ARTICLE 15-6 INVESTIGATION OF CJSOTF-AP AND 5TH SF GROUP DETENTION OPERATIONS

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Declassified by MG Austin, USCENTCOM CoS
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CLASSIFICATION: This report is classified SECRET/ NOFORN. It describes methods and procedures used by CJSOTF-AP Units in their operations. See EO 12958, 1.5(a); 1.5 (c). It also identifies Special Operations Forces units and organization and specific operations. See EO 12958, 1.5(g). In addition, material referenced in the report and included in the Annexes is classified SECRET/NOFORN.

REFERENCES

1. Geneva Convention (III) Relative to the Treatment of Prisoners of War, 12 August 1949 (GPW)

2. Geneva Convention (IV) Relative to the Protection of Civilians Persons in Time of War, 12 August 1949 (GC IV)

3. DoD Directive 5100.77 "DoD Law of War Program," 10 July 1979

4. AR 190-8. Enemy Prisoners of War, Retained Personnel, Civilian Internees, and Other Detainees, 1 October 1997

5. AR 15-6, Procedures for Investigating Officers and Boards of Officers, 11 May 1988

6. AR 600-20, Army Command Policy, 13 May 2002

7. FM 27-10, The Law of Land Warfare, July 1956

8. FM 34-52, Intelligence Interrogation, 28 September 1992

9. CJTF-7 OPORD 04-01, Operation Iraqi Freedom Campaign Plan, 02 January 2004

10. CJTF-7 FRAGO 749 to CJTF-7 OPORD 03-036, SUBJ: Intelligence and Evidence-Led Detention Operations Relating to Detainees, 24 August 2003

11. CJTF-7 FRAGO 455 to CJTF-7 OPORD 03-036, SUBJ: Classifying and Processing Enemy Prisoners of War / Detained Persons / Civilian Internees, 20 July 2003

12. MNC-I FRAGO 019 to MNC-I OPORD 04-01, SUBJ: Detention Operations, 17 May 2004

13. CG CJTF-7 Memo: CJTF-7 Interrogation and Counter-Resistance Policy, 14 September 2003

14. CG CJTF-7 Memo: CJTF-7 Interrogation and Counter-Resistance Policy, 12 October 2003

15. CG CJTF-7 Memo: Dignity and Respect While Conducting Operations, 13 December 2003

16. CJSOTF-AP FRAGO 04-68, SUBJ: CJSOTF-AP Temporary Holding Facility (THF), 24 February 2004

17. Uniform Code of Military Justice and Manual for Courts Martial, 2002 Edition.

ARTICLE 15-6 INVESTIGATION OF CJSOTF-AP AND 5TH SF GROUP DETENTION OPERATIONS

BACKGROUND

1. ~~(S/NF)~~ On 15 May 2004, Lieutenant General (LTG) Ricardo S. Sanchez, Commander, Multi-National Force – Iraq (MNF-I), appointed me as an Investigating Officer to conduct an informal investigation in accordance with AR 15-6. **(ANNEX 1)** The appointment memorandum directed me to investigate three issues related to [redacted] detention operations:

- **TASK ONE**: Determine command and control for detainee operations within CJSOTF-AP and 5th SF GP [1];
- **TASK TWO**: Investigate specific allegations of detainee abuse within CJSOTF-AP and [redacted] and, in addition, if other specific incidents of abuse within CJSOTF-AP were discovered, I was to inform LTG Sanchez and investigate them;
- **TASK THREE**: Determine whether CJSOTF-AP was in compliance with regulatory and policy guidance established for detainee operations within Iraq.

2. (U/FOUO) I received the appointment memorandum on 18 May 2004 and assembled a team to assist in the investigation, including: MAJ [redacted], Judge Advocate; [redacted] Judge Advocate; [redacted] Multi-National Force – Iraq (MNF-I) Detention Ops; [redacted] Aide-de-camp; and [redacted] Paralegal Specialist. CPT [redacted] III Corps Artillery Judge Advocate at Fort Sill, Oklahoma, assisted with the taking of statements from members of units that had redeployed back to CONUS. [redacted] Judge Advocate, assisted during the review process.

3. (U) A chronology of key investigative actions is attached. **(ANNEX 2)**

4. (U/FOUO) COL [redacted] provided five statements containing specific allegations of abuse. These statements were taken as part of the AR 15-6 investigation into military intelligence operations at Abu Ghraib conducted by MG George R. Fay. **(ANNEX 3)** The five statements were provided by screeners who were either formerly or currently employed at Abu Ghraib: [redacted] **(ANNEX 4)** The statements addressed a variety of issues at Abu Ghraib as well as identifying other potential indicators of detainee abuse. There were unspecified references to detainee abuse including one detainee death; one report of sodomy with an object; beatings; electrocutions; and transportation in the trunk of a car. They referred to a [redacted]

number of detainees who claimed to have been mistreated while detained at [redacted] The allegations accused only one individual by name, [redacted] One statement identified detainees making the allegations; it mentioned [redacted] (sic) and her unnamed siblings. (ANNEX 4)

5. ~~(S/NF)~~ In order to clarify these five initial statements and identify specific allegations, I conducted follow-up interviews with each of the five screeners. Essentially, just two sets of specific allegations emerged from the follow-up interviews:

- Allegations relating to the [redacted] family captured by [redacted] and [redacted] (1AD) and detained at the [redacted] holding facility at [redacted] in December 2003.

- Allegations pertaining to [redacted] detained by [redacted] and held at the [redacted] in April 2004.

6. ~~(S/NF)~~ On 04 June 2004, COL [redacted] provided a report of allegations of mistreatment by three detainees who had been transferred to the [redacted] by [redacted] a CJSOTF-AP unit that had operated in the 1ID area of responsibility (AOR). (ANNEX 36) [redacted] advised that it was appropriate to include these allegations into this investigation. These became a third set of specific allegations:

- Allegations by [redacted] detained by [redacted] and held at the [redacted] in Tikrit in April / May 2004.

[redacted]

8. (U) I did not conduct random interviews of CJSOTF-AP detainees. We did spot check 35-40 detainee files for completeness and indicators of abuse. Through my interviews with CJSOTF-AP personnel, I became aware of seven previously investigated incidents of alleged mistreatment involving eight detainees that had potentially involved CJSOTF-AP units. I reviewed and considered these investigations; I did not reinvestigate the underlying incidents. I comment upon them in the Major Findings section, below, and I summarize each in PART II, SECTION FOUR.

9. (U) Before proceeding with this investigation, I reviewed applicable source material, including the relevant Geneva Conventions, Army Regulation (AR) 190-8, Army Field Manual

[redacted]

(FM) 34-52 and appropriate CJTF-7 (now MNF/ MNC-I) policy memorandum and applicable fragmentary orders (FRAGOs). (ANNEX 5)

10. ~~(S)~~ On 22 May 2004, I met with Special Agent (SA) [redacted] Criminal Investigation Division (CID), who was conducting a parallel investigation into claims of mistreatment by detainees. The purpose of this meeting was to ensure that my investigation would not interfere with CID's criminal investigation.

COMMENT ON OPERATIONAL ENVIRONMENT

~~(S)~~ As the investigation proceeded, the significance of operational environment became clear. The operational environment affects the requirement to conduct tactical interviews and interrogations and impacts the tactical decisions commanders make concerning detention operations. The following factors provide this tactical context:

- CJSOTF-AP units operate in a dangerous environment often located in high-threat areas; the intensity of this environment spiked in November-December 2003 and again in April 2004.
- Improvised explosive devices (IEDs) pose a very significant threat to Coalition Forces and to Iraqis; convoy movements to transport or to interrogate detainees held at other locations are high risk tactical operations.

[redacted]

- Every raid is an extremely dangerous undertaking, with the potential for serious injuries to those conducting the raid, the targets of the raid, and third parties who may be on-scene.

[redacted]

- While living conditions and quality of life for our units continue to improve, many units still operate in a comparatively austere environment.

SUMMARY OF FINDINGS & RECOMMENDATIONS

(U) In this section I review my major findings and overarching recommendations. Specific findings and recommendations are included throughout the report.

NOTE ON APPLICABLE POLICY

(U) In my assessment of the specific allegations of abuse and CJSOTF-AP detention operations, I considered relevant regulatory and policy guidance, including:

- CJTF-7 FRAGO 749, controlling CJTF-7 policy regarding detention operations;
- CJTF-7 Interrogation and Counter-Resistance Policy memorandum, dated 12 October 2003[3];
- CJTF-7 Interrogation Policy memorandum, dated 14 September 2003 (rescinded);
- AR 190-8 and relevant provisions of the Geneva Conventions to provide minimum standards of humane treatment, incorporated into CJTF-7 policy by FRAGO 749.

These policies are discussed in detail in PART III.

MAJOR FINDINGS

[redacted]

2. (~~S/NF~~) CJSOTF-AP [redacted] operated six (6) tactical interrogation facilities: [redacted] These were not internment facilities, i.e. facilities intended for long-term detention, but rather temporary facilities to elicit tactical intelligence coincident to capture. These facilities at least met the minimum standards for tactical interrogation facilities, except as noted below. Only [redacted] facility remains in operation at this time.

[3] On 13 May 2004, the Commander of CJTF-7 issued a new CJTF-7 Interrogation and Counter-Resistance Policy. This new policy superseded the 12 October 2003 policy. The 13 May 2004 policy specifically prohibits the use of six interrogation techniques, including Sleep Management, Stress Positions, Change of Scenery, Dietary Manipulation, Environmental Manipulation, and Sensory Deprivation. In all other respects the 13 May 2004 policy is identical to the 12 October 2003 policy. Because the new 13 May 2004 policy was not in effect during the relevant time period preceding the initiation of this investigation and for the sake of clarity, the 12 October 2003 policy will be referred to as the controlling CJTF-7 policy throughout this report.

[redacted]

4. (U) The specific allegations of egregious physical abuse by indigenous personnel working with US forces or in conjunction with US forces are not substantiated by the evidence.

[redacted]

- (S) **Applicable Policy**: CJTF-7 FRAGO 749, AR 190-8, and the Geneva Conventions require that detainees be treated with dignity and respect and at all times be provided the minimum standard of humane treatment, this includes protection from sensory deprivation. Detainees are to be quartered in conditions providing ample light, space, and comfort. [redacted]

- CJTF-7 does not specifically prohibit nakedness. Nevertheless, this was unnecessary and inconsistent with the principles of dignity and respect contained in the Geneva Conventions. In this case, I determined that it was not done as punishment nor were detainees openly put on display in an intentionally humiliating manner.

- As to the Sleep Management and Loud Music, CJSOTF-AP interrogators believed these were authorized techniques under CJTF-7 policy as discussed in paragraph 7, below.

6. ~~(S/NF)~~ Some detainees, in including [redacted] were fed primarily a diet of bread and water at [redacted] team members. [redacted] could not specifically recall to what extent this occurred in each case. One detainee may have been fed just bread and water for 17 days.

- ~~(S)~~ **Applicable Policy**: CJTF-7 FRAGO 749, AR 190-8, and the Geneva Conventions require that internment facilities provide security detainees a diet that is sufficient in quantity, quality, and variety to maintain good health and prevent the onset of nutritional deficiencies.

- ~~(S/NF)~~ **Discussion**: For short periods of time, though lacking variety, a diet of bread and water is sufficient to maintain good health and prevent the onset of nutritional deficiencies. However, for extended periods of time, this diet would not meet this minimum standard, specifically in terms of variety. In my judgment, if true as alleged in the case of the one detainee, 17 days with only bread and water is too long. Nevertheless, I found that [redacted] appeared in good health. The MNC-I Surgeon's Office advised that a temporary diet of bread and water should not normally cause long-term health problems and that it would take longer than 17 days to develop a protein or vitamin deficiency from a diet of bread and water. (ANNEX 232)

- CJTF-7 policy does not further specify what constitutes a minimum, adequate diet for detainees at the capturing unit level. In this case, [redacted] did not restrict their diet as punishment. Rather, they believed this diet to be acceptable and sufficient.

[redacted] CJTF-7 policy, including Sleep Management, Stress Positions, Dietary Manipulation, Environmental Manipulation, and Yelling / Loud Music.

- ~~(S)~~ **Applicable Policy**: Controlling CJTF-7 Interrogation and Counter-Resistance policy, dated 12 October 2003, rescinded authorization to use these techniques on security detainees.

