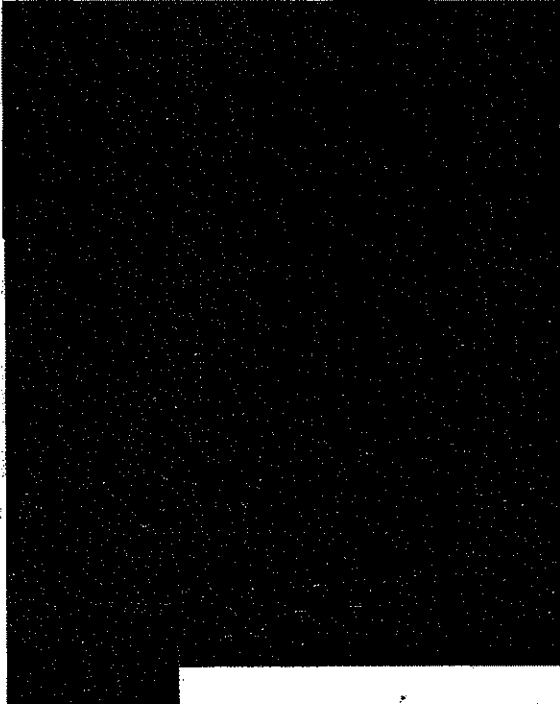


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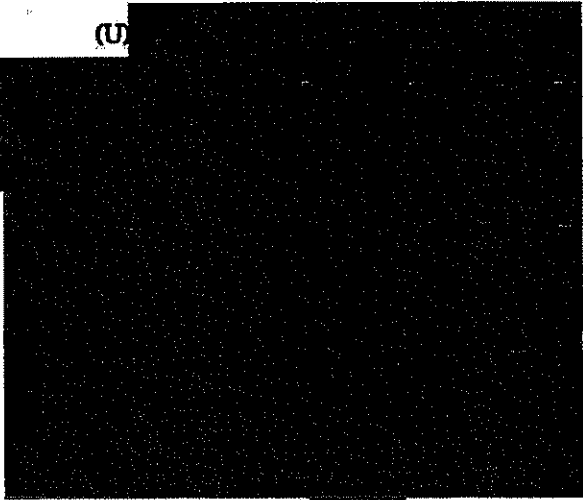
(U) We note for clarification purposes that the Independent Panel apparently was under the impression that the above techniques could only be employed with advance notice to the Secretary and his personal approval, which the Panel believed was "given in only two cases." The December 2, 2002 memorandum, however, approved these techniques for general use and did not require that the Secretary receive advance notice or grant specific approval before the techniques could be employed. Nevertheless, as a practical matter, the Independent Panel was correct that the use of Category II and III techniques was largely limited to Kahtani and one other high-value detainee, as discussed later in this section.



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(U) Rescission of the Counter Resistance Techniques

(U) Shortly after the December 2, 2002 approval of these counter resistance techniques, reservations expressed by the General Council of the Department of the Navy, Alberto J. Mora, led the Secretary of Defense on January 15, 2003 to rescind his approval of all Category II techniques and the one Category III technique (mild, non-injurious physical contact), leaving only Category I techniques in effect.



(U) Concerns Raised by the General Counsel of the Department of the Navy

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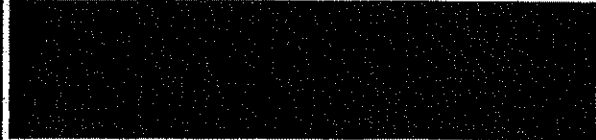
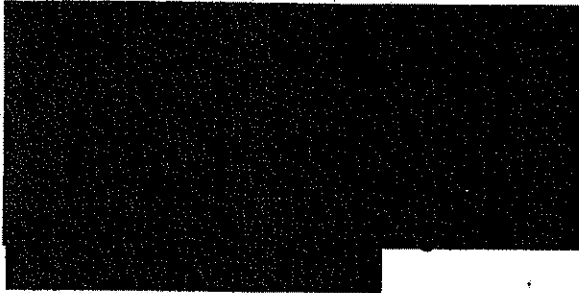
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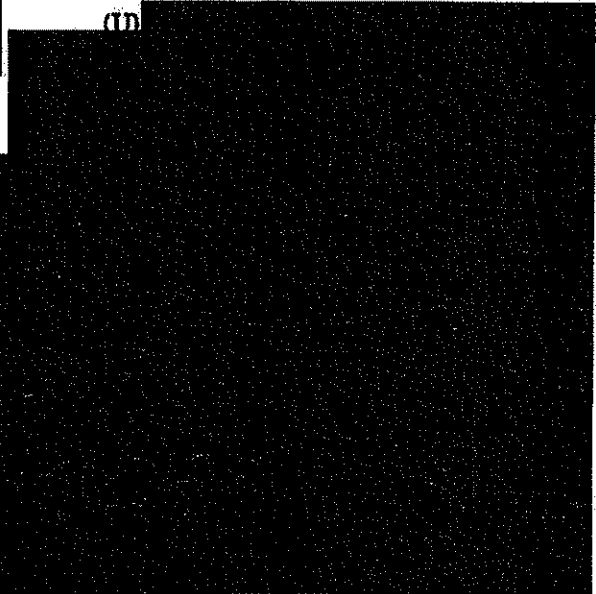
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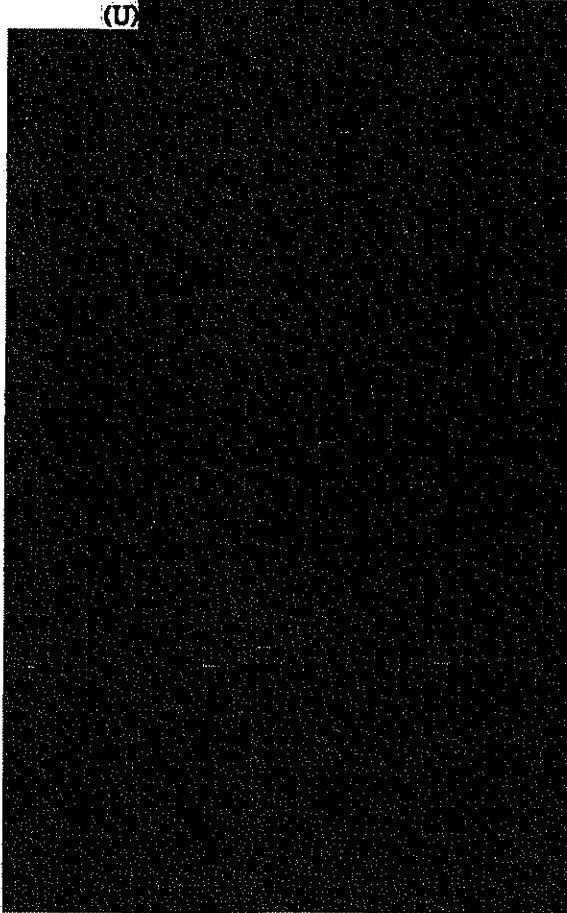
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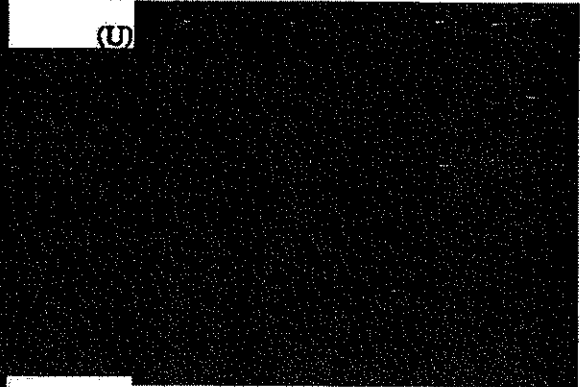
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(U)

In response, the Secretary on January 12, 2003 orally rescinded his December 2, 2002 memorandum, and then issued a January 15, 2003 memorandum to the SOUTHCOM Commander, GEN Hill, officially rescinding his approval of the Category II and one Category III techniques described above. As a practical matter, this decision limited the approved techniques at GTMO to the Category I techniques (yelling, the use of multiple interrogators, and deceiving the detainee by having the interrogator present a false identity) in addition to the techniques and guidance found in FM 34-52.

(U)

[REDACTED]

(U) The Secretary did allow, however, that if the SOUTHCOM Commander determined that "particular techniques in either of the two categories are warranted in an individual case, you should forward that request to me," and that such a request "should include a thorough justification for the employment of those techniques and a detailed plan for the use of such techniques." The Secretary also reiterated the underlying imperative, established by the President, that "[i]n all

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interrogations, you should continue the humane treatment of detainees, regardless of the type of interrogation technique employed." Finally, the Secretary advised GEN Hill that he had set in motion "a study to be completed within 15 days," committing himself to "provide further guidance." This January 15, 2003 memorandum, originally classified as secret, not releasable to foreign nationals, was declassified and released to the public on June 22, 2004.

[REDACTED]

(S) [REDACTED]

(U) Effect of the Secretary's Rescission on the Interrogation of Kahtani

(S) [REDACTED]

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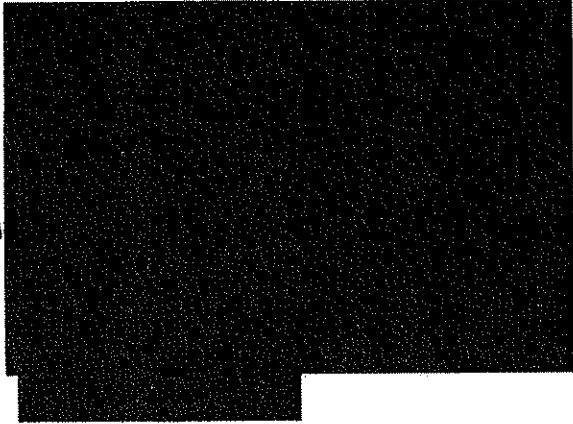
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(b)(1)
(b)(5)

the working group address the legal issues relevant to the interrogation of detainees and the policy considerations related to the use of interrogation techniques, including the recommended techniques' "contribution to intelligence collection," their "effect on the treatment of captured U.S. personnel," and their impact on potential detainee prosecutions. The tasking also called for an analysis of the "historical role of U.S. armed forces in conducting investigations." This memorandum, originally classified as secret, not releasable to foreign nationals, was declassified and released to the public on June 22, 2004.

(U) The Development of Current Interrogation Policy

(U) On January 15, 2003, the same day that he officially rescinded the Category II and one Category III techniques, the Secretary of Defense by memorandum directed the General Counsel of the Department of Defense, Mr. Haynes, to establish a working group to assess the legal, policy and operational issues relating to the interrogation of detainees in the Global War on Terror held by United States forces outside the United States territory. The Secretary specified that the working group should consist of experts from the Office of General Counsel, the Office of the Undersecretary of Defense for Policy, the military services and the Joint Staff. The working group was tasked to make "recommendations for employment of particular interrogation techniques by DoD interrogators" within 15 days. The Secretary also directed that

(U) In response to the Secretary's tasking, Mr. Haynes on January 17, 2003 requested that the General Counsel of the Department of the Air Force, Mary Walker, chair an interdepartmental working group to prepare an assessment and recommendations regarding the legal, policy, and operational issues relating to the interrogation of detainees held by the U.S. Armed Forces in the Global War on Terror. On the same date, Ms. Walker issued a memo requesting the participation of the Under Secretary of Defense for Policy, the General Counsels of the Army and Navy, the Director of the Joint Staff, the Director of the Defense Intelligence Agency (DIA), the Counsel for the Commandant of the Marine Corps, the Judge Advocates General of the Army, Navy, Air Force, and the Staff Judge Advocate to the Commandant of the Marine Corps in the "Detainee Interrogation Working Group" (hereinafter "Working Group").

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(U) Initial Discussions of the Working Group

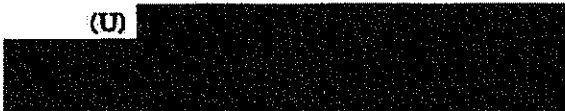
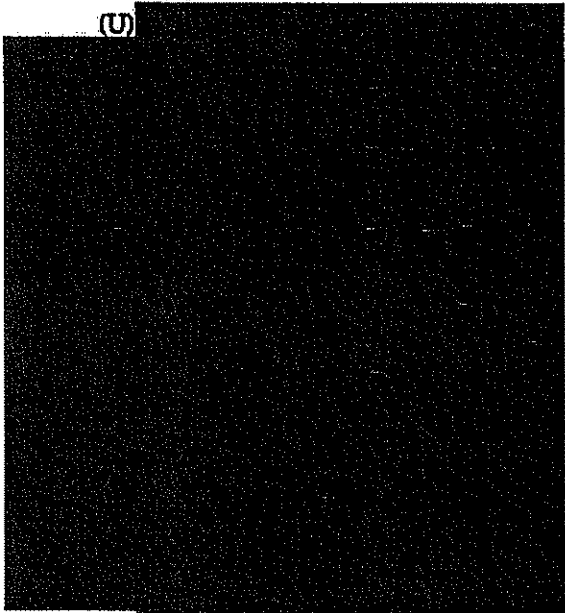
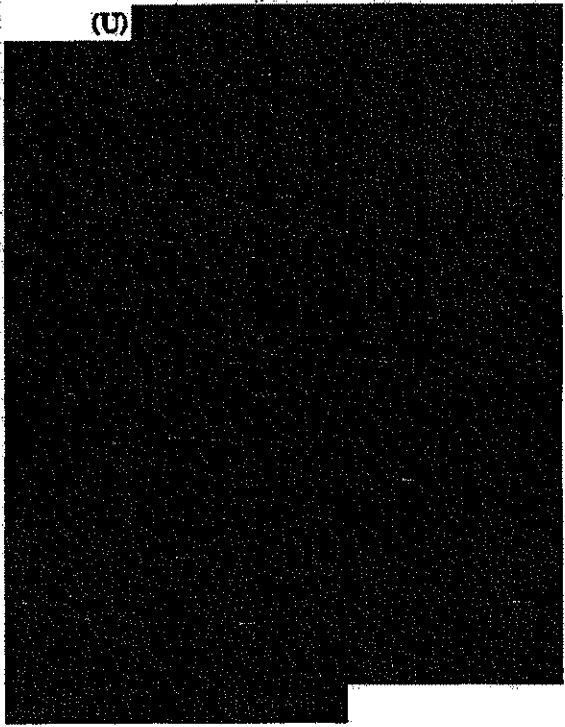
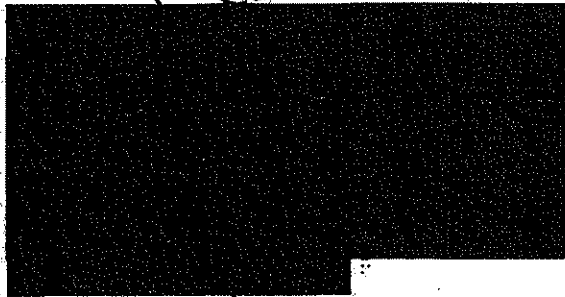
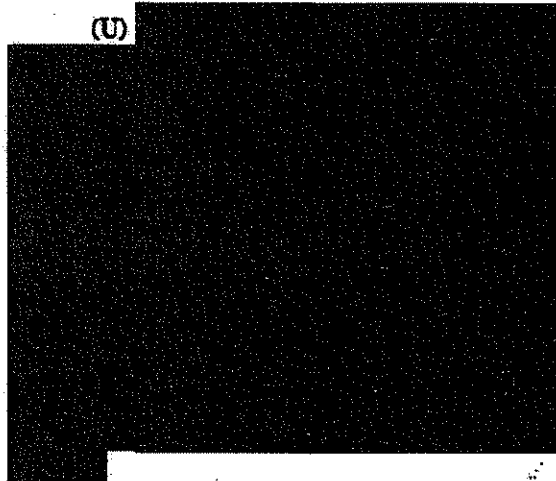
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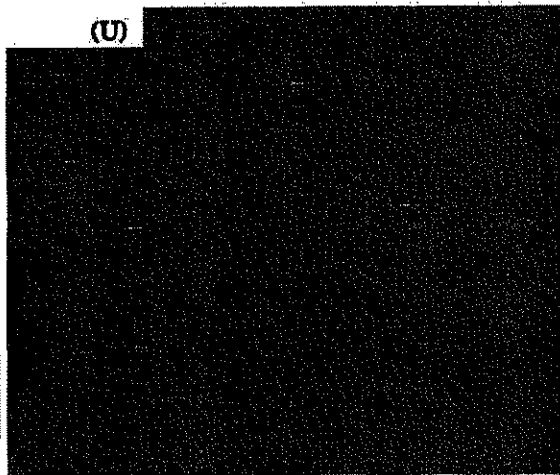
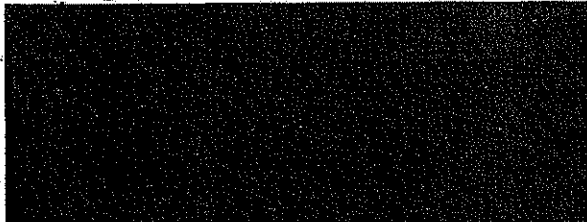
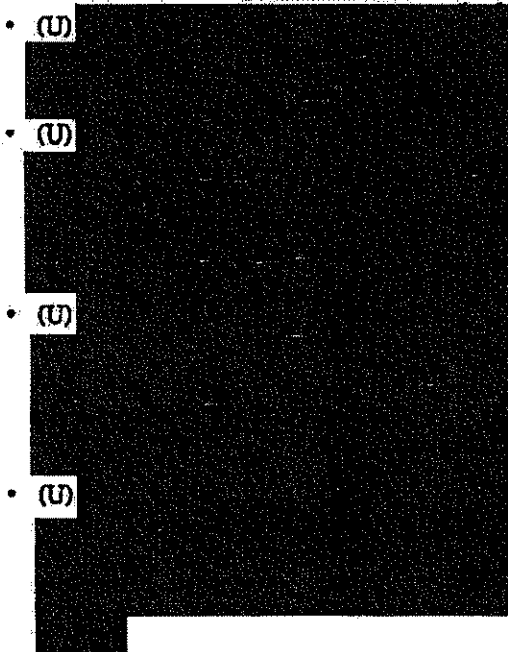
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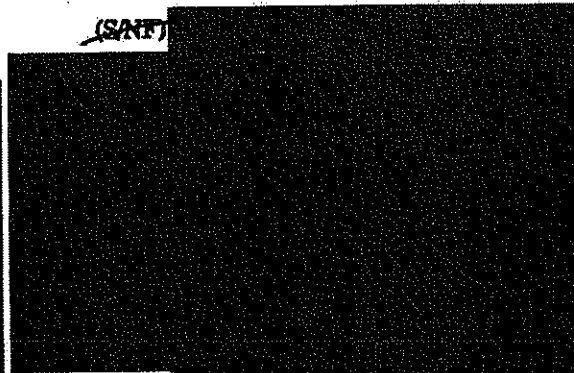
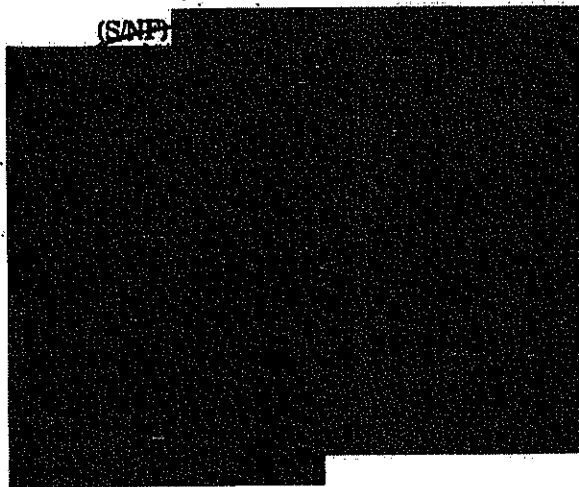
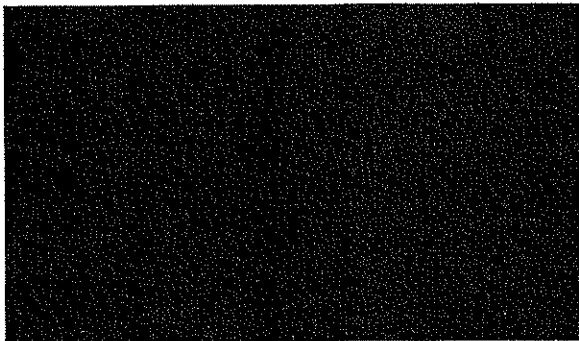
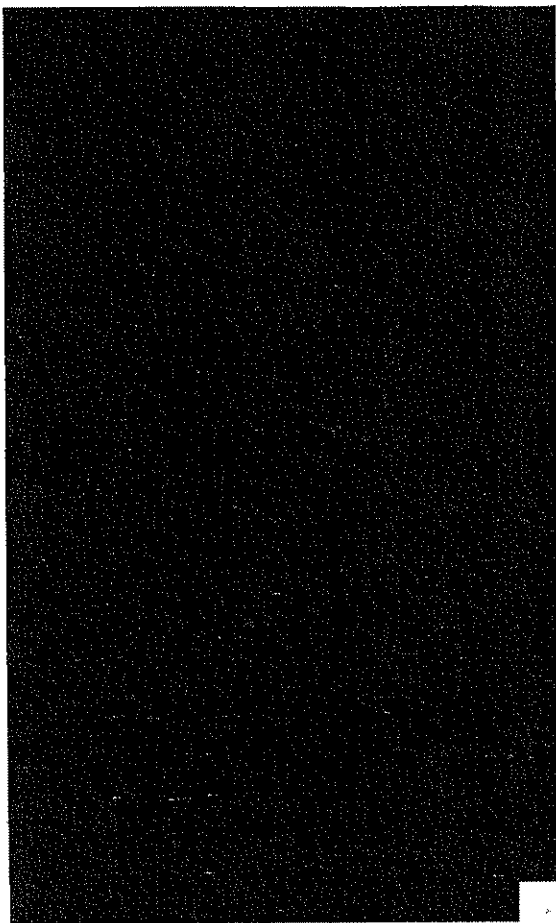
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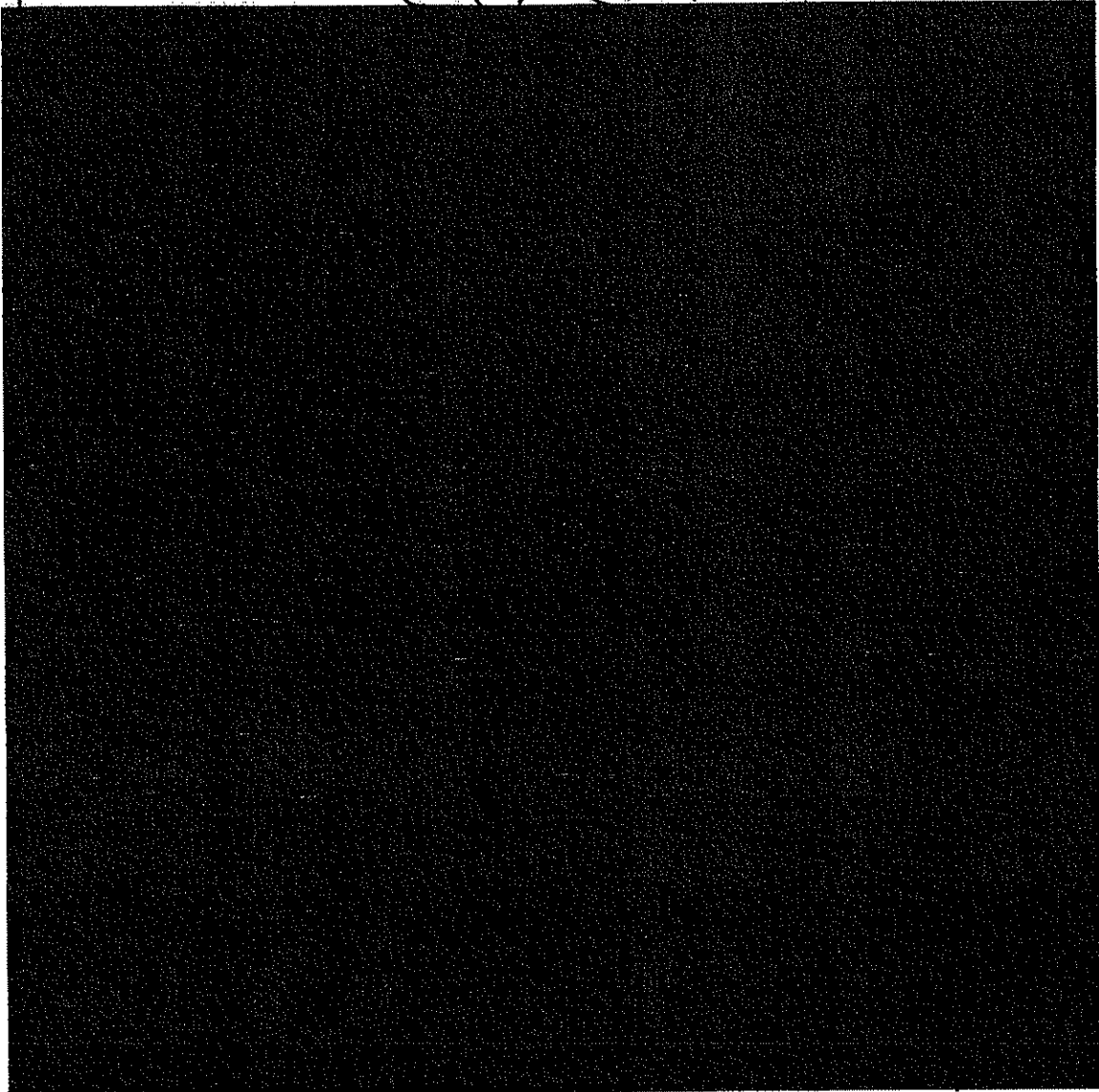
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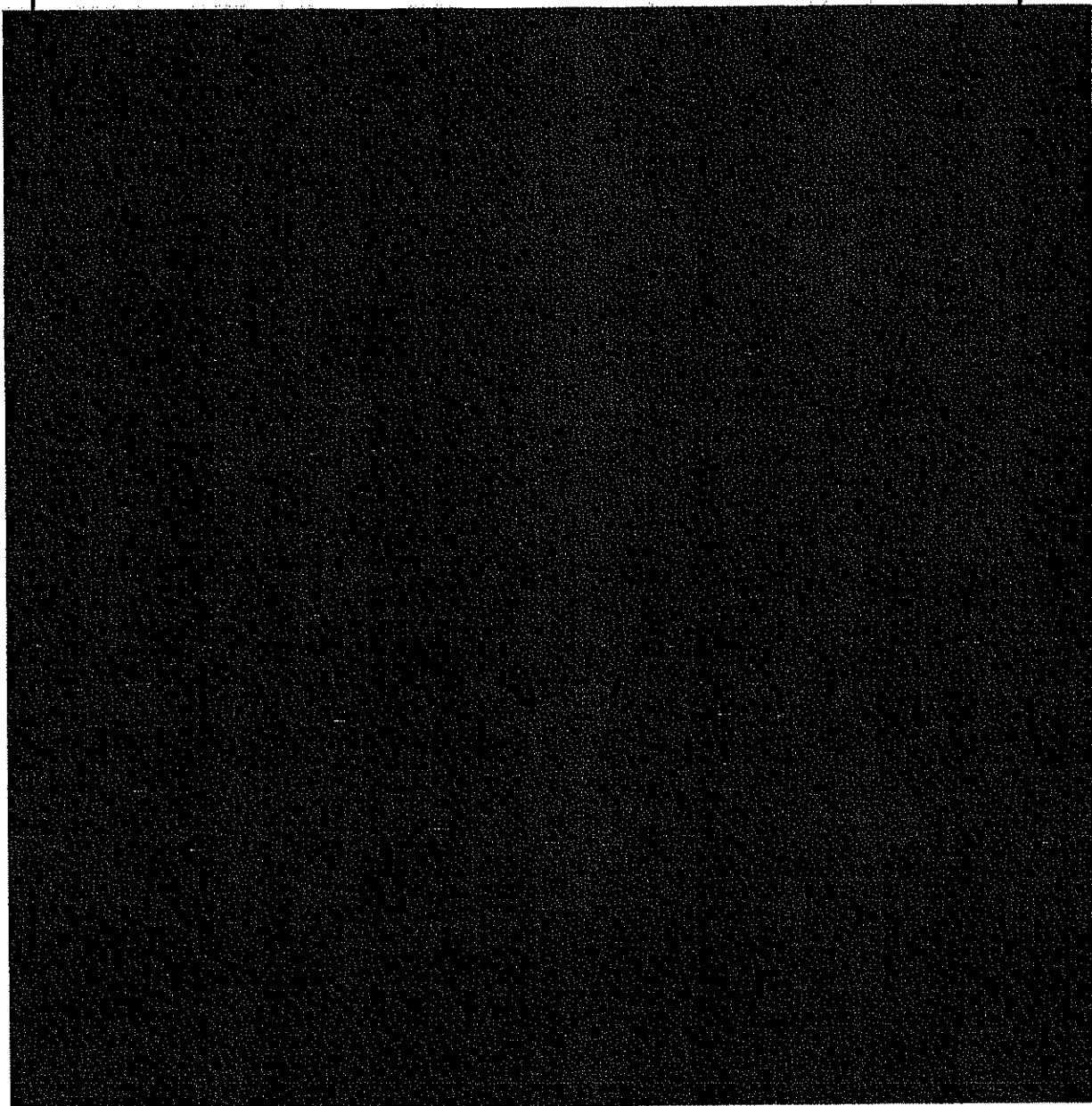
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129

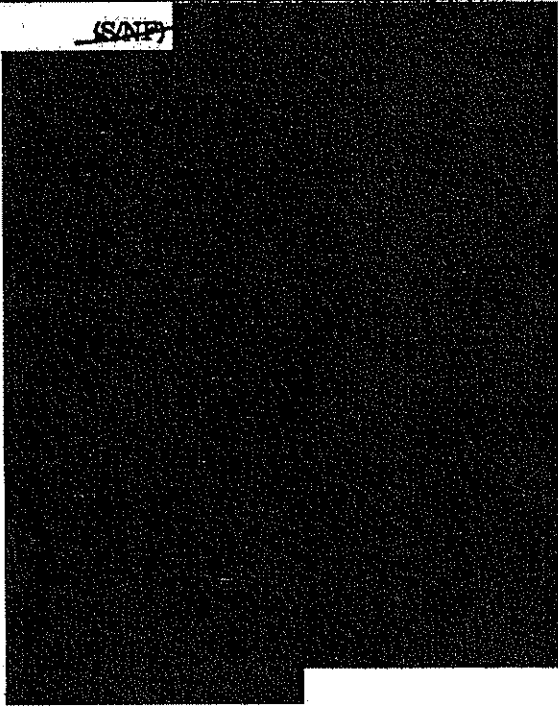
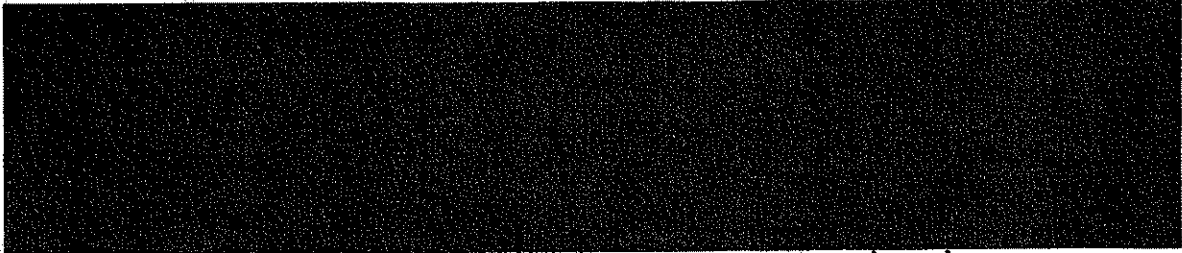
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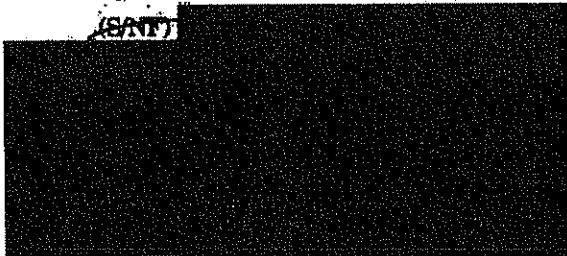
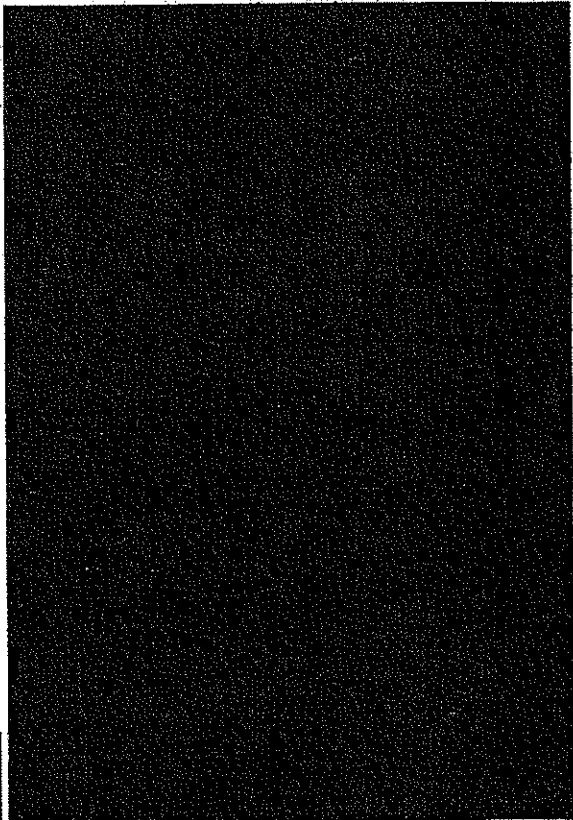
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(U) Military Department Judge Advocates General
Objections to the Working Group's Draft Report

