

Release - 82nd ABN encouraged LTC [redacted] (L)(6)-2 to release - Release 70% of those detainees - 52 - is release authority... 52/SJA conducted a Release Board.

Junction City

INTERVIEW QUESTIONS

Look at what magistrate would say.

Rank CPT Branch DAG Date: 26 Mar 04 Unit 1 ID
Duty Position SJA How Long in Job 10 Months
Interviewer [redacted] (L)(6)-2
How Long have you been in Country 7 Months

Try to move them as quickly as possible to 10 days to the norm.

1. What specific measures has the commander/unit taken to ensure compliance with the Law of War regarding detainee operations? Individual training events? When? Collective/unit training events? When? (1.1, 1.2, 4.1)

Extensive discussions w/ MPs that used to be C.P. Discussions w/ Marine MP OIC. Will talk to Marines, discuss w/ Engineers & S3 on improvements. Many improvements even though it's a temporary.

2. What is the minimum standard of treatment that the US must provide any detainee? What policies/procedures do units have in place to support the U. S. General Protection policy relative to the treatment of Detainees in the custody of the U S forces? (1.1, 1.2, 4.1)

Humane treatment, food, water, shelter, MKES. foam mattresses, 2 blankets. Similar to the treatment that we would expect in Iraqi system. SF Group, ODA, they hold them.

Canal from the Euphrates.

3. What specific measures did the unit take prior to arrival in the AOR to ensure that subordinate leaders and soldiers know and understand how to treat, handle, and process detainees properly? Do leaders and Soldiers know and understand how to apply Detainee Operations doctrine and standards when they arrive in the AOR? Can you provide some examples. (1.1, 1.4, 1.5, 1.7, 1.8)

Law of Land Warfare & ROE classes. Did not anticipate # of detainees at H. Station.

DA 2823 / DA 4137 & CPA Form - learn the reserve

Quality of witness statements was lacking

4. How is the issue of classification of detainees being handled? Are any Article 5 tribunals being held or is there a presumption that the insurgents clearly do not meet the Article 4 GC-III EPW criteria (commanded by a person responsible for his subordinates, wearing fixed distinctive sign, carrying arms openly, conducting operations in accordance with the laws of war)? (1.1, 1.2, 1.4, 1.6, 4.1)

SJA

gave

classes

to all

BN 5 2280's

DA 10 RIES

Soldiers at first hated the paperwork Needs to be a battle drill. at first.

All are CIG

55-60 15-65
and more added
to detainee abuse

5. Did units receive training on the reporting of Detainee abuse? When did this training occur last and how often is it conducted by the units? Are units reporting Detainee abuse? What is happening to individuals who abuse Detainees? How many cases of detainee abuse have you heard of and or processed since you have been in country? At what point in the detention process are most of the abuses occurring? (point of capture, initial collection point, by guards at internment facility, by interrogators)(1.1, 1.2, 1.4, 4.1)

4.1 *Anytime an Iraqi gets hurt a Cdr's signature is conducted.*
Not training from the JAG

LTG [redacted] memo on the treatment of detainees were sent to the units twice. One month ago. Will do the same for Marines.
No abuse.

6. What control measures are units using to maintain detainee discipline and security in each internment facility/collection point? (1.1, 1.2, 4.1) Don't forget the 5 S's and T. These are valuable tools to maintaining discipline and security in a camp/collection point

In the field flex-cuffed in back & bagged.
Here they are flex-cuffed in front & unbagged.

7. What are the procedures you follow if you personally notice or if it is reported to you that a detainee is injured and you suspect the detainee has been abused? What training has the unit received regarding reporting procedures for detainee abuse? (1.1, 1.2, 4.1)

87th CID - contact them. 82nd took them home. Contact the Baghdad CID & request a 15-6 be conducted.

8. What are the procedures if a detainee in U.S. custody dies? (1.1, 1.2, 4.1)

Never had one. - If it appeared as abuse - Contact CID.

9. What are the Theater guidelines for any EPW, CI, and RP claims against the U.S. Government? (1.1, 1.2, 1.6, 4.1)

CPT [redacted] runs a claim operation in Ramadillo - One detainee claimed he had \$5 & Dings - They added up wrong to \$40K - Soldier did a clerical error. - Denied, But detainee got to process

10. (Internment facility Judge Advocate only) What is the procedure if an EPW or detainee wants to make a complaint or requests to the camp commander regarding conditions of their internment? How are Detainees complaints and requests to the camp commander processed? (1.1, 1.2, 4.1)

Not aware of one - Ask Fac Personnel. Some complained thru CAIT interpreters about MRIs - Was about taking away spoon.

