

**UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF VIRGINIA
ALEXANDRIA DIVISION**

SUHAIL NAJIM)	
ABDULLAH AL SHIMARI <i>et al.</i> ,)	
)	
Plaintiffs,)	
)	Case No. 1:08-cv-827 (LMB/JFA)
v.)	
)	
CACI PREMIER TECHNOLOGY, INC.)	
)	
Defendant.)	
)	
)	
CACI PREMIER TECHNOLOGY, INC.,)	
)	
Third-Party Plaintiff,)	
)	
v.)	
)	
UNITED STATES OF AMERICA, and)	
JOHN DOES 1-60,)	
)	
Third-Party Defendants.)	
)	
)	

DECLARATION OF ROBERT P. LoBUE, ESQ.

I, ROBERT P. LoBUE, hereby declare as follows:

1. I am co-counsel to Plaintiffs in the above captioned matter. I submit this Declaration in support of Plaintiffs’ opposition to Defendant CACI Premier Technology, Inc.’s Motion for Summary Judgment. I have personal knowledge of the facts stated herein.

2. Attached hereto are true and correct copies of the following exhibits:

Exhibit 1: Corrected Brief for Plaintiffs-Appellants, Dkt. 50, 4th Cir., No. 15-1831, dated October 9, 2015;

- Exhibit 2:** Transcript excerpts from the February 16, 2017 deposition of Suhail Najim Abdullah Al Shimari;
- Exhibit 3:** Transcript excerpts from the March 6, 2013 deposition of Salah Hasan Nsaif Jasim Al-Ejaili;
- Exhibit 4:** Transcript excerpts from the February 15, 2017 deposition of Asa’ad Hamza Hanfoosh Al-Zuba’e;
- Exhibit 5:** Transcript excerpts from the May 7, 2018 deposition of Taha Rashid;
- Exhibit 6:** Transcript excerpts from the July 13, 2018 deposition of “Army Interrogator E”;
- Exhibit 7:** Plaintiff Suhail Najim Abdullah Al Shimari’s Responses to Defendant CACI Premier Technology, Inc.’s First Set of Interrogatories, dated December 13, 2012;
- Exhibit 8:** Plaintiff Salah Hasan Nsaif Jasim Al-Ejaili’s Responses to Defendant CACI Premier Technology, Inc.’s First Set of Interrogatories, dated December 13, 2012;
- Exhibit 9:** Plaintiff Asa’ad Hamza Hanfoosh Al-Zuba’e’s Responses to Defendant CACI Premier Technology, Inc.’s First Set of Interrogatories, dated December 13, 2012;
- Exhibit 10:** Plaintiff Taha Yaseen Arraq Rashid’s Responses to Defendant CACI Premier Technology, Inc.’s First Set of Interrogatories, dated December 13, 2012;
- Exhibit 11:** Joint Interrogation and Debriefing Center (JIDC) Organizational Chart, dated November 29, 2003;
- Exhibit 12:** Expert Report of Stephen N. Xenakis, MD Regarding Plaintiff Suhail Najim Abdullah Al Shimari;
- Exhibit 13:** Expert Report of Stephen N. Xenakis, MD Regarding Plaintiff Salah Hasan Nsaif Jasim Al-Ejaili;
- Exhibit 14:** Expert Report of Stephen N. Xenakis, MD Regarding Plaintiff Asa’ad Hamza Hanfoosh Al-Zuba’e;
- Exhibit 15:** Expert Report of Stephen N. Xenakis, MD Regarding Plaintiff Taha Yaseen Arraq Rashid;
- Exhibit 16:** Transcript excerpts from the April 25, 2013 deposition of CACI by corporate designee, Arnold D. Morse;

- Exhibit 17:** Letter from Daniel Johnson to Major Eugene A. Daniels, dated June 3, 2004;
- Exhibit 18:** Email from Tom Howard to Amy Jensen and Daniel Porvaznik, dated August 29, 2003;
- Exhibit 19:** Email from Amy Jensen to Mark Billings, dated May 8, 2004;
- Exhibit 20:** Email from Kathy Leuders to Amy Jensen, dated January 5, 2004;
- Exhibit 21:** Email from Amy Jensen to Steven Stefanowicz, dated March 19, 2004;
- Exhibit 22:** Chart of CACI Interrogators in Iraq – Sept. 2003 through May 2004;
- Exhibit 23:** Transcript excerpts from the April 25, 2013 deposition of James Less Joseph Beachner;
- Exhibit 24:** Excerpt from the detainee file for Plaintiff Al Shimari produced by the United States;
- Exhibit 25:** The United States’ Responses to Interrogatories No. 3 Through No. 16 of Defendant CACI Premier Technology Inc.’s First Set of Interrogatories to the United States, dated May 14, 2018
- Exhibit 26:** Transcript excerpts from the June 13, 2018 deposition of “Army Interrogator H”;
- Exhibit 27:** Maj. Gen. Antonio M. Taguba, Investigating Officer, AR 15-6 Investigation of the 800th Military Police Brigade (2004) (“Taguba Report”);
- Exhibit 28:** Maj. Gen. George R. Fay and Lt. Gen. Anthony R. Jones, Investigating Officers, Article 15-6 Investigation of the Abu Ghraib Detention Facility and 205th Military Intelligence Brigade (2004);
- Exhibit 29:** Exhibit 29 from the March 6, 2013 deposition of Salah Hasan Nsaif Jasim Al-Ejaili;
- Exhibit 30:** Annex 26 to the Taguba Report;
- Exhibit 31:** Annex 1 to the Taguba Report;
- Exhibit 32:** Transcript excerpts from the June 18, 2018 deposition of Major General Antonio M. Taguba;
- Exhibit 33:** CACI Delivery Order 35, dated August 18, 2003;

- Exhibit 34:** CACI Delivery Order 71, dated December 3, 2003;
- Exhibit 35:** Transcript excerpts from the August 16, 2006 deposition of Daniel J. Porvaznik;
- Exhibit 36:** Transcript excerpts from the March 3, 2013 deposition of Ivan Lowell Frederick;
- Exhibit 37:** Transcript excerpts from the April 22, 2013 deposition of Charles Graner;
- Exhibit 38:** Transcript excerpts from the April 22, 2013 deposition of Megan Ambuhl Graner;
- Exhibit 39:** Transcript excerpts from the October 4, 2018 deposition of “CACI Interrogator A”;
- Exhibit 40:** U.S. Dep’t of the Army, Field Manual 3-100.21 (100-21): Contractors on the Battlefield (Jan. 2003);
- Exhibit 41:** Joint Publication 4-0, Doctrine for Logistic Support of Joint Operations, dated April 6, 2000;
- Exhibit 42:** Transcript excerpts from the April 19, 2007 deposition of Scott Northrop;
- Exhibit 43:** Transcript excerpts from the March 8, 2007 deposition of Charles Mudd;
- Exhibit 44:** Transcript excerpts from the March 15, 2007 deposition of Mark W. Billings;
- Exhibit 45:** Transcript excerpts from the March 21, 2007 deposition of Amy Elizabeth Monahan;
- Exhibit 46:** CACI Code of Conduct in Iraq (November 22, 2003);
- Exhibit 47:** Transcript excerpts from the September 9, 2005 deposition of Torin Nelson;
- Exhibit 48:** Declaration of Torin S. Nelson, dated September 14, 2006;
- Exhibit 49:** Transcript excerpts from the April 17, 2007 deposition of Colonel William Brady, III;
- Exhibit 50:** Transcript excerpts from the April 26, 2013 deposition of Warren Hernandez;
- Exhibit 51:** Capt. Carolyn Wood Statement to Fay-Jones, dated May 21, 2004;

- Exhibit 52:** Excerpts of Testimony of Col. Thomas Pappas to Court Martial Michael Smith, March 15, 2006;
- Exhibit 53:** Letter from Eric J. Soskin to Sarah H. Lorr, dated April 30, 2013;
- Exhibit 54:** Email from Rich Arant to Amy Jensen, dated October 14, 2003;
- Exhibit 55:** Email from Amy Jensen to Mark Billings, dated May 5, 2004;
- Exhibit 56:** CACI Daily Report, dated February 18, 2004;
- Exhibit 57:** Memorandum from Major Eugene A. Daniels for Raymond Northrop, CACI Country Manager, Iraq, dated May 13, 2004;
- Exhibit 58:** CACI Personnel Action Request Form for Daniel Johnson, dated August 3, 2004;
- Exhibit 59:** Email from Katie Bureman to Frederick Miller, dated August 5, 2004;
- Exhibit 60:** Chart of CACI Interrogators and Screeners Employed by CACI in Iraq;
- Exhibit 61:** Email from Amy Jensen to Mark Billings, dated May 8, 2004;
- Exhibit 62:** Email from Steven Stefanowicz to Amy Jensen, dated February 7, 2004;
- Exhibit 63:** Email from Amy Jensen to Steven Stefanowicz, dated March 29, 2004;
- Exhibit 64:** Letter from Jack P. London to Romer Leslie Brownlee, Secretary of the Army, dated October 18, 2004;
- Exhibit 65:** Email from Amy Jensen to Steven Stefanowicz, dated April 12, 2004;
- Exhibit 66:** CACI Personnel Action Request Form for Steven Stefanowicz, dated March 24, 2004;
- Exhibit 67:** CACI Personnel Action Request Form for Steven Stefanowicz, dated May 24, 2004;
- Exhibit 68:** Email from Sara Licklitter to Amy Jensen, et al., dated May 31, 2004;
- Exhibit 69:** Email from Sheryl Gates to Harry Thornsvar, et al., dated November 1, 2004;
- Exhibit 70:** Defendants CACI Premier Technology, Inc.'s and CACI International Inc.'s Responses to Plaintiffs' First Set of Requests for Admission, dated February 7, 2013;

Exhibit 71: Letter from Raymond Northrop and Harry Thornsvar to Major Eugene A. Daniels, dated June 3, 2004.

Pursuant to 28 U.S.C. § 1746, I declare under penalty of perjury that the foregoing is true and correct.

Dated: New York, New York
January 22, 2019

/s/ Robert P. LoBue
Robert P. LoBue

EXHIBIT 2

Page 2	Page 4
2 Notary Public in and for the District of Columbia, 3 when were present on behalf of the respective 4 parties: 5 6 7 8 9 0 2 3 4 5 6 7 8 9 20 2 22	APPEARANCES (Cont nued) 2 On beha f of P a nt ffs 3 SHEREEF AKEEL, ESQ 4 Akee & Va ent ne 5 888 West B g Beave Road 6 Su te 9 0 7 T oy, M ch gan 48084 8 (248) 269-9590 9 - and - 0 KATHERINE GALLAGHER, ESQ (V a V deoL nk) Cente fo Const tut ona R ghts 2 666 B oadway, 7th F oo 3 New Yo k, New Yo k 00 2 4 - and - 5 MOHAMMED ALOMARI, ESQ (V a V deoL nk) 6 Az muth Lega Se v ce, PLLC 7 2490 No thweste n H ghway, Su te 3 8 Southf e d, M ch gan 48075 9 20 A so P esent 2 H a Houa a, T ans ato 22 Jessy Le fe , Rutge s Human R ghts C n c
Page 3	Page 5
1 APPEARANCES: 2 On behalf of Defendant: 3 JOHN F. O'CONNOR, ESQ. 4 LINDA C. BAILEY, ESQ. 5 Steptoe & Johnson, LLP 6 1330 Connecticut Avenue, NW 7 Washington, D.C. 20036 8 (202) 429 8095 9 joconnor@steptoe.com 10 lbailey@steptoe.com 11 12 On behalf of Plaintiffs: 13 ROBERT P. LOBUE, ESQ. 14 MATTHEW FUNK, ESQ. 15 PETER NELSON, ESQ. (Via VideoLink) 16 Patterson Belknap Webb & Tyler, LLP 17 1133 Avenue of the Americas 18 New York, New York 10036 6710 19 (212) 336 2596 20 21 22	CONTENTS 2 WITNESS: SUHAIL NAJIM ABDULLAH AL SHIMARI 3 EXAMINATION BY: PAGE 4 Mr O'Connor 8, 3 5 Mr LoBue 7 6 Afternoon Session 83 7 8 EXHIBITS 9 EXHIBIT NO DESCRIPTION PAGE 0 AS : A Shimari Statement in Arabic 5 denying mistreatment in prison 2 AS 2: P aintiff's Interrogato y 8 3 Responses 4 5 6 7 8 9 20 2 22

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1 MR. ALOMARI: This is Mr. Alomari. 2008.
 2 THE WITNESS: 2008 to now, I am a
 3 mathematics instructor.
 4 BY MR. O'CONNOR:
 5 Q. Where are you a mathematics instructor?
 6 A. I was an instructor at Mahmoudia.
 7 Q. What is Mahmoudia?
 8 A. It's an area close to us.
 9 Q. Are you an instructor at a school?
 10 A. Yes.
 11 Q. Is it a
 12 A. Yes.
 13 Q. is it a college?
 14 A. No, it's middle school. Middle school.
 15 Q. Mr. Al Shimari, you mentioned a minute ago
 16 the time that you were in prison. Is it correct that
 17 you were arrested at your home around November 7,
 18 2003?
 19 A. Correct. Yes.
 20 Q. Who arrested you?
 21 A. I could not hear you.
 22 (Translator repeated the question.)

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1 THE WITNESS: The American forces
 2 BY MR. O'CONNOR:
 3 Q. Were they soldiers?
 4 A. Yes, yes
 5 Q. About how many soldiers were there when
 6 you were arrested?
 7 A. I'm not sure I don't know I'm not sure
 8 how many
 9 Q. Can you give me an estimate?
 10 A. There were around three Hummer cars
 11 There were a combination of a group of soldiers in
 12 three Hummer cars
 13 Q. And is it correct that the U S military
 14 released you from prison in 2008?
 15 A. Yes
 16 MR. O'CONNOR: Pete Nelson, could you hand
 17 the witness what's been labeled Exhibit 1
 18 (Whereupon, Deposition Exhibit
 19 No AS 1 was marked for
 20 identification)
 21 MR. NELSON: I've handed the witness
 22 Exhibit 1

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1 BY MR. O'CONNOR:
 2 Q. Mr. Al Shimari, is that your signature
 3 toward the bottom of the page?
 4 A. Yes, yes, yes.
 5 Q. And is this dated March 27, 2008?
 6 A. Yes, yes.
 7 Q. And in this document you stated that you
 8 were not mistreated during your detention by the U.S.
 9 military; right?
 10 A. Yes, of course, during this period,
 11 whenever I signed a document, in order to be released
 12 every prisoner had to sign this document. It had
 13 these things on it, so I had to sign it in order to
 14 be released.
 15 Q. But the document says that whether you say
 16 you were mistreated or not will have no effect on
 17 whether you get released; isn't that right?
 18 A. It's not correct. The people, you know,
 19 it's not correct. The people who was the second
 20 point they were looking at it, if they had any
 21 objections, they were not released.
 22 Q. Okay. Can you read the first paragraph of

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1 this document out loud.
 2 A. It says I was not mistreated during my
 3 arrest, but this is not true. If you read this
 4 paragraph, if you check it, then you can be able to
 5 be released. If you don't check it, then they will
 6 not release you.
 7 Q. Who told you that?
 8 A. The prisoners with me. Before and with
 9 me.
 10 Q. Other Iraqi prison prisoners told you
 11 that?
 12 A. Yeah, they put on the Point 2, they were
 13 not released. So if you check Number 2, they were
 14 not released.
 15 Q. But you would agree that the first
 16 paragraph says that your notification of mistreatment
 17 will not affect the decision for your release?
 18 Right?
 19 A. If I was been mistreated I mentioned I
 20 was mistreated, I put an X on the first mark, they
 21 will release me. If I mentioned number 2, they would
 22 not release me.

Page 18

1 Q. But my question is a little bit different.
 I'm only asking whether it says in the first
 3 paragraph of that form that your answer will not
 4 affect whether you are released.
 5 A. You said it says that you are it is
 6 not going to affect it. But actually if you check
 7 Number 2, it will affect. If you write Number 2, I
 8 will stay in prison. If I mention Number 2, I will
 9 stay in prison. I would never be released.
 10 Q. Would you agree with me that this form
 11 says that whichever line you check will not affect
 1 the decision on your release, but you did not believe
 13 that to be true based on what some other Iraqi
 14 prisoners had told you?
 15 A. There are other prisoners who, again,
 16 mention Number 2, they were not released.
 17 MR. O'CONNOR: Pete, could you hand the
 18 witness what's been marked as Exhibit 2, please.
 19 (Whereupon, Deposition Exhibit
 0 No. AS 2 was marked for
 1 identification.)
 MR. NELSON: The witness has Exhibit 2.

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1 BY MR. O'CONNOR:
 2 Q. Mr. Al Shimari, could you turn to the last
 3 page of this document and tell me if that's your
 4 signature.
 5 A. Yes.
 6 Q. By signing here, you were verifying that
 7 the answers in this document are true based on your
 8 own knowledge, except for matters stated on
 9 information and belief. Did somebody read the
 10 document to you so that you would know what it says?
 11 A. Yes, yes.
 12 Q. Someone read the entire document word for
 13 word to you?
 14 A. Yes.
 15 Q. And do you have any reason to believe that
 16 anything in your responses in this document is
 17 untrue?
 18 MR. LOBUE: I object to the question.
 19 It's a very long document. But the witness may
 20 answer to the best of his ability.
 21 THE WITNESS: Ask me, then I can answer
 22 you.

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1 BY MR. O'CONNOR:
 Q. The question was whether you're aware of
 3 anything in your answers in this document that are
 4 not true.
 5 A. No, no, it's true. True.
 6 Q. I'm going to turn back to the day that you
 7 it were arrested by the U.S. military. As I
 8 understand your testimony, you were arrested at your
 9 home by about three Hummer vehicles full of U.S.
 10 soldiers; is that right?
 11 A. Correct. Yes.
 1 Q. Was there anybody in that group of U.S.
 13 soldiers that you believed was a civilian?
 14 A. I didn't see somebody civilian.
 15 Q. Did somebody translate between you and the
 16 soldiers on the day that you were arrested?
 17 A. Interpreter?
 18 Q. Yes.
 19 A. Yes, there was an interpreter. There was
 0 an interpreter present.
 1 Q. Did the interpreter appear to be a
 soldier?

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1 A. They were all soldiers. All soldiers.
 Q. Did the soldiers search your house?
 3 A. Yes.
 4 Q. Did they search a vehicle that was parked
 5 in front of your house?
 6 A. Yes.
 7 Q. Whose vehicle was it that was in front of
 8 your house?
 9 MR. LOBUE: I'm going to object to the
 10 relevancy of this line of inquiry, but the witness
 11 may answer.
 1 BY MR. O'CONNOR:
 13 Q. The question is who owned the white pickup
 14 truck that was parked in front of your house?
 15 A. Let me explain to you something. They
 16 were searching the house, the U.S. military, and they
 17 couldn't find anything. They went to the car. Let
 18 me explain something about this car. I live close to
 19 the national road where, if anybody had a problem
 0 with his car, he would park it next to our building.
 1 Somebody, the owner the owner of the car left the
 car in front. And we don't know who he is, and he

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1 left And we don't any relation with him No
 2 relation
 3 Q Do you have any reason to believe that
 4 employees from CACI were involved in the decision to
 5 arrest you?
 6 A I don't know how they came in I was
 7 sitting in my house The U S military came into my
 8 place I don't know
 9 Q Did the U S military find two AK 47s in
 10 your house?
 11 A Yes, yes
 12 Q Do you know what they found in the pickup
 13 truck?
 14 A There was something about the two
 15 Kalashnikovs Let me explain to you the things about
 16 the Kalashnikovs We are two houses, me and my
 17 brother next to each other, adjacent to each other
 18 Every house has a rifle Every house One is mine
 19 and one for my brother Yes
 20 Q When the soldiers arrested you, did they
 21 arrest your brother too?
 22 A They took me, they took my cousin, and

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1 three or four people that were in the place
 2 MR ALOMARI: This is Mr Alomari
 3 (Speaking Arabic) It means "guests "
 4 THE WITNESS: They took me, they took my
 5 cousin, and three or four other guests in my place
 6 BY MR O'CONNOR:
 7 Q Did they put you in one of the Hummer
 8 vehicles? Did they put you in one of the Hummer
 9 vehicles?
 10 A Yes
 11 Q Where did they take you?
 12 A They took me to an area called Mursalat
 13 Q Was Mursalat a U S military camp?
 14 A Yes
 15 Q Now, between the time that the soldiers
 16 showed up at your house and the time you got to Camp
 17 Mursalat, were you mistreated by those soldiers in
 18 any way?
 19 A They just took me took me to Mursalat I
 20 stayed one or two days and they took me some place
 21 else and there was an investigation about the weapon,
 22 the rifles

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1 Q Just to make sure I understand, from the
 time the soldiers picked you up until the time you
 3 got to Camp Mursalat, you're saying they did not
 4 mistreat you; right?
 5 A They put the bag on my head and they took
 6 me to Mursalat, and they started an investigation in
 7 the camp about the weapon found in the car.
 8 Q So during the ride from your house to Camp
 9 Mursalat, did you have a bag on your head?
 10 A Yes, yes.
 11 Q Did anybody injure you from the time the
 soldiers came to your house to the time you arrived
 13 at Camp Mursalat?
 14 A No, no.
 15 Q How long were you at Camp Mursalat?
 16 A Only two days. Two days.
 17 Q What happened during your time at Camp
 18 Mursalat?
 19 A They put me in a cage. After two days
 0 they transferred me somewhere else.
 1 MR. O'CONNOR: Did he say they put him in
 a "cage"?"

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1 THE WITNESS: The first time I came in
 2 here they did put me in a small cage And the next
 3 day, they transferred me somewhere else
 4 BY MR O'CONNOR:
 5 Q And this occurred at Camp Mursalat?
 6 A Mursalat, yes At Mursalat, yes
 7 Q How small was the cage you were put in at
 8 Camp Mursalat?
 9 A It was small It was very, very small
 10 It was four or five people were put in the same cage
 11 Q Were you able to stand up in it?
 12 A Yes
 13 Q Did you have a bag on your head during the
 14 time you were at Camp Mursalat?
 15 THE TRANSLATOR: Not in the cage, in the
 16 whole time?
 17 MR O'CONNOR: At any time he was at Camp
 18 Mursalat
 19 THE WITNESS: Yes
 20 BY MR O'CONNOR:
 21 Q Did you have a bag on your head the entire
 22 time you were at Camp Mursalat?

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1 Q Were you mistreated during the trip from
 2 Camp Mujahadeen to Abu Ghraib?
 3 A The car was open They put a bag on my
 4 head and they tied my hands behind my back
 5 Q And during the trip from Camp Mujahadeen
 6 to Abu Ghraib, were you sitting in the back of the
 7 vehicle or lying down in the back of the vehicle?
 8 A Sitting
 9 Q Was it about a month from the time you
 10 were arrested until the time you reached Abu Ghraib
 11 prison?
 12 A Around
 13 Q When you got to Abu Ghraib prison, what
 14 happened next?
 15 A The first, they took me in and took off my
 16 clothes and examined me, my body, and they gave me a
 17 number The second was about an interpreter
 18 Q Let's start with Step 1 When you got to
 19 Abu Ghraib, was the first thing that happened is they
 20 had you take off your clothes so you could get a
 21 medical examination?
 22 A They checked my body They gave me a

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1 number They let me go back and sit down Next day,
 2 they took me back to investigation interrogation
 3 Q Let's stay on the first day for a minute
 4 When you were examined, was it by medical personnel?
 5 A No, no, he was not medical Actually, for
 6 any person who comes in here, any person will come
 7 check all his body They take his clothes off, check
 8 his body, and then they gave him a number
 9 MR ALOMARI: This is Mr Alomari The
 10 said, "For anybody who comes in, they strip him
 11 nude "
 12 THE TRANSLATOR: Take off all his clothes
 13 and they gave him a number
 14 BY MR O'CONNOR:
 15 Q After they took off your clothes and gave
 16 you a number, did you get your clothes back?
 17 A Repeat the question, please
 18 Q After they had you take off your clothes
 19 and check your body and then gave you a number, did
 20 you get your clothes back?
 21 A Yes
 22 Q And were you allowed to put your clothes

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1 back on?
 2 A Yes, yes.
 3 Q That first day when they were checking
 4 your body and giving you a number, was that all done
 5 by U.S. soldiers?
 6 A Yes.
 7 Q Were you mistreated in any way your first
 8 day at Abu Ghraib prison?
 9 A In the first day, after I was stripped my
 10 clothes, they put a bag on my head and they
 11 handcuffed me behind my back and they put me in
 12 another room.
 13 Q At the time they handcuffed and put a bag
 14 on your head, did you have your clothes on?
 15 A I was wearing my clothes. The first guy,
 16 he took the mask out and my handcuffs out. He took
 17 my clothing off. He stripped me naked. Then after
 18 that, examined me. I put my clothes on, he put the
 19 bag on, and handcuffed me back.
 20 Q Was there any other things that occurred
 21 on your first day at Abu Ghraib prison that you would
 22 consider mistreatment?

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1 A Up to now, there was no mistreatment. But
 the interrogation started; then the mistreatment
 3 started.
 4 Q Okay. I think you started to say earlier
 5 that on the second day interrogation started; is that
 6 right?
 7 A Correct.
 8 Q Tell me what you remember about your
 9 second day at Abu Ghraib prison.
 10 A They took me for interrogation. They put
 11 the bag on my head. They put the bag on and the
 12 handcuffs on and took me to the place where the
 13 interrogator was sitting on a higher place and I was
 14 sitting in a lower position.
 15 And I was sitting talking to him and I was
 16 standing on my legs like this (Indicating.) And his
 17 feet were up and I was almost the level of my face
 18 was to his feet and he started asking me questions.
 19 The interrogator?
 0 Q Did you have a bag on your head during
 1 this time?
 MR. ALOMARI: Mr. Alomari. He also

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1 mentioned, thought, the stones that his knees were
 on the sharp stones.

3 THE WITNESS: My knees were standing on
 4 cracked stones.

5 BY MR. O'CONNOR:

6 Q. Mr. Al Shimari, in your Interrogatory
 7 Responses in this case, you said that on the first
 8 day that you were at Abu Ghraib prison you were
 9 hooded and punched on all sides of the face. Is that
 10 accurate?

11 MR. LOBUE: I object, and I ask the
 1 witness to be shown his Interrogatory Response,
 13 because the question did not precisely reflect what
 14 the witness stated in the Interrogatory Response.

15 MR. O'CONNOR: Are you testifying?

16 MR. LOBUE: This is part of my objection.

17 MR. O'CONNOR: This is a speaking
 18 objection. This is completely inappropriate.

19 MR. LOBUE: The Interrogatory Response
 0 states that he was punched on all sides of his face.

1 MR. O'CONNOR: Did I not say that? Did I
 not say that?

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1 MR. LOBUE: I'm objecting that you did not
 give the witness an opportunity to read his written
 3 response.

4 MR. O'CONNOR: He can't read his written
 5 response. It's in English.

6 MR. LOBUE: Well, we do have a translator
 7 in the room, Mr. O'Connor.

8 MR. O'CONNOR: Preposterous.

9 BY MR. O'CONNOR:

10 Q. Mr. Al Shimari, were you punched on all
 11 sides of your face during your first day in
 1 Abu Ghraib prison?

13 A. Like I like I told you before, the
 14 minute they took me for interrogation, they started
 15 hitting me and they started mistreating me.

16 Q. So you were punched on all sides of your
 17 face on your second day at Abu Ghraib prison; right?

18 A. Actually, after they gave me the minute
 19 that I stripped clothes and they gave me the number,
 0 and they start mistreating me, hitting me.

1 Q. So that was on the first day?

A. I don't recall. I don't remember. But

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1 they started hitting me in the investigation,
 2 interrogation

3 Q Who was hitting you?

4 A Talking about the investigation, the
 5 interrogation, they make me stand on my knees and
 6 they told me to admit what was in the car And I
 7 couldn't talk because they kept the bag on my head
 8 during the interrogation Then when the
 9 interrogation was over and when I leave, after I
 10 leave, then they take the bag out

11 Q So, do you know who your interrogator was
 12 for that first interrogation that you just told us
 13 about?

14 MR LOBUE: You mean by name? I object to
 15 the form

16 MR O'CONNOR: Okay

17 MR LOBUE: What do you mean, "Do you know
 18 who he was"?

19 MR O'CONNOR: I think it's a fair
 20 question

21 MR LOBUE: Would you please translate my
 22 objection and tell the witness he may answer

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1 THE TRANSLATOR: You want to restate the
 2 question, please, sir?

3 BY MR. O'CONNOR:

4 Q. Do you know who interrogated you the first
 5 time you were interrogated?

6 MR. LOBUE: Did you state my objection?

7 THE WITNESS: How can I tell? I don't
 8 know his name because the way they took me into the
 9 interrogation. I had the bag on my head and they
 10 were pulling me, pulling me. I don't know his name.

11 BY MR. O'CONNOR:

12 Q. That's all I wanted to figure out. Is it
 13 correct that you don't know who the interrogator was
 14 for your first interrogation, because you had a bag
 15 on your head for the entire time?

16 A. Yes.

17 Q. Do you know if your interrogator for your
 18 first interrogation was a soldier or an American
 19 civilian?

20 A. I saw one guy with the hair going this
 21 way, backwards, going back.

22 Q. Was that your investigator from the first

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1 interrogation?
 MR. ALOMARI: This is Mr. Alomari. He
 3 described it as a "ponytail."
 4 THE WITNESS: He said there was a long
 5 hair all the way to the back. Looked like a female
 6 hair, all the way to the back. Long hair.
 7 BY MR. O'CONNOR:
 8 Q. Was that your interrogator?
 9 A. Interrogator.
 10 Q. Was that your interrogator for the first
 11 interrogation?
 1 A. Second, second. In the second
 13 interrogation.
 14 Q. Okay. Let's start with the first
 15 interrogation for now, so we don't get them mixed up.
 16 I'll get to the second interrogation. Is it fair to
 17 say that you don't know whether your first
 18 interrogator was a U.S. soldier or a U.S. civilian?
 19 A. Correct. I don't know if he's military.
 0 He was interrogating me. He was interrogating me.
 1 Q. Did anything happen during the first
 interrogation that you view as mistreatment, other

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1 than being having a bag on your head and kneeling
 2 on sharp rocks?
 3 A. I mean, he was mistreating me. He kept
 4 his feet higher than my head and my eye level was
 5 close to his feet. That is mistreatment.
 6 Q. Is there any other type of mistreatment
 7 during the first interrogation besides what you have
 8 already told me about?
 9 A. He was real pulling me through the
 10 interrogation, they was pulling me, pulling me like a
 11 bird, all the way. Pulling me. And he was pushing
 12 me like a rock, like a bird.
 13 THE REPORTER: Bird?
 14 THE TRANSLATOR: Bird. B I R D
 15 BY MR. O'CONNOR:
 16 Q. Is it fair to say that you don't know who
 17 was pushing you, because you had a bag on your head?
 18 A. Correct, yes.
 19 Q. Are there any other things that happened
 20 during the first interrogation that you would call
 21 mistreatment?
 22 MR. NELSON: This is Mr. Nelson. We lost

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1 sound for part of that translation. Can you
 translate that question again?
 3 MR. O'CONNOR: Could you just read it and
 4 translate it again.
 5 (Translator restated the question.)
 6 THE WITNESS: He was pulling me all the
 7 way they almost broke my hands. They were tied so
 8 hard, my hands, they almost got broken. And during
 9 the interrogation, how I was looking at his feet. He
 10 was walking, pressing on my belly, on my head even.
 11 In addition, during the interrogation I was standing
 1 on my knees.
 13 BY MR. O'CONNOR:
 14 Q. Who was pressing on your head?
 15 A. Hitting, hitting. He was stepping with
 16 his feet. Pressing with his feet.
 17 Q. The interrogator was stepping with his
 18 feet?
 19 A. You know, the interrogator and the guards.
 0 Q. This was during
 1 A. And I couldn't tell because my head was
 covered. I couldn't tell.

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1 Q. So you couldn't tell who was doing this,
 because your head was covered; is that right?
 3 A. Correct.
 4 Q. Have you now told me all of the
 5 mistreatment you believe you suffered during the
 6 first interrogation at Abu Ghraib prison?
 7 A. Yes. And after that, you know, they took
 8 me to another place. It was an excess mistreatment,
 9 more mistreatment.
 10 Q. Where was the other place where there was
 11 more mistreatment?
 1 A. Abu Ghraib, there was another place in
 13 Abu Ghraib called Takila.
 14 MR. LOBUE: Let's go off the record
 15 momentarily and resolve our technical problems.
 16 (Whereupon, the deposition was recessed
 17 from 9:59 a.m. to 10:03 a.m.)
 18 MR. O'CONNOR: We're back on the record.
 19 MR. ALOMARI: This is Mr. Alomari and I
 0 had a correction on the translation. The area that
 1 he is referring to as "Takila" is the Hard Site.
 THE TRANSLATOR: The Takila, the Hard

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1 Site.
 BY MR. O'CONNOR:
 3 Q. Mr. Al Shimari, you said a bit ago that
 4 your second interrogation had an interrogator with a
 5 ponytail; is that right?
 6 A. Yes.
 7 Q. During the second interrogation, did you
 8 have a bag on your head?
 9 A. Yes.
 10 Q. How do you know that the interrogator for
 11 the second interrogation had a ponytail?
 1 A. Because they make they took the bag and
 13 he told me to: Look to me eye to eye and talk to me,
 14 eye to eye.
 15 Q. Was the interrogator with the ponytail a
 16 woman or a man with long hair?
 17 A. Man.
 18 Q. Can you tell me anything else about this
 19 man's appearance?
 0 A. It was short duration, very short
 1 duration. But I saw the hair.
 Q. So to make sure I understand, the only

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1 thing you can tell me about the appearance of the
 seconding interrogator is that he had a ponytail?
 3 A. Yes.
 4 Q. Do you know what color skin the second
 5 interrogator had?
 6 A. White.
 7 Q. Did the second interrogation take place
 8 before or after you were moved to the Hard Site at
 9 Abu Ghraib?
 10 THE TRANSLATOR: You're talking about
 11 Takila? You want to rephrase it?
 1 MR. O'CONNOR: You want to use that
 13 hard
 14 THE TRANSLATOR: Hard Site.
 15 MR. O'CONNOR: Isn't that the translation
 16 of Hard Site?
 17 THE TRANSLATOR: I will stick with
 18 "Takila."
 19 MR. O'CONNOR: You should say that.
 0 (Translator repeated the question.)
 1 THE WITNESS: Before. Before.
 BY MR. O'CONNOR:

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1 Q. Did anything happen to you between the
 first interrogation and the second interrogation with
 3 the man with the ponytail?
 4 MR. LOBUE: I object to the form of the
 5 question. Vague. He may answer.
 6 THE WITNESS: Between the first
 7 interrogation and the second time, or the second time
 8 with the guy with the ponytail, long hair?
 9 MR. O'CONNOR: No, between the first
 10 interrogation where he doesn't know who the
 11 interrogator and the second interrogation where it
 1 was a man with a ponytail.
 13 THE WITNESS: Yes. Then, you know, the
 14 second day after the guy with the ponytail, he really
 15 questioned me. They pulled me. In the first
 16 interrogation, I didn't see the guy because I had
 17 this thing on my face. In the second interrogation,
 18 there was a guy and he told me eye to eye look. So I
 19 know he had a ponytail.
 0 BY MR. O'CONNOR:
 1 Q. How much time was there between the first
 interrogation and the second interrogation?

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1 A. Around, I think, one day Around one day
 2 Q. Where did you go between the first
 3 interrogation and the second interrogation?
 4 A. In a room
 5 THE TRANSLATOR: I just asked him a word
 6 MR. ALOMARI: This is Mr Alomari It
 7 means "brick " A brick room A brick room
 8 THE TRANSLATOR: A brick room
 9 BY MR. O'CONNOR:
 10 Q. Were you mistreated by anyone in between
 11 the first interrogation and the second interrogation?
 12 THE TRANSLATOR: He lost sound
 13 MR. NELSON: The sound cut out Can you
 14 translate that question again
 15 (Translator restated the question)
 16 THE WITNESS: Between the first
 17 interrogation and second interrogation, I was bare
 18 feet It was somewhere they didn't even give us
 19 food They did not give us food
 20 THE TRANSLATOR: I think he is going to
 21 add something now
 22 BY MR. O'CONNOR:

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1 Q. Other than being barefoot and not having
 2 food, were you mistreated at all between the first
 3 interrogation and the second interrogation?
 4 A. It was cold. The environment was cold.
 5 Q. Was there any other mistreatment between
 6 in between the first interrogation and the second
 7 interrogation?
 8 A. No, that's it. That's it.
 9 Q. Now, let's talk about the second
 10 interrogation. That's the one where the interrogator
 11 was a man with a ponytail; right?
 12 A. Yes.
 13 Q. How long did that second interrogation
 14 last?
 15 A. The second interrogation?
 16 Q. Yes.
 17 A. It's one day after the first
 18 interrogation.
 19 Q. How long were you interrogated during the
 20 second interrogation?
 21 A. More than three hours.
 22 Q. Were you mistreated during the second

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1 interrogation?
 2 A In the second interrogation, I was like
 3 this on my fingers (Indicating)
 4 MR ALOMARI: Mr Alomari He said, "My
 5 toes "
 6 THE WITNESS: On my feet I was standing
 7 on my fingers and my nose was on the wall toward
 8 the wall
 9 MR LOBUE: I'm sorry; he was standing on
 10 fingers?
 11 MR AKEEL: Toes
 12 MR ALOMARI: This is Mr Alomari He
 13 said "my toes "
 14 THE TRANSLATOR: He said I was, "Standing
 15 on my fingers of the feet, and my nose was on the
 16 wall like this in the corner " (Indicating)
 17 MR LOBUE: The interpreter was
 18 demonstrating that his nose was up against the wall
 19 and he was on his toes, I believe Is that correct?
 20 The fingers of his feet, also known as toes?
 21 THE TRANSLATOR: That is fine, but on his
 22 toes

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1 MR. LOBUE: I don't want to testify. I
 2 just want the record to reflect what is happening in
 3 the room.
 4 THE TRANSLATOR: He said "fingers of his
 5 feet."
 6 BY MR. O'CONNOR:
 7 Q. During the time that you were standing
 8 with your nose against the wall, did you have a hood
 9 on?
 10 A. No, there was no bag. No bag.
 11 Q. Were you mistreated in any other way
 12 during this second interrogation?
 13 A. The interrogator used to give order for
 14 the guard used to give an order for the guard and
 15 push me toward the wall. "Stand up and don't move.
 16 Period. Don't move. Final, don't move." And he
 17 said, "If you don't admit, you are going to be
 18 standing toward the wall until morning." But after
 19 three hours they let me.
 20 THE REPORTER: Can I clarify something?
 21 Who gave the order?
 22 THE TRANSLATOR: The interrogator gave

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1 orders to the
 2 THE REPORTER: Okay. That's all I need.
 3 MR. O'CONNOR:
 4 Q. And is everything you just described what
 5 happened during the second interrogation?
 6 A. He gave me an order to stand on the wall
 7 with the nose to the wall on my toes and he was
 8 giving the order for the guard to hit me.
 9 Q. My question was a little different. I
 10 want to make sure that I understand, did this happen
 11 during the second interrogation?
 12 A. Second? Second interrogation?
 13 Q. Yes.
 14 A. Yes, yes.
 15 Q. So the interrogator who was telling the
 16 guard to push you against the wall was the man with
 17 the ponytail?
 18 A. Yes.
 19 Q. Have you now told me all of the
 20 mistreatment that you believe you suffered during the
 21 second interrogation?
 22 A. Yes.

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1 Q. What happened after the second
interrogation finished?

3 A. After I left the interrogator, the guard
4 tied my hands behind very strong and very
5 powerful, tight. He hit me on my head. He kept
6 hitting me, hitting me all over my body on my
7 face, on my cheeks, and he sent me to Takila.

8 Q. When the guard was hitting you, was that
9 in the room when the second interrogation occurred?

10 A. In the interrogation room? Yes.

11 Q. Was the interrogator still there?

1 A. I was standing on my fingers, or whatever
13 you want to call it, toes, and my nose was towards
14 the wall. And I couldn't keep my balance and I
15 started moving, and then he started hitting me.

16 Q. Who started hitting him?

17 A. The guard when he was close to the
18 investigator.

19 Q. The interrogator?

0 A. The interrogator. He was close to the
1 guard.

Q. Were you ever interrogated again by the

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1 man with the ponytail?

A. Only one time; this time. After that, I
3 did not see him.

4 Q. Do I understand that after the second
5 interrogation you were brought to the Hard Site?

6 A. Yes.

7 Q. How long were you kept at the Hard Site?

8 A. Around one week.

9 Q. Were you interrogated during that week?

10 A. It was, you know, a very horrible place.
11 The pillow was full of stones. There was no mattress
1 on the floor and it was very cold. And the area was
13 very little and there was no bathroom. Cold. Very
14 cold. Very cold.

15 Q. My question

16 A. I also only wearing one "dishdasha," like
17 a long dress. Like a long Arabic dress.

18 Q. My question was a little different. What
19 I'm trying to know is during this week that you were
0 at the Hard Site, were you interrogated?

1 A. End of the week. The end of the week.

Q. During this week that you were at the Hard

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1 Site, is it correct that you were only interrogated
once and it was at the end of the week?

3 A. Yes, sir.

4 Q. During this week long period that you were
5 at the Hard Site, were you mistreated?

6 THE TRANSLATOR: In addition to what he
7 said?

8 BY MR. O'CONNOR:

9 Q. In addition to what you have already told
10 me.

11 A. Like I told you, it was cold, and the
1 pillow was so hard. It was very dirty, there was no
13 bathroom. This was the mistreatment.

14 Q. I just want to make sure that I've gotten
15 from you any other type of mistreatment during that
16 week, besides what you have already said. Have you
17 told me everything now?

18 A. No, no, no.

19 Q. There is nothing more?

0 A. And the third interrogation, then the
1 treatment

Q. I'm going to get to the third

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1 interrogation.

A. after one week.

3 Q. Okay. Have you told me about all of the
4 mistreatment you suffered between the second
5 interrogation and the third interrogation?

6 A. Between the second and third?

7 Q. Yes.

8 A. Yes.

9 Q. Between the second and third
10 interrogation, did you see any American civilians?

11 A. Civilians?

1 Q. Yes.

13 A. How can I see? Whenever they take me into
14 an interrogation, they put a bag on my head.

15 Q. Did you have a bag on your head while you
16 were in your cell at the Hard Site?

17 A. In Takila? There was no cell in Takila.

18 Q. Oh, so was it a

19 A. We only go for interrogation. Only for
0 interrogation.

1 Q. Okay. You said after about a week at the
Hard Site, you went for the third interrogation; is

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<p>1 that right?</p> <p>2 A Correct</p> <p>3 Q Were you brought to the third</p> <p>4 interrogation with a bag on your head?</p> <p>5 A Yes</p> <p>6 Q How long did the third interrogation last?</p> <p>7 A 6 o'clock in the morning</p> <p>8 Q If it started at 6 o'clock in the morning</p> <p>9 About what time did it end?</p> <p>10 A The third one?</p> <p>11 Q Yes, the third one</p> <p>12 A 10 o'clock in the morning</p> <p>13 Q So you would say that the third</p> <p>14 interrogation lasted about four hours?</p> <p>15 A Yes</p> <p>16 Q Did you have the bag on your head for the</p> <p>17 entire time?</p> <p>18 THE TRANSLATOR: The four hours?</p> <p>19 MR O'CONNOR: Yes, for the entire</p> <p>20 interrogation</p> <p>21 THE WITNESS: The bag was on my head from</p> <p>22 Takila all the way to the interrogator Once I was</p>	<p>1 he was standing behind me with a dog and he said, "If</p> <p>2 you tell me anything not true, I'm going to let the</p> <p>3 dog bite you " He put me between me and the</p> <p>4 dog there was a glass between me and the dog And</p> <p>5 he said, "I'm going to let the dog bite you "</p> <p>6 "Shibak" means glass Window "Shibak " A window</p> <p>7 MR ALOMARI: He is using "jamma" and now</p> <p>8 "shibak " "Jamma" in Iraqi is "shibak "</p> <p>9 THE TRANSLATOR: He is saying that the</p> <p>10 word "shibak," which is "window," in Iraqi, it is</p> <p>11 "jamma "</p> <p>12 THE WITNESS: He was threatening me He</p> <p>13 said, "If I open the window, I'm going to let the dog</p> <p>14 bite you " Yes That was "I'm going to let the</p> <p>15 dog bite you "</p> <p>16 BY MR O'CONNOR:</p> <p>17 Q What color skin did the interrogator have?</p> <p>18 A White</p> <p>19 Q About how old was he?</p> <p>20 A Middle I don't know Mid Mid</p> <p>21 Q Was he thin or fat?</p> <p>22 A Skinny</p>
Page 63	Page 65
<p>1 at the interrogator, they took the bag out.</p> <p>2 Q. Was your interrogator for the third</p> <p>3 interrogation a soldier or a civilian?</p> <p>4 THE TRANSLATOR: American?</p> <p>5 MR. O'CONNOR: Yes.</p> <p>6 THE WITNESS: He took off I think he</p> <p>7 took part of the clothes he was wearing was a</p> <p>8 black shirt, short sleeves civilian. And I asked him</p> <p>9 a couple of times and I asked him a couple of</p> <p>10 times whether the shirt was military or civilian and</p> <p>11 he said civilian. 100 percent he was civilian.</p> <p>12 Civilian.</p> <p>13 BY MR. O'CONNOR:</p> <p>14 Q. What did he look like?</p> <p>15 A. He was wearing a black shirt. Black tee</p> <p>16 shirt. Black shirt, half sleeves.</p> <p>17 Q. What did he look like?</p> <p>18 A. A little bit bald. No hair. No hair. No</p> <p>19 hair. No hair. A little hair like this.</p> <p>20 (Indicating.) A little hair. A little hair. Yes.</p> <p>21 Q. What color skin did he have?</p> <p>22 A. I was standing, sitting, and kneeling and</p>	<p>1 Q. Was he tall? Short? Medium?</p> <p>2 A. Medium height. He wasn't tall, he wasn't</p> <p>3 short. Medium height.</p> <p>4 Q. Did he have a mustache or a beard?</p> <p>5 A. He had a light mustache.</p> <p>6 Q. Do you know if the interrogator worked for</p> <p>7 CACI?</p> <p>8 MR. NELSON: We lost sound. Can you</p> <p>9 translate that question again?</p> <p>10 (Translator repeated the question.)</p> <p>11 THE WITNESS: I don't know, but I know</p> <p>12 but he is civilian.</p> <p>13 BY MR. O'CONNOR:</p> <p>14 Q. You said he had a little bit of hair. Do</p> <p>15 you remember what color it was?</p> <p>16 THE TRANSLATOR: His hair, mustache?</p> <p>17 MR. O'CONNOR: Hair.</p> <p>18 THE WITNESS: Blond.</p> <p>19 BY MR. O'CONNOR:</p> <p>20 Q. Did any other mistreatment occur during</p> <p>21 this interrogation that you haven't already told us</p> <p>22 about?</p>

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1 A. After about ten minutes, he was
 2 threatening me with the dog to bite me. I was
 3 sitting down like this, like this, you know with both
 4 my knees together and looking towards his eyes.
 5 (Indicating.) I was handcuffed in the back in a
 6 force. And I was, you know, the dog behind me could
 7 bite me any time. Yes. And this interrogation
 8 lasted for four hours or more.
 9 Q. Is it correct that the dog was always on
 10 the other side of the window from you?
 11 A. Yes.
 12 Q. Have you told me about all of the
 13 mistreatment you believe you suffered during this
 14 third interrogation?
 15 A. No, that's it.
 16 MR. LOBUE: Can we take a break at this
 17 point?
 18 MR. O'CONNOR: Yes. We are going to take
 19 a you want a ten minute break?
 20 MR. LOBUE: Ten minutes.
 21 MR. O'CONNOR: We're going to take a
 22 ten minute break.

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1 (Whereupon, the deposition was recessed
 2 from 10:43 a.m. to 10:56 a.m.)
 3 BY MR. O'CONNOR:
 4 Q. Let's go back on the record. So, Mr. Al
 5 Shimari, we've been talking about your third
 6 interrogation with the man with the black shirt as
 7 the interrogator. Have you told us about all of the
 8 mistreatment that you contend you suffered during
 9 that interrogation?
 10 A. It's been so long since 2003, it's been so
 11 long, you know, I don't remember.
 12 Q. I understand that this was a long time
 13 ago. I'm just trying to make sure that you've told
 14 me what you can remember.
 15 A. If other things if I do remember, I'll let
 16 you know.
 17 Q. Thank you. What happened after the third
 18 interrogation?
 19 A. They send me after the third interrogation
 20 they send me to a place like a cell. Then before
 21 after the third interrogation, before I get into this
 22 cell, they shave my hair, they shave my mustache, and

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1 they tied my hands behind my back Then after that,
 2 they took off my clothes, they wet my clothes before
 3 I went in the cell and they left me to put them back
 4 on wet
 5 And for me, destruction of my house is the
 6 better off than the way they mistreated me by shaving
 7 my hair and my mustache This is worse
 8 Q Who did these things to you? Was it U S
 9 soldiers?
 10 A A group of female and male soldiers and
 11 civilians under the orders of the interrogator
 12 Q How do you know that this was under the
 13 order of the interrogator?
 14 A He was sitting down and they were moving
 15 around
 16 Q Did the interrogator follow you back to
 17 the area with the cells?
 18 A Under the order of this guy, then they
 19 shaved my hair The guy was giving an order, so they
 20 shaved my hair and my mustache And then they put me
 21 in the shower with the soap and the soldier was
 22 holding weapons on me

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1 Q Was the interrogator present when was
 2 the interrogator present when
 3 THE TRANSLATOR: He is saying about
 4 shaving and everything He is mixing hold on
 5 THE WITNESS: Directly after I left the
 6 interrogator in Takila
 7 MR AKEEL: In the Hard Site
 8 THE WITNESS: It was really adjacent, the
 9 Hard Site was adjacent to this area The minute I
 10 arrived, they shaved my mustache and my hair They
 11 opened the water shower They get me naked, took off
 12 my clothes Then a lot of soap, soap bar, and they
 13 let me stay under the water until the soap is
 14 dissolved until the soap is finished Because it
 15 was so cold, since I didn't have any hair or my
 16 mustache or my hair, it felt like nails sticking out
 17 It was so cold, I feel the hair is like nails Like
 18 nails It was very cold, very cold, very cold
 19 BY MR O'CONNOR:
 20 Q Was
 21 A After that, they then after that they
 22 gave me a wet suit Then they soaked it in the water

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1 until it is fully wet and he told me to wear it, put
 2 it on Since shaving my hair and my mustache, it is
 3 worse for me, personally, very bad, compared to
 4 whatever had happened in my house It's really one
 5 of the worst it's very bad It was a
 6 mistreatment
 7 MR ALOMARI: This is Mr Alomari He is
 8 saying "humiliating "
 9 THE WITNESS: It was very humiliating
 10 BY MR O'CONNOR:
 11 Q Was the interrogator present when the
 12 soldiers shaved your mustache and hair?
 13 A There was one civilian present He was
 14 giving orders
 15 Q Who was the civilian?
 16 A I really couldn't tell After they shaved
 17 my hair and my mustache and tied my hands behind my
 18 back, I couldn't really tell who the civilian is
 19 And then they get me and four other people in the
 20 room, a small room, me and four people, put us
 21 together in a small room We were naked No
 22 clothes No clothes

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1 After six or seven hours, they took us in
 2 and put us in individual rooms, put us each in
 3 individual rooms. And I couldn't tell it was day or
 4 nighttime in the room. All I knew when I heard the
 5 prayer in the dawn, when I heard the prayer when
 6 they say "salat alfajr," it means the prayer of the
 7 morning then I knew it was a new day.
 8 Q. Mr. Al Shimari, can we let's take this
 9 one step at a time. When you left the third
 10 interrogation and you had your mustache and hair
 11 shaved, is it your testimony that there was one
 12 civilian present, but you don't know who it was?
 13 A. Correct. Correct.
 14 Q. Do you know if that civilian was an
 15 interrogator?
 16 A. I can't tell you. But in addition to him
 17 there was other soldiers, female and male.
 18 Q. And then you talked about when you were
 19 put into the shower. Who was present for that?
 20 A. It was a female soldier with her rifle
 21 pointing at me.
 22 Q. Was there anyone

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1 A. And she kept her rifle pointing at me in
 2 the shower, until the soap bar is dissolved.
 3 Q. Was there anyone else present for the
 4 shower, other than you and the female soldier?
 5 A. There were close by. Two, three people,
 6 they were close by.
 7 Q. Who were the two or three people who were
 8 close by?
 9 A. I don't know. I don't know those people.
 10 Q. Were they soldiers?
 11 A. The majority are female soldiers.
 12 Q. Do you know if there were any civilians
 13 present when you were taking the shower?
 14 A. Yes, there was one person. One person.
 15 Q. Is it the same person who was present when
 16 they shaved your mustache and hair?
 17 A. He was sitting down and he was giving
 18 orders to them.
 19 Q. Was it the same person who was present
 20 when they shaved your mustache and hair?
 21 A. He was close. Close.
 22 Q. But my question is you said that there was

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1 one civilian present when you were taking the shower.
 2 And my question is whether that was the same civilian
 3 who was present when your mustache and hair were
 4 shaved.
 5 A. Yes.
 6 Q. Now, you testified that your clothes
 7 that clothes were soaked in water and you were forced
 8 to put those clothes on; is that correct?
 9 A. Correct.
 10 Q. Who told you to put on the wet clothes?
 11 A. He gave orders to one of the female
 12 soldiers and she came in and brought a bucket with
 13 the clothing in it and told me to put it on.
 14 Q. When you say "he" gave an order, who is
 15 "he"?
 16 A. One the one sitting down. The guy who
 17 was giving orders. The civilian.
 18 Q. The same person who was present when you
 19 were showering and present when the soldiers shaved
 20 your mustache and hair?
 21 A. He was the same person. But the woman,
 22 she was holding her weapon when I was taking a

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1 shower. She was taking orders from him.
 2 Q. And do I understand correctly that you
 3 don't remember what this civilian looks like?
 4 A. He was really tall. A little taller than
 5 the other guy. But I don't recall. He is a tall
 6 guy. He's the same height or taller than.
 7 Q. The same height as who?
 8 A. He's taller than the interrogator, the
 9 first interrogator, the interrogation before. He was
 10 taller than the interrogator in Takila.
 11 Q. How many times in total were you
 12 interrogated in Abu Ghraib prison?
 13 A. I don't remember I don't remember the
 14 number exactly. Yes, I don't remember. The
 15 punishment the treatment was very bad, awful. In
 16 fact the minute they put me in this room, I couldn't
 17 see anything. I couldn't see nothing. The minute
 18 they the minute I hear the prayer in the morning,
 19 the dawn prayer, then I would realize it was a new
 20 day. Then I would take something and mark the wall,
 21 it's a new day. The minute they were giving me food,
 22 some water it was in a very large room. The place

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1 where I was
 2 Q Is this a cell?
 3 A Yes, it's a cell
 4 MR ALOMARI: This is Mr Alomari He is
 5 using the term saying that it looks like a "fake," a
 6 "fake door "
 7 BY MR O'CONNOR:
 8 Q The first just to summarize the
 9 interrogation we talked about so far The first
 10 interrogation you had at Abu Ghraib prison, you don't
 11 know who was the interrogator because you had a hood
 12 on the whole time; is that right?
 13 A Yes
 14 Q And the second interrogation, the
 15 interrogator was a man with a ponytail; right?
 16 A Yes
 17 Q And the interrogator with the ponytail
 18 only interrogated you that one time; right?
 19 THE TRANSLATOR: That one with the
 20 ponytail?
 21 MR O'CONNOR: Yes
 22 THE WITNESS: Correct Correct

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1 BY MR O'CONNOR:
 2 Q Now, the third interrogation you
 3 described, the interrogator had a black shirt on;
 4 right?
 5 A Yes
 6 Q You said that there were other
 7 A It has been so long a long period of
 8 time, I don't recall everything I don't remember
 9 Q My question is did the interrogator with
 10 the black tee shirt ever interrogate you again after
 11 the third interrogation?
 12 THE TRANSLATOR: You want me to ask him
 13 how many times he interrogated him?
 14 BY MR O'CONNOR:
 15 Q How many times did the man with the
 16 black shirt interrogate you more than once?
 17 A In every interrogation, there was always
 18 one interrogator Different one So when he leaves,
 19 I'll see somebody else in another interrogation
 20 Q Okay So do I understand it that you
 21 never had the same interrogator more than once?
 22 A Yes

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1 Q What other interrogator can you remember
 2 having?
 3 THE TRANSLATOR: Other than those?
 4 BY MR O'CONNOR:
 5 Q Other than the ones you have described so
 6 far
 7 A Every interrogation, every time I leave an
 8 interrogator, I become so much desperate and the
 9 mistreatment is so bad One would hit me on my head,
 10 my face, on my cheeks The other one shaved my
 11 mustache and my hair and put me inside the "douche "
 12 And one put me another one in a cell where I couldn't
 13 see, couldn't tell the difference between day and
 14 night I couldn't see the day and night
 15 Q Do you remember
 16 A And one, he brought the dog to bite me
 17 Q Who brought the dog to bite you?
 18 A When I was in the cell, somebody would
 19 bring the dog It's like let him attack me and then
 20 pulled the dog back almost let him try to attack
 21 me, but then he pulled the dog back
 22 And one of the interrogators, he ordered

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<p>1 one of the soldiers to put the bag on my head.</p> <p>2 MR. ALOMARI: This is Mr. Alomari. Not</p> <p>3 "the bag." He said "the blanket." Blanket.</p> <p>4 THE WITNESS: Then he put the blanket on</p> <p>5 my head. And the dog was biting the cover, you know</p> <p>6 what I'm saying whatever it is the blanket.</p> <p>7 BY MR. O'CONNOR:</p> <p>8 Q. Who was the interrogator that had the dog</p> <p>9 do that?</p> <p>10 A. I don't know. I don't know. I don't</p> <p>11 remember. I don't recall.</p> <p>12 Q. Were some of your interrogators soldiers?</p> <p>13 A. The majority of the interrogators were</p> <p>14 civilian. The majority of the interrogators were</p> <p>15 civilian. The only things I can tell you, the guard</p> <p>16 used to put the bag on my head and he used to pull me</p> <p>17 into the interrogator. Once I get to the</p> <p>18 interrogator, he used to pull the bag out. And I</p> <p>19 think they were civilian, because</p> <p>20 Q. Do you remember them being civilians or</p> <p>21 are you not sure?</p> <p>22 A. I'm sure they were civilian.</p>	<p>1 THE TRANSLATOR: So you want to have any</p> <p>2 discussions other than lawyers during the break;</p> <p>3 right?</p> <p>4 MR LOBUE: That's my instruction</p> <p>5 THE TRANSLATOR: How do you want to ask</p> <p>6 that question all over again? The guy is confused</p> <p>7 now</p> <p>8 MR O'CONNOR: I'm sticking with my</p> <p>9 question</p> <p>10 THE TRANSLATOR: Let's go over again</p> <p>11 BY MR O'CONNOR:</p> <p>12 Q My question is on the last break, did</p> <p>13 anyone talk to you about your testimony?</p> <p>14 A No, no, no</p> <p>15 Q Did anyone tell you to start blaming</p> <p>16 civilians for your treatment?</p> <p>17 MR LOBUE: Objection Objection I'm</p> <p>18 going to instruct the witness not to discuss not</p> <p>19 to disclose any discussions he may have had with</p> <p>20 attorneys If he was told to give that testimony</p> <p>21 outside of any discussions let me rephrase that</p> <p>22 If he had any discussions during the break</p>
Page 79	Page 81
<p>1 Q. On the last break, did anybody talk to you</p> <p>2 about your testimony?</p> <p>3 A. Their clothing was civilian.</p> <p>4 Q. On the last break, did anyone talk to you</p> <p>5 about your deposition testimony.</p> <p>6 MR. LOBUE: Go ahead, then tell him to</p> <p>7 wait for my objection.</p> <p>8 THE TRANSLATOR: I'm sorry; I lost. Go</p> <p>9 ahead. I'm sorry.</p> <p>10 BY MR. O'CONNOR:</p> <p>11 Q. On the last break, did anyone talk to you</p> <p>12 about your deposition testimony?</p> <p>13 MR. LOBUE: Please translate and ask him</p> <p>14 to wait for my instruction.</p> <p>15 THE TRANSLATOR: Not to answer?</p> <p>16 MR. LOBUE: Not to answer.</p> <p>17 (Translator repeated the question.)</p> <p>18 MR. LOBUE: Please tell the witness I</p> <p>19 instruct him not to reveal any discussions with</p> <p>20 attorneys. If he had discussions during the last</p> <p>21 break with any person other than his attorneys, he</p> <p>22 may answer.</p>	<p>1 other than with his attorneys, he may answer That's</p> <p>2 my instruction</p> <p>3 THE TRANSLATOR: Same instruction as</p> <p>4 before?</p> <p>5 MR LOBUE: Same instruction as before</p> <p>6 THE TRANSLATOR: Let me go back now again</p> <p>7 and do it all over again</p> <p>8 MR LOBUE: Please, may I suggest you</p> <p>9 translate the question and then translate my</p> <p>10 instruction</p> <p>11 THE TRANSLATOR: Without any interruption?</p> <p>12 MR LOBUE: Without interruption</p> <p>13 BY MR O'CONNOR:</p> <p>14 Q Look, my question is did anyone on the</p> <p>15 last break tell you that you should start blaming</p> <p>16 civilians with your testimony?</p> <p>17 A I never had any discussions with my</p> <p>18 lawyer</p> <p>19 MR LOBUE: I will well, okay</p> <p>20 BY MR O'CONNOR:</p> <p>21 Q Do I understand that you had no</p> <p>22 discussions with your lawyers on the last break?</p>

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1 THE TRANSLATOR: In the cell?
 MR. O'CONNOR: Yes. I will make it
 3 shorter.
 4 BY MR. O'CONNOR:
 5 Q. The dark cell, the loud music, and
 6 throwing water on you all occurred in your cell;
 7 correct?
 8 A. Correct. Correct.
 9 Q. Were you ever interrogated inside your
 10 cell?
 11 A. One time.
 1 Q. Tell me about the one time you were
 13 interrogated inside your cell.
 14 A. The guard came over and put a bag on my
 15 head and tied my hands behind my back and dragged
 16 me took me to the interrogator. And they started
 17 asking me: If you didn't tell those weapons belong
 18 to me, the one in the car, I'm going to keep you in
 19 this room and I'll bring your wife too."
 0 Q. But that happened outside of your cell in
 1 a different room; right?
 A. He dragged me out of the cell, out, and

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1 then he brought me in back to the cell.
 Q. And it was a guard that dragged you out
 3 and brought you back on the cell; right?
 4 A. The guard took me to the interrogator.
 5 Q. My question was did an interrogator ever
 6 ask you questions while you were in your cell?
 7 THE TRANSLATOR: Inside the cell?
 8 MR. O'CONNOR: He is inside the cell. I
 9 want to know if he was asked questions while Mr. Al
 10 Shimari was inside the cell.
 11 THE WITNESS: One time. One time.
 1 BY MR. O'CONNOR:
 13 Q. Tell me about the one time that you were
 14 asked questions by an interrogator when you were
 15 inside your cell.
 16 A. The interrogator never came over to the
 17 room. I was always been taken to him. Where they
 18 put a cover on my head, the bag, and tied my hands
 19 behind my back and they took me to the interrogator.
 0 Q. Can you tell me any other mistreatment
 1 A. Because from the issue that they were kept
 me in the dark and throwing water at me, and all this

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1 issue And bringing a dog and make the dog try to
 2 attack me, those things created an opening in my
 3 belly
 4 MR. ALOMARI: This is Mr Alomari A
 5 "hernia "
 6 THE TRANSLATOR: Hernia He got a hernia
 7 THE WITNESS: I told him I'm sick, I need
 8 a doctor I'm really hurt Hurt He didn't even
 9 discuss or say anything He just gave me a pill and
 10 a glass of water
 11 BY MR. O'CONNOR:
 12 Q Was that a guard?
 13 THE TRANSLATOR: The guard who gave him
 14 the medication?
 15 MR O'CONNOR: Yes
 16 THE WITNESS: It was a guard A doctor
 17 never came over
 18 BY MR. O'CONNOR:
 19 Q So you told the guard that you had a pain
 20 in your stomach and the guard came back and gave you
 21 a pill; is that right?
 22 A Correct

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1 Q. Do you know if anyone told the guard not
 to have a doctor come see you?
 3 A. He used to come once a day to give me food
 4 rations. This is the food rations, a bag. You know
 5 what I'm talking about. A guy gave me the ration of
 6 food, and I kept telling him I hurt in my belly in my
 7 stomach, and I need to see a doctor. He doesn't
 8 answer me, because there was no dialogue or
 9 discussion between me and the guard. He came back
 10 with a pill and a glass of water a water cup, cup
 11 of water.
 1 Q. Do you know if the guard told anyone else
 13 that you had complained of a pain in your belly?
 14 MR. ALOMARI: Sorry; we just lost the
 15 sound. Can you translate the question again. Thank
 16 you.
 17 (Translator repeated the question.)
 18 THE WITNESS: I don't have any
 19 information.
 0 BY MR. O'CONNOR:
 1 Q. Can you tell me any other acts of
 mistreatment that you suffered while you were at the

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1 Hard Site at Abu Ghraib prison?
 2 A. The area of Takila was close to a lot of
 3 cells. Close, dirty, limited area, very limited
 4 area. You know, the cover, the bed cover was sitting
 5 on a humid place. And you know, the weather is so
 6 cold, and the pillow was full of soil and rock
 7 THE TRANSLATOR: Correction, the pillow
 8 was full of soil.
 9 MR. ALOMARI: This is Mr. Alomari. He is
 10 saying the pillow was a "sandbag." "Kuneah alrraml,
 11 bag.
 1 BY MR. O'CONNOR:
 13 Q. Do you know who decided that you would
 14 have a sandbag for a pillow?
 15 A. I don't have any information.
 16 Q. Can you think of any other mistreatment
 17 you suffered while you were at Abu Ghraib prison?
 18 THE TRANSLATOR: The whole time?
 19 MR. O'CONNOR: Yes.
 0 THE WITNESS: Since the beginning up to
 1 now, I have not meet or saw my family or any of the
 members of my family.

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1 Q So while you were in Abu Ghraib prison,
 2 you were prevented from seeing your family?
 3 A Up to now up to now, I was not able to
 4 They would not let me see my family up to this point
 5 Q Were you ever able to have your family
 6 come visit you at Abu Ghraib prison?
 7 A Until I left the cell
 8 Q When you were moved out of the cell to the
 9 tent part of Abu Ghraib, were you allowed to have
 10 your family visit you?
 11 A Yes And my family just informed me that
 12 the U S military had bombed my house and they became
 13 homeless and nobody left in the house
 14 Q Can you tell any other mistreatment you
 15 contend that you suffered at Abu Ghraib prison?
 16 THE TRANSLATOR: Other? In addition?
 17 MR O'CONNOR: In addition to what he has
 18 already told me
 19 THE WITNESS: Because of the hits and all
 20 the abuse, I had a headache And because of the
 21 darkness I was kept in the room, I can't see very
 22 well, my eyes, without the help of the glasses And

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1 because of the they were tightening my hands with
 2 such force, I'm not able to carry bags in my hand
 3 Things fall out of my hand when I carry bags, any
 4 kind of loads
 5 My teeth are falling out And up to now
 6 whenever I'm trying to carry a load or weight in my
 7 hand, it fell out of my hand up to now Without the
 8 glasses I cannot see I see because of the
 9 hitting on my head, I can see like arc Because of
 10 the hitting on my head, whenever I see a light I see
 11 like arcs
 12 MR LOBUE: See what?
 13 THE TRANSLATOR: Arc You know, like
 14 THE WITNESS: They moved me out of Bucca
 15 and in one year my teeth start falling out You can
 16 see
 17 BY MR O'CONNOR:
 18 Q Is that from something that happened
 19 A And the operation the hernia I did the
 20 hernia operation in Bucca
 21 Q Did the problem with your teeth happen
 22 because of something that occurred at Camp Bucca or

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1 something that occurred at Abu Ghraib?
 2 A. Because of Abu Ghraib. Because of
 3 Abu Ghraib.
 4 Q. What things at Abu Ghraib caused your
 5 teeth to fall out?
 6 A. Because the reason my teeth start falling
 7 out, because in Abu Ghraib I was hit on my face here
 8 and here, and that's the caused and hitting on my
 9 head, that caused my teeth to start falling.
 10 Q. Were you hit on your face by guards?
 11 A. Guards. The one who transported me to
 12 interrogator. The one who took me to the
 13 interrogator. He was hitting me and the plastic bag
 14 was on my head, so I couldn't see him.
 15 Q. So this was either before or after an
 16 interrogation, because you had the hood on; is that
 17 right?
 18 A. Before the interrogation and after the
 19 interrogation, the bag was on my head. And during
 20 those times, they keep hitting and me and abusing me.
 21 Q. And when you say "they keep hitting me and
 22 abusing me," are you talking about guards?

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1 changing.

2 Q. While you were at Abu Ghraib prison, were

3 you ever stabbed with a knife or sharp object?

4 A. Only with a baton stick and the rifle, I

5 was hit.

6 Q. Okay. Let's start with the baton stick.

7 How did you get hit with a baton?

8 A. Talking now about the electric things now.

9 There was an instrument there was an electric like

10 a lie detector set and said you are lying, something

11 around my arm. Electric equipment. And they said I

12 was lying.

13 Q. And did it shock you?

14 MR. ALOMARI: This is Mr. Alomari. He is

15 saying "there is electric current in the supposed lie

16 detector."

17 BY MR. O'CONNOR:

18 Q. Were you shocked by the electricity?

19 MR. ALOMARI: This is Mr. Alomari

20 electric shock

21 THE REPORTER: I'm sorry; I didn't get

22 that.

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1 THE WITNESS: There was electric shock.

2 Electric shock.

3 BY MR. O'CONNOR:

4 Q. How many times were you shocked with

5 electricity while were at Abu Ghraib prison?

6 A. One time.

7 Q. Who did it?

8 A. I had a cover on my head and they put the

9 things on my hand and they gave me the shock.

10 Q. Was this during an interrogation?

11 A. This is during the interrogation. "This

12 thing is gonna tell if you are lying or not," and

13 suddenly it shocked me.

14 Q. And because you had a bag on your head,

15 you don't know who was present for that?

16 A. Yes.

17 Q. Were you ever choked while you were at

18 Abu Ghraib prison?

19 A. More than one time, I tried to be choked

20 during interrogation. More than once. There were

21 Q. Choked or shocked?

22 A. Choked. You were talking about choked.

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1 They were dragging, pulling me from my neck

2 Q. Was this in the course of taking you to or

3 from an interrogation?

4 A. It's like dragging a dog

5 Q. But was it did this happened when you

6 were being pulled to or from an interrogation?

7 A. Yes

8 Q. Did you have a rope around your neck?

9 A. The bag itself the bag, the bag

10 Q. Did the bag have a rope on it?

11 A. Okay The bag was tied with a string and

12 they were pulling the string

13 Q. So was this guards pulling the string to

14 drag you around?

15 MR. O'CONNOR: Go ahead and

16 THE WITNESS: Even me, you know, even when

17 I tried one time I was praying and he humiliated me

18 actually by pulling me before I finished my prayer

19 He pulled me out of my prayer

20 BY MR. O'CONNOR:

21 Q. Who did that?

22 A. He put the things on top of my head and

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1 pulled me. I don't know.

2 Q. Do you know if it was a guard?

3 A. Of course. Of course. Sure.

4 Q. When you were at Abu Ghraib prison, did

5 you ever have your private parts touched, either in

6 the front or in the back?

7 A. Yes.

8 Q. Tell me about that.

9 A. Since I left Abu Ghraib up to now, I was

10 not able to have any children because they hit me

11 there.

12 Q. Who?

13 A. And the more hits on me, and they were

14 saying "feeki feeki," like you are a faggot, faggot.

15 MR. ALOMARI: This is Mr. Alomari. "Feeki

16 feeki," is "fuck you, fuck you."

17 THE WITNESS: He don't have any kind of

18 "naich," the word "naich" is "fuck you."

19 BY MR. O'CONNOR:

20 Q. Is that what he said they were saying?

21 THE TRANSLATOR: It is a bad word for us.

22 It's a bad expression, according to him.

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1 THE WITNESS: Yes, yes.
 BY MR. LOBUE:
 3 Q. Please explain.
 4 A. There is a scar, there is numbness. I
 5 cannot walk for a long period of time up to now.
 6 There is a numbness and scars on them, and pain.
 7 MR. ALOMARI: This is Mr. Alomari.
 8 (Speaking Arabic.) It means, "It wore down the
 9 knee."
 10 MR. LOBUE: Okay.
 11 THE TRANSLATOR: I don't know it.
 1 MR. LOBUE: You don't know? I will
 13 withdraw the question; I will ask a different
 14 question.
 15 BY MR. LOBUE:
 16 Q. At the time you were forced to kneel on
 17 the sharp rocks, did you have clothing on?
 18 A. I was naked. No clothes on.
 19 Q. And when you were forced to kneel on the
 0 sharp rocks, did it break the skin? Did it make you
 1 bleed?
 A. There was a scars on the skin. Scars.

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1 Q Okay You told us that in one
 2 interrogation someone was stepping with his foot
 3 Was he stepping on you?
 4 MR O'CONNOR: Objection, leading
 5 MR LOBUE: I will rephrase the question
 6 before you translate
 7 BY MR LOBUE:
 8 Q You testified earlier that in one
 9 interrogation someone was stepping with his feet
 10 Who or what was he stepping on?
 11 MR O'CONNOR: Objection, mischaracterizes
 12 his testimony You don't need to translate my
 13 objections
 14 THE WITNESS: On my head, on my belly
 15 on my head, on my back, on my legs
 16 BY MR LOBUE:
 17 Q Did that cause you any pain or injury at
 18 the time?
 19 A It was a pain, a hard pain on my head and
 20 my neck and on my back too On my back and on my
 21 legs For a while I couldn't walk and I couldn't
 22 move for a while

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1 Q You told us that in one or more
 2 interrogations you were forced to hold your nose
 3 against the wall And I'd like to ask you for how
 4 long were you forced to hold your nose against the
 5 wall
 6 MR O'CONNOR: Objection, mischaracterizes
 7 his testimony
 8 MR LOBUE: Are you okay if he doesn't
 9 translate your objections?
 10 MR O'CONNOR: I'm assuming he shouldn't
 11 I'm not instructing the witness
 12 THE TRANSLATOR: Okay, so from now on I
 13 will not translate How long?
 14 MR LOBUE: For how long?
 15 (Translator repeated the question)
 16 THE WITNESS: One time from the afternoon
 17 all the way to the dawn They take me back,
 18 interrogate me, and then send me back to the wall
 19 BY MR LOBUE:
 20 Q You told us about an interrogator who had
 21 a ponytail Did that interrogator wear a military
 22 uniform or civilian clothes?

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1 A. Civilian, civilian.
 Q. Okay. Turning to a different subject,
 3 altogether, how much time did you stay at the Hard
 4 Site at Abu Ghraib?
 5 A. From Abu Ghraib, I stayed one year.
 6 Q. And how long did you stay
 7 A. One month in "Mahacha," and 20 days and
 8 around 20 days in Takila, 20 days. I don't remember.
 9 I don't recall how long I stayed in each part or in
 10 Takila, but I remember overall I stayed one year in
 11 Abu Ghraib.
 1 Q. And about how much
 13 MR. ALOMARI: This is Mr. Alomari. Just a
 14 comment on the translation. He didn't translate the
 15 "Mahacha," which is referring to the cells. And he
 16 didn't translate "kasa." "Kasa" is the cell that
 17 looks like a safe.
 18 THE TRANSLATOR: I said I really don't
 19 know what
 0 MR. LOBUE: I understand. I was going to
 1 ask for a clarification. Thank you, Mr. Alomari.
 BY MR. LOBUE:

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1 Q. Mr. Al Shimari, about how many days were
 2 you forced to stay without clothing while you were at
 3 Abu Ghraib, either for a whole day or part of the
 4 day?
 5 A. In "kasa," around 30 days.
 6 THE TRANSLATOR: Whatever is "kasa." I
 7 don't know the area. About 30 days.
 8 BY MR. LOBUE:
 9 Q. Let me please ask a clarifying question.
 10 Is it your testimony that you spent part or all of
 11 30 days without clothing while you were at
 12 Abu Ghraib?
 13 MR. O'CONNOR: Objection, leading.
 14 THE TRANSLATOR: In "kasa," he said
 15 inside "kasa," around 30 days.
 16 BY MR. LOBUE:
 17 Q. And what do you mean by "kasa"?
 18 A. It's like I mean by "kasa," a small room
 19 by 1 meter by 1 1/2 meter. It has a little opening
 20 for food. It has like metal chicken wires and behind
 21 it is a door metal. It's one meter by 1 1/2 meter.
 22 Q. Thank you. Mr. Al Shimari, you testified

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1 that someone at Abu Ghraib hit your private parts and
 2 touched you on the back. I'd like to ask you some
 3 more questions about that.
 4 MR. O'CONNOR: Objection to form.
 5 BY MR. LOBUE:
 6 Q. Was it an American who touched you on your
 7 back?
 8 A. I mean, I had the bag on my head. It was
 9 like almost strangled. And, I don't know, but I
 10 think it's either one of the interrogators or one
 11 of the guards.
 12 Q. Okay. Did this happen before, during, or
 13 after one of the interrogations?
 14 A. Okay. Most of the time these things
 15 happened always after the interrogation.
 16 Q. When someone touched you on your back,
 17 where exactly did they touch you?
 18 A. In my back. And he hit me the same
 19 person touched me from my back, my ass, and then he
 20 hit me on my private parts.
 21 Q. You said "my ass," meaning
 22 A. My butt.

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1 Q. Buttocks?
 2 A. Buttocks; right.
 3 Q. Did the person enter your body? Let me do
 4 it this way. Excuse me one second.
 5 Sir, could you please look at what's been
 6 marked previously today as Exhibit 2, your
 7 Interrogatory answers. And Mr. Al Shimari, you told
 8 us that you signed this document?
 9 A. Yes.
 10 Q. And someone read the contents to you
 11 before you signed it; correct?
 12 A. Yes, correct.
 13 Q. I'm going to ask our interpreter to please
 14 translate a statement that you made here. First I
 15 will read it in English for the record.
 16 MR. O'CONNOR: I object to this. I guess
 17 I'll say it now.
 18 MR. LOBUE: Sure.
 19 BY MR. LOBUE:
 20 Q. My reading is as follows
 21 THE TRANSLATOR: Do you have a copy?
 22 Which one?

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1 MR. LOBUE: The pages are not numbered.
 2 THE TRANSLATOR: Do you want to mark it
 3 here.
 4 BY MR. LOBUE:
 5 Q. The statement in English reads as follows:
 6 "Plaintiff Al Shimari was subject to gratuitous and
 7 humiliating sexual touching when, on multiple
 8 occasions, guards forced him to bend over and
 9 inserted their fingers into his rectum." End of
 10 reading.
 11 MR. LOBUE: Would you please translate?
 12 MR. O'CONNOR: Objection.
 13 BY MR. LOBUE:
 14 Q. Did that happen?
 15 MR. O'CONNOR: Objection.
 16 THE WITNESS: Yes, yes.
 17 BY MR. LOBUE:
 18 Q. Did that happen at Abu Ghraib?
 19 MR. O'CONNOR: Objection.
 20 THE WITNESS: Yes.
 21 BY MR. LOBUE:
 22 Q. How did that make you feel?

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CERTIFICATE OF DEPONENT

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I hereby certify that I have read and examined the foregoing transcript, and the same is a true and accurate record of the testimony given by me. Any additions or corrections that I feel are necessary, I will attach on a separate sheet of paper to the original transcript.

Signature of Deponent

I hereby certify that the individual representing himself/herself to be the above named individual, appeared before me this day of , 2017, and executed the above certificate in my presence.

NOTARY PUBLIC IN AND FOR

County Name

MY COMMISSION EXPIRES:

Page 135

CERTIFICATE OF NOTARY PUBLIC

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I, JOE W STRICKLAND, RPR, CRR, CRC, the officer before whom the foregoing deposition was taken, do hereby certify that, per the stipulations of Counsel, the witness whose testimony appears in the foregoing deposition was remotely sworn by me, through the Interpreter; that the interpreted testimony of said witness was taken by me in stenotypy and thereafter reduced to print under my direction; that said deposition is a true record of the testimony given by said witness; that I am neither counsel for, related to, nor employed by any of the parties to the action in which this deposition was taken; and, furthermore, that I am not a relative or employee of any attorney or counsel employed by the parties hereto, nor financially or otherwise interested in the outcome of this action

JOE W STRICKLAND, RPR, CRR, CRC

Notary Public, in and for

The District of Columbia

My Commission Expires: November 30, 202

EXHIBIT 3

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UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF VIRGINIA
ALEXANDRIA DIVISION

-----X

SUHAIL NAJIM ABDULLAH AL :
SHIMARI, et al., : Case No:
Plaintiffs : 1:08-cv-00827
-vs- : GBL-JHA
CACI INTERNATIONAL, INC., et :
al., : Pages 1 - 226
Defendants :

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Deposition of SALAH HASAN NSAIF JASIM AL-EJAILI
Washington, D.C.
Wednesday, March 6, 2013

Reported by: Kathleen M. Vaglica, RMR
Job No: 41081

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<p>1 Wednesday, March 6, 2013 2 (9:04 a.m.) 3 4 Deposition of SALAH HASAN NSAIF JASIM AL-EJAILI, 5 held at the offices of: 6 7 Steptoe & Johnson, LLP 8 1330 Connecticut Avenue, N.W. 9 Washington, D.C. 20036-1795 10 11 12 Pursuant to notice, before Kathleen M. Vaglica, RMR, 13 a Notary Public in and for the District of Columbia. 14 15 16 17 18 19 20 21 22</p>	<p>1 COUNSEL FOR DEFENDANTS 2 JOHN F. O'CONNOR, ESQUIRE 3 WILLIAM KOEGEL, ESQUIRE 4 Steptoe & Johnson, LLP 5 1330 Connecticut Avenue, N.W. 6 Washington, D.C. 20036 7 (202) 429-8095 8 9 ALSO PRESENT 10 MOHAMMED ALOMARI, INTERPRETER 11 GEORGE BRENT MICKUM, IV 12 13 14 15 16 17 18 19 20 21 22</p>
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<p>1 APPEARANCES 2 3 BY INTERPRETER: BARZAN M. RASHEED 4 5 COUNSEL FOR PLAINTIFFS 6 SHEREEF H. AKEEL, ESQUIRE 7 Akeel & Valentine, PLC 8 888 W. Big Beaver Road 9 Suite 910 10 Troy, MI 48084-4736 11 (248) 269-9595 12 13 KATHERINE GALLAGHER, ESQUIRE 14 Center for Constitutional Rights 15 666 Broadway, Seventh Floor 16 New York, NY 10012 17 (212) 614-6455 18 19 20 21 22</p>	<p>1 CONTENTS 2 3 EXAMINATION OF SALAH HASAN NSAIF JASIM PAGE 4 AL-EJAILI 5 BY MR. OCONNOR 7,223 6 BY MR. AKEEL 198 7 8 EXHIBITS 9 NUMBER PAGE 10 11 1: Copy of Photograph 146 12 2: Copy of Photograph 146 13 3: Copy of Photograph 147 14 4: Copy of Photograph 148 15 5: Copy of Photograph 149 16 6: Copy of Photograph 151 17 7: Copy of Photograph 151 18 8: Copy of Photograph 153 19 9: Copy of Photograph 153 20 10: Copy of Photograph 155 21 11: Copy of Photograph 155 22 12: Copy of Photograph 157</p>

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<p>1 A. An hour and a half or two hours.</p> <p>2 Q. Is it correct that you were not mistreated</p> <p>3 by anyone while you were in that interrogation room</p> <p>4 for the hour and a half or two hours?</p> <p>5 A. Yes.</p> <p>6 Q. At the end of an hour and a half or two</p> <p>7 hours in the interrogation room, what happened?</p> <p>8 A. The interrogator called for someone to</p> <p>9 come in in military uniform, and he took me to the</p> <p>10 Abu Ghraib building itself.</p> <p>11 Q. The person who took you to the Abu Ghraib</p> <p>12 building itself was an American soldier?</p> <p>13 A. In military uniform.</p> <p>14 MR. ALOMARI: (Discussion in Arabic with</p> <p>15 Mr. Rasheed.)</p> <p>16 THE WITNESS: Military uniforms.</p> <p>17 MR. ALOMARI: Clothing. Military</p> <p>18 clothing.</p> <p>19 THE WITNESS: Yes, he was in military</p> <p>20 uniforms.</p> <p>21 BY MR. O'CONNOR:</p> <p>22 Q. Do you have any reason to believe that the</p>	<p>1 handed me over to two persons. They pulled off the</p> <p>2 bag off my head. There were two persons, one of</p> <p>3 them in military uniform and the other is</p> <p>4 interpreter. They asked me to get stripped naked.</p> <p>5 I asked, I refused to obey. They said you,</p> <p>6 yourself, will get naked or we will get you naked by</p> <p>7 ourselves. So, I had no choice but to take off all</p> <p>8 my clothings. I gave, they put the bag, again they</p> <p>9 put the bag on my head. They handcuffed me, and it</p> <p>10 was something like also interrogation with me.</p> <p>11 The one in the military uniform was</p> <p>12 shouting into my ear, "Admit it. Confess. Admit</p> <p>13 it." So, they were yelling at my ears, one in the</p> <p>14 military uniform at my ear, one of my ears saying,</p> <p>15 "Admit it," and the translator, the interpreter was</p> <p>16 the other side shouting in my ear in the same tone</p> <p>17 in the Arabic words, "Admit it."</p> <p>18 Q. Okay. Let me ask another question because</p> <p>19 we'll get, I need to catch up. So, when you get out</p> <p>20 of the Hummer, you have a bag on your head; is that</p> <p>21 right?</p> <p>22 A. Yes.</p>
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<p>1 person who took you from the interrogation room to</p> <p>2 the building at Abu Ghraib was a civilian?</p> <p>3 MR. RASHEED: Was a civilian?</p> <p>4 THE WITNESS: I don't know.</p> <p>5 BY MR. O'CONNOR:</p> <p>6 Q. Did you go from the interrogation room to</p> <p>7 the building at Abu Ghraib by walking?</p> <p>8 A. No. There was a Hummer vehicle.</p> <p>9 Q. Was there anyone in the Hummer other than</p> <p>10 you, the person in military uniform and the driver?</p> <p>11 A. There was no driver. He, himself, man in</p> <p>12 the military uniform, he drive the car, the vehicle,</p> <p>13 and he says it's a close place. It wasn't much</p> <p>14 distance, and there was a bag on my head. They put</p> <p>15 a bag on my head.</p> <p>16 Q. Is it your belief the only two people in</p> <p>17 the car, in the Hummer were you and this person in</p> <p>18 American military uniform?</p> <p>19 A. I think so.</p> <p>20 Q. Okay. When you reached the building at</p> <p>21 Abu Ghraib, what happened next?</p> <p>22 A. There was this bag on my head still. He</p>	<p>1 Q. And the person who brought you to the</p> <p>2 building who was in a military uniform handed you</p> <p>3 over to two other people; is that right?</p> <p>4 A. Yes.</p> <p>5 Q. When you were handed over from the one</p> <p>6 person to the two, did they take the bag off your</p> <p>7 head?</p> <p>8 A. Yes.</p> <p>9 Q. The two people who then had control of</p> <p>10 you, one was in a military uniform?</p> <p>11 A. Two, both of them.</p> <p>12 Q. Both of them were in military uniforms?</p> <p>13 A. Yes.</p> <p>14 Q. Did one of them appear to be your</p> <p>15 interrogator?</p> <p>16 A. Yes.</p> <p>17 Q. And did the other appear to be an</p> <p>18 interpreter?</p> <p>19 A. Yes.</p> <p>20 Q. Do you know who the interrogator and</p> <p>21 interpreter were?</p> <p>22 A. Yes.</p>

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<p>1 Q. Who?</p> <p>2 MR. RASHEED: He knows them in person you</p> <p>3 mean?</p> <p>4 THE WITNESS: How do you mean by do I know</p> <p>5 him? Do I know them?</p> <p>6 BY MR. O'CONNOR:</p> <p>7 Q. Fair enough. Do you know the names of the</p> <p>8 person who was the interrogator or the person who</p> <p>9 was the interpreter that we're talking about right</p> <p>10 now?</p> <p>11 A. No.</p> <p>12 Q. Do you remember what they looked like?</p> <p>13 A. I just saw them for a short while. They</p> <p>14 just pulled off the hood on my head, the bag on my</p> <p>15 head and asked me to get naked, and then, after</p> <p>16 getting naked, they put back again on my head, so I</p> <p>17 didn't see them much.</p> <p>18 Q. Okay. But in the short time that the hood</p> <p>19 was off your head, did you get a look at the</p> <p>20 interrogator and the interpreter?</p> <p>21 A. Yes.</p> <p>22 Q. Do you remember what the interrogator</p>	<p>1 A. One of the corridors between these rooms.</p> <p>2 Q. When you say between these rooms, are the</p> <p>3 rooms jail cells?</p> <p>4 A. I don't know.</p> <p>5 Q. Was it inside the building that you were</p> <p>6 brought to?</p> <p>7 A. Yes.</p> <p>8 Q. And, so, they conducted this interrogation</p> <p>9 in one of the hallways inside this building?</p> <p>10 A. Yes.</p> <p>11 Q. Were there other detainees in the area</p> <p>12 where you were being interrogated?</p> <p>13 A. The bag was on my head. I could hear</p> <p>14 people talking. I could hear this, things, but I</p> <p>15 couldn't see.</p> <p>16 Q. When you could hear people talking, were</p> <p>17 they talking in Arabic?</p> <p>18 A. Different language, Arabic and English.</p> <p>19 Q. Did you take your clothes off in the same</p> <p>20 place where they conducted the interrogation of you?</p> <p>21 A. Yes.</p> <p>22 Q. Do you believe that one of the two</p>
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<p>1 looked like?</p> <p>2 A. No, I don't remember the features of the</p> <p>3 interrogator.</p> <p>4 Q. Was the interpreter a male? Or I'm sorry.</p> <p>5 Was the interrogator a male?</p> <p>6 A. Yes.</p> <p>7 Q. Did the interrogator speak Arabic?</p> <p>8 A. The interrogator speaks in English and the</p> <p>9 translator, the interpreter in Arabic.</p> <p>10 Q. Do you remember what the interpreter looks</p> <p>11 like?</p> <p>12 A. He was a very big person.</p> <p>13 Q. Male?</p> <p>14 A. Yes.</p> <p>15 Q. Did the interrogator and interpreter</p> <p>16 appear to be U.S. Army soldiers?</p> <p>17 MR. AKEEL: Objection. Form.</p> <p>18 THE WITNESS: Yes. Yes.</p> <p>19 BY MR. O'CONNOR:</p> <p>20 Q. You testified about this interrogator and</p> <p>21 interpreter conducting an interrogation of you.</p> <p>22 Where did that interrogation occur?</p>	<p>1 soldiers participating in this interrogation was of</p> <p>2 Egyptian origin?</p> <p>3 MR. AKEEL: Objection. Form.</p> <p>4 THE WITNESS: The interpreter, yes. I</p> <p>5 could tell by his accent, the Arabic accent.</p> <p>6 BY MR. O'CONNOR:</p> <p>7 Q. How long did this interrogation that took</p> <p>8 place in the corridor last?</p> <p>9 A. For a short while. Something less than</p> <p>10 half an hour.</p> <p>11 Q. During this interrogation, did anybody</p> <p>12 physically mistreat you?</p> <p>13 A. They were shouting at my ears. They</p> <p>14 really were shouting.</p> <p>15 Q. Did anybody strike you during this</p> <p>16 interrogation?</p> <p>17 MR. AKEEL: Objection. Form.</p> <p>18 THE WITNESS: No.</p> <p>19 BY MR. O'CONNOR:</p> <p>20 Q. What type of questions were you being</p> <p>21 asked during this interrogation?</p> <p>22 A. They were focusing on just saying "Admit</p>

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1 it," and, when I was asking "Admit what?", they were
 2 saying, "You know to admit what."
 3 Q. You said this interrogation lasted less
 4 than a half hour. What happened when it ended?
 5 A. They said we will leave you for ten
 6 minutes for a short break, and, when we come back,
 7 we want you to admit everything.
 8 Q. Did they leave you standing in the
 9 corridor?
 10 A. Yes.
 11 Q. Was the hood on your head during that
 12 time?
 13 A. Yes.
 14 Q. Do you know if anybody was guarding you?
 15 A. I don't know.
 16 Q. How long were you left to stand there?
 17 A. Less than ten minutes, and then another
 18 person came and took me with him.
 19 Q. Okay. How do you know it was a different
 20 person than the two who were doing your
 21 interrogation?
 22 A. His voice, from his voice I could tell he

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1 was a different person.
 2 Q. Did this person who came to take you to
 3 another place speak English?
 4 A. Yes.
 5 Q. Did this person speak to you at all in
 6 Arabic?
 7 A. No, never. He never spoke.
 8 Q. When this person came to get you, did they
 9 move you to somewhere else?
 10 MR. RASHEED: Excuse me?
 11 BY MR. O'CONNOR:
 12 Q. When this person came to where you were
 13 standing, did he then move you to somewhere else?
 14 A. He took me to another place.
 15 Q. What was this other place?
 16 A. He took me, and we walked for three to
 17 four minutes, and I could hear people speaking,
 18 noises, so I could tell that these peoples were
 19 prisoners in cells.
 20 Q. Okay. So, you had the bag on your head
 21 for this three or so minutes when you were walking?
 22 A. Yes. He was holding my hand and direct me

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1 where to go.
 2 Q. Okay. Where did you end up after this
 3 person moved you?
 4 A. I don't know where he took me, but he took
 5 me for three, four minutes, and then it began other
 6 procedures there. We went to place where other
 7 procedures began.
 8 Q. Did this person who transported you for
 9 the three or four-minute walk mistreat you in any
 10 way?
 11 MR. AKEEL: Objection. Form.
 12 THE WITNESS: No. During the walk, there
 13 was no --
 14 BY MR. O'CONNOR:
 15 Q. This person didn't strike you or anything
 16 like that?
 17 MR. AKEEL: Objection. Form.
 18 MR. O'CONNOR: What was the answer?
 19 THE WITNESS: No.
 20 BY MR. O'CONNOR:
 21 Q. Do you know if the person who transported
 22 you was a U.S. Army soldier?

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1 MR. AKEEL: Objection. Form.
 2 THE WITNESS: After that, after my
 3 release, I knew this person was an American because
 4 I saw his or her pictures, and he was one of those
 5 who has been accused of torture in Abu Ghraib.
 6 BY MR. O'CONNOR:
 7 Q. Okay. This person walks you for three or
 8 four minutes to another place where there's other
 9 procedures; is that right?
 10 A. Yes.
 11 Q. Was the bag then taken off your head when
 12 you got to this other place?
 13 A. For a short while he took off the bag on
 14 my head, and he put the bag again on my head and
 15 brought me this orange suit. He or she stand me
 16 against the wall, and there was a pipe and
 17 handcuffed me with this orange suit to the pole.
 18 There was a pole.
 19 MR. AKEEL: John, just for future, 'cause
 20 I don't want to place objections while he's
 21 translating and it's creating, so, as long as we
 22 have an agreement, when you do state a question and

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1 then, 'cause it gets translated quickly, I can
 2 object after the conclusion of the translation
 3 meaning I'm objecting to your question.
 4 Otherwise, every time, as soon as you ask,
 5 I'm objecting. He gets lost in his chain of
 6 thought, and he's trying to translate, just for
 7 clarity.
 8 MR. O'CONNOR: I don't mind that at all.
 9 I don't want to put you in a position to have to
 10 race to get the objection in.
 11 MR. AKEEL: Exactly. Exactly. Just for
 12 clarity, that usually works out the best. When he's
 13 done, then I'll object, and we know that that's for
 14 your question. Okay.
 15 MR. O'CONNOR: Sometimes last Sunday I
 16 felt like I had to kind of race because the witness
 17 was answering fast.
 18 MR. AKEEL: No, you were great. You did
 19 what you had to do.
 20 MR. O'CONNOR: That's fine. I have no
 21 problem with that.
 22 MR. AKEEL: Exactly.

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1 BY MR. O'CONNOR:
 2 Q. Do I understand that your testimony is
 3 that this person who transported you the three or
 4 four minutes turned out to be one of the persons who
 5 was accused of mistreating detainees at Abu Ghraib?
 6 A. Yes.
 7 Q. Do you know who that is?
 8 A. I knew, literally I knew his name is
 9 Graner.
 10 Q. Graner? G-R-A-N-E-R. Charles Graner?
 11 A. I don't know his first name, but it was
 12 Graner.
 13 Q. And did you see Graner's face during this
 14 short period of time that the hood was taken off
 15 your head?
 16 A. Yes. I saw him and, I saw him later in
 17 few, several occasions.
 18 Q. And, so, you recognized his voice later on
 19 as the voice of the person who was moving you the
 20 three or four minutes?
 21 A. Yes. After the three or four minutes, he
 22 took off the bag, and he handcuffed me with the

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1 pole, so I knew. I saw him.
 2 Q. When did you learn that this soldier's
 3 name was Graner?
 4 A. I am a reporter, and I work for Al
 5 Jazeera, and I watch news, follow news, so, when
 6 this case broke and they were talking about the
 7 Graner, I knew that was the person.
 8 Q. So, at the time that you, ultimately, left
 9 Abu Ghraib prison, you did not know the name of this
 10 soldier who had walked you those three or
 11 four minutes?
 12 A. No.
 13 Q. And you learned it only later when you
 14 were following the press reports about the Abu
 15 Ghraib abuse scandal?
 16 A. Yes.
 17 Q. Okay. Now, you said that you were walked
 18 these three or four minutes to another room where
 19 there were other procedures. Can you tell me what
 20 those other procedures were?
 21 A. One of them was they put me to this pole
 22 and put me in the orange suit and left me there from

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1 5 p m. in the evening until the next day at 5 or
 2 6 a m. During this period, my stomach was aching so
 3 much. It ached so much. I was hearing them
 4 chanting saying, "Happy birthday, Al Jazeera," or
 5 "Happy anniversary, Al Jazeera."
 6 I think at one time there was a lady came
 7 close to me. She was touching me. She was touching
 8 me on my back, my armpit, my hand as removing hair
 9 from me or pinching. My stomach was aching so much,
 10 and I was vomiting something black in color. I was
 11 just throwing up. I couldn't help myself. This is
 12 what happened that night.
 13 Q. During this night from 5 p m. until five
 14 or six the next morning, did you have the bag on
 15 your head the whole time?
 16 A. Yes.
 17 Q. During the short time that the bag was
 18 taken off your head, did you observe anyone being
 19 present besides Graner?
 20 MR. AKEEL: Objection. Form.
 21 THE WITNESS: I didn't notice any person
 22 close to me, but I could tell that there were cells

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<p>1 and prisoners in the cells.</p> <p>2 BY MR. O'CONNOR:</p> <p>3 Q. This place that you were walked to, was it</p> <p>4 a cell?</p> <p>5 A. No. It was a corridor, a hallway, but</p> <p>6 there was cells, the first one. Also the second</p> <p>7 floor there was.</p> <p>8 Q. Do you know of any employees of the CACI</p> <p>9 Defendants being present at the time you were</p> <p>10 chained to the pole from 5 p.m. until five or six</p> <p>11 the next morning?</p> <p>12 A. I don't know.</p> <p>13 MR. AKEEL: Objection. Form.</p> <p>14 BY MR. O'CONNOR:</p> <p>15 Q. You testified that there was a woman who</p> <p>16 came close to you during the night that you were</p> <p>17 chained to the pole; is that right?</p> <p>18 A. Yes.</p> <p>19 Q. And is it fair to say that you know that</p> <p>20 was a woman because of her voice?</p> <p>21 A. Yes.</p> <p>22 Q. Did she speak English?</p>	<p>1 BY MR. O'CONNOR:</p> <p>2 Q. Okay. You testified that you were</p> <p>3 shackled to the pole until about five or six the</p> <p>4 next morning. What happened at five or six the next</p> <p>5 morning?</p> <p>6 A. The same person who tied me to the pole</p> <p>7 came, opened the, he took off the bag on my head and</p> <p>8 asked me to clean the floor because it was all my</p> <p>9 vomit and my throw-up. With the same orange suit</p> <p>10 that he put me to the pole he asked me to clean up</p> <p>11 the floor, so he forced me to clean the floor. And</p> <p>12 he took me to one of the cells, opened the door and</p> <p>13 left me in the cell.</p> <p>14 Q. Now, the person who did all this was</p> <p>15 Graner?</p> <p>16 A. Yes.</p> <p>17 Q. Was there anyone else present?</p> <p>18 A. No, by himself.</p> <p>19 MR. AKEEL: Objection. Form.</p> <p>20 BY MR. O'CONNOR:</p> <p>21 Q. Okay. What happened after you were put in</p> <p>22 the cell?</p>
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<p>1 A. Yes.</p> <p>2 Q. Do you know who that was?</p> <p>3 A. At the time, there was the bag on my head,</p> <p>4 and I couldn't tell who she was.</p> <p>5 Q. But do you know now who that was?</p> <p>6 A. No, I don't know.</p> <p>7 Q. During the time that you were shackled to</p> <p>8 this pole this evening, were you hit by anybody?</p> <p>9 A. No.</p> <p>10 MR. AKEEL: Objection. Form.</p> <p>11 BY MR. O'CONNOR:</p> <p>12 Q. Do you know who was chanting "Happy</p> <p>13 birthday, Al Jazeera"?</p> <p>14 A. No, I don't know who they were, but they</p> <p>15 were chanting in English.</p> <p>16 Q. The woman who was touching you while you</p> <p>17 were shackled to the pole, did you hear her voice</p> <p>18 again after that evening?</p> <p>19 A. I couldn't recognize her voice later, but,</p> <p>20 at the time, I could tell it was a woman by her</p> <p>21 voice.</p> <p>22 MR. AKEEL: Objection. Form.</p>	<p>1 A. It was very chilly. It was very cold.</p> <p>2 So, I tried, there was a tap there in the corner of</p> <p>3 the cell, so I tried to wash because the orange suit</p> <p>4 was smelling so bad from the throw-up, so I was</p> <p>5 thinking about washing the orange suit so I can put</p> <p>6 it later on. So, I washed up the orange suit and</p> <p>7 put it on one of the beds so it will get dry. So,</p> <p>8 for two days I have nothing on. I was totally</p> <p>9 naked.</p> <p>10 And then a lady with military uniform</p> <p>11 passed by the cell. I told her that it's very</p> <p>12 chilly, and it's very cold, and I need something to</p> <p>13 put on. She said I will bring you something right</p> <p>14 away, so in a few minutes she came back with a</p> <p>15 female women underwear. Of course, so I just threw</p> <p>16 them away to one of the corners in the cell. I</p> <p>17 didn't put them on. She showed up with these. I</p> <p>18 was using it to put my foot on it when I was taking,</p> <p>19 trying to take a shower.</p> <p>20 Q. During the two days that you were naked in</p> <p>21 the cell, did you come into contact with any</p> <p>22 Americans other than this female who had passed by?</p>

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<p>1 A. I didn't get in touch or contact any</p> <p>2 Americans, but they were coming and going all the</p> <p>3 time.</p> <p>4 MR. AKEEL: Objection. Form.</p> <p>5 BY MR. O'CONNOR:</p> <p>6 Q. Other than, in those two days, other than</p> <p>7 people, other than you seeing people walking back</p> <p>8 and forth, did you have any other interaction with</p> <p>9 an American besides the female who you talked about?</p> <p>10 A. I was trying to ask them why am I here,</p> <p>11 how long am I going to be here, but no one was</p> <p>12 answering me.</p> <p>13 MR. AKEEL: Objection. Form.</p> <p>14 BY MR. O'CONNOR:</p> <p>15 Q. Do you know who, you talked about the</p> <p>16 American female in the military uniform that you</p> <p>17 told you were cold. Do you know who that was?</p> <p>18 A. No.</p> <p>19 Q. About how old was she?</p> <p>20 A. I can't tell for sure.</p> <p>21 Q. Was she white?</p> <p>22 A. Yes.</p>	<p>1 Q. When was, from the time you were put in</p> <p>2 the cell, how long were you in the cell before you</p> <p>3 were interrogated by someone?</p> <p>4 MR. AKEEL: Objection as to form.</p> <p>5 THE WITNESS: It could be the third day.</p> <p>6 BY MR. O'CONNOR:</p> <p>7 Q. Were you interrogated in the cell or were</p> <p>8 you taken somewhere else?</p> <p>9 A. They took me to some other place.</p> <p>10 MR. AKEEL: Objection as to form.</p> <p>11 BY MR. O'CONNOR:</p> <p>12 Q. Okay. From the time you were put in the</p> <p>13 cell until the time of this next interrogation, were</p> <p>14 you mistreated in any way other than what you've</p> <p>15 already testified to today?</p> <p>16 MR. AKEEL: Objection as to form.</p> <p>17 THE WITNESS: Things like they were</p> <p>18 forcing you to take nap or to sleep during days and</p> <p>19 be woken up during nights. These things they were</p> <p>20 doing to us.</p> <p>21 BY MR. O'CONNOR:</p> <p>22 Q. And that took place from the time when you</p>
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<p>1 Q. Did you notice what rank she was?</p> <p>2 A. She wasn't having any ranks.</p> <p>3 Q. But she was in an American military</p> <p>4 uniform?</p> <p>5 A. Yes.</p> <p>6 Q. At the end of the two days, did someone</p> <p>7 give you clothes? Or did you put the orange</p> <p>8 jumpsuit back on?</p> <p>9 A. I put on the jumpsuit. He calls it the</p> <p>10 orange suit. And it was, he said it wasn't dried</p> <p>11 yet.</p> <p>12 Q. During the two days that you were there,</p> <p>13 did somebody bring you food?</p> <p>14 A. They gave me one or two meals. They</p> <p>15 brought me one or two meals.</p> <p>16 Q. During these two days that you were in the</p> <p>17 cell, did you have any contact with someone who was</p> <p>18 interrogating you?</p> <p>19 A. No. These first two days there was no</p> <p>20 interrogation.</p> <p>21 MR. AKEEL: Objection as to form.</p> <p>22 BY MR. O'CONNOR:</p>	<p>1 were first put in the cell, between then and when</p> <p>2 you were first interrogated; is that right?</p> <p>3 A. Yes.</p> <p>4 MR. AKEEL: Objection as to form.</p> <p>5 BY MR. O'CONNOR:</p> <p>6 Q. Do you know if employees of the CACI</p> <p>7 Defendants were involved in any way with your</p> <p>8 treatment between the time you were first put in the</p> <p>9 cell and when you were first, when you were next</p> <p>10 interrogated?</p> <p>11 MR. AKEEL: Objection as to form.</p> <p>12 THE WITNESS: I don't know.</p> <p>13 BY MR. O'CONNOR:</p> <p>14 Q. You mentioned that, after you were put</p> <p>15 into the cell, somewhere around three days later you</p> <p>16 were taken somewhere for an interrogation; is that</p> <p>17 right?</p> <p>18 A. Yes.</p> <p>19 Q. Were you hooded during the time that you</p> <p>20 were taken from your cell to the place where you</p> <p>21 were interrogated?</p> <p>22 MR. AKEEL: Objection as to form.</p>

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1 THE WITNESS: Everyone who was taken to
 2 interrogation, they were stripping him or her naked,
 3 putting the hood, the bag on he said and then taking
 4 them to interrogation.
 5 BY MR. O'CONNOR:
 6 Q. So, is it correct that every time that you
 7 were brought from your cell to someplace to be
 8 interrogated you were stripped naked and had a bag
 9 put on your head?
 10 A. Yes.
 11 MR. AKEEL: Objection as to form.
 12 MR. O'CONNOR: I thought you were just
 13 going to do it after he answers.
 14 MR. AKEEL: Just make sure it's clear.
 15 MR. O'CONNOR: I'm happy to let you do
 16 that.
 17 BY MR. O'CONNOR:
 18 Q. This first time you were brought from your
 19 cell to a place where you were interrogated, what
 20 did the place where you were interrogated look like?
 21 A. There were different places for
 22 interrogation. One of them was this, a room between

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1 the cells on the hallway. So, they were taking me
 2 to this room where there was nothing in the room
 3 except for a tap, a faucet, and sometimes they were
 4 doing interrogations in the hall itself. The hall,
 5 H-A-L-L.
 6 Q. Okay. When you were, after the time they
 7 put you, you were put into the cell, when you were
 8 interrogated, were you interrogated with a bag on
 9 your head or was the bag taken off?
 10 MR. AKEEL: Objection as to form.
 11 THE WITNESS: It happened several times
 12 they might take it off or put it on, so it's just a
 13 few hours, and then they put it back on you.
 14 BY MR. O'CONNOR:
 15 Q. During this first time you were taken from
 16 your cell to be interrogated, who was your
 17 interrogator?
 18 MR. AKEEL: Objection as to form.
 19 THE WITNESS: Americans, but I can't tell
 20 who they were.
 21 BY MR. O'CONNOR:
 22 Q. Was it the same person who had

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1 interrogated you when you first were brought to the
 2 building at Abu Ghraib?
 3 A. I don't think so. Different people.
 4 (Mr. Mickum left the room.)
 5 Q. Okay. So, the first interrogation you had
 6 after you were brought to the cell you believe was
 7 with a different interrogator than the one who you
 8 had earlier been interrogated by in the
 9 interrogation?
 10 MR. AKEEL: Objection as to form.
 11 THE WITNESS: They are not necessarily the
 12 same person. They were some 10, 14 interrogators.
 13 It might happen the same you see, you are
 14 interrogated by the same interrogator, but they were
 15 different interrogators.
 16 BY MR. O'CONNOR:
 17 Q. So, is it your testimony that you had a
 18 number of different interrogators during the time
 19 that you were at Abu Ghraib prison?
 20 MR. AKEEL: Objection as to form.
 21 THE WITNESS: Yes.
 22 BY MR. O'CONNOR:

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1 Q. Do you know who any of these interrogators
 2 were?
 3 MR. AKEEL: Objection, form.
 4 THE WITNESS: I don't know them, but I can
 5 recall their faces, their features.
 6 BY MR. O'CONNOR:
 7 Q. Okay. Can you tell me, can you describe
 8 the facial features of the interrogators that you
 9 had while at Abu Ghraib prison?
 10 A. One of these interrogations there was a
 11 civilian person interrogating, long one, tall.
 12 MR. ALOMARI: Tall.
 13 THE WITNESS: Tall. He has a goatee,
 14 civilian clothings. Another person, he was bald,
 15 and he was civilian. One person in military
 16 uniform, he had the big mustache.
 17 Another person, he was very tall, skinny,
 18 shaved well, well shaven, no mustache. So, they
 19 were these persons, some of them in military
 20 uniforms; some of them in civilian uniforms.
 21 (Mr. Mickum entered the room.)
 22 BY MR. O'CONNOR:

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<p>1 Q. Okay. Were you ever interrogated at Abu 2 Ghraib prison by a female interrogator? 3 A. No. 4 Q. This first interrogation you were brought 5 to from your cell, do you remember who the 6 interrogator was for that interrogation? 7 MR. AKEEL: Objection. Form. 8 THE WITNESS: During the interrogation, I 9 couldn't see their faces. They had the bag on my 10 head. 11 BY MR. O'CONNOR: 12 Q. Okay. Did you recognize the voice of the 13 interrogator at some future interrogation where you 14 could see their face? 15 A. They might be, they might just happen, but 16 I'm not sure because they are speaking in English. 17 They were speaking Arabic I could tell much better 18 if it's the same person or the same voice. 19 Q. Okay. During this first interrogation 20 after, the first time you were brought from the cell 21 to an interrogation, were you mistreated at all 22 during that interrogation?</p>	<p>1 Q. Are you able to describe any of these 2 people? 3 A. No. There was a bag on my head. 4 Q. How many total times would you say you 5 were interrogated at Abu Ghraib prison? 6 MR. AKEEL: Objection. Form. 7 THE WITNESS: I couldn't tell you for sure 8 how many times, but it could be between 10 or 12 as 9 there was an interrogation every two or three days. 10 (Mr. Mickum left the room.) 11 BY MR. O'CONNOR: 12 Q. Were there any interrogators who appeared 13 to be interrogating you more often than the others? 14 MR. AKEEL: Objection. Form. 15 THE WITNESS: Yes. 16 BY MR. O'CONNOR: 17 Q. Tell me who those were. 18 A. This person, the tall person with the 19 goatee. After he knew I was working for Al Jazeera 20 and he was asking me so many questions, too many 21 questions on Al Jazeera, and they usually, after 22 these questions, they were coming, putting again,</p>
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<p>1 MR. AKEEL: Objection. Form. 2 THE WITNESS: Yes. 3 BY MR. O'CONNOR: 4 Q. Tell me what happened. 5 A. They handcuffed me to a pipe in the room. 6 They were shouting and yelling at me. "You are a 7 criminal. You have to admit it. You should give us 8 all the information." Sometimes they were beating 9 me, punching me or kicking me, punching me in my 10 stomach, different places or just slapping me on my 11 head. 12 Q. Do you know how many people were present 13 for this interrogation? 14 MR. AKEEL: Objection. Form. 15 THE WITNESS: I think at least there were 16 two or three persons there. 17 BY MR. O'CONNOR: 18 Q. And do you know the identity of any of 19 these persons who were present? 20 MR. AKEEL: Objection. Form. 21 THE WITNESS: No. 22 BY MR. O'CONNOR:</p>	<p>1 taking off and putting again the bag on your head 2 and saying, "Come on and admit it. Come on, say 3 everything." 4 This person, this tall person with the 5 goatee who was asking about Al Jazeera, he was 6 sometimes asking me questions and saying to me, 7 "Look into my eyes when you answer me." 8 Q. Okay. So, you were interrogated by this 9 interrogator quite a bit; is that right? 10 A. I think this person came for a second 11 time, for a second interrogation with me on another 12 occasion came to interrogate me. 13 Q. So, this person only interrogated you 14 twice you think? 15 MR. AKEEL: Objection. Form. 16 THE WITNESS: Maybe. 17 BY MR. O'CONNOR: 18 Q. And, during the time that this person with 19 the goatee who interrogated you maybe twice, were 20 you mistreated at all during those two 21 interrogations? 22 MR. AKEEL: Objection. Form.</p>

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1 THE WITNESS: Yes. So, many type of
 2 different abuse, but the bag was on my head, and I
 3 cannot tell who was doing what to me.
 4 BY MR. O'CONNOR:
 5 Q. Okay. But can you, are you able to say
 6 that, during about two times the tall person with
 7 the goatee interrogated you, that you can remember
 8 instances of mistreatment during those
 9 interrogations?
 10 MR. AKEEL: Objection. Form.
 11 THE WITNESS: Not just in these two
 12 occasions. Almost in every interrogation there was
 13 mistreatment.
 14 BY MR. O'CONNOR:
 15 Q. Okay. What types of mistreatment can you
 16 recall from the about two times that you were
 17 interrogated by the tall person with the goatee?
 18 MR. AKEEL: Objection. Form.
 19 THE WITNESS: Beating, kicking, things
 20 like that. Pushing, pressing my head very tightly,
 21 someone pressing me.
 22 BY MR. O'CONNOR:

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1 Q. Who was present for the about two
 2 interrogations by this tall interrogator with the
 3 goatee?
 4 MR. AKEEL: Objection. Form.
 5 THE WITNESS: Usually it was the
 6 interpreter and this person.
 7 BY MR. O'CONNOR:
 8 Q. Just the two?
 9 A. People, other peoples coming and going,
 10 but they are not speaking in the interrogation
 11 itself.
 12 MR. AKEEL: Objection. Form.
 13 BY MR. O'CONNOR:
 14 Q. What about how old was this tall
 15 interrogator with the goatee?
 16 MR. AKEEL: Objection. Form.
 17 THE WITNESS: I cannot guess.
 18 BY MR. O'CONNOR:
 19 Q. About how tall was this person?
 20 MR. AKEEL: Objection. Form.
 21 THE WITNESS: He was taller than me. I
 22 cannot tell how tall was he.

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1 BY MR. O'CONNOR:
 2 Q. What did this tall interrogator with the
 3 goatee wear during interrogations?
 4 MR. RASHEED: Where did he do it?
 5 BY MR. O'CONNOR:
 6 Q. What did he wear?
 7 A. Usually a shirt. It was not military
 8 uniforms. Just pants with a shirt. I cannot tell
 9 for sure he says, but it wasn't military uniform.
 10 Q. Do you know who this person was employed
 11 by?
 12 A. I don't know.
 13 Q. Now, you mentioned a bald civilian. About
 14 how many times did this person interrogate you?
 15 MR. RASHEED: The bald person?
 16 MR. O'CONNOR: Yes.
 17 THE WITNESS: I assume, but I cannot tell
 18 how many times he was present in the interrogations.
 19 When they were taking us to the interrogation, when
 20 during the interrogation, we would see them for a
 21 few while, but then all the time there was the bag
 22 on our head. We can tell by, we knew the guards

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1 because they almost present there at the cell, at
 2 the corridor, so, when someone new came, we could
 3 tell that could be an interrogator, not a guard.
 4 And usually they were in civilian clothings, not in
 5 military uniforms.
 6 BY MR. O'CONNOR:
 7 Q. About how old was this bald civilian?
 8 MR. AKEEL: Objection. Form.
 9 THE WITNESS: I cannot tell. I don't
 10 know.
 11 BY MR. O'CONNOR:
 12 Q. Was he thin, heavy?
 13 A. He was something like me, but a little
 14 taller.
 15 Q. Was he white?
 16 A. Yes.
 17 Q. Anything else you can remember about this
 18 bald civilian?
 19 MR. AKEEL: Objection. Form.
 20 THE WITNESS: No.
 21 BY MR. O'CONNOR:
 22 Q. You mentioned an interrogator who wore a

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<p>1 military uniform and had a mustache?</p> <p>2 MR. AKEEL: Objection. Form.</p> <p>3 THE WITNESS: Yes.</p> <p>4 BY MR. O'CONNOR:</p> <p>5 Q. Do you know who that interrogator was?</p> <p>6 A. Yes, yes. I know him. I saw his pictures</p> <p>7 later.</p> <p>8 Q. Who is it?</p> <p>9 A. I think his name is Frederick or something</p> <p>10 like that.</p> <p>11 Q. And he was someone who interrogated you?</p> <p>12 MR. AKEEL: Objection. Form.</p> <p>13 THE WITNESS: We see these people come to</p> <p>14 the cells to take someone for interrogation, and we</p> <p>15 knew these persons are interrogators, but, during</p> <p>16 the interrogation itself, usually have, they kept</p> <p>17 the bag on our heads, so we couldn't see much. So,</p> <p>18 some of them were civilians, and some others are</p> <p>19 military. We could see them coming around going,</p> <p>20 passing by the cells talking between themselves</p> <p>21 about the prisoners, pointing to one or this or that</p> <p>22 prisoner.</p>	<p>1 MR. AKEEL: Objection as to form.</p> <p>2 THE WITNESS: I saw his pictures later.</p> <p>3 BY MR. O'CONNOR:</p> <p>4 Q. Do you know who that is?</p> <p>5 A. I don't know his name, but I saw his</p> <p>6 pictures.</p> <p>7 Q. Was it a soldier who got court-martialed?</p> <p>8 MR. AKEEL: Objection as to form.</p> <p>9 THE WITNESS: From what I remember, people</p> <p>10 who got court-martial or got convicted over this,</p> <p>11 there was this Graner and this lady called Lynndie</p> <p>12 or something like that, so I don't know about every</p> <p>13 case that happened. He's not sure from the name,</p> <p>14 but something like Lynndie. I even remember when</p> <p>15 she was took into court she was pregnant.</p> <p>16 BY MR. O'CONNOR:</p> <p>17 Q. And that's because you paid attention to</p> <p>18 the news about the Abu Ghraib court-martial; right?</p> <p>19 MR. AKEEL: Objection to form.</p> <p>20 THE WITNESS: Yes, it's related to me.</p> <p>21 BY MR. O'CONNOR:</p> <p>22 Q. Do you remember seeing Lynndie England</p>
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<p>1 This is in general talking about these</p> <p>2 people, and, when I happen to see the pictures, I</p> <p>3 say, well, this person was there at prison. So,</p> <p>4 after the scandal came out, everybody knew about it,</p> <p>5 and I saw the pictures, and I say I knew that I knew</p> <p>6 these persons. I knew these persons.</p> <p>7 BY MR. O'CONNOR:</p> <p>8 Q. Do you know who the tall person with the</p> <p>9 goatee is?</p> <p>10 MR. AKEEL: Objection as to form.</p> <p>11 THE WITNESS: No, I haven't seen any</p> <p>12 picture of him anywhere.</p> <p>13 BY MR. O'CONNOR:</p> <p>14 Q. Do you know who the bald civilian is?</p> <p>15 MR. AKEEL: Objection as to form.</p> <p>16 THE WITNESS: No, I haven't seen any</p> <p>17 pictures of him.</p> <p>18 BY MR. O'CONNOR:</p> <p>19 Q. You mentioned someone who was tall and</p> <p>20 skinny with no facial hair. Do you know who that</p> <p>21 is?</p> <p>22 (Mr. Mickum enters the room.)</p>	<p>1 while you were at Abu Ghraib prison?</p> <p>2 A. Yes, I saw her.</p> <p>3 Q. Did she mistreat you in any way that you</p> <p>4 are aware of?</p> <p>5 MR. AKEEL: Objection as to form.</p> <p>6 THE WITNESS: I don't remember anything</p> <p>7 that happened between her and me.</p> <p>8 BY MR. O'CONNOR:</p> <p>9 Q. You testified about Graner shackling you</p> <p>10 to the pole and having you clean up the vomit. Did</p> <p>11 Graner mistreat you in any way other than that?</p> <p>12 MR. AKEEL: Objection as to form.</p> <p>13 THE WITNESS: Graner and others, they</p> <p>14 always punishing us while we were in our cells,</p> <p>15 punishing us.</p> <p>16 BY MR. O'CONNOR:</p> <p>17 Q. Okay. Tell me, when you say being</p> <p>18 punished in your cells, are you talking about the</p> <p>19 military guards mistreating the detainees who were</p> <p>20 in the cells?</p> <p>21 MR. AKEEL: Objection as to form. I</p> <p>22 couldn't tell from guards or others, but there were</p>

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<p>1 people who come every once in a while and punish us.</p> <p>2 BY MR. O'CONNOR:</p> <p>3 Q. During these punishments that occurred</p> <p>4 while you were in your cell, was anyone ever present</p> <p>5 who also interrogated you?</p> <p>6 MR. AKEEL: Objection as to form.</p> <p>7 THE WITNESS: No interrogation happened</p> <p>8 inside our cells.</p> <p>9 BY MR. O'CONNOR:</p> <p>10 Q. Right, but my question is a little</p> <p>11 different. My question is, while you were</p> <p>12 mistreated in your cells, was any, was anyone ever</p> <p>13 present who also conducted interrogations of you?</p> <p>14 MR. AKEEL: Objection as to form.</p> <p>15 THE WITNESS: They were passing by, and</p> <p>16 they could see us.</p> <p>17 BY MR. O'CONNOR:</p> <p>18 Q. Who was passing by and could see you?</p> <p>19 MR. AKEEL: Objection as to form.</p> <p>20 THE WITNESS: So many persons, so many</p> <p>21 people.</p> <p>22 BY MR. O'CONNOR:</p>	<p>1 They have some kind of authorities. We ask for so</p> <p>2 many cases we've seen that the guards asking these</p> <p>3 people about the prisoners as someone who referred</p> <p>4 to.</p> <p>5 It was, like, especially when someone was</p> <p>6 say, shouting or saying something or did something.</p> <p>7 These guards were talking to these people, ask if,</p> <p>8 they get instructions from them about what to do to</p> <p>9 this person because he's shouting or making noise,</p> <p>10 how to punish.</p> <p>11 Q. So, they would ask for direction from</p> <p>12 these other people on how to deal with somebody who</p> <p>13 was behaving in a certain way in their cell?</p> <p>14 A. I couldn't say. To us they were taking</p> <p>15 orders from them, but seeking some kind of</p> <p>16 consultation or recommendation from them or -- if it</p> <p>17 was order between them, I could not tell that was an</p> <p>18 order or just consultation or taking an opinion of</p> <p>19 someone.</p> <p>20 MR. O'CONNOR: All right. It's noon. I</p> <p>21 think this would be a good time to give the court</p> <p>22 reporter a break for lunch and the interpreter and</p>
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<p>1 Q. And can you think of anyone in particular</p> <p>2 who was passing by that was someone who interrogated</p> <p>3 you?</p> <p>4 A. He says we could tell that, when they are</p> <p>5 passing by the cells, corridor, hallway, we could</p> <p>6 tell these were interrogators, but, when they were</p> <p>7 taking us to interrogation, most of the time we have</p> <p>8 these bags on our heads, so we couldn't tell which</p> <p>9 interrogator was with us.</p> <p>10 Q. So, the times that you were punished in</p> <p>11 your cell there would be people who would be just</p> <p>12 walking by when it happened; is that fair?</p> <p>13 A. Yes, some of them watching what happens,</p> <p>14 monitoring what happens.</p> <p>15 Q. But you're not able to say that any of</p> <p>16 these people walking by was somebody who also</p> <p>17 interrogated you; is that fair?</p> <p>18 A. I said, I'm saying it again. Those people</p> <p>19 who are interrogating me, I couldn't tell who they</p> <p>20 were because the bag was on my head, but these</p> <p>21 peoples who were passing by the cells, we, as</p> <p>22 prisoners, we are thinking they were interrogators.</p>	<p>1 the witness.</p> <p>2 (Whereupon, a lunch recess was taken from</p> <p>3 11:59 a.m. to 12:51 p.m.)</p> <p>4 BY MR. O'CONNOR:</p> <p>5 Q. Good afternoon. Before we broke for</p> <p>6 lunch, we were talking about interrogators that you</p> <p>7 had while you were at Abu Ghraib prison, and I want</p> <p>8 to make sure that I understand your testimony. As I</p> <p>9 have it in my notes, you identified -- well, you</p> <p>10 described four people as being people who</p> <p>11 interrogated you at Abu Ghraib prison. You</p> <p>12 described a tall person with a goatee who was a</p> <p>13 civilian, a bald civilian, someone in a military</p> <p>14 uniform with a big mustache and a tall, skinny</p> <p>15 soldier with no facial hair. Is that, have I got</p> <p>16 your testimony right so far?</p> <p>17 MR. AKEEL: Objection. Form.</p> <p>18 THE WITNESS: These are among other</p> <p>19 interrogators.</p> <p>20 BY MR. O'CONNOR:</p> <p>21 Q. But these are the four that you can</p> <p>22 remember their description as you are sitting here;</p>

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<p>1 Q. What was the build of the tall person with 2 the goatee? Was he skinny? Was he heavy? 3 Somewhere in between? 4 A. Tall and hard and big. 5 Q. Not skinny? 6 A. No, no, he's not. 7 Q. And was it just one time that this 8 interrogator took off your hood during an 9 interrogation? 10 MR. AKEEL: Objection. Form. 11 THE WITNESS: In some other cases they 12 also took the bag off my head. 13 BY MR. O'CONNOR: 14 Q. In the several other cases where the bag 15 was taken off your head, was it this same 16 interrogator with the goatee? 17 MR. AKEEL: Objection. Form. 18 THE WITNESS: No, different people. I 19 think different people. 20 BY MR. O'CONNOR: 21 Q. So, in terms of this civilian with the 22 goatee, it was one occasion that he interrogated you</p>	<p>1 Q. You testified that, during some 2 interrogations, you were beaten; is that correct? 3 A. Yes. 4 Q. Was it during every interrogation? 5 MR. AKEEL: Objection. Form. 6 THE WITNESS: Most of the time. 7 BY MR. O'CONNOR: 8 Q. Do you know who was beating you? 9 MR. AKEEL: Objection. Form. 10 THE WITNESS: No. 11 BY MR. O'CONNOR: 12 Q. Do you know, were they beating you with 13 their fists? 14 A. Yes. 15 Q. Were you being beaten with anything else? 16 MR. AKEEL: Objection. Form. 17 THE WITNESS: No. 18 BY MR. O'CONNOR: 19 Q. Just fists? 20 A. They were also throwing us with tea, with 21 hot water or cold water. 22 MR. ALOMARI: (Discussion in Arabic</p>
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<p>1 where your hood was taken off; is that correct? 2 MR. RASHEED: His hood taken off? 3 MR. AKEEL: Objection. Form. 4 THE WITNESS: Yes. 5 BY MR. O'CONNOR: 6 Q. And there were some other occasions where 7 your hood was taken off during an interrogation, but 8 you don't know or, but you can't describe the 9 interrogator? 10 MR. AKEEL: Objection. Form. 11 THE WITNESS: Yeah, I cannot describe the 12 other people in details, but there are different 13 kind of peoples interrogating me, something like 14 tall people, say, white people. One of the others 15 that I can mention is Frederick. 16 BY MR. O'CONNOR: 17 Q. Frederick was interrogating you? 18 MR. AKEEL: Objection. Form. 19 THE WITNESS: I don't know, but Frederick 20 in so many cases happened that he took me to the 21 interrogation room, to the interrogators. 22 BY MR. O'CONNOR:</p>	<p>1 between Mr. Rasheed and Mr. Alomari.) 2 THE WITNESS: Hot water, cold water and 3 also hot tea. Hot chai. 4 BY MR. O'CONNOR: 5 Q. And outside of interrogations, were you 6 mistreated while you were in prison at Abu Ghraib 7 prison? 8 MR. AKEEL: Objection. Form. 9 THE WITNESS: Yes. 10 BY MR. O'CONNOR: 11 Q. Can you tell me the mistreatment that you 12 suffered while in prison at Abu Ghraib prison other 13 than things that happened during interrogations? 14 MR. AKEEL: Objection. Form. 15 THE WITNESS: There was so many different 16 punishments. The first they were asking us, 17 ordering us to sleep during daytime. And, if you 18 didn't, they would be exposed to punishment. 19 Sometimes there were mass punishments for all, not 20 giving food to anyone at all. One time, because I 21 was talking to another prisoner, they took me out 22 and took me to a cell in the basement naked, a dark</p>

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<p>1 room.</p> <p>2 Sometimes they, as a punishment, they were</p> <p>3 taking us out of the prison, and they make us strip</p> <p>4 naked and then hurting us with these poles, bars.</p> <p>5 They said there was bars in, irons, these poles.</p> <p>6 MR. ALOMARI: Pipes.</p> <p>7 MR. RASHEED: Pipes. Another punishment</p> <p>8 is they would come into your cell and take all the</p> <p>9 belongings there, the bed, the clothings and leaving</p> <p>10 you naked like this for one, two days. We became</p> <p>11 like animals in a zoo, cages. When we are in such a</p> <p>12 case, people coming by, passing by watching us.</p> <p>13 BY MR. O'CONNOR:</p> <p>14 Q. Anything else?</p> <p>15 A. There are other things maybe I cannot</p> <p>16 recall right now.</p> <p>17 Q. Let me ask you this. Were you ever</p> <p>18 physically beaten outside of an interrogation?</p> <p>19 MR. AKEEL: Objection. Form.</p> <p>20 THE WITNESS: Yes.</p> <p>21 BY MR. O'CONNOR:</p> <p>22 Q. By whom?</p>	<p>1 Q. Did you ever make a statement or provide</p> <p>2 information to an investigator from the United</p> <p>3 States concerning the mistreatment that you suffered</p> <p>4 while at Abu Ghraib prison?</p> <p>5 A. Who you mean? Inspectors or --</p> <p>6 Q. Investigator.</p> <p>7 A. After the prison? You mean after I got</p> <p>8 out from the prison?</p> <p>9 Q. Let's start with that. After you were</p> <p>10 released from the prison, did you ever give a</p> <p>11 statement or an interview to an investigator from</p> <p>12 the United States who was investigating Abu Ghraib?</p> <p>13 A. No.</p> <p>14 Q. You were aware in the spring of 2004 when</p> <p>15 the Abu Ghraib scandal became public, weren't you?</p> <p>16 MR. RASHEED: The question again, please?</p> <p>17 BY MR. O'CONNOR:</p> <p>18 Q. In the spring of 2004 when the Abu Ghraib</p> <p>19 prison scandal became public, you were aware of</p> <p>20 that; right?</p> <p>21 MR. AKEEL: Object to form.</p> <p>22 THE WITNESS: Yes, I was working in Al</p>
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<p>1 MR. AKEEL: Continuing objection.</p> <p>2 THE WITNESS: Those people, guards,</p> <p>3 interrogators, others.</p> <p>4 BY MR. O'CONNOR:</p> <p>5 Q. Can you identify any of them that beat you</p> <p>6 outside of an interrogation?</p> <p>7 A. Most of the time, when they came to beat</p> <p>8 you, they were putting this bag on you so you don't</p> <p>9 see anything.</p> <p>10 Q. So, is the answer to my question that you</p> <p>11 are unable to identify any of the people who</p> <p>12 physically beat you outside of an interrogation?</p> <p>13 MR. AKEEL: Objection. Form.</p> <p>14 THE WITNESS: Yes.</p> <p>15 BY MR. O'CONNOR:</p> <p>16 Q. And is it also true that, when you were</p> <p>17 struck during interrogations, you are unable to</p> <p>18 identify who did that because you had a bag on your</p> <p>19 head?</p> <p>20 MR. AKEEL: Objection. Form.</p> <p>21 THE WITNESS: Yes.</p> <p>22 BY MR. O'CONNOR:</p>	<p>1 Jazeera, and I saw the news. I saw this in the</p> <p>2 news.</p> <p>3 BY MR. O'CONNOR:</p> <p>4 Q. Yet you did not report the mistreatment</p> <p>5 that you suffered to anybody?</p> <p>6 A. Upon my release, I was required to report</p> <p>7 to Al Jazeera. I report most of the cases that</p> <p>8 happened to me or witnessed in prison, and my bosses</p> <p>9 were so surprised about things I saw, I witnessed in</p> <p>10 the prison.</p> <p>11 Q. But to answer my question, is it correct</p> <p>12 that you did not make any report to anybody from the</p> <p>13 United States concerning the treatment that you had</p> <p>14 suffered?</p> <p>15 A. I think one of the journals, American</p> <p>16 journalists came and had an interview with me about</p> <p>17 a case.</p> <p>18 Q. Who was the American journalist?</p> <p>19 A. I don't remember the name. It could be</p> <p>20 Britain, British also. The name was, newspaper</p> <p>21 something like A Nation, Nations or something.</p> <p>22 Q. Did you ever make a report to U.S.</p>

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1 Government officials?
 2 A. No.
 3 Q. When, well, is it correct that you were
 4 released from Abu Ghraib prison on December 20,
 5 2004? Or I'm sorry. 2003.
 6 A. Yes, 20 or 21st.
 7 Q. And, when you were released, did the
 8 United States take you somewhere from Abu Ghraib
 9 prison?
 10 MR. AKEEL: Object as to form.
 11 THE WITNESS: They put me in a big
 12 vehicle, and they put me to one of these streets and
 13 just let me out of the car, one of these streets.
 14 BY MR. O'CONNOR:
 15 Q. A street where?
 16 A. There's this street called the District of
 17 Abu Ghraib, which belongs, the Abu Ghraib prison is
 18 there. They put me let me there. Abu Ghraib
 19 District.
 20 Q. So, was it a group of soldiers who drove
 21 you out into the Abu Ghraib District and released
 22 you on a street?

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1 MR. AKEEL: Object as to form.
 2 THE WITNESS: I didn't see them because
 3 they put the bag on me again and put me in the car.
 4 Then on one of these streets they just take off the
 5 bag on my head and opened the door and pushed me
 6 outside.
 7 BY MR. O'CONNOR:
 8 Q. Where did you go from the time you were
 9 released in the Abu Ghraib District?
 10 A. I, when they left me, I was barefoot. I
 11 was in this orange suit. And, when they arrested me
 12 first, I had money with me. I had my clothings,
 13 things like that, so inside the car, and I knew I'm
 14 going to be released, I asked them where are my
 15 belongings, where are my money, my clothings, and
 16 they said one of the interrogators has taken it
 17 away. So, he said they let me have no money with
 18 me, barefoot and just this orange suit only.
 19 A car passed by and saw me, and he
 20 probably knew that was just released from the
 21 prison. I stopped him and asked him can you give me
 22 a lift to Al Jazeera office in Baghdad, and he took

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1 me a ride, he gave me a ride and took me to Al
 2 Jazeera office in Baghdad. And, when I get there,
 3 my colleagues in the Baghdad office of Al Jazeera,
 4 they couldn't recognize me because my features,
 5 things all changed.
 6 Q. Where did you go from Al Jazeera's office
 7 in Baghdad?
 8 A. They give me clothings and things like
 9 that, and I went back to Diyala to my family, to my
 10 home in Diyala.
 11 Q. Now, prior to the time you were arrested
 12 by the U.S. military, were you employed by Al
 13 Jazeera?
 14 A. Yes.
 15 Q. Were you a full-time employee?
 16 A. Yes.
 17 Q. And, when you returned to Diyala, did you
 18 resume working for Al Jazeera?
 19 A. I got two weeks' leave. They give me two
 20 weeks' leave, and then I go back to Baghdad to work
 21 in Baghdad office. I was so tired. I was so, some
 22 kind of trauma he said he had, so he asked Al

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1 Jazeera channel to bring him back to work, and they
 2 sent him to Baghdad office where most of the work is
 3 in office, not in the field.
 4 Q. And this was about two weeks after you
 5 were released from Abu Ghraib prison?
 6 A. Yes.
 7 Q. And did you start up right away as a
 8 full-time employee after those two weeks?
 9 A. They didn't fire me at all. He asked me
 10 this stuff all the times.
 11 Q. Did your supervisors at Al Jazeera ask you
 12 to write a story about your experiences when you
 13 were captured by United States forces?
 14 A. They didn't ask me, but I have colleagues
 15 who made the report from the first day I got
 16 captured by the Americans, they made story about me,
 17 and then also upon my release they also made some
 18 stories, some of my colleagues make some stories
 19 about my release.
 20 Q. Didn't you write a draft of a story about
 21 your experiences in United States custody?
 22 MR. AKEEL: Object as to form.

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1 MR. AKEEL: Okay. I have some questions.
 2 Thank you.
 3 EXAMINATION BY COUNSEL FOR THE PLAINTIFFS
 4 BY MR. AKEEL:
 5 Q. Mr. Salah, I just want to go back and ask
 6 you some questions regarding your testimony. Okay.
 7 If I can take you to Exhibit –
 8 MS. GALLAGHER: They are in numerical
 9 order from front to back.
 10 MR. MICKUM: You got the numbered ones
 11 here?
 12 BY MR. AKEEL:
 13 Q. Exhibit 17, you said you saw this guy;
 14 right?
 15 MR. O'CONNOR: Record should reflect he's
 16 pointing to the guy on the left.
 17 MR. AKEEL: Right.
 18 BY MR. AKEEL:
 19 Q. Pointing to the guy on the left with the
 20 bandana; correct?
 21 A. Yes.
 22 Q. And this is the guy that you said you saw

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1 him smile at you when you were in the cell; correct?
 2 MR. O'CONNOR: Objection. Leading.
 3 THE WITNESS: Yes, sir.
 4 BY MR. AKEEL:
 5 Q. And, at the time when you saw that guy,
 6 this guy to the left with the bandana that was
 7 smiling at you when you were in the cell, were you
 8 nude?
 9 A. Yes, sir, that's correct.
 10 Q. Okay. Now, this guy that's to the left
 11 with the bandana, did you ever see him in
 12 discussions with the middle guy that's in Exhibit 17
 13 in front of your cell?
 14 MR. O'CONNOR: Objection. Leading.
 15 THE WITNESS: Yes, sir, I've seen that.
 16 BY MR. AKEEL:
 17 Q. Okay. You had testified earlier that
 18 there would be a group of people, and this is just a
 19 question, there were a group of people in front of
 20 your cell, and then they would tell you to go back
 21 and turn your head to the wall. Do you remember?
 22 A. That's correct, sir.

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1 Q. Is it possible that in that group of
 2 people that one of those people was the guy to the
 3 left here on Exhibit 17?
 4 MR. O'CONNOR: Objection. Leading.
 5 THE WITNESS: Yes, that's correct. Even
 6 the one in the middle.
 7 BY MR. AKEEL:
 8 Q. Okay. I'd like to direct your attention
 9 to Exhibit 13. Now, it has been ten years for you;
 10 correct, since you have been, about ten years since
 11 you've been released from Abu Ghraib?
 12 A. That's correct.
 13 Q. Now, when you were in Abu Ghraib, you
 14 spent a lot of time nude; correct?
 15 A. Yes, sir, that's correct.
 16 Q. When you were in Abu Ghraib in November
 17 and December, you were subjected to a lot of cold
 18 temperature; correct?
 19 MR. O'CONNOR: Objection. Leading.
 20 THE WITNESS: Yes. That's correct, sir.
 21 BY MR. AKEEL:
 22 Q. You testified earlier that you were also

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1 prevented from sleeping properly; correct?
 2 MR. O'CONNOR: Objection. Leading.
 3 You're treating him as a hostile witness.
 4 THE WITNESS: Yes, sir, that's correct.
 5 BY MR. AKEEL:
 6 Q. You were at times during Abu Ghraib put in
 7 painful positions; correct?
 8 MR. O'CONNOR: Objection. Leading.
 9 THE WITNESS: Yes, that's correct.
 10 BY MR. AKEEL:
 11 Q. During the time, during those conditions,
 12 were you tired a lot while you were in Abu Ghraib?
 13 MR. O'CONNOR: Objection. Leading.
 14 THE WITNESS: Yes, that's correct.
 15 BY MR. AKEEL:
 16 Q. Were you ever also subjected to dogs
 17 coming near your cell?
 18 MR. O'CONNOR: Objection. Leading.
 19 THE WITNESS: Yes. That's correct, sir.
 20 BY MR. AKEEL:
 21 Q. Were the dogs that you saw, were they
 22 muzzled or unmuzzled?

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<p>1 A. I couldn't tell because there was the bag 2 on my head.</p> <p>3 Q. Okay. And, when you had the bag on your 4 head, did you ever feel the dogs near you?</p> <p>5 A. Yes, exactly at my face I could feel them.</p> <p>6 Q. So, you had the bag on your head, and you 7 could feel, did you feel -- what did you feel to 8 know that they were right in front of your head?</p> <p>9 A. Terrifying.</p> <p>10 Q. How many times, if you know, did you have 11 dogs near your head when you had the bag over your 12 head?</p> <p>13 A. Not less than three times.</p> <p>14 Q. Okay. During that time when you were nude 15 and you were in cold temperature and you were kept 16 from sleeping and you were in painful positions and 17 you were tired and hungry and now it's been ten 18 years, is it possible that you don't, you may not 19 remember every person, how they looked and whether 20 they were military or civilian?</p> <p>21 MR. O'CONNOR: Objection. Leading.</p> <p>22 THE WITNESS: Yes, for sure. So many</p>	<p>1 about a little above your height. Do you remember 2 that?</p> <p>3 MR. O'CONNOR: Objection. Leading.</p> <p>4 THE WITNESS: Yes, sir.</p> <p>5 BY MR. AKEEL:</p> <p>6 Q. Okay. If you were told that this guy is 7 very tall, and he's much taller than you, would you 8 have any reason today to refuse that or reject that?</p> <p>9 MR. O'CONNOR: Objection. Grossly 10 leading.</p> <p>11 THE WITNESS: I couldn't tell for 12 100 percent person how tall he was.</p> <p>13 MR. AKEEL: Didn't he say tall or short?</p> <p>14 MR. ALOMARI: He was asking the question 15 of whether he was tall or short.</p> <p>16 MR. AKEEL: But didn't he answer he could 17 be taller or shorter?</p> <p>18 MR. RASHEED: Yes.</p> <p>19 MR. AKEEL: I'm sorry.</p> <p>20 THE WITNESS: He said I couldn't tell for 21 sure whether he was much taller than me or shorter.</p> <p>22 MR. AKEEL: Okay.</p>
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<p>1 details will be lost in my mind.</p> <p>2 BY MR. AKEEL:</p> <p>3 Q. Is it possible you can get people mixed 4 up, people military and civilian?</p> <p>5 MR. O'CONNOR: Objection. Leading.</p> <p>6 THE WITNESS: Yes. That's possible, sir.</p> <p>7 BY MR. AKEEL:</p> <p>8 Q. During the time in Abu Ghraib when you 9 were ten years ago -- strike that. I want to show 10 you Exhibit 13. Is it possible that, if you had 11 another picture of his face and his body, that this 12 person could have been a civilian or a military?</p> <p>13 MR. O'CONNOR: Objection. Leading.</p> <p>14 THE WITNESS: Yes, for sure.</p> <p>15 BY MR. AKEEL:</p> <p>16 Q. Okay. You were asked to stand up before 17 and to get an idea how tall you were in comparison 18 to the attorney that was asking you questions. Do 19 you remember?</p> <p>20 A. Yes. I remember, sir.</p> <p>21 Q. Okay. You had testified earlier that you 22 think this guy was wearing a military, and he was</p>	<p>1 BY MR. AKEEL:</p> <p>2 Q. Now, you were asked about the number of 3 times you met your attorneys, and one of the times 4 you mentioned north Iraq or Erbil. Do you remember 5 that?</p> <p>6 A. Yes, I remember.</p> <p>7 Q. Is it possible that you also met your 8 attorneys in December in Istanbul, Turkey, before 9 you met the doctor in Erbil?</p> <p>10 A. I think it was before the Erbil event.</p> <p>11 Q. Okay. You were asked a bunch of names of 12 people, if you knew them or not. Do you remember?</p> <p>13 A. Yes, I remember.</p> <p>14 Q. One of the guys you were asked about is 15 Adel Nakhla. Do you remember?</p> <p>16 A. No, I really don't.</p> <p>17 Q. Did you know a guy in the Abu Ghraib 18 prison that was known by Abu Hamid?</p> <p>19 A. Yes.</p> <p>20 Q. Okay. Would that refresh your 21 recollection that Abu Hamid had another name where 22 his first name started by the name of Adel?</p>

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<p>1 MR. O'CONNOR: Objection. Leading.</p> <p>2 THE WITNESS: No, I didn't know that Adel</p> <p>3 is Abu Hamid.</p> <p>4 BY MR. AKEEL:</p> <p>5 Q. Okay. You were asked if there were</p> <p>6 pictures that, if you've seen any pictures of you.</p> <p>7 Do you remember that, in Abu Ghraib? Do you</p> <p>8 remember that?</p> <p>9 MR. AKEEL: What was the last exhibit?</p> <p>10 MR. O'CONNOR: Here. Here's the stickers.</p> <p>11 That will be 29.</p> <p>12 MR. AKEEL: All right. We'll make that</p> <p>13 29.</p> <p>14 MR. O'CONNOR: I thought you didn't want</p> <p>15 me to do it? Put it on the front, not the back.</p> <p>16 MR. AKEEL: No, no. I didn't tell you</p> <p>17 which one. I thought you were going to admit it,</p> <p>18 but I appreciate you're sensitive.</p> <p>19 MR. O'CONNOR: I thought you didn't want</p> <p>20 me to. Once he described it, I didn't figure I</p> <p>21 needed it.</p> <p>22 MR. AKEEL: I appreciate it.</p>	<p>1 BY MR. AKEEL:</p> <p>2 Q. Okay. All right. You were asked</p> <p>3 questions about your, about your damages, and you</p> <p>4 had testified that you -- strike that. You were</p> <p>5 asked questions when you were in Doha, and you had</p> <p>6 testified that you were visiting a doctor in Doha.</p> <p>7 Do you recall that line of testimony?</p> <p>8 A. Yes, sir.</p> <p>9 Q. Okay. How many times did you go in Doha</p> <p>10 to this doctor about?</p> <p>11 A. For my joints I think I visited for eight</p> <p>12 times or more.</p> <p>13 Q. Okay. For the specific reason why you</p> <p>14 went to the doctor, is it related to your experience</p> <p>15 in Abu Ghraib?</p> <p>16 MR. O'CONNOR: Objection. Leading. Lack</p> <p>17 of personal knowledge.</p> <p>18 THE WITNESS: So, when I was seen by this</p> <p>19 doctor and asking me if I happen to me to standing</p> <p>20 for long hours, been exposed to cold weather and all</p> <p>21 these things that happened to me in Abu Ghraib, then</p> <p>22 I thought they are related to what happened to me</p>
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<p>1 MR. O'CONNOR: That's fine.</p> <p>2 (Al-Ejaili Exhibit No. 29, Copy of</p> <p>3 Photograph, was marked for identification.)</p> <p>4 BY MR. AKEEL:</p> <p>5 Q. Okay. I've marked it for the record</p> <p>6 Exhibit 29. Mr. Salah, if you could please look at</p> <p>7 Exhibit 29. Have you seen this picture before?</p> <p>8 A. Do you mean the picture itself or the</p> <p>9 person or --</p> <p>10 Q. No. Have you seen this picture before and</p> <p>11 this person?</p> <p>12 A. Yes.</p> <p>13 Q. Okay. Do you have an idea who that person</p> <p>14 could be?</p> <p>15 A. Maybe me, yeah.</p> <p>16 Q. Do you have an idea of what is that in</p> <p>17 front of you that that could possibly be?</p> <p>18 MR. O'CONNOR: Objection to form.</p> <p>19 THE WITNESS: I told you that the very</p> <p>20 first night I was there I was unkept, and I was</p> <p>21 nude, and I was vomiting all the night, so this</p> <p>22 could be, this all my vomit.</p>	<p>1 there.</p> <p>2 BY MR. AKEEL:</p> <p>3 Q. Okay. But do you know for sure today, did</p> <p>4 a doctor -- strike that. Do you know for sure today</p> <p>5 or has a doctor told you that what you're</p> <p>6 experiencing physically is related to Abu Ghraib?</p> <p>7 Do you know?</p> <p>8 A. She didn't relate it to Abu Ghraib, what</p> <p>9 happened in Abu Ghraib, but she gave me the cases,</p> <p>10 the reasons why someone gets these diseases, and</p> <p>11 they are all the reasons or the cases of the things</p> <p>12 that happened to me in Abu Ghraib.</p> <p>13 Q. Regarding those visits, do you have any</p> <p>14 documents in your possession reflecting those</p> <p>15 medical treatments?</p> <p>16 A. Yes, I have some.</p> <p>17 Q. Do you have it with you, personally, or is</p> <p>18 it with your doctor?</p> <p>19 A. It's in records with the physician, with</p> <p>20 the doctor.</p> <p>21 Q. Okay. So, you don't have anything with</p> <p>22 you, personally, regarding those visits in Doha?</p>

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<p>1 A. No, I don't have it in my possession.</p> <p>2 Q. Okay. I want to talk about, you said you</p> <p>3 also said there was a document you have or not a</p> <p>4 document. Strike that. You have some kind of draft</p> <p>5 on a computer regarding a letter that you wrote to</p> <p>6 Al Jazeera regarding your experience. Do you</p> <p>7 remember that?</p> <p>8 A. Yes.</p> <p>9 Q. Okay. And you said it's a one-page</p> <p>10 document or it's a one-page letter on a computer?</p> <p>11 A. Yes, sir.</p> <p>12 Q. Okay. Did you send that to anybody?</p> <p>13 A. I made a printout, and I give the hard</p> <p>14 copy to my boss in Baghdad office.</p> <p>15 Q. And the hard copy, did you sign that one?</p> <p>16 A. Usually our internal correspondence we</p> <p>17 don't put signature on. We don't put our signatures</p> <p>18 on our internal correspondence.</p> <p>19 Q. Okay. Do you have any, that specific</p> <p>20 document, is that document with Al Jazeera right</p> <p>21 now, if you know?</p> <p>22 A. No, I think they've all been damaged</p>	<p>1 or is it written to Al Jazeera?</p> <p>2 A. No, it was for my boss in the office.</p> <p>3 Q. Okay. We talked about Exhibit 28. All</p> <p>4 right. Is this your document, which is Bates</p> <p>5 number 10?</p> <p>6 A. Yes, I have seen this.</p> <p>7 Q. Okay. And Bates 11. And does this</p> <p>8 document, what's the purpose of this document?</p> <p>9 A. I think it is a correspondence between our</p> <p>10 staff or Al Jazeera office, staff in Baghdad office</p> <p>11 and also with the official spokesperson for Al</p> <p>12 Jazeera in Doha.</p> <p>13 Q. Okay. Does that explain kind of a summary</p> <p>14 of what happened in Abu Ghraib?</p> <p>15 A. Not about what happened in the prison, but</p> <p>16 about how I got arrested and how I got arrested by</p> <p>17 the Americans and the circumstances around my --</p> <p>18 Q. You were asked questions regarding your</p> <p>19 duties and what you have been doing in Al Jazeera</p> <p>20 since your release from Abu Ghraib. Do you</p> <p>21 remember?</p> <p>22 A. Yes, sir.</p>
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<p>1 because, after the Baghdad office of Al Jazeera been</p> <p>2 closed, they just took all the video cassettes with</p> <p>3 them. All the other materials in the office has</p> <p>4 been damaged or lost.</p> <p>5 MR. ALOMARI: Disposed.</p> <p>6 BY MR. AKEEL:</p> <p>7 Q. So, the actual document that you gave to</p> <p>8 Al Jazeera was destroyed?</p> <p>9 A. For sure.</p> <p>10 Q. Okay. And you said you have, do you have</p> <p>11 an exact copy or a draft in your computer?</p> <p>12 A. I think it's there in my computer.</p> <p>13 Q. Okay. Is it the same exact one as the one</p> <p>14 you gave to Al Jazeera or is there any difference in</p> <p>15 it?</p> <p>16 A. For sure it's the same as I, I kept it for</p> <p>17 history.</p> <p>18 Q. Okay. Can you give us, can you give us a</p> <p>19 copy of that document so we can give it to counsel?</p> <p>20 A. Yes.</p> <p>21 Q. Okay. One more question about that. Is</p> <p>22 that document written to the attorney of Al Jazeera</p>	<p>1 Q. Have your duties changed from what you</p> <p>2 used to do in Al Jazeera before Abu Ghraib in</p> <p>3 comparison to what you are doing in Al Jazeera after</p> <p>4 your release from Abu Ghraib?</p> <p>5 A. Yes, sir.</p> <p>6 Q. Okay. How have your duties changed from</p> <p>7 what you were doing before going into Abu Ghraib and</p> <p>8 after you have been released from Abu Ghraib?</p> <p>9 A. Before, prior to my arrestment or arrest,</p> <p>10 I was more going to the field, and I was more active</p> <p>11 in covering the stories in the field. While my work</p> <p>12 in the office was kind of educating the news, people</p> <p>13 were going to the field and bringing the cover</p> <p>14 stories, and I just do it, the editing.</p> <p>15 Q. Were you able, before going to Abu Ghraib,</p> <p>16 to be live on camera and explain a story or an</p> <p>17 event?</p> <p>18 A. Yes, I could.</p> <p>19 Q. Okay. Can you do this now?</p> <p>20 A. No. After the arrest, I couldn't do that</p> <p>21 anymore. I get tense. I forget things, so I left</p> <p>22 this part of job for good.</p>

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<p>1 Q. Okay. So, after your release from Abu 2 Ghraib, you can't report live anymore as you used 3 to?</p> <p>4 MR. O'CONNOR: Objection. Leading.</p> <p>5 THE WITNESS: Of course not. Of course I 6 cannot. Not just that. I am getting worried and 7 tense even when I'm talking to a group of persons, 8 and this has been happening for a long time.</p> <p>9 BY MR. AKEEL:</p> <p>10 Q. Okay. And there was a previous question, 11 you were responding to a question, and you 12 testified -- strike that. Before Abu Ghraib, you 13 were responding to a series of questions. You 14 testified that you did not know whether CACI 15 participated in your interrogation by the military 16 following your arrest; correct?</p> <p>17 A. Yes, sir.</p> <p>18 Q. And isn't it true that you have no 19 knowledge whether CACI was actually listening, 20 watching or monitoring your interrogation; correct?</p> <p>21 MR. O'CONNOR: Objection. Leading.</p> <p>22 THE WITNESS: Yes, sir.</p>	<p>1 Q. You were asked questions if -- strike 2 that. You testified earlier that there were times 3 in Abu Ghraib when you were chained to a pole; 4 correct?</p> <p>5 MR. O'CONNOR: Objection. Leading.</p> <p>6 THE WITNESS: Yes, sir.</p> <p>7 BY MR. AKEEL:</p> <p>8 Q. Now, at those moments when you were 9 chained to a pole, were you hooded?</p> <p>10 A. Yes, sir, I was.</p> <p>11 Q. So, it's hard for you to say today whether 12 or not CACI was present when you were chained to a 13 pole naked and hooded; correct?</p> <p>14 MR. O'CONNOR: Objection. Leading.</p> <p>15 THE WITNESS: Yes, sir. That's correct.</p> <p>16 BY MR. AKEEL:</p> <p>17 Q. You testified earlier that they were, at 18 times they would take your bed items and things of 19 that nature. Do you remember?</p> <p>20 MR. O'CONNOR: Objection. Leading.</p> <p>21 THE WITNESS: Yes, sir.</p> <p>22 BY MR. AKEEL:</p>
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<p>1 BY MR. AKEEL:</p> <p>2 Q. Okay. After you were transferred to the 3 army base, you testified that you did not know 4 whether CACI was involved in your interrogation, and 5 you don't know -- correct?</p> <p>6 A. Yes, I don't.</p> <p>7 Q. Isn't it true that you don't know, one way 8 or another, what role CACI may have played in your 9 detention or interrogation; correct?</p> <p>10 MR. O'CONNOR: Objection. Leading.</p> <p>11 THE WITNESS: Yes, sir.</p> <p>12 BY MR. AKEEL:</p> <p>13 Q. Okay. In Abu Ghraib -- strike that. At 14 Abu Ghraib, you testified at Abu Ghraib you were 15 shackled, naked and hooded; correct?</p> <p>16 MR. O'CONNOR: Objection. Leading.</p> <p>17 THE WITNESS: Yes, sir.</p> <p>18 BY MR. AKEEL:</p> <p>19 Q. And that happened a lot; correct?</p> <p>20 MR. O'CONNOR: Objection. Leading.</p> <p>21 THE WITNESS: Yes, sir.</p> <p>22 BY MR. AKEEL:</p>	<p>1 Q. Would that include taking away toilet 2 paper?</p> <p>3 MR. O'CONNOR: Objection. Leading.</p> <p>4 THE WITNESS: There was no toilet paper at 5 all.</p> <p>6 BY MR. AKEEL:</p> <p>7 Q. Okay. Did they, what other, what other 8 comfort, what other items did they take away besides 9 the bed, if you had it?</p> <p>10 MR. O'CONNOR: Objection. Vague.</p> <p>11 THE WITNESS: If I have a blanket, if 12 there was even, I have a bottle of water, an empty 13 one. I was using it to refill it with the tap for 14 water for drinking. They were taking all of it.</p> <p>15 BY MR. AKEEL:</p> <p>16 Q. Okay. You testified earlier, you can 17 describe what you can today, you testified earlier 18 that you were punished in your cell. Can you 19 describe some of the punishment inflicted?</p> <p>20 A. At least to say they are making you naked, 21 chained to the wall or chained to the bars of the 22 prison or chained to your own bed or they banned any</p>

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<p>1 food and drinks for a day or two. Sometimes also</p> <p>2 there was this mass punishment for everyone, every</p> <p>3 single prisoner. They were cutting the water from</p> <p>4 everyone in the prison, and one time, one of these</p> <p>5 times they put me in a cell by myself. It was dark.</p> <p>6 I couldn't see anything for half, for day and a</p> <p>7 half. These are things that were punishment, and</p> <p>8 between this and that punishment always comes</p> <p>9 beating.</p> <p>10 Q. These things that you described, did they</p> <p>11 occur during times when Frederick was around?</p> <p>12 MR. O'CONNOR: Objection. Leading.</p> <p>13 THE WITNESS: Yes, sir.</p> <p>14 BY MR. AKEEL:</p> <p>15 Q. Do you know if these things you</p> <p>16 experienced, you already talked about the nudity,</p> <p>17 but do you know those punishments that you</p> <p>18 experienced that they occurred during a time when</p> <p>19 this man that you described, Exhibit 13 --</p> <p>20 Exhibit 17?</p> <p>21 MR. O'CONNOR: Objection. Leading.</p> <p>22 MR. RASHEED: Which person, the left?</p>	<p>1 MR. O'CONNOR: Objection. Speculation.</p> <p>2 THE WITNESS: Because I became so weak.</p> <p>3 Even my features are not like before. My bones,</p> <p>4 cheek bones were all out. And also someone in</p> <p>5 barefoot and orange suit, so they did not know.</p> <p>6 BY MR. AKEEL:</p> <p>7 Q. Did you lose any weight?</p> <p>8 A. Of course I lost some.</p> <p>9 Q. Do you know how much or have an idea?</p> <p>10 A. I really didn't have any idea at the time</p> <p>11 to go and measure my weight.</p> <p>12 Q. After you were released, did you have any</p> <p>13 nightmares?</p> <p>14 MR. O'CONNOR: Objection. Leading.</p> <p>15 THE WITNESS: Yes, sir.</p> <p>16 BY MR. AKEEL:</p> <p>17 Q. Okay. Can you describe some of them?</p> <p>18 A. One of the things was that it was just</p> <p>19 waking up terrified at the middle of the night as if</p> <p>20 I was in the prison. I was still in the prison.</p> <p>21 Q. So, you wake up, and you think you were in</p> <p>22 prison?</p>
Page 219	Page 221
<p>1 BY MR. AKEEL:</p> <p>2 Q. Yes.</p> <p>3 A. Yes, sir.</p> <p>4 Q. Did any of the interrogators or anybody,</p> <p>5 even military, ever tell you their names?</p> <p>6 A. No. No.</p> <p>7 Q. Did you see if the names of the military</p> <p>8 soldiers were visible or were they taped over?</p> <p>9 A. And sometimes maybe there were people who</p> <p>10 are, their tag names visible, but we've been told,</p> <p>11 whenever somebody passing by the cells, we were</p> <p>12 supposed to go behind to the walls, not stay near</p> <p>13 the bars.</p> <p>14 Q. You testified that, when you were released</p> <p>15 from Abu Ghraib, that you went to Al Jazeera, and</p> <p>16 they did not recognize you because, because of how</p> <p>17 you looked. Do you remember that?</p> <p>18 MR. O'CONNOR: Objection. Leading.</p> <p>19 THE WITNESS: Yes, sir.</p> <p>20 BY MR. AKEEL:</p> <p>21 Q. Why is that? If you worked there, why</p> <p>22 wouldn't they recognize you?</p>	<p>1 A. Yes, that's what it was.</p> <p>2 Q. Okay. Why did you not want to discuss the</p> <p>3 treatment with your family?</p> <p>4 A. These stories from the prison were very</p> <p>5 humiliating, and I really didn't want to share those</p> <p>6 humiliating stories with them to give them, have</p> <p>7 them suffer as much as I suffer also. And I also, I</p> <p>8 was not in psychological situation where I can talk</p> <p>9 to people and face people and tell people about what</p> <p>10 happened to me. So, I was trying to be isolated</p> <p>11 whenever someone tried to discuss these things or to</p> <p>12 bring these things up.</p> <p>13 Q. Are you seeking damages for the beatings</p> <p>14 and physical mistreatment you suffered at Abu</p> <p>15 Ghraib?</p> <p>16 A. For sure, yes. For sure.</p> <p>17 MS. GALLAGHER: Can we go off the record?</p> <p>18 Five minutes.</p> <p>19 (Whereupon, a short recess was taken from</p> <p>20 5:31 to 5:37 p m.)</p> <p>21 BY MR. AKEEL:</p> <p>22 Q. Salah, do you believe that you were</p>

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1 CERTIFICATE OF NOTARY PUBLIC

2 I, Kathleen M. Vaglica, the officer before
3 whom the foregoing deposition was taken, do hereby
4 certify that the witness whose testimony appears in
5 the foregoing deposition was duly sworn by me; that
6 the testimony of said witness was taken by me in
7 stenotype and thereafter reduced to typewriting
8 under my direction; that said deposition is a true
9 record of the testimony given by said witness; that
10 I am neither counsel for, related to, nor employed
11 by any of the parties to the action in which this
12 deposition was taken; and, further, that I am not a
13 relative or employee of any attorney or counsel
14 employed by the parties hereto, nor financially or
15 otherwise interested in the outcome of the action.

16
17 _____
18 Notary Public in and for
19 The District of Columbia
20

21 My Commission Expires:
22 February 14, 2016

EXHIBIT 4

1 IN THE UNITED STATES DISTRICT COURT
2 FOR THE EASTERN DISTRICT OF VIRGINIA
3 ALEXANDRIA DIVISION
4 - - - - - x
5 SUHAIL NAJIM ABDULLAH AL SHIMARI,)
6))
7 TAHA YASEEN ARRAQ RASHID,)
8))
9 ASA'AD HAMZA HANFOOSH AL-ZUBA'E,) Case No.
10))
11 SALAH HASAN NSAIIF JASIM) 08-cv-0827-LMB-JFA
12))
13 AL-EJAILI,)
14))
15 Plaintiffs,)
16))
17 VS.)
18))
19 CACI PREMIER TECHNOLOGY, INC.,)
20))
21 Defendant.)
22))

13 - - - - - x
14 Washington, D.C.
15 Wednesday, February 15, 2017
16

17 VideoLink Deposition of ASA'AD HAMZA
18 HANFOOSH AL-ZUBA'E, called for examination by counsel
19 for Defendant, pursuant to notice, at the Law Offices
20 of Steptoe & Johnson, 1330 Connecticut Avenue, NW,
21 Washington, D.C., commencing at 8:17 a.m., before Joe
22 W. Strickland, RPR, CRR, CRC and Notary Public in and

Page 2	Page 4
<p>1 for the District of Columbia, when were present on</p> <p>2 behalf of the respective parties:</p> <p>3</p> <p>4 APPEARANCES:</p> <p>5 On behalf of Defendant:</p> <p>6 JOHN F. O'CONNOR, ESQ.</p> <p>7 LINDA C. BAILEY, ESQ.</p> <p>8 Steptoe & Johnson, LLP</p> <p>9 1330 Connecticut Avenue, NW</p> <p>10 Washington, D.C. 20036</p> <p>11 (202) 429 8095</p> <p>12 joconnor@steptoe.com</p> <p>13 lbailey@steptoe.com</p> <p>14</p> <p>15 On behalf of Plaintiffs:</p> <p>16 ROBERT P. LOBUE, ESQ.</p> <p>17 MATTHEW FUNK, ESQ.</p> <p>18 PETER NELSON, ESQ. (Via VideoLink)</p> <p>19 Patterson Belknap Webb & Tyler, LLP</p> <p>20 1133 Avenue of the Americas</p> <p>21 New York, New York 10036 6710</p> <p>22 (212) 336 2596</p>	<p>1 CONTENTS</p> <p>2 WITNESS: ASA'AD HAMZA HANFOOSH AL ZUBA'E</p> <p>3 EXAMINATION BY: PAGE</p> <p>4 Mr O'Connor 8</p> <p>5 Mr LoBue 26</p> <p>6 Afternoon Session 87</p> <p>7</p> <p>8 E X H I B I T S</p> <p>9 EXHIBIT NO DESCRIPTION PAGE</p> <p>10 AS 7: Plaintiff Al Zuba'e's Answers to 7</p> <p>11 Interrogatories</p> <p>12 : Photograph: Serial No 0 8 37</p> <p>13 2: Photograph: Serial No 05 9 40</p> <p>14 3: (Premarked, but not admitted</p> <p>15 Retained by Counsel)</p> <p>16 4: Photograph: Serial No 77887 42</p> <p>17</p> <p>18</p> <p>19</p> <p>20</p> <p>21</p> <p>22</p>
Page 3	Page 5
<p>APPEARANCES (Cont nued):</p> <p>2 On beha f of P a nt ffs:</p> <p>3 SHEREEF AKEEL, ESQ</p> <p>4 Akee & Va ent ne</p> <p>5 888 West B g Beaver Road</p> <p>6 Su te 9 0</p> <p>7 Troy, M ch gan 48084</p> <p>8 (248) 269-9590</p> <p>9 - and -</p> <p>0 KATHERINE GALLAGHER, ESQ (V a V deoL nk)</p> <p>Center for Const tut ona R ghts</p> <p>2 666 Broadway, 7th F oor</p> <p>3 New York, New York 00 2</p> <p>4 - and -</p> <p>5 MOHAMMED ALOMARI, ESQ (V a V deoL nk)</p> <p>6 Az muth Lega Se v ce, PLLC</p> <p>7 2490 Northwestern H ghway, Su te 3</p> <p>8 Southf e d, M ch gan 48075</p> <p>9</p> <p>20 A so Present:</p> <p>2 H a Houa a, Arab c Language Trans ator</p> <p>22 N co e Esp n, Law Student</p>	<p>1 P R O C E E D I N G S</p> <p>2 (8:17 a.m.)</p> <p>3 MR. O'CONNOR: Let's go on the record.</p> <p>4 This is John O'Connor, counsel for Defendant, CACI</p> <p>5 Premier Technology, Inc. We are going to go around</p> <p>6 the room and introduce the parties present, but we</p> <p>7 are going to start with Mr. LoBue, counsel for the</p> <p>8 Plaintiffs putting a couple of stipulations on the</p> <p>9 record.</p> <p>10 MR. LOBUE: Thank you, Mr. O'Connor. The</p> <p>11 parties have</p> <p>12 MS. GALLAGHER: Can we get translation?</p> <p>13 (Translator complies.)</p> <p>14 MR. LOBUE: The parties have stipulated as</p> <p>15 follows: Pursuant to Rule 29 of the Federal Rules of</p> <p>16 Civil Procedure, the court reporter, Mr. Joe</p> <p>17 Strickland of Alderson Reporting, who is seated in</p> <p>18 the deposition room in Washington, D.C., may validly</p> <p>19 administer the oath to the witness, who is seated in</p> <p>20 a hotel room in Beirut, Lebanon.</p> <p>21 Secondly, the parties have stipulated that</p> <p>22 the deposition may be recorded by video as well as</p>

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1 THE WITNESS: Yes, yes.
 BY MR. O'CONNOR:
 3 Q. Did somebody read this document to you,
 4 because this document is in English and you don't
 5 speak English?
 6 A. No, no.
 7 Q. How do you know what is in here is true if
 8 you can't read it and nobody told you what it said?
 9 THE TRANSLATOR: Let me repeat the
 10 previous question, if you don't mind.
 11 MR. O'CONNOR: Okay.
 1 (Question repeated by the Translator.)
 13 THE WITNESS: No, no, nobody interpreted
 14 it.
 15 BY MR. O'CONNOR:
 16 Q. So is it fair to say that you don't know
 17 whether what is written in this document is true or
 18 not because you don't know what it says?
 19 A. I trust you so much, I have a high trust
 0 in you.
 1 Q. You mean you trusted your lawyers?
 A. All of you. All of you are okay. All of

Page 19

1 you
 2 Q Well, you shouldn't trust me I'm the
 3 lawyer for the other side
 4 A Don't worry; I trust you I trust you
 5 Q Well, I trust you too Do you remember
 6 when you were arrested by the U S military back in
 7 2003?
 8 A Yes Yes
 9 Q Can you tell me what happened when you got
 10 arrested strike that
 11 Can you tell me what led up to you being
 12 arrested by the U S military?
 13 MR LOBUE: I object to the form of the
 14 question Maybe you can make that a little clearer
 15 Do you want a narrative of what happened or something
 16 before it?
 17 MR O'CONNOR: I'm just trying to not have
 18 him go off into what happened after he was arrested
 19 I'm trying to get out what happened up until the
 20 point he was arrested You can answer my question
 21 you can translate my question
 22 THE TRANSLATOR: Can you repeat the

Page 20

1 question? I'm sorry
 2 BY MR O'CONNOR:
 3 Q Can you tell me what events occurred that
 4 ended with you getting arrested by the U S military?
 5 Will?
 6 MR LOBUE: And I object to the form of
 7 the question Translate him, before he answers and
 8 please state you may answer
 9 THE TRANSLATOR: I'm repeating the
 10 question again
 11 MR O'CONNOR: Sure
 12 THE WITNESS: I was walking, driving in
 13 the car I was coming back from work to home I saw
 14 some American forces stopped in the middle of the
 15 street They searched the car They searched me
 16 And they told me to leave Go home
 17 BY MR O'CONNOR:
 18 Q Was anybody else in the car with you?
 19 A There were my neighbors were watching
 20 THE TRANSLATOR: I don't think he
 21 understands the question
 22 BY MR O'CONNOR:

Page 21

1 Q Was anyone else in the car with you when
 2 you were stopped by the U S military?
 3 A There was a guy, older guy, one of our
 4 neighbors "Shaiib "
 5 THE TRANSLATOR: I'm not sure what he
 6 means by "Shaiib," if it's a name or an older guy
 7 He's one of our neighbors
 8 MR ALOMARI: "Shaiib" means old man
 9 THE TRANSLATOR: "Shaiib," that's an older
 10 guy Older guy
 11 BY MR O'CONNOR:
 12 Q Why was the old guy in your car?
 13 A His car was broken His car the car
 14 was broken and he told me to give him a ride back
 15 home
 16 Q After the first time that the U S
 17 military stopped you and then let you continue on,
 18 what happened next?
 19 A I started driving and suddenly two Hummer
 20 cars started following me
 21 Q Okay What happened after the two Hummers
 22 started following you?

