

Substantiated Cases of Misconduct at JTF-GTMO
(Response to Query Only)
July 19, 2005

QUESTION: Please provide a list of substantiated cases of misconduct at the Joint Task Force in Guantanamo Bay, Cuba

ANSWER: There are 11 cases of substantiated misconduct cases involving detainees at JTF-Guantanamo (8 of which were mentioned in Schlesinger and Church reports and one of which was first publicly-released in the Schmidt/Furlow report).

1) A guard was charged with assault against a detainee for actions during an incident in September 2002. During that incident, detainees in a detention block were protesting and one detainee threw food out of his cell window (the portal in the door through which food and books are passed). The window was closed by a guard, and during a later check on the detainee, the detainee threw what was believed to be water from the toilet on the guard. The guard then attempted to spray the detainee with a hose. The guard received non-judicial punishment pursuant to an Article 15, Uniform Code of Military Justice (UCMJ). He was reduced in rank to E-3 (suspended) and given 7 days restriction. He was reassigned to other duties at Guantanamo.

2) A guard was charged with dereliction of duty and assault on a detainee following an incident in April of 2003 that involved a disturbance in one of the detention blocks. One detainee who was already out of his cell assaulted another guard, and while the detainee was being subdued, the detainee bit the guard. After the detainee was subdued, the guard struck the detainee with his fist in which he held a handheld radio. He received non-judicial punishment pursuant to an Article 15 in May 2003. The guard was reduced in rank to E-3, given 45 days of extra duty and was reassigned.

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- 3) In April 2003, during the approach phase of an interrogation, a female interrogator took off her uniform top (her brown T-shirt was still worn), ran her fingers through the detainee's hair and sat on his lap. A supervisor monitoring the interrogation immediately terminated the session. The interrogator was given a written reprimand for her conduct and she received additional training before being allowed to continue duties as an interrogator.
- 4) In early 2003 a female interrogator (different interrogator than incident 3) wiped dye from red magic marker on detainees' shirt after detainee spit on her. She told the detainee the stain was blood. The interrogator received a verbal reprimand for inappropriate contact/interrogation technique.
- 5) An interrogator in April 2003 used a "fear-up/harsh" technique by directing MPs to repeatedly bring the detainee from a standing to prone position and back. A review of medical records indicated superficial bruising to the detainee's knees. The interrogator was issued a written reprimand. Maj. Gen. Miller, JTF Commander at the time of this incident, prohibited further use of the "fear-up/harsh" technique and specifically prohibited MPs from involvement during interrogation.
- 6) In February 2004, an MP was joking with a detainee and dared the detainee to throw water on him. The detainee did so and the MP squirted the detainee with water from a water bottle. The MP also engaged in inappropriate casual conversation with detainee. The MP's behavior described above was in violation of JTF Guantanamo Standard Operating Procedures (SOP). The MP was reassigned to other duties at Guantanamo.
- 7) In March 2003, an MP sprayed pepper spray on a detainee who was preparing to throw unidentified liquid on another MP during an Initial Response Force response. The MP was alleged to have used the spray in violation of the JTF Guantanamo SOP. The MP turned down an Article 15 (non-judicial punishment) and instead requested a court-

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martial proceeding. He was acquitted by members at a Special Court Martial in June 2003.

8) In February 2004, a Camp barber intentionally gave two unusual haircuts, in an effort to frustrate detainee requests for similar haircuts, as a sign of detainee unity. The barber and his company commander were counseled by their battalion commander, and the barber was required to re-cut the detainees' hair appropriately.

9) Another incident involved a guard throwing cleaning fluid on a detainee. He received non-judicial punishment pursuant to an Article 15 in June 2004. He was reduced in rank from E-3 to E-1 and forfeited \$150 per month for two months and was reassigned. The guard's company commander was given a letter of reprimand for failing to properly investigate the incident.

10) In the another incident, a guard struck a detainee after the detainee spit on the guard and tried to bite him. He received non-judicial punishment pursuant to an Article 15 in October 2004. He was reduced in grade from E-5 to E-4 and had to forfeit \$250 per month for two months and was reassigned.

11) In October 2002, an interrogator used duct tape to tape shut the mouth of a detainee who was being extremely disruptive during an interrogation. The tape did not harm the detainee and the interrogator received a verbal admonishment for his behavior.

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