11. Have any detainees refused repatriation? If so, what happened to them? (1.1, 1.2, 4.1)

No

12. What happens when a detainee is suspected of, or is known to have committed a serious offense while they are being interned at either the collection point or detention facility? Describe the due process available to detainees and rights of the detainee suspected of committing a serious offense. Have you or any Staff Judge Advocate provided legal advice to a detainee who might have committed an offense? (1.1, 1.2, 1.4, 1.6)

Isolation - Bring charges

13. What is your feeling on how Detainees are being treated? What do you feel is the primary focus/purpose of detainee operations. (force protection, punishment, rehabilitation, protection, merely a regulatory/legal requirement) No standard. Personnel observations and feelings. (1.1, 1.2, 1.6, 2.1, 4.1)

Yes, intel gathering is the primary focus.

14. What AARs or lessons learned have you written or received regarding detainee operations? Can I get a copy? (preferably on disk) (2.1, 2.2)

Don't Know

15. What do you perceive to be doctrinal legal shortcomings pertaining to Detainee Operations and how would you fix/incorporate into updated doctrine/accomplish differently? How about Force Structure of Staff Judge Advocate to ensure Detainee Operations can be successfully accomplished? What are the shortcomings and how do we fix the problem at the Army-level? (1.1, 1.3, 1.5, 1.7, 4.1)

Had to do a lot of digging for guidance

Most guidance is in separate FRAGO - a consolidation of guidance would be helpful. It will be difficult to produce Soldiers in Baghdad as witnesses in the Iraqi Court system.

16. What do you perceive as the mission of your unit? Describe the importance of your role in that mission. (Insight to the Soldier's understanding and attitude concerning unit mission and their role)

Unit is on ROE trained unit

Many facets - Bde trial counsel - only 1 preferred case. 2 attorneys. I demand @ the M. J. Admin Law is most effort - Operational Law is a big piece.

17. Describe your working environment and living conditions since being in Theater. (Identify physical and psychological impact on Soldier's attitude). (1.2, 1.3, 1.4, 1.5, 1.6, 1.7)

Improved dramatically. Now have windows, tiles, doors, etc. now. Iraqi Military Installation - was looted. We're painted.

2283

18. Describe the unit command climate and Soldier morale. Has it changed or evolved since you have been in Theater? (Identifies Soldier's perception of the chain of command and Soldier attitude. Does the Soldier feel supported? Do Soldiers feel the Command cares? Are they getting clear guidance?) _____

Say good. Depends on unit. Some BNs have more discipline problems than others. BDE has taken 22 KIAs. 27 Tpr killed Col. 156, driver & gunner. Used to be Assistant BDE Eng.

19. Are you aware of any incidences of detainee or other abuse in your unit _____

No

ADVISEMENT OF RIGHTS (For military personnel)

The text of Article 31 provides as follows a. No person subject to this chapter may compel any person to incriminate himself or to answer any questions the answer to which may tend to incriminate him. b. No person subject to this chapter may interrogate or request any statement from an accused or a person suspected of an offense without first informing him of the nature of the accusation and advising him that he does not have to make any statement regarding the offense of which he is accused or suspected, and that any statement made by him may be used as evidence against him in a trial by court-martial. c. No person subject to this chapter may compel any person to make a statement or produce evidence before any military tribunal if the statement or evidence is not material to the issue and may tend to degrade him. d. No statement obtained from any person in violation of this article, or through the use of coercion, unlawful influence, or unlawful inducement, may be received in evidence against him in a trial by court-martial. (1.2, 1.6)

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

2284

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

20. Describe what you understand happened leading up to and during the incident(s) of abuse. (No applicable standard)

21. Describe Soldier morale, feelings and emotional state prior to and after these incidents? (Identifies unit and Soldier morale, atmosphere, mood, attitude, stress, retaliation, preemption, family crisis)

22. Was this incident reported to the chain of command? How, when & what was done? What would you have done? (Identifies compliance, procedure, timeliness, Soldier perception of action taken and effect on unit morale.) (1.2, 1.6)

23. How could the incident have been prevented? (Identifies root cause and perceived solution) (No applicable standard)

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

Combat Stress Team is here. They attend the daily Battlefield Status Brief.

2285

25. What measures are in place to boost morale or to relieve stress? (Identifies perceived solution.)

Lots of stuff, Soccer Games, Softball
field, DVD, PX, MWR tents, bright
rooms. C-6 package - Internet Cafe.

26. What measures could the command enact to improve the morale and command climate of your unit? (Identifies perceived solution.)

~~To~~ Increase the volume of the Cave
program. ~~Some~~ Some soldiers may not
get to go home on leave,