N
FOOD MAINTAINED AT CORRECT TEMP: (COLD < 45°F, HOT > 140°F)	Y	N
LEFTOVERS PROPERLY DISPOSED:	Y	N
NO EVIDENCE OF SPOILAGE:	Y	N
FOOD THERMOMETERS USED:	Y	N
DISHWASHING THOROUGH & AT RIGHT TEMPS:	Y	N
WASTE CONTAINERS:            COVERED / CLEAN / VERMIN-PROOF /		

EMPTIED OFTEN

FOOD SERVERS

PROPERLY TRAINED & DOCUMENTED:	Y	N
EVIDENCE OF COMMUNICABLE DISEASE: (SKIN INFECTION, RASH, CUT, BURN, RESP SYMPTOMS)	Y	N
HANDS WASHED & GLOVED:	Y	N
HAIR RESTRAINTS (HATS / NETS):	Y	N

COMMENTS: \_\_\_\_\_

WASTE

NUMBER OF LATRINES:

(FM 4-25.12: 1 per 25 males, 1 per 17 females)

MALE \_\_\_\_\_

FEMALE \_\_\_\_\_

NOT SEPARATED \_\_\_\_\_

TYPE(S) OF LATRINES:   CHEMICAL   TRENCH/PIT            BURN-OUT  
OTHER

LATRINES LOCATED 100 YDS DOWNWIND OF FOOD SERVICE:        Y     N

LATRINES LOCATED 100 FT FROM GROUND WATER SOURCE(S):    Y     N

CLEANLINESS:                    POOR            FAIR            GOOD  
EXCELLENT

FREQUENCY OF INSPECTION:            DAILY            WEEKLY        MONTHLY

COMMENTS: \_\_\_\_\_  
\_\_\_\_\_

GARBAGE STORED 100 FT FROM ANY WATER SOURCE:            Y     N

GARBAGE IS:                    BURIED        INCINERATED            HAULED

AWAY

CLEANLINESS:                    POOR            FAIR            GOOD  
EXCELLENT

FREQUENCY OF INSPECTION:            DAILY            WEEKLY        MONTHLY

COMMENTS: \_\_\_\_\_  
\_\_\_\_\_

PEST CONTROL

SITE ON HIGH, WELL-DRAINED GROUND:                                    Y     N

SITE AT LEAST 1 MILE FROM STANDING WATER:                            Y     N

BILLETS SCREENED:    Y     N

PESTICIDES AVAILABLE:    Y     N                    USED:        Y     N

INSECT REPELLENT AVAILABLE:    Y     N

SIGHTINGS OF LIVE OR DEAD RODENTS:                                        Y     N

DROPPINGS, GNAWINGS, BURROWS/HOLES, ODORS:                        Y     N

EVIDENCE OF TRAPS, BAITS, OTHER CONTROLS:                                Y     N

PRESENCE OF INSECTS:            NONE            FEW            MANY

TYPE(S) OF INSECTS PRESENT:   FLIES            MOSQUITOES                            SAND

FLIES

FREQUENCY OF INSPECTION:            DAILY            WEEKLY        MONTHLY

COMMENTS: \_\_\_\_\_  
\_\_\_\_\_

WORK CONDITIONS

DETAINEES OBSERVED WORKING: Y N  
IF YES: CLOTHING/PROTECTIVE EQUIPMENT APPROPRIATE: Y N  
WET BULB MONITORED BY: UNIT PVNTMED METEOROLOGICAL  
SERVICE  
WORK/REST CYCLES FOLLOWED: Y N  
COMMENTS: \_\_\_\_\_  
\_\_\_\_\_

QUARTERS (INTERIOR & EXTERIOR)

ADEQUATE SPACE, LIGHTING, CLIMATE CONTROL: Y N  
ADEQUATE LIGHTING: Y N  
ADEQUATE CLIMATE CONTROL: Y N  
EVIDENCE OF RODENTS: Y N  
FOOD DEBRIS/TRASH PRESENT: Y N  
STANDING WATER PRESENT: Y N  
VEGETATION WITHIN XX FT OF QUARTERS: Y N  
CLEANLINESS: POOR FAIR GOOD  
EXCELLENT  
FREQUENCY OF INSPECTION: DAILY WEEKLY MONTHLY  
COMMENTS: \_\_\_\_\_  
\_\_\_\_\_

FIELD SANITATION TEAM

APPOINTED: Y N TRAINED: Y N  
SUPPLIES: Y N PERFORMING DUTIES: Y N

COLLECT COPIES OF (MOST RECENT? LAST 3?) PVNTMED INSPECTION REPORTS, INCLUDING SITE SURVEYS, FOOD SERVICE SANITATION INSPECTIONS, WATER ANALYSIS, PEST SURVEYS

**e. COMBAT / OPERATIONAL STRESS QUESTIONNAIRE**

*Please answer all questions completely and honestly. Your responses will remain anonymous.*

- 1. Rank E1-4 E5-6 E7-9 O1-3 O4-6
- 2. Type of Unit PLT CO BN BDE Other



Rate the following statements regarding morale and unit cohesion (1 = strongly disagree, 5 = strongly agree):

- |  |            |
|--|------------|
| 3. The members of my unit know that they can depend on each other  | 1 2 3 4 5  |
| 4. The members of my unit are cooperative with each other          | 1 2 3 4 5. |
| 5. The members of my unit stand up for each other                  | 1 2 3 4 5. |
| 6. The members of my unit were adequately trained for this mission | 1 2 3 4 5  |

Rate the following statements regarding your unit's leadership (1 = never, 5 = always):

- |  |           |
|--|-----------|
| 7. In your unit, how often do NCOs/officers tell soldiers when they have done a good job?                                      | 1 2 3 4 5 |
| 8. In your unit, how often do NCOs/officers embarrass soldiers in front of other soldiers?                                     | 1 2 3 4 5 |
| 9. In your unit, how often do NCOs/officers try to look good to higher-ups by assigning extra missions or details to soldiers? | 1 2 3 4 5 |
| 10. In your unit, how often do NCOs/officers exhibit clear thinking and reasonable action under stress?                        | 1 2 3 4 5 |

Rate the following statements regarding access to mental health care (1 = strongly disagree, 5 = strongly agree):

- |   |           |
|---|-----------|
| 11. I don't know where to get help  | 1 2 3 4 5 |
| 12. It is difficult to get an appointment   | 1 2 3 4 5 |
| 13. It's too difficult to get to the location where the mental health specialist is | 1 2 3 4 5 |
| 14. I don't trust mental health professionals                                       | 1 2 3 4 5 |
| 15. My leadership would treat me differently  | 1 2 3 4 5 |
| 16. My leaders would blame me for the problem                                       | 1 2 3 4 5 |
| 17. I would be seen as weak   | 1 2 3 4 5 |

Rate the following statements regarding personal issues at home (1 = strongly disagree, 5 = strongly agree):

- |  |           |
|--|-----------|
| 18. My relationship with my spouse is very stable                    | 1 2 3 4 5 |
| 19. My relationship with my spouse makes me happy                    | 1 2 3 4 5 |
| 20. Do you and/or your spouse have any plans to separate or divorce? | Y N       |
| 21. My unit's rear detachment supports my family                     | 1 2 3 4 5 |
| 22. My unit's family readiness group supports my family              | 1 2 3 4 5 |

Combat exposure:

- |   |                            |
|---|----------------------------|
| 23. How many times have you been attacked or ambushed?<br>>10 times   | Never 1-5 times 6-10 times |
| 24. How many times have you received small arms fire?<br>>10 times  | Never 1-5 times 6-10 times |
| 25. How many times have you seen dead bodies or human remains?<br>6-10 times >10 times                              | Never 1-5 times            |
| 26. How many times have you cleared/searched buildings or homes?<br>6-10 times >10 times                            | Never 1-5 times            |
| 27. How many times have you been responsible for the death of an enemy combatant?<br>1-5 times 6-10 times >10 times | Never                      |

Rate the level of concern you have regarding the following (1 = not concerned at all, 5 = very concerned):

- |                                 |   |   |   |   |   |
|---------------------------------|---|---|---|---|---|
| 28. Being separated from family | 1 | 2 | 3 | 4 | 5 |
| 29. Uncertain redeployment date | 1 | 2 | 3 | 4 | 5 |
| 30. Duration of deployment      | 1 | 2 | 3 | 4 | 5 |
| 31. Lack of privacy             | 1 | 2 | 3 | 4 | 5 |
| 32. Boring and repetitive work  | 1 | 2 | 3 | 4 | 5 |
| 33. Living conditions           | 1 | 2 | 3 | 4 | 5 |

Rate the following statements regarding stress management training (1 = strongly disagree, 5 = strongly agree):

- |  |   |   |   |   |   |
|--|---|---|---|---|---|
| 34. My training in handling the stresses of deployment was adequate  | 1 | 2 | 3 | 4 | 5 |
| 35. My training in recognizing stress in other soldiers was adequate | 1 | 2 | 3 | 4 | 5 |

Thank you for your honest responses.

## Appendix E

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### Standards

#### a. Finding 1:

(1) Finding: All interviewed and observed commanders, leaders, and Soldiers treated detainees humanely and emphasized the importance of the humane treatment of detainees.

(2) Standard: Standard of treatment for detainees in OPERATION ENDURING FREEDOM (OEF): Chairman, Joint Chiefs of Staff (CJCS) message dated 211933Z JAN 02 states that members of the Taliban militia and members of Al Qaida under the control of US Forces would be treated humanely and, to the extent appropriate and consistent with military necessity, in a manner consistent with the principles of the Geneva Conventions of 1949. The DAIG has therefore used the provisions of the Geneva Conventions as a benchmark against which to measure the treatment provided to detainees by U.S. Forces to determine if detainees were treated humanely. The use of these standards as benchmarks does not state or imply a position for the United States or U.S. Army on the legal status of its operations in OEF.

The DAIG refers to 3 key documents in this report. CJCS Message dated 211933Z JAN 02, provides the determination regarding the humane treatment of Al Qaida and Taliban detainees. Convention Relative to the Treatment of Prisoners of War of August 12, 1949 (GPW) is the international treaty that governs the treatment of prisoners of war, and Geneva Convention Relative to the Protection of Civilian Persons in Time of War (GC), 12 August 1949, is the international treaty that governs the treatment of civilian persons in time of war.

As the guidance did not define "humane treatment" but did state that the US would treat members of the Taliban militia and Al Qaida in a manner consistent with the Geneva Conventions, the DAIG determined that it would use Common Article 3 of the GCs as its floor measure of humane treatment, but would also include provisions of the Geneva Convention on the Treatment of Prisoners of War (GPW) and Geneva Convention Relative to the Protection of Civilian Persons in Time of War (GC) as other relevant indicia of "humane treatment." The use of this standard does not state or imply a position for the United States or U.S. Army on the legal status of its operations in OEF.

Standard of treatment for detainees in OPERATION IRAQI FREEDOM (OIF): OIF was an international armed conflict and therefore the provisions of the Geneva Conventions applied. Additionally, the United States was an occupying power and has acted in accordance with the obligations of an occupying power described in the Hague Convention No. IV Respecting the Laws and Customs of War on Land (H.IV), 18 October 1907, including, but not limited to, Articles 43-46 and 50; Geneva Convention Relative to the Treatment of Prisoners of War of August 12, 1949 (GPW), Geneva Convention Relative to the Protection of Civilian Persons in Time of War (GC), 12 August 1949. The GC supplements H.IV, providing the general standard of treatment at Article 27 and specific standards in subsequent Articles.

The minimum treatment provided by Common Article 3 of the Geneva Conventions is: 1) No adverse distinction based upon race, religion, sex, etc.; 2) No violence to life or person; 3) No taking hostages; 4) No degrading treatment; 5) No passing of sentences in absence of fair trial, and; 6) The wounded and sick must be cared for.

The specific language in the CJCS Message for OEF and the GPW/GC and H.IV follows:

CJCS Message dated 211933Z JAN 02, "Paragraph 3. The combatant commanders shall, in detaining Al Qaida and Taliban individuals under the control of the Department of Defense, treat them humanely and, to the extent appropriate and consistent with military necessity, in a manner consistent with the principles of the Geneva Conventions of 1949."

GPW/GC, Article 3 (Common Article 3) – "In the case of armed conflict not of an international character occurring in the territory of one of the High Contracting Parties, each party to the conflict shall be bound to apply, as a minimum, the following provisions:

1. Persons taking no active part in the hostilities, including members of armed forces who have laid down their arms and those placed hors de combat by sickness, wounds, detention, or any other cause, shall in all circumstances be treated humanely, without any adverse distinction founded on race, color, religion or faith, sex, birth or wealth, or any other similar criteria.

To this end the following acts are and shall remain prohibited at any time and in any place whatsoever with respect to the above-mentioned persons:

(a) Violence to life and person, in particular murder of all kinds, mutilation, cruel treatment and torture;  
(b) Taking of hostages;  
(c) Outrages upon personal dignity, in particular, humiliating and degrading treatment;  
(d) The passing of sentences and the carrying out of executions without previous judgment pronounced by a regularly constituted court affording all the judicial guarantees which are recognized as indispensable by civilized peoples.

2. The wounded and sick shall be collected and cared for. An impartial humanitarian body, such as the International Committee of the Red Cross, may offer its services to the Parties to the conflict. The Parties to the conflict should further endeavour to bring into force, by means of special agreements, all or part of the other provisions of the present Convention. The application of the preceding provisions shall not affect the legal status of the Parties to the conflict."

H.IV, Article 43 – "The authority of the legitimate power having in fact passed into the hands of the occupant, the latter shall take all the measures in his power to restore, and ensure, as far as possible, public order and safety, while respecting, unless absolutely prevented, the laws in force in the country.

H.IV, Article 44 – A belligerent is forbidden to force the inhabitants of territory occupied by it to furnish information about the army of the other belligerent, or about its means of defense.

H.IV, Article 45 – It is forbidden to compel the inhabitants of occupied territory to swear allegiance to the hostile Power.

H.IV, Article 46 – Family honour and rights, the lives of persons, and private property, as well as religious convictions and practice, must be respected. Private property cannot be confiscated.

H.IV, Article 47 – Pillage is formally forbidden."

H.IV, Article 50 – "No general penalty, pecuniary or otherwise, shall be inflicted upon the population on account of the acts of individuals for which they cannot be regarded as jointly and severally responsible."

GPW, Article 13 – "Prisoners of war must at all times be humanely treated. Any unlawful act or omission by the Detaining Power causing death or seriously endangering the health of a prisoner of war in its custody is prohibited, and will be regarded as a serious breach of the present Convention. In particular, no prisoner of war may be subjected to physical mutilation or to medical or scientific experiments of any kind which are not justified by the medical, dental or hospital treatment of the prisoner concerned and carried out in his interest. Likewise, prisoners of war must at all times be protected, particularly against acts of violence or intimidation and against insults and public curiosity.

GPW, Article 14 – Prisoners of war are entitled in all circumstances to respect for their persons and their honour. Women shall be treated with all the regard due to their sex and shall in all cases benefit by treatment as favourable as that granted to men. Prisoners of war shall retain the full civil capacity which they enjoyed at the time of their capture. The Detaining Power may not restrict the exercise, either within or without its own territory, of the rights such capacity confers except in so far as the captivity requires.

GPW, Article 15 – The Power detaining prisoners of war shall be bound to provide free of charge for their maintenance and for the medical attention required by their state of health.

GPW, Article 16 – Taking into consideration the provisions of the present Convention relating to rank and sex, and subject to any privileged treatment which may be accorded to them by reason of their state of health, age or professional qualifications, all prisoners of war shall be treated alike by the Detaining Power, without any adverse distinction based on race, nationality, religious belief or political opinions, or any other distinction founded on similar criteria."

GPW, Article 39 – "Every prisoner of war camp shall be put under the immediate authority of a responsible commissioned officer belonging to the regular armed forces of the Detaining Power. Such officer shall have in his possession a copy of the present Convention; he shall ensure that its provisions are known to the camp staff and the guard and shall be responsible, under the direction of his government, for its application. Prisoners of war, with the exception of officers, must salute and show to all officers of the Detaining Power the external marks of respect provided for by the regulations applying in their own forces. Officer prisoners of war are bound to salute only officers of a higher rank of the Detaining Power; they must, however, salute the camp commander regardless of his rank."

GPW, Article 41 – "In every camp the text of the present Convention and its Annexes and the contents of any special agreement provided for in Article 6, shall be posted, in the prisoners' own language, at places where all may read them. Copies shall be supplied, on request, to the prisoners who cannot have access to the copy which has been posted. Regulations, orders, notices and publications of every kind relating to the conduct of prisoners of war shall be issued to them in a language which they understand. Such regulations, orders and publications shall be posted in the manner described above and copies shall be handed to

the prisoners' representative. Every order and command addressed to prisoners of war individually must likewise be given in a language which they understand."

GC, Article 27 – "Protected persons are entitled, in all circumstances, to respect for their persons, their honour, their family rights, their religious convictions and practices, and their manners and customs. They shall at all times be humanely treated, and shall be protected especially against all acts of violence or threats thereof and against insults and public curiosity. Women shall be especially protected against any attack on their honour, in particular against rape, enforced prostitution, or any form of indecent assault. Without prejudice to the provisions relating to their state of health, age and sex, all protected persons shall be treated with the same consideration by the Party to the conflict in whose power they are, without any adverse distinction based, in particular, on race, religion or political opinion. However, the Parties to the conflict may take such measures of control and security in regard to protected persons as may be necessary as a result of the war."

GC, Article 31 – "No physical or moral coercion shall be exercised against protected persons, in particular to obtain information from them or from third parties."

GC, Article 32 – The High Contracting Parties specifically agree that each of them is prohibited from taking any measure of such a character as to cause the physical suffering or extermination of protected persons in their hands. This prohibition applies not only to murder, torture, corporal punishments, mutilation and medical or scientific experiments not necessitated by the medical treatment of a protected person, but also to any other measures of brutality whether applied by civilian or military agents."

GC, Article 37 – "Protected persons who are confined pending proceedings or subject to a sentence involving loss of liberty, shall during their confinement be humanely treated."

GC, Article 41 – "Should the Power, in whose hands protected persons may be, consider the measures of control mentioned in the present Convention to be inadequate, it may not have recourse to any other measure of control more severe than that of assigned residence or internment, in accordance with the provisions of Articles 42 and 43. In applying the provisions of Article 39, second paragraph, to the cases of persons required to leave their usual places of residence by virtue of a decision placing them in assigned residence, by virtue of a decision placing them in assigned residence, elsewhere, the Detaining Power shall be guided as closely as possible by the standards of welfare set forth in Part III, Section IV of this Convention."

GC, Article 42 – The internment or placing in assigned residence of protected persons may be ordered only if the security of the Detaining Power makes it absolutely necessary. If any person, acting through the representatives of the Protecting Power, voluntarily demands internment, and if his situation renders this step necessary, he shall be interned by the Power in whose hands he may be."

GC, Article 43 – Any protected person who has been interned or placed in assigned residence shall be entitled to have such action reconsidered as soon as possible by an appropriate court or administrative board designated by the Detaining Power for that purpose. If the internment or placing in assigned residence is maintained, the court or administrative board shall periodically, and at least twice yearly, give consideration to his or her case, with a view to the favorable amendment of the initial decision, if circumstances permit. Unless the protected persons concerned object, the Detaining Power shall, as rapidly as possible, give the Protecting Power the names of any protected persons who have been interned or subjected to assigned residence."

residence, or who have been released from internment or assigned residence. The decisions of the courts or boards mentioned in the first paragraph of the present Article shall also, subject to the same conditions, be notified as rapidly as possible to the Protecting Power."

GC, Article 68 – "Protected persons who commit an offence which is solely intended to harm the Occupying Power, but which does not constitute an attempt on the life or limb of members of the occupying forces or administration, nor a grave collective danger, nor seriously damage the property of the occupying forces or administration or the installations used by them, shall be liable to internment or simple imprisonment, provided the duration of such internment or imprisonment is proportionate to the offence committed. Furthermore, internment or imprisonment shall, for such offences, be the only measure adopted for depriving protected persons of liberty. The courts provided for under Article 66 of the present Convention may at their discretion convert a sentence of imprisonment to one of internment for the same period.

The penal provisions promulgated by the Occupying Power in accordance with Articles 64 and 65 may impose the death penalty on a protected person only in cases where the person is guilty of espionage, of serious acts of sabotage against the military installations of the Occupying Power or of intentional offences which have caused the death of one or more persons, provided that such offences were punishable by death under the law of the occupied territory in force before the occupation began.

The death penalty may not be pronounced on a protected person unless the attention of the court has been particularly called to the fact that since the accused is not a national of the Occupying Power, he is not bound to it by any duty of allegiance.

In any case, the death penalty may not be pronounced on a protected person who was under eighteen years of age at the time of the offence."

GC, Article 78 – "If the Occupying Power considers it necessary, for imperative reasons of security, to take safety measures concerning protected persons, it may, at the most, subject them to assigned residence or to internment. Decisions regarding such assigned residence or internment shall be made according to a regular procedure to be prescribed by the Occupying Power in accordance with the provisions of the present Convention. This procedure shall include the right of appeal for the parties concerned. Appeals shall be decided with the least possible delay. In the event of the decision being upheld, it shall be subject to periodical review, if possible every six months, by a competent body set up by the said Power. Protected persons made subject to assigned residence and thus required to leave their homes shall enjoy the full benefit of Article 39 of the present Convention.

GC, Article 79 – The Parties to the conflict shall not intern protected persons, except in accordance with the provisions of Articles 41, 42, 43, 68 and 78.

GC, Article 80 – Internees shall retain their full civil capacity and shall exercise such attendant rights as may be compatible with their status."

GC, Article 82 – "The Detaining Power shall, as far as possible, accommodate the internees according to their nationality, language and customs. Internees who are nationals of the same country shall not be separated merely because they have different languages. Throughout the duration of their internment, members of the same family, and in particular parents and children, shall be lodged together in the same place of internment, except when separation of a temporary nature is necessitated for reasons of employment or health or for the

purposes of enforcement of the provisions of Chapter IX of the present Section. Internees may request that their children who are left at liberty without parental care shall be interned with them. Wherever possible, interned members of the same family shall be housed in the same premises and given separate accommodation from other internees, together with facilities for leading a proper family life.

GC, Article 83 – The Detaining Power shall not set up places of internment in areas particularly exposed to the dangers of war. The Detaining Power shall give the enemy Powers, through the intermediary of the Protecting Powers, all useful information regarding the geographical location of places of internment. Whenever military considerations permit, internment camps shall be indicated by the letters IC, placed so as to be clearly visible in the daytime from the air. The Powers concerned may, however, agree upon any other system of marking. No place other than an internment camp shall be marked as such.

GC, Article 84 – Internees shall be accommodated and administered separately from prisoners of war and from persons deprived of liberty for any other reason.

GC, Article 85 – The Detaining Power is bound to take all necessary and possible measures to ensure that protected persons shall, from the outset of their internment, be accommodated in buildings or quarters which afford every possible safeguard as regards hygiene and health, and provide efficient protection against the rigours of the climate and the effects of the war. In no case shall permanent places of internment be situated in unhealthy areas or in districts, the climate of which is injurious to the internees. In all cases where the district, in which a protected person is temporarily interned, is an unhealthy area or has a climate which is harmful to his health, he shall be removed to a more suitable place of internment as rapidly as circumstances permit. The premises shall be fully protected from dampness, adequately heated and lighted, in particular between dusk and lights out. The sleeping quarters shall be sufficiently spacious and well ventilated, and the internees shall have suitable bedding and sufficient blankets, account being taken of the climate, and the age, sex, and state of health of the internees. Internees shall have for their use, day and night, sanitary conveniences which conform to the rules of hygiene, and are constantly maintained in a state of cleanliness. They shall be provided with sufficient water and soap for their daily personal toilet and for washing their personal laundry; installations and facilities necessary for this purpose shall be granted to them. Showers or baths shall also be available. The necessary time shall be set aside for washing and for cleaning. Whenever it is necessary, as an exceptional and temporary measure, to accommodate women internees who are not members of a family unit in the same place of internment as men, the provision of separate sleeping quarters and sanitary conveniences for the use of such women internees shall be obligatory.

GC, Article 86 – The Detaining Power shall place at the disposal of interned persons, of whatever denomination, premises suitable for the holding of their religious services."

GC, Article 88 – "In all places of internment exposed to air raids and other hazards of war, shelters adequate in number and structure to ensure the necessary protection shall be installed. In case of alarms, the measures internees shall be free to enter such shelters as quickly as possible, excepting those who remain for the protection of their quarters against the aforesaid hazards. Any protective measures taken in favour of the population shall also apply to them. All due precautions must be taken in places of internment against the danger of fire.

GC, Article 89 – Daily food rations for internees shall be sufficient in quantity, quality and variety to keep internees in a good state of health and prevent the development of nutritional



deficiencies. Account shall also be taken of the customary diet of the internees. Internees shall also be given the means by which they can prepare for themselves any additional food in their possession. Sufficient drinking water shall be supplied to internees. The use of tobacco shall be permitted. Internees who work shall receive additional rations in proportion to the kind of labour which they perform. Expectant and nursing mothers and children under fifteen years of age, shall be given additional food, in proportion to their physiological needs.

GC, Article 90 – When taken into custody, internees shall be given all facilities to provide themselves with the necessary clothing, footwear and change of underwear, and later on, to procure further supplies if required. Should any internees not have sufficient clothing, account being taken of the climate, and be unable to procure any, it shall be provided free of charge to them by the Detaining Power. The clothing supplied by the Detaining Power to internees and the outward markings placed on their own clothes shall not be ignominious nor expose them to ridicule. Workers shall receive suitable working outfits, including protective clothing, whenever the nature of their work so requires."

GC, Article 93 – "Internees shall enjoy complete latitude in the exercise of their religious duties, including attendance at the services of their faith, on condition that they comply with the disciplinary routine prescribed by the detaining authorities."

GC, Article 97 – "Internees shall be permitted to retain articles of personal use. Monies, cheques, bonds, etc., and valuables in their possession may not be taken from them except in accordance with established procedure. Detailed receipts shall be given therefor. The amounts shall be paid into the account of every internee as provided for in Article 98. Such amounts may not be converted into any other currency unless legislation in force in the territory in which the owner is interned so requires or the internee gives his consent. Articles which have above all a personal or sentimental value may not be taken away. A woman internee shall not be searched except by a woman. On release or repatriation, internees shall be given all articles, monies or other valuables taken from them during internment and shall receive in currency the balance of any credit to their accounts kept in accordance with Article 98, with the exception of any articles or amounts withheld by the Detaining Power by virtue of its legislation in force. If the property of an internee is so withheld, the owner shall receive a detailed receipt. Family or identity documents in the possession of internees may not be taken away without a receipt being given. At no time shall internees be left without identity documents. If they have none, they shall be issued with special documents drawn up by the detaining authorities, which will serve as their identity papers until the end of their internment. Internees may keep on their persons a certain amount of money, in cash or in the shape of purchase coupons, to enable them to make purchases."

GC, Article 99 – "Every place of internment shall be put under the authority of a responsible officer, chosen from the regular military forces or the regular civil administration of the Detaining Power. The officer in charge of the place of internment must have in his possession a copy of the present Convention in the official language, or one of the official languages, of his country and shall be responsible for its application. The staff in control of internees shall be instructed in the provisions of the present Convention and of the administrative measures adopted to ensure its application. The text of the present Convention and the texts of special agreements concluded under the said Convention shall be posted inside the place of internment, in a language which the internees understand, or shall be in the possession of the Internee Committee. Regulations, orders, notices and publications of every kind shall be communicated to the internees and posted inside the places of internment in a

language which they understand. Every order and command addressed to internees individually must, likewise, be given in a language which they understand."

GC, Article 100 – "The disciplinary regime in places of internment shall be consistent with humanitarian principles, and shall in no circumstances include regulations imposing on internees any physical exertion dangerous to their health or involving physical or moral victimization. Identification by tattooing or imprinting signs or markings on the body, is prohibited. In particular, prolonged standing and roll-calls, punishment drill, military drill and manoeuvres, or the reduction of food rations, are prohibited."

Army Regulation 190-8, Enemy Prisoners of War, Retained Personnel, Civilian Internees and Other Detainees, 1 October 1997, Chapter 1, paragraph 1-1, subparagraphs a and b. This regulation is a multi-service regulation implementing DOD Directive 2310.1 and incorporates Army Regulation 190-8 and 190-57 and SECNAV Instruction 3461.3, and Air Force Joint Instruction 31-304 and outlines policies, procedures, and responsibilities for treatment of enemy prisoners of war (EPW), retained personnel (RP), civilian internees (CI), and other detainees (OD) and implements international law for all military operations. The specific language in the regulation follows:

"1-1. Purpose

a. This regulation provides policy, procedures, and responsibilities for the administration, treatment, employment, and compensation of enemy prisoners of war (EPW), retained personnel (RP), civilian internees (CI) and other detainees (OD) in the custody of U.S. Armed Forces. This regulation also establishes procedures for transfer of custody from the United States to another detaining power.

b. This regulation implements international law, both customary and codified, relating to EPW, RP, CI, and ODs which includes those persons held during military operations other than war."

**b. Finding 2:**

(1) Finding: In the cases the DAIG reviewed, all detainee abuse occurred when one or more individuals failed to adhere to basic standards of discipline, training, or Army Values; in some cases abuse was accompanied by leadership failure at the tactical level.

(2) Standard: Standard of treatment for detainees in OPERATION ENDURING FREEDOM (OEF): Guidance was provided stating that members of the Taliban militia and members of Al Qaida under the control of U.S. Forces would be treated humanely and, to the extent appropriate and consistent with military necessity, in a manner consistent with the principles of the Geneva Conventions of 1949. The DAIG has therefore used the provisions of the Geneva Conventions as a benchmark against which to measure the treatment provided to detainees by U.S. Forces to determine if detainees were treated humanely. The use of these standards as benchmarks does not state or imply a position for the United States or U.S. Army on the legal status of its operations in OEF.

Chairman, Joint Chiefs of Staff (CJCS) Message dated 211933Z JAN 02, provides the determination regarding the humane treatment of Al Qaida and Taliban detainees. Convention Relative to the Treatment of Prisoners of War of August 12, 1949 (GPW) is the international treaty that governs the treatment of prisoners of war), and Geneva Convention Relative to the

Protection of Civilian Persons in Time of War (GC), August 12, 1949 is the international treaty that governs the treatment of civilian persons in time of war.

As the guidance did not define "humane treatment" but did state that the U.S. would treat members of the Taliban militia and Al Qaida in a manner consistent with the Geneva Conventions, the DAIG determined that it would use Common Article 3 of the GCs as its floor measure of humane treatment, but would also include provisions of the Geneva Convention on the Treatment of Prisoners of War (GPW) and Geneva Convention Relative to the Protection of Civilian Persons in Time of War (GC) as other relevant indicia of "humane treatment." The use of this standard does not state or imply a position for the United States or U.S. Army on the legal status of its operations in OEF.

Standard of treatment for detainees in OPERATION IRAQI FREEDOM (OIF): OIF was an international armed conflict and therefore the provisions of the Geneva Conventions applied. Additionally, the United States was an occupying power and has acted in accordance with the obligations of an occupying power described in the Hague Convention No. IV Respecting the Laws and Customs of War on Land (H.IV), Oct. 18, 1907, including, but not limited to, Articles 43-46 and 50; Geneva Convention Relative to the Treatment of Prisoners of War of August 12, 1949 (GPW); and Geneva Convention Relative to the Protection of Civilian Persons in Time of War (GC), August 12, 1949. The GC supplements H.IV, providing the general standard of treatment at Article 27 and specific standards in subsequent Articles.

The minimum treatment provided by Common Article 3 of the Geneva Conventions is: (1) No adverse distinction based upon race, religion, sex, etc.; (2) No violence to life or person; (3) No taking hostages; (4) No degrading treatment; (5) No passing of sentences in absence of fair trial, and; (6) The wounded and sick must be cared for.

The specific language in the CJCS Message for OEF and the GPW/GC and H.IV follows:

CJCS Message dated 211933Z JAN 02, "Paragraph 3. The combatant commanders shall, in detaining Al Qaida and Taliban individuals under the control of the Department of Defense, treat them humanely and, to the extent appropriate and consistent with military necessity, in a manner consistent with the principles of the Geneva Conventions of 1949."

GPW/GC, Article 3 (Common Article 3) – "In the case of armed conflict not of an international character occurring in the territory of one of the High Contracting Parties, each party to the conflict shall be bound to apply, as a minimum, the following provisions:

1. Persons taking no active part in the hostilities, including members of armed forces who have laid down their arms and those placed hors de combat by sickness, wounds, detention, or any other cause, shall in all circumstances be treated humanely, without any adverse distinction founded on race, color, religion or faith, sex, birth or wealth, or any other similar criteria.

To this end the following acts are and shall remain prohibited at any time and in any place whatsoever with respect to the above-mentioned persons:

- (a) Violence to life and person, in particular murder of all kinds, mutilation, cruel treatment and torture;
- (b) Taking of hostages;

(c) Outrages upon personal dignity, in particular, humiliating and degrading treatment;  
(d) The passing of sentences and the carrying out of executions without previous judgment pronounced by a regularly constituted court affording all the judicial guarantees which are recognized as indispensable by civilized peoples.

2. The wounded and sick shall be collected and cared for. An impartial humanitarian body, such as the International Committee of the Red Cross, may offer its services to the Parties to the conflict. The Parties to the conflict should further endeavour to bring into force, by means of special agreements, all or part of the other provisions of the present Convention. The application of the preceding provisions shall not affect the legal status of the Parties to the conflict."

GPW, Article 13 – "Prisoners of war must at all times be humanely treated. Any unlawful act or omission by the Detaining Power causing death or seriously endangering the health of a prisoner of war in its custody is prohibited, and will be regarded as a serious breach of the present Convention. In particular, no prisoner of war may be subjected to physical mutilation or to medical or scientific experiments of any kind which are not justified by the medical, dental or hospital treatment of the prisoner concerned and carried out in his interest. Likewise, prisoners of war must at all times be protected, particularly against acts of violence or intimidation and against insults and public curiosity."

GPW, Article 14 – Prisoners of war are entitled in all circumstances to respect for their persons and their honour. Women shall be treated with all the regard due to their sex and shall in all cases benefit by treatment as favourable as that granted to men. Prisoners of war shall retain the full civil capacity which they enjoyed at the time of their capture. The Detaining Power may not restrict the exercise, either within or without its own territory, of the rights such capacity confers except in so far as the captivity requires.

GPW, Article 15 – The Power detaining prisoners of war shall be bound to provide free of charge for their maintenance and for the medical attention required by their state of health.

GPW, Article 16 – Taking into consideration the provisions of the present Convention relating to rank and sex, and subject to any privileged treatment which may be accorded to them by reason of their state of health, age or professional qualifications, all prisoners of war shall be treated alike by the Detaining Power, without any adverse distinction based on race, nationality, religious belief or political opinions, or any other distinction founded on similar criteria."

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Regulations, orders, notices and publications of every kind relating to the conduct of prisoners of war shall be issued to them in a language which they understand. Such regulations, orders and publications shall be posted in the manner described above and copies shall be handed to the prisoners' representative. Every order and command addressed to prisoners of war individually must likewise be given in a language which they understand."