- ~~(S/NF)~~ **Discussion**: [redacted] CJTF-7 Interrogation policy, dated 14 September 2003. The 14 September (CJTF-7) policy had been rescinded and was superseded by the new CJTF-7 Interrogation policy, dated 12 October 2003. [redacted]

- [redacted]

8. ~~(S/NF)~~ As a general rule, CJSOTF-AP employed assigned personnel to conduct interrogations. [redacted]

[4] As previously discussed, current controlling CJTF-7 (now MNF / MNC-I) policy, dated 13 May 2004, specifically prohibits the use of Environmental Manipulation as an interrogation technique.

- ~~(S)~~ **Applicable Policy**: CJTF-7 policy memorandum dated 12 October 2003 requires the use of trained interrogators specifically trained in the authorized interrogation techniques as a safeguard for the conduct of interrogations.

[redacted]

- ~~(S/NF)~~ The five interrogation techniques, discussed above in paragraph 7, are non-doctrinal techniques. They are not included in FM 34-52, the Army Field Manual on interrogations. (ANNEX 16) As a result, it is unclear whether SOF personnel received specific training in these five interrogation techniques. According to their testimony, they implemented them in accordance with the September 2003 CJTF-7 policy that had authorized them.

9. ~~(S/NF)~~ During the course of this investigation, I received information about seven (7) previously investigated incidents of alleged detainee mistreatment that potentially involved CJSOTF-AP units. As part of my general assessment of CJSOTF-AP detention and interrogation operations, I reviewed and considered these investigations and summarize them in PART II, SECTION FOUR.

Of the seven, one was found not to involve CJSOTF-AP personnel; two were unfounded; two were founded; and two remain under investigation.

[redacted]

RECOMMENDATIONS

1. ~~(S/NF)~~ CJSOTF-AP, [redacted] should be provided a copy of this report and cautioned to ensure greater oversight of their subordinate units' detention / interrogation operations. CJSOTF-AP should respond by endorsement upon implementation of appropriate corrective action consistent with this report. This should be done to help prevent a reoccurrence of conditions such as those at [redacted] which, in my opinion, did not comport with the spirit of the principles set forth in the Geneva Conventions. However, these circumstances were created by inadequate policy guidance, not personal failures within CJSOTF-AP—a more specific implementing policy may have prevented these circumstances.

2. ~~(S/NF)~~ The evidence does not support imposing adverse action against any CJSOTF-AP personnel in connection with the allegations that are the subject of this investigation. However, all CJSOTF-AP personnel, [redacted] should receive mandatory corrective training and education in the principles of the Geneva Conventions relating to the treatment of detainees, specifically including adequate diet, sufficiently comfortable quarters, and the provision of adequate clothing.

3. ~~(S)~~ Ensure dissemination of MNF-I / MNC-I policies to CJSOTF-AP and provide oversight of compliance. The establishment of a Deputy Commanding General (DCG) for Detention Operations at the MNF-I level provides the necessary organizational continuity to prevent future disconnects with subordinate units on applicable regulatory and policy guidance.

4. ~~(S/NF)~~ CJSOTF-AP should publish policy guidance that:

- (U) Clarifies authorized interrogation techniques;
- ~~(S/NF)~~ Differentiates between tactical questioning and interrogation – [redacted] authorized to conduct tactical questioning unless specifically trained and / or augmented with trained interrogators;
- ~~(S/NF)~~ Authorizes subordinate [redacted] to detain as capturing units with the explicit, documented approval of an LTC (O-5) or above and, then only long enough to get detainees to RPC or another suitable CF detention facility, i.e. 24-48 hours;
- ~~(S/NF)~~ Establishes SOP for conduct of detention and interrogation operations and ensures periodic review for compliance with current MNF / MNC-I policies;
- ~~(S)~~ Ensures all Special Operations Forces (SOF) personnel are trained on the SOP and implementing procedures.

5. ~~(S)~~ MNF-I should establish policy guidance that delineates minimum standards for detention facilities, including capturing unit operations, to include:

- Adequate, environmentally controlled holding areas in a secure, guarded facility;
- Adequate bedding (blanket or mat) and clothing;
- Adequate food and water (type and quantity; three meals a day);
- Documented, systematic medical screenings at every level of detention;
- Formalized accountability process at every level.

6. ~~(S)~~ MNF-I policy should ensure that the accountability process requires annotation of dates of capture, transfers between units, medical screenings, and detainee locations starting at the capturing unit level and through each transfer.[5] Results of this process should be maintained in a permanent file that travels with the detainee and copies should be retained by the units involved at each stage in the process.

7. (U) While the specific allegations of abuse are not substantiated by the evidence, these circumstances raise the issue of how indigenous personnel are employed to conduct or participate in Coalition detention operations or interrogations.[6] This is an area that may require an MNF-I policy.[7] This is more important now since the transfer of sovereignty because we increasingly conduct operations in conjunction with and often in support of Iraqi Security Forces.

8. ~~(S/NF)~~ MNF-I OSJA should notify receiving commands for 3ACR and [redacted] to ensure awareness of on-going investigations into the actions of personnel who have redeployed.

[5] To the extent that MNC-I FRAGO 329 requires MSCs to reports daily to MNC-I PMO including information regarding transfers and new captures, this may have already been implemented. However, individual detainees' records must indicate all transfers and other relevant information for purposes of ensuring accountability. FRAGO 329 does not require the capturing unit to document initial medical condition or to maintain copies of detainee records. Further, there is no detainee database for preserving this information below the Corps level.

[6] In this case, there is ample evidence that coalition forces took necessary precautions to ensure that indigenous forces were always monitored and did not have unaccompanied access to detainees.

[7] MNF-I is currently in the process of drafting Memorandums of Agreement (MOA) with the Iraqi Ministry of Interior and the Iraqi National Intelligence Service regarding combined Coalition-Iraqi interrogations. The MOAs generally require that combined interrogations be conducted in accordance with MNF-I policies and in compliance with international law.

PART I: TASK ONE (COMMAND AND CONTROL):

~~(S/NF)~~ As part of your investigation, you will establish who has command and control over detainee operations within CJSOTF-AP

[redacted]

[8] On 15 May 2004, CJTF-7 inactivated and was replaced by two headquarters – Multi-National Force-Iraq (MNF-I) and Multi-National Corps-Iraq (MNC-I). For the purposes of this investigation much of the controlling policies have been issued by CJTF-7.

[9] TACON is defined as "...detailed and, usually, local direction and control of movements or maneuvers necessary to accomplish missions or tasks assigned." (ANNEX 14)

[redacted]

[redacted]

[redacted]

PART II: TASK TWO (SPECIFIC ALLEGATIONS OF ABUSE):

[redacted]

(S/NF) I identified three sets of specific allegations that required investigation:

[redacted]

~~(S)~~ During my investigation, I became aware of seven other previously investigated incidents of alleged mistreatment involving eight detainees that had potentially involved CJSOTF-AP units. I reviewed and considered these investigations and summarized their findings in SECTION FOUR. These involve detainees: [redacted]

SECTION ONE: THE [redacted] SIBLING ALLEGATIONS

I. **Specific Allegations of Abuse**

[redacted]

[redacted]

[redacted]

- ~~(S)~~ The field surgeon who treated [redacted] at the [redacted] stated that the bruises were older, maybe a couple days old, and were not associated with [redacted] condition or death. She stated that there were no signs of internal bleeding or trauma to [redacted] head. She was primarily treating [redacted] for low-body temperature or hypothermia, not any beating or physical abuse.[15] **(ANNEX 218)**

- ~~(S)~~ The findings of the report of investigation were consistent with my findings relating to the other [redacted] sibling allegations.

4. ~~(S)~~ [redacted] claim that [redacted] attempted to extort money from her family while possible is not supported by any evidence. Although [redacted] statement to me suggests she knew [redacted] and she told me that he searched her inappropriately, she apparently did not recognize him when he was presented to her during an interrogation. **(ANNEX 105)**

[redacted]

III. **Applicable Policy**

[redacted]

2. (U) In accordance with CJTF-7 FRAGO 749, AR 190-8, and relevant portions of international law, including the Geneva Conventions, security detainees are required to be treated with dignity and respect and provided at least the minimum standard of humane treatment. **(ANNEX 5)** Accordingly, capturing units must *at all times*:

- Treat security detainees humanely;

[redacted]

[redacted]

31 Dec 03: [redacted] interrogated at [redacted] (ANNEX 132)
- [redacted] alleges [redacted] beat another Iraqi detainee into falsely incriminating the [redacted] siblings
- No allegations of abuse against [redacted] siblings indicated in SIR
- Interrogator notes deception in hopes of being released

31 Dec 03: [redacted] interrogated at [redacted] (ANNEX 133)
- Interrogator notes possibility that [redacted] rehearsed answers with siblings
- Interrogator notes deception in hopes of being released
- No allegations of abuse indicated in SIR

02 Jan 04: [redacted] screened at Abu Ghraib (ANNEX 203)
- [redacted] claims "raped with a bottle" at [redacted]
- [redacted] claims "threaten to stick a bottle inside him… but he passed out."
- Both claim their brother was "tortured" to death

02 Jan 04: [redacted] medically screened at Abu Ghraib (ANNEX 171)
- Medical screening notes wrist injuries / chest, nose, & back bruising
- No indication as to when / how bruises sustained or to severity in record

04 Jan 04: [redacted] screened at Abu Ghraib (ANNEX 201; 202)
- [redacted] claims she was beaten by [redacted]
- [redacted] claims she was threatened with "getting the bottle" by [redacted]
- Both claim brother was "tortured" to death
- No allegation of sodomy of brothers indicated in the screening records

01 Feb 04: [redacted] interrogated at Abu Ghraib (ANNEX 207)
- [redacted] alleges beaten / dead brother thrown on him
- [redacted] alleges threatened with a bottle and passed out
- Interrogator notes that [redacted] has been seen by American medical personnel at Abu Ghraib (NFI – records not available)
- No indication of physical abuse indicated by SIR
- Interrogator notes that [redacted] changed story regarding relationship with [redacted] during interrogation

07 Feb 04: [redacted] interrogated at Abu Ghraib (ANNEX 208)
- [redacted] alleges he and brother were tortured at [redacted]
- [redacted] alleges brother's dead body was thrown on him

16 Feb 04: [redacted] interrogated at Abu Ghraib (ANNEX 209)
- [redacted] continues to deny AIF activities
- [redacted] claims [redacted] orchestrated all the accusations against him

08 March 04: CID interviews [redacted] (ANNEX 41)

- [redacted] alleges her brother tortured to death / [redacted] tortured her brother and other men by forcing water bottles into their rectums and beating them / she herself was beaten and slapped by [redacted] for several hours
- [redacted] alleges [redacted] harassed her family for money / [redacted] "beat the crap out of her."
- [redacted] alleges confession coerced by torture / beaten at [redacted] / sodomized with a water bottle / testicles squeezed with pliers

25 May 04: [redacted] interviewed by BG Formica (ANNEX 62; 63; 64)

- [redacted] alleges sodomy of [redacted] with water bottle in her presence
- [redacted] alleges sodomy of others with bottle in her presence
- [redacted] alleges sodomy with "iron stick" alone in a private room

31 May 04: CID interviews [redacted] (ANNEX 42)

- [redacted] alleges he was pulled by his penis / beaten / kicked / dead brother thrown across him / saw brother naked and bleeding with bruises all over his body / kicked down a hill / water forced up his rectum by [redacted]

06 June 04: Dr. [redacted] examines [redacted] at Abu Ghraib (ANNEX 108)

- [redacted] alleges: "Sodomized with metal penis that screwed together from two pieces"
- [redacted] complains: "Very painful to defecate afterwards"
- [redacted] complains of tenderness consistent with history but no objective medical reasons
- Doctor's external rectal exam noted a fissure

08 June 04: Dr. [redacted] performs anoscopy and rigid proctoscopy of [redacted] under anesthesia at [redacted] (ANNEX 179)

- Doctor notes urology exam indicated normal testicular exam
- Doctor notes normal sphincter tone / no fissures / no scarring
- Doctor stated her findings: "neither support nor contradict the allegations."

