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DEPARTMENT OF THE ARMY
104TH MILITARY INTELLIGENCE BATTALION
4TH INFANTRY DIVISION (MECHANIZED)
TIKRIT, IRAQ 09323-2628

AFYB-MIB-CDR

9 NOV 2003

MEMORANDUM FOR Commander, 104th Military Intelligence Battalion, 4th Infantry Division
(Mechanized), Tikrit, Iraq 09323-2628

SUBJECT: Rebuttal of Staff Sergeant [REDACTED] to Written Reprimand

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1. I understand that I am being reprimanded for failure to properly supervise SPCs [REDACTED] during interrogations at the TF IH DCCP. I understand that, as NCOIC of the Interrogation Control Element (ICE), it is ultimately my responsibility to ensure that interrogations are conducted in adherence to guidelines established by the Department of the Army. I accept this responsibility. However, even after a very thorough 15-6 investigation, I feel that the incidents surrounding this reprimand are being oversimplified. b6-2

2. Paragraph one of the written reprimand states that I am responsible for ensuring that SPCs [REDACTED] were properly trained. I feel this is untrue. My element is conducting real-world interrogation operations; in a very active combat zone during a resistance movement by a well-funded, hostile, armed force in the early stages of a major insurgency; with very few assets. This being my fourth combat tour in twelve years, I can say with confidence that this is not the environment for training. b6-2

3. SPC [REDACTED] has been assigned to the 104th Military Intelligence Battalion for over two years as a member of the Battalion S3. I am assigned to D Co. and SPC [REDACTED] has never been under my supervision until approximately one month before the incident occurred. As the de facto senior Human Intelligence Collector (97E) for the 4th Infantry Division, and being aware of SPC [REDACTED] duty position in the Battalion S3, I made two attempts, in January 2001 to include SPC [REDACTED] in Sergeant's Time training with D Co. at Fort Hood (There was no MOS training in the S3 for a Human Intelligence Collector). Both of these attempts were unsuccessful due to resistance by his supervisors. These two years would have been the proper time to train SPC [REDACTED] not during real-world operations. b6-2

4. Paragraph one of the reprimand states that I "... inadvertently led SPC [REDACTED] to believe that..." I myself "...perhaps condoned certain practices that were outside the established regulations". Given specific phrases that I had said to SPC [REDACTED] I recall a conversation that I had with SPC [REDACTED]. However, the topic of this conversation was a contingency plan for a separate interrogation facility, in the event alternative interrogation techniques were authorized and ordered into effect at our echelon. At no point did the topic become the techniques themselves. The facility could not be manned by personnel from Mobile Interrogation Team (MIT) 91, as most did not have a sufficient level of competency. At the time, given my extremely limited assets, SPC [REDACTED] was a prime candidate for this facility. As I recall, I made it clear to SPC [REDACTED] that alternative techniques must be authorized by higher echelons, on a case-by-case basis, and then only at certain facilities. If SPC [REDACTED] took my statements to [REDACTED] b6-2

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mean anything more than what I said, that was not my intention. I do not feel that I said anything to SPC [redacted] that would lead a reasonable person to believe that I condoned any practices outside regulations.

5. SPC [redacted] is a 98G Voice Interceptor, attached to the 104th Military Intelligence Battalion as a linguist. He is neither trained, nor authorized to conduct interrogations. I trained SPC [redacted] on his duties as an interpreter during interrogation operations and he has always performed admirably and with dedication. There was no reason, whatsoever, to think that SPC [redacted] would harm the detainee or allow him to be harmed. During the incident in question, SPC [redacted] was under the immediate supervision of the team leader of MIT 91 and assistant NCOIC of the ICE, SSG [redacted] (223rd MI BN), who was supposed to be conducting the interrogation. My duties are such that I cannot supervise more than a small fraction of the interrogations or screenings carried out by my element. I am forced to delegate supervisory responsibilities during the majority of operations.

6. Paragraph two of the reprimand states that I "...assigned a known difficult interrogation task to a very junior and inexperienced interrogator". While this is true, the truth of it is rather relative. All interrogations at the TF IH CCP are difficult due to several factors that have been brought up, through Tac HUMINT Ops, many times. Suggestions made to rectify these problems have been, and continue to be, ignored. With the exception of myself, all interrogators at the TF IH ICE were, and most remain, inexperienced at actual interrogation. The intelligence exploitation of detainees at the TF IH CCP has been limited, largely, to cursory and in-depth screenings of detainees due to insufficient personnel, time and resources. Relatively speaking, few formal interrogations have been carried out, and all of these have been individuals targeted as being of potentially high intelligence value. After two to three weeks of observation and assessment of SPC [redacted] performance during joint screenings and interrogations, prior to the incident, SPC [redacted] was found to have a level of methodological proficiency above most of the other interrogators at the ICE and had, in fact (as I noted to CW3 [redacted] on one occasion), exhibited a preference for "soft" approaches. In short, SPC [redacted] is, in reality, no less proficient, and possibly more talented, than most of the other interrogators at the ICE.

