

FCI-14-2003 12:15

P.81



THE JOINT STAFF
WASHINGTON, DC

LQ78d

Reply ZIP Code:
20318-0300

DJEM-1057-03
14 November 2003

MEMORANDUM FOR CHIEF OF STAFF, U.S. CENTRAL COMMAND

Subject: Allegation of Mistreatment

1. The Deputy Assistant Secretary of Defense for Special Operations/Low Intensity Conflict, Mr. Paul Butler, has requested Joint Staff assistance in responding to [REDACTED]

2. During a recent "welfare visit" to GITMO, [REDACTED] informed UK officials that he was hooded and physically abused prior to his transfer to GITMO. While the UK government has no means of judging the validity of the allegation, [REDACTED]

3. Request you investigate the allegation of mistreatment and report your findings back to the Joint Staff as expeditiously as possible. Your response will provide the substance of Mr. Butler's written response to the UK Foreign Office. We believe that [REDACTED] arrived at Bagram in early spring 2002 and arrived in GITMO on 7 February 2003.

4. The Joint Staff POC for this matter is [REDACTED]


T. J. REATING
VADM, USN
DIRECTOR, JOINT STAFF

FORM 8 84

IL2

Tillery, Monica J

From: [REDACTED]
Sent: Friday, December 20, 2002 6:02 PM
To: Dorosin, Joshua L
Cc: [REDACTED]
Subject: TPs on Bagram deaths



Microsoft Word 4



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Josh,
the attached file has the TPs that DoD prepared for public affairs' use concerning the two reported deaths at Bagram. Please provide these to US Mission Geneva for the Tuesday meeting.

I will be out next week. If you need anything on this and related stuff, please get in touch with LCDR [REDACTED] in our office (who is copied on this message), [REDACTED]

Happy holidays.

[REDACTED]
(See attached file: Detainee Death PAG - OGC edits.doc)

ODGC/IA
[REDACTED]

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IL2A

DETAINEE DEATHS
December 16, 2002

Recently, two detainees have died at the Bagram detention facility. The first death occurred on December 3, the second on December 10. Coalition medical teams comprised of representatives from Jordan, Korea and the United States performed autopsies on the two deceased detainees. As in all cases of unattended deaths within the scope of DoD's jurisdiction, an investigation has been initiated. These cases fall within the geographic jurisdiction of the Army's Criminal Investigation Command.

Questions and Answers in Response To Query only:

Q1. Do you suspect foul play? Were there indications that they had been beaten?

A1. The circumstances of the deaths will be determined by the investigation. Because the investigation is ongoing, we are unable to comment specifically at this time.

Q2. How did the 2 detainees die?

A2. The circumstances of the death are being investigated. Because the investigation is ongoing, we are unable to comment specifically at this time.

Q3. What commonalities did the two persons under custody share?

A3. Both were being held under U.S. control at Bagram Detention Facility at the time of their deaths.

Q4. Were the detainees under any medical care?

A4. As of this time, we know that both had undergone a medical exam upon in-processing at Bagram, approximately five to seven days before their deaths. Both were determined to be in fair health at the time of inprocessing.

Q5. What led to the investigation into the deaths?

A5. All cases of unattended death within the scope of Army jurisdiction are investigated by the Army Criminal Investigation Command.

Q6. What similarities were found during the second autopsy?

A6. Because the investigation is ongoing, we are unable to comment specifically at this time.

IL 90B

11/07/2002

PRECEDENCE: Routine
DTG: 071445Z NOV 02
FROM: SECDEF WASHINGTON DC//OASD-PA//
CLASSIFICATION: Unclassified

BT

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SUBJECT: PUBLIC AFFAIRS GUIDANCE (PAG) FOR JOINT TASK FORCE - GUANTANAMO BAY (JTF-GTMO) AND DETAINEE OPERATIONS AT NAVAL BASE GUANTANAMO BAY, CUBA.

REFERENCES. A: SECDEF MSG, DTG 072300Z JAN 02, SUBJ: PUBLIC AFFAIRS GUIDANCE (PAG) FOR NEWS MEDIA COVERAGE OF DETAINEE OPERATIONS IN NAVAL BASE GUANTANAMO BAY, CUBA IN SUPPORT OF OPERATIONS ENDURING FREEDOM (OEF). REF. B: SECDEF MSG, DTG 111124Z JAN 02, SUBJ: SUPPLEMENTAL PUBLIC AFFAIRS GUIDANCE (PAG) ON DETAINEES. REF. C: SECDEF MSG, DTG 221800Z MAR 02, SUBJ: PUBLIC AFFAIRS GUIDANCE FOR JTF 170 OPERATIONS AT NAVAL BASE GUANTANAMO BAY, CUBA; REF. D: SECDEF MSG, DTG 221111Z MAR 02 PUBLIC AFFAIRS GUIDANCE FOR DETAINEE

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CASUALTIES DURING OPERATION ENDURING FREEDOM OPERATIONS; REF. E:

SECDEF MSG, DTG 260144Z APR 02, SUBJ: PUBLIC AFFAIRS GUIDANCE FOR RELEASE OR TRANSFER OF DETAINEES - OPERATION ENDURING FREEDOM; REF. F: SECDEF MSG, DTG 101700Z JUN 02, SUBJ: SUPPLEMENTAL PUBLIC AFFAIRS GUIDANCE (PAG) ON DETAINEES; REF. G: SECDEF MSG, DTG 122123Z AUG 02 SUBJ: SUPPLEMENTAL PUBLIC AFFAIRS GUIDANCE (PAG) ON DETAINEES; REF. H: CJCS MSG, DTG 202335Z AUG 02. SUBJ: EXORD JTF MERGER. REF. I: SECDEF MESSAGE, DTG 061000Z NOV 02, SUBJ: PUBLIC AFFAIRS PLAN ON DETAINEE RELEASE/TRANSFERS.

1. PURPOSE. THIS PAG AMPLIFIES THE GUIDANCE IN AND SUPERSEDES REFERENCES A THROUGH G.
2. BACKGROUND. THIS PAG ADDRESSES THE FOLLOWING ISSUES PERTAINING TO JTF GTMO OPERATIONS: RELEASE AUTHORITY FOR INFORMATION ON DETAINEES; MILITARY UNIT DEPLOYMENTS IN SUPPORT OF JTF GTMO; NEWS MEDIA EMBEDS AND COVERAGE

(INCLUDING DETAILS OF DETAINEE MOVEMENT, DETENTION FACILITIES, INTERROGATION OPERATIONS, MEDICAL CARE FACILITIES, DETAINEE INJURY OR DEATH, AND TRANSFER AND RELEASE); COMBAT CAMERA COVERAGE; NON-GOVERNMENT ORGANIZATION INVOLVEMENT AND OTHER BACKGROUND INFORMATION.

3. PUBLIC AFFAIRS POSTURE: ACTIVE. DISCUSSION OF INTERROGATION AND

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INTELLIGENCE-GATHERING OPERATIONS IS PROHIBITED.

4. STATEMENT: THE FOLLOWING STATEMENT IS APPROVED FOR RELEASE BY U.S. SOUTHCOM UPON RECEIPT: (QUOTE) TO STREAMLINE THE DAY-TO-DAY DETAINEE OPERATIONS AT GUANTANAMO BAY, CUBA, JOINT TASK FORCE 160 AND 170 WERE CONSOLIDATED INTO JOINT TASK FORCE-GTMO ON OCT. 9, 2002.

(PARA)

JTF-GTMO, WHICH REPORTS TO THE U.S. SOUTHERN COMMAND, IS RESPONSIBLE FOR DETENTION, SECURITY AND INTERROGATION OPERATIONS AT THE DETAINEE FACILITY FOR AL QAIDA, TALIBAN OR OTHER ENEMY COMBATANTS THAT COME UNDER DOD CONTROL AS A RESULT OF THE ONGOING WAR ON TERRORISM.

(PARA) U.S. ARMY MAJOR GENERAL GEOFFREY D. MILLER HAS BEEN SELECTED TO COMMAND JTF-GTMO. A CHANGE OF COMMAND WAS HELD ON NOV 4, 2002.

(PARA) THE U.S. IS TREATING AND WILL CONTINUE TO TREAT ALL THE INDIVIDUALS DETAINED AT GUANTANAMO HUMANELY, AND, TO THE EXTENT APPROPRIATE AND CONSISTENT WITH MILITARY NECESSITY, IN A MANNER CONSISTENT WITH THE PRINCIPLES OF THE THIRD GENEVA CONVENTION OF 1949.

(PARA) SPECIFIC INFORMATION ON NAVAL BASE GUANTANAMO BAY CAN BE OBTAINED FROM THE BASE'S WEBSITE AT WWW.NSGTMO.NAVY.MIL (ALL LOWER CASE).

(PARA) FOR ADDITIONAL INFORMATION REGARDING DOD SUPPORT TO THESE OPERATIONS, CONTACT U.S. SOUTHCOM PUBLIC AFFAIRS (USSOUTHCOM/PA) AT (305) 437-1202/1213. (END QUOTE)

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5. QUESTIONS & ANSWERS:

Q1. WITH THIS CHANGE, WHO WILL BE RESPONSIBLE FOR COMMANDING THE DETAINEE OPERATIONS AT GUANTANAMO BAY?

A1. THE U.S. SOUTHCOM COMMANDER HAS OVERALL RESPONSIBILITY FOR DETAINEE OPERATIONS AT GUANTANAMO NAVAL BASE, CUBA. JTF-GTMO IS RESPONSIBLE FOR DETENTION, SECURITY AND INTERROGATION OPERATIONS. U.S. ARMY MAJOR GENERAL GEOFFREY D. MILLER ASSUMED COMMAND OF JTF-GTMO ON NOV. 4, 2002.

**Q2. HOW MANY PERSONNEL WILL SERVE WITH JTF-GTMO?
A2. THERE WILL BE LESS THAN 2,000 U.S. PERSONNEL SERVING WITH JTF-GTMO OPERATIONS.**

**Q3. WHAT GOVERNMENT AGENCIES ARE INVOLVED IN THIS OPERATION?
A3. THIS IS AN INTER-AGENCY EFFORT INVOLVING SEVERAL FEDERAL LAW ENFORCEMENT AND INTELLIGENCE AGENCIES. (THE FOLLOWING SENTENCE PROVIDES GUIDANCE ONLY AND IS NOT FOR PUBLIC RELEASE.) FOCUS ON MULTI-AGENCY EFFORT AND DO NOT GO INTO FURTHER DETAIL BECAUSE OF SECURITY AND INTEL CONCERNS.**

Q4. IS THE MERGING OF JTF160 AND JTF 170 AN INDICATION THAT THE MILITARY IS NEARER TO CONVENING MILITARY COMMISSIONS AT GTMO? A4. NO. THE DECISION TO MERGE THE TWO JTFS INTO A SINGLE JTF-GTMO IS

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TO GAIN EFFICIENCIES IN PERSONNEL AND LOGISTICS. NO DECISION HAS BEEN MADE REGARDING MILITARY TRIBUNALS OR COMMISSIONS.**

**Q5. WHO IS CURRENTLY CONDUCTING THE INTERROGATIONS OF THE GTMO DETAINEES, AND MAY WE INTERVIEW THEM OR A REPRESENTATIVE?
A5. REPRESENTATIVES OF MILITARY AND CIVILIAN INTELLIGENCE AGENCIES AND FEDERAL LAW ENFORCEMENT AGENCIES ARE CONDUCTING THE INTERROGATIONS. TO AVOID POSSIBLE TERRORIST TARGETING OF U.S. PERSONNEL OR THEIR FAMILIES, THE IDENTITIES OF U.S. PERSONNEL WILL NOT BE DISCLOSED. ADDITIONALLY, SUCH INTERVIEWS WOULD BE CONTRARY TO OUR POLICY OF NOT DISCUSSING SPECIFICS OF INTELLIGENCE-GATHERING OPERATIONS, INCLUDING THE OPERATIONS AT GUANTANAMO BAY.**

Q6. HOW LONG IS THIS OPERATION GOING TO LAST?

A6. WE WILL CONTINUE THE MISSION AS LONG AS WE ARE DIRECTED TO DO SO BY THE SECRETARY OF DEFENSE.

Q7. CAN WE SPEAK WITH AN INTERROGATOR?

A7. NO. WE WILL NOT IDENTIFY INDIVIDUAL INTERROGATORS OR THEIR AGENCIES. IDENTIFICATION OF INTERROGATORS WOULD INCREASE THE THREAT TO THEM, THEIR FAMILY MEMBERS AND FELLOW OPERATORS, AS WELL AS CONTRADICT ESTABLISHED DOD POLICY OF NOT DISCUSSING SPECIFICS OF INTELLIGENCE-GATHERING OPERATIONS.

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Q8. WILL YOU INTERROGATE INJURED PRISONERS?

A8. WE RESERVE THE RIGHT TO INTERROGATE ANY AND ALL DETAINEES UNDER U.S. CONTROL. EACH DETAINEE IS PROVIDED EXPERT MEDICAL TREATMENT THROUGHOUT THEIR DETENTION.

Q9. WILL YOU SHARE INTELLIGENCE OBTAINED THROUGH THE INTERROGATION PROCESS WITH FOREIGN GOVERNMENTS?

A9. WE WILL SHARE APPROPRIATE INFORMATION ON A CASE-BY-CASE BASIS WITH OUR PARTNERS IN THE WAR AGAINST TERRORISM. WE WILL NOT COMMENT ON SPECIFIC INTELLIGENCE MATTERS AND PROCEDURES.

Q10. WHAT TYPE OF INFORMATION ARE YOU SEEKING TO GAIN FROM THE INTERROGATIONS? WILL YOU SHARE SOME OF THAT INFORMATION WITH THE MEDIA?

A10. THE INTERROGATIONS ARE TAKING PLACE IN CONJUNCTION WITH ONGOING INVESTIGATIONS REGARDING THE WAR ON TERRORISM. WE ARE LOOKING FOR INFORMATION THAT WILL BE OF IMPORTANCE TO THE UNITED STATES, OUR PARTNERS, FRIENDS AND ALLIES. THE INFORMATION RECEIVED FROM THESE INTERROGATIONS WILL NOT BE MADE PART OF THE PUBLIC RECORD, AND WILL NOT BE MADE AVAILABLE TO THE MEDIA.

Q11. WHY CONTINUE TO MOVE THESE PEOPLE TO GUANTANAMO?

A11. THESE INDIVIDUALS ARE ENEMY COMBATANTS CAPTURED IN CONNECTION

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WITH AN ONGOING ARMED CONFLICT. THEY CONTINUE TO BE ENEMY COMBATANTS UNDER THE LAW OF ARMED CONFLICT. OUR

DETENTION OF ENEMY COMBATANTS IS LAWFUL AND NECESSARY TO PREVENT THEM FROM RETURNING TO THE BATTLEFIELD OR REENGAGING IN ARMED CONFLICT AGAINST US AND OUR PARTNERS. MOVING THEM TO GUANTANAMO SUPPORTS THE WAR ON TERRORISM.

Q12. WILL THE DETAINEES HAVE ACCESS TO NON-GOVERNMENTAL ORGANIZATIONS?

A12. CONSISTENT WITH THE PRINCIPLES OF THE GENEVA CONVENTIONS, INTERNATIONAL COMMITTEE OF THE RED CROSS (ICRC) PERSONNEL WILL CONTINUE TO HAVE ACCESS TO VISIT AND OBSERVE DETAINEES. ONLY ICRC PERSONNEL WILL BE PERMITTED TO VISIT/OBSERVE DETAINEES.

Q13. WHAT IS BEING/HAS BEEN DONE WITH INJURED/DECEASED DETAINEES?

A13. NO DETAINEES HAVE DIED WHILE BEING HELD AT GUANTANAMO. EVERY DETAINEE IS PROVIDED EXPERT MEDICAL TREATMENT THROUGHOUT THEIR DETENTION. IN THE CASE OF INJURED DETAINEES, THEY WILL BE BROUGHT TO THE NEAREST MILITARY MEDICAL FACILITY, WHERE OUR MEDICAL STAFF WILL PROVIDE MEDICAL ATTENTION. IN THE EVENT OF A FATALITY, WE WILL ATTEMPT TO DETERMINE THE CAUSE OF DEATH; IF NECESSARY, AN AUTOPSY WILL BE PERFORMED. SINCE DETAINEE OPERATIONS BEGAN, WE HAVE TREATED WOUNDS SUSTAINED IN BATTLE AND HAVE RELIEVED PAIN AND SUFFERING FROM

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PRE-EXISTING CONDITIONS. (THE FOLLOWING SENTENCE PROVIDES GUIDANCE ONLY AND IS NOT FOR PUBLIC RELEASE.) PAO SHOULD SEEK DETAILS FROM MEDICAL STAFF.**

Q14. WILL THE RESULTS OF THE AUTOPSY BE MADE AVAILABLE TO THE MEDIA?

A14. WE WILL MAKE THAT DETERMINATION IF AND WHEN SUCH A SITUATION ARISES.

Q15. WHAT IF THE CAUSE OF DEATH CANNOT BE DETERMINED?

Q15. IF A DETAINEE IS INJURED OR DIES AND THE CAUSE IS NOT KNOWN, U.S. MILITARY PERSONNEL WILL CONDUCT AN INVESTIGATION TO DETERMINE THE CAUSE OF INJURY OR DEATH.

Q16. WHAT WILL THEN BE DONE WITH A DECEASED DETAINEE'S BODY?

A16. EVERY EFFORT WILL BE MADE TO INTER THE BODY IN ACCORDANCE WITH THE DETAINEE'S RELIGIOUS PRACTICES.

Q17. WILL THE DETAINEE'S FAMILY BE ABLE TO SEE THE INJURED/DEAD DETAINEE?

A17. SHOULD A DETAINEE DIE, THE U.S. STATE DEPT. WILL CONTACT THE EMBASSY OF THE DECEDENT'S HOME OF RECORD FOR A DETERMINATION OF DETAINEE REMAINS DISPOSITION. VISITS BY FAMILY MEMBERS ARE NOT PERMITTED.

Q18. HAS THE U.S. GOVERNMENT RELEASED ANY DETAINEES?

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A18. MANY INDIVIDUALS DETAINED BY THE U.S. FORCES IN AFGHANISTAN HAVE BEEN RELEASED, SOME OF WHOM WERE DETAINED FOR ONLY A SHORT TIME. AFTER INITIAL SCREENING, A DETERMINATION IS MADE WHETHER AN INDIVIDUAL SHOULD BE DETAINED LONGER, AND IN SOME CASES, IT WAS DETERMINED THAT CONTINUED DETENTION WAS UNWARRANTED. DOD DOES NOT INTEND TO HOLD ANYONE LONGER THAN NECESSARY.

Q19. WHAT IS THE DIFFERENCE BETWEEN RELEASE AND TRANSFER OF A DETAINEE?

A19. A RELEASE OCCURS WHEN AN INDIVIDUAL IS PERMITTED TO UNCONDITIONALLY DEPART U.S. CONTROL. A TRANSFER OCCURS WHEN THE U.S. TRANSFERS CONTROL OF AN INDIVIDUAL TO ANOTHER GOVERNMENT, FOR PURPOSES OF POSSIBLE PROSECUTION BY THAT GOVERNMENT, CONTINUED DETENTION UNTIL THE END OF CONFLICT BY THAT GOVERNMENT, OR OTHER REASONS, SUCH AS CONTINUED MEDICAL TREATMENT. AS A GENERAL MATTER, IT IS DOD POLICY NOT TO DISCLOSE DETAILS OR IDENTITIES OF INDIVIDUALS RELEASED OR TRANSFERRED TO THE CONTROL OF ANOTHER GOVERNMENT.

Q20. HOW MANY DETAINEES ARE CURRENTLY AT GUANTANAMO BAY?

A20. PRESENTLY, THERE ARE APPROXIMATELY 625 DETAINEES AT GTMO. (UPDATE AS APPROPRIATE.)

Q21. WHAT IS THE ROLE OF U.S. NAVAL BASE GUANTANAMO BAY IN DAY-TO-DAY

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JTF-GTMO OPERATIONS?

A21. U.S. NAVAL BASE PERSONNEL PROVIDE ADMINISTRATIVE, LOGISTICAL AND INFRASTRUCTURE SUPPORT TO DETENTION OPERATIONS. MANY OF THESE SUPPORT FUNCTIONS REMAIN UNDER THE CONTROL OF THE U.S. NAVY.

COMMUNICATION POINTS

6.1. DETENTION AND INTERROGATION OPERATIONS AT GTMO SUPPORT THE WAR ON TERRORISM.

6.2. GTMO AFFORDS A SECURE FACILITY AND PROVIDES APPROPRIATE SECURITY FOR DETAINEES.

6.3. THE U.S. IS TREATING AND WILL CONTINUE TO TREAT ALL OF THE INDIVIDUALS DETAINED AT GUANTANAMO HUMANELY, AND, TO THE EXTENT APPROPRIATE AND CONSISTENT WITH MILITARY NECESSITY, IN A MANNER CONSISTENT WITH THE PRINCIPLES OF THE THIRD GENEVA CONVENTION OF 1949.

6.4. DETAINEES AT GTMO POSE A THREAT TO U.S. SECURITY AND WILL REMAIN UNDER U.S. CONTROL AS LONG AS NECESSARY.

6.5. FACILITIES AT GUANTANAMO BAY ARE WELL DEFENDED.

7. MISCELLANEOUS INFORMATION (NOT FOR PUBLIC RELEASE):

7.1. RELEASE AUTHORITY.

7.1.1. OASD(PA) IS THE SOLE INITIAL RELEASE AUTHORITY FOR INFORMATION

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REGARDING THE TRANSFER, RELEASE OR DEATH OF A DETAINEE. OASD(PA) MAY DELEGATE RELEASE AUTHORITY TO THE APPROPRIATE COMBATANT COMMAND OR DEPLOYED PA STAFF.

7.1.2. U.S. SOUTHCOM IS THE INITIAL RELEASE AUTHORITY FOR INFORMATION REGARDING DETAINEE OPERATIONS AT GTMO.

7.1.3. THE JOINT INFORMATION BUREAU (JIB) ESTABLISHED AT GTMO IS RELEASE AUTHORITY FOR INFORMATION REGARDING DETAINEES AFTER INITIAL RELEASE HAS BEEN MADE BY U.S. SOUTHCOM.

7.1.4. INTELLIGENCE MATTERS (COLLECTION, ANALYZING, SHARING AND RESULTS OF INTERROGATION) CANNOT BE DISCUSSED UNLESS APPROVED BY OASD(PA) IN COORDINATION WITH OASD(SO/LIC) AND SPECIFIC CONCURRENCEIS GIVEN BY U.S. SOUTHCOM.

7.2. DEPLOYMENTS OF U.S. PERSONNEL ASSIGNED TO JTF-GTMO:

7.2.1. AFTER RECEIPT OF A DEPLOYMENT ORDER, UNITS MAY ACKNOWLEDGE THAT THEY HAVE BEEN NOTIFIED FOR A DEPLOYMENT.

7.2.2. UNITS THAT HAVE RECEIVED A DEPLOYMENT ORDER SHOULD FOCUS MEDIA ATTENTION ON UNIT PREPARATIONS, MISSIONS AND CAPABILITIES. COMMANDERS MAY RELEASE INFORMATION AND INVITE MEDIA COVERAGE.

7.2.3. COMMANDERS ARE ENCOURAGED TO RELEASE INFORMATION ON AND INVITE MEDIA COVERAGE OF FAMILY SUPPORT EFFORTS FOR U.S. PERSONNEL.

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7.2.4. COORDINATE PRE- AND POST-DEPLOYMENT PA ACTIVITIES WITH U.S. SOUTHCOM. ENSURE U.S. SOUTHCOM/PA AND OASD(PA) ARE APPRAISED OF ALL PA ACTIVITIES EXPECTED TO ATTRACT NATIONAL AND INTERNATIONAL MEDIA ATTENTION.

7.3. EMBEDDED MEDIA.

7.3.1. NO MEDIA EMBARKS/EMBEDS ON DETAINEE FLIGHTS.

7.3.2. COMMANDERS ARE AUTHORIZED TO EMBED MEDIA WITH DEPLOYING OR DEPLOYED FORCES, INCLUDING SHIPS, AIRCRAFT AND GROUND FORCES, SUBJECT TO THE FOLLOWING GUIDELINES:

7.3.3. GENERAL: COMMANDERS MUST SUBMIT THEIR MEDIA EMBED/EMBARK PLANS TO U.S. SOUTHCOM/PA FOR COORDINATION AND APPROVAL.

7.3.4. EXCEPT FOR DETAINEE FLIGHTS, COMMANDERS MAY AUTHORIZE EMBEDDED MEDIA TO TRAVEL WITH UNITS ABOARD MILITARY CONVEYANCES ON A SPACE-AVAILABLE, NON-REIMBURSABLE BASIS. COMMANDERS WILL SUBMIT APPROPRIATE COUNTRY AND THEATER CLEARANCE REQUESTS TO U.S. SOUTHCOM AND WILL PREPARE INVITATIONAL TRAVEL ORDERS, AS REQUIRED. MEDIA REPRESENTATIVES ARE RESPONSIBLE FOR OBTAINING THEIR OWN PASSPORTS AND VISAS AS REQUIRED. MEDIA EMBARKS WILL BE LIMITED BY FACILITIES AVAILABLE AT DEPLOYED LOCATION.

7.3.5. MEDIA REPRESENTATIVES EMBEDDING WITH MILITARY UNITS ARE

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EXPECTED TO BE IN GOOD PHYSICAL CONDITION AND ARE RESPONSIBLE FOR CARRYING AND MAINTAINING THEIR OWN PERSONAL AND PROFESSIONAL GEAR. MEDIA REPRESENTATIVES MAY NOT CARRY PERSONAL WEAPONS. MEDIA MUST OBTAIN ALL

ADVISABLE IMMUNIZATIONS FOR THE REGION. UNITS WILL ENSURE MEDIA RECEIVE APPROPRIATE TRAINING REQUIRED FOR THE REGION AND PROVIDE MEALS, ACCOMMODATIONS AND TRANSPORTATION AS REQUIRED.

7.3.6. EMBEDDED MEDIA WILL BE REQUIRED TO AGREE TO SPECIFIC GROUND RULES ESTABLISHED BY U.S. SOUTHCOM/PA PRIOR TO DEPARTING POINT OF EMBARKATION. ANY VIOLATION OF THE GROUND RULES MAY BE THE BASIS FOR TERMINATING THE MEDIA REPRESENTATIVE'S EMBEDDED STATUS. CONTACT U.S. SOUTHCOM/PA OFFICE AT (305) 437-1213 FOR MEDIA EMBARK GROUND RULES ACKNOWLEDGEMENT FORM. PAOS WILL MAINTAIN A COPY OF SIGNED GROUND RULES.

7.4. NEWS MEDIA COVERAGE:

7.4.1. DETAINEE MOVEMENT.

7.4.1.1. NEWS IMAGERY PRODUCTS MAY NOT SHOW THE MOVEMENT OF DETAINEES INTO OR OUT OF THE U.S. SOUTHCOM AOR.

7.4.1.2. NEITHER THE TIMING NOR THE ROUTE WILL BE DISCUSSED.

7.4.1.3. COVERAGE OF DETAINEES IN TRANSIT IS NOT PERMITTED, INCLUDING GROUND AND AIR MOVEMENT BETWEEN DETENTION FACILITIES, OR MOVEMENT

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BETWEEN DETENTION FACILITIES AND TRANSPORTATION ASSETS (BUSES, FERRIES, PLANES, ETC.).

7.4.1.4. THIS DOES NOT PRECLUDE THE OBSERVATION OF DETAINEE FLIGHTS ARRIVING AT GTMO FROM THE DESIGNATED OBSERVATION POINT ON THE LEEWARD SIDE, SUBJECT TO THE APPROVAL OF THE U.S. SOUTHCOM COMMANDER OR HIS DESIGNEE. PHOTOGRAPHY (STILL OR VIDEO) OF ARRIVALS OR DEPARTURES IS NOT PERMITTED.

7.4.1.5. DETAILED DISCUSSION OF SPECIFIC SECURITY MEASURES AND METHODS OR DETAILS OF DETAINEE MOVEMENT AT ANY TIME IN TRANSIT IS PROHIBITED FOR SECURITY REASONS.

7.4.1.6. THERE WILL BE NO LIVE REPORTING OF ANY DETAINEE MOVEMENT UNDER ANY CIRCUMSTANCE. NEWS REPORTING OF DETAINEE ARRIVAL AND DEPARTURE FLIGHTS WILL BE EMBARGOED UNTIL DETAINEE MOVEMENT IS COMPLETE.

7.4.1.7. OBSERVATION OF SPECIAL MISSION TRANSFERS IS PROHIBITED UNLESS SPECIFICALLY AUTHORIZED BY OASD(PA) IN COORDINATION WITH OASD(SO/LIC). SPECIAL MISSIONS WILL NOT BE PUBLICLY DISCUSSED UNLESS CLEARED BY OASD(PA).

7.4.2. DETENTION FACILITIES

7.4.2.1. INTERVIEWS WITH SENIOR COMMANDERS, SUPPORT STAFF AND

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DETENTION CAMP PERSONNEL ARE PERMITTED, SUBJECT TO APPROPRIATE MEASURES TO PROTECT U.S. MILITARY PERSONNEL, AS WELL AS THE IDENTITY, NATIONALITY, AND LANGUAGE OF THE DETAINEES.

7.4.2.2. PUBLIC RELEASE OF THE APPROXIMATE NUMBER OF DETAINEES UNDER U.S. CONTROL BY GEOGRAPHIC OR SPECIFIC LOCATION IS PERMITTED. SPOKESPERSONS MAY USE GENERAL NUMBERS (E.G., APPROXIMATELY 600) TO DESCRIBE TOTAL DETAINEE POPULATION.

7.4.2.3. THE U.S. SOUTHCOM COMMANDER MAY PERMIT MEDIA OBSERVATION OF DETENTION FACILITIES. PHOTOGRAPHY/VIDEO IMAGERY IS PROHIBITED; OBSERVATION OF DETAINEES IS PROHIBITED.

7.4.3. INTERROGATION OPERATIONS

7.4.3.1 COVERAGE OF DETAINEE INTERROGATIONS OR INTERVIEWS IS PROHIBITED.

7.4.3.2 NEWS MEDIA INTERVIEWS WITH DETAINEES ARE NOT PERMITTED.

7.4.3.3 INTERVIEWS WITH SENIOR COMMANDERS AND SUPPORT STAFF ARE PERMITTED AND ENCOURAGED, SUBJECT TO APPROPRIATE MEASURES TO PROTECT THE IDENTITY AND CAPABILITIES/METHODS OF INTERROGATORS, INTELLIGENCE ANALYSTS AND LINGUISTS.

7.4.4. MEDICAL CARE FACILITIES

7.4.4.1. MEDIA COVERAGE AND IMAGERY OF DETAINEE MEDICAL FACILITIES IS

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PERMITTED AND ENCOURAGED.**

7.4.4.2. DETAILS REGARDING CURRENT MEDICAL CAPABILITIES, AND DETAINEE ACCESS TO MEDICAL CARE MAY BE DISCUSSED AFTER COORDINATION WITH U.S. SOUTHCOM/PA.

7.4.4.3. THERE WILL BE NO PHOTOGRAPHS, VIDEO IMAGES NOR AUDIO RECORDINGS OF DETAINEES RECEIVING MEDICAL TREATMENT. ONLY INFORMATION APPROVED AND PROVIDED BY OASD (PA) AND THE PUBLIC AFFAIRS UNIT/ U.S. SOUTHCOM WILL BE DISSEMINATED. ALL INFORMATION SHOULD BE COORDINATED

WITH LOCAL MEDICAL, LEGAL AND SECURITY STAFF PRIOR TO RELEASE.

7.4.4.4. THE FOLLOWING SPECIFIC INFORMATION MAY BE RELEASED WHEN AVAILABLE: THE REASON FOR MEDICAL TREATMENT, THE TYPE OF WOUND OR INJURY TREATED, THE TYPE OF MEDICAL TREATMENT PROVIDED, AND THE CIRCUMSTANCES THAT LED TO THE MEDICAL TREATMENT.

7.4.4.5. MEDICAL PERSONNEL INVOLVED IN DETAINEE CARE MAY BE MADE AVAILABLE FOR NEWS MEDIA INTERVIEWS, SUBJECT TO APPROVAL FROM THE APPROPRIATE COMMANDER AND MEDICAL OFFICER-IN-CHARGE OF DETAINEE HEALTH CARE. INTERVIEWS WILL ONLY BE APPROVED FOLLOWING MEDIA TRAINING FROM THE ON-SITE PAO.

7.4.5. DETAINEE INJURY OR DEATH:

7.4.5.1. OASD(PA) IS THE SOLE INITIAL RELEASE AUTHORITY FOR

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INFORMATION REGARDING THE INJURY OR DEATH OF A DETAINEE. IN THE EVENT OF THE DEATH OF A DETAINEE, THE TIME OF DEATH AND CAUSE OF DEATH, IF KNOWN, WILL BE RELEASED BY OASD(PA) IN COORDINATION WITH OASD(SO/LIC). REPORT ANY SUCH DEATH TO OASD(PA) BY THE MOST EXPEDITIOUS MEANS. DEPLOYED PUBLIC AFFAIRS PERSONNEL ARE RESPONSIBLE FOR PROVIDING APPLICABLE CASUALTY INFORMATION TO OASD(PA) THROUGH U.S. SOUTHCOM/PA.

7.4.5.2. DETAINEES WILL NOT BE IDENTIFIED BY NAME.

7.4.5.3. SHOULD A DETAINEE DEATH OCCUR, INFORMATION MAY BE RELEASED REGARDING DETAILS OF POST-DEATH EVENTS (I.E., INTERNMENT PROCEDURES, DISPOSITION OF THE BODY, DISPOSITION OF PERSONAL EFFECTS.)

7.4.5.4. DESCRIPTIONS OF ALL APPROPRIATE RELIGIOUS RIGHTS AND CUSTOMS WILL BE PROVIDED TO NEWS MEDIA TO THE EXTENT POSSIBLE.

7.4.6. DETAINEE TRANSFER OR RELEASE FROM GUANTANAMO BAY.

7.4.6.1. OASD(PA) IS THE PRIMARY RELEASE AUTHORITY FOR PUBLIC INFORMATION REGARDING THE RELEASE OR TRANSFER OF DETAINEES. ALL ANSWERS TO SENSITIVE QUESTIONS ABOUT THE PROCESSING, RELEASE, TRANSFER AND TRANSPORTATION OF DETAINEES MUST BE COORDINATED WITH OUSD(P) AND APPROVED BY OASD(PA) PRIOR TO PUBLIC RELEASE OF INFORMATION. ON A CASE-BY-CASE BASIS, AND WITH THE APPROVAL OF

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OUSD(P), OASD (PA) MAY DELEGATE RELEASE AUTHORITY TO THE APPROPRIATE COMBATANT COMMAND OR DEPLOYED PA STAFF. COMPONENT OR JTF COMMANDER WILL PREPARE A PROPOSED RESPONSE TO QUERY (RTQ) PRIOR TO THE RELEASE OF DETAINEES AND FORWARDED PROPOSED RTQ TO THE UNIFIED PAO, WHO WILL FORWARD TO OASD(PA) AND OUSD(P) FOR APPROVAL.

7.4.6.2. THERE WILL BE NO OBSERVATION OF, OR LIVE MEDIA COVERAGE OF DETAINEE RELEASES OR TRANSFERS, DEPARTING FROM GUANTANAMO, INCLUDING INTERIM STOPS.

7.4.6.3. NEITHER THE TIMING NOR THE TRANSPORTATION OF DETAINEES WHO ARE RELEASED OR TRANSFERRED WILL BE DISCUSSED.

7.5. COMBAT CAMERA: COMBAT CAMERA WILL BE USED TO DOCUMENT ACTIVITIES FOR OFFICIAL AND HISTORICAL PURPOSES ONLY. PARA 7.D.1. OF THIS PAG DOES NOT APPLY TO COMBAT CAMERA. ANY COMBAT CAMERA IMAGERY MUST BE CLEARED THROUGH OASD(PA) TO ENSURE COMPLIANCE WITH PARA. 7 BEFORE PUBLIC RELEASE. ALL VIDEO AND STILL PRODUCTS MUST BE PROVIDED TO THE JOINT COMBAT CAMERA CENTER PRIOR TO OR COINCIDENT WITH RELEASE. SEE [HTTP://DODIMAGERY.AFIS.OSD.MIL/DODIMAGERY/HOME.HTML](http://DODIMAGERY.AFIS.OSD.MIL/DODIMAGERY/HOME.HTML) FOR DETAILS ON SENDING PRODUCTS TO JCCC.

7.6. NON-GOVERNMENT ORGANIZATIONS: CONSISTENT WITH THE PRINCIPLES OF THE THIRD GENEVA CONVENTION OF 1949 AND WHEN CIRCUMSTANCES PERMIT,

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INTERNATIONAL COMMITTEE OF THE RED CROSS PERSONNEL WILL BE PERMITTED TO VISIT AND OBSERVE DETAINEES. ONLY ICRC PERSONNEL WILL BE PERMITTED TO VISIT/OBSERVE DETAINEES. NO OTHER NON-GOVERNMENTAL ORGANIZATION (NGO) WILL HAVE ACCESS TO DETAINEES.

8. BACKGROUND INFORMATION ON CONDITIONS OF DETENTION:

8.1. BASED ON THE PRESIDENT'S DIRECTION, DETAINEES AT GUANTANAMO WILL BE TREATED HUMANELY AND, CONSISTENT WITH MILITARY NECESSITY, IN A MANNER CONSISTENT WITH THE PRINCIPALS OF THE THIRD GENEVA CONVENTION OF 1949.

8.2. EVEN THOUGH DETAINEES AT GUANTANAMO HAVE BEEN REMOVED FROM THE THEATER OF OPERATIONS, THEY ARE ENEMY COMBATANTS CAPTURED DURING THE ONGOING HOSTILITIES IN THE WAR ON TERRORISM.

8.3. NO PUBLIC ACCESS TO THE DETAINEES WILL BE ALLOWED. THIS IS CONSISTENT WITH LONGSTANDING U.S. POLICY AND PRACTICE, INCLUDING OPERATION DESERT STORM, AND CONSISTENT WITH THE PRINCIPLES OF THE THIRD GENEVA CONVENTION, WHICH PROHIBIT DETAINED PERSONS FROM BEING SUBJECTED TO PUBLIC CURIOSITY OR HUMILIATING TREATMENT.

8.4. DETAINEES HAVE BEEN AND WILL CONTINUE TO BE TREATED HUMANELY. HUMANE TREATMENT MEANS, AMONG OTHER THINGS, THAT THEY WILL BE GIVEN ADEQUATE FOOD, WATER, SHELTER, CLOTHING, MEDICAL TREATMENT, AND THE

**PAGE 20 RUEKJCS7663 UNCLAS
FREEDOM TO PRACTICE THEIR RELIGION.**

8.5. THE POLICY ON LIMITING PHOTOGRAPHY IS IN ACCORD WITH TREATING DETAINEES CONSISTENT WITH THE PRINCIPLES OF THE THIRD GENEVA CONVENTION OF 1949. THIS IS NOT A CHANGE IN POLICY; IT IS IN CONFORMITY WITH LONG-STANDING U.S. POLICY, PROCEDURES AND PRACTICE.

8.6. THE POLICY OF LIMITING THE RELEASE FOR PUBLICATION OF PHOTOGRAPHY OF DETAINEES IS CONSISTENT WITH ARTICLE 13 OF THE THIRD GENEVA CONVENTION OF 1949. THAT ARTICLE STATES: 'PRISONERS OF WAR MUST AT ALL TIMES BE PROTECTED, PARTICULARLY AGAINST ACTS OF VIOLENCE OR INTIMIDATION AND AGAINST INSULTS AND PUBLIC CURIOSITY.' WHILE THIS RULE DOES NOT EXPLICITLY FORBID THE TAKING OF PICTURES AND PUBLICATION OF PHOTOGRAPHS OF SUCH INDIVIDUALS, THE UNITED STATES GOVERNMENT HAS INTERPRETED IT TO MEAN THAT TAKING PICTURES OF INDIVIDUAL DETAINEES AND PUBLISHING THEM IN NEWSPAPERS OR JOURNALS WOULD BE HOLDING THEM UP TO PUBLIC CURIOSITY AND IS THEREFORE FORBIDDEN.

9. SPECIAL CONSIDERATIONS AND INSTRUCTIONS IN THE EVENT OF A DETAINEE INJURY OR DEATH.

9.1. IN ADDITION TO THE NORMAL REPORTING PROCEDURES BY THE APPROPRIATE COMBATANT COMMANDER, U.S. SOUTHCOM/PA WILL NOTIFY OASD/PA

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WHEN A DETAINEE IS INJURED OR DIES EITHER EN ROUTE OR WHILE AT NAVAL BASE GTMO. OUSD(P) WILL NOTIFY THE DEPARTMENT OF STATE (DOS) THROUGH ESTABLISHED CHANNELS AND REQUEST FOR DISPOSITION INSTRUCTIONS IF APPROPRIATE.

9.2. AN AUTOPSY MAY BE PERFORMED TO ESTABLISH THE CAUSE OF DEATH. INFORMATION WILL BE RELEASED BY OASD(PA) IN COORDINATION WITH OUSD(P).

9.3. THE DOS WILL CONTACT THE EMBASSY OF THE DECEDENT'S HOME OF RECORD FOR DISPOSITION INSTRUCTIONS.

9.4. IF DETERMINATION IS MADE THAT U.S. PERSONNEL WILL INTER THE DECEASED, THE REMAINS WILL BE BURIED AT AN APPROPRIATE LOCATION DETERMINED BY EXISTING DEPARTMENT POLICY.

9.5. INTERMENT WILL BE IN ACCORDANCE WITH APPROPRIATE RELIGIOUS PRACTICES.

10. INTERVIEW GUIDANCE: MEDIA INTERVIEWS WITH U.S. MILITARY PERSONNEL AND DOCUMENTATION OF U.S. MILITARY ACTIVITIES ARE ENCOURAGED. WHEN CONDUCTING MEDIA INTERVIEWS ASSOCIATED WITH THIS OPERATION, THE FOLLOWING POINTS APPLY:

10.1. ENSURE THAT MILITARY PERSONNEL ARE THOROUGHLY BRIEFED BEFORE SPEAKING TO THE MEDIA.

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10.2. CONFINE REMARKS TO MATTERS WITHIN THE INDIVIDUAL'S AREA OF RESPONSIBILITY, EXPERTISE AND PERSONAL EXPERIENCE. 'STAY IN YOUR LANE.'

10.3. ALL DISCUSSIONS WITH REPORTERS WILL BE 'ON THE RECORD.'

10.4. MILITARY PERSONNEL MAY USE THEIR FULL NAME AND HOMETOWN IN MEDIA INTERVIEWS, PHOTO CAPTIONS AND THE LIKE. HOWEVER, MILITARY MEMBERS ARE NOT REQUIRED TO PROVIDE THAT INFORMATION TO MEDIA REPRESENTATIVES.

10.5. EXERCISE CARE TO PROTECT CLASSIFIED INFORMATION AND PRESERVE OPERATIONAL SECURITY. LOCATIONS OF TROOPS AND EQUIPMENT, ONGOING OR FUTURE OPERATIONS, AND RULES OF ENGAGEMENT (ROE) ARE NOT RELEASABLE.

SECURITY AT THE SOURCE WILL BE OBSERVED AT ALL TIMES.

10.6. IF CLASSIFIED OR SENSITIVE INFORMATION IS INADVERTENTLY RELEASED THROUGH PRINT OR PHOTO MEANS, DO NOT CONFISCATE FILM, AUDIO/VIDEO TAPES OR REPORTERS' NOTES. REPORT THE INCIDENT BY THE QUICKEST MEANS POSSIBLE TO THE RESPECTIVE UNIT COMMANDER, PUBLIC AFFAIRS OFFICER OR JIB DIRECTOR.

10.7. AVOID SPECULATION (DO NOT ANSWER HYPOTHETICAL OR 'WHAT IF' QUESTIONS).

10.8. REGIONAL POLITICAL AND CULTURAL SENSITIVITIES MUST ALWAYS BE

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RESPECTED. IF IN DOUBT, THE UNIT COMMANDER OR THE PUBLIC AFFAIRS REPRESENTATIVE SHOULD BE CONSULTED FOR GUIDANCE.

10.9. STRESS THE TEAMWORK INVOLVED IN COMBINING THE UNIQUE CAPABILITIES OF EACH BRANCH OF SERVICE AS APPROPRIATE.

10.10. THE MISSION OF A PARTICULAR UNIT AND GENERAL INFORMATION ON UNCLASSIFIED DATA RELATING TO WEAPONS, AIRCRAFT, SHIPS, ETC. MAY BE DISCUSSED.

10.11. SPECIFIC FORCE PROTECTION MEASURES WILL NOT BE DISCUSSED. PAO'S MAY CONFIRM THE OBVIOUS GENERAL FORCE PROTECTION INITIATIVES (E.G., INCREASED SECURITY PATROLS, ADDITIONAL PHYSICAL SECURITY BARRIERS, ETC).

10.12. SPECIFIC LOCATIONS OR INFORMATION REGARDING GROUND, SEA AND AIR DEFENSE CAPABILITIES WILL NOT BE DISCUSSED.

11. TELEPHONE (PHONER) GUIDANCE: COMMANDERS ARE AUTHORIZED AND ENCOURAGED TO ALLOW TELEPHONIC INTERVIEWS WITH FORCES DEPLOYED IN SUPPORT OF DETAINEE OPERATIONS AT GTMO.