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GC, Article 43 – "Any protected person who has been interned or placed in assigned residence shall be entitled to have such action reconsidered as soon as possible by an appropriate court or administrative board designated by the Detaining Power for that purpose. If the internment or placing in assigned residence is maintained, the court or administrative board shall periodically, and at least twice yearly, give consideration to his or her case, with a view to

the favorable amendment of the initial decision, if circumstances permit. Unless the protected persons concerned object, the Detaining Power shall, as rapidly as possible, give the Protecting Power the names of any protected persons who have been interned or subjected to assigned residence, or who have been released from internment or assigned residence. The decisions of the courts or boards mentioned in the first paragraph of the present Article shall also, subject to the same conditions, be notified as rapidly as possible to the Protecting Power."

GC, Article 68 – "Protected persons who commit an offence which is solely intended to harm the Occupying Power, but which does not constitute an attempt on the life or limb of members of the occupying forces or administration, nor a grave collective danger, nor seriously damage the property of the occupying forces or administration or the installations used by them, shall be liable to internment or simple imprisonment, provided the duration of such internment or imprisonment is proportionate to the offence committed. Furthermore, internment or imprisonment shall, for such offences, be the only measure adopted for depriving protected persons of liberty. The courts provided for under Article 66 of the present Convention may at their discretion convert a sentence of imprisonment to one of internment for the same period.

The penal provisions promulgated by the Occupying Power in accordance with Articles 64 and 65 may impose the death penalty on a protected person only in cases where the person is guilty of espionage, of serious acts of sabotage against the military installations of the Occupying Power or of intentional offences which have caused the death of one or more persons, provided that such offences were punishable by death under the law of the occupied territory in force before the occupation began.

The death penalty may not be pronounced on a protected person unless the attention of the court has been particularly called to the fact that since the accused is not a national of the Occupying Power, he is not bound to it by any duty of allegiance.

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GC, Article 83 – The Detaining Power shall not set up places of internment in areas particularly exposed to the dangers of war. The Detaining Power shall give the enemy Powers, through the intermediary of the Protecting Powers, all useful information regarding the geographical location of places of internment. Whenever military considerations permit, internment camps shall be indicated by the letters IC, placed so as to be clearly visible in the daytime from the air. The Powers concerned may, however, agree upon any other system of marking. No place other than an internment camp shall be marked as such.

GC, Article 84 – Internees shall be accommodated and administered separately from prisoners of war and from persons deprived of liberty for any other reason.

GC, Article 85 – The Detaining Power is bound to take all necessary and possible measures to ensure that protected persons shall, from the outset of their internment, be accommodated in buildings or quarters which afford every possible safeguard as regards hygiene and health, and provide efficient protection against the rigours of the climate and the effects of the war. In no case shall permanent places of internment be situated in unhealthy areas or in districts, the climate of which is injurious to the internees. In all cases where the district, in which a protected person is temporarily interned, is an unhealthy area or has a climate which is harmful to his health, he shall be removed to a more suitable place of internment as rapidly as circumstances permit. The premises shall be fully protected from dampness, adequately heated and lighted, in particular between dusk and lights out. The sleeping quarters shall be sufficiently spacious and well ventilated, and the internees shall have suitable bedding and sufficient blankets, account being taken of the climate, and the age, sex, and state of health of the internees. Internees shall have for their use, day and night, sanitary conveniences which conform to the rules of hygiene, and are constantly maintained in a state of cleanliness. They shall be provided with sufficient water and soap for their daily personal toilet and for washing their personal laundry; installations and facilities necessary for this purpose shall be granted to them. Showers or baths shall also be available. The necessary time shall be set aside for washing and for cleaning. Whenever it is necessary, as an exceptional and temporary measure, to accommodate women internees who are not members of a family unit in the same place of internment as men, the provision of separate sleeping quarters and sanitary conveniences for the use of such women internees shall be obligatory.

GC, Article 86 – The Detaining Power shall place at the disposal of interned persons, of whatever denomination, premises suitable for the holding of their religious services."

GC, Article 88 – "In all places of internment exposed to air raids and other hazards of war, shelters adequate in number and structure to ensure the necessary protection shall be installed. In case of alarms, the measures internees shall be free to enter such shelters as quickly as possible, excepting those who remain for the protection of their quarters against the aforesaid hazards. Any protective measures taken in favour of the population shall also apply to them. All due precautions must be taken in places of internment against the danger of fire.

GC, Article 89 – Daily food rations for internees shall be sufficient in quantity, quality and variety to keep internees in a good state of health and prevent the development of nutritional deficiencies. Account shall also be taken of the customary diet of the internees. Internees shall also be given the means by which they can prepare for themselves any additional food in their possession. Sufficient drinking water shall be supplied to internees. The use of tobacco shall be permitted. Internees who work shall receive additional rations in proportion to the kind of labour which they perform. Expectant and nursing mothers and children under fifteen years of age, shall be given additional food, in proportion to their physiological needs.

GC, Article 90 – When taken into custody, internees shall be given all facilities to provide themselves with the necessary clothing, footwear and change of underwear, and later on, to procure further supplies if required. Should any internees not have sufficient clothing, account being taken of the climate, and be unable to procure any, it shall be provided free of charge to them by the Detaining Power. The clothing supplied by the Detaining Power to internees and the outward markings placed on their own clothes shall not be ignominious nor expose them to ridicule. Workers shall receive suitable working outfits, including protective clothing, whenever the nature of their work so requires."

GC, Article 93 – "Internees shall enjoy complete latitude in the exercise of their religious duties, including attendance at the services of their faith, on condition that they comply with the disciplinary routine prescribed by the detaining authorities."

GC, Article 97 – "Internees shall be permitted to retain articles of personal use. Monies, cheques, bonds, etc., and valuables in their possession may not be taken from them except in accordance with established procedure. Detailed receipts shall be given therefor. The amounts shall be paid into the account of every internee as provided for in Article 98. Such amounts may not be converted into any other currency unless legislation in force in the territory in which the owner is interned so requires or the internee gives his consent. Articles which have above all a personal or sentimental value may not be taken away. A woman internee shall not be searched except by a woman. On release or repatriation, internees shall be given all articles, monies or other valuables taken from them during internment and shall receive in currency the balance of any credit to their accounts kept in accordance with Article 98, with the exception of any articles or amounts withheld by the Detaining Power by virtue of its legislation in force. If the property of an internee is so withheld, the owner shall receive a detailed receipt. Family or identity documents in the possession of internees may not be taken away without a receipt being given. At no time shall internees be left without identity documents. If they have none, they shall be issued with special documents drawn up by the detaining authorities, which will serve as their identity papers until the end of their internment. Internees may keep on their persons a certain amount of money, in cash or in the shape of purchase coupons, to enable them to make purchases."

GC, Article 99 – "Every place of internment shall be put under the authority of a responsible officer, chosen from the regular military forces or the regular civil administration of the Detaining Power. The officer in charge of the place of internment must have in his possession a copy of the present Convention in the official language, or one of the official languages, of his country and shall be responsible for its application. The staff in control of internees shall be instructed in the provisions of the present Convention and of the administrative measures adopted to ensure its application. The text of the present Convention and the texts of special agreements concluded under the said Convention shall be posted inside the place of internment, in a language which the internees understand, or shall be in the



possession of the Internee Committee. Regulations, orders, notices and publications of every kind shall be communicated to the internees and posted inside the places of internment in a language which they understand. Every order and command addressed to internees individually must, likewise, be given in a language which they understand."

GC, Article 100 – "The disciplinary regime in places of internment shall be consistent with humanitarian principles, and shall in no circumstances include regulations imposing on internees any physical exertion dangerous to their health or involving physical or moral victimization. Identification by tattooing or imprinting signs or markings on the body, is prohibited. In particular, prolonged standing and roll-calls, punishment drill, military drill and manoeuvres, or the reduction of food rations, are prohibited."

H.IV, Article 43 – "The authority of the legitimate power having in fact passed into the hands of the occupant, the latter shall take all the measures in his power to restore, and ensure, as far as possible, public order and safety, while respecting, unless absolutely prevented, the laws in force in the country.

H.IV, Article 44 – A belligerent is forbidden to force the inhabitants of territory occupied by it to furnish information about the army of the other belligerent, or about its means of defense.

H.IV, Article 45 – It is forbidden to compel the inhabitants of occupied territory to swear allegiance to the hostile Power.

H.IV, Article 46 – Family honour and rights, the lives of persons, and private property, as well as religious convictions and practice, must be respected. Private property cannot be confiscated.

H.IV, Article 47 – Pillage is formally forbidden."

H.IV, Article 50 – "No general penalty, pecuniary or otherwise, shall be inflicted upon the population on account of the acts of individuals for which they cannot be regarded as jointly and severally responsible."

Army Regulation (AR) 190-8, Enemy Prisoners of War, Retained Personnel, Civilian Internees and Other Detainees, 1 October 1997, Chapter 1, paragraphs 1-5, subparagraphs *a*, *b*, and *c*; paragraph 2-1, subparagraph *a (1)(d)*; and paragraph 5-1, subparagraph (6), provides instruction on the overall treatment of detainees. This regulation is a multi-service regulation implementing DOD Directive 2310.1 and incorporates Army Regulation 190-8 and 190-57 and SECNAV Instruction 3461.3, and Air Force Joint Instruction 31-304 and outlines policies, procedures, and responsibilities for treatment of enemy prisoners of war (EPW), retained personnel (RP), civilian internees (CI), and other detainees (OD) and implements international law for all military operations. The specific language in the regulation follows:

"1–5. General protection policy

*a.* U.S. policy, relative to the treatment of EPW, CI and RP in the custody of the U.S. Armed Forces, is as follows:

(1) All persons captured, detained, interned, or otherwise held in U.S. Armed Forces custody during the course of conflict will be given humanitarian care and treatment from the moment they fall into the hands of U.S. forces until final release or repatriation."

"(4) The inhumane treatment of EPW, CI, RP is prohibited and is not justified by the stress of combat or with deep provocation. Inhumane treatment is a serious and punishable violation under international law and the Uniform Code of Military Justice (UCMJ)."

"b. All prisoners will receive humane treatment without regard to race, nationality, religion, political opinion, sex, or other criteria. The following acts are prohibited: murder, torture, corporal punishment, mutilation, the taking of hostages, sensory deprivation, collective punishments, execution without trial by proper authority, and all cruel and degrading treatment.

c. All persons will be respected as human beings. They will be protected against all acts of violence to include rape, forced prostitution, assault and theft, insults, public curiosity, bodily injury, and reprisals of any kind. They will not be subjected to medical or scientific experiments. This list is not exclusive. EPW/RP is to be protected from all threats or acts of violence."

"2-1. a. (1) (d) Prisoners may be interrogated in the combat zone. The use of physical or mental torture or any coercion to compel prisoners to provide information is prohibited.... Prisoners may not be threatened, insulted, or exposed to unpleasant or disparate treatment of any kind because of their refusal to answer questions."

"5-1 (6) The following acts are specifically prohibited:

(a) Any measures of such character as to cause the physical suffering or extermination of the CI. This prohibition applies not only to murder, torture, corporal punishment, mutilation, and medical or scientific experiments, but also to any other measure of brutality.

(b) Punishment of the CI for an offense they did not personally commit.

(c) Collective penalties and all measures of intimidation and terrorism against the CI.

(d) Reprisals against the CI and their property.

(e) The taking and holding of the CI as hostages."

AR 600–20, Army Command Policy, Chapter 1, paragraph 1-5, subparagraph c (1), and (4), prescribes the policies and responsibilities of command. The specific language in the regulation follows:

"c. Characteristics of command leadership.

The commander is responsible for establishing leadership climate of the unit and developing disciplined and cohesive units. This sets the parameters within which command will be exercised and, therefore, sets the tone for social and duty relationships within the command. Commanders are also responsible for the professional development of their soldiers. To this end, they encourage self-study, professional development, and continued growth of their subordinates' military careers.

(1) Commanders and other leaders committed to the professional Army ethic promote a positive environment. If leaders show loyalty to their soldiers, the Army, and the Nation, they

earn the loyalty of their soldiers. If leaders consider their soldiers' needs and care for their well-being, and if they demonstrate genuine concern, these leaders build a positive command climate."

"(4) Professionally competent leaders will develop respect for their authority by-

(a) Striving to develop, maintain, and use the full range of human potential in their organization. This potential is a critical factor in ensuring that the organization is capable of accomplishing its mission.

(b) Giving troops constructive information on the need for and purpose of military discipline. Articles in the UCMJ which require explanation will be presented in such a way to ensure that soldiers are fully aware of the controls and obligations imposed on them by virtue of their military service. (See Art 137, UCMJ.)

(c) Properly training their soldiers and ensuring that both soldiers and equipment are in the proper state of readiness at all times. Commanders should assess the command climate periodically to analyze the human dimension of combat readiness. Soldiers must be committed to accomplishing the mission through the unit cohesion developed as a result of a healthy leadership climate established by the command. Leaders at all levels promote the individual readiness of their soldiers by developing competence and confidence in their subordinates. In addition to being mentally, physically, tactically, and technically competent, soldiers must have confidence in themselves, their equipment, their peers, and their leaders. A leadership climate in which all soldiers are treated with fairness, justice, and equity will be crucial to development of this confidence within soldiers. Commanders are responsible for developing disciplined and cohesive units sustained at the highest readiness level possible."

### c. Finding 3:

(1) Finding: Of all facilities inspected, only Abu Ghraib was determined to be undesirable for housing detainees because it is located near an urban population and is under frequent hostile fire, placing Soldiers and detainees at risk.

(2) Standard: Hague Convention No. IV Respecting the Laws and Customs of War on Land (H.IV), Oct. 18, 1907, Articles 43-46 and 50; and Geneva Convention Relative to the Protection of Civilian Persons in Time of War (GC), Aug 12, 1949, Articles 81, 83, 85, 88, 89, and 91 discuss the requirement to accommodate detainees in buildings or quarters which afford every possible safeguard regarding health and hygiene and the effects of war. The specific language in the GC follows:

GC Article 81 – "Parties to the conflict who intern protected persons shall be bound to provide free of charge for their maintenance, and to grant them also the medical attention required by their state of health. No deduction from the allowances, salaries or credits due to the internees shall be made for the repayment of these costs.

GC, Article 83 – "The Detaining Power shall not set up places of internment in areas particularly exposed to the dangers of war. ...

GC, Article 84 – Internees shall be accommodated and administered separately from prisoners of war and from persons deprived of liberty for any other reason.

GC, Article 85 – The Detaining Power is bound to take all necessary and possible measures to ensure that protected persons shall, from the outset of their internment, be accommodated in buildings or quarters which afford every possible safeguard as regards hygiene and health, and provide efficient protection against the rigors of the climate and the effects of the war. In no case shall permanent places of internment be situated in unhealthy areas or in districts, the climate of which is injurious to the internees. In all cases where the district, in which a protected person is temporarily interned, is an unhealthy area or has a climate which is harmful to his health, he shall be removed to a more suitable place of internment as rapidly as circumstances permit. The premises shall be fully protected from dampness, adequately heated and lighted, in particular between dusk and lights out. The sleeping quarters shall be sufficiently spacious and well ventilated, and the internees shall have suitable bedding and sufficient blankets, account being taken of the climate, and the age, sex, and state of health of the internees. Internees shall have for their use, day and night, sanitary conveniences which conform to the rules of hygiene, and are constantly maintained in a state of cleanliness. They shall be provided with sufficient water and soap for their daily personal toilet and for washing their personal laundry; installations and facilities necessary for this purpose shall be granted to them. Showers or baths shall also be available. The necessary time shall be set aside for washing and for cleaning. Whenever it is necessary, as an exceptional and temporary measure, to accommodate women internees who are not members of a family unit in the same place of internment as men, the provision of separate sleeping quarters and sanitary conveniences for the use of such women internees shall be obligatory."

GC, Article 88 – "In all places of internment exposed to air raids and other hazards of war, shelters adequate in number and structure to ensure the necessary protection shall be installed.

GC, Article 89 – Daily food rations for internees shall be sufficient in quantity, quality and variety to keep internees in a good state of health and prevent the development of nutritional deficiencies. Account shall also be taken of the customary diet of the internees. Internees shall also be given the means by which they can prepare for themselves any additional food in their possession. Sufficient drinking water shall be supplied to internees. ... "

GC Article 91 – "Every place of internment shall have an adequate infirmary, under the direction of a qualified doctor, where internees may have the attention they require, as well as appropriate diet. Isolation wards shall be set aside for cases of contagious or mental diseases. Maternity cases and internees suffering from serious diseases, or whose condition requires special treatment, a surgical operation or hospital care, must be admitted to any institution where adequate treatment can be given and shall receive care not inferior to that provided for the general population. Internees shall, for preference, have the attention of medical personnel of their own nationality. Internees may not be prevented from presenting themselves to the medical authorities for examination. The medical authorities of the Detaining Power shall, upon request, issue to every internee who has undergone treatment an official certificate showing the nature of his illness or injury, and the duration and nature of the treatment given. A duplicate of this certificate shall be forwarded to the Central Agency provided for in Article 140 Treatment, including the provision of any apparatus necessary for the maintenance of internees in good health, particularly dentures and other artificial appliances and spectacles, shall be free of charge to the internee."

Army Regulation 190-8, Enemy Prisoners of War, Retained Personnel, Civilian Internees and Other Detainees, 1 October 1997, Chapter 5, paragraph 5-2, subparagraph a, states that a safety program for civilian internees (CIs) will be established. Chapter 6, paragraph 6-1,

subparagraphs a & b, (1) through (4), states commanders' responsibilities regarding housing, caring for, and safeguarding CIs in facilities. This regulation is a multi-service regulation implementing DOD Directive 2310.1 and incorporates Army Regulation 190-8 and 190-57 and SECNAV Instruction 3461.3, and Air Force Joint Instruction 31-304 and outlines policies, procedures, and responsibilities for treatment of enemy prisoners of war (EPW), retained personnel (RP), civilian internees (CI), and other detainees (OD) and implements international law for all military operations. The specific language in the regulation follows:

"a. Establishment. A safety program for the CI will be established and administered in accordance with the policies prescribed in AR 385-10 and other pertinent safety directives.

"6-1. Internment Facility

a. Location. The theater commander will be responsible for the location of the CI internment facilities within his or her command. The CI retained temporarily in an unhealthy area or where the climate is harmful to their health will be removed to a more suitable place of internment as soon as possible.

b. Quarters. Adequate shelters to ensure protection against air bombardments and other hazards of war will be provided and precautions against fire will be taken at each CI camp and branch camp.

(1) All necessary and possible measures will be taken to ensure that CI shall, from the outset of their internment, be accommodated in buildings or quarters which afford every possible safeguard as regards hygiene and health, and provide efficient protection against the rigors of the climate and the effects of war. In no case shall permanent places of internment be placed in unhealthy areas, or in districts the climate of which is injurious to CI.

(2) The premises shall be fully protected from dampness, adequately heated and lighted, in particular between dusk and lights out. The sleeping quarters shall be sufficiently spacious and well ventilated, and the internees shall have suitable bedding and sufficient blankets, account being taken of the climate, and the age, sex and state of health of the internees.

(3) Internees shall have for their use, day and night, sanitary conveniences which conform to the rules of hygiene and are constantly maintained in a state of cleanliness. They shall be provided with sufficient water and soap for their daily personal hygiene and for washing their personal laundry; installations and facilities necessary for this purpose shall be provided. Showers or baths shall also be available. The necessary time shall be set aside for washing and for cleaning.

(4) CI shall be administered and housed separately from EPW/RP. Except in the case of families, female CI shall be housed in separate quarters and shall be under the direct supervision of women."

Field Manual (FM) 3-19.1, Military Police Operations, 31 January 2002, Chapter 4, paragraph 4-44, describes the capability of a modular internment/resettlement (I/R) Military Police (MP) battalion that is trained and equipped for an I/R mission. The specific language in the field manual follows:

"4-44. Although the CS MP unit initially handles EPWs/CIs, modular MP (I/R) battalions with assigned MP guard companies and supporting MWD teams are equipped and trained to

handle this mission for the long term. A properly configured modular MP (I/R) battalion can support, safeguard, account for, guard, and provide humane treatment for up to 4,000 EPWs/CIs; 8,000 dislocated civilians; or 1,500 US military prisoners."

FM 3-19.40, Military Police Internment/Resettlement Operations, 1 August 2001, Chapter 6, paragraphs 6-2 and 6-3, discuss the considerations of choosing sites for I/R facilities. The specific language in the field manual follows:

"6-2. The MP coordinate the location with engineers, logistical units, higher headquarters, and the HN. The failure to properly consider and correctly evaluate all factors may increase the logistical and personnel efforts required to support operations. If an I/R facility is improperly located, the entire internee population may require movement when resources are scarce. When selecting a site for a facility, consider the following:

- Will the interned population pose a serious threat to logistical operations if the tactical situation becomes critical?
- Is there a threat of guerrilla activity in the area?
- What is the attitude of the local population?
- What classification of internees will be housed at the site?
- What type of terrain surrounds the site, and will it help or hinder escapes?
- What is the distance from the MSR to the source of logistical support?
- What transportation methods are required and available to move internees, supplies, and equipment?

6-3. In addition, consider the—

- METT-TC.
- Proximity to probable target areas.
- Availability of suitable existing facilities (avoids unnecessary construction).
- Presence of swamps, mosquitoes, and other factors (including water drainage) that affect human health.
- Existence of an adequate, satisfactory source of potable water. The supply should meet the demands for consumption, food sanitation, personal hygiene, and sewage disposal.
- Availability of electricity. Portable generators can be used as standby and emergency sources of electricity.
- Distance to work if internees are employed outside the facility.
- Availability of construction material.
- Soil drainage."

#### d. Finding 4:

(1) Finding: Tactical commanders and leaders adapted to the environment and held detainees longer than doctrinally recommended due to the demand for timely, tactical intelligence.

(2) Standard: Army Regulation (AR) 190-8, Enemy Prisoners of War, Retained Personnel, Civilian Internees and Other Detainees, 1 October 1997, Chapter 2, paragraph 2-1, subparagraph a (d), states that prisoners may be interrogated in the combat zone; subparagraph a (e) states that prisoners will be evacuated as quickly as possible from the collecting points (CPs) to the Corps Holding Area (CHA). If evacuation is delayed the detaining

force will increase the level of humanitarian care provided at the CP. Chapter 3, paragraph 3-2, subparagraph b, states that CPs will operate under conditions similar to those prescribed for internment camps; paragraph 3-4, subparagraph e, requires enemy prisoners of war (EPWs) and retained persons (RP) to be housed under the same conditions as U.S. Forces residing in the same area; subparagraph i requires EPW/RP facilities to ensure a clean and healthy environment for detainees. Chapter 6, paragraph 6-1, subparagraph b, requires that internment facilities for CIs provide a safe and sanitary environment; paragraph 6-6, subparagraph g, requires facilities housing Civilian Internees (CI) to provide hygiene and sanitation measures in accordance with AR 40-5, Preventive Medicine. This regulation is a multi-service regulation implementing DOD Directive 2310.1 and incorporates Army Regulation 190-8 and 190-57 and SECNAV Instruction 3461.3, and Air Force Joint Instruction 31-304 and outlines policies, procedures, and responsibilities for treatment of EPW, RP, CI, and other detainees (OD) and implements international law for all military operations. The specific language in the regulation follows:

2-1. a. (d) – "Prisoners may be interrogated in the combat zone.

2-1. a. (e) – "Prisoners will be humanely evacuated from the combat zone and into appropriate channels as quickly as possible. . . . When military necessity requires delay in evacuation beyond a reasonable period of time, health and comfort items will be issued, such as food, potable water, appropriate clothing, shelter, and medical attention.

3-2. b. – ". . . Transit camps or collecting points will operate under conditions similar to those prescribed for permanent prisoner of war camps, and the prisoners will receive the same treatment as in permanent EPW camps.

3-4. e. – "EPW/RP will be quartered under conditions as favorable as those for the force of the detaining power billeted in the same area. The conditions shall make allowance for the habits and customs of the prisoners and shall in no case be prejudicial to their health. The forgoing shall apply in particular to the dormitories of EPW/RP as it regards both total surface and minimum cubic space and the general installation of bedding and blankets. Quarters furnished to EPW/RP must be protected from dampness, must be adequately lit and heated (particularly between dusk and lights-out), and must have adequate precautions taken against the dangers of fire. In camps accommodating both sexes, EPW/RP will be provided with separate facilities for women.

Field Manual (FM) 3-19.40, Military Police Internment/Resettlement Operations, 1 August 2001, Introduction, explains the role of MPs in establishing CPs. Chapter 3, paragraph 3-1, further explains the MP role in establishing CPs and CHAs; paragraph 3-3, states that MPs and MI interrogation teams should work closely at CPs and CHAs to make a determination of the potential intelligence value of detainees; paragraphs 3-37, 3-45 and 3-54, state that divisions will operate forward and central CPs as temporary holding areas until detainees are removed from the battlefield and transferred to the CHA. Doctrine states that detainees should remain at a forward CP no longer than 12 hours, and a central CP no longer than 24 hours. Paragraphs 3-41 to 3-43 identify planning considerations for division forward and central CPs. Doctrine identifies divisions providing minimum medical, preventive medical, logistics, personnel and infrastructure support to hold detainees for 12 hours at forward CPs and for 24 hours at central CPs. Paragraph 3-49 describes the Preventive Medicine (PVNTMED) support to a central CP. Paragraph 3-55 states that CHAs are more permanent than CPs and must be prepared to hold detainees for 72 hours. External support is required if CHAs are required to hold detainees for more than 72 hours. Chapter 5, paragraph 5-52, describes the sanitation

requirements for Civilian Internee (CI) populations. The specific language in the field manual follows:

Introduction – "A large number of captives on the battlefield hampers maneuver units as they move to engage and destroy an enemy. To assist maneuver units in performing their mission—

- Division MP units operate CPs in the division AO.
- Corps MP units operate holding areas in the corps AO."

"3.1. The MP units accept captives from capturing units as far forward as possible, and captives are held in CPs and CHAs until they are removed from the battlefield. Normally, CPs are operated in the division AO and CHAs are operated in the corps AO; but they can be operated anywhere they are needed. The CPs and CHAs sustain and safeguard captives and ensure a minimum level of field processing and accountability. Wounded and sick captives receive medical treatment, and captives who require lifesaving medical attention are evacuated to the nearest medical facility.

3.3. The MP work closely with military intelligence (MI) interrogation teams at CPs and CHAs to determine if captives, their equipment, and their weapons have intelligence value. This process is accelerated when MI interrogation teams can observe captives during arrival and processing, and interrogators can also be used as interpreters during this phase. Before a captive is interviewed by MI personnel, he must have a Department of Defense (DD) Form 2745 (Figure 3-1) attached to him and be accounted for on DD Form 2708.

3-37. A division operates two types of CPs—forward and central. A division MP company operates forward CPs in each maneuver brigade AO and a central CP in the division rear area. Both CPs are temporary areas designed to hold captives until they are removed from the battlefield. Forward CPs are positioned as far forward as possible to accept captives from maneuver elements. Central CPs accept captives from forward CPs and local units.

3-41. Medical support is provided by the MP company medical section. Additional medical support can be requested through the forward support battalion (FSB) to the brigade medical officer. The brigade OPORD includes specific actions and support (operational requirements) needed from non-MP units.

3-42. When a division MP company commander is tasked with planning and operating a forward CP, he-

- Coordinates with the unit responsible for the area.
- Conducts a recon of the area before selecting a location.
- Locates it far enough from the fighting to avoid minor shifts in the main battle area (MBA) (normally 5 to 10 kilometers).
- Notifies the BSA tactical operations center (TOC) and the PM operations section of the selected location (grid coordinates). The BSA TOC reports the location to the brigade TOC, and the brigade TOC notifies subordinate units.
- Coordinates with MI on co-locating an MI interrogation team at the CP.
- Provides potable water and, if required, food for captives.

3-43. A forward CP is seldom located near the indigenous population to prevent problems caused by the presence of captives in the area. A forward CP is usually a guarded,



roped-off area (concertina or razor tape) or a secure, fixed facility. The capture rate and the captive categories determine the size of forward CP.

3-45. Captives should not remain at a forward CP more than 12 hours before being escorted to the central CP.

3-49. The division PVNTMED section supports the central CP by—

- Monitoring drinking water and advising on disinfection procedures.
- Controlling animals and insects that carry disease.
- Ensuring that captives help prevent illness by—
  - Drinking enough water.
  - Wearing clothing that is suited for the weather and the situation.
  - Handling heating fuels carefully.
  - Avoiding contact of exposed skin to cold metal.
  - Using insect repellent, netting, and insecticides.
  - Taking approved preventive medication.
  - Using purification tablets when water quality is uncertain.
  - Disposing of bodily wastes properly.
  - Practicing personal hygiene.

3-54. Captives should not remain at the central CP more than 24 hours before being evacuated to the CHA.

3-55. A CHA (Figure 3-4) can hold more captives for longer periods of times than a central CP. Depending on the availability of MP units to establish I/R facilities, corps MP units must be prepared to hold captives at the CHA more than 72 hours. If the CHA keeps captives more than 72 hours, MP must plan and coordinate for the increased logistics and personnel required to operate a long-term facility. The decision to hold captives longer is based on METT-TC and the availability of forces. Captives remain in the CHA until they are evacuated to an I/R facility or until hostilities end."

**e. Finding 5:**

(1) Finding: Doctrine does not clearly specify the interdependent, and yet independent, roles, missions, and responsibilities of Military Police and Military Intelligence units in the establishment and operation of interrogation facilities.

(2) Standard: Department of Defense Directive (DoDD) 2310.1, DoD Program for Enemy Prisoners of War (EPOW) and Other Detainees, 18 August 1994, Paragraph 3.4, outlines the disposition of persons captured or detained and indicates who should operate collecting points, other holding facilities and installations. The specific language in the directive follows:

"Persons captured or detained by the U.S. Military Services shall normally be handed over for safeguarding to U.S. Army Military Police, or to detainee collecting points or other holding facilities and installations operated by U.S. Army Military Police as soon as practical. Detainees may be interviewed for intelligence collection purposes at facilities and installations operated by U.S. Army Military Police."

Joint Publication (JP) 1-02, Department of Defense Dictionary of Military and Associated Terms, 12 April 2001 (as amended through 23 March 2004), defines "tactical control", often abbreviated by the acronym "TACON". The specific language in the joint publication follows:

"tactical control — Command authority over assigned or attached forces or commands, or military capability or forces made available for tasking, that is limited to the detailed direction and control of movements or maneuvers within the operational area necessary to accomplish missions or tasks assigned. Tactical control is inherent in operational control. Tactical control may be delegated to, and exercised at any level at or below the level of combatant command. When forces are transferred between combatant commands, the command relationship the gaining commander will exercise (and the losing commander will relinquish) over these forces must be specified by the Secretary of Defense. Tactical control provides sufficient authority for controlling and directing the application of force or tactical use of combat support assets within the assigned mission or task. Also called TACON."

JP 2-01, Joint Intelligence Support to Military Operations, 20 November 1996, Appendix G, paragraph 1, subparagraph d, describes the organization and function of the Joint Interrogation and Debriefing Center (JIDC). The specific language in the joint publication follows:

"Joint Interrogation and Debriefing Center. The JFC normally tasks the Army component commander to establish, secure, and maintain an EPW camp system. Under some circumstances, particularly during MOOTW, the JFC may designate another component commander to be responsible for the EPW camp system. The subordinate joint force J-2 establishes a JIDC for follow-on exploitation. The establishment (when, where, and how) of the JIDC is highly situation dependent, with the main factors being the geographic nature of the JOA, the type and pace of military operations, the camp structure, and the number and type of the sources. The JIDC may be a central site where appropriate EPW are segregated for interrogation, or it may be more of a clearinghouse operation for dispatch of interrogators or debriefers to other locations.

- Organization. The JIDC interrogation and debriefing activities are managed by the subordinate joint force HUMINT staff section or HOC. The HOC will coordinate with the TFCICA within the J-2X for CI [counterintelligence] augmentation for exploitation of those personnel of CI [counterintelligence] interest, such as civil and/or military leadership, intelligence or political officers and terrorists. The staff is augmented by deployed DHS personnel, linguists and, as required, component personnel. The HUMINT appendix of Annex B (Intelligence) to the OPLAN or CONPLAN contains JIDC planning considerations.

- Responsibilities. Service component interrogators collect tactical intelligence from EPWs based on joint force J-2 criteria. EPWs (i.e., senior level EPWs) are screened by the components and those of further intelligence potential are identified and processed for follow-on interrogation and debriefing by the JIDC to satisfy theater strategic and operational requirements. In addition to EPW, the JIDC may also interrogate civilian detainees, and debrief refugees as well as other non-prisoner sources for operational and strategic information."

FM 3-31, Joint Force Land Component Commander Handbook (JFLCC), 13 December 2001, Appendix A, paragraph A-11, describes the roles of the Joint Interrogation Facility (JIF) and the Joint Interrogation and Debriefing Center (JIDC). The specific language in the field manual follows:

"The following may be established or requested by the JFLCC in addition to the J-2X [J-2 CI [counterintelligence] and HUMINT Support Element] and JACE [Joint Analysis and Control Element]:

Joint Interrogation Facility (JIF). JIF conducts initial screening and interrogation of EPWs, translation and exploitation of captured adversary documents, and debriefing of captured or detained US personnel released or escaped from adversary control. It coordinates exploitation of captured equipment with the JCMEC [Joint Captured Materiel Exploitation Center], documents with the JDEC [Joint Document Exploitation Center], and human sources with the JIDC [Joint Interrogation and Debriefing Center]. More than one JIF may be established in the JOA depending upon the anticipated number of EPWs.

JIDC. JIDC conducts follow-on exploitation of EPWs. EPWs are screened by the JIFs, and those of further intelligence potential are identified and forwarded to the JIDC for follow-on interrogation and debriefing in support of JTF and higher requirements. Besides EPWs, the JIDC may also interrogate civilian detainees, refugees, and other nonprisoner sources. JIDC activities are managed by the J-2X HOC [HUMINT Operations Cell]."

FM 34-52, Intelligence Interrogation, 28 September 1992, Preface, establishes this FM as the doctrinal foundation for interrogations of detainees. Chapter 1 defines and explains the purpose of interrogation. Chapter 2 describes the organization and operation of the Theater Interrogation Facility (TIF). The specific language in the field manual follows:

Preface – "This manual provides doctrinal guidance, techniques, and procedures governing employment of interrogators as human intelligence (HUMINT) collection assets in support of the commander's intelligence needs. It outlines the interrogator's role within the intelligence collection effort and the supported unit's day-to-day operations.

This manual is intended for use by interrogators as well as commanders, staff officers, and military intelligence (MI) personnel charged with the responsibility of the interrogation collection effort."

Chapter 1 – "Interrogation is the process of questioning a source to obtain the maximum amount of usable information. The goal of any interrogation is to obtain reliable information in a lawful manner, in a minimum amount of time, and to satisfy intelligence requirements of any echelon of command.

A good interrogation produces needed information, which is timely, complete, clear, and accurate."

