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	AEX-00	AS-00	A-00	ACQ-00	CA-00	CIAE-00	COME-00
	CCOE-00	INL-00	DODE-00	ANHR-00	WHA-00	DS-00	MEDE-00
	EAP-00	EB-00	EUR-00	OIGO-00	UTED-00	CSEP-00	VC-00
	FSI-00	OBO-00	H-00	TEDE-00	INR-00	IO-00	JUSE-00
	L-00	VCE-00	MMP-00	MOFM-00	M-00	AC-00	NEA-00
	NSAE-00	OIG-00	OMB-00	NIMA-00	EPAU-00	PA-00	PER-00
	GIWI-00	ACE-00	P-00	SCT-00	SP-00	IRM-00	SSO-00
	SS-00	MR-00	TEST-00	SA-00	FMP-00	BBG-00	R-00
	EPAE-00	ECA-00	IIP-00	SDBU-00	PMB-00	DSCC-00	PRM-00
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SOURCE: KODAKD.028002

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TO ALL DIPLOMATIC AND CONSULAR POSTS IMMEDIATE

SPECIAL EMBASSY PROGRAM

AMEMBASSY DUSHANBE

AMEMBASSY KHARTOUM

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AMEMBASSY BAGHDAD

UNCLAS STATE 185531

E.O. 12958: N/A

TAGS: KSEP, MASS, MARR, PREL, KPAO

SUBJECT: DOD PUBLIC AFFAIRS GUIDANCE REGARDING THE
INVESTIGATIONS OF DETAINEE ABUSE AT ABU GHRAIB PRISON

1. (U) THIS CABLE HAS BEEN CLEARED BY SEP.

2. (U) SUMMARY: THIS CABLE CONTAINS INFORMATION ABOUT THE
RESULTS OF TWO DEPARTMENT OF DEFENSE INVESTIGATIONS OF
REPORTED ABUSE OF DETAINEES AT THE ABU GHRAIB PRISON IN
IRAQ AND DOD PUBLIC AFFAIRS PRESS GUIDANCE, PROVIDED FOR
POSTS' INFORMATION AND USE AS APPROPRIATE. END SUMMARY.

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3. (U) THE RESULTS OF TWO DEPARTMENT OF DEFENSE INVESTIGATIONS OF DETAINEE ABUSE AT ABU GHRAIB PRISON WERE ANNOUNCED AT DOD PRESS BRIEFINGS EARLIER THIS WEEK. THE FINDINGS AND RECOMMENDATIONS OF THE INDEPENDENT PANEL TO REVIEW DOD DETENTION OPERATIONS, ALSO KNOWN AS THE SCHLESINGER PANEL -- ITS MEMBERS INCLUDE FORMER SECRETARIES OF DEFENSE JAMES R. SCHLESINGER AND HAROLD BROWN, FORMER U.S. REPRESENTATIVE FROM FLORIDA TILLIE K. FOWLER, AND RETIRED U.S. AIR FORCE GENERAL CHARLES A. HORNER -- WERE ANNOUNCED ON TUESDAY, AUGUST 24. THE

FINDINGS AND RECOMMENDATIONS OF A SECOND PANEL CONSISTING OF THREE U.S. ARMY GENERALS -- GENERAL PAUL J. KERN, LIEUTENANT GENERAL ANTHONY R. JONES, AND MAJOR GENERAL GEORGE R. FAY -- WERE RELEASED ON WEDNESDAY, AUGUST 25. THIS CABLE FORWARDS DOD-DRAFTED BACKGROUND INFORMATION AND TALKING POINTS PERTAINING TO THESE TWO INVESTIGATIONS FOR USE BY POSTS AS DEEMED APPROPRIATE.

4. (U) GENERAL BACKGROUND: FOLLOWING ALLEGATIONS OF DETAINEE ABUSE, DOD DIRECTED THE INITIATION OF A NUMBER OF INVESTIGATIONS TO ENSURE A FULL AND THOROUGH ASSESSMENT OF DETAINEE OPERATIONS:

- MAJOR GENERAL TAGUBA'S INVESTIGATION OF DETAINEE OPERATIONS AT ABU GHRAIB AND THE 800TH MILITARY POLICE BRIGADE.
- NAVY INSPECTOR GENERAL'S REVIEW OF DETENTION PROCEDURES AT GUANTANAMO AND CHARLESTON.
- ARMY INSPECTOR GENERAL'S ASSESSMENT OF DETENTION OPERATIONS DOCTRINE AND TRAINING.
- SCHLESINGER PANEL'S INDEPENDENT EXAMINATION OF DETAINEE ISSUES.
- GEN KERN/LTG JONES/MG FAY INVESTIGATION INTO MILITARY INTELLIGENCE ACTIVITIES AT THE ABU GHRAIB.
- (ON-GOING) BRIGADIER GENERAL JACOBY'S ASSESSMENT OF DETAINEE OPERATIONS AND FACILITIES IN AFGHANISTAN.
- (ON-GOING) VICE ADMIRAL CHURCH'S REVIEW DETAINEE OPERATIONS AND INTERROGATION PROCEDURES.
- (ON-GOING) ARMY RESERVE ASSESSMENT OF RESERVE TRAINING WITH FOCUS ON MILITARY POLICE AND MILITARY INTELLIGENCE.