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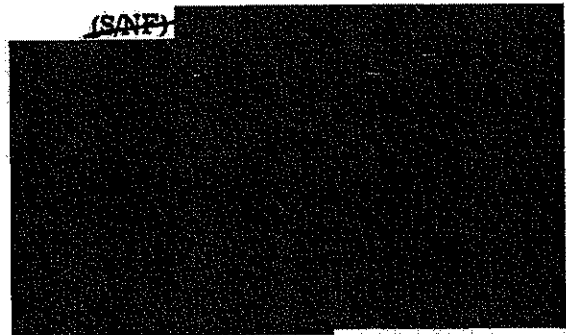
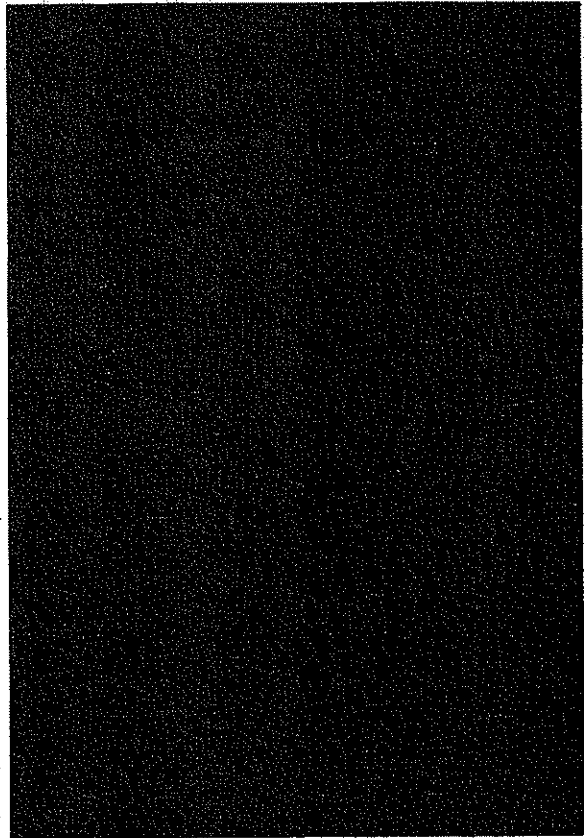
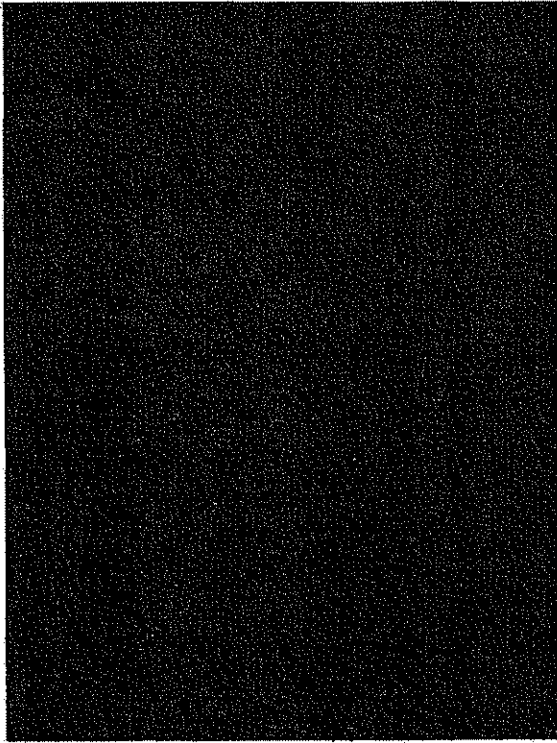
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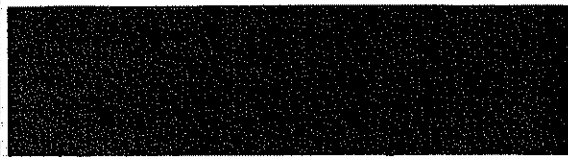
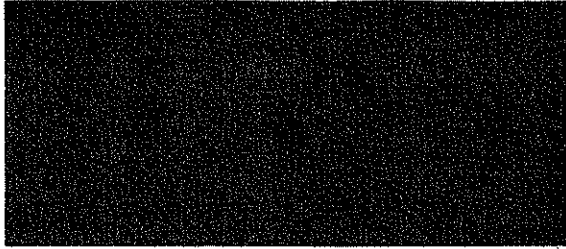
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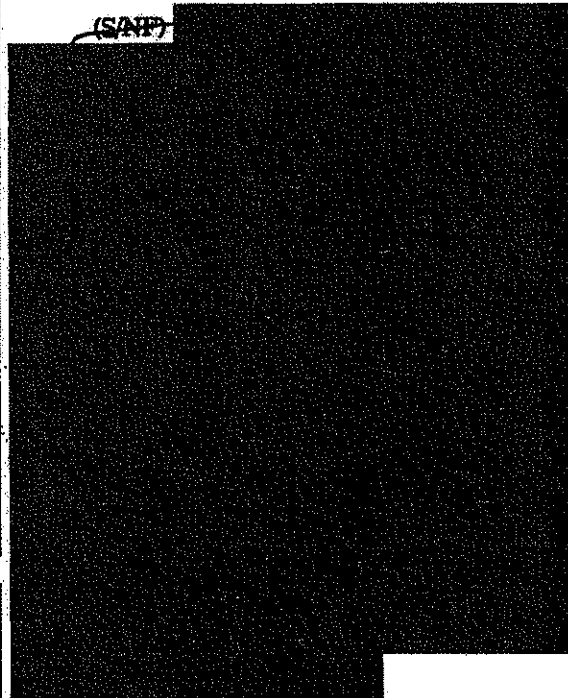
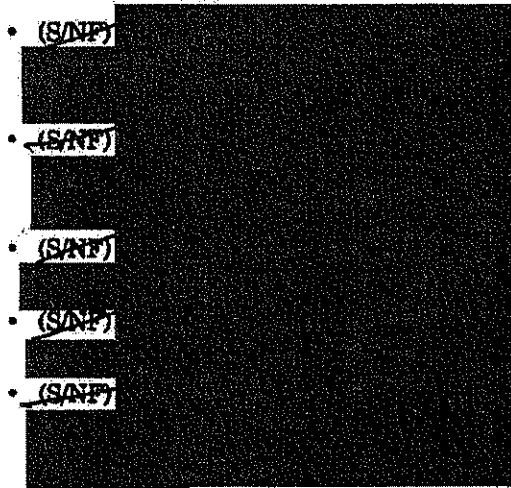
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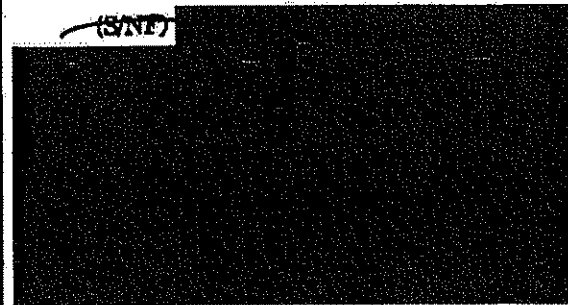
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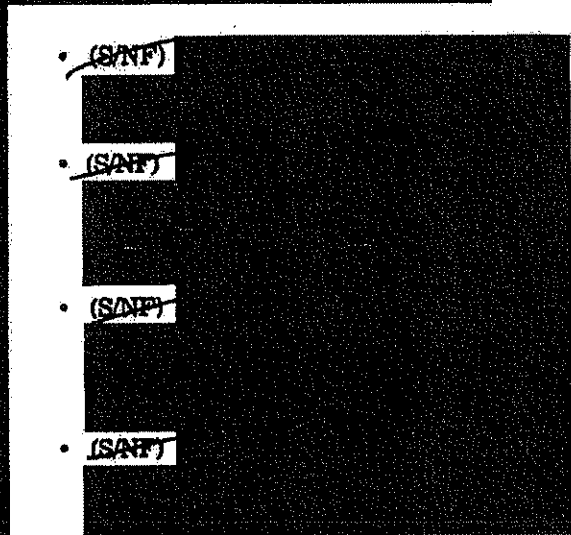
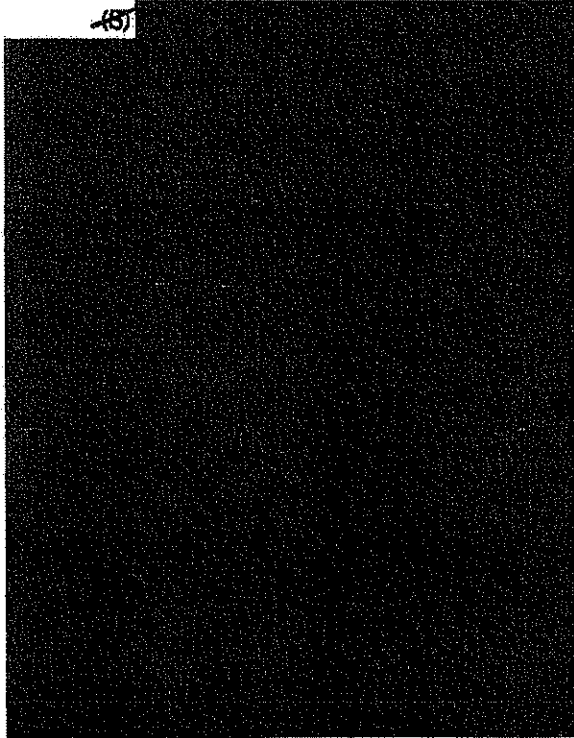
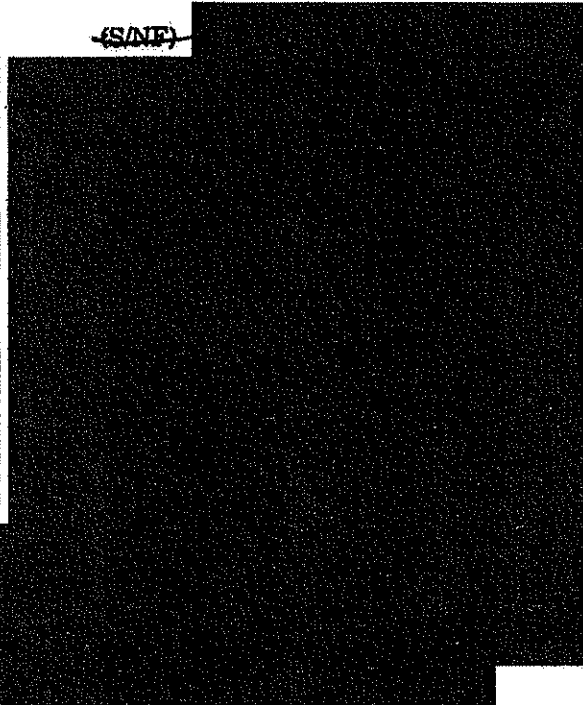
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134

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(U) Secretary of Defense Approval of a Limited Number of Working Group Techniques

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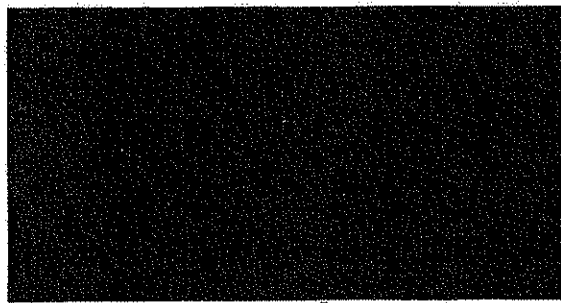
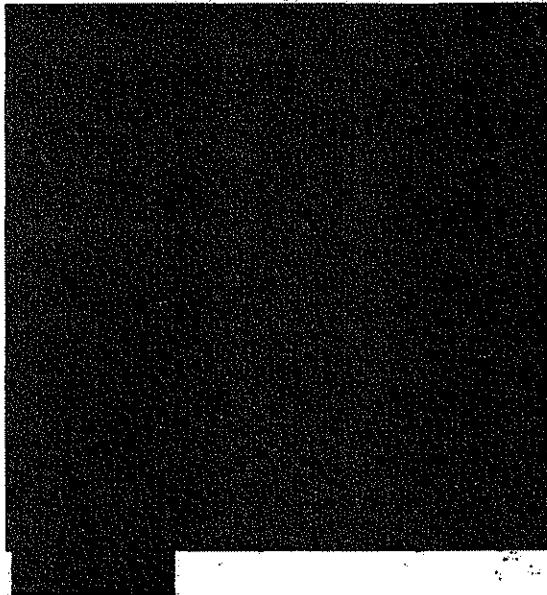
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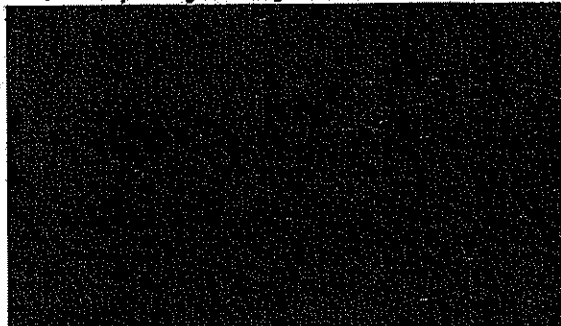
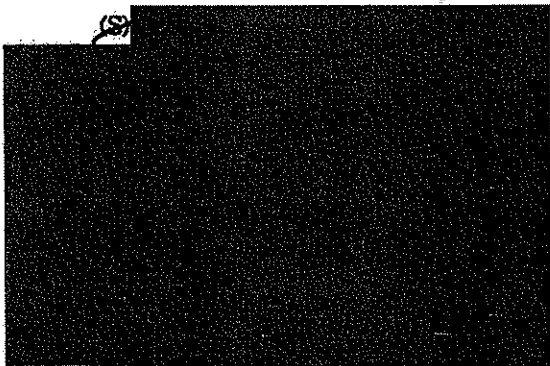
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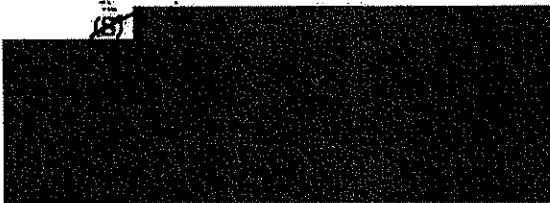
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(U) Ms. Walker on April 4, 2003 presented to Mr. Haynes the final version of the Working Group Report on Detainee Interrogations in the Global War on Terrorism: Assessment of Legal, Historical, Policy and Operational Considerations.



The final report of April 4, 2003 was not provided to the Working Group participants, principals or action officers. In fact, the majority of the Working Group participants first saw a copy of the final April 4, 2003 report in June 2004 when it was declassified and released to the public. According to Ms. Walker, her office was instructed by Daniel Dell'Orto, Principal Deputy General Counsel of the Department of Defense, not to provide copies of the final report to the Working Group



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participants. According to Mr. Dell'Orto, he directed that the final report not be distributed because he was concerned that "some might use it in settings other than Guantanamo and thereby cause confusion," particularly since it contained discussion of techniques that had been purposely rejected by the Secretary of Defense on March 28, 2003.

~~(S/NF)~~ On April 5, 2003, the Chairman of the Joint Chiefs of Staff, Gen Myers, forwarded to the Secretary of Defense an action memorandum, which enclosed a separate, proposed memorandum on interrogation techniques to the SOUTHCOM Commander for the Secretary's signature. This proposed memorandum to the SOUTHCOM Commander contained 24 interrogation techniques. In his action memorandum, General Myers noted that he was sending the memorandum to the Secretary as a follow-up to "our discussion on 31 March regarding the Working Group Report on Detainee Interrogations in the Global War on Terrorism." On April 8, 2003, Mr. Haynes concurred with Gen Myers' recommendation, and on April 15, 2003, Douglas Feith, the Under

Secretary of Defense for Policy, also concurred.

(U) The Secretary of Defense on April 16, 2003 approved the memorandum to the SOUTHCOM Commander. Entitled "Counter-Resistance Techniques in the War on Terrorism," the memorandum noted in its first sentence that the Secretary had "considered the report of the Working Group that I directed be established on January 15, 2003." The memorandum contained 24 approved interrogation techniques that were "limited to interrogations of unlawful combatants held at Guantanamo Bay, Cuba." (We note for clarification purposes that the Mikolashek Report indicated that this memorandum approved 26 specific techniques for use at GTMO; in fact, the memorandum contains only 24 techniques). Interrogations at GTMO continue to be governed by this memorandum to this day. The memorandum, originally classified as secret, not releasable to foreign nationals, was declassified and released to the public on June 22, 2004. The 24 approved techniques are listed in the figure on the following pages, as described verbatim in the memorandum.

137

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April 16, 2003 Approved GTMO Interrogation Techniques (U)

1. (U) Direct: Asking straightforward questions.
2. (U) Incentive/Removal of Incentive: Providing a reward or removing a privilege, above and beyond those that are required by the Geneva Convention, from detainees. [Caution: Other nations believe that detainees are entitled to POW protections may consider that provision and retention of religious items (e.g., the Koran) are protected under international law (see, Geneva III, Article 34). Although the provisions of the Geneva Convention are not applicable to the interrogation of unlawful combatants, consideration should be given to these views prior to application of the technique.]
3. (U) Emotional Love: Playing on the love a detainee has for an individual or group.
4. (U) Emotional Hate: Playing on the hatred a detainee has for an individual or group.
5. (U) Fear Up Harsh: Significantly increasing the fear level in a detainee.
6. (U) Fear Up Mild: Moderately increasing the fear level in a detainee.
7. (U) Reduced Fear: Reducing the fear level in a detainee.
8. (U) Pride and Ego Up: Boosting the ego of a detainee.
9. (U) Pride and Ego Down: Attacking or insulting the ego of a detainee, not beyond the limits that would apply to a POW. [Caution: Article 17 of Geneva III provides, "Prisoners of war who refuse to answer may not be threatened, insulted, or exposed to any unpleasant or disadvantageous treatment of any kind." Other nations that believe that detainees are entitled to POW protections may consider this technique inconsistent with the provisions of Geneva. Although the provisions of the Geneva Convention are not applicable to the interrogation of unlawful combatants, consideration should be given to these views prior to application of the technique.]
10. (U) Futility: Invoking the feeling of futility of a detainee.
11. (U) We Know All: Convincing the detainee that the interrogator knows the answers to questions he asks of the detainee.
12. (U) Establish Your Identity: Convincing the detainee that the interrogator has mistaken the detainee for someone else.
13. (U) Repetition Approach: Continuously repeating the same question to the detainee within interrogation periods of normal duration.
14. (U) File and Dossier: Convincing detainee that that the interrogator has a damning and

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inaccurate file, which must be fixed.

15. (U) Mutt and Jeff: A team consisting of a friendly and a harsh interrogator. The harsh interrogator might employ the Pride and Ego Down technique. [Caution: Other nations that believe that POW protections apply to detainees may view this technique as inconsistent with Geneva III, Article 13 which provides that POWs must be protected against acts of intimidation. Although the provisions of the Geneva are not applicable to the interrogation of unlawful combatants, consideration should be given to these views prior to application of the technique.]
16. (U) Rapid Fire: Questioning in rapid succession without allowing detainee to answer.
17. (U) Silence: Staring at the detainee to encourage discomfort.
18. (U) Change of Scenery Up: Removing the detainee from the standard interrogation setting (generally to a location more pleasant, but no worse).
19. (U) Change of Scenery Down: Removing the detainee from the standard interrogation setting and placing him in a setting that may be less comfortable; would not constitute a substantial change in environmental quality.
20. (U) Dietary Manipulation: Changing the diet of a detainee; no intended deprivation of food or water; no adverse medical or cultural effect and without intent to deprive subject of food or water, e.g., hot rations to MREs.
21. (U) Environmental Manipulation: Altering the environment to create moderate discomfort (e.g., adjusting temperature or introducing an unpleasant smell). Conditions would not be such that they would injure the detainee. Detainee would be accompanied by interrogator at all times. [Caution: Based on court cases in other countries, some nations may view application of this technique in certain circumstances to be inhumane. Consideration of these views should be given prior to use of this technique.]
22. (U) Sleep Adjustment: Adjusting the sleeping times of the detainee (e.g., reversing sleep cycles from night to day) This technique is NOT sleep deprivation.
23. (U) False Flag: Convincing the detainee that individuals from a country other than the United States are interrogating him.
24. (U) Isolation: Isolating the detainee from other detainees while still complying with basic standards of treatment. [Caution: The use of isolation as an interrogation technique requires detailed implementation instructions, including specific guidelines regarding the length of isolation, medical and psychological review, and approval for extensions of the length of isolation by the appropriate level in the chain of command. This technique is not

139

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known to have been generally used for interrogation purposes for longer than 30 days. Those nations that believe detainees are subject to POW protections may view use of this technique as inconsistent with the requirements of Geneva III, Article 13 which provides that POWs must be protected against acts of intimidation; Article 14 which provides that POWs are entitled to respect for their person; Article 34 which prohibits coercion and Article 128 which ensures access and basic standards of treatment. Although the provisions of the Geneva Convention are not applicable to the interrogation of unlawful combatants, consideration should be given to these views prior to application of the technique.]

(U) The Secretary's memorandum specified that four of these techniques - incentive/removal of incentive, pride and ego down, Mutt and Jeff, and isolation - could only be used if the SOUTHCOM Commander specifically determined that military necessity required their use and notified the Secretary in advance. The Secretary also stated all of the 24 techniques must be employed with the following safeguards:

- (U) Limited to use only at strategic interrogation facilities;
- (U) There is a good basis to believe that the detainee possesses critical intelligence;
- (U) The detainee is medically and operationally evaluated as suitable (considering all techniques to be used in combination);
- (U) Interrogators are specifically trained for the technique(s);
- (U) A specific interrogation plan (including reasonable safeguards, limits on duration, intervals between applications, termination criteria and the presence or availability of qualified medical personnel) has been developed;

- (U) There is appropriate supervision; and
- (U) There is appropriate specified senior approval for use with any specific detainee (after considering the foregoing and receiving legal advice).

These safeguards, which the Secretary mandated apply to all approved techniques, were virtually identical to the safeguards that the Working Group Report had recommended for only those techniques that the Working Group had identified as "exceptional."

(U) The Secretary's memorandum also reiterated that "US armed forces shall continue to treat detainees humanely and, to the extent appropriate and consistent with military necessity, in a manner consistent with the principles of the Geneva Conventions." Finally, the Secretary left open the possibility that other interrogation techniques could be approved, noting that if, in the SOUTHCOM Commander's view, he required additional interrogation techniques for a particular detainee, he should provide the Secretary, via the Chairman of the Joint Chiefs of Staff, "a written

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request describing the proposed technique, recommended safeguards, and the rationale for applying it with an identified detainee." For ease of reference, the 24 techniques are listed in summary form in the figure below, with those techniques requiring advance notice to the Secretary in bold.

April 16, 2003 Approved Interrogation Techniques (U)
(Techniques requiring advance notice to Secretary of Defense in bold)

1. (U) Direct
2. (U) Incentive/removal of incentive
3. (U) Emotional love
4. (U) Emotional hate
5. (U) Fear up harsh
6. (U) Fear up mild
7. (U) Reduced fear
8. (U) Pride and ego up
9. (U) **Pride and ego down**
10. (U) Futility
11. (U) We Know All
12. (U) Establish your identity
13. (U) Repetition approach
14. (U) File and dossier
15. (U) **Mutt and Jeff**
16. (U) Rapid fire
17. (U) Silence
18. (U) Change of scenery up
19. (U) Change of scenery down
20. (U) Dietary manipulation
21. (U) Environmental manipulation
22. (U) Sleep adjustment
23. (U) **False flag**
24. (U) Isolation

141

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(U) These 24 techniques were significantly less aggressive than the techniques that the Secretary approved on December 2, 2002. The first 19 of the techniques were identical to the 17 specifically enumerated in FM 34-52, except that the policy added one technique (Mutt and Jeff) that was in the 1987 version of FM 34-52 but is not found in the current version, and the policy also listed Change of Scenery Up and Change of Scenery Down as separate techniques, rather than using the more general Change of Scene technique listed in FM 34-52. In two cases (incentive/removal of incentive, and pride and ego down), the policy was actually more restrictive than FM 34-52, as interrogators could not use these techniques without advance notice to the Secretary.

(U) Of the remaining five techniques, (dietary manipulation, environmental manipulation, sleep adjustment, false flag, and isolation), only one (isolation) was identified by the Working Group as "exceptional." The April 16, 2003 policy contained none of the most aggressive Category II techniques - such as stress positions, 20-hour interrogations, removal of clothing, or use of individual phobias (such as fear of dogs) to induce stress - contained in the December 2, 2002 policy, nor the one Category III technique (mild, non-injurious physical contact). Finally, as described above, the current policy included a number of safeguards, which were not specifically enumerated in the December 2, 2002 policy.

(U) Conclusion

(U) While the foregoing discussion lays out a detailed and often complicated debate surrounding the evolution of approved interrogation techniques for GTMO, several relatively simple themes emerge. First, 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.

(U) Second, when formulating GTMO interrogation policy, the Office of the Secretary of Defense received meaningful input from military service lawyers. This was most evident in the establishment of the Working Group in January 2003 and the ensuing debate among the Working Group representatives that led to the April 16, 2003 interrogation policy. While many of the representatives levied strong objections to the OLC memorandum - objections that turned out to be entirely justified, especially in light of the White House's and DOJ's June 2004 characterization of the August 1, 2002 memorandum which formed

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the basis of the OLC memorandum as "overbroad" and "unnecessary" - their specific concerns (or at the very 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.

(U) Similarly, when JTF-170 and SOUTHCOM initially requested counter resistance techniques in October 2002, the Joint Staff solicited input from all the services during the lead-up to the December 2, 2002 policy. While all of the services in November 2002 expressed serious reservations about approving these techniques without further legal and policy review, these views undoubtedly played a role in the Secretary's ultimate decision on December 2, 2002 to reject the three most aggressive Category III techniques. It is true that, in light of their objections, the respective services were uncomfortable with the Secretary's adoption of a subset of the counter resistance techniques, but this decision was driven by the perceived urgency at the time of gaining actionable intelligence from particularly resistant detainees (principally Kahtani) that could be used to thwart possible attacks on the United States.

(U) Third, when considering requests for additional interrogation techniques beyond those in FM 34-52, the Office of the Secretary of Defense was a moderating force that cut back on the number and types of techniques under consideration. Again, this was most evident in the promulgation

of the April 16, 2003 policy, which included only 24 of the 35 techniques recommended by the Working Group, and included none of the most aggressive techniques. This was also true to a lesser extent in the December 2, 2002 policy, which included only one of the requested Category III techniques. This policy netted valuable intelligence, especially from the 20th hijacker, Kahtani, and yet the Secretary took a relatively cautious approach by suspending this policy on January 15, 2003, largely in response to Mr. Mora's concerns, and establishing the Working Group.

(U) Fourth, 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 interrogation techniques - such as stress positions, removal of clothing, or the use of dogs to induce stress - that previous investigations have identified as possibly leading to detainees abuse. As noted above, the first 19 techniques in the current policy were virtually identical to the techniques found in FM 34-52. Of the remaining techniques, dietary manipulation simply consisted of feeding detainees military field rations instead of hot meals; sleep adjustment did not entail depriving detainees of sleep, but rather adjusting their sleep cycles from night to day; and false flag involved the sort of nonviolent trickery or ruse that is inherent in many of the FM 34-52 techniques. The last two techniques, environmental manipulation and isolation, were the most aggressive of the 24, but were to be implemented only with appropriate safeguards.

143

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(U) Finally, in our view, the unifying theme among all participants in the debate surrounding interrogation policy for GTMO - from the Secretary of Defense, 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. Much of the debate on interrogation policy took place when the memory of 9/11 was much fresher than it is today, and many of the participants felt that the United States would be attacked again, and that the detainees at GTMO had information that could prevent such attacks. While it is impossible to quantify how many American lives have been saved by the intelligence gathered at GTMO, it is undoubtedly true that lives have been saved. As the Independent Panel wrote, "[t]he interrogation of al Qaeda members held at Guantanamo has yielded valuable information used to disrupt and preempt terrorist planning and activities," and in fact "[m]uch of the 9/11 Commission's report on the planning and execution of the attacks on the World Trade Center and Pentagon came from interrogation of detainees." The interrogation policy development process, we think, reflected the honest efforts of our country's military and civilian leaders to come up with the right solution - one that would both protect our nation and our values.

Interrogation Techniques Actually
Employed (U)

(U) The above discussion sets the stage for an analysis of interrogation techniques actually employed at GTMO. This section begins with a short description of our investigation, followed by a discussion of some of the specific policies and procedures that have developed at GTMO into what we describe as the GTMO "model." Next, we analyze the interrogation techniques actually employed at GTMO (and compare them to those that were approved for use), and conclude with a discussion of detainee abuse.

(U) Investigation Procedure

(U) Vice Admiral Church in early May 2004 led a review into detainee treatment at GTMO (and at the Naval Consolidated Brig in Charleston, SC), and briefed the Secretary of Defense with his findings on May 11, 2004. The review team completed more than 100 interviews, including 43 sworn statements from military intelligence and military police leadership, interrogators, interpreters, and military police guards. For purposes of the current investigation, we have attempted to leverage the work done in the previous review where possible, although the previous review looked more broadly at compliance with DoD orders in general and therefore did not focus on interrogation techniques with the detail found in the current investigation.

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(U) For our current investigation, we collected information from a variety of sources. First, a five-person team traveled to GTMO from June 21 to 25. Upon arrival, the team received a briefing from the current JIG Commander, Mr. Esteban Rodriguez. The team conducted a number of interviews with military intelligence and military police leadership, interrogators, military police guards, intelligence analysts, interpreters, linguists, military working dog handlers, staff judge advocates, and medical personnel. These interviews were then turned into sworn statements. The team also reviewed and collected a large volume of various documentation during the on-site visit. Second, we requested and received GTMO-related materials from throughout DoD, many of which were used to construct the detailed chronology of approved interrogation techniques described above. SOUTHCOM, in particular, proved especially helpful in gathering various documentation. Finally, in order to gain a more complete historical picture of interrogation operations at GTMO, the current investigation team conducted a number of "reach-back" interviews of personnel who had served at GTMO previously but had since moved on to other assignments. These reachback interviews included interrogators, military intelligence leadership and staff judge advocates who were stationed at GTMO as early as January 2002. Included in this reach-back effort were interviews and accompanying statements from the former JTF-170 Commander, MG Dunlavy, and the former JTF-GTMO Commander, MG Miller. Overall, we conducted

over 60 additional interviews as part of the current investigation, 47 of which were turned into sworn statements.

(U) The GTMO "Model"

(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. Unlike their counterparts at Abu Ghraib, for example, interrogators and military police at GTMO have not had to contend with the numerous difficulties associated with operating within a combat zone: the confusion, chaos, mortal danger, logistical difficulties, highly variable detainee population, or any number of other challenges inherent to combat operations. But much of the credit for the structure and discipline at GTMO is due to specific policies and procedures that have developed at GTMO over time, or what we refer to in shorthand as the GTMO "model." Outlined below are the most significant aspects of this model.

(U) Command Organization

(U) As discussed in the background section, the command structure at GTMO has evolved significantly from the original organization, which had separate chains of command for intelligence and detention operations, to the current structure, which places both intelligence and detention oper-

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ations under the command of a single entity, designated Joint Task Force GTMO (JTF-GTMO). Placing one commander in charge of both military intelligence and military police operations has enabled greater coordination and cooperation in the accomplishment of the assigned mission.

(U) Significantly, the Independent Panel in its report endorsed this organizational structure by noting that the need for this type of organization was a lesson learned from Operation ENDURING FREEDOM and earlier phases of Operation IRAQI FREEDOM, but was not adequately followed in the phase of the Iraq campaign following major combat operations. The Independent Panel wrote of "the value of establishing a clear chain of command subordinating MP and MI to a Joint Task Force or Brigade Commander. This commander would be in charge of all aspects of both detention and interrogations just as tactical combat forces are subordinated to a single commander."

(U) Relationship Between Military Police and Military Intelligence

(U) Under the GTMO model, military police (MP) work closely with military intelligence (MI) in helping to set the conditions for successful interrogations. The overarching command structure is what makes this possible: having military police answer to the same commander as military intelligence ensures that the detention function supports the intelligence collection function, and

thus recognizes the primacy of the human intelligence collection mission at GTMO.

(U) When discussing MP/MI relations at GTMO, it is helpful to differentiate between events that occur during interrogations (or inside the interrogation room) and those that occur in preparation for interrogations (or in the cellblock, outside the interrogation room). Generally speaking, interrogators are in charge of a detainee when he is in the interrogation room, while MPs are in charge of a detainee when he is in the cellblock, or being moved anywhere within the detention facility. This is a matter of both doctrine and practicality. Interrogators are responsible for devising interrogation plans and have the specific training and experience to conduct interrogations. MPs, in turn, are responsible for the security, discipline and welfare of detainees in the cellblock.

(U) MPs at GTMO are not permitted to participate in the interrogations themselves. According to our investigation, this has always been generally understood by both military police and interrogators. However, in response to isolated instances in March and April 2003 in which interrogators directed MPs to carry out forced physical exercise on one particular detainee during interrogation sessions, MG Miller made it an official policy that MPs may not participate in interrogations. In a letter to the JIG Director on May 2, 2003, MG Miller wrote that "Military Police personnel may not participate in interrogations."