Chapter 2 – "At echelons above corps (EAC), the MI company (I&E), MI battalion (C&E) or (I&E), MI brigade (EAC), will form the Theater Interrogation Facility (TIF). The TIF, which is commanded by an MI captain, provides interrogation support to the theater or joint command and to national level intelligence agencies. The TIF will—

- Be located within the main theater EPW internment facility.
- Be tailored organizationally to meet requirements of the theater and situation.
- Include interrogators, CI [counterintelligence] personnel, and intelligence analysts from the Army, Air Force, Marine Corps, and, in some cases, the Navy.
- Be organized similarly to the CIF; that is, by function.

- Have intelligence analysts to handle requirements and keep interrogators informed of changes in the operational or strategic situation.
- Maintain the capability to deploy "GO" teams to multiple theater EPW camps, as well as to forward deploy them to corps and ECB as needed.
- Provide experienced senior interrogation warrant officers and NCOs who are graduates of the Department of Defense (DOD) Strategic Debriefing Course (additional skill identifier 9N or N7) and physical plant for the Joint Debriefing Center (JDC), where exploitation of high-level (Category A) sources takes place on operational and strategic topics."

#### "THEATER INTERROGATION FACILITY

The EAC interrogation facility will normally be designated as the TIF. A TIF is staffed by US Army interrogators and analysts, with support from Air Force, Navy, Marine Corps, and other US national agencies as required. In a multinational operation, a combined interrogation facility may be established with allied interrogator augmentation. In addition to conventional theater Army operations, a TIF may be established to support a joint or unified command to meet theater requirements during crisis or contingency deployments.

MI battalion companies, MI brigade (EAC) provide US Army interrogation support to the EAC TIF. The mission of the TIF is to—

- Establish liaison with host nation (HN) commanders to achieve critical intelligence information in response to theater and national level intelligence collection requirements.
- Ensure communication between HN and US military TF commanders, and establish rapport with HN interrogation activities.
- Coordinate for national level collection requirements.
- Interrogate PWs, high-level political and military personnel, civilian internees, defectors, refugees, and displaced persons.
- Participate in debriefings of US and allied personnel who have escaped after being captured, or who have evaded capture.
- Translate and exploit selected CEDs.
- Assist in technical support activity (TSA) operations (see FM 34-5(S)).

The MI battalion (I&E) has an HHC for C<sup>3</sup>, and three interrogation companies, of which one is Active Component (AC) and the other two are RC. The companies consist of two MI companies, I&E (EPW support) and one MI company, I&E (GS-EAC).

The two MI companies support EPW compound operations. Their elements are primarily for GS at EAC, but may be deployed for DS at corps and division. The MI company (I&E) (GS-EAC) provides priority interrogation and DOCEX support to corps and divisions, to the TIF, and to temporary EPW compounds as required.

A TIF is organized into a headquarters section, operations section, and two interrogation and DOCEX sections. It will normally have an attached TSA section from Operations Group, and a liaison team from the Joint Captured Materiel Exploitation Center (JCMEC). The JCMEC liaison team assists in exploiting sources who have knowledge of captured enemy weapons and equipment.

The headquarters section provides all command, administrative, logistical, and maintenance support to the TIF. It coordinates with—

- Commander, MI Battalion (I&E) for personnel status, administrative support, and logistical support prior to deployment.
- Battalion S3 for deployment of interrogation assets.
- Theater J2 for reporting procedures, operational situation update, and theater and national level intelligence requirements.
- Provost marshal for location of theater EPW camps, and for procedures to be followed by interrogators and MP for processing, interrogating, and internment.
- Commanders of theater medical support units and internment facility for procedures to treat, and clear for questioning, wounded EPWs.
- Commander, CI [counterintelligence] company, for CI [counterintelligence] requirements and joint interrogation and CI [counterintelligence] procedures.

#### OPERATIONS SECTION

This section (where ideally the officer in charge [OIC] has the 3Q additional skill identifier) is organized into the operations, OB, and communications elements. The operations section—

- Designates work areas for all TIF elements.
- Establishes and maintains TIF functional files.
- Establishes interrogation priorities.
- Maintains a daily log and journal.
- Disseminates incoming and outgoing distribution.
- Conducts liaison with local officials, adjacent and subordinate intelligence activities, CI [counterintelligence], MP, PSYOP, the JCMEC, Plans and Policy Directorate (J5), and provost marshal.
- Conducts coordination with holding area OIC or enclosure commander for screening site, medical support, access, movement, and evacuation procedures for EPWs.
- Conducts operations briefings when required.

- Manages screening operations.
- Manages EPW access for intelligence collection.
- Assigns control numbers (see DIAM 58-13).
- Supervises all intelligence collection activities within the TIF."

Army Regulation (AR) 190-8, Enemy Prisoners of War, Retained Personnel, Civilian Internees and Other Detainees, 1 October 1997, Chapter 2, paragraph 2-1, provides the regulatory guidance for interrogation of detainees in a combat zone. This regulation is a multi-service regulation implementing DOD Directive 2310.1 and incorporates Army Regulation 190-8 and 190-57 and SECNAV Instruction 3461.3, and Air Force Joint Instruction 31-304 and outlines policies, procedures, and responsibilities for treatment of enemy prisoners of war (EPW), retained personnel (RP), civilian internees (CI), and other detainees (OD) and implements international law for all military operations. The specific language in the regulation follows:

"(d) Prisoners may be interrogated in the combat zone. The use of physical or mental torture or any coercion to compel prisoners to provide information is prohibited. Prisoners may voluntarily cooperate with PSYOP personnel in the development, evaluation, or dissemination of PSYOP messages or products. Prisoners may not be threatened, insulted, or exposed to unpleasant or disparate treatment of any kind because of their refusal to answer questions. Interrogations will normally be performed by intelligence or counterintelligence personnel."

Field Manual (FM) 3-19.1, Military Police Operations, 31 January 2002, Chapter 4, paragraphs 4-42 and 4-43, describe the role of MP units in detainee operations and references MI. The specific language in the field manual follows:

"4-42. The Army is the Department of Defense's (DoD's) executive agent for all EPW/CI operations. Additionally, the Army is DoD's executive agent for long-term confinement of US military prisoners. Within the Army and through the combatant commander, the MP is tasked with coordinating shelter, protection, accountability, and sustainment for EPWs/CIs. The I/R function addresses MP roles when dealing with EPWs/CIs, dislocated civilians, and US military prisoners.

4-43. The I/R function is of humane as well as tactical importance. In any conflict involving US forces, safe and humane treatment of EPWs/CIs is required by international law. Military actions on the modern battlefield will result in many EPWs/CIs. Entire units of enemy forces, separated and disorganized by the shock of intensive combat, may be captured. This can place a tremendous challenge on tactical forces and can significantly reduce the capturing unit's combat effectiveness. The MP supports the battlefield commander by relieving him of the problem of handling EPWs/CIs with combat forces. The MP performs their I/R function of collecting, evacuating, and securing EPWs throughout the AO. In this process, the MP coordinates with MI to collect information that may be used in current or future operations."

FM 3-19.40, Military Police Internment/Resettlement Operations, 1 August 2001, Preface, establishes this FM as the doctrinal foundation for detainee operations. Chapter 2, paragraph 2-1, describes the role of the MP Battalion Commander. Chapter 3, paragraph 3-3, states the need for MP and MI to work closely, and paragraphs 3-64 to 3-66 describe the MP-MI

interaction at collecting points (CPs) and corps holding areas (CHAs). The specific language in the field manual follows:

"Field Manual (FM) 3-19.40 depicts the doctrinal foundation, principles, and processes that MP will employ when dealing with enemy prisoners of war (EPWs), civilian internees (CIs), US military prisoner operations, and MP support to civil-military operations (populace and resource control [PRC], humanitarian assistance [HA], and emergency services [ES]).

2-1. An MP battalion commander tasked with operating an I/R facility is also the facility commander. As such, he is responsible for the safety and well-being of all personnel housed within the facility. Since an MP unit may be tasked to handle different categories of personnel (EPW, CI, OD, refugee, and US military prisoner), the commander, the cadre, and support personnel must be aware of the requirements for each category.

3-3. The MP work closely with military intelligence (MI) interrogation teams at CPs and CHAs to determine if captives, their equipment, and their weapons have intelligence value.

3-64. To facilitate collecting enemy tactical information, MI may collocate interrogation teams at CPs and CHAs. This provides MI with direct access to captives and their equipment and documents. Coordination is made between MP and MI to establish operating procedures that include accountability. An interrogation area is established away from the receiving/processing line so that MI personnel can interrogate captives and examine their equipment and documents. If a captive or his equipment or documents are removed from the receiving/processing line, account for them on DD Form 2708 and DA Form 4137.

3-65. The MI interrogation teams screen captives at CPs and CHAs, looking for anyone who is a potential source of information. Screeners observe captives from an area close to the dismount point or processing area. As each captive passes, MI personnel examine the capture tag and look for branch insignias that indicate a captive with information to support command priority intelligence requirements (PIR) and information requirements (IR). They also look for captives who are willing or attempting to talk to guards; joining the wrong group intentionally; or displaying signs of nervousness, anxiety, or fear.

3-66. The MP assist MI screeners by identifying captives who may have answers that support PIR and IR. Because MP are in constant contact with captives, they see how certain captives respond to orders and see the type of requests they make. The MP ensure that searches requested by MI are conducted out of sight of other captives and that guards conduct same-gender searches."

FM 6-0, Mission Command: Command and Control of Army Forces, 11 August 2003, Appendix D, paragraph D-114, describes the responsibilities of the Provost Marshal (PM). The specific language in the field manual follows:

"PM responsibilities include—

- Internment and resettlement of EPWs and civilian internees, dislocated civilians, and US military prisoners, including their—
  - Collection.
  - Detention and internment.
  - Protection.
  - Sustainment.

- Evacuation.
- Coordinating for all logistic requirements relative to EPW and civilian internees, US military prisoners, and dislocated civilians (with the G-4).
- Coordinating on EPW and civilian internee pay support, and financial aspects of weapons bounty programs (with the finance officer and RM)."

FM 34-52, Intelligence Interrogation, 28 September 1992, Preface, establishes this FM as the doctrinal foundation for interrogations of detainees. Chapter 1 defines and explains the purpose of interrogation. Chapter 2 describes the role of MPs in the operation of CPs and CHAs. Chapter 3 describes the role of MPs in the MI screening process. Chapter 4 allows MI to assume control of detainees from MP for interrogation. The specific language in the field manual follows:

Preface – "This manual provides doctrinal guidance, techniques, and procedures governing employment of interrogators as human intelligence (HUMINT) collection assets in support of the commander's intelligence needs. It outlines the interrogator's role within the intelligence collection effort and the supported unit's day-to-day operations.

This manual is intended for use by interrogators as well as commanders, staff officers, and military intelligence (MI) personnel charged with the responsibility of the interrogation collection effort."

"Chapter 1 – Interrogation is the process of questioning a source to obtain the maximum amount of usable information. The goal of any interrogation is to obtain reliable information in a lawful manner, in a minimum amount of time, and to satisfy intelligence requirements of any echelon of command.

A good interrogation produces needed information, which is timely, complete, clear, and accurate."

"Chapter 2 – The division's central EPW collecting point is operated by division MP under the supervision of the division provost marshal.

The capturing unit escorts or transports EPWs or detainees to the nearest collecting point, and turns them over to the MP. Interrogators in DS of the brigade will screen and categorize all EPWs or detainees, question them, and report information obtained in response to brigade PIR, IR, and SIR.

The corps MP commander operates the corps EPW holding area and provides escort guard support to divisions for EPW evacuation in routine or medical channels.

"Chapter 3 – Screeners coordinate with MP holding area guards on their role in the screening process. The guards are told where the screening will take place, how EPWs and detainees are to be brought there from the holding area, and what types of behavior on their part will facilitate the screenings."

"Chapter 4 – MI assumes control from the MP when interrogators determine a captured item or EPW is of intelligence value."



**f. Finding 6:**

(1) Finding: Military Intelligence units are not resourced with sufficient interrogators and interpreters, to conduct timely detainee screenings and interrogations in the current operating environment, resulting in a backlog of interrogations and the potential loss of intelligence.

(2) Standard: Army Regulation (AR) 190-8, Enemy Prisoners of War, Retained Personnel, Civilian Internees and Other Detainees, 1 October 1997, Chapter 2, paragraph 2-1, provides the regulatory guidance for interrogation of detainees in a combat zone. This regulation is a multi-service regulation implementing DOD Directive 2310.1 and incorporates Army Regulation 190-8 and 190-57 and SECNAV Instruction 3461.3, and Air Force Joint Instruction 31-304 and outlines policies, procedures, and responsibilities for treatment of enemy prisoners of war (EPW), retained personnel (RP), civilian internees (CI), and other detainees (OD) and implements international law for all military operations. The specific language in the regulation follows:

"(d) Prisoners may be interrogated in the combat zone. The use of physical or mental torture or any coercion to compel prisoners to provide information is prohibited. Prisoners may voluntarily cooperate with PSYOP personnel in the development, evaluation, or dissemination of PSYOP messages or products. Prisoners may not be threatened, insulted, or exposed to unpleasant or disparate treatment of any kind because of their refusal to answer questions. Interrogations will normally be performed by intelligence or counterintelligence personnel."

Field Manual (FM) 3-19.40, Military Police Internment/Resettlement Operations, 1 August 2001, Chapters 2 and 3, paragraphs 2-48, 3-3, 3-13, 3-65 to 3-68, describe doctrine for Military Intelligence (MI) operations in internment/resettlement (I/R) facilities. The specific language in the field manual follows:

"2-48. Personnel assigned or attached to I/R facilities are trained on the care and control of housed personnel. They are fully cognizant of the provisions of the Geneva and UN Conventions and applicable regulations as they apply to the treatment of housed personnel. A formal training program should include—

- Principles and laws of land warfare, specifically provisions of Geneva and UN Conventions and HN laws and customs.
- Supervisory and human relations techniques.
- Methods of self-defense.
- The use of force, the ROE, and the ROI.
- Firearms qualification and familiarization.
- Public relations, particularly CONUS operations.
- First aid.
- Stress management techniques.
- Facility regulations and SOPs.
- Intelligence and counterintelligence techniques.
- Cultural customs and habits of internees."

"3-3. The MP work closely with military intelligence (MI) interrogation teams at CPs and CHAs to determine if captives, their equipment, and their weapons have intelligence value. This process is accelerated when MI interrogation teams can observe captives during arrival and processing, and interrogators can also be used as interpreters during this phase. Before a

captive is interviewed by MI personnel, he must have a Department of Defense (DD) Form 2745 (Figure 3-1) attached to him and be accounted for on DD Form 2708.

3-13. The MP coordinate with MI interrogation teams to determine which confiscated items have intelligence value. Personal items (diaries, letters from home, and family pictures) can be taken by MI teams for review and then returned to the proper owner via MP."

#### "INTERROGATION TEAMS

"3-65. The MI interrogation teams screen captives at CPs and CHAs, looking for anyone who is a potential source of information. Screeners observe captives from an area close to the dismount point or processing area. As each captive passes, MI personnel examine the capture tag and look for branch insignias that indicate a captive with information to support command priority intelligence requirements (PIR) and information requirements (IR). They also look for captives who are willing or attempting to talk to guards; joining the wrong group intentionally; or displaying signs of nervousness, anxiety, or fear.

3-66. The MP assist MI screeners by identifying captives who may have answers that support PIR and IR. Because MP are in constant contact with captives, they see how certain captives respond to orders and see the type of requests they make. The MP ensure that searches requested by MI are conducted out of sight of other captives and that guards conduct same-gender searches.

3-67. The MI screeners examine captured documents, equipment and, in some cases, personal papers (journals, diaries, and letters from home). They are looking for information that identifies a captive and his organization, mission, and personal background (family, knowledge, and experience). Knowledge of a captive's physical and emotional status or other information helps screeners determine his willingness to cooperate.

#### LOCATION

3-68. Consider the following when planning an MI screening site:

- The site is located where screeners can observe captives as they are segregated and processed. It is shielded from the direct view of captives and is far enough away that captives cannot overhear screeners' conversations.
- The site has an operation, administrative, and interrogation area. The interrogation area accommodates an interrogator, a captive, a guard, and an interpreter as well as furniture. Lights are available for night operations.
- Procedures are implemented to verify that sick and wounded captives have been treated and released by authorized medical personnel.
- Guards are available and procedures are implemented for escorting captives to the interrogation site.
- Procedures are published to inform screeners who will be moved and when they will be moved.
- Accountability procedures are implemented and required forms are available."

FM 3-31, Joint Force Land Component Commander Handbook (JFLCC), 13 December 2001, Appendix A, paragraph A-11, describes the role of the Joint Interrogation and Debriefing Center (JIDC). The specific language in the field manual follows:

"JIDC conducts follow-on exploitation of EPWs. EPWs are screened by the JIFs, and those of further intelligence potential are identified and forwarded to the JIDC for follow-on interrogation and debriefing in support of JTF and higher requirements. Besides EPWs, the JIDC may also interrogate civilian detainees, refugees, and other nonprisoner sources. JIDC activities are managed by the J-2X HOC."

FM 27-10, The Law of Land Warfare, 18 July 1956 (change 1, 15 July 1976), Paragraph 93, describes guidelines for the questioning of enemy prisoners of war (EPWs). The specific language in the field manual follows:

"Every prisoner of war, when questioned on the subject, is bound to give only his surname, first names and rank, date of birth, and army, regimental, personal or serial number, or failing this equivalent information. If he willfully infringes this rule, he may render himself liable to a restriction of the privileges accorded to his rank or status. Each Party to a conflict is required to furnish the persons under its jurisdiction who are liable to become prisoners of war, with an identity card showing the owner's surname, first names, rank, army, regimental, personal or serial number or equivalent information, and date of birth. The identity card may, furthermore, bear the signature or the fingerprints, or both, of the owner, and may bear, as well, any other information the Party to the conflict may wish to add concerning persons belonging to its armed forces. As far as possible the card shall measure 6.5 x 10 cm. and shall be issued in duplicate. The identity card shall be shown by the prisoner of war upon demand, but may in no case be taken away from him. No physical or mental torture, nor any other form of coercion, may be inflicted on prisoners of war to secure from them information of any kind whatever. Prisoners of war who refuse to answer may not be threatened, insulted, or exposed to unpleasant or disadvantageous treatment of any kind."

FM 34-52, Intelligence Interrogation, 28 September 1992, Chapter 1, defines and explains the purpose of interrogation. The specific language in the field manual follows:

"Interrogation is the process of questioning a source to obtain the maximum amount of usable information. The goal of any interrogation is to obtain reliable information in a lawful manner, in a minimum amount of time, and to satisfy intelligence requirements of any echelon of command.

A good interrogation produces needed information, which is timely, complete, clear, and accurate."

Special Text (ST) 2-22.7 (FM 34-7-1), Tactical Human Intelligence and Counterintelligence Operations, 11 April 2002, Chapter 1, paragraphs 1-19, 1-21 to 1-25, provides the doctrinal basis for the structure and utilization of tactical human intelligence assets. The specific language in the special text follows:

"1-19. The requirement for collectors is based on the density of the potential source pool. The basic methodology of collection does not change in the urban environment; however, the density of the population results in a proportional increase in the number of collectors required. This need for additional assets has been illustrated by recent operations in Somalia, Haiti, Bosnia, and Kosovo."

"ARMY CORPS AND BELOW

1-21. Army HUMINT and CI assets organic at corps and below are uniquely qualified to be the primary collection asset in many of our future conflicts. They are organic to—

- Tactical exploitation battalions (TEBs) and the corps support battalions (CSBs) at the Corps MI brigade.
- MI battalions at division.
- MI companies at armored cavalry regiments (ACRs) and separate brigades (SEP BDEs).
- MI elements at Special Forces Groups (SFGs).

1-22. Army HUMINT and CI assets provide technologically enhanced exploitation of human sources and media. This exploitation provides valuable intelligence to meet the critical requirements affecting the MDMP. The simultaneous digital interaction between operational HUMINT and CI teams and analytical elements provides the deployed commander with near-instantaneous information. This rapid transmission of critical intelligence to the user gives the supported command an information edge and a more complete vision of the battlespace.

#### INTERIM BRIGADE COMBAT TEAM

1-23. The brigade's intelligence system is a flexible force of Intelligence, Surveillance, and Reconnaissance (ISR) personnel, organizations, and equipment. Individually and collectively, these assets provide commanders throughout the brigade with the capability to plan and direct ISR operations, collect and process information, produce relevant intelligence, and disseminate combat information and intelligence to those who need it, when they need it. The brigade and its subordinate units possess organic ISR assets that enable the above actions. Based on METT-TC considerations the brigade task organizes its organic ISR assets for the operation and, in addition, may receive additional ISR assets from corps, joint, and national organizations.

1-24. The brigade's tactical HUMINT assets include an S2X team, a tactical HUMINT platoon with two operational management teams (OMTs) and tactical HUMINT teams, and troop HUMINT collectors in the reconnaissance, surveillance, and target acquisition (RSTA) squadron. The functions and responsibilities of these assets are the same as at higher echelons. The mission of the Troop HUMINT collector is limited to providing tactical questioning and DOCEX in support of the squadron's multidimensional reconnaissance and surveillance (R&S) mission and identifying possible sources of interest for the tactical HUMINT platoon. The functions of the different teams and offices in tactical HUMINT are similar through the echelons where tactical HUMINT is conducted.

#### RESERVE COMPONENT INTEGRATION

1-25. Given the Army's current operational tempo and force structure, the integration of RC forces into the AC is a near certainty for future operational deployments. Commanders must identify their requirements early and establish proactive coordination (both in garrison and while deployed) with their RC counterparts to fully integrate them during all phases of training and operations."

ST 2-91.6 Small Unit Support to Intelligence, March 2004, Chapter 2, paragraphs 2-13 to 2-17, explains the use of interpreters in tactical interrogations. The specific language in the special text follows:

"2-13. The use of interpreters is an integral part of the information collection effort. Use of an interpreter is time consuming and potentially confusing. Proper use and control of an interpreter is a skill that must be learned and practiced to maximize the potential of collection.

2-14. Perhaps the most important guideline to remember is that an interpreter is essentially your mouthpiece; he says what you say, but in a different language. This sounds simple, but for those who have never worked with interpreters, problems can quickly develop.

2-15. Upon meeting your interpreter, it is important that you assess his proficiency in English. You need an interpreter with a firm grasp of English and the terminology you may encounter.

2-16. Interpreters are categorized as to capability and clearance they have been granted. The categories below are more fully detailed in Interpreter Ops, Multi-Service Reference Manual for Interpreter Operations, February 2004. This manual can be obtained from the Air Land Sea Application (ALSA) Center.

#### CATEGORIES OF INTERPRETERS

- CAT I Linguists - Locally hired personnel with an understanding of the English language. These personnel are screened and hired in-theater and do not possess a security clearance. During most operations, CAT I linguists are required to be re-screened by CI personnel on a scheduled basis. CAT I linguists should not be used for HUMINT collection operations.
- CAT II Linguists - CAT II linguists are United States citizens who have native command of the target language and near-native command of the English language. These personnel undergo a screening process, which includes a background check. Upon favorable findings, these personnel are granted an equivalent of a Secret Collateral clearance.
- CAT III Linguists - CAT III linguists are United States citizens who have native command of the target language and native command of the English language. These personnel undergo a screening process, which includes a special background check. Upon favorable findings, these personnel are granted an equivalent of a Top Secret (TS) clearance. CAT III linguists are used mostly for high-ranking official meetings and by strategic collectors.

2-17. The following are several tips that should prove useful when working with an interpreter.

##### Placement

- When standing, the interpreter should stand just behind you and to the side.
- When sitting, the interpreter should sit right beside you but not between you and the individual.

##### Body Language and Tone

- Have the interpreter translate your message in the tone you are speaking.

- Ensure the interpreter avoids making gestures.

#### Delivery

- Talk directly to the person with whom you are speaking, not the interpreter.
- Speak as you would in a normal conversation, not in the third person. For example, do not say, "Tell him that..." Rather say, "I understand that you..." and instruct the interpreter to translate as such.
  - Speak clearly, avoid acronyms or slang, and break sentences uniformly to facilitate translation.
  - Some interpreters will begin to translate while you are still speaking. This is frustrating for some people. If so, discuss the preference of translation with the interpreter.
  - The most important principle to obey while using an interpreter is to remember that you control the conversation, not the interpreter.

#### Security

- Work on the premise that the interpreter is being debriefed by a threat intelligence service.
  - Always assume the worst.
  - Avoid careless talk.
  - Avoid giving away personal details.
  - Do not become emotionally involved!

#### Interpreter Checklist for Patrolling

- Tell the interpreter what you expect of him, and how you want him to do it.
- Tell the interpreter exactly what you want translated. The interpreter should translate all conversation between you and the individual without adding anything on his own.
  - Just as questioning should be conducted in such a way as to disguise the true intent of the questioning from the source, you should not reveal intelligence requirements (FFIR, IR, or essential elements of friendly information [EEFI]) to the interpreter. Brief the interpreter on actions to take at the halt or in the event of enemy contact."

#### g. **Finding 7:**

(1) Finding: Tactical Military Intelligence officers are not adequately trained on how to manage the full spectrum of the collection and analysis of human intelligence.

(2) Standard: Army Regulation 350-1, Army Training and Education, 9 April 2003, Chapter 3, paragraph 3-2, requires that TRADOC establish training and education goals and objectives for all Army personnel. The specific language in the regulation follows:

"Training proponents. These would include TRADOC schools and colleges, USAJFKSWC&S and AMEDDC&S and would perform the following.

(a) Develop courses based on established training and education goals and objectives as well as the duties, responsibilities, and missions their graduates will be assigned.

(b) Develop, evaluate, and train leader, technical, and tactical tasks that focus on missions for the size or type units to which graduates will be assigned.

(c) Provide progressive and sequential training.

(d) Provide personnel serving at the same organizational level with training consisting of the same tasks, conditions, and standards.

(e) Provide leader, technical, and tactical training that affords soldiers and DA civilians an opportunity to acquire the skills and knowledge needed to perform more complex duties and missions of greater responsibility."

Field Manual (FM) 7-0, Training the Force, 22 October 2002, Chapter 1, paragraph 1-29, gives overall guidance for the implementation of Professional Military Education (PME). The specific language in the field manual follows:

"Professional Military Education - PME develops Army leaders. Officer, warrant officer, and NCO training and education is a continuous, career-long, learning process that integrates structured programs of instruction—resident at the institution and non-resident via distributed learning at home station. PME is progressive and sequential, provides a doctrinal foundation, and builds on previous training, education and operational experiences. PME provides hands-on technical, tactical, and leader training focused to ensure leaders are prepared for success in their next assignment and higher-level responsibility.

- Officer Education System (OES). Army officers must lead and fight; be tactically and technically competent; possess leader skills; understand how the Army operates as a service, as well as a component of a joint, multinational, or interagency organization; demonstrate confidence, integrity, critical judgment, and responsibility; operate in a complex, uncertain, and rapidly changing environment; build effective teams amid continuous organizational and technological change; and solve problems creatively. OES develops officers who are self-aware and adaptive to lead Army units to mission success.

- Warrant Officer Education System (WOES). Warrant officers are the Army's technical experts. WOES develops a corps of highly specialized experts and trainers who are fully competent and proficient operators, maintainers, administrators, and managers of the Army's equipment, support activities, and technical systems.

- NCO Education System (NCOES). NCOES trains NCOs to lead and train soldiers, crews, and subordinate leaders who work and fight under their leadership. NCOES provides hands-on technical, tactical, and leader training focused to ensure that NCOs are prepared for success in their next assignment and higher-level responsibility.

- Functional Training. In addition to the preceding PME courses, there are functional courses available in both resident and non-resident distributed learning modes that enhance functional skills for specific duty positions. Examples are Battalion S2, Battalion Motor Officer, First Sergeant, Battle Staff NCO, and Airborne courses."

FM 34-52, Intelligence Interrogation, 28 September 1992, Chapter 1, Intelligence Disciplines, states that the Intelligence Electronic Warfare (IEW) system includes three MI disciplines. The specific language in the field manual follows:

## "HUMINT -

HUMINT is obtained from information collected from human sources and consists of the following intelligence collection operations. Interrogation of EPWs, civilian detainees, insurgents, defectors, refugees, displaced persons and agents and suspected agents.

- Long-range surveillance patrols.
- Strategic debriefing
- Controlled collection operations
- Open-source exploitation, to include publications and broadcasts.
- Reports of contact from forward units.
- Observation and listening posts
- Low-level source operations (LLSO)
- HUMINT liaison contacts

HUMINT is vital in all combat operations, regardless of echelon or intensity of conflict. By nature, HUMINT lends itself to the collection of information about the enemy's thought processes and intentions. HUMINT can provide information on almost any topic of intelligence interest, including order of battle (OB) factors, as well as scientific and technical (S&T) intelligence subjects. During operation Desert Storm, interrogators collected information which helped to -

- Develop a plan to breach Iraqi defensive belts.
- Confirm Iraqi supply line interdiction by coalition air strikes.
- Identify diminishing Iraqi troop morale.
- Identify a US Prisoner of war captured during the battle of Kanji."

### h. **Finding 8:**

(1) Finding: The DAIG Team found that officially approved CJTF-7 and CJTF-180 policies and the early CJTF-180 practices generally met legal obligations under US law, treaty obligations and policy, if executed carefully, by trained soldiers, under the full range of safeguards. The DAIG Team found that policy was not clear and contained ambiguity. The DAIG Team found implementation, training, and oversight of these policies was inconsistent; the Team concluded, however, based on a review of cases through 9 June 2004 that no confirmed instance of detainee abuse resulted from the approved policies.

(2) Standard: Standard of treatment for detainees in OPERATION ENDURING FREEDOM (OEF): The Secretary of Defense determined that members of the Taliban militia and members of Al Qaida under the control of US Forces would be treated humanely and, to the extent appropriate and consistent with military necessity, in a manner consistent with the principles of the Geneva Conventions of 1949. The DAIG has therefore used the provisions of the Geneva Conventions as a benchmark against which to measure the treatment provided to detainees by U.S. Forces to determine if detainees were treated humanely. The use of these standards as benchmarks does not state or imply a position for the United States or U.S. Army on the legal status of its operations in OEF.

Chairman, Joint Chiefs of Staff (CJCS) Message dated 211933Z JAN 02, provides the determination regarding the humane treatment of Al Qaida and Taliban detainees. Convention Relative to the Treatment of Prisoners of War of August 12, 1949 (GPW) is the international



treaty that governs the treatment of prisoners of war, and Geneva Convention Relative to the Protection of Civilian Persons in Time of War (GC), August 12, 1949, is the international treaty that governs the treatment of civilian persons in time of war.

As the guidance did not define "humane treatment" but did state that the US would treat members of the Taliban militia and Al Qaida in a manner consistent with the Geneva Conventions, the DAIG determined that it would use Common Article 3 of the GCs as its floor measure of humane treatment, but would also include provisions of the Geneva Convention on the Treatment of Prisoners of War (GPW) and Geneva Convention Relative to the Protection of Civilian Persons in Time of War (GC) as other relevant indicia of "humane treatment." The use of this standard does not state or imply a position for the United States or U.S. Army on the legal status of its operations in OEF.

Standard of treatment for detainees in OPERATION IRAQI FREEDOM (OIF): OIF was an international armed conflict and therefore the provisions of the Geneva Conventions applied. Additionally, the United States was an occupying power and has acted in accordance with the obligations of an occupying power described in the Hague Convention No. IV Respecting the Laws and Customs of War on Land (H.IV), 18 October 1907, including, but not limited to, Articles 43-46 and 50; Geneva Convention Relative to the Treatment of Prisoners of War of August 12, 1949 (GPW), Geneva Convention Relative to the Protection of Civilian Persons in Time of War (GC), 12 August 1949. The GC supplements H.IV, providing the general standard of treatment at Article 27 and specific standards in subsequent Articles.

The minimum treatment provided by Common Article 3 of the Geneva Conventions is: 1) No adverse distinction based upon race, religion, sex, etc.; 2) No violence to life or person; 3) No taking hostages; 4) No degrading treatment; 5) No passing of sentences in absence of fair trial, and; 6) The wounded and sick must be cared for.

The specific language in the CJCS Message for OEF and the GPW/GC and H.IV follows:

CJCS Message dated 211933Z JAN 02, "Paragraph 3. The combatant commanders shall, in detaining Al Qaida and Taliban individuals under control of the Department of Defense, treat them humanely and, to the extent appropriate and consistent with military necessity, in a manner consistent with the principles of the Geneva Conventions of 1949."

GPW/GC, Article 3 (Common Article 3) – "In the case of armed conflict not of an international character occurring in the territory of one of the High Contracting Parties, each party to the conflict shall be bound to apply, as a minimum, the following provisions:

1. Persons taking no active part in the hostilities, including members of armed forces who have laid down their arms and those placed hors de combat by sickness, wounds, detention, or any other cause, shall in all circumstances be treated humanely, without any adverse distinction founded on race, color, religion or faith, sex, birth or wealth, or any other similar criteria.

To this end the following acts are and shall remain prohibited at any time and in any place whatsoever with respect to the above-mentioned persons:

(a) Violence to life and person, in particular murder of all kinds, mutilation, cruel treatment and torture;

(b) Taking of hostages;  
(c) Outrages upon personal dignity, in particular, humiliating and degrading treatment;  
(d) The passing of sentences and the carrying out of executions without previous judgment pronounced by a regularly constituted court affording all the judicial guarantees which are recognized as indispensable by civilized peoples.

2. The wounded and sick shall be collected and cared for. An impartial humanitarian body, such as the International Committee of the Red Cross, may offer its services to the Parties to the conflict. The Parties to the conflict should further endeavour to bring into force, by means of special agreements, all or part of the other provisions of the present Convention. The application of the preceding provisions shall not affect the legal status of the Parties to the conflict."

Geneva Convention Relative to the Treatment of Prisoners of War, 12 August 1949, Part II, Article 13, requires that enemy prisoners of war (EPWs) be treated humanely at all times; Part III, Section I, Articles 13, 14, and 17, explain the protections afforded EPWs. The specific language in the convention follows:

"Article 13

Prisoners of war must at all times be humanely treated. Any unlawful act or omission by the Detaining Power causing death or seriously endangering the health of a prisoner of war in its custody is prohibited, and will be regarded as a serious breach of the present Convention. In particular, no prisoner of war may be subjected to physical mutilation or to medical or scientific experiments of any kind which are not justified by the medical, dental or hospital treatment of the prisoner concerned and carried out in his interest.

Likewise, prisoners of war must at all times be protected, particularly against acts of violence or intimidation and against insults and public curiosity.

Measures of reprisal against prisoners of war are prohibited.

Article 14

Prisoners of war are entitled in all circumstances to respect for their persons and their honour. Women shall be treated with all the regard due to their sex and shall in all cases benefit by treatment as favourable as that granted to men. Prisoners of war shall retain the full civil capacity which they enjoyed at the time of their capture. The Detaining Power may not restrict the exercise, either within or without its own territory, of the rights such capacity confers except in so far as the captivity requires."

Article 17

Every prisoner of war, when questioned on the subject, is bound to give only his surname, first names and rank, date of birth, and army, regimental, personal or serial number, or failing this, equivalent information. If he willfully infringes this rule, he may render himself liable to a restriction of the privileges accorded to his rank or status.

