



# **Fay/Jones Report**

## **19 Findings**



# Fay/Jones Report - Closed Items

**F/J-001**



## *F/J-002 JONES REPORT*

### **(U) RECOMMENDATION / OBSERVATION:**

CJTF-7 should, in concert with CENTCOM, publish clear guidance that applies to all units and agencies in the ITO on roles and responsibilities for Detention and Interrogation Operations, and publish clear guidance on the limits of interrogation authority for interrogation techniques as it pertains to the detainee population in the ITO.

### **(U) CURRENT ASSESSMENT:**

● Initial intent met by CENTCOM. Long term policy issues being addressed by USD(I) interrogation and OSD detention policy development processes.

OPR: J-7

OCR: Army

### **FIX / ACTION / CHANGE:**

**Fix:** (U) Publish clear guidance that applies to all units and agencies in the ITO on roles and responsibilities for Detention and Interrogation Operations.

**Action:** (U) USCENTCOM, in concert with subordinate units, has established guidance that applies to all units IRT interrogation and operations.

**Change:** (U) All units have guidance on detention and interrogation operations.



# Fay/Jones Report - Closed Items

**F/J-003 to F/J-004**

## *F/J-005 JIDC in Future Environment*

**(U) RECOMMENDATION/OBSERVATION:**

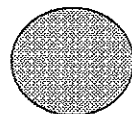
- Update Joint and Army publications to clearly address the concept, organization and operations of a Joint Interrogation and Debriefing Center in a future joint operational environment.

**(U) CURRENT ASSESSMENT:**

- This issue is addressed in doctrinal publications currently under revision and development.

OPR: Joint Staff J-7

OCR: Joint Staff J-5, Army, JFCOM

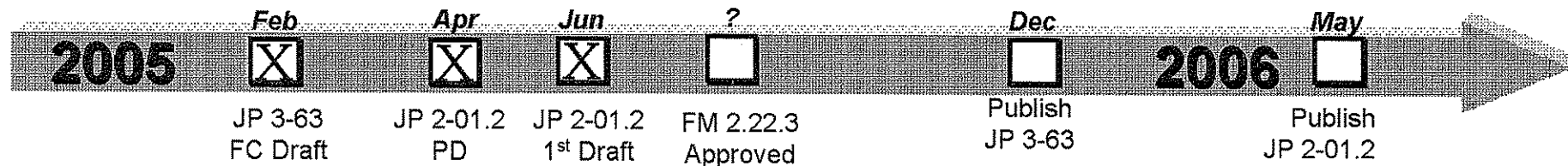


**(U) FIX/ACTION/CHANGE:**

**Fix: Review and Revise Doctrine**

**Action: ICW the Joint Staff, update Army and Joint doctrine to address concept, organization and operations, and procedures for the JIDC**

**Change: Doctrine and Organizations**



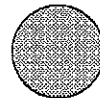
# F/J-006 / Joint/Army Doctrine Revision

## (x) RECOMMENDATION/OBSERVATION

- The Army should update interrogation operations doctrine to clarify responsibilities for interrogation techniques at both tactical and strategic levels. The ongoing revision and update of FM 34-52, Intelligence Interrogations, should clarify the roles and responsibilities of MP and MI units at centralized detention facilities.
- HQDA DODOIP Task: D2.4/D3.1 /D5.1/O6

## (x) CURRENT ASSESSMENT:

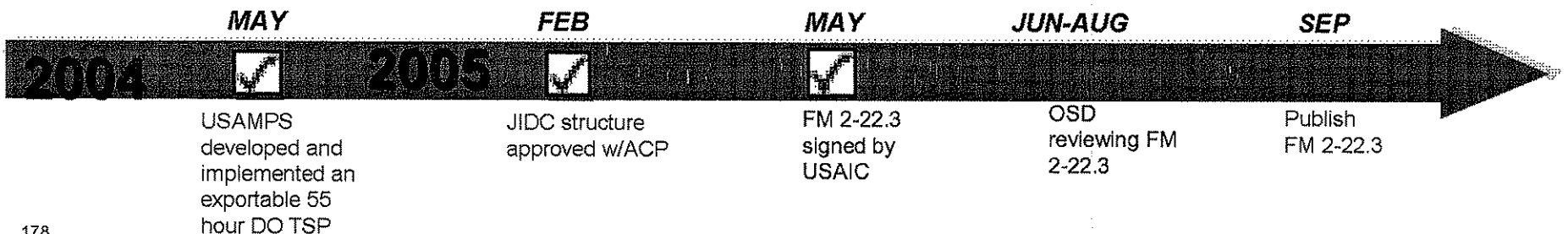
OPR: Army  
OCR: J7



Fix: Review, expand, revise detainee operations doctrine

Action: Detainee Operations doctrine must address clarification of responsibilities for interrogation techniques at both the tactical and strategic levels to ensure safe and secure custodial environments, and improve intelligence collection

Change: JP 2-01.2, FM 2-22.3



*E/J-007 Impact on Interrogation Operations*

**(U) RECOMMENDATION/OBSERVATION**

- DoD should assess the impact of current policies on Detention and interrogation operations...

**~~TS//NF~~ CURRENT ASSESSMENT:**

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

**(U) FIX/ACTION/CHANGE:**

None at this time.

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

# F/J-008 Corps Transition to JTF

**(U) RECOMMENDATION/OBSERVATION:**

- The Army should expedite the development and transition of Corps-level command and control headquarters into JTF-capable organizations.

**(U) CURRENT ASSESSMENT:**

- Recommend combine F/J-008 & F/J-009
- The Secretary of Defense memo dated Feb 4, 2005, "Policy Implementation to Improve Formation and Sustainment of Joint Task Force (JTF) Headquarters," tasks USJFCOM to develop joint staffing documents, training programs and readiness standards for JTF HQs.

OPR: JFCOM

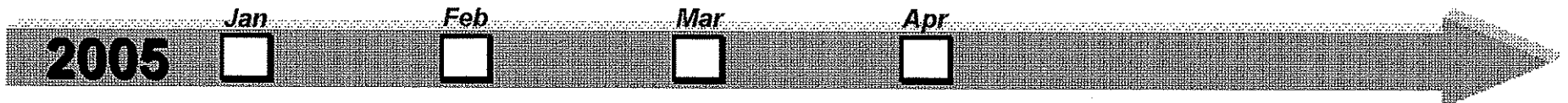
OCR: Joint Staff J-7, Army

**(U) FIX/ACTION/CHANGE:**

**Fix:**

**Action: USJFCOM determine JTF resource requirements in collaboration with Services. Services resource personnel and equipment IAW Title 10 responsibilities.**

**Change:**



Implement  
SecDef Memo



# *F/J-009 Resource Future JTF Capable HQs*

**(U) RECOMMENDATION/OBSERVATION:**

- The Army in concert with JFCOM institutionalize and resource the personnel and equipment needs of future JTF-capable headquarters, including the intelligence architecture of such headquarters

**(U) CURRENT ASSESSMENT:**



- The Secretary of Defense memo dated Feb 4, 2005, "Policy Implementation to Improve Formation and Sustainment of Joint Task Force (JTF) Headquarters," tasks USJFCOM to develop joint staffing documents, training programs and readiness standards for JTF HQs.

**OPR: JFCOM**

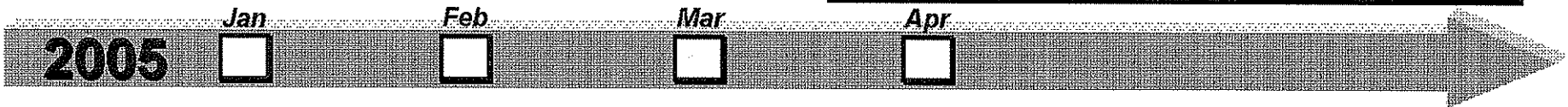
**OCR: Joint Staff J-7, Army**

**(U) FIX/ACTION/CHANGE:**

**Fix:**

**Action: USJFCOM determine JTF resource requirements in collaboration with Services. Services resource personnel and equipment IAW Title 10 responsibilities.**

**Change:**



Implement  
SecDef Memo

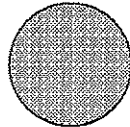
# F/J-010 / Unit Activation/Acceleration

## (x) RECOMMENDATION/OBSERVATION

- That the Army conduct a holistic review of the CI/HUMINT intelligence force structure and prioritize needs for the future joint operational environment. The review should consider personnel, equipment, intelligence capability from the tactical level to the commander
- HQDA DODOIP Task: 03.2/O3.3/M2/Pe2.0.1

## (x) CURRENT ASSESSMENT:

OPR: Army  
OCR:

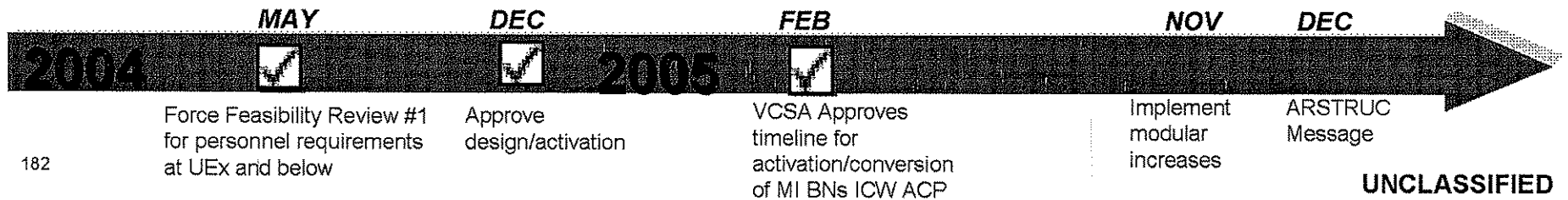


Fix: Refine and implement the force structure changes in the Military Intelligence - Counterintelligence/Human Intelligence

Action: Continue to refine and implement the force structure changes

Change:

- Activate units
- Redesign to support modular units
- Align HUMINT Units



# F/J-011 / Unit Activation/Acceleration

**(x) RECOMMENDATION/OBSERVATION**

- That the Army align and train HUMINT assets geographically to leverage language skills and knowledge of culture.

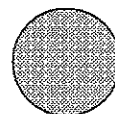
HQDA DODOIP

Task: O3.2/O3.3/T4.6/Pe2.1

**(x) CURRENT ASSESSMENT:**

OPR: Army

OCR: J7/OSD

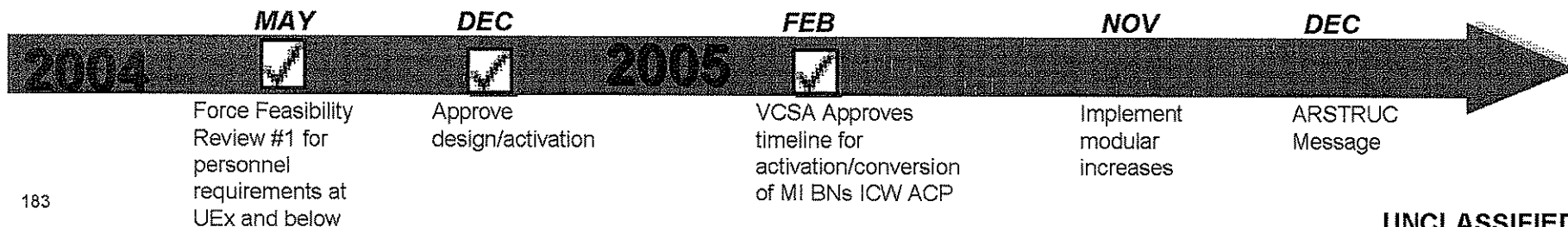


Fix: Implement the modular redesign for Human Intelligence and Operational Management Teams

Action: Implement the modular redesign for Human Intelligence and Operational Management Teams in Units of Action to provide a seamless intelligence capability from the tactical to strategic level.