12. MEDIA QUERIES OR REQUESTS BEYOND THE SCOPE OF THIS GUIDANCE WILL BE REFERRED TO U.S. SOUTHCOM/PA.

13. POINTS OF CONTACT: OASD(PA) PRESS DESK, DSN 227-5131, CMCL(703)697-5131, E-MAIL NEWSDESK@OSD.MIL. SOUTHCOM PA, DSN:

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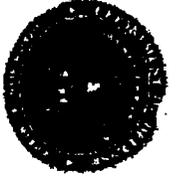
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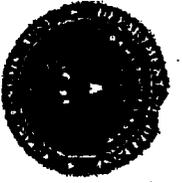
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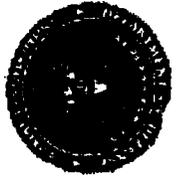
Deaths of Detainees Under US Military Control

OPMG Document



Purpose

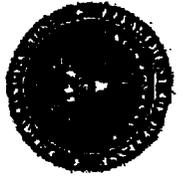
- To clarify the number, cause of death, investigations conducted and disposition of cases of deaths occurring among detainees in US custody



Detainee Deaths in US-Controlled Prisons

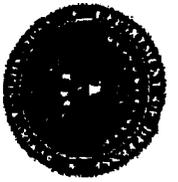
As of May 20, 2004

- TOTAL: 59
 - Iraq: 55
 - Afghanistan: 4
 - Guantanamo Bay: 0



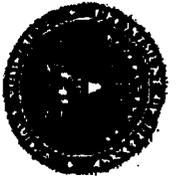
Iraq

- 55 detainee deaths (all prisons)
 - 21 killed by enemy mortar attack at Abu Gharib
 - 8 died during riots or escape attempts
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 - 1 died of natural causes (tuberculosis, heart disease, medical conditions)
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 - 6 died of “unnatural causes”
 - 5 died of “unknown causes”
 - 3 pending medical examiner ruling



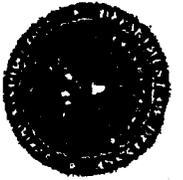
6 "Unnatural Causes"

Case #	Circumstances	Autopsy Done?	Investigation / Disposition
A03-51	1 strangulation Found outside isolation unit	Yes	
03-273	1 closed head injury; Died 12 hrs after escape attempt	Yes	
03-504	1 blunt force trauma and choking Died during interrogation	Yes	
03-571	1 blunt force trauma and choking Died during interrogation	Yes	
04-014	1 blunt force trauma and choking Gagged in standing restraint	Yes	
None	1 gunshot wound to abdomen: "Shot without provocation"	No/not reported	



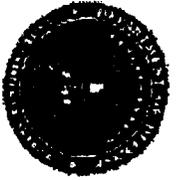
5 "Unknown Causes"

Case #	Circumstances	Autopsy Done 0 of 5	Investigation / Disposition
None	3 reported as heart attack	No/not reported	
None	1 found dead in bed	No/not reported	
None	1 died after falling in hospital (was having chest pain)	No/not reported	



3 Pending Medical Examiner Ruling

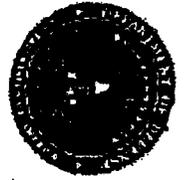
Case #	Circumstances	Autopsy Done 3 of 3	Investigation / Disposition
04-309	1 died sleeping after interrogation	Yes; results pending	
04-357	1 suspected heart attack	Yes; results pending	
04-358	1 unknown history	Yes; results pending	



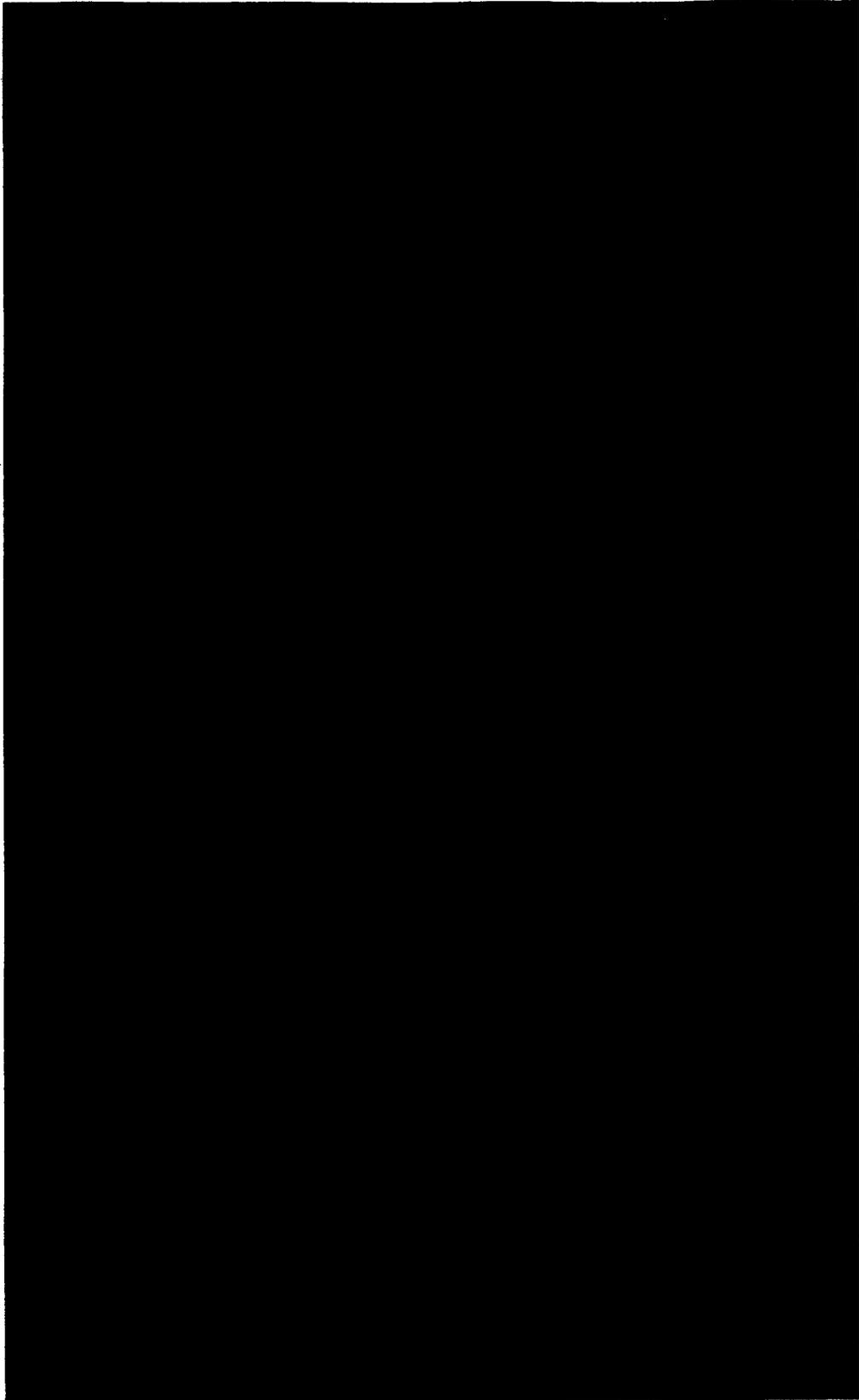
3 "Unnatural Causes"

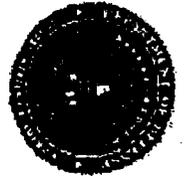
Case #	Circumstances	Autopsy Done?	Investigation / Disposition
A02-93	1 blunt force injuries found restrained in cell	Yes	
A02-05	1 blunt force to lower extremities	Yes	
A03-144	1 blunt force trauma	Yes	

3 of 3

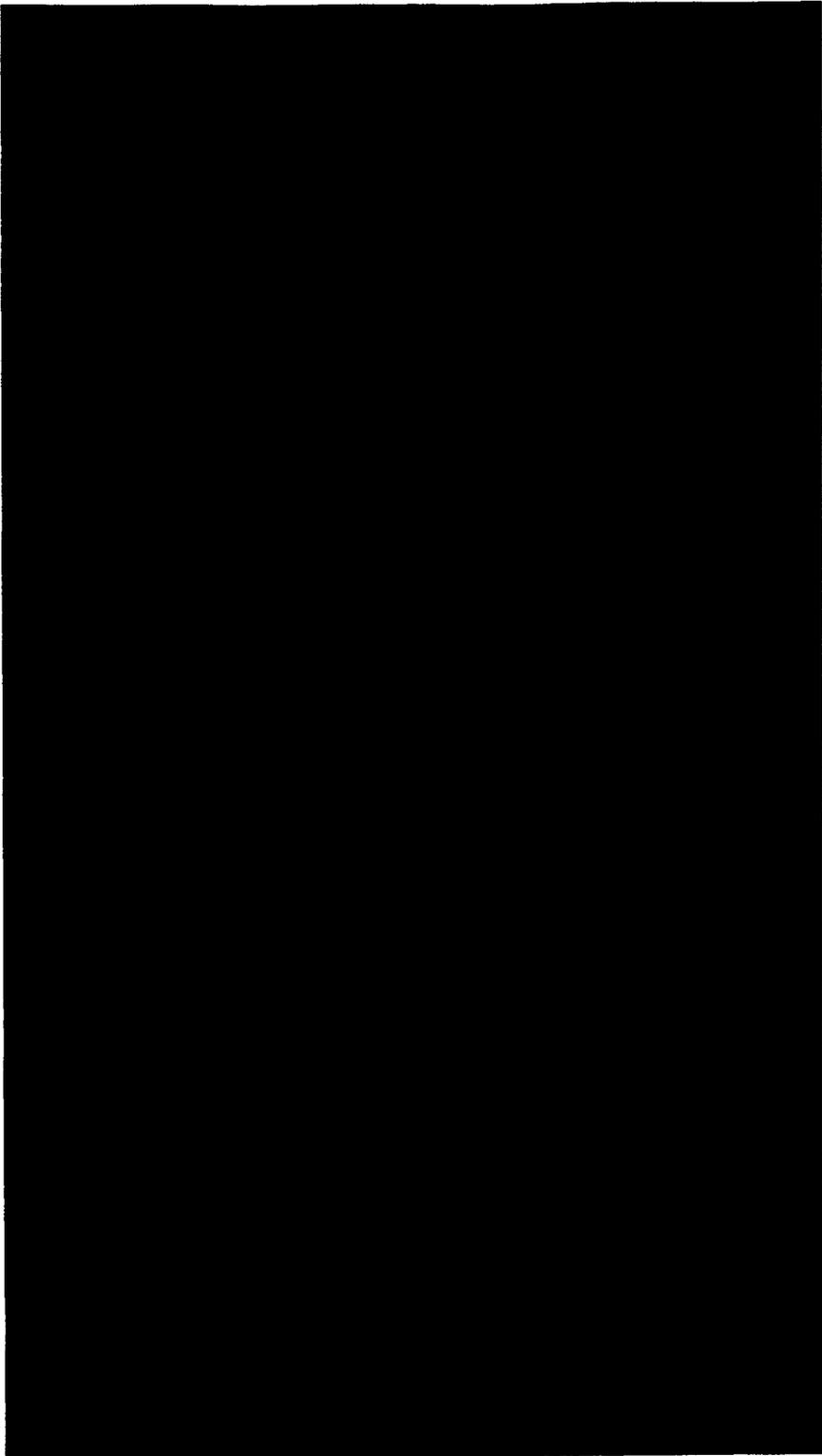


Recommendation #1

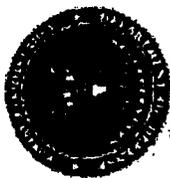




Recommendation #2

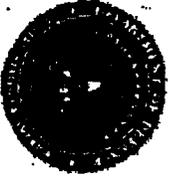


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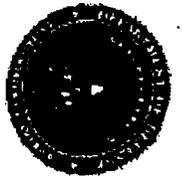
Backups

12



References

- DODD 2310.1; Dod Enemy POW Detainee Program
 - Designates Secretary of the Army as the Executive Agent for DoD for the administration of the DoD Enemy Prisoners of War Detainee Program (OPR is ASD/ISA)
- Army Regulation 190.8/OPNAVINST 3461.6/
AFJI 31-304, MCO 3461.1; Enemy Prisoners of War, Retained Personnel, Civilian Internees and Other Detainees
- ASD Health Affairs Memorandum April 10, 2002
 - “DoD Policy on Medical Care for Enemy Persons Under US Control Detained in Conjunction with Operation ENDURING FREEDOM”



Forensic Definitions

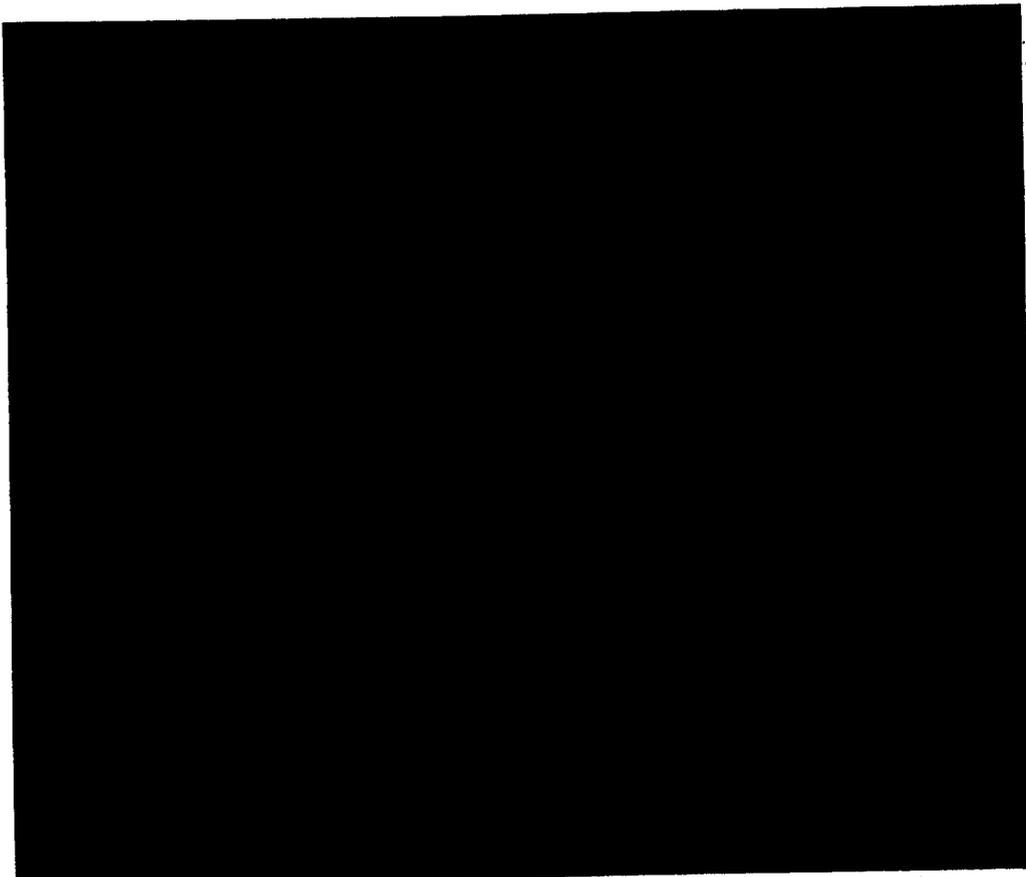
- Cause of death:
 - The disease, injury or abnormality that alone or in combination is responsible for initiating the sequence of functional disturbances that eventually ends in death
- Manner of death:
 - A classification of the way in which the cause of death came about with reference to personal causation. It is the way in which the cause of death came about and designates the circumstance under which the cause of death arose. It explains how the cause of death came about. An opinion of the forensic pathologist based on the known facts concerning the circumstances leading up to and surrounding the death, the autopsy findings, and laboratory tests.
 - Accepted manners of death are: Natural, Accident, Suicide, Homicide, and Undetermined.
- Homicide:
 - A death that results from the intentional (explicit or implied) or grossly reckless behavior of another person or persons.
 - Homicide is not synonymous with murder (a legal determination) and includes both criminal actions and excusable incidents (i.e. self-defense, law enforcement, combat).
- Accident:
 - A death that results inadvertently or where no harm was intended (explicit or implicit).
- Undetermined manner of death:
 - Indicates there is insufficient information about the circumstances of the death to make a ruling or when the cause of death is unknown.

14

Purpose

- To clarify the number, cause of death, investigations conducted and disposition of cases of deaths occurring among detainees in US custody

2

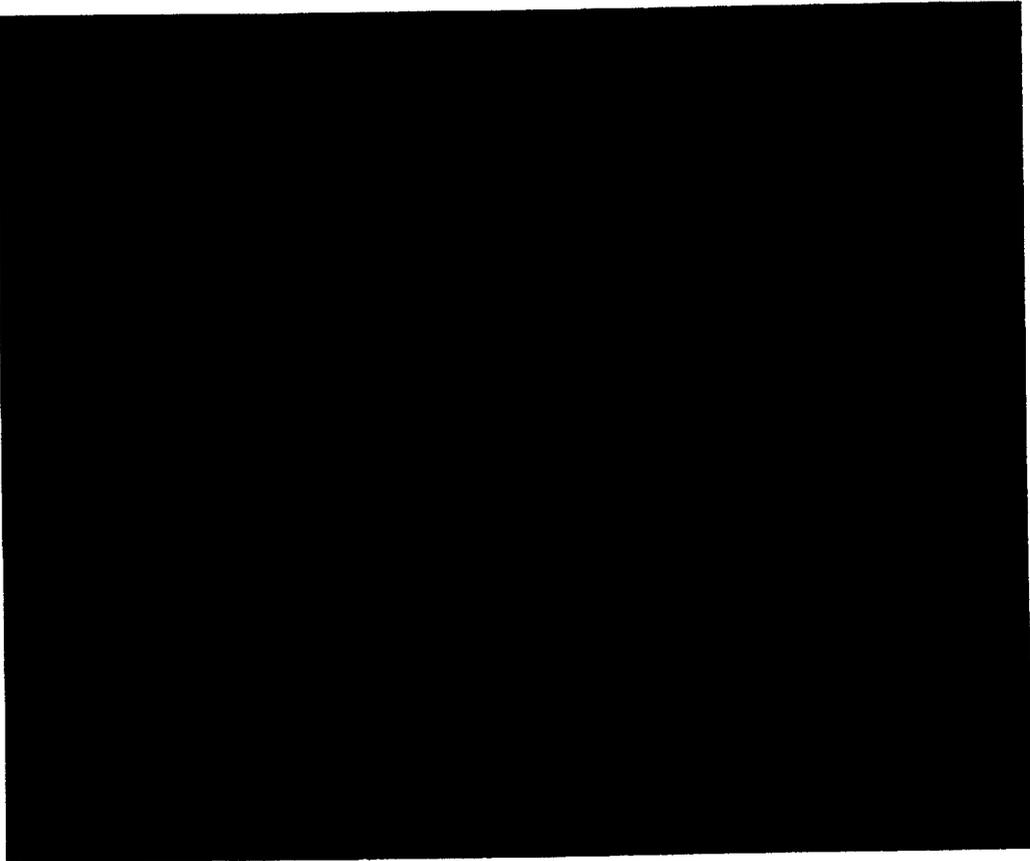


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**Detainee Deaths in
US-Controlled Prisons**

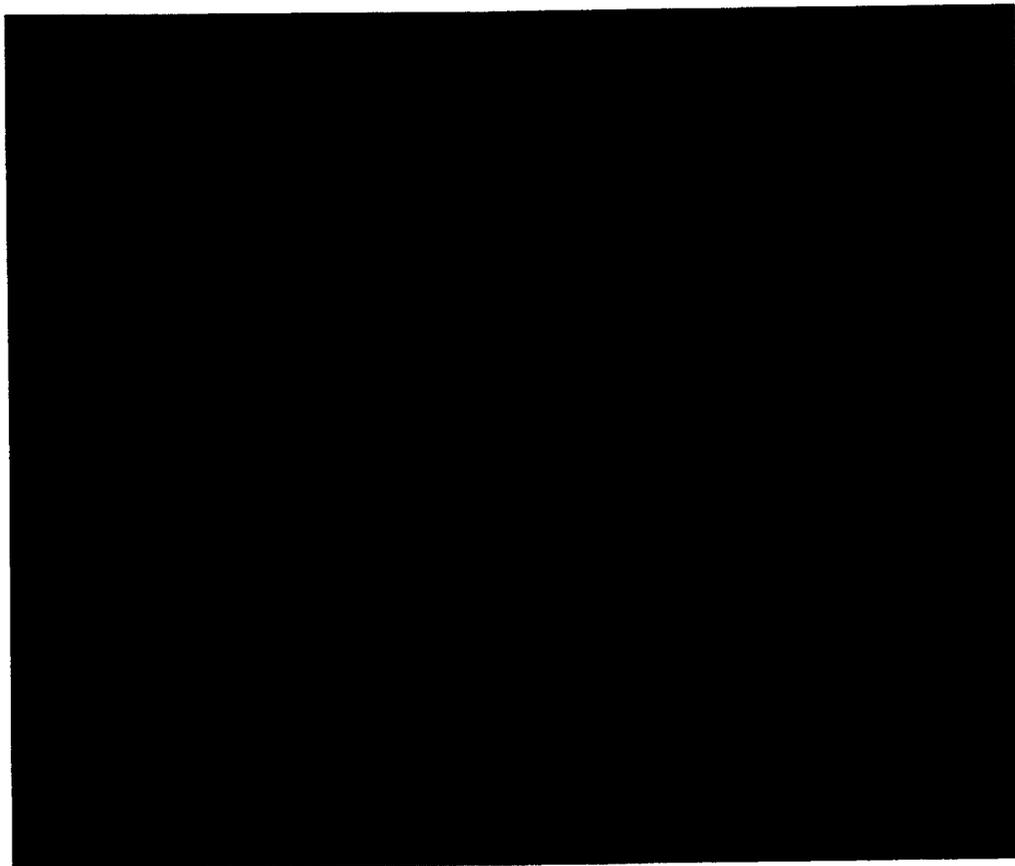
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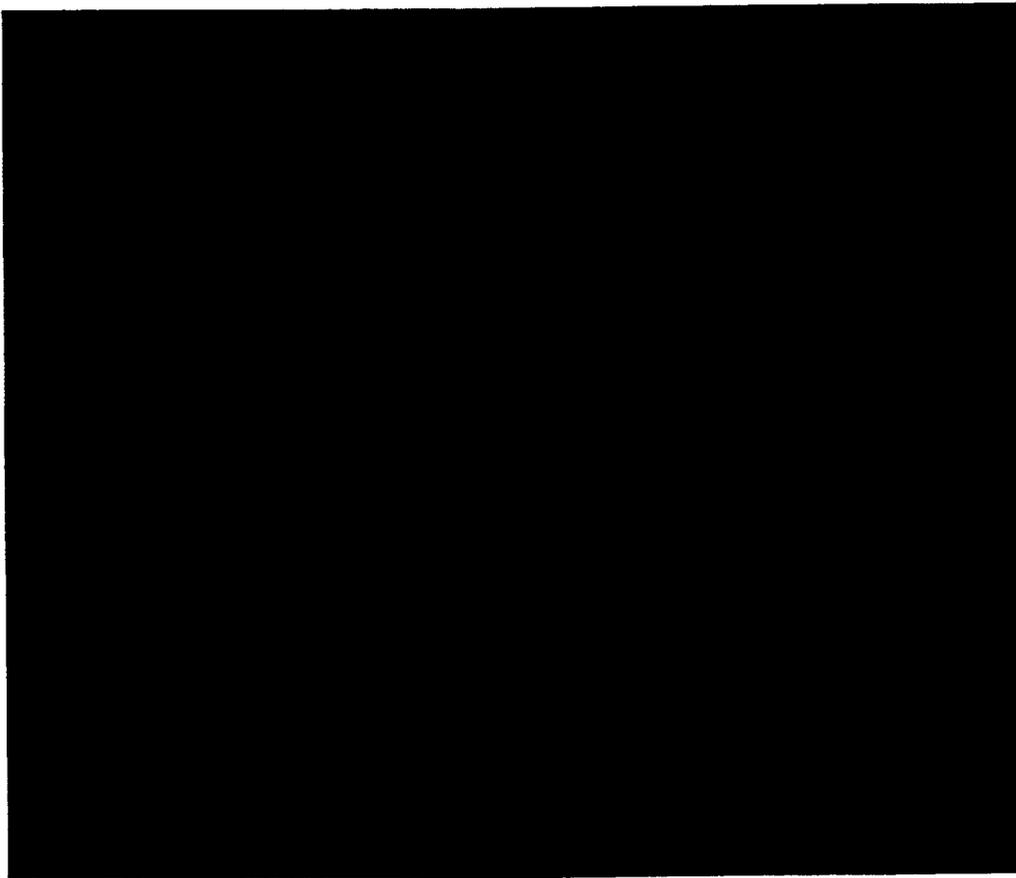
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Afghanistan

- 4 detainee deaths
 - 3 died of unnatural causes
 - autopsies completed; all ruled by Medical Examiner as homicides
 - 1 died in custody; circumstances unknown
 - no autopsy done





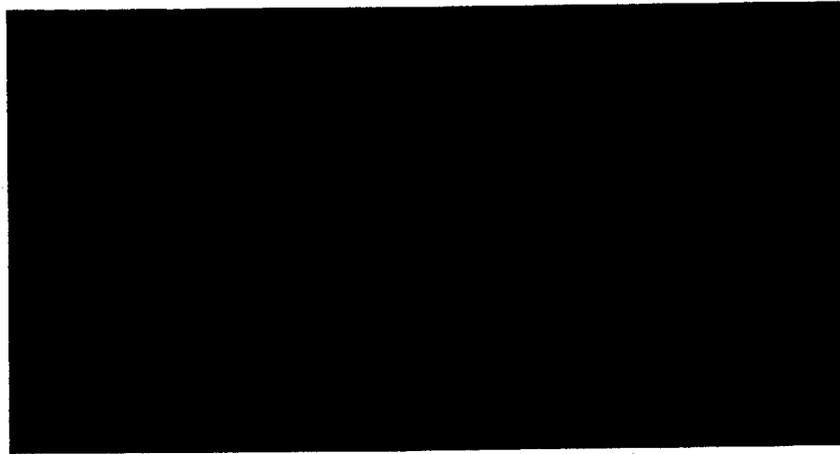
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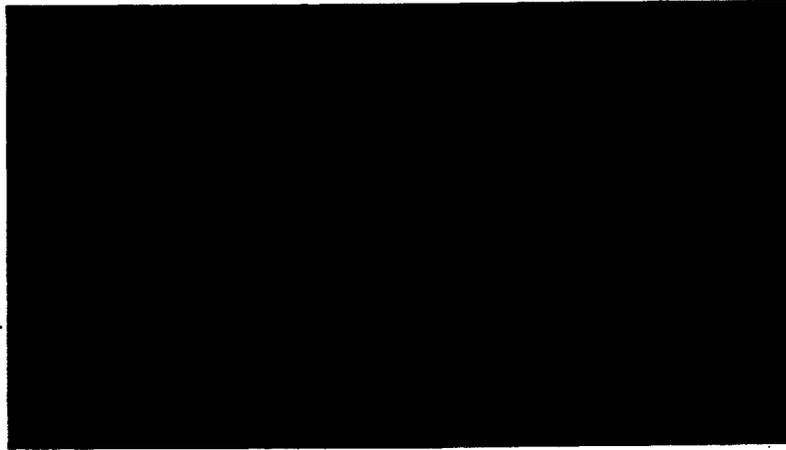
Recommendation #1



10



Recommendation #2



11

Backups

12

12

References

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ODMG Document

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14

005



OFFICE OF THE UNDER SECRETARY OF DEFENSE
5000 DEFENSE PENTAGON
WASHINGTON, DC 20301-5000

Jim

MEMORANDUM FOR THE DIRECTOR OF THE ARMY STAFF,
HEADQUARTERS US ARMY

SUBJECT: Request for Assistance

The situation concerning the abuse of prisoners and detainees in Iraq and Afghanistan mandates that all pertinent areas be evaluated for possible changes to policy, tactics, techniques and procedures. To that end, I am sure that you have received or generated a large number of information requests covering a broad spectrum of activity. You may have already set forth requirements for the data listed below, if not, I request the following in order to support the Secretary of Defense and the Under Secretary (Intelligence) in this matter:



~~PERSONNEL SECURITY INVESTIGATIVE FILES:~~

- Request Army Criminal Investigative Division (CID) forward the list of names and any pertinent personal data required on all individuals under investigation (subjects) related to the detainee abuse investigation to the Army's Central Adjudication Facility.
- Request the Army's Central Adjudication Facility review the list of subjects, identify whether they have a security clearance, and review their personnel security investigative files to determine if any derogatory or relevant information was developed during their background investigation that might have been indicative of potential abusive behaviors.

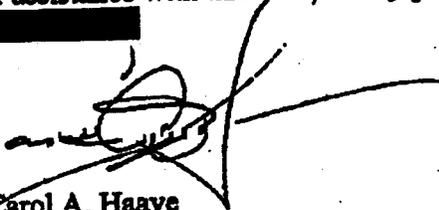
TRAINING.

S: 200700 May 04

- Identify whether any of the subjects of the detainee abuse investigations received Survival, Evasion, Resistance and Escape training.
- Determine what training the subjects of the detainee abuse investigations received prior to and during deployment from their organizations that would be relevant to this matter.



In advance, thank you for your assistance with this matter. My point of contact is [REDACTED]



Carol A. Haave
Deputy Under Secretary of Defense
(Counterintelligence and Security)

006



AMERICAN CORRECTIONAL ASSOCIATION
4380 Forbes Blvd. • Lanham, MD 20706 • (301) 918-1800 • Fax (301) 918-1900

MEMORANDUM

TO Thomas W. O'Connell
Assistant Secretary of Defense
(Special Operations/Low Intensity Conflict)

FROM James A. Gendles, Jr. *[Signature]*
Executive Director

RE ACA Operational Assistance Visit
JTF-GTMO

DATE May 27, 2004

• **BACKGROUND**

Commander Joint Task Force Guantanamo Bay (JTF-GTMO), Cuba requested senior officials of the American Correctional Association (ACA) conduct an operational assistance visit of the US confinement facility for enemy combatants captured as part of the Global War on Terror (GWOT). The ACA is an internationally recognized professional association that establishes standards for correctional/confinement facilities, for training and staff development and accredits facilities according to established correctional standards. The Deputy Secretary of Defense, Doctor Paul Wolfowitz approved the invitation and the visit. The mission for the ACA ~~delegation~~ included observation and receipt of information to consider in the validation of the confinement operations and to provide appropriate suggestions where improvements might be made.

From 15 thru 17 September, a senior leaders delegation of the ACA visited the JTF-GTMO. The team received an operational brief from MG Miller and his staff on day one and a comprehensive tour of the JTF-GTMO confinement operation on day two. The team out briefed MG Miller and departed the island on day three.

Memo to Thomas W. O'Connell

May 27, 2004

Page 2

• **OBSERVATIONS**

From our observations, the facility at JTF-GTMO appeared to provide a safe, secure and humane environment for those enemy combatants being confined as part of the GWOT. Although the standards of confinement, which are part of the ACA and Commission on Accreditation for Corrections, as well as other international guidelines, are not applicable to this mission environment, the spirit of those standards is being maintained whenever possible.

The confinement policies, standard operating procedures and practices observed by the delegation were designed to ensure the integrity, dignity, health and appropriate privileges of the detainees and to protect them from ill treatment. The delegation did not witness an environment conducive to cruel or degrading treatment of any detainee.

Physical Conditions

The facility conforms to a basic block design providing housing in a 6'x8' individual living space including an off-the-floor sleeping surface and individual water and toilet facilities. The open-air design was adapted for the climate of Cuba and provides adequate protections from the elements.

Sanitation and Cleanliness:

The facility is extremely well maintained. Upholding high standards of cleanliness despite the open-air design and corrosive nature of the sea air, the on-going maintenance program ensures that the facility remains clean and sanitary.

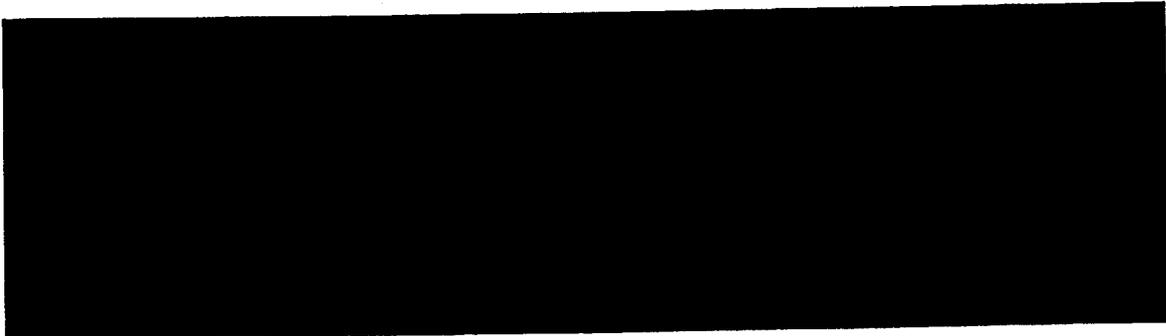
Physical and Mental Health:

Medical facilities were found to be exceptionally good. Detainee medical care far exceeded local community standards of care the detainees would likely have access to, but for their detention. The mental health facility provides appropriate segregation and treatment for those detainees identified having mental health issues. The mental health block, and the services provided there, has resulted in a reduction of self-harm attempts and meets the present needs of the detainee population from the team's observation.

General Living Accommodations

The detainees are provided adequate hygiene and recreational opportunities, as well as an opportunity for a communal and less restrictive living environment. The detainees have their religious and cultural needs met through a variety of methods, including availability of religious texts, scheduled prayer, prayer rugs, special diets and Chaplain liaisons to ensure that appropriate practices are maintained.

- Recommendations



3. The confinement operation of JTF-GTMO, although unique in its population and purpose, is not so different from any other confinement operation where liberties are restrained as a result of a detainee's actions or suspected actions. Despite the unique population the leadership and guard force seem to understand basic confinement concepts of predictable behaviors. That is, after a period of acclimation a confined person or population will begin to act within certain predictable patterns of behavior. Capitalizing on this knowledge and applying proven correctional practices the culture of a facility can be controlled to ensure a safer and more secure environment for all. The Cadre and leadership have done well in establishing a humane, safe and secure environment for the detainees. Sound practices such as assistance visits by the Army's correctional subject matter experts have contributed to the operation and should be continued.

4. As the long-term planning unfolds it is important to identify and rely upon diverse sources of information. No one person, state or system has the exact algorithm for this operation. Looking to various systems and applying the needs of the JTF-GTMO operations against multiple solution samples achieves a higher probability of success. The Army possesses experience and expertise at both the headquarters and facility levels, as illustrated by the exceptional operational attention of the action orientated [redacted] Army experts, those from other services and federal and state agencies, can also provide insight on everything from facility design, staffing pattern planning to detainee program planning. The JTF-GTMO should utilize a number of different resources in its planning and operations to achieve a higher potential for efficiency and success. The cadre and leadership of JTF-GTMO should be engaged in the overall field of confinement/corrections. There are numerous sources of training and information available to provide insight and keep the innovative mind inspired in developing their solution sets for day-to-day confinement issues and long-term operational challenges.

Memo to Thomas W. O'Connell
May 27, 2004
Page 4



CONCLUSION

The ACA team was both impressed and proud of the professionalism and work ethic exhibited by the Soldiers, Sailors, Airmen, Marines and Coast Guardsmen from all aspects of the JTF-GTMO mission. We were also impressed as correctional experts by the quality of the confinement operation, and particularly as Americans watching our Country's sons and daughters unwavering dedication and spirited resolve to protect us, their families and their country. We salute and offer our heartfelt thanks to them all.

Brunson, Anne C (L-LM)

From: [REDACTED]
Sent: Wednesday, March 26, 2003 8:54 AM
To: Dolan, JoAnn (Internet)
Subject: FW: POW Papers

11/10
(LW15C6)



TRANSFERRED TO OTHER AGENCY
DOD

EPW Talking Points 24 Mar 03.doc
EPW Primer 24 Mar 03.doc

> -----Original Message-----
> From: [REDACTED]
> Sent: Wednesday, March 26, 2003 8:34 AM
> To: 'dolanja@ms.state.gov'
> Subject: POW Papers
>
> JoAnn: I did find your e-mail address. I hope it is correct. Here are
> two papers. They are similar but have some different information. They
> have some good language on embedded press and publishing photos. [REDACTED]
>
> <<EPW Talking Points 24 Mar 03.doc>> <<EPW Primer 24 Mar 03.doc>>

TRANSFERRED TO OTHER AGENCY

- DOD

March 24, 2003, 2:15 p.m.
C. Tierney/ DoD OGC

LLW1506A

Talking Points
Treatment of Enemy Prisoners of War
Under the Geneva Convention

Law of War

- The "law of war" is that part of international law that regulates the conduct of armed hostilities. It is often called the law of armed conflict. The law of war encompasses all international law for the conduct of hostilities binding on the United States or its individual citizens, including treaties and international agreements to which the United States is a party, and applicable customary international law (DoD Dir 5100.77).
- The law of war derives from two principal sources:
 - International agreements (such as the Hague and Geneva Conventions)
 - Customary international law—that body of unwritten or customary law which is firmly established by the customs and practice of nations.
- The law of war obligations of the United States are observed and enforced by all U.S. Armed Forces.
- All U.S. Armed Forces are directed to prevent violations of the law of war. This includes the requirement to promptly report all possible, suspected, or alleged violations of the law of war, irrespective of who commits them and who the victims are.
 - Any reported violations of the law of war involving U.S. Armed Forces will be thoroughly investigated and prosecuted, where appropriate.

Geneva Convention Relative to the Treatment of Prisoners of War

- Fundamental treaty relative to the protection of enemy prisoners of war (EPW). Negotiated after WW II, over 170 parties, including the United States and Iraq.
- Protections apply upon the capture by or surrender to enemy forces.

- Capturing power responsible for the treatment of EPWs captured or held by its forces, irrespective of the individual responsibilities of the members of its forces.

Fundamental Protections

- EPWs must at all times be humanely treated.
- Any act or omission that causes the death or endangers a EPW is prohibited and is a serious breach of the Convention.
- EPWs must be removed from the battlefield as soon as circumstances permit and at all times protected from physical and mental harm.
- EPWs must be provided adequate food, facilities and medical aid.
- EPWs must be protected, particularly against acts of violence or intimidation and against insults and public curiosity.
- If questioned, EPWs may only be required to provide their name, rank, serial number, and date of birth.
 - EPWs may not be subjected to physical or mental torture and those who refuse to answer questions may not be threatened, insulted, or exposed to any unpleasant or disadvantageous treatment of any kind.
- Subject to valid security reasons, EPWs must be allowed to retain their personal property, protective gear, and valuables. These items may not be taken from an EPW unless property accounted and receipted.
- Representatives from the International Committee of the Red Cross must be permitted access to EPWs as soon as practical.
- Female EPWs must be protected against sexual assault. Female EPWs shall be treated with the regard due to their sex and, like all EPWs, are entitled to respect for their person and their honor.

Protection Against Insults and Public Curiosity

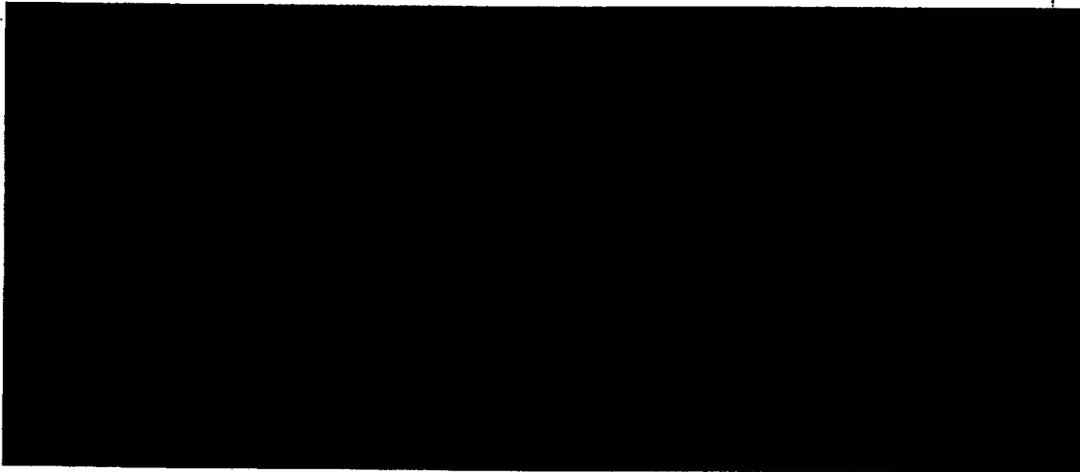
- As noted, EPWs must be protected against insults and public curiosity. This provision of the Geneva Convention prohibits EPWs from being forced to appear before television cameras or paraded in public.

- Iraq's recent videotaping of U.S. EPWs, which was aired on al-Jazeera, unlawfully humiliated EPWs and violates the Geneva Convention.
 - During the first Gulf War, Iraq similarly mistreated Coalition EPWs.

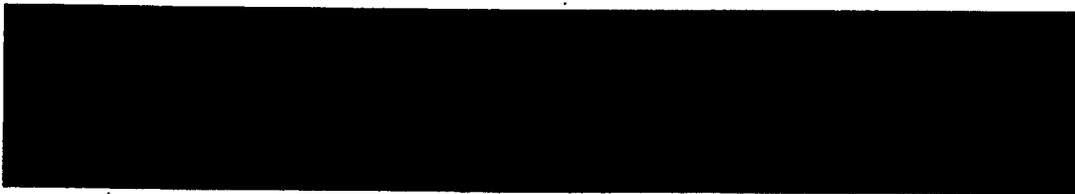
Proper Treatment of the Dead

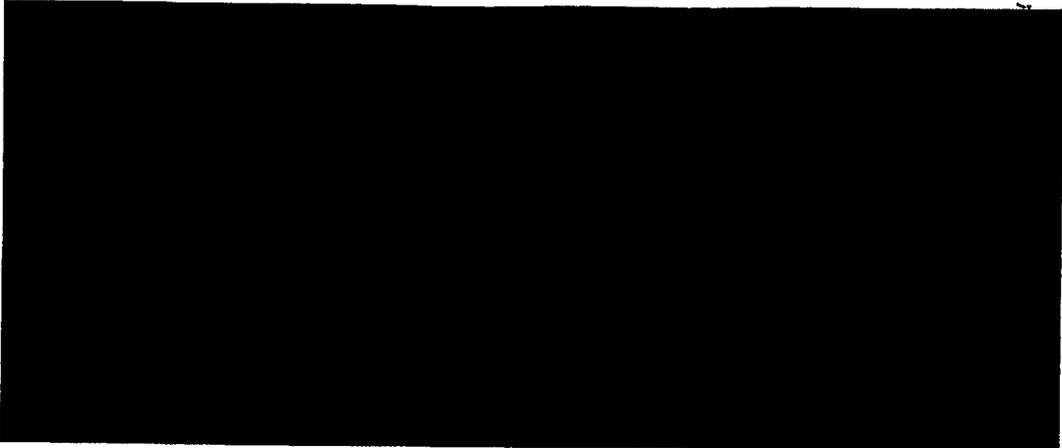
- Governed by the Geneva Convention for the Amelioration of the Condition of the Wounded and Sick in Armed Forces in the Field.
- Parties to the conflict must protect the dead against pillage and ill-treatment.
 - The dead must be looked after and brought behind the lines with as much care as wounded.
- Parties are also responsible to ensure that the dead are honorably interred and any graves respected.
- Iraq's mistreatment of the bodies of U.S. servicemembers and its videotaping and publicizing these images violates these provisions of the law of war.

Coalition Forces EPW Treatment



Current Coalition Public Affairs Practices





Responsibility for Violations of the Geneva Convention Protections

- **The mistreatment of EPWs violates the law of war.**
 - **Specifically, grave breaches of the Geneva Convention include: the willful killing, torture, inhuman treatment, or the willful causing of great suffering or serious injury to body or health to an EPW.**
- **Those individuals who fail to provide Coalition EPWs with the protections required by the Geneva Convention will be held accountable for their actions (or inaction). Likewise, those within the Iraqi military and regime who direct such action, or allow it to occur, will also be held accountable.**

TRANSFERRED TO OTHER AGENCY

- DOD

March 24, 2003, 8:15 p.m.

C. Tierney/ DoD OGC

DD Form 1380
6/03
LLW1508

**Treatment of Enemy Prisoners of War
Under the Geneva Convention**

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Fundamental Protections

- EPWs must at all times be humanely treated. Humane treatment is the baseline, but EPW protections are much more extensive.
- Any act or omission that causes the death or endangers a EPW is prohibited and is a serious breach of the Convention.
- EPWs must be removed from the battlefield as soon as circumstances permit and at all times protected from physical and mental harm.
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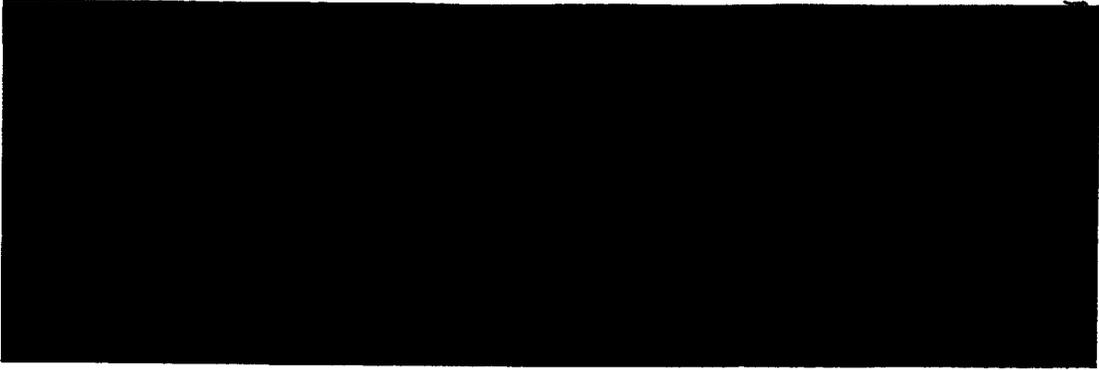
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Coalition Forces EPW Treatment

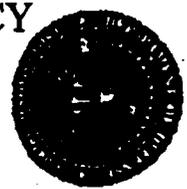


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- Those individuals who fail to provide Coalition EPWs with the protections required by the Geneva Convention will be held accountable for their actions (or inaction). Likewise, those within the Iraqi military and regime who direct such action, or allow it to occur, will also be held accountable.

LU15A

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- DOD



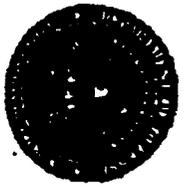
**IMPROVING DETAINEE OPERATIONS
AT GUANTANAMO**

October 16, 2002

10/16/02

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1



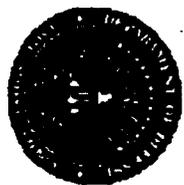
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GTMO's Purposes

- Long-term holding facility for detention of enemy combatants.
- Intelligence facility for interrogations, and to enable other intelligence and law enforcement efforts.
- Criminal investigative operation designed to lead to:
 - prosecution by military tribunal of certain detainees; or
 - cooperation by detainees secured via plea bargains.

10/16/02

2

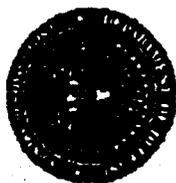


Detainees at GTMO: Present and Future

- Holding [redacted] enemy combatants from 41 countries (Ages 16 - 90).
- They are "enemy combatants":
 - captured because they pose a threat to U.S. security;
 - may have information that could help prevent next attack; and
 - may have committed prosecutable war crimes.
- More than half of population assessed to be of medium or high intelligence value, or to be "hardcore" jihadists.
 - Others are considered "low value," but still hostile to U.S.
- Total number of detainees should stabilize, then decrease over time.
 - Number will increase as new enemy combatants are captured, but decrease as combatants are released or transferred to other countries.
- *New Effort:* JTF-GTMO and Criminal Investigative Task Force [redacted] now have a dedicated team to identify [redacted] "Low Value" detainees.

10/16/02

3



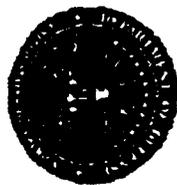
Transfer/Release of Detainees

- *New Effort:* DoD has established an Interagency Process for transferring detainees.
- Release/transfer cases approved by Deputy Secretary of Defense:

- Additional Transfers Under Consideration:
 - 33 cases forwarded by SOUTHCOM. Intelligence exploitation finished. Criminal investigation and threat assessment still ongoing.
- Challenge is to release or transfer detainees that pose a low risk to U.S., while ensuring that those detainees posing a continuing threat are kept under appropriate controls.