Page 22

1 A I stopped

2 Q Did they force you to stop or did you

3 voluntarily stop?

4 A They told me to stop they told me to

5 stop

6 THE TRANSLATOR: I will ask him to repeat

7 I didn't want to interrupt him

8 THE WITNESS: They searched the car They

9 searched the car the second time They say asked

10 the older man where does he live He lives down

11 across the road here and then he one of the

12 military people took my car gave him a ride across

13 the street to his house and he came back with the car

14 and he asked where is my house

15 Then after they asked where I live, I said

16 I live here He didn't blindfold me or handcuffed,

17 they didn't do nothing They drove me there I took

18 him home Searched the house They searched the

19 house a second time There was no problem You give

20 us permission five minutes? Give us five minutes, we

21 need five minutes to have some explanation and you

22 come back home

Page 23

1 BY MR. O'CONNOR:

2 Q. Who was present for the U.S. military when

3 this happened?

4 A. They were all there. I mean, other

5 soldiers.

6 Q. How many soldiers were there when you were

7 brought to your house?

8 A. I don't know. I don't know. I didn't

9 count. I didn't count.

10 Q. Can you give me an estimate?

11 A. I don't know. I don't know. I don't.

12 Q. Less than ten?

13 A. I don't know. Ten or something, I don't

14 know.

15 Q. Is ten soldiers about right?

16 MR. LOBUE: I object to the form of the

17 question.

18 MR. O'CONNOR: What did he say?

19 THE TRANSLATOR: He said, "I don't know.

20 I don't know."

21 MR. LOBUE: And I said I object to the

22 form of the question.

Page 24

1 BY MR. O'CONNOR:

2 Q. Were there less than a hundred soldiers at

3 your house?

4 A. I don't know.

5 Q. Was there less than 10,000 soldiers at

6 your house?

7 A. I didn't count them. I don't recall. I

8 didn't count how many.

9 Q. Did you get taken into U.S. custody at

10 your house? Were you arrested at your house?

11 A. No, no. No, no.

12 Q. When were you arrested?

13 A. I think middle of the month of 11, which

14 is November, 2003. I don't recall exactly, but

15 middle of November 2003.

16 Q. Do I understand it right that the military

17 that the U.S. military searched your house?

18 A. Yes.

19 Q. What happened after the U.S. military

20 searched your house?

21 A. Nothing happened. No problem. They

22 searched the house and I was standing next to them.

Page 25

1 They searched the house They searched the house

2 They say five minutes explanation Nothing else

3 happened Nothing else happened

4 Q After the U S military searched your

5 house, did they leave?

6 A No, no, no They took me with them They

7 took me with them

8 Q When the U S military took you with them,

9 was there anyone there that was not a soldier?

10 MR LOBUE: I object to the form of the

11 question

12 BY MR O'CONNOR:

13 Q When the U S military left your house

14 with you, did they have any civilians with them?

15 THE TRANSLATOR: With the military?

16 MR O'CONNOR: Yes

17 THE TRANSLATOR: And you want to object?

18 MR LOBUE: I object to the form

19 THE TRANSLATOR: When he left the house

20 MR O'CONNOR: When he left the house,

21 were there any civilians with them?

22 THE WITNESS: I couldn't hear the

Page 26	Page 28
<p>1 question</p> <p>2 (Question was repeated by the Translator)</p> <p>3 THE WITNESS: The Iraqis?</p> <p>4 THE TRANSLATOR: He is saying, "The</p> <p>5 Iraqis?" You want to explain, do you mean in</p> <p>6 civilian clothing? He didn't understand the</p> <p>7 question, I think He said, "Was there any other</p> <p>8 Iraqis with them?" What is your question?</p> <p>9 BY MR O'CONNOR:</p> <p>10 Q Were there any Americans or Iraqis with</p> <p>11 you the U S military who were not soldiers?</p> <p>12 THE TRANSLATOR: Do you are you trying</p> <p>13 to say there was somebody around the area or that was</p> <p>14 military or</p> <p>15 BY MR O'CONNOR:</p> <p>16 Q The people who took you with them from</p> <p>17 your house, were they all U S soldiers or were there</p> <p>18 other people with them?</p> <p>19 A They were only American</p> <p>20 Q Were they all soldiers?</p> <p>21 MR LOBUE: I object to the form Do you</p> <p>22 mean were they all in uniform?</p>	<p>1 Q. Where did they take you?</p> <p>2 A. They took me to jail, Abu Ghraib.</p> <p>3 Q. From the time the U.S. military took you</p> <p>4 from your house until the time you reached Abu</p> <p>5 Ghraib, did anybody mistreat you?</p> <p>6 A. No, no, no. No, no. They didn't put</p> <p>7 anything like a blindfold. Nothing happened. There</p> <p>8 was no problem until I left to Abu Ghraib. They have</p> <p>9 to blindfold by law. You know what I'm saying? The</p> <p>10 minute I get to Abu Ghraib, they blindfolded me.</p> <p>11 MR. ALOMARI: It is not a blindfold. It's</p> <p>12 not a blindfold. It's not a blindfold; it's a hood.</p> <p>13 THE TRANSLATOR: Not a blindfold. It's a</p> <p>14 hood. Sorry.</p> <p>15 BY MR. O'CONNOR:</p> <p>16 Q. Mr. Al Zuba'e, you understand that my</p> <p>17 client is a civilian company; right?</p> <p>18 A. No, no.</p> <p>19 Q. Do you know that you've sued a civilian</p> <p>20 company in this case?</p> <p>21 MR. LOBUE: I think the witness should be</p> <p>22 excuse me, wait. The witness should be instructed</p>
Page 27	Page 29
<p>1 MR. O'CONNOR: I want to ask if they were</p> <p>2 all soldiers.</p> <p>3 THE WITNESS: Yes, sir. They were all</p> <p>4 military.</p> <p>5 THE TRANSLATOR: No objection?</p> <p>6 MR. LOBUE: No objection.</p> <p>7 THE WITNESS: They were all soldiers, yes,</p> <p>8 yes.</p> <p>9 BY MR. O'CONNOR:</p> <p>10 Q. How did they communicate with you? Did</p> <p>11 they have someone interpreting?</p> <p>12 A. Yes, they had one person with them who</p> <p>13 spoke Arabic. He was an inte preter.</p> <p>14 Q. Was the interpreter wearing a military</p> <p>15 uniform?</p> <p>16 A. Yes, military, yes. Army.</p> <p>17 Q. What happened after the U.S. military took</p> <p>18 you from your house?</p> <p>19 A. Nothing happened. They didn't blindfold</p> <p>20 me or anything. Nothing happened.</p> <p>21 Q. Did they put you in a vehicle?</p> <p>22 A. Yes, the Hummer, yes.</p>	<p>1 not to reveal any discussions he had with his</p> <p>2 attorneys</p> <p>3 THE WITNESS: Okay Okay Okay</p> <p>4 BY MR O'CONNOR:</p> <p>5 Q Do you know who you've sued in this case?</p> <p>6 A Now, or before?</p> <p>7 Q Do you know now?</p> <p>8 A Yes</p> <p>9 Q Who have you sued in this case?</p> <p>10 A I know it's against a company It's not</p> <p>11 the U S military I know it's against a company</p> <p>12 Q Okay That company is called CACI Premier</p> <p>13 Technology Do you know if CACI Premier Technology</p> <p>14 had anything to do with the decision to stop you on</p> <p>15 the side of the road?</p> <p>16 MR NELSON: Can I suggest something?</p> <p>17 THE TRANSLATOR: Go ahead</p> <p>18 MR NELSON: Can I suggest something?</p> <p>19 THE TRANSLATOR: Go ahead</p> <p>20 MR NELSON: The Plaintiff has always</p> <p>21 known it as "CACI "</p> <p>22 MR O'CONNOR: Okay I can let me</p>

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1 start over.
 2 BY MR. O'CONNOR:
 3 Q. Mr. Al Zuba'e, my client is a company
 4 called CACI Premier Technology, and if I refer to it
 5 as "CACI," will you understand that?
 6 A. Yes, I understand that.
 7 Q. And I'm going to call my client CACI,
 8 because one of your lawyers says that that's how
 9 you've understood my client to be named.
 10 A. I don't have any objection.
 11 Q. Do you have any reason to believe that
 12 CACI was involved in the decision to stop your
 13 vehicle on the side of the road?
 14 A. No, I don't think so. I don't know
 15 anything about CACI or anything. I don't understand.
 16 Q. Do you have any reason to believe that
 17 CACI was involved in the search of your house?
 18 A. I don't know.
 19 Q. Do you have any reason to believe that
 20 CACI was involved in the decision to take you on
 21 Abu Ghraib prison?
 22 A. I don't know.

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1 Q Prior to you reaching Abu Ghraib prison,
 2 had you seen anyone that you now understand to have
 3 been an employee of CACI?
 4 THE TRANSLATOR: In the Hummer?
 5 MR O'CONNOR: No Period
 6 THE TRANSLATOR: You mean an employee
 7 of I don't understand
 8 BY MR O'CONNOR:
 9 Q Let me ask it again Before you reached
 10 Abu Ghraib prison, had you ever seen anyone who was
 11 an employee of CACI?
 12 A I don't know I don't know if it's a CACI
 13 employee or not I don't know any company
 14 Q So you're not aware of ever seeing a CACI
 15 employee before you got to Abu Ghraib prison?
 16 A No, I don't know I don't know
 17 Q When you reached Abu Ghraib, what happened
 18 next?
 19 A I stay two days I stay two days in the
 20 jail Some people, civilian people came over
 21 Q You said you stayed two days in the
 22 prison Where in the prison were you for those two

Page 32

1 days?
 2 A. In a room. A big room. Large room.
 3 There was a bathroom in it.
 4 Q. So to make sure I understand, when you got
 5 to Abu Ghraib prison you were taken to a big room
 6 that had a bathroom in it?
 7 A. No, no, there is no bathroom. No
 8 bathroom.
 9 Q. To make sure I understand, when you were
 10 brought to Abu Ghraib prison, you were then taken to
 11 a big room that had no bathroom?
 12 A. No bathroom. The bathroom was outside.
 13 Q. And you stayed in that big room for two
 14 days; is that right?
 15 A. Two days and a third day. And a third
 16 day, yes.
 17 Q. So you were in that room for three days?
 18 A. The third day some civilians came over.
 19 Some civilian people came over. They came in,
 20 civilians came in the third day.
 21 Q. For the first two days, were you in this
 22 big room all by yourself?

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1 A. Yeah, there were other people in the big
 2 room.
 3 Q. About how many people were in the big room
 4 for those two days?
 5 A. I don't know. I don't know.
 6 Q. Was anybody guarding the big room while
 7 you were in there?
 8 A. Yeah, there was a guard. There were
 9 guards, military, Army.
 10 Q. Did you do anything for the first two days
 11 in that big room other than just stay there?
 12 THE TRANSLATOR: I need a clarification.
 13 BY MR. O'CONNOR:
 14 Q. During the first two days that you were in
 15 the big room, did you interact at all with any
 16 Americans?
 17 A. No, no.
 18 Q. You said on the third day, someone came
 19 and got you; is that right?
 20 A. I mean, you know like in a second room.
 21 In another room the third day. Another room.
 22 Q. Okay. Was there a door connecting this

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1 other room with the big room where you were the first
 2 two days?
 3 A. Wall. Wall. I mean wall.
 4 Q. How did you get from the big room to the
 5 second room on your third day?
 6 A. I mean, there was another room. There was
 7 a wall, you know, there is a door. You know what I
 8 mean? A wall?
 9 Q. So you went through a door to get to the
 10 second room?
 11 A. I mean, they go like this and this and
 12 then this, you know. (Indicating.)
 13 Q. Did you have to go outside to get from the
 14 big room to the second room?
 15 THE TRANSLATOR: What do you mean?
 16 MR. O'CONNOR: Outside, outdoors.
 17 THE WITNESS: I really don't understand
 18 the question. What do you mean by outside?
 19 BY MR. O'CONNOR:
 20 Q. To get to the second room, did you have to
 21 go out where you could see the sky above you or did
 22 you stay inside?

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1 A. I mean, no, not outside. There was a
 2 walk through to go to the other room. We don't have
 3 to go to the outside.
 4 Q. During those two days when you were in the
 5 big room, did anyone mistreat you?
 6 A. No, no, no.
 7 Q. Did you have to wear a hood while you were
 8 in the big room?
 9 A. No, no, no.
 10 Q. You said two people then brought you to a
 11 second room; is that right?
 12 A. Yes, a civilian. A civilian.
 13 Q. How do you know they were civilian?
 14 A. I didn't have any mask or anything.
 15 THE TRANSLATOR: Let me ask the question
 16 again.
 17 (Question repeated by the Translator.)
 18 THE WITNESS: Because they were wearing
 19 civilian clothing. They were all civilian clothing.
 20 BY MR. O'CONNOR:
 21 Q. Okay. Was it two people who brought you
 22 to the second room?

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1 A. I don't really recall if it was two
 2 people if it is two people or more. I don't
 3 recall exactly how many.
 4 Q. Do you know if any of the people who
 5 brought you to the second room worked for CACI?
 6 A. I don't know. I don't know. I don't
 7 know. How should I know? I don't know.
 8 Q. When you were brought to the second room,
 9 what happened?
 10 A. They took off my clothes. They make me
 11 take off they took my picture. They took a
 12 picture. They told me to stand up and take a
 13 picture. They took my photo. They say they took
 14 my picture, told me to go the to the bathroom. And
 15 said to do this. (Motioning.) I said in our
 16 religion, I don't do this.
 17 MR. NELSON: He mentioned his penis, too.
 18 MR. LOBUE: Can the record reflect hold
 19 on. May the record reflect that the Translator said,
 20 "They told me to do this," and he made a physical
 21 gesture that is suggestive of male masturbation.
 22 BY MR. O'CONNOR:

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1 Q When you were in the second room and you
 2 said they took off your clothes, were you completely
 3 naked?
 4 A All my clothing, yes I had to take off
 5 all of my clothes
 6 Q When they took your picture, was it of
 7 your full body or just part of your body?
 8 THE TRANSLATOR: I'm asking him the whole
 9 entire body or part of the body
 10 THE WITNESS: They took for the naked
 11 body, the picture
 12 MR. ALOMARI: No, he said they took a
 13 picture of his penis
 14 THE TRANSLATOR: Oh, he used another
 15 expression
 16 THE WITNESS: I took out my penis outside
 17 and they took a picture of my penis Private parts
 18 THE TRANSLATOR: They are using some
 19 expression, really, I didn't figure out
 20 MR. O'CONNOR: Okay
 21 BY MR. O'CONNOR:
 22 Q How long were you in this second room?

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1 room that we've been talking about?

2 A. Like I told you, they took me from the big

3 room to the small room and he took my clothes off and

4 made me play with myself and took pictures of my

5 private parts.

6 Q. I want to know what happened after the

7 second room.

8 A. You are talking about after they played

9 with it and they took pictures and they continued?

10 Q. Yes.

11 A. They told me to wear my clothes, and I put

12 my clothes on.

13 Q. What happened after you put your clothes

14 back on?

15 A. He called the guard. He called the guard.

16 Q. Was the guard a soldier?

17 A. Yes. He was a soldier.

18 Q. What happened when the guard came over?

19 A. Then he sent me to another room.

20 Q. What did this other room look like?

21 A. It was a room across from the small room.

22 Across.

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1 Q. Who was in well, if we call this next

2 room the third room, will you understand what I'm

3 talking about?

4 A. Okay. Go ahead.

5 Q. Who was in the third room?

6 A. I don't know.

7 Q. Why don't you know?

8 MR. LOBUE: I object to the form.

9 MR. ALOMARI: He said there was nobody in

10 the room.

11 THE WITNESS: There was nobody there

12 except the guard. A standing guard.

13 BY MR. O'CONNOR:

14 Q. Okay. So did the guard go in the room

15 in the third room with you?

16 A. No, he was standing up with a rifle.

17 Q. So did he stay in the doorway and have you

18 go in the room?

19 A. There was no door. There was an entrance.

20 He was standing at the entrance.

21 Q. And you were in the third room all by

22 yourself; is that right?

Page 48

1 A. Yes, yes

2 Q. How long were you in the third room all by

3 yourself?

4 A. Around three hours, four, three hours

5 almost

6 Q. What happened after those three or

7 four hours?

8 A. Then the civilian came in, the civilians

9 that took my picture earlier, they put handcuffs on

10 me and they took me

11 MR. ALOMARI: This is Mr Alomari Not a

12 handcuff, "a band "

13 THE TRANSLATOR: Not a handcuff A band;

14 I'm sorry

15 BY MR. O'CONNOR:

16 Q. Did the civilian take you somewhere after

17 they put the band on your wrists?

18 A. They put the rope, the band, and they put

19 the hood on my head

20 Q. Okay So after three or four hours in the

21 third room, you had bands put on your wrists and a

22 hood put on your head; is that right?

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1 A. Yes, yes. A black bag. Black bag.

2 Q. I understand that you had a hood on your

3 head, but my question is do you know where you were

4 taken?

5 A. Then after that they took me in the

6 Hummer.

7 Q. Okay. So after the third room, you were

8 put in a Hummer and driven somewhere?

9 A. Yes.

10 Q. Do you know who was in the Hummer with

11 you?

12 A. I don't know. I don't know. I don't

13 know.

14 Q. Do you know if the civilian who put the

15 bands on your wrists got in the Hummer with you?

16 A. I don't know. I don't know. I don't

17 know. No, no, no, I don't know.

18 Q. How long were you driven in the Hummer?

19 A. Around three minutes around three

20 minutes, four minutes, five minutes. I don't recall.

21 Q. After three, four, or five minutes, were

22 you taken out of the Hummer?

Page 50

1 A Yes Then after three, four minutes, the
 2 Hummer stopped The Hummer stopped The Hummer
 3 stopped and somebody put something around my neck
 4 like a rope and pulled me out by the rope
 5 MR ALOMARI: This is Mr Alomari He is
 6 saying, "He tied the bag, the hood, very tightly "
 7 THE TRANSLATOR: He tied whatever he is
 8 saying, the rope, around his neck very tight and they
 9 pulled him out
 10 THE WITNESS: I was crying and they kept
 11 hitting me, hitting me, hitting me Hitting,
 12 hitting Punches, punches and hitting Then they
 13 stopped me after this they stopped somewhere
 14 BY MR O'CONNOR:
 15 Q Do you know who tightened the hood around
 16 your neck?
 17 A No, no, no I can't see There was a bag
 18 on my head I can't see
 19 Q You said that people were hitting you Do
 20 you know who was hitting you?
 21 A Hitting, hitting, one, two, punches,
 22 consecutive punches, one or two I don't recall I

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1 was crying I was crying
 2 MR ALOMARI: This is Mr Alomari He
 3 said, "punches and kicks "
 4 MR O'CONNOR: If you want to clarify that
 5 that with the witness, go ahead
 6 THE TRANSLATOR: I was asking him if it
 7 was by hand or by legs
 8 MR ALOMARI: (Speaking in Arabic)
 9 THE TRANSLATOR: There was a pronunciation
 10 of words that I don't know what it is I asked him
 11 if it was by leg and he said by leg So he was
 12 kicked, punched, and beaten up So there were three
 13 things Beating up, kicking, and punching
 14 BY MR O'CONNOR:
 15 Q Do you know who was beating up, kicking,
 16 and punching you?
 17 A No, I don't have any information No
 18 Q Do you know if CACI had any involvement in
 19 the kicking, punching, or beating you when you were
 20 gotten out of the Hummer?
 21 A No
 22 Q No?

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1 A No, no
 2 Q After you were brought out of the Hummer,
 3 what happened next?
 4 A Like I told you, they took me to a place
 5 and I stand up I stopped
 6 Q Where was the place well, strike that
 7 Do you know where the place was that they
 8 took you and had you stand?
 9 A No, I don't know No, no, I don't know
 10 No
 11 Q Do you know who was with you at the place
 12 where you were brought to stand?
 13 A I didn't understand the question
 14 Q Okay You said that you were brought
 15 somewhere where you stood And my question is: Do
 16 you know who was with you while you were standing
 17 there?
 18 A When I stand up, they took the cover out
 19 of my face, the bag out of my face There was a
 20 whole group of people standing up, soldiers
 21 Q And what happened when the hood was taken
 22 off and you saw a whole group of soldiers standing

Page 53

1 there?
 2 A Somebody said, "You smell bad Really bad
 3 smell "
 4 Q What else happened?
 5 A He said, "Take off the jacket " He said,
 6 "Take off more Take off more "
 7 Q Who said, "Take off more"? Was it a
 8 soldier?
 9 A Yes, military Military soldier
 10 Q Okay What happened after they told you
 11 to take more off?
 12 A He made me take off all my clothes I was
 13 naked Everything
 14 Q Do you know if anyone ordered the soldier
 15 to have you take off all of your clothes?
 16 A How I'm going to know? I don't have any
 17 knowledge Then he hold me and hugged me and said
 18 "I'm going to do something bad to you " And he
 19 didn't say what he was going to do He hugged me and
 20 he took me to do something bad something really
 21 bad to me
 22 Q And the person who did this was a soldier?

Page 54

1 A He was a soldier He was not civilian A

2 soldier

3 Q How long did the soldier hold you?

4 A He hold me then he took me to a bathroom,

5 him and a group of some other people

6 Q Was the other group of the people

7 soldiers?

8 A I couldn't concentrate I was crying so

9 much, I could not concentrate who was in the room

10 Q So you were brought to a room; is that

11 right?

12 A Bathroom Bathroom Upstairs Bathroom

13 Q And when you were in the bathroom, do you

14 remember anyone being in there who was not a soldier?

15 A I couldn't tell because he opened the

16 water and he put the soap and he started giving me a

17 shower And in the shower I was crying and he was

18 putting soap and the cold water during wintertime

19 So I couldn't and I was crying I was crying

20 then he was pushing me And then me pushed me And

21 I was crying and crying and crying and crying

22 Q And the person who pushed you was a

Page 55

1 soldier?

2 A. I couldn't see. I couldn't see. I

3 couldn't see. My eyes, I couldn't see. I couldn't

4 see nothing.

5 MR. AKEEL: "Soap in my eyes."

6 THE WITNESS: Soap, soap, soap in my eyes.

7 Soap. I couldn't see. I couldn't see.

8 BY MR. O'CONNOR:

9 Q. So is it fair to say you don't remember

10 any civilians in that bathroom when you were in

11 there?

12 A. I don't know. I couldn't tell, because

13 every time I was going inside the room then he was

14 putting the soap in my eyes. I couldn't tell who was

15 in the room. And the soap was in my eyes and

16 whenever I wanted to get out of the room, he used to

17 push me back in. So I could not tell.

18 Q. Is it fair to say that you were brought to

19 the bathroom

20 MR. ALOMARI: This is Mr. Alomari. He

21 also said that he fell.

22 THE WITNESS: My body was so frozen, I

Page 56

1 fell on the floor I don't recall I fell on the

2 floor

3 BY MR. O'CONNOR:

4 Q Is it fair to say that you were brought to

5 the bathroom by a soldier, but you don't remember

6 strike that

7 Is it fair to say that you were brought to

8 the bathroom by the soldier, but you don't know if

9 there was anybody else in the bathroom?

10 A He said the bathroom there was a group

11 of people in the bathroom

12 Q Was the group of people Iraqis or

13 Americans?

14 A American American I'm not talking

15 about the person who was pushing me pushing me to

16 the bathroom He opened the water He hold me He

17 put me inside the bathroom Opened the water He

18 opened the water Soap, soap I was crying, crying,

19 crying Whenever I want to get out, he pushed me

20 back in

21 Q Okay And then is it fair to say that

22 other than the soldier who brought you into the

Page 57

1 bathroom and held you in the shower area, there were

2 other Americans, but you have no idea if they were

3 soldiers or civilians?

4 A. They were also female. Male and female,

5 actually. The group was female and male.

6 Q. Okay. And is it fair to say that you

7 don't know if they were soldiers or civilians?

8 A. They were American. I said in the

9 bathroom outside the room. When he was punching

10 me they were not inside the bathroom. In the room.

11 Q. The other people were guards; is that

12 right?

13 A. They were not inside the bathroom. They

14 were outside the bathroom.

15 Q. The people outside the bathroom, were they

16 military guards?

17 A. I don't recall. I don't remember. I

18 don't remember. I don't remember.

19 Q. What happened after the shower?

20 A. I fell down. I fell down.

21 Q. And then what happened?

22 A. They were then they on the floor, they

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1 push me down How do you call, they dragged me on
 2 the floor from up all the way down to the lower level
 3 to the lobby
 4 Q When you say "they" dragged you, were you
 5 being dragged by soldiers?
 6 A I don't recall I don't recall I'm so
 7 mixed up I don't recall
 8 Q Do you know if CACI employees had anything
 9 to do with your being dragged down to the lower
 10 level?
 11 A I don't know I don't know I don't
 12 know
 13 Q What happened after you got dragged down
 14 to the lower level?
 15 A I was I woke up Then I woke up They
 16 were hitting me Hitting me Hitting me and I was
 17 walking and walking Hitting and hitting and
 18 hitting I was crying and screaming
 19 Q Who was hitting you?
 20 MR ALOMARI: This is Mr Alomari He
 21 said they made him "crawl," not walk
 22 THE TRANSLATOR: Okay

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1 THE WITNESS: I was crawling on my
 2 stomach And they were hitting me and hitting me and
 3 I was crying
 4 Q Who was hitting you?
 5 A There was some guards and some other
 6 people I did not recognize
 7 Q When you say you didn't recognize them,
 8 were they wearing uniforms?
 9 A I didn't concentrate I was scared I
 10 don't recall
 11 Q So you don't remember what the strike
 12 that
 13 You remember being hit by some guards, but
 14 you don't remember if there were any people who
 15 weren't guards; is that fair?
 16 MR LOBUE: And I object That
 17 mischaracterizes his prior testimony
 18 MR O'CONNOR: That's why I asked, so he
 19 can tell me
 20 MR LOBUE: He can answer
 21 THE TRANSLATOR: You want to repeat the
 22 question again?

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1 BY MR O'CONNOR:
 2 Q Is it fair to say that when you were
 3 crawling and were being hit by people, you remember
 4 there being some guards, but you don't remember if
 5 there was anybody who wasn't a guard?
 6 A I don't recall I don't remember
 7 Q Where did you crawl to?
 8 A I don't recall the distance, but from one
 9 place to another It's like from one building to
 10 another building
 11 Q Okay And when you got
 12 MR ALOMARI: This is Mr Alomari Not
 13 "one building to another building " He is saying
 14 "the hallways where the cells were "
 15 MR O'CONNOR: The hallway where the cells
 16 were?
 17 THE TRANSLATOR: I didn't hear that What
 18 do you want me to ask him? I asked him about the
 19 distance? He could not recall the distance
 20 BY MR O'CONNOR:
 21 Q Where did you crawl to? The distance, the
 22 place? What place did you crawl to?

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1 THE TRANSLATOR: I told him to describe
 it. I told him to explain it. I couldn't figure
 3 out.
 4 THE WITNESS: It's like a walkway, a long
 5 one. It's like it's like a walkway and they were
 6 hitting me and I was crawling. I was pushing on my
 7 belly, my stomach.
 8 BY MR. O'CONNOR:
 9 Q. And where were you when you stopped
 10 crawling?
 11 A. I don't remember. I don't recall where
 1 that was.
 13 Q. What happened next?
 14 A. They brought the dog. He bit me on my
 15 hand and on my legs. Yes, yes.
 16 Q. You said "they" brought the dog. Who
 17 brought the dog?
 18 A. I was crying and screaming. I don't
 19 remember. I don't recall.
 0 Q. So someone brought a dog and the dog bit
 1 you?
 A. Yes, yes.

<p style="text-align: right;">Page 62</p> <p>1 Q. And you don't know who brought the dog?</p> <p>2 A. No, where am I going to get that</p> <p>3 information from?</p> <p>4 Q. Do you know if anyone ordered that the dog</p> <p>5 be brought to you?</p> <p>6 A. No, no.</p> <p>7 Q. Do you remember seeing any do you</p> <p>8 remember seeing any civilians when the dog was</p> <p>9 brought to you?</p> <p>10 A. No, no. I don't recall. I don't</p> <p>11 remember.</p> <p>12 Q. And at this point, you had not been</p> <p>13 questioned by anyone at Abu Ghraib prison; right?</p> <p>14 A. No, no, there was no questions. There was</p> <p>15 only hitting, hitting, hitting. Hitting and torture.</p> <p>16 MR. NELSON: This is Mr. Nelson. John,</p> <p>17 could you maybe instruct the witness to wait until</p> <p>18 the Translator has finished translating before he</p> <p>19 starting speaking? There is a little bit of delay</p> <p>20 and we are getting some overtalk and it seems like</p> <p>21 some of what he is saying is getting lost. So if you</p> <p>22 could just instruct that, I think that might help to</p>	<p style="text-align: right;">Page 64</p> <p>1 Q. Okay. So after the dog bit you, they put</p> <p>2 a hood over your head; is that right?</p> <p>3 A. Yes.</p> <p>4 Q. And then what happened?</p> <p>5 A. They handcuffed me. Plastic handcuffs,</p> <p>6 plastic whatever</p> <p>7 MR. O'CONNOR: Bands?</p> <p>8 THE TRANSLATOR: Yes, bands. Plastic</p> <p>9 bands.</p> <p>10 BY MR. O'CONNOR:</p> <p>11 Q. Do you know if CACI was involved at all in</p> <p>12 the dog being brought over to you?</p> <p>13 MR. LOBUE: Objection, asked and answered.</p> <p>14 THE WITNESS: I don't know. I don't know.</p> <p>15 BY MR. O'CONNOR:</p> <p>16 Q. After you were hooded and had bands put on</p> <p>17 your wrists, what happened next?</p> <p>18 A. They put me in a cell.</p> <p>19 Q. Did the when you were put in the cell,</p> <p>20 did they take the bands off your wrists and the hood</p> <p>21 off your head?</p> <p>22 A. No, no. No, no.</p>
<p style="text-align: right;">Page 63</p> <p>1 make this more efficient. Thank you.</p> <p>2 BY MR. O'CONNOR:</p> <p>3 Q. Mr. Al Zuba'e, your lawyers in the room</p> <p>4 where you are have asked me to ask you if you would</p> <p>5 please wait until the translator finishes talking</p> <p>6 before you continue your answer. Because we want to</p> <p>7 make sure that we get everything you say. And if you</p> <p>8 and the translator are talking at the same time, it</p> <p>9 is very hard for us to do that.</p> <p>10 MR. AKEEL: Also there is a time delay.</p> <p>11 THE TRANSLATOR: Ten seconds; right?</p> <p>12 Almost?</p> <p>13 MR. AKEEL: A couple of seconds.</p> <p>14 BY MR. O'CONNOR:</p> <p>15 Q. Okay.</p> <p>16 A. Okay.</p> <p>17 THE TRANSLATOR: Go ahead. Repeat the</p> <p>18 question.</p> <p>19 BY MR. O'CONNOR:</p> <p>20 Q. After the dog bit you, what happened next?</p> <p>21 A. After the dog bit me, they took a bag, you</p> <p>22 know, and put it on my face, on my head.</p>	<p style="text-align: right;">Page 65</p> <p>1 Q. How long were you in the cell with a hood</p> <p>2 on your head and bands on your wrists?</p> <p>3 A. Till morning.</p> <p>4 Q. Do you know if any CACI employees were</p> <p>5 involved in the decision to put you in the cell?</p> <p>6 A. I don't know.</p> <p>7 Q. Okay. You said that you were left hooded</p> <p>8 and with bands on your wrists until the next morning.</p> <p>9 Did anything else happen to you while in the cell</p> <p>10 between the time you were put in the cell until the</p> <p>11 next morning?</p> <p>12 A. No, nothing happened. They kept me naked.</p> <p>13 They kept me naked, naked.</p> <p>14 Q. Do you know who decided that you would be</p> <p>15 kept naked?</p> <p>16 A. No, no.</p> <p>17 Q. What happened the next morning?</p> <p>18 A. In the morning, they brought my clothes</p> <p>19 back and they took me to another room. Another cell,</p> <p>20 another cell.</p> <p>21 Q. Okay. So</p> <p>22 A. They gave me all my clothes back.</p>

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1 Q. So when they gave you your clothes back,
2 did you put your clothes on?

3 A. Yes, yes.

4 Q. And did they take off the hood and the
5 bands on your wrists?

6 A. Yes, yes, yes. They took them off.

7 Q. And how did you get from the cell you were
8 in overnight until the second cell?

9 THE TRANSLATOR: Walking or something?

10 MR. O'CONNOR: Yes, did he walk? Did he
11 crawl?

12 THE WITNESS: It's like a wall between one
13 room and another. It's really this is the
14 distance, very short distance. A wall in between.

15 BY MR. O'CONNOR:

16 Q. Did you walk to the other cell?

17 A. Yeah, yeah, of course. It was very close,
18 very close.

19 Q. Who was with you when you walked

20 A. It's a cell next to a cell next to a cell.
21 They are adjacent cells. So they were adjacent
22 cells.

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1 Q. Was there a guard with you when you moved
2 from the first cell to the second cell?

3 A. Yeah, of course. They were standing
4 guard.

5 Q. Was there anyone other than military
6 guards with you when you went from the first cell to
7 the second cell?

8 A. That was at daytime. It was almost
9 daytime. I saw only guards. There were guards.

10 Q. What happened when you got into the second
11 cell?

12 A. It was 4:00 in the afternoon. Something
13 like 4:00 in the afternoon. Something like 4:00 in
14 the afternoon.

15 MR. ALOMARI: This is Mr. Alomari. He
16 said, "They left me there until 4:00 in the
17 afternoon."

18 THE TRANSLATOR: Yes, that's correct.

19 THE WITNESS: I said it was 4:00 in the
20 afternoon and the guard came over and took me out of
21 the room.

22 BY MR. O'CONNOR:

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1 Q. Who came over and took you out of the
2 room?

3 A. The guard. The guard. The guard.

4 Q. Where did the guard take you?

5 A. He took me to a small room.

6 Q. Were you hooded while you were there?

7 A. He took me to a small room

8 Q. Were you hooded when you were taken from
9 the cell to the small room?

10 THE TRANSLATOR: I'm sorry?

11 BY MR. O'CONNOR:

12 Q. Were you hooded when they took you from
13 the cell to the small room?

14 A. No, no, there was none. No, no.

15 Q. Were you

16 MR. ALOMARI: This is Mr. Alomari. Just a
17 note to the Interpreter. When Mr. O'Connor was
18 asking you about the hood, it's not "banok." "Banok"
19 is the mask. (Speaking Arabic.)

20 THE TRANSLATOR: "Haqib" is the bag
21 actually.

22 MR. ALOMARI: "Haqib" is the bag, but

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"Banok" is the mask You are using the word for
2 mask

3 THE TRANSLATOR: What word do you want me
4 to use?

5 MR AKEEL: It's a big bag

6 THE TRANSLATOR: You want me to use bag?

7 MR LOBUE: It sounds like that's what the
8 witness understands If he would understand better

9 THE TRANSLATOR: Then I will say "a big
0 plastic bag "

MR O'CONNOR: I don't know if

2 MR LOBUE: Jump back

3 THE TRANSLATOR: Go ahead with the
4 question

5 BY MR O'CONNOR:

6 Q When you were moved when the guard
7 brought you from your cell to the small room, was a
8 hood put over your head?

9 A No, no

20 Q Were you mistreated in any way when you
2 were brought from your cell to the small room?

22 MR LOBUE: Objection Do you mean during

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<p>1 the act of transporting or in the next room?</p> <p>2 MR. O'CONNOR: Yes. No, going from point</p> <p>3 A to point B.</p> <p>4 THE TRANSLATOR: Let's go back again.</p> <p>5 BY MR. O'CONNOR:</p> <p>6 Q. When you walked from the cell to the small</p> <p>7 room, were you mistreated in any way during that</p> <p>8 trip?</p> <p>9 A. No.</p> <p>10 Q. Okay. What happened when you got into the</p> <p>11 small room?</p> <p>12 A. There were three people in the room.</p> <p>13 Q. Were they soldiers?</p> <p>14 A. No, no, civilian. Civilian.</p> <p>15 Q. Okay. Do you know if they were CACI</p> <p>16 employees?</p> <p>17 A. No, I don't know.</p> <p>18 Q. What did they look like?</p> <p>19 A. One is dark, tall. One is white, short,</p> <p>20 good looking. The small one, good looking.</p> <p>21 MR. O'CONNOR: Did he say the tall one was</p> <p>22 dark?</p>	<p>1 you see please tell me the truth You see I'm</p> <p>2 good to you Be honest with me " And then I</p> <p>3 answered him I answered him, "I am telling the</p> <p>4 truth "</p> <p>5 Q Okay Was the man who was asking you</p> <p>6 questions having them translated by an interpreter?</p> <p>7 A Yes</p> <p>8 Q How long were you in the small room with</p> <p>9 the three people?</p> <p>10 A Two hours, almost More, three hours I</p> <p>11 don't I don't recall</p> <p>12 Q Did they tell you</p> <p>13 MR ALOMARI: This is Mr Alomari He</p> <p>14 said, "Two to three hours "</p> <p>15 THE TRANSLATOR: That's what I said Two</p> <p>16 to three hours, more or less</p> <p>17 BY MR O'CONNOR:</p> <p>18 Q Did the people in the room tell you what</p> <p>19 the U S military thought you had done wrong?</p> <p>20 THE TRANSLATOR: Done wrong? Meaning</p> <p>21 charges? Ask me again the question</p> <p>22 BY MR O'CONNOR:</p>
Page 71	Page 73
<p>1 THE WITNESS: Dark.</p> <p>2 THE TRANSLATOR: Dark.</p> <p>3 BY MR. O'CONNOR:</p> <p>4 Q. The tall was dark skinned?</p> <p>5 A. Yes.</p> <p>6 Q. Was he black? African? Did he look</p> <p>7 African?</p> <p>8 A. I don't know. I don't know. I couldn't</p> <p>9 it's been so long. It's been leaving there a</p> <p>10 while, so I really don't recall. I don't remember.</p> <p>11 Q. What happened in the small room?</p> <p>12 A. Then the guy told me: Did I do anything</p> <p>13 bad to you? Did I mistreat you? And I told him,</p> <p>14 "No, you didn't mistreat me. You didn't do anything</p> <p>15 bad to me."</p> <p>16 Q. Okay. So you told the man in the room</p> <p>17 that he hadn't done anything bad to you; is that</p> <p>18 right?</p> <p>19 A. Never, no.</p> <p>20 Q. Okay. And so what happened while you were</p> <p>21 in the small room?</p> <p>22 A. "Tell me the truth." He said, "Please</p>	<p>1 Q Did the people in the room tell you what</p> <p>2 the U S military thought you had done which caused</p> <p>3 them to arrest you?</p> <p>4 THE TRANSLATOR: I really didn't do a good</p> <p>5 job Go ahead</p> <p>6 BY MR O'CONNOR:</p> <p>7 Q Did the people in the room tell you that</p> <p>8 the military believed you were offering money to</p> <p>9 people to attack American forces?</p> <p>10 A No Never I don't recall I don't</p> <p>11 remember I don't recall</p> <p>12 Q Do you remember anything they said to you,</p> <p>13 other than oh, go ahead</p> <p>14 A I don't recall any conversation I don't</p> <p>15 recall I don't remember any conversation or</p> <p>16 communication</p> <p>17 Q Okay Were you mistreated during this</p> <p>18 time in the small room in any way?</p> <p>19 A No, no, no</p> <p>20 Q What happened after your time in the small</p> <p>21 room with the three people?</p> <p>22 THE TRANSLATOR: After he left the room?</p>

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1 BY MR. O'CONNOR:
 2 Q. So when he had you stand up, did you still
 3 have the metal handcuffs on?
 4 A. When he hit me when he hit me
 5 Q. When he hit you is your testimony that
 6 when he hit you, you had the handcuffs on?
 7 A. Before he hit me when he put me inside
 8 the cell, he took off the handcuffs off of my hands.
 9 He took them off.
 10 Q. And then he threw you up against the wall?
 11 A. Yes.
 12 Q. And then what happened after that?
 13 A. He told me to stand up. I stand up again.
 14 He tied me up standing up like this. (Indicating.)
 15 Standing up like this. You know he was like he
 16 tied me up this way inside the room inside the cell.
 17 (Indicating.)
 18 Q. Did he use the handcuffs to chain you to
 19 the cell?
 20 MR. ALOMARI: This is Mr. Alomari. He
 21 said he tied him to the bed.
 22 THE TRANSLATOR: To the what?

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1 MR. LOBUE: To the bed.
 2 BY MR. O'CONNOR:
 3 Q. So is it correct then that the guard tied
 4 you to the bed?
 5 A. In the upper bed. He tied me up to the
 6 upper bed.
 7 Q. Did he tie you up with the handcuffs?
 8 A. Yeah, the metal one. The metal handcuffs,
 9 yes.
 10 Q. Do you know if anybody told the guard to
 11 handcuff you to the bed?
 12 A. No, no.
 13 MR. AKEEL: Let the record reflect the
 14 witness indicated the hands above his head.
 15 BY MR. O'CONNOR:
 16 Q. Do you know if handcuffing prisoners to
 17 the bed was something that was approved by the U.S.
 18 military?
 19 MR. LOBUE: Do you mean the position he
 20 has indicated, or in any position?
 21 BY MR. O'CONNOR:
 22 Q. Do you know if the U.S. military approved

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1 handcuffing prisoners with their arms over their head
 2 when they were inside their cells?
 3 A. No.
 4 Q. You don't know either way?
 5 MR. LOBUE: I object, lack of foundation,
 6 incomplete hypothetical. Just say "objection."
 7 BY MR. O'CONNOR:
 8 Q. You don't know either way?
 9 A. No, I don't have any information.
 10 MR. ALOMARI: This is Mr. Alomari. Just a
 11 note to the Interpreter. Instead of using (speaking
 12 Arabic,) it might be easier to say (speaking Arabic).
 13 He's asking, "Do you know?" It would be easier for
 14 him to understand.
 15 THE TRANSLATOR: Okay. We will do that.
 16 MR. LOBUE: These are just suggestions.
 17 It is up to you as the Official Translator.
 18 BY MR. O'CONNOR:
 19 Q. How long were you well, do you know if
 20 CACI was involved at all in the decision to handcuff
 21 you to the bed?
 22 MR. NELSON: This is Mr. Nelson. We just

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1 lost sound.
 2 MR. O'CONNOR: I can hear you. I can't
 3 hear the witness.
 4 MR. NELSON: Can we try that again?
 5 Because the sound was intermittent during the
 6 translation.
 7 MR. O'CONNOR: I'll ask it again.
 8 BY MR. O'CONNOR:
 9 Q. Do you know if CACI was involved in any
 10 way in the decision to handcuff you to the bed?
 11 A. No, I don't have any no, no.
 12 Q. How long did you remain handcuffed to the
 13 bed?
 14 A. 4 o'clock in the afternoon from
 15 4 o'clock in the afternoon to the next day, 4 o'clock
 16 in the afternoon. Until the next day, 4 o'clock. I
 17 was crying and screaming I wanted to use the
 18 bathroom. And one of the guards' name was Johnny.
 19 Q. You had a conversation with a guard named
 20 Johnny?
 21 MR. LOBUE: Objection, misstates the
 22 testimony.

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1 THE WITNESS: I was crying I was
 2 screaming
 3 BY MR O'CONNOR:
 4 Q And you said one of the guards' names was
 5 Johnny?
 6 A I was crying and screaming and there
 7 was one guard who was walking around His name was
 8 Johnny
 9 Q Did you speak to the guard
 10 A No, no, I was crying and screaming and
 11 crying There was an Egyptian interpreter He
 12 brought him in
 13 MR ALOMARI: This is Mr Alomari He
 14 said his name was Abu Hamed, the Egyptian translator
 15 THE TRANSLATOR: Okay Ask the question
 16 again I really didn't get what he was saying
 17 BY MR O'CONNOR:
 18 Q When did you you mentioned there was a
 19 translator What was the translator's name?
 20 A Abu Hamed al Masri, the Egyptian Abu
 21 Hamed al Masri Al Masri, A L M A S R I In English
 22 it means Egyptian

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1 Q How did you know the translator's name?
 2 A Abu Hamed Johnny said, "I cannot do
 3 anything and I cannot do anything for you I have
 4 orders I cannot do anything "
 5 MR ALOMARI: This is Mr Alomari He is
 6 saying Abu Hamed told him this
 7 THE TRANSLATOR: Abu Hamed say that Abu
 8 Hamed said he could not do anything, he had orders
 9 BY MR O'CONNOR:
 10 Q Okay You said that you were chained to
 11 the bed from 4:00 in the afternoon until 4:00 in the
 12 afternoon the next day Did anyone come in your cell
 13 during that time?
 14 A No
 15 Q At 4 o'clock the next afternoon, somebody,
 16 I assume unchained you from the bed; is that right?
 17 A Yes, Johnny came over and took off the
 18 handcuffs
 19 Q What happened next?
 20 A They let me nothing happened They
 21 just left me in the cell
 22 Q When is the next time that anyone came in

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1 your cell?
 2 THE TRANSLATOR: After 4:00 p m , the next
 3 day?
 4 BY MR O'CONNOR:
 5 Q After Johnny unchained you from the bed,
 6 when was the next time that somebody came in your
 7 cell?
 8 A Nobody came in after that Nobody Four
 9 days
 10 Q Okay So it was about four days that no
 11 one came in your cell?
 12 A Yes, four days Around four or five days
 13 Q Were you given food during the time you
 14 were in your cell?
 15 A Yes, they did give me food
 16 Q What about water?
 17 A No it was inside the faucet inside the
 18 room They never give you water; it was inside the
 19 cell
 20 Q Okay After about four or five days, did
 21 someone come to your cell?
 22 A Yes, yes

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1 Q. Who came to your cell?
 2 A. Those civilians. Those three civilians
 3 came.
 4 Q. Was it the same three civilians that were
 5 in the small room with you?
 6 A. Yeah. Yeah, the guard brought them over
 7 to me.
 8 Q. Okay. And after they came into your cell,
 9 what happened?
 10 A. They took me out. They took me with them.
 11 Q. Where did they take you?
 12 A. Same place.
 13 Q. Back to the small room?
 14 A. Yes.
 15 MR. LOBUE: I'm going to need a short
 16 break at the next logical breaking point.
 17 MR. O'CONNOR: This is as good a time as
 18 any. Should we be thinking about breaking for lunch
 19 here?
 20 MR. LOBUE: Why don't we go off the record
 21 and discuss.
 22 MR. O'CONNOR: Let's go off the record.

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1 Q What happened next?
 2 A After three days, they brought me a suit
 3 Q And then what happened?
 4 A And after that, somebody put the bag on my
 5 head and tied me in the back of my back, tied my
 6 hands, and took me somewhere very cold, other place
 7 very cold
 8 MR ALOMARI: This is Mr Alomari He
 9 said he spun him a couple of times He spun him a
 10 couple of times
 11 THE WITNESS: He put a bag on my head,
 12 then he handcuffed my hands and started shaking me
 13 shaking me, shaking me
 14 THE TRANSLATOR: Like this, he shook him
 15 THE WITNESS: Shook me Shook me Shook
 16 me
 17 BY MR O'CONNOR:
 18 Q The person who did this, was it a soldier?
 19 A Yes, yeah, he was a soldier He was a
 20 guard
 21 Q And do you know if anyone told the guard
 22 to do that to you?

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1 A. No, I don't know.
 2 Q. And then when you were brought to the
 3 place that was very cold, what happened there?
 4 A. I couldn't see. I was in a room somewhere
 5 that was very cold, very cold, very cold. It was
 6 very cold. The water, cold. But I couldn't see,
 7 because there was a cover.
 8 Q. Do you know if anybody was in this cold
 9 place with you?
 10 A. The person was asking me, "Tell me
 11 everything. Tell me the truth." And I said, "I'm
 12 telling the truth. I'm not going to lie to you."
 13 Q. Was the person who was saying this to you
 14 the same person who was questioning you in the small
 15 room?
 16 A. I don't know. I don't know. I don't know
 17 who it is.
 18 Q. So you're not strike that.
 19 How long were you
 20 MR. ALOMARI: This is Mr. Alomari. He
 21 said also he had a hood over his head.
 22 THE WITNESS: I really couldn't recognize

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1 that person who was really talking to me, because I
 2 had the bag on my head so I could not tell
 3 BY MR O'CONNOR:
 4 Q And you're not sure if the person asking
 5 the questions had the same voice as the person who
 6 asked you questions in the small room?
 7 A I don't know I don't know if they're the
 8 same person or not
 9 Q How long were you in that very cold place?
 10 A It was my stomach was cold I was
 11 really freezing My belly was hurting It was so
 12 cold in the room
 13 Q My question is how long you were there in
 14 the very cold place
 15 A Almost two hours a little bit more than
 16 two hours Two hours Around two hours
 17 Q Other than the fact that it was very cold,
 18 were you mistreated while you were in the cold place?
 19 A It was in a room It was an open area
 20 Q My question is while you were in this very
 21 cold open area, other than the fact that it was cold,
 22 were you mistreated by the people who were there with

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1 you?
 2 A. No.
 3 Q. Okay. After the few hours in the very
 4 cold open area, were you brought somewhere else?
 5 A. No.
 6 Q. Well, where did you go when you were done
 7 in the very cold area?
 8 A. He took me back to the same place.
 9 Q. To the cell where you had been before?
 10 A. Yes.
 11 Q. And what happened after you were brought
 12 back to your cell?
 13 A. He told me, "I will come back in ten days.
 14 Ten days, and I'll come. And I know you don't have
 15 anything, but think, think. Help us so we can help
 16 you." I kept saying, "I don't know."
 17 Q. Was that said to you at the cell?
 18 A. No, this happened before he took me to the
 19 cell.
 20 Q. Oh, okay. And when you got put back in
 21 the cell, what happened next?
 22 A. They took off the cover and let me in.

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1 the small room this time, were you brought back to
your cell again?

3 A. Yes.

4 Q. Okay. During the four hours or so that
5 you were in the small room, did any of the three
6 people in there mistreat you?

7 A. No, no.

8 Q. What happened when you got back to your
9 cell?

10 A. Then when I get into the door of the cell,
11 the guard told me to bend a little bit here, and I
1 bend, and then he went and put the handcuff on my
13 hands this way. (Indicating.)

14 Q. Okay. What else happened?

15 MR. ALOMARI: This is Mr. Alomari. He
16 said he tied him to the door of the cell.

17 MR. O'CONNOR: Would you ask him that.
18 Did you hear that?

19 THE TRANSLATOR: I didn't hear that.

0 MR. O'CONNOR: Ask him.
1 (Inte preter complies.)
THE WITNESS: He told me: Bend over, do

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1 this crossing, and close to the door and he
handcuffed me. (Indicating.)

3 BY MR. O'CONNOR:

4 Q. Were the handcuffs attached to anything
5 other than your wrists?

6 A. Oh, yeah, yeah, he handcuffed me to the
7 metal of the cell.

8 Q. Do you know if anybody told the guard to
9 handcuff you to the metal of the cell?

10 A. No, I don't know.

11 Q. How long were you handcuffed to the door
1 of the cell?

13 A. I don't know. Almost it was nighttime.
14 It was dark. I don't remember.

15 Q. When you were well, when you were
16 unhooked from the cell, what happened next?

17 A. They let me go. Okay. Then they took
18 off, you know, the metal and told me they let me
19 in the cell.

0 Q. How long was it from then until the next
1 time somebody came for you?

A. Once he released the metal from my hands,

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1 he let me inside the cell

2 Q And how long were you inside the cell
3 until someone came to get you again?

4 THE TRANSLATOR: You want to rephrase it
5 for me? I tried this and he didn't understand it
6 BY MR O'CONNOR:

7 Q After the handcuffs were taken off and you
8 were allowed to go in the cell, how long was it
9 before anyone came back to the cell to get you?

10 THE TRANSLATOR: Define "to get you " I
11 have to be specific What do you mean by "to get
12 you"?

13 MR O'CONNOR: To take you out of the
14 cell

15 THE TRANSLATOR: He couldn't understand
16 THE WITNESS: He said somebody has to come
17 and talk to me, are you talking about?

18 BY MR O'CONNOR:

19 Q Yes

20 A Around 20 days

21 Q During that 20 days, were you mistreated
22 in any way?

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1 A No, no

2 Q And then when the 20 days passed and
3 someone came to talk to you, tell me what happened

4 A Then a guard came in and brought me and
5 took me up to the second floor

6 Q Were you mistreated at all when you went
7 from your cell to the second floor?

8 A No, no

9 Q What happened when you got to the second
10 floor?

11 A There were three civilian people Three

12 Q Were they the same three who had been with
13 you in the small room?

14 A No, no, no Different Different

15 Q How do you know they were civilians?

16 A From their clothing Clothing, they were
17 civilian clothing

18 Q What happened when you were brought to the
19 three people in civilian clothing on the second
20 floor?

21 A They said people asking me, some said,
22 "I know you don't know anything, but do you have any

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1 information? Can you tell us about people?" And I
 kept telling him I don't know anything.

3 Q. How long were the three civilians talking
 4 to you the on the second floor?

5 A. I don't remember. I don't recall.

6 Q. During the time that they were talking to
 7 you, were you mistreated?

8 A. No, no.

9 Q. What happened after the three people in
 10 civilian clothes were done talking to you on the
 11 second floor?

1 A. He told me stand up. Then he I went to
 13 the wall. He kept hitting me and I fell on the floor
 14 when I was standing next to the wall. He kept
 15 hitting me.

16 Q. Who kept hitting you?

17 MR. ALOMARI: This is Mr. Alomari. He
 18 said he threw him towards the wall.

19 BY MR. O'CONNOR:

0 Q. Who threw you towards the wall?

1 A. I couldn't tell who it is, because I was
 facing the wall. So I could not tell.

Page 107

1 Q. Did this occur while the three civilians
 2 were still with you on the second floor?

3 A. Yes, yes. Three people that were present.

4 Q. Were there any guards present?

5 A. There was one guard, but he wasn't in the
 6 room. He was outside the room. Outside.

7 Q. Do you remember what any of the three
 8 people in civilian clothes looked like?

9 A. No, I don't recall. I don't remember.
 10 It's been a long time.

11 Q. Were they men?

12 A. Yes, they were men.

13 Q. Did they have white skin?

14 A. I swear, it's been so long, I don't
 15 remember.

16 Q. What happened then?

17 A. Then they called back the guard and he
 18 took me back to the cell.

19 Q. When you were pushed into the wall up on
 20 the second floor, did you get injured in any way?

21 A. There was some kind of reddish
 22 inflammations.

Page 108

1 MR. ALOMARI: This is Mr. Alomari
 2 "Swelling "

3 MR. AKEEL: Swelling

4 THE TRANSLATOR: Swelling Yes, I should
 5 be more accurate

6 MR. LOBUE: Let the record show that the
 7 witness was indicating his forehead when he spoke of
 8 this swelling

9 BY MR. O'CONNOR:

10 Q How long did the swelling last?

11 A Then I took medication, the doctor
 12 actually examined me and he gave me medication

13 Q So how long did it take before the
 14 swelling went down?

15 A I don't remember

16 Q What happened after you were brought back
 17 to your cell?

18 A They let me in the cell

19 Q How long were you in the cell before
 20 anyone came to talk to you again?

21 THE TRANSLATOR: You're talking about the
 22 last time; right? You're talking about this time?

Page 109

1 MR. O'CONNOR: Yes

2 THE WITNESS: It was 20 days earlier when
 3 they took me before somebody took me upstairs and
 4 somebody talked to me

5 BY MR. O'CONNOR:

6 Q After they talked to you upstairs and you
 7 were brought back to your cell, did how long were you
 8 in your cell?

9 THE TRANSLATOR: He doesn't recall Then
 10 after that, he was released somewhere in the camp I
 11 couldn't understand

12 MR. AKEEL: Tents

13 THE TRANSLATOR: Tents?

14 MR. ALOMARI: This is Mr. Alomari He
 15 said he was released to the tents

16 BY MR. O'CONNOR:

17 Q Is it right, Mr. Al Zuba'e, that after
 18 your visit to the second floor, you were released to
 19 the tent part of Abu Ghraib?

20 A Yeah After that, I don't recall the time
 21 how long it is, but they did They let me go

22 Q And do you know the name of the part of

Page 130	Page 132
<p>1 MR LOBUE: Okay</p> <p>2 BY MR LOBUE:</p> <p>3 Q Were the Americans saying any words to you</p> <p>4 while you were in the shower?</p> <p>5 A No, no, no</p> <p>6 Q Did the Americans say how long you have to</p> <p>7 stay under the shower?</p> <p>8 A No, no</p> <p>9 Q Now, turning to another subject, you told</p> <p>10 us earlier that after one interrogation in the small</p> <p>11 room you were dragged on the ground; is that correct?</p> <p>12 MR O'CONNOR: Objection to form</p> <p>13 THE TRANSLATOR: You want me to translate</p> <p>14 his objection?</p> <p>15 MR LOBUE: Just say, "Objection "</p> <p>16 MR O'CONNOR: You don't have to translate</p> <p>17 my objections</p> <p>18 THE TRANSLATOR: I don't think he</p> <p>19 understood the word "dragged " The expression in</p> <p>20 Lebanese is different, (Speaking in Arabic)</p> <p>21 MR LOBUE: There were different words</p> <p>22 that I heard in English Dragged, crawled, pulled</p>	<p>1 you were in a third room. Do you remember that?</p> <p>2 A. Correct. Yes.</p> <p>3 Q. Then after that you were taken for a short</p> <p>4 drive in a Hummer; correct?</p> <p>5 A. Yes.</p> <p>6 Q. Then after that you were told to stand up?</p> <p>7 MR. O'CONNOR: Objection, leading.</p> <p>8 BY MR. LOBUE:</p> <p>9 Q. Is that correct?</p> <p>10 A. I didn't</p> <p>11 THE REPORTER: I'm sorry?</p> <p>12 MR. LOBUE: What did he say?</p> <p>13 THE TRANSLATOR: He said, "I didn't</p> <p>14 understand the question."</p> <p>15 BY MR. LOBUE:</p> <p>16 Q. After you were driven in the Hummer you</p> <p>17 were taken out, you stood up, and you were told to</p> <p>18 undress; is that correct?</p> <p>19 MR. O'CONNOR: Objection, leading.</p> <p>20 THE WITNESS: Yes.</p> <p>21 BY MR. LOBUE:</p> <p>22 Q. Yes?</p>
Page 131	Page 133
<p>1 THE WITNESS: During the shower? In the</p> <p>2 bathroom?</p> <p>3 BY MR LOBUE:</p> <p>4 Q No, we are finished with the shower</p> <p>5 MS GALLAGHER: The sound went out</p> <p>6 MR NELSON: Can you repeat the question</p> <p>7 We lost sound</p> <p>8 THE TRANSLATOR: Do you have another word</p> <p>9 for "dragged"?</p> <p>10 MR LOBUE: Well, that was the English</p> <p>11 word Let me try it this way</p> <p>12 BY MR LOBUE:</p> <p>13 Q Do you remember testifying that</p> <p>14 MR ALOMARI: I think the word in Arabic</p> <p>15 is "sahloub "</p> <p>16 THE TRANSLATOR: "Sahloub"? I don't have</p> <p>17 it in my Lebanese Let's go back Rephrase the</p> <p>18 question I don't think he understands it</p> <p>19 BY MR LOBUE:</p> <p>20 Q Earlier today you stated that near the</p> <p>21 beginning of your time at Abu Ghraib first you were</p> <p>22 in a big room, then you were in a second room, then</p>	<p>1 A. Yes, yes, yes, I did take off my clothes.</p> <p>2 Q. And after that I believe you testified you</p> <p>3 were dragged down to the lower level and you were</p> <p>4 made you were forced to crawl on the floor?</p> <p>5 MR. O'CONNOR: Objection, leading.</p> <p>6 BY MR. LOBUE:</p> <p>7 Q. Forget about it. Let me withdraw and</p> <p>8 rephrase. Did you testify that after that, you were</p> <p>9 forced to crawl on the ground?</p> <p>10 MR. O'CONNOR: Objection, leading.</p> <p>11 THE WITNESS: Yes.</p> <p>12 BY MR. LOBUE:</p> <p>13 Q. Did that injure you? Did that cause you</p> <p>14 any injury?</p> <p>15 A. Yes, on my chest. I was crawling on my</p> <p>16 chest and my hands like this. (Indicating.)</p> <p>17 Q. And what happened to your chest?</p> <p>18 MR. ALOMARI: This is Mr. Alomari. He</p> <p>19 said, "It caused a bleeding."</p> <p>20 THE TRANSLATOR: I didn't hear the word</p> <p>21 "bleeding."</p> <p>22 MR. LOBUE: So the interpreter should ask</p>

<p style="text-align: right;">Page 134</p> <p>1 him if it caused him bleeding or other injuries to his chest.</p> <p>3 (Interpreter complied.)</p> <p>4 THE WITNESS: Yes, there was a bleeding</p> <p>5 there was some kind of external injury and earlier he</p> <p>6 said there was external bleeding.</p> <p>7 BY MR. LOBUE:</p> <p>8 Q. Thank you. Were you ever hit or beaten by</p> <p>9 the Americans while were at Abu Ghraib?</p> <p>10 A. You're talking about inside the cell or</p> <p>11 outside the cell? Where?</p> <p>12 Q. Both.</p> <p>13 A. Inside the cell, I was hit. Outside, no.</p> <p>14 Q. Okay. When you were hit by the Americans</p> <p>15 at Abu Ghraib, what body parts what parts of your</p> <p>16 body did they hit?</p> <p>17 A. On my meat on my</p> <p>18 MR. ALOMARI: This is Mr. Alomari. He is</p> <p>19 saying, "The penis area."</p> <p>20 THE TRANSLATOR: Private parts. On my</p> <p>21 private parts.</p> <p>22 MR. LOBUE: On his private parts.</p>	<p style="text-align: right;">Page 136</p> <p>1 your cell you were handcuffed to the upper bunk. Do</p> <p>2 you remember that?</p> <p>3 MR. O'CONNOR: Objection, leading.</p> <p>4 THE WITNESS: Correct, yes.</p> <p>5 BY MR. LOBUE:</p> <p>6 Q. And you were held in that position from</p> <p>7 4:00 p.m. on the first day to 4:00 p.m. on the second</p> <p>8 day; correct?</p> <p>9 MR. O'CONNOR: Objection, leading.</p> <p>10 THE WITNESS: Yes.</p> <p>11 BY MR. LOBUE:</p> <p>12 Q. And you testified you told us earlier</p> <p>13 that during that time you had to use the bathroom.</p> <p>14 And my question is: Were you allowed to use the</p> <p>15 bathroom?</p> <p>16 MR. O'CONNOR: Objection, leading.</p> <p>17 THE TRANSLATOR: Before he</p> <p>18 MR. LOBUE: Yes, during that time, was he</p> <p>19 allowed to use the bathroom?</p> <p>20 THE WITNESS: No. No.</p> <p>21 BY MR. LOBUE:</p> <p>22 Q. How did you relieve yourself?</p>
<p style="text-align: right;">Page 135</p> <p>1 THE WITNESS: They hit me on my dick.</p> <p>2 THE TRANSLATOR: That's the translation I</p> <p>3 have.</p> <p>4 MR. LOBUE: Okay. That's fine. I think</p> <p>5 we can use the word "penis."</p> <p>6 THE TRANSLATOR: He didn't say "penis."</p> <p>7 MR. LOBUE: That's a different word?</p> <p>8 THE TRANSLATOR: The thing in the</p> <p>9 middle in Arabic, that thing goes up it's called</p> <p>10 (Speaking Arabic.)</p> <p>11 MR. LOBUE: And what is your translation</p> <p>12 of that?</p> <p>13 MS. GALLAGHER: Shaft. (Speaking Arabic.)</p> <p>14 MR. LOBUE: Okay. I think we get the</p> <p>15 picture.</p> <p>16 BY MR. LOBUE:</p> <p>17 Q. When you were hit by the Americans on your</p> <p>18 genitals, let's say, were you wearing clothes or were</p> <p>19 you naked?</p> <p>20 A. I was naked. Naked.</p> <p>21 Q. Now, I'd like to turn to a different</p> <p>22 subject. You told us earlier that at one time in</p>	<p style="text-align: right;">Page 137</p> <p>1 THE TRANSLATOR: Okay. I don't want to</p> <p>2 mislead him, but give me something</p> <p>3 BY MR. LOBUE:</p> <p>4 Q. How did you urinate or defecate?</p> <p>5 A. On myself.</p> <p>6 THE TRANSLATOR: I'm sorry, I had to</p> <p>7 MR. LOBUE: That's okay. It's the nature</p> <p>8 of the subject matter that we're dealing with.</p> <p>9 BY MR. LOBUE:</p> <p>10 Q. At this time I would like to show some</p> <p>11 exhibits to the witness. I am going to pass them</p> <p>12 I'm going to do it one at a time. And for the</p> <p>13 benefit of those at the remote location, we have</p> <p>14 marked as Exhibit 1 a photograph which bears a serial</p> <p>15 number 10181.</p> <p>16 (Whereupon, Deposition Exhibit</p> <p>17 No. 1 was marked for</p> <p>18 identification.)</p> <p>19 MR. LOBUE: I would ask our colleagues in</p> <p>20 Beirut to locate that photograph and show it to the</p> <p>21 witness.</p> <p>22 THE TRANSLATOR: The other lawyers?</p>

Page 138	Page 140
<p>1 MR LOBUE: The lawyers in Beirut</p> <p>2 MR O'CONNOR: Was this document produced</p> <p>3 in discovery? I think we got like 12 pages and I</p> <p>4 would remember it</p> <p>5 MR LOBUE: I don't know if it was</p> <p>6 produced in discovery</p> <p>7 MR O'CONNOR: We object to the exhibit</p> <p>8 MR LOBUE: Sure</p> <p>9 BY MR LOBUE:</p> <p>10 Q Let me know when you have seen the</p> <p>11 document</p> <p>12 A (Nonverbal response)</p> <p>13 Q The witnesses is nodding "yes "</p> <p>14 Mr Al Zuba'e, do you recognize the man in the center</p> <p>15 top of the photograph? The man who has eyeglasses?</p> <p>16 A Yes, yes</p> <p>17 Q Yes? Was he one of the guards at</p> <p>18 Abu Ghraib?</p> <p>19 MR O'CONNOR: Objection, leading</p> <p>20 MR NELSON: We lost the sound Can you</p> <p>21 ask the translation again</p> <p>22 BY MR LOBUE:</p>	<p>1 THE TRANSLATOR: Actually, not dragging.</p> <p>2 Pull, not a drag. Pull, drag.</p> <p>3 MR. LOBUE: Okay.</p> <p>4 BY MR. LOBUE:</p> <p>5 Q. I now would like the witness to look at a</p> <p>6 second photograph which we will call Deposition</p> <p>7 Exhibit Number 2.</p> <p>8 (Whereupon, Deposition Exhibit</p> <p>9 No. 2 was marked for</p> <p>10 identification.)</p> <p>11 MR. LOBUE: For the benefit of our friends</p> <p>12 in Beirut, this bears a serial number 10519.</p> <p>13 MR. O'CONNOR: We object to the exhibit.</p> <p>14 It wasn't produced in discovery.</p> <p>15 MR. ALOMARI: The exhibit is in front of</p> <p>16 him.</p> <p>17 MR. LOBUE: Thank you.</p> <p>18 BY MR. LOBUE:</p> <p>19 Q. Mr. Al Zuba'e, do you recognize the person</p> <p>20 in this photograph?</p> <p>21 A. Yes.</p> <p>22 Q. And who is she?</p>
Page 139	Page 141
<p>1 Q. The man you identified, is he a man you</p> <p>2 recognize from Abu Ghraib?</p> <p>3 A. Yes, yes.</p> <p>4 Q. Was this one of the Americans who hurt</p> <p>5 you?</p> <p>6 MR. O'CONNOR: Objection, leading.</p> <p>7 THE WITNESS: Yes.</p> <p>8 BY MR. LOBUE:</p> <p>9 Q. And I ask you to look at this photograph</p> <p>10 carefully. Did something like this happen to you?</p> <p>11 MR. O'CONNOR: Objection to form.</p> <p>12 THE WITNESS: Not like a lot of people.</p> <p>13 It happened by myself like this.</p> <p>14 BY MR. LOBUE:</p> <p>15 Q. When you say it happened to yourself like</p> <p>16 this, please explain exactly what you mean.</p> <p>17 A. They used to hit me on my he used to</p> <p>18 hit me with a stick between my legs, my dick. You</p> <p>19 know what I'm saying? He used to hit me.</p> <p>0 MR. ALOMARI: This is Mr. Alomari. He</p> <p>1 also said "He used to drag me."</p> <p>THE WITNESS: He used to pull me.</p>	<p>1 A. This is a person the same person</p> <p>2 wearing the glasses.</p> <p>3 Q. I'm sorry; exhibit</p> <p>4 MR. LOBUE: Let's make sure he is looking</p> <p>5 at the right exhibit.</p> <p>6 BY MR. LOBUE:</p> <p>7 Q. Did you see this person at Abu Ghraib?</p> <p>8 A. Yes.</p> <p>9 Q. And did you have any involvement with this</p> <p>10 person?</p> <p>11 A. She used to come during the torture and</p> <p>12 during the shower, she used to come with them.</p> <p>13 Q. Did she ever hurt you herself?</p> <p>14 A. She never hurt me personally.</p> <p>15 Q. Please look at this picture again. Can</p> <p>16 you tell us what the scene is behind the person?</p> <p>17 What is that place?</p> <p>18 A. This is all cells. Cells.</p> <p>19 Q. Those are the cells</p> <p>0 A. Prison cells.</p> <p>1 Q. Prison cells. Okay.</p> <p>A. Everything in the prison cells.</p>

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CERTIFICATE OF NOTARY PUBLIC

2 I, JOE W STRICKLAND, RPR, CRR, CRC, the officer

3 before whom the foregoing deposition was taken, do

4 hereby certify that, per the stipu ations of Counse ,

5 the witness whose testimony appears in the foregoing

6 deposition was remote y sworn by me, through the

7 Interpreter; that the interpreted testimony of said

8 witness was taken by me in stenotypy and thereafter

9 reduced to print under my direction; that said

0 deposition is a t ue record of the testimony given by

said witness; that I am neither counse for, re ated

2 to, nor emp oyed by any of the parties to the action in

3 which this deposition was taken; and, furthermore, that

4 I am not a re ative or emp oyee of any attorney or

5 counse emp oyed by the pa ties hereto, nor financia y

6 or othe wise interested in the outcome of this action

7 _____

8 JOE W STRICKLAND, RPR, CRR, CRC

9 Nota y Pub ic, in and for

20 The District of Co umbia

2

22 My Commission Expires: November 30, 202

Page 147

1 CERTIFICATE OF DEPONENT

2 I hereby certify that I have read and examined the

3 foregoing transcript, and the same is a true and

4 accurate record of the testimony given by me.

5 Any additions or corrections that I feel are

6 necessary, I will attach on a separate sheet of

7 paper to the original transcript.

8

9 Signature of Deponent

10 I hereby certify that the individual representing

11 himself/herself to be the above named individual,

12 appeared before me this day of ,

13 2017, and executed the above certificate in my

14 presence.

15

16

17 NOTARY PUBLIC IN AND FOR

18

19

20 County Name

21

22 MY COMMISSION EXPIRES:

Page 148

CERTIFICATE OF NOTARY PUBLIC

2 I, JOE W STRICKLAND, RPR, CRR, CRC, the officer

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0 deposition is a t ue record of the testimony given by

said witness; that I am neither counse for, re ated

2 to, nor emp oyed by any of the parties to the action in

3 which this deposition was taken; and, furthermore, that

4 I am not a re ative or emp oyee of any attorney or

5 counse emp oyed by the pa ties hereto, nor financia y

6 or othe wise interested in the outcome of this action

7 _____

8 JOE W STRICKLAND, RPR, CRR, CRC

9 Nota y Pub ic, in and for

20 The District of Co umbia

2

22 My Commission Expires: November 30, 202

EXHIBIT 5

1 IN THE UNITED STATES DISTRICT COURT

2 FOR THE EASTERN DISTRICT OF VIRGINIA

3 ALEXANDRIA DIVISION

4 - - - - -X

5 SUHAIL NAJIM ABDULLAH :

6 AL-SHIMARI, TAHA YASEEN ARRAQ : Case No.:

7 RASHID, ASA'AD HAMZA HANFOOSH : 1:08-cv-00827

8 AL-ZUBA'E, SALAH HASAN NSAIF : LMB-JFA

9 JASIM AL-EJAILI, :

10 Plaintiffs, :

11 vs. :

12 CACI PREMIER TECHNOLOGY, INC., :

13 Defendant. :

14 - - - - -X

15 CACI PREMIER TECHNOLOGY, INC., :

16 Third-Party Plaintiff, :

17 vs. :

18 UNITED STATES OF AMERICA :

19 AND JOHN DOES 1 - 60, :

20 Defendants. :

21 - - - - -X

22 VIDEO TELECONFERENCE DEPOSITION OF TAHA RASHID

Page 2	Page 4
<p>1 2 Video Teleconference Deposition of TAHA RASHID 3 Washington, D.C. 4 Monday, May 7, 2018 5 9:49 a.m. 6 7 8 9 10 11 12 13 Job No. 78357 14 Pages: 1 - 155 15 Reported by: Dana C. Ryan, RPR, CRR 16 17 18 19 20 21 22</p>	<p>1 A P P E A R A N C E S 2 3 ON BEHALF OF THE PLAINTIFFS: 4 ROBERT P. LOBUE, Esquire 5 MATTHEW FUNK, Esquire 6 Patterson Belknap Webb & Tyler LLP 7 1133 Avenue of the Americas 8 New York, New York 10036 9 Telephone: 212.336.2000 10 Email: rplobue@pbwt.com 11 Email: mfunk@pbwt.com 12 13 ON BEHALF OF THE DEFENDANT AND 14 THIRD-PARTY PLAINTIFF: 15 JOHN F. O'CONNOR, Esquire 16 LINDA C. BAILEY, Esquire 17 Steptoe & Johnson, LLP 18 1330 Connecticut Avenue, Northwest 19 Washington, D.C. 20036 20 Telephone: 202.429.3000 21 Email: joconnor@steptoe.com 22 Email: lbailey@steptoe.com</p>
Page 3	Page 5
<p>1 2 3 4 5 May 7, 2018 6 9:49 a.m. 7 8 9 10 Video Teleconference Deposition of TAHA 11 RASHID, held at the law offices of Steptoe & 12 Johnson LLP, 1330 Connecticut Avenue, Northwest, 13 Washington, D.C., before Dana C. Ryan, Registered 14 Professional Reporter, Certified Realtime Reporter 15 and Notary Public in and for the District of 16 Columbia, who officiated in administering the oath 17 to the witness. 18 19 20 21 22</p>	<p>1 A P P E A R A N C E S C O N T I N U E D 2 3 Also present: 4 Patrick Graham, Videographer 5 Sabah S. Danou, Interpreter 6 Katherine Gallagher, Esquire 7 Mohammed Alomari, Esquire 8 (Present via video teleconference) 9 10 11 12 13 14 15 16 17 18 19 20 21 22</p>

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1 had one job in your life, and that is as a farmer?
2 A Yes. Yes, only a farmer.
3 Q Did you work on a family farm?
4 A Yes, I was.
5 Q Are you currently a farmer?
6 A Nowadays I'm working as a laborer in
7 construction on a daily wages, but not continuous
8 job.
9 Q When did you start doing work as a
10 laborer?
11 A After -- after 2015, I started in the
12 job.
13 Q So before 2015, your only job was as a
14 farmer; is that right?
15 A Yes. Yes, correct.
16 Q And then starting in '15 -- starting in
17 2015, you sometimes do work as a laborer?
18 A Yes.
19 Q And your work as a laborer is in
20 addition to the work that you currently do as a
21 farmer; is that right?
22 A No, only I work as a farm -- as a

Page 47

1 worker, as a laborer.
2 Q When did you stop working as a farmer?
3 A 2015, I stop -- I stop being a farmer.
4 Q Why did you stop being a farmer?
5 A Because the -- the militia -- sectarian
6 militias took over all the areas that I used to
7 work in as a farmer; and, therefore, there was
8 nothing left to me to be a farmer.
9 Q What sort of crops did you farm in your
10 time working as a farmer?
11 A Potatoes and tomato and lettuce I do
12 and, you know, rice, such things.
13 Q Did you ever serve in the Iraqi
14 military?
15 A Yes, I did.
16 Q When did you serve in the Iraqi
17 military?
18 A I was -- I was in the military Army
19 from 1999 through 2002.
20 Q What did you do in the Iraqi Army?
21 A I was a policeman.
22 Q During your service in the Iraqi Army,

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1 did you learn how to use weapons?
2 A In the -- in the training camp, they --
3 in the beginning in the training camp, they gave
4 us lectures how to use the weapon. They trained
5 us.
6 Q Did -- did the -- did your military
7 training involve you firing weapons?
8 A Of course with machine gun. I was
9 trained on machine guns.
10 Q Were you trained on the use of
11 explosives?
12 A I was not.
13 Q Were you trained on the use of
14 grenades?
15 A I was not. He wants to take a rest
16 because my eyes are -- my eyes are killing me.
17 THE VIDEOGRAPHER: We're going off the
18 record at 11:17.
19 (Recess -- 11:17 a.m.)
20 (After recess -- 11:36 a.m.)
21 THE VIDEOGRAPHER: We are back on the
22 record. The time is 11:36.

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1 BY MR. O'CONNOR:
2 Q Mr. Rashid, you were taken into custody
3 by the U.S. military in 2003; is that right?
4 A Yes. Yes, they took me.
5 Q And you were held by the U.S. military
6 for about a year and a half?
7 A I was -- I was imprisoned about two
8 years -- close to two -- close to two years I was.
9 Q Was it in September of 2003 that you
10 were taken into custody by the U.S. military?
11 A I was there on September, yes, 2003.
12 Q And you were in the vicinity of an
13 explosion that occurred when a U.S. military
14 convoy was driving by; correct?
15 THE INTERPRETER: Explosion?
16 MR. O'CONNOR: Explosion.
17 THE INTERPRETER: So he was taken or --
18 MR. O'CONNOR: I'll -- I'll --
19 THE INTERPRETER: Please ask again.
20 MR. O'CONNOR: I'll start over.
21 BY MR. O'CONNOR:
22 Q You were in the general area when there

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1 was an explosion that occurred when a U.S. convoy
2 was passing by; correct?
3 A Yeah, he is confirm- -- yes, I'm
4 confirming that was a U.S. convoy.
5 Q Where did the explosion take place?
6 A It was in Baghdad street that leads to
7 Al-Latifiya.
8 Q Were you standing near a canal when
9 this happened?
10 THE INTERPRETER: (Indicating).
11 MR. O'CONNOR: We've already translated
12 Al Latifiya. L -- A-L, dash, L-A-T-I-F-I-Y-A.
13 THE INTERPRETER: What was the
14 question?
15 BY MR. O'CONNOR:
16 Q Were you standing near a canal when the
17 explosion occurred?
18 A Yes, I was. A water project, I was,
19 yes. A water project.
20 Q Was anybody standing there with you
21 when the explosion occurred?
22 A Yeah, there were people. There --

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1 there were people, yes.
2 Q How many people were with you when the
3 explosion occurred?
4 MR. LOBUE: Object to the form of the
5 question; vague and ambiguous.
6 He may answer.
7 THE WITNESS: There were about six or
8 seven in the area, but I don't know them.
9 BY MR. O'CONNOR:
10 Q Were the other people at a nearby
11 roadside stand?
12 A Yes. Yes, this street leads to a
13 market, so there were people standing on this side
14 of the street and on the other side of street.
15 There were people.
16 Q Was anybody standing with you at the
17 time of the explosion?
18 A Based on the market, there's no --
19 there's no person that I know was with me.
20 Q What were you doing there?
21 A I was going to the market to shop for
22 some stuff because we had a wedding, and I was

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1 heading home when this happened after I finished
2 my shopping at the market.
3 Q What did you buy at the market?
4 A I bought -- I bought --
5 THE INTERPRETER: Thank you so much. I
6 would prefer hot water. I'll go and take it.
7 Thank you.
8 THE WITNESS: I bought clothes to the
9 groom as a gift.
10 BY MR. O'CONNOR:
11 Q Were you shopping for a wedding?
12 A Yes, I was.
13 Q What happened to the clothes that you
14 purchased when you were taken into U.S. custody?
15 A It was left on the street after they
16 arrested me.
17 Q The military suspected that you set off
18 the explosion that damaged the convoy; right?
19 THE INTERPRETER: Say it again.
20 BY MR. O'CONNOR:
21 Q The military suspected that you set off
22 the explosion that damaged the convoy?

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1 MR. LOBUE: Objection: lack of
2 foundation.
3 He may answer.
4 THE WITNESS: No, that's not right.
5 BY MR. O'CONNOR:
6 Q What's wrong with -- what's incorrect
7 about what I said?
8 A I'm not the reason behind the
9 explosion.
10 Q My question is a little different. The
11 U.S. military believed that you were behind the
12 explosion; right?
13 MR. LOBUE: Same objection.
14 THE WITNESS: No, this is not right.
15 BY MR. O'CONNOR:
16 Q Well, if the military had no belief
17 that you were involved in the explosion, why were
18 you taken into custody?
19 MR. LOBUE: Objection: lack of
20 foundation.
21 THE WITNESS: During the explosion, I
22 was not the only one that was arrested. The

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1 at.

2 Q Okay. Did you have the hood off your

3 head when you were at the registration office?

4 A Yes.

5 Q Were people asking you questions at the

6 registration office?

7 A Such questions like they ask me your

8 name, how old are you, where do you live and, you

9 know, so on, such questions.

10 Q Were they U.S. soldiers who were asking

11 you those questions?

12 A Yes, they were wearing U.S. uniforms.

13 Q Were you mistreated at all while you

14 were being asked these questions in the

15 registration office?

16 A No.

17 Q And then as I understand your

18 testimony, before you left the registration

19 office, a hood was put on and your clothes were

20 taken off?

21 A Yes, they -- after this, they took me

22 to a place like a -- like a -- like a toilet room,

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1 and they took all my clothes, and they put the

2 hood on my head and (indicating).

3 Q And the people who took your clothes

4 and put the hood on your head, were they U.S.

5 soldiers?

6 A They were wearing military uniform.

7 Q Were you the only one hooded and taken

8 naked to where you were going to be staying at

9 that time or was there a group of you?

10 A No, I was the only person that they did

11 this to me and they took me to.

12 Q Do you know who told the people in the

13 milit- -- in the U.S. military uniforms to take

14 off your clothes and put a hood on you?

15 A I don't know them.

16 Q Did you get to -- did you get from the

17 registration office to the place where you were

18 going to be held by walking there?

19 A Yeah, they put the hood on my head and

20 they took me walking.

21 Q Was somebody leading you or directing

22 you so that you could get from the registration

Page 72

1 office to where you were going to be held?

2 A Yes, there was a person who was holding

3 me from here (indicating) and, you know,

4 walking -- walking me.

5 Q Okay. So someone was standing either

6 behind you or next to you and sort of leading you

7 by your -- the back of your neck as to which way

8 to walk; is that right?

9 A Yes.

10 Q And was that one of the soldiers that

11 was involved in having you take your clothes off

12 and put a hood on?

13 A Actually, I don't know because the

14 moment they put the hood on my head, somebody

15 came, so I don't know who it was.

16 Q Other than the fact that you were

17 hooded and naked, were you mistreated during your

18 walk from the registration office to the place

19 where you were going to be held?

20 A No. They took me -- they only -- they

21 only took -- they did not mistreat me, but they

22 took me to the place where I was imprisoned.

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1 Q Can you describe the place where you

2 were imprisoned?

3 A They took me to 1.5-meter by 1.5-meter

4 room and they -- they left me there. And when

5 they close the door, it was so tight that I could

6 not even breathe well because it was no air.

7 Q In -- in the 1.5-meter by 1.5-meter

8 room, did you have a hood on?

9 A No -- no, they took -- they took the

10 hood from my head.

11 Q And when they took the hood off your

12 head, could you see the people who had brought you

13 to that small room?

14 A When -- when they -- before they took

15 the hood from my head, they had me face the wall,

16 and there was an interpreter with them telling me

17 don't look neither left nor right nor behind, and

18 they took the hood and left.

19 Q Okay. Was the 1.5-meter by 1.5-meter

20 room, were there -- were there bars or was it a

21 solid wall on each side?

22 A In the same room which is really only

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1 A They were the -- they were a man and a
 2 woman that took us from the room to the -- to the
 3 interrogating room, and we had hoods on our
 4 head -- I had hood on my head.
 5 Q Do you know it was a man and a woman
 6 because you saw them or because you could hear
 7 their voices?
 8 A I -- when the hood went on -- when the
 9 hood was on my head, yes, I knew they were a man
 10 and a woman. But then when they came to me, the
 11 hood was -- they took the hood on my -- off and I
 12 saw they were a man and a woman.
 13 Q Were they U.S. soldiers?
 14 A Yes.
 15 Q When you were taken to the room where
 16 you were interrogated for the first time at Abu
 17 Ghraib prison, what did the room look like?
 18 A It was -- yes, it was a 3-by-3-meter
 19 room, and it was red room.
 20 Q The room was red?
 21 THE INTERPRETER: Red.
 22 BY MR. O'CONNOR:

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1 Q Are you saying that the room was
 2 painted red?
 3 A Yes.
 4 Q Were you hooded during this first
 5 interrogation at Abu Ghraib prison?
 6 A When they started interrogating me,
 7 they took off the hood.
 8 Q Okay. How many people were in the room
 9 while you were interrogated?
 10 A Three.
 11 Q Okay. Was one of them a translator?
 12 A One translator, and the other two were
 13 civilian, American civilian.
 14 Q How do you know they were American
 15 civilian?
 16 A Because they -- they were talking like
 17 American accent, English accent, American.
 18 Q How do you know they were civilians?
 19 A Because they were -- just like wearing
 20 normal cowboy -- I mean, you know, trousers and
 21 white shirt, and they were civilian.
 22 Q Okay. Did they both ask you questions

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1 during the interrogation?
 2 A Yes.
 3 Q Do you know their names?
 4 A No, I don't.
 5 Q Do you know who they were employed by?
 6 A I don't know.
 7 Q Did one of them ask more questions than
 8 the other?
 9 A One of them -- one of them was
 10 questioning. The other one was very rude with me
 11 to a -- to a point that he took me and -- and
 12 hanged me in the ceiling fan. He hanged me in the
 13 ceiling fan. He -- you know, and then he pulled a
 14 gun and he said I'm going to kill you and this is
 15 going to be your last day in life.
 16 Q Okay. So this -- this was all during
 17 your first interrogation at Abu Ghraib prison; is
 18 that correct?
 19 A Yes.
 20 Q Okay. So you said one of them was
 21 particularly rude; is that right?
 22 A The first one -- the first one -- yeah,

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1 the first one was only questioning me, but the
 2 second one was very cruel and very rude with me,
 3 and he was even beating me in addition to what he
 4 did. And then in addition to pulling his gun and
 5 then telling me this is your last day of -- this
 6 is your last day of life and you'll never see
 7 your -- your -- your relative, and then I'm going
 8 to send you to Guantanamo and you will never see
 9 the life again.
 10 So I was -- I was very afraid and very
 11 nervous.
 12 Q Okay. The one who had the gun, what
 13 did he look like?
 14 A He didn't have any beard, and his hair
 15 was very light and -- like -- like -- like
 16 golden-colored hair, a little hair. Yeah. I
 17 don't know how old he was.
 18 Q Now at the time, you would have been
 19 about 23 years old; right?
 20 A Yes.
 21 Q Was -- was this person with the gun a
 22 lot older than you, about your age, younger than

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1 you?
2 A He looks like my age or a bit -- a bit
3 older than my age -- a bit older.
4 Q Was he tall?
5 A Yeah, he was tall, taller than me. But
6 not -- not that very tall, but he was a bit taller
7 than me.
8 Q Okay. The person asking questions in
9 the room who did not pull out the gun, can you
10 describe him?
11 A Oh, he was --
12 THE INTERPRETER: Oh, he's suffering.
13 MR. O'CONNOR: He's what?
14 THE INTERPRETER: He is suffering.
15 MR. O'CONNOR: Oh.
16 MR. LOBUE: Can we ask the witness if
17 he needs a short break?
18 THE INTERPRETER: After I trans -- let
19 me translate this first.
20 MR. LOBUE: Yeah, please. I'm sorry.
21 THE INTERPRETER: He was the same
22 person that had --

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1 MR. O'CONNOR: The braids.
2 THE INTERPRETER: Yeah.
3 MR. O'CONNOR: You have to say it in
4 his words to the court reporter.
5 THE WITNESS: He was the same person
6 that had, you know, braided head behind and the
7 beard. The same person.
8 THE INTERPRETER: Rashid -- shall I ask
9 him?
10 MR. O'CONNOR: Yeah, you can ask him --
11 you can ask him if he needs to take a break.
12 I mean, this isn't the worst time to
13 have lunch.
14 THE INTERPRETER: He wants some rest.
15 MR. LOBUE: He wants to take a rest.
16 Okay.
17 MR. O'CONNOR: All right. Well, this
18 is not a bad time to take lunch anyways, 12:47.
19 THE VIDEOGRAPHER: We're going off the
20 record at 12:47.
21 (Lunch recess -- 12:47 p m.)
22 (After lunch recess -- 1:39 p m.)

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1 THE VIDEOGRAPHER: We are now on the
2 record at 13:39.
3 BY MR. O'CONNOR:
4 Q Mr. Rashid, can you hear me?
5 A Hello. Yes, I can hear. I can hear
6 you good.
7 Q I'm going to ask a few follow-up
8 questions from where we stopped a little while
9 back so that we're all on the same page.
10 A Good.
11 Q We were -- before we broke, we were
12 talking about your first interrogation at Abu
13 Ghraib prison?
14 A Yes.
15 Q And that interrogation involved three
16 people in the room besides you. There was an
17 interpreter, and then two men which you conclude
18 are civilians who were wearing white shirts; is
19 that right?
20 A I'm sorry to correct. They were
21 wearing blue shirts. I'm sorry. Not white
22 shirts. The two civilians.

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1 Q Did you say white shirts before we
2 broke and you've now -- you thought about it?
3 A Or maybe -- no, no, no, I think -- I
4 think you misheard me maybe, but I said blue. So
5 maybe you misunderstood, and you said white.
6 Q Okay. Okay. And that interrogation
7 occurred about seven days after you were put in
8 the small 1.5-meter by 1.5-meter room?
9 A Yes. But from the same room, they took
10 me upstairs to another room.
11 Q Understood.
12 So during the seven days that you were
13 kept in the small room before your first
14 interrogation, you were kept in there naked;
15 right?
16 A Yes, you are absolutely right. And
17 also they beat me a lot, and they beat me when I
18 was suffering from too much pain from their
19 beating.
20 Q Okay. So you just mentioned the
21 beating. Did that occur before you were brought
22 to the room for your first interrogation at Abu

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1 Ghraib prison?
 2 A Okay. Now, there's -- okay. When they
 3 brought him to Abu Ghraib before going to the room
 4 of -- of interrogation, there was a -- a woman
 5 soldier who tried to -- to attract him, and she
 6 started, you know, asking to kiss him and asking
 7 to make sex with him. And when he refused -- when
 8 he refused -- yeah. When he refused, she
 9 brought -- she brought an interrogator -- she
 10 brought an interrogator who told him --
 11 MR. ALOMARI: Interpreter.
 12 Interpreter.
 13 THE INTERPRETER: Interpreter, I'm
 14 sorry, sir. You're right.
 15 THE WITNESS: Interpreter, who told him
 16 that she want to make sex with you. He told him.
 17 MR. O'CONNOR: Remember, you've got to
 18 speak as him. Don't --
 19 THE INTERPRETER: Yeah.
 20 MR. O'CONNOR: So it's not he said.
 21 You've got to say I said.
 22 THE INTERPRETER: Yeah, sorry.

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1 BY MR. O'CONNOR:
 2 Q But -- okay. And this event occurred
 3 before your first interrogation at Abu Ghraib
 4 prison?
 5 A Yes, and also she took him to the
 6 room -- she took me to the room, and she put me on
 7 the -- on the -- on the steel -- steel bed, like a
 8 steel bed. And she took her shirt off and she
 9 came and -- and she -- she, like, hold his hand
 10 like this (indicating), and she kissed him, but he
 11 pushed her away (indicating).
 12 MR. O'CONNOR: Let the record reflect
 13 that the interpreter --
 14 THE INTERPRETER: Yeah, I pushed --
 15 MR. O'CONNOR: -- held his --
 16 THE INTERPRETER: -- her --
 17 MR. O'CONNOR: -- hand --
 18 THE INTERPRETER: -- away.
 19 MR. O'CONNOR: -- held his hands out to
 20 indicate that the witness' arms were held out to
 21 his side -- out extended on each side when the
 22 woman leaned in and --

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1 THE INTERPRETER: Yeah, to kiss him.
 2 MR. O'CONNOR: -- and tried to kiss
 3 him.
 4 THE INTERPRETER: Yeah.
 5 BY MR. O'CONNOR:
 6 Q I thought you testified that during the
 7 first seven days, you never came out of the
 8 1.5-meter by 1.5-meter room?
 9 MR. LOBUE: Objection: argumentative.
 10 MR. O'CONNOR: You can -- you can
 11 translate my question.
 12 THE WITNESS: After the seven days,
 13 they interrogated me. After the seven days.
 14 BY MR. O'CONNOR:
 15 Q Right. But didn't you testify earlier
 16 today that during the first seven days before you
 17 were interrogated, you never came out of the small
 18 1.5-meter by 1.5-meter room?
 19 A I -- I -- after they brought me to the
 20 small room and they -- she came and she wanted to
 21 do sex with me when I refused her, and at that
 22 time when I refused, they started beating me.

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1 They even broke my left hand and part of my back.
 2 They broke part of my back, and I was in big pain.
 3 Q How long after you were first put in
 4 the small 1.5-meter by 1.5-meter room did this
 5 occur?
 6 A After two days of her bringing --
 7 bringing me to that room, that lady soldier --
 8 U.S. soldier came to me and she asked for sex, and
 9 she said fucky, fucky. He said I don't understand
 10 English -- I said I don't understand English, and
 11 then she went and she brought the interpreter who
 12 told me that she wants to have sex with me.
 13 Q When we took our last break, did
 14 anybody speak to you about your testimony in this
 15 case?
 16 A You did not ask me these questions
 17 about what I -- what I face or what they did to
 18 me. This happened to me after they took me to
 19 this room, but you never asked me. That's why now
 20 I'm talking.
 21 Q My question is a little different. My
 22 question is did anyone speak to you on the break

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1 about your testimony in this case?
2 A No. No, nobody asked me.
3 Q Okay. During the seven days that you
4 were held in the 1.5-meter by 1.5-meter room
5 before your first interrogation, did -- were you
6 subjected to any other mistreatment that you
7 haven't already testified about today?
8 THE INTERPRETER: During the seven
9 days; right?
10 MR. O'CONNOR: Yeah.
11 THE WITNESS: This happened on the
12 third day to me when she came and asked me for
13 doing sex and I refused. She went and she brought
14 four persons. And those four persons, one of them
15 was holding a gun -- a pistol, and the other
16 one -- the other three were holding big sticks in
17 their hands, and they tied me on the bed and they
18 started beating me to a -- to a -- to a degree
19 that they broke my left hand here (indicating) and
20 parts of my -- my -- they -- they infected parts
21 of my back.
22 And then one of them -- one of the four

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1 people, he had electrical shocks where he put them
2 on my body and my head.
3 BY MR. O'CONNOR:
4 Q Were these four people U.S. soldiers?
5 A They were wearing military pants with
6 T-shirts.
7 Q What color was the T-shirt?
8 A Black.
9 Q Do you know if they were in the
10 military?
11 A I don't -- I don't know. I don't know.
12 All I know that they were wearing military pants
13 and black T-shirts.
14 Q Do you know who the female soldier was
15 who indicated she wanted to have sex with you?
16 A I really -- I really forgot her name.
17 But I remember her face, and I know her face, and
18 her face is in the records of the prison, her
19 picture.
20 Q Is her name Lynndie England?
21 A I don't remember this thing.
22 Q Was her name Sabrina Harman?

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1 A I don't remember because this is a long
2 time.
3 Q Was her name Megan Ambuhl?
4 A I don't remember -- I don't remember
5 because this was a long time since I was in Abu
6 Ghraib prison.
7 Q Did you receive any medical treatment
8 for this beating you say occurred after the female
9 soldier wanted to have sex with you?
10 A No, they did not -- nobody treated me
11 for the -- for the whole -- for the whole period
12 that I spent there.
13 Q Did you suffer any other mistreatment
14 at Abu Ghraib prison at any time prior to your
15 first interrogation at Abu Ghraib prison?
16 A I guess I was -- I was really -- I had
17 lots of beating and torturing.
18 MR. LOBUE: I'm sorry. Lots of what?
19 I didn't hear.
20 THE WITNESS: Beating. Beating and
21 torturing. And also they brought a plastic bottle
22 and put it in my -- in the hole of my ass, and I

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1 started bleeding and pain was killing me. And,
2 thereafter, I was always having my -- you know,
3 with blood.
4 BY MR. O'CONNOR:
5 Q Okay. You mentioned being beaten. Was
6 it just on -- let me back up. We're only -- at
7 this point, we're only talking about mistreatment
8 that occurred before your first interrogation.
9 Do you understand that?
10 A Yeah, this happened before the
11 interrogation with me.
12 Q Okay. And my question is, were you
13 beaten before your first interrogation only this
14 one time when the female soldier had -- wanted to
15 have sex with you, or were -- or did it occur on
16 more than one occasion?
17 A No, only this time that when -- when
18 she requested from me to make sex. This was the
19 only time.
20 Q Okay. Was this time when the female
21 soldier requested sex from you, was that the only
22 time you came out of the 1.5-meter by 1.5-meter

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1 room in between the time you were put in there and
2 the time you were brought out for your first
3 interrogation?
4 MR. LOBUE: Objection: misstates his
5 prior testimony.
6 MR. O'CONNOR: That's why it was
7 phrased as a question.
8 You can answer.
9 THE INTERPRETER: Say it again, please.
10 MR. O'CONNOR: Was the time that he was
11 beaten and the female soldier wanted to have sex
12 with him the only time he was taken out of the
13 1.5-meter by 1.5-meter room?
14 THE WITNESS: Yes, this is the first
15 time it's happened to me before the interrogation.
16 BY MR. O'CONNOR:
17 Q Okay. Now, you said something about a
18 plastic bottle being inserted in your rear end.
19 Did that occur the same day as when the female
20 soldier wanted to have sex with you?
21 A Yes.
22 Q Okay. Who was involved with the --

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1 putting the plastic bottle in your rear end?
2 A One of those four soldier that came
3 with her put that plastic bottle in my rear end.
4 MR. O'CONNOR: Is that it or is -- is
5 that it?
6 THE INTERPRETER: Yeah.
7 BY MR. O'CONNOR:
8 Q Okay. Do you know the names of any of
9 the four soldiers that were involved in beating
10 you and with the plastic bottle incident?
11 A I don't know.
12 Q Can you describe what they looked like?
13 A They were -- they were very brown --
14 very brown faced and they were very long, and they
15 were very muscled.
16 Q When you say "brown faced," were they
17 African in appearance?
18 A I -- I don't know. They speak English.
19 I don't know if they're African. All I know that
20 they were -- they were very brown faced.
21 Q When you -- I'm just trying to
22 understand. When you say "brown faced", do you

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1 mean darker than an Arab?
2 A Yes.
3 Q They -- were they black?
4 A They were not -- they were not -- they
5 were not very, very black or, like, what you are
6 saying, but they were very dark.
7 Q Okay. Have -- have -- have we now
8 talked about all of the mistreatment that occurred
9 to you prior to your first interrogation at Abu
10 Ghraib prison?
11 A Yes.
12 Q Do you know if anyone told the female
13 soldier to go attempt to have sex with you?
14 A I don't know.
15 Q Do you know if anyone told the four
16 soldiers to beat you after you refused to have sex
17 with the female soldier?
18 THE INTERPRETER: Do you know the --
19 MR. O'CONNOR: Do you know if anyone
20 told the four soldiers to beat you.
21 THE WITNESS: The -- the thing is that
22 when -- when she came and asked sex and I refused,

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1 she was very mad and she started yelling, and she
2 walked madly and shouting and yelling, and then
3 she went and she brought those four with her.
4 BY MR. O'CONNOR:
5 Q Do you know if anyone directed the
6 person who put the bottle in your rear end to do
7 that?
8 A I -- I really don't remember because I
9 was in big pain, and there was electric shocks in
10 my head and I was yelling, yelling from pain, and
11 I don't know who -- who did what, and the only
12 thing I felt that he put the bottle in my rear
13 end.
14 Q All right. So -- so let's talk now
15 about that -- the first interrogation you had at
16 Abu Ghraib prison. You testified that one of the
17 persons questioning you pulled out a gun; is that
18 right?
19 A Yes.
20 Q Was it a pistol?
21 A Yes.
22 Q Do you know if it was a real gun?

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1 A Yes, it was a real gun because when --
2 when -- when he was -- he was, you know, yelling
3 at me and so on and threatening me that he will
4 kill me and he -- because you are the -- because I
5 am the person who did the -- who did the -- tried
6 to -- did the explosion of the military --
7 military parade, and I told him no, I -- I told
8 him, no, I am innocent. I didn't do that. I went
9 to market to buy stuff for the wedding. And then
10 at that time, the pistol was in his hand
11 threatening to kill me and finish my life, and all
12 the sudden he shot and he -- he did not completely
13 hit my left hand, but next to my left foot and he
14 hurt my left foot.
15 Q So the gun went off while -- during
16 this interrogation; is that your testimony?
17 A Yes, and -- yes, and to now I have
18 the -- I have the injury in my left foot; still
19 there.
20 MR. ALOMARI: Leg, leg, not foot.
21 THE INTERPRETER: Leg? Okay. Leg.
22 MR. LOBUE: Can we -- I want to hear

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1 the witness say what he thinks and get the best
2 translation. There may be some confusion about --
3 MR. O'CONNOR: Sort out with the
4 witness --
5 MR. LOBUE: -- what part of the body.
6 MR. O'CONNOR: -- whether he means leg
7 or can you sort out --
8 MR. LOBUE: Yeah. What part of the --
9 MR. O'CONNOR: -- the leg or foot.
10 MR. LOBUE: -- body does he mean? Or
11 can he point -- point to the location?
12 THE WITNESS: (Indicating).
13 MR. LOBUE: Okay. So it's --
14 MR. O'CONNOR: Mid-calf.
15 MR. LOBUE: Mid-calf below his kneecap.
16 MR. O'CONNOR: Right.
17 MR. LOBUE: Okay.
18 BY MR. O'CONNOR:
19 Q Okay. In addition during this first
20 interrogation, I think you testified that you were
21 hung from the ceiling; is that right?
22 A Yes.

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1 Q Okay. What on the ceiling -- were you
2 hung by a rope?
3 A They tied me from here (indicating) by
4 a rope and from here (indicating), and then they
5 hang me and wrapped it on the -- on the -- on the
6 ceiling -- on the -- you know, on the fan.
7 Q Okay. Was the -- was the rope wrapped
8 around you underneath -- across your chest and
9 underneath your arms?
10 A Yeah, they wrapped -- they wrapped me
11 from here (indicating) and then from here
12 (indicating) and up.
13 MR. O'CONNOR: The witness and the
14 translator indicated a rope I guess going across
15 the chest under the arms and then something in the
16 back of the neck or upper back, which I'll inquire
17 further on.
18 BY MR. O'CONNOR:
19 Q You mentioned something about the rope
20 being toward the back of your neck or your upper
21 back.
22 How was it hooked there?

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1 A They wrapped me -- they wrapped me by
2 the rope like this (indicating) and then they
3 brought something and coiled the rope and
4 connected it to the fan (indicating).
5 Q Okay. So they wrapped rope around your
6 chest and back under your arms and then attached
7 to something --
8 THE INTERPRETER: Yeah.
9 MR. O'CONNOR: That pulled you up --
10 THE INTERPRETER: Yes.
11 MR. O'CONNOR: -- towards the ceiling;
12 is that right?
13 THE WITNESS: Yeah.
14 BY MR. O'CONNOR:
15 Q And this was the blond-haired guy and
16 the guy with black hair and a braid in the back;
17 is that right?
18 A Yes.
19 Q All right. Was there -- were you
20 subjected to any other mistreatment during this
21 interrogation?
22 A Actually, when he -- when he shot me by

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1 the pistol, he throw the pistol and he ran away.
2 And then the woman soldier came with another --
3 the woman soldier that wanted to make sex with me
4 came with another soldier, and they put -- and
5 they took me down from where I was on the fan and
6 then they -- they started pulling me on the floor
7 from the rope until they took me to another room.
8 Q Okay. So to make sure I understand,
9 when the gun went off and you were shot in the
10 leg, were you already hanging from the ceiling at
11 that time?
12 MR. O'CONNOR: You have to translate
13 that. You have to translate that.
14 THE WITNESS: No, I was hanged on the
15 fan, and he shot me.
16 BY MR. O'CONNOR:
17 Q All right. I just want to make sure I
18 understand. When you were shot, you were already
19 hanging from the fan that's on the ceiling of the
20 interrogation room; is that right?
21 A Yes. True.
22 Q So during that -- and -- and -- and

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1 when you -- when the gun went off, the
2 interrogator that was holding the gun dropped the
3 gun and ran out of the room; is that your
4 testimony?
5 A Yes.
6 Q Okay. So is it correct that the
7 only -- that the mistreatment you suffered during
8 this interrogation was being hung from the ceiling
9 fan and shot and threatened by the interrogators?
10 A Yes.
11 Q Any -- was there any other mistreatment
12 that you suffered during that interrogation?
13 A Actually, they -- when they took me
14 down and they pulled me all the way to the upper
15 level -- in a room in the upper level, they took
16 me and they were pulling me on the floor, and they
17 took me to another room which is also one and a
18 half meter by one and a half meter, and they throw
19 me -- throw me on the floor and lock the door on
20 me, and I was there for 17 days, and I -- I had
21 all my -- all my -- you know, my things out with
22 my urination, they were -- I was all -- all full

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1 on the floor and I was suffering, and even I felt
2 that I am rotten.
3 MR. LOBUE: Do -- do you mean
4 defecating?
5 THE INTERPRETER: Yeah.
6 MR. LOBUE: Okay.
7 MR. ALOMARI: Defecating and urinating.
8 THE INTERPRETER: Yeah.
9 BY MR. O'CONNOR:
10 Q Have you told me all of the
11 mistreatment that you suffered during your first
12 interrogation at Abu Ghraib prison?
13 A In addition to this torture, he -- or
14 the shot, he used to light a cigarette and he --
15 he -- you know, he comes and put it in my -- in my
16 ass, and I keep yelling. And then he -- after few
17 minutes or less than few minutes, he light another
18 cigarette and he put it again, and he was -- and I
19 was yelling and screaming and he said, yes, this
20 is -- this is going to be your last day in life.
21 And he continued doing this many times with
22 cigarette -- lighting a cigarette and then, you

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1 know, putting it out in his . . .
2 Q So the burning with the cigarette
3 occurred during your first interrogation?
4 A Yes. He -- I'm saying -- I'm saying
5 this happened before he hurt me by the pistol.
6 Q Have you now told me all the
7 mistreatment you alleged you suffered during your
8 first interrogation at Abu Ghraib prison?
9 A After all that bad treatment that they
10 did to me and -- and they -- and they took me to
11 that room -- when they pulled me all the way to
12 that room and that was full with all this dirt
13 that I mentioned to you and all the urination
14 under me and even blood. After that, they brought
15 a Iraqi woman prisoner in my same room.
16 THE INTERPRETER: Now he'll continue.
17 BY MR. O'CONNOR:
18 Q Okay. But, Mr. Rashid, I'm just trying
19 to make sure that I have a complete list of all of
20 the mistreatment you say happened during your
21 first interrogation.
22 And so my question is just have you now

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1 Q Okay. During the 30 days that you were
2 in your cell with the Iraqi woman, were you
3 brought out of your cell at any time during those
4 30 days for any reason?
5 A I don't remember exactly which day of
6 the 30 days I was take -- I was taken out from the
7 room and they put me on top of people, one -- one
8 over the -- one over the -- one over the other and
9 the military guy would sit on top of us.
10 Q Okay. Where did this take place?
11 A It was outside the room, inside the
12 complex.
13 Q Were all of the people in the pyramid
14 naked?
15 A Actually, when they took me, I had --
16 they had the hood on my head -- I had the hood on
17 my head and I was naked, and I realized that the
18 person I'm sitting on is also naked.
19 Q Okay. Was that the only time that you
20 were brought out of your cell during the 30 days
21 that the Iraqi woman was there?
22 A This was not the first time they took

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1 me out. They took me out another time and -- and
2 this -- and this -- and this lady -- U.S. military
3 woman, she took, like, a robe and she --
4 MR. ALOMARI: Plastic tie?
5 THE INTERPRETER: Huh? What was it?
6 MR. ALOMARI: Plastic tie.
7 THE WITNESS: Plastic tie and she run
8 it over my --
9 MR. O'CONNOR: Penis?
10 THE INTERPRETER: Yes.
11 BY MR. O'CONNOR:
12 Q Okay. Was that the same woman that I
13 showed you a picture of a few minutes ago?
14 A Yes, yes.
15 Q So we've now -- during the 30 days that
16 you were in your cell with the Iraqi woman, we've
17 talked about two times that you were brought out
18 of your cell. One time involved a plastic tie
19 being put on your penis, and the other time
20 involved a pyramid of detainees.
21 Are there any other times during those
22 30 days that you were brought out of your cell?

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1 A The other time they took me, they took
2 me with the other six persons from the room that
3 we were in and -- because there was a visitation
4 from the human rights delegation visiting the
5 prison and they intentionally took us so that they
6 don't see us. They took us to someplace else.
7 And they went inside, inspecting the --
8 questioning the prisoners. And the Iraqi woman
9 prisoner that was there told the delegation -- the
10 human rights delegation that the person who was
11 here, she mentioned him, he was tortured and he
12 was treated badly and he was in big pain, he had
13 broken so and so, and they took them out because
14 so they don't see them.
15 Q How do you know that the Iraqi woman
16 told the inspectors this?
17 A When -- because when they -- when they
18 took me back to the room, the same woman told
19 me -- the same Iraqi woman that was with me, she
20 told me that I -- that I have informed the human
21 rights delegation about your suffering and your
22 torture, and they took -- and I told them they

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1 took you intentionally out so they don't -- they
2 don't see you with your bad situation.
3 Q Now, let's go back to the time you were
4 brought out of your cell and put in a pyramid with
5 other detainees.
6 On that time that you were brought out
7 of your cell, were you mistreated in any other way
8 than being put into this pile of detainees?
9 A Actually, when they took me I was naked
10 with a hood on my head, and I was suffering and
11 yelling from the pain that I had all over my body,
12 especially my chest. And when they took me and
13 put me on top of that -- that naked people, the --
14 the soldier who came and he sat on me. He even
15 gave me more pain and I was yelling from the pain
16 and crying, and he was telling me all the time
17 shut up, shut up, shut up.
18 Q Did the soldier sitting atop of you
19 speak Arabic?
20 A No.
21 Q Then how do you know he was telling you
22 to shut up, shut up, shut up?

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1 And from Abu Ghraib -- when they came, they called
2 my name and they called my number, so I came. And
3 they told me, come on; you're going to be
4 released. So they put me on a plane. They took
5 me to Abu Ghraib. And from Abu Ghraib, they cut
6 the -- my ribbon and they send me free.
7 Q When you say they cut your ribbon, was
8 it a bracelet that had your detainee number on it?
9 A Yes.
10 Q Do you remember while you were in U.S.
11 custody having the opportunity to submit papers to
12 military officers deciding whether you should be
13 released from confinement?
14 THE INTERPRETER: You mean to be
15 released?
16 MR. O'CONNOR: Yeah.
17 THE WITNESS: Yes.
18 BY MR. O'CONNOR:
19 Q Do you remember learning that several
20 times those officers determined that you should
21 continue to be in U.S. custody?
22 A They told me if you don't sign these

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1 documents which indicates that I was not tortured
2 and I was not -- I was not a victim of, you know,
3 beating and so on, and if I don't sign them, I
4 will never be released.
5 Q My question is do you remember learning
6 while you were in U.S. custody that several times
7 officers reviewing your file determined that you
8 should stay in U.S. custody?
9 A I said -- I said I -- I mean, I said,
10 no, they told me if you don't sign these papers
11 indicating that you were not tortured, you'll stay
12 in our prison.
13 Q So is it your understanding that you
14 were retained in U.S. custody because you refused
15 to sign papers saying that you were not
16 mistreated?
17 A Yes, that's what they told me. If I
18 sign those papers indicating that I was -- I said,
19 yes -- if I -- they -- if I said that they were --
20 they did not torture me and I will sign those
21 papers that they give me, they will release me.
22 If I -- if I don't sign, they will keep me.

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1 Q After you were released from Abu Ghraib
2 prison, did you go see a doctor to treat your
3 injuries?
4 A Yes.
5 Q What doctor did you go to see to treat
6 your injuries?
7 A I mean, since I left Abu Ghraib, I
8 started suffering from many -- especially my eyes.
9 I cannot -- I cannot see especially at night;
10 therefore, I never go out at night because I can
11 never see at night. And then I started taking
12 glasses to help me, but still even with the
13 glasses my sight at night was not good.
14 And then I -- and then I went to -- to
15 many areas and hospitals and took x-rays for my --
16 my left leg which has -- which has a broken -- I'm
17 sorry, my left -- my left hand which has a broken
18 area in it. And also my -- my left -- and also my
19 left leg, there was a slight broken area in it.
20 And this was in 2005, and I don't
21 remember the names of the doctors that I have seen
22 or the medical institution that I visit. I don't

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1 remember their names because I'm really in -- in
2 bad situation, and I'm suffering from -- suffering
3 from short-term problem and always -- even now, I
4 am always with very tension and temper with my
5 family, and I lose my -- I lose my -- you know, my
6 temper.
7 Q Do you have any documents, records or
8 x-rays from the trips that you say you took to
9 doctors and hospitals in 2005?
10 A I -- I used to have it -- everything.
11 But when 2015 came and we when were -- we were
12 kicked from our homes, we had to leave everything.
13 We only left with ourself and our -- what we were
14 wearing, and we run away from where we lived
15 because they kicked us out when we went from
16 Al-Latifiya.
17 Q So if we had asked for your medical
18 records before 2015, you could have given them to
19 us, but you can't now because they're gone; is
20 that right?
21 A Everything is gone including my
22 property, including my money.

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1 Q Okay. And they were -- they became
2 gone in 2015; right?
3 A Yes.
4 Q Have you -- since the time you were
5 released from -- from U.S. custody, have you gone
6 and seen a psychiatrist or other doctor for your
7 psychological injuries?
8 A I -- I -- I went to several
9 psychological institution and clinic, and they
10 gave me -- and they gave me some pills which I
11 used to take, but then I found out that the pills
12 are affecting my -- my sleeping and disturbing my
13 sleeping, so I -- I stopped taking those pills.
14 Q Do you have documents or records from
15 your trips to see psychological institutions?
16 A I have the prescription that the doctor
17 gave me for those pills. It's in my home.
18 Q You have that now?
19 A Yes.
20 Q Do you have other records or -- well,
21 have you had other records from your trips to
22 psychological institutions?

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1 A No, I have one you -- I have only one
2 receipt. That's one when he give me the pills.
3 Q When you lost all your medical papers
4 in 2015, did you lose psychological papers, also?
5 A This is after the -- this is -- this is
6 after 2015 when I started suffering from
7 psychological condition and unable to sleep and
8 nervousness and losing my temper; therefore, after
9 the -- this is the -- after 2015 when I went and
10 have that paper. The only paper I have is that,
11 just that paper.
12 Q Okay. So do I understand it that you
13 didn't get to any psychological institutions until
14 after 2015?
15 A Yes.
16 Q Okay.
17 A After 2015, I went and had those.
18 Q After you were released from --
19 MR. ALOMARI: He said he did see it
20 before 2015, but he went a second time.
21 THE INTERPRETER: Yeah.
22 MR. LOBUE: Is that correct?

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1 MR. O'CONNOR: Oh.
2 THE INTERPRETER: Yes.
3 MR. LOBUE: Okay.
4 BY MR. O'CONNOR:
5 Q So you went to a psychological
6 institution before 2015?
7 A Yes.
8 Q What -- what psychological institution
9 was that?
10 A I don't remember.
11 Q Did you have records from your visit to
12 the psychological institution?
13 A They're -- they're gone.
14 Q Were they gone because you lost your
15 property in 2015?
16 A Yes.
17 Q Okay. About what year did you make
18 that first visit to a psychological institution?
19 THE INTERPRETER: Before 2015?
20 MR. O'CONNOR: Yeah.
21 THE WITNESS: 2006.
22 BY MR. O'CONNOR:

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1 Q You mentioned -- well, once you were
2 released from U.S. custody, did you return to your
3 life as a farmer?
4 A Yes.
5 Q And is it -- is it correct that you
6 then worked as a farmer from 2005 to about 2015?
7 A Yes.
8 Q You mentioned that in 2015, your family
9 lost its property.
10 Can you tell me what happened?
11 A The area we were living in was -- was a
12 battlefield between ISIS and the Iraqi government,
13 and there was always bombing and -- and Air Force
14 bombing in that area. Therefore, we were forced
15 to leave our property and run away.
16 Q And your family lost everything at that
17 time?
18 A Yes.
19 Q And after that, you started noticing
20 changes to your temper and went to a second visit
21 to a psychological institution; is that right?
22 A Since I left -- since I left Bucca --

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1 CERTIFICATE OF SHORTHAND REPORTER - NOTARY PUBLIC
2 I, Dana C Ryan, Registered Professional
3 Reporter, Certified Realtime Reporter, the officer
4 before whom the foregoing proceedings were taken
5 do hereby certify that the foregoing transcript is
6 a true and correct record to the best of my
7 ability of the proceedings; that said proceedings
8 were taken by me stenographically and thereafter
9 reduced to typewriting under my supervision; and
10 that I am neither counsel for, related to, nor
11 employed by any of the parties to this case and
12 have no interest, financial or otherwise, in its
13 outcome
14 IN WITNESS WHEREOF, I have hereunto set
15 my hand and affixed my notarial seal this 11th day
16 of May 2018
17 My Commission expires:
18 July 15, 2020
19 _____
20 _____
21 NOTARY PUBLIC IN AND FOR THE
22 DISTRICT OF COLUMBIA
22

EXHIBIT 7

**UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF VIRGINIA
ALEXANDRIA DIVISION**

SUHAIL NAJIM)	
ABDULLAH AL SHIMARI <i>et al.</i>,)	
)	
Plaintiffs,)	
)	
v.)	C.A. No. 08-cv-0827 GBL-JFA
)	
CACI INTERNATIONAL, INC., <i>et. al.</i>,)	
)	
Defendants)	
)	

**PLAINTIFF SUHAIL NAJIM ABDULLAH AL SHIMARI'S RESPONSES TO
DEFENDANT CACI PREMIER TECHNOLOGY, INC.'S FIRST SET OF
INTERROGATORIES**

Pursuant to Rules 26 and 33 of the Federal Rules of Civil Procedure, Plaintiff Suhail Najim Abdullah Al Shimari responds to Defendant CACI Premier Technology, Inc.'s First Set of Interrogatories as follows:

INTRODUCTION

1. Plaintiff's investigation and development of all facts and circumstances relating to this action is ongoing. Each of the responses contained herein is based only upon such information and documents as are presently available and specifically known to Plaintiff. Plaintiff has made a diligent search and reasonable inquiry in accordance with Rules 26 and 33 of the Federal Rules of Civil Procedure, and Plaintiff discloses only those facts that presently occur to him.

2. Further discovery, independent investigation, legal research, and/or analysis may reveal additional facts, add meaning to known facts, and/or establish new factual or legal contentions, all of which may lead to additions to, changes in, or variations from the stated

contentions. The following responses are given without prejudice to Plaintiff's right to produce evidence of any subsequently discovered fact or facts that Plaintiff may later recall. Plaintiff further reserves the right to supplement, clarify, revise, or correct any and all responses set forth herein, and to assert additional objections or privileges, as additional facts are established, analysis is performed, legal research is completed and contentions are made.

3. A response to an interrogatory shall not be deemed or construed that Plaintiff acquiesces in the characterization of the conduct or activities contained in the interrogatory, or definitions and/or instructions applicable to the interrogatory.

RESPONSES TO INTERROGATORIES

Interrogatory 1:

Identify all Persons with knowledge of any of the facts asserted in Your Amended Complaint and state the general nature of each Person's knowledge.

Response to Interrogatory 1:

Plaintiff Al Shimari responds as follows based on the scope of his individual knowledge and/or information and belief:

Apart from Plaintiff Al Shimari himself,

1. Plaintiff Al Shimari's family has knowledge of his background, arrest, and detention;
2. The five other Iraqi men arrested at the same time as Plaintiff Al Shimari—Anwar Wadi, Hamad Muslim, Sudad Ali, Uthman Obaid, and Riyadh Kadhum—have knowledge about his arrest;
3. The individuals who transferred Plaintiff Al Shimari to Abu Ghraib, whose specific identities are currently unknown to Plaintiff Al Shimari, have knowledge about Plaintiff Al Shimari's detention;

4. At least one male interrogator, whose specific identity is currently unknown to Plaintiff Al Shimari, has knowledge of the facts asserted in Paragraph 12 of the Second Amended Complaint;
5. At least one male interrogator, whose specific identity is currently unknown to Plaintiff Al Shimari, has knowledge of the facts asserted in Paragraph 13 of the Second Amended Complaint;
6. At least two men in civilian clothing, whose specific identities are currently unknown to Plaintiff Al Shimari, have knowledge of the facts asserted in Paragraph 14 of the Second Amended Complaint;
7. At least one man in a military uniform, whose specific identity is currently unknown to Plaintiff Al Shimari, has knowledge of the facts asserted in Paragraphs 16 and 17 of the Second Amended Complaint;
8. At least two men and one female interpreter, whose specific identities are currently unknown to Plaintiff Al Shimari, have knowledge of the facts asserted in Paragraph 18 and 19 of the Second Amended Complaint.
9. At least one man, whose specific identity is currently unknown to Plaintiff Al Shimari, has knowledge of the facts asserted in Paragraph 21 of the Second Amended Complaint.
10. At least one man, whose specific identity is currently unknown to Plaintiff Al Shimari, has knowledge of the facts asserted in Paragraph 22 of the Second Amended Complaint.
11. Fawaz Dahham, a detainee located in a cell near Plaintiff Al Shimari, has knowledge about Plaintiff Al Shimari's detention; and
12. Abu Jabril, another detainee located in a cell near Plaintiff Al Shimari, has knowledge about Plaintiff Al Shimari's detention.

Interrogatory 2:

State any detainee information number assigned to You by the United States during the time You were in United States custody.

Response to Interrogatory 2:

Plaintiff Al Shimari responds as follows:

The detainee number assigned to Plaintiff Al Shimari was 153913.

Interrogatory 3:

Describe the reason for and circumstances of your arrest and detention by the United States military as alleged in Your Amended Complaint.

Response to Interrogatory 3:

Plaintiff Al Shimari objects to Interrogatory 3 as burdensome and not reasonably calculated to lead to the discovery of admissible evidence to the extent it calls for information pertaining to Plaintiff Al Shimari's arrest. Plaintiff Al Shimari responds as follows:

Plaintiff Al Shimari was never informed about the reason for his arrest and detention by the United States military.

On or about November 7, 2003, Plaintiff Al Shimari was at his home, entertaining guests and fasting for Ramadan. Members of the United States Military entered his home by force and, without consent, began searching the home for weapons. Though the American soldiers found no weapons, Plaintiff Al Shimari, along with five of his relatives, was hooded and taken to camp Mursalat. From Mursalat, Plaintiff Al Shimari was taken to Camp Luhood, then to Camp Mujahedeen, and then to Abu Ghraib.

Interrogatory 4:

Describe in detail all injuries that You allege You suffered while in United States custody, including in Your response for each such alleged injury the date and place such injury was incurred, the Persons who participated in causing such injury, and all witnesses to such infliction of alleged injury.

Response to Interrogatory 4:

Plaintiff Al Shimari responds as follows:

Plaintiff Al Shimari suffered physical, mental and emotional injuries while detained at Abu Ghraib. These injuries include:

1. Within hours of Plaintiff Al Shimari's arrival at Abu Ghraib, a male individual and an interpreter who Plaintiff Al Shimari believed to be Egyptian tied Plaintiff Al Shimari's hands and feet and forced him into a closet/cabinet with two other men whose arms and feet were also bound.
2. On the same day, Plaintiff Al Shimari was selected from a group of detainees, hooded, and punched on all sides of his face.
3. On the same day, two men dressed in civilian clothing forcibly shaved Plaintiff Al Shimari's head, beard, and mustache. The same men forcibly stripped Plaintiff Al Shimari and brought him to the shower facilities.
4. At the shower facilities, Plaintiff Al Shimari was guarded by a female wearing a military uniform who held Plaintiff Al Shimari at gun point, forcing him to shower in cold water until he had used an entire bar of soap.
5. Plaintiff Al Shimari was deprived of food for the first day of his detention at Abu Ghraib.
6. Plaintiff Al Shimari was forced to remain naked for the first week of his detention at Abu Ghraib, exposed to extreme cold.
7. Within the first few days of his arrival at Abu Ghraib, Plaintiff Al Shimari was hooded and his hands were cuffed behind his back. A large man carried him to an interrogation room. One male interrogator and one male interpreter interrogated Al Shimari over a period of several hours. The male interpreter hit him, kicked him, and stepped on his

head. During this interrogation, Plaintiff Al Shimari was forced to sit and stand in many different painful positions for prolonged periods and forced to stand on sharp stones until his feet bled.

8. During his first week of detention at Abu Ghraib, Plaintiff Al Shimari was shocked on his stomach and arms with a metal rod connected to electrical wires. An interrogator used this metal rod to beat him on the head, arms, and stomach.
9. Shortly after Plaintiff Al Shimari met with a representative from the Red Cross, during which Plaintiff Al Shimari reported the injury caused to his stomach by the metal rod, a male interrogator beat Plaintiff Al Shimari on his stomach repeatedly.
10. Plaintiff Al Shimari was interrogated numerous times, during which he was frequently beaten, kicked, and threatened by dogs.
11. Plaintiff Al Shimari was subject to gratuitous and humiliating sexual touching when, on multiple occasions, guards forced him to bend over and inserted their fingers into his rectum.
12. Plaintiff Al Shimari was punched and hit on the side of his head, causing two of his teeth to become loose.
13. Plaintiff Al Shimari was placed in a stress position, with his arms outstretched and chained behind him while naked, for long periods of time throughout November and December 2003.
14. Plaintiff Al Shimari was given a jumpsuit, forced to soak it under cold water, and wear it while it was wet in the extreme cold in winter.
15. Plaintiff Al Shimari was deprived adequate food throughout his stay at Abu Ghraib, and was never fed more than once each day.

16. Throughout Plaintiff Al Shimari's detention at the Abu Ghraib hard site, Plaintiff Al Shimari was held in a closed, windowless cell.
17. Plaintiff Al Shimari was covered in a blanket and hooded while a dog on a leash approached his body and bit at the blanket.
18. Plaintiff Al Shimari was forced to do push-ups and other physical exercises to the point of exhaustion.
19. Plaintiff Al Shimari was deprived of sleep throughout his detention at the Abu Ghraib hard site. He was frequently forced to listen to very loud music throughout the night and into the morning. On other occasions, a man would bang on the cell door and walls, let dogs loose into Plaintiff Al Shimari's cell, and pour cold water and feces into Plaintiff Al Shimari's cell.

Correcting an error in the Second Amended Complaint, Plaintiff Al Shimari was not forced to watch co-conspirators choke another detainee as alleged in Paragraph 24 of the Second Amended Complaint. Rather, Plaintiff Al Shimari himself was choked by a man whose specific identity is currently unknown to Plaintiff Al Shimari.

Plaintiff Al Shimari suffered and continues to suffer from significant psychological injuries in connection with the injuries above, the conditions of his detention, and the mental and emotional anguish, humiliation, embarrassment, degradation, and other abuse he endured while detained at Abu Graib.

Interrogatory 5:

Identify each employee of CACI PT or CACI International Inc with whom You had any contact while in United States custody and describe all such interactions with each employee.

Response to Interrogatory 5:

Plaintiff Al Shimari responds as follows:

Because CACI employees did not identify themselves as such and did not wear uniforms or other corporate insignia revealing their status as CACI employees, Plaintiff Al Shimari cannot currently identify CACI employees with whom he had contact.

Interrogatory 6:

Identify all Persons You contend were or may have been participants in the conspiracy referenced in Paragraphs 64-73, 117-121, 131-135, 146-150, 161-165, 176-180, and 189-193¹ of Your Amended Complaint.

Response to Interrogatory 6:

Plaintiff Al Shimari responds as follows:

Co-conspirator	Identification
Megan Ambuhl	formerly U.S. Army
Mark Billings	CACI Premier Technology, Inc. 4795 Meadow Wood Lane Chantilly, VA 20151
Jody Brown	CACI International Inc 1100 North Glebe Road Arlington, VA 22201
Santos Cardona	U.S. Army
Armin Cruz	U.S. Army
Javal Davis	formerly U.S. Army 41 Ferns Way Nottingham, MD 21236-5317 572 Market St Newark, NJ 07105-2913 973-484-4911
Timothy Dugan	c/o Jocelyn Gould Klores Perry Mitchell 1735 20 th Street, N.W. Washington, D.C. 20009

¹ Plaintiff Al Shimari understands Interrogatory 6 as relating to Paragraphs 64-86, 134-138, 148-152, 163-167, 178-182, 193-197, and 206-210 of the Second Amended Complaint.

SGM Marc Emerson	U.S. Army
Lynndie England	formerly U.S. Army
Ivan L. Chip Frederick II	former U.S. Army HC 2 Box 235 Buckingham, VA 23921-9631
Jon D. Graham	U.S. Army
Charles Graner	former U.S. Army The Law Office of Charles Gittens P.O. Box 144 Middletown, VA 22645
Sabrina Harman	7756-C Gunston Plaza Drive Gunston Station Shopping Center Lorton, VA 22079
Thomas Howard	Former CACI Executive
Daniel Johnson	c/o Patrick O'Donnell Wiltshire & Grannis 1200 18 th Street, N.W. Washington, D.C. 20036
John Ketzer	U.S. Army
Roman Krol	formerly U.S. Army
1SG Brian G. Lipinski	U.S. Army
Dr. J.P. London	CACI International Inc 1100 North Glebe Road Arlington, VA 22201
Etaf Mheisen	former employee of Titan Corp.
Amy Jensen Monahan	4795 Meadow Wood Lane Chantilly, Virginia 20151
Charles Mudd	11976 Fair Bow Lane Woodbridge, VA 22192
Adel Nakhla	former employee of L-3 Services 9324 Frostburg Way Montgomery Village, MD 20886

	301-977-5987
Scott Northrop	L-3 Stratis 11955 Freedom Drive Reston, VA 20190
LTC (P) Jerry L. Phillabaum	U.S. Army
Daniel Porvaznik	1900 Township Rd. 128 SE Junction City, OH 43478
MAJ David M. Price	U.S. Army
1LT Lewis C. Raeder	U.S. Army
CPT Donald J. Reese	U.S. Army
Israel Rivera	U.S. Army
Hannah Schlegel	U.S. Army
Jeremy Sivits	formerly U.S. Army 14856 Main St. Hyndman, PA 15545 c/o Paul Bergrin Pope Bergrin & Verdesco 572 Market St Newark, NJ 07105-4911 973-484-4911
Michael Smith	formerly U.S. Army
SFC Shannon K. Snider	U.S. Army
Luciana Spencer	U.S. Army
Steven Stefanowicz	c/o Henry E. Hockeimer, Jr. Ballard, Spahr, Andrews & Ingersoll 1735 Market Street Philadelphia, PA 19103
MAJ Michael D. Thompson	U.S. Army
Harry Thornsvar	GAITS

	11781 Lee Jackson Memorial Highway, 3 rd Floor Fairfax, VA 22033
CPT Carolyn A. Wood	U.S. Army

Interrogatory 7:

For each member of the conspiracy identified in Your answer to Interrogatory No. 6, identify the date You contend they joined the conspiracy, every overt act they committed in furtherance of the conspiracy, and the date, if any, on which they ceased participation in the conspiracy.

Response to Interrogatory 7:

Plaintiff Al Shimari objects that Interrogatory 7 is overbroad and unduly burdensome. Plaintiff Al Shimari alleges that at least the following persons participated in the conspiracy in the ways described:

1. Megan Ambuhl: joined the conspiracy as early as October 2003 and left the conspiracy no earlier than January 2004; and furthered the conspiracy by participating in detainee abuse.
2. Mark Billings: joined the conspiracy as early as September 2003 and left the conspiracy no earlier than 2008; and furthered the conspiracy through his supervision and/or failure to properly supervise CACI employees, and by participating in a cover-up of CACI's role in detainee abuse.
3. Jody Brown: joined the conspiracy as early as July or August 2003 and left the conspiracy no earlier than 2008; and furthered the conspiracy by participating in cover-up of CACI's role in detainee abuse.
4. Santos Cardona: joined the conspiracy as early as September 2003 and left the conspiracy no earlier than 2004; and furthered the conspiracy by participating in detainee abuse.

5. Armin Cruz: joined the conspiracy as early as September 2003 and left the conspiracy no earlier than 2004; and furthered the conspiracy by participating in detainee abuse.
6. Javal Davis: joined the conspiracy as early as October 2003 and left the conspiracy no earlier than November 2003; and furthered the conspiracy by participating in detainee abuse.
7. Timothy Dugan: joined the conspiracy as early as September 2003 and left the conspiracy no earlier than February 2004; and furthered the conspiracy by participating in detainee abuse and instructing others to do so, and participating in cover-up of CACI's role in detainee abuse.
8. Marc Emerson: joined the conspiracy as early as July 2003 and left the conspiracy no earlier than 2004; and furthered the conspiracy by failing to supervise military personnel who participated in detainee abuse.
9. Lynndie England: joined the conspiracy as early as September 2003 and left the conspiracy no earlier than 2004; and furthered the conspiracy by participating in detainee abuse.
10. Ivan L. Chip Frederick II: joined the conspiracy as early as October 2003 and left the conspiracy no earlier than December 2003; and furthered the conspiracy by participating in detainee abuse.
11. Jon D. Graham: joined the conspiracy as early as July 2003 and left the conspiracy no earlier than January 2004; and furthered the conspiracy by failing to supervise military personnel who participated in detainee abuse.
12. Charles Graner: joined the conspiracy as early as September 2003 and left the conspiracy no earlier than May 2004; and furthered the conspiracy by participating in

detainee abuse.

13. Sabrina Harman: joined the conspiracy as early as October 2003 and left the conspiracy no earlier than 2004; and furthered the conspiracy by participating in detainee abuse.
14. Thomas Howard: joined the conspiracy as early as July or August 2003 and left the conspiracy no earlier than March 2004; and furthered the conspiracy through his supervision and/or failure to properly supervise CACI employees, and by participating in cover-up of CACI's role in detainee abuse.
15. Daniel Johnson: joined the conspiracy as early as October 2003 and left the conspiracy no earlier than July 2004; and furthered the conspiracy by participating in detainee abuse and instructing others to do so, and participating in cover-up of CACI's role in detainee abuse.
16. John Ketzer: joined the conspiracy as early as September 2003 and left the conspiracy no earlier than 2004; and furthered the conspiracy by failing to report detainee abuse.
17. Roman Krol: joined the conspiracy as early as September 2003 and left the conspiracy no earlier than 2004; and furthered the conspiracy by participating in detainee abuse.
18. Brian G. Lipinski: joined the conspiracy as early as October 2003 and left the conspiracy no earlier than January 2004; and participated in the conspiracy by failing to supervise military personnel who participated in detainee abuse.
19. Dr. J.P. London: joined the conspiracy as early as July or August 2003 and left the conspiracy no earlier than 2008; and furthered the conspiracy by participating in cover-up of CACI's role in detainee abuse.

20. Etaf Mheisen: joined the conspiracy as early as September 2003 and left the conspiracy no earlier than May 2004; and furthered the conspiracy by participating in detainee abuse and instructing others to do so, and failing to report detainee abuse.
21. Amy Jensen Monahan: joined the conspiracy as early as August 2003 and left the conspiracy no earlier than 2008; and furthered the conspiracy by participating in cover-up of CACI's role in detainee abuse.
22. Charles Mudd: joined the conspiracy as early as July or August 2003 and left the conspiracy no earlier than March 2006; and furthered the conspiracy through his supervision and/or failure to properly supervise CACI employees, and by participating in cover-up of CACI's role in detainee abuse.
23. Adel Nakhla: joined the conspiracy as early as June 2003 and left the conspiracy no earlier than May 2004; and furthered the conspiracy by participating in detainee abuse and failing to report or stop detainee abuse.
24. Scott Northrop: joined the conspiracy as early as November 2003 and left the conspiracy no earlier than April 2006; and furthered the conspiracy through his supervision and/or failure to properly supervise CACI employees, and by participating in cover-up of CACI's role in detainee abuse.
25. Jerry L. Phillabaum: joined the conspiracy as early as July 2003 and left the conspiracy no earlier than January 2004; and furthered the conspiracy by failing to supervise military personnel who participated in detainee abuse.
26. Daniel Porvaznik: joined the conspiracy as early as September 2003 and left the conspiracy no earlier than 2006; and furthered the conspiracy through his supervision and/or failure to properly supervise CACI employees, and by participating in cover-

- up of CACI's role in detainee abuse.
27. David M. Price: joined the conspiracy as early as September 2003 and left the conspiracy no earlier than 2004; and participated in the conspiracy by failing to supervise military personnel who participated in detainee abuse.
 28. Lewis C. Raeder: joined the conspiracy as early as December 2003 and left the conspiracy no earlier than February 2004; and furthered the conspiracy by failing to supervise military personnel who participated in detainee abuse.
 29. Donald J. Reese: joined the conspiracy as early as October 2003 and left the conspiracy no earlier than January 2004; and furthered the conspiracy by failing to supervise military personnel who participated in detainee abuse.
 30. Israel Rivera: joined the conspiracy as early as October 2003 and left the conspiracy no earlier than 2004; and participated in the conspiracy by failing to report detainee abuse and by failing to stop detainee abuse.
 31. Hannah Schlegel: joined the conspiracy as early as September 2003 and left the conspiracy no earlier than January 2004; and participated in the conspiracy by failing to report or stop detainee abuse.
 32. Jeremy Sivits: joined the conspiracy as early as October 2003 and left the conspiracy no earlier than 2004; and furthered the conspiracy by participating in detainee abuse.
 33. Michael Smith: joined the conspiracy as early as November 2003 and left the conspiracy no earlier than 2004; and furthered the conspiracy by participating in detainee abuse.
 34. Shannon K. Snider: joined the conspiracy as early as October 2003 and left the conspiracy no earlier than 2004; and furthered the conspiracy by failing to supervise

- military personnel who participated in detainee abuse.
35. Luciana Spencer: joined the conspiracy as early as November 2003 and left the conspiracy no earlier than 2004; and furthered the conspiracy by participating in detainee abuse, directing military personnel in abusing detainees, and failing to report detainee abuse.
36. Steven Stefanowicz: joined the conspiracy as early as September 2003 and left the conspiracy no earlier than October 2004; and furthered the conspiracy by participating in detainee abuse and instructing others to do so, and participating in cover-up of CACI's role in detainee abuse.
37. Michael D. Thompson: joined the conspiracy as early as September 2003 and left the conspiracy no earlier than 2004; and furthered the conspiracy by failing to supervise military personnel who participated in detainee abuse.
38. Harry Thornsvarid: joined the conspiracy as early as August 2003 and left the conspiracy no earlier than 2004; and furthered the conspiracy by failing to provide adequately trained employees.
39. Carolyn A. Wood: joined the conspiracy as early as August 2003 and left the conspiracy no earlier than February 2004; and furthered the conspiracy by failing to supervise military personnel who participated in detainee abuse.

Interrogatory 8:

Identify the verbal statements and criminal acts alleged in Paragraph 72 of Your Amended Complaint.²

² Plaintiff Al Shimari understands Interrogatory 8 as relating to Paragraph 80 of the Second Amended Complaint.

Response to Interrogatory 8:

Plaintiff Al Shimari objects that Interrogatory 8 is overbroad and unduly burdensome. Plaintiff Al Shimari objects to Interrogatory 8 as mooted by the agreed-upon filing of the Second Amended Complaint. Plaintiff Al Shimari responds as follows:

The criminal acts of CACI's employees who were responsible for and/or participated in the detainee abuse at Abu Ghraib can be imputed to CACI. Moreover, CACI attempted to cover up misconduct of its employees and thereby perpetuate and prolong the conspiracy by its verbal statements absolving any CACI employee of responsibility for and/or participation in the detainee abuse and destroying or concealing evidence implicating CACI.

CACI acquiesced in its employees' misconduct, turning a blind eye to reports of its employees' participation in the abuse of detainees and failing to adequately train and supervise employees to prevent reasonably foreseeable abuses of detainees at Abu Ghraib. When a military officer, Staff Sergeant Neal, attempted to report to CACI management that CACI employee Timothy Dugan was bragging that he had frightened a detainee badly enough to make him vomit, CACI management ignored Sergeant Neal and did not conduct an inquiry into this misconduct or otherwise discipline this employee. At least one other CACI employee alerted CACI managers about the prevalence of abuse of detainees at Abu Ghraib. Despite knowledge of the seriousness of the situation at Abu Ghraib, CACI management failed to report this abuse to the military or to take additional steps to ensure its own employees discontinued detainee abuse.

CACI prolonged the conspiracy by failing to follow the recommendation of Major General Taguba to reprimand Steven Stefanowicz for his role in detainee abuse. Instead, it

launched an “internal investigation” into CACI employees’ involvement in detainee abuse which absolved Stefanowicz from all wrongdoing and never fired him.

Documents relied upon:

- J. Phillip London, *Our Good Name: A Company’s Fight to Defend Its Honor and Get the Truth Told About Abu Ghraib* (Regnery Publishing) (2008)
- Major General Antonio Taguba, Report of the Article 15-6 Investigation of the 800th Military Police Brigade
- Major General George R. Fay, Report of the Article 15-6 Investigation of the Abu Ghraib Detention Facility and 205th Military Intelligence Brigade
- Monahan Deposition Transcript, *Saleh v. Titan*, Case No. 05-cv-1165 (D.D.C.)
- Northrop Deposition Transcript, *Saleh v. Titan*, Case No. 05-cv-1165 (D.D.C.)

Interrogatory 9:

Identify all facts that You contend support the allegations in Paragraph 90 of Your Amended Complaint that CACI agreed to work in concert with co-conspirators and confirmed and ratified acts perpetrated by co-conspirators.³ To the extent that you allege that any Person with the authority to act for CACI PT or CACI International Inc approved of the participation of either company or any of their respective employees in the conspiracy alleged in Your Amended Complaint, Identify the Persons who authorized this decision on behalf of CACI PT or CACI International Inc and the manner in which such decision was communicated.

Response to Interrogatory 9:

Plaintiff Al Shimari objects to Interrogatory 9 on the ground that it is overbroad and unduly burdensome and to the extent that it seeks information that is equally or more readily accessible to Defendant. Plaintiff Al Shimari objects to Interrogatory 9 as mooted by the agreed-upon filing of the Second Amended Complaint. Plaintiff Al Shimari responds as follows:

CACI employees directed military officers to abuse detainees. Military personnel were

³ Plaintiff Al Shimari understands Interrogatory 9 as relating to Paragraphs 106 of the Second Amended Complaint.

directed by CACI employees to “set conditions” – code for physical or psychological abuse – for interrogations or otherwise abuse detainees. CACI interrogators had supervised military personnel participating in the abuse, and even reprimanded military personnel for failing to abuse detainees.

CACI’s management knew of the abuse of detainees at Abu Ghraib by military and private contractor co-conspirators, including, but not limited to, Mark Billings and Scott Northrop, CACI employees were directed to bring *all* issues to CACI management, not to the military, and in fact, CACI employees alerted the CACI managers about the prevalence of abuse of detainees at Abu Ghraib.

CACI management was able to monitor its employees’ conduct of interrogations. Namely, CACI management observed interrogations, reviewed reports and interrogation notes, had discussions between interrogations, and the like. CACI on-site management at Abu Ghraib was in constant contact with CACI corporate in the United States.

CACI executive Charles Mudd made more than a dozen trips to Iraq, during which he held staff meetings and engaged in a series of direct conversations with CACI employees and held meetings with the military. Mudd reported directly to CACI’s CEO on a regular basis. CACI executive Scott Northrop spent approximately one year in Iraq – in or about November, 2003 to November, 2004 – as in-country manager, during which time he would make periodic visits to Abu Ghraib. At Abu Ghraib, one of the sites Northrop visited most often, Northrop would meet with CACI employees and military personnel. CACI manager Tom Howard, as a function of his position, had complete access to the interrogation reports that CACI interrogators drew up. CACI’s Site Lead at Abu Ghraib, Daniel Porvaznik attended “shift change” meetings at the facility and had full access to everything relating to CACI employees. CACI retained the right to

investigate any allegation of abuse or illegal behavior.

Despite knowledge of the seriousness of the situation at Abu Ghraib, CACI failed to report this abuse to the military, as they were obligated to do, or to take additional steps to ensure its own employees discontinued detainee abuse.

Documents relied upon:

- Major General Antonio Taguba, Report of the Article 15-6 Investigation of the 800th Military Police Brigade
- Major General George R. Fay and Lieutenant General Anthony R. Jones, Reports of the Article 15-6 Investigation of the Abu Ghraib Detention Facility and 205th Military Intelligence Brigade
- Private Ivan Frederick, Sworn Statement to U.S. Army Criminal Investigation Division (Nov. 2004)
- Private Ivan Frederick Testimony to Court Martial of Michael Smith
- Private Charles Graner, Sworn Statement to U.S. Army Criminal Investigation Division (Apr. 2005)
- Translation of Sworn Statement by Amjeed Ismail Waleed Al-Taee, Detainee #151635, to Court Martial of Sabrina Harman (Feb. 28, 2005)
- Porvaznik Deposition Transcript, *Saleh v. Titan*, Case No. 05-cv-1165 (D.D.C.)
- Monahan Deposition Transcript, *Saleh v. Titan*, Case No. 05-cv-1165 (D.D.C.)
- Mudd Deposition Transcript, *Saleh v. Titan*, Case No. 05-cv-1165 (D.D.C.)
- Northrop Deposition Transcript, *Saleh v. Titan*, Case No. 05-cv-1165 (D.D.C.)
- Sworn Statement of Torin Nelson, *Saleh v. Titan*, Case No. 05-cv-1165 (JR) (D.D.C.) (Sept. 14, 2006)

Interrogatory 10:

Identify all facts that You contend support the alter ego allegation in Paragraph 74 of Your Amended Complaint.⁴

Response to Interrogatory 10:

Plaintiff Al Shimari objects to Interrogatory 10 on the basis that it seeks information that is equally or more readily accessible to Defendant. Plaintiff Al Shimari responds as follows:

CACI International Inc. acquired the assets of Premier Technology Group, in 2003, which became CACI Premier Technology Inc. Various employees of CACI Premier Technology Inc. reported to CACI International Inc.'s management, including, but not limited to, Chuck Mudd, Vice President of the Operational Support Division of CACI Premier Technology, Inc., who directly reported to the Chief Executive Officer of CACI International, Inc., on a regular basis. Other CACI Premier Technology Inc. employees told military investigators or stated in sworn testimony submitted in another litigation that they believed worked for CACI International Inc. CACI International Inc.'s public statements have conflated CACI International Inc.'s employees with CACI Premier Technology, Inc.'s employees. CACI Premier Technology does not have its own website; it is only mentioned on CACI International Inc.'s website as a "contract vehicle" for CACI International Inc.

Documents relied upon:

- Porvaznik Deposition Transcript, *Saleh v. Titan*, Case No. 05-cv-1165 (D.D.C.)
- CACI International Inc's 10-K dated June 30, 2008 (filed on August 27, 2008)
- Mudd Deposition Transcript, *Saleh v. Titan*, Case No. 05-cv-1165 (D.D.C.)
- Pescatore Testimony to Court Martial of Michael Smith

⁴ Plaintiff Al Shimari understands Interrogatory 10 as relating to Paragraph 87 of the Second Amended Complaint.

- Sworn Statement of Torin Nelson, *Saleh v. Titan*, Case No. 05-cv-1165 (JR) (D.D.C.) (Sept. 14, 2006)
- J. Phillip London, *Our Good Name: A Company's Fight to Defend Its Honor and Get the Truth Told About Abu Ghraib* (Regnery Publishing) (2008)
- Major General Antonio Taguba, Report of the Article 15-6 Investigation of the 800th Military Police Brigade
- CACI Website: <http://www.caci.com>;
http://www.caci.com/Contracts/GSA/0179fss_contact.shtml

Interrogatory 11:

Identify all facts that You contend support the allegations of participation in conspiratorial misconduct alleged in Paragraph 79 of Your Amended Complaint.⁵

Response to Interrogatory 11:

Plaintiff Al Shimari objects that Interrogatory 11 is overbroad and unduly burdensome. Plaintiff Al Shimari responds as follows:

First, CACI failed to properly preserve evidence of the conspiracy. While it was fairly common for CACI personnel to use their personal e-mail addresses while they were stationed in Iraq as opposed to the CACI-issued e-mail addresses, CACI personnel failed to preserve communications related to their work for CACI sent or received using their personal e-mail addresses.

Second, CACI failed to report its knowledge of abuse of detainees. For instance, when a military officer, Staff Sergeant Neal, attempted to report to CACI management that CACI employee and co-conspirator Timothy Dugan was bragging that he had frightened a detainee

⁵ Plaintiff Al Shimari understands Interrogatory 11 as relating to Paragraphs 94 of the Second Amended Complaint.

badly enough to make him vomit, CACI ignored Sergeant Neal and did not report this abuse. Similarly, CACI employees alerted the CACI Managers about the prevalence of abuse of detainees at Abu Ghraib. Despite knowledge of the seriousness of the situation at Abu Ghraib, CACI failed to report this abuse to the military or to take additional steps to ensure its own employees did not participate in detainee abuse. When CACI employees attempted to report abuse to military officials, they would face retaliation, deterring others from doing so. CACI employee Torin Nelson faced threats and retaliation because he informed the military that CACI interrogators Daniel Johnson and Timothy Dugan abused prisoners.

Third, CACI misled non-conspiring military and government officials about the state of affairs at the prisons. Stefanowicz made false statements in the course of Major General Taguba's Article 15-6 investigation regarding the locations of Stefanowicz's interrogations, the activities during his interrogations, and his knowledge of abuses. CACI management described CACI employee Stephen Stefanowicz's mistreatment of prisoners – as found through Major General Antonio Taguba's and Major General George Fay's Article 15-6 investigations – as only “minor abuses.” Further, CACI personnel did not ensure the maintenance of records of interrogations during which they participated in the abuse of detainees. Major General Fay's investigation concluded that CACI employee Daniel Johnson had used dogs during an interrogation in an abusive and unlawful manner, but no interrogation records existed for that interrogation. Similarly, Major General Fay's investigation found that during an interrogation, a detainee told Stefanowicz that an interpreter hit him and cut his ear which required stitches. The military officer present told Stefanowicz to annotate this on the interrogation report, but Stefanowicz did not report it to appropriate authorities.

Documents relied upon:

- J. Phillip London, *Our Good Name: A Company's Fight to Defend Its Honor and Get the Truth Told About Abu Ghraib* (Regnery Publishing) (2008)
- Major General Antonio Taguba, Report of the Article 15-6 Investigation of the 800th Military Police Brigade
- Major General George R. Fay, Report of the Article 15-6 Investigation of the Abu Ghraib Detention Facility and 205th Military Intelligence Brigade
- Monahan Deposition Transcript, *Saleh v. Titan*, Case No. 05-cv-1165 (D.D.C.)
- Northrop Deposition Transcript, *Saleh v. Titan*, Case No. 05-cv-1165 (D.D.C.)
- Sworn Statement of Torin Nelson, *Saleh v. Titan*, Case No. 05-cv-1165 (JR) (D.D.C.) (Sept. 14, 2006)

Interrogatory 12:

Identify each false statement alleged in Paragraph 85 of Your Amended Complaint.⁶

Response to Interrogatory 12:

Plaintiff Al Shimari objects to Interrogatory 12 on the basis it is unduly burdensome and seeks information that is equally or more readily accessible to Defendant. Plaintiff Al Shimari responds as follows:

CACI made false statements absolving CACI and its employees of participation in the abuse of detainees at Abu Ghraib in CEO J. Phillip London's book, *Our Good Name: A Company's Fight to Defend Its Honor and Get the Truth Told About Abu Ghraib*, in press releases, and in statements made in the course of Major General Antonio Taguba's and Major General George Fay's Article 15-6 investigations. CACI's false statements, in sum and

⁶ Plaintiff Al Shimari understands Interrogatory 12 as relating to Paragraph 101 of the Second Amended Complaint.

substance, conveyed that there was no evidence that CACI personnel were involved in the abuses at Abu Ghraib, when, in fact, photographs, witness testimony, e-mail communications, and other evidence demonstrate CACI's employees' participation in and knowledge and ratification of the abuse.

Documents relied upon:

- J. Phillip London, *Our Good Name: A Company's Fight to Defend Its Honor and Get the Truth Told About Abu Ghraib* (Regnery Publishing) (2008)
- Major General Antonio Taguba, Report of the Article 15-6 Investigation of the 800th Military Police Brigade
- Sworn Statement of Torin Nelson, *Saleh v. Titan*, Case No. 05-cv-1165 (JR) (D.D.C.) (Sept. 14, 2006)

Interrogatory 13:

Identify the duty alleged in Paragraph 203 of Your Amended Complaint, including the source of law for any duty that you contend was owed to Plaintiffs by CACI PT or CACI International.⁷

Response to Interrogatory 13:

Plaintiff Al Shimari objects to Interrogatory 13 as calling for legal analysis, not factual information.

Interrogatory 14:

For each act by an employee of CACI PT for which You contend CACI PT is liable to Plaintiffs, State whether You contend that the act was done within the scope of CACI PT's contractual relationship with the United States.

Response to Interrogatory 14:

Plaintiff Al Shimari objects to Interrogatory 14 as unduly burdensome and not likely to lead to

⁷ Plaintiff Al Shimari understands Interrogatory 13 as relating to Paragraph 220 of the Second Amended Complaint.

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Attorneys for Plaintiffs

EXHIBIT 8

reveal additional facts, add meaning to known facts, and/or establish new factual or legal contentions, all of which may lead to additions to, changes in, or variations from the stated contentions. The following responses are given without prejudice to Plaintiff's right to produce evidence of any subsequently discovered fact or facts that Plaintiff may later recall. Plaintiff further reserves the right to supplement, clarify, revise, or correct any and all responses set forth herein, and to assert additional objections or privileges, as additional facts are established, analysis is performed, legal research is completed and contentions are made.

3. A response to an interrogatory shall not be deemed or construed that Plaintiff acquiesces in the characterization of the conduct or activities contained in the interrogatory, or definitions and/or instructions applicable to the interrogatory.

RESPONSES TO INTERROGATORIES

Interrogatory 1:

Identify all Persons with knowledge of any of the facts asserted in Your Amended Complaint and state the general nature of each Person's knowledge.

Response to Interrogatory 1:

Plaintiff Al-Ejaili responds as follows based on the scope of his individual knowledge and/or information and belief:

Apart from Plaintiff Al-Ejaili himself,

1. Plaintiff Al-Ejaili's family has knowledge of his background and detention;
2. Ali Yussef, a journalist who worked for Agence France-Presse (AFP), has knowledge about Plaintiff Al-Ejaili's arrest;
3. The American soldier who arrested Plaintiff Al-Ejaili, whose specific identity is currently unknown to Plaintiff Al-Ejaili, has knowledge about his arrest and detention;

4. At least two males wearing military uniforms, whose specific identities are unknown to Plaintiff Al-Ejaili, have knowledge of the facts related to his forced nudity and imposition of prolonged stress positions;
5. Suhayb Al Baz, another detainee located in a cell near Plaintiff Al-Ejaili, has knowledge about Plaintiff Al-Ejaili's detention;
6. A Saudi male named Shalan, another detainee located in a cell near Plaintiff Al-Ejaili, has knowledge about Plaintiff Al-Ejaili's detention;
7. Sheikh Mahmood Al-Janabi, another detainee located in a cell near Plaintiff Al-Ejaili, has knowledge about Plaintiff Al-Ejaili's detention; and
8. Haider Al-Mulla, formerly a lawyer for Al Jazeera, who represented Plaintiff Al-Ejaili before an Iraqi court, has knowledge about the facts asserted in Paragraph 63 of the Second Amended Complaint.

Interrogatory 2:

State any detainee information number assigned to You by the United States during the time You were in United States custody.

Response to Interrogatory 2:

Plaintiff Al-Ejaili responds as follows:

The detainee number assigned to Plaintiff Al-Ejaili is believed to be either 21251 or 152735.

Interrogatory 3:

Describe the reason for and circumstances of your arrest and detention by the United States military as alleged in Your Amended Complaint.

Response to Interrogatory 3:

Plaintiff Al-Ejaili objects to Interrogatory 3 as burdensome and not reasonably calculated to lead

to the discovery of admissible evidence to the extent it calls for information pertaining to Plaintiff Al-Ejaili's arrest. Plaintiff Al-Ejaili responds as follows:

Plaintiff Al-Ejaili was never informed about the reason for his arrest and detention by the United States military. He was arrested in early November 2003 in Diyala. On the day of his arrest, Plaintiff Al-Ejaili, who was a reporter for Al Jazeera, learned from a source about an explosion in the Diyala province. Upon his arrival at the scene of the explosion, an American soldier approached Plaintiff Al-Ejaili and asked him to identify himself and the news agency he worked for. After Plaintiff Al-Ejaili explained that he was a journalist working for Al Jazeera and covering the explosion, the American soldier arrested Plaintiff Al Ejaili and transported him to an American military base in Diyala. From Diyala, he was transferred to an American military base in Tikrit, and subsequently to Abu Ghraib.

Plaintiff Al-Ejaili was never charged with a crime. At a legal proceeding in Baghdad, a judge released Plaintiff Al-Ejaili immediately because of a lack of evidence. Plaintiff Al-Ejaili was released on or about December 21, 2003.

Interrogatory 4:

Describe in detail all injuries that You allege You suffered while in United States custody, including in Your response for each such alleged injury the date and place such injury was incurred, the Persons who participated in causing such injury, and all witnesses to such infliction of alleged injury.

Response to Interrogatory 4:

Plaintiff Al-Ejaili responds as follows:

Plaintiff Al-Ejaili suffered physical, mental and emotional injuries while detained at Abu Ghraib. These injuries include:

1. Plaintiff Al-Ejaili was periodically deprived of food for multiple days throughout his detention at Abu Ghraib from November 2003 to December 2003.

2. Plaintiff Al-Ejaili was forced to remain naked for lengthy periods throughout his detention at Abu Ghraib from November 2003 to December 2003, including his first two days at Abu Ghraib.
3. Plaintiff Al-Ejaili was imprisoned in a cold, solitary cell in November 2003.
4. Plaintiff Al-Ejaili was repeatedly placed in a stress position, with his arms outstretched and chained behind him while naked, for long periods of time in November and December 2003.
5. Plaintiff Al-Ejaili was subjected to repeated beatings throughout his detention at Abu Ghraib from November 2003 to December 2003.
6. In November 2003, Plaintiff Al-Ejaili was forced to strip naked, placed in a stress position, hooded, and chained to a metal pipe during and following an interrogation. He was under such stress that he vomited black bile.
7. A short time after the November 2003 forced nudity incident, Plaintiff Al-Ejaili was forced to strip naked and tied to his cell wall overnight. During that time, a female began pulling the hair out of his arms and shoulders.
8. On another occasion in November 2003, Plaintiff Al-Ejaili was placed naked in a cold room, and repeatedly doused with cold water while subjected to questioning.
9. Plaintiff Al-Ejaili was threatened with unleashed dogs during an interrogation.
10. Plaintiff Al-Ejaili was kept in a closed, windowless room for a day and half.
11. Plaintiff Al-Ejaili was subject to sexually humiliating taunting by being offered only women's undergarments following a request for clothing.

12. Throughout his time at Abu Ghraib, if Plaintiff Al-Ejaili was caught speaking to other detainees, he would be left without clothes for days or tied to the bars of his cell or metal pipes as punishment.

Plaintiff Al-Ejaili did not receive medical treatment for any of his injuries while detained.

Plaintiff Al-Ejaili suffered and continues to suffer from significant psychological injuries in connection with the injuries above, the conditions of his detention, and the mental and emotional anguish, humiliation, embarrassment, degradation, and other abuse he endured while detained at Abu Ghraib.

Interrogatory 5:

Identify each employee of CACI PT or CACI International Inc. with whom You had any contact while in United States custody and describe all such interactions with each employee.

Response to Interrogatory 5:

Plaintiff Al-Ejaili responds as follows:

Because CACI employees did not identify themselves as such and did not wear uniforms or other corporate insignia revealing their status as CACI employees, Plaintiff Al-Ejaili cannot currently identify CACI employees with whom he had contact.

Interrogatory 6:

Identify all Persons You contend were or may have been participants in the conspiracy referenced in Paragraphs 64-73, 117-121, 131-135, 146-150, 161-165, 176-180, and 189-193² of Your Amended Complaint.

Response to Interrogatory 6:

Plaintiff Al-Ejaili responds as follows:

Co-conspirator	Identification
Megan Ambuhl	formerly U.S. Army

² Plaintiff Al-Ejaili understands Interrogatory 6 as relating to Paragraphs 64-86, 134-138, 148-152, 163-167, 178-182, 193-197, and 206-210 of the Second Amended Complaint.

Mark Billings	CACI Premier Technology, Inc. 4795 Meadow Wood Lane Chantilly, VA 20151
Jody Brown	CACI International Inc 1100 North Glebe Road Arlington, VA 22201
Santos Cardona	U.S. Army
Armin Cruz	U.S. Army
Javal Davis	formerly U.S. Army 41 Ferns Way Nottingham, MD 21236-5317 572 Market St Newark, NJ 07105-2913 973-484-4911
Timothy Dugan	c/o Jocelyn Gould Klores Perry Mitchell 1735 20 th Street, N.W. Washington, D.C. 20009
SGM Marc Emerson	U.S. Army
Lynndie England	formerly U.S. Army
Ivan L. Chip Frederick II	former U.S. Army HC 2 Box 235 Buckingham, VA 23921-9631
Jon D. Graham	U.S. Army
Charles Graner	former U.S. Army The Law Office of Charles Gittens P.O. Box 144 Middletown, VA 22645
Sabrina Harman	7756-C Gunston Plaza Drive Gunston Station Shopping Center Lorton, VA 22079
Thomas Howard	Former CACI Executive
Daniel Johnson	c/o Patrick O'Donnell Wiltshire & Grannis

	1200 18 th Street, N.W. Washington, D.C. 20036
John Ketzer	U.S. Army
Roman Krol	formerly U.S. Army
1SG Brian G. Lipinski	U.S. Army
Dr. J.P. London	CACI International Inc 1100 North Glebe Road Arlington, VA 22201
Etaf Mheisen	former employee of Titan Corp.
Amy Jensen Monahan	4795 Meadow Wood Lane Chantilly, Virginia 20151
Charles Mudd	11976 Fair Bow Lane Woodbridge, VA 22192
Adel Nakhla	former employee of L-3 Services 9324 Frostburg Way Montgomery Village, MD 20886 301-977-5987
Scott Northrop	L-3 Stratis 11955 Freedom Drive Reston, VA 20190
LTC (P) Jerry L. Phillabaum	U.S. Army
Daniel Porvaznik	1900 Township Rd. 128 SE Junction City, OH 43478
MAJ David M. Price	U.S. Army
1LT Lewis C. Raeder	U.S. Army
CPT Donald J. Reese	U.S. Army
Israel Rivera	U.S. Army
Hannah Schlegel	U.S. Army

Jeremy Sivits	formerly U.S. Army 14856 Main St. Hyndman, PA 15545 c/o Paul Bergrin Pope Bergrin & Verdesco 572 Market St Newark, NJ 07105-4911 973-484-4911
Michael Smith	formerly U.S. Army
SFC Shannon K. Snider	U.S. Army
Luciana Spencer	U.S. Army
Steven Stefanowicz	c/o Henry E. Hockeimer, Jr. Ballard, Spahr, Andrews & Ingersoll 1735 Market Street Philadelphia, PA 19103
MAJ Michael D. Thompson	U.S. Army
Harry Thornsvard	GAITS 11781 Lee Jackson Memorial Highway, 3 rd Floor Fairfax, VA 22033
CPT Carolyn A. Wood	U.S. Army

Interrogatory 7:

For each member of the conspiracy identified in Your answer to Interrogatory No. 6, identify the date You contend they joined the conspiracy, every overt act they committed in furtherance of the conspiracy, and the date, if any, on which they ceased participation in the conspiracy.

Response to Interrogatory 7:

Plaintiff Al-Ejaili objects that Interrogatory 7 is overbroad and unduly burdensome. Plaintiffs allege that at least the following persons participated in the conspiracy in the ways described:

1. Megan Ambuhl: joined the conspiracy as early as October 2003 and left the conspiracy no earlier than January 2004; and furthered the conspiracy by participating

- in detainee abuse.
2. Mark Billings: joined the conspiracy as early as September 2003 and left the conspiracy no earlier than 2008; and furthered the conspiracy through his supervision and/or failure to properly supervise CACI employees, and by participating in a cover-up of CACI's role in detainee abuse.
 3. Jody Brown: joined the conspiracy as early as July or August 2003 and left the conspiracy no earlier than 2008; and furthered the conspiracy by participating in cover-up of CACI's role in detainee abuse.
 4. Santos Cardona: joined the conspiracy as early as September 2003 and left the conspiracy no earlier than 2004; and furthered the conspiracy by participating in detainee abuse.
 5. Armin Cruz: joined the conspiracy as early as September 2003 and left the conspiracy no earlier than 2004; and furthered the conspiracy by participating in detainee abuse.
 6. Javal Davis: joined the conspiracy as early as October 2003 and left the conspiracy no earlier than November 2003; and furthered the conspiracy by participating in detainee abuse.
 7. Timothy Dugan: joined the conspiracy as early as September 2003 and left the conspiracy no earlier than February 2004; and furthered the conspiracy by participating in detainee abuse and instructing others to do so, and participating in cover-up of CACI's role in detainee abuse.
 8. Marc Emerson: joined the conspiracy as early as July 2003 and left the conspiracy no earlier than 2004; and furthered the conspiracy by failing to supervise military personnel who participated in detainee abuse.

9. Lynndie England: joined the conspiracy as early as September 2003 and left the conspiracy no earlier than 2004; and furthered the conspiracy by participating in detainee abuse.
10. Ivan L. Chip Frederick II: joined the conspiracy as early as October 2003 and left the conspiracy no earlier than December 2003; and furthered the conspiracy by participating in detainee abuse.
11. Jon D. Graham: joined the conspiracy as early as July 2003 and left the conspiracy no earlier than January 2004; and furthered the conspiracy by failing to supervise military personnel who participated in detainee abuse.
12. Charles Graner: joined the conspiracy as early as September 2003 and left the conspiracy no earlier than May 2004; and furthered the conspiracy by participating in detainee abuse.
13. Sabrina Harman: joined the conspiracy as early as October 2003 and left the conspiracy no earlier than 2004; and furthered the conspiracy by participating in detainee abuse.
14. Thomas Howard: joined the conspiracy as early as July or August 2003 and left the conspiracy no earlier than March 2004; and furthered the conspiracy through his supervision and/or failure to properly supervise CACI employees, and by participating in cover-up of CACI's role in detainee abuse.
15. Daniel Johnson: joined the conspiracy as early as October 2003 and left the conspiracy no earlier than July 2004; and furthered the conspiracy by participating in detainee abuse and instructing others to do so, and participating in cover-up of CACI's role in detainee abuse.

16. John Ketzer: joined the conspiracy as early as September 2003 and left the conspiracy no earlier than 2004; and furthered the conspiracy by failing to report detainee abuse.
17. Roman Krol: joined the conspiracy as early as September 2003 and left the conspiracy no earlier than 2004; and furthered the conspiracy by participating in detainee abuse.
18. Brian G. Lipinski: joined the conspiracy as early as October 2003 and left the conspiracy no earlier than January 2004; and participated in the conspiracy by failing to supervise military personnel who participated in detainee abuse.
19. Dr. J.P. London: joined the conspiracy as early as July or August 2003 and left the conspiracy no earlier than 2008; and furthered the conspiracy by participating in cover-up of CACI's role in detainee abuse.
20. Etaf Mheisen: joined the conspiracy as early as September 2003 and left the conspiracy no earlier than May 2004; and furthered the conspiracy by participating in detainee abuse and instructing others to do so, and failing to report detainee abuse.
21. Amy Jensen Monahan: joined the conspiracy as early as August 2003 and left the conspiracy no earlier than 2008; and furthered the conspiracy by participating in cover-up of CACI's role in detainee abuse.
22. Charles Mudd: joined the conspiracy as early as July or August 2003 and left the conspiracy no earlier than March 2006; and furthered the conspiracy through his supervision and/or failure to properly supervise CACI employees, and by participating in cover-up of CACI's role in detainee abuse.
23. Adel Nakhla: joined the conspiracy as early as June 2003 and left the conspiracy no earlier than May 2004; and furthered the conspiracy by participating in detainee abuse

and failing to report or stop detainee abuse.