Change:

- Activate units
- Implement modular redesign
- Align HUMINT personnel geographically





# Fay/Jones Report - Closed Items

**F/J-012**

# F/J-013 / ONS Programming

**(x) RECOMMENDATION/OBSERVATION**

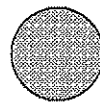
- That the Army review the concept of detainee contingency facilities that can be rapidly deployed and established to safeguard and secure detainees.

HQDA DODOIP Task: O7/M5/F2

**(x) CURRENT ASSESSMENT:**

OPR: Army

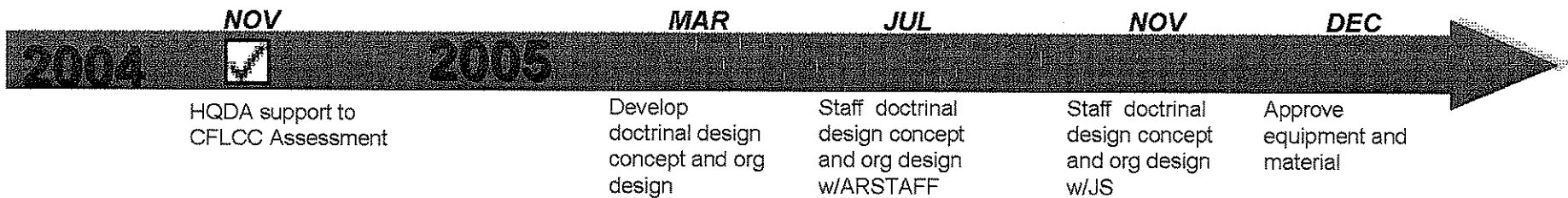
OCR: POLICY Working Group



**Fix:** Review doctrinal concept and organizational construct of a deployable detention facility

**Action:** Define with the Joint Staff, the doctrinal concept and organizational construct of a deployable detention facility -- its composition, and employment concepts.

**Change:** If determined feasible explore options



*F/J-014 Adherence to DoD regulations at facilities*

**(U) RECOMMENDATION/OBSERVATION**

- DoD review the inter-agency policies to ensure all parties in a specific TOA adhere to the same guidance and rules.

**~~(S//NF)~~ CURRENT ASSESSMENT:**

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

**(U) FIX/ACTION/CHANGE:**

**None at this time.**

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



# Fay/Jones Report - Closed Items

**F/J-015**

*F/J-016 Responsibility for Interrogation*

**(U) RECOMMENDATION/OBSERVATION**

- DoD review the responsibilities for interrogations...

**~~(S//NF)~~ CURRENT ASSESSMENT:**

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

**(U) FIX/ACTION/CHANGE:**

None at this time.

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



*F/J-017 Impact of Policies on Interrogation*

**(U) RECOMMENDATION/OBSERVATION**

- DoD assess the impact of current policies and guidance on unlawful combatants in the conduct of Detention and Interrogation operations.

**(U) CURRENT ASSESSMENT:**

- USD(I) is conducting a review of all policies relating to interrogation for the purposes of identifying gaps/seams and to draft policy as they feel appropriate.
- USD(P) has already reviewed all policies and has revised 2310.1 as it believed was appropriate. 2310.1 USDP is incorporating comments from SD106 coordination.
- USD(P) 2310.1 requires adherence to DoD regulations at DoD facilities/sites.

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

**(U) FIX/ACTION/CHANGE:**

None at this time.



# Fay/Jones Report - Closed Items

**F/J-018**

## *F/J-019 Detainee Message*

(U) RECOMMENDATION/OBSERVATION

- How do we communicate what were doing to inspire confidence in our soldiers?
- Is the broader message of what happened in the investigations getting out?

(U) CURRENT ASSESSMENT:



- Council needs to address the validity of this recommendation.
- US leadership from the President down (SecDef, CJCS, & Congress) publicly (TV & visits to bases) acknowledge our soldiers contributions and sacrifices.

OPR: OSD(PA)/USD(P)

OCR: USD(P)

(U) FIX/ACTION/CHANGE:

**Fix: Need to better communicate the changes we have made and the actions taken.**

**Action: Develop communications plan?**

**Change:**



# Schlesinger Panel

## 14 Findings

## *S-001 Policy Alignment w/ Geneva*

**(U) RECOMMENDATION/OBSERVATION**

- **Need to further define policy for DoD and other government agencies to align with Geneva Conventions**

**(U//~~FOUO~~) CURRENT ASSESSMENT:**

- Report begins with a false premise – that DoD/USG is not in compliance/alignment. DoD in how it fights GWOT is *fully* aligned with GC. To the extent changes in DoDD's need to be made to reflect GWOT realities - DoDD 2310 now reflects those changes and is in formal staffing with departments/components.
- Schlesinger recommendation essentially asks for DoD to "redefine" policy to adhere to what USG critics assert are our obligations.
- DoD and DoS officials continue to work with the international community on the issues of LOAC and DoD/USG application of it in GWOT.
- Issues of national policy changes are being discussed by the PC and DC committees. ODA has raised the issue with the NSC directly.
- Recommend closure – recommendation is satisfied – DoD policies are GC compliant.

**(U) FIX/ACTION/CHANGE:**

**Fix: Develop DoD Policy or NSPD.**

**Action: Form team to examine specific policy issues regarding GC and detention operations. Draft DoD Policy, DoDD, and NSPD (along with inter-agency) to address specific issues.**

**Change: Development of "grand strategy" for detention that is GC compliant and addresses national security objectives.**

**OPR: USD(P)  
OCR: USD(P)**

## S-002 MI/MP Collaboration

**(U) RECOMMENDATION/OBSERVATION:**

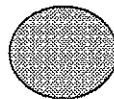
- DOD develop joint doctrine to define appropriate collaboration between MI and MP in a detention facility. Define meaning of guidance with precision.

**(U) CURRENT ASSESSMENT:**

- Required doctrinal publications currently under revision or development. Challenges center on producing doctrine that complies with evolving policy. Expected earliest completion date for the publications is Fall 05.

OPR: Joint Staff J-7

OCR: Joint Staff J-2 & Army

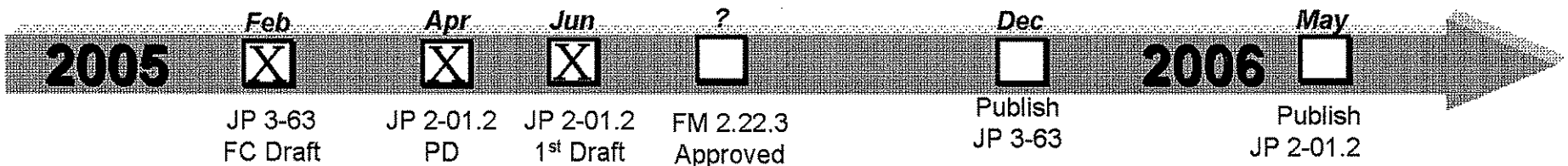


**(U) FIX/ACTION/CHANGE:**

**Fix: Doctrine and Policy review**

**Action: Clarify doctrine to define the organizational structures, command relationships, and roles and responsibilities of personnel operating internment and interrogation facilities IAW AR 190-8**

**Change: Policy/Organizations/ Training**



## *S-003 Filling Personnel Requirements*

**(U) RECOMMENDATION/OBSERVATION**

- Need more professional linguists, interrogators, human intelligence, counter-intelligence, corrections police and behavioral scientists

**(U) CURRENT ASSESSMENT:**

- ODA assisting ASD(HA) in development of hiring program/track for Behavioral scientists.
- Intelligence contracting issues – intel being competitively bid through private sector competing with USG efforts to hire for Army.
- Procurement of personnel being addressed by plans of P&R through services.

OPR: USD (P&R)

OCR: USD(P)

**(U) FIX/ACTION/CHANGE:**

**Fix:** Develop action plan to recruit more linguists, intelligence analysts, and other personnel to support detention operations.

**Action:** Develop action plan for recruiting and retaining people with necessary skill.

**Change:** GWOT mission will be better staffed and provide for efficacy in intel and interrogation missions.

# S-004 Operational Concept for Detainee Ops

**(U) RECOMMENDATION/OBSERVATION:**

- JFCOM chair a Joint Service Integrated Process Team to develop new Operational Concept for Detention Operations in the new era of warfare, covering the Global War on Terror.
- Emphasize detention operations during Counter-Insurgency campaigns and Stability Operations where law enforcement has broken down in an occupied or failed state.
- Study idea of a deployable detention facility and implement as appropriate.

**(U) CURRENT ASSESSMENT:**



Joint Pub 3-63 (draft) is currently under development. Requesting JFCOM study deployable detention facility concept.

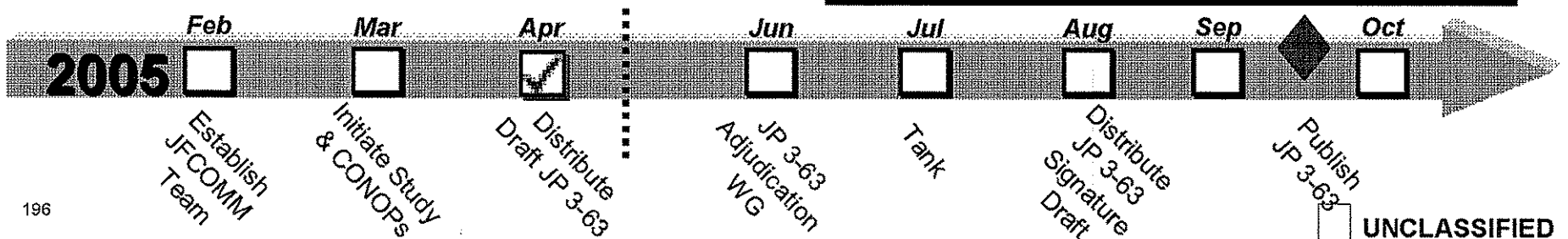
OPR: J-5 / OCR: Joint Staff J-7 & Army

**(U) FIX/ACTION/CHANGE:**

**Fix:** (U) Develop detention operations doctrine to provide a template for standardized detention operations worldwide.

**Action:** (U) Staff Joint Pub 3-63 "Detainee Operations" for CJCS signature and publication. Explore feasibility of deployable detention facilities.

**Change:** (U) Modern doctrine suitable for the GWOT era will guide detention operations.





# *S-005 Force Structure Inadequate for MI and MP*

~~(S)~~ CURRENT ASSESSMENT:

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

OCR:

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



2005

## *S-006 Interrogation Policy*

**(U) RECOMMENDATION/OBSERVATION**

- Well-documented policy and procedures on approved interrogation techniques

**(U) CURRENT ASSESSMENT:**



- USD(I) has designated their Policy and Strategy office to develop DoD Interrogation Policy.
- They are currently reviewing all policy for the purposes of identifying gaps and seams. Deadline for such is April 30, 2005.
- USD(I) intends to propose new policy based on this analysis.
- USD(I) is staffing DoDD.