REPORT OF THE INDEPENDENT PANEL TO REVIEW DOD DETENTION
OPERATIONS (THE SCHLESINGER PANEL)

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5. (U) DOD TALKING POINTS PERTAINING TO THE INDEPENDENT PANEL'S REVIEW:

-- THE REPORT BY THE SCHLESINGER PANEL IS THE FIRST INDEPENDENT INVESTIGATION INTO DETAINEE ABUSE AT ABU GHRAIB.

-- THE PANEL FOUND THAT THERE WAS NO POLICY OF ABUSE AT ABU GHRAIB.

-- THE PANEL REPORT STATES, "SERIOUS LEADERSHIP PROBLEMS IN THE 800TH MILITARY POLICE BRIGADE AND THE 205TH MILITARY INTELLIGENCE BRIGADE, TO INCLUDE THE 320TH MILITARY POLICE BATTALION COMMANDER AND THE DIRECTOR OF THE JOINT DEBRIEFING AND INTERROGATION CENTER, ALLOWED THE ABUSES AT ABU GHRAIB."

-- THE PANEL CONCLUDED THAT THERE WERE SERIOUS LAPSES OF LEADERSHIP IN BOTH BRIGADES FROM THE JUNIOR NON-COMMISSIONED OFFICER LEVEL TO THE BRIGADE COMMAND LEVEL.

--THE PANEL FOUND NO EVIDENCE THAT ORGANIZATIONS ABOVE THE 800TH MILITARY POLICE BRIGADE OR 205TH MILITARY INTELLIGENCE BRIGADE BORE DIRECT RESPONSIBILITY FOR THE INCIDENTS AT ABU GHRAIB.

-- THE PANEL MADE SEVERAL RECOMMENDATIONS TO IMPROVE OVERSIGHT OF DETAINEE OPERATIONS, TWO OF WHICH DOD HAS ALREADY ACTED UPON: (1) THE SECRETARY OF DEFENSE ESTABLISHED THE OFFICE OF DETAINEE AFFAIRS ON JULY 16, 2004 AND (2) DOD HAS ESTABLISHED NEW PROCEDURES FOR THE REVIEW OF INTERNATIONAL COMMITTEE OF THE RED CROSS REPORTS.

-- THE REMAINING RECOMMENDATIONS WILL BE REVIEWED WITH RECOMMENDATIONS FROM OTHER INVESTIGATIONS THAT DOD HAS UNDERTAKEN TO ASSESS WHAT FURTHER IMPROVEMENTS CAN BE MADE.

-- THE PANEL REITERATED THE IMPORTANCE OF INTERROGATION AS A MEANS OF GAINING RELIABLE INFORMATION IN THE GLOBAL WAR ON TERROR.

-- THE PANEL EXPRESSED CONCERN FOR THE "CHILLING EFFECT" INVESTIGATIONS MIGHT HAVE ON GAINING ADDITIONAL INTELLIGENCE. WE MUST KEEP INTACT OUR ABILITY TO CONDUCT EFFECTIVE INTERROGATION.

-- THE PANEL FOUND THAT ABUSES DEPICTED IN THE WIDELY CIRCULATED PHOTOGRAPHS ARE NOT THE RESULT OF AUTHORIZED INTERROGATION PROCEDURES.

--THE PANEL REPORTED THAT PRISONERS DEPICTED WERE NOT PART OF INTELLIGENCE GATHERING EFFORTS; INSTEAD, "THEY WERE THE FREELANCE ACTIVITIES ON THE PART OF THE NIGHT SHIFT AT ABU GHRAIB."