V. Discussion

~~(S/NF)~~ I found the [redacted] siblings allegations of physical abuse were unsubstantiated by the evidence. I based this finding on the following factors:

1. ~~(S/NF)~~ **Background intelligence on [redacted] siblings.** The [redacted] siblings were notorious in Adamiya for their involvement in violent AIF activities and their association with high-profile members of the former Ba'athist regime.

[redacted]

[redacted]

[redacted]

[redacted]

[redacted]

[17] In January 2004, COL [redacted] a trained interrogator and human intelligence NCO, down from [redacted] in order to more fully exploit tactical intelligence in the face of growing enemy activity in Adamiya. (ANNEX 73; 97)

[redacted]

5. ~~(S)~~ **Physical evidence.** There was no definitive physical evidence. The medical evidence was at best inconclusive. [redacted] allegation of egregious pain and injury caused by his sodomy with an object, including significant bleeding from his rectum, was not independently supported by the medical evidence.

a. ~~(S)~~ The available physical or medical evidence did not substantiate mistreatment of [redacted] were medically screened at each transfer. I found no documented evidence to corroborate [redacted] allegations. **(ANNEX 170; 172)** The records show nothing remarkable, other than a statement by [redacted] that she denies any mistreatment by US forces.

b. ~~(S)~~ The available physical or medical evidence did not substantiate that [redacted] was abused either. It is noted in the report of interrogation from 30 December 2003 that [redacted] had been medically screened at the [redacted] and was cleared for interrogation. The interrogator noted no obvious signs of physical abuse. **(ANNEX 131; 228)** In a photo of [redacted] from 30 December 2003, [redacted] has an abrasion on his nose. **(ANNEX 131)** The [redacted] interrogator could not recall whether [redacted] had this abrasion during his initial interrogation at the [redacted] facility. **(ANNEX 82; 228)** When I interviewed [redacted] on 25 May 2004, I observed scarring on his wrists that appeared to be from handcuffs or other wrist bindings. Guards and interrogators have reported that it is not unusual for detainees who are

cuffed for long periods of time to have abrasions on their wrists caused by the cuffs, especially when they struggle against them. (ANNEX 52; 57; 192)

c. ~~(S)~~ As directed by this investigation, [redacted] received a complete medical exam on 06 June 2004 at Abu Ghraib. This exam noted complaints of tenderness expressed by [redacted] for various parts of his body consistent with the history he provided. The doctor found no medical reason for the tenderness. The doctor did find scars on his wrists and noted what he believed to be an anal fissure. (ANNEX 108; 181)

d. ~~(S)~~ As a result, I had [redacted] examined at the [redacted] Combat Support Hospital (CSH) in Baghdad on 08 June 2004. Dr. (MAJ) [redacted] Chief of General and Vascular Surgery Services, conducted an anoscopy and rigid proctoscopy exam of [redacted] while he was under anesthesia. [redacted] sphincter tone, no fissure, and no scarring. He was also evaluated by the Urology Department as having a normal testicular exam. On 3 July 2003, I met with Dr. [redacted] in person to ask about [redacted] told me that if two to six months had passed after an act of sodomy as described by [redacted] you would not necessarily expect to see scarring because the tissue heals quite thoroughly. [redacted] certain she did not see any scarring or fissure in [redacted] anus or intestinal area [redacted] exam. (ANNEX 179) As a result, I did not find medical evidence of the sodomy.

e. ~~(S)~~ Medical records indicate [redacted] had some bruising. On 02 January 2004, a medical screening report for [redacted] from Abu Ghraib notes that he has bruises on his nose, chest and back. He was treated with Tylenol. (ANNEX 171) The medical records in the 15-6 regarding [redacted] death also note some bruising to [redacted] shoulders, chest, hip and knees. (ANNEX 119) Neither record indicates how or when these bruises may have occurred.

- ~~(S)~~ It is not unusual for detainees to have minor bruising, cuts, or scraps. A medic from [redacted] indicated that detainees frequently arrived at the [redacted] facility with minor cuts and bruises. (ANNEX 223) SSG [redacted] and SSG [redacted] NCOICs at [redacted], recall that some detainees were brought to the [redacted] with injuries or bruises.[18] SSG [redacted] who in-processed [redacted], said [redacted] did not appear to have any external signs of having been beaten when he arrived at the [redacted] Neither recalled in-processing [redacted] or any of the other [redacted] siblings. (ANNEX 230; 231)

- ~~(S)~~ Dr. [redacted] FSB field surgeon, who treated [redacted] at the [redacted] was clear that she was treating [redacted] for his hypothermic condition and not for any physical trauma. She stated that [redacted] did not appear "beat up." She also stated that if the soldiers who worked at [redacted] had any concerns with detainees' condition, or felt uncomfortable in any way with how a detainee looked, they would bring them in to be

[18] SSG [redacted] said they did not know when or how these bruises may have occurred. They could have preceded capture, occurred during capture or in detention at the capturing unit level. SSG [redacted] recalls a number of bruised detainees coming from the [redacted] facility. SSG [redacted] stated that more came from [redacted] Neither could recall any specific instances relating to specific units or specific detainees. They did not associate any of the bruised detainees with CJSOTF-AP personnel, nor had they heard any rumors that detainees were beaten or physically abused at the [redacted] facility. (ANNEX 230; 231)

evaluated. She does not recall ever treating a detainee for being beat up or sodomized. **(ANNEX 119; 218)**

[redacted]

3. ~~(S/NF)~~ **Factors affecting** [redacted] **siblings' credibility.** The [redacted] siblings lacked credibility. Their stories changed over time and differed in significant respects between the siblings, including the method and place of the alleged sodomy. Such inconsistencies undermined the credibility of their allegations. The [redacted] siblings had a strong motive to discredit [redacted]

[redacted]

[redacted]

[redacted]

7. ~~(S)~~ **Detainees' generally making false accusations.** I found that the [redacted] siblings have motives to lie in order to be released from prison. [redacted] especially, had reason to explain his confession and statements incriminating his family and other AIF.

a. ~~(S)~~ A theme emerged from this investigation that detainees frequently make many false claims about mistreatment. This was provided by testimony from [redacted] detention facility commanders who routinely worked with detainees, and other commanders. (ANNEX 42; 45; 47; 57; 61; 73; 75; 77; 78; 82; 83; 93; 221) Based on their statements, I found considerable motivations for detainees to make false allegations. These included: an attempt to gain sympathy; hopes of early release; justifying having provided actionable intelligence; and attempts to discredit their captors.

b. ~~(S)~~ It has been common practice for detainees since last fall to claim abuse to gain their release, disrupt Coalition activities, discredit Coalition Forces, or justify their confessions and incriminating statements about other insurgents. (ANNEX 73; 75; 78) Commanders indicate that there are reports that anti-Iraqi forces in the Adamiya neighborhood are being coached in counter-interrogation techniques. (ANNEX 45; 47)

- (U) Some personnel have witnessed detainees who are blindfolded hitting their heads against walls and later claiming abuse. (ANNEX 48; 75)

- ~~(S)~~ On 21 March 2004, detainee [redacted] who had been captured by [redacted] on 17 March 2004, alleged during an interrogation that he was beaten by [redacted] and an Egyptian Police Officer. [redacted] had no physical signs of mistreatment. An interpreter overheard this detainee telling another detainee to "tell the Americans you were beaten and tortured and when you arrive at the detention facility they will release you." (ANNEX 47; 192)

- (U) On another occasion, a detainee was overheard telling another detainee, "all you have to do is keep your mouth shut, go through the system, and they will lose your paperwork; if they hold you longer just claim abuse and they will let you out." (ANNEX 47)

VI. **Recommendations**

1. (U) Detainees' medical condition should be documented. This should include digital photographs if possible, immediately after capture and through each transfer. The results should be maintained in detainee files and copies should be retained by the units involved at each level.

2. ~~(S)~~ No adverse action against CJSOTF-AP personnel in connection with the [redacted] sibling allegations.

SECTION TWO: [redacted] ALLEGATIONS

I. **Specific Allegations of Abuse**

1. ~~(S/NF)~~ [redacted] were captured by [redacted] in April 2004. They were held together for a period of time at the [redacted] and again, later, at the [redacted] allege mistreatment while in US custody at the [redacted] Their allegations involve abuse by a former Iraqi policemen, [redacted] and an Iraqi-born, Lebanese-raised interpreter, [redacted] who were both working with [redacted]

2. ~~(S)~~ [redacted] Allegations. [redacted] alleges he was brought to a basement-like room in a building that had no windows. He asserts he was held in various rooms, cuffed to the floor without a blanket, pillow, change of clothes, or shower. He also claims he had a bag placed over his head, and was fed only bread and water. He stated he was held there for 17

days, beaten when he could not answer questions during interrogations, and subjected to abuses by two Iraqi interrogators, named [redacted] He alleged [redacted] beat him with a stick; kicked him; beat his "balls;" put soapy water in his mouth; burned him with a cigarette; placed a "stick in his hole;" threatened to do it again; attached wires to his testicles and penis and jolted him with electricity. He alleges that he was made to bleed from his ears as a result of these abuses. He further alleges that [redacted] brought a dog in to "scare" and "scratch" him. [redacted] stated that no US personnel were present while he was maltreated by [redacted] also states he was transported in the trunk of a car. **(ANNEX 57; 58, 147; 148)**

3. ~~(S)~~ [redacted] **Allegations.** [redacted] alleges that on the day he was captured and brought to [redacted] an American solider, [redacted] took him to the basement area. After the American left, [redacted] beat him for one hour and caused him to bleed from his mouth and ears. He claims that later, when he was again left alone with them, [redacted] put a bag over his face and cut off his track suit and underwear. He claims they then put a stick up against his anus and threatened him with sodomy. He claims they also put chlorine in his mouth. He also alleges that [redacted] brought a dog named [redacted] in to scratch him, and as a result, he passed out. [redacted] said he was beaten for six or seven days by [redacted] and [redacted] and that [redacted] hit him on the head with the butt of a gun. [redacted] also said they hit him with an antenna like stick and attached wires to him, but never electrocuted him. [redacted] said the abuse only happened when the American would leave the room, and the American did not know about the stick or the dog. [redacted] had no complaints of Americans abusing him. However, he said his mouth was swollen shut; that he was made to urinate on the ground, instead of being allowed to use a toilet; that he only received one piece of bread to eat once per day, and that he was soaked with water and had a fan placed next to him by the Iraqis. [redacted] claimed he was held for eighteen (18) days at the [redacted] Finally, he alleges that [redacted] threatened to take his wife and sister and "do anything they wanted with them." **(ANNEX 65)**

4. ~~(S)~~ As with the [redacted] siblings, [redacted] allegations also surfaced during MG Fay's investigation into military intelligence operations at Abu Ghraib. **(ANNEX 3)** [redacted] allegations were the second set of specific allegations identified from the five initial screener's statements. **(ANNEX 4)** During my follow-up interviews, I determined that two of the screeners, Mr. [redacted] and Mr. [redacted] referred primarily to [redacted] **(ANNEX 55; 56; 57)**

5. ~~(S/NF)~~ [redacted] allegations surfaced during my interview with [redacted] on 24 May 2004 at the [redacted] [redacted] had been held together for a time at the [redacted] in [redacted] and again at the [redacted] [redacted] specifically referred me to [redacted] **(ANNEX 58)**

II. **Findings**

1. ~~(S/NF)~~ [redacted] were captured by [redacted] and detained at the [redacted] During their detention at the [redacted]

safehouse, [redacted] were fed primarily a diet of bread and water. According the [redacted] they were fed three times a day. They were blindfolded at times for purposes of force protection and to prevent escape. I further find that during their detention they were given a pillow and blanket and provided an opportunity to wash. They were secured to the floor with a 3 to 4-foot chain that allowed them to sit, lie down, and stand up.

- ~~(S/NF)~~ [redacted] was held at the [redacted] for seventeen (17) days. On 21 April, [redacted] was transferred in the trunk of a car to the [redacted] On 29 April, [redacted] was transferred to the [redacted]

- ~~(S/NF)~~ [redacted] was held at the [redacted] for thirteen (13) days. On 05 April, he was transferred to [redacted] custody with a recommendation to be transferred to the 1st BCT BSA. On or about 08 April, he was transferred to the [redacted] On 15 April, [redacted] was transferred to the [redacted] Finally, on or about 06 May, he was transferred to Abu Ghraib.

