

# Formica Report 8 Findings



# FA-001 FORMICA REPORT , pg 11

## (U) RECOMMENDATION / OBSERVATION:

CJSOTF-AP, 10th and 5th SF GP commands, 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.

## ~~(S)~~ CURRENT ASSESSMENT:

(b)(1), (b)(5)

## ~~(S)~~ FIX / ACTION / CHANGE:

(b)(1), (b)(5)

Change: Copies provided.

OPR: CENTCOM  
OCR:



*FA-002 FORMICA REPORT pg8, para 5-6; pg 75, IV*

(U) RECOMMENDATION / OBSERVATION:

All CJSOTF-AP personnel, especially ODA 554 and ODA 065, 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.

~~(S)~~ CURRENT ASSESSMENT:

(b)(1), (b)(5)

OPR: CENTCOM

OCR:

~~(S)~~ FIX / ACTION / CHANGE:

(b)(1), (b)(5)



*FA-003 FORMICA REPORT pg 12, para 7*

**(U) RECOMMENDATION / OBSERVATION:**

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.

**~~(S)~~ CURRENT ASSESSMENT:**

(b)(1), (b)(5)

OPR: CENTCOM  
OCR:

**~~(S)~~ FIX / ACTION / CHANGE:**

(b)(1), (b)(5)





*FA-004 FORMICA REPORT*  
*pg 10; pg 45, VI; pg 60, II; pg 75, IV*

**(U) RECOMMENDATION / OBSERVATION:**

- (S/NF)CJSOTF-AP should publish policy guidance that:
  - (U) Clarifies authorized interrogation techniques;
  - (S/NF) Differentiates between tactical question and interrogation
  - (S/NF) Authorizes subordinate Naval Special Warfare Task Unit (NSWTU) and Operational Detachments Alpha (ODAs) 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 Coalition Force (CF) detention facility.
  - (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.

**~~(S)~~ CURRENT ASSESSMENT:**

(b)(1), (b)(5)

**~~(S)~~ FIX / ACTION / CHANGE:**

(b)(1), (b)(5)

OPR: CENTCOM  
OCR:



*FA-005 FORMICA REPORT pg 55, VI; pg 62, 1,2*

**(U) RECOMMENDATION / OBSERVATION:**

~~(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 screening as every level of detention; formalized accountability process at every level.

**~~(S)~~ CURRENT ASSESSMENT:**

(b)(1), (b)(5)

**~~(S)~~ FIX / ACTION / CHANGE:**

(b)(1), (b)(5)

OPR: CENTCOM

OCR:



(U) RECOMMENDATION / OBSERVATION:

~~(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. 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.

~~(S)~~ CURRENT ASSESSMENT:

(b)(1) (b)(5)

OPR: CENTCOM  
OCR:

~~(S)~~ FIX / ACTION / CHANGE:

(b)(1) (b)(5)



*FA-007 FORMICA REPORT*  
*pg 12, see footnotes; pg 68, para 10*

**(U) RECOMMENDATION / OBSERVATION:**

(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. This is an area that may require an MNF-I policy.

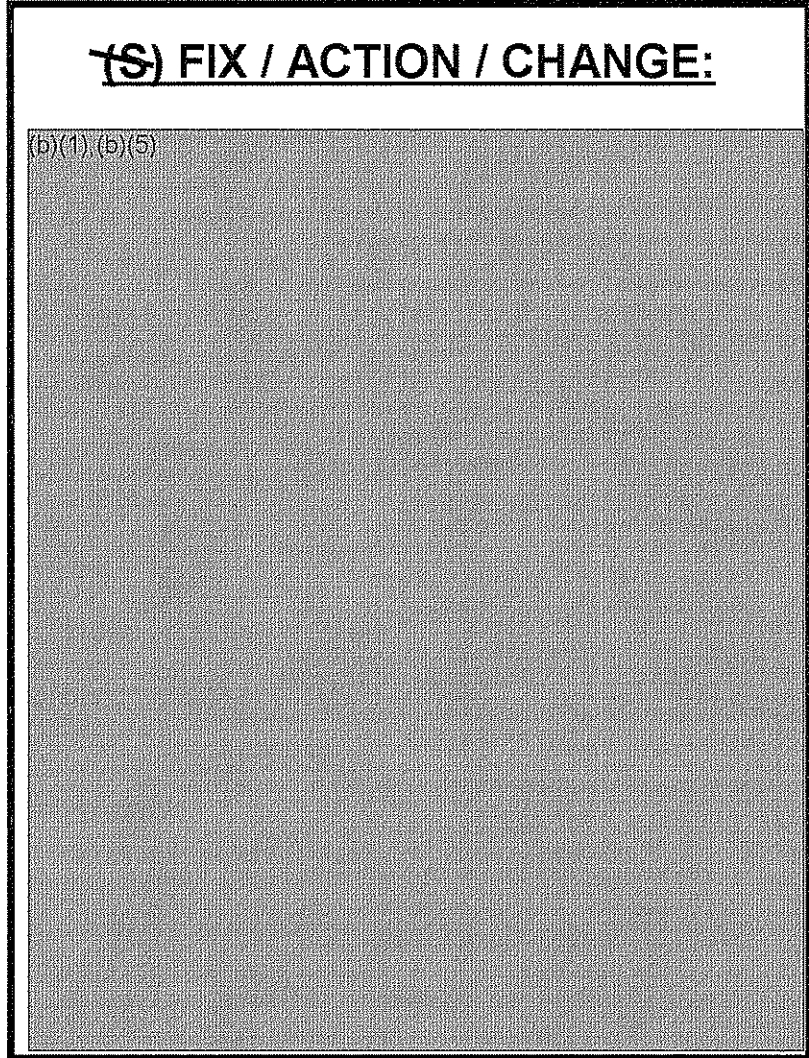
**(S) CURRENT ASSESSMENT:**

(b)(1), (b)(5)

OPR: CENTCOM  
OCR:

**(S) FIX / ACTION / CHANGE:**

(b)(1), (b)(5)







# FA-008 FORMICA REPORT pg 12, para 8

**(U) RECOMMENDATION / OBSERVATION:**

~~(S/NF)~~ MNF-I OSJA should notify receiving commands for 3ACR and Seal Team 7 to ensure awareness of on-going investigations into the actions of personnel who have redeployed.

**~~(S)~~ CURRENT ASSESSMENT:**

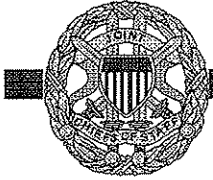
~~(b)(1);(b)(5)~~

OPR: CENTCOM  
OCR:

**~~(S)~~ FIX / ACTION / CHANGE:**

~~(b)(1);(b)(5)~~





# Gaps and Seams

## 17 Findings

## *GS-001 Law of War Treaties*

(U) RECOMMENDATION/OBSERVATION

- Harmonizing policies and treaties with allies

(U) CURRENT ASSESSMENT:

- ODA's assessment is that no policy is in conflict with our international or treaty obligations. All policies that have been issued since the beginning of GWOT were thoroughly examined by the DoDGC, the Justice Department, and the White House Council before issuance.
- International perceptions and analysis of the choices made at the SECDEF and POTUS level have created disagreements where the law is silent or has contradictory guidance.
- NSC has developed PCC on "public diplomacy" to address gaps in understanding about applicability of LOAC to GWOT.

OPR: USD (P)  
OCR: USD (P)

(U) FIX/ACTION/CHANGE:

**Fix:** Review all current policies and regulations w/ regard to allies

**Action:** ODA is currently revising all DoDD and policies and will assist ARMY in the revisions of AR 190-8 and other documents as requested.

**Change:** Revision of Detainee Operations Policy as well as issuance of larger "covering" policies will demonstrate how DoD operations satisfy international treaty obligations.



# Gaps and Seams – Closed Items

**GS-002**

**GS-006 to GS-008**


**GS-012 to GS-015**

**GS-017**



**GS-003**

**OPR: J-7**

*Status on 27 Jan 05:* 

## *GS-004 Review of Manual for Courts-Martial and UCMJ*

**(U) RECOMMENDATION/OBSERVATION**

- Review for adequacy with respect to detainee abuse (similar to post-Aberdeen)

**(U) CURRENT ASSESSMENT:**

● Review by CJCS/LC and DoDGC believes that UCMJ is adequate in preventing and reporting abuses. Request either additional guidance or closure.

**OPR: DoDGC**

**OCR: OSD-Policy**

**(U) FIX/ACTION/CHANGE:**

**None at this time.**



## *GS-005 Review of JCS activity under Goldwater-Nichols*

**(U) RECOMMENDATION/OBSERVATION**

- Review for adequacy with respect to detainee abuse (similar to post-Aberdeen)

**(U) CURRENT ASSESSMENT:**

- Do not believe task is properly assigned to OSD/USD(P) request reassignment as USD(P) has no authority

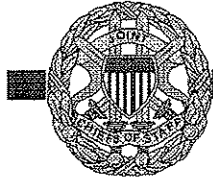
**OPR: Do not believe USD(P) has authority.**

**OCR: Do not believe USD(P) has oversight.**

**(U) FIX/ACTION/CHANGE:**

**None at this time.**

**2003**



# Gaps and Seams – Closed Items

**GS-002**

**GS-006 to GS-008**


**GS-012 to GS-015**

**GS-017**



**GS-009**

**OPR: OSD/JS Oversight Council**

*Status on 27 Jan 05:* 

# GS-010 Applying Previous Lessons Learned

**(U) RECOMMENDATION/OBSERVATION:**

- Did we apply lessons learned from previous conflicts (e.g. Bosnia) to the current insurgency?

**(U) CURRENT ASSESSMENT:**



- USJFCOM Joint Center for Operation Analysis-Lessons Learned will research and review available DOD lessons learned data and address Detention Operations lessons learned from previous conflicts.

OPR: JFCOM

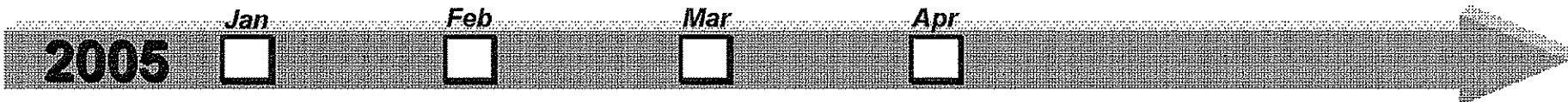
OCR: J5; J7; CENTCOM; EUCOM; Services

**(U) FIX/ACTION/CHANGE:**

**Fix:**

**Action: Research DOD lessons learned data from previous conflicts and poll Service contacts for tactical lessons learned**

**Change:**



Request Info from Services

## GS-011 Congress Questions on “Ghost Detainees”

(U) RECOMMENDATION/OBSERVATION

- Congress question: “What is a *Ghost Detainee* and how many have there been?”