Each Party to a conflict is required to furnish the persons under its jurisdiction who are liable to become prisoners of war, with an identity card showing the owner's surname, first names, rank, army, regimental, personal or serial number or equivalent information, and date of

birth. The identity card may, furthermore, bear the signature or the fingerprints, or both, of the owner, and may bear, as well, any other information the Party to the conflict may wish to add concerning persons belonging to its armed forces. As far as possible the card shall measure 6.5 x 10 cm. and shall be issued in duplicate. The identity card shall be shown by the prisoner of war upon demand, but may in no case be taken away from him.

No physical or mental torture, nor any other form of coercion, may be inflicted on prisoners of war to secure from them information of any kind whatever. Prisoners of war who refuse to answer may not be threatened, insulted, or exposed to any unpleasant or disadvantageous treatment of any kind.

Prisoners of war who, owing to their physical or mental condition, are unable to state their identity, shall be handed over to the medical service. The identity of such prisoners shall be established by all possible means, subject to the provisions of the preceding paragraph.

The questioning of prisoners of war shall be carried out in a language which they understand."

Geneva Convention Relative to the Protection of Civilian Persons in Time of War, 12 August 1949, Part III, Section I, Articles 31 32, and 100, prohibit coercion and abuse of civilian internees. The specific language in the convention follows:

"Article 31

No physical or moral coercion shall be exercised against protected persons, in particular to obtain information from them or from third parties.

Article 32

The High Contracting Parties specifically agree that each of them is prohibited from taking any measure of such a character as to cause the physical suffering or extermination of protected persons in their hands. This prohibition applies not only to murder, torture, corporal punishment, mutilation and medical or scientific experiments not necessitated by the medical treatment of a protected person but also to any other measures of brutality whether applied by civilian or military agents."

"Article 100

The disciplinary regime in places of internment shall be consistent with humanitarian principles, and shall internees any physical exertion dangerous to their health or involving physical or moral victimization. Identification by tattooing or imprinting signs or markings on the body, is prohibited. In particular, prolonged standing and roll-calls, punishment drill, military drill and manoeuvres, or the reduction of food rations, are prohibited."

Convention Against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, 10 December 1984, Part I, Articles 1,2,10,11 and 16(1) define torture (1), the basic responsibilities of states under the convention (2), the requirement for training personnel on this convention (10), the need to conduct systematic reviews of interrogations rules, instructions, methods and practices (11), and the requirement to prevent acts not amounting to "torture"

committed with consent or acquiescence of a public official or other person in an official capacity (16). The specific language in the convention follows:

#### "Article 1

1. For the purposes of this Convention, the term "torture" means any act by which severe pain or suffering, whether physical or mental, is intentionally inflicted on a person for such purposes as obtaining from him or a third person information or a confession, punishing him for an act he or a third person has committed or is suspected of having committed, or intimidating or coercing him or a third person, or for any reason based on discrimination of any kind, when such pain or suffering is inflicted by or at the instigation of or with the consent or acquiescence of a public official or other person acting in an official capacity. It does not include pain or suffering arising only from, inherent in or incidental to lawful sanctions.

2. This article is without prejudice to any international instrument or national legislation which does or may contain provisions of wider application.

#### Article 2

1. Each State Party shall take effective legislative, administrative, judicial or other measures to prevent acts of torture in any territory under its jurisdiction.

2. No exceptional circumstances whatsoever, whether a state of war or a threat of war, internal political in stability or any other public emergency, may be invoked as a justification of torture.

3. An order from a superior officer or a public authority may not be invoked as a justification of torture.

#### Article 10

1. Each State Party shall ensure that education and information regarding the prohibition against torture are fully included in the training of law enforcement personnel, civil or military, medical personnel, public officials and other persons who may be involved in the custody, interrogation or treatment of any individual subjected to any form of arrest, detention or imprisonment.

2. Each State Party shall include this prohibition in the rules or instructions issued in regard to the duties and functions of any such person.

#### Article 11

Each State Party shall keep under systematic review interrogation rules, instructions, methods and practices as well as arrangements for the custody and treatment of persons subjected to any form of arrest, detention or imprisonment in any territory under its jurisdiction, with a view to preventing any cases of torture.

#### Article 16 (1)

Each State Party shall undertake to prevent in any territory under its jurisdiction other acts of cruel, inhuman or degrading treatment or punishment which do not amount to torture as

defined in article I, when such acts are committed by or at the instigation of or with the consent or acquiescence of a public official or other person acting in an official capacity. In particular, the obligations contained in articles 10, 11, 12 and 13 shall apply with the substitution for references to torture of references to other forms of cruel, inhuman or degrading treatment or punishment.

US Reservations, Declarations and Understandings the Convention Against Torture. The United States Senate ratified the Convention Against Torture subject to certain reservations, declarations and understandings. Pertinent reservations and understandings are as follow:

Senate Reservations: (136 Cong Rec S 17486):

The Senate's advice and consent is subject to the following reservations:

(1) That the United States considers itself bound by the obligation under article 16 to prevent 'cruel, inhuman or degrading treatment or punishment', only insofar as the term 'cruel, inhuman or degrading treatment or punishment' means the cruel, unusual and inhumane treatment or punishment prohibited by the Fifth, Eighth, and/or Fourteenth Amendments to the Constitution of the United States.

Senate Understandings (136 Cong Rec S 17486):

The Senate's advice and consent is subject to the following understandings, which shall apply to the obligations of the United States under this Convention:

(1) (a) That with reference to article 1, the United States understands that, in order to constitute torture, an act must be specifically intended to inflict severe physical or mental pain or suffering and that mental pain or suffering refers to prolonged mental harm caused by or resulting from (1) the intentional infliction or threatened infliction of severe physical pain or suffering; (2) the administration or application, or threatened administration or application, of mind altering substances or other procedures calculated to disrupt profoundly the senses or the personality; (3) the threat of imminent death; or (4) the threat that another person will imminently be subjected to death, severe physical pain or suffering, or the administration or application of mind altering substances or other procedures calculated to disrupt profoundly the senses or personality.

(b) That the United States understands that the definition of torture in article 1 is intended to apply only to acts directed against persons in the offender's custody or physical control.

(c) That with reference to article 1 of the Convention, the United States understands that 'sanctions' includes judicially-imposed sanctions and other enforcement actions authorized by United States law or by judicial interpretation of such law provided that such sanctions or actions are not clearly prohibited under international law.

(d) That with reference to article 1 of the Convention, the United States understands that the term 'acquiescence' requires that the public official, prior to the activity constituting torture, have awareness of such activity and thereafter breach his legal responsibility to intervene to prevent such activity.

(e) That with reference to article 1 of the Convention, the United States understands that noncompliance with applicable legal procedural standards does not per se constitute torture.

Domestic Criminal Law: US Domestic Criminal law reflects treaty obligations and ratification reservations and understandings regarding torture in the adoption of 18 USCS §§2340, 2340A, which state:

18 USC§ 2340 Definitions

As used in this chapter [18 USCS §§ 2340 et seq.]-

(1) "torture" means an act committed by a person acting under the color of law specifically intended to inflict severe physical or mental pain or suffering (other than pain or suffering incidental to lawful sanctions) upon another person within his custody or physical control;

(2) "severe mental pain or suffering" means the prolonged mental harm caused by or resulting from-

(A) the intentional infliction or threatened infliction of severe physical pain or suffering;

(B) the administration or application, or threatened administration or application, of mind-altering substances or other procedures calculated to disrupt profoundly the senses or the personality;

(C) the threat of imminent death;

(D) the threat that another person will imminently be subjected to death, severe physical pain or suffering, or the administration or application of mind-altering substances or other procedures calculated to disrupt profoundly the senses or personality; and

(3) "United States" includes all areas under the jurisdiction of the United States including any of the places described in sections 5 and 7 of this title and section 46501(2) of title 49.

§ 2340A. Torture

(a) Offense. Whoever outside the United States commits or attempts to commit torture shall be fined under this title or imprisoned not more than 20 years, or both, and if death results to any person from conduct prohibited by this subsection, shall be punished by death or imprisoned for any term of years or for life.

(b) Jurisdiction. There is jurisdiction over the activity prohibited in subsection (a) if--  
(1) the alleged offender is a national of the United States; or  
(2) the alleged offender is present in the United States, irrespective of the nationality of the victim or alleged offender.

(c) Conspiracy. A person who conspires to commit an offense under this section shall be subject to the same penalties (other than the penalty of death) as the penalties prescribed for the offense, the commission of which was the object of the conspiracy.

Field Manual (FM) 34-52, Intelligence Interrogation, 28 September 1992, Chapter 1, explains the prohibitions against use of torture or coercion. Chapter 3 describes the interrogation approaches and techniques used by trained Army interrogators. The specific language in the field manual follows:

Chapter 1 – "One of the significant means used by the intelligence staff is the interrogation of the following:

- EPWs.
- Captured insurgents.
- Civilian internees.
- Other captured, detained, or retained persons.
- Foreign deserters or other persons of intelligence interest.

These persons are protected by the Geneva Conventions for the Protection of War Victims of August 12, 1949, as they relate to captured wounded and sick enemy personnel (GWS), retained enemy medical personnel and chaplains (GWS), enemy prisoners of war (GPW), and civilian internees (GC). Captured insurgents and other detained personnel whose status is not clear, such as suspected terrorists, are entitled to PW protection until their precise status has been determined by competent authority.

In conducting intelligence interrogations, the J2, G2, or S2 has primary staff responsibility to ensure these activities are performed in accordance with the GWS, GPW, and GC, as well as US policies, regarding the treatment and handling of the above-mentioned persons.

The GWS, GPW, GC, and US policy expressly prohibit acts of violence or intimidation, including physical or mental torture, threats, insults, or exposure to inhumane treatment as a means of or aid to interrogation.

Such illegal acts are not authorized and will not be condoned by the US Army. Acts in violation of these prohibitions are criminal acts punishable under the UCMJ. If there is doubt as to the legality of a proposed form of interrogation not specifically authorized in this manual, the advice of the command judge advocate should be sought before using the method in question.

Experience indicates that the use of prohibited techniques is not necessary to gain the cooperation of interrogation sources. Use of torture and other illegal methods is a poor technique that yields unreliable results, may damage subsequent collection efforts, and can induce the source to say what he thinks the interrogator wants to hear.

Revelation of use of torture by US personnel will bring discredit upon the US and its armed forces while undermining domestic and international support for the war effort. It also may place US and allied personnel in enemy hands at a greater risk of abuse by their captors. Conversely, knowing the enemy has abused US and allied PWs does not justify using methods of interrogation specifically prohibited by the GWS, GPW, or GC, and US policy.

Limitations on the use of methods identified herein as expressly prohibited should not be confused with psychological ploys, verbal trickery, or other nonviolent or noncoercive ruses used by the interrogator in the successful interrogation of hesitant or uncooperative sources.

The psychological techniques and principles in this manual should neither be confused with, nor construed to be synonymous with, unauthorized techniques such as brainwashing, physical or mental torture, or any other form of mental coercion to include drugs that may induce lasting and permanent mental alteration and damage.

Physical or mental torture and coercion revolve around eliminating the source's free will, and are expressly prohibited by GWS, Article 13; GPW, Articles 13 and 17; and GC, Articles 31 and 32. Torture is defined as the infliction of intense pain to body or mind to extract a confession or information, or for sadistic pleasure.

Examples of physical torture include—

- Electric shock.
- Infliction of pain through chemicals or bondage (other than legitimate use of restraints to prevent escape).
- Forcing an individual to stand, sit, or kneel in abnormal positions for prolonged periods of time.
- Food deprivation.
- Any form of beating.

Examples of mental torture include—

- Mock executions.
- Abnormal sleep deprivation.
- Chemically induced psychosis.

Coercion is defined as actions designed to unlawfully induce another to compel an act against one's will. Examples of coercion include—

- Threatening or implying physical or mental torture to the subject, his family, or others to whom he owes loyalty.
- Intentionally denying medical assistance or care in exchange for the information sought or other cooperation.
- Threatening or implying that other rights guaranteed by the GWS, GPW, or GC will not be provided unless cooperation is forthcoming.

Chapter 3 – "The number of approaches used is limited only by the interrogator's skill. Almost any ruse or deception is usable as long as the provisions of the GPW, as outlined in Figure 1-4, are not violated.

An interrogator must not pass himself off as a medic, chaplain, or as a member of the Red Cross (Red Crescent or Red Lion). To every approach technique, there are literally hundreds of possible variations, each of which can be developed for a specific situation or source. The variations are limited only by the interrogator's personality, experience, ingenuity, and imagination.

3-7 There are four primary factors that must be considered when selecting tentative approaches:



- The source's mental and physical state. Is the source injured, angry, crying, arrogant, cocky, or frightened? If so, how can this state be best exploited during interrogation.
- The source's background. What is the source's age and level of military or civilian experience.
- The objective of the interrogation. How much time is available for the interrogation? Is the commander interested only in specific areas (PIR, IR, SIR)? Is this source knowledgeable enough to require a full OB interrogation?
- The interrogator himself. What abilities does he have that can be brought into play? What weaknesses does he have that may interfere with the interrogation? Can his personality adapt to the personality of the source?

#### APPROACH COMBINATIONS

With the exception of the direct approach, no other approach is effective by itself. Interrogators use different approach techniques or combine them into a cohesive, logical technique. Smooth transitions, sincerity, logic, and conviction almost always make a strategy work. The lack of will undoubtedly dooms it to failure. Some examples of combinations are—

Direct—futility—incentive.

Direct—futility—love of comrades.

Direct—fear-up (mild)—incentive.

The number of combinations are unlimited. Interrogators must carefully choose the approach strategy in the planning and preparation phase and listen carefully to what the source is saying (verbally or nonverbally) for leads the strategy chosen will not work. When this occurs, the interrogator must adapt to approaches he believes will work in gaining the source's cooperation.

The approach techniques are not new nor are all the possible or acceptable techniques discussed below. Everything the interrogator says and does must be in concert with the GWS, GPW, GC, and UCMJ. The approaches which have proven effective are—

- Direct.
- Incentive.
- Emotional.
- Increased fear-up.
- Pride and ego.

#### Direct Approach

The interrogator asks questions directly related to information sought, making no effort to conceal the interrogation's purpose. The direct approach, always the first to be attempted, is used on EPWs or detainees who the interrogator believes will cooperate.

This may occur when interrogating an EPW or detainee who has proven cooperative during initial screening or first interrogation. It may also be used on those with little or no security training. The direct approach works best on lower enlisted personnel, as they have little or no resistance training and have had minimal security training.

The direct approach is simple to use, and it is possible to obtain the maximum amount of information in the minimum amount of time. It is frequently employed at lower echelons when the tactical situation precludes selecting other techniques, and where the EPW's or detainee's mental state is one of confusion or extreme shock. Figure C-3 contains sample questions used in direct questioning.

The direct approach is the most effective. Statistics show in World War II, it was 90 percent effective. In Vietnam and OPERATIONS URGENT FURY, JUST CAUSE, and DESERT STORM, it was 95 percent effective.

### Incentive Approach

The incentive approach is based on the application of inferred discomfort upon an EPW or detainee who lacks willpower. The EPW or detainee may display fondness for certain luxury items such as candy, fruit, or cigarettes. This fondness provides the interrogator with a positive means of rewarding the EPW or detainee for cooperation and truthfulness, as he may give or withhold such comfort items at his discretion. Caution must be used when employing this technique because—

- Any pressure applied in this manner must not amount to a denial of basic human needs under any circumstances. [NOTE: Interrogators may not withhold a source's rights under the GPW, but they can withhold a source's privileges.] Granting incentives must not infringe on these rights, but they can be things to which the source is already entitled. This can be effective only if the source is unaware of his rights or privileges.

- The EPW or detainee might be tempted to provide false or inaccurate information to gain the desired luxury item or to stop the interrogation.

The GPW, Article 41, requires the posting of the convention contents in the EPW's own language. This is an MP responsibility.

Incentives must seem to be logical and possible. An interrogator must not promise anything that cannot be delivered. Interrogators do not make promises, but usually infer them while sidestepping guarantees.

For example, if an interrogator made a promise he could not keep and he or another interrogator had to talk with the source again, the source would not have any trust and would probably not cooperate. Instead of clearly promising a certain thing, such as political asylum, an interrogator will offer to do what he can to help achieve the source's desired goal; as long as the source cooperates.

As with developing rapport, the incentive approach can be broken down into two incentives. The determination rests on when the source expects to receive the incentive offered.

- Short term—received immediately; for example, letter home, seeing wounded buddies.
- Long term—received within a period of time; for example, political asylum.

#### Emotional Approach

Through EPW or detainee observation, the interrogator can often identify dominant emotions which motivate. The motivating emotion may be greed, love, hate, revenge, or others. The interrogator employs verbal and emotional ruses in applying pressure to the EPW's or detainee's dominant emotions.

One major advantage of this technique is it is versatile and allows the interrogator to use the same basic situation positively and negatively.

For example, this technique can be used on the EPW who has a great love for his unit and fellow soldiers. The interrogator may take advantage of this by telling the EPW that by providing pertinent information, he may shorten the war or battle in progress and save many of his comrades' lives, but his refusal to talk may cause their deaths. This places the burden on the EPW or detainee and may motivate him to seek relief through cooperation.

Conversely, this technique can also be used on the EPW or detainee who hates his unit because it withdrew and left him to be captured, or who feels he was unfairly treated in his unit. In such cases, the interrogator can point out that if the EPW cooperate and specifies the unit's location, the unit can be destroyed, thus giving the EPW an opportunity for revenge. The interrogator proceeds with this method in a very formal manner.

This approach is likely to be effective with the immature and timid EPW.

Emotional Love Approach. For the emotional love approach to be successful, the interrogator must focus on the anxiety felt by the source about the circumstances in which he finds himself. The interrogator must direct the love the source feels toward the appropriate object: family, homeland, or comrades. If the interrogator can show the source what the source himself can do to alter or improve his situation, the approach has a chance of success.

This approach usually involves some incentive such as communication with the source's family or a quicker end to the war to save his comrades' lives. A good interrogator will usually orchestrate some futility with an emotional love approach to hasten the source's reaching the breaking point.

Sincerity and conviction are critical in a successful attempt at an emotional love approach as the interrogator must show genuine concern for the source, and for the object at which the interrogator is directing the source's emotion.

If the interrogator ascertains the source has great love for his unit and fellow soldiers, the interrogator can effectively exploit the situation. This places a burden on the source and may motivate him to seek relief through cooperation with the interrogator.

Emotional Hate Approach. The emotional hate approach focuses on any genuine hate, or possibly a desire for revenge, the source may feel. The interrogator must ascertain exactly what it is the source may hate so the emotion can be exploited to override the source's rational

side. The source may have negative feelings about his country's regime, immediate superiors, officers in general, or fellow soldiers.

This approach is usually most effective on members of racial or religious minorities who have suffered discrimination in military and civilian life. If a source feels he has been treated unfairly in his unit, the interrogator can point out that, if the source cooperates and divulges the location of that unit, the unit can be destroyed, thus affording the source revenge.

By using a conspiratorial tone of voice, the interrogator can enhance the value of this technique. Phrases, such as "You owe them no loyalty for the way they treated you," when used appropriately, can expedite the success of this technique.

Do not immediately begin to berate a certain facet of the source's background or life until your assessment indicates the source feels a negative emotion toward it.

The emotional hate approach can be used more effectively by drawing out the source's negative emotions with questions that elicit a thought-provoking response. For example, "Why do you think they allowed you to be captured?" or "Why do you think they left you to die?" Do not berate the source's forces or homeland unless certain negative emotions surface.

Many sources may have great love for their country, but may hate the regime in control. The emotional hate approach is most effective with the immature or timid source who may have no opportunity up to this point for revenge, or never had the courage to voice his feelings.

#### Fear-Up Approach

The fear-up approach is the exploitation of a source's preexisting fear during the period of capture and interrogation. The approach works best with young, inexperienced sources, or sources who exhibit a greater than normal amount of fear or nervousness. A source's fear may be justified or unjustified. For example, a source who has committed a war crime may justifiably fear prosecution and punishment. In contrast, a source who has been indoctrinated by enemy propaganda may unjustifiably fear that he will suffer torture or death in or hand if captured.

This approach has the greatest potential to violate the law of war. Great care must be taken to avoid threatening or coercing a source which is in violation of the GPW, Article 17.

It is critical the interrogator distinguish what the source fears in order to exploit that fear. The way in which the interrogator exploits the source's fear depends on whether the source's fear is justified or unjustified.

Fear-Up (Harsh). In this approach, the interrogator behaves in an overpowering manner with a loud and threatening voice. The interrogator may even feel the need to throw objects across the room to heighten the source's implanted feelings of fear. Great care must be taken when doing this so any actions would not violate the prohibition on coercion and threats contained in the GPW, Article 17.

This technique is to convince the source he does indeed have something to fear; that he has no option but to cooperate. A good interrogator will implant in the source's mind that the interrogator himself is not the object to be feared, but is a possible way out of the trap.

Use the confirmation of fear only on sources whose fear is justified. During this approach, confirm to the source that he does indeed have a legitimate fear. Then convince the source that you are the source's best or only hope in avoiding or mitigating the object of his fear, such as punishment for his crimes.

You must take great care to avoid promising actions that are not in your power to grant. For example, if the source has committed a war crime, inform the source that the crime has been reported to the appropriate authorities and that action is pending. Next inform the source that, if he cooperates and tells the truth, you will report that he cooperated and told the truth to the appropriate authorities. You may add that you will also report his lack of cooperation. You may not promise that the charges against him will be dismissed because you have no authority to dismiss the charges.

Fear-Up (Mild). This approach is better suited to the strong, confident type of interrogator; there is generally no need to raise the voice or resort to heavy-handed, table-banging.

For example, capture may be a result of coincidence—the soldier was caught on the wrong side of the border before hostilities actually commenced (he was armed, he could be a terrorist)—or as a result of his actions (he surrendered contrary to his military oath and now a traitor to his country, and his forces will take care of the disciplinary action).

The fear-up (mild) approach must be credible. It usually involves some logical incentive.

In most cases, a loud voice is not necessary. The actual fear is increased by helping the source realize the unpleasant consequences the facts may cause and by presenting an alternative, which, of course, can be brought about by answering some simple questions.

The fear-up (harsh) approach is usually a dead end, and a wise interrogator may want to keep it in reserve as a trump card. After working to increase the source's fear, it would be difficult to convince him everything will be all right if the approach is not successful.

#### Fear-Down Approach

This technique is nothing more than calming the source and convincing him he will be properly and humanely treated, or telling him the war for him is mercifully over and he need not go into combat again. When used with a soothing, calm tone of voice, this often creates rapport and usually nothing else is needed to get the source to cooperate.

While calming the source, it is a good idea to stay initially with nonpertinent conversation and to avoid the subject which has caused the source's fear. This works quickly in developing rapport and communication, as the source will readily respond to kindness.

When using this approach, it is important the interrogator relate to the source at his perspective level and not expect the source to come up to the interrogator's level.

If the EPW or detainee is so frightened he has withdrawn into a shell or regressed to a less threatening state of mind, the interrogator must break through to him. The interrogator can do this by putting himself on the same physical level as the source; this may require some physical contact. As the source relaxes and begins to respond to kindness, the interrogator can begin asking pertinent questions.

This approach technique may backfire if allowed to go too far. After convincing the source he has nothing to fear, he may cease to be afraid and may feel secure enough to resist the interrogator's pertinent question. If this occurs, reverting to a harsher approach technique usually will bring the desired result quickly.

The fear-down approach works best if the source's fear is unjustified. During this approach, take specific actions to reduce the source's unjustified fear. For example, if the source believes that he will be abused while in your custody, make extra efforts to ensure that the source is well cared for, fed, and appropriately treated.

Once the source is convinced that he has no legitimate reason to fear you, he will be more inclined to cooperate. The interrogator is under no duty to reduce a source's unjustified fear. The only prohibition is that the interrogator may not say or do anything that directly or indirectly communicates to the source that he will be harmed unless he provides the requested information.

These applications of the fear approach may be combined to achieve the desired effect. For example, if a source has justified and unjustified fears, you may initially reduce the source's unfounded fears, and then confirm his legitimate fears. Again, the source should be convinced the interrogator is his best or only hope in avoiding or mitigating the object of his fear.

#### Pride and Ego Approach

The strategy of this approach is to trick the source into revealing desired information by goading or flattering him. It is effective with sources who have displayed weakness or feelings of inferiority. A real or imaginary deficiency voiced about the source, loyalty to his organization, or any other feature can provide a basis for this technique.

The interrogator accuses the source of weakness or implies he is unable to do a certain thing. This type of source is also prone to excuses and reasons why he did or did not do a certain thing, often shifting the blame to others. An example is opening the interrogation with the question, "Why did you surrender so easily when you could have escaped by crossing the nearby ford in the river?"

The source is likely to provide a basis for further questions or to reveal significant intelligence information if he attempts to explain his surrender in order to vindicate himself. He may give an answer such as, "No one could cross the ford because it is mined."

This technique can also be employed in another manner--by flattering the source into admitting certain information in order to gain credit. For example, while interrogating a suspected saboteur, the interrogator states: "This was a smooth operation. I have seen many previous attempts fail. I bet you planned this. Who else but a clever person like you would have planned it? When did you first decide to do the job?"

This technique is especially effective with the source who has been looked down upon by his superiors. The source has the opportunity to show someone he is intelligent.

A problem with the pride and ego approach is it relies on trickery. The source will eventually realize he has been tricked and may refuse to cooperate further. If this occurs, the interrogator can easily move into a fear-up approach and convince the source the questions he has already answered have committed him, and it would be useless to resist further.

The interrogator can mention it will be reported to the source's forces that he has cooperated fully with the enemy, will be considered a traitor, and has much to fear if he is returned to his forces.

This may even offer the interrogator the option to go into a love-of-family approach where the source must protect his family by preventing his forces from learning of his duplicity or collaboration. Telling the source you will not report that he talked or that he was a severe discipline problem is an incentive that may enhance the effectiveness of the approach.

Pride and Ego-Up Approach. This approach is most effective on sources with little or no intelligence, or on those who have been looked down upon for a long time. It is very effective on low-ranking enlisted personnel and junior grade officers, as it allows the source to finally show someone he does indeed have some "brains."

The source is constantly flattered into providing certain information in order to gain credit. The interrogator must take care to use a flattering somewhat-in-awe tone of voice, and speak highly of the source throughout this approach. This quickly produces positive feelings on the source's part, as he has probably been looking for this type of recognition all of his life.

The interrogator may blow things out of proportion using items from the source's background and making them seem noteworthy or important. As everyone is eager to hear praise, the source will eventually reveal pertinent information to solicit more laudatory comments from the interrogator.

Effective targets for a successful pride and ego-up approach are usually the socially accepted reasons for flattery, such as appearance and good military bearing. The interrogator should closely watch the source's demeanor for indications the approach is working. Some indications to look for are—

- Raising of the head.
- A look of pride in the eyes.
- Swelling of the chest.
- Stiffening of the back.

Pride and Ego-Down Approach. This approach is based on attacking the source's sense of personal worth. Any source who shows any real or imagined inferiority or weakness about himself, loyalty to his organization, or captured under embarrassing circumstances, can be easily broken with this approach technique.

The objective is for the interrogator to pounce on the source's sense of pride by attacking his loyalty, intelligence, abilities, leadership qualities, slovenly appearance, or any other perceived weakness. This will usually goad the source into becoming defensive, and he will try to convince the interrogator he is wrong. In his attempt to redeem his pride, the source will usually involuntarily provide pertinent information in attempting to vindicate himself.

A source susceptible to this approach is also prone to make excuses and give reasons why he did or did not do a certain thing, often shifting the blame to others. If the interrogator uses a sarcastic, caustic tone of voice with appropriate expressions of distaste or disgust, the source will readily believe him. Possible targets for the pride and ego-down approach are the source's—

- Loyalty.
- Technical competence.
- Leadership abilities.
- Soldierly qualities.
- Appearance.

The pride and ego-down approach is also a dead end in that, if unsuccessful, it is difficult for the interrogator to recover and move to another approach and reestablish a different type of rapport without losing all credibility.

### Futility

In this approach, the interrogator convinces the source that resistance to questioning is futile. When employing this technique, the interrogator must have factual information. These facts are presented by the interrogator in a persuasive, logical manner. He should be aware of and able to exploit the source's psychological and moral weaknesses, as well as weaknesses inherent in his society.

The futility approach is effective when the interrogator can play on doubts that already exist in the source's mind. There are different variations of the futility approach. For example:

- Futility of the personal situation—"You are not finished here until you answer the question."
- Futility in that "everyone talks sooner or later."
- Futility of the battlefield situation.
- Futility in the sense if the source does not mind talking about history, why should he mind talking about his missions, they are also history.

If the source's unit had run out of supplies (ammunition, food, or fuel), it would be somewhat easy to convince him all of his forces are having the same logistical problems. A soldier who has been ambushed may have doubts as to how he was attacked so suddenly. The interrogator should be able to talk him into believing that the interrogator's forces knew of the EPW's unit location, as well as many more units.

The interrogator might describe the source's frightening recollections of seeing death on the battlefield as an everyday occurrence for his forces. Factual or seemingly factual information must be presented in a persuasive, logical manner, and in a matter-of-fact tone of voice.

Making the situation appear hopeless allows the source to rationalize his actions, especially if that action is cooperating with the interrogator. When employing this technique, the interrogator must not only have factual information but also be aware of and exploit the source's psychological, moral, and sociological weaknesses.

Another way of using the futility approach is to blow things out of proportion. If the source's unit was low on, or had exhausted, all food supplies, he can be easily led to believe all



of his forces had run out of food. If the source is hinging on cooperating, it may aid the interrogation effort if he is told all the other source's have cooperated.

The futility approach must be orchestrated with other approach techniques (for example, love of comrades). A source who may want to help save his comrades' lives may be convinced the battlefield situation is hopeless and they will die without his assistance.

The futility approach is used to paint a bleak picture for the prisoner, but it is not effective in and of itself in gaining the source's cooperation.

### We Know All

This approach may be employed in conjunction with the "file and dossier" technique (discussed below) or by itself. If used alone, the interrogator must first become thoroughly familiar with available data concerning the source. To begin the interrogation, the interrogator asks questions based on this known data. When the source hesitates, refuses to answer, or provides an incorrect or incomplete reply, the interrogator provides the detailed answer.

When the source begins to give accurate and complete information, the interrogator interjects questions designed to gain the needed information. Questions to which answers are already known are also asked to test the source's truthfulness and to maintain the deception that the information is already known. By repeating this procedure, the interrogator convinces the source that resistance is useless as everything is already known.

After gaining the source's cooperation, the interrogator still tests the extent of cooperation by periodically using questions to which he has the answers; this is very necessary. If the interrogator does not challenge the source when he is lying, the source will know everything is not known, and he has been tricked. He may then provide incorrect answers to the interrogator's questions.

There are some inherent problems with the use of the "we know all" approach. The interrogator is required to prepare everything in detail, which is time consuming. He must commit much of the information to memory, as working from notes may show the limits of the information actually known.

### File and Dossier

The file and dossier approach is used when the interrogator prepares a dossier containing all available information obtained from documents concerning the source or his organization. Careful arrangement of the material within the file may give the illusion it contains more data than actually there. The file may be padded with extra paper, if necessary. Index tabs with titles such as education, employment, criminal record, military service, and others are particularly effective.

The interrogator confronts the source with the dossiers at the beginning of the interrogation and explains intelligence has provided a complete record of every significant happening in the source's life; therefore, it would be useless to resist. The interrogator may read a few selected bits of known data to further impress the source.

If the technique is successful, the source will be intimidated by the size of the file, conclude everything is known, and resign himself to complete cooperation. The success of this

technique is largely dependent on the naiveté of the source, volume of data on the subject, and skill of the interrogator in convincing the source.

#### Establish Your Identity

This approach is especially adaptable to interrogation. The interrogator insists the source has been correctly identified as an infamous individual wanted by higher authorities on serious charges, and he is not the person he purports to be. In an effort to clear himself of this allegation, the source makes a genuine and detailed effort to establish or substantiate his true identity. In so doing, he may provide the interrogator with information and leads for further development.

The "establish your identity" approach was effective in Viet Nam with the Viet Cong and in OPERATIONS JUST CAUSE and DESERT STORM.

This approach can be used at tactical echelons. The interrogator must be aware if it is used in conjunction with the file and dossier approach, as it may exceed the tactical interrogator's preparation resources.

The interrogator should initially refuse to believe the source and insist he is the criminal wanted by the ambiguous higher authorities. This will force the source to give even more detailed information about his unit in order to convince the interrogator he is who he says he is. This approach works well when combined with the "futility" or "we know all" approach.

#### Repetition

This approach is used to induce cooperation from a hostile source. In one variation of this approach, the interrogator listens carefully to a source's answer to a question, and then repeats the question and answer several times. He does this with each succeeding question until the source become so thoroughly bored with the procedure he answers questions fully and candidly to satisfy the interrogator and gain relief from the monotony of this method.

The repetition technique must be judiciously used, as it will generally be ineffective when employed against introverted sources or those having great self-control. In fact, it may provide an opportunity for a source to regain his composure and delay the interrogation. In this approach, the use of more than one interrogator or a tape recorder has proven effective.

#### Rapid Fire

This approach involves a psychological ploy based upon the principles that—

- Everyone likes to be heard when he speaks.
- It is confusing to be interrupted in mid-sentence with an unrelated question.

This approach may be used by one or simultaneously by two or more interrogators in questioning the same source. In employing this technique, the interrogator asks a series of questions in such a manner that the source does not have time to answer a question completely before the next one is asked.

This confuses the source and he will tend to contradict himself, as he has little time to formulate his answers. The interrogator then confronts the source with the inconsistencies causing further contradictions.

In many instances, the source will begin to talk freely in an attempt to explain himself and deny the interrogator's claims of inconsistencies. In this attempt, the source is likely to reveal more than he intends, thus creating additional leads for further exploitation. This approach may be orchestrated with the pride and ego-down or fear-up approaches.

Besides extensive preparation, this approach requires an experienced and competent interrogator, with comprehensive case knowledge and fluency in the source's language.

### Silent

This approach may be successful when used against the nervous or confident source. When employing this technique, the interrogator says nothing to the source, but looks him squarely in the eye, preferably with a slight smile on his face. It is important not to look away from the source but force him to break eye contact first.

The source may become nervous, begin to shift in his chair, cross and recross his legs, and look away. He may ask questions, but the interrogator should not answer until he is ready to break the silence. The source may blurt out questions such as, "Come on now, what do you want with me?"

When the interrogator is ready to break silence, he may do so with some nonchalant questions such as, "You planned this operation for a long time, didn't you? Was it your idea?" The interrogator must be patient when using this technique. It may appear the technique is not succeeding, but usually will when given a reasonable chance.

### Change of Scene

The idea in using this approach is to get the source away from the atmosphere of an interrogation room or setting. If the interrogator confronts a source who is apprehensive or frightened because of the interrogation environment, this technique may prove effective.

In some circumstances, the interrogator may be able to invite the source to a different setting for coffee and pleasant conversation. During the conversation in this more relaxed environment, the interrogator steers the conversation to the topic of interest. Through this somewhat indirect method, he attempts to elicit the desired information. The source may never realize he is being interrogated.

Another example in this approach is an interrogator poses as a compound guard and engages the source in conversation, thus eliciting the desired information."