24. Scott Northrop: joined the conspiracy as early as November 2003 and left the conspiracy no earlier than April 2006; and furthered the conspiracy through his supervision and/or failure to properly supervise CACI employees, and by participating in cover-up of CACI's role in detainee abuse.
25. Jerry L. Phillabaum: joined the conspiracy as early as July 2003 and left the conspiracy no earlier than January 2004; and furthered the conspiracy by failing to supervise military personnel who participated in detainee abuse.
26. Daniel Porvaznik: joined the conspiracy as early as September 2003 and left the conspiracy no earlier than 2006; and furthered the conspiracy through his supervision and/or failure to properly supervise CACI employees, and by participating in cover-up of CACI's role in detainee abuse.
27. David M. Price: joined the conspiracy as early as September 2003 and left the conspiracy no earlier than 2004; and participated in the conspiracy by failing to supervise military personnel who participated in detainee abuse.
28. Lewis C. Raeder: joined the conspiracy as early as December 2003 and left the conspiracy no earlier than February 2004; and furthered the conspiracy by failing to supervise military personnel who participated in detainee abuse.
29. Donald J. Reese: joined the conspiracy as early as October 2003 and left the conspiracy no earlier than January 2004; and furthered the conspiracy by failing to supervise military personnel who participated in detainee abuse.
30. Israel Rivera: joined the conspiracy as early as October 2003 and left the conspiracy no earlier than 2004; and participated in the conspiracy by failing to report detainee

- abuse and by failing to stop detainee abuse.
31. Hannah Schlegel: joined the conspiracy as early as September 2003 and left the conspiracy no earlier than January 2004; and participated in the conspiracy by failing to report or stop detainee abuse.
 32. Jeremy Sivits: joined the conspiracy as early as October 2003 and left the conspiracy no earlier than 2004; and furthered the conspiracy by participating in detainee abuse.
 33. Michael Smith: joined the conspiracy as early as November 2003 and left the conspiracy no earlier than 2004; and furthered the conspiracy by participating in detainee abuse.
 34. Shannon K. Snider: joined the conspiracy as early as October 2003 and left the conspiracy no earlier than 2004; and furthered the conspiracy by failing to supervise military personnel who participated in detainee abuse.
 35. Luciana Spencer: joined the conspiracy as early as November 2003 and left the conspiracy no earlier than 2004; and furthered the conspiracy by participating in detainee abuse, directing military personnel in abusing detainees, and failing to report detainee abuse.
 36. Steven Stefanowicz: joined the conspiracy as early as September 2003 and left the conspiracy no earlier than October 2004; and furthered the conspiracy by participating in detainee abuse and instructing others to do so, and participating in cover-up of CACI's role in detainee abuse.
 37. Michael D. Thompson: joined the conspiracy as early as September 2003 and left the conspiracy no earlier than 2004; and furthered the conspiracy by failing to supervise military personnel who participated in detainee abuse.

38. Harry Thornsvarð: joined the conspiracy as early as August 2003 and left the conspiracy no earlier than 2004; and furthered the conspiracy by failing to provide adequately trained employees.

39. Carolyn A. Wood: joined the conspiracy as early as August 2003 and left the conspiracy no earlier than February 2004; and furthered the conspiracy by failing to supervise military personnel who participated in detainee abuse.

Interrogatory 8:

Identify the verbal statements and criminal acts alleged in Paragraph 72 of Your Amended Complaint.³

Response to Interrogatory 8:

Plaintiff Al-Ejaili objects that Interrogatory 8 is overbroad and unduly burdensome. Plaintiff Al-Ejaili objects to Interrogatory 8 as mooted by the agreed-upon filing of the Second Amended Complaint. Plaintiff Al-Ejaili responds as follows:

The criminal acts of CACI's employees who were responsible for and/or participated in the detainee abuse at Abu Ghraib can be imputed to CACI. Moreover, CACI attempted to cover up misconduct of its employees and thereby perpetuate and prolong the conspiracy by its verbal statements absolving any CACI employee of responsibility for and/or participation in the detainee abuse and destroying or concealing evidence implicating CACI.

CACI acquiesced in its employees' misconduct, turning a blind eye to reports of its employees' participation in the abuse of detainees and failing to adequately train and supervise employees to prevent reasonably foreseeable abuses of detainees at Abu Ghraib. When a military officer, Staff Sergeant Neal, attempted to report to CACI management that CACI

³ Plaintiff Al-Ejaili understands Interrogatory 8 as relating to Paragraph 80 of the Second Amended Complaint.

employee Timothy Dugan was bragging that he had frightened a detainee badly enough to make him vomit, CACI management ignored Sergeant Neal and did not conduct an inquiry into this misconduct or otherwise discipline this employee. At least one other CACI employee alerted CACI managers about the prevalence of abuse of detainees at Abu Ghraib. Despite knowledge of the seriousness of the situation at Abu Ghraib, CACI management failed to report this abuse to the military or to take additional steps to ensure its own employees discontinued detainee abuse.

CACI prolonged the conspiracy by failing to follow the recommendation of Major General Taguba to reprimand Steven Stefanowicz for his role in detainee abuse. Instead, it launched an “internal investigation” into CACI employees’ involvement in detainee abuse which absolved Stefanowicz from all wrongdoing and never fired him.

Documents relied upon:

- J. Phillip London, *Our Good Name: A Company’s Fight to Defend Its Honor and Get the Truth Told About Abu Ghraib* (Regnery Publishing) (2008)
- Major General Antonio Taguba, Report of the Article 15-6 Investigation of the 800th Military Police Brigade
- Major General George R. Fay, Report of the Article 15-6 Investigation of the Abu Ghraib Detention Facility and 205th Military Intelligence Brigade
- Monahan Deposition Transcript, *Saleh v. Titan*, Case No. 05-cv-1165 (D.D.C.)
- Northrop Deposition Transcript, *Saleh v. Titan*, Case No. 05-cv-1165 (D.D.C.)

Interrogatory 9:

Identify all facts that You contend support the allegations in Paragraph 90 of Your Amended Complaint that CACI agreed to work in concert with co-conspirators and confirmed and ratified

acts perpetrated by co-conspirators.⁴ To the extent that you allege that any Person with the authority to act for CACI PT or CACI International Inc approved of the participation of either company or any of their respective employees in the conspiracy alleged in Your Amended Complaint, Identify the Persons who authorized this decision on behalf of CACI PT or CACI International Inc and the manner in which such decision was communicated.

Response to Interrogatory 9:

Plaintiff Al-Ejaili objects to Interrogatory 9 on the ground that it is overbroad and unduly burdensome and to the extent that it seeks information that is equally or more readily accessible to Defendant. Plaintiff Al-Ejaili objects to Interrogatory 9 as mooted by the agreed-upon filing of the Second Amended Complaint. Plaintiff Al-Ejaili responds as follows:

CACI employees directed military officers to abuse detainees. Military personnel were directed by CACI employees to “set conditions” – code for physical or psychological abuse – for interrogations or otherwise abuse detainees. CACI interrogators had supervised military personnel participating in the abuse, and even reprimanded military personnel for failing to abuse detainees.

CACI’s management knew of the abuse of detainees at Abu Ghraib by military and private contractor co-conspirators, including, but not limited to, Mark Billings and Scott Northrop, CACI employees were directed to bring *all* issues to CACI management, not to the military, and in fact, CACI employees alerted the CACI managers about the prevalence of abuse of detainees at Abu Ghraib.

CACI management was able to monitor its employees’ conduct of interrogations. Namely, CACI management observed interrogations, reviewed reports and interrogation notes, had discussions between interrogations, and the like. CACI on-site management at Abu Ghraib was in constant contact with CACI corporate in the United States.

⁴ Plaintiff Al-Ejaili understands Interrogatory 9 as relating to Paragraphs 106 of the Second Amended Complaint.

CACI executive Charles Mudd made more than a dozen trips to Iraq, during which he held staff meetings and engaged in a series of direct conversations with CACI employees and held meetings with the military. Mudd reported directly to CACI's CEO on a regular basis. CACI executive Scott Northrop spent approximately one year in Iraq – in or about November, 2003 to November, 2004 – as in-country manager, during which time he would make periodic visits to Abu Ghraib. At Abu Ghraib, one of the sites Northrop visited most often, Northrop would meet with CACI employees and military personnel. CACI manager Tom Howard, as a function of his position, had complete access to the interrogation reports that CACI interrogators drew up. CACI's Site Lead at Abu Ghraib, Daniel Porvaznik attended "shift change" meetings at the facility and had full access to everything relating to CACI employees. CACI retained the right to investigate any allegation of abuse or illegal behavior.

Despite knowledge of the seriousness of the situation at Abu Ghraib, CACI failed to report this abuse to the military, as they were obligated to do, or to take additional steps to ensure its own employees discontinued detainee abuse.

Documents relied upon:

- Major General Antonio Taguba, Report of the Article 15-6 Investigation of the 800th Military Police Brigade
- Major General George R. Fay and Lieutenant General Anthony R. Jones, Reports of the Article 15-6 Investigation of the Abu Ghraib Detention Facility and 205th Military Intelligence Brigade
- Private Ivan Frederick, Sworn Statement to U.S. Army Criminal Investigation Division (Nov. 2004)
- Private Ivan Frederick Testimony to Court Martial of Michael Smith

- Private Charles Graner, Sworn Statement to U.S. Army Criminal Investigation Division (Apr. 2005)
- Translation of Sworn Statement by Amjeed Ismail Waleed Al-Taee, Detainee #151635, to Court Martial of Sabrina Harman (Feb. 28, 2005)
- Porvaznik Deposition Transcript, *Saleh v. Titan*, Case No. 05-cv-1165 (D.D.C.)
- Monahan Deposition Transcript, *Saleh v. Titan*, Case No. 05-cv-1165 (D.D.C.)
- Mudd Deposition Transcript, *Saleh v. Titan*, Case No. 05-cv-1165 (D.D.C.)
- Northrop Deposition Transcript, *Saleh v. Titan*, Case No. 05-cv-1165 (D.D.C.)
- Sworn Statement of Torin Nelson, *Saleh v. Titan*, Case No. 05-cv-1165 (JR) (D.D.C.) (Sept. 14, 2006)

Interrogatory 10:

Identify all facts that You contend support the alter ego allegation in Paragraph 74 of Your Amended Complaint.⁵

Response to Interrogatory 10:

Plaintiff Al-Ejaili objects to Interrogatory 10 on the basis that it seeks information that is equally or more readily accessible to Defendant. Plaintiff Al-Ejaili responds as follows:

CACI International Inc. acquired the assets of Premier Technology Group, in 2003, which became CACI Premier Technology Inc. Various employees of CACI Premier Technology Inc. reported to CACI International Inc.'s management, including, but not limited to, Chuck Mudd, Vice President of the Operational Support Division of CACI Premier Technology, Inc., who directly reported to the Chief Executive Officer of CACI International, Inc., on a regular basis. Other CACI Premier Technology Inc. employees told military investigators or stated in sworn

⁵ Plaintiff Al-Ejaili understands Interrogatory 10 as relating to Paragraph 87 of the Second Amended Complaint.

testimony submitted in another litigation that they believed worked for CACI International Inc. CACI International Inc.'s public statements have conflated CACI International Inc.'s employees with CACI Premier Technology, Inc.'s employees. CACI Premier Technology does not have its own website; it is only mentioned on CACI International Inc.'s website as a "contract vehicle" for CACI International Inc.

Documents relied upon:

- Porvaznik Deposition Transcript, *Saleh v. Titan*, Case No. 05-cv-1165 (D.D.C.)
- CACI International Inc's 10-K dated June 30, 2008 (filed on August 27, 2008)
- Mudd Deposition Transcript, *Saleh v. Titan*, Case No. 05-cv-1165 (D.D.C.)
- Pescatore Testimony to Court Martial of Michael Smith
- Sworn Statement of Torin Nelson, *Saleh v. Titan*, Case No. 05-cv-1165 (JR) (D.D.C.) (Sept. 14, 2006)
- J. Phillip London, *Our Good Name: A Company's Fight to Defend Its Honor and Get the Truth Told About Abu Ghraib* (Regnery Publishing) (2008)
- Major General Antonio Taguba, Report of the Article 15-6 Investigation of the 800th Military Police Brigade
- CACI Website: <http://www.caci.com>;
http://www.caci.com/Contracts/GSA/0179fss_contact.shtml

Interrogatory 11:

Identify all facts that You contend support the allegations of participation in conspiratorial misconduct alleged in Paragraph 79 of Your Amended Complaint.⁶

Response to Interrogatory 11:

Plaintiff Al-Ejaili objects that Interrogatory 11 is overbroad and unduly burdensome. Plaintiff

Al-Ejaili responds as follows:

First, CACI failed to properly preserve evidence of the conspiracy. While it was fairly common for CACI personnel to use their personal e-mail addresses while they were stationed in Iraq as opposed to the CACI-issued e-mail addresses, CACI personnel failed to preserve

⁶ Plaintiff Al-Ejaili understands Interrogatory 11 as relating to Paragraphs 94 of the Second Amended Complaint.

communications related to their work for CACI sent or received using their personal e-mail addresses.

Second, CACI failed to report its knowledge of abuse of detainees. For instance, when a military officer, Staff Sergeant Neal, attempted to report to CACI management that CACI employee and co-conspirator Timothy Dugan was bragging that he had frightened a detainee badly enough to make him vomit, CACI ignored Sergeant Neal and did not report this abuse. Similarly, CACI employees alerted the CACI Managers about the prevalence of abuse of detainees at Abu Ghraib. Despite knowledge of the seriousness of the situation at Abu Ghraib, CACI failed to report this abuse to the military or to take additional steps to ensure its own employees did not participate in detainee abuse. When CACI employees attempted to report abuse to military officials, they would face retaliation, deterring others from doing so. CACI employee Torin Nelson faced threats and retaliation because he informed the military that CACI interrogators Daniel Johnson and Timothy Dugan abused prisoners.

Third, CACI misled non-conspiring military and government officials about the state of affairs at the prisons. Stefanowicz made false statements in the course of Major General Taguba's Article 15-6 investigation regarding the locations of Stefanowicz's interrogations, the activities during his interrogations, and his knowledge of abuses. CACI management described CACI employee Stephen Stefanowicz's mistreatment of prisoners – as found through Major General Antonio Taguba's and Major General George Fay's Article 15-6 investigations – as only "minor abuses." Further, CACI personnel did not ensure the maintenance of records of interrogations during which they participated in the abuse of detainees. Major General Fay's investigation concluded that CACI employee Daniel Johnson had used dogs during an interrogation in an abusive and unlawful manner, but no interrogation records existed for that

interrogation. Similarly, Major General Fay's investigation found that during an interrogation, a detainee told Stefanowicz that an interpreter hit him and cut his ear which required stitches. The military officer present told Stefanowicz to annotate this on the interrogation report, but Stefanowicz did not report it to appropriate authorities.

Documents relied upon:

- J. Phillip London, *Our Good Name: A Company's Fight to Defend Its Honor and Get the Truth Told About Abu Ghraib* (Regnery Publishing) (2008)
- Major General Antonio Taguba, Report of the Article 15-6 Investigation of the 800th Military Police Brigade
- Major General George R. Fay, Report of the Article 15-6 Investigation of the Abu Ghraib Detention Facility and 205th Military Intelligence Brigade
- Monahan Deposition Transcript, *Saleh v. Titan*, Case No. 05-cv-1165 (D.D.C.)
- Northrop Deposition Transcript, *Saleh v. Titan*, Case No. 05-cv-1165 (D.D.C.)
- Sworn Statement of Torin Nelson, *Saleh v. Titan*, Case No. 05-cv-1165 (JR) (D.D.C.) (Sept. 14, 2006)

Interrogatory 12:

Identify each false statement alleged in Paragraph 85 of Your Amended Complaint.⁷

Response to Interrogatory 12:

Plaintiff Al-Ejaili objects to Interrogatory 12 on the basis it is unduly burdensome and seeks information that is equally or more readily accessible to Defendant. Plaintiff Al-Ejaili responds as follows:

CACI made false statements absolving CACI and its employees of participation in the

⁷ Plaintiff Al-Ejaili understands Interrogatory 12 as relating to Paragraph 101 of the Second Amended Complaint.

abuse of detainees at Abu Ghraib in CEO J. Phillip London's book, *Our Good Name: A Company's Fight to Defend Its Honor and Get the Truth Told About Abu Ghraib*, in press releases, and in statements made in the course of Major General Antonio Taguba's and Major General George Fay's Article 15-6 investigations. CACI's false statements, in sum and substance, conveyed that there was no evidence that CACI personnel were involved in the abuses at Abu Ghraib, when, in fact, photographs, witness testimony, e-mail communications, and other evidence demonstrate CACI's employees' participation in and knowledge and ratification of the abuse.

Documents relied upon:

- J. Phillip London, *Our Good Name: A Company's Fight to Defend Its Honor and Get the Truth Told About Abu Ghraib* (Regnery Publishing) (2008)
- Major General Antonio Taguba, Report of the Article 15-6 Investigation of the 800th Military Police Brigade
- Sworn Statement of Torin Nelson, *Saleh v. Titan*, Case No. 05-cv-1165 (JR) (D.D.C.) (Sept. 14, 2006)

Interrogatory 13:

Identify the duty alleged in Paragraph 203 of Your Amended Complaint, including the source of law for any duty that you contend was owed to Plaintiffs by CACI PT or CACI International.⁸

Response to Interrogatory 13:

Plaintiff Al-Ejaili objects to Interrogatory 13 as calling for legal analysis, not factual information.

Interrogatory 14:

⁸ Plaintiff Al-Ejaili understands Interrogatory 13 as relating to Paragraph 220 of the Second Amended Complaint.

For each act by an employee of CACI PT for which You contend CACI PT is liable to Plaintiffs, State whether You contend that the act was done within the scope of CACI PT's contractual relationship with the United States.

Response to Interrogatory 14:

Plaintiff Al-Ejaili objects to Interrogatory 14 as unduly burdensome and not likely to lead to the discovery of admissible evidence.

Interrogatory 15:

State whether You have, or anyone acting on your behalf has, other than through this lawsuit, ever sought compensation from any source, including but not limited to the submission of an administrative claim with the United States, for Your detention by the United States or any injuries suffered while in United States custody, and describe the status or result of each claim you Identify in Your response.

Response to Interrogatory 15:

Plaintiff Al-Ejaili responds as follows:

Neither Plaintiff Al-Ejaili nor anyone acting on his behalf has sought compensation from any source, other than through this lawsuit, for his detention by the United States or any injuries suffered while in United States custody.

Interrogatory 16:

State the amount of damages You are seeking in this action and the manner in which You have calculated Your damages claim.

Response to Interrogatory 16:

Plaintiff Al-Ejaili responds as follows:

Plaintiffs have not yet finalized their computation of damages, but will provide this information to Defendant as soon as expert reports are delivered and damages are computed.

Dated: New York, New York
December 13, 2012

/s/ Baher Azmy
Baher Azmy, *Admitted pro hac vice*
Katherine Gallagher, *Admitted pro hac vice*
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Attorneys for Plaintiffs

CERTIFICATE OF SERVICE

I hereby certify that on this 13th day of December, 2012, a true and correct copy of the foregoing document was furnished via electronic mail upon the following:

J. William Koegel, Jr.
John F. O'Conner
Steptoe & Johnson LLP
1330 Connecticut Avenue, NW
Washington, DC 20036

/s/ Michelle W. Cohen
Michelle W. Cohen

EXHIBIT 9

UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF VIRGINIA
ALEXANDRIA DIVISION

SUHAIL NAJIM)
ABDULLAH AL SHIMARI *et al.*,)
)
Plaintiffs,)
)
v.) C.A. No. 08-cv-0827 GBL-JFA
)
CACI INTERNATIONAL, INC., *et. al.*,)
)
Defendants)
)

**PLAINTIFF ASA'AD HAMZA HANFOOSH AL-ZUBA'E'S¹ RESPONSES TO
DEFENDANT CACI PREMIER TECHNOLOGY, INC.'S FIRST SET OF
INTERROGATORIES**

Pursuant to Rules 26 and 33 of the Federal Rules of Civil Procedure, Plaintiff Asa'ad Hamza Hanfoosh Al-Zuba'e responds to Defendant CACI Premier Technology, Inc.'s First Set of Interrogatories as follows:

INTRODUCTION

1. Plaintiff's investigation and development of all facts and circumstances relating to this action is ongoing. Each of the responses contained herein is based only upon such information and documents as are presently available and specifically known to Plaintiff. Plaintiff has made a diligent search and reasonable inquiry in accordance with Rules 26 and 33 of the Federal Rules of Civil Procedure, and Plaintiff discloses only those facts that presently occur to him.

2. Further discovery, independent investigation, legal research, and/or analysis may reveal additional facts, add meaning to known facts, and/or establish new factual or legal

¹ Plaintiff Al-Zuba'e's name is Asa'ad Hamza Hanfoosh, not Sa'ad Hamza Hantoosh, as it appears in the Second Amended Complaint.

contentions, all of which may lead to additions to, changes in, or variations from the stated contentions. The following responses are given without prejudice to Plaintiff's right to produce evidence of any subsequently discovered fact or facts that Plaintiff may later recall. Plaintiff further reserves the right to supplement, clarify, revise, or correct any and all responses set forth herein, and to assert additional objections or privileges, as additional facts are established, analysis is performed, legal research is completed and contentions are made.

3. A response to an interrogatory shall not be deemed or construed that Plaintiff acquiesces in the characterization of the conduct or activities contained in the interrogatory, or definitions and/or instructions applicable to the interrogatory.

RESPONSES TO INTERROGATORIES

Interrogatory 1:

Identify all Persons with knowledge of any of the facts asserted in Your Amended Complaint and state the general nature of each Person's knowledge.

Response to Interrogatory 1:

Plaintiff Al-Zuba'e responds as follows based on the scope of his individual knowledge and/or information and belief:

Apart from Plaintiff Al-Zuba'e himself,

1. Plaintiff Al-Zuba'e's family has knowledge of his background and detention;
2. The American soldiers and interpreters who arrested Plaintiff Al-Zuba'e, whose specific identities are currently unknown to Plaintiff Al-Zuba'e, have knowledge about his arrest and detention;
3. A male interrogator, whose specific identity is currently unknown to Plaintiff Al-Zuba'e, has knowledge about Plaintiff Al-Zuba'e's detention in Abu Ghraib;

4. At least one male wearing a military uniform and two females wearing military uniforms, whose specific identities are currently unknown to Plaintiff Al-Zuba'e, and a male interpreter who Plaintiff Al-Zuba'e believes is Egyptian, all of whom participated in the events described in Paragraphs 46-49 of the Second Amended Complaint, each have knowledge relevant to those allegations;
5. A male interrogator wearing a military uniform, whose specific identity is currently unknown to Plaintiff Al-Zuba'e, has knowledge about the events described in Paragraphs 46 and 50 of the Second Amended Complaint;
6. A male wearing a military uniform who participated in the events described in Paragraphs 46-50 of the Second Amended Complaint, and whose identity is currently unknown to Plaintiff Al-Zuba'e, has knowledge relevant to Plaintiff Al-Zuba'e's claims;
7. Two male interrogators wearing civilian clothes, whose specific identities are currently unknown to Plaintiff Al-Zuba'e, have knowledge relevant to the abuses alleged in Paragraphs 46, 49 and 50 of the Second Amended Complaint; and
8. Another detainee named Suhaib, who was located in a cell near Plaintiff Al-Zuba'e, may have knowledge about the facts asserted in Paragraphs 46 and 50 of the Second Amended Complaint.

Interrogatory 2:

State any detainee information number assigned to You by the United States during the time You were in United States custody.

Response to Interrogatory 2:

Plaintiff Al-Zuba'e responds as follows:

The detainee number assigned to Plaintiff Al-Zuba'e was 152529.

Interrogatory 3:

Describe the reason for and circumstances of your arrest and detention by the United States military as alleged in Your Amended Complaint.

Response to Interrogatory 3:

Plaintiff Al-Zuba'e objects to Interrogatory 3 as burdensome and not reasonably calculated to lead to the discovery of admissible evidence to the extent it calls for information pertaining to Plaintiff Al-Zuba'e's arrest. Plaintiff Al-Zuba'e responds as follows:

Plaintiff Al-Zuba'e was never informed about the reason for his arrest and detention by the United States military. He was arrested on or about November 1, 2003 and taken immediately to Abu Ghraib, transferred to Camp Bucca in the middle of 2004, and released on or about October 24, 2004. Plaintiff Al-Zuba'e was never charged with a crime.

On or about November 1, 2003, Plaintiff Al-Zuba'e was driving home when he encountered a neighbor whose car had broken down, stopped to offer his assistance, and agreed to drive the neighbor's father home. While driving to the neighbor's father's home, they encountered an American military checkpoint. The Americans searched Plaintiff Al-Zuba'e's car, then allowed him to pass. They encountered a second American military checkpoint and were again allowed to pass. Moments later, two American military vehicles pursued Plaintiff Al-Zuba'e. After Plaintiff Al-Zuba'e stopped his vehicle on the side of the road, American soldiers questioned him, removed him from his vehicle, and placed him in one of the military vehicles. An American soldier got into Plaintiff Al-Zuba'e's car and drove in a convoy with the two military vehicles first to the neighbor's father's house, and then to Plaintiff Al-Zuba'e's house. After searching Plaintiff Al-Zuba'e's house and finding nothing, the American soldiers told Plaintiff Al-Zuba'e to go with them to answer a few questions. He was then arrested and taken to Abu Ghraib.

Interrogatory 4:

Describe in detail all injuries that You allege You suffered while in United States custody, including in Your response for each such alleged injury the date and place such injury was incurred, the Persons who participated in causing such injury, and all witnesses to such infliction of alleged injury.

Response to Interrogatory 4:

Plaintiff Al-Zuba'e responds as follows:

Plaintiff Al-Zuba'e suffered physical, mental and emotional injuries while detained at Abu Ghraib. These injuries include:

1. Within the first few days of his arrival at Abu Ghraib, after being interrogated, Plaintiff Al-Zuba'e was hooded, stripped naked, beaten, and taken to a cell by two males wearing military uniforms.
2. The same day, at least one male wearing a military uniform, at least two females wearing military uniforms, and a male interpreter who Plaintiff Al-Zuba'e believes is Egyptian took Plaintiff Al-Zuba'e to the shower facilities and hit him when he refused to shower. The same individuals then forced Plaintiff Al-Zuba'e to shower in cold water until he had used an entire bar of soap.
3. Plaintiff Al-Zuba'e was kept naked and forced by the same individuals to crawl or slide on his stomach down the length of the hallway on the first floor of the men's section of the Abu Ghraib hard site, resulting in cuts across his knees, chest, and stomach.
4. The next day Plaintiff Al-Zuba'e was sent to the interrogation room and interrogated by two male interrogators and one male interpreter. Following the interrogation, one interrogator spoke to a male wearing a military uniform, who then took Plaintiff Al-Zuba'e back to his cell, smashed his head against the wall and handcuffed him to the upper bunk of the bed with his arms above his head and his feet barely touching the floor.

5. The next day, Plaintiff Al-Zuba'e was sent to the interrogation room again and returned to his cell. The male interrogator came to Plaintiff Al-Zuba'e's cell later that evening and left without saying anything. Shortly afterward, a male wearing a military uniform came to Plaintiff Al-Zuba'e's cell, stripped Plaintiff Al-Zuba'e naked, and removed everything but the bedframe from his cell. For three days, Plaintiff Al-Zuba'e remained naked and exposed to extreme cold.
6. Several days later, Plaintiff Al-Zuba'e was taken to the interrogation room and interrogated by two males wearing civilian clothes. After the interrogation, the interrogators spoke to a male wearing a military uniform, who then took Plaintiff Al-Zuba'e back to his cell and beat him.
7. Plaintiff Al-Zuba'e was interrogated numerous times, and each time shortly after the interrogation was beaten with fists and/or wooden sticks, or attacked by dogs. Plaintiff Al-Zuba'e has scars on his left knee and thigh from a dog bite.
8. Plaintiff Al-Zuba'e was exposed to rainy weather and extreme cold temperatures while hooded in the course of interrogations.

Plaintiff Al-Zuba'e did not receive medical treatment for any of his injuries while detained.

Correcting an error in Paragraph 52 of the Second Amended Complaint, Plaintiff Al-Zuba'e was not imprisoned in a solitary cell in conditions of sensory deprivation for almost a full year. He was imprisoned in a solitary cell in conditions of sensory deprivation for a full day.

Plaintiff Al-Zuba'e suffered and continues to suffer from significant psychological injuries in connection with the injuries above, the conditions of his detention, and the mental and

emotional anguish, humiliation, embarrassment, degradation, and other abuse he endured while detained at Abu Ghraib.

Interrogatory 5:

Identify each employee of CACI PT or CACI International Inc with whom You had any contact while in United States custody and describe all such interactions with each employee.

Response to Interrogatory 5:

Plaintiff Al-Zuba'e responds as follows:

Because CACI employees did not identify themselves as such and did not wear uniforms or other corporate insignia revealing their status as CACI employees, Plaintiff Al-Zuba'e cannot currently identify CACI employees with whom he had contact.

Interrogatory 6:

Identify all Persons You contend were or may have been participants in the conspiracy referenced in Paragraphs 64-73, 117-121, 131-135, 146-150, 161-165, 176-180, and 189-193² of Your Amended Complaint.

Response to Interrogatory 6:

Plaintiff Al Zuba'e responds as follows:

Co-conspirator	Identification
Megan Ambuhl	formerly U.S. Army
Mark Billings	CACI Premier Technology, Inc. 4795 Meadow Wood Lane Chantilly, VA 20151
Jody Brown	CACI International Inc 1100 North Glebe Road Arlington, VA 22201
Santos Cardona	U.S. Army
Armin Cruz	U.S. Army

² Plaintiff Al Zuba'e understands Interrogatory 6 as relating to Paragraphs 64-86, 134-138, 148-152, 163-167, 178-182, 193-197, and 206-210 of the Second Amended Complaint.

Javal Davis	formerly U.S. Army 41 Ferns Way Nottingham, MD 21236-5317 572 Market St Newark, NJ 07105-2913 973-484-4911
Timothy Dugan	c/o Jocelyn Gould Klores Perry Mitchell 1735 20 th Street, N.W. Washington, D.C. 20009
SGM Marc Emerson	U.S. Army
Lynndie England	formerly U.S. Army
Ivan L. Chip Frederick II	former U.S. Army HC 2 Box 235 Buckingham, VA 23921-9631
Jon D. Graham	U.S. Army
Charles Graner	former U.S. Army The Law Office of Charles Gittens P.O. Box 144 Middletown, VA 22645
Sabrina Harman	7756-C Gunston Plaza Drive Gunston Station Shopping Center Lorton, VA 22079
Thomas Howard	Former CACI Executive
Daniel Johnson	c/o Patrick O'Donnell Wiltshire & Grannis 1200 18 th Street, N.W. Washington, D.C. 20036
John Ketzer	U.S. Army
Roman Krol	formerly U.S. Army
1SG Brian G. Lipinski	U.S. Army
Dr. J.P. London	CACI International Inc 1100 North Glebe Road Arlington, VA 22201

Etaf Mheisen	former employee of Titan Corp.
Amy Jensen Monahan	4795 Meadow Wood Lane Chantilly, Virginia 20151
Charles Mudd	11976 Fair Bow Lane Woodbridge, VA 22192
Adel Nakhla	former employee of L-3 Services 9324 Frostburg Way Montgomery Village, MD 20886 301-977-5987
Scott Northrop	L-3 Stratis 11955 Freedom Drive Reston, VA 20190
LTC (P) Jerry L. Phillabaum	U.S. Army
Daniel Porvaznik	1900 Township Rd. 128 SE Junction City, OH 43478
MAJ David M. Price	U.S. Army
1LT Lewis C. Raeder	U.S. Army
CPT Donald J. Reese	U.S. Army
Israel Rivera	U.S. Army
Hannah Schlegel	U.S. Army
Jeremy Sivits	formerly U.S. Army 14856 Main St. Hyndman, PA 15545 c/o Paul Bergrin Pope Bergrin & Verdesco 572 Market St Newark, NJ 07105-4911 973-484-4911
Michael Smith	formerly U.S. Army
SFC Shannon K.	U.S. Army

Snider	
Luciana Spencer	U.S. Army
Steven Stefanowicz	c/o Henry E. Hockeimer, Jr. Ballard, Spahr, Andrews & Ingersoll 1735 Market Street Philadelphia, PA 19103
MAJ Michael D. Thompson	U.S. Army
Harry Thornsvar	GAITS 11781 Lee Jackson Memorial Highway, 3 rd Floor Fairfax, VA 22033
CPT Carolyn A. Wood	U.S. Army

Interrogatory 7:

For each member of the conspiracy identified in Your answer to Interrogatory No. 6, identify the date You contend they joined the conspiracy, every overt act they committed in furtherance of the conspiracy, and the date, if any, on which they ceased participation in the conspiracy.

Response to Interrogatory 7:

Plaintiff Al Zuba'e objects that Interrogatory 7 is overbroad and unduly burdensome. Plaintiff

Al Zuba'e alleges that at least the following persons participated in the conspiracy in the ways described:

1. Megan Ambuhl: joined the conspiracy as early as October 2003 and left the conspiracy no earlier than January 2004; and furthered the conspiracy by participating in detainee abuse.
2. Mark Billings: joined the conspiracy as early as September 2003 and left the conspiracy no earlier than 2008; and furthered the conspiracy through his supervision and/or failure to properly supervise CACI employees, and by participating in a cover-up of CACI's role in detainee abuse.

3. Jody Brown: joined the conspiracy as early as July or August 2003 and left the conspiracy no earlier than 2008; and furthered the conspiracy by participating in cover-up of CACI's role in detainee abuse.
4. Santos Cardona: joined the conspiracy as early as September 2003 and left the conspiracy no earlier than 2004; and furthered the conspiracy by participating in detainee abuse.
5. Armin Cruz: joined the conspiracy as early as September 2003 and left the conspiracy no earlier than 2004; and furthered the conspiracy by participating in detainee abuse.
6. Javal Davis: joined the conspiracy as early as October 2003 and left the conspiracy no earlier than November 2003; and furthered the conspiracy by participating in detainee abuse.
7. Timothy Dugan: joined the conspiracy as early as September 2003 and left the conspiracy no earlier than February 2004; and furthered the conspiracy by participating in detainee abuse and instructing others to do so, and participating in cover-up of CACI's role in detainee abuse.
8. Marc Emerson: joined the conspiracy as early as July 2003 and left the conspiracy no earlier than 2004; and furthered the conspiracy by failing to supervise military personnel who participated in detainee abuse.
9. Lynndie England: joined the conspiracy as early as September 2003 and left the conspiracy no earlier than 2004; and furthered the conspiracy by participating in detainee abuse.
10. Ivan L. Chip Frederick II: joined the conspiracy as early as October 2003 and left the conspiracy no earlier than December 2003; and furthered the conspiracy by

- participating in detainee abuse.
11. Jon D. Graham: joined the conspiracy as early as July 2003 and left the conspiracy no earlier than January 2004; and furthered the conspiracy by failing to supervise military personnel who participated in detainee abuse.
 12. Charles Graner: joined the conspiracy as early as September 2003 and left the conspiracy no earlier than May 2004; and furthered the conspiracy by participating in detainee abuse.
 13. Sabrina Harman: joined the conspiracy as early as October 2003 and left the conspiracy no earlier than 2004; and furthered the conspiracy by participating in detainee abuse.
 14. Thomas Howard: joined the conspiracy as early as July or August 2003 and left the conspiracy no earlier than March 2004; and furthered the conspiracy through his supervision and/or failure to properly supervise CACI employees, and by participating in cover-up of CACI's role in detainee abuse.
 15. Daniel Johnson: joined the conspiracy as early as October 2003 and left the conspiracy no earlier than July 2004; and furthered the conspiracy by participating in detainee abuse and instructing others to do so, and participating in cover-up of CACI's role in detainee abuse.
 16. John Ketzer: joined the conspiracy as early as September 2003 and left the conspiracy no earlier than 2004; and furthered the conspiracy by failing to report detainee abuse.
 17. Roman Krol: joined the conspiracy as early as September 2003 and left the conspiracy no earlier than 2004; and furthered the conspiracy by participating in detainee abuse.

18. Brian G. Lipinski: joined the conspiracy as early as October 2003 and left the conspiracy no earlier than January 2004; and participated in the conspiracy by failing to supervise military personnel who participated in detainee abuse.
19. Dr. J.P. London: joined the conspiracy as early as July or August 2003 and left the conspiracy no earlier than 2008; and furthered the conspiracy by participating in cover-up of CACI's role in detainee abuse.
20. Etaf Mheisen: joined the conspiracy as early as September 2003 and left the conspiracy no earlier than May 2004; and furthered the conspiracy by participating in detainee abuse and instructing others to do so, and failing to report detainee abuse.
21. Amy Jensen Monahan: joined the conspiracy as early as August 2003 and left the conspiracy no earlier than 2008; and furthered the conspiracy by participating in cover-up of CACI's role in detainee abuse.
22. Charles Mudd: joined the conspiracy as early as July or August 2003 and left the conspiracy no earlier than March 2006; and furthered the conspiracy through his supervision and/or failure to properly supervise CACI employees, and by participating in cover-up of CACI's role in detainee abuse.
23. Adel Nakhla: joined the conspiracy as early as June 2003 and left the conspiracy no earlier than May 2004; and furthered the conspiracy by participating in detainee abuse and failing to report or stop detainee abuse.
24. Scott Northrop: joined the conspiracy as early as November 2003 and left the conspiracy no earlier than April 2006; and furthered the conspiracy through his supervision and/or failure to properly supervise CACI employees, and by participating in cover-up of CACI's role in detainee abuse.

25. Jerry L. Phillabaum: joined the conspiracy as early as July 2003 and left the conspiracy no earlier than January 2004; and furthered the conspiracy by failing to supervise military personnel who participated in detainee abuse.
26. Daniel Porvaznik: joined the conspiracy as early as September 2003 and left the conspiracy no earlier than 2006; and furthered the conspiracy through his supervision and/or failure to properly supervise CACI employees, and by participating in cover-up of CACI's role in detainee abuse.
27. David M. Price: joined the conspiracy as early as September 2003 and left the conspiracy no earlier than 2004; and participated in the conspiracy by failing to supervise military personnel who participated in detainee abuse.
28. Lewis C. Raeder: joined the conspiracy as early as December 2003 and left the conspiracy no earlier than February 2004; and furthered the conspiracy by failing to supervise military personnel who participated in detainee abuse.
29. Donald J. Reese: joined the conspiracy as early as October 2003 and left the conspiracy no earlier than January 2004; and furthered the conspiracy by failing to supervise military personnel who participated in detainee abuse.
30. Israel Rivera: joined the conspiracy as early as October 2003 and left the conspiracy no earlier than 2004; and participated in the conspiracy by failing to report detainee abuse and by failing to stop detainee abuse.
31. Hannah Schlegel: joined the conspiracy as early as September 2003 and left the conspiracy no earlier than January 2004; and participated in the conspiracy by failing to report or stop detainee abuse.
32. Jeremy Sivits: joined the conspiracy as early as October 2003 and left the conspiracy

- no earlier than 2004; and furthered the conspiracy by participating in detainee abuse.
33. Michael Smith: joined the conspiracy as early as November 2003 and left the conspiracy no earlier than 2004; and furthered the conspiracy by participating in detainee abuse.
34. Shannon K. Snider: joined the conspiracy as early as October 2003 and left the conspiracy no earlier than 2004; and furthered the conspiracy by failing to supervise military personnel who participated in detainee abuse.
35. Luciana Spencer: joined the conspiracy as early as November 2003 and left the conspiracy no earlier than 2004; and furthered the conspiracy by participating in detainee abuse, directing military personnel in abusing detainees, and failing to report detainee abuse.
36. Steven Stefanowicz: joined the conspiracy as early as September 2003 and left the conspiracy no earlier than October 2004; and furthered the conspiracy by participating in detainee abuse and instructing others to do so, and participating in cover-up of CACI's role in detainee abuse.
37. Michael D. Thompson: joined the conspiracy as early as September 2003 and left the conspiracy no earlier than 2004; and furthered the conspiracy by failing to supervise military personnel who participated in detainee abuse.
38. Harry Thornsvarð: joined the conspiracy as early as August 2003 and left the conspiracy no earlier than 2004; and furthered the conspiracy by failing to provide adequately trained employees.
39. Carolyn A. Wood: joined the conspiracy as early as August 2003 and left the conspiracy no earlier than February 2004; and furthered the conspiracy by failing to

supervise military personnel who participated in detainee abuse.

Interrogatory 8:

Identify the verbal statements and criminal acts alleged in Paragraph 72 of Your Amended Complaint.³

Response to Interrogatory 8:

Plaintiff Al Zuba'e objects that Interrogatory 8 is overbroad and unduly burdensome. Plaintiff Al Zuba'e objects to Interrogatory 8 as mooted by the agreed-upon filing of the Second Amended Complaint. Plaintiff Al Zuba'e responds as follows:

The criminal acts of CACI's employees who were responsible for and/or participated in the detainee abuse at Abu Ghraib can be imputed to CACI. Moreover, CACI attempted to cover up misconduct of its employees and thereby perpetuate and prolong the conspiracy by its verbal statements absolving any CACI employee of responsibility for and/or participation in the detainee abuse and destroying or concealing evidence implicating CACI.

CACI acquiesced in its employees' misconduct, turning a blind eye to reports of its employees' participation in the abuse of detainees and failing to adequately train and supervise employees to prevent reasonably foreseeable abuses of detainees at Abu Ghraib. When a military officer, Staff Sergeant Neal, attempted to report to CACI management that CACI employee Timothy Dugan was bragging that he had frightened a detainee badly enough to make him vomit, CACI management ignored Sergeant Neal and did not conduct an inquiry into this misconduct or otherwise discipline this employee. At least one other CACI employee alerted CACI managers about the prevalence of abuse of detainees at Abu Ghraib. Despite knowledge of the seriousness of the situation at Abu Ghraib, CACI management failed to report this abuse

³ Plaintiff Al Zuba'e understands Interrogatory 8 as relating to Paragraph 80 of the Second Amended Complaint.

to the military or to take additional steps to ensure its own employees discontinued detainee abuse.

CACI prolonged the conspiracy by failing to follow the recommendation of Major General Taguba to reprimand Steven Stefanowicz for his role in detainee abuse. Instead, it launched an “internal investigation” into CACI employees’ involvement in detainee abuse which absolved Stefanowicz from all wrongdoing and never fired him.

Documents relied upon:

- J. Phillip London, *Our Good Name: A Company’s Fight to Defend Its Honor and Get the Truth Told About Abu Ghraib* (Regnery Publishing) (2008)
- Major General Antonio Taguba, Report of the Article 15-6 Investigation of the 800th Military Police Brigade
- Major General George R. Fay, Report of the Article 15-6 Investigation of the Abu Ghraib Detention Facility and 205th Military Intelligence Brigade
- Monahan Deposition Transcript, *Saleh v. Titan*, Case No. 05-cv-1165 (D.D.C.)
- Northrop Deposition Transcript, *Saleh v. Titan*, Case No. 05-cv-1165 (D.D.C.)

Interrogatory 9:

Identify all facts that You contend support the allegations in Paragraph 90 of Your Amended Complaint that CACI agreed to work in concert with co-conspirators and confirmed and ratified acts perpetrated by co-conspirators.⁴ To the extent that you allege that any Person with the authority to act for CACI PT or CACI International Inc approved of the participation of either company or any of their respective employees in the conspiracy alleged in Your Amended Complaint, Identify the Persons who authorized this decision on behalf of CACI PT or CACI International Inc and the manner in which such decision was communicated.

Response to Interrogatory 9:

Plaintiff Al Zuba’e objects to Interrogatory 9 on the ground that it is overbroad and unduly

⁴ Plaintiff Al Zuba’e understands Interrogatory 9 as relating to Paragraphs 106 of the Second Amended Complaint.

burdensome and to the extent that it seeks information that is equally or more readily accessible to Defendant. Plaintiff Al Zuba'e objects to Interrogatory 9 as mooted by the agreed-upon filing of the Second Amended Complaint. Plaintiff Al Zuba'e responds as follows:

CACI employees directed military officers to abuse detainees. Military personnel were directed by CACI employees to "set conditions" – code for physical or psychological abuse – for interrogations or otherwise abuse detainees. CACI interrogators had supervised military personnel participating in the abuse, and even reprimanded military personnel for failing to abuse detainees.

CACI's management knew of the abuse of detainees at Abu Ghraib by military and private contractor co-conspirators, including, but not limited to, Mark Billings and Scott Northrop, CACI employees were directed to bring *all* issues to CACI management, not to the military, and in fact, CACI employees alerted the CACI managers about the prevalence of abuse of detainees at Abu Ghraib.

CACI management was able to monitor its employees' conduct of interrogations. Namely, CACI management observed interrogations, reviewed reports and interrogation notes, had discussions between interrogations, and the like. CACI on-site management at Abu Ghraib was in constant contact with CACI corporate in the United States.

CACI executive Charles Mudd made more than a dozen trips to Iraq, during which he held staff meetings and engaged in a series of direct conversations with CACI employees and held meetings with the military. Mudd reported directly to CACI's CEO on a regular basis. CACI executive Scott Northrop spent approximately one year in Iraq – in or about November, 2003 to November, 2004 – as in-country manager, during which time he would make periodic visits to Abu Ghraib. At Abu Ghraib, one of the sites Northrop visited most often, Northrop would meet

with CACI employees and military personnel. CACI manager Tom Howard, as a function of his position, had complete access to the interrogation reports that CACI interrogators drew up. CACI's Site Lead at Abu Ghraib, Daniel Porvaznik attended "shift change" meetings at the facility and had full access to everything relating to CACI employees. CACI retained the right to investigate any allegation of abuse or illegal behavior.

Despite knowledge of the seriousness of the situation at Abu Ghraib, CACI failed to report this abuse to the military, as they were obligated to do, or to take additional steps to ensure its own employees discontinued detainee abuse.

Documents relied upon:

- Major General Antonio Taguba, Report of the Article 15-6 Investigation of the 800th Military Police Brigade
- Major General George R. Fay and Lieutenant General Anthony R. Jones, Reports of the Article 15-6 Investigation of the Abu Ghraib Detention Facility and 205th Military Intelligence Brigade
- Private Ivan Frederick, Sworn Statement to U.S. Army Criminal Investigation Division (Nov. 2004)
- Private Ivan Frederick Testimony to Court Martial of Michael Smith
- Private Charles Graner, Sworn Statement to U.S. Army Criminal Investigation Division (Apr. 2005)
- Translation of Sworn Statement by Amjeed Ismail Waleed Al-Taee, Detainee #151635, to Court Martial of Sabrina Harman (Feb. 28, 2005)
- Porvaznik Deposition Transcript, *Saleh v. Titan*, Case No. 05-cv-1165 (D.D.C.)
- Monahan Deposition Transcript, *Saleh v. Titan*, Case No. 05-cv-1165 (D.D.C.)

- Mudd Deposition Transcript, *Saleh v. Titan*, Case No. 05-cv-1165 (D.D.C.)
- Northrop Deposition Transcript, *Saleh v. Titan*, Case No. 05-cv-1165 (D.D.C.)
- Sworn Statement of Torin Nelson, *Saleh v. Titan*, Case No. 05-cv-1165 (JR) (D.D.C.)
(Sept. 14, 2006)

Interrogatory 10:

Identify all facts that You contend support the alter ego allegation in Paragraph 74 of Your Amended Complaint.⁵

Response to Interrogatory 10:

Plaintiff Al Zuba'e objects to Interrogatory 10 on the basis that it seeks information that is equally or more readily accessible to Defendant. Plaintiff Al Zuba'e responds as follows:

CACI International Inc. acquired the assets of Premier Technology Group, in 2003, which became CACI Premier Technology Inc. Various employees of CACI Premier Technology Inc. reported to CACI International Inc.'s management, including, but not limited to, Chuck Mudd, Vice President of the Operational Support Division of CACI Premier Technology, Inc., who directly reported to the Chief Executive Officer of CACI International, Inc., on a regular basis. Other CACI Premier Technology Inc. employees told military investigators or stated in sworn testimony submitted in another litigation that they believed worked for CACI International Inc. CACI International Inc.'s public statements have conflated CACI International Inc.'s employees with CACI Premier Technology, Inc.'s employees. CACI Premier Technology does not have its own website; it is only mentioned on CACI International Inc.'s website as a "contract vehicle" for CACI International Inc.

⁵ Plaintiff Al Zuba'e understands Interrogatory 10 as relating to Paragraph 87 of the Second Amended Complaint.

Documents relied upon:

- Porvaznik Deposition Transcript, *Saleh v. Titan*, Case No. 05-cv-1165 (D.D.C.)
- CACI International Inc's 10-K dated June 30, 2008 (filed on August 27, 2008)
- Mudd Deposition Transcript, *Saleh v. Titan*, Case No. 05-cv-1165 (D.D.C.)
- Pescatore Testimony to Court Martial of Michael Smith
- Sworn Statement of Torin Nelson, *Saleh v. Titan*, Case No. 05-cv-1165 (JR) (D.D.C.) (Sept. 14, 2006)
- J. Phillip London, *Our Good Name: A Company's Fight to Defend Its Honor and Get the Truth Told About Abu Ghraib* (Regnery Publishing) (2008)
- Major General Antonio Taguba, Report of the Article 15-6 Investigation of the 800th Military Police Brigade
- CACI Website: <http://www.caci.com>;
http://www.caci.com/Contracts/GSA/0179fss_contact.shtml

Interrogatory 11:

Identify all facts that You contend support the allegations of participation in conspiratorial misconduct alleged in Paragraph 79 of Your Amended Complaint.⁶

Response to Interrogatory 11:

Plaintiff Al Zuba'e objects that Interrogatory 11 is overbroad and unduly burdensome. Plaintiff Al Zuba'e responds as follows:

First, CACI failed to properly preserve evidence of the conspiracy. While it was fairly common for CACI personnel to use their personal e-mail addresses while they were stationed in

⁶ Plaintiff Al Zuba'e understands Interrogatory 11 as relating to Paragraphs 94 of the Second Amended Complaint.

Iraq as opposed to the CACI-issued e-mail addresses, CACI personnel failed to preserve communications related to their work for CACI sent or received using their personal e-mail addresses.

Second, CACI failed to report its knowledge of abuse of detainees. For instance, when a military officer, Staff Sergeant Neal, attempted to report to CACI management that CACI employee and co-conspirator Timothy Dugan was bragging that he had frightened a detainee badly enough to make him vomit, CACI ignored Sergeant Neal and did not report this abuse. Similarly, CACI employees alerted the CACI Managers about the prevalence of abuse of detainees at Abu Ghraib. Despite knowledge of the seriousness of the situation at Abu Ghraib, CACI failed to report this abuse to the military or to take additional steps to ensure its own employees did not participate in detainee abuse. When CACI employees attempted to report abuse to military officials, they would face retaliation, deterring others from doing so. CACI employee Torin Nelson faced threats and retaliation because he informed the military that CACI interrogators Daniel Johnson and Timothy Dugan abused prisoners.

Third, CACI misled non-conspiring military and government officials about the state of affairs at the prisons. Stefanowicz made false statements in the course of Major General Taguba's Article 15-6 investigation regarding the locations of Stefanowicz's interrogations, the activities during his interrogations, and his knowledge of abuses. CACI management described CACI employee Stephen Stefanowicz's mistreatment of prisoners – as found through Major General Antonio Taguba's and Major General George Fay's Article 15-6 investigations – as only "minor abuses." Further, CACI personnel did not ensure the maintenance of records of interrogations during which they participated in the abuse of detainees. Major General Fay's investigation concluded that CACI employee Daniel Johnson had used dogs during an

interrogation in an abusive and unlawful manner, but no interrogation records existed for that interrogation. Similarly, Major General Fay's investigation found that during an interrogation, a detainee told Stefanowicz that an interpreter hit him and cut his ear which required stitches. The military officer present told Stefanowicz to annotate this on the interrogation report, but Stefanowicz did not report it to appropriate authorities.

Documents relied upon:

- J. Phillip London, *Our Good Name: A Company's Fight to Defend Its Honor and Get the Truth Told About Abu Ghraib* (Regnery Publishing) (2008)
- Major General Antonio Taguba, Report of the Article 15-6 Investigation of the 800th Military Police Brigade
- Major General George R. Fay, Report of the Article 15-6 Investigation of the Abu Ghraib Detention Facility and 205th Military Intelligence Brigade
- Monahan Deposition Transcript, *Saleh v. Titan*, Case No. 05-cv-1165 (D.D.C.)
- Northrop Deposition Transcript, *Saleh v. Titan*, Case No. 05-cv-1165 (D.D.C.)
- Sworn Statement of Torin Nelson, *Saleh v. Titan*, Case No. 05-cv-1165 (JR) (D.D.C.) (Sept. 14, 2006)

Interrogatory 12:

Identify each false statement alleged in Paragraph 85 of Your Amended Complaint.⁷

Response to Interrogatory 12:

Plaintiff Al Zuba'e objects to Interrogatory 12 on the basis it is unduly burdensome and seeks information that is equally or more readily accessible to Defendant. Plaintiff Al Zuba'e responds as follows:

⁷ Plaintiff Al Zuba'e understands Interrogatory 12 as relating to Paragraph 101 of the Second Amended Complaint.

CACI made false statements absolving CACI and its employees of participation in the abuse of detainees at Abu Ghraib in CEO J. Phillip London's book, *Our Good Name: A Company's Fight to Defend Its Honor and Get the Truth Told About Abu Ghraib*, in press releases, and in statements made in the course of Major General Antonio Taguba's and Major General George Fay's Article 15-6 investigations. CACI's false statements, in sum and substance, conveyed that there was no evidence that CACI personnel were involved in the abuses at Abu Ghraib, when, in fact, photographs, witness testimony, e-mail communications, and other evidence demonstrate CACI's employees' participation in and knowledge and ratification of the abuse.

Documents relied upon:

- J. Phillip London, *Our Good Name: A Company's Fight to Defend Its Honor and Get the Truth Told About Abu Ghraib* (Regnery Publishing) (2008)
- Major General Antonio Taguba, Report of the Article 15-6 Investigation of the 800th Military Police Brigade
- Sworn Statement of Torin Nelson, *Saleh v. Titan*, Case No. 05-cv-1165 (JR) (D.D.C.) (Sept. 14, 2006)

Interrogatory 13:

Identify the duty alleged in Paragraph 203 of Your Amended Complaint, including the source of law for any duty that you contend was owed to Plaintiffs by CACI PT or CACI International.⁸

Response to Interrogatory 13:

Plaintiff Al Zuba'e objects to Interrogatory 13 as calling for legal analysis, not factual information.

⁸ Plaintiff Al Zuba'e understands Interrogatory 13 as relating to Paragraph 220 of the Second Amended Complaint.

Interrogatory 14:

For each act by an employee of CACI PT for which You contend CACI PT is liable to Plaintiffs, State whether You contend that the act was done within the scope of CACI PT's contractual relationship with the United States.

Response to Interrogatory 14:

Plaintiff Al Zuba'e objects to Interrogatory 14 as unduly burdensome and not likely to lead to the discovery of admissible evidence.

Interrogatory 15:

State whether You have, or anyone acting on your behalf has, other than through this lawsuit, ever sought compensation from any source, including but not limited to the submission of an administrative claim with the United States, for Your detention by the United States or any injuries suffered while in United States custody, and describe the status or result of each claim you Identify in Your response.

Response to Interrogatory 15:

Plaintiff Al Zuba'e responds as follows:

Neither Plaintiff Al Zuba'e nor anyone acting on his behalf has sought compensation from any source, other than through this lawsuit, for his detention by the United States or any injuries suffered while in United States custody.

Interrogatory 16:

State the amount of damages You are seeking in this action and the manner in which You have calculated Your damages claim.

Response to Interrogatory 16:

Plaintiff Al Zuba'e responds as follows:

Plaintiffs have not yet finalized their computation of damages, but will provide this information to Defendant as soon as expert reports are delivered and damages are computed.

Dated: New York, New York
December 13, 2012

/s/ Baher Azmy

Baher Azmy, *Admitted pro hac vice*
Katherine Gallagher, *Admitted pro hac vice*
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Attorneys for Plaintiffs

CERTIFICATE OF SERVICE

I hereby certify that on this 13th day of December, 2012, a true and correct copy of the foregoing document was furnished via electronic mail upon the following:

J. William Koegel, Jr.
John F. O'Conner
Steptoe & Johnson LLP
1330 Connecticut Avenue, NW
Washington, DC 20036

/s/ Michelle W. Cohen

Michelle W. Cohen

EXHIBIT 10

contentions. The following responses are given without prejudice to Plaintiff's right to produce evidence of any subsequently discovered fact or facts that Plaintiff may later recall. Plaintiff further reserves the right to supplement, clarify, revise, or correct any and all responses set forth herein, and to assert additional objections or privileges, as additional facts are established, analysis is performed, legal research is completed and contentions are made.

3. A response to an interrogatory shall not be deemed or construed that Plaintiff acquiesces in the characterization of the conduct or activities contained in the interrogatory, or definitions and/or instructions applicable to the interrogatory.

RESPONSES TO INTERROGATORIES

Interrogatory 1:

Identify all Persons with knowledge of any of the facts asserted in Your Amended Complaint and state the general nature of each Person's knowledge.

Response to Interrogatory 1:

Plaintiff Rashid responds as follows based on the scope of his individual knowledge and/or information and belief:

Apart from Plaintiff Rashid himself,

1. Plaintiff Rashid's family has knowledge of his background and detention;
2. The five American soldiers who arrested Plaintiff Rashid, and the four other Iraqi men arrested at the same time, whose specific identities are currently unknown to Plaintiff Rashid, have knowledge about his arrest;
3. The individuals who transferred Plaintiff Rashid to Abu Ghraib have knowledge about Plaintiff Rashid's detention;
4. A female wearing a military uniform, a male wearing a military uniform, and a male interpreter who Plaintiff Rashid believes may be named Abu Abdullah each have

knowledge about Plaintiff Rashid's detention in Abu Ghraib, the facts asserted in Paragraphs 26-32, 37, 38, and 40 of the Second Amended Complaint, and other facts relevant to Plaintiff Rashid's claims;

5. Four other males, whose specific identities are currently unknown to Plaintiff Rashid, who participated in the abuses alleged in Paragraphs 33-36 of the Second Amended Complaint, have knowledge relevant to those allegations;
6. A female wearing a military uniform and two males wearing military uniforms, whose specific identities are currently unknown to Plaintiff Rashid, each have knowledge of the facts asserted in Paragraphs 37 and 38 of the Second Amended Complaint;
7. A male interrogator and a male interpreter, whose specific identities are currently unknown to Plaintiff Rashid, each have knowledge about the facts asserted in Paragraphs 27, 30, and 36-39 of the Second Amended Complaint;
8. At least two males, whose specific identities are currently unknown to Plaintiff Rashid, have knowledge of the facts asserted in Paragraph 42 of the Second Amended Complaint;
9. A male Red Cross employee who visited Abu Ghraib and met with Plaintiff Rashid, whose specific identity is currently unknown to Plaintiff, has knowledge about the facts asserted in Paragraph 43 of the Second Amended Complaint;
10. Hanna Abdulwahid Al-Obaidi, a female Iraqi detainee kept in the same cell as Plaintiff Rashid for an extended period of time, has knowledge about the facts asserted in Paragraph 41 of the Second Amended Complaint;
11. Emad Al Duleimi, another detainee located in a cell near Plaintiff Rashid, has knowledge about the facts asserted in Paragraphs 27, 32-37, and 40-42 of the Second Amended Complaint;

12. Emad Al Janabi, another detainee located in a cell near Plaintiff Rashid, has knowledge about the facts asserted in Paragraphs 27, 32-37, and 40-42 of the Second Amended Complaint; and

13. Saadun Abu Jibril, another detainee located in a cell near Plaintiff Rashid, has knowledge about the facts asserted in Paragraphs 27, 32-37, and 40-42.

Interrogatory 2:

State any detainee information number assigned to You by the United States during the time You were in United States custody.

Response to Interrogatory 2:

Plaintiff Rashid responds as follows:

The detainee number assigned to Plaintiff Rashid was 150803.

Interrogatory 3:

Describe the reason for and circumstances of your arrest and detention by the United States military as alleged in Your Amended Complaint.

Response to Interrogatory 3:

Plaintiff Rashid objects to Interrogatory 3 as burdensome and not reasonably calculated to lead to the discovery of admissible evidence to the extent it calls for information pertaining to Plaintiff Rashid's arrest. Plaintiff Rashid responds as follows:

Plaintiff Rashid was never informed about the reason for his arrest and detention by the United States military. He was arrested on or about September 22, 2003 and transferred to Abu Ghraib approximately ten days later, transferred to Camp Bucca after several months, transferred back to Abu Ghraib in 2005, and released on or about May 26, 2005. Plaintiff Rashid was never charged with a crime.

On or about September 22, 2003, Plaintiff Rashid was returning from the market, where

he had been shopping for clothing and other items for his cousin's wedding, when an American military convoy passed near him. After it passed, there was an explosion in the convoy. Five American soldiers then fired shots in the street before approaching Plaintiff Rashid and other Iraqi men standing nearby. These American soldiers asked through an interpreter if Plaintiff Rashid had any connection to the explosion. After Plaintiff Rashid explained that he had no connection to the explosion and had been shopping for his cousin's wedding, the American soldiers arrested him and four other Iraqi men near him, and transported Plaintiff Rashid to an American military base. Approximately ten days later, he was transferred to Abu Ghraib.

Interrogatory 4:

Describe in detail all injuries that You allege You suffered while in United States custody, including in Your response for each such alleged injury the date and place such injury was incurred, the Persons who participated in causing such injury, and all witnesses to such infliction of alleged injury.

Response to Interrogatory 4:

Plaintiff Rashid responds as follows:

Plaintiff Rashid suffered physical, mental and emotional injuries while detained at Abu Ghraib. These injuries include:

1. Plaintiff Rashid was deprived of food for the first three days of his detention at Abu Ghraib.
2. Plaintiff Rashid was forced to remain naked for lengthy periods throughout his detention at Abu Ghraib.
3. Approximately three days after he was transferred to Abu Ghraib, Plaintiff Rashid was sexually assaulted by a female wearing a military uniform. The female and an interpreter who Plaintiff believes may have been named Abu Abdullah entered Plaintiff Rashid's cell, and the female attempted to force Plaintiff Rashid to kiss her and to have sex with

her, but he refused. The female then cuffed and shackled Plaintiff Rashid's hands to the bed, undressed in front of him and placed her underwear on his head.

4. The same day, the female and another male wearing a military uniform sodomized Plaintiff Rashid by forcing him to sit on a plastic bottle while naked.
5. The same day, the female and male wearing military uniforms and the interpreter suspended Plaintiff Rashid from the door by plastic cuffs around his wrists, with his feet unable to touch the floor. Four males entered his cell; one electrically shocked Plaintiff Rashid in the hand and head with a taser gun, leaving permanent marks; others beat him with wooden sticks all over his body until he lost consciousness. When he awoke, his nose and mouth were bloodied, his left forearm was broken, and two ribs on his right side were broken. He had great difficulty breathing, was unable to walk, and could not see well.
6. Several days later, a female and two males wearing military uniforms tied a rope around Plaintiff Rashid's chest and dragged him out of his cell on the floor to an interrogation room. Correcting an error in Paragraph 37 of the Second Amended Complaint, Plaintiff Rashid did not have a rope tied to his penis, but rather witnessed another detainee being dragged with a rope tied to his penis.
7. In the interrogation room, Plaintiff Rashid was suspended from the ceiling by a rope around his chest. A male interpreter and a male interrogator beat Plaintiff Rashid's body, repeatedly hitting his broken arm. During this interrogation, the interrogator subjected Plaintiff Rashid to a mock execution by pointing a gun at him and pulling the trigger, while saying he would kill Plaintiff Rashid if Plaintiff Rashid didn't tell the truth. During

the interrogation, Plaintiff Rashid's lower left leg was seriously injured and he lost a substantial amount of blood as a result.

8. After the interrogation, Plaintiff Rashid was dragged naked across the floor back to his cell.
9. Plaintiff Rashid and other detainees witnessed two males raped female detainees in the hallway outside of the cells while Plaintiff Rashid was detained at Abu Ghraib.
10. Plaintiff Rashid has scars on his left wrist and left leg from injuries he suffered while detained at Abu Ghraib.
11. Plaintiff Rashid's eyesight has been permanently damaged by the electric shocks he received in his head from a taser gun while detained at Abu Ghraib.
12. Plaintiff Rashid was forced into a pyramid, while hooded, with other naked detainees.

Plaintiff Rashid did not receive medical treatment for any of his injuries while detained.

Plaintiff Rashid suffered and continues to suffer from significant psychological injuries in connection with the injuries above, the conditions of his detention, and the mental and emotional anguish, humiliation, embarrassment, degradation, and other abuse he endured while detained at Abu Graib.

Interrogatory 5:

Identify each employee of CACI PT or CACI International Inc with whom You had any contact while in United States custody and describe all such interactions with each employee.

Response to Interrogatory 5:

Plaintiff Rashid responds as follows:

Because CACI employees did not identify themselves as such and did not wear uniforms or other corporate insignia revealing their status as CACI employees, Plaintiff Rashid cannot currently identify CACI employees with whom he had contact.

Interrogatory 6:

Identify all Persons You contend were or may have been participants in the conspiracy referenced in Paragraphs 64-73, 117-121, 131-135, 146-150, 161-165, 176-180, and 189-193¹ of Your Amended Complaint.

Response to Interrogatory 6:

Plaintiff Rashid responds as follows:

Co-conspirator	Identification
Megan Ambuhl	formerly U.S. Army
Mark Billings	CACI Premier Technology, Inc. 4795 Meadow Wood Lane Chantilly, VA 20151
Jody Brown	CACI International Inc 1100 North Glebe Road Arlington, VA 22201
Santos Cardona	U.S. Army
Armin Cruz	U.S. Army
Javal Davis	formerly U.S. Army 41 Ferns Way Nottingham, MD 21236-5317 572 Market St Newark, NJ 07105-2913 973-484-4911
Timothy Dugan	c/o Jocelyn Gould Klores Perry Mitchell 1735 20 th Street, N.W. Washington, D.C. 20009
SGM Marc Emerson	U.S. Army
Lynndie England	formerly U.S. Army

¹ Plaintiff Rashid understands Interrogatory 6 as relating to Paragraphs 64-86, 134-138, 148-152, 163-167, 178-182, 193-197, and 206-210 of the Second Amended Complaint.

Ivan L. Chip Frederick II	former U.S. Army HC 2 Box 235 Buckingham, VA 23921-9631
Jon D. Graham	U.S. Army
Charles Graner	former U.S. Army The Law Office of Charles Gittens P.O. Box 144 Middletown, VA 22645
Sabrina Harman	7756-C Gunston Plaza Drive Gunston Station Shopping Center Lorton, VA 22079
Thomas Howard	Former CACI Executive
Daniel Johnson	c/o Patrick O'Donnell Wiltshire & Grannis 1200 18 th Street, N.W. Washington, D.C. 20036
John Ketzer	U.S. Army
Roman Krol	formerly U.S. Army
ISG Brian G. Lipinski	U.S. Army
Dr. J.P. London	CACI International Inc 1100 North Glebe Road Arlington, VA 22201
Etaf Mheisen	former employee of Titan Corp.
Amy Jensen Monahan	4795 Meadow Wood Lane Chantilly, Virginia 20151
Charles Mudd	11976 Fair Bow Lane Woodbridge, VA 22192
Adel Nakhla	former employee of L-3 Services 9324 Frostburg Way Montgomery Village, MD 20886 301-977-5987

Scott Northrop	L-3 Stratis 11955 Freedom Drive Reston, VA 20190
LTC (P) Jerry L. Phillabaum	U.S. Army
Daniel Porvaznik	1900 Township Rd. 128 SE Junction City, OH 43478
MAJ David M. Price	U.S. Army
1LT Lewis C. Raeder	U.S. Army
CPT Donald J. Reese	U.S. Army
Israel Rivera	U.S. Army
Hannah Schlegel	U.S. Army
Jeremey Sivits	formerly U.S. Army 14856 Main St. Hyndman, PA 15545 c/o Paul Bergrin Pope Bergrin & Verdesco 572 Market St Newark, NJ 07105-4911 973-484-4911
Michael Smith	formerly U.S. Army
SFC Shannon K. Snider	U.S. Army
Luciana Spencer	U.S. Army
Steven Stefanowicz	c/o Henry E. Hockeimer, Jr. Ballard, Spahr, Andrews & Ingersoll 1735 Market Street Philadelphia, PA 19103
MAJ Michael D. Thompson	U.S. Army
Harry Thornsvard	GAITS 11781 Lee Jackson Memorial Highway, 3 rd Floor Fairfax, VA 22033

CPT Carolyn A. Wood	U.S. Army
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Interrogatory 7:

For each member of the conspiracy identified in Your answer to Interrogatory No. 6, identify the date You contend they joined the conspiracy, every overt act they committed in furtherance of the conspiracy, and the date, if any, on which they ceased participation in the conspiracy.

Response to Interrogatory 7:

Plaintiff Rashid objects that Interrogatory 7 is overbroad and unduly burdensome. Plaintiffs allege that at least the following persons participated in the conspiracy in the ways described:

1. Megan Ambuhl: joined the conspiracy as early as October 2003 and left the conspiracy no earlier than January 2004; and furthered the conspiracy by participating in detainee abuse.
2. Mark Billings: joined the conspiracy as early as September 2003 and left the conspiracy no earlier than 2008; and furthered the conspiracy through his supervision and/or failure to properly supervise CACI employees, and by participating in a cover-up of CACI's role in detainee abuse.
3. Jody Brown: joined the conspiracy as early as July or August 2003 and left the conspiracy no earlier than 2008; and furthered the conspiracy by participating in cover-up of CACI's role in detainee abuse.
4. Santos Cardona: joined the conspiracy as early as September 2003 and left the conspiracy no earlier than 2004; and furthered the conspiracy by participating in detainee abuse.
5. Armin Cruz: joined the conspiracy as early as September 2003 and left the conspiracy no earlier than 2004; and furthered the conspiracy by participating in detainee abuse.

6. Javal Davis: joined the conspiracy as early as October 2003 and left the conspiracy no earlier than November 2003; and furthered the conspiracy by participating in detainee abuse.
7. Timothy Dugan: joined the conspiracy as early as September 2003 and left the conspiracy no earlier than February 2004; and furthered the conspiracy by participating in detainee abuse and instructing others to do so, and participating in cover-up of CACI's role in detainee abuse.
8. Marc Emerson: joined the conspiracy as early as July 2003 and left the conspiracy no earlier than 2004; and furthered the conspiracy by failing to supervise military personnel who participated in detainee abuse.
9. Lynndie England: joined the conspiracy as early as September 2003 and left the conspiracy no earlier than 2004; and furthered the conspiracy by participating in detainee abuse.
10. Ivan L. Chip Frederick II: joined the conspiracy as early as October 2003 and left the conspiracy no earlier than December 2003; and furthered the conspiracy by participating in detainee abuse.
11. Jon D. Graham: joined the conspiracy as early as July 2003 and left the conspiracy no earlier than January 2004; and furthered the conspiracy by failing to supervise military personnel who participated in detainee abuse.
12. Charles Graner: joined the conspiracy as early as September 2003 and left the conspiracy no earlier than May 2004; and furthered the conspiracy by participating in detainee abuse.
13. Sabrina Harman: joined the conspiracy as early as October 2003 and left the

- conspiracy no earlier than 2004; and furthered the conspiracy by participating in detainee abuse.
14. Thomas Howard: joined the conspiracy as early as July or August 2003 and left the conspiracy no earlier than March 2004; and furthered the conspiracy through his supervision and/or failure to properly supervise CACI employees, and by participating in cover-up of CACI's role in detainee abuse.
 15. Daniel Johnson: joined the conspiracy as early as October 2003 and left the conspiracy no earlier than July 2004; and furthered the conspiracy by participating in detainee abuse and instructing others to do so, and participating in cover-up of CACI's role in detainee abuse.
 16. John Ketzer: joined the conspiracy as early as September 2003 and left the conspiracy no earlier than 2004; and furthered the conspiracy by failing to report detainee abuse.
 17. Roman Krol: joined the conspiracy as early as September 2003 and left the conspiracy no earlier than 2004; and furthered the conspiracy by participating in detainee abuse.
 18. Brian G. Lipinski: joined the conspiracy as early as October 2003 and left the conspiracy no earlier than January 2004; and participated in the conspiracy by failing to supervise military personnel who participated in detainee abuse.
 19. Dr. J.P. London: joined the conspiracy as early as July or August 2003 and left the conspiracy no earlier than 2008; and furthered the conspiracy by participating in cover-up of CACI's role in detainee abuse.
 20. Etaf Mheisen: joined the conspiracy as early as September 2003 and left the conspiracy no earlier than May 2004; and furthered the conspiracy by participating in

- detainee abuse and instructing others to do so, and failing to report detainee abuse.
21. Amy Jensen Monahan: joined the conspiracy as early as August 2003 and left the conspiracy no earlier than 2008; and furthered the conspiracy by participating in cover-up of CACI's role in detainee abuse.
 22. Charles Mudd: joined the conspiracy as early as July or August 2003 and left the conspiracy no earlier than March 2006; and furthered the conspiracy through his supervision and/or failure to properly supervise CACI employees, and by participating in cover-up of CACI's role in detainee abuse.
 23. Adel Nakhla: joined the conspiracy as early as June 2003 and left the conspiracy no earlier than May 2004; and furthered the conspiracy by participating in detainee abuse and failing to report or stop detainee abuse.
 24. Scott Northrop: joined the conspiracy as early as November 2003 and left the conspiracy no earlier than April 2006; and furthered the conspiracy through his supervision and/or failure to properly supervise CACI employees, and by participating in cover-up of CACI's role in detainee abuse.
 25. Jerry L. Phillabaum: joined the conspiracy as early as July 2003 and left the conspiracy no earlier than January 2004; and furthered the conspiracy by failing to supervise military personnel who participated in detainee abuse.
 26. Daniel Porvaznik: joined the conspiracy as early as September 2003 and left the conspiracy no earlier than 2006; and furthered the conspiracy through his supervision and/or failure to properly supervise CACI employees, and by participating in cover-up of CACI's role in detainee abuse.
 27. David M. Price: joined the conspiracy as early as September 2003 and left the

- conspiracy no earlier than 2004; and participated in the conspiracy by failing to supervise military personnel who participated in detainee abuse.
28. Lewis C. Raeder: joined the conspiracy as early as December 2003 and left the conspiracy no earlier than February 2004; and furthered the conspiracy by failing to supervise military personnel who participated in detainee abuse.
29. Donald J. Reese: joined the conspiracy as early as October 2003 and left the conspiracy no earlier than January 2004; and furthered the conspiracy by failing to supervise military personnel who participated in detainee abuse.
30. Israel Rivera: joined the conspiracy as early as October 2003 and left the conspiracy no earlier than 2004; and participated in the conspiracy by failing to report detainee abuse and by failing to stop detainee abuse.
31. Hannah Schlegel: joined the conspiracy as early as September 2003 and left the conspiracy no earlier than January 2004; and participated in the conspiracy by failing to report or stop detainee abuse.
32. Jeremy Sivits: joined the conspiracy as early as October 2003 and left the conspiracy no earlier than 2004; and furthered the conspiracy by participating in detainee abuse.
33. Michael Smith: joined the conspiracy as early as November 2003 and left the conspiracy no earlier than 2004; and furthered the conspiracy by participating in detainee abuse.
34. Shannon K. Snider: joined the conspiracy as early as October 2003 and left the conspiracy no earlier than 2004; and furthered the conspiracy by failing to supervise military personnel who participated in detainee abuse.
35. Luciana Spencer: joined the conspiracy as early as November 2003 and left the

- conspiracy no earlier than 2004; and furthered the conspiracy by participating in detainee abuse, directing military personnel in abusing detainees, and failing to report detainee abuse.
36. Steven Stefanowicz: joined the conspiracy as early as September 2003 and left the conspiracy no earlier than October 2004; and furthered the conspiracy by participating in detainee abuse and instructing others to do so, and participating in cover-up of CACI's role in detainee abuse.
37. Michael D. Thompson: joined the conspiracy as early as September 2003 and left the conspiracy no earlier than 2004; and furthered the conspiracy by failing to supervise military personnel who participated in detainee abuse.
38. Harry Thornsvarid: joined the conspiracy as early as August 2003 and left the conspiracy no earlier than 2004; and furthered the conspiracy by failing to provide adequately trained employees.
39. Carolyn A. Wood: joined the conspiracy as early as August 2003 and left the conspiracy no earlier than February 2004; and furthered the conspiracy by failing to supervise military personnel who participated in detainee abuse.

Interrogatory 8:

Identify the verbal statements and criminal acts alleged in Paragraph 72 of Your Amended Complaint.²

Response to Interrogatory 8:

Plaintiff Rashid objects that Interrogatory 8 is overbroad and unduly burdensome. Plaintiff Rashid objects to Interrogatory 8 as mooted by the agreed-upon filing of the Second Amended

² Plaintiff Rashid understands Interrogatory 8 as relating to Paragraph 80 of the Second Amended Complaint.

Complaint. Plaintiff Rashid responds as follows:

The criminal acts of CACI's employees who were responsible for and/or participated in the detainee abuse at Abu Ghraib can be imputed to CACI. Moreover, CACI attempted to cover up misconduct of its employees and thereby perpetuate and prolong the conspiracy by its verbal statements absolving any CACI employee of responsibility for and/or participation in the detainee abuse and destroying or concealing evidence implicating CACI.

CACI acquiesced in its employees' misconduct, turning a blind eye to reports of its employees' participation in the abuse of detainees and failing to adequately train and supervise employees to prevent reasonably foreseeable abuses of detainees at Abu Ghraib. When a military officer, Staff Sergeant Neal, attempted to report to CACI management that CACI employee Timothy Dugan was bragging that he had frightened a detainee badly enough to make him vomit, CACI management ignored Sergeant Neal and did not conduct an inquiry into this misconduct or otherwise discipline this employee. At least one other CACI employee alerted CACI managers about the prevalence of abuse of detainees at Abu Ghraib. Despite knowledge of the seriousness of the situation at Abu Ghraib, CACI management failed to report this abuse to the military or to take additional steps to ensure its own employees discontinued detainee abuse.

CACI prolonged the conspiracy by failing to follow the recommendation of Major General Taguba to reprimand Steven Stefanowicz for his role in detainee abuse. Instead, it launched an "internal investigation" into CACI employees' involvement in detainee abuse which absolved Stefanowicz from all wrongdoing and never fired him.

Documents relied upon:

- J. Phillip London, *Our Good Name: A Company's Fight to Defend Its Honor and Get the Truth Told About Abu Ghraib* (Regnery Publishing) (2008)
- Major General Antonio Taguba, Report of the Article 15-6 Investigation of the 800th Military Police Brigade
- Major General George R. Fay, Report of the Article 15-6 Investigation of the Abu Ghraib Detention Facility and 205th Military Intelligence Brigade
- Monahan Deposition Transcript, *Saleh v. Titan*, Case No. 05-cv-1165 (D.D.C.)
- Northrop Deposition Transcript, *Saleh v. Titan*, Case No. 05-cv-1165 (D.D.C.)

Interrogatory 9:

Identify all facts that You contend support the allegations in Paragraph 90 of Your Amended Complaint that CACI agreed to work in concert with co-conspirators and confirmed and ratified acts perpetrated by co-conspirators.³ To the extent that you allege that any Person with the authority to act for CACI PT or CACI International Inc approved of the participation of either company or any of their respective employees in the conspiracy alleged in Your Amended Complaint, Identify the Persons who authorized this decision on behalf of CACI PT or CACI International Inc and the manner in which such decision was communicated.

Response to Interrogatory 9:

Plaintiff Rashid objects to Interrogatory 9 on the ground that it is overbroad and unduly burdensome and to the extent that it seeks information that is equally or more readily accessible to Defendant. Plaintiff Rashid objects to Interrogatory 9 as mooted by the agreed-upon filing of the Second Amended Complaint. Plaintiff Rashid responds as follows:

CACI employees directed military officers to abuse detainees. Military personnel were directed by CACI employees to “set conditions” – code for physical or psychological abuse – for interrogations or otherwise abuse detainees. CACI interrogators had supervised military

³ Plaintiff Rashid understands Interrogatory 9 as relating to Paragraphs 106 of the Second Amended Complaint.

personnel participating in the abuse, and even reprimanded military personnel for failing to abuse detainees.

CACI's management knew of the abuse of detainees at Abu Ghraib by military and private contractor co-conspirators, including, but not limited to, Mark Billings and Scott Northrop, CACI employees were directed to bring *all* issues to CACI management, not to the military, and in fact, CACI employees alerted the CACI managers about the prevalence of abuse of detainees at Abu Ghraib.

CACI management was able to monitor its employees' conduct of interrogations. Namely, CACI management observed interrogations, reviewed reports and interrogation notes, had discussions between interrogations, and the like. CACI on-site management at Abu Ghraib was in constant contact with CACI corporate in the United States.

CACI executive Charles Mudd made more than a dozen trips to Iraq, during which he held staff meetings and engaged in a series of direct conversations with CACI employees and held meetings with the military. Mudd reported directly to CACI's CEO on a regular basis. CACI executive Scott Northrop spent approximately one year in Iraq – in or about November, 2003 to November, 2004 – as in-country manager, during which time he would make periodic visits to Abu Ghraib. At Abu Ghraib, one of the sites Northrop visited most often, Northrop would meet with CACI employees and military personnel. CACI manager Tom Howard, as a function of his position, had complete access to the interrogation reports that CACI interrogators drew up. CACI's Site Lead at Abu Ghraib, Daniel Porvaznik attended "shift change" meetings at the facility and had full access to everything relating to CACI employees. CACI retained the right to investigate any allegation of abuse or illegal behavior.

Despite knowledge of the seriousness of the situation at Abu Ghraib, CACI failed to report

this abuse to the military, as they were obligated to do, or to take additional steps to ensure its own employees discontinued detainee abuse.

Documents relied upon:

- Major General Antonio Taguba, Report of the Article 15-6 Investigation of the 800th Military Police Brigade
- Major General George R. Fay and Lieutenant General Anthony R. Jones, Reports of the Article 15-6 Investigation of the Abu Ghraib Detention Facility and 205th Military Intelligence Brigade
- Private Ivan Frederick, Sworn Statement to U.S. Army Criminal Investigation Division (Nov. 2004)
- Private Ivan Frederick Testimony to Court Martial of Michael Smith
- Private Charles Graner, Sworn Statement to U.S. Army Criminal Investigation Division (Apr. 2005)
- Translation of Sworn Statement by Amjeed Ismail Waleed Al-Tae, Detainee #151635, to Court Martial of Sabrina Harman (Feb. 28, 2005)
- Porvaznik Deposition Transcript, *Saleh v. Titan*, Case No. 05-cv-1165 (D.D.C.)
- Monahan Deposition Transcript, *Saleh v. Titan*, Case No. 05-cv-1165 (D.D.C.)
- Mudd Deposition Transcript, *Saleh v. Titan*, Case No. 05-cv-1165 (D.D.C.)
- Northrop Deposition Transcript, *Saleh v. Titan*, Case No. 05-cv-1165 (D.D.C.)
- Sworn Statement of Torin Nelson, *Saleh v. Titan*, Case No. 05-cv-1165 (JR) (D.D.C.) (Sept. 14, 2006)

Interrogatory 10:

Identify all facts that You contend support the alter ego allegation in Paragraph 74 of Your

Amended Complaint.⁴

Response to Interrogatory 10:

Plaintiff Rashid objects to Interrogatory 10 on the basis that it seeks information that is equally or more readily accessible to Defendant. Plaintiff Rashid responds as follows:

CACI International Inc. acquired the assets of Premier Technology Group, in 2003, which became CACI Premier Technology Inc. Various employees of CACI Premier Technology Inc. reported to CACI International Inc.'s management, including, but not limited to, Chuck Mudd, Vice President of the Operational Support Division of CACI Premier Technology, Inc., who directly reported to the Chief Executive Officer of CACI International, Inc., on a regular basis. Other CACI Premier Technology Inc. employees told military investigators or stated in sworn testimony submitted in another litigation that they believed worked for CACI International Inc. CACI International Inc.'s public statements have conflated CACI International Inc.'s employees with CACI Premier Technology, Inc.'s employees. CACI Premier Technology does not have its own website; it is only mentioned on CACI International Inc.'s website as a "contract vehicle" for CACI International Inc.

Documents relied upon:

- Porvaznik Deposition Transcript, *Saleh v. Titan*, Case No. 05-cv-1165 (D.D.C.)
- CACI International Inc's 10-K dated June 30, 2008 (filed on August 27, 2008)
- Mudd Deposition Transcript, *Saleh v. Titan*, Case No. 05-cv-1165 (D.D.C.)
- Pescatore Testimony to Court Martial of Michael Smith
- Sworn Statement of Torin Nelson, *Saleh v. Titan*, Case No. 05-cv-1165 (JR) (D.D.C.)
(Sept. 14, 2006)

⁴ Plaintiff Rashid understands Interrogatory 10 as relating to Paragraph 87 of the Second Amended Complaint.

- J. Phillip London, *Our Good Name: A Company's Fight to Defend Its Honor and Get the Truth Told About Abu Ghraib* (Regnery Publishing) (2008)
- Major General Antonio Taguba, Report of the Article 15-6 Investigation of the 800th Military Police Brigade
- CACI Website: <http://www.caci.com>;
http://www.caci.com/Contracts/GSA/0179fss_contact.shtml

Interrogatory 11:

Identify all facts that You contend support the allegations of participation in conspiratorial misconduct alleged in Paragraph 79 of Your Amended Complaint.⁵

Response to Interrogatory 11:

Plaintiff Rashid objects that Interrogatory 11 is overbroad and unduly burdensome. Plaintiff Rashid responds as follows:

First, CACI failed to properly preserve evidence of the conspiracy. While it was fairly common for CACI personnel to use their personal e-mail addresses while they were stationed in Iraq as opposed to the CACI-issued e-mail addresses, CACI personnel failed to preserve communications related to their work for CACI sent or received using their personal e-mail addresses.

Second, CACI failed to report its knowledge of abuse of detainees. For instance, when a military officer, Staff Sergeant Neal, attempted to report to CACI management that CACI employee and co-conspirator Timothy Dugan was bragging that he had frightened a detainee badly enough to make him vomit, CACI ignored Sergeant Neal and did not report this abuse. Similarly, CACI employees alerted the CACI Managers about the prevalence of abuse of

⁵ Plaintiff Rashid understands Interrogatory 11 as relating to Paragraphs 94 of the Second Amended Complaint.

detainees at Abu Ghraib. Despite knowledge of the seriousness of the situation at Abu Ghraib, CACI failed to report this abuse to the military or to take additional steps to ensure its own employees did not participate in detainee abuse. When CACI employees attempted to report abuse to military officials, they would face retaliation, deterring others from doing so. CACI employee Torin Nelson faced threats and retaliation because he informed the military that CACI interrogators Daniel Johnson and Timothy Dugan abused prisoners.

Third, CACI misled non-conspiring military and government officials about the state of affairs at the prisons. Stefanowicz made false statements in the course of Major General Taguba's Article 15-6 investigation regarding the locations of Stefanowicz's interrogations, the activities during his interrogations, and his knowledge of abuses. CACI management described CACI employee Stephen Stefanowicz's mistreatment of prisoners – as found through Major General Antonio Taguba's and Major General George Fay's Article 15-6 investigations – as only “minor abuses.” Further, CACI personnel did not ensure the maintenance of records of interrogations during which they participated in the abuse of detainees. Major General Fay's investigation concluded that CACI employee Daniel Johnson had used dogs during an interrogation in an abusive and unlawful manner, but no interrogation records existed for that interrogation. Similarly, Major General Fay's investigation found that during an interrogation, a detainee told Stefanowicz that an interpreter hit him and cut his ear which required stitches. The military officer present told Stefanowicz to annotate this on the interrogation report, but Stefanowicz did not report it to appropriate authorities.

Documents relied upon:

- J. Phillip London, *Our Good Name: A Company's Fight to Defend Its Honor and Get the Truth Told About Abu Ghraib* (Regnery Publishing) (2008)

- Major General Antonio Taguba, Report of the Article 15-6 Investigation of the 800th Military Police Brigade
- Major General George R. Fay, Report of the Article 15-6 Investigation of the Abu Ghraib Detention Facility and 205th Military Intelligence Brigade
- Monahan Deposition Transcript, *Saleh v. Titan*, Case No. 05-cv-1165 (D.D.C.)
- Northrop Deposition Transcript, *Saleh v. Titan*, Case No. 05-cv-1165 (D.D.C.)
- Sworn Statement of Torin Nelson, *Saleh v. Titan*, Case No. 05-cv-1165 (JR) (D.D.C.) (Sept. 14, 2006)

Interrogatory 12:

Identify each false statement alleged in Paragraph 85 of Your Amended Complaint.⁶

Response to Interrogatory 12:

Plaintiff Rashid objects to Interrogatory 12 on the basis it is unduly burdensome and seeks information that is equally or more readily accessible to Defendant. Plaintiff Rashid responds as follows:

CACI made false statements absolving CACI and its employees of participation in the abuse of detainees at Abu Ghraib in CEO J. Phillip London's book, *Our Good Name: A Company's Fight to Defend Its Honor and Get the Truth Told About Abu Ghraib*, in press releases, and in statements made in the course of Major General Antonio Taguba's and Major General George Fay's Article 15-6 investigations. CACI's false statements, in sum and substance, conveyed that there was no evidence that CACI personnel were involved in the abuses at Abu Ghraib, when, in fact, photographs, witness testimony, e-mail communications, and other evidence demonstrate CACI's employees' participation in and knowledge and ratification of the

⁶ Plaintiff Rashid understands Interrogatory 12 as relating to Paragraph 101 of the Second Amended Complaint.

abuse.

Documents relied upon:

- J. Phillip London, *Our Good Name: A Company's Fight to Defend Its Honor and Get the Truth Told About Abu Ghraib* (Regnery Publishing) (2008)
- Major General Antonio Taguba, Report of the Article 15-6 Investigation of the 800th Military Police Brigade
- Sworn Statement of Torin Nelson, *Saleh v. Titan*, Case No. 05-cv-1165 (JR) (D.D.C.) (Sept. 14, 2006)

Interrogatory 13:

Identify the duty alleged in Paragraph 203 of Your Amended Complaint, including the source of law for any duty that you contend was owed to Plaintiffs by CACI PT or CACI International.⁷

Response to Interrogatory 13:

Plaintiff Rashid objects to Interrogatory 13 as calling for legal analysis, not factual information.

Interrogatory 14:

For each act by an employee of CACI PT for which You contend CACI PT is liable to Plaintiffs, State whether You contend that the act was done within the scope of CACI PT's contractual relationship with the United States.

Response to Interrogatory 14:

Plaintiff Rashid objects to Interrogatory 14 as unduly burdensome and not likely to lead to the discovery of admissible evidence.

Interrogatory 15:

State whether You have, or anyone acting on your behalf has, other than through this lawsuit, ever sought compensation from any source, including but not limited to the submission of an administrative claim with the United States, for Your detention by the United States or any injuries suffered while in United States custody, and describe the status or result of each claim you Identify in Your response.

⁷ Plaintiff Rashid understands Interrogatory 13 as relating to Paragraph 220 of the Second Amended Complaint.

Response to Interrogatory 15:

Plaintiff Rashid responds as follows:

Neither Plaintiff Rashid nor anyone acting on his behalf has sought compensation from any source, other than through this lawsuit, for his detention by the United States or any injuries suffered while in United States custody.

Interrogatory 16:

State the amount of damages You are seeking in this action and the manner in which You have calculated Your damages claim.

Response to Interrogatory 16:

Plaintiff Rashid responds as follows:

Plaintiffs have not yet finalized their computation of damages, but will provide this information to Defendant as soon as experts reports are delivered and damages are computed.

Dated: New York, New York
December 13, 2012

/s/ Baher Azmy
Baher Azmy, *Admitted pro hac vice*
Katherine Gallagher, *Admitted pro hac vice*
CENTER FOR CONSTITUTIONAL RIGHTS
666 Broadway, 7th Floor
New York, NY 10012

Robert P. LoBue
PATTERSON BELKNAP WEBB & TYLER LLP
1133 Avenue of the Americas
New York, NY 10036

Shereef Hadi Akeel
AKEEL & VALENTINE, P.C.
888 West Big Beaver Road
Troy, MI 48084-4736

Attorneys for Plaintiffs

CERTIFICATE OF SERVICE

I hereby certify that on this 13th day of December, 2012, a true and correct copy of the foregoing document was furnished via electronic mail upon the following:

J. William Koegel, Jr.
John F. O'Conner
Steptoe & Johnson LLP
1330 Connecticut Avenue, NW
Washington, DC 20036

/s/ Michelle W. Cohen
Michelle W. Cohen

EXHIBIT 27



DEPARTMENT OF THE ARMY
HEADQUARTERS, THIRD UNITED STATES ARMY
UNITED STATES ARMY FORCES CENTRAL COMMAND
COALITION FORCES LAND COMPONENT COMMAND
1881 HARDEE AVE SW
FORT McPHERSON GEORGIA 30330-1064

REPLY TO
ATTENTION OF
AFRD-JA

4 June 2004

MEMORANDUM FOR RECORD

SUBJECT Certification (AR 15-6 Investigation of the 800th Military Police Brigade)

1 I hereby certify that the printed copy of the AR 15-6 Investigation of the 800th MP Brigade provided to the Office of Legal Counsel to the Chairman of the Joint Chiefs of Staff is a true and accurate copy of the Report as certified by the custodian of records and provided to this office in an electronic format described as the Master Disk. (See enclosed certification by the custodian of records.)

2 As annotated in paragraph 3 of the Certification by the Custodian of Records, the allied documents are not, and were not, included in the actual report as forwarded to the Approving Authority, thus were not included in the printed copy.

3 Among the 106 annexes, there are statements and/or other documents that reference enclosures or attachments that were not made part of the actual report as presented to the appointing authority (i.e. Sworn Statement of COL Pappas). The actual annexes included in the report provided to the Office of Legal Counsel to the Chairman of the Joint Chiefs of Staff were limited to those items that were specifically referenced in the 53 pages of the findings and recommendations submitted by MG Taguba.

4 The report contains numerous documents and statements that were provided to the investigating team throughout the course of the investigation. In some cases, the documents that were provided to the investigating team may have contained typographical/administrative oversights. Some of these have been identified and are annotated as follows:

- a In Annex 9, The IO never received the second page of the "Davis Statement"
- b In Annex 19, The table of contents of the Ryder Report indicates it has 67 enumerated pages. However, the report as provided to the IO only contained 64 pages. It appears that the table of contents had a typographical error and the report actual does end at page 64.
- c In Annex 23, Annexes A-G of the regulation do not appear in the Original Report.
- d In Annex 33, Page 163 mistakenly reads 143.
- e In Annex 87, there is an error in the Summarized Testimony. It appears that in the preparation of the Statement, a portion of Annex 88 was cut into Annex 87. It is unclear if any testimony was lost, but the error existed in the Original Report and is on the Master Disk.



APRD-PA

SUBJECT Certification of the AR 15-6 Investigation of the 800th Military Police Brigade

f In Annex 92, the Original Report contained a Hyperlinked version of the Table of Contents not reproduced onto the Master Disk, thus not in the printed copy of the report

5 The original of the Report is maintained in the Office of the Staff Judge Advocate, CFLCC Camp Arifjan, Kuwait, APO AE 09306

6 The Point of Contact is the Special Assistant to the Staff Judge Advocate, CFLCC, LTC [REDACTED] at DSN 18-430-6303

[REDACTED]

CPT, JA
Chief of Military Justice

JUN 4 2004 3 52PM

CFLCC SJA

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P.02



REPLY TO
ATTENTION OF
AFRD-JA

DEPARTMENT OF THE ARMY
HEADQUARTERS, THIRD UNITED STATES ARMY
UNITED STATES ARMY FORCES CENTRAL COMMAND
COALITION FORCES LAND COMPONENT COMMAND
1001 HARDEE AVE SW
FORT McPHERSON, GEORGIA 30330-1004

4 June 2004

MEMORANDUM FOR RECORD

SUBJECT Certification of the AR 15-6 Investigation of the 800th Military Police Brigade

1. As the custodian of the original report, I hereby certify that the Master Disk, which was forwarded by this Headquarters on 13 May 2004 to Headquarters, US Central Command in Doha, Qatar is a true and accurate copy of the AR 15-6 Investigation and contains all of the material that was forwarded to the appointing authority, LTG [REDACTED] for review and approval.
2. Among the 106 annexes, there are statements and or other documents that reference enclosures or attachments that were not made part of the actual report as presented to the appointing authority. The actual annexes were limited to those items that were specifically referenced in the 53 pages of the findings and recommendations.
3. The following allied documents have been stored, and are now maintained, on the electronic copy of the report (referred to as the Master Disk) These were materials gathered by the Investigating Officer but not included as part of the original report as they were not specifically identified in the findings and recommendations
 - a. In Annex 24, The 530th MP Company's Geneva Convention Brief, undated, was added to the Master Disk
 - b. In Annex 45; The Original Report contains only BG Karpinski's Deposition, two additional Memorandums from BG Karpinski, which are also found in Annex 62, were added to the Master Disk
 - c. In Annex 62; the following documents were added to the Master Disk.
 1. 670th MP Company's Command Philosophy,
 2. 670th MP Company's AAR,
 3. FRAGO 70, Redistribution of HUMVEES,
 4. FRAGO 70A, Redistribution of HUMVEES,
 5. MFR, Lateral Transfer of M-114 Up Armored Vehicles,
 6. Memorandum to All 800th MP Soldiers, from BG Karpinski, Subject: Proper Treatment of Iraqi People, dated 19 Jan 04,
 7. Memorandum to All 800th MP Soldiers, from BG Karpinski, Subject: Brigade Policy Regarding Fraternization with Detainees, dated 17 Jan 04,

JUN 4 2004 3:53PM
JUN-04-04 12:53

CFLCC SJA

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P.03

AFRD-PA

SUBJECT: Certification of the AR 15-6 Investigation of the 800th Military Police Brigade

- 8 Memorandum to All Soldiers, From CPT [REDACTED], Subject Contacts for Physical Abuse of Any Detainee in Theater, dated 18 Jan 04, and
 - 9 A sign posted by the local command's IG, CPT [REDACTED], titled (Contacts for Physical Abuse of Any Detainee in Theater), undated
- d In Annex 95, only 6-pages Mobilization Order were in the Original Report, however, the full 18 pages is now on the Master Disk
- e. In Annex 101, The Original Report does not contain 2LT Osterhout's Sworn Statement, however, it has been added to the Master Disk
- 4 Further review of the Original Report did identify certain typographical and administrative errors that, for clarification purposes, are annotated as follows:
- a. In Annex 23, Annexes A-G of the regulation do not appear in the Original Report
 - b In Annex 44, The separate annexes found on the Original Disk were combined, with the exception of Annex G.
 - c In Annex 87, there is an error in the Summarized Testimony. It appears that in the preparation of the Statement, a portion of Annex 88 was cut into Annex 87. It is unclear if any testimony was lost, but the error existed in the Original Report and is on the Master Disk
 - d In Annex 92, the Original Report contained a Hyperlinked Table of Contents not found on the Master Disk
 - e. In Annex 103, only the Original Disk contains all of the SIRs that produced, but contains all of the SIRs that were considered by the Appointing Authority
5. The original of this document is kept in the Office of the Staff Judge Advocate, CFLCC, Camp Anfjan, Kuwait, APO AE 09306.
6. The Point of Contact is the undersigned at DSN 318-430-6303



Special Assistant to the Staff Judge Advocate

AR 15-6
INVESTIGATION
OF THE
800TH MILITARY POLICE
BRIGADE

Investigating Officer

MG ANTONIO M. TAGUBA

Deputy Commanding General Support
Coalition Forces Land Component Command

--- CERTIFIED COPY ---

Secret

AR 15-6 Investigation of the 800th MP BDE
Executive Summary

1. This inquiry into all facts and circumstances surrounding recent allegations of detainee abuse at Abu Ghraib Prison (Baghdad Central Confinement Facility) has produced incontrovertible evidence that such abuse did occur. While those who perpetrated the criminal acts are individually responsible, the command climate, unclear command structure, and insufficient training created an environment conducive to the commission of these offenses.

a. Two prior external assessments, the Report on Detention and Corrections in Iraq (MG Ryder) and the Assessment of DoD Counter-Terrorism Interrogation and Detention Operations in Iraq (MG Miller), both agreed that there was a lack of command guidance and structure regarding detainee internment operations. Based on my investigation, I find that these were contributing factors leading to the criminal actions of Soldiers at Abu Ghraib Prison. In an effort to provide structure, the CJTF-7 Commander attempted to create a single chain of command under FRAGO #1108 to OPOD 03-036. The FRAGO stated "Effective Immediately, Commander 205th MI BDE assumes responsibility for the Baghdad Central Confinement Facility (BCCF) and is appointed the FOB Commander and units currently at Abu Ghraib (BCCF) are TACON to 205th MI BDE for security of detainees and FOB protection." However, the Commanders of these respective units failed to adhere to the FRAGO and continued to operate independently.

b. Lack of clear understanding of the command structure led to insufficient control and oversight of detainee operations at Abu Ghraib (BCCF). The command and supervisory presence within the facility was non-existent due to the weak and ineffective leadership at the 800th MP BDE and 320th MP BN. These leadership failures resulted in an environment that allowed those criminally culpable of the abuse to feel they had free rein in their treatment of detainees.

c. The lack of Internment/Resettlement (I/R) training of 800th MP BDE units at home and mobilization stations, and also in theater, was a factor leading to the criminal actions by Soldiers and US contract civilians assigned to the 205th MI BDE at Abu Ghraib Prison.

2. This inquiry into detainee escapes and accountability lapses did not indicate a complete loss of control over the detainee population. However, confusing and non-standard reporting, inadequate and non-doctrinal accounting, and flawed management practices contributed to a loss of accountability.

3. This inquiry found that a perverse command climate in the 800th MP Brigade created conditions that allowed for the loss of accountability and abuse of the detainees.

a. Commanders and staff officers failed to prioritize their missions or take responsibility for their actions and those of their subordinates. Commanders failed to ensure that Soldiers within the command were properly trained for their mission.

b. Basic Soldier standards were infrequently met and not enforced. Lack of enforcement of Army standards by leaders with regard to uniforms and basic military customs and courtesies, as well as unclear command policies, contributed to a lack of military discipline.

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c. Units were not properly task organized, which created unclear command relationships. Furthermore, lack of effective leaders in key positions resulted in ambiguous chains of command. Leaders were unable or unwilling to confront situations of misbehavior and misconduct. Addressing these situations may have obviated some of the underlying problems.

4. My investigation is based on numerous oral interviews; reviews of written statements, AR 190-8, FM 3-19.40, FM 34-52, the Geneva Convention, and The Law of Land Warfare (AR 27-10); facility visits of Abu Ghraib Prison (BCCF) and three other detention facilities; and review of Command Standing Operating Procedures, the written Assessment of DoD Counter-Terrorism Interrogation and Detention Operations in Iraq, and the written Assessment of Detention and Corrections Operations in Iraq. Based on my investigation, I recommend the following.

a. Establish a single command structure in CJTF-7 and/or Iraq Joint Operations Area (JOA) with responsibility for detainee and interrogation operations.

b. Reorganize the Abu Ghraib / BCCF under a single command and control element to ensure Army and higher authority standards are met. The BCCF is currently under control of the Commander, 504th MI BDE. Resource the BCCF with sufficient personnel, Information Technology, and other resources to ensure the success of the mission.

c. Immediately train all coalition forces conducting detainee operations in a comprehensive and multi-functional training program. All units must be resourced and trained properly to use Biometric Automated Toolset System (BATS) technology to facilitate detainee accounting and management in order to enable mission accomplishment. The use of this technology will enhance accountability procedures but not replace doctrinally proven techniques that must be reinforced.

d. Expedite release process for detainees who offer little or no intelligence value and pose minimal or no security risk.

e. Establish distinctly separate facilities for detainees under US control and Iraqi criminals under Iraqi control.

f. Develop a deliberate plan to address detainee program shortfalls, considering recommendations from this investigation and previous AR 15-6 investigations related to detainee abuse.

5. I recommend the following disciplinary and administrative actions against

- BG Janis L. Karpinski – Commander, 800th Military Police Brigade.
Relief from Command. General Officer Memorandum of Reprimand for:
 - Misrepresentations to investigation team
 - Failure to obey a lawful order
 - Dereliction of duty
 - Ineffective leadership
- COL Thomas M. Pappas – Commander, 205th Military Intelligence Brigade.
General Officer Memorandum of Reprimand for:
 - Dereliction of duty

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- LTC(P) [REDACTED] – Commander, 320th Military Police Battalion.
Relief from Command; General Officer Memorandum of Reprimand; and removal from the COL/O-6 promotion list for
 - Dereliction of duty
 - Failure to obey a lawful order
 - Grossly ineffective leadership
- LTC [REDACTED] – Director, Joint Interrogation and Debriefing Center and Liaison Officer to 205th Military Intelligence Brigade.
Relief from duty; General Officer Memorandum of Reprimand for:
 - Making a false official statement
 - Dereliction of duty
 - Exceeding his authority
 - Willful endangerment of the lives of Military Police Soldiers
- MAJ [REDACTED] Sr – S-3, 320th Military Police Battalion.
Relief from duty; General Officer Memorandum of Reprimand for:
 - Misrepresentations to investigation team
 - Dereliction of duty
- CPT [REDACTED] – Commander, 372nd Military Police Company.
Relief from Command; General Officer Memorandum of Reprimand for:
 - Dereliction of duty
 - Ineffective leadership
- 1LT [REDACTED] – Platoon Leader, 372nd Military Police Company.
Relief from duty. General Officer Memorandum of Reprimand for:
 - Dereliction of duty
 - Ineffective leadership
- SGM [REDACTED] – Operations SGM, 320th Military Police Battalion.
Relief from duty; General Officer Memorandum of Reprimand for:
 - False official statement
 - Dereliction of duty
 - Ineffective leadership
- 1SG [REDACTED] – First Sergeant, 372nd Military Police Company
Relief from duty; General Officer Memorandum of Reprimand for:
 - Dereliction of duty
 - Ineffective leadership
- SFC [REDACTED] – Platoon Sergeant, 372nd Military Police Company.
Relief from duty, General Officer Memorandum of Reprimand; and action under the UCMJ for:
 - False official statement
 - Ineffective leadership
 - Dereliction of duty

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- SGT [REDACTED] - Military Working Dog Handler, 42nd Military Police Detachment/16th Military Police Brigade
General Officer Memorandum of Reprimand, and removal from the Military Working Dog Program for:
 - Dereliction of duty
 - Failure to obey AR 190-12 (Military Working Dogs)
 - Incompetent duty performance

- SGT [REDACTED] - Military Working Dog Handler, 523rd Military Police Detachment/937th Engineer Group.
General Officer Memorandum of Reprimand; and removal from the Military Working Dog Program for:
 - Dereliction of duty
 - Failure to obey AR 190-12 (Military Working Dogs)

- Mr. [REDACTED] - Contract US civilian Interrogator, CACI, 205th Military Intelligence Brigade.
Placement of Official Reprimand in employment file, termination of employment, generation of derogatory report to revoke security clearance for:
 - Misrepresentations to investigation team
 - Violation of command policies, i.e., abusive behavior and failure to report abuses

- Mr. [REDACTED] Contract US civilian Interpreter, Titan Corporation, 205th Military Intelligence Brigade
Placement of Official Reprimand in employment file and addressing status of his security clearance for:
 - Misrepresentations to investigation team
 - No current security clearance

6. I find that there is sufficient credible information to warrant an Inquiry UP Procedure 15, AR 381-10, US Army Intelligence Activities, be conducted to determine the extent of culpability of MI personnel, assigned to the 205th MI Brigade and the Joint Interrogation and Debriefing Center (JDIC) at Abu Ghraib (BCCF)

7. Throughout the investigation, I observed many individual Soldiers and units subordinate to the 800th MP Brigade overcome significant obstacles, persevere in extremely poor conditions, and uphold the Army Values. We discovered numerous examples of Soldiers and Sailors taking the initiative in the absence of leadership and accomplishing their assigned tasks.

- a. The 744th MP Battalion, commanded by LTC [REDACTED] efficiently operated the HVD Detention Facility at Camp Cropper and met mission requirements with little to no guidance from the 800th MP Brigade. Leaders were disciplined and understood their basic tasks

- b. The 530th MP Battalion, commanded by LTC [REDACTED], effectively maintained the MEK Detention Facility at Camp Ashraf. Their Soldiers were proficient in their individual tasks and adapted well to this highly unique and non-doctrinal operation.

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c. The 165th MI Battalion excelled in providing perimeter security and force protection at Abu Ghraib. LTC [REDACTED], demanded standards be enforced and worked endlessly to improve discipline throughout the FOB.

d. Master-at-Arms First Class [REDACTED] US Navy Dog Handler, knew his duties and refused to participate in improper interrogations despite significant pressure from the MI personnel at Abu Ghraib; SPC [REDACTED], 372nd MP Company discovered evidence of abuse and turned it over to military law enforcement; 1LT [REDACTED] 229th MP Company, took immediate action and stopped an abuse and then reported the incident to his chain of command.

8. In conclusion, I have determined that as Operation Iraqi Freedom continues, internment and resettlement operations will become a significant and resource intensive endeavor that will potentially be scrutinized by international organizations.

a. Immediate and comprehensive actions must be taken to meet the minimum standards required by Army Regulations and the Law of Land Warfare, in order to accomplish the mission and intent of detention and interrogation operations in the Iraq Joint Operations Area (JOA).

b. US Soldiers have committed egregious acts of abuse to detainees in violation of the UCMJ and international law at Abu Ghraib (BCCF). Key senior leaders in both the 800th MP Brigade and the 205th MI Brigade have failed to comply with established Army standards, DoD policies, and command guidance.

c. Approval and implementation of the recommendations of this AR 15-6 Investigation and those highlighted in previous assessments are essential to establish the conditions with the resources and personnel required to prevent future recurrence of detainee abuse.

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5/27/2004

AS-USA-007234

REPORT OF PROCEEDINGS BY INVESTIGATING OFFICER/BOARD OF OFFICERS

For use of this form, see AR 15-6; the proponent agency is OTJAG.

IF MORE SPACE IS REQUIRED IN FILLING OUT ANY PORTION OF THIS FORM, ATTACH ADDITIONAL SHEETS

SECTION I - APPOINTMENT

Appointed by LTG [REDACTED] Commander, Coalition Land Force Component Command
(Appointing authority)

on 31 January 2004 (Attach inclosure 1 Letter of appointment or summary of oral appointment data.) (See para 3-15, AR 15-6)
(Date)

SECTION II - SESSIONS

The (investigation) (board) commenced at Camp Doha, Kuwait at 1800 Hours
(Place) (Time)

on 1 February 2004 (If a formal board met for more than one session, check here Indicate in an inclosure the time each session began and ended, the place, persons present and absent, and explanation of absences, if any.) The following persons (members, respondents, counsel) were present (After each name, indicate capacity, e.g., President, Recorder, Member, Legal Advisor)

The following persons (members, respondents, counsel) were absent (Include brief explanation of each absence) (See paras 5-2 and 5-8a, AR 15-6)

The (investigating officer) (board) finished gathering/hearing evidence at 2300 Hours on 19 February 2004
(Time) (Date)

and completed findings and recommendations at 2300 Hours on 26 February 2004
(Time) (Date)

SECTION III - CHECKLIST FOR PROCEEDINGS

A. COMPLETE IN ALL CASES		YES	NO ¹⁾	NA ²⁾
1	Inclosures (para 3-15, AR 15-6)			
	Are the following inclosed and numbered consecutively with Roman numerals (Attached in order listed)			
a	The letter of appointment or a summary of oral appointment data?	X		
b	Copy of notice to respondent, if any? (See item 9, below)			X
c	Other correspondence with respondent or counsel, if any?			X
d	All other written communications to or from the appointing authority?			X
e	Privacy Act Statements (Certificate, if statement provided orally)?			X
f	Explanation by the investigating officer or board of any unusual delays, difficulties, irregularities, or other problems encountered (e.g., absence of material witnesses)?			X
g	Information as to sessions of a formal board not included on page 1 of this report?			X
h	Any other significant papers (other than evidence) relating to administrative aspects of the investigation or board?	X		

FOOTNOTES
 1) Explain all negative answers on an attached sheet
 2) Use of the N/A column constitutes a positive representation that the circumstances described in the question did not occur in this investigation or board

		YES	NO	N/A
2	Exhibits (para 3-16, AR 15-6)			
a	Are all items offered (whether or not received) or considered as evidence individually numbered or lettered as exhibits and attached to this report?	X		
b	Is an index of all exhibits offered to or considered by investigating officer or board attached before the first exhibit?	X		
c	Has the testimony/statement of each witness been recorded verbatim or been reduced to written form and attached as an exhibit?	X		
d	Are copies, descriptions, or depictions (if substituted for real or documentary evidence) properly authenticated and is the location of the original evidence indicated?	X		
e	Are descriptions or diagrams included of locations visited by the investigating officer or board (para 3-6b, AR 15-6)?	X		
f	Is each written stipulation attached as an exhibit and is each oral stipulation either reduced to writing and made an exhibit or recorded in a verbatim record?			X
g	If official notice of any matter was taken over the objection of a respondent or counsel, is a statement of the matter of which official notice was taken attached as an exhibit (para 3-16d, AR 15-6)?			X
3	Was a quorum present when the board voted on findings and recommendations (paras 4-1 and 5-2b, AR 15-6)?			X
B. COMPLETE ONLY FOR FORMAL BOARD PROCEEDINGS (Chapter 5, AR 15-6)				
4	At the initial session, did the recorder read, or determine that all participants had read, the letter of appointment (para 5-3b, AR 15-6)?			
5	Was a quorum present at every session of the board (para 5-2b, AR 15-6)?			
6	Was each absence of any member properly excused (para 5-2a, AR 15-6)?			
7	Were members, witnesses, reporter, and interpreter sworn, if required (para 3-1, AR 15-6)?			
8	If any members who voted on findings or recommendations were not present when the board received some evidence, does the inclosure describe how they familiarized themselves with that evidence (para 5-2d, AR 15-6)?			
C. COMPLETE ONLY IF RESPONDENT WAS DESIGNATED (Section II, Chapter 5, AR 15-6)				
9	Notice to respondents (para 5-5, AR 15-6)			
a	Is the method and date of delivery to the respondent indicated on each letter of notification?			
b	Was the date of delivery at least five working days prior to the first session of the board?			
c	Does each letter of notification indicate--			
	(1) the date, hour, and place of the first session of the board concerning that respondent?			
	(2) the matter to be investigated, including specific allegations against the respondent, if any?			
	(3) the respondent's rights with regard to counsel?			
	(4) the name and address of each witness expected to be called by the recorder?			
	(5) the respondent's rights to be present, present evidence and call witnesses?			
d	Was the respondent provided a copy of all unclassified documents in the case file?			
e	If there were relevant classified materials, were the respondent and his counsel given access and an opportunity to examine them?			
10	If any respondent was designated after the proceedings began (or otherwise was absent during part of the proceedings)			
a	Was he properly notified (para 5-5, AR 15-6)?			
b	Was record of proceedings and evidence received in his absence made available for examination by him and his counsel (para 5-4c, AR 15-6)?			
11	Counsel (para 5-6, AR 15-6)			
a	Was each respondent represented by counsel?			
	Name and business address of counsel			
	(If counsel is a lawyer, check here <input type="checkbox"/>)			
b	Was respondent's counsel present at all open sessions of the board relating to that respondent?			
c	If military counsel was requested but not made available, is a copy (or, if oral, a summary) of the request and the action taken on it included in the report (para 5-6b, AR 15-6)?			
12	If the respondent challenged the legal advisor or any voting member for lack of impartiality (para 5-7, AR 15-6)			
a	Was the challenge properly denied and by the appropriate officer?			
b	Did each member successfully challenged cease to participate in the proceedings?			
13	Was the respondent given an opportunity to (para 5-8a, AR 15-6)			
a	Be present with his counsel at all open sessions of the board which deal with any matter which concerns that respondent?			
b	Examine and object to the introduction of real and documentary evidence, including written statements?			
c	Object to the testimony of witnesses and cross-examine witnesses other than his own?			
d	Call witnesses and otherwise introduce evidence?			
e	Testify as a witness?			
f	Make or have his counsel make a final statement or argument (para 5-9, AR 15-6)?			
14	If requested, did the recorder assist the respondent in obtaining evidence in possession of the Government and in arranging for the presence of witnesses (para 5-8b, AR 15-6)?			
15	Are all of the respondent's requests and objections which were denied indicated in the report of proceedings or in an inclosure or exhibit to it (para 5-11, AR 15-6)?			
NOTES 1) Explain all negative answers on an attached sheet 2) Use of the N/A column constitutes a positive representation that the circumstances described in the question did not occur in this investigation or board				

SECTION IV - FINDINGS (para 3-10, AR 15-6)

The (investigating officer) (board), having carefully considered the evidence, finds

SEE ATTACHED REPORT

SECTION V - RECOMMENDATIONS (para 3-11, AR 15-6)

In view of the above findings, the (investigating officer) (board) recommends

SEE ATTACHED REPORT

SECTION VI - AUTHENTICATION (para 3-17, AR 15-6)

THIS REPORT OF PROCEEDINGS IS COMPLETE AND ACCURATE (If any voting member or the recorder fails to sign here or in Section VII below indicate the reason in the space where his signature should appear.)

Antonio M Taguba

Antonio M Taguba, MG, USA

(Investigating Officer) (President)

(Recorder)

(Member)

(Member)

(Member)

(Member)

SECTION VII - MINORITY REPORT (para 3-13, AR 15-6)

To the extent indicated in Inclosure _____, the undersigned do(es) not concur in the findings and recommendations of the board (In the inclosure identify by number each finding and/or recommendation in which the dissenting member(s) do(es) not concur. State the reasons for disagreement. Additional/substitute findings and/or recommendations may be included in the inclosure.)

(Member)

(Member)

SECTION VIII - ACTION BY APPOINTING AUTHORITY (para 2-3, AR 15-6)

The findings and recommendations of the (investigating officer) (board) are (approved) (disapproved) (approved with following exceptions/substitutions) (If the appointing authority returns the proceedings to the investigating officer or board for further proceedings or corrective action, attach that correspondence (or a summary, if oral) as a numbered inclosure.)

All findings and Recommendations in this investigation regarding proposed or suggested adverse administrative or punitive action against specific individuals should be decided on a case-by-case basis. Individual commanders responsible for enforcing the Uniform Code of Military Justice and good order and discipline within their commands should independently review the facts and circumstances of each case mentioned in this investigation before deciding on appropriate disciplinary or administrative action against individual Soldiers.

LTG, USA
Commanding



DEPARTMENT OF THE ARMY
COALITION FORCES LAND COMPONENT COMMAND
UNITED STATES ARMY FORCES CENTRAL COMMAND
THIRD UNITED STATES ARMY
APO AE 09304

AFRD-JA

14 March 2004

MEMORANDUM THRU Staff Judge Advocate, Coalition Forces Land Component Command, Camp Doha, Kuwait APO AE 09304

FOR Commanding General, Coalition Forces Land Component Command, Camp Doha, Kuwait APO AE 09304

SUBJECT: Legal Review of AR 15-6 Investigation of the 800th Military Police Brigade

1. I have reviewed the AR 15-6 investigation into the 800th Military Police Brigade's detention and internment operations from 1 November 2003 to the present
2. I find that the investigation is legally sufficient IAW AR 15-6 and conforms with the appointment memorandum. Specifically, I find the following.
 - (a) The enclosed proceedings comply with legal requirements;
 - (b) Sufficient evidence supports the findings of the investigating officer,
 - (c) The recommendations are consistent with the findings.
3. POC for this action is the undersigned at 438-8006/8044

A large black rectangular redaction covering the signature of the undersigned.

LTC, JA
Deputy Staff Judge Advocate

ARTICLE 15-6 INVESTIGATION OF THE 800th MILITARY POLICE BRIGADE

~~SECRET//NOFORN//EYES ONLY~~

DECLASSIFIED
BY U.S. Central Command
DATE 15 OCT 2004

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ARTICLE 15-6 INVESTIGATION OF THE 800th MILITARY POLICE BRIGADE

BACKGROUND

1. (U) On 19 January 2004, Lieutenant General (LTG) Ricardo S Sanchez, Commander, Combined Joint Task Force Seven (CJTF-7) requested that the Commander, US Central Command, appoint an Investigating Officer (IO) in the grade of Major General (MG) or above to investigate the conduct of operations within the 800th Military Police (MP) Brigade. LTG Sanchez requested an investigation of detention and internment operations by the Brigade from 1 November 2003 to present. LTG Sanchez cited recent reports of detainee abuse, escapes from confinement facilities, and accountability lapses, which indicated systemic problems within the brigade and suggested a lack of clear standards, proficiency, and leadership. LTG Sanchez requested a comprehensive and all-encompassing inquiry to make findings and recommendations concerning the fitness and performance of the 800th MP Brigade (ANNEX 2)
2. (U) On 24 January 2003, the Chief of Staff of US Central Command (CENTCOM), MG R Steven Whitcomb, on behalf of the CENTCOM Commander, directed that the Commander, Coalition Forces Land Component Command (CFLCC), LTG David D. McKiernan, conduct an investigation into the 800th MP Brigade's detention and internment operations from 1 November 2003 to present. CENTCOM directed that the investigation should inquire into all facts and circumstances surrounding recent reports of suspected detainee abuse in Iraq. It also directed that the investigation inquire into detainee escapes and accountability lapses as reported by CJTF-7, and to gain a more comprehensive and all-encompassing inquiry into the fitness and performance of the 800th MP Brigade. (ANNEX 3)
3. (U) On 31 January 2004, the Commander, CFLCC, appointed MG Antonio M Taguba, Deputy Commanding General Support, CFLCC, to conduct this investigation. MG Taguba was directed to conduct an informal investigation under AR 15-6 into the 800th MP Brigade's detention and internment operations. Specifically, MG Taguba was tasked to:
 - a. (U) Inquire into all the facts and circumstances surrounding recent allegations of detainee abuse, specifically allegations of maltreatment at the Abu Ghraib Prison (Baghdad Central Confinement Facility (BCCF)),
 - b. (U) Inquire into detainee escapes and accountability lapses as reported by CJTF-7, specifically allegations concerning these events at the Abu Ghraib Prison,

- c. (U) Investigate the training, standards, employment, command policies, internal procedures, and command climate in the 800th MP Brigade, as appropriate,
 - d. (U) Make specific findings of fact concerning all aspects of the investigation, and make any recommendations for corrective action, as appropriate (ANNEX 4)
4. (U) LTG Sanchez's request to investigate the 800th MP Brigade followed the initiation of a criminal investigation by the US Army Criminal Investigation Command (USACIDC) into specific allegations of detainee abuse committed by members of the 372nd MP Company, 320th MP Battalion in Iraq. These units are part of the 800th MP Brigade. The Brigade is an Iraq Theater asset, TACON to CJTF-7, but OPCON to CFLCC at the time this investigation was initiated. In addition, CJTF-7 had several reports of detainee escapes from US/Coalition Confinement Facilities in Iraq over the past several months. These include Camp Bucca, Camp Ashraf, Abu Ghraib, and the High Value Detainee (HVD) Complex/Camp Cropper. The 800th MP Brigade operated these facilities. In addition, four Soldiers from the 320th MP Battalion had been formally charged under the Uniform Code of Military Justice (UCMJ) with detainee abuse in May 2003 at the Theater Internment Facility (TIF) at Camp Bucca, Iraq (ANNEXES 5-18, 34 and 35)
5. (U) I began assembling my investigation team prior to the actual appointment by the CFLCC Commander. I assembled subject matter experts from the CFLCC Provost Marshal (PM) and the CFLCC Staff Judge Advocate (SJA). I selected COL Kinard J. La Fate, CFLCC Provost Marshal to be my Deputy for this investigation. I also contacted the Provost Marshal General of the Army, MG [REDACTED], to enlist the support of MP subject matter experts in the areas of detention and internment operations. (ANNEXES 4 and 19)
6. (U) The Investigating Team also reviewed the Assessment of DoD Counter-Terrorism Interrogation and Detention Operations in Iraq conducted by MG Geoffrey D. Miller, Commander, Joint Task Force Guantanamo (JTF-GTMO). From 31 August to 9 September 2003, MG [REDACTED] led a team of personnel experienced in strategic interrogation to HQ, CJTF-7 and the Iraqi Survey Group (ISG) to review current Iraqi Theater ability to rapidly exploit internees for actionable intelligence. MG Miller's team focused on three areas: intelligence integration, synchronization, and fusion, interrogation operations, and detention operations. MG Miller's team used JTF-GTMO procedures and interrogation authorities as baselines (ANNEX 20)
7. (U) The Investigating Team began its inquiry with an in-depth analysis of the Report on Detention and Corrections in Iraq, dated 5 November 2003, conducted by MG [REDACTED] and a team of military police, legal, medical, and automation experts. The CJTF-7 Commander, LTG Sanchez, had previously requested a team of subject matter experts to assess, and make specific recommendations concerning detention and corrections operations. From 13 October to 6 November 2003, MG Ryder personally led this assessment/assistance team in Iraq. (ANNEX 19)

ASSESSMENT OF DoD COUNTER-TERRORISM INTERROGATION AND DETENTION OPERATIONS IN IRAQ (MG MILLER'S ASSESSMENT)

1. (S/NF) The principal focus of MG [REDACTED]'s team was on the strategic interrogation of detainees/internees in Iraq. Among its conclusions in its Executive Summary were that CJTF-7 did not have authorities and procedures in place to affect a unified strategy to detain, interrogate, and report information from detainees/internees in Iraq. The Executive Summary also stated that detention operations must act as an enabler for interrogation. (ANNEX 20)
2. (S/NF) With respect to interrogation, MG [REDACTED]'s Team recommended that CJTF-7 dedicate and train a detention guard force subordinate to the Joint Interrogation Debriefing Center (JIDC) Commander that "sets the conditions for the successful interrogation and exploitation of internees/detainees." Regarding Detention Operations, MG Miller's team stated that the function of Detention Operations is to provide a safe, secure, and humane environment that supports the expeditious collection of intelligence. However, it also stated "it is essential that the guard force be actively engaged in setting the conditions for successful exploitation of the internees." (ANNEX 20)
3. (S/NF) MG [REDACTED]'s team also concluded that Joint Strategic Interrogation Operations (within CJTF-7) are hampered by lack of active control of the internees within the detention environment. The Miller Team also stated that establishment of the Theater Joint Interrogation and Detention Center (JIDC) at Abu Ghraib (BCCF) will consolidate both detention and strategic interrogation operations and result in synergy between MP and MI resources and an integrated, synchronized, and focused strategic interrogation effort. (ANNEX 20)
4. (S/NF) MG [REDACTED]'s team also observed that the application of emerging strategic interrogation strategies and techniques contain new approaches and operational art. The Miller Team also concluded that a legal review and recommendations on internee interrogation operations by a dedicated Command Judge Advocate is required to maximize interrogation effectiveness. (ANNEX 20)

IO COMMENTS ON MG MILLER'S ASSESSMENT

1. (S/NF) MG Miller's team recognized that they were using JTF-GTMO operational procedures and interrogation authorities as baselines for its observations and recommendations. There is a strong argument that the intelligence value of detainees held at JTF-Guantanamo (GTMO) is different than that of the detainees/internees held at Abu Ghraib (BCCF) and other detention facilities in Iraq. Currently, there are a large number of Iraqi criminals held at Abu Ghraib (BCCF). These are not believed to be international terrorists or members of Al Qaida, Anser Al Islam, Taliban, and other international terrorist organizations. (ANNEX 20)

- 2 (S/NF) The recommendations of MG Miller's team that the "guard force" be actively engaged in setting the conditions for successful exploitation of the internees would appear to be in conflict with the recommendations of MG Ryder's Team and AR 190-8 that military police "do not participate in military intelligence supervised interrogation sessions " The Ryder Report concluded that the OEF template whereby military police actively set the favorable conditions for subsequent interviews runs counter to the smooth operation of a detention facility (ANNEX 20)

REPORT ON DETENTION AND CORRECTIONS IN IRAQ (MG ████████'S REPORT)

- 1 (U) MG Ryder and his assessment team conducted a comprehensive review of the entire detainee and corrections system in Iraq and provided recommendations addressing each of the following areas as requested by the Commander CJTF-7
 - a (U) Detainee and corrections system management
 - b (U) Detainee management, including detainee movement, segregation, and accountability
 - c (U) Means of command and control of the detention and corrections system
 - d (U) Integration of military detention and corrections with the Coalition Provisional Authority (CPA) and adequacy of plans for transition to an Iraqi-run corrections system
 - e (U) Detainee medical care and health management
 - f (U) Detention facilities that meet required health, hygiene, and sanitation standards
 - g (U) Court integration and docket management for criminal detainees
 - h (U) Detainee legal processing
 - i (U) Detainee databases and records, including integration with law enforcement and court databases (ANNEX 19)
- 2 (U) Many of the findings and recommendations of MG Ryder's team are beyond the scope of this investigation. However, several important findings are clearly relevant to this inquiry and are summarized below (emphasis is added in certain areas)

A (U) Detainee Management (including movement, segregation, and accountability)

- 1 (U) There is a wide variance in standards and approaches at the various detention facilities. Several Division/Brigade collection points and US monitored Iraqi prisons had flawed or insufficiently detailed use of force and other standing operating procedures or policies (e.g. weapons in the facility, improper restraint techniques, detainee management, etc.) Though, there were no military police units purposely applying inappropriate confinement practices (ANNEX 19)

2. (U) Currently, due to lack of adequate Iraqi facilities, Iraqi criminals (generally Iraqi-on-Iraqi crimes) are detained with security internees (generally Iraqi-on-Coalition offenses) and EPWs in the same facilities, though segregated in different cells/compounds (ANNEX 19)
3. (U) The management of multiple disparate groups of detained people in a single location by members of the same unit invites confusion about handling, processing, and treatment, and typically facilitates the transfer of information between different categories of detainees (ANNEX 19)
4. (U) The 800th MP (I/R) units did not receive Internment/Resettlement (I/R) and corrections specific training during their mobilization period. Corrections training is only on the METL of two MP (I/R) Confinement Battalions throughout the Army, one currently serving in Afghanistan, and elements of the other are at Camp Arifjan, Kuwait. MP units supporting JTF-GTMO received ten days of training in detention facility operations, to include two days of unarmed self-defense, training in interpersonal communication skills, forced cell moves, and correctional officer safety (ANNEX 19)

B (U) Means of Command and Control of the Detention and Corrections System

1. (U) The 800th MP Brigade was originally task organized with eight MP(I/R) Battalions consisting of both MP Guard and Combat Support companies. Due to force rotation plans, the 800th redeployed two Battalion HHCs in December 2003, the 115th MP Battalion and the 324th MP Battalion. In December 2003, the 400th MP Battalion was relieved of its mission and redeployed in January 2004. The 724th MP Battalion redeployed on 11 February 2004 and the remainder is scheduled to redeploy in March and April 2004. They are the 310th MP Battalion, 320th MP Battalion, 530th MP Battalion, and 744th MP Battalion. The units that remain are generally understrength, as Reserve Component units do not have an individual personnel replacement system to mitigate medical losses or the departure of individual Soldiers that have reached 24 months of Federal active duty in a five-year period (ANNEX 19)
2. (U) The 800th MP Brigade (I/R) is currently a CFLCC asset, TACON to CJTF-7 to conduct Internment/Resettlement (I/R) operations in Iraq. All detention operations are conducted in the CJTF-7 AO, Camps Ganci, Vigilant, Bucca, TSP Whitford, and a separate High Value Detention (HVD) site (ANNEX 19)
3. (U) The 800th MP Brigade has experienced challenges adapting its task organizational structure, training, and equipment resources from a unit designed to conduct standard EPW operations in the COMMZ (Kuwait). Further, the doctrinally trained MP Soldier-to-detainee population ratio and facility layout templates are predicated on a compliant, self-disciplining EPW population, and not criminals or high-risk security internees. (ANNEX 19)

4. (U) EPWs and Civilian Internees should receive the full protections of the Geneva Conventions, unless the denial of these protections is due to specifically articulated military necessity (e.g., no visitation to preclude the direction of insurgency operations) (ANNEXES 19 and 24)
- 5 (U) AR 190-8, *Enemy Prisoners of War, Retained Personnel, Civilian Internees, and other Detainees*, FM 3-19.40, *Military Police Internment and Resettlement Operations*, and FM 34-52, *Intelligence Interrogations*, require military police to provide an area for intelligence collection efforts within EPW facilities. Military Police, though adept at passive collection of intelligence within a facility, do not participate in Military Intelligence supervised interrogation sessions. Recent intelligence collection in support of Operation Enduring Freedom 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 800th MP Brigade has not been directed to change its facility procedures to set the conditions for MI interrogations, nor participate in those interrogations.** (ANNEXES 19 and 21-23)
- 6 MG Ryder's Report also made the following, inter alia, near-term and mid-term recommendations regarding the command and control of detainees
 - a (U) Align the release process for security internees with DoD Policy. The process of screening security internees should include intelligence findings, interrogation results, and current threat assessment.
 - b (U) Determine the scope of intelligence collection that will occur at Camp Vigilant. Refurbish the Northeast Compound to separate the screening operation from the Iraqi run Baghdad Central Correctional Facility. **Establish procedures that define the role of military police Soldiers securing the compound, clearly separating the actions of the guards**
 - c (U) Consolidate all Security Internee Operations, except the MEK security mission, under a single Military Police Brigade Headquarters for OIF 2.
 - d (U) **Insist that all units identified to rotate into the Iraqi Theater of Operations (ITO) to conduct internment and confinement operations in support of OIF 2 be organic to CJTF-7.** (ANNEX 19)

10 COMMENTS REGARDING MG RYDER'S REPORT

1. (U) The objective of MG [REDACTED] Team was to observe detention and prison operations, identify potential systemic and human rights issues, and provide near-term, mid-term, and long-term recommendations to improve CJTF-7 operations and transition of the Iraqi prison system from US military control/oversight to the Coalition Provisional Authority and eventually to the Iraqi Government. The Findings and Recommendations of MG Ryder's Team are thorough and precise and should be implemented immediately. (ANNEX 19)
2. (U) **Unfortunately, many of the systemic problems that surfaced during MG Ryder's Team's assessment are the very same issues that are the subject of this investigation. In fact, many of the abuses suffered by detainees occurred during, or near to, the time of that assessment.** As will be pointed out in detail in subsequent portions of this report, I disagree with the conclusion of MG Ryder's Team in one critical aspect, that being its conclusion that the 800th MP Brigade had not been asked to change its facility procedures to set the conditions for MI interviews. **While clearly the 800th MP Brigade and its commanders were not tasked to set conditions for detainees for subsequent MI interrogations, it is obvious from a review of comprehensive CID interviews of suspects and witnesses that this was done at lower levels.** (ANNEX 19)
3. (U) I concur fully with MG [REDACTED] conclusion regarding the effect of AR 190-8 Military Police, though adept at passive collection of intelligence within a facility, should not participate in Military Intelligence supervised interrogation sessions. Moreover, Military Police should not be involved with setting **"favorable conditions"** for subsequent interviews. These actions, as will be outlined in this investigation, clearly run counter to the smooth operation of a detention facility. (ANNEX 19)

PRELIMINARY INVESTIGATIVE ACTIONS

1. (U) Following our review of MG [REDACTED]'s Report and MG [REDACTED] Report, my investigation team immediately began an in-depth review of all available documents regarding the 800th MP Brigade. We reviewed in detail the voluminous CID investigation regarding alleged detainee abuses at detention facilities in Iraq, particularly the Abu Ghraib (BCCF) Detention Facility. We analyzed approximately fifty witness statements from military police and military intelligence personnel, potential suspects, and detainees. We reviewed numerous photos and videos of actual detainee abuse taken by detention facility personnel, which are now in the custody and control of the US Army Criminal Investigation Command and the CJTF-7 prosecution team. The photos and videos are not contained in this investigation. We obtained copies of the 800th MP Brigade roster, rating chain, and assorted internal

investigations and disciplinary actions involving that command for the past several months. (All ANNEXES Reviewed by Investigation Team)

2. (U) In addition to military police and legal officers from the CFLCC PMO and SJA Offices we also obtained the services of two individuals who are experts in military police detention practices and training. These were LTC [REDACTED], Commander, 705th MP Battalion, United States Disciplinary Barracks, Fort Leavenworth, and SFC [REDACTED] Senior Corrections Advisor, US Army Military Police School, Fort Leonard Wood. I also requested and received the services of Col [REDACTED] a trained US Air Force psychiatrist assigned to assist my investigation team. (ANNEX 4)
3. (U) In addition to MG Ryder's and MG Miller's Reports, the team reviewed numerous reference materials including the 12 October 2003 CJTF-7 Interrogation and Counter-Resistance Policy, the AR 15-6 Investigation on Riot and Shootings at Abu Ghraib on 24 November 2003, the 205th MI Brigade's Interrogation Rules of Engagement (IROE), facility staff logs/journals and numerous records of AR 15-6 investigations and Serious Incident Reports (SIRs) on detainee escapes/shootings and disciplinary matters from the 800th MP Brigade (ANNEXES 5-20, 37, 93, and 94)
4. (U) On 2 February 2004, I took my team to Baghdad for a one-day inspection of the Abu Ghraib Prison (BCCF) and the High Value Detainee (HVD) Complex in order to become familiar with those facilities. We also met with COL [REDACTED], Commander, 3rd MP Criminal Investigation Group (CID), COL [REDACTED], Commander, 16th MP Brigade, COL [REDACTED] Commander, 89th MP Brigade, and COL [REDACTED], CJTF-7 Provost Marshal. On 7 February 2004, the team visited the Camp Bucca Detention Facility to familiarize itself with the facility and operating structure. In addition, on 6 and 7 February 2004, at Camp Doha, Kuwait, we conducted extensive training sessions on approved detention practices. We continued our preparation by reviewing the ongoing CID investigation and were briefed by the Special Agent in Charge, CW2 [REDACTED]. We refreshed ourselves on the applicable reference materials within each team member's area of expertise, and practiced investigative techniques. I met with the team on numerous occasions to finalize appropriate witness lists, review existing witness statements, arrange logistics, and collect potential evidence. We also coordinated with CJTF-7 to arrange witness attendance, force protection measures, and general logistics for the team's move to Baghdad on 8 February 2004. (ANNEXES 4 and 25) ?
5. (U) At the same time, due to the Transfer of Authority on 1 February 2004 between III Corps and V Corps, and the upcoming demobilization of the 800th MP Brigade Command, I directed that several critical witnesses who were preparing to leave the theater remain at Camp Arifjan, Kuwait until they could be interviewed (ANNEX 29). My team deployed to Baghdad on 8 February 2004 and conducted a series of interviews with a variety of witnesses (ANNEX 30). We returned to Camp Doha, Kuwait on 13 February 2004. On 14 and 15 February we interviewed a number of witnesses from the 800th MP Brigade. On 17 February we returned to Camp Bucca,

Iraq to complete interviews of witnesses at that location. From 18 February thru 28 February we collected documents, compiled references, did follow-up interviews, and completed a detailed analysis of the volumes of materials accumulated throughout our investigation. On 29 February we finalized our executive summary and out-briefing slides. On 9 March we submitted the AR 15-6 written report with findings and recommendations to the CFLCC Deputy SJA, LTC [REDACTED] for a legal sufficiency review. The out-brief to the appointing authority, LTG [REDACTED] took place on 3 March 2004 (ANNEXES 26 and 45-91)

FINDINGS AND RECOMMENDATIONS

(PART ONE)

(U) The investigation should inquire into all of the facts and circumstances surrounding recent allegations of detainee abuse, specifically, allegations of maltreatment at the Abu Ghraib Prison (Baghdad Central Confinement Facility).

- 1 (U) The US Army Criminal Investigation Command (CID), led by COL [REDACTED] and a team of highly trained professional agents have done a superb job of investigating several complex and extremely disturbing incidents of detainee abuse at the Abu Ghraib Prison. They conducted over 50 interviews of witnesses, potential criminal suspects, and detainees. They also uncovered numerous photos and videos portraying in graphic detail detainee abuse by Military Police personnel on numerous occasions from October to December 2003. Several potential suspects rendered full and complete confessions regarding their personal involvement and the involvement of fellow Soldiers in this abuse. Several potential suspects invoked their rights under Article 31 of the Uniform Code of Military Justice (UCMJ) and the 5th Amendment of the U.S. Constitution. (ANNEX 25)
2. (U) In addition to a comprehensive and exhaustive review of all of these statements and documentary evidence, we also interviewed numerous officers, NCOs, and junior enlisted Soldiers in the 800th MP Brigade, as well as members of the 205th Military Intelligence Brigade working at the prison. We did not believe it was necessary to re-interview all the numerous witnesses who had previously provided comprehensive statements to CID, and I have adopted those statements for the purposes of this investigation. (ANNEXES 26, 34, 35, and 45-91)

REGARDING PART ONE OF THE INVESTIGATION, I MAKE THE FOLLOWING SPECIFIC FINDINGS OF FACT:

- 1 (U) That Forward Operating Base (FOB) Abu Ghraib (BCCF) provides security of both criminal and security detainees at the Baghdad Central Correctional Facility, facilitates the conducting of interrogations for CJTF-7, supports other CPA operations at the prison, and enhances the force protection/quality of life of Soldiers assigned in order to ensure the success of ongoing operations to secure a free Iraq. (ANNEX 31)
- 2 (U) That the Commander, 205th Military Intelligence Brigade, was designated by CJTF-7 as the Commander of FOB Abu Ghraib (BCCF) effective 19 November 2003. That the 205th MI Brigade conducts operational and strategic interrogations for CJTF-7. That from 19 November 2003 until Transfer of Authority (TOA) on 6

February 2004, COL Thomas M. Pappas was the Commander of the 205th MI Brigade and the Commander of FOB Abu Ghraib (BCCF). (ANNEX 31)

- 3 (U) That the 320th Military Police Battalion of the 800th MP Brigade is responsible for the Guard Force at Camp Ganai, Camp Vigilant, & Cellblock 1 of FOB Abu Ghraib (BCCF) That from February 2003 to until he was suspended from his duties on 17 January 2004, LTC [REDACTED] served as the Battalion Commander of the 320th MP Battalion. That from December 2002 until he was suspended from his duties, on 17 January 2004, CPT [REDACTED] served as the Company Commander of the 372nd MP Company, which was in charge of guarding detainees at FOB Abu Ghraib. I further find that both the 320th MP Battalion and the 372nd MP Company were located within the confines of FOB Abu Ghraib (ANNEXES 32 and 45)
4. (U) That from July of 2003 to the present, BG Janus L. Karpinski was the Commander of the 800th MP Brigade (ANNEX 45)
5. ~~(S)~~ That between October and December 2003, at the Abu Ghraib Confinement Facility (BCCF), numerous incidents of sadistic, blatant, and wanton criminal abuses were inflicted on several detainees This systemic and illegal abuse of detainees was intentionally perpetrated by several members of the military police guard force (372nd Military Police Company, 320th Military Police Battalion, 800th MP Brigade), in Tier (section) 1-A of the Abu Ghraib Prison (BCCF) The allegations of abuse were substantiated by detailed witness statements (ANNEX 26) and the discovery of extremely graphic photographic evidence Due to the extremely sensitive nature of these photographs and videos, the ongoing CID investigation, and the potential for the criminal prosecution of several suspects, the photographic evidence is not included in the body of my investigation The pictures and videos are available from the Criminal Investigative Command and the CTJF-7 prosecution team. In addition to the aforementioned crimes, there were also abuses committed by members of the 325th MI Battalion, 205th MI Brigade, and Joint Interrogation and Debriefing Center (JIDC) Specifically, on 24 November 2003, SPC [REDACTED], 205th MI Brigade, sought to degrade a detainee by having him strip and returned to cell naked (ANNEXES 26 and 53)
- 6 ~~(S)~~ I find that the intentional abuse of detainees by military police personnel included the following acts
 - a (S) Punching, slapping, and kicking detainees, jumping on their naked feet,
 - b (S) Videotaping and photographing naked male and female detainees;
 - c (S) Forcibly arranging detainees in various sexually explicit positions for photographing,
 - d (S) Forcing detainees to remove their clothing and keeping them naked for several days at a time;
 - e. (S) Forcing naked male detainees to wear women's underwear,
 - f (S) Forcing groups of male detainees to masturbate themselves while being photographed and videotaped;

- g. ~~(S)~~ Arranging naked male detainees in a pile and then jumping on them,
- h. ~~(S)~~ Positioning a naked detainee on a MRE Box, with a sandbag on his head, and attaching wires to his fingers, toes, and penis to simulate electric torture;
- i. ~~(S)~~ Writing "I am a Rapest" (sic) on the leg of a detainee alleged to have forcibly raped a 15-year old fellow detainee, and then photographing him naked;
- j. ~~(S)~~ Placing a dog chain or strap around a naked detainee's neck and having a female Soldier pose for a picture;
- k. ~~(S)~~ A male MP guard having sex with a female detainee,
- l. ~~(S)~~ Using military working dogs (without muzzles) to intimidate and frighten detainees, and in at least one case biting and severely injuring a detainee;
- m. ~~(S)~~ Taking photographs of dead Iraqi detainees.

(ANNEXES 25 and 26)

7. (U) These findings are amply supported by written confessions provided by several of the suspects, written statements provided by detainees, and witness statements. In reaching my findings, I have carefully considered the pre-existing statements of the following witnesses and suspects (ANNEX 26)

- a. (U) SPC [REDACTED] and MP Company - **Suspect**
- b. (U) SPC [REDACTED] 372nd MP Company - **Suspect**
- c. (U) SGT [REDACTED] 372nd MP Company - **Suspect**
- c. (U) PFC [REDACTED], 372nd MP Company - **Suspect**
- d. (U) [REDACTED], Civilian Translator, Titan Corp., Assigned to the 205th MI Brigade- **Suspect**
- e. (U) SPC [REDACTED], 372nd MP Company
- f. (U) SGT [REDACTED] 109th Area Support Medical Battalion
- g. (U) SGT [REDACTED], 302nd MI Battalion
- h. (U) [REDACTED] Contractor, Titan Corp., Assigned to the 205th MI Brigade
- j. (U) [REDACTED], 372nd MP Company
- k. (U) SPC [REDACTED] 372nd MP Company
- l. (U) SSG [REDACTED] Medic, 109th Medical Detachment
- m. (U) SPC [REDACTED], 229th MP Company

8. (U) In addition, several detainees also described the following acts of abuse, which under the circumstances, I find credible based on the clarity of their statements and supporting evidence provided by other witnesses (ANNEX 26).

- a. (U) Breaking chemical lights and pouring the phosphoric liquid on detainees,
- b. (U) Threatening detainees with a charged 9mm pistol,
- c. (U) Pouring cold water on naked detainees,
- d. (U) Beating detainees with a broom handle and a chair,
- e. (U) Threatening male detainees with rape,
- f. (U) Allowing a military police guard to stitch the wound of a detainee who was injured after being slammed against the wall in his cell,
- g. (U) Sodomizing a detainee with a chemical light and perhaps a broom stick.

- h. (U) Using military working dogs to frighten and intimidate detainees with threats of attack, and in one instance actually biting a detainee
- 9 (U) I have carefully considered the statements provided by the following detainees, which under the circumstances I find credible based on the clarity of their statements and supporting evidence provided by other witnesses
 - a. (U) [REDACTED] Detainee # 151365
 - b. (U) [REDACTED], Detainee # 13077
 - c. (U) [REDACTED] Detainee # 19446
 - d. (U) [REDACTED] # 151108
 - e. (U) [REDACTED] (sic), Detainee # 152307
 - f. (U) [REDACTED] Detainee # 150542
 - g. (U) [REDACTED] Detainee, # 150422
 - h. (U) [REDACTED] Detainee # 150425
 - i. (U) [REDACTED] Detainee # 152529
 - j. (U) [REDACTED] Detainee # 7787
 - k. (U) [REDACTED] Detainee # 150427
 - l. (U) [REDACTED], Detainee # 151362
 - m. (U) [REDACTED], Detainee # 18470 (ANNEX 26)

10 (U) I find that contrary to the provision of AR 190-8, and the findings found in MG Ryder's Report, Military Intelligence (MI) interrogators and Other US Government Agency's (OGA) interrogators actively requested that MP guards set physical and mental conditions for favorable interrogation of witnesses. Contrary to the findings of MG Ryder's Report, I find that personnel assigned to the 372nd MP Company, 800th MP Brigade were directed to change facility procedures to "set the conditions" for MI interrogations. I find no direct evidence that MP personnel actually participated in those MI interrogations. (ANNEXES 19, 21, 25, and 26).

11 (U) I reach this finding based on the actual proven abuse that I find was inflicted on detainees and by the following witness statements (ANNEXES 25 and 26)

- a. (U) SPC [REDACTED], 372nd MP Company, stated in her sworn statement regarding the incident where a detainee was placed on a box with wires attached to his fingers, toes, and penis, "that her job was to keep detainees awake." She stated that MI was talking to CPI [REDACTED]. She stated "MI wanted to get them to talk. It is [REDACTED] job to do things for MI and OGA to get these people to talk."
- b. (U) SGT [REDACTED], 372nd MP Company, stated in his sworn statement as follows. "I witnessed prisoners in the MI hold section, wing 1A being made to do various things that I would question morally. In Wing 1A we were told that they had different rules and different SOP for treatment. I never saw a set of rules or SOP for that section just word of mouth. The Soldier in charge of 1A was Corporal [REDACTED]. He stated that the Agents and MI Soldiers would ask

him to do things, but nothing was ever in writing he would complain (sic).” When asked why the rules in 1A/1B were different than the rest of the wings, SGT [REDACTED] stated: “The rest of the wings are regular prisoners and 1A/B are Military Intelligence (MI) holds.” When asked why he did not inform his chain of command about this abuse, SGT [REDACTED] stated: “Because I assumed that if they were doing things out of the ordinary or outside the guidelines, someone would have said something. Also the wing belongs to MI and it appeared MI personnel approved of the abuse.” SGT [REDACTED] also stated that he had heard MI insinuate to the guards to abuse the inmates. When asked what MI said he stated: “Loosen this guy up for us.” Make sure he has a bad night.” “Make sure he gets the treatment.” He claimed these comments were made to CPL [REDACTED] and SSG [REDACTED]. Finally, SGT [REDACTED] stated that (sic) “the MI staffs to my understanding have been giving [REDACTED] compliments on the way he has been handling the MI holds. Example being statements like, “Good job, they’re breaking down real fast. They answer every question. They’re giving out good information, Finally, and Keep up the good work . Stuff like that.”

- c (U) SPC [REDACTED] 372nd MP Company, was asked if he were present when any detainees were abused. He stated “I saw them nude, but MI would tell us to take away their mattresses, sheets, and clothes.” He could not recall who in MI had instructed him to do this, but commented that, “if they wanted me to do that they needed to give me paperwork.” He was later informed that “we could not do anything to embarrass the prisoners.”
- d (U) Mr. [REDACTED], a US civilian contract translator was questioned about several detainees accused of rape. He observed (sic). “They (detainees) were all naked, a bunch of people from MI, the MP were there that night and the inmates were ordered by SGT [REDACTED] ordered the guys while questioning them to admit what they did. They made them do strange exercises by sliding on their stomach, jump up and down, throw water on them and made them some wet, called them all kinds of names such as “gays” do they like to make love to guys, then they handcuffed their hands together and their legs with shackles and started to stack them on top of each other by insuring that the bottom guys penis will touch the guy on tops butt.”
- e (U) SPC [REDACTED] 109th Area Support Medical Battalion, a medic testified that “Cell 1A was used to house high priority detainees and cell 1B was used to house the high risk or trouble making detainees. During my tour at the prison I observed that when the male detainees were first brought to the facility, some of them were made to wear female underwear, which I think was to somehow break them down.”

12. (U) I find that prior to its deployment to Iraq for Operation Iraqi Freedom, the 320th MP Battalion and the 372nd MP Company had received no training in detention/internee operations. I also find that very little instruction or training was provided to MP personnel on the applicable rules of the Geneva Convention Relative

to the Treatment of Prisoners of War, FM 27-10, AR 190-8, or FM 3-19.40
Moreover, I find that few, if any, copies of the Geneva Conventions were ever made available to MP personnel or detainees. (ANNEXES 21-24, 33, and multiple witness statements)

13. (U) Another obvious example of the Brigade Leadership not communicating with its Soldiers or ensuring their tactical proficiency concerns the incident of detainee abuse that occurred at Camp Bucca, Iraq, on May 12, 2003. Soldiers from the 223rd MP Company reported to the 800th MP Brigade Command at Camp Bucca, that four Military Police Soldiers from the 320th MP Battalion had abused a number of detainees during inprocessing at Camp Bucca. An extensive CID investigation determined that four soldiers from the 320th MP Battalion had kicked and beaten these detainees following a transport mission from Talil Air Base. (ANNEXES 34 and 35)
14. (U) Formal charges under the UCMJ were preferred against these Soldiers and an Article-32 Investigation conducted by LTC [REDACTED]. He recommended a general court martial for the four accused, which BG Karpinski supported. Despite this documented abuse, there is no evidence that BG Karpinski ever attempted to remind 800th MP Soldiers of the requirements of the Geneva Conventions regarding detainee treatment or took any steps to ensure that such abuse was not repeated. Nor is there any evidence that LTC(P) [REDACTED], the commander of the Soldiers involved in the Camp Bucca abuse incident, took any initiative to ensure his Soldiers were properly trained regarding detainee treatment. (ANNEXES 35 and 62)

RECOMMENDATIONS AS TO PART ONE OF THE INVESTIGATION:

1. (U) Immediately deploy to the Iraq Theater an integrated multi-discipline Mobile Training Team (MTT) comprised of subject matter experts in internment/resettlement operations, international and operational law, information technology, facility management, interrogation and intelligence gathering techniques, chaplains, Arab cultural awareness, and medical practices as it pertains to I/R activities. This team needs to oversee and conduct comprehensive training in all aspects of detainee and confinement operations.
2. (U) That all military police and military intelligence personnel involved in any aspect of detainee operations or interrogation operations in CJTF-7, and subordinate units, be immediately provided with training by an international/operational law attorney on the specific provisions of The Law of Land Warfare FM 27-10, specifically the Geneva Convention Relative to the Treatment of Prisoners of War, Enemy Prisoners of War, Retained Personnel, Civilian Internees, and Other Detainees, and AR 190-8

3. (U) **That a single commander in CJTF-7 be responsible for overall detainee operations throughout the Iraq Theater of Operations.** I also recommend that the Provost Marshal General of the Army assign a minimum of two (2) subject matter experts, one officer and one NCO, to assist CJTF-7 in coordinating detainee operations.
4. (U) That detention facility commanders and interrogation facility commanders ensure that appropriate copies of the Geneva Convention Relative to the Treatment of Prisoners of War and notice of protections be made available in both English and the detainees' language and be prominently displayed in all detention facilities. Detainees with questions regarding their treatment should be given the full opportunity to read the Convention.
5. (U) That each detention facility commander and interrogation facility commander publish a complete and comprehensive set of Standing Operating Procedures (SOPs) regarding treatment of detainees, and that all personnel be required to read the SOPs and sign a document indicating that they have read and understand the SOPs.
6. (U) That in accordance with the recommendations of MG Ryder's Assessment Report, and my findings and recommendations in this investigation, all units in the Iraq Theater of Operations conducting internment/confinement/detainment operations in support of Operation Iraqi Freedom be OPCON for all purposes, to include action under the UCMJ, to CJTF-7.
7. (U) Appoint the C3, CJTF as the staff proponent for detainee operations in the Iraq Joint Operations Area (JOA) (MG Tom Miller, C3, CJTF-7, has been appointed by COMCJTF-7).
8. (U) That an inquiry UP AR 381-10, Procedure 15 be conducted to determine the extent of culpability of Military Intelligence personnel, assigned to the 205th MI Brigade and the Joint Interrogation and Debriefing Center (JIDC) regarding abuse of detainees at Abu Ghraib (BCCF).
9. (U) That it is critical that the proponent for detainee operations is assigned a dedicated Senior Judge Advocate, with specialized training and knowledge of international and operational law, to assist and advise on matters of detainee operations.

FINDINGS AND RECOMMENDATIONS

(PART TWO)

(U) The Investigation inquire into detainee escapes and accountability lapses as reported by CJTF-7, specifically allegations concerning these events at the Abu Ghraib Prison:

**REGARDING PART TWO OF THE INVESTIGATION,
I MAKE THE FOLLOWING SPECIFIC FINDINGS OF FACT:**

1. The 800th MP Brigade was responsible for theater-wide Internment and Resettlement (I/R) operations. (ANNEXES 45 and 95)
2. (U) The 320th MP Battalion, 800th MP Brigade was tasked with detainee operations at the Abu Ghraib Prison Complex during the time period covered in this investigation. (ANNEXES 41, 45, and 59)
3. (U) The 310th MP Battalion, 800th MP Brigade was tasked with detainee operations and Forward Operating Base (FOB) Operations at the Camp Bucca Detention Facility until TOA on 26 February 2004 (ANNEXES 41 and 52)
4. (U) The 744th MP Battalion, 800th MP Brigade was tasked with detainee operations and FOB Operations at the HVD Detention Facility until TOA on 4 March 2004 (ANNEXES 41 and 55)
5. (U) The 530th MP Battalion, 800th MP Brigade was tasked with detainee operations and FOB Operations at the MEK holding facility until TOA on 15 March 2004 (ANNEXES 41 and 97)
6. (U) Detainee operations include accountability, care, and well being of Enemy Prisoners of War, Retained Person, Civilian Detainees, and Other Detainees, as well as Iraqi criminal prisoners (ANNEX 22)
7. (U) The accountability for detainees is doctrinally an MP task IAW FM 3-19 40 (ANNEX 22)
8. (U) There is a general lack of knowledge, implementation, and emphasis of basic legal, regulatory, doctrinal, and command requirements within the 800th MP Brigade and its subordinate units (Multiple witness statements in ANNEXES 45-91)

9. (U) The handling of detainees and criminal prisoners after in-processing was inconsistent from detention facility to detention facility, compound to compound, encampment to encampment, and even shift to shift throughout the 800th MP Brigade AOR. (ANNEX 37)
- 10 (U) Camp Bucca, operated by the 310th MP Battalion, had a "Criminal Detainee In-Processing SOP" and a "Training Outline" for transferring and releasing detainees, which appears to have been followed (ANNEXES 38 and 52)
11. (U) Incoming and outgoing detainees are being documented in the National Detainee Reporting System (NDRS) and Biometric Automated Toolset System (BATS) as required by regulation at all detention facilities. However, it is underutilized and often does not give a "real time" accurate picture of the detainee population due to untimely updating. (ANNEX 56)
- 12 (U) There was a severe lapse in the accountability of detainees at the Abu Ghraib Prison Complex. The 320th MP Battalion used a self-created "change sheet" to document the transfer of a detainee from one location to another. For proper accountability, it is imperative that these change sheets be processed and the detainee manifest be updated within 24 hours of movement. At Abu Ghraib, this process would often take as long as 4 days to complete. This lag-time resulted in inaccurate detainee Internment Serial Number (ISN) counts, gross differences in the detainee manifest and the actual occupants of an individual compound, and significant confusion of the MP Soldiers. The 320th MP Battalion S-1, CPT [REDACTED] and the S-3, MAJ [REDACTED], explained that this breakdown was due to the lack of manpower to process change sheets in a timely manner. (ANNEXES 39 and 98)
- 13 (U) The 320th Battalion TACSOP requires detainee accountability at least 4 times daily at Abu Ghraib. However, a detailed review of their operational journals revealed that these accounts were often not done or not documented by the unit. Additionally, there is no indication that accounting errors or the loss of a detainee in the accounting process triggered any immediate corrective action by the Battalion TOC. (ANNEX 44)
- 14 (U) There is a lack of standardization in the way the 320th MP Battalion conducted physical counts of their detainees. Each compound within a given encampment did their headcounts differently. Some compounds had detainees line up in lines of 10, some had them sit in rows, and some moved all the detainees to one end of the compound and counted them as they passed to the other end of the compound (ANNEX 98)
- 15 (U) FM 3-19.40 outlines the need for 2 roll calls (100% ISN band checks) per day. The 320th MP Battalion did this check only 2 times per week. Due to the lack of real-time updates to the system, these checks were regularly inaccurate (ANNEXES 22 and 98)

16. (U) The 800th MP Brigade and subordinate units adopted non-doctrinal terms such as "band checks," "roll-ups," and "call-ups," which contributed to the lapses in accountability and confusion at the soldier level. (ANNEXES 63, 88, and 98)
17. (U) Operational journals at the various compounds and the 320th Battalion TOC contained numerous unprofessional entries and flippant comments, which highlighted the lack of discipline within the unit. There was no indication that the journals were ever reviewed by anyone in their chain of command. (ANNEX 37)
18. (U) Accountability SOPs were not fully developed and standing TACSOPs were widely ignored. Any SOPs that did exist were not trained on, and were never distributed to the lowest level. Most procedures were shelved at the unit TOC, rather than at the subordinate units and guards mount sites. (ANNEXES 44, 67, 71, and 85)
19. (U) Accountability and facility operations SOPs lacked specificity, implementation measures, and a system of checks and balances to ensure compliance. (ANNEXES 76 and 82)
20. (U) Basic Army Doctrine was not widely referenced or utilized to develop the accountability practices throughout the 800th MP Brigade's subordinate units. Daily processing, accountability, and detainee care appears to have been made up as the operations developed with reliance on, and guidance from, junior members of the unit who had civilian corrections experience. (ANNEX 21)
21. (U) Soldiers were poorly prepared and untrained to conduct I/R operations prior to deployment, at the mobilization site, upon arrival in theater, and throughout their mission. (ANNEXES 62, 63, and 69)
22. (U) The documentation provided to this investigation identified 27 escapes or attempted escapes from the detention facilities throughout the 800th MP Brigade's AOR. Based on my assessment and detailed analysis of the substandard accountability process maintained by the 800th MP Brigade, it is highly likely that there were several more unreported cases of escape that were probably "written off" as administrative errors or otherwise undocumented. 1LT ██████████, Platoon Leader, 372nd MP Company, reported knowing about at least two additional escapes (one from a work detail and one from a window) from Abu Ghraib (BCCF) that were not documented. LTC ██████████, Commander, 744th MP Battalion, detailed the escape of one detainee at the High Value Detainee Facility who went to the latrine and then outran the guards and escaped. Lastly, BG Janis Karpinski, Commander, 800th MP Brigade, stated that there were more than 32 escapes from her holding facilities, which does not match the number derived from the investigation materials. (ANNEXES 5-10, 45, 55, and 71)

23. (U) The Abu Ghraib and Camp Bucca detention facilities are significantly over their intended maximum capacity while the guard force is undermanned and under resourced. This imbalance has contributed to the poor living conditions, escapes, and accountability lapses at the various facilities. The overcrowding of the facilities also limits the ability to identify and segregate leaders in the detainee population who may be organizing escapes and riots within the facility. (ANNEXES 6, 22, and 92)
- 24 (U) The screening, processing, and release of detainees who should not be in custody takes too long and contributes to the overcrowding and unrest in the detention facilities. There are currently three separate release mechanisms in the theater-wide internment operations. First, the apprehending unit can release a detainee if there is a determination that their continued detention is not warranted. Secondly, a criminal detainee can be released after it has been determined that the detainee has no intelligence value, and that their release would not be detrimental to society. BG Karpinski had signature authority to release detainees in this second category. Lastly, detainees accused of committing "Crimes Against the Coalition," who are held throughout the separate facilities in the CJTF-7 AOR, can be released upon a determination that they are of no intelligence value and no longer pose a significant threat to Coalition Forces. The release process for this category of detainee is a screening by the local US Forces Magistrate Cell and a review by a Detainee Release Board consisting of BG Karpinski, COL [REDACTED], SJA, CJTF-7, and MG Barbara Fast, C-2, CJTF-7. MG Fast is the "Detainee Release Authority" for detainees being held for committing crimes against the coalition. According to BG Karpinski, this category of detainee makes up more than 60% of the total detainee population, and is the fastest growing category. However, MG Fast, according to BG Karpinski, routinely denied the board's recommendations to release detainees in this category who were no longer deemed a threat and clearly met the requirements for release. According to BG Karpinski, the extremely slow and ineffective release process has significantly contributed to the overcrowding of the facilities. (ANNEXES 40, 45, and 46)
25. (U) After Action Reviews (AARs) are not routinely being conducted after an escape or other serious incident. No lessons learned seem to have been disseminated to subordinate units to enable corrective action at the lowest level. The Investigation Team requested copies of AARs, and none were provided. (Multiple Witness Statements)
- 26 (U) Lessons learned (i.e. Findings and Recommendations from various 15-6 Investigations concerning escapes and accountability lapses) were rubber stamped as approved and ordered implemented by BG Karpinski. There is no evidence that the majority of her orders directing the implementation of substantive changes were ever acted upon. Additionally, there was no follow-up by the command to verify the corrective actions were taken. Had the findings and recommendations contained within their own investigations been analyzed and actually implemented by BG

- Karpinski, many of the subsequent escapes, accountability lapses, and cases of abuse may have been prevented. (ANNEXES 5-10)
27. (U) The perimeter lighting around Abu Ghraib and the detention facility at Camp Bucca is inadequate and needs to be improved to illuminate dark areas that have routinely become avenues of escape (ANNEX 6)
28. (U) Neither the camp rules nor the provisions of the Geneva Conventions are posted in English or in the language of the detainees at any of the detention facilities in the 800th MP Brigade's AOR, even after several investigations had annotated the lack of this critical requirement (Multiple Witness Statements and the Personal Observations of the Investigation Team)
- 29 (U) The Iraqi guards at Abu Ghraib (BCCF) demonstrate questionable work ethics and loyalties, and are a potentially dangerous contingent within the Hard-Site. These guards have furnished the Iraqi criminal inmates with contraband, weapons, and information. Additionally, they have facilitated the escape of at least one detainee (ANNEX 8 and 26-SPC ██████████ Statement)
- 30 (U) In general, US civilian contract personnel (Titan Corporation, CACI, etc.), third country nationals, and local contractors do not appear to be properly supervised within the detention facility at Abu Ghraib. During our on-site inspection, they wandered about with too much unsupervised free access in the detainee area. Having civilians in various outfits (civilian and DCUs) in and about the detainee area causes confusion and may have contributed to the difficulties in the accountability process and with detecting escapes (ANNEX 51, Multiple Witness Statements, and the Personal Observations of the Investigation Team)
- 31 (U) SGM ██████████ Operations SGM, 320th MP Battalion, contended that the Detainee Rules of Engagement (DROE) and the general principles of the Geneva Convention were briefed at every guard mount and shift change on Abu Ghraib. However, none of our witnesses, nor our personal observations, support his contention. I find that SGM ██████████ was not a credible witness (ANNEXES 45, 80, and the Personal Observations of the Investigation Team)
- 32 (U) Several interviewees insisted that the MP and MI Soldiers at Abu Ghraib (BCCF) received regular training on the basics of detainee operations; however, they have been unable to produce any verifying documentation, sign-in rosters, or soldiers who can recall the content of this training. (ANNEXES 59, 80, and the Absence of any Training Records)
33. ~~(S/NF)~~ The various detention facilities operated by the 800th MP Brigade have routinely held persons brought to them by Other Government Agencies (OGAs) without accounting for them, knowing their identities, or even the reason for their detention. The Joint Interrogation and Debriefing Center (JIDC) at Abu Ghraib called these detainees "ghost detainees." On at least one occasion, the 320th MP

Battalion at Abu Ghraib held a handful of "ghost detainees" (6-8) for OGAs that they moved around within the facility to hide them from a visiting International Committee of the Red Cross (ICRC) survey team. This maneuver was deceptive, contrary to Army Doctrine, and in violation of international law (ANNEX 53)

34. (U) The following riots, escapes, and shootings have been documented and reported to this Investigation Team. Although there is no data from other missions of similar size and duration to compare the number of escapes with, the most significant factors derived from these reports are twofold. First, investigations and SIRs lacked critical data needed to evaluate the details of each incident. Second, each investigation seems to have pointed to the same types of deficiencies; however, little to nothing was done to correct the problems and to implement the recommendations as was ordered by BG Karpinski, nor was there any command emphasis to ensure these deficiencies were corrected:
- a. (U) **4 June 03- This escape was mentioned in the 15-6 Investigation covering the 13 June 03 escape, recapture, and shootings of detainees at Camp Vigilant (320th MP Battalion).** However, no investigation or additional information was provided as requested by this investigation team. (ANNEX 7)
 - b. (U) **9 June 03- Riot and shootings of five detainees at Camp Cropper. (115th MP Battalion)** Several detainees allegedly rioted after a detainee was subdued by MPs of the 115th MP Battalion after striking a guard in compound B of Camp Cropper. A 15-6 investigation by [REDACTED] (115th MP Battalion, Platoon Leader) concluded that a detainee had acted up and hit an MP. After being subdued, one of the MPs took off his DCU top and flexed his muscles to the detainees, which further escalated the riot. The MPs were overwhelmed and the guards fired lethal rounds to protect the life of the compound MPs, whereby 5 detainees were wounded. Contributing factors were poor communications, no clear chain of command, facility-obstructed views of posted guards, the QRF did not have non-lethal equipment, and the SOP was inadequate and outdated. (ANNEX 5)
 - c. (U) **12 June 03- Escape and recapture of detainee #8399, escape and shooting of detainee # 7166, and attempted escape of an unidentified detainee from Camp Cropper Holding Area (115th MP Battalion).** Several detainees allegedly made their escape in the nighttime hours prior to 0300. A 15-6 investigation by CPT [REDACTED] (115th MP Battalion, S-2) concluded that the detainees allegedly escaped by crawling under the wire at a location with inadequate lighting. One detainee was stopped prior to escape. An MP of the 115th MP Battalion search team recaptured detainee # 8399, and detainee # 7166 was shot and killed by a Soldier during the recapture process. Contributing factors were overcrowding, poor lighting, and the nature of the hardened criminal detainees at that location. It is of particular note that the command was informed at least 24 hours in advance of the

upcoming escape attempt and started doing amplified announcements in Arabic stating the camp rules. The investigation pointed out that rules and guidelines were not posted in the camps in the detainees' native languages (ANNEX 6)

- d. (U) **13 June 03- Escape and recapture of detainee # 8968 and the shooting of eight detainees at Abu Ghraib (BCCF) (320th MP Battalion).** Several detainees allegedly attempted to escape at about 1400 hours from the Camp Vigilant Compound, Abu Ghraib (BCCF). A 15-6 investigation by CPT [REDACTED] (400th MP Battalion, S-1) concluded that the detainee allegedly escaped by sliding under the wire while the tower guard was turned in the other direction. This detainee was subsequently apprehended by the QRF. At about 1600 the same day, 30-40 detainees rioted and pelted three interior MP guards with rocks. One guard was injured and the tower guards fired lethal rounds at the rioters injuring 7 and killing 1 detainee. (ANNEX 7)
- e. (U) **05 November 03- Escape of detainees # 9877 and # 10739 from Abu Ghraib (320th MP Battalion).** Several detainees allegedly escaped at 0345 from the Hard-Site, Abu Ghraib (BCCF). An SIR was initiated by SPC Warner (320th MP Battalion, S-3 RTO). The SIR indicated that 2 criminal prisoners escaped through their cell window in tier 3A of the Hard-Site. No information on findings, contributing factors, or corrective action has been provided to this investigation team. (ANNEX 11)
- f. (U) **07 November 03- Escape of detainee # 14239 from Abu Ghraib (320th MP Battalion).** A detainee allegedly escaped at 1330 from Compound 2 of the Ganci Encampment, Abu Ghraib (BCCF). An SIR was initiated by SSG Hydro (320th MP Battalion, S-3 Asst NCOIC). The SIR indicated that a detainee escaped from the North end of the compound and was discovered missing during distribution of the noon meal, but there is no method of escape listed in the SIR. No information on findings, contributing factors, or corrective action has been provided to this investigation team. (ANNEX 12)
- g. (U) **08 November 03- Escape of detainees # 115089, # 151623, # 151624, # 116734, # 116735, and # 116738 from Abu Ghraib (320th MP Battalion).** Several detainees allegedly escaped at 2022 from Compound 8 of the Ganci encampment, Abu Ghraib. An SIR was initiated by MAJ [REDACTED] (320th MP Battalion, S-3). The SIR indicated that 5-6 prisoners escaped from the North end of the compound, but there is no method of escape listed in the SIR. No information on findings, contributing factors, or corrective action has been provided to this investigation team. (ANNEX 13)
- h. (U) **24 November 03- Riot and shooting of 12 detainees # 150216, #150894, #153096, #153165, #153169, #116361, #153399, #20257, #150348, #152616, #116146, and #152156 at Abu Ghraib (320th MP Battalion).** Several detainees allegedly began to riot at about 1300 in all of the compounds at the

Ganci encampment. This resulted in the shooting deaths of 3 detainees, 9 wounded detainees, and 9 injured US Soldiers. A 15-6 investigation by COL [REDACTED] (220th MP Brigade, Deputy Commander) concluded that the detainees noted in protest of their living conditions, that the riot turned violent, the use of non-lethal force was ineffective, and, after the 320th MP Battalion CDR executed "Golden Spike," the emergency containment plan, the use of deadly force was authorized. Contributing factors were lack of comprehensive training of guards, poor or non-existent SOPs, no formal guard-mount conducted prior to shift, no rehearsals or ongoing training, the mix of less than lethal rounds with lethal rounds in weapons, no AARs being conducted after incidents, ROE not posted and not understood, overcrowding, uniforms not standardized, and poor communication between the command and Soldiers. (ANNEX 8)

- i. **(U) 24 November 03- Shooting of detainee at Abu Ghraib (320th MP Battalion).** A detainee allegedly had a pistol in his cell and around 1830 an extraction team shot him with less than lethal and lethal rounds in the process of recovering the weapon. A 15-6 investigation by COL [REDACTED] (220th Brigade, Deputy Commander) concluded that one of the detainees in tier 1A of the Hard Site had gotten a pistol and a couple of knives from an Iraqi Guard working in the encampment. Immediately upon receipt of this information, an ad-hoc extraction team consisting of MP and MI personnel conducted what they called a routine cell search, which resulted in the shooting of an MP and the detainee. Contributing factors were a corrupt Iraqi Guard, inadequate SOPs, the Detention ROE in place at the time was ineffective due to the numerous levels of authorization needed for use of lethal force, poorly trained MPs, unclear lanes of responsibility, and ambiguous relationship between the MI and MP assets. (ANNEX 8)
- j. **(U) 13 December 03- Shooting by non-lethal means into crowd at Abu Ghraib (320th MP Battalion).** Several detainees allegedly got into a detainee-on-detainee fight around 1030 in Compound 8 of the Ganci encampment, Abu Ghraib. An SIR was initiated by SSG Matash (320th MP Battalion, S-3 Section). The SIR indicated that there was a fight in the compound and the MPs used a non-lethal crowd-dispersing round to break up the fight, which was successful. No information on findings, contributing factors, or corrective action has been provided to this investigation team. (ANNEX 14)
- k. **(U) 13 December 03- Shooting by non-lethal means into crowd at Abu Ghraib (320th MP Battalion).** Several detainees allegedly got into a detainee-on-detainee fight around 1120 in Compound 2 of the Ganci encampment, Abu Ghraib. An SIR was initiated by SSG Matash (320th MP Battalion, S-3 Section). The SIR indicated that there was a fight in the compound and the MPs used two non-lethal shots to disperse the crowd,

which was successful. No information on findings, contributing factors, or corrective action has been provided to this investigation team. (ANNEX 15)

- l. (U) 13 December 03- Shooting by non-lethal means into crowd at Abu Ghraib (320th MP Battalion).** Approximately 30-40 detainees allegedly got into a detainee-on-detainee fight around 1642 in Compound 3 of the Ganci encampment, Abu Ghraib (BCCF). An SIR was initiated by SSG Matash (320th MP Battalion, S-3 Section). The SIR indicates that there was a fight in the compound and the MPs used a non-lethal crowd-dispersing round to break up the fight, which was successful. No information on findings, contributing factors, or corrective action has been provided to this investigation team (ANNEX 16)
- m. (U) 17 December 03- Shooting by non-lethal means of detainee from Abu Ghraib (320th MP Battalion).** Several detainees allegedly assaulted an MP at 1459 inside the Ganci Encampment, Abu Ghraib (BCCF). An SIR was initiated by SSG Matash (320th MP BRIGADE, S-3 Section). The SIR indicated that three detainees assaulted an MP, which resulted in the use of a non-lethal shot that calmed the situation. No information on findings, contributing factors, or corrective action has been provided to this investigation team (ANNEX 17)
- n. (U) 07 January 04- Escape of detainee #115032 from Camp Bucca (310th MP Battalion).** A detainee allegedly escaped between the hours of 0445 and 0640 from Compound 12, of Camp Bucca. Investigation by CPT [REDACTED] (310th MP Battalion S-3) and CPT [REDACTED] (724th MP Battalion S-3) concluded that the detainee escaped through an undetected weakness in the wire. Contributing factors were inexperienced guards, lapses in accountability, complacency, lack of leadership presence, poor visibility, and lack of clear and concise communication between the guards and the leadership. (ANNEX 9)
- o. (U) 12 January 04- Escape of Detainees #115314 and #109950 as well as the escape and recapture of 5 unknown detainees at the Camp Bucca Detention Facility (310th MP Battalion).** Several detainees allegedly escaped around 0300 from Compound 12, of Camp Bucca. An AR 15-6 Investigation by LTC [REDACTED] (800th MP Brigade, OIC Camp Arifjan Detachment) concluded that three of the detainees escaped through the front holding cell during conditions of limited visibility due to fog. One of the detainees was noticed, shot with a non-lethal round, and returned to his holding compound. That same night, 4 detainees exited through the wire on the South side of the camp and were seen and apprehended by the QRF. Contributing factors were the lack of a coordinated effort for emplacement of MPs during implementation of the fog plan, overcrowding, and poor communications. (ANNEX 10)

- p. (U) **14 January 04- Escape of detainee #12436 and missing Iraqi guard from Hard-Site, Abu Ghraib (320th MP Battalion).** A detainee allegedly escaped at 1335 from the Hard Site at Abu Ghraib (BCCF). An SIR was initiated by SSG Hydro (320th MP Battalion, S-3 Asst. NCOIC). The SIR indicates that an Iraqi guard assisted a detainee to escape by signing him out on a work detail and disappearing with him. At the time of the second SIR, neither missing person had been located. No information on findings, contributing factors, or corrective action has been provided to this investigation team. (ANNEX 99)
- q. (U) **26 January 04- Escape of detainees #s 115236, 116272, and 151933 from Camp Bucca (310th MP Battalion).** Several Detainees allegedly escaped between the hours of 0440 and 0700 during a period of intense fog. Investigation by CPT [REDACTED] (310th MP Battalion S-3) concluded that the detainees crawled under a fence when visibility was only 10-15 meters due to fog. Contributing factors were the limited visibility (darkness under foggy conditions), lack of proper accountability reporting, inadequate number of guards, commencement of detainee feeding during low visibility operations, and poorly rested MPs. (ANNEX 18)
- 36 (U) As I have previously indicated, this investigation determined that there was virtually a complete lack of detailed SOPs at any of the detention facilities. Moreover, despite the fact that there were numerous reported escapes at detention facilities throughout Iraq (in excess of 35), AR 15-6 Investigations following these escapes were simply forgotten or ignored by the Brigade Commander with no dissemination to other facilities. After-Action Reports and Lessons Learned, if done at all, remained at individual facilities and were not shared among other commanders or soldiers throughout the Brigade. The Command never issued standard TTPs for handling escape incidents. (ANNEXES 5-10, Multiple Witness Statements, and the Personal Observations of the Investigation Team)

RECOMMENDATIONS REGARDING PART TWO OF THE INVESTIGATION:

1. (U) ANNEX 100 of this investigation contains a detailed and referenced series of recommendations for improving the detainee accountability practices throughout the OIF area of operations.
2. (U) Accountability practices throughout any particular detention facility must be standardized and in accordance with applicable regulations and international law.
3. (U) The NDRS and BATS accounting systems must be expanded and used to their fullest extent to facilitate real time updating when detainees are moved and or transferred from one location to another.