10/16/02

4



GTMO Facilities: Present and Future

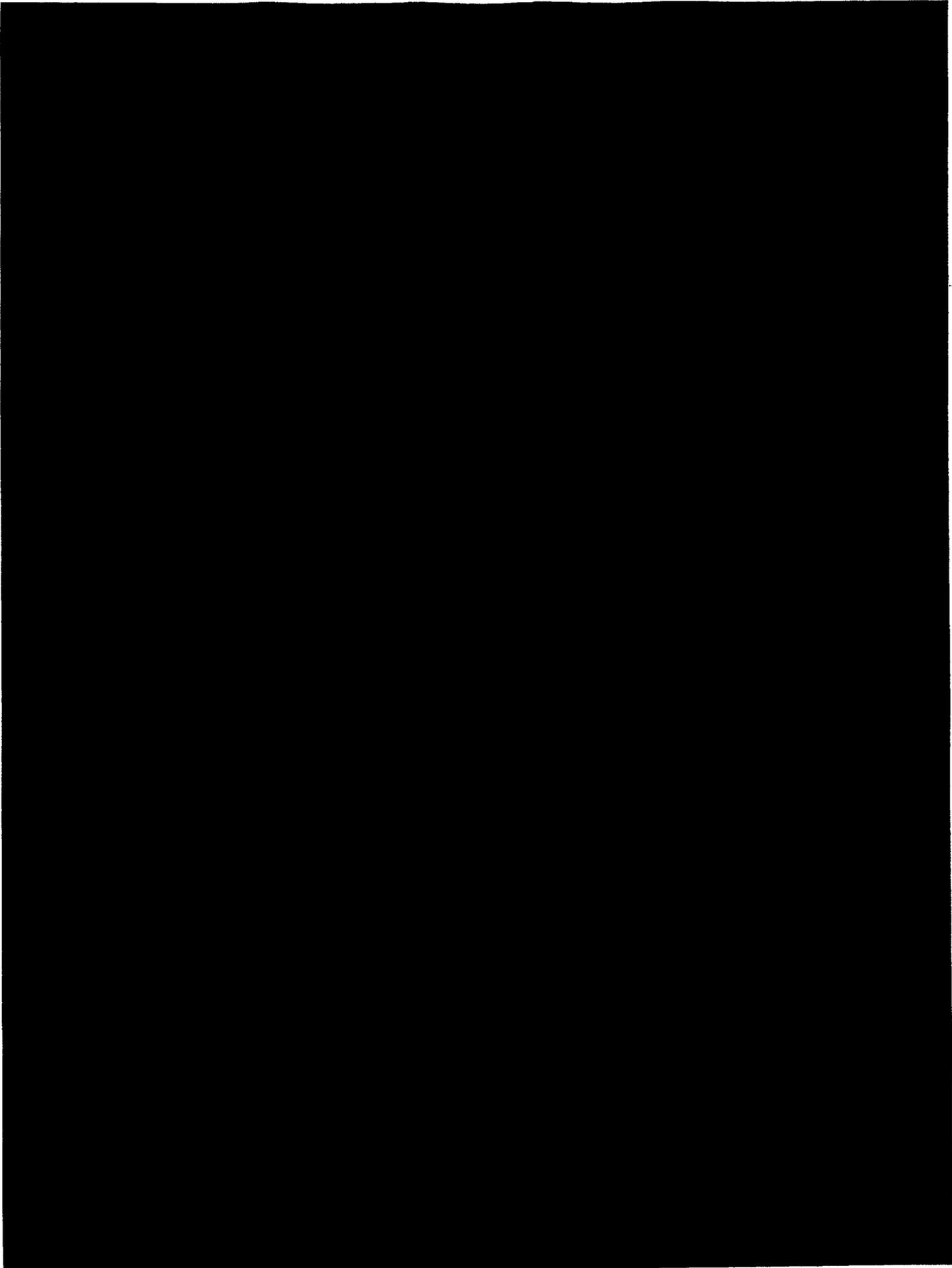
- Developed to safely/securely hold detainee population. Capacity for [REDACTED]
- Currently provides only two levels of segregation – general population and maximum security.

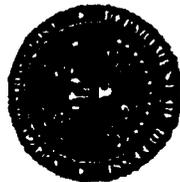
[REDACTED]

- *New Effort:* DoD substantially improving facility.
 - New facilities being constructed.
 - Additional space for enemy combatants.

[REDACTED]

10/16/02





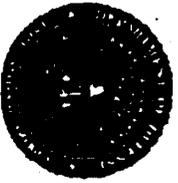
Summary of Intelligence Results To Date

- Details about terrorist infrastructure:
 - Training camps
 - Safe houses
 - Possible WMD sites
 - Cave complexes
- Al-Qa'ida's *Modus Operandi*:
 - Recruitment methods;
 - Tactics, techniques, procedures and equipment;
 - Financing & fund-raising;
 - How cells are set up and propagated;

[REDACTED]
- Use of Internet.
- Other key details:
 - Positive identification of Richard Reid, Jose Padilla, and Martin Mubanga;

[REDACTED]

10/16/02



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[REDACTED]

[REDACTED]

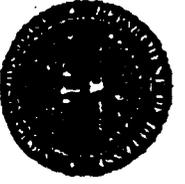
- Two objectives:

[REDACTED]

- US Southern Command proposal under review.

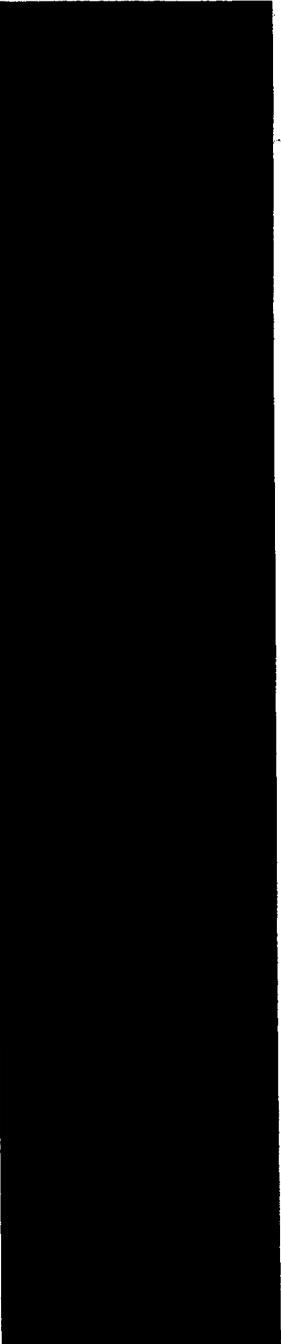
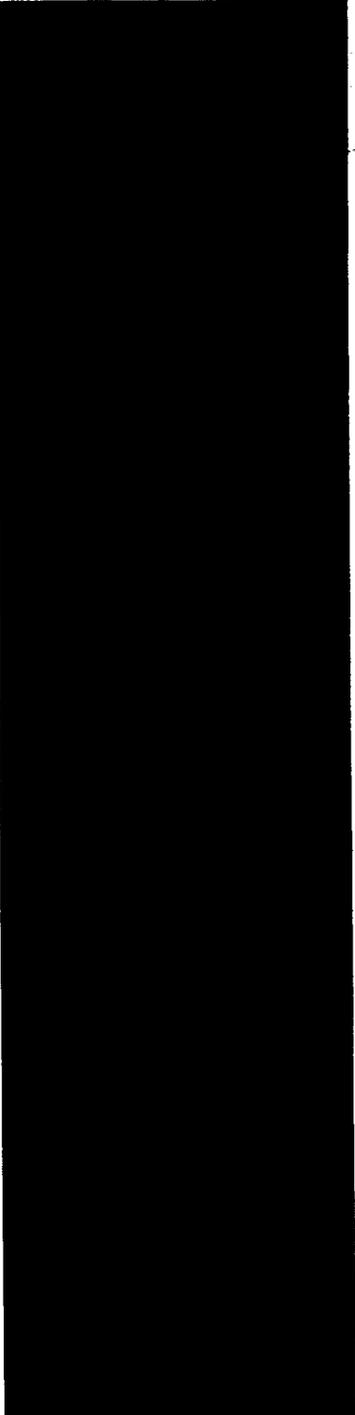
[REDACTED]

10/16/02

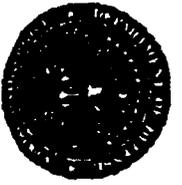


Other Initiatives Already Being Undertaken

- Detainee Policy Group
 - DoD created an office staffed by senior civilians and military officers, devoted to oversight and improvement of GTMO effort.



10/16/02

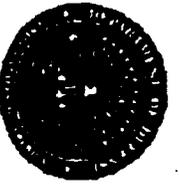


Initiatives Being Undertaken (cont'd)

- **Consolidated GTMO command**
 - Previously, 2 JTF's with conflicting mandates ran GTMO -- one to serve as "warden" and other to serve "intelligence" function.
 - [REDACTED]
 - DOD has combined JTF's into single operation.
- **Interagency Experts Group**
 - Chaired by DOD at the Assistant Secretary level.
 - Purpose is to:
 - review case files for potential transfers or releases;
 - coordinate intelligence and law enforcement efforts; and
 - coordinate diplomatic efforts.
- **Reintegration initiative (New effort, just started)**
 - Purpose is to help select detainees "decompress"/prepare for return to society.

10/16/02

10

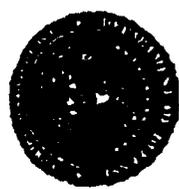


GTMO is an Evolutionary Process

- A "cold start" for DoD. No experience in this type of effort. We are learning as we go.
- Constant process of adjustment and refinement. As shown, when good ideas are proposed by other agencies, DoD is implementing.
- Close relationship with Congressional intelligence committees. Frequent meetings, visits to GTMO.
- Joint Staff-commissioned "External Review" completed in September provided impetus for many important changes.
- In addition to day-to-day oversight, OSD(Policy) will administer a second, "Blue Ribbon" panel review in February to check on progress, and propose additional measures.

10/16/02

11



GTMO Tomorrow

- [REDACTED]
- We will provide the facilities needed for U.S. Criminal Investigators to mount successful prosecutions against terrorists.
- [REDACTED]

- But we will keep dangerous people "off the battlefield," and we will prevent captured terrorists from causing further harm to the United States, its allies, and friends.

10/16/02

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GTMO UPDATE

OASD SO/LIC

June 19, 2003

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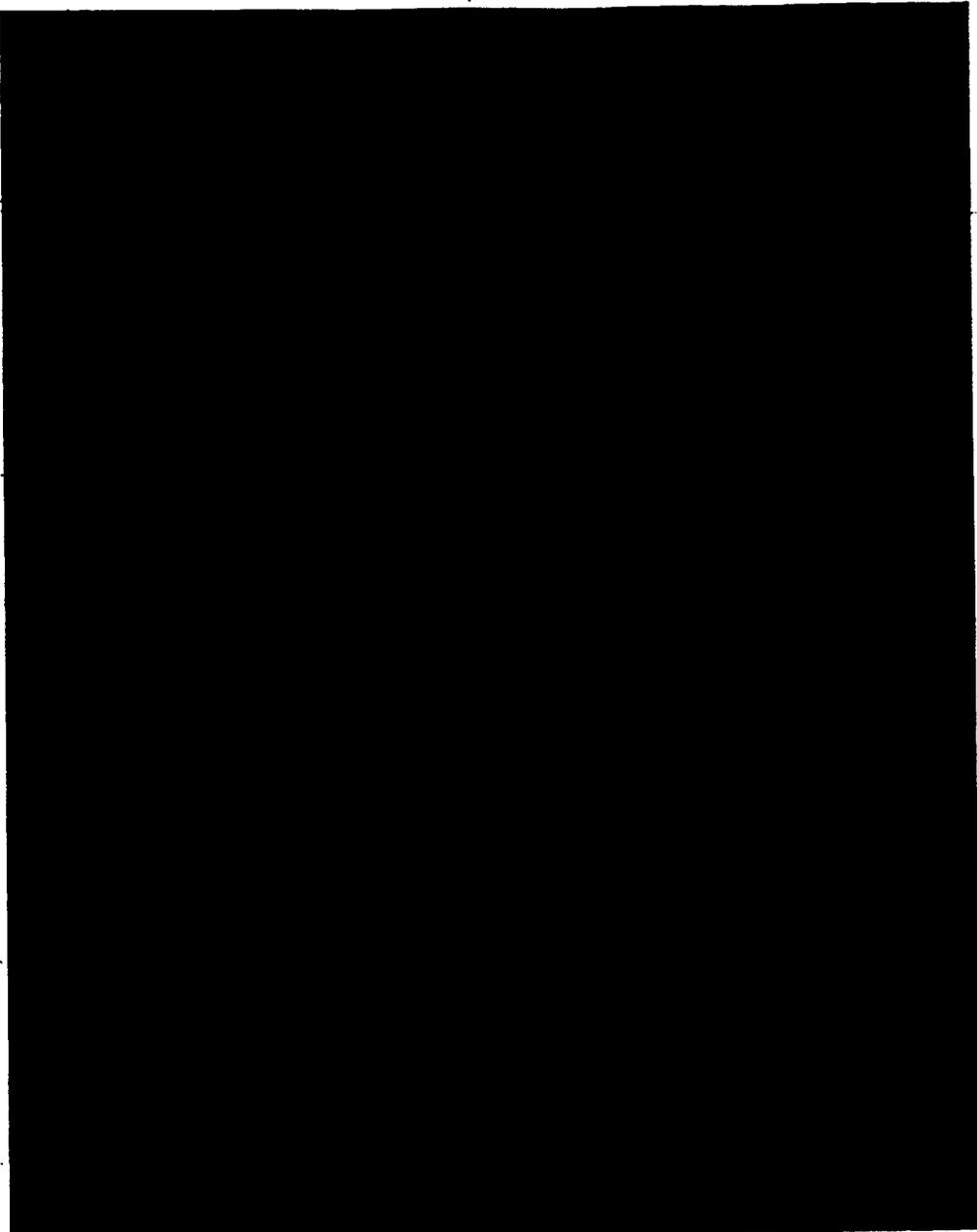
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GTMO Update Briefing

- Changes Made To Date (Recap)
- Interrogation progress
- Intelligence Highlights
- GTMO Influx and Outflow
- Negotiations with Foreign Countries
- Key Question

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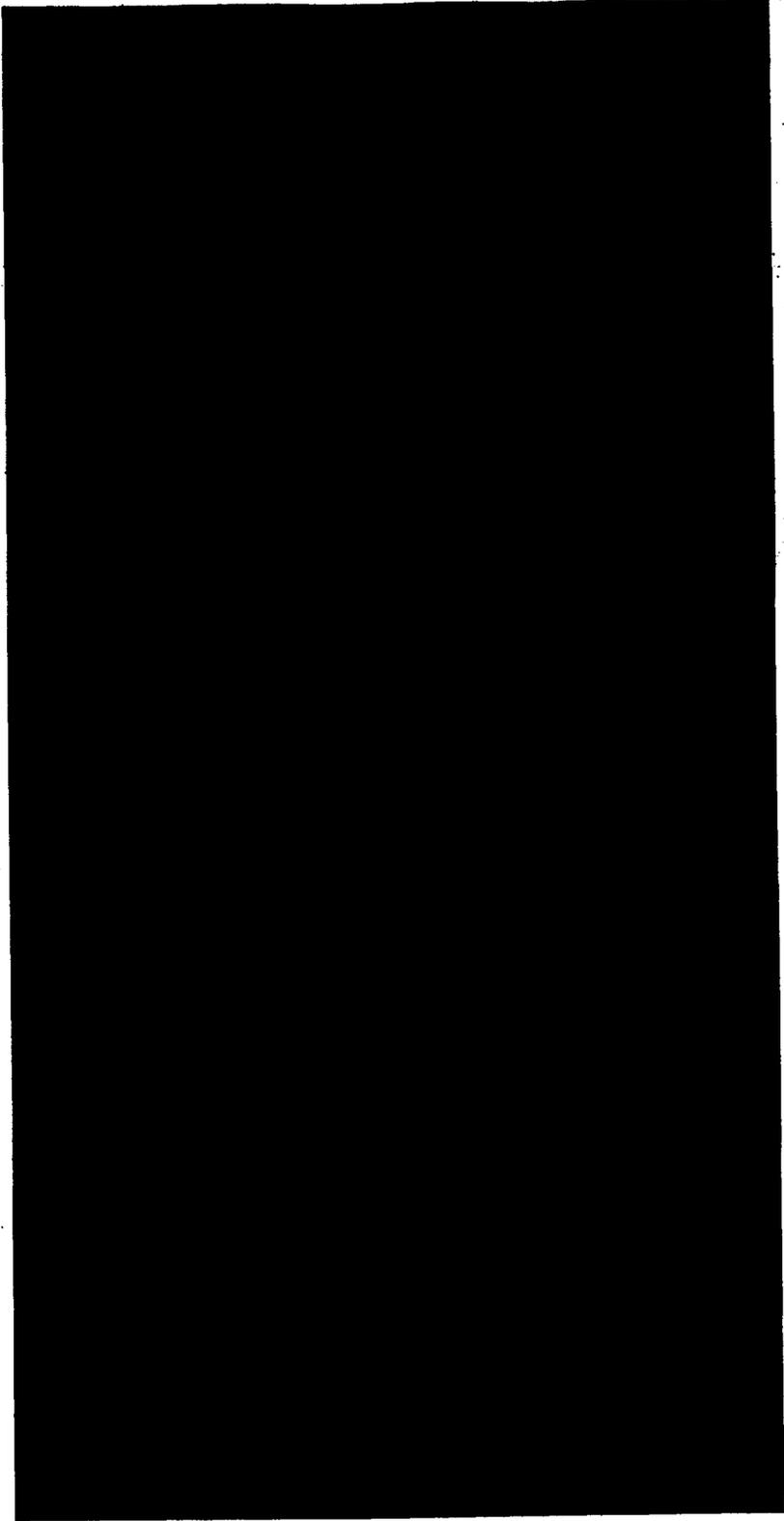
Recap of Changes Made to Date (partial)



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Interrogations at GTMO



Previous changes to: enhance training, increase manpower, and deploy analytic support at GTMO having an effect. More interrogations conducted. More intelligence generated. FBI production also increased.

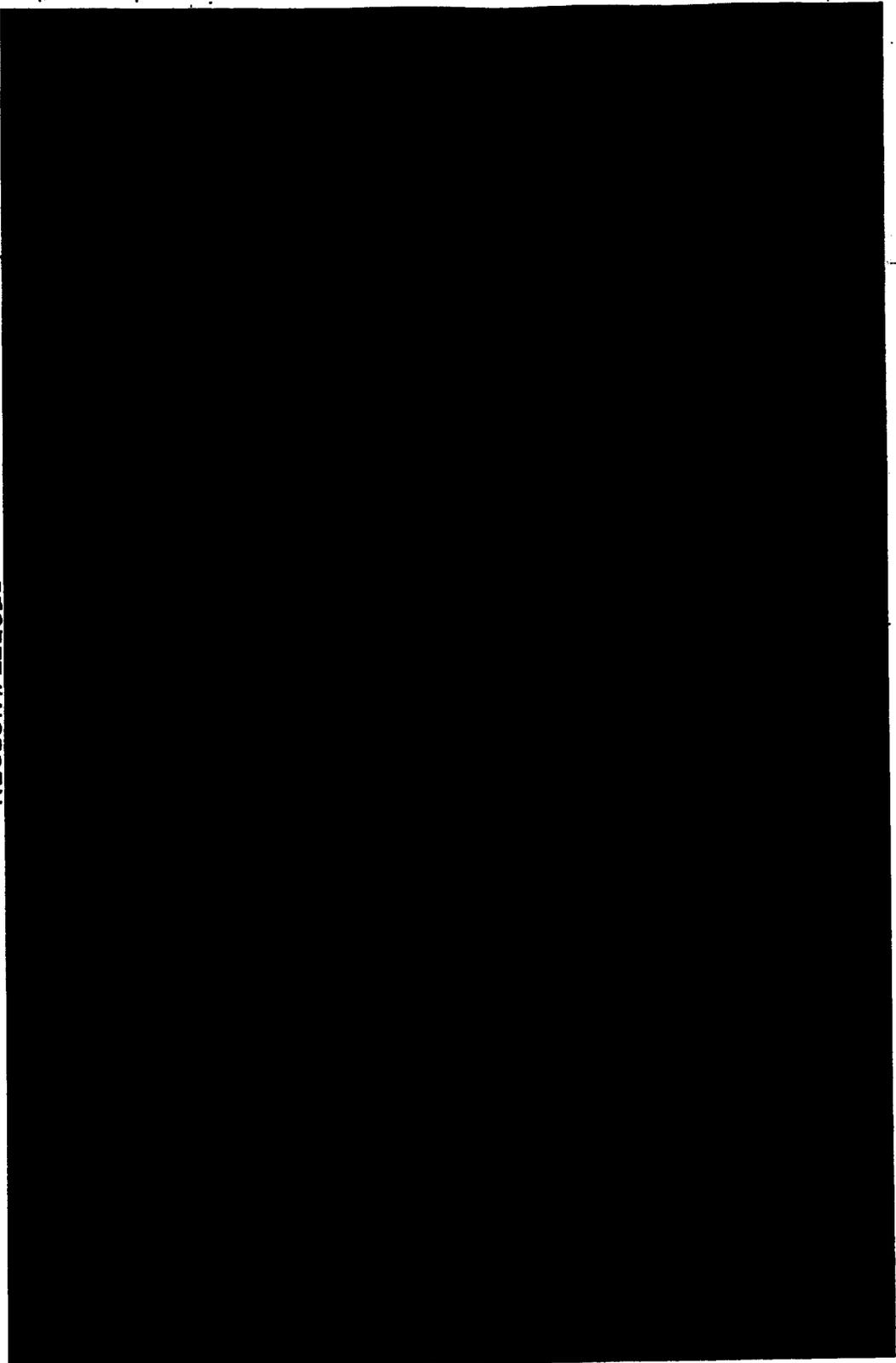
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Interrogations at GTMO

- Improved exploitation attributable to a number of changes that have been made over past few months, including:

- Releases and transfers (detainees realize there is a chance they could go home)
- New multi-facility layout that induces cooperation, including "minimum security" housing

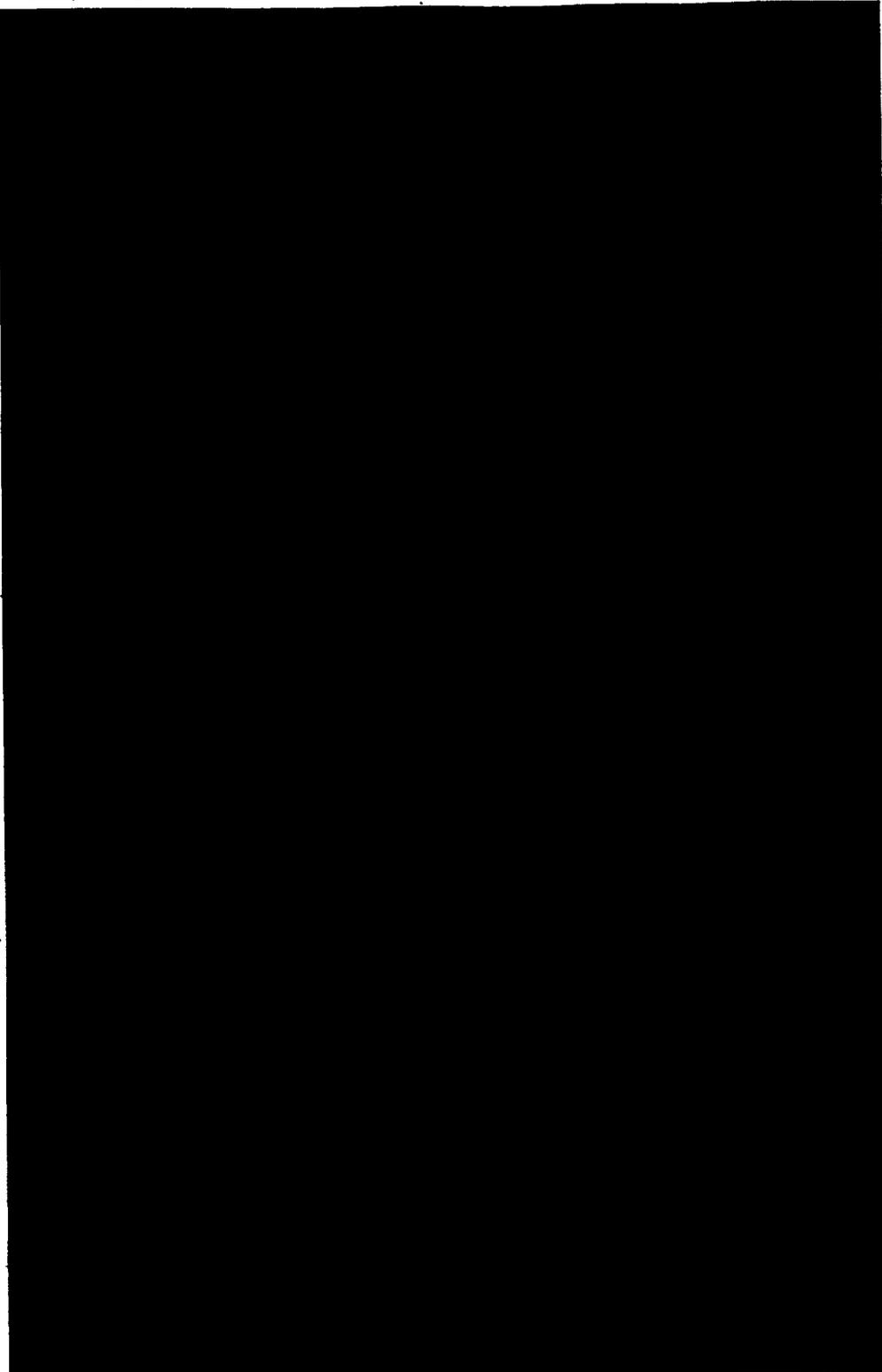
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Examples of "High Value" Intelligence



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Progress on Transfer and Release

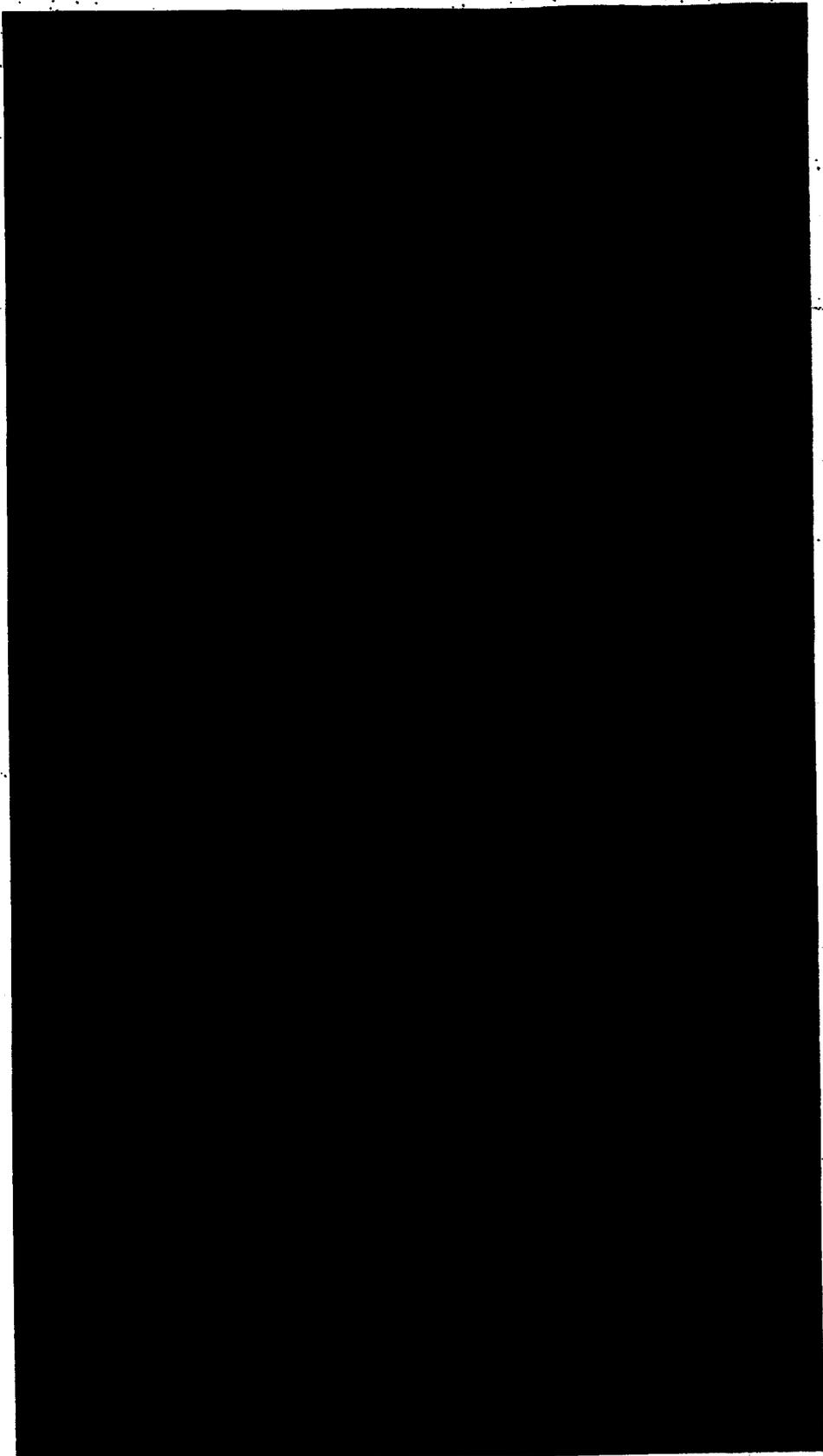


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GTMO OUTPUT

Transfers and Releases

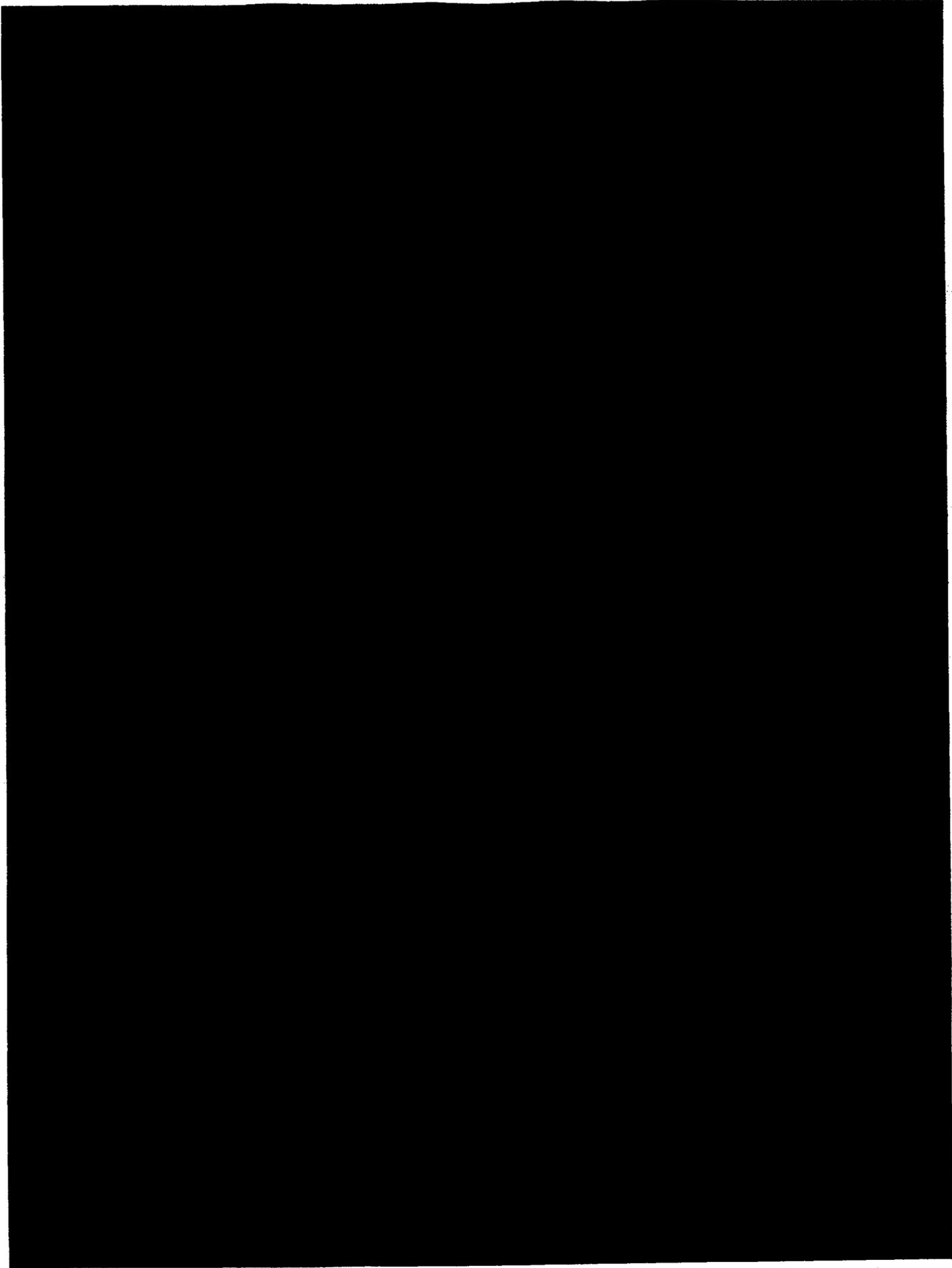


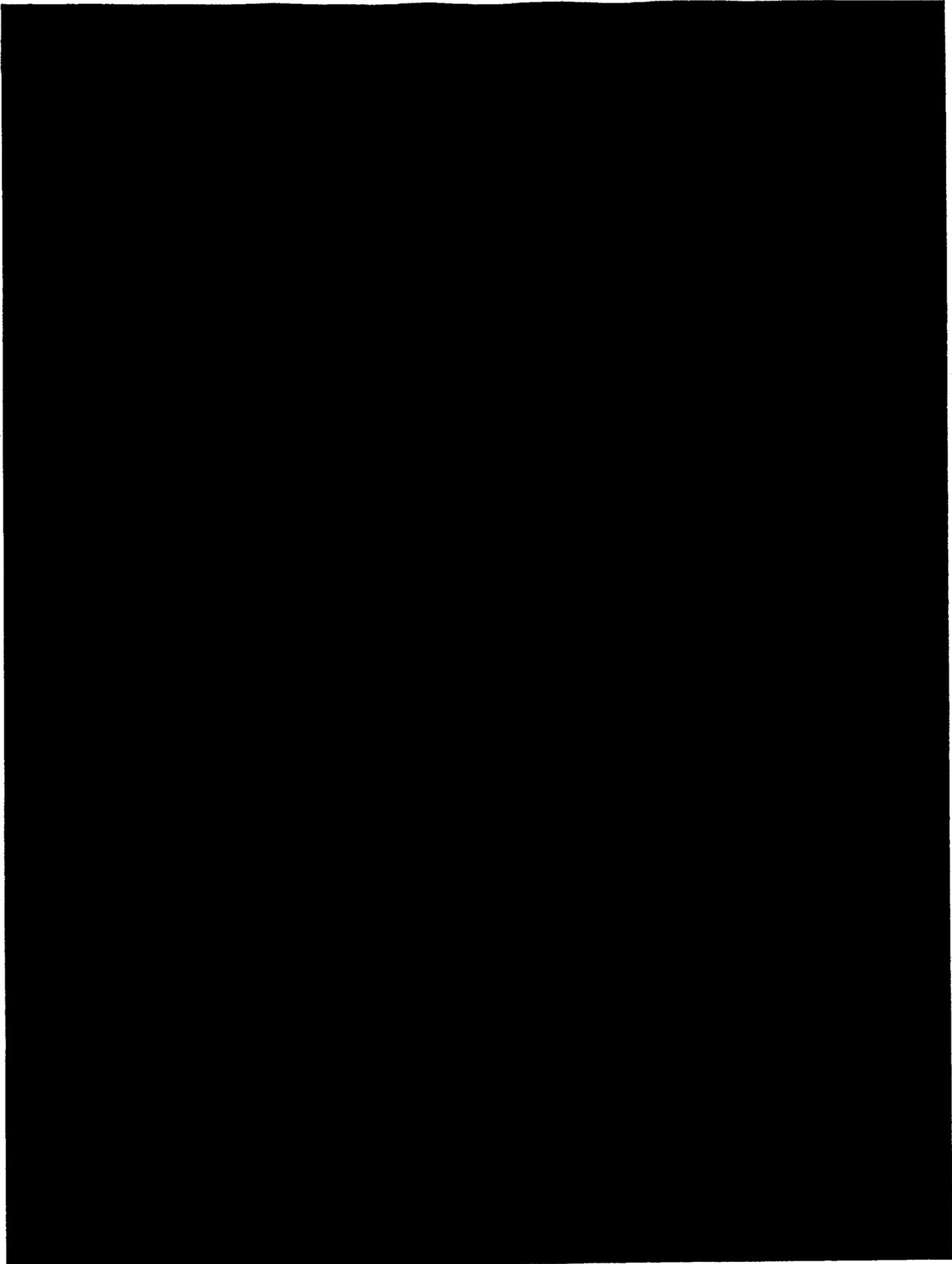
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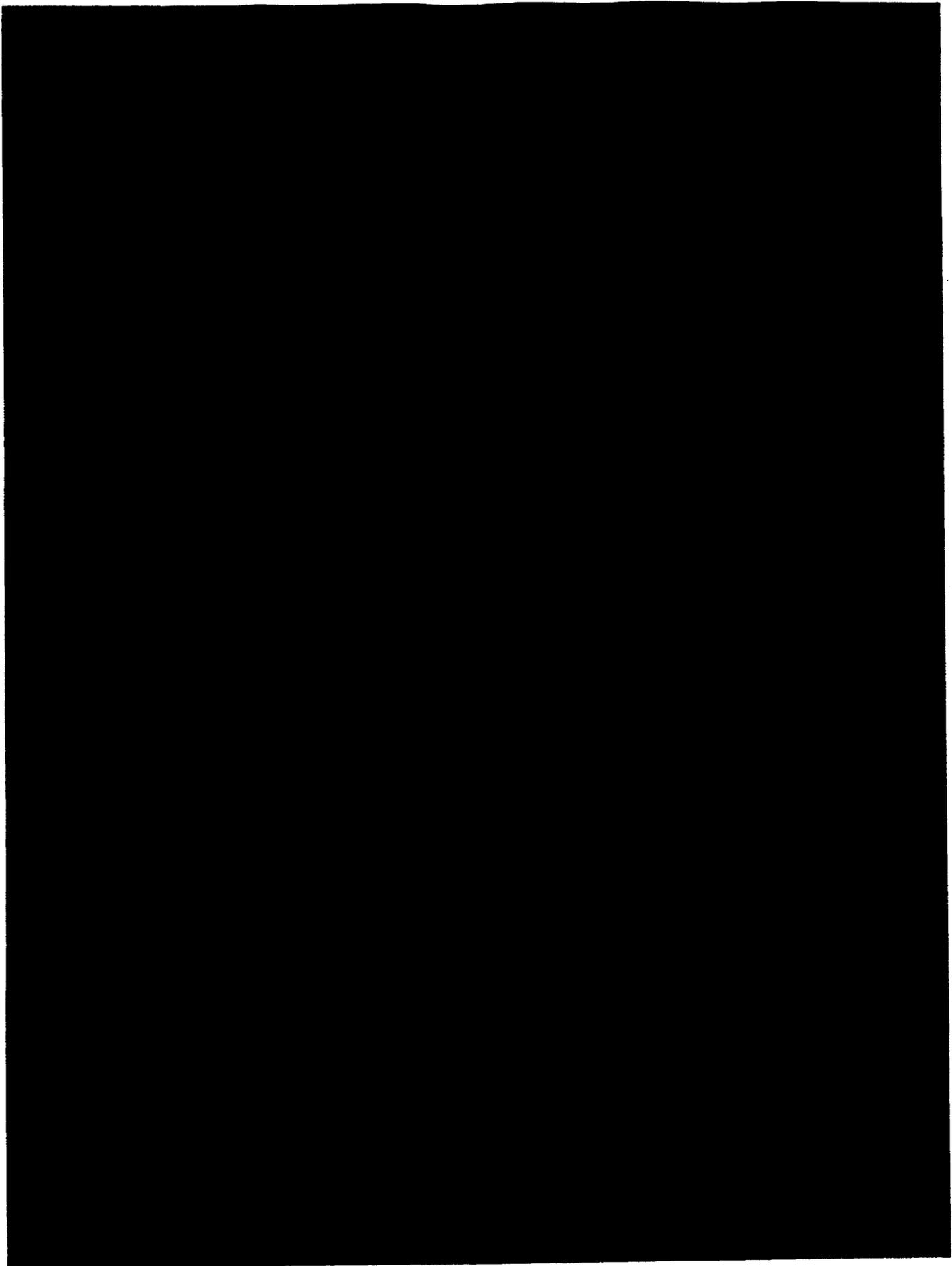
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GTMO Influx

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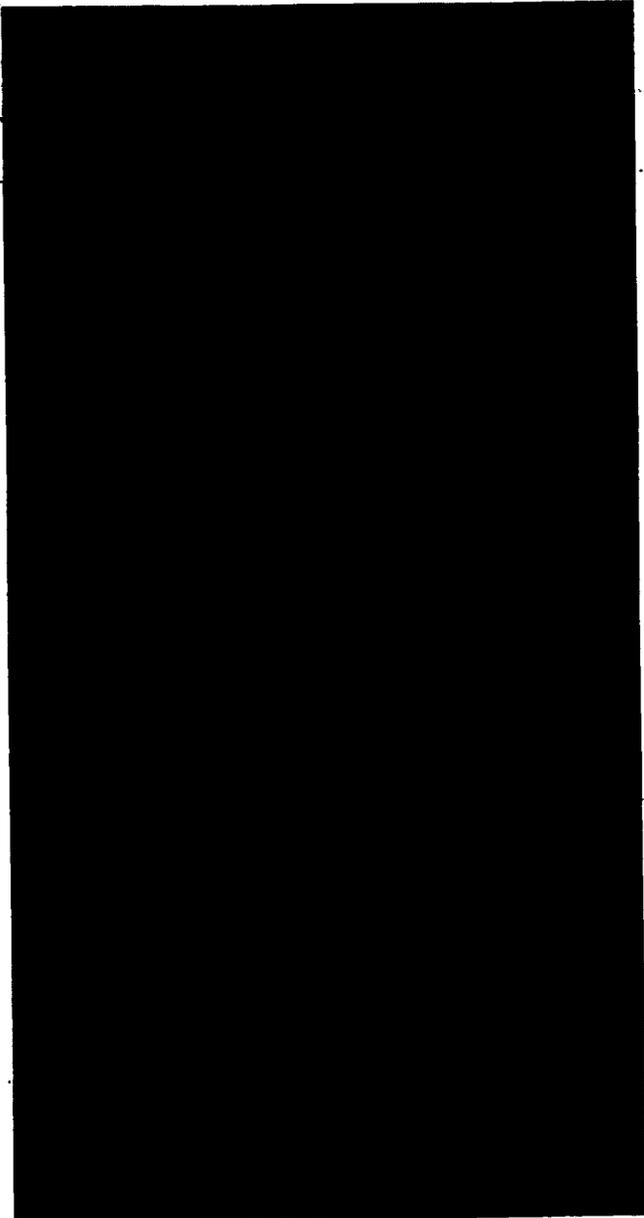




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Key Question

Transfer agreements:



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7685

15

UNCLASSIFIED

release in part
(S)

DRAFT

23 March 2003

INFORMATION PAPER

Subject: PHOTOGRAPHING AND FILMING EPWS

LM64

1. Purpose. To provide information on Geneva Convention provisions and SecDef press guidance regarding photography and filming of EPWs.

2. Key Points.

- Article 13 of the Geneva Convention provides that "prisoners of war must at all times be protected, particularly against acts of violence or intimidation and against insults and public curiosity."
- Article 13 does not per se prohibit photographing EPWs. It does prohibit photography and video imagery that degrades or humiliates an EPW, such as the practices of North Vietnam during the Vietnam conflict and Iraq during the 1991 Gulf War in parading EPWs before the news media.
- DoD press guidance (Tab A) to embedded media units prohibits:
 - "photographs or other visual media showing an enemy prisoner of war or detainee's recognizable face, nametag or other identifying feature or item" (Tab A, ¶4.G.18); and
 - "still or video imagery of custody operations or interviews with persons under custody" (Tab A, ¶4.G.19).
- In addition to the provisions of GC Art. 13, a principal USG concern underlying the prohibition of photography and filming is the security of the EPW and the protection of the EPW's family. If Iraqi authorities become aware that specific individuals are captured, it could pose a risk to the safety and security of the EPW's family.

Prepared by: [REDACTED]

UNITED STATES CENTRAL COMMAND
7115 South Boundary Boulevard
MacDill Air Force Base, Florida 33621-5101

REGULATION
NUMBER 27-13

07 FEB 1995

Legal Services
CAPTURED PERSONS. DETERMINATION OF ELIGIBILITY
FOR ENEMY PRISONER OF WAR STATUS

1. PURPOSE. This regulation prescribes policies and procedures for determining whether persons who have committed belligerent acts and come into the power of the United States Forces are entitled to enemy prisoner of war (EPW) status under the Geneva Convention Relative to the Treatment of Prisoners of War, 12 August 1949 (GPW).

2. APPLICABILITY. This regulation is applicable to all members of the United States Forces deployed to or operating in support of operations in the US CENTCOM AOR.

3. REFERENCES.

a. Geneva Convention Relative to the Treatment of Prisoners of War, 12 August 1949.

b. DA Pamphlet 27-1, Treaties Governing Land Warfare, December 1956.

c. FM 27-10, the Law of Land Warfare, July 1956.

d. J. Pictet, Commentary on the Geneva Convention Relative to the Treatment of Prisoners of War of 12 August 1949, International Committee of the Red Cross.

4. GENERAL.

a. Persons who have committed belligerent acts and are captured or otherwise come into the power of the United States Forces shall be treated as EPWs if they fall into any of the classes of persons described in Article 4 of the GPW (Annex A).

b. Should any doubt arise as to whether a person who has committed a belligerent act falls into one of the classes of persons entitled to EPW status under GPW Article 4, he shall be treated as an EPW until such time as his status has been determined by a Tribunal convened under this regulation.

*This regulation supersedes USCENCOM R27-13 dtd 15 January 1991.

c. No person whose status is in doubt shall be transferred from the power of the United States to another detaining power until his status has been determined by a Tribunal convened under GPW Article 5 and this regulation.

5. DEFINITIONS.

a. Belligerent Act. Bearing arms against or engaging in other conduct hostile to United States' persons or property or to the persons or property of other nations participating as Friendly Forces in operations in the USCENTCOM AOR.

b. Convening Authority. An officer designated by the Commander, U.S. Central Command (CENTCOM) to convene GPW Article 5 Tribunals.

c. Detainee. A person, not a member of the US Forces, in the custody of the United States Forces who is not free to voluntarily terminate that custody.

d. Enemy Prisoner of War (EPW). A detainee who has committed a belligerent act and falls within one of the classes of persons described in GPW Article 4.

e. Interpreter. A person competent in English and Arabic (or other language understood by the Detainee) who assists a Tribunal and/or Detainee by translating instructions, questions, testimony, and documents.

f. Person Whose Status is in Doubt. A detainee who has committed a belligerent act, but whose entitlement to status as an EPW under GPW Article 4 is in doubt.

g. President of the Tribunal. The senior Voting member of each Tribunal. The President shall be a commissioned officer serving in the grade of O4 or above.

h. Recorder. A commissioned officer detailed to obtain and present evidence to a Tribunal convened under this regulation and to make a record of the proceedings thereof.

i. Retained Persons. Members of the medical service and chaplains accompanying the enemy armed forces who come into the custody of the US Forces who are retained in custody to administer to the needs of the personnel of their own forces.

j. Screening Officer. Any US military or civilian employee of the Department of Defense who conducts an initial screening or interrogation of persons coming into the power of the United States Forces.

k. Tribunal. A panel of three commissioned officers, at least one of whom must be a judge advocate, convened to make determinations of fact pursuant to GPW Article 5 and this regulation.

6. BACKGROUND.

a. The United States is a state-party to the four Geneva Conventions of 12 August 1949. One of these conventions is the Geneva Convention Relative to the Treatment of Prisoners of War. The text of this convention may be found in DA Pamphlet 27-1.

b. By its terms, the GPW would apply to an armed conflict between the United States and any country.

c. The GPW provides that any person who has committed a belligerent act and thereafter comes into the power of the enemy will be treated as an EPW unless a competent Tribunal determines that the person does not fall within a class of persons described in GPW Article 4.

d. Some detainees are obviously entitled to EPW status, and their cases should not be referred to a Tribunal. These include personnel of enemy armed forces taken into custody on the battlefield.

e. Medical personnel and chaplains accompanying enemy armed forces are not combatants; therefore, they are not EPWs upon capture. However, they may be retained in custody to administer to EPWs.

f. When a competent Tribunal determines that a detained person has committed a belligerent act as defined in this regulation, but that the person does not fall into one of the classes of persons described in GPW Article 4, that person will be delivered to the Provost Marshal for disposition as follows:

(1) If captured in enemy territory. In accordance with the rights and obligations of an occupying power under the Law of Armed Conflict (See reference at paragraph 7c).

(2) If captured in territory of another friendly state. For delivery to the civil authorities unless otherwise directed by competent US authority.