2. ~~(S)~~ [redacted] allegations of physical abuse and mistreatment are not substantiated by the evidence.

- ~~(S)~~ The evidence does not support that either [redacted] were beaten; burned; threatened with sodomy; sodomized with a stick; intimidated or injured by a dog; had chlorine placed in their mouths; had wires placed on them or were electrocuted. Additionally, there is no evidence to substantiate that [redacted] had his track suit and underwear cut off him; that he was soaked with water and had a fan placed in front of him; or that he was made to urinate on the ground instead of being allowed to use the latrine. I found no evidence that [redacted] threatened [redacted] wife or sister.

- ~~(S)~~ [redacted] allegations lack credibility. I found they had several motives to lie including attempting to gain sympathy; hoping for early release; justifying having provided actionable intelligence; avoiding transfer to Abu Ghraib; and attempting to discredit their captors. The allegations did not emerge until after both [redacted] were at the [redacted] had been transferred to Abu Ghraib despite [redacted]

- ~~(S)~~ [redacted] allegations are targeted at [redacted] They stated that American soldiers were not involved and that they did not blame Americans for the abuse. If [redacted] had the opportunity to commit the egregious abuses alleged, including severe beatings, it is likely that Americans would have noticed the results of these alleged abuses. Moreover, it seems incredible, if these abuses had, in fact, occurred that [redacted] would be gracious of their American captors.

- ~~(S/NF)~~ The available medical evidence does not corroborate the allegations. The evidence supports that it is unlikely [redacted] had unaccompanied access to detainees. While I cannot say with absolute certainty that no such maltreatment occurred, if it did, the evidence available to me, including [redacted] statements, shows that [redacted] personnel were not aware of it nor involved.

3. ~~(S/NF)~~ [redacted] were fed primarily a diet of bread and water, consisting of two loaves of bread and a bottle of water three times per day, while detained at the [redacted] for seventeen (17) and thirteen (13) days respectively. CPT [redacted] Commander, and SFC [redacted] clearly stated that [redacted] policy was to provide only a diet of bread and water. CPT [redacted] and SFC [redacted] were not aware of detainees being fed anything else. Some [redacted] personnel indicated that detainees who were kept for more than 72 hours or who cooperated with interrogators may have had their diets supplemented with additional food. However, these team members could not recall to what extent this may have occurred in any given case.

- ~~(S)~~ CJTF-7 policy requires that internment facilities provide a diet that is sufficient in quantity, quality, and variety to maintain good health and prevent the onset of nutritional deficiencies.

- ~~(S)~~ For short periods of time, though lacking variety, a diet of bread and water three times a day would be sufficient. (ANNEX 232) However, for an extended period of time it may no longer be sufficient and would not meet the standard of quality, quantity and variety, therefore violating CJTF-7 policy. A diet of only bread and water for 17 days is unacceptable. Nevertheless, in this case, there was no indication that [redacted] developed any nutritional deficiencies as a result of this diet. I found them both to be apparently in good health.

[redacted]

5. ~~(S)~~ During their detention, [redacted] were secured from their handcuffs to the floor with a 3 to 4-foot chain. I find, under the circumstances, that this measure of force protection and preventing escape was necessary given the limited resources available. I further find that it was not done for purposes of humiliation, intimidation, or to cause pain and suffering. Although it is not an ideal method of securing detainees, I find that, under the circumstances, it did not amount to a violation of AR 190-8 or relevant provisions of customary international law.

6. ~~(S/NF)~~ [redacted] were blindfolded at the [redacted] at various times for purposes of force protection and to prevent escape. The evidence does not support that this was done for purposes of humiliation or intimidation, or that it was done for extended periods of time. I find that when a blindfold is employed for these limited purposes and in this manner it does not amount to sensory deprivation in violation of AR 190-8 or relevant provisions of customary international law.

7. ~~(S/NF)~~ On 21 April 2004, [redacted] was transferred in the trunk of a car to the [redacted] a ride of about 20 minutes. This was a conscious decision due to the dangerous security situation at the time in [redacted] and on the road to [redacted] at that time. Under these circumstances, while certainly not ideal, this did not amount to cruel or degrading treatment nor is there any evidence that it caused any injury or suffering to [redacted]

III. **Applicable Policy**

[redacted]

2. (U) In accordance with CJTF-7 FRAGO 749, AR 190-8, and relevant portions of international law, including the Geneva Conventions, security detainees are required to be treated with dignity and respect and provided at least the minimum standard of humane treatment. **(ANNEX 5)** Accordingly, capturing units must *at all times*:

- Treat security detainees humanely;
- Provide them humanitarian care and treatment;
- Respect them as human beings;
- Protect them from all acts of violence or threats thereof, sensory deprivation, and all cruel or degrading treatment.

I will discuss, in greater detail, applicable provisions of AR 190-8 and international law relating to the treatment of security detainees in PART III, SECTION TWO.

3. ~~(S)~~ In September 2003 and in October 2003, CJTF-7 issued Interrogation and Counter-Resistance policies regarding authorized interrogation techniques and general safeguards for use during all interrogations. **(ANNEX 12; 13)**

- CJTF-7 policy required security detainees to be treated in accordance with international law, with dignity and respect, during interrogations. It did not authorize the use of violence or threats of violence to elicit tactical intelligence.

IV. ~~(S/NF)~~ **Timeline of** [redacted]

24 Mar 04: [redacted] captured by [redacted]

04 Apr 04: [redacted] captured by

05 Apr 04: [redacted] transfers

08 Apr 04: [redacted] interrogated at [redacted] **(ANNEX 136)**

- [redacted]

- No allegations of abuse indicated on summary of interrogation report (SIR)

10 Apr 04: [redacted] interrogated at [redacted] (ANNEX 137)
- [redacted] caught "feigning" abuse by interrogator
- [redacted]

15 Apr 04: [redacted] medically screened upon transfer to [redacted] (ANNEX 173)
- Record notes back problems / hemorrhoids
- Record notes no apparent scars or bruises
- No allegations of abuse indicated by record

17 Apr 04: [redacted] interrogated at [redacted] (ANNEX 138)
- [redacted]

21 Apr 04: [redacted] transferred in the trunk of a car to [redacted] in Taji.

21 Apr 04: [redacted] medically screened at [redacted] (ANNEX 175)
- Record notes "healthy with a mild rash on chest"
- No complaints of abuse indicated by record

21 Apr 04: [redacted] interrogated at [redacted] (ANNEX 139)
- [redacted]

22 Apr 04: [redacted] Sick Call at [redacted] (ANNEX 175)
- Record notes "mild gastroenteritis."
- No allegations of abuse indicated by record

24 Apr 04: [redacted] interrogated at [redacted] (ANNEX 140; 214)
- [redacted]
- No complaints of abuse indicated by record
- Interrogator said there were no signs of abuse or injury (ANNEX 214)

26 Apr 04: [redacted] interrogated at [redacted] (ANNEX 141)
- [redacted] cooperates with interrogators / identifies AIF

28 Apr 04: [redacted] medically screening at [redacted] (ANNEX 175)
- Record notes final medical exam prior to transfer in margins
- Record indicates: "Pt examined . no new medical or dental problems"
- Record indicates: "Remarks: Good health"

29 Apr 04: [redacted] medically screened at [redacted] (ANNEX 174)
- Record notes bruise on left forearm
- No complaints of abuse indicated by record

03 May 04: [redacted] interrogated at 1CAV DIF (BIAP) (ANNEX 144)
- [redacted]
- [redacted] denies participation in AIF activities
- [redacted]
- No complaints of abuse indicated by record

04 May 04: [redacted] order signed to transfer to Abu Ghraib (ANNEX 159)

04 May 04: [redacted] Sick Call at [redacted] (ANNEX 175)
- [redacted] complains of shortness of breath / hands stiffened / feet cold
- Record notes: "Pt appears well"
- No complaints of abuse indicated by record

05 May 04: [redacted] interrogated at [redacted] (ANNEX 146)
- [redacted]
- No complaints of abuse indicated by record

o/a 06 May 04: [redacted] transferred to Abu Ghraib (ANNEX 160)

08 May 04: [redacted] sick call at [redacted] (ANNEX 175)
- [redacted] complains about chest pain and shortness of breath
- Record notes: "Anxiety – false symptoms" of heart attack
- No complaints of abuse indicated by record

08 May 04: [redacted] interrogated at [redacted]) (ANNEX 57; 147)
- [redacted]

10 May 04: [redacted] interrogated at [redacted] (ANNEX 57; 148)
- [redacted]

23 May 04: [redacted] interview by BG Formica (investigating officer) at [redacted] (ANNEX 58)
- [redacted] claims "stick in hole" burned on foot with cigarette
- [redacted] refers BG Formica (investigating officer) to [redacted]

24 May 04: [redacted] interview by BG Formica (investigating officer) at Abu Ghraib (ANNEX 65)
- [redacted] allegations of abuse emerge / similar to [redacted]

24 May 04: Dr. [redacted] examines [redacted] (ANNEX 176)
- [redacted] complains: "stick put into rectum"

- Doctor notes red mark on ankle consistent with cigarette burn and scars on forearm that could indicate a possible infection.
- Doctor notes scar on right shoulder inconsistent with dog bite
- Dr. [redacted] notes "significant non-organic signs" and "exaggeration of symptoms" which "suggest secondary gain," i.e. [redacted] faking in order to gain something beyond medical treatment

06 June 04: Dr. [redacted] examines [redacted] at BCCF (Abu Ghraib) (ANNEX 106)

- [redacted] changes allegation of sodomy to "stopped prior to significant entry..."
- [redacted] complains of "burned on both feet"
- Doctor notes "multiple burns on both feet"
- Doctor notes possible bone bruise on left forearm
- Doctor notes scar on right shoulder could be consistent with bite within last year

08 Jun 04: Dr. [redacted] performs anoscopy and rigid proctoscopy at [redacted] CSH (ANNEX 180)

- Doctor notes normal sphincter tone / no fissure / no scarring

V. Discussion

~~(S)~~ I found [redacted] allegations of physical abuse and mistreatment unsubstantiated by the evidence. I found some of [redacted] allegations relating to the circumstances of their detention to be substantiated by the evidence. I based these findings on the following factors:

1. ~~(S)~~ Background intelligence on [redacted] The evidence indicates that [redacted] were heavily involved in AIF activities. They are both known insurgents with motives to lie, including attempting to gain sympathy; hoping for early release; [redacted] avoiding transfer to Abu Ghraib; and attempting to discredit their captors.

[redacted]

[redacted]

2. (S) **Evidence relating to** [redacted] As with the [redacted] siblings, [redacted] have strong motives, as AIF from the [redacted] to discredit [redacted] and his associates. As discussed above in SECTION ONE, part V, paragraph 2, [redacted] has remained a well-known and hated figure in the [redacted] District.

[redacted]

c. ~~(S/NF)~~ [redacted] personnel confirmed that [redacted] were secured to the floor during their detention with a 3 to 4-foot chain. (ANNEX 186) This chain provided enough room for [redacted] to stand up, and lay or sit down. They were fed primarily bread and water. This diet consisted of two loaves of bread and a bottle of water three times per day. Some [redacted] personnel indicated that detainees who were kept for more than 72 hours or who cooperated with interrogators may have had their diets supplemented with additional food. (ANNEX 66; 67; 69; 70) However, they could not recall to what extent this occurred in each case.