- 4 (U) "Change sheets," or their doctrinal equivalent must be immediately processed and updated into the system to ensure accurate accountability. The detainee roll call or ISN counts must match the manifest provided to the compound guards to ensure proper accountability of detainees.
- 5 (U) Develop, staff, and implement comprehensive and detailed SOPs utilizing the lessons learned from this investigation as well as any previous findings, recommendations, and reports.
- 6 (U) SOPs must be written, disseminated, trained on, and understood at the lowest level.
- 7 (U) Iraqi criminal prisoners must be held in separate facilities from any other category of detainee.
- 8 (U) All of the compounds should be wired into the master manifest whereby MP Soldiers can account for their detainees in real time and without waiting for their change sheets to be processed. This would also have the change sheet serve as a way to check up on the accuracy of the manifest as updated by each compound. The BATS and NDRS system can be utilized for this function.
- 9 (U) Accountability lapses, escapes, and disturbances within the detention facilities must be immediately reported through both the operational and administrative Chain of Command via a Serious Incident Report (SIR). The SIRs must then be tracked and followed by daily SITREPs until the situation is resolved.
- 10 (U) Detention Rules of Engagement (DROE), Interrogation Rules of Engagement (IROE), and the principles of the Geneva Conventions need to be briefed at every shift change and guard mount.
- 11 (U) AARs must be conducted after serious incidents at any given facility. The observations and corrective actions that develop from the AARs must be analyzed by the respective MP Battalion S-3 section, developed into a plan of action, shared with the other facilities, and implemented as a matter of policy.
- 12 (U) There must be significant structural improvements at each of the detention facilities. The needed changes include significant enhancement of perimeter lighting, additional chain link fencing, staking down of all concertina wire, hard site development, and expansion of Abu Ghraib (BCCF).
- 13 (U) The Geneva Conventions and the facility rules must be prominently displayed in English and the language of the detainees at each compound and encampment at every detention facility LAW AR 190-8.

14. (U) Further restrict US civilians and other contractors' access throughout the facility. Contractors and civilians must be in an authorized and easily identifiable uniform to be more easily distinguished from the masses of detainees in civilian clothes.
15. (U) Facilities must have a stop movement/transfer period of at least 1 hour prior to every 100% detainee roll call and ISN counts to ensure accurate accountability.
16. (U) The method for doing head counts of detainees within a given compound must be standardized
17. (U) Those military units conducting I/R operations must know of, train on, and constantly reference the applicable Army Doctrine and CJTF command policies. The references provided in this report cover nearly every deficiency I have enumerated. Although they do not, and cannot, make up for leadership shortfalls, all soldiers, at all levels, can use them to maintain standardized operating procedures and efficient accountability practices.

FINDINGS AND RECOMMENDATIONS (PART THREE)

(U) Investigate the training, standards, employment, command policies, internal procedures, and command climate in the 800th MP Brigade, as appropriate:

Pursuant to Part Three of the Investigation, select members of the Investigation team (Primarily COL [REDACTED] and I) personally interviewed the following witnesses:

- 1 (U) BG Janis Karpinski, Commander, 800th MP Brigade
- 2 (U) COL [REDACTED], Commander, 205th MI Brigade
- 3 (U) COL [REDACTED] CFLCC Judge Advocate, CPA Ministry of Justice (Interviewed by COL Richard Gordon, CFLCC SJA)
- 4 (U) LTC [REDACTED] S-5 and Executive Officer, 800th MP Brigade
- 5 (U) LTC [REDACTED] Command Judge Advocate, 800th MP Brigade
- 6 (U) LTC [REDACTED] Commander, 165th MI Battalion (Tactical Exploitation)
- 7 (U) LTC [REDACTED] Commander, 202nd MI Battalion
- 8 (U) LTC [REDACTED] Commander, 310th MP Battalion
- 9 (U) LTC [REDACTED] former Director, Joint Interrogation and Debriefing Center/LNO to the 205th MI Brigade
- 10 (U) LTC [REDACTED] Commander, 724th MP Battalion and OIC Arifjan Detachment, 800th MP Brigade
- 11 (U) LTC [REDACTED] Commander, 744th MP Battalion
- 12 (U) MAJ [REDACTED] S-1, 800th MP Brigade
- 13 (U) MAJ [REDACTED] Deputy CJA, 800th MP Brigade
- 14 (U) MAJ [REDACTED] S-1 (FWD), 800th MP Brigade
- 15 (U) MAJ [REDACTED] S-3, 320th MP Battalion

16. (U) MAJ [REDACTED] XO, 320th MP Battalion
17. (U) MAJ [REDACTED]-3, 800th MP Brigade
18. (U) CPT [REDACTED] Commander, 670th MP Company
19. (U) CPT [REDACTED], Commander, 372nd MP Company
20. (U) CPT [REDACTED] Assistant S-3, 320th MP Battalion
21. (U) CPT [REDACTED] S-3, 310th MP Battalion
22. (U) CPT [REDACTED] S-2, 800th MP Brigade
23. (U) CPT [REDACTED] Commander, 670th MP Company
24. (U) CPT [REDACTED] Commander, 372nd MP Company
25. (U) CPT [REDACTED] Commander, 229th MP Company
26. (U) CPT [REDACTED] Commander, 310th MP Company
27. (U) CPT [REDACTED] 800th MP Brigade
28. (U) ILT [REDACTED] Platoon Leader, 372nd MP Company
29. (U) ILT [REDACTED] Aide-de-camp to Brigade Commander, 800th MP Brigade
30. (U) ILT [REDACTED] II, Commander, HHC 320th MP Battalion
31. (U) 2LT [REDACTED] Platoon Leader, 229th MP Company
32. (U) CW2 [REDACTED] 205th MI Brigade
33. (U) CSM [REDACTED], Command Sergeant Major, 320th MP Battalion
34. (U) SGM [REDACTED] Acting Command Sergeant Major, 800th MP Brigade
35. (U) CSM [REDACTED] Command Sergeant Major, 310th MP Battalion
36. (U) 1SG [REDACTED], First Sergeant, 977th MP Company
37. (U) SGM [REDACTED] Operations SGM, 320th MP Battalion
38. (U) MSG [REDACTED], First Sergeant, 372nd MP Company

39. (U) MSG ██████████, Operations Sergeant, 310th MP Battalion
40. (U) SFC ██████████ Platoon Sergeant, 229th MP Company
41. (U) SFC ██████████ Platoon SGT, 372nd MP Company
42. (U) SFC ██████████ 372nd MP Company
43. (U) SSG ██████████ Squad Leader, 372nd MP Company
44. (U) SSG ██████████ Army Dog Handler, 42nd MP Detachment, 16th MP Brigade
45. (U) SGT ██████████ Army Dog Handler, 523rd MP Detachment, 937th Engineer Group
46. (U) MA1 ██████████ USN Dog Handler, NAS Signal and Canine Unit
47. (U) Mr ██████████ US civilian Contract Interrogator, CACI, 205th MI Brigade
48. (U) Mr ██████████, US civilian Contract Interpreter, Titan Corporation, 205th MI Brigade
(ANNEXES 45-91)

REGARDING PART THREE OF THE INVESTIGATION, I MAKE THE FOLLOWING SPECIFIC FINDINGS OF FACT:

1. (U) I find that BG Janis Karpinski took command of the 800th MP Brigade on 30 June 2003 from BG Paul Hill. BG Karpinski has remained in command since that date. The 800th MP Brigade is comprised of eight MP battalions in the Iraqi TOR: 115th MP Battalion, 310th MP Battalion, 320th MP Battalion, 324th MP Battalion, 400th MP Battalion, 530th MP Battalion, 724th MP Battalion, and 744th MP Battalion. (ANNEXES 41 and 45)
2. (U) Prior to BG Karpinski taking command, members of the 800th MP Brigade believed they would be allowed to go home when all the detainees were released from the Camp Bucca Theater Internment Facility following the cessation of major ground combat on 1 May 2003. At one point, approximately 7,000 to 8,000 detainees were held at Camp Bucca. Through Article-5 Tribunals and a screening process, several thousand detainees were released. Many in the command believed they would go home when the detainees were released. In late May-early June 2003 the 800th MP Brigade was given a new mission to manage the Iraqi penal system and several detention centers. This new mission meant Soldiers would not redeploy to CONUS.

when anticipated. Morale suffered, and over the next few months there did not appear to have been any attempt by the Command to mitigate this morale problem. (ANNEXES 45 and 96)

3. (U) There is abundant evidence in the statements of numerous witnesses that soldiers throughout the 800th MP Brigade were not proficient in their basic MOS skills, particularly regarding internment/resettlement operations. Moreover, there is no evidence that the command, although aware of these deficiencies, attempted to correct them in any systemic manner other than ad hoc training by individuals with civilian corrections experience. **(Multiple Witness Statements and the Personal Observations of the Investigation Team)**
4. (U) I find that the 800th MP Brigade was not adequately trained for a mission that included operating a prison or penal institution at Abu Ghraib Prison Complex. As the Ryder Assessment found, I also concur that units of the 800th MP Brigade did not receive corrections-specific training during their mobilization period. MP units did not receive pinpoint assignments prior to mobilization and during the post mobilization training, and thus could not train for specific missions. The training that was accomplished at the mobilization sites were developed and implemented at the company level with little or no direction or supervision at the Battalion and Brigade levels, and consisted primarily of common tasks and law enforcement training. However, I found no evidence that the Command, although aware of this deficiency, ever requested specific corrections training from the Commandant of the Military Police School, the US Army Confinement Facility at Mannheim, Germany, the Provost Marshal General of the Army, or the US Army Disciplinary Barracks at Fort Leavenworth, Kansas. (ANNEXES 19 and 76)
5. (U) I find that without adequate training for a civilian internee detention mission, Brigade personnel relied heavily on individuals within the Brigade who had civilian corrections experience, including many who worked as prison guards or corrections officials in their civilian jobs. Almost every witness we interviewed had no familiarity with the provisions of AR 190-8 or FM 3-19.40. It does not appear that a Mission Essential Task List (METL) based on in-theater missions was ever developed nor was a training plan implemented throughout the Brigade. (ANNEXES 21, 22, 67, and 81)
6. (U) I also find, as did MG Ryder's Team, that the 800th MP Brigade as a whole, was understrength for the mission for which it was tasked. Army Doctrine dictates that an I/R Brigade can be organized with between 7 and 21 battalions, and that the average battalion size element should be able to handle approximately 4000 detainees at a time. This investigation indicates that BG Karpinski and her staff did a poor job allocating resources throughout the Iraq JOA. Abu Ghraib (BCCF) normally housed between 6000 and 7000 detainees, yet it was operated by only one battalion. In contrast, the HVD Facility maintains only about 100 detainees, and is also run by an entire battalion. (ANNEXES 19, 22, and 96)

7. (U) Reserve Component units do not have an individual replacement system to mitigate medical or other losses. Over time, the 800th MP Brigade clearly suffered from personnel shortages through release from active duty (REFRAD) actions, medical evacuation, and demobilization. In addition to being severely undermanned, the quality of life for Soldiers assigned to Abu Ghraib (BCCF) was extremely poor. There was no DFAC, PX, barbershop, or MWR facilities. There were numerous mortar attacks, random rifle and RPG attacks, and a serious threat to Soldiers and detainees in the facility. The prison complex was also severely overcrowded and the Brigade lacked adequate resources and personnel to resolve serious logistical problems. Finally, because of past associations and familiarity of Soldiers within the Brigade, it appears that friendship often took precedence over appropriate leader and subordinate relationships. **(ANNEX 101, Multiple Witness Statements, and the Personal Observations of the Investigation Team)**
8. (U) With respect to the 800th MP Brigade mission at Abu Ghraib (BCCF), I find that there was clear friction and lack of effective communication between the Commander, 205th MI Brigade, who controlled FOB Abu Ghraib (BCCF) after 19 November 2003, and the Commander, 800th MP Brigade, who controlled detainee operations inside the FOB. There was no clear delineation of responsibility between commands, little coordination at the command level, and no integration of the two functions. Coordination occurred at the lowest possible levels with little oversight by commanders. **(ANNEXES 31, 45, and 46)**
9. (U) I find that this ambiguous command relationship was exacerbated by a CJTF-7 Fragmentary Order (FRAGO) 1108 issued on 19 November 2003. Paragraph 3.C.8, Assignment of 205th MI Brigade Commander's Responsibilities for the Baghdad Central Confinement Facility, states as follows

3.C.8. A. (U) 205 MI BRIGADE.

3.C.8. A. 1. (U) EFFECTIVE IMMEDIATELY COMMANDER 205 MI BRIGADE ASSUMES RESPONSIBILITY FOR THE BAGHDAD CONFINEMENT FACILITY (BCCF) AND IS APPOINTED THE FOB COMMANDER. UNITS CURRENTLY AT ABU GHRAIB (BCCF) ARE TACON TO 205 MI BRIGADE FOR "SECURITY OF DETAINEES AND FOB PROTECTION."

Although not supported by BG Karpinski, FRAGO 1108 made all of the MP units at Abu Ghraib TACON to the Commander, 205th MI Brigade. This effectively made an MI Officer, rather than an MP Officer, responsible for the MP units conducting detainee operations at that facility. This is not doctrinally sound due to the different missions and agendas assigned to each of these respective specialties. **(ANNEX 31)**

- 10 (U) Joint Publication 0-2, Unified Action Armed Forces (UNAAF), 10 July 2001 defines Tactical Control (TACON) as the detailed direction and control of movements or maneuvers within the operational area necessary to accomplish assigned missions or tasks. (ANNEX 42)

“TACON is the command authority over assigned or attached forces or commands or military capability made available for tasking that is limited to the detailed direction and control of movements or maneuvers within the operational area necessary to accomplish assigned missions or tasks. TACON is inherent in OPCON and may be delegated to and exercised by commanders at any echelon at or below the level of combatant commander.”

- 11 (U) Based on all the facts and circumstances in this investigation, I find that there was little, if any, recognition of this TACON Order by the 800th MP Brigade or the 205th MI Brigade. Further, there was no evidence if the Commander, 205th MI Brigade clearly informed the Commander, 800th MP Brigade, and specifically the Commander, 320th MP Battalion assigned at Abu Ghraib (BCCF), on the specific requirements of this TACON relationship (ANNEXES 45 and 46)
- 12 (U) It is clear from a comprehensive review of witness statements and personal interviews that the 320th MP Battalion and 800th MP Brigade continued to function as if they were responsible for the security, health and welfare, and overall security of detainees within Abu Ghraib (BCCF) prison. Both BG Karpinski and COL Pappas clearly behaved as if this were still the case (ANNEXES 45 and 46)
- 13 (U) With respect to the 320th MP Battalion, I find that the Battalion Commander, LTC (P) [REDACTED], was an extremely ineffective commander and leader. Numerous witnesses confirm that the Battalion S-3, MAJ [REDACTED] basically ran the Battalion on a day-to-day basis. At one point, BG Karpinski sent LTC (P) [REDACTED] Camp Arifjan, Kuwait for approximately two weeks, apparently to give him some relief from the pressure he was experiencing as the 320th Battalion Commander. This movement to Camp Arifjan immediately followed a briefing provided by LTC (P) [REDACTED] to the CJTF-7 Commander, LTG Sanchez, near the end of October 2003. BG Karpinski placed LTC [REDACTED], Commander of the 115th MP Battalion, in charge of the 320th MP Battalion for a period of approximately two weeks. LTC [REDACTED] was also in command of the 115th MP Battalion assigned to [REDACTED], BIAP, Iraq. I could find no orders, either suspending or relieving LTC (P) [REDACTED] from command, nor any orders placing LTC [REDACTED] in command of the 320th. In addition, there was no indication this removal and search for a replacement was communicated to the Commander CJTF-7, the Commander 377th TSC, or to Soldiers in the 320th MP Battalion. Temporarily removing one commander and replacing him with another serving Battalion Commander without an order and without notifying superior or subordinate commands is without precedent in my military career. LTC (P) [REDACTED] was also reprimanded for lapses in accountability that resulted in several escapes. The 320th MP Battalion was stigmatized as a unit due to previous detainee abuse which

occurred in May 2003 at the Bucca Theater Internment Facility (TIF), while under the command of LTC (P) [REDACTED]. Despite his proven deficiencies as both a commander and leader, BG Karpinski allowed LTC (P) [REDACTED] remain in command of her most troubled battalion guarding, by far, the largest number of detainees in the 800th MP Brigade. LTC (P) [REDACTED] was suspended from his duties by LTG Sanchez, CJTF-7 Commander on 17 January 2004 (ANNEXES 43, 45, and 61)

14. (U) During the course of this investigation I conducted a lengthy interview with BG Karpinski that lasted over four hours, and is included verbatim in the investigation Annexes. BG Karpinski was extremely emotional during much of her testimony. What I found particularly disturbing in her testimony was her complete unwillingness to either understand or accept that many of the problems inherent in the 800th MP Brigade were caused or exacerbated by poor leadership and the refusal of her command to both establish and enforce basic standards and principles among its soldiers (ANNEX 45 and the Personal Observations of the Interview Team)
15. (U) BG Karpinski alleged that she received no help from the Civil Affairs Command, specifically, no assistance from either BG John Kern or COL [REDACTED]. She blames much of the abuse that occurred in Abu Ghraib (BCCF) on MI personnel and stated that MI personnel had given the MPs "ideas" that led to detainee abuse. In addition, she blamed the 372nd Company Platoon Sergeant, SFC [REDACTED], the Company Commander, CPT [REDACTED], and the First Sergeant, MSG [REDACTED] for the abuse. She argued that problems in Abu Ghraib were the fault of COL Pappas and LTC [REDACTED] because COL Pappas was in charge of FOB Abu Ghraib (ANNEX 45)
16. (U) BG Karpinski also implied during her testimony that the criminal abuses that occurred at Abu Ghraib (BCCF) might have been caused by the ultimate disposition of the detainee abuse cases that originally occurred at Camp Bucca in May 2003. She stated that **"about the same time those incidents were taking place out of Baghdad Central, the decisions were made to give the guilty people at Bucca plea bargains. So, the system communicated to the soldiers, the worst that's gonna happen is, you're gonna go home."** I think it important to point out that almost every witness testified that the serious criminal abuse of detainees at Abu Ghraib (BCCF) occurred in late October and early November 2003. The photographs and statements clearly support that the abuses occurred during this time period. The Bucca cases were set for trial in January 2004 and were not finally disposed of until 29 December 2003. There is entirely no evidence that the decision of numerous MP personnel to intentionally abuse detainees at Abu Ghraib (BCCF) was influenced in any respect by the Camp Bucca cases. (ANNEXES 25, 26, and 45)
17. (U) Numerous witnesses stated that the 800th MP Brigade S-1, MAJ [REDACTED] and S-4, MAJ [REDACTED] were essentially dysfunctional, but that despite numerous complaints, these officers were not replaced. This had a detrimental effect on the Brigade Staff's effectiveness and morale. Moreover, the Brigade Command Judge Advocate, LTC [REDACTED] appears to lack initiative and was unwilling to accept responsibility

for any of his actions. LTC [REDACTED], the Brigade XO did not properly supervise the Brigade staff by failing to lay out staff priorities, take overt corrective action when needed, and supervise their daily functions (ANNEXES 45, 47, 48, 62, and 67)

- 18 (U) In addition to poor morale and staff inefficiencies, I find that the 800th MP Brigade did not articulate or enforce clear and basic Soldier and Army standards. I specifically found these examples of unenforced standards:
- a There was no clear uniform standard for any MP Soldiers assigned detention duties. Despite the fact that hundreds of former Iraqi soldiers and officers were detainees, MP personnel were allowed to wear civilian clothes in the FOB after duty hours while carrying weapons (ANNEXES 51 and 74)
 - b Some Soldiers wrote poems and other sayings on their helmets and soft caps. (ANNEXES 51 and 74)
 - c In addition, numerous officers and senior NCOs have been reprimanded/disciplined for misconduct during this period. Those disciplined include, (ANNEXES 43 and 102)
 - 1) (U) BG Janis Karpinski, Commander, 800th MP Brigade
 - Memorandum of Admonishment by LTG Sanchez, Commander, CJTF-7, on 17 January 2004
 - 2) (U) LTC (P) [REDACTED], Commander, 320th MP Battalion
 - GOMOR from BG Karpinski, Commander 800th MP Bngade, on 10 November 2003, for lack of leadership and for failing to take corrective security measures as ordered by the Bngade Commander, filed locally
 - Suspended by BG Karpinski, Commander 800th MP Brigade, 17 January 2004, Pending Relief for Cause, for dereliction of duty
 - 3) (U) LTC [REDACTED], Commander, 400th MP Battalion
 - GOMOR from BG Karpinski, Commander 800th MP Bngade, on 20 August 2003, for failure to properly train his Soldiers (Soldier had negligent discharge of M-16 while exiting his vehicle, round went into fuel tank), filed locally
 - 4) (U) MAJ [REDACTED] S-3, 320th MP Battalion
 - GOMOR from LTG McKiernan, Commander CFLCC, on 25 May 2003, for dereliction of duty for failing to report a violation of CENTCOM General Order #1 by a subordinate Field Grade Officer and Senior Noncommissioned Officer, which he personally observed; returned to soldier unfiled

- GOMOR from BG Karpinski, Commander 800th MP Brigade, on 10 November 03, for failing to take corrective security measures as ordered by the Brigade Commander, filed locally
- 5) (U) MAJ [REDACTED], Finance Officer, 800th MP Brigade
 - GOMOR from LTG McKiernan, Commander CFLCC, on 25 May 2003, for violation of CENTCOM General Order #1, consuming alcohol with an NCO; filed locally.
 - 6) (U) CPT [REDACTED], Commander, 870th MP Company
 - Court-Martial Charges Preferred, for Conduct Unbecoming an Officer and Unauthorized Use of Government Computer in that he was alleged to have taken nude pictures of his female Soldiers without their knowledge, Trial date to be announced
 - 7) (U) CPT [REDACTED], Commander, 770th MP Company
 - GOMOR from BG Karpinski, Commander 800th MP Brigade, on 20 August 2003, for failing to properly train his Soldiers (Soldier had negligent discharge of M-16 while exiting his vehicle, round went into fuel tank), filed locally
 - 8) (U) CSM [REDACTED], Command Sergeant Major, 800th MP Brigade
 - GOMOR and Relief for Cause from BG Jants Karpinski, Commander 800th MP Brigade, for fraternization and dereliction of duty for fraternizing with junior enlisted soldiers within his unit, GOMOR officially filed and he was removed from the CSM list
 - 9) (U) CSM [REDACTED], Command Sergeant Major, 400th MP Battalion
 - GOMOR from BG Karpinski, Commander 800th MP Brigade, on 20 August 2003, for failing to properly train his Soldiers (Soldier had negligent discharge of M-16 while exiting his vehicle, round went into fuel tank), filed locally
 - 10) (U) 1SG [REDACTED], First Sergeant, 770th MP Company
 - GOMOR from BG Karpinski, Commander 800th MP Brigade, on 20 August 2003, for failing to properly train his Soldiers (Soldier had negligent discharge of M-16 while exiting his vehicle, round went into fuel tank), filed locally
 - 11) (U) MSG [REDACTED], NBC NCO, 800th MP Brigade,
 - GOMOR from LTG McKiernan, Commander CFLCC, on 25 May 2003, for violation of CENTCOM General Order #1, consuming alcohol, filed locally.

- 12) (U) SGM [REDACTED] Operations SGM, 320th MP Battalion,
- Two GO Letters of Concern and a verbal reprimand from BG Karpinski, Commander 800th MP Brigade, for failing to adhere to the guidance/directives given to him by BG Karpinski, filed locally
- d. (U) Saluting of officers was sporadic and not enforced LTC Robert P Walters, Jr., Commander of the 165th Military Intelligence Battalion (Tactical Exploitation), testified that the saluting policy was enforced by COL Pappas for all MI personnel, and that BG Karpinski approached COL Pappas to reverse the saluting policy back to a no-saluting policy as previously existed (ANNEX 53)
19. (U) I find that individual Soldiers within the 800th MP Brigade and the 320th Battalion stationed throughout Iraq had very little contact during their tour of duty with either LTC (P) [REDACTED] or BG Karpinski. BG Karpinski claimed, during her testimony, that she paid regular visits to the various detention facilities where her Soldiers were stationed. However, the detailed calendar provided by her Aide-de-Camp, 1LT [REDACTED] does not support her contention. Moreover, numerous witnesses stated that they rarely saw BG Karpinski or LTC (P) [REDACTED] (Multiple Witness Statements)
- 20 (U) In addition I find that psychological factors, such as the difference in culture, the Soldiers' quality of life, the real presence of mortal danger over an extended time period, and the failure of commanders to recognize these pressures contributed to the pervasive atmosphere that existed at Abu Ghraib (BCCF) Detention Facility and throughout the 800th MP Brigade (ANNEX 1)
- 21 As I have documented in other parts of this investigation, I find that there was no clear emphasis by BG Karpinski to ensure that the 800th MP Brigade Staff, Commanders, and Soldiers were trained to standard in detainee operations and proficiency or that serious accountability lapses that occurred over a significant period of time, particularly at Abu Ghraib (BCCF), were corrected. AR 15-6 Investigations regarding detainee escapes were not acted upon, followed up with corrective action, or disseminated to subordinate commanders or Soldiers. Brigade and unit SOPs for dealing with detainees if they existed at all, were not read or understood by MP Soldiers assigned the difficult mission of detainee operations. Following the abuse of several detainees at Camp Bucca in May 2003, I could find no evidence that BG Karpinski ever directed corrective training for her soldiers or ensured that MP Soldiers throughout Iraq clearly understood the requirements of the Geneva Conventions relating to the treatment of detainees (Multiple Witness Statements and the Personal Observations of the Investigation Team)

- 22 On 17 January 2004 BG Karpinski was formally admonished in writing by LTG Sanchez regarding the serious deficiencies in her Brigade. LTG Sanchez found that the performance of the 800th MP Brigade had not met the standards set by the Army or by CJTF-7. He found that incidents in the preceding six months had occurred that reflected a lack of clear standards, proficiency and leadership within the Brigade. LTG Sanchez also cited the recent detainee abuse at Abu Ghraib (BCCF) as the most recent example of a poor leadership climate that "permeates the Brigade." I totally concur with LTG Sanchez' opinion regarding the performance of BG Karpinski and the 800th MP Brigade. (ANNEX 102 and the Personal Observations of the Investigating Officer)

RECOMMENDATIONS AS TO PART THREE OF THE INVESTIGATION:

- 1 (U) That **BG Janis L. Karpinski, Commander, 800th MP Brigade** be Relieved from Command and given a General Officer Memorandum of Reprimand for the following acts which have been previously referred to in the aforementioned findings
 - Failing to ensure that MP Soldiers at theater-level detention facilities throughout Iraq had appropriate SOPs for dealing with detainees and that Commanders and Soldiers had read, understood, and would adhere to these SOPs
 - Failing to ensure that MP Soldiers in the 800th MP Brigade knew, understood, and adhered to the protections afforded to detainees in the Geneva Convention Relative to the Treatment of Prisoners of War.
 - Making material misrepresentations to the Investigation Team as to the frequency of her visits to her subordinate commands
 - Failing to obey an order from the CFLCC Commander, LTG McKiernan, regarding the withholding of disciplinary authority for Officer and Senior Noncommissioned Officer misconduct
 - Failing to take appropriate action regarding the ineffectiveness of a subordinate Commander, LTC [REDACTED]
 - Failing to take appropriate action regarding the ineffectiveness of numerous members of her Brigade Staff including her XO, S-1, S-3, and S-4
 - Failing to properly ensure the results and recommendations of the AARs and numerous 15-6 Investigation reports on escapes and shootings (over a period of several months) were properly disseminated to, and understood by, subordinate commanders.
 - Failing to ensure and enforce basic Soldier standards throughout her command
 - Failing to establish a Brigade METL.
 - Failing to establish basic proficiency in assigned tasks for Soldiers throughout the 800th MP Brigade.

- Failing to ensure that numerous and reported accountability lapses at detention facilities throughout Iraq were corrected.
2. (U) That **COL Thomas M. Pappas, Commander, 205th MI Brigade**, be given a General Officer Memorandum of Reprimand and Investigated UP Procedure 15, AR 381-10, US Army Intelligence Activities for the following acts which have been previously referred to in the aforementioned findings.
- Failing to ensure that Soldiers under his direct command were properly trained in and followed the IROE
 - Failing to ensure that Soldiers under his direct command knew, understood, and followed the protections afforded to detainees in the Geneva Convention Relative to the Treatment of Prisoners of War
 - Failing to properly supervise his soldiers working and "visiting" Tier 1 of the Hard-Site at Abu Ghraib (BCCF)
- 3 (U) That LTC (P) [REDACTED] **Commander, 320th MP Battalion**, be Relieved from Command, be given a General Officer Memorandum of Reprimand, and be removed from the Colonel/O-6 Promotion List for the following acts which have been previously referred to in the aforementioned findings:
- Failing to properly ensure the results, recommendations, and AARs from numerous reports on escapes and shootings over a period of several months were properly disseminated to, and understood by, subordinates
 - Failing to implement the appropriate recommendations from various 15-6 Investigations as specifically directed by BG Karpinski
 - Failing to ensure that Soldiers under his direct command were properly trained in Internment and Resettlement Operations.
 - Failing to ensure that Soldiers under his direct command knew and understood the protections afforded to detainees in the Geneva Convention Relative to the Treatment of Prisoners of War
 - Failing to properly supervise his soldiers working and "visiting" Tier 1 of the Hard-Site at Abu Ghraib (BCCF)
 - Failing to properly establish and enforce basic soldier standards, proficiency, and accountability
 - Failure to conduct an appropriate Mission Analysis and to task organize to accomplish his mission
- 4 (U) That LTC [REDACTED] **Former Director, Joint Interrogation and Debriefing Center and Liaison Officer to 205th Military Intelligence Brigade**, be relieved from duty and be given a General Officer Memorandum of Reprimand for the following acts which have been previously referred to in the aforementioned findings.
- Making material misrepresentations to the Investigating Team, including his leadership roll at Abu Ghraib (BCCF)
 - Failing to ensure that Soldiers under his direct control were properly trained in and followed the IROE

- Failing to ensure that Soldiers under his direct control knew, understood, and followed the protections afforded to detainees in the Geneva Convention Relative to the Treatment of Prisoners of War
 - Failing to properly supervise soldiers under his direct authority working and "visiting" Tier 1 of the Hard-Site at Abu Ghraib (BCCF).
- 5 (U) That MAJ [REDACTED] Sr., S-3, 320th MP Battalion, be Relieved from his position as the Battalion S-3 and be given a General Officer Memorandum of Reprimand for the following acts which have been previously referred to in the aforementioned findings:
- Received a GOMOR from LTG McKiernan, Commander CFLCC, on 25 May 2003, for dereliction of duty for failing to report a violation of CENTCOM General Order #1 by a subordinate Field Grade Officer and Senior Noncommissioned Officer, which he personally observed; GOMOR was returned to Soldier and not filed.
 - Failing to take corrective action and implement recommendations from various 15-6 investigations even after receiving a GOMOR from BG Karpinski, Commander 800th MP Brigade, on 10 November 03, for failing to take corrective security measures as ordered; GOMOR was filed locally
 - Failing to take appropriate action and report an incident of detainee abuse, whereby he personally witnessed a Soldier throw a detainee from the back of a truck.
- 6 (U) That CPT [REDACTED] Commander, 372nd MP Company, be Relieved from Command and be given a General Officer Memorandum of Reprimand for the following acts which have been previously referred to in the aforementioned findings:
- Failing to ensure that Soldiers under his direct command knew and understood the protections afforded to detainees in the Geneva Convention Relative to the Treatment of Prisoners of War
 - Failing to properly supervise his Soldiers working and "visiting" Tier 1 of the Hard-Site at Abu Ghraib (BCCF)
 - Failing to properly establish and enforce basic soldier standards, proficiency, and accountability
 - Failing to ensure that Soldiers under his direct command were properly trained in Internment and Resettlement Operations
- 7 (U) That 1LT [REDACTED] Platoon Leader, 372nd MP Company, be Relieved from his duties as Platoon Leader and be given a General Officer Memorandum of Reprimand for the following acts which have been previously referred to in the aforementioned findings:
- Failing to ensure that Soldiers under his direct command knew and understood the protections afforded to detainees in the Geneva Convention Relative to the Treatment of Prisoners of War
 - Failing to properly supervise his soldiers working and "visiting" Tier 1 of the Hard-Site at Abu Ghraib (BCCF)

- Failing to properly establish and enforce basic Soldier standards, proficiency, and accountability.
 - Failing to ensure that Soldiers under his direct command were properly trained in Internment and Resettlement Operations.
8. (U) That SGM [REDACTED] Operations SGM, 320th MP Battalion, be Relieved from his duties and given a General Officer Memorandum of Reprimand for the following acts which have been previously referred to in the aforementioned findings
- Making a material misrepresentation to the Investigation Team stating that he had “never” been admonished or reprimanded by BG Karpinski, when in fact he had been admonished for failing to obey an order from BG Karpinski to “stay out of the towers” at the holding facility
 - Making a material misrepresentation to the Investigation Team stating that he had attended every shift change/guard-mount conducted at the 320th MP Battalion, and that he personally briefed his Soldiers on the proper treatment of detainees, when in fact numerous statements contradict this assertion.
 - Failing to ensure that Soldiers in the 320th MP Battalion knew and understood the protections afforded to detainees in the Geneva Convention Relative to the Treatment of Prisoners of War
 - Failing to properly supervise his soldiers working and “visiting” Tier 1 of the Hard-Site at Abu Ghraib (BCCF)
 - Failing to properly establish and enforce basic soldier standards, proficiency, and accountability
 - Failing to ensure that his Soldiers were properly trained in Internment and Resettlement Operations
- 9 (U) That 1SG [REDACTED] First Sergeant, 372nd MP Company, be Relieved from his duties as First Sergeant of the 372nd MP Company and given a General Officer Memorandum of Reprimand for the following acts which have been previously referred to in the aforementioned findings
- Failing to ensure that Soldiers in the 372nd MP Company knew and understood the protections afforded to detainees in the Geneva Convention Relative to the Treatment of Prisoners of War
 - Failing to properly supervise his soldiers working and “visiting” Tier 1 of the Hard-Site at Abu Ghraib (BCCF)
 - Failing to properly establish and enforce basic soldier standards, proficiency, and accountability
 - Failing to ensure that his Soldiers were properly trained in Internment and Resettlement Operations
- 10 (U) That SFC [REDACTED] Platoon Sergeant, 372nd MP Company, be Relieved from his duties, receive a General Officer Memorandum of Reprimand, and receive action under the Uniform Code of Military Justice for the following acts which have been previously referred to in the aforementioned findings:

- Failing to ensure that Soldiers in his platoon knew and understood the protections afforded to detainees in the Geneva Convention Relative to the Treatment of Prisoners of War.
- Failing to properly supervise his soldiers working and "visiting" Tier 1 of the Hard-Site at Abu Ghraib (BCCF)
- Failing to properly establish and enforce basic soldier standards, proficiency, and accountability
- Failing to ensure that his Soldiers were properly trained in Internment and Resettlement Operations
- Failing to report a Soldier, who under his direct control, abused detainees by stomping on their bare hands and feet in his presence

11. (U) That Mr. [REDACTED] Contract US Civilian Interrogator, CACI, 205th Military Intelligence Brigade, be given an Official Reprimand to be placed in his employment file, termination of employment, and generation of a derogatory report to revoke his security clearance for the following acts which have been previously referred to in the aforementioned findings:

- Made a false statement to the investigation team regarding the locations of his interrogations, the activities during his interrogations, and his knowledge of abuses
- Allowed and/or instructed MPs, who were not trained in interrogation techniques, to facilitate interrogations by "setting conditions" which were neither authorized and in accordance with applicable regulations/policy He clearly knew his instructions equated to physical abuse

12. (U) That Mr. [REDACTED], Contract US Civilian Interpreter, CACI, 205th Military Intelligence Brigade, be given an Official Reprimand to be placed in his employment file and have his security clearance reviewed by competent authority for the following acts or concerns which have been previously referred to in the aforementioned findings:

- Denied ever having seen interrogation processes in violation of the IROE which is contrary to several witness statements
- Did not have a security clearance

13. (U) I find that there is sufficient credible information to warrant an Inquiry UP Procedure 15, AR 381-10, US Army Intelligence Activities, be conducted to determine the extent of culpability of MI personnel, assigned to the 205th MI Brigade and the Joint Interrogation and Debriefing Center (JIDC) at Abu Ghraib (BCCF) Specifically, I suspect that COL Thomas M. Pappas, LTC [REDACTED] Mr. [REDACTED] and Mr. [REDACTED] were either directly or indirectly responsible for the abuses at Abu Ghraib (BCCF) and strongly recommend immediate disciplinary action as described in the preceding paragraphs as well as the initiation of a Procedure 15 Inquiry to determine the full extent of their culpability (ANNEX 36)

OTHER FINDINGS/OBSERVATIONS

1. (U) Due to the nature and scope of this investigation, I acquired the assistance of Col (Dr.) [REDACTED] a USAF Psychiatrist, to analyze the investigation materials from a psychological perspective. He determined that there was evidence that the horrific abuses suffered by the detainees at Abu Ghraib (BCCF) were wanton acts of select soldiers in an unsupervised and dangerous setting. There was a complex interplay of many psychological factors and command insufficiencies. A more detailed analysis is contained in ANNEX 1 of this investigation
2. (U) During the course of this investigation I conducted a lengthy interview with BG Karpinski that lasted over four hours, and is included verbatim in the investigation Annexes. BG Karpinski was extremely emotional during much of her testimony. What I found particularly disturbing in her testimony was her complete unwillingness to either understand or accept that many of the problems inherent in the 800th MP Brigade were caused or exacerbated by poor leadership and the refusal of her command to both establish and enforce basic standards and principles among its Soldiers (ANNEX 45)
3. (U) Throughout the investigation, we observed many individual Soldiers and some subordinate units under the 800th MP Brigade that overcame significant obstacles, persevered in extremely poor conditions, and upheld the Army Values. We discovered numerous examples of Soldiers and Sailors taking the initiative in the absence of leadership and accomplishing their assigned tasks
 - a. (U) The 744th MP Battalion, commanded by LTC [REDACTED] efficiently operated the HVD Detention Facility at Camp Cropper and met mission requirements with little to no guidance from the 800th MP Brigade. The unit was disciplined, proficient, and appeared to understand their basic tasks
 - b. (U) The 530th MP Battalion, commanded by LTC [REDACTED] effectively maintained the MEK Detention Facility at Camp Ashraf. His Soldiers were proficient in their individual tasks and adapted well to this highly unique and non-doctrinal operation
 - c. (U) The 165th MI Battalion excelled in providing perimeter security and force protection at Abu Ghraib (BCCF). LTC [REDACTED] demanded standards be enforced and worked endlessly to improve discipline throughout the FOB

4. (U) The individual Soldiers and Sailors that we observed and believe should be favorably noted include:
 - a. (U) Master-at-Arms First Class [REDACTED] US Navy Dog Handler, knew his duties and refused to participate in improper interrogations despite significant pressure from the MI personnel at Abu Ghraib
 - b. (U) SPC [REDACTED], 372nd MP Company discovered evidence of abuse and turned it over to military law enforcement.
 - c. (U) 1LT [REDACTED], 229th MP Company, took immediate action and stopped an abuse, then reported the incident to the chain of command

CONCLUSION

1. (U) Several US Army Soldiers have committed egregious acts and grave breaches of international law at Abu Ghraib/BCCF and Camp Bucca, Iraq. Furthermore, key senior leaders in both the 800th MP Brigade and the 205th MI Brigade failed to comply with established regulations, policies, and command directives in preventing detainee abuses at Abu Ghraib (BCCF) and at Camp Bucca during the period August 2003 to February 2004.
2. (U) Approval and implementation of the recommendations of this AR 15-6 Investigation and those highlighted in previous assessments are essential to establish the conditions with the resources and personnel required to prevent future occurrences of detainee abuse

Annexes

1. Psychological Assessment
2. Request for investigation from CJTF-7 to CENTCOM
3. Directive to CFLCC from CENTCOM directing investigation
4. Appointment Memo from CFLCC CDR to MG Taguba
5. 15-6 Investigation 9 June 2003
6. 15-6 Investigation 12 June 2003
7. 15-6 Investigation 13 June 2003
8. 15-6 Investigation 24 November 2003
9. 15-6 Investigation 7 January 2004
10. 15-6 Investigation 12 January 2004
11. SIR 5 November 2003
12. SIR 7 November 2003
13. SIR 8 November 2003
14. SIR 13 December 2003
15. SIR 13 December 2003
16. SIR 13 December 2003
17. SIR 17 December 2003
18. Commander's Inquiry 26 January 2004
19. MG [REDACTED] Report, 6 November 2003
20. MG [REDACTED] Report, 9 September 2003
21. AR 190-8, Enemy Prisoners of War, Retained Personnel, Civilian Internees, and Other Detainees, 1 October 1997
22. FM 3-19.40, Military Police Internment/Resettlement Operations, 1 August 2001
23. FM 34-52, Intelligence Interrogation, 28 September 1992
24. Fourth Geneva Convention, 12 August 1949
25. CID Report on criminal abuses at Abu Ghraib, 28 January 2004
26. CID Interviews, 10-25 January 2004
27. 800th MP Brigade Roster, 29 January 2004
28. 205th MI Brigade's IROE, Undated
29. TOA Order (800th MP Brigade) and letter holding witnesses
30. Investigation Team's witness list
31. FRAGO #1108
32. Letters suspending several key leaders in the 800th MP Brigade and Rating Chain with suspensions annotated
33. FM 27-10, Military Justice, 6 September 2002
34. CID Report on abuse of detainees at Camp Bucca, 8 June 2003
35. Article 32 Findings on abuse of detainees at Camp Bucca, 26 August 2003
36. AR 381-10, 1 July 1984
37. Excerpts from log books, 320th MP Battalion
38. 310th MP Battalion's Inprocessing SOP
39. 320th MP Battalion's "Change Sheet"
40. Joint Interrogation and Debriefing Center's (JIDC) Slides, Undated
41. Order of Battle Slides, 12 January 2004
42. Joint Publication 0-2, Unified Actions Armed Forces, 10 July 2001

43. General Officer Memorandums of Reprimand
44. 800th MP Battalion's TACSOP
45. BG Janis Karpinski, Commander, 800th MP Brigade
46. COL Thomas Pappas, Commander, 205th MI Brigade
47. COL ██████████, CFLCC Judge Advocate, CPA Ministry of Justice
48. LTC ██████████, S-5 and Executive Officer, 800th MP Brigade
49. LTC ██████████, Command Judge Advocate, 800th MP Brigade
50. LTC ██████████, Commander, 165th MI Battalion (Tactical exploitation)
51. LTC ██████████, Commander, 202nd MI Battalion
52. LTC ██████████, Commander 310th MP Battalion
53. LTC ██████████, former Director, Joint Interrogation and Debriefing Center/LNO to the 205th MI Brigade
54. LTC ██████████, Commander 724th MP Battalion and OIC Anrjan Detachment, 800th MP Brigade
55. LTC ██████████, M. Glone, Commander, 744th MP Battalion
56. MAJ ██████████, S-1, 800th MP Brigade
57. MAJ ██████████, Deputy CJA, 800th MP Brigade
58. MAJ ██████████, S-1 (FWD), 800th MP Brigade
59. MAJ ██████████, S-3, 320th MP Battalion
60. MAJ ██████████, XO, 320th MP Battalion
61. MAJ ██████████, S-3, 800th MP Brigade
62. CPT ██████████, Commander, 670th MP Company
63. CPT ██████████, Commander, 372nd MP Company
64. CPT ██████████, Assistant S-3, 320th MP Battalion
65. CPT ██████████, S-3, 310th MP Battalion
66. CPT ██████████, S-2, 800th MP Brigade
67. LTC ██████████, Commander, 320th MP Battalion
68. CPT ██████████, Commander, 229th MP Company
69. CPT ██████████, Commander, 310th MP Company
70. CPT ██████████, IG, 800th MP Brigade
71. 1LT ██████████, Platoon Leader, 372nd MP Company
72. 1LT ██████████, Aide-de-Camp to Brigade Commander, 800th MP Brigade
73. 1LT ██████████, II, Commander, HHC 320th MP Battalion
74. 2LT ██████████, Platoon Leader, 229th MP Company
75. CW2 ██████████, 205th MI Brigade
76. CSM ██████████, Command Sergeant Major, 320th MP Battalion
77. SGM ██████████, Command Sergeant Major, 800th MP Brigade
78. CSM ██████████, Command Sergeant Major, 310th MP Battalion
79. 1SG ██████████, First Sergeant, 977th MP Company
80. SGM ██████████, Operations SGM, 320th MP Battalion
81. MSG ██████████, First Sergeant, 372nd MP Company
82. MSG ██████████, Operations Sergeant, 310th MP Battalion
83. SFC ██████████, Platoon Sergeant, 229th MP Company
84. SFC ██████████, Platoon SGT, 372nd MP Company
85. SFC ██████████, 372nd MP Company

86. SSG [REDACTED], Squad Leader, 372nd MP Company
87. SSG [REDACTED], Army Dog Handler
88. SGT [REDACTED], Army Dog Handler
89. MA1 [REDACTED], USN Dog Handler
90. Mr. [REDACTED], US civilian contract Interrogator, CACI, 205th MI Brigade
91. Mr. [REDACTED], US civilian contract Interpreter, Titan Corporation, 205th MI Brigade
92. FM 3-19.1, Military Police Operations, 22 March 2001
93. CJTF-7 IROE and DROE, Undated
94. CJTF-7 Interrogation and Counter Resistance Policy, 12 October 2003
95. 800th MP Brigade Mobilization Orders
96. Sample Detainee Status Report, 13 March 2004
97. 530th MP Battalion Mission Brief, 11 February 2004
98. Memorandum for Record, CPT Ed Ray, Chief of Military Justice, CFLCC, 9 March 2004
99. SIR 14 January 2004
100. Accountability Plan Recommendations, 9 March 2004
101. 2LT [REDACTED], S-2, 320th MP Battalion
102. Memorandum of Admonishment from LTG [REDACTED] to BG Karpinski, 17 January 2004
103. Various SIRs from the 800th MP Brigade/320th MP Battalion
104. 205th MI Brigade SITREP to MC [REDACTED], 12 December 2003
105. SGT [REDACTED], 372nd MP Company
106. 1LT [REDACTED], Commander, 870th MP Company

EXHIBIT 28

**Executive Summary
Investigation of Intelligence Activities At Abu Ghraib
pages 1-5.**

**AR 15-6 Investigation of the Abu Ghraib Prison and
205th Military Intelligence Brigade
LTG Anthony R. Jones
pages 6-33**

**AR 15-6 Investigation of the Abu Ghraib Detention
Facility and 205th Military Intelligence Brigade
MG George R. Fay
pages 34-176**

PTX-23]

EXECUTIVE SUMMARY

Investigation of Intelligence Activities At Abu Ghraib

Background

This investigation was ordered initially by LTG Ricardo S. Sanchez, Commander, Combined Joint Task Force Seven (CJTF-7). LTG Sanchez appointed MG George R. Fay as investigating officer under the provisions of Army Regulation 381-10, Procedure 15. MG Fay was appointed to investigate allegations that members of the 205th Military Intelligence Brigade (205 MI BDE) were involved in detainee abuse at the Abu Ghraib Detention Facility. Specifically, MG Fay was to determine whether 205 MI BDE personnel requested, encouraged, condoned, or solicited Military Police (MP) personnel to abuse detainees and whether MI personnel comported with established interrogation procedures and applicable laws and regulations.

On 16 June 2004, Acting Secretary of the Army R. L. Brownlee appointed General Paul J. Kern, Commander, US Army Materiel Command (AMC), as the new Procedure 15 appointing authority. On 25 June 2004, GEN Kern appointed LTG Anthony R. Jones, Deputy Commanding General, US Army Training and Doctrine Command, as an additional Procedure 15 investigating officer. MG Fay was retained as an investigating officer.

Without reinvestigating areas reviewed by MG Fay, LTG Jones was specifically directed to focus on whether organizations or personnel higher than the 205th MI BDE chain of command, or events and circumstances outside of the 205th MI Brigade, were involved, directly or indirectly, in the questionable activities regarding alleged detainee abuse at Abu Ghraib prison.

The investigative teams conducted a comprehensive review of all available background documents and statements pertaining to Abu Ghraib from a wide variety of sources. These sources included the reports written by MG Geoffrey Miller, MG Donald Ryder, MG Antonio Taguba and the Department of Army Inspector General. LTG Jones interviewed LTG Sanchez and MG Barbara Fast, the CJTF-7 Senior Intelligence Staff Officer. MG Fay's team conducted over 170 interviews concerning the interviewees' knowledge of interrogation and detention operations at Abu Ghraib and/or their knowledge of and involvement in detainee abuse. MG Fay's interviews included interviews with MG Fast, MG Walter Wojdakowski, MG Geoffrey Miller, MG Thomas Miller, and BG Janis Karpinski.

Operational Environment

The events at Abu Ghraib cannot be understood in a vacuum. Three interrelated aspects of the operational environment played important roles in the abuses that occurred at Abu Ghraib. First, from the time V Corps transitioned to become CJTF-7, and throughout the period under investigation, it was not resourced adequately to accomplish the missions of the CJTF: stability and support operations (SASO) and support to the Coalition Provisional Authority (CPA). The CJTF-7 headquarters lacked adequate personnel and equipment. In addition, the military police and military intelligence units at Abu Ghraib were severely under-resourced. Second, providing support to the Coalition Provisional Authority (CPA) required greater resources than envisioned in operational plans. Third, operational plans envisioned that CJTF-7 would execute SASO and provide support to the CPA in a relatively non-hostile environment. In fact, opposition was robust and hostilities continued throughout the period under investigation. Therefore, CJTF-7 had to conduct tactical counter-insurgency operations, while also executing its planned missions.

These three circumstances delayed establishment of an intelligence architecture and degraded the ability of the CJTF-7 staff to execute its assigned tasks, including oversight of interrogation and detention operations at Abu Ghraib.

When hostilities were declared over, US forces had control of only 600 Enemy Prisoners of War (EPW) and Iraqi criminals. In the fall of 2003, the number of detainees rose exponentially due to tactical operations to capture counter-insurgents dangerous to U.S. forces and Iraqi civilians. At that time, the CJTF-7 commander believed he had no choice but to use Abu Ghraib as the central detention facility.

Command and staff actions and inaction must be understood in the context of the operational environment discussed above. In light of the operational environment, and CJTF-7 staff and subordinate unit's under-resourcing and increased missions, the CJTF-7 Commander had to prioritize efforts. CJTF-7 devoted its resources to fighting the counter-insurgency and supporting the CPA, thereby saving Coalition and civilian Iraqi lives and assisting in the transition to Iraqi self-rule. In the over-all scheme of OIF, the CJTF-7 Commander and staff performed above expectations.

Abuse

Clearly abuses occurred at the prison at Abu Ghraib. There is no single, simple explanation for why this abuse at Abu Ghraib happened. The primary causes are misconduct (ranging from inhumane to sadistic) by a small group of morally corrupt soldiers and civilians, a lack of discipline on the part of the leaders and Soldiers of the 205th MI BDE and a failure or lack of leadership by multiple echelons within CJTF-7. Contributing factors can be traced to issues affecting Command and Control, Doctrine, Training, and the experience of the Soldiers we asked to perform this vital mission.

For purposes of this report, abuse is defined as treatment of detainees that violated U.S. criminal law or international law or treatment that was inhumane or coercive without lawful justification. Whether the Soldier or contractor knew, at the time of the acts, that the conduct violated any law or standard, is not an element of the definition.

The abuses at Abu Ghraib primarily fall into two categories: a) intentional violent or sexual abuse and, b) abusive actions taken based on misinterpretations or confusion regarding law or policy.

LTG Jones found that while senior level officers did not commit the abuse at Abu Ghraib they did bear responsibility for lack of oversight of the facility, failing to respond in a timely manner to the reports from the International Committee of the Red Cross and for issuing policy memos that failed to provide clear, consistent guidance for execution at the tactical level.

MG Fay has found that from 25 July 2003 to 6 February 2004, twenty-seven 205 MI BDE Personnel allegedly requested, encouraged, condoned or solicited Military Police (MP) personnel to abuse detainees and/or participated in detainee abuse and/or violated established interrogation procedures and applicable laws and regulations during interrogation operations at Abu Ghraib.

Most, though not all, of the violent or sexual abuses occurred separately from scheduled interrogations and did not focus on persons held for intelligence purposes. No policy, directive or doctrine directly or indirectly caused violent or sexual abuse. In these cases, Soldiers knew they were violating the approved techniques and procedures.

Confusion about what interrogation techniques were authorized resulted from the proliferation of guidance and information from other theaters of operation; individual interrogator experiences in other theaters; and, the failure to distinguish between interrogation operations in other theaters and Iraq. This confusion contributed to the occurrence of some of the non-violent and non-sexual abuses.

MG Taguba and MG Fay reviewed the same photographs as supplied by the US Army Criminal Investigation Command (CID). MG Fay identified one additional photograph depicting abuse by MI personnel that had not been previously identified by MG Taguba. MG Fay also identified other abuse that had not been photographed.

Alleged incidents of abuse by military personnel have been referred to the CID for criminal investigation and the chain of command for disciplinary action. Alleged incidents of abuse by civilian contractors have been referred through the Department of Defense to the Department of Justice.

Discipline and Leadership

Military Intelligence and Military Police units had missions throughout the Iraqi Theater of Operations (ITO), however, 205th MI Brigade and 800th Military Police Brigade leaders at Abu Ghraib failed to execute their assigned responsibilities. The leaders from units located at Abu Ghraib or with supervision over Soldiers and units at Abu Ghraib, failed to supervise subordinates or provide direct oversight of this important mission. These leaders failed to properly discipline their Soldiers. These leaders failed to learn from prior mistakes and failed to provide continued mission-specific training. The 205th MI Brigade Commander did not assign a specific subordinate unit to be responsible for interrogations at Abu Ghraib and did not ensure that a Military Intelligence chain of command at Abu Ghraib was established. The absence of effective leadership was a factor in not sooner discovering and taking actions to prevent both the violent/sexual abuse incidents and the misinterpretation/confusion incidents.

Neither Department of Defense nor Army doctrine caused any abuses. Abuses would not have occurred had doctrine been followed and mission training conducted. Nonetheless, certain facets of interrogation and detention operations doctrine need to be updated, refined or expanded, including, the concept, organization, and operations of a Joint Interrogation and Debriefing Center (JIDC); guidance for interrogation techniques at both tactical and strategic levels; the roles, responsibilities and relationships between Military Police and Military Intelligence personnel at detention facilities; and, the establishment and organization of a Joint Task Force structure and, in particular, its intelligence architecture.

Other Contributing Factors

Demands on the Human Intelligence (HUMINT) capabilities in a counter-insurgency and in the future joint operational environment will continue to tax tactical and strategic assets. The Army needs trained and experienced tactical HUMINT personnel.

Working alongside non-DOD organizations/agencies in detention facilities proved complex and demanding. The perception that non-DOD agencies had different rules regarding interrogation and detention operations was evident. Interrogation and detention policies and limits of authority should apply equally to all agencies in the Iraqi Theater of Operations.

"Ghost Detainees"

The appointing authority and investigating officers made a specific finding regarding the issue of "ghost detainees" within Abu Ghraib. It is clear that the interrogation practices of other government agencies led to a loss of accountability at Abu Ghraib. DoD must document and enforce adherence by other government agencies with established DoD practices and procedures while conducting detainee interrogation operations at DoD facilities. This matter requires further investigation and, in accordance

with the provisions of AR 381-10, Part 15, is being referred to the DoD Inspector General, as the DoD liaison with other government agencies for appropriate investigation and evaluation. Soldiers/Sailors/Airmen/Marines should never be put in a position that potentially puts them at risk for non-compliance with the Geneva Convention or Laws of Land Warfare.

Conclusion

Leaders and Soldiers throughout Operation Iraqi Freedom were confronted with a complex and dangerous operational environment. Although a clear breakdown in discipline and leadership, the events at Abu Ghraib should not blind us from the noble conduct of the vast majority of our Soldiers. We are a values based profession in which the clear majority of our Soldiers and leaders take great pride.

A clear vote of confidence should be extended by the senior leadership to the leaders and Soldiers who continue to perform extraordinarily in supporting our Nation's wartime mission. Many of our Soldiers have paid the ultimate sacrifice to preserve the freedoms and liberties that America and our Army represent throughout the world.

23 August 2004

**AR 15-6 Investigation
of the Abu Ghraib Prison
and 205th Military Intelligence Brigade**

LTG Anthony R. Jones

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**AR 15-6 Investigation of the
Abu Ghraib Detention Facility
and 205th MI Brigade**

LTG Anthony R. Jones

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**(U) AR 15-6 Investigation of the
Abu Ghraib Detention Facility
and 205th MI Brigade**

1. (U) Executive Summary

a. (U) Appointment, Charter and Investigative Activity

(1) (U) On 24 June 2004, Acting Secretary of the Army R. L. Brownlee notified me that I was selected to serve as the Senior Investigating Officer in the investigation of the 205th Military Intelligence Brigade. GEN Paul Kern was the appointing authority and in a memorandum, dated 25 June 2004, formally designated me Senior Investigating Officer. MG George Fay, who had been investigating the 205th MI BDE since his appointment by LTG Ricardo Sanchez on 31 March 2004, would continue as an investigating officer. Without reinvestigating areas reviewed by MG Fay, I was specifically directed to focus on whether organizations or personnel higher than the 205th Military Intelligence (MI) Brigade chain of command, or events and circumstances outside of the 205th MI Brigade, were involved, directly or indirectly, in the questionable activities regarding alleged detainee abuse at Abu Ghraib prison.

(2) (U) During the course of my investigation, I interviewed LTG Ricardo Sanchez, the Commander of Combined Joint Task Force-7 (CJTF-7)¹ during the period under investigation, and the senior intelligence officer on his staff, MG Barbara Fast (the "C2"). In addition, I reviewed witness statements that MG Fay's investigation team had collected; assessment and investigation reports written by MG Geoffrey Miller, MG Donald Ryder, MG Antonio Taguba and the Department of the Army Inspector General (DAIG); and other written materials including relevant law, doctrine, organizational documents, policy, directives, and U.S. Central Command (CENTCOM) and CJTF-7 operational orders (OPORDS) and fragmentary orders (FRAGOs).

b. (U) Background and Operational Environment

(1) (U) The events at Abu Ghraib cannot be understood in a vacuum. Three interrelated aspects of the operational environment played important roles in the abuses that occurred at Abu Ghraib. First, from the time V Corps transitioned to become CJTF-7, and throughout the period under investigation, it was not resourced adequately to accomplish the missions of the CJTF: stability and support operations (SASO) and support to the Coalition Provisional Authority (CPA). The CJTF-7 headquarters lacked adequate personnel and equipment. In addition, the military police and military intelligence units at Abu Ghraib were severely under-resourced. Second, providing support to the Coalition Provisional Authority (CPA) required greater resources than envisioned in operational plans. Third, operational plans envisioned that CJTF-7 would execute SASO and provide support to the CPA in a relatively non-hostile environment. In fact, opposition was robust and hostilities continued throughout the period under investigation. Therefore, CJTF-7 had to conduct tactical counter-insurgency operations, while also executing its planned missions.

¹ CJTF-7 was the higher headquarters to which the 205th MI Brigade reported.

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(2) (U) These three circumstances delayed establishment of an intelligence architecture and degraded the ability of the CJTF-7 staff to execute its assigned tasks, including oversight of interrogation and detention operations at Abu Ghraib.

(3) (U) When hostilities were declared over, U.S. forces had control of only 600 Enemy Prisoners of War (EPWs) and Iraqi criminals. In the fall of 2003, the number of detainees rose exponentially due to tactical operations to capture counter-insurgents dangerous to U.S. forces and Iraqi civilians. At this time, the CJTF-7 commander believed he had no choice but to use Abu Ghraib as the central detention facility.

c. (U) Abuse at Abu Ghraib

(1) (U) Clearly abuses occurred at the prison at Abu Ghraib. For purposes of this report, I defined abuse as treatment of detainees that violated U.S. criminal law or international law or treatment that was inhumane or coercive without lawful justification. Whether the Soldier or contractor knew, at the time of the acts, that the conduct violated any law or standard, is not an element of the definition. MG Fay's portion of this report describes the particular abuses in detail.

(2) (U) I found that no single, or simple, explanation exists for why some of the Abu Ghraib abuses occurred. For clarity of analysis, my assessment divides abuses at Abu Ghraib into two different types of improper conduct: First, intentional violent or sexual abuses and, second, actions taken based on misinterpretations of or confusion about law or policy.

(3) (U) Intentional violent or sexual abuses include acts causing bodily harm using unlawful force as well as sexual offenses including, but not limited to rape, sodomy and indecent assault. No Soldier or contractor believed that these abuses were permitted by any policy or guidance. If proven, these actions would be criminal acts. The primary causes of the violent and sexual abuses were relatively straight-forward -individual criminal misconduct, clearly in violation of law, policy, and doctrine and contrary to Army values.

(4) (U) Incidents in the second category resulted from misinterpretations of law or policy or resulted from confusion about what interrogation techniques were permitted. These latter abuses include some cases of clothing removal (without any touching) and some uses of dogs in interrogations (uses without physical contact or extreme fear). Some of these incidents may have violated international law. At the time the Soldiers or contractors committed the acts, however, some of them may have honestly believed the techniques were condoned.

d. (U) Major Findings

(1) (U) The chain of command directly above the 205th MI Brigade was not directly involved in the abuses at Abu Ghraib. However, policy memoranda promulgated by the CJTF-7 Commander led indirectly to some of the non-violent and non-sexual abuses. In addition, the CJTF-7 Commander and Deputy Commander failed to ensure proper staff oversight of detention and interrogation operations. Finally, CJTF-7 staff elements reacted inadequately to earlier indications and warnings that problems existed at Abu Ghraib.

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Command and staff actions and inaction must be understood in the context of the operational environment discussed above. In light of the operational environment, and CJTF-7 staff and subordinate unit's under-resourcing and increased missions, the CJTF-7 Commander had to prioritize efforts. CJTF-7 devoted its resources to fighting the counter-insurgency and supporting the CPA, thereby saving Coalition and civilian Iraqi lives and assisting in the transition to Iraqi self-rule. I find that the CJTF-7 Commander and staff performed above expectations, in the over-all scheme of OIF.

(2) (U) Most, though not all, of the violent or sexual abuses occurred separately from scheduled interrogations and did not focus on persons held for intelligence purposes. No policy, directive or doctrine directly or indirectly caused violent or sexual abuse. Soldiers knew they were violating the approved techniques and procedures.

(3) (U) Confusion about what interrogation techniques were authorized resulted from the proliferation of guidance and information from other theaters of operation; individual interrogator experiences in other theaters; and, the failure to distinguish between interrogation operations in other theaters and Iraq. This confusion contributed to the occurrence of some of the non-violent and non-sexual abuses.

(4) (U) Military Intelligence and Military Police units also had missions throughout the Iraqi Theater of Operations (ITO), however, 205th MI Brigade and 800th Military Police Brigade leaders at Abu Ghraib failed to execute their assigned responsibilities. The leaders from these units located at Abu Ghraib or with supervision over Soldiers and units at Abu Ghraib, failed to supervise subordinates or provide direct oversight of this important mission. These leaders failed to properly discipline their Soldiers. These leaders failed to learn from prior mistakes and failed to provide continued mission-specific training. The 205th MI Brigade Commander did not assign a specific subordinate unit to be responsible for interrogations at Abu Ghraib and did not ensure that a Military Intelligence chain of command at Abu Ghraib was established. The absence of effective leadership was a factor in not sooner discovering and taking actions to prevent both the violent/sexual abuse incidents and the misinterpretation/confusion incidents.

(5) (U) Neither Defense nor Army doctrine caused any abuses. Abuses would not have occurred had doctrine been followed and mission training conducted. Nonetheless, certain facets of interrogation and detention operations doctrine need to be updated, refined or expanded, including, the concept, organization, and operations of a Joint Interrogation and Debriefing Center (JIDC); guidance for interrogation techniques at both tactical and strategic levels; the roles, responsibilities and relationships between Military Police and Military Intelligence personnel at detention facilities; and, the establishment and organization of a Joint Task Force structure and in particular, its intelligence architecture.

(6) (U) No single or simple theory can explain why some of the abuses at Abu Ghraib occurred. In addition to individual criminal propensities, leadership failures and, multiple policies, many other factors contributed to the abuses occurring at Abu Ghraib, including:

- Safety and security conditions at Abu Ghraib;

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- Multiple agencies/organizations involvement in interrogation operations at Abu Ghraib;
- Failure to effectively screen, certify, and then integrate contractor interrogators/analysts/linguists;
- Lack of a clear understanding of MP and MI roles and responsibilities in interrogation operations.
- Dysfunctional command relationships at brigade and higher echelons, including the tactical control (TACON) relationship between the 800th MP Brigade and CJTF-7.

(7) (U) Demands on the Human Intelligence (HUMINT) capabilities in a counter-insurgency and in the future joint operational environment will continue to tax tactical and strategic assets. The Army needs trained and experienced tactical HUMINT personnel.

(8) (U) Working alongside non-DOD organizations/agencies in detention facilities proved complex and demanding. The perception that non-DOD agencies had different rules regarding interrogation and detention operations was evident, Interrogation and detention policies and limits of authority should apply equally to all agencies in the Iraqi Theater of Operations.

(9) (U) Leaders and Soldiers throughout Operation Iraqi Freedom were confronted with a complex and dangerous operational environment. Although a clear breakdown in discipline and leadership, the events at Abu Ghraib should not blind us from the noble conduct of the vast majority of our Soldiers. We are a values based profession in which the clear majority of our Soldiers and leaders take great pride.

(10) (U) A clear vote of confidence should be extended by the senior leadership to the leaders and Soldiers who continue to perform extraordinarily in supporting our Nation's wartime mission. Many of our Soldiers have paid the ultimate sacrifice to preserve the freedoms and liberties that America and our Army represent throughout the world.

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2. (U) Charter and Investigative Activity

a. (U) On 24 June 2004, Acting Secretary of the Army, R. L. Brownlee, notified me that I was selected to serve as the Senior Investigating Officer in the investigation of the 205th Military Intelligence Brigade. GEN Paul Kern was the appointing authority and in a memorandum dated 25 June 2004, formally designated me Senior Investigating Officer. MG George Fay, who had been investigating the 205th MI BDE since his appointment by LTG Ricardo Sanchez on 31 March 2004, would continue as an investigating officer.

b. (U) My specific duties were to focus on whether organizations or personnel higher than the 205th Military Intelligence (MI) Brigade chain of command, or events and circumstances outside of the 205th MI Brigade, were involved, directly or indirectly, in the questionable activities regarding alleged detainee abuse at Abu Ghraib prison.

c. (U) In accordance with guidance from the Appointing Authority, I would interview LTG Ricardo Sanchez and other Combined Joint Task Force-7 (CJTF-7) staff, as required, to obtain information to make findings and recommendations to GEN Kern on the culpability of senior leaders who had responsibility for interrogation and detainee operations in Iraq. My directions were to not reinvestigate the areas that MG Fay had already reviewed. Rather, I was to look at operational and strategic level events that occurred prior to and during the period under investigation and determine their relationship, if any, to the abuses that occurred while the 205th MI Brigade was involved in interrogations and intelligence analysis at Abu Ghraib.

d. (U) During the course of my investigation, I interviewed LTG Ricardo Sanchez, the Commander of Combined Joint Task Force-7 (CJTF-7) during the period under investigation, and the senior intelligence officer on his staff, MG Barbara Fast (the "C2"). In addition, I reviewed witness statements that MG Fay's investigation team had collected; reviewed the assessment and investigation reports written by MG Geoffrey Miller, MG Donald Ryder, MG Antonio Taguba, and the Department of the Army Inspector General; and reviewed other written materials including relevant law, doctrine, organizational documents, policy, directives, and U.S. Central Command (CENTCOM) and CJTF-7 Operational Orders (OPORDS) and Fragmentary Orders (FRAGOs).

3. (U) Background: Operation Iraqi Freedom During this Period

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4. (U) Operational Environment

a. (U) Before deciding to centralize detainees at Abu Ghraib, major organizational changes were ongoing in the structure of U.S. Forces fighting the Iraqi campaign. Following major ground operations and declaration of the end of hostilities, the U.S. Army V Corps transitioned to become the CJTF-7. Also during this period, then-MG Sanchez was promoted to Lieutenant General and assumed command of V Corps, replacing LTG Wallace who led Phase III, Decisive Operations, in Iraq. LTG Sanchez transitioned from commanding a division, consisting of approximately 15,000 Soldiers, to commanding V Corps. The U.S. Third Army, or ARCENT, was designated the Combined Forces Land Component Command under the U.S. Central Command during the initial phases of OW. When V Corps transitioned to the CJTF-7, the new command assumed responsibility for the Combined Forces Land Component Command (CFLCC) missions and operations in the Iraqi Theater of Operations (IT O). The Forces under the command of LTG Sanchez grew to approximately 180,000 U.S. and Coalition forces. In addition, the new CJTF-7 was directed to transition to Phase IV of the Iraqi campaign. Phase IV operations were envisioned as stability and support operations (SASO) and direct support to the CPA. CJTF-7 assistance to the CPA was essential to help the CPA succeed in recreating essential government departments under the control of Iraqi leaders. CJTF-7 would also help the CPA transition control of critical government organizations, strategic communications, reconstruction contracts, and lines of operation necessary to enable Iraqi self-rule.

b. (U) In actuality, LTG Sanchez and his V Corps staff rapidly realized that the war had not ended. They were in a counter-insurgency operation with a complex, adaptive enemy that opposed the rule of law and ignored the Geneva Conventions. This enemy opposed the transition of the new Iraqi governing councils that would enable self-rule, and opposed any occupation by U.S. or coalition forces. The hostilities continued. Operations were planned and executed to counter the insurgency.

c. (U) In June 2003, when the CJTF-7 organization was established, a vast increase in responsibilities began. A Joint Manning Document (JMD) was developed to delineate the specific skill sets of personnel needed to perform the increased roles and functions of this new headquarters. After multiple reviews, the JMD for the CJTF-7 HQ5 was formally approved for 1400 personnel in December 2003. That JMD included personnel needed to support the Coalition Provisional Authority (CPA), staff the functional elements needed to focus at joint operational and strategic levels, and specifically augment areas such as intelligence, operations, and logistics. Building a coherent, focused team was essential to the success of Phase IV operations.

d. (U) CJTF-7 remained in the direct chain of command of the U.S. Central Command, but also was charged with a direct support role to the CPA. Command relationships of subordinate tactical commands previously under V Corps remained as previously outlined in Operational Orders. Therefore, the divisions' and Corps' separate brigades, which included the 205th MI Brigade, remained under the CJTF-7. The level of authority and responsibilities of a command of this magnitude is normally vested in a four-star level Army Service Component Command under a Regional Combatant Commander. Of the 1400 personnel required on the JMD, the V Corps staff transitioned to only 495, or roughly a third, of the manning requirements. The new JMD also required that key staff positions be manned by general officers rather than the normal

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colonel level positions on a Corps staff Although the JMD was properly staffed and approved, personnel and equipment shortages impacted on CJTF-7's ability to execute the mission and remained a critical issue throughout the period in question. The JMD had 169 positions earmarked for support of operations at Abu Ghraib.

(1) (S/NF)

(2) (U) The 800th MP Brigade remained TACON to the CJTF-7 throughout this period. With the essential task and responsibility for all EPW and confinement operations transferring from CFLCC to CJTF-7, this unit would have been more appropriately designated as OPCON instead of TACON to the CJTF. Tactical Control (TACON) allows commanders the detailed and usually local direction and control of movements and maneuver necessary to accomplish missions and tasks. Whereas, Operational Control (OPCON) provides full authority to organize commands and forces and employ them as the commander considers necessary to accomplish assigned missions. The 800th MP Brigade's parent unit in the area of operations remained the 377th Theater Support Command, located in Kuwait. In accordance with the CENTCOM OPLAN, CFLCC (ARCENT) had to provide operational logistic support to Army Forces employed from Kuwait. The TACON relationship of the 800th MP Brigade with CJTF-7 resulted in disparate support from the CJTF-7 staff, lower priority in meeting resource needs for detention facilities, and the lack of intrusive, aggressive oversight of the unit by CJTF-7 leadership. No attempt was made by the CJTF-7 or ARCENT Staff to coordinate a change in this command relationship.

e. (U) Following the period of major ground hostilities in Phase III operations, the infrastructure of the country remained in desperate need of reconstruction. In addition to battle damage, looting, pillaging, and criminal actions had decimated the government buildings and infrastructure necessary to detain enemy prisoners of war or criminals.

f. (U) The logistics system, including local contracted support, to support units in Iraq was slowly catching up to the priority requirements that needed to be executed. Improving living conditions and basic support for Soldiers, as well as ensuring the safety and security of all forces, remained priorities, especially with the advent of the counter-insurgency. Quality of life for Soldiers did not improve in many locations until December of 2003.

g. (U) Prior to the beginning of hostilities, planners estimated 30-100 thousand enemy prisoners of war would need to be secured, segregated, detained, and interrogated. The 800th MP Brigade was given the mission to establish as many as twelve detention centers, to be run by subordinate battalion units. As of May 2003, BG Hill reported that only an estimated 600 detainees were being held a combination of enemy prisoners and criminals. As a result, additional military police units previously identified for deployment were demobilized in CONUS. The original plan also envisioned that only the prisoners remaining from the initial major combat operations would require detention facilities, and they would eventually be released or turned over to the Iraqi authorities once justice departments and criminal detention facilities were re-established,

h. (U) As major counter-insurgency operations began in the July 2003 timeframe, the demands on the CJTF-7 commander and staff, the CPA, the subordinate units, the Iraqi interim

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government, and Soldiers at all levels increased dramatically. Decisions were made to keep some units in-country to fight the insurgency. Pressure increased to obtain operational intelligence on the enemy's identity, support systems, locations, leadership, intelligence sources, weapons and ammunition caches, and centers of gravity. In addition, the location of Saddam Hussein and information on WMD remained intelligence priorities. The complexity of missions being conducted by CJTF-7 and subordinate units increased and placed a high demand on leadership at all levels. Leaders had to adapt to the new environment and prosecute hostilities, while at the same time exercising appropriate compassion for non-combatants and protecting the people who were trying to do what was right for their country. Operations were planned to pursue the various factions of the counter-insurgency based on intelligence developed with the Iraqi people and Coalition Forces. A rapid increase in the number of detainees (due to the apprehension of counter-insurgents who posed a security risk to our Soldiers and to the Iraqi people, members of criminal factions, and personnel of intelligence value) demanded a decision on a detention facility and a need to rapidly expand interrogation operations.

i. (U) Throughout the Iraqi Theater of Operations (ITO), synchronization of force protection and security operations between operational forces and forward operating bases, such as Abu Ghraib, demanded more focus by brigade-level leadership. Supported-to-supporting relationships were blurred due to the large geographical areas given to tactical units. At Abu Ghraib, outside-the-wire responsibilities during the period in question were the responsibility of the 3d Armored Cavalry Regiment and then the 82d Airborne Division. Force Protection and security for the Abu Ghraib forward operating base was an implied task for the 320th MP Battalion initially, and then, after the 19 November FRAGO, a specified task for the 205th MI Brigade Commander. The defense and security of the Abu Ghraib forward operating base, to include engaging the communities outside of the base for information, was a key concern of LTG Sanchez during his visits and led to the decision to place the 205th MI Brigade commander in charge of forces at Abu Ghraib for force protection and defense of the base in November 2003.

j. (U) Interrogating detainees was a massive undertaking. In accordance with doctrine, unit level personnel would gather initial battlefield intelligence at the point of apprehension. Tactical interrogations would continue at designated collection points (CP) at Brigade and Division levels. Then a more detailed interrogation to get operational and strategic intelligence was to be conducted at a designated central detention facility. The location and facility for this detention and interrogation was Abu Ghraib. Abu Ghraib was selected by Ambassador Bremer after consultation with his staff and LTG Sanchez. Abu Ghraib was envisioned as a temporary facility to be used for criminal detainees until the new Iraqi government could be established and an Iraqi prison established at another site. Following operations during the summer of 2003, Abu Ghraib also was designated by CJTF-7 as the detention center for security detainees. The population of criminals, security detainees, and detainees with potential intelligence value grew to an estimated 4000-5000 personnel in the fall of 2003.

k. (U) The 800th MP Brigade was designated the responsible unit for the Abu Ghraib detention facility and for securing and safeguarding the detainees. The 205th MI Brigade was given responsibility for screening and interrogating detainees at Abu Ghraib. The 320th MP battalion was the unit specifically charged with operating the Abu Ghraib detainee facility by the 800th MP Brigade. Initially, the 205th MI Brigade commander did not specify an MI unit or organization for interrogation operations at Abu Ghraib. Interrogators, analysts, and linguists arrived at Abu Ghraib from multiple units and locations within the 205th MI Brigade.

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Contractor personnel were also later used to augment interrogation, analyst, and linguist personnel at Abu Ghraib.

5. (U) Assessments and Visits to Improve Intelligence, Detention and Interrogation Operations

a. (U) As commanders at all levels sought operational intelligence, it became apparent that the intelligence structure was undermanned, under-equipped, and inappropriately organized for counter-insurgency operations. Upon arrival in July 2003, MG Barbara Fast was tasked to do an initial assessment of the intelligence architecture needed to execute the CJTF-7 mission in Iraq. Technical intelligence collection means alone were insufficient in providing the requisite information on an enemy that had adapted to the environment and to a high-tech opponent. Only through an aggressive structure of human intelligence (HUMINT) collection and analysis could the requisite information be obtained. Communications equipment, computers, and access to sufficient bandwidth to allow reachback capabilities to national databases were needed to assist in the fusion and collaboration of tactical through strategic intelligence data. Disparate cells of different agencies had to be co-located to allow access to respective data bases to assist in the fusion and collaboration effort. Interrogation reports had to be standardized and rapidly reviewed to allow dissemination to subordinate tactical units, coalition allies, Iraqis, and other personnel at the unclassified level.

b. (U) Following MG Fast's initial assessment and report to CENTCOM headquarters, changes began to take place to put the right architecture in place. An Intelligence Fusion Cell was established, as were a Joint Inter-Agency Task Force and an expanded JC2X HUMINT Management Cell, at CJTF-7 headquarters. The CPA staff was augmented with military personnel from the CJTF-7 intelligence staff. With the assistance of the Department of the Army Staff, CJTF-7 obtained needed communications equipment, computers, and reachback access to the Information Dominance Center (IDC) to collaborate intelligence information. The focus of the previous V Corps staff, which formed the nucleus of the initial CJTF-7 staff, rapidly changed from a tactical focus to a joint operational and strategic level focus. The subsequent successes of this new intelligence architecture created by MG Fast and her team exponentially improved the intelligence process and saved the lives of Coalition Forces and Iraqi civilians. HUMINT operations and the fusion of intelligence led to the capture of key members of the former regime, and ultimately, to the capture of Saddam Hussein himself. During the time period of the Abu Ghraib abuses, the intelligence focus was on Saddam Hussein's capture and exploitation of documents related to Saddam Hussein, preparation for Ramadan, and large scale enemy activity at Fallujah and Najaf. The effort to expand the intelligence organization, obtain operational intelligence about the counter-insurgency, and support the CPA consumed the efforts of the CJTF-7 staff. Responsibilities for oversight of tactical interrogation procedures, Intel analysis, and reporting at Abu Ghraib as throughout the ITO, were entrusted to the commanders in the field.

c. (U) Due to the expanded scope of the mission for this new organization, the need to gain operational intelligence about the counter-insurgency, and the rapid and unexpected number of detainees, assistance was requested to help inform the leadership on proper procedures, techniques, and changes needed for success. The assessment visit by MG Ryder greatly assisted

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the review and improvement of detention operations. Ryder's recommendations to automate the in-processing and accountability of detainees using the Biometrics Automated Tool Set (BATS), to discipline the audit trail of detainees from point of capture to the central detention facility, and to properly segregate different groups, were implemented.

d. (S/NF)

e. (U) MG Fast's initial assessment and report on the intelligence organization and the needed systems architecture to support the mission was invaluable to establishing a roadmap for needed intelligence resources. LTG Alexander, the DA G2, was instrumental in providing needed equipment and guidance to improve the intelligence collection and fusion capabilities in Iraq. LTG Alexander was specifically helpful in getting the equipment necessary to support the intelligence architecture from the tactical to the strategic fusion levels.

6. (U) Indications and Warnings

a. (U) In retrospect, indications and warnings had surfaced at the CJTF-7 level that additional oversight and corrective actions were needed in the handling of detainees from point of capture through the central collection facilities, to include Abu Ghraib. Examples of these indications and warnings include: the investigation of an incident at Camp Cropper, the International Committee of the Red Cross (ICRC) reports on handling of detainees in subordinate units, ICRC reports on Abu Ghraib detainee conditions and treatment, CID investigations and disciplinary actions being taken by commanders, the death of an OGA detainee at Abu Ghraib, the lack of an adequate system for identification and accountability of detainees, and division commanders' continual concerns that intelligence information was not returning to the tactical level once detainees were evacuated to the central holding facility. The Commander, CJTF-7, recognized the need to place emphasis on proper handling of detainees and proper treatment of the Iraqi people in close proximity to operations. In October and December 2003, CDR, CJTF-7 published two policy memos entitled "Proper treatment of the Iraqi people during combat operations" and "Dignity and respect while conducting operations." Reports from the assessments of MG Miller and MG Ryder clearly confirmed the CJTF-7 Commander's instincts that action was needed to improve procedures and set the conditions for success in intelligence and detention operations. The report from the CID in January 2004 and subsequent investigation by MG Taguba confirmed that abuses occurred at Abu Ghraib during the period under investigation.

b. (U) I would be remiss if I did not reemphasize that the 180,000 U.S. and coalition forces, under all echelons of command within the CJTF-7, were prosecuting this complex counter-insurgency operation in a tremendously horrid environment, and were performing above all expectations. Leaders and Soldiers confronted a faceless enemy whose hatred of the United States knew no limits. The actions of a few undisciplined Soldiers at Abu Ghraib have overshadowed the selfless service demonstrated every day, twenty-four hours a day, by the vast majority of our Soldiers and civilians on the battlefield. We, as a Nation, owe a debt of gratitude to our service members who have answered our Nation's call and are in harm's way, every day. This fact became perfectly clear to me as I conducted my investigation.

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7. (U) Doctrine, Organizational Structure and Policy Challenges in the Iraqi Theater of Operations

a. (U) Doctrine and Organizational Structures

(1) (U) Doctrine could not provide quick solutions for all the situations that confronted CJTF-7. In many cases, the situation, mission, and environment dictated the decisions and the actions taken by the CJTF leadership. This situation is not uncommon. Rarely does war follow the pre-planned strategy. As the V Corps staff morphed to form the nucleus of the CJTF-7 staff, doctrine was not available to prescribe a detailed sequence to efficiently and effectively execute the transition. The new JMD focused on supplementing the V Corps headquarters structure to perform the expected mission in the Iraqi environment stability and support operations and support of the CPA.

(2) (U) Joint Interrogation and Debriefing Center. In accordance with JP 2.01, the use of a JIDC by a JTF is situation-dependent. No defined organization exists for implementing the JIDC concept. At Abu Ghraib, a JIDC was established based on the recommendation of MG Miller during his assessment. At the time, Abu Ghraib had only a few hundred detainees. LTC Jordan was sent to Abu Ghraib to oversee the establishment of the JIDC. On 19 November 2003, when COL Thomas Pappas assumed the role of commander of the forward operating base, he directed activities of the JIDC and LTC Jordan became the deputy director of the JIDC. There are conflicting statements regarding who had the responsibilities to implement and oversee the JIDC at Abu Ghraib. In accordance with doctrine, the CJTF-7 C2, MG Fast, through her JC2-X staff, provided priority intelligence requirements for the interrogators and analysts in the JIDC. A portion of the approved CJTF-7 JMD earmarked 169 personnel for the interrogation operations and analysis cells in the JIDC. Many of these positions were later filled with contractor personnel. Although a senior officer was directed to be the Chief, JIDC, the establishment and efficient operation of the JIDC was further complicated by the lack of an organizational MI unit and chain of command at Abu Ghraib solely responsible for MI personnel and intelligence operations.

(3) (U) MI & MP Responsibilities at Abu Ghraib The delineation of responsibilities for interrogations between the military intelligence and military police may not have been understood by some Soldiers and some leaders. The doctrinal implications of this issue are discussed later in this report. At Abu Ghraib, the lack of an MI commander and chain of command precluded the coordination needed for effective operations. At the same time, LTC Jordan failed to execute his responsibilities as Chief, JIDC. Tactical doctrine states that interrogators should specify to the guards what types of behavior on their part will facilitate screening of detainees. Normally, interrogation facilities are collocated with detention facilities, requiring close coordination between the MPs who are responsible for detention operations, and the MI personnel who are responsible for screening and interrogations. Both doctrinal manuals, for military police and military intelligence operations, clearly provide that Soldiers and units must obey rules of land warfare and, specifically, the Geneva Conventions when handling detainees. At Abu Ghraib, the delineation of responsibilities seems to have been blurred when military police Soldiers, untrained in interrogation operations, were used to enable interrogations. Problems arose in the following areas: use of dogs in interrogations, sleep deprivation as an interrogation technique and use of isolation as an interrogation technique.

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(4) (U) CJTF-7 Staff Responsibility. CJTF-7 responsibility for staff oversight of detention operations, facilities, intelligence analysis and fusion, and limits of authority of interrogation techniques was dispersed among the principal and special staff. Overall responsibility for detention operations was vested in the C3, MG Tom Miller, with further delegation to the Provost Marshal. Support of facilities was a C4 responsibility, with priorities of work established by the DCG, MG Walter Wojdakowski. MG Wojdakowski also had direct responsibility and oversight of the separate brigades assigned or TACON to CJTF-7. Priorities for intelligence collection, analysis and fusion were the responsibility of the C2, MG Fast. Lastly, LTG Sanchez used his Staff Judge Advocate, Colonel Marc Warren, to advise him on the

limits of authority for interrogation and compliance with the Geneva Conventions for the memos published. The lack of one person on the staff to oversee detention operations and facilities, and the responsibilities of all units at a detention facility complicated effective and efficient coordination among the staff. Subordinate brigade commanders and their staffs also had to coordinate different actions for support with the various staff sections responsible for the support requested.

b. (U) Policy

(1) (U) Policy Guidance. DOD-wide, formal written policies for interrogation techniques have been prescribed by various levels of command and authority. In most cases, the doctrinal reference is FM 34-52, Intelligence Interrogation, dated September 1992. As stated, this manual is currently under revision by the proponent. During the period under investigation, there was confusing and sometimes conflicting guidance resulting from the number of policy memos and the specific areas of operation the various policies were intended to cover. Each theater's techniques for interrogation and counter-resistance were reviewed by appropriate legal authorities and subjected to external assessments before commanders were advised of their acceptability. In the wartime settings of each theater, commanders were satisfied that appropriate oversight had been conducted for procedures being used for interrogations. However, when reviewing the various reports on the number of abuses in the ITO, it became clear there is no agreed upon definition of abuse among all legal, investigating and oversight agencies.

(2) (U) Interrogation techniques, including Counter-Resistance Techniques, were developed and approved for the detainees in Guantanamo and Afghanistan who were determined not to be EPWs or protected persons under the Geneva Conventions of 1949. The OSD memo promulgated in December 2002, approving techniques and safeguards for interrogation of unlawful combatants in GTMO, included the use of dogs to induce stress and the removal of clothing as Counter-Resistance Techniques. This memo was rescinded in January 2003. A General Counsel Interrogation Working Group was subsequently formed and published a revised memo in April 2003 under the signature of the SECDEF on Counter-Resistance Techniques. This memo produced by the Working Group and the techniques outlined in FM 34-52 were referenced by Colonel Warren and his staff to develop the limits of authority memo for LTG Sanchez. The provisions of Geneva Convention IV, Relative to Protection of Civilian Persons in Time of War, did apply to detainees in Iraq.

(3) (U) Initially, no theater-specific guidance on approved interrogation techniques was published by CJTF-7 for the ITO. Thus, LTG Sanchez reemphasized the limits of authority for

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interrogations in his memos dated 14 September 2003 and 12 October 2003. The first was rescinded, and the second addressed only security detainees and, inadvertently, left certain issues for interpretation: namely, the responsibility for clothing detainees, the use of dogs in interrogation, and applicability of techniques to detainees who were not categorized as “security detainees.” Furthermore, some military intelligence personnel executing their interrogation duties at Abu Ghraib had previously served as interrogators in other theaters of operation, primarily Afghanistan and GTMO. These prior interrogation experiences complicated understanding at the interrogator level. The extent of “word of mouth” techniques that were passed to the interrogators in Abu Ghraib by assistance teams from Guantanamo, Fort Huachuca, or amongst themselves due to prior assignments is unclear and likely impossible to definitively determine. The clear thread in the CJTF-7 policy memos and published doctrine is the humane treatment of detainees and the applicability of the Geneva Conventions. Experienced interrogators will confirm that interrogation is an art, not a science, and knowing the limits of authority is crucial. Therefore, the existence of confusing and inconsistent interrogation technique policies contributed to the belief that additional interrogation techniques were condoned in order to gain intelligence.

8. (U) Specific Comments on Abuse at Abu Ghraib

a. (U) This report, so far, has discussed the OPLAN background, operational environment, and policy, doctrine and structural decisions that created conditions which allowed the abuses at Abu Ghraib to occur. The earlier investigations aptly described what happened at Abu Ghraib. MG Taguba found that “numerous incidents of sadistic, blatant, and wanton criminal abuses were inflicted on detainees.” MG Fay identified forty-four incidents of detainee abuse and his report describes the particular abuses in detail. In this section, I rely on the statements and other investigative activity from MG Fay. The conclusions, however, are my own. Clearly, shameful events occurred at the detention facility of Abu Ghraib and the culpable MI and MP Soldiers and leaders should be held responsible. In this section, I set forth an analytical framework for categorizing the abuses propose causes for the incidents of abuse, and also discuss the culpability of organizations and personnel higher than the 205th MI Brigade Commander.

b. (U) For purposes of this report, I defined abuse as treatment of detainees that violated U.S. criminal law (including the Uniform Code of Military Justice (UCMJ)) or international law, or treatment that was inhumane or coercive without lawful justification. Whether the Soldier or contractor knew, at the time of the acts, that the conduct violated any law or standard, is not an element of the definition. In other words, conduct that met the definition would be “abuse” independent of the actor’s knowledge that the conduct violated any law or standard.

c. (U) For clarity of analysis, my assessment divides abuses at Abu Ghraib into two different types of improper conduct: first, intentional violent or sexual abuses and, second, actions taken based on misinterpretation of or confusion about law or policy.

(1) (U) Intentional violent or sexual abuses, for purposes of this report, include acts causing bodily harm using unlawful force as well as sexual offenses including, but not limited to rape, sodomy and indecent assault.² These incidents of physical or sexual abuse are serious

2 .As those offenses are defined in the Uniform Code of Military Justice.

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enough that no Soldier or contractor believed the conduct was based on official policy or guidance. If proven, these actions would be criminal acts. I found that no policy, directive, or doctrine caused the violent or sexual abuse incidents. Soldiers knew they were violating the approved techniques and procedures. The primary causes of these actions were relatively straight-forward individual criminal misconduct, clearly in violation of law, policy, and doctrine and contrary to Army values.

(2) (U) The second category of abuse consists of incidents that resulted from misinterpretations of law or policy or resulted from confusion about what interrogation techniques were permitted by law or local SOPs. I found that misinterpretation as to accepted practices or confusion occurred due to the proliferation of guidance and information from other theaters of operation; individual interrogator experiences in other theaters; and, the failure to distinguish between permitted interrogation techniques in other theater environments and Iraq. These abuses include some cases of clothing removal (without any touching), some use of dogs in interrogations (uses without physical contact or extreme fear) and some instances of improper imposition of isolation. Some of these incidents involve conduct which, in retrospect, violated international law. However, at the time some of the Soldiers or contractors committed the acts, they may have honestly believed the techniques were condoned. Some of these incidents either took place during interrogations or were related to interrogation. Often, these incidents consisted of MP Soldiers, rather than MI personnel, implementing interrogation techniques.

d. (U) Some abuses may in fact fall in between these two categories or have elements of both. For instance, some Soldiers under the guise of confusion or misinterpretation may actually have intentionally violated approved interrogation techniques. For example, a Soldier may know that clothing removal is prohibited, but still removed some of a detainee's clothing to try to enhance interrogation techniques. This Soldier can later claim to have believed the actions were condoned. Soldier culpability in this area is best left to individual criminal or command investigations. While no analytical scheme can aptly categorize all misconduct, I think using the two categories set forth above helps explain why the entire range of abuses occurred.

e. (U) The appointment memo directed me to determine whether organizations or personnel higher than the 205th MI Brigade chain of command were involved directly or indirectly, in the questionable activities regarding alleged detainee abuse at Abu Ghraib prison.

(1) (U) I find no organization or individual higher in the chain of command of the 205th MI Brigade were directly involved in the questionable activities regarding alleged detainee abuse at Abu Ghraib prison.

(2) (U) CJTF-7 leaders and staff actions, however, contributed indirectly to the questionable activities regarding alleged detainee abuse at Abu Ghraib.

(a) (U) Policy memoranda promulgated by the CJTF-7 Commander led indirectly to some of the non-violent and non-sexual abuses. The policy memos promulgated at the CJTF-7 level allowed for interpretation in several areas, including use of dogs and removal of clothing. Particularly, in light of the wide spectrum of interrogator qualifications, maturity, and experiences (i.e. in GTMO and Afghanistan), the memos did not adequately set forth the limits on interrogation techniques. Misinterpretations of CJTF policy memos led to some of the abuses at Abu Ghraib, but did not contribute to the violent or sexual abuses.

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(b) (U) Inaction at the CJTF-7 staff level may have also contributed to the failure to discover and prevent abuses before January 2004. As discussed above, staff responsibility for detention and interrogation operations was dispersed among the Deputy Commanding General, C2, C3, C4 and SJA. The lack of a single CJTF-7 staff proponent for detention and interrogation operations resulted in no individual staff member focusing on these operations. As discussed in Section V, certain warning signs existed. In addition, there is sufficient evidence to reasonably believe that personnel in the CJTF-7 staff, principally in the OSJA and JC2X had knowledge of potential abuses and misconduct in violation of the Geneva Conventions at Abu Ghraib. This knowledge was not presented to the CJTF-7 leadership. Had the pace of combat operations and support to the CPA not been so overwhelming, the CJTF-7 staff may have provided additional oversight to interrogation operations at Abu Ghraib. The Commander, CJTF-7 had to prioritize efforts and CJTF-7, by necessity, devoted its resources to fighting the counter-insurgency and supporting the CPA, thereby saving U.S. and civilian Iraqi lives and assisting in the transition to Iraqi self-rule. Further, LTG Sanchez and MG Wojdakowski relied upon two senior officer Brigade Commanders (BG Janice Karpinski and COL Pappas) to run detention and interrogation operations at Abu Ghraib. In my professional opinion, in light of all the circumstances, the CJTF-7 staff did everything they could have reasonably been expected to do to successfully complete all their assigned missions.

f. (U) Assessing the materials from MG Fay and from MG Taguba, I agree that leadership failure, at the brigade level and below, clearly was a factor in not sooner discovering and taking actions to prevent both the violent/sexual abuse incidents and the misinterpretation/confusion incidents. At Abu Ghraib, interrogation operations were also plagued by a lack of an organizational chain of command presence and by a lack of proper actions to establish standards and training by the senior leaders present.

(1) (U) The leaders from 205th MI and 800th MP Brigades located at Abu Ghraib or with supervision over Abu Ghraib, failed to supervise subordinates or provide direct oversight of this important mission. The lack of command presence, particularly at night, was clear.

(2) (U) The 205th Brigade Commander did not specifically assign responsibility for interrogation operations to a specific subordinate MI unit at Abu Ghraib and did not ensure that a chain of command for the interrogation operations mission was established at Abu Ghraib. The presence of a clear chain of Military Intelligence command and associated responsibilities would have enhanced effective operations.

(3) (U) The leaders from 205th MI and 800th MP Brigades located at Abu Ghraib or with supervision over Soldiers and units at Abu Ghraib, failed to properly discipline their Soldiers and failed to develop and learn from AARs and lessons learned.

(4) (U) These leaders failed to provide adequate mission-specific training to execute a mission of this magnitude and complexity.

(5) (U) A dysfunctional command relationship existed between the MI Brigade and the MP Brigade, including:

(a) Failure to coordinate and document specific roles and responsibilities;

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(b) Confusion at the Soldier level concerning the clarity of the MP role in interrogations.

(6) (U) Despite these leadership deficiencies, the primary cause of the most egregious violent and sexual abuses was the individual criminal propensities of the particular perpetrators. These individuals should not avoid personal responsibility, despite the failings of the chain of command.

g. (U) Other Contributing Factors. No single, or simple, cause explains why some of the Abu Ghraib abuses happened. In addition to the leadership failings discussed above, other contributing factors include:

(1) (U) Safety and security conditions at Abu Ghraib. Resources that might otherwise have been put towards detention operations instead had to be dedicated to force protection. In addition, the difficult circumstances for Soldiers, including a poor quality of life and the constant threat of death or serious injury, contributed to Soldiers' frustrations and increased their levels of stress. Facilities at Abu Ghraib were poor. Working and living conditions created a poor climate to conduct interrogation and detention operations to standard.

(2) (U) The lack of clear and consistent guidance, promulgated at the CJTF level on interrogation procedures coupled with the availability of information on Counter-Resistance Techniques used in other theaters.

(3) (U) Soldier knowledge of interrogation techniques permitted in GTMO and Afghanistan and failure to distinguish between those environments and Iraq.

(4) (U) Interaction with OGA and other agency interrogators who did not follow the same rules as U.S. Forces. There was at least the perception, and perhaps the reality, that non-DOD agencies had different rules regarding interrogation and detention operations. Such a perception encouraged Soldiers to deviate from prescribed techniques.

(5) (U) Integration of some contractors without training, qualifications, and certification created ineffective interrogation teams and the potential for non-compliance with doctrine and applicable laws.

(6) (U) Under-resourcing of personnel in both the 800th MP BDE (including the inability to replace personnel leaving theater) and in the 205th MI Brigade, specifically in the interrogator, analyst, and linguist fields. (Under-resourcing at the CJTF-7 level also contributed and was previously discussed.)

(7) (U) Lack of a clear understanding of MP and MI roles and responsibilities by some Soldiers and leaders.

(8) (U) Lack of clear roles and responsibilities for tactical, as opposed to, strategic interrogation.

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9. (U) Assessments as the Senior Investigating Officer

a. (U) Introduction. Due to the previous assessments and investigations conducted on Abu Ghraib, I was able to develop my own assessments based on interviews I conducted, the findings and conclusions in the earlier reports, as well as the materials in MG Fay's report. The following assessments provide insight on the challenges that CJTF-7 faced, as well as areas that need to be addressed by our military in the near future. The specific investigations and assessments were provided by the reports of MG Miller, MG Ryder, MG Taguba, the DAIG, and MG Fay.

b. (U) Charters. MG Miller's and MG Ryder's assessments were conducted on interrogation and detention operations as a result of the request and/or discussions by the CJTF Commander and the Commander, CENTCOM. MG Taguba and MG Fay were directed to investigate personnel in the MP Brigade and the MI Brigade after the discovery of abuses at Abu Ghraib. The DAIG was specifically tasked to conduct an assessment of Detainee Operations as the Army executes its role as DOD Executive Agent for Enemy Prisoners of War and Detention Program.

c. (U) Summaries of assessment visits. The assistance visits by MG Miller and MG Ryder, discussed briefly above, confirmed the instincts of the Commander, CJTF-7, and provided solid recommendations for improving procedures. MG Miller's assessment set forth what had to be done to synchronize intelligence efforts, and provided different techniques in interrogation and analysis. MG Ryder provided processes for more efficient and effective chain of custody of, and accountability for, detainees. MG Taguba's and MG Fay's investigative reports confirmed that abuses occurred and assigned specific responsibility for the actions. The DAIG report provided insights across doctrine, organizations, training, materiel, leadership, personnel and facilities (DOTMLPF) and on capability and standards shortfalls. I found that the assistance visits by senior leaders with experience in detention and interrogation operations, subject matter experts, and mobile training teams were extremely helpful in validating needed procedures and increasing the effectiveness of interrogation and detention operations. The investigative reports and DAIG findings will be used to fix deficiencies that have been found in current operations.

d. (U) Doctrine.

(1) (U) Doctrine is meant to be a guideline to focus efforts in a specific area. Doctrine is the culmination of years of experience, Doctrine allows leaders at all levels to adapt to the different environments and situations that their units may encounter. When prosecuting hostilities, doctrine does not replace the inherent responsibilities of commanders to execute their missions, care for the safety and security of their Soldiers, train their Soldiers and their organizations to be competent and confident in their assigned duties and responsibilities, or uphold the rule of law and legal authority such as the Geneva Convention. An overarching doctrine allows commanders the latitude to develop tactics, techniques, and procedures, as well as unit standard operating procedures, to focus Soldier and unit operations. Commander policies and directives often supplement or emphasize specific items that the commander wants to ensure are clearly understood within their command.

(2) (U) Basic Army and Joint doctrine for detention and interrogation operations served as a guideline for operations in OIF. Doctrine did not cause the abuses at Abu Ghraib. Had Army

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doctrine and training been followed, the abuses at Abu Ghraib would not have occurred. Several areas, however, need to be updated, refined or expanded: roles, responsibilities and relationships between MP and MI personnel; the concept, structure, and organization of a JIDC; the transition to and organization of a JTF structure and in particular, the intelligence organization within the JTF headquarters.

(a)(U) Roles, responsibilities and relationships between MP and MI personnel. The various investigations indicate that the delineation of responsibilities for interrogations between the military intelligence and military police may not have been understood by some Soldiers and some leaders. At Abu Ghraib, non-violent and non-sexual abuses may have occurred as a result of confusion in three areas of apparent MI/MP overlap: use of dogs during interrogations, nudity, and implementation of sleep deprivation. Doctrinal manuals prescribe responsibilities for military intelligence and military police personnel at detention facilities. These manuals do not address command or support relationships. Subordinate units of the military intelligence brigade of a Corps are normally tasked with running the Corps Interrogation Facility (CIF). Centralized EPW collection and holding areas, as well as detention centers, are the responsibility of the Military Police with staff oversight by the Provost Marshal. FM 34-52, Intelligence Interrogation, does state that in the screening process of EPWs, MPs and MI Soldiers should coordinate roles.

(b)(U) Relationships between MP and MI personnel and leadership responsibilities at a detention facility of this magnitude need to be more prescriptive. Doctrine establishes the need for coordination and designates detention operations as a military police responsibility. Responsibility for interrogation of detainees remains with the military intelligence community. Doctrine for Interrogation operations states that MPs can enable, in coordination with MI personnel, a more successful interrogation. Exact procedures for how MP Soldiers assist with informing interrogators about detainees or assist with enabling interrogations can be left to interpretation. Our doctrinal manuals are clear on humane treatment of detainees and compliance with the Geneva Conventions by MI, MP and all U.S. Forces. The current version of FM 34-52, Intelligence Interrogation, is under revision to incorporate lessons learned in ongoing theaters of operations. Lessons learned have also resulted in changes to programs of instruction by military police and military intelligence proponents. My assessment is that the ongoing revision of Intelligence Interrogation manuals will assist in clarification of roles and responsibilities. At Abu Ghraib, doctrinal issues did not preclude on-site leaders from taking appropriate action to execute their missions.

(c)(U) The Joint Interrogation and Debriefing Center. The JIDC was formed at Abu Ghraib by personnel from a number of organizations, creating an ad hoc relationship. Further, the establishment of the JIDC at Abu Ghraib, coupled with implementing the new Tiger Team approach to interrogations (where an interrogator, analyst, and linguist operate as a team) were new to Abu Ghraib personnel and demanded creation of a detailed standard operating procedure (SOP). A SOP was initially developed and published in October 2003 by MI personnel at the facility. Joint doctrine needs to expand on the operation and organization for a JIDC at centralized detention facilities. A template for a JIDC needs to be developed, to include identifying Joint and other agency resources with strategic interrogation expertise, to provide insight for combatant commanders in specific areas of operation.

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(d)(U) Joint doctrine and policy should also address the roles of military personnel and other agencies in collocated detention and interrogation facilities. All detainees must be in-processed, medically screened, accounted for, and properly documented when interned in a military facility. This did not happen at Abu Ghraib.

(3) (U) Transition to and Organization of JTF Structure and its Intelligence Architecture. The intelligence architecture for the missions tasked to the CJTF-7 was inadequate due to the expanded mission and continuation of hostilities in theater. Several reports stated that lack of manning provided significant challenges due to the increased mission work load and the environment. Certainly, the V Corps Headquarters was not trained, manned or equipped to assume the role of a CJTF. Although the mission was initially considered to be SASO, in fact hostilities continued. CI/HUMINT capabilities in current force structure, among all services, needs a holistic review. The Army has significantly reduced tactical interrogators since Desert Shield/Desert Storm. Creation of the Defense HUMINT Service and worldwide demands for these skills has depleted the number of experienced interrogators that may be needed in the future joint operational environment. The HUMINT management organization within the Intelligence Staff of a JTF needs to be institutionalized and resourced. Specifically, work needs to be done to institutionalize the personnel and equipment needs for future command and control headquarters to include the JIATF and C2X cells within a JTF intelligence staff.

(4) (U) In addition, the ongoing review by the Army and Joint Forces Command to create JTF capable headquarters and Standing Joint Task Force Headquarters organic to combatant commands should be expedited and resourced. Such efforts may have helped transition V Corps to the CJTF-7 staff more rapidly by assigning a Standing Joint Task Force to the CJTF-7. Similarly, the Army's initiative to develop stand alone command and control headquarters, currently known as Units of Employment, that are JTF-capable would have greatly facilitated the transition of the V Corps staff to the new organization.

e. (U) Policy and Procedures

(1) (U) Detention Operations. At first, at Abu Ghraib and elsewhere in Iraq, the handling of detainees, appropriately documenting their capture, and identifying and accounting for them, were all dysfunctional processes, using little or no automation tools. The assistance visits by MG Miller and MG Ryder revealed the need to adhere to established policies and guidance, discipline the process, properly segregate detainees, and use better automation techniques to account for detainees and to provide timely information.

(2) (U) Interrogation Techniques Policy. A review of different theaters' interrogation technique policies reveals the need for clear guidance for interrogation techniques at both the tactical and strategic levels, especially where multiple agencies are involved in interrogation operations. The basic Field Manuals provide guidance for Soldiers conducting interrogations at the tactical level. Different techniques and different authorities currently exist for other agencies. When Army Soldiers and other agency personnel operate in the same areas, guidelines become blurred. The future joint operational environment presents a potential for a mix of lawful and unlawful combatants and a variety of different categories of detainees. Techniques used during initial battlefield interrogations as opposed to at a central detention facility differ in terms of tactical versus more strategic level information collection. The experience, maturity, and source of interrogators at each of these locations may also dictate a change in techniques. In each

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theater, commanders were seeking guidance and information on the applicability of the articles of the Geneva Conventions to specific population sets and on what techniques could be used to improve intelligence production and remain within the limits of lawful authorities.

(a)(U) At Abu Ghraib, the lack of consistent policy and command oversight regarding interrogation techniques, coupled with changing policies, contributed to the confusion concerning which techniques could be used, which required higher level approval, and what limits applied to permitted techniques. Initially, CJTF-7 had no theater-specific guidance other than the basic Field Manuals which govern Intelligence Interrogations and Internment and Resettlement operations. Policies for interrogation techniques including policies for Counter-Resistance Techniques, were provided for different theaters of operation—namely Guantanamo, Afghanistan, and Iraq. Some interrogators conducting operations at Abu Ghraib had experience in different theaters and used their experiences to develop procedures at Abu Ghraib. An example of this is the SOP for the JIDC created by personnel of the 519th MI Battalion.

(b)(U) When policies, SOPs, or doctrine were available, Soldiers were inconsistently following them. In addition, in some units, training on standard procedures or mission tasks was inadequate. In my assessment, I do not believe that multiple policies resulted in the violent or sexual abuses discovered at Abu Ghraib. However, confusion over policies contributed to some of the non-violent and non-sexual abuses. There is a need, therefore, to further refine interrogation techniques and limits of authority at the tactical versus the strategic level, and between Soldiers and other agency personnel.

(3) (U) Use of Military Detention Centers by Other Agencies. In joint military detention centers, service members should never be put in a position that potentially puts them at risk for non-compliance with the Geneva Conventions or Laws of Land Warfare. At Abu Ghraib, detainees were accepted from other agencies and services without proper in-processing, accountability, and documentation. These detainees were referred to as “ghost detainees.” Proper procedures must be followed, including, segregating detainees of military intelligence value and properly accounting and caring for detainees incarcerated at military detention centers. The number of ghost detainees temporarily held at Abu Ghraib, and the audit trail of personnel responsible for capturing, medically screening, safeguarding and properly interrogating the “ghost detainees,” cannot be determined.

f. (U) Training. The need for additional training during the mobilization phase or in-country on unit and specific individual tasks was clearly an issue in the reports and assessments. Some military police units found themselves conducting detention operations which was not a normal unit mission essential task, and those units needed additional training to properly accomplish the missions they were given. The collocation and mixture of other agency and civilian personnel conducting detention and interrogation operations became confusing for junior leaders and Soldiers not normally accustomed to working with other organizations. Collective training to standard by MP and MI units in combined scenarios as rigorous as the situations faced in OIF is needed to prepare for the future.

In addition, V Corps personnel, to include commanders and staff, were not trained to execute a JTF mission. The transition from major combat operations to a headquarters focused on SASO and support to the Coalition Provisional Authority was a major transition which the unit did not have time to train or prepare. Most importantly, we must continue to place rigor and

values in our training regimen. Our values are non-negotiable for members of our profession. They are what a professional military force represents to the world. As addressed before, leaders need rigorous training to be able to adapt to this level of complexity.

g. (U) Materiel. Priorities for logistical support remained with the operational units who were conducting combat operations and providing force protection and security of U.S. and coalition forces. Creating an intelligence organization to provide tactical through strategic intelligence in a seamless manner and the dramatic increase in detention operations demanded communications, computers, and a network to support operations. The concept of a Joint Logistics Command should be further examined using lessons learned from OIF/OEF. Automation equipment needed to provide seamless connectivity of intelligence information from tactical through strategic levels, and enable an Intelligence Fusion Center in a JTF should be documented and embedded in JTF capable headquarters. Equipment currently undergoing research and development and commercial off-the-shelf solutions which enable CI/HUMINT operations and enable Soldiers to serve as sensors and collectors should be rapidly pursued. The process of accounting for detainees, their equipment, and their personal property, and documenting their intelligence value, should be automated from the tactical level to the centralized detention facilities.

h. (U) Leader Development. The OIF environment demanded adaptive, confident, and competent leadership at all echelons. Leaders must set the example and be at the critical centers of gravity for their respective operations. Leaders set the example in a values-based profession. The risk to Soldiers and the security of all personnel demanded continued leader involvement in operations, planning, after-action reviews, and clear dissemination of lessons learned, to adapt to the dynamics of the counter-insurgency. Successful leaders were involved in their operations and were at the tip of the spear during critical periods. Leadership failure was seen when leaders did not take charge, failed to provide appropriate guidance, and did not conduct continual training. In some cases, leaders failed to accept responsibility or apply good judgment in executing assigned responsibilities. This latter fact is evident in the lack of a coordinated defense at Abu Ghraib, inconsistent training and standards, and lack of discipline by Soldiers. Commanders and leaders at all levels remain responsible for execution of their mission and the welfare of their Soldiers. In Iraq, leaders had to adapt to a new complex operational environment. Some of our leaders adapted faster than others. We must continue to put rigor in our leader and unit training. Leaders must be trained for certainty and educated for uncertainty. The ability to know how to think rather than what to think is critical in the future Joint Operational Environment. Specific leader and Soldier failures in the 800th MP Brigade and the 205th MI Brigade are identified in the investigative reports by MG Taguba and MG Fay. As discussed above, my review of echelons above brigade revealed that CJTF-7 leaders were not directly involved in the abuses at Abu Ghraib. Their actions and inaction did indirectly contribute to the non-sexual and non-violent abuses.

i. (U) Facilities. Facilities and quality of life for Soldiers and detainees were representative of the conditions throughout the AOR initially. Only when the logistics system became responsive to the needs of units and Soldiers, contracting mechanisms were put in place to support operations, and the transportation system matured to move supplies, were improvements seen in facilities and quality of life. The conditions at Abu Ghraib were representative of the conditions found throughout the country during post Phase III, Decisive Operations. The slow process of developing the logistics system and providing secure lines of

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communication directly impeded Soldier security and quality of life.

10. (U) Concluding Findings and Recommendations

a. (U) SUMMARY AS SENIOR INVESTIGATING OFFICER. I derived these findings and recommendations from the observations and assessments discussed in sections 2-9, from the interviews I conducted, and from the documents I have reviewed. Furthermore, I support the recommendations of the Fay and Taguba Reports concerning individual culpability for actions that violated U.S. criminal law (including the Uniform Code of Military Justice (UCMJ)) or international law, or that was inhumane or coercive without lawful justification. The personnel who committed these acts did not act in accordance with the discipline and values that the U.S. Army represents. Leaders who had direct responsibilities for the actions of these individuals failed to adequately exercise their responsibilities in the execution of this mission.

b. (U) RESPONSIBILITY ABOVE 205th MI BRIGADE

(1) (U) Findings:

(a) (U) I find that the chain of command above the 205th MI Brigade was not directly involved in any of the abuses that occurred at Abu Ghraib.

(b) (U) I find that the chain of command above the 205th MI Brigade promulgated policy memoranda that, inadvertently, left room for interpretation and may have indirectly led to some of the non-violent and non-sexual abuse incidents.

(c) (U) I find that LTG Sanchez, and his DCG, MG Wojdakowski, failed to ensure proper staff oversight of detention and interrogation operations. As previously stated, MG Wojdakowski had direct oversight of two new Brigade Commanders. Further, staff elements of the CJTF-7 reacted inadequately to some of the Indications and Warnings discussed above. However, in light of the operational environment, and CJTF-7's under-resourcing and unplanned missions, and the Commander's consistent need to prioritize efforts, I find that the CJTF-7 Commander and staff performed above expectations, in the over-all scheme of OIF.

(d) (U) I find that the TACON relationship of the 800th MP Brigade to the CJTF-7 created a dysfunctional relationship for proper oversight and effective detention operations in the Iraqi Theater of Operations (ff0). In addition, the relationship between leaders and staff of the 205th MI Brigade and 800th MP Brigade was ineffective as they failed to effect proper coordination of roles and responsibilities for detention and interrogation operations.

(e) (U) I find that a number of causes outside of the control of CJTF-7 also contributed to the abuses at Abu Ghraib. These are discussed in Section 8 and include, individuals' criminal propensity; Soldier knowledge of interrogation techniques permitted in GTMO and Afghanistan and failure to distinguish between those environments and Iraq; interaction with OGA and other agency interrogators who did not follow the same rules as U.S. Forces; integration of some contractors without training, qualifications, and certification; under-resourcing of personnel in both the 800th MP BDE (including the inability to replace personnel leaving theater) and in the 205th MI Brigade, specifically in the interrogator, analyst, and linguist fields.

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(2) (U) Recommendations:

(a) (U) That CJTF-7 designate a single staff proponent for Detention and Interrogation Operations. The grade of this officer should be commensurate with the level of responsibilities of the particular operation. Further, that the Army in concert with JFCOM should review the concept and clarify responsibilities for a single staff position for Detention and Interrogation operations as part of a JTF capable organization.

(b) (U) That CJTF-7 in concert with CENTCOM publish clear guidance that applies to all units and agencies on roles and responsibilities for Detention and Interrogation Operations, and publish clear guidance on the limits of interrogation authority for interrogation techniques as pertains to the detainee population in the ITO.

(c) (U) That CENTCOM review command relationship and responsibilities for the 800th MP Brigade with CJTF-7 in the conduct of detention operations in the ITO.

(d) (U) That the CJTF-7 Inspector General be designated the staff proponent to rapidly investigate ICRC allegations. That the CJTF-7 Inspector General periodically conduct unscheduled inspections of detention and interrogation operations providing direct feedback to the commander.

c. (U) DOCTRINE

(1) (U) Finding: Army and Joint doctrine did not directly contribute to the abuses found at Abu Ghraib. Abuses would not have occurred had doctrine been followed. Nonetheless, certain areas need to be updated, expanded or refined.

(2) (U) Recommendations:

(a) (U) That JFCOM in concert with the Army update Joint and Army publications to clearly address the concept, organization and operations of a Joint Interrogation and Debriefing Center in a future joint operational environment.

(b) (U) That the Army update interrogation operations doctrine to clarify responsibilities for interrogation techniques at both tactical and strategic levels. The ongoing revision and update of FM 34-52, Intelligence Interrogations, should clarify the roles and responsibilities of MP and MI units at centralized detention facilities.

(c)(U) That DOD assess the impact of current policies on Detention and Interrogation Operations. That DOD review the limits of authority for interrogation techniques and publish guidance that applies to all services and agencies.

d. (U) V CORPS TRANSITION TO CJTF

(1) (U) Findings:

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(a)(U) V Corps was never adequately resourced as a CJTF. The challenge of transitioning from V Corps HQ5 to CJTF-7 without adequate personnel, equipment, and intelligence architecture, severely degraded the commander and staff during transition. Personnel shortages documented in the JMD continued to preclude operational capabilities.

(b)(U) Command and control headquarters that can perform as a Joint Task Force in a joint operational environment will be the norm for the future. This fact warrants action by supporting commands and services to resource and train JTF capable headquarters for success.

(2) (U) Recommendations:

(a)(U) That the Army expedite the development and transition of Corps-level command and control headquarters into JTF-capable organizations.

(b)(U) That the Army in concert with JFCOM institutionalize and resource the personnel and equipment needs of future JTF-capable headquarters, including the intelligence architecture of such headquarters.

e. (U) INTELLIGENCE ARCHITECTURE and INTELLIGENCE PERSONNEL RESOURCES

(I) (U) Findings:

(a)(U) Demands on the HUMINT capabilities in a counter-insurgency and in the future joint operational environment will continue to tax tactical and strategic assets. An Intelligence Fusion Center, a Joint Inter-agency Task Force and a JC2X are essential to provide seamless tactical through strategic level intelligence in a JTF headquarters.

(b)(U) Future land forces, especially the Army, need trained and experienced tactical HUMINT personnel to operate in the future Joint Operational Environment,

(2) (U) Recommendations:

(a) (U) That the Army conduct a holistic review of the CIIHUMINT intelligence force structure and prioritize needs for the future joint operational environment. The review should consider the personnel, equipment and resources needed to provide a seamless intelligence capability from the tactical to the strategic level to support the combatant commander.

(b) (U) That the Army align and train HUMINT assets geographically to leverage language skills and knowledge of culture.

(c) (U) That land forces, particularly MI and MP personnel, conduct rigorous collective training to replicate the complex environment experienced in OIF and in likely future areas of conflict.

f. (U) FACILITIES

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(1) (U) finding: Abu Ghraib detention facility was inadequate for safe and secure detention and interrogation operations. CJTF-7 lacked viable alternatives due to the depleted infrastructure in Iraq.

(2) (U) Recommendation: That the Army review the concept of detainee contingency facilities that can be rapidly deployed and established to safeguard and secure detainees, while providing necessary facilities to conduct screening and interrogations (similar to the concept of the Force Provider or Red Horse contingency facilities, where pre-fabricated buildings can be set up quickly). Adopting this recommendation would provide commanders an option for rapidly deploying and establishing detention facilities.

g. (U) OTHER GOVERNMENT AGENCIES

(1) (U) Findings:

(a) (U) Working alongside non-military organizations/agencies to jointly execute missions for our Nation, proved to be complex and demanding on military units at the tactical level. There was at least the perception that non-DOD agencies had different rules regarding interrogation and detention operations. Policies and specific limits of authority need review to ensure applicability to all organizations operating in the designated theater of operations

(b) (U) Seamless sharing of operational intelligence was hindered by lack of a fusion center that received, analyzed, and disseminated all intelligence collected by CJTF-7 units and other agencies/units outside of the CJTF-7 chain of command.

(c) (U) Proliferation of Interrogation and Counter-Resistance Technique memorandums, with specific categorization of unlawful combatants in various theaters of operations, and the inter-mingling of tactical, strategic, and other agency interrogators at the central detention facility of Abu Ghraib, provided a permissive and compromising climate for Soldiers.

(d) (U) Soldiers/Sailors/Airmen/Marines should never be put in a position that potentially puts them at risk for non-compliance with the Geneva Conventions or Laws of Land Warfare

(2) (U) Recommendations:

(a)(U) That DOD review inter-agency policies to ensure that all parties in a specific theater of operations are required to adhere to the same guidance and rules in the use of military Interrogation and Detention Facilities, including limits of authority for interrogation techniques.

(b)(U) That CENTCOM publish guidance for compliance by all agencies/organizations utilizing military detention facilities in the Iraqi theater of operation.

(c)(U) That DOD review the responsibilities for interrogations by other agencies and other agencies responsibilities to the combatant commander to provide intelligence information and support.

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(d)(U) That DOD assess the impact of current policies and guidance on unlawful combatants in the conduct of Detention and Interrogation Operations. And, that DOD review the limits of authority for use of interrogation techniques and publish guidance that is applicable to all parties using military facilities.

h. (U) LEADERSHIP and SUCCESSES

(1) (U) Findings:

(a) (U) Leaders throughout Operation Iraqi Freedom were confronted with a complex operational environment. The speed at which leaders at all echelons adapted to this environment varied based on level of training, maturity in command, and ability to see the battlefield. The adaptability of leaders in future operational environments will be critical.

(b) (U) In Operation Iraqi Freedom, as the intelligence architecture matured and became properly equipped and organized, and close working relationships with all intelligence agencies and other OIF forces developed, there were clear successes in obtaining intelligence.

(c) (U) HUMINT management and Intelligence Fusion were essential to enable success in this complex operational environment.

(2) (U) Recommendations.

(a) (U) That rigorous leader training in our institutions, at home stations, and at the Army's Training Centers (Joint Readiness Training Center, National Training Center, Combat Maneuver Training Center, and Battle Command Training Program) continue.

(b) (U) That DOD/CENTCOM and the senior leaders of all services recognize and provide a vote of confidence to our military's leaders and Soldiers executing the OIF mission and supporting the Iraqi people.

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**AR 15-6 INVESTIGATION OF THE
ABU GHRAIB DETENTION FACILITY AND
205th MILITARY INTELLIGENCE BRIGADE (U)**

**MG GEORGE R. FAY
INVESTIGATING OFFICER**

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205th MI Brigade

1. (U) Appointing Officials' Instructions and Investigative Methodology

a. (U) Appointing Officials' Instruction.

(1) (U) On 31 March 2004, LTG Ricardo S. Sanchez, Commander, Combined Joint Task Force 7 (CJTF-7), appointed MG George R. Fay as an Army Regulation (AR) 381-10 Procedure 15 Investigating Officer. LTG Sanchez determined, based upon MG Antonio Taguba's out brief of the results of an Article 15-6 investigation of the Abu Ghraib Detention Facility in Iraq, that another investigation was warranted. MG Fay was to investigate allegations that members of the 205th Military Intelligence Brigade were involved in detainee abuse at the Abu Ghraib Detention Facility.

(a) (U) MG Fay was instructed as follows: Pursuant to AR 381-10, Procedure 15, you are hereby appointed as an investigating officer to conduct an investigation in accordance with (IAW) Army Regulation (AR) 15-6 into all the relevant facts and circumstances surrounding the alleged misconduct on the part of personnel assigned and/or attached to the 205th Military Intelligence (MI) Brigade, to include civilian interrogators and/or interpreters, from 15 August 2003 to 1 February 2004 at the Abu Ghraib (AG) Detention Facility.

(b) (U) Specifically, you will investigate the following areas:

[1] (U) Whether 205th MI Brigade personnel requested, encouraged, condoned, or solicited Military Police (MP) personnel to abuse detainees at AG as preparation for interrogation operations.

[2] (U) Whether 205th MI Brigade personnel comported with established interrogation procedures and applicable laws and regulations when questioning Iraqi security internees at the Joint Interrogation and Debriefing Center.

(2) (U) The Commander, United States Central Command (CENTCOM) requested a new appointing authority and investigating officer be assigned to the investigation. On 14 June 2004, Secretary of Defense (SECDEF) Donald Rumsfeld requested the Acting Secretary of the Army (SECARMY) R.L. Brownlee assign an "officer senior to LTG Sanchez" to assume his duties as appointing authority, and a new or additional investigating officer should one be required. SECDEF provided the following additional guidance to the Acting SECARMY:

(U) The new appointing authority shall refer recommendations concerning issues at the Department of the Army level to the Department of the Army and recommendations concerning issues at the Department of Defense (DoD) level to the Department of Defense for appropriate action. The appointing authority shall refer the completed report to the Commander,

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205th MI Brigade

United States Central Command for further action as appropriate, including forwarding to the ATSD(IO) [Assistant to the Secretary of Defense for Intelligence Oversight] in accordance with DoD Directive 5240.1-R and CJCS-I 5901.01. Matters concerning accountability, if any, should be referred by the appointing authority, without recommendation, to the appropriate level of the chain of command for disposition.

(3) (U) On 16 June 2004, Acting SECARMY Brownlee designated GEN Paul J. Kern, Commander of the US Army Materiel Command, as the new Procedure 15 appointing authority. Acting SECARMY Brownlee's instructions included the following:

(a) (U) I am designating you as the appointing authority. Major General Fay remains available to perform duties as the investigating officer. If you determine, however, after reviewing the status of the investigation, that a new or additional investigating officer is necessary, please present that request to me.

(b) (U) Upon receipt of the investigation, you will refer all recommendations concerning issues at the Department of the Army level to me and all recommendations concerning issues at the Department of Defense level to the Secretary of Defense for appropriate action. You will refer the completed report to the Commander, United States Central Command, for further action as appropriate, including forwarding to ATSD(IO) IAW DoD Directive 5240.1-R and CJCS-I 5901.01. Finally, you should refer matters concerning accountability, if any, without recommendation, to the appropriate level of the chain of command for disposition. If you determine that you need further legal resources to accomplish this mission, you should contact the Judge Advocate General.

(4) (U) On 25 June 2004, GEN Kern appointed LTG Anthony R. Jones, Deputy Commanding General, US Army Training and Doctrine Command (TRADOC), as an additional Procedure 15 investigating officer. GEN Kern's instructions to LTG Jones included the following:

(a) (U) Pursuant to AR 381-10, Procedure 15, and AR 15-6, you are hereby appointed as an investigating officer to conduct an investigation of alleged misconduct involving personnel assigned or attached to the 205th Military Intelligence Brigade at the Abu Ghraib Detention Facility. Your appointment is as an additional investigating officer. MG Fay and his investigative team are available to assist you.

(b) (U) Specifically, the purpose of the investigation is to determine the facts and to determine whether the questionable activity at Abu Ghraib is legal and is consistent with applicable policy. In LTG Sanchez's 31 March 2004 appointment letter to MG Fay, which I have adopted, he specified three areas into which the investigation was to look: whether the 205th

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Military Intelligence Brigade had been involved in Military Police detainee abuse at Abu Ghraib; whether 205th Military Intelligence Brigade personnel complied with established procedures, regulations, and laws when questioning internees at the Joint Interrogation and Debriefing Center; and the facts behind several identified sworn statements. In addition, your investigation should determine whether organizations or personnel higher in the chain of command of the 205th Military Intelligence Brigade were involved directly or indirectly in any questionable activities regarding alleged detainee abuse at Abu Ghraib.

b. (U) Investigative Methodology.

(1) (U) The investigative team conducted a comprehensive and exhaustive review of available background documents and statements pertaining to the operations of the 205th Military Intelligence (MI) Brigade (205 MI BDE) at Abu Ghraib from a wide variety of sources, to include all previous investigations. Where possible, coordination was established with other ongoing investigations of the same nature.

(2) (U) Over 170 personnel were interviewed (some multiple times) during the course of the investigation (Reference Annex B, Appendix 1). These interviews included personnel assigned or attached to the 205 MI BDE, the 800th Military Police (MP) Brigade (800 MP BDE), CJTF-7, Joint Task Force Guantanamo (JTF-GTMO), 28th Combat Support Hospital (CSH), the United States Army Intelligence Center (USAIC), the United States Navy, Titan Corporation, CACI International, Inc., and three detainees at Abu Ghraib. Written sworn statements were prepared as a result of these interviews. Several personnel invoked their rights under Article 31, Uniform Code of Military Justice (UCMJ) and the 5th Amendment of the US Constitution. In these cases and in cases where no sworn statements were collected, Memoranda for Record (MFR) were prepared to describe the nature of and information addressed in the interview.

(3) (U) Over 9,000 documents were collected, catalogued and archived into a database. Advanced analytic tools were used to organize, collate, and analyze this data as well as all collected interview data. Other analytical tools were used to prepare graphic representations of the data.

(4) (U) The investigative team consisted of 26 personnel to include investigators, analysts, subject matter experts and legal advisors.

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2. (U) Executive Summary

a. (U) Background.

(1) (U) This investigation was ordered initially by LTG Ricardo S. Sanchez, Commander, CJTF-7. LTG Sanchez appointed MG George R. Fay as investigating officer under the provisions of AR 381-10. MG Fay was appointed to investigate allegations that members of the 205 MI BDE were involved in detainee abuse at the Abu Ghraib Detention Facility. Specifically, he was to determine whether 205 MI BDE personnel requested, encouraged, condoned, or solicited MP personnel to abuse detainees and whether MI personnel comported with established interrogation procedures and applicable laws and regulations. The investigative team conducted a comprehensive review of all available background documents and statements pertaining to Abu Ghraib from a wide variety of sources. Over 170 persons were interviewed concerning their knowledge of interrogation and detention operations at Abu Ghraib and/or their knowledge of and involvement in detainee abuse. On 16 June 2004, GEN Paul J. Kern, Commander, US Army Materiel Command (AMC), was appointed as the new Procedure 15 appointing authority. On 25 June 2004, GEN Kern appointed LTG Jones, Deputy Commanding General, TRADOC, as an additional Procedure 15 investigating officer. MG Fay was retained as an investigating officer.

(2) (U) This investigation identified forty-four (44) alleged instances or events of detainee abuse committed by MP and MI Soldiers, as well as civilian contractors. On sixteen (16) of these occasions, abuse by the MP Soldiers was, or was alleged to have been, requested, encouraged, condoned, or solicited by MI personnel. The abuse, however, was directed on an individual basis and never officially sanctioned or approved. MI solicitation of MP abuse included the use of isolation with sensory deprivation, removal of clothing and humiliation, the use of dogs as an interrogation tool to induce fear, and physical abuse. In eleven (11) instances, MI personnel were found to be directly involved in the abuse. MI personnel were also found not to have fully comported with established interrogation procedures and applicable laws and regulations. Theater Interrogation and Counter-Resistance Policies (ICRP) were found to be poorly defined, and changed several times. As a result, interrogation activities sometimes crossed into abusive activity.

(3) (U) This investigation found that certain individuals committed offenses in violation of international and US law to include the Geneva Conventions and the UCMJ and violated Army Values. Leaders in key positions failed properly to supervise the interrogation operations at Abu Ghraib and failed to understand the dynamics created at Abu Ghraib. Leaders also failed to react appropriately to those instances where detainee abuse was reported, either by other service members, contractors, or by the International Committee of the Red Cross (ICRC). Fifty-four (54) MI, MP, and Medical Soldiers, and civilian contractors were found to have some degree of

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responsibility or complicity in the abuses that occurred at Abu Ghraib. Twenty-seven (27) were cited in this report for some degree of culpability and seventeen (17) were cited for misunderstanding of policy, regulation or law. Three (3) MI Soldiers, who had previously received punishment under UCMJ, were recommended for additional investigation. Seven (7) MP Soldier identified in the MG Taguba Report and currently under criminal investigation and/or charges are also central figures in this investigation and are included in the above numbers. One (1) person cited in the MG Taguba Report was exonerated.

(4) (U) Looking beyond personal responsibility, leader responsibility and command responsibility, systemic problems and issues also contributed to the volatile environment in which the abuse occurred. These systemic problems included: inadequate interrogation doctrine and training, an acute shortage of MP and MI Soldiers, the lack of clear lines of responsibility between the MP and MI chains of command, the lack of a clear interrogation policy for the Iraq Campaign, and intense pressure felt by the personnel on the ground to produce actionable intelligence from detainees. Twenty-four (24) additional findings and two (2) observations regarding systemic failures are included in the final investigative report. These findings ranged from doctrine and policy concerns, to leadership and command and control issues, to resource and training issues.

b. (U) Problems: Doctrine, Policy, Training, Organization, and Other Government Agencies.

(1) (U) Inadequacy of doctrine for detention operations and interrogation operations was a contributing factor to the situations that occurred at Abu Ghraib. The Army's capstone doctrine for the conduct of interrogation operations is Field Manual (FM) 34-52, Intelligence Interrogation, dated September 1992. Non-doctrinal approaches, techniques, and practices were developed and approved for use in Afghanistan and GTMO as part of the Global War on Terrorism (GWOT). These techniques, approaches, and practices became confused at Abu Ghraib and were implemented without proper authorities or safeguards. Soldiers were not trained on non-doctrinal interrogation techniques such as sleep adjustment, isolation, and the use of dogs. Many interrogators and personnel overseeing interrogation operations at Abu Ghraib had prior exposure to or experience in GTMO or Afghanistan. Concepts for the non-doctrinal, non field-manual approaches and practices came from documents and personnel in GTMO and Afghanistan. By October 2003, interrogation policy in Iraq had changed three times in less than thirty days and it became very confusing as to what techniques could be employed and at what level non-doctrinal approaches had to be approved.

(2) (U) MP personnel and MI personnel operated under different and often incompatible rules for treatment of detainees. The military police referenced DoD-wide regulatory and procedural guidance that clashed with the theater interrogation and counter-resistance policies that the military intelligence interrogators followed. Further, it appeared that neither group knew

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or understood the limits imposed by the other's regulatory or procedural guidance concerning the treatment of detainees, resulting in predictable tension and confusion. This confusion contributed to abusive interrogation practices at Abu Ghraib. Safeguards to ensure compliance and to protect against abuse also failed due to confusion about the policies and the leadership's failure to monitor operations adequately.

(3) (U) By December 2003, the JIDC at Abu Ghraib had a total of approximately 160 personnel with 45 interrogators and 18 linguists/translators assigned to conduct interrogation operations. These personnel were from six different MI battalions and groups – the 519 MI BN, 323 MI BN, 325 MI BN, 470 MI GP, the 66th MI GP, the 500 MI GP. To complicate matters, interrogators from a US Army Intelligence Center and School, Mobile Training Team (MTT) consisting of analysts and interrogators, and three interrogation teams consisting of six personnel from GTMO, came to Abu Ghraib to assist in improving interrogation operations. Additionally, contract interrogators from CACI and contract linguists from Titan were hired in an attempt to address shortfalls. The JIDC was created in a very short time period with parts and pieces of various units. It lacked unit integrity, and this lack was a fatal flaw.

(4) (U) The term Other Government Agencies (OGA) most commonly referred to the Central Intelligence Agency (CIA). The CIA conducted unilateral and joint interrogation operations at Abu Ghraib. The CIA's detention and interrogation practices contributed to a loss of accountability and abuse at Abu Ghraib. No memorandum of understanding existed on the subject interrogation operations between the CIA and CJTF-7, and local CIA officers convinced military leaders that they should be allowed to operate outside the established local rules and procedures. CIA detainees in Abu Ghraib, known locally as "Ghost Detainees," were not accounted for in the detention system. With these detainees unidentified or unaccounted for, detention operations at large were impacted because personnel at the operations level were uncertain how to report or classify detainees.

c. (U) Detainee Abuse at Abu Ghraib.

(1) (U) Physical and sexual abuses of detainees at Abu Ghraib were by far the most serious. The abuses spanned from direct physical assault, such as delivering head blows rendering detainees unconscious, to sexual posing and forced participation in group masturbation. At the extremes were the death of a detainee in OGA custody, an alleged rape committed by a US translator and observed by a female Soldier, and the alleged sexual assault of a female detainee. These abuses are, without question, criminal. They were perpetrated or witnessed by individuals or small groups. Such abuse can not be directly tied to a systemic US approach to torture or approved treatment of detainees. The MPs being prosecuted claim their actions came at the direction of MI. Although self-serving, these claims do have some basis in fact. The environment created at Abu Ghraib contributed to the occurrence of such abuse and the fact that

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it remained undiscovered by higher authority for a long period of time. What started as nakedness and humiliation, stress and physical training (exercise), carried over into sexual and physical assaults by a small group of morally corrupt and unsupervised Soldiers and civilians.

(2) (U) Abusing detainees with dogs started almost immediately after the dogs arrived at Abu Ghraib on 20 November 2003. By that date, abuses of detainees was already occurring and the addition of dogs was just one more device. Dog Teams were brought to Abu Ghraib as a result of recommendations from MG G. Miller's assessment team from GTMO. MG G. Miller recommended dogs as beneficial for detainee custody and control issues. Interrogations at Abu Ghraib, however, were influenced by several documents that spoke of exploiting the Arab fear of dogs. The use of dogs in interrogations to "fear up" detainees was utilized without proper authorization.

(3) (U) The use of nudity as an interrogation technique or incentive to maintain the cooperation of detainees was not a technique developed at Abu Ghraib, but rather a technique which was imported and can be traced through Afghanistan and GTMO. As interrogation operations in Iraq began to take form, it was often the same personnel who had operated and deployed in other theaters and in support of GWOT, who were called upon to establish and conduct interrogation operations in Abu Ghraib. The lines of authority and the prior legal opinions blurred. They simply carried forward the use of nudity into the Iraqi theater of operations. The use of clothing as an incentive (nudity) is significant in that it likely contributed to an escalating "de-humanization" of the detainees and set the stage for additional and more severe abuses to occur.

(4) (U) There was significant confusion by both MI and MPs between the definitions of "isolation" and "segregation." LTG Sanchez approved the extended use of isolation on several occasions, intending for the detainee to be kept apart, without communication with their fellow detainees. His intent appeared to be the segregation of specific detainees. The technique employed in several instances was not, however, segregation but rather isolation - the complete removal from outside contact other than required care and feeding by MP guards and interrogation by MI. Use of isolation rooms in the Abu Ghraib Hard Site was not closely controlled or monitored. Lacking proper training, clear guidance, or experience in this technique, both MP and MI stretched the bounds into further abuse; sensory deprivation and unsafe or unhealthy living conditions. Detainees were sometimes placed in excessively cold or hot cells with limited or poor ventilation and no light.

3. (U) Background and Environment.

a. (U) Operational Environment.

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(1) (U) The Global War on Terrorism began in earnest on 11 September 2001 (9/11). Soon after the 9/11 attacks, American forces entered Afghanistan to destroy the primary operating and training base of Al Qaida. Prisoners collected in these and other global counter-terrorist operations were transferred to Guantanamo Naval Base, Cuba. Two Task Forces were formed at JTF-GTMO to manage intelligence collection operations with the newly captured prisoners. Military and civilian interrogators, counterintelligence agents, analysts, and other intelligence personnel from a variety of services and agencies manned the task forces and exploited the captured personnel for information.

(2) (U) US and coalition partners attacked Iraq on 20 March 2003 and soon after toppled Saddam Hussein's regime. The Iraq conflict transitioned quickly and unexpectedly to an insurgency environment. Coalition forces began capturing and interrogating alleged insurgents. Abu Ghraib prison, opened after the fall of Saddam to house criminals, was soon used for collecting and interrogating insurgents and other persons of intelligence interest. The unit responsible for managing Abu Ghraib interrogations was the 205 MI BDE.

b. (U) Law, Policy, Doctrine and Training.

(1) (U) Applicable Law.

(a) (U) Military Order of November 13th 2001 – Detention, Treatment and Trial of Certain Non-Citizens in the War Against Terrorism (Reference Annex J, Appendix 1).

(b) (U) Geneva Convention (IV) Relative to the Protection of Civilian Persons in Time of War, 12 August 1949 (Reference Annex J, Appendix 5).

(c) (U) AR 190-8 / OPNAVINST 3461.6 / AFJI 31-302/MCO 3461.1, Enemy Prisoners of War, Retained Personnel, Civilian Internees and other Detainees, 1 October 1997 (Reference Annex M, Appendix 2).

(d) (U) FM 34-52, Intelligence Interrogation, 28 September 1992 (Reference Annex M, Appendix 3).

(e) (U) Classification of Detainees. The overwhelming evidence in this investigation shows that most "detainees" at Abu Ghraib were "civilian internees." Therefore, this discussion will focus on "civilian internees."

[1] (U) Detainee. AR 190-8 defines a detainee as any person captured or otherwise detained by an armed force. By this definition, a detainee could be an Enemy Prisoner of War (EPW), a Retained Person, such as a doctor or chaplain, or a Civilian Internee. The term

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“detainee” is a generic one with no specific implied rights or protections being afforded to the individual; however, it is almost exclusively used by the Soldiers and other individuals interviewed in this investigation to refer to the individuals interned at Abu Ghraib. In order to understand the rights and protections that need to be provided to a “detainee,” further classification is necessary.

[2] (U) Civilian Internee. Using Geneva Convention IV (GC IV), Article 78, as further defined by AR 190-8, a “Civilian Internee” is someone who is interned during armed conflict or occupation for security reasons or for protection or because he has committed an offense against the detaining power. (Reference Annex H, Appendix 1, FRAGO 749 to CJTF-7 OPOrd 03-036). The overwhelming evidence in this investigation shows that all “detainees” at Abu Ghraib were civilian internees. Within the confinement facility, however, there were further sub-classifications that were used, to include criminal detainee, security internee, and MI Hold.

[a] (U) Criminal Detainee. A person detained because he/she is reasonably suspected of having committed a crime against Iraqi Nationals or Iraqi property or a crime not related to the coalition force mission (Reference Annex H, Appendix 1, FRAGO 749 to CJTF-7 OPOrd 03-036).

[b] (U) Security Internee. Civilians interned during conflict or occupation for their own protection or because they pose a threat to the security of coalition forces, or its mission, or are of intelligence value. This includes persons detained for committing offenses (including attempts) against coalition forces (or previous coalition forces), members of the Provisional Government, Non-Government Organizations, state infrastructure, or any person accused of committing war crimes or crimes against humanity. Security internees are a subset of civilian internees (Reference Annex H, Appendix 1, FRAGO 749 to CJTF-7 OPOrd 03-036).

[c] (U) MI Hold. A directive to hold and not release a detainee/internee in the custody of the Coalition Forces, issued by a member or agent of a US Military Intelligence Organization (Reference Annex H, Appendix 1, FRAGO 749 to CJTF-7 OPOrd 03-036).

[d] (U) Most detainees located within Abu Ghraib, to include those in Tier 1A and 1B (Reference Annex F, Appendix 1, Abu Ghraib Overhead with Organizational Layout), were Civilian Internees and therefore, entitled to protections under GC IV. In addition to applicable international laws, ARs, and the FMs on Intelligence Interrogations further clarify US Policy regarding the protections afforded Civilian Internees.

(f) (U) Geneva Convention Relative to the Protection of Civilians in Time of War. GC IV provides protections for civilians in time of war. The US is bound by the Geneva Conventions; therefore, any individual acting on behalf of the US during an armed conflict is

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also bound by Geneva Conventions. This includes not only members of the armed forces, but also civilians who accompany or work with the US Armed Forces. The following are some relevant articles to the discussion on detainee abuse:

[1] (U) Article 5. Where in the territory of a Party to the conflict, the latter is satisfied that an individual protected person is definitely suspected of or engaged in activities hostile to the security of the State, such individual person shall not be entitled to claim such rights and privileges under the present Conventions as would, if exercised in the favor of such individual person, be prejudicial to the security of such State. Where in occupied territory an individual protected person is detained as a spy or saboteur, or as a person under definite suspicion of activity hostile to the security of the Occupying Power, such person shall, in those cases where absolute military security so requires, be regarded as having forfeited rights of communication under the present Conventions. In each case, such persons shall nevertheless be treated with humanity and, in case of trial, shall not be deprived of the rights of fair and regular trial prescribed by the present [convention].

[2] (U) Article 27. Protected persons are entitled, in all circumstances, to respect for their persons, their honor, their family rights, their religious convictions and practices, and their manner and customs. They shall at all times be humanely treated, and shall be protected against all acts of violence or threats thereof and against insults and public curiosity.

[3] (U) Article 31. No physical or moral coercion shall be exercised against protected persons, in particular to obtain information from them or from third parties.

[4] (U) Article 32. The [Parties to the Convention] agree that each of them is prohibited from taking any measure of such a character as to cause the physical suffering or extermination of protected persons in their hands. This prohibition applies not only to murder, torture, corporal punishments, mutilation and medical and scientific experiments not necessitated by the medical treatment of a protected person, but also to any other measures of brutality whether applied by civilian or military agents.

[5] (U) Article 37. Protected persons who are confined pending proceedings or serving a sentence involving loss of liberty, shall during their confinement be humanely treated.

[6] (U) Article 100. The disciplinary regime in places of internment shall be consistent with humanitarian principles, and shall in no circumstances include regulation imposing on internees any physical exertion dangerous to their health or involving physical or moral victimization. Identification by tattooing or imprinting signs on the body is prohibited. In particular, prolonged standing and roll-calls, punishment drills, military drill and maneuver, or the reduction of food rations, are prohibited.

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[7] (U) Article 143. Representatives or delegates of the Protecting Powers shall have permission to go to all places where protected persons are, particularly to places of internment, detention and work. They shall have access to all premises occupied by protected persons and shall be able to interview the latter without witnesses, personally or through an interpreter. Such visits may not be prohibited except for reasons of military imperative, and then only as an exceptional and temporary measure. Their duration and frequency shall not be restricted. Such representatives and delegates shall have full liberty to select the places they wish to visit. The Detaining or Occupying Power, the Protecting Power, and when occasion arises the Power of origin of the persons to be visited, may agree that compatriots of the internees shall be permitted to participate in the visits. The delegates of the International Committee of the Red Cross shall also enjoy the above prerogatives. The appointment of such delegates shall be submitted for the approval of the Power governing the territories where they will carry out their duties.

(2) (U) AR 190-8, Enemy Prisoners of War, Retained Personnel, Civilian Internees and other Detainees is a joint publication between all services of the Armed Forces (Reference Annex M, Appendix 2).

(a) (U) US Policy Overview. The regulation (Reference Annex M, Appendix 2, AR 190-8, Paragraph 1-5) sets out US Policy stating that "US policy, relative to the treatment of EPW, Civilian Internees and RP in the custody of the US Armed Forces, is as follows: All persons captured, detained, interned, or otherwise held in US Armed Forces custody during the course of conflict will be given humanitarian care and treatment from the moment they fall into the hands of the US forces until final release and repatriation." The regulation further defines this policy.

(b) (U) Inhumane Treatment. Specifically, inhumane treatment of detainees is prohibited and is considered a serious and punishable offense under international law and the UCMJ. The following acts are prohibited: murder, torture, corporal punishment, mutilation, the taking of hostages, sensory deprivation, collective punishment, execution without trial, and all cruel and degrading treatment. (Reference Annex M, Appendix 2, AR 190-8, Paragraph 1-5(b)).

(c) (U) Protection from Certain Acts. All detainees will be protected against all acts of violence to include rape, forced prostitution, assault and theft, insults, public curiosity, bodily injury, and reprisals of any kind. (Reference Annex M, Appendix 2, AR 190-8, Paragraph 1-5(c)). This is further reinforced in FM 34-52 (Reference Annex M, Appendix 3), which states that the Geneva Conventions and US policy expressly prohibit acts of violence or intimidation, including physical or mental torture, threats, insults, or exposure to inhumane treatment as a means of or aid to interrogation.

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(d) (U) Photographs. Photographs of detainees are strictly prohibited except for internal administrative purposes of the confinement facility. (Reference Annex M, Appendix 2, AR 190-8, Paragraph 1-5(d)).

(e) (U) Physical torture or moral coercion. No form of physical or moral coercion will be exercised against the Civilian Internee. (Reference Annex M, Appendix 2, AR 190-8, Paragraph 1-5(a)(1)).

(f) (U) At all times, the Civilian Internee will be humanely treated and protected against all acts of violence or threats and insults and public curiosity. The Civilian Internee will be especially protected against all acts of violence, insults, public curiosity, bodily injury, reprisals of any kind, sexual attacks such as rape, forced prostitution, or any form of indecent assault. (Reference Annex M, Appendix 2, AR 190-8, Paragraph 1-5(a)(2) & (3)).

(3) (U) Military Intelligence Doctrine and Training.

(a) (U) Doctrine.

[1] (U) The Army's capstone doctrine for the conduct of interrogation operations is FM 34-52, Intelligence Interrogation, dated September, 1992. This doctrine provides an adequate basis for the training of interrogators at the Soldier level (e.g., in the art of tactical interrogation and the Geneva Conventions); however, it is out of date with respect to the management and conduct of detainee operations. Joint Doctrine on the conduct of detainee operations is sparse even though the Army has operated JIDCs since 1989 in Operation JUST CAUSE, and because the Army is normally tasked by the Joint Force Commander to establish and manage EPW/Detainee operations for the deployed force (Reference Annex M, Appendix 1, APPENDIX G-3, Joint Publication 2-01, Joint Intelligence Support to Military Operations). National level doctrine, in the form of a Defense Intelligence Agency Manual (DIAM), also contains very little doctrinal basis for the conduct and management of joint interrogation operations. A critical doctrinal gap at the joint and service level is the role of national level agencies (e.g., other governmental agencies [OGA]) in detainee operations to include appropriate protocols for sharing valuable intelligence assets. The Center for Army Lessons Learned (CALL) reported the following in a recent assessment of Operation Iraqi Freedom detainee and interrogation operations (Reference Annex C, Appendix 5):

MP and MI doctrine at division and below must be modified for stability operations and support operations to reflect the need for long-term detention facilities and interrogation of captives at the tactical level.

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[2] (U) It is possible that some of the unauthorized interrogation techniques employed in Iraq may have been introduced through the use of an outdated training manual (FM 34-52 dated 1987 vice FM 34-52 dated 1992). The superseded version (FM 34-52, dated 1987) has been used at various locations in OIF. In a prior AR 15-6 investigation of Camp Cropper (Reference Annex C, Appendix 2), the 1987 version was again used as the reference (Reference Annex M, Appendix 3). On 9 June 2004, CJTF-7 published an email (Reference Annex L, Appendix 4, email) that indicated the May 1987 version was used as CJTF-7's primary reference. The section encapsulated below from the 1987 version has been removed from the 1992 version of FM 34-52. To the untrained, the reference in the outdated version could appear as a license for the interrogator to go beyond the current doctrine as established in the current FM 34-52. The 1987 version suggests the interrogator controls lighting, heating, and configuration of the interrogation room, as well as the food, shelter, and clothing given to the source. The section from the 1987 version that could be misunderstood is from Chapter 3 and reads as follows:

FM 34-52 (1987) Chapter 3, Establish and Maintain Control. The interrogator should appear to be the one who controls all aspects of the interrogation to include the lighting, heating, and configuration of the interrogation room, as well as the food, shelter, and clothing given to the source. The interrogator must always be in control, he must act quickly and firmly. However, everything that he says and does must be within the limits of the Geneva and Hague Conventions, as well as the standards of conduct outlined in the UCMJ.

[3] (U) Doctrine provides the foundation for Army operations. A lack of doctrine in the conduct of non-conventional interrogation and detainee operations was a contributing factor to the abuses at Abu Ghraib.

(b) (U) Training

[1] (U) Formal US Army interrogation training is conducted at the Soldier level, primarily as part of a Soldier's Initial Entry Training (IET). There is no formal advanced interrogation training in the US Army. Little, if any, formal training is provided to MI leaders and supervisors (Commissioned Officers, Warrant Officers, and Non-Commissioned Officers) in the management of interrogation and detainee operations. These skills can only be developed in the unit environment through assignments to an interrogation unit, involvement in interrogation training exercises, or on deployments. Unfortunately, unit training and exercises have become increasingly difficult to conduct due to the high pace of deployments of interrogation personnel

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and units. With very few exceptions, combined MI and MP training on the conduct of detainee operations is non-existent.

[2] (U) The IET course at the USAIC, Fort Huachuca, AZ, provides a 16.5 week course of instruction. The course consists of 758.2 hours of academic training time that includes collection prioritization, screening, planning and preparation, approaches, questioning, termination of interrogations, and report writing in the classroom and practical exercise environments. The course focuses on the conduct of tactical interrogations in conventional war. Each student receives eight hours of classroom training on AR 381-10, Army Intelligence Activities (Reference Annex M, Appendix 2) and FM 27-10, Law of Land Warfare (Reference Annex M, Appendix 3) and 184 hours of practical exercise. The student's understanding of the Geneva Conventions and Law of Land Warfare is continually evaluated as a critical component. If at any time during an exercise, the student violates the Geneva Conventions, they will fail the exercise. A failure does not eliminate the student from the course. Students are generally given the chance to recycle to the next class; however, egregious violations could result in dismissal from the course.

[3] (U) The reserve components use the same interrogator program of instruction as does the active component. They are exposed to the same classes and levels of instruction. Like the active component, the reserve components' training opportunities prior to deployment in recent years have been minimal, if any. Those slated for deployment to the JTF-GTMO attend the Intelligence Support to Counter Terrorism (ISCT) Course.

[4] (U) Army Regulations require interrogators to undergo refresher training on the Geneva Conventions annually. Units are also expected to conduct follow-up training for Soldiers to maintain and improve their interrogation skills. This becomes difficult given that Soldiers fresh from the basic interrogation course are deployed almost as soon as they arrive to their unit of assignment. This leaves little, if any, time to conduct that follow-on training with their unit to hone the skills they have learned in school. In addition to the unit deployments, the individual interrogators find themselves deployed to a wide variety of global engagements in a temporary duty status—not with their units of assignments. It is not uncommon for an individual to be deployed two or three times in the course of a year (e.g., the Balkans, Cuba [JTF-GTMO], Afghanistan, Iraq, or in support of Special Operations Forces [SOF]).

[5] (U) There is no formal advanced interrogation training in the US Army. The DoD manages a Strategic Debriefing Course for all services. While some of the skills are similar, the Strategic Debriefing Course is not an advanced interrogation course. Further, only interrogators being assigned to strategic debriefing assignments are authorized to attend this course. This prevents the tactical interrogator, the operator at Abu Ghraib, from further developing skills. Junior NCOs receive only limited interrogation-related training during his or

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her advanced NCO courses--the Basic Non-Commissioned Officers Course (BNCOC) and the Advanced Non-commissioned Officer's Course (ANCOC). This limited training is restricted to the management of interrogation operations. The amount of time spent on the Geneva Conventions training during either of these courses is minimal. Officers receive limited training in interrogation or interrogation management in their entry level and advanced level courses. Like BNCOC and ANCOC, this training is focused on management and not the intricacies of interrogation operations or the legal restrictions applicable to interrogation operations.

[6] (U) Very little training is available or conducted to train command and staff elements on the conduct, direction, and oversight of interrogation operations. To address a portion of this shortfall, USAIC is standing up a course to teach the management of Human Intelligence to MI officers. A pilot course is scheduled and is designed to prepare the intelligence staffs (G2, S2) of a deploying Army Division with the capability to synchronize, coordinate, manage and de-conflict Counterintelligence and Human Intelligence (HUMINT) operations within the division's area of responsibility.

[7] (U) Most interrogator training that occurred at Abu Ghraib was on-the-job-training. The JIDC at Abu Ghraib conducted Interrogation Rules of Engagement (IROE) and interrogation operations training. The fast paced and austere environment limited the effectiveness of any training. After mid-September 2003, all Soldiers assigned to Abu Ghraib had to read a memorandum titled IROE, acknowledging they understood the ICRP, and sign a confirmation sheet indicating they had read and understood the ICRP. Most Soldiers have confirmed they received training on the IROE. See attached CJTF-7 IROE standard signature sheet (Reference Annex J, Appendix 4) to view an example.

[8] (U) MG G. Miller led an assessment team to Abu Ghraib in early September 2003. This was followed by a training team from 2 October - 2 December 2003. There is no indication that the training provided by the JTF-GTMO Team led to any new violations of the Geneva Conventions and the law of land warfare. Training focused on screening, the use of pocket litter during interrogations, prioritization of detainees, planning and preparation, approaches, questioning, interpreter control, deception detection, reporting, automation, and interrogation booths. The training provided at Abu Ghraib did not identify the abuses that were ongoing as violations of regulations or law, nor did it clarify issues involving detainee abuse reporting.

[9] (U) Interrogators learn as part of their training that the MPs provide the security for and run detention operations at the Collection Points (CPs), Corps Holding Areas (CHAs), and Internment/Resettlement (IR) facilities. The interrogator's mission is only to collect intelligence from prisoners or detainees. Interaction with the MPs is encouraged to take advantage of any observations the MPs/guards might have concerning a particular prisoner or

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detainee. While the USAIC includes this in the interrogator's training, very little time is spent training MI/MP detention operations. In the past, the Army conducted large EPW/Detainee exercises (the Gold Sword and Silver Sword series) that provided much of the training critical to MPs' and Interrogators' understanding of their respective roles and responsibilities. These exercises were discontinued in the mid 1990s due to frequent deployments and force structure reductions, eliminating an excellent source of interoperability training. The increase in op-tempo since 9/11 has further exacerbated the unit training and exercise problem.

[10] (U) Contract Training.

[a] (U) The US Army employs contract linguists/translators and contract interrogators in military operations. Some IET is provided to familiarize military interrogators in the conduct of interrogations using translators. No training is conducted at any level (enlisted, NCO, Warrant Officer, or Officer) on the employment of contract interrogators in military operations. The use of contract interrogators and linguists at Abu Ghraib was problematic (See paragraph 4.g.) from a variety of perspectives. JIDC interrogators, analysts, and leaders were unprepared for the arrival of contract interrogators and had no training to fall back on in the management, control, and discipline of these personnel.

[b] (U) No doctrine exists to guide interrogators and their intelligence leaders (NCO, Warrant Officer, and Officer) in the contract management or command and control of contractors in a wartime environment. These interrogators and leaders faced numerous issues involving contract management: roles and responsibilities of JIDC personnel with respect to contractors; roles, relationships, and responsibilities of contract linguists and contract interrogators with military personnel; and the methods of disciplining contractor personnel. All of these need to be addressed in future interrogation and interrogation management training.

[11] (U) Soldier interrogation training is adequate with respect to interrogation techniques and procedures for conventional warfare. It is far less suited to the realities of the GWOT and Stability and Support Operations (SASO) and contract management. Despite the emphasis on the Geneva Conventions, it is clear from the results at Abu Ghraib (and elsewhere in operations in support of the GWOT) that Soldiers on the ground are confused about how they apply the Geneva Conventions and whether they have a duty to report violations of the conventions. Most Abu Ghraib interrogators performed their duties in a satisfactory manner without incident or violation of training standards. Some interrogators (See paragraph 5.e.- 5.h., below), however, violated training standards in the performance of selected interrogations. Army training at USAIC never included training on interrogation techniques using sleep adjustment, isolation, segregation, environmental adjustment, dietary manipulation, the use of military working dogs, or the removal of clothing. These techniques were introduced to selected interrogators who worked at Abu Ghraib from sources other than official Army training.

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(4) (U) Military Police Doctrine and Training

(a) (U) DoD Directives 2310.1, DoD Program for Enemy Prisoners of War and Other Detainees, and 5100.77, DoD Law of War Program, require that the US military services comply with the principles, spirit, and intent of international laws of war, that the DoD observes and enforces the US obligations under the laws of war, that personnel know the laws of war obligations, and that personnel promptly report incidents violating the laws of war and that the incidents be thoroughly investigated.

(b) (U) AR 190-8, "Enemy Prisoner of War, Retained Personnel Civilian Internees and other Detainees," is a multi-service policy that incorporates the directives from the DoD publications above. The regulation addresses the military police treatment of civilian internees, and directs that:

- No physical or moral coercion be used
- Internees be treated with respect for their person, honor, manner, and customs
- Internees be protected against violence, insults, public curiosity, bodily injury, or any form of indecent assault

It specifically prohibits:

- Measures causing physical suffering, to include corporal punishment, and other measures of brutality

It specifies that disciplinary measures NOT:

- Be inhumane, brutal, or dangerous to health
- Include imprisonment in a place without daylight

The authorized disciplinary punishments include:

- Discontinuance of privileges granted over and above the treatment provided for by regulation
- Confinement, not to exceed 30 consecutive days

(Reference Annex M, Appendix 2, AR 190-8)

(c) (U) AR 190-12, Military Working Dog Program, notes that military police may potentially use dogs for EPW control, but limits their use against people to instances when the

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responsible commander determines it absolutely necessary and there have been reasonable efforts to use all lesser means of force. (Reference Annex M, Appendix 2, AR 190-12)

(d) (U) Procedural guidance, found in FM 3-19.40 and the MP Standard Operating Procedure (SOP) for Abu Ghraib (400th MP BN SOP for Camp Vigilant Detention Center), consistently follow directly from the DoD directives and the applicable ARs. The procedural guidance provides military police clear-cut guidance for permissible and impermissible practices during Internment Operations. (Reference Annex M, Appendix 3, FM 3-19.40; Annex J, Appendix 4, 400 MP BN SOP Camp Vigilant Detention Center)

(5) (U) Intelligence and Interrogation Policy Development.

(a) (U) National Policy.