7. RESPONSIBILITIES.

a. All US military and civilian personnel of the Department of Defense (DoD) who take or have custody of a detainee will:

(1) Treat each detainee humanely and with respect.

(2) Apply the protections of the GPW to each EPW and to each detainee whose status has not yet been determined by a Tribunal convened under this regulation.

b. Any US military or civilian employee of the Department of Defense who fails to treat any detainee humanely, respectfully or otherwise in accordance with the GPW, may be subject to punishment under the UCMJ or as otherwise directed by competent authority.

c. Commanders will:

(1) Ensure that personnel of their commands know and comply with the responsibilities set forth above.

(2) Ensure that all detainees in the custody of their forces are promptly evacuated, processed, and accounted for.

(3) Ensure that all sick or wounded detainees are provided prompt medical care. Only urgent medical reasons will determine the priority in the order of medical treatment to be administered.

(4) Ensure that detainees determined not to be entitled to EPW status are segregated from EPWs prior to any transfer to other authorities.

d. The Screening Officer will:

(1) Determine whether or not each detainee has committed a belligerent act as defined in this regulation.

(2) Refer the cases of detainees who have committed a belligerent act and who may not fall within one of the classes of persons entitled to EPW status under GPW Article 4 to a Tribunal convened under this regulation.

(3) Refer the cases of detainees who have not committed a belligerent act, but who may have committed an ordinary crime, to the Provost Marshal.

(4) Seek the advice of the unit's servicing judge advocate when needed.

(5) Ensure that all detainees are delivered to the appropriate US authority, e.g. Provost Marshal, for evacuation, transfer or release as appropriate.

e. The USCENTCOM SJA will:

(1) Provide legal guidance, as required, to subordinate units concerning the conduct of Article 5 Tribunals.

(2) Provide judge advocates to serve on Article 5 Tribunals as required.

(3) Determine the legal sufficiency of each hearing in which a detainee who committed a belligerent act was not granted EPW status. Where a Tribunal's decision is determined not to be legally sufficient, a new hearing will be ordered.

(4) Retain the records of all Article 5 Tribunals conducted. Promulgate a Tribunal Appointment Order IAW Annex B of this regulation.

f. Tribunals will:

(1) Following substantially the procedures set forth at Annex C of this regulation, determine whether each detainee referred to that Tribunal:

(a) Did or did not commit a belligerent act as defined in this regulations and, if so, whether the detainee

(b) Falls or does not fall within one of the classes of persons entitled to EPW status under Article 4 of the GPW.

(2) Promptly report their decisions to the convening authority in writing.

g. The servicing judge advocate for each unit capturing or otherwise coming into the possession of new detainees will provide legal guidance to Screening Officers and others concerning the determination of EPW status as required.

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8. PROPONENT. The proponent of this regulation is the Office of the Staff Judge Advocate, CCJA. Users are invited to send comments and suggested improvements on DA Form 2028 (Recommended Changes to Publications and Blank Forms) directly to United States Central Command, CCJA, 7115 South Boundary Boulevard, MacDill Air Force Base, Florida 33621-5101.

FOR THE COMMANDER IN CHIEF:

B(3)
b(6)

16/130 b

OFFICIAL:



LTC, USA
Adjutant General

DISTRIBUTION:
A (1 Ea)

R. I. NEAL
LtGen, USMC
Deputy Commander in Chief
and Chief of Staff

APPENDIX A
EXCERPT FROM THE
GENEVA CONVENTION RELATIVE TO THE TREATMENT
OF PRISONERS OF WAR, 12 AUGUST 1949

Article 4

A. Prisoners of war, in the sense of the present Convention, are persons belonging to one of the following categories, who have fallen into the power of the enemy:

(1) Members of the armed forces of a Party to the conflict, as well as members of militias or volunteer corps forming part of such armed forces.

(2) Members of other militias and members of other volunteer corps, including those of organized resistance movements, belonging to a Party to the conflict and operating in or outside their own territory, even if this territory is occupied, provided that such militias or volunteer corps, including such organized resistance movements, fulfill the following conditions:

(a) that of being commanded by a person responsible for his subordinates;

(b) that of having a fixed distinctive sign recognizable at a distance;

(c) that of carrying arms openly;

(d) that of conducting their operations in accordance with the laws and customs of war.

(3) Members of regular armed forces who profess allegiance to a government or an authority not recognized by the Detaining Power.

(4) Persons who accompany the armed forces without actually being members thereof, such as civilian members of military aircraft crews, war correspondents, supply contractors, members of labour units or of services responsible for the welfare of the armed forces, provided that they have received authorization from the armed forces which they accompany, who shall provide them for that purpose with an identity card similar to the annexed model.

(5) Members of crews, including masters, pilots and apprentices, of the merchant marine and the crews of civil aircraft of the Parties to the conflict, who do not benefit by more favourable treatment under any other provisions of international law.

(6) Inhabitants of a non-occupied territory, who on the approach of the enemy spontaneously take up arms to resist the invading forces, without having had time to form themselves into regular armed units provided they carry arms openly and respect the laws and customs of war.

B. The following shall likewise be treated as prisoners of war under the present Convention:

(1) Persons belonging, or having belonged, to the armed forces of the occupied country, if the occupying Power considers it necessary by reason of such allegiance to intern them, even though it has originally liberated them while hostilities were going on outside the territory it occupies, in particular where such persons have made an unsuccessful attempt to rejoin the armed forces to which they belong and which are engaged in combat, or where they fail to comply with a summons made to them with a view to internment.

(2) The persons belonging to one of the categories enumerated in the present Article, who have been received by neutral or non-belligerent Powers on their territory and whom these Powers are required to intern under international law, without prejudice to any more favourable treatment which these Powers may choose to give and with the exception of Articles 8, 10, 15, 30, fifth paragraph 58-67, 92, 126 and, where diplomatic relations exist between the Parties to the conflict and the neutral or non-belligerent Power concerned, those Articles concerning the Protecting Power. Where such diplomatic relations exist, the Parties to a conflict on whom these persons depend shall be allowed to perform towards them the functions of a Protecting Power as provided in the present Convention, without prejudice to the functions which these Parties normally exercise in conformity with diplomatic and consular usage and treaties.

C. This Article shall in no way affect the status of medical personnel and chaplains as provided for in Article 33 of the present Convention.

Article 5

The present Convention shall apply to the persons referred to in Article 4 from the time they fall into the power of the enemy and until their final release and repatriation.

Should any doubt arise as to whether persons, having committed a belligerent act and having fallen into the hands of the enemy, belong to any of the categories enumerated in Article 4, such persons shall enjoy the protection of the present Convention until such time as their status has been determined by a competent tribunal.

APPENDIX B

UNITED STATES CENTRAL COMMAND
7115 South Boundary Boulevard
MacDill Air Force Base, Florida 33621-5101

APPOINTMENT OF TRIBUNAL

A Tribunal under Article 5 of the Geneva Convention Relative to the Treatment of Prisoners of War is hereby convened. It will hear such cases as shall be brought before it pursuant to USCENCOM Regulation 27-13 without further action of referral or otherwise.

The following commissioned officers shall serve as members of the Tribunal:

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(b)(6)

MEMBERS:

Major [REDACTED] USA, 999-99-9999; President

Captain [REDACTED] JAGC, USA, 999-99-9999; Judge Advocate, Member

1st Lt [REDACTED] USA, 999-99-9999; Member

FOR THE COMMANDER IN CHIEF:

STAFF JUDGE ADVOCATE

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APPENDIX C

TRIBUNAL PROCEDURES

1. JURISDICTION. Tribunals convened pursuant to this regulation shall be limited in their deliberations to the determination of whether detained persons ordered to appear before it are entitled to EPW status under the GPW.

2. APPLICABLE LAW. In making its determination of entitlement to EPW status the Tribunal should apply the following:

a. Hague Convention No. IV Respecting the Laws and Customs of War on Land and Annex Thereto Embodying Regulations Respecting the Laws and Customs of Warfare on Land, 18 October 1907; 36 Stat. 2277; TS 539; 1 Bevans 631.

b. Geneva Convention for the Amelioration of the Condition of Wounded and Sick in Armed Forces in the Field, 12 August 1949; 6 UST 3114; TIAS 3362; 75 UNTS 31.

c. Geneva Convention for the Amelioration of the Condition of Wounded, Sick and Shipwrecked Members of Armed Forces, 12 August 1949; 6 UST 3217; TIAS 3363; 75 UNTS 85.

d. Geneva Convention Relative to the Treatment of Prisoners of War, 12 August 1949; 6 UST 3316; TIAS 3364; 75 UNTS 135.

e. Geneva Convention Relative to the Protection of Civilian Persons in Time of War, 12 August 1949; 6 UST 3516; TIAS 3365; 75 UNTS 287.

3. COMPOSITION.

a. Interpreter. Each Tribunal will have an interpreter appointed by the President of the Tribunal who shall be competent in English and Arabic (or other language understood by the Detainee). The interpreter shall have no vote.

b. Recorder. Each Tribunal shall have a commissioned officer appointed by the President of the Tribunal to obtain and present all relevant evidence to the Tribunal and to cause a record to be made of the proceedings. The recorder shall have no vote.

c. Tribunal. A panel of three commissioned officers, at least one of whom must be a judge advocate, convened to make determinations of fact pursuant to GPW Article 5 and this regulation. The senior member of each Tribunal shall be an officer serving in the grade of O-4 or above and shall be its President.

4. POWERS OF THE TRIBUNAL. The Tribunal shall have the power to:

a. Determine the mental and physical capacity of the detainee to participate in the hearing.

b. Order U.S. military witnesses to appear and to request the appearance of civilian witnesses.

c. Require the production of documents and real evidence in the custody of the United States and to request host nation assistance in the production of documents and evidence not in the custody of the United States.

d. Require each witness to testify under oath. A form of oath for Muslim witnesses is attached (Annex E). The oath will be administered by the judge advocate member of the Tribunal.

5. RIGHTS OF THE DETAINEE.

a. The detainee shall have the right to be present at all open sessions of the Tribunal.

b. The detainee may not be compelled to testify.

c. The detainee shall not have the right to legal counsel; however, the detainee may have a personal representative assist him at the hearing if that personal representative is immediately available.

d. The detainee shall be informed, in Arabic (or other language understood by the Detainee) of the purpose of the Tribunal, the provisions of GPW Articles 4 and 5, and of the procedure to be followed by the Tribunal.

e. The detainee shall have the right to present evidence to the Tribunal, including the testimony of witnesses who are immediately available.

f. The detainee may examine and cross-examine witnesses, and examine evidence. Documentary evidence may be masked, as necessary, to protect sensitive sources and methods of obtaining information.

g. The detainee shall be advised of the foregoing rights at the beginning of the hearing.

6. APPLICABLE PROCEDURE.

a. Admissibility of Evidence. All evidence, including hearsay evidence, is admissible. The Tribunal will determine the weight to be given to evidence considered.

b. Control of Case. The hearing is not adversarial, but rather is a fact-finding procedure. The President of the Tribunal, and other members of the Tribunal with the President's consent, will interrogate the detainee, witnesses, etc. Additionally, the President of the Tribunal may direct the Recorder to obtain evidence in addition to that presented.

c. Burden of Proof.

(1) Under this regulation, a matter shall be proven as fact if the fact-finder is persuaded of the truth of the matter by a preponderance of the evidence.

(2) Unless it is established by a preponderance of the evidence that the detainee is not entitled to EPW status, the detainee will be granted EPW status.

d. Voting. The decisions of the Tribunal shall be determined by a majority of the voting members of the Tribunal.

e. Legal Review. The USARCENT Staff Judge Advocate shall determine the legal sufficiency of each hearing in which a detainee who committed a belligerent act was not granted EPW status. In such cases, the detainees shall be entitled to continued EPW treatment pending completion of the legal review. Where a Tribunal's decision is determined not to be legally sufficient, a new hearing will be ordered.

7. CONDUCT OF HEARING. The Tribunal's hearing shall be substantially as follows:

- a. The President upon calling the Tribunal to order should first announce the order appointing the Tribunal (See Annex F).
- b. The Recorder will cause a record to be made of the time, date, and place of the hearing, and the identity and qualifications of all participants.
- c. The President should advise the detainee of his rights, the purpose of the hearing and of the consequences of the Tribunal's decision.
- d. The Recorder will read the report of the Screening Officer or other interrogating officer summarizing the facts upon which the interrogating officer's referral was based and will present all other relevant evidence available.
- e. The Recorder will call the witnesses, if any. Witnesses will be excluded from the hearing except while testifying. An oath or affirmation will be administered to each witness by the judge advocate member of the Tribunal.
- f. The Detainee shall be permitted to present evidence. The Recorder will assist the Detainee in obtaining the production of documents and the presence of witnesses immediately available.
- g. The Tribunal will deliberate in closed session. Only voting members will be present. The Tribunal will make its determination of status by a majority vote. The junior voting member will summarize the Tribunal's decision on the Report of Tribunal Decision (Annex D). The decisions will be signed by each voting members.
- h. The President will announce the decision of the Tribunal in open session.

8. POST HEARING PROCEDURES.

- a. The Recorder will prepare the record of the hearing.
- b. In cases in which the detainee has been determined not to be entitled to EPW status, the following items will be attached to the decision:
 - (1) A statement of the time and place of the hearing, persons present, and their qualifications.

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(2) A brief resume of the facts and circumstances upon which the decision was based.

(3) A summary or copies of all evidence presented to the Tribunal.

c. In cases in which the detainee has been determined to be entitled to EPW status, no record of the proceedings is required.

d. The original and one copy of the Tribunal's decision and all supporting documents will be forwarded by the President to the convening authority within one week of the date of the announcement of the decision.

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APPENDIX D

REPORT OF TRIBUNAL DECISIONTRIBUNAL CONVENED BY: (ORDER NUMBER/HEADQUARTERS/DATE)

CASE NO. _____ DATE _____

LOCATION: (UNIT, GEOGRAPHIC LOCATION)

In Re:† _____, Respondent

This Tribunal, having been directed to make a determination as to the legal status of the above-named respondent under Article 5 of the Geneva Convention Relative to the Treatment of Prisoners of War, who came into the power of (UNIT) of the Armed Forces of (NATION) at (GEOGRAPHIC LOCATION) on or about (DATE) and having examined all available evidence, has determined that he (is) (is not) an Enemy Prisoner of War as defined in Article 4 of the Convention.

Additional identifying information concerning the detainee is follows:

Rank:† _____ Service Number:† _____
 Date of Birth:† _____ Unit:‡ _____
 Place of Birth:‡ _____ Father's name:‡ _____
 Mother's name:‡ _____ Spouse's name:‡ _____
 Home Town:‡ _____ Aliases, if any:‡ _____

IT IS ORDERED that the Respondent: (Here include the Tribunal's direction as to the disposition of the respondent, e.g., "Delivered to the Provost Marshal for Transfer to an EPW camp" or "Delivered to Civil Authorities" or "Released from Custody.")

 (Rank, Name), President, *
 (Unit, Social Security No.)

 (Rank, Name, Member *
 Unit, Social Security No.

 (Rank, Name), Member, *
 (Unit, Social Security No.)

The decision of the foregoing Tribunal in which the detainee was determined not to be entitled to EPW status has been determined to be legally sufficient/insufficient.

FOR THE USARCENT STAFF JUDGE ADVOCATE

 Rank, Name, Title

† An EPW is required by the GPW to provide this information.

‡ An EPW may not be compelled to provide this information.

* Judge Advocate Member will so indicate.

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D-2

APPENDIX E

FORM OF OATH FOR A MUSLIM

In the Name of Allah, the Most Compassionate, the Most Merciful, who gave us Muhammad His Prophet and the Holy Koran, I, (NAME), swear that my testimony before this Tribunal will be the truth.

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APPENDIX F

ARTICLE FIVE TRIBUNAL HEARING GUIDE

RECORDER: All Rise (The Tribunal enters)

PRESIDENT: (NAME OF DETAINEE), this Tribunal is convened by order of _____ under the provisions of Article Five of the Geneva Convention Relative to the Treatment of Prisoners of War of 12 August 1949. It will determine whether you have committed a belligerent act against the United States Armed Forces or Other Friendly Forces acting pursuant to United Nations Security Council Resolution 678 and, if so, whether you fall within one of the classes of persons entitled to treatment as a prisoner of war.

INTERPRETER: (TRANSLATION OF ABOVE).

PRESIDENT: (NAME OF DETAINEE), you have the following rights during this hearing:

You have the right to be present at all open sessions of the Tribunal. However, if you become disorderly, you will be removed from the hearing, and the Tribunal will continue to hear evidence.

You may not be compelled to testify. However, you may testify if you wish to do so.

You may have a personal representative assist you at the hearing if that personal representative is immediately available.

You have the right to present evidence to this Tribunal, including the testimony of witnesses who are immediately available.

You may ask questions of witnesses and examine documents offered in evidence. However, certain documents may be partially masked for security reasons.

INTERPRETER: (TRANSLATION OF ABOVE)

PRESIDENT: Do you understand these rights?

INTERPRETER: (TRANSLATION OF ABOVE)

PRESIDENT: Do you have any questions concerning these rights?

INTERPRETER: (TRANSLATION OF ABOVE)

PRESIDENT: Is there someone who is available whom you wish to have assist you as your personal representative? (If so, the Detainee's personal representative will be permitted to assist him.)

INTERPRETER: (TRANSLATION OF ABOVE)

PRESIDENT: (RECORDER), please present your evidence.

(The judge advocate on the Tribunal will administer an oath to each witness. A standard oath will be used for non-Muslim witnesses; the Muslim form of oath will be used for Muslim witnesses. The testimony of witnesses will be translated for the Detainee.)

(Documentary evidence will be shown to the detainee and explained to him by the interpreter.)

PRESIDENT: (DETAINEE), you may now testify or offer other evidence. The Recorder will assist you in obtaining the presence of witnesses who are immediately available and in obtaining documents which are immediately available.

INTERPRETER: (TRANSLATION OF ABOVE)

PRESIDENT: (DETAINEE), do you wish to have any witnesses called to testify?

INTERPRETER: (TRANSLATION OF ABOVE)

PRESIDENT: Do you wish to present any documents or other evidence?

INTERPRETER: (TRANSLATION OF ABOVE)

PRESIDENT: Do you wish to make a statement to the Tribunal?

INTERPRETER: (TRANSLATION OF ABOVE)

(The detainee may now present evidence; the recorder will assist the detainee in obtaining evidence.)

PRESIDENT: (RECORDER), Do you have any additional evidence to present in response to the detainee's evidence?

INTERPRETER: (TRANSLATION OF ABOVE)

PRESIDENT: The Tribunal will now close to consider the evidence.

(The Tribunal considers the evidence and votes.)

RECORDER: All rise.

PRESIDENT: (DETAINEE), this Tribunal has determined:

(That you have not committed a belligerent act; therefore, you will be released.)

(That you have committed a belligerent act, but you are entitled to Prisoner of War status. You will be delivered to the Provost Marshal for evacuation to a Prisoner of War camp.)

(That you have committed a belligerent act, but that you are not entitled to Prisoner of War status. This decision will be reviewed by higher authority. Until then, you will remain in American custody. If this decision is confirmed upon review by higher authority, you will be transferred to the appropriate authorities for further legal proceedings.)

INTERPRETER: (TRANSLATION OF ABOVE)

PRESIDENT: This hearing is adjourned.

TRANSFERRED TO OTHER AGENCY
- DOD

LG24

Testimony of [REDACTED] before HASC

Thank you for inviting me to testify on this very important subject.

You have asked me to comment on the 1949 Geneva Convention Relative to the Protection of Prisoners of War, commonly referred to by the acronym "GPW," Department of Defense policies with respect to that Convention in the current conflict with Iraq, and Iraqi violations of the Convention.

Geneva Convention Background

The GPW was negotiated after World War II. Out of 194 nations in the world, 190 are States parties, including the United States and Iraq. More governments are States Parties to this convention than Member States of the United Nations, making it one of the most widely accepted treaties. The protections of the Convention apply when the members of the armed forces of one belligerent nation "fall into the hands" of an enemy belligerent. This can happen through capture or surrender to enemy military forces.

The Geneva Convention provides the following fundamental protections for POWs:

- POWs must at all times be humanely treated. Humane treatment is the baseline, but POW protections are much more extensive.
- Any act or omission that causes the death or endangers a POW is prohibited and is a serious breach of the Convention.
- POWs must be removed from the battlefield as soon as circumstances permit and at all times protected from physical and mental harm.
- POWs must be provided adequate food, shelter and medical aid.
- POWs must be protected, particularly against acts of violence or intimidation and against insults and public curiosity.
- If questioned, POWs are required to provide their name, rank, serial number, and date of birth. They may not be required or forced to provide any other information.
- POWs may not be subjected to physical or mental torture. Those who refuse to answer questions may not be threatened, insulted, or exposed to any unpleasant or disadvantageous treatment of any kind.
- Subject to valid security reasons, POWs are entitled to retain their personal property and protective equipment. These items may not be taken from a POW unless properly accounted for and receipted.

- Representatives from the International Committee of the Red Cross must be permitted access to POWs as soon as practical.
- All POWs must be protected against assault, including sexual assault. Female POWs shall be treated with the regard due to their gender and, like all POWs, are entitled to respect for their person and their honor.

In addition to the GPW, there are other Geneva Conventions relevant to the current conflict. In particular, the United States and Iraq are both parties to the 1949 Geneva Convention for the Amelioration of the Condition of the Wounded and Sick in Armed Forces in the Field. The title of this Convention is a bit misleading because it also provides protection for the dead. In particular, this Convention:

- Requires parties to the conflict to protect the dead against pillage and ill-treatment; and
- Requires parties to ensure that the dead are honorably interred, their graves respected, and information as to their identity, etc., provided to the International Committee of the Red Cross.

DOD Policies in Current Conflict

The United States and Coalition forces conduct all operations in compliance with the law of war. No nation devotes more resources to training and compliance with the law of war than the United States.

In the current conflict, U.S. and Coalition Forces have planned for the protection and proper treatment of Iraqi POWs under each of the Geneva Conventions I have identified. These plans are integrated into current operations. Before describing our policies, I should note that in Operation Desert Storm in 1991, the United States and Coalition partners detained 86,743 Iraqi POWs. These Iraqi POWs were given all of the protections required by the Geneva Conventions.

Our aims and acts are precisely the same in the current conflict: We are providing, and will continue to provide, captured Iraqi combatants with the protections of the Geneva Conventions and other pertinent international laws. In addition, arrangements are currently in progress to allow for representatives from the International Committee of the Red Cross to meet with Iraqi POWs. This will take place as soon as their security can be assured.

Iraqi Violations of the Geneva Conventions and Related Laws of War

Unfortunately, the Iraqi regime is not complying with the Geneva Conventions. Before turning to a summary of the Iraqi violations, I should note that in Desert Storm in 1991, the Iraqis mistreated U.S. and Coalition forces in numerous respects, including physical abuse and torture, forced propaganda statements, food deprivation, denial of

ICRC access until the day of repatriation, and much more. The Iraqis similarly mistreated Iranian POWs during the 8-year Iran-Iraq war in the 1980s. The Iraqi regime has thus displayed a pattern of systematic disregard for the laws of war.

Based upon briefings and reports in the media, it appears that Iraq has once again committed violations of the Geneva Conventions and related laws of war. I will mention just three.

- *First:* Iraqi Television and al-Jazeera have aired a lengthy tape of deceased U.S. or coalition service members. I understand that some of you have seen the tape; I will not describe it in any detail. Suffice it to say that this tape, which was apparently made with the consent or at the direction of the Iraqi regime, shows fundamental violations of the Geneva Convention obligations, including prohibitions on pillage and ill-treatment of the dead, the duty to respect the personal dignity of all captured combatants, and possibly the prohibition against willful killing, torture, inhumane treatment, or the willful causing of great suffering or serious injury to body or health of a POW.
- *Second:* Iraqi Television and al-Jazeera have aired a tape of U.S. soldiers answering questions in humiliating and insulting circumstances designed to make them objects of public curiosity, in violation of the GPW.
- *Third:* There are reports that the Iraqi regime has sent forces carrying white flags as if to indicate an intention to surrender, repeating an illegal act used by Iraqi military in the 1991 Coalition war to liberate Kuwait, or dressed forces as liberated civilians to draw coalition forces into ambushes. These acts of "perfidy" are among the most fundamental violations of the law of war, endangering Coalition forces and innocent Iraqi civilians.

These are three obvious Iraqi law of war violations. Behind the tapes and initial reports from the field there are likely to be additional violations.

The position of the United States Government is to do everything in its power to bring to justice anyone who, by action or inaction, is responsible for fundamental violations of the law of war.

The Secretary of the Army investigated and recorded Iraqi war crimes during the 1990-1991 Persian Gulf War. Steps have been taken to begin a similar investigation and information collection effort. Ultimate disposition will depend upon evidence collected, identified violations, and individuals who come under U.S. control.

[Redacted]

(b)(3):10
USC 424

From: [Redacted] (b)(3):10 USC 424

Sent: Tuesday, November 04, 2003 9:59 AM

(b)(3):10
USC 424

To: [Redacted]

Cc: [Redacted]

(b)(3):10
USC 424

Subject: Interrogation Tasker 03-04882

~~CLASSIFICATION: SECRET~~

~~CAVEATS: NOFORN~~

TERMS: NONE

(b)(3):10
USC 424

[Redacted]

Following up on our conversation of this morning, following info provided regarding status of development in interrogation policy, doctrine, and Tactics, techniques and procedures (TTP):

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USC 424

- [Redacted] has a draft Interrogation Policy in final coordination; it is currently with Services, Combatant Commanders, Joint Staff and OSD for chop, suspense of 10 November
- SOUTHCOM presented the case for development of a joint doctrine publication on Interrogation Operations to the Joint Doctrine Working Party at the beginning of October. JDWP concurred in the proposal, but directed that, rather than a separate pub, the doctrine be developed as an Annex to a current Joint Pub. SOUTHCOM will have the lead on development, and DIA expects to be a major contributor.
- JFCOM's Air Land Sea (ALSA) Center is currently shepherding the development of a Multi-Service Tactics, Techniques, and Procedures (MTTP) publication addressing Detainee Operations. [Redacted] (b)(1)

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USC 424

[Redacted] Support to Interrogation Operations is discussed throughout. DIA [Redacted] participated in the original working group that drafted the document, and [Redacted] have participated in two subsequent working groups addressing various aspects of the publication. DIA has coordinated on the final working draft. The MTTP will go out for final formal coordination in December, and is expected (optimistically, in my view) to be published in the spring of '04.

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USC 424

Separately from the above, [Redacted] passed several documents to me [Redacted] that bear on this issue; they are attached FYI.

Cheers,

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USC 424

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USC 424

[Redacted]

(b)(3):10
USC 424

V-80

DERIVED FROM: [REDACTED] (b)(2)

DECLASSIFY ON: X1

CLASSIFICATION W/O ATCH: UNCLASSIFIED

CAVEATS W/O ATCH: ~~FOUO~~

TERMS W/O ATCH: NONE

CLASSIFICATION: ~~SECRET~~

CAVEATS: ~~NOFORN~~

TERMS: NONE

From:

Sent: Friday, June 04, 2004 9:31 AM

To:

Subject: Keesler AFB -- Photos of EPWs/Detainees (Part 1 of 3)

Here's the info we discussed earlier today. It concerns the discovery of photos apparently taken during US Army operations in Iraq. In them are what appear to be detainees or EPWs. When our AFOSI detachment at Keesler AFB, Biloxi, MS, first learned of it, base command officials were concerned three may have been a LOAC violation but after further review

b5

I've been told that the individual who took the photos and made the CD is a who is currently at Keesler AFB to rehabilitate. He was wounded in Iraq and was sent to Landstuhl and/or Walter Reed Army Medical Center. I understand that Sen. Trent Lott requested that

b6

so that's why he's at Keesler Medical Center.

On 3 Jun 04, received a copy of the CD made by the soldier. The CD had two files, one of which was a Powerpoint presentation with 49 slides, about 21 MB. Most of the slides were photos of US Army activities, something I would describe as the "the drive to Baghdad" during early phases of the war (OIF). There are many photos of Army vehicles and soldiers, but what caught the attention were the photos of detainees/EPWs. One of the photos had what appeared to be olive complected males, probably of Iraqi or Middle Eastern descent, that are naked. They are outdoors, kneeling on the dirt, have their arms behind their backs, probably secured by flexi-cuffs, and they are being guarded by an armed soldier. These photos do not appear to show any physical abuse, and on the face of it they do not appear to show any LOAC violations, but they are likely in violation of the joint regulations prohibiting photography of EPWs.

b7c

I've upchanneled this info to HQ AFOSI so they're aware of it. I provided the phone numbers and contacts for CID at Ft Rucker and Ft Polk to our detachment at Keesler AFB. They'll make contact with the appropriate CID unit to refer the matter to them. We've assessed that since the subject is an Army soldier, and the photos were taken during Army operations, CID would have operational interest in this matter.

As stated above, the Powerpoint presentation in which the photos were found is large (21 MB; 49 slides total). I obtained it from our detachment at Keesler AFB and then created excerpts here to give you a look at the ones that caused concern. Here are the two photos which caused the most concern when they were first found.

<<Excerpt1 of Presentation1.ppt>>

I'll send you two more e-mails, each with two photos with images of detainees or EPWs.

FYI, I believe this material is unclassified but sensitive, so I'm sending via SIPRNET.

000032

https://

6/10/2004

Randolph AFB, TX

b6, b7C

000033

6/10/2004

~~SECRET NOFORN~~

DRAFT

Document Number: 38
Document Type: Information Paper
Classification: ~~SECRET NOFORN~~
Date of Document: Unknown
To/From: DIA
Subject: Response to Senator Leahy Queries
Pages: 2

28 May 2004

INFORMATION PAPER

Subject: Response to Senator Leahy Queries

1. (U) Purpose. To answer the Senator's question on whether prisoners in U.S. custody are being stripped of their clothes, forced to wear hoods, required to stand or assume painful positions for hours or days, or subject to other painful or humiliating treatment.

2. ~~(S//NF)~~ Key Points.

- Detainees arriving at Guantanamo Bay, Cuba are strip searched as a force protection measure. No detainees are stripped of their clothes nor have they ever been. Hoods are not put on detainees. Detainees are not stood up or made to assume painful positions. Detainees in Guantanamo are treated humanely and are provided excellent medical care.
- A memo on Interrogation and Counter-Resistance Policy from Lt Gen Ricardo Sanchez (CMDR CJTF 7) was promulgated on the 13th of May. The memo details the types of interrogation techniques that are and are not authorized throughout the AOR.
- CDR USCENTCOM never authorized stripping prisoners of their clothes for discomfort or softening purposes.
- Lt Gen Sanchez's 13 May 2004 memo prohibits the use of sensory deprivation (Hoods). The memo also precludes forcing detainees to stand or assume painful positions or the use of sleep deprivation

~~SECRET NOFORN~~

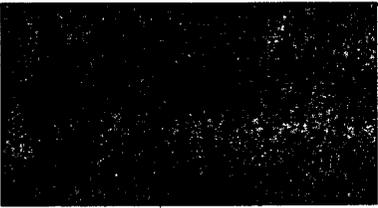
DRAFT

V-344

~~SECRET NOFORN~~

DRAFT

under any circumstances.

Prepared by:		Approved by:	
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(b)(3):10 USC 424

(b)(3):10 USC 424

~~SECRET NOFORN~~

DRAFT

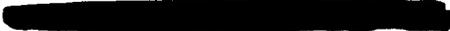
Information Report

16 June, 2004

(b)(1),(b)(3):10
USC 424.(b)(6)



OFFICE OF OPERATIONS



ARLINGTON, VA

~~(S//NF)~~ [Redacted]

[Redacted] Building 3100, Clarendon, Arlington, VA, was interviewed and provided the following information to special agent (SA) [Redacted] Defense Intelligence Agency (DIA) Office of the Inspector General (IG) regarding alleged violations of the Geneva Conventions and the International Laws of Land Warfare. [Redacted] provided essentially the following information.



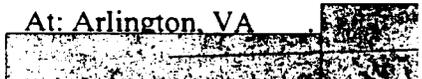
[Redacted] stated the [Redacted] episode did not appear to be out of anger; it was more like a modus operandi (MO). Also, [Redacted] prepared statement contained [Redacted] observation during a pre-planned raid to capture a [Redacted] who was not captured, however, the spouse of the [Redacted] was detained, which [Redacted] objected to the detainment of the woman to the raid team leader. The woman was not harmed and was released about two days later.

~~(S//NF)~~ During the interview of [Redacted] he related that [Redacted] first three weeks in [Redacted] were spent at the Task Force facility, which at the time [Redacted] was under the control of an unidentified military (06) officer, which appeared to be a great operation. [Redacted] stated [Redacted] was then sent out to the field element to assist in field interrogations, which led to [Redacted] observations as listed above. [Redacted] went on to say that any "harsh" treatment of any detainees had to be approved by the task force commander or the J-2, along with a medical surgeon, and Staff

DERIVED FROM: [Redacted] (b)(2)
DECLASSIFY ON: Source marked X1, date of source 30 September 2003

Interviewed On: 10 June 04
At: Arlington, VA

Case No.: 04-23810MA-056
Date Drafted: 15 Jun 04



(b)(3):10
USC 424

V-270

Judge Advocate. [redacted] described harsh treatment as [redacted] or putting the detainee under [redacted]. Each and every phase of an interrogation had to be specifically documented and monitored, and in [redacted] capacity as an [redacted] was one who monitored interrogations. [redacted]

[redacted] was an [redacted] and that [redacted] had a reputation of [redacted] detainees. [redacted] stated [redacted] was not involved in the previously mentioned incident that occurred on [redacted]. [redacted] stated there were no DIA personnel other than [redacted] and [redacted] replacement that viewed, and or participated in the interrogation. [redacted] finally stated he never visited the [redacted] and could provide no information pertaining to that facility.

Information Report

18 June 2004
date typed

[REDACTED] (b)(3):10 USC
130b,(b)(3):10 USC
424,(b)(6)
Defense Intelligence Agency
Arlington, VA

(b)(1),(b)(3):10 USC
130b,(b)(3):10 USC
424,(b)(6)

(S//NF) [REDACTED] Defense (b)(3):10 USC 424
Intelligence Agency (DIA), was made aware of the identity of [REDACTED] as a
Special Agent of the Office of the Inspector General (IG), DIA. [REDACTED] was interviewed
regarding possible Iraqi detainee or prisoner abuse [REDACTED] may have witnessed while deployed in
support of a task force at th [REDACTED] was interviewed on a secure
telephone on 9 June 2004 and a follow-up interview was conducted on 10 June 2004.
[REDACTED] provided essentially the following information and requested confidentiality.

(S//NF) [REDACTED] is assigned for duty to [REDACTED] (b)(1),(b)(3):10 USC
[REDACTED] volunteered to support [REDACTED] requirements in [REDACTED] but was sent to [REDACTED]
instead. [REDACTED] USC 424,(b)(6)

(b)(1),(b)(3):10 USC
0 USC
130b,(b)(3):10 USC
0 USC
424,(b)(6)
(S//NF) [REDACTED] witnessed Task Force
guards assigned to various units with unidentifiable uniforms harass six [REDACTED] (b)(1)
detainees. The detainees were in the back of a pickup waiting for a transport flight so they could
be released. It had been determined they were of no value to the Task Force.

Classified By: [REDACTED] (b)(2)
Declassify On: MR
Date of Source: March 2002

Interviewed On: 9 and 10 June 2004
At: Arlington, VA
By: [REDACTED] (b)(3):10 USC 424

Case No.: 04-9999
Date Drafted: 18 June 2004

V-271



(b)(3):10 USC
130b,(b)(3):10 USC
424,(b)(6)

04-9999

(b)(1),(b)(3)
:10 USC
130b,(b)(3):
10 USC
424,(b)(6)



could provide no additional information relative to any of the
aforementioned incidents.

Information Report

23 June 2004
date typed

[Redacted]
Defense Intelligence Agency
Arlington, VA

(b)(3):10 USC
130b,(b)(3):10 USC
424,(b)(6)

(b)(1),(b)(3):
10 USC
130b,(b)(3):1
0 USC
424,(b)(6)

(S//NF) [Redacted] Defense Intelligence Agency (DIA), was made aware of the identity of [Redacted] as a [Redacted] (b)(3):10 USC 424 Special Agent of the Office of the Inspector General (IG), DIA. [Redacted] was interviewed at [Redacted] request regarding [Redacted] management issues pertaining to deployment in support of a [Redacted] at the [Redacted] [Redacted] was interviewed on a secure telephone on 9 June 2004 and a follow-up interview was conducted on [Redacted] [Redacted] provided essentially the following information and requested confidentiality.

(S//NF) [Redacted] is assigned for duty to [Redacted] volunteered to support [Redacted] but was sent to [Redacted] deployed to [Redacted] to provide oversight of [Redacted] was returned to [Redacted] in [Redacted] because [Redacted] did not get along well with [Redacted] personnel. [Redacted] was not considered to be a team player. [Redacted] reported several management issues.

(S//NF) [Redacted] reported that ineffective interrogation techniques were being used by the Task Force. The primary technique employed was [Redacted] personnel that did not support the technique were often the victims of character assassination and in some instances returned to the US. [Redacted] stated there was an on-going power struggle between members of [Redacted] Upon arrival in [Redacted] personnel were advised they were under strict control of [Redacted] and that their communications and activity would be monitored, making it impossible for [Redacted] personnel to communicate freely with [Redacted]

Classified By: [Redacted] (b)(2)
Declassify On: X1
Date of Source: March 2002

Interviewed On: 9 and 10 June 2004
At: Arlington, VA
By: [Redacted]

Case No.: 04-9999
Date Drafted: 18 June 2004

(b)(3):10
USC 424

uf 1/24/04

V-272

[REDACTED]

(b)(3):10 USC
130b,(b)(3):10 USC
424,(b)(6)

04-9999

(b)(1),(b)(3):
10 USC
130b,(b)(3):1
0 USC
424,(b)(6)

[REDACTED] was concerned that because [REDACTED] personnel were monitored, incidents may be occurring within the task force facility that [REDACTED] personnel were unable to report. [REDACTED] and others were afraid that if they did report anything perceived to be negative by [REDACTED] personnel they be isolated from the team and returned to the US. In [REDACTED] opinion, [REDACTED] personnel were under mining DIA efforts. [REDACTED]

[REDACTED] suspected detainees were being transferred during the prisoner abuse investigation by the Task Force to avoid interviews by investigators. [REDACTED] had no direct knowledge of this activity. [REDACTED] stated [REDACTED] personnel assigned to the Task Force were wasted resources. They were not being used as [REDACTED] intended but were janitors for [REDACTED] personnel were denied the opportunity to visit the local military post exchange for haircuts. [REDACTED] stated [REDACTED] personnel were of no intelligence value to [REDACTED] in that no intelligence reports were prepared or submitted to [REDACTED] by [REDACTED] personnel. [REDACTED] could provide no additional information.

11/24/04

~~SECRET//NOFORN//2-109~~

**DEFENSE INTELLIGENCE AGENCY
OFFICE OF THE INSPECTOR GENERAL
WASHINGTON, DC 20340-5100**

REPORT OF INVESTIGATION

CASE NUMBER 04-5586-OI-069



0000006

~~SECRET//NOFORN//~~

EXHIBIT



~~SECRET//NOFORN//20090709~~ 25 X1
DEFENSE INTELLIGENCE AGENCY

WASHINGTON, D.C. 20340-5100



S-0464/IG

24 August 2004

To: Commanding General, United States Army Criminal Investigation Command
Attention: Deputy Chief of Staff for Operations [REDACTED] (b)(6)
6010 6th Street
Fort Belvoir, VA 22060-5506

Subject: (U) Referral of Investigation, DIA IG Case Number 04-5586-OI-069

1. ~~(S//NF)~~ The Office of the Inspector General (IG), Defense Intelligence Agency (DIA), recently received a copy of an Army Regulation (AR) 15-6 investigative report (enclosure) documenting that [REDACTED] physically abused detainees in the village of Miam Do, Afghanistan, while conducting field interrogations during the time period 18 through 21 March 2004. At the time of the incident, [REDACTED] was assigned to a DIA [REDACTED]

(b)(3):10
USC 424
(b)(1),(b)(3):
10 USC 424

2. ~~(S//NF)~~ From 28 March to 10 April 2004, [REDACTED] (b)(6) conducted an AR 15-6 investigation into allegations of misconduct related to the raid on Miam Do village. In his report, [REDACTED] concluded that [REDACTED] assaulted several detainees under [REDACTED] control by choking, kicking, and poking them, in violation of Article 128, Uniform Code of Military Justice and the theater rules of engagement. On 11 April 2004, [REDACTED] (b)(6) [REDACTED] in a written opinion, concurred with [REDACTED] findings, concluding that there was sufficient probable cause to believe that [REDACTED] committed assault on the detainees. (b)(6)

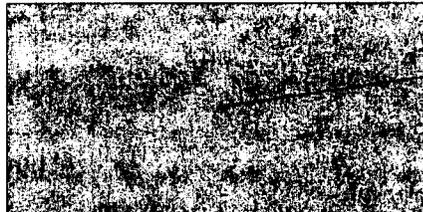
(b)(3):10
USC 424
(b)(6)

3. (U//~~FOUO~~) Request your office, as the executive agency for detainee abuse investigations, review the enclosure and determine the appropriate course of action. Please inform this office of initiation of a formal report of investigation, any judicial, non-judicial, or administrative action, or lack thereof, taken against [REDACTED]. Changes resulting from appellate action should also be reported. The DIA IG point of contact for this matter is [REDACTED]

(b)(3):10
USC 424

(b)(3):10
USC 424

1 enclosure a/s



(b)(3):10
USC 424

(b)(2)

DERIVED FROM: [REDACTED]
DECLASSIFY ON: ~~Source unmarked, date of source 9 July 2004~~

0000007

~~SECRET//NOFORN//20090709~~

EXHIBIT - 3

MEMORANDUM FOR Commander, Combined/Joint Task Force (CJTF)-180, Bagram Airfield,
Afghanistan APO AE 09354

SUBJECT: Administrative Reprimand - [REDACTED] (b)(3):10 USC 424

1. I hereby acknowledge receipt of the General Officer Memorandum of Reprimand,
dated _____.

2. I understand that:

a. I have five calendar days from the date below, in which to submit any comments or matters in
rebuttal.

b. My failure to submit any comments or matters in rebuttal within five calendar days from the
date below constitutes a waiver of my right to do so.

3. I elect (initial one):

_____ Not to make a statement.

_____ To submit a written statement or document in my behalf.

DATE _____

[REDACTED]

(b)(3):10
USC 424

Respondent

0000031

EXHIBIT

INDEX OF PRISONER OF WAR/DETAINEE RELATED DOCUMENTS
FROM THE OFFICE OF THE INSPECTOR GENERAL
DEFENSE INTELLIGENCE AGENCY, WASHINGTON, DC
PREPARED BY [REDACTED]

(b)(3):10
USC 424

NUMBER	SUBJECT	DATE	AUTHOR	CLASSIFICATION
1.	DETAINEES	17 JUN 03	[REDACTED]	UNCLASSIFIED
2.	DETAINEES	19 JUN 03	[REDACTED]	UNCLASSIFIED
3.	DETAINEES	19 JUN 03	[REDACTED]	UNCLASSIFIED (b)(3):10 USC 424
4.	DETAINEES	30 JUN 03	[REDACTED]	UNCLASSIFIED
5.	IG TRIP REPORT	14 AUG 03	[REDACTED]	U//FOUO
(b)(1) 6.	[REDACTED] LETTER	2 APR 04	[REDACTED]	UNCLASSIFIED
7.	15-6 REPORT	10 APR 04	[REDACTED]	SECRET//NOFORN (b)(6)
8.	INTERROGATION	5 MAY 04	[REDACTED]	UNCLASSIFIED
9.	DETAINEE	10 MAY 04	[REDACTED]	SECRET//NOFORN (b)(3):10 USC 424
10.	DETAINEE	14 MAY 04	[REDACTED]	SECRET//NOFORN
(b)(1) 11.	[REDACTED] POLICY	12 OCT 03	RICARDO SANCHEZ	SECRET//NOFORN
12.	IRAQ PRISON	19 MAY 04	[REDACTED]	UNCLASSIFIED (b)(3):10 USC 424

V-250

(b)(3):10 USC 424

13.	IRAQ PRISON	24 MAY 04	[REDACTED]	UNCLASSIFIED
14.	DETAINEE ABUSE	10 JUN 04	[REDACTED]	SECRET//NOFORN
15.	IRAQ PRISON	15 JUN 04	[REDACTED]	UNCLASSIFIED (b)(1),(b)(3):10 USC 424
16.	DETAINEE ABUSE	16 JUN 04	[REDACTED]	SECRET//NOFORN
(b)(1) 17.	[REDACTED]	18 JUN 04	[REDACTED]	SECRET//NOFORN
18.	[REDACTED]	23 JUN 04	[REDACTED]	SECRET//NOFORN

(b)(3):10 USC 424

[Redacted] (b)(3):10
 USC 424

From: [Redacted] (b)(3):10
 USC 424

Sent: Friday, May 14, 2004 7:20 AM

To: [Redacted]

Subject: FW: 1530 SVTC- Abu Ghraib (b)(3):10
 USC 424

CLASSIFICATION: ~~SECRET~~

CAVEATS: ~~NOFORN~~

TERMS: NONE

FYI. See highlighted sentence.

[Large Redacted Block] (b)(2),(b)(3):10 USC 424

-----Original Message-----

From: [Redacted] (b)(3):10 USC 424

Sent: Thursday, May 13, 2004 3:26 PM

To: [Redacted]

Subject: FW: 1530 SVTC- Abu Ghraib (b)(3):10
 USC 424

CLASSIFICATION: ~~SECRET~~

CAVEATS: ~~NOFORN~~

TERMS: NONE

I have been drafted into involuntary service to sit in on a VTC on interrogation policy.

I will remain silent until properly coerced into speaking
 Any comments or advice on resistance techniques would be most welcome
 CENTCOM lawyers will be in attendance but I don't know them as well
 Trust who you know not what you know.

V/R
 [Redacted] (b)(3):10 USC 424

-----Original Message-----

From: [Redacted] (b)(3):10
 USC 424

Sent: Thursday, May 13, 2004 3:14 PM

7/1/2004

To: [REDACTED]

Subject: FW: 1530 SVTC- Abu Ghraib

(b)(3):10 USC
130b,(b)(3):10 USC
424,(b)(6)

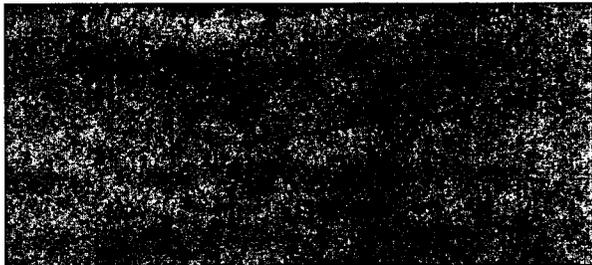
CLASSIFICATION: ~~SECRET~~

CAVEATS: ~~NOFORN~~

TERMS: ~~TRVCCO~~

ALCON,

(b)(1) Participants are [REDACTED] CENTCOM, USD (I), Army G2 and Joint Staff. For your prep, Discussion will involve around the LTG Sanchez memo dtd 12 Oct (Interrogation/Counter-Resistance Policy) and powerpoint slide attached. This session is to determine a legal basis of this on how it relates to the Geneva Convention.



(b)(2),(b)(3):10
USC 130b,(b)(6)

-----Original Message-----

From: [REDACTED] (b)(3):10 USC 424

Sent: Thursday, May 13, 2004 2:46 PM

To: [REDACTED] (b)(3):10 USC 130b,(b)(6)

Cc: [REDACTED] (b)(3):10
USC 424

Subject: 1530 SVTC- Abu Ghraib

(b)(1)

As discussed, attachments for the 1530 (L) SVTC with CENTCOM, [REDACTED] USD (I), Army, and the Joint Staff.