(U) CURRENT ASSESSMENT:

- ODA has addressed this issue with the SECDEF as well as USD(I) and OGA’s.
- The SECDEF has briefed this issue publicly regarding the *one* detainee who was held without prompt registration with the ICRC.
- It is DoD policy to promptly register all detainees.
- ODA & USD(P) officials have briefed Congress on this issue – we are preparing for upcoming hearings on issue.
- To the extent required, ODA will work with OGC and USD(I) to resolve any remaining issues on this sensitive matter.

OPR: USD (P)

OCR: USD (P)

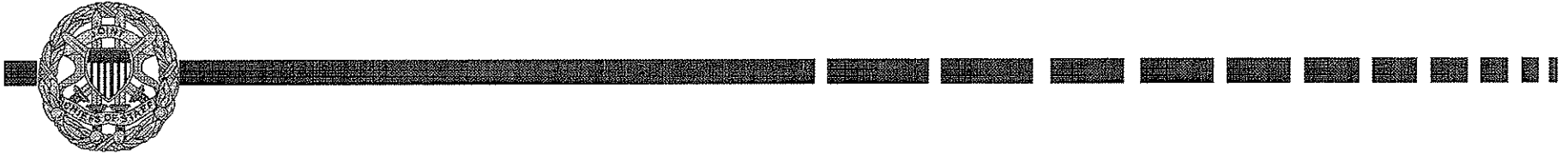
(U) FIX/ACTION/CHANGE:

**Fix: Adequately brief Congress regarding “Ghost Detainee” issue.**

**Action: Classified briefings with Congress.**

**Change: Congress question answered.**





# Gaps and Seams – Closed Items

**GS-002**

**GS-006 to GS-008**

**GS-012 to GS-015**

**GS-017**

## *GS-016 Develop Policy for Joint Interagency Detainee Ops*

**(U) RECOMMENDATION/OBSERVATION**

- Common guidance is required where multiple agencies (e.g. DoD, FBI, CIA) perform joint/combined interrogations, common guidance is required.

**(U) CURRENT ASSESSMENT:**



- USDI is addressing Joint Interagency roles in the DoD Interrogation process.
- Their policy is being drafted – but do not have date yet.

**OPR: USD (I)**

**OCR: USD (P)**

**(U) FIX/ACTION/CHANGE:**

**Fix: Issue common guidance.**

**Action: Interagency coordination of interrogation policy.**

**Change: Common practices for all engaged in intelligence gathering.**



# Gaps and Seams – Closed Items

**GS-002**

**GS-006 to GS-008**

**GS-012 to GS-015**

**GS-017**

**(3RD) CHURCH REPORT: Review of DoD Detention Operations and Detainee Interrogation Techniques, 07 Mar 05**

DSLOC REF No.	CHURCH REPORT NOTATION	PROBLEM IN DETAIL (FINDING)	REPORT RECOMMENDATIONS
C-001P	p. 3, 7, 196-197, 214, 201-203, 237, 268-269	<b>(U) Lack of specific guidance, clarity, and consistency on interrogation techniques among Afghanistan, Iraq, and GTMO interrogation operations</b>	(U) <u>Inferred</u> : Standardize interrogation guidance under a single policy that provides for specific and unambiguous guidance applicable to all areas of operation. Decisions on the applicability of specific techniques should be reserved for the policy source and not left for interpretation by implementing levels.
	ES, p. 3	(U) Missed Opportunity: No specific guidance on interrogation techniques was provided to the commanders responsible for Afghanistan and Iraq, as it was to SOUTHCOM for GTMO	
	ES, p. 7	(U) CJTF-180 Mar 04 guidance was not drafted as carefully as it could have or should have been (revived modified and eliminated practices without explanation and included techniques from unsigned draft SECDEF memo, which was never approved)	(U) In Jun 04, CENTCOM directed that all interrogations in CENTCOM be standardized under a single policy. CFC-A directed that CJTF76 adopt this policy (developed in May 04 and based on FM 34-52). Policy remains in effect.
	p. 196-197	(U) Evidence suggests that in developing techniques, interrogators in Afghanistan took so literally FM 34-52's suggestion to be creative that they strayed significantly from a plain-language reading of FM 34-52. Language from Appendix H (outdated 1987 edition) may have been perceived by interrogators as conveying a broad span of control which, when coupled with an expansive interpretation of the techniques themselves, made it possible to cite doctrinal origins for many of the most controversial counter-resistance techniques.	
	p. 214	(U) In short, up until the adoption of CJTF-7 policy in June 2004, it is likely that many units in Afghanistan were simply conducting interrogations as they always had: based on their interpretation of FM 34-52, rather than any	

DSLOC REF No.	CHURCH REPORT NOTATION	PROBLEM IN DETAIL (FINDING)	REPORT RECOMMENDATIONS
		theater interrogation policy. This finding is supported by the general left-to-right continuity of X marks representing techniques employed, including some in techniques that had been prohibited by LTG McNeill (e.g., stress positions	
	p. 196, 201-203	(b)(1), (b)(5)	[JSAP LC 00010-03, 04/15/03. Response went from CJCS to SECDEF. No clear picture as to what happened next]. Could be compliance, or dissemination
	p. 237	(U) The SECDEF issued specific guidance for the interrogation of al Qaeda and Taliban detainees at GTMO, but guidance for the interrogation of al Qaeda and Taliban detainees in Afghanistan was developed within CJTF-180. CJTF submitted to the Joint Staff a list of techniques being employed in Afghanistan in January 2003; and though the CJCS determined that the list was inconsistent with the techniques approved for GTMO, no response was provided. As a result, interrogation in Afghanistan – while they did not contribute to any detainee abuses – remained less restrictive than those in GTMO until June 2004, when CJTF-7's policy was adopted.	



DSLOC REF No.	CHURCH REPORT NOTATION	PROBLEM IN DETAIL (FINDING)	REPORT RECOMMENDATIONS
	p. 268-269	(b)(1),(b)(5)	
<b>C-002P</b>	p. 3, 239, 304	<b>(U) Interrogation Operations Planning -- Missed Opportunity: No evidence that specific detention or interrogation lessons learned from previous conflicts were incorporated into planning for operations in support of the GWOT.</b>	(U) Future planning for detention and interrogation operations in the GWOT should take full advantage of prior and ongoing experience in these areas.
	p. 239	(U) There was no evidence that specific detention and interrogation lessons learned from previous conflicts were incorporated in planning for OEF.	(U) <u>Inferred</u> : Incorporate lessons learned in future planning for detention and interrogation operations
	p. 304	(U) Missed Opportunity: There was no evidence that specific detention and interrogations lessons learned from previous conflicts in the Balkans, Afghanistan, and elsewhere were incorporated in planning for OIF.	

DSLOC REF NO.	CHURCH REPORT NOTATION	PROBLEM IN DETAIL (FINDING)	REPORT RECOMMENDATIONS
C-003P	p. 10, 11, 47, 92, 237, 303	<b>(U) Ineffective Policy Dissemination</b>	<u>Inferred</u> : Need improved processes for dissemination of policy guidance, ensuring compliance, and obtaining feedback on implementation down through the unit-level [Issue closely related to C-030, Compliance]
	ES, p. 10	(U) Dissemination of interrogation policy was generally poor in Afghanistan and Iraq, and interrogators fell back on their training and experience, often relying on a broad interpretation of FM 34-52.	
	ES, p. 11	(U) Missed Opportunity: Interrogation policy was never issued to the CJTF commanders in Afghanistan or Iraq (as was done for GTMO) ... Interrogation policy reflecting the lessons learned to date in the GWOT should have been in place in Iraq long before Sep 03	
	p. 47	(U) Individual interrogators' compliance with approved interrogation policies was often proportional to the "fidelity of transmission" from HHQ to the unit level, and then to the interrogators via WO and Senior Enlisted leadership. Details of approved theater interrogation policies were often lost during this process, frequently during the latter stage (though many units never received the approved policies at all). This left implementation of interrogation techniques up to individual interrogators' judgment.	[Dissemination & Compliance]
	p. 92	(U) In fact, ... a large majority of interrogators and field officers interviewed were unaware of the specific guidance and relied solely on their training and experience.	[Dissemination]
	p. 237	(U) We concur with BG Jacoby that dissemination of approved interrogation policies in Afghanistan was poor until the adoption of CJTF-7's May 13, 2004 interrogation policy. Until that point, interrogators largely relied upon broad interpretation of FM 34-52	[Dissemination]

DSLOC REF No.	CHURCH REPORT NOTATION	PROBLEM IN DETAIL (FINDING)	REPORT RECOMMENDATIONS
	p. 303	(U) [Major Finding in Iraq] Dissemination of approved interrogation policies was ineffective, often resulting in interrogators' lack of awareness of which techniques were currently authorized. This was largely due to reliance on SIPRNET as the medium for disseminating guidance.	[Dissemination]
<b>C-004P</b>	p. 10, 41, 42, 44, 148, 150, 151, 153, 217-218, 256-257	<b>(U) Compatibility and sufficiency of MP and MI Doctrine for detention and interrogation operations</b>	<u>Inferred</u> : Clarify and reconcile doctrine for MP and MI detention and interrogation operations
	ES, p. 10	(U) The GTMO model of MP/MI relations, when interrogations are conducted under controlled conditions, with specific guidance and rigorous command oversight, is a model that should be considered for use in other interrogation operations in the GWOT.	(U) Consider the GTMO MP/MI model for use in other interrogation operations in the GWOT
	p. 41	(U) MP and MI doctrine do not completely describe the functional relationship between detention and interrogation operations. Existing guidance is vague or non-existent (although doctrine clearly and expressly forbids inhumane treatment).	<u>Inferred</u> : Doctrine requires clarification
	p. 42	(U) There is a lack of doctrine regarding MP and MI roles in the application of the "outside-the-interrogation-room" techniques approved by DoD and service authorities in the course of the GWOT.	<u>Inferred</u> : Doctrine required
	p. 42, 44	(U) Neither MP nor MI doctrine prescribes specific responsibilities for the employment of techniques requiring coordination outside the interrogation room. In	<u>Inferred</u> : Doctrine requires clarification – division of labor to avoid /minimize need for creation of potentially non-compliant and disparate local polices