(1) (U) US forces and intelligence officials deployed to Afghanistan and elsewhere to conduct military operations pursuant to GWOT. Specific regulatory or procedural guidance concerning either "humane" treatment or "abuse" was not available in the context of GWOT and the recently promulgated national policies. Military and civilian intelligence agencies, to include the 519th MI Battalion (519 MI BN) in late 2002, conducted interrogations in Afghanistan in support of GWOT. As a result, deployed military interrogation units and intelligence agencies in Afghanistan developed certain practices. Later, some of these same techniques surfaced as interrogation techniques in Iraq. Prior to these deployments, US Army interrogators used the doctrine found in FM 34-52. The 1992 FM was what military interrogators at Abu Ghraib were trained on, and it contained the techniques and the restrictions they had been taught. (Reference Annex M, Appendix 3; FM 34-52, Interrogation Operations, [1987 and 1992 versions])

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(5) (U) On 16 April 2003, SECDEF approved approaches for use on the Guantanamo "unlawful" combatants, as defined by the President's Military Order of 13 November 2001 and reiterated in the 7 February 2002 memorandum to DoD. Once this document was signed, it became policy at JTF-GTMO, and later became the bedrock on which the CJTF-7 policies were based. The first 18 approaches listed in the 16 April 2003 memo from the SECDEF all appear in the current, 1992, FM 34-52, except the Mutt-and-Jeff approach, which was derived from the superseded 1987 FM 34-52. The remaining approaches, similar to the ones identified in the OGC working group's memorandum derived from the CJTF-180 memorandum and the JTF-GTMO request, included:

- Change of Scenery Down
- Dietary Manipulation
- Environmental Manipulation
- Sleep Adjustment
- False Flag
- Isolation

Although approving all approaches for use, the SECDEF required that he be notified prior to implementing the following approaches:

Incentive/Removal of Incentive	Mutt and Jeff
Pride and Ego Down	Isolation

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(Reference Annex J, Appendix 2, Counter-Resistance Techniques)

(6) (U) No regulatory guidance exists for interrogators aside from DoD Directives 2310.1, DoD Program for Enemy Prisoners of War and Other Detainees and 5100.77, DoD Law of War Program. The most current interrogation procedural guidance is in the 1992 FM 34-52. (Reference Annex M, Appendix 1, DoD Directive 2310.1; Annex M, Appendix 1, DoD Directive 5100.77).

(b) (U) Development of Intelligence and Interrogation Policy in Iraq and Abu Ghraib.

(1) (U) In July 2003, the 519 MI BN, veterans of Afghanistan already at the BIAP facility, simultaneously conducted interrogations of the detainees with possible information of intelligence value and began to develop IROE for interrogators to meet the newly-focused mission. No known documentation exists concerning specific approaches and techniques used before September 2003.

(2) (S//NF)

(3) (U) Meanwhile, at Headquarters, CJTF-7, as the need for actionable intelligence rose, the realization dawned that pre-war planning had not included planning for detainee operations. Believing that FM 34-52 was not sufficiently or doctrinally clear for the situation in Iraq, CJTF-7 staff sought to synchronize detainee operations, which ultimately resulted in a methodology and structure derived from the JTF-GTMO system as presented by MG G. Miller. At the same time, LTG Sanchez directed that an interrogation policy be established that would address "permissible techniques and safeguards for interrogators" for use in Iraq. The CJTF-7

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staff relied heavily on the series of SOPs which MG G. Miller provided to develop not only the structure, but also the interrogation policies for detainee operations (Reference Annex B, Appendix 1, SANCHEZ).

(4) (U) On 10 September 2003, CPT Fitch, assigned to the 205 MI BDE as the Command Judge Advocate, was tasked by COL Marc Warren, the Staff Judge Advocate (SJA) for CJTF-7, to work with MAJ Daniel Kazmier and MAJ Franklin D. Raab from the CJTF-7 Office of the Staff Judge Advocate (OSJA) to produce a set of interrogation rules. The OSJA identified interrogation policies from the SECDEF 16 April 2003 memo for JTF-GTMO operations. OSJA provided CPT Fitch the 16 April 2003 SECDEF memorandum, which he copied almost verbatim onto a document entitled CJTF-7 Interrogation and Counter-Resistance Policy (ICRP). This document was developed without reference to the 519 MI BN's July 2003 and August 2003 memos. CPT Fitch sent the policy memo to the 519 MI BN for coordination, and the 519 MI BN added the use of dogs, stress positions, sleep management, sensory deprivation, and yelling, loud music and light control from its 27 August 2003 memo. The use of all the techniques was to apply to interrogations of detainees, security internees, and EPWs. CPT Fitch finalized the combined memo and sent it back to the CJTF-7 SJA. It also went to the CJ-2, CJ-3, and the Commander, 205 MI BDE, who until that point had apparently not been involved in drafting or approving the policy. (Reference Annex B, Appendix 1, FITCH, KAZMIER; Annex J, Appendix 3, CJTF-7 Interrogation and Counter-Resistance Policy, [1st Draft], Annex J, Appendix 3, CJTF-7 Interrogation and Counter-Resistance Policy, [2nd Draft])

(5) (U) Between 10 and 14 September 2003, the OSJA at CJTF-7 changed the 10 September 2003 memo to reflect the addition of the techniques that were not included in the JTF-GTMO policy; i.e., the use of dogs, stress positions, and yelling, loud music, and light control. Upon the guidance and recommendation of the SJA staff, it was decided that LTG Sanchez would approve the use of those additional methods on a case-by-case basis.

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(7) (S//NF)

(8) (S//NF)

(9) (S//NF)

(10) (U) The 12 October 2003 policy significantly changed the tone and substance of the previous policy. It removed any approach not listed in the 1987 FM 34-52. While acknowledging the applicability of the Geneva Conventions and the duty to treat all detainees humanely, it also cited Articles 5 and 78 noting specifically that those “detainees engaged in activities hostile to security of coalition forces had forfeited their Geneva Convention rights of communication.” It also included provisions found in the superseded 1987 FM 34-52 that authorized interrogators to control all aspects of the interrogation, “to include lighting, and heating, as well as food, clothing and shelter given to detainees.” This phrase was specifically left out of the 1992 version (See section 3a(2), above). The 12 October 2003 policy also deleted references to EPWs and specified the policy was for use on civilian security internees.

(11) (S//NF)

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(12) (S//NF)

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(14) ~~(S//NF)~~

(15) (U) On 16 October 2003, the JIDC Interrogation Operations Officer, CPT Carolyn A. Wood, produced an "Interrogation Rules of Engagement" chart as an aid for interrogators, graphically portraying the 12 October 2003 policy. It listed the approved approaches, and identified the approaches which had been removed as authorized interrogation approaches, which nonetheless could be used with LTG Sanchez's approval. The chart was confusing, however. It was not completely accurate and could be subject to various interpretations. For example, the approved approaches list left off two techniques which previously had been included in the list (the Pride and Ego Down approach and the Mutt and Jeff approach). The right side of the chart listed approaches that required LTG Sanchez's prior approval. What was particularly confusing was that nowhere on the chart did it mention a number of techniques that were in use at the time: removal of clothing, forced grooming, hooding, and yelling, loud music and light control. Given the detail otherwise noted on the aid, the failure to list some techniques left a question of whether they were authorized for use without approval. (Reference Annex J, Appendix 4, CJTF-7 IROE training card)

(16) (U) By mid-October, interrogation policy in Iraq had changed three times in less than 30 days. Various versions of each draft and policy were circulated among Abu Ghraib, 205 MI BDE, CJTF-7 C2, and CJTF-7 SJA. Anecdotal evidence suggests that personnel were confused about the approved policy from as early as 14 September 2003. The SJA believed that the 14 September 2003 policy was not to be implemented until CENTCOM approved it. Meanwhile, interrogators in Abu Ghraib began operating under it immediately. It was not always clear to JIDC officers what approaches required LTG Sanchez's approval, nor was the level of

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approval consistent with requirements in other commands. The JIDC October 2003 SOP, likewise created by CPT Wood, was remarkably similar to the Bagram (Afghanistan) Collection Point SOP. Prior to deployment to Iraq, CPT Wood's unit (A/519 MI BN) allegedly conducted the abusive interrogation practices in Bagram resulting in a Criminal Investigation Command (CID) homicide investigation. The October 2003 JIDC SOP addressed requirements for monitoring interrogations, developing detailed interrogation plans, delegating interrogation plan approval authority to the Interrogation Officer in Charge (OIC), and report writing. It failed to mention details concerning ICRP, approval requirements or procedures. Interrogators, with their section leaders' knowledge, routinely utilized approaches/techniques without obtaining the required authority, indicating confusion at a minimum of two levels of supervision. (Reference Annex J, Appendix 4, JIDC Interrogation SOP; Annex J, Appendix 4, CJTF-180 Bagram Collection Point SOP)

(17) (U) Concepts for the non-doctrinal, non-field manual approaches and practices clearly came from documents and personnel in Afghanistan and Guantanamo. The techniques employed in JTF-GTMO included the use of stress positions, isolation for up to thirty days, removal of clothing, and the use of detainees' phobias (such as the use of dogs) as the 2 December 2002 Counter-Resistance memo, and subsequent statements demonstrate. As the CID investigation mentioned above shows, from December 2002, interrogators in Afghanistan were removing clothing, isolating people for long periods of time, using stress positions, exploiting fear of dogs and implementing sleep and light deprivation. Interrogators in Iraq, already familiar with the practice of some of these new ideas, implemented them even prior to any policy guidance from CJTF-7. These practices were accepted as SOP by newly-arrived interrogators. Some of the CJTF-7 ICRPs neither effectively addressed these practices, nor curtailed their use. (Annex J, Appendix 2, Tab A, Counter-Resistance Techniques; Annex J, Appendix 2, Interrogation Techniques; Annex E, Appendix 4, CID Report)

(18) (~~S//REL TO USA and MCFI~~)

(6) (U) Other Regulatory Procedural Guidance

(a) (U) On 13 November 2001, the President issued a military order entitled the Detention, Treatment and Trial of Certain Non-Citizens in the War Against Terrorism. The

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order authorized US military forces to detain non-US citizens suspected of terrorism, and try them for violations of the law of war and other applicable laws. The order also authorized the SECDEF to detain individuals under such conditions he may prescribe and to issue related orders and regulations as necessary. (Reference Annex J, Appendix 1, Presidential Military Order)

(b) (~~S//NF~~)

(c) (U) The MP personnel and the MI personnel operated under different and often incompatible rules for treatment of detainees. The MPs referenced DoD-wide regulatory and procedural guidance that clashed with the theater interrogation and counter-resistance policies that the MI interrogators followed. Further, it appears that neither group knew or understood the limits imposed by the other's regulatory or procedural guidance concerning the treatment of detainees, resulting in predictable tension and confusion.

(d) (U) For instance, a MI order to strip a detainee as an interrogation process conflicted with the AR 190-8 directive to treat detainees with respect for their person and honor (Reference Annex M, Appendix 2, AR 190-8, paragraph 5-1a(2)); or to protect detainees against violence, insults, public curiosity, or any form of indecent assault (Reference Annex M, Appendix 2, AR 190-8, paragraph 5-1a(3)); and FM 3-19.40 (Reference Annex M, Appendix 3) (which specifically directs that internees will retain their clothing). A MI order to place a detainee in isolation violated the AR 190-8 directive to not imprison a detainee in a place without daylight (Reference Annex M, Appendix 2, AR 190-8, paragraph 6-11a(5)); to not confine for more than 30 consecutive days, (Reference Annex M, Appendix 2, AR 190-8, paragraph 6-12d(1)); and FM 3-19.40 which specifically directs that the facility commander must authorize any form of punishment. Finally, when interrogators ordered the use of dogs as an interrogation technique, the order violated the policy and intent of AR 190-12. (Reference Annex M, Appendix 2)

4. (U) Summary of Events at Abu Ghraib.

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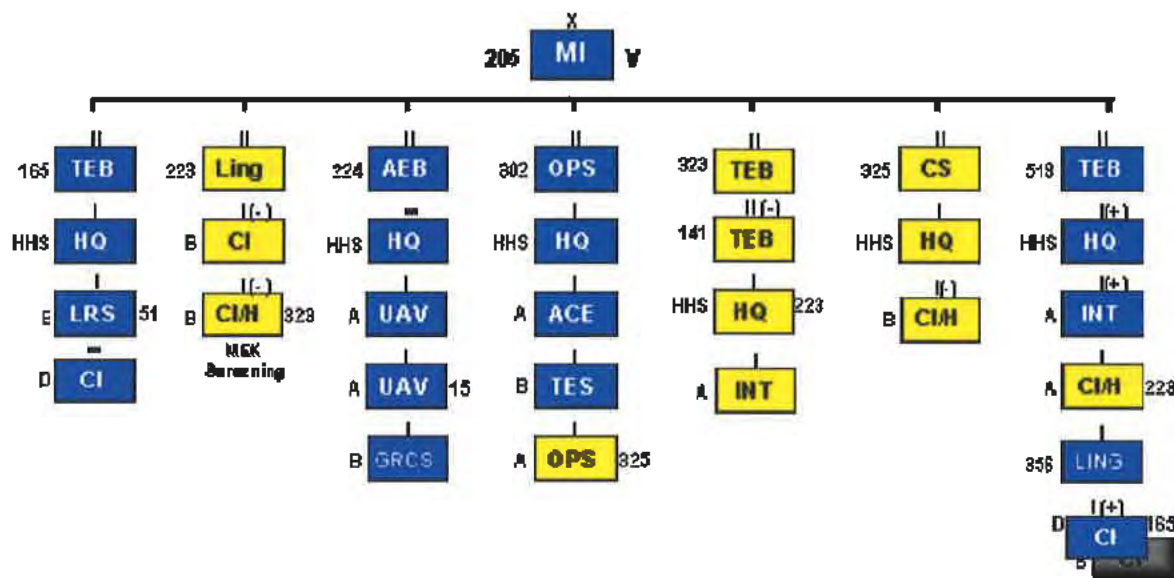
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a. (U) Military Intelligence Organization and Resources.

(1) (U) Task Organization.

(a) (U) The 205 MI BDE was organizationally, and geographically, the size of two MI Brigades. It was composed of four Active and three Reserve Battalions. The 205 MI BDE possessed no organic interrogation elements or personnel. All HUMINT assets (units and personnel) assigned to the 205 MI BDE were from other organizations. Major subordinate elements of the 205 MI BDE included three Tactical Exploitation Battalions (HUMINT and Counterintelligence), one Aerial Exploitation Battalion (Signal Intelligence [SIGINT]) and Imagery Intelligence (IMINT), an Operations Battalion (ANALYSIS), a Linguist Battalion (HUMINT Support) and a Corps Support Battalion (HUMINT). Elements of the Brigade were located throughout Iraq supporting a wide variety of combat operations. (Reference Annex H, Appendix 6, Tab C, 205 MI BDE Command Brief).



205th MI Brigade Task Organization (August 2003)

(b) (U) The 205 MI BDE Commander, COL Thomas Pappas, had a reputation for being an excellent MI officer with a great background and experience before being selected for command. He took command of the 205 MI BDE on 1 July 2003 while the unit was already deployed in Iraq. His performance as Brigade Commander prior to the Abu Ghraib incidents was "outstanding" according to his rater, MG Wojdakowski, DCG, V Corps/CJTF-7 (Reference Annex B, Appendix 1, WOJDAKOWSKI). LTG Sanchez also believed COL Pappas was an

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excellent and dedicated officer (Reference Annex B, Appendix 1, SANCHEZ). Other key members of COL Pappas's staff included MAJ Potter, Deputy Commander; MAJ M. Williams, Brigade Operations Officer (S-3); and CPT Fitch, Command Judge Advocate.

(2) (U) Resources.

(a) (U) As hostilities began to shift from a tactical fight to an insurgency, so did intelligence priorities. Iraq quickly became a HUMINT-focused environment in support of SASO with interrogation operations representing the intelligence 'Center of Gravity' (Reference Annex B, Appendix 1, SANCHEZ). Beginning in July 2003, demands placed upon interrogation operations were growing rapidly from both the tactical commanders as well as from the CJTF-7. The 205 MI BDE had the missions of providing Tactical HUMINT Teams (THT - small elements consisting of an interrogator, a linguist, and several combat arms Soldiers attached to maneuver elements to conduct tactical interrogations at "the point of the spear") to forward-deployed combat forces as well as operating a Joint Interrogation and Debriefing Center (JIDC).

(b) (U) As previously mentioned, the 205 MI BDE had no organic interrogation capability. Those assets were eliminated from the active force structure during the down-sizing of the Army in the 1990's. The interrogation assets available to COL Pappas when he first took Command were A/519 MI BN and interrogation sections from the 325th MI Battalion (325 MI BN), US Army Reserve (USAR), and 323rd MI Battalion (323 MI BN), USAR. Because both of the USAR units were significantly under strength before being deployed to Iraq, they received many Soldiers from other USAR units country-wide to fill up their ranks. This process is known as "cross-leveling." Although it has the benefit of filling the ranks, it has the disadvantage of inserting Soldiers into units shortly before deployment who had never trained with those units. The Soldiers did not know the unit. The unit and the unit leadership did not know the Soldiers. The Army has always stressed "you train as you fight." As COL Pappas began to focus his efforts on interrogation operations, all he had were disparate elements of units and individuals, including civilians, that had never trained together, but now were going to have to fight together.

(c) (U) Interestingly, and as a matter of comparison, Iraqi Survey Group (ISG) interrogation operations of high-level detainees at BIAP suffered no such shortages of interrogators. Roughly the same level of personnel supported the ISG interrogation operations at BIAP, even though the ISG facility had an order of magnitude less of detainees of intelligence interest to exploit than did the 205 MI BDE (100 at BIAP vs. over a 1000 at Abu Ghraib). Unfortunately, these much needed resources were unavailable for support to critical CJTF-7 mission needs (Reference Annex B, Appendix 1, SANCHEZ).

(d) (U) The number of interrogators initially assigned to the 205 MI BDE was sufficient for a small detainee population of only several hundred. In late July 2003, only 14 interrogation

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personnel were present in the 205 MI BDE to support interrogation operations at Abu Ghraib. All of these personnel were from one unit – A/519 MI BN. By December 2003, Abu Ghraib (the JIDC) had approximately 160 205 MI BDE personnel with 45 interrogators and 18 linguists/translators assigned to conduct interrogation operations. These personnel were from six different MI battalions and groups – the 519 MI BN, the 323 MI BN (USAR), the 325 MI BN (USAR), the 470th MI Group (470 MI GP), the 66th MI Group (66 MI GP), the 500th MI Group (500 MI GP). Additional resources in the form of interrogators from one MTT consisting of analysts and interrogators, and at just about the same time, three "Tiger Teams" consisting of six personnel from JTF-GTMO, came to Abu Ghraib to assist in improving interrogation operations (See paragraph 4.j.(2)). Still short of resources, the Army hired contract interrogators from CACI International, and contract linguists from Titan Corporation in an attempt to address shortfalls (See paragraph 4.g.). Some units, such as the A/519 MI BN, had personnel who had been deployed to combat operations in theater in excess of 400 days so they also faced a rotation of selected personnel home with the resulting personnel turmoil.

b. (U) Establishment of the Prison at Abu Ghraib.

(1) (U) The Coalition Provisional Authority (CPA) made the initial decision to use Abu Ghraib Prison as a criminal detention facility in May 2003 (Reference Annex B, Appendix 1, SANCHEZ). Abu Ghraib began receiving criminal prisoners in June 2003. There were no MI Holds or security detainees in the beginning. All such categories of detainees were sent to Camp Cropper (located at BIAP) or to the other existing facilities throughout the country such as Camp Bucca (Reference Annex F, Appendix 1, AG Overhead Photo).

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(3) (U) The Hard Site permanent building facilities at Abu Ghraib were not open for occupancy until 25 August 2003. The opening of the Hard Site was important because it marked the beginning of the serious abuses that occurred. CPT Wood, A/519 MI BN, believed that, based on her experience, the availability of an isolation area to house detainees determined to be of MI value would enhance results. She initiated the request through the 205 MI BDE to CPA for use of part of the Hard Site building for that purpose. Her request received strong support from the 205 MI BDE, specifically from its Operations Officer, MAJ Williams. The 519 MI BN was then granted use of Tier 1A (Reference Annex F, Appendix 1, AG Overview Briefing for diagram) to house detainees.

c. (U) Detention Operations and Release Procedures

(1) (~~S//NF~~)

(2) (~~S//NF~~)

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(3) (~~S//NF~~)

(4) (~~S//NF~~)

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(6) (U) The problems cited above contributed significantly to the overcrowding at Abu Ghraib. Overcrowding was even further exacerbated with the transfer of detainees from Camp Bucca to Abu Ghraib. The physical plant was totally inadequate in size and the construction and renovations that were underway were incomplete. Scarcity of resources – both personnel and equipment – to conduct effective confinement or interrogation operations made the situation worse.

(7) (U) There was general consensus (Reference Annex B, Appendix 1, FAST, CIVILIAN-12, LYONS, WOOD, SOLDIER14, SANCHEZ) that as the pace of operations picked up in late November – early December 2003, it became a common practice for maneuver elements to round up large quantities of Iraqi personnel in the general vicinity of a specified target as a cordon and capture technique. Some operations were conducted at night resulting in some detainees being delivered to collection points only wearing night clothes or under clothes. SGT Jose Garcia, assigned to the Abu Ghraib Detainee Assessment Board, estimated that 85% - 90% of the detainees were of no intelligence value based upon board interviews and debriefings of detainees. The Deputy C2X, CJTF-7, CIVILIAN-12, confirmed these numbers. (Reference Annex B, Appendix 1, GARCIA, CIVILIAN-12). Large quantities of detainees with little or no intelligence value swelled Abu Ghraib's population and led to a variety of overcrowding difficulties. Already scarce interrogator and analyst resources were pulled from interrogation operations to identify and screen increasing numbers of personnel whose capture documentation was incomplete or missing. Complicated and unresponsive release procedures ensured that these detainees stayed at Abu Ghraib – even though most had no value.

(8) (U) To make matters worse, Abu Ghraib increasingly became the target of mortar attacks (Reference Annex F, Appendix 3 shows an image of mortar round strikes at Abu Ghraib prior to February 2004 and the times of mortar strikes from January-April 2004) which placed detainees – innocent and guilty alike – in harms way. Force protection was a major issue at Abu Ghraib. The prison is located in a hostile portion of Iraq, adjacent to several roads and highways, and near population centers. BG Karpinski recognized Abu Ghraib's vulnerabilities and raised these concerns frequently to both MG Wojdakowski and LTG Sanchez (Reference Annex B, Appendix 1, KARPINSKI). LTG Sanchez was equally concerned with both the inherent vulnerability of Abu Ghraib and frustrated with the lack of progress in establishing even rudimentary force protection measures and plans (Reference Annex B, Appendix 1, SANCHEZ). LTG Sanchez directed that measures be taken to improve the force protection situation even to the point of having the 82nd Airborne Division Commander meet with Abu Ghraib officers concerning the issue. But, little progress was made and the mortar attacks continued. In an effort to improve force protection at Abu Ghraib, LTG Sanchez directed COL Pappas assume Tactical Control (TACON) of the Abu Ghraib Forward Operating Base (FOB) (Reference Annex H, Appendix 1, FRAGO 1108) on 19 November 2003. COL Pappas devoted considerable energy to improving security, even to the point of bringing a subordinate battalion commander to Abu

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Ghraib to coordinate force protection plans and operations. In spite of these efforts, the mortar attacks continued and culminated in an attack in April 2004 killing 22 detainees and wounding approximately 80 others, some seriously. This highlights the critical need for adequate force protection for a detainee center.

(9) (U) The Security Internee Review and Appeal Board was established on 15 August 2003. It served as the release authority for security internees and/or those on MI Hold who were deemed to be of no security threat or (further) intelligence value. It consisted of three voting members - the C2, CJTF-7 (MG Fast), the Commander 800 MP BDE (BG Karpinski), and the CJTF-7 SJA (COL Warren), and two non-voting members (a SJA recorder and a MI assistant recorder). When first instituted, it was to meet on an "as required" basis; however, it appeared to be difficult to balance the schedules of three senior officers and the necessary support staff on a recurring, regular basis. Due to poor record keeping, accurate detainee release statistics are not available. We do know that by 2 October 2003, only 220 files had been reviewed by the board (Reference Annex H, Appendix 9, 031002 Oct CJTF7 JA Memo for CG). A preliminary screening board (Appellate Review Panel) at a level of authority below the General Officers on the Security Internee Review and Appeal Board was established to speed up the review of files by the General Officers. In the October - November 2003 timeframe, only approximately 100 detainee files a week were considered for release (Reference Annex B, Appendix 1, SUMMERS). As the detainee population increased, it became necessary to have the meetings on a much more frequent basis - initially twice a week. In the January 2004 timeframe, the board was meeting six times a week (Reference Annex B, Appendix 1, FAST). By February 2004, a standing board was established to deal with the ever increasing backlog. Even with more frequent meetings, the release of detainees from Abu Ghraib did not keep pace with the inflow. BG Karpinski believed that MG Fast was unreasonably denying detainees' release. By 11 January 2004, 57 review boards had been held and 1152 detained personnel had been released out of a total of 2113 considered. From February 2004 on, the release flow increased. (Reference Annex C, Appendix 1, Tab B, Annex 104)

(10) (U) As of late May 2004, over 8500 detainees had been reviewed for release, with 5300 plus being released and 3200 plus being recommended for continued internment. (Reference Annex H, Appendix 9, CJTF-7 C2X email). Even those that were initially deemed of no intelligence value and those that had been drained of intelligence information were not released on a timely basis - not as the result of any specific policy, but simply because the system that supported the release board (screening, interviews, availability of accurate records, and coordination) and the release board itself could not keep up with the flow of detainees into Abu Ghraib. Even with these long release delays (often 6 months and longer), there were concerns between the intelligence and tactical sides of the house. Combat Commanders desired that no security detainee be released for fear that any and all detainees could be threats to coalition forces. On occasion, Division Commanders overturned the recommendations of

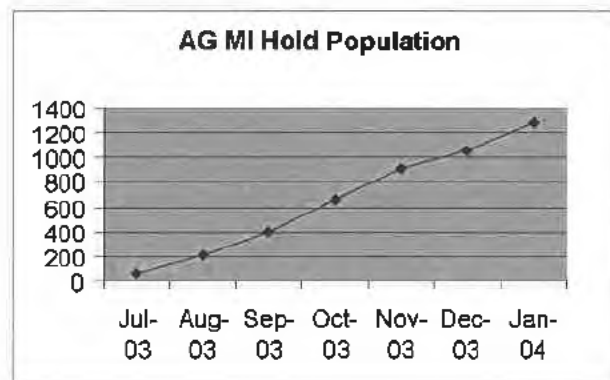
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Division Staffs to release some detainees at the point of capture (Reference Annex B, Appendix 1, PHILLABAUM). The G2, 4 ID informed MG Fast that the Division Commander did not concur with the release of any detainees for fear that a bad one may be released along with the good ones. MG Fast described the 4ID's response to efforts to coordinate the release of selected detainees, "...we wouldn't have detained them if we wanted them released." (Reference Annex B, Appendix 1, FAST, CIVILIAN-12). MG Fast responded that the board would ultimately release detainees if there was no evidence provided by capturing units to justify keeping them in custody.

(11) (U) The chart below depicts the rise in detainee 'MI Hold' population (those identified by the "system" to be deemed of intelligence interest) (Reference Annex H, Appendix 5). SOLDIER-14, the officer at Abu Ghraib primarily responsible for managing collection requirements and intelligence reporting, estimated that only 10-15% of the detainees on MI Hold were of actual intelligence interest. (Reference Annex B, Appendix 1, SOLDIER-14)



(12) (U) Interrogation operations in Abu Ghraib suffered from the effects of a broken detention operations system. In spite of clear guidance and directives, capturing units failed to perform the proper procedures at the point-of-capture and beyond with respect to handling captured enemy prisoners of war and detainees (screening, tactical interrogation, capture cards, sworn statements, transportation, etc.). Failure of capturing units to follow these procedures contributed to facility overcrowding, an increased drain on scarce interrogator and linguist resources to sort out the valuable detainees from innocents who should have been released soon after capture, and ultimately, to less actionable intelligence.

d. (U) Establishment of MP Presence at Abu Ghraib. The first Army unit to arrive was the 72nd MP Company (72 MP CO), Nevada Army National Guard. When first assigned to Abu Ghraib, the 72 MP CO was a subordinate unit of the 400th MP Battalion (400 MP BN)

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headquartered at BIAP. The 320th MP Battalion (320 MP BN) advance party was the next to arrive at Abu Ghraib on 24 July 2003. The rest of the 320 MP BN Headquarters, commanded by LTC Phillabaum arrived on 28 July 2003. With the 320 MP BN came one of its subordinate units, the 447th MP Company (447 MP CO). The 72 MP CO was then reassigned from the 400 MP BN to the 320 MP BN. The next unit to arrive was the 229th MP Company (229 MP CO) on or about 3 August 2003. On 1 October 2003, SSG Frederick, CPL Graner and other MPs who have allegedly abused detainees, arrived as part of the 372 MP CO. The rest of the 320 MP CO arrived in late October 2003, followed by the 870th MP Company (870 MP CO) and 670 MP Company (670 MP CO) on approximately 14 November 2003.

e. (U) Establishment of MI Presence at Abu Ghraib.

(1) (U) The first MI unit to arrive at Abu Ghraib was a detachment from A/519 MI BN on 25 July 2003. The person in charge of that contingent was 1SGT McBride. Soldiers from the 519 MI BN had been sent there to prepare for OVB. CPT Wood arrived at Abu Ghraib on 4 August 2003 to assume the duties of Interrogation Operations OIC. MAJ Thompson arrived on or about 10 September 2003 along with elements of the 325 MI BN. MAJ Thompson was sent by COL Pappas to set up the JIDC at Abu Ghraib. LTC Jordan arrived at Abu Ghraib on 17 September 2003 to become the Director of the JIDC. MAJ Price and elements of the 323 MI BN arrived at the end of September 2003. MAJ Price had been the OIC of the interrogation operation at Camp Bucca. He became the Operations Officer of the JIDC, working closely with MAJ Thompson and CPT Wood. Most of the personnel from the 323 MI BN element that arrived with MAJ Price were used as the Headquarters element and did not directly participate in interrogations.

(2) (U) Civilian CACI contract interrogators began to arrive in late September 2003. There are a number of shortfalls connected to this issue (See paragraph 4.g., below). It was another complicating factor with respect to command and control. CPT Wood relied on the CACI site manager, CIVILIAN-18, to interview contractors as they arrived and to assign them based on his interviews. She knew little of their individual backgrounds or experience and relied on "higher headquarters" to screen them before arrival. Such screening was not occurring.

(3) (U) During October 2003, in addition to the elements of the already mentioned MI units and the Titan and CACI civilians, elements of the 470 MI GP, 500 MI GP, and 66 MI GP appeared. These units were from Texas, Japan, and Germany, and were part of the US Army Intelligence and Security Command (INSCOM), which tasked those subordinate units to send whatever interrogator and analyst support they had available. MAJ Thompson rotated back to the US on 15 November 2003. CPT Wood left on emergency leave on 4 December 2003 and never returned. MAJ Price, then, was the only commissioned officer remaining in the Operations Section.

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(4) (U) It is important to understand that the MI units at Abu Ghraib were far from complete units. They were small elements from those units. Most of the elements that came to Abu Ghraib came without their normal command structure. The unit Commanders and Senior NCOs did not go to Abu Ghraib but stayed with the bulk of their respective units. The bringing together of so many parts of so many units, as well as civilians with very wide backgrounds and experience levels in a two month time period, was a huge challenge from a command and control perspective.

f. (U) Establishment, Organization, and Operation of the Joint Interrogation Debriefing Center (JIDC)

(1) (U) The idea for the creation of the JIDC came about after a number of briefings and meetings were held among LTG Sanchez, MG Fast, COL Pappas, and COL Steven Boltz, Assistant C2, CJTF-7. These meetings and briefings occurred about mid-August 2003 through early September 2003. They partially coincided with MG G. Miller's arrival from GTMO. He and his team provided an assessment of detainee operations in Iraq from 31 August to 9 September 2003 (See Paragraph 4.j.(1)). MG G. Miller's discussions with the CJTF personnel and the 205 MI BDE personnel influenced the decision to create a JIDC and how it would be organized, but those discussions were already underway before his arrival. The objective for the establishment of the JIDC was to enhance the interrogation process with a view toward producing better, timelier, actionable intelligence (actionable intelligence provides commanders and Soldiers a high level of situational understanding, delivered with speed, accuracy, and timeliness, in order to conduct successful operations).

(2) (U) On 6 September 2003, COL Pappas briefed LTG Sanchez on a plan to improve interrogation operations resulting from a 31 August 2003 meeting (Reference Annex H, Appendix 10). LTG Sanchez approved the concept and directed COL Pappas to accelerate all aspects of the plan. This decision established the JIDC and modified previous interrogation operations at Abu Ghraib. COL Pappas decided when standing up the JIDC not to make it a battalion operation (Reference Annex B, Appendix 1, WILLIAMS), therefore deciding not to place one of his battalion commanders in charge of the JIDC but instead rely upon staff personnel to manage the entire operation. The current operation would be transitioned to a JIDC by personnel already assigned at Abu Ghraib with additional manning provided by the consolidation of security detainee interrogation operations from other locations (e.g., Camp Cropper). LTC Jordan would become the Director of the JIDC on 17 September 2003. Other key JIDC personnel included CPT Wood (OIC ICE), MAJ Thompson (JIDC Operations Officer), MAJ Price (JIDC Operations Officer), SOLDIER-14 and SOLDIER-23 (Interrogation Technicians). CJTF-7 decided to use the JTF-GTMO Tiger Team concept which uses an interrogator, an intelligence analyst, and an interpreter on each team. A re-organization of the

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JIDC took place in the late September to October 2003 timeframe which divided Tiger Teams into functional categories.

(3) (U) The reorganization introduced another layer of complexity into an already stressed Abu Ghraib interrogation operations environment. The Tiger Team worked well at GTMO. JTF-GTMO's target population and mission, however, were different from what was faced in Iraq. The Tiger Team method was designed to develop strategic level information from the GTMO detainees who were primarily captured in Afghanistan. By the time they reached GTMO any tactical value they may have had was gone. The same is true for Abu Ghraib relative to Iraq. The best place to collect tactical intelligence from interrogations is at the tactical level. Tactical intelligence is the most perishable, and the faster you harvest it the more useful it will be to help that tactical unit. JIDC personnel at Abu Ghraib believed the thirst for intelligence reporting to feed the national level systems was driving the train. There was then a focus to fill that perceived void and feed that system. LTG Sanchez did not believe significant pressure was coming from outside of CJTF-7, but does confirm that there was great pressure placed upon the intelligence system to produce actionable intelligence (Reference Annex B, Appendix 1, SANCHEZ). The Tiger Team concept should have only been used at Abu Ghraib for any high value targets identified. Those targets should receive careful planning and preparation, and be interrogated by the most experienced interrogators, analysts, and interpreters. Using a Tiger Team at Corps (the JIDC) for developing tactical intelligence did not work.

(4) (U) The JIDC is a non-doctrinal organization. Initially, there was no joint manning document for the JIDC (though one was developed by the 205 MI BDE over time and was submitted to CJTF-7). There was no approved structure for the JIDC. The manning document was being created as the JIDC was already operating (Reference Annex B, Appendix 1, WILLIAMS, Maurice). Because there is no JIDC doctrine (or training), procedures were ad hoc in nature – adapted from FM 34-52 where possible, though most processes and procedures were developed on the fly based upon the needs of the situation. The organization of the JIDC changed often (Reference Annex H, Appendix 6, Tab B) and contributed to the general state of turmoil at Abu Ghraib. Interrogators were not familiar with the new working arrangements (e.g., working with analysts) and were only slightly trained on the conduct of interrogations using translators. Note that most interrogators are only trained in conducting tactical interrogations in a conventional war environment (See paragraph 3.b.(3)). In spite of this turmoil, lack of training and doctrine, and shortages, the JIDC did mature over time and improved intelligence production derived from interrogations at Abu Ghraib.

(5) (U) Early in the formation of the JIDC, COL Pappas requested COL Boltz provide him with a Lieutenant Colonel to run the new organization because the responsibilities would require someone of that rank and commensurate experience. LTC Jordan had just arrived in Iraq four days earlier. He was originally sent to be COL Boltz's Deputy C2 but then a decision was made

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to upgrade the C2 position from a COL to a MG. MG Fast was sent to CJTF-7 to be the C2, COL Boltz became the Deputy C2 and LTC Jordan became excess. Since LTC Jordan was available, COL Boltz assigned him to Abu Ghraib to run the JIDC. COL Boltz expected LTC Jordan to report to COL Pappas because COL Pappas had command responsibility for the JIDC. LTC Jordan was assigned to the JIDC verbally. He states that he never received orders (Reference Annex B, Appendix 1, JORDAN, BOLTZ).

(6) (U) There is a significant difference between what LTC Jordan claims he was told when he was sent to Abu Ghraib and what COL Pappas and COL Boltz say he was told. LTC Jordan says he was sent to be a "liaison" officer between CJTF-7 and the JIDC. COL Pappas and COL Boltz say he was sent there to be in charge of it. Reference to titles is useless as a way to sort through this because there was no actual manning document for reference; people made up their own titles as things went along. Some people thought COL Pappas was the Director; some thought LTC Jordan was the Director. A major shortcoming on the part of COL Pappas and LTC Jordan was the failure to do a formal Officer Evaluation Report (OER) support form, Department of Army (DA) Form 67-8-1, to clearly delineate LTC Jordan's roles and responsibilities. It is clear that both had their own ideas as to roles and responsibilities, and an initial goal-setting session formalized via the support form would have forced both parties to deal in specifics. Such sessions are frequently done after the fact; especially in stress-filled combat situations. The less organized the situation, however, the more such a process is needed in order to sort out the boundaries and lanes in the road. Abu Ghraib was certainly a place and a situation that required both clear boundaries and clear lanes in the road. LTC Jordan did provide a support form that he said he did some weeks after his assignment to Abu Ghraib and which he sent to COL Boltz. COL Boltz claims he never received it. LTC Jordan never received a signed copy back from COL Boltz and never followed up to get one. Even if LTC Jordan had sent the support form a few weeks later as he states, it was by then too late. The confusion/damage had been done. The early stages of the Abu Ghraib operation were the most critical to the disastrous end results (Reference Annex B, Appendix 1 BOLTZ, PAPPAS, JORDAN).

(7) (U) The preponderance of evidence supports the COLs Pappas/Boltz position that LTC Jordan was sent to run the JIDC. (Reference Annex B, Appendix 1, PAPPAS and BOLTZ). MAJ M. Williams, Operations Officer of the 205 MI BDE, and MAJ L. Potter, Deputy Commander of the 205 MI BDE, were adamant that LTC Jordan was sent for that reason. LTC Phillabaum believed LTC Jordan was in charge once he arrived at Abu Ghraib and started dealing directly with him. In all but one important aspect, interrogation operations, LTC Jordan began to act as if he were in charge.

(8) (U) As is now evident, LTC Jordan was a poor choice to run the JIDC. He was a Civil Affairs officer. He was an MI officer early in his career, but transferred to Civil Affairs in 1993. The MI experience he did have had not been in interrogation operations. LTC Jordan left the

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actual management, organization, and leadership of the core of his responsibilities to MAJ Thompson and CPT Wood. The reality of the situation was that MAJ Thompson and CPT Wood were overwhelmed by the huge demands of trying to organize, staff, equip, and train the JIDC while at the same time answering incessant requests for information from both the 205 MI BDE as well as from CJTF-7. What the JIDC needed in the beginning, more than ever, was a trained, experienced MI LTC. COL Pappas was correct in his assessment of what was required. In the critical early stages of the JIDC, as it was being formed, Abu Ghraib needed a LTC to take total control. The need was for a leader to get the JIDC organized, to set standards, enforce discipline, create checks and balances, establish quality controls, communicate a zero tolerance for abuse of detainees, and enforce that policy by quickly and efficiently punishing offenders so that the rest of the organization clearly understood the message. Well-disciplined units that have active, involved leaders both at the NCO and Officer level are less likely to commit abuses or other such infractions. If such instances do occur, they are seldom repeated because those leaders act aggressively to deal with the violators and reemphasize the standards (Reference Annex B, Appendix 1, BOLTZ, PAPPAS, JORDAN).

(9) (U) LTC Jordan gravitated to what he knew, and what he was comfortable with, rather than filling the void noted above. He was actually a very hard working officer who dedicated himself to improving life for all of the Soldiers at Abu Ghraib. He is physically brave, volunteered for Iraq, and was wounded in action at Abu Ghraib during the mortar attack on 20 September 2003. He addressed shortcomings in the mess situation, lack of exercise equipment, protective gear, living conditions, and communications. He also enforced stricter adherence to the uniform policies and the wearing of protective gear by Soldiers and contractors. Many of the Soldiers that we spoke to, both MPs and MI, considered LTC Jordan the "go to guy" to get the types of things just enumerated done. BG Karpinski even remarked once to LTC Jordan during one of her visits "Do you ever sleep?" (Reference Annex B, Appendix 2, KARPINSKI). Unfortunately, all of the issues he was addressing should have been left to the staffs of the 205 MI BDE and the 320 MP BN. He was not the FOB Commander. LTC Phillabaum was the FOB Commander until the 19 November 2003 FRAGO. (Annex B, Appendix 1, JORDAN).

(10) (U) LTC Jordan became fascinated with the "Other Government Agencies," a term used mostly to mean Central Intelligence Agency (CIA), who were operating at Abu Ghraib. The OGA "Ghost Detainee" issue (housing of detainees not formally accounted for) was well known within both the MI and MP communities and created a mystique about what "they" were doing (See paragraph 4.h.). LTC Jordan allowed OGA to do interrogations without the presence of Army personnel (Reference Annex B, Appendix 1, WOOD, THOMPSON, and PRICE). Prior to that time, JIDC policy was that an Army interrogator had to accompany OGA if they were interrogating one of the detainees MI was also interrogating. As noted above, LTC Jordan was little involved in the interrogation operations, but in this aspect he did become involved and it did not help the situation. The lack of OGA adherence to the practices and procedures

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established for accounting for detainees eroded the necessity in the minds of Soldiers and civilians for them to follow Army rules.

(11) (U) LTC Jordan and ten other Soldiers were wounded in the mortar attack that occurred on 20 September 2003. Two Soldiers died in that attack. LTC Jordan was extremely traumatized by that attack, especially by the two deaths and the agony suffered by one of those Soldiers before his death. He was still very emotional about that attack when interviewed for this investigation on 27 May 2004. He said he thinks about the attack and the deaths daily. That attack also had an impact on a number of other Soldiers at Abu Ghraib as did the very frequent mortar attacks that occurred at Abu Ghraib during this entire period. The Soldiers' and civilians' morale at Abu Ghraib suffered as the attacks continued. Additionally, there was a general feeling by both MI and MP personnel that Abu Ghraib was the forgotten outpost receiving little support from the Army. (Reference Annex F, Appendix 3, Mortar Attacks). The frequency of these attacks and the perceived lack of aggressive action to prevent them were contributing factors to the overall poor morale that existed at Abu Ghraib.

(12) (U) COL Pappas perceived intense pressure for intelligence from interrogations. This began soon after he took Command in July 2003. In fact, as the time progressed from July 2003 through January 2004, interrogation operations at Abu Ghraib became the central focus of his efforts despite the fact that he was in command of the entire MI Brigade. That pressure for better results was passed from COL Pappas to the rest of the JIDC leadership (including MAJ Thompson, MAJ Price, CPT Wood, SOLDIER-23, and SOLDIER-14) and from them to the interrogators and analysts operating at Abu Ghraib. Pressure consisted in deviation from doctrinal reporting standards (pressure to report rapidly any and all information in non-standard formats such as Interrogator Notes in lieu of standard intelligence reports), directed guidance and prioritization from "higher," outside of doctrinal or standard operating procedures, to pursue specific lines of questioning with specific detainees, and high priority 'VFR Direct' taskings to the lowest levels in the JIDC. This pressure should have been expected in such a critical situation, but was not managed by the leadership and was a contributing factor to the environment that resulted in abuses. (Reference Annex B, Appendix 1, PAPPAS, BOLTZ, LYONS, WOOD, JORDAN, WILLIAMS, Maurice, POTTER, THOMAS, PRICE; and Annex B, Appendix 2, FAST, GEOFFREY MILLER, THOMAS MILLER).

(13) (U) The most critical period of time for Abu Ghraib was when COL Pappas committed a critical error in judgment by failing to remove LTC Jordan as soon as his shortcomings were noted, on approximately 10 October 2003. Very shortly after LTC Jordan's arrival at Abu Ghraib, on or about 17 September 2003, the 205 MI BDE Staff began to note LTC Jordan's involvement in staff issues and his lack of involvement in interrogation operations. The situation as described above would have been a daunting challenge for the most experienced, well trained, MI Officer. COL Pappas knew LTC Jordan was not who was needed to fulfill the JIDC

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functions early on, but nevertheless chose to see if LTC Jordan could work out over time. COL Pappas made more frequent visits during this time period both because he was receiving increasing pressure for results but also because he could not rely on LTC Jordan to run the entire operation.

(14) (U) As pointed out clearly in the MG Taguba report, MP units and individuals at Abu Ghraib lacked sufficient training on operating a detainment/interrogation facility. MI units and individuals also lacked sufficient, appropriate, training to cope with the situation encountered at Abu Ghraib (See Paragraph 3.b.(4)). An insurgency is HUMINT intensive. The majority of that HUMINT comes from interrogations and debriefings. Yet at the JIDC, which was set up to be the focal point for interrogation operations, there was only one officer, CPT Wood, with significant interrogation operations experience. There were four MI Warrant Officers but all were used for staff functions rather than directly supervising and observing interrogations. There was a shortage of trained NCOs at the E-7/E-6 level. Each Section Leader had four or five Tiger Teams, too many to closely observe, critique, counsel, consult, and supervise. One Section Leader was an E-5. Several of the interrogators were civilians and about half of those civilians lacked sufficient background and training. Those civilians were allowed to interrogate because there were no more military assets to fill the slots. (Reference Annex B, Appendix 1, PAPPAS). Such a mixture together with constant demands for reports and documentation overwhelmed the Section Leaders. The analysts assigned to Tiger Teams were not all trained 96Bs, but were a mixture of all available intelligence Military Occupational Specialties (MOS). Many of those assigned as analysts had never been trained nor had they ever served as analysts.

(15) (U) Guard and interrogation personnel at Abu Ghraib were not adequately trained or experienced and were certainly not well versed in the cultural understanding of the detainees. MI personnel were totally ignorant of MP lanes in the road or rules of engagement. A common observation was that MI knew what MI could do and what MI couldn't do; but MI did not know what the MPs could or could not do in their activities. The same was true of MP ignorance of MI operational procedures. Having two distinct command channels (MI and MP – see Command and Control) in the same facility with little understanding of each other's doctrinal and regulatory responsibilities caused uncertainty and confusion. There was a perception among both MI and MP personnel that the other group was not doing its fair share in mutually supportive tasks of running the physical plant. CIVILIAN-12 (Assistant CJTF-7 C2X) observed that confusion seemed to be the order of the day at Abu Ghraib. There was hostility between MI and MP personnel over roles and responsibilities (Reference Annex B, Appendix 1, CIVILIAN-12). There was a distinct lack of experience in both camps. Except for some of the Reserve Component MPs who had civilian law enforcement experience, most of the MPs were never trained in prison operations. Because of the shortage of MPs, some MI personnel had to assume detainee escort duties, for which they received only the most rudimentary training.

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(16) (U) Abu Ghraib rapidly evolved from a tactical interrogation operation in July 2003 to a JIDC beginning in September 2003. Doctrine, SOPs, and other tactics, techniques and procedures (TTP) for a JIDC were initially non-existent. The personnel manning the JIDC came from numerous units, backgrounds, and experiences. Equipment such as computers, software, IT infrastructure (networks, data storage), and connectivity to relevant intelligence data bases was very limited. Even file cabinets were in short supply which resulted in lost documents. One JIDC Soldier stated, "I can believe them (files for requests for exceptions to policy) getting lost because we often lost complete files. Our filing system was not the best. We did not have serviceable file cabinets and teams were given approval to place files in cardboard boxes." (Reference Annex B, Appendix 1, ADAMS) Initially there was only one computer available for every four interrogators. Ad hoc data bases were built, employed, and modified as requirements dictated. Data connectivity between interrogators and analysts was established using "thumb drives." Forms, intelligence products, and database formats came and went based upon their immediate utility – many times dictated by the changing structure of the JIDC itself as directed by leadership. Critical records regarding each detainee were located in several electronic and hardcopy locations – the operations officers maintained some files, others were maintained by section leaders, others by collection management personnel, and others by Detainee Release Board (DRB) personnel. Some interrogation related information was recorded on a whiteboard which was periodically erased. No centralized management system existed to manage interrogation operations. One result was that detainee records critical to the evaluation of prisoners for a variety of reasons (for intelligence value assessment, release, medical evaluation, etc.) were difficult to find or construct. MP records at Abu Ghraib were equally primitive. These documentation shortfalls not only hindered effective interrogation operations and information sharing, but also hindered the ability of the Security Internee Review and Appeal Board (which relied upon records reviews to make decisions to release or retain detainees). As addressed earlier, many detainees arrived at Abu Ghraib with little or no documentation from capturing units. Follow-on records maintained by the MP and MI personnel at Abu Ghraib would be sparse if the detainee had not been thoroughly interrogated. DRBs were reluctant to release a detainee if they knew little about him. MG Fast noted that one detainee file that was reviewed by the release board was completely empty. Even detainee medical records that should have been created and stored (Reference Annex H, Appendix 8) were not maintained appropriately. Medical doctors on site at Abu Ghraib claim that excellent medical records were maintained on detainees (Reference Annex B, Appendix 1, ACKERSON). Only a few detainee medical records could be found, indicating that they are not being maintained IAW AR 40-66 (Medical Records Administration and Healthcare Documentation).

g. (U) Contract Interrogators and Linguists

(1) (U) Contracting-related issues contributed to the problems at Abu Ghraib prison. Several of the alleged perpetrators of the abuse of detainees were employees of government

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contractors. Two contractual arrangements were involved: one with CACI, for interrogators and several other intelligence - related occupational categories; and one with BTG, for linguists. Since 28 November 2001, BTG has been part of Titan Corporation. The contract is still in the name of BTG. Most people have referred to it as the Titan Contract. A brief description of these two contractual arrangements follows:

(a) (U) Linguist contract- Titan, Inc. - Contract DASC01-99-D-0001.

[1] (U) The need to supplement the Army's capacity for linguists was first raised to the Vice Chief of Staff of the Army in a 1997 "Foreign Language Lay down." It was proposed to establish a contract with the private sector to provide linguists, as needed, for contingencies and current intelligence operations.

[2] (U) As a result of this perceived need, INSCOM awarded Contract DASC01-99-D-0001 to Titan, in March 1999. The contract called for Titan initially to develop a plan to provide and manage linguists throughout the world, and later, implement the plan as required. The contract called for three levels of linguists- some were required to obtain security clearances and some were not. The linguist candidates were subject to some level of background investigations, based on individual requirements for security clearances. Since the award of the contract, hundreds of linguists have been provided, with generally positive results. It is noted that the contract calls for translation services only, and makes no mention of contractor employees actually conducting interrogations. Since the statement of work is limited to translation services, the linguists apparently were not required to review and sign the IROE at Abu Ghraib. A recent review of the contract indicated that the current contract ceiling is approximately \$650 Million. Other agencies can order linguist services under this contract. For the most part, the ordering activity also provides the funds for these delivery orders. The contract contains a clause that allows the Contracting Officer to direct the contractor to remove linguists from the theater in which they are performing. This clause has been invoked on occasion for misconduct.

(b) Interrogator contract-CACI, Inc.

[1] (U) The second contractual arrangement is a series of Delivery Orders awarded to CACI, in August 2003, which call for the provision of numerous intelligence-related services such as "Interrogator Support," "Screening Cell Support," "Open Source Intelligence," "Special Security Office," "HUMINT Augmentee Contractors" (which includes "Interrogation Support," "Junior Interrogators," "Senior and Junior Counter-Intelligence Agents," and "Tactical/Strategic Interrogators").

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[2] (U) These Delivery Orders were awarded under a Blanket Purchase Agreement (BPA) (NBCHA01-0005) with the National Business Center (NBC), a fee for service activity of the Interior Department. The BPA between CACI and NBC set out the ground rules for ordering from the General Services Administration (GSA) pursuant to GSA Schedule Contract GS-35F-5872H, which is for various Information Technology (IT) Professional Services. Approximately eleven Delivery Orders were related to services in Iraq. While CJTF-7 is the requiring and funding activity for the Delivery Orders in question, it is not clear who, if anyone, in Army contracting or legal channels approved the use of the BPA, or why it was used.

[3] (U) There is another problem with the CACI contract. A CACI employee, Thomas Howard, participated with the COR, LTC Brady, in writing the Statement of Work (SOW) prior to the award of the contract (Reference Annex B, Appendix 1, BOLTZ). This situation may violate the provisions of Federal Acquisition Regulation (FAR) 9. 505-2 (b) (1).

[4] (U) On 13 May 2004, the Deputy General Counsel (Acquisition) of the Army issued an opinion that all Delivery Orders for Interrogator Services should be cancelled immediately as they were beyond the scope of the GSA Schedule contract.

(2) (U) Although intelligence activities and related services, which encompass interrogation services, should be performed by military or government civilian personnel wherever feasible, it is recognized that contracts for such services may be required in urgent or emergency situations. The general policy of not contracting for intelligence functions and services was designed in part to avoid many of the problems that eventually developed at Abu Ghraib, i.e., lack of oversight to insure that intelligence operations continued to fall within the law and the authorized chain of command, as well as the government's ability to oversee contract operations.

(3) (U) Performing the interrogation function in-house with government employees has several tangible benefits for the Army. It enables the Army more readily to manage the function if all personnel are directly and clearly subject to the chain of command, and other administrative and/or criminal sanctions, and it allows the function to be directly accessible by the commander/supervisor without going through a Contracting Officer Representative (COR). In addition, performing the function in-house enables Army Commanders to maintain a consistent approach to training (See Paragraph 3.b.(3)) and a reliable measure of the qualifications of the people performing the function.

(4) (U) If it is necessary to contract for interrogator services, Army requiring activities must carefully develop the applicable SOW to include the technical requirements and requisite personnel qualifications, experience, and training. Any such contracts should, to the greatest extent possible, be awarded and administered by an Army contracting activity in order to provide for the necessary oversight, management, and chain of command. Use of contracting vehicles

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such as GSA Federal Supply Schedule (FSS) contracts should be carefully scrutinized given the complexity and sensitivities connected to interrogation operations.

(5) (U) Some of the employees at Abu Ghraib were not DoD contractor employees. Contractor employees under non-DoD contracts may not be subject to the Military Extraterritorial Jurisdiction Act (18 US Code 3261- 3267). The Act allows DoD contractor employees who are “accompanying the Armed Forces outside the United States” to be subject to criminal prosecution if they engage in conduct that would constitute an offense punishable by imprisonment for more than one year if the conduct had occurred within the jurisdiction of the United States.

(6) (U) In the performance of such sensitive functions as interrogation, the Army needs to maintain close control over the entire operation. If a decision is made to contract for these services, the most effective way to do that and maintain a direct chain of command is to award, administer, and manage the contract with Army personnel. As learned in the current situation, it is very difficult, if not impossible, to effectively administer a contract when the COR is not on site.

(7) (U) The Army needs to improve on-site contract monitoring by government employees (using CORs) to insure that the Army’s basic interests are protected. The inadequacy of the on-site contract management at Abu Ghraib is best understood by reviewing the statement of CPT Wood (Reference Annex B, Appendix 1, WOOD), the Interrogation OIC, who indicated she never received any parameters or guidance as to how the CACI personnel were to be utilized. She also indicates that her primary point of contact (POC) on matters involving the CACI Delivery Orders was the CACI on-site manager. There is no mention of a COR. Another indication of the inadequacy of the contract management is reflected in the statement of SOLDIER14 (Reference Annex B, Appendix 1, SOLDIER-14), who indicated he was never informed that the Government could reject unsatisfactory CACI employees. It would appear that no effort to familiarize the ultimate user of the contracted services of the contract’s terms and procedures was ever made. In order to improve this situation, training is required to ensure that the COR is thoroughly familiar with the contract and gains some level of familiarity with the Geneva Conventions standards. It needs to be made clear that contractor employees are bound by the requirements of the Geneva Conventions.

(8) (U) If it is necessary to contract for interrogator services, more specific training requirements and personnel standards must be incorporated into the solicitation/contract to insure that the contractor hires properly trained and qualified personnel.

(9) (U) Emerging results from a DA Inspector General (DAIG) Investigation indicate that approximately 35% of the contract interrogators lacked formal military training as interrogators.

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While there are specific technical requirements in the linguist contract, the technical requirements for the interrogator contract were not adequate. It appears that the only mention of qualifications in the contract stated merely that the contractor employee needs to have met the requirements of one of two MOS, 97E or 351E, or "equivalent". Any solicitation/contract for these services needs to list specific training, if possible, not just point to an MOS. If the training from the MOS is what is required, those requirements should be listed in the solicitation/contract in full, not just referenced. Perhaps the best way of insuring that contractor interrogators receive adequate training would be to utilize existing government training. For example, prospective contractor employees could be sent, at contractor expense, to the Tactical Human Intelligence Course for the 97E MOS, "Human Intelligence Collector." Such a step would likely require some adjustments to the current program of instruction. Prospective contract interrogators could be given the course tests on Interrogation and the Geneva Conventions. If they can pass the examinations, no further training would be required. After a reasonable training period, prospective contractor interrogators who are unable to pass the exam would be rejected. There are, of course other training possibilities. The key point would be agreement on some standardization of the training of contractor interrogators. The necessity for some sort of standard training and/or experience is made evident by the statements of both contractor employees and military personnel. CIVILIAN-21 (CACI) seemingly had little or no interrogator experience prior to coming to Abu Ghraib (Reference Annex B, Appendix 1, CIVILIAN-21, ADAMS), even though he was a Navy Reserve Intelligence Specialist. Likewise, numerous statements indicated that little, if any, training on Geneva Conventions was presented to contractor employees (Reference Annex B, Appendix 1, SOLDIER-25, CIVILIAN-10, CIVILIAN-21 and CIVILIAN-11). Prior to deployment, all contractor linguists or interrogators should receive training in the Geneva Conventions standards for the treatment of detainees/prisoners. This training should include a discussion of the chain of command and the establishment of some sort of "hotline" where suspected abuses can be reported in addition to reporting through the chain of command. If the solicitation/contract allows "equivalent" training and experience, the Contracting Officer, with the assistance of technical personnel, must evaluate and assess the offerors'/contractor's proposal/written rationale as to why it believes that the employee has "equivalent" training. It appears that under the CACI contract, no one was monitoring the contractor's decisions as to what was considered "equivalent."

(10) (U) In addition, if functions such as these are being contracted, MI personnel need to have at least a basic level of contract training so they can protect the Army's interests. Another indication of the apparent inadequacy of on-site contract management and lack of contract training is the apparent lack of understanding of the appropriate relationship between contractor personnel, government civilian employees, and military personnel. Several people indicated in their statements that contractor personnel were "supervising" government personnel or *vice versa*. SGT Adams indicated that CACI employees were in positions of authority, and appeared to be supervising government personnel. She indicated a CACI employee named "First Name"

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was listed as being in charge of screening. CIVILIAN-08 (CACI) was in charge of “B Section” with military personnel listed as subordinates on the organization chart. SOLDIER-14 also indicated that CIVILIAN-08 was a supervisor for a time. CPT Wood stated that CACI “supervised” military personnel in her statement, but offered no specifics. Finally, a government organization chart (Reference Annex H, Appendix 6, Tab B) showed a CIVILIAN-02 (CACI) as the Head of the DAB. CIVILIAN-02 is a CACI employee. On the other side of the coin, CIVILIAN-21 indicated in his statement that the Non-Commissioned Officer in Charge (NCOIC) was his supervisor. (Reference Annex B, Appendix 1, SOLDIER-14, CIVILIAN-21, ADAMS, WOOD)

(11) (U) Given the sensitive nature of these sorts of functions, it should be required that the contractor perform some sort of background investigation on the prospective employees. A clause that would allow the government to direct the contractor to remove employees from the theater for misconduct would seem advisable. The need for a more extensive pre-performance background investigation is borne out by the allegations of abuse by contractor personnel.

(12) (U) An important step in precluding the recurrence of situations where contractor personnel may engage in abuse of prisoners is to insure that a properly trained COR is on-site. Meaningful contract administration and monitoring will not be possible if a small number of CORs are asked to monitor the performance of one or more contractors who may have 100 or more employees in the theater, and in some cases, perhaps in several locations (which seems to have been the situation at Abu Ghraib). In these cases, the CORs do well to keep up with the paper work, and simply have no time to actively monitor contractor performance. It is apparent that there was no credible exercise of appropriate oversight of contract performance at Abu Ghraib.

(13) (U) Proper oversight did not occur at Abu Ghraib due to a lack of training and inadequate contract management and monitoring. Failure to assign an adequate number of CORs to the area of contract performance puts the Army at risk of being unable to control poor performance or become aware of possible misconduct by contractor personnel. This lack of monitoring was a contributing factor to the problems that were experienced with the performance of the contractors at Abu Ghraib. The Army needs to take a much more aggressive approach to contract administration and management if interrogator services are to be contracted. Some amount of advance planning should be utilized to learn from the mistakes made at Abu Ghraib.

h. (U) Other Government Agencies and Abu Ghraib.

(1) (U) Although the FBI, JTF-121, Criminal Investigative Task Force, ISG and the Central Intelligence Agency (CIA) were all present at Abu Ghraib, the acronym “Other Government Agency” (OGA) referred almost exclusively to the CIA. CIA detention and interrogation

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practices led to a loss of accountability, abuse, reduced interagency cooperation, and an unhealthy mystique that further poisoned the atmosphere at Abu Ghraib.

(2) (U) CIA detainees in Abu Ghraib, known locally as "Ghost Detainees," were not accounted for in the detention system. When the detainees were unidentified or unaccounted for, detention operations at large were impacted because personnel at the operations level were uncertain how to report them or how to classify them, or how to database them, if at all. Therefore, Abu Ghraib personnel were unable to respond to requests for information about CIA detainees from higher headquarters. This confusion arose because the CIA did not follow the established procedures for detainee in-processing, such as fully identifying detainees by name, biometric data, and Internee Serial Number (ISN) number.

(3) (U) DETAINEE-28, suspected of having been involved in an attack against the ICRC, was captured by Navy SEAL Team 7 during a joint TF-121/CIA mission. He reportedly resisted arrest, so a SEAL Team member butt-stroked DETAINEE-28 on the side of the head to subdue him. CIA representatives brought DETAINEE-28 into Abu Ghraib early in the morning of 4 November 2003, sometime around 0430 to 0530 hours. Under a supposed verbal agreement between the JIDC and the CIA, the CIA did not announce its arrival to JIDC Operations. SPC Stevanus, the MP on duty at the Hard Site at the time, observed the two CIA representatives come in with DETAINEE-28 and place him in a shower room in Tier 1B. About 30 to 45 minutes later, SPC Stevanus was summoned to the shower stall and when he arrived, DETAINEE-28 appeared to be dead. Removing the sandbag covering DETAINEE-28's head, SPC Stevanus checked DETAINEE-28's pulse. Finding none, he called for medical assistance, and notified his chain of command. LTC Jordan arrived on site at approximately 0715 hours, and found several MPs and US medical staff with DETAINEE-28 in the Tier 1B shower stall, face down, handcuffed with his hands behind his back. CIVILIAN-03, an Iraqi prison medical doctor, informed him DETAINEE-28 was dead. "OTHER AGENCY EMPLOYEE01," a CIA representative, un-cuffed DETAINEE-28 and turned his body over. Where DETAINEE-28's head had lain against the floor, LTC Jordan noted a small spot of blood. LTC Jordan notified COL Pappas (205 MI BDE Commander), and "OTHER AGENCY EMPLOYEE01" said he would notify "OTHER AGENCY EMPLOYEE02," his CIA supervisor. Once "OTHER AGENCY EMPLOYEE02" arrived, he requested that the Hard Site hold DETAINEE28's body until the following day. DETAINEE-28's body was placed in a body bag, packed in ice, and stored in the shower area. CID was notified. The next day, DETAINEE-28's body was removed from Abu Ghraib on a litter, to make it appear as if he were only ill, so as not to draw the attention of the Iraqi guards and detainees. The body was transported to the morgue at BIAP for an autopsy, which concluded that DETAINEE-28 died of a blood clot in the head, likely a result of injuries he sustained during apprehension. (Reference Annex B, Appendix 1, JORDAN, PAPPAS, PHILLABAUM, SNIDER, STEVANUS, THOMPSON; Annex I, Appendix 1, photographs C5-21, D5-11, M65-69)

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(4) (U) The systemic lack of accountability for interrogator actions and detainees plagued detainee operations in Abu Ghraib. It is unclear how and under what authority the CIA could place prisoners like DETAINEE-28 in Abu Ghraib because no memorandums of understanding existed on the subject between the CIA and CJTF-7. Local CIA officers convinced COL Pappas and LTC Jordan that they should be allowed to operate outside the established local rules and procedures. When COL Pappas raised the issue of CIA use of Abu Ghraib with COL Boltz, COL Boltz encouraged COL Pappas to cooperate with the CIA because everyone was all one team. COL Boltz directed LTC Jordan to cooperate. (Reference Annex B, Appendix 1, PAPPAS, BOLTZ)

(5) (U) In many instances, failure to adhere to in-processing procedures caused confusion and acrimony between the Army and OGA, and in at least one instance, acrimony between the US and Saudi Arabian entities. (Reference Annex K, Appendix 3, emails) For example, the CIA interned three Saudi national medical personnel working for the coalition in Iraq. CIA officers placed them in Abu Ghraib under false names. The Saudi General in charge of the men asked US authorities to check the records for them. A search of all databases using their true names came back negative. Ambassador Bremer then requested a search, which produced the same results. The US Embassy in Riyadh also requested a search, which likewise produced no information. Ultimately, the Secretary of State, Colin Powell, requested a search, and as with the other requestors, had to be told that the three men were not known to be in US custody. Shortly after the search for the Secretary of State, a JIDC official recalled that CIA officers once brought three men together into the facility. A quick discussion with the detainees disclosed their true names, which matched the name search requests, and the men were eventually released. (Reference Annex B, Appendix 1, CIVILIAN-12)

(6) (U) Another instance showing lack of accountability to the procedures or rules involved a CIA officer who entered the interrogation room after a break in the interrogation, drew his weapon, chambered a round, and placed the weapon in his holster. This action violated the rule that no weapons be brought into an interrogation room, especially weapons with live rounds. Detainees who have been interrogated by CIA officers have alleged abuse. (Reference Annex B, Appendix 1, CIVILIAN-12)

(7) (U) The death of DETAINEE-28 and incidents such as the loaded weapon in the interrogation room, were widely known within the US community (MI and MP alike) at Abu Ghraib. Speculation and resentment grew over the lack of personal responsibility, of some people being above the laws and regulations. The resentment contributed to the unhealthy environment that existed at Abu Ghraib. The DETAINEE-28 death remains unresolved. CIA officers operating at Abu Ghraib used alias' and never revealed their true names. "OTHER AGENCY EMPLOYEE01" (alias) was the CIA officer with DETAINEE-28 on the morning of

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his death. "OTHER AGENCY EMPLOYEE02" (alias) was not directly involved in DETAINEE-28's death, but participated in the discussions after his death. Had the CIA followed established Army procedures and in-processed DETAINEE-28 in accordance with those procedures, DETAINEE-28 would have been medically screened.

(8) (U) OGA never provided results of their abuse investigations to Commander, CJTF-7. This resulted in a total lack of visibility over OGA interaction with detainees held in CJTF-7 spaces. Additionally, the CJTF-7 charter provided no oversight or control over the ISG. LTG Sanchez could neither leverage ISG interrogation assets to assist the detainee operations in Abu Ghraib, nor could he compel ISG to share substantive intelligence reports with CJTF-7. (Reference Annex B, Appendix 1, SANCHEZ)

i. (U) The Move of the 205 MI BDE Commander to Abu Ghraib.

(1) (U) In September 2003, COL Pappas began visiting Abu Ghraib two or three times per week as opposed to once every week or two, his previous routine. He was also beginning to stay overnight occasionally. His visit schedule coincided with the increased emphasis being placed on interrogation operations and the newly formed JIDC. (Reference Annex B, Appendix 1, PAPPAS)

(2) (U) On 16 November 2003, COL Pappas took up full time residence at Abu Ghraib after once again speaking with LTG Sanchez and MG Fast and deciding that he needed to be there. He was appointed FOB Commander on 19 November 2003 in FRAGO 1108. The issuance of FRAGO 1108 has been pointed to and looked upon by many as being a significant change and one that was a major factor in allowing the abuses to occur. It was not. The abuses and the environment for them began long before FRAGO 1108 was ever issued. That FRAGO appointed the Commander, 205 MI BDE, the Commander FOB Abu Ghraib for Force Protection and Security of Detainees. COL Pappas then had TACON of the 320 MP BN. TACON has been misinterpreted by some to mean that COL Pappas then took over the running of the prison, or what has been referred to as Warden functions. COL Pappas never took over those functions, and LTC Phillabaum agrees that the running of the prison was always his responsibility. LTG Sanchez has stated that he never intended to do anything except improve the Force Protection posture of the FOB. That improved force protection posture would have thus improved the security of detainees as well. COL Pappas' rater, MG Wojdakowski, also stated that COL Pappas was never given responsibility for running the prison, but that the MPs retained that responsibility. It would appear from MG Taguba's investigation and the interview for this investigation that BG Karpinski was the only person among the Army leadership involved at the time who interpreted that FRAGO differently. (Reference Annex B, Appendix 1, KARPINSKI and Annex B, Appendix 2, KARPINSKI)

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(3) (U) Upon being appointed FOB Commander, COL Pappas brought in one of his subordinate units, the 165th MI Battalion (165 MI BN) to enhance base security and to augment forces providing perimeter security as well as to conduct reconnaissance and surveillance outside the perimeter. That unit had reconnaissance and surveillance elements similar to line combat units that the MP Battalions did not possess. COL Pappas, on 8 December 2003, requested additional forces to support his force protection mission (Reference Annex H, Appendix 6, TAB – Request for Forces (RFF)). Requested forces included personnel for additional guards and a rapid reaction force.

(4) (U) The fact that COL Pappas did not have control of the MP force after the 19 November 2003 FRAGO regarding prison operations is further supported by the fact that at some point near the end of November 2003, the MPs stopped escorting detainees from the camps to the interrogation sites due to personnel shortages. This required MI to take over this function despite their protests that they were neither trained nor manned to do it. COL Pappas would have ordered the MPs to continue the escorts if he had had such authority (See paragraph 4.c.)

(5) (U) A milestone event at Abu Ghraib was the shooting incident that occurred in Tier 1A on 24 November 2003 (See paragraph 5.e.). COL Pappas was by then in residence at Abu Ghraib. LTC Jordan displayed personal bravery by his direct involvement in the shoot-out, but also extremely poor judgment. Instead of ordering the MPs present to halt their actions and isolate the tier until the 320 MP BN Commander and COL Pappas could be notified, he became directly involved. As the senior officer present, LTC Jordan became responsible for what happened. Eventually, COL Pappas was notified, and he did visit the scene. By then the shooting was over, and the MPs were searching the cells. COL Pappas did not remain long but admits to being told by SOLDIER-23 that the Iraqi Police were being interrogated by MI personnel. COL Pappas left LTC Jordan in charge of the situation after the shooting which came to be known as the IP Roundup. The IP Roundup was, by all accounts chaotic. The Iraqi Police, hence the name “IP,” became detainees and were subjected to strip searching by the MPs in the hallway, with female Soldiers and at least one female interpreter present. The IP were kept in various stages of dress, including nakedness, for prolonged periods as they were interrogated. This constitutes humiliation, which is detainee abuse. Military working dogs were being used not only to search the cells, but also to intimidate the IPs during interrogation without authorization. There was a general understanding among the MI personnel present that LTG Sanchez had authorized suspending existing ICRP (known by the Abu Ghraib personnel locally as the IROE) because of the shooting (Reference Annex C, Appendix 1, Tab B, Annex 8, AR 15-6 Investigation, 24 November 2003). Nobody is sure where that information came from, but LTG Sanchez never gave such authorization (Reference Annex B, Appendix 1, SANCHEZ). LTC Jordan and the Soldiers should have known the Interrogation Rules would not and could not have been suspended. LTC Jordan should have controlled the situation and should have taken steps to reinforce proper standards at a time when emotions were likely high given the

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circumstances. LTC Jordan is responsible for allowing the chaotic situation, the unauthorized nakedness and resultant humiliation, and the military working dog abuses that occurred that night. LTC Jordan should have obtained any authorizations to suspend ICRP in writing, via email, if by no other means. The tone and the environment that occurred that night, with the tacit approval of LTC Jordan, can be pointed to as the causative factor that set the stage for the abuses that followed for days afterward related to the shooting and the IP Roundup. COL Pappas is also responsible and showed poor judgment by leaving the scene before normalcy returned, as well as for leaving LTC Jordan in charge.

(6) (U) The small quantity of MI personnel had a difficult time managing the large number of MI holds which moved from the hundreds to over a thousand by December 2003 (See paragraph 4.c.(12)). In December 2003, COL Pappas, in his role as FOB Commander, requested additional forces be allocated to support the difficult and growing force protection mission. Prior to his designation as FOB Commander, COL Pappas had requested additional forces to support the JIDC mission. One of the reasons he cited in the December request was that the mixing of MI and MP functions was worsening the already difficult personnel resource situation.

j. (U) Advisory and Training Team Deployments

(1) (U) MG Geoffrey Miller Visit

(a) (U) MG G. Miller's visit was in response to a J3, JCS, request to SOUTHCOM for a team to assist CENTCOM and ISG in theater (Reference Annex L, Appendix 1, Electrical Message, DTG: 181854Z Aug 03, FM JOINT STAFF WASHINGTON DC // J3). The team was directed to assist with advice on facilities and operations specific to screening, interrogations, HUMINT collection, and interagency integration in the short and long term. MG G. Miller was tasked as the result of a May 2003 meeting he had with MG Ronald Burgess, J2, JCS. MG Burgess indicated there were some challenges in CJTF-7 with the transition from major combat operations to SASO in the areas of intelligence, interrogation, and detention (Reference Annex B, Appendix 1, MILLER). COL Boltz believed LTG Sanchez had requested the support (Reference Annex B, Appendix 1, BOLTZ).

(b) (U) From 31 August to 9 September 2003, MG G. Miller led a team to Iraq to conduct an "Assessment of DoD Counterterrorism Interrogation and Detention Operations in Iraq." Specifically, MG G. Miller's team was to conduct assistance visits to CJTF-7, TF-20, and the ISG to discuss current theater ability to exploit internees rapidly for actionable intelligence. MG G. Miller and his team of 17 experts assessed three major areas of concern: intelligence integration, synchronization, and fusion; interrogation operations; and detention operations. The team's assessment (Reference Annex L, Appendix 1, MG Miller's Report, Assessment of DoD Counterterrorism Interrogation and Detention Operations in Iraq, undated, and MG Miller's

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Briefing of his findings, dated 6 September 2003) identified several areas in need of attention: the interrogators didn't have the authorities and procedures in place to effect a unified strategy to detain, interrogate, and report information from detainees in Iraq; the information needs required an in-theater analysis capability integrated in the interrogation operations to allow for access/leverage of the worldwide intelligence databases; and the detention operations function must support the interrogation process.

(c) (U) MG G. Miller's visit also introduced written GTMO documentation into the CJTF-7 environment. LTG Sanchez recalled MG G. Miller left behind a whole series of SOPs that could be used as a start point for CJTF-7 interrogation operations. It was clear that these SOPs had to be adapted to the conditions in Iraq and that they could not be implemented blindly. LTG Sanchez was confident the entire CJTF-7 staff understood that the conditions in GTMO were different than in Iraq, because the Geneva Conventions applied in the Iraqi theater.

(d) (U) The assessment team essentially conducted a systems analysis of the intelligence mission in Iraq and did not concentrate on specific interrogation techniques. While no "harsh techniques" were briefed, COL Pappas recalled a conversation with MG G. Miller regarding the use of military working dogs to support interrogations (See paragraph 5.f.). According to COL Pappas, MG G. Miller said they, GTMO, used military working dogs, and that they were effective in setting the atmosphere for interrogations (Reference Annex B, Appendix 2, PAPPAS). MG G. Miller contradicted COL Pappas in his statement (Reference Annex B, Appendix 1, MILLER), saying he only discussed using military working dogs to help the MPs with detainee custody and control issues. According to MG G. Miller, the dogs help provide a controlled atmosphere (not interrogations as recalled by COL Pappas) that helps reduce risk of detainee demonstrations or acts of violence. According to MG G. Miller, his team recommended a strategy to work the operational schedule of the dog teams so the dogs were present when the detainees were awake, not when they are sleeping.

(e) (U) Several things occurred subsequent to MG G. Miller's visit to Abu Ghraib. The JIDC was established. The use of Tiger Teams was implemented based on the JTF-GTMO model, which teamed an interrogator and an analyst together, giving each team an organic analytical capability. There was also a moderate increase in the number of interrogators reassigned to the Abu Ghraib operation. This increase was probably not connected to MG G. Miller's visit as much as to the arrival of elements of the 325 MI BN which began to arrive 10 September 2003--the same day MG G. Miller departed Iraq. Prior to their arrival, the interrogation assets consisted of one OIC (captain), one technician (chief warrant officer), 12 HUMINT collectors (MOS 97E/97B), an analyst, and a communications team. While the number of interrogators increased, the JIDC requirements for a staff and leadership also increased. Those positions were filled from within the assigned units. It is indeterminate what impact the MG G. Miller Team's concepts had on operations at Abu Ghraib. There was an

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increase in intelligence reports after the visit but that appears more likely due to the assignment of trained interrogators and an increased number of MI Hold detainees to interrogate.

(2) JTF-GTMO Training Team.

(a) (U) Subsequent to MG G. Miller's visit, a team of subject matter experts was dispatched from JTF-GTMO to Abu Ghraib (approximately 4 October to 2 December 2003) to assist in the implementation of the recommendations identified by MG G. Miller. The JTF-GTMO Team included three interrogators and three analysts, organized into three teams, with one interrogator and one analyst on each, which is the GTMO "Tiger Team" concept. The JTF-GTMO Team included SOLDIER28 (351E Team Chief), SOLDIER27, CIVILIAN-14 (97E), SOLDIER-03 (97E), SSG Miller (96B), and SOLDIER-11 (96B). The Team Chief understood his task was to assist CJTF-7 for a period not to exceed 90 days with the mission of building a robust and effective JIDC, and identifying solutions and providing recommendations for the JIDC (Reference Annex B, Appendix 1, SOLDIER-28). Upon arrival at Abu Ghraib, SOLDIER-28 and SOLDIER-27, both of whom had been on the original MG G. Miller assessment visit, concentrated on establishing the various JIDC elements. Particular emphasis was given to formalizing the JIDC staff and the collection, management and dissemination (CM&D) function at Abu Ghraib, to alleviate many of the information distribution issues surfaced during MG G. Miller's visit. Some interrogation policies were already in place. Consistent with its charter to assist in establishment of a GTMO-like operation, the team provided copies of the current JTF-GTMO policies, SOPs (Reference, Annex L, Appendix 2, SOP for JTF-GTMO, Joint Intelligence Group [JIG], Interrogation Control Element [ICE], Guantanamo Bay, CU, dated 21 January 2003, revised 12 June 2003), and the SECDEF Letter (Reference, Annex J, Appendix 2, MEMORANDUM FOR COMMANDER, US SOUTHERN COMMAND, Subject: Counter-Resistance Techniques in the War on Terrorism (S), dated 16 April 2003) outlining the techniques authorized for use with the GTMO detainees. The four other JTF-GTMO team members were split up and integrated into interrogation operations as members/leaders of the newly formed Tiger Teams under the ICE. SOLDIER-28 and SOLDIER-27 did not directly participate in any interrogation operations and reported that they never observed, or heard about, any detainee abuse or mistreatment. SOLDIER-28's assertion as regards knowledge of abuses is contradicted by one of his Soldiers (Reference Annex B, Appendix 1, SOLDIER-03) (See paragraphs 4.j.(2)(c) and 4.j.(2)(d), below).

(b) (U) While the JTF-GTMO team's mission was to support operations and assist in establishment of the JIDC, there was a great deal of animosity on the part of the Abu Ghraib personnel, especially some A/519 MI BN Personnel. This included an intentional disregard for the concepts and techniques the GTMO Team attempted to instill, as well as contempt for some of the team's work ethic, professional judgment, and ideas. Because of this, the GTMO Team's ability to effect change at Abu Ghraib may have been severely limited. This information was

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obtained during a review of email exchanged between SOLDIER-14, CW2 Grace, CW3 Sammons, SFC McBride, with info copies to CPT Wood and SOLDIER-23. It should be noted that senior managers at Abu Ghraib thought highly of the JTF-GTMO team and believed they positively impacted the operations.

(c) (U) SOLDIER-11, a JTF-GTMO analyst assigned to the "Former Regime Loyalists" Tiger Team, stated that he witnessed and reported two incidents of abuse (Reference Annex B, Appendix 1, SOLDIER-11). In his first report, SOLDIER-11 reported that he was observing an interrogation being conducted by SOLDIER 19 A/519 MI BN. As SOLDIER-11 observed from behind a glass, SOLDIER-19 directed a detainee to roll his jumpsuit down to his waist and insinuated that the detainee would be stripped further if he did not cooperate. The interrogation ended abruptly when the translator objected to the tactic and refused to continue. SOLDIER-11 reported the incident to both SOLDIER-16, his Tiger Team Leader, and to SOLDIER-28, his JTF GTMO Team Chief. SOLDIER-16 invoked her rights under UCMJ and chose not to make any statement regarding this or any other matters (Reference Annex B, Appendix 1 SOLDIER16). When asked, SOLDIER-28 stated that he could not recall what SOLDIER11 reported to him regarding the rolling down of the detainee's jumpsuit, but does recall a conversation about a translator walking out of an interrogation due to a "cultural difference" (Reference Annex B, Appendix 1, SOLDIER-28). SOLDIER-11 is adamant that he reported the incident in detail (Reference Annex B, Appendix 1, SOLDIER-11) and that he never used the phrase "cultural difference."

(d) (U) In another report to SOLDIER-28, SOLDIER-11 reported a second incident. SOLDIER-11 and SOLDIER--19 were conducting an interrogation around mid-October 2003. The detainee was uncooperative and was not answering questions. SOLDIER19 became frustrated and suggested to SOLDIER11 that the detainee be placed in solitary. SOLDIER-11 did not agree with the recommendation and suggested it would be counterproductive. About 15 minutes later (two hours into the interrogation), SOLDIER-19 exercised his authority as the lead interrogator and had the detainee placed in solitary confinement. About a half an hour later, SOLDIER-11 and SOLDIER-19 went to the Hard Site to see the detainee, and found him lying on the floor, completely naked except for a hood that covered his head from his upper lip, whimpering. SOLDIER-11 and SOLDIER-19 had the MPs redress the detainee before escorting him back to the general population. SOLDIER-11 was disturbed by what he had seen and considered reporting it to several different people. Ultimately, SOLDIER-11 reported this incident to SOLDIER-28 (Reference Annex B, Appendix 1, SOLDIER-11). SOLDIER-11 added that SOLDIER-28 accepted the report and indicated he would surface the issue to COL Pappas (not due to return to Abu Ghraib for 2 - 3 days). Also according to SOLDIER-11, SOLDIER-28 was very ill and placed on 30 days quarters shortly after SOLDIER-11 made his report. When asked, SOLDIER-28 could not recall such a report being made to him (Reference Annex B, Appendix 1, SOLDIER-28).

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(e) (U) SSG Miller does not recall the JTF-GTMO team ever discussing specific interrogation techniques employed, abuse, or unauthorized interrogation methods. He observed only approved interrogation techniques in line with FM 34-52, and never saw any detainee abuse, mistreatment, or nakedness (Reference Annex B, Appendix 1, MILLER).

(f) (U) CIVILIAN-14 never observed any activity or training event that was not in compliance with basic human rights and the Geneva Conventions. CIVILIAN-14 did, however, notice "a lot of detainee nakedness at Abu Ghraib," possibly, he speculated, attributable to the lack of available clothing. There was nothing he observed or heard that he considered detainee abuse. Relating to his JTF-GTMO experience/training, CIVILIAN-14 believed the removal of clothing for interrogation purposes was an option available with the appropriate approvals; however, it was rarely used at JTF-GTMO. This misunderstanding of the rules and regulations was evident in his reaction to the detainee nakedness at Abu Ghraib. Clearly CIVILIAN-14 was not aware of the fact the SECDEF had withdrawn that authority. (Reference Annex B, Appendix 1, CIVILIAN-14)

(g) (U) In reviewing his activities while at Abu Ghraib, SOLDIER-03 recalled his team submitted two requests to use techniques requiring approvals beyond the team level. In cases requiring such approvals, the request went to the Operations Officer (either MAJ Thompson or MAJ Price) (Operations Officer) and they would approve or disapprove the technique. Those requests requiring a CJTF-7 approval level went to CPT Wood who would forward them for approval. SOLDIER-03 recalled submitting the requests several days in advance of the interrogation to ensure it was approved or disapproved before the interrogation began. His first request (detainee sitting against a wall) was initiated by SOLDIER-21 (analyst) and SOLDIER-30 (interrogator). SOLDIER-03 reviewed the request and forwarded it for approval (SOLDIER-03 could not recall to whom he submitted the request or who had approved it). The request was approved and was implemented. After "observing for a couple of minutes," SOLDIER-03 ended the interrogation. In preparation for another interrogation, the same two females (SOLDIER-21 and SOLDIER-30) submitted a request to interrogate a detainee naked. The request was reviewed by SOLDIER-03 and forwarded to MAJ Price. MAJ Price denies ever approving a naked interrogation. SOLDIER-03 recalled that the technique had been approved, but could not recall by whom. As with the above interrogation, SOLDIER-03 observed the interrogation. After about 15 minutes, he determined the nudity was not a productive technique and terminated the session. SOLDIER-03 never discussed this incident with SOLDIER-28. In his opinion, he had obtained the appropriate authorities and approvals for an "acceptable technique." When asked, SOLDIER-03 recalled hearing about nakedness at GTMO, but never employed the technique. (Reference Annex B, Appendix 1, SOLDIER-03, PRICE).

(h) (U) The JTF-GTMO Team viewed itself as having the mission of setting up and organizing an effective and efficient JIDC staff, and assisting in establishing the Tiger Team

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concept based on the GTMO model and experience. They did not view their mission as being for training specific interrogation techniques. This is contrary to MG G. Miller's understanding of the mission. There is no evidence that the JTF-GTMO team intentionally introduced any new/prohibited interrogation techniques. Clearly, however, they were operating without a full understanding of the current JTF-GTMO ICRP.

(i) (U) According to SOLDIER-28, no After Action Report (AAR) was prepared for this mobile training team's effort. He provided a post-mission briefing to MG G. Miller upon his return to GTMO. The team's mission was not clearly defined until they arrived at Abu Ghraib. According to MAJ Price (Reference Annex B, Appendix 1, PRICE), the JTF-GTMO Team arrived without a defined charter; however, in his opinion, the team's suggestions were very good and exactly what the Abu Ghraib operation needed. MAJ Price felt that the real changes began to show after COL Pappas arrived on or about 16 November 2003.

(3) (U) Fort Huachuca Mobile Training Team

(a) (U) From 7 to 21 October 2003, a five person ISCT MTT from the USAIC, Fort Huachuca, AZ, was dispatched to conduct an overall assessment of interrogation operations, present training, and provide advice and assistance at the Abu Ghraib JIDC. This course was developed in response to requirements surfaced during interrogation operations at JTF-GTMO, specifically to prepare reserve interrogators and order of battle analysts for deployment to JTF-GTMO. The course consists of a refresher in interrogation procedures and an introduction to strategic debriefing procedures (Reference Annex L, Appendix 4, ISCT POI; ISCT MTT AAR). The MTT consisted of a team chief, CW3 Norris (351B), three 97E interrogators, MSG Filhanessian, SFC Fierro and SFC Walters, and one analyst (96B) SOLDIER-56. The MTT spent the first few days at Abu Ghraib observing ongoing JIDC interrogation operations and establishing a training schedule based on their observations. The training phase lasted approximately five days and focused on interrogation skills and elicitation techniques, cultural awareness, collection management, and use of interpreters. The team discussed the use of Tiger Teams, but did not conduct any training in their use. The Tiger Team concept of teaming an Interrogator and an Analyst together had been previously recommended by the GTMO Assessment Team and was already being employed at Abu Ghraib when the ISCT MTT arrived. Following the training, at least two ISCT MTT Interrogators participated in approximately 19 interrogations and observed several others. The MTT prepared an After Action Report (Reference Annex L, Appendix 4, ISCT MTT AAT, Joint Detainee Interrogation Center, CJTF-7, Abu Ghurayb (sic), Iraq, dated 3 November 2003), which noted eleven issues and provided recommendations for each. The issues mainly concerned screening procedures, interrogation planning and preparation, approaches, questioning, interpreter control, deception detection, and administrative and reporting issues. SFC Filhanessian did recall they had access to the 16 April 2003 SECDEF Memorandum and devoted some time to discussing approach strategies outside

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the ones mentioned in FM 34-52, Intelligence Interrogations, 28 September 1992, like the issue of military working dogs, sleep deprivation, etc., (Reference Annex B, Appendix 1, FILHANESSIAN). According to SOLDIER-25 (Reference Annex B, Appendix 1, SOLDIER25), "A team from Fort Huachuca ... gave us 3 days of classes, including rules of engagement and the use of sleep deprivation and sleep management." The ISCT MTT AAR did not note any incidents of detainee abuse or mistreatment. Three interviewed ISCT MTT members stated that they did not witness, or hear of any incidents of detainee abuse or mistreatment. Neither did they observe or know of any incidents where MI instructed or insinuated that the MP should abuse detainees. Further, MTT members stated that the 519 MI BN interrogators at Abu Ghraib demonstrated experience, "did things by the book," and used techniques that were within the limitations established by FM 34-52 (Interrogation Operations). Some team members, however, expressed some concerns about what appeared to them to be a lack of experience with some of the civilian contracted CACI Interrogators, and the fact that the MTT did not have the opportunity to train and work with some newly arriving contractors (Reference Annex B, Appendix 1, WALTERS; CIVILIAN-07; and FIERRO).

(b) (U) On 21 June 2004, SFC Walters contacted the investigative team via email and indicated he wanted to make additions to his statement (Reference Annex B, Appendix 1, WALTERS 20040621, email). SFC Walters was concerned that as a member of the ISCT MTT, he may have contributed to the abuse at Abu Ghraib. When questioned by CACI employee CIVILIAN-21 for ideas to use to get these prisoners to talk, SFC Walters related several stories about the use of dogs as an inducement, suggesting he (CIVILIAN-21) talk to the MPs about the possibilities. SFC Walters further explained that detainees are most susceptible during the first few hours after capture. "The prisoners are captured by Soldiers, taken from their familiar surroundings, blindfolded and put into a truck and brought to this place (Abu Ghraib); and then they are pushed down a hall with guards barking orders and thrown into a cell, naked; and that not knowing what was going to happen or what the guards might do caused them extreme fear." SFC Walters also suggested CIVILIAN-21 could take some pictures of what seemed to be guards being rough with prisoners...so he could use them to scare the prisoners. Lastly, SFC Walters also shared what he described as a formal, professional prisoner in-processing as he observed it in Bagram (a reference to the detainee operations that had taken place Afghanistan).

(c) (U) On 26 June 2004, during a follow-on interview (Reference Annex B, Appendix 1, WALTERS); SFC Walters confirmed the information he provided in his email. He clarified that his conversation with CIVILIAN-21 occurred before the training was conducted and that he was certain CIVILIAN-21 clearly understood the rules with regard to interrogations. SFC Walters was adamant he had stressed the need to obtain the appropriate authorities before using any of the techniques discussed. SFC Walters knew of no other "off line" conversations between the MTT members and assigned interrogators. SFC Walters said he had related stories he had heard, but did not personally observe. In addressing the ISCT MTT training objectives, SFC

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Walters noted they (ISCT MTT) did not agree with the JTF-GTMO modus operandi. The (ISCT MTT) felt the use of Tiger Teams wasted limited analytical support. Analysts should support interrogation teams and not be part of the interrogation. This mirrors the opinions of the Abu Ghraib team (Reference Annex B, Appendix 1, WOOD).

(d) (U) Throughout OIF I, USAIC assisted in sending MTTs to all divisional locations within Iraq in order to provide instruction on THT operations, G2X staff functions, and tactical questioning for non-military intelligence Soldiers. Prior to this training, a separate team traveled to Afghanistan and Iraq to provide similar training at Bagram Airfield and Abu Ghraib Detention Facility. This training was the same training provided to OIF units in Iraq that also incorporated lessons learned during that MTT.

k. (U) International Committee of the Red Cross (ICRC)

(1) (U) The ICRC visits to Abu Ghraib have been the source of great concern since the abuses at Abu Ghraib became public knowledge. The ICRC are independent observers who identified abuses to the leadership of Abu Ghraib as well as to CJTF-7. Their allegations were not believed, nor were they adequately investigated.

(2) (U) During the 9-12 and 21-23 October 2003 visits to Abu Ghraib, the ICRC noted that the ill treatment of detainees during interrogation was not systemic, except with regard to persons arrested in connection with suspected security offenses or deemed to have an "intelligence value." These individuals were probably the MI holds. "In these cases, persons deprived of their liberty [and] under supervision of the Military Intelligence were at high risk of being subjected to a variety of harsh treatments. These ranged from insults, threat and humiliations, to both physical and psychological coercion (which in some cases was tantamount to torture) in order to force cooperation with their interrogators (Reference Annex G, Appendix 1, Executive Summary)." The ICRC noted that some detainees in Tier 1A were held naked in their cells, with meals ready to eat (MRE) packing being used to cover their nudity. The ICRC immediately informed the authorities, and the detainees received clothes for the remainder of the ICRC visit. Additionally, the ICRC complained about MI-imposed restrictions on visiting certain security detainees in Camp Vigilant and in Tier 1A. Red Cross delegates were informed they could visit those areas the following day and then only on the basis of a list of detainees and tasks agreed on with Abu Ghraib officials. (Reference Annex G, Appendix 1, TAB B)

(3) (U) The ICRC found a high level of depression, feelings of helplessness, stress, and frustration, especially by those detainees in isolation. Detainees made the following allegations during interviews with the ICRC: threats during interrogation; insults and verbal insults during transfer in Tier 1A; sleep deprivation; walking in the corridors handcuffed and naked, except for female underwear over the head; handcuffing either to the upper bed bars or doors of the cell for

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3-4 hours. Some detainees presented physical marks and psychological symptoms which were compatible with these allegations. Also noted were brutality upon capture, physical or psychological coercion during interrogation, prolonged isolation, and excessive and disproportionate use of force. (Reference Annex G, Appendix 1, TAB B)

(4) (U) The ICRC made a number of recommendations after the October 2003 visits, including: grant ICRC full and unimpeded access to all detainees; improve the security related to the accommodation structure; clarify and improve conditions of detention and treatment; distribute hygiene items, spare clothes, blankets, etc.; inform detainees of the reason for their detention; implement regular family visits for detainees; and increase recreational and educational activities. (Reference Annex G, Appendix 1, Tab B, ICRC Working Paper, dated 6 November 2003).

(5) (U) LTC Phillabaum, regarding the 9 – 12 October 2003 visit, stated he was told of naked detainees by the ICRC and immediately contacted LTC Jordan. The two went to see the situation first hand. LTC Phillabaum claimed that LTC Jordan acknowledged that it was common practice for some of the detainees to be kept naked in their cells. In November 2003, after having received the written ICRC report, CJTF-7 sent an Australian Judge Advocate officer, MAJ George O’Kane, to Abu Ghraib to meet with LTC Jordan and other officers to craft a response to the ICRC memo. (Reference Annex B, Appendices 1 and 2, PHILLABAUM)

(6) (U) Stemming from those October 2003 visits, the ICRC also made the following request of the Coalition Forces: respect at all times the human dignity, physical integrity, and cultural sensitivity of detainees; set up a system of notification of arrest to the families of detainees; prevent all forms of ill-treatment; respect and protect the dignity of detainees; allow sufficient time for outside activity and exercise; define and apply regulations compatible with international Humanitarian Law; thoroughly investigate violation of international Humanitarian Law; ensure that capturing forces and interment facility personnel are trained to function in a proper manner without resorting to ill-treatment of detainees. (Reference ANNEX G, Appendix 1, Tab A, ICRC Report February 2004)

(7) (U) COL Warren, the CJTF-7 SJA, stated that neither he nor anyone else from CJTF-7 Headquarters was present at Abu Ghraib during the ICRC visit in October 2003. Throughout 2003, all ICRC reports were addressed to the commander or subordinate commanders of the 800 MP BDE. The OSJA received a copy of the reports. Letters on specific topics addressed to LTG Sanchez were given to COL Warren and he would prepare the response for LTG Sanchez. MAJ O’Kane prepared an analysis of the report on 25 November 2003 and the draft was sent to CJTF-7 C2 and the 800 MP BDE for review. On 4 December 2003, a meeting was held at Abu Ghraib, attended by MP, MI, and legal personnel, in order to discuss the report. In mid-December, the draft response was sent by OSJA to the 800 MP BDE for review and coordination. BG

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Karpinski signed the response, dated 24 December 2003. (Reference Annex G, Appendix 3, KARPINSKI Letter)

(8) (U) During the 4-8 January 2004 visit, the ICRC expressed special concern over being informed by COL Pappas and COL Warren that they were invoking Article 143 of Geneva Convention IV, thereby denying the ICRC access to eight of the detainees in the interrogation section. Of particular interest was the status of detainee DETAINEE-14, a Syrian national and self-proclaimed Jihadist, who was in Iraq to kill coalition troops. DETAINEE-14 was detained in a totally darkened cell measuring about 2 meters long and less than a meter across, devoid of any window, latrine or water tap, or bedding. On the door the ICRC delegates noticed the inscription "the Gollum," and a picture of the said character from the film trilogy "Lord of the Rings." During the 14-18 March 2004 visit, the ICRC was once again denied access to nine detainees, including DETAINEE-14. They noted that DETAINEE-14 was no longer in the same cell as he was previously, but was still in one of the more "difficult" cells. (Reference Annex G, Appendix 1, ICRC Working Paper, dated 6 November 2003; Appendix 2, ICRC Letter dated February 2004; Appendix 2, Tab B, ICRC Letter dated 25 March 2004)

(9) (U) Article 143, Fourth Geneva Convention, reads in part "Such visits may be prohibited except for reasons of imperative military necessity, and then only for an exceptional and temporary measure." COL Warren and COL Pappas both acknowledge denying access to specified detainees by the ICRC on each of two occasions (in January and March 2004), invoking the above cited provision. The ICRC, in their memorandum of 25 March 2004, acknowledged the right of COL Warren and COL Pappas to invoke the "imperative military necessity clause." It questioned the "exceptional and temporary" nature of the denial of access to DETAINEE-14 on both occasions, however, given that DETAINEE-14 (by the time of the second visit) had been under interrogation for some four months. This was the same DETAINEE-14 that was viewed a "special project" and who was abused by the use of dogs. (See paragraph 5.f.) (Reference Annex B, Appendix 1, PAPPAS, WARREN)

(10) (U) COL Pappas acknowledges in his statement that the ICRC visited Abu Ghraib twice (January and March 2004). He received a copy of the results and noted there were allegations of maltreatment and detainees wearing women's underwear on their heads. He did not believe it. He recalled he might have related to the staff that "this stuff couldn't have been happening." He added that when the ICRC came by the second time (March 2004), he invoked Article 143, preventing the eight detainees in Tier 1A from talking to the ICRC while undergoing active interrogation. COL Pappas states: "COL Warren informed me that I had the authority to do this." (Reference Annex B, Appendices 1 and 2, PAPPAS)

(11) (U) COL Warren also stated that when he saw the ICRC report on naked detainees and detainees wearing women's underwear, he couldn't believe it. He saw the report when he

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returned to CJTF-7 from leave on 30 November 2003. His office probably had received the report on 16 November 2003. He regrets not having taken the report earlier to LTG Sanchez or MG Wojdakowski. While this would not have prevented the abuse they subsequently discovered (because it had taken place in November 2003), it may have resulted in CID beginning an investigation a month earlier than they did. During the ICRC's next visit to Abu Ghraib, during the period 4-8 January 2004, COL Warren states they invoked Article 143 of the Fourth Geneva Conventions and did not allow the ICRC to have private interviews with eight detainees who were undergoing active interrogations. He did allow the ICRC delegate to see the detainees, observe the conditions of their detention, and obtain their names and Internee Serial Numbers." (Reference Annex B, Appendix 1, WARREN)

(12) (U) LTC Chew, Commander of the 115th MP Battalion (115 MP BN), has stated that although he attended the ICRC out-brief, after the 21-23 October 2003 visits, he never saw or heard of any detainees being stripped or held naked, nor did he ever see a written report from the ICRC. He stated that a doctor with the ICRC team provided information concerning a few detainees having psychological problems and stating that they should be evaluated. ICRC also related charges of handcuffing, nakedness, wearing of female underwear, and sleep deprivation. The ICRC also complained about lack of access to certain detainees, and he discussed the matter with LTC Jordan. He also discussed the allegations made by the ICRC with MAJ Potter, BG Karpinski, and MAJ Cavallero. BG Karpinski does not recall hearing about the report until early December 2003 when it was discussed at CJTF-7 Headquarters with COL Warren. (Reference Annex B, Appendix 1, CHEW, KARPINSKI)

(13) (U) LTC Jordan has stated that after the ICRC visited Abu Ghraib, COL Pappas and BG Karpinski received the final report, but that he did not see the report. When asked by COL Pappas if he had ever seen or heard any rumors of abuse, LTC Jordan told COL Pappas that he (LTC Jordan) had not. He was not aware of COL Pappas ever doing anything concerning the ICRC allegations (Reference Annex B, Appendix 1, JORDAN and Annex B, Appendix 2, JORDAN).

(14) (U) The only response to the ICRC was a letter signed by BG Karpinski, dated 24 December 2003. According to LTC Phillabaum and COL Warren (as quoted above) an Australian Judge Advocate officer, MAJ O'Kane, was the principal drafter of the letter. Attempts to interview MAJ O'Kane were unsuccessful. The Australian Government agreed to have MAJ O'Kane respond to written questions, but as of the time of this report, no response has been received. The section of the BG Karpinski letter pertaining to Abu Ghraib primarily addresses the denial of access to certain detainees by the ICRC. It tends to gloss over, close to the point of denying the inhumane treatment, humiliation, and abuse identified by the ICRC. The letter merely says: Improvement can be made for the provision of clothing, water, and personal hygiene items. (Reference Annex G, Appendix 3, KARPINSKI Letter)

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5. Summary of Abuses at Abu Ghraib

a. (U) Several types of detainee abuse were identified in this investigation: physical and sexual abuse; improper use of military working dogs; humiliating and degrading treatments; and improper use of isolation.

(1) (U) Physical Abuse. Several Soldiers reported that they witnessed physical abuse of detainees. Some examples include slapping, kicking, twisting the hands of a detainee who was hand-cuffed to cause pain, throwing balls at restrained internees, placing gloved hand over the nose and mouth of an internee to restrict breathing, "poking" at an internee's injured leg, and forcing an internee to stand while handcuffed in such a way as to dislocate his shoulder. These actions are clearly in violation of applicable laws and regulations.

(2) (U) Use of Dogs. The use of military working dogs in a confinement facility can be effective and permissible under AR 190-12 as a means of controlling the internee population. When dogs are used to threaten and terrify detainees, there is a clear violation of applicable laws and regulations. One such impermissible practice was an alleged contest between the two Army dog handlers to see who could make the internees urinate or defecate in the presence of the dogs. An incident of clearly abusive use of the dogs occurred when a dog was allowed in the cell of two male juveniles and allowed to go "nuts." Both juveniles were screaming and crying with the youngest and smallest trying to hide behind the other juvenile. (Reference Annex B, Appendix 1, SOLDIER-17)

(3) (U) Humiliating and Degrading Treatments. Actions that are intended to degrade or humiliate a detainee are prohibited by GC IV, Army policy and the UCMJ. The following are examples of such behavior that occurred at Abu Ghraib, which violate applicable laws and regulations.

(4) (U) Nakedness. Numerous statements, as well as the ICRC report, discuss the seemingly common practice of keeping detainees in a state of undress. A number of statements indicate that clothing was taken away as a punishment for either not cooperating with interrogators or with MPs. In addition, male internees were naked in the presence of female Soldiers. Many of the Soldiers who witnessed the nakedness were told that this was an accepted practice. Under the circumstances, however, the nakedness was clearly degrading and humiliating.

(5) (U) Photographs. A multitude of photographs show detainees in various states of undress, often in degrading positions.

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(6) (U) Simulated Sexual Positions. A number of Soldiers describe incidents where detainees were placed in simulated sexual positions with other internees. Many of these incidents were also photographed.

(7) (U) Improper Use of Isolation. There are some legitimate purposes for the segregation (or isolation) of detainees, specifically to prevent them from sharing interrogation tactics with other detainees or other sensitive information. Article 5 of Geneva Convention IV supports this position by stating that certain individuals can lose their rights of communication, but only when absolute military security requires. The use of isolation at Abu Ghraib was often done as punishment, either for a disciplinary infraction or for failure to cooperate with an interrogation. These are improper uses of isolation and depending on the circumstances amounted to violation of applicable laws and regulations. Isolation could properly be a sanction for a disciplinary infraction if applied through the proper process set out in AR 190-8 and the Geneva Conventions.

(8) (U) Failure to Safeguard Detainees. The Geneva Conventions and Army Regulations require that detainees be "protected against all acts of violence and threats thereof and against insults and public curiosity." Geneva Convention IV, Article 27 and AR 190-8, paragraph 5-1(a)(2). The duty to protect imposes an obligation on an individual who witnesses an abusive act to intervene and stop the abuse. Failure to do so may be a violation of applicable laws and regulations.

(9) (U) Failure to Report Detainee Abuse. The duty to report detainee abuse is closely tied to the duty to protect. The failure to report an abusive incident could result in additional abuse. Soldiers who witness these offenses have an obligation to report the violations under the provision of Article 92, UCMJ. Soldiers who are informed of such abuses also have a duty to report violations. Depending on their position and their assigned duties, the failure to report detainee abuse could support a charge of dereliction of duty, a violation of the UCMJ. Civilian contractors employed as interrogators and translators would also have a duty to report such offenses as they are also bound by the Geneva Conventions and are charged with protecting the internees.

(10) (U) Other traditional prison guard issues were far less clear. MPs are responsible for the clothing of detainees; however, MI interrogators started directing nakedness at Abu Ghraib as early as 16 September 2003 to humiliate and break down detainees. MPs would also sometimes discipline detainees by taking away clothing and putting detainees in cells naked. A severe shortage of clothing during the September, October, November 2003, time frame was frequently mentioned as the reason why people were naked. Removal of clothing and nakedness were being used to humiliate detainees at the same time there was a general level of confusion as to what was allowable in terms of MP disciplinary measures and MI interrogation rules, and what

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clothing was available. This contributed to an environment that would appear to condone depravity and degradation rather than the humane treatment of detainees.

b. (U) The original intent by MI leadership (205 MI BDE) was for Tier 1A to be reserved for MI Holds only. In fact, CPT Wood states in an email dated 7 September 2003, during a visit from MG Miller and BG Karpinski, that BG Karpinski confirmed “we (MI) have all the iso (Isolation) cells in the wing we have been working. We only had 10 cells to begin with but that has grown to the entire wing.” LTC Phillabaum also thought that MI had exclusive authority to house MI holds in Tier 1A. The fact is, however, that a number of those cells were often used by the MPs to house disciplinary problems. That fact is supported by the testimony of a large number of people who were there and further supported by the pictures and the detainee records. In fact, 11 of a total of 25 detainees identified by the CID as victims of abuse were not MI holds and were not being interrogated by MI. The MPs put the problem detainees (detainees who required separation from the general population for disciplinary reasons) in Tier 1A because there was no other place available to isolate them. Neither CPT Wood nor MAJ Williams appreciated the mixing because it did not allow for a pure MI environment, but the issue never made its way up to either LTC Phillabaum or to BG Karpinski.

c. (U) The “sleep adjustment” technique was used by MI as soon as the Tier 1A block opened. This was another source of confusion and misunderstanding between MPs and MI which contributed to an environment that allowed detainee abuse, as well as its perpetuation for as long as it continued. Sleep adjustment was brought with the 519 MI BN from Afghanistan. It is also a method used at GTMO. (See paragraph 3.b.(5)). At Abu Ghraib, however, the MPs were not trained, nor informed as to how they actually should do the sleep adjustment. The MPs were just told to keep a detainee awake for a time specified by the interrogator. The MPs used their own judgment as to how to keep them awake. Those techniques included taking the detainees out of their cells, stripping them and giving them cold showers. CPT Wood stated she did not know this was going on and thought the detainees were being kept awake by the MPs banging on the cell doors, yelling, and playing loud music. When one MI Soldier inquired about water being thrown on a naked detainee he was told that it was an MP discipline technique. Again, who was allowed to do what and how exactly they were to do it was totally unclear. Neither of the communities (MI and MP) knew what the other could and could not do. (Reference Annex B, Appendix 1, WOOD, JOYNER)

d. (U) This investigation found no evidence of confusion regarding actual physical abuse, such as hitting, kicking, slapping, punching, and foot stomping. Everyone we spoke to knew it was prohibited conduct except for one Soldier. (Reference Annex B, Appendix 1, SOLDIER-29). Physical discomfort from exposure to cold and heat or denial of food and water is not as clear-cut and can become physical or moral coercion at the extreme. Such abuse did occur at Abu Ghraib, such as detainees being left naked in their cells during severe cold weather without

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blankets. In Tier 1A some of the excesses regarding physical discomfort were being done as directed by MI and some were being done by MPs for reasons not related to interrogation. (See paragraph 5 e.-h.)

e. (U) The physical and sexual abuses of detainees at Abu Ghraib are by far the most serious. The abuses spanned from direct physical assault, such as delivering head blows rendering detainees unconscious, to sexual posing and forced participation in group masturbation. At the extremes were the death of a detainee in OGA custody, an alleged rape committed by a US translator and observed by a female Soldier, and the alleged sexual assault of an unknown female. They were perpetrated or witnessed by individuals or small groups. Such abuse can not be directly tied to a systemic US approach to torture or approved treatment of detainees. The MPs being investigated claim their actions came at the direction of MI. Although self-serving, these claims do have some basis in fact. The climate created at Abu Ghraib provided the opportunity for such abuse to occur and to continue undiscovered by higher authority for a long period of time. What started as undressing and humiliation, stress and physical training (PT), carried over into sexual and physical assaults by a small group of morally corrupt and unsupervised Soldiers and civilians. Twenty-four (24) serious incidents of physical and sexual abuse occurred from 20 September through 13 December 2003. The incidents identified in this investigation include some of the same abuses identified in the MG Taguba investigation; however, this investigation adds several previously unreported events. A direct comparison cannot be made of the abuses cited in the MG Taguba report and this one.

(1) (U) **Incident #1.** On 20 September 2003, two MI Soldiers beat and kicked a passive, cuffed detainee, suspected of involvement in the 20 September 2003 mortar attack on Abu Ghraib that killed two Soldiers. Two Iraqis (male and female) were detained and brought to Abu Ghraib immediately following the attack. MI and the MP Internal Reaction Force (IRF) were notified of the apprehension and dispatched teams to the entry control point to receive the detainees. Upon arrival, the IRF observed two MI Soldiers striking and yelling at the male detainee whom they subsequently "threw" into the back of a High-Mobility Multipurpose Wheeled Vehicle (HMMWV). 1LT Sutton, 320th MP BN IRF intervened to stop the abuse and was told by the MI Soldiers "we are the professionals; we know what we are doing." They refused 1LT Sutton's lawful order to identify themselves. 1LT Sutton and his IRF team (SGT Spiker, SFC Plude) immediately reported this incident, providing sworn statements to MAJ Dinenna, 320 MP BN S3 and LTC Phillabaum, 320 MP BN Commander. 1SG McBride, A/205 MI BN interviewed and took statements from SGT Lawson, identified as striking the detainee, and each MI person present: SSG Hannifan, SSG Cole, SGT Claus, SGT Presnell. While the MP statements all describe abuse at the hands of an unidentified MI person (SGT Lawson), the MI statements all deny any abuse occurred. LTC Phillabaum subsequently reported the incident to the CID who determined the allegation lacked sufficient basis for prosecution. The detainee was interrogated and released that day (involvement in the mortar attack was unlikely); therefore, no

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detainee is available to confirm either the MP or MI recollection of events. This incident was not further pursued based on limited data and the absence of additional investigative leads.

(Reference Annex B, Appendix 1, DINENNA, LAWSON, MCBRIDE, PHILLABAUM, PLUDE, SPIKER, SUTTON; Annex B, Appendix 2, DINENNA, PHILLABAUM, PLUDE; Annex B, Appendix 3, PLUDE, SPIKER)

(2) (U) **Incident #2.** On 7 October 2003, three MI personnel allegedly sexually assaulted female DETAINEE-29. CIVILIAN-06 (Titan) was the assigned interpreter, but there is no indication he was present or involved. DETAINEE-29 alleges as follows: First, the group took her out of her cell and escorted her down the cellblock to an empty cell. One unidentified Soldier stayed outside the cell (SOLDIER33, A/519 MI BN); while another held her hands behind her back, and the other forcibly kissed her (SOLDIER32, A/519 MI BN). She was escorted downstairs to another cell where she was shown a naked male detainee and told the same would happen to her if she did not cooperate. She was then taken back to her cell, forced to kneel and raise her arms while one of the Soldiers (SOLDIER31, A/519 MI BN) removed her shirt. She began to cry, and her shirt was given back as the Soldier cursed at her and said they would be back each night. CID conducted an investigation and SOLDIER33, SOLDIER32, and SOLDIER31 invoked their rights and refused to provide any statements. DETAINEE-29 identified the three Soldiers as SOLDIER33, SOLDIER32, and SOLDIER31 as the Soldiers who kissed her and removed her shirt. Checks with the 519 MI BN confirmed no interrogations were scheduled for that evening. No record exists of MI ever conducting an authorized interrogation of her. The CID investigation was closed. SOLDIER33, SOLDIER32, and SOLDIER31 each received non-judicial punishment, Field Grade Article 15's, from the Commander, 205 MI BDE, for failing to get authorization to interrogate DETAINEE-29. Additionally, COL Pappas removed them from interrogation operations. (Reference Annex B, Appendix 1, PAPPAS; Annex B, Appendix 2, PAPPAS; Annex B, Appendix 3, DETAINEE-29).

(3) **Incident #3.** On 25 October 2003 detainees DETAINEE-31, DETAINEE-30, and DETAINEE-27 were stripped of their clothing, handcuffed together nude, placed on the ground, and forced to lie on each other and simulate sex while photographs were taken. Six photographs depict this abuse. Results of the CID investigation indicate on several occasions over several days, detainees were assaulted, abused and forced to strip off their clothing and perform indecent acts on each other. DETAINEE-27 provided a sworn statement outlining these abuses. Those present and/or participating in the abuse were CPL Graner, 372 MP CO, SSG Frederick, 372 MP CO, SPC England, 372 MP CO, SPC Harman, 372 MP CO, SOLDIER34, 372 MP CO, CIVILIAN-17, Titan Corp., SOLDIER-24, B/325 MI BN, SOLDIER19, 325 MI BN, and SOLDIER10, 325 MI BN. SOLDIER-24 claimed he accompanied SOLDIER10 to the Hard Site the evening of 25 October 2003 to see what was being done to the three detainees suspected of raping a young male detainee. SOLDIER-10 appeared to have foreknowledge of the abuse, possibly from his friendship with SPC Harman, a 372 MP CO MP. SOLDIER-24 did not believe

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the abuse was directed by MI and these individuals were not interrogation subjects. PFC England, however, claimed "MI Soldiers instructed them (MPs) to rough them up." When SOLDIER-24 arrived the detainees were naked, being yelled at by an MP through a megaphone. The detainees were forced to crawl on their stomachs and were handcuffed together. SOLDIER-24 observed SOLDIER-10 join in the abuse with CPL Graner and SSG Frederick. All three made the detainees act as though they were having sex. He observed SOLDIER-19 dump water on the detainees from a cup and throw a foam football at them. SOLDIER-24 described what he saw to SOLDIER-25, B/321 MI BN, who reported the incident to SGT Joyner, 372 MP CO. SGT Joyner advised SOLDIER-25 he would notify his NCOIC and later told SOLDIER-25 "he had taken care of it." SOLDIER-25 stated that a few days later both she and SOLDIER-24 told SOLDIER-22 of the incident. SOLDIER-22 subsequently failed to report what he was told. SOLDIER-25 did not report the abuse through MI channels because she felt it was an MP matter and would be handled by them.

(U) This is a clear incident of direct MI personnel involvement in detainee abuse; however, it does not appear to be based on MI orders. The three detainees were incarcerated for criminal acts and were not of intelligence interest. This incident was most likely orchestrated by MP personnel (CPL Graner, SSG Frederick, SOLDIER-34, SPC Harman, PFC England), with the MI personnel (SOLDIER-19, SOLDIER-10, and SOLDIER-24, CIVILIAN-17, and another unidentified interpreter) joining in and/or observing the abuse. (Reference Annex B, Appendix 1, JOYNER, SOLDIER-19, CIVILIAN-17, SOLDIER-25; Annex B, Appendix 3, SOLDIER-34, ENGLAND, HARMAN, DETAINEE-31, DETAINEE-30, DETAINEE-27; Annex I, Appendix 1, Photographs M36-41).

(4) (U) **Incident #4.** DETAINEE-08, arrived at Abu Ghraib on 27 October 2003 and was subsequently sent to the Hard Site. DETAINEE-08 claims when he was sent to the Hard Site, he was stripped of his clothing for six days. He was then given a blanket and remained with only the blanket for three more days. DETAINEE-08 stated the next evening he was transported by CPL Graner, 372 MP CO MP, to the shower room, which was commonly used for interrogations. When the interrogation ended, his female interrogator left, and DETAINEE-08 claims CPL Graner and another MP, who meets the description of SSG Fredrick, then threw pepper in DETAINEE-08's face and beat him for half an hour. DETAINEE-08 recalled being beaten with a chair until it broke, hit in the chest, kicked, and choked until he lost consciousness. On other occasions DETAINEE-08 recalled that CPL Graner would throw his food into the toilet and say "go take it and eat it." DETAINEE-08's claims of abuse do not involve his interrogator(s) and appear to have been committed by CPL Graner and SSG Frederick, both MPs. Reviewing the interrogation reports, however, suggests a correlation between this abuse and his interrogations. DETAINEE-08's interrogator for his first four interrogations was SOLDIER-29, a female, and almost certainly the interrogator he spoke of. Her Analyst was SOLDIER-10. In the first interrogation report they concluded he was lying and recommended a "fear up" approach if he continued to lie. Following his second interrogation it was recommended DETAINEE-08 be

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moved to isolation (the Hard Site) as he continued "to be untruthful." Ten days later, a period roughly correlating with DETAINEE-08's claim of being without clothes and/or a blanket for nine days before his beating, was interrogated for a third time. The interrogation report references his placement in "the hole," a small lightless isolation closet, and the "Mutt and Jeff" interrogation technique being employed. Both techniques as they were used here were abusive and unauthorized. According to the report, the interrogators "let the MPs yell at him" and upon their return, "used a fear down," but "he was still holding back." The following day he was interrogated again and the report annotates "use a direct approach with a reminder of the unpleasantness that occurred the last time he lied." Comparing the interrogation reports with DETAINEE-08's recollections, it is likely the abuse he describes occurred between his third and fourth interrogations and that his interrogators were aware of the abuse, the "unpleasantness." SGT Adams stated that SOLDIER-29 and SSG Frederick had a close personal relationship and it is plausible she had CPL Graner and SSG Frederick "soften up this detainee" as they have claimed "MI" told them to do on several, unspecified, occasions (Reference Annex B, Appendix 1, ADAMS, SOLDIER-29; Annex B, Appendix 3, DETAINEE-08; Annex I, Appendix 4, DETAINEE-08).

(5) (U) **Incident #5.** In October 2003, DETAINEE-07, reported alleged multiple incidents of physical abuse while in Abu Ghraib. DETAINEE-07 was an MI Hold and considered of potentially high value. He was interrogated on 8, 21, and 29 October; 4 and 23 November and 5 December 2003. DETAINEE-07's claims of physical abuse (hitting) started on his first day of arrival. He was left naked in his cell for extended periods, cuffed in his cell in stressful positions ("High cuffed"), left with a bag over his head for extended periods, and denied bedding or blankets. DETAINEE-07 described being made to "bark like a dog, being forced to crawl on his stomach while MPs spit and urinated on him, and being struck causing unconsciousness." On another occasion DETAINEE-07 was tied to a window in his cell and forced to wear women's underwear on his head. On yet another occasion, DETAINEE-07 was forced to lie down while MPs jumped onto his back and legs. He was beaten with a broom and a chemical light was broken and poured over his body. DETAINEE-04 witnessed the abuse with the chem-light. During this abuse a police stick was used to sodomize DETAINEE-07 and two female MPs were hitting him, throwing a ball at his penis, and taking photographs. This investigation surfaced no photographic evidence of the chemical light abuse or sodomy. DETAINEE-07 also alleged that CIVILIAN-17, MP Interpreter, Titan Corp., hit DETAINEE-07 once, cutting his ear to an extent that required stitches. He told SOLDIER-25, analyst, B/321 MI BN, about this hitting incident during an interrogation. SOLDIER-25 asked the MPs what had happened to the detainee's ear and was told he had fallen in his cell. SOLDIER-25 did not report the detainee's abuse. SOLDIER-25 claimed the detainee's allegation was made in the presence of CIVILIAN-21, Analyst/Interrogator, CACI, which CIVILIAN-21 denied hearing this report. Two photos taken at 2200 hours, 1 November 2003 depict a detainee with stitches in his ear; however, we could not confirm the photo was DETAINEE-07. Based on the details provided by the detainee and the

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close correlation to other known MP abuses, it is highly probable DETAINEE-07's allegations are true. SOLDIER-25 failed to report the detainee's allegation of abuse. His statements and available photographs do not point to direct MI involvement. However, MI interest in this detainee, his placement in Tier 1A of the Hard Site, and initiation of the abuse once he arrived there, combine to create a circumstantial connection to MI (knowledge of or implicit tasking of the MPs to "set conditions") which are difficult to ignore. MI should have been aware of what was being done to this detainee based on the frequency of interrogations and high interest in his intelligence value. (Reference Annex B, Appendix 1, SOLDIER-25, CIVILIAN-21; Annex B, Appendix 3, DETAINEE-04, DETAINEE-07; Annex I, Appendix 1, Photographs M54-55).

(6) (U) **Incident #6.** DETAINEE-10 and DETAINEE-12 claimed that they and "four Iraqi Generals, were abused upon their arrival at the Hard Site. DETAINEE-10 was documented in MP records as receiving a 1.5 inch laceration on his chin, the result of his resisting an MP transfer. His injuries are likely those captured in several photographs of an unidentified detainee with a lacerated chin and bloody clothing which were taken on 14 November, a date coinciding with his transfer. DETAINEE-12 claimed he was slammed to the ground, punched, and forced to crawl naked to his cell with a sandbag over his head. These two detainees as well as the other four (DETAINEE-20, DETAINEE-19, DETAINEE-22, DETAINEE-21) were all high value Iraqi General Officers or senior members of the Iraqi Intelligence Service. MP logs from the Hard Site indicate they attempted to incite a riot in Camp Vigilant while being transferred to the Hard Site. There is no documentation of what occurred at Camp Vigilant or of detainees receiving injuries. When DETAINEE-10 was in-processed into the Hard Site, he was resisting and was pushed against the wall. At that point the MPs noticed blood coming from under his hood and they discovered the laceration on his chin. A medical corpsman was immediately called to suture the detainee's chin. These events are all documented, indicating the injury occurred before the detainee's arrival at the Hard Site and that he received prompt medical attention. When, where, and by whom this detainee suffered his injuries could not be determined nor could an evaluation be made of whether it constituted "reasonable force" in conjunction with a riot. Our interest in this incident stems from MP logs concerning DETAINEE-10 indicating MI provided direction about his treatment. CPL Graner wrote an entry indicating he was told by SFC Joyner, who was in turn told by LTC Jordan, to "Strip them out and PT them." Whether "strip out" meant to remove clothing or to isolate we couldn't determine. Whether "PT them" meant physical stress or abuse can't be determined. The vagueness of this order could, however, have led to any subsequent abuse. The alleged abuse, injury, and harsh treatment correlating with the detainees' transfer to MI hold also suggest MI could have provided direction or MP could have been given the perception they should abuse or "soften up detainees," however, there is no clear proof. (Reference Annex B, Appendix 1, JORDAN, JOYNER; Annex C).

(7) (U) **Incident #7.** On 4 November 2003, a CIA detainee, DETAINEE-28 died in custody in Tier 1B. Allegedly, a Navy SEAL Team had captured him during a joint TF-121/CIA

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mission. DETAINEE-28 was suspected of having been involved in an attack against the ICRC and had numerous weapons with him at the time of his apprehension. He was reportedly resisting arrest, and a SEAL Team member butt-stroked him on the side of the head to suppress the threat he posed. CIA representatives brought DETAINEE-28 into Abu Ghraib sometime around 0430 to 0530 without notifying JIDC Operations, in accordance with a supposed verbal agreement with the CIA. While all the details of DETAINEE-28's death are still not known (CIA, DOJ, and CID have yet to complete and release the results of their investigations), SPC Stevanus, an MP on duty at the Hard Site at the time DETAINEE-28 was brought in, stated that two CIA representatives came in with DETAINEE-28 and he was placed in a shower room (in Tier 1B). About 30 to 45 minutes later, SPC Stevanus was summoned to the shower stall, and when he arrived, DETAINEE-28 appeared to be dead. SPC Stevanus removed the sandbag which was over DETAINEE-28's head and checked for the detainee's pulse. He found none. He un-cuffed DETAINEE-28 called for medical assistance, and notified his chain of command. LTC Jordan stated that he was informed of the death shortly thereafter, at approximately 0715 hours. LTC Jordan arrived at the Hard Site and talked to CIVILIAN03, an Iraqi prison medical doctor, who informed him DETAINEE-28 was dead. LTC Jordan stated that DETAINEE-28 was in the Tier 1B shower stall, face down, handcuffed with his hands behind his back. LTC Jordan's version of the handcuffs conflicts with SPC Stevanus' account that he un-cuffed DETAINEE-28. This incident remains under CID and CIA investigation.

(U) A CIA representative identified only as "OTHER AGENCY EMPLOYEE-01" was present, along with several MPs and US medical staff. LTC Jordan recalled that it was "OTHER AGENCY EMPLOYEE-01" who uncuffed DETAINEE-28 and the body was turned over. LTC Jordan stated that he did not see any blood anywhere, except for a small spot where DETAINEE-28's head was touching the floor. LTC Jordan notified COL Pappas (205 MI BDE Commander), and "OTHER AGENCY EMPLOYEE-01" said he would notify "OTHER AGENCY EMPLOYEE-02," his CIA supervisor. Once "OTHER AGENCY EMPLOYEE-02" arrived, he stated he would call Washington, and also requested that DETAINEE-28's body be held in the Hard Site until the following day. The body was placed in a body bag, packed in ice, and stored in the shower area. CID was notified and the body was removed from Abu Ghraib the next day on a litter to make it appear as if DETAINEE-28 was only ill, thereby not drawing the attention of the Iraqi guards and detainees. The body was transported to the morgue at BIAP for an autopsy, which concluded that DETAINEE-28 died of a blood clot in the head, a likely result of injuries he sustained while resisting apprehension. There is no indication or accusations that MI personnel were involved in this incident except for the removal of the body. (Reference Annex B, Appendix 1, JORDAN, PAPPAS, PHILLABAUM, SNIDER, STEVANUS, THOMPSON; Annex I, Appendix 1, Photographs C5-21, D5-11, M65-69).

(8) (U) **Incident #8.** On 20 October 2003, DETAINEE-03, was allegedly stripped and physically abused for sharpening a toothbrush to make a shank (knife-like weapon).

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DETAINEE-03 claimed the toothbrush was not his. An MP log book entry by SSG Frederick, 372 MPs, directed DETAINEE-03 to be stripped in his cell for six days. DETAINEE-03 claimed he was told his clothing and mattress would be taken away as punishment. The next day he claims he was cuffed to his cell door for several hours. He claims he was taken to a closed room where he had cold water poured on him and his face was forced into someone's urine. DETAINEE-03 claimed he was then beaten with a broom and spat upon, and a female Soldier stood on his legs and pressed a broom against his anus. He described getting his clothes during the day from SGT Joyner and having them taken away each night by CPL Graner for the next three days. DETAINEE-03 was an MI Hold but was not interrogated between 16 September and 2 November 2003. It is plausible his interrogators would be unaware of the alleged abuse and DETAINEE-03 made no claim he informed them (Reference Annex B, Appendix 3, DETAINEE-03).

(9) (U) **Incident #9.** Three photographs taken on 25 October 2003 depicted PFC England, 372 MP CO, holding a leash which was wrapped around an unidentified detainee's neck. Present in the photograph is SPC Ambuhl who was standing to the side watching. PFC England claimed in her initial statement to CID that CPL Graner had placed the tie-down strap around the detainee's neck and then asked her to pose for the photograph. There is no indication of MI involvement or knowledge of this incident (Reference Annex E, CID Report and Reference Annex I, Appendix 1, Photographs M33-35).

(10) (U) **Incident #10.** Six Photographs of DETAINEE-15, depict him standing on a box with simulated electrical wires attached to his fingers and a hood over his head. These photographs were taken between 2145 and 2315 on 4 November 2003. DETAINEE-15 described a female making him stand on the box, telling him if he fell off he would be electrocuted, and a "tall black man" as putting the wires on his fingers and penis. From the CID investigation into abuse at Abu Ghraib it was determined SGT J. Davis, SPC Harman, CPL Graner, and SSG Frederick, 372 MP CO, were present during this abuse. DETAINEE-15 was not an MI Hold and it is unlikely MI had knowledge of this abuse (Reference Annex B, Appendix 3, DETAINEE-15; Annex I, Appendix 1, Photographs C1-2, D19-21, M64).

(11) (U) **Incident #11.** Twenty-nine photos taken between 2315 and 0024, on 7 and 8 November 2003 depict seven detainees (DETAINEE-17, DETAINEE-16, DETAINEE-24, DETAINEE-23, DETAINEE-26, DETAINEE-01, DETAINEE-18) who were physically abused, placed in a pile and forced to masturbate. Present in some of these photographs are CPL Graner and SPC Harman. The CID investigation into these abuses identified SSG Frederick, CPL Graner, SGT J. Davis, SPC Ambuhl, SPC Harman, SPC Sivits, and PFC England; all MPs, as involved in the abuses which occurred. There is no evidence to support MI personnel involvement in this incident. CID statements from PFC England, SGT J. Davis, SPC Sivits, SPC Wisdom, SPC Harman, DETAINEE-17, DETAINEE-01, and DETAINEE-16 detail that the

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detainees were stripped, pushed into a pile, and jumped on by SGT J. Davis, CPL Graner, and SSG Frederick. They were photographed at different times by SPC Harman, SPC Sivits, and SSG Frederick. The detainees were subsequently posed sexually, forced to masturbate, and "ridden like animals." CPL Graner knocked at least one detainee unconscious and SSG Frederick punched one so hard in the chest that he couldn't breathe and a medic was summoned. SSG Frederick initiated the masturbation and forced the detainees to hit each other. PFC England stated she observed SSG Frederick strike a detainee in the chest during these abuses. The detainee had difficulty breathing and a medic, SOLDIER-01, was summoned. SOLDIER-01 treated the detainee and while in the Hard Site observed the "human pyramid" of naked detainees with bags over their heads. SOLDIER-01 failed to report this abuse. These detainees were not MI Holds and MI involvement in this abuse has not been alleged nor is it likely. SOLDIER-29 reported seeing a screen saver for a computer in the Hard Site that depicted several naked detainees stacked in a "pyramid." She also once observed, unrelated to this incident, CPL Graner slap a detainee. She stated that she didn't report the picture of naked detainees to MI because she did not see it again and also did not report the slap because she didn't consider it abuse (Reference Annex B, Appendix 1, SOLDIER-29; Annex B, Appendix 3, DETAINEE-01, DETAINEE-17, DETAINEE-16, ENGLAND, DAVIS, HARMAN, SIVITS, WISDOM; Annex B, Appendix 3, TAB A, SOLDIER-01, and Annex I, Appendix 1, Photographs C24-42, D22-25, M73-77, M87).

(12) (U) **Incident #12.** A photograph taken circa 27 December 2003, depicts a naked DETAINEE-14, apparently shot with a shotgun in his buttocks. This photograph could not be tied to a specific incident, detainee, or allegation and MI involvement is indeterminate (Reference Annex I, Appendix 1, Photographs D37-38, H2, M111).

(13) (U) **Incident #13.** Three photographs taken on 29 November 2003, depict an unidentified detainee dressed only in his underwear, standing with each foot on a separate box, and bent over at the waist. This photograph could not be tied to a specific incident, detainee, or allegation and MI involvement is indeterminate. (Reference Annex I, Appendix 1, Photographs D37-38, M111)

(14) (U) **Incident #14.** An 18 November 2003 photograph depicts a detainee dressed in a shirt or blanket lying on the floor with a banana inserted into his anus. This as well as several others show the same detainee covered in feces, with his hands encased in sandbags, or tied in foam and between two stretchers. These are all identified as DETAINEE-25 and were determined by CID investigation to be self-inflicted incidents. Even so, these incidents constitute abuse; a detainee with a known mental condition should not have been provided the banana or photographed. The detainee has a severe mental problem and the restraints depicted in these photographs were allegedly used to prevent the detainee from sodomizing himself and assaulting himself and others with his bodily fluids. He was known for inserting various objects

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into his rectum and for consuming and throwing his urine and feces. MI had no association with this detainee (Reference Annex C; Annex E; Annex I, Appendix 1, Photographs, C22-23, D28-36, D39, M97-99, M105-110, M131-133).

(15) (U) **Incident #15.** On 26 or 27 November 2003, SOLDIER-15, 66 MI GP, observed CIVILIAN-11, a CACI contractor, interrogating an Iraqi policeman. During the interrogation, SSG Frederick, 372 MP CO, alternated between coming into the cell and standing next to the detainee and standing outside the cell. CIVILIAN-11 would ask the policeman a question stating that if he did not answer, he would bring SSG Frederick back into the cell. At one point, SSG Frederick put his hand over the policeman's nose, not allowing him to breathe for a few seconds. At another point SSG Frederick used a collapsible nightstick to push and possibly twist the policeman's arm, causing pain. When SSG Frederick walked out of the cell, he told SOLDIER-15 he knew ways to do this without leaving marks. SOLDIER-15 did not report the incident. The interpreter utilized for this interrogation was CIVILIAN-16. (Reference Annex B, Appendix 1, SOLDIER-15)

(16) (U) **Incident #16.** On an unknown date, SGT Hernandez, an analyst, observed CIVILIAN-05, a CACI contractor, grab a detainee from the back of a High-Mobility, Multipurpose, Wheeled Vehicle (HMMWV) and drop him on the ground. CIVILIAN-05 then dragged the detainee into an interrogation booth. The detainee was handcuffed the entire time. When the detainee tried to get up to his knees, CIVILIAN-05 would force him to fall. SGT Hernandez reported the incident to CID but did not report it in MI channels. (Reference Annex B, Appendix 1, HERNANDEZ)

(17) (U) **Incident #17.** A 30 November 2003, MP Log entry described an unidentified detainee found in a cell covered in blood. This detainee had assaulted CPL Graner, 372 MP CO, while they moved him to an isolation cell in Tier 1A. CPL Graner and CPL Kamauf, subdued the detainee, placed restraints on him and put him in an isolation cell. At approximately 0320 hours, 30 November 2003, after hearing banging on the isolation cell door, the cell was checked and the detainee was found in the cell standing by the door covered in blood. This detainee was not an MI Hold and there is no record of MI association with this incident or detainee. (Reference Annex I, Appendix 1, Photographs M115-129, M134).

(18) (U) **Incident #18.** On approximately 12 or 13 December 2003, DETAINEE-06 claimed numerous abuse incidents against US Soldiers. DETAINEE-06 was a Syrian foreign fighter and self-proclaimed Jihadist who came to Iraq to kill Coalition troops. DETAINEE-06 stated the Soldiers supposedly retaliated against him when he returned to the Hard Site after being released from the hospital following a shooting incident in which he attempted to kill US Soldiers. DETAINEE-06 had a pistol smuggled into him by an Iraqi Policeman and used that pistol to try to kill US personnel working in the Hard Site on 24 November 2003. An MP

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returned fire and wounded DETAINEE-06. Once DETAINEE-06 ran out of ammunition, he surrendered and was transported to the hospital. DETAINEE-06 claimed CIVILIAN-21 visited him in the hospital and threatened him with terrible torture upon his return. DETAINEE-06 claimed that upon his return to the Hard Site, he was subjected to various threats and abuses which included Soldiers threatening to torture and kill him, being forced to eat pork and having liquor put in his mouth, having a "very hot" substance put in his nose and on his forehead, having the guards hit his "broken" leg several times with a solid plastic stick, being forced to "curse" his religion, being urinated on, being hung by handcuffs from the cell door for hours, being "smacked" on the back of the head, and "allowing dogs to try to bite" him. This claim was substantiated by a medic, SOLDIER-20, who was called to treat a detainee (DETAINEE-06) who had been complaining of pain. When SOLDIER-20 arrived DETAINEE-06 was cuffed to the upper bunk so that he could not sit down and CPL Graner was poking at his wounded legs with an asp with DETAINEE-06 crying out in pain. SOLDIER-20 provided pain medication and departed. He returned the following day to find DETAINEE-06 again cuffed to the upper bunk and a few days later returned to find him cuffed to the cell door with a dislocated shoulder. SOLDIER-20 failed to either stop or report this abuse. DETAINEE-06 also claimed that prior to the shooting incident, which he described as when "I got shot with several bullets" without mentioning that he ever fired a shot, he was threatened "every one or two hours... with torture and punishment", was subjected to sleep deprivation by standing up "for hours and hours", and had a "black man" tell him he would rape DETAINEE-06 on two occasions. Although DETAINEE-06 stated that CPL Graner led "a number of Soldiers" into his cell, he also stated that he had never seen CPL Graner beat a prisoner. These claims are from a detainee who attempted to kill US service members. While it is likely some Soldiers treated DETAINEE-06 harshly upon his return to the Hard Site, DETAINEE-06's accusations are potentially the exaggerations of a man who hated Americans. (Reference Annex B, Appendix 3, DETAINEE-06, SOLDIER-20).

(19) (U) **Incident #19.** SGT Adams, 470 MI GP, stated that sometime between 4 and 13 December 2003, several weeks after the shooting of "a detainee who had a pistol" (DETAINEE-06), she heard he was back from the hospital, and she went to check on him because he was one of the MI Holds she interrogated. She found DETAINEE-06 without clothes or blanket, his wounds were bleeding and he had a catheter on without a bag. The MPs told her they had no clothes for the detainee. SGT Adams ordered the MPs to get the detainee some clothes and went to the medical site to get the doctor on duty. The doctor (Colonel) asked what SGT Adams wanted and was asked if he was aware the detainee still had a catheter on. The Colonel said he was, the Combat Army Surgical Hospital (CASH) had made a mistake, and he couldn't remove it because the CASH was responsible for it. SGT Adams told him this was unacceptable, he again refused to remove it and stated the detainee was due to go back to the CASH the following day. SGT Adams asked if he had ever heard of the Geneva Conventions, and the Colonel responded "fine Sergeant, you do what you have to do, I am going back to bed."

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(U) It is apparent from this incident that DETAINEE06 did not receive proper medical treatment, clothing or bedding. The "Colonel" has not been identified in this investigation, but efforts continue. LTC Akerson was chief of the medical team for "security holds" at Abu Ghraib from early October to late December 2003. He treated DETAINEE06 following his shooting and upon his return from the hospital. He did not recall such an incident or DETAINEE06 having a catheter. It is possible SGT Adams was taken to a different doctor that evening. She asked and was told the doctor was a Colonel, not a Lieutenant Colonel and is confident she can identify the Colonel from a photograph. LTC Akerson characterized the medical records as being exceptional at Abu Ghraib, however, the records found by this investigation were poor and in most cases non-existent. (Reference Annex B, Appendix 1, ADAMS, AKERSON; Annex B, Appendix 3, DETAINEE-06).

(20) (U) **Incident #20.** During the fall of 2003, a detainee stated that another detainee, named DETAINEE-09, was stripped, forced to stand on two boxes, had water poured on him and had his genitals hit with a glove. Additionally, the detainee was handcuffed to his cell door for a half day without food or water. The detainee making the statement did not recall the exact date or participants. Later, "Assad" was identified as DETAINEE-09, who stated that on 5 November 2003 he was stripped naked, beaten, and forced to crawl on the floor. He was forced to stand on a box and was hit in his genitals. The participants in this abuse could not be determined. MI involvement is indeterminate. (Reference Annex B, Appendix 3, DETAINEE-09; Annex I, Appendix 1, Photographs D37-38, M111)

(21) (U) **Incident #21.** Circa October 2003, CIVILIAN-17, an interpreter of the Titan Corporation, observed the following incident: CPL Graner, 372 MP CO, pushed a detainee, identified as one of the "three stooges" or "three wise men", into a wall, lacerating the detainee's chin. CIVILIAN-17 specifically stated the detainee was pushed into a wall and "busted his chin." A medic, SGT Wallin, stated he was summoned to stitch the detainee and treated a 2.5 inch laceration on the detainee's chin requiring 13 stitches. SGT Wallin did not know how the detainee was injured. Later that evening, CPL Graner took photos of the detainee. CPL Graner was identified in another incident where he stitched an injured detainee in the presence of medics. There is no indication of MI involvement, knowledge, or direction of this abuse. (Reference Annex B, Appendix 1, CIVILIAN-17; Annex B, Appendix 3, CIVILIAN-17, WALLIN, DETAINEE-02; Annex I, Appendix 1, Photographs M88-96).

(22) (U) **Incident #22.** On an unknown date, an interpreter named "CIVILIAN-01" allegedly raped a 15-18 year old male detainee according to DETAINEE-05. DETAINEE-05 heard screaming and climbed to the top of his cell door to see over a sheet covering the door of the cell where the abuse was occurring. DETAINEE-05 observed CIVILIAN-01, who was wearing a military uniform, raping the detainee. A female Soldier was taking pictures.

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DETAINEE-05 described CIVILIAN-01 as possibly Egyptian, “not skinny or short,” and effeminate. The date and participants of this alleged rape could not be confirmed. No other reporting supports DETAINEE-05’s allegation, nor have photographs of the rape surfaced. A review of all available records could not identify a translator by the name of CIVILIAN-01. DETAINEE05’s description of the interpreter partially matches CIVILIAN-17, Interpreter, Titan Corp. CIVILIAN-17 is a large man, believed by several witnesses to be homosexual, and of Egyptian extraction. CIVILIAN-17 functioned as an interpreter for a Tactical HUMINT Team at Abu Ghraib, but routinely provided translation for both MI and MP. CID has an open investigation into this allegation. (Reference Annex B, Appendix 3, DETAINEE-05)

(23) (U) **Incident #23.** On 24 November 2003, a US Army officer, CPT Brinson, MP, allegedly beat and kicked a detainee. This is one of three identified abuses associated with the 24 November shooting. A detainee obtained a pistol from Iraqi police guards, shot an MP and was subsequently shot and wounded. During a subsequent search of the Hard Site and interrogation of detainees, SGT Spiker, 229 MP CO, a member of the Abu Ghraib Internal Reaction Force (IRF), observed an Army Captain dragging an unidentified detainee in a choke hold, throwing him against a wall, and kicking him in the mid-section. SPC Polak, 229 MP CO, IRF was also present in the Hard Site and observed the same abuse involving two Soldiers and a detainee. The detainee was lying on his stomach with his hands cuffed behind his back and a bag over his head. One Soldier stood next to him with the barrel of a rifle pressed against the detainee’s head. The other Soldier was kneeling next to the detainee punching him in the back with a closed fist. The Soldier then stood up and kicked the detainee several times. The Soldier inflicting the beating was described as a white male with close cropped blond hair. SPC Polak saw this Soldier a few days later in full uniform, identifying him as a Captain, but could not see his name. Both SPC Polak and SGT Spiker reported this abuse to their supervisors, SFC Plude and 1LT Sutton, 372 MP CO. Photos of company grade officers at Abu Ghraib during this time were obtained and shown to SPC Polak and SGT Spiker, who positively identified the “Captain” as CPT Brinson. This incident was investigated by CID and the assault was determined to be unfounded; a staged event to protect the fact the detainee was a cooperative MP Source. (Reference Annex B, Appendix 1, PLUDE, POLAK, SPIKER, SUTTON; Annex B, Appendix 3, PLUDE, SUTTON; Annex E, Appendix 5, CID Report of Investigation 0005-04-CID149-83131)

(24) (U) **Incident #24.** A photograph created circa early December 2003 depicts an unidentified detainee being interrogated by CIVILIAN-11, CACI, Interrogator, and CIVILIAN-16, Titan, linguist. The detainee is squatting on a chair which is an unauthorized stress position. Having the detainee on a chair which is a potentially unsafe situation, and photographing the detainee are violations of the ICRP. (Reference Annex I, Appendix 2, Photograph “Stress Position”).

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f. (U) Incidents of Detainee Abuse Using Dogs. (U) Abusing detainees with dogs started almost immediately after the dogs arrived at Abu Ghraib on 20 November 2003. By that date, abuses of detainees was already occurring and the addition of dogs was just one more abuse device. Dog Teams were brought to Abu Ghraib as a result of recommendations from MG G. Miller's assessment team from JTF-GTMO. MG G. Miller recommended dogs as beneficial for detainee custody and control issues, especially in instances where there were large numbers of detainees and few guards to help reduce the risk of detainee demonstrations or acts of violence, as at Abu Ghraib. MG G. Miller never recommended, nor were dogs used for interrogations at GTMO. The dog teams were requested by COL Pappas, Commander, 205 MI BDE. COL Pappas never understood the intent as described by MG G. Miller. Interrogations at Abu Ghraib were also influenced by several documents that spoke of exploiting the Arab fear of dogs: a 24 January 2003 "CJTF 180 Interrogation Techniques," an 11 October 2002 JTF 170 "Counter-Resistance Strategies," and a 14 September 2003 CJTF-7 ICRP. Once the dogs arrived, there was controversy over who "owned" the dogs. It was ultimately decided that the dogs would be attached to the Internal Reaction Force (IRF). The use of dogs in interrogations to "fear up" detainees was generally unquestioned and stems in part from the interrogation techniques and counter-resistance policy distributed from CJTF 180, JTF 170 and CJTF-7. It is likely the confusion about using dogs partially stems from the initial request for dog teams by MI, not MPs, and their presence being associated with MG G. Miller's visit. Most military intelligence personnel believed that the use of dogs in interrogations was a "non-standard" technique which required approval, and most also believed that approval rested with COL Pappas. COL Pappas also believed, incorrectly, that he had such authority delegated to him from LTG Sanchez. COL Pappas's belief likely stemmed in part from the changing ICRP. The initial policy was published on 14 September 2003 and allowed the use of dogs subject to approval by LTG Sanchez. On 12 October 2003, these were amended to eliminate several techniques due to CENTCOM objections. After the 12 October 2003 amendment, the ICRP safeguards allowed that dogs present at interrogations were to be muzzled and under the control of a handler. COL Pappas did not recall how he got the authority to employ dogs; just that he had it. (Reference Annex B, Appendix 1, G. MILLER and PAPPAS, and Annex J, Appendix 3)

(U) SFC Plude stated the two Army dog teams never joined the Navy teams as part of the IRF and remained separate and under the direct control of MAJ Dinenna, S3, 320 MP BN. These teams were involved in all documented detainee abuse involving dogs; both MP and MI directed. The Navy dog teams were properly employed because of good training, excellent leadership, personal moral character, and professionalism exhibited by the Navy Dog Handlers, MA1 Kimbro, MA1 Clark, and MA2 Pankratz, and IRF personnel. The Army teams apparently agreed to be used in abusive situations by both MPs and MI in contravention to their doctrine, training, and values. In an atmosphere of permissiveness and absence of oversight or leadership the Army dog teams became involved in several incidents of abuse over the following weeks

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(Reference Annex B, Appendix 1, KIMBRO, PLUDE; Annex B, Appendix 2, PLUDE; Annex B, Appendix 3, PLUDE).

(1) (U) **Incident #25.** The first documented incident of abuse with dogs occurred on 24 November 2003, just four days after the dogs teams arrived. An Iraqi detainee was smuggled a pistol by an Iraqi Police Guard. While attempting to confiscate the weapon, an MP was shot and the detainee was subsequently shot and wounded. Following the shooting, LTC Jordan ordered several interrogators to the Hard Site to screen eleven Iraqi Police who were detained following the shooting. The situation at the Hard Site was described by many as "chaos," and no one really appeared to be in charge. The perception was that LTG Sanchez had removed all restrictions that night because of the situation; however, that was not true. No one is able to pin down how that perception was created. A Navy Dog Team entered the Hard Site and was instructed to search for additional weapons and explosives. The dogs searched the cells, no explosives were detected and the Navy Dog Team eventually completed their mission and left. Shortly thereafter, MA1 Kimbro, USN, was recalled when someone "needed" a dog. MA1 Kimbro went to the top floor of Tier 1B, rather than the MI Hold area of Tier 1A. As he and his dog approached a cell door, he heard yelling and screaming and his dog became agitated. Inside the cell were CIVILIAN-11 (CACI contract interrogator), a second unidentified male in civilian clothes who appeared to be an interrogator and CIVILIAN16 (female contract interpreter), all of whom were yelling at a detainee squatting in the back right corner. MA1 Kimbro's dog was barking a lot with all the yelling and commotion. The dog lunged and MA1 Kimbro struggled to regain control of it. At that point, one of the men said words to the effect "You see that dog there, if you don't tell me what I want to know, I'm gonna get that dog on you!" The three began to step out of the cell leaving the detainee inside and MA1 Kimbro backed-up to allow them to exit, but there was not much room on the tier. After they exited, the dog lunged and pulled MA1 Kimbro just inside the cell. He quickly regained control of his dog, and exited the cell. As CIVILIAN-11, CIVILIAN-16, and the other interrogator re-entered the cell, MA1 Kimbro's dog grabbed CIVILIAN-16's forearm in its mouth. It apparently did not bite through her clothes or skin and CIVILIAN-16 stated the dog did not bite her. Realizing he had not been called for an explosives search, MA1 Kimbro departed the area with his dog and as he got to the bottom of the tier stairs, he heard someone calling for the dog again, but he did not return. No record of this interrogation exists, as was the case for the interrogations of Iraqi Police in the hours and days following the shooting incident. The use of dogs in the manner directed by CIVILIAN-11 was clearly abusive and unauthorized (Reference Annex B, Appendix 1, SOLDIER-11, KIMBRO, PAPPAS, CIVILIAN-11; Annex B, Appendix 2, PAPPAS).

(U) Even with all the apparent confusion over roles, responsibilities and authorities, there were early indications that MP and MI personnel knew the use of dog teams in interrogations was abusive. Following this 24 November 2003, incident the three Navy dog teams concluded that some interrogators might attempt to misuse Navy Dogs to support their

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interrogations. For all subsequent requests they inquired what the specific purpose of the dog was and when told "for interrogation" they explained that Navy dogs were not intended for interrogations and the request would not be fulfilled. Over the next few weeks, the Navy dog teams received about eight similar calls, none of which were fulfilled. In the later part of December 2003, COL Pappas summoned MA1 Kimbro and wanted to know what the Navy dogs' capabilities were. MA1 Kimbro explained Navy dog capabilities and provided the Navy Dog Use SOP. COL Pappas never asked if they could be used in interrogations and following that meeting the Navy Dog teams received no additional requests to support interrogations.

(2) (U) **Incident #26.** On or about 8 January 2004, SOLDIER-17 was conducting an interrogation of a Baath Party General Officer in the shower area of Tier 1B of the Hard Site. Tier 1B was the area of the Hard Site dedicated to female and juvenile detainees. Although Tier 1B was not the normal location for interrogations, due to a space shortage in Tier 1A, SOLDIER-17 was using this area. SOLDIER-17 witnessed an MP guard and an MP Dog Handler, whom SOLDIER-17 later identified from photographs as SOLDIER27, enter Tier 1B with SOLDIER-27's black dog. The dog was on a leash, but was not muzzled. The MP guard and MP Dog Handler opened a cell in which two juveniles, one known as "Casper," were housed. SOLDIER-27 allowed the dog to enter the cell and "go nuts on the kids," barking at and scaring them. The juveniles were screaming and the smaller one tried to hide behind "Casper." SOLDIER-27 allowed the dog to get within about one foot of the juveniles. Afterward, SOLDIER-17 overheard SOLDIER-27 say that he had a competition with another handler (likely SOLDIER-08, the only other Army dog handler) to see if they could scare detainees to the point that they would defecate. He mentioned that they had already made some detainees urinate, so they appeared to be raising the competition. This incident has no direct MI involvement; however, SOLDIER-17 failed to properly report what he observed. He stated that he went to bed and forgot the incident until asked about misuse of dogs during this investigation (Reference Annex B, Appendix 1, SOLDIER-17).

(3) (U) **Incident #27.** On 12 December 2003, an MI Hold detainee named DETAINEE-11, was recommended by MI (SOLDIER-17) for an extended stay in the Hard Site because he appeared to be mentally unstable. He was bitten by a dog in the Hard Site, but at the time he was not undergoing an interrogation and no MI personnel were present. DETAINEE-11 told SOLDIER-17 that a dog had bitten him and SOLDIER-17 saw dog bite marks on DETAINEE11's thigh. SOLDIER-08, who was the dog handler of the dog that bit DETAINEE-11, stated that in December 2003 his dog bit a detainee and he believed that MPs were the only personnel around when the incident occurred, but he declined to make further statements regarding this incident to either the MG Taguba inquiry or to this inquiry. SOLDIER-27, another Army dog handler, also stated that SOLDIER-08's dog had bitten someone, but did not provide further information. This incident was captured on digital photograph 0178/CG LAPS and appears to be the result of MP harassment and amusement, no MI involvement is suspected

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(Reference Annex B, Appendix 1, SOLDIER-17; Annex B, Appendix 2, SOLDIER-08, SMITH; Annex I, Appendix 1, Photographs, D45-54, M146-171).

(4) (U) **Incident #28.** In an apparent MI directed use of dogs in detainee abuse, circa 18 December 2003, a photograph depicts a Syrian detainee (DETAINEE-14) kneeling on the floor with his hands bound behind his back. DETAINEE-14 was a "high value" detainee who had arrived at Abu Ghraib in December 2003, from a Navy ship. DETAINEE-14 was suspected to be involved with Al-Qaeda. Military Working Dog Handler SOLDIER-27 is standing in front of DETAINEE-14 with his black dog a few feet from DETAINEE-14's face. The dog is leashed, but not muzzled. SGT Eckroth was DETAINEE-14's interrogator from 18 to 21 December 2003, and CIVILIAN-21, CACI contract interrogator, assumed the lead after SGT Eckroth departed Abu Ghraib on 22 December 2003. SGT Eckroth identified DETAINEE-14 as his detainee when shown a photo of the incident. CIVILIAN-21 claimed to know nothing about this incident; however, in December 2003 he related to SSG Eckroth he was told by MPs that DETAINEE-14's bedding had been ripped apart by dogs. CIVILIAN-21 was characterized by SOLDIER-25 as having a close relationship with the MPs, and she was told by SGT Frederick about dogs being used when CIVILIAN-21 was there. It is highly plausible that CIVILIAN-21 used dogs without authorization and directed the abuse in this incident as well as others related to this detainee (Reference Annex B, Appendix 1, ECKROTH, SOLDIER-25, CIVILIAN-21; Annex I, Appendix 1, Photographs Z1-6).

(5) (U) **Incident #29.** On or about 14 - 15 December 2003, dogs were used in an interrogation. SPC Aston, who was the Section Chief of the Special Projects team, stated that on 14 December, one of his interrogation teams requested the use of dogs for a detainee captured in conjunction with the capture of Saddam Hussein on 13 December 2003. SPC Aston verbally requested the use of dogs from COL Pappas, and COL Pappas stated that he would call higher to request permission. This is contrary to COL Pappas's statement that he was given authority to use dogs as long as they were muzzled. About one hour later, SPC Aston received approval. SPC Aston stated that he was standing to the side of the dog handler the entire time the dog was used in the interrogation. The dog never hurt anyone and was always muzzled, about five feet away from the detainee (Reference Annex B, Appendix 1, ASTON, PAPPAS).

(6) (U) **Incident #30.** On another occasion, SOLDIER-26, an MI Soldier assigned to the S2, 320 MP BN, was present during an interrogation of a detainee and was told the detainee was suspected to have Al Qaeda affiliations. Dogs were requested and approved about three days later. SOLDIER-26 didn't know if the dog had to be muzzled or not, likely telling the dog handler to un-muzzle the dog, in contravention to CJTF-7 policy. The interrogators were CIVILIAN-20, CACI, and CIVILIAN-21 (CACI), SOLDIER-14, Operations Officer, ICE stated that CIVILIAN-21, used a dog during one of his interrogations and this is likely that occasion. According to SOLDIER-14, CIVILIAN-21 had the dog handler maintain control of the dog and

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did not make any threatening reference to the dog, but apparently “felt just the presence of the dog would be unsettling to the detainee.” SOLDIER-14 did not know who approved the procedure, but was verbally notified by SOLDIER-23, who supposedly received the approval from COL Pappas. CIVILIAN-21 claimed he once requested to use dogs, but it was never approved. Based on the evidence, CIVILIAN-21 was deceitful in his statement (Reference Annex B, Appendix 1, SOLDIER-14, SOLDIER-26, CIVILIAN-21).

(7) (U) **Incident #31.** In a 14/15 December 2003 interrogation, military working dogs were used but were deemed ineffective because the detainee had little to no response to them. CIVILIAN-11, SOLDIER-05 and SOLDIER-12, all who participated in the interrogation, believed they had authority to use the dogs from COL Pappas or from LTG Sanchez; however, no documentation was found showing CJTF7 approval to use dogs in interrogations. It is probable that approval was granted by COL Pappas without such authority. LTG Sanchez stated he never approved use of dogs. (Reference Annex B, Appendix 1, CIVILIAN-11, SOLDIER-12, SOLDIER-14, PAPPAS, SOLDIER-23, CIVILIAN-21, SANCHEZ).

(8) (U) **Incident #32.** In yet another instance, SOLDIER-25, an interrogator, stated that when she and SOLDIER15 were interrogating a female detainee in the Hard Site, they heard a dog barking. The female detainee was frightened by dogs, and SOLDIER-25 and SOLDIER-15 returned her to her cell. SOLDIER-25 went to see what was happening with the dog barking and saw a detainee in his underwear on a mattress on the floor of Tier 1A with a dog standing over him. CIVILIAN-21 was upstairs giving directions to SSG Fredrick (372 MP Co), telling him to “take him back home.” SOLDIER-25 opined it was “common knowledge that CIVILIAN-21 used dogs while he was on special projects, working directly for COL Pappas after the capture of Saddam on 13 December 2003.” SOLDIER25 could not identify anyone else specifically who knew of this “common knowledge.” It appeared CIVILIAN-21 was encouraging and even directing the MP abuse with dogs; likely a “softening up” technique for future interrogations. The detainee was one of CIVILIAN-21’s. SOLDIER-25 did not see an interpreter in the area, so it is unlikely that CIVILIAN-21 was actually doing an interrogation.

(9) (U) SOLDIER-25 stated that SSG Frederick would come into her office every other day or so and tell her about dogs being used while CIVILIAN-21 was present. SSG Fredrick and other MPs used to refer to “doggy dance” sessions. SOLDIER-25 did not specify what “doggy dance” was (Reference Annex B, Appendix 1, SOLDIER-25), but the obvious implication is that it referred to an unauthorized use of dogs to intimidate detainees.

g. (U) **Incidents of Detainee Abuse Using Humiliation.** Removal of clothing was not a technique developed at Abu Ghraib, but rather a technique which was imported and can be traced through Afghanistan and GTMO. The 1987 version of FM 34-52, Interrogation, talked about “controlling all aspects of the interrogation to include... clothing given to the source,” while the

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current 1992 version does not. The 1987 version was, however, cited as the primary reference for CJTF-7 in Iraq, even as late as 9 June 2004. The removal of clothing for both MI and MP objectives was authorized, approved, and employed in Afghanistan and GTMO. At GTMO, the JTF 170 "Counter-Resistance Strategy," documented on 11 October 2002, permitted the removal of clothing, approved by the interrogation officer-in-charge, as an incentive in detention operations and interrogations. The SECDEF granted this authority on 2 December 2002, but it was rescinded six weeks later in January 2003. This technique also surfaced in Afghanistan. The CJTF-180 "Interrogation Techniques," documented on 24 January 2003, highlighted that deprivation of clothing had not historically been included in battlefield interrogations. However, it went on to recommend clothing removal as an effective technique that could potentially raise objections as being degrading or inhumane, but for which no specific written legal prohibition existed. As interrogation operations in Iraq began to take form, it was often the same personnel who had operated and deployed in other theaters and in support of GWOT, who were called upon to establish and conduct interrogation operations in Abu Ghraib. The lines of authority and the prior legal opinions blurred. Soldiers simply carried forward the use of nudity into the Iraqi theater of operations.

(U) Removal of clothing is not a doctrinal or authorized interrogation technique but appears to have been directed and employed at various levels within MI as an "ego down" technique. It was also employed by MPs as a "control" mechanism. Individual observation and/or understanding of the use and approval of clothing removal varied in each interview conducted by this investigation. LTC Jordan was knowledgeable of naked detainees and removal of their clothing. He denied ordering it and blamed it on the MPs. CPT Wood and SOLDIER14 claimed not to have observed nudity or approved clothing removal. Multiple MPs, interrogators, analysts, and interpreters observed nudity and/or employed clothing removal as an incentive, while an equal number didn't. It is apparent from this investigation that removal of clothing was employed routinely and with the belief it was not abuse. SOLDIER-03, GTMO Tiger Team believed that clothing as an "ego down" technique could be employed. He thought, mistakenly, that GTMO still had that authority. Nudity of detainees throughout the Hard Site was common enough that even during an ICRC visit they noted several detainees without clothing, and CPT Reese, 372 MP CO, stated upon his initial arrival at Abu Ghraib, "There's a lot of nude people here." Some of the nudity was attributed to a lack of clothing and uniforms for the detainees; however, even in these cases we could not determine what happened to the detainee's original clothing. It was routine practice to strip search detainees before their movement to the Hard Site. The use of clothing as an incentive (nudity) is significant in that it likely contributed to an escalating "de-humanization" of the detainees and set the stage for additional and more severe abuses to occur (Reference Annex I, Appendix 1, Photographs D42-43, M5-7, M17-18, M21, M137-141).

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(1) (U) **Incident #33.** There is also ample evidence of detainees being forced to wear women's underwear, sometimes on their heads. These cases appear to be a form of humiliation, either for MP control or MI "ego down." DETAINEE-07 and DETAINEE-05 both claimed they were stripped of their clothing and forced to wear women's underwear on their heads. CIVILIAN-15 (CACI) and CIVILIAN-19 (CACI), a CJTF-7 analyst, alleged CIVILIAN-21 bragged and laughed about shaving a detainee and forcing him to wear red women's underwear. Several photographs include unidentified detainees with underwear on their heads. Such photos show abuse and constitute sexual humiliation of detainees (Reference Annex B, Appendix 1, SOLDIER-03, SOLDIER-14, JORDAN, REESE, CIVILIAN-21, WOOD; Annex B, Appendix 3, DETAINEE-05, CIVILIAN-15, CIVILIAN-19, DETAINEE-07; Annex C; Annex G; Annex I, Appendix 1, photographs D12, D14, M11-16).

(2) (U) **Incident #34.** On 16 September 2003, MI directed the removal of a detainee's clothing. This is the earliest incident we identified at Abu Ghraib. An MP log indicated a detainee "was stripped down per MI and he is naked (sic) and standing tall in his cell." The following day his interrogators, SPC Webster and SSG Clinscales, arrived at the detainee's cell, and he was unclothed. They were both surprised. An MP asked SSG Clinscales, a female, to stand to the side while the detainee dressed and the detainee appeared to have his clothing in his cell. SSG Clinscales was told by the MP the detainee had voluntarily removed his clothing as a protest and, in the subsequent interrogation, the detainee did not claim any abuse or the forcible removal of his clothing. It does not appear the detainee was stripped at the interrogator's direction, but someone in MI most likely directed it. SPC Webster and SOLDIER-25 provided statements where they opined SPC Claus, in charge of in-processing MI Holds, may have directed removal of detainee clothing on this and other occasions. SPC Claus denies ever giving such orders (Reference Annex B, Appendix 1, CLAUS, CLINSCALES, SOLDIER-25, WEBSTER).

(3) (U) **Incident #35.** On 19 September 2003, an interrogation "Tiger Team" consisting of SOLDIER-16, SOLDIER-07, and a civilian contract interpreter identified only as "Maher" (female), conducted a late night/early morning interrogation of a 17 year old Syrian foreign fighter. SOLDIER-16 was the lead interrogator. SOLDIER-07 was told by SOLDIER-16 that the detainee they were about to interrogate was naked. SOLDIER-07 was unsure if SOLDIER-16 was simply passing along that fact or had directed the MPs to strip the detainee. The detainee had fashioned an empty "Meals-Ready-to-Eat" (MRE) bag to cover his genital area. SOLDIER-07 couldn't recall who ordered the detainee to raise his hands to his sides, but when he did, the bag fell to the floor exposing him to SOLDIER-07 and the two female interrogation team members. SOLDIER-16 used a direct interrogation approach with the incentive of getting back clothing, and the use of stress positions.

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(U) There is no record of an Interrogation Plan or any approval documents which would authorize these techniques. The fact these techniques were documented in the Interrogation Report suggests, however, that the interrogators believed they had the authority to use clothing as an incentive, as well as stress positions, and were not attempting to hide their use. Stress positions were permissible with Commander, CJTF-7 approval at that time. It is probable that use of nudity was sanctioned at some level within the chain-of-command. If not, lack of leadership and oversight permitted the nudity to occur. Having a detainee raise his hands to expose himself in front of two females is humiliation and therefore violates the Geneva Conventions (Reference Annex B, Appendix 1, SOLDIER-07, SOLDIER-14, SOLDIER-16, SOLDIER-24, WOOD).

(4) (U) **Incident #36.** In early October 2003, SOLDIER-19 was conducting an interrogation and ordered a detainee to roll his orange jumpsuit down to his waist, insinuating to the detainee that he would be further stripped if he did not cooperate. SOLDIER-19's interpreter put up his hand, looked away, said that he was not comfortable with the situation, and exited the interrogation booth. SOLDIER-19 was then forced to stop the interrogation due to lack of language support. SOLDIER-11, an analyst from a visiting JTF GTMO Tiger Team, witnessed this incident through the booth's observation window and brought it to the attention of SOLDIER-16, who was SOLDIER-19's Team Chief and first line supervisor. SOLDIER-16 responded that SOLDIER-19 knew what he was doing and did not take any action regarding the matter. SOLDIER-11 reported the same information to SOLDIER-28, his JTF GTMO Tiger Team Chief, who, according to SOLDIER-11, said he would "take care of it." SOLDIER-28 recalled a conversation with SOLDIER-11 concerning an interpreter walking out of an interrogation due to a "cultural difference," but could not remember the incident. This incident has four abuse components: the actual unauthorized stripping of a detainee by SOLDIER-19, the failure of SOLDIER-10 to report the incident he witnessed, the failure of SOLDIER-16 to take corrective action, reporting the incident up the chain of command, and the failure of SOLDIER-28 to report. (Reference Annex B, Appendix 1, SOLDIER-11, SOLDIER-16, SOLDIER-19, SOLDIER-28)

(5) (U) **Incident #37.** A photograph taken on 17 October 2003 depicts a naked detainee chained to his cell door with a hood on his head. Several other photographs taken on 18 October 2003 depict a hooded detainee cuffed to his cell door. Additional photographs on 19 October 2003 depict a detainee cuffed to his bed with underwear on his head. A review of available documents could not tie these photos to a specific incident, detainee or allegation, but these photos reinforce the reality that humiliation and nudity were being employed routinely enough that photo opportunities occurred on three successive days. MI involvement in these apparent abuses cannot be confirmed. (Reference Annex I, Appendix 1, Photographs D12, D14, D42-44, M5-7, M17-18, M21, M11-16, M137-141)

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(6) (U) **Incident #38.** Eleven photographs of two female detainees arrested for suspected prostitution were obtained. Identified in these photographs are SPC Harman and CPL Graner, both MPs. In some of these photos, a criminal detainee housed in the Hard Site was shown lifting her shirt with both her breasts exposed. There is no evidence to confirm if these acts were consensual or coerced; however in either case sexual exploitation of a person in US custody constitutes abuse. There does not appear to be any direct MI involvement in either of the two incidents above. (Reference Annex I, Appendix 1, Photographs M42-52)

(7) (U) **Incident #39.** On 16 November 2003, SOLDIER-29 decided to strip a detainee in response to what she believed was uncooperative and physically recalcitrant behavior. She had submitted an Interrogation Plan in which she planned to use the "Pride and Ego Down," technique but did not specify that she would strip the detainee as part of that approach. SOLDIER-29 felt the detainee was "arrogant," and when she and her analyst, SOLDIER-10, "placed him against the wall" the detainee pushed SOLDIER-10. SOLDIER-29 warned if he touched SOLDIER-10 again, she would have him remove his shoes. A bizarre tit-for-tat scenario then ensued where SOLDIER-29 would warn the detainee about touching SOLDIER-10, the detainee would "touch" SOLDIER-10, and then had his shirt, blanket, and finally his pants removed. At this point, SOLDIER-29 concluded that the detainee was "completely uncooperative" and terminated the interrogation. While nudity seemed to be acceptable, SOLDIER-29 went further than most when she walked the semi-naked detainee across the camp. SGT Adams, SOLDIER-29's supervisor, commented that walking a semi-naked detainee across the camp could have caused a riot. CIVILIAN-21, a CACI contract interrogator, witnessed SOLDIER-29 and SOLDIER-10 escorting the scantily clad detainee from the Hard Site back to Camp Vigilant, wearing only his underwear and carrying his blanket. CIVILIAN-21 notified SGT Adams, who was SOLDIER-29's section chief, who in turn notified CPT Wood, the ICE OIC. SGT Adams immediately called SOLDIER-29 and SOLDIER-10 into her office, counseled them, and removed them from interrogation duties.