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6. (U) THE COMPLETE SCHLESINGER REPORT CAN BE OBTAINED AT:
WWW.DEFENSELINK.MIL/NEWS/AUG2004/D20040824FINALREPORT.PDF

INVESTIGATION OF ABU GHRAIB DETENTION FACILITY AND THE
205TH MILITARY INTELLIGENCE BRIGADE (THE KERN REPORT)

7. (U) BACKGROUND: THE KERN REPORT COMBINES FINDINGS AND RECOMMENDATIONS FROM THE INVESTIGATION BY MAJOR GENERAL GEORGE FAY OF THE ABUSES AT ABU GHRAIB AND THE INVESTIGATION BY LIEUTENANT GENERAL ANTHONY JONES OF THE COMBINED JOINT TASK FORCE (CJTF)-7 CHAIN OF COMMAND. GENERAL KERN WAS THE APPOINTING AUTHORITY FOR BOTH INVESTIGATIONS. TOGETHER WITH THE REPORT BY MAJOR GENERAL ANTONIO TAGUBA ON THE 800TH MILITARY POLICE BRIGADE AND DETAINEE OPERATIONS IN IRAQ, THESE REPORTS ARE A COMPLETE AND THOROUGH INVESTIGATION OF DETAINEE ABUSES AT THE ABU GHRAIB DETENTION FACILITY. THE COMPLETE REDACTED REPORT IS AT: WWW.DEFENSELINK.MIL/NEWS/ AUG2004/D20040825FAY.PDF.

8. (U) MAJOR FINDINGS OF THE KERN/JONES/FAY REPORT:

- THE KERN/JONES/FAY INVESTIGATION IDENTIFIED 44 INCIDENTS OF ABUSE AT ABU GHRAIB BETWEEN SEPTEMBER 2003 AND JANUARY 2004.
- ABUSES AT ABU GHRAIB FALL INTO TWO CATEGORIES: (1) INTENTIONAL VIOLENT OR SEXUAL ABUSE AND (2) ACTIONS TAKEN BASED ON MISINTERPRETATIONS OF OR CONFUSION ABOUT LAW OR POLICY.
- ABOUT HALF THE INCIDENTS OF ABUSE IDENTIFIED BY MG FAY WERE ALSO REPORTED BY MG TAGUBA IN HIS EARLIER REPORT.
- THE INCIDENTS OF ABUSE DEPICTED IN THE PHOTOGRAPHS WERE NOT AUTHORIZED BY ANY ESTABLISHED POLICY.
- THE KERN/JONES/FAY REPORT IDENTIFIED 54 MILITARY INTELLIGENCE, MILITARY POLICE, AND MEDICAL SOLDIERS, AND CIVILIAN CONTRACTORS WHO WERE FOUND TO HAVE SOME DEGREE OF CULPABILITY, RESPONSIBILITY OR COMPLICITY IN, OR FAILURE TO REPORT, THE ABUSES THAT OCCURRED AT ABU GHRAIB.
- 27 OF THE 54 SO-IDENTIFIED WERE REFERRED TO THE APPROPRIATE COMMANDS FOR FURTHER INVESTIGATION OR ADMINISTRATIVE ACTION. FIVE OF THESE 27 WERE CIVILIAN CONTRACTORS REFERRED TO THE DEPARTMENT OF JUSTICE.
- OF THE REMAINING 27 OF THE 54, 17 WERE CITED FOR MISUNDERSTANDING POLICY, REGULATION OR LAW; 3 WERE MILITARY INTELLIGENCE SOLDIERS WHO HAD PREVIOUSLY RECEIVED PUNISHMENT UNDER THE UNIFORM CODE OF MILITARY JUSTICE

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(UCMJ) AND WERE RECOMMENDED FOR ADDITIONAL INVESTIGATION; AND 7 WERE MILITARY POLICE SOLDIERS WHO HAD BEEN PREVIOUSLY IDENTIFIED IN THE TAGUBA REPORT AND WERE ALREADY UNDER CRIMINAL INVESTIGATION AND/OR CHARGES.

-- WHILE THE REPORT FOUND THAT THE CHAIN OF COMMAND ABOVE THE 205TH MILITARY INTELLIGENCE BRIGADE WAS NOT DIRECTLY INVOLVED IN ANY OF THE ABUSES THAT OCCURRED AT ABU GHRAIB, THE REPORT FOUND THAT THE COMMANDING GENERAL AND DEPUTY COMMANDING GENERAL OF CJTF-7 FAILED TO ENSURE PROPER STAFFOVERSIGHT OF

DETENTION AND INTERROGATION OPERATIONS.

--THE DETENTION AND INTERROGATION PRACTICES OF OTHER GOVERNMENT AGENCIES AT ABU GHRAIB CONTRIBUTED TO A LOSS OF ACCOUNTABILITY. THERE WERE OTHER GOVERNMENT AGENCY DETAINEES HELD BY U.S. ARMED FORCES AT ABU GHRAIB WHO WERE UNIDENTIFIED OR UNACCOUNTED FOR.