### i. **Finding 9:**

(1) Finding: Interviewed leaders and Soldiers stated the unit's morale (71%) and command climate (68%) had steadily improved due to competent leadership, caring of Soldiers by leaders, and better working and living conditions as the theater matured.

(2) Standard: Army Regulation (AR) 600–20, Army Command Policy, 13 May 2002, Chapter 1, paragraph 1-5, subparagraph c (1) and (4)(c), prescribes the policies and responsibilities of command. The specific language in the regulation follows:

"c. Characteristics of command leadership.

(1) Commanders and other leaders committed to the professional Army ethic promote a positive environment. If leaders show loyalty to their soldiers, the Army, and the Nation, they earn the loyalty of their soldiers. If leaders consider their soldiers' needs and care for their well-being, and if they demonstrate genuine concern, these leaders build a positive command climate.

"(4) Professionally competent leaders will develop respect for their authority by-

"(c) Properly training their soldiers and ensuring that both soldiers and equipment are in the proper state of readiness at all times. Commanders should assess the command climate periodically to analyze the human dimension of combat readiness. Soldiers must be committed to accomplishing the mission through the unit cohesion developed as a result of a healthy leadership climate established by the command. Leaders at all levels promote the individual readiness of their soldiers by developing competence and confidence in their subordinates. In addition to being mentally, physically, tactically, and technically competent, soldiers must have confidence in themselves, their equipment, their peers, and their leaders. A leadership climate in which all soldiers are treated with fairness, justice, and equity will be crucial to development of this confidence within soldiers. Commanders are responsible for developing disciplined and cohesive units sustained at the highest readiness level possible."

**j. Finding 10:**

(1) Finding: Detainee administration, internment, and intelligence exploitation policy and doctrine does not address detainee operations conducted in the current operating environment, which has a higher demand for human intelligence exploitation at the tactical level and the need for additional classifications of detainees.

(2) Standard: Standard of treatment for detainees in OPERATION ENDURING FREEDOM (OEF): Chairman, Joint Chiefs of Staff (CJCS) message dated 211933Z JAN 02 states that members of the Taliban militia and members of Al Qaida under the control of US Forces would be treated humanely and, to the extent appropriate and consistent with military necessity, in a manner consistent with the principles of the Geneva Conventions of 1949. The DAIG has therefore used the provisions of the Geneva Conventions as a benchmark against which to measure the treatment provided to detainees by U.S. Forces to determine if detainees were treated humanely. The use of these standards as benchmarks does not state or imply a position for the United States or U.S. Army on the legal status of its operations in OEF.

CJCS Message dated 211933Z JAN 02, provides the determination regarding the humane treatment of Al Qaida and Taliban detainees. Convention Relative to the Treatment of Prisoners of War of August 12, 1949 (GPW) is the international treaty that governs the treatment of prisoners of war; and Geneva Convention Relative to the Protection of Civilian Persons in Time of War (GC), August 12, 1949 is the international treaty that governs the treatment of civilian persons in time of war.

As the guidance did not define "humane treatment" but did state that the US would treat members of the Taliban militia and Al Qaida in a manner consistent with the Geneva Conventions, the DAIG determined that it would use Common Article 3 of the GCs as its floor measure of humane treatment, but would also include provisions of the Geneva Convention on the Treatment of Prisoners of War (GPW) and Geneva Convention Relative to the Protection of Civilian Persons in Time of War (GC) as other relevant indicia of "humane treatment." The use of this standard does not state or imply a position for the United States or U.S. Army on the legal status of its operations in OEF.

Standard of treatment for detainees in OPERATION IRAQI FREEDOM (OIF): OIF was an international armed conflict and therefore the provisions of the Geneva Conventions applied. Additionally, the United States was an occupying power and has acted in accordance with the obligations of an occupying power described in the Hague Convention No. IV Respecting the Laws and Customs of War on Land (H.IV), Oct. 18, 1907, including, but not limited to Articles 43-46 and 50; Geneva Convention Relative to the Treatment of Prisoners of War of August 12, 1949 (GPW), Geneva Convention Relative to the Protection of Civilian Persons in Time of War (GC), August 12, 1949. The GC supplements H.IV, providing the general standard of treatment at Article 27 and specific standards in subsequent Articles.

The minimum treatment provided by Common Article 3 of the Geneva Conventions is: (1) No adverse distinction based upon race, religion, sex, etc.; (2) No violence to life or person; (3) No taking hostages; (4) No degrading treatment; (5) No passing of sentences in absence of fair trial, and; (6) The wounded and sick must be cared for.

The specific language in the CJCS Message for OEF and the GPW/GC and H.IV follows:

CJCS Message dated 211933Z JAN 02, "Paragraph 3. The combatant commanders shall, in detaining Al Qaida and Taliban individuals under the control of the Department of Defense, treat them humanely and, to the extent appropriate and consistent with military necessity, in a manner consistent with the principles of the Geneva Conventions of 1949."

GPW/GC, Article 3 (Common Article 3) – "In the case of armed conflict not of an international character occurring in the territory of one of the High Contracting Parties, each party to the conflict shall be bound to apply, as a minimum, the following provisions:

1. Persons taking no active part in the hostilities, including members of armed forces who have laid down their arms and those placed hors de combat by sickness, wounds, detention, or any other cause, shall in all circumstances be treated humanely, without any adverse distinction founded on race, color, religion or faith, sex, birth or wealth, or any other similar criteria.

To this end the following acts are and shall remain prohibited at any time and in any place whatsoever with respect to the above-mentioned persons:

- (a) Violence to life and person, in particular murder of all kinds, mutilation, cruel treatment and torture;
- (b) Taking of hostages;
- (c) Outrages upon personal dignity, in particular, humiliating and degrading treatment;

(d) The passing of sentences and the carrying out of executions without previous judgment pronounced by a regularly constituted court affording all the judicial guarantees which are recognized as indispensable by civilized peoples.

2. The wounded and sick shall be collected and cared for. An impartial humanitarian body, such as the International Committee of the Red Cross, may offer its services to the Parties to the conflict. The Parties to the conflict should further endeavour to bring into force, by means of special agreements, all or part of the other provisions of the present Convention. The application of the preceding provisions shall not affect the legal status of the Parties to the conflict."

The following specific provisions of GPW and GC apply:

"Article 18 – All effects and articles of personal use, except arms, horses, military equipment and military documents, shall remain in the possession of prisoners of war, likewise their metal helmets and gas masks and like articles issued for personal protection. Effects and articles used for their clothing or feeding shall likewise remain in their possession, even if such effects and articles belong to their regulation military equipment. At no time should prisoners of war be without identity documents. The Detaining Power shall supply such documents to prisoners of war who possess none. Badges of rank and nationality, decorations and articles having above all a personal or sentimental value may not be taken from prisoners of war. Sums of money carried by prisoners of war may not be taken away from them except by order of an officer, and after the amount and particulars of the owner have been recorded in a special register and an itemized receipt has been given, legibly inscribed with the name, rank and unit of the person issuing the said receipt. Sums in the currency of the Detaining Power, or which are changed into such currency at the prisoner's request, shall be placed to the credit of the prisoner's account as provided in Article 64. The Detaining Power may withdraw articles of value from prisoners of war only for reasons of security; when such articles are withdrawn, the procedure laid down for sums of money impounded shall apply. Such objects, likewise sums taken away in any currency other than that of the Detaining Power and the conversion of which has not been asked for by the owners, shall be kept in the custody of the Detaining Power and shall be returned in their initial shape to prisoners of war at the end of their captivity.

Article 19 – Prisoners of war shall be evacuated, as soon as possible after their capture, to camps situated in an area far enough from the combat zone for them to be out of danger. Only those prisoners of war who, owing to wounds or sickness, would run greater risks by being evacuated than by remaining where they are, may be temporarily kept back in a danger zone. Prisoners of war shall not be unnecessarily exposed to danger while awaiting evacuation from a fighting zone."

Department of Defense Directive (DoDD) 2310.1, DoD Program for Enemy Prisoners of War (EPOW) and Other Detainees, 18 August 1994, Paragraph 3.3, requires the application of appropriate legal status, transfer and release authority and authorization. Paragraph 3.4 directs the handing over of detainees to Military Police and provides for intelligence collection. Paragraph 4.4 assigns responsibility for treatment, classification, administrative processing, and custody for detainees. The specific language in the directive follows:

"3.3 Captured or detained personnel shall be accorded an appropriate legal status under international law. Persons captured or detained may be transferred to or from the care, custody, and control of the U.S. Military Services only on approval of the Assistant Secretary of Defense for International Security Affairs (ASD(ISA)) and as authorized by the Geneva Conventions

Relative to the Treatment of Prisoners of War and for the Protection of Civilian Persons in Time of War (references (d) and (e)).

3.4 Persons captured or detained by the U.S. Military Services shall normally be handed over for safeguarding to U.S. Army Military Police, or to detainee collecting points or other holding facilities and installations operated by U.S. Army Military Police as soon as practical. Detainees may be interviewed for intelligence collection purposes at facilities and installations operated by U.S. Army Military Police."

"4.4. The Commanders of the Unified Combatant Commands shall:

4.4.2. Provide for the proper treatment, classification, administrative processing, and custody of those persons captured or detained by the Military Services under their command and control. "Department of Defense Directive (DoDD) 2310.1, DoD Program for Enemy Prisoners of War (EPOW) and Other Detainees, 18 August 1994, Paragraph 1.1, reissues responsibility, specifically assigning the Army as Executive Agent for the DoD Program for Enemy Prisoners of War (EPOW) and Other Detainees. The specific language in the directive follows:

"1.1. Reissues reference (a) to update policy and responsibilities within the Department of Defense for a program to ensure implementation of the international law of war, both customary and codified, about EPOW, to include the enemy sick or wounded, retained personnel, civilian internees (CIs), and other detained personnel (detainees). Detainees include, but are not limited to, those persons held during operations other than war."

Under Secretary of Defense Memorandum, SUBJECT: Responsibility for Detainees in Association with the Global War on Terrorism, 17 January 2002, assigns the Assistant Secretary of Defense for Special Operations and Low Intensity Conflict (ASD(SO/LIC)) responsibility for DoD policies and plans related to persons detained in the Global War on Terrorism. The specific language in the memorandum follows:

"Effective immediately, ASD(SO/LIC) assumes responsibility for overall development, coordination, approval and promulgation of major DoD policies and plans related to persons detained in association with the Global War on Terrorism. This includes development, coordination, approval, and promulgation of major DoD policies, and new courses of action with DoD Components and other Federal Agencies as necessary.

DoD Directive 2310.1 will be adjusted to reflect this decision."

Army Regulation (AR) 25-30, The Army Publishing Program, 16 March 2004, Glossary, defines the term "Army regulation." And field manual The specific language in the regulation follows:

"Army regulation

A directive that sets forth missions, responsibilities, and policies, delegates authority, sets objectives, and prescribes mandated procedures to ensure uniform compliance with those policies. Mandated procedures in Army regulations are required and authoritative instructions that contain the detail needed to make sure basic policies are carried out uniformly throughout the Army. These mandated procedures also ensure uniform implementation of public law, policy

guidance, and instructions from higher headquarters or other Government agencies such as the JCP, OMB, or Department of Defense."

"Field manual.

A DA publication that contains doctrine and training principles with supporting tactics, techniques, and/or procedures and describes how the Army and its organizations function in terms of missions, organizations, personnel, and equipment. FMs implement ratified international standardization agreements. FMs may also contain informational or reference material relative to military operations and training and may be used to publish selected alliance doctrinal publications that are not readily integrated into other doctrinal literature."

AR 190-8, Enemy Prisoners of War, Retained Personnel, Civilian Internees and Other Detainees, 1 October 1997, Chapter 1, paragraph 1-1, subparagraphs a and b, implement DoDD 2310.1 and incorporates Army Regulation 190-8 and 190-57 and SECNAV Instruction 3461.3, and Air Force Joint Instruction 31-304. It establishes policies and planning guidance for the treatment, care, accountability, legal status, and administrative procedures for Enemy Prisoners of War, Civilian Internees, Retained Persons, and Other Detainees and implements international law for all military operations. The specific language in the regulation follows:

"Summary. This regulation implements Department Of Defense Directive 2310.1 and establishes policies and planning guidance for the treatment, care, accountability, legal status, and administrative procedures for Enemy Prisoners of War, Civilian Internees, Retained Persons, and Other Detainees. This regulation is a consolidation of Army Regulation 190-8 and Army Regulation 190-57 and incorporates SECNAV Instruction 3461.3 and Air Force Joint Instruction 31-304. Policy and procedures established herein apply to the services and their capabilities to the extent that they are resourced and organized for enemy prisoner of war operations.

Applicability. This is a multi-service regulation. It applies to the Army, Navy, Air Force and Marine Corps and to their Reserve components when lawfully ordered to active duty under the provisions of Title 10 United States Code.

"a. This regulation provides policy, procedures, and responsibilities for the administration, treatment, employment, and compensation of enemy prisoners of war (EPW), retained personnel (RP), civilian internees (CI) and other detainees (OD) in the custody of U.S. Armed Forces. This regulation also establishes procedures for transfer of custody from the United States to another detaining power.

b. This regulation implements international law, both customary and codified, relating to EPW, RP, CI, and ODs, which includes those persons, held during military operations other than war. The principal treaties relevant to this regulation are:

(1) The 1949 Geneva Convention Relative to the Amelioration of the Condition of the Wounded and Sick in Armed Forces in the Field (GWS).

(2) The 1949 Geneva Convention for the Amelioration of the Condition of Wounded, Sick and Shipwrecked Members of Armed Forces at Sea (GWS SEA).

(3) The 1949 Geneva Convention Relative to the Treatment of Prisoners of War (GPW).



(4) The 1949 Geneva Convention Relative to the Protection of Civilian Persons in Time of War (GC), and In the event of conflicts or discrepancies between this regulation and the Geneva Conventions, the provisions of the Geneva Conventions take precedence."

Field Manual (FM) 3-19.1, Military Police Operations, 31 January 2002, Chapter 4, paragraphs 4-42 to 4-45, describe the role of MP units in detainee operations. The specific language in the field manual follows:

"4-42. The Army is the Department of Defense's (DOD's) executive agent for all EPW/CI operations. Additionally, the Army is DOD's executive agent for longterm confinement of US military prisoners. Within the Army and through the combatant commander, the MP are tasked with coordinating shelter, protection, accountability, and sustainment for EPWs/CIs. The I/R function addresses MP roles when dealing with EPWs/CIs, dislocated civilians, and US military prisoners.

4-43. The I/R function is of humane as well as tactical importance. In any conflict involving US forces, safe and humane treatment of EPWs/CIs is required by international law. Military actions on the modern battlefield will result in many EPWs/CIs. Entire units of enemy forces, separated and disorganized by the shock of intensive combat, may be captured. This can place a tremendous challenge on tactical forces and can significantly reduce the capturing unit's combat effectiveness. The MP support the battlefield commander by relieving him of the problem of handling EPWs/CIs with combat forces. The MP perform their I/R function of collecting, evacuating, and securing EPWs throughout the AO. In this process, the MP coordinate with MI to collect information that may be used in current or future operations.

4-44. Although the CS MP unit initially handles EPWs/CIs, modular MP (I/R) battalions with assigned MP guard companies and supporting MWD teams are equipped and trained to handle this mission for the long term. A properly configured modular MP (I/R) battalion can support, safeguard, account for, guard, and provide humane treatment for up to 4,000 EPWs/CIs; 8,000 dislocated civilians; or 1,500 US military prisoners.

#### EPW/CI HANDLING

4-45. The MP are tasked with collecting EPWs/CIs from combat units as far forward as possible. The MP operate collection points and holding areas to temporarily secure EPWs/CIs until they can be evacuated to the next higher echelon's holding area. The MP escort-guard company assigned to the MP brigade (I/R) evacuate the EPWs/CIs from the corps's holding area to the COMMZ's internment facilities. The MP safeguard and maintain accountability, protect, and provide humane treatment for all personnel under their care."

FM 3-19.4, Military Police Leaders' Handbook, 2 August 2002, Preface, addresses detainee operations doctrine at the platoon level. The specific language in the field manual follows:

"This field manual (FM) addresses military police (MP) maneuver and mobility support (MMS), area security (AS), internment and resettlement (I/R), law and order (L&O), and police intelligence operations (PIO) across the full spectrum of Army operations. Although this manual includes a discussion of corps and division MP elements, it primarily focuses on the principles of platoon operations and the tactics, techniques, and procedures (TTP) the platoon uses to accomplish its mission."

FM 3-19.40, Military Police Internment/Resettlement Operations, 1 August 2001, Preface, establishes this FM as the doctrinal foundation for detainee operations. Chapter 2, paragraph 2-1, provides explains the role of the MP battalion commander. Chapter 3, paragraphs 3-1 to 3-3, 3-5, and 3-6, describes the basic requirements for the handling, securing, and accounting for EPWs and CIs; paragraphs 3-14 to 3-17 describe the procedures for handling property and tagging EPWs and CIs. Chapter 4 describes detailed administrative procedures for enemy prisoners of war (EPWs), including evacuation, receiving, processing, personnel files, internment serial number (ISN) issuance, information flow, facility assignment, classification, control and discipline, transfer between facilities, host nation or allied forces, and repatriation; the introduction outlines this content. Chapter 5 describes procedures for civilian internees (CIs), including specifying who is a CI, general protection requirements, authorization to intern, administrative responsibilities, receiving, processing, flow of information, security, control and discipline; the introduction explains the difference between CIs and EPWs. The specific language in the field manual follows The specific language in the field manual follows:

"Field Manual (FM) 3-19.40 depicts the doctrinal foundation, principles, and processes that MP will employ when dealing with enemy prisoners of war (EPWs), civilian internees (CIs), US military prisoner operations, and MP support to civil-military operations (populace and resource control [PRC], humanitarian assistance [HA], and emergency services [ES])."

"2-1. An MP battalion commander tasked with operating an I/R facility is also the facility commander. As such, he is responsible for the safety and well-being of all personnel housed within the facility. Since an MP unit may be tasked to handle different categories of personnel (EPW, CI, OD, refugee, and US military prisoner), the commander, the cadre, and support personnel must be aware of the requirements for each category.

3-1. The MP units accept captives from capturing units as far forward as possible, and captives are held in CPs and CHAs until they are removed from the battlefield. Normally, CPs are operated in the division AO and CHAs are operated in the corps AO; but they can be operated anywhere they are needed. The CPs and CHAs sustain and safeguard captives and ensure a minimum level of field processing and accountability. Wounded and sick captives receive medical treatment, and captives who require lifesaving medical attention are evacuated to the nearest medical facility.

3-2. The MP establishes listening posts (LPs), observation posts (OPs), guard posts, and fighting positions to protect captives and prevent their escape. Captured soldiers are trained to believe that escape from captivity is their duty; therefore, they must be closely guarded. Consider the morale and physical condition of captives when determining the number of guards needed. Guards must be prepared to use and maintain firm control and security.

3-3. The MP work closely with military intelligence (MI) interrogation teams at CPs and CHAs to determine if captives, their equipment, and their weapons have intelligence value. This process is accelerated when MI interrogation teams can observe captives during arrival and processing, and interrogators can also be used as interpreters during this phase. Before a captive is interviewed by MI personnel, he must have a Department of Defense (DD) Form 2745 (Figure 3-1) attached to him and be accounted for on DD Form 2708.

3-5. Processing begins when US forces capture or detain an individual. The processing is accomplished in the CZ for security, control, intelligence, and the welfare of captives in evacuation channels. This is referred to as *field processing*. The capturing unit begins field processing by using the Five Ss and T procedure (search, segregate, silence, speed,

safeguard, and tag). At the CP or the CHA, MP continue processing with the principles of STRESS (search, tag, report, evacuate, segregate, and safeguard).

3-6. After receiving a captive from a capturing unit, MP are responsible for safeguarding and accounting for the captive at each stage of his removal from the battlefield. The processing procedure begins upon capture and continues until the captive reaches the I/R facility and is released. The process of identifying and tagging a captive helps US forces control and account for him as they move rearward from the battlefield. Before a captive is interned, repatriated, or released, MP at the I/R facility must provide full-scale processing.

3-14. Property Accountability. When seizing property from a captive—

- Bundle it or place it in a bag to keep it intact and separate from other captives' possessions.
- Prepare DA Form 4137 for confiscated and impounded property.
- Prepare a receipt for currency and negotiable instruments to be signed by the captive and the receiver. Use cash collection vouchers so that the value can be credited to each captive's account. List currency and negotiable instruments on the captive's personal-property list, but treat them as impounded property.
- Keep the original receipt with the property during evacuation. Give the captive a copy of the receipt, and tell him to keep it to expedite the return of his property.
- Have MI sign for property on DA Form 4137 and for captives on DD Form 2708.
- Return confiscated property to supply after it is cleared by MI teams. Items kept by MI because of intelligence value are forwarded through MI channels.
- Evacuate retained items with the captive when he moves to the next level of internment.
- Maintain controlled access to confiscated and impounded property.

3-15. Tag each captive with a DD Form 2745. The MP at CPs and CHAs check each tag for the—

- Date and time of capture.
- Capturing unit.
- Place of capture.
- Circumstances of the capture.

The remaining information on the tag is included as it becomes available.

3-16. A DD Form 2745 is a perforated, three-part form that is individually serial-numbered. It is constructed of durable, waterproof, tear-resistant material with reinforced eyeholes on Parts A and C. Part A is attached to the captive with wire or string, Part B is maintained by the capturing unit for their records, and Part C is attached to confiscated property so that the owner can be identified later.

3-17. The MP at division CPs ensure that a DD Form 2745 is placed on each captive who arrives at the CP without one. They may direct the capturing unit to complete a capture tag before accepting the prisoner into the CP. The MP—

- Make a statement on the tag if the captive arrived without it.
- Instruct the captive not to remove or alter the tag.
- Annotate the tag's serial number and the captive's name on a locally developed manifest."

Chapter 4, Introduction – "The MP are responsible for evacuating EPWs from division CPs to CHAs and then to internment facilities (normally located in the COMMZ). This chapter

addresses procedures for properly handling, processing, and safeguarding EPWs. The procedures outlined in this chapter are also applicable to RPs.

Chapter 5, Introduction – "A CI internment facility runs parallel to an EPW internment facility, with some differences.

A CI—

- Is protected under the provisions of the GC.
- Does not meet the criteria for classification as an EPW or an RP.
- Is considered a security risk.
- Needs protection because he committed an offense against the detaining power (insurgents, criminals, or other persons)."

FM 34-52, Intelligence Interrogation, 28 September 1992, Preface, establishes this FM as the doctrinal foundation for interrogations of detainees. The specific language in the field manual follows:

"This manual provides doctrinal guidance, techniques, and procedures governing employment of interrogators as human intelligence (HUMINT) collection assets in support of the commander's intelligence needs. It outlines the interrogator's role within the intelligence collection effort and the supported unit's day-to-day operations.

This manual is intended for use by interrogators as well as commanders, staff officers, and military intelligence (MI) personnel charged with the responsibility of the interrogation collection effort."

ARTEP 19-546-MTP, Mission Training Plan for the Headquarters and Headquarters Company Military Police Battalion (Internment/Resettlement), 10 April 1999, Chapter 1, paragraph 1-4, subparagraph a, outlines training doctrine for I/R battalions. The specific language in the ARTEP follows:

"1-4. Mission and Tasks.

a. The battalion's critical mission is to provide command, staff planning, administration, and logistical support for the operation of an Internment/Resettlement facility for either Enemy Prisoner of War/Civilian Internees (EPW/CI), or US Military Prisoners. It also provides direct supervision of battalion functions: Personnel, Medical, Supply, and Food Services. This MTP is composed of major activities that the unit must execute to accomplish the mission."

**k. Finding 11:**

(1) Finding: Shortfalls in both the Military Police and Military Intelligence organizational structures resulted in the tactical unit commanders adjusting their tactics, techniques, and procedures to conduct detainee operations.

(2) Standard: Field Manual (FM) 3-19.1, Military Police Operations, 31 January 2002, Chapter 7, paragraph 7-9, requires corps augmentation for sustained operations and for special operations such as dealing with dislocated civilians, and refugee internment or resettlement. Paragraphs 7-13, 7-14, 7-17, 7-21, and paragraph 7-26 discusses the employment of the different division Military Police companies, by the type of division to which they are assigned. The specific language in the field manual follows:

"7-9. In the division (where flexible support of an austere force is crucial), the division PM must have a clear understanding of situational awareness. To obtain current information for projecting MP needs in the division area, he must be mobile and be able to conduct split-cell operations. The assets available to the PM include the division MP company and at least one corps MP company. Corps augmentation is required for sustained operations and for special operations such as river crossings, dealing with dislocated civilians, and refugee internment or resettlement. The division PM coordinates with the corps PM and the MP brigade or CID commanders for— • Evacuating and guarding EPWs/CIs from division to corps."

"7-13. The Army of Excellence (AOE) heavy division MP company has six platoons. Three platoons provide support to each maneuver brigade and are designated as DS. The other three platoons are designated as GS platoons. One MP platoon provides security for the division main CP; one provides security for the division's EPW central collection point; and one performs other MP operations within the division rear.

7-14. The GS MP platoons' AOs are configured based on METT-TC and the availability of MP augmentation from the corps. The DS MP platoons' AOs coincide with the supported maneuver brigade's boundary. Each platoon headquarters locates within its brigade's support area or any other area where it can best provide and receive support. To accomplish its mission, each DS platoon requires a minimum of two squads, each with three teams. One squad operates the EPW/CI collection point. The other squads perform MMS and AS operations. All MP platoons are capable of performing all five MP functions. However, performance of these functions is prioritized based on METT-TC and the division commander's concept of operations. The division PM, the company commander, and METT-TC dictate how these platoons should be tasked-organized to accomplish the mission."

"7-17. The company has three GS platoons to support the division. No platoons are provided to the maneuver brigade. One platoon is normally located in the vicinity of the division main CP so that its resources can help support CP security. Another platoon locates in the DSA and operates the division EPW/ CI collection point. The last platoon has an AO configured according to METT-TC and the commander's priority of MP missions. Each GS MP platoon has a headquarters and three squads, each with two teams. The PM section is located in the vicinity of the division main CP. The exact location is based on the current operational status and on METT-TC.

"7-21. The nature of airborne operations makes the capture of EPWs likely. Therefore, during the first stage of the assault phase, the priority of MP support is given to EPW operations. After assembling the DZ or LZ, the MP collect EPWs captured during the assault. Combat elements are relieved of EPWs as far forward as possible. In airborne operations, EPWs are held for later movement to a central collection point. During the first stage of the assault, the MP perform limited straggler and refugee control and undertake AS operations, when possible.

"7-26. When possible, habitually aligned platoons remain with their brigades, and corps assets perform GS missions. However, when no corps assets are available and two division platoons are employed as stated above, the two remaining platoons conduct division EPW collection-point operations and other MP functions based on METT-TC. Normally, the EPW platoon and the MP company headquarters collocate in the DSA. As required (and based on METT-TC), airflow planning includes EPW/CI evacuation from the AATF/FOB collection point back to the DSA. The PM section operates from the division rear CP to facilitate I/R operations and to coordinate MMS and AS with key logistical staff. Due to potentially extreme distances on

the air assault battlefield, the DPM normally locates with the division main CP to serve as a key G3 battle-staff member and to coordinate PIO with the G2."

FM, 3-19.40, Military Police Internment/Resettlement Operations, 1 August 2001, Chapter 3, addresses the responsibility of division Military Police (MP) units to operate collecting points and to assist maneuver units as they move through the battlefield and perform their mission. Paragraph 3-1 assigns MP units the responsibility to accept captives from capturing units as far forward as possible, but allowing them to operate anywhere they are needed. Paragraph 3-3 describes how MP personnel work closely with the Military Intelligence (MI) interrogators to determine if detainees and their possessions have any intelligence value. Paragraph 3-5 outlines the beginning of detainee processing when U.S. Armed Forces detain an individual in the combat zone. Paragraph 3-64 provides information to facilitate collecting enemy tactical information and how MI may collocate interrogation teams at collecting points and Corps Holding Area to collect intelligence information. The specific language in the field manual follows:

"A large number of captives on the battlefield hampers maneuver units as they move to engage and destroy an enemy. To assist maneuver units in performing their mission— • Division MP units operate CPs in the division AO. • Corps MP units operate holding areas in the corps AO."

"3-1. The MP units accept captives from capturing units as far forward as possible, and captives are held in CPs and CHAs until they are removed from the battlefield. Normally, CPs are operated in the division AO and CHAs are operated in the corps AO; but they can be operated anywhere they are needed. The CPs and CHAs sustain and safeguard captives and ensure a minimum level of field processing and accountability. Wounded and sick captives receive medical treatment, and captives who require lifesaving medical attention are evacuated to the nearest medical facility."

"3-3. The MP work closely with military intelligence (MI) interrogation teams at CPs and CHAs to determine if captives, their equipment, and their weapons have intelligence value. This process is accelerated when MI interrogation teams can observe captives during arrival and processing, and interrogators can also be used as interpreters during this phase. Before a captive is interviewed by MI personnel, he must have a Department of Defense (DD) Form 2745 (Figure 3-1) attached to him and be accounted for on DD Form 2708."

"3-5. Processing begins when US forces capture or detain an individual. The processing is accomplished in the CZ for security, control, intelligence, and the welfare of captives in evacuation channels. This is referred to as field processing. The capturing unit begins field processing by using the Five Ss and T procedure (search, segregate, silence, speed, safeguard, and tag). At the CP or the CHA, MP continue processing with the principles of STRESS (search, tag, report, evacuate, segregate, and safeguard)."

"3-64. To facilitate collecting enemy tactical information, MI may collocate interrogation teams at CPs and CHAs. This provides MI with direct access to captives and their equipment and documents. Coordination is made between MP and MI to establish operating procedures that include accountability. An interrogation area is established away from the receiving/processing line so that MI personnel can interrogate captives and examine their equipment and documents. If a captive or his equipment or documents are removed from the receiving/processing line, account for them on DD Form 2708 and DA Form 4137."

FM, 34-52, Intelligence Interrogation, 28 September 1992, Chapter 1, definition of Interrogation, pages 1-6 and 1-7, Objective, pages 1-7, discuss the interrogator should not concentrate on the objective to the extent he overlooks or fails to recognize and exploit other valuable information extracted from the source. Chapter 2, page 2-1, Composition and Structure, discusses that the interrogation architecture is a seamless system that supports operations from brigade to theater level. Page 2-2, Interrogation below division, addresses the first interrogation could take place at brigade level to receive tactical information that will provide immediate value to the unit on the ground. Page 2-3, Division interrogation assets, provides an overview of the capabilities a division Military Intelligence battalion provides to a division. Page 2-4, Interrogation Teams, provides the composition of an interrogation team and is normally employed as part of the MI company teams. Page 2-12, Interrogation at Brigade and Below, describes that an MI battalion interrogator can be attached temporarily to the committed battalion to assist in exploiting information immediately from the enemy prisoner of war (EPW). Page 2-22, Theater Interrogation Facility, describe the purpose of the Theater Interrogation Facility and that it is staffed by U.S. Army interrogators, with support from Air Force, Navy, Marine Corps, and other U.S. national agencies as required. Page 3-1, provides the criteria for selecting personnel to be interrogated. Page 3-2, Screening, explains the screening to select a source to interrogate. Page 3-2, Prepare to conduct screenings, describe the coordination and roles between the screeners and MP holding area guards. Page 3-2, Document Screening, outlines when examining documents, the screener should identify topics on which EPWs and detainees have pertinent information that may contain indications of pertinent knowledge and potential cooperation. Page 3-2, Personnel Screening, recommends if time permits, that screeners should question holding area personnel about the EPWs and detainees who might identify sources or answer the supported commander's priority intelligence requirements (PIR) and intelligence requirements (IR). Page 3-29, Interrogation with an Interpreter, provides what needs to take place before, during, and after an interrogation. Page 3-30 Conduct the Interrogation, outlines the steps the interrogators need to take when an interpreter does not follow the guidance of the interrogator during an interrogation. The specific language in the field manual follows:

Page 1-6. "Definition of Interrogation. Interrogation is the process of questioning a source to obtain the maximum amount of usable information. The goal of any interrogation is to obtain reliable information in a lawful manner, in a minimum amount of time, and satisfy intelligence requirements of any echelon of command. Sources may be - civilian internees, insurgents, EPWs, defectors, refugees, displaced persons, agents or suspected agents, other non-US personnel. A good interrogation produces needed information which is timely, complete, clear, and accurate. An interrogation involved the interaction of two personalities - the source and the interrogator."

Page 1-7. "Objective. Each interrogation must be conducted for a definite purpose. The interrogator must keep this purpose firmly in mind as he proceeds to obtain usable information to satisfy the assigned requirement, and thus contribute to the success of the unit's mission..... In either case, the interrogator must use the objective as a basis for planning and conducting the interrogation. He should attempt to prevent the source from becoming aware of the true objective of the interrogation. The interrogator should not concentrate on the objective to the extent he overlooks or fails to recognize and exploit other valuable information extracted from the source."

Page 2-1. "Composition and Structure. The interrogation architecture (interrogators and interrogation units) is a seamless system that supports operations from brigade to theater level. The dynamic warfighting doctrine requires interrogation units be highly mobile and have

automation and communication equipment to report information to the supported commander. The MI commander must ensure interrogators have the necessary equipment to accomplish their wartime mission. The MI commander retains overall responsibility for interrogators assigned to his unit. The manner in which these interrogators are controlled depends on how the MI unit is task organized for combat."

Page 2-2, "Interrogation Below Division. The first interrogation could take place at brigade. Interrogation teams are attached temporarily to brigades in enemy contact when determined appropriate by the division G2. These teams come from the interrogation section of the parent division. Interrogation personnel are organic to separate brigades and armored cavalry regiments (ACRs). Interrogation at brigade level is strictly tactical and deals with information of immediate value.

Interrogation personnel in DS to brigade will be collocated or immediately adjacent to the division forward EPW collecting point in the brigade support area (BSA). For MI units to receive S2 support, the collecting point and interrogation site will be collocated and accessible to the command post (CP)."

Page 2-3, "Division Interrogation Assets. An MI battalion is organic to each division. It provides combat intelligence, EW, and OPSEC support to light or heavy infantry and airborne or air assault division. The MI battalion provides special support the G2 needs to produce combat intelligence. Interrogation personnel organic to the MI battalions compose the interrogation support element."

Page 2-4, "Interrogation Teams. Each interrogation team consists of a team leader (warrant officer), NCO assistant team leader, and three team members. Teams are normally employed as part of the MI company teams which provide IEW support to the brigades."

Page 2-12. "Interrogation at Brigade and Below. Interrogators are not usually attached below brigade level unless the combat situation requires limited tactical interrogation at battalion or lower. In this event, skilled interrogators from the MI battalion will be attached temporarily to committed battalions. They will assist in exploiting EPW immediately upon capture to extract information needed in support of the capturing unit.

Interrogations at battalion or lower are brief and concerned only with information bearing directly on the combat mission of the capturing unit. The following are examples of circumstance warranting an interrogation:

- A unit or landing force assigned an independent mission in which the S2 is primarily responsible for collecting information necessary to fulfill the unit's mission. Immediate tactical intelligence is necessary for mission accomplishment.
- There is a definite need for interrogation at the lower level to permit rapid reaction based on information obtained.
- It is advantageous to have an EPW point out enemy defense and installation from observation points in forward areas."