(U) The incident was relatively well known among JIDC personnel and appeared in several statements as second hand information when interviewees were asked if they knew of detainee abuse. LTC Jordan temporarily removed SOLDIER-29 and SOLDIER-10 from interrogation duties. COL Pappas left the issue for LTC Jordan to handle. COL Pappas should have taken sterner action such as an Article 15, UCMJ. His failure to do so did not send a strong enough message to the rest of the JIDC that abuse would not be tolerated. CPT Wood had recommended to LTC Jordan that SOLDIER-29 receive an Article 15 and SFC Johnson, the interrogation NCOIC, recommended she be turned over to her parent unit for the non-compliance. (Reference Annex B, Appendix 1, ADAMS, CIVILIAN-04, JORDAN, PAPPAS, SOLDIER-29, CIVILIAN-21, WOOD; Annex B, Appendix 2, JORDAN).

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(8) (U) **Incident #40.** On 24 November 2003, there was a shooting of a detainee at Abu Ghraib in Tier 1A. DETAINEE-06, had obtained a pistol. While the MPs attempted to confiscate the weapon, an MP and DETAINEE-06 were shot. It was alleged that an Iraqi Police Guard had smuggled the pistol to DETAINEE-06 and in the aftermath of the shooting forty-three Iraqi Police were screened and eleven subsequently detained and interrogated. All but three were released following intense questioning. A fourth did not report for work the next day and is still at large. The Iraqi guard detainees admitted smuggling the weapons into the facility hiding them in an inner tube of a tire and several of the Iraqi guards were identified as Fedayeen trainers and members. During the interrogations of the Iraqi Police, harsh and unauthorized techniques were employed to include the use of dogs, discussed earlier in this report, and removal of clothing (See paragraph 5.e(18), above). Once detained, the police were strip-searched, which was a reasonable precaution considering the threat of contraband or weapons. Following such search, however, the police were not returned their clothes before being interrogated. This is an act of humiliation and was unauthorized. It was the general understanding that evening that LTG Sanchez and COL Pappas had authorized all measures to identify those involved, however, that should not have been construed to include abuse. LTC Jordan was the senior officer present at the interrogations and is responsible for the harsh and humiliating treatment of the police (Reference Annex B, Appendix 1, JORDAN, PAPPAS; Annex B, Appendix 2, JORDAN, PAPPAS, Annex B, Appendix 1, DETAINEE-06).

(9) (U) **Incident #41.** On 4 December 2003, documentation in the MP Logs indicated that MI leadership was aware of clothing removal. An entry indicated "Spoke with LTC Jordan (205 MI BDE) about MI holds in Tier 1A/B. He stated he would clear up with MI and let MPs run Tiers 1A/B as far as what inmate gets (clothes)." Additionally, in his statement, LTC Phillabaum claims he asked LTC Jordan what the situation was with naked detainees, and LTC Jordan responded with, "It was an interrogation technique." Whether this supports allegations of MI involvement in the clothing and stripping of detainees is uncertain, but it does show that MI at least knew of the practice and was willing to defer decisions to the MPs. Such vague guidance, if later combined with an implied tasking from MI, or perceived tasking by MP, potentially contributed to the subsequent abuse (Reference Annex B, Appendix 2, PHILLABAUM).

h. (U) **Incidents of Detainee Abuse Using Isolation.** Isolation is a valid interrogation technique which required approval by the CJTF-7 Commander. We identified documentation of four instances where isolation was approved by LTG Sanchez. LTG Sanchez stated he had approved 25 instances of isolation. This investigation, however, found numerous incidents of chronic confusion by both MI and MPs at all levels of command, up through CJTF-7, between the definitions of "isolation" and "segregation." Since these terms were commonly interchanged, we conclude Segregation was used far more often than Isolation. Segregation is a valid procedure to limit collaboration between detainees. This is what was employed most often in Tier 1A (putting a detainee in a cell by himself vice in a communal cell as was common outside

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the Hard Site) and was sometimes incorrectly referred to as "isolation." Tier 1A did have isolation cells with solid doors which could be closed as well as a small room (closet) which was referred to as the isolation "Hole." Use of these rooms should have been closely controlled and monitored by MI and MP leaders. They were not, however, which subjected the detainees to excessive cold in the winter and heat in the summer. There was obviously poor air quality, no monitoring of time limits, no frequent checks on the physical condition of the detainee, and no medical screening, all of which added up to detainee abuse. A review of interrogation reports identified ten references to "putting people in the Hole," "taking them out of the Hole," or consideration of isolation. These occurred between 15 September 2003 and 3 January 2004. (Reference Annex B, Appendix 1, SANCHEZ)

(1) (U) **Incident #42.** On 15 September 2003, at 2150 hours, unidentified MI personnel, using the initials CKD, directed the use of isolation on a unidentified detainee. The detainee in cell #9 was directed to leave his outer cell door open for ventilation and was directed to be taken off the light schedule. The identification of CKD, the MI personnel, or the detainee could not be determined. This information originated from the prison log entry and confirms the use of isolation and sensory deprivation as interrogation techniques. (Reference MP Hard Site log book entry, 15 September 2003).

(2) (U) **Incident #43.** In early October 2003, SOLDIER-11 was interrogating an unidentified detainee with SOLDIER-19, an interrogator, and an unidentified contract interpreter. About an hour and 45 minutes into the interrogation, SOLDIER-19 turned to SOLDIER-11 and asked if he thought they should place the detainee in solitary confinement for a few hours, apparently because the detainee was not cooperating or answering questions. SOLDIER-11 expressed his misgivings about the tactic, but deferred to SOLDIER-19 as the interrogator. About 15 minutes later, SOLDIER-19 stopped the interrogation, departed the booth, and returned about five minutes later with an MP, SSG Frederick. SSG Frederick jammed a bag over the detainee's head, grabbed the handcuffs restraining him and said something like "come with me piggy", as he led the detainee to solitary confinement in the Hard Site, Tier 1A of Abu Ghraib.

(U) About half an hour later, SOLDIER-19 and SOLDIER-11 went to the Hard Site without their interpreter, although he was available if needed. When they arrived at the detainee's cell, they found him lying on the floor, completely naked except for a hood that covered his head from his upper lip, whimpering, but there were no bruises or marks on him. SSG Frederick then met SOLDIER-19 and SOLDIER-11 at the cell door. He started yelling at the detainee, "You've been moving little piggy, you know you shouldn't move", or words to that effect, and yanked the hood back down over the detainee's head. SOLDIER-19 and SOLDIER-11 instructed other MPs to clothe the detainee, which they did. SOLDIER-11 then asked SOLDIER-19 if he knew the MPs were going to strip the detainee, and SOLDIER-19 said that he

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did not. After the detainee was clothed, both SOLDIER-19 and SOLDIER-11 escorted him to the general population and released him without interrogating him again. SSG Frederick made the statement "I want to thank you guys, because up until a week or two ago, I was a good Christian." SOLDIER-11 is uncertain under what context SSG Frederick made this statement. SOLDIER-11 noted that neither the isolation technique, nor the "striping incident" in the cell, was in any "interrogator notes" or "interrogation plan."

(U) More than likely, SOLDIER-19 knew what SSG Frederick was going to do. Given that the order for isolation appeared to be a spontaneous reaction to the detainee's recalcitrance and not part of an orchestrated Interrogation Plan; that the "isolation" lasted only approximately half an hour; that SOLDIER-19 chose to re-contact the detainee without an interpreter present; and that SOLDIER-19 was present with SSG Frederick at another incident of detainee abuse; it is possible that SOLDIER-19 had a prearranged agreement with SSG Frederick to "soften up" uncooperative detainees and directed SSG Frederick to strip the detainee in isolation as punishment for being uncooperative, thus providing the detainee an incentive to cooperate during the next interrogation. We believe at a minimum, SOLDIER-19 knew or at least suspected this type of treatment would take place even without specific instructions (Reference Annex B, Appendix 1, SOLDIER-11, SOLDIER-19, PAPPAS, SOLDIER-28).

(3) (U) **Incident(s) #44.** On 13 November 2003, SOLDIER-29 and SOLDIER-10, MI interrogators, noted that a detainee was unhappy with his stay in isolation and visits to the hole.

(U) On 11, 13, and 14 November 2003, MI interrogators SOLDIER-04, SOLDIER-09, SOLDIER-02, and SOLDIER-23 noted that a detainee was "walked and put in the Hole," "pulled out of extreme segregation," "did not seem to be bothered to return to the Hole," "Kept in the Hole for a long time unless he started to talk," and "was in good spirits even after three days in the Hole." (Reference Annex I, Appendix 3, Photo of "the Hole").

(U) A 5 November 2003 interrogation report indicates in the recommendations/future approaches paragraph: "Detainee has been recommended for the hole in ISO. Detainee should be treated harshly because friendly treatment has not been productive and because COL Pappas wants fast resolution, or he will turn the detainee over to someone other than the 205th [MI]."

(U) On 12 November 2003, MI interrogators SOLDIER-18 and SOLDIER13 noted that a detainee "feared the isolation Hole, and it made him upset, but not enough to break."

(U) On 29 November 2003, MI interrogators SOLDIER-18 and SOLDIER-06 told a detainee that "he would go into the Hole if he didn't start cooperating."

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(U) On 8 December 2003, unidentified interrogators told a detainee that he was “recommended for movement to ISO and the Hole - he was told his sun [sunlight] would be taken away, so he better enjoy it now.”

(U) These incidents all indicate the routine and repetitive use of total isolation and light deprivation. Documentation of this technique in the interrogation reports implies those employing it thought it was authorized. The manner it was applied is a violation of the Geneva Conventions, CJTF-7 policy, and Army policy (Reference Annex M, Appendix 2, AR 190-8). Isolation was being employed without proper approval and with little oversight, resulting in abuse (Reference Annex I, Appendix 4, DETAINEE-08).

i. (U) Several alleged abuses were investigated and found to be unsubstantiated. Others turned out to be no more than general rumor or fabrication. This investigation established a threshold below which information on alleged or potential abuse was not included in this report. Fragmentary or difficult to understand allegations or information at times defied our ability to investigate further. One such example is contained in a statement from an alleged abuse victim, DETAINEE-13, who claimed he was always treated well at Abu Ghraib but was abused earlier by his captors. He potentially contradicts that claim by stating his head was hit into a wall. The detainee appears confused concerning the times and locations at which he was abused. Several incidents involved numerous victims and/or occurred during a single “event,” such as the Iraqi Police Interrogations on 24 November 2003. One example receiving some visibility was a report by SOLDIER-22 who overheard a conversation in the “chow hall” between SPC Mitchell and his unidentified “friends.” SPC Mitchell was alleged to have said: “MPs were using detainees as practice dummies. They would hit the detainees as practice shots. They would apply strikes to their necks and knock them out. One detainee was so scared; the MPs held his head and told him everything would be alright, and then they would strike him. The detainees would plead for mercy and the MPs thought it was all funny.” SPC Mitchell was interviewed and denied having knowledge of any abuse. He admitted that he and his friends would joke about noises they heard in the Hard Site and say things such as “the MPs are doing their thing.” SPC Mitchell never thought anyone would take him seriously. Several associates of SPC Mitchell were interviewed (SPC Griffin, SOLDIER-12, PVT Heidenreich). All claimed their discussions with SPC Mitchell were just rumor, and they didn’t think anyone would take him seriously or construe he had personal knowledge of abuse. SPC Mitchell’s duties also make it unlikely he would have witnessed any abuse. He arrived at Abu Ghraib as an analyst, working the day shift, in late November 2003. Shortly after his arrival, the 24 November “shooting incident” occurred and the following day, he was moved to Camp Victory for three weeks. Upon his return, he was transferred to guard duty at Camp Wood and Camp Steel and never returned to the Hard Site. This alleged abuse is likely an individual’s boastful exaggeration of a rumor which was rampant throughout Abu Ghraib, nothing more (Reference Annex B, Appendix 1, SOLDIER-12, GRIFFIN, HEIDENREICH, MITCHELL, SOLDIER-22).

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Allegations of Abuse Incidents, the Nature of Reported Abuse, and Associated Personnel								
Note: The chart lists all allegations considered. The specific abuse claimed and entities involved are not confirmed in all cases. The category of abuse are underlined. (See paragraph 5e-h, above)								
Date/ Time	Incident	Nature of Alleged Abuse						Comments
		<u>Nudity/ Humiliation</u>	<u>Assault</u>	<u>Sexual Assault</u>	<u>Use of Dogs</u>	<u>The "Hole"</u>	<u>Other</u>	
15 SEP 03/ 2150	Use of Isolation. Incident #42.					<u>MI/MP</u>	MP log entry confirms MI use of isolation and sensory deprivation as an interrogation technique.	
16 SEP 03/ 1315- 1445	MI Directs Removal of Clothing. Incident #34.	<u>MI/MP</u>					MPs respond to MI tasking. Detainee apparently stripped upon arrival to Hard Site at MI direction.	
19-20 SEP 03	Naked Detainee During Interrogation. Incident #35.	<u>MI/MP</u>						
20 SEP 03	Two MI Soldiers Beat and Kicked a Cuffed Detainee. Incident #1.		<u>MI</u>				CID investigated and referred the case back to the command.	

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Date/ Time	Incident	Nature of Alleged Abuse						Comments
		Nudity/ Humiliation	Assault	Sexual Assault	Use of Dogs	The "Hole"	Other	
7 OCT 03	Unauthorized Interrogation and Alleged Assault of a Female Detainee. Incident #2.	MI		<u>MI</u>				Unauthorized interrogation. MI personnel received Field Grade Article 15s.
Early OCT 03	Interrogator Directs Partial Removal of Clothing/Failure to Report. Incident #36.	<u>MI</u>						
Early OCT 03	Interrogator Directs Unauthorized Solitary Confinement/Military Police Stripping of Detainee/Failure to Report. Incident #43.	MP	MP			<u>MI/MP</u>		MI directed the MP place the detainee in solitary confinement (apparently the "Hole") for a few hours. The MPs carried out the request, stripped and hooded the detainee.

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17 OCT 03 - 19 Oct 03	Photos Depicting a Naked Hooded Detainee Cuffed to His Cell Door. Detainee Cuffed to His Bed with Underwear on his Head. Incident #37.	<u>UNK</u>						Nudity, hooding, and restraint. No indication of association with MI.
20 OCT 03	Detainee Was Stripped and Abused for Making a Shank from a Toothbrush. Incident #8.	<u>MP</u>	<u>MP</u>	<u>MP</u>				No indication of association with MI.
25 OCT 03/ 2015 (est)	Photos of a Naked Detainee on a Dog Leash. Incident #9.	<u>MP</u>		<u>MP</u>				Humiliation and degradation. No indication of association with MI.

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Allegations of Abuse Incidents, the Nature of Reported Abuse, and Associated Personnel								
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Date/ Time	Incident	Nature of Alleged Abuse						Comments
		<u>Nudity/ Humiliation</u>	<u>Assault</u>	<u>Sexual Assault</u>	<u>Use of Dogs</u>	<u>The "Hole"</u>	<u>Other</u>	
25 OCT 03/ 2300 – 2317 (est)	Three Naked Detainees Handcuffed Together and Forced to Simulate Sex While Photographed and Abused. Incident #3.	MI/MP	<u>MI/MP</u>	<u>MI/MP</u>				Incident not associated with interrogation operations. MI personnel observed and participated as individuals.
28 OCT 03	Photographs of Female Detainees. Incident #38.	<u>MP</u>		MP				MPs took many photos of two female detainees. One detainee photographed exposing her breasts.
OCT 03	Abuse and Sodomy of a Detainee (Chem Light Incident). Incident #5.	MP	<u>MP</u>	<u>MP</u>				Detainee on MI Hold. No other indication of association with MI.

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Date/ Time	Incident	Nature of Alleged Abuse						Comments
		<u>Nudity/ Humiliation</u>	<u>Assault</u>	<u>Sexual Assault</u>	<u>Use of Dogs</u>	<u>The "Hole"</u>	<u>Other</u>	
OCT 03	Detainee's Chin Lacerated. Incident #21.		<u>MP</u>					No indication of association with MI. Assailant unknown.
4 NOV 03/ 2140 - 2315	Detainee Forced to Stand on a Box With Simulated Electrical Wires Attached to his Fingers and Penis. Incident #10.	MP		<u>MP</u>				No indication of association with MI. Attached wire to penis. Threatened detainee with electrocution
4 NOV 03	CIA Detainee Dies in Custody. Incident #7.		<u>CIA</u>					SEAL Team involved in apprehending detainee. MPs photographed body. Tampered with evidence
5 NOV 03	Detainee Forced to Stand on Boxes, Water is Poured on Him, His Genitals are Hit. Incident #20.	MP	<u>MP</u>	<u>MP</u>				Detainee on MI Hold. No other indication of association with MI.

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Date/ Time	Incident	Nature of Alleged Abuse						Comments
		Nudity/ Humiliation	Assault	Sexual Assault	Use of Dogs	The "Hole"	Other	
7-8 NOV 03/ 23 15 - 0024 (est)	Naked "Dog pile and Forced Masturbation of Detainees Following the 6 NOV 03 Riot at Camp Vigilant. Incident #11.	MP	<u>MP</u>	<u>MP</u>				
13 NOV 03	Detainee Claim of MP Abuse Corresponds with Interrogations. Incident #4.	MP	<u>MP</u>					Interrogation reports suggest MI directed abuse. Withholding of bedding
14 NOV 03	MP Log-Detainees Were Ordered "PT'd" By MI. Incident #6.	MP	<u>MP</u>					MPs performed unauthorized medical procedures – stitching detainee wounds

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		<u>Nudity/ Humiliation</u>	<u>Assault</u>	<u>Sexual Assault</u>	<u>Use of Dogs</u>	<u>The "Hole"</u>	<u>Other</u>	
16 NOV 03	Stripping of Detainee During Interrogation. Incident #39.	<u>MI</u>						MI interrogator counseled and removed as lead interrogator.
18 NOV 03	Photo Depicting Detainee on the Floor with a Banana Inserted into his Anus. Incident #14.		<u>MP</u>					Detainee had an apparent mental disorder. Photos were taken of him on other dates included showing him naked, praying upside down or covered in feces; blood on a door from an apparently self-inflicted wound; and efforts to restrain him. Appropriate psychiatric care and facilities apparently were not available.
24 NOV 03	MP CPT Beat and Kicked a Detainee. Incident #23.		<u>MP</u>					Subsequent investigation determined to be a staged event and not an abusive incident.

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Allegations of Abuse Incidents, the Nature of Reported Abuse, and Associated Personnel								
Note: The chart lists all allegations considered. The specific abuse claimed and entities involved are not confirmed in all cases. The category of abuse are underlined. (See paragraph 5e-h, above)								
Date/ Time	Incident	Nature of Alleged Abuse						Comments
		Nudity/ Humiliation	Assault	Sexual Assault	Use of Dogs	The "Hole"	Other	
24 NOV 03	Interrogator Threatens Use of Military Working Dog. Incident #25.				<u>MP/MI</u>			
24 NOV 03	The use of dogs and humiliation (clothing removal) was approved by MI. Incident #40.	<u>MI/MP</u>			<u>MI/MP</u>			COL Pappas authorized, and LTC Jordan supervised, the harsh treatment of Iraqi Police during interrogations, to include humiliation (clothing removal) and the use of dogs.
26 or 27 Nov 03	MI/MP Abuse During an Interrogation of Iraqi Policeman. Incident #15.			<u>MI/MP</u>				MP cutoff air supply by covering nose and mouth of detainee and twisted his arm at direction of contract interrogator during interrogation of Iraqi policeman.
29 NOV 04	Photo Depicting a detainee in his underwear standing on a box. Incident #13.	UNK	<u>UNK</u>					Photo could not be tied to any specific incident, detainee, or allegation and MI involvement is indeterminate.

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Date/ Time	Incident	Nature of Alleged Abuse						Comments
		<u>Nudity/ Humiliation</u>	<u>Assault</u>	<u>Sexual Assault</u>	<u>Use of Dogs</u>	<u>The "Hole"</u>	<u>Other</u>	
30 NOV 03	MP Log Entry- Detainee Was Found in Cell Covered in Blood. Incident #17.		<u>UNK</u>					Wounds apparently self-inflicted. No indication of association with MI.
Circa Dec 03	Photo Depicting detainee in stress position on chair. Incident #24.		<u>MI</u>					Photo shows detainee kneeling on a chair with Interrogators watching. No associated interrogation summaries to ID detainee
4 DEC 03	MP Log- Determination of Inmate Clothing by MI. Incident #41.	<u>MI/MP</u>						Suggests MI direction to remove selected detainee's clothing, with MP collaboration.

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Date/ Time	Incident	Nature of Alleged Abuse						Comments
		Nudity/ Humiliation	Assault	Sexual Assault	Use of Dogs	The "Hole"	Other	
12-13 DEC 03 (est)	Detainee Involved in Attempted Murder of MPs Claims Retaliatory Acts Upon Return to the Hard Site. Incident #18.		<u>MP</u>		<u>MP</u>			Detainee allegations may have been exaggerated. MP – Forced him to eat pork and forced alcohol in his mouth. MPs may have retaliated in response to the detainee shooting an MP on 24 NOV 03.
4-13 DEC 03 (est)	Withholding of Clothing, Bedding, and Medical Care. Incident #19.	<u>MP</u>	<u>UNK</u>					MI Soldier discovered and attempted to rectify the situation. A U/I COL or LTC medical officer refused to remove a catheter when notified by MI.
12 DEC 03	Dog Bites Iranian Detainee. Incident #27.	<u>MP</u>	<u>MP</u>		<u>MP</u>			Detainee on MI Hold. No other indication of association with MI.
14/15 DEC 03	MI Uses Dog in Interrogation. Incident #29.				<u>MI/MP</u>			Used allegedly in response to COL Pappas's blanket approval for use of harsher techniques against Saddam associates.

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Date/ Time	Incident	Nature of Alleged Abuse						Comments
		Nudity/ Humiliation	Assault	Sexual Assault	Use of Dogs	The "Hole"	Other	
14/15 DEC 03	MI Uses Dog in Interrogation. Incident #31.				<u>MI/MP</u>			Interrogation report indicates dogs used with little effect during an interrogation.
Late DEC 03	Contract Interrogator Possibly Involved in Dog Use on Detainee. Incident #32.				<u>MI/MP</u>			
18 DEC 03 or later	Dog Handler Uses Dog on Detainee. Incident #28.				<u>MP</u>			Photos of incident show only MP personnel; however, it is possible MI directed the dogs to prepare the detainee for interrogation.
27 DEC 03 (est)	Photo Depicting Apparent Shotgun Wounds on Detainee's Buttocks. Incident #12.	UNK	<u>UNK</u>					Detainee apparently shot by MP personnel with shotgun using less-than-lethal rounds. Nudity may have been required to have medics observe and treat wounds. No indication of association with MI.

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Allegations of Abuse Incidents, the Nature of Reported Abuse, and Associated Personnel								
Note: The chart lists all allegations considered. The specific abuse claimed and entities involved are not confirmed in all cases. The category of abuse are underlined. (See paragraph 5e-h, above)								
Date/ Time	Incident	Nature of Alleged Abuse						Comments
		Nudity/ Humiliation	Assault	Sexual Assault	Use of Dogs	The "Hole"	Other	
8 JAN 04 (Estimated)	Dog Used to Scare Juvenile Inmates. Incident #26.				<u>MP</u>			MI Soldier observed the event while in the area during an interrogation. MP motivation unknown. MI Soldier failed to report it.
Unspecified	Un-muzzled dog used during an interrogation. Incident #30.				<u>MI/MP</u>			MI approved the use of dogs during an interrogation. The dog was un-muzzled without such approval.
Unspecified	Possible Rape of a Detainee by a US Translator. Incident #22.			<u>MI</u>				

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Allegations of Abuse Incidents, the Nature of Reported Abuse, and Associated Personnel								
Note: The chart lists all allegations considered. The specific abuse claimed and entities involved are not confirmed in all cases. The category of abuse are underlined. (See paragraph 5e-h, above)								
Date/ Time	Incident	Nature of Alleged Abuse						Comments
		<u>Nudity/ Humiliation</u>	<u>Assault</u>	<u>Sexual Assault</u>	<u>Use of Dogs</u>	<u>The "Hole"</u>	<u>Other</u>	
Unspeci fied	Civilian Interrogator Forcibly Pulls Detainee from Truck and Drags Him Across Ground. Incident #16.		<u>MI</u>					The incident was reported by MI, but CID apparently did not pursue the case.
Various Dates	MI Use of Isolation as an Interrogation Technique. Incident #44.					<u>MI/MP</u>		Seven detainees are associated with this line item.
Various Dates	MI Forces Detainee to Wear Women's Underwear on his Head. Incident #33.	<u>MI/MP</u>						MPs may have performed two of the incidents identified in photos, and may have no MI association.

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6. (U) Findings and Recommendations.

a. (U) **Major Finding:** From 25 July 2003 to 6 February 2004, twenty-seven (27) 205 MI BDE personnel allegedly:

- Requested, encouraged, condoned, or solicited MP personnel to abuse detainees or;
- Participated in detainee abuse or;
- Violated established interrogation procedures and applicable laws and regulations as preparation for interrogation operations at Abu Ghraib.

(U) **Explanation:** Some MI personnel encouraged, condoned, participated in, or ignored abuse. In a few instances, MI personnel acted alone in abusing detainees. MI abuse and MI solicitation of MP abuse included the use of isolation with sensory deprivation (“the Hole”), removal of clothing and humiliation, the use of dogs to “fear up” detainees, and on one occasion, the condoned twisting of a detainee’s cuffed wrists and the smothering of this detainee with a cupped hand in MI’s presence. Some MI personnel violated established interrogation practices, regulations, and conventions which resulted in the abuse of detainees. While Interrogation and Counter-Resistance Policies (ICRP) were poorly defined and changed several times, in most cases of detainee abuse the MI personnel involved knew or should have known what they were doing was outside the bounds of their authority. Ineffective leadership at the JIDC failed to detect violations and discipline those responsible. Likewise, leaders failed to provide adequate training to ensure Soldiers understood the rules and complied.

(U) **Recommendation:** The Army needs to re-emphasize Soldier and leader responsibilities in interrogation and detention operations and retrain them to perform in accordance with law, regulations, and Army values and to live up to the responsibilities of their rank and position. Leaders must also provide adequate training to ensure Soldiers understand their authorities. The Army must ensure that future interrogation policies are simple, direct and include safeguards against abuse. Organizations such as the JIDC must possess a functioning chain of command capable of directing interrogation operations.

b. (U) Other Findings and Recommendations.

(1) (U) **Finding:** There was a lack of clear Command and Control of Detainee Operations at the CJTF-7 level.

(U) **Explanation:** COL Pappas was rated by MG Wojdakowski, DCG, V Corps/CJTF-7. MG Wojdakowski, however, was not directly involved with interrogation operations. Most of COL Pappas’ direction was coming from LTG Sanchez directly as well as from MG Fast, the C2.

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BG Karpinski was rated by BG Diamond, Commander, 377th Theater Support Command (377 TSC). However, she testified that she believed her rater was MG Wojdakowski and in fact it was he she received her direction from the entire time she was in Iraq (Reference Annex B, Appendix 1, KARPINSKI). The 800 MP BDE was TACON to CJTF-7. Overall responsibility for detainee operations never came together under one person short of LTG Sanchez himself until the assignment of MG G. Miller in April 2004.

(U) **Recommendation:** There should be a single authority designated for command and control for detention and interrogation operations. (DoD/DA)

(2) (U) **Finding:** FRAGO 1108 appointing COL Pappas as FOB Commander at Abu Ghraib was unclear. This issue did not impact detainee abuse.

(U) **Explanation:** Although FRAGO 1108 appointing COL Pappas as FOB Commander on 19 November 2003 changed the command relationship, it had no specific effect on detainee abuses at Abu Ghraib. The FRAGO giving him TACON of the 320 MP BN did not contain any specified or implied tasks. The TACON did not include responsibility for conducting prison or "Warden" functions. Those functions remained the responsibility of the 320 MP BN. This FRAGO has been cited as a significant contributing factor that allowed the abuses to happen, but the abuses were already underway for two months before CJTF-7 issued this FRAGO. COL Pappas and the Commander of the 320 MP BN interpreted that FRAGO strictly for COL Pappas to exercise the external Force Protection and Security of Detainees. COL Pappas had a Long Range Reconnaissance Company in the 165 MI BN that would augment the external protection of Abu Ghraib. The internal protection of detainees, however, still remained the responsibility of the 320 MP BN. The confusion and disorganization between MI and MPs already existed by the time CJTF-7 published the FRAGO. Had there been no change of FOB Command, it is likely abuse would have continued anyway.

(U) **Recommendation:** Joint Task Forces such as CJTF-7 should clearly specify relationships in FRAGOs so as to preclude confusion. Terms such as Tactical Control (TACON) should be clearly defined to identify specific command relationships and preclude confusion. (DoD/CJTF-7)

(3) (U) **Finding:** The JIDC was manned with personnel from numerous organizations and consequently lacked unit cohesion. There was an absence of an established, effective MI chain of command at the JIDC.

(U) **Explanation:** A decision was made not to run the JIDC as a unit mission. The JIDC was manned, led and managed by staff officers from multiple organizations as opposed to a unit with its functioning chain of command. Responsibilities for balancing the demands of

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managing interrogation operations and establishing good order and discipline in this environment were unclear and lead to lapses in accountability.

(U) **Recommendation:** JIDCs need to be structured, manned, trained and equipped as standard military organizations. These organizations should be certified by TRADOC and/or JFCOM. Appropriate Army and Joint doctrine should be developed defining JIDCs' missions and functions as separate commands. (DoD/DA/CJTF-7)

(4) (U) **Finding:** Selecting Abu Ghraib as a detention facility placed soldiers and detainees at an unnecessary force protection risk.

(U) **Explanation:** Failure adequately to protect and house detainees is a violation of the Third and Fourth Geneva Conventions and AR 190-8. Therefore, the selection of Abu Ghraib as a detention facility was inappropriate because of its inherent indefensibility and poor condition. The selection of Abu Ghraib as a detention center was dictated by the Coalition Provisional Authority officials despite concerns that the Iraqi people would look negatively on Americans interning detainees in a facility associated with torture. Abu Ghraib was in poor physical condition with buildings and sections of the perimeter wall having been destroyed, resulting in completely inadequate living conditions. Force protection must be a major consideration in selecting any facility as a detention facility. Abu Ghraib was located in the middle of the Sunni Triangle, an area known to be very hostile to coalition forces. Further, being surrounded by civilian housing and open fields and encircled by a network of roads and highways, its defense presented formidable force protection challenges. Even though the force protection posture at Abu Ghraib was compromised from the start due to its location and poor condition, coalition personnel still had a duty and responsibility to undertake appropriate defensive measures. However, the poor security posture at Abu Ghraib resulted in the deaths and wounding of both coalition forces and detainees.

(U) **Recommendations:**

- Detention centers must be established in accordance with AR 190-8 to ensure safety and compliance with the Geneva Conventions. (DoD/DA/CJTF-7).
- As a matter of policy, force protection concerns must be applicable to any detention facility and all detention operations. (DoD/DA/CJTF-7)
- Protect detainees in accordance with Geneva Convention IV by providing adequate force protection. (DoD/DA/CJTF-7)

(5) (U) **Finding:** Leaders failed to take steps to effectively manage pressure placed upon JIDC personnel.

(U) **Explanation:** During our interviews, leaders within the MI community commented upon the intense pressure they felt from higher headquarters, to include CENTCOM,

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the Pentagon, and DIA for timelier, actionable intelligence (Reference Annex B, Appendix 1, WOOD, PAPPAS, and PRICE). These leaders have stated that this pressure adversely affected their decision making. Requests for information were being sent to Abu Ghraib from a number of headquarters without any prioritization. Based on the statements from the interrogators and analysts, the pressure was allowed to be passed down to the lowest levels.

(U) **Recommendation:** Leaders must balance mission requirements with unit capabilities, soldier morale and effectiveness. Protecting Soldiers from unnecessary pressure to enhance mission effectiveness is a leader's job. Rigorous and challenging training can help prepare units and soldiers for the stress they face in combat. (DoD/DA/CENTCOM/CJTF-7)

(6) (U) **Finding:** Some capturing units failed to follow procedures, training, and directives in the capture, screening, and exploitation of detainees.

(U) **Explanation:** The role of the capturing unit was to conduct preliminary screening of captured detainees to determine if they posed a security risk or possessed information of intelligence value. Detainees who did not pose a security risk and possessed no intelligence value should have been released. Those that posed a security risk and possessed no intelligence value should have been transferred to Abu Ghraib as a security hold. Those that possessed intelligence information should have been interrogated within 72 hours at the tactical level to gather perishable information of value to the capturing unit. After 72 hours, these personnel should have been transferred to Abu Ghraib for further intelligence exploitation as an MI hold. Since most detainees were not properly screened, large numbers of detainees were transferred to Abu Ghraib, who in some cases should not have been sent there at all, and in almost all cases, were not properly identified or documented in accordance with doctrine and directives. This failure led to the arrival of a significant number of detainees at Abu Ghraib. Without proper detainee capture documentation, JIDC interrogators were diverted from interrogation and intelligence production to screening operations in order to assess the value of the incoming detainees (no value, security hold, or MI Hold). The overall result was that less intelligence was produced at the JIDC than could have been if capturing forces had followed proper procedures.

(U) **Recommendation:** Screening, interrogation and release procedures at the tactical level need to be properly executed. Those detainees who pose no threat and are of no intelligence value should be released by capturing units within 72 hours. Those detainees thought to be a threat but of no further intelligence value should be sent to a long term confinement facility. Those detainees thought to possess further intelligence value should be sent to a Corps/Theater Interrogation Center. (DA/CENTCOM/CJTF-7)

(7) (U) **Finding:** DoD's development of multiple policies on interrogation operations for use in different theaters or operations confused Army and civilian Interrogators at Abu Ghraib.

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(U) **Explanation:** National policy and DoD directives were not completely consistent with Army doctrine concerning detainee treatment or interrogation tactics, resulting in CJTF-7 interrogation and counter-resistance policies and practices that lacked basis in Army interrogation doctrine. As a result, interrogators at Abu Ghraib employed non-doctrinal approaches that conflicted with other DoD and Army regulatory, doctrinal and procedural guidance.

(U) **Recommendation:** Adopt one DoD policy for interrogation, within the framework of existing doctrine, adhering to the standards found in doctrine, and enforce that standard policy across DoD. Interrogation policy must be simple and direct, with reference to existing doctrine, and possess effective safeguards against abuse. It must be totally understandable by the interrogator using it. (DoD/DA/CJTF-7)

(8) (U) **Finding:** There are an inadequate number of MI units to satisfy current and future HUMINT missions. The Army does not possess enough interrogators and linguists to support interrogation operations.

(U) **Explanation:** The demand for interrogators and linguists to support tactical screening operations at the point-of-capture of detainees, tactical HUMINT teams, and personnel to support interrogation operations at organizations like the JIDC cannot be supported with the current force structure. As a result, each of these operations in Iraq was undermanned and suffered accordingly.

(U) **Recommendation:** The Army must increase the number of HUMINT units to overcome downsizing of HUMINT forces over the last 10 years and to address current and future HUMINT requirements.

(9) (U) **Finding:** The JIDC was not provided with adequate personnel resources to effectively operate as an interrogation center.

(U) **Explanation:** The JIDC was established in an ad hoc manner without proper planning, personnel, and logistical support for the missions it was intended to perform. Interrogation and analyst personnel were quickly kluged together from a half dozen units in an effort to meet personnel requirements. Even at its peak strength, interrogation and analyst manpower at the JIDC was too short-handed to deal with the large number of detainees at hand. Logistical support was also inadequate.

(U) **Recommendation:** The Army and DoD should plan on operating JIDC organizations in future operational environments, establish appropriate manning and equipment authorizations for the same. (DoD/DA)

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(10) (U) **Finding:** There was/is a severe shortage of CAT II and CAT III Arab linguists available in Iraq.

(U) **Explanation:** This shortage negatively affected every level of detainee operations from point-of-capture through detention facility. Tactical units were unable to properly screen detainees at their levels not only because of the lack of interrogators but even more so because of the lack of interpreters. The linguist problem also existed at Abu Ghraib. There were only 20 linguists assigned to Abu Ghraib at the height of operations. Linguists were a critical node and limited the maximum number of interrogations that could be conducted at any time to the number of linguists available.

(U) **Recommendation:** Army and DoD need to address the issue of inadequate linguist resources to conduct detention operations. (DA/DoD)

(11) (U) **Finding:** The cross leveling of a large number of Reserve Component (RC) Soldiers during the Mobilization process contributed to training challenges and lack of unit cohesion of the RC units at Abu Ghraib.

(U) **Recommendation:** If cross leveling of personnel is necessary in order to bring RC units up to required strength levels, then post mobilization training time should be extended. Post mobilization training should include unit level training in addition to Soldier training to ensure cross leveled Soldiers are made part of the team. (DA)

(12) (U) **Finding:** Interrogator training in the Laws of Land Warfare and the Geneva Conventions is ineffective.

(U) **Explanation:** The US Army Intelligence Center and follow on unit training provided interrogators with what appears to be adequate curriculum, practical exercises and man-hours in Law of Land Warfare and Geneva Conventions training. Soldiers at Abu Ghraib, however, remained uncertain about what interrogation procedures were authorized and what proper reporting procedures were required. This indicates that Initial Entry Training for interrogators was not sufficient or was not reinforced properly by additional unit training or leadership.

(U) **Recommendation:** More training emphasis needs to be placed on Soldier and leader responsibilities concerning the identification and reporting of detainee abuse incidents or concerns up through the chain of command, or to other offices such as CID, IG or SJA. This training should not just address the rules, but address case studies from recent and past detainee and interrogation operations to address likely issues interrogators and their supervisors will encounter. Soldiers and leaders need to be taught to integrate Army values and ethical decision-

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making to deal with interrogation issues that are not clearly prohibited or allowed. Furthermore, it should be stressed that methods employed by US Army interrogators will represent US values.

(13) (U) **Finding:** MI, MP, and Medical Corps personnel observed and failed to report instances of Abuse at Abu Ghraib. Likewise, several reports indicated that capturing units did not always treat detainees IAW the Geneva Convention.

(U) **Recommendation:** DoD should improve training provided to all personnel in Geneva Conventions, detainee operations, and the responsibilities of reporting detainee abuse. (DoD)

(14) (U) **Finding:** Combined MI/MP training in the conduct of detainee/interrogation operations is inadequate.

(U) **Explanation:** MI and MP personnel at Abu Ghraib had little knowledge of each other's missions, roles and responsibilities in the conduct of detainee/interrogation operations. As a result, some "lanes in the road" were worked out "on the fly." Other relationships were never fully defined and contributed to the confused operational environment.

(U) **Recommendation:** TRADOC should initiate an effort to develop a cross branch training program in detainee and interrogation operations training. FORSCOM should reinstitute combined MI/MP unit training such as the Gold Sword/Silver Sword Exercises that were conducted annually. (DA)

(15) (U) **Finding:** MI leaders do not receive adequate training in the conduct and management of interrogation operations.

(U) **Explanation:** MI Leaders at the JIDC were unfamiliar with and untrained in interrogation operations (with the exception of CPT Wood) as well as the mission and purposes of a JIDC. Absent any knowledge from training and experience in interrogation operations, JIDC leaders had to rely upon instinct to operate the JIDC. MTTs and Tiger Teams were deployed to the JIDC as a solution to help train interrogators and leaders in the management of HUMINT and detainee/interrogator operations.

(U) **Recommendation:** MI Officer, NCO and Warrant Officer training needs to include interrogation operations to include management procedures, automation support, collection management and JIDC operations. Officer and senior NCO training should also emphasize the potential for abuse involved in detention and interrogation operations. (DA)

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(16) (U) **Finding:** Army doctrine exists for both MI interrogation and MP detainee operations, but it was not comprehensive enough to cover the situation that existed at Abu Ghraib.

(U) **Explanation:** The lines of authority and accountability between MI and MP were unclear and undefined. For example, when MI would order sleep adjustment, MPs would use their judgment on how to apply that technique. The result was MP taking detainees from their cells stripping them and giving them cold showers or throwing cold water on them to keep them awake.

(U) **Recommendation:** DA should conduct a review to determine future Army doctrine for interrogation operations and detention operations. (DA)

(17) (U) **Finding:** Because of a lack of doctrine concerning detainee and interrogation operations, critical records on detainees were not created or maintained properly thereby hampering effective operations.

(U) **Explanation:** This lack of record keeping included the complete life cycle of detainee records to include detainee capture information and documentation, prison records, medical records, interrogation plans and records, and release board records. Lack of record keeping significantly hampered the ability of this investigation to discover critical information concerning detainee abuse.

(U) **Recommendation:** As TRADOC reviews and enhances detainee and interrogation operations doctrine, it should ensure that record keeping and information sharing requirements are addressed. (DA)

(18) (U) **Finding:** Four (4) contract interrogators allegedly abused detainees at Abu Ghraib.

(U) **Explanation:** The contracting system failed to ensure that properly trained and vetted linguist and interrogator personnel were hired to support operations at Abu Ghraib. The system also failed to provide useful contract management functions in support of the facility. Soldiers and leaders at the prison were unprepared for the arrival, employment, and oversight of contract interrogators.

(U) **Recommendations:** The Army should review the use contract interrogators. In the event contract interrogators must be used, the Army must ensure that they are properly qualified from a training and performance perspective, and properly vetted. The Army should establish standards for contract requirements and personnel. Additionally, the Army must

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provide sufficient contract management resources to monitor contracts and contractor performance at the point of performance.

(19) (U) **Observation:** MG Miller's visit did not introduce "harsh techniques" into the Abu Ghraib interrogation operation.

(U) **Explanation:** While there was an increase in intelligence reports after the visit, it appears more likely it was due to the assignment of trained interrogators and an increased number of MI Hold detainees to interrogate. This increase in production does not equate to an increase in quality of the collected intelligence. MG G. Miller's visit did not introduce "harsh techniques" into the Abu Ghraib interrogation operation.

(20) (U) **Finding:** The JTF-GTMO training team had positive impact on the operational management of the JIDC; however, the JTF-GTMO training team inadvertently validated restricted interrogation techniques.

(U) **Explanation:** The JTF-GTMO team stressed the conduct of operations with a strategic objective, while the Abu Ghraib team remained focused on tactical operations. Instead of providing guidance and assistance, the team's impact was limited to one-on-one interaction during interrogations. Clearly a significant problem was the JTF-GTMO's lack of understanding of the approved interrogation techniques, either for GTMO or CJTF-7 or Abu Ghraib. When the training team composed of the experts from a national level operation failed to recognize, object to, or report detainee abuse, such as the use of nudity as an interrogation tactic, they failed as a training team and further validated the use of unacceptable interrogation techniques.

(U) **Recommendation:** TRADOC should initiate an Army-wide effort to ensure all personnel involved in detention and interrogation operations are properly trained with respect to approved doctrine. There should be a MTT to assist ongoing detention operations. This MTT must be of the highest quality and understand the mission they have been sent to support. They must have clearly defined and unmistakable objectives. Team members with varied experience must be careful to avoid providing any training or guidance that contradicts local or national policy. (DA/DoD)

(21) (U) **Finding:** The Fort Huachuca MTT failed to adapt the ISCT training (which was focused upon improving the JTF-GTMO operational environment) to the mission needs of CJTF-7 and JIDC; however, actions of one team member resulted in the inadvertent validation of restricted interrogation techniques.

(U) **Explanation:** Although the Fort Huachuca Team (ISCT) team was successful in arranging a few classes and providing some formal training, to include classes on the Geneva Conventions, both the JIDC leadership and the ISCT team failed to include/require the contract

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personnel to attend the training. Furthermore, the training that was given was ineffective and certainly did nothing to prevent the abuses occurring at Abu Ghraib, e.g., the "Hole," nakedness, withholding of bedding, and the use of dogs to threaten detainees. The ISCT MTT members were assigned to the various Tiger Teams/sections to conduct interrogations. The ISCT team's lack of understanding of approved doctrine was a significant failure. This lack of understanding was evident in SFC Walters' "unofficial" conversation with one of the Abu Ghraib interrogators (CIVILIAN21). SFC Walters related several stories about the use of dogs as an inducement, suggesting the interrogator talk to the MPs about the possibilities. SFC Walters noted that detainees are most susceptible during the first few hours after capture. "The prisoners are captured by Soldiers, taken from their familiar surroundings, blindfolded and put into a truck and brought to this place (Abu Ghraib); and then they are pushed down a hall with guards barking orders and thrown into a cell, naked; and that not knowing what was going to happen or what the guards might do caused them extreme fear." It was also suggested that an interrogator could take some pictures of what seemed to be guards being rough with prisoners so he could use them to scare the prisoners. This conversation certainly contributed to the abusive environment at Abu Ghraib. The team validated the use of unacceptable interrogation techniques. The ISCT team's Geneva Conventions training was not effective in helping to halt abusive techniques, as it failed to train Soldiers on their responsibilities for identifying and reporting those techniques.

(U) **Recommendation:** TRADOC should initiate an Army-wide effort to ensure all personnel involved in detention and interrogation operations are properly trained with respect to approved doctrine. There should be a MTT to assist ongoing detention operations. This MTT must be of the highest quality and understand the mission they have been sent to support. They must have clearly defined and unmistakable objectives. Team members with varied experience must be careful to avoid providing any training or guidance that contradicts local or national policy. (DA/DoD)

(22) (U) **Finding:** Other Government Agency (OGA) interrogation practices led to a loss of accountability at Abu Ghraib.

(U) **Explanation:** While the FBI, JTF-121, Criminal Investigative Task Force, Iraq Survey Group, and the CIA were all present at Abu Ghraib, the acronym "Other Government Agency" referred almost exclusively to the CIA. Lack of military control over OGA interrogator actions or lack of systemic accountability for detainees plagued detainee operations in Abu Ghraib almost from the start. Army allowed CIA to house "Ghost Detainees" who were unidentified and unaccounted for in Abu Ghraib. This procedure created confusion and uncertainty concerning their classification and subsequent DoD reporting requirements under the Geneva Conventions. Additionally, the treatment and interrogation of OGA detainees occurred under different practices and procedures which were absent any DoD visibility, control, or oversight. This separate grouping of OGA detainees added to the confusion over proper treatment of detainees and created a perception that OGA techniques and practices were suitable

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and authorized for DoD operations. No memorandum of understanding on detainee accountability or interrogation practices between the CIA and CJTF-7 was created.

(U) **Recommendation:** DoD must enforce adherence by OGA with established DoD practices and procedures while conducting detainee interrogation operations at DoD facilities.

(23) (U) **Finding:** There was neither a defined procedure nor specific responsibility within CJTF-7 for dealing with ICRC visits. ICRC recommendations were ignored by MI, MP and CJTF-7 personnel.

(U) **Explanation:** Within this investigation's timeframe, 16 September 2003 through 31 January 2004, the ICRC visited Abu Ghraib three times, notifying CJTF-7 twice of their visit results, describing serious violations of international Humanitarian Law and of the Geneva Conventions. In spite of the ICRC's role as independent observers, there seemed to be a consensus among personnel at Abu Ghraib that the allegations were not true. Neither the leadership, nor CJTF-7 made any attempt to verify the allegations.

(U) **Recommendation:** DoD should review current policy concerning ICRC visits and establish procedures whereby findings and recommendations made by the ICRC are investigated. Investigation should not be done by the units responsible for the facility in question. Specific procedures and responsibilities should be developed for ICRC visits, reports, and responses. There also needs to be specific inquiries made into ICRC allegations of abuse or maltreatment by an independent entity to ensure that an unbiased review has occurred. (DoD/CJTF-7)

(24) (U) **Finding:** Two soldiers that the 519 MI BN had reason to suspect were involved in the questionable death of a detainee in Afghanistan were allowed to deploy and continue conducting interrogations in Iraq. While in Iraq, those same soldiers were alleged to have abused detainees.

(U) **Recommendation:** Once soldiers in a unit have been identified as possible participants in abuse related to the performance of their duties, they should be suspended from such duties or flagged.

(25) (U) **Observation:** While some MI Soldiers acted outside the scope of applicable laws and regulations, most Soldiers performed their duties in accordance with the Geneva Conventions and Army Regulations.

(U) **Explanation:** MI Soldiers operating the JIDC at Abu Ghraib screened thousands of Iraqi detainees, conducted over 2500 interrogations, and produced several thousand valuable intelligence products supporting the war fighter and the global war on terrorism. This great effort

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was executed in difficult and dangerous conditions with inadequate physical and personnel resources.

c. (U) Individual Responsibility for Detainee Abuse at Abu Ghraib.

(1) (U) **Finding:** COL Thomas M. Pappas, Commander, 205 MI BDE. A preponderance of evidence supports that COL Pappas did, or failed to do, the following:

- Failed to insure that the JIDC performed its mission to its full capabilities, within the applicable rules, regulations and appropriate procedures.
- Failed to properly organize the JIDC.
- Failed to put the necessary checks and balances in place to prevent and detect abuses.
- Failed to ensure that his Soldiers and civilians were properly trained for the mission.
- Showed poor judgment by leaving LTC Jordan in charge of the JIDC during the critical early stages of the JIDC.
- Showed poor judgment by leaving LTC Jordan in charge during the aftermath of a shooting incident known as the Iraqi Police Roundup (IP Roundup).
- Improperly authorized the use of dogs during interrogations. Failed to properly supervise the use of dogs to make sure they were muzzled after he improperly permitted their use.
- Failed to take appropriate action regarding the ICRC reports of abuse.
- Failed to take aggressive action against Soldiers who violated the ICRP, the CJTF-7 interrogation and Counter-Resistance Policy and the Geneva Conventions.
- Failed to properly communicate to Higher Headquarters when his Brigade would be unable to accomplish its mission due to lack of manpower and/or resources. Allowed his Soldiers and civilians at the JIDC to be subjected to inordinate pressure from Higher Headquarters.
- Failed to establish appropriate MI and MP coordination at the brigade level which would have alleviated much of the confusion that contributed to the abusive environment at Abu Ghraib.
- The significant number of systemic failures documented in this report does not relieve COL Pappas of his responsibility as the Commander, 205th MI BDE for the abuses that occurred and went undetected for a considerable length of time.

(U) **Recommendation:** This information should be forwarded to COL Pappas' chain of command for appropriate action.

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(2) (U) **Finding: LTC Stephen L. Jordan, Director, Joint Interrogation Debriefing Center.** A preponderance of evidence supports that LTC Jordan did, or failed to do, the following:

- Failed to properly train Soldiers and civilians on the ICRP.
- Failed to take full responsibility for his role as the Director, JIDC.
- Failed to establish the necessary checks and balances to prevent and detect abuses.
- Was derelict in his duties by failing to establish order and enforce proper use of ICRP during the night of 24 November 2003 (IP Roundup) which contributed to a chaotic situation in which detainees were abused.
- Failed to prevent the unauthorized use of dogs and the humiliation of detainees who were kept naked for no acceptable purpose while he was the senior officer-in-charge in the Hard Site.
- Failed to accurately and timely relay critical information to COL Pappas, such as:
 - The incident where a detainee had obtained a weapon.
 - ICRC issues.
- Was deceitful during this, as well as the MG Taguba, investigations. His recollection of facts, statements, and incidents were always recounted to avoid blame or responsibility. His version of events frequently diverged from most others.
- Failed to obey a lawful order to refrain from contacting anyone except his attorney regarding this investigation. He conducted an e-mail campaign soliciting support from others involved in the investigation.

(U) **Recommendation:** This information should be forwarded to LTC Jordan's chain of command for appropriate action.

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SUBJECT: (U) AR 15-6 Investigation of the Abu Ghraib Detention Facility and 205th MI Brigade

(3) (U) Finding: **MAJ David M. Price, Operations Officer, Joint Interrogation and Debriefing Center, 141st MI Battalion.** A preponderance of evidence indicates that MAJ Price did, or failed to do, the following:

- Failed to properly train Soldiers and civilians on the ICRP.
- Failed to understand the breadth of his responsibilities as the JIDC Operations Officer. Failed to effectively assess, plan, and seek command guidance and assistance regarding JIDC operations.
- Failed to intervene when the Interrogation Control Element (ICE) received pressure from Higher Headquarters.
- Failed to plan and implement the necessary checks and balances to prevent and detect abuses.
- Failed to properly review interrogation plans which clearly specified the improper use of nudity and isolation as punishment.

(U) Recommendation: This information should be forwarded to MAJ Price's chain of command for appropriate action.

(4) (U) Finding: **MAJ Michael D. Thompson, Deputy Operations Officer, Joint Interrogation and Debriefing Center, 325 MI BN.** A preponderance of evidence supports that MAJ Thompson failed to do the following:

- Failed to properly train Soldiers and civilians on the ICRP.
- Failed to understand the breadth of his responsibilities as the JIDC Deputy Operations Officer. Failed to effectively assess, plan, and seek command guidance and assistance regarding JIDC operations.
- Failed to intervene when the ICE received pressure from Higher Headquarters.
- Failed to plan and implement the necessary checks and balances to prevent and detect abuses.
- Failed to properly review interrogation plans which clearly specified the improper use of nudity and isolation as punishment.

(U) Recommendation: This information should be forwarded to MAJ Thompson's chain of command for appropriate action.

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(5) (U) **Finding: CPT Carolyn A. Wood, Officer in Charge, Interrogation Control Element (ICE), Joint Interrogation and Debriefing Center, 519 MI BDE.** A preponderance of evidence supports that CPT Wood failed to do the following:

- Failed to implement the necessary checks and balances to detect and prevent detainee abuse. Given her knowledge of prior abuse in Afghanistan, as well as the reported sexual assault of a female detainee by three 519 MI BN Soldiers working in the ICE, CPT Wood should have been aware of the potential for detainee abuse at Abu Ghraib. As the Officer-in-Charge (OIC) she was in a position to take steps to prevent further abuse. Her failure to do so allowed the abuse by Soldiers and civilians to go undetected and unchecked.
- Failed to assist in gaining control of a chaotic situation during the IP Roundup, even after SGT Eckroth approached her for help.
- Failed to provide proper supervision. Should have been more alert due to the following incidents:
 - An ongoing investigation on the 519 MI BN in Afghanistan.
 - Prior reports of 519 MI BN interrogators conducting unauthorized interrogations.
 - SOLDIER29's reported use of nudity and humiliation techniques.
 - Quick Reaction Force (QRF) allegations of detainee abuse by 519th MI Soldiers.
- Failed to properly review interrogation plans which clearly specified the improper use of nudity and isolation in interrogations and as punishment.
- Failed to ensure that Soldiers were properly trained on interrogation techniques and operations.
- Failed to adequately train Soldiers and civilians on the ICRP.

(U) **Recommendation:** This information should be forwarded to CPT Wood's chain of command for appropriate action.

(6) (U) **Finding: SOLDIER-28, Guantanamo Base Team Chief, 260th MI Battalion.** A preponderance of evidence supports that SOLDIER28 did, or failed to do, the following:

- Failed to report detainee abuse when he was notified by SOLDIER-11 that a detainee was observed in a cell naked, hooded, and whimpering, and when SOLDIER-11 reported an interrogator made a detainee pull his jumpsuit down to his waist.

(U) **Recommendation:** This information should be forwarded to SOLDIER-28's chain of command for appropriate action.

(7) (U) **Finding: SOLDIER-23, Operations Section, ICE, JIDC, 325 MI BN.** A preponderance of evidence supports that SOLDIER23 did, or failed to do, the following:

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- Failed to prevent detainee abuse and permitted the unauthorized use of dogs and unauthorized interrogations during the IP Roundup. As the second senior MI officer during the IP Roundup, his lack of leadership contributed to detainee abuse and the chaotic situation during the IP Roundup.
- Failed to properly supervise and ensure Soldiers and civilians followed the ICRP.
- Failed to properly review interrogation plans which clearly specified the improper use of nudity and isolation as interrogation techniques and punishment.

(U) **Recommendation:** This information should be forwarded to SOLDIER23' chain of command for appropriate action.

(8) (U) **Finding:** SOLDIER-14, Night Shift OIC, ICE, JDC, 519 MI BN. A preponderance of evidence supports that SOLDIER-14 did, or failed to do, the following:

- Failed to properly supervise and ensure Soldiers and civilians followed the ICRP.
- Failed to provide proper supervision. SOLDIER-14 should have been aware of the potential for detainee abuse at Abu Ghraib. The following incidents should have increased his diligence in overseeing operations:
 - An ongoing investigation of the 519 MI BN in Afghanistan.
 - Allegations by a female detainee that 519 MI BN interrogators sexually assaulted her. The Soldiers received non-judicial punishment for conducting unauthorized interrogations.
 - SOLDIER-29's reported use of nudity and humiliation techniques.
 - Quick Reaction Force (QRF) allegations of detainee abuse by 519 MI BN Soldiers.
- Failed to properly review interrogation plans which clearly specified the improper use of nudity and isolation as punishment.

(U) **Recommendation:** This information should be forwarded to SOLDIER-14's chain of command for appropriate action.

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(9) (U) **Finding: SOLDIER-15, Interrogator, 66 MI GP.** A preponderance of evidence supports that SOLDIER15 did, or failed to do, the following:

- Failed to report detainee abuse. He witnessed SSG Frederick twisting the handcuffs of a detainee causing pain and covering the detainee's nose and mouth to restrict him from breathing.
 - Witnessed during that same incident, CIVILIAN-11 threaten a detainee by suggesting he would be turned over to SSG Frederick for further abuse if he did not cooperate.

(U) **Recommendation:** This information should be forwarded to SOLDIER-15's chain of command for appropriate action.

(10) (U) **Finding: SOLDIER-22, 302d MI Battalion.** A preponderance of evidence supports that SOLDIER22 did, or failed to do, the following:

- Failed to report detainee abuse.
 - He was made aware by SOLDIER-25 of an incident where three detainees were abused by MPs (Reference Annex I, Appendix 1, Photographs M36-37, M39-41).
 - He was made aware by SOLDIER-25 of the use of dogs to scare detainees.
 - He overheard Soldiers stating that MPs were using detainees as "practice dummies;" striking their necks and knocking them unconscious.
 - He was made aware of MPs conducting "PT" (Physical Training) sessions with detainees and MI personnel participating:
- Failed to obey a direct order. He interfered with this investigation by talking about the investigation, giving interviews to the media, and passing the questions being asked by investigators to others via a website.

(U) **Recommendation:** This information should be forwarded to SOLDIER-22's chain of command for appropriate action.

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(11) (U) **Finding:** SOLDIER-10, Analyst, 325 MI BN (currently attached to HHC, 504 MI BDE). A preponderance of evidence supports that SOLDIER10 did, or failed to do, the following:

- Actively participated in abuse when he threw water on three detainees who were handcuffed together and made to lie on the floor of the detention facility (Reference Annex I, Appendix 1, Photographs M36-37).
- Failed to stop detainee abuse in the above incident and in the incident when SOLDIER-29 stripped a detainee of his clothes and walked the detainee naked from an interrogation booth to Camp Vigilant during a cold winter day.
- Failed to report detainee abuse.

(U) **Recommendation:** This information should be forwarded to SOLDIER-10's chain of command for appropriate action.

(12) (U) **Finding:** SOLDIER-17, Interrogator, 2d MI Battalion. A preponderance of evidence supports that SOLDIER17 did, or failed to do, the following:

- Failed to report the improper use of dogs. He saw an un-muzzled black dog go into a cell and scare two juvenile detainees. The dog handler allowed the dogs to "go nuts" on the juveniles (Reference Annex I, Appendix 1, Photograph D-48).
- Failed to report inappropriate actions of dog handlers. He overheard Dog Handlers state they had a competition to scare detainees to the point they would defecate. They claimed to have already made several detainees urinate when threatened by their dogs.

(U) **Recommendation:** This information should be forwarded to SOLDIER-17's chain of command for appropriate action.

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(13) (U) **Finding:** SOLDIER-19, Interrogator, 325 MI BN. A preponderance of evidence supports that SOLDIER-19 did, or failed to do, the following:

- Abused detainees:
 - Actively participated in the abuse of three detainees depicted in photographs (Reference Annex I, Appendix 1, Photographs M36-37, M39-41). He threw a Foam-ball at their genitals and poured water on the detainees while they were bound, nude, and abused by others.
 - Turned over a detainee to the MPs with apparent instructions for his abuse. He returned to find the detainee naked and hooded on the floor whimpering.
 - Used improper interrogation techniques. He made a detainee roll down his jumpsuit and threatened the detainee with complete nudity if he did not cooperate.
- Failed to stop detainee abuse in the above incidents.
- Failed to report detainee abuse for above incidents.

(U) **Recommendation:** This information should be forwarded to SOLDIER-19's chain of command for appropriate action.

(14) (U) **Findings:** SOLDIER-24, Analyst, 325 MI BN (currently attached to HHC, 504 MI BDE). A preponderance of evidence supports that SOLDIER24 did, or failed to do, the following:

- Failed to report detainee abuse. He was present during the abuse of detainees depicted in photographs (Reference Annex I, Appendix 1, Photographs M36-37, M39, M41).
- Failed to stop detainee abuse.

(U) **Recommendation:** This information should be forwarded to SOLDIER-24's chain of command for appropriate action.

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(15) (U) **Findings:** SOLDIER-25, Interrogator, 321st MI BN. A preponderance of evidence supports that SOLDIER25 did, or failed to do, the following:

- Failed to report detainee abuse.
 - She saw Dog Handlers use dogs to scare detainees. She “thought it was funny” as the detainees would run into their cells from the dogs.
 - She was told by SOLDIER-24 that the detainees who allegedly had raped another detainee were handcuffed together, naked, in contorted positions, making it look like they were having sex with each other.
 - She was told that MPs made the detainees wear women’s underwear.
- Failed to stop detainee abuse.

(U) **Recommendation:** This information should be forwarded to SOLDIER-25’s chain of command for appropriate action.

(16) (U) **Finding:** SOLDIER-29, Interrogator, 66 MI GP. A preponderance of evidence supports that SOLDIER29 did, or failed to do, the following:

- Failed to report detainee abuse.
 - She saw CPL Graner slap a detainee.
 - She saw a computer screen saver depicting naked detainees in a “human pyramid.”
 - She was aware MPs were taking photos of detainees.
 - She knew MPs had given a detainee a cold shower, made him roll in the dirt, and stand outside in the cold until he was dry. The detainee was then given another cold shower.
- Detainee abuse (Humiliation). She violated interrogation rules of engagement by stripping a detainee of his clothes and walking him naked from an interrogation booth to Camp Vigilant on a cold winter night.
- Gave MPs instruction to mistreat/abuse detainees.
 - SOLDIER2-9’s telling MPs (SSG Frederick) when detainees had not cooperated in an interrogation appeared to result in subsequent abuse.
 - One of the detainees she interrogated was placed in isolation for several days and allegedly abused by the MPs. She annotated in an interrogation report (IN-AG00992-DETAINEE-08-04) that a “direct approach” was used with “the reminder of the unpleasantness that occurred the last time he lied to us.”

(U) **Recommendation:** This information should be forwarded to SOLDIER-29’s chain of command for appropriate action.

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(17) (U) Findings: **SOLDIER-08, Dog Handler, Abu Ghraib, 42 MP Detachment, 16 MP BDE (ABN)**. A preponderance of evidence supports that SOLDIER08 did, or failed to do, the following:

- Inappropriate use of dogs. Photographs (Reference Annex I, Appendix 1, D46, D52, M149-151) depict SOLDIER-08 inappropriately using his dog to terrorize detainees.
- Abused detainees. SOLDIER-08 had an on-going contest with SOLDIER-27, another dog handler, to scare detainees with their dogs in order to see who could make the detainees urinate and defecate first.

(U) Recommendation: This information should be forwarded to SOLDIER-08's chain of command for appropriate action.

(18) (U) Findings: **SOLDIER34, 372 MP CO.** A preponderance of evidence supports that SOLDIER34 did, or failed to do, the following:

- Failed to report detainee abuse. He was present during the abuse of detainees depicted in photographs (Reference Annex I, Appendix 1, Photographs M36-37, M39-41).
- Failed to stop detainee abuse.

(U) Recommendation: This information should be forwarded to SOLDIER34's chain of command for appropriate action.

(19) (U) Findings: **SOLDIER-27, 372 MP CO.** A preponderance of evidence supports that SOLDIER27 did, or failed to do, the following:

- Actively participated in detainee abuse.
 - During the medical treatment (stitching) of a detainee, he stepped on the chest of the detainee (Reference Annex I, Appendix 1, Photograph M163).
 - He participated in the abuse of naked detainees depicted in photographs (Reference Annex I, Appendix 1, Photographs M36-37, M39-41).
- Failed to stop detainee abuse.

(U) Recommendation: This information should be forwarded to SOLDIER27's chain of command for appropriate action.

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(20) (U) **Findings:** SOLDIER-27, Dog Handler, Abu Ghraib, 523 MP Detachment. A preponderance of evidence supports that SOLDIER27 did, or failed to do, the following:

- Inappropriate use of dogs. Photographs (Reference Annex I, Appendix 1, Photographs D46, D48, M148, M150, M151, M153, Z1, Z3-6) depict SOLDIER-27 inappropriately using his dog terrorizing detainees.
- Detainee abuse. SOLDIER-27 had an on-going contest with SOLDIER-08, another dog handler, to scare detainees with their dogs and cause the detainees to urinate and defecate.
- Led his dog into a cell with two juvenile detainees and let his dog go "nuts." The two juveniles were yelling and screaming with the youngest one hiding behind the oldest.

(U) **Recommendation:** This information should be forwarded to SOLDIER-27's chain of command for appropriate action.

(21) (U) **Finding:** SOLDIER-20, Medic, 372 MP CO. A preponderance of evidence supports that SOLDIER20 did, or failed to do, the following:

- Failed to report detainee abuse.
 - When called to assist a detainee who had been shot in the leg, he witnessed CPL Graner hit the detainee in his injured leg with a stick.
 - He saw the same detainee handcuffed to a bed over several days, causing great pain to the detainee as he was forced to stand.
 - He saw the same detainee handcuffed to a bed which resulted in a dislocated shoulder.
 - He saw pictures of detainees being abused (stacked naked in a "human pyramid").

(U) **Recommendation:** This information should be forwarded to SOLDIER-20's chain of command for appropriate action.

(22) (U) **Finding:** SOLDIER-01, Medic, Abu Ghraib. A preponderance of evidence supports that SOLDIER01 did, or failed to do, the following:

- Failed to report detainee abuse. She saw a 'human pyramid' of naked Iraqi prisoners, all with sandbags on their heads when called to the Hard Site to provide medical treatment.

(U) **Recommendation:** This information should be forwarded to SOLDIER-01's chain of command for appropriate action.

(23) (U) **Finding:** CIVILIAN-05, CACI employee. A preponderance of evidence supports that CIVILIAN-05 did, or failed to do, the following:

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- He grabbed a detainee (who was handcuffed) off a vehicle and dropped him to the ground. He then dragged him into an interrogation booth and as the detainee tried to get up, CIVILIAN-05 would yank the detainee very hard and make him fall again.
- Disobeyed General Order Number One; drinking alcohol while at Abu Ghraib.
- Refused to take instructions from a Tiger Team leader and refused to take instructions from military trainers.
 - When confronted by SSG Neal, his Tiger Team leader, about his inadequate interrogation techniques, he replied, "I have been doing this for 20 years and I do not need a 20 year old telling me how to do my job."
 - When placed in a remedial report writing class because of his poor writing, he did not pay attention to the trainer and sat in the back of the room facing away from the trainer.

(U) **Recommendation:** This information should be forwarded to the Army General Counsel for determination of whether CIVILIAN-05 should be referred to the Department of Justice for prosecution. This information should be forwarded to the Contracting Officer (KO) for appropriate contractual action.

(24) (U) **Finding:** CIVILIAN-10, Translator, Titan employee. After a thorough investigation, we found no direct involvement in detainee abuse by CIVILIAN-10. Our investigation revealed CIVILIAN-10 had a valid security clearance until it was suspended.

(U) **Recommendation:** This information should be forwarded to Titan via the KO. CIVILIAN-10 is cleared of any wrong doing and should retain his security clearance.

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(25) (U) **Finding: CIVILIAN-11, Interrogator, CACI employee.** A preponderance of evidence supports that CIVILIAN11 did, or failed to do, the following:

- Detainee abuse.
 - He encouraged SSG Frederick to abuse Iraqi Police detained following a shooting incident (IP Roundup). SSG Frederick twisted the handcuffs of a detainee being interrogated; causing pain.
 - He failed to prevent SSG Frederick from covering the detainee's mouth and nose restricting the detainee from breathing:
- Threatened the Iraqi Police "with SSG Frederick." He told the Iraqi Police to answer his questions or he would bring SSG Frederick back into the cell.
- Used dogs during the IP Roundup in an unauthorized manner. He told a detainee, "You see that dog there, if you do not tell me what I want to know, I'm going to get that dog on you."
- Placed a detainee in an unauthorized stress position (Reference Annex I, Appendix 2, Photograph "Stress Positions"). CIVILIAN-11 is photographed facing a detainee who is in a stress position on a chair with his back exposed. The detainee is in a dangerous position where he might fall back and injure himself.
- Failed to prevent a detainee from being photographed.

(U) **Recommendation:** This information should be forwarded to the Army General Counsel for determination of whether CIVILIAN-11 should be referred to the Department of Justice for prosecution. This information should be forwarded to the KO for appropriate contractual action.

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(26) (U) **Finding: CIVILIAN-16, Translator, Titan employee.** A preponderance of evidence supports that CIVILIAN-16 did, or failed to do, the following:

- Failed to report detainee abuse.
 - She participated in an interrogation during the IP Roundup, where a dog was brought into a cell in violation of approved ICRP.
 - She participated in the interrogation of an Iraqi Policeman who was placed in a stress position; squatting backwards on a plastic lawn chair. Any sudden movement by the IP could have resulted in injury (Reference Annex I, Appendix 2, Photograph "Stress Positions").
 - She was present during an interrogation when SSG Frederick twisted the handcuffs of a detainee, causing the detainee pain.
 - She was present when SSG Frederick covered an IP's mouth and nose, restricting the detainee from breathing.
- Failed to report threats against detainees.
 - She was present when CIVILIAN-11 told a detainee, "You see that dog there, if you do not tell me what I want to know, I'm going to get that dog on you."
 - She was present when CIVILIAN-11 threatened a detainee "with SSG Frederick."

(U) **Recommendation:** This information should be forwarded to the Army General Counsel for determination of whether CIVILIAN-16 should be referred to the Department of Justice for prosecution. This information should be forwarded to the KO for appropriate contractual action.

(27) (U) **Finding: CIVILIAN-17, Interpreter, Titan employee.** A preponderance of evidence supports that CIVILIAN-17 did, or failed to do, the following:

- Actively participated in detainee abuse.
 - He was present during the abuse of detainees depicted in photographs (Reference Annex I, Appendix 1, Photographs M36-37, M39, M41).
 - A detainee claimed that CIVILIAN-17 (sic), an interpreter, hit him and cut his ear which required stitches.
 - Another detainee claimed that someone fitting CIVILIAN-17's description raped a young detainee.
- Failure to report detainee abuse.
- Failure to stop detainee abuse.

(U) **Recommendation:** This information should be forwarded to the Army General Counsel for determination of whether CIVILIAN-17 should be referred to the Department of Justice for prosecution. This information should be forwarded to the KO for appropriate contractual action.

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(28) (U) **Finding: CIVILIAN-21, Interrogator, CACI employee.** A preponderance of evidence supports that CIVILIAN-21 did, or failed to do, the following:

- Inappropriate use of dogs. SOLDIER-26 stated that CIVILIAN-21 used a dog during an interrogation and the dog was unmuzzled. SOLDIER-25 stated she once saw CIVILIAN21 standing on the second floor of the Hard Site, looking down to where a dog was being used against a detainee, and yelling to the MPs "Take him home." The dog had torn the detainee's mattress. He also used a dog during an interrogation with SSG Aston but stated he never used dogs.
- Detainee abuse. CPT Reese stated he saw "NAME" (his description of "NAME"" matched CIVILIAN-21) push (kick) a detainee into a cell with his foot.
- Making false statements. During questioning about the use of dogs in interrogations, CIVILIAN21 stated he never used them.
- Failed to report detainee abuse. During an interrogation, a detainee told SOLDIER-25 and CIVILIAN-21 that CIVILIAN-17, an interpreter, hit him and cut his ear which required stitches. SOLDIER-25 stated she told CIVILIAN-21 to annotate this on the interrogation report. He did not report it to appropriate authorities.
- Detainee Humiliation.
 - CIVILIAN-15 stated he heard CIVILIAN-21 tell several people that he had shaved the hair and beard of a detainee and put him in red women's underwear. CIVILIAN-21 was allegedly bragging about it.
 - CIVILIAN-19 stated he heard OTHER AGENCY EMPLOYEE02 laughing about red panties on detainees.

(U) **Recommendation:** This information should be forwarded to the Army General Counsel for determination of whether CIVILIAN-21 should be referred to the Department of Justice for prosecution. This information should be forwarded to the KO for appropriate contractual action.

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(29) (U) **Finding:** There were several personnel who used clothing removal, improper isolation, or dogs as techniques for interrogations in violation of the Geneva Conventions. Several interrogators documented these techniques in their interrogation plans and stated they received approval from the JIDC, Interrogation Control Element. The investigative team found several entries in interrogation reports which clearly specified clothing removal; however, all personnel having the authority to approve interrogation plans claim they never approved or were aware of clothing removal being used in interrogations. Also found were interrogation reports specifying use of isolation, "the Hole." While the Commander, CJTF-7 approved "segregation" on 25 occasions, this use of isolation sometimes trended toward abuse based on sensory deprivation and inhumane conditions. Dogs were never approved, however on several occasions personnel thought they were. Personnel who committed abuse based on confusion regarding approvals or policies are in need of additional training.

(U) **Recommendation:** This information should be forwarded to the Soldiers' chain of command for appropriate action.

CIVILIAN-14 (formally with 368 Military Intelligence Battalion)
SOLDIER-04, 500 Military Intelligence Group
SOLDIER-05, 500 Military Intelligence Group
SOLDIER-03, GTMO Team, 184 Military Intelligence Company
SOLDIER-13, 66 Military Intelligence Group
SOLDIER-18, 66 Military Intelligence Group
SOLDIER-02, 66 Military Intelligence Group
SOLDIER-11 6 Battalion 98 Division (IT)
SOLDIER-16, 325 Military Intelligence Battalion
SOLDIER-30, 325 Military Intelligence Battalion
SOLDIER-26, 320 Military Police Battalion
SOLDIER-06, 302 Military Intelligence Battalion
SOLDIER-07, 325 Military Intelligence Battalion
SOLDIER-21, 325 Military Intelligence Battalion
SOLDIER-09, 302 Military Intelligence Battalion
SOLDIER-12, 302 Military Intelligence Battalion
CIVILIAN-20, CACI Employee

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(30) (U) **Finding:** In addition to SOLDIER-20 and SOLDIER01, medical personnel may have been aware of detainee abuse at Abu Ghraib and failed to report it. The scope of this investigation was MI personnel involvement. SOLDIER-20 and SOLDIER-01 were cited because sufficient evidence existed within the scope of this investigation to establish that they were aware of detainee abuse and failed to report it. Medical records were requested, but not obtained, by this investigation. The location of the records at the time this request was made was unknown.

(U) **Recommendation:** An inquiry should be conducted into 1) whether appropriate medical records were maintained, and if so, were they properly stored and collected and 2) whether medical personnel were aware of detainee abuse and failed to properly document and report the abuse.

(31) (U) **Finding:** A preponderance of the evidence supports that SOLDIER-31, SOLDIER-32, and SOLDIER-33 participated in the alleged sexual assault of a female detainee by forcibly kissing her and removing her shirt (Reference CID Case-0216-03-CID259-6121). The individuals received non-judicial punishment for conducting an unauthorized interrogation, but were not punished for the alleged sexual assault.

(U) **Recommendation:** CID should review case # 0216-03-CID259-61211 to determine if further investigation is appropriate. The case should then be forwarded to the Soldiers' chain of command for appropriate action.

(32) (U) **Finding:** An unidentified person, believed to be a contractor interpreter, was depicted in six photographs taken on 25 October 2003 showing the abuse of three detainees. The detainees were nude and handcuffed together on the floor. This investigation could not confirm the identity of this person; however, potential leads have been passed to and are currently being pursued by CID.

(U) **Recommendation:** CID should continue to aggressively pursue all available leads to identify this person and determine the degree of his involvement in detainee abuse.

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7. (U) Personnel Listing. Deleted in accordance with the Privacy Act and 10 USC §130b

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SUBJECT: (U) AR 15-6 Investigation of the Abu Ghraib Detention Facility and 205th MI Brigade

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Contract Services provided by Object Sciences Corp. and SYTEX

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**SUBJECT: (U) AR 15-6 Investigation of the Abu Ghraib Detention Facility and
205th MI Brigade**

9. (U) Acronyms.

2 MI BN	2d Military Intelligence Battalion
B/321 MI BN	B Company, 321st Military Intelligence Battalion
B/325 MI BN	B Company, 325th Military Intelligence Battalion
A/205 MI BN	A Company, 205th Military Intelligence Battalion
115 MP BN	115th Military Police Battalion
165 MI BN	165th Military Intelligence Battalion
205 MI BDE	205th Military Intelligence Brigade
229 MP CO	229th Military Police Battalion
320 MP BN	320th Military Police Battalion
320 MP CO	320th Military Police Company
323 MI BN	323d Military Intelligence Battalion
325 MI BN	325th Military Intelligence Battalion
372 MP CO	372d Military Police Company
377 TSC	377th Theater Support Command
400 MP BN	400th Military Police Battalion
470 MI GP	470th Military Intelligence Group
447 MP CO	447th Military Police Company
500 MI GP	500th Military Intelligence Group
504 MI BDE	504th Military Intelligence Battalion
519 MI BN	519th Military Intelligence Battalion
66 MI GP	66th Military Intelligence Group
670 MP CO	670th Military Police Company
72 MP CO	72d Military Police Company
800 MP BDE	800th Military Police Brigade
870 MP CO	870th Military Police Company
1SG	First Sergeant
A/519 MI BN	A Company, 519th Military Intelligence Battalion
AAR	After Action Report
AFJI	Air Force Joint Instructor
AG	Abu Ghraib
ANCOC	Advanced Non-Commission Officer's Course
AR	Army Regulation
ATSD (IO)	Assistant to the Secretary of Defense for Intelligence Oversight
BDE	Brigade
BG	Brigadier General
BIAP	Baghdad International Airport
BN	Battalion
BNCOC	Basic Non-Commission Officer's Course
BPA	Blanket Purchase Agreement
C2X	Command and Control Exercise

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SUBJECT: (U) AR 15-6 Investigation of the Abu Ghraib Detention Facility and 205th MI Brigade

CALL	Center for Army Lessons Learned
CENTCOM	US Central Command
CG	Commanding General
CHA	Corps Holding Area
CIA	Central Intelligence Agency
CID	Criminal Investigation Command
CJCS-1	Chairman, Joint Chief of Staff Instruction
CJTF-7	Combined Joint Task Force 7
CM&D	Collection Management and Dissemination
COL	Colonel
COR	Contracting Officers Representative
CP	Collection Point
CPA	Coalition Provisional Authority
CPL	Corporal
CPT	Captain
CSH	Combat Support Hospital
DA	Department of the Army
DAIG	Department of the Army Inspector General
DCI	Director of Central Intelligence
DCG	Deputy Commanding General
DIAM	Defense Intelligence Agency Manual
DoD	Department of Defense
1LT	First Lieutenant
CASH	Combat Army Surgical Hospital
DIA	Defense Intelligence Agency
KO	Contracting Officer
DOJ	Department of Justice
DRA	Detention Review Authority
DRB	Detainee Release Branch
EPW	Enemy Prisoner of War
FM	Field Manual
FOB	Forward Operating Base
FRAGO	Fragmentary Order
G-3	Army Training Division
GCIV	Geneva Conventions IV
GP	Group
GSA	General Services Administration
GTMO	Guantanamo Naval Base, Cuba
GWOT	Global War On Terrorism
HQ	Headquarters
HUMINT	Human Intelligence
IAW	In Accordance With
ICE	Interrogation and Control Element
ICRC	International Committee of the Red Cross

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205th MI Brigade

ICRP	Interrogation and Counter-Resistance Policies
IET	Initial Entry Training
ID	Infantry Division
IG	Inspector General
IMINT	Imagery Intelligence
INSCOM	Intelligence and Security Command
IP	Iraqi Police
IR	Intermen/Resettlement
IROE	Interrogation Rules Of Engagement
ISCT	Interrogation Support to Counterterrorism
ISG	Iraqi Survey Group
JA	Judge Advocate
JCS	Joint Chiefs of Staff
JIDC	Joint Interrogation and Detention Center
JTF-GTMO	Joint Task Force Guantanamo
MAJ	Major
MCO	Marine Corps Order
LTC	Lieutenant Colonel
LTG	Lieutenant General
MFR	Memorandum For Record
MG	Major General
MI	Military Intelligence
MIT	Mobile Interrogation Team
MOS	Military Occupational Specialty
MOU	Memorandum of Understanding
MP	Military Police
MRE	Meals Ready to Eat
MSC	Major Subordinate Command
MSG	Master Sergeant
MTT	Mobile Training Team
NCO	Non-Commissioned Officer
NCOIC	Non-Commissioned Officer In Charge
OER	Officer Evaluation Report
OGA	Other Government Agency
OGC	Office Of General Counsel
OIC	Officer In Charge
OIF	Operation Iraqi Freedom
OPORD	Operations Order
OPNAVINST	Office of the Chief of Naval Operations Instructions
OSJA	Office Of the Staff Judge Advocate
OVB	Operation Victory Bounty
RP	Retained Personnel
SASO	Stability And Support Operations
SECARMY	Secretary of the Army

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SUBJECT: (U) AR 15-6 Investigation of the Abu Ghraib Detention Facility and 205th MI Brigade

SECDEF	Secretary of Defense
SFC	Sergeant First Class
SGT	Sergeant
SIGINT	Signals Intelligence
SITREP	Situation Report
HMMWV	High-Mobility, Multipurpose Wheeled Vehicle
PFC	Private First Class
MA1	Master at Arms 1
MA2	Master at Arms 2
PVT	Private
QRF	Quick Reaction Force
SJA	Staff Judge Advocate
SOF	Special Operations Forces
SOP	Standard Operating Procedure
SOUTHCOM	US Southern Command
SOW	Statement of Work
SSG	Staff Sergeant
TACON	Tactical Control
THT	Tactical HUMINT Team
TRADOC	Training and Doctrine Command
TTP	Tactics, Techniques, and Procedures
UCMJ	Uniform Code Of Military Justice
USAIC	US Army Intelligence Center
USAR	US Army Reserve
VFR	Visual Flight Rules
E-6	Enlisted Grade 6 (Staff Sergeant)
E-7	Enlisted Grade 7 (Sergeant First Class)
E-5	Enlisted Grade 5 (Sergeant)
96B	Intelligence Analyst
NBC	National Business Center
FSS	Federal Supply Schedule
POC	Point of Contact
DAIG	Department of the Army Inspector General
97E	Human Intelligence Collector
351E	Interrogation Warrant Officer
FBI	Federal Bureau of Investigation
ISN	Internee Serial Number
JTF-21	Joint Task Force – 21
TF-121	Task Force – 121
SEAL	Sea, Air, Land
SPC	Specialist
RFF	Request for Forces
TF-20	Task Force – 20
97B	Counterintelligence Agent

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**SUBJECT: (U) AR 15-6 Investigation of the Abu Ghraib Detention Facility and
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CM&D	Collection, Management and Dissemination
JIG	Joint Intelligence Group
351B	Counterintelligence Warrant Officer
PT	Physical Training
IRF	Internal Reaction Force

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EXHIBIT 29



EXHIBIT 40

FM 3-100.21 (100-21)

CONTRACTORS ON THE BATTLEFIELD

JANUARY 2003

**HEADQUARTERS
DEPARTMENT OF THE ARMY**

DISTRIBUTION RESTRICTION: Approved for public release; distribution is unlimited.

***FM 3-100.21**
(FM 100-21)

Field Manual
No. 3-100.21

Headquarters
Department of the Army
Washington, DC, 3 January 2003

Contractors on the Battlefield

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Preface

Contractors have always accompanied our armed forces. However, the increasingly hi-tech nature of our equipment and rapid deployment requirements have significantly increased the need to properly integrate contractor support into all military operations. Recent reductions in military structure, coupled with high mission requirements and the unlikely prospect of full mobilization, mean that to reach a minimum of required levels of support, deployed military forces will often have to be significantly augmented with contractor support. As these trends continue, the future battlefield will require ever increasing numbers of often critically important contractor employees. Accordingly, commanders, staffs, and soldiers must be more familiar with how to plan for and use contractors effectively. This manual, along with an established, formal training program, provides the foundation upon which the Army can promote contractors on the battlefield education.

Field Manual 3-100.21 (100-21) addresses the use of contractors as an added resource for the commander to consider when planning support for an operation. Its purpose is to define the role of contractors, describe their relationship to the combatant commanders and the Army service component commanders, and present their mission of augmenting operations and weapon systems support. This manual is intended for commanders and their staff at all echelons, program executive officers/program managers, and others involved in the planning, management, and use of contractors in an area of operations. It is also a guide for Army contracting professionals and contractors in implementing planning decisions and understanding how contractors will be managed and supported by the military forces they augment.

The prologue introduces contractor support through a notional narrative scenario that demonstrates the process of how contractors would realistically be planned for, supported, and used. Although many contractors support our armed forces, most commanders, staffs and soldiers do not fully understand the differences between a contractor workforce, Department of the Army civilians, and military support units. Accordingly, the manual briefly describes a contract and a contractor, their effect on the Army support structure, and the distinctions between soldier support, Department of the Army civilian support, and contractor support. Additionally, it outlines the governing principles that support the use of contractors and addresses Army policy on contractors on the battlefield in an operational construct

Roles and responsibilities involved in planning contractor support, deploying and redeploying contractor personnel and equipment, and managing, supporting, and protecting contractors are discussed in the manual. It addresses the planning process and relates the planning for contractor support to the military decision-making process. It also addresses the need for a risk assessment that supports the decision process. Additionally, this field manual includes planning considerations unique to contractor support. A discussion on how contractor requirements are integrated into operational plans is also included.

Deployment and redeployment of contractors, including specific guidelines on predeployment processing, time-phased force deployment data development, and reception in the area of operations are presented in detail. Also covered is contractor management during operations, to include a discussion on contractor visibility and accountability and how they will be integrated into the operational support scheme. Included is the support contractors may require from the military in order to adequately

Preface

perform their support mission, such as facilities, transportation, and life support. Finally, force protection and how contractors will be protected from potential enemy action are also discussed.

This manual reflects relevant doctrine, incorporates lessons learned from recent operations, and conforms to Army doctrine and policy.

The proponent for this publication is the Combined Arms Support Command. Send comments and recommendations directly to Commander, US Army Combined Arms Support Command, ATTN: ATCL-AL 401 1st Street, Suite 227, Fort Lee, VA 23801-1511.

Unless otherwise stated, whenever masculine or feminine gender is used, both men and women are included.

Prologue

PROLOGUE

Contractors on the Battlefield (a Notional Scenario)

US Central Command alerted the Third US Army (the Army Service Component Command for US Central Command) for another contingency mission as part of a coalition force going into Eastern Africa. Although the operation was primarily peacekeeping in nature, there was a possibility that the situation could develop into open hostilities. This type of operation was not new to the command, they had seen similar action in Somalia and Angola. Because of their past experience, the Third Army's planning staff had developed plans to handle a wide variety of operations, including this newest one in Africa. However, the combatant commander's campaign plan provided for a lean military force to accomplish the mission, requiring his staff to do some creative planning to achieve the right mix of combat and support forces to include the military-to-civilian mix.

The nature of the operation required that the force structure be combat heavy. For the staff, this meant that some of the support force structure would be delayed in deploying, and in some cases left behind. Support requirements, however, still had to include a significant theater force opening package. This package was to execute the aerial port of debarkation and reception, staging, and onward movement support operations as well as to perform the other support functions necessary to support the deployment and begin sustaining the force.

As planning proceeded, it was determined that the US Army Materiel Command's logistics civil-augmentation program umbrella contract was the best option to assist the military early-entry modules and theater force opening package units to operate the aerial port of embarkation and forward support bases, upgrade facilities for long-term occupation, construct base camps, and perform minor construction missions as required. Because of the infrastructure in the region, external support contractors from Egypt could perform several of the supply and transportation functions and provide most of the communications support. These considerations would eliminate the need to deploy a transportation battalion, most of the water purification assets, and most of a signal battalion. Assistant Secretary of the Army for Logistics, Acquisition, and Technology program executive officer/manager system contractors would also be required to provide forward maintenance and technical assistance for many of the Army's latest weapon and battle command systems found throughout the force. Supported units, therefore, needed to ensure that they deployed with sufficient contract administration support to monitor contract performance, which in some cases would be unit personnel.

Although Third Army had used contractors in its past operations, it had never experienced the size and diversity of the contractor presence that was expected for this operation. Planners recognized, because of the scope of the operation and the size of the geographical area involved, that there was a need to have visibility and accountability of contractor employees. Fortunately, Third Army had instituted a program of tracking contractor visibility in accordance with established doctrine. Using many of their primary and special staff members with assistance from the major support units who would be utilizing systems and external contractor support, Third Army was able to identify the contractor employees who would be deploying with them to support this operation. Additionally, direct links to the appropriate contracting organizations for the system contractors through the staff, major support

Prologue

commands, and Army Materiel Command's Logistics Support Element, had been established to ensure theater-specific requirements were added to all contracts.

The Third Army commander directed that all contracts in support of the operation include command directives covering conduct and discipline of contractor employees in the area of operations, and safety and security requirements. The Third Army commander also directed that contractors deploying with the force be integrated into the time-phased force and deployment data as well as receive the requisite predeployment training and processing. This predeployment training and processing would be accomplished at the force-projection platform installations for contractor employees deploying with their habitually supported units and at the designated continental United States replacement centers for those employees deploying as individual replacements. The exception to this policy would be the logistics civil-augmentation program contractor who, because of this program's size and need to be in the area of operations early, would self-deploy and perform its own employee predeployment processing. Although self-deploying, the logistics civil-augmentation program contractor information was still required to be entered into the time-phased force and deployment data, and arrival slots for its aircraft and vessels had to be obtained. Finally, the Third Army commander directed the staff to plan for the operational (facilities, government-furnished equipment and services, and transportation) and life support (including billeting, messing, and medical) required by the contractors supporting the operation.

The essential nature of much of the contractor-provided support and the hostile threat to their operations required that the Third Army commander have his staff conduct a formal assessment of the risks involved in using contractors. The risk assessment included contingency plans to continue essential services provided by contractors through alternate sources (military, Department of the Army civilians, host-nation support, or another contractor) should contractor support become unavailable.

After completing this risk assessment, the staff concluded that the potential conditions of the operational environment posed a medium threat to contractors, but contractor involvement in the operation was critical. To mitigate the risk, the Third Army commander directed that contractors comply with all command safety and security directives and procedures and instructed that the directives be provided to the supporting contracting organizations to ensure that contracts were written to include these or equivalent provisions. Furthermore, military forces would protect contractor operations and movements in those areas where the threat of hostilities was likely, recognizing that the advantageous additional capabilities provided by contracted support may be offset by the diversion of some combat power to protect them. The commander also directed that deployed contractor employees would reside on military compounds. This would assist with security and limit competition for facilities. In accordance with combatant commander policy, the Third Army commander did not authorize the issue of sidearms by contractor employees. Because of these security measures, contractor employees would be permitted to operate in any area that their support was required.

As a result of the decision briefing on the operation, the Third Army commander approved the plans presented by his staff, including a detailed contractor integration plan. This contractor integration plan was put together by the G-3, but was based on information provided mostly by the other primary and special staff members. The Third Army commander then directed that this plan be included as an annex of the OPORD and gave additional guidance to ensure that this annex was read and followed by the various contracting activities supporting the operation.

Finally, the Third Army commander acknowledged the critical need for contractors to support this particular operation and requested that commanders at all levels provide an orientation for

Prologue

their soldiers covering contractors and their relationship to the military forces. "After all," he stated, "contractors have been supporting our forces throughout its history and will continue to do so; we just need to get better at integrating these valued members of our support team into to the overall plan."

Chapter 1

Overview

INTRODUCTION

1-1. Contractors have always supported our armed forces. Numerous examples exist throughout our nation's history, from sutlers supporting George Washington's Army to today's high-tech firms supporting complex weapon and equipment systems. While contractors consistently support deployed armed forces, commanders need to fully understand their role in planning for and managing contractors on the battlefield and to ensure that their staff is trained to recognize, plan for, and implement contractor requirements. Key to understanding basic contracting and contractor management is being familiar with the basic doctrine laid out in this field manual (FM) and FM 4-100.2.

CONTRACTORS AS A FORCE-MULTIPLIER

1-2. Whether it bridges gaps prior to the arrival of military support resources, when host-nation support is not available, or augments existing support capabilities, contractor support is an additional option for supporting operations. When considering contractor support, it should be understood that **it is more than just logistics; it spans the spectrum of combat support (CS) and combat service support (CSS) functions.** Contracted support often includes traditional goods and services support, but may include interpreter, communications, infrastructure, and other non-logistic-related support. It also has applicability to the full range of Army operations, to include offense, defense, stability, and support within all types of military actions from small-scale contingencies to major theater of wars.

1-3. In the initial stages of an operation, supplies and services provided by local contractors improve response time and free strategic airlift and sealift for other priorities. Contractor support drawn from in-theater resources can augment existing support capabilities to provide a new source for critically needed supplies and services, thereby reducing dependence on the continental United States (CONUS) based support system. When military force caps are imposed on an operation, contractor support can give the commander the flexibility of increasing his combat power by substituting combat units for military support units. This force-multiplier effect permits the combatant commander to have sufficient support in the theater, while strengthening the joint force's fighting capability. At the conclusion of operations, contractors can also facilitate early redeployment of military personnel.

Overview

UNDERSTANDING CONTRACTOR SUPPORT

1-4. For contractor support to be fully integrated into the operational environment, responsible commanders and their staffs must understand key factors with regard to contractor support.

WHAT IS A CONTRACT?

1-5. Military units receive their guidance and instructions to conduct an operation from published plans and orders, usually operations plans (OPLAN) and operation orders (OPORD). These plans and orders describe the mission and the manner in which the operation will be accomplished. **Contractors receive OPORD-like guidance via their contracts.** A contract is a legally enforceable agreement between two or more parties for the exchange of goods or services; it is the vehicle through which the military details the tasks that it wants a contractor to accomplish and what will be provided to the contractor in return for the goods or services.

WHAT IS A CONTRACTOR?

1-6. Contractors are persons or businesses, to include authorized subcontractors, that provide products or services for monetary compensation. A contractor furnishes supplies, services, or performs work at a certain price or rate based on the terms of a contract. In a military operation, a contractor may be used to provide life support, construction/engineering support, weapon systems support, and other technical services.

Contractor Duties

Duties of contractors are established solely by the terms of their contract—they are not subject to Army regulations or the Uniform Code of Military Justice (UCMJ) (except during a declared war). Authority over contractors is exercised through the contracting officer.

NOTE: For this manual, the term *contractor* refers to the business entity, not the individual employee of the business.

WHAT ARE THE DIFFERENT TYPES OF CONTRACTORS?

1-7. Contractor support is categorized by the type of support that they provide on the battlefield and, more importantly, by what type of contracting organization has contracting authority over them. Battlefield contractors are generally referred to as theater support contractors, external support contractors, or system contractors. Commanders and planners must be aware that a requirement for a particular system or capability may result in the introduction of these type contractors into the operational plan and that contractor management and planning is often significantly different depending on the type of contractor support provided. These differences are described in detail throughout the subsequent chapters of this FM.

THEATER SUPPORT CONTRACTORS

1-8. Theater support contractors support deployed operational forces under prearranged contracts, or contracts awarded from the mission area, by contracting officers serving under the direct contracting authority of the Army principal assistant responsible for contracting (PARC) or other Service/joint/multinational chief of contracting responsible for theater support contracting in a particular geographical region. Theater-support contractors provide goods, services, and minor construction, usually from the local commercial sources, to meet the immediate needs of operational commanders. Theater support contracts are the type of contract typically associated with contingency contracting.

EXTERNAL SUPPORT CONTRACTORS

1-9. External support contractors provide a variety of combat and combat service support to deployed forces. External support contracts are let by contracting officers from support organizations such as United States (US) Army Materiel Command (USAMC) and the US Army Corps of Engineers (USACE). They may be prearranged contracts or contracts awarded during the contingency itself to support the mission and may include a mix of US citizens, third-country nationals (TCN) and local national subcontractor employees. External support contracts include the Logistics Civil Augmentation Program (LOGCAP) administered through USAMC's logistics support elements (LSE), sister Service LOGCAP equivalent programs the Civil Reserve Air Fleet, commercial sealift support administered by the US Transportation Command (USTRANSCOM), and leased real property and real estate procured by the USACE.

SYSTEM CONTRACTORS

1-10. System contractors support many different Army materiel systems under pre-arranged contracts awarded by the Assistant Secretary of the Army for Acquisition, Logistics and Technology (ASA[ALT]) program executive officer (PEO)/program manager (PM) offices and USAMC's Simulations, Training and Instrumentation Command (STICOM). Supported systems include, but are not limited to, newly or partially fielded vehicles, weapon systems, aircraft, command and control (C²) infrastructure, such as the Army Battle Command Systems (ABCS) and standard Army management information systems (STAMIS), and communications equipment. System contractors, made up mostly of US citizens, provide support in garrison and may deploy with the force to both training and real-world operations. They may provide either temporary support during the initial fielding of a system, called interim contracted support (ICS), or long-term support for selected materiel systems, often referred to as contractor logistic support (CLS).

WHAT IS A REQUIRING UNIT OR ACTIVITY?

1-11. A requiring unit or activity is that organization or agency that identifies a specific CS or CSS requirement through its planning process to support the mission. All requiring units or activities are responsible to provide contracting and contractor oversight in the area of operations (AO), through appointed contracting officer representatives (COR), to include submitting contractor accountability and visibility reports as required.

Overview

Requiring units can either be a tactical- or operational-level unit in the AO or a support organization, such as an ASA(ALT) PEO/PM or USAMC, which has identified a support requirement that affects forces in the field. This organization identifies the specific requirements for the support. If it is determined that the requirement is best satisfied by contractor support, this organization prepares the required statement of work (SOW) that supports the contracting process. It should be noted that the requiring unit or activity may not be the organization actually receiving the contractor support. These units are simply referred to as the supported unit.

WHAT IS A SUPPORTED UNIT?

1-12. A supported unit is the organization that is the recipient of support, including contractor-provided support. A supported unit may also be the requiring unit, if it initiates the request for support.

WHAT IS A SUPPORTING ORGANIZATION?

1-13. The supporting organization is that organization or activity tasked to furnish organizational or life support to a contractor. It may be the supported organization, the requiring unit or activity, a functional organization such as a transportation unit or the USACE that would provide equipment or facilities, or any other organization that possesses the support capability. The supporting organization is responsible for providing specified organizational support or life support to contractors as directed. The supporting organization may, if appropriate, use another contractor to provide such support.

WHAT IS A SUPPORTING CONTRACTING ACTIVITY?

1-14. A supporting contracting activity is the contracting organization that supports the requiring unit or activity in arranging contractor support. This organization, staffed with certified contracting personnel, may either be the in-theater contracting organization organic to deploying forces, or contracting organizations from outside the theater such as USAMC, USTRANSCOM, or USACE. Regardless of their location, this organization is responsible for the converting of the requiring unit or activities requirement in contracting terminology, locating potential providers, and negotiating and awarding the contract.

WHAT IS A CONTRACTING OFFICER?

1-15. A contracting officer is the official with the legal authority to enter into, administer, and/or terminate contracts. Within the Army, a contracting

officer is appointed in writing through a warrant (SF 1402) by a head of contracting activity (HCA) or a PARC. Only duly warranted contracting officers, appointed in writing, are authorized to obligate funds of the US Government. Active and Reserve Component military personnel, as well as Department of Defense (DOD) civilian personnel, may serve as contracting officers supporting deployed Army forces. There are three types of contracting officers: procuring contracting officer (PCO), administrative contracting officer (ACO), and a terminating contracting officer. The PCO and ACO will be the primary contracting officers commanders will have to work with. Further discussion on contracting officers can be found in FM 4-100.2.

WHAT IS A CONTRACTING OFFICER'S REPRESENTATIVE?

1-16. A COR is an individual appointed in writing by a contracting officer to act as the eyes and ears of the contracting officer. This individual is not normally a member of the Army's contracting organizations, such as the Army Service Component Command (ASCC) PARC office, but most often comes from the requiring unit or activity.

Note: It is important to understand that in some situations, the requiring activity may not be the supported unit. For example, the requiring activity for support to the FOX chemical, biological, radiological, and nuclear detection vehicle is FOX vehicle PM office. In this case, the PM is responsible to ensure that the supported unit and/or the USAMC LSE provides the requisite CORs to assist in the management of the contract.

1-17. From a doctrinal perspective, each requiring unit or activity should appoint a COR from the supported unit. In all cases, the contracting officer assigns the COR specific responsibilities, with limitations of authority, in writing (see Appendix A for a description of COR guidelines). It should be noted that the COR represents the contracting officer only to the extent delegated in the written appointment and does not have the authority to change the terms and conditions of a contract. Only a PCO or ACO (if appointed) may make changes to an existing contract.

System Contractor COR

For system contractors, the COR would be the individual who ensures that the contractor employee provides the day-to-day management oversight in both garrison and in the AO. This COR is also the individual who ensures that the system-contractor employee is prepared to deploy. In some cases, the system contractor COR would come from the supported unit when the contractor employee has a permanent habitual relationship with the unit. On the other hand, where the contractor employee has an area support mission, the COR would come from the unit, possibly the USAMC LSE, that has area support responsibilities related to the contracted support being provided.

WHAT IS A S

1-18. A SOW defines the government's requirements in clear, concise language identifying specific work to be accomplished and incorporated into the contract. The SOW is the contractor's mission statement. SOWs, prepared by the requiring unit or activity, must be individually tailored to consider the

Overview

period of performance, deliverable items, if any, and the desired degree of performance flexibility. The work to be performed is described in terms of "what" is the required output rather than either "how" the work is accomplished or the number of hours provided. It also must be understood that any requirements beyond the SOW may expose the government to claims and increased costs.

WHAT IS AN UNAUTHORIZED COMMITMENT?

1-19. An unauthorized commitment (UAC) occurs when there is a purchase agreement that is not binding solely because the government representative (a soldier or Department of the Army civilian [DAC]) who made it lacked the authority to enter into that agreement on behalf of the government. Only a warranted contracting officer is authorized to enter into such agreements. To a businessman especially in a foreign country, anyone that appears to possess the authority to make a purchase on behalf of the US government will sell his or her products or services to that person. Unfortunately, there is no documentation to issue payment. Therefore, the businessman doesn't get paid. This in turn creates resentment towards the US military and can prevent further purchases from being made. Another way a UAC occurs is when a government representative directs the actions of a contractor or their employees through the issuance of a work directive not identified in the SOW resulting in the government incurring additional charges. Both of these UACs can be ratified by a contracting officer; however, the ratification process is lengthy and prevents legitimate purchases from being made in a timely matter.

1-20. Soldiers and DACs can be held financially liable for UACs depending on the circumstances and conduct of the individual initiating the UAC.

CONTRACTOR AND MILITARY DISTINCTIONS

1-21. The type and quality of support that a contractor provides is similar to that provided by a military CS or CSS support unit, when considered from a customer perspective. However, there are some fundamental differences that commanders and their staffs must be aware of. These differences include:

- Contractors perform only tasks specified in contracts. "Other duties as assigned" does not apply in a contract environment.
- Contractors and their employees are not combatants, but civilians "authorized" to accompany the force in the field. Authorization to accompany the force is demonstrated by the possession of a DD Form 489 (Geneva Conventions Identity Card for Persons who Accompany the Armed Forces). This status must not be jeopardized by the ways in which they provide contracted support.
- Contractor status as civilians accompanying the force in the field is clearly defined in the Geneva Conventions and other international agreements. They are generally defined as persons who accompany the armed forces without actually being members thereof and are responsible for the welfare of the armed forces. Depending upon their duties, they may be at risk of injury or death incidental to enemy attacks on military objectives. If captured, they are entitled to prisoner

of war status. However, if captured, the contractor's treatment and status will be dependent upon the nature of the hostile force and their recognition, if any, of relevant international agreements.

1-22. Management of contractor activities is accomplished through the responsible contracting organization, not the chain of command. Commanders do not have direct control over contractors or their employees (contractor employees are not the same as government employees); only contractors manage, supervise, and give directions to their employees. Commanders must manage contractors through the contracting officer or ACO. CORs may be appointed by a contracting officer to ensure a contractor performs in accordance with (IAW) the terms and conditions of the contract and the Federal acquisition regulations. The COR serves as a form of liaison between the contractor, the supported unit, and the contracting officer.

CONTRACTOR MANAGEMENT IN THE MILITARY ENVIRONMENT

1-23. The management and control of contractors is significantly different than the C² of soldiers and DACs. During military operations, soldiers and DACs are under the direct C² of the military chain of command. In an area of responsibility (AOR), the regional combatant commander (previously referred to as the commander in chief [CINC]) is responsible for accomplishing the mission and ensuring the safety of all deployed military, government civilians, and contractor employees in support of US military operations. The supported combatant commander, through the appropriate ASCC, can direct soldier and DAC task assignment including special recognition or, if merited, disciplinary action. Military commanders do not have, however, the same authority or control over contractors and their employees and only has command authority IAW Department of State rules and regulations. To fully integrate contractor support into the theater operational support structure, proper military oversight of contractors is imperative.

1-24. Currently, there is no specifically identified force structure nor detailed policy on how to establish contractor management oversight within an AOR. Consolidated contractor management is the goal, but reality is that it has been, and continues to be, accomplished through a rather convoluted system that includes the requiring unit or activity, the supported military unit (i.e., normally the Army operational-level support commands, such as logistics, engineer, medical, signal, military intelligence, and personnel), strategic-level commands such as the Defense Logistic Agency (DLA), Defense Contracting Management Agency (DCMA) and/or the USAMC's LSE, that has technical and operational management of the contractors providing specific functional support in the AOR.

1-25. It is important to understand that the terms and conditions of the contract establish the relationship between the military (US Government) and the contractor; this relationship does not extend through the contractor supervisor to his employees. Only the contractor can directly supervise its employees. The military chain of command exercises management control through the contract.

1-26. The military link to the contractor, through the terms and conditions of the contract, is the contracting officer or duly appointed COR, who communicates the commander's specific needs to the contractor, when the

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requirement has already been placed on the contract. When the requirement is not already placed on the contract, the military link to the contractor is the contracting officer. The contracting officer, not the COR, is the only government official with the authority to direct the contractor or modify the contract. The COR, as stated earlier, who has daily contact with the contractor and is responsible for monitoring contractor performance (see Appendix A) is key to contractor management and control. To manage habitually related system-contractor employees, unit personnel with functional area oversight responsibilities may be trained and designated CORs. This interface allows the contracting officer to monitor and direct the activities of the contractor within the scope of the contract to ensure the commander's requirements are met. For a detailed discussion of contractor management, refer to Chapter 4.

GOVERNING PRINCIPLES OF CONTRACTOR SUPPORT

1-27. The consideration and use of contractors in support of military operations is governed by several principles. The following principles provide a framework for using contractors.

RISK ASSESSMENT

1-28. To properly evaluate the value of contractors to any given military operation, the requiring unit or activity and the supported commander and staff make an assessment of risk. This assessment evaluates the impact of contractor support on mission accomplishment, including the impact on military forces, if they are required to provide force protection, lodging, mess, and other support to contractors, to determine if the value the contractor brings to operations is worth the risk and resources required to ensure its performance. The availability of government support provided to contractors, and any conditions or limitations upon the availability or use of such services, needs to be clearly set forth in the terms of the contract. The assessment also addresses potential degradation of contractor effectiveness during situations of tension or increased hostility. See Chapter 2 for a detailed discussion of risk assessment.

FORCE-STRUCTURE AUGMENTATION

1-29. Contractors supporting military operations can be an additional option for meeting support requirements. The use of contractors enables a commander to redirect his military support units to other missions. Therefore, contractors are force multipliers. Even though contractors are a force multiplier, Army policy is that contractors do not permanently replace force structure and the Army retains the military capabilities necessary to perform critical battlefield support functions. Department of Defense Instruction (DODI) 3020.37 requires the development and implementation of plans and procedures to provide reasonable assurance of the continuation of essential services during crisis situations when using contractor employees or other resources as necessary. If the combatant commander, or subordinate ASCC, has a reasonable doubt as to their continuation by the incumbent contractor, contingency plans for obtaining the essential service from

alternate sources, such as military, DACs, host nation, or another contractor, must be prepared and included in the contracting support plan.

1-30. Some units, especially digitized heavy units and the interim brigade combat teams may be supported by a significant number of system contractors necessary to provide technical support to newly released and/or conditionally released equipment. When this is the case, the ASCC must weigh the risk of when and where these system contractors are utilized in the AO.

MISSION, ENEMY, TERRAIN (INCLUDING WEATHER), TROOPS, TIME AVAILABLE, AND CIVIL CONSIDERATIONS

1-31. The consideration of mission, enemy, terrain (including weather), troops (includes contractors IAW FM 3-0), time available and civil considerations (METT-TC) is used to evaluate how contractors are used in support of a military operation. These considerations assist commanders and staff planners in evaluating the risk of using contractors throughout the AO. When the commander determines that the risk associated with using contractors is unacceptable, contractors are not used until the risk is reduced.

INTEGRATED PLANNING

1-32. In order for contractor support to be effective and responsive, its use must be considered and integrated in the deliberate or crisis action planning process. Proper planning identifies the full extent of contractor involvement, how and where contractor support is provided, and any responsibilities the Army may have in supporting the contractor. Planning must also consider the need for contingency arrangements if a contractor fails to or is prevented from performing. Chapter 2 discusses contractor planning in detail.

SUPPORT TO THE CUSTOMER

1-33. Contracts will be written to provide the same quality and extent of support as that provided by military units. The contractor organization must be integrated to minimize disruptions to operations and minimize the adverse impact on the military structure. Links between military and contractor automated systems must not place significant additional burdens or requirements on the supported unit. Although contractors may use whatever internal systems or procedures they choose, adherence to military systems and procedures is mandatory when interfacing with the Army. However, the use of internal contractor systems will not compromise operational information that may be sensitive or classified. Additionally, requiring units or activities must be certain these system interface requirements are reflected in the SOW, contracting officers must do the same in the terms of the contract.

INTERNATIONAL AGREEMENTS

1-34. The international agreements and host-nation laws that apply to the operational area directly affect the use of contractors. They may establish legal obligations independent of contract provisions and may limit the full

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use of contractor support. Typically, these agreements and laws affect contractor support by—

- Directing the use of host-nation resources prior to contracting with external commercial firms.
- Restricting firms or services to be contracted.
- Establishing legal obligations to the host nation (e.g., customs, taxes, vehicle registration and licensing, communications and facilities support, passports, inter- or intracountry travel, mail, work permits, and hiring of local workers).
- Prohibiting contractor use altogether.

Consideration of these agreements must be made when preparing OPLANs/OPORDs and contracts. Conversely, the use of contractors must be considered when entering into new or revised agreements.

HABITUAL RELATIONSHIPS

1-35. A habitual relationship is a relationship between a business and the military for habitual support of a unit/organization or system or set of systems. The nature of this relationship is established through the terms and conditions of a contract and extends beyond that of the organization to include the individual contractor employee and soldier. This type relationship establishes a comrade-at-arms kinship, which fosters a cooperative, harmonious work environment and builds confidence in each other's ability to perform.

1-36. The relationship between the Army and some weapon-system contractors may be long-term and continuous. Accordingly, the Army may not be able to deploy these weapon systems without also deploying the supporting contractors. This establishes a habitual relationship that is necessary and appropriate. However, since contractor employees are not actually part of the habitually supported unit, the overall system-contractor management is still the responsibility of the ASA(ALT) and USAMC (for training, simulations and instrumentation only) PM/PEOs through the supported unit CORs as required. See Chapter 4 for a detailed discussion on the management of contractors.

1-37. The responsible functional staff, through the requiring unit or activity or supported unit, ensures that all contractors and their employees are included as part of the unit for deployments and facilitates the accurate and timely incorporation of contractor employees and equipment into the time-phased force and deployment data (TPFDD), even if this effort is in concert with a habitually supported unit. A distinction must be made between contractors who provide direct support to a supported unit and those who provide support on an area basis. When a contractor is in direct support of a specific supported unit, that unit assumes the responsibility for their deployment. For contractors providing support on an area basis, the requiring unit or activity (when not the supported unit) has this responsibility.

1-38. While habitual relationships improve the working relationship between the Army and contractor employees, the contract requirements and the legal

relationship between the Army and its contractor are not altered by this habitual working relationship.

POLICY ON USE OF CONTRACTORS

1-39. In the event of emergency or contingency operations, contractors will often be required to perform services in an AO. With this increased criticality of contractor support, especially in the near term within digitized units, the Army's policy (AR 715-9) is that:

- Civilian contractors may be employed to support Army operations and/or weapon systems domestically or overseas. Contractors will generally be assigned duties at echelons above division (EAD); EAD should be thought of organizationally instead of a location on a map. However, if the senior military commander deems it necessary, contractors may be temporarily deployed anywhere as needed, consistent with the terms of the contract and the tactical situation.
- Management and control of contractors is dependent upon the terms and conditions of the contract.
- Contractors are required to perform all tasks identified within the SOW and all provisions defined in the contract. Contractors must be prepared to perform all tasks stipulated in the contract by the government to address potential requirements. Contractors will comply with all applicable US and/or international laws.
- Contractor employees may be subject to court-martial jurisdiction in time of war. (Because federal court decisions limit statutory jurisdiction provisions, commanders should consult their staff judge advocate for specific legal advice.)
- When contractor employees are deployed, the Army will provide or make available force protection and support services commensurate with those provided to DAC personnel and authorized by law.

- Contractors accompanying US Armed Forces may be subject to hostile actions. If captured, a contractor's status will depend upon the type of conflict, applicability of any relevant international agreements, and the nature of the hostile force.

NOTE: A limited number of systems contractors may be required to work on a semipermanent well forward on the battlefield. When this is the case, the ASCC must address this situation during the risk assessment process. In some cases, a formal waiver request to DA may be warranted. See AR 715-9 for further guidance.

Chapter 2

Planning

“Planning is the means by which the commander envisions a desired outcome, lays out effective ways to achieve it, and communicates to his subordinates his battlefield visualization intent, and decisions, focusing on the results he expects to achieve.”

FM 3-0

INTRODUCTION

2-1. The Army’s primary mission is to deter war and, if deterrence fails, to fight and win. Contractors play a vital role in the Army’s ability to accomplish and support this mission. Also, contractors provide a responsive alternative to increasing the number of support forces necessary to perform the mission. Planning for contractor support is part of the overall support plan for any operation. To be effective, contractor support must be considered early in the planning process and continuous throughout the operation. Planning addresses how and where the support should be provided. The planning process also includes evaluation of the risks involved and determination of the extent that contractors should be supported by the military. Planning establishes the basis of requirements for support by a contractor. If contractor-support requirements are not addressed during planning, the SOW and support requirements that must be communicated to a contractor through a contract are either omitted or included too late, thereby reducing the effectiveness of a contractor’s ability to effectively support the mission.

ROLES AND RESPONSIBILITIES

2-2. Commanders and staffs at all echelons have the responsibility to ensure all support, to include that provided by a contractor, is adequately considered and integrated in the planning process. Because the planning process is a coordinated staff procedure used by a commander to determine the best method of accomplishing assigned tasks and to direct the action necessary to accomplish his mission, every echelon has certain planning responsibilities. The geographical combatant/subordinate unified commander and his staff initiate the process and determine the requirements. Subordinate levels then refine the plan to meet their specific needs. To ensure contractor support is fully planned for, several commands, staffs, and activities, including the supported combatant commander, joint task force (JTF) staff, supported ASCC, Army component to the JTF Army force (ARFOR), supporting ASCCs, requiring activity, functional staffs/organizations, as well as the Army contracting activities, must be included among the key planners. Additional contracting agencies that are often involved in contracting and contractor-related planning are DLA and DCMA.

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JOINT FORCE COMMANDERS

2-3. The geographical combatant (hereafter referred to as combatant commander unless a specific functional combatant commander is identified)/subordinate unified command commander (if applicable) and, in most cases, a JTF commander and their staffs prepare plans to conduct joint operations as directed by the Joint Chiefs of Staff. The combatant commander is authorized to plan for, deploy, direct, control, and coordinate the actions of assigned and attached forces. Joint operations planning at this level requires significant coordination and effort. Joint planners make extensive use of the staff study, estimate of the situation, operations analysis, and intelligence preparation of the battlefield (IPB) and logistics assessment (referred to as logistics preparation of the theater in Army doctrine) in order to provide the commander the information necessary to determine alternative courses of action and to make his decision on how the operation will be supported. It is the combatant command that establishes the theater policies and guidance for the use of contractor support. This guidance will include, but is not limited to, restrictions on contractor support (by area, phase of operation, or other measures as appropriate), contractor-deployment and theater-entrance policies, and general order applicability to include force protection and security policy for contractor employees.

SUPPORTED ARMY SERVICE COMPONENT COMMANDER AND ARMY FORCE COMMANDER

2-4. The supported ASCC commander prepares, trains, equips, administers, and provides Army forces to the JTF. The ARFOR, which could be the ASCC itself in some operations, conducts Army operations to support the combatant commander and JTF objectives. CS and CSS are normally Service responsibilities unless otherwise directed by the combatant commander. Following the planning guidance provided by the combatant commander regarding contractor support, the ASCC commander is responsible for determining how this guidance is executed by the ARFOR. It is at this level that the specific Army contractor management and support responsibilities are assigned. The ASCC staff, following the G-3's lead, is responsible for integrating contractor operations into their portions of the OPLAN/OPORD.

SUPPORTING ASCCS AND MACOMS

2-5. The supporting ASCC, typically US Army Forces Command (USAFORSCOM), US Army Europe (USAREUR), or US Army Pacific (USARPAC), along with USAMC, is responsible for providing the requisite resources to the supported ASCC necessary to conduct full-spectrum operations. In this capacity, these commands have a planning responsibility to ensure that the myriad of details related to deploying and supporting the providing forces are addressed. In many cases, the forces being provided bring with them a supporting system or possibly external support contractors. When this occurs, the supporting ASCCs and/or major Army command (MACOM) must articulate a supporting contractor employee presence, so that the contractor can be integrated into the deployment/redeployment, accountability, visibility, and support structures. These supporting commands must closely coordinate with the supported ASCC to ensure that all contractor resources are provided in a timely manner.

and IAW the combatant commander, JTF, and supported ASCC/ARFOR plans and policies.

REQUIRING UNIT OR ACTIVITY

2-6. As discussed in Chapter 1, the requiring unit or activity is that organization or agency that identifies a specific CS or CSS requirement through its planning process to support the mission. It may be a tactical- or operational-level unit having a specific support requirement for an operation or a PEO/PM responsible for a major system. When it is determined that contractor services will be utilized to fulfill an activity's requirement, the requiring unit or activity, through its COR, is responsible for integrating their portion of the contractor support into the ASCC/ARFOR operational plan. This includes such things as identifying and planning deployment/redeployment requirements, force protection needs, as well as government-furnished equipment (GFE) and life support. The requiring unit or activity must consider the cost (personnel, equipment, materiel, and funds) involved in providing the necessary support and identify any beyond its capability. The requiring unit or activity is the organization responsible for preparing the SOW when contractor support is used. Additional requiring unit or activity planning responsibilities are discussed later in this chapter.

CONTRACTING STRUCTURE

2-7. FM 4-100.2 addresses the Army contracting structure at the various operational and tactical levels and describes its role in contractor-provided support. The members of this Army contracting structure, including the combatant commander's logistics procurement support board (CLPSB), are key participants in operations planning and provide technical advice and guidance during the requirements-determination process for the use of theater support and, sometimes, external support contractors. It is essential that the members of the contracting structure be included in all planning to ensure the aspects of contractor support are identified and considered. Once contractor support is identified as the preferred source of support, the PARC and other contracting oversight organizations such as DCMA, DLA, USACE, and USAMC subordinate commodity commands, through the supporting contracting activity, are responsible for translating specific planning guidance into contract language. When system contractors are involved in supporting an operation, the contracting activity that supports a particular PEO/PM-managed system must be involved in the planning to ensure that necessary operation-related provisions are incorporated into the governing contract. The USAMC LSEs often serve as the liaison between the supported unit and the contracting activity to communicate operational requirements.

PLANNING PROCESS

2-8. Planning for contractor support is an integral part of the planning for any operation and follows the same process as any other aspect of a military operation. Planning for an operation, whether deliberate or crisis action, requires the integration of combat, CS, and CSS capabilities. For contractor support to be successful, it must be formally integrated early in the deliberate planning process to ensure that it is adequately considered.

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Significant contractor planning in a crisis-action situation is problematic at best due to the short timeframe available. Regardless, the planning must identify and include specific requirements and responsibilities in the operational plan.

MILITARY DECISION MAKING

2-9. The foundation of planning is the military decision-making process (MDMP). MDMP is a single established and proven analytical seven-step process (see Figure 2-1). It is an adaptation of the Army's analytical approach to problem solving. The MDMP is a tool that assists the Army commander and staff in developing estimates and a plan, by helping them examine the battlefield situation thoroughly, knowledgeably, and with clarity and sound judgment. The full MDMP is a deliberate, sequential, and time-consuming process used when adequate planning time and sufficient staff support are available to thoroughly examine friendly and enemy courses of action. However, the MDMP process also applies in a time-constrained environment. An abbreviated discussion of the MDMP as it relates to planning for contractor support is presented below. For a full discussion of MDMP, refer to FM 5-0.

Mission Analysis

2-10. When a new mission is received (first step in MDMP), the commander and staff assemble the necessary planning tools and analyze the mission (second step in MDMP). Mission analysis is critical to the MDMP. It initiates the commander's battlefield visualization. Mission analysis defines the tactical problem and determines feasible solutions. MDMP mission analysis consists of 17 substeps, not necessarily sequential. This manual discusses only those substeps that have a direct relationship to contractor-support planning.

2-11. A review of available assets early in the mission-analysis process adds and deletes from the current task organization and examines support relationships and the status of all units. The commander and his staff consider the relationship between specified and implied tasks and available assets. From this they determine if sufficient assets are available to perform all the specified and implied tasks. If there are shortages, they identify additional resources needed for mission success, including possible contractor support.

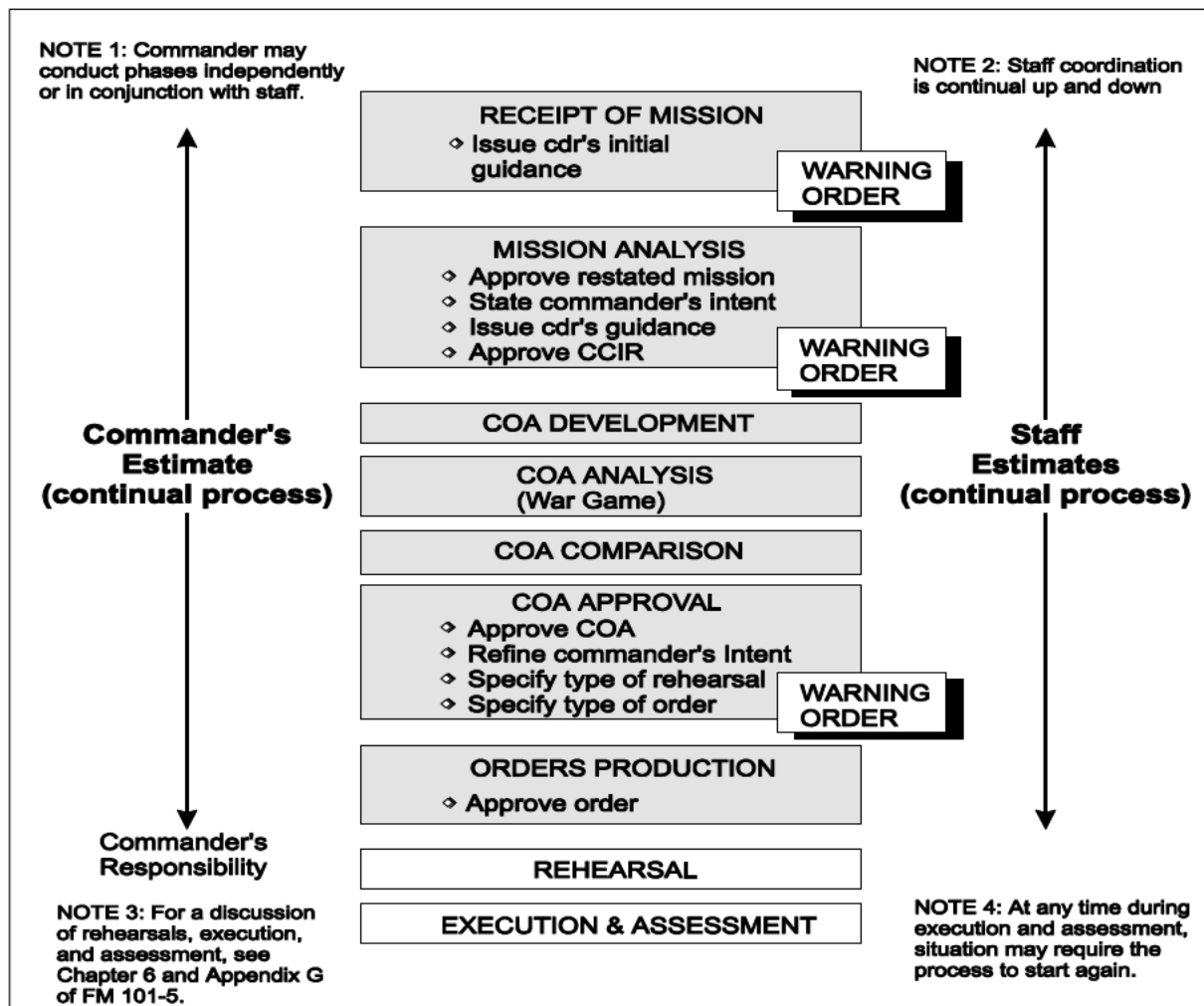


Figure 2-1. The Military Decision-Making Process

2-12. In addition to a review of available assets, two other mission-analysis steps pertain to contractor support. The first is to determine constraints. Constraints can take the form of a requirement to do something (for example, maintain a capability to provide life support to all Services at the aerial port of debarkation [APOD]) or to prohibit an action (for example, a diplomatically imposed limit on military personnel in the area of operations). Planners must identify and understand these constraints which, combined with the review of available assets, may increase the need for additional resources or require the use on nonmilitary support such as contractors.

2-13. The other step under mission analysis pertaining to contractor support is to conduct a risk assessment to identify the tactical risk hazards presented by the mission. This has a direct bearing on contractor support as it relates to whether or not to use contractors or, if contractors are used, to what extent force-protection measures are needed to protect contractor operations and

Planning Overview

personnel from the hazards. Commanders at all levels need to pay particular attention to those limited number of system-contractor employees whose specialty does not have a military equivalent.

COURSE OF ACTION DEVELOPMENT

2-14. Following the analysis of the mission, planners develop courses of action for analysis and comparison. Each course of action developed must meet the criteria of suitability, feasibility, acceptability, distinguishability, and completeness. A good course of action positions the force for future operations and provides flexibility to meet unforeseen events during execution. The initial array of forces is developed during this step. The individual designation of units is not done at this point, rather units are grouped by type. During this step the potential use of contractor support should be considered and in some cases identified. As stated earlier, some weapons and ABCS and STAMIS systems may require the support of a significant number of system-contractor-support personnel. Planners must be fully aware of this possibility because of the impact it will have on other planning aspects. Additionally, when the number of forces required is greater than the total military support available, the use of contractor support to fill that shortfall must be explored.

COURSE OF ACTION ANALYSIS AND COMPARISON

2-15. Following the development of courses of action, an analysis and comparison of those courses of action will determine which one accomplishes the mission with the least risk. During these steps of MDMP, planners must pay particular attention to support relationships and constraints and to the impact contractor support would have on mission accomplishment. It is during this step that issues related to contractor support are explored, including cost, deployment, operational and life support, force protection, and location on the battlefield. Planners must become fully aware of the risk and impact contractor support will have on the operation. Critical analysis, which includes potential contractor support, will give the commander the necessary information upon which to make a decision regarding the extent contractor support will be utilized.

COURSE OF ACTION APPROVAL

2-16. Knowing the results of the course of action analysis, the commander decides on the course of action he believes to be the most advantageous. He then issues any additional guidance on priorities for CS and CSS activities (particularly for resources he needs to preserve his freedom of action and to ensure continuous support), orders preparation, rehearsal, and preparation for mission execution. This step in the MDMP is where specific decisions regarding the use of contractor support are made and then incorporated into the operational plan. Once the decision to use contractors in support of the operation is made, the specific details regarding contractor support (funding, deployment/redeployment, operational and life support, force protection, and location on the battlefield) must be incorporated into the appropriate OPLANs and OPORDs. Failure to include this important information hinders the communication of the decisions to those who must implement and execute the contractor-support scheme.

RISK ASSESSMENT

2-17. Contractor support of military operations involves a degree of risk. Contractors have traditionally supported the Army during numerous operations, to include combat operations, and can be expected to do so in the future. The decision to use contractors in an area of operations requires an assessment of the risks posed to the contractor and his employees and the potential impacts on the operation itself. Commanders must consider the difficulties facing contractors when hostile action against them is likely. If failure of the contractor to provide the required support could jeopardize the overall success of the operation, contractor support may not be suitable. The primary areas of concern include responsiveness of support, transitioning from peace to war, continuation of essential services, and organic capability, if it exists. Likewise, commanders must consider the risk that a contractor poses to the operation, in terms of the potential for sabotage, or other intentional overt or covert action from the contractor's employees.

2-18. A risk assessment considers essentiality or the impact on the military mission; alternatives to contractors, which look at active/reserve military forces and DAC capabilities, other Services, multinational forces, and host-nation support; and danger to the individual. For example, system contracts for technical assistance and sustainment are critical to readiness, with few or no alternatives to contractors. Conversely, service contracts (e.g., messing, laundry, or sanitation) affect living standards, but not mission accomplishment (at least in the short run). Finally, commanders must understand that contractor personnel are not soldiers; they might refuse to deliver goods or services to potentially dangerous areas or might refuse to enter hostile areas regardless of mission criticality.

2-19. In addition to operational risks, there may be risks unique to using contractors. Their work must be funded. The contractor management structure is often not as clear as C² of military units. Contractors may not be able to secure subcontractors, facilities, material, real estate, transportation, or utilities or, if they are able to, only at a prohibitive cost. There may also be US, host-nation, and even third country legal or regulatory constraints on the contractor support. For example, contractor-acquired supplies brought into a theater may be subject to potentially prohibitive excise taxes even though military supplies are not. The key to avoiding this situation is the early involvement of support judge advocate general (JAG) staff in the contractor planning process.

2-20. Units/organizations or activities requiring support on the battlefield must carefully draft the requirements to specify the services and conditions under which they are required. Potential contractors must be fully aware of what is involved. When contractors are willing to perform under dangerous conditions, the cost of a contract may be substantially influenced by the risk the contractor is being asked to accept. Additionally, contractors may be willing to perform under dangerous conditions if the Army meets specified security requirements by providing escorts, training, protective clothing and equipment, or site security to ensure their protection and safety. Commanders accept responsibility for the security of contractor personnel when contractor support is used. Chapter 6 provides more details on contractor force protection.

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2-21. The other major area of risk assessment is the real possibility of direct or indirect actions taken against US forces by contractor employees or individuals posing as contractor employees. While not a direct focus of this manual, the risk of utilizing theater support contractors in lieu of US or coalition military support is an important consideration for all commanders and their staff planners. See FM 3-100.14 (100-14) and FM 101-5 for more discussion on risk management and performing risk assessment.

CONTRACTOR PLANNING CONSIDERATIONS

2-22. Contractor support should not be considered just another support option when planning military operations. There are some very unique planning considerations involved when planning for this type of support. Proper planning should, however, make contractor-provided support reasonably transparent to the end user. Planning for contractor support identifies the full extent of contractor involvement, how and where contractor support should be provided, and any responsibilities the Army may have in supporting the contractor. Also, the need for contingency arrangements if a contractor fails to or is prevented from performing must be considered. Special consideration must be given to system-support requirements where no military support is currently available.

Contracting Authority

2-23. There can be numerous sources of contractor support for an operation, each supported by a variety of separate contracting activities, each with its own contracting authority. These may include the PARC/theater contracting command, support-unit contracting staff, USAMC, USACE, DLA, DCMA, USTRANSCOM, the Intelligence and Security Command, and others. When planning for theater, and sometimes external, contractor support, planners must be aware of the operational principle of centralized contracting management to achieve unity of effort and to prevent individual elements from competing for the same resources. FM 4-100.2, Joint Publication (JP) 4-07, and JP 4-08 address this operational principle in further detail. With several contracting activities influencing contractor support in an AO, planners must recognize—

- First, that they exist
- Second, that they must be linked to achieve central management.

2-24. This is achieved through the conscious designation, in OPLANs and OPORDs, of an organization overall responsible for contracting in a theater, usually the CLPSB, Joint Acquisition Review Board (JARB), or the Army's Acquisition Review Board (ARB). By doing so, the commander's decisions and guidance regarding contractor support can be communicated to all involved contracting activities so that a harmony of effort may be achieved. These boards—

- Prioritize requirements against available funding.
- Consolidate requirements from requiring activities to form one contract instead of several.

- Allocate support so that the military and contractors are not competing for scarce resources such as local transportation, real estate, facilities, and utilities.
- Determine the source of contractor support: whether to use a theater support or external support contractor.

Contractor Employee Accountability

2-25. Contractor accountability has been, and continues to be, a significant challenge to commanders at all levels. While contractor employee accountability is a personnel (G-1) function, operational specific contractor accountability responsibilities and procedures must be identified and codified early in the planning process. Because of its inherent responsibilities to its citizens, the US government provides certain support that it is not obligated to do for other nationalities. When US citizen contractor employees are involved in supporting an operation, they must be accounted for in the similar manner as military and DAC personnel. Accordingly, specific US citizen and selected TCN contractor employee data will be required and reported through the tactical personnel system (TPS) by the requiring unit or activity. For additional information on contractor employee accountability, refer to Chapter 4.

Contractor Visibility

2-26. The overall contractor presence, along with its activities and movement, must be orchestrated with those of military forces. Contractor visibility couples contractor employee accountability information with additional contract-related information to include how many contractors companies there are supporting the operation, where they operate, when they provide support, the criticality of their support as well as their command-support mission and relationships. Contractor visibility information is necessary for the ASCC G-2, G-3, G-4, provost marshal, surgeon, and PARC to complete their specific planning requirements. Additionally, the ASCC, via the ARFOR, may provide some military support to Army system- and external support contractors as well as some theater support contractors, to include operational and life support and force protection, which dictates a need to quantify the total number of contractors supporting military operations.

2-27. Currently, **there are** no standard procedures nor automated systems specifically designed to capture visibility of the myriad contractors on the battlefield. Furthermore, there is no one lead staff element responsible for establishing and maintaining contractor visibility. Therefore, it is imperative that mission specific responsibilities and procedures be identified and codified early on in the planning process. For a detailed discussion on contract visibility, see Chapter 4.

Deployment/Redeployment

2-28. Contractor deployment and redeployment is a major consideration for all military operations, but it is highly dependent on METT-TC, as well as the type of contractor providing support. The G-3 staff must be fully cognizant of contractor deployment and redeployment requirements. By

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definition, theater support contractors do not deploy or redeploy to and from the AO. System and external support contractors on the other hand, will have to deploy some or all of their equipment and personnel into the AO, except when they are already forward deployed, such as in Korea and South West Asia, or when they hire local nationals as part of their contract.

2-29. A very important planning consideration is how these system and external support contractors actually deploy and redeploy. In a non-restricted theater, they may self-deploy utilizing commercial assets. In a restricted theater they most likely will deploy utilizing military-deployment processes and strategic-lift assets. The how and when contractors enter the theater must be planned and stipulated in OPLANs and OPORDs to ensure supporting contracting activities can incorporate deployment and redeployment requirements into contracts and to allow the contractor to efficiently plan for and prepare for movement of his personnel and equipment. Failure to identify and coordinate the method of arriving in the AO may interfere with the organized flow of forces into a theater and contractor support that is not in place when required. See Chapter 3 for a detailed discussion on contractor deployment and redeployment.

Location on the Battlefield

2-30. In today's operational environment, contractors can expect to perform anywhere in the AO, subject to the combatant commander's risk assessment and the terms and conditions of the contract. Both the G-2 and G-3 staffs need to be aware of contractor location and criticality advise the commander on issues on when and where contractors will provide support on the battlefield.

2-31. As stated in AR 715-9, civilian contractors may be employed anywhere in the AO necessary to support operations and weapon systems. Generally, contractors work at the EAD-level; however, if the ARFOR commander determines that their services are required at lower echelons, they may be temporarily deployed as far forward as needed, consistent with combatant commander's policy, the tactical situation, and the terms and conditions of the contract. Refer to Chapter 4 for additional information on contractor location within the AO.

Force Protection

2-32. Force protection measures for contractor support must be based on battlefield-location decisions made by the combatant commander and subordinate joint and Army commanders. Protecting contractors who are in direct support of Army forces on the battlefield is the ARFOR commander's responsibility via the G-3 staff. When contractors perform direct support of Army forces in potentially hostile areas, the supported military forces must assure the protection of the contractor's operations and personnel. Commanders and planners must determine the need for contractor force protection early in the planning process and identify forces to provide security. Mission, threat, and location determine the degree of force protection needed. To maintain force protection for contractors, the ARFOR commander, the supporting contracting officer, and the responsible requiring unit or activity must establish and utilize procedures to identify contractors

and their status and location within the AO. Chapter 6 provides a detailed discussion on contractor force protection to include provisions that require contract employees to comply with a combatant commander's force-protection rules.

Status of Contractor Employees

2-33. Contractor employees are neither combatants nor noncombatants. Under international agreement, they are considered civilians authorized to accompany the force in the field and, as such, they should not be consciously placed in a position where they might be subject to intentional attack. Certain actions on the part of a commander may unintentionally compromise this status and place them in the combatant category. Generally, the three conditions that make an individual a combatant are—

- Being commanded or controlled by a published chain of command.
- Wearing a distinctive insignia or uniform.
- Openly carrying of arms.

2-34. Although the first condition is not easily determined visually by an enemy, if the commander permits contractor employees to wear military-looking uniforms and carry weapons, he may jeopardize their status as civilians authorized to accompany the force in the field. Commanders, therefore, must carefully consider their decisions regarding the use or location of contractors in the theater of operations. In some cases, a source of support other than contractors may be more appropriate.

Extent of Government Furnished Support

2-35. Contractors are expected to be self-sufficient, handling all actions necessary to perform under the conditions of the contract without additional assistance from the government. However, in some circumstances, it is appropriate and necessary for the government to provide support. The extent of government-furnished support to a contractor must be identified and coordinated with the appropriate G-4 during the planning process. Early identification of requirements allows the G-4 to coordinate the needed support and to allow contracting activities to communicate the requirements to the contractor through the contract. Chapter 5 addresses this subject in detail.

Funding

2-36. Although cost should not be the overriding factor in determining the use of contractor-provided support, funding must be identified and earmarked during the planning process. Federal law requires that all contracts be funded, which means that at the time of contract award, funds are available to cover the total estimated cost of the contract. Exceptions to this law are identified in the Defense Federal Acquisition Regulation Supplement. Therefore, the resource management staff must be involved in the planning process and must provide accurate information regarding the availability of funds. See FM 4-100.2 for more information regarding contract funding.

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OPERATIONAL PLANS

2-37. Operational plans are a means by which the commander expresses to his subordinates his battlefield visualization, intent, and decisions, focusing on the results the commander expects to achieve and his vision of the end state of an operation. These plans bridge the gap between the present and the future by answering in advance who will accomplish what future actions and when, where, why, and how they will be accomplished. Operational plans are the critical link between the commander and the organizations that must implement the commander's decisions. They also communicate the commander's decisions to the contracting activities so they can be incorporated into contracts.

CONTRACTING SUPPORT PLANNING

2-38. Although not directly addressed in FM 5-0, it is common practice to have a contracting support plan in most current OPLANs/OPORDs. The contracting support plan lays out the operation-specific contracting procedures, responsibilities, and actions. It begins with the combatant commander's guidance, is written by the theater PARC in close coordination with the G-4 and other staff planners, and is normally found as an appendix to the logistics annex. It serves as the mechanism for providing detailed guidance on contracting support for a specific military operation and covers the function of acquiring (contracting for) theater support contracting for a particular operation. It normally does not include discussion on external- and system-support contractors.

2-39. The contracting support plan ensures that theater-contracting personnel plan, prepare, and coordinate to support deployed forces. It ensures that theater support contracting plans and procedures are known and included in appropriate portions of the OPLAN/OPORD. Contracting professionals use this plan to properly integrate the function of contracting into the concept of support, ensuring host-national support, contingency contracting, and other support options are properly included and time-sequenced in all support planning.

CONTRACTOR INTEGRATION PLANNING

2-40. Numerous lessons learned related to contractor support to military operations clearly identifies the need to better integrate contractors into the military-planning process. Detailed contractor integration planning (**not to be confused with the contracting support plan discussed above**) is necessary to address specific contractor-related deployment, management, force protection, and support requirements that are routinely identified, but not well articulated, in recent operational planning. One way to address this need is to develop and publish a contractor integration plan as a separate annex to the OPLAN/OPORD. While not specifically addressed in current doctrine, FM 5-0 allows for the commander to determine the type and number of annexes in each OPLAN/OPORD. **In any case, specific contractor integration information must be addressed in the applicable annex and/or appendix of the OPPLAN/OPORD.**

2-41. The ASCC commander's operations officer, with assistance from the primary and special staffs, is responsible to ensure that the contractors are

properly integrated into to the overall plan. At a minimum, the individual portions of the OPPLAN/OPORD must address how contractors supporting an operation are be managed, deployed, supported, and protected. More specifically, the OPLAN/OPORD, with or without a separate contractor integration plan annex, must provide the following:

- G-1 input on contractor personnel support (mail, legal, etc.), contractor employee theater-entrance requirements as well as accountability reporting requirements.
- G-2 information on contractor employee clearance and security procedures.
- G-3 information on contractor deployment/redeployment.
- G-4 guidance on the issuance of GFE and life support.
- Provost Marshal developed force protection policies and procedures.
- SJA information on legal issues.
- Surgeon-stipulated special contractor medical requirements.
- Staff engineer guidance on facility use.

2-42. The operations office must ensure that the staff planners conduct advance planning, preparation, and coordination to incorporate contractor support into the overall operation. The OPLAN/OPORD should encompass all types of contractor support (theater support, external support, and system), originating from anywhere in the world and serve as the critical link between the supported ASCC, the various functional support elements, contracting activities, and the supporting contractors. **With or without a separate contractor integration plan annex, the OPLAN/OPORD must clearly communicate operational specific contractor integration requirements to the contracting activities so that tailored contracts may be executed.** Appendix B contains a sample contractor integration plan annex.

SPECIAL CONSIDERATIONS

2-43. Contractor-provided support brings with it special considerations that do not normally pertain to other types of support. These considerations affect how contractors provide support and prepare for and deploy to an AO. Planners must ensure that they are addressed and included, when appropriate, in OPLANs/OPORDs.

RELATIONSHIPS

2-44. The type of working relationship between a contractor and the military determines any specific military training for the contractor and the processes for deployment, redeployment, and support in an AO. The relationship is either habitual or nonhabitual and is established through the terms and conditions of the contract.

Habitual

2-45. A habitual relationship is a long-term relationship, normally between a system contractor who has a dedicated or direct-support (vice area-support)

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relationship to a specific supported unit. This type relationship may extend beyond the organization to include the individual contractor employee and soldier. It establishes a comrade-at-arms kinship, which fosters a cooperative, harmonious work environment and builds confidence in each other's ability to perform. The existence of a habitual relationship greatly facilitates the planning for predeployment processing, deployment/redeployment, operational and life support, and force protection by incorporating the needs of the contractor with those of the unit being supported.

Nonhabitual

2-46. A nonhabitual relationship manifests no established, long-term business relationship between a contractor and a specific supported unit or organization. This occurs when support is general (area), rather than direct support. This could also occur when the required support is short term or immediate in nature where there is no time to establish a habitual relationship. Nonhabitually related contractors are clearly more difficult to plan for; special staff and command actions may be necessary to ensure proper planning for specific contractor-related deployment, management, force protection, and support requirements. Special actions may include identifying a support unit to take responsibility to coordinate the plan to deploy and manage these general-(area) support contractors.

TRAINING WITH CONTRACTORS

2-47. The concept of contractor support must be embedded in the Army's training hierarchy. Military, civilian, and contract personnel must be trained to effectively perform their duties. Commanders and staff planners must be familiar with the government responsibilities for supporting contractors: management and accountability, deployment/redeployment, operational and life support, and force protection. Training with contractors must be written into appropriate mission training plans and training support packages, and included in situational training exercises and field training exercises.

2-48. Contractors should be included and funded to participate in selected training events as well as exercises and other collective training events. By doing so, they can develop their mobilization and general military skills that may be required for a deployed environment, including nuclear, biological, and chemical (NBC) training; use of communications equipment; individual field sanitation skills; survival, escape, resistance and evasion (SERE); military unit organization; and, if applicable, weapons familiarization and other common task training. Rotation with maneuver forces to training sites for exercises mutually benefits contractors and units and should be part of the ongoing peacetime activity for contractor personnel. Contractor support should be written into training scenarios.

RESPONSIVENESS OF SUPPORT

2-49. The operational environment and METT-TC determine how responsive the contractor can be in fulfilling the terms of the contract. When assessing risk, commanders must evaluate factors affecting contract performance that are not under the control of the contractor, such as transportation assets needed to move supplies or force protection.

2-50. The establishment of a flexible, functioning, deployable network of properly trained CORs greatly facilitates responsiveness of contracting officers and a contractor's ability to meet contract requirements. When this structure is not in place, performance is greatly reduced, wasting valuable resources as contracting officers wait to approve and process changes and new requirements. The structure used to manage contractors on the battlefield should be trained and exercised. The resulting experience will enhance the planning process significantly.

CONTINUATION OF ESSENTIAL SERVICES

2-51. While more directly focused on contracting vice contractor integration planning, the continuation of contractor essential services must be addressed during risk assessment. To ensure continuation of essential services, DOD (in DODI 3020.37) has instructed that:

- Contractors who provide essential services should continue those services, under the terms and conditions of the contract, during periods of crisis until released or evacuated by military authority.
- The Army will develop and implement plans and procedures that reasonably assure continued service during crisis situations, using contractor employees or other resources as necessary.
- The ASCC commander will prepare a contingency plan for obtaining the services from alternate sources for situations where there is reasonable doubt that essential services provided by a contractor will not continue.

2-52. Particularly when operations may transition to a hostile environment, advance planning is essential to identify a backup source of support and the resources necessary to enable the contractor to continue or accept the risk if the support is not provided.

COMMUNICATING CONTRACTOR REQUIREMENTS

2-53. The OPLANs/OPORDs, with or without a separate contractor integration plan annex, must describe the scope of contractor support as well as contractor integration requirements. This information then becomes the basis for developing contract requirements. The contract and its supporting documentation define all requirements for the contractor. Likewise, OPLANs/OPORDs must provide the same information to the units receiving the support. Commanders, staffs, and contractors must understand that the contractor is not legally obligated to meet any requirement (deployment, force protection, life support, or in-theater management) not contained in the contract; without a requirement specified in the contract, the government has no basis for directing or requiring any contractor action. If the government directs the contractor to meet requirements that are beyond the specifications of the contract without proper modification, the government can expect to be billed/charged, or the contractor may refuse to meet the requirements. If funds are not available, a violation of the law may occur.

2-54. All requirements for contractor support originate in a government SOW that describes the parameters (what, where, and when) of the requirement, government support to be provided (such as transportation, security, and life

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support), and the restrictions and control measures that apply to the contractor. The SOW, along with terms and conditions, becomes the contract for the support requested.

OPERATIONS PLAN/CONTRACT INTERFACE

2-55. Written properly, OPLANs/OPORDs serve to communicate contractor-support decisions and responsibilities throughout the force. As the focal point for these decisions, the OPLAN/OPORD and its appropriate annex informs the supporting contracting activities of the requirements to include in contracts. Contracting professionals translate the commander's decisions into contract language, making them legally binding for the contractor performing the work. Once again, if a requirement is not included in a contract, the contractor is not obligated to comply. Ideally, the planning for contractor support should be accomplished, to the extent possible, during the deliberate planning process so there is adequate response time for contracting professionals to translate requirements into contracts. When sufficient time is not available, planners must still ensure that they communicate, as quickly as possible, contractor-related requirements to the supporting contracting organization.

OPERATIONAL SPECIFIC CONTRACT LANGUAGE

2-56. The requiring unit or activity identifies and initiates the requirement for contractor support. From details laid out in the appropriate OPORD/OPLAN, the requiring unit or activity may have to develop new requirements to provide to contracting professionals in the supporting contracting activity. The supporting contracting activity is responsible to translate the commander's decisions into contract language, making them legally binding for the contractor performing the work. For example, the requiring activity for a specific system contract may be an ASA[ALT] PEO/PM office. This PEO/PM office would typically communicate specific operational requirements to its supporting contracting activity in the form of a SOW and identify what is needed, when, and where. Included in this identified requirement is information related to any government-furnished support, materials or equipment that may be provided, as well as the standards for measuring the expected quality and acceptability of performance. This identified requirement also serves as the basis for planners to incorporate contractor support into the overall support concept and is communicated through the activity's organizational hierarchy.

STANDARD CONTRACT LANGUAGE

2-57. As contractor support increases in importance to expeditionary operations, it is more and more difficult to rewrite SOWs based on specific operational requirements. Furthermore, a significant effort has been made to capture the variety of contractor deployment, support, force protection, and management requirements from numerous recent operations. Through these lessons, DOD has developed standard contract language that can be used to generically address areas such as deployment/redeployment, accountability/visibility, government-furnished support, and force protection

allowing contracting professionals to communicate requirements to contractors. Standard contract language, currently found in the *DOD Acquisition Deskbook Supplement, Contractor Support in the Theater of Operations*, enables contracting professionals to better craft the contracts they award by providing a readily available reference of potential requirements that need to be considered when preparing the contract documents.

CONTRACTOR

2-58. Contractors who have existing contracts with the Army must be included in the planning process as early as possible for a new operation. This ensures that they thoroughly understand the mission and have an opportunity to provide feedback to the military planner on what is commercially feasible and affordable.

Chapter 3

Deploying/Redeploying

INTRODUCTION

3-1. Deployment is the relocation of forces (from both CONUS and outside continental United States [OCONUS] areas) to desired AOs. It encompasses all activities from origin or home station through destination, specifically including intracontinental United States, intertheater and intratheater movement legs, staging, and holding. Redeployment is the transfer of forces and materiel to support another operational requirement, or to return personnel, equipment, and materiel to the home and/or demobilization stations for reintegration and/or out-processing.

3-2. Deployment and redeployment usually pertain to those contractors, either external support or system, that reside outside the AOR and require air or sea transportation to move personnel and equipment to or from the area. Theater support contractors normally reside within such close proximity of the actual AO that the actions associated with deployment and redeployment would not be required. However, when the distances to be traveled are great enough, theater support contractors may be included in the deployment and redeployment process. When such is the case, the governing contract will contain specific provisions regarding the requirements to be followed.

3-3. One of the benefits of using contractor support is that theater support contractors do not usually require deployment support since they are already in the AO. Additionally, in some operations, external support and system contractors can self-deploy using commercial assets. During all contractor deployment/redeployment operations however, the Army establishes measurable performance-oriented requirements and closely monitors contractor performance, including moving personnel and equipment to the AO. Throughout this process, the Army remains responsible for the prudent and legal expenditure of taxpayer dollars even if the contractor self-deploys.

3-4. In operations in restricted environments, the combatant commander often assumes control of lift and port assets. This is especially true when deploying to austere environments and/or limited ports of debarkation (POD) capacity in theater, especially with APODs with limited maximum-on-the-ground capacity. In these operational situations, contractor deployment must be integrated into the combatant commander's deployment priority system. This integration must include establishing Joint Operation Planning and Execution System (JOPES) visibility via the TPFDD process of deploying contractor employees and equipment. The use of habitual relationships between units and their supporting contractors can facilitate the accurate and timely accomplishment of this essential process.

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3-5. Responsiveness is a key concern to the Army when determining the use of contractor support. If support is to be effective and responsive, the contractor must be operational at the time it is needed. Some system contractors, especially in digitized units, may be vital to early entry operations and must be placed on the TPFDD accordingly. Support operations that require movement of contractor employees and equipment into an AO must be included in an operations deployment schedule, regardless of whether or not the contractor arranges its own transportation. By doing so, the Army is assured of having the support in place at the proper time.

ROLES AND RESPONSIBILITIES

3-6. Responsibility for ensuring contractor support is available when needed is shared among several commands and agencies, including the contractor. A unity of effort among these activities is paramount in order for contractor support to be properly included in deployment and redeployment operations. The deploying supported combatant commander, the ASCC, ARFOR, and subordinate support commands utilizing contractor support must be aware of and coordinate special contractor deployment and redeployment requirements.

GEOGRAPHICAL COMBATANT/SUBORDINATE UNIFIED/JOINT TASK FORCE COMMANDER

3-7. The supported geographical combatant (and subordinate unified commander, if applicable) is overall responsible for deployment and redeployment operations planned and executed during joint force missions in the AOR. This responsibility includes identification of the movement, timing, and sequence of deploying forces, including contractors in the TPFDD; reception and integration of supporting units and materiel arriving in theater to support the operation; and assisting these units in recovery and reconstitution prior to redeployment. The supported combatant commander validates movement requirements for all forces and agencies deploying or redeploying in support of an operation and provides these validated requirements to USTRANSCOM for planning and execution of strategic movement. At this level major policy decisions regarding the deployment of contractor employees and equipment, including how they will deploy, predeployment processing requirements, and arrival sequencing are first made.

ARMY SERVICE COMPONENT CCOMMAND/ARMY FORCE

3-8. The ASCC commander, in conjunction with the subordinate ARFOR commander(s), is overall responsible for establishing operational specific Army policies and procedures for collecting, verifying, processing, maintaining, and submitting ARFOR deployment planning data. The ASCC is also responsible for ensuring that contractor deployment requirements, based on the combatant commander's decisions, are included in the ARFOR TPFDD planning process and that they receive the priority that enables the contractor to provide support when needed.

SUPPORTING ARMY SERVICE COMPONENT COMMAND/MAJOR ARMY COMMAND

3-9. The supporting ASCCs/MACOMs, typically FORSCOM, USAREUR, USARPAC, and USAMC, are the commands that provide the additional resources to the supported combatant commander. The supporting ASCCs are often responsible for the deployment of their forces in support of other theater requirements, while USAMC routinely deploys some units and/or individuals in support of major, and most minor, Army operations. These supporting Army commands ensure the proper integration of force deployment data into the TPFDD for both units and individuals. The supporting ASCCs/MACOMs must identify any supporting contractor presence and integrate their employees and equipment requirements into the TPFDD and deployment/redeployment structure.

US TRANSPORTATION COMMAND

3-10. USTRANSCOM is the functional combatant command responsible for common-user air, land, and sea transportation, as well as port management for the Department of Defense across the range of military operations. It assists the supported combatant commander to ensure that validated movement requirements, including those for contractors, are routed and scheduled for maximum support during deployment, sustainment, and redeployment.

REQUIRING UNIT OR ACTIVITY

3-11. The requiring unit or activity, as the organization or agency that originates the specific requirement for support, is key to defining deployment requirements for contractor support. Once the decision is made to utilize contractor support, the requiring activity is responsible for identifying when and where the support is needed and for providing the specific data needed to incorporate contractor employees and equipment into the TPFDD. The requiring unit or activity essentially serves as the deployment/redeployment sponsor for the contractor. In the case of ASA(ALT) PEO/PM system contractors, a combination of the requiring unit or activity (the PEO/PM offices) and the supported unit and, if designated, the USAMC LSE is responsible to ensure that the system-contractor employees are prepared to deploy.

SUPPORTING CONTRACTING ACTIVITY

3-12. The various supporting contracting activities, through coordination with the requiring activity, incorporate all contractor-related deployment decisions into appropriate contract language and ensure that all contractor deployment instructions and requirements are included in contracts. These activities may include the contracting offices supporting PEO/PM system managers or those responsible for theater- or external support-type contracts. For contracting activities to accomplish their tasks, the deployment decisions of the commander must be validated as contract requirements and properly funded. A contracting activity cannot enter into a contractual agreement without valid requirements and proper funding. Therefore, planners must communicate their requirements in a timely manner, through the requiring unit or activity to its supporting contracting activity. The supporting

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contracting activity serves a key role in communicating deployment/redeployment requirements to supporting contractors and obtaining deployment-related information from them and, therefore, must be included in the deployment information chain.

SUPPORTING INSTALLATION/ACTIVITY

3-13. The supporting installation, some of which are specifically designated as force projection (sometimes called power projection) platforms, is responsible for providing support to deploying/redeploying contractors in the same manner as military forces. When directed by the OPLAN/OPORD, these installations assist with the predeployment processing and facilitate the movement of contractor employees and equipment to the designated ports of embarkation (POE). When necessary, they also may be required to assist a deploying contractor to pack, upload equipment, train, and move employees and equipment. Additionally, they may provide assistance or garrison-type life support in staging areas. The terms and conditions of the contract should clearly stipulate the type and amount of this support.

CONTRACTOR

3-14. Contractors share an equal role with government organizations in the deployment/redeployment process. During deployment and redeployment, the contractor is responsible for complying with all related provisions specified in the contract. This includes providing specific employees and equipment data for the TPFDD, complying with prescribed predeployment processing requirements, such as training, medical fitness, and ensuring that their employees are prepared to deploy when notified. The contractor also ensures that its employees are aware of deployment requirements associated with their position, including potential danger, stress, physical hardships, and living conditions.

PREDEPLOYMENT REQUIREMENTS

3-15. Prior to deployment, certain requirements must be satisfied for contractors, their employees, and equipment to be properly prepared to move to begin the deployment process. These predeployment requirements, identified during the planning process and included in the appropriate contract, communicate to the contractor the specifics of how their employees and equipment will flow to the AO. They will prescribe whether or not the military will arrange for and provide the transportation to deploy the contractor, the location deployment will commence from, and the specific prerequisites that contractor employees must meet to travel to the AO.

TRANSPORTATION

3-16. The general government policy is that a contractor provides everything necessary to perform under the contract, including transportation. In many cases, contractor-arranged transportation is the preferred option. However, when the combatant commander assumes control of lift and port assets, contractors may have difficulty obtaining transportation or arrival clearances when deploying. In some operations, it may not be feasible for contractors to

self-deploy. Generally, the nature and scale of an operation determines the best method for transporting a contractor to the operational area.

3-17. The influences that help determine the manner in which a contractor is transported are the type of relationship (habitual or nonhabitual) the contractor has with the unit(s) it supports, the type of contractor (system, external support, or theater support), and the point of origin (CONUS or OCONUS). Contractors (typically system contractors) who maintain a habitual relationship with a supported unit should be included in that unit's deployment process and move on whatever government-arranged conveyance the unit's personnel and equipment utilize. Contractors with a nonhabitual relationship and those that travel to the operational area from OCONUS may deploy either by commercially available transportation that they arrange or by government-owned or government-arranged commercial transportation. Whichever method is used must be determined during the planning process and communicated to the contractor through the contract.

3-18. In some recent military operations, the ARFOR commander has designated the USAMC LSE as the lead organization to coordinate all system-contractor employee (to include ASA[ALT] contractors) deployment and to conduct all in-theater system-contractor management. While this is an option to the ARFOR commander, the USAMC LSE is not currently manned nor equipped to execute this mission without augmentation. See Chapter 4 for more information on the roles and responsibilities of the USAMC LSE.

HEALTH, DENTAL, AND PHYSICAL STANDARDS

3-19. The austere environment that external support and system-contractor employees may deploy to and operate in, coupled with the fact that limited medical capabilities exist in the theater, dictates that the combatant commander and subordinate ASCC, through the contract, establish and enforce the requirement for certain health, dental, and physical standards. Although it is not the intent of the Army to dictate to the employing contractor the criteria used to make a hiring decision, the reality of the operational environment requires that standards be imposed on US citizen, and some TCN, external support and system-contractor employees. Therefore, these support contractors deploying to a theater will adhere to established fitness standards and criteria as established by Army and/or ASCC policy. Additionally, the appropriate joint surgeon may articulate additional operational specific medical requirements. All fitness standards and criteria are communicated to the contractor through the terms and conditions of the contract. The contractor ensures that its employees meet these standards, including having all required dental work accomplished prior to reporting to the military deployment force-projection platform so that pre-existing medical conditions do not place an unnecessary burden on the theater medical structure. Employees who fail to meet entrance standards set by the joint and/or ARFOR surgeon, or who become unfit through their own actions (pregnancy, alcohol or drug abuse, etc.) will be removed from the AO at the contractor's expense.

3-20. The final authority for determining fitness is the military physician's evaluation. Figure 3-1 is a representative list of conditions that may medically disqualify a contractor employee from being deployed to an AO.

Deploying/Redeploying

Individuals with any of these conditions must be evaluated by a military physician to determine if a waiver is appropriate. Under no circumstances should a contractor employee be permitted in the AO without first being medically evaluated.

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|---|--|
| <ul style="list-style-type: none"> • Uncontro ab e hypertens ion • Se zure d sorders of any type • Pregnancy • Untreated thyro d d sorders • Rena ca cu us; chron c recurrent • Raynaud's d sease • Morb d obes ty • Sarco dos s • H story of chron c k dney d sorders • D abetes me tus treated w th nsu n or ora med cat ons • Pept c u cer d sease current y be ng treated or h story of surgery for a pept c u cer • Chron c ow back pa n or h story of hern ated nuc eus pu pos s • Any h story of card ac arrhythm as requ r ng med cat on • Any h story of myocard a nfarct on, card ac surgery or ang op asty w th or w thout stents, w thout a fu d agnost c workup by an attend ng phys c an prov d ng ce arance for dep oyment • Absence of denta panograph on f e • Ongo ng treatment of ora pa n, trauma, or nfect on. | <ul style="list-style-type: none"> • Emphysema or chron c bronch t s • Asthma • Any h story of transp ant surgery • HIV pos t ve or AIDS • Any h story of heat stroke • S eep apnea • Tubercu os s • M grane headaches • Park nsons d sease; mu t p e sc eros s • Untreated symptomat c ngu na hern as • Cancer, nc ud ng anyone current y undergo ng chemotherapy or recent h story of surgery for cancer • Any neuro-psych atr c d sorders, w th or w thout med cat on • Anem a of any type unt med ca y ce ared by a m tary phys c an • Any cond t on that may be of such a nature to put the empyoee at rsk med ca y f dep oyed • Any sexua y transm tted d sease unt treated and reso ved • Act ve orthodont c app ances • Ex stence of ora d sease that, f not treated, s key to resu t n a denta emergency w th n 12 months. |
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Figure 3-1. Possible Medically Disqualifying Conditions

3-21. Medical and dental screening of system and external support contractors will be accomplished prior to deploying contractor employees into the AO. This will avoid the costs to the contractor and the government of returning medically unfit individuals from the AO. Contractor employees will be required to present their medical and dental records with a recent history and physical not over 12 months old for screening purposes. The dental record must indicate a dental examination that is not over six months old. If possible, contractor employees should undergo medical screening with their habitually supported unit. Contractor employees who are not screened in conjunction with their supported unit will be individually screened at one of the designated deployment support centers as discussed in the predeployment processing section of this chapter. A recommended health assessment questionnaire is at Appendix C.

Note: at the time of the approval of this FM, HQDA was in the process of updating AR 715-9. This policy update will mandate the use of the health assessment forms for all contractors deploying with the force.

3-22. Contractor employees are normally required to receive the same immunizations as those directed for military personnel. AR 40-562 provides detailed information concerning immunizations. The contractor is responsible for ensuring that its employees are properly immunized prior to deployment to the AO. Governing contracts will provide specific guidance regarding immunizations, including a list of those required for the AO, or instructions on where to go to determine the specific immunizations required. The Centers for Disease Control provide an Internet-based health information service that includes recommended immunizations for each of 17 global regions. Found at www.cdc.gov/travel, this service is frequently used to update information to deploying contractors. Contractor employees must obtain standard immunizations such as tetanus, typhoid, yellow fever, polio, measles, mumps, rubella (MMR), and meningococcus from their personal physician. The government provides immunizations that are unique to the military and required for entry into the AO.

3-23. The combatant commander or subordinate ASCC commander may also establish limited physical standards for contractor employees when they are placed in a nonstandard work environment, such as those related to military operations. Contractor employees, who would not have difficulty working and living in a normal environment, may have physical difficulties when placed in a field environment. This often austere environment may affect work performance as well as overall health. Physical standards for contractors will not be the same as those expected for military personnel, but should be oriented towards the ability of the individual contractor employee to work and survive in an AO.

PERSONAL READINESS

3-24. Personal readiness involves those actions that the individual contractor employee, with the assistance of the contractor, the supported unit, and force-projection platform, is required to accomplish prior to deployment. These include—

- Obtaining a passport and associated visas.
- Completing required dental work, personal will, powers of attorney, and family care plan.
- Reviewing health and life insurance policies.
- Updating next of kin notification.
- Collecting personal items and clothing.

Contractor employees also need to be advised that personal life insurance coverage may be limited or denied in certain military-related operations. When this is the case, the government is prepared to underwrite the insurance to enable coverage to continue. It is also important to understand that beards, long sideburns, or other facial hair may affect NBC protective mask fit and affect eligibility for deployment. At Figure 3-2 is an individual deployment checklist for personal items.

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Individual Deployment Checklist - Personal Items

Passport	Towels and Wash Cloths
Prepare Personal Will*	Shower Shoes
Prepare Power of Attorney*	Underwear (2 weeks)
Prepare Family Care Plan	Socks (ample quantity)
Direct Deposit	Safety Shoes
Review Health Insurance	Sewing Kit
Review Life Insurance	Waterproof Plastic Bags
Blank Checks	Telephone Calling Card
Insect Repellent	Personal Credit Card
Sunscreen	Stationary and Stamps
Lip Balm	Radio (battery powered)
Medical Tags	Hearing Aid Batteries
Extra Pair of Eye Glasses	Pocket Knife
Personal Hygiene Items	Extra Civilian Clothes
Shaving Kit	Extra Batteries
Wet Weather Gear	Flashlight
Personal Medication (90-day supply)	

*Denotes items that SHOULD NOT be physically transported during deployment.

Figure 3-2. Individual Deployment Checklist-Personal Items

TRAINING

3-25. Deploying contractor employees departing from CONUS or OCONUS may require specific training to prepare them for the environment in the AO (Figure 3-3). Training requirements must be identified during planning, specified in the OPORD/OPLAN plan, and stipulated in the contract. The extent and type of the training and equipment will vary depending on the nature of the operation and the type of contractor (theater support, external support, or system) involved. Training may be provided by the military through the supported unit if a habitual relationship exists, through the designated deployment site, or by the contractor himself, utilizing guidelines provided through the contract.

3-26. Training may be provided by the military through the supported unit if a habitual relationship exists, through the designated deployment site, or by the contractor himself, utilizing guidelines provided through the contract.

NOTE: There is no standard mechanism to address the cost associated with this training. The cost issue and other training issues must be worked out on a case-by-case basis.

Training
Law of war/law of armed conflict
Code of conduct
Health and sanitation
Customs and courtesies for the area of deployment
Status of forces agreement
Security
Weapons familiarization
Operational security
Rules of engagement
Chemical, biological, and nuclear protection
Survival, escape, resistance, and evasion
Driver and special equipment training
Other training directed by the combatant commander

Figure 3-3. Potential Training Requirements

3-27. Contractors and their employees often require certain items of GFE (clothing and equipment) to function properly in the AO. These requirements, like training, must be considered and identified during the planning process and included in the contract. Equipment provided as GFE may include—

- Organization clothing and individual equipment (OCIE), including chemical defense equipment (when the threat exists).
- Weapons (for personal defense and only when authorized by the combatant commander, permitted by contractor policy, and agreed to by the individual employee). Weapons can only be a government-issued side arm for personal defense.
- Government-furnished vehicles.

EQUIPPING

3-28. Like training, there are very limited standard policies or procedures for obtaining and issuing GFE to contractor employees. Department of the Army has authorized installations to carry extra CTA 50 items to equip deploying contractor personnel. Supported unit logistics staff may be required to acquire this via operational or pre-positioned stocks, or other sources. In any case, contractors and their employees will maintain and return all issued clothing and equipment back to the place of issue upon return from the AO.

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In the event that issued clothing and equipment is lost or damaged, contractors and their employees will be subject to the same requirement for a report of survey, in accordance with AR 735-5, as are government military and civilian personnel. Additionally, the government may require reimbursement from the contractor.

PREDEPLOYMENT PROCESSING

3-29. To ensure that contractor employees and equipment arrive in operational theaters when needed and are capable of operating in a hostile environment, they must be included in predeployment processing. The ASCC has the option of allowing the contractor to accomplish the predeployment requirements on his own or requiring that the contractor process through one of a number of military sites. The choice depends upon the nature of the operation and is identified during the planning process. Either way, the ASCC and its subordinate ARFOR (as applicable) must ensure contractor compliance with the requirements. Specific predeployment processing requirements are communicated to the contractor through the contract.

CONUS REPLACEMENT CENTER/INDIVIDUAL DEPLOYMENT SITE

3-30. The Army has created several sites within CONUS for expeditiously preparing individuals for deployment and to process individuals during redeployment back to CONUS. These sites are known as CONUS replacement centers (CRC) or individual deployment sites (IDS). An IDS is permanently operational during peacetime operations, while a CRC is activated for mobilization only. CRCs and IDSs expeditiously receive and certify individuals for deployment, redeployment, or demobilization; they receive, outprocess, and account for individuals returning from theaters of operations. These individuals are referred to as non-unit-related personnel (NRP) and consist of five categories:

- Active component soldiers (including reserve soldiers accessed onto active duty).
- DACs.
- Contract civilians.
- Red Cross workers.
- Other civilians.

When it is not practical or affordable, contractors deploying from Hawaii or Alaska may not be required to process through either a CRC or IDS. In these cases, predeployment processing will be conducted upon arrival in the theater of operations. In a mature theater such as Europe, this deployment processing may be conducted in a theater processing center similar to a CRC that is in the theater, but outside the actual AO. In worst case scenarios, some contractor employees may have to complete predeployment processing and qualifications in the AO.

3-31. Contractor employees may be required to process through an IDS or CRC. If so, use of these sites is identified during planning and specified, if possible, as a specific requirement in the contract. Although the government conducts the processing, it is still the contractor's responsibility to ensure

that its employees are provided all required processing information. As part of the processing, the IDS/CRC may:

- Screen contractor employee records.
- Conduct theater-specific briefings and training.
- Issue theater-specific clothing and individual equipment.
- Verify medical requirements (such as immunizations, DNA screening, HIV testing, and dental examinations).
- Arrange for transportation to the AO.
- Issue DD Form 1173 (uniformed services identification and privilege card), DD Form 489 (Geneva Conventions identify card for persons who accompany the armed forces), and personal identification tags (dog tags).