DSLOC REF No.	CHURCH REPORT NOTATION	PROBLEM IN DETAIL (FINDING)	REPORT RECOMMENDATIONS
		the absence of a clear doctrinal division of labor, commanders must develop local policies for employment of such techniques. A particular hazard of this arrangement is that if MPs are not adequately trained on approved interrogation techniques, they may make inappropriate individual judgments regarding the appropriateness of techniques ordered or implied by MI personnel.	
	p. 44	(U) Doctrine permits presence of MP guards during interrogations, but does not describe what role they should play or prohibit any particular roles	<u>Inferred</u> : Doctrine required to specify and prohibit roles as appropriate
	p. 44	(U) The presence of dogs during interrogations is neither specifically authorized nor specifically prohibited. The presence of dogs could become problematic in the absence of additional, specific training.	<u>Inferred</u> : Clarify in MI doctrine/policies (MP doctrine likely to consider use of dogs as possibly excessive force that could inherently be abuse)
	p. 148	(U) Doctrine permits the presence of MP's during interrogations, but it does not describe what role they should play – nor for that matter, prohibit any roles. And doctrine is silent on the issue of whether (and how) MPs should assist with interrogation techniques employed outside the interrogation room. Therefore, while doctrine does not give affirmative license for MPs to help set the conditions for subsequent interrogations by assisting with techniques outside the interrogation room, it also does not prohibit the practice – and as discussed above, practical reality dictates that MPs must be involved with such techniques if they are to be used at all.	(U) [Echoes discussion on pp. 41-44]
	p. 150	(U) Both the <b>Ryder</b> and <b>Taguba</b> Reports, therefore, rejected a key ingredient of the GTMO model: MP participation in interrogation techniques outside the interrogation room that help to set the conditions for subsequent interrogations. To the extent that they	(U) It is entirely appropriate, indeed essential, for MPs to help set the conditions for successful interrogations – both by collecting intelligence on detainees, and by carrying out approved interrogation techniques outside the interrogation room.” Before carrying out this

DSLOC REF No.	CHURCH REPORT NOTATION	PROBLEM IN DETAIL (FINDING)	REPORT RECOMMENDATIONS
		<p>rejected it because they believed it was prohibited by doctrine, <b>we disagree with this position</b> because, as explained earlier, MP and MI doctrine are silent on whether (and how) MPs should assist with interrogation techniques employed outside the interrogation room. . . To the extent that they rejected it because they believed it encouraged detainee abuse by MPs, <b>we again disagree</b>, because both MP and MI doctrine are unequivocal on the issue of humane treatment of detainees. [Ryder and Taguba] underestimate the importance of intelligence collection operations, which may be aided by close – but carefully controlled – coordination between MP and MI units.</p>	<p>mission, of course, MPs should be properly trained on implementing the techniques. And they should receive their tasking from a central authority – not via casual conversations with MI personnel. Further, we agree with the Independent Panel that MP and MI units should belong to the same tactical command, which makes close coordination between these units possible. Current MP and MI doctrine, however, needs to be updated to reflect these realities.</p>
	<p>P. 151</p>	<p>(U) Current MP and MI doctrine, however, needs to be updated to reflect these realities. AS noted above, current doctrine leaves many of the specifics about the proper relationship between MP and MI units unanswered. ... Doctrine should not leave such important matters to interpretation.</p>	<p>(U) Accordingly, it [doctrine] requires revision, and we suggest the following points for consideration: (1) MPs should not participate in interrogation sessions, other than to provide necessary security; (2) MPS should help set the conditions for subsequent interrogations by passively collecting information on detainees. Doctrine should include guidance on how this can be done in a thorough, systematic manner and how the information can best be compiled and shared with MI personnel; (3) MPs should help set the conditions for subsequent interrogations by implementing, at the direction of MI personnel, approved interrogation techniques that occur outside the interrogation room, in the cell block. It is crucial here, as the Independent Panel put it, that doctrine define the MP's role "with precision." At a minimum, doctrine should describe (a) the manner in which MI personnel should coordinate requests for MP assistance through a central authority (for example from a JIG [Joint Interrogation Group] to a JDOG [Joint Detainee Operations Group]; (b) specific examples pf</p>

DSLOC REF No.	CHURCH REPORT NOTATION	PROBLEM IN DETAIL (FINDING)	REPORT RECOMMENDATIONS
			interrogation techniques that would fall into this category; (c) guidance on how MPs should implement those techniques; and (d) any appropriate limitations on MP participation with such techniques
	p. 153	(b)(1),(b)(5)	
	p. 217-218		
	p. 256	(U) In Iraq, as in Afghanistan ... decisions as to whether MPs participated in the implementation of techniques such as Sleep Adjustment or MRE-only diet, or were present in the interrogation room, devolved to the unit level due to doctrinal vagaries we discussed previously.	(U) [Ties to Afghanistan MP/MI doctrine issue]
	p. 256-257	(U) LTG Sanchez added "The assertion made in the Taguba report that [assignment of the senior officer present, MI Brigade Commander COL Pappas, as overall commander of the base at Abu Ghraib] was non-doctrinal is contentious and one that I totally disagree with." Again, our review of interrogation and detention doctrine supports' LTG Sanchez's position.	(U) [Ties to MP and MI relationship issues]

DSLOC REF No.	CHURCH REPORT NOTATION	PROBLEM IN DETAIL (FINDING)	REPORT RECOMMENDATIONS
C-005P	p. 16, 92-94, 97, 236, 274	<b>(U) Failure to anticipate, detect, and react to warning signs of abuse</b>	(U) <u>Inferred</u> : Put in place more specific procedures and direct guidance to prevent further abuse. Emphasize stronger leadership, greater oversight, and enforcement of good military discipline to lessen the likelihood of abuse.
	ES, p. 16	(U) Roughly one-third (23) of the abuse cases occurred at the point of capture in Afghanistan or Iraq – that is, during or shortly after capture of a detainee. Necessary military discipline was lacking in some instances	(U) Need for military discipline is paramount to guard against the possibility of abuse in the volatile [capture] situation.
	ES, p. 16	(U) There was a failure to react to early –clearly present – warning signs of abuse. Warning signs were not given sufficient attention at the unit level, nor were they relayed to the responsible CJTF commanders in a timely manner.	(U) Put in place more specific procedures and direct guidance to prevent further abuse.
	ES, p. 16	(U) A breakdown of good order and discipline in some units could account for other incidents of abuse. This implies a failure of unit-level leadership to recognize the inherent potential for abuse due to individual misconduct, to detect and mitigate stress on troops involved in detention & interrogation operations, and failure to provide requisite oversight.	(U) Stronger leadership and greater oversight would have lessened the likelihood of abuse.
	p. 92-94, 97	(U) There is no single explanation for why abuses occurred; rather, a combination of factors played a role: (1) Roughly one-third <u>occurred at Point of Capture (POC) where passions run high</u> and service members find themselves in dangerous situations. This potentially volatile situation is also the point at which the need for military discipline is paramount in order to guard against the possibility of detainee abuse, and that discipline was lacking in some instances. (2) The <u>nature of the enemy</u> in Iraq (and to a lesser extent, in Afghanistan) may have played a role in the abuse. Service members	(U) Stronger leadership and greater oversight would have lessened the likelihood of abuse.

DSLOC REF No.	CHURCH REPORT NOTATION	PROBLEM IN DETAIL (FINDING)	REPORT RECOMMENDATIONS
		<p>may have at times permitted our enemy's treacherous tactics and disregard for the law of war ... to erode their own standards of conduct. (3) A <u>breakdown of good order and discipline</u> in some units could account for other incidents of abuse. This breakdown implies a failure of unit-level leadership to recognize the potential for abuse in detention and interrogation operations, to detect and mitigate the enormous stress on our troops, and a corresponding failure to provide the requisite oversight to prevent such abuse. The absence of strong leadership or oversight may have contributed to setting the conditions for abuse.</p>	
	p. 236	<p>(U) Oversight of detainee operations at the BCP prior to the deaths was not examined in any depth. For example, the only direct oversight in our review was by the local CJTF-180 Provost Marshall (an Army Major). Although he identified questionable practices a month prior to the deaths, he did not ensure corrective action was taken.</p>	
	p. 274	<p>(U) We found no evidence of any policy or directive that might be interpreted as ordering or permitting the Abu Ghraib abuse, and agree with LTG Sanchez, who stated: "The cause of these abuses and deaths were the training, leadership, and discipline failures inside of the units. The institutional guidance and the policies were all in place. The advice, the procedures, everything that was necessary for a commander to be successful I think had been done. The resourcing was progressing at a very slow pace, but it was in concert with the overall situation of the task force and the environment that we were in ... And I think in the end, it was just plain and simple failures in those three areas at the lowest levels of leadership</p>	<p>[Positive; however, some could take issue with LTG Sanchez's claim that all the policies were in place, given the clear failure to disseminate them and evidence of non-compliance even when they were available]</p>



DSLOC REF No.	CHURCH REPORT NOTATION	PROBLEM IN DETAIL (FINDING)	REPORT RECOMMENDATIONS
C-006P	p. 18, 46, 332-333, 334-335, 337	<b>(U) Lack of Interagency policy governing the involvement of OGAs in the interrogation of DoD detainees</b>	(b)(1), (b)(5)  (U) We therefore recommend the establishment and wide promulgation of interagency policies governing the involvement of OGAs in the interrogation of DoD detainees.
	ES, p. 18	(U) The practice of holding "ghost detainees" for the CIA – although limited in scope – was guided by oral, <i>ad hoc</i> agreements and was the result, in part, of the lack of any specific, coordinated interagency guidance	
	ES, p. 18-19	(U) DoD personnel did not have a uniform understanding of what rules governed the involvement of OGAs in the interrogation of DoD detainees. Such uncertainty could create confusion regarding the permissibility and limits of various interrogation techniques.	(U) We therefore recommend the establishment and wide promulgation of interagency policies governing the involvement of OGAs in the interrogation of DoD detainees.
	p. 46	(U) [N]or are there policies governing the interaction of DoD interrogators and CIA, FBI, or other U.S. government law enforcement and intelligence personnel	
	p. 332	(b)(1), (b)(5)	

DSLOC REF NO.	CHURCH REPORT NOTATION	PROBLEM IN DETAIL (FINDING)	REPORT RECOMMENDATIONS
	p. 332-333	(b)(1), (b)(5)	
	p. 333		[See p. 332]
	p. 334-335		<del>(S)</del> [See p. 337 recommendation.] <b>SECRET</b>

DSLOC REF No.	CHURCH REPORT NOTATION	PROBLEM IN DETAIL (FINDING)	REPORT RECOMMENDATIONS
	p. 335	(b)(1), (b)(5)	<del>(S)</del> [See p. 337 recommendation.] <del>SECRET</del>
	p. 337		<del>(S)</del> [See p. 337 recommendation.] <del>SECRET</del>
	p. 337		(b)(1), (b)(5)
C-007P	p. 19, 354, 357, 365	<b>(U) Limited/Non-Standard Training of Medical Personnel in the screening/treatment of detainees led to inconsistent field-level implementation of specific requirements.</b>	(U) There is a need for [a] focused training program in this area so that our medical personnel are aware of and comply with detainee screening and medical treatment requirements. One obvious need is for a clear and concise training curriculum in a standardized format amenable to use in diverse settings
	ES, p. 19	(U) In Afghanistan and Iraq we found inconsistent field-level implementation of specific requirements.	