Page 2-22. "Theater Interrogation Facility. The EAC interrogation facility will normally be designated as the TIF. A TIF is staffed by US Army interrogators and analysts, with support from Air Force, Navy, Marine Corps, and other US national agencies as required. In a



multinational operation, a combined interrogation facility may be established with allied interrogators augmentation. In addition to conventional theater Army operations, a TIF may be established to support a joint or unified command to meet theater requirements during crisis or contingency deployments.

MI battalion companies, MI brigade (EAC) provide US Army interrogation support to the EAC TIF. The mission of the TIF is to-

- Interrogate PWs, high-level political and military personnel, civilian internees, defectors, refugees, and displace persons."

"A TIF is organized into a headquarters section, operations section, and two interrogation and DOCEX sections. It will normally have an attached TSA section from Operations Group, and a liaison team from the Joint Captured Materiel Exploitation Center (JCMEC). The JCMEC liaison team assists in exploiting sources who have knowledge of captured enemy weapons and equipment.

- Provost marshal for location of theater EPW camps, and for procedures to be followed by interrogators and MP for processing, interrogating, and internment."

Page 3-1. "Interrogation Process. Criteria for selecting personnel to be interrogated vary with the - commander's collection requirements. Time limitations. Number and types of potential sources available. Exact circumstance surrounding the employment of US Forces. In this regard, source selection is important in conducting interrogation at tactical echelons of command because of the proximity to enemy elements, number and conditions of detainees, and time restrictions."

Page 3-2. "Screening. Screening is the selection of sources for interrogation. It must be conducted at every echelon to-Determine source cooperativeness and knowledgeability. Determine which sources can best satisfy the commander's PIR and IR in a timely manner."

Page 3-2. "Prepare to Conduct Screenings. Screeners coordinate MP holding area guards on their role in the screening process. The guards are told where the screening will take place, how EPWs, and detainees are to be brought there from the holding area, and what types of behavior on their part will facilitate the screening."

Page 3-2. "Document Screening. If time permits, screeners should go to the holding area and examine all available documents pertaining to the EPWs and detainees. They should look for signs that certain EPWs and detainees are willing, or can be induced, to cooperate with the interrogators. Previous screening and interrogation reports and EPW personnel records are important."

Page 3-2. "Personnel Screening. If time permits, screeners should question holding area personnel about the EPWs and detainees. Since these personnel are in almost constant contact with the EPWs and detainees, their descriptions of specific ones can help identify sources who might answer the supported commander's PIR and IR. Screeners should identify and note those EPWs and detainees whose appearance and behavior indicate they are willing to cooperate immediately or are unlikely to cooperate ever."

Page 3-29. "Interrogation With an Interpreter. Interrogation through an interpreter is time consuming because the interpreter must repeat everything said by the interrogator and source.

The interrogator must brief the interpreter before the interrogation can begin. An interrogation with an interpreter will go through all five phases of the interrogation process. After the interrogation is over, the interrogator will evaluate the interpreter."

Page 3-30. "Conduct the Interrogation. During the interrogation, the interrogator corrects the interpreter if he violates any standards on which he was briefed. For example, if the interpreter injects his own ideas into the interrogation, he must be corrected.

"Corrections should be made in a low-key manner. At no time should the interrogator rebuke his interpreter sternly or loudly while they are with the source. The interrogator should never argue with the interpreter in the presence of the source. If a major correction must be made, the interrogator and the interpreter should leave the interrogation site temporarily, and only when necessary."

#### I. Finding 12:

(1) Finding: There was no Theater Detainee Reporting Center (TDRC) acting as the central, theater-level agency responsible for detainee accountability, resulting in a lack of detainee personnel and data management.

(2) Standard: Standard of treatment for detainees in OPERATION ENDURING FREEDOM (OEF): Chairman, Joint Chiefs of Staff (CJCS) message dated 211933Z JAN 02 states that members of the Taliban militia and members of Al Qaida under the control of US Forces would be treated humanely and, to the extent appropriate and consistent with military necessity, in a manner consistent with the principles of the Geneva Conventions of 1949. The DAIG has therefore used the provisions of the Geneva Conventions as a benchmark against which to measure the treatment provided to detainees by U.S. Forces to determine if detainees were treated humanely. The use of these standards as benchmarks does not state or imply a position for the United States or U.S. Army on the legal status of its operations in OEF.

CJCS Message dated 211933Z JAN 02, provides the determination regarding the humane treatment of Al Qaida and Taliban detainees. Convention Relative to the Treatment of Prisoners of War of August 12, 1949 (GPW) is the international treaty that governs the treatment of prisoners of war; and Geneva Convention Relative to the Protection of Civilian Persons in Time of War (GC), August 12, 1949 is the international treaty that governs the treatment of civilian persons in time of war.

As the guidance did not define "humane treatment" but did state that the US would treat members of the Taliban militia and Al Qaida in a manner consistent with the Geneva Conventions, the DAIG determined that it would use Common Article 3 of the GCs as its floor measure of humane treatment, but would also include provisions of the Geneva Convention on the Treatment of Prisoners of War (GPW) and Geneva Convention Relative to the Protection of Civilian Persons in Time of War (GC) as other relevant indicia of "humane treatment." The use of this standard does not state or imply a position for the United States or U.S. Army on the legal status of its operations in OEF.

Standard of treatment for detainees in OPERATION IRAQI FREEDOM (OIF): OIF was an international armed conflict and therefore the provisions of the Geneva Conventions applied. Additionally, the United States was an occupying power and has acted in accordance with the obligations of an occupying power described in the Hague Convention No. IV Respecting the Laws and Customs of War on Land (H.IV), Oct. 18, 1907, including, but not limited to Articles

43-46 and 50; Geneva Convention Relative to the Treatment of Prisoners of War of August 12, 1949 (GPW), Geneva Convention Relative to the Protection of Civilian Persons in Time of War (GC), August 12, 1949. The GC supplements H.IV, providing the general standard of treatment at Article 27 and specific standards in subsequent Articles.

The minimum treatment provided by Common Article 3 of the Geneva Conventions is: (1) No adverse distinction based upon race, religion, sex, etc.; (2) No violence to life or person; (3) No taking hostages; (4) No degrading treatment; (5) No passing of sentences in absence of fair trial, and; (6) The wounded and sick must be cared for.

The specific language in the CJCS Message for OEF and the GPW/GC and H.IV follows:

CJCS Message dated 211933Z JAN 02, "Paragraph 3. The combatant commanders shall, in detaining Al Qaida and Taliban individuals under the control of the Department of Defense, treat them humanely and, to the extent appropriate and consistent with military necessity, in a manner consistent with the principles of the Geneva Conventions of 1949."

GPW/GC, Article 3 (Common Article 3) – "In the case of armed conflict not of an international character occurring in the territory of one of the High Contracting Parties, each party to the conflict shall be bound to apply, as a minimum, the following provisions:

1. Persons taking no active part in the hostilities, including members of armed forces who have laid down their arms and those placed hors de combat by sickness, wounds, detention, or any other cause, shall in all circumstances be treated humanely, without any adverse distinction founded on race, color, religion or faith, sex, birth or wealth, or any other similar criteria.

To this end the following acts are and shall remain prohibited at any time and in any place whatsoever with respect to the above-mentioned persons:

(a) Violence to life and person, in particular murder of all kinds, mutilation, cruel treatment and torture;  
(b) Taking of hostages;  
(c) Outrages upon personal dignity, in particular, humiliating and degrading treatment;  
(d) The passing of sentences and the carrying out of executions without previous judgment pronounced by a regularly constituted court affording all the judicial guarantees which are recognized as indispensable by civilized peoples.

2. The wounded and sick shall be collected and cared for. An impartial humanitarian body, such as the International Committee of the Red Cross, may offer its services to the Parties to the conflict. The Parties to the conflict should further endeavour to bring into force, by means of special agreements, all or part of the other provisions of the present Convention. The application of the preceding provisions shall not affect the legal status of the Parties to the conflict."

The following specific provisions of GPW and GC apply:

"Article 18 – All effects and articles of personal use, except arms, horses, military equipment and military documents, shall remain in the possession of prisoners of war, likewise their metal helmets and gas masks and like articles issued for personal protection. Effects and

articles used for their clothing or feeding shall likewise remain in their possession, even if such effects and articles belong to their regulation military equipment. At no time should prisoners of war be without identity documents. The Detaining Power shall supply such documents to prisoners of war who possess none. Badges of rank and nationality, decorations and articles having above all a personal or sentimental value may not be taken from prisoners of war. Sums of money carried by prisoners of war may not be taken away from them except by order of an officer, and after the amount and particulars of the owner have been recorded in a special register and an itemized receipt has been given, legibly inscribed with the name, rank and unit of the person issuing the said receipt. Sums in the currency of the Detaining Power, or which are changed into such currency at the prisoner's request, shall be placed to the credit of the prisoner's account as provided in Article 64. The Detaining Power may withdraw articles of value from prisoners of war only for reasons of security; when such articles are withdrawn, the procedure laid down for sums of money impounded shall apply. Such objects, likewise sums taken away in any currency other than that of the Detaining Power and the conversion of which has not been asked for by the owners, shall be kept in the custody of the Detaining Power and shall be returned in their initial shape to prisoners of war at the end of their captivity.

Article 19 – Prisoners of war shall be evacuated, as soon as possible after their capture, to camps situated in an area far enough from the combat zone for them to be out of danger. Only those prisoners of war who, owing to wounds or sickness, would run greater risks by being evacuated than by remaining where they are, may be temporarily kept back in a danger zone. Prisoners of war shall not be unnecessarily exposed to danger while awaiting evacuation from a fighting zone."

Department of Defense Directive (DoDD), 2310.1, DoD Program for Enemy Prisoners of War (EPOW) and Other Detainees, 18 August 1994, Paragraph 1.2, designates the Secretary of the Army as Executive Agent for detainee operations; paragraph 4.2.5 establishes information coordination requirements for the Executive Agent for detainee operations. The specific language in the directive follows:

"1.2. Designates the Secretary of the Army as the Executive Agent for the Department of Defense for the administration of the DoD EPOW Detainee Program.

"4.2.5. Provide, in coordination with the ASD(ISA), appropriate reports to the OSD, the Chairman of the Joint Chiefs of Staff, and information or reports to other U.S. Government Agencies or Components, to include the Congress of the United States, or to the International Committee of the Red Cross."

Army Regulation (AR) 190-8, Enemy Prisoners of War, Retained Personnel, Civilian Internees and Other Detainees, 1 October 1997, Chapter 1, paragraph 1-7, subparagraph b, requires specific data elements to be collected and stored by the National Prisoner of War Information Center (NPWIC, now called the National Detainee Recording Center (NDRC)). Paragraph 1-8, subparagraphs a and b, assigns the Branch Prisoner of War Information Center (Branch PWIC, now called the Theater Detainee Reporting Center (TDRC)) as the field agency for maintaining information on persons and property within an assigned theater of operations or in Continental United States (CONUS) and outlines the Branch PWIC's primary responsibilities. Chapter 2, paragraph 2-1, subparagraph a (1) (b), explains how prisoners are to be tagged. Paragraph 2-2, subparagraph b (1), requires the use of DA Form 4137 for accounting for large sums of money and property taken from captured persons. This regulation is a multi-service regulation implementing DOD Directive 2310.1 and incorporates Army Regulation 190-8 and 190-57 and SECNAV Instruction 3461.3, and Air Force Joint Instruction 31-304 and outlines

policies, procedures, and responsibilities for treatment of enemy prisoners of war (EPW), retained personnel (RP), civilian internees (CI), and other detainees (OD) and implements international law for all military operations. The specific language in the regulation follows:

1-7. b. – "Obtain and store information concerning EPW, CI and RP, and their confiscated personal property. Information will be collected and stored on each EPW, CI, and RP captured and detained by U.S. Armed Forces. This includes those EPW, RP, who were captured by the United States but are in custody of other powers and those who have been released or repatriated. EPW, CI and RP cannot be forced to reveal any information however they are required to provide their name, rank, serial number and date of birth. The Geneva Convention requires the NPWIC to collect and store the following information for EPW, RP:

- (1) Complete name.
- (2) ISN.
- (3) Rank.
- (4) Serial number.
- (5) Date of birth.
- (6) City of birth.
- (7) Country of birth.
- (8) Name and address of next of kin.
- (9) Date of capture.
- (10) Place of capture.
- (11) Capturing unit.
- (12) Circumstances of capture.
- (13) Location of confiscated personal property.
- (14) Nationality.
- (15) General statement of health.
- (16) Nation in whose armed services the individual is serving.
- (17) Name and address of a person to be notified of the individual's capture.
- (18) Address to which correspondence may be sent.
- (19) Certificates of death or duly authenticated lists of the dead.
- (20) Information showing the exact location of war graves together with particulars of the dead.
- (21) Notification of capture.
- (22) List of personal articles of value not restored upon repatriation."

1-8. a. – "The Branch PWIC functions as the field operations agency for the NPWIC. It is the central agency responsible to maintain information on all EPW, CI and RP and their personal property within an assigned theater of operations or in CONUS.

1-8. b. – The Branch PWIC serves as the theater repository for information pertaining to:

- (1) Accountability of EPW, CI, and RP and implementation of DOD policy.
- (2) Providing initial and replacement block ISN assignments to theater EPW, CI and RP processing organizations, and requests replacement ISN's from the NPWIC.
- (3) Obtaining and storing information concerning all EPW, CI and RP, in the custody of U.S. Armed Forces, those captured by U.S. Armed Forces and transferred to other powers for internment (either temporarily or permanently), those EPW and RP transferred to CONUS for internment, and EPW, CI and RP released or repatriated. Obtaining and storing information about CI kept in the custody of U.S. Armed Forces within its assigned theater of operations who are subjected to assigned residence, interned, or released."

2-1. a. (1) (b) – "All prisoners of war and retained persons will, at the time of capture, be tagged using DD Form 2745.

2-2. b. (1) – Appropriate intelligence sources will be notified when EPW and RP are found in possession of large sums of U.S. or foreign currency. A receipt DA Form 4137 will be prepared to account for all property that is taken from the EPW. Copies of DD Form 629 (Receipt for Prisoner or Detained Person) and DA Form 4137 will be maintained to establish positive accountability of the EPW and their property and can be used to substantiate proper care and treatment at a later time. DA Form 4137 will be used to account for property released before final disposition is ordered. Records of disposition of property will be evacuated with prisoners for inclusion in their personnel records."

Field Manual (FM) 3-19.40, Military Police Internment/Resettlement Operations, 1 August 2001, Chapter 3, paragraphs 3-45 and 3-54, establish the 12-hour forward collecting point and 24-hour central collecting point doctrine. The specific language in the field manual follows:

"3-45. Captives should not remain at a forward CP more than 12 hours before being escorted to the central CP.

3-54. Captives should not remain at the central CP more than 24 hours before being evacuated to the CHA."

**m. Finding 13:**

(1) Finding: The ongoing Military Intelligence Force Design Update is better suited to conduct simultaneous and sustained human intelligence missions in the current and future operating environment.

(2) Standard: Army Regulation (AR) 71-32, Force Development and Documentation—Consolidated Policies, 3 March 1997, Paragraph 2-1, subparagraph f, establishes the Deputy Chief of Staff for Operations and Plans (DCSOPS) responsibility for The Army Authorization Documents System-Redesign (TAADS-R) systems, which provides Army Modified Table of Organization and Equipment (MTOE) and Table of Distribution and Allowance (TDA) units with authorization documents containing the HQDA-approved organizational structure, personnel and equipment requirements and authorizations. Paragraph 2-2, subparagraph x, directs the Commander of U.S. Army Force Management Support Agency (USAFMSA) to act as executive agent for TAADS-R and review, develop, and publish MTOEs and TDAs. Paragraph 2-26, subparagraphs a-c, requires the Commander of U.S. Army Training and Doctrine Command (TRADOC) to develop and validate battlefield requirements and use the force design update process to document needed changes. TRADOC develops organizational concepts and designs. TRADOC provides USAFMSA the approved organization designs for the development of a Table of Organization and Equipment (TOE). Paragraph 4-1, subparagraphs b, c, and e, describe the TOE as the result of the combat development process and documents wartime capabilities, organizational structure, personnel and equipment. Paragraph 4-4 describes the concept for TOE review and revision. In this case the TOE revision documents a more effective organizational design. The specific language in the regulation follows:

"2-1. Deputy Chief of Staff for Operations and Plans (DCSOPS)  
The DCSOPS will—

"f. Have HQDA responsibility for TAADS-R and, after appropriate HQDA coordination, will—

"(2) Develop and manage the Army force structure.

"(4) In coordination with the DCSPER and the DCSLOG publish and enforce policy and procedures to document requirements for and authorization of, organizations, personnel, and equipment.

"(6) Serve as the final HQDA approval authority for authorization documents.

"2-2. CDR, U.S. Army Force Management Support Agency (USAFMSA)  
CDR, USAFMSA will—

"x. Act as executive agent for the operation of the TAADS-R and perform the following:

"(9) Perform technical review of Active Army and Reserve Component (RC) MTOE and TDA.

(10) Develop MTOEs for all Active Army and RC MTOE organizations under the CENDOC concept.

(11) Provide a foundation for manning the force, quantitatively and qualitatively, principally through detailed manpower requirements determination programs such as MARC, manpower staffing guides, organizational and manpower studies, and the MS3.

"(17) Maintain and distribute current files of all authorization documents (MTOEs and TOEs). Furnish authorization documentation data to HQDA and agencies/activities using TAADS.

"2-26. CG, U.S. Army Training and Doctrine Command (TRADOC)  
In addition to the responsibilities in paragraph 2-19, the CG, TRADOC will—

a. Lead the Army in developing and validating battlefield requirements and use the force design update (FDU) process as the semiannual Army process to update organizational concepts and designs.

b. Develop organizational concepts and designs.

c. Provide USAFMSA completed unit reference sheets for FDU approved organization designs as the basis for TOE development.

"4-1. Concepts

"b. The TOE is the end product document of the Army's combat development process. It merges, in one document, the results of the requirements determination process...

"c. TOEs are the primary basis for stating Army requirements. This document heavily impacts the budget, the training base, efficiency, operational readiness, and overall management of Army resources.

"e. The TOE system is characterized by incremental TOEs that prescribe the wartime mission, capabilities, organizational structure, and minimum mission essential personnel and equipment requirements for military units. They portray the doctrinal modernization path (MODPATH) of a unit over time from the least modernized configuration to the most modernized.

#### "4-4. TOE review and revision

TOEs are normally revised as required to accommodate changes to doctrine, introduction of new equipment, or to incorporate more effective designs. Some TOEs are replaced by new organizations. Those TOEs that do not fall into the above categories will be reviewed not less than every three years from the date of approval."

AR 381-20, The Army Counterintelligence Program, 15 November 1993, Glossary, defines the terms counterintelligence, counterintelligence operations, and counterintelligence special agent. The term Military Occupational Specialty (MOS) refers to the type of training and skills of a Soldier in a specific specialty. In this report the DAIG Team uses the abbreviation CI to refer to Civilian Internees; the Military Intelligence mission of counterintelligence will not be abbreviated as CI except when quoted directly from Military Intelligence policy/doctrine paragraph(s) referring to counterintelligence, as in the following. The specific language in the regulation follows:

#### "counterintelligence

1. Information gathered and activities conducted to protect against espionage, other intelligence activities, sabotage or assassinations conducted for or on behalf of foreign powers, organizations, or persons, or international terrorist activities, but not including personnel, physical, document or communications security programs. Synonymous with foreign counterintelligence. (ICS Glossary)

2. Those activities which are concerned with identifying and counteracting the threat to security posed by foreign intelligence services or organizations, or by individuals engaged in espionage, sabotage, sedition, subversion or terrorism.

#### "counterintelligence operations

Activities taken to hinder the multidisciplinary activities of foreign intelligence and security services, and to cause FIS to doubt the validity of its own analysis.

#### "counterintelligence special agent

Soldiers holding the SSI 35E, MOS 351B or 97B, and civilian employees in the GS-0132 career field, who have successfully completed a CI [counterintelligence] officer/agent course, who are authorized USAI badges and credentials, and who are assigned to conduct CI [counterintelligence] investigations and operations. Also known as CI [counterintelligence] agent or MI agent."

Field Manual (FM) 34-60, Counterintelligence, 3 October 1995, Chapter 1, describes the Army counterintelligence mission as preventing other organizations and agencies from gathering information on Army organizations and agencies. Counterintelligence operations is a force protection factor and includes counter-human intelligence (C-HUMINT), counter-signals



intelligence (C-SIGINT), and counter-imagery intelligence (C-IMINT) functions. In this report the DAIG Team uses the abbreviation CI to refer to Civilian Internees; the Military Intelligence mission of counterintelligence will not be abbreviated as CI except when quoted directly from Military Intelligence policy/doctrine paragraph(s) referring to counterintelligence, as in the following. The specific language in the field manual follows:

#### "MISSION

The CI [counterintelligence] mission is authorized by Executive Order (EO) 12333, implemented by AR 381-20. The Army conducts aggressive, comprehensive, and coordinated CI [counterintelligence] activities worldwide. The purpose is to detect, identify, assess, counter, neutralize, or exploit threat intelligence collection efforts. This mission is accomplished during peacetime and all levels of conflict. Many CI [counterintelligence] functions, shown in Figure 1-1, are conducted by echelons above corps (EAC); some by echelons corps and below (ECB); and some are conducted by both. Those CI [counterintelligence] assets found at ECB respond to tactical commanders. EAC assets respond primarily to commanders of intelligence units while supporting all commanders within their theater or area of operations (AO).

"The essence of the Army's CI [counterintelligence] mission is to support force protection. By its nature, CI [counterintelligence] is a multidiscipline (C-HUMINT, C-SIGINT, and C-IMINT) function designed to degrade threat intelligence and targeting capabilities. Multidiscipline counterintelligence (MDCI) is an integral and equal part of intelligence and electronic warfare (IEW). MDCI operations support force protection through OPSEC, deception, and rear area operations across the range of military operations. For more information on IEW operations, see FM 34-1."

ST 2-22.7, Tactical Human Intelligence and Counterintelligence Operations, 11 April 2002, Paragraphs 1-1 and 1-7, describe the relationship between human intelligence (HUMINT) and counterintelligence and the function of Tactical HUMINT. Paragraph 1-10 defines the term HUMINT Collector. Additionally, the unit's counterintelligence mission is a force protection factor. In this report the DAIG Team uses the abbreviation CI to refer to Civilian Internees; the Military Intelligence mission of counterintelligence will not be abbreviated as CI except when quoted directly from Military Intelligence policy/doctrine paragraph(s) referring to counterintelligence, as in the following. The specific language in the manual follows:

"1-1. HUMINT and CI [counterintelligence] have distinctly different missions. HUMINT collectors gather information to answer intelligence and information requirements while CI [counterintelligence] personnel help protect the force from an adversary's intelligence collection efforts. HUMINT collectors and CI [counterintelligence] personnel bring unique sets of skills to any mission. At times each discipline may uncover information relating to the other's primary mission. Although HUMINT collectors and CI [counterintelligence] personnel appear to have similar functions, because the common denominator is human interaction, each discipline has its own area of expertise.

"1-7. Tactical HUMINT is the task organization of HUMINT collection assets and CI [counterintelligence] assets into combined teams to accomplish the mission of both disciplines at the tactical level (echelon corps and below). This task organization supports the force protection plan and answers the commander's intelligence requirements by employing -

- "CI [counterintelligence] agents to conduct focused identification, collection, analysis, recommendation of countermeasures, and production against FISS technical means and other adversary intelligence collection threats.
- "HUMINT collectors to conduct focused collection, analysis, and production on the adversary's composition, strength, dispositions, tactics, equipment, personnel, personalities, capabilities, and intentions.

"1-10. HUMINT collectors are personnel who, by training or in certain specific positions, are tasked with collecting information for intelligence use from people or related documents. A HUMINT source is any person who can provide information to answer collection requirements. [Unless otherwise noted in this manual, the term "HUMINT collector" refers to personnel in MOSs 351E and 97E. The term "CI [counterintelligence] collector" or "CI [counterintelligence] agent" refers to 35E, 351B, and 97B personnel.] The HUMINT and CI [counterintelligence] force is organized, trained, and equipped to provide timely and relevant answers to information requirements at each echelon. While HUMINT and CI [counterintelligence] have a different focus, in most deployment scenarios they work best in a collaborative effort."

**n. Finding 14:**

(1) Finding: The ongoing Military Police Force Design Update provides a force structure for internment/resettlement operations that has the flexibility and is better suited to conduct sustained detainee operations in the current and future operating environments.

(2) Standard: Army Regulation (AR) 71-32, Force Development and Documentation—Consolidated Policies, 3 March 1997, Paragraph 2-1, subparagraph f, establishes the Deputy Chief of Staff for Operations and Plans (DCSOPS) responsibility for The Army Authorization Documents System-Redesign (TAADS-R) systems, which provides Army Modified Table of Organization and Equipment (MTOE) and Table of Distribution and Allowance (TDA) units with authorization documents containing the HQDA-approved organizational structure, personnel and equipment requirements and authorizations. Paragraph 2-2, subparagraph f, requires Commander of U.S. Army Force Management Support Agency (USAFMSA) to review, evaluate, and coordinate all changes to force structure documents with effected Major Commands (MACOMs) and the U.S. Army Training and Doctrine Command (TRADOC) proponent. Paragraph 2-26, subparagraphs a-c, requires the Commander of U.S. Army Training and Doctrine Command (TRADOC) to develop and validate battlefield requirements and use the force design update process to document needed changes. TRADOC develops organizational concepts and designs. TRADOC provides USAFMSA the approved organization designs for the development of a Table of Organization and Equipment (TOE). Paragraph 4-1, subparagraphs b, c, and e, describe the TOE as the result of the combat development process and documents wartime capabilities, organizational structure, personnel and equipment. Paragraph 4-4 describes the concept for TOE review and revision. In this case the TOE revision documents a more effective organizational design. Paragraph 8-4, Table 8-1, gives the characteristics of an MTOE: a unit or organization with the ability to perform sustained Combat, Combat Support (CS), or Combat Service Support (CSS) missions; and the characteristics of a TDA: a unit or organization performing a mission at a fixed location. The Active Component (AC) units qualified to conduct internment/resettlement (I/R) operations are organized in TDAs and are not designed for deployment. Reserve Component (RC) units conducting I/R operations are organized in MTOEs for deployment. The specific language in the regulation follows:

"2-1. Deputy Chief of Staff for Operations and Plans (DCSOPS)  
The DCSOPS will—

"f. Have HQDA responsibility for TAADS-R and, after appropriate HQDA coordination, will—

"(2) Develop and manage the Army force structure.

"(4) In coordination with the DCSPER and the DCSLOG publish and enforce policy and procedures to document requirements for and authorization of, organizations, personnel, and equipment.

"(6) Serve as the final HQDA approval authority for authorization documents.

"2-2. CDR, U.S. Army Force Management Support Agency (USAFMSA)  
CDR, USAFMSA will—

"f. Review and evaluate all proposed TOE changes. Coordinate requests for TOE changes with the affected MACOM and proponent schools. Recommend approval to HQDA if appropriate.

"2-26. CG, U.S. Army Training and Doctrine Command (TRADOC)  
In addition to the responsibilities in paragraph 2-19, the CG, TRADOC will—

a. Lead the Army in developing and validating battlefield requirements and use the force design update (FDU) process as the semiannual Army process to update organizational concepts and designs.

b. Develop organizational concepts and designs.

c. Provide USAFMSA completed unit reference sheets for FDU approved organization designs as the basis for TOE development.

"4-1. Concepts

"b. The TOE is the end product document of the Army's combat development process. It merges, in one document, the results of the requirements determination process...

"c. TOEs are the primary basis for stating Army requirements. This document heavily impacts the budget, the training base, efficiency, operational readiness, and overall management of Army resources.

"e. The TOE system is characterized by incremental TOEs that prescribe the wartime mission, capabilities, organizational structure, and minimum mission essential personnel and equipment requirements for military units. They portray the doctrinal modernization path (MODPATH) of a unit over time from the least modernized configuration to the most modernized.

#### "4-4. TOE review and revision

TOEs are normally revised as required to accommodate changes to doctrine, introduction of new equipment, or to incorporate more effective designs. Some TOEs are replaced by new organizations. Those TOEs that do not fall into the above categories will be reviewed not less than every three years from the date of approval.

#### "8-4. Type of organization

Criteria in Table 8-1 will be used to determine whether an organization should be documented as a MTOE, TDA, or AUGTDA.

"MTOE – The unit or organization is required to perform combat, CS, or CSS missions on a continuing basis.

"TDA – The unit or organization is part of a fixed support establishment, for example, installation, garrison."

AR 190-8, Enemy Prisoners of War, Retained Personnel, Civilian Internees and Other Detainees, 1 October 1997, Paragraph 1-1, subparagraph a, establishes the regulation as the source for policy for enemy prisoners of war (EPW), retained personnel (RP), civilian internees (CI) and other detainees (OD). The policy (written in 1997) is based on the Cold War model of an organized EPW population that is cooperative. The policy does not address the confinement of high-risk detainees. Paragraph 1-4, subparagraph g, establishes that EPW, RP, CI, and OD will be handed over to the Military Police (MP) or facilities run by the MPs. The regulation states that MPs have units specifically organized to perform the long-term functions associated with EPW/CI internment. The force structure of MP units does not support this requirement. The Glossary, Section II, defines the following terms: EPW, RP, CI, OD, and Detainee. The MP Corps has not yet developed or defined the term High Risk Detainee. This regulation is a multi-service regulation implementing DOD Directive 2310.1 and incorporates Army Regulation 190-8 and 190-57 and SECNAV Instruction 3461.3, and Air Force Joint Instruction 31-304 and outlines policies, procedures, and responsibilities for treatment of EPWs, RPs, CIs, and ODs and implements international law for all military operations. The specific language in the regulation follows:

#### "1-1. Purpose

a. This regulation provides policy, procedures, and responsibilities for the administration, treatment, employment, and compensation of enemy prisoners of war (EPW), retained personnel (RP), civilian internees (CI) and other detainees (OD) in the custody of U.S. Armed Forces. This regulation also establishes procedures for transfer of custody from the United States to another detaining power.

#### "1-4. Responsibilities

"g. *Combatant Commanders, Task Force Commanders and Joint Task Force Commanders.* Combatant Commanders, Task Force Commanders and Joint Task Force Commanders have the overall responsibility for the EPW, CI and RP program, operations, and contingency plans in the theater of operation involved to ensure compliance with international law of war. DOD Directive 2310.1 provides that persons captured or detained by the U.S. Military Services shall normally be handed over for safeguarding to U.S. Army Military Police, or

to detainee collecting points or other holding facilities and installations operated by U.S. Army Military Police as soon as practical. U.S. Army Military Police have units specifically organized to perform the long-term functions associated with EPW/CI internment.

"Glossary

"Section II Terms

"Civilian Internee(s). A civilian who is interned during armed conflict or occupation for security reasons or for protection or because he has committed an offense against the detaining power.

"Detainee. A term used to refer to any person captured or otherwise detained by an armed force.

"Enemy Prisoner of War. A detained person as defined in Articles 4 and 5 of the Geneva Convention Relative to the Treatment of Prisoners of War of August 12, 1949. In particular, one who, while engaged in combat under orders of his or her government, is captured by the armed forces of the enemy. As such, he or she is entitled to the combatant's privilege of immunity from the municipal law of the capturing state for warlike acts which do not amount to breaches of the law of armed conflict. For example, a prisoner of war may be, but is not limited to, any person belonging to one of the following categories who has fallen into the power of the enemy: a member of the armed forces, organized militia or volunteer corps; a person who accompanies the armed forces without actually being a member thereof; a member of a merchant marine or civilian aircraft crew not qualifying for more favorable treatment; or individuals who, on the approach of the enemy, spontaneously take up arms to resist invading forces.

"Other Detainee (OD). Persons in the custody of the U.S. Armed Forces who have not been classified as an EPW (article 4, GPW), RP (article 33, GPW), or CI (article 78, GC), shall be treated as EPWs until a legal status is ascertained by competent authority."

Field Manual (FM) 3-19.1, Military Police Operations, 31 January 2002, Paragraph 1-3, describes the doctrine review process the MP Corps underwent in 1996 and establishes and separates the internment and resettlement (I/R) function from the EPW mission. Paragraph 4-42 requires the Army to act as the Department of Defense's (DoD) Executive Agent for long-term confinement of U.S. Armed Forces prisoners. The paragraph goes on to address the MPs role in I/R functions, but does not address long-term confinement as an I/R function. The MP Corps does not address the doctrinal requirement for long-term I/R confinement or confinement of high-risk detainees. Paragraph 4-44 states the ratios by type of detainee that an MP (I/R) Battalion can support. This formula does not address confinement of high-risk detainees. The specific language in the field manual follows:

"1-3. In 1996, the MP Corps went through a doctrinal review process to determine if it was properly articulating its multiple performance capabilities in support of US forces deployed worldwide (see Appendix B). The review process identified the need to restructure and expand the EPW mission to include handling US military prisoners and all dislocated civilians. This new emphasis transformed the EPW mission into the internment and resettlement (I/R) function. The review process also identified the need to shift from missions to functions. In the past, the four battlefield missions adequately described MP capabilities in a mature theater against a

predictable, echeloned threat. However, that landscape is no longer valid. Accordingly, the four MP battlefield missions have become the following five MP functions:

- Maneuver and mobility support (MMS).
- AS.
- L&O.
- I/R.
- Police intelligence operations (PIO).

"4-42. The Army is the Department of Defense's (DOD's) executive agent for all EPW/CI operations. Additionally, the Army is DOD's executive agent for longterm confinement of US military prisoners. Within the Army and through the combatant commander, the MP are tasked with coordinating shelter, protection, accountability, and sustainment for EPWs/CIs. The I/R function addresses MP roles when dealing with EPWs/CIs, dislocated civilians, and US military prisoners.

"4-44. Although the CS MP unit initially handles EPWs/CIs, modular MP (I/R) battalions with assigned MP guard companies and supporting MWD teams are equipped and trained to handle this mission for the long term. A properly configured modular MP (I/R) battalion can support, safeguard, account for, guard, and provide humane treatment for up to 4,000 EPWs/CIs; 8,000 dislocated civilians; or 1,500 US military prisoners."

FM 3-19.40, Military Police Internment/Resettlement Operations, 1 August 2001, Paragraph 1-13, states the objectives of I/R operations and the types of detainees expected. The terms refer to EPW, CI, RP, OD, dislocated civilian (DC), and U.S. Armed Forces prisoners. At the time this doctrine was written (August 2001) the MP Corps had not yet developed or defined the term high-risk detainee. The specific language in the field manual follows:

"1-13. The objectives of I/R operations are to process, handle, care for, account for, and secure—

- EPWs.
- CIs.
- RPs.
- ODs
- DCs.
- US military prisoners."

**o. Finding 15:**

(1) Finding: Three of 4 inspected internment/resettlement facilities, and many of the collecting points, had inadequate force protection measures, Soldier working conditions, detainees living conditions, and did not meet the minimum preventive medical treatment requirements.