**OPR: USD (I)**

**OCR: USD(P)**

**(U) FIX/ACTION/CHANGE:**

**Fix: Issue DOD Interrogation Policy**

**Action: USD(I) designated their Policy and Strategy office to develop and coordinate DoD Interrogation Policy**

**Change: USD(I) policy will serve as policy guidance for interrogation – recommendation satisfied in developing “well documented” policy.**

# S-007 Professional Ethics Training

**(U) RECOMMENDATION/OBSERVATION:**

- All personnel who may be engaged in detention operations, from point of capture to final disposition, should participate in a professional ethics program to equip them with a sharp moral compass for guidance in situations often rife with conflicting moral obligations.
- Development of a values-oriented ethics program should be the responsibility of the Services assisted by the JCS.

**(U) CURRENT ASSESSMENT:**

- All services have established PME courses on Professional Military Ethics targeting Officer and senior NCOs.
- Junior enlisted personnel are trained to abide by Service core values and the Laws of War
- Recommend intention met (blue)

OPR: Joint Staff J-7

OCR: Services, JFCOM

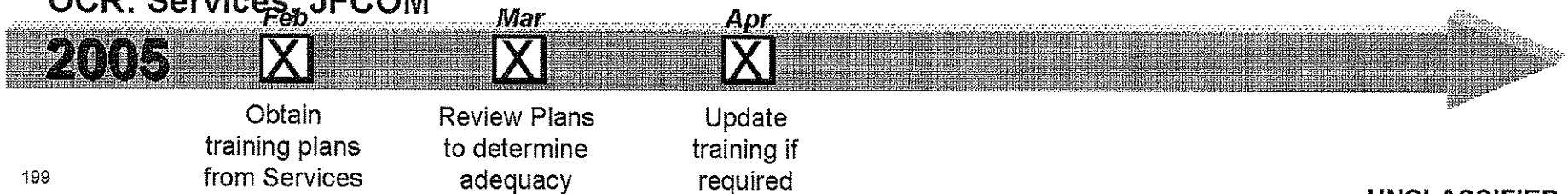


**(U) FIX/ACTION/CHANGE:**

**Fix: Provide ethics training to all military personnel.**

**Action: Review Service core training programs to ensure ethics are included.**

**Change: Policy/Training/Leaders.**



## *S-008 DOD/OGA Guidelines*

**(U) RECOMMENDATION/OBSERVATION**

- Clearer guidelines for the interaction of OGA's with the Department of Defense in detention and interrogation operations must be defined

**(U) CURRENT ASSESSMENT:**

- • USD(I) is reviewing in development of the DoD policy.
- Promulgation of interrogation policy under development. Policy will address relationships of OGA's and DOD directorates and agents.

OPR: USD (I)

OCR: USD(P)

**(U) FIX/ACTION/CHANGE:**

**Fix: Issue DOD Interrogation Policy**

**Action: USD(I) will promulgate policy that defines relationships between OGA's and DOD agents.**

**Change: Ambiguity resolved.**

## *S-009 Customary International Law*

**(U) RECOMMENDATION/OBSERVATION**

- USG needs to redefine its approach to customary and treaty international humanitarian law....

**(U) CURRENT ASSESSMENT:**

- NSC has established a PCC/Working Group on “public diplomacy” to address the “gap” between USG positions on LOAC and international community.
- 2310 Draft recognizes non-traditional combatants and describes treatment.
- NSC/DoD/WH not in favor of “renegotiating” Geneva Conventions or adopting Protocols – seen as adequate.
- Issue is being actively discussed by the DC and PC’s with respect to changing policies.
- Rejected in part – satisfied in part.

**(U) FIX/ACTION/CHANGE:**

**None to date.**

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



# Schlesinger Panel - Closed Items

S-010 to S-011

## *S-012 Impartial Rapid Reporting to the Sec Def*

**(U) RECOMMENDATION/OBSERVATION**

- The Secretary of Defense should ensure the effective functioning of rapid reporting channels for communicating bad news to senior Department of Defense leadership

**(U) CURRENT ASSESSMENT:**

- Proposal to fast-track information to the Secretary was approved 13 Dec 04.
- In addition – detainee affairs provides metric to key officials monthly.
- Routine briefings by ODA/DASD as required/appropriate.

**OPR: USD (P&R)**

**OCR: USD (P)**

**(U) FIX/ACTION/CHANGE:**

**Fix:** Joint adaptation of procedures such as the Air Force special notification process.

**Action:** Office to fast-track has been “stood up” – headed by Richard McGraw; still working space and employment/resource issues, but, office is functioning.

**Change:** No change from last meeting

## *S-013 Medical Personnel Training to Report/Assess*

**(U) RECOMMENDATION/OBSERVATION:**

- Fay investigation cited medical personnel for failure to report detainee abuse.
- Training should include obligation to report any detainee abuse.
- Panel notes Army IG found shortfalls in training and force structure for field sanitation, preventive medicine and medical treatment for detainees.
- Address need for medical personnel to screen/monitor the health of detention personnel and detainees.

**(U) CURRENT ASSESSMENT:**

- on 3 Jun 05, ASD for medical affairs issued principles & procedures for protection & treatment of detainees to medical personnel
- Services have incorporated detainee operations into medical training programs
- Quality and professionalism of medical personnel dealing with detainees noted by ASD "Their professionalism, if you could only see it, would make all Americans proud."
- Recommend close (green)

**OPR: Joint Staff J-7    OCR: Services, JFCOM**

**(U) FIX/ACTION/CHANGE:**

**Fix: Incorporate detainee operation requirements into medical training programs**

**Action: Review Service medical training programs relating to detainee operation**

**Change: Policy/Training/Leaders**






## *S-014 Additional Training of Medical Personnel*

### (U) RECOMMENDATION/OBSERVATION

- Need training for medical personnel on reporting abuse. Medical personnel need to be trained with better field treatment techniques

### (U) CURRENT ASSESSMENT:

-  Medical ethics policy in final stages of promulgation. Directly addresses reporting violations.
- Currently discussing with ASD(HA) development tracks regarding treatment and non-treatment medical ops.  
(ODA/USD(I)/OGC/HA)

OPR: USD (HA)  
OCR: USD (P)

### (x) FIX/ACTION/CHANGE:

**Fix:** Provide structured training to Medical Personnel on Detainees matters

**Action:** USD(P) working with ASD(HA) in development of medical training policy.

**Change:** Detainees are given excellent medical care and doctors have clear methods for carrying out their obligations.



# **Jacoby Report**

## **32 Findings**



# Jacoby Report – Closed Items

J-001 to J-002



*Issue Title (Cat II Int.):  
J-003 JACOBY REPORT Section VI, Item c, pg 13*

**(U) RECOMMENDATION / OBSERVATION:**

Additional Level III Counter-intelligence personnel, Category II Interpreters, 35F Clandestine Case Officers, and 97E Interrogators are needed throughout Afghanistan. When these specialties are not available, units tend to try to replace them with the next best thing (for example, an MI officer for a certified interrogator) or simply do without. This prevents the unit from maximizing the benefit that can be obtained from detaining an individual and results in more individuals being detained for longer periods than are necessary to obtain the desired information.

**(U) CURRENT ASSESSMENT:**

● Working action. Pending fill of 97E for CFC-A.

OPR: CENTCOM  
OCR:

**~~(S)~~ FIX / ACTION / CHANGE:**

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



# Jacoby Report – Closed Items

**J-004 to J-005**

## *J-006 / TSP & Doctrine Revisions*

**(x) RECOMMENDATION/OBSERVATION**

- Particularly for units new to theater, cordon and search operations can have a tendency to replace the careful, deliberate development of intelligence. This is the result of a lack of experience and appropriate intelligence gathering assets at the small unit level. Large, unspecific cordon and search operations more often than not result in a large number of local nationals being temporarily displaced from their homes, but a relatively small number of individuals actually being detained. The general lack of pre-operation intelligence also leads to more persons being detained than is necessary, as some units play it safe and detain an individual rather than release an individual who might be hostile. This can clearly have a negative effect on the local populace. Whenever possible, participation and support of Afghan military or police forces and government officials should be sought. Additional detention training, to include profiling training, is required to maximize the effectiveness of cordon and search operations.
- HQDA DODOIP Task: D3, T13, T14

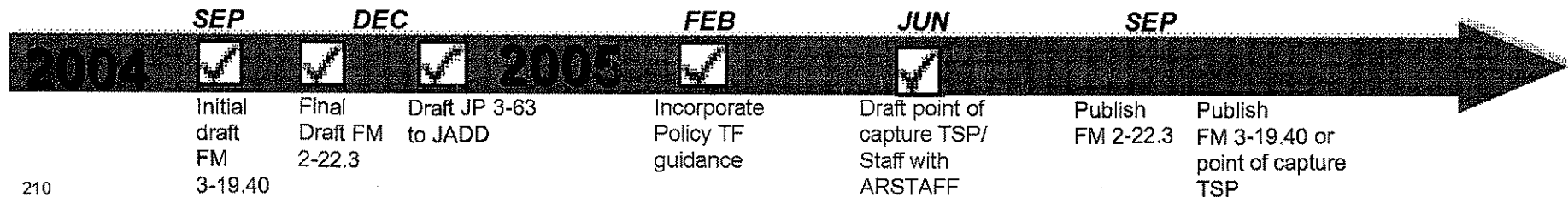
Fix: Improve doctrinal techniques, intelligence analysis and detainee profiling ISO C/S's.

Action: Analyze Lessons Learned (TTPs) & update doctrine for Intel support to C/S operations—specifically intelligence analysis, profiling, and HN coordination. Incorporate doctrine thru specific training requirements.

Change: Improve Training Support Packages to enhance TTPs and Soldier/leader knowledge.