--THE COMBINED JOINT TASK FORCE WAS UNDER-RESOURCED WITH PERSONNEL TO PERFORM STAFF AND INTERROGATION FUNCTIONS.

9: (U) THE COMPLETE REPORT CAN BE FOUND AT:
WWW.DEFENSELINK.MIL/NEWS/AUG2004/D20040825FAY.PDF

10. (U) DOD TALKING POINTS USED BY GENERAL KERN:

--ONE INSTANCE OF DETAINEE ABUSE IS ONE TOO MANY. WE VIEW SUCH ACTIONS AS ABHORRENT AND INCONSISTENT WITH OUR VALUES.

--DETAINEE ABUSE AT ABU GHRAIB WAS FIRST BROUGHT TO LIGHT BY THE U.S. ARMY AND AN INVESTIGATION WAS BEGUN IMMEDIATELY.

--OVER 400,000 U.S. SERVICEMEN HAVE SERVED IN AFGHANISTAN AND IRAQ SINCE SEPTEMBER 11, 2001. A VERY SMALL NUMBER OF PEOPLE ARE RESPONSIBLE FOR THE ABUSE OF DETAINEES. THE VAST MAJORITY OF U.S. SERVICEMEN AND WOMEN ARE SERVING THEIR COUNTRY WITH COURAGE, HONOR AND DISTINCTION AND WE ARE PROUD OF THEIR SERVICE AND SACRIFICE.

--OVER 47,700 PRISONERS AND DETAINEES HAVE BEEN PROCESSED THROUGH DETENTION FACILITIES IN IRAQ. FROM OCTOBER TO DECEMBER 2003, 2,500 INTERROGATIONS WERE CONDUCTED AT ABU GHRAIB. THIRTEEN OF THOSE (LESS THAN 1/2 OF ONE PERCENT) WERE FOUND TO HAVE HAD SOME ELEMENT OF ABUSE OR IMPROPER CONDUCT.

-- WE WILL INVESTIGATE AND, WHEN APPROPRIATE, PROSECUTE AND PUNISH ANYONE WHO ENGAGED IN, TOLERATED OR FACILITATED MISCONDUCT REGARDLESS OF ORGANIZATION, RANK OR POSITION.

-- WHILE THERE ARE STILL THREE INVESTIGATIONS TO BE

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REPORTED, THE DEPARTMENT OF DEFENSE HAS ALREADY TAKEN A NUMBER OF ACTIONS TO PREVENT SUCH ABUSES FROM OCCURRING AGAIN. THEY INCLUDE:

- LESSONS LEARNED FROM COMPLETE AND ONGOING INVESTIGATIONS ARE BEING DISTRIBUTED TO IRAQ AND TO TRAINING CENTERS SO THAT APPROPRIATE DETAINEE SCENARIOS CAN BE USED TO TEST UNITS IN DETAINEE OPERATIONS PRIOR TO DEPLOYMENT;

- MOBILE MILITARY POLICE TRAINING TEAMS HAVE BEEN SENT TO THE COMBAT TRAINING CENTERS TO ENSURE THE DETAINEE INSTRUCTION IS PART OF ADVANCED INDIVIDUAL TRAINING AND OTHER COURSES;

- ALL DEPLOYING ARMY RESERVE MILITARY INTELLIGENCE SOLDIERS RECEIVE THE MOST CURRENT INSTRUCTION ON THEIR RESPONSIBILITIES PRIOR TO DEPLOYMENT;

- REFRESHER TRAINING ON THE LAW OF LAND WARFARE AND THE RESPONSIBILITIES OF SOLDIERS UNDER THE GENEVA AND HAGUE CONVENTIONS, WITH SPECIAL EMPHASIS ON THE HANDLING OF PRISONERS AND OTHER DETAINEES, HAS BEEN GIVEN TO ALL MILITARY POLICE AND MILITARY INTELLIGENCE SOLDIERS WHO ARE INVOLVED WITH DETAINEE OPERATIONS;

- THE CHAIN OF COMMAND AT ABU GHRAIB HAS BEEN STREAMLINED TO PLACE RESPONSIBILITY FOR DETENTION OPERATIONS, LAW ENFORCEMENT, INVESTIGATIONS, AND DISPOSITION OF CRIMINAL CASES UNDER A SINGLE ENTITY TO IMPROVE EFFICIENCY;

- A GENERAL OFFICER WITH RESPONSIBILITY FOR ALL DETENTION AND INTERROGATION OPERATIONS HAS BEEN ADDED TO THE IRAQ STAFF;