3-32. To process through a CRC, the appropriate contracting officer or, if authorized, COR issues a letter of authorization/identification, in accordance with paragraph 6005H of the Joint Travel Regulation. (Invitational travel orders, frequently used for government personnel, are not authorized for contractor employees.) This letter authorizes travel to, from, and within the AO, as well as processing at the CRC. It also identifies any additional authorizations and privileges, such as access to the post exchange and commissary, care and treatment at medical and dental facilities, and use of government messing and billeting. The letter of authorization/identification must include the name of the approving government office and the government accounting citation and must state the intended length of assignment in the AO. Contractor TPFDD information is covered in CJCSM 3122.02B—Crisis Action Time-Phased Force and Deployment Data Development and Deployment Execution, Volume III, 25 May 2001, Enclosure G, Appendix A, which can be found at the Joint Electronic Library web site (<http://dtic.mil/doctrine/.mi./gov> links, limited CJCS directives).

3-33. While processing at the CRC, the government will furnish lodging, but will charge a nominal fee for meals. Transportation and travel to the CRC is normally the responsibility of the contractor, with appropriate government reimbursement, as directed by the contract.

FORCE-PROJECTION PLATFORM

3-34. A force-projection platform, sometimes referred to as a power-projection platform, is a designated Army installation that is responsible for assisting in and validating the deployment of Army units moving to an AO. They perform functions similar to CRC/IDS sites, but focus their efforts on units rather than individuals. Contractors deploying to an AO may process through a force-projection platform, either as part of the unit they are supporting (if a habitual relationship exists) or as a separate entity when the number of contractor employees warrants treatment as an organization, such as a LOGCAP contractor.

3-35. The force-projection-platform personnel ensure that the contractor employees, typically those without a habitual relationship and having a larger number of employees, deploying through their installation meet directed predeployment requirements and are properly trained (in accordance

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with established Army standards) and equipped to operate in the destination AO. Additionally, force-projection-platform personnel assist the contractor in preparing vehicles and equipment for shipment and facilitate their movement to the designated POE IAW the terms and conditions of the contract.

CONTRACTOR-PERFORMED PROCESSING

3-36. A realistic option to government predeployment processing for contractors is for the contractor to perform the contractually mandated requirements. This allows the government to concentrate on its primary responsibility of processing military forces while the contractor assumes full responsibility for preparing its employees to work in the AO. This option may be the preferred option for large contractors, normally external support contractors, deploying a large number of employees and equipment from a number of different locations. However, for contractors who move small numbers of their employees and equipment into the AO, government-performed processing remains the preferred option.

3-37. The decision to allow contractors to perform predeployment processing must be made early in the planning process. This decision must be closely scrutinized and coordinated by the ASCC and represent a clear advantage to the government. When this occurs, the requiring unit or activity provides specific processing requirements which are included in the contract, as communicated in the OPLAN/OPORD. The contract contains specific information (lesson plans and reference material) regarding training to be conducted, types of clothing and equipment required. It will also state the location from where these items and identification-type materials (DD Forms 1173 and 489 and dog tags) can be obtained.

3-38. When contractors provide their own predeployment processing, the Army has less control over the processing and movement. Although it may be less costly for contractors to orchestrate their own deployment, the use of Army deployment centers and transportation by the contractor may save time and resources as well as increase efficiency and control. This concern, however, can be lessened through specifically written contract clauses and an established system of CORs and other contract administrators who would monitor the contractors processing activities.

MEDICAL PROCESSING REQUIREMENTS

3-39. As part of the predeployment process, CRC/IDS medical and dental personnel verify that all requirements for deployment are met. Screening will include HIV testing, pre- and post-deployment evaluations, dental screenings, and tuberculin skin test. Any person who does not meet the established standards will be flagged and then reviewed individually by a military physician or dentist. A determination will be made at that time if the condition in question disqualifies that individual from deploying to the AO. The military physician reviewing the record will consider factors such as age, medical condition, job description, medications, and requirement for follow-up care, and will make the determination for fitness. Medical screening will include completion of DD Form 2766, *Adult Preventive and Chronic Care Flowsheet* (Continuation Sheet), and DA Form 4036-R, *Medical and Dental Preparation for Overseas Movement*. Completed copies of these

forms will be included in the individual's deployment packet. Additionally, the CRC/IDS also forwards copies of all DA Forms 8007 to the appropriate surgeon's office.

3-40. Upon arrival in an AO, the contractor provides a summary of each employee's medical history to the supporting medical treatment facility, whether operated by the Army or contractor. This includes the personal physician's (or health maintenance organization) name and phone number, existing prescriptions, immunizations, major underlying conditions (especially those requiring immediate medications or interventions), and other information that needed to provide adequate medical care for the employee. Additionally, for identification purposes, it will be stipulated that contractor employees have a dental panograph and a DNA sample on file.

3-41. For various reasons, some system- and external support contractors may inadvertently deploy without processing through either a force-projection-platform processing center, an IDS, or a CRC. When this occurs, the predeployment processing is conducted in the AO as soon as possible during the reception processing. If the employee is found to have a medical condition that requires them to return to CONUS or their country of origin, it is the employing contractor's responsibility to arrange for the return of the employee and to provide a replacement.

ESTABLISHING ACCOUNTABILITY

3-42. The activities and movement of contractors on the battlefield must be orchestrated along with the combat forces. To accomplish this, commanders must have accountability over all system- and external support contractor employees who deploy with the force, just as with military and DACs. Accountability of contractors in an AO is required for force protection, allocating resources, and administration. Accountability is best established in the pre-deployment stage, capturing the overall deploying contractor employee presence supporting an operation from the point of origin. Chapter 4 discusses contractor accountability in detail.

DEPLOYMENT OF CONTRACTOR EQUIPMENT AND EMPLOYEES

3-43. As discussed earlier, depending on METT-TC, contractors schedule and arrange for their own transportation or utilize government-furnished transportation. This decision is a matter for planners to consider and the commander to determine before an operation begins and, once decided, communicated to the contractor through the contract.

DEPLOYMENT OPTIONS

3-44. The primary factors to be considered when making a determination of the mode of contractor deployment is how restrictive is the theater deployment infrastructure and when the military requires the contractor to be in the AO. When contractors provide their own transportation, the government is relieved from arranging and scheduling the assets needed to move the employees and equipment. Instead, the government simply specifies a time and location for the contractor to provide support and pays the contractor for this service with associated profit and overhead charges.

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3-45. Although contractors are generally responsible for providing their own transportation, the government may assist or assume responsibility for deployment transportation. The ASCC G-3, with assistance from the G-4 transportation officer, determines this during the planning process. In many operations, it is expected that US forces will control transportation assets and port facilities. When a contractor does not have full control over the circumstances that affect how it deploys, it may be in the Army's best interest to assist. However, having the military arrange for the transportation may delay the contractor deployment to the AO. In this case, the contractor-arranged option might be preferable. Regardless of the arrangement, the Army must ensure that a contractor's transportation needs are given the same priority as the unit it is supporting, whether the contractor or the Army is responsible for deployment transportation.

Time-Phased Force Deployment Data

3-46. TPFDD is the JOPES data base portion of an operation plan. It contains the time-phased force data, NRP cargo and employees data, and movement data for an operation plan.

3-47. The TPFDD is the combatant commander's statement of his requirements by unit type, time period, and priority of arrival. When considered during the planning process, it includes estimates of contractor cargo and employee requirements along with those of the combat forces supporting an operation. The TPFDD, developed through the process described in Figure 3-4, is both a force requirements and a prioritized transportation movement document. Further, the TPFDD defines the combatant commander's time-phased lift requirements for supplies, equipment, and replacement personnel needed to sustain the forces specified during force planning.

3-48. Responsiveness is key. The combatant commander and his staff ensure that contractor deployment requirements are included in the TPFDD development and that their priority enables the contractor to provide support when needed. Appendix E provides specific instructions for incorporating contractor deployment requirements into the TPFDD.

3-49. Deploying contractors must be included in the TPFDD, whether the government or the contractor provides the actual lift resources. This permits the Army to consciously consider contractor deployment requirements and to incorporate them into the flow of forces in an orderly, scheduled manner. When sequenced with the overall operational plan, these requirements enable the Army to specify when contractors should deploy to the theater and to ensure their timely arrival without disrupting or conflicting with the flow of combat forces.

3-50. The movement data portion of the TPFDD includes—

- In-place units.
- Units deployed to support the OPLAN with a priority indicating the desired sequence for their arrival at the POD.
- Routing of forces to be deployed.

- Estimates of non-unit-related cargo and personnel movements conducted concurrently with the deployment of forces.
- Estimates of transportation requirements filled by common-user lift resources as well as those requirements filled by assigned or attached transportation resources.

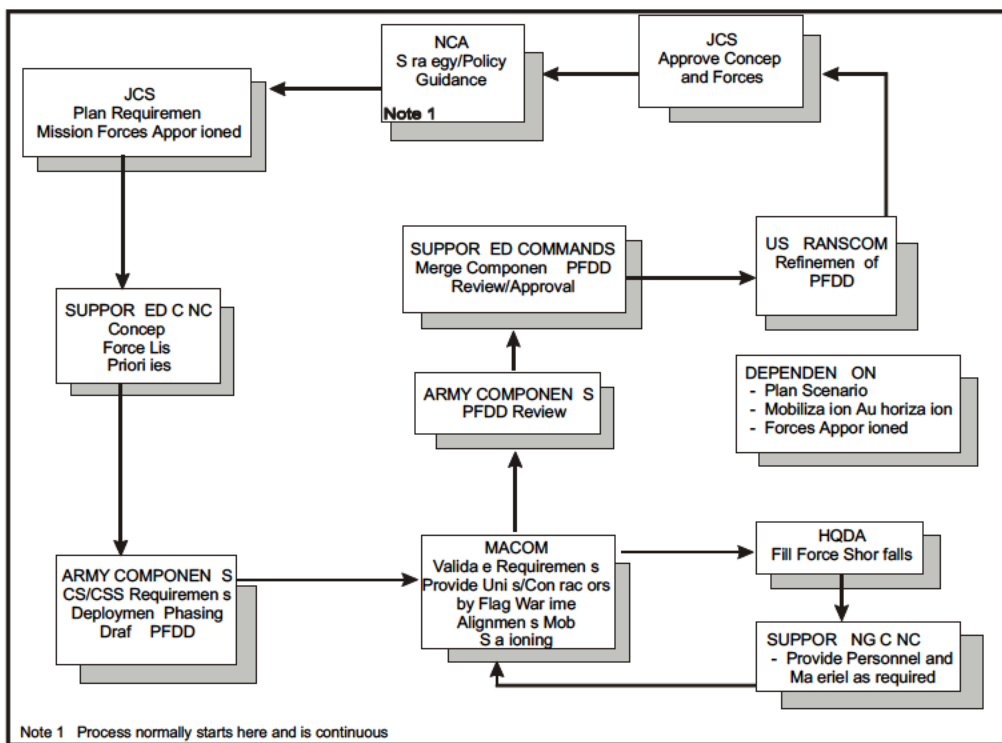


Figure 3-4. The TPFDD Development Process

Contractor-Initiated

3-51. The global nature of contractor support dictates that contractors may deploy employee and equipment from anywhere in the world. Even US-based contractors may have elements originating from locations outside CONUS. Accordingly, contractor-initiated deployment should be the preferred option for deploying employees and equipment, unless circumstances dictate that government control is necessary. By doing so, the government is relieved of the burden of locating lift assets and performing predeployment processing.

3-52. Contractor-initiated deployment is provided for in the governing contract. When permitted, contractors are given appropriate deployment guidance so that they can arrive at the time and location needed without interfering with the deployment of military forces. As a minimum, contracts should provide information to the deploying contractor regarding notification procedures, predeployment processing requirements, and the date and time required to be in the AO. Additionally, the contract should provide for the establishment of management controls that require contractors—

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- To ensure that their transportation itineraries follow approved lines of communication and do not conflict with other support and operational traffic. When required, the government should assign mission identifiers and control arrival times.
- To establish and implement in-transit visibility procedures, to include listing the Air Mobility Command Tanker Airlift Control Center (TACC) as an information addressee on position reports submitted through Aeronautical Radio Inc. and Societe International de Telecommunications Aeronautiques.
- To establish a means for the supported commander's command and control center to immediately contact the operations center of the transportation provider so that emergency recall or diversion instructions can be issued to contractors who are en route on air, sea, or land transportation.

PORTS OF EMBARKATION

3-53. Designating a POE from which personnel and equipment depart facilitates the movement of contractor employees and equipment according to the established priority of the combatant commander and subordinate ASCC. These activities facilitate contractor movement, thus assisting with preparation and loading of cargo and employees in the same manner they do for deploying military forces. However, port managers cannot properly incorporate them into their deployment operations unless they are aware of their responsibility. Planning and TPFDD must designate POEs that support deploying contractors and inform the required personnel of their support responsibilities.

3-54. For deployments under government control, Military Traffic Management Command (MTMC) port-call instructions direct the flow of contractor employees and equipment into the POE. Once at the POE, contractors follow the processing instructions issued by the responsible management activity. For seaports of embarkation, MTMC is the worldwide common-user ocean-terminal port manager. It directs deployment of units and sustainment according to the TPFDD. For aerial ports of embarkation, aerial port squadrons and tanker airlift control elements, provided by the Air Mobility Command, furnish the airlift interface. In conjunction with the departure airfield control group and designated Army activities, contractor employees and equipment travelling by air are processed for deployment. At the POE, contractor employees and equipment are handled in the same manner as deploying military forces and receive the same level of support as military units.

ARRIVAL IN THEATER

3-55. Contractor employees and equipment must flow into the AO in a controlled and managed fashion, usually in accordance with the TPFDD. This provides the combatant commander and subordinate ASCC with visibility over incoming contractor employees and cargo, affords the opportunity to deconflict the use of air and sea ports, and avoids placing contractors at risk of becoming targets as unidentified inbound aircraft or ships. Contractor arrival is handled in the same manner as with arriving military forces.

PORTS OF DEBARKATION

3-56. The PODs, either aerial or sea, are the geographic points at which cargo and personnel are discharged. APODs serve as the primary port of entry for all deploying personnel, as well as for early entry forces normally airlifted into an AO with their equipment. Activities at the APOD include terminal control; loading, unloading, and servicing of aircraft; clearing of personnel and cargo; and life support. Seaports of debarkation (SPOD) serve as the primary ports of entry for equipment, where vessels are off-loaded, and where cargo and personnel are cleared and moved to the staging area for movement forward. Contractor employees and equipment, either through the TPFDD or instructions contained in the governing contract, process through PODs in the same manner as military forces.

RECEPTION AND INTEGRATION

3-57. Effective force projection largely depends on the speed with which forces assemble at the required location. The essential process that transitions deploying forces into forces capable of meeting the combatant commander's operational requirements is reception, staging, onward movement, and integration (RSO&I). JP 4-01.8 and FM 4-01.8 (100-17-3) contain detailed discussions of the RSO&I process. All contractors (especially external support, system, and, to a limited extent, theater support) must be included in the RSO&I process to perform in harmony with other support capabilities. Contractor employees and equipment must be received and integrated into the operational support structure, whether they originated in CONUS, a third country, or the host nation. Contractor reception processing establishes in-theater accountability of contractor employees. A formal reception and integration process is essential for both system- and external support contractors deploying into the theater. For contractors who reside within the AO or travel only a short distance, reception and integration is less formal. Reception of contractors begins upon arrival in the AO at the APOD/SPOD. When arriving by government transportation, personnel and equipment are processed in the same fashion as military forces. For those arriving on carriers provided by the contractor or for contractor employees that are already in the AO, reception processing is similar but requires the contractor to be integrated into the processing flow. Regardless of the situation, the requirement for reception processing must be addressed in the governing contract.

3-58. Reception is the process of unloading personnel, equipment, and materiel from strategic or operational transport and marshalling the deploying units or activities for movement out of the reception area. During major deployments, the majority of personnel arrive via strategic airlift and most equipment and materiel arrive by strategic sealift.

3-59. Reception operations include all of those functions necessary to receive and clear personnel, equipment, and materiel through the APOD/SPOD. Upon arrival, external support and system contractors flow through the same processing steps as their military counterparts. Personnel and cargo are off-loaded at terminals, processing through the reception center to determine how and where they are to be moved. During reception, accountability is continued for contractors originating from established military POEs or

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established for those contractors entering the military system for the first time. Once initial processing is completed, contractor employees and equipment are integrated into the military movement control system for movement to their designated destinations.

3-60. System contractors often have a habitual relationship with the unit they support. These contractor employees deploy with and go through the RSO&I process with their supported military unit. Area support-system contractors deploy with a support unit as designated by the ASCC or subordinate commander. External support contractors without a habitual relationship undergo the same RSO&I process as military forces.

3-61. Although theater support contractors do not have to deploy to the AO, they still must undergo a reception and integration process and may require tailored, theater-specific training and/or other RSO&I-related actions. They must be integrated with the unit or activity they will work for and may require issued locally procured ID cards if they require access to military-controlled areas/facilities. Theater support contractor reception and integration processing, as directed by their contract, is provided at an AO reception center by the activity contracting for the support or from the unit/activity receiving the support. However this processing is accomplished, these contractors must be processed and integrated into the support structure.

3-62. Once reception is completed, military forces proceed to the next phase of RSO&I—staging and onward movement. Staging includes the assembly, temporary holding, and organizing of arriving personnel, equipment, and materiel into units and forces and preparing them for onward movement and employment. Contractors usually do not proceed to the staging phase, but will be directly integrated into the support structure, which may include limited onward movement to their final destination. Contractors may proceed to the staging phase when they accompany a deploying military unit, or they are awaiting additional employees or cargo before they can proceed to their destination. In this case, contractors follow the same procedures as those for military forces. If staging and/or onward movement of a contractor is required, military planners must recognize the requirement so that the support structure is prepared to handle the additional workload. Additionally, governing contracts will contain appropriate language directing the contractor to adhere to the staging requirement.

REDEPLOYMENT

3-63. Upon completion of an operation, contractors redeploy out of the AO as quickly as METT-TC will allow. The timing of the departure of contractor support operations is as critical as that for military forces. Orderly withdrawal or termination of contractor operations ensures that essential contractor support remains until no longer needed and that movement of contractor equipment and employees does not inadvertently hinder the overall redeployment process. FM 3-35.5 (100-17-5) describes in detail redeployment and the procedures involved in redeploying military forces. To an extent, the same procedures apply to redeploying contractors. However, planners must determine the specific steps desired and be aware of the cost associated with doing so. Because contractors are being paid to perform the

support required, it should be terminated when no longer needed. Therefore, the cost effectiveness of requiring a contractor to redeploy through the same stepped sequence as military forces must be assessed before arbitrarily requiring a contractor to do so.

TRANSITIONING SUPPORT

3-64. As the operational situation dictates, contractors may redeploy prior to the completion of the operation. Quality and responsiveness of support, force protection, cost, or transfer to civilian control are some of the reasons that may create this situation. When contractors redeploy and the support they are providing is still required, there must be an orderly transfer or transition of that support. Support may be transferred to a military unit, another contractor, or the host-nation infrastructure. Regardless, the transitioning of support must be considered and planned for, so that the redeployment of a contractor does not result in the loss of support.

PORT OF EMBARKATION

3-65. Redeployment POEs perform essentially the same functions as those involved in deployment. The procedures are similar, whether contractors are redeploying to their point of origin (home station) or to another AO. Redeploying contractors will normally do so in the same manner in which they deployed (either under government control or self-deploy).

3-66. Prior to arriving at the aerial ports of embarkation/seaports of embarkation, contractors have accomplished the same preparations as the military forces. Depending on the destination, specific wash-down and customs requirements for vehicles and equipment are met; vehicles and equipment are prepared for shipment; and any GFE issued while in theater is returned. Additionally, transportation arrangements are made for the contractor's employees and equipment. If redeploying to another AO, contractors may be provided with equipment and supplies and any additional training required to conduct follow-on support. Once all preparations are completed, contractor employees and equipment proceed to the designated port (air or sea) for final processing and departure. Similar to deployment, contractor accountability measures continue, enabling the military to maintain accountability of and manage contractors as they proceed through the redeployment process.

CONUS RECEPTION AND OUTPROCESSING

3-67. Contractor employees who deployed through the CRC or IDS should be required to return through the same processing center for final outprocessing. The CRC/IDS is responsible for assisting the return of individual contractor employees and ensuring employee protection, privacy, and transition from the deployment area to home. Contractor employees that deployed with their habitually supported unit normally redeploys with that unit. At the return processing center, contractor employees are required to return any issued clothing and equipment. They receive a post-deployment medical screening and briefings on signs and symptoms of diseases to watch for, such as tuberculosis. Lost, damaged, or destroyed clothing and equipment

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are subject to a report of survey IAW AR 735--5 and may result in reimbursement from the individual's employer. Normally, the amount of time spent at the return processing center will be the minimum required to complete the necessary administrative procedures. Transportation for contractor employees from the return processing center to their home destination is normally the employer's responsibility. The provisions of the governing contract determines government reimbursement to the contractor for the travel.

Chapter 4

Managing

INTRODUCTION

4-1. Effective contractor management on the battlefield is essential to ensure that contractor-provided support is properly orchestrated and synchronized with the overall operation support plan, and that contractor employees are properly accounted for, protected, and supported. Additionally, adequate contractor-employee accountability and contractor visibility in the theater is necessary to establish positive control, to perform initial reception and integration, to provide necessary support, and to establish and manage their location and movement on the battlefield. Appendix B provides a notional example of contractor management planning requirements.

4-2. As stated earlier, contractor management does not flow through the standard Army chain of command. Management of contractor activities is accomplished through the responsible requiring unit or activity COR through the supporting contracting organization in coordination with selected ARFOR commands and staffs. It must be clearly understood that commanders do not have direct control over contractor employees (**contractor employees are not government employees**); only contractors directly manage and supervise their employees. Commanders manage contractors through the contracting officer and their appointed CORs in accordance with the terms and conditions of the contract.

ROLES AND RESPONSIBILITIES

4-3. Commanders and their staffs at all levels must manage the total contractor force supporting the ARFOR units within the AO. In planning and execution, direct command interest and involvement is necessary to ensure that contractor support receives the proper attention. Contractor support must be monitored to ensure compliance with the stated requirements so it does not hinder the overall military operation.

GEOGRAPHICAL COMBATANT/SUBORDINATE UNIFIED/JOINT TASK FORCE COMMANDER

4-4. The combatant commander sets the tone for the use of contractor support by ensuring it is considered during planning and is part of the OPLAN or OPORD. The combatant commander establishes priorities, determines guidance on contractor use to include specific theater-specific entrance requirements, and restrictions and policies. The combatant commander also ensures policy is in place for the staff, subordinate joint force commands, normally in the form of a JTF, and Service component commands to account for the total contractor presence in the theater to include individual

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accountability as required, and reviews and approves Service component support plans. The JTF commander is responsible for operations within the joint operational areas (JOA) and, when necessary, may establish JOA-specific contractor policies and procedures. Normally, the combatant commander appoints a lead Service or agency responsible for JTF contractor-related planning and to coordinate common user logistics (CUL)-related theater support contracts. In many cases, the Army will be the lead Service responsible for these CUL theater support contracts.

ARMY SERVICE COMPONENT COMMAND/ARMY FORCES

4-5. The ASCC commander commands and controls all assigned and attached Army forces in the supported combatant commander's AOR and is responsible for all Army support, including contractors, unless the combatant commander directs otherwise. In most circumstances, the ASA(ALT) designates the ASCC as the HCA, thus making the ASCC the lead contracting authority for the Army in the AOR. The ASCC, through the PARC, manages and conducts Army in-theater-related acquisition activities necessary to accomplish the mission; acquires theater support contract supplies, equipment, and services; provides overall guidance concerning Army theater support contracting plans/policies.

4-6. The ASCC commander is also responsible for the overall management of all contractors providing support to ARFOR units within the AOR. However, unlike the situation for contracting authority, there is no lead ASCC contractor management staff. Without a lead contractor management staff, it is imperative that each staff be familiar with and properly execute their specific contractor management responsibilities as laid out in this chapter.

4-7. As stated above, the combatant commander may also appoint the Army as the lead Service for contracting within a specific JOA. Normally, this lead Service mission is executed by a subordinate ARFOR contracting agency, called the mission chief of contracting in joint vernacular, which acts as the approving authority for all common-user contracting actions for the joint force as designated by the combatant commander. The ASCC and ARFOR in this case would also be responsible to develop the joint contracting support plan. See JP 4-0 and JTTP 4-07 for more information on contracting in joint operations.

PRINCIPAL ASSISTANT RESPONSIBLE FOR CONTRACTING

4-8. A special staff officer is the ASCC senior Army acquisition advisor responsible for overall **planning and management of theater support contracts in the AOR**. The PARC is often dual-hatted to command the Army's theater contracting activity and to oversee the daily activities of the ASCC theater support contracting operations. With regards to management of contractors in an AOR, the PARC is the focal point in the planning for and managing of those contracts let by the Army contracting staffs within the AOR. The PARC office is not designed nor manned to function as the lead organization for the overall contractor integration mission; this is a collective function shared by numerous ASCC staff members.

PROGRAM EXECUTIVE OFFICER/PROGRAM MANAGER

4-9. ASA(ALT) PEOs or PMs are the designated managers for the development, acquisition, and fielding of major weapon and equipment systems for the military (less simulations and training devices which are still managed by USAMC). The PEOs and PMs are responsible for planning, programming, budgeting, and execution needed to place a particular system in the hands of the ultimate user. During the fielding of a system, some governing life-cycle contracts are written to include contractor-provided support after the system has been sent to the user either as ICS (temporary contractor support) or CLS (long-term contractor support).

4-10. Whether a system is ICS or CLS, PEOs and PMs include deployment provisions into their contracts so that the system contractor involved is aware of and prepared to live and operate in possibly austere and hazardous environments. Important among these requirements are the management and accountability procedures used when the contractor is in the AO. This requirement is often difficult to manage, especially since most PEO and PM management personnel do not deploy with the supported unit. PEOs and PMs must establish deployment preparation and in-theater management agreements with the supported field units.

Managing ASA(ALT) System Contractors

At the time of the approval of this manual, the general, but not formal, agreement was that many of the ASA(ALT) system contractors will be managed at the unit level via the USAMC LSE. Accordingly, the PEOs/PMs, along with the USAMC LSE and the supported unit, must ensure that all deploying system contractors are properly prepared for deployment, as well as accounted for, protected, and supported upon deployment.

ARMY FORCE CONTRACTING ORGANIZATION

4-11. The senior Army contracting staff provides Army contingency contracting support in the AO. This organization performs the contracting functions for the ARFOR and ensures all approved requests for theater contractor support are processed IAW joint and ARFOR command guidance. The senior ARFOR contingency contracting organization may be a separately established organization or come from one of the existing ASCC contracting commands. It also could be established utilizing contracting staff found in the theater support commands (TSC), corps support commands, division support commands, or interim brigade combat teams (IBCT).

4-12. The ARFOR contingency contracting organization implements the JTF and ARFOR contracting guidance found in theater contracting support plans. It also negotiates, awards, administers, and closes theater support contracts. The ARFOR contingency contracting organization maintains visibility over their own theater support contractors and the compliance of these contracts, but does not concern itself with the total contractor presence in the AO.

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SUPPORT COMMANDS

4-13. The Army maintains a selected number of operational-level support commands. These support commands include the personnel command (PERSCOM), theater-level military intelligence brigades, TSC (logistics), medical command, engineer command, and the theater signal command.

4-14. These support commands are the primary requiring organizations to maintain the day-to-day management, as well as contractor visibility and contractor-employee accountability within their functional area. In small-scale contingencies where these commands may not deploy, the senior support commands performing these operational-level functions would be responsible for the same contractor-support oversight. This mission, depending on the scope of the requirement, may require augmentation from the higher-level support command.

4-15. Some strategic-level commands such as USAMC, USTRANSCOM, DLA, USACE may contract specific support in an AO. When they do so, they, of course, have a responsibility for managing contractors. This responsibility starts with the inclusion of theater-specific contractor-management and visibility requirements in the applicable contract language. Obtained from operational planning documents, these contracts include the various deployment, reception, integration, and reporting requirements necessary to properly manage and control the flow into and operating in the AO. In some cases, these commands are integrated into the Army operational-level support commands addressed above. In other cases, these commands may report directly to the joint force commander. For example, the USAMC LSE, which often plays a vital role in the area of systems-support contract supervision, is normally attached to the TSC or, when the TSC is not deployed, the senior multifunctional logistics command in the AO.

4-16. These strategic-level organizations retain contracting authority for those specific functions from their parent commands. When appropriate, Army commanders and their staffs include these commands in their mission planning, and each should include support appendices in the applicable staff section annex to the OPLAN or OPOD. For example, the staff engineer coordinates USACE procurement of real estate and real property; the joint force transportation planner coordinates with USTRANSCOM commands to monitor their assets. When procuring goods and services within the theater, they will do so IAW guidance and procedures provided by the joint force commander s mission chief of contracting.

4-17. In addition to the strategic organizations listed above, DCMA provides contract-management services to major contracts to include selected contracts within the AOR. DCMA monitors contractors performance and management systems to ensure that cost, product performance, and delivery schedules are in compliance with the terms and conditions of the contracts.

4-18. The combatant commander J-1 establishes and publishes basic theater entrance requirements, accountability, and other personnel-related procedures to include contractor employees. The combatant command or subordinate JTF command J-1 also coordinates and publishes a specific theater/JOA contractor identification (ID) card policy. The senior Army personnel planner in theater, via guidance from the combatant commander J-

1 and DA PERSCOM, establishes Army-specific contractor-employee theater-entrance, personnel-related support and accountability policies.

CONTRACTOR

4-19. The contractor implements and complies with all government-directed management requirements contained in the contract. Although the contractor is solely responsible to manage its employees and operations, it also has responsibility for ensuring that the various contractually mandated requirements are met. These may include—

- Providing feeder data for the development of the TPFDD and the theater personnel accountability system.
- Ensuring all employees comply with DOD, Army, or theater-specific policies and directives.
- Dealing with performance or conduct problems reported by the government.

CONTRACTOR VISIBILITY AND CONTRACTOR-EMPLOYEE ACCOUNTABILITY

4-20. The intent of contractor visibility and contractor-employee accountability is to know which contractors are participating in an operation, where they are in the operational flow (deployment, reception, integration, or providing support), when they are needed to provide support, and a clear day-to-day overview of their support mission. The ARFOR commander should maintain visibility over all contractors in the AO, similar to the manner we report military unit readiness. This is necessary to orchestrate their activities and movements with combat forces, and so that their relationship with the current operational situation can be assessed and adjusted when necessary.

4-21. Contractor-employee accountability is similar, but not the same, as for military and DACs. Contractor-employee accountability is limited to US citizens and TCN system and external support contractors who deploy with, and are in direct support of, ARFOR units within the AO. Additionally, the combatant, JTF, and/or ASCC commander may expand this individual accountability requirement to include theater support contractors who require access to military facilities. Establishing contractor visibility and contractor-employee accountability requirements by type of contractor is based on the following rationale:

- Theater support Contractors. Normally, theater support contractors are drawn from the local vendor base with their employees usually residing in local communities. As a result, they do not normally require government-furnished life support when supporting an operation. In fact, many theater support contractor employees will not even have access to military facilities and even those that do will often return to their homes or other non-military-supported billeting arrangements. Therefore, detailed contractor-employee data may not be required and only aggregate data indicating the size of the contractor's workforce is collected. However, when security measures require employees to be issued ID cards for entry into a military-controlled area or facility, at a

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minimum, the employee standard name line and identification number may be required, but would not be reported through the personnel accountability system, in order to issue requisite ID cards.

- External support and System Contractors. External support and system contractors normally are drawn from outside the AO and must travel from either CONUS or OCONUS locations; therefore, they require by-name accountability to support the deployment and redeployment process, as well as support operations. Furthermore, because of inherent responsibilities to its citizens, the US Government provides certain support that it is not obligated to do for other nationalities. In this context, the support relates to the injury or death of a US citizen employee and involves certain rights and privileges associated with notification and recovery, return, and burial of remains. In these cases, specific contractor-employee data is required and reported through the established personnel accountability system. Basic employee data is required for TCN contractor employees who deploy with the force for deployment life support and security reasons.

VISIBILITY AND ACCOUNTABILITY POLICY

4-22. Currently, there are no standard joint or Armywide deployed contractor visibility nor contractor-employee accountability procedures outside of this manual. However, contractor visibility and contractor-employee accountability is needed to ensure that the overall contractor presence in a theater is synchronized with the combat forces being supported. Additionally, the Army's responsibility to provide operational and life support and force protection to (and sometimes from) participating contractors dictates the need for maintaining visibility, and selected accountability, of all contract and contractor employees.

4-23. Maintaining contractor visibility and contractor-employee accountability is a continuous process conducted throughout the duration of the operation beginning at its point of origin. Once initial management of the deployed contractors is established and they are integrated with the unit/activity they are providing support or working for, visibility is maintained through status reports flowing through normal military channels. Governing contracts must stipulate the specific visibility reporting requirements, including the type of information required and to whom the information is to be provided. At a minimum, standard contract language should be used to identify the requirement to provide visibility and accountability reports required.

CONTRACTOR EMPLOYEE ACCOUNTABILITY

4-24. The senior Army personnel planner in theater, via guidance from DA PERSCOM and the combatant commander, establishes operational specific contractor-employee accountability policies. Contractor-employee accountability normally includes maintaining sufficient data to properly plan for and execute medical, casualty, mail, and other support and force protection requirements. At a minimum, the Army personnel system accounts for US citizen contractor employees and TCNs who deploy with the force. Normally, by-name accountability of TCN external support contractors who do not deploy through military means and theater support contractor

employees is not required. However, the senior Army personnel organization may be required to ensure that theater support contractor employees are issued theater-specific ID cards, as required by the joint force or ARFOR commander.

ACCOUNTABILITY REPORTING SYSTEM AND REQUIREMENTS

4-25. The senior Army personnel organization in the AO establishes contractor-employee accountability through the requiring unit or activity via TPS. The supporting personnel unit at home station, at the CRC/IDS, or in the AO issues contractor employees civilian ID cards IAW AR 600-8-14. Contractor-employee accountability data is entered and reported via by the requiring organization or activity via TPS IAW operational-specific guidance. Typical contractor-employee accountability requirements include:

- Employee standard name line.
- Point of contact (COR) information.
- Employee sex.
- Employee date of birth.
- Employee religion.
- Employee identification number (social security or other uniquely identifying number).
- Employee passport number (if applicable).
- Employee nationality and home address.
- Blood type.
- Marital status.
- Employee point of departure.
- Deployment date (employment date for theater support contractors).
- Security clearance level.

CONTRACTOR VISIBILITY

4-26. All requiring units are responsible for maintaining visibility for contractors providing support to Army forces in the AOR IAW ASCC OPLAN/OPORD guidance. This visibility data is forwarded through the normal chain of command to the ARFOR staff responsible for oversight of that particular contractor function. The ARFOR staff provides contractor visibility information to the ASCC commander/staff as required.

CONTRACTOR VISIBILITY REPORTING SYSTEM AND REQUIREMENTS

4-27. Currently, there is no approved STAMIS or C² system for reporting contractor visibility nor formal policy that lays out the required data fields. Because of this shortfall, the specific contract visibility reporting system and supporting information fields are determined IAW the combatant commander and ASCC guidance. Based on recent lessons learned, any commonly used office automation software can easily accommodate the requirement. Typical contractor and contractor employee required data should include:

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- Contract number.
- Contractor company name.
- Type of support provided (e.g., Apache maintenance, road construction, dining facility operation).
- Name of contractor's in-theater manager.
- Awarding contracting office.
- Contracting officer contact information (include name, organization, location, and phone number).
- COR contact information (include name, unit identification code (UIC), and phone number).
- Supported UIC.
- Contractor workforce composition (by location and nationality)—
 - Total number US citizen employees.
 - Total number TCN employees (specific nationality).
 - Total number local national employees.

REQUIRING ORGANIZATION RESPONSIBILITIES

4-28. Requiring organizations, such as the USAMC LSE, USACE, and the ARFOR support commands, must ensure that they provide contractor visibility reports and contractor-employee accountability reports as prescribed in the OPLAN. These commands also coordinate the contractor visibility and employee reporting requirements with the appropriate contracting activity to ensure that this requirement is clearly addressed in the appropriate SOW.

4-29. The contractor maintains data on its workforce and reports required data as prescribed in the contract. The COR ensures that all reporting requirements are submitted to the requiring unit or activity IAW their SOW.

CONTROLS

4-30. The success and effectiveness of the contractor visibility and contractor-employee accountability system are determined by the controls established. Formalizing the requirement during the planning process and incorporating it into the governing contracts legalize the requirement for contractors to provide the needed data. To ensure compliance, a pass and identification system must be in place. Standard civilian ID cards (DD Form 1173) or the new *smart card* ID card must be issued to all supporting system and external support contractor employees at the point initial accountability is established, either at the force projection deployment site, a CONUS CRC/IDS, or the AO reception center. Theater support contractor employees who require access to military-controlled facilities are normally issued theater/JOA-specific ID cards at the AO reception center.

4-31. If this ID card process is not accomplished, contractor employees will not be allowed to enter work areas or utilize government-furnished life support facilities and services, thus placing the contractor, and possibly the Army, in the position of noncompliance with the terms and conditions of the contract.

ESTABLISHING IN-THEATER MANGEMENT OF CONTRACTORS

4-32. Positive in-theater management of contractors begins with the proper integration of contractors into the operational flow. This process is accomplished for the same reason as for military forces, but also because it is the key point for gaining positive management control over contractors preparing to support the military forces. Integration of contractors is accomplished after they are received into the AO. It is not necessarily a distinct phase, as it is with military forces, as much as it is a set of actions necessary to properly include the contractor into the operational support structure. This means getting them into position or moving them to a location to perform the work they are hired to perform. It also involves formalizing contact with administering contracting and supported unit representatives and establishing support relationships.

4-33. The goal of integrating contractors is to ensure that visibility and applicable accountability are established, and they are incorporated into the operational support structure without hindering or disrupting the military forces they are to support. The method in which a contractor is integrated into the theater's operational support structure is driven by the point of origin of the contractor, either CONUS-based, third country-based, or locally based. Regardless of the point of origin, all contractors must be integrated into the operational support structure.

NOTE: All contractors must be processed and integrated into the ARFOR support structure.

CONUS-BASED CONTRACTORS

4-34. The deployment process facilitates integration of CONUS-based contractors. Whether they are deploying under the control of the military or through their own arrangements, these contractors are required, by the terms and conditions of the contract, to process through an in-theater personnel reception center either as a part of their supported unit or individually. If deploying individually, once reception processing is completed, the contractor is linked-up with the AO activity that it will be providing support for, if it did not deploy with that activity. This requiring organization or activity is not only the contractor's customer, with responsibility for directing its requirements according to the terms and conditions of the contract, but also its sponsor, responsible for ensuring that visibility and accountability are maintained and that government-provided equipment and services, including life support, are provided. Integration is complete when visibility is verified or established, and the contractor is ready to provide support.

THIRD-COUNTRY-NATIONALCONTRACTORS

4-35. Third-country-based US or TCN contractor employees should deploy through an OCONUS deployment site if at all possible. In some situations, processing third-country-based contractor employees may take place within the AO. Once processed, these third-country-based contractors are integrated into the operational support structure in the same manner as CONUS-based contractors. They will join their supported unit, where visibility is verified, and then proceed to the location(s) where support will be provided. The key to

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integrating third-country-based contractors is to ensure that the governing contract directs them to process through the AO reception center so that positive management control can be established.

LOCAL CONTRACTORS

4-36. Local theater support contractors must be properly integrated into the operational support structure. Because theater support contractors do not deploy to the AO, they do process through the reception center, with the exception of getting ID cards as required to meet force protection needs. Therefore, their integration is an abbreviated process involving them furnishing specified information concerning who they are, what support they provide, where the support will be provided, and the composition and size of their workforce, to the sponsoring activity so that visibility can be established. Once accomplished, theater support contractors are assimilated into the operational support structure and are managed in the same manner as any other type contractor.

LOCATION AND MOVEMENT ON THE BATTLEFIELD

4-37. Army operations may occur in a non-linear operational environment without clearly defined traditional borders or boundaries. In these circumstances, contractors can expect to perform virtually anywhere in the AO, subject to the terms of the contract and the combatant commander's risk assessment.

4-38. Army policy (AR 715-9) states civilian contractors may be employed anywhere in the AO necessary to support operations and weapon systems. Generally, contractors are assigned at echelons above division (EAD); however, if the ARFOR commander, based on combatant and JTF commander guidance and METT-TC and the terms and conditions of the contract, determines that contractor services are required at lower echelons, they may be temporarily deployed into the division area as needed, consistent with the terms of the contract and the tactical situation. In cases where critical system contractors are required forward on a permanent basis, the ARFOR commander requests an exception to policy from HQDA. In reaching his decision, the ARFOR commander considers joint and ASCC guidance, the risk to the mission, and the risk to the contractor employees.

4-39. Contracts for contractor support must be carefully drafted to specify the services needed and the conditions under which they are required so contractors are fully aware of what is involved. When contractors choose to perform under dangerous conditions, the cost of the contract may be increased due to the risk and additional difficulty the contractor is being asked to accept. Contractors may be more likely to perform under dangerous conditions if the Army meets certain security requirements to ensure their protection and safety.

4-40. The portion of a theater adjacent to the APOD/SPOD contains the organizations, lines of communications (LOC), and the theater logistics bases required for immediate support and sustainment of forces in the field. Because this area contains the theater logistics bases, it is where the majority of contractor support operations are found. Within this area,

contractor support operations are located where they are the most responsive. Contractors must be located so their operations do not adversely impact the mission or the safety and security of their own employees.

4-41. When addressing where contractors should be located within the AO, planners must also consider the need for contractors to gain access to LOCs and transportation assets to perform their mission. In doing so, they must rely on either the military resources or allow contractors to move about using their own assets. When visibility of contractor-provided assets (e.g., supplies) is necessary, additional management challenges will arise. When contractors are required to use the in-transit visibility/automated information technology devices to provide distribution management visibility, they must either be furnished as GFE or be of a type that is able to interface with the DOD format. In satisfying this requirement, the military may decide to include contractor transportation needs with those of its own and provide transportation support as a government-furnished service. The benefit is a reduction of cost and roadway congestion. The risk is that the contractors' needs may not receive the priority they require, causing them to fail to meet their support requirements. On the other hand, when contractors provide their own assets, the military must ensure that any movement along LOCs, or elsewhere in the theater, is controlled, protected, and does not interfere with other operational requirements. Additionally, consideration must be given to the practicality of military movement restrictions and convoy requirements and their applicability to contractor movements. Is a contractor required to comply with or excluded from the requirements? A conscious decision must be made regarding this issue because of the impact on contractor responsiveness and military force structure impacts (i.e., having to provide personnel to a contractor to comply with the two-driver rule).

CONTRACT COMPLIANCE

4-42. One of the key elements in the managing of contractors is contract compliance. Contract compliance is simply ensuring that the contractor is doing what the contract requires. The key to effective contract compliance is making sure that planners consider the variety of requirements relating to contractor support, include them in operational plans, and communicate these plans to the contracting structure so that they can be included in applicable contracts.

4-43. Contract compliance is the responsibility of the contracting structure that supports the AO. This structure includes the awarding contracting activity (examples include the theater contracting command, USAMC, DLA, or USACE) and the appointed COR. Depending on the scope of the contract and the awarding contracting activity, contracts may be passed to the DCMA for contract administration and compliance. When this is the case, the awarding contracting activity passes routine contract administration responsibilities to the on-the-ground DCMA activity, with the parameters of the delegated responsibility being specified. Regardless of how contract administration is accomplished, the responsible activity or individual maintains insight into the contractors' processes to ensure that the product or service, cost, and schedules are in compliance with the terms and conditions of the contract and theater-specific requirements are being met. Contract

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compliance includes on-site surveillance and program-specific processes that cannot be monitored by off-site contracting agencies.

LEGAL CONSIDERATIONS

4-44. When managing contractors on the battlefield, military managers, including commanders, must be aware of the legal considerations that influence their management approach. There exists a body of laws, statutes, and regulations that govern the manner and extent that contractors support a military operation and guide contractor support on the battlefield. These legal provisions impact on contractor status and security, contractual provisions, and discipline. The legal authorities affecting contract support include the SOW for the specific operations, international agreements affecting the theater of operations, and general international law (e.g., the Law of War). These provisions influence the manner in which contractors are managed and may limit the extent of a commander's discretionary authority over contractor requirements and management.

DISCIPLINE AND THE COMMANDER'S AUTHORITY

4-45. Contractor employees are not subject to military law under the UCMJ when accompanying US forces, except during a declared war. Maintaining discipline of contractor employees is the responsibility of the contractor's management structure, not the military chain of command. The contractor, through company policies, has the most immediate influence in dealing with infractions involving its employees. It is the contractor who must take direct responsibility and action for his employee's conduct.

4-46. When criminal activity is involved, international agreements and the host-nation's laws take precedence. In the absence of any host-nation involvement, the commander may be able to utilize a recently enacted law to deal with felonies. In November 2000, the Military Extraterritorial Jurisdiction Act (Public Law 106-778) of 2000 was passed by Congress and signed into law. This law permits the prosecution in federal court of civilians who, while employed by or accompanying the armed forces overseas, commit certain crimes. Generally, the crimes covered are any federal-level criminal offense punishable by imprisonment for more than one year. The law applies to any DOD contractor or subcontractor (at any tier) or their employees provided they are not a national of or reside in the host nation. The law also applies to individuals accompanying the armed forces, which may include a dependent of a DOD contractor or subcontractor employee. This law authorizes DOD law enforcement personnel to arrest suspected offenders IAW applicable international agreements and specifies procedures for the removal of accused individuals to the US. It also authorizes pretrial detention and the appointment of counsel for accused individuals. It should be emphasized, however, that the law does not extend UCMJ jurisdiction over contractor employees. Actual prosecutions under the Military Extraterritorial Jurisdiction Act are handled by federal civilian authorities.

4-47. In addition to the above, the military commander can indirectly influence the discipline of contractor employees through revocation or suspension of clearances, restriction from installations or facilities, or revocation of exchange privileges. The process of removing contractor

employees from the AO is dependent upon the policies issued by the combatant commander and the extent to which those policies are incorporated in the terms and conditions of the contract.

4-48. When confronted with disciplinary problems involving contractors and contractor employees, commanders should seek the assistance of their legal staff, the contracting officer responsible for the contract, and the contractor's management team. This allows for a thorough review of the situation and a recommendation for a course of action based on the terms and conditions of the contract, applicable international agreements, and host-nation or US law.

STATUS OF CONTRACTOR EMPLOYEES

4-49. Nations and their military forces are required to distinguish between military forces (combatants) and civilians (noncombatants), according to the Geneva convention. Contractors are considered to be civilians authorized to accompany the force in the field and, as such, generally cannot be the object of intentional attack. However, they may lose that protection if used in direct support of military operations. Furthermore, contractors may be at risk of collateral injury when they are in close proximity to a lawful target. Therefore, commanders should consider these factors when determining the nature and extent of contractor use, so as not to put them in a position that jeopardizes their status.

4-50. Contractor status is an important issue for the commander in determining the extent of their use and where within the AO they should be permitted. As the environment becomes more hostile, commanders must address a contractor's ability to perform and determine whether or not to provide armed protection. Contractors similarly become concerned about their ability to perform without risk of physical harm or capture and the extent of their rights if captured.

Hague and Geneva Conventions

4-51. Law of war treaties, such as the Hague and Geneva conventions, attempt to establish and clarify the status of contractors when supporting military operations. These treaties entitle contractors to be treated as prisoners of war.

4-52. The 1949 Geneva convention relative to the treatment of prisoners of war (Article 4) provides that prisoner-of-war status upon capture is extended to, among others, contractor employees.

4-53. During armed conflict with nations that are not signatories to these treaties, the status of contractors may be less clear. Commanders should consult their staff judge advocate for legal advice in these situations.

Hague Convention in 1907 (Article 13)

"Individuals who follow an army without directly belonging to it, such as...contractors, who fall into the enemy's hands and whom the latter thinks fit to detain, are entitled to be treated as prisoners of war, provided they are in possession of a certificate from the military authorities of the army which they were accompanying."

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1949 Geneva Convention, treatment of prisoners (Article 4)

“Persons who accompany the armed forces without actually being members thereof, such as ...contractors, who fall into the hands of the enemy, and whom the latter think fit to detain, shall be entitled to be treated as prisoners of war, provided they have received authorization from the armed forces which they accompany, who shall provide them for that purpose with an identity card.”

Status-of-Forces Agreements

4-54. Status-of-forces agreements may cover a wide range of issues impacting on the use of contractor support during military operations. Essentially, these agreements establish the legal obligations to be followed when operating within or in-transit through a particular nation. When applicable, these agreements may establish legal obligations independent of contract provisions. Status-of-forces agreements also define the legal status (e.g., host-nation criminal and civil jurisdiction) and legal obligations (e.g., taxes, customs, etc.) of contractors and contractor employees in a host nation. Commanders planning the use of system or external support contractors (i.e., US or TCNs) must consider including them in status-of-forces agreements. In addition to employees status, items to be considered include customs, taxes, and documentation of technical expert status. Status-of-forces negotiations may also involve countries that must be transited to reach the AO.

CONTRACT PROVISIONS

4-55. The SOW prepared by the requiring unit or activity states what support is needed. This document identifies all of the known requirements for the contractor to perform his mission and is the document, along with the applicable OPLAN/OPORD, upon which a contract is based. The contract provisions direct a contractor's work and establish the legal and binding agreement with the government. Contracting professionals, using federal and departmental acquisition regulations, write the contract based on the requiring unit or activity's SOW. Chapter 2 provides a detailed discussion concerning contract provisions and communicating requirements.

Chapter 5

Supporting

INTRODUCTION

5-1. Contractors are expected to be self-sufficient, handling all actions necessary to perform under the terms and conditions of the contract without significant assistance from the government. However, in some circumstances, it is appropriate and necessary for the government to provide support to a contractor when deployed into an AO. Government-furnished support may be appropriate if it is less expensive than contractor-provided support. Additionally, government-furnished support may be necessary when the government controls the support needed or is the only source of support, such as transportation within the AO. Figure 5-1 illustrates the level of support that may be provided to a contractor based on factors, such as nature of the operation and location on the battlefield. Government requirements for support to a contractor must be identified during the planning process and included in the applicable contract. Appendix B provides a notional example of government-support planning requirements.

5-2. Typically, in a contingency or battlefield environment, government-furnished support to a contractor is either organizational or life support. Organizational support includes transportation, facilities, and equipment and materiel necessary for the contractor to perform its mission. Life support includes lodging and subsistence, morale support services, medical care, mortuary affairs, as well as religious, legal, and postal services that either the contractor cannot provide or for which the government is better suited. Force protection is another form of support that the government provides and is addressed in detail in Chapter 6.

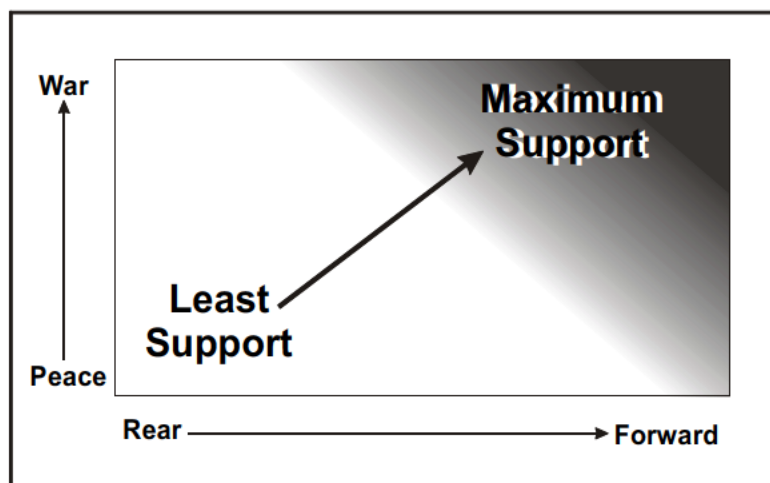


Figure 5-1. Military Support to Contractors

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5-3. The nature and level of government-furnished support provided to contractors depends on the point of origin of the contractor. For US contractors and contractors originating from outside the AOR, the level of support will be greater because they may require transportation to get to the theater and facilities to operate once they are in place. On the other hand, contractors residing in the AOR may only require transportation or access to the LOCs, force protection, or no support at all.

ROLES AND RESPONSIBILITIES

5-4. As with the other aspects of contractor-provided support, the responsibility for ensuring that contractors are considered for and receive the requisite government-furnished support involves commanders and staffs at all levels, the contracting community, and the contractor. Government furnished support to contractors, whether it is organizational or life support, may be key to the contractors' successful performance. Without the support, contractors may find it difficult or impossible to operate in the battlefield environment, and, when a contractor does not perform, the government may place itself in a position of liability, including entitlement to monetary compensation, not to mention the operational impact of the loss of contractor support. Likewise, if contractors are directed to provide their own support, the government can expect higher contract costs as a result.

ASCC/ARFOR

5-5. In keeping with his overall responsibility to prepare, train, equip, administer, and provide Army forces to the combatant commander for an operation, the ASCC commander provides support to the contractors supporting Army operations. Because the ASCC commander, and the subordinate ARFOR commander (if applicable), has the responsibility to arrange and plan CS and CSS, it is at this level that specific units or organizations (possibly including a contractor) are identified and tasked to provide the necessary support to contractors. The ASCC/ARFOR tasks those units that are in the best position or have the best capability to provide the required support. Often the units tasked are those that have a habitual relationship with the contractor or the ones that will be managing the contractor in its execution of the contract.

CONTRACTING ACTIVITIES

5-6. The various contracting activities supporting an operation ensure that the type, manner, and scope of support that is to be provided to a contractor is incorporated into the applicable contract. These activities also advise the commander as to the extent that support to be provided is appropriate and can legitimately be provided. Once included in the contract and communicated to the contractor, these contracting activities ensure that support is being provided either through their own resources or through contract administration organizations, such as DCMA, or support commands such as USAMC.

SUPPORTING ORGANIZATION

5-7. The supporting organization is that organization or activity tasked to furnish organizational or life support to a contractor. It may be the organization that the contractor is providing support to, the requiring unit or activity, a functional organization (such as a transportation unit) or the USACE that would provide equipment or facilities, or any other organization that possesses the support capability. The supporting organization provides specified organizational support or life support, and may, if appropriate, use another contractor to provide such support.

CONTRACTOR

5-8. A contractor's responsibility regarding support provided by the government is to ensure that it complies with the terms and conditions of the contract concerning government-provided support. Contractors are obligated to follow organizational support guidelines provided by the government regarding the accountability and proper and safe operation of vehicles and equipment. They are required to adhere to cleanliness standards when occupying government-furnished lodging or work areas and to comply with established procedures for the use of government-furnished life support. Contractors must follow the same procedures and guidelines as those mandated for military and DACs.

OPERATIONAL SUPPORT TO CONTRACTORS

5-9. Operational support provided to contractors is that support that enables the contractor to perform its support mission. This type support normally includes equipment and services, facilities, transportation and personnel recovery. Operational support is provided by the government when the contractor does not possess the unique military capability, because it is more economical, or to prevent competition for limited resources.

GOVERNMENT-FURNISHED EQUIPMENT AND SERVICES

5-10. The general policy of the government is that contractors furnish all equipment and services required for the performance of a contract. However, the government can provide equipment and services when necessary to achieve significant savings, standardization, expedited performance, or when it is otherwise in its best interests. Potential savings, military-unique equipment or services, and the degree of government control over the equipment or services influence the requirement for the military to provide GFE and services to a contractor. Contracts that provide for GFE to contractors must specify what support, property, and training the Army will furnish to the contractor prior to commencement of an operation. Contracts must also specifically address responsibility for storage, maintenance, accountability, and testing for all furnished vehicles and equipment.

5-11. GFE must be properly controlled. The lending activity designated to furnish the equipment and the supporting contracting element must establish and maintain accountability over the equipment as long as the equipment is required or until the contract expires. Procedures for controlling and accounting for equipment provided to contractors is contained in

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AR 710-2 and AR 735-5. For equipment or materiel acquired by the contractor during the performance of the contract, ownership will pass to the government, in accordance with Army and contracting procedures, when the contract is completed or terminated.

5-12. Operational support services provided to contractors may include connectivity to telecommunications resources, fuel for contractor-owned or government-furnished vehicles, or any other service that might be furnished to assist the contractor in performing its mission. Services offered must be planned for in advance so that sufficient capability is available to ensure that support to military forces is not degraded and to allow the contractor sufficient time to arrange its own support if the government is unable to do so. Advance planning also provides information to the contracting officer essential to negotiate the price of the contract.

FACILITIES

5-13. During the planning process, commanders and staff planners must address the need for contractor facilities. Contractors, primarily external support and system contractors, supporting a military force in an AO often require facilities and/or real estate to perform their work. Depending on the operational situation, either the contractor or the government arranges the use of real estate and facilities as required. Determining who is best suited to make the arrangements should be made during the planning process with the following considerations:

- What type of facilities does the contractor require?
- What is the cost if the contractor provides his own facilities?
- Should contractor operations be in a secure location?
- Are there enough facilities to accommodate both military and contractor needs, thus avoiding unnecessary competition?
- Does the military control all facilities in the area?

5-14. Commanders and staff planners should be concerned with cost, physical protection, base access, and coordination of contractor and military requirements. Contractor competition for limited facilities may inadvertently affect their cost. The solution is for the military to either assume control of all facilities and provide what is needed to the contractor or establish coordination procedures in the contract to avoid unnecessary competition for facilities.

5-15. Contractor requirements for facilities, when provided by the government, are passed to the theater real estate manager for action. The theater real estate manager may be the ASCC's operations section terrain manager or a USACE corps real estate support team (CREST). A contractor's specific facility requirements are not normally identified during the planning process, but during the negotiation process prior to contract award. For this reason, operational planners must be consulted during the negotiation process so that contracting professionals do not obligate the government for support that may not be available. When the government does not have the capability to support a contractor's needs, it should be prepared to bear the cost of contractor-obtained facilities.

TRANSPORTATION

5-16. Contractors may have difficulty obtaining transportation when deploying to, and operating in, an AO. In many operations, US forces control transportation assets and port facilities and dominate or control many of the associated services. To ensure contractors are present in the AO at the proper time and have the necessary services to perform their contract, the Army must determine whether it, or the contractor, provides the required transportation. When a contractor does not have full control over the circumstances that affect how and when its transportation support is provided, it may be in the Army's best interest to assist.

5-17. The extent that government-furnished transportation is provided to a contractor is based on the operational environment and the government's capability to meet the contractor's specific needs. These needs not only include the deployment or movement of the contractor to the AO, but also those to satisfy operational needs during the operation itself. Contractor transportation requirements may include the following:

- Air, rail, and sea transport to move personnel and equipment to the operational theater.
- Port handling equipment or services
- Wheeled or aerial transportation support to move supplies, equipment and/or personnel within the AO.
- Government furnished vehicles to transport personnel and equipment in the AO.
- Access to LOCs and movement clearances in the AO.

5-18. When government-furnished vehicles are provided, the necessary maintenance and fuel support should also be included. Likewise, when contractors provide their own vehicles, fuel and maintenance support must be considered and provided when it is in the government's best interest to do so.

5-19. Contractors must be aware that insurance companies may limit or deny coverage on private insurance policies if an individual is being transported on military transportation, such as rotary-wing aircraft. When this occurs, the government will underwrite insurance to allow coverage to continue. Planners at all levels must provide for situations when contractors or the military have to obtain special coverage.

PERSONEL RECOVERY

5-20. It is DOD policy to protect its personnel (to include contractors who deploy with the force), prevent the exploitation of its personnel by adversaries, and reduce the potential for captured personnel being used as leverage against the United States. It is important for commanders and eligible contractor personnel are aware of this policy. For more information see DOD Directive 2310.2, *Personnel Recovery* and DOD Instruction 2310.4, *Reparation of Prisoners of War (POW), Hostages, Peacetime Government Detainees and Other Missing or Isolated Personnel*.

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OTHER SUPPORT

5-21. Additional government support to contractors is dependent on the operational environment and the type of contractor involved. For contractor employees deploying with the force, support, such as lodging and medical treatment; subsistence; laundry and shower; medical; mortuary; morale, welfare and recreation (MWR); postal; and religious, mortuary affairs, next of kin notification, is generally similar to that provided to DACs participating in the same operation. However, some support such as legal support is not the same as for DACs. In some cases, contractors may also live and work under field conditions similar to those for the supported military forces. When contractors are placed in this type environment, furnishing their own basic life support becomes difficult or impossible. As a result, the military must make provisions for their support or must not use contractors. Regardless of the source, contractor or military, life-support requirements must be identified and included in OPLANs/OPORDs and the governing contract. In addition to cost, considerations necessary to determine whether the contractor or the military should provide the support include:

- Ability to provide the support.
- Potential for competition between the military and contractors for support resources.
- Potential for establishing redundant support structures.

LODGING/SUBSISTENCE

5-22. Contractors should provide their own lodging and subsistence unless the operational environment dictates otherwise. The circumstances under which the military provides this support would be those in which the contractor has no commercial infrastructure from which to draw from or when the cost for a contractor to furnish the support is not economical. In those situations when contractor-arranged housing would impede the government's efforts to provide force protection, generate competition with the military, or adversely influence prices, the military must consider providing the support. The ARFOR commander retains the authority to direct where contractor employees reside, within the terms and conditions of the contract, but must utilize the same standard that is applied to DAC personnel of similar grade and responsibility level (e.g., a contractor technical representative or first-line supervisor would be treated the same as a GS 11-13).

5-23. During military operations, contractor employees often live under field conditions. Field conditions are quite different from normal civilian life and are characterized by austere and communal living and a collective responsibility for the living area. Contractor employees may experience a general lack of privacy with lodging normally consisting of large communal tents. While in this field environment, contractor employees will be expected to maintain a clean living area, be considerate of others, and adhere to the same rules, policies, directives, and general orders as the military and DAC personnel.

5-24. Subsistence may be provided to contractors, either in conjunction with government-provided lodging, or separately, when contractor employees

during their daily work shift are unable to obtain subsistence. The food provided might be pre-packaged rations with very little opportunity for choice; consequently, special diets may not be accommodated.

5-25. Although it is natural to expect reimbursement from contractors for the cost of lodging and subsistence, the cost for such support would normally be included in the overall cost of the contract. Therefore, providing the support should be done on a nonreimbursable basis, eliminating the unnecessary administrative burden of reimbursement. However, military planners must include the cost of supporting contractors in the overall cost of the operation so that adequate funding is provided.

POSTAL

5-26. The nationality of the contractor employee usually determines postal support. US citizen contractor employees, who deploy in support of US armed forces, may be authorized use of the military postal service (MPS) if there is no US postal service available and if MPS use is not precluded by the terms of any international or host-nation agreement. Local nationals hired in-country by DOD, or subcontracted by a DOD contractor, or TCN employees normally are provided with postal support through the existing host-nation system or through arrangements made by the employing contractor.

5-27. The participating ASCC/ARFOR personnel planners are the best source for advice concerning available postal support. From an analysis of the AO, force composition, and international and host-nation mail capabilities, they can offer an informed recommendation on the level of support to be provided. The effectiveness of postal support is directly related to the personnel accountability system in place in the AO. The contractor accountability system being used must interface with the AO postal system.

MORALE, WELFARE, RECREATION

5-28. Maintaining an acceptable quality of life is important to the overall morale of any organization, including contractors. Deployed contractors have a responsibility to provide MWR and other quality-of-life support to their employees as much as practical. Theater support contractors generally are not provided such.

5-29. The military may provide MWR support to contractor employees when contractor sources are not available, subject to the JTF/ARFOR commander's discretion and the terms of the contract. The availability of MWR programs in an AO vary with the deployment location. MWR activities available may include self-directed recreation (e.g., issue of sports equipment), entertainment in coordination with the United Services Organization and the Armed Forces Professional Entertainment Office, military clubs, unit lounges, and some types of rest centers.

5-30. US citizen contractor employees may be eligible to use Army and Air Force Exchange Service, Navy Exchange, or Marine Corps Exchange facilities for health and comfort items. Use of these facilities is based on the combatant commander's discretion, the terms and conditions of the contract, and any applicable status of forces agreements.

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5-31. Regardless of who provides MWR support, governing OPLANs/OPORDs and contracts must identify contractor support needs and designate responsibility. These documents should also articulate the extent MWR support is authorized so that employing contractors can arrange for services that will not be provided.

HEALTH SERVICES

5-32. Medical and dental care is provided to contractors as specified in existing DOD and Army policy and as outlined in the contract. Eligible contractor employees receive support equivalent to that provided to military personnel. This care includes—

- Inpatient and outpatient services.
- Evacuation.
- Pharmaceutical support.
- Any other medical support as determined by appropriate military authorities, in accordance with recommendations from the command surgeon.

5-33. Eligibility for this care normally is extended to US citizen and TCN system and external support contractor employees. Local national employees receive emergency care only when injured on the job and working within military unit areas. For example, a baker injured while working in his own shop would not be eligible; a truck driver, operating his own vehicle, and injured while on a supply distribution mission transporting military supplies would be eligible. If emergency care is provided to local national contractor employees, they will be transferred to a local medical facility as soon as it is medically feasible. Routine medical and dental care are not provided to theater support contractors or sub-contracted local-hire external support contractor employees. These individuals must obtain routine care from the local infrastructure. Army medical personnel provide all occupational health and preventive medicine inspections, screenings, and remedial treatment to contractor employees, to include animals as appropriate, regardless of their status.

5-34. As forward-deployed field medical organizations are neither organized nor equipped to process billings or receive payments for medical services, reimbursement from eligible contractor employees or third parties is not practicable or cost effective. However, where a contractor employee is medically evacuated from the AO to a medical treatment facility (MTF) funded with defense health program dollars, normal reimbursement policies apply for medical services provided by that MTF. This includes instances where an MTF is outside the AO but still in the same theater.

5-35. The Army medical department provides pharmaceutical support to deploying employees of system and external support contractors. As part of the predeployment process, the pharmaceutical requirements of each contractor employee is determined. Medications listed on the basic core formulary (BCF) are continued and refilled in theater from the appropriate Army medical organization.

5-36. All contractor employees are required to bring a 90-day supply of personal medications into the AO. If a refill of a medication is required, authorized contract employees contact the nearest medical unit with pharmacy services. Refills are normally processed when there is a 15-day supply or less on the prescription.

5-37. Medical personnel are responsible to evaluate contractor employees with prescribed medications that not listed on the BCF to determine if a BCF medication can be substituted. When this is possible, a written prescription for the BCF medication is given to the contractor employee, and they are advised to obtain a 90-day supply at their own expense. If there is no clinically acceptable BCF substitution available, the contractor will be required to make arrangements to obtain this medication in theater from civilian sources or to be delivered from CONUS. If this is not feasible, then the contractor employee in question should not be allowed to deploy.

5-38. If eyeglasses are required, contractor employees will deploy with two pairs of glasses and a current prescription. The military provides eyeglass inserts for use in chemical protective masks as part of the predeployment process. Emergency replacement of glasses is the responsibility of the military medical logistics system. Routine replacement is the responsibility of the employee/employer.

5-39. Routine and emergency medical support to eligible contractor employees is provided on an area basis from appropriate Army medical organizations. System contractors operating within a division AO receive medical support from appropriate divisional medical elements.

5-40. Intratheater evacuation of US citizen and TCN contractor employees is accomplished using military medical evacuation air and ground vehicles, unless provisions for alternate evacuation means are provided or planned. Medical evacuation out of the AO is the responsibility of USTRANSCOM. This movement is coordinated between the theater patient movement requirements center, the global patient movement requirements center, and the TACC. These organizations determine the best lift available to move the patient out of the theater.

5-41. The remains of system- and external support contractor employees who die while patients in a military medical treatment facility are handled by appropriate mortuary affairs organizations. Mortuary affairs is discussed later in this chapter.

5-42. Limited support to security/working dogs under contract includes limited emergency care, preventive medicine inspections, and necessary prophylaxis. The contractor ensures that all animals meet the standards of the host country, as well as the standards enforced by the US military for working animals. The contractor ensures all animals deploy with necessary routine medications and chemoprophylaxis. The contractor also ensures that these medications and chemoprophylaxis are resupplied at the contractor's expense.

5-43. Upon redeployment, contractor employees receive medical and dental screenings to identify and document any medical problems that may be connected with the deployment. These redeployment screenings may be

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completed prior to AO departure, at a CONUS IDS/CRC site, or at the home of record.

RELIGION

5-44. When contractors are deployed in support of military operations they are provided religious support in accordance with OPLAN/OPORD religious support annexes and appendices. The appropriate religious support section assesses the requirements and includes them in the religious support plan. US contractor family members may seek and expect to be provided religious support through CONUS installations while spouses are deployed in support of military operations (garrison commander approval may be required for access when military installations are closed to civilians). Unit ministry teams will make every effort to plan for adequate religious support resources, including literature and sacramental supplies, to support contractor employees who deploy with the force.

MORTUARY AFFAIRS

5-45. The joint mortuary affairs program is a broadly based military program that provides for the necessary care and disposition of deceased personnel, including personal effects, across the full range of military operations. Combatant commanders control and coordinate mortuary affairs operations for the search, recovery, tentative identification, care, and evacuation or temporary interment, disinterment, and reinterment of deceased personnel within their AOR.

5-46. Under the joint mortuary affairs program, all contractor employees who are in direct support of military operations and who die in the line of duty are eligible to receive mortuary affairs support on a reimbursable basis. The specific nature and extent of the support is determined during the planning process and communicated to military forces and contractors through governing OPLANs/OPORDs and contractual documents. The responsible support commands and related ASCC/ARFOR staff maintain visibility over contractors work in coordination with mortuary affairs and personnel units when contractors require support.

NEXT OF KIN NOTIFICATION

5-47. In the event a contractor employee dies or is missing, next of kin notification is made by the:

- Military when the contractor employee involved is a US citizen. The military uses information provided by the contractor during predeployment or reception processing. In some cases, the military may affect notification through the employing contractor.
- Employer when the contractor employee is a citizen of the host nation or a TCN.

LEGAL

5-48. Army policy is that contractor employees in the US preparing to deploy, or those already deployed, generally are not eligible to receive legal assistance from Army military or civilian lawyers. Legal assistance is the responsibility of the contractor. The contractor ensures that its employees satisfy all legal requirements, such as last will and testament, guardianship arrangements for children, estate planning, and any other needs prior to departure.

5-49. There is, however, an exception to this policy. Contractor employees may receive certain legal assistance when the government is contractually obligated to provide this assistance as part of their life support. When this is the case and the legal assistance is provided overseas, it must be in accordance with applicable international agreements and approved by the host-nation government. Legal assistance, when provided, is limited to ministerial service (e.g., notarial services), legal counseling (including the review and discussion of legal correspondence and documents), legal document preparation (limited to power of attorney and advanced medical directives), and assistance in retaining civilian legal counsel.

Chapter 6

Force Protection

INTRODUCTION

6-1. JP 3-0 and FM 3-0 define force protection as “actions taken to prevent or mitigate hostile actions against DOD personnel, resources, facilities and critical information. These actions conserve the force’s fighting potential so it can be applied at the decisive time and place, and incorporates the coordinated and synchronized offensive and defensive measures to enable the effective employment of the joint force while degrading opportunities for the enemy. Force protection does not include actions to defeat the enemy or protect against accidents, weather, or disease.” Reducing the probability and minimizing the effects of enemy action on personnel, equipment, and critical facilities can accomplish force protection.

6-2. Force protection is a deliberate and dynamic process that begins long before the actual conflict. Its character may change in different situations, but the process remains the same: an understanding of threat and the development of a system of indications and warnings that will facilitate a proactive, predictive response to enemy and terrorist action. Force protection may include fortification construction, electronic countermeasures, integrated air defense coverage, NBC defensive measures, and rear operations to include specific antiterrorist actions. Force protection and antiterrorism measures are meant to confuse and deceive the enemy so that military forces and accompanying civilian personnel are less vulnerable from attack. Force protection responds quickly to enemy attacks with protective measures that enhance our military force survivability and ensure the rapid recovery and restoration of combat power.

6-3. Force protection and antiterrorism actions include not only military and DAC personnel but contractor employees as well. Contractor employees, because of their status as civilians authorized to accompany the force in the field, bring with them an inherent need for force protection. Contractor employees cannot be required to perform force protection functions described above and cannot take an active role in hostilities but retain the inherent right to self-defense. Because of their civilian background, they may possess neither the training nor experience to actively participate in force protection measures, and the rules governing warfare preclude them from doing so except in self-defense. Therefore, the Army’s policy has become that when contractors are deployed in support of Army operations/weapon systems, they will be provided force protection commensurate with that provided to DAC personnel. Commanders must understand that contractors are subject to the same threat as soldiers and must plan accordingly. Contractors, when placed in a position of risk, must be protected, or the support they provide may be

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degraded. Contractor-related force protection measures must be addressed in the planning process. Appendix B provides a notional example of contractor force protection planning requirements.

ROLES AND RESPONSIBILITIES

6-4. Protecting contractors and their employees on the battlefield is the commander's responsibility. When contractors perform in potentially hostile or hazardous areas, the supported military forces must assure the protection of their operations and employees. The responsibility for assuring that contractors receive adequate force protection starts with the combatant commander, extends downward, and includes the contractor.

6-5. The government is responsible for providing a safe workplace that enables the contractor to perform unhindered by circumstances beyond his control. Commanders and staff planners must assess the need for providing force protection to a contractor and designate forces to provide appropriate security. The mission, threat, and location of contractor operations determine the degree of force protection needed.

6-6. Protection for contractors involves active use of armed military forces to provide escort or perimeter security, and passive measures that include protective military equipment, training, and equipping of contractor employees in self-protection (NBC and weapons).

GEOGRAPHICAL COMBATANT/SUBORDINATE UNIFIED COMMANDER

6-7. The combatant commander makes the decision to provide force protection to participating contractors. These commanders and staffs, through the risk assessment process, evaluate the force protection implications of contractor involvement according to the nature and extent of the operation. This risk assessment, based on METT-TC, considers such factors as contractor location on the battlefield, availability of security forces, enemy capabilities, and the criticality of the contractor's functions. (For a detailed discussion of risk management, refer to FM 3-100.14; see FM 5-0 for information on risk assessment in the planning process.) Also, the OPLAN/OPORD and supporting contracts must identify the specific force-protection requirements and designate the forces to handle them. This allows units and contractors to properly integrate support requirements into their operational procedures.

ASCC/ARFOR

6-8. One of the ASCC's most important responsibilities is to conserve the fighting potential of his force so that it can be applied at the decisive time and place. Force protection includes protecting the force, including contractors, from enemy air, ground, and sea attack. The combatant commander may delegate to the ASCC (or ARFOR when the ASCC is not deployed) as the joint rear area coordinator (JRAC) responsibility for the rear area where the majority of contractors would be located. In this capacity, the ASCC, normally through its ASCC rear headquarters, coordinates between all Services to facilitate a secure environment to allow for uninterrupted sustainment, host-nation support, infrastructure development, and force

movements. See JP 3-10 and JP 3-10.1 for further information on JRAC functions.

CONTRACTING ACTIVITIES

6-9. Responsibility for ensuring that the combatant commander's force protection decisions are included in the appropriate contracts and communicated to the contractor lies with supporting contracting activities. These contracting activities ensure, either through their own resources or through contract administration organizations (e.g., DCMA), that support is provided and the contractor is complying with established force-protection policies and procedures.

SUPPORTING ORGANIZATION

6-10. Commanders at all levels must designate specific supporting organizations responsible for providing force-protection support to contractors. To do this, they must have the requisite visibility over the contractor and contractor employees supporting the force. Normally, commanders designate the supported organization or other unit to provide this protection.

CONTRACTOR

6-11. Contractors ensure that all of their employees follow all force-protection requirements and supporting organization policies stated in the contract. Contractors (when required and authorized) should, as a minimum, ensure that their employees receive the directed NBC protection and weapons familiarization training. Additionally, contractors should inform them of local and national threats, facility and travel security requirements, and off-limits restrictions directed by the commander. Contractors are expected to take passive force-protection measures for the safety and security of their employees. Also, contractors should mandate measures for self-defense such as conducting driving classes, issuing cell phones, and establishing procedures for reporting suspicious incidents.

FORCE PROTECTION GUIDELINES

6-12. The degree of contractor force protection depends on the situation; key factors are the nature of the operation, location on the battlefield, and the level of threat. The following force-protection guidelines, based on the DOD terrorist threat levels found in DOD O-2000.12-H (draft), recommend the minimum protection and security required for contractors and are categorized by the level of threat.

NEGLIGIBLE THREAT

6-13. A negligible threat is one where a capability to conduct an attack may or may not be present.

6-14. This threat level is normally associated with such peacetime operations as disaster relief and most humanitarian-support operations. At this threat level, risks are the same as those associated with normal, everyday operations. With no enemy action expected, there would be no change to the

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normal operational routine of the contractor. Generally, only normal safety practices would be required. Contactor employees would face no restrictions in operational location, movement, etc.

LOW THREAT

6-15. A low threat is one where a capability is present but demonstrated activity may or may not be present.

6-16. This threat level is associated with some humanitarian support and peacekeeping operations. A low threat level is greater than the threat in normal peacetime operations and involves external dangers. Minimum measures would require a military escort for contractor employees working away from the main operating base or group.

MEDIUM THREAT

6-17. A medium threat is one where a capability of demonstrated activity is present, but intent to conduct threat activities may or may not be present.

6-18. This threat level expects casualties and limited indiscriminate combat action not specifically aimed at the military force. Local violence and terrorist action may exist in a generally unstable area. In addition to those implemented for a low threat, force-protection measures include armed military-escort convoy protection for groups working away from a protected area. At this juncture, leaders should start evaluating the need to evacuate non-essential civilians and relocate to a more secure area. Contractor operations should be reduced to the minimum required to maintain existing levels of service without incurring degradation. Planned and routine maintenance should be assumed by military personnel or delayed, if possible. Where delay of repairs or maintenance may impair fighting or defense capability, contractors should remain. Military personnel should replenish or assist in replenishing expended materiel relating directly to the mission. Routine resupply should be delayed or consolidated.

HIGH THREAT

6-19. A high threat is one where a capability of demonstrated activity history and intentions is present.

6-20. This threat level is associated with peace enforcement and major theater war operations where open combat may occur. Casualties are likely at a high-threat level, but it is short of open warfare. Action is directed at participating military forces, with associated casualties being a result of both direct and indirect action. The operational situation is unstable and may deteriorate. Minimum measures, above those implemented for a medium threat, require issuing personal protective equipment and transporting personnel in protective vehicles. If possible, civilians are kept in secure and protected areas; only essential contractors would remain in place. Contractors are permitted to undertake repairs to mission-critical systems and equipment, the loss of which would degrade the fighting/defensive capability of the unit. Additionally, logistical support staff needed to maintain the flow of sustainment materiel without which the mission would fail may remain in place. If practical, military personnel assist in some of

their tasks. Where feasible, military personnel undertake maintenance responsibilities if contractor employees are removed from the theater.

CRITICAL THREAT

6-21. A critical threat is one where a capability of demonstrated activity is present, and current credible activity information indicates preparation for a specific anti-US operation, but historical or recent demonstrated anti-US activity may or may not be present.

6-22. Critical threat describes open warfare with casualties inflicted by opposing forces and dangers introduced externally. Minimum measures would require the same as those implemented for a high threat, with movement restricted and within armed formations. Secure protective shelter should be used for all support operations. At this level, contractors remain in the AO only if it is an absolute necessity, when contractor-provided support cannot be replaced with military capabilities. Note also that contractors cannot be forced to remain in theater against their will, as they are not subject to the UCMJ (except in formally declared war). Refusal to perform, however, may result in civil lawsuit for breach of contract.

ACTIVE FORCE-PROTECTION MEASURES

6-23. Active force-protection measures involve the overt use of military forces to assure contractor operations are protected from enemy attack. These measures involve the dedicated use of military forces to provide perimeter security for contractor work areas and armed escort for contractor movements around the battlefield. Active force-protection measures are employed when contractors are operating in locations where a medium to critical threat exists, and are provided at the specific direction of the combatant commander because of the critical nature of the support the contractor is providing.

6-24. The scope and nature of active force-protection measures are addressed during the risk assessment portion of the planning process. When the need for contractor support exceeds the risks associated with their use, active force-protection measures are implemented. These measures include locating contractor-support operations in secure areas or facilities, where disruption to their activities is minimized. When contractors are collocated with the military forces they support, they are included in the units overall force-protection plan. Otherwise, contractors may require dedicated protection in the form of military police or infantry forces.

6-25. Contractor movements must also be protected when the nature of the support being provided is critical to the success of the operation. Contractors should either be provided with armed escorts, incorporated into military convoys traveling to the same destination, or rely on military forces to move their equipment, personnel, and supplies. When considering the best option for contractor movement, the government must be sensitive to the possibility of relieving the contractor of responsibility for providing support when it employs force-protection measures that may restrict the contractor's ability to perform.

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PASSIVE FORCE-PROTECTION MEASURES

6-26. In addition to active force-protection measures that may be implemented, a number of passive measures are available to contractor employees and supported units.

MILITARY CLOTHING AND EQUIPMENT

6-27. Contractor employees supporting military operations should be visibly distinct from the forces they are supporting so that they do not jeopardize their status as civilians authorized to accompany the force in the field. Unless specifically authorized by the combatant commander, contractor employees will not wear military uniforms or clothing except for specific items required for safety or security, such as chemical defense equipment (CDE), cold weather equipment, or mission-specific safety equipment. Either the government or the contractor may decide that a uniform appearance is necessary for contractor employees. In this case, the contractor provides appropriate attire which is distinctly not military and which sets them apart from the forces they are supporting.

CHEMICAL DEFENSE EQUIPMENT

6-28. The combatant commander determines the contractor's requirement for CDE for NBC defense, immunizations (such as anthrax vaccine), and training, which is theater-specific and dependent upon the threat and nature of the duties. The environment and potential use of a nuclear, chemical, and/or biological warfare weapon is the basis for determining the need to equip and train contractor employees with NBC equipment and survival skills. The combatant commander's IPB provides the analysis for potential use of NBC weapons. Once completed, the combatant commander issues guidance for NBC protective postures. When approved for contractor employees, training and equipment are dependent upon the threat and nature of the duties. Either the deploying force-projection platform, CRC/IDS, or an in-theater processing center provides individual protection equipment and training when planners determine it to be in the best interest of the government and incorporate it into the terms of the contract.

WEAPONS

6-29. The decision to allow contractor employees to carry and use weapons for personal protection rests with the combatant commander. The general policy of the Army is that contractor employees will not be armed. However, under certain conditions dictated by METT-TC, they may be allowed to arm for self-defense purposes. Once the combatant commander has approved their issue and use, the contractor's company policy must permit its employees to use weapons, and the employee must agree to carry a weapon. When all of these conditions have been met, contractor employees may only be issued military-specification sidearms, loaded with military-specification ammunition. Additionally, contractor employees must be specifically trained and familiarized with the weapon and trained in the use of deadly force in order to protect themselves. Contractor employees will not possess privately owned weapons. When determining to issue weapons to a contractor the

combatant commander must consider the impact this may have on their status as civilians authorized to accompany the force.

TRAINING

6-30. Contractor employees deploying either from CONUS or OCONUS may require specific force-protection training to prepare for the environment in the AO. Training requirements must be identified during operational planning and be included in the contract. The type of contractor (theater support, external support, or system) influences the nature and degree of the training to be provided. Training may include—

- Geneva convention.
- Code of conduct.
- Health and sanitation.
- Applicable status of forces agreements.
- Security.
- Weapons familiarization and use of deadly force.
- NBC training, including protection from toxic industrial materials.
- Survival, escape, resistance and evasion (SERE)
- Rules of engagement.
- Host-nation laws.

6-31. The contractor or the Army, whichever is specified in the contract, can conduct the required training. In areas such as weapons familiarization or chemical defense, the Army may be the more appropriate source. As such, the deploying force-projection platform, CRC/IDS, or the in-theater reception point would conduct the training in conjunction with other processing activities.

FORCE PROTECTION/ANTITERRORIST THREAT FROM CONTRACTORS

6-32. Due to recent terrorist activity against US forces, all units must ensure force-protection/antiterrorism plans and actions are integrated into movement and support operations in all areas. Use of local or TCN contractor employees must be carefully considered from the antiterrorism perspective.

On 12 October 2000, the USS Cole (DDG 67) suffered a serious terrorist bomb attack in Aden, Yemen, that severely damaged the ship, killing 17 sailors and injuring 39. This attack came in the form of a small boat laden with explosives that, according to some reports, was thought by the crew to have been a part of the scheduled contractor provided refueling support. This attack occurred despite what naval investigators determined were prudent command-directed force-protection measures.

Force Protection

6-33. Commanders at all levels must include the following areas in force-protection/antiterrorism pre-deployment planning:

- Threat and vulnerability assessments. Units assess the threat and their own vulnerability prior to deployment. Assessment must include risk of using local national and TCN contractor employees vice using military or US national civilian capabilities.
- Security planning. Units must take the results of threat and vulnerability assessments and develop security plans when using local and TCN contractors. Tailored intelligence and counterintelligence support, host-nation assistance, and detailed contractor-employee screening plans must be in place. Special emphasis must be placed on local national and TCN contractor-employee access to vulnerable facilities and areas.
- Combat and Combat Service Support Operations. Predictable unit movements and support operations can lead to increased vulnerability of both personnel (to include contracted support) and facilities. Unit commanders must understand that predictability places a higher demand on the unit's ability to know the local threat, assess unit vulnerabilities, and develop self-protection measures to include force-protection/antiterrorism actions as they relate to the use of local national and TCN contractor support.

Appendix A

CONTRACTING OFFICER REPRESENTATIVE GUIDELINES

A-1. A COR is the contracting officer's designated representative who assists in the technical monitoring and administration of a contract. The COR is the requiring unit or activity or supported unit link to the contractor, using the contract administration/management process. This individual is designated in writing and must be a qualified military member (in the grade of E-5 or above)/government employee (according to the requirements established in the Defense Federal Acquisition Regulation Supplement, Part 201.602) to perform the duties and responsibilities delegated by the contracting officer.

A-2. The specific duties and responsibilities of a COR are delegated in writing by the contracting officer. Typically, a COR is responsible for assisting the contracting officer in the following areas:

- Maintaining liaison and direct communications with both the contractor and the contracting officer.
- Monitoring the contractor's performance, notifying the contracting officer of deficiencies noticed during surveillance, and recommending appropriate corrective action.
- Verifying that the contractor performed the technical and management requirements of the contract.
- Performing all necessary inspections.
- Verifying that the contractor corrected all correctable deficiencies.
- Accepting government supplies and services.
- Verifying invoices.
- When applicable, coordinating the deployment/redeployment preparation contractor employees who deploy with the force.
- Assisting in contractor-employee day-to-day management to include visibility and accountability reporting as well as other contractor operations management issues that may affect contractor or unit requirements.

A-3. Although the COR provides a vital link between the military and the contractor, there are certain limits to his authority. A COR is prohibited from:

- Making any agreement with the contractor requiring the obligation of public funds.
- Making any commitments or changes that affect price, quality, quantity, delivery, or other terms and conditions of the contract.
- Encouraging the contractor by words, actions, or a failure to act to undertake new work or an extension of existing work beyond the contract period.

Contracting Officer Representative Guidelines

- Authorizing a contractor to obtain property for use under a contract.
- Interfering with the contractor's management prerogative by "supervising" contractor employees or otherwise directing their work efforts.

Appendix B

CONTRACTOR INTEGRATION PLAN ANNEX

B-1. This appendix provides a sample of an OPLAN/OPORD annex oriented on contractors supporting military operations. It is intended to serve as a notional example annex that communicates the commander's directives and guidance concerning contractors supporting an operation. The contractor operations support plan, while not required by doctrine, can serve a valuable purpose. For operational planners and contracting professionals, it can be the single source for commander directives, guidance, and policies regarding how contractors supporting an operation are managed, deployed, supported, and protected. It encompasses all types of contractor support, originating from anywhere in the world, and serves as the critical link between the supported senior commander, the various functional support elements, contracting activities, and the supporting contractors.

NOTE: This sample annex should not be viewed as a source for communicating the Army's overall policy and doctrine for integrating and managing contractors on the battlefield; that is the purpose of AR 715-9 and this manual. To understand the contents of the annex, the reader should read and become familiar with this manual.

B-2. Notional contractor integration plan annex:

Copy ____ of ____ Copies

Third (US) Army
Fort Gillem, GA
DTG

Annex__ (Contractor Integration Plan) to Third (US) Army Operations Order 01-7527

References:

- a. Map Series ____; Sheet Numbers _____.
- b. US Central Command Operations Order 02-7527
- c. Third (US) Army Field SOP

Time Zone Used Throughout the Order: Local

Task Organization: Annex A (Task Organization)

1. SITUATION. See Basic OPORD.
2. MISSION. See Basic OPORD.
3. EXECUTION.

Sample Contractor Integration Plan

Third (US) Army Commander's Intent. See Basic OPORD.

a. General. The following are general directives and policies regarding contractor support to this operation:

- (1) The contents of this annex will be incorporated into all contracts providing support for this operation.
- (2) All units with currently existing contractor support will provide this annex to their supporting contracting activity(ies) for inclusion in their contracts.
- (3) All contractors (theater support, external support, and system), supporting this operation and located in the AO, are under the control of and will follow the policies and orders of the Commander, Third (US) Army.
- (4) The G-3, in conjunction with primary and functional staff assistance, will provide detailed planning for the management, accountability, and visibility for all contractors supporting this operation, regardless of origin of the governing contract.
- (5) Future contracts awarded in support of this operation will be IAW Appendix ___ (Contracting Support) of Annex D (Service Support) and approved by the ARB before any contract award is awarded.
- (6) The responsible senior support commander utilizing contractor support will have a contingency plan for all contracts that provide essential services in the event that the contractor is unable or refuses to provide the contracted support. See Appendix ___ (Contracting Support) of Annex D (Service Support) for more information.
- (7) Government-furnished training is provided in accordance with paragraph 3b (Deployment/Redeployment) of this annex.
- (8) Contractors are managed IAW all applicable DOD and Army regulations and paragraph 3c (Management) of this annex.
- (9) Government-furnished support is provided in accordance with paragraph 3c (Government-Furnished Support) of this annex.
- (10) Contractor force protection is executed in accordance with paragraph 3e (Force Protection) of this annex.

b. Deployment/Redeployment (with appropriate lead and supporting staff).

- (1) (G-3) All external support and system contractors, with the exception of the LOGCAP contractor, will deploy under government control. The LOGCAP contractor is authorized to self-deploy, but must be integrated into the TPFDD and obtain arrival slots for its aircraft and vessels.
- (2) (G-3) The requiring unit or activity inputs contractor deployment requirements into the TPFDD in accordance with Appendix B, FM 3-100.21. Contractors that have a direct support (habitual) relationship with a specific unit are included in the supported unit's TPFDD.
- (3) (G-1) Individual contractor employees deploying from CONUS, with the exception of the LOGCAP contractor, receive predeployment processing and specified training at

the CONUS Replacement Center, Fort Benning, GA. A letter of authorization/identification, issued by the responsible contracting officer, is required. Individual LOGCAP contractor employees receive predeployment processing and training from the LOGCAP contractor IAW the requirements specified in this annex.

- (4) (G-1) All contractor employees deploying from OCONUS, with the exception of the LOGCAP contractor, receive predeployment processing and specified training at the theater reception processing center at the APOD/ISB, in Cairo, Egypt. LOGCAP contractor employees deploying from OCONUS receive predeployment processing and training from the LOGCAP contractor IAW the requirements specified in this annex.
- (5) (G-1 and Surgeon) All external support and system contractor employees receive HIV, medical, dental, and tuberculin skin test screening during predeployment processing at the designated predeployment processing site. The employing contractor ensures that its employees are in compliance with the health, dental, and physical standards specified in FM 3-100.21 and that they have a doctor's certification that they are fit to perform their duties in the AO. Contractor employees will present their medical/dental records during predeployment processing. Any contractor employees with disqualifying conditions will not be permitted in the AO and are not entitled to any government-furnished support. Theater support contractor employees are excluded from this requirement; they are not authorized government-furnished medical support except that specified in paragraph 3e (Government-Furnished Support) of this annex.
- (6) (Surgeon) All external and system contractor employees receive immunizations as specified by the Center for Disease Control (CDC) for the AO. The specific list may be obtained by accessing the CDC Internet-based web site at www.cdc.gov/travel. Employing contractors ensure that their employees receive the following immunizations from their personal physician prior to arriving at the designated predeployment processing site: tetanus, typhoid, yellow fever, polio, MMR, and meningococcus.
- (7) (Surgeon) Contractor employees who are authorized health care support are required to bring a 90-day supply of personal medications. Refills for medication will be furnished by the in-theater medical organization.
- (8) (Surgeon) Contractor employees requiring eyeglasses will deploy with two pairs of glasses and a current prescription. Government-furnished eyeglass inserts used in chemical protective masks are provided. Emergency replacement of glasses is furnished by the government; routine replacement is the responsibility of the employing contractor.
- (9) (G-3) All external support and system contractor employees, with the exception of the LOGCAP contractor, receive the following training at the designated predeployment processing site. LOGCAP contractor employees receive the designated training from the LOGCAP contractor IAW the requirements specified in this annex.
 - (a) Geneva conventions.
 - (b) Code of conduct.
 - (c) Health and sanitation.
 - (d) Customs and courtesies for the area of operation.

Sample Contractor Integration Plan

- (e) Status of forces agreements.
 - (f) Security and force protection.
 - (g) Operational security.
 - (h) Chemical, biological, and nuclear protection.
 - (i) Driver and specialized equipment training.
- (10)(G-4) All contractor employees supporting this operation are authorized the use of OCIE and CDE in accordance with their location in the AO, the nature of their duties, and the degree of risk involved. The requiring unit or activity identifies specific requirements and obtains the necessary equipment.
- (11)(G-1 lead; G-3, G-4, and Surgeon in support) The supporting predeployment processing site accomplishes the following in support of deploying external support and system contractor employees:
- (a) Screens and verifies medical requirements, including medical and dental screening, immunizations, DNA screening, HIV testing, and tuberculin skin test screening.
 - (b) Conducts specified training and briefings.
 - (c) Issues OCIE and CDE.
 - (d) Arranges for transportation to the AO IAW TPFDD and USTRANSCOM instructions.
 - (e) Issues DD Form 1173 (Uniformed Service Identification and Privilege Card), DD Form 489 (Geneva Conventions Identity Card for Persons who Accompany the Armed Forces), personal identification tags, and medical personal identification carrier.
 - (f) Screens personnel records and enters into the designated personnel accountability system.
- (12) (G-1) All deploying external support and system contractor personnel, including those from the LOGCAP contractor, process through the in-theater reception center at the APOD/ISB, in Cairo, Egypt, for verification of accountability and issuing of operational identification. Contractors deploying with their supported units receive reception processing with the unit.
- (13) (G-1 lead; G-2, G-3, G-4, Surgeon, and PARC in support) Theater support contractor employees who provide direct support to Army forces and who require access to military facilities are either processed through the Cairo reception center or the designated forward reception center, whichever is closest to their point of origin. The designated reception center accomplishes the following in support of theater support contractor employees:
- (a) Conducts limited background/security check.
 - (b) Conducts specified training and briefings.
 - (c) Issues OCIE and CDE.
 - (d) Issues, as required, locally produced ID/access cards.
- (14) (G-4) Deploying contractor equipment is processed at the APOD/SPOD IAW TPFDD and USTRANSCOM priorities.
- (15) (G-1 lead; G-3, G-4, Surgeon, PARC in support). Redeployment of all contractor employees and equipment, either during the operation or at its termination, is IAW with this annex and instructions issued separately through FRAGO or other means.

- (a) All external support and system contractor employees, including the LOGCAP contractor employees, process through the processing center at the APOD/ISB in Cairo, Egypt, prior to departure for accountability and transportation purposes. Personnel who received their predeployment processing at Cairo also receive medical screening and return all government-issued OCIE and CDE. Personnel who received their predeployment processing at the CONUS center receive medical screening and return all government-issued OCIE and CDE there. Theater support contractors process through the same center at which they received their reception processing.
- (b) Contractor equipment will be cleaned, processed, and shipped to its destination IAW USTRANSCOM priorities and instructions.
- (c) Once redeployment processing is completed, the employing contractor arranges follow-on transportation for its employees.

c. Contractor Management (with appropriate staff lead).

- (1) (JAG) Management of contractor compliance with the specific terms and conditions of the contract is the responsibility of the established contracting structure. Commanders are NOT authorized to direct any contractor, or change or modify the terms and conditions of a contract, except through the established contracting system.
- (2) (JAG) Management of contractor employees is the responsibility of the employing contractor and does not extend to the military chain of command. Commanders are NOT authorized to direct individual contractor employees except through the contractor's management structure.
- (3) (JAG) All requiring activities have a trained COR, appointed by the appropriate contracting officer, to assist in the management of contractor support.
- (4) (G-1) Accountability of all contractor employees deploying with the force is through the TPS, the same system used for military and DAC personnel. Specific data requirements are IAW the following:
 - Name.
 - Sex.
 - Social security number (if applicable).
 - Date of birth.
 - Employment classification (DOD, non-DOD, DOD contractor, nonappropriated funds, Red Cross, other).
 - UIC affiliation.
 - Marital status.
 - Race/ethnic group.
 - Religion.
 - Passport number (if applicable).
 - Point of contact name/phone number.
 - Deployment date.
 - Blood type.

Sample Contractor Integration Plan

- Home address.
- Contract number.
- Contractor name.

(5) (All staffs as applicable) All requiring units maintain visibility for contractors providing support to Army forces in the AOR IAW ASCC OPLAN/OPORD guidance. This visibility data is forwarded through the normal chain of command to the ARFOR staff responsible for oversight of that particular contractor function. The ARFOR staff provides contractor visibility information to the ASCC commander/staff as required. Contractor visibility should contain the following information:

- Contract number.
- Contractor name.
- Type of support provided (e.g., equipment maintenance, transportation, construction, food service).
- Name of contractor's in-theater manager and office location.
- Awarding contracting office.
- Contracting officer contact information.
- COR contact information.
- Supported unit (UIC).
- Contractor workforce composition, including: total number of US citizen employees, total number of TCN employees (specify nationality), and total number of local national employees.
- Employee standard name line.
- Employee social security number (or other identification number, such as passport number, for third-country and local national employees).
- Employee home address.
- Employee point of departure.
- Employee AO location.

(7) (G-3) All contractor employees will comply with all command directives, including General Orders #1, covering conduct of personnel.

(8) (JAG) The provisions of the UCMJ DO NOT apply to contractor employees. Any discipline issues concerning contractor employees should be referred immediately to the individual's manager. If criminal activity is suspected, contact the supporting legal staff for guidance.

(9) (JAG) Removal of contractor employees from the theater for disciplinary reasons, and their replacement, are at the employing contractor's expense.

(10) (JAG) Contractor employees will not be placed in a position that jeopardizes their status as a civilian authorized to accompany the force in the field, such as participation in offensive operations.

d. Government-Furnished Support.

(1) (G-4 and JAG) All GFE, including vehicles, are furnished to a contractor IAW the specific terms and conditions of the applicable contract.

- (2) (G-4) Units or organizations providing GFE, including vehicles, will ensure that proper property accountability procedures contained in AR 710-2 and AR 735-5 are followed.
- (3) (G-4) The requiring unit or activity provides or arranges for any maintenance and fuel support for GFE provided to a contractor.
- (4) (JAG) Government-furnished services, such as telecommunications resources, maintenance and fuel support to contractor-furnished equipment and vehicles, is provided IAW the specific terms and conditions of the applicable contract.
- (5) (Engineer) All facilities utilized by external support and system contractors is provided or arranged for by the government, through the appropriate staff engineer. Contractors specify facility requirements during contract negotiations. Theater support contractors utilize their existing facilities unless additional facilities are required. In that case, these requirements are identified during contract negotiations so the government can make arrangements for them.
- (6) (G-4) Government-furnished transportation is provided to all external and system contractors, except the LOGCAP contractor, IAW the specific terms and conditions of the applicable contract and paragraph 3c (Deployment/Redeployment) of this annex. The LOGCAP contractor provides its own transportation support for this operation.
- (7) (G-4) Lodging and subsistence support is furnished to all external and system contractor employees on a non-reimbursable basis. Theater support contractor employees receive non-reimbursable subsistence support when working away from their normal source of rations.
- (8) (G-1) All US citizen external support and system contractor employees are authorized postal service through the MPS. Local nationals and non-US contractor employees receive postal support as arranged by the employing contractor.
- (9) (Surgeon) Health care, including medical, dental, and pharmaceutical, is furnished to all external and system contractor employees on a non-reimbursable basis. Theater support contractor employees are NOT authorized government-furnished health care, except in job-related situations, and only on an emergency basis.
- (10) (Surgeon) Occupational health and preventative medicine inspections, screenings, and remedial treatment is provided to all contractor employees and animals, regardless of their status.
- (11) (Chaplain) Religious support is furnished to all contractor employees IAW the religious support annex of this OPORD.
- (12) (JAG) Legal support to contractor employees is the responsibility of the employing contractor.
- (13) (G-4 and G-1) The government provides mortuary affairs support to ALL contractor employees. Notification of next of kin for deceased contractor employees is the responsibility of the government for US citizen employees and the employing contractor for non-US citizen employees.

e. Force Protection.

Sample Contractor Integration Plan

- (1) (G-3) Currently, there are no restrictions regarding where supporting contractors may provide support within the AO. The Third (US) Army G-3 will put out any changes to this policy.
- (2) (G-3) Per local risk assessments, military forces provide necessary force protection for contractor employees working within their AO.
- (3) (G-3) All contractors supporting this operation comply with force-protection guidelines issued by this headquarters and contained in this annex, including travel security requirements and off-limits restrictions. Commanders may waive the two-driver rule for contractor employees within their AO on a case-by-case basis.
- (4) (G-3 and G-4) All contractors coordinate local travel of their employees within the AO with the appropriate operations and transportation staff.
- (5) (G-3) Contractor employees are NOT authorized to carry weapons. Contractor employees violating this directive will be immediately removed from the theater and replaced at the employing contractor's expense.
- (6) (G-3 and G-4) All contractor employees are issued and trained to properly wear OCIE and CDE.
- (7) (G-3) Contractor employees supporting this operation are NOT authorized to wear BDUs/DCUs or any other military-looking uniform with the exception of individual protective gear.
- (8) (G-3) All contractor employees receive training in the Geneva convention, code of conduct, status of forces agreements, safety, security, and NBC training.
- (9) (Engineer) All external support and system contractor employees reside in government-furnished lodging. Theater support contractor employees reside at their normal residence unless required to work in a location too distant, in which case government-furnished lodging is used.

4. SERVICE SUPPORT: See Basic OPORD.

5. COMMAND AND SIGNAL

a. Command.

- The G-3, Third (US) Army, ensures that contractors are properly integrated into the operation. The PARC, Third (US) Army, is responsible for the overall management of theater support contractors. The senior support commands utilizing contractor support and associated Third (US) Army staff manage contractor support within their functional area.
- CORs are appointed for all contracts supporting this operation.

b. Signal.

- All contractors supporting this operation must interface with military communication systems. Contractors will comply with all security requirements and procedures.

- The supporting signal unit commander assists contractors in establishing interface with military communications systems.

ACKNOWLEDGE:

OFFICIAL:

**BARNES
G4**

**LEWI
GEN**

Appendix C

**EXAMPLE LETTER OF
AUTHORIZATION/IDENTIFICATION**

DEPARTMENT OF THE ARMY
HEADQUARTERS, US ARMY COMMUNICATIONS-ELECTRONICS COMMAND
AND FORT MONMOUTH
FORT MONMOUTH, NEW JERSEY 07703-5000

AMSEL-LC-RE-FM

15 Nov 00

TO: Whom It May Concern

SUBJECT: Letter of Authorization/Identification

Mr. John Doe, 555-55-5555, equivalent grade of GS-12, the bearer of this letter, is an employee of XYZ, Inc. which has a contract with this agency under government contract number GS-02-T98-CJA-0105. The contract period of performance is from 1 October 2000 to 30 September 2001. **The named bearer is not eligible or authorized to use available travel discounts in accordance with government contracts or agreements. Government contract city pair fares are not available to contractors.** Additionally, the named bearer is authorized to use government-furnished transportation if commercially available transportation is not available or is not cost effective.

In accordance with the Joint Travel Regulation, VOL II, Mr. Doe is entitled to all discounts (hotel, rental car, etc.) given to civilian personnel working for the Department of Defense.

Mr. Doe is additionally authorized to utilize government-furnished services and facilities, to include post exchange, commissary, care and treatment at medical and dental facilities, and use of government messing, billeting, and MWR facilities.

Mr. Doe will depart Fort Monmouth, NJ, for Fort Benning, GA; Seckenheim, Germany; Scopje, Macedonia; and Kosovo on or about 20 November 2000, and return to Fort Monmouth, NJ, after outprocessing through Fort Benning, GA, on or about 20 November 2001. He will support KFOR, TFF, and NATO missions as outlined by the 5th Signal Command. Ultimate unit of assignment is 17th Signal Battalion. Mr. Doe has a current security clearance of SECRET.

Excess baggage authorized: 3 bags, 60 pounds each.

Marvin T. Schultz
Contracting Officer

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Appendix D

HEALTH ASSESSMENT QUESTIONNAIRES

This appendix contains two recommended health assessment questionnaires that may be used by medical personnel when conducting predeployment and redeployment medical screening. These questionnaires, filled out by the concerned contractor employee, are used along with provided medical records to assess whether or not an individual is medically fit to deploy to an AO and to assess possible long-term health impacts upon their return.

Pre-Deployment Health Assessment Questionnaire

INSTRUCTIONS: Please read each question carefully before marking your selections. Provide a response for each question. If you do not understand a question, ask the medical administrator conducting the medical screening.

DEMOGRAPHICS

Today's date (mm/dd/yy)

Anticipate deployment to

Last name

First name

Middle initial

Social security number
(or other identification number
if not a US citizen)

Date of birth

Gender

- Male
- Female

Supported military component (select only one)

- Army
- Air Force
- Navy

Health Assessment Questionnaires

Marine Corps

Citizenship category (select only one)

US

TCN (list nationality) _____

Local national (list nationality) _____

HEALTH ASSESSMENT

1. Would you say your health in general is

Excellent

Very good

Good

Fair*

Poor*

2. During the past 90 days, how often did you seek medical care for an illness?

Never

Once

2-4 times*

5 or more times*

3. During the past 90 days, how often did you seek medical care for an injury?

Never

Once

2-4 times*

5 or more times*

4. During the past 90 days, how many days of work did you miss due to illness or injury?

None

1-6 days

7-15 days*

16 or more days*

5. During the past year, did you stay in any hospital or medical facility overnight or longer?

No

Yes*

6. Are you currently on light duty or other work restrictions?

No

Yes*

7. Do you currently have any dental problems?

No

Yes*

8. Do you currently have any medical problems?

No

Yes*

9. Do you have any allergies?

- No
- Yes*

10. Are you regularly taking any medications? (select all that apply)

- No, I am not taking any medications
- Over-the-counter medications
- Prescription medication*
- Birth control pills
- Vitamins
- Herbal supplements
- Malaria pills*

11. If you are taking prescription medications or birth control pills, do you have enough to last 90 days?

- No*
- Yes
- Not applicable

12. (For females) What was the result of your last PAP smear? Date of last WWE/PAP _____

- Normal
- Abnormal*
- Don't know*

13. (For females) Are you pregnant?

- No
- Yes
- I am not sure*

QUESTIONS 14-16 PERTAIN TO YOUR MENTAL HEALTH, WHICH INCLUDES ALCOHOL PROBLEMS, STRESS, DEPRESSION, AND EMOTIONAL PROBLEMS.

14. During the last 30 days, how many days was your mental health not good?

- None
- 1-5 days
- 6-10 days
- 11-15 days*
- 16 or more days*

15. During the last 30 days, how many days did your mental health keep you from your usual activities, such as self-care, work, or recreation?

- None
- 1-5 days
- 6-10 days
- 11-15 days*
- 16 or more days*

16. During the past year, have you sought counseling or care for your mental health?

- No
- Yes*

17. During the past 30 days, have you seriously considered injuring yourself or others?

Health Assessment Questionnaires

- No
- Yes*

18. Have you ever suffered or sought treatment for any heat related injury such as heat stroke?

- No
- Yes*

19. Have you ever suffered or sought treatment for a cold injury such as frost bite or immersion foot?

- No
- Yes*

20. Do you currently have any questions or concerns about your health?

- No
- Yes*

21. Do you have concerns about exposure (such as environmental or work-related) that may affect your health?

- No
- Yes*

*Denotes that health care provider must follow-up!

END OF QUESTIONNAIRE

**Pre-Deployment Health Provider Review
(for health provider only)**

REVIEW

Indicate status of each of the following:

Yes	No	N/A	
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Medical threat briefing completed
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Medical information sheet distributed
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Pre-deployment serum specimen collected
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Exposure concerns reviewed (if yes, indicate type of exposure(s) reviewed)
			<u>X</u> <u>Exposure Type</u>
			<input type="checkbox"/> Environment (air/soil/water)
			<input type="checkbox"/> NBC warfare risks
			<input type="checkbox"/> Immunizations
			<input type="checkbox"/> Chemoprophalaxis
			<input type="checkbox"/> Infectious diseases
			<input type="checkbox"/> Occupational exposures (chemical, physical, biological)
			<input type="checkbox"/> Other (list) _____
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Referred for further evaluation(s) (if yes, indicate type(s) of referral and disposition(s))
			<u>X</u> <u>Referral Type</u>
			<input type="checkbox"/> Physical examination
			<input type="checkbox"/> Dental examination

FM 3-100.21 (100-21)

- Infectious and parasitic diseases
- Neoplasm
- Endocrine-nutrition and metabolic disorders and immunity disorders
- Diseases of the blood and blood-forming organs
- Mental disorders
- Diseases of the nervous system and sense organs
- Diseases of the circulatory system
- Diseases of the respiratory system
- Diseases of the digestive system
- Diseases of the genitourinary system
- Diseases or conditions of the reproductive system
- Diseases of the skin and subcutaneous tissue
- Diseases of the musculoskeletal system and connective tissue
- Symptoms and signs of ill-defined conditions
- Injury and poisoning
- Other, list _____

Final medical disposition: Deploy Not Deploy (If not deployable, explain why)

I certify that this screening process has been completed.

Medical provider's signature and stamp:

Date:

Health Assessment Questionnaires

Redeployment Health Assessment Questionnaire

INSTRUCTIONS: Please read each question carefully before marking your selections. Answer each question. If you do not understand a question, ask the medical administrator conducting the medical screening.

DEMOGRAPHICS

Today's Date (mm/dd/yy)

Anticipate deployment to

Last name

First name

Middle initial

Social security number
(or other identification number
if not a US citizen)

Date of birth

Gender

- Male
- Female

Supported military component (select only one)

- Army
- Air Force
- Navy
- Marine Corps

Citizenship category (select only one)

- US
- TCN (list nationality) _____
- Local national (list nationality) _____

HEALTH ASSESSMENT

1. Would you say your health in general is—

- Excellent
- Very good
- Good
- Fair*
- Poor*

2. Compared to before you were deployed, would you say your health in general is—
 - Much better now
 - Somewhat better now
 - About the same now
 - Somewhat worse now*
 - Much worse now*
3. During this deployment, how often did you seek medical care for an illness?
 - Never
 - Once
 - 2-4 times
 - 5 or more times*
4. During this deployment, how often did you seek medical care for an injury?
 - Never
 - Once
 - 2-4 times
 - 5 or more times*
5. During this deployment, how many days of work did you miss due to illness?
 - None
 - 1-6 days
 - 7-15 days*
 - 16 days or more*
6. During this deployment, how many days of work did you miss due to injury?
 - None
 - 1-6 days
 - 7-15 days*
 - 16 days or more*
7. During this deployment, did you stay in any hospital or medical facility overnight or longer?
 - No
 - Yes*
8. Are you currently on light duty or other work restrictions??
 - No
 - Yes*
9. Do you currently have any dental problems?
 - No
 - Yes*
10. Do you currently have any medical problems?
 - No
 - Yes*
11. Are you regularly taking any medications? (select all that apply)
 - No, I am not taking any medications
 - Over-the-counter medications
 - Prescription medication*
 - Birth control pills

Health Assessment Questionnaires

Malaria pills*

12. (For females) Are you pregnant?

- No
- Yes
- I am not sure*

QUESTIONS 13-15 PERTAIN TO YOUR MENTAL HEALTH, WHICH INCLUDES ALCOHOL PROBLEMS, STRESS, DEPRESSION AND EMOTIONAL PROBLEMS

13. During the last 30 days, how many days was your mental health not good?

- None
- 1-5 days
- 6-10 days
- 11-15 days*
- 16 or more days*

14. During the last 30 days, how many days did your mental health keep you from your usual activities, such as self-care, work, or recreation?

- None
- 1-5 days
- 6-10 days
- 11-15 days*
- 16 or more days*

15. During this deployment, have you sought counseling or care for your mental health?

- No
- Yes*

16. During this deployment, have you seriously considered injuring yourself or others?

- No
- Yes*

17. Do you have concerns about exposure (such as environmental or work-related) during this deployment that you feel may affect your health?

- No
- Yes*

18. During this deployment, have you suffered or sought treatment for any heat-related injury such as heat exhaustion?

- No
- Yes*

19. During this deployment, have you suffered or sought treatment for a cold injury such as frost bite or immersion foot?

- No
- Yes*

20. Do you currently have any questions or concerns about your health?

- No
- Yes*

* Denotes that health care provider must follow-up!

END OF QUESTIONNAIRE

**Redeployment Health Provider Review
(for health provider only)**

REVIEW

Indicate status of each of the following:

Yes	No	N/A
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

Medical threat briefing completed
 Medical information sheet distributed
 Pre-deployment serum specimen collected
 Exposure concerns reviewed
 (if yes, indicate type of exposure(s) reviewed)

Exposure Type
 Environment (air/soil/water)
 NBC warfare risks
 Immunizations
 Chemoprophalaxis
 Infectious diseases
 Occupational exposures (chemical, physical, biological)
 Others, list _____

<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
--------------------------	--------------------------	--------------------------

Referred for further evaluation(s)
 (if yes, indicate type(s) of referral and disposition(s))

Referral Type
 Physical examination
 Dental examination
 Infectious and parasitic diseases
 Neoplasm
 Endocrine-nutrition and metabolic disorders and immunity disorders
 Diseases of the blood and blood-forming organs
 Mental disorders
 Diseases of the nervous system and sense organs
 Diseases of the circulatory system
 Diseases of the respiratory system
 Diseases of the digestive system
 Diseases of the genitourinary system
 Diseases or conditions of the reproductive system
 Diseases of the skin and subcutaneous tissue
 Diseases of the musculoskeletal system and connective tissue
 Symptoms and signs of ill-defined conditions
 Injury and poisoning
 Other, list _____

Health Assessment Questionnaires

Final medical disposition: Deploy Not Deploy (If not deployable, explain why)

I certify this screening process has been completed.

Medical provider's signature and stamp:

Date:

Glossary

AAFES	Army/Air Force Exchange Service
ABCS	Army Battle Command Systems
ACO	Administrative Contracting Officer
AIT	automated information technology
AMC	Air Mobility Command
AO	area of operation
AOR	area of responsibility
APOD	aerial port of debarkation
APOE	aerial port of embarkation
AR	Army Regulation
ARB	Acquisition Review Board
ARINC	Aeronautical Radio Inc.
ARFOR	Army Forces
ASA(ALT)	Assistant Secretary of the Army, (Acquisition, Logistics and Technology)
ASCC	Army Service Component Commander
AT	antiterrorist
BCF	Basic Core Formulary
C2	command and control
CDE	chemical defense equipment
CLPSB	combatant commanders logistics procurement support board
CLS	contracted logistic support

Glossary

COMSEC	communications security
CONUS	Continental United States
COA	Courses of Action
COR	contracting officer's representative
COSCOM	corps support command
CRAF	Civil Reserve Air Fleet
CREST	Corps Real Estate Support Team
CRC	CONUS Replacement Center
CS	combat support
CSAR	Combat search and rescue
CSS	combat service support
DAC	Department of the Army civilian
DACG	departure airfield control group
DCMA	Defense Contract Management Agency
DCSLOG	Deputy Chief of Staff, Logistics
DFARS	Defense Federal Acquisition Supplement
DHP	Defense Health Program
DISCOM	division support command
DLA	Defense Logistics Agency
DOB	date of birth
DOD	Department of Defense
DODI	Department of Defense Instruction
EAC	echelons above Corps
EAD	echelons above division

Emergency Care	Medical treatment of patients with severe life-threatening or potentially disabling conditions resulting from accident or illness of sudden onset. These conditions necessitate immediate care to prevent undue suffering or loss of life or limb. Dental treatment for relief of painful or acute condition.
FM	Field Manual
FP	force protection
FORSCOM	Forces Command
FTX	field training exercise
GFE	government furnished equipment
GPMRC	Global Patient Movement Requirements Center
HCA	Head of Contracting Activity: A general officer, usually the senior commander in the theater, who provides overall contracting guidance; serves as the approving authority for contracting; and appoints the PARC. All contracting authority in a theater flows from the HCA to the PARC.
HQDA	Headquarters, Department of the Army
Host Nation	A nation which receives the forces and/or supplies of allied nations and/or organizations to be located on, to operate in, or to transit through its territory.
HNS	host nation support: civil and/or military assistance rendered by a nation to foreign forces within its territory during peacetime, times of crisis, emergency, or war, based upon agreements mutually

Glossary

	concluded between nations.
ICS	interim contracted logistic support
IDS	individual deployment site
IPB	Intelligence preparation of the battlefield
IPE	individual protective equipment
ITV	in-transit visibility
JAG	Judge Advocate General
JARB	Joint Acquisition Review Board
JCS	Joint-Chiefs-of-Staff
JCSP	joint contracting support plan
JFC	joint forces command
Joint Operations	Operations carried on by two or more of the Armed Forces of the United States (Army, Navy, Air Force).
JOPES	Joint Operation Planning and Execution System
JP	Joint Publication
JTF	Joint Task Force
LAO	logistics assistance officer
LOC	lines of communication
LOGCAP	Logistics Civil Augmentation Program
LPB	Logistics preparation of the battlefield
LSE	logistics support element
MACOM	major army command
MCX	Marine Corps Exchange
MDMP	Military decision-making process
METT-TC	mission, enemy, terrain, troops, time available, and civil considerations

MMR	measles, mumps, rubella
MOG	maximum on ground
MPS	Military Postal Service
MSE	mobile subscriber equipment
MTF	medical treatment facility
MTMC	Military Traffic Management Command
MTP	Mission Training Plan
MTW	Major theater war
MWR	morale, welfare and recreation
Nation Assistance	Civil and/or military assistance rendered to a nation by foreign forces within that nation's territory during peacetime, crises or emergencies, or war, based on agreements mutually concluded between nations.
NBC	nuclear, biological, and chemical
NCA	National Command Authorities
NEX	Navy Exchange
NRP	non-unit related personnel
OCIE	organizational clothing and individual equipment
OPCON	operational control
OPLAN	operations plan
OPORD	operation order
OPSEC	operations security

Glossary

PARC	Principal Assistant Responsible for Contracting: a special staff officer, is the ASCC or mission commander's senior Army acquisition advisor responsible for planning and managing all Army contracting functions within the theater.
PCO	Procuring Contracting Officer
PEO	Program Executive Officer
PM	Program Manager
POC	point-of-contact
POD	port of debarkation
POE	port of embarkation
Routine care	Routine medical care is nonemergency care that is required and medically indicated. Routine dental is all care necessary to maintain dental health and function other than care of an emergency or elective nature.
RSO&I	reception, staging, onward movement, and integration
SERE	Survival, escape, resistance and evasion
SITA	Societe International de Telecommunications Aeronautiques
SJA	Staff Judge Advocate
SOO	statement of objectives
SOW	statement of work
SPOD	seaport of debarkation
STX	situational training exercise

TACC	Tanker Airlift Command Center
TALCE	Tanker Airlift Control Element
TCO	Terminating Contracting Officer
TPFDD	time-phased force and deployment data
TPMRC	Theater Patient Movement Requirements Center
TPS	tactical personnel system
TSC	theater support command
TSP	training support package
UCMJ	Uniform Code of Military Justice
UIC	unit identification code
ULN	unit line number
UMT	Unit Ministry Team
US	United States
UTC	unit type code
USACE	US Army Corps of Engineers
USAMC	US Army Materiel Command
USAREUR	US Army Europe
USARPAC	US Army Pacific
USO	United Services Organization
USTRANSCOM	US Transportation Command

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EXHIBIT 41

Joint Publication 4-0



Doctrine for Logistic Support of Joint Operations



6 April 2000



As long as our Armed Forces continue to be committed around the globe, our ability to deploy and sustain them will remain a top priority. We must continue to integrate the unique logistic capabilities of all our Services in the most efficient manner possible. Limited resources dictate that the Services must adjust the size of their inventories to take advantage of improved business practices and information technology. Doing this will reduce storage and handling costs while improving overall responsiveness and force readiness. As logistics migrate from a supply-based to a distribution-based system, it is vitally important that we capitalize on new and developing technologies to enhance responsiveness, visibility, and access to logistic resources.

Thus, while we continue to refine our current logistic doctrine, this revision of Joint Publication 4-0 makes the first reference to *focused logistics*. This is in recognition of the fact that a transformation in how we conduct logistics is underway. More importantly, some of the focused logistic elements are already being implemented. The route of sustainment — from point of supply to user — is the lifeblood of our combat power.



HENRY H. SHELTON
Chairman
of the Joint Chiefs of Staff

PREFACE

1. Scope

This publication is the keystone document of the logistic support of joint operations series. It provides doctrine for logistic support of joint and multinational (allied and coalition) operations.

2. Purpose

This publication has been prepared under the direction of the Chairman of the Joint Chiefs of Staff. It sets forth doctrine to govern the joint activities and performance of the Armed Forces of the United States in joint operations and provides the doctrinal basis for US military involvement in multinational and interagency operations. It provides military guidance for the exercise of authority by combatant commanders and other joint force commanders and prescribes doctrine for joint operations and training. It provides military guidance for use by the Armed Forces in preparing their appropriate plans. It is not the intent of this publication to restrict the authority of the joint force commander (JFC) from organizing the force and executing the mission in a manner the JFC deems most appropriate to ensure unity of effort in the accomplishment of the overall mission.

3. Application

a. Doctrine and guidance established in this publication apply to the commanders of combatant commands, subunified commands, joint task forces, and subordinate components of these commands. These principles and guidance also may apply when significant forces of one Service are attached to forces of another Service or when significant forces of one Service support forces of another Service.

b. The guidance in this publication is authoritative; as such, this doctrine will be followed except when, in the judgment of the commander, exceptional circumstances dictate otherwise. If conflicts arise between the contents of this publication and the contents of Service publications, this publication will take precedence for the activities of joint forces unless the Chairman of the Joint Chiefs of Staff, normally in coordination with the other members of the Joint Chiefs of Staff, has provided more current and specific guidance. Commanders of forces operating as part of a multinational (alliance or coalition) military command should follow multinational doctrine and procedures ratified by the United States. For doctrine and procedures not ratified by the United States, commanders should evaluate and follow the multinational command's doctrine and procedures, where applicable.

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EXECUTIVE SUMMARY

COMMANDER'S OVERVIEW

- **Covers Authorities and Responsibilities for Logistic Operations**
- **Provides Logistic Principles and Considerations**
- **Discusses Logistic Planning**
- **Gives Guidance on Logistics at the Theater Level**

General Logistic Overview

Logistics is the process of planning and executing the projection, movement and sustainment, reconstitution, and redeployment of operating forces in the execution of national security policy.

The **science of logistics** concerns the integration of strategic, operational, and tactical sustainment efforts within the theater, while scheduling the mobilization and deployment of units, personnel, equipment, and supplies in support of the employment concept of a geographic combatant commander. The relative combat power that military forces can bring to bear against an enemy is constrained by a nation's capability to plan for, gain access to, and deliver forces and materiel to the required points of application across the range of military operations.

Logistic functions include:

Supply

Maintenance

Transportation

Civil engineering

Health services

Other services

Supply is the function of acquiring, managing, receiving, storing, and issuing the materiel required by forces. **Maintenance** includes actions taken to keep materiel in a serviceable condition or to upgrade its capability. **Transportation** is the movement of units, personnel, equipment, and supplies from the point of origin to the final destination. **Civil engineering** provides the construction, operation, maintenance, damage repair, and reconstitution of facilities, roads, and utilities and logistic infrastructure. **Health services** includes medical evacuation, hospitalization, medical logistics, medical laboratory services, blood management, vector control, preventive medicine services, veterinary services, and dental services. **Other services** are nonmaterial support activities provided by Service personnel and the logistic community that are essential to force support. For each of the above functional areas, the combatant commander should consider these four elements of the joint theater logistic process: **procurement and contracting, distribution, sustainment, and disposition and disposal.**

Responsibilities for Joint Theater Logistics

Combatant commanders exercise directive authority for logistics.

The exercise of **directive authority for logistics** by a combatant commander includes the authority to issue directives to subordinate commanders. Combatant commanders exercise **combatant command (command authority) (COCOM)** over assigned forces. **COCOM includes directive authority for logistics**, giving the combatant commander the unique ability to shift logistic resources within the theater. This directive authority ensures the effective execution of approved operation plans, the effectiveness and economy of the operation, and the prevention or elimination of unnecessary facility duplication and overlapping functions. It also promotes synchronization of effort and builds cohesion among the Service component commands in supporting the combatant commander.

Services and Service components implement.

Implementation and execution of logistic functions remain the responsibility of the Services and the Service component commanders.

Services provide own logistic support.

Each Service is responsible for the logistic support of its **own forces**, except when logistic support is otherwise provided for by agreements with national agencies or allies, or by assignments to common, joint, or cross-servicing.

Combatant commanders establish priorities.

The combatant commander will **review requirements** of the Service component commands and **establish priorities** through the approved deliberate and crisis action planning processes to use supplies, facilities, mobility assets, and personnel effectively.

Subordinate joint forces will normally follow single-Service logistic support channels.

Logistic responsibilities for subordinate forces to the combatant command will follow **single-Service command channels**, except when specifically directed otherwise either by the authority assigning those subordinate forces to the combatant command or by the Secretary of Defense; when common, joint, cross-servicing, or inter-servicing agreements and procedures provide other responsibilities; or when the geographic combatant commander gives the commander of a subordinate joint force directive authority for a common support capability within that subordinate commander's joint operations area.

Combatant commanders coordinate supply support between Service components.

Combatant commanders are responsible for **allocating critical resources, coordinating supply support** among the Service components, establishing **supply buildup rates**, and authorizing **theater stockage levels**.

Commanders of Service component commands are responsible for logistic support of their forces.

Subject to combatant commanders' responsibility and authority, commanders of the Service component commands are responsible for **logistic support of their forces** and direct communication with appropriate headquarters on all supply matters.

Multinational (allied and coalition) forces often require some support beyond their organic capabilities.

Although **nations are ultimately responsible for providing logistic support for their own forces**, the capability of participating nations' forces to support themselves organically will vary widely in multinational (allied and coalition) operations. Substantial non-organic support may be supplied by contractors, host nations, or other participating nations, but such logistic needs must be identified during the planning phase. The capability of allies and coalition partners to logistically support a multinational operation must be carefully considered, since they may serve as both a source and a competing demand for logistic support. Combatant commanders must be attuned to this, and should strive to negotiate, conclude and integrate the use of acquisition and cross-servicing agreements and associated implementing arrangements for use in time of crisis.

The geographic combatant commander is responsible for supplies for civilians.

The geographic combatant commander is responsible for **provision of supplies for Department of Defense civilians** in occupied areas in accordance with current directives, obligations, and treaties the United States recognizes.

The geographic combatant commander is responsible for a distribution network, maintenance, salvage, construction facilities engineering, base development, coordinating health services, and other services.

The geographic combatant commanders are responsible for maintaining an **effective distribution network** and exercising visibility and positive control of personnel, materiel, and services. The combatant commanders are responsible for coordinating **maintenance and salvage**; establishing **bases**; coordinating **real estate requirements**; and planning, constructing, and maintaining **roads, bridges, utilities, and facilities**. Geographic combatant commanders are also responsible for coordinating and integrating **health service support** and the search, recovery, identification, care, and evacuation or disposition of **deceased personnel** within their theaters. The **Services** are normally responsible for **facility acquisition** funding and support. In contingency operations, one Service or agent is normally assigned base operations support responsibility for all Services in a particular area or base; thus they are responsible for facility acquisition funding for all Services.

The Commander in Chief, US Transportation Command provides strategic common-user air, land, and sea transportation and terminal services.

The Commander in Chief, US Transportation Command (USCINCTRANS) has the mission to provide **common-user air, land, and sea transportation and terminal services** to deploy, employ, sustain, and redeploy military forces in order to meet national security objectives throughout the range of military operations. Combatant commanders coordinate their movement requirements and required delivery dates with USCINCTRANS. Geographic combatant commanders retain command of Service component transportation assigned or attached to the theater.

Joint Logistic Planning

The combatant commanders' operation plans should have logistic implications coordinated at all levels.

Proper logistic deliberate planning will reduce the need for emergency measures and improvisations, which are usually expensive and often have an adverse effect on subordinate and adjacent commands. Supported combatant commanders, in coordination with United States Transportation Command, balance the transportation flow of the joint force through effective employment planning. Balance is primarily a function of force composition and transportation flow, but planned theater distribution and joint reception, staging, onward movement, and integration capabilities must also be considered. Logistic planners must focus on seamless deployment, distribution, and sustainment in order to properly enable the employment concept of the mission or task.

Logistic planning should be done at the strategic, operational, and tactical levels.

The combatant commander's strategic logistic concept will focus on the ability to generate and move forces and materiel into the theater base and on to desired operational locations where operational logistic concepts are employed. Tactical planning is done primarily by the Service components.

Special logistic planning considerations include demands of an expanding force, critical items, bottlenecks, movement control, and civilian supply sources.

Planners must identify and assess **critical or key issues** unique to a specific operation plan they must support. These issues include the increased demand associated with an **expanding force; critical supply items**; flow or process **constraints**; control of **all means of transportation** (including those provided by allies and host nations); **critical infrastructure protection** and the **resourcing of supplies and services** from civilian, coalition, and allied sources.

The influence of the combatant commander is essential in bridging any operations-logistic gap.

Combatant commanders must ensure that their campaign plans fully **integrate operational and logistic capabilities**. The influence of the combatant commander is essential in bridging any operations-logistic gap.

The logistic system integrates intertheater and intratheater transportation.

The logistic system includes projection, movement, sustainment, reconstitution, and redeployment of forces. Key areas to address during planning include **lines of communications, the theater transportation network, specialized units, allied and coalition support, support and movement of displaced civilians, and host-nation support.** Considerations in developing a logistic system include logistics sourcing, distribution, geography, weather, transportation, logistic capability, asset visibility, logistic enhancements, logistic resources within the theater, availability of existing logistic facilities and options for purchase, lease, or construction of other facilities, logistic infrastructure protection, echelon of support, contracted support, assignment of responsibility, and availability of host-nation support.

The theater strategic logistic concept is derived from the estimate of logistics supportability of one or more of the courses of action.

The theater logistic concept should derive from the **estimate of logistic supportability** of one or more courses of action. It is the coordinated assessment by logistic planners in which the capabilities and resources of the combatant commander's components will be employed to provide supply, maintenance, transportation, health, and engineering services.

CONCLUSION

Logistics is the foundation of combat power. Combatant commanders exercise directive authority for logistics. This includes the authority to issue subordinate commanders directives (including peacetime measures) necessary to ensure the effective execution of approved operation plans. Directives also address the effectiveness and economy of operation, the prevention or elimination of unnecessary facility duplication, overlapping of functions among the Service component commands, and the acceptance of operational risk of foregoing logistic implications. The logistic implications of a combatant commander's operation plan must be continuously updated and coordinated at all levels, through all phases of operation, and take into account prospective allies, coalition partners, and international organizations.

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CHAPTER I

AUTHORITIES AND RESPONSIBILITIES FOR LOGISTIC OPERATIONS

“Strategy is to war what the plot is to the play; Tactics is represented by the role of the players; Logistics furnishes the stage management, accessories, and maintenance. The audience, thrilled by the action of the play and the art of the performers, overlooks all of the cleverly hidden details of stage management.”

Lt Col George C. Thorpe
Pure Logistics, 1917

1. General

a. **Logistics.** Logistics is the science of planning and carrying out the movement and maintenance of forces. In its most comprehensive sense, those aspects of military operations which deal with: a. design and development, acquisition, storage, movement, distribution, maintenance, evacuation, and disposition of materiel; b. movement, evacuation, and hospitalization of personnel; c. acquisition or construction, maintenance, operation, and disposition of facilities; and d. acquisition or furnishing of services. Major logistic areas of responsibility are shown in Figure I-1. The science of logistics concerns **integration of the strategic, operational, and tactical sustainment efforts**, while scheduling the mobilization and deployment of units, personnel, equipment, and supplies in support of the employment concept of a geographic combatant commander. The relative **combat power** that military forces can bring to bear against an enemy is **enabled by a nation’s capability to plan for, gain access to, and deliver forces and materiel** to the required points of application across the range of military operations. A nation’s capability to deliver logistic resources has historically been a **major factor** in military operations. **Mobilization** may serve as an enabler to projecting combat power by assembling or making available manpower, industrial and economic, military, or legal resources, using a graduated response process.



Figure I-1. Major Logistic Areas

Refer to JP 4-05, “Joint Doctrine for Mobilization Planning.”

b. **Levels of Logistic Support.** Joint doctrine states that there are **three interrelated levels of war — strategic, operational, and tactical.** These same levels apply to operations in war and peace. The Joint Staff and Service staffs concentrate on strategic logistics matters. Serving as supported commanders, the geographic combatant commanders as well as supporting commands and agencies link strategic and operational level logistics to support their assigned missions. Subordinate commanders blend operational logistic and tactical support to accomplish tasks assigned by the commander of a combatant command (CINCPAC). The efforts of logisticians at each level form a single, integrated logistic system connecting the nation's economy to its warfighting forces. Figure I-2 shows a battlefield framework for this organization. All levels of support affect the sustainability of forces operating at the tactical level of war.

c. **Logistic Functions.** Logistic support requirements involve **six broad functional areas:** supply, maintenance, transportation, civil engineering, health services, and other services (see Figure I-3).

- **Supply** includes actions to acquire, manage, receive, store, and issue the materiel required by the operating forces to equip and sustain the force from deployment through combat operations and their redeployment.
- **Maintenance** includes actions taken to keep materiel and equipment in a serviceable condition, to return it to service, or to update and upgrade its capability.
- **Transportation** is the movement of units, personnel, equipment, and supplies from the point of origin to the

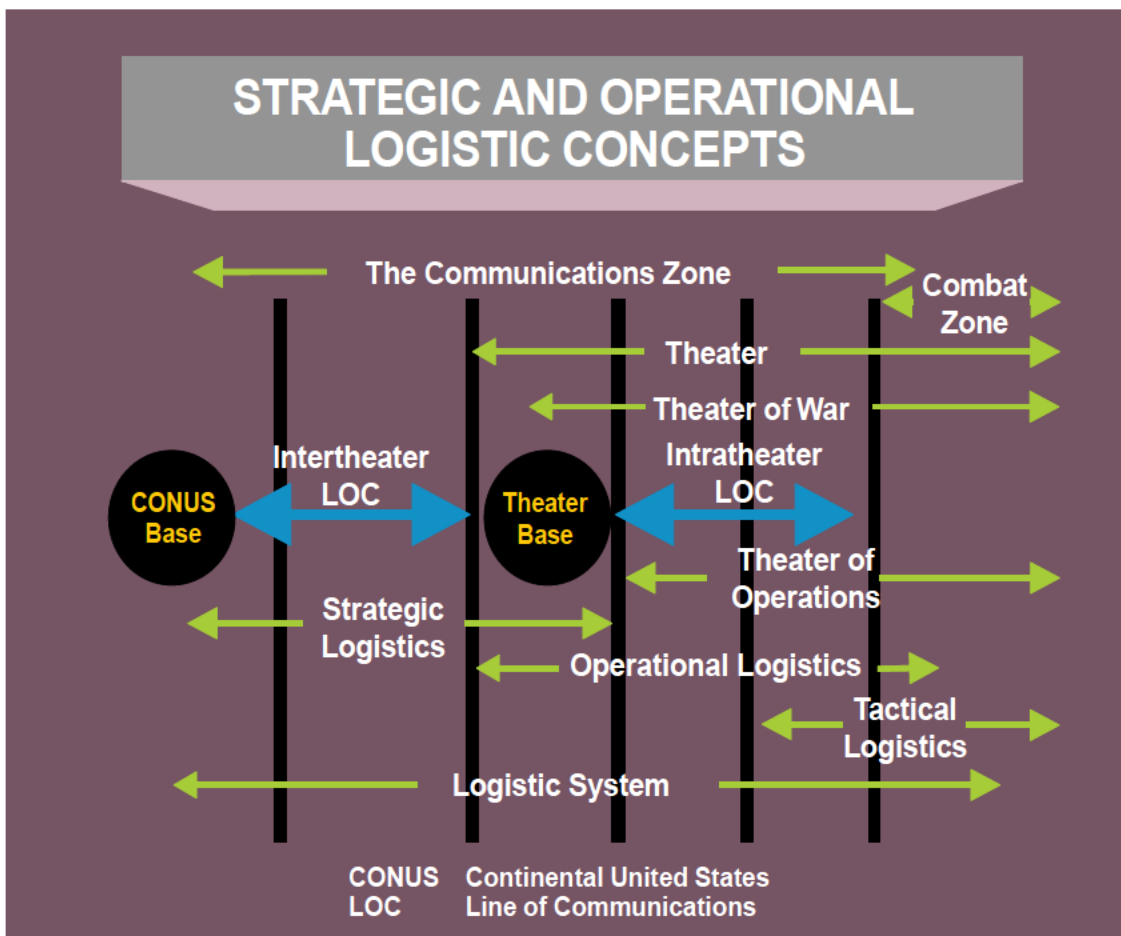


Figure I-2. Strategic and Operational Logistic Concepts



Figure I-3. Logistic Support Requirements Functional Areas

final destination and redeployment upon completion of the mission or as directed. This includes the expeditious retrograde of reparable materiel for repair.

- **Civil engineering** provides construction, damage repair, operation, and maintenance of roads and facilities, and logistics enhancements required by the CINC in order to sustain military operations. Examples of civil engineering products include: shelter, warehouses, supply routes, terminals, hospitals, water, electric power, sewage treatment, and water and fuel storage and distribution. Within Service limitations, civil engineers may also conduct environmental support operations, provide fire protection, and conduct explosive ordnance disposal, provide water purification and disposal, conduct engineer reconnaissance, and provide force protection construction support.

Additional guidance is found in JP 4-04, "Joint Doctrine for Civil Engineering Support."

- **Health services** include patient movement, primary care, hospitalization, medical logistics, medical laboratory services, blood management, vector control, force health protection services, veterinary services, dental services, preventive health care, and the required command, control, and communications.

Additional guidance is found in the JP 4-02 series of publications.

- **Other services** are associated with nonmaterial support activities and consist of various functions and tasks provided by Service personnel and the logistic community that are essential to the technical management and support of a force. Included in this category of support are: food service, billeting, textile repair and clothing exchange, laundry and shower, postal, finance, personnel administration, religious, and mortuary affairs. The Marine Corps categorizes laundry and shower as "engineering" and light textile repair as "maintenance."

d. **Joint Support Responsibilities and Requirements.** CINC's exercise **combatant command (command authority) (COCOM)** over assigned forces. **COCOM includes directive authority for logistics**, giving the CINC the unique ability to shift logistic resources within the theater. **COCOM gives the supported or supporting CINC the statutory authority, whether over assigned forces or forces designated by the Secretary of Defense, to direct all aspects of logistics necessary in order to accomplish a mission.** Normally, this authority is exercised through subordinate joint force commanders (JFCs) and Service component commanders. JP 0-2, "Unified Action Armed Forces (UNAAF)," gives an explanation of COCOM and the other command relationships of operational



The airlift element of the strategic mobility triad provides rapid global force projection.

control, tactical control, and support. A CINC's authority does not diminish the Services' responsibilities to provide support to their own forces. While a CINC's authority is generally confined to the theater, logistic support beyond the theater is usually a Service responsibility. In war **the CINC may direct, when circumstances dictate, that materiel or equipment be transferred between Service components.** This transfer will normally be accomplished on a reimbursement basis, but the reimbursement process will not delay directed transfers. The CINC's directive authority for logistics underscores the need for accurate and well coordinated prior planning between the supported command, Services, supporting agencies, and allies. **Support**, which often involves logistics, is the action of a force that **aids, protects, complements, or sustains** another force and may involve the provision of **services, resources, and combat power**, but does not involve the transfer of forces or units. Support is characterized as mutual support, general support, direct support, and close support. JP 0-2, "Unified Action Armed Forces (UNAAF)," also provides descriptions of the concepts of coordinating authority, administrative control, and direct liaison authorized.

e. **Unique Aspects of Multinational (Allied and Coalition) Logistics.** CINC's cannot enter into multinational relationships that are contrary to US policy without National Command Authorities (NCA) direction. US participation in future multinational operations will vary considerably in terms of missions, leadership, command and control (C2), mutual support, contract, and funding arrangements. More detailed consideration of the effect of these differing characteristics is provided in JP 4-08, "Joint Doctrine for Logistic Support of Multinational Operations." The inherent national sovereignty issues of participating multinational partners will complicate the establishment of C2 arrangements in the logistic support area. Formal C2 arrangements must be established and clearly identified in operation and supporting plans. Successful logistic support during any multinational operation will be characterized by a high degree of planning, coordination, communication, and cooperation. Existing joint and combined relationships may serve as an entry point for the United States to expand multinational logistic support relations. In the case of regional alliances, existing alliance policies and practices will guide US participation. Even participation

in a long-established alliance such as the North Atlantic Treaty Organization does not ensure that formal operational C2 relationships have been clearly defined or accepted by all members. Commanders must be cognizant of command, control, communications, computers, and intelligence (C4I) security issues which may hamper logistics integration with coalition or allied nations in multinational operations. Providing or arranging for the logistic support of its forces in a multinational operation is the responsibility of each participating nation. However, many nations do not have the capability to fully support their deployed forces with logistic assets. To assist such nations, as well as to achieve economies of effort and increased effectiveness for the entire force, several support options exist. These include cross-servicing agreements, role specialized nation and/or lead nation designation or pooling of resources. Establishment of an overall logistic support coordinator during the planning phase will facilitate development of such logistic arrangements. In the absence of appropriate agreements, no authority exists for CINCs to provide for or accept logistic support from allied or coalition forces. It is incumbent upon CINCs to aggressively seek approval to negotiate and conclude, in coordination with the Department of State, appropriate international support agreements. To the extent that impediments may exist that either hinder or preclude receiving or providing support to allies, combatant commanders will notify the Chairman of the Joint Chiefs of Staff (CJCS) and recommend options for providing necessary support. Successful multinational operations are characterized by tact, diplomacy, knowledge of allied and coalition forces' doctrine and capabilities, and generally good personal relations with allied and coalition commanders and political leaders. Key ingredients for success in the multinational environment are clear and common understanding, mutual respect, and common goals among supporting allies.

f. Elements of the Logistic Process. In determining requirements for each of the functional areas listed in paragraph 1c above, the geographic combatant commander should consider the four elements of the logistic process: procurement and contracting, distribution, sustainment, and disposition. These elements apply to planning and implementation across the full range of military operations, including multinational operations. At the theater strategic level, specific considerations include the determination of logistic resources necessary to move and sustain combat forces, the procurement process to ensure the availability of logistic resources in a timely manner, the process of allocating available logistic resources among subordinate commands, and the establishment and maintenance of the distribution system necessary to achieve the optimum mission effectiveness (see Figure I-4). At the theater operational level, specific considerations include identification of operational requirements and establishment of priorities for the employment of the resources. Geographic combatant commanders and their Service components should understand that these functions will vary in definition and application. Efforts should be made to standardize these functions without inhibiting operations. Logistic functions should use existing Service component policies and procedures whenever possible. If it is not possible to use existing policies and procedures of the Service components, CINCs must identify and resolve differences with Service commanders early in the planning process to determine logistic support in the theater. Geographic combatant commanders may resolve logistic issues by designating a Service component to act as executive agent for the other Services. The CINC may also appoint a theater logistic management and coordination element to ensure interoperable standardized procedures. These procedures apply across the range of military operations. Ideally, prior deliberate planning and testing of

SPECIFIC CONSIDERATIONS AT THE THEATER STRATEGIC LEVEL

- Logistic resources necessary to generate combat forces and sustain their operations.
- The procurement process to ensure the availability of logistic resources in a timely manner.
- The process of allocating available logistic resources among subordinate commands.
- The distribution system necessary to achieve optimum mission effectiveness.

Figure I-4. Specific Considerations at the Theater Strategic Level

these modifications in joint exercises should be conducted to ensure adequate logistic support for anticipated joint operations.

2. Responsibilities

"I don't know what the hell this 'logistics' is that Marshall is always talking about, but I want some of it."

Fleet Admiral E.J. King
To a staff officer, 1942

a. Authority and Control

• **CINCs may exercise directive authority for logistics (or delegate directive authority for a common support capability).** The exercise of directive authority for logistics over assigned forces by a CINC includes the authority to issue directives to subordinate commanders. These directives, which include peacetime measures, should be **necessary to ensure the following.**

- Effective execution of approved operation plans (OPLANs).
- Effectiveness, efficiency, and economy of operation.

- Limitation or mitigation of operational risk.
- Prevention or elimination of unnecessary duplication of facilities and overlapping of functions among the Service component commands.
- **This authorization of directive authority is not intended to:**
 - Discontinue Service responsibility for logistic support;
 - Discourage coordination by consultation and agreement; or
 - Disrupt effective procedures or efficient use of facilities or organizations.
- Unless otherwise directed by the Secretary of Defense, the **Military Departments and Services** will continue to have responsibility for the **logistic and administrative support** of Service forces assigned or attached to joint commands, subject to the following guidance.
 - **Under peacetime conditions,** the scope of the logistic and administrative

responsibilities exercised by the CINC will be consistent with the peacetime limitations imposed by legislation, Department of Defense (DOD) policy or regulations, budgetary considerations, local conditions, and other specific conditions prescribed by the Secretary of Defense or the Chairman of the Joint Chiefs of Staff. Where these factors preclude execution of a CINC's directive by component commanders, the comments and recommendations of the CINC, together with the comments of the component commander concerned, will normally be referred to the appropriate Military Department for consideration. If the matter is not resolved in a timely manner with the appropriate Military Department, it will be referred by the CINC, through the Chairman of the Joint Chiefs of Staff to the Secretary of Defense.

•• **Under crisis action, wartime conditions**, or where **critical situations** make diversion of the normal logistic process necessary, the logistic and administrative authority of CINCs enable them to use all facilities and supplies of all forces assigned to their commands as necessary for the accomplishment of their missions.

- A **CINC will exercise approval authority over Service logistic programs** (base adjustments, force beddowns, and other aspects as appropriate) within the command's area of responsibility (AOR) that will have **significant effects on operational capability or sustainability**. When the CINC does not concur in a proposed Service logistic program, and action and coordination between the CINC and the Service chief fails to result in an arrangement suitable to all parties, the CINC may forward the issue through the

Chairman of the Joint Chiefs of Staff to the Secretary of Defense for resolution.

b. **Implementation and Execution.** Implementation and execution of logistic functions remains the responsibility of the Services, US Special Operations Command (for special operations [SO]-peculiar logistics), and the Service component commanders. The supported CINC will **direct logistic support to synchronize support operations** to the joint force.

- A CINC will give authoritative direction to subordinate commands and forces necessary to carry out missions assigned to the command, including authoritative direction over all aspects of military operations, joint training, and logistics.
- In exercising the authority to delineate functional responsibilities for logistics, the supported combatant commander will **evaluate the logistic capability of deploying forces in the operational area and host-nation or multinational support**, as well as available contracted contractor support.

c. **Single-Service Logistic Support.** Each Service is **responsible for the logistic support of its own forces**. This Service responsibility extends into the theater, but may be modified when logistic support is otherwise provided for by agreements with national agencies or allies or by CINC assignment of common, joint, or cross-servicing responsibility. The CINC may determine that common servicing would be beneficial within the theater or a designated operational area. If so, the CINC may delegate the responsibility for providing or coordinating service for all Service components in the theater or designated area to the Service component that is the dominant user. Service components will identify and validate support requirements in both the

deliberate and crisis planning process, then provide these requirements to the supporting Service component as soon as possible.

d. Special Operations Forces (SOF) Logistic Support. The logistic support of SOF units is **the responsibility of the parent Service**, except where otherwise provided for by support agreements or other directives, or as noted in the following. This responsibility exists regardless of whether the SOF unit requiring support is assigned to the Service component, the theater special operations command, joint force SO component commander, joint special operations task force, joint psychological operations task force, or a joint civil-military operations task force. SOF logistic support includes the sustainment and replenishment of all classes of supply, maintenance, transportation, health services, facilities, and services. The Commander in Chief, United States Special Operations Command (USCINCSOC) is responsible for developing and acquiring SO-peculiar equipment, materiel, supplies, and services. SO-peculiar equipment, materiel, supplies, and services are defined as those items and services required for SOF mission support for which there is no broad conventional requirement. This support will be provided to theater-deployed SOF via US Special Operations Command Service component logistics infrastructure and in coordination with theater Service components.

For additional discussion of SOF logistic support, see JP 3-05, "Doctrine for Joint Special Operations."

e. Transfer of Functions and Facilities Among Services. CINC's should give their components appropriate guidance for transferring forces and rendering support. Under wartime or crisis conditions, a CINC may direct transfer of functions as necessary. This authorization of directive authority is not intended to abrogate Service

responsibility for logistic support. Every effort will be made to obtain the Service's concurrence through coordination with Service component commands or directly to the headquarters of the appropriate Service. Under all conditions, the implementation of such a directed transfer, including administrative, reimbursement, and procedural aspects, is the responsibility of the Service component commanders involved. The CINC retains the responsibility for overseeing and resolving issues.

f. Forces Subordinate to Combatant Commands

- Logistic responsibilities for forces subordinate to the combatant command will follow single-Service command channels, except for the following.
 - When specifically directed otherwise either by the authority assigning those subordinate forces to the combatant command or by the Secretary of Defense.
 - When common, joint or cross-servicing agreements and procedures provide other responsibilities.
- The geographic combatant commander **may delegate to a subordinate JFC directive authority** for a common support capability within that subordinate commander's operational area.

3. Functions of Logistics

a. Supply

- **Common-User Logistics.** The CINC and planning staff should assess the categories of supply and services that may be considered for common-user support. While designation of common-user support does not relieve components of providing Service-peculiar supplies

and services, the staff assessment will identify economies resulting from consolidating resources or tasking one or more components to provide common-user support to the remainder of the joint force. In some instances, this support may also be provided to, or by, governmental and nongovernmental organizations. In addition to Service responsibility, these options may include functional tasking, executive agency, and dominant-user.

JP 4-07, "Joint Tactics, Techniques, and Procedures for Common User Logistics During Joint Operations," describes the options available to the CINC and planning staff when assessing the need for common-user logistic support.

- **Coordinating Supply Support.** Geographic combatant commanders are responsible for **effectively coordinating supply support** between the Service

components, **establishing supply buildup rates, and determining theater stockage levels.** Included in this responsibility is the provision of supplies for noncombatant evacuation operations (NEOs) as requested by and coordinated with the Department of State. When practical to improve economy of effort, common-item support may be assigned to a Service component command, normally the dominant-user. Geographic combatant commanders are also responsible for the **allocation of critical logistic resources** within their theaters. They must ensure that **statements of the requirements** of assigned forces (including mutual support arrangements and associated inter-Service support agreements) are prepared and submitted in accordance with existing directives of the Secretary of Defense, the Secretaries of the Military Departments, and the Chiefs of the Services (see Figure I-5).

GEOGRAPHIC COMBATANT COMMANDERS' RESPONSIBILITIES FOR SUPPLY

- Coordinating supply support
- Establishing supply buildup rates
- Determining theater stockage levels
- Allocating critical logistic resources
- Reviewing statements of requirements
- Providing supplies to civilians
- Recommending the priority of the phased buildup and cutback
- Maintaining visibility over common-user materiel
- Returning reparable to the source of repair

Figure I-5. Geographic Combatant Commanders' Responsibilities for Supply

- **Commanders of Service Component Commands.** Subject to CINCs' responsibility and authority as outlined above, commanders of the Service component commands are responsible for **logistic support of their forces and direct communication with appropriate headquarters** on all supply matters and related requirements, such as the deployment of supplies, materiel, and equipment into the operational area. Commanders of component commands will keep the geographic combatant commander informed of the status of supply matters affecting readiness of their forces.
 - **Commanders of Subordinate Commands.** Commanders of subordinate commands may be assigned the responsibility for providing **supply support** to elements or individuals of other Services within the theater or designated joint operations area (JOA).
 - **Supplies for Civilians.** The geographic combatant commander is responsible for **provision of supplies to civilians** in occupied areas in accordance with current directives, obligations, and treaties that the United States recognizes.
 - **Security Assistance.** CINCs will identify materiel requirements for regional minimum-essential security assistance and consolidate and prioritize wartime requirements within their theaters.
 - **Priority of Phased Buildup and Cutback.** The geographic combatant commander is responsible for recommending to the Chairman of the Joint Chiefs of Staff the priority of the phased buildup and reduction of supplies, installations, and organizations essential to the mission.
- b. Maintenance and Salvage.** Geographic combatant commanders are responsible for **coordination of maintenance and salvage** within the theater. Where practical, **maintenance facilities for joint or cross-Service use** should be established and inter-Service use of salvage assets should be emphasized. However, Service-peculiar item maintenance support should remain the responsibility of Service component commanders. Current Service doctrine and business practices may emphasize velocity of the logistic pipeline in place of in-theater maintenance and stocks. Retrograde movement of items must be planned for, relying on an effective and efficient distribution network to meet time definite maintenance and repair requirements. **Maintenance priorities** should emphasize mission-essential weapon systems that may be rapidly returned to mission readiness. An **effective maintenance program** that emphasizes preventive maintenance can minimize retrograde and supply needs for major end-items and enhance battle damage repair efforts.
- c. Transportation**
- **Strategic Transportation.** The Commander in Chief, US Transportation Command (USCINCTRANS) has the mission to provide strategic common-user air, land, and sea transportation to deploy, employ, sustain, and redeploy military forces to meet national security objectives across the range of military operations. Further, USCINCTRANS normally functions as the supporting command to the geographic combatant commander and serves as the single manager for common-user ports. In this role, intertheater airlift and sealift assets are not normally transferred to the operational control of the geographic combatant commander, but retained by

USCINCTRANS. Other combatant commanders coordinate their movement requirements and required delivery dates with USCINCTRANS in conjunction with the transportation component commands (TCCs) Air Mobility Command (AMC), Military Sealift Command (MSC), and Military Traffic Management Command (MTMC), which provide a complete movement system from origin to port of debarkation (POD). This system includes the effective and efficient use of military and commercial assets. From the initial in-theater destination, the transportation system must then interface efficiently with the theater joint or combined distribution network. The theater distribution network will utilize the transportation resources that are assigned or attached to the theater Service components. Upon request of the CINC, USCINCTRANS has the ability to operate dedicated express transportation to in-theater destinations other than initial entry nodes (sites), using either military or commercial resources for high priority sustainment items that require assured, rapid movement. Finally, USCINCTRANS has

the authority to procure commercial transportation services through component commands (within legal constraints) and to activate, with approval of the Secretary of Defense, the Civil Reserve Air Fleet (CRAF), Ready Reserve Force (RRF), Sealift Readiness Program, and Contingency Response Program.

Refer to JP 4-01, "Joint Doctrine for the Defense Transportation System."

•• **Air Mobility Command, Military Sealift Command, and Military Traffic Management Command Transportation Facilities and Supplies.**

Transportation facilities and supplies of AMC, MSC, and MTMC not assigned to the geographic combatant commander are normally exempt from the logistic authority of the geographic combatant commander. CINCs should communicate their requirements and priorities for modification of existing facilities and establishment of new transportation facilities to Service component commanders and USCINCTRANS.

•• **Air and Sea Ports.** US Transportation Command (USTRANSCOM), through



The sealift element of the Strategic Mobility Triad (airlift, sealift, pre-positioning) provides logistic support with almost unlimited capacity.

its TCCs, will normally serve as the single port manager for all common-user air and sea ports of embarkation (POEs) and/or PODs for DOD operations and contingencies. Air and seaports may be owned and operated by AMC, MTMC, a Service, a CINC, or commercial or host nation (HN) authorities. They may be either sophisticated fixed locations or heavily dependent on deployable mission support forces or joint logistics over-the-shore (JLOTS) assets to accomplish that mission. During wartime, each Service has primary responsibility for supporting the loading and unloading of its military equipment from common-user air and sealift using MTMC contract, organic, or theater-arranged resources (e.g., cargo handling units). The responsibilities of AMC and individual units moving via AMC or AMC-controlled aircraft are contained in multi-Service publications.

For more information on JLOTS, refer to JP 4-01.6, "Joint Tactics, Techniques, and Procedures for Joint Logistics Over-the-Shore (JLOTS)."

- **Deployment and Redeployment.** Combatant and supporting commanders begin the deployment process with situational awareness and planning resulting in an NCA directive to accomplish a mission requiring movement of forces into a designated JOA. This movement may be from the continental United States (CONUS), from another theater, or from the theater base of the supported CINC. The deployment process ends when a unit has reached its prescribed location and is ready, as determined by the CINC, to conduct operations. The joint deployment process encompasses a broad range of complex strategic deployment activities that must be synchronized during the four phases of deployment (pre-deployment activities;

movement to and activities at the POE; movement to the POD; and joint reception, staging, onward movement, and integration [JRSOI]) to ensure a seamless deployment of forces and equipment. When a unit has completed the mission it may return to home station or deploy to another JOA either inside or outside the theater. There are also four phases to this redeployment of forces: recovery and reconstitution and predeployment activities; movement to and activities at the POE; movement to the POD; and JRSOI.

For more information on deployment and redeployment, refer to JP 3-35, "Joint Deployment and Redeployment Operations." For more information on JRSOI, refer to JP 4-01.8, "Joint Tactics, Techniques, and Procedures for Joint Reception, Staging, Onward Movement, and Integration."

- d. **Civil Engineering.** Civil engineering plays an important role in logistic planning and operations. It is an integral part of the joint operation planning process. Civil engineering planning should be conducted within the joint planning and execution community as part of the Joint Operation Planning and Execution System (JOPES). Civil engineering planning identifies requirements for base development; essential facilities and force beddown; real estate; and establishes the requisite civil engineering capabilities needed to support commitment of military forces. Additional essential civil engineer support within Service-specified constraints include environmental support operations, fire protection, explosive ordnance disposal, water purification and distribution, and force protection construction support. These essential civil engineering requirements are captured in the Civil Engineering Support Plan of OPLANs prepared by CINCs. When their full range of capabilities are employed, civil engineers

may be a significant force multiplier in execution of the overall logistic and operation plans. In addition to support of JOPES, civil engineering supports the joint commander in the maintaining and disposal of base facilities. To the most practical extent possible, civil engineering incorporates environmental considerations in supporting mission accomplishment.

- **Base Development.** Geographic combatant commanders are responsible for identifying requirements for any base development necessary to accomplish the mission.
- **Facilities and Force Beddown Requirements.** Civil engineering support optimizes facility and force beddown resources consistent with expected operational requirements, duration of need, and forces to be supported. Included in force beddown analysis is the need to provide power generation and other utility support for organizations not possessing this organic capability.
- **Facilities Construction and Base Maintenance.** CINC's are responsible for prioritizing, planning, and coordinating the construction and maintenance of roads, bridges, utilities, and facilities necessary to support their mission. The supported CINC's staff engineer and Logistics Directorate (J-4) collaborate in recommending priorities for theater logistic infrastructure development. Overseas contingency construction project requests require geographic combatant commander validation and prioritization.
- **Real Estate Requirements.** Civil engineering encompasses real estate management from acquisition of real property to final turnover of land and facilities upon completion of an operation. Geographic combatant commanders are responsible for coordination of real estate requirements within the theater. Inter-Service use of real estate should be encouraged to the maximum extent possible. Geographic combatant commanders will resolve conflicting requirements for additional real estate and incompatible use of existing real estate.
- **Assignment of Facilities.** The Services are normally responsible for facility acquisition funding and support. Geographic combatant commanders should ensure that minimum essential engineering capabilities and facilities required to support theater operational and tactical requirements are assigned to the Service components. Based on mission requirements, the CINC may direct temporary transfer between Service components. To conserve limited engineering resources, the use of HN facilities should be optimized, especially in occupied areas.
- **Environmental Support Operations.** To the extent practicable, the combatant commander is responsible for environmental protection for military operations in the AOR. Within specific Service limitations, civil engineers are responsible for environmental support to the combatant commander. Significant environmental issues for logisticians include procurement, transportation, storage, distribution, and disposal of hazardous materials (HM) and hazardous waste (HW). Appropriate consideration must be given to applicable US laws and regulations, DOD regulations, international and HN laws, international treaties and conventions (such as Basel), status-of-forces agreements (SOFAs), and possible remediation of contaminated sites upon termination of

military use. Environmental considerations are an integral part of planning and decision making.

For more information on civil engineering support, refer to JP 3-34, "Engineer Doctrine for Joint Operations," and JP 4-04, "Joint Doctrine for Civil Engineering Support."

e. **Health Services.** Geographic combatant commanders are responsible for coordinating and integrating **health service support (HSS)** within their theaters. Where practical, **joint use of available medical assets** will be accomplished to support the warfighting strategy and concept of operations. CINCs should ensure that planning for essential life saving stabilization care in-theater, along with the evacuation of stabilized patients to definitive medical care outside the theater, is conducted.

For more information on health services, refer to the JP 4-02 series.

f. **Mortuary Affairs.** Based upon the guidance and direction of the NCA, the Chairman of the Joint Chiefs of Staff provides guidance and policy to the combatant commands. CINCs develop implementation plans based on the CJCS policy and doctrine. In addition, CINCs are responsible for the **search, recovery, identification, care, and evacuation or disposition of deceased personnel** within their theaters. The responsibility extends to deceased personnel of US forces. In appropriate circumstances, it also may extend to allied, US contractors in support of US forces, third country, and enemy dead. For humanitarian, health, or morale reasons, the CINC may also provide mortuary services to the local populace when coordinated with the NCA and Department of State. CINCs are responsible for **controlling and coordinating mortuary affairs operations** within their

theaters. This responsibility also pertains to peacetime mass fatality incidents.

Refer to JP 4-06, "Joint Tactics, Techniques, and Procedures for Mortuary Affairs in Joint Operations."

g. **Other Services.** Other support services are provided by Service component commanders to personnel under their command. Included in this category of support are food service, exchange, billeting, textile repair and clothing exchange, laundry and shower, religious, postal, and finance.

4. Elements of the Logistic Process

a. **Procurement and Contracting.** Logistic procurement is generally a **national, Defense Logistics Agency (DLA), and Service responsibility**. Currently, CINCs have only indirect influence on Service procurement. The combatant commands use a series of reports and messages to the Chairman of the Joint Chiefs of Staff, Services, or Defense Programming Resources Board (such as the integrated priority lists, critical item lists, and Defense budget issues) to influence the acquisition and budget cycles. The CINC does have a **significant role in contracting for supplies and services** in the operational area.

- **Contracting for Supplies and Services.** The trend of world events suggests that US forces will deploy, in joint operations, supporting contingencies in theaters without an established logistic support structure. For deployments to contested JOAs, or where combat action is deemed likely, the CINC will normally call for maximum combat power in the initial phase. When possible, satisfying requirements for supplies and services by contracting may improve response time during the critical early stage of a deployment, and make airlift and sealift

available for other priority needs. Contracting may bridge gaps that may occur when sufficient organic support is not available in the operational area. It is also valuable where no host-nation support (HNS) agreements exist, or where HNS agreements do not provide for the supplies and/or services required. The emerging trend is to use contractors to augment active military combat service support and assist them in meeting major theater war or other mission requirements that may arise simultaneously with the contingency operation.

- **Contingency Contracting.** Contingency contracting is often performed in support of an operation in an overseas location. The contracting process follows the policies and procedures outlined in the Federal Acquisition Regulatory System. Contingency contracting may be **an effective force multiplier for deployed forces** in providing supplies, services, and construction support to augment organic capabilities. Each Service component has the capability to initiate contracts for needed support. However, the CINC may elect to employ the Joint Theater Logistics Management (JTLM) element or establish a contract clearing house to ensure that Service components are not bidding against each other for the same commodity or service. Contracting may provide initial deployment, sustainment, and redeployment supplies and services such as the following.

- **Supplies:** Class I — bottled water and food items. Class II — selected items of organizational equipment and clothing, expendable office and field supplies. Class III — petroleum, oils, lubricants (POL). Class IV — construction. Class V — ammunition. Class VI — troop support. Class VII —

major equipment. Class VIII — medical supplies. Class IX — repair parts. Class X — material to support nonmilitary programs.

- **Services:** Laundry, food service, transportation, billeting, utilities, maintenance and repair, and sanitation services.

- **Construction:** Construction, alteration or repair of buildings, structures, or other real property.

b. **Distribution.** Distribution is **the operational process of synchronizing all elements of the logistic system** to deliver the “right things” to the “right place” at the “right time” to support the CINC. Distribution management is the function of synchronizing and coordinating a complex of networks (physical, communications, information, and resources) and functional components (supply, transportation, maintenance, and logistics management) to achieve responsive, customized solutions to warfighter requirements.

- **Global distribution** is the process of providing materiel from the source of supply to the point of consumption. It integrates the elements of supply chain management: requirements determination, acquisition, supply, transportation, maintenance, and retrograde and disposal processes from the strategic through the tactical level to support joint force operations.

- **Theater distribution** is the sub-set of global distribution that focuses on the flow of personnel and materiel within the theater to meet the CINC’s mission.

Refer to JP 4-01.4, “Joint Tactics, Techniques, and Procedures for Joint Theater Distribution,” and JP 4-09, “Joint Doctrine for Global

Distribution,” for more information on the distribution process.

c. **Sustainment.** Sustainment is **defined as: “The provision of personnel, logistic, and other support** required to maintain and prolong operations or combat until successful accomplishment or revision of the mission or the national objective” (JP 1-02). It includes the supplies and services needed to support the initial execution of approved OPLANs, an intermediate level of supplies to support the force until resupply is available, and the replenishment stocks necessary to maintain and conclude operations. The **sustaining function**, particularly sourcing and distribution of common-user items, may require a combatant command to apply a JTLM approach or technique to synchronize, integrate, and coordinate sustainment operations based on the commander’s priorities. The manner in which a CINC may apply JTLM will vary widely based on the mission and conditions affecting the operation. Theater sustainment management should emphasize velocity and time-definite delivery from CONUS and other sources outside the theater rather than large in-place inventories.

See Appendix B, “Organization and Functions of Combatant Command J-4 and Functions of Joint Logistic Centers, Offices, and Boards,” for more information on JTLM.

d. **Disposition and Disposal**

- **Worldwide DOD Property Disposal.** The DLA provides worldwide disposal of DOD property through the Defense Reutilization Marketing Service (DRMS). DLA support to the CINCs, Services, and Service component commands includes the capability to receive and dispose of materiel in a theater. The DRMS element in-theater will establish **theater-specific procedures for the reuse,**

demilitarization (less ammunition), sale, or ultimate disposal of facilities, equipment, and supplies, to include hazardous materiel and waste. Disposal operations will be part of **the CINC’s disposal plan developed in coordination with DLA.** DLA will outline disposal procedures in its Combat Support Agency supporting plan during deliberate or crisis action planning.

Additional information on disposal operations can be found in JP 4-01.4, “Joint Tactics, Techniques, and Procedures for Joint Theater Distribution.”

- **Environmental Planning and Hazardous Waste Management.** Environmental planning and hazardous waste management involve nearly every element of a CINC’s staff and component commands. Logistic support must be planned and conducted with **appropriate knowledge of the potential environmental impact of planned operations.** US environmental laws, policies, regulations, applicable international treaties and conventions, SOFAs, HN agreements, and respect for HN environmental laws will have varying degrees of impact on operation planning and execution. Operation planners and logisticians have a significant role in **environmental planning, hazardous materials handling, and hazardous waste management.** Similarly, civil engineers assisting the JFC ensure compliance, as the mission and circumstances permit, with all applicable international, federal, state, local, and HN environmental treaties, conventions, laws, and agreements when planning and executing construction and facility support projects. Early planning is essential to ensure that all appropriate **environmental management reviews**

(including HW) have been completed prior to initiating logistic support activities. Important environmental requirements should be captured in Annex L, “Planning Guidance — Environmental Considerations” in combatant command OPLANs. Annex L should include guidance for ensuring pollution prevention, environmental protection, and compliance consistent with achieving the combatant command mission. The guidance should cover maritime, amphibious, land, and air operations.

5. Critical Logistic Enablers

a. **Command, Control, Communications, and Computer (C4) Systems, Intelligence and Counterintelligence Support.** Effective C4I and counterintelligence support is vital to planning, initiating, conducting, sustaining, and protecting a successful joint operation. Logistic, operational, and intelligence functions all depend on responsive C4I, the combination of architecture, facilities, organizations, and information tying together all aspects of joint operations and allowing CINC’s and their staffs to initiate, direct, monitor, question, and manage. Integrating logistics and operational C4 systems is essential. Additionally, it is critical to ensure that an adequate number of trained operators exist to operate these systems. Logistic C4 needs must be included in the operation’s C4I system plans.

b. **Logistic Information Systems.** Implementation of end-to-end combat support capability by **integrating existing information technologies (IT), logistic automated information systems (AIS), and joint decision support and visualization tools** is paramount for today’s joint warfighter in order to obtain critical combat support information. The overall objective is to **“operationalize”** the Joint Vision 2020 concept for focused logistics and, more

specifically, to implement capabilities that meet the focused logistics information fusion challenge. These IT capabilities include the following.

- **Using automatic identification technology (AIT)** and existing and emerging DOD supply and transportation systems to capture timely and **accurate source data about personnel, units, and materiel.** AIT enables and facilitates data collection and transmission to AIS that improve the collection of initial source data, reducing processing times, and improving data accuracy. AIT provides timely visibility of all logistic assets, whether in-process (being procured or repaired), in-storage (being stored as inventory), or in-transit (being shipped to another location).
- **Feeding accurate information** from AIT devices is accomplished by several AIS. One critical feed is to the **Transportation Coordinator’s Automated Information for Movement System II (TC-AIMS II).** TC-AIMS II is used to provide data for in-transit visibility (ITV) and control over cargo and passenger movement transportation data. **TC-AIMS II** is the primary **feeder system** of accurate source data to **JOPES** via the Joint Force Requirements Generator-II system.
- Employing national level systems such as **Joint Total Asset Visibility (JTAV) and the Global Transportation Network (GTN)** to transform that data into information and share it globally.
- Employing the **common operational picture-combat support enabled (COP-CSE)** to incorporate combat support information into battlespace situational awareness to benefit the CINC, joint task force (JTF), and staff.