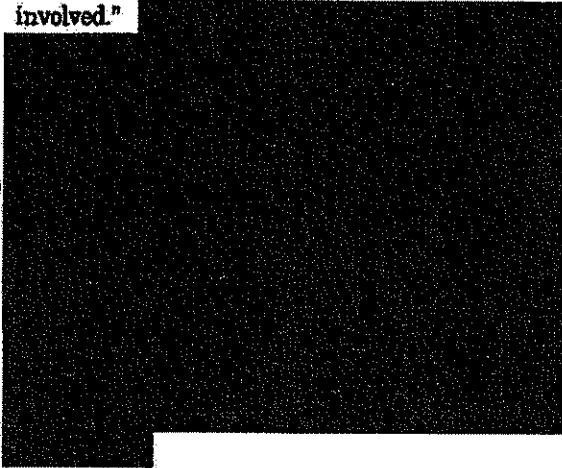
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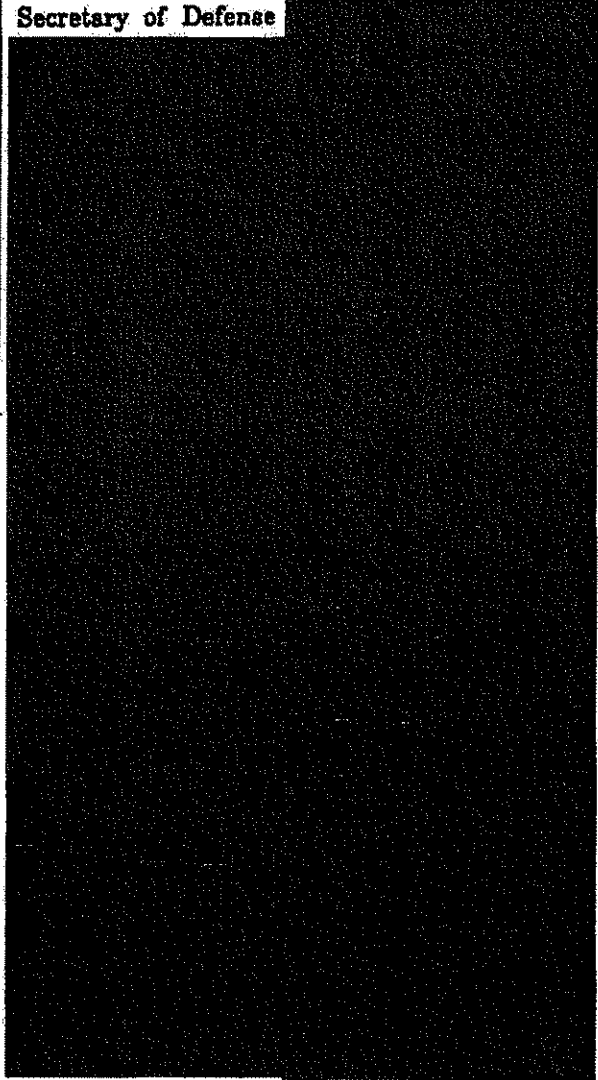
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except to safeguard the "security and safety of all involved."



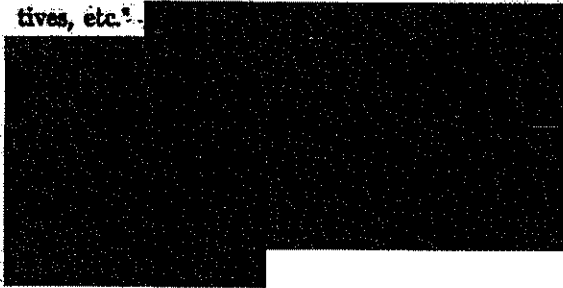
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(U) Second, several of the interrogation techniques currently approved for either general use at GTMO or upon specific notification to the Secretary of Defense



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(U) MPs are very involved, however, in events outside the interrogation room that are done in preparation for interrogations. This is accomplished principally in two ways. First, as the Independent Panel described it, MPs serve "as the eyes and ears of the cellblocks for military intelligence personnel. This collaboration helped set conditions for successful interrogation by providing the interrogator more information about the detainees - his mood, his communications with other detainees, his receptivity to particular incentives, etc."



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(U) [REDACTED]

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(U) This aspect of the GTMO model in which MPs help to set the conditions for subsequent interrogations by collecting information on detainees and assisting with interrogation techniques outside the interrogation room has been the subject of much controversy in wake of the abuses at Abu Ghraib. In his September 2003 report on intelligence operations in Iraq, MG Miller, then-Commander of JTF-GTMO, stated that detention operations "must act as an enabler for interrogation," by helping to "set conditions for successful interrogations." Furthermore, he argued, it is "essential that the guard force be actively engaged in setting the conditions for successful exploitation of the internees," and that "[j]oint strategic interrogation operations are hampered by a lack of active control of the internees within the detention environment." These statements have been heavily criticized in the media as a causal factor in the detainee abuses committed by MPs at Abu Ghraib, which some of these MPs claim were directed by MI personnel.

(U) [REDACTED]

(U) Much of this criticism is unfair, and flows both from a misunderstanding of the GTMO model and of basic MP and MI doctrine. As an initial matter, MG Miller's reference to the guard force acting as an "enabler" for interrogation and

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"setting the conditions" for successful interrogations clearly was not intended to turn MPs loose to violently and sexually abuse detainees, as no approved interrogation techniques at GTMO are even remotely related to the events depicted in the infamous photographs of Abu Ghraib abuses. As the Independent Panel observed, the pictured abuses represented "deviant" and "aberrant" behavior on the night shift at Cell Block I at Abu Ghraib, and it is merely "an excuse for abusive behavior toward detainees" to try to link this type of behavior to MG Miller's recommendation that MPs should set favorable conditions for interrogations.

(U) Just as importantly, both MP and MI doctrine clearly state the requirement that, at a minimum, all detainees must be treated humanely. Thus, there is no room for the argument that the pictured abuses were the inevitable consequence of MPs "setting the conditions" for interrogations. If an MP ever did receive an order to abuse a detainee in the manner depicted in any of the photographs, it should have been obvious to that MP that this was an illegal order that could not be followed. Not surprisingly, the MPs who have been charged in the Abu Ghraib abuses have begun to acknowledge this fact. For example, on October 20, 2004, when pleading guilty to conspiracy and maltreatment of detainees, dereliction of duty, assault and committing an indecent act, Staff Sergeant Ivan Frederick stated that "I was wrong about what I did, and I shouldn't have done it. I knew it was wrong at the time because I knew it was a form of abuse."

Likewise, if an interrogator or MI leader ever gave such an order, that person should have known that such an order was specifically prohibited by both law and doctrine, and could not have legitimately believed that it was part of "setting the conditions" for subsequent interrogations.

(U) Some of the criticism of MG Miller's recommendations has its roots in the limited discussion of MP and MI doctrine in the Ryder and Taguba Reports. The Ryder Report devoted only a single paragraph to analyzing the relationship between MP and MI units, but in that paragraph flatly rejected the Miller Report's views on MP/MI coordination by observing that "[r]ecent intelligence collection in support of Operation ENDURING FREEDOM has posited a template whereby military police actively set favorable conditions for subsequent interviews. Such actions generally run counter to the smooth operation of a detention facility, attempting to maintain its population in a compliant and docile state." The report did concede that MPs were "adept at passive collection of intelligence within a facility," but made clear that MP coordination with intelligence collection should go no further than that. The report therefore recommended that procedures be established "that define the role of military police soldiers securing the compound, clearly separating the actions of the guards from those of the military intelligence personnel." The Taguba Report specifically concurred with the Ryder Report, and argued that "Military Police should not be involved with

149

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setting "favorable conditions" for subsequent interviews" noting that such actions "clearly run counter to the smooth operation of a detention facility" (emphasis in original).

(U) Both the Ryder and Taguba 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. Neither report, however, offered much analysis of this issue - the Ryder Report's analysis was contained in one paragraph, and the Taguba report essentially echoed the Ryder Report's conclusions - and thus it is difficult to know precisely why MGs Ryder and Taguba rejected this part of the GTMO model. To the extent that they rejected it because they believed it was prohibited by doctrine, we disagree with this position because, as explained earlier, MP and MI doctrines are silent on whether (and how) MPs should assist with interrogation techniques employed outside the interrogation room. And to the extent that they rejected it because they believed that it encouraged detainee abuse by MPs, we again disagree, because both MP and MI doctrine are unequivocal on the issue of humane treatment of detainees and none of the pictured Abu Ghraib abuses are in any way related to approved interrogation techniques that have been employed at GTMO outside the interrogation room.

(U) At bottom, both the Ryder and Taguba Reports rejected the idea of MPs "setting favorable

conditions for subsequent interviews" because the reports were primarily concerned with detention - rather than intelligence - operations. This concern was reflected in the statement that having MPs involved in intelligence operations in this manner would "run counter to the smooth operation of a detention facility, attempting to maintain its population in a compliant and docile state." Without rejecting this statement out of hand, we believe that it underestimates the importance of intelligence collection operations, which in our view may be aided by close - but carefully controlled - coordination between MP and MI units. As the Independent Panel noted, "the need for human intelligence has dramatically increased in the new threat environment" that our country faces in the Global War on Terror, and the "[i]nformation derived from interrogations is an important component of this human intelligence." Moreover, part of the lessons learned from OEF and earlier phases of OIF are "the need for doctrine tailored to enable police and interrogators to work together effectively," and "the need for MP and MI units to belong to the same tactical command." This necessarily involves more than MPs simply collecting intelligence on detainees - it includes, for example, MPs "supporting incentives recommended by military interrogators."

(U) None of this close coordination between MP and MI units would be possible, however, under the conception of MP/MI relations set forth in the Ryder and Taguba Reports, which rejected any active MP role in setting the conditions for

150

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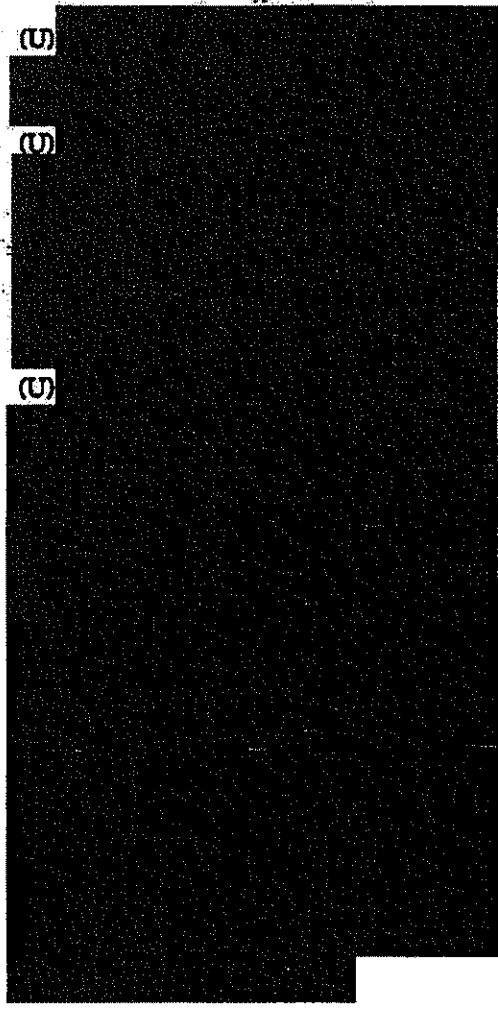
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subsequent interviews and advocated "clearly separating the actions of the guards from those of the military intelligence personnel." We therefore respectfully part company with the Ryder and Taguba Reports on this issue. The approach advocated in these reports runs the risk, to quote COL Herrington from his GTMO report, of the detention mission "tail wagging the intelligence dog," and does not adequately account for the importance of human intelligence in the Global War on Terror. 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 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.

how MP Soldiers assist with informing interrogators about detainees or assist with enabling interrogations can be left to interpretation." Doctrines should not leave such important matters to interpretation. Accordingly, it requires revision, and we suggest the following points for consideration:

- (U)
- (U)
- (U)



(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. As the Jones Report correctly observed, doctrine states that MPs "can enable, in coordination with MI personnel, a more successful interrogation." Unfortunately, however, "exact procedures for

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(U) Tiger Team Approach to Interrogations

(S) Another key element of the GTMO model is the use of "Tiger Teams" who prepare for and carry out interrogations.

[Redacted]

[Redacted]

(b)(1)
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(b)(3)

(U) Adequate Resources and Oversight

(S) [Redacted]

(S) [Redacted]

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(b)(1) [Redacted]

(U) Effective intelligence collection also requires adequate manpower. Since the beginning of detention operations, GTMO has enjoyed a relatively stable ratio of 1.5 MPs for every detainee. This high ratio, as the Independent Panel observed, fosters close coordination between military police and military intelligence because MPs have the time and resources to collect intelligence on detainees and "support incentives recommended by the military interrogators." In contrast, as the Independent Panel pointed out, stood the situation at Abu Ghraib, where "the ratio of military police to repeatedly unruly detainees was significantly smaller, at one point 1 to about 75 . . . making it difficult even to keep track of prisoners." Moreover, while GTMO is not strictly a doctrinal detention facility (because it is not located near a combat zone, or otherwise attached to an Army unit in battle), the MP to detainee ratio at GTMO compares favorably with detention doctrine. GTMO is most analogous to an Internment/resettlement (I/R) facility, which by doctrine is capable of holding up to 4,000 detainees and is supported by an MP I/R battalion. The doctrinal MP to detainee ratio at a full capacity I/R facility supported by a fully staffed MP I/R battalion would be approximately 1 to 8, which is significantly lower than at GTMO.

[Redacted]

(b)(1)
(b)(2)

(S) [Redacted]

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(S) [Redacted]

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**(U) Comparison of Interrogation
Techniques Approved and Employed**

(U) At bottom, our investigation of interrogation techniques was focused on two principal areas: the development of approved techniques, and what techniques were actually used by interrogators on the ground. A comparison between these two illuminates whether interrogation policy was adequately followed. The chart on the next page provides a comprehensive picture of both approved and employed interrogation techniques at GTMO, which enables such a comparison to be made.

(U) A few words of explanation regarding the chart. First, the interrogation techniques are listed on the vertical axis. In order to facilitate comparison among GTMO, Afghanistan and Iraq, this list comprises the universe of possible interrogation techniques from all three locations. At times, the respective commands used different

nomenclature to describe the same (or very similar) techniques; therefore, the list of techniques represents our best effort to harmonize the nomenclature across all three theaters. The techniques are organized as follows:

- (U) Techniques 1-20: Techniques specifically associated with FM 34-52 (the 17 doctrinal techniques, plus Change of Scene Up and Down both broken out separately, plus Mutt and Jeff, which was in the 1987 version of FM 34-52);
- (U) Techniques 21-37: The counter resistance techniques approved in the Secretary of Defense's December 2, 2002 memorandum (deception is listed as a separate technique because it is closely related to the Category I techniques from the December 2, 2002 memorandum, and presence of military working dog is also listed as a separate technique);
- (U) Techniques 38-40: Techniques approved in the Secretary's April 16, 2003 memorandum that were in addition to the counter resistance techniques;
- (U) Techniques 41-50: Techniques taken from a variety of sources, including proposed or approved techniques in Afghanistan or Iraq, techniques considered by the Detainee Interrogation Working Group, as well as techniques used during U.S. military SERE training; and
- (U) Techniques 51-58: Techniques prohibit-

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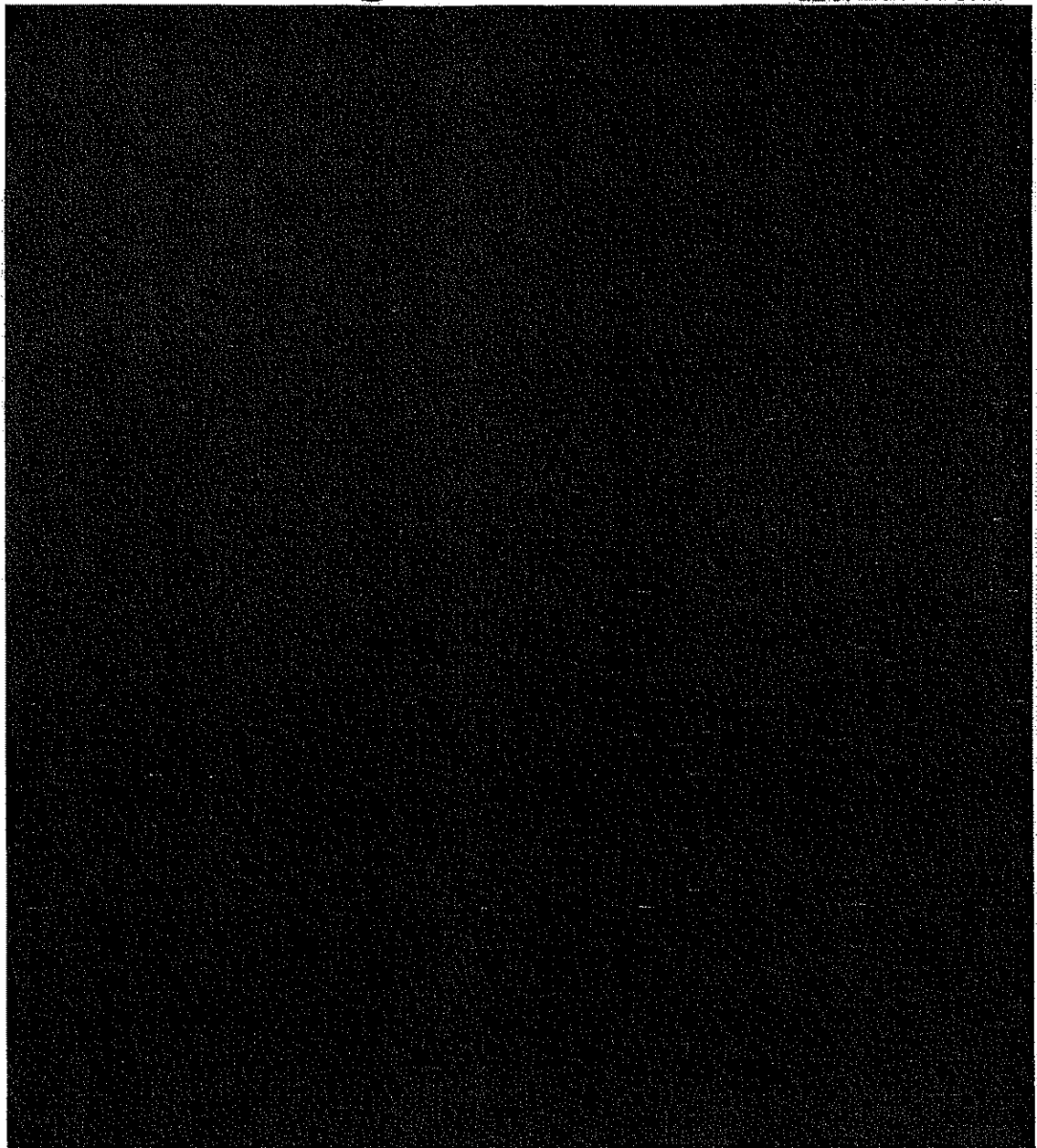
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ed by law or policy across all areas and never approved for use.

The Comments section of the chart provides, where appropriate, explanatory information about the interrogation policy governing particular techniques.

(U) Second, the various interrogation policies are presented in chronological order across the horizontal axis. This begins with the FM 34-52 guidance, followed by the Secretary's December 2, 2002 memorandum, followed by his rescission of that memorandum on January 15, 2003, and finally the current guidance, which has been in effect since April 16, 2003.

(U) Third, the colors on the chart represent the approval status of a particular technique at a particular time. In order of most to least permissive status, green indicates that a particular technique was approved for general use; white means that no official guidance was given for the technique; yellow indicates that policy identifies the particular technique, but that the technique is not to be used without advance notice to and approval by the Secretary; orange means that the technique is not specifically identified by policy, but the policy in effect at the time forbids the use of non-identified techniques without advance notice to and approval by the Secretary; and red represents techniques that are prohibited by law or policy under all circumstances.

(U) Fourth, the X markings on the chart indicate where techniques were actually employed, while bracketed X markings ("[X]") indicate where techniques that required advance notice and approval were employed with such notice and approval. Thus, any X markings in yellow or orange areas (where advance notice and approval are required) are *potentially* problematic, because they would indicate situations in which such advance notice and approval were not sought and yet the techniques were nevertheless employed. Any X markings in red areas would, of course, be troublesome because this would indicate where prohibited techniques were employed. While the placement of X and [X] markings on this chart helps to illuminate whether interrogation policy was followed, it is important to understand the limitations of these markings. Most significantly, they do not indicate the frequency with which a particular technique was employed - they merely indicate that our investigation showed that the particular technique was employed at *least once* in the designated time period. Frequency of use is addressed in more detail in the fuller discussion of the Chart that appears below.

(U) Overall Compliance With Approved Techniques

(U) An initial examination of the chart reveals that interrogations at GTMO have generally followed the approved policy, with some notable exceptions. There are four X markings in the red,

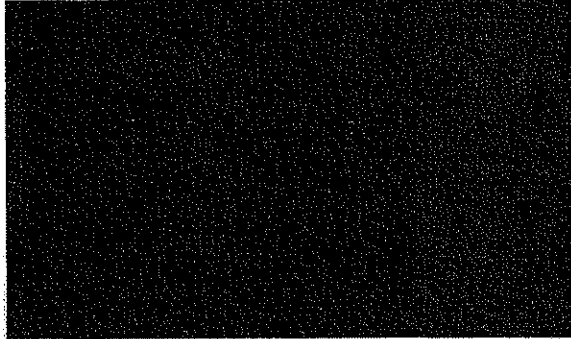
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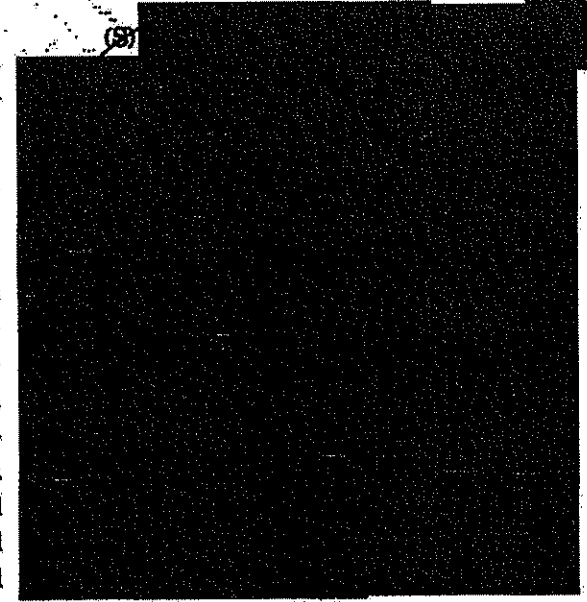
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prohibited areas, but these represent isolated incidents. There are several X markings in orange and yellow areas, but most of these represent either use of techniques that arguably fall within the broad guidance of FM 34-52 and therefore are not particularly problematic, or situations in which particular techniques were used only once under specific circumstances. There are also several X markings in white areas, but this is not particularly surprising. Interrogation policy did not always list every conceivable technique that an interrogator might use, and interrogators often employed techniques that were not specifically identified by policy but nevertheless arguably fell within its parameters.



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(b)(1)

(U) We found that from the beginning of interrogation operations to the present, interrogation policies at GTMO were effectively disseminated to interrogators and the interrogators had a good, working knowledge of these policies. Moreover, the close compliance with interrogation policy was due in large part to those aspects of the GTMO model discussed above: a command organization that placed detention and intelligence operations under the command of a single entity, JTF-GTMO; effective coordination between interrogators and military police; adequate detention and interrogation resources; and well-developed standard operating procedures. Strong command oversight and effective leadership also played important roles in ensuring that interrogators followed approved policy.