(2) Standard: Standard of treatment for detainees in OPERATION ENDURING FREEDOM (OEF): CJCS message dated 211933Z JAN 02 states that members of the Taliban militia and members of Al Qaida under the control of U.S. Forces would be treated humanely and, to the extent appropriate and consistent with military necessity, in a manner consistent with the principles of the Geneva Conventions of 1949. The DAIG has therefore used the provisions of the Geneva Conventions as a benchmark against which to measure the treatment provided to detainees by U.S. Forces to determine if detainees were treated humanely. The use of these

standards as benchmarks does not state or imply a position for the United States or U.S. Army on the legal status of its operations in OEF.

CJCS Message dated 211933Z JAN 02, provides the determination regarding the humane treatment of Al Qaida and Taliban detainees. Convention Relative to the Treatment of Prisoners of War of August 12, 1949 (GPW) is the international treaty that governs the treatment of prisoners of war, and Geneva Convention Relative to the Protection of Civilian Persons in Time of War (GC), August 12, 1949, is the international treaty that governs the treatment of civilian persons in time of war.

As the guidance did not define "humane treatment" but did state that the U.S. would treat members of the Taliban militia and Al Qaida in a manner consistent with the Geneva Conventions, the DAIG determined that it would use Common Article 3 of the GCs as its floor measure of humane treatment, but would also include provisions of the Geneva Convention on the Treatment of Prisoners of War (GPW) and Geneva Convention Relative to the Protection of Civilian Persons in Time of War (GC) as other relevant indicia of "humane treatment." The use of this standard does not state or imply a position for the United States or U.S. Army on the legal status of its operations in OEF.

Standard of treatment for detainees in OPERATION IRAQI FREEDOM (OIF): OIF was an international armed conflict and therefore the provisions of the Geneva Conventions applied. Additionally, the United States was an occupying power and has acted in accordance with the obligations of an occupying power described in the Hague Convention No. IV Respecting the Laws and Customs of War on Land (H.IV), Oct. 18, 1907, including, but not limited to, Articles 43-46 and 50; Geneva Convention Relative to the Treatment of Prisoners of War of August 12, 1949 (GPW); and Geneva Convention Relative to the Protection of Civilian Persons in Time of War (GC), August 12, 1949. The GC supplements H.IV, providing the general standard of treatment at Article 27 and specific standards in subsequent Articles.

The minimum treatment provided by Common Article 3 of the Geneva Conventions is: (1) No adverse distinction based upon race, religion, sex, etc.; (2) No violence to life or person; (3) No taking hostages; (4) No degrading treatment; (5) No passing of sentences in absence of fair trial, and; (6) The wounded and sick must be cared for.

The specific language in the CJCS Message for OEF and the GPW/GC and H.IV follows:

CJCS Message dated 211933Z JAN 02, "Paragraph 3. The combatant commanders shall, in detaining Al Qaida and Taliban individuals under the control of the Department of Defense, treat them humanely and, to the extent appropriate and consistent with military necessity, in a manner consistent with the principles of the Geneva Conventions of 1949."

GPW/GC, Article 3 (Common Article 3) – "In the case of armed conflict not of an international character occurring in the territory of one of the High Contracting Parties, each party to the conflict shall be bound to apply, as a minimum, the following provisions:

1. Persons taking no active part in the hostilities, including members of armed forces who have laid down their arms and those placed hors de combat by sickness, wounds, detention, or any other cause, shall in all circumstances be treated humanely, without any adverse distinction founded on race, color, religion or faith, sex, birth or wealth, or any other similar criteria.

To this end the following acts are and shall remain prohibited at any time and in any place whatsoever with respect to the above-mentioned persons:

- (a) Violence to life and person, in particular murder of all kinds, mutilation, cruel treatment and torture;
- (b) Taking of hostages;
- (c) Outrages upon personal dignity, in particular, humiliating and degrading treatment;
- (d) The passing of sentences and the carrying out of executions without previous judgment pronounced by a regularly constituted court affording all the judicial guarantees which are recognized as indispensable by civilized peoples.

2. The wounded and sick shall be collected and cared for. An impartial humanitarian body, such as the International Committee of the Red Cross, may offer its services to the Parties to the conflict. The Parties to the conflict should further endeavour to bring into force, by means of special agreements, all or part of the other provisions of the present Convention. The application of the preceding provisions shall not affect the legal status of the Parties to the conflict."

Hague Convention No. IV Respecting the Laws and Customs of War on Land (H.IV.), Oct. 18, 1907, Articles 43-46 and 50; and Geneva Convention Relative to the Protection of Civilian Persons in Time of War (GC), Aug 12, 1949, Articles 81, 83, 85, 88, 89, and 91 discuss the requirement to accommodate detainees in buildings or quarters which afford every possible safeguard regarding health and hygiene and the effects of war. The specific language in the GC follows:

GC Article 81 – "Parties to the conflict who intern protected persons shall be bound to provide free of charge for their maintenance, and to grant them also the medical attention required by their state of health. No deduction from the allowances, salaries or credits due to the internees shall be made for the repayment of these costs."

GC, Article 83 – "The Detaining Power shall not set up places of internment in areas particularly exposed to the dangers of war. ..."

GC, Article 85 – "The Detaining Power is bound to take all necessary and possible measures to ensure that protected persons shall, from the outset of their internment, be accommodated in buildings or quarters which afford every possible safeguard as regards hygiene and health, and provide efficient protection against the rigors of the climate and the effects of the war. In no case shall permanent places of internment be situated in unhealthy areas or in districts, the climate of which is injurious to the internees. In all cases where the district, in which a protected person is temporarily interned, is an unhealthy area or has a climate which is harmful to his health, he shall be removed to a more suitable place of internment as rapidly as circumstances permit. The premises shall be fully protected from dampness, adequately heated and lighted, in particular between dusk and lights out. The sleeping quarters shall be sufficiently spacious and well ventilated, and the internees shall have suitable bedding and sufficient blankets, account being taken of the climate, and the age, sex, and state of health of the internees. Internees shall have for their use, day and night, sanitary conveniences which conform to the rules of hygiene, and are constantly maintained in a state of cleanliness. They shall be provided with sufficient water and soap for their daily personal toilet and for washing their personal laundry; installations and facilities necessary for this purpose shall be granted to them. Showers or baths shall also be available. The necessary time shall be



set aside for washing and for cleaning. Whenever it is necessary, as an exceptional and temporary measure, to accommodate women internees who are not members of a family unit in the same place of internment as men, the provision of separate sleeping quarters and sanitary conveniences for the use of such women internees shall be obligatory."

GC, Article 88 – "In all places of internment exposed to air raids and other hazards of war, shelters adequate in number and structure to ensure the necessary protection shall be installed. ..."

GC, Article 89 – "Daily food rations for internees shall be sufficient in quantity, quality and variety to keep internees in a good state of health and prevent the development of nutritional deficiencies. Account shall also be taken of the customary diet of the internees. Internees shall also be given the means by which they can prepare for themselves any additional food in their possession. Sufficient drinking water shall be supplied to internees. ... "

GC Article 91 – "Every place of internment shall have an adequate infirmary, under the direction of a qualified doctor, where internees may have the attention they require, as well as appropriate diet. Isolation wards shall be set aside for cases of contagious or mental diseases. Maternity cases and internees suffering from serious diseases, or whose condition requires special treatment, a surgical operation or hospital care, must be admitted to any institution where adequate treatment can be given and shall receive care not inferior to that provided for the general population. Internees shall, for preference, have the attention of medical personnel of their own nationality. Internees may not be prevented from presenting themselves to the medical authorities for examination. The medical authorities of the Detaining Power shall, upon request, issue to every internee who has undergone treatment an official certificate showing the nature of his illness or injury, and the duration and nature of the treatment given. A duplicate of this certificate shall be forwarded to the Central Agency provided for in Article 140 Treatment, including the provision of any apparatus necessary for the maintenance of internees in good health, particularly dentures and other artificial appliances and spectacles, shall be free of charge to the internee."

GPW, Article 29 – "The Detaining Power shall be bound to take all sanitary measures necessary to ensure the cleanliness and healthfulness of camps and to prevent epidemics.

Prisoners of war shall have for their use, day and night, conveniences which conform to the rules of hygiene and are maintained in a constant state of cleanliness. In any camps in which women prisoners of war are accommodated, separate conveniences shall be provided for them.

Also, apart from the baths and showers with which the camps shall be furnished, prisoners of war shall be provided with sufficient water and soap for their personal toilet and for washing their personal laundry; the necessary installations, facilities and time shall be granted them for that purpose."

Army Regulation (AR) 40-5, Preventive Medicine, 15 October 1990, Chapter 14, paragraph 14-3, subparagraph a, requires field sanitation teams at all company-level units. The specific language in the regulation follows:

"a. Functions. As a minimum, units deploying to the field will—

- (1) Before deployment, appoint a field sanitation team with responsibilities defined in b below.
- (2) Before deployment, incorporate PMM into SOPs.
  - (3) Have the capability to use pesticides and vegetation controls.
  - (4) Bury and/or burn wastes to prevent the breeding of insects and rodents. Consult the environmental coordinator or PVNTMED personnel to ensure compliance with local environmental regulations and laws during field exercises.
  - (5) Protect food during storage and preparation to prevent contamination (TB MED 530).
  - (6) Monitor unit water sources to assure adequate supplies and disinfection.
  - (7) Arrange for maintenance of immunizations and prophylaxis.
  - (8) Use other appropriate measures under FM 21-10 / AFM 161-10.
  - (9) Assure command supervision of individual PMM.
  - (10) Request assistance for problems exceeding unit capabilities.
  - (11) Deploy to the field with field sanitation equipment listed in table 14-1."

Army Regulation (AR) 190-8, Enemy Prisoners of War, Retained Personnel, Civilian Internees and Other Detainees, 1 October 1997, Chapter 1, paragraph 1-4, subparagraph g (6) (a), discusses sanitary aspects of food service and the need to provide potable water and vector control. Chapter 3, paragraph 3-2, subparagraph b, requires internment/resettlement (I/R) facilities and collecting points (CPs) to operate under the same standards of hygiene and sanitation. Paragraph 3-4, subparagraph e, requires enemy prisoners of war/retained personnel (EPW/RP) to be housed under the same conditions as US forces residing in the same area; subparagraph i requires EPW/RP facilities to ensure a clean and healthy environment for detainees. Chapter 5, paragraph 5-2, subparagraph a, states that a safety program for civilian internees (CIs) will be established. Chapter 6, paragraph 6-1, subparagraph b, discusses minimum standards to house (CIs). Paragraph 6-5 discusses subsistence requirement for CIs, and paragraph 6-6 covers medical care and sanitation. This regulation is a multi-service regulation implementing DoD Directive 2310.1 and incorporates Army Regulation 190-8 and 190-57 and SECNAV Instruction 3461.3, and Air Force Joint Instruction 31-304 and outlines policies, procedures, and responsibilities for treatment of enemy prisoners of war (EPW), retained personnel (RP), civilian internees (CI), and other detainees (OD) and implements international law for all military operations. The specific language in the regulation follows:

3-2. b. – "Prisoners will not normally be interned in unhealthy areas, or where the climate proves to be injurious to them, and will be removed as soon as possible to a more favorable climate. Transit camps or collecting points will operate under conditions similar to those prescribed for permanent prisoner of war camps, and the prisoners will receive the same treatment as in permanent EPW camps.

3-4. e. – "EPW/RP will be quartered under conditions as favorable as those for the force of the detaining power billeted in the same area. The conditions shall make allowance for the habits and customs of the prisoners and shall in no case be prejudicial to their health. The forgoing shall apply in particular to the dormitories of EPW/RP as it regards both total surface and minimum cubic space and the general installation of bedding and blankets. Quarters furnished to EPW/RP must be protected from dampness, must be adequately lit and heated (particularly between dusk and lights-out), and must have adequate precautions taken against the dangers of fire. In camps accommodating both sexes, EPW/RP will be provided with separate facilities for women.

3-4. i. – "Hygiene and medical care:

(1) The United States is bound to take all sanitary measures necessary to ensure clean and healthy camps to prevent epidemics. EPW/RP will have access, day and night, to latrines that conform to the rules of hygiene and are maintained in a constant state of cleanliness. In any camps in which women EPW/RP are accommodated, separate latrines will be provided for them. EPW/RP will have sufficient water and soap for their personal needs and laundry.

"(6) Identify requirements and allocations for Army Medical units in support of the EPW, CI and RP Program, and ensure that the medical annex of OPLANs, OPOORDs and contingency plans includes procedures for treatment of EPW, CI, RP, and ODs. Medical support will specifically include:

(a) First aid and all sanitary aspects of food service including provisions for potable water, pest management, and entomological support.

#### "5-2. Civilian Internee Safety Program

a. Establishment. A safety program for the CI will be established and administered in accordance with the policies prescribed in AR 385-10 and other pertinent safety directives.

#### "6-1. Internment Facility

a. Location. The theater commander will be responsible for the location of the CI internment facilities within his or her command. The CI retained temporarily in an unhealthy area or where the climate is harmful to their health will be removed to a more suitable place of internment as soon as possible.

b. Quarters. Adequate shelters to ensure protection against air bombardments and other hazards of war will be provided and precautions against fire will be taken at each CI camp and branch camp.

(1) All necessary and possible measures will be taken to ensure that CI shall, from the outset of their internment, be accommodated in buildings or quarters which afford every possible safeguard as regards hygiene and health, and provide efficient protection against the rigors of the climate and the effects of war. In no case shall permanent places of internment be placed in unhealthy areas, or in districts the climate of which is injurious to CI.

(2) The premises shall be fully protected from dampness, adequately heated and lighted, in particular between dusk and lights out. The sleeping quarters shall be sufficiently spacious and well ventilated, and the internees shall have suitable bedding and sufficient blankets, account being taken of the climate, and the age, sex and state of health of the internees.

(3) Internees shall have for their use, day and night, sanitary conveniences which conform to the rules of hygiene and are constantly maintained in a state of cleanliness. They shall be provided with sufficient water and soap for their daily personal hygiene and for washing their personal laundry; installations and facilities necessary for this purpose shall be provided. Showers or baths shall also be available. The necessary time shall be set aside for washing and for cleaning.

(4) CI shall be administered and housed separately from EPW/RP. Except in the case of families, female CI shall be housed in separate quarters and shall be under the direct supervision of women.

"6-5. Supplies.

"b. Food.

(1) Subsistence for the CI will be issued on the basis of a master CI menu prepared by the theater commander. Preparation of the menu will include the following:

(a) The daily individual food ration will be sufficient in quantity, quality, and variety to maintain the CI in good health and to prevent nutritional deficiencies.

"6-6. Medical Care and Sanitation.

a. General

"(2) A medical officer will examine each CI upon arrival at a camp and monthly thereafter. The CI will not be admitted into the general population until medical fitness is determined. These examinations will detect vermin infestation and communicable diseases especially tuberculosis, malaria, and venereal disease. They will also determine the state of health, nutrition, and cleanliness of each CI. During these examinations, each CI will be weighed, and the weight will be recorded on DA Form 2664-R."

AR 385-10, The Army Safety Program, 29 February 2000, Chapter 1, paragraph 1-4, paragraph n, subparagraph (1) (a), discusses commanders' responsibilities in implementing the Army Safety Program. Paragraph 1-5, subparagraph b, states that all decision makers will employ the risk management process. Chapter 2, paragraph 2-2, subparagraph b, states that the risk management process will be incorporated into SOPs. Paragraph 2-3, subparagraph d, discusses that, as a minimum requirement, annual inspections or surveys will be conducted on facilities—more inspections may be required based on risk. The specific language in the regulation follows:

"n. MACOM commanders will—(1) Ensure the full and effective implementation of the Army safety and OH program throughout their MACOM. This includes—(a) Providing a safe and healthful workplace and environment.

"b. Decision makers at every level will employ the risk management process, as specified in paragraph 2-3d of this regulation, to avoid unnecessary residual risk to missions, personnel, equipment, and the environment.

"2-2. Operational procedures. Leaders and managers are responsible for integrating risk management into all Army processes and operations. Safety and occupational health staffs will provide risk management training, tools and other related assistance. Leaders and managers will—

"b. Ensure that the risk management process is incorporated in regulations, directives, SOPs, special orders, training plans, and operational plans to minimize accident risk and that SOPs are developed for all operations entailing risk of death, serious injury, occupational illness or property loss.

"2-3. Prevention program procedures. a. Inspections and surveys. Inspections and surveys of operations and facilities will be conducted annually or more often (chap 4).

"d. Risk management. Risk Management is the Army's principal risk reduction process to assist leaders in identifying and controlling hazards and making informed decisions. (1) Every commander, leader and manager is responsible for protecting the force and persons affected by Army operations. The five-step process is the commander's principal risk reduction process to identify and control hazards and make informed decisions. (a) Identify hazards. (b) Assess hazards. (c) Develop controls and make risk decisions. (d) Implement controls. (e) Supervise and evaluate."

AR 420-70, Buildings and Structures, 10 October 1997, Chapter 2, paragraph 2-10, subparagraph a, states that lead based paint will not be used in Army facilities. The specific language in the regulation follows:

"a. Lead-based paint (LBP). LBP will not be applied to any Army facility."

Field Manual (FM) 3-19.4, Military Police Leaders' Handbook, 4 March 2002, Chapter 7, paragraph 7-8, states that detainees do not remain at forward collecting points more than 12 hours before moving to the central collecting point. Paragraph 7-9 states that existing structures should be used when possible. Paragraph 7-29 discusses safeguarding and protecting detainees from attack. Paragraph 7-30 discusses GS MPs and their role in establishing division central collecting points. Paragraph 7-33 discusses MP roles in escorting detainees from forward collecting points to division central collecting points within 12 hours. Paragraph 7-58, discusses the physical criteria for collecting points. The specific language in the field manual follows:

"7-8. ... Units needed to support the division forward collecting point should be specifically tasked in the brigade OPORD. MP leaders operating the division forward collecting point will—

- Ensure that captives do not remain at the division forward collecting point more than 12 hours before being escorted to the division central collecting point.

7-9. A forward collecting point (Figure 7-1, page 7-6) should not be set up near local inhabitants. Existing structures like vacant schools, apartments, or warehouses should be used when possible. This reduces construction requirements and minimizes logistical requirements. If existing structures are not used, detainees, except officers, can be tasked to help construct the collecting point. Prisoners may dig or build cover to protect themselves from artillery, mortar, or air attack. There is no set design for a forward collecting point. It can be anything from a guarded, roped off area to a secured, existing structure. The collecting point is built to suit the climate, the weather, and the situation. When selecting a collecting point, consider the following:

- The security of the detainees. The perimeters of the enclosure must be clearly defined and understood by the detainees.
- First aid. Injured or ill detainees require the same treatment that would be given to US casualties.
- Food and water. Detainees may have been without food or water for a long time before capture.
- Latrine facilities.
- Field sanitation. If possible, have detainees wash with soap and water to reduce the likelihood of disease.

- Shelter and cover.
- Language barriers. Provide interpreters and/or instructional graphic training aids (GTAs) in the EPW native language to compensate for the language differences.

"7-29. Protecting detainees from attack, preventing their escape, and quickly removing them from the battle area further safeguards them. Detainees should not remain at the division forward collecting point more than 12 hours, if possible. MP from the division central collecting point move forward to escort detainees back to the central collecting points.

7-30. MP in GS are responsible for establishing and maintaining the division central collecting point. They collect detainees from the forward collecting points, then process and secure them until corps MP come forward to evacuate them to the rear. Detainees should be transferred to the corps holding area or directly to an internment facility within 24 hours, if possible. One or more GS MP platoons operate the division central collecting point. The MP platoons are augmented by the division band and/or by the corps MP. Augmentation is based on the number and rate of captives expected.

"7-33. The MP platoon charged with operating the division central collecting point sends MP forward to the division forward collecting point to escort detainees back to the central collecting point. EPWs or CIs must be evacuated from the division forward collecting point as soon as possible, preferably within 12 hours. Before evacuating the detainees, MP checks with MI interrogation teams for any property to be returned to, or evacuated with, the detainees before they are moved.

"7-58. The size of the facility is based on the number of prisoners being detained. It may be room or a tent, as long as it provides shelter equal to that offered to other soldiers in the combat zone. The physical criteria for permanent and temporary structures are the same. MP use existing structures if you can. Otherwise, they use tents. ...

FM 3-19.40, Military Police Internment/Resettlement Operations, 1 August 2001, Chapter 2, paragraph 2-1, discusses the Military Police Battalion Commander's responsibilities. Paragraph 2-1 states the role of the MP battalion commander, paragraph 2-17 discusses the requirement for a safety program for I/R facilities, and paragraph states the engineer officer's responsibilities. Paragraph 2-37 states the responsibility of the engineer officer. Chapter 6, paragraphs 6-2 and 6-3 discuss the considerations of choosing sites for Internment/Resettlement (I/R) facilities. The specific language in the field manual follows:

"2-1. An MP battalion commander tasked with operating an I/R facility is also the facility commander. As such, he is responsible for the safety and well-being of all personnel housed within the facility. Since an MP unit may be tasked to handle different categories of personnel (EPW, CI, OD, refugee, and US military prisoner), the commander, the cadre, and support personnel must be aware of the requirements for each category.

"2-17. Set up and administer a safety program for housed personnel in each I/R facility. Follow the procedures outlined in AR 385-10 and associated circulars and pamphlets to establish the safety program. Maintain records and reports for the internee safety program separate from those for the Army safety program.

"2-37. The engineer officer is a captain in a brigade and a lieutenant in a battalion. He trains and supervises internees who perform internal and external labor (construction and repair of facilities). The engineer officer is responsible for—

- Construction, maintenance, repair, and operation of utilities (water, electricity, heat, and sanitation).
- Construction support.
- Fire protection.
- Insect and rodent control and fumigation.

"6-2. The MP coordinate the location with engineers, logistical units, higher headquarters, and the HN. The failure to properly consider and correctly evaluate all factors may increase the logistical and personnel efforts required to support operations. If an I/R facility is improperly located, the entire internee population may require movement when resources are scarce. When selecting a site for a facility, consider the following:

- Will the interned population pose a serious threat to logistical operations if the tactical situation becomes critical?
- Is there a threat of guerrilla activity in the area?
- What is the attitude of the local population?
- What classification of internees will be housed at the site?
- What type of terrain surrounds the site, and will it help or hinder escapes?
- What is the distance from the MSR to the source of logistical support?
- What transportation methods are required and available to move internees, supplies, and equipment?

6-3. In addition, consider the—

- METT-TC.
- Proximity to probable target areas.
- Availability of suitable existing facilities (avoids unnecessary construction).
- Presence of swamps, mosquitoes, and other factors (including water drainage) that affect human health.
- Existence of an adequate, satisfactory source of potable water. The supply should meet the demands for consumption, food sanitation, personal hygiene, and sewage disposal.
- Availability of electricity. Portable generators can be used as standby and emergency sources of electricity.
- Distance to work if internees are employed outside the facility.
- Availability of construction material.
- Soil drainage."

p. **Finding 16:**

(1) Finding: Two of 4 internment/resettlement facilities did not segregate enemy prisoners of war from civilian internees in accordance with legal requirements.

(2) Standard: Standard of treatment for detainees in OPERATION ENDURING FREEDOM (OEF): CJCS message dated 211933Z JAN 02 states that members of the Taliban militia and members of Al Qaida under the control of U.S. Forces would be treated humanely and, to the extent appropriate and consistent with military necessity, in a manner consistent with the principles of the Geneva Conventions of 1949. The DAIG has therefore used the provisions of the Geneva Conventions as a benchmark against which to measure the treatment provided to

detainees by U.S. Forces to determine if detainees were treated humanely. The use of these standards as benchmarks does not state or imply a position for the United States or U.S. Army on the legal status of its operations in OEF.

CJCS Message dated 211933Z JAN 02, provides the determination regarding the humane treatment of Al Qaida and Taliban detainees. Convention Relative to the Treatment of Prisoners of War of August 12, 1949 (GPW) is the international treaty that governs the treatment of prisoners of war), and Geneva Convention Relative to the Protection of Civilian Persons in Time of War (GC), August 12, 1949, is the international treaty that governs the treatment of civilian persons in time of war.

As the guidance did not define "humane treatment" but did state that the U.S. would treat members of the Taliban militia and Al Qaida in a manner consistent with the Geneva Conventions, the DAIG determined that it would use Common Article 3 of the GCs as its floor measure of humane treatment, but would also include provisions of the Geneva Convention on the Treatment of Prisoners of War (GPW) and Geneva Convention Relative to the Protection of Civilian Persons in Time of War (GC) as other relevant indicia of "humane treatment." The use of this standard does not state or imply a position for the United States or U.S. Army on the legal status of its operations in OEF.

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The minimum treatment provided by Common Article 3 of the Geneva Conventions is: (1) No adverse distinction based upon race, religion, sex, etc.; (2) No violence to life or person; (3) No taking hostages; (4) No degrading treatment; (5) No passing of sentences in absence of fair trial, and; (6) The wounded and sick must be cared for.

The specific language in the CJCS Message for OEF and the GPW/GC and H.IV follows:

CJCS Message dated 211933Z JAN 02, "Paragraph 3. The combatant commanders shall, in detaining Al Qaida and Taliban individuals under the control of the Department of Defense, treat them humanely and, to the extent appropriate and consistent with military necessity, in a manner consistent with the principles of the Geneva Conventions of 1949."

GPW/GC, Article 3 (Common Article 3) – "In the case of armed conflict not of an international character occurring in the territory of one of the High Contracting Parties, each party to the conflict shall be bound to apply, as a minimum, the following provisions:

1. Persons taking no active part in the hostilities, including members of armed forces who have laid down their arms and those placed hors de combat by sickness, wounds, detention, or any other cause, shall in all circumstances be treated humanely, without any



adverse distinction founded on race, color, religion or faith, sex, birth or wealth, or any other similar criteria.

To this end the following acts are and shall remain prohibited at any time and in any place whatsoever with respect to the above-mentioned persons:

(a) Violence to life and person, in particular murder of all kinds, mutilation, cruel treatment and torture;  
(b) Taking of hostages;  
(c) Outrages upon personal dignity, in particular, humiliating and degrading treatment;  
(d) The passing of sentences and the carrying out of executions without previous judgment pronounced by a regularly constituted court affording all the judicial guarantees which are recognized as indispensable by civilized peoples.

2. The wounded and sick shall be collected and cared for. An impartial humanitarian body, such as the International Committee of the Red Cross, may offer its services to the Parties to the conflict. The Parties to the conflict should further endeavour to bring into force, by means of special agreements, all or part of the other provisions of the present Convention. The application of the preceding provisions shall not affect the legal status of the Parties to the conflict."

Geneva Convention Relative to the Protection of Civilian Persons in Time of War (GC), Article 84; and Geneva Convention Relative to the Treatment of Prisoners of War (GPW), Article 17. The specific language in the Geneva Conventions follows:

GC, Article 84 – "Internees shall be accommodated and administered separately from prisoners of war and from persons deprived of liberty for any other reason."

GPW, Article 17 – "Every prisoner of war, when questioned on the subject, is bound to give only his surname, first names and rank, date of birth, and army, regimental, personal or serial number, or failing this, equivalent information. If he willfully infringes this rule, he may render himself liable to a restriction of the privileges accorded to his rank or status. Each Party to a conflict is required to furnish the persons under its jurisdiction who are liable to become prisoners of war, with an identity card showing the owner's surname, first names, rank, army, regimental, personal or serial number or equivalent information, and date of birth. The identity card may, furthermore, bear the signature or the fingerprints, or both, of the owner, and may bear, as well, any other information the Party to the conflict may wish to add concerning persons belonging to its armed forces. As far as possible the card shall measure 6.5 x 10 cm. and shall be issued in duplicate. The identity card shall be shown by the prisoner of war upon demand, but may in no case be taken away from him. No physical or mental torture, nor any other form of coercion, may be inflicted on prisoners of war to secure from them information of any kind whatever. Prisoners of war who refuse to answer may not be threatened, insulted, or exposed to any unpleasant or disadvantageous treatment of any kind. Prisoners of war who, owing to their physical or mental condition, are unable to state their identity, shall be handed over to the medical service. The identity of such prisoners shall be established by all possible means, subject to the provisions of the preceding paragraph. The questioning of prisoners of war shall be carried out in a language which they understand."

**q. Finding 17:**

(1) Finding: Units operating collecting points (42%, 5 of 12), and 2 of 4 units operating internment/resettlement facilities, were not adequately resourced with communications equipment, shotguns, and non-lethal ammunition.

(2) Standard: Army Regulation (AR) 190-8, Enemy Prisoners of War, Retained Personnel, Civilian Internees and Other Detainees, 1 October 1997, Chapter 1, paragraph 1-4, subparagraph e, states that the G4 is responsible for logistics. Paragraph 1-4, subparagraph g (2), states that Combatant Commanders, Task Force Commanders, and Joint Task Force Commanders have overall responsibility for civilian internee (CI) programs and in the planning and procuring for logistical support. This regulation is a multi-service regulation implementing DOD Directive 2310.1 and incorporates Army Regulation 190-8 and 190-57 and SECNAV Instruction 3461.3, and Air Force Joint Instruction 31-304 and outlines policies, procedures, and responsibilities for treatment of enemy prisoners of war (EPW), retained personnel (RP), civilian internees (CI), and other detainees (OD) and implements international law for all military operations. The specific language in the regulation follows:

"e. Deputy Chief of Staff for Logistics (DCSLOG). The DCSLOG will ensure logistical resources are available to support EPW operations."

"g. Combatant Commanders, Task Force Commanders and Joint Task Force Commanders. Combatant Commanders, Task Force Commanders and Joint Task Force Commanders have the overall responsibility for the EPW, CI and RP program, operations, and contingency plans in the theater of operation involved to ensure compliance with international law of war."

"(2) Plan and procure logistical support to include: transportation, subsistence, personal, organizational and Nuclear, Biological & Chemical (NBC) clothing and equipment items, mail collection and distribution, laundry, and bath for EPW, CI and RP."

Field Manual (FM) 3-19.40, Military Police Internment/Resettlement Operations, 1 August 2001, Chapter 6, paragraph 6-7, discusses the importance of good communication within a facility. The specific language in the field manual follows:

"6-7.

- Communications. Ensure that communication between towers and operation headquarters is reliable. Telephones are the preferred method; however, ensure that alternate forms of communication (radio and visual or sound signals) are available in case telephones are inoperable."

**r. Finding 18:**

(1) Finding: All inspected point of capture units established ad hoc kits containing necessary items and supplies for detainee field processing, but the items they contained and their quantities varied from unit to unit.

(2) Standard: There is no regulatory standard for a detainee field processing kit for capturing units. Army Regulation (AR) 190-8, Enemy Prisoners of War, Retained Personnel, Civilian Internees and Other Detainees, 1 October 1997, Chapter 1, paragraph 1-4,

subparagraph g (2), states that Combatant Commanders, Task Force Commanders, and Joint Task Force Commanders have overall responsibility for civilian internee (CI) programs and in the planning and procuring for logistical support. Chapter 2, paragraph 2-1, subparagraph a (1) (a) & (b), requires a capturing unit to document confiscated currency and to tag all captured prisoners. This regulation is a multi-service regulation implementing DOD Directive 2310.1 and incorporates Army Regulation 190-8 and 190-57 and SECNAV Instruction 3461.3, and Air Force Joint Instruction 31-304 and outlines policies, procedures, and responsibilities for treatment of enemy prisoners of war (EPW), retained personnel (RP), civilian internees (CI), and other detainees (OD) and implements international law for all military operations. The specific language in the regulation follows:

"g. Combatant Commanders, Task Force Commanders and Joint Task Force Commanders. Combatant Commanders, Task Force Commanders and Joint Task Force Commanders have the overall responsibility for the EPW, CI and RP program, operations, and contingency plans in the theater of operation involved to ensure compliance with international law of war."

"(2) Plan and procure logistical support to include: transportation, subsistence, personal, organizational and Nuclear, Biological & Chemical (NBC) clothing and equipment items, mail collection and distribution, laundry, and bath for EPW, CI and RP."

"a. Each EPW/RP will be searched immediately after capture. ... Currency will only be confiscated on the order of a commissioned officer and will be receipted for using a DA Form 4137 (Evidence/Property Custody Document).

b. All prisoners of war and retained persons will, at the time of capture, be tagged using DD Form 2745. They will be searched for concealed weapons and items of intelligence. All equipment, documents, and personal property confiscated during the search must be tagged and administratively accounted for by the capturing unit. Capturing units must provide the: date of capture, location of capture (how the EPW was captured). The remaining information will be included on the tag as it becomes available."

**s. Finding 19:**

(1) Finding: All inspected units had adequate transportation assets to evacuate and/or transfer detainees from points of capture to collecting points, and eventually to internment/resettlement facilities.

(2) Standard: Army Regulation 190-8, Enemy Prisoners of War, Retained Personnel, Civilian Internees and Other Detainees, 1 October 1997, Chapter 1, paragraph 1-4, subparagraph g (2) and (5), states that Combatant Commanders, Task Force Commanders, and Joint Task Force Commanders have overall responsibility for civilian internee (CI) programs and in the planning and procuring for logistical support, to include transportation. This regulation is a multi-service regulation implementing DOD Directive 2310.1 and incorporates Army Regulation 190-8 and 190-57 and SECNAV Instruction 3461.3, and Air Force Joint Instruction 31-304 and outlines policies, procedures, and responsibilities for treatment of enemy prisoners of war (EPW), retained personnel (RP), civilian internees (CI), and other detainees (OD) and implements international law for all military operations. The specific language in the regulation follows:

"(2) Plan and procure logistical support to include: transportation, subsistence, personal, organizational and Nuclear, Biological & Chemical (NBC) clothing and equipment items, mail collection and distribution, laundry, and bath for EPW, CI and RP."

"(5) Establish guidance for the use, transport, and evacuation of EPW, CI, RP, and ODs in logistical support operations."

Field Manual 3-19.40, Military Police Internment/Resettlement Operations, 1 August 2001, Chapter 3, paragraph 3-7, states that the basic principle of speed is the responsibility of the capturing unit, who moves the detainee to the collecting point (CP). Paragraph 3-18 states that the number of detainees at the CP must be reported through MP channels to assist in the transportation planning. Paragraph 3-26 states who is responsible for moving detainees from CPs to the internment/resettlement facility. Paragraph 3-33 states the ratio of MP guards to detainees for movement. Paragraph 3-34 states that detainees cannot be moved with MP organic assets. Paragraph 3-35 states that the preferred method of detainee movement is by using the backhaul system. The specific language in the field manual follows:

"3-7. The Five Ss and T procedure is performed by the capturing unit. The basic principles are search, segregate, silence, speed, safeguard, and tag."

"3-18. Report the number of captives at each CP through MP channels. This aids in the transportation and security planning processes."

"3-26. Remove captives from the CZ as quickly as possible. The intent is to move them from division CPs to an I/R facility. The goal is for higher-level echelons to go forward to lower echelons and evacuate captives to the rear as follows:

• Division MP move forward to the forward CP to escort captives to the central CP.

• Corps MP move forward to the central CP to escort captives to the CHA.

• Echelons above corps (EAC) MP move forward to the CHA to escort captives to the I/R facility."