Regards,



(b)(2),(b)(3):10 USC
424

7:1:2004

DERIVED FROM: ~~MS~~

DECLASSIFY ON: ~~20290513~~

CLASSIFICATION W/O ATCH: ~~SECRET~~

CAVEATS W/O ATCH: ~~NOFORN~~

TERMS W/O ATCH NONE

CLASSIFICATION: ~~SECRET~~

CAVEATS: ~~NOFORN~~

TERMS: NONE

DERIVED FROM: MS

DECLASSIFY ON: ~~X1~~

CLASSIFICATION W/O ATCH: ~~SECRET~~

CAVEATS W/O ATCH NONE

TERMS W/O ATCH: NONE

CLASSIFICATION: ~~SECRET~~

CAVEATS: ~~NOFORN~~

TERMS: ~~NOFORN~~

DERIVED FROM: Multiple Sources

DECLASSIFY ON: ~~X1~~

CLASSIFICATION W/O ATCH: ~~SECRET~~

7/1/2004

CAVEATS W/O ATCH: ~~NOFORN~~

TERMS W/O ATCH. NONE

CLASSIFICATION: ~~SECRET~~

CAVEATS: NOFORN

TERMS: NONE

DERIVED FROM: [REDACTED] (b)(2)

DECLASSIFY ON: ~~XT~~

CLASSIFICATION W/O ATCH: ~~SECRET~~

CAVEATS W/O ATCH. TERMS W/O ATCH:

CLASSIFICATION: ~~SECRET~~

CAVEATS: NOFORN

TERMS: NONE

DERIVED FROM: [REDACTED] (b)(2)

DECLASSIFY ON: ~~XT~~

CLASSIFICATION W/O ATCH. UNCLASSIFIED

CAVEATS W/O ATCH NONE

TERMS W/O ATCH: NONE

CLASSIFICATION: ~~SECRET~~

CAVEATS: NOFORN

TERMS: NONE



DEPARTMENT OF THE AIR FORCE
HEADQUARTERS AIR FORCE SPECIAL OPERATIONS COMMAND (AFSOC)

MEMORANDUM FOR DISTRIBUTION B

FROM: HQ AFSOC/CC

SUBJECT: Handling of Detainees and Enemy Prisoners of War

1. All AFSOC personnel coming into contact with enemy prisoners of war (EPW) or detainees will strictly adhere to standards of behavior contained in international and domestic law, military customs, and United States Government policy. What this means is that all persons held in US Government custody will be given humanitarian care and treatment from the moment they come under the control of US forces until release or repatriation.

2. AFSOC personnel involved in handling or transport of detainees and EPWs will, at a minimum, follow these guidelines:

a. EPWs/detainees will, at all times, be treated humanely and with respect for human dignity.

b. EPWs/detainees will not be subjected to physical mutilation or other uses of force greater than that required to ensure protection of US forces and other friendly personnel.

c. EPWs/detainees will at all times be protected, to the extent possible considering the situation, against acts of violence or intimidation, insults, and public curiosity.

d. Female EPWs/detainees will be treated with due regard to their sex.

e. EPWs/detainees will be provided appropriate medical attention, considering the circumstances and the requirements of the Law of Armed Conflict.

f. EPWs/detainees will not be discriminated against based on race, nationality, religious belief or political opinions, or any other similar distinction.

g. EPWs/ detainees will not be photographed for any reason other than official photographs taken as part of prisoner processing or accountability systems.

3. None of the above should be construed to limit or impinge upon the inherent right and obligation of self-defense of every military member. Personnel involved with detainees and EPWs must carefully consider the handling of such personnel in light of the need to protect US and friendly personnel.

AIR COMMANDOS - AIR RESCUE WARRIORS
QUIET PROFESSIONALS

4. AFSOC personnel will familiarize themselves with applicable laws, policies, and standards of behavior regarding treatment of prisoners. AFSOC commanders and judge advocates will incorporate this topic into all Law of Armed Conflict training and pre-deployment briefings.

5. AFSOC personnel will promptly report, either through their chain of command or through OSI, Security Forces, JAG, IG, or other official channels, any suspected or confirmed incidents – by US or other personnel -- of detainee or prisoner abuse. Reports of such abuse will immediately be forwarded through command channels to AFSOC/CC (copy to AFSOC/JA). AFSOC members will refrain from discussing detainee- and EPW-related issues outside of US military channels without proper authorization and clearance by AFSOC/CC in coordination with AFSOC/PA.

6. Violations of this policy will subject members to disciplinary action under the UCMJ or other adverse personnel actions.

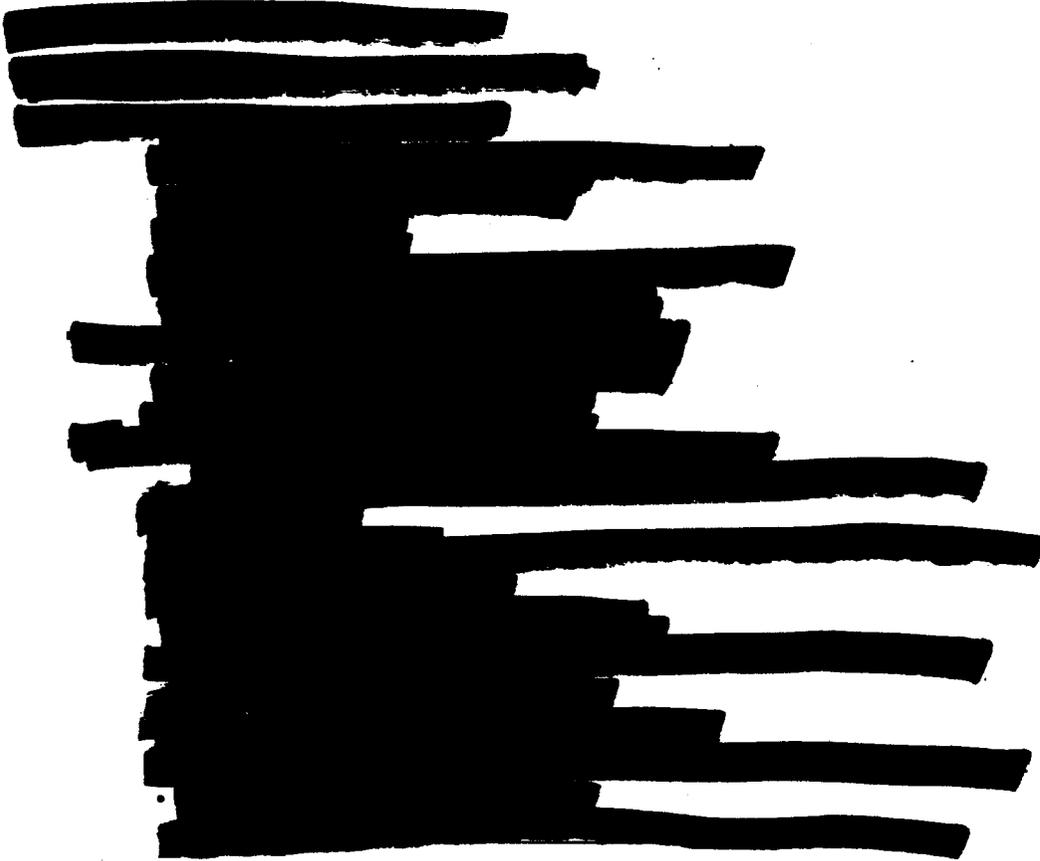
MICHAEL W. WOOLEY
Lieutenant General, USAF
Commander

2.8f – EPW / DEFECTOR HANDLING CHECKLIST

- When notified of an enemy prisoner of war / defectors capture:
- Find location of EPW / defector from security
- Contact OSI on site to conduct debriefing.
- If OSI is unavailable conduct immediate debrief:
- Take appropriate materials (pens, paper, maps, charts, recording devices, etc)
- Ensure the EPW has been properly searched

!!! IMMEDIATELY SEARCH THE INDIVIDUAL WITH A FELLOW ARMED MEMBER !!!

- Separate defectors, deserters, males, and females, and EPW's
- Separate military and civilian members
- Separate officer and enlisted
- Separate faith groups if necessary (i.e. Sunni from Shi'a or secular from Muslim)
- Review appropriate Geneva Convention instructions and AFI 31-304
- A JAG presence is a good idea: keep JAG near-by if debriefing a Muslim-radical as they anticipate US torture and will claim such



DO NOT ASSUME ANY OR ALL OF THE INFORMATION TO BE FACTUAL!!!

- Call HHQ with information and follow up with a TACREP



DEPARTMENT OF THE AIR FORCE
31ST FIGHTER WING (USAFE)

8 July 2004

MEMORANDUM FOR 31 SF/CC

FROM: 31 FW/JA

(b)(6),(b)(7)(C),(b)(7)(F)

SUBJECT: Legal Review of Detainee Photograph—Subject: SSgt [redacted]

1. I have reviewed the subject photograph and the statements obtained by the AFOSI from witnesses concerning the photograph.

[redacted] (b)(5),(b)(6),(b)(7)(C)

2. FACTS.

a. By message DTG 131539Z May 04, Subject: Review of Air Force Detainee Operations, HQ USAF/XO directed all MAJCOMs to "report any known incidents, allegations, or investigations involving personnel in your commands regarding inappropriate detainee handling/operations (including, but not limited to, photographs or videos of detainees) from the beginning of Operations ENDURING FREEDOM/IRAQI FREEDOM until present that deviate from proper detainee procedures and requirements. Detainee operations are defined broadly to include, but not limited to, detainee handling, interrogation, transport, photography, and internment by Air Force personnel." The message requires commands to conduct a thorough review of any situations found that fall within the requested information.

(b)(7)(C)

b. In response to the HQ AF/XO message, 31 FW Security Forces (SF) personnel recalled seeing a photograph of one of their personnel with a detainee while deployed to Kirkuk Air Base, Iraq in support of Operation IRAQI FREEDOM. They located the photograph and provided it to AFOSI, [redacted] for review and further investigation. The photograph (Attachment) depicts an Air Force member, identified as SSgt [redacted], standing outside next to a detainee. The detainee is lying prone on the ground in the sand. There is a hood, which appears to be a canvas sack, covering the detainee's head, and his hands appear to be bound behind his back. The detainee appears to be neatly attired, wearing a light blue shirt, brown pants, light blue socks, and light blue loafers. SSgt [redacted] is holding his rifle, with the muzzle pointed at an angle towards the ground. He is standing with his left foot propped on the detainee's buttocks. He is looking towards the photographer, seemingly posing for the photograph. The timeframe of the photograph is the summer of 2003. The photograph is a digital photo. An analysis of the .jpg file used to transmit the photo via email indicates the photo was taken on 10 August 2003.

(b)(6),(b)(7)(C),(b)(7)(F)

(b)(6),(b)(7)(C),(b)(7)(F)

c. The statements obtained by the AFOSI indicate that the 31 SF personnel were not given any written Standard Operating Procedures (SOPs), Special Security Instructions, or other specific, written guidance or training regarding the handling of detainees. Instead, the

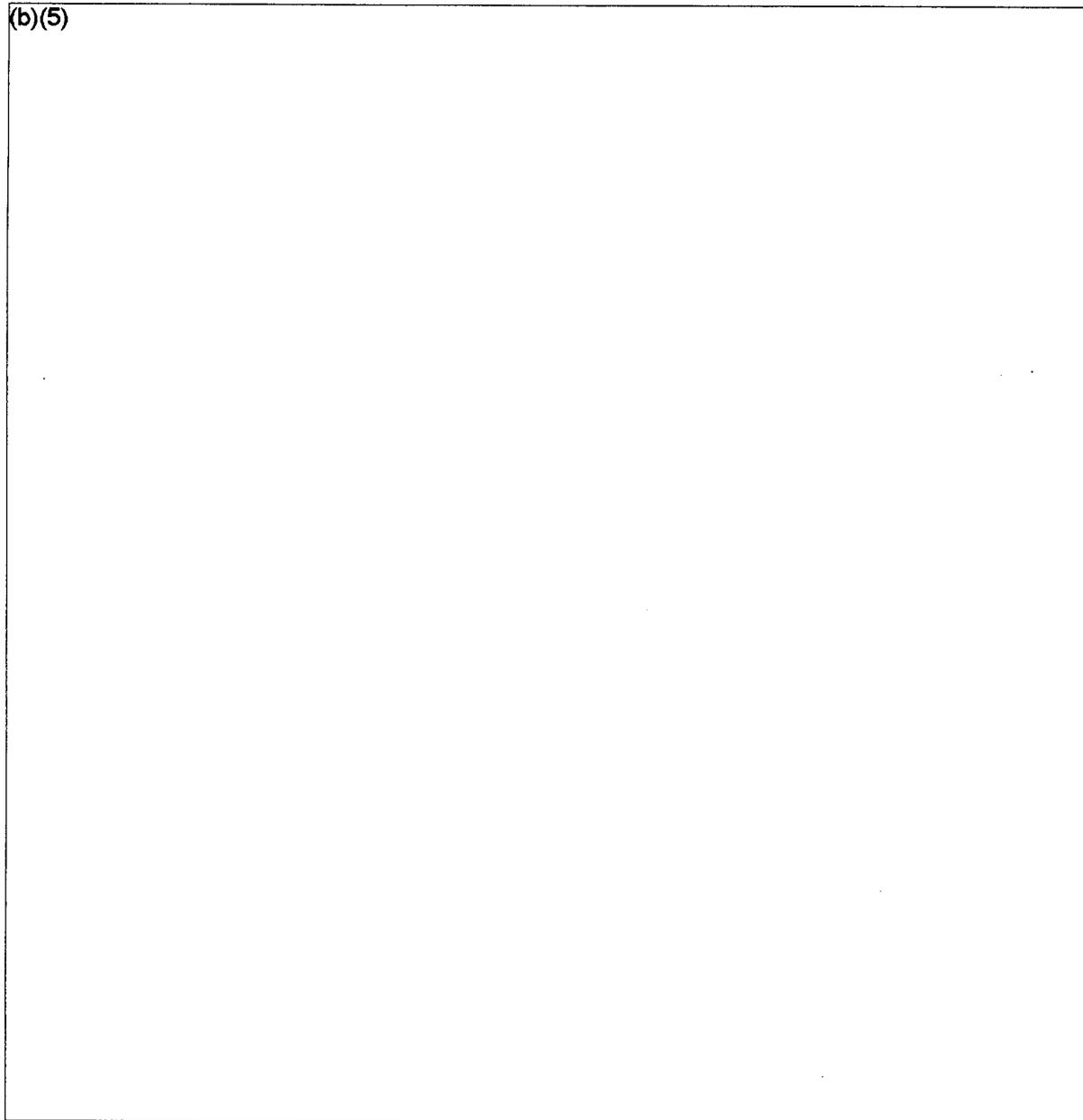
information indicates that they followed AFI 31-302, *Air Base Defense Collective Skills*, and LOAC in handling detainees. The practice was to cover the head of any enemy prisoner of war (EPW) with a sandbag, and to handcuff them with either flexi-cuffs or duct tape. The detainees would be searched, then taken to the Detention Facility on base and turned over to the U.S. Army for processing.

(b)(6),(b) d. SSgt [redacted] exercised his right to remain silent when approached for questioning
(7)(C),(b) about the photograph. Thus, there is no information available as to the exact facts and
(7)(F) circumstances surrounding the situation depicted in the photograph. [redacted]

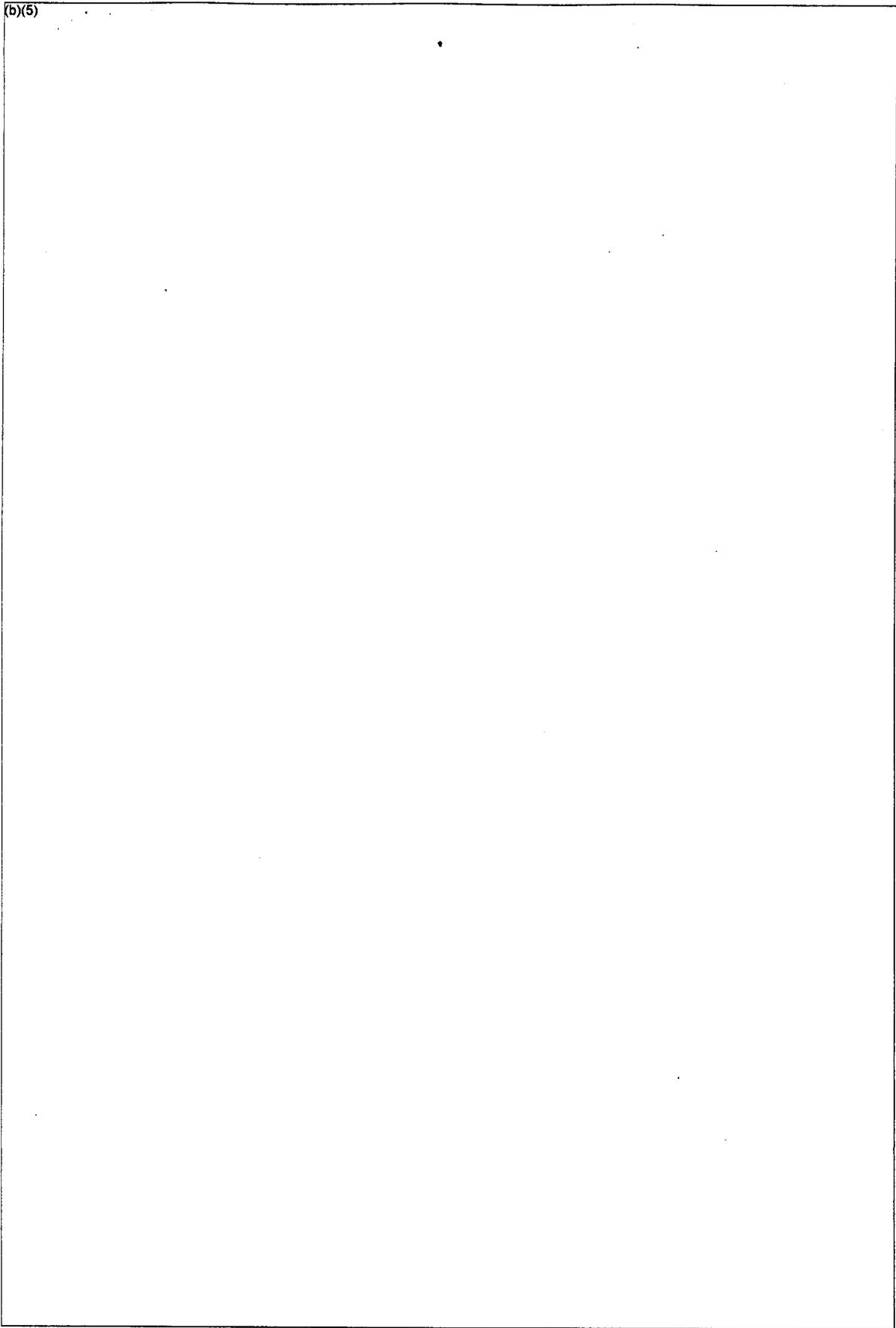
(b)(5),(b)(7)(C)

3. **APPLICABLE LAW AND POLICY.** I reviewed the following sources in arriving at my conclusions regarding the subject photograph.

(b)(5)

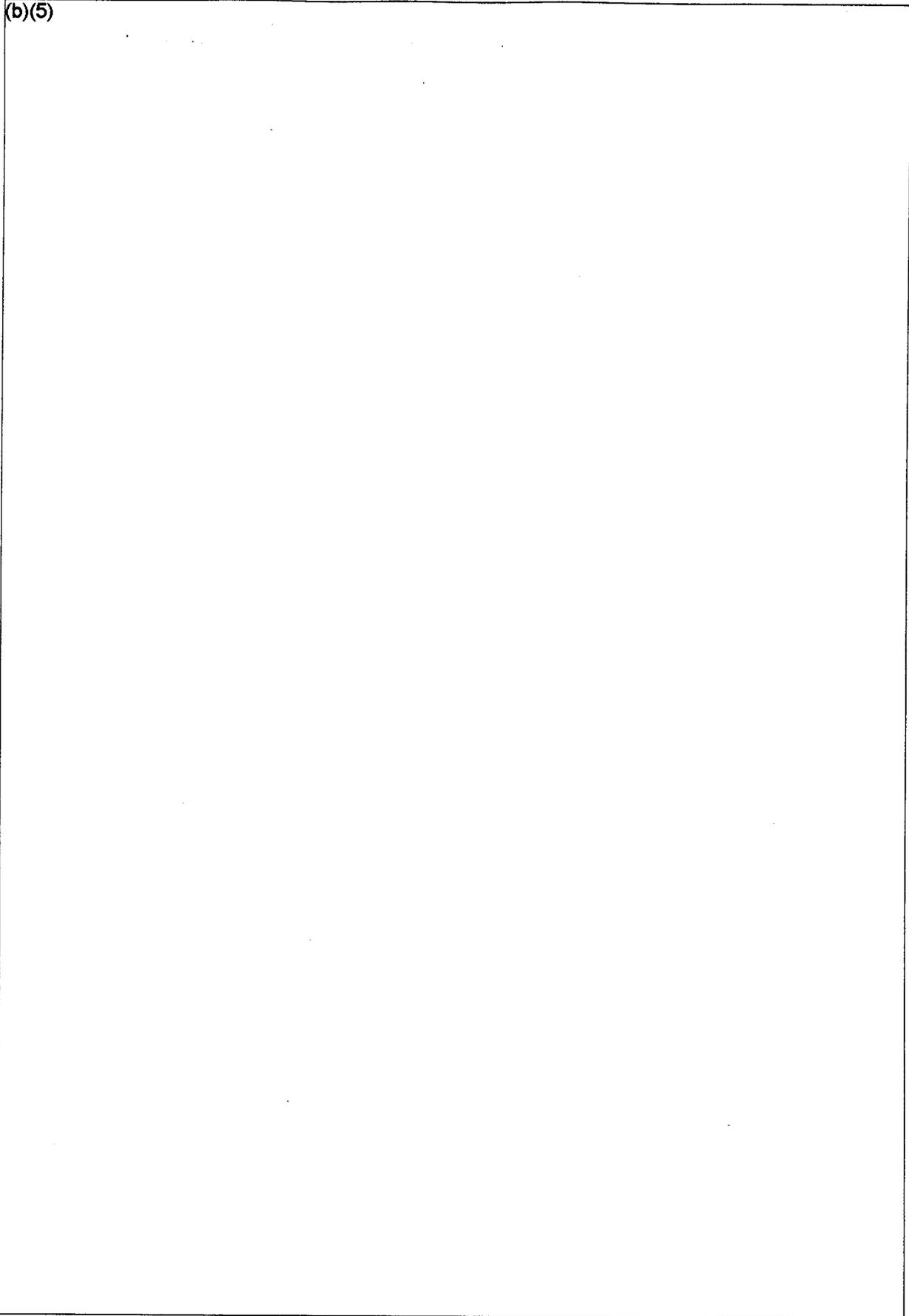


(b)(5)



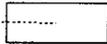
(b)(5)

(b)(5)

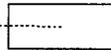


(b)(5)

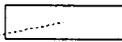
(b)(6),(b)(7)(C)



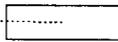
(b)(6),(b)(7)(C)



(b)(6),(b)(7)(C)



(b)(6),(b)(7)(C)



(b)(6),(b)(7)(C)



(b)(6),(b)(7)(C)



(b)(6),(b)(7)(C)



(b)(5)

6. If you have any questions about this review, please contact me at DSN 632-7843.

(b)(6)

[REDACTED] Lt Col, USAF
Staff Judge Advocate

Attachment:
Copy of Photograph

cc:
16 AF/JAO
Det 531, AFOSI/CC

"Return With Honor"

7

PHOTO
DENIED IN FULL
EXEMPTION
6&7



19 August 2004

MEMORANDUM FOR 16 AF/CC

FROM: 16 AF/JA

SUBJECT: Legal Review on Detainee Photograph

1. ACTION.

We reviewed the photograph, statements obtained through AFOSI interviews, the applicable law and regulations, and U.S. policy regarding the treatment of detainees. (b)(5)



2. FACTS.

a. On 14 May 2004, USAFE/DS sent the HQ USAF/XO message directing all "commands" to "report any known incidents, allegations, or investigations involving personnel in their commands regarding inappropriate detainee handling/operations (including, but not limited to, photographs or videos of detainees) from the beginning of Operations ENDURING FREEDOM/IRAQI FREEDOM until present that deviated from proper detainee procedures and requirements. Detainee operations were defined broadly to include, but not limited to, detainee handling, interrogation, transport, photography, and internment by Air Force personnel." The message required commands to conduct a thorough review of any situations found that fell within the requested information. In addition to the HQ USAF/XO message, USAFE/DS directed NAF commanders and installation commanders to report any allegations of prisoner abuse within USAFE's area of responsibility (AOR) to USAFE/SF.

(b)(6),(b)(7)(C) b. 31 SF/CC, Lt Col [redacted] recalled an e-mail containing a photograph of SSgt (b)(6),(b)(7)(C) [redacted] and a detainee that possibly met the criteria outlined in the message. The (b)(6),(b)(7)(C) photograph was taken while SSgt [redacted] was deployed to Kirkuk Air Base, Iraq (Kirkuk), in support of Operation IRAQI FREEDOM. Several members of the 31st Security Forces Squadron (SFS) received a copy of the photograph in an e-mail. 31 SF/CC subsequently reported the photograph and turned it over to AFOSI, Detachment 531 (Det 531) at Aviano Air Base, Italy. (b)(6),(b)(7)(C) The photograph depicts an Air Force member, identified as SSgt [redacted] standing next to a detainee. The detainee is lying on the ground. A hood covers the detainee's head, and his hands (b)(6),(b)(7)(C) are behind his back. SSgt [redacted] is holding his rifle, with the muzzle pointed towards the ground away from the detainee. He is standing with the ball of his left foot resting on the detainee's buttocks. [redacted] is looking towards the photographer. The timeframe of the photograph is 10 August 2003.

(b)(6),(b)(7)(C)

(b)(6),(b)(7)(C) c. On 18 May, Lt Col [redacted] 31 FW/JA, notified 16 AF/JA of this photograph and indicated it fit the criteria of the 14 May 2004, USAF/XO message. This e-mail was forwarded to HQ USAFE/JA. She indicated that the photo was also reported to USAFE/SF through security police channels. OSI reported the matter to their higher headquarters.

(b)(6),(b)(7)(C) d. AFOSI agents from Det 531 did an assessment of the photograph and the facts surrounding it by interviewing 31st SFS members who deployed with SSgt [redacted]. AFOSI also attempted to interview SSgt [redacted] regarding the potential LOAC violation. SSgt [redacted] exercised his right

(b)(6),(b)(7)(C) to remain silent and requested counsel. During interviews, some of the deployed 31st SFS

(b)(6),(b)(7)(C) members recalled the incident with the detainee illegally entering Kirkuk but did not know that a photograph was taken or who took the photograph. They indicated that the detainee in the photograph allegedly jumped the fence surrounding the area patrolled by the SF. Apparently such incidents occurred frequently at Kirkuk. Standard procedure at the time when someone

(b)(6),(b)(7)(C) illegally entered the base was to detain the person, tie their hands with plastic flexi-cuffs or duct tape, place an empty sand bag over their head, and turn them over to the Army detention facility as soon as possible. TSgt [redacted] deployed to Kirkuk at the same time as SSgt [redacted]

(b)(6),(b)(7)(C) According to TSgt [redacted] this was briefed as a standard operating procedure during in-flight orientation at Kirkuk.

(b)(6),(b)(7)(C) e. On 1 June 2004, AFOSI interviewed Major [redacted] the current Operations

(b)(6),(b)(7)(C) Officer at Kirkuk. Major [redacted] stated that deploying USAF security force personnel received normal LOAC training, but his unit did not receive any specific training on how to handle detainees. He also stated that he knew of no official Standard Operating Procedures (SOPs) or Special Security Instructions (SSIs) on how security forces were supposed to handle detainees. Accordingly, he stated that his unit followed guidance in Air Force Instruction (AFI) 31-302 and

(b)(6),(b)(7)(C) LOAC when handling detainees. Major [redacted] also indicated that unwritten operating procedures used by previous deployed units regarding how to handle detainees continued to be the standard practice: using empty sandbags and cuffing them. The rationale for these procedures was to ensure the detainee remained secure and did not see the interior of the base when escorted to the Army detention facility.

(b)(6),(b)(7)(C) f. On 8 July, Lt Col [redacted] 31 FW/JA, completed a legal review of the photograph and facts surrounding it.

[redacted] (b)(5)

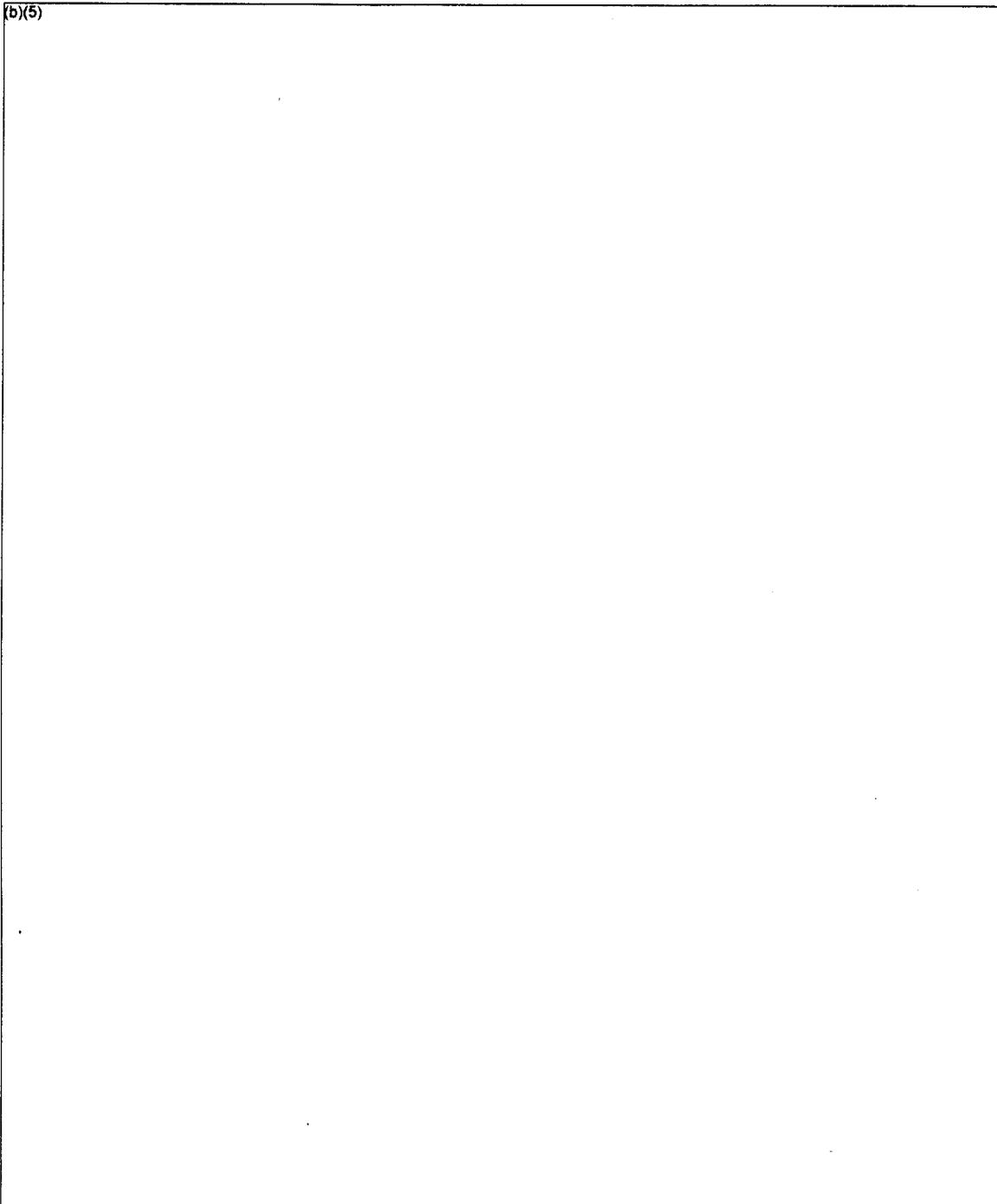
(b)(6),(b)(7)(C) g. Special Agent (SA) [redacted] Commander, 53rd Field Investigative Squadron, Aviano, confirms the case is now closed since no LOAC violation was found. He stated the matter has been closed out with the Air Staff via SAF/IGX (who was responsible for tracking the AF/XO tasker) and DoD via DoD/IG (who was tracking the OSD tasker). No one in AF/XO asked to see the photograph.

3. APPLICABLE LAW & POLICY.

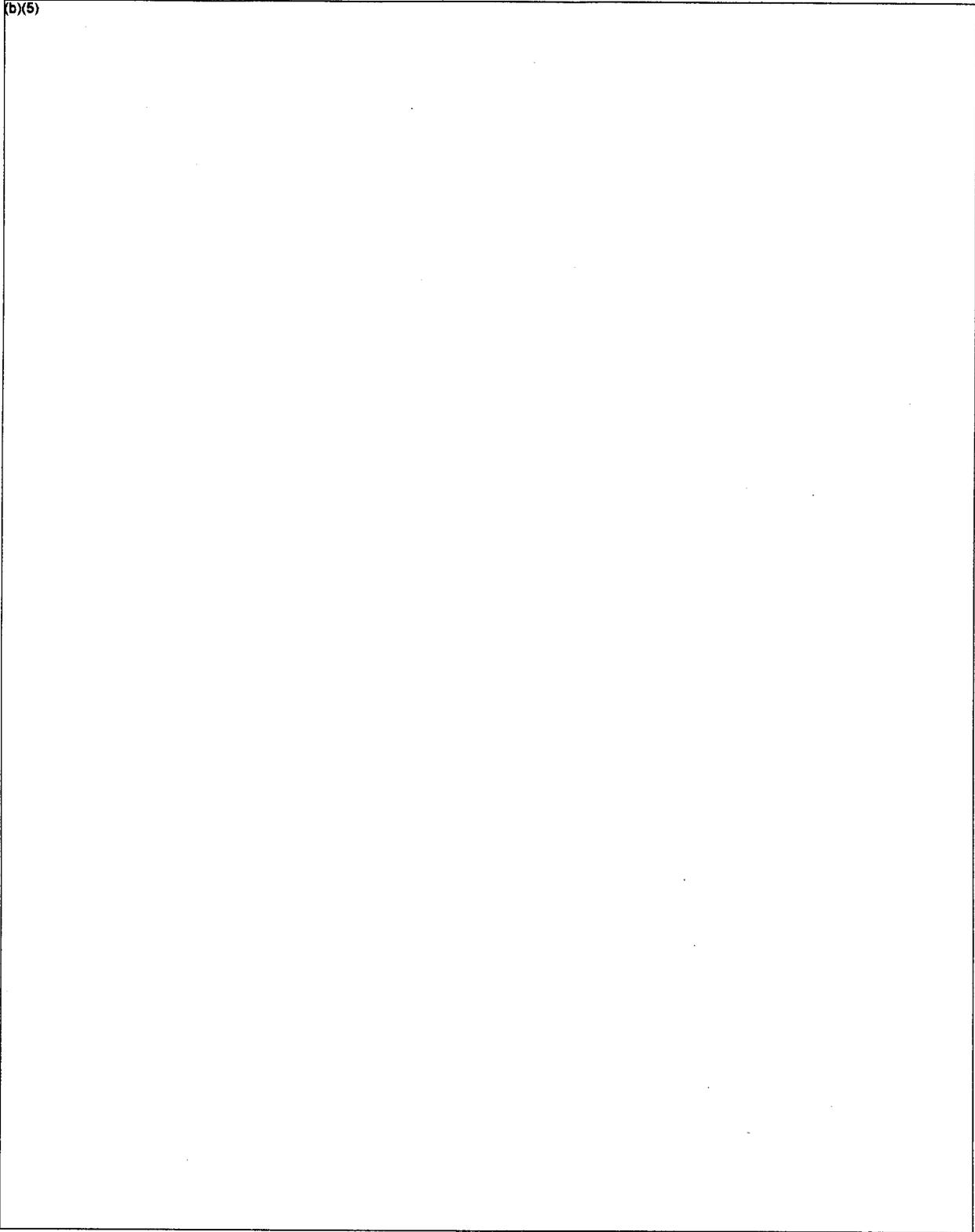
(b)(6),(b)(7)(C) a. To determine whether or not the actions of [redacted] and the photograph taken in the August 2003 rise to the level of a LOAC violation, we reviewed the following relevant

international law, treaties, U.S. law, DoD Directives and USAF policy concerning the treatment of detainees.

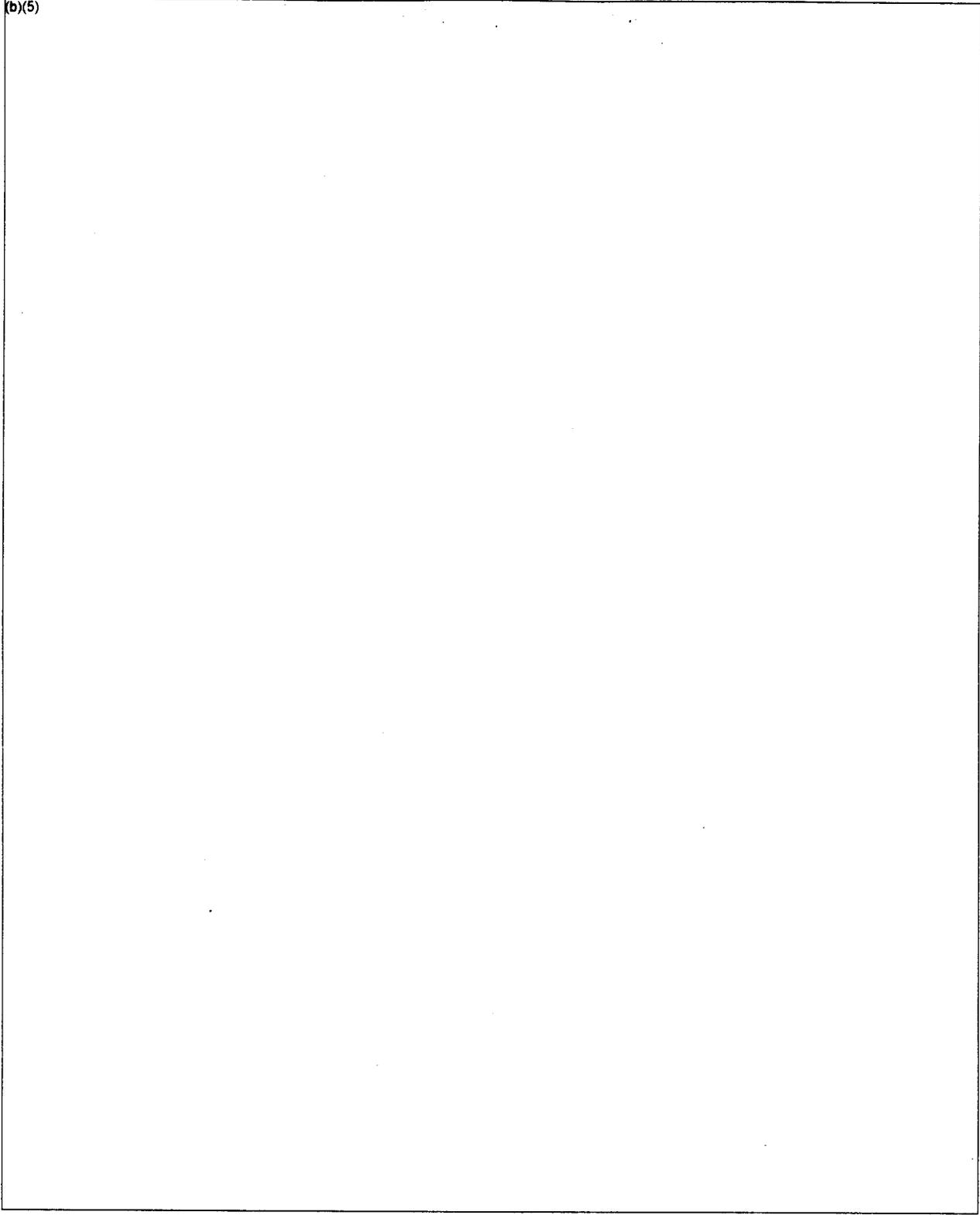
(b)(5)



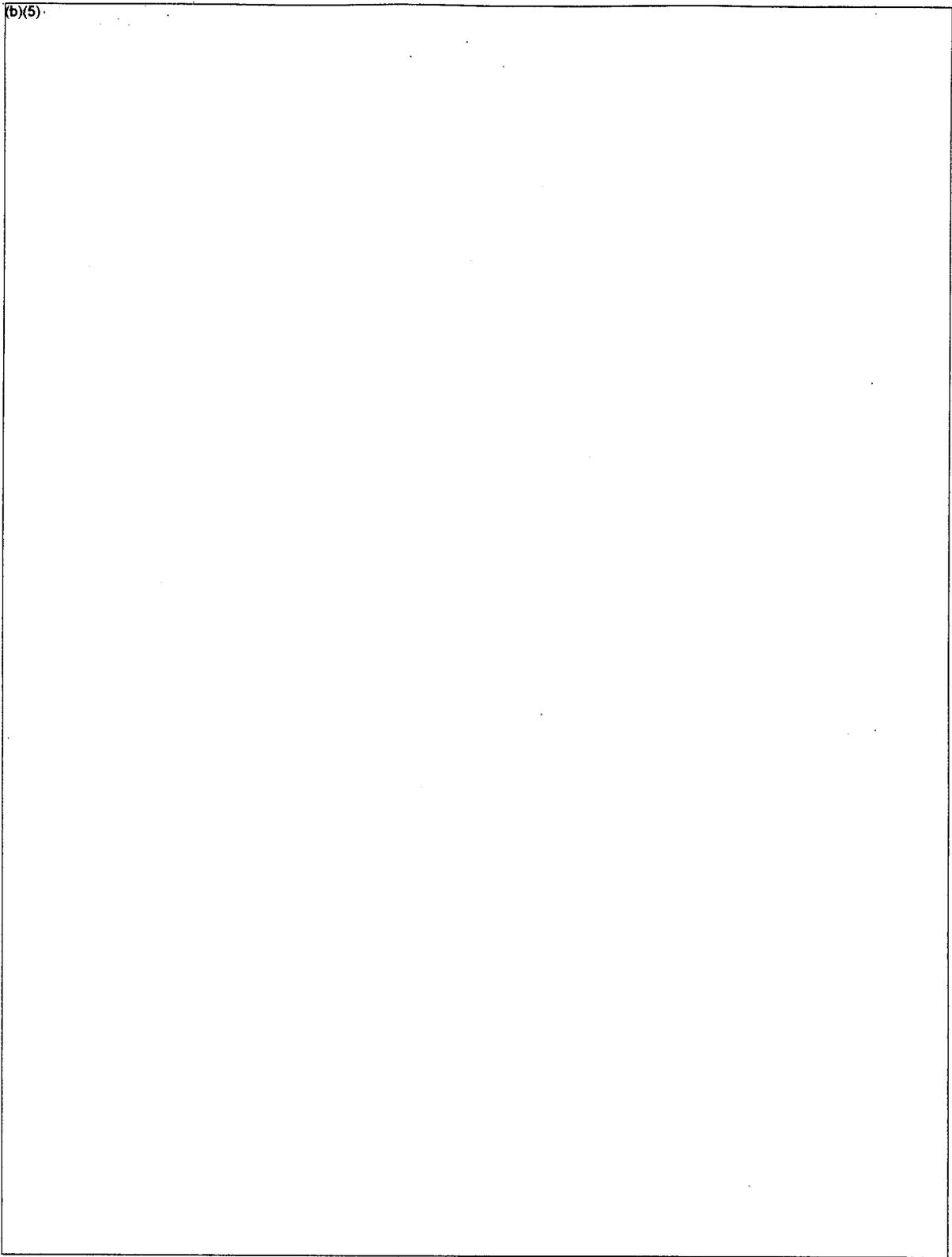
(b)(5)



(b)(5)



(b)(5)

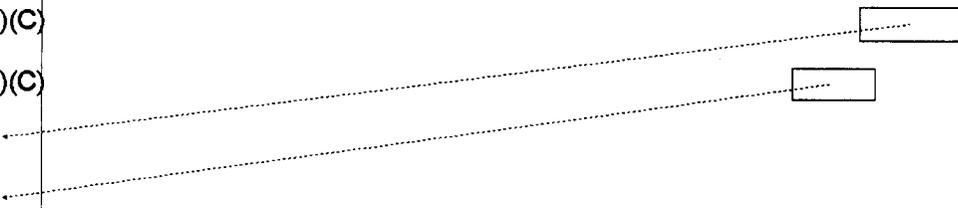


(b)(5)

(b)(6),(b)(7)(C)

(b)(6),(b)(7)(C)

(b)(6),(b)(7)(C)



(b)(5)

(b)(6),(b)(7)(C)

(b)(6),(b)(7)(C)

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(b)(6),(b)(7)(C)

[Redacted]

(b)(6),(b)(7)(C)

[Redacted]

(b)(6),(b)(7)(C)

[Redacted]

(b)(6),(b)(7)(C)

[Redacted]

(b)(6),(b)(7)(C)

[Redacted]

(b)(5)

[Redacted]

(b)(6)

[Redacted]

[Redacted], USAF
Judge Advocate, 16 AF

I concur.

(b)(6)

[Redacted]

[Redacted] Colonel, USAF
Staff Judge Advocate

Attachment
31 FW/JA Legal Opinion

MEMORANDUM FOR AF/JAO

FROM: 435 ABW/JA

(b)(6),(b)(7)(C) SUBJECT: Legal Review of Detainee Photographs - SSgt [redacted] (Subject)

(b)(6),(b)(7)(C) 1. **Background:** On 28 Jan 02, [redacted] a photo developer at the Ramstein Base Exchange and active duty Air Force member, developed pictures depicting hooded individuals on a military aircraft with hands and feet bound. There were also individuals in military uniforms in the photographs. He reported these photographs to AFOSI. AFOSI retrieved all photographs and negatives. (Electronic versions of the photographs are attached to this review.)

(b)(6),(b)(7)(C) 2. AFOSI recovered a signed credit card receipt indicating the film belonged to SSgt [redacted] a member of the 137th Aeromedical Evacuation Squadron, Will Rogers Air National Guard Base, Oklahoma. SSgt [redacted] commander, Lt Col [redacted] confirmed SSgt [redacted] was a member of his unit currently supporting Operation ENDURING FREEDOM.

(b)(6),(b)(7)(C) 3. AFOSI contacted SSgt [redacted] who admitted to taking the photographs on 27 December 2001 and 3 January 2002. SSgt [redacted] explained a verbal policy prohibiting photography on missions was issued on 9 January 2002. He stated he took no further pictures and, to the best of his knowledge, all other crew members complied with this policy.

4. The photographs in question specifically portrayed the following:

a. The majority of the photographs are relatively nondescript, depicting hooded detainees with hands and feet bound. Some photos contain detainees with varying injuries. There are US military in some of these photographs, with some members holding weapons. There are three photographs, however, of more significant concern.

(1) A hooded detainee with a For Him Magazine sitting in his lap. The detainee is hooded, has his feet shackled and his hands are bound behind his back. Although not "pornographic", For Him Magazine is a periodical targeted at men consisting substantially of photographs of women in suggestive poses wearing only lingerie or other skimpy outfits.

(2) The same hooded detainee discussed in (1) above with what appears to be either another magazine with a female dressed in combat gear on the cover or a doll box containing a doll dressed in combat gear on his lap.

(3) The third photograph depicts a male military member showing an open magazine to a hooded/bound detainee. The photograph the member is pointing to is a woman dressed in lingerie, purportedly from the same For Him

Magazine. The member is smiling, as if sharing a joke with the detainee. There are five military members standing behind the detainee, looking on.