[redacted]

e. ~~(S/NF)~~ [redacted] did have a dog named [redacted] at [redacted] members stated that [redacted] was a pet and a distraction for the team members. I find their statements that [redacted] was not used during interrogations to be credible. (ANNEX 67; 70)

f. [redacted]

g. ~~(S/NF)~~ On 21 April 2004, [redacted] was transferred in the trunk of a car to the [redacted] According to [redacted] personnel, due to the dangerous security situation in [redacted] personnel made a decision to transfer [redacted] in the trunk of a car for his and their protection. During this time period, [redacted] and the road to [redacted] was particularly dangerous due to frequent anti-Iraqi ambushes and enemy checkpoints. (ANNEX 58; 69; 149)

h. ~~(S)~~ There was an overlap of at least six days where [redacted] were again held together at the [redacted] arrived there on or about 15 April 04 and [redacted] arrived on 29 April 04. (ANNEX 144; 145; 173; 193) On or about 06 May 04, [redacted] was transferred to Abu Ghraib. (ANNEX 159)

4. ~~(S/NF)~~ **Lack of unaccompanied access to detainees.** The evidence shows that [redacted] did not have unaccompanied access to detainees held by [redacted] (ANNEX

45; 47; 66; 67; 69; 70; 71; 72) While it is possible that they could have obtained access without the knowledge of [redacted] given the evidence I find this unlikely.

a. [redacted]

b. [redacted]

c. ~~(S/NF)~~ According to the [redacted] commander, indigenous personnel were not left alone with detainees. [redacted] personnel stated that [redacted] was never allowed to interrogate detainees. (ANNEX 47; 66; 67; 69; 70; 71) In fact, statements by [redacted] personnel and [redacted] indicate that [redacted] was never present during interrogations at the [redacted] (ANNEX 67; 69; 70; 71) [redacted] would be used to interpret on occasion. (ANNEX 67; 69; 70) [redacted] interpreted for SSG [redacted] when he interrogated [redacted] on one occasion for 30 minutes. Other than this one interrogation, I found no evidence to indicate that [redacted] had any other contact with [redacted] (ANNEX 70; 72)

d. ~~(S/NF)~~ I found the statements of [redacted] personnel that [redacted] never had unaccompanied access to detainees to be consistent and credible.

5. ~~(S)~~ **Physical Evidence.** The medical and physical evidence I examined did not substantiate [redacted] allegations. It did, however, suggest that [redacted] was being untruthful, in that he changed his story during his medical examinations.

a. ~~(S)~~ When I interviewed [redacted] I found them both apparently in good health.

b. ~~(S)~~ [redacted] medical records and interrogation reports do not contain any indication that [redacted] appeared abused or mistreated or that they made such allegations.

- ~~(S)~~ On 15 April 2004, [redacted] was medically screened at the [redacted] This was immediately after leaving [redacted] The record does not indicate that [redacted] raised any complaints of abuse but notes complaints of hemorrhoids, back pain, and an injured finger. (ANNEX 173)

- ~~(S)~~ On 21 April 2004, [redacted] was medically screened at the [redacted] Brigade Surgeon's Office at the [redacted] The screening form does not indicate that [redacted] raised any allegations of abuse. He was evaluated as "healthy with a mild rash over chest." (ANNEX 176)

- ~~(S)~~ On 22 April 2004, [redacted] was again medically evaluated during sick call at the [redacted] Brigade Surgeons Office. Again, the records contain no evidence to indicate that he raised complaints about mistreatment. He is evaluated as having "mild gastroenteritis." (ANNEX 175)

- ~~(S)~~ On 24 April 2004, [redacted] was interrogated at the [redacted] BCT DIF. The interrogator, SSG [redacted] told me he noted no outward signs of physical abuse or injury. He also said it is standard practice for him to ask the detainee whether there are any medical conditions or issues. SSG [redacted] stated that [redacted] made no allegations of abuse, or indicated that he had been mistreated in any way. (ANNEX140; 214)

- ~~(S/NF)~~ On or about 08 May 04, [redacted] started claiming he had been mistreated at [redacted] including severe beatings that caused bleeding from his ears. (ANNEX 55) There was no visible evidence to corroborate this allegation. (ANNEX 214) Indeed, no medical evaluation or screening prior to the emergence of [redacted] allegations makes note of any injuries, signs of physical abuse, or allegations of abuse. (ANNEX 55; 174; 175; 176; 193)

c. ~~(S)~~ Based upon [redacted] egregious allegations of abuse, including that he was sodomized, I directed that he receive three separate medical evaluations. These medical evaluations were unable to substantiate or discount [redacted] allegations. However, [redacted] allegations changed between the first and second examinations. He recanted his allegations of sodomy to threat of sodomy. His allegation of one burn on one foot changed to multiple burns on both feet 12 days later. The doctor during the first examination noted [redacted] was being deceptive in regard to his symptoms.

- ~~(S)~~ On 24 May 2004, Dr. (LTC) [redacted] evaluated [redacted] at the [redacted]. Dr. [redacted] concluded that there were scars on [redacted] wrists, a single circular red scar on his foot likely from a burn, and skin discoloration on his shoulder which was inconsistent with a dog bite. Dr. [redacted] found no objective findings to corroborate [redacted] complaints of sodomy with a stick, electrocution, dog attack or bleach ingestion. Dr. [redacted] also found that [redacted] had a normal external anus with no fissure or hemorrhoids and a normal prostate. Dr. [redacted] attempted an anoscopy to exam [redacted] internal anus, but [redacted] was unable to relax and Dr. [redacted] was unable to complete the exam. During the examination, [redacted] indicated such things as weakness on his left side, pain on his chest, and "nerve damage" on his face. However, when distracted [redacted] did not indicate these symptoms. Dr. [redacted] indicated [redacted] exaggerated of symptoms and non-organic signs suggested he was being untruthful to gain something other than medical treatment. (ANNEX 176)

- ~~(S)~~ On 06 June 2004, [redacted] was evaluated by Dr. (MAJ) [redacted] at Abu Ghraib as directed by this investigation. Dr. [redacted] found that [redacted] had wrist scars, a possible bone bruise on the left forearm, burns on both feet that were healing which could have occurred anytime during the last year, and two small scars on his shoulder that Dr. [redacted] stated could be consistent with a dog bite within the last year. Dr. [redacted] found no objective sign of trauma to [redacted] left ear, right eye, rectum or bottoms of his feet. He saw no signs of trauma to [redacted] scrotum or penis and stated that you would expect to see signs if there had been electrocution, unless a very low voltage was applied or a gel was used. The doctor noted a normal external rectal exam with no tears (i.e. fissures). During this examination, [redacted] changed his story from sodomy to threat of sodomy. His allegation of one burn on one foot changed to multiple burns on both feet. (ANNEX 108)

- ~~(S)~~ On 08 June 2004, Dr. (MAJ) [redacted] Services at the [redacted] Combat Support Hospital in Baghdad, conducted an anoscopy and rigid proctoscopy exam of [redacted] at the direction of this investigation. She found normal sphincter tone, no fissure, and no scarring. During a follow-on meeting, Dr. [redacted] told me that you would not expect to see scarring on the anal or intestinal area of [redacted] because the tissue heals quickly and thoroughly. (ANNEX 180) At this point, [redacted] allegation no longer included an actual sodomy. As a result of these three examinations, the medical evidence did not corroborate or discount [redacted] allegations.

d. ~~(SNF)~~ On 27 May 2004, I visited the [redacted] approximately one month after the alleged abuses occurred. I observed the detainee holding area, which was no longer in use. I observed the chains used to secure detainees to the floor and the supply of blankets and pillows which had been provided to detainees. The detention area was secure, well-lighted, dry, and at least met the minimum standards for a temporary holding facility.

- ~~(SNF)~~ [redacted] I found a stick and wires. These items were found outside a locked door that appeared to be an unused exit of the interrogation room. [redacted] personnel did not have a key for the lock when I requested that the door be opened. However, they quickly obtained bolt cutters and cut off the lock to provide me with access. It appeared that this doorway had not been used for some time because it was covered with cobwebs and dirt. The stick and wires were also covered with cobwebs and dirt, appearing as if they had not been moved for a long period of time. It did not appear that it would have been possible for the wires to actually conduct electricity, since the copper filament was only exposed at one end of each wire. I photographed the items and directed they remain in their same condition for CID to examine later. (ANNEX 186)

- (U) The stick and wires raised my concern because these items were involved in the initial allegations. Upon consideration, this circumstantial evidence did not lead me to substantiate the allegations when combined with other available evidence.

[redacted]

[redacted]

[redacted]

there was sufficient probable cause to believe that [redacted] was making false accusations. (ANNEX 43)

7. ~~(S)~~ **Detainees' generally making false accusations.** As discussed with the [redacted] siblings, in SECTION ONE, part V, paragraph 7, [redacted] were active anti-Iraqi [redacted] They possess many of the same motivations to make false allegations and discredit [redacted] Both [redacted] It was not until after [redacted] was transferred to Abu Ghraib that any allegations of abuse emerged.

VI. **Recommendations**

1. ~~(S/NF)~~ All CJSOTF-AP personnel should be trained on MNF/ MNC-I policies regarding detention operations and implementing procedures. CJSOTF-AP personnel should be cautioned against practices that do not comply with current policies.

[redacted]

3. ~~(S/NF)~~ All CJSOTF-AP personnel, [redacted] should receive mandatory corrective training and education in the principles of the Geneva Conventions relating to the treatment of detainees, including adequate diet for detainees.

4. ~~(S)~~ MNF-I policy should establish minimum standards for detention facilities, including capturing unit operations, to include:

- Adequate, environmentally controlled holding areas in a secure, guarded facility;
- Adequate bedding (blanket or mat) and clothing;
- Adequate food and water (type and quantity; three meals a day);
- Documented, systematic medical screenings at every level of detention;
- Formalized accountability process at every level.

5. ~~(S)~~ No adverse action against CJSOTF-AP personnel in connection with [redacted] allegations.

SECTION THREE: [redacted] ALLEGATIONS

I. **Specific Allegations of Abuse**

1. ~~(S/NF)~~ [redacted] were captured by [redacted] and held at [redacted] in [redacted] during April/May 04. According to the detainees' statements, [redacted] was held at [redacted] for two (2) days; [redacted] was held for five (5) days; and [redacted] was held for seven (7) days. **(ANNEX 91; 109; 110; 111; 113)**

2. ~~(S/NF)~~ [redacted] allege that members of [redacted] and their Kurdish interpreters mistreated them while in US custody at [redacted]

- ~~(S)~~ [redacted] alleges he received no food or water for two days and that he could not sleep due to loud music and someone beating on the steel door of his cell every 10 minutes to keep him awake. Additionally, he alleges he was slapped across the face and on the back of his neck by an interpreter, and that he was placed in a crate about four feet high that required him to sit on the floor of the box with his feet to his chest. **(ANNEX 112)**

- ~~(S)~~ [redacted] alleges he was held for two days in an area described as a "hall." He alleges he was placed in a small space approximately 1 meter long and 1 meter high. He alleges he was kept there for three days without food or water, that loud music was playing constantly, and that people hit the roof of his cell so he could not sleep. He alleges that after three days, he was removed from the cell and had a bag placed over his head. He alleges he was beaten on the head by five or six people, one of whom was a Kurd. He further alleges his clothes were cut off and he was kept naked for two more days, during which time he was not given any food or water. On the fifth day, he was interrogated by an American and was not mistreated anymore. **(ANNEX 113)**

- ~~(S)~~ [redacted] alleges he was held for seven days in a small area he referred to as a "box." He alleges that before he was placed in the box his clothes were cut off. He alleges that while held in the box, his captors duct-taped his mouth and nose, making it hard for him to breath. He further alleges that water was thrown on him, that he was beaten, kicked, electrocuted, and a Kurd threatened to bring [redacted] two wives there and have sex with them in front of him. He alleges he was not given food or water for five days. **(ANNEX 111)**

3. ~~(S)~~ The allegations surfaced during random interviews with [redacted]. On 31 May 2004, CPT [redacted] interviewed [redacted]. When [redacted] was asked if he knew of any other detainees who had been abused, [redacted] referred CPT [redacted] to [redacted] **(ANNEX 36)**

II. **Findings**

1. ~~(S/NF)~~ [redacted] were captured by [redacted]. I find that [redacted] was held at [redacted] for two (2) days; [redacted] were held for seven (7) days. **(ANNEX 110; 158; 163; 164; 211; 212)** Based on the evidence,

[redacted] were blindfolded, sometimes with duct tape, for purposes of force protection and to prevent escape. These detainees were held in small cells measuring 20 inches (wide) x 4 feet (high) x 4 feet (deep), that loud music was played at a volume to prevent detainees from communicating with each other, and that [redacted] was employed as a method of setting favorable conditions for interrogation.

2. ~~(S/NF)~~ I find [redacted] allegations of physical abuse and mistreatment during their detention and interrogations to be unsubstantiated. There is a lack of evidence to support that [redacted] were beaten, electrocuted, threatened or had their families threatened, deprived of food and water, or held naked for prolonged periods of time. I find, based upon the testimony of [redacted] personnel, that these detainees were fed an adequate diet to keep them in good health, and were washed down to ensure hygiene. When we interviewed them, these detainees appeared fit and healthy.