- MILITARY POLICE HAVE BEEN PLACED UNDER TACTICAL CONTROL OF THE DEPUTY COMMANDING GENERAL-IRAQ DETAINEE OPERATIONS;

- FORCE PROTECTION MEASURES HAVE BEEN IMPROVED TO PROTECT COALITION FORCES AND DETAINEES;

- GENEVA CONVENTIONS AND FACILITY RULES IN ENGLISH AND DETAINEE LANGUAGES HAVE BEEN PROMINENTLY DISPLAYED IN ALL CAMPS;

- OVERALL FACILITY CONDITIONS FOR DETAINEES AT ABU GHRAIB HAVE BEEN IMPROVED;

- U.S. FORCES ARE INCREASING THE RATE AT WHICH DETAINEE CASE FILES ARE REVIEWED AND RECOMMENDED FOR RELEASE OR CONTINUED INTERNMENT TO ENSURE THAT ONLY THOSE DETAINEES POSING A THREAT TO SECURITY ARE DETAINED;

- ALL DETAINEE TRANSFERS ARE NOW CONDUCTED USING BIOMETRIC AUTOMATED SYSTEMS;

- MALES, FEMALES AND JUVENILES ARE NOW SEGREGATED WITHIN DETENTION FACILITIES SO THAT NO CONTACT OCCURS;

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-- ORDERS AND COMMAND POLICIES HAVE BEEN ISSUED TO REINFORCE THE LAW OF WAR INCLUDING THE GENEVA CONVENTIONS;

-- A NEW POLICY MEMORANDUM EMPHASIZING THE NEED TO TREAT ALL IRAQIS WITH DIGNITY AND RESPECT HAS BEEN ISSUED;

-- IMPROVED STANDARD OPERATING PROCEDURES FOR DETAINEE OPERATIONS HAVE BEEN PUT IN PLACE, INCLUDING: PUBLISHED COMPREHENSIVE PROCEDURES FOR HANDLING AND TREATMENT OF DETAINEES IN ALL THEATER DETENTION FACILITIES.

-- DETENTION RULES OF ENGAGEMENT/RULES FOR USE OF FORCE AND PRINCIPLES OF GENEVA CONVENTIONS ARE BRIEFED AT EVERY SHIFT CHANGE AND GUARD MOUNT;

-- ROUTINE TRAINING IS CONDUCTED AT EACH GUARD MOUNT ON DAILY DETENTION TASKS AND STANDARDS;

-- LESSONS LEARNED IN SERIOUS INCIDENTS ARE USED AND REVIEWED FOR FUTURE EFFORTS;

-- TRAINING ON ARAB CULTURAL AWARENESS IS NOW PROVIDED;

-- A SYSTEM FOR INTELLIGENCE FUSION THAT DECREASES INFORMATION CYCLE TIME (COLLECTION, ANALYZE, DISSEMINATE) HAS BEEN ESTABLISHED;

-- TRANSFER CRITERIA TO SUPPORT CONTINUED RAPID EXPLOITATION OF HIGH VALUE DETAINEES AND RELEASE OF LOW VALUE DETAINEES HAS BEEN REFINED;

-- JOINT INTELLIGENCE TASK FORCE-COUNTERTERRORISM PERSONNEL HAVE BEEN ASSIGNED AT PRIMARY THEATER INTERROGATION FACILITIES TO EXPEDITE EXCHANGE OF COUNTERTERRORISM INFORMATION BETWEEN AGENCIES;

-- POLICY HAS BEEN CHANGED TO PLACE THE RESPONSIBILITY FOR DETERMINING WHETHER AN AUTOPSY IS NECESSARY IN A DETAINEE DEATH IN THE HANDS OF THE ARMED FORCES MEDICAL EXAMINER;

-- DOD HAS WORKED WITH THE INTERNATIONAL COMMITTEE OF THE RED CROSS (ICRC) TO ESTABLISH PROTOCOLS FOR SHARING APPROPRIATE ICRC DOCUMENTS;

-- THE PROCESS FOR HANDLING ICRC REPORTS HAS BEEN CHANGED SO THAT THEY GO VIA THE DEPUTY COMMANDING GENERAL-IRAQ DETAINEE OPERATIONS TO THE COMMANDER AND HIGHER AUTHORITY AS RAPIDLY AS POSSIBLE;

-- THE POSITION OF DEPUTY ASSISTANT SECRETARY OF DEFENSE FOR DETAINEE AFFAIRS HAS BEEN ESTABLISHED;

-- A JOINT DETAINEE COORDINATION COMMITTEE ON DETAINEE AFFAIRS HAS BEEN ESTABLISHED.

11. (U) MINIMIZE CONSIDERED.
POWELL