**(x) CURRENT ASSESSMENT:**

OPR: Army      OCR: J7/CENTCOM



# J-007 / Exportable TNG

**(x) RECOMMENDATION/OBSERVATION**

- Troops in contact (TIC) is an event of high stress and emotion that may result in the detention of individuals. If a TIC results in detention, an opportunity for abuse arises as a result of the stress and emotion. There is a need for additional individual and collective pre-mobilization training that emphasizes doctrine, the 5 S's (search, silence, segregate, safeguard and speed to the rear), and cultural sensitivity. This will allow those who come into initial contact with detainees to respond in accordance with their training vice emotion and stress. Leadership and supervision, in addition to training, are the keys to success in detainee handling at the point of capture.
- HQDA DODOIP Task: T5/5.1/T5.3

**(x) FIX/ACTION/CHANGE:**

Fix: Pre and Post Mobilization training using standard DO doctrine

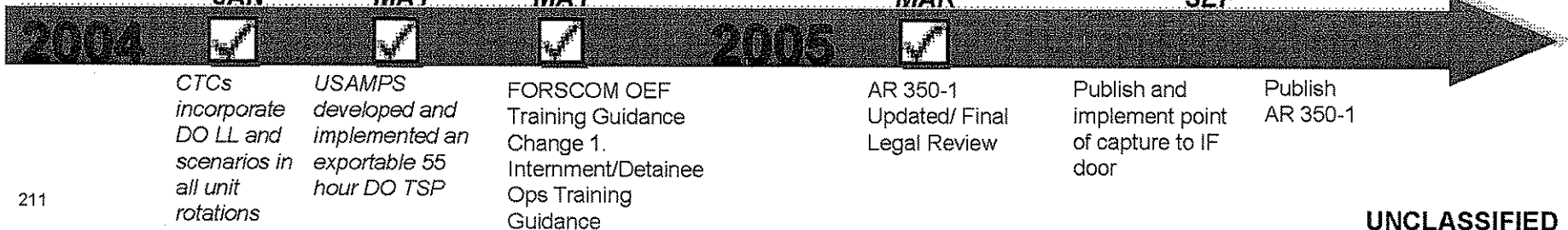
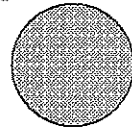
Action: Integrate a standardized detainee operations training package as part of pre-and post mobilization training for all soldiers

Change: Training support packages to pre and post mob stations

**(x) CURRENT ASSESSMENT:**

OPR: Army

OCR: J7





*Issue Title (Interrogation Training):  
J-008 JACOBY REPORT Section VI, Item h, pg 15*

**(U) RECOMMENDATION / OBSERVATION:**

Improved interrogation training leading to the certification of all interrogators will improve intelligence gathering and dissemination of actionable intelligence as well as improve the detainee screening process. Interrogators need training on Afghan culture, traditions and history to be able to get the most intelligence from detainees. Additionally, combat commanders at all levels need training on interrogation and detainee chain of custody to ensure that unit actions do not interfere with or negatively affect the interrogation of detainees. Recommend that each commander's right seat ride include case studies on the interrogation process and how the capturing unit can best facilitate and positively impact the process.

**~~(S)~~ CURRENT ASSESSMENT:**

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

**~~(S)~~ FIX / ACTION / CHANGE:**

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

OPR: CENTCOM

OCR: DA



# Jacoby -009: Age Determination Methods

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

~~(S)~~ FIX/ACTION/CHANGE:

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

**(U) CURRENT ASSESSMENT:**

Familiarization training to units detaining individuals claiming to be youths is best supported by including CENTCOM inputs into Annex A/Global Screening Criteria. The guidelines provide objective data to include dental x-rays and wrist x-rays. Recommend closure.

OPR:J-4

OCR:

Apr

May

2005



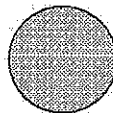
Annex A  
staffed for  
comments



OSD-HA  
Lead



Policy  
Letter





# Jacoby Report – Closed Items

**J-010**



*Issue Title (Improve Communications):*  
*J-011 JACOBY REPORT Section VI, Item k, pg 15*

**(U) RECOMMENDATION / OBSERVATION:**

Communication capabilities must be improved. Secure network capabilities at each site are critical for the timely transfer of information. Existing communication capabilities do not support the secure electronic transfer of documents or successful dissemination of large amounts of data. This hinders the forwarding of timely, actionable intelligence either forward or to the rear. Real time data transfer will improve the SECDEF criteria analysis conducted at points of capture, thus ensuring only individuals who are likely to meet the criteria are further processed.

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

**~~(S)~~ FIX / ACTION / CHANGE:**

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

OPR: CENTCOM  
OCR:

*J-012 / Internment Facility Physical Security Standards*

**(x) RECOMMENDATION/OBSERVATION**

• In addition to the integration of CCTV at the Bagram and Kandahar detention facilities, anti-intrusion devices or a security alarm system would significantly enhance the security posture of existing facilities. Centrally controlled door locks would also greatly enhance the security of the facility

• HQDA DODOIP Task: F1 

**(x) CURRENT ASSESSMENT:**

OPR: Army

OCR:

**(x) FIX/ACTION/CHANGE:**

Fix: Facility physical security standards for internment facilities

Action: Develop doctrine to incorporate minimum physical security standards as part of facility design

Change: Publish FMI 3-19.40





# Jacoby Report – Closed Items

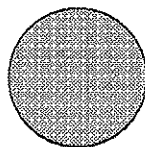
**J-013 to J-014**

UNCLASSIFIED



**J-015**

**OPR: Policy Working Group**





# Jacoby Report – Closed Items

J-016 to J-017

# J-018 / Detention Facility Minimum Standards

## (x) RECOMMENDATION/OBSERVATION

- The Kandahar detention facility is an outdoor holding area in need of repairs to accommodate its maximum number of detainees. These improvements are already being made and the facility will soon be able to operate at maximum capacity. Additionally, a 78 – person indoor holding area is under construction with a projected completion date of August 04. After a thorough assessment of maximum capacity thresholds; CJTF-7 committed to building another indoor holding facility next to the new indoor 78-person facility. Projected completion date is 1 Sep 2004. Total detention capability after construction will be 178 detainees

- HQDA DODOIP Task: F1

## (x) CURRENT ASSESSMENT:

OPR: Army  
OCR:

## (x) FIX/ACTION/CHANGE:

**Fix:** Deteriorating infrastructure that impacted on having a clean, safe, and secure working environment for Soldiers and living conditions for detainees

**Action:** Develop doctrine to incorporate minimum infrastructure standards for adequate facilities to house

**Change:**

- On-site inspections/assessments
- Publish FMI 3-19.40



SEP

Publish  
FMI 3-19.40





# Jacoby Report – Closed Items

J-019 to J-020

# J-021 / Detention Facility Minimum Standards

## (x) RECOMMENDATION/OBSERVATION

- As the theater matures, we have an opportunity to create corresponding improvements in our detention facilities and to better provide for the well being of detainees consistent with the principles of Geneva Conventions. Particularly for Low Level Enemy Combatants (LLECs), many of whom have already been detained in the Bagram Collection Point for extensive periods and who have little chance for release in the foreseeable future. Alternative arrangements are worth evaluating. This may be a significant challenge in the short-term given significant detainee population increases. Future construction efforts at Bagram may provide an area separate from other detainee where more space to exercise, take instruction, and even work might be made available. This will better meet the spirit of Geneva without hindering the intelligence gathering function

• HQDA DODOIP Task: F1

## (x) CURRENT ASSESSMENT:



OPR: Army  
OCR:

## (x) FIX/ACTION/CHANGE:

Fix: Deteriorating infrastructure that impacted on having a clean, safe, and secure working environment for Soldiers and living conditions for detainees

Action: Develop doctrine to incorporate minimum infrastructure standards for adequate facilities to house

Change:  
On-site inspections/assessments  
Publish FMI 3-19.40



SEP

Publish  
FMI 3-19.40



# Jacoby Report – Closed Items

J-022 to J-032



# **Formica Report**

## **8 Findings**



# Formica Report – Closed Items

FA-001 to FA-003



*FA-004 FORMICA REPORT pg 10; pg 45, VI; pg 60, II; pg 75, IV*

**(U) RECOMMENDATION / OBSERVATION:**

- (S/NF)CJSOTF-AP should publish policy guidance that:
  - (U) Clarifies authorized interrogation techniques;
  - (S/NF) Differentiates between tactical question and interrogation
  - (S/NF) Authorizes subordinate Naval Special Warfare Task Unit (NSWTU) and Operational Detachments Alpha (ODAs) to detain as capturing units with the explicit, documented approval of an LTC (O-5) or above and , then only long enough to get detainees to RPC or another suitable Coalition Force (CF) detention facility.
  - (S/NF) Establishes SOP for conduct of detention and interrogation operations and ensures periodic review for compliance with current MNF/MNC-I policies;
  - (S) Ensures all Special Operations Forces (SOF) personnel are trained on the SOP and implementing procedures.

**~~(S)~~ FIX / ACTION / CHANGE:**

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

**~~(S)~~ CURRENT ASSESSMENT:**

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

OPR: CENTCOM  
OCR:



*FA-005 FORMICA REPORT pg 55, VI; pg 62, 1,2*

**(U) RECOMMENDATION / OBSERVATION:**

**~~(S)~~ FIX / ACTION / CHANGE:**

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

OPR: CENTCOM

OCR:

UNCLASSIFIED

JS GHOST DOCS 652



# Formica Report – Closed Items

**FA-006 to FA-008**





# **Gaps and Seams**

## **17 Findings**

## *GS-001 Law of War Treaties*

(U) RECOMMENDATION/OBSERVATION

- Harmonizing policies and treaties with allies

(U) CURRENT ASSESSMENT:

- ODA's assessment is that no policy is in conflict with our international or treaty obligations. All policies that have been issued since the beginning of GWOT were thoroughly examined by the DoDGC, the Justice Department, and the White House Council before issuance.
- International perceptions and analysis of the choices made at the SECDEF and POTUS level have created disagreements where the law is silent or has contradictory guidance.
- NSC has developed PCC on "public diplomacy" to address gaps in understanding about applicability of LOAC to GWOT.

OPR: USD (P)

OCR: USD (P)

(U) FIX/ACTION/CHANGE:

**Fix:** Review all current policies and regulations w/ regard to allies

**Action:** ODA is currently revising all DoDD and policies and will assist ARMY in the revisions of AR 190-8 and other documents as requested.

**Change:** Revision of Detainee Operations Policy as well as issuance of larger "covering" policies will demonstrate how DoD operations satisfy international treaty obligations.



# Gaps and Seams – Closed Items

GS-002

# GS-003 Coalition Doctrine for Detainee Ops

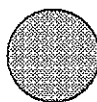
**(U) RECOMMENDATION/OBSERVATION:**

- Need to develop doctrine for coalition operations

**(U) CURRENT ASSESSMENT:**

- Allied Joint Pub 2.5 addresses Detainee Ops in the NATO coalition and is often used as a model in other coalitions. A coalition formed quickly for the purpose of executing a specific campaign will not produce doctrine, a long process used for enduring coalitions, but will coordinate and issue orders under the authority of the coalition force commander establishing guidance for coalition activities such as Detainee Ops.