- Employing select **joint decision support tools** and common services to improve the CINC and JTF overall decision making abilities to conduct “what-if” analysis.

c. **Global Combat Support System (GCSS)**. GCSS provides **integration and interoperability** between combat support functions and command and control to support the operational needs of the warfighter. It directly supports C4I for the warfighter and CJCS Joint Vision 2020. Using the Defense Information Infrastructure (DII) and/or common operating environment (COE) as well as the shared data environment, it ensures rapid integration of combat support applications, providing a seamless flow of operational and sustaining base information to the warfighter. GCSS provides accurate and near real time total asset visibility for the NCA, CINCs, and Service components vital to the deployment, employment, sustainment, reconstitution, and redeployment of joint combat assets or resources. Fielded GCSS capabilities include the following.

- **Global Command and Control System (GCCS) COP-CSE**. The common operational picture (COP) within the GCCS is a graphical depiction of warfighting information available in any AOR. It is a key tool for commanders in planning and conducting joint operations. The COP enhances the flow of information between the NCA, Joint Staff and commanders by amplifying situation reports (SITREPs), operational reports (OPREPs), and other key reports. The real value of the COP is in displaying battlespace information in a graphical manner that links to detailed information that similar reports such as SITREPs and OPREPs are unable to display. The **COP-CSE provides** the user interface to access combat and **combat service support** applications such as GTN and JTAV. The COP-CSE

provides direct combat support (e.g., logistic, transportation, medical, personnel) **information to warfighters**.

- The **GCSS portal** includes basic **internet web services**, collaboration, search and index, segment distribution, and service management including help desk services. All of these services are implemented by tailoring or configuring DII and/or COE segments for GCSS use. The **GCSS portal is a web-based** online query capability to **access fused and integrated combat support data**. It also consists of a set of applications, each of which may be used by itself and that will also be accessible directly from the COP-CSE. Current combat support applications on the GCSS portal are accessible via a unilateral log-on feature through public key infrastructure technology. These include the following.

- **Global Transportation Network and Joint Total Asset Visibility.**

Among the joint automated systems that will enable GCSS are GTN and JTAV. The GTN is a global command and control information repository designed to track DOD unit and non-unit cargo and passengers while in transit. JTAV integrates in-process, in storage, or ITV. GTN provides the ITV that is integrated with JTAV.

- **Joint Decision Support Tools (JDSTs).**

JDSTs provide the warfighters and logisticians with the ability to access support force capabilities in order to perform mission tasks, develop and evaluate logistic operational support plans, monitor logistic operations, and react to deviations from project support. The JDSTs are available via a web-based, client-server environment that complies with DII and COE architecture standards and requirements.

- **Intelligence and Counterintelligence Support.** Critical to logistic operations is an **accurate picture of the threat** through which the theater logistic forces must travel. Intelligence and counterintelligence support is critical to preparation of the logistic estimate and plan feasibility analysis. **Hostile activities** may impede forward movement, destroy logistic stockpiles, close airports and seaports, and destroy prime movers of critical logistic elements. **Hostile actions** may invalidate logistic support assumptions made during deliberate planning. The CINC's dissemination of **intelligence and counterintelligence** concerning the potential threat (including terrorism, hostile SOF, refugees, and other aspects, as appropriate) **is critical to the logistic effort.** Intelligence and counterintelligence provide threat assessments, effect liaison with HN security and intelligence services, and conduct operations and investigations to identify and/or neutralize the threat.

d. Host-Nation Support

- **US and HN Bilateral Agreements.** HN resources may play a **critical role in reducing the logistic footprint** required to support geographic combatant commanders. CINC's should become knowledgeable of all bilateral agreements for mutual support, and exercise these agreements to the maximum extent possible. If the necessary agreements are not in place, commanders must obtain authority to negotiate (through the Joint Staff) and then actively seek bilateral agreements to support the joint reception, staging, and onward movement of forces, equipment, and supplies.
- **Acquisition and Cross-Service Agreements.** Acquisition and cross-

Service agreements (ACSAs) are flexible bilateral agreements that may be used for the purpose of obtaining HNS (or support from other coalition countries). ACSAs provide CINC's with an alternative, potentially more **efficient sources of logistic support** to US forces during joint exercises, deployments, and contingency operations. They have been successfully employed during deployments such as DESERT STORM, RESTORE HOPE, and JOINT ENDEAVOR.

- **Support from Host Nations.** Existing multilateral support plans may serve as useful tools in identifying committed support capabilities of the host nation. Assistance sought from host nations may include, but is not limited to: POL, transportation, telecommunications, food service, civilian labor, rear area protection, facilities, equipment, supplies, HSS, and other services (see Figure I-6). Clinical medical support must be equivalent to US standards of care or acceptable to the CINC.
- **Coordinating HNS.** CINC's should **ensure that effective HN coordination is quickly established** to support specific and implied missions. Defense Cooperation Agreements (DCAs), SOFAs, and technical agreements (including transit agreements) must be negotiated ahead of time and include the status of civilian contractors accompanying the force. The staff performing this coordination function minimally requires the involvement of US personnel who have had language and cultural training working with HN counterparts. **HN coordination should be centralized** as much as possible in order to effectively use the assistance provided by the HN and other nations. This avoids duplication



Figure I-6. Assistance Sought from Host Nations

of effort and the potential of competing for scarce resources. If necessary, the CINC should use mobile teams to obtain additional information from the requesters regarding capabilities and requirements.

e. Critical Infrastructure Protection. The protection of the logistics infrastructure is critical to the effective support to the CINC. Planning considerations must include the following.

- Identify infrastructure assets critical to the plan.

- Ensure that qualitative vulnerability and interdependency analyses are performed on all identified assets. Asset ownership (public sector, private sector, US, foreign, multinational,) will not be a factor in the selection process.

- Conduct risk management assessments on all critical assets and implement justifiable security enhancement measures.

- Apply risk management principles to each critical asset in order to determine the proper course of action (COA) for enhancing asset security.

CHAPTER II

LOGISTIC PRINCIPLES AND CONSIDERATIONS

“In order to make assured conquests it is necessary always to proceed within the rules: to advance, to establish yourself solidly, to advance and establish yourself again, and always prepare to have within reach of your army your resources and your requirements.”

Frederick the Great
Instructions for His Generals, ii, 1747

1. General

a. **The principles of logistics complement the principles of war.** This chapter provides logistic principles and considerations that historically have been proven important. These principles and considerations serve as a guide to CINCs and their staffs for planning and executing logistic support for joint operations.

b. To support the national military strategy, logistics must be **responsive** in and **capable** of meeting military personnel, equipment, mobility, medical readiness, infrastructure, and sustainment requirements of the Armed Forces of the United States across the full range of military operations. Logistics must **integrate the national and theater effort** to mobilize, deploy, employ, sustain, reconstitute, redeploy, and demobilize the forces assigned and attached to a combatant commander. Logistic principles are both fundamental and interrelated and form a synergy that contributes to the successful conduct of logistic operations. Identifying those principles that have priority in a specific situation is essential to establishing **effective support**. The application of these principles to a specific mission and situation dictates the concept of logistic support. The principles of logistic support are not a checklist, but rather a **guide** for analytical thinking and prudent planning. All logistic efforts must first ensure effectiveness and strive for

efficiency to best utilize scarce resources and successfully complete tasks and missions.

2. Principles of Logistics

Figure II-1 shows the principles of logistics.

“Logistics is the bridge between the national economy and the combat forces, and logistics thus operates as ‘military economics’ in the fullest sense of the word. Therefore logistics must be seen from two viewpoints. Logistics has its root in the national economy. In this area it is dominated by civilian influences and civilian authority. In this area the major criterion of logistics is production efficiency. On the other hand, the end product of logistics lies in the operations of combat forces. There logistics is dominated by military influence and by military authority. In this area the major criterion of logistics is its effectiveness in creating and sustaining combat forces in action against an enemy.”

Henry E. Eccles, Logistics in the National Defense, 1959

a. **Responsiveness.** Responsiveness is the **right support in the right quantity in the right place at the right time**. Among the logistic principles, responsiveness is the **keystone**; all else becomes irrelevant if the logistic system cannot support the concept of operations of the supported commander.

b. **Simplicity.** Simplicity reflects the need to **reduce complexity** and often fosters

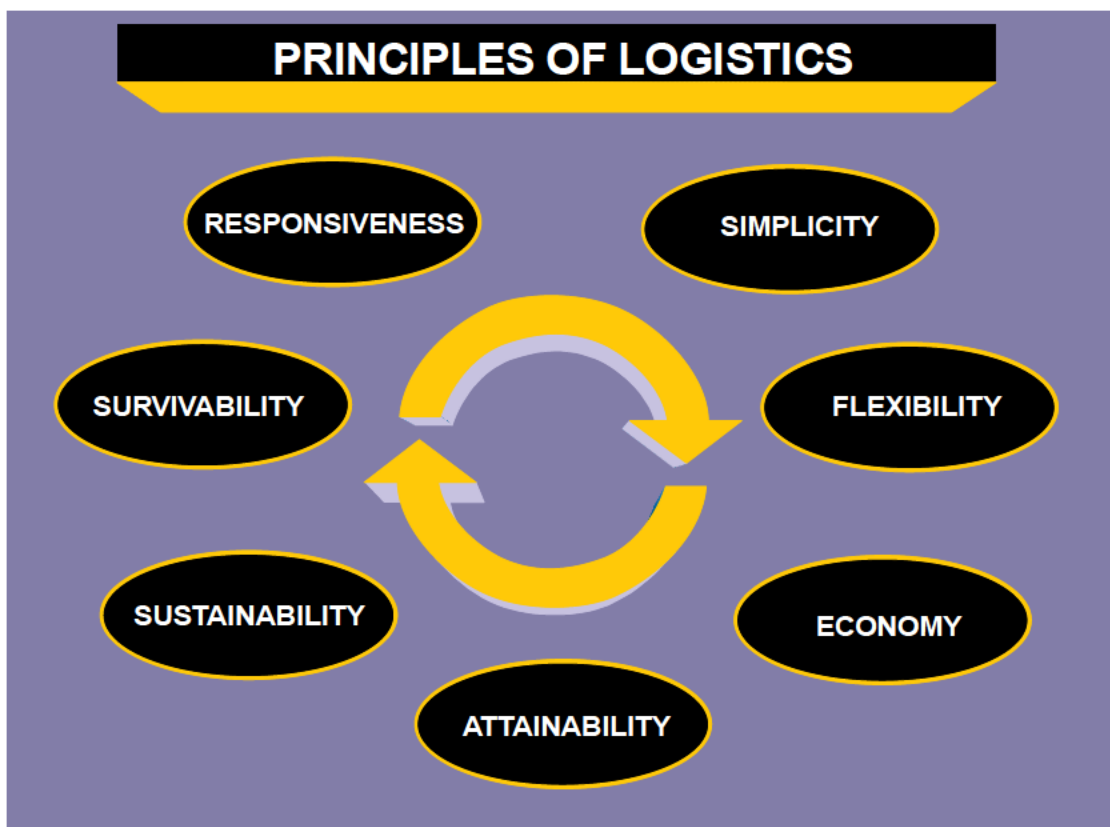


Figure II-1. Principles of Logistics

efficiency in both the planning and execution of national and theater logistic operations. **Mission-type orders and standardized, interoperable procedures** contribute to simplicity. **Establishment of priorities and pre-allocation of supplies and services** by the supported unit may simplify logistic support operations.

c. **Flexibility.** Flexibility is the **ability to adapt logistic structures and procedures to changing situations, missions, and concepts of operation.** Logistic plans and operations must be flexible in order to achieve both responsiveness and economy. The commander must retain **positive C2** over subordinate organizations to maintain flexibility. The principle of flexibility also includes the concepts of alternative planning, anticipation, reserve assets, redundancy, forward support of phased logistics, and centralized control with decentralized operations. This principle is a guide for strategic thinking and forms the template for

synchronized and coordinated joint logistic planning.

d. **Economy.** Logistic economy is achieved when effective support is provided **using the fewest resources at the least cost, and within acceptable levels of risk.** At some level and to some degree, resources are always limited. When prioritizing and allocating resources, the CINC must continuously consider economy and optimize use of resources to ensure effectiveness and mission success while supporting every effort toward achieving efficiency.

e. **Attainability.** Attainability (or adequacy) is the ability to provide the minimum essential supplies and services required to begin combat operations. The commander's logistic staff develops the concept of logistic support, completes the logistic estimate, and initiates resource identification based on the supported commander's requirements, priorities, and



The C-9 is the mainstay of the Aeromedical Evacuation system.

apportionment. An operation should not begin until actions are taken to mitigate risk and minimum essential levels of support are on hand.

f. **Sustainability.** Sustainability is a measure of the ability to maintain logistic support to all users throughout the theater for the duration of the operation. Sustainability focuses the supporting commander's attention on long-term objectives and capabilities of the supported forces. Long-term support is the greatest challenge for the logistician, who must not only attain the minimum essential materiel levels to initiate combat operations (readiness) but must also sustain those operations.

g. **Survivability.** Survivability is the **capacity of the organization to prevail in the face of potential destruction.** Examples of military objectives selected for their effect on logistics and subsequent theater operational capability include industrial centers, airfields, seaports, railheads, supply points and depots, line of communications (LOC), shipping, rail and road bridges, and intersections. Logistic units and installations are also **high-value targets** that must be safeguarded by both active and passive measures. **Active**

measures must include a defense plan for logistics with provisions for reinforcement and fire support. **Passive measures** include dispersion, physical protection of personnel and equipment, deception, and limiting the size of an installation to what is essential for the mission. Although the physical environment will most often only degrade logistic capabilities rather than destroy them, it must be considered when planning. Logistic operations are particularly vulnerable to weapons of mass destruction (WMD) that deny or restrict the use of critical infrastructure. **Survivability will dictate planning for dispersion and the allocation of protective forces at critical nodes of the logistic infrastructure – particularly within the theater.** Decentralization and redundancy are critical to the safety of the logistic system supporting the CINC. Planners must also consider alternate aerial ports of debarkation (APODs) and seaports of debarkation (SPODs) in the event that WMD use denies access to the primary sites. Additionally, WMD use on ports may effect the ability and willingness of civilian flagged carriers, (Voluntary Intermodal Sealift Agreement and CRAF) to use these ports. The allocation of reserves, development of alternatives, and phasing of logistic support contribute to

survivability. All force protection initiatives for symmetrical and asymmetrical threats must emphasize security of logistic support. These concepts are related to logistic indicators. (See Appendix C, “Logistic Indicators and Checklist for OPLANs and CONPLANs.”)

of strategic buildup or theater onward movement, overall composition of the combat force, and the depth, tempo, and duration of combat operations. **Tactically**, the logistic initiatives at the strategic and operational levels must be focused on ensuring that the engaged mission forces have the right support at the right place at the right time.

3. Logistic Considerations

“Logistics comprises the means and arrangements which work out the plans of strategy and tactics. Strategy decides where to act; logistics brings the troops to this point.”

Jomini
Précis de l’ Art de la Guerre, 1838

a. **Employment planning considerations directly impact the projection or deployment of forces.** From employment planning decisions, the CINC identifies: force requirements; intent for the deployment operation; the time-phased arrival of unit personnel, equipment, and materiel in-theater; sustainment requirements; and the closure of forces required to execute decisive operations. Equally important to the successful conclusion of joint operations will be effective reconstitution and redeployment planning performed to either return a unit to home station or deploy it to another mission area.

c. **Coordination of Logistic Planning with Operation Planning.** Operations and logistics are inseparable facets of war. Although logistic plans are derived from operational goals, neither can claim primacy; each is integral to the other. **Integration** of the operations and logistic planners’ efforts is **necessary** throughout the planning and execution phases. Although obvious, such integration does not occur automatically. Command emphasis at all levels is essential. It is imperative that logistic support and operations planning occur simultaneously for multinational (allied and coalition) operations. Nations are often reluctant to (and sometimes prohibited from) sharing national OPLANs with potential allies or coalition partners because of their highly sensitive nature. Nonetheless, the effort should be made to share integrated operations and logistic support plans during the plan development stage and rapidly adjust them as required during execution.

b. **Logistics as a Factor in Determining Objectives.** Depending on the theater operations and logistic concepts that a geographic combatant commander employs in a campaign, logistic factors will almost always affect a theater campaign and exert different constraints. Logistics is a positive enabler to the execution of successful operations. Good logistic synchronization is a combat multiplier. **Strategically**, logistic capabilities may limit the deployment, concentration, and employment options available to the NCA, Chairman of the Joint Chiefs of Staff, or CINCs. **Operationally**, theater logistic constraints may dictate the rate

d. **Forward Impetus.** Forward impetus **derived from the synergy of information and logistic resources** is required to provide rapid, continuous, and responsive support to the CINC. This includes delivery, tracking, and shifting of units, personnel, equipment, and supplies (even while en route) in order to optimize support to the warfighter.

e. **Balance Between Combat Forces and Logistic Forces**

- The aim of any military organization is to produce the **greatest possible combat power in a combat environment with**

the resources available. CINC's must determine the **proper balance** of combat forces and logistic forces based on the differences between various logistic and operations concepts. Efforts to enhance combat power by arbitrarily shifting logistic manpower into combat units may achieve the opposite result. Each campaign or operation demands its own analysis of the proper balance between combat and logistic forces. The **requisite strength** of logistic elements depends on many factors such as the **gross requirements** for logistic resources and where and when they are needed, the **adequacy of available transportation** networks and assets, the **length of the LOC**, the **availability of local labor**, and the **types of operations** being supported. Caution should especially be exercised when assuming local labor will provide augmentation during operations.

- The **balance between logistics and combat forces at the beginning of hostilities** is important. Overall, planning must be based on the mission ranging from major theater war to military operations other than war (MOOTW) and the CINC's intent. Fully trained and equipped logistic elements must be available and deployed in adequate numbers to render immediate sustained support to the combat troops. A combat force without logistic support is **not sustainable and may not be fully capable of mission success.** For sustained combat, CINC's should give serious consideration to the **availability, capability, state of organization, and limitations** of logistic forces allocated to them for wartime operations. This is critical when the US logistic force structure has been reduced in anticipation of the availability of HN assets. **Mobilization** requires particularly **close coordination** of effort among the Department of Defense, combatant

commands, and Service headquarters and between the supporting agencies and operating forces. Determining when logistic elements should be mobilized is based on the concept of employment for the combat forces they will support. This might require that logistic forces be mobilized or deployed **at the same time as, or even before, combat forces.**

f. **Command and Control of Logistics**

- **Unity of command** is essential to coordinate national and theater logistic operations. Logistics is a function of command. This principle is met through the CINC's directive authority for logistics, which gives the CINC authority to direct logistic actions and resources necessary to meet mission and operational taskings assigned to the command. To exercise control at the strategic, operational, and tactical levels of war, subordinate joint force and theater level Service component commanders must also exercise **control over their respective logistic resources subject to the directive authority of the CINC.**
- **In multinational operations,** unity of command may be more difficult to achieve because of the reluctance of nations to relinquish control over their logistic resources and national legal restrictions regarding the use or transfer of logistic resources to other nations. During the operational planning phase, every effort should be made to clarify the C2 of logistic resources. If established, the roles, responsibilities, and authorities of an overall logistic support coordinator and/or command should be clearly defined.

See JP 4-08, "Joint Doctrine for Logistic Support of Multinational Operations," for the unique considerations associated with planning logistic support for multinational operations.

- **Sound logistic planning** forms the foundation for strategic, operational, and tactical **flexibility** and **mobility**. To influence the relative combat power of the force, the CINC must have **adequate control** of the command's logistic support capability.
 - The **logistic support system** must be in harmony with the structure and employment of the combat forces it supports. This unity of effort is best attained under a **single command authority**. Wherever feasible, peacetime chains of command and staffs should be **organized during peacetime just as they would be in wartime to avoid reorganization during war**. This includes Reserve component forces (US and HN) that may be assigned specific theater missions. Commanders must be able to use the systems they rely on in peacetime to call forward, in a timely manner, those assets needed to initiate and sustain war.
- g. **Apportionment and Allocations**
- **Apportionment** involves distribution for planning of limited resources among competing requirements, whereas **allocation** involves distribution of limited resources among competing requirements **for employment**.
 - The **senior commander** will usually attain the best results by apportioning and allocating **reasonably expected and available resources** among subordinate commanders based on the concept of operations and the subordinate commanders' stated requirements. **Allocations may be less than the amounts requested** by, or apportioned to, some of the subordinate commanders, due to the limited availability of logistic assets.
 - **Failure to maintain a system of apportionments and allocations** may cause an inflation of priorities, the ultimate breakdown of the priority system, and the senior commander's loss of control over the logistic system. Strategic and operational apportionment and allocation issues should first be addressed during the deliberate or crisis action planning process, and subsequently through either the Joint



The C-17 provides rapid response to strategic logistic requirements in sometimes austere environments.

Staff or CINCs **use of a Joint Materiel Priorities and Allocation Board (JMPAB)** as outlined in Appendix B, “Organization and Functions of Combatant Command J-4 and Functions of Joint Logistic Centers, Offices, and Boards.”

- **Threat distribution and phase duration** are useful tools for determining the allocation of resources. Using **threat distribution**, the CINC will assign destruction of a portion of the enemy’s total combat capability (i.e., forces, installations, organizations) to Service or functional component commands. An example of threat distribution would be to assign destruction of a certain percentage of enemy mechanized, armor, follow-on-forces, and artillery forces during an air operations phase among the Services and/or functional components. The remaining percentage of the threat, increased intentionally to provide a deliberate total overlap, would be distributed among the Service and/or functional components during the ground maneuver operations phases. **Phase duration** is the CINC’s projection of how long a specific phase of an operation is expected to last. Two examples of phase duration are the air operation that lasts a certain number of days (time oriented) or the air operation that lasts until a certain percentage of enemy or type of enemy centers of gravity are destroyed (objective oriented). Threat distribution and phase duration help identify where the weight of the campaign will fall during various phases in order to prevent unnecessary duplication of support to different components.

Refer to JP 3-0, “Doctrine for Joint Operations.”

h. Accommodation for Wartime Requirements. The ideal logistic

organization within the nation’s economy and the military **does not require a fundamental change to manage the transition from peace to war** in order to meet an emergency. Although civilian and military leaders may be prevented from attaining the ideal, they should strive to come as close to it as possible. If they do not create and train an organization in peacetime that will work in war, the leadership will be burdened with urgent reorganization and training requirements at a time when they should be free to focus on the employment of that organization.

i. Logistic Discipline

- **Logistic resources should be optimized.** At the **strategic theater level**, there may be limitations such as fiscal constraints or the unavailability of materiel, industrial facilities, and skilled labor and long lead times for mobilization and deployment that may affect the strategic concentration of forces and supplies within the theater. At the **operational and tactical levels**, common limitations are attributed to: inadequate transportation means, port capacities, and throughput capabilities; insufficient quantities of certain munitions, equipment, and critical spare parts; the lack of trained logistic personnel; and the failure to plan for adequate, interoperable C4 systems. Unwise use of logistic resources may result in combat forces being deprived of adequate manpower, equipment, supplies, and training, and constitutes a disregard for economy of force.

- True **economy of supply** requires the **careful planning and buildup of levels** to provide those resources and combat facilities (based on threat distribution and phase duration) that are essential to initiate and sustain combat operations. At the same time, planners should avoid

building too large a stockpile. Excess stocks waste resources, decrease flexibility, drain transportation resources from other priorities, and deny sustainment to other areas.

- In all cases, the **cost** of any military operation **must be considered**. Logistic support should be the most **efficient** means consistent with ensuring successful execution of the concept of operations.

j. **Movement Control.** Deployment planning begins when situation awareness prompts COA planning. Deployment execution is directed and/or specified in appropriate orders. The supported commander is responsible for movement control into and through the geographical AOR. USTRANSCOM monitors and provides movement summaries of AMC, MSC, and MTMC assets from departure to arrival in the theater. USTRANSCOM also maintains the transportation portion of the JOPES data base and provides analysis to the Joint Staff, supported combatant command, and others. This analysis includes **progress reports, status, problems, port workloads, daily movement statistics**, and resolution of **force closure** problems encountered in the common-user transportation system. **In transportation operations, force closure is the process of a unit arriving at a specific location.** It begins when the first element arrives at a designated location (e.g., POE or POD), intermediate stops, or final destination and ends when the last element does likewise. **In deployment and redeployment operations, force closure** is when the CINC determines that the deploying force has completed movement to the specified operational area with sufficient resources and is ready to conduct its assigned mission. It normally coincides with the integration phase of JRSOI. JOPES and the **Joint Planning and Execution Community** provide the CINC with a capability to change or delete

requirements during main force deployment. **The geographic combatant commander** is responsible for the **integration of the required intratheater movement and the strategic concentration of forces and logistics.** Inadequate control of movement, whether into or within the theater, results in waste, reduced logistic effectiveness and efficiency and, consequently, a loss of potential combat power.

k. **Deployment Information Flow.** **Accurate, up-to-date information is vital to effective logistic planning, coordinating unit movements, and sustainment operations.** It is as important to know where units and supplies are as it is to have them physically present. OPLANs are published in JOPES format. JOPES is used to monitor, plan, and execute mobilization, deployment, employment, sustainment, and redeployment activities. JOPES supports national, theater-level, and supporting structures in peacetime and wartime. JOPES and GTN are currently the tools used by the Joint Chiefs of Staff, supported and supporting CINCs, and the Services to monitor and update deployment information. **Access to JOPES via GCCS is critical** to deploying and supporting forces. During planning and execution, the supported and supporting CINCs will, in most cases, make decisions concerning priority of forces and allocation of scarce airlift and sealift based on the situation they are facing and information available through multiple systems that include GCCS, JOPES, GTN, and JTAV.

l. **Logistic Reserves.** **Logistics may be a pacing factor** at the operational level of war when it determines how quickly a campaign can proceed. Just as strategic and operational reserves are necessary to exploit tactical or operational success or respond to unanticipated contingencies, it is necessary to **establish reserves of logistic resources** that can be committed only by the geographic combatant commander. Examples of logistic

reserves are **materiel** and **unexploited HN resources**. This should include an analysis of established agreements with foreign nations.

m. **Pre-positioning.** CINC's and Service component commanders planning for combat operations and MOOTW in undeveloped theaters of operations must give adequate consideration to available **pre-positioned equipment and sustainment within their operational areas**. The Services have established both **afloat and shore-based pre-positioning** of unit equipment and sustainment to meet force closure requirements and offset the competing demand for strategic lift by the early deploying joint force.

n. **Industrial Base Requirements.** CINC's, Service component commanders, and their staff planners must factor in administrative lead time, production time, and distribution time when determining logistic response time for the industrial base. Definite DOD plans to support a combatant command, with appropriate investment strategies and offsets, must be in place prior to the start of any contingency to ensure timely response from the Services, DLA, and industry. Although the greatest demand occurs within the first 30 to 60 days of a contingency, industrial surge to meet demands requires significant time to build to maximum output. The Department of Defense will frequently compete with private sector customers for a manufacturer's industrial capacity and inventories. To ensure appropriate industrial surge planning for troop support items and spares, critical items must be identified and communicated through the appropriate inventory control point and DLA to the industrial base.

o. **Contracting for Supplies and Services.** There are basically three sources of supplies and services for US forces deployed in a contingency operation. They are: US force structure, HNS, and contracting. Within each of these categories, factors and considerations are as follows.

- **Organic US force structure (active and reserve).** Factors: mobilization authority troop callup ceiling, unit availability, troop ceiling, lift availability, operational costs, and ability to deploy units to a major theater war.
- **Host-nation support.** Factors: the availability of agreements and capability of the HN to provide reliable levels of support.
- **Contracting.** Considerations: Can this be done either through direct contracting with local sources or existing contingency contracts such as the Army's logistics civilian augmentation program (LOGCAP), the Air Force contract augmentation program (AFCAP), and the Navy's construction capabilities contracts (CONCAP) or through contingency clauses of systems contracts? Can adequate protection against hostile actions be provided to the contractor personnel? In addition, are the status of contractor personnel specified in SOFAs?

See Chapter V, "Contractors in the Theater," for a more in depth discussion on the use of contractors performing mission-essential services.

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CHAPTER III

JOINT LOGISTIC PLANNING

“Logistics sets the campaign’s operational limits. The lead time needed to arrange logistics support and resolve logistics concerns requires continuous integration of logistic considerations into the operational planning process. This is especially critical when available planning time is short. Constant coordination and cooperation between the combatant command and component staffs — and with other combatant commands — is a prerequisite for ensuring timely command awareness and oversight of deployment, readiness, and sustainment issues in the theater of war.”

Joint Pub 1, Joint Warfare of the Armed Forces of the United States



Logistics over-the-shore operations where fixed-port facilities are not available.

1. General

a. **Joint logistics** is a complex, interdependent concept that may apply leverage (plus or minus) to a CINC’s combat power. An understanding of the CINC’s concept of operations and early involvement by the logistic staff will ensure that national and theater deployment and sustainment requirements are balanced with logistic capabilities. **Logistic planning considerations** aid the CINC in providing guidance to staff planners and assessing the adequacy and feasibility of campaign and operation plans. JP 5-0, “Doctrine for Planning Joint Operations,” discusses **sustainment planning**

that is directed toward **providing and maintaining levels of personnel, materiel, and consumables** required to sustain the planned levels of activity for the estimated duration and at the desired level of intensity. Special considerations must be made for operations in less developed countries where infrastructure support (communications, transportation, port facilities, aircraft materials handling equipment [MHE] and industrial capability) are limited. An advanced party should visit these locations prior to deployment in order to determine availability of adequate infrastructure to support operations.

b. **Sustainment planning is the responsibility of the CINCs** in close coordination with the Services and Defense agencies. CJCS Manual (CJCSM) 3122.03, “Joint Operation Planning and Execution System, Vol II: (Planning Formats and Guidance),” requires a **logistic feasibility estimate** of the OPLAN summary and detailed analysis relative to logistic support in the OPLAN’s Annex D. In this publication, Appendix A, “Logistic Responsibilities Within the Department of Defense,” and Appendix B, “Organization and Functions of Combatant Command J-4 and Functions of Joint Logistic Centers, Offices, and Boards,” provide pertinent organizational guidance and alternatives to joint logistic planners.

2. Importance of Logistic Planning

The CINCs’ campaign and operation plans must have **logistic implications coordinated at all levels**: multinational, national, Service, theater, Service and functional component, as well as supporting command.

a. **Adaptability.** Plans should make **provisions for changes** to the concept of operations. These changes could include the need for creation of logistic support sites, additional security forces, more transportation, expanded port capacity, logistics over-the-shore sites, improvements to main supply routes and numerous other increases in logistic overhead. Plans should be written to anticipate changes and to adapt and integrate adjusted requirements or priorities.

b. **Benefits of Adequate Logistic Plans.** Proper logistic planning will **reduce the need for emergency measures and logistics improvisations**, which are usually expensive and often have an adverse effect on subordinate and supporting commands.

c. **Equivalence of Deployment and Employment Planning.** Deployment planning is a key element in the force projection process. Deployment planning is comprehensive, deliberate, and methodical. The entire process lends itself to automated data processing support. Logistic planners must **focus on the seamless deployment distribution and sustainment process to properly enable the employment concept of the campaign.** Detailed logistic planning for employment is equally important and should not be neglected or delayed until deployment plans are completed. Only by **thorough and concurrent consideration of deployment** as well as **employment** facets of the campaign or operation will planners be able to construct adequate feasible logistic plans. Specifically, nonunit sustainment cargo must be integrated into the deployment planning to better support employment requirements.

3. Integrating Logistic Plans

Logistic plans must be integrated with a CINC’s OPLAN annexes and with plans of other commands and organizations within the Department of Defense. Additionally, external departments and agencies and HNs that will be supporting the CINCs should be considered and included. Appendix C, “Logistic Indicators and Checklist for OPLANs and CONPLANs,” contains a generic list of issues or questions that a logistic planning staff should consider when attempting to integrate the activities and plans necessary for a successful OPLAN.

4. Levels of Logistic Planning

Logistic planning must be done at the strategic, operational, and tactical levels.

a. **Strategic and Operational Logistic Support Concepts.** The CINC’s strategic

logistic concept will focus on the ability to **generate and move forces and materiel into the theater base and on to desired operating locations**, where operational logistic concepts are employed. With the transportation and distribution systems in mind, planners must determine the basic but broad mobilization, deployment, sustainment, and retrograde requirements of the CINC's concept of operations. The combatant commander and staff must plan to optimize the use of JRSOI, theater distribution, and common-user logistic operations. In today's constrained resource environment, it is critical to maintain the ability to incorporate all Services' resources.

For more information on JRSOI, theater distribution, and joint theater logistics operations, see JP 4-01.4, "Joint Tactics, Techniques, and Procedures for Joint Theater Distribution;" JP 4-01.8, "Joint Tactics, Techniques, and Procedures for Joint Reception, Staging, Onward Movement, and Integration;" and JP 4-07, "Joint Tactics, Techniques, and Procedures for Common User Logistics During Joint Operations."

b. Tactical Logistic Support Concepts. This planning is done primarily by the **Service components**. It includes **line-item planning** and involves the **detailed application** of the best planning factors available from historical usage data, analysis, or exercise experience. Also, planners determine the **size** and **precise location** of logistic facilities and units. CINCs and their staffs should examine the Service components' methods, assumptions, and factors to **determine their validity** and to **guard against duplication of effort** and any tendency to establish unnecessarily high safety margins or standards of living.

c. The supported commander ensures that strategic, operational, and tactical logistic planning are integrated and complementary to ensure effective support

and optimize efficiency to the extent possible.

5. Theater Organization

The area organization that evolves from the geographic combatant commander's concept of logistic support **will influence subordinate theater-level logistic decisions** on the items shown in Figure III-1.

a. Organization of an Operational Area. When warranted, geographic combatant commanders may designate theaters of war and, perhaps, subordinate theaters of operations for each major threat. In time of war, the NCA or geographic combatant commander may elect to define a theater of war within the CINC's AOR. The theater of war is that area of air, land, and water that is or may become directly involved in the conduct of war. A theater of war does not normally encompass the geographic combatant commander's entire AOR and may contain more than one theater of operation. A theater of operation is defined as that area required to conduct or support specific combat operations within the theater of war. Different theaters of operations within the same theater of war will normally be geographically separated and focused on different enemy forces. To assist in the coordination and deconfliction of joint action, the CINC may define operational areas or joint areas. The size of these areas and types of forces employed within them depend on the scope and nature of the crisis and the projected duration of operations. For operations somewhat limited in scope and duration, CINCs may designate the following operational areas: JOA, joint special operations area, joint rear area, amphibious objective area, area of operation, and area of interest.

b. Communications Zone. CINCs may establish **combat zones** and **communications**

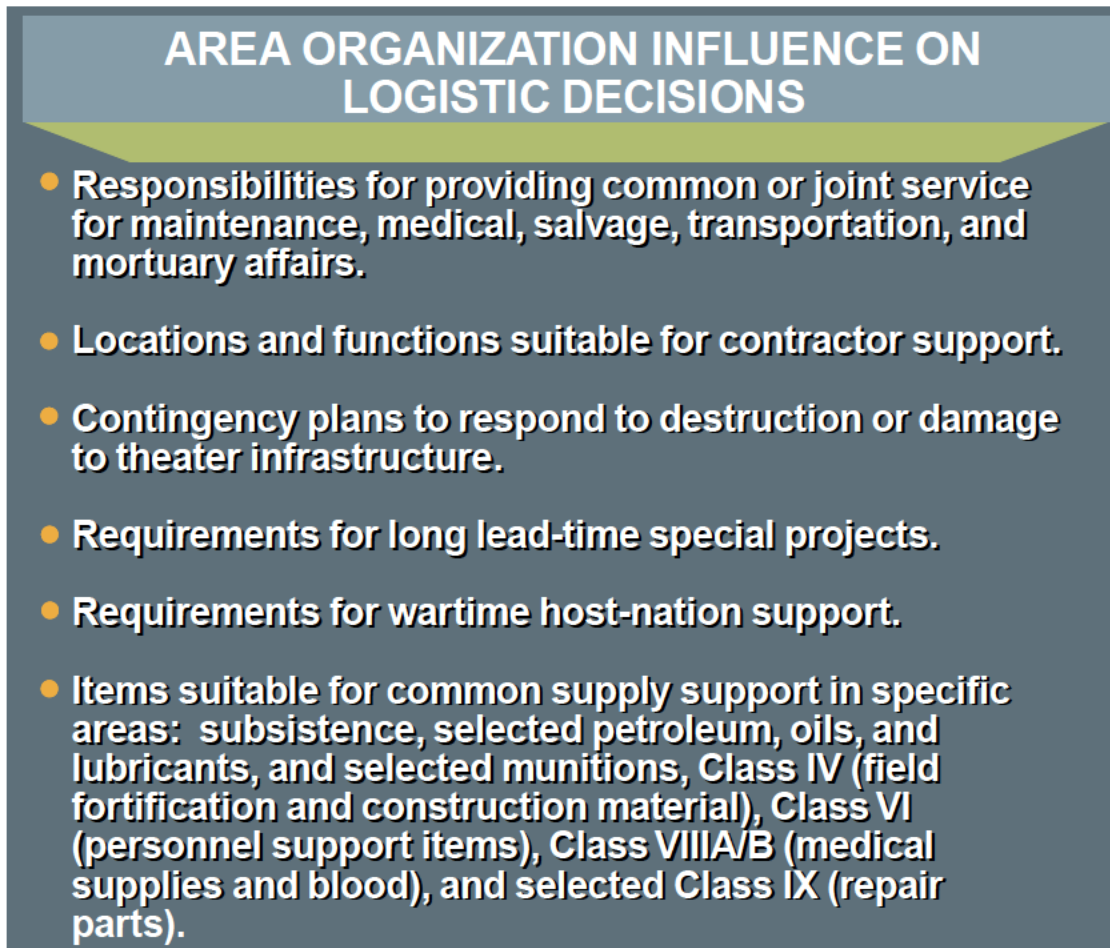


Figure III-1. Area Organization Influence on Logistic Decisions

zones (COMMZs). The combat zone is an area required by forces to conduct large-scale combat operations. It normally extends forward from the land force rear boundary. **The COMMZ contains those theater LOCs, organizations, and other agencies required to support and sustain combat forces.** The COMMZ usually includes the rear portions of the theaters of operations and theater of war and reaches back to the CONUS base or a supporting CINC's AOR. The COMMZ includes air and sea ports that support the flow of forces and logistics into the operational area. It is usually contiguous to the combat zone, but may be connected only by fragile LOC in very fluid, dynamic situations.

c. **Logistic Base.** In smaller-scale operations or MOOTW, the JFC may establish a logistic base from which operations are projected and supported. The logistic base

will provide support tailored to fit the mission and situation. Most, if not all, of the support capability located in the COMMZ of large-scale operations will be found with a reduced footprint at the logistic base. Similarly, a logistic base may be established in large-scale operations when support forward of the COMMZ is required.

6. Special Planning Considerations

Planners must identify critical or key issues unique to a specific joint OPLAN they must support. Special planning considerations are shown in Figure III-2 and are discussed below.

a. **Demands of an Expanding Force.** Execution of an operation order (OPORD) or campaign plan or response to a crisis may be accompanied by **general expansion** of the Armed Forces of the United States.

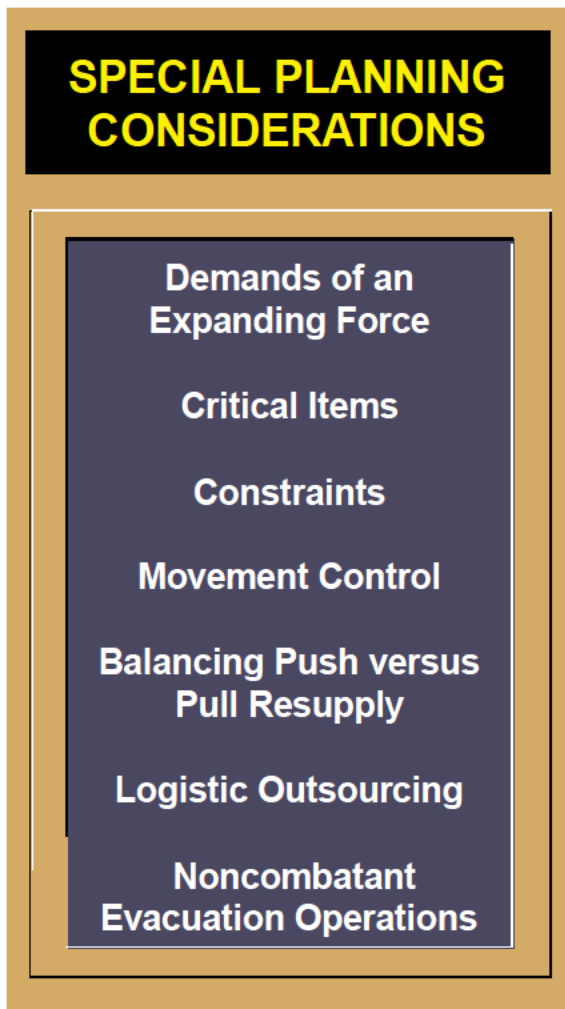


Figure III-2. Special Planning Considerations

Historically, demand for items increases faster than the supply system can provide, and **special management actions** might become necessary. To anticipate campaign priorities, planners must: **provide instructions or guidance for redistributing assets** from low- to high-priority organizations within the command; **obtain assets from external sources** with lower priority needs; **control the allocation of new assets** in short supply; and **provide efficient means** to retrograde, repair, and then reissue critical items.

b. **Critical Items.** Critical supplies and materiel must be identified early in the planning process. Critical items are **supplies vital** to the support of operations that are in **short supply** or are expected to be in short supply. Critical items may also be selected

mission-essential items that are available but require intense management to ensure rapid resupply for mission success. Special handling of requisitions or requests for transportation of critical items may be required.

"Mobility is the true test of a supply system."

Captain Sir Basil Liddell Hart
Thoughts on War, 1944

c. **Constraints.** Logistic planners must understand the constraining factors affecting all phases of the deployment, sustainment, and retrograde plans. Intra-CONUS, intertheater, and intratheater movements may encounter constraints that **limit or degrade the ability to support a campaign or operation plan**. Identifying constraints en route to or within the theater is the first step in coordinating activities to avoid overloading LOCs. Traditionally, limited unloading capacities at ports and airfields, lack of asset visibility, and limited inland transportation have constrained the operational reach of combat forces. Logistic planners must anticipate congestion and seek solutions to constraints. Finally, if multinational operations are planned, the impact of multinational land, naval, and air forces competing for real estate, ship berthing and unloading facilities, transportation, labor, and construction materials on US force deployment and employment plans must be assessed. Planners must evaluate the impact of using SPODs, APODs, and/or JLOTS when preparing for operations.

d. **Movement Control.** Movement control must **coordinate** transportation assets of all modes — terminals, services, commands, and HNs — to support the CINCs' concept of operations. As the Department of Defense's single manager for common-user transportation, **USCINCTRANS** will provide for proper liaison with the CINC for movement of personnel and materiel **into the theater during peacetime and**



Movement of heavy units by rail.

contingencies. The **geographic combatant commander will exercise control over intratheater movement**, although detailed coordination may be required to accommodate HN or allied requirements. Whatever unique circumstances prevail in a theater, logistic plans must provide CINCs with **the highest practicable degree of influence or control over movement.** Operational planners should anticipate exploiting an operational success and coordinate the probability of high-speed pursuit with logistic planners to ensure that the operational forces do not overreach the timely support of logistic resupply.

e. **Balancing Push and Pull Resupply.** Automatic (push) resupply works best for commodities and classes of materiel with valid usage rates. It is particularly useful for establishing and maintaining the stocks of common-user items, which may then be distributed within the theater. Requisitioning (pull) is preferable for variable usage rate requirements. Properly used and regulated, a combination of push and pull resupply will minimize transportation requirements and the logistic footprint in-theater. Current logistic

initiatives are designed to further reduce the logistic footprint, increase the velocity and visibility of resupply, and emphasize pull resupply for maximum efficiency. In this regard, planners must realize that for certain commodities such as repair parts and major end-items, the Services have oriented their logistic system to a pull system, heavily reliant on information systems and a rapid, time-definite distribution system. Whether a push or pull system is employed, planners must determine planning factors based on the mission and environment and maintain the flexibility to adjust planning factors and resupply methods as circumstances dictate.

f. **Logistic Outsourcing.** Planning should identify sources of supplies and services from civilian sources and integrate them with operational requirements. Existing contingency contracts consist of planning for worldwide and country-specific logistic support and execution of the logistic support plans during contingencies. The types of support provided by contracted logistics include: construction and maintenance of facilities; receiving, storing, issuing, and inventory of supplies; food service;

transportation; maintenance; sewage and waste removal; water production; and shower and laundry.

g. Noncombatant Evacuation Operations.
Conducting NEO in conjunction with combat

operations may place unexpected demands against the supply and services and transportation capabilities of the CINC. NEO requirements must be identified early in the planning process and included in overall assessments of plan feasibility.

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CHAPTER IV

JOINT THEATER LOGISTICS

“The more I see of war, the more I realize how it all depends on administration and transportation . . . It takes little skill or imagination to see where you would like your army to be and when; it takes much more knowledge and hard work to know where you can place your forces and whether you can maintain them there.”

General A. C. P. Wavell, quoted in Martin Van Creveld’s
Supplying War, Logistics from Wallenstein to Patton, 1977

1. General

Joint theater logistics applies logistic resources to **generate** and **support** theater combat power. This chapter focuses on the **CINC’s theater logistic concepts**, including balancing objectives, scheme of maneuver, and operations timing. It discusses the concept of **extending operational reach** and concludes with a number of **specific logistic applications** that apply to the theater. CINCs must ensure that their campaign plans fully integrate **operational and logistic capabilities**. The CINCs must maintain an interrelationship between operations and logistics by insisting on **close cooperation** and **early-on understanding** of the missions assigned to subordinate commanders. The influence of the CINC is essential in bridging any operational-logistic gap.

2. CINC’s Logistic Concept

Although the Service component commanders provide logistic resources, **the CINCs** are responsible for ensuring that the **overall plan** for using these resources **supports** their theater concept of operations.

a. **The Logistic System.** A critical element of a theater logistic system is **timely integration of intertheater and intratheater transportation** of personnel, equipment, and materiel in the theater distribution system. The means to move people and equipment forward and to evacuate them to the rear is

fundamental to successful theater operations. As previously depicted in Figure I-2, the logistic system ranges from CONUS or the deployed support base through a theater POE and on to the forward areas of the theater. **Key elements of the logistic system** are illustrated in Figure IV-1. **Considerations in developing a logistic system** (see Figure IV-2) are as follows.

- **Geography.** The planner must examine the impact of topography, climate, and external factors affecting the logistic system, especially the impact on the various segments of the transportation system, including all waterways, rail systems, roads, pipelines (petroleum, natural gas, water), and airways.

“Victory is the beautiful, bright-colored flower. Transport is the stem without which it could never have blossomed.”

Winston Churchill
The River War, vii, 1899

- **Transportation.** Many factors influence the time-phased selection of transportation modes to meet operational requirements. For example, sealift is by far the most efficient mode for bulk tonnage; however, airlift is often the most expedient for people or for rapid movement of essential equipment and supplies when time is critical. This is particularly important when considering transportation requirements for rapid,

KEY ELEMENTS OF THE LOGISTIC SYSTEM

LINES OF COMMUNICATIONS (LOCs)

LOCs consists of all the routes (land, water, and air) that connect an operating military force with a theater base of operations and along which supplies and military forces move.

THEATER TRANSPORTATION NETWORK

The ports, bases, airports, rail heads, pipeline terminals, and trailer transfer points that serve as the reception and transshipment points for the LOC.

UNITS

Specified units are responsible for operating the seaports, bases, and airports.

HOST NATION, ALLIED, AND COALITION SUPPORT

Desired civil and military assistance from allies that includes: en route support, reception, onward movement, and sustainment of deploying US forces.

CONTINGENCY CONTRACTING

Contracting performed in support of a contingency in an overseas location pursuant to the policies and procedures of the Federal Acquisition Regulatory system. Contractor support may be provided in the areas of facilities, supplies, services, maintenance, transportation, and quality of life support.

Figure IV-1. Key Elements of the Logistic System

time-definite delivery of critical high priority items. On land, rail (for bulk tonnage) and pipeline (for bulk liquids) are more efficient than trucks.

- **Logistic Capability.** In today's environment of smaller inventories, the logistic capability must be considered from the manufacturer (the industrial base) down to the DLA, Services, and combatant command infrastructure. The logistic planner must know to what level supply production may surge during a crisis, what avenues are available to fulfill the initial demands, what the transportation system can support, how retrograde will be handled, and what special requirements or procedures need to be put in place. The ability of the theater infrastructure to receive,

warehouse, and issue logistic resources must also be understood. All these factors influence the efficiency of the entire logistic system and may limit the force size that may be supported.

- **Logistic Enhancements.** Plans must include or consider means to reduce the impact of logistic constraints. Some examples are opening or gaining access to high-capacity ports, expanding airfield parking aprons, additional MHE, and expedient airfield matting. Improved use of commercial International Organization for Standardization containers vice breakbulk may also aid in port clearance and theater distribution of sustainment. Planners should recognize that container distribution operations will require handling equipment, particularly in many



Figure IV-2. Considerations in Developing a Logistic System

austere port and inland transshipment points. Asset visibility also provides the opportunity to divert forces and sustainment around constraints.

- **Logistic Infrastructure Protection.** Provisions must be made for security of the logistic system because it is integral in the sustainment of any mission.

Specific discussion of protection of logistic infrastructure and LOCs, to include the designation of a joint rear area, is provided in JP 3-10, "Doctrine for Joint Rear Area Operations."

- **Echelon of Support.** The logistic system must be responsive to the needs of the most forward combat forces. It must start from CONUS and extend to the forward operational areas, providing

supplies and services when and where they are needed.

- **Assignment of Responsibility.** In coordination with USCINCTRANS, CINCs should assign responsibility for operating the seaports, bases, and airports to the Service components (or HNs, if applicable).
- **Availability of Host-Nation and Multinational Support.** The level of assistance in terms of transportation resources, labor, facilities, and materiel that may be provided by host, allied, and coalition nations affects the amount of airlift and sealift that may be devoted to initial movement of combat forces or sustainment. ACSA and implementing arrangement (IA) to DCAs are a simplified method of receiving or providing resources and services in a multinational environment.

b. Theater Concept of Logistic Support.

The concept of logistic support must be derived from the estimate of logistic supportability of one or more COAs developed during the commander's estimate phase of planning. The CINC's J-4 prepares these estimates for each alternative COA proposed. The estimate of logistic supportability for the selected COA, along with the logistic system framework considerations outlined above, may be refined into the concept of logistic support for an operation or campaign.

- The concept of logistic support is the envisioned manner in which the **capabilities** and resources of the combatant command Service components will be employed to **provide supply and services, maintenance, transportation, engineering, and health services.** It is the organization of capabilities and

resources into an overall theater support concept.

- The concept of logistic support needs to **specify how operations will be supported**. It should give special attention to the **major LOC** to be developed, as well as **support** to be provided by each allied nation. If there is to be a COMMZ to support air or land operations or a network of intermediate and advanced bases to support naval operations within a theater, the general organization and functions should be laid out. **Supporting paragraphs** should cover any topics the CINC believes are necessary and **may include the following**.

- **Logistic Authority and Control of Logistic Flow.** Figure IV-3 lists some of the responsibilities assigned by DOD directives (DODDs) or discussed in joint publications.

- **Guidance on Harmonization.** Multiple Military Services (US and allied nations) may operate simultaneously within the theater and the LOC approaching the theater. Coordination of functions among all affected commands, nations, and agencies is essential in order to avoid confusion, congestion of LOC nodes, and unnecessary duplication. The CINC should provide general guidance, by function and area, wherever needed to ensure unity of effort.

- **C4I Systems in Support of Logistics.** In addition to standing operating procedures for C4I systems, consideration should be given to backup plans or manual procedures in the event of possible C4I system outages or incompatible interfaces during combined operations.

- **Logistic Infrastructure In-theater.** Planning consideration must address

existing infrastructure within the operational area to support JRSOI, theater distribution, and base development in consonance with the CINC's concept of operations.

- **Intratheater Support.** Specific guidance should be provided for employment of all available logistic infrastructure, including allied civilian and military support. In addition, the geographic combatant commander may assign logistic responsibility for the theater to the predominant user of a particular category of support (i.e., intratheater common-user land transportation is frequently an Army component responsibility).

3. Extending Operational Reach

- a. Operational reach is the **distance over which military power can be concentrated and employed decisively**. At the strategic level, the CINC focuses primarily on **defeating the enemy's strategy and will, and on gaining strategic depth, initiative, and advantage** by proper strategic concentration of forces and logistics. The CINC directs the operating forces to accomplish these tasks. The operating forces' view of operational reach centers on the range at which commanders **may mass and employ forces decisively for war or MOOTW**. It goes beyond merely conducting reconnaissance or strike operations at a distance. Operational reach is influenced by the length, efficiency, and security of the distribution system and LOCs. Operational reach also depends on the ability to phase reserves and materiel forward. Finally, it must include the operating ranges and endurance of combat forces and sustainment. The CINC may seek to extend operational reach (with associated increase in risk) by **deploying combat forces ahead of support forces**. The logistician must use all available assets to provide **a sufficient level**

LOGISTIC AREA REFERENCES

<u>Function</u>	<u>References</u>
Special Operations Logistic Support	JP 3-05
Theater Airlift Operations	JP 3-17
Joint Deployment/ Redeployment Operations	JP 3-35
Mobility Systems	JP 4-01
Airlift Support	JP 4-01.1
Sealift Support	JP 4-01.2
Movement Control	JP 4-01.3
Joint Theater Distribution	JP 4-01.4
Terminal Operations	JP 4-01.5
Joint Logistics Over-the-Shore	JP 4-01.6
Joint Reception, Staging, Onward Movement, and Integration	JP 4-01.8
Blood Program	DODD 6480 series
Medical Services	DODD 6480 series and JP 4-02
Petroleum Support	DODD 4140 series and JP 4-03
Engineer Support	JP 4-04
Mobilization Planning	JP 4-05
Mortuary Services	JP 4-06
Common User Logistics Planning Joint Operations	JP 4-07
Joint Doctrine for Logistic Support of Multinational Operations	JP 4-08
Global Distribution	JP 4-09
Contracting	DOD 5000 Series

Figure IV-3. Logistic Area References



A robust intratheater ground transportation system increases forward unit flexibility.

of **sustainment** to the deployed forces. Operational reach may be improved by establishing advanced bases or depots and by improving the security and efficiency of the distribution system and LOCs.

b. **Operational reach is a relative value.** It may be improved by denying one or several components of the enemy's operational reach. The essence of a campaign plan is to accomplish the assigned national strategic objectives, with logistics providing the extension of the CINC's strategic and operational reach into the theater.

c. As CINCs move forces forward, they must **gain control of C4I system centers, transportation nodes, and prospective base areas.** These centers and areas become physical objectives for the combat forces to **seize, control, and pass** to the logistic system as it moves forward to exploit new gains. The resulting **forward momentum** of the logistic system results in **an extension of the operational reach and endurance of the combat forces.**

"Sound logistics forms the foundation for the development of strategic flexibility and mobility. If such flexibility is to be exercised and exploited, military command must have adequate control of its logistic support."

Rear Admiral Henry E. Eccles
Logistics in the National Defense,
1959

4. Applied Operational Logistics

a. **Logistics as a Force Multiplier.** Correlation of combat power between opposing forces is often so close that a **small advantage** gained by one side over the other may prove decisive. Logistics plays a **significant role**, both offensively and defensively, in attaining the advantage from a given force configuration. It does this primarily by **increasing the timeliness and endurance of the force.** For example, logistic assets deployed as part of the early entering force will enhance throughput of

arriving forces and enhance combat sustaining power of early elements. Additionally, a small investment in forward infrastructure may pay large dividends by reconstituting forces rapidly and returning them to battle in time to influence the outcome. Specifically, forward battle damage repair and maintenance capability, rapid runway repair capability, and forward medical treatment facilities may help in reconstituting forces efficiently. Figure IV-4 illustrates some of the impacts of logistics at the operational level of war.

b. **Logistics as a Deterrent.** **Logistic forces and the activation of logistic Reserve Component forces play a key role in deterrence**, a major element of US military strategy. Adequate logistic resources and capabilities convey a **national will to fight a**

protracted conflict. Also, increased states of readiness of logistic forces, the activation of national defense reserve logistic assets (e.g., the RRF), or repositioning afloat pre-positioned ships closer to the AOR may defuse tensions. These actions are usually less provocative than the posturing of combat forces and are often considered as joint OPLAN deterrent options.

c. **Logistics as a Contributor to Flexibility.** The **composition and disposition** of military forces and logistic resources are important considerations in developing **flexibility.** Essentially, a capable, comprehensive logistic package increases **the CINC's force employment options.** Having logistic infrastructure, HNS agreements, ACSAs, and contingency contracts in place before hostilities commence provides operational flexibility and assists CINCs in achieving the maximum use from available forces. To remain flexible, the logistic plan should **anticipate and provide for the next step** in case of operational success or failure, partial success, or change in the situation and intent of the enemy. Logistics plans and the dispositions of materiel and transport assets should allow exploitation or recovery operations in the shortest possible time. Management of change is key to timely support and response.

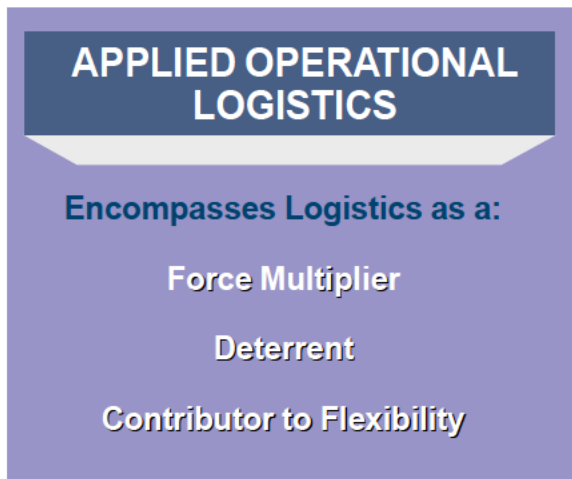


Figure IV-4. Applied Operational Logistics

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CHAPTER V

CONTRACTORS IN THE THEATER

"In all countries engaged in war, experience has sooner or later pointed out that contracts with private men of substance and understanding are necessary for the subsistence, covering, clothing, and moving of any Army."

Robert Morris, Superintendent of Finance, 1781

1. General

a. Contractors have historically provided significant support to the Armed Forces of the United States. The contribution of contractors to today's joint operations continues to be significant. **Contractor support can augment existing capabilities, provide expanded sources of supplies and services, bridge gaps in the deployed force structure, leverage assets, and reduce dependence on US-based logistics.** This force multiplier effect enhances the CINC's fighting capability.

b. Contractors are a particularly valuable resource when cross-servicing agreements, ACSAs, and HNS agreements do not exist or when these agreements cannot provide the required supplies or services. Additionally, less transportation support and fewer military support personnel are required when contracting for supplies and services from local contractors. This improves response times and frees strategic and intratheater airlift and sealift for other priorities. Using civilian contractors is particularly effective when a military ceiling is placed on the size of a deployed force. Civilian contractors can also be used to replace already deployed forces, freeing them for use in other contingencies.

c. **The management and control of contractors is significantly different than the C2 of military personnel.** The terms and conditions of the contract establish the legal relationship between the Government and contractor. The warfighter's link to the contractor is through the contracting officer or the contracting officer's representative.

Contracting officers establish contracts with conditions and provisions of performance which support warfighter requirements.

d. In all instances, contractor employees cannot lawfully perform military functions and should not be working in scenarios that involve military combat operations where they might be conceived as combatants.

2. Types of Contractor Support

Contractor support falls into **three broad categories — systems support, external theater support, and theater support.** Commanders and planners should be aware that a requirement for a contracted system or capability needs to be identified early so that all contractors who provide support to the theater that require transportation can be integrated into the time-phased force and deployment data (TPFDD) for timely deployment.

a. **Systems Support Contractors.** Systems support contractors logistically support deployed operational forces under prearranged contracts awarded by Service program managers or by Military Service component logistic commands. They support specific systems throughout their system's life cycle (including spare parts and maintenance) across the range of military operations. These systems include but are not limited to weapons systems, C2 infrastructure, and communications systems.

b. **External Theater Support Contractors.** External theater support



Systems support contractors logistically support deployed operational forces under prearranged contracts awarded by Service program managers or by military Service component logistic commands.

contractors, working pursuant to contracts awarded under the command and procurement authority of supporting headquarters outside the theater, provide support for deployed operational forces. These may be US or third country businesses and vendors. These contracts are usually prearranged, but may be contracts awarded or modified during the mission based on the commanders' needs. Examples include the Army's LOGCAP, the Air Force's AFCAP, the Navy's CONCAP, CRAF contracts, and war reserve materiel (WRM) contracts.

Service and agencies have awarded these contracts to support US forces in operations worldwide. The services provided by these types of contracts include but are not limited to building roads, airfields, dredging, stevedoring, transportation services, mortuary services, billeting and food services, prison facilities, utilities, and decontamination.

c. **Theater Support Contractors.** Theater support contractors support deployed operational forces pursuant to contracts arranged within the mission area, or prearranged contracts through HN and/or

regional businesses and vendors. Contracting personnel with the deployed force, working under the contracting authority of the theater, Service component, or JTF contracting chief, normally award and administer these contracts. Theater support contractors provide goods, services, and minor construction, usually from the local vendor base, to meet the immediate needs of operational commanders. Immediate contracts involve contracting officers procuring goods, services, and minor construction (either from the local vendor base or from nearby offshore sources) immediately before or during the operation itself.

In the case of contracting for construction in contingencies, the Services agencies designated as DOD construction agents for the peacetime military construction program for specific geographic areas under DODD 4270.5, "Military Construction Responsibilities," may be used to provide construction contracting in support of military operations. For countries where there is no designated DOD construction agent, the supported CINC will usually designate a contract construction agent for support in a contingency.

Additional guidance on construction contracting is found in JP 4-04, "Joint Doctrine for Civil Engineering Support."

3. Integrated Planning

a. Thorough planning facilitates effective contracting and identifies contractor and Service responsibilities for contracted support and for support of the contractor. The use of contractors may contribute to increased flexibility and improved performance in logistic support. However, **it is imperative that logisticians fully integrate, in logistics plans and orders**, the functions performed by contractors together with those performed by military personnel and government civilians. Planning must also consider the need for contingency arrangements if a contractor either fails or is not permitted to perform the service in accordance with the terms and conditions of the contract.

b. Although contractors are expected to use all means at their disposal to continue providing essential services during periods of crisis, this may not be possible in all contingencies. Core logistic support competencies must be maintained to ensure that support to deployed forces will continue in the event contractor support is not available.

c. In both deliberate and crisis action planning, joint operation planners consider the mission, mission forces required, support forces required, and potential sources of support. The latter normally includes US military capability, allied and coalition nation military capability, HNS, and available contract resources.

d. **Predeployment planning allows commanders and contracting officers to ensure that supporting contractor personnel arrive properly equipped and trained.** Services are responsible for ensuring that contractor personnel to be

deployed are required to meet specified requirements per the terms and conditions of the contract. This will include proper immunizations, force protection measures and training, and weapons familiarization as required, along with familiarization with specialized equipment such as nuclear, biological, and chemical (NBC) protective clothing and masks.

4. Visibility

a. **The supported CINC is responsible for overall contractor visibility** and orchestrates the movement of contractors along with combat forces. In a joint operation, the CINC or subordinate JFC designates a lead Service as executive agent to plan and head contracting, finance, and resource management functions for the theater. That Service assigns a mission chief of contracting, who publishes a joint contracting support plan (JCSP) governing all contracting by DOD agencies within the designated operational area. The Services and DLA conduct contracting operations in accordance with Service doctrine and DLA policy within the guidelines of that JCSP.

b. The CINC or subordinate JFC ensures that guidance concerning contractor support is included in the OPLAN and/or OPORD and based on the available assets. Additionally, the CINC or subordinate JFC reviews requirements and establishes priorities based on available assets. This centralizes management of contracting support at the highest level to promote equality of support throughout the theater or operational area and to efficiently coordinate the JCSP.

c. The CINC establishes the CINC Logistics Procurement Support Board, chaired by a J-4 representative and including representatives from each of the component and functional commands, to integrate and monitor contracting activities throughout the



An effective theater logistic organization requires full integration of contractor support. Contractors arriving in theater must receive appropriate processing.

AOR. To fully integrate contractor support into the theater operational support structure, it is imperative to have oversight of contractors. This can be accomplished through the use of a military unit, for example, the CINC's JTLM organization.

5. Time-Phased Force and Deployment Data

a. **The supported CINC or subordinate JFC integrates contractors into the force flow.** The TPFDD is a force requirement document, a transportation movement document, and a tool for allocation of constrained resources, including airlift, sealift, and port assets. When developing the TPFDD for an operation, commanders must address when contractor support should commence and how the contractor will arrive in the operational area. Consequently, a fully integrated OPLAN and/or OPORD must reflect not only military unit deployment requirements, but also DOD civilian and contractor deployment requirements — including whether the contractor will be moving on Defense Transportation System assets or on assets arranged by the contractor.

b. **The supporting CINCs are responsible for ensuring that accurate data on contractor personnel and equipment is entered into the TPFDD and verified to the supported CINC.**

c. The supporting Service or agency is responsible for ensuring that contractor support is available when needed through advance planning and integration of contractor deployment requirements into the contracting support plan, the TPFDD, and the governing contract. This responsibility includes maintaining visibility of the contractors' surge capability, which may be exercised from time to time in conjunction with opportune training events such as emergency deployment readiness exercises.

6. Arrival in Theater

An effective theater logistic organization requires full integration of contractor support. Contractors arriving in the theater as well as already in theater must receive appropriate processing via JRSOI process. When planning JRSOI operations, commanders and planners must include contractor requirements in operation and supporting

plans, contracting support plans, and specifications of the governing contracts.

7. Applicable Law

a. **Theater contracting involves three main bodies of law: international, HN, and US law.** Commanders must ensure that a Judge Advocate or legal counsel is consulted at the outset and involved in planning and reviews of all OPLANs and OPORDs to ensure compliance with various international, US, and HN laws and applicable treaties, SOFAs, status of mission agreements, ACSAs, memoranda of understanding, and memoranda of agreements.

b. Contracting organizations are mandated to use either US uniform commercial code or federal acquisition laws in order to minimize reliance on less familiar principles of international law to acquire supplies and services needed to support military operations and to limit foreign legal exposure. Less restrictive, theater contingency contracting may prove a valuable means of supporting some of the needs of a deployed force when active combat or actual occupation of hostile territory occurs. However, applicable HN law must be researched prior to entry into the theater.

c. Contractors must comply with the law of the HN in performing its contract. The contractor's hiring and firing of its workforce, the salaries and severance entitlements it pays, taxation and social withholding, workplace safety requirements, and all other conditions of employment are mandated by HN law. Generally, HN law governs relations between the contractor and its workforce.

- An exception to this rule may be provided for by terms agreed with the HN in an international agreement (when provided) and, to the extent provided in an applicable agreement, certain qualifying

contract employees may be afforded logistic support from US sources and relief from HN tax, customs, immigration, and labor laws just as if they were a member of the military or civilian component stationed in the HN.

- International agreements may also affect contractor support by directing the use of HN resources prior to contracting with commercial firms, restricting the firms to be solicited or the goods or services to be provided by contract, or prohibiting contractor use altogether. Planners should ascertain how HN laws may impact contract support and take any limiting factors into consideration in both deliberate and crisis action planning.

d. Support agreements may affect contracting by restricting services to be contracted or, in some cases, prohibiting contractor use altogether. Planners and contracting officers are responsible for taking into consideration these agreements and laws when preparing all contingency contracts and OPLANs and OPORDs.

8. CINC's Responsibilities

The supported CINC is responsible for determining restrictions imposed by applicable international agreements on the status of contractor personnel operating in the CINC's AOR. Few SOFAs contain provisions addressing the status and privileges of contractor personnel. In the absence of SOFA provisions, HN law governs the status and activities of contractor personnel. Contractor personnel do not have special status unless specifically granted by treaty or by the HN.

9. Status-of-Forces Agreements

SOFAs provide for the status of members of an armed force present within the territory of another nation. In many cases, SOFAs

include provisions concerning civilian employees of the force and dependents. Very few SOFAs include any provisions concerning contractor personnel. Without specific SOFA provisions granting them special status or privileges, contractor personnel are subject to all HN domestic laws. Planners and contracting officers should carefully review any applicable agreements to determine their impact on the status and use of contractors in military operations. Any requirements to include provisions for contractor personnel should be raised to the CINC and Chief of Mission or Department of State for possible relief during negotiations occurring at execution. The Department of Defense, coordinating with the State Department, should negotiate agreements requesting contractors be given the same status as DOD civilians for the purpose of providing non-peacetime operational support to US forces. This will designate contracts and their employees as “members of the force”, ensuring that they will be able to perform their mission.

10. Host Nation and Cross-Service Support Agreements

HN and cross-service support agreements exist with numerous countries. New HN and cross-service support agreements may be negotiated for a specific operation. These agreements permit acquisitions and transfers of specific categories of logistic support to take advantage of existing stocks in the supply systems of the United States and allied nations. Agreements may be accomplished notwithstanding certain other statutory rules related to acquisition and arms export controls. While the usefulness of HN and cross-service agreements may have limited application with the HN, logistic support items may be acquired from any nation with which the United States has an ASCA and transported to use in the operational area. Planners and contracting officers must consider acquisition

pursuant to these agreements as potential alternatives to support by contracts and should incorporate and/or reference these agreements into the OPLANs and OPORDs, as appropriate.

11. Theater-Specific Policies

a. The supported CINC identifies theater-specific policies and requirements in the OPLAN. These policies and requirements are subsequently incorporated within the statement of work and objectives and addressed during the contract negotiation process.

b. If support from existing contracts is likely in a specific operation, the CINC should identify any known or anticipated support requirements for contractor personnel in the OPLAN. The CINC should notify contractors likely to deploy of all specific policies and requirements for personnel operating within the CINC’s theater. Examples of theater-specific policies and requirements include: theater admissions requirements; NBC training and equipment; weapons training; prohibited activities; local customs and courtesies; vehicle licensing; governing status-of-forces provisions; and international agreements. Ultimately, contractor compliance with theater-specific policies and requirements depends on the terms of the contract.

12. Law of War Status of Contractor Personnel

a. US and foreign contractors accompanying the armed forces (other than some local hire personnel providing housekeeping services, who are noncombatants) are considered civilians accompanying the force and are neither combatants or noncombatants. As such, depending on the function they perform or their physical location, they may be at direct risk from hostile action. The 1949 Geneva

Convention Relative to the Treatment of Prisoners of War establishes that civilians accompanying the force in international armed conflict have prisoner of war status if captured.

b. To confirm their status as civilians accompanying the force, commanders should issue Uniformed Services Geneva Convention cards designating them accordingly. Except for special purpose equipment, such as chemical, protective or cold weather equipment, contractors generally are not required to wear US military uniforms or clothing. Contractors may be required to wear battle dress uniforms when camouflage integrity or other military necessity dictates. In these situations commanders should ensure that contractors wear a symbol that establishes their contractor status. Specific questions should be addressed to the command staff judge advocate.

13. Contractor Security

a. Force protection responsibility for DOD contractor employees is a contractor responsibility, unless valid contract terms place that responsibility with another party (e.g., the geographic CINC or Chief of Mission). Commanders shall ensure that contractor security provisions are incorporated into OPLANs and/or OPORDs, the governing contract, and in the determination of structure and size of theater security forces.

b. As a general rule, contractor personnel accompanying US forces should not be armed. Regardless of prior military experience or reserve status, contract personnel are not military personnel. Issuing weapons to contractor personnel deployed in an uncertain or hostile environment can cloud their status, leaving them open to being targeted as a combatant. Additionally, unless specifically allowed by host nation law, SOFA provision, or other international agreement, US forces

have no legal basis for issuing arms to contractor personnel. Since contractor personnel are not subject to command authority enforced by an internal system of penal discipline, commanders have no method of guaranteeing armed contractor personnel will act in accordance with the law of war or HN law. (For criminal liability for war crimes, see paragraph 15, "Discipline") However, if not in the context of an international armed conflict and under very limited special circumstances (e.g., to protect themselves from bandits or dangerous wild animals in isolated areas where there is no uniformed military presence to provide force protection), contractors may be issued personal weapons if consistent with HN law and not precluded by the law of armed conflict. In such special limited cases, the issuance of such weapons must be authorized under procedures approved by the geographic commander and comply with military regulations regarding firearms training and safe handling. Likewise, the geographic commander will determine the requirement for training and equipping contractor personnel with NBC equipment. Acceptance of personal weapons or any other military equipment by contractor personnel is based on the terms of the contract.

14. Other Logistic Services and Equipment

a. The contract will address other logistic services and equipment provided to contractor employees such as individual protective equipment, rations, housing, laundry and bath, medical, legal, mortuary, morale, welfare and recreation, postal, and religious services. Depending on the operational environment, either the contractor, the military, the HN, or third parties may provide this support. Unless contractor personnel are providing emergency essential services in the forward area and there is no adequate military substitute for these services, care should be taken to evacuate or remove them from areas of imminent enemy

attack. In some cases, contractors may live and work under field conditions similar to those for the supported military forces.

b. Commanders will ensure that other logistic services (including exchange privileges for access to clothing and personal hygiene items, where appropriate) are incorporated into the governing contracts and OPLANs and/or OPORDs, and be prepared to modify them quickly when circumstances warrant such action.

15. Discipline

a. Contract employees are disciplined by the contractor through the terms of the employee and employer relationship. Employees may be disciplined for criminal conduct by their employer per the terms of their employment agreement. Contract employees are also fully subject to the domestic criminal law of the host country. An exception to this rule would be if the contract employees fell under a SOFA during a time of war or as defined in a pertinent treaty or agreement.

b. Commanders have no penal authority to compel contractor personnel to perform their duties or to punish any acts of misconduct. Likewise, should contractor personnel be detained or charged under HN law, military commanders have no means of asserting jurisdiction or demanding release, unless contractor employees are granted status protection under a SOFA or other agreement with the HN. However under US

federal criminal law (Title 18, Section 2441) a national of the United States, including contractor employees, may be tried for a war crime as defined under this statute. Trial would be held in an US district court and the US national would be afforded all legal protection available to one charged for violating US federal criminal law.

c. Planners and contracting officers should incorporate disciplinary provisions into the governing contracts and OPLANs and/or OPORDs, and ensure that the contractor incorporates these provisions into their employment agreements. Specifically, disciplinary provisions under the contract may include revocation or suspension of clearances, restriction from installations or facilities, or revocation of privileges.

16. Contractor Redeployment

a. Orderly withdrawal or termination of contractor operations ensures that essential contractor support remains until no longer required and that the movement of contractor equipment and personnel does not inadvertently hinder the overall redeployment process. Therefore, careful planning for the departure of contractor support from the operational area is as essential as that for military forces. Any contractor activity that may create environmental, legal, or fiscal claims on the United States must be carefully monitored prior to and during cessation of contractor support and redeployment of contractors.

AN UNEXPECTED NEED

When Operation DESERT SHIELD began, contractors performing maintenance on E-3 aircraft and other systems in Saudi Arabia suddenly required gas masks and other mobility equipment that had not been specified contractually since Saudi Arabia was not considered a combat zone prior to 1 August 1990.

VARIOUS SOURCES

b. For contractors returning to the United States, the redeployment planning and execution process is similar to that of military forces. Contractors from third country nations or the HN do not require the same level of redeployment processing as those returning to the United States. Nonetheless, serious consideration must be given to when they will terminate operations as provided in the contract and, if required, when and how they will exit the operational area.

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APPENDIX A

LOGISTIC RESPONSIBILITIES WITHIN THE DEPARTMENT OF DEFENSE

(As specified by Title 10 United States Code)

1. Secretary of Defense

The Secretary of Defense is responsible for the following.

a. Develop national security emergency operational procedures and coordinate them with the Secretary of Housing and Urban Development with respect to residential property for the control, acquisition, leasing, assignment, and priority of occupancy of real property within the jurisdiction of the Department of Defense.

b. Review the priorities and allocations systems developed by other Federal departments and agencies to ensure that they meet DOD needs in a national security emergency.

c. In cooperation with the Secretary of Transportation and the Director, Federal Emergency Management Agency, identify those industrial products and facilities that are essential to mobilization readiness, national defense, or postattack survival and recovery.

d. In cooperation with the Secretary of Transportation and the Director, Federal Emergency Management Agency, analyze potential effects of national security emergencies on actual production capability, taking into account the entire production complex, including shortages of resources, and develop preparedness measures to strengthen capabilities for production increases in emergencies.

e. With the assistance of the heads of other Federal departments and agencies, provide management direction for the stockpiling of strategic and critical materials; conduct

storage, maintenance, and quality assurance operations for the stockpile of strategic and critical materials; and formulate plans, programs, and reports relating to the stockpiling of strategic and critical materials.

2. Office of the Secretary of Defense

The Office of the Secretary of Defense is the civilian staff of the Secretary of Defense. Those most concerned with logistic matters are the Under Secretary of Defense for Acquisition, Technology, and Logistics (USD(AT&L)), Under Secretary of Defense for Policy (USDP), and Deputy Under Secretary of Defense for Logistics (DUSD(L)). The USDP handles emergency preparedness functions. The USD(AT&L) sets policy for acquisition through DODDs of the 5000 series. The DUSD(L) is the principal staff adviser to the Secretary of Defense for determining logistic requirements. The DUSD(L) also carries out force structure analysis of logistic support capability including repair, overhaul and maintenance of equipment, and supply management. Further, the USD(AT&L) directs and controls the DLA.

3. Chairman of the Joint Chiefs of Staff

The Chairman of the Joint Chiefs of Staff is the principal military adviser to the President and Secretary of Defense. The Chairman's responsibilities include the following primarily logistic functions.

a. **Prepare joint logistic and mobility plans to support strategic plans and recommend the assignment of logistic and**

mobility responsibilities to the Armed Forces in accordance with those logistic and mobility plans.

b. **Prepare joint logistic and mobility plans to support contingency plans and recommend the assignment of logistic and mobility responsibilities** to the Armed Forces in accordance with those logistics and mobility plans.

c. **Advise the Secretary of Defense on critical deficiencies and strengths in force capabilities** (including manpower, logistics, and mobility support) identified during the preparation and review of contingency plans and assess the effect of such deficiencies and strengths on meeting national security objectives and policy and on strategic plans.

d. After consultation with the CINCs, **establish and maintain a uniform system for evaluating the preparedness** of each combatant command to carry out their assigned missions.

e. Review the **logistic plans and programs** of the combatant commands to **determine their adequacy and feasibility** for the performance of assigned missions.

f. Prepare and submit to the Secretary of Defense for information and consideration **general strategic guidance for the development of industrial and manpower mobilization** programs.

g. Prepare and submit to the Secretary of Defense military guidance for use in the **development of logistics-related military aid programs and other actions relating to foreign military forces**.

h. Prepare and submit to the Secretary of Defense for information and consideration in connection with the preparation of budgets, **statements of military requirements based on US strategic plans**. These statements

should include tasks, priority of tasks, force requirements, and general strategic guidance for developing military installations and bases and for equipping and maintaining military forces.

4. Military Departments

Secretaries of the Military Departments have the following logistic responsibilities.

a. Exercise **authority to conduct all affairs of their departments** to include recruiting, organizing, supplying, equipping, training, servicing, mobilizing, demobilizing, administering and maintaining forces; constructing, outfitting, and repairing military equipment; constructing, maintaining, and repairing buildings, structures, and utilities; and acquiring, managing, and disposing of real property or natural resources.

b. Prepare forces and establish reserves of manpower, equipment, and supplies for the **effective prosecution of war and military operations throughout the range of military operations**.

c. Maintain mobile Reserve forces in a state of readiness, properly organized, trained, and equipped for employment.

d. **Recruit, organize, train, and equip** interoperable forces for assignment to combatant commands.

e. **Conduct research; develop tactics, techniques, and organization; and develop and procure weapons**, equipment, and supplies essential to the fulfillment of functions assigned by the Secretary of Defense.

f. **Create, expand, or maintain an infrastructure** that supports US forces using installations and bases, and provide administrative support unless otherwise directed by the Secretary of Defense.

5. Military Services

The Army, Navy, Air Force, and Marine Corps (under their departmental Secretaries) as well as the Coast Guard (under the Department of Transportation in peacetime and the Department of the Navy in wartime) are responsible for the functions enumerated in DODD 5100.1, "Functions of the Department of Defense and Its Major Components." They will provide logistic support for Service forces, including procurement, distribution, supply, equipment, and maintenance, unless otherwise directed by the Secretary of Defense.

6. Commander in Chief, US Special Operations Command

USCINCSOC is responsible for developing and acquiring SO-peculiar equipment, materiel, supplies, and services. SO-peculiar equipment, materiel, supplies, and services are defined as those items and services required for SOF mission support for which there is no broad conventional requirement. This support will be provided to theater-deployed SOF via US Special Operations Command Service component logistic infrastructure and in coordination with theater Service components.

7. Defense Logistics Agency

a. DLA is a Combat Support Agency of the Department of Defense and is controlled and directed by USD(AT&L). DLA functions as an integral element of the DOD military logistic system by providing worldwide logistic support to the Military Departments and the combatant commands across the range of military operations, as well as to other DOD components, Federal agencies, foreign governments, or international organizations as assigned. DLA has the following logistic responsibilities:

- Provide integrated materiel management and supply support for all DLA-managed commodities (including subsistence; clothing, textiles, hard copy maps, and supplies; POL; construction materiel; medical materiel; and weapon system repair parts);
- Provide property disposal services, to include HM and HW;
- Provide contract administration services;
- Act as executive agent for DOD Donation Program; and
- Provide a DLA Contingency Support Team (DCST) to support a CINC's contingency taskings.

b. During contingency operations, DLA will establish consolidated in-theater management of DLA operations and provide a single point of contact for DLA matters by employing a DCST. The DCST functions to support the CINC, subordinate JFC, JTLM element, or the disaster relief defense coordinating officer. The level of support provided by the DCST is based on the mission and tasks assigned to DLA by the combatant commander. The deployable DCST is tailored to anticipate contingency taskings and may be as small as four members or as large as a team of 80. The decision to employ a DCST is normally accomplished during the planning or early execution phases of a crisis with an initial DLA planning or liaison cell responding to immediate CINC requirements. The DCST is made up of an initial response team, a command support element, and functional elements (a materiel management element, fuels support element, disposal element, and a contingency contract administration services element). In addition there is provision for a domestic disaster relief DCST which consists of an initial response team, a command support element, a distribution operations

management element, and a mobility operations center element. (Team composition varies depending on the Federal Response Plan emergency support functions supported.)

Further discussion of DLA's contingency capabilities is found in JP 4-07, "Joint Tactics, Techniques, and Procedures for Common User Logistics During Joint Operations."

APPENDIX B

ORGANIZATION AND FUNCTIONS OF THE SUPPORTED CINC'S J-4 AND FUNCTIONS OF JOINT LOGISTIC CENTERS, OFFICES, AND BOARDS

1. General

This appendix relates some insights, gained from experience and studies, that bear on the effective organization of a combatant command's J-4 and the wartime functions of that staff. Guidance implied by these insights is general in nature and not directive. The degree of application of the implications drawn from the information provided here may vary among combatant commands.

2. Organizational Considerations

Often there may be little time to shift from a peacetime organization to a different wartime organization. Any effort involved in doing so will reduce resources available to apply to the significant logistic problems that accompany deployment and other initial logistic tasks in war. The logistic organization, therefore, should be tailored to respond to anticipated war tasks.

a. On the combatant command staff, these tasks will most likely take the form of coordination and planning functions and are derived from the commander's mission. Therefore, conducting an inventory of wartime tasks is a preliminary requirement in validating or improving staff organization.

b. Although the J-4 organization should be based on wartime tasks, it could well be staffed at reduced levels in peacetime. Still, the full wartime structure should be defined to aid in rapid expansion. The use of Reserve Component augmentees may provide pre-trained expertise to support the wartime structure. It is critical that augmentees be identified in advance, trained, included in

exercises, and scheduled for movement in OPORD TPFDD.

c. Organizing around war tasks encourages rather than precludes delegating to Service components certain special logistic planning tasks or the actual operation of certain joint logistic functions.

d. Lessons learned have identified the need to utilize a logistic management process that provides a unified focus and optimizes support of deployed forces. Limited logistic resources, combined with reduced force infrastructure, fewer forward locations, austere operating locations with limited infrastructure, and increased joint operations in nonlinear battlespace make it imperative to capitalize on the assets and capabilities available in-theater to facilitate support to the warfighter. JTLM is one way to help achieve a unified focus within theater by integrating information, product delivery, flexible response, and effective C2. JTLM ensures that the right product is delivered to the right place at the right time. The CINC may, as an option, establish a JTLM element to fuse movement control and materiel management to integrate and synergize the logistic capabilities of the joint force. JTLM should be planned for and documented in OPLANs, operation plans in concept format (CONPLANs), and functional plans as part of the deliberate planning process. JTLM allows the CINC to choose among a variety of options when selecting the logistic support function best suited to fulfill the needs of the AOR. Some options include the following: using a service organization as its nucleus, for instance the Army Theater Support Command organizational concept; augment J-4; delegate to a JTF commander; establish a stand alone

logistic agency; ensure that the predominant Service manages joint requirements; or expand the logistic readiness center (LRC).

- JTLM key elements include increased reliance on common-user logistic support, a smaller logistic footprint, integrated logistic forces, increased tactical flexibility, single theater logistic management system, common logistic picture, asset visibility across the supply chain, anticipatory logistic management, and rapid access to operational information.
- JTLM relies heavily on improved communications and enabling technologies such as JTAV, GCSS, ITV, and AIT to track force and sustainment flow while eliminating redundancy and excess. Although these enabling technologies are not fully mature, the CINC should capitalize on all available advanced information technologies and the Services' automated information systems to integrate joint force requirements and capabilities into a single, common operating picture. Further, JTLM uses enhanced automation capability to link JRSOI and joint theater distribution in order to provide common-user and cross-Service logistic support.
- In the end, JTLM success depends on the supported CINC setting a common standard for support, enhanced logistic connectivity, and the flexibility and responsiveness of logisticians operating at the strategic, operational, and tactical levels.

3. Key Functions

The CINCs will usually form command centers and operational planning teams in wartime. The logistic staff members in these groups are usually supported by a LRC or are

teamed with representatives from various functional areas: fuels, munitions, engineering, supply, surface transportation, sealift, airlift, and medical services. In addition to operating the LRC and providing representation in the command center, the logistic staff performs four key functions.

a. **Monitor Current and Evolving Theater Logistic Capabilities.** The status information collected from Service components should support the following questions.

- Are any planned operations in jeopardy because of logistic limitations?
- Are there any types of operations that should not be considered because they could not be supported?
 - The data reported should be in the form of gross comparisons of current stock and expected consumption and should identify the on-hand percentage of requirements of critical items and munitions.
 - The logistic status information should be converted to output indicators stating the types of operations current and incoming assets could support, including factors such as intensity of combat, duration of the operation, and the operational reach that may be attained.
 - In summary, this function involves collecting, consolidating, interpreting, and explaining data regarding current and upcoming logistic status in the theater. It then relates those data to the operations the CINC is considering.

b. **Coordinate Logistic Support with Upcoming Operations.** This function involves directing the shift of logistic support from one Service component or one geographic area to another in the theater. To

perform this function properly, the logistic staff needs to use information technology enablers to know materiel commonalties among the Services, logistic force capabilities, the location of Service component resources, what materiel is en route to the theater, and how to interpret the various means of measuring support levels.

c. Advise the CINC on the Supportability of Proposed Operations or COAs. Because logistic support of Service components is a Service responsibility, Service components must also perform this task. However, the J-4 should be able to provide a gross analysis of COAs at the combatant command level before the Service components get involved in detailed assessments.

d. Act as the CINC's Agent and Advocate to Non-theater Logistic Organizations. This function involves routinely reporting logistic status to the Chairman of the Joint Chiefs of Staff requesting extra resources, overseeing priorities conveyed to supporting organizations, overseeing adjustments to the flow of forces and supplies, and coordinating logistics with allies and their combatant commands.

4. Joint Logistic Centers, Offices, and Boards

The following are examples of joint logistic centers, offices, and boards that may be established by the Chairman of the Joint Chiefs of Staff, CINCs or subordinate JFCs to coordinate the logistic effort.

a. Logistic Readiness Center

- Formed at the discretion of the CINC and operated by the CINC's logistics staff, the LRC supports the command center and operational planning teams.

- The LRC receives reports from supporting commands, Service components, and external sources, distills information for presentation to the CINC, and responds to questions.

b. Joint Movement Center

- The joint movement center (JMC) is established under the supervision of the combatant command J-4 to implement the tasking and priorities provided by the CINC.

For detailed information, see JP 4-01.3, "Joint Tactics, Techniques, and Procedures for Movement Control."

- The JMC coordinates the employment of all means of transportation (including that provided by allies or HNAs) to support the concept of operations. This coordination is accomplished through the establishment of strategic or theater transportation policies within the assigned theater, consistent with relative urgency of need, port and terminal capabilities, transportation asset availability, and priorities set by the CINC.

JP 4-01, "Joint Doctrine for the Defense Transportation System," provides joint transportation procedures for use of common-user lift assets and should be consulted by the logistic planner.

- The J-4 directs or recommends to the CINC, as appropriate, COAs with respect to allocation of common-user transportation capabilities when movement requirements exceed capability or when competing requirements result in unresolved conflicts.
- Although the functions and responsibilities of the JMC may differ,

depending on circumstances, the JMC will normally:

- Interface with JOPES to monitor and effect changes to the deployment of forces and supplies;
 - Analyze user capabilities to ship, receive, handle cargo and passengers, and recommend solutions to shortfalls;
 - Advise the J-4 on transportation matters that would adversely affect combat contingency operations;
 - Serve as the liaison with the HNs and coalition partners for transportation issues;
 - Disseminate information concerning HN transportation systems, facilities, equipment, and personnel; and
 - Coordinate NEO movement support.
- Communication links may be required to support the JMC:
- With each of the transportation control elements (e.g., movement control center, airlift control center, and water terminal clearance authority);
 - With each component; and/or
 - Directly with USTRANSCOM and the transportation component commands (AMC, MSC, and MTMC).

c. Logistic Staff Officer for Petroleum and Subarea Petroleum Office

- Normally, the unified command Joint Petroleum Office (JPO) manages wholesale bulk petroleum support. The primary duties of the logistic staff officer for petroleum are as follows.

- Coordinate POL planning and mission execution matters;
- Coordinate the supply of common bulk petroleum products to joint force components;
- Using DOD Manual 4140.25-M, “Management of Bulk Petroleum Products, Storage, and Distribution Facilities,” coordinate with Service components in determining requirements for bulk petroleum and ensure stockage through the Defense Energy Support Center (DESC) sources; and
- Recommend necessary reallocation and apportionment of petroleum products and facilities to CINCs.

See JP 4-03, “Joint Bulk Petroleum Doctrine,” for additional guidance.

- When tactical operations warrant extensive management of wholesale bulk petroleum in the theater, the JPO may establish a subarea petroleum office (SAPO). Staff augmentation may be provided by Service components. The primary function of the SAPO is to discharge the staff petroleum logistic responsibilities of a joint force. The SAPO will conform to the administrative and technical procedures established by the combatant command and the DESC in DOD Manual 4140.25-M, “Management of Bulk Petroleum Products, Storage, and Distribution Facilities.” Key duties of the SAPO are as follows.
 - Review and consolidate area resupply requirements through the JPO to the DESC.
 - Release or reallocate prepositioned WRM stocks.

- Assist the DESC in executing applicable support responsibilities in the AOR.

- Take continuous action to identify and submit requirements to HNs for petroleum logistic support.

d. Joint Civil-Military Engineering Board

- The Joint Civil-Military Engineering Board (JCMEB) establishes policies, procedures, priorities, and overall direction for civil-military construction and engineering requirements in the theater.
- The JCMEB is a temporary board, activated by the geographic combatant commander and staffed by personnel from the components and agencies or activities in support of the combatant command.
- The JCMEB arbitrates all issues referred to it by the Joint Facilities Utilization Board (JFUB) and, if appropriate, assumes responsibility for the preparation of the civil engineering support plan.
- The JCMEB will coordinate its activities with the regional or theater wartime construction managers having responsibility for the assigned AOR. Construction and engineering requirements that the JCMEB cannot satisfy from within joint force resources will be elevated to the regional or theater wartime construction managers for support.

See JP 4-04, "Joint Doctrine for Civil Engineering Support," for additional guidance.

e. Joint Facilities Utilization Board

- The JFUB evaluates and reconciles component requests for real estate, use

of existing facilities, inter-Service support, and construction to ensure compliance with JCMEB priorities.

- The JFUB is activated on order of a geographic combatant or subordinate JFC and chaired by a geographic combatant or subordinate joint force J-4 or engineer, with members from components and any required special activities (e.g., legal and civil affairs).
- The JFUB also provides administrative support and functions as the executive agency for the taskings of the JCMEB.

See JP 4-04, "Joint Doctrine for Civil Engineering Support," for additional guidance.

f. CINC Logistic Procurement Support Board

- The geographic combatant commander should consider establishing a CINC Logistic Procurement Support Board (CLPSB) to ensure that a properly coordinated and prioritized contracting management program, in line with warfighting concerns, exists. The establishment of the board is contingent on the existence of procurement operations in the AOR.
- The CLPSB is chaired by a J-4 representative of the combatant command and includes representatives from each of the Service component commands and DLA. It should also include, when appropriate, members of other DOD Combat Support Agencies and US agencies or organizations concerned with contracting matters.

- The functions of the CLPSB should be consistent, but not redundant, with those of the Military Departments and should adhere to all applicable laws, DODDs,

the Federal Acquisition Regulation (FAR), and the DOD FAR Supplement. CLPSB functions are as follows.

- Assess the impact of a potential loss of contractors performing essential services and planning in accordance with DOD Instruction 3020.37, "Continuation of Essential DOD Contractor Services During Crises."
- Identify contracting issues that may affect other unified commands to the cognizant Joint Staff Office of Primary Responsibility, J-4.
- Coordinate with US Embassies and host countries for contracting of supplies, services, and operations by contractors performing under US contracts.
- Eliminate duplication by arranging for single-Service contracting assignments for specified supplies and services, when appropriate.
- Provide an exchange of information among contracting activities covering such matters as sources of supply, prices, and contractor performance.
- Provide guidance on the consolidation of purchases.
- Develop and issue command contracting policy covering matters unique to that command, or authorize subordinate unified commands to issue such policies unique to their operational area.
- Provide support to the Joint Logistic Board in addressing assigned projects on studies that involve acquisition and/or contracting policies and procedures affecting the unified commands.
- Develop policies and procedures that continually improve the coordination of

contract administration services performed overseas.

- Distribute CLPSB summaries to other commands to share information on contracting issues of mutual interest.
- Establish procedures to coordinate procurement with the supply operations of the command or area.
- Prescribe payment procedures consistent with currency-control requirements and international agreements.
- Promulgate, as necessary, joint classification and compensation guides governing wages, living allowances, and other benefits for third-country national and indigenous employees, in coordination with appropriate agencies.

g. Theater Patient Movement Requirements Center. The Theater Patient Movement Requirements Center (TPMRC) is under the control of the command surgeon and coordinates and controls, in terms of identifying bed space requirements, the movement of patients within and out of the assigned AOR. TPMRCs generate theater plans and schedules, and then modify (as needed) and execute Global Patient Movement Requirements Center-delivered schedules, ultimately delivering the patient to the medical treatment facility. The TPMRC should be task-organized to maintain flexibility in response to the tactical situation and mission of the combatant command.

For detailed information, see JP 4-02.2, "Joint Tactics, Techniques, and Procedures for Patient Movement in Joint Operations."

h. Joint Blood Program Office

- Within the office of the command surgeon, the Joint Blood Program Office

(JBPO) is task-organized to meet operational requirements and is staffed by Service representatives who are knowledgeable in blood bank techniques.

- The JBPO plans, coordinates, and directs the handling, storage, and distribution of blood and blood components within the assigned AOR. The JBPO consolidates and forwards requirements for resupply to the Armed Services Blood Program Office (ASBPO).

For detailed information, see JP 4-02.1, "Joint Tactics, Techniques, and Procedures for Health Service Logistics Support in Joint Operations."

- Area JBPO will be activated on the order of a CINC if the situation dictates.

i. **Joint Mortuary Affairs Office**

- The Army component commander is routinely designated executive agent for the theater mortuary affairs program, which includes the establishment and operation of the Joint Mortuary Affairs Office (JMAO) under the staff supervision of the combatant command J-4.
- The JMAO plans and executes all mortuary affairs programs. The JMAO will provide guidance to facilitate the conduct of all mortuary programs and maintain data (as required) pertaining to the search, recovery, identification, care, and disposition of all US missing and deceased personnel, including personal effects, in the assigned theater. The JMAO will serve as the central clearing point for all mortuary affairs and casualty information, and will monitor the deceased and missing personal effects program.

For detailed information, see JP 4-06, "Joint Tactics, Techniques, and

Procedures for Mortuary Affairs in Joint Operations."

j. **Joint Medical Surveillance Team.** The Joint Medical Surveillance Team is responsible for the following.

- Coordinate, monitor, and evaluate the health surveillance activities of force health protection in support of joint operations.
- Provide the clinical and administrative expertise to ensure compliance with health surveillance policies and programs and maintain the highest level of accountability.
- Ensure proper documentation of all health surveillance initiatives, to include pre- and post-deployment questionnaires, serum samples, immunizations, disease and non-battle injury reports, and environmental samples.
- Assist in the risk communication and health education and training program.
- Collect and analyze medical threat and health surveillance data.
- Recommend intervention strategies for minimizing casualties and optimizing health readiness.
- Document lessons learned for improving the health surveillance program in subsequent operations.

k. **Joint Materiel Priorities and Allocation Board.** The JMPAB is the agency charged with performing duties for the Chairman of the Joint Chiefs of Staff in matters that establish materiel priorities or allocate resources. The JMPAB is responsible for the following.

- Modify and recommend priorities for allocations of materiel assets for the

fulfillment of logistic requirements of the theater (both US and allied forces).

- Review, act on, or forward requests for modifications in force and activity designators to the Joint Staff.
- Review, act on, or forward requests to establish or change the priorities in the master urgency list to the Joint Staff.
- Prepare recommendations to the Joint Staff on modifications to priorities and allocations of resources assigned to other CINCs.

1. **Joint Transportation Board.** The Joint Transportation Board is a wartime and/or contingency body that ensures the most effective use of DOD common-user transportation resources in meeting competing and/or conflicting combat commander movement requirements. The board acts for the Chairman unless it cannot resolve issues; these matters are then referred to the Chairman for decision.

The charter for, and membership on, the Joint Transportation Board is in JP 4-01, "Joint Doctrine for the Defense Transportation System," Annex B.

APPENDIX C

LOGISTIC INDICATORS AND CHECKLIST FOR OPLANS AND CONPLANS

1. Logistic Indicators

The following logistic considerations are a guide for use as indicators to assess logistic feasibility of various COAs. The indicators are by no means exclusive, but a process for identifying critical information requirements or analytical work necessary to develop an OPLAN or CONPLAN. Unless otherwise noted, these indicators apply to the strategic and operational level of logistics.

a. Materiel sourcing can only be accomplished by the Services and sourcing agencies. Early liaison among all concerned is essential to assess:

- Status of critical supplies and materiel in the theater, in the pipeline from CONUS to the theater, and in CONUS; and
- Pre-positioning of adequate war reserves.

b. Constraints en route to or within the theater.

c. Status of facilities and resources.

d. Movement control concepts.

e. LOC and node security status.

f. Availability of HNS, ACSAs, and IA to DCAs.

g. Time-phasing and readiness status of logistic support.

h. Availability of adequate communications connectivity for logistic automated systems.

i. Manufacturing rate of the CONUS base or production line needed to sustain forward operations.

j. **Concentration.** Are superior resources concentrated to support combat power at the decisive time and place?

k. **Visibility.** Do commanders know what logistic support they have and where it is at all times?

l. **Mobility.** Do commanders understand the capabilities of theater mobility assets in supporting operational movements and how long it will take to move forces and logistic assets to the decisive point of concentration?

m. **Configuration of materiel for transport.** Are there adequate means to move materiel where and when it needs to be moved and capabilities to reconfigure it for delivery if required?

n. Establishment of a theater distribution system that delivers resupply from rear echelons to front units.

o. Unusually high wastage or pilferage at any point in the logistic system.

p. Impact of NEO on logistic support.

2. Checklist for OPLANS and CONPLANS

Planners should ensure that logistic issues are addressed in the appropriate Annex of OPLANS (Annex D for logistics, Annex P for HNS, and Annex Q for medical). OPLAN considerations include the following.

a. **Has a thorough review of the OPLAN or OPORD been made?**

the timely exchange of logistic information?

b. **Are logistics-related annexes and estimates prepared?**

c. **How many days can assigned forces sustain operations with organic supplies?**

- Have communications connectivity required for support of logistic automated systems been identified and included?
- Is initial distribution of supplies included?
- Have logistic plans been coordinated with component commanders? Has consideration been given to assigning the responsibility for theater support to the dominant users of services?
- Are movements of personnel, equipment, and supplies included? Have adequate provisions been made for defense during movements?
- Do annexes and estimates encompass projected impacts of NEO and displaced persons on routes, services, facilities, and sustainment?
- Are construction and other engineering requirements included? Has a barrier plan been considered? Have those materiel requirements been identified for sourcing?
- Have environmental support plans and related annexes been developed? Are provisions for the procurement, storage, issue, and disposition of hazardous materials and waste been included? Have provisions been made to ship hazardous waste across national boundaries? What actions have been identified to recover and re-mediate contaminated military operation locations?
- Do data capture processes and communications infrastructure support

Are sustainment supplies phased to provide uninterrupted operations? What is the supply safety level?

- If allied or HN forces are involved, what logistic demands will the United States be responsible for meeting?
- Are US logistic assets compatible with allied or HN logistic assets or requirements (fuel type, interoperable equipment, and standard processes and procedures)?

d. **Petroleum**

- What is the concept of operations for petroleum support?
- What HNS is available?
- What are component responsibilities for petroleum support? Have components provided estimates of POL requirements?
- Have arrangements been made to contract for HN sources, with the supported CINC's JPO or DESC? Should a SAPO for resupplying POL be established?
- Has a quality control program for POL been established?
- Have POL storage methods and sites been selected? Have security arrangements for the sites been established?
- Have arrangements been made for transportation of POL within the assigned theater?

e. **Munitions**

- What are the critical munitions required for this operation?
- Are sufficient stocks of these critical munitions available?
- Have these munitions been properly relocated, positioned or sourced to support the operation?
- May any immediate critical munitions shortfalls be remedied through transfer between component commands or from foreign forces as a quick fix?
- Have components provided estimates of ammunition resupply requirements?
- Have ammunition storage sites been selected and properly sited?
- Have security arrangements for the ammunition sites been established?
- Have arrangements been made for the transportation of ammunition within the theater?

f. **Health Services Support Analysis.**
Detailed HSS analysis is accomplished in Annex Q of the OPLAN.

- Are the medical tasks, functions, and responsibilities delineated and assigned?
- Are provisions made to provide emergency medical assistance to other than US forces, to include noncombatant evacuees, contractors, and allied personnel that directly support US forces and enemy prisoners of war?
- Has the theater evacuation policy been established? If so, have requirements for medical support (beds, personnel, medical supplies and blood products) and

patient movement workload been identified?

- Is sufficient medical support available for deploying US forces to ensure a continuum of care for all casualties (disease, non-battle injuries, battle fatigue, and wounded in action)? Are all deploying units listed in the TPFDD, and do they arrive in theater when required?
- Have estimates of medical sustainability and anticipated resupply requirements been established?
- Have resupply channels been determined? Has a single integrated medical logistic manager been designated?
- Has a TPMRC been established to coordinate movement of patients within and out of the assigned AOR?
- Has a JBPO or similar function agency been activated to plan and coordinate the handling, storage, and distribution of blood and blood products within the assigned AOR and consolidate and forward resupply requirements to the ASBPO?
- Have medical personnel augmentation packages been identified and requirements submitted? Do hospitals have enough personnel and equipment to support movement of critical patients? Are there sufficient litters, straps, blankets, and other supplies as required to support anticipated workload?
- Have provisions been made to establish and operate the fixed-wing medical evacuation system?
- Have primary and secondary aeromedical airfields been identified?

- Have force health protection (FHP) procedures been established and sufficient personnel identified to ensure protection of the health and well-being of personnel assigned to the theater? Has a health surveillance program been established?
- Have medical communications channels, frequencies to be used by medical personnel, and any dedicated or medical-unique communications nets, operating procedures, or requirements been identified?

g. Individual Health Readiness Indicators. Has the health readiness of the force been assessed? Indicators of force health readiness are as follows.

- Immunizations
 - Per Joint Instruction
 - Combatant Command Specific Instructions
- Deployed Medical Record
 - Blood Type
 - Medication or Allergies
 - Special Duty Qualifications
 - Immunization Record
 - Pre-deployment Questionnaire
- Dental Class I/II
- HIV Test Within Previous 12 Months
- Tuberculosis Skin Test Within 12 Months
- DNA Sample on File

- Current Physical Exam in accordance with Service Policy
- 90-Day Supply of Prescription Medications
- Required Medical Items (e.g., Glasses, Protective Mask Inserts, Hearing Aids)
- No New or Unresolved Health Problems (e.g., P-4 Profile, Pregnancy)

h. Sustainability Analysis

- Are procedures established for maintenance, recovery, and salvage operations? Is there a requirement to provide disposal support within the theater where there is no Defense Reutilization Marketing Office (DRMO)? Is a DRMO that can be used located in the vicinity of the theater?
- Are inter-Service or HN agreements or coordination required?
- Have arrangements been made to obtain maintenance support not organic to the force?
- Can a theater feeding plan be supported and sustained?
- Has a JMAO been established to plan and coordinate all mortuary operations such as remains identification, transportation and temporary burial of the dead, and collection and processing of personal effects? Is there a JMAO to serve as a central point for graves registration information? Have mortuary affairs guidelines been established to include the following:
 - Current death program?

- Concurrent return program?
 - Graves registration program?
 - Personal effects program?
 - Return of remains program?
 - Have laundry and shower support requirements been generated in coordination with the medical authority, with consideration for environmental factors?
 - Have component requests for existing facilities, real estate, inter-Service support, and construction been evaluated and prioritized?
 - Has provision been made for battle damage repair (e.g., rapid runway repair)?
 - Is a CLPSB required to coordinate contracting operations? Are liaison personnel required to provide in-theater assistance such as fuels and subsistence, reutilization and marketing, and contract administration?
 - Have procedures been established to coordinate with US Embassies and host countries for acquisition of supplies and services?
 - Has a joint logistic communications plan been developed to provide a general guide for logisticians' C2 requirements? How does this correspond with the need to establish a JTLM element to fuse materiel and transportation management at the theater level?
 - Are adequate security procedures established for classified logistic data transmission?
 - Has the need been considered for additional US security assistance to friendly countries in the assigned theater?
- i. Transportation Analysis**
- Have joint-use transportation requirements been established?
 - Has a JMC been established (if needed) to ensure that transportation requests are validated and theater common-user transportation resources are employed with maximum effectiveness?
 - Are common-user transportation requirements, capabilities, and performance monitored?
 - Are transportation shortfalls and conflicts in priorities adjudicated?
 - What HN transportation facilities and equipment are available?
 - Has the JMC evaluated and disseminated information about HN transportation systems, facilities, equipment, and personnel?
- Additional guidance is located in CJCSM 3122.03, "Joint Operation Planning and Execution System Vol II: (Planning and Execution Formats and Guidance)," Enclosure C, Annex D "Planning Guidance — Logistics."*
- Has JMC communication with JOPES been established to monitor and effect changes to the deployment of forces and supplies?
 - Have the impacts on sustainability due to NEO, displaced persons, and other competing requirements for access to supply routes, nodes, and transportation assets been addressed in the analysis?

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APPENDIX D

FOCUSED LOGISTICS — JOINT LOGISTIC VISION FOR 2020

1. General

“Focused Logistics is the fusion of logistics information and transportation technologies for rapid crisis response, deployment and sustainment, the ability to track and shift units, equipment and supplies even while en route, and delivery of tailored logistics packages and sustainment directly to the warfighter.”

Lieutenant General John J. Cusick
Joint Staff Director
for Logistics, 1996-1998

As we enter a new millennium, the changing nature of the threat and an unstable international environment necessitate renewed emphasis on the development of a fully integrated joint warfighting capability. The objective of focused logistics is to improve support to the warfighter. Logistic forces have the responsibility to sustain combat power at all levels — strategic, operational, tactical — providing the resources necessary for US forces to achieve and maintain battlespace dominance. Focused logistics will usher in new thinking, processes, and products designed to enhance US responsiveness to the warfighter. It will result in the fusing of information and logistic technologies into a new and significantly enhanced support capability. It will provide quick, intelligent, and timely logistic capability throughout the world, in peacetime, conflict, and war. Focused logistics is the springboard for the investigation, validation, and implementation of future joint logistic initiatives.

2. Joint Vision 2020

“The nature of modern warfare demands that we fight as a joint team. This was important yesterday, it is essential today, and it will be even more imperative tomorrow. Joint Vision 2010 provides an operational based template for the evolution of the Armed Forces for a challenging and uncertain future. It must become a benchmark for Service and Unified Command visions.”

General John M. Shalikashvili
Chairman of the Joint Chiefs
of Staff, 1993-1997

Joint Vision (JV) 2020, the follow-on vision to JV 2010, encompasses four operational concepts: **dominant maneuver**, **precision engagement**, **full dimensional protection**, **focused logistics**, and the enabling concepts of **information superiority** and **technological innovation**. Each will contribute to achieving **full spectrum dominance** for the 2020 force. The interrelation of Focused Logistics to the other operational concepts of JV 2020 is important. While the contribution of logistics has been widely recognized throughout US history, this is the first time logistics has been formally designated a **full partner in the joint warfighting process**. Focused logistics draws from the core competencies of each of the Services and Defense Agencies. This joint logistic community effort centers on identifying and evaluating desired operational capabilities for the 2020 force. These logistic capabilities, if proven and

implemented, will translate into a future joint operating capability. The work of identifying future desired operational capabilities is a collaborative effort of the Services, CINCs, Defense Agencies, and industry. The project identifies specific goals and milestones and promotes progress, while retaining flexibility to adapt to the evolving JV 2020 environment.

3. Challenges of Focused Logistics

"The fact that the future is uncertain is no excuse for failing to make adequate preparations."

USMC Operational Maneuver From the Sea

The challenges of focused logistics represent the grouping of similar logistic functions and systems to define desired operational capabilities for the 2020 force. These are: **joint deployment and rapid distribution, information fusion, FHP, multinational logistics, agile infrastructure, and joint theater logistics management.** Defining, developing, understanding, validating, and implementing these tenets becomes the essence of future joint logistic operations.

a. **Joint deployment and rapid distribution** is the process of moving multi-Service forces to an operational area coupled with the accelerated delivery of logistic resources through improved transportation and information networks. These integrated deployment, distribution, and informational networks will provide the warfighter with improved visibility and accessibility of assets from source of supply to point of need.

- Improved management techniques in joint deployment, force reception, and theater distribution will be facilitated by improvements in processes and information technology. This increased

emphasis on movement velocity and precision, employing the combined **strategic airlift, sealift, and commercial transportation** capabilities now being fielded, will assure time-definite delivery, **reduce the logistic footprint** and enhance the mobility, sustainability, and effectiveness of deployed forces.

- A streamlined process for **global as well as theater distribution and JRSOI** will enhance and potentially accelerate throughput within and between operational areas. Meanwhile, developments in **JLOTS** operations will provide a much needed capability to deploy and sustain military forces in regions of the world where ports, airfields, and related infrastructure are not accessible or available.

b. **Information fusion** is the primary platform and key enabler for achieving major improvements in logistic support. This concept will provide timely and accurate access and integration of logistic data across units and combat support agencies. Information technology will improve logistic operations by providing reliable and critical information regarding valuable resources that are either in process, in transit, or in storage.

- Support systems such as the **GCSS** will provide a single common operational picture of asset status, location, and condition from a single platform across the Services. A host of logistic information systems will become an integral part of the overall interoperability vision as GCSS matures. These include major joint programs for **AIT, the GTN, ITV, JTAV, and JDST.**
- Information fusion results in a focused logistic effort; the integration of logistic functions into a functional "system of systems" designed to provide reliable,

responsive, and timely support when and where it is needed. Commercial advances in information technology may be applied to US systems and concepts of the future. Emphasis in 2020 must shift from large inventories to high speed movement of assets needed to support the warfighter. The “inventory-for-speed” tradeoff is effective both in terms of cost and responsiveness. The impact and potential of enhancements in information management will guide the development of user-friendly, open architecture systems capable of near real time asset visibility and accessibility.

c. **Force health protection** is the unified strategy to protect service members and their families from medical hazards associated with military service. The goal is to mitigate risks to Service members during military operations, with the desired outcome of a healthy and fit force, fully protected from health hazards across the range of military operations. FHP involves key actions to optimize health, prevent casualties, and provide superior casualty care and management when required. This strategy includes health threat identification, employment of appropriate countermeasures, and global medical surveillance.

d. **Multinational logistics** establishes mutual logistic support relationships between the United States and its allies or coalition partners. Multinational and third party logistics play an important role in most military engagements. It is essential that planners capitalize on the resources, processes, and capabilities of multinational and contractor-supported operations if these key elements are to be successfully integrated into the overall joint logistic infrastructure and organization.

e. **Agile infrastructure** will effectively size the logistic footprint through intelligent reductions in logistic forces, facilities,

equipment, and supplies. These reductions will be accomplished through changes to joint logistic doctrines, policies, structures and processes for inventory management, engineering, services, maintenance, and infrastructure.

- Reliable information combined with **accelerated cycle times** provided by Service initiatives such as “Lean Logistics,” “Precision Logistics,” and “Velocity Management” will **reduce the logistic footprint** and minimize inventories while maximizing support. Sustainment of forces deployed in any operation will be faster, more direct, and versatile.
- Attaining the agile infrastructure envisioned in focused logistics will require the support of the entire DOD logistic community. Major efforts must be undertaken to advance **outsourcing and privatization**, incorporate the best **commercial business practices**, redefine **civil engineering support**, and improve facilities management. Service initiatives for regional maintenance and two level maintenance will improve future **maintenance operations. Afloat and land-based pre-positioning**, improved management of **secondary war reserve items, sea-based logistics, direct delivery** (vendor or USTRANSCOM), and **other initiatives** will reduce deployment and sustainment requirements and the theater logistic footprint.

f. **Joint theater logistic management** integrates the logistic capabilities of the forces in-theater to fulfill the common-user and cross-Service support mission. When applied to the other challenges and desired operational capabilities of focused logistics, JTLM facilitates support to the warfighter while achieving economies and reducing the logistic footprint. JTLM optimizes resources

by synchronizing all logistic support efforts in-theater. The objective is to provide rapid, timely delivery of forces, materiel, and sustainment to the CINC. JTLM provides to the CINC the ability to synchronize,

prioritize, direct, integrate, and coordinate common-user and cross-Service logistic functions necessary to accomplish the joint theater mission.

APPENDIX E REFERENCES

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4. DOD Directive 4270.5, "Military Construction Responsibilities."
5. DOD Directive 5100.1, "Functions of the Department of Defense and Its Major Components."
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15. JP 3-0, "Doctrine for Joint Operations."
16. JP 3-05, "Doctrine for Joint Special Operations."
17. JP 3-10, "Doctrine for Joint Rear Area Operations."

18. JP 3-17, "Joint Doctrine and Tactics, Techniques, and Procedures for Air Mobility Operations."
19. JP 3-34, "Engineer Doctrine for Joint Operations."
20. JP 3-35, "Joint Deployment and Redeployment Operations."
21. JP 4-01, "Joint Doctrine for the Defense Transportation System."
22. JP 4-01.2, "Joint Tactics, Techniques, and Procedures for Sealift Support to Joint Operations."
23. JP 4-01.3, "Joint Tactics, Techniques, and Procedures for Movement Control."
24. JP 4-01.4, "Joint Tactics, Techniques, and Procedures for Joint Theater Distribution."
25. JP 4-01.5, "Joint Tactics, Techniques, and Procedures for Water Terminal Operations."
26. JP 4-01.6, "Joint Tactics, Techniques, and Procedures for Joint Logistics Over-the-Shore (JLOTS)."
27. JP 4-01.7, "Joint Tactics, Techniques, and Procedures for Use of Intermodal Containers in Joint Operations."
28. JP 4-01.8, "Joint Tactics, Techniques, and Procedures for Joint Reception, Staging, Onward Movement, and Integration."
29. JP 4-02, "Doctrine for Health Service Support in Joint Operations."
30. JP 4-02.1, "Joint Tactics, Techniques, and Procedures for Health Service Logistics Support in Joint Operations."
31. JP 4-02.2, "Joint Tactics, Techniques, and Procedures for Patient Movement in Joint Operations."
32. JP 4-03, "Joint Bulk Petroleum Doctrine."
33. JP 4-04, "Joint Doctrine for Civil Engineering Support."
34. JP 4-05, "Joint Doctrine for Mobilization Planning."
35. JP 4-05.1, "Joint Tactics, Techniques, and Procedures for Manpower Mobilization and Demobilization Operations: Reserve Component (RC) Callup."
36. JP 4-06, "Joint Tactics, Techniques, and Procedures for Mortuary Affairs in Joint Operations."

37. JP 4-07, "Joint Tactics, Techniques, and Procedures for Common User Logistics During Joint Operations."
38. JP 4-08, "Joint Doctrine for Logistic Support of Multinational Operations."
39. JP 4-09, "Joint Doctrine for Global Distribution."
40. JP 5-0, "Doctrine for Planning Joint Operations."
41. NATO Logistics Handbook.

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APPENDIX F

ADMINISTRATIVE INSTRUCTIONS

1. User Comments

Users in the field are highly encouraged to submit comments on this publication to: Commander, United States Joint Forces Command, Joint Warfighting Center Code JW100, 116 Lake View Parkway, Suffolk, VA 23435-2697. These comments should address content (accuracy, usefulness, consistency, and organization), writing, and appearance.

2. Authorship

The lead agent and Joint Staff doctrine sponsor for this publication is the Director for Logistics (J-4).

3. Supersession

This publication supersedes JP 4-0, 27 January 1995, "Doctrine for Logistic Support of Joint Operations."

4. Change Recommendations

a. Recommendations for urgent changes to this publication should be submitted:

TO: JOINT STAFF WASHINGTON DC//J7-JDD//
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Routine changes should be submitted to the Director for Operational Plans and Interoperability (J-7), JDD, 7000 Joint Staff Pentagon, Washington, DC 20318-7000.

b. When a Joint Staff directorate submits a proposal to the Chairman of the Joint Chiefs of Staff that would change source document information reflected in this publication, that directorate will include a proposed change to this publication as an enclosure to its proposal. The Military Services and other organizations are requested to notify the Director, J-7, Joint Staff, when changes to source documents reflected in this publication are initiated.

c. Record of Changes:

CHANGE NUMBER	COPY NUMBER	DATE OF CHANGE	DATE ENTERED	POSTED BY	REMARKS

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GLOSSARY

PART I — ABBREVIATIONS AND ACRONYMS

ACSA	acquisition cross-Service agreement
AFCAP	Air Force contract augmentation program
AIS	automated information systems
AIT	automatic identification technology
AMC	Air Mobility Command (formerly Military Airlift Command)
AOR	area of responsibility
APOD	aerial port of debarkation
ASBPO	Armed Services Blood Program Office
C2	command and control
C4	command, control, communications, and computers
C4I	command, control, communications, computers, and intelligence
CINC	commander of a combatant command
CJCS	Chairman of the Joint Chiefs of Staff
CJCSM	Chairman of the Joint Chiefs of Staff Manual
CLPSB	CINC Logistic Procurement Support Board
COA	course of action
COCOM	combatant command (command authority)
COE	common operating environment
COMMZ	communications zone
CONCAP	construction capabilities contracts (Navy)
CONPLAN	operation plan in concept format
CONUS	continental United States
COP	common operational picture
COP-CSE	common operational picture — combat support enabled
CRAF	Civil Reserve Air Fleet
DCA	Defense Cooperation Agreements
DCST	DLA Contingency Support Team
DESC	Defense Energy Support Center
DII	Defense Information Infrastructure
DLA	Defense Logistics Agency
DOD	Department of Defense
DODD	Department of Defense directive
DRMO	Defense Reutilization Marketing Office
DRMS	Defense Reutilization Marketing Service
DUSD(L)	Deputy Under Secretary of Defense for Logistics
FAR	Federal Acquisition Regulation
FHP	force health protection

GCCS	Global Command and Control System
GCSS	Global Combat Support System
GTN	Global Transportation Network
HM	hazardous materials
HN	host nation
HNS	host-nation support
HSS	health service support
HW	hazardous waste
IA	implementing arrangement
IT	information technologies
ITV	in-transit visibility
J-4	Logistics Directorate of a joint staff
JBPO	Joint Blood Program Office
JCMEB	Joint Civil-Military Engineering Board
JCSP	joint contracting support plan
JDST	joint decision support tool
JFC	joint force commander
JFUB	Joint Facilities Utilization Board
JLOTS	joint logistics over-the-shore
JMAO	Joint Mortuary Affairs Office
JMC	joint movement center
JMPAB	Joint Materiel Priorities and Allocation Board
JOA	joint operations area
JOPEs	Joint Operation Planning and Execution System
JP	joint publication
JPO	Joint Petroleum Office
JRSOI	joint reception, staging, onward movement, and integration
JTAV	Joint Total Asset Visibility
JTF	joint task force
JTLM	Joint Theater Logistics Management
JV 2020	Joint Vision 2020
LOC	line of communications
LOGCAP	logistics civilian augmentation program (Army)
LRC	logistics readiness center
MHE	materials handling equipment
MOOTW	military operations other than war
MSC	Military Sealift Command
MTMC	Military Traffic Management Command
NBC	nuclear, biological, and chemical
NCA	National Command Authorities
NEO	noncombatant evacuation operation

OPLAN	operation plan
OPORD	operation order
OPREP	operational report
POD	port of debarkation
POE	port of embarkation
POL	petroleum, oils, and lubricants
RRF	Ready Reserve Force
SAPO	subarea petroleum office
SITREP	situation report
SO	special operations
SOF	special operations forces
SOFA	status-of-forces agreement
SPOD	seaport of debarkation
TC-AIMS II	Transportation Coordinator's Automated Information for Movement System II
TCC	transportation component command
TPFDD	time-phased force and deployment data
TPMRC	Theater Patient Movement Requirements Center
USCINCSOC	Commander in Chief, United States Special Operations Command
USCINCTRANS Command	Commander in Chief, United States Transportation Command
USD(AT&L)	Under Secretary of Defense for Acquisition, Technology, and Logistics
USDP	Under Secretary of Defense for Policy
USTRANSCOM	United States Transportation Command
WMD	weapons of mass destruction
WRM	war reserve materiel

PART II — TERMS AND DEFINITIONS

administrative control. Direction or exercise of authority over subordinate or other organizations in respect to administration and support, including organization or Service forces, control of resources and equipment, personnel management, unit logistics, individual and unit training, readiness, mobilization, demobilization, discipline, and other matters not included in the operational missions of the subordinate or other organizations. Also called ADCON. (JP 1-02)

advanced base. A base located in or near a theater of operations whose primary mission is to support military operations. (JP 1-02)

area of operations. An operational area defined by the joint force commander for land and naval forces. Areas of operation do not typically encompass the entire operational area of the joint force commander, but should be large enough for component commanders to accomplish their missions and protect their forces. Also called AO. (JP 1-02)

area of responsibility. 1. The geographical area associated with a combatant command within which a combatant commander has authority to plan and conduct operations. 2. In naval usage, a predefined area of enemy terrain for which supporting ships are responsible for covering by fire on known targets or targets of opportunity and by observation. Also called AOR. (JP 1-02)

base. 1. A locality from which operations are projected or supported. 2. An area or locality containing installations which provide logistic or other support. 3. Home airfield or home carrier. (JP 1-02)

civil engineering. Those combat support and combat service support activities that identify, design, construct, lease, or provide facilities, and which operate, maintain, and perform war damage repair and other engineering functions in support of military operations. (JP 1-02)

combatant command (command authority). Nontransferable command authority established by title 10 (“Armed Forces”), United States Code, section 164, exercised only by commanders of unified or specified combatant commands unless otherwise directed by the President or the Secretary of Defense. Combatant command (command authority) cannot be delegated and is the authority of a combatant commander to perform those functions of command over assigned forces involving organizing and employing commands and forces, assigning tasks, designating objectives, and giving authoritative direction over all aspects of military operations, joint training, and logistics necessary to accomplish the missions assigned to the command. Combatant command (command authority) should be exercised through the commanders of subordinate organizations. Normally, this authority is exercised through subordinate joint force commanders and Service and/or functional component commanders. Combatant command (command authority) provides full authority to organize and employ commands and forces as the combatant commander considers necessary to accomplish assigned missions. Operational control is inherent in combatant command (command authority). Also called COCOM. (JP 1-02)

combat power. The total means of destructive and/or disruptive force which a military unit/formation can apply against the opponent at a given time. (JP 1-02)

combat service support. The essential capabilities, functions, activities, and tasks necessary to sustain all elements of operating forces in theater at all levels of war. Within the national and theater logistics systems, it includes but is not limited to that support rendered by service forces in ensuring the aspects of supply, maintenance, transportation, health services, and other services required by aviation and ground combat troops to permit those units to accomplish their missions in combat. Combat service support encompasses those activities at all levels of war that produce sustainment to all operating forces on the battlefield. Also called CSS. (JP 1-02)

combat support. Fire support and operational assistance provided to combat elements. (JP 1-02)

common operating environment. Automation services that support the development of the common reusable software modules which enable interoperability across multiple combat support applications. This includes segmentation of common software modules from existing applications, integration of commercial products, development of a common architecture, and development of common tools for application developers. (This term and its definition modify the existing term and its definition and are approved for inclusion in the next edition of JP 1-02.)

common servicing. That function performed by one Military Service in support of

another Military Service for which reimbursement is not required from the Service receiving support. (JP 1-02)

communications zone. Rear part of theater of war or theater of operations (behind but contiguous to the combat zone) which contains the lines of communications, establishments for supply and evacuation, and other agencies required for the immediate support and maintenance of the field forces. Also called COMMZ. (This term and its definition modify the existing term and its definition and are approved for inclusion in the next edition of JP 1-02.)

concept of logistic support. A verbal or graphic statement, in a broad outline, of how a commander intends to support and integrate with a concept of operations in an operation or campaign. (JP 1-02)

consumer logistics. That part of logistics concerning reception of the initial product, storage, inspection, distribution, transport, maintenance (including repair and the serviceability), and disposal of materiel, and the provision of support and services. In consequence, consumer logistics includes: materiel requirements determination, follow-on support, stock control, provision or construction of facilities (excluding any materiel element and those facilities needed to support production logistics activities), movement control, codification, reliability and defect reporting, storage, transport and handling safety standards, and related training. (JP 1-02)

cooperative logistics. The logistic support provided a foreign government/agency through its participation in the US Department of Defense logistic system with reimbursement to the United States for support provided. (JP 1-02)

cooperative logistics support arrangements. The combining term for procedural arrangements (cooperative logistics arrangements) and implementing procedures (supplementary procedures) which together support, define or implement cooperative logistic understandings between the United States and a friendly foreign government under peacetime conditions. (JP 1-02)

course of action development. The phase of the Joint Operation Planning and Execution System with the crisis action planning process that provides for the development of military responses and includes, within the limits of the time allowed: establishing force and sustainment requirements with actual units; evaluating force, logistic, and transportation feasibility; identifying and resolving resource shortfalls; recommending resource allocations; and producing a course of action via a commander's estimate that contains a concept of operations, employment concept, risk assessments, prioritized courses of action, and supporting data bases. (JP 1-02)

cross-servicing. That function performed by one Military Service in support of another Military Service for which reimbursement is required from the Service receiving support. (JP 1-02)

Defense Information Infrastructure. The shared or interconnected system of computers, communications, data applications, security, people, training, and other support structures serving DOD local, national, and worldwide information needs. The Defense Information Infrastructure connects DOD mission support, command and control, and intelligence computers through voice, telecommunications, imagery, video, and multimedia services. It provides

information processing and services to subscribers over the Defense Information Systems Network and includes command and control, tactical, intelligence, and commercial communications systems used to transmit DOD information. Also called DII. (JP 1-02)

deployment. 1. In naval usage, the change from a cruising approach or contact disposition to a disposition for battle. 2. The movement of forces within operational areas. 3. The positioning of forces into a formation for battle. 4. The relocation of forces and materiel to desired operational areas. Deployment encompasses all activities from origin or home station through destination, specifically including intra-continental United States, intertheater, and intratheater movement legs, staging, and holding areas. (This term and its definition modify the existing term and its definition and are approved for inclusion in the next edition of JP 1-02.)

depot. 1. Supply — An activity for the receipt, classification, storage, accounting, issue, maintenance, procurement, manufacture, assembly, research, salvage, or disposal of material. 2. Personnel — An activity for the reception, processing, training, assignment, and forwarding of personnel replacements. (JP 1-02)

distribution. 1. The arrangement of troops for any purpose, such as a battle, march, or maneuver. 2. A planned pattern of projectiles about a point. 3. A planned spread of fire to cover a desired frontage or depth. 4. An official delivery of anything, such as orders or supplies. 5. The operational process of synchronizing all elements of the logistic system to deliver the "right things" to the "right place" at the "right time" to support the geographic combatant commander. 6. The process of assigning military personnel to activities,

units, or billets. (This term and its definition modify the existing term and its definition and are approved for inclusion in the next edition of JP 1-02.)

distribution system. That complex of facilities, installations, methods, and procedures designed to receive, store, maintain, distribute, and control the flow of military materiel between the point of receipt into the military system and the point of issue to using activities and units. (JP 1-02)

dominant user concept. The concept that the Service which is the principal consumer will have the responsibility for performance of a support workload for all using Services. (JP 1-02)

D-to-P concept. A logistic planning concept by which the gross materiel readiness requirement, in support of approved forces at planned wartime rates for conflicts of indefinite duration, will be satisfied by a balanced mix of assets on hand on D-day and assets to be gained from production through P-day when the planned rate of production deliveries to the users equals the planned wartime rate of expenditure (consumption). (JP 1-02)

environmental considerations. The spectrum of environmental media, resources, or programs that may impact on or are affected by the planning and execution of military operations. Factors may include, but are not limited to, environmental compliance, pollution prevention, conservation, protection of historical and cultural sites, and protection of flora and fauna. (This term and its definition are approved for inclusion in the next edition of JP 1-02.)

evacuation. 1. The process of moving any person who is wounded, injured, or ill to and/or between medical treatment

facilities. 2. The clearance of personnel, animals, or materiel from a given locality. 3. The controlled process of collecting, classifying, and shipping unserviceable or abandoned materiel, US or foreign, to appropriate reclamation, maintenance, technical intelligence, or disposal facilities. 4. The ordered or authorized departure of noncombatants from a specific area by Department of State, Department of Defense or appropriate military commander. This refers to the movement from one area to another in the same or different countries. The evacuation is caused by unusual or emergency circumstances and applies equally to command and non-command sponsored family members. (JP 1-02)

evacuation policy. 1. Command decision indicating the length in days of the maximum period of noneffectiveness that patients may be held within the command for treatment. Patients who, in the opinion of responsible medical officers, cannot be returned to duty status within the period prescribed are evacuated by the first available means, provided the travel involved will not aggravate their disabilities. 2. A command decision concerning the movement of civilians from the proximity of military operations for security and safety reasons and involving the need to arrange for movement, reception, care, and control of such individuals. 3. Command policy concerning the evacuation of unserviceable or abandoned materiel and including designation of channels and destinations for evacuated materiel, the establishment of controls and procedures, and the dissemination of condition standards and disposition instructions. (JP 1-02)

facility. A real property entity consisting of one or more of the following: a building, a structure, a utility system, pavement, and underlying land. (JP 1-02)

Global Combat Support System. The Global Combat Support System is a strategy that provides information interoperability across combat support functions and between combat support and command and control functions through the Global Command and Control System. Also called GCSS. (This term and its definition is approved for inclusion in the next edition of JP 1-02.)

Global Command and Control System. Highly mobile, deployable command and control system supporting forces for joint and multinational operations across the range of military operations, any time and anywhere in the world with compatible, interoperable, and integrated command, control, communications, computers, and intelligence systems. Also called GCCS. (JP 1-02)

Global Transportation Network. The designated Department of Defense (DOD) in-transit visibility system, providing customers with the ability to track the identity, status, and location of DOD units and non-unit cargo, passengers, patients, forces, and military and commercial airlift, sealift, and surface assets from origin to destination across the range of military operations. The Global Transportation Network (GTN) collects, integrates, and distributes transportation information to combatant commanders, Services, and other DOD customers. GTN provides the US Transportation Command with the ability to perform command and control operations, planning and analysis, and business operations in tailoring customer requirements throughout the requirements process. (This term and its definition modify the existing term and its definition and are approved for inclusion in the next edition of JP 1-02.)

host-nation support. Civil and/or military assistance rendered by a nation to foreign

forces within its territory during peacetime, crises or emergencies, or war based on agreements mutually concluded between nations. Also called HNS. (JP 1-02)

interdepartmental/agency support. Provision of logistic and/or administrative support in services or materiel by one or more Military Services to one or more departments or agencies of the United States Government (other than military) with or without reimbursement. (JP 1-02)

international cooperative logistics. Cooperation and mutual support in the field of logistics through the coordination of policies, plans, procedures, development activities, and the common supply and exchange of goods and services arranged on the basis of bilateral and multilateral agreements with appropriate cost reimbursement provisions. (JP 1-02)

international logistics. The negotiating, planning, and implementation of supporting logistics arrangements between nations, their forces, and agencies. It includes furnishing logistic support (major end items, materiel, and/or services) to, or receiving logistic support from, one or more friendly foreign governments, international organizations, or military forces, with or without reimbursement. It also includes planning and actions related to the intermeshing of a significant element, activity, or component of the military logistics systems or procedures of the United States with those of one or more foreign governments, international organizations, or military forces on a temporary or permanent basis. It includes planning and actions related to the utilization of United States logistics policies, systems, and/or procedures to meet requirements of one or more foreign governments, international organizations, or forces. (JP 1-02)

international logistic support. The provision of military logistic support by one participating nation to one or more participating nations, either with or without reimbursement. (JP 1-02)

inter-Service support. Action by one Military Service or element thereof to provide logistic and/or administrative support to another Military Service or element thereof. Such action can be recurring or nonrecurring in character on an installation, area, or worldwide basis. (JP 1-02)

in-transit visibility. The ability to track the identity, status, and location of Department of Defense units, and non-unit cargo (excluding bulk petroleum, oils, and lubricants) and passengers; medical patients; and personal property from origin to consignee or destination across the range of military operations. See also global transportation network. (JP 1-02)

joint decision support tools. Joint decision support tools are a compilation of processes and systems developed from the application of maturing leading edge information systems technologies that provide the warfighter and the logistician with the means to rapidly plan, execute, monitor, and replan logistic operations in a collaborative environment that is responsive to operational requirements. Also called JDST. (This term and its definition are approved for inclusion in the next edition of JP 1-02.)

joint logistics. The art and science of planning and carrying out, by a joint force commander and staff, logistic operations to support the protection, movement, maneuver, firepower, and sustainment of operating forces of two or more Military Departments of the same nation. (JP 1-02)

joint movement center. The center established to coordinate the employment of all means of transportation (including that provided by allies or host nations) to support the concept of operations. This coordination is accomplished through establishment of transportation policies within the assigned operational area, consistent with relative urgency of need, port and terminal capabilities, transportation asset availability, and priorities set by a joint force commander. Also called JMC. (This term and its definition modify the existing term and its definition and are approved for inclusion in the next edition of JP 1-02.)

joint operations area. An area of land, sea, and airspace, defined by a geographic combatant commander or subordinate unified commander, in which a joint force commander (normally a joint task force commander) conducts military operations to accomplish a specific mission. Joint operations areas are particularly useful when operations are limited in scope and geographic area or when operations are to be conducted on the boundaries between theaters. Also called JOA. (JP 1-02)

joint servicing. That function performed by a jointly staffed and financed activity in support of two or more Military Services. (JP 1-02)

joint total asset visibility. The capability to provide users with timely and accurate information on the location, movement, status, and identity of units, personnel, equipment, and supplies. It includes visibility of those items while in processing, in storage, or in transit. Also called JTAV. (This term and its definition are approved for inclusion in the next edition of JP 1-02.)

lead nation. One nation assumes the responsibility for procuring and providing

a broad spectrum of logistic support for all or a part of the multinational force and/or headquarters. Compensation and/or reimbursement will then be subject to agreements between the parties involved. The lead nation may also assume the responsibility to coordinate logistics of the other nations within its functional and regional area of responsibility. (This term and its definition are approved for inclusion in the next edition of JP 1-02.)

level of supply. The quantity of supplies or materiel authorized or directed to be held in anticipation of future demands. (JP 1-02)

line of communications. A route, either land, water, and/or air, which connects an operating military force with a base of operations and along which supplies and military forces move. Also called LOC. (JP 1-02)

logistic assessment. An evaluation of: a. The logistic support required to support particular military operations in a theater of operations, country, or area. b. The actual and/or potential logistic support available for the conduct of military operations either within the theater, country, or area, or located elsewhere. (JP 1-02)

logistic estimate of the situation. An appraisal resulting from an orderly examination of the logistic factors influencing contemplated courses of action to provide conclusions concerning the degree and manner of that influence. (JP 1-02)

logistics. The science of planning and carrying out the movement and maintenance of forces. In its most comprehensive sense, those aspects of military operations which deal with: a. design and development, acquisition,

storage, movement, distribution, maintenance, evacuation, and disposition of materiel; b. movement, evacuation, and hospitalization of personnel; c. acquisition or construction, maintenance, operation, and disposition of facilities; and d. acquisition or furnishing of services. (JP 1-02)

logistics over-the-shore operations. The loading and unloading of ships with or without the benefit of fixed port facilities, in friendly or nondefended territory, and, in time of war, during phases of theater development in which there is no opposition by the enemy. Or as a means of moving forces closer to tactical assembly areas dependent on threat force capabilities. Also called LOTS operations. (JP 1-02)

logistics sourcing. The identification of the origin and determination of the availability of the time-phased force and deployment data nonunit logistics requirements. (JP 1-02)

logistic support. Logistic support encompasses the logistic services, materiel, and transportation required to support the continental United States-based and worldwide deployed forces. (JP 1-02)

materiel. All items (including ships, tanks, self-propelled weapons, aircraft, etc., and related spares, repair parts, and support equipment, but excluding real property, installations, and utilities) necessary to equip, operate, maintain, and support military activities without distinction as to its application for administrative or combat purposes. (JP 1-02)

materiel planning. A subset of logistic planning and consists of a four-step process: a. requirements definition. Requirements for significant items must be calculated at item level detail (i.e.,

national stock number) to support sustainability planning and analysis. Requirements include unit roundout, consumption and attrition replacement, safety stock, and the needs of allies. b. apportionment. Items are apportioned to the combatant commanders based on a global scenario to avoid sourcing of items to multiple theaters. The basis for apportionment is the capability provided by unit stocks, host-nation support, theater prepositioned war reserve stocks and industrial base, and continental United States Department of Defense stockpiles and available production. Item apportionment cannot exceed total capabilities. c. sourcing. Sourcing is the matching of available capabilities on a given date against item requirements to support sustainability analysis and the identification of locations to support transportation planning. Sourcing of any item is done within the combatant commander's apportionment. d. documentation. Sourced item requirements and corresponding shortfalls are major inputs to the combatant commander's sustainability analysis. Sourced item requirements are translated into movement requirements and documented in the Joint Operation Planning and Execution System data base for transportation feasibility analysis. Movement requirements for nonsignificant items are estimated in tonnage. (JP 1-02)

movement control. 1. The planning, routing, scheduling, and control of personnel and cargo movements over lines of communications. 2. An organization responsible for the planning, routing, scheduling, and control of personnel and cargo movements over lines of communications. Also called movement control center. (JP 1-02)

naval advanced logistic support site. An overseas location used as the primary

transshipment point in the theater of operations for logistic support. A naval advanced logistic support site possesses full capabilities for storage, consolidation, and transfer of supplies and for support of forward-deployed units (including replacements units) during major contingency and wartime periods. Naval advanced logistic support sites, with port and airfield facilities in close proximity, are located within the theater of operations but not near the main battle areas, and must possess the throughput capacity required to accommodate incoming and outgoing intertheater airlift and sealift. When fully activated, the naval advanced logistic support site should consist of facilities and services provided by the host-nation, augmented by support personnel located in the theater of operations, or both. Also called ALSS. (JP 1-02)

naval forward logistic site. An overseas location with port and airfield facilities nearby, which provides logistic support to naval forces within the theater of operations during major contingency and wartime periods. Naval forward logistic sites may be located in close proximity to main battle areas to permit forward staging of services, throughput of high priority cargo, advanced maintenance, and battle damage repair. Naval forward logistic sites are linked to in-theater naval advanced logistic support sites (ALSSs) by intratheater airlift and sealift, but may also serve as transshipment points for intertheater movement of high-priority cargo into areas of direct combat. In providing fleet logistic support, naval forward logistic site capabilities may range from very austere to near those of a naval advanced logistic support site. Also called FLS. (JP 1-02)

operational control. Transferable command authority that may be exercised by commanders at any echelon at or below

the level of combatant command. Operational control is inherent in combatant command (command authority). Operational control may be delegated and is the authority to perform those functions of command over subordinate forces involving organizing and employing commands and forces, assigning tasks, designating objectives, and giving authoritative direction necessary to accomplish the mission. Operational control includes authoritative direction over all aspects of military operations and joint training necessary to accomplish missions assigned to the command. Operational control should be exercised through the commanders of subordinate organizations. Normally this authority is exercised through subordinate joint force commanders and Service and/or functional component commanders. Operational control normally provides full authority to organize commands and forces and to employ those forces as the commander in operational control considers necessary to accomplish assigned missions. Operational control does not, in and of itself, include authoritative direction for logistics or matters of administration, discipline, internal organization, or unit training. Also called OPCON. (JP 1-02)

P-day. That point in time at which the rate of production of an item available for military consumption equals the rate at which the item is required by the Armed Forces. (JP 1-02)

pipeline. In logistics, the channel of support or a specific portion thereof by means of which materiel or personnel flow from sources of procurement to their point of use. (JP 1-02)

planning factor. A multiplier used in planning to estimate the amount and type of effort involved in a contemplated operation. Planning factors are often

expressed as rates, ratios, or lengths of time. (JP 1-02)

port. A place at which ships may discharge or receive their cargoes. It includes any port accessible to ships on the seacoast, navigable rivers or inland waterways. The term “ports” should not be used in conjunction with air facilities which are designated as aerial ports, airports, etc. (JP 1-02)

priority. With reference to operation plans and the tasks derived therefrom, an indication of relative importance rather than an exclusive and final designation of the order of accomplishment. (JP 1-02)

security assistance. Group of programs authorized by the Foreign Assistance Act of 1961, as amended, and the Arms Export Control Act of 1976, as amended, or other related statutes by which the United States provides defense articles, military training, and other defense-related services, by grant, loan, credit, or cash sales in furtherance of national policies and objectives. (JP 1-02)

shared data environment. Automation services that support the implementation and maintenance of data resources that are used by two or more combat support applications. Services provided include: identification of common data, physical data modeling, data base segmentation, development of data access and maintenance routines, and data base reengineering to use the common data environment. (This term and its definition are approved for inclusion in the next edition of JP 1-02.)

single port manager. Through its transportation component commands, US Transportation command is the Department of Defense-designated single port manager for all common-user aerial

and sea ports worldwide. The single port manager performs those functions necessary to support the strategic flow of the deploying forces' equipment and sustainment from the aerial and sea port of embarkation and hand-off to the combatant commander in the aerial and sea port of debarkation (APOE and SPOD). The single port manager is responsible for providing strategic deployment status information to the combatant commander and to manage workload of the APOD and SPOD operator based on the commander's priorities and guidance. The single port manager is responsible through all phases of the theater aerial and sea port operations continuum, from a unimproved airfield and bare beach deployment to a commercial contract supported deployment. (This term and its definition modify the existing term and its definition and are approved for inclusion in the next edition of JP 1-02.)

supplies. In logistics, all materiel and items used in the equipment, support, and maintenance of military forces. (JP 1-02)

sustainability. The ability to maintain the necessary level and duration of operational activity to achieve military objectives. Sustainability is a function of providing for and maintaining those levels of ready forces, materiel, and consumables necessary to support military effort. (From the definition of "military capability" in JP 1-02.)

sustainment. The provision of personnel, logistic, and other support required to maintain and prolong operations or combat until successful accomplishment or revision of the mission or of the national objective. (JP 1-02)

tactical control. Command authority over assigned or attached forces or commands, or military capability or forces made available for tasking, that is limited to the

detailed and, usually, local direction and control of movements or maneuvers necessary to accomplish missions or tasks assigned. Tactical control is inherent in operational control. Tactical control may be delegated to, and exercised at any level at or below the level of combatant command. Also called TACON. (JP 1-02)

theater. The geographical area outside the continental United States for which a commander of a combatant command has been assigned responsibility. (JP 1-02)

time-definite delivery. The delivery of requested logistics support at a time and destination specified by the receiving activity. (This term and its definition are approved for inclusion in the next edition of JP 1-02.)

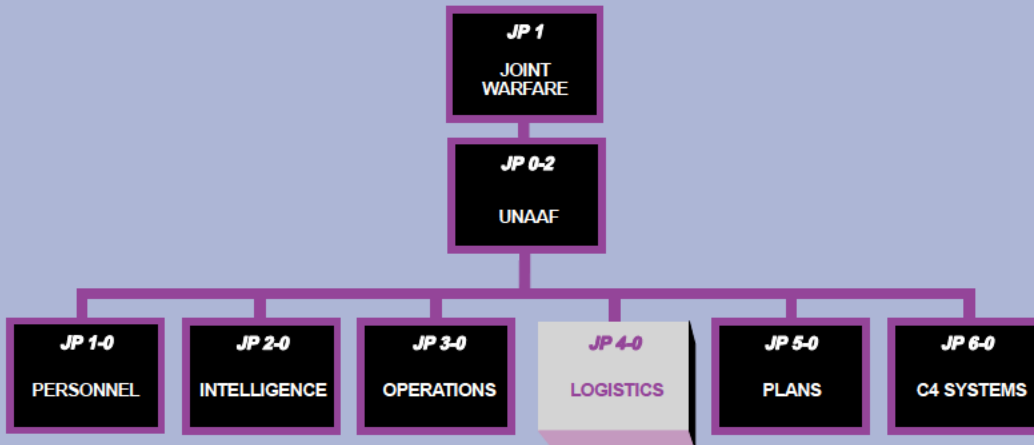
time-phased force and deployment data. The Joint Operation Planning and Execution System data base portion of an operation plan; it contains time-phased force data, non-unit-related cargo and personnel data, and movement data for the operation plan, including: a. In-place units. b. Units to be deployed to support the operation plan with a priority indicating the desired sequence for their arrival at the port of debarkation. c. Routing of forces to be deployed. d. Movement data associated with deploying forces. e. Estimates of non-unit-related cargo and personnel movements to be conducted concurrently with the deployment of forces. f. Estimate of transportation requirements that must be fulfilled by common-user lift resources as well as those requirements that can be fulfilled by assigned or attached transportation resources. Also called TPFDD. (JP 1-02)

transportation component command. The three component commands of USTRANSCOM: Air Force Air Mobility

Command, Navy Military Sealift Command, and Army Military Traffic Management Command. Each transportation component command remains a major command of its parent Service and continues to organize, train, and equip its forces as specified by law. Each transportation component command also continues to perform Service-unique missions. Also called TCC. (JP 1-02)

transportation system. All the land, water, and air routes and transportation assets engaged in the movement of US forces and their supplies across the range of military operations, involving both mature and immature theaters and at the strategic, operational, and tactical levels of war. (This term and its definition modify the existing term and its definition and are approved for inclusion in the next edition of JP 1-02.)

JOINT DOCTRINE PUBLICATIONS HIERARCHY



All joint doctrine and tactics, techniques, and procedures are organized into a comprehensive hierarchy as shown in the chart above. **Joint Publication (JP) 4-0** is in the **Logistics** series of joint doctrine publications. The diagram below illustrates an overview of the development process:

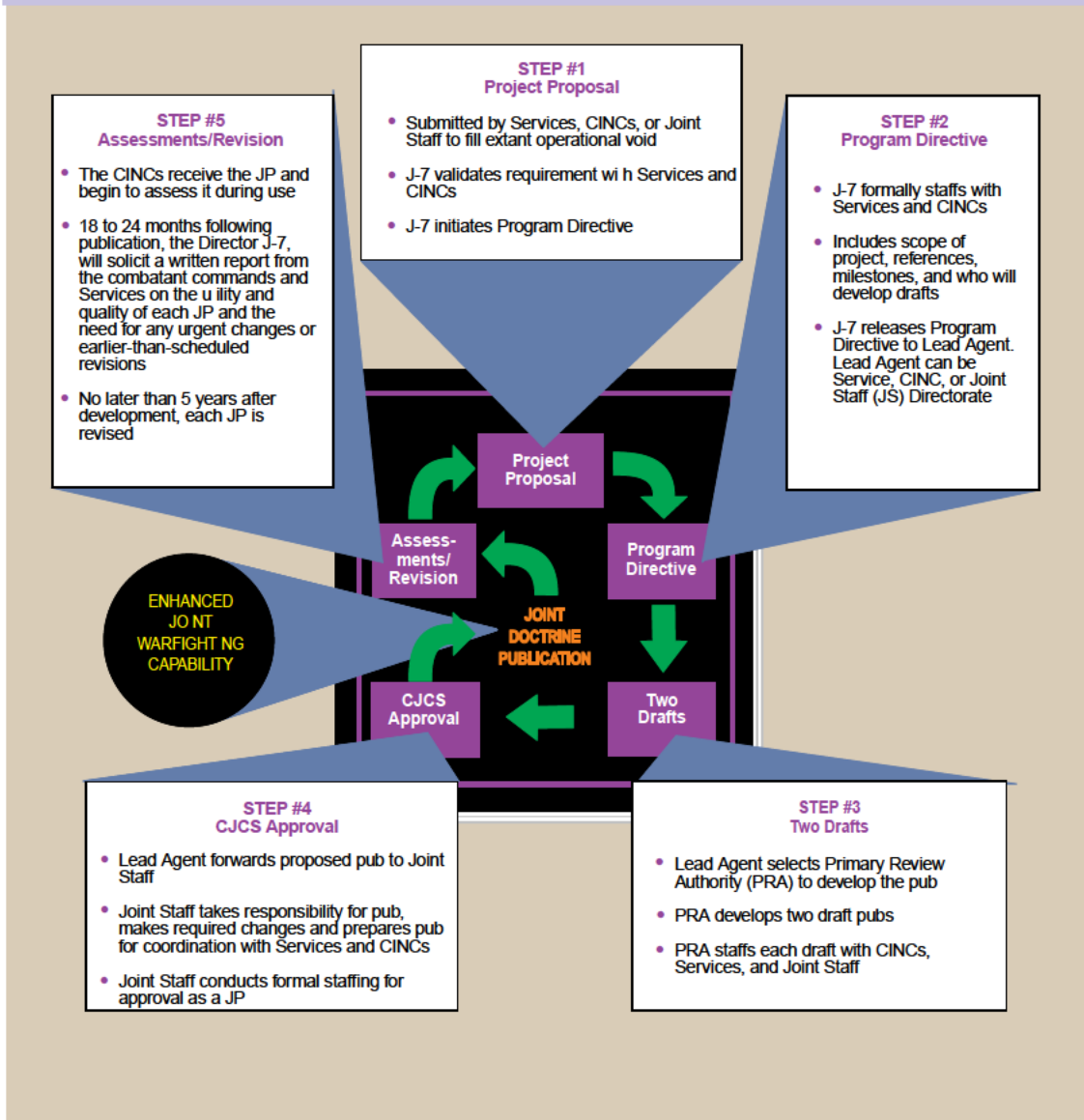




EXHIBIT 70

UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF VIRGINIA
ALEXANDRIA DIVISION

SUHAIL NAJIM ABDULLAH AL SHIMARI, et al.,)	
)	
Plaintiffs,)	
)	
v.)	No. 1:08-cv-0827 GBL/JFA
)	
CACI INTERNATIONAL INC, et ano.,)	
)	
Defendants.)	
)	

**DEFENDANTS' RESPONSES TO PLAINTIFFS'
FIRST SET OF REQUESTS FOR ADMISSION**

Defendants CACI Premier Technology, Inc. ("CACI PT"), and CACI International Inc (collectively, "CACI") submit the following objections to Plaintiffs' First Set of Requests for Admission.

GENERAL OBJECTIONS

Each of the following general objections is incorporated into each individual response below as if set out in full:

1. CACI objects to Plaintiffs' requests to the extent they call for the disclosure of information protected by the attorney-client privilege, the attorney work product doctrine, or any other applicable privilege at law or pursuant to statute.

2. CACI objects to Plaintiffs' requests to the extent that they seek proprietary or other sensitive business information without entry of an appropriate protective order.

3. CACI objects to the extent that these requests seek to require CACI to search for responsive information in any place other than where responsive information reasonably might be expected to be located.

4. CACI does not concede that any response to these requests will be admissible at trial or in connection with any non-discovery proceeding. CACI reserves all rights to object to the introduction of any discovery responses provided in this action.

5. CACI objects to the definitions of “CACI,” “Defendant,” “Defendants,” “You,” and “Your” on the grounds that they seek to impose discovery obligations on the two entities named as defendants in this action beyond the obligations imposed on those entities by the Federal Rules of Civil Procedure and also because the failure to differentiate between CACI International Inc and CACI Premier Technology, Inc. creates ambiguity.

6. CACI objects to the definition of “Relevant Date Range” on the grounds that it is overly broad insofar that it encompasses a period of time far in excess of the period of time in which CACI Premier Technology, Inc., provided interrogation services in Iraq.

SPECIFIC OBJECTIONS AND RESPONSES

The responses to Plaintiffs’ requests for admission are based on information currently available to the CACI Defendants, without the benefit of depositions of Plaintiffs, discovery from the United States, or production of documents by Plaintiffs beyond the thirteen pages of documents Plaintiffs have produced in this action. Accordingly, the CACI Defendants reserve the right to amend its responses in the event discovery shows that a modified response is appropriate. Any portion of any request for admission that is not specifically admitted in Defendants’ response is hereby denied.

REQUEST FOR ADMISSION NO. 1: CACI provided Services at Abu Ghraib during the Relevant Date Range pursuant to GSA Schedule Contract and Blanket Purchase Agreement

("BPA") awarded to Premier Technology Group, Inc. in September 1998, as modified on July 31, 2003 to reflect CACI's acquisition of Premier Technology Group, Inc.

RESPONSE: CACI incorporates its General Objections. Denied as to CACI

International Inc. Admitted as to CACI PT for the period from August 2003 to August 2004.

Denied in all other respects.

REQUEST FOR ADMISSION NO. 2: CACI provided Services pursuant to one or more delivery orders and/or other requests, and extensions thereof, made in connection with the BPA referenced in Request No. 1.

RESPONSE: CACI incorporates its General Objections. Denied as to CACI

International Inc. Admitted as to CACI PT.

REQUEST FOR ADMISSION NO. 3: Under the terms of the BPA referenced in Request No. 1 and/or any delivery orders and/or other requests referenced in Request No. 2, CACI was responsible for providing supervision for CACI personnel stationed in Iraq, including at Abu Ghraib.

RESPONSE: CACI incorporates its General Objections. CACI also objects on the grounds that this request is vague and ambiguous. CACI International Inc denies this request in all respects. CACI PT denies that it was responsible for providing operational supervision for CACI PT employees serving in Iraq, as operational control was the exclusive responsibility of the United States military. To the extent it can be construed as "supervision," CACI PT admits that it handled purely administrative matters with respect to CACI PT employees in Iraq, such as resolving pay and benefits problems, arranging for ingress and egress into and out of Iraq as approved by the military leadership, and scheduling leave as approved by the military leadership. CACI PT denies this request in all other respects.

REQUEST FOR ADMISSION NO. 4: CACI had the ability to control, direct and influence the actions performed by its employees stationed at Abu Ghraib.

RESPONSE: CACI incorporates its General Objections. CACI also objects on the grounds that this request is vague and ambiguous. Denied by CACI International Inc in all respects. Denied by CACI PT in all respects except as related to the administrative functions described in response to Request for Admission No. 3.

REQUEST FOR ADMISSION NO. 5: During the Relevant Date Range, CACI had a company chain of command or lines of reporting in Iraq that included an overall country manager, an assistant country manager, an administrative specialist and site leads at various locations in Iraq.

RESPONSE: CACI incorporates its General Objections. CACI also objects on the grounds that this request is vague and ambiguous. Denied by CACI International in all respects. CACI PT admits that, during the period CACI PT personnel performed services in Iraq, it had administrative personnel who performed the administrative functions described in response to Request for Admission No. 3. These included administrative personnel in Virginia and a country manager who made liaison with the Contracting Officer's Representative and served as a point of contact for communicating administrative issues to CACI PT personnel in Iraq. The various locations in Iraq where CACI PT had employees generally had someone designated as a site lead who would coordinate communications from the site regarding administrative issues, such as those described in response to Request for Admission No. 3, to the country manager. CACI PT denies that it had a "chain of command" in Iraq or any role in the operational control of personnel in Iraq, and CACI PT denies this request to the extent not expressly admitted herein.

REQUEST FOR ADMISSION NO. 6: During the Relevant Date Range, a CACI site lead in Iraq was in daily contact with CACI employees stationed at Abu Ghraib.

RESPONSE: CACI incorporates its General Objections. Denied as to CACI International Inc. CACI PT states that it generally had someone designated as a site lead at the

locations where the United States Army deployed CACI PT personnel. CACI PT denies that the site lead was necessarily in daily contact with all of the CACI PT employees deployed at a particular site, and the site lead had no role in the operational control of CACI PT employees. CACI PT denies this request to the extent not expressly admitted herein.

REQUEST FOR ADMISSION NO. 7: During the Relevant Date Range, the CACI country manager for Iraq and his deputy periodically visited Abu Ghraib.

RESPONSE: CACI incorporates its General Objections. Denied in all respects by CACI International Inc. While “periodically” is undefined, CACI PT admits that its country manager did have occasion to visit Abu Ghraib, although he had no role in the CACI PT employees’ performance of their operational duties, as that was the exclusive province of the United States Army.

REQUEST FOR ADMISSION NO. 8: During the Relevant Date Range, CACI had a Vice President responsible for the Services in Iraq, including the Services at Abu Ghraib.

RESPONSE: CACI incorporates its General Objections. CACI also objects on the grounds that this request is vague and ambiguous. CACI International Inc denies this request in all respects. To the extent “responsible” is intended to include responsibility to ensuring that the United States Army was satisfied with CACI PT’s performance of its contracts in Iraq, CACI PT admits this request. CACI PT denies this request in all other respects, and specifically denies that its management was in any way responsible for supervising, overseeing, or establishing policies for the operational mission in Iraq or at Abu Ghraib prison, as operational control of the military mission, and of CACI PT employees supporting that mission, was the exclusive responsibility of the United States Army.

REQUEST FOR ADMISSION NO. 9: During the Relevant Date Range, the CACI Vice President referenced in Request No. 8 visited Iraq at least 10 times.

RESPONSE: CACI incorporates its General Objections. Subject to and without waiving the foregoing objections, CACI responds as follows: To the extent “CACI” is defined to refer to CACI International Inc, this request is denied. To the extent “CACI” is defined to refer to include CACI PT, this request is admitted.

REQUEST FOR ADMISSION NO. 10: During the Relevant Date Range, the CACI Vice President referenced in Request No. 8 visited Abu Ghraib.

RESPONSE: CACI incorporates its General Objections. Subject to and without waiving the foregoing objections, CACI responds as follows: To the extent “CACI” is defined to refer to CACI International Inc, this request is denied. To the extent “CACI” is defined to refer to include CACI PT, this request is admitted.

REQUEST FOR ADMISSION NO. 11: During the Relevant Date Range, the CACI employees stationed in Iraq, including in Abu Ghraib, were not combat personnel.

RESPONSE: CACI incorporates its General Objections. CACI also objects on the grounds that this request is vague and ambiguous. Subject to and without waiving the foregoing objections, CACI responds as follows: To the extent “CACI” is defined to refer to CACI International Inc, this request is denied because CACI International Inc had no employees serving in Iraq. Given the ambiguity is Plaintiffs’ use of the term “combat personnel,” this request cannot be admitted or denied as to CACI PT personnel serving in Iraq. The CACI PT personnel serving in Iraq were not allowed to carry weapons. They did, however, perform important functions, including interrogation-related functions at combat-zone detention facilities such as Abu Ghraib prison, that were an integral part of the war effort in Iraq.

REQUEST FOR ADMISSION NO. 12: During the Relevant Date Range, the CACI employees stationed in Iraq, including in Abu Ghraib, were not hired soldiers.

RESPONSE: CACI incorporates its General Objections. Subject to and without waiving the foregoing objections, CACI responds as follows: To the extent “CACI” is defined to refer to CACI International Inc, this request is denied because CACI International Inc had no employees serving in Iraq. To the extent a necessary component of the term “hired soldiers” is that a person was hired to carry and fire a weapon at an enemy in war, this request is admitted as to the CACI PT personnel serving in Iraq. To the extent the term has some other definition, the request can be neither admitted nor denied based on the absence of a definition of the term.

REQUEST FOR ADMISSION NO. 13: During the Relevant Date Range, the CACI employees stationed in Iraq, including in Abu Ghraib, were not “warfighters.”

RESPONSE: CACI incorporates its General Objections. CACI also objects on the grounds that this request is vague and ambiguous. Subject to and without waiving the foregoing objections, CACI responds as follows: To the extent “CACI” is defined to refer to CACI International Inc, this request is denied because CACI International Inc had no employees serving in Iraq. To the extent a necessary component of the term “warfighters” is that a person was deployed to carry and fire a weapon at an enemy in war, this request is admitted as to the CACI PT personnel serving in Iraq. To the extent the term has some other definition, the request can be neither admitted nor denied based on the absence of a definition of the term.

REQUEST FOR ADMISSION NO. 14: During the Relevant Date Range, the CACI employees stationed in Iraq, including in Abu Ghraib, were not private security personnel.

RESPONSE: CACI incorporates its General Objections. Subject to and without waiving the foregoing objections, CACI responds as follows: To the extent “CACI” is defined to refer to CACI International Inc, this request is denied because CACI International Inc had no employees serving in Iraq. To the extent a necessary component of the term “security personnel” is that a person was deployed for the principal purpose of providing security to others, this

request is admitted as to the CACI PT personnel serving in Iraq. To the extent the term has some other definition, the request can be neither admitted nor denied based on the absence of a definition of the term.

REQUEST FOR ADMISSION NO. 15: During the Relevant Date Range, CACI knew that military officials were prohibited from torturing prisoners at Abu Ghraib by the Army Field Manual.

RESPONSE: CACI incorporates its General Objections. CACI also objects on the grounds that this request seeks an admission as to what two corporate entities “knew.” CACI International Inc and CACI Premier Technology, Inc., are corporate entities that can only know things through the knowledge of their agents. Plaintiffs’ requests seek admissions as to what CACI “knew” on subjects where it is unreasonable to expect CACI to be able to ascertain what each and every one of its agents “knew” during a multi-year period of time and also as to subjects on which there may at times be a divergence of personal opinions among CACI’s various agents.

REQUEST FOR ADMISSION NO. 16: During the Relevant Date Range, the Geneva Conventions governed the treatment and interrogation of detainees at Abu Ghraib.

RESPONSE: CACI incorporates its General Objections. CACI PT can neither admit nor deny this request. CACI PT understands that the view has been expressed by some that the Geneva Conventions governed the treatment and interrogation of detainees in Iraq, but CACI PT does not know beyond doubt whether or not those contentions were in fact correct.

REQUEST FOR ADMISSION NO. 17: During the Relevant Date Range, CACI knew that willful torture of a prisoner constituted a grave breach of the Geneva Conventions.

RESPONSE: CACI incorporates its General Objections. CACI International Inc and CACI Premier Technology, Inc., are corporate entities that can only know things through the

knowledge of their agents. Plaintiffs' requests seek admissions as to what CACI "knew" on subjects where it is unreasonable to expect CACI to be able to ascertain what each and every one of its agents "knew" during a multi-year period of time and also as to subjects on which there may at times be a divergence of personal opinions among CACI's various agents. Responding further, Defendants state that they are not aware of any corporate position having been developed or adopted during the Relevant Date Range on this subject, one way or the other, and therefore is unable to admit or deny this request.

REQUEST FOR ADMISSION NO. 18: During the Relevant Date Range, CACI knew that inhuman treatment of a prisoner constituted a grave breach of the Geneva Conventions.

RESPONSE: CACI incorporates its General Objections. CACI International Inc and CACI Premier Technology, Inc., are corporate entities that can only know things through the knowledge of their agents. Plaintiffs' requests seek admissions as to what CACI "knew" on subjects where it is unreasonable to expect CACI to be able to ascertain what each and every one of its agents "knew" during a multi-year period of time and also as to subjects on which there may at times be a divergence of personal opinions among CACI's various agents. Responding further, Defendants state that they are not aware of any corporate position having been developed or adopted during the Relevant Date Range on this subject, one way or the other, and therefore is unable to admit or deny this request.

REQUEST FOR ADMISSION NO. 19: During the Relevant Date Range, CACI knew that a grave breach of the Geneva Conventions constituted a war crime.

RESPONSE: CACI incorporates its General Objections. CACI International Inc and CACI Premier Technology, Inc., are corporate entities that can only know things through the knowledge of their agents. Plaintiffs' requests seek admissions as to what CACI "knew" on subjects where it is unreasonable to expect CACI to be able to ascertain what each and every one

of its agents “knew” during a multi-year period of time and also as to subjects on which there may at times be a divergence of personal opinions among CACI’s various agents. Responding further, Defendants state that they are not aware of any corporate position having been developed or adopted during the Relevant Date Range on this subject, one way or the other, and therefore is unable to admit or deny this request.

REQUEST FOR ADMISSION NO. 20: The United States never advised CACI that all of Steve Stefanowicz’s conduct at Abu Ghraib was lawful and permissible.

RESPONSE: CACI incorporates its General Objections. Responding further, CACI states that the United States has never stated a definitive view to CACI as to whether “all of Steve Stefanowicz’s conduct at Abu Ghraib was lawful and permissible.” When the Taguba report became public in the spring of 2004, the United States’ representatives in Iraq advised that there was no need to remove Mr. Stefanowicz from the contract. Although the Taguba and Fay reports indicated that further investigation was appropriate in order to determine whether Mr. Stefanowicz had committed unlawful acts, the United States has never charged Mr. Stefanowicz with a crime relating to conduct at Abu Ghraib prison. In addition, reports from United States personnel that CACI PT employees at Abu Ghraib generally were performing acceptably could be construed as a statement that Mr. Stefanowicz was performing at Abu Ghraib lawfully and permissibly. As a result, CACI is unable to admit or deny this request.

REQUEST FOR ADMISSION NO. 21: The United States never advised CACI that all of Daniel Johnson’s conduct at Abu Ghraib was lawful and permissible.

RESPONSE: CACI incorporates its General Objections. Responding further, CACI states that the United States has never stated a definitive view to CACI as to whether “all of Dan Johnson’s conduct at Abu Ghraib was lawful and permissible.” Although the Fay report indicated that further investigation was appropriate in order to determine whether Mr. Johnson

had committed unlawful acts, the United States has never charged Mr. Johnson with a crime relating to conduct at Abu Ghraib prison. As a result, CACI is unable to admit or deny this request.

REQUEST FOR ADMISSION NO. 22: The United States never advised CACI that all of Tim Dugan's conduct at Abu Ghraib was lawful and permissible.

RESPONSE: CACI incorporates its General Objections. Responding further, CACI states that the United States has never stated a definitive view to CACI as to whether "all of Tim Dugan's conduct at Abu Ghraib was lawful and permissible." Although the Fay report indicated that further investigation was appropriate in order to determine whether Mr. Dugan had committed unlawful acts, the United States has never charged Mr. Dugan with a crime relating to conduct at Abu Ghraib prison. In addition, reports from United States personnel that CACI PT employees at Abu Ghraib generally were performing acceptably could be construed as a statement that Mr. Dugan was performing at Abu Ghraib lawfully and permissibly. As a result, CACI is unable to admit or deny this request.

REQUEST FOR ADMISSION NO. 23: "CIVILIAN-05" in the report entitled, "AR 15-6 Investigation of the Abu Ghraib Detention Facility and 205th Military Intelligence Brigade" by MG George R. Fay (the "Fay Report") is Tim Dugan.

RESPONSE: CACI incorporates its General Objections. Subject to and without waiving the foregoing objections, CACI believes this request to be accurate and therefore admits it.

REQUEST FOR ADMISSION NO. 24: "CIVILIAN-11" in the Fay Report is Daniel Johnson.

RESPONSE: CACI incorporates its General Objections. Subject to and without waiving the foregoing objections, CACI believes this request to be accurate and therefore admits it.

REQUEST FOR ADMISSION NO. 25: “CIVILIAN-21” in the Fay Report is Steve Stefanowicz.

RESPONSE: CACI incorporates its General Objections. Subject to and without waiving the foregoing objections, CACI believes this request to be accurate and therefore admits it.

REQUEST FOR ADMISSION NO. 26: CACI is not going to defend itself by claiming it relied on or was misled by the advice of counsel for CACI or the United States.

RESPONSE: CACI incorporates its General Objections. Subject to and without waiving the foregoing objections, this response is admitted as to advice of counsel for CACI and denied in all other respects.

REQUEST FOR ADMISSION NO. 27: Plaintiffs were civilian internees at Abu Ghraib.

RESPONSE: CACI incorporates its General Objections. CACI is unable to admit or deny this request because it has virtually no information concerning Plaintiffs, and has not authenticated the few documents produced by Plaintiffs because Plaintiffs have declined to appear for depositions and the United States has not provided any discovery as of yet in response to Defendants’ subpoenas.

REQUEST FOR ADMISSION NO. 28: CACI has no evidence that Plaintiffs engaged in any hostile act towards the United States or the Coalition Provisional Authority.

RESPONSE: CACI incorporates its General Objections. Subject to and without waiving the foregoing objections, CACI states that the fact Plaintiffs were captured and detained by the United States is, at a minimum, circumstantial evidence that there was some basis for the capture and detention. At this point, however, Defendants have not been provided any other competent evidence tending to support or refute the subject of this request, and Plaintiffs have taken the position that they will not provide any information going to this request on relevant grounds. Accordingly, based on the limited information available to Defendants at this point, the request is denied.

Respectfully submitted,



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February 7, 2013

CERTIFICATE OF SERVICE

I hereby certify that on the 7th day of February, 2013, I caused the foregoing to be served by first class U.S. Mail, postage prepaid, on the following counsel of record:

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