"3-33. The MP guard able-bodied captives during movement to prevent escape, liberation, or injury. A general planning consideration when determining the number of MP necessary is one for every five to ten captives.

3-34. When moving forward to escort captives to the rear area, MP responsibilities begin at the CP or the CHA where custody is accepted. Verify the method of moving captives, the location and time of pick-up, and the number of captives contained in orders from higher headquarters. The MP units cannot transport captives with organic assets.

3-35. The preferred method for moving captives through a battlefield is the backhaul system. This transportation system relies on assets that have delivered their primary cargo and are available to move personnel and materials to another location. The availability of vehicles will vary, depending on the cargo delivered to the area. The command and control (C2) element of MP unit tasked with evacuation arranges transportation through the local MCO."

**t. Finding 20:**

(1) Finding: Common leader training in professional military school contains only one detainee operations task.

(2) Standard: Army Regulation 350-1, Army Training and Education, 9 April 2003, Chapter 3, paragraph 3-2, requires that TRADOC establish training and education goals and objectives for all Army personnel. The specific language in the regulation follows:

"Training proponents. These would include TRADOC schools and colleges, USAJFKSWC&S and AMEDDC&S and would perform the following:

(a) Develop courses based on established training and education goals and objectives as well as the duties, responsibilities, and missions their graduates will be assigned.

(b) Develop, evaluate, and train leader, technical, and tactical tasks that focus on missions for the size or type units to which graduates will be assigned.

(c) Provide progressive and sequential training.

(d) Provide personnel serving at the same organizational level with training consisting of the same tasks, conditions, and standards.

(e) Provide leader, technical, and tactical training that affords soldiers and DA civilians an opportunity to acquire the skills and knowledge needed to perform more complex duties and missions of greater responsibility."

Field Manual (FM) 7-0, Training the Force, 22 October 2002, Chapter 1, paragraph 1-29, provides overall guidance for the implementation of Professional Military Education (PME). The specific language in the field manual follows:

"Professional Military Education - PME develops Army leaders. Officer, warrant officer, and NCO training and education is a continuous, career-long, learning process that integrates structured programs of instruction—resident at the institution and non-resident via distributed learning at home station. PME is progressive and sequential, provides a doctrinal foundation, and builds on previous training, education and operational experiences. PME provides hands-on technical, tactical, and leader training focused to ensure leaders are prepared for success in their next assignment and higher-level responsibility.

- Officer Education System (OES). Army officers must lead and fight; be tactically and technically competent; possess leader skills; understand how the Army operates as a service, as well as a component of a joint, multinational, or interagency organization; demonstrate confidence, integrity, critical judgment, and responsibility; operate in a complex, uncertain, and rapidly changing environment; build effective teams amid continuous organizational and technological change; and solve problems creatively. OES develops officers who are self-aware and adaptive to lead Army units to mission success.

- Warrant Officer Education System (WOES). Warrant officers are the Army's technical experts. WOES develops a corps of highly specialized experts and trainers who are fully competent and proficient operators, maintainers, administrators, and managers of the Army's equipment, support activities, and technical systems.

- NCO Education System (NCOES). NCOES trains NCOs to lead and train soldiers, crews, and subordinate leaders who work and fight under their leadership. NCOES provides hands-on technical, tactical, and leader training focused to ensure that NCOs are prepared for success in their next assignment and higher-level responsibility.

- Functional Training. In addition to the preceding PME courses, there are functional courses available in both resident and non-resident distributed learning modes that enhance functional skills for specific duty positions. Examples are Battalion S2, Battalion Motor Officer, First Sergeant, Battle Staff NCO, and Airborne courses."

**u. Finding 21:**

(1) Finding: Leaders and Soldiers assigned to 69% (46 of 67) of inspected units stated they desired additional home station training; and pre- and post mobilization training to assist them in performing detainee operations.

(2) Standard: Training on standard of treatment for detainees in OPERATION ENDURING FREEDOM (OEF): Guidance was provided stating that members of the Taliban militia and members of Al Qaida under the control of U.S. Forces would be treated humanely and, to the extent appropriate and consistent with military necessity, in a manner consistent with the principles of the Geneva Conventions of 1949. The DAIG has therefore used the provisions of the Geneva Conventions as a benchmark against which to measure the treatment provided to detainees by U.S. Forces to determine if detainees were treated humanely and if the corresponding training was consistent with this obligation. The use of these standards as benchmarks does not state or imply a position for the United States or U.S. Army on the legal status of its operations in OEF.

Chairman, Joint Chiefs of Staff (CJCS) Message dated 211933Z JAN 02, provides the determination regarding the humane treatment of Al Qaida and Taliban detainees. Convention Relative to the Treatment of Prisoners of War of August 12, 1949 (GPW) is the international treaty that governs the treatment of prisoners of war, and Geneva Convention Relative to the Protection of Civilian Persons in Time of War (GC), August 12, 1949, is the international treaty that governs the treatment of civilian persons in time of war.

As the guidance did not define "humane treatment" but did state that the U.S. would treat members of the Taliban militia and Al Qaida in a manner consistent with the Geneva Conventions, the DAIG determined that it would use Common Article 3 of the GCs as its floor measure of humane treatment and corresponding training, but would also include provisions of the Geneva Convention on the Treatment of Prisoners of War (GPW) and Geneva Convention Relative to the Protection of Civilian Persons in Time of War (GC) as other relevant indicia of "humane treatment." The use of this standard does not state or imply a position for the United States or U.S. Army on the legal status of its operations in OEF.

Standard of treatment for detainees in OPERATION IRAQI FREEDOM (OIF): OIF was an international armed conflict and therefore the provisions of the Geneva Conventions applied.

The minimum treatment provided by Common Article 3 of the Geneva Conventions is: (1) No adverse distinction based upon race, religion, sex, etc.; (2) No violence to life or person; (3) No taking hostages; (4) No degrading treatment; (5) No passing of sentences in absence of fair trial, and; (6) The wounded and sick must be cared for.

The specific language in the CJCS Message for OEF and the GPW/GC and H.IV follows:

CJCS Message dated 211933Z JAN 02, "Paragraph 3. The combatant commanders shall, in detaining Al Qaida and Taliban individuals under the control of the Department of Defense, treat them humanely and, to the extent appropriate and consistent with military necessity, in a manner consistent with the principles of the Geneva Conventions of 1949."

GPW/GC, Article 3 (Common Article 3) – "In the case of armed conflict not of an international character occurring in the territory of one of the High Contracting Parties, each party to the conflict shall be bound to apply, as a minimum, the following provisions:

1. Persons taking no active part in the hostilities, including members of armed forces who have laid down their arms and those placed hors de combat by sickness, wounds, detention, or any other cause, shall in all circumstances be treated humanely, without any adverse distinction founded on race, color, religion or faith, sex, birth or wealth, or any other similar criteria.

To this end the following acts are and shall remain prohibited at any time and in any place whatsoever with respect to the above-mentioned persons:

(a) Violence to life and person, in particular murder of all kinds, mutilation, cruel treatment and torture;  
(b) Taking of hostages;  
(c) Outrages upon personal dignity, in particular, humiliating and degrading treatment;  
(d) The passing of sentences and the carrying out of executions without previous judgment pronounced by a regularly constituted court affording all the judicial guarantees which are recognized as indispensable by civilized peoples.

2. The wounded and sick shall be collected and cared for. An impartial humanitarian body, such as the International Committee of the Red Cross, may offer its services to the Parties to the conflict. The Parties to the conflict should further endeavour to bring into force, by means of special agreements, all or part of the other provisions of the present Convention. The application of the preceding provisions shall not affect the legal status of the Parties to the conflict."

GPW Article 127 and GC Article 144 establish a requirement for signatories to the treaties to train their military on the obligations under the conventions. The specific standards follow:

"GC Article 127 – The High Contracting Parties undertake, in time of peace as in time of war, to disseminate the text of the present Convention as widely as possible in their respective countries, and, in particular, to include the study thereof in their programmes of military and, if possible, civil instruction, so that the principles thereof may become known to all their armed forces and to the entire population. Any military or other authorities, who in time of war assume responsibilities in respect of prisoners of war, must possess the text of the Convention and be specially instructed as to its provisions.

GC Article 144 – The High Contracting Parties undertake, in time of peace as in time of war, to disseminate the text of the present Convention as widely as possible in their respective countries, and, in particular, to include the study thereof in their programmes of military and, if

possible, civil instruction, so that the principles thereof may become known to the entire population. Any civilian, military, police or other authorities, who in time of war assume responsibilities in respect of protected persons, must possess the text of the Convention and be specially instructed as to its provisions."

Army Regulation 350-1, Army Training and Education, 9 April 2003, Chapter 1, paragraph 1-8, subparagraph 2d, establishes Home Station Training priorities for all Army personnel. Chapter 4, paragraph 4-5, outlines training requirements for Common Military Training for all Army personnel. Appendix G, paragraph G-1, subparagraph(s) b-c, outlines an overview of the Common Military Training program. Table G-1, provides examples of military training requirements in units. The specific language in the regulation follows:

"2d. Training will be the top priority for all commanders - To prepare individuals and units for immediate deployment and organizations for employment in support of operational missions, Army individual, collective, and modernization training provides for—

(1) Unit training that develops the critical components of combat readiness. These include development of—

(a) Soldiers, leaders, and units capable of deploying, executing assigned missions, and redeploying.

(b) Effective combined arms teams consisting of integrated combat, combat support (CS), combat service support, and close air support.

(2) An individual training system that—

(a) Produces initial entry soldiers who are highly motivated, disciplined, physically fit, and skilled in common soldier and basic branch tasks.

(b) Provides a training base of Army schools that prepares soldiers and DA civilian employees for more complex duties and progressively higher positions of responsibility.

(c) Produces soldiers capable of performing military occupational specialty (MOS), Area of Concentration (AOC), additional skill identifier (ASI), skill identifier (SI), special qualification identifier (SQI), and language identification code (LIC) tasks. Prior service Reserve Component (RC) and Active Army personnel receive required training through The Army Training System courses (TATS-C) or proponent-approved formal on-the-job training (OJT). TATS courses are designed to train the same MOS, AOC, skill level, SQI, ASI, LIC, and SI within the Army. TATS also includes MOS qualification (reclassification), Army leadership, and professional development courses.

(d) Provides reclassification training for changing an enlisted or warrant officer MOS, or to qualify an officer in a new branch. Reclassification training will be accomplished in accordance with Army Regulation (AR) 140-1, AR 614-200, and AR 611-1.

(3) Active Army, Department of the Army civilians, and RC forces able to mobilize rapidly, deploy, and perform their operational missions.

(4) Standardization of tasks and performance standards across the Army. Units and soldiers performing the same tasks will be trained to the same standard.



(5) Efficient and effective internal and external evaluation procedures that improve training, sustain required readiness levels, and control or reduce costs.

(6) A training system that supports peacetime requirements and transitions smoothly at mobilization."

"4-5. Common military training and common task training -

(a) CMT program identifies common military training requirements for unit commanders' planning and training programs because of their importance to individual soldier and unit readiness. Common military training is required for all leaders and soldiers at specific organizational levels, and proficiency in those subject areas is necessary, regardless of branch or career field or rank or grade. Common military training requirements are limited to those subject areas directed by law and HQDA. The HQDA, DCS, G-3, maintains centralized control over CMT directed training requirements and validates these requirements biennially."

"G-1. Overview -

(b) MACOM commanders have a degree of latitude in adding to or emphasizing certain training requirements; however, care should be taken not to degrade battle-focused training.

(c) Successful CMT programs are measured by performance to standard and not adherence to rosters or hours scheduled."

"Table G-1, Common military training requirements in units -

Weapons Qualification, Civil disturbance, Antiterrorism and Force Protection, Code of Conduct/ SERE, Law of War..."

Field Manual (FM) 3-19.4, Military Police Leaders' Handbook, 4 March 2002, Chapter 1, paragraph 1-4, outlines the 5 Military Police Functional Areas. The specific language in the field manual follows:

"b. Military Police Functional Areas -

(1-4) with the old battlefield missions, the term "operations" was used extensively and carried too broad of a meaning. To clarify the specific tasks of the MP, the battlefield missions have been redefined into the following five functional areas:

- MMS (Maneuver and Mobility Support)
- AS (Area Security)
- I/R (Internment and Resettlement)
- L&O (Law and Order)
- PIO (Police Intelligence Operations)"

FORSCOM Regulation 500-3-1, FORSCOM MOBILIZATION and DEPLOYMENT PLANNING SYSTEM (FORMDEPS), Volume 1, FORSCOM MOBILIZATION PLAN (FMP), 15 April 1998, Annex O, paragraph 2.4.4, defines additional training requirements at mobilization sites. The specific language in the regulation follows:

"Mobilized Unit Commanders --

(2) Commanders will additionally concentrate on training on soldier/leader skills. This training will be designed to make best use of time available after unit equipment is shipped and will include the following as a minimum:

(a) Physical fitness. Its importance cannot be overstated. Training should be conducted in accordance with AR 350-15 and FM 21-20.

(b) Common Task Test. Testing is most often practiced in a sterile, "round robin" setting using the tasks, conditions and standards provided in the STP 21-series Soldier's Manual of Common Tasks. Testing should include an element of tactical realism to cause soldiers, as members of teams, crews, sections, and squads to think and react instinctively.

(c) The NBC Training. The following tasks are of paramount importance:

1. Recognize/react to chemical/ biological hazards.
2. Don Mission-Oriented Protection Posture (MOPP) gear.
3. Detect and identify chemical agents using M8/M9 paper.
- 4 Administer nerve agent antidote to self (self aid) and to a nerve agent casualty (buddy-aid).
5. Decon skin and personal equipment using the M258A1 decon kit, the M291 skin decon kit, and the M295 equipment decon kit.
6. Drink from a canteen while wearing a protective mask.
7. Maintain and use the M40 series protective mask with hood.

(d) Care and maintenance of CTA 50-900 series and MTO&E equipment.

(e) Force protection to include terrorist threat. (See Appendix 1)

(f) Hazards and survival.

(g) Individual and crew served weapons proficiency.

(h) First Aid - Combat Lifesavers.

(i) Rules of Engagement.

(j) Personal hygiene.

(k) Threat and allied equipment recognition

(l) An orientation on the area of probable operations to include language, customs, courtesies, etc."

**v. 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: Army Regulation (AR) 190-8, Enemy Prisoners of War, Retained Personnel, Civilian Internees and Other Detainees, 1 October 1997, Chapter 2, paragraph 2-1,

provides the regulatory guidance for interrogation of detainees in a combat zone. This regulation is a multi-service regulation implementing DOD Directive 2310.1 and incorporates Army Regulation 190-8 and 190-57 and SECNAV Instruction 3461.3, and Air Force Joint Instruction 31-304 and outlines policies, procedures, and responsibilities for treatment of enemy prisoners of war (EPW), retained personnel (RP), civilian internees (CI), and other detainees (OD) and implements international law for all military operations. The specific language in the regulation follows:

"(d) Prisoners may be interrogated in the combat zone. The use of physical or mental torture or any coercion to compel prisoners to provide information is prohibited. Prisoners may voluntarily cooperate with PSYOP personnel in the development, evaluation, or dissemination of PSYOP messages or products. Prisoners may not be threatened, insulted, or exposed to unpleasant or disparate treatment of any kind because of their refusal to answer questions. Interrogations will normally be performed by intelligence or counterintelligence personnel."

Field Manual (FM) 27-10, The Law of Land Warfare, 18 July 1956 (change 1, 15 July 1976), Chapter 3, section IV, paragraph 93, describes guidelines for the questioning of EPWs. The specific language in the field manual follows:

"No physical or mental torture, nor any other form of coercion, may be inflicted on prisoners of war to secure from them information of any kind whatever. Prisoners of war who refuse to answer may not be threatened, insulted, or exposed to unpleasant or disadvantageous treatment of any kind."

FM 34-52, Intelligence Interrogation, 28 September 1992, Chapter 1, defines and explains the purpose of interrogation. The specific language in the field manual follows:

"Interrogation is the process of questioning a source to obtain the maximum amount of usable information. The goal of any interrogation is to obtain reliable information in a lawful manner, in a minimum amount of time, and to satisfy intelligence requirements of any echelon of command.

A good interrogation produces needed information, which is timely, complete, clear, and accurate."

CJTF-7 C2 Interrogation Cell Statement of Work, CACI International, Inc., 14 August 2003, Paragraphs 7 (c) and 9 (c) describe the requirements for contract interrogators hired to man the theater and division interrogations support cells in OIF. The specific language in the statement of work follows:

"Identified interrogators should be the civilian equivalent to one of the following: 97E, 351E, Strategic Debriefing or an individual with a similar skill set, and US Citizens with a Secret clearance."

**w. 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: Training on standard of treatment for detainees in OPERATION ENDURING FREEDOM (OEF): Guidance was provided stating that members of the Taliban militia and members of Al Qaida under the control of U.S. Forces would be treated humanely and, to the extent appropriate and consistent with military necessity, in a manner consistent with the principles of the Geneva Conventions of 1949. The DAIG has therefore used the provisions of the Geneva Conventions as a benchmark against which to measure the treatment provided to detainees by U.S. Forces to determine if detainees were treated humanely and if the corresponding training was consistent with this obligation. The use of these standards as benchmarks does not state or imply a position for the United States or U.S. Army on the legal status of its operations in OEF.

Chairman, Joint Chiefs of Staff (CJCS) Message dated 211933Z JAN 02, provides the determination regarding the humane treatment of Al Qaida and Taliban detainees. Convention Relative to the Treatment of Prisoners of War of August 12, 1949 (GPW) is the international treaty that governs the treatment of prisoners of war, and Geneva Convention Relative to the Protection of Civilian Persons in Time of War (GC), August 12, 1949, is the international treaty that governs the treatment of civilian persons in time of war.

As the guidance did not define "humane treatment" but did state that the U.S. would treat members of the Taliban militia and Al Qaida in a manner consistent with the Geneva Conventions, the DAIG determined that it would use Common Article 3 of the GCs as its floor measure of humane treatment and corresponding training, but would also include provisions of the Geneva Convention on the Treatment of Prisoners of War (GPW) and Geneva Convention Relative to the Protection of Civilian Persons in Time of War (GC) as other relevant indicia of "humane treatment." The use of this standard does not state or imply a position for the United States or U.S. Army on the legal status of its operations in OEF.

Standard of treatment for detainees in OPERATION IRAQI FREEDOM (OIF): OIF was an international armed conflict and therefore the provisions of the Geneva Conventions applied.

The minimum treatment provided by Common Article 3 of the Geneva Conventions is: (1) No adverse distinction based upon race, religion, sex, etc.; (2) No violence to life or person; (3) No taking hostages; (4) No degrading treatment; (5) No passing of sentences in absence of fair trial, and; (6) The wounded and sick must be cared for.

The specific language in the CJCS Message for OEF and the GPW/GC and H.IV follows:

CJCS Message dated 211933Z JAN 02, "Paragraph 3. The combatant commanders shall, in detaining Al Qaida and Taliban individuals under the control of the Department of Defense, treat them humanely and, to the extent appropriate and consistent with military necessity, in a manner consistent with the principles of the Geneva Conventions of 1949."

GPW/GC, Article 3 (Common Article 3) – "In the case of armed conflict not of an international character occurring in the territory of one of the High Contracting Parties, each party to the conflict shall be bound to apply, as a minimum, the following provisions:

1. Persons taking no active part in the hostilities, including members of armed forces who have laid down their arms and those placed hors de combat by sickness, wounds, detention, or any other cause, shall in all circumstances be treated humanely, without any

adverse distinction founded on race, color, religion or faith, sex, birth or wealth, or any other similar criteria.

To this end the following acts are and shall remain prohibited at any time and in any place whatsoever with respect to the above-mentioned persons:

(a) Violence to life and person, in particular murder of all kinds, mutilation, cruel treatment and torture;  
(b) Taking of hostages;  
(c) Outrages upon personal dignity, in particular, humiliating and degrading treatment;  
(d) The passing of sentences and the carrying out of executions without previous judgment pronounced by a regularly constituted court affording all the judicial guarantees which are recognized as indispensable by civilized peoples.

2. The wounded and sick shall be collected and cared for. An impartial humanitarian body, such as the International Committee of the Red Cross, may offer its services to the Parties to the conflict. The Parties to the conflict should further endeavour to bring into force, by means of special agreements, all or part of the other provisions of the present Convention. The application of the preceding provisions shall not affect the legal status of the Parties to the conflict."

GPW Article 127 and GC Article 144 establish a requirement for signatories to the treaties to train their military on the obligations under the conventions. The specific standards follow:

"GC Article 127 – The High Contracting Parties undertake, in time of peace as in time of war, to disseminate the text of the present Convention as widely as possible in their respective countries, and, in particular, to include the study thereof in their programmes of military and, if possible, civil instruction, so that the principles thereof may become known to all their armed forces and to the entire population. Any military or other authorities, who in time of war assume responsibilities in respect of prisoners of war, must possess the text of the Convention and be specially instructed as to its provisions.

GC Article 144 – The High Contracting Parties undertake, in time of peace as in time of war, to disseminate the text of the present Convention as widely as possible in their respective countries, and, in particular, to include the study thereof in their programmes of military and, if possible, civil instruction, so that the principles thereof may become known to the entire population. Any civilian, military, police or other authorities, who in time of war assume responsibilities in respect of protected persons, must possess the text of the Convention and be specially instructed as to its provisions."

Department of Defense Directive (DoDD) 2310.1, DoD Program for Enemy Prisoners of War (EPOW) and Other Detainees, 18 August 1994, Section 3. provides DoD policy for training on the Geneva Conventions. The specific language in the directive follows:

"3. Policy, It is DoD policy that:

3.1. The U.S. Military Services shall comply with the principles, spirit, and intent of the international law of war, both customary and codified, to include the Geneva Conventions (references (b) through (e)).

3.2. The U.S. Military Services shall be given the necessary training to ensure they have knowledge of their obligations under the Geneva Conventions (references (b) through (e)) and as required by DoD Directive 5100.77 (reference (f)) before an assignment to a foreign area where capture or detention of enemy personnel is possible.

3.3. Captured or detained personnel shall be accorded an appropriate legal status under international law. Persons captured or detained may be transferred to or from the care, custody, and control of the U.S. Military Services only on approval of the Assistant Secretary of Defense for International Security Affairs (ASD(ISA)) and as authorized by the Geneva Conventions Relative to the Treatment of Prisoners of War and for the Protection of Civilian Persons in Time of War (references (d) and (e)).

3.4. Persons captured or detained by the U.S. Military Services shall normally be handed over for safeguarding to U.S. Army Military Police, or to detainee collecting points or other holding facilities and installations operated by U.S. Army Military Police as soon as practical. Detainees may be interviewed for intelligence collection purposes at facilities and installations operated by U.S. Army Military Police."

Department of Defense Directive (DoDD) 5100.77, DoD Law of War Program, 9 December 1998, Section 5.5, provides DoD policy for Law of War policy and training. The specific language in the directive follows:

"5.5. The Secretaries of the Military Departments shall develop internal policies and procedures consistent with this Directive in support of the DoD Law of War Program to:

5.5.1. Provide directives, publications, instructions, and training so that the principles and rules of the law of war will be known to members of their respective Departments, the extent of such knowledge to be commensurate with each individual's duties and responsibilities.

5.5.2. Ensure that programs are implemented in their respective Military Departments to prevent violations of the law of war, emphasizing any types of violations that have been reported under this Directive.

5.5.3. Provide for the prompt reporting and investigation of reportable incidents committed by or against members of their respective Military Departments, or persons accompanying them, in accordance with directives issued under paragraph 5.8.4., below.

5.5.4. Where appropriate, provide for disposition, under the Uniform Code of Military Justice (reference (i)), of cases involving alleged violations of the law of war DODD 5100.77, December 9, 1998 4 by members of their respective Military Departments who are subject to court-martial jurisdiction.

5.5.5. Provide for the central collection of reports and investigations of reportable incidents alleged to have been committed by or against members of their respective Military Departments, or persons accompanying them.

5.5.6. Ensure that all reports of reportable incidents are forwarded to the Secretary of the Army in his or her capacity as the DoD Executive Agent under subsection 5.6., below."

Army Regulation (AR) 350-1, Army Training and Education, 9 April 2003, Section 4-14, sets the guidelines for Law of War training. The specific language in the regulation follows:

#### "4-14. Law of war training

a. Soldiers and leaders require law of war training throughout their military careers commensurate with their duties and responsibilities. Prescribed subject matter for training at the following levels is specified in paras 4-14b-d of this regulation.

(1) Level A training is conducted during IET for all enlisted personnel and during basic courses of instruction for all warrant officers and officers.

(2) Level B training is conducted in units for officers, warrant officers, NCOs and enlisted personnel commensurate with the missions of the unit.

(3) Level C training is conducted in The Army School System (TASS).

b. Level A training provides the minimum knowledge required for all members of the Army. The following basic law of war rules (referred to as "The Soldier's Rules," which stresses the importance of compliance with the law of war) will be taught during level A training:

(1) Soldiers fight only enemy combatants.

(2) Soldiers do not harm enemies who surrender. They disarm them and turn them over to their superior.

(3) Soldiers do not kill or torture enemy prisoners of war.

(4) Soldiers collect and care for the wounded, whether friend or foe.

(5) Soldiers do not attack medical personnel, facilities, or equipment.

(6) Soldiers destroy no more than the mission requires.

(7) Soldiers treat civilians humanely.

(8) Soldiers do not steal. Soldiers respect private property and possessions.

(9) Soldiers should do their best to prevent violations of the law of war.

(10) Soldiers report all violations of the law of war to their superior.

c. Unit commanders will plan and execute level B law-of-war training based on the following:

(1) Training should reinforce the principles set forth in The Soldier's Rules.

(2) Training will be designed around current missions and contingency plans (including anticipated geographical areas of deployment or rules of engagement).

(3) Training will be integrated into unit training activities, field training exercises and unit external evaluations (EXEVAL). Maximum combat realism will be applied to tactical exercises consistent with good safety practices.

d. Army schools will tailor law of war training to the tasks taught in those schools. Level C training will emphasize officer, warrant officer, and NCO responsibilities for:

(1) Their performance of duties in accordance with the law of war obligations of the United States.

(2) Law of war issues in command planning and execution of combat operations.

(3) Measures for the reporting of suspected or alleged war crimes committed by or against U.S. or allied personnel."

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## Appendix F

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### Abbreviations and Acronyms

<b>AAR</b>	After Action Review
<b>ABN</b>	Airborne
<b>AC</b>	Active Component
<b>AD</b>	Armored Division
<b>ANCOC</b>	Advanced Noncommissioned Officer Course
<b>AOC</b>	Area of Concentration
<b>AOR</b>	Area of Responsibility
<b>AR</b>	Army Regulation
<b>ARNG</b>	Army National Guard
<b>ASD(ISA)</b>	Assistant Secretary of Defense for International Security Affairs
<b>ASD(SO/LIC)</b>	Assistant Secretary of Defense for Special Operations and Low Intensity Conflict
<b>ASI</b>	Additional Skill Identifier
<b>BATS</b>	Biometric Assessment Tool Set
<b>BIAP</b>	Baghdad International Airport
<b>BDE</b>	Brigade
<b>BN</b>	Battalion
<b>CAT</b>	UN Convention Against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment
<b>CAV</b>	Cavalry
<b>CCC</b>	Captain's Career Course
<b>C&amp;E</b>	Collection and Exploitation
<b>CENTCOM</b>	U.S. Central Command

<b>CFLCC</b>	Combined Forces Land Component Command
<b>CHA</b>	Corps Holding Area
<b>CI</b>	Civilian Detainee
<b>CID</b>	Criminal Investigation Division
<b>CIF</b>	Central Issue Facility
<b>C-IMINT</b>	Counter-Imagery Intelligence
<b>CJCS</b>	Chairman of the Joint Chiefs of Staff
<b>CJTF-7</b>	Combined Joint Task Force-7
<b>CJTF-180</b>	Combined Joint Task Force-180
<b>CMT</b>	Common Military Training
<b>Co</b>	Company
<b>COE HI</b>	Contemporary Operational Environment High Intensity
<b>COMMZ</b>	Communication Zone
<b>COMSEC</b>	Communications Security
<b>CONUS</b>	Continental United States
<b>CP</b>	Collecting Points
<b>CPA</b>	Coalition Provisional Authority
<b>C-SIGINT</b>	Counter-Signals Intelligence
<b>CSM</b>	Command Sergeant Major
<b>CTC</b>	Combat Training Center
<b>CTT</b>	Common Task Training
<b>DAIG</b>	Department of the Army Inspectors General
<b>DD FORM</b>	Department of Defense Form
<b>DoD</b>	Department of Defense
<b>DOTMLPF</b>	Doctrine, Organization, Training, Materiel, Leadership, Personnel, and Facilities

<b>DRB</b>	Detainee Release Board
<b>DSA</b>	Division Support Area
<b>EC</b>	Enemy Combatant
<b>EPW</b>	Enemy Prisoners of War
<b>FDU</b>	Force Design Update
<b>FM</b>	Field Manual
<b>FORSCOM</b>	Forces Command
<b>FSB</b>	Forward Support Battalion
<b>FY</b>	Fiscal Year
<b>GC</b>	Geneva Convention Relative to the Protection of Civilian Persons in Time of War
<b>GPW</b>	Geneva Convention Relative to the Treatment of Prisoners of War
<b>HHD</b>	Headquarters and Headquarters Detachment
<b>HMMWV</b>	High Mobility Multipurpose Wheeled Vehicle
<b>HRD</b>	High Risk Detainee
<b>HUMINT</b>	Human Intelligence
<b>IBOS</b>	Intelligence Battlefield Operating System
<b>ICRC</b>	International Committee of the Red Cross
<b>ID</b>	Infantry Division
<b>IED</b>	Improvised Explosive Device
<b>IET</b>	Initial Entry Training
<b>IG</b>	Inspectors General
<b>ILO</b>	In Lieu Of
<b>IMINT</b>	Imagery Intelligence
<b>IN</b>	Infantry
<b>I/R</b>	Internment/Resettlement

<b>JABS</b>	Joint Automated Booking System
<b>JFLCC</b>	Joint Force Land Component Commander
<b>JIDC</b>	Joint Interrogation and Debriefing Center
<b>JIF</b>	Joint Interrogation Facility
<b>JRTC</b>	Joint Readiness Training Center
<b>JTF</b>	Joint Task Force
<b>LLEC</b>	Low Level Enemy Combatant
<b>LMTV</b>	Light Medium Tactical Vehicle
<b>METT-TC</b>	Mission, Enemy, Terrain and Weather, Time, Troops Available, and Civilian
<b>MG</b>	Major General
<b>MI</b>	Military Intelligence
<b>MICCC</b>	Military Intelligence Captain Career Course
<b>MI-CSB</b>	Military Intelligence Corps Support Battalion
<b>MILES</b>	Multi-Integrated Laser Engagement System
<b>MIOBC</b>	Military Intelligence Officer Basic Course
<b>MOS</b>	Military Occupational Specialty
<b>MP</b>	Military Police
<b>MRE</b>	Meal Ready to Eat
<b>MRX</b>	Mission Rehearsal Exercise
<b>MTOE</b>	Modified Tables of Organization and Equipment
<b>MTT</b>	Mobile Training Team
<b>MUA</b>	Maneuver Unit of Action
<b>MWR</b>	Morale, Welfare, and Recreation
<b>NCO</b>	Noncommissioned Officer
<b>NCOIC</b>	Noncommissioned Officer in Charge

<b>NDRC</b>	National Detainee Reporting Center
<b>NPWIC</b>	National Prisoner of War Information Center
<b>NTC</b>	National Training Center
<b>OCONUS</b>	Outside the Continental United States
<b>OD</b>	Other Detainee
<b>OEF</b>	OPERATION ENDURING FREEDOM
<b>OGA</b>	Other Government Organization
<b>OIF</b>	OPERATION IRAQI FREEDOM
<b>OMT</b>	Operations Management Team
<b>OPMG</b>	Office of the Provost Marshal General
<b>OTJAG</b>	Office of The Judge Advocate General
<b>OTSG</b>	Office of the Surgeon General
<b>PLDC</b>	Primary Leadership Development Course
<b>PME</b>	Professional Military Education
<b>POC</b>	Point of Contact
<b>POI</b>	Program of Instruction
<b>PUC</b>	Person Under U.S. Control
<b>PWIC</b>	Prisoner of War Information Center
<b>PX</b>	Post Exchange
<b>QDF</b>	Quadrennial Defense Review
<b>RC</b>	Reserve Component
<b>RCF</b>	Regional Correctional Facility
<b>ROE</b>	Rules of Engagement
<b>RP</b>	Retained Person
<b>R&amp;R</b>	Rest and Recuperation
<b>RSTA UA</b>	Reconnaissance, Surveillance, and Target

	Acquisition Unit of Action
<b>SAEDA</b>	Subversion & Espionage Directed Against U.S. Army & Deliberate Security Violation
<b>SASO</b>	Stability and Support Operation
<b>SF</b>	Standard Form
<b>SFC</b>	Sergeant First Class
<b>SIMEX</b>	Simulation Exercise (SIMEX)
<b>SINGARS</b>	Single Channel Ground/Air Radio System
<b>SOP</b>	Standing Operating Procedure
<b>SOW</b>	Statement of Work
<b>SRC</b>	Soldier Readiness Checks
<b>SSG</b>	Staff Sergeant
<b>STX</b>	Situational Training Exercises
<b>TAA</b>	Total Army Analysis
<b>TACSOP</b>	Tactical Standing Operating Procedure
<b>TDA</b>	Table of Distribution and Allowance
<b>TDRC</b>	Theater Detainee Reporting Center
<b>THT</b>	Tactical Human Intelligence Team
<b>TIF</b>	Theater Interrogation Center
<b>TOC</b>	Tactical Operations Center
<b>TOE</b>	Table of Organization and Equipment
<b>TRADOC</b>	Training and Doctrine Command
<b>TTP</b>	Tactics, Techniques, and Procedures
<b>UA</b>	Unit of Action
<b>UCMJ</b>	Uniform Code of Military Justice
<b>UEx</b>	Unit of Employment x

<b>UEy</b>	Unit of Employment y
<b>USACIC</b>	U.S. Army Criminal Investigation Command
<b>USAIC</b>	U.S. Army Intelligence Center
<b>USAICS</b>	U.S. Army Intelligence Center and School
<b>USAMANSCE</b>	U.S. Army Maneuver Support Center
<b>USAMPS</b>	U.S. Army Military Police School
<b>USAR</b>	U.S. Army Reserve
<b>USASOC</b>	U.S. Army Special Operations Command
<b>USDB</b>	U.S. Military Disciplinary Barracks
<b>WOAC</b>	Warrant Officer Advanced Course
<b>WOCS</b>	Warrant Officer Candidate School
<b>2X</b>	Human Intelligence / Counterintelligence Personnel
<b>31B</b>	Enlisted Military Occupational Specialty - Military Police
<b>31E</b>	Enlisted Military Occupational Specialty - Internment/Resettlement
<b>97B</b>	Enlisted Military Occupational Specialty - Counterintelligence Personnel
<b>97E</b>	Enlisted Military Occupational Specialty - Human Intelligence (HUMINT) Collector
<b>351E</b>	Warrant Officer Human Intelligence Collection Technician

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