3. ~~(S/NF)~~ [redacted] were held in small cells for periods of time for purposes of segregating combative or resistant detainees and to prevent them from communicating with other detainees. These cells did not provide room for [redacted] to lie down or stand up. They were removed from the cells periodically for latrine breaks, to be washed, and for interrogations. A medical record indicates that [redacted] was removed on at least one occasion for a medical exam at [redacted] on the 5th day he was held in [redacted] custody. It is unclear from the evidence to what extent [redacted] may have been held in these cells. [redacted] claims seven; [redacted] claims five. [redacted] personnel indicated that detainees were not kept in the cells for 72 continuous hours.

- (U) AR 190-8 requires detainees to be quartered in conditions providing ample light, space, and comfort.

- ~~(S/NF)~~ While [redacted] did not operate an internment facility, these small cells fall short of this minimum standard. [redacted] secured combative, resistant detainees in these cells for short periods of time in order to elicit tactical intelligence.

- ~~(S/NF)~~ I find that these measures, while inappropriate for long-term detention, were determined by the [redacted] to be necessary for force protection and to prevent detainees from escape. It is reasonable to conclude that this would be acceptable for short periods of time, 24-48 hours, coincident to capture and until it was reasonably practical to transfer them to a suitable facility—two days would be reasonable; five to seven days would not.

4. ~~(S/NF)~~ I find that [redacted] was employed on [redacted] This was not in compliance with controlling CJTF-7 Interrogation policy but complied with what [redacted] interrogators believed to be controlling CJTF-7 policy in effect at that time. [redacted] had published an interrogation SOP in February 2004 that was based upon superseded CJTF-7 guidance. As a result, some [redacted] interrogators employed interrogation techniques, including [redacted] that were no longer authorized by CJTF-7 policy. I discuss, in greater detail, authorized interrogation techniques and [redacted] SOP in PART III, SECTION THREE.

5. ~~(S/NF)~~ I find that Loud Music was employed to prevent detainees from communicating with each other, to prevent escape and preserve tactical intelligence, and as a sleep management technique. This was not in compliance with controlling CJTF-7 Interrogation policy but complied with what CJSOTF-AP interrogators believed to be the CJTF-7 policy in effect at that time, as discussed in PART III, SECTION THREE.

6. ~~(S/NF)~~ I find [redacted] was kept naked in his cell while his clothes were cleaned after he urinated on himself. One of the team members admitted that there were times when [redacted] would be naked in his cell when he went to interrogate him. I could not confirm or deny whether [redacted] was ever kept naked in his cell as he alleges. [redacted] personnel stated that as a matter of course detainees were not kept naked in their cells. CJTF-7 policy requires that detainees be treated with dignity and respect, meaning consistent with the principles of the Geneva Conventions. This would include providing sufficient clothing if necessary. While the evidence shows [redacted] typically provided clothing to detainees, [redacted] was not offered replacement clothes while his were being washed. Regardless, these periods of nakedness were unnecessary and inadvisable.

7. ~~(S)~~ [redacted] were blindfolded, sometimes with duct tape over a cloth or directly on the skin, for purposes of force protection and to prevent escape. I find that for these purposes and under the circumstances, this did not amount to inhumane treatment in violation of AR 190-8 or relevant provisions of international law because it was not done for purposes of intimidation or humiliation, or for extended periods of time. I found no indication they were injured or suffered physically due to blindfolding with duct tape.

III. Applicable Policy

[redacted]

2. (U) In accordance with CJTF-7 FRAGO 749, AR 190-8, and relevant portions of international law, including the Geneva Conventions, security detainees are required to be treated with dignity and respect and provided at least the minimum standard of humane treatment. **(ANNEX 5)** Accordingly, capturing units must *at all times*:

- Treat security detainees humanely;
- Provide them humanitarian care and treatment;
- Respect them as human beings;
- Protect them from all acts of violence or threats thereof, sensory deprivation, and all cruel or degrading treatment.

I will discuss, in greater detail, applicable provisions of AR 190-8 and international law relating to the treatment of security detainees in PART III, SECTION TWO, below.

3. ~~(S)~~ In February 2004, [redacted] unknowingly published an interrogation SOP based on superseded CJTF-7 policy. (ANNEX 12; 13; 20) As a result, some [redacted] interrogators employed interrogation techniques that were no longer authorized by CJTF-7 policy, including [redacted] I will discuss, in greater detail, authorized interrogation techniques in PART III, SECTION THREE, below.

IV. ~~(S/NF)~~ Timeline of [redacted] Allegations

27 Apr 04: [redacted] captured by [redacted] (ANNEX 91; 110; 113)

02 May 04: [redacted] brought to [redacted] for medical care (ANNEX 210)
- [redacted] complains of pain in his kidney / both wrists have abrasions
- No complaints of abuse or mistreatment indicated by record
- Medic stated [redacted] showed no apparent signs of abuse or mistreatment (ANNEX 229)

04 May 04: [redacted] transferred to [redacted] (ANNEX 110; 113)

05 May 04: [redacted] screened at [redacted] (ANNEX 212)
- No complaints of abuse / no wounds indicated by record
- Record notes: "Physical Condition: Remarks: None"
- Screener and Interpreter conflict on whether [redacted] presented with a black eye (ANNEX 221; 222)
- Both Screener and Interpreter stated [redacted] did not appear abused or mistreated

05 May 04: [redacted] screened at [redacted] (ANNEX 211)
- No complaints of abuse indicated by record
- Record notes: "Physical Condition: Remarks: None"

05 May 04: [redacted] interrogated at [redacted] (ANNEX 145)
- [redacted] identifies AIF leaders and groups in Al Winat
- Interrogator notes deception and evasiveness on [redacted] part
- No complaints of abuse indicated by record

09 May 04: [redacted] captured by [redacted] (ANNEX 112)

11 May 04: [redacted] transferred to [redacted] (ANNEX 112)

23 May 04: [redacted] transferred to Abu Ghraib (ANNEX 113; 110)

25 May 04: [redacted] screened at Abu Ghraib (ANNEX 164)
- [redacted] claims injured in arms and head during capture

31 May 04: [redacted] randomly interviewed at [redacted] (ANNEX 36)

- [redacted] refers to [redacted]

06 Jun 04: [redacted] interviewed by BG Formica at Abu Ghraib (ANNEX 113; 111)

10 Jun 04: [redacted] interviewed by MAJ [redacted] for BG Formica (ANNEX 112)

V. **Discussion**

[redacted]

[redacted]

[redacted]

[redacted]

f. [redacted]

g. ~~(S/NF)~~ According to [redacted], detainees were never deprived of food or water. Detainees received the same food that the [redacted] ate regardless of whether they were held in the small cells, or the larger room. (ANNEX 109; 110) The detainees' allegations that they were not fed or provided any water whatsoever for three to five days seems incredible to me.

h. ~~(S/NF)~~ [redacted] personnel stated that detainees wore the clothes they had when they were apprehended. According to CPT [redacted] leader, they were not stripped naked for detention or interrogation. (ANNEX 109) [redacted] clothing was removed because he urinated on himself during apprehension. He was given new clothing upon his arrival but he urinated on himself again. His clothes were washed and he was naked for approximately an hour or two. He was not provided replacement clothing while his were being washed. During the course of his detention, [redacted] purposefully urinated on himself several times.[19] MSG [redacted] stated that [redacted] clothes would be taken while they were washed, but that he was not intentionally deprived of clothing. He was not interrogated while naked. (ANNEX 110) I did not have specific evidence, other than [redacted] personnel statements, to confirm or refute that [redacted] was ever held naked. As stated above, [redacted] personnel testified that as a matter of course detainees were not held naked in their cells.

i. ~~(S/NF)~~ The three primary interrogators for [redacted] were MSG [redacted] SFC [redacted] or SSG [redacted] (ANNEX 110) [redacted] interrogators indicated that interpreters were used only to translate questions. They stated that interpreters sometimes assisted in restraining a detainee if they became combative but were not allowed to hit or otherwise

[19] I note that [redacted] was treated at the [redacted] medical clinic for kidney pain on the 5th day he was held in [redacted] custody. It is not clear to what extent this complaint and subsequent treatment is at all related to the [redacted] complaints about [redacted] urinating on himself. (ANNEX 210)

touch detainees. (ANNEX 109; 110) The [redacted] interrogator, MSG [redacted] indicated that no threats were ever made against detainees or their families. (ANNEX 110)

3. ~~(S)~~ **Physical Evidence.** The detainees' files contained only one documented medical examination—for [redacted] as discussed above. However, there were intake screenings conducted upon transfers to [redacted] and Abu Ghraib. Some of these documents were available in the detainee files. When we interviewed each of these detainees and we found them apparently to be in good health.

a. ~~(S/NF)~~ There was no convincing physical or medical evidence that [redacted] had been abused while in [redacted] custody. I interviewed [redacted] I found him to be physically large, at least 6'3" and muscular. He was animated, vigorous, and in good health. [redacted] had several small scars that could have been caused during detention or may have been caused when he was subdued, or may have even preceded his capture. [redacted] alleged to me that he was kicked in the eye during his detention, resulting in a swollen and bruised eye. There was no sign of a black eye when I interviewed him. He also alleged that he was badly beaten on at least one occasion during an interrogation in [redacted] custody. (ANNEX 111)

- ~~(S)~~ There are conflicting statements regarding whether [redacted] had a black eye upon his transfer to [redacted]. (ANNEX 221; 222) The screening form upon his transfer, on or about 05 May 04, notes no wounds or any other medical or physical conditions that would indicate he was severely beaten or that he had a black eye. [redacted] was medically screened on 02 May, by SSG [redacted] who stated that [redacted] did not appear abused or mistreated at that time. SSG [redacted] stated that he would have written it down if [redacted] had a black eye. (ANNEX 229) I also spoke to the screener, Mr. [redacted] and the interpreter, Mr. [redacted] who interviewed [redacted] The screener recalled that [redacted] may have had an injury to his eye. (ANNEX 221) The interpreter, on the other hand, specifically recalled that [redacted] did not have a black eye. (ANNEX 222) Both the screener and the interpreter stated that [redacted] did not make any allegations of abuse, nor did he appear mistreated or abused. (ANNEX 212; 221; 222)

b. ~~(S)~~ [redacted] also appeared in good health. Upon [redacted] transfer to [redacted] on or about 05 May 04, the intake form notes no medical or physical conditions or any allegations of abuse. (ANNEX 211) The screener who initially interviewed [redacted] at the [redacted] stated that it was common practice to annotate any visible injuries or outward signs of abuse. He stated, although he does not remember [redacted] specifically, he would have noted if [redacted] would have appeared abused or made any complaints of abuse. (ANNEX 217) Additionally, upon his transfer to Abu Ghraib, [redacted] claimed his arms and head were injured during capture but the form notes no allegations or complaints of abuse. (ANNEX 164)

c. ~~(S)~~ [redacted] appeared in good health. However, [redacted] detainee file was not available for review. He was apparently released from custody.

[redacted]

[redacted]

VI. Recommendations

1. (U) MNF-I policy should establish minimum standards for detention facilities, including capturing unit operations, as previously discussed.

2. ~~(S/NF)~~ All CJSOTF-AP personnel, especially members of [redacted], should receive mandatory corrective training and education in the principles of the Geneva Conventions relating to the treatment of detainees, including the minimum standards regarding appropriate quarters and provision of adequate clothing for detainees.

[redacted]

4. ~~(S/NF)~~ CJSOTF-AP personnel should be trained regarding authorized interrogation techniques and the required safeguards for the use of those techniques, including the requirement for trained interrogators and the difference between tactical questioning and formal interrogations.

5. ~~(S)~~ No adverse action against CJSOTF-AP personnel in connection with the [redacted] allegations.