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7. Paragraph two of the reprimand also states that I "...failed to discern what techniques [SPC [redacted] would use during the interrogation". I do not feel that this is entirely accurate. When discussing the pending interrogation with SPC [redacted] he stated that he planned to use a "harsh approach". This is a term used frequently among interrogators to refer to such hostile approach techniques as "Fear-Up (harsh)" and "Pride and Ego-Down", or a combination thereof. Considering the approaches used previously against MP2496, and their relative ineffectiveness, I felt, and still feel, at that time, a "harsh approach" was in order. Additionally, interrogators are never required to have individual approaches approved by the ICE. An interrogation is an extremely fluid process that requires the interrogator to, in turn, be extremely flexible. While all interrogators must inform me as to the general approach they plan to use, as SPC [redacted] did, limiting interrogators to specific, preplanned approaches and techniques is not feasible during a proper interrogation. Some standard interrogation processes, which may be identified in FM 34-52 INTELLIGENCE INTERROGATION, are no longer applicable and may very well be counterproductive, due to this FM's application being Major Theater War operations. In many cases it is not applicable to the modern battlefield. I believe this is one of the reasons that it is no longer printed. To my knowledge, no FM covers counterinsurgency interrogation operations.

8. I firmly believe that SPC [redacted] took the actions he did, partially, due to his perception of the command climate of the division as a whole. Comments made by senior leaders regarding

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detainees such as "They are not EPWs. They are terrorists and will be treated as such" have caused a great deal of confusion as to the status of the detainees. Additionally, personnel at the ICE regularly see detainees who are, in essence, hostages. They are normally arrested by Coalition Forces because they are family of individuals who have been targeted by a brigade based on accusations that may or may not be true, to be released, supposedly, when and if the targeted individual surrenders to Coalition Forces. In reality, these detainees are transferred to Abu Ghyraib prison and become lost in the Coalition detention system regardless of whether the targeted individual surrenders himself. I know that SPC [REDACTED] has himself witnessed senior leaders at briefings, reporting that they have taken such detainees, with the command giving their tacit approval. In hindsight, it seems clear that, considering the seeming approval of these and other tactics by the senior command, it is a short jump of the imagination that allows actions such as those committed by SPC F [REDACTED] to become not only tolerated, but encouraged. This situation is made worse with messages from higher echelons soliciting lists of alternative interrogation techniques and the usage of phrases such as "...the gloves are coming off". The theory becomes even more plausible when one considers the facts surrounding a detainee such as MP2496—a known terrorist, insurgent and killer of American soldiers. While I do not condone SPC [REDACTED] actions in any way, I am beginning to see how he might arrive at certain erroneous conclusions, despite my warnings that there is no detainee here worth any of my soldiers going to prison. I feel that this is a dangerous situation that should be confronted.

9. I agree that I am in a very delicate and perilous duty position. It is one for which none of my training has prepared me and was not supposed to exist. Additionally, numerous other issues inhibit our effective mission accomplishment. Our unit has never trained for detention facility operations because our unit is neither designed nor intended for this mission. Current detainee handling policies adversely effect operations in ways that eliminate any reasonable chance of successful interrogation. Other factors effecting mission accomplishment are more complicated. I spent over three years, between deployments, training my soldiers to operate in Tactical HUMINT Teams in a combat environment remarkably similar to the one in which our division is currently operating. Instead of allowing our soldiers to execute the mission which exists, for which they have trained, they are assigned a mission for which they have not trained, are not manned, are not equipped, are not supplied and, considering manning and the current policies effecting interrogation operations, cannot effectively accomplish at division level regardless. Unfortunately, the element's low production of IIRs supports this.

10. I agree that I have made some mistakes since being assigned this duty position. However, I feel that I have carried out my duties as well as, and in many cases better than, could be expected. I have been given scant resources, few supplies, and some of the attached collection assets could have only been considered mediocre at best. I have considered, at length, what more I could have done to prevent the actions of SPCs [REDACTED] while still conducting the element's assigned operations. Currently, I am still at a loss. SPC [REDACTED] was being supervised by a trained SSG Human Intelligence Collector, senior but subordinated to me, attached to the element, and supposedly in charge of his interrogation. SPC [REDACTED] is a Human Intelligence Collector whom I was not given the opportunity to properly train. However, due to limited organic assets, he was needed to help conduct operations. I feel I took what measures were available to me within the constraints of my mission and available support. I will continue to execute my assigned mission to the best of my ability.

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[REDACTED]
SSG, USA
NCOIC, TF IH ICE

[REDACTED]