

IRACIS are not symmetrical victims

(b)(6)-2

2 BCT - 1 AD

SJA
INTERVIEW QUESTIONS

Rank CPT Branch JA Date: 24 MAR Unit 2 BCT
Duty Position BSA How Long in Job 22 months
Interviewer (b)(6)-2
How Long have you been in Country 10 months

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)

Quarterly Refresher - Legal Distribution
Treatment of EPWs, ROE
Interrogation policy - JAG trained BN/CO

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)

No knowledge of Detainees ops Mission
JAG no idea Howand he DIC - 3 months then MPs
GCTV - AR 150-8
now - provides QC

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)

BDE - Commander sets & enforces stds regarding detainee abuse

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)

no classification

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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 Yes. Pre-deployment & while in Iraq

Cherish J. Carroll, JAG

Units do report - investigate usually 15-6

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.

Take cat away, barbed wire (use zip ties)

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)

Capture by unit, BDE XO, investigation

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

BDE Colr ~~Investigation~~ Investigation
Autopsy

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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)

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)

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

*100 per week captured
about 2 dozen total
staying some a couple weeks and let go*

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)

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)

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Bw Attitude After Investigation in CAI - "hands tied"

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)

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)

Temporary Holding Facilities - not addressed properly
Time periods
Can't fulfill all requests at this level - Visitation
CJTF-7 - 14 day max
IAD - 96 hr max

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). Restore stability, supply, security

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) Rough at beginning no water
still some problems clear

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DAIG

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?) _____

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

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

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DA IG

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. _____

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

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