SECTION FOUR: OTHER INCIDENTS OF ALLEGED DETAINEE MISTREATMENT POTENTIALLY ASSOCIATED WITH CJSOTF-AP

~~(S/NF)~~ During the course of this investigation, I received information about seven (7) prior incidents of alleged detainee mistreatment. In each case the matter had been the subject of an investigation. I reviewed and considered these investigations in order to obtain a complete review of CJSOTF-AP detention and interrogation operations as part of my general assessment of whether CJSOTF-AP complied with regulatory and policy guidance. One was found not to involve CJSOTF-AP personnel; two were unfounded; two were founded; and two remain under investigation—both of these involve [redacted]

NOT ATTRIBUTED TO CJSOTF-AP:

~~(S)~~ Death of [redacted]

[redacted]

[redacted]

UNFOUNDED:

~~(S)~~ Death of [redacted]

1. ~~(S/NF)~~ On 22 December 2003, [redacted] captured [redacted] in a raid. He was detained at the [redacted] as discussed in SECTION ONE, above. He exhibited strange behavior, including removing his pants and defecating on himself during his detention at [redacted] After 3 days, he was transferred to the [redacted] When he arrived, he was unresponsive and evacuated to the [redacted] where he died. There was no medical indication of recent trauma. The circumstances of his death were investigated and documented in an AR 15-6 investigation initiated and approved by [redacted] The 15-6 report concluded that [redacted] death was not caused by mistreatment and did not implicate [redacted] (ANNEX 119)

2. ~~(S)~~ As discussed in SECTION ONE, above, the [redacted] siblings allege [redacted] death was the result of mistreatment. [redacted] was not captured, held or interrogated by CJSOTF-AP personnel; however, he was held at the same facility as his siblings. The [redacted] FSB field surgeon, who treated [redacted] stated that [redacted] body had some bruising. However, she said that [redacted] condition upon his arrival at the [redacted] and his subsequent death was unrelated to any bruising. She said there was no indication of internal bleeding during her examination and that a CT scan performed at the [redacted] CSH found no indication of any trauma to [redacted] head. (ANNEX 218)

~~(S)~~ Mistreatment Allegations of [redacted]

1. ~~(S/NF)~~ On 1 May 2004, [redacted] was captured by [redacted] He told an interrogator that he had been mistreated while being held by [redacted] Physicians at the [redacted] examined [redacted] on 11 May 2004 and again on 16 May 2004. There was no physical evidence to confirm any of [redacted] allegations. (ANNEX 35)

2. ~~(S)~~ The interim CID Report found the complaint lacked corroborating evidence. Since there were no medical findings consistent with [redacted] allegations, CID concluded the complaint was unfounded. (ANNEX 35)

FOUNDED:

~~(S)~~ Assault against [redacted]

1. ~~(S/NF)~~ On 29 October 2003, [redacted] captured [redacted] and held him in temporary detention at [redacted] (ANNEX 123) An informal commander's inquiry, conducted by [redacted] found that one of their soldiers who was supporting the [redacted] assaulted [redacted] by striking him several times while [redacted] was held at [redacted] (ANNEX 123)

2. ~~(S/NF)~~ The soldier was disciplined and received a Field Grade Article 15 from [redacted] battalion commander, LTC [redacted] The soldier was reduced in grade one rank, forfeited pay, and was placed on extra duty for 45 days. He was removed from the site and returned to his parent unit. (ANNEX 123)

~~(S)~~ Mistreatment Allegations of [redacted] and [redacted]

1. ~~(S/NF)~~ [redacted] were detainees who were interrogated by members of [redacted] during March 2004. After their interrogations, both [redacted] appeared to have injuries to their lower extremities.

2. ~~(S/NF)~~ An AR 15-6 investigation found that neither detainee had been mistreated by CJSOTF-AP personnel. The investigating officer (IO) determined that the most likely cause of [redacted] injuries was prolonged kneeling, while [redacted] injuries were most likely the result of the initial take-down due to [redacted] non-compliance. The IO recommended that [redacted] do more to monitor detainees' medical condition and that plywood floors be installed to prevent detainees from injuring themselves. (ANNEX 83; 124) When I visited [redacted] on 29 May 2004, these recommended changes were in place.

3. ~~(S/NF)~~ If there was prolonged kneeling, this was the result of [redacted] implementing stress positions as a method of interrogation. [redacted] believed stress positions were authorized by CJTF-7 policy due to an incorrectly published CJSOTF-AP policy. As discussed below in PART III, SECTION THREE, CJTF-7 policy does not authorize the use of stress positions. CJSOTF-AP has since rectified the discrepancy between their interrogation SOP and CJTF-7 (now MNF-I / MNC-I) policy.

INVESTIGATION PENDING:

~~(S)~~ Beating Allegation of [redacted]

[redacted]

[redacted]

~~(S)~~ Death of [redacted]

[redacted]

PART III: TASK THREE (PROCEDURES AND FACILITIES):

~~(S/NF)~~ YOU WILL SPECIFICALLY EXAMINE THE PROCEDURES AND FACILITIES USED FOR DETAINEE OPERATIONS WITHIN CJSOTF-AP AND 5TH SF GP IN ORDER TO DETERMINE WHETHER THERE HAS BEEN COMPLIANCE WITH REGULATORY AND POLICY GUIDANCE ESTABLISHED FOR DETAINEE OPERATIONS WITHIN IRAQ

~~(S/NF)~~ As part of this investigation, unrelated to any specific allegations of abuse, I conducted a general review of CJSOTF-AP detention and interrogation operations.

~~(S/NF)~~ I identified three areas that required investigation to determine whether CJSOTF-AP procedures and facilities complied with regulatory and policy guidance established for detainee operations with Iraq:

- Length of detention and processing detainees
- Adequacy of facilities and treatment of detainees
- Interrogation policies and procedures

SECTION ONE: **PROCESSING GUIDELINES AND LENGTH OF DETENTION**

I. **Applicable Policy**

[redacted]

[20] On 15 MAY 2004, CJTF-7 reorganized into Multi National Force Iraq (MNF-I) and Multi National Corps Iraq (MNC-I). MNF-I assumed command and control of all CJTF-7 assets in the Iraqi Area of Operations. MNC-I assumed the operational and tactical responsibilities of CJTF-7. MNC-I has subsequently published FRAGOs 019 and 329 regarding detention operations.

[redacted]

II. **Discussion**

1. ~~(S)~~ CJSOTF-AP personnel indicated that necessary transfer documents, including [redacted] were completed upon transfer of detainees to a temporary holding facility or other detention facility. **(ANNEX 48; 69)**

- (U) Some personnel from MSC internment facilities indicated that CJSOTF-AP "paperwork" was at times lacking, incomplete, or otherwise inadequate upon detainee transfers. **(ANNEX 55; 194)**

- (U) A sampling of roughly 35-40 files from Abu Ghraib of detainees who had been captured by CJSOTF-AP units was reviewed and found to be reasonably complete. **(ANNEX 35)**

2. ~~(S)~~ CJSOTF-AP has complied with the [redacted] to CJTF-7 PMO (now MNC-I PMO) since May 2004. **(ANNEX 32; 48)**

- [redacted]

3. ~~(S/NF)~~ Since April 2004, CJSOTF-AP facilities at RPC and Mosul routinely received approval from the CJSOTF-AP Commander or Deputy Commanding Officer [redacted]

[redacted]

III. Findings

[redacted]

3. ~~(S/NF)~~ While I conclude that length of detention was not an issue among CJSOTF-AP units, I found it difficult to track. A common database and automated tracking system that can be used from capturing unit to internment facility would greatly facilitate detainee accountability.

IV. Recommendations

1. ~~(S/NF)~~ Detainees must be tracked from the moment of capture and through each transfer by the units involved in capture. This requires a standardized, documented accountability process,

[21] Determining detainee movement or transfer between units was difficult because there was not one standardized method between various units and facilities of tracking detainees from time of capture through induction at Abu Ghraib. (ANNEX 29; 31)

including dates of capture, transfers between units, and detainee locations down to the capturing unit level.[22] All capturing units—including [redacted]—must meticulously adhere to this process.

SECTION TWO: ADEQUACY OF FACILITIES & TREATMENT OF SECURITY DETAINEES

I. Applicable Policy

[redacted]

2. (U) Army Regulation (AR) 190-8 provides United States Army policy for the detention of enemy prisoners of war (EPWs) and civilian internees and implements relevant international law relating to the humane treatment and protection of EPWs and other detainees under the Geneva Conventions. (ANNEX 15)

a. ~~(S)~~ Since the end of major combat operations on 2 May 2003, individuals detained and held by CJSOTF-AP in the Iraqi Area of Operations are security detainees, a subset of civilian internees, under AR 190-8. (ANNEX 5)

b. (U) In accordance with AR 190-8, security detainees must be *at all times*:

- Treated humanely;
- Provided humanitarian care and treatment;
- Respected as human beings;
- Protected from all acts of violence or threats thereof, sensory deprivation, and all cruel or degrading treatment.

c. (U) AR 190-8 requires that security detainees be quartered in internment conditions that provide every opportunity for health and hygiene and that provide sufficient protection against the rigors of the climate and the effects of war. The premises shall be protected from dampness and adequately heated and lighted. The sleeping quarters shall be sufficiently spacious and well ventilated, and the internees shall have suitable bedding and sufficient blankets, taking account of the climate, and the age, sex, and state of health of the internees.

[redacted]

d. (U) AR 190-8 requires that internees have for their use, day and night, sanitary conveniences that conform to the rules of hygiene and are constantly maintained and clean. They shall be provided sufficient water and soap for their daily personal hygiene. Showers or baths shall also be available.

3. ~~(S)~~ According to FRAGO 749, all detainees/internees must be "treated in a manner accorded to EPWs *pursuant to the principles*" outlined in Geneva Convention (III) Relative to the Treatment of Prisoners of War (GPW). GPW provides the following additional principles applicable to the general treatment of security detainees in the Iraqi Theater of Operations:

a. (U) Common Article 3 provides, "Persons taking no active part in the hostilities, including members of armed forces who have laid down their arms and those placed *hors de combat* [i.e. out of combat] by...detention, or any other cause, shall in all cases be treated humanely..."

b. (U) Common Article 3 prohibits the following acts *at any time and in any place*:

- violence to life or person, in particular murder of all kinds, mutilation, cruel treatment and torture;
- taking of hostages;
- outrages upon personal dignity, in particular humiliating and degrading treatment.

c. (U) Article 13 provides: "...any unlawful act or omission by the Detaining Power [e.g. CF in Iraq] causing death or seriously endangering the health of a prisoner of war (POW) in its custody is prohibited... In particular, no prisoner of war may be subjected to physical mutilation or to medical or scientific experiments... Likewise, POWs must at all times be protected, particularly against acts of violence or intimidation and against insults and public curiosity."

d. (U) Article 17 provides: "...No physical or mental torture, nor any other form of coercion, may be inflicted on EPWs to secure from them information of any kind whatsoever. EPWs who refuse to answer may not be threatened, insulted, or exposed to unpleasant or disadvantageous treatment of any kind."

e. (U) Article 26 provides that daily food rations for prisoners shall be sufficient in quantity, quality, and variety to keep prisoners in a good state of health and prevent the development of nutritional deficiencies. It also provides that sufficient drinking water shall be supplied.

f. (U) Article 30 and 31 require that prisoners be provided sufficient health care and health inspections in order to supervise the general state of health, nutrition and cleanliness of prisoners, and to detect contagious diseases.

4. (U) Geneva Convention (IV) Relative to the Protection of Civilian Persons in Time of War (GC IV) provides minimum standards for the humane treatment of security detainees under international law. **(ANNEX 5)** GC (IV) provides the following additional minimum standards for the general treatment of security detainees [protected persons]:

a. (U) Article 31 prohibits physical or moral coercion against protected persons [including security detainees], in particular to obtain information from them or from third parties.

b. (U) Article 32 prohibits any measure of such a character as to cause the physical suffering or extermination of protected persons, including not only murder, torture, corporal punishments, mutilation, and medical or scientific experiments but also any measures of brutality.

5. (U) Geneva Convention (IV) Relative to the Protection of Civilian Persons in Time of War (GC IV) (1949) also provides the following relevant provisions for the safety and security of Coalition forces:

a. (U) Article 5 provides that an individual person who is definitely suspected of or engaging in activities that are hostile to the security of State [e.g. CF in Iraq] shall not be entitled to claim such rights and privileges under GC IV that would be prejudicial to the security of such State. In each case, however, such persons shall *nevertheless be treated with humanity*.

b. (U) Article 27 authorizes States [e.g. CF in Iraq] to take such measures of control and security in regard to protected persons [including security detainees] as may be necessary as a result of the war.