OPR: Joint Staff J-7  
 OCR: Army, JFCOM

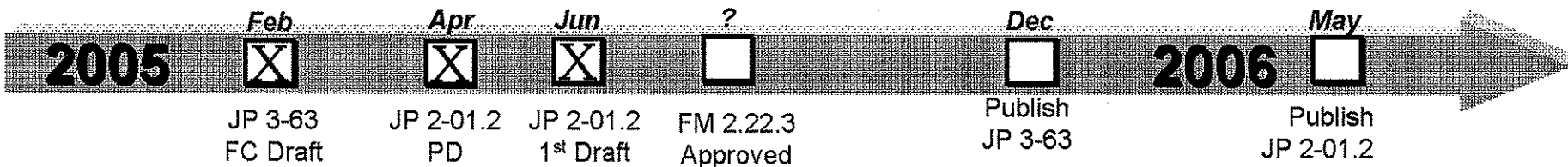


**(U) FIX/ACTION/CHANGE:**

**Fix: Develop means to establish and ensure coalition compliance with US standards**

**Action: Include specific and detailed detainee ops guidance in theater ROE**

**Change:**





# Gaps and Seams – Closed Items

GS-004

## *GS-005 Service/COCOM Responsibility under Goldwater-Nichols*

**(U) RECOMMENDATION/OBSERVATION**

- Review COCOM responsibility regarding detention operations to include investigation and prosecution of alleged abuses

**(U) CURRENT ASSESSMENT:**

- In response to SF 1005, proposed Accountability Study Group will evaluate existing processes and procedures and submit proposed solutions to CJCS/SD

**OPR: JS-LC & OSD GC**

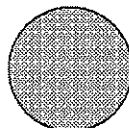
**OCR: CENTCOM & SOUTHCOM**

**(U) FIX/ACTION/CHANGE:**

**Fix: Accountability Study Group members nominated**

**Action: Terms of Reference completed**

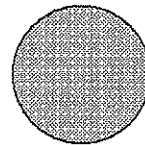
**Change: Waiting approval by SD**





**GS-006**

**OPR: OSD**





# Gaps and Seams – Closed Items

**GS-007 to GS-008**

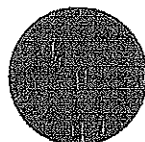


UNCLASSIFIED



**GS-009**

**OPR: OSD/  
JS Oversight Council**



# GS-010 Applying Previous Lessons Learned

**(U) RECOMMENDATION/OBSERVATION:**

- Did we apply lessons learned from previous conflicts (e.g. Bosnia) to the current insurgency?

**(U) CURRENT ASSESSMENT:**

- USJFCOM Joint Center for Operation Analysis-Lessons Learned will research and review available DOD lessons learned data and address Detention Operations lessons learned from previous conflicts.

OPR: JFCOM

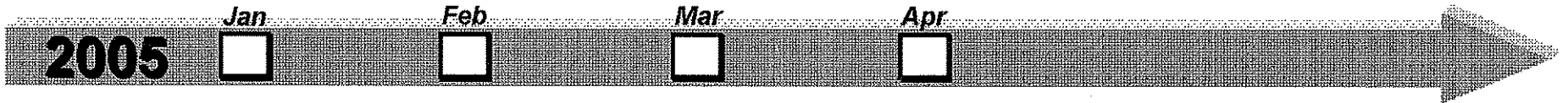
OCR: J5; J7; CENTCOM; EUCOM; Services

**(U) FIX/ACTION/CHANGE:**

Fix:

**Action: Research DOD lessons learned data from previous conflicts and poll Service contacts for tactical lessons learned**

Change:



Request Info from Services

## *GS-011 Congress Questions on “Ghost Detainees”*

(U) RECOMMENDATION/OBSERVATION

- Congress question: “What is a *Ghost Detainee* and how many have there been?”

(U) CURRENT ASSESSMENT:

- ODA has addressed this issue with the SECDEF as well as USD(I) and OGA’s.
- The SECDEF has briefed this issue publicly regarding the *one* detainee who was held without prompt registration with the ICRC.
- It is DoD policy to promptly register all detainees.
- ODA & USD(P) officials have briefed Congress on this issue – we are preparing for upcoming hearings on issue.
- To the extent required, ODA will work with OGC and USD(I) to resolve any remaining issues on this sensitive matter.

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

(U) FIX/ACTION/CHANGE:

**Fix: Adequately brief Congress regarding “Ghost Detainee” issue.**

**Action: Classified briefings with Congress.**

**Change: Congress question answered.**



# Gaps and Seams – Closed Items

**GS-012 to GS-015**

## *GS-016 Develop Policy for Joint Interagency Detainee Ops*

### **(U) RECOMMENDATION/OBSERVATION**

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

### **(U) CURRENT ASSESSMENT:**

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

OPR: USD (I)

OCR: USD (P)

### **(U) FIX/ACTION/CHANGE:**

**Fix: Issue common guidance.**

**Action: Interagency coordination of interrogation policy.**

**Change: Common practices for all engaged in intelligence gathering.**



# Gaps and Seams – Closed Items

**GS-017**



# **Church GTMO-Charleston Review**

## **12 Findings**

*GC 001-GTMO MP Force Rotation***(U) RECOMMENDATION**

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

**(U) CURRENT ASSESSMENT: GREEN**

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

**OPR: SOUTHCOM****OCR:****FIX/ACTION/CHANGE:**

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

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

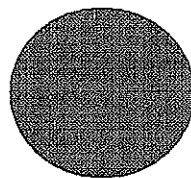
**Change:** (U) Significant presence of Navy personnel in GTMO rotations 5-7.





**GC-002**

**OPR: JFCOM**  
**OCR: SOUTHCOM**



## *GC-003P Inter-agency Process on Detainee Movement*

**(U) RECOMMENDATION/OBSERVATION**

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

**(U) CURRENT ASSESSMENT:**

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

**OPR: OUSD(P)**

**OCR: OUSD (P)**

**(U) FIX/ACTION/CHANGE:**

**Fix: Simplify and streamline the Detainee movement process.**

**Action: Coordination with IA.**

**Change:**

## *GC 004-Complaint Process for GTMO Detainees*

### (U) RECOMMENDATION

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

### (U) CURRENT ASSESSMENT: GREEN



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

**OPR: SOUTHCOM**

**OCR:**

### FIX/ACTION/CHANGE:

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

**Action:** (U) No action required.

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

## GC 005-GTMO Packages for GTMO Detainees

### (U) RECOMMENDATION

- GTMO-Detainees do not receive packages. Compliance Checklist-Other Items of Note Regarding GTMO (White House Fact Sheet, 07 Feb 02)-Regarding packages of food and clothing, the ability to receive same is subject to security screening. No packages allowed at GTMO for security reasons.
- Specific recommendation not made. *Inferred recommendation:* Review GTMO detainee package delivery policy.
- **(U) CURRENT ASSESSMENT: GREEN**

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

**OPR: SOUTHCOM**

**OCR:**

### FIX/ACTION/CHANGE:

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

**Action: (U) No action required.**

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

## GC 006-GTMO Short Pants for Detainees

### (U) RECOMMENDATION

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

### (U) CURRENT ASSESSMENT: GREEN



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

**OPR: SOUTHCOM**

**OCR:**

### FIX/ACTION/CHANGE:

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

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

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

# GC-007 "Isolation"

**(U) RECOMMENDATION/OBSERVATION:**

- Specific recommendation not made.  
*Inferred recommendation: Prepare response to anticipated accusations of using Isolation as a counter-resistance technique.*

**(U) CURRENT ASSESSMENT:**



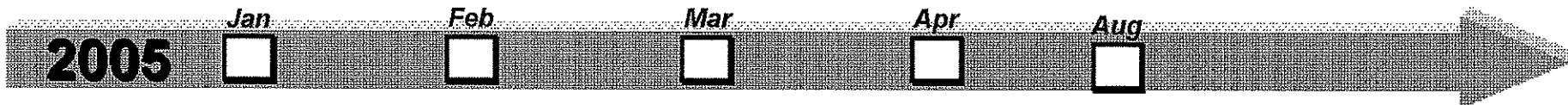
OPR: JFCOM  
OCR:

**(U) FIX/ACTION/CHANGE:**

Fix:

Action:

Change:



# GC-008 "Muslim Chaplain"

**(U) RECOMMENDATION/OBSERVATION:**

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

**(U) CURRENT ASSESSMENT:**



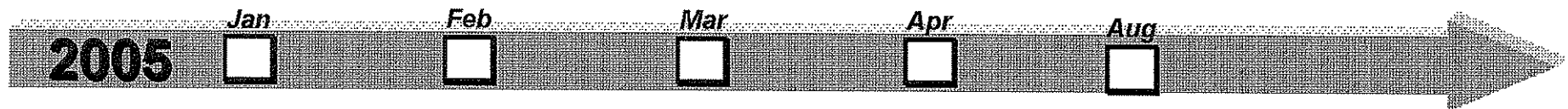
OPR: JFCOM  
OCR:

**(U) FIX/ACTION/CHANGE:**

Fix:

Action:

Change:



# GC-009 “IG Inspection of GTMO”

**(U) RECOMMENDATION/OBSERVATION:**

- Did we apply lessons learned from previous conflicts (e.g. Bosnia) to the current insurgency?

**(U) CURRENT ASSESSMENT:**

- USJFCOM Joint Center for Operation Analysis-Lessons Learned will research and review available DOD lessons learned data and address Detention Operations lessons learned from previous conflicts.

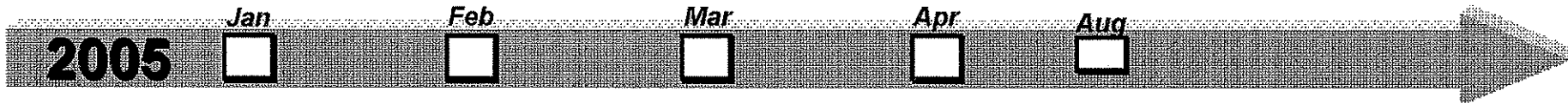
OPR: SOUTHCOM  
OCR:

**(U) FIX/ACTION/CHANGE:**

**Fix:**

**Action: Research DOD lessons learned data from previous conflicts and poll Service contacts for tactical lessons learned**

**Change:**





# GS-010 Applying Previous Lessons Learned

**(U) RECOMMENDATION/OBSERVATION:**

- Did we apply lessons learned from previous conflicts (e.g. Bosnia) to the current insurgency?

**(U) CURRENT ASSESSMENT:**

- USJFCOM Joint Center for Operation Analysis-Lessons Learned will research and review available DOD lessons learned data and address Detention Operations lessons learned from previous conflicts.

OPR: JFCOM

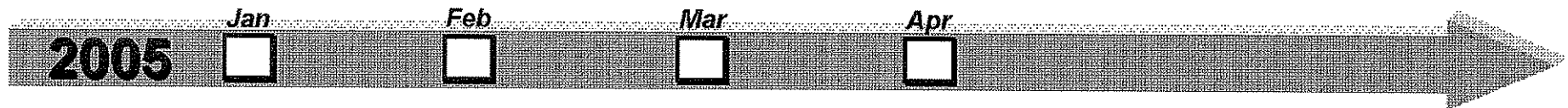
OCR: J5; J7; CENTCOM; EUCOM; Services

**(U) FIX/ACTION/CHANGE:**

Fix:

**Action: Research DOD lessons learned data from previous conflicts and poll Service contacts for tactical lessons learned**

Change:



Request Info from Services

# GS-010 Applying Previous Lessons Learned

**(U) RECOMMENDATION/OBSERVATION:**

- Did we apply lessons learned from previous conflicts (e.g. Bosnia) to the current insurgency?

**(U) CURRENT ASSESSMENT:**

- USJFCOM Joint Center for Operation Analysis-Lessons Learned will research and review available DOD lessons learned data and address Detention Operations lessons learned from previous conflicts.