DSLOC REF No.	CHURCH REPORT NOTATION	PROBLEM IN DETAIL (FINDING)	REPORT RECOMMENDATIONS
	ES, p. 19	(U) Few U.S. [medical] personnel, however, had received specific training relevant to detainee screening and medical treatment.	
	p. 354	AFG- ( <del>FOUO</del> ) Specific training WRT detainee medical care was limited to informal sessions after deployment to help them distinguish between real and "pseudo" complaints by detainees. Responses to a question about governing directives for detainee medical care were vague, and none mentioned the Geneva Conventions.	(U) <u>Inferred</u> : Training deficiency; also p. 357
	p. 357	IRAQ- ( <del>FOUO</del> ) None of the interviewed medical personnel described pre-deployment training related to detainee medical care or Geneva Convention responsibilities, although one physician described such training previously in medical school. When asked about directives governing their duties relative to providing medical care for detainees, only a handful mentioned the Geneva Conventions at all. Most made vague reference to unspecified Army regulations. Training received in theater mostly related to specific medical issues or approaches to unruly detainees.	(U) <u>Inferred</u> : Training deficiency; also p. 354
	p. 365	(U) Medical personnel ... appeared to understand, in general terms, their responsibility for providing humane medical care to detainees, but few had received training specifically relevant to detainee screening and medical treatment. In Afghanistan and Iraq we found inconsistent field-level implementation of specific requirements, such as monthly medical inspections and weight recordings.	(U) We note that OSD is currently developing specific policies to address this issue: One obvious need is for a clear and concise training curriculum in a standardized format amenable to use in diverse settings

DSLOC REF No.	CHURCH REPORT NOTATION	PROBLEM IN DETAIL (FINDING)	REPORT RECOMMENDATIONS
C-008P	p. 19-20, 353, 359, 362-363, 367	<b>(U) Assess whether medical personnel have adequately discharged their obligation to report (and where possible, prevent) detainee abuse.</b>	(U) Our insights, taken together, suggest the need to clarify and reinforce the special responsibilities of medical personnel in preventing and reporting suspected detainee abuse. <u>Inferred</u> : Standardize practice for medical personnel to report suspected incidents of detainee abuse
	p. 353	GTMO- <del>(FOUO)</del> In July 2004, four medical providers now indicated they had seen or suspected detainee abuse. [All cases had been previously reported and investigated, with corrective action taken as required]	[Reporting suspected abuse. See also p. 359 and 362-363]
	p. 359	IRAQ- <del>(FOUO)</del> Of the 38 medical personnel interviewed, four said they had seen or suspected detainee abuse.	[Reporting suspected abuse. See also p. 353 and 362-363]
	p. 362-363	IRAQ- <del>(FOUO)</del> We do not know whether medical personnel reported suspicions of detainee abuse in this [these cases] case, but the circumstances should probably have led them to consider detainee abuse. [In the 12/1/03 case,] concerns of medical personnel are suggested in a Memorandum for the Record, dated May 11, 2004 from personnel of 21 <sup>st</sup> Combat Support Hospital. We do not know whether medical personnel reported suspicions of abuse at the time of death. [In the 6/13/03 case] interviews revealed that an Army physician suspected detainee abuse and reported this to investigators within a month or so of the death.	[Reporting suspected abuse. See also p. 353 and 359]
	p. 367	(U) We identified several cases where medical personnel witnessed behavior or circumstances that should probably have led them to suspect detainee abuse. We do not know whether they reported those suspicions.	(U) Our insights, taken together, suggest the need to clarify and reinforce the special responsibilities of medical personnel in preventing and reporting suspected detainee abuse.

DSLOC REF No.	CHURCH REPORT NOTATION	PROBLEM IN DETAIL (FINDING)	REPORT RECOMMENDATIONS
C-009P	p. 20, 286, 343, 355, 359, 366	<b>(U) Participation of medical personnel in interrogation support roles (non-care giving duties)</b>	(U) DoD policy-level review is needed to ensure that this practice is performed with proper safeguards, as well as to clarify the status of medical personnel (such as behavioral scientists supporting interrogators) who do not participate in patient care.
	ES, p. 20	(U) Since neither the Geneva Conventions nor U.S. military medical doctrine address the issue of behavioral science personnel assisting interrogators in developing interrogation strategies, this practice has evolved in an <i>ad hoc</i> manner.	(U) DoD policy-level review is needed to ensure that this practice is performed with proper safeguards, as well as to clarify the status of medical personnel (such as behavioral scientists supporting interrogators) who do not participate in patient care.
	p. 286	<del>(b)(1), (b)(5)</del>	(U) <u>Inferred</u> : Examine role of medical personnel to monitor interrogations for health of detainee.
	p. 343	(U) Existing U.S. medical doctrine does not specifically address the participation of medical personnel in detainee interrogations. In particular, DoD policy does not prevent individuals with expertise in mental health or behavioral science from helping interrogators to develop and refine interrogation strategies	
	p. 343	(U) Silence of DoD policy on participation of medical personnel in detainee interrogations, and potential conflict between one military legal opinion (JTF-170-SJA of July 22, 2003, "Geneva Convention Status of JTF-170 Psychiatrist") and the non-legally binding UNGA Resolution 37/194, 18 Dec 82.	
	p. 355	AFG- <del>(FOUO)</del> Psychologists in operational positions (in both Afghanistan and Iraq) provide direct support to military operations. They do not function as mental health providers, and one of their core missions is to support interrogations.	<del>(FOUO)</del> A manual is currently being developed to function both as a training document and a set of guidelines (standards of practice) for psychologists who perform in this role.

DSLOC REF NO.	CHURCH REPORT NOTATION	PROBLEM IN DETAIL (FINDING)	REPORT RECOMMENDATIONS
	p. 359	IRAQ- ( <del>FOUO</del> ) Our basic findings [regarding psychological support of interrogations] for Iraq are identical to those presented for Afghanistan	
	p. 366	(U) [Review] roles and responsibilities of behavioral science personnel working in direct support of detainee interrogators to refine interrogation techniques. This area requires further policy-level and legal review, as appropriate. Touches on important ethical issues not specifically addressed by the GC of 1949.	(U) We note that OSD is currently developing specific policies to address this issue: The status of medical personnel assigned to these non-medical duties deserves clarification, even though much of their work actually focused on encouraging less coercive interrogation techniques for most detainees.
<b>C-010P</b>	p. 20, 344, 366	<b>Interrogator access to detainee medical information</b>	(U) DoD policy-level review is necessary in order to balance properly competing concerns
	ES, p. 20	(U) Granting interrogators unfettered access to detainee medical records, however, raises the problem that detainee medical information could be inappropriately exploited during interrogations. Such access might also discourage detainees from being truthful with medical personnel, or from seeking help with medical issues, if detainees believe that their medical histories will be used against them during interrogation.	(U) DoD policy-level review is necessary in order to balance properly competing concerns
	p. 344	(U) Medical doctrine of the U.S. Armed Forces does not prohibit interrogator access to detainee medical information. Command level military policies generally recognize two acceptable bases for such access. As discussed later, the actual practice appears to be rare. The first basis involves situations where interrogators might need insight into active medical issues to ensure that interrogations are safely limited. A second basis arises when detainees claim that interrogations should be restricted on medical grounds.	

DSLOC REF No.	CHURCH REPORT NOTATION	PROBLEM IN DETAIL (FINDING)	REPORT RECOMMENDATIONS
	p. 366	(U) [Review] standards for detainee medical records and who should have access to them. This area requires further policy-level and legal review, as appropriate. Touches on important ethical issues not specifically addressed by the Geneva Conventions of 1949	(U) We note that OSD is currently developing specific policies to address this issue: Although U.S. law provides no absolute confidentiality for any person, including detainees, DoD policy-level review is necessary to balance properly these reporting concerns.
<b>C-011P</b>	p. 33, 34, 44, 45, 46, 153, 232, 255-256, 290	<b>(U) Lack of master, DoD-level interrogation doctrine</b>	(U) <u>Inferred</u> : Develop master DoD-level detention/interrogation policy and doctrine, including approved interrogation techniques.
	p. 33, 34	(U) Interrogation: Doctrine – There is no master DOD interrogation doctrine. Army FM 34-52 serves as de facto basis for interrogations.	<u>Inferred</u> : Establish master DoD-level interrogation policy
	p. 44	(U) Doctrine does not address the variety of detainee classifications that have arisen in the course of the GWOT. [Some] terms are not always easily paired with the Geneva Convention categories.	<u>Inferred</u> : Introduce new terms to GC or another appropriate forum for establishing new <u>detainee classifications</u>
	p. 45, 46	(U) There is no DoD policy or doctrine that specifically addresses the establishment and operation of Joint, interagency, or coalition interrogation facilities. The limited existing doctrine pertaining to joint or interagency interrogation facilities is not specific or consistent, and makes implicit distinctions between categories of detainees that do not correspond to international law or DoD policy.	(U) The DoD is now developing doctrine for the establishment and manning of Joint, interagency, or coalition interrogation facilities.
	p. 46	(U) There are no standard DoD policies governing the interaction of the military services within interrogation facilities	



DSLOC REF No.	CHURCH REPORT NOTATION	PROBLEM IN DETAIL (FINDING)	REPORT RECOMMENDATIONS
	p. 153	(b)(1), (b)(5)	
*	p. 232		
	p. 255- 256		
	p. 290		

DSLOC REF No.	CHURCH REPORT NOTATION	PROBLEM IN DETAIL (FINDING)	REPORT RECOMMENDATIONS
C-012P	p. 46	<b>(U) There are not enough interrogators and linguists to meet the demands of the GWOT</b>	(U) Significant efforts are underway to address and rectify the shortfall.
C-013P	p. 21, 161, 162,- 163, 174,	<b>(U) Difficulty of precisely defining the boundaries of humane treatment, particularly under extraordinary circumstances.</b>	(b)(1),(b)(5)
	ES, p. 21	(U) Two specific interrogation plans approved for use at GTMO did highlight the difficulty of precisely defining the boundaries of humane treatment.	
	p. 162-	(b)(1),(b)(5)	
	p. 162		

DSLOC REF No.	CHURCH REPORT NOTATION	PROBLEM IN DETAIL (FINDING)	REPORT RECOMMENDATIONS
		(b)(1),(b)(5)	
	p. 163-		
	p. 162- 163		
	p. 161, 174		