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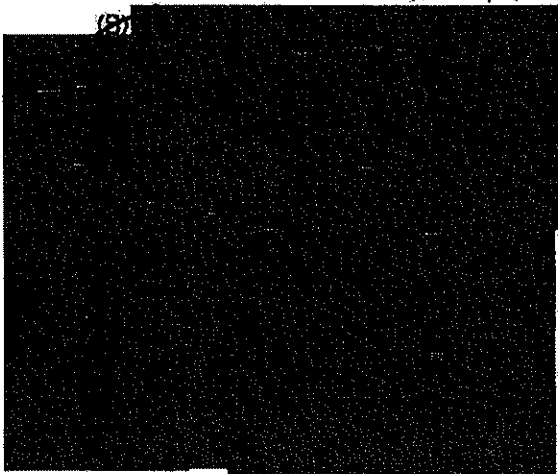
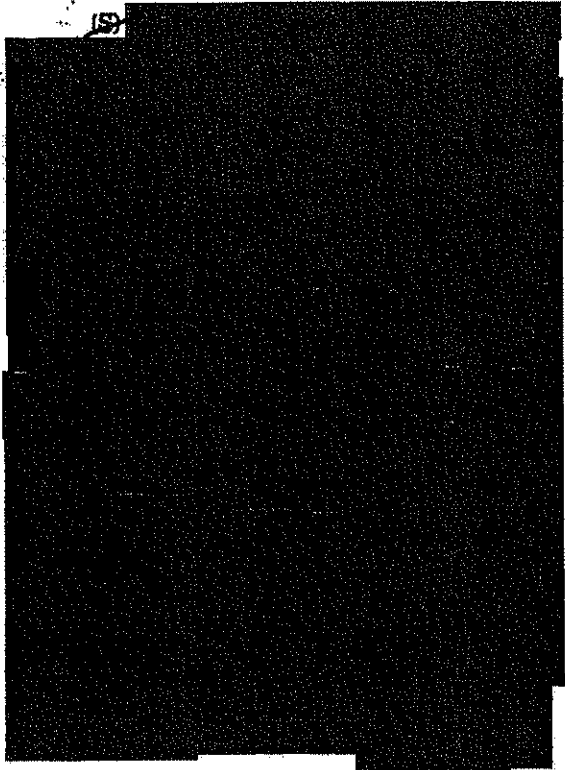
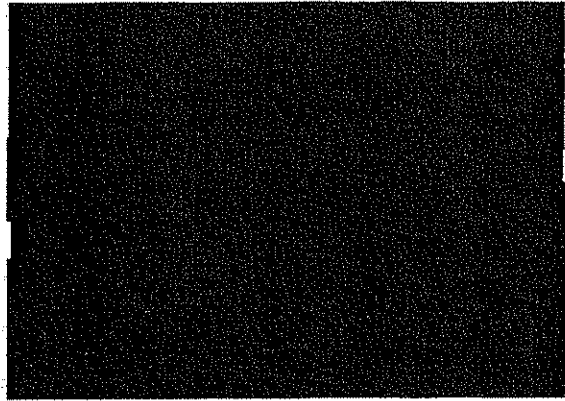
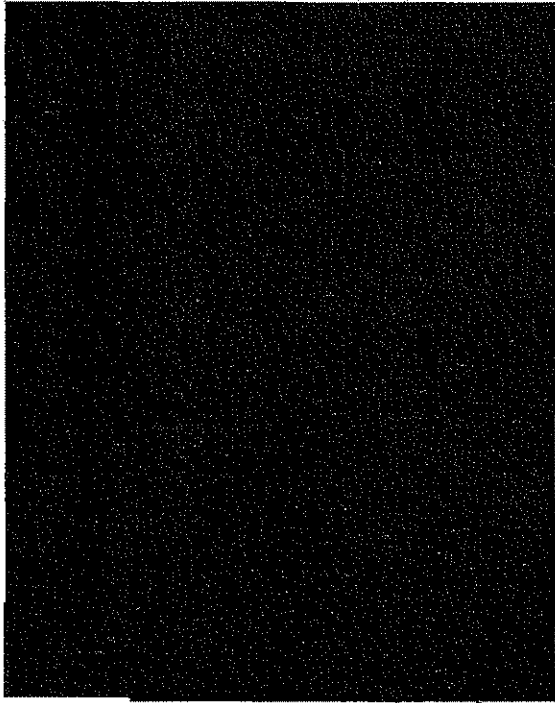
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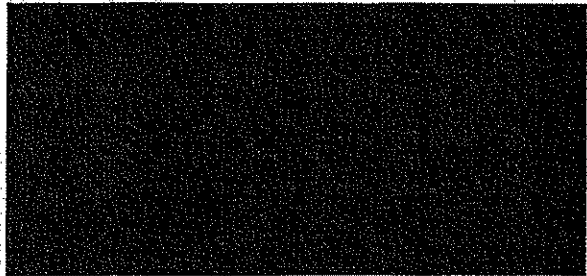
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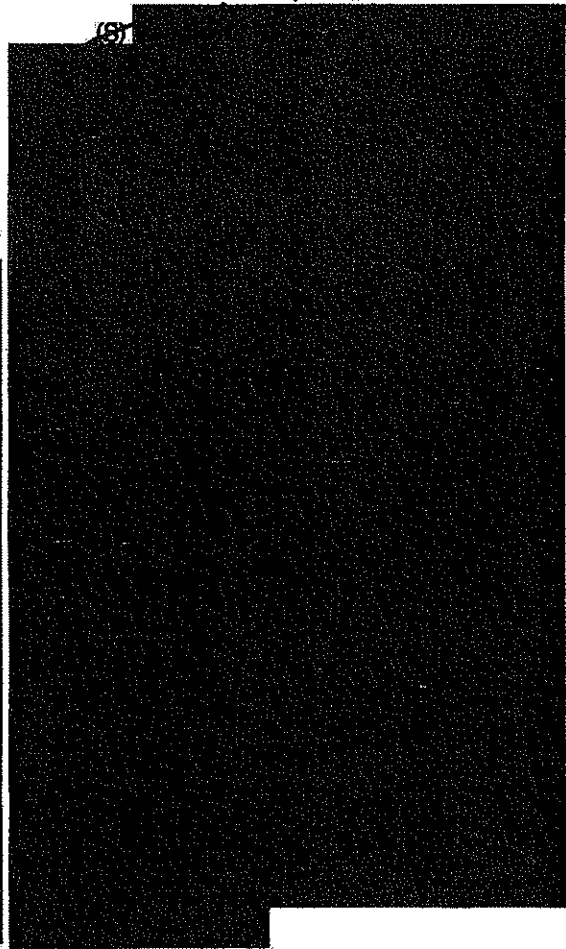
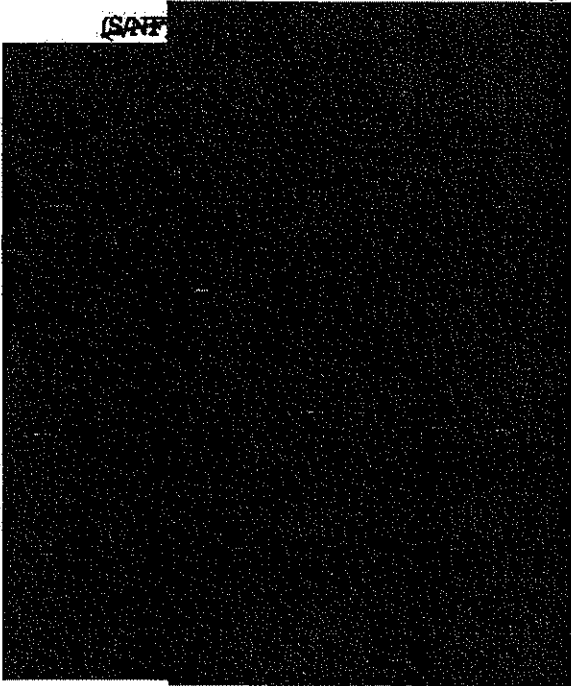
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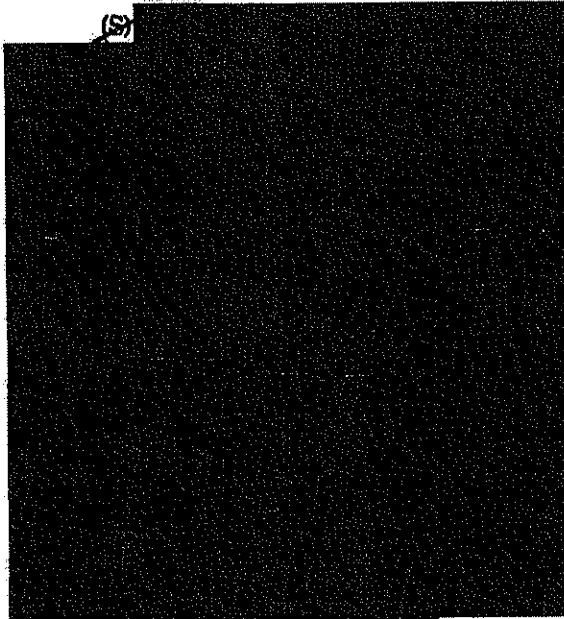
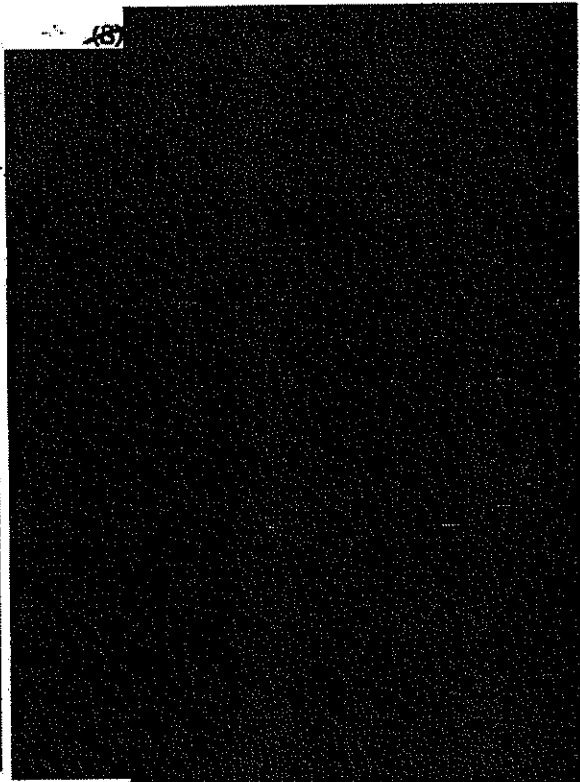
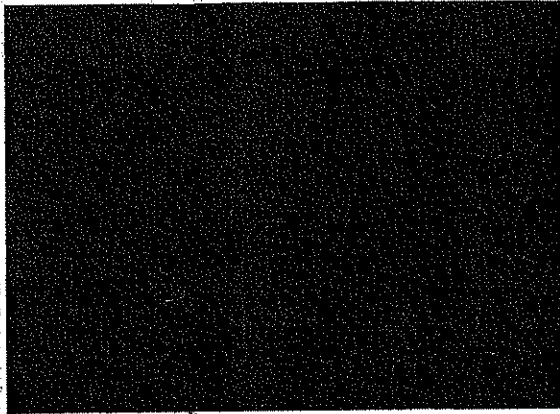
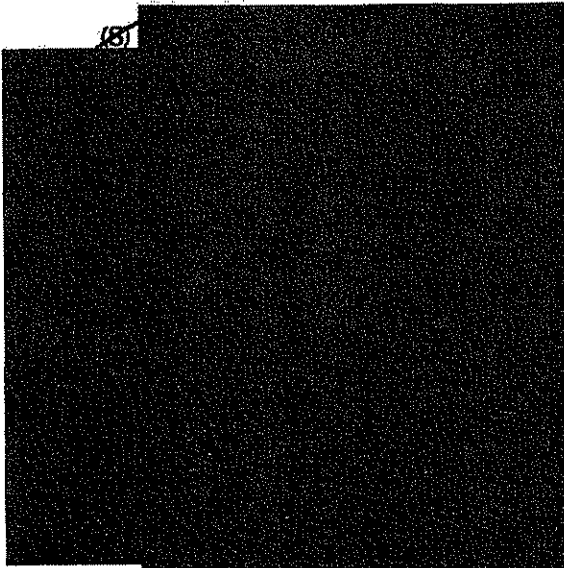
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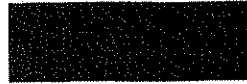
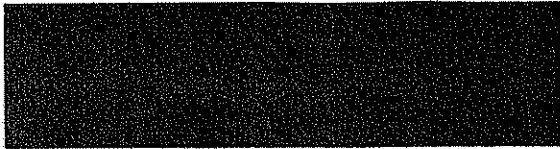
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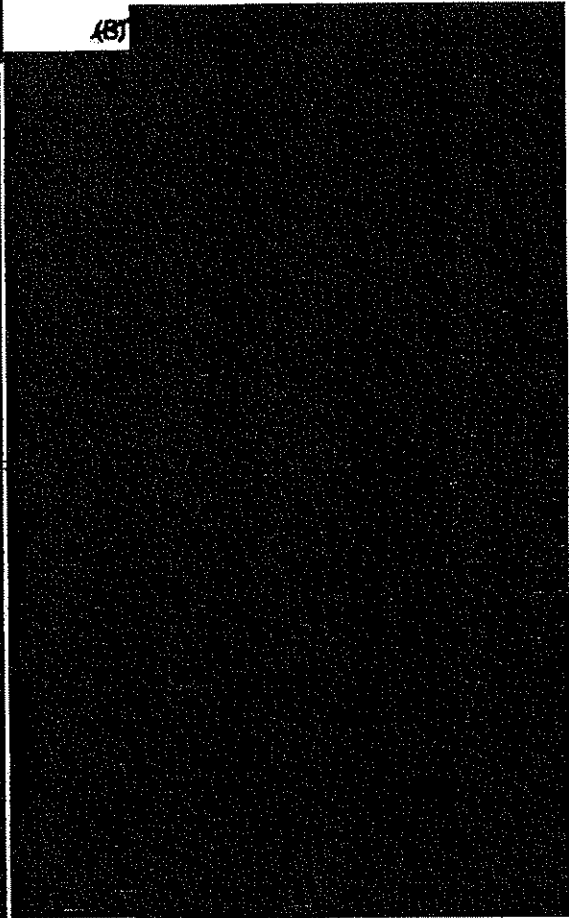
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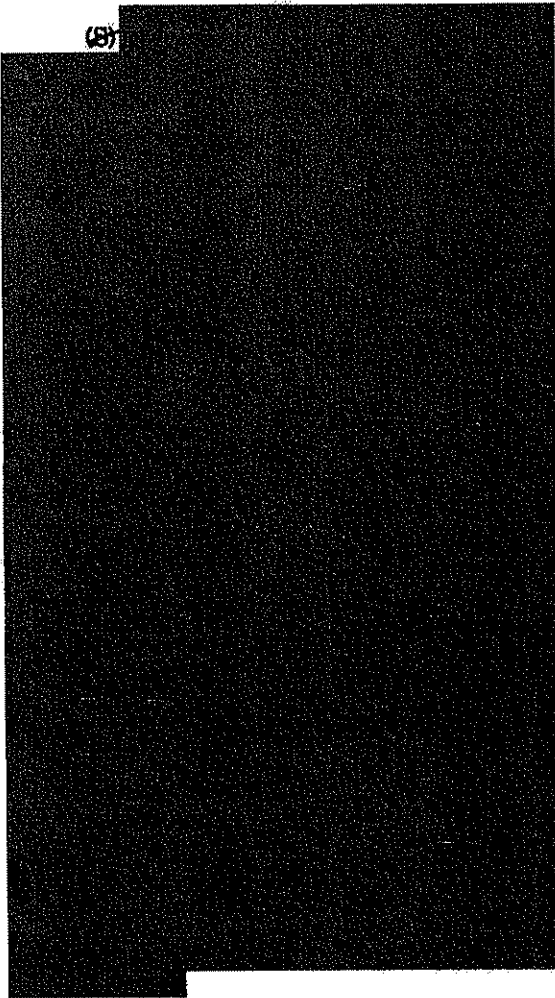
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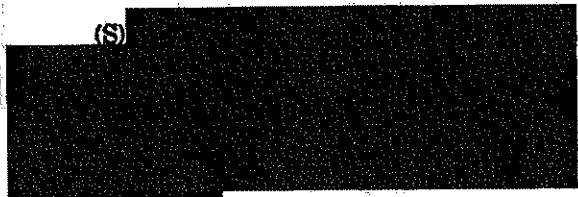
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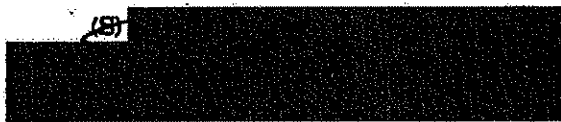
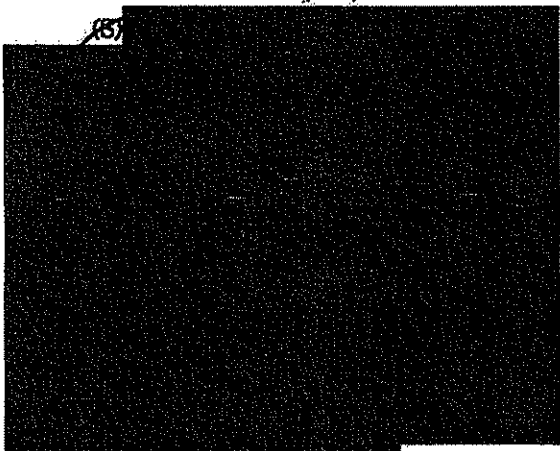
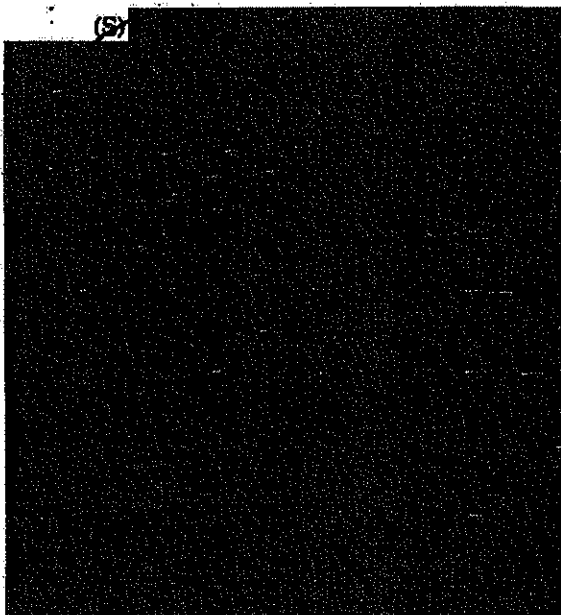
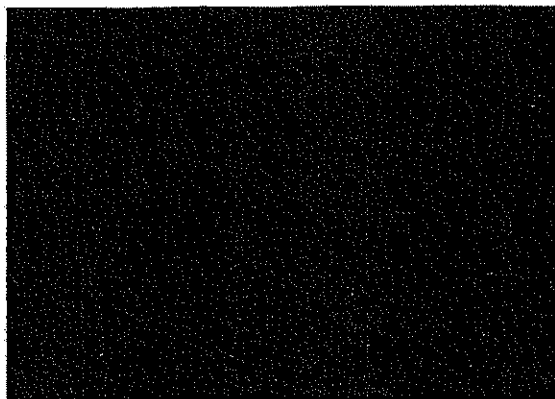
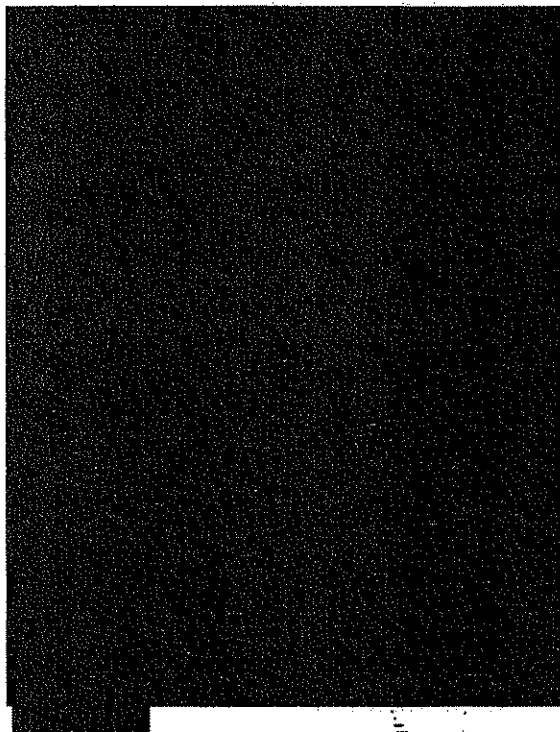
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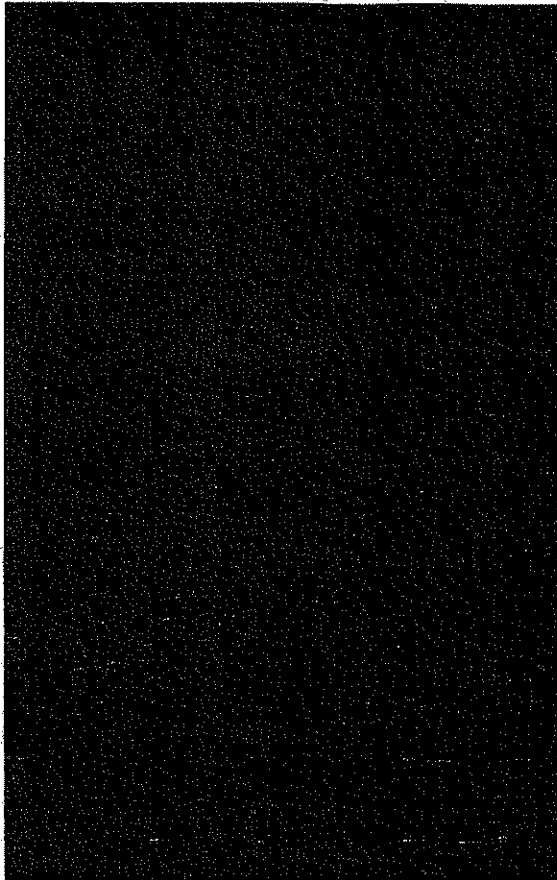
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(U) Analysis of Techniques Employed

(U) As explained above, the chart, which provides a comprehensive picture of both approved and employed interrogation techniques at GTMO, helps to illuminate whether interrogation policy at GTMO was adequately followed. The discussion below provides details on the employment of the individual techniques, with particular focus on any

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potential problem areas where an X marking appears in either a yellow, orange or red block in the chart.

(U) Incentive

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(U) FM 34-52 Techniques: (1) Direct through (20) Mutt and Jeff

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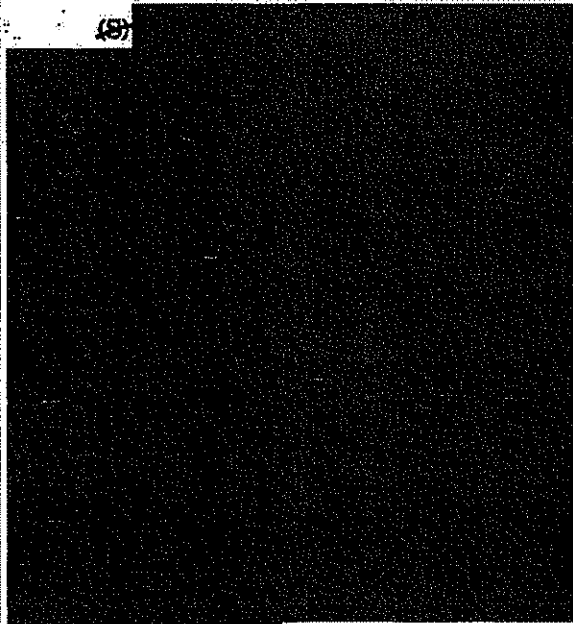
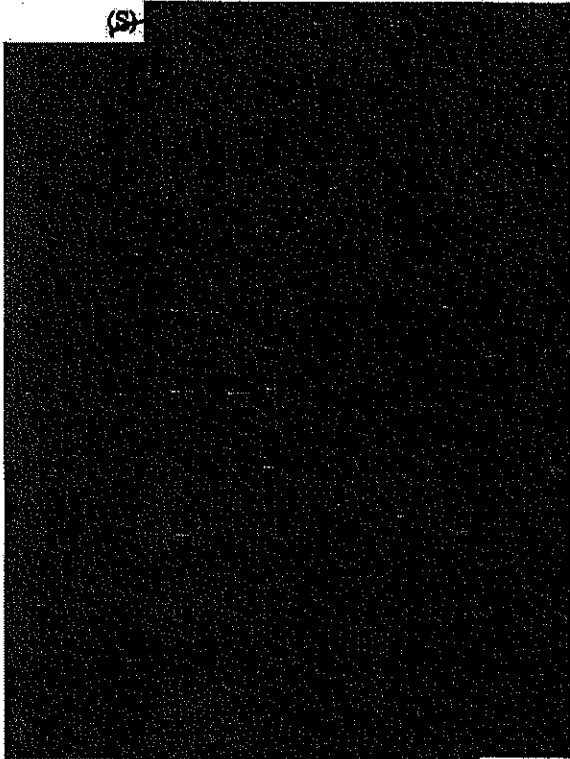
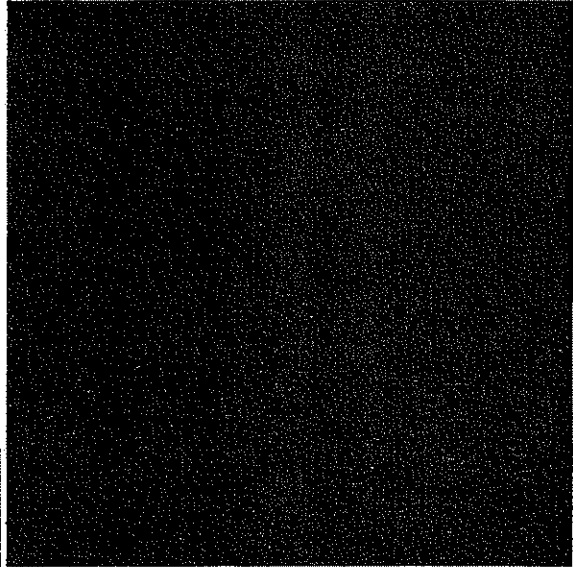
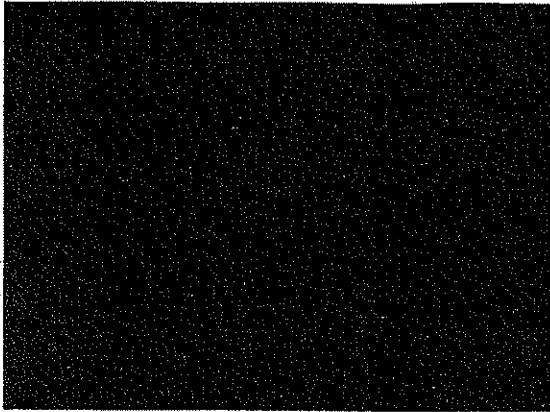
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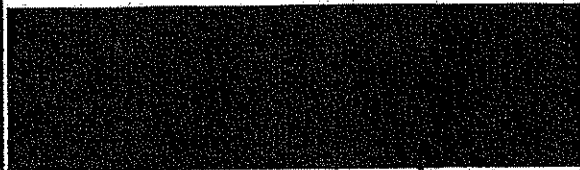
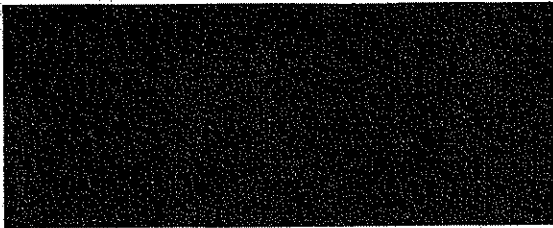
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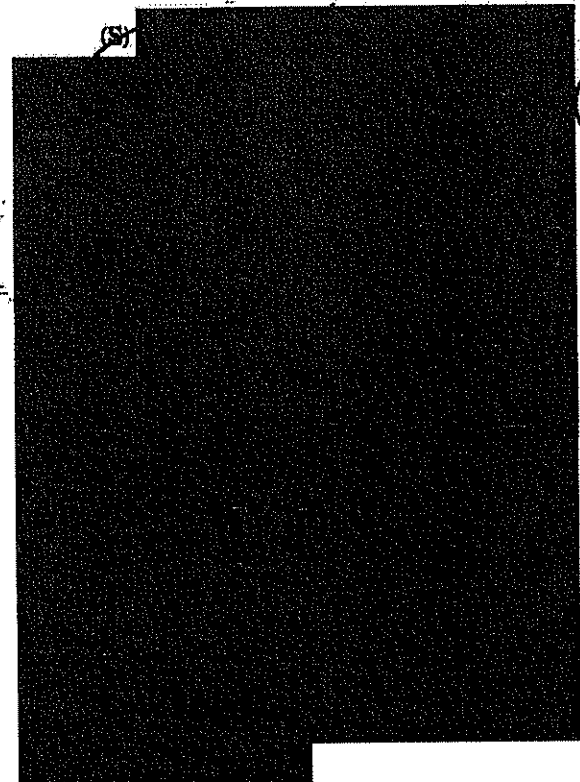
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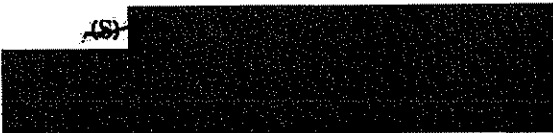
(U) As demonstrated by the chart, current interrogation policy, which went into effect on April 16, 2003, requires that the Secretary receive advance notice before incentive (and removal of incentive) may be used as interrogation techniques. This condition was fulfilled by a June 2, 2003, letter from GEN Hill to the Secretary of Defense stating, "the [Walker] Working Group was most concerned about removing the Koran from detainees. We no longer do this. Providing incentives (e.g. McDonald's Fish Sandwiches) remains an integral part of interrogations. My intent is to provide you notice when the proposed incentive would exceed that outlined by interrogation doctrine detailed in Army Field Manual 34-52 (which implements Geneva Convention standards), or when interrogators intend to remove an incentive from a detainee." GEN Hill also stated his intent in a June 2, 2003, memorandum to MG Miller. We found no evidence that any exceptional incentive techniques were requested or employed.

(U) *Change of Scene, and Change of Scene Up and Down*



(b)(1)

(U) *Pride and Ego Down*



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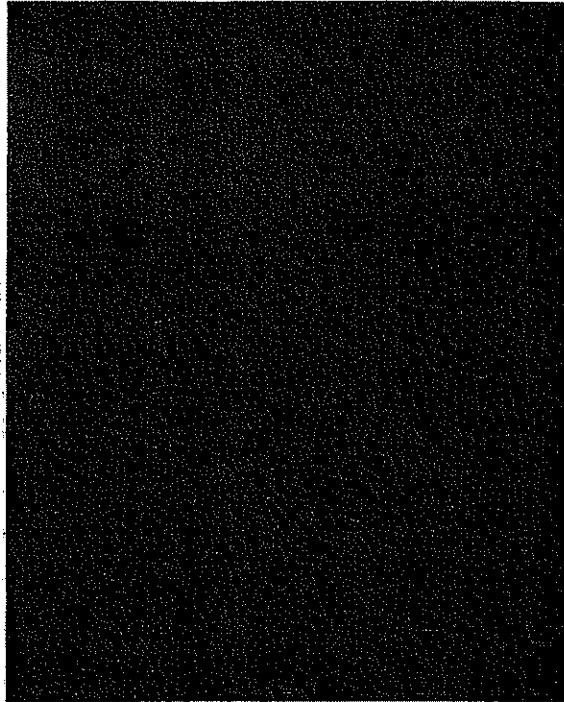
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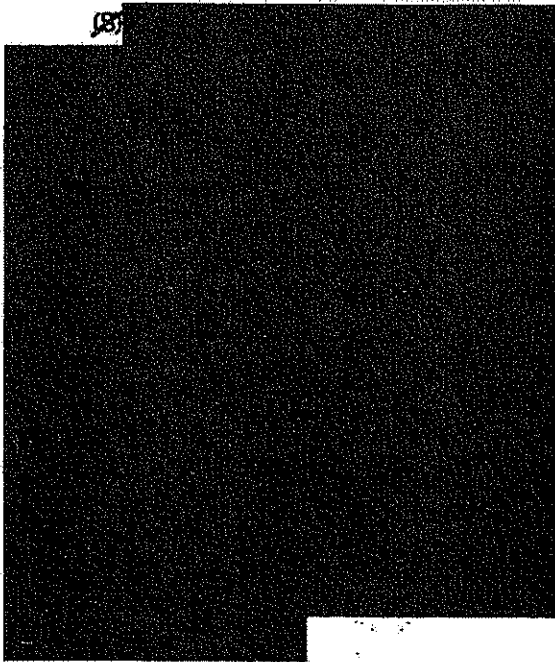
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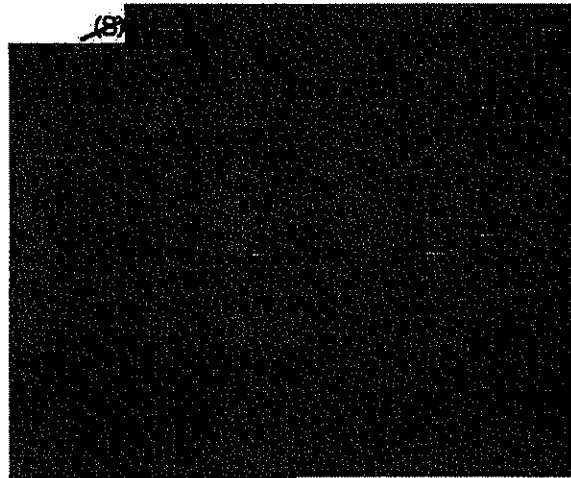


(U) *Mutt and Jeff*

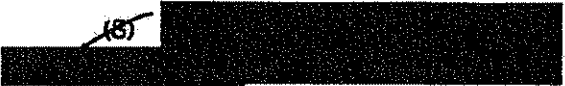


(U) December 2, 2002 Counter Resistance Techniques: (21) Yelling to (37) Mild Contact

(U) *Category I: Yelling, Deception, Multiple Interrogators and Interrogator Identity*



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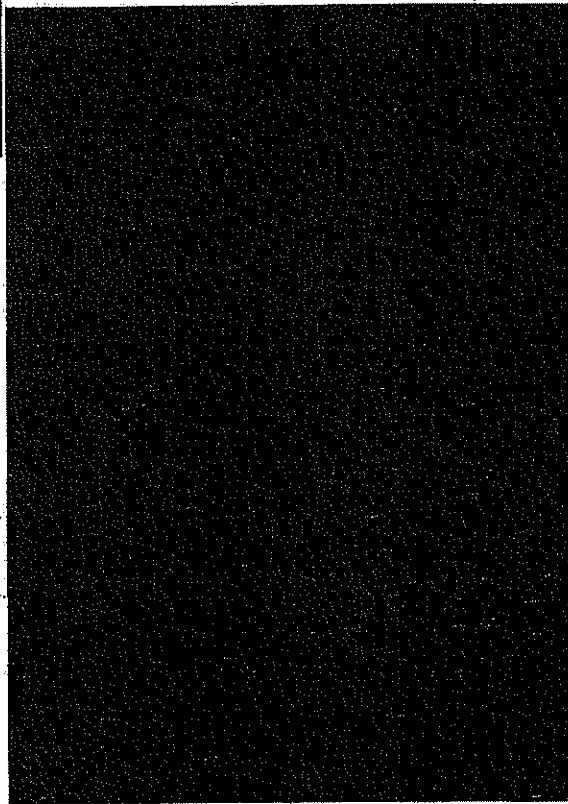
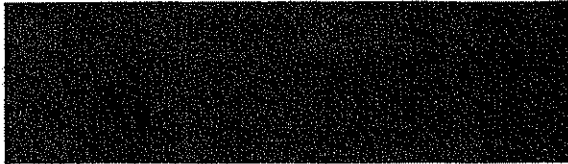
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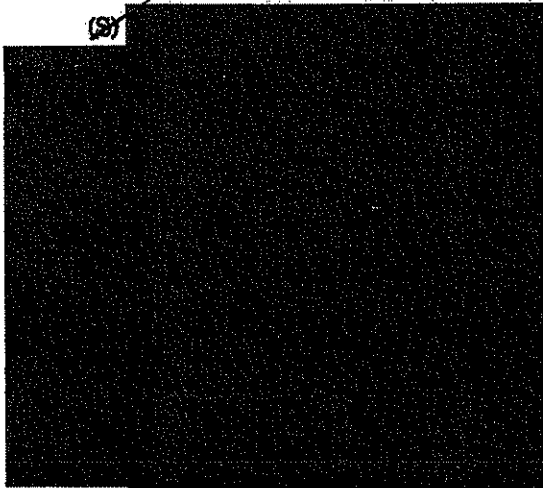
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*(U) Category II: Stress Positions through
Presence of Military Working Dog*



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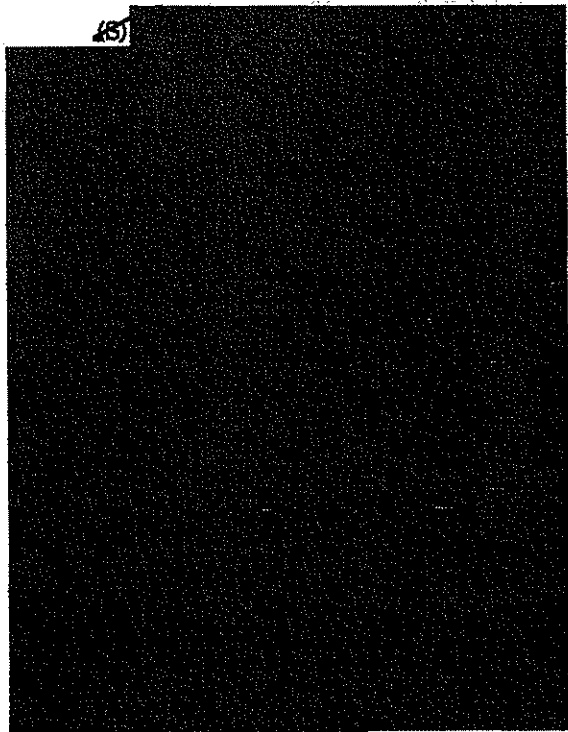
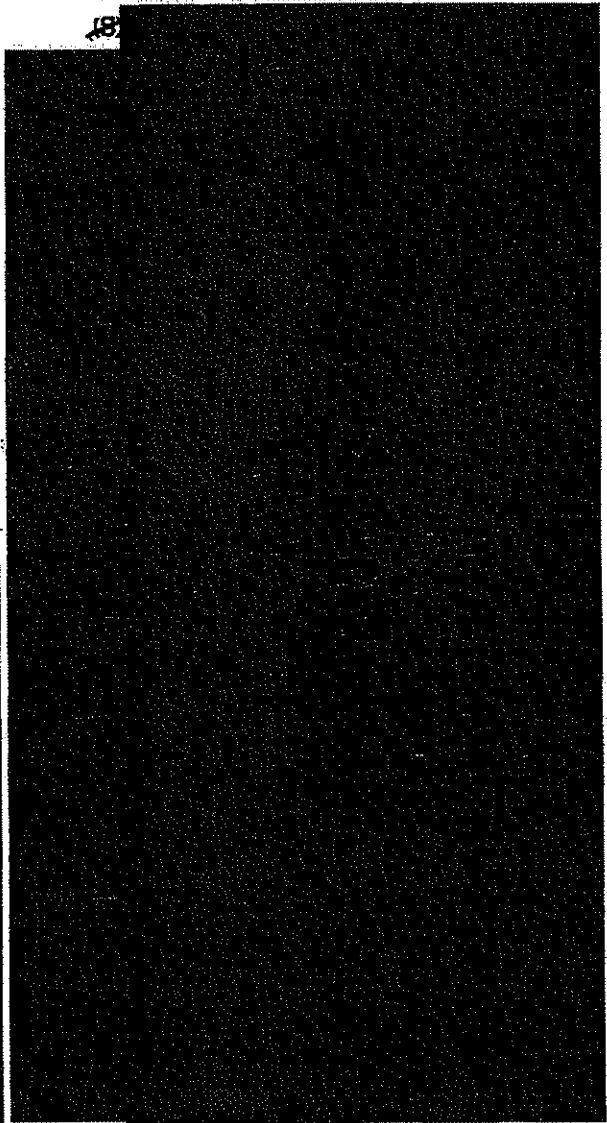
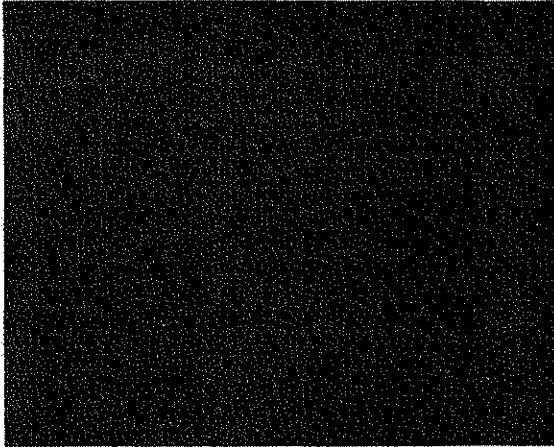
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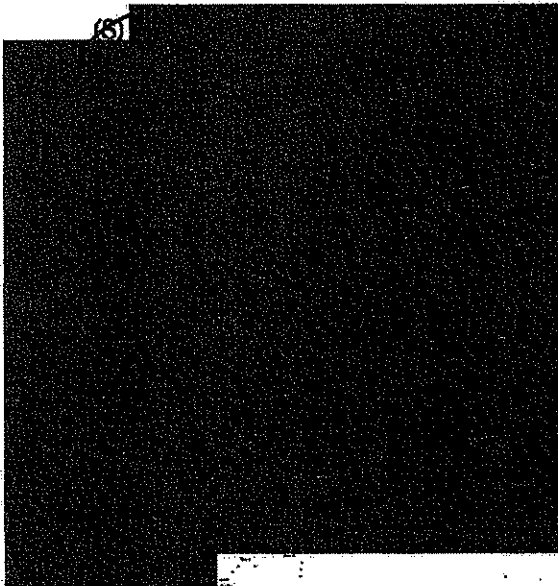
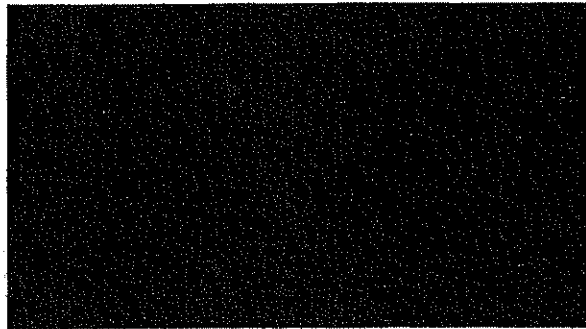
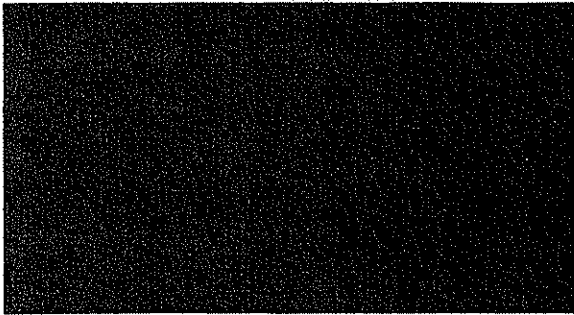
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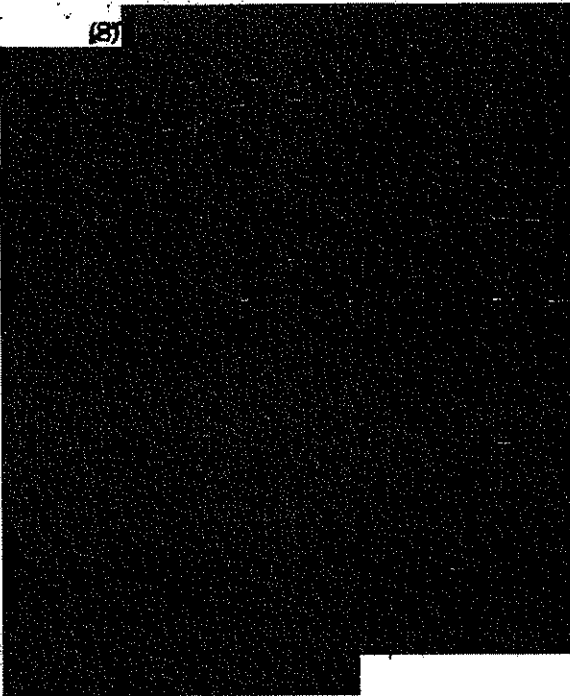
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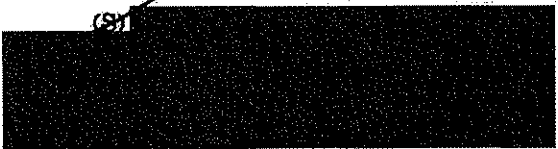
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(U) April 16, 2003 Techniques: (38) Sleep Adjustment to (40) Environmental Manipulation