OPR: JFCOM

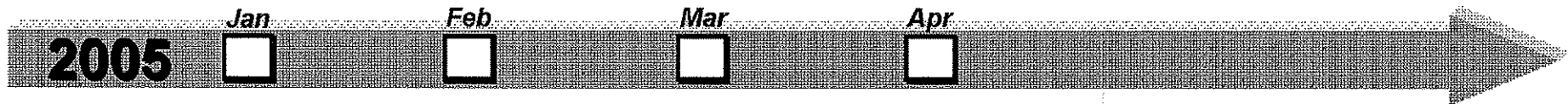
OCR: J5; J7; CENTCOM; EUCOM; Services

**(U) FIX/ACTION/CHANGE:**

Fix:

**Action: Research DOD lessons learned data from previous conflicts and poll Service contacts for tactical lessons learned**

Change:



Request Info  
from Services



# **Church Detention Operations & Detainee Interrogation Techniques**

## **44 Findings**

## *C-001P -- Standardization of Interrogation Policy Guidance*

**(U) RECOMMENDATION/OBSERVATION**

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

**(U) CURRENT ASSESSMENT:**

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

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

**(U) FIX/ACTION/CHANGE:**

**Fix: Issue common guidance.**

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

**Change:**

# C-002 / Interrogation Doctrine/TSP

(x) RECOMMENDATION/OBSERVATION

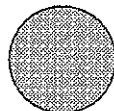
- Future planning for detention and interrogation operations in the GWOT should take full advantage of prior and ongoing experience in these areas

HQDA DODOIP Task: D1

(x) CURRENT ASSESSMENT:

OPR: Army

OCR: None



(x) FIX/ACTION/CHANGE:

Fix: Improve detention and interrogation operations planning

Action: Incorporate Lessons Learned into planning for DO

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

SEP

2004

2005

Publish  
FMI 3-19.40 &  
FM 2-22.3

Publish and  
implement point  
of capture to IF  
door



*Issue Title (Ineffective Policy Dissemination):*  
*C-003 CHURCH REPORT pg. 10, 11, 47, 92, 237, 303*

**(U) RECOMMENDATION / OBSERVATION:**

Need improved processes for dissemination of policy guidance, ensuring compliance, and obtaining feedback on implementation down through the unit-level [Issue closely related to C-030, Compliance].

**~~(S)~~ CURRENT ASSESSMENT**

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

**~~(S)~~ FIX / ACTION / CHANGE:**

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

OPR: CENTCOM

OCR:

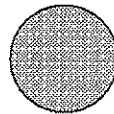
# C-004 / MP/MI Doctrine/TSP

**(x) RECOMMENDATION/OBSERVATION**

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

HQDA DODOIP Task: D3

**(x) CURRENT ASSESSMENT:**



OPR: Army

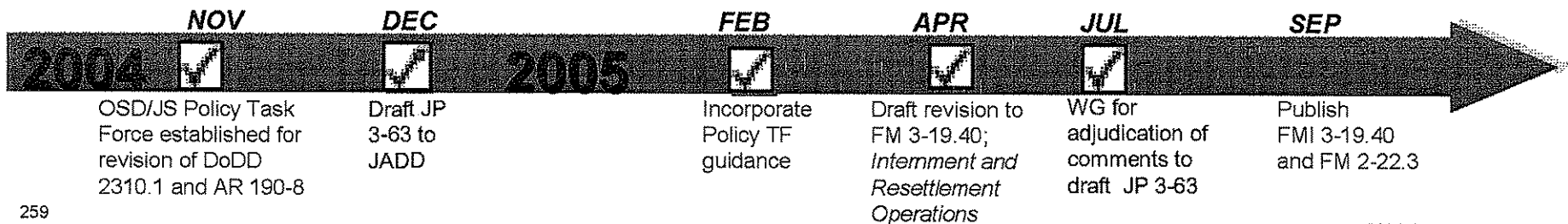
OCR: None

**(x) FIX/ACTION/CHANGE:**

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

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

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

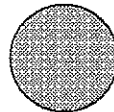


**(x) RECOMMENDATION/OBSERVATION**

- Put in place more specific procedures and direct guidance to prevent further abuse. Emphasize stronger leadership, greater oversight, and enforcement of good military discipline to lessen the likelihood of abuse

HQDA DODOIP Task: T2.1/T5.3/L2

**(x) CURRENT ASSESSMENT:**



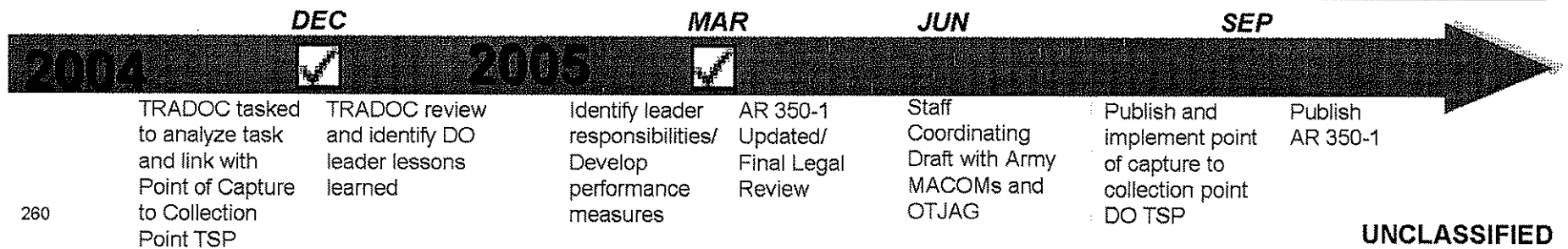
OPR: Army

OCR:

Fix: Revise Training

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

Change: Develop DO LDR Train-the-Trainer Package





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

**(U) RECOMMENDATION/OBSERVATION**

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

**(U) CURRENT ASSESSMENT:**

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

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

**(U) FIX/ACTION/CHANGE:**

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

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

**Change:**

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

**(U) RECOMMENDATION/OBSERVATION**

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

**(U) CURRENT ASSESSMENT:**

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

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

**(U) FIX/ACTION/CHANGE:**

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

**Action: ASDHA and Policy to coordinate.**

**Change:**

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

**(U) RECOMMENDATION/OBSERVATION**

DoD policy-level review necessary in order to properly balance competing concerns.

**(U) CURRENT ASSESSMENT:**

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

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

**(U) FIX/ACTION/CHANGE:**

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

**Action:** ASDHA and Policy to coordinate.

**Change:**

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

**(U) RECOMMENDATION/OBSERVATION**

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

**(U) CURRENT ASSESSMENT:**

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

OPR: OUSD(P)

OCR: OUSD(P)

**(U) FIX/ACTION/CHANGE:**

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

**Action: USD(I) handling.**

**Change:**

# C-012 / Unit Activations/Accelerations

**(x) RECOMMENDATION/OBSERVATION**

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

HQDA DODOIP Task: Pe2.02/Pe2.03

**(x) CURRENT ASSESSMENT:**

OPR: Army

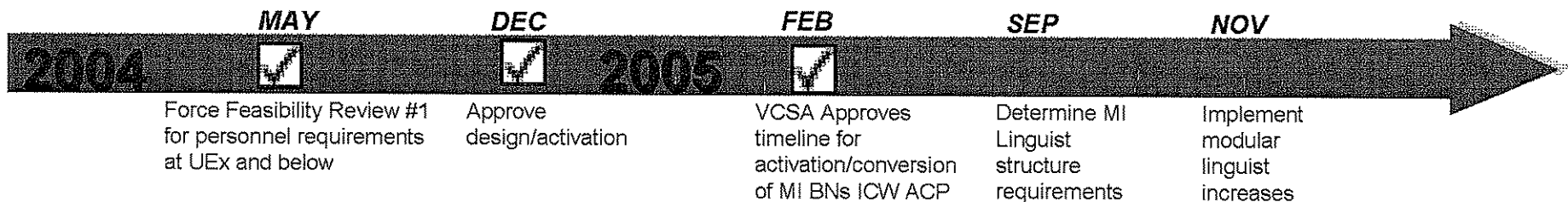
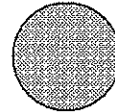
OCR: None

**(x) FIX/ACTION/CHANGE:**

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

Action: Refine and implement Military Intelligence Force Structure changes

Change: Redesign and align HUMINT units and linguist requirements.



*C-013P -- DoD Developed Definitions for Providing Humane Treatment*

**(U) RECOMMENDATION/OBSERVATION**

Develop DoD level definitions for providing humane treatment of all detainees.

**(U) CURRENT ASSESSMENT:**

- OGC is working with ODA/USD(P) to develop a standard of care that would be the minimum requirement for "humane treatment."
- Also working with 2310.1 DoDD coordination to develop definition for inclusion in the DoDD.

**OPR: OUSD(P)**

**OCR: OUSD(P)**

**(U) FIX/ACTION/CHANGE:**

**Fix: Develop higher level definition of "humane treatment" to decrease confusion in the field.**

**Action: OGC handling and 2310.1 DoDD being coordinated in near term.**

**Change:**

# *C 014 Special Interrogation of ISN 760-Mohamedou Ould Slahi at GTMO*

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

[Redacted]

FIX/ACTION/CHANGE:  
**Fix: (U) Investigate allegation.**

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

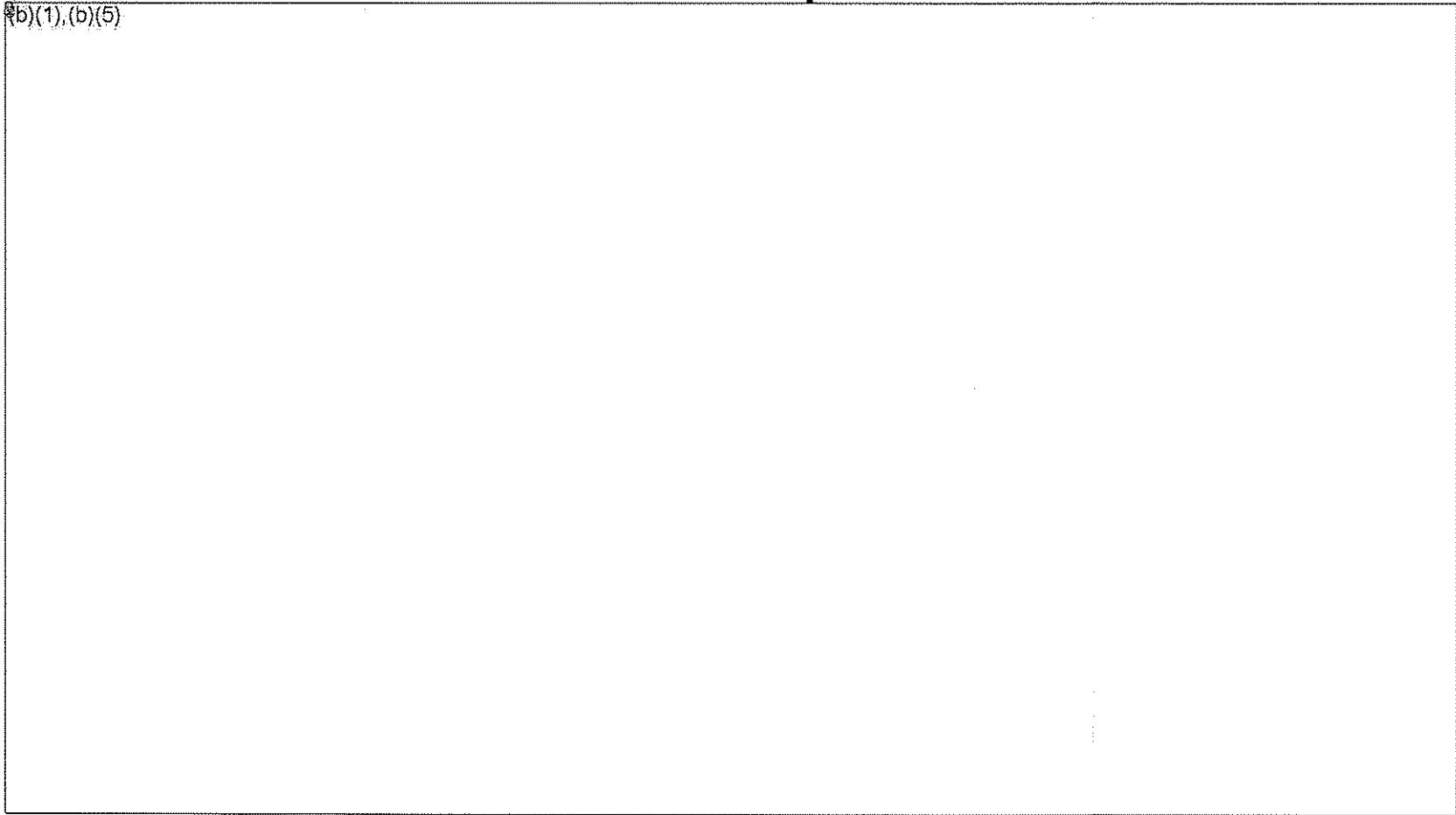
[Redacted]