DSLOC REF No.	CHURCH REPORT NOTATION	PROBLEM IN DETAIL (FINDING)	REPORT RECOMMENDATIONS
		(b)(1),(b)(5)	
C-014P	p. 160- 161, 174		
C-015P	p. 168		
C-016P	p. 171, 174		

DSLOC REF No.	CHURCH REPORT NOTATION	PROBLEM IN DETAIL (FINDING)	REPORT RECOMMENDATIONS
C-017P	p. 174	<p>(U) <b>Sexual Acts or Mock Sexual Acts (GTMO):</b> A female interrogator made inappropriate contact with a detainee by running her fingers through the detainee's hair, making sexually suggestive comments and body movements, including sitting on the detainees lap... [W]e used the Manual for Courts-Martial definition of sexual assault, referred therein as "Indecent Assault," to characterize any potential sexual assault case. Consequently, we did not consider this case to be a sexual assault because the interrogator did not perpetrate the act with the intent to gratify her own sexual desires.</p>	<p>(U) We refer the discussion of techniques employed that clearly violate any standard of "humane" treatment to JTF-GTMO for further investigation, as appropriate. The female interrogator was given a written admonishment for her actions. This incident was identified and summarized in the May 2004 Church Review [Highlighted by Sen. Feinstein 16 Feb 05 letter to SECDEF]</p>
C-018P	p. 280, 288	<p>(b)(1), (b)(5)</p>	
C-019P	p. 283		

DSLOC REF No.	CHURCH REPORT NOTATION	PROBLEM IN DETAIL (FINDING)	REPORT RECOMMENDATIONS
C-020P	p. 285	(b)(1), (b)(5)	
C-021P	p. 285		
C-022P	p. 287		

DSLOC REF No.	CHURCH REPORT NOTATION	PROBLEM IN DETAIL (FINDING)	REPORT RECOMMENDATIONS
C-023P	289	(b)(1),(b)(5)	
C-024P	p. 359	<del>(FOUO)</del> <b>Suspected abuse reported by medical personnel (Iraq):</b> Note from VADM Church Memo Enclosure, 17 March 2005: Unclear whether suspected abuse reported by medical personnel (four cases) was properly investigated.	<del>(FOUO)</del> Note from VADM Church Memo Enclosure, 17 March 2005: Recommend NCIS/CID conduct investigations as appropriate.
C-025P	p. 171, 209, 213, 222, 228,	(b)(1),(b)(5)	
	p. 209, 213, 222		

DSLOC REF NO.	CHURCH REPORT NOTATION	PROBLEM IN DETAIL (FINDING)	REPORT RECOMMENDATIONS
	p. 228	(b)(1), (b)(5)	
C-026P	p. 236	(U) We were not able to determine why military personnel involved or potentially implicated in this investigation were reassigned to other units (e.g., Abu Ghraib) before the investigation was completed.	Inferred: Review service and COCOM assignment processes to ensure that military personnel under investigation but eligible for reassignment are held pending investigator's determination
C-027P	p. 238	(U) [N]o specific guidance was given to CENTCOM with regard to the practical effects of [the President's February 7, 2002] determination, in particular with regard to interrogation techniques and the concept of "military necessity" as a justification for exceeding the guidelines of GPW. We found no evidence that the determination was employed to justify techniques beyond the boundaries of GPW.	(U) We recommend that common guidance be provided to all of the military departments and DoD agencies



DSLOC REF No.	CHURCH REPORT NOTATION	PROBLEM IN DETAIL (FINDING)	REPORT RECOMMENDATIONS
C-028P	P. 239, 304-305	(U) Though all personnel were aware that abuse must be reported, there were <b>no standard procedures for identifying or reporting detainee abuse or for determining whether abuse allegations were legitimate.</b>	(U) <u>Inferred</u> : Establish standard reporting and investigating procedures
	p. 304- 305	(U) Missed Opportunity: There were no standard procedures for identifying or reporting detainee abuse or for determining whether abuse allegations were legitimate. U.S. service members, DoD civilians, and contractors uniformly reported that they had an obligation to report any abuse that they observed; however, their descriptions of what constituted abuse... to whom they would report abuse... and who would determine whether abuse allegations were legitimate were highly varied.	

DSLOC REF NO.	CHURCH REPORT NOTATION	PROBLEM IN DETAIL (FINDING)	REPORT RECOMMENDATIONS
C-029P	p. 275-276, 277	(b)(1), (b)(5)	
C-030P	p. 10, 166, 168-169, 192, 215, 303, 276-277		
	ES; p. 10	(U) In Iraq, we also found generally poor unit-level compliance with approved policy memoranda even when those units were aware of the relevant memoranda.	[Compliance]

DSLOC REF No.	CHURCH REPORT NOTATION	PROBLEM IN DETAIL (FINDING)	REPORT RECOMMENDATIONS
	p. 166	(b)(1), (b)(5)	[Compliance]
	p. 168- 169		[Compliance]
	p. 169		[Compliance]

DSLOC REF No.	CHURCH REPORT NOTATION	PROBLEM IN DETAIL (FINDING)	REPORT RECOMMENDATIONS
	p. 192	(b)(1);(b)(5)	[Compliance]
	p. 215	(U) Dissemination of the CJTF-7 policy in June 2004 was more effective (possibly because its shorter length ... permitted easier transmission over tactical satellite systems to FOBs that did not have secure email capability). ... There are, however, X marks with no brackets in techniques coded orange, indicating they were improperly used without CJTF-76 permission; again this was most likely due to interrogators' belief that those techniques fell within bounds of FM 34-52. An examination of the techniques always prohibited by law or policy ... reveals few incidences of their use, as will be described fully in the section that follows.	[Dissemination OK, but Compliance Not OK]
	p. 303	(U) [Major Finding in Iraq] Compliance with approved interrogation policies was incomplete, even when units were in possession of the latest guidance. Warrant or senior enlisted interrogators had to orally convey finely nuanced policies to junior enlisted and contract interrogators without the benefit of firsthand knowledge of the legal considerations that had guided policy development	[Compliance]

DSLOC REF No.	CHURCH REPORT NOTATION	PROBLEM IN DETAIL (FINDING)	REPORT RECOMMENDATIONS
C-031P	p. 279	(b)(1),(b)(5)	
C-032P	p. 306	(U) [Dissemination and Applicability of US guidance to Coalition units:] [I]t is not clear whether the CJTF-7 interrogation policy memoranda were distributed to coalition units, or indeed whether U.S. policy explicitly requires coalition units to adhere to interrogation policies promulgated by a commander without multinational coordination.	(U) <u>Inferred</u> : Clarify applicability, coordination, dissemination, implementation of, and compliance with U.S. interrogation policy in multinational/coalition operations.
C-033P	p. 306	(b)(1),(b)(5)	
C-034P	p. 312, 313	(U) <b>Lack of DoD Policy regarding Training for contractors supporting DoD interrogation &amp; detention operations</b>	(U) <u>Inferred</u> : Establish DoD policy detailing minimum training requirements and standards for contractors supporting DoD interrogation and detention operations. Training should include, e.g., basic theater-specific knowledge, GC, and Law of Armed Conflict.
	p. 312	(U) There is no DoD policy mandating specific training requirements for contract interrogators, linguists, or analysts. Rather, it is up to contracting officers to specify in writing the functions to be performed by the contractors, including any necessary qualifications.	

DSLOC REF No.	CHURCH REPORT NOTATION	PROBLEM IN DETAIL (FINDING)	REPORT RECOMMENDATIONS
	p. 313	(U) The Army has created Individual Deployment Sites (IDS) and Continental US Replacement Centers (CRC) to provide basic, theater-specific knowledge to contract employees. Pre-deployment training is given only if specified by the governing contract... Alternatively, the contracting company may provide equivalent training to its employees if so specified in the contract. None of this training is mandatory, though Army doctrine indicates that it "should" be provided (Army Pamphlet 716-16).	
C-035P	p. 314	(U) [Loophole #1]: The summary suggests two "loopholes" which, while not applicable to DoD contractors, warrant further review. <b>First, foreign contractors (e.g., local interpreters) employed by non-DoD agencies do not appear to fall under U.S. jurisdiction</b> under any of these statutes even if an alleged crime were committed within a DoD facility..	(U) [T]he existence of a contact relationship with the U.S. might argue for the extension of Military Extraterritorial Jurisdiction-like coverage to contractors supporting all U.S. government agencies abroad
C-036P	p. 314	(U) [Loophole #2]: The summary suggests two "loopholes" which, while not applicable to DoD contractors, warrant further review. <b>Second</b> , as noted in MG Fay's investigation of contract personnel at the Abu Ghraib detention facility, <b>DoD contractors acquired through other agencies of the U.S. government</b> (such as the CACI, Inc. contractors at Abu Ghraib, whose contract was part of a "blanket purchase agreement" maintained by the Interior Department) <b>may not be subject to Military Extraterritorial Jurisdiction</b> , based on a strict interpretation of the term "Department of Defense contractor." In many cases, however, such contractors could be prosecuted under Special Maritime and Territorial Jurisdiction or the war crimes statute.	(U) As a result of the Army's Abu Ghraib investigations, this question has been referred to the Department of Justice.

DSLOC REF No.	CHURCH REPORT NOTATION	PROBLEM IN DETAIL (FINDING)	REPORT RECOMMENDATIONS
C-037P	p. 315	(U) There were some, but not many instances of abuse involving contractors. Such behavior is a clear violation of law that is not protected by contract terms. ... <b>DoD's control of contract interrogators is exercised through the terms of their contracts, rather than through a military chain of command.</b> A contractual clause specifying a similar degree of direct military control over a contractor would be specific to that contract, rather than universal, and is not mandated by any DoD regulation.	(U) <u>Inferred</u> : DoD-directed development of an appropriate standard clause (or set of clauses) for detention related contracts. Address need for widespread understanding of exactly how DoD must exercise control through contract terms rather than military chain of command
C-038P	p. 318	(b)(1), (b)(5)	
C-039P	p. 319-324		
	p. 319		

DSLOC REF No.	CHURCH REPORT NOTATION	PROBLEM IN DETAIL (FINDING)	REPORT RECOMMENDATIONS
	p. 320, 321	(b)(1), (b)(5)	
	p. 323, 324		
C-040P	p. 236, 345, 366, 367,	(U) [I]t is unclear if medical personnel properly examined or documented the physical condition of the deceased.	(U) SECDEF Memorandum, "Procedures for Investigation into Deaths of Detainees in the Custody of the Armed Forces of the United States, 09 Jun 04, formalizes requirements to immediately report the death of any detainee, ... establishes the OAFME as having primary jurisdiction within DoD for determining cause and manner of death, ... and explicitly presumes that autopsies will be performed unless otherwise determined by the Armed Forces Medical Examiner.