(U) Category III: Mild, Non-injurious Physical Contact



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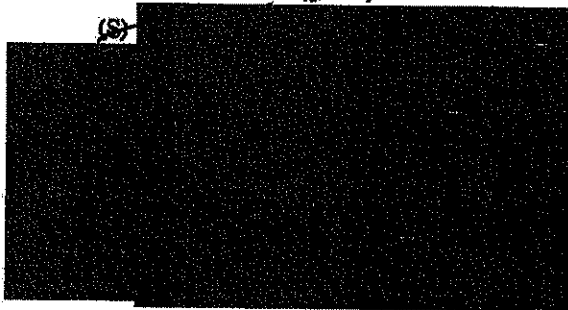
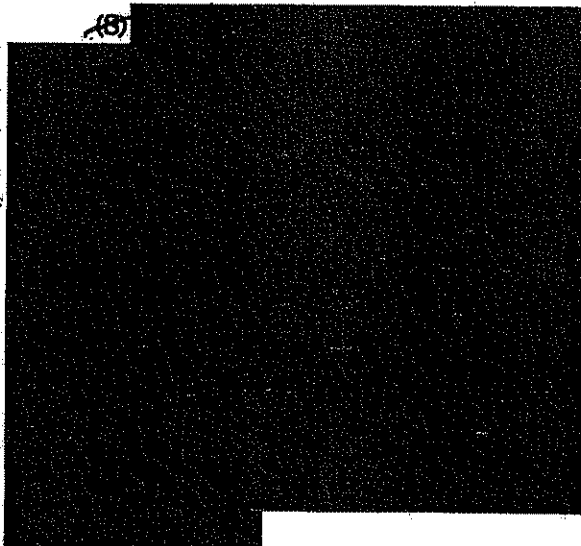
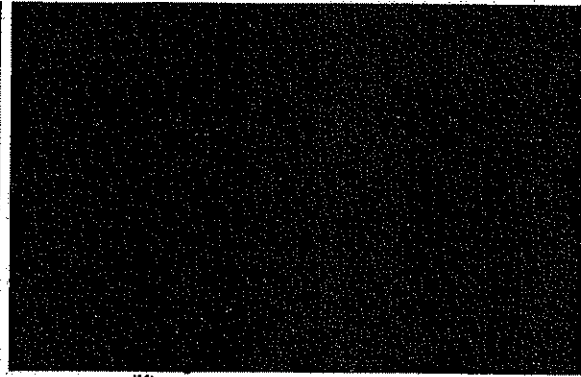
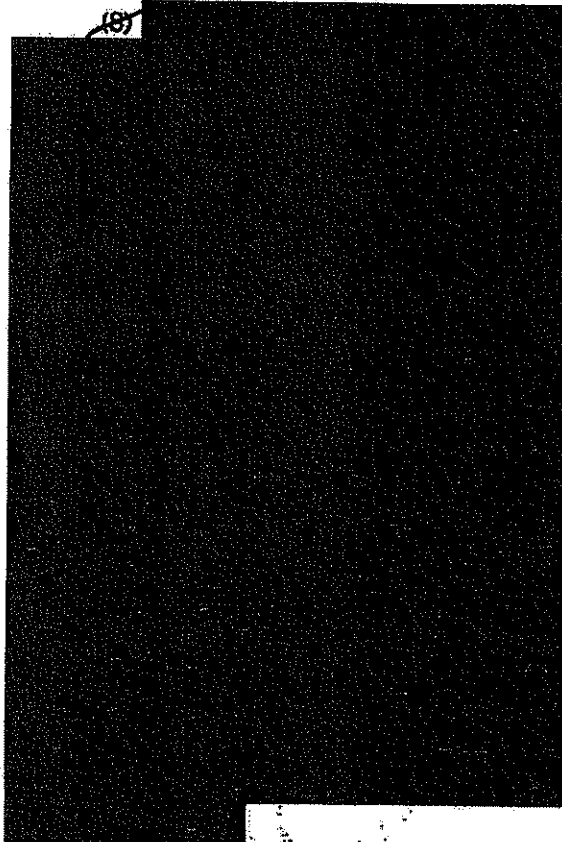
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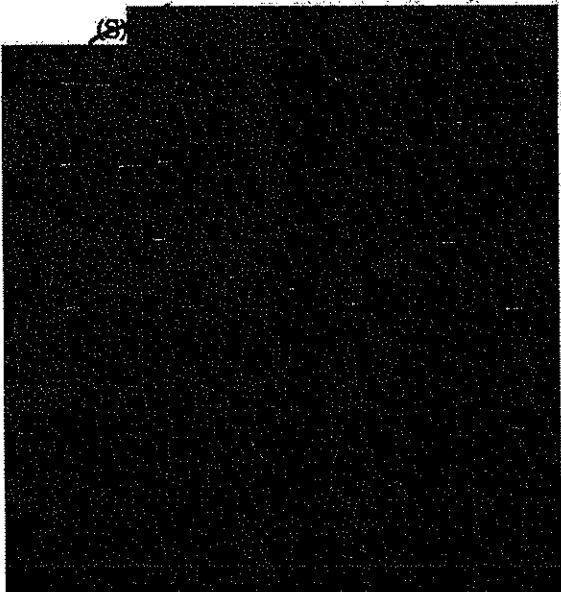
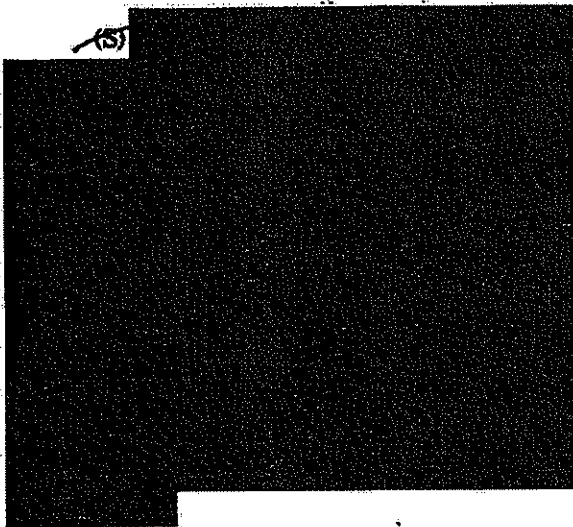
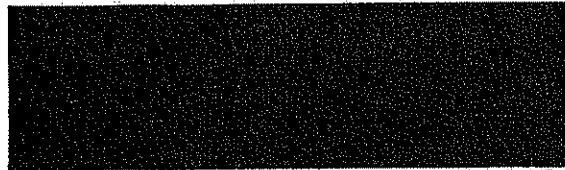
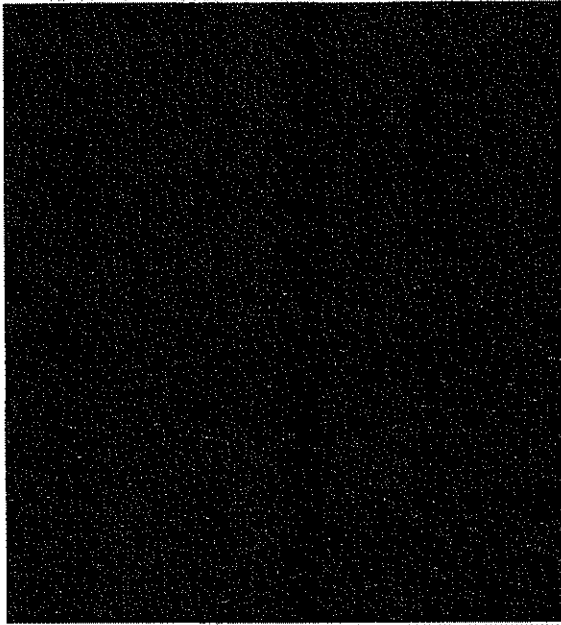
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(U) Notably, on April 22, 2003, this technique was employed in an unauthorized and inappropriately aggressive manner, when an interrogator directed MPs to facilitate bringing [redacted] from standing to a prone position, and the detainee suffered superficial bruising to his knees. As a result, the interrogator involved was issued a letter of reprimand. Furthermore, this abuse was compounded by the fact that the Secretary did not receive advance notice prior to the employment of this technique on April 22, 2003, even though the April 16, 2003 policy requires such advance notice whenever techniques

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not listed in the policy (such as physical training) are employed. This incident was identified and summarized in the May 2004 Church Review.

(S) [Redacted]

(S) [Redacted]

(S) [Redacted]

(U) Prohibited Techniques: (51) Food Deprivation to (58) Threats Against Others

(S) [Redacted]

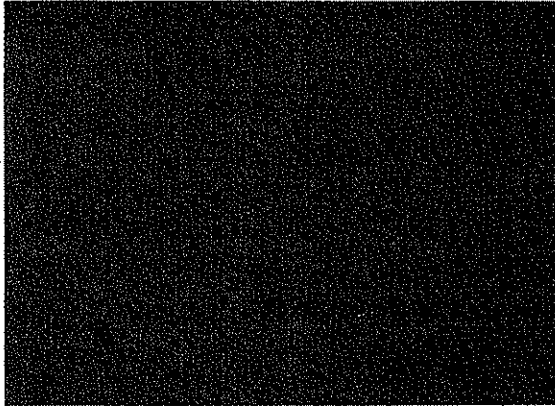
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(U) *Sleep Deprivation*

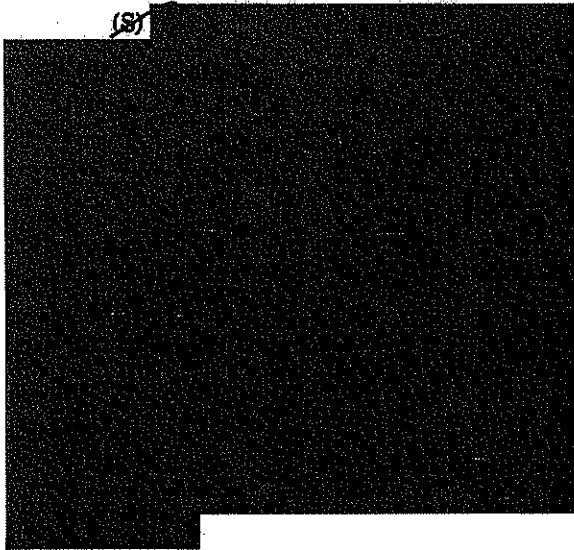
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(U) *Sexual Acts or Mock Sexual Acts*

(U) Finally, on April 17, 2003, a female interrogator made inappropriate contact with a detainee by running her fingers through the detainee's hair and making sexually suggestive comments and body movements, including sitting on the detainee's lap. As mentioned in the abuse section of our report, we 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. The female interrogator was given a written admonishment for her actions. This incident was identified and summarized in the May 2004 Church Review.

(U) *Use of Threatening Scenarios and Threats Against Others*



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~~SECRET//NOFORN~~**Detainee Abuse (U)****(U) Overview**

(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 three cases of closed, substantiated interrogation-related abuse. In addition, there have been only four cases of substantiated abuse committed by MPs, and one substantiated case in which a camp barber committed a minor infraction. All of the closed, substantiated abuse cases are relatively minor in nature, and none bears any resemblance to the abuses depicted in the Abu Ghraib photographs. Almost without exception, therefore, detainees at GTMO have been treated humanely.

(U) We think it bears emphasis that the military leadership at GTMO has been and is making vigorous efforts to investigate all allegations of detainee abuse, whether the allegations come from DoD personnel, contractors, the International Committee of the Red Cross (ICRC), or the detainees themselves. Detainees have numerous channels available to report allegations of abuse: they can report allegations to military police, interrogators, linguists, medical personnel and chaplains. They also have opportunities to bring any concerns to the attention of the ICRC, which is a regular presence at GTMO that advocates on the detainees' behalf.

(U) In our view, the extremely low rate of abuse at GTMO is largely due to strong command oversight, effective leadership, and adequate training on detainee handling and treatment. Additionally, those aspects of the GTMO "model" already discussed above - namely, a command organization that placed detention and intelligence operations under the command of a single entity, JTF-GTMO; effective coordination between interrogators and military police; adequate detention and interrogation resources; and well-developed standard operating procedures - have clearly played a role in keeping detainee abuse to a minimum.

(U) Provided below are the details of the closed, substantiated abuse cases, followed by a brief discussion of some additional allegations of detainee abuse.

(U) Closed, Substantiated Abuse Cases

(U) The three cases of interrogation-related abuse all involved relatively minor assaults, in which MI interrogators clearly exceeded the bounds of approved interrogation policy:

- (U) First, as noted above, a female interrogator inappropriately touched a detainee on April 17, 2003 by running her fingers through the detainee's hair, and made sexually suggestive comments and body movements, including sitting on the detainee's

175

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lap, during an interrogation. The female interrogator was given a written admonishment for her actions.

- (U) Second, also discussed above, on April 22, 2003, an interrogator assaulted a detainee by directing MPs to repeatedly bring the detainee from standing to a prone position and back. A review of medical records indicated superficial bruising to the detainee's knees. The interrogator was issued a letter of reprimand.
- (U) Third, a female interrogator at an unknown date, in response to being spit upon by a detainee, assaulted the detainee by wiping dye from a red magic marker on the detainee's shirt and telling the detainee that the red stain was menstrual blood. The female interrogator received a verbal reprimand for her behavior.

It should be noted that the first and third cases above, despite their relatively minor physical nature, involved unauthorized, sexually suggestive behavior by interrogators, which - as has been reported in the press - raises problematic issues concerning cultural and religious sensitivities.

(U) The four cases of abuse committed by MPs also involved minor assaults:

- (U) First, an MP assaulted a detainee on September 17, 2002, by attempting to spray him with a hose after the detainee had

thrown an unidentified, foul-smelling liquid on the MP. The MP received non-judicial punishment in the form of seven days restriction and reduction in rate from E-4 to E-3.

- (U) Second, on April 10, 2003, after a detainee had struck an MP in the face (causing the MP to lose a tooth) and bitten another MP, the MP who was bitten struck the detainee with a handheld radio. This MP was given non-judicial punishment in the form of 45 days extra duty and reduced in rate from E-4 to E-3.
- (U) Third, on January 4, 2004, an MP platoon leader had received an initial allegation that one of his guards had thrown cleaning fluid on a detainee and later made inappropriate comments to the detainee. The platoon leader, however, did not properly investigate the allegation or report it up the chain of command. The initial allegation against the guard ultimately turned out to be substantiated. This MP was given non-judicial punishment in the form of reduction in rate from E-2 to E-1 and forfeiture of pay of \$150/month for two months; the platoon leader was issued a letter of reprimand for dereliction of duty.
- (U) Fourth, on February 10, 2004, an MP inappropriately joked with a detainee, and dared the detainee to throw a cup of water on him. After the detainee complied, the MP reciprocated by throwing a cup of water

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on the detainee. The MP was removed from duty as a consequence of his inappropriate interaction with the detainee. (As noted in our previous analysis of detainee abuse, we did not consider this case to rise to the level of "abuse" for purposes of our overall examination of detainee abuse in that section.)

(U) The final case of detainee abuse occurred on February 15, 2004, when a barber intentionally gave two detainees unusual haircuts, including an "inverse Mohawk," in an effort to frustrate the detainees' requests for similar haircuts as a sign of unity. The barber and his company commander were both counseled as a result of this incident.

(U) Other Allegations of Abuse

(U) As described above, there have been only a small number of relatively minor, substantiated instances of abuse at GTMO. Nevertheless, recent media reports have fueled controversy over detainee treatment at GTMO, as several detainees (or their lawyers) have made claims of violent physical abuse and torture. For example, three Britons who were held for over two years at GTMO and then released - Shafiq Rasul, Asif Iqbal and Ruhu! Ahmed - have claimed in a 115-page report released by their attorneys that they and other detainees were forcibly injected with drugs, brutally beaten and attacked by dogs. Another British detainee held at GTMO, Moazzam Begg, claimed in a letter released to his legal team that he had been

subjected to beatings and "actual vindictive torture." A Yemeni and former chauffeur for Usama Bin Ladin, Salim Ahmed Hamdan, who is currently held at GTMO, has claimed in a lawsuit that he has been regularly beaten at GTMO. And two Australians held at GTMO, David Hicks and Mamdouh Habib (who has since been released), have also through their lawyers made widely-publicized claims of torture.

(U) We also reviewed a July 14, 2004 letter from an FBI official notifying the Army Provost Marshal General of several instances of "aggressive interrogation techniques" reportedly witnessed by FBI personnel at GTMO in October 2002. One of these was already the subject of a criminal investigation (in the case of an interrogator who allegedly bent a detainee's thumbs backward), which remains open. The U.S. Southern Command and the current Naval Inspector General are now reviewing all of the FBI documents released to the American Civil Liberties Union (ACLU) - which, other than the letter noted above, were not known to DoD authorities until the ACLU published them in December 2004 - to determine whether they bring to light any abuse allegations that have not yet been investigated.

(U) We can confidently state that based upon our investigation, 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

177

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thoroughly investigated, as evidenced by ongoing investigations of Hick's and Habib's claims by the Naval Criminal Investigative Service.)

(U) First, interrogation and detention policies at GTMO have not in any way directed, encouraged or condoned torture or violent physical abuse of detainees, and the amount of command oversight, discussed in some detail above, makes it highly unlikely that such abuse could go unchecked. Second, even minor detainee abuse at GTMO is punished - as noted above, striking a detainee in response to being bitten, or spraying a detainee with a hose in response to being sprayed with a foul-smelling liquid, are grounds for restriction, extra duty and reduction in rank - and thus it would be incongruous for violent physical abuse to exist and go unpunished. Third, as discussed in more detail later in this report, our review of medical records found no evidence to support allegations of torture or violent physical abuse of detainees. In fact, detainees were more likely to suffer injury from

playing soccer or volleyball during recreational periods than they were from interactions with interrogators or guards. Furthermore, the medical personnel that we interviewed stated that no detainees had ever reported physical abuse to them, even though detainees rarely hesitated to complain about minor physical symptoms (such as headaches, rashes, or minor scrapes) or other frustrations (such as disliked food or unruly detainees in nearby cells). Finally, many allegations of violent physical abuse against detainees concern the use of GTMO's Immediate Reaction Force (IRF), which is a disciplinary squad employed only as a last resort to compel non-compliant detainees to follow guards' orders using the minimum necessary force. Detainee non-compliance, therefore, sometimes entails a physical confrontation with the IRF, but this is a necessary and legitimate aspect of camp discipline. Moreover, we identified no evidence of abuse from a review of IRF videotapes, and our findings in this regard are consistent with a SOUTHCOM review conducted in June 2004.

178

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Operation ENDURING FREEDOM – Afghanistan (U)

(U) This section examines the evolution of interrogation techniques approved and employed in Operation ENDURING FREEDOM (OEF) in Afghanistan. It begins with a discussion of the background to interrogation operations in Afghanistan.

Background (U)

(U) Shortly after noon Eastern Daylight Time on October 7, 2001, less than four weeks after the terrorist attacks of September 11, coalition forces commenced combat action against al Qaeda and the Taliban in Afghanistan. The conflict that followed was unique for its successful integration of U.S. special operations forces (SOF) with local Afghan militia forces, and for its unprecedented speed and success, despite the challenges posed by inhospitable terrain, a history of internecine fighting among Afghan tribes, and an enemy who attempted to use the local populace for cover and concealment.

(U) Broadly speaking, the campaign can be broken into three major phases: an initial phase of intense aerial bombardment lasting from October to late November 2001 in which the preponderance of U.S. ground presence consisted of SOF; a build-up of U.S. conventional forces that began in late November 2001 with the insertion of Marines into Camp Rhino, near Kandahar; and a period of ongoing low-intensity conflict and counter-insurgency operations involving a mix of conventional forces

and SOF that began in May 2002 with the establishment of Combined Joint Task Force 180 (CJTF 180). The extensive reliance on light, highly mobile forces including both SOF and the paramilitary forces of other government agencies (OGA) shaped the development of interrogation facilities and techniques in the conflict by limiting the number of large, fixed bases capable of supporting detention and interrogation of large numbers of detainees. Even today, nearly three years after the start of the conflict, only two U.S. military facilities in Afghanistan - those at Bagram and Kandahar - are equipped and staffed with dedicated interrogation facilities and interrogators and have the ability to hold more than a handful of detainees.

(U) The reliance on light, mobile forces was driven largely by the rugged geography and political composition of Afghanistan. The country is inaccessible by sea, and high mountain passes that are prime locations for ambush limit interior communication by road. Most U.S. materiel and large equipment is shipped to Karachi, Pakistan where it is loaded on trucks and then driven hundreds of miles over unimproved roads. Drivers must endure ambushes, illegal tariffs, and pilfering before eventually arriving at their destination in Kandahar or Bagram. This trip may take two weeks to complete, if completed at all. Virtually all U.S. personnel have to be airlifted into the country. The 2003 CIA World Factbook lists only ten airports with paved runways in the country, placing a heavy reliance on helicopters and smaller fixed-

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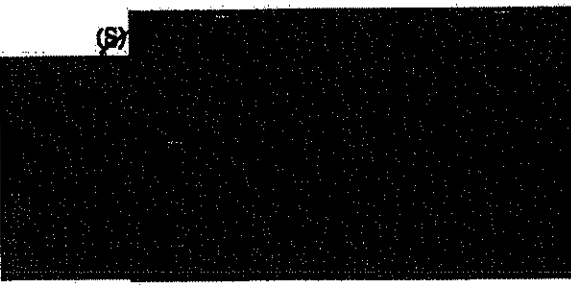
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wing transport, capable of carrying lighter loads and landing on unimproved fields. Over 49 percent of the country is at greater than 6,500 feet above sea level, with passes in the mountainous regions frequently exceeding 10,000 feet above sea level. These conditions further limit the loads that can be carried by aircraft, especially helicopters. The movement of large heavy troop formations and the construction of suitable facilities to house them is nearly impossible in these conditions.

(U) Political power in Afghanistan has historically been concentrated in local tribes or clans rather than a central government. Even during the Soviet occupation, the mujaheddin fighters who successfully opposed the Soviets were not a unified force, but a loose coalition of leaders who frequently fought amongst themselves even as they were fighting the Soviet Union. During the initial phases of OEF, small formations of U.S. military and paramilitary forces were able to integrate with tribal leaders, establishing bonds of trust in a way that large formations of conventional troops could not have done. After the Taliban fell, operations to root out terrorist and Taliban strongholds in Afghanistan's mountains, caves, and valleys favored small units that could exploit air mobility and mass in larger formations when required, rather than large, heavy forces with their associated garrisons and facilities.

Evolution of Command Structures and Detention Facilities (U)

(U) Overall combatant command in Operation ENDURING FREEDOM has always resided with the Commander, United States Central Command (CENTCOM), headquartered in Tampa, Florida, with forward headquarters initially in Saudi Arabia, and later in Qatar. During the initial stages of combat in Afghanistan, operations fell principally under the purview of the combined forces component commanders. The Combined Force Air Component Commander (CFACC), Lieutenant General T. Michael Moseley, USAF, for instance, directed air operations. He reported directly to the CENTCOM commander, General Tommy Franks, USA. The Combined Force Land Component Commander (CFLCC), Lieutenant General P. T. Mikolashek, USA, controlled all ground forces except SOF, which fell under the purview of the Combined Force Special Operations Component Commander (CFSOCC), Rear Admiral Albert Calland, USN (also referred to as the Combined Joint Force Special Operations Component Commander, or CJFSOCC).



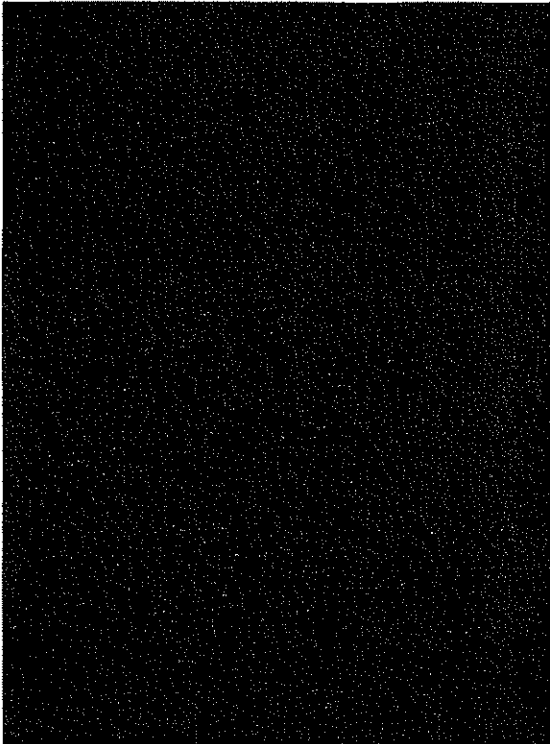
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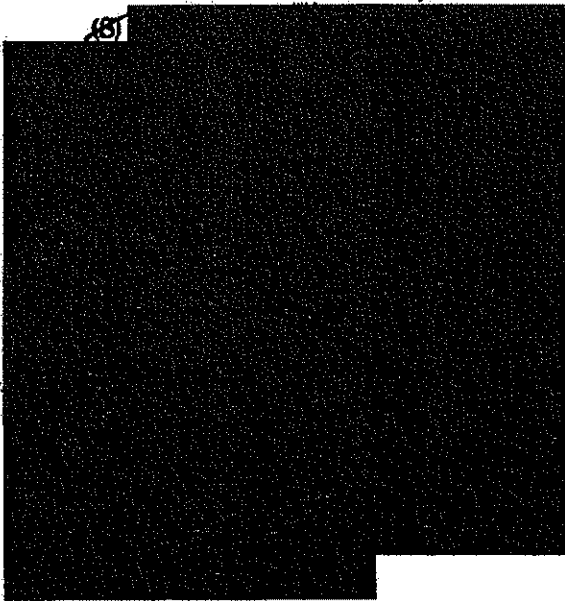
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forces grew and their scope of action increased, LTG Mikolashuk deployed MG Frank "Buster" Hagenbeck, USA, commander of the 10th Mountain Division, as CFLCC (Forward) in Afghanistan.



(U) On November 25, 2001, Task Force 58 (TF 58), composed of U.S. Marines from the 15th and 26th Marine Expeditionary Units (Special Operations Capable), or MEU (SOC), assaulted and gained control of an airfield west of Kandahar, which was dubbed "Camp Rhino." Using Rhino as an operating base, TF 58 seized control of Kandahar airfield on December 13, 2001. In the east, on November 30, CFLCC had taken charge of the Bagram Air Base 20 miles north of Kabul, and in early December deployed Army units to Mazar-E-Sharif. As the number of conventional ground



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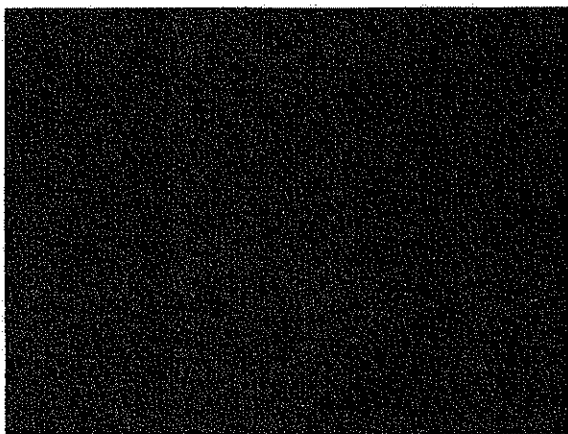
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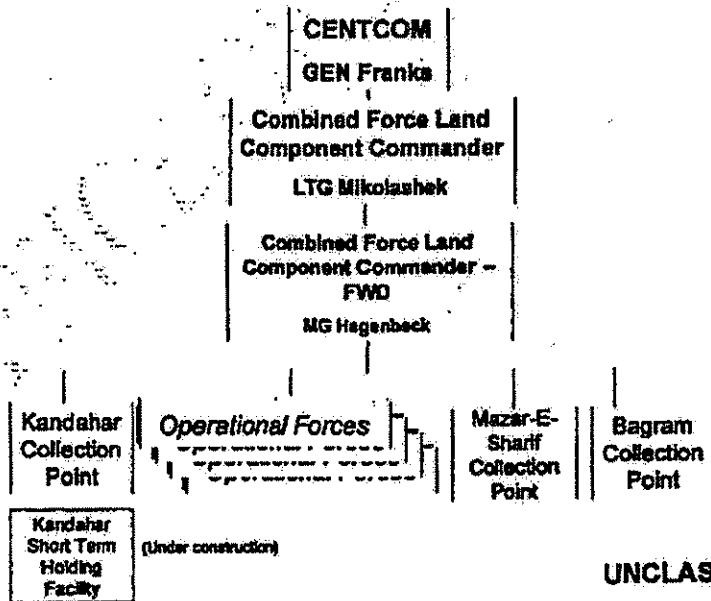


detention and interrogation operations in early January 2002, and the locations of detention facilities are depicted in the following figures.

(U) Kandahar's fall to coalition forces on December 13, 2001 represented the collapse of the last Taliban stronghold, although heavy combat continued through the new year and into the spring of 2002, particularly around the Tora Bora region. Coalition combat successes yielded new detainees, which threatened to overcrowd the limited facilities available. As discussed previously,

(U) The resulting command structure for the U.S. Naval Base at Guantanamo Bay, Cuba was

Early Afghanistan Detention Command Structure- January 2002 (U)



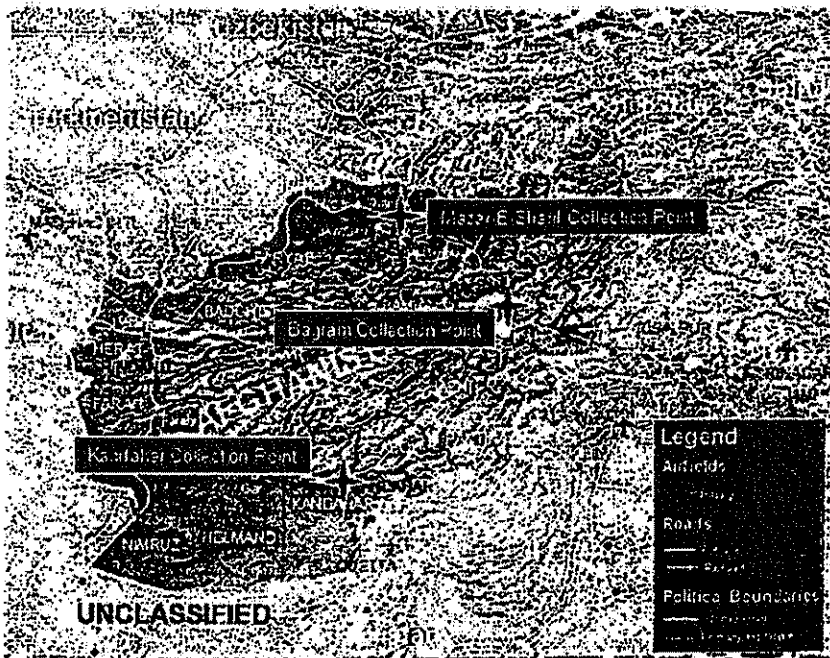
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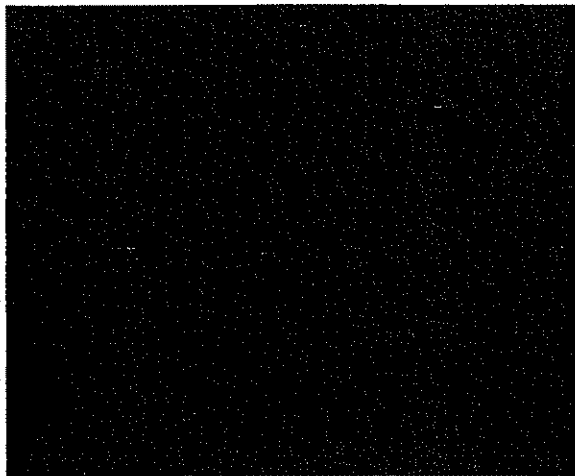
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DoD Detention Facilities in Afghanistan - January 2002 (U)



identified as a suitable location for a long-term detention and strategic interrogation facility. The first transfers of detainees to the GTMO facility commenced on January 7, 2002.