UNCLASSIFIED

*C-015 Use of Chaining at GTMO*



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

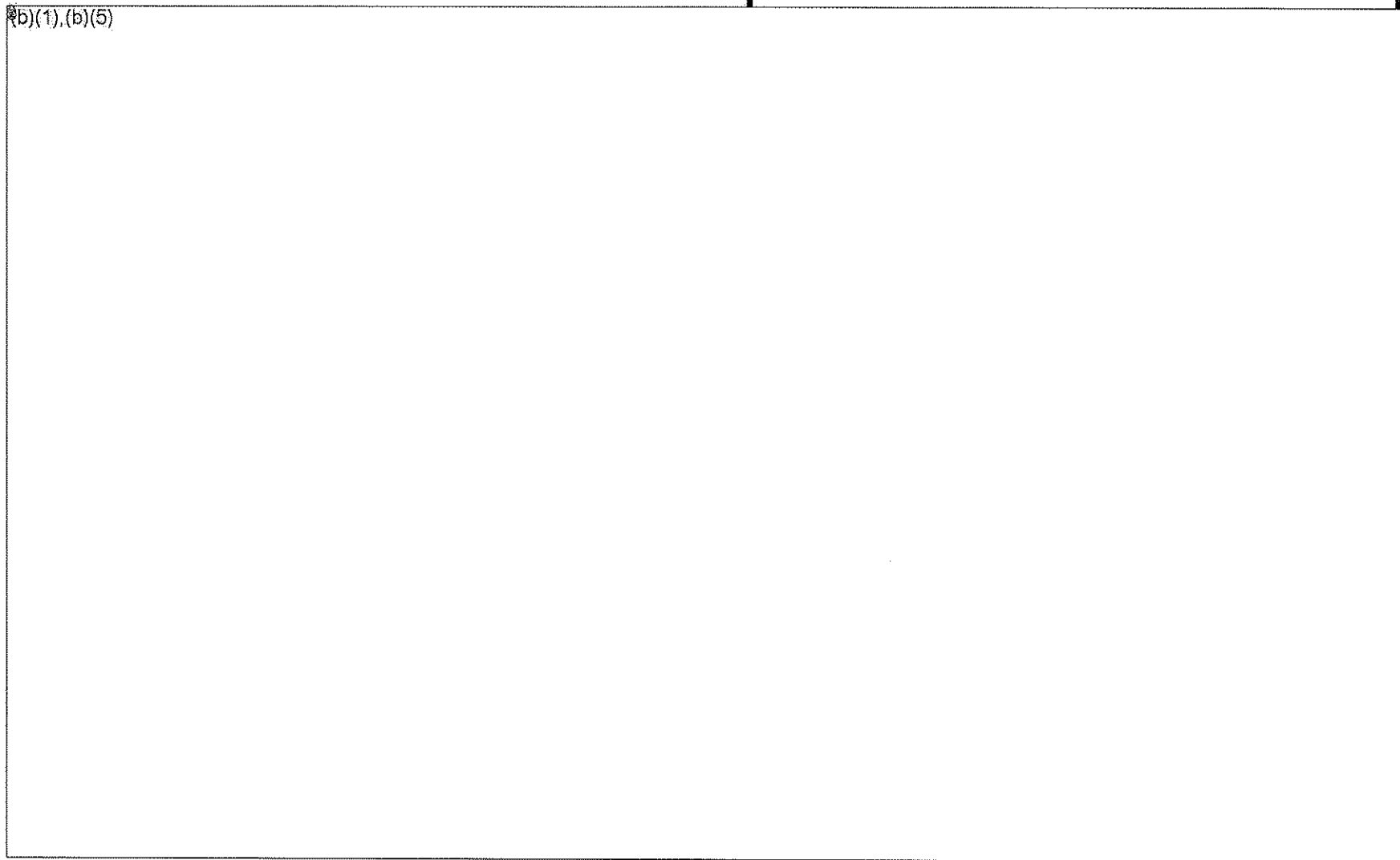


OPR: SOUTHCOM  
OCR:



*C 016 Possible Sleep Deprivation at GTMO*

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



## C 017 Sexual Acts or Mock Sexual Acts at GTMO

### (U) RECOMMENDATION

- (U) Sexual Acts or Mock Sexual Acts (GTMO): A female interrogator made inappropriate contact with a detainee by running her fingers through the detainee's hair, making sexually suggestive comments and body movements, including sitting on the detainee's lap... [W]e used the Manual for Courts-Martial definition of sexual assault, referred therein as "Indecent Assault," to characterize any potential sexual assault case. Consequently, we did not consider this case to be a sexual assault because the interrogator did not perpetrate the act with the intent to gratify her own sexual desires.
- (U) We refer the discussion of techniques employed that clearly violate any standard of "humane" treatment to JTF-GTMO for further investigation, as appropriate. The female interrogator was given a written admonishment for her actions. This incident was identified and summarized in the May 2004 Church Review [Highlighted by Sen. Feinstein 16 Feb 05 letter to SECDEF]

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

### FIX/ACTION/CHANGE:

Fix: (U) Investigate allegations.

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

OPR: SOUTHCOM

OCR:

**(x) RECOMMENDATION/OBSERVATION**

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

[Redacted content]

**(x) FIX/ACTION/CHANGE:**

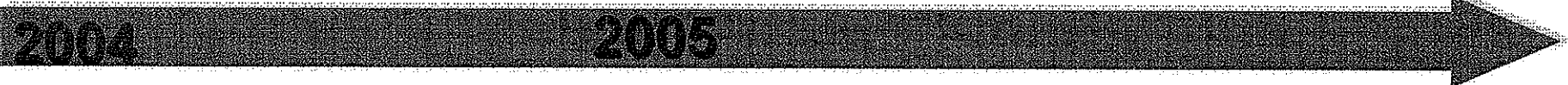
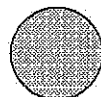
Fix: Personal Accountability

Action: CID is aggressively investigating all reports of detainee abuse to the investigative standards of due diligence.

Change: Final Disposition

**(x) CURRENT ASSESSMENT:**

OPR: Army  
OCR: None



# C-022 / Accountability

**(x) RECOMMENDATION/OBSERVATION**

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

[Redacted content]

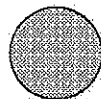
**(x) FIX/ACTION/CHANGE:**

Fix: Personal Accountability

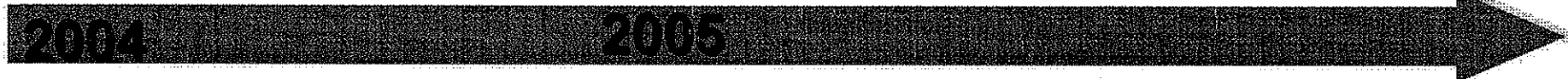
Action: CID is aggressively investigating all reports of detainee abuse to the investigative standards of due diligence.

Change: Final Disposition

**(x) CURRENT ASSESSMENT:**



OPR: Army  
OCR: None



**(x) RECOMMENDATION/OBSERVATION**

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

**(x) FIX/ACTION/CHANGE:**

Fix: Personal Accountability

Action: CID is aggressively investigating all reports of detainee abuse to the investigative standards of due diligence

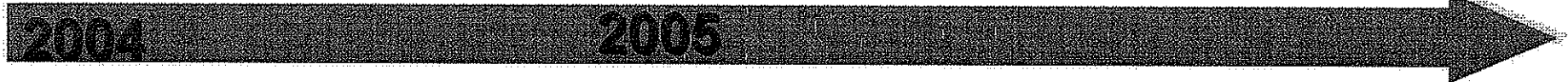
Change: A search of CID files and databases did not identify any information concerning this allegation—case closed

**(x) CURRENT ASSESSMENT:**



OPR: Army

OCR: None



**(x) RECOMMENDATION/OBSERVATION**

~~(FOUO)~~ Suspected abuse reported by medical personnel (Iraq): Note from VADM Church Memo Enclosure, 17 March 2005: Unclear whether suspected abuse reported by medical personnel (four cases) was properly investigated.

**(x) CURRENT ASSESSMENT:**



OPR: Army

OCR: None

**(x) FIX/ACTION/CHANGE:**

Fix: Personal Accountability

Action: CID is aggressively investigating all reports of detainee abuse to the investigative standards of due diligence.

Change: Final Disposition



*Ongoing-Aug*

CID is investigating 2 cases and 2 cases were referred to NCIS



*Issue Title (Reassignment of Military Personnel):*  
*C-026 CHURCH REPORT pg. 236*

**(U) RECOMMENDATION / OBSERVATION:**

We were not able to determine why military personnel involved or potentially implicated in this investigation were reassigned to other units (e.g., Abu Ghraib) before the investigation was completed. Review service and COCOM assignment processes to ensure that military personnel under investigation, but eligible for reassignment are held pending investigator's determination.

**(S) CURRENT ASSESSMENT**

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

**(S) FIX / ACTION / CHANGE:**

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

OPR: CENTCOM

OCR:

*C-027P -- Common Guidance to Military and DoD Agencies*

**(U) RECOMMENDATION/OBSERVATION**

Common guidance is needed for use by all military departments and all DoD agencies regarding the practical effects of the President's 7 Feb 02 determination of "military necessity" and its impact in handling detainees under GPW.

**(U) CURRENT ASSESSMENT:**

- This matter, and other broader government issues impacting the war on Islamic extremism, have been brought to the Deputy, NSA.

OPR: OUSD(P)

OCR: OUSD(P)

**(U) FIX/ACTION/CHANGE:**

**Fix: Provide common guidance to all military developments and DoD agencies.**

**Action: OUSD(P) has reached out to Deputy, NSA on this and other related matters.**

**Change:**



*C-028P -- Standard Reporting/Investigating of Claims of Detainee Abuse*

**(U) RECOMMENDATION/OBSERVATION**

Establish standard reporting and investigating procedures for handling claims of detainee abuse.