6. (U) Detainees must at all times be treated humanely. I found no agreed upon definition of "inhumane treatment" under customary international law. The definition of "inhumane" is subjective and open to debate. In my judgment, "inhumane treatment" at least includes some element of criminal intent, improper purposes, or disregard for human decency. It may include treatment done for purposes of humiliation, cruelty, persecution, or intimidation, not done for legitimate or other lawful purposes. Additional factors I considered were: duration, setting, and security requirements.

II. Discussion

[redacted]

[redacted]

[23] In February 2004, [redacted] completed a transfer of authority (TOA) with [redacted] for command and control of [redacted] FRAGO 04-68 was a result of [redacted] standing up the RPC THF and the decision that some detainees would be held up to 14 days in [redacted] custody at RPC. (ANNEX 44)

[redacted]

8. ~~(S/NF)~~ Sustenance: Food & Water. The evidence indicates that detainees were provided adequate food and water. Detainees were fed three times daily at [redacted] CJSOTF-AP personnel at [redacted] fed detainees once every twelve hours as required by CJSOTF-AP SOP. Detainees were typically fed either hot chow or the main meal of an MRE with crackers or bread depending on availability. Detainees were provided water freely and typically within the first few hours of arriving at a facility. (ANNEX 48; 49; 50; 53; 85)

[redacted]

[redacted] employed two Kurdish interpreters who were used during interrogations to interpret questions. On one occasion, these interpreters assisted [redacted] personnel in restraining a large, combative detainee. (ANNEX 109; 110)

9. ~~(S/NF)~~ Adequacy of facilities. Based upon my personal observations, I found CJSOTF-AP facilities generally provided adequate comfort and at least met the minimum standard required considering the temporary nature of CJSOTF-AP facilities. There was one exception, as discussed in PART II, SECTION THREE, where detainees were held in small cells at [redacted]

[redacted]

[25] MNF-I Detention Operations advised that chaining / cuffing detainees to the floor and keeping detainees inside small cells for force protection purposes would be acceptable for short periods of time. (ANNEX 15; 37) In general, [redacted] typically did not hold detainees longer than 3-5 days. (ANNEX 29; 66; 117) Under the circumstances as implemented by [redacted] these measures would not *per se* amount to inhumane treatment in accordance with AR 190-8, paragraphs 1-5; 5-1. (ANNEX 15)

[26] [redacted] FOB commander, LTC [redacted], stated that he visited the [redacted] but did not inspect the detention area. (ANNEX 116) [redacted] AOB commander, MAJ [redacted] also visited the safehouse on multiple occasions but never saw the small cells in which detainees were held. (ANNEX 117)

[redacted]

10. (U) Personnel from a number of detention facilities across the Iraqi Area of Operations, including Abu Ghraib and MSC internment and temporary holding facilities indicated that they saw no pattern of mistreatment relating to detainees transferred to their facilities from CJSOTF-AP units. **(ANNEX 55; 56; 74; 83; 194)**

- (U) In one instance a screener from Abu Ghraib, made a general statement that a number of detainees (6—8) from [redacted] from between November 2003 and January 2004 were brought to Abu Ghraib in "emotionally and physically distressed" conditions. The screener could not be more specific and did not specifically implicate CJSOTF-AP units in this statement. **(ANNEX 195)**

[redacted]

III. **Findings**

[redacted]

2. ~~(S/NF)~~ CJSOTF-AP [redacted] facilities generally met the minimum standards required under AR 190-8 and relevant international law. They generally provided sufficient comfort, protection, and health for detainees considering the transitional nature and purpose of the facilities. Their facilities and procedures were adequate to ensure health and hygiene of detainees considering the short-term nature of the facilities and available resources.

[redacted]

was reasonably practical to transfer them to a suitable facility. However, as discussed in PART I, SECTION THREE, five to seven days would not be reasonable.

[redacted]

IV. **Recommendations**

1. (U) MNF-I policy should establish minimum standards for detention facilities down to the capturing unit level, as previously discussed.

[redacted]

SECTION THREE: **INTERROGATION METHODS AND PROCEDURES**

I. **Applicable Policy**

1. (U) See PART III, SECTION TWO, paragraphs 1 thru 5, above, for generally applicable policies regarding the humane treatment of security detainees.

2. ~~(S)~~ On 14 September 2003, the Commander of CJTF-7 (COM CJTF-7) issued an Interrogation and Counter-Resistance Policy (hereinafter "14 September Policy" or "14 September (CJTF-7) Policy"). This policy authorized the use of 29 specified interrogation techniques on security detainees. **(ANNEX 12)**

3. ~~(S)~~ On 12 October 2003, COM CJTF-7 re-issued CJTF-7 Interrogation and Counter-Resistance Policy (hereinafter "12 October Policy" or "12 October (CJTF-7) Policy"), superseding the 14 September Policy. **(ANNEX 13)**

a. ~~(S)~~ The 12 October Policy authorized only 17 interrogation techniques for use on security detainees. It provided that, COM CJTF-7 written approval was required to use any unspecified interrogation technique.

b. ~~(S)~~ The 12 interrogation techniques *no longer authorized* under the 12 October Policy were:

- Change of Scenery Up (*removing from standard interrogation setting to somewhere more pleasant*)
- Change of Scenery Down (*removing to somewhere less comfortable*)
- Dietary Manipulation (*changing diet; not deprivation of food or water; no adverse medical or cultural effect*)
- Environmental Manipulation (*altering environment to create moderate discomfort, e.g. adjusting temperature or introducing an unpleasant smell; not conditions that would injure the detainee; detainee accompanied by interrogator at all times*)
- Sleep Adjustment (*adjusting the sleeping times of the detainee, e.g. reversing sleep schedule*)
- Sleep Management (*detainee provided minimum 4 hours of sleep per 24 hour period, not to exceed 72 continuous hours*)
- False Flag (*convincing detainee that individuals from a country other than the United States are interrogating him*)
- Isolation (*isolating the detainee from other detainees while still complying with the basic standards of treatment*)
- Presence of Military Working Dogs (*exploits Arab fear of dogs while maintaining security during interrogations; dogs will be muzzled and under the control of MWD handler at all times to prevent contact with detainee*)
- Yelling, Loud Music, and Light Control (*used to create fear, disorient detainees and prolong capture shock; volume controlled to prevent injury*)
- Deception (*Use of falsified representations including documents and reports*)
- Stress Positions (*use of physical postures, e.g. sitting, standing, kneeling, prone, etc., for no more than one hour per use; not to exceed 4 hours and adequate rest between use of each position will be provided*)

c. ~~(S)~~ Both the 14 September Policy and the 12 October Policy mandated the use of the following five general safeguards with the implementation of all authorized interrogation techniques:

- Limited to when the detainee possesses critical intelligence;
- Limited to where the detainee is medically and operationally evaluated as suitable (considering all techniques to be used in combination);
- Limited to interrogators who are trained for the techniques;
- Implemented according to a specific interrogation plan (including reasonable safeguards, limits on duration, intervals between application, termination criteria, and the presence or availability of qualified medical personnel);
- Appropriate supervision

II. **Discussion**

[redacted]

[27] [redacted] personnel stated the 14 September [redacted] Policy was erroneously provided to [redacted] upon their request in February 2004 for current [redacted] interrogation guidance. (ANNEX 23; 23A; 23B) The [redacted] policy was in a memorandum addressed to a limited distribution, including: This limited distribution myab have contributed to [redacted] incorrectly relying on a superseded policy.

[28] These eight (8) techniques were described with precautionary language in the 14 September [redacted] Policy. (ANNEX 12)

[redacted]

[redacted]

7. ~~(S/NF)~~ The evidence indicates that, from February 2004 thru May 2004, some CJSOTF-AP (10th SF GP) interrogators employed five interrogation techniques on security detainees without COM CJTF-7 approval in contravention of the 12 October (CJTF-7) Policy (but in accordance with the superseded 14 September (CJTF-7) Policy that CJSOTF-AP believed to be in effect and that served as the basis for the CJSOTF-AP SOP). **(ANNEX 20)**

a. ~~(S)~~ The five interrogation techniques were:

[redacted]

b. ~~(S/NF)~~ Specifically:

[29] See FM 34-52 for a more detailed description of interrogation techniques. **(ANNEX 16)**

- Some detainees at [redacted] were forced to repeatedly stand in their cells for periods of time (45 minutes) with only short periods of rest (15 minutes). **(ANNEX 49; 110)** Other detainees at CJSOTF-AP [redacted] facilities were at times made to remain on their knees during interrogations, kneel with their forehead against a wall, or remain standing after having been kept awake. **(ANNEX 48; 50; 51; 77; 82; 88; 89)**

- Some detainees at [redacted] were allowed to sleep only four hours in a 24-hour period for three days and the short periods where they were allowed to sleep were not always allowed to be consecutive. **(ANNEX 87; 77; 89; 109; 110)**

- At [redacted] some detainees were exposed to loud music as a mechanism to prevent communication between detainees and as a Sleep Management technique. **(ANNEX 51; 88; 109; 110)**

- [redacted] sometimes washed down detainees and initially interrogated them in an air-conditioned room or outside in cold weather. **(ANNEX 26; 87; 88; 89)** At times, some detainees were naked for the initial interrogation. It was the interrogator's decision when the detainee would be clothed. **(ANNEX 88; 89)**

- At [redacted] some detainees were fed only bread or crackers and water if they did not cooperate with [redacted] interrogators. **(ANNEX 88; 89)** [redacted] some detainees were only fed bread and water during their entire stay at [redacted][30] **(ANNEX 47; 66; 69)**

III. **Findings**

1. ~~(S/NF)~~ CJSOTF-AP [redacted] policy authorized CJSOTF-AP interrogators to employ twelve (12) interrogation techniques that were no longer authorized by CJTF-7 Policy.

2. ~~(S/NF)~~ As a result, some CJSOTF-AP [redacted] interrogators implemented five interrogation techniques, including Sleep Management, Stress Positions, Dietary Manipulation, Environmental Manipulation, and Yelling/Loud Music, that were not specifically authorized by controlling CJTF-7 policy.

3. ~~(S/NF)~~ The use of Environmental Manipulation as an interrogation technique by [redacted] and [redacted] raised concern. This technique is designed to make detainees uncomfortable and cold. Some detainees were wet down and placed in air-conditioned room or outside in cold weather.[31]

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[30] [redacted] did not attribute this diet to setting conditions favorable for interrogation, i.e. an interrogation technique. As previously discusses in PART II, SECTION TWO above, this was the standard diet provided to detainees at the [redacted]

[31] I had no specific allegations of abuse to investigate relating to the use of this interrogation technique. However, based upon the facts contained in the report of investigation that I reviewed, there is an indication that this technique

4. ~~(S/NF)~~ CJSOTF-AP interrogators implemented safeguards as required by CJTF-7 policy to ensure the health and safety of all detainees both prior to and after interrogation. However, CJSOTF-AP employed personnel (18Fs, warrants, and an NCO) as interrogators who had received familiarization training in interrogation techniques.

IV. **Recommendations**

1. ~~(S/NF)~~ CJSOTF-AP should establish standard operating procedures for detention and interrogation operations and ensure periodic review for compliance with current MNF/MNC-I policy.

2. ~~(S)~~ CJSOTF-AP personnel conduct only field interrogation or debriefings immediately following capture or supplement their [redacted] with trained interrogators.

3. ~~(S)~~ All CJSOTF-AP personnel should be trained regarding authorized interrogation techniques, specifically that Environmental Manipulation, Stress Positions, Dietary Manipulation, Sleep Management, and Yelling/Loud Music are no longer authorized.

4. ~~(S/NF)~~ All CJSOTF-AP personnel, especially [redacted] should receive mandatory corrective training and education in the principles of the Geneva Conventions relating to the treatment of detainees, including adequate diet for detainees.

5. ~~(S/NF)~~ All CJSOTF-AP personnel, especially [redacted] should receive mandatory corrective training and education in the principles of the Geneva Conventions relating to the treatment of detainees, including the provision of clothing for detainees and that unnecessary nakedness is to be avoided and is inconsistent with the principles of dignity and respect contained in the Geneva Conventions.

6. ~~(S/NF)~~ No adverse action undertaken against any CJSOTF-AP personnel in connection with general treatment of detainees in CJSOTF-AP facilities.

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may have been used on [redacted], the [redacted] detainee who died after interrogation in April 2004. As discussed in PART II, SECTION FOUR above, there is an on-going NCIS investigation into this death.