(S) By May 2002, Afghanistan had developed into a more mature theater of operations. On May 21,



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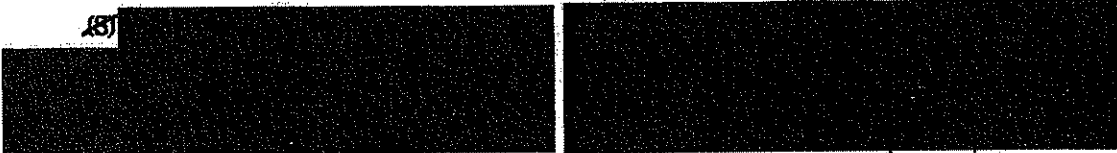
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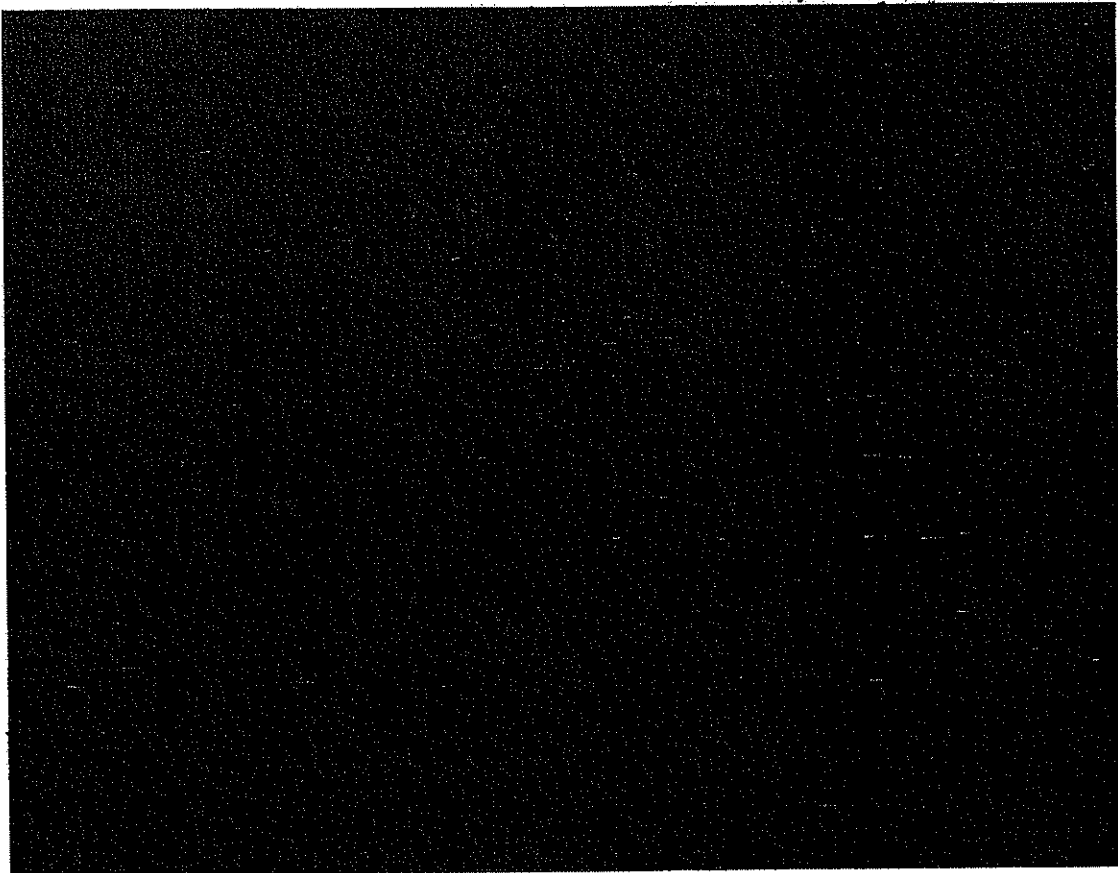
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Afghanistan Detention Command Structure - May 2002 (U)



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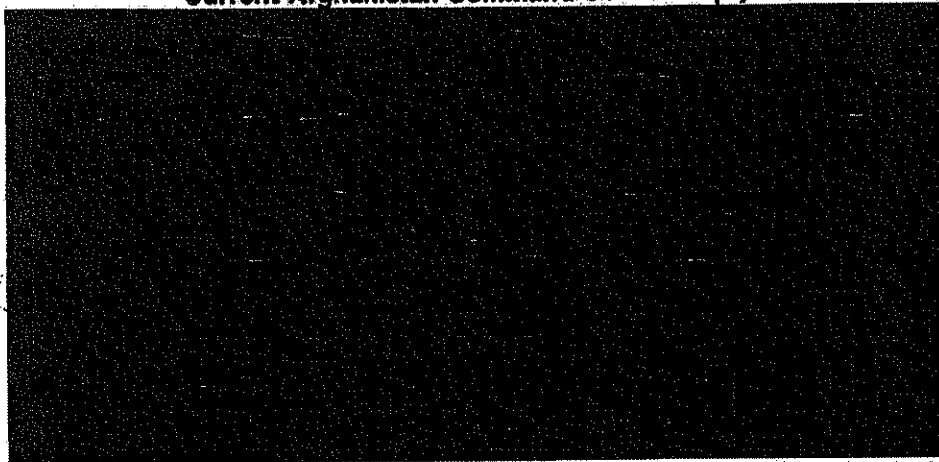
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Combined Forces Commander Afghanistan (CFC-A), LTG David Barno, USA. (Headquartered in Kabul, CFC-A had been established on February 4, 2004.) On May 15, CJTF-180 was re-designated CJTF-76. The effect of these changes was to consolidate under a single command the command and control of both the peacekeeping mission (executed by the International Security Assistance Force) and the war-fighting mission. Authority and responsibility for the detention and interrogation mission remains with the CJTF-76 commander, under CFC-A. The current command structure is depicted in the figure below.

(U) In April and May 2004, the command structure in Afghanistan underwent another evolution, this one coincident with a planned force rotation. MG Eric Olson, commanding the Army's 25th Infantry Division, was designated CJTF commander on April 15, 2004, and the CJTF was placed under the operational command of the

(U) In July 2004, due to a growing detainee population, the facility at Kandahar was re-designated a collection point and detainees are now housed there for a longer period of time. Following

Current Afghanistan Command Structure (U)



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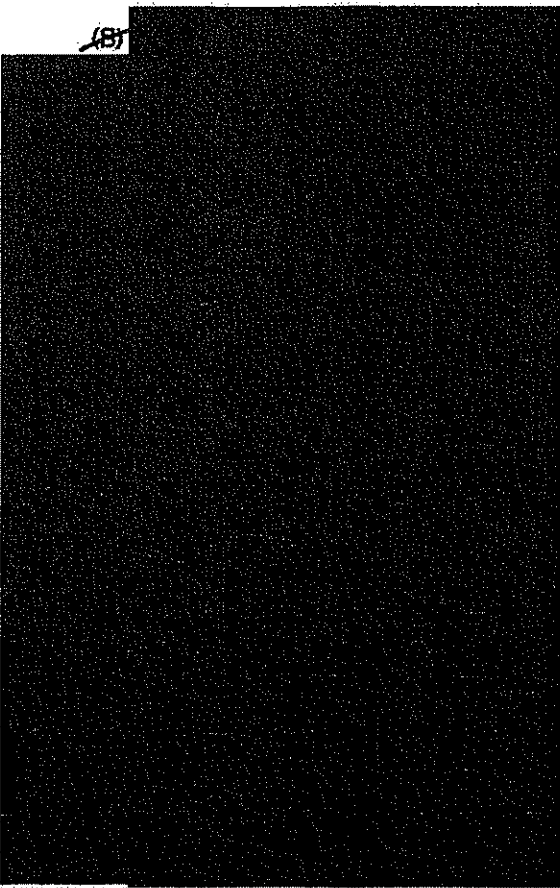
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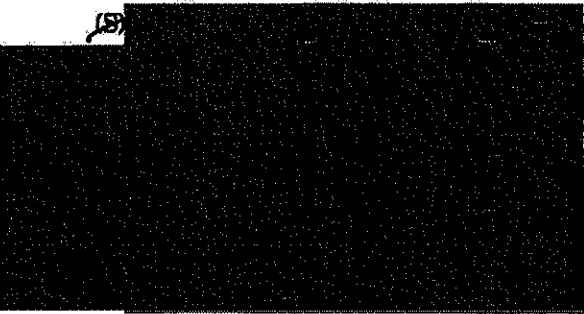
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the designation of Bagram as the primary collection point and interrogation facility in May 2002, Kandahar continued to function as a short term detention facility, though interrogation personnel were not permanently assigned there. The re-designation of Kandahar as a collection point is not strictly in keeping with the doctrinal definition of "collecting point," since (like Bagram) the facility is functioning more as an internment/resettlement (I/R) facility. With the re-designation of Kandahar as a longer-term facility, it is anticipated that additional interrogators and interrogation support personnel will again operate there.



**Evolution of Guidance Regarding
Detainee Treatment (U)**

(U) The status and treatment of captured personnel in Afghanistan has been the subject of considerable debate at the policy level, largely due to the question of the legal status of Taliban and al Qaeda combatants. According to an information paper prepared on February 5, 2002, prior to the initiation of hostilities CENTCOM had sought clarification from the Joint Staff as to the legal status of personnel who might be captured in Afghanistan; and two days after hostilities began, these questions had not yet been resolved to CENTCOM's satisfaction (based on further specific requests to the Joint Staff for legal clarification contained in an Unconventional Warfare Campaign OPORD dated October 9, 2001).



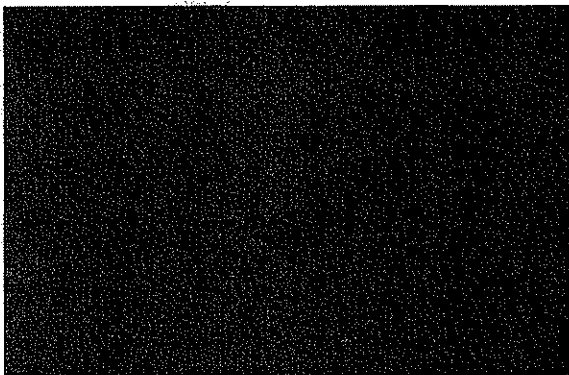
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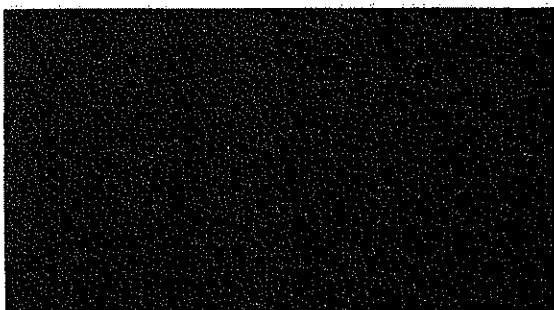
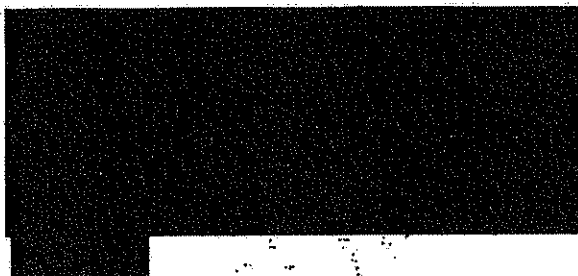
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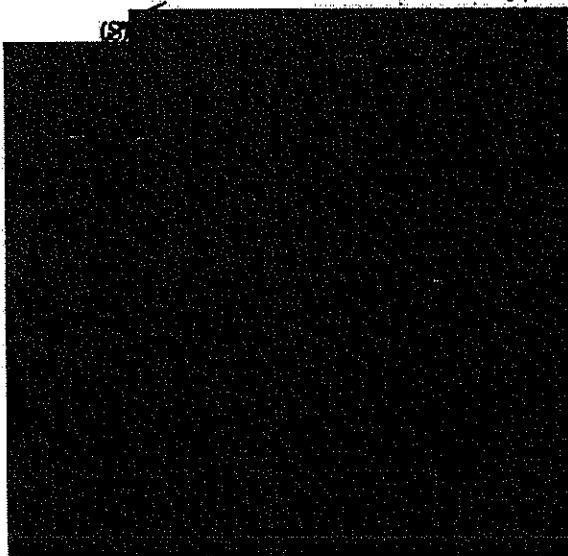
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(U) The next new guidance regarding detainee status came in mid-January 2002. On January 19, the Secretary of Defense concluded in a memorandum to the Chairman of the Joint Chiefs of Staff (CJCS) that al Qaeda and Taliban detainees were not entitled to EPW status under GPW. CJCS forwarded the content of this memo to CENTCOM and SOUTHCOM commanders by message on January 21, 2002. The message provided the formulation, which would appear again two weeks later in a Presidential memorandum, to "treat [detainees] humanely and, to the extent appropriate and consistent with military necessity, in accordance with the principles of the Geneva Conventions of 1949." CENTCOM promulgated this guidance verbatim to its component commands by message on January 24, 2002.



(U) On February 4, 2002, CENTCOM issued Appendix 1 to Annex E to the campaign plan for Operation ENDURING FREEDOM. Apparently developed independent of the guidance received from the Secretary of Defense and CJCS, this Appendix encapsulates the requirements of the GPW and Army Regulation 190-8, *Enemy*

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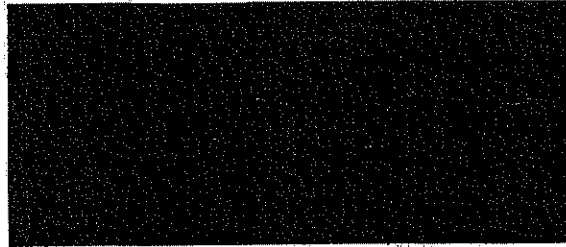
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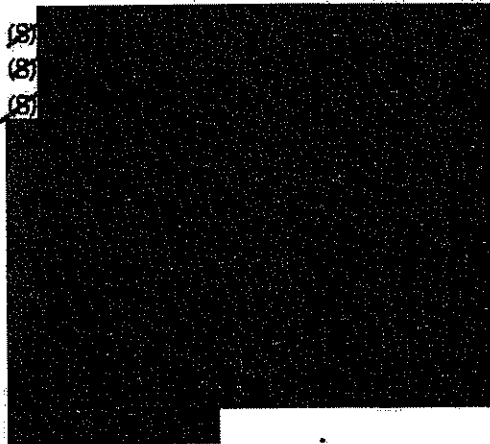
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Prisoners of War, Retained Persons, Civilian Internees and Other Detainees (AR 190-8). It provides that "captured personnel are presumed to be EPW immediately upon capture...if questions arise as to whether captured personnel belong in the EPW category, they receive the same treatment as EPW until their status has been determined by a competent military tribunal according to AR 190-8." The appendix defines "other detainee" (OD) as "a person in U.S. custody who has not been classified as an EPW (Article 4, GPW), an RP (Article 33, GPW), or a CI (Article 78, GC) [and] is afforded protection similar to an EPW until a legal status is ascertained by competent authority." The appendix makes no reference to al Qaeda or Taliban specifically, nor does it list the CJCS message regarding status of al Qaeda and Taliban detainees as a reference.

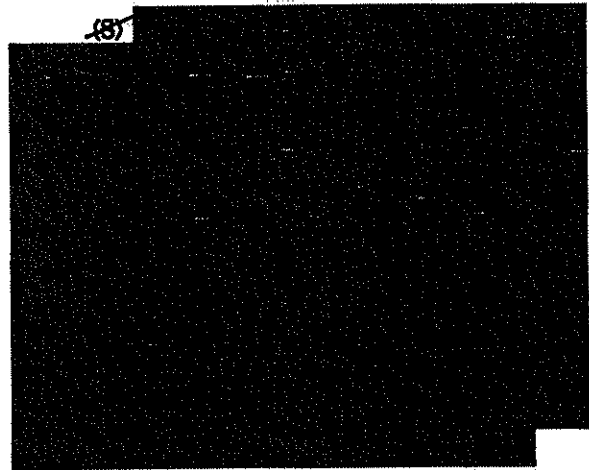


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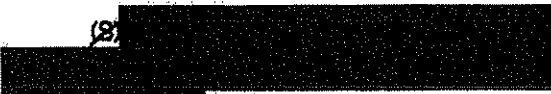


(U) The President re-affirmed the Secretary of Defense memorandum regarding treatment and status of detainees in a memorandum dated February 7, 2002. As previously described in our interrogation policy and doctrine section, this memorandum found that the Geneva Conventions did not apply to the conflict with al Qaeda, and that, although the Geneva Conventions did apply to our conflict with the Taliban, the Taliban were unlawful combatants and thus not entitled to EPW status.

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sought based on intelligence information. Detainees are also captured in the immediate aftermath of attacks against U.S. or Afghan forces, if there is reason to suspect that the person has information pertaining to the attack, or which could help prevent future attacks. In addition, "cordon and sweep" operations have been conducted in areas known to harbor Taliban or al Qaeda elements in order to capture or kill those elements, or to gain intelligence about their location and activities.

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Detainee Flow From Point of Capture Through Detention (U)

(U) Persons come into U.S. custody in Afghanistan through several means. First, there are a small number who were captured during traditional force-on-force fighting against Taliban or al Qaeda groups, or following the seizure of an enemy facility. Many of these detainees have since been transferred to GTMO. There are also detainees who were captured by opposition groups, such as the Northern Alliance, and transferred to U.S. control after being screened using the criteria described above. Finally, there are those who are picked up by U.S. forces in the course of ongoing operations, as described below. The majority of captured persons in Afghanistan now fall in the last category.

(S/NF) [Redacted]

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(S/NF) [Redacted]

(U) Ongoing operations by U.S. forces include raids in which specific personnel are

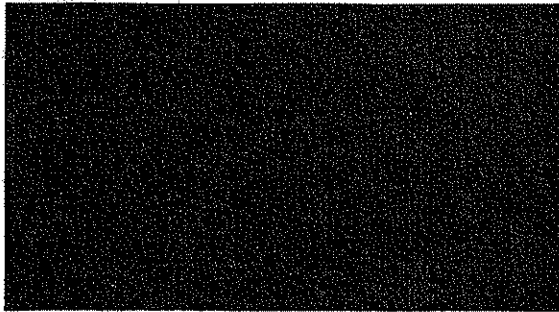
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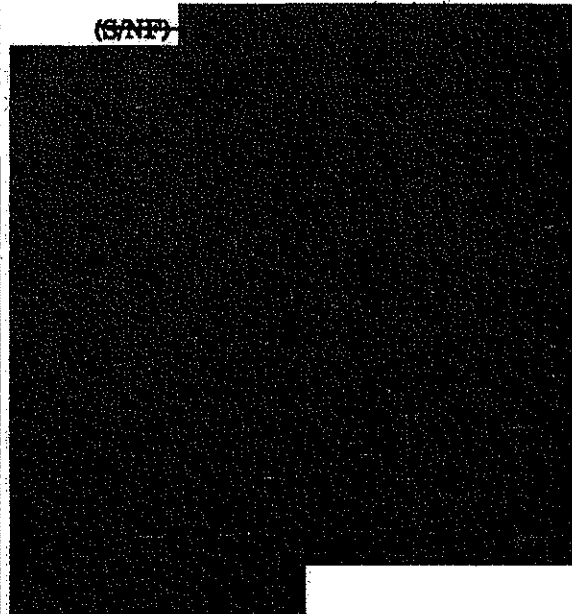
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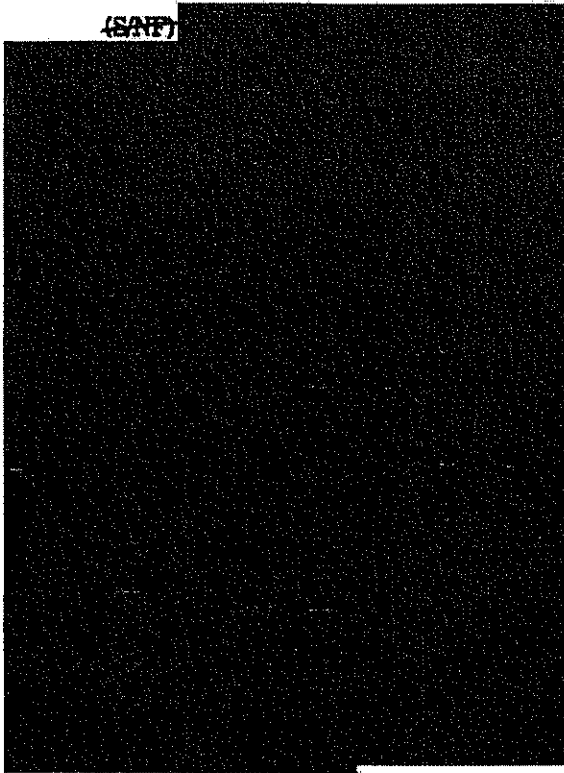
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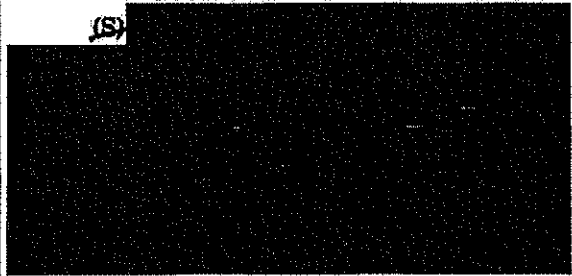
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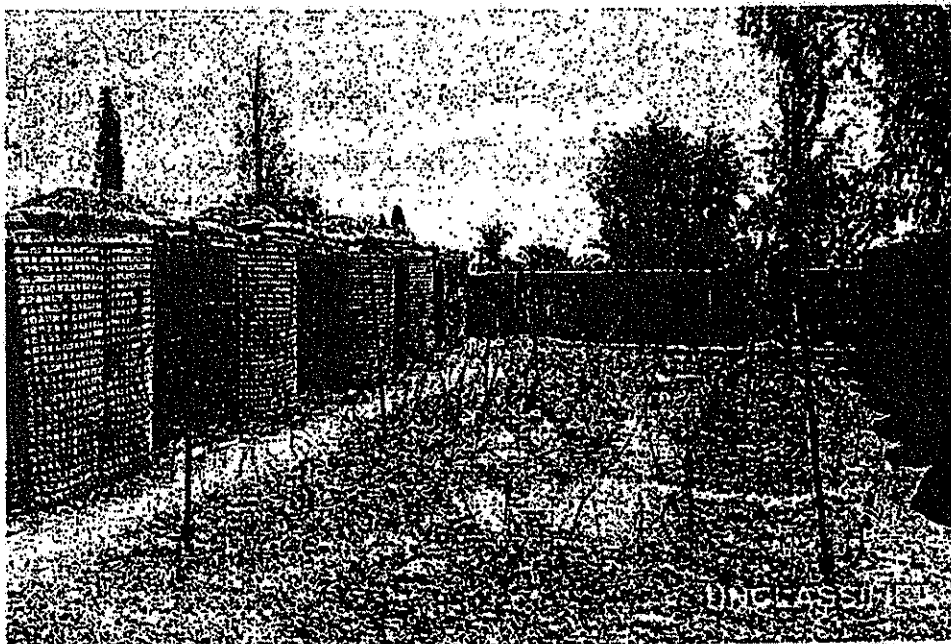


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Field Holding Site at Salerno (U)



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ited aircraft availability, which may result in ground transportation by convoy. Poor road conditions throughout the country, coupled with the danger of enemy attacks or roadside bombs, land mines or improvised explosive devices (IEDs), can create extremely long travel times. For example, surface travel from Kandahar to the FOB at Gereshik, a distance of less than 60 miles, can take more than six hours.

(U) Transfer from field holding sites to the facilities at Kandahar and Bagram can be challenging and time-consuming. The preferred method of transfer is by helicopter, but competing operational requirements frequently result in lim-



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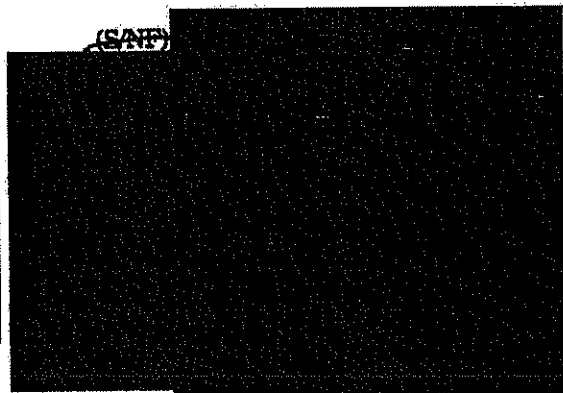
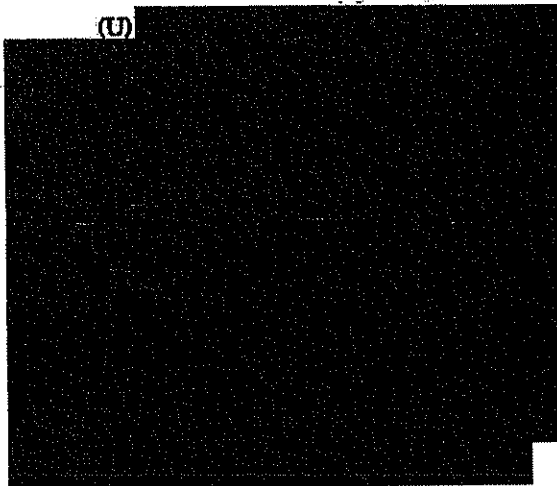
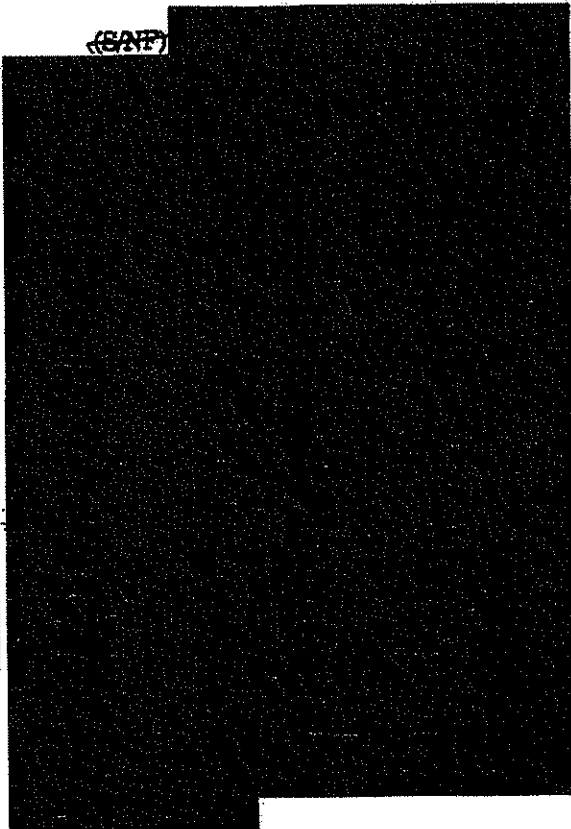
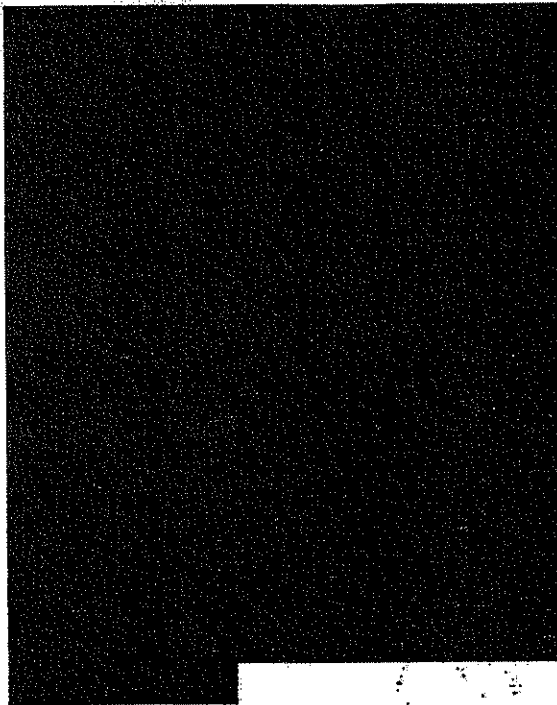
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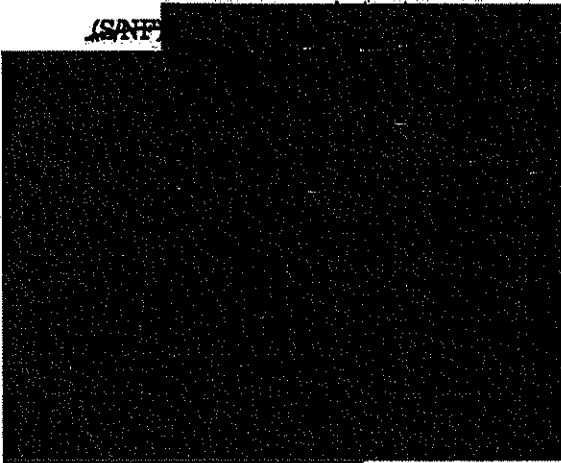
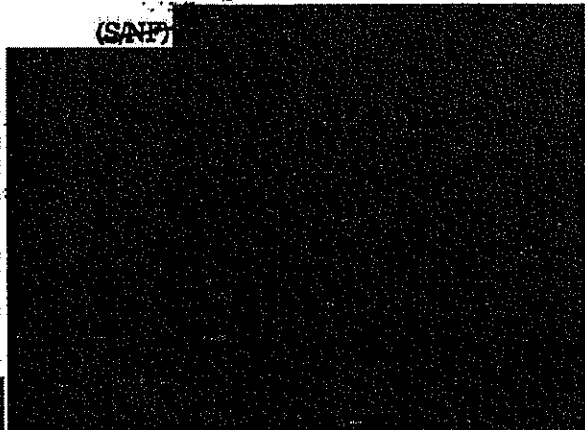
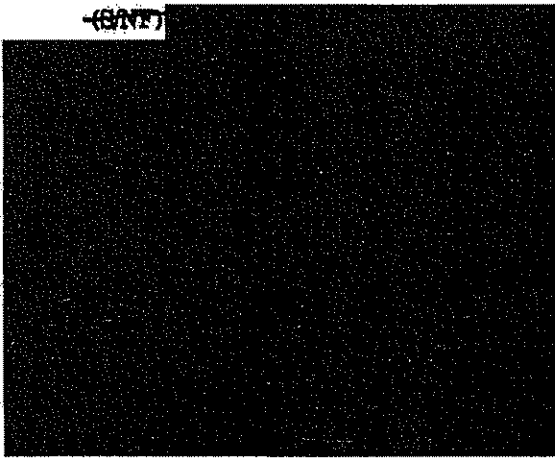
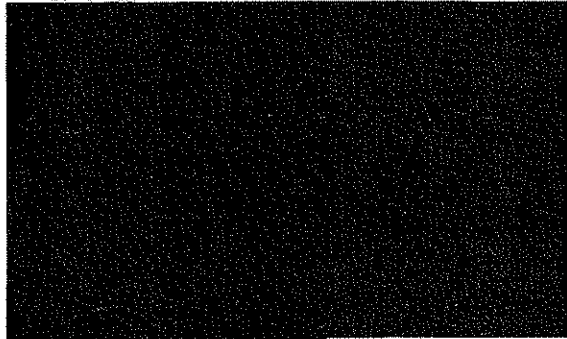
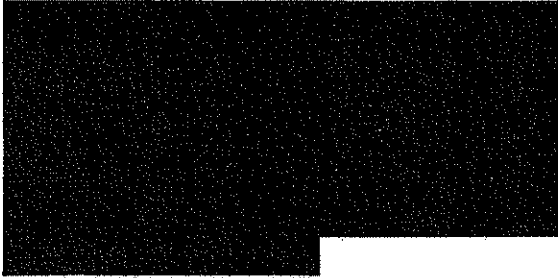
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MI-MP Relationship (U)

(U) In Afghanistan, the working relationship between MI and MP personnel was dictated by doctrine, albeit with all of the uncertainties regarding implementation of interrogation techniques described in our report's section on MI-MP Doctrine. Interviewees repeatedly stated, "MPs do not interrogate." However, the decision as to whether MPs participated in the implementation

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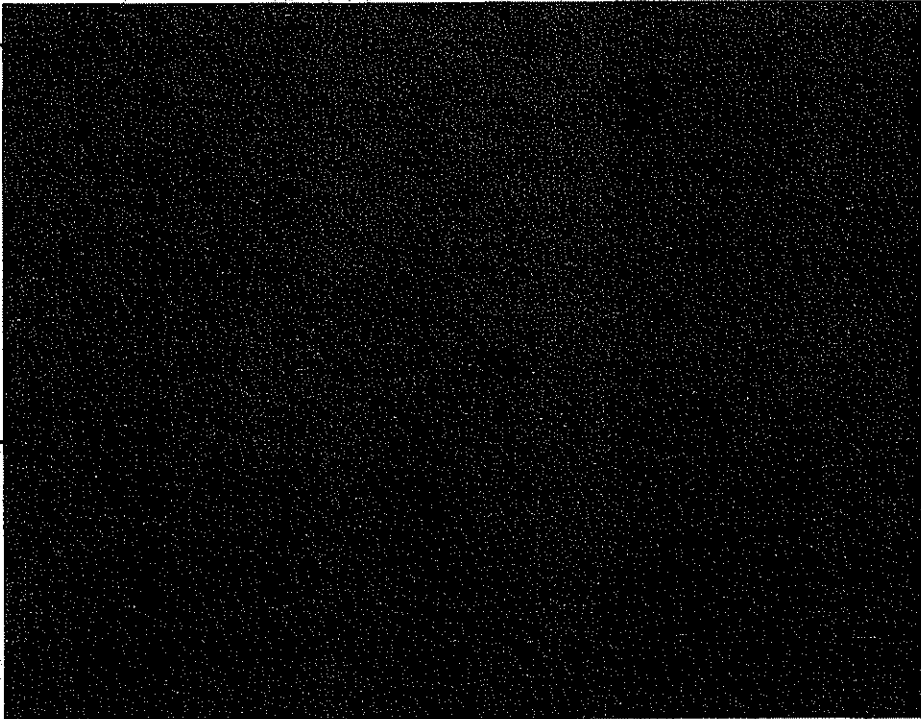
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Classification of Captured Persons in Afghanistan (U)

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of techniques such as Sleep Adjustment or MRE-Only Diet, or were present in interrogation rooms, devolved to the unit level for reasons we have discussed previously in our discussion of doctrine. For instance, we received some reports that at times, MPs had enforced detainee compliance with Safety Positions.