**(U) CURRENT ASSESSMENT:**

- DoDD 5100.77 and USD(I) directives reiterate the need to report, and “how” to report abuses.
- CENTCOM issued FRAGO dealing with a set standard manner for reporting any abuse against a detainee (Coalition on Detainee, or ISF on Detainee) in theater.
- Doctrine and Training also reiterates a need to report suspected abuses.

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

**(U) FIX/ACTION/CHANGE:**

**Fix: Need for standard procedures for identifying and reporting detainee abuse and investigating allegations that are legitimate.**

**Action: DoDD directives, training, doctrine, CENTCOM FRAGO’s all address mandatory reporting and identification of legitimate abuse allegations.**

**Change: Completed**



*Issue Title (Dissemination of Policy):*  
**C-029 CHURCH REPORT pg. 275-276, 277**

**(U) RECOMMENDATION / OBSERVATION:**

Dissemination of approved interrogation policies from theater headquarters to individual units was ineffective, resulting in widespread lack of awareness of which techniques were currently authorized... [The breakdown of dissemination was pervasive at the unit level... and, we believe, stemmed in large part from a reliance on SIPRNET... to disseminate CJTF-7 policy memos to the field. In short, effective dissemination of CJTF-7 interrogation policies appeared to rely largely on timely posting of the memoranda to SIPRNET web sites; reliable SIPRNET connectivity of widely dispersed forces under often-hostile conditions in the field; and initiative on the part of units in the field to access SIPRNET to download interrogation guidance. Although this may have been backed up by distribution of hardcopy memoranda through normal command channels, our interviews revealed that the chain frequently broke down. Review efficiency of using SIPRNET to disseminate interrogation policy and consider development, implementation, and use of alternative means, as required. [While this appears to duplicate C-003, the discussion points to the need to examine reliance on SIPRNET— a specific subset of the greater problem.]

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

**~~(S)~~ FIX / ACTION / CHANGE:**

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

OPR: CENTCOM

OCR:



*Issue Title (Compliance with Interrogation Policy): C-030 CHURCH REPORT pg. 10, 166, 168-169, 192, 215, 276-277, 303*

**(U) RECOMMENDATION / OBSERVATION:**

Another key finding [that represents a missed opportunity to control the application of interrogation techniques in Iraq]. Compliance with approved interrogation policies was often incomplete, even when units were in possession of the latest guidance. Need to improve compliance via policy, doctrine, and monitoring changes.

**(S) CURRENT ASSESSMENT**

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

**~~(S)~~ FIX / ACTION / CHANGE:**

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

OPR: CENTCOM

OCR:

*C-031P -- Clarifying Roles/Limits of Interpreters in Interrogations*

**(U) RECOMMENDATION/OBSERVATION**

Doctrine should more clearly define the roles and limits of interpreters in interrogations (i.e., contract interpreters).

**(U) CURRENT ASSESSMENT:**

- USD(I) has in coordination a policy document to define doctrine and roles of interrogators.
- OUSD(P) assisting as needed.

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

**(U) FIX/ACTION/CHANGE:**

**Fix: Need for clear definition of roles and limits of interpreters in the conduct of interrogations.**

**Action: USD(I) addressing with specific policy document.**

**Change: Completed**

*C-032P – Dissemination and Applicability of US Guidance to Coalition*

**(U) RECOMMENDATION/OBSERVATION**

Need to clarify the applicability, coordination, dissemination, implementation of, and compliance with USG interrogation policy in Multi-National and Coalition Force operations.

**(U) CURRENT ASSESSMENT:**

- USD(I) has in coordination a policy document that addresses reporting and doctrine conditions regarding HUMINT collection DoDD.
- OUSD(P) assisting as needed.

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

**(U) FIX/ACTION/CHANGE:**

**Fix: Need for clarity, coordination, dissemination, and compliance by all Multi-National and Coalition Forces.**

**Action: USD(I) addressing with specific policy document.**

**Change: In progress**



*Issue Title (Maltreatment by Iraqi National Guard Forces.*

*C-033 CHURCH REPORT pg. 306*

**(U) RECOMMENDATION / OBSERVATION:**

Our interviews revealed persistent allegations and rumors of detainee maltreatment by Iraqi National Guard forces. These allegations have troubling implications that warrant further study and action.

**(S) CURRENT ASSESSMENT**

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

**(S) FIX / ACTION / CHANGE:**

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

OPR: CENTCOM  
OCR:

## *C-034P – Training Contractors in DoD Interrogation/Detention Operations*

### **(U) RECOMMENDATION/OBSERVATION**

Establish DoD policy detailing minimum training requirements and standards for contractors supporting DoD interrogation and detention operations, including theater-specific knowledge, GC, and Law of Armed Conflict.

### **(U) CURRENT ASSESSMENT:**

- OSD disagrees with task to Policy as OPR.
- Training for contractors in theater is operational.
- Policy discussed with LC, JS, and contractors arguably fall under Title 18 USCriminal Code) and UCMJ if offenses committed against detainees.
- Recommend Army as lead agency (Det Ops) with LC, JS input on legal matters.
- Training matters may also be addressed through dissemination of DoDD 2310.1.

### **(U) FIX/ACTION/CHANGE:**

**Fix:** Need for DoD policy regarding Training for contractors supporting DoD interrogations and detention operations.

**Action:** Review assignment of OUSD(P) as lead OPR, suggest matter is operational and legal concern not best addressed through policy alone.

**Change:** In progress

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

## *C-035P – Prosecution Loopholes for DoD Contractors*

### **(U) RECOMMENDATION/OBSERVATION**

Possible loopholes exist for foreign contractors employed by non-DoD agencies that do not appear to fall under USG criminal jurisdiction purposes where it may be necessary to investigate and prosecute them for detainee abuse.

### **(U) CURRENT ASSESSMENT:**

- OSD disagrees with task to Policy as OPR and does not believe loopholes exist.
- Training for contractors in theater is operational.
- Policy discussed with LC, JS, and contractors arguably fall under Title 18 USCriminal Code) and UCMJ if offenses committed against detainees.
- Recommend Army as lead agency (Det Ops) with LC, JS input on legal matters.

### **(U) FIX/ACTION/CHANGE:**

**Fix:** Need for close alleged loopholes for foreign contractors employed by non-DoD agencies that may not fall under USG criminal jurisdiction.

**Action:** Review assignment of OUSD(P) as lead OPR, suggest matter is operational and legal concern.

**Change:** In progress

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



## *C-036P – Prosecution Loopholes for DoD Contractors*

### **(U) RECOMMENDATION/OBSERVATION**

Possible loopholes exist for foreign contractors employed by non-DoD agencies that do not appear to fall under USG criminal jurisdiction purposes where it may be necessary to investigate and prosecute them for detainee abuse.

### **(U) CURRENT ASSESSMENT:**

- OSD disagrees with assigned task to Policy as OPR and does not believe loopholes exist.
- Training for contractors in theater is operational.
- Policy discussed with LC, JS, and contractors arguably fall under Title 18 USCriminal Code) and UCMJ if offenses committed against detainees.
- Recommend Army as lead agency (Det Ops) with LC, JS input on legal matters.

### **(U) FIX/ACTION/CHANGE:**

**Fix:** Need for close alleged loopholes for foreign contractors employed by non-DoD agencies that may not fall under USG criminal jurisdiction.

**Action:** Review assignment of OUSD(P) as lead OPR, suggest matter is operational and legal concern.

**Change:** In progress

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

## *C-037P – Standard Contract Clauses for Detention-Related Operations*

### **(U) RECOMMENDATION/OBSERVATION**

DoD directed development of an appropriate standard clause (or set of clauses) for detention related contracts needed to ensure widespread understanding of exactly “how” DoD must exercise control over contractors in order to prevent potential detainee abuse.

### **(U) CURRENT ASSESSMENT:**

- “Detention-related contract clauses” may be best addressed through LC, OGC, as they are not policy problems per se.
- To extend that standards of conduct are addressed in revised version of DoDD 2310.1, and the proposed USD(I), DoDD on HUMINT, the concerns about policy changes may be alleviated.
- Recommend OGC and LC as lead.

### **(U) FIX/ACTION/CHANGE:**

**Fix:** Need for standard contract clauses for contractors involved in detention-related operations in order to prevent potential detainee abuse.

**Action:** Review assignment of OUSD(P) as lead OPR, suggest matter is mainly a legal concern.

**Change:** In progress

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

*C-038P – Formalize Inter-agency Procedures re: DoD Support to OGA’s*

**(U) RECOMMENDATION/OBSERVATION**

Identify and, as required, develop formal inter-agency procedures to codify or formalize the process of DoD support to OGA’s re: operations overseas.

**(U) CURRENT ASSESSMENT:**

- Concern has been raised by USD(P) in a memo to Deputy, NSA.

**(U) FIX/ACTION/CHANGE:**

**Fix:** Develop formal inter-agency procedures to formalize DoD support to OGA’s during overseas operations.

**Action:** Inter-agency matter raised with Deputy, NSA.

**Change:** Addressed

**OPR: OUSD(P)**

**OCR: OUSD(P)**

*C-039P – Develop Guidance DoD-CIA Relationship*

**(U) RECOMMENDATION/OBSERVATION**

Develop guidance and implementing instructions governing the DoD-CIA relationship and cooperative intelligence gathering efforts.

**(U) CURRENT ASSESSMENT:**

- Concern has been raised by USD(P) in a memo to Deputy, NSA.
- Inter-agency coordination done through NSC-staff.

**(U) FIX/ACTION/CHANGE:**

**Fix: Develop guidance and implementing instructions governing DoD-CIA relationship and cooperative intelligence gathering efforts.**

**Action: Inter-agency problem raised with Deputy, NSA.**

**Change: Addressed**

**OPR: OUSD(P)**

**OCR: OUSD(P)**

# C-041 / ONS Programming

(x) RECOMMENDATION/OBSERVATION

- AFG-Medical personnel were not equipped to fully comply with all doctrinal requirements for detainee medical care. For example, there was no mention of monthly medical assessments or weight recordings, as required by AR 190-8, and it seems unlikely these would be feasible under the broader conditions described.
- HQDA DODOIP Task: D7, T7, M3.1

(x) CURRENT ASSESSMENT:



OPR: Army  
OCR: J4, J5

(x) FIX/ACTION/CHANGE:

Fix: Equipping for medical personnel ISO detainee operations

Action: Align equipping with doctrinal requirements and update/develop TOE/equipment sets

Change: Medical units or facilities provided organic equipment or standard equipment sets to meet all medical requirements ISO detainee operations



MAR

JUN

MEDCOM, completed assessment and developed required force template for MED support

All deploying medical units use force template and are equipped to provide Level-4 (long-term) care

(x) RECOMMENDATION/OBSERVATION

- Concerns that medical personnel may have misrepresented detainee injuries
- HQDA DODOIP Task:

(x) CURRENT ASSESSMENT:



OPR: Army

OCR: None

(x) FIX/ACTION/CHANGE:

Fix: Personal Accountability

Action: The Army conducted a thorough assessment of abuse

Change: Final Disposition

AUG



Army DTF is reviewing the OTSG/MEDCOM report and trip reports for corroborating evidence