DSLOC REF No.	CHURCH REPORT NOTATION	PROBLEM IN DETAIL (FINDING)	REPORT RECOMMENDATIONS
	p. 345	(U) Upon recognizing that some detainee death cases were not being referred for autopsy, the Office of the Armed Forces Medical Examiner (OAFME) coordinated with the U.S. Army Office of the Provost Marshall General (OPMG) ... in October 2003 directed its Criminal Investigative Division (CID) personnel to ensure that all detainee deaths are referred for autopsy. The situation improved, but some subsequent cases still involved release of remains before notifying CID.	(U) SECDEF Memorandum, " <i>Procedures for Investigation into Deaths of Detainees in the Custody of the Armed Forces of the United States</i> , 09 Jun 04, formalizes requirements to immediately report the death of any detainee, ... establishes the OAFME as having primary jurisdiction within DoD for determining cause and manner of death, ... and explicitly presumes that autopsies will be performed unless otherwise determined by the Armed Forces Medical Examiner.
	P. 366	(U) A third important policy area, involving requirements for reporting detainee death, performing autopsies, and determining causes of death, was addressed by updated DoD policy guidance in June 2004	(U) SECDEF Memorandum, " <i>Procedures for Investigation into Deaths of Detainees in the Custody of the Armed Forces of the United States</i> , 09 Jun 04
	p. 367	(U) OAFME and the Army Provost Marshall General have collaborated progressively for some time to develop field guidance to ensure OAFME autopsies in cases of detainee death	(U) We anticipate that those efforts will culminate in expanded and clarified medical doctrine regarding procedures in such cases. We have no additional recommendations with regard to detainee cause of death determinations.
C-041P	p. 354	<del>(FOUO)</del> AFG- <b>[Medical personnel] were not equipped to fully comply with all doctrinal requirements for detainee medical care.</b> For example, there was no mention of monthly medical assessments or weight recordings, as required by AR 190-8, and it seems unlikely these would be feasible under the broader conditions described.	<del>(FOUO)</del> <b>Inferred:</b> Review and modify medical support planning for detention operations [Logistics, possibly training, issue]

DSLOC REF No.	CHURCH REPORT NOTATION	PROBLEM IN DETAIL (FINDING)	REPORT RECOMMENDATIONS
C-042P	p. 354, 358	<del>(FOUO)</del> AFG- <b>Documentation of medical care is not standardized or rigorous</b> , although clearly some care is recorded. Separate detainee medical records are not maintained. Instead, medical records that do exist were kept in Person Under Control (PUC) files also used for other purposes. This practice makes it impossible to control or even monitor access to detainee medical information.	<del>(FOUO)</del> <u>Inferred</u> : Develop and implement a standardized and rigorous documentation system for detainee medical care. [Records maintenance and standardization. See also p. 358]
	p. 358	<del>(FOUO)</del> IRAQ- Interviewees described widely varied procedures for maintaining detainee medical records. At some places, especially in Baghdad, individual detainee medical records were managed and kept secure by medical personnel. At least one unit also backed up detainee medical records on a computerized data system. Overall ... procedures were not standardized.	[Records maintenance and standardization. See also p. 354]
C-043P	p. 355- 356, 362, 366,	<del>(FOUO)</del> <b>Concerns that medical personnel may have misrepresented detainee injuries</b>	<del>(FOUO)</del> The appropriateness of medical documentation in these cases deserves further review, separate from the issue of abuse by guards, as does the possibility that medical personnel may have acted to misrepresent circumstances.
	p. 355- 356	<del>(FOUO)</del> AFG- Two similar detainee deaths at Bagram (12/04/02 and 12/10/02) raise concerns that medical personnel may have misrepresented detainee injuries likely to have been apparent at the time of death. ... CID investigations into possible detainee abuse by guards, completed in October 2004, have led to criminal charges against several individuals. Review of these cases with OAFME support our concern that local physicians may have misrepresented, either consciously or due to incomplete examinations, the condition of these detainees at death.	<del>(FOUO)</del> These two cases deserve further investigation into the <u>appropriateness of medical documentation</u> . The appropriateness of medical documentation in these cases deserves further review, separate from the issue of abuse by guards.

DSLOC REF No.	CHURCH REPORT NOTATION	PROBLEM IN DETAIL (FINDING)	REPORT RECOMMENDATIONS
	p. 362	<del>(FOUO)</del> IRAQ- [Regarding the 11/4/03 at Abu Ghraib in Baghdad] case.	<del>(FOUO)</del> Aside from the issue of possible detainee abuse during interrogation, the <u>appropriateness of medical documentation</u> in this [the 11/4/03] case deserves further review, as does the possibility that medical personnel may have acted to misrepresent circumstances.
	p. 366	(U) We did identify three individual cases of detainee death that warrant additional focused review of whether medical personnel may have attempted to misrepresent the circumstances of death. [Two cases from Bagram and one case (IV line after death) from Abu Ghraib]	
C-044P	Memo 17 Mar 05	"In addition, though we have not specifically tracked the punishments of individuals charged with abuses, I have noted that in some cases the punishments appear (at least on the surface) to be very light..."	(U) Therefore, I recommend that the Military Department OGCs and JAGs be engaged to examine and provide feedback on the punishments for detainee abuses to date. Though sentencing and non-judicial punishment are the prerogative of the appropriate judicial and command authorities, such a review would enable DoD to more effectively respond to inquiries related to the release of investigative records pursuant to FOIA Requests." [Joint UCMJ WG]

(3RD) CHURCH REPORT - POSITIVE POINTS

CHURCH REPORT - POSITIVE POINTS			
Positive	ES, p. 11	(U) No evidence that interrogators in Iraq believed that any pressure for intelligence subverted their obligation to treat detainees humanely IAW Geneva Conventions, or otherwise led them to apply prohibited or abusive interrogation techniques.	Positive
Positive	ES, p. 11	(U) No evidence of senior level "back-channel" permission for more aggressive techniques other than those authorized.	Positive
Positive	ES, p. 13 and p. 15	(U) No link between approved interrogation techniques and detainee abuse. None of the approved policies – no matter which version the interrogators followed – would have permitted the types of abuse that occurred.	Positive
Positive	ES, p. 17	(U) With limited exceptions, contractor compliance with DoD policies, government command and control of contractors, and the level of contractor experience were satisfactory, thanks in large part to the diligence of contracting officers and local commanders. Contactors made a significant contribution, were more experienced, and provided needed continuity. We found very few instances of abuse involving contractors.	Positive
Positive	p. 92	(U) We found no direct (or even indirect) link between interrogation policy and detainee abuse.	Positive
Positive	p. 92	(U) There is no evidence of a policy of abuse promulgated by senior officials or military authorities.	Positive
Positive	p. 94	(U) Relatively few abuses have occurred at GTMO. We believe that this is attributable to, among other things, effective leadership, aggressive oversight, and a highly structured environment.	Positive

CHURCH REPORT - POSITIVE POINTS			
Positive	p. 97	(U) We found no evidence that detainee abuse was related to any interrogation policies.	Positive
Positive	p. 142	(U) <i>One</i> : The push for interrogation techniques beyond those found in FM 34-52 came from GTMO itself, not from the Office of the Secretary of Defense or the Joint Chiefs of Staff. The GTMO leadership and interrogators on the ground felt that they needed counter resistance techniques in order to obtain intelligence from high value detainees who had been trained to resist standard interrogations. Moreover, based on their experience with the counter resistance techniques – especially Kahtani’s interrogation – the GTMO leadership felt that such techniques were essential to mission success.	Positive
Positive	p. 142-143	(U) <i>Two</i> : When formulating GTMO interrogation policy, OSD received meaningful input from military service lawyers. [T]heir specific concerns (or at least, the spirit of their concerns) ultimately carried the day when the Secretary dramatically cut back on the Working Group’s recommendations and accepted only 24 interrogation techniques for GTMO on April 16, 2003.	Positive
Positive	p. 143	(U) <i>Three</i> : When considering requests for additional interrogation techniques beyond those in FM 34-52, OSD was a moderating force that cut back on the number and types of techniques under consideration.	Positive
Positive	p. 143	(U) <i>Four</i> : The April 16, 2003 interrogation policy for GTMO (which is still in effect) was a conservative policy that was closely tied to FM 34-52 and contained none of the techniques ... that previous investigations have identified as possibly leading to detainee abuse.	Positive

		CHURCH REPORT - POSITIVE POINTS	
Positive	p. 144	(U) <i>Five</i> : The unifying theme among all participants in the debate surrounding interrogation policy for GTMO – from the SECDEF, to the Joint Staff, to the various military service lawyers, to the Working Group, to the leaders at SOUTHCOM and GTMO – was the sincere desire to do what was right for the United States under exceedingly difficult circumstances.	Positive
Positive	p. 145	(U) Intelligence operations at GTMO are conducted in a highly-structured, well-disciplined environment that is conducive to intelligence collection. This is partially due to the fact that GTMO is in a remote and secure location, far from any battlefield. ... [M]uch of the credit for the structure and discipline at GTMO is due to specific policies that have developed at GTMO over time, or what we refer to in shorthand as the GTMO “model.”	Positive
Positive	p. 153-154	(b)(1), (b)(5)	Positive
Positive	p. 175	(U) There have been over 24,000 interrogation sessions at GTMO since the beginning of interrogation operations, and in this time, there have been only 3 cases of closed, substantiated interrogation-related abuse. In addition, there have been only 4 cases of substantiated abuse committed by MPs, and 1 substantiated case in which a camp barber committed a minor infraction. All ... are relatively minor in nature, and none bears any resemblance to abuses depicted in the Abu Ghraib photos.	Positive

CHURCH REPORT - POSITIVE POINTS			
Positive	p. 177-178	(U) We can confidently state that ... we found nothing that would in any way substantiate detainee allegations of torture or violent physical abuse at GTMO. (Nevertheless, we found that such allegations are thoroughly investigated...) <u>First</u> , interrogation and detention policies at GTMO have not in any way directed, encouraged, or conducted torture or violent physical abuse of detainees, and the amount of command oversight ... makes it highly unlikely that such abuse could go unchecked. <u>Second</u> , even minor detainee abuse at GTMO is punished ... and thus it would be incongruous for violent physical abuse to exist and go unpunished. <u>Third</u> , our review of medical records found no evidence to support allegations of torture or violent physical abuse of detainees. <u>Finally</u> , many allegations of violent physical abuse ... concern ... GTMO's Immediate Reaction Force (IRF), ... a disciplinary squad employed only as a last resort to compel non-compliant detainees to follow guards' orders using the minimum necessary force, ... [which] sometimes entails a physical confrontation. ... [W]e identified no evidence of abuse from a review of IRF videotapes.	Positive
Positive	p. 233	(U) We found no evidence to suggest that senior personnel applied unusual pressure to operational units to obtain intelligence; nor did we find evidence suggesting that any units believed they were under pressure beyond that inherent in combat and stability operations.	Positive