MI and MP units maintained separate chains of command and remained focused on their independent missions. After the BCP's establishment, for example, the CJTF-180 Provost Marshal (the senior officer responsible for detention operations) designated a principal assistant to oversee detention operations there, while the CJTF-180 CJ2 was responsible for interrogation operations in the facility. The two work together to coordinate execution of their respective missions. A dedicated judge advocate has been assigned full time to the

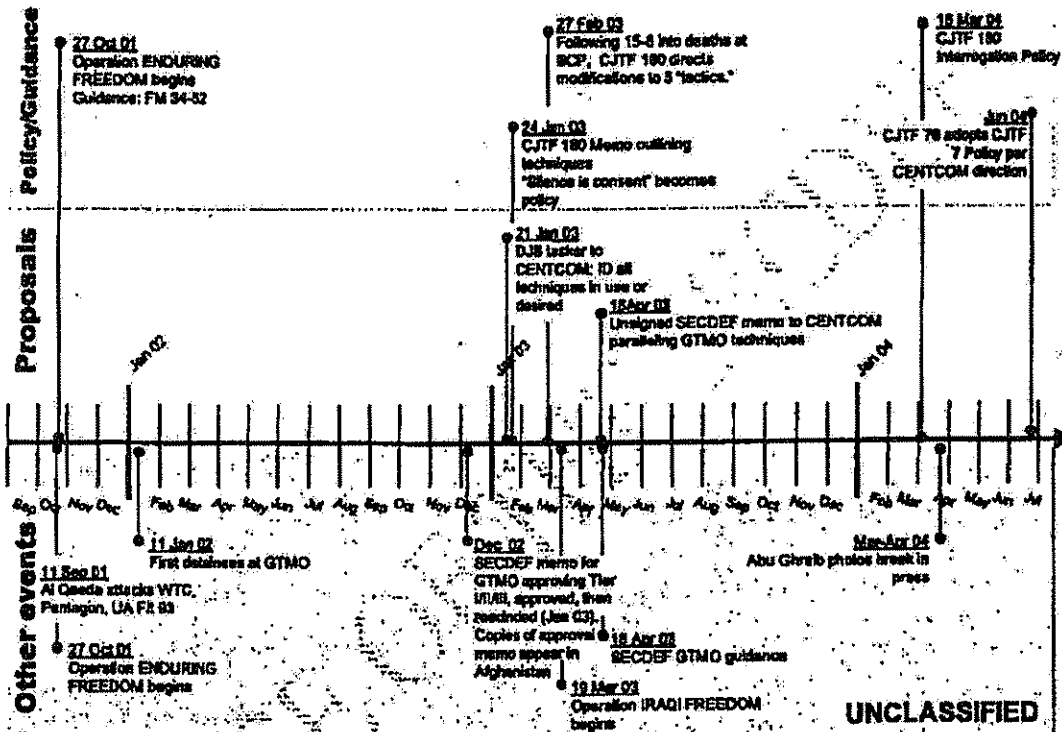
(U) In general, though, we found that in practice the MI-MP relationship in Afghanistan was well-defined, particularly at the BCP, and that

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Afghanistan Counter-Resistance Policy Development (U)



facility, and the CJTF-76 Inspector General provides independent oversight.

(U) Our MP interviews also suggested that media coverage of the Abu Ghraib abuses has resulted in a feeling among some guards that any misconduct on the part of the interrogators will also reflect upon them. The Kandahar facility's provost marshal provided an example of a resultant precautionary measure: at Kandahar, Plexiglas has been installed between interrogation

rooms and adjacent observation rooms so that guards may observe interrogations. Guards are directed to ensure the safety of detainees as well as of interrogators.

Evolution of Approved Techniques (U)

(U) As with GTMO, the interrogation techniques approved for use in Afghanistan have evolved significantly over time. The highlights of this evolution are depicted in the above figure and

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are described briefly below, followed by a detailed, chronological examination of the major events and that have shaped the development of approved interrogation techniques in Afghanistan.

(U) October 2001 - February 2004

(U) From the beginning of OEF on October 27, 2001 until January 23, 2003, the only official interrogation guidance in Afghanistan was the doctrine contained in FM 34-52. In response to a January 21, 2003 message from the Director of the Joint Staff (DJS), on January 24, 2003 the CJTF-180 Acting Staff Judge Advocats (SJA) forwarded a memorandum describing techniques then being employed in Afghanistan, citing FM 34-52 as the only reference and noting that the techniques described were "based on interrogators' experiences during Operation ENDURING FREEDOM (OEF) from Dec 01 - Jan 03," and strongly recommending that the techniques listed be approved as official policy.

(U) As described previously, no dedicated U.S. interrogation personnel entered the Afghanistan Combined-Joint Operating Area (CJOA) until late November 2001. Having no other specific guidance, these HUMINT teams relied on FM 34-52, which would remain a basic source of approved interrogation techniques throughout OEF.

(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. In particular, Alpha Company, 519th MI Battalion (A/519), [REDACTED]

[REDACTED] developed a variety of techniques that went well beyond those authorized in FM 34-52. Some of these techniques, including sleep adjustment and stress positions, were similar to those included in the counter-resistance techniques requested by SOUTHCOM and approved by the Secretary of Defense in December 2002 for employment at Guantanamo. (How these techniques appeared in Afghanistan is described later in this section during our discussion of technique "migration.") However, rather than considering these techniques to be distinct, as in the GTMO policy development process, interrogators in Afghanistan appear to have broadly interpreted FM 34-52 so as to consider the techniques included within existing doctrine. For example, in a memorandum written shortly after A/519 moved from Afghanistan to Iraq, [REDACTED] related each of the techniques the A/519 had devel-

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(b)(6)

(U) Our interviews indicated that, in the absence of any response, CJTF-180 adopted the January 24 memo as policy under an assumption that "silence is consent," and it remained in effect until March 16, 2004, when it was superceded by a new CJTF-180 interrogation policy, as described below. (In the interim, CJTF-180 commander LTG Dan K. McNeill had prohibited certain techniques as a precaution following detainee deaths at Bagram; however, these techniques were revived without explanation in the March 16 policy.) Finally, by direction of CENTCOM, in June 2004 CFC-A ordered the adoption of CJTF-7's (the coalition command in Iraq) interrogation policy.

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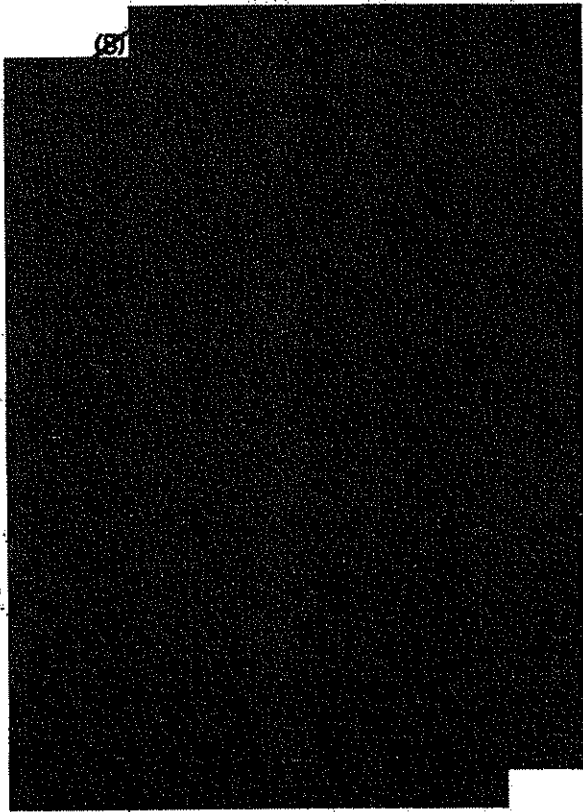
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oped to FM 34-52 (as will be discussed further in our section covering Iraq); and in an interview with our team on September 15, 2004, [redacted] indicated that she used the same rationale in Afghanistan. (Of the techniques she identified, [redacted] has indicated that sleep adjustment and stress positions were the only ones used by her unit in Afghanistan.)

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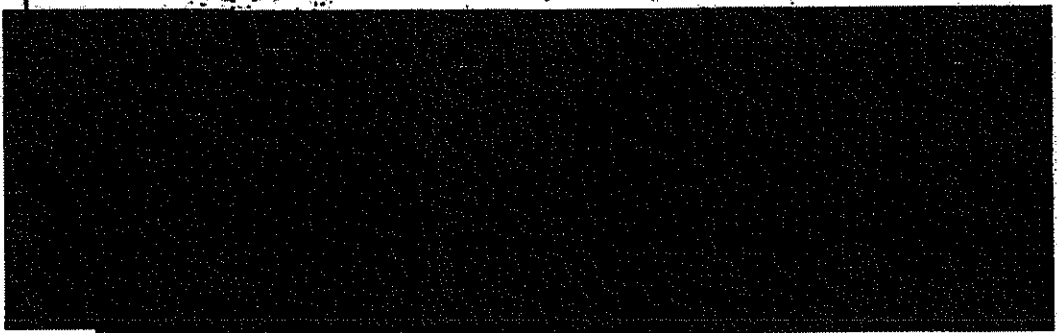


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(U) Of note, [redacted] references to FM 34-52 cite its Appendix H, a summary of interrogation techniques that appears in the outdated 1987 edition but not in the current 1992 edition of FM 34-52. As the Independent Panel has noted, the 1987 edition also calls for the interrogator to appear to control all aspects of interrogation, "to include lighting and heating, as well as food, clothing and shelter given to detainees." Notwithstanding the qualifier "appear to control," this language 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.

Battlefield Interrogation Techniques In Use by CJTF-180 as of January 24, 2003 (U)

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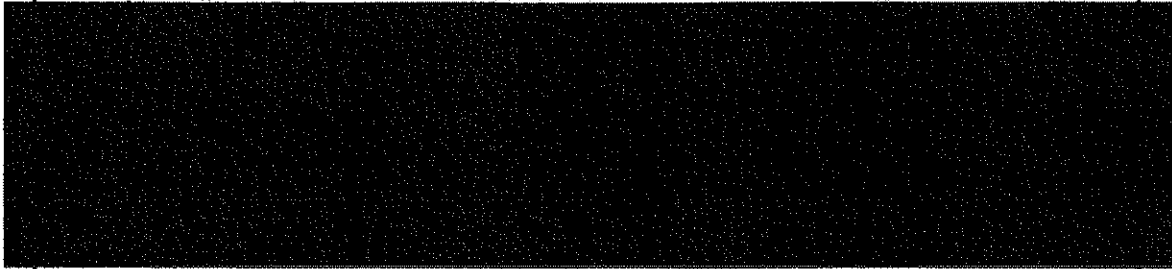
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Battlefield Interrogation Techniques Desired - But Not in Use -
by CJTF-180 as of January 24, 2003 (U)



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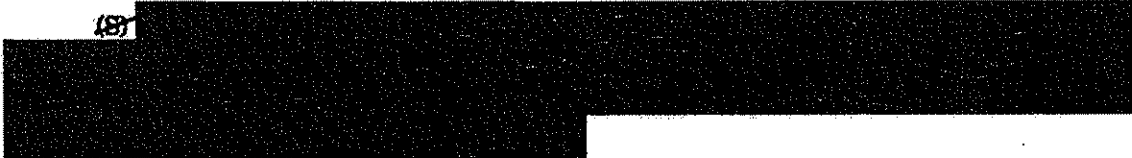
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Bagram Collection Point Techniques In Use by CJTF-180 as of January 24, 2003 (U)

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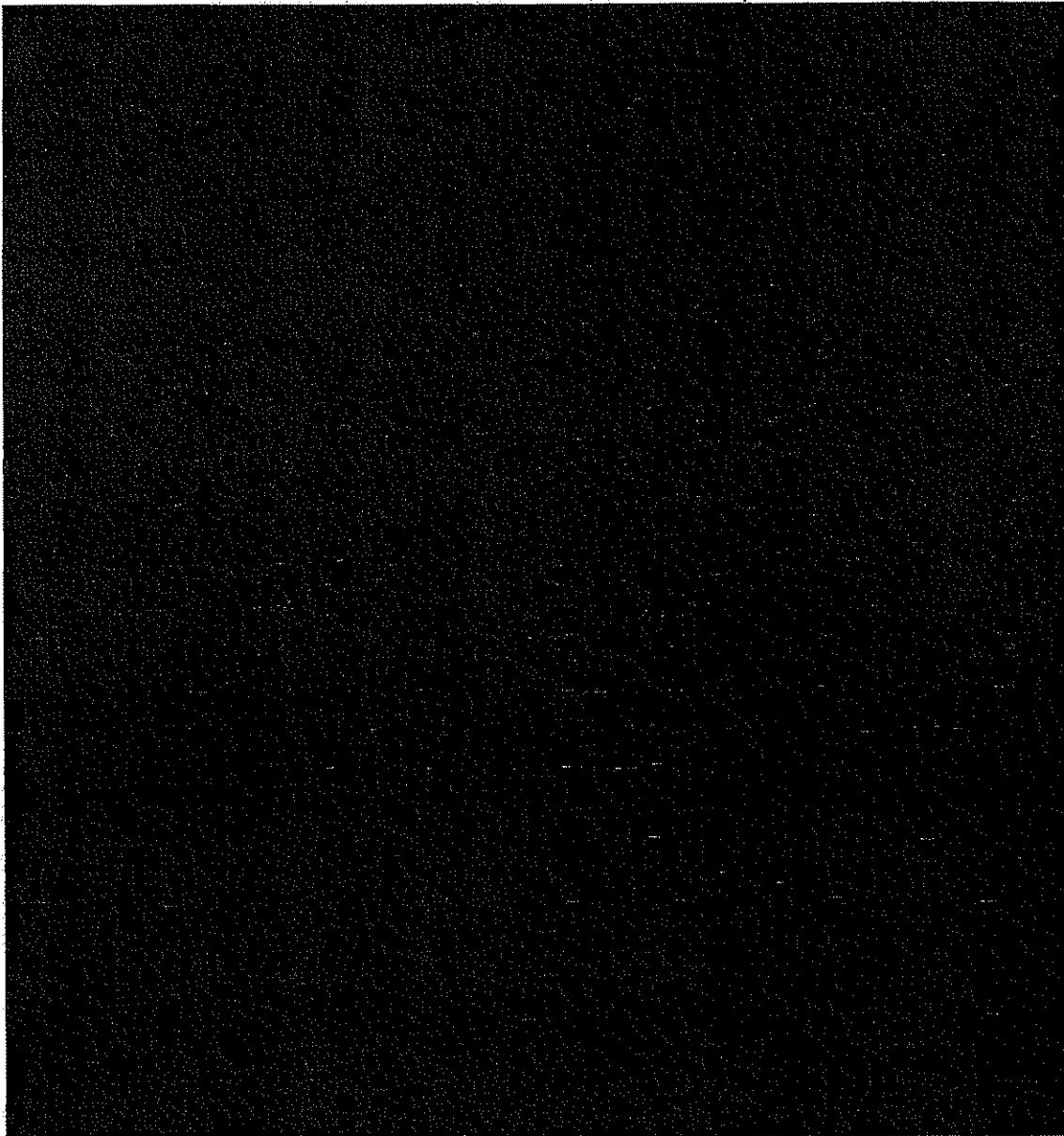
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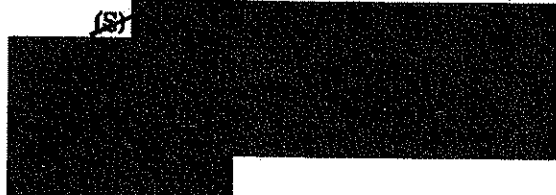
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(U) Finally, in addition to these locally developed techniques, the January 24, 2003 memorandum tacitly confirmed that "migration" of interrogation techniques had occurred separately. During December 2002 and January 2003, according to the memorandum, interrogators had employed some of the techniques approved by the Secretary of Defense for use at GTMO. Use of the Tier II and single Tier III technique ceased, however, upon the Secretary's rescission of their approval for GTMO on January 15, 2003.

(U) The CJTF-180 Assistant SJA submitted this memorandum to CENTCOM on January 24, 2003, but received no response from CENTCOM or from the Joint Staff. According to a brief provided by the Deputy Commander, CJTF-76 to VADM Church on June 24, 2004, the CJTF interpreted this lack of response as "silence is consent" with regard to the techniques already being employed (which, again, no longer included the tiered GTMO techniques). From CJTF-180's perspective, they had submitted a summary of techniques used in the field to their operational commander for further transmittal to the Joint Staff, and in the

absence of any negative feedback, the CJTF legal staff concluded that the techniques described as being currently employed in the January 24, 2003 memorandum were unobjectionable to higher headquarters and that the memorandum could be considered an approved policy. There is no indication, however, that any of the additional desired techniques requested in the memorandum (i.e., those listed above for BI, plus deprivation of light and noise at BCP) ever received any official sanction, whether from LTG McNeill or higher authority. (In fact, LTG McNeill stated that he did not recall approving any specific techniques at all up to this point.)

(U) Why was there no response to CJTF-180's January 24, 2003 request for approval of techniques? According to Vice Chairman of the Joint Chiefs of Staff (VCJCS), General Peter Pace, USMC, "The USCENTCOM Deputy Commander [then Lt Gen M. F. DeLong, USMC] sent a letter to me dated 11 Apr 03 requesting OSD approval of a list of CJTF-180 prepared interrogation techniques for the Bagram Collection Point. The request was coordinated within the Joint Staff and CJCS determined that the CENTCOM request was inconsistent with the guidance provided SOUTHCOM on interrogations. On 15 May 03, CJCS forwarded a memo recommending the same interrogation guidelines [i.e., those approved for GTMO] be issued to CENTCOM. I have no evidence that CENTCOM was provided any formal response to their 11 Apr 03 memo."

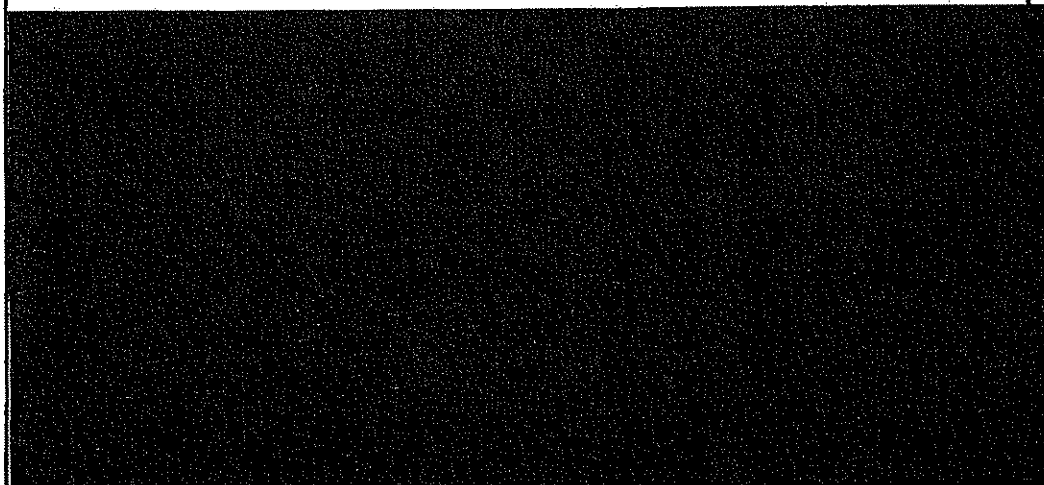
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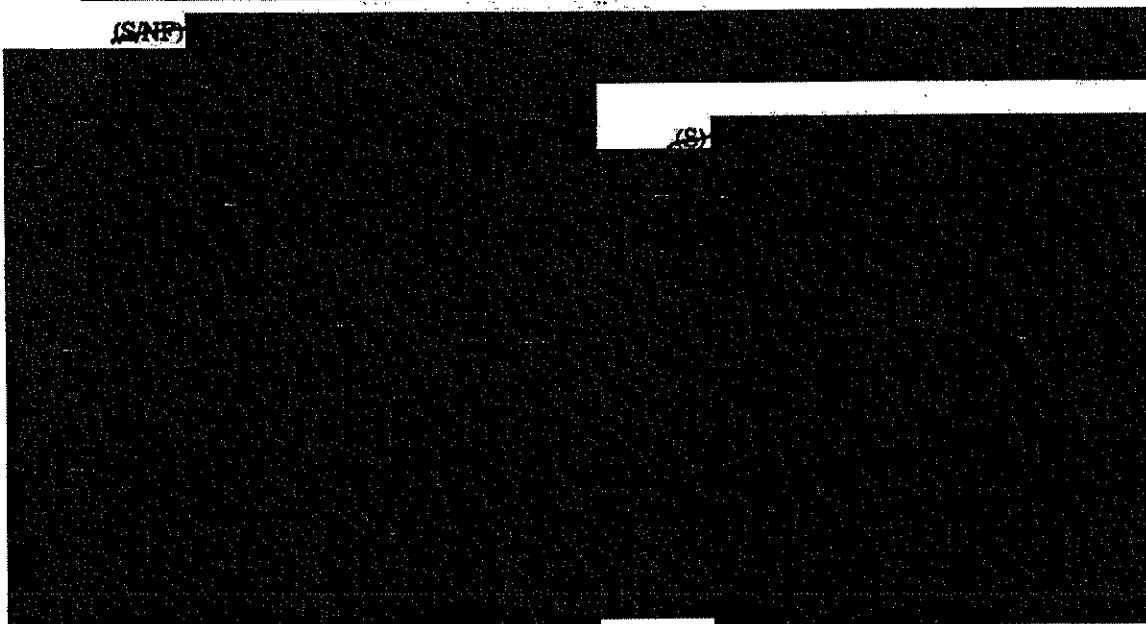
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BCP Techniques Listed in Deputy CENTCOM's April 11, 2003
Memorandum to VCJCS (U)



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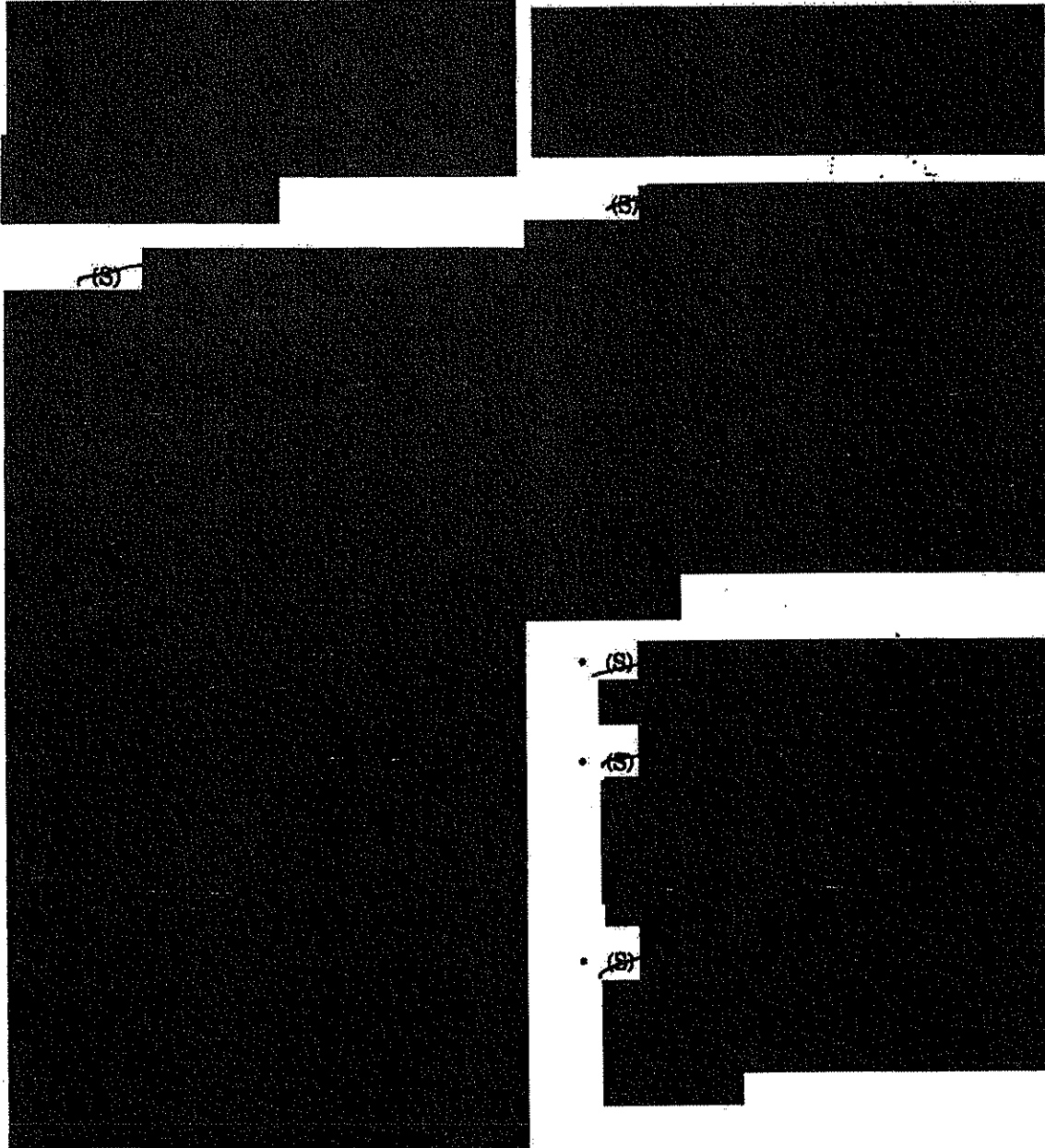
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(U) Development of the March 2004 CJTF-180 Interrogation Policy

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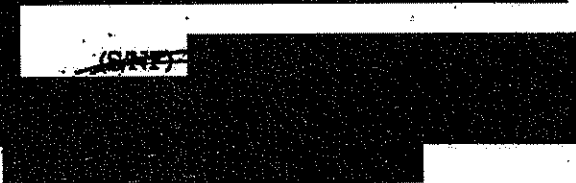
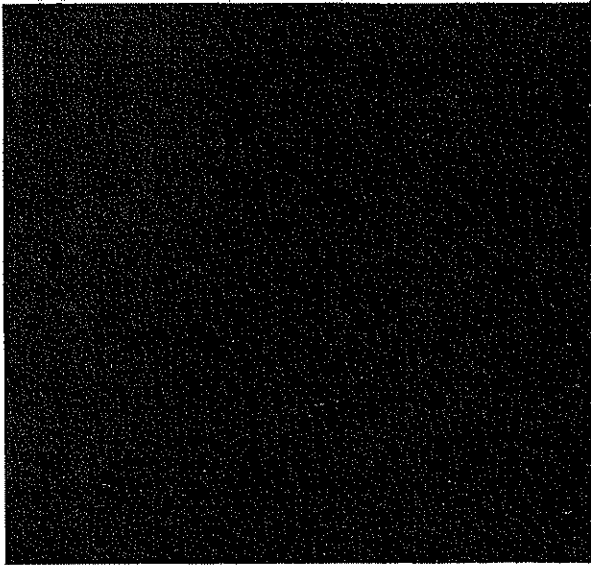
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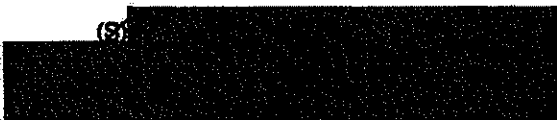
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March 2004 Afghanistan Interrogation Guidance (U)

(U) Because the March 16 memorandum governed the conduct of the primary interrogation facility - BCP - we have considered this guidance to be effective as of that date. Additionally, the March 16 memorandum provides the most detailed discussion of the techniques approved. In the discussion that follows, we will reference the March 28 SOP where it provides additional relevant information, or where it differs from the March 16 memorandum.

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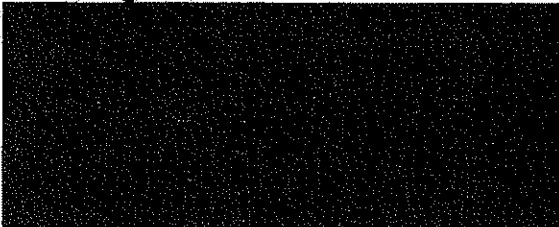
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purpose of all interviews and interrogations is to get the most information from a detainee with the least intrusive method; always applied in a humane and lawful manner with sufficient oversight by trained interrogators or investigators."

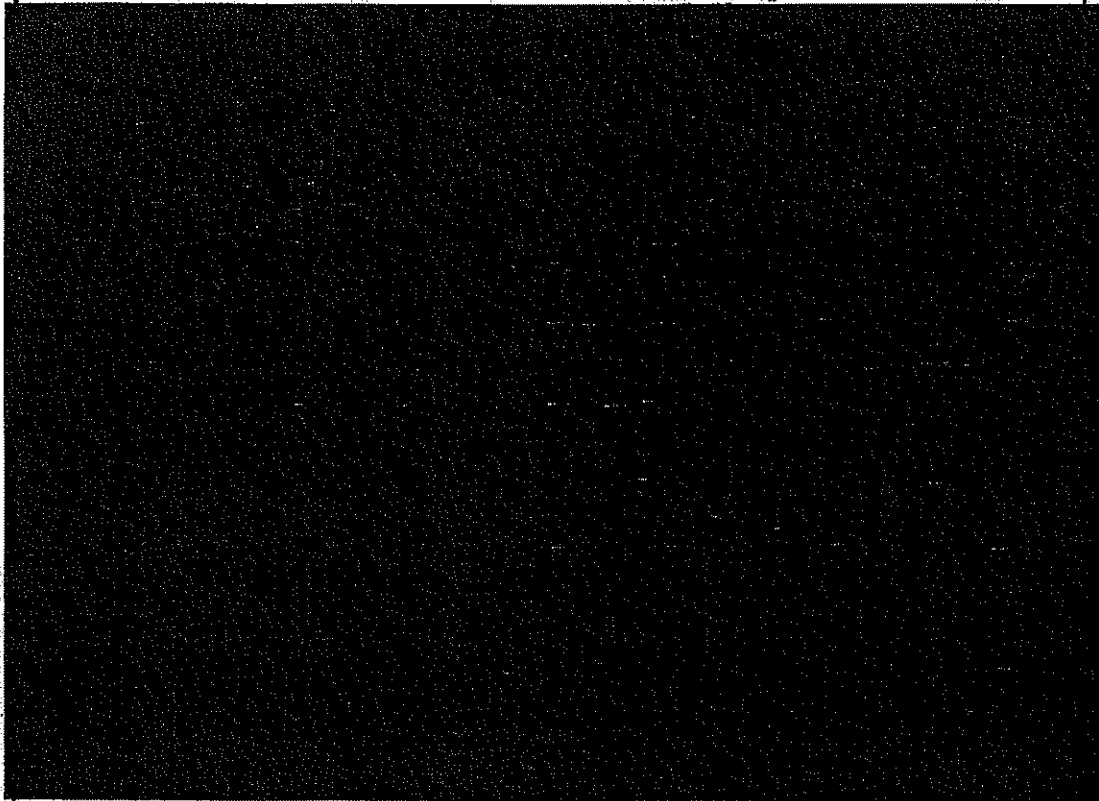
(U) The memorandum concludes with a caution labeled "Safety First." "Remember, the

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Additional Techniques Approved in the March 16, 2004 CJTF-180 Policy (U)



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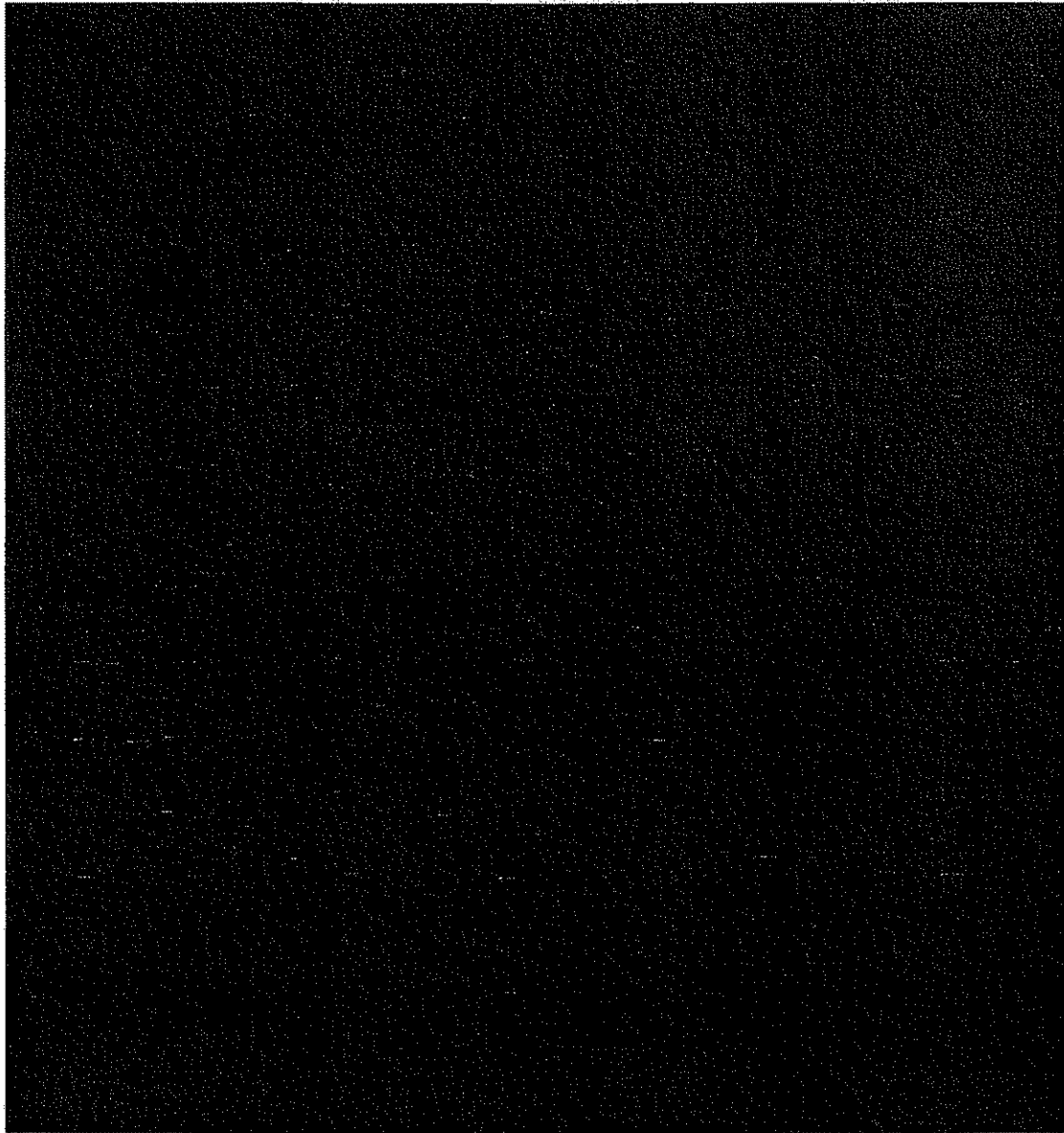
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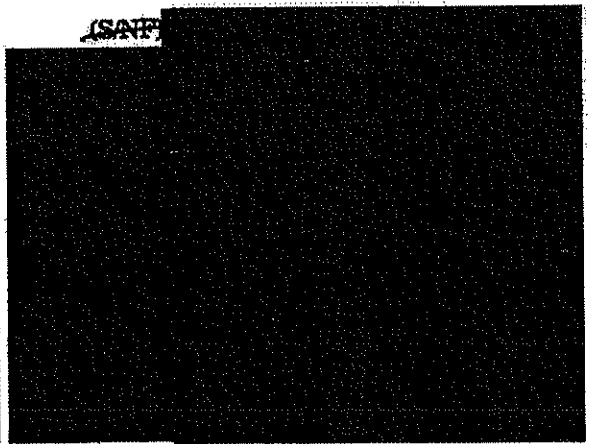
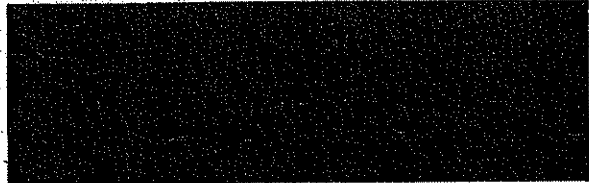
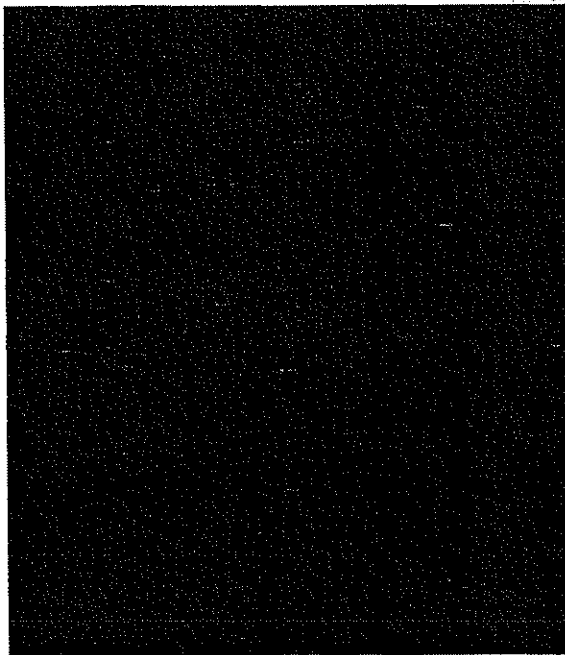
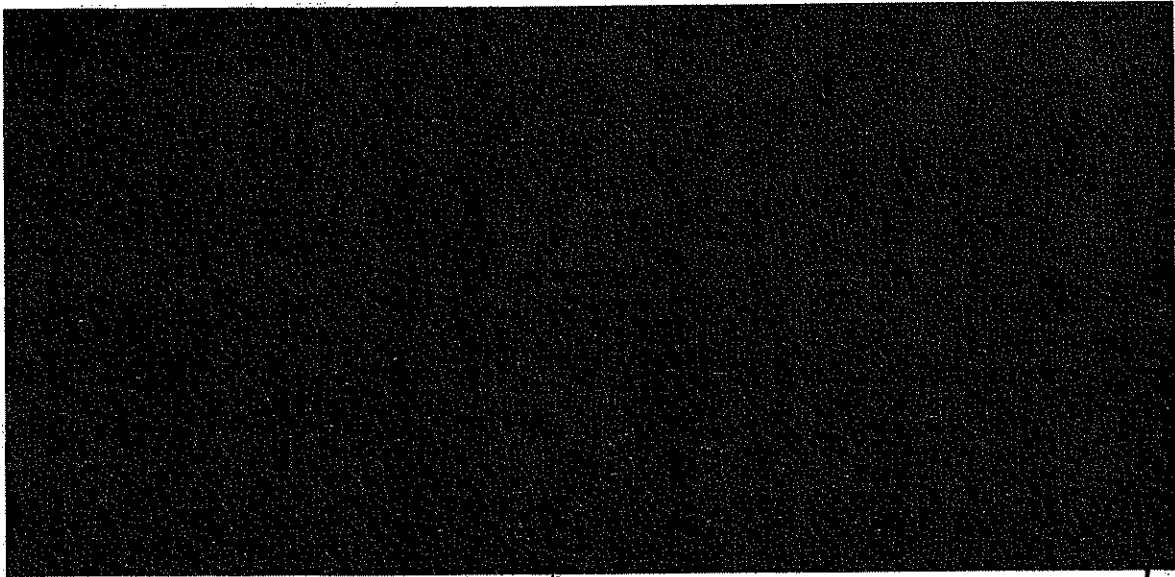
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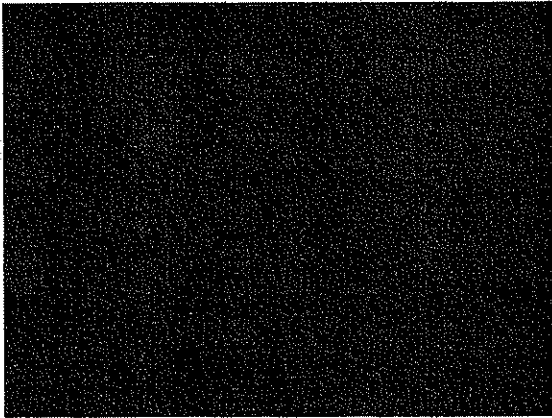
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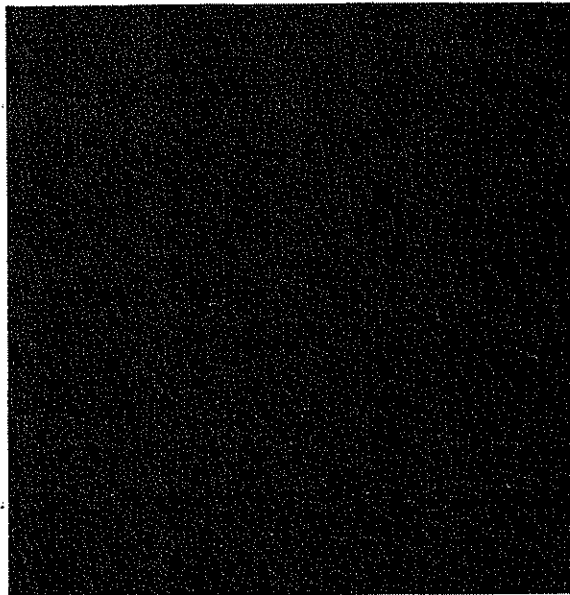
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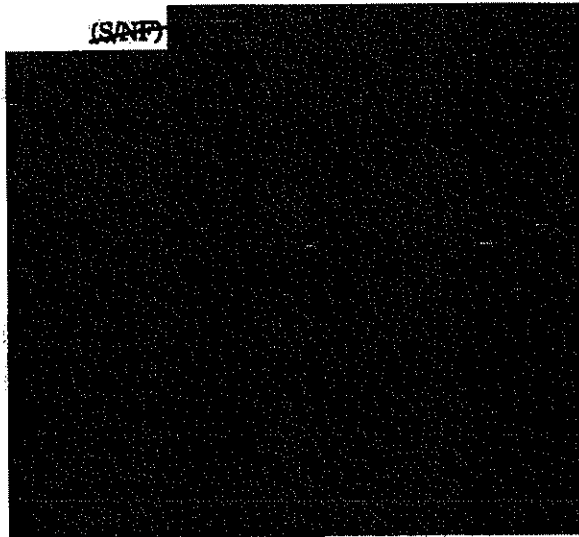


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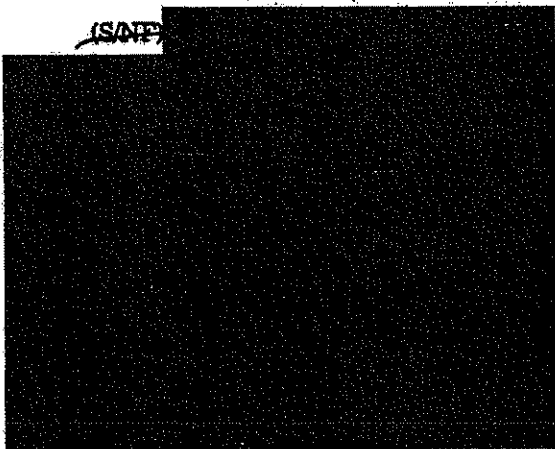


(U) June 2004: Adoption of the May 2004 CJTF-7 (Iraq) Interrogation Policy

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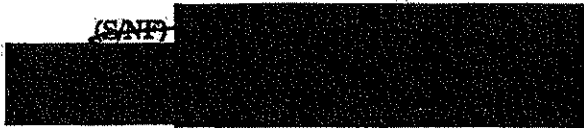
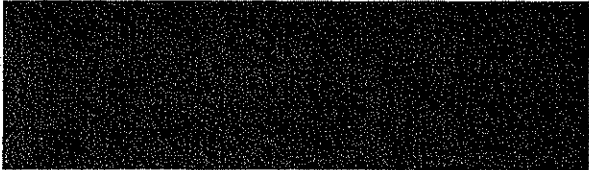
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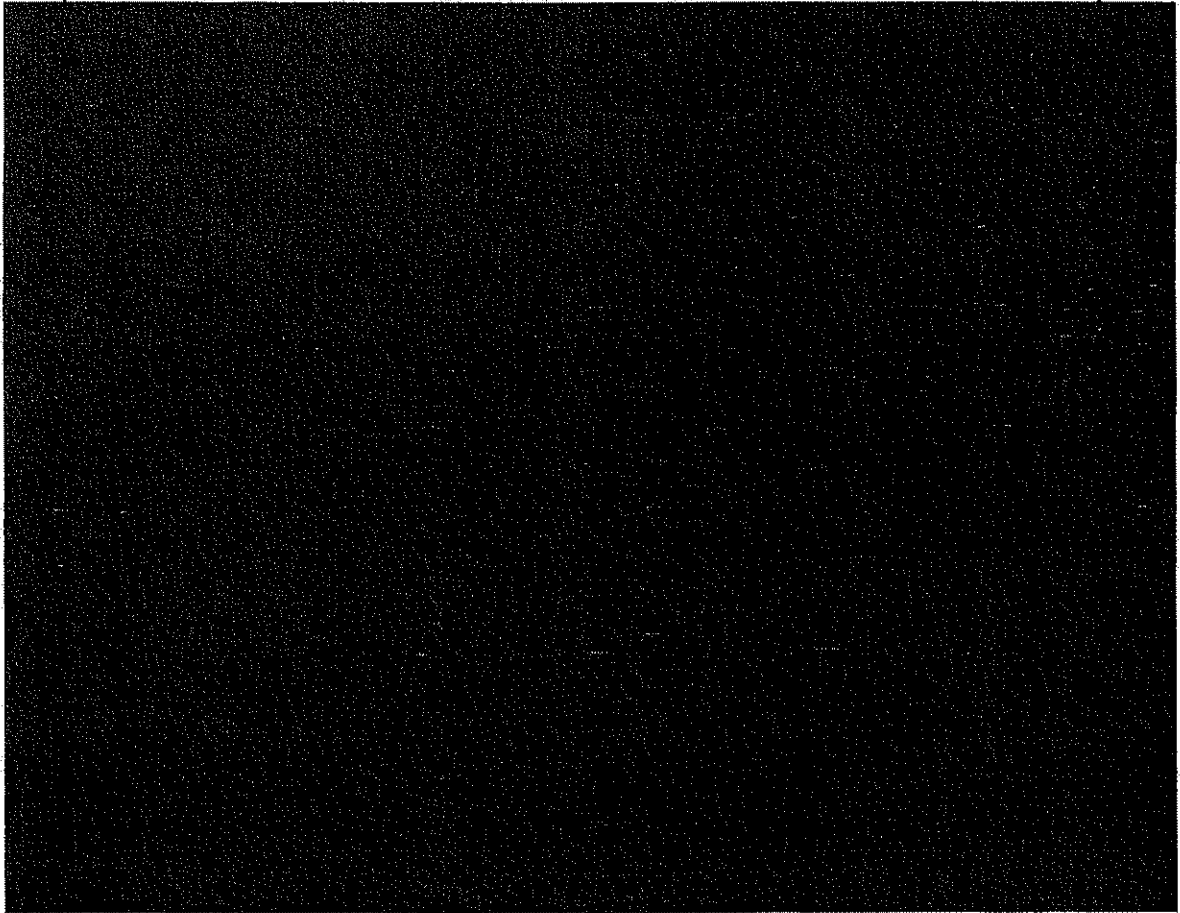
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Techniques Approved in the May 13, 2004 CJTF-7 Policy Memorandum (U)



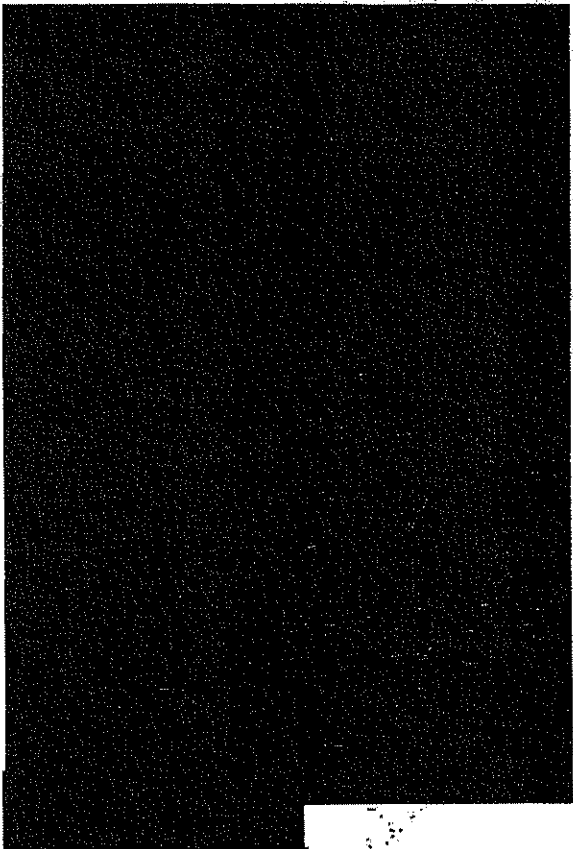
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reported to our interviewers.

(U) Investigative Procedure

(U) From June 19 to July 8, 2004, 24 Interrogation Special Focus Team members deployed to Afghanistan. These personnel were divided into a team that focused on CFC-A, CJTF 76 and CENTCOM headquarters, traveling to each of those locations; a team that focused on the Bagram detention facility; a team that focused on the Kandahar detention facility and outlying FOBs; and a team that focused on the operations of forces in the field, including SOF, which also traveled to several FOBs. The teams reviewed records, visited facilities, observed all aspects of detainee operations - including interrogations - and conducted approximately 315 interviews, most resulting in sworn statements.

(U) Our interviews covered the entire spectrum of personnel involved in detainee and interrogation operations, from flag and general officers to junior enlisted interrogators and troops who participated in the capture of detainees. In addition, our team in Washington conducted an extensive review of the documentary evidence gleaned from responses to our data requests to commands and agencies throughout DoD, as well as data collected during previous investigations. We also took advantage of previous reports, including the Jacoby report (described previously in our summary).

Interrogation Techniques Employed (U)

(U) As in the previous section covering GTMO, this section begins with a brief summary of our investigation, followed by a comparison of the techniques approved for use in Afghanistan (i.e., the CJTF-180 and CFC-A interrogation policies) with those techniques actually employed, as

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ry of existing reports).

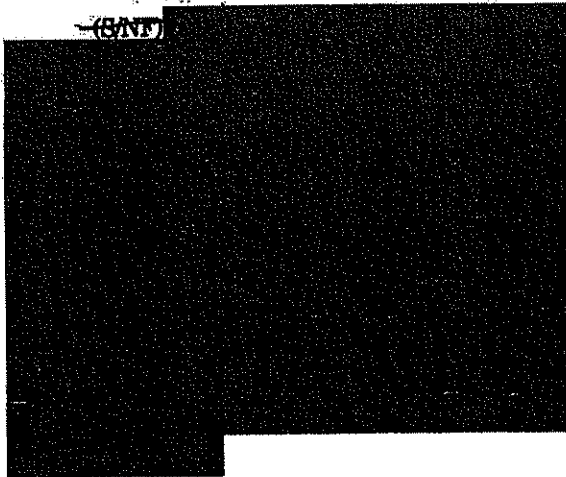
**(U) Comparison of Interrogation Techniques
Approved and Employed**

(S) The chart on the following page presents the comparison between interrogation techniques approved for use in Afghanistan and the techniques that were actually employed, as determined through our interviews and document reviews. Readers are invited to refer to the description of the chart format presented in the GTMO section, as the same explanatory information and qualifications apply here.



(U) As in the GTMO section, the chart depicts the use of many techniques coded white or orange, indicating techniques employed without specific approval that nonetheless are not necessarily problematic. These two colors indicate that the applicable policy memoranda did not specifically discuss the techniques in question; therefore, it is by no means certain that interrogators would categorize the techniques' application as distinct from other, approved techniques. For example, though the current (1992) edition of FM 34-52 does not specifically authorize Mutt and Jeff, nothing in the FM, the Geneva Conventions, or other policies

or doctrine inherently prohibits it. Similarly, interrogators in Afghanistan often opined that Yelling was inherent to Fear Up Harah, which is a doctrinal technique, and that Deception was inherent to many, if not most of the doctrinal techniques. In these instances, X marks in orange blocks may not be a matter for concern, since neither interrogators nor the drafters of the policies might presume the technique to be outside the bounds of doctrine. (We will of course discuss exceptions below.)



(U) A final qualification regarding the chart bears repeating: as in the GTMO section, the absence of an X does not mean conclusively that a technique was never employed; rather, that we found no evidence or allegations indicating its employment. Nevertheless, based on our exhaustive interviews we are confident that the chart presents an accurate picture of the techniques

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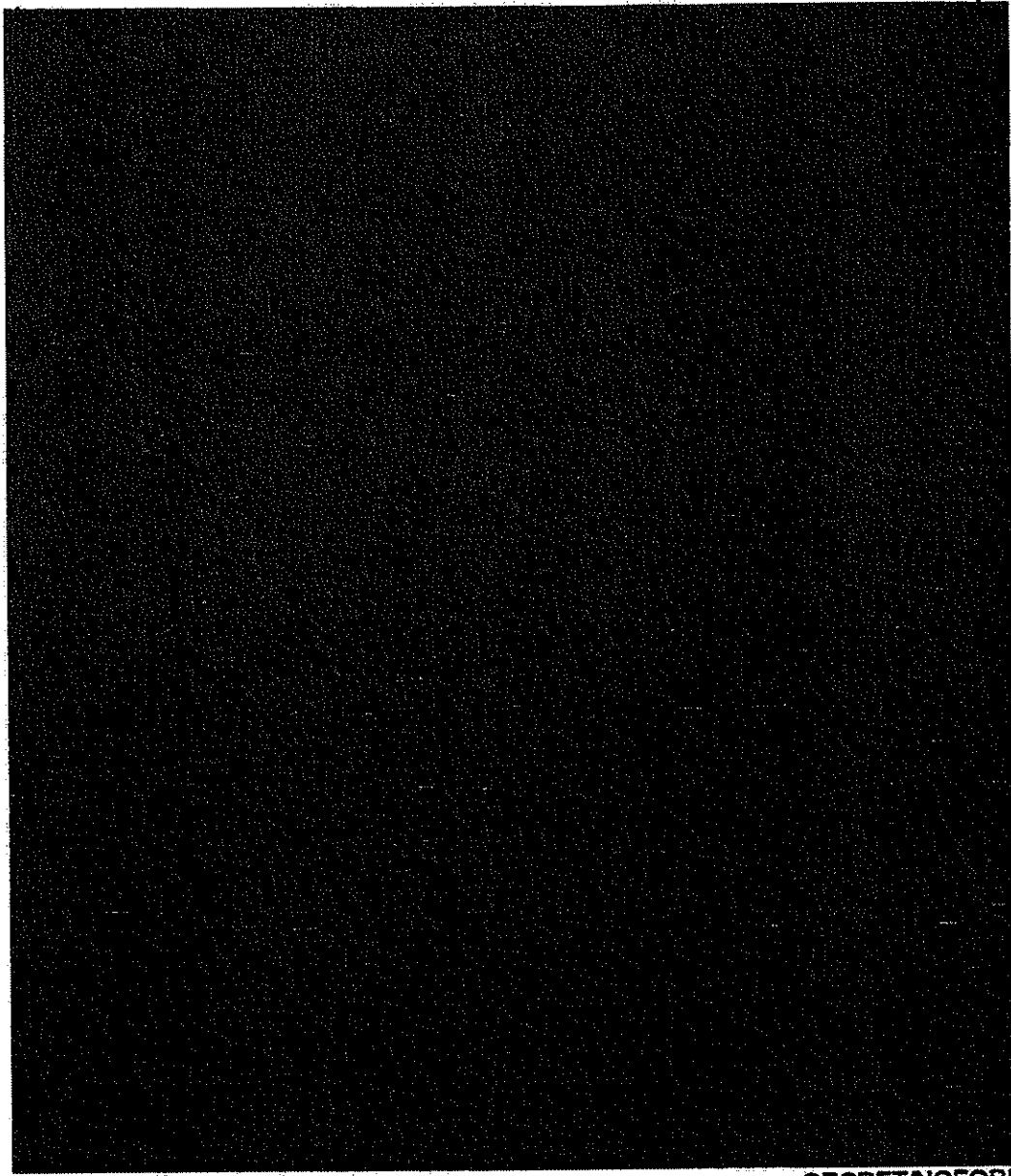
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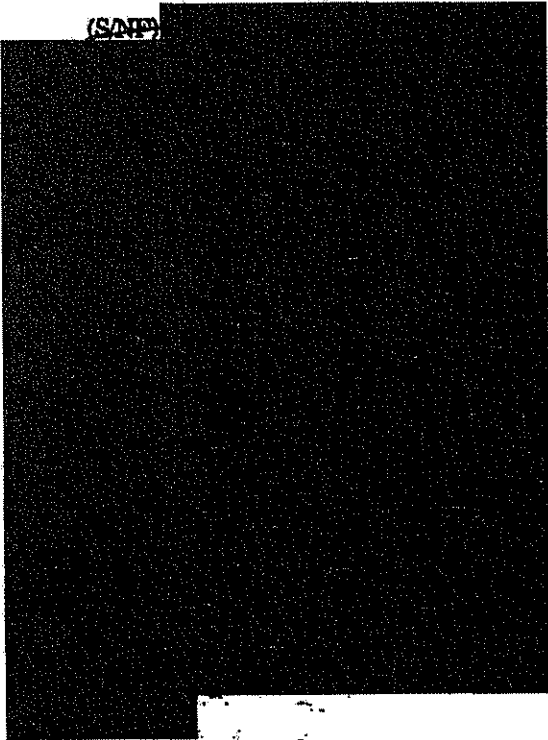
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employed in Afghanistan, and that any abuse incidents or improper employment of techniques unknown to us would have been isolated events.

(U) First, the initial column reveals that numerous techniques not specified in FM 34-52 were in use in Afghanistan prior to the January 24, 2003 CJTF-180 *de facto* interrogation policy (which affirmed that many of those techniques were already in use). The most likely explanation for this fact (which we will revisit in this report's section discussing migration of interrogation techniques) is that interrogators used a variety of techniques that they believed - based on a broad interpretation - to be in accordance with FM 34-52 doctrine.



(U) Next, dissemination of approved interrogation policies to forces in the field was poor prior to the implementation of the CJTF-7 policy in June 2004. For example, BG Jacoby found with regard to the March 2004 policy that "only one-third of the bases had the SOP...it was generally not guidance known or relied upon in the field." (Of course, it should also be noted that the March 2004 policy actually added techniques that had previously been prohibited by LTG McNeill.) In short, up until the adoption of the 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 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).

(U) Overall Compliance with Approved Techniques

(U) A broad look at the chart illustrates several findings regarding overall compliance with approved techniques. Our general findings are summarized here to provide background for our examination of techniques employed.

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(U) Third, as BG Jacoby found, dissemination of the CJTF-7 policy in June 2004 was more effective (possibly because its shorter length - five pages as opposed to the March policy's 22 - permitted easier transmission over tactical satellite systems to FOBs that did not have secure e-mail capability). Our interviews reflected this finding: as the fourth column of the chart demonstrates, interrogators complied with the policy's prohibitions (there are no X marks in techniques coded red within the range 1-50). (There are, however, X marks with no brackets in techniques coded orange, indicating that they were improperly used without CJTF-76 permission; again, this was most likely due to interrogators' belief that those techniques fell within the bounds of FM 34-52.)

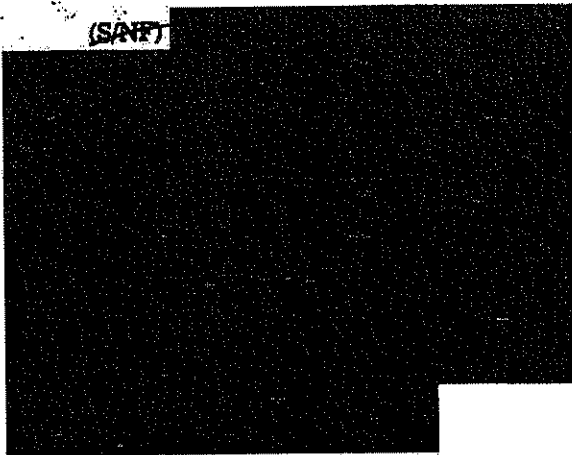
(U) Finally, an examination of the techniques always prohibited by law or policy (51 through 58) reveals few incidences of their use, as will be described fully in the section that follows.

(U) We now turn to a discussion of specific interrogation techniques employed in the course of Operation ENDURING FREEDOM. Previous sections have described legal and humanitarian concerns surrounding the use of certain techniques; with some exceptions, we have not reiterated those concerns in this section, which simply describes the techniques employed. Nevertheless, the aforementioned concerns should be borne in mind.

(U) Our discussion is divided into six parts: first, doctrinal techniques contained in FM 34-52; second, techniques introduced by the January 2003 CJTF-180 interrogation policy; third, techniques introduced by the March 2004 CJTF-180 interrogation policy; fourth, techniques introduced by the adoption of the May 2004 CJTF-7 interrogation policy; fifth, additional techniques not specifically mentioned by any policy; and sixth, techniques prohibited by law or policy.

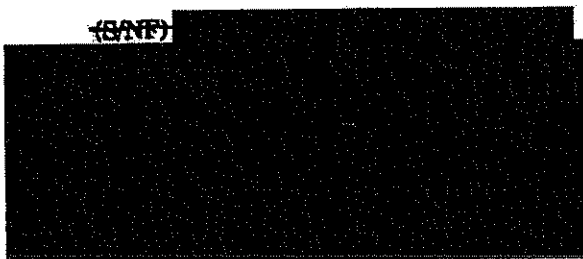
(U) FM 34-52 Techniques

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[Redacted]

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(U) Techniques Introduced by the
January 24, 2003 CJTF-180
Memorandum

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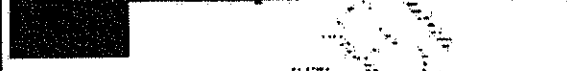
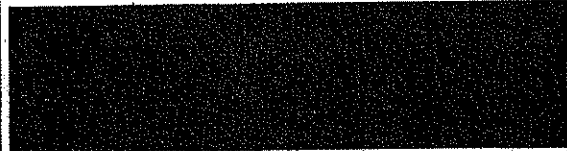
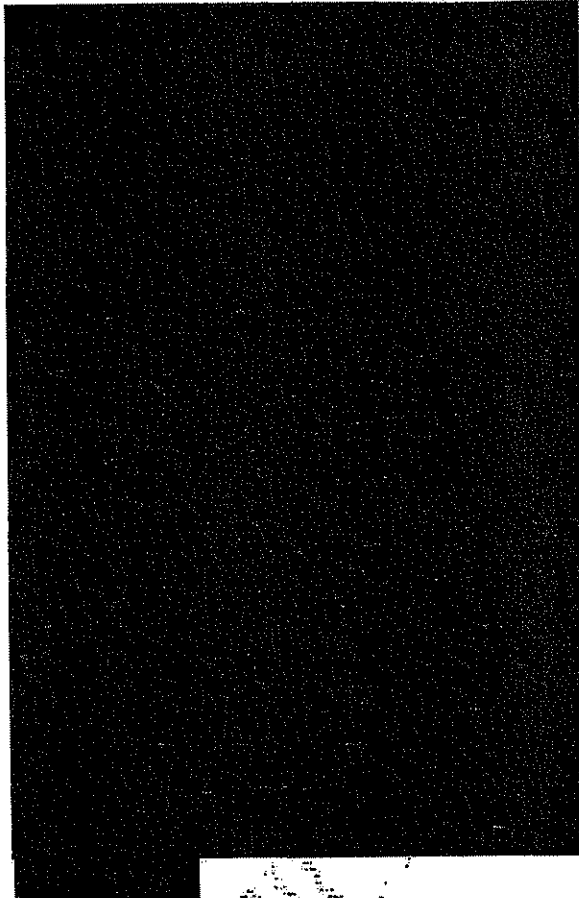
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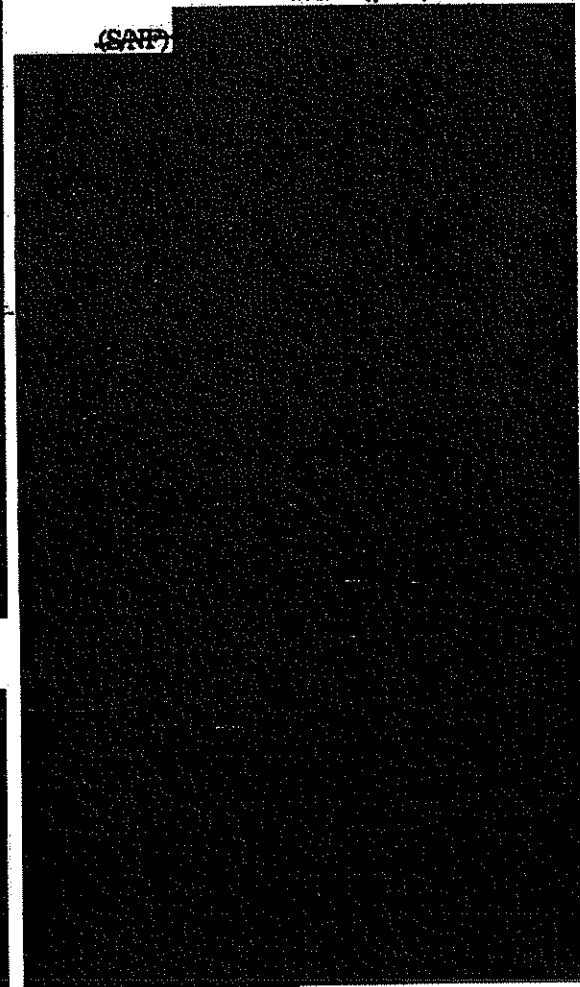
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