5. AFOSI contacted an attorney at the Ramstein base legal office on 29 January 2002.

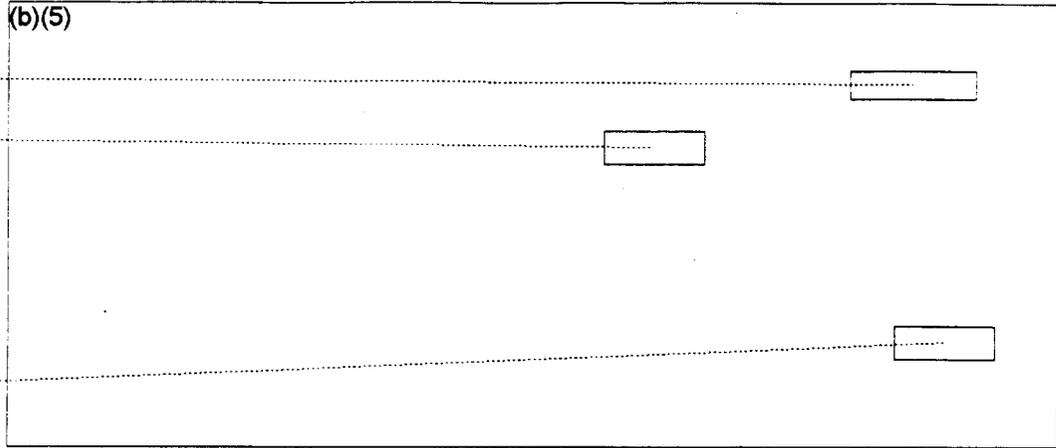
(b)(5)

Accordingly, AFOSI "zeroed" the case file and did not complete any additional investigation. No formal report of investigation was completed. Although several other crew members are depicted in the photographs, no other crew members were questioned, nor was the commander interviewed. There is no further information about any predeployment briefings or other training provided to the unit regarding treatment and photographing of detainees. No disciplinary action was taken.

(b)(5)

(b)(6),(b)(7)(C)

(b)(6),(b)(7)(C)

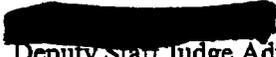


(b)(6),(b)(7)(C)

(b)(6),(b)(7)(C)

(b)(6),(b)(7)(C)

11. If you have questions about this review, please contact me at DSN 314-480-5908.

 Lt Col, USAF
Deputy Staff Judge Advocate

Attachment:
Photographs

PHOTO
DENIED IN FULL
EXEMPTION
6&7

REPORT OF INVESTIGATIVE ACTIVITY

1. DATE OF INVESTIGATIVE ACTIVITY 04 Aug 04	2. PLACE US Embassy, Diplomatic Quarter, Riyadh, Saudi Arabia	3. ACTIVITY NUMBER 13399042180350
--	--	--------------------------------------

4. REMARKS

Victim Interview of:

Date/Place: 04 Aug 04/US Embassy, Diplomatic Quarter, Riyadh, Saudi Arabia
Interviewers:

6667C

VICTIM related the following information in a signed, sworn statement: VICTIM claimed he was captured by the US Army while he was crossing the street from the Sheraton Hotel to the Palestine Hotel in Baghdad, Iraq. VICTIM stated that he was held in an armored vehicle for three days where he was fed, allowed to use a nearby riverbank to clean himself and use the restroom, and US Army soldiers (NFI) retrieved VICTIM's medicine from his hotel room. VICTIM asked to be released repeatedly, but wouldn't release him. VICTIM stated that he was not beaten or otherwise harmed while he was held in the vehicle.

After being held in the vehicle for three days, VICTIM was transported to the Bucca prisoner-of-war (POW) camp near the Iraqi-Kuwaiti border. During the trip, VICTIM stated that he was beaten twice after being handcuffed and thrown to the floor. In addition, VICTIM's money and medicine was taken from him, and unknown personnel interrogated him at least once.

After arriving at the Bucca camp, VICTIM was processed and told that he couldn't be released because he was on a . Someone (NFI) wrote on the front and back of his shirt for identification purposes. In addition, VICTIM was given his baggage from his hotel room, but when he looked inside, he found Iraqi intelligence papers instead of his money and personal documents. VICTIM stated that he told his interrogators that he didn't have any idea where the intelligence papers came from. When VICTIM asked the soldiers about the location of his money, the soldiers simply asked why would give him so much money. VICTIM didn't answer the question.

During his stay at Bucca camp, VICTIM was beaten 6-7 times by various people and put out in the sun for hours at a time. His worst two beatings occurred after the US Army discovered that he planned to escape and take a soldier hostage and after throwing his food at a guard because VICTIM was on a hunger strike. When he threw his food at one of the guards, came into his cell and beat him repeatedly as several soldiers (NFI) held him down. He complained to and sent a Criminal Investigations Division (CID) agent (NFI) to his cell to take his statement. VICTIM indicated that he received another beating for complaining, and the CID never came back with the results of the complaint.

VICTIM stated that he was given a change of clothing and released in Egypt. His identification and money were not returned to him. In addition to the approximately \$60K he had in his luggage, VICTIM stated that he also had money stuffed underneath the mattress in his hotel room. In total, VICTIM stated that he lost approximately \$115K and his personal documents.

As a result of his imprisonment, VICTIM stated that he has needed doctor's care

VICTIM currently has
VICTIM is living on his savings as he can't work or drive because of his medical problems.

5. CONDUCTED BY	6. SIGNATURE
-----------------	--------------

THIS DOCUMENT CONTAINS NEITHER RECOMMENDATIONS NOR CONCLUSIONS OF AFOSI. IT IS THE PROPERTY OF THE AFOSI AND IS LOANED TO YOUR AGENCY; THIS DOCUMENT IS NOT TO BE RELEASED OUTSIDE YOUR AGENCY.

PAGE 1 OF 1 PAGES

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Law Enforcement Agency

EXHIBIT 970055

STATEMENT OF SUSPECT/WITNESS/COMPLAINANT				SUSPECT
PRIVACY ACT STATEMENT				WITNESS/COMPLAINANT
<p>AUTHORITY: 10 U.S.C. 8013; 44 U.S.C. 3101; and EO 9397 PRINCIPAL PURPOSES: Used to record information and details of criminal activity which may require investigative action by commanders, supervisors, security police, AFOSI special agents, etc.; and to provide information to appropriate individuals within DoD organizations who ensure proper legal and administrative action is taken. ROUTINE USES: Information may be disclosed to local, county, state, and federal law enforcement/investigative authorities for investigation and possible criminal prosecution or civil court action. Information extracted from this form may be used in other related criminal and/or civil proceedings. DISCLOSURE IS VOLUNTARY: SSN is used to positively identify the individual making the statement.</p>				
I. STATEMENT INFORMATION				
DATE (YYYYMMDD)	TIME	LOCATION AND INSTALLATION (Bldg/Room No)	UNIT TAKING STATEMENT	REPEAT (if known)
2004 08 04	1612	US Embassy, Riyadh, KSA	Det 243	OFFENSE COMPLAINT
II. PERSONAL IDENTIFICATION (Print or Type)				
NAME (Last, First, Middle Initial)		SSN	STATUS/GRADE	
LOCAL ADDRESS (Include Zip Code)		DATE AND PLACE OF BIRTH (If required)	TELEPHONE	
PERMANENT ADDRESS OR HOME OF RECORD (Include Zip Code)		MILITARY ORGANIZATION/EMPLOYER	DEROS	
SPONSOR INFORMATION				
NAME (Last, First, Middle Initial)		GRADE	SSN	ORGANIZATION
				DUTY PHONE
III. ACKNOWLEDGEMENT OF OFFENSES AND 5TH AMENDMENT/ARTICLE 31 RIGHTS ADVISEMENT (Suspect Only)				
I have been advised that I am suspected of the following offenses:				
ADVISED BY (Full Name and Rank)		INDIVIDUAL IDENTIFIED HIMSELF/HERSELF AS A (SF, special agent, etc.)		
SUSPECT INITIALS	and advised me that I have the following rights according to the 5th Amendment of the U.S. Constitution/Article 31 of the Uniform Code of Military Justice.			
	I have the right to remain silent - that is to say nothing at all.			
	Any statement I make, oral or written, may be used as evidence against me in a trial or in other judicial, non-judicial, or administrative proceedings.			
	I have the right to consult with a lawyer.			
	I have the right to have a lawyer present during this interview. Not Used			
	I may obtain a civilian lawyer of my own choice at no expense to the government.			
	I may request a lawyer any time during this interview.			
	If I decide to answer questions with or without a lawyer present, I may stop the questioning at any time.			
	MILITARY ONLY: If I want a military lawyer, one will be appointed for me free of charge.			
	CIVILIANS ONLY: If I cannot afford a lawyer and want one, a lawyer will be appointed for me by civilian authorities.			
SUSPECT INITIALS	I have read my rights as listed above and I fully understand my rights. No promises, threats, or inducements of any kind have been made to me. No pressure or coercion has been used against me. I make the following choice. (Initial One)			
	I do not want a lawyer. I am willing to answer questions or make a statement or both, about the offense(s) under investigation.			
	I do not want a lawyer and I do not wish to make a statement or answer any questions.			
	I want a lawyer. I will not make any statement or answer any questions until I talk to a lawyer.			
I fully understand my rights and that my signature does not constitute an admission of guilt.				
SIGNATURE OF SUSPECT		SIGNATURE OF WITNESS/INTERVIEWER		

blg b7c

IV. STATEMENT

0087-04-CID 519-81170

SEE NEXT PAGE X

b6, b7C

V. OATH/SIGNATURE

"I hereby voluntarily and of my own free will make this statement without having been subjected to any coercion, unlawful influence, or unlawful inducement. I swear (or affirm) I have read this statement, initialed all pages and corrections, and it is true and correct to the best of my knowledge."

SIGNATURE OF PERSON MAKING STATEMENT

SIGNATURE OF WITNESS/INTERVIEWER

Subscribed and sworn to before me, a person authorized by law to administer oaths, this 4 day of August, 2001 (year).

SIGNATURE OF PERSON ADMINISTERING OATH

VI. INSTRUCTIONS FOR CONTINUATION PAGE

Use plain bond paper (both sides optional). At the top right of each page, print or type "(Last name of individual making the Statement) on (Date)." At the bottom of each page, print or type: "Page ___ of ___ Pages." The individual must initial the top and bottom entries and sign his/her name at the bottom of each page.

AF IMT 1168, 18980401, V2

(REVERSE)

63 of 85

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PAGE 2 OF 14 PAGES

X

LAAG X

0087-047 CID 519-81170

a US permanent Resident

Social security No

Make this statment.

I was in ~~By~~ Baghdad, Iraq trying to convince the Iraqi Rules to yield to US Government demands and possibly step down to avert a war with the US. I was doing that on behalf of Rights & Freedom International. We had placed an 1/8th of a page Add in New York times on Sept 11, 2002 Asking for the peaceful removal of

On April 8 the US Marines and Army inter entered Baghdad and I looked for the person in charge of restoring service and I offered my help to the US Army restarting Ministry of ~~Comm~~ Information servia I was told he would contact me in a couple of days.

b6, b7C

Next day I was crossing the street from my hotel "Sheraton Hotel" to Palastine Hotel when a couple of Iraqi shouted at me "American Coloborator" and I backed out 000058

EXHIBIT 10

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x pg. 3 of 11

* towards my hotel but the US soldier held me; hand cuffed me and placed me into an armoured car. I was told I be questioned ~~and~~ in a couple of hours and released. But nobody came to question me and was held in the Armoured car for 3 days near my hotel.

~~I was refused~~ I requested many times to be let back in my hotel to get my money and belonging but ~~on~~ all my ~~requested~~ requests were denied.

on the 4th day the armored car moved few blocks and I was taken to an Iraqi Government building and taken 10 floors up to the roof.

when I protested my imprisonment I was hand cuffed, taken down, and beaten.

I was later blindfolded and put in a flat bed truck with about 20 Iraqi prisoners and driven for few hours. We arrived at a US Camp and spent the night there. Next day I was driven in a humvee to another camp about half an hour distance

F... .. 12

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000059

pg. 4 of 11

On this camp a soldier came to me and emptied my pocket of money, Identification and medicine. When I protested he whipped me with his gun and when I fell down he kicked me, hit me with the gun butt and stepped on me with his shoes and pointed many strong lights at me. **b6, b7c**

Next day a buss took us to another camp which was in sports Arena where I was intruaged to the intruogator asked me how could I negetiate peace with a bad person as Uday Saddam Hussein. I said I would negotiate peace with any body. He said would you negotiate with P.M. Sharon. I said yes. He said Sharon is a Killer. I said president Bush said he was a man of peace. He said president Bush is and idiot. ~~He~~ He is my commander of cheer but he is and idiot. Then he asked me.

EXHIBIT 10

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Law Enforcement Council

pg 10 of 14

if I know how to get to

I said I possibly could but the US have to give him a safe passage. He said we would then do it the hard way.

0087-04-CID 519-81170

Next day I was driven to Bucca Camp in Umm Kaser in the south of Iraq.

When I arrived the word was written on my white shirt front and back. At this time somebody in the camp said it won't take long to get you out. But after he checked he said he can not release me because I was on a special Interrogation Camp where prisoners were not allowed to talk.

next day I was taken for interrogation and I asked the interrogator if he was CIA? He said it was none of my business

EXHIBIT 10

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Law Enforcement sensitive

pg. 6 of 14
000061

x I said it is ^{my} ~~my~~ business since the CIA is holding me for no valid ~~reason~~ reason. At this time a soldier slapped me on the back of the ~~my~~ neck saying only answer questioned **bb, b7c**

then he showed me Inagi intelligence report claiming that they were found in my bag and when I denied them I was told I am not co-operating and was ~~placed in the~~ ordered placed in the hot sun. when I tried to go in the tent insted they raped me, beat me, and handcuffed and leg chained me and placed me in the sun.

Next day I was writing my abuse when a superior ~~came~~ came and demanded to see what I wrote. when I refused he grabbed it by force and read it and said you are complaining about us while you rape and kill our prisoners. We should do the same to you

EXHIBIT 10

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^x "you are nothing but a peice of shit" I
said you are the peice of shit invading my
country. At this time he and the soldiers
jumped on me beat me up and handcuffed
me and placed me in the hot sun.

0087-04-CID 519-81170

Few hour later they took me to another
introgation who identifies ~~himself~~ himself
as US Customs service and he said he
came because the looting of Iraqi Aircrafts.
I said he can look for that with the US
soldiers who were looting Iraq. I answered
his questions.

b6 b7C

Next day I was moved to general population
I had several intruagations with what
seemed to be CIA and another officer calling
him self regarding my ~~complaints~~
complaints

EXHIBIT 10

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Pg. 8 of 14 x

* most of this interrogation was in
confrontation because I was angry ^{0087-04-CID 519-81170} **bb**
and were verbally as mean as they were **b7c**
and ended in me being beaten up and
sometimes placed in solitary confinement
with my hand cuffed and sometimes even
tied to the cell so I can not sit down.

One time I was insulted badly by a soldier
during "Lunch time" since he said sit down
you dick so I spat on him and for that
I was beaten, handcuffed and legchained
and taken to solitary ~~but~~ by half lifting me
from my hand causing severe shoulder pain.

Seeing things are bad I started planning
with other prisoners staging a riot and
holding soldier hostage but it seemed
the American knew about it so they

Exhibit 10

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000064
pg. 9 of 14x

70 of 85

took me to solitary confinement and ~~hogtied~~ ^{7 AUG X} hogtied me there

0087-04-CID 519-81170

b6, b7c

I went in a hunger strike and a soldier brought me my meat so I ~~threw~~ threw it at him striking the fence. In few minutes

came with 5 soldiers and handcuffed me and leg chained me and started beating me up and kneeling me between the legs cutting my lip.

One day I saw _____ and complained to _____ about the Beatings of _____ and _____ said do not know _____ but _____ knew _____ and sent special Agent from the Criminal Investigating Division

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000065

00. 10 of 14

Who took my complaint in writing and
said he will come back in couple of hours
but soldier came instead of him and beat
me up for making the complaint

0087-04-CID 519-81170

~~Before my~~ I was told I was being released
to Egypt but I said I wanted to be let
in Iraq and when they refused I wanted
to go to US where I have ~~residence~~
residence but they refused as well.

They gave me new cloth but I refused to
change since I wanted to keep my bloody
cloth as evidence about their treatment but
they refuse to let me go unless I change and
they stole my old cloths. **b6, b7C**

I was sent in Egypt where I had severe
due to my 10
day ~~hunger~~ hunger strike and

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Law Enforcement Guidelines

EXHIBIT 10

000066

pg. 11 of 14

x I had a doctor visit me at Home to treat me for a week where I was very weak. After that my psychological suffering was getting worse since I was denied my Medication in the prison and I went to her 10 days and still taking medication for

Also I had used to control the pressure with a single eye drop. Now I have to use 3 eye drops and may be get blind much sooner than I was going to be

bb, b7c

I also have get enough sleep so I am tired all day and do not

Also I am now and

like had become a total suffering for m.

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EXHIBIT 10

000067

6.12.84

and wish to see soon.

0087-04-CID 519-81170

~~I~~ I am now unable to do my business and I had to sell at \$100,000 while it was worth several times that much but ~~it~~ it was a hivesale.

I was a peaceful person in Iraq have the respect of the high official and was no threat to the US and humiliating me and destroying my life is totally immoral and illegal

b6 b7c

Also the theft of all my identification and papers is a total act of vengeance since it is done to most prisoners in my camp to make their life difficult

Also the theft of my money is totally

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EXHIBIT 10

000068
Pg. 13 of 44 K.

74 of 85

* illegal and immoral. III END OF STATEMENT III

0087-04-CID 519 - 81170

b2, b7C

X

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~~Law Enforcement Security~~

EXHIBIT 10

000069 X

PA. 14 of 14 X

FILE NUMBER 13399042180350	AFOSI INVESTIGATIVE COMMUNICATION		DATE OF TRANSMITTAL 20060804
TO: 78 MP Det (CID) (FWD) Camp Arifjan, Kuwait, APO, AE 09366	FROM: AFOSI Det 243 Unit 66200 Box 122, APO, AE 09852		
SUBJECT			
REFERENCES Response to lead sent on 13 Jul 04			
ITEM(S) CHECKED ARE APPLICABLE TO ABOVE SUBJECT			
<input type="checkbox"/>	1. INVESTIGATION HAS BEEN INITIATED AND REPORTS WILL BE FORWARDED AS SOON AS POSSIBLE.		
<input checked="" type="checkbox"/>	2. THIS MATTER IS <input type="checkbox"/> PENDING <input checked="" type="checkbox"/> CLOSED		
<input type="checkbox"/>	3. REQUEST REPORT OF ACTION TAKEN (AFR 124-4)		
<input type="checkbox"/>	4. NOTE RESTRICTIVE LEGENDS ON FRONT OF THE ATTACHMENT(S)		
<input type="checkbox"/>	5. REQUEST INSTRUCTIONS AS TO DISPOSITION OF EVIDENCE LISTED BELOW		
<input checked="" type="checkbox"/>	6. ATTACHED IS FORWARDED FOR <input checked="" type="checkbox"/> INFORMATION <input type="checkbox"/> ACTION		
<input checked="" type="checkbox"/>	7. INVESTIGATION/SUMMARY ATTACHED		
<input type="checkbox"/>	8. REQUEST STATUS OF THIS MATTER AND/OR DATE REPORT MAY BE EXPECTED		
<input type="checkbox"/>	9. REFER ATTACHED TO INTERESTED COMMANDER FOR INFORMATION OR ACTION IF NOT PREVIOUSLY REPORTED		
<input type="checkbox"/>	10. WHEN ATTACHMENT(S) IS/ARE REMOVED, THE CLASSIFICATION OF THIS CORRESPONDENCE WILL BE <input type="checkbox"/> RETAINED <input type="checkbox"/> DOWNGRADED TO <input type="checkbox"/> CANCELED <input type="checkbox"/> MARKED "FOR OFFICIAL USE ONLY"		
REMARKS			
1. In response to lead sent by your office on 13 Jul 04, _____ was interviewed regarding any abuse he suffered while a prisoner of war in Iraq. The following documents were acquired during the interview.			
a. AFOSI Form 40 b. VICTIM's statement c. CY of Enemy Prisoner of War Document d. CY of Invitation by _____ to visit Iraq e. CY of Release Form f. Agent's Notes g. CY of VICTIM's resident alien card h. CD of scanned documents			
2. Direct any further inquires regarding this lead to			
NAI	JRE	ATTACHMENT(S) See Above	COPIES TO: File
AFOSI Detachment 243			

b6, b7c

AFOSI FORM 158, 19840901 (IMT-V3)

000299

-----Original message-----

From:
Sent: Thursday, November 18, 04 4:34 PM
To:
Cc:

Subject: FW: Interview.

I thought I sent you the email traffic below last week. I'm sorry to keep you waiting. Anyway, ref email below, is currently in . His info is below. Please call if you have further questions.

AFOSI Detachment 243

AFOSI Det 243
Unit 66200 Box 122
APO AE 09852-6200

b6, b7C

000300

77 of 85

-----Original Message-----

From:

Sent: Thursday, November 18, 2004 11:06 AM

To:

Subject: Hello

Ref our conversation today, I'll contact you know what he says. Look forward to working with you. this afternoon regarding a re-interview. I'll let

thx,

AFOSI Detachment 243

AFOSI Det 243

Unit 66200 Box 122

APO AE 09852-6200

b6, b7C

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~~Law Enforcement Sensitive~~

11/20/2004

000302

79 of 85

TAB____

MILITARY COMMISSIONS - AUGUST 6, 2003

CURRENT NEWS

LI 16

An August 4, article in the London Sunday Telegraph says that Britain doesn't want any British detainees at Guantanamo returned to Britain for trial. The concern, according to the article, is that Britain can't begin to put the individuals on trial and failing to do that would have significant repercussions for the Blair administration.

Messages

On the Military Commissions Process:

- Military Commissions have historically been used to try violations of the law of war. They take into account the unique battlefield associated with the global war on terrorism that is different from peacetime criminal law enforcement processes in the United States.
- Many of the same principles seen in civilian criminal courts everyday are also part of military commissions. For example, military commissions include the following protections among others: the presumption of innocence, proof of guilt beyond a reasonable doubt, an attorney to represent an accused, nothing said by an accused to his attorney may be used against him, and no adverse inference for choosing to remain silent.
- Commission Panel Members will have as their primary duty ensuring a full and fair trial, and we have every confidence this will happen.
- All accused tried before a military commission will be represented by a military defense counsel free of charge. Military commissions provide an additional option for accused enemy combatants to obtain civilian defense counsel at no expense to the government. This is no different than at Courts-Martial or other civilian criminal proceeding.
- Military commissions will be open to the maximum extent practicable, consistent with protecting national security information.

Reasons for holding detainees

- Detainees at Guantanamo pose a threat to U.S. security. They have demonstrated their will to cause harm to the U.S., its allies, and its interests by participating and supporting terrorism. The detainees will remain under control as long as necessary.
- We are constantly reviewing the detention of each detainee based on various factors, including law enforcement and intelligence, as well as whether the individual would pose a threat to the United States. Each factor needs to be carefully considered before a release may occur.

Humane treatment

- Those detained in Guantanamo Bay are "enemy combatants" and are being held in association with the war on terrorism.
- Detainees at Guantanamo are enemy combatants and do not meet the specific requirements of the Geneva Conventions to be considered prisoners of war.
- Consistent with U.S. policy, all detained enemy combatants are treated humanely and, to the extent appropriate and consistent with military necessity, in a manner consistent with the principles of the Third Geneva Convention of 1949. Among other things, detainees are given: adequate food, water, shelter, clothing, medical treatment, and the freedom to practice their religion.
- The Secretary of Defense has emphatically stated that the Department of Defense has no interest in detaining enemy combatants longer than necessary.
- Before we can release any detainee, we must first ensure that they are no longer a threat to the U.S. or its allies; that we have gleaned all information or intelligence that could be used to prevent further terrorist attacks; and that the individual is not somebody who should face prosecution for criminal activity. This is a slow methodical process that we are actively working.

Source: OGC

A/O: [REDACTED]

Coord: OGC, [REDACTED] SO/LIC, [REDACTED]

GTMO UPDATE - AUGUST 4, 2003**WHAT'S NEW**

LI17

Senator Cornyn (R-TX) visited GTMO Monday to view U.S. detainee detention facilities and conditions.

MESSAGES**Detainee status**

- There are currently about 660 detainees at GTMO. To date, we have announced the release of 64 detainees (27 in July, 14 in May; 18 in March, and five in 2002). In May, four detainees were transferred for continued detention to the Government of Saudi Arabia.
- Before we can release any detainee, we must first ensure that they are no longer a threat to the U.S. or its allies; that we have gleaned all information or intelligence that could be used to prevent further terrorist attacks; and that the individual is not somebody who should face prosecution for criminal activity. This is a slow methodical process that we are actively working.

Suicide attempts

- Suicide attempts now total 29 at GTMO (by 18 individuals).
- We take suicide attempts seriously. While we will not go into details of the attempts, we continue to make every effort to limit these attempts.
- All the individuals were seen by medical personnel. Discovery and rapid intervention by military guards have prevented detainee deaths. We also have mental health and security teams that work together to prevent these injuries.

Juveniles

- We don't discuss specifics of any detainees – to include their ages or nationalities. There are three detainees whom we have assessed to be under

the age of 16. It is difficult to determine exact age as birth records are not readily available for many enemy combatants.

- Like other detainees, these individuals were transferred to Guantanamo because they were captured while actively participating in hostilities against U.S. forces. As with other enemy combatants, it is important that we assess their potential to provide information in the ongoing war on terrorism and that we remove them from the battlefield.
- Age is not a determining factor in detention. We detain enemy combatants, those who are engaged in armed conflict against us.
- We recognize very unfortunate circumstances brought them here. The fact that juveniles are being used as combatants is a reality in many parts of the world.
- JTF GTMO has evaluated them and, consistent with military requirements, provided for suitable detention facilities and treatment. Every effort is made to provide them a secure environment, segregated from the older detainee population, as well as the special physical, psychological and related care they may need.

Humane treatment

- Consistent with U.S. policy, all detained enemy combatants are treated humanely and, to the extent appropriate and consistent with military necessity, in a manner consistent with the principles of the Third Geneva Convention of 1949. Among other things, detainees are given adequate food, water, shelter, clothing, medical treatment, and the freedom to practice their religion.
- Personnel detained at Guantanamo Bay are "enemy combatants" and are being held for reasons of security and necessity. They have demonstrated their will to cause harm to U.S. and allied forces prevent them from continuing to fight against the U.S. and our partners in the War on Terrorism.
- The Secretary of Defense has emphatically stated that the Department of Defense has no interest in detaining enemy combatants longer than necessary.

SOURCE

SOUTHCOM (PA); JTF GTMO PA

Coordination
A/O

SOUTHCOM (PA), JTF GTMO, OGC, SOLIC
[REDACTED]

LI 15!

DETAINEES - 19 MAR 04

CURRENT NEWS SUMMARY

'Red Cross pursuing issue of Iranians detained in Iraq,' *Mehr News Agency*, 16 March 04

'US seeks to clarify status of detainees,' *Boston Globe*, 08 March 04

'As US detains Iraqis, families plead for news,' *NY Times*, 07 Mar 04

BACKGROUND

Detainee numbers (as of 18 Mar 04)

- There are currently 9 500 security and criminal detainees in Iraq (less MEK)
- 3848 MEK, (Total Detainees including MEK: 13 183)
- 18 of the overall number are EPWs [this number is actually now 11, but this is only EPWs who are not HVDs – the HVDs include a significant number of EPWs, e.g., Saddam]
- 1 300 common criminals are being detained due to suspected violations of Iraq criminal law.
- 8 000 are interned because they are a security threat to Coalition Forces (security internees)

Detainee categories

- A security internee is a person who is detained because he/she poses a security threat to Coalition Forces. Under the law of armed conflict, including the Geneva Conventions, Coalition Forces have the authority to intern civilians for imperative reasons of security. Examples of security internees are individuals who have committed terrorist attacks against Coalition Forces. Security internees can also be criminal detainees.

- **A criminal detainee** is a person who is apprehended by Coalition Forces for committing a crime in violation of the Iraqi criminal code (not directed at Coalition Forces). These are common criminals who normally would be detained in local Iraqi jails and prisons but currently are not because, in some parts of the country, the Iraqi prison system has neither the physical space nor the trained personnel to operate these facilities without our assistance. These facilities are now being run by Iraqi personnel with CPA civilian supervision.
- **An Enemy Prisoner of War (EPW)** is a person meeting the criteria of Article 4 of the Geneva Convention Relative to the Protection of Prisoners of War, who engages in belligerent acts under orders of his or her government and is captured.

CJTF 7 to cease role in criminal detainee facilities – March 2004

- Military Police presently do not operate any criminal detainee facilities. All criminal detainee facilities, including the criminal detainee section of Baghdad Central Correctional Facility (BCCF), are operated by the Ministry of Justice under the direction of CPA advisors.
- MPs do, however, serve as an emergency response team for the criminal section of BCF.
- Security Internees are now primarily concentrated at the Security Internee section of BCF. These facilities are operated by MPs. [Many of the HVDs are held as Security Internees; they are not at BCF.]

Security Reconciliation Initiative:

- The Guarantor program was announced by Ambassador Bremer at a Media conference on 07 Jan 04. The program allows the release of certain Iraqi detainees under the supervision or oversight of an appropriate guarantor. Mr. Bremer said the program is designed to "give impetus to those Iraqis who wish to reconcile with their countrymen, (by permitting) hundreds of currently detained Iraqis to return to their homes and to their families.

There are three critical requirements for release:

1. the person released must renounce violence;

2. the person released must have a guarantor, such as a prominent person in his community or a religious or tribal leader who will accept responsibility for the good conduct of the individual being set free
3. the person released must not have been "involved in the death of or serious bodily injury to any human being, an Iraqi, a citizen of the coalition or anyone else..... nor will we release anyone accused of torture or crimes against humanity."

To date, about 200 guarantors have been identified and about 300 detainees released to a guarantor (some guarantors have sponsored more than one detainee).

Detainee database

The Coalition published the list of prisoners it has detained since the war - with the exception of Saddam Hussein - on the Arabic-language website <http://www.iraqcoalition.org/arabic>, which details the name, date and place of birth, address and prisoner number of over 8,000 detainees.

The location of detention is also specified, except in the case of HVDs. It does include most of the individuals of the "deck of cards" of 55 most-wanted officials who have been captured.

The list also includes some women and several foreigners, including an Indian, a Ukrainian, 17 Iranians, 16 Syrians, 11 Saudis, 11 Egyptians, nine Jordanians, four Sudanese, four Yemenis and three Palestinians.

MESSAGES

- All persons under Coalition control are being treated humanely in accordance with international law, including the Geneva Conventions.
- We have established a Security Reconciliation Initiative for Iraqis who are now in detention for non-violent crimes, and who want to reconcile with

their countrymen. This will permit hundreds of detained Iraqis to return to their homes and families.

- We have a review process for security internees that is designed to ensure that only those individuals who are imperative threats to security are interned.

QUESTIONS AND ANSWERS

Q1: Are Iraqi security personnel involved in the operation of detention facilities?

A1: Military Police operate the Security Internees facilities within the BCF. Criminal detainee facilities in Iraq are operated by the Iraq Correctional Service, under the Iraq Ministry of Justice.

Q2: What can you tell us about the living conditions of internees?

A2: Persons under the control of Coalition Forces are treated humanely and accorded the protections of the Geneva Conventions.

Q3: Have you accounted for every internee and detainee?

A3: A system is in place to account for persons held in facilities operated by Coalition Forces. Upon arrival in a processing facility, a capture card containing basic biographical information is prepared. This information is entered into a database that is provided to the International Committee of the Red Cross and distributed to the Ministry of Justice, Iraqi Police, CMOs and Military Police. With few exceptions, a list of detainees is drafted in English and Arabic within 72 hours of a detainee's arrival.

Q4: Has the international community inspected the conditions of your prisons and jails?

A4: In keeping with standing U.S. practice, we have provided the ICRC complete access to Coalition facilities.

Q5. How do ensure you only detain people who are genuine criminals or threats to security?

A5. The Coalition's review process ensures that we only detain and intern those persons who:

- are imperative threats to security,
- are suspected of committing a criminal offense against Coalition Forces, or

- have personal knowledge of activities that threaten the security of Iraq.
- Criminals held for violations of the Iraqi criminal code that do not involve Coalition Forces are reviewed pursuant to Iraqi criminal justice process.

Q6. Can you explain the review process?

A6. There are five major steps in the review process:

1. When a person is detained during a military operation, the military commander in charge is initially responsible for determining whether the detainee meets the criteria for further detention.
2. In most cases, if a detainee is held for more than 72 hours, the case file is reviewed by a military magistrate (attorney) who determines whether there is a legal basis for further detention. If, after the magistrate's review, the commander orders additional detention, the detainee is interned at Baghdad Correctional Facility (BCF).
3. Upon induction at BCF, the detainee's case file will be reviewed a second time by a military attorney. If that attorney recommends release, the case file will be forwarded to the standing Review and Appeal Board, a board of three military officers that has the authority to direct retention or release of an internee.
4. If the Review and Appeal Board finds that there is sufficient basis to intern the individual, then the detainee will be provided with a copy of the internment order (in Arabic) and an opportunity to submit a written appeal of that internment order.
5. If the detainee elects to submit an appeal, the appeal will be reviewed by a panel of officers that may either recommend release or continued detention. In accordance with the Geneva Convention, each case file will be reviewed

at least every six months. [REDACTED]
[REDACTED]

Q7. What happens to Iraqis who are detained on suspicion of committing common crimes?

A7. Iraqis who are detained for the commission of common crimes are referred to the Iraqi court system, where their case is investigated by an Iraqi judge or magistrate.

Q8. Is the review process in accordance with international law?

A8. All Coalition Force operations are conducted in accordance with the applicable international law, including the Geneva Conventions. Coalition Forces have implemented a screening process that exceeds the standards of the Geneva Conventions.

Q9. How many internee facilities are you operating?

A9. CJTF 7 operates a security internee facility within the BCF and other smaller facilities outside Baghdad.

Q10. Are there more security internees than criminal detainees?

A10. Those detained are mostly security internees – those who are detained because they pose a security threat to Coalition Forces.

Examples of security internees are those who have committed terrorist attacks against Coalition Forces.

The rest are criminal detainees – those who are suspected of violating provisions of the Iraqi criminal code.

Q11. Are you holding any individuals claiming to be non-Iraqi citizens?

A11. There are a number of prisoners who are, or claim to be, non-Iraqi.

We work hard to confirm the identity, including the nationality, of persons who are under the control of Coalition Forces.

Q12. How do you assess the identity or nationality of internees?

A12. As noted, individuals provide biographical information when first processed. This information and any other identity documents (e.g., passports) are used to provide an initial determination of citizenship. Standard questioning techniques are also used to help ascertain the identity of individuals.

Q13. What are your obligations to security internees and criminal internees from countries other than Iraq?

A13. All detainees are treated humanely and in accordance with applicable international law, including the Geneva Conventions.

Q14. Are the Article 5 hearings (tribunals) finished?

A14. An Article 5 tribunal is conducted when there is doubt as to whether a detainee is entitled to the protections of the Third Geneva Convention (Prisoners of War). In such cases, CJTF-7 conducts Article 5 tribunals. Currently there are few cases in which an individual is detained whose status is in doubt, but during Operation Iraqi Freedom over 400 such tribunals have been conducted in appropriate cases.

Q15. How did authorities determine when a person's status was in doubt?

A15. Tribunal members considered the facts and circumstances of the capture, and applied the criteria stated in Article 4 of the Third Geneva Convention (Prisoners of War).

Q16. What is the status of the database of internees?

A16. We have established a database containing the names of internees and detainees in Iraq. The database can be accessed by CMOs, the Ministry of Justice, Iraqi Police, Military Police, and International Committee of the Red Cross officials in order to help the public locate family members in detention. We attempt to make this database as complete as possible. We recognize, however, the challenges raised by issues such as differing translations of Arabic names and the lack of communications within Iraq, but we are committed to solving these problems and providing prompt and

full information about those held by Coalition Forces.. [REDACTED]
[REDACTED]

Q17. Are EPW in the custody of CPA or CJTF-7?

A17. The EPWs are currently in the custody of CJTF-7. It should be noted, however, that only a handful of EPWs remain in CJTF-7 custody, with over 7,800 EPWs having been paroled since the end of major military operations in Iraq.

Q18. Is it true as some Iraqis say that when the Coalition forces cannot capture suspects they detain their wives or other relatives?

A18. No. Coalition Forces only detain persons based on evidence that they were personally involved in criminal activity or that they pose an imperative threat to the security of the Coalition and the Iraqi people.

Q19. How many prisoners are in the custody of CJTF-7?

A19. There about 8000 security internees in the custody of CJTF-7. We are continually reviewing these security internees to ensure that we are only holding those who Coalition Forces must hold for security reasons. This review process has already resulted in the release of 3,800 persons, where continued detention was found to be unnecessary.

QUOTES

L. Paul Bremer, Ambassador, Coalition Provisional Authority, 07 Jan 04, CPA Media Conference.

“(Some) Iraqis have opted against the new Iraq. They made a mistake, and they know it. But we are prepared to offer some of them a new chance. To give impetus to those Iraqis who wish to reconcile with their countrymen, we are announcing today that the coalition will permit hundreds of currently detained Iraqis to return to their homes and to their families. Tomorrow, the coalition will release the first 100 detainees.

While there are specific requirements for their release, two are of great importance: First, the person released must renounce violence; and second, the person released must have a guarantor, such as a prominent person in his community or a religious

or tribal leader who will accept responsibility for the good conduct of the individual being set free.

Let me underscore an important point. I want to assure you, this is not a program eligible for those with blood-stained hands. No person involved in the death of or serious bodily injury to any human being, an Iraqi, a citizen of the coalition or anyone else, no such people will be released. Nor will we release anyone accused of torture or crimes against humanity.”

Sources:

- SME: SJA CJTF-7 (JOC): [REDACTED]
- Detainee Category round-up (produced by [REDACTED] Strategic Communications, on [REDACTED])

For more information on this card please contact [REDACTED]

~~SECRET//NOFORN//X1~~



DEPARTMENT OF DEFENSE
JOINT TASK FORCE GTMO
GUANTANAMO BAY, CUBA
APO AE 09360

b2

JTF-GTMO
MEMORANDUM FOR RECORD

08 AUGUST 2005

SUBJECT: (U) DAILY OBSERVATIONS

I. (S//NF) Camp Delta, 08 August 2005

A. (S//NF) On 08 August 2005 the [REDACTED]

b2

[REDACTED] interviewed ISN [REDACTED] regarding the incident between him and an interrogator in Camp [REDACTED] on Friday, 05 August 2005. ISN [REDACTED] stated that the day prior to the incident an interrogator went to ISN [REDACTED]'s cell. ISN [REDACTED] told the interrogator that he would not talk to him. The interrogator replied to the detainee, saying, "Fuck you." The next day the same interrogator went to ISN [REDACTED] cell, the detainee stated he did not want to talk to the interrogator because it was not his regular Intel Team. ISN [REDACTED] stated that the detainee in charge of his block told him to go to the reservation. ISN [REDACTED] complied and was moved to the Intel room. When the Interrogator, the Interpreter, and another person, identified by the detainee only as a female entered the room, ISN [REDACTED] immediately told them that he would not talk to him. ISN [REDACTED] stated that the interrogator immediately became angry and told the detainee that he was going to talk to him and that if he asked a question ISN [REDACTED] would answer it. ISN [REDACTED] then informed the interrogator that he had the right not to speak with the interrogator and that these "rules" must be applied to all detainees. According to ISN [REDACTED] the Interrogator stated that if he was "going to apply these kinds of rules to apply them to his mother." ISN [REDACTED] continued to explain that while the interrogator was saying that he, the interrogator, was doing so with his finger in ISN [REDACTED] face and yelling. The detainee stated that the interrogator continuously cursed out his mother repeatedly, by calling her a "bitch." ISN [REDACTED] responded by spitting on the interrogator. ISN [REDACTED] stated that after he spit, the interrogator hit him with the refrigerator that was in the Intel room, and then hit him in the face with a chair, resulting in the injury to the detainee's right eye. Furthermore, during the interview ISN [REDACTED] lifted his shirt up and revealed two marks, one on his chest and one on stomach, claiming the refrigerator left those marks. The detainee said that after he was hit with the chair, the guards "attacked" him and put him on the floor very forcefully.

b6

DERIVED FROM: USAINSCOM SCG 180-2
DECLASSIFY ON: NI
DATE OF SOURCE: 5 AUG 1996

~~SECRET//NOFORN//X1~~

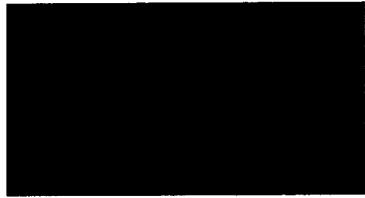
REF-GTMO

() b3

08 August 2005

b2
b3

B. Agent Notes: The detainee lifted up his shirt and showed the marks on his chest and stomach to () There did not appear to be any swelling or bruising, only a couple of small abrasions. The abrasions looked like the shackles could have caused them when the guards restrained the detainee.



b2, b3
b6

DERIVED FROM: USAINSCOM SCG 380-1
REF CLASSIFY ON: XI
DATE OF SOURCE: 5 AUG 1996

[Redacted]

b2

b2

Sent: Wednesday, August 10, 2005 1:45 PM

[Redacted]

b2

b2:
b3
b6
b2:
b2:

About 1145/5 Aug 05, I received telephone notification from [Redacted] Guantanamo Bay, Cuba of an incident that recently occurred at camp [Redacted] informed me that while he accompanied [Redacted] in an interview with ISN [Redacted] ISN [Redacted] stood up and lunged towards [Redacted] and then kicked a chair at him, and then attempted to lunge for the interpreter. [Redacted] jumped in front of the ISN to shield the interpreter, and then ISN [Redacted] bit [Redacted] on the finger. The detainee then dropped to the floor and began yelling that he was being beaten. The detainee received injuries from kicking the chair [Redacted] Neither [Redacted] touched the detainee. [Redacted] and the interpreter were not hurt. The guard force arrived at the interview room to restrain the detainee, however, he is not complying and remains combative. I instructed [Redacted] to seek medical attention. The camp doctor examined [Redacted] to the hospital to receive shots.

b2

[Redacted]

b2, b3, b6

Guantanamo Bay, Cuba
DSN: [Redacted]

b2, b3

8/10/2005

b2
b6
On 5 Aug 05, I, [REDACTED], interviewed ISN [REDACTED]. The interview was conducted in Arabic and translated to English by [REDACTED]. Also present during this interview was [REDACTED]. The interview was conducted in Camp [REDACTED] in the [REDACTED] lower interrogation room.

This interview was scheduled for 9:30 am, after arriving at camp [REDACTED] was notified that ISN [REDACTED] refused to leave his cell for the interview, [REDACTED].

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b2
However, the interpreter and the camp [REDACTED] detainee leader convinced ISN [REDACTED] to go to the interview. The detainee cell leader told ISN [REDACTED] to go to the interview and tell the interrogators that he has nothing to say. Previously I requested for ISN [REDACTED] to be in [REDACTED].

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Once again the detainee leader spoke with ISN [REDACTED]. Again ISN [REDACTED] refused to go to the interrogation room [REDACTED]. A guard force told ISN [REDACTED] that they would transport him without shackles but when he was placed in the interrogation room he [REDACTED]. ISN [REDACTED] arrived to the interrogation room at 11:00 am.

b6
While waiting on the interrogation team arrive ISN [REDACTED] was talking to another detainee that was in the shower, I witnessed this from the observation room. When I arrived at the interrogation room ISN [REDACTED] was very hostile and told the interpreter he was not willing to talk to the dogs (referring to myself and [REDACTED]). I told the detainee that we only had a couple of questions to ask him and that I wanted to introduce myself to him. ISN [REDACTED] continued to talk over me as I was explaining to him what I wanted to accomplish in this interview. The detainee called [REDACTED] and I a dog and he said "fuck your mother". I asked the detainee if he remembered me from two weeks ago when he refused reservation. The detainee again stated that he would not talk to the dogs. I told ISN [REDACTED] that he is talking to us right now; ISN [REDACTED] raised his voice and told me to shut up repeatedly in English. ISN [REDACTED] kicked the center table at the interpreter I stopped the table with my foot. [REDACTED] pushed the table against the door. ISN [REDACTED] then stood up and and began to curse at me. When ISN [REDACTED] started walking over towards the interrogation team, I stood up and told the detainee to sit down several times. ISN [REDACTED] did not comply with my directions. I sat back down in my chair and pointed at the seat and told ISN [REDACTED] to sit down. At this time ISN [REDACTED] became very hostile and began to spit on me repeatedly. He also said that he wanted to fight me [REDACTED].

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b2, b6
I continued to tell ISN [REDACTED] to sit down while pointing at the seat he continued to spit on me, as I moved out of the way ISN [REDACTED] lunged out with his mouth open and bit a piece of my finger. I did not realize it was cut until after the incident. [REDACTED] yelled out cool it three or four times. ISN [REDACTED] continued to spit and curse at me. I raised my chair in front of my face to block the spit from hitting me in the face. ISN [REDACTED] grabbed the legs of the chair and tried to pull the chair out of my hands. When ISN [REDACTED] realized he could not grab the chair from me he then began to look around the room for something to grab. ISN [REDACTED] continued to spit on [REDACTED] picked up his chair to block the spit. [REDACTED] held the chair with one hand and pushed the linguist behind him with the other hand. ISN [REDACTED] grabbed the chair and began to pull it away from [REDACTED]. I then threw a chair at ISN [REDACTED]. However, I did not notice where the chair struck ISN [REDACTED]. Then ISN [REDACTED] began to walk over towards me and I slammed the small refrigerator between myself ISN [REDACTED] to [REDACTED].

create distance between us. When the detainee realized he could not hurt the interrogation team he threw himself on the floor toward the door and said "they are beating me up". The guard force came in at this time, and restrained ISN [REDACTED] from making any further threats to the interrogation team. ISN [REDACTED] was not assaulted by me or any one on the interrogation team at any point during this interview. I threw the chair at ISN [REDACTED] to protect [REDACTED] and the interpreter; ISN [REDACTED] actions were treating the entire interrogation team. While I was in the interrogation room I did not notice any blood coming from ISN [REDACTED]

On 9 Aug 05, I was interviewed in regards to an incident that occurred on 5 Aug 05. I was told by the interrogator that I was a witness but then advised me of my rights. I thought this was odd seeing how I was a witness. The interrogator explained to me that there were concerns during the incident on 5 Aug 05 and a tape of the incident was being sent to Washington. I answered the questions of the incident I observed but did not want to speculate on actions or what an agent might have felt or his motive for action. Each agent perceives threats in different ways depending on the experience of the agent. I perceived a sufficient threat that I felt it necessary to stay between the detainee and the interpreter throughout this incident. The interpreter told me thank-you after the incident because of how close he perceived the detainee got to him. This incident started as an interview with [REDACTED] and interpreter [REDACTED] on 5 Aug 05.

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[REDACTED] The interview was in Camp [REDACTED] in the downstairs interview room. The detainee for the interview was ISN [REDACTED]. After arriving at camp [REDACTED] ISN [REDACTED] refused to leave his cell for the interview. [REDACTED] talked to the guard force about removing ISN [REDACTED] for the interview. The guard force assembled their team but did not have to remove the detainee by [REDACTED]. Interpreters went to the cell to talk with ISN [REDACTED] and the detainee representative convinced him to go to the interview and tell the interrogators that he did not want to talk. When our interview team arrived at the interview room ISN [REDACTED] was talking with a detainee in the shower across the hall. As we walked through the door and were sitting down ISN [REDACTED] told the interpreter to tell them (referring to agents) he would not talk to the dogs (again referring to agents). [REDACTED] tried to get the interpreter to calm ISN [REDACTED] that we only wanted to ask a few questions. Normally we would be introducing ourselves to the detainee but he was so agitated that he did not give agents a chance. The interpreter told ISN [REDACTED] that this brother (referring to [REDACTED]) wanted to ask some questions. ISN [REDACTED] said, "don't say brother he is a dog" and he said, "fuck his mother". ISN [REDACTED] spoke back through the interpreter saying he wasn't talking to the agents. [REDACTED] interrupted the translation from the interpreter saying to ISN [REDACTED] that he was already talking to us. ISN [REDACTED] looked at [REDACTED] and in English told him to shut up. [REDACTED] told ISN [REDACTED] that he knew ISN [REDACTED] spoke English. ISN [REDACTED] kicked the wicker table forward at the interpreter and [REDACTED] topped the table with his foot. I

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grabbed the table and moved it to the wall beside the door so it could not be kicked anymore. ISN [redacted] said something like shut up you bastard and stood up and moved forward with his left side toward [redacted] stood up and told ISN [redacted] to sit down. An exchange of shut ups and sit downs were exchanged between the detainee and [redacted] pointed at the detainee and told him to sit down. I was concerned that the detainee had stood up and appeared to try to take control of the interview. Thinking back now I found myself tunnel visioning on the actions of ISN [redacted] and the need to keep track of the interpreter. I remember the events in pieces and confuse the order some events occurred. The interrogator told me things that I did not recall. I cannot recall how many times ISN [redacted] spit at [redacted] but it would have been at least four. During one of the spitting incidents [redacted] moved out of the way and ISN [redacted] attempted to bite [redacted] finger. From my angle I didn't think ISN [redacted] had bit [redacted] I checked the interpreter and looked back seeing [redacted] holding the chair he was sitting in. I don't know why he picked it up. The interrogator asked me if the detainee grabbed the chair but I cannot remember. I saw [redacted] toss the chair in the direction of ISN [redacted] but I did not see it impact the detainee. This portion of the incident happened vary quickly and my perception of a threat grew to severe concern. There was a detainee standing up and anything could happen. The interrogator repeatedly asked me if I saw it hit the detainee in the face but I did not. I did not watch the path of the chair in the air as I had a threat. I don't know why [redacted] threw the chair. I saw [redacted] reach down for the refrigerator to his right. I was maintaining a position between [redacted] and the interpreter and adjusting as people changed positions. This seemed like a blur of movement as [redacted] shoved the refrigerator at the detainee. The interrogator asked me if he did this with his hands or feet and I believe it was with his hands. Again I don't know the intent of [redacted] If the refrigerator hit the detainee it would have been on the leg. I don't know if [redacted] intended to hit [redacted] or just put it between them. I believe I was moving to stand up and get between the interpreter and [redacted] I stood up and said something like "cool it or calm down" putting my arm between [redacted] The interrogator said that I did this more than once but I can't recall doing it twice. There was a very tense few seconds of exchanges of verbal profanity from both

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the detainee and [REDACTED] I recall ISN [REDACTED] calling [REDACTED] a bitch or bastard and [REDACTED] responding with punk bitch. This ended the direct exchanges between [REDACTED] The detainee shifted his position to put his right side forward closer to the interview room door. I lifted the interpreters chair to block the spitting of [REDACTED] He grabbed the leg of the chair I was holding up but let go when he pulled and it didn't move. When ISN [REDACTED] they go we moved a few steps in the opposite direction of ISN [REDACTED] away from the door. My intent on raising the chair was to deflect any spit from ISN [REDACTED] I used the chair as a shield and never used it as a weapon. I am not sure if the detainee tripped or lunged toward the door where he ended up on the table I had moved earlier. He was speaking in Arabic and the interpreter said he was saying that he was being beaten. No one in the room knocked ISN [REDACTED] down and he was not pushed to end up on the table. As I looked at ISN [REDACTED] did not observe any injuries. The interview group stayed away from ISN [REDACTED] as the MP's made their way into the room. I did not observe [REDACTED] punch, kick, and poke or physically touch ISN [REDACTED] I observed ISN [REDACTED] spit and attempt to bite [REDACTED] The guards took ISN [REDACTED] to the ground using what appeared to me to be minimum force. It did appear from my angle that when ISN [REDACTED] was taken to the ground that his head rubbed against the wall. I did not observe anyone on the MP team strike ISN [REDACTED] We left the interview room so [REDACTED] could have his finger looked at. While in an office with a monitor on the interview room I observed the detainee attempting to bite the MP's. The view from the monitor was the first time I noticed an injury on the detainees face. [REDACTED] had his finger looked at by medical authorities as he indicated that ISN [REDACTED] teeth had made contact with his finger that had previously been cut. While ISN [REDACTED] was still in the interview room with the MP's the detainee in the shower broke the shower so the water was running everywhere. I never observed any eye gouging of ISN [REDACTED] that has been alleged. There were multiple exchanges of profanity between the detainee and [REDACTED] I am not sure what perspective of the camera gave to the incident but my perspective was focused on the detainee's movements and actions while moving and keeping the interpreter behind me. The room we were in became a lot smaller based on the aggression I perceived and the reactions of [REDACTED] Fear, adrenaline, and stress washed me as we left camp [REDACTED] In eighteen years of law enforcement I have never encountered a [REDACTED]

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situation like this. I called [REDACTED] to advise him of the incident

while at camp [REDACTED]

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b7c

4/0/4

SWORN STATEMENT

For use of this form, see AR 190-45; the proponent agency is DDCSDPS

PRIVACY ACT STATEMENT

AUTHORITY: Title 10 USC Section 301; Title 5 USC Section 2951; E.O. 9397 dated November 22, 1943 (SSN).
PRINCIPAL PURPOSE: To provide commanders and law enforcement officials with means by which information may be accurately identified.
ROUTINE USES: Your social security number is used as an additional/alternate means of identification to facilitate filing and retrieval.
DISCLOSURE: Disclosure of your social security number is voluntary.

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b2
b3
b2

1. LOCATION [redacted] Block, Camp [redacted] Guantanamo Bay, Cuba	2. DATE (YYYYMMDD) 2005 08 08	3. TIME [redacted] 02	4. FILE NUMBER
5. LAST NAME, FIRST NAME, MIDDLE NAME [redacted] b6	6. SSN [redacted]	7. GRADE/STATUS [redacted]	
8. LOCATION Camp [redacted] Guantanamo Bay, Cuba 09360			

b3

[redacted] b6, I WANT TO MAKE THE FOLLOWING STATEMENT UNDER OATH:
 That on August 5th 2005 At Approximately 1115 hours. While Working Camp [redacted] Viewing [redacted] block intel Room [redacted] I witnessed A struggle between detainee ISNIT - [redacted] and a member of the [redacted] The detainee and the Team member where struggling over a white wicker Chair. The detainee had one leg of the chair, The team member had both of the chair handles. When the team member gained control of the Chair he ~~put~~ stepped back 3 to 4 feet and threw the Chair striking the detainee in the face. The team member was out of range of the detainee's Reach. The action took by the team member was not necessary he was not close enough to the detainee to be harmed. The detainee was in full restraints, hand restraints, Leg restraints, blue box, belly Chain, and the detainee's leg restraints where secured to the floor. there was two other team members present I did not witness the two team members take any action. End of Statement

10. EXHIBIT	11. INITIALS OF PERSON MAKING STATEMENT [redacted]	PAGE 1 OF 2 PAGES
ADDITIONAL PAGES MUST CONTAIN THE HEADING "STATEMENT OF [redacted] TAKEN AT [redacted] DATED [redacted]"		
THE BOTTOM OF EACH ADDITIONAL PAGE MUST BEAR THE INITIALS OF THE PERSON MAKING THE STATEMENT, AND PAGE NUMBER MUST BE INDICATED.		

DA FORM 2823 DEC 1998

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SWORN STATEMENT

For use of this form, see AR 190-45; the proponent agency is ODCSOPS

PRIVACY ACT STATEMENT

AUTHORITY: Title 10 USC Section 301; Title 5 USC Section 2951; E.O. 9397 dated November 22, 1943 (SSN)
PRINCIPAL PURPOSE: To provide commanders and law enforcement officials with means by which information may be accurately
ROUTINE USES: Your social security number is used as an additional alternate means of identification to facilitate filing and retrieval.
DISCLOSURE: Disclosure of your social security number is voluntary.

1. LOCATION	2. DATE (YYYYMMDD) 31 AUG 85 U.S.	3. TIME (A.M./P.M.) 1445	4. FILE NUMBER
5. LAST NAME FIRST NAME MIDDLE NAME [REDACTED]	6. SSN [REDACTED]	7. GRADE STATUS [REDACTED] b3	
8. ORGANIZATION OR ADDRESS [REDACTED] b3, b6			

b6

WANT TO MAKE THE FOLLOWING STATEMENT UNDER OATH:

On 5 August 2005, while conducting duties on Block [REDACTED] at the block NCO, myself and the BI guard [REDACTED] issued a distress call over the radio. [REDACTED] and I proceeded to respond. [REDACTED] and I were forced to pause our response for approximately 45 seconds to I mean because our main door had to be unsecured by contact. [REDACTED]

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Upon entering [REDACTED] inter room, located on [REDACTED] the detainee, ISN [REDACTED] was being held to the floor by four Camp [REDACTED] guards. The detainee was struggling and yelling in a language other than English. Guard force personnel were telling the detainee to stop struggling. [REDACTED]

b2

[REDACTED] throughout the ordeal the detainee complained in English about his hand and wrist hurting. [REDACTED]

b2

[REDACTED] b6

b2

[REDACTED] and the detainee stopped struggling. [REDACTED] stated that the detainee had something hard on the [REDACTED]

b6

10. EXHIBIT	11. INITIALS OF PERSON MAKING STATEMENT [REDACTED]	PAGE 1 OF 2 PAGES
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ADDITIONAL PAGES MUST CONTAIN THE HEADING "STATEMENT TAKEN AT DATED
THE BOTTOM OF EACH ADDITIONAL PAGE MUST BEAR THE INITIALS OF THE PERSON MAKING THE STATEMENT, AND PAGE NUMBER MUST BE INDICATED.

STATEMENT OF [REDACTED]

TAKEN AT HHS

DATED DEC 5 1950

9. STATEMENT (Continued)

side of his left hip. Upon searching further [REDACTED] found
sack items as pens, tooth brush, hot sauce, cups, a paper cap. [REDACTED]

The detainee had been bleeding. Once it was discovered he was
bleeding from over his left eye the corporation came in and treated
the wound once he was calm. The detainee was also bleeding from
the mouth.

After a few minutes and once the detainee's wound over his eye was
bandaged. We, the guard force, replaced the bunk box, chair and hand iron
with another set placing no hands behind his back.

[REDACTED] carried the detainee to his cell. [REDACTED] I followed in support. Once

b2 The detainee was removed [REDACTED]
team exited the cell, [REDACTED] and myself quickly secured his
cell door manually. [REDACTED]

b6 I then returned to my duties in [REDACTED]

END OF STATEMENT

AFFIDAVIT

b6 I, [REDACTED], HAVE READ OR HAVE HAD READ TO ME THIS STATEMENT
WHICH BEGINS ON PAGE 1, AND ENDS ON PAGE 2. I FULLY UNDERSTAND THE CONTENTS OF THE ENTIRE STATEMENT MADE
BY ME. THE STATEMENT IS TRUE. I HAVE INITIALED ALL CORRECTIONS AND HAVE INITIALED THE BOTTOM OF EACH PAGE
CONTAINING THE STATEMENT. I HAVE MADE THIS STATEMENT FREELY WITHOUT HOPE OF BENEFIT OR REWARD, WITHOUT
THREAT OF PUNISHMENT, AND WITHOUT COERCION, UNLAWFUL INFLUENCE, OR UNLAWFUL INDUCEMENT.

[REDACTED] b6
(Signature of Person Making Statement)

WITNESSES:

Subscribed and sworn to before me, a person authorized by law to
administer oaths, this 5th day of December, 1950.

at [REDACTED]

ORGANIZATION OR ADDRESS [REDACTED]

ORGANIZATION OR ADDRESS [REDACTED]

[REDACTED] (Notary Public)

[REDACTED] (Authority to Administer Oaths)

INITIALS OF PERSON MAKING STATEMENT

PAGE OF PAGES

SWORN STATEMENT

For use of this form, see AR 190-45; the proponent agency is OOC/SOPS

PRIVACY ACT STATEMENT

AUTHORITY: Title 10 USC Section 301; Title 5 USC Section 2951; E.O. 9397 dated November 22, 1943 (SSN).
PRINCIPAL PURPOSE: To provide commanders and law enforcement officials with means by which information may be accurately identified.
ROUTINE USES: Your social security number is used as an additional/alternate means of identification to facilitate filing and retrieval.
DISCLOSURE: Disclosure of your social security number is voluntary.

1. LOCATION Camp [redacted]	2. DATE (YYYYMMDD) 2005/08/05	3. TIME 1100	4. FILE NUMBER [redacted]
5. LAST NAME, FIRST NAME, MIDDLE NAME [redacted]	6. SSN [redacted]	7. GRADE/STATUS [redacted]	
8. ORGANIZATION OR ADDRESS [redacted] GTMO			

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b6
b2

b3
b6

I, [redacted], WANT TO MAKE THE FOLLOWING STATEMENT UNDER OATH.
On 5 Aug-05, [redacted] conducted an interview with ISN [redacted] On 5 Aug 05, [redacted] conducted an interview with [redacted] in Camp [redacted] the interview was conducted in Arabic and translated to English by [redacted] [redacted] was also present during this interview.

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This interview began by ISN US [redacted] wearing and cursing at [redacted] and [redacted] ISN [redacted] related he was not going to talk to any interrogators. [redacted] asked [redacted] to talk in English language. ISN [redacted] called [redacted] a nigger and a bitch. [redacted] began to raise his voice and told [redacted] to shut up. [redacted] stood up and kicked wicker table at [redacted] [redacted] blocked the table with his leg. [redacted] proceeded to walk toward [redacted] [redacted] requested that the detainee sit back down in his chair. The detainee refused to listen to [redacted] request. [redacted] stood up and pointed at the chair and told detainee to sit down again. [redacted] spit on [redacted] [redacted] dodged the spit with a piece of [redacted] as finger. [redacted] began to yell and scream in Arabic. The detainee also continued spitting on [redacted] [redacted] picked up a chair to block the spit from the detainee. [redacted] told [redacted] he wanted to fight. [redacted] tried to take the wicker chair out of [redacted] hand. [redacted] then threw himself against the wall and yelled in Arabic. The MP's intervened at this point. **END OF STATEMENT**

b6

NOT USED [redacted]

10. EXHIBIT	11. INITIALS OF PERSON MAKING STATEMENT [redacted]	PAGE 1 OF 2 PAGES
ADDITIONAL PAGES MUST CONTAIN THE HEADING "STATEMENT OF [redacted] TAKEN AT [redacted] DATED [redacted]"		
THE BOTTOM OF EACH ADDITIONAL PAGE MUST BEAR THE INITIALS OF THE PERSON MAKING THE STATEMENT, AND PAGE NUMBER MUST BE INDICATED.		

STATEMENT OF

TAKEN AT

DATED

9. STATEMENT (Continued)

NOT ISSUED

AFFIDAVIT

I, [redacted] b6, HAVE READ OR HAVE HAD READ TO ME THIS STATEMENT WHICH BEGINS ON PAGE 1, AND ENDS ON PAGE 2. I FULLY UNDERSTAND THE CONTENTS OF THE ENTIRE STATEMENT MADE BY ME. THE STATEMENT IS TRUE. I HAVE INITIALED ALL CORRECTIONS AND HAVE INITIALED THE BOTTOM OF EACH PAGE CONTAINING THE STATEMENT. I HAVE MADE THIS STATEMENT FREELY WITHOUT HOPE OF BENEFIT OR REWARD, WITHOUT THREAT OF PUNISHMENT, AND WITHOUT COERCION, UNLAWFUL INFLUENCE, OR UNLAWFUL INDUCEMENT.

WITNESSES:

ORGANIZATION OR ADDRESS

ORGANIZATION OR ADDRESS

Subscribed and sworn to before me, a person authorized by law to administer oaths, this 5th day of AUGUST, 2005

at [redacted] b6, b3, b6

(Typed Name of Person Administering Oath)

1312 (b) (4)

(Authority To Administer Oaths)

INITIALS OF PERSON MAKING STATEMENT

PAGE 2 OF 2 PAGES

b2
b6
b7c

SWORN STATEMENT		
For use of this form, see AR 190-45; the proper agency is ODCSOPS		
[REDACTED] Block	DATE 5 Aug 75	TIME 1542
LAST NAME, FIRST NAME, MIDDLE NAME	SOCIAL SECURITY NUMBER	FILE NUMBER
ORGANIZATION OR ADDRESS JTC GTMU, Cuba 09360		
GRADE/STATUS		

b2
b6
b7c

I WANT TO MAKE THE FOLLOWING STATEMENT UNDER OATH:
 At approximately 1115 hrs, on 5 Aug 05, while conducting my duties as [REDACTED] Block, a [REDACTED] was asked over my hand held radio, myself and [REDACTED] responded from [REDACTED] Block United Room. Upon entering United room [REDACTED], I noticed ISN [REDACTED] being held on the ground by several of the guard force. [REDACTED] looked as if he was struggling.

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b6

[REDACTED] Later the detainee was checked by a Corporal, he was bleeding from his eye. Corporal treated injury. Detainee moved to [REDACTED].
 END OF STATEMENT

EXHIBIT	INITIALS OF PERSON MAKING STATEMENT [REDACTED] b6	PAGE 1 OF 2 PAGES
ADDITIONAL PAGES MUST CONTAIN THE HEADING "STATEMENT OF _____ TAKEN AT _____ DATED _____ CONTINUED." THE BOTTOM OF EACH ADDITIONAL PAGE MUST BEAR THE INITIALS OF THE PERSON MAKING THE STATEMENT AND BE INITIALED AS "PAGE _____ OF _____ PAGES." WHEN ADDITIONAL PAGES ARE UTILIZED, THE BACK OF PAGE 1 WILL BE LINED OUT, AND THE STATEMENT WILL BE CONCLUDED ON THE REVERSE SIDE OF ANOTHER COPY OF THIS FORM.		

STATEMENT (Continued)

Not Used [redacted] b6

b6

AFFIDAVIT

_____, HAVE READ OR HAVE HAD READ TO ME THIS STATEMENT WHICH BEGINS ON PAGE 1 AND ENDS ON PAGE _____. I FULLY UNDERSTAND THE CONTENTS OF THE ENTIRE STATEMENT MADE BY ME. THE STATEMENT IS TRUE. I HAVE INITIALED ALL CORRECTIONS AND HAVE INITIALED THE BOTTOM OF EACH PAGE CONTAINING THE STATEMENT. I HAVE MADE THIS STATEMENT FREELY WITHOUT HOPE OF BENEFIT OR REWARD, WITHOUT THREAT OF PUNISHMENT, AND WITHOUT COERCION, UNLAWFUL INFLUENCE, OR UNLAWFUL INDUCEMENT.

[redacted] b6
(Subscribing Statement)

WITNESSES:

Subscribed and sworn to before me, a person authorized by law to administer oaths, this _____ day of _____, 20____, at _____

ORGANIZATION OR ADDRESS

ORGANIZATION OR ADDRESS

INITIALS OF PERSON MAKING STATEMENT

[redacted] b6 PAGE 2 OF 2 PAGES

b2
b3
b6

USAPPC V2.00

SWORN STATEMENT

For use of this form, see AR 190-46; the preparing agency is GDCSOPS

PRIVACY ACT STATEMENT

AUTHORITY: Title 10 USC Section 301; Title 5 USC Section 2951; E.O. 9387 dated November 22, 1949 (SSW).
PRINCIPAL PURPOSE: To provide commanders and law enforcement officials with means by which information may be accurately identified.
ROUTINE USES: Your social security number is used as an additional/alternate means of identification to facilitate filing and retrieval.
DISCLOSURE: (Disclosure of your social security number is voluntary.)

1. LOCATION [REDACTED] b2	2. DATE (YYYYMMDD) 2003/08/05	3. TIME 1330	4. FILE NUMBER
5. LAST NAME FIRST NAME (PHONETIC) [REDACTED]	6. SSN [REDACTED]	7. GRADE/ST [REDACTED]	b3, b6

9. [REDACTED] b6) WANT TO MAKE THE FOLLOWING STATEMENT UNDER OATH:

WHILE WORKING IN CONTROL, AT APPRTOX 1115hrs A [REDACTED] WAS CALLED FOR THE [REDACTED] BLOCK b2
INTEL ROOM. ONCE THEIR I SAW THAT A DETAINEE ISN [REDACTED] WAS ON THE FLOOR
STRUGGLING WITH FOUR GUARDS. I STEPPED IN TO HELP [REDACTED] ONCE THERE
THE DETAINEE CALMED DOWN SOME, I NOTICED THAT THE DETAINEE WAS BLEEDING [REDACTED] HIS RIGHT EYE.
THE CORPSMAN WAS CALLED FOR [REDACTED]

WHEN THE CORPSMAN ARRIVED WE TRIED TO MOVE THE
DETAINEE TO HIS KNEES SO THE CORPSMAN COULD LOOK AT THE DETAINEE. THE DETAINEE STARTED TO
STRUGGLE AND WAS PUT BACK DOWN TO THE GROUND. THE CORPSMAN LOOKED AT THE WOUND AND
CLEANED IT AND BANDAGED IT. AT THIS TIME WE DID A SEARCH OF THE DETAINEE AND FOUND SEVERAL
ITEMS TIED TO HIS WAIST AND HIS LEGS. THE ITEMS WERE CUT OFF WITH SAFETY CUTTERS AND TAKEN.
THE DETAINEE WAS THEN MOVED BACK TO HIS CELL. [REDACTED] ALL OF THIS WAS DONE USING THE MINIMUM
AMOUNT OF FORCE NEEDED TO RESTRAIN THE DETAINEE. [REDACTED] b6
END OF STATEMENT

10. EXHIBIT	11. INITIALS OF [REDACTED] STATEMENT [REDACTED] b6	PAGE 1 OF 2 PAGES
ADDITIONAL PAGES MUST CONTAIN THE HEADING "STATEMENT OF [REDACTED] TAKEN AT [REDACTED] DATED [REDACTED]"		
THE BOTTOM OF EACH ADDITIONAL PAGE MUST BEAR THE INITIALS OF THE PERSON MAKING THE STATEMENT, AND PAGE NUMBER MUST BE INDICATED.		

SWORN STATEMENT

For use of this form, see AR 190-45; the proponent agency is ODCSOPS

LOCATION	[REDACTED] b2	DATE	[REDACTED]	TIME	1350	FILE NUMBER	
FIRST NAME, MIDDLE NAME	[REDACTED] b6	SOCIAL SECURITY NUMBER		GRADE/STATUS			
ORGANIZATION OR ADDRESS							

[REDACTED] WANT TO MAKE THE FOLLOWING STATEMENT UNDER OATH:

I was conducting my duties in the [REDACTED] block area. At approximately 1115 AM, [REDACTED] was sounded over the radio system. I responded immediately to the call, however when I arrived on site I found the detainee already pinned [REDACTED] ~~minimal force necessary~~. I remained in the area on stand by and was briefed on the incident. Apparently the detainee attacked his interrogator during a reservation. When I arrived onsite I also saw that the interrogator was bleeding from a finger. While on standby the initial response personnel noticed that detainee [REDACTED] had BI and CI gear strapped to his person. I assisted at that time in collecting the items some of the items were what are considered to be contraband and I could not speculate as to why detainee [REDACTED] would hide them on his person. After the items were collected I was instructed to clear out cell [REDACTED] which was detainee [REDACTED] cell. I was instructed to remove everything from the cell and the word "everything" was stressed more than once. I then proceeded to cell [REDACTED] and removed every item from the cell. I placed all items into the [REDACTED] interrogation room at [REDACTED] block. I was advised [REDACTED] b6

END OF STATEMENT

[REDACTED] b6

EXHIBIT	IN [REDACTED] PERSON MAKING STATEMENT	PAGE 1 OF 1 PAGES
---------	---------------------------------------	-------------------

ADDITIONAL PAGES MUST CONTAIN THE HEADING "STATEMENT OF [REDACTED] TAKEN AT [REDACTED] DATED [REDACTED] CONTINUED." THE BOTTOM OF EACH ADDITIONAL PAGE MUST BEAR THE INITIALS OF THE PERSON MAKING THE STATEMENT AND BE INITIALED AS "PAGE [REDACTED] OF [REDACTED] PAGES." WHEN ADDITIONAL PAGES ARE UTILIZED, THE BACK OF PAGE 1 WILL BE LINED OUT, AND THE STATEMENT WILL BE CONCLUDED ON THE REVERSE SIDE OF ANOTHER COPY OF THIS FORM.

STATEMENT (Continued)



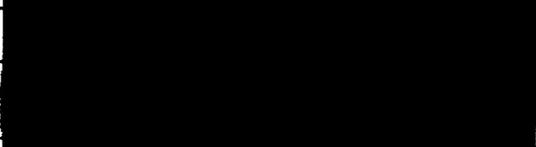
AFFIDAVIT

I, [REDACTED], HAVE READ OR HAVE HAD READ TO ME THIS STATEMENT WHICH BEGINS ON PAGE 1 AND ENDS ON PAGE 2. I FULLY UNDERSTAND THE CONTENTS OF THE ENTIRE STATEMENT MADE BY ME. THE STATEMENT IS TRUE. I HAVE INITIALED ALL CORRECTIONS AND HAVE INITIALED THE BOTTOM OF EACH PAGE CONTAINING THE STATEMENT. I HAVE MADE THIS STATEMENT FREELY WITHOUT HOPE OF BENEFIT OR REWARD, WITHOUT THREAT OF PUNISHMENT, AND WITHOUT COERCION, UNLAWFUL INFLUENCE, OR UNLAWFUL INDUCEMENT.

[REDACTED] b6
(Signature of Person Making Statement)

WITNESSES:

Subscribed and sworn to before me, a person authorized by law to administer oaths, this 5 day of AUGUST 1995 at



b2, b3, b6

ORGANIZATION OR ADDRESS

ORGANIZATION OR ADDRESS

ART 136 (b) (4)
(Authority To Administer Oaths)

INITIALS OF PERSON MAKING STATEMENT

PAGE 2 OF 2 PAGES

USAPPC V2.00

SWORN STATEMENT			
For use of this form, see AR 190-48; the agency is ODCSOPS			
LOCATION JTF GTMO CAMP [REDACTED]	DATE 5 AUG 05	TIME 1115	FILE NUMBER
ORGANIZATION OR ADDRESS JTF GTMO	SOCIAL SECURITY NUMBER [REDACTED]	[REDACTED]	
[REDACTED] WANT TO MAKE THE FOLLOWING STATEMENT UNDER OATH:			
ON THE ABOVE DATE AT APPROXIMATELY 1110 HOURS,			
[REDACTED] WAS PLACED INTO [REDACTED]			
INTEL ROOM [REDACTED] FOR RESERVATION. WHILE SITTING OUTSIDE			
ON THE TIER [REDACTED] AND I OVERHEARD ARGUING			
INSIDE THE INTEL ROOM BETWEEN [REDACTED] AND HIS INTEL			
TEAM. WHEN WE PULLED DOWN THE MAGNET AND LOOKED			
INSIDE, [REDACTED] WAS STANDING PLAYING TUG OF WAR WITH			
ONE OF THE WHITE WICKER CHAIRS [REDACTED]			
[REDACTED] CALLED [REDACTED]			
[REDACTED] ON THE RADIO. MYSELF [REDACTED] ENTERED			
THE INTEL ROOM FOLLOWED BY [REDACTED] AS WE			
ENTERED THE INTEL ROOM [REDACTED] HAD FALLEN ON			
THE WICKER TABLE WAS SITTING DOWN. HE BEGAN TO			
STAND BACK UP WHEN WE TOOK HIM TO THE GROUND			
USING THE MINIMUM AMOUNT OF FORCE NECESSARY. MORE			
GUARDS RESPONDED AND ENTERED TO HELP SECURE HIS LEGS			
WHILE [REDACTED] AND I SECURED HIS HANDS [REDACTED]			
EXHIBIT	INITIALS OF [REDACTED]	STATEMENT	PAGE 1 OF 2 PAGES
ADDITIONAL PAGES MUST CONTAIN THE HEADING "STATEMENT OF [REDACTED] TAKEN AT [REDACTED] DATED [REDACTED] CONTINUED." THE BOTTOM OF EACH ADDITIONAL PAGE MUST BEAR THE INITIALS OF THE PERSON MAKING THE STATEMENT AND BE INITIALED AS "PAGE [REDACTED] OF [REDACTED] PAGES." WHEN ADDITIONAL PAGES ARE UTILIZED, THE BACK OF PAGE 1 WILL BE LINED OUT, AND THE STATEMENT WILL BE CONCLUDED ON THE REVERSE SIDE OF ANOTHER COPY OF THIS FORM.			

DA FORM 2823, JUL 72

SUPERSEDES DA FORM 2823, 1 JAN 68, WHICH WILL BE USED.

USAPPC V2.00

STATEMENT (Continued)

b6
b6
b2

remained secure while [REDACTED]

[REDACTED] THEN

MYSELF [REDACTED] LIATED [REDACTED]

AND CARRIED HIM BACK TO HIS CELL. USING MINIMUM AMOUNT OF FORCE NECESSARY [REDACTED]

CELL EXITING PROCEDURES, WE UNRESTRAINED [REDACTED] AND EXITED THE CELL. AS WE PULLED OFF OF [REDACTED] HE JUMPED UP AND TRIED TO EXIT THE CELL BUT WAS UNSUCCESSFUL. THE CELL WAS SECURED AND ISOLATED. THE DETAINEE SUFFERED A SMALL LACERATION OVER HIS RIGHT EYE. THE CORPSMAN DRESSAGED IT. [REDACTED]

/// END OF STATEMENT ///

b2

b6

b6

AFFIDAVIT

b6

[REDACTED], HAVE READ OR HAVE HAD READ TO ME THIS STATEMENT WHICH BEGINS ON PAGE 1 AND ENDS ON PAGE 2. I FULLY UNDERSTAND THE CONTENTS OF THE ENTIRE STATEMENT MADE BY ME. THE STATEMENT IS TRUE. I HAVE INITIALED ALL CORRECTIONS AND HAVE INITIALED THE BOTTOM OF EACH PAGE CONTAINING THE STATEMENT. I HAVE MADE THIS STATEMENT FREELY WITHOUT HOPE OF BENEFIT OR REWARD, WITHOUT THREAT OF PUNISHMENT, AND WITHOUT COERCION, UNLAWFUL INFLUENCE, OR UNLAWFUL INDUCEMENT.

b6

WITNESSES:

ORGANIZATION OR ADDRESS

ORGANIZATION OR ADDRESS

Subscribed and sworn to before me, a person authorized by law to administer oaths this [REDACTED] at [REDACTED]

b2,
b3,
b6

(36 (b) (4))

(Authority To Administer Oaths)

INITIALS OF PERSON [REDACTED]

PAGE 2 OF 2 PAGES

USAPPC V2.00

b6

SWORN STATEMENT

For use of this form, see AF 180-15, the proper

DDCSO b6

LOCATION Camp [REDACTED]	DATE 05 AUG 2005	TIME 1650	FILE NUMBER
LAST NAME, FIRST NAME, MIDDLE NAME [REDACTED]		SOCIAL SECURITY NUMBER	GRADE/STATUS [REDACTED] b3
ORGANIZATION OR ADDRESS Camp [REDACTED] Guantanamo Bay, Cuba APO 09360			

b2
b2
b6
b2
b3
b2
b6
b2

WANT TO MAKE THE FOLLOWING STATEMENT UNDER OATH.

PLACED US INTO THE INTEL ROOM. APPROXIMATELY 3 MINUTES LATER I AND [REDACTED] HAD JUST HEARD THE DETAINEE YELLING AND SCREAMING, "FUCK YOU, YOU FUCKING NIGGER, YOU FUCKING BASTARD," AND THEN HEARD A LOUD THUMP. I LOOKED INSIDE OF THE INTEL ROOM AND SAW THE DETAINEE STANDING UP YELLING AT THE INTERROGATOR AND LUNGING TOWARDS HIM. I THEN CALL A [REDACTED] I ALSO TOLD CONTROL TO OPEN THE INTEL ROOM. ONCE THE DOOR WAS OPEN THE DETAINEE NOTICED MYSELF AND [REDACTED] LUNGED TOWARD US, BUT FELL ON TO THE WICKER TABLE. I THEN PLACED MYSELF ON TOP OF THE DETAINEE WITH THE MINIMUM AMOUNT OF FORCE NECESSARY. MYSELF AND THE DETAINEE FELL ON THE FLOOR. I NOTICED THAT THE DETAINEE HAD A CUT ABOVE HIS RIGHT EYEBROW. (SGT DURNIN AND [REDACTED] TOOK CONTROL OF THE DETAINEE'S UPPER TORSO AND LEGS WHILE I CONTROLLED THE HEAD. THE REST OF THE RESPONSE FORCE ARRIVED INCLUDING [REDACTED] AND [REDACTED]. THE DETAINEE CONTINUED TO RESIST AND STATING, "YOU FUCKING BASTARDS, YOU MOTHER FUCKERS." THE CORPSMAN ARRIVED TO [REDACTED] BLOCK AND LOOKED AT THE DETAINEE'S RIGHT EYE, AND PLACED A BANDAGE OVER IT. MEANWHILE THE DETAINEE WAS STATING TO THE CORPSMAN, "FUCK YOU, YOU FUCKING BASTARD." [REDACTED] PLACED HIS HAND ON THE DETAINEE'S LEFT HIP AND NOTICED THAT HE HAD SOMETHING IN HIS SHORT THAT WERE UNDER HIS PANTS. [REDACTED] AND [REDACTED] BEGAN TO SEARCH EVEN FURTHER AND FOUND A PEN AND OTHER ITEMS. I NOTICED THAT ALL OF THE ITEMS WERE STRAPPED TO THE DETAINEE'S LEGS. MYSELF, [REDACTED] AND [REDACTED] WERE INSTRUCTED BY [REDACTED] TO REMOVE THE BELLY CHAIN AND HAND RESTRAINTS, AND APPLY THE HAND RESTRAINTS TO THE REAR OF THE DETAINEE SO THAT WHEN PLACED BACK INTO CELL WE COULD REMOVE THEM SAFELY. THE DETAINEE WAS COMPLIANT WHILE REMOVING AND REAPPLYING THE RESTRAINTS. WE CAREFULLY CARRIED THE DETAINEE TO CELL [REDACTED] AND LAID HIM ON THE FLOOR. I HAD A HOLD OF THE DETAINEE'S HEAD, [REDACTED] HAD THE LEGS (VJ NELSON) HAD CONTROL OF THE DETAINEE'S RIGHT ARM, AND [REDACTED] HAD THE LEFT ARM. [REDACTED] THEN BEGAN TO REMOVE THE RESTRAINTS. ONCE THE RESTRAINTS WERE REMOVED [REDACTED] HAD CONTROL OF THE DETAINEE'S HANDS AND LEGS WHILE THE REST OF US FILED BEHIND EACH OTHER GETTING READY TO EXIT CELL [REDACTED] WHEN WE BEGAN TO MOVE OUT THE DETAINEE STOOD UP AND RAN TOWARDS THE DOOR WHILE IT WAS CLOSING. THE DETAINEE WAS ABLE TO STOP THE DOOR FROM CLOSING, BUT THEN RELEASED AND THE DOOR WAS SECURED.

END OF STATEMENT

b2
b6
b6
b2

EXHIBIT	INITIALS OF [REDACTED] STATEMENT	PAGE 1 OF 2 PAGES
ADDITIONAL PAGES MUST CONTAIN THE HEADING "STATEMENT OF [REDACTED] TAKEN AT [REDACTED] DATED [REDACTED] CONTINUED."		
THE BOTTOM OF EACH ADDITIONAL PAGE MUST BEAR THE INITIALS OF THE PERSON MAKING THE STATEMENT AND BE INITIALED AS "PAGE [REDACTED] OF [REDACTED] PAGES." WHEN ADDITIONAL PAGES ARE UTILIZED, THE BACK OF PAGE 1 WILL BE LINED OUT, AND THE STATEMENT WILL BE CONCLUDED ON THE REVERSE SIDE OF ANOTHER COPY OF THIS FORM.		

DA FORM 2823, JUL 72

SUPSEDES DA FORM 2823, 1 JAN 68, WHICH WILL BE USED.

USAPPC V2.00

STATEMENT (Continued)

NOT USED

AFFIDAVIT

I, _____, HAVE READ OR HAVE HAD READ TO ME THIS STATEMENT WHICH BEGINS ON PAGE 1 AND ENDS ON PAGE ____ . I FULLY UNDERSTAND THE CONTENTS OF THE ENTIRE STATEMENT MADE BY ME. THE STATEMENT IS TRUE. I HAVE INITIALED ALL CORRECTIONS AND HAVE INITIALED THE BOTTOM OF EACH PAGE CONTAINING THE STATEMENT. I HAVE MADE THIS STATEMENT FREELY WITHOUT HOPE OF BENEFIT OR REWARD, WITHOUT THREAT OF PUNISHMENT, AND WITHOUT COERCION, UNLAWFUL INFLUENCE, OR UNLAWFUL INDUCEMENT.

Subscribed and sworn to before me, a person authorized by law to administer oaths, this 5th day of August

(Typed Name of Person Administering Oath)

ART 136 (b) (4) UCMJ

(Authority To Administer Oath)

WITNESSES:

ORGANIZATION OR ADDRESS

ORGANIZATION OR ADDRESS

INITIALS OF PERSON MAKING STATEMENT

PAGE 2 OF 2 PAGES

USA-PPC 07.00

SWORN STATEMENT

For use of this form, see AR 190-46; the proponent agency is ODCSOPS

LOCATION Hotel room	DATE 03 AUG 05	TIME 1200	FILE NUMBER
NAME, FIRST NAME, MIDDLE NAME, LAST NAME [REDACTED]	SOCIAL SECURITY NUMBER	GRADE	[REDACTED]
ORGANIZATION OR ADDRESS JTF	[REDACTED]		

b2

b6

b3

b3, b6

I, [REDACTED], WANT TO MAKE THE FOLLOWING STATEMENT UNDER OATH:

b6

I Responded to a [REDACTED] Found Detainee [REDACTED] restrained on the ground. Detainee had a small laceration over right eye. Cleaned with Peroxide, and covered with small dressing. Turned Detainee over to MP's and will follow up in PM with Detainee. End of Statement

b2

b2

b4

EXHIBIT	[REDACTED]	MAKING STATEMENT	PAGE 1 OF 2 PAGES
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ADDITIONAL PAGES MUST CONTAIN THE HEADING "STATEMENT OF _____ TAKEN AT _____ DATED _____ CONTINUED." THE BOTTOM OF EACH ADDITIONAL PAGE MUST BEAR THE INITIALS OF THE PERSON MAKING THE STATEMENT AND BE INITIALED AS "PAGE _____ OF _____ PAGES." WHEN ADDITIONAL PAGES ARE UTILIZED, THE BACK OF PAGE 1 WILL BE LINED OUT, AND THE STATEMENT WILL BE CONCLUDED ON THE REVERSE SIDE OF ANOTHER COPY OF THIS FORM.

DA FORM 2823, JUL 72

SUPERSEDES DA FORM 2823, 1 JAN 68, WHICH WILL BE USED.

USAPPC V2.00

STATEMENT (Continued)

Not used

b6

AFFIDAVIT

_____, HAVE READ OR HAVE HAD READ TO ME THIS STATEMENT WHICH BEGINS ON PAGE 1 AND ENDS ON PAGE _____. I FULLY UNDERSTAND THE CONTENTS OF THE ENTIRE STATEMENT MADE BY ME. THE STATEMENT IS TRUE. I HAVE INITIALED ALL CORRECTIONS AND HAVE INITIALED THE BOTTOM OF EACH PAGE CONTAINING THE STATEMENT. I HAVE MADE THIS STATEMENT FREELY WITHOUT HOPE OF BENEFIT OR REWARD, WITHOUT THREAT OF PUNISHMENT, AND WITHOUT COERCION, UNLAWFUL INFLUENCE, OR UNLAWFUL INDUCEMENT.

WITNESSES:

ORGANIZATION OR ADDRESS

ORGANIZATION OR ADDRESS

INITIALS OF PERSON MAKING STATEMENT

Subscribed and sworn to before me, a person authorized by law to administer oaths, this 5 day of AUG, 2005

at

b6
b2, b3, b6

ART 136 (b) (4) UCMJ
(Authority To Administer Oaths)

PAGE 2 OF 2 PAGES

USAPPC V2.00

SIGACT ENTRY FOR [REDACTED]		b2
1. Harassing Guard [REDACTED]		2. Entry DTG 07AUG2005 2214L
3. Description [REDACTED] Cell [REDACTED] WAS SHOUTING TO IRF TEAM AS THEY BROUGHT [REDACTED] TO [REDACTED] "STUPID AMERICAN DONKEY! YOU REMEMBER SEPTEMBER 11TH! NEXT TIME IT WILL BE AMERICA! IT WILL BE ALL AMERICANS THAT DIE!"		
4. Options: <input type="checkbox"/> Is a SIGACT <input type="checkbox"/> Is a Detainee Note		
4. Name of the DFE Entrant [REDACTED]	5. Entrant BSN [REDACTED]	6. Entrant Grade [REDACTED]
DMS Person History Entry Form		

b2

b2

3-
16

SIGACT ENTRY FOR [REDACTED]		[REDACTED] b2
1. [REDACTED] b2	2. Entry DTG 07AUG2005 1514L	
3. Description 2 [REDACTED] THE CORSPMAN, INTERPRETER, AND PL2 CAME ON THE BLOCK TO EXAMINE [REDACTED] EYE. THE CORPSMAN EXAMINED [REDACTED] EYE AND ALSO GAVE HIM A 20FT VISION TEST. THE CORSPMAN NOTED THAT [REDACTED] HAD A BUILDUP OF BLOOD IN THE RIGHT HAND CORNER OF HIS RIGHT EYE AND THAT HE WOULD PASS THIS INFORMATION ONTO THE DOCTOR WHO WOULD MAKE THE FINAL DIAGNOSIS.		
4. Options: <input type="checkbox"/> Is a SIGACT <input type="checkbox"/> Is a Detainee Note		
5. [REDACTED]	6. [REDACTED] SSN	7. [REDACTED] Grade
DMS Person History Entry Form		

B3
b6

SIGACT ENTRY FOR [REDACTED]

b2

1. Entry [REDACTED] Other	2. Entry DTG 06AUG2005 2152L
------------------------------	---------------------------------

2

3. Description
 [REDACTED] Detainee request's to speak with [REDACTED] who is the block
 spokesman for [REDACTED] block.

2

2

4. Options:

Is a SIGACT Is a Detainee Note

4. Name And Title Of Entrant [REDACTED]	[REDACTED] SSN	[REDACTED] Grade
--	----------------	------------------

31

06

DMS Person History Entry Form

SIGACT ENTRY FOR [REDACTED]		
1. Entry DTG Other [REDACTED]	2. Entry DTG 06AUG2005 2052L	
3. Description [REDACTED] REQUESTED TO SPEAK WITH INTREP. AND PL2 TO ASK IF THERE COULD BE AN INVESTIGATION ABOUT THE INCIDENT THAT OCCURED BETWEEN HIM AND HIS INTEL. TEAM STATING THAT THE INTERAGATER WAS NOT HIS AND THAT HE HAS A WOMAN THAT QUESTIONS HIM AND STATED THAT THE INTEL. GUY STARTED THE ARGUMENT AND THEN HIT HIM WITH THE CHAIR IN THE FACE AND THEN BEGAN TO CHOKE HIM AND SAY BAD THINGS TO HIM. [REDACTED] WANTED TO KNOW WHY HE WAS HERE AT [REDACTED] WHEN HE DID NOTHING WRONG AND WHY HE WAS BEING PUNISHED FOR NO WRONG DOINGS. HE ALSO STATED THAT HE KNOWS THAT IT IS WRONG FOR ANY PERSON TO TOUCH ANOTHER. [REDACTED] ALSO SHOWED PL2 AND ARABIC INTERP. BRUISING OVER HIS RIGHT EYE AND SCRATCHES ON HIS STOMACH AND CHEST, SWELLING ON HIS CHEEK AND EYE. [REDACTED]		
4. Options: <input type="checkbox"/> Is a SIGACT <input type="checkbox"/> Is a Detainee Note		
4. Name And Title Of Entrant [REDACTED]	5. Entrant SSN [REDACTED]	6. Entrant Grade [REDACTED]
DMS Person History Entry Form		

b2

b2

b2

b2

b2

b2

b2
b6

SIGACT ENTRY FOR [REDACTED]

b2

1. Entry
Assault

2. Entry DTG
05AUG2005 1507L

b2
b2

[REDACTED] ASSAULTED THE INTERROGATION
TEAM WHILE IN [REDACTED] INTEL ROOM HE BIT THE INSTIGATOR'S FINGER INJURING
THE INSTIGATOR HE WAS THEN RESTRAINED USING THE MINIMUM AMOUNT OF
FORCE NECESSARY BY A PROPER RESPONSE FORCE AND WAS THE RETURNED TO HIS
CELL

4. Options

Is a SIGACT Is a Detainee Note

Grade

b6
b3

DMS Person History Entry Form

IR 07 October 2004-M01

- 1. Category: (b)
- 2. Type of Incident: Injury of a Detainee
- 3. Date/Time of Incident: 070010ROCT04
- 4. Location: (b)(2) GTMO Cuba
- 5. Other Information:
 - (a) Racial (Y/N): N
 - (b) Trainee Involvement (Y/N): N

6. Personnel Involved:

A. Subject:

- (a) Name: (b)(3):10
- (b) Pay Grade: (b)
- (c) SSN#: (b)(3):10
- (d) Race: (b)(3):10
- (e) Sex: (b)(3)
- (f) Age: (b)
- (g) Position: CO
- (h) Security Clearance: (b)(2)
- (i) Unit and Station of Assignment: (b)(2) GTMO, Cuba
- (j) Duty Status: On Duty

b2, b3

B. Subject:

- (a) Name: (b)(3):10 USC
- (b) Pay Grade: (b)
- (c) SSN#: (b)(3):10
- (d) Race: (b)(3):10
- (e) Sex: (b)(3)
- (f) Age:
- (g) Position: Detention Hospital NCO
- (h) Security Clearance: (b)(2)
- (i) Unit and Station of Assignment: (b)(2) GTMO, Cuba
- (j) Duty Status: On Duty

b2, b3

C. Subject:

- (a) Name: (b)(3):10 USC
- (b) Pay Grade: (b)
- (c) SSN#: (b)(3):10
- (d) Race: (b)(3):10
- (e) Sex: (b)(3)
- (f) Age:
- (g) Position: Block Guard
- (h) Security Clearance: (b)(2)
- (i) Unit and Station of Assignment: (b)(2) GTMO, Cuba
- (j) Duty Status: On Duty

b2, b3

D. Subject:

- (a) Name: (b)(3):10
- (b) Pay Grade: (b)
- (c) SSN#: (b)(3):10

b2, b3

~~SECRET~~

- (d) Race: (b)(1)
- (e) Sex: (b)(3)
- (f) Age:
- (g) Position: Detention Hospital Nurse
- (h) Security Clearance: (b)(2)
- (i) Unit and Station of Assignment: (b)(2) GTMO, Cuba
- (j) Duty Status: On Duty

b2, b3

E. Subject:

- (a) Name: (b)(3):10 USC
- (b) Pay Grade: (b)(3):10
- (c) SSN: (b)(3):10
- (d) Race: (b)(3):10
- (e) Sex: (b)(1)
- (f) Age: (b)
- (g) Position: SOG 2
- (h) Security Clearance: (b)(2)
- (i) Unit and Station of Assignment: (b)(2) GTMO, Cuba
- (j) Duty Status: On Duty

b2, b3

F. Subject: Detainee

- (a) Name: Mash Alward Alhabiri
- (b) Pay Grade: N/A
- (c) ISN: (b)(2)-00020 (b)(1)
- (d) Race: Saudi Arabia
- (e) Sex: Male
- (f) Age: 24
- (g) Position: Detainee
- (h) Security Clearance: N/A
- (i) Unit and Station of Assignment: Detention Hospital, GTMO, Cuba
- (j) Duty Status: N/A

b2, b6

7. Summary of Incident: At approximately 0115 hours on 7 October 04 the listed CO was alerted by b3 SOG2 that an incident occurred at the detention hospital. He advised that detainee b2 became agitated and struck an MP guard. During the altercation detainee b2 sustained a bloody lip. The on-duty medical staff treated him. It is not clear what happened. Sworn statements were obtained from the 2 MP guards involved and the medical OIC who was on duty. It appears at this time that detainee b2 was angry that his right wrist restraint was too tight. As (b)(3):10 attempted to loosen the restraint, (b)(3):10 used his free left hand to strike (b)(3):10 and then spit on b2 him. (b)(3):10 gave a statement that he used his right hand to push the head of (b)(3):10 away and hit him in the mouth. Enough force was used that the detainee's lip was cut. (b)(3):10 gave a statement that it appeared that (b)(3):10 struck (b)(3):10. He told him to stop and he restrained (b)(3):10 until (b)(3):10 loosened the wrist restraint. (b)(3):10 the on duty nurse, went to the scene and treated (b)(3):10 for the cut. In his statement he states that the detainee claims to have been numbed by the MP. (b)(3):10 had the MP's write statements and (b)(3):10 was called to the scene. (b)(3):10 had (b)(3):10 go to the clinic because he had been exposed to body fluids. The listed CO and SOG2 went to the clinic, but (b)(3):10 had already been sent to the (b)(2). The medical staff called at approximately 0200 hours and confirmed that he was there. The listed CO went to the Detention Hospital. The detainee's condition was satisfactory. All statements were gathered and the on duty field grade (b)(3):10 was notified.

b3, b4, b2

b2

b3

8. Remarks: N/A

9. Publicity: N/A

10. Commander Reporting: (b)(2), (b)(3):10 USC Guantanamo Bay, Cuba

~~SECRET~~

~~SECRET~~

11. Point of Contact: (b)(2),(b)(3):10 USC §130b,(b)(6)

12. Downgrading Instructions: N/A

~~SECRET~~

SECRET
SWORN STATEMENT

For use of this form, see AR 190-46; the proponent agency is ODCSOPS

PRIVACY ACT STATEMENT

AUTHORITY: Title 10 USC Section 301; Title 5 USC Section 2951; E.O. 9397 dated November 22, 1943 (SSN)
PRINCIPAL PURPOSE: To provide commanders and law enforcement officials with means by which information may be accurately
ROUTINE USES: Your social security number is used as an additional/alternate means of identification to facilitate filing and
DISCLOSURE: Disclosure of your social security number is voluntary.

1. (b)(2)	2. DATE (YYYYMM)(b)(3) 20041007:10	3. TIME (b)(3):1 0315	4. FILE NUMBER (b)(3):10 USC
5. (b)(3):10 USC §130b, (b)(6)	6. (b)(3):10 USC	7. (b)(3):10 USC	8. (b)(3):10 USC
9. (b)(2)	Quantanamo Bay, Cuba 09360		

9. (b)(3):10 USC
(b)(3):10 USC §130b (b)(6) WANT MAKE THE FOLLOWING STATEMENT UNDER OATH:
On 7 Oct 04 at approx. 0012 I responded as (b)(3) to a call from the Det Hospital for (b)(3) is not staffed at midnight. (b)(3):10 USC asked me to respond immediately to the hospital pertaining to an incident between detainee (b)(2) (b) and Det Hospital Guard b2 (b)(3):10 USC. Upon arrival I met with (b)(3):10 USC (Det. Abuse) who had just completed treating detainee (b)(3):10 for a cut lip, and (b)(3):10. There was evidence of an altercation by blood on the floor, bedding and clothing on & around the detainee. I assessed the situation after determining no further immediate treatment was needed started guards (b)(3):10 USC writing statements in separate locations of the Det Hospital. (b)(3):10 arrived and relayed from the detainee b3, b6 that the (b)(3) b2 The detainee then stated when the guard (b)(3):10 refused that the guard (b)(3):10 punched him in the face. The detainee (b)(3) and his adjacent area was cleaned up and (b)(3):10 was sent to the Det Clinica I notified the Co (b)(3):10 of the situation & collected statements from (b)(3):10 USC upon clearing the Det Hospital I checked on (b)(3):10 who had been sent to the (b)(2) I notified (b)(3):10 at (b)(2), (b)(3):10 USC that there was an incident & that (b)(3):10 seemed shaken up. Nothing follows. (b)(3) b-10
All End of Statement (b)(3)

Hand written - b6
Document

10. EXHIBIT	11. INITIAL (b)(3):10 USC §130b, (b)(6)	12. MAKING STATEMENT	PAGE 1 OF 2 PAGES
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ADDITIONAL PAGES MUST CONTAIN THE HEADING "STATEMENT" AT DATED
THE BOTTOM OF EACH ADDITIONAL PAGE MUST BEAR THE INITIALS OF THE PERSON MAKING THE STATEMENT, AND PAGE NUMBER MUST BE INDICATED.

(b)(3):10 USC §130b,(b)(6)

SECRET

(b)(3):10 USC

(b)(3):10 USC

STATEMENT OF

TAKEN AT

DATE

DATED 7 Oct 04

9. STATEMENT (Continued)

NOT USED

(b)(3):10 USC §130b,(b)(6)

(b)(3):10 USC §130b,(b)(6)

AFFIDAVIT

WHICH BEGINS ON PAGE 1, AND ENDS ON PAGE 2. I FULLY UNDERSTAND THE CONTENTS OF THE ENTIRE STATEMENT MADE BY ME. THE STATEMENT IS TRUE. I HAVE INITIALED ALL CORRECTIONS AND HAVE INITIALED THE BOTTOM OF EACH PAGE CONTAINING THE STATEMENT. I HAVE MADE THIS STATEMENT FREELY WITHOUT THREAT OF PUNISHMENT, AND WITHOUT COERCION, UNLAWFUL IN

(b)(3):10 USC §130b,(b)(6) HOUT

(Signature of Person Making Statement)

WITNESSES:

Subscribed and sworn to before me, a person authorized by law administer oaths, this 7th day of OCTOBER, 2004 at (b)(2) Guantanamo Bay, Cuba 09360

(b)(3):10 USC §130b,(b)(6)

(b)(3):10 USC §130b,(b)(6)

(Typed Name of Person Administering Oath)

Article 136 (b) (4) UCMJ (Authority To Administer Oaths)

INITIALS OF PERSON MAKING (b)(3):10 USC

PAGE 2 OF 2 PAGES

SECRET

~~SECRET~~

For use of the form, see AR 150-45; the proponent agency is GCS/SPS

PRIVACY ACT STATEMENT

AUTHORITY: Title 10 USC Section 3024; Title 5 USC Section 552a; E.O. 13526 dated November 22, 2001; 554
PRINCIPAL PURPOSE: To provide information and to inform the recipient of the rights of the recipient of the information.
ROUTINE USES: Your information may be used as an additional means of identification to the following information.
DISCLOSURE: Disclosure of your social security number is voluntary.

(b)(2) Guantanamo Bay Cuba 2. DATE: 2004/10/07 (b)(3) TIME: 00:30 (b)(3) 4. FILE NUMBER

(b)(3):10 USC §130b,(b)(6) (b)(3):10 USC (b)(3):10 USC

(b)(2) Guantanamo Bay, Cuba 09360

9. (b)(3):10 USC §130b,(b)(6) I WANT TO MAKE THE FOLLOWING STATEMENT UNDER O

AT APPROX 0005HR ON 07OCT04 IN THE DETENTION HOSPITAL THE FOLLOWING INCIDENT TOOK PLACE INVOLVING (b)(3):10 USC AND DETAINEE (b)(2) (b)(1) b2
DETAINEE (b)(2) (b) WAS BEING RESTRAINED, RIGHT HAND, BY (b)(3):10 USC b2
DETAINEE (b)(2) (b) (b) (b)(2) (b)(1) b2
THE DETAINEE SPAT ON THE SGT THEN HIT HIM WITH HIS LEFT FIST. I YELLED AT THE DETAINEE TO STOP. THE SGT WAS OBSERVED STRIKING THE DETAINEE. I MOVED TO THE LEFT SIDE OF THE DETAINEE AND PUSHED HIS HEAD DOWN TO PREVENT FURTHER SPITTING OR HITING BY DETAINEE. TELLING BOTH OF THEM TO STOP IN A LOUD VOICE. I OBSERVED THAT THE DETAINEE WAS BLEEDING PROFUSELY FROM THE MOUTH AND (b)(1) IMMEDIATELY GOT MEDICAL ATTENTION FOR DETAINEE. (b)(3):10
DUTY NURSE RESPONDED TO MY CALL FOR MEDICAL ASSISTANCE. BLEEDING STOPPED AFTER (b)(3):10 COMMENCED TREATMENT. DOC WAS NOTIFIED ALONG WITH ARIEL DUTERRE (b)(3)
AND SOG-2 (b)(3):10 USC / - END OF STATEMENT - 10

b3
b6

10. EXHIBIT 11. INITIALS OF PER (b)(3):10 USC 13 STATEMENT PAGE 1 OF 2 PAGES

IF THIS IS A SEPARATE PAGE, IT MUST BE INDICATED. MUST BE BE INDICATED.

DA FORM 2823, DEC 1998 ~~SECRET~~ OBSOLETE

~~SECRET~~

(b)(3):10 USC §130b,(b)(6)

(b)(3):10 USC §130b,(b)(6)

STATEMENT OF

TAKEN AT Guantanamo Bay, Cuba ON 07 October 2004

(b)(3):10

B. STATEMENT (Continued)

Nothing Follows

(b)(3):10

Not Used

(b)(3):10 USC

(b)(3):10 USC

§130b,(b)(6)

AFFIDAVIT

I, (b)(3):10 USC §130b,(b)(6), HAVE READ OR HAVE HAD READ TO ME THIS STATEMENT WHICH BEGINS ON PAGE 1, AND ENDS ON PAGE 2. I FULLY UNDERSTAND THE CONTENTS OF THE ENTIRE STATEMENT MADE BY ME. THE STATEMENT IS TRUE. I HAVE INITIALED ALL CORRECTIONS AND HAVE INITIALED THE BOTTOM OF EACH PAGE CONTAINING THE STATEMENT. I HAVE MADE THIS STATEMENT FREELY WITHOUT HOPE OF BENEFIT OR REWARD, WITHOUT THREAT OF PUNISHMENT, AND WITHOUT COERCION, UNLAWFUL INFLUENCE OR UNLAWFUL INDUCEMENT.

(b)(3):10 USC §130b,(b)(6)

(Signature of Person Making Statement)

WITNESSES:

Subscribed and sworn to before me, a person authorized by law to

administer oaths, this 7th day of OCTOBER, 2004 at: (b)(2) Guantanamo Bay, Cuba (9360)

(b)(3):10 USC §130b,(b)(6)

(b)(3):10 USC §130b,(b)(6)

(Typed Name of Person Administering Oath)

Article 36 (b) (4), UCMJ
Authority: To Administer Oaths

ORGANIZATION OR ADDRESS

NAME OF PERSON

(b)(3):10 USC

EVENT

PAGE 2 OF 2 PAGES

~~SECRET~~

~~SECRET~~

STATEMENT OF (b)(3):10 USC §130b,(b)(6)

TAKEN AT 0015 DATED 7 Oct 04 (b)(3):10 USC

STATEMENT Continued.

NOT USED

(b)(3):10 USC §130b,(b)(6)

(b)(3):10 USC §130b,(b)(6)

AFFIDAVIT

I, (b)(3):10 USC §130b,(b)(6), HAVE READ OR HAVE HAD READ TO ME THIS STATEMENT WHICH BEGINS ON PAGE 1, AND ENDS ON PAGE 2. I FULLY UNDERSTAND THE CONTENTS OF THE ENTIRE STATEMENT MADE BY ME. THE STATEMENT IS TRUE. I HAVE INITIALED ALL CORRECTIONS AND HAVE INITIALED THE BOTTOM OF EACH PAGE CONTAINING THE STATEMENT. I HAVE MADE THIS STATEMENT FREELY WITHOUT HOPE OF BENEFIT OR REWARD, WITHOUT THREAT OF PUNISHMENT, AND WITHOUT COERCION, UNLAWFUL INFLUENCE,

(b)(3):10 USC §130b,(b)(6)

(Statement)

WITNESSES.

Subscribed and sworn to before me, a person authorized by law to administer oaths, this 7 day of Oct 04

at (b)(2) Guantanamo Bay, Cuba 00160

(b)(3):10 USC §130b,(b)(6)

Signature of Person Administering Oath

(b)(3):10 USC §130b,(b)(6)

Signature of Person Administering Oath

Article 136 (b)(4), UCMJ

Authority To Administer Oath:

INITIALS OF PERSON MAKING STATEMENT (b)(3):10 USC §130b,(b)(6)

~~SECRET~~

PAGE 2 OF 2 - A-1

SECRET

For use of the [redacted] Department Agency & DDCSCPS

PRIVACY ACT STATEMENT

AUTHORITY: Title 10 USC Section 2610 Title 5 USC Section 2951 E.O. 13526 dated November 22, 2011 554
PRINCIPAL PURPOSE: To provide the [redacted] and [redacted] with [redacted] by [redacted] information [redacted] [redacted]
ROUTINE USES: [redacted]
DISCLOSURE: Disclosure of your social security number is voluntary.

1. [redacted] 2. DATE 'YY/MM/DD 2004/007 3. TIME (b)(3):10 0130 4. FILE NUMBER (b)(3):1

5. [redacted] (b)(3):10 USC §130b, (b)(6) (b)(3):10 USC §130b (b)(6) (b)(3):10 USC

6. [redacted] (b)(2) Guantanamo Bay, Cuba (9360)

9. [redacted] (b)(3):10 USC §130b, (b)(6) WANT TO MAKE THE FOLLOWING STATEMENT UNDER OATH.

(b)(3)
On 12/14/04, [redacted] around 0015, call to the bedside of detainee [redacted] due to the patient bleeding from the mouth. Applied direct pressure to the Area to stop the bleeding. Moderate amount of blood was noted on the detainee, the bed, as well as the floor. Two small lacerations noted on the detainee lip (left side). One small gash noted on the interior of the detainee lip. No loose tooth noted. Instructed MP, involved in occurrence to write sworn statement. Called interpreter to hospital to detail detainee aspect of the incident. [redacted]

Detainee stated that MP punch him in the face as the other MP looked on. End of statement (b)(3):1

10. EXHIBIT [redacted] INITIALS OF PERSON MAKING STATEMENT (b)(3):1
PAGE 1 OF 2 PAGES

11. [redacted] (b)(3):10
IF THIS IS A CONTINUATION OF A STATEMENT, THE CONTINUING PAGE MUST BEAR THE INITIALS OF THE PERSON MAKING THE STATEMENT, AND PAGE NUMBER MUST BE INDICATED.

DA FORM 2823, DEC 1998 DA FORM 2823, JUL 77, IS OBSOLETE
SECRET

~~SECRET~~

STATEMENT OF (b)(3):10 USC §130b, (b)(6)

TAKEN AT 0130:10 (b)(3)

DATED 10/7/04

(b)(3)

STATEMENT (Continued)

not used

(b)(3):10 USC

(b)(3):10 USC §130b, (b)(6)

AFFIDAVIT

... HAVE READ OR HAVE HAD READ TO ME THIS STATEMENT WHICH BEGINS ON PAGE 1, AND ENDS ON PAGE 2. I FULLY UNDERSTAND THE CONTENTS OF THE ENTIRE STATEMENT MADE BY ME. THE STATEMENT IS TRUE. I HAVE INITIALED ALL CORRECTIONS AND HAVE INITIALED THE BOTTOM OF EACH PAGE CONTAINING THE STATEMENT. I HAVE MADE THIS STATEMENT FREELY WITHOUT HOPE OF BENEFIT OR REWARD, WITHOUT THREAT OF PUNISHMENT, AND WITHOUT COERCION, UNLAWFUL INFLUENCE, OR UNLAWFUL INDUCEMENT.

(b)(3):10 USC §130b, (b)(6)

(Signature of Person Making Statement)

WITNESSES:

Subscribed and sworn to before me, a person authorized by law to administer oaths, this 7 day of OCT 2004 at (b)(2) Guantanamo Bay, Cuba 09360

(b)(3):10 USC §130b, (b)(6)

ORGANIZATION OR ADDRESS

(b)(3):10 USC §130b, (b)(6)

ORGANIZATION OR ADDRESS

Article 36 (b)(4), UCMJ
Authority To Administer Oaths

(b)(3):10 USC §130b, (b)(6)

~~SECRET~~

~~SECRET~~

SWORN STATEMENT

For use of this form, see AR 180-45; the (b)(3) agency is (b)(3)PS

(b)(2)	GTMO, APO AB 09360	DATE (b)(3): 07 OCT 64	TIME (b)(3): 1416	FILE NUMBER
(b)(3):10 USC	NAME	SOCIAL SEC (b)(3):10 USC	GRADE/STATUS (b)(3)	
ORGANIZATION OR ADDRESS [REDACTED] b3, b6				

(b)(3):10 USC §130b.(b)(6) _____, WANT TO MAKE THE FOLLOWING STATEMENT UNDER OATH:
 AT APPROX. 0005H ON 07 OCT 64 IN THE DETENTION HOSPITAL, THE FOLLOWING INCIDENT TOOK PLACE INVOLVING (b)(3):10 USC AND DETAINEE # (b)(2) (b)(1) RESHACKLED TO THE BED BY (b)(3):10 DETAINEE COMPLAINED THAT THE SOFT RESTRAINT WAS ON THE DETAINEE BECAME VIOLENT WHEN (b)(3):10 DID NOT LOOSEN IT. THE DETAINEE SPAT ON THE SGT, THEN HIT HIM WITH HIS LEFT FIST. (b)(3):10 YELLED AT THE INMATE TO STOP. THE SGT WAS OBSERVED STRIKING THE DETAINEE. I MOVED TO THE LEFT SIDE OF THE DETAINEE AND PUSHED HIS HEAD DOWN TO PREVENT FURTHER SPITTING OR HITTING BY THE DETAINEE. TELLING BOTH OF THEM TO STOP IN A LOUD VOICE. I OBSERVED THAT THE DETAINEE WAS BLEEDING PROFUSELY FROM THE MOUTH AND I IMMEDIATELY GOT MEDICAL ASSISTANCE FOR THE DETAINEE (b)(3):10 RESPONDED TO MY CALL FOR MEDICAL ASSISTANCE. BLEEDING STOPPED AFTER (b)(3):10 COMMENCED TREATMENT. DOC WAS NOTIFIED ALONG WITH ARABIC [REDACTED] AND SGT (b)(3):10 USC

Q: (b)(3):10
 A: (b)(3):10
 Q: WITH WHICH HAND DID (b)(3) STRIKE THE DETAINEE?
 A: I'M NOT SURE, IT HAPPENED TOO FAST (b)(1)
 Q: DID THE DETAINEE STRIKE (b)(3):10
 A: I SAW THE DETAINEE SWING AT THE SGT. I DON'T KNOW WHERE THE BLOW EXACTLY LANDED (b)(3)
 Q: DO YOU KNOW IF THE DETAINEE MADE CONTACT WITH (b)(3):10
 A: I DON'T KNOW (b)(1)
 Q: DID (b)(3) MAKE ANY COMMENT ABOUT THE DETAINEE BEFORE THE INCIDENT?
 A: THE SGT MADE A COMMENT ABOUT THE WAY THE MAN PRAYED. A SECOND COMMENT THAT I PAID NO HEED TO AND DON'T REMEMBER. (b)(1)
 Q: IS THERE ANYTHING ELSE YOU WOULD LIKE TO ADD TO THIS STATEMENT?
 A: NOT AT THIS TIME. (b)(3) END OF STATEMENT //

b2
b2
b2
b3, b6

EXHIBIT	INITIAL (b)(3): 10	ON MAKING STATEMENT	PAGE 1 OF 2 PAGES
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ADDITIONAL PAGES MUST CONTAIN THE HEADING "STATEMENT OF _____ TAKEN AT _____ DATED _____ CONTINUED."
 THE BOTTOM OF EACH ADDITIONAL PAGE MUST BEAR THE INITIALS OF THE PERSON MAKING THE STATEMENT AND BE INITIALED AS "PAGE _____ OF _____ PAGES." WHEN ADDITIONAL PAGES ARE UTILIZED, THE BACK OF PAGE 1 WILL BE LINED OUT, AND THE STATEMENT WILL BE CONCLUDED ON THE REVERSE SIDE OF ANOTHER COPY OF THIS FORM.

~~SECRET~~

~~SECRET~~

STATEMENT (Continued)

Not used

(b)(3):
10
USC

(b)(3):
10

(b)(3): 10 USC

AFFIDAVIT

_____, HAVE READ OR HAVE HAD READ TO ME THIS STATEMENT WHICH BEGINS ON PAGE 1 AND ENDS ON PAGE 2. I FULLY UNDERSTAND THE CONTENTS OF THE ENTIRE STATEMENT MADE BY ME. THE STATEMENT IS TRUE. I HAVE INITIALED ALL CORRECTIONS AND HAVE INITIALED THE BOTTOM OF EACH PAGE CONTAINING THE STATEMENT. I HAVE MADE THIS STATEMENT FREELY WITHOUT HOPE OF BENEFIT OR REWARD, WITHOUT THREAT OF PUNISHMENT, AND WITHOUT COERCION, UNLAWFUL INFLUENCE, OR UNLAWFUL INDUCEMENT.

(b)(3): 10 USC §130b, (b)(6)

(in Making Statement)

WITNESSES:

Subscribed and sworn to before me, a person authorized to administer oaths, this 7 day of OCTOBER, 20 04 at (b)(2) GTMO, APO AE 09360

(b)(3):

(b)(3): 10 USC §130b, (b)(6)

(Typed Name of Person Administering Oath)

ART 136 (B)(4) UCMJ
(Authority To Administer Oaths)

ORGANIZATION OR ADDRESS

ORGANIZATION OR ADDRESS

INITIALS OF PERSON MAKING STATEMENT (b)(3):
10

~~SECRET~~

~~SECRET~~

RIGHTS WARNING PROCEDURE/WAIVER CERTIFICATE

For use of this form, see AR 190-30; the proponent agency is ODCSOPS

DATA REQUIRED BY THE PRIVACY ACT

AUTHORITY: Title 10, United States Code, Section 3012(g)
PRINCIPAL PURPOSE: To provide commanders and law enforcement officials with means by which information may be accurately identified.
ROUTINE USES: Your Social Security Number is used as an additional/alternate means of identification to facilitate filing and retrieval.
DISCLOSURE: Disclosure of your Social Security Number is voluntary.

1. LOCATION JTF-GTMO (b)(2) Guantanamo Bay, Cuba	2. DATE (b)(3) 7 Oct 10	3. TIME (b)(3) 1500	4. FILE NO.
5. NAME (Last, First, MI) (b)(3):10 USC		8. ORGANIZATION OR ADDRESS (b)(2) Guantanamo Bay, Cuba APO AE 09360	
6. SSN (b)(3):10 USC	7. GRADE/STATUS (b)(3):10		

PART I - RIGHTS WAIVER/NON-WAIVER CERTIFICATE

Section A. Rights

The investigator whose name appears below told me that he/she is with the United States Army JTF-GTMO, (b)(2) and wanted to question me about the following offense(s) of which I am suspected/accused: Assault Article 128 UCMJ

Before he/she asked me any questions about the offense(s), however, he/she made it clear to me that I have the following rights:

1. I do not have to answer any question or say anything.
2. Anything I say or do can be used as evidence against me in a criminal trial.
3. *For personnel subject to the UCMJ* I have the right to talk privately to a lawyer before, during, and after questioning and to have a lawyer present with me during questioning. This lawyer can be a civilian lawyer I arrange for at no expense to the Government or a military lawyer detailed for me at no expense to me, or both.

- or -

For civilians not subject to the UCMJ I have the right to talk privately to a lawyer before, during, and after questioning and to have a lawyer present with me during questioning. I understand that this lawyer can be one that I arrange for at my own expense, or if I cannot afford a lawyer and want one, a lawyer will be appointed for me before any questioning begins.

4. I am now willing to discuss the offense(s) under investigation, with or without a lawyer present, I have a right to stop answering questions at any time, or speak privately with a lawyer before answering further, even if I sign the waiver below.

5. COMMENTS (Continue on reverse side)

Have you had your rights read to you in the last 30 days? Yes No (b)(3): 10

Section B. Waiver

I understand my rights as stated above. I am now willing to discuss the offense(s) under investigation and make a statement without talking to a lawyer first and without having a lawyer present with me.

WITNESSES (if available)		SIGNATURE OF INTERVIEWEE	
1a. NAME (Type or Print)		(b)(3):10 USC	§130b,(b)(6)
b. ORGANIZATION OR ADDRESS AND PHONE		4. (b)(3):10 USC	§130b,(b)(6)
2a. NAME (Type or Print)		5.	
b. ORGANIZATION OR ADDRESS AND PHONE		6. ORGANIZATION OF INVESTIGATOR JTF-GTMO (b)(2) (b)(2)	

Section C. Non-waiver

1. I do not want to give up my rights
 I want a lawyer I do not want to be questioned or say anything

2. SIGNATURE OF INTERVIEWEE

ATTACH THIS WAIVER CERTIFICATE TO ANY SWORN STATEMENT/STATEMENT SUBSEQUENTLY EXECUTED BY THE SUSPECT/ACCUSED

~~SECRET~~

SECRET

SWORN STATEMENT

For use of this form, see AR 190-45; the proper agency is ODCSRRS.

LOCATION (b)(2) Guantanamo Bay, Cuba	DATE 07OCT03	TIME 1613	FILE NUMBER (b)(3)
LAST NAME FIRST NAME MIDDLE NAME (b)(3):10 USC	SOCIAL SECURITY NUMBER (b)(3):10	GRADE/STATUS (b)(3):10	
ORGANIZATION OR ADDRESS (b)(2)			

(b)(3):10 USC, WANT TO MAKE THE FOLLOWING STATEMENT UNDER OATH:

On 07 October 2004 at approximately 0015, I was applying the [REDACTED]

[REDACTED]

[REDACTED] At this time the detainee leaped back and swung his left arm at me, I moved away as he was spitting at me hitting me in the face and chest several times. I then attempted to take control of his head by garbing his head and turning away from me. As I tried to take control of his head I hit him in the mouth with my right hand. The situation happened all in about 20 seconds. I know that I moved very quickly when my hand made contact with his face. My instincts took over after the swing and spitting. The contact made to the detainee's mouth is fuzzy in my head and I can not say that at that moment I did or did not intend to strike the detainee based on my emotional state everything happen so fast. I believe that based on the cut to my hand I may have struck him with out realizing. When detainees mouth began bleeding and he continued to spit at me hitting me in the face and chest. I stated to the other MP that we needed to take control of his head in a loud voice. I did not attempt to help the other MP take control of the situation because I didn't want to make things any worse than they already were. I walked away to avoid any further escalation of the situation. The other MP was making statement, statement that I do not recall (b)(1)

Q: Do you wish to add anything to this statement
A: no (b)(1)

-----End of Statement----- //

EXHIBIT	INITIALS OF PERSON MAKING STATEMENT (b)(3):10	PAGE 1 OF 2 PAGES
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ADDITIONAL PAGES MUST CONTAIN THE HEADING "STATEMENT OF _____ TAKEN AT _____ DATED _____ CONTINUED."
THE BOTTOM OF EACH ADDITIONAL PAGE MUST BEAR THE INITIALS OF THE PERSON MAKING THE STATEMENT AND BE INITIALED AS "PAGE _____ OF _____ PAGES." WHEN ADDITIONAL PAGES ARE UTILIZED, THE BACK OF PAGE 1 WILL BE LINED OUT, AND THE STATEMENT WILL BE CONCLUDED ON THE REVERSE SIDE OF ANOTHER COPY OF THIS FORM.

~~SECRET~~

STATEMENT (Continued)

Not used

(b)(3):10

(b)(3):10

(b)(3):10 USC

AFFIDAVIT

I, (b)(3):10 USC §130b (b)(6), HAVE READ OR HAVE HAD READ TO ME THIS STATEMENT WHICH BEGINS ON PAGE 1 AND ENDS ON PAGE 2. I FULLY UNDERSTAND THE CONTENTS OF THE ENTIRE STATEMENT MADE BY ME. THE STATEMENT IS TRUE. I HAVE INITIALED ALL CORRECTIONS AND HAVE INITIALED THE BOTTOM OF EACH PAGE CONTAINING THE STATEMENT. I HAVE MADE THIS STATEMENT FREELY WITHOUT HOPE OF BENEFIT OR REWARD, WITHOUT THREAT OF PUNISHMENT, AND WITHOUT COERCION, UNLAWFUL INFLUENCE, OR UNLAWFUL INDUCEMENT.

(b)(3):10 USC §130b,(b)(6)

WITNESSES:

Subscribed and sworn to before me, a person authorized by law to administer oaths, this 17 day of October, 2004 at (b)(2) Guantanamo Bay, Cuba

ORGANIZATION OR ADDRESS

(b)(3):10 USC §130b,(b)(6)

ing Oath)

(Typed Name of Person Administering Oath)

ART 136 (b)(4) UCMJ

(Authority To Administer Oaths)

ORGANIZATION OR ADDRESS

INITIALS OF PERSON MAKING STATEMENT

(b)(3):10 USC

PAGE 2 OF 2 PAGES

~~SECRET~~

USAPPC V2.00

PHOTO
DENIED IN FULL
EXEMPTION
6&7

PHOTO
DENIED IN FULL
EXEMPTION
6&7

PHOTO
DENIED IN FULL
EXEMPTION
6&7

PHOTO
DENIED IN FULL
EXEMPTION

6&7

DELTA CLINIC & DETENTION HOSPITAL

This form subject to Privacy Act 1974 and unit OPSE policy

PATIENT ID # [REDACTED] b2

DATE OF OCCURENCE 10/2/04 DATE OF REPORT 10/2/04

PLACE OF OCCURENCE: (CIRCLE ONE) CELL BLOCK CLINIC (INPATIENT) AMBULANCE
 TYPE OF ERROR: (CHECK ALL THAT APPLY)

<input type="checkbox"/>	TRANSCRIPTION ERROR	<input type="checkbox"/>	MEDICATION ERROR: (DRUG)
<input type="checkbox"/>	BLOOD, BODY FLUID EXPOSURE	<input type="checkbox"/>	WRONG PATIENT
<input type="checkbox"/>	NEEDLE STICK INJURY	<input type="checkbox"/>	WRONG DRUG
<input checked="" type="checkbox"/>	PATIENT INJURY	<input type="checkbox"/>	WRONG DOSE
<input type="checkbox"/>	STAFF INJURY	<input type="checkbox"/>	WRONG TIME
<input type="checkbox"/>	PROCEDURE ERROR	<input type="checkbox"/>	WRONG ROUTE
<input type="checkbox"/>	DIAGNOSTIC TEST ERROR	<input type="checkbox"/>	MISSED DOSE
<input type="checkbox"/>	RADIOLOGY	<input type="checkbox"/>	ALLERGIC REACTION: (TO WHAT?)
<input type="checkbox"/>	LAB	<input type="checkbox"/>	COMMUNICATION ERROR
<input checked="" type="checkbox"/>		<input checked="" type="checkbox"/>	OTHER:

WHAT HAPPENED? (WHAT WERE THE CIRCUMSTANCES LEADING UP TO THE EVENT?)

b2 call to bedside of [REDACTED] @ 0015 due to detainee bleeding from the mouth. Injury occurred during altercation between MP staff and detainee

HOW WAS IT DISCOVERED? - *See Above*

WHEN WAS IT DISCOVERED? (AFTER ERROR OR NEAR MISS?) Time & date 10/1/04 @ 0015

WHO WAS INVOLVED? Circle all that apply: PATIENT, PHARM TECH, RN, DOCTOR, HM, PA, IDC, MP, OTHER)

Patient, MP staff, and RN

WHAT DO YOU THINK WAS THE REASON FOR ERROR? CONTRIBUTING FACTORS? (DEVIATION FROM TRANSCRIPTION ERROR, MEDICATION ADMINISTERED LATE, NIS, DOCTOR ORDER WRITTEN INCORRECTLY, PATIENT'S CONDITION OR OTHER)

Under Review

ANY ADVERSE EFFECTS OR ADDITIONAL MEDICAL TESTING/TREATMENTS DUE TO THE EVENT?

(Describe in detail) *None*

RECOMMENDATIONS TO PREVENT SIMILAR OCCURANCES IN THE FUTURE?

Under Review

NAME OF PERSON PREPARING REPORT : (b)(3); 10 USC §130b.(b)(6)

PHOTO
DENIED IN FULL
EXEMPTION
6&7



DEPARTMENT OF DEFENSE
HEADQUARTERS, JOINT TASK FORCE GUANTANAMO
U.S. NAVAL BASE, GUANTANAMO BAY, CUBA
APO AE 09380

(b)2

JTF-GTMO (b)2

7 October 2004

MEMORANDUM: Military Police Investigation: (b)(2)

SUBJECT: Article 92 UCMJ, Violation of (b)(2) Article 128 Assault of a Detainee b2

1) Background: On 7 October 2004 (b)(3):10 USC contacted the undersigned reference to (b)2 Injury to a detainee.

2) Investigation: SEE INVESTIGATION REPORT (b)(2)

3) Summary: Investigation revealed that while trying to gain control of the detainee's head and stop him from repeatedly spitting on (b)(3):10 the detainee was struck in the mouth causing him to bleed from a cut on his lower lip. The detainee was treated for the injury and received no stitches as a result of his injury. (b)(3):10 sustained a 2 inch cut to the back of his right hand just above the forth knuckle. He was sent to (b)(2) and received no stitches as a result of his injury. (b)(3):10 USC MPI NCOIC photographed both the detainee and (b)(3):10 injuries. Sworn statements were obtained for all participants. Chain of Command was notified as to the finding related to this investigation.

4) [REDACTED] b2 b6

(b)(3):10 USC
 §130b,(b)(6)



DEPARTMENT OF DEFENSE
HEADQUARTERS, JOINT TASK FORCE GUANTANAMO
U.S. NAVAL BASE, GUANTANAMO BAY, CUBA
APO AE 09380

JTF-GTMO [REDACTED] b3

7 October 2004

MEMORANDUM: Military Police Investigation: (b)(2)

SUBJECT: Article 92 UCMJ, Violation of (b)(2) and Article 128 Assault of a Detainee b2

1) Background: On 7 October 2004 (b)(3):10 contacted the MPI section in reference to [REDACTED] b2
[REDACTED] Injury to a detainee.

2) Investigation: (b)(2),(b)(3):10 USC §130b,(b)(6)
b2 (b)(2) was interviewed by this office in which he stated that [REDACTED] was agitated by the restraint on his right wrist and (b)(3):10 had gone over to the bed to check it. (b)(3):10 stated that the detainee had spit on (b)(3):10 and he also saw the detainee swing his left fist at (b)(3):10 but he did not see if contact was made. (b)(3):10 stated that he observed (b)(3):10 strike the detainee but he could not say with what hand.

3) On 7 October 2004 (b)(2),(b)(3):10 USC §130b,(b)(6)
was interviewed by this office in which he stated that detainee [REDACTED] swung at him and then spit on him. (b)(3):10 stated that he tried to get control of the detainee by turning the detainee's head to one side. As (b)(3):10 tried to get control of the detainee's head he struck the detainee in the mouth causing the detainee to bleed. (b)(3):10 stated that he did not intend to strike the detainee but did so without realizing it. b2

4) Summary: In the action of trying to gain control of the detainee and stop him from spitting on (b)(3):10 the detainee was struck in the mouth causing him to bleed from a cut on his lip and a 2 inch cut to the back of (b)(3):10 hand.

(b)(3):10 USC
§130b,(b)(6)



b3 [REDACTED] DEPARTMENT OF DEFENSE
 Joint Task Force GTMO
 Guantanamo Bay, Cuba
 APO AE 09360

JTF-GTMO [REDACTED] b2, b3

04 April 2005

MEMORANDUM Military Police Investigation

SUBJECT: Allegation of Detainee Abuse

1. Background: On 01 April 2005, at about 1830 hours MPI received information that a Detainee had alleged that he had been abused on the 17th of March during the process of an interview by his interrogators.
2. Investigation Revealed that on 17 March 05 while in the interview room of the [REDACTED] building detainee b2 became upset, stood up and knocked over a table. [REDACTED] monitors, [REDACTED] b2 entered the room and advised the detainee to calm himself and sit down. At this b2 time the detainee kicked [REDACTED] in the head. The [REDACTED] Guards were forced to restrain the detainee b2 and reapply the leg irons. After the detainee was moved back to his block [REDACTED] Block, he complained to b2 a passing medic, [REDACTED] that he had sustained injuries to his body during an interrogation. [REDACTED] b2 performed a brief physical and found no marks or evidence of injuries on the detainee (See DA 2823). The [REDACTED] Guards rendered sworn statements at that time.
3. Located [REDACTED] who related the same story above. [REDACTED] was not formerly b2 interviewed because he had been drinking. Located [REDACTED] who rendered a sworn statement b2 detailing the incident (See DA 2823). On 02 April 2005, [REDACTED] was reinterviewed and stated that b2 during and after this incident that no Interrogator was in the room when the detainee became unruly, no medic was summoned or came to the [REDACTED] building and no Officer was in the [REDACTED] building during the b2 incident. [REDACTED] was unable to be found at the time of this report. [REDACTED] has subsequently left b2 the Island.
4. On 04 April 2005, at about 0830 [REDACTED] conducted an interview with [REDACTED] and b2 [REDACTED] who were both present during this incident. Both persons rendered sworn b2 statements (See DA 2823) and stated that at no time did anyone assault the detainee and that no Medical personnel were called or came by the [REDACTED] Building.
5. Investigation Revealed that at no time was the Detainee harmed in a manner that would substantiate any b2 type of abuse. The [REDACTED] guards acted within the scope of their job title and restrained an unruly detainee with the minimum amount of force necessary. No medical personnel, no interrogator and no commissioned officer were present during this incident. The SOG was notified and a report made. The detainee was given a physical after he had complained to a medic, which rendered negative results.
6. This case is closed in the files of this office until new evidence arises to warrant it's reopening.

[REDACTED] b2, b3
 b6

~~SECRET~~

SIR 01 July 05- 02

1. Category: (b)

✓ 2. Type of Incident: [REDACTED] SN (b)(2)

3. Date/Time of Incident: 01 July 2005 / hrs

4. Location: (b)(2) GTMO, Cuba

5. Other information:

(a) Racial (Y/N): N/A

(b) Trainee Involvement (Y/N): N/A

6. Personnel involved:

A. Subject:

[REDACTED]

B. Subject:

[REDACTED]

b2, b3, b6

C. Subject:

[REDACTED]

D. Subject:

[REDACTED]

b2, b3, b6

- (d) Race: (b)(3)
- (e) Sex: (b)
- (f) Age: (b)(1)
- (g) Position: IRF (b)(2)
- (h) Security Clearance: (b)(2)
- (i) Unit and Station of Assignment: (b)(2)
- (j) Duty of Status: On Duty

E. Subject:

- (a) Name: (b)(3):10
- (b) Pay Grade: (b)(3)
- (c) Badge #: (b)(3):10
- (d) Race: (b)(3):10
- (e) Sex: (b)(3)
- (f) Age: (b)(1)
- (g) Position: IRF (b)(2)
- (h) Security Clearance: (b)(2)
- (i) Unit and Station of Assignment: (b)(2)
- (j) Duty of Status: On Duty

F. Subject:

- (a) Name: (b)(3):10
- (b) Pay Grade: (b)(3)
- (c) Badge #: (b)(3):10
- (d) Race: (b)(1)
- (e) Sex: (b)(3)
- (f) Age: (b)(1)
- (g) Position: IRF (b)(2)
- (h) Security Clearance: (b)(2)
- (i) Unit and Station of Assignment: (b)(2)
- (j) Duty of Status: On Duty

G. Subject:

- (a) Name: (b)(3):10
- (b) Pay Grade: (b)(3):1
- (c) Badge #: (b)(3):10
- (d) Race: (b)(3):10 USC
- (e) Sex: (b)
- (f) Age: (b)(1)
- (g) Position: IRF (b)(2)
- (h) Security Clearance: (b)(2)
- (i) Unit and Station of Assignment: (b)(2)
- (j) Duty of Status: On Duty

H. Detainee:

- (a) Name: (b)(6)
- (b) ISN#: (b)(2)
- (c) Race: Yemen
- (d) Sex: Male
- (e) Date of Arrival: (b)(1)
- (f) DOB: (b)(6)

b2, b3, b6

~~CONFIDENTIAL~~

7. Summary of Incident: On 1 July 05 at approximately 2305 hours, detainee (b)(2) from cell (b)(2) detached footpad from toilet. Detainee was instructed that he would be moved. Detainee refused to move. After numerous attempts to convince detainee to move by (b)(3):S(1) (b)(3):S(1) to include attempt by (b)(3):10 USC the (b)(2) was given. During the FCE, one of two Korans in the cell was inadvertently damaged, and the detainee received lacerations to his lip and forehead. Detainee was restrained and taken to Detention clinic for medical assessment. Detainee was returned to new cell (b)(2)

8. Remarks: None

9. Publicity: N/A

10. Commander Reporting: (b)(3):10 USC §130b,(b)(6) Guantanamo Bay, Cuba

11. Point of Contact: (b)(2),(b)(3):10 USC §130b,(b)(6)

12. Downgrading Instructions: N/A

~~CONFIDENTIAL~~

Defense Intelligence Agency

Briefing to the SSCI staff

DIA Interactions with IRAQI Prisoners

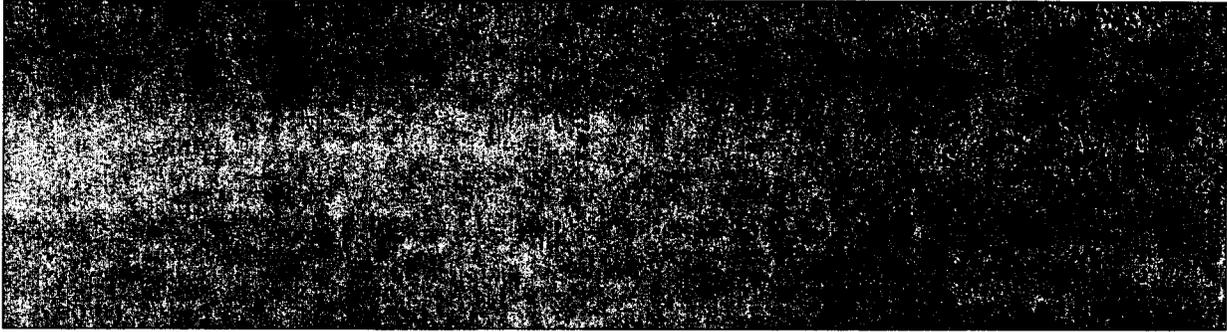
The Overall Classification of this Briefing is

~~SECRET//NOFORN//X1~~

V-60

Directorate of HUMINT Intelligence (DH) Training

(b)(1)



- DH has also established an Interrogation Familiarization course to provide debriefers with interrogation skills

Policy and Procedures

- All DH interrogations are conducted in accordance with Army FM 34-52 and within the guidelines of the Geneva Conventions
- Iraq Survey Group (ISG) has published an interrogation SOP specifically addressing interrogation operations
- DH interrogations within Iraq conform to CJTF 7 guidelines published in October 2003
- DH published DIA Policy Memo 73 providing specific interrogation guidelines for deployed DH interrogators

DIA Support to Phase III 1003V

(b)(1)

[REDACTED] is responsible for interviewing, debriefing, interrogating detainees, walk-ins, referrals and others for HUMINT intelligence information

(b)(1)

[REDACTED] arrived in Baghdad 22 April 2003

(b)(1)

- [REDACTED] was responsible for oversight of interviews, debriefings and interrogations conducted by JIDC personnel
- Interrogation approaches were derived from Army Doctrine

ISG Assumes



(b)(1)

20 June 03

- High Value Detainees (HVD) are held at the Secure Confinement Facility (SCF)  (b)(1)
- Established one week interrogation course with professional instructors from USAICS for all Reserve, National Guard, DIA personnel and Coalition interrogators
- Selected individuals attended course
- Instruction included training on Geneva Convention
- Trained interrogators on investigative interrogation techniques

ISG Interrogation Handling Safeguards

- Interrogation approaches are only used by trained personnel
- Reasonable expectation that detainee possesses information of intelligence value
- Source is medically fit
- Interrogation plan developed and approved for each source

ISG Debriefing Team Methodology

- Debriefing Teams consist of Debriefers/Interrogator, Subject Matter Expert, and Linguist
- Teams develop best approach to obtain intelligence in response to identified requirements
- Debriefing/Interrogation plan is developed and approved
- Team uses all-source intelligence, information developed from documents in Iraq and information acquired from previous debriefing/interrogation sessions to confront subject

UPGRADES TO HVD FACILITY

(b)(1)



- [REDACTED] was an [REDACTED]
[REDACTED] Interior walls and additional doors were added to existing building to create the individual rooms
- Early July 2003- Converted Interrogation booths from tents to trailers
- Late August 2003 – Air Conditioning and heaters installed
- Late March 2004 – Installed larger wattage light bulbs in rooms

- April 2004 – Ice and bottle water became available to HVDs
- April 2004 – HVDs received 2 hot meals a day
- End of April 2004 – Hot Tea became available to detainees
- First Week of May 2004 – Increased total water capacity for showers, allowing more frequent showers
- Currently MP's are painting the rooms to improve ambient light and are adding Plexiglas panels to allow for more natural light



~~SECRET/REL USA, CBR, AUS~~

(b)(1)



MONITORING AT CAMP CROPPER

(b)(1)



- Monitoring is conducted regularly; however, recording is rare and requires JIDC Chief approval

- Reasons to monitor:
 - To allow analysts a view of the debriefing without being in the room
 - For purposes of deception assessment
 - To enable quality control
 - Training of debriefers/Subject Matter Experts/linguists

~~SECRET/REL USA, GBR, AUS~~

CONTRACT INTERROGATORS

- Contract interrogators began arriving at ISG in late March 2004 with the latest group arriving on 12 May 2004

(b)(1)

- 
- Contractors, who arrived prior to 5 May 2004, have had solo sessions with detainees. Sessions have been professional in nature. Atmospherics have been cordial but professional. No problems have been noted
 - Solo contract sessions ceased on 5 May 2004
 - Debriefings conducted by contractors are now supervised by DIA personnel
 - ISG contracting company provided refresher training on Geneva Conventions for their employees prior to deployment
 - All contractors received General Counsel (GC) and law of land warfare briefings from 

(b)(1)

~~SECRET/REL USA, GBR, AUS~~

OTHER DIA INTERACTIONS WITH IRAQI PRISONERS/DETAINEEES

- (b)(1) • Team traveled to [REDACTED] to debrief former Iraqi General Officers in August 2003
- One JIDC interrogator conducted interrogations of suspected terrorists in Sulymania during 7-13 February 2004 in support of ISG Counterterrorism (CT) screening process. (b)(1)
- JIDC conducted screening and interrogations at [REDACTED] Facility in support of ISG CT/Chemical Warfare (CW) Functional Team Mission
- One JIDC debriefer performed duties as Liaison Officer (LNO) and screener in detention facilities in [REDACTED] (b)(1)
- DH deployed a six-man debriefing team to [REDACTED] Team consisted of four debriefers/interrogators, a Reports Officer (RO), and a Senior Officer to maintain oversight (b)(1)
- NO ABUSES WITNESSED

~~SECRET/REL USA, GBR, AUS~~

JIDC PRESENCE AT ABU GHURAYB

- (b)(1)
- OCT- NOV 03 [REDACTED] debriefer met with former ISS officer who allegedly had information on [REDACTED]
 - OCT-NOV 03 JIDC debriefer/interrogator and interpreter conduct follow up interrogation of detainee previously interrogated at Al Asad air base in Aug-Sep 03. Approx 30