		CHURCH REPORT - POSITIVE POINTS	
Positive	p. 233	(U) Based on CENTCOM's figure of roughly 2,000 detainees held between October 2001 and August 2004, this means that abuse was alleged to have been perpetrated against less than three percent of all detainees in Afghanistan, by less than a quarter of one percent of the over 30,000 troops who have served in Afghanistan since the beginning of OEF. ... [T]he vast majority of detainees in Afghanistan appear to have been treated humanely, often receiving better food and medical care than they would in their everyday lives; and that the vast majority of U.S. troops are serving honorably in a dangerous environment.	Positive
Positive	p. 251	(U) We agree with LTG Jone's conclusion that "the CJTF-7 Commander [LTG Sanchez] and staff performed above expectations, in the overall scheme of OIF."	Positive
Positive	p. 274	(U) We found no evidence of any policy or directive that might be interpreted as ordering or permitting the Abu Ghraib abuse	[Positive; however, some could take issue with LTG Sanchez's claim that all the policies were in place, given the clear failure to disseminate them and evidence of non-compliance even when they were available]
Positive	P. 287	With the exception of the abuses at Abu Ghraib and several other isolated incidents that are described below and in the section covering abuse cases, we found no evidence of the use of interrogation techniques that are prohibited by law or by policies above the CJTF-7 level.	Positive - [but, the several exceptions, with the fact that there is a section devoted to them, juxtaposed with the phrase "no evidence" stretches credibility – at least in this context]
Positive	p. 293	(U) In reviewing these [274] cases, we found no evidence that approved interrogation policies contributed to abuse; furthermore, as of September 30, 2004, there were no closed, substantiated cases of death resulting from interrogation-related abuse.	Positive



		<del>CHURCH REPORT - POSITIVE POINTS</del>	
Positive	p. 304	(U) There was no evidence of explicit pressure for intelligence other than that conveyed from CJTF-7 (and subsequently MNF-I) headquarters to interrogators via the chain of command	Positive
Positive	p. 304	(U) Interrogation-related abuse, and the non-interrogation abuses at Abu Ghraib, appear unrelated to any approved interrogation policies. In particular the promulgation of the September and October 2003 CJTF-7 interrogation policies did not appear to play any role in the abuses at Abu Ghraib or any of the closed, substantiated abuse cases in Iraq: In fact, had the policies been adhered to, some of the abuses might have been prevented.	Positive
Positive	p. 315	(U) We found, nevertheless, that contractor compliance with DoD policies, government command and control of contractors, and the level of contractor experience were generally good, thanks in large part to the diligence of contracting officers and local commanders.	Positive
Positive	p. 315	(U) Contractors made a significant contribution to U.S. intelligence efforts. Contractor personnel were typically former military intelligence or law enforcement personnel, and were on average older and more experienced than military interrogators. ... In addition, contract personnel often served longer tours than DoD personnel, creating continuity and enhancing corporate knowledge at their commands.	Positive

		CHURCH REPORT - POSITIVE POINTS	
Positive	p. 322	(b)(1),(b)(5)	Positive
Positive	p. 324, 326-327		Positive
Positive	p. 331		Positive

		CHURCH REPORT - POSITIVE POINTS	
Positive	p.333	(b)(1),(b)(5)	Positive
Positive	p. 352	GTMO- <del>(FOUO)</del> In May 2004, None [of 25 medical personnel interviewed] saw or suspected detainee abuse [at GTMO]. Our own examination of medical records supported these impressions. Health records ... revealed virtually no evidence of detainee abuse or injury.	Positive
Positive	p. 354-355	AFG- <del>(FOUO)</del> None of interviewed medical personnel had seen or suspected detainee abuse. Each indicated they would report it to their chain of command if they suspected it.	Positive
Positive	p. 366	(U) We found no cases of detainee death where we suspected direct involvement of medical personnel in detainee abuse.	Positive

(3RD) CHURCH REPORT – POLICY MIGRATION NOTES

		CHURCH REPORT - POLICY MIGRATION NOTES	
Migrate	p. 201	(b)(1),(b)(5)	
Migrate	p. 229, 231, 232		

		CHURCH REPORT - POLICY MIGRATION NOTES	
Migrate	p. 238	(b)(1), (b)(5)	
Migrate	p. 286		
Migrate	p. 289-290		
Migrate	p. 290	(U) In sum, we found that migration of interrogation techniques into Iraq was largely through official processes, including through the staffing of the September 2003 CJTF-7 interrogation policy (which included legal reviews by both CHTF-7 and CENTCOM); and that unofficial migration likely occurred when interrogators believed that techniques they had learned elsewhere were permissible under the Geneva Conventions and FM 34-52. We found no evidence that interrogators consciously imported techniques that they believed to exceed the laws and policies applicable in Iraq. Finally, we found no evidence that copies of the Detainee Interrogation Working Group report on interrogation techniques were ever circulated in Iraq.	

		CHURCH REPORT - POLICY MIGRATION NOTES	
Migrate	P. 289	(b)(1),(b)(5)	
Migrate	p. 303-304		

(3RD) CHURCH REPORT— ADDITIONAL ITEMS OF NOTE

		CHURCH REPORT— ADDITIONAL ITEMS OF NOTE	
Item of Note	p. 223	(b)(1), (b)(5)	
Item of Note	p. 233-237	<i>Discussion of specific cases of interrogation-related abuse</i>	
Item of Note	p. 238	(U) "Missed Opportunity" ( <i>did not [itself] contribute to or cause abuse; unlikely that they could have prevented the interrogation-related abuse that did occur. However, had they been pursued, U.S. forces might have been better prepared for detention and interrogation operations in Afghanistan</i> )	(U) VADM Church's Definition?
Item of Note	p. 253	(U) We generally concur with [MG Fay's] findings regarding the conduct of detention operations in general prior to the assignment of MG Miller as [MNF-I] Deputy Commanding General for Detainee Operations [and Commander, TF-134]	

		CHURCH REPORT— ADDITIONAL ITEMS OF NOTE	
Item of Note	p. 270	(b)(1), (b)(5)	
Item of Note	p. 275	(U) [W]e must note one key observation regarding Abu Ghraib: the vast majority of abuses at Abu Ghraib (e.g., the "human pyramid") are completely unrelated to any doctrinal or otherwise approved interrogation techniques or policies, and did not occur during actual interrogations. Because the abuses there indicated a complete disregard for approved policies, they should not be considered representative of other issues pertaining to compliance with approved policies in Iraq."	
Item of Note	p. 302	(U) There is no discernable pattern in these interrogation-related abuse investigations. However, by far the most common method of abuse was punching and kicking, which is simple assault and clearly unrelated to any interrogation policy	
Item of Note	p. 305	(b)(1), (b)(5)	



CHURCH REPORT – ADDITIONAL ITEMS OF NOTE			
Item of Note	p. 288	(b)(1), (b)(5)	

(3RD) CHURCH REPORT – RECOMMENDATIONS OVERVIEW

DSLOC REF NO.	CHURCH REPORT NOTATION	PROBLEM IN DETAIL (FINDING)	REPORT RECOMMENDATIONS
C-001P	p. 3, 7, 196-197, 214, 201-203, 237, 268-269	<b>(U) Lack of specific guidance, clarity, and consistency on interrogation techniques among Afghanistan, Iraq, and GTMO interrogation operations</b>	<b>(U) Inferred:</b> Standardize interrogation guidance under a single policy that provides for specific and unambiguous guidance applicable to all areas of operation. Decisions on the applicability of specific techniques should be reserved for the policy source and not left for interpretation by implementing levels.
C-002P	p. 3, 239, 304	<b>(U) Interrogation Operations Planning -- Missed Opportunity: No evidence that specific detention or interrogation <u>lessons learned</u> from previous conflicts were incorporated into planning for operations in support of the GWOT.</b>	<b>(U)</b> Future planning for detention and interrogation operations in the GWOT should take full advantage of prior and ongoing experience in these areas.
C-003P	p. 10, 11, 47, 92, 237, 303	<b>(U) Ineffective Policy Dissemination</b>	<b>Inferred:</b> Need improved processes for dissemination of policy guidance, ensuring compliance, and obtaining feedback on implementation down through the unit-level [Issue closely related to C-030, Compliance]

DSLOC REF NO.	CHURCH REPORT NOTATION	PROBLEM IN DETAIL (FINDING)	REPORT RECOMMENDATIONS
C-004P	p. 10, 41, 42, 44, 148, 150, 151, 153, 217-218, 256-257	<b>(U) Compatibility and sufficiency of MP and MI Doctrine for detention and interrogation operations</b>	<u>Inferred</u> : Clarify and reconcile doctrine for MP and MI detention and interrogation operations
C-005P	p. 16, 92- 94, 97, 236, 274	<b>(U) Failure to anticipate, detect, and react to warning signs of abuse</b>	<u>(U) Inferred</u> : Put in place more specific procedures and direct guidance to prevent further abuse. Emphasize stronger leadership, greater oversight, and enforcement of good military discipline to lessen the likelihood of abuse.
C-006P	p. 18, 46, 332-333, 334-335, 337	<b>(U) Lack of Interagency policy governing the involvement of OGAs in the interrogation of DoD detainees</b>	<p>(b)(1), (b)(5)</p> <p><u>(U)</u> We therefore recommend the establishment and wide promulgation of interagency policies governing the involvement of OGAs in the interrogation of DoD detainees.</p>
C-007P	p. 19, 354, 357, 365	<b>(U) Limited/Non-Standard Training of Medical Personnel in the screening/treatment of detainees led to inconsistent field-level implementation of specific requirements.</b>	<u>(U)</u> There is a need for [a] focused training program in this area so that our medical personnel are aware of and comply with detainee screening and medical treatment requirements. One obvious need is for a clear and concise training curriculum in a standardized format amenable to use in diverse settings

DSLOC REF NO.	CHURCH REPORT NOTATION	PROBLEM IN DETAIL (FINDING)	REPORT RECOMMENDATIONS
C-008P	p. 19-20, 353, 359, 362-363, 367	<b>(U) Assess whether medical personnel have adequately discharged their obligation to report (and where possible, prevent) detainee abuse.</b>	(U) Our insights, taken together, suggest the need to clarify and reinforce the special responsibilities of medical personnel in preventing and reporting suspected detainee abuse. <u>Inferred</u> : Standardize practice for medical personnel to report suspected incidents of detainee abuse
C-009P	p. 20, 286, 343, 355, 359, 366	<b>(U) Participation of medical personnel in interrogation support roles (non-care giving duties)</b>	(U) DoD policy-level review is needed to ensure that this practice is performed with proper safeguards, as well as to clarify the status of medical personnel (such as behavioral scientists supporting interrogators) who do not participate in patient care.
C-010P	p. 20, 344, 366	<b>Interrogator access to detainee medical information</b>	(U) DoD policy-level review is necessary in order to balance properly competing concerns
C-011P	p. 33, 34, 44, 45, 46, 153, 232, 255-256, 290	<b>(U) Lack of master, DoD-level interrogation doctrine</b>	(U) <u>Inferred</u> : Develop master DoD-level detention/interrogation policy and doctrine, including approved interrogation techniques.
C-012P	p. 46	<b>(U) There are not enough interrogators and linguists to meet the demands of the GWOT</b>	(U) Significant efforts are underway to address and rectify the shortfall.
C-013P	p. 21, 161, 162, 163, 174,	<b>(U) Difficulty of precisely defining the boundaries of humane treatment, particularly under extraordinary circumstances.</b>	(b)(1), (b)(5)

DSLOC REF No.	CHURCH REPORT NOTATION	PROBLEM IN DETAIL (FINDING)	REPORT RECOMMENDATIONS
		(b)(1), (b)(5)	
C-014P	p. 160- 161, 174		
C-015P	p. 168		
C-016P	p. 171, 174		



DSLOC REF No.	CHURCH REPORT NOTATION	PROBLEM IN DETAIL (FINDING)	REPORT RECOMMENDATIONS
			(b)(1), (b)(5)
C-017P	p. 174	<p>(U) <u>Sexual Acts or Mock Sexual Acts (GTMO)</u>: A female interrogator made inappropriate contact with a detainee by running her fingers through the detainee's hair, making sexually suggestive comments and body movements, including sitting on the detainees lap.... [W]e used the Manual for Courts-Martial definition of sexual assault, referred therein as "Indecent Assault," to characterize any potential sexual assault case. Consequently, we did not consider this case to be a sexual assault because the interrogator did not perpetrate the act with the intent to gratify her own sexual desires.</p>	<p>(U) We refer the discussion of techniques employed that clearly violate any standard of "humane" treatment to JTF-GTMO for further investigation, as appropriate. The female interrogator was given a written admonishment for her actions. This incident was identified and summarized in the May 2004 Church Review [Highlighted by Sen. Feinstein 16 Feb 05 letter to SECDEF]</p>
C-018P	p. 280, 288	(b)(1), (b)(5)	
C-019P	p. 283		

DSLOC REF NO.	CHURCH REPORT NOTATION	PROBLEM IN DETAIL (FINDING)	REPORT RECOMMENDATIONS
		(b)(1),(b)(5)	
C-020P	p. 285		
C-021P	p. 285		
C-022P	p. 287		

DSLOC REF No.	CHURCH REPORT NOTATION	PROBLEM IN DETAIL (FINDING)	REPORT RECOMMENDATIONS
C-023P	289	(b)(1), (b)(5)	
C-024P	p. 359	<del>(FOUO)</del> <b>Suspected abuse reported by medical personnel (Iraq):</b> Note from VADM Church Memo Enclosure, 17 March 2005: Unclear whether suspected abuse reported by medical personnel (four cases) was properly investigated.	<del>(FOUO)</del> Note from VADM Church Memo Enclosure, 17 March 2005: Recommend NCIS/CID conduct investigations as appropriate.
C-025P	p. 171, 209, 213, 222, 228,	(b)(1), (b)(5)	
C-026P	p. 236	(U) We were not able to determine why military personnel involved or potentially implicated in this investigation were reassigned to other units (e.g., Abu Ghraib) before the investigation was completed.	<u>Inferred:</u> Review service and COCOM assignment processes to ensure that military personnel under investigation but eligible for reassignment are held pending investigator's determination



DSLOC REF No.	CHURCH REPORT NOTATION	PROBLEM IN DETAIL (FINDING)	REPORT RECOMMENDATIONS
C-027P	p. 238	(U) [N]o specific guidance was given to CENTCOM with regard to the practical effects of [the President's February 7, 2002] determination, in particular with regard to interrogation techniques and the concept of "military necessity" as a justification for exceeding the guidelines of GPW. We found no evidence that the determination was employed to justify techniques beyond the boundaries of GPW.	(U) We recommend that common guidance be provided to all of the military departments and DoD agencies
C-028P	P. 239, 304-305	(U) Though all personnel were aware that abuse must be reported, there were <b>no standard procedures for identifying or reporting detainee abuse or for determining whether abuse allegations were legitimate.</b>	(U) <u>Inferred</u> : Establish standard reporting and investigating procedures
C-029P	p. 275-276, 277	(b)(1), (b)(5)	
C-030P	p. 10, 166, 168-169, 192, 215, 303, 276-277		
C-031P	p. 279		

DSLOC REF No.	CHURCH REPORT NOTATION	PROBLEM IN DETAIL (FINDING)	REPORT RECOMMENDATIONS
C-032P	p. 306	(U) <b>[Dissemination and Applicability of US guidance to Coalition units:]</b> [I]t is not clear whether the CJTF-7 interrogation policy memoranda were distributed to coalition units, or indeed whether U.S. policy explicitly requires coalition units to adhere to interrogation policies promulgated by a commander without multinational coordination.	(U) <u>Inferred</u> : Clarify applicability, coordination, dissemination, implementation of, and compliance with U.S. interrogation policy in multinational/coalition operations.
C-033P	p. 306	(b)(1),(b)(5)	
C-034P	p. 312, 313	(U) <b>Lack of DoD Policy regarding Training for contractors supporting DoD interrogation &amp; detention operations</b>	(U) <u>Inferred</u> : Establish DoD policy detailing minimum training requirements and standards for contractors supporting DoD interrogation and detention operations. Training should include, e.g., basic theater-specific knowledge, GC, and Law of Armed Conflict.
C-035P	p. 314	(U) [Loophole #1]: The summary suggests two "loopholes" which, while not applicable to DoD contractors, warrant further review. <b>First, foreign contractors (e.g., local interpreters) employed by non-DoD agencies do not appear to fall under U.S. jurisdiction</b> under any of these statutes even if an alleged crime were committed within a DoD facility..	(U) [T]he existence of a contact relationship with the U.S. might argue for the extension of Military Extraterritorial Jurisdiction-like coverage to contractors supporting all U.S. government agencies abroad

DSLOC REF NO.	CHURCH REPORT NOTATION	PROBLEM IN DETAIL (FINDING)	REPORT RECOMMENDATIONS
C-036P	p. 314	(U) [Loophole #2]: The summary suggests two "loopholes" which, while not applicable to DoD contractors, warrant further review. <b>Second</b> , as noted in MG Fay's investigation of contract personnel at the Abu Ghraib detention facility, <b>DoD contractors acquired through other agencies of the U.S. government</b> (such as the CACI, Inc. contractors at Abu Ghraib, whose contract was part of a "blanket purchase agreement" maintained by the Interior Department) <b>may not be subject to Military Extraterritorial Jurisdiction</b> , based on a strict interpretation of the term "Department of Defense contractor." In many cases, however, such contractors could be prosecuted under Special Maritime and Territorial Jurisdiction or the war crimes statute.	(U) As a result of the Army's Abu Ghraib investigations, this question has been referred to the Department of Justice.
C-037P	p. 315	(U) There were some, but not many instances of abuse involving contractors. Such behavior is a clear violation of law that is not protected by contract terms. ... <b>DoD's control of contract interrogators is exercised through the terms of their contracts, rather than through a military chain of command.</b> A contractual clause specifying a similar degree of direct military control over a contractor would be specific to that contract, rather than universal, and is not mandated by any DoD regulation.	(U) <b>Inferred:</b> DoD-directed development of an appropriate standard clause (or set of clauses) for detention related contracts. Address need for widespread understanding of exactly how DoD must exercise control through contract terms rather than military chain of command
C-038P	p. 318	(b)(1), (b)(5)	
C-039P	p. 319-324		

DSLOC REF No.	CHURCH REPORT NOTATION	PROBLEM IN DETAIL (FINDING)	REPORT RECOMMENDATIONS
C-040P	p. 236, 345, 366, 367,	(U) [I]t is unclear if medical personnel properly examined or documented the physical condition of the deceased.	(U) SECDEF Memorandum, "Procedures for Investigation into Deaths of Detainees in the Custody of the Armed Forces of the United States, 09 Jun 04, formalizes requirements to immediately report the death of any detainee, ... establishes the OAFME as having primary jurisdiction within DoD for determining cause and manner of death, ... and explicitly presumes that autopsies will be performed unless otherwise determined by the Armed Forces Medical Examiner.
C-041P	p. 354	<del>(FOUO)</del> AFG- [Medical personnel] were not equipped to fully comply with all doctrinal requirements for detainee medical care. For example, there was no mention of monthly medical assessments or weight recordings, as required by AR 190-8, and it seems unlikely these would be feasible under the broader conditions described.	<del>(FOUO)</del> Inferred: Review and modify medical support planning for detention operations [Logistics, possibly training, issue]
C-042P	p. 354, 358	<del>(FOUO)</del> AFG- Documentation of medical care is not standardized or rigorous, although clearly some care is recorded. Separate detainee medical records are not maintained. Instead, medical records that do exist were kept in Person Under Control (PUC) files also used for other purposes. This practice makes it impossible to control or even monitor access to detainee medical information.	<del>(FOUO)</del> Inferred: Develop and implement a standardized and rigorous documentation system for detainee medical care. [Records maintenance and standardization. See also p. 358]
C-043P	p. 355-356, 362, 366,	<del>(FOUO)</del> Concerns that medical personnel may have misrepresented detainee injuries	<del>(FOUO)</del> The appropriateness of medical documentation in these cases deserves further review, separate from the issue of abuse by guards, as does the possibility that medical personnel may have acted to misrepresent circumstances.
C-044P	Memo 17 Mar 05	"In addition, though we have not specifically tracked the punishments of individuals charged with abuses, I have	(U) Therefore, I recommend that the Military Department OGCs and JAGs be engaged to examine

DSLOC REF NO.	CHURCH REPORT NOTATION	PROBLEM IN DETAIL (FINDING)	REPORT RECOMMENDATIONS
		noted that in some cases the punishments appear (at least on the surface) to be very light...	and provide feedback on the punishments for detainee abuses to date. Though sentencing and non-judicial punishment are the prerogative of the appropriate judicial and command authorities, such a review would enable DoD to more effectively respond to inquiries related to the release of investigative records pursuant to FOIA Requests." [Joint UCMJ WG]
		//////////////////// <b>Last Item</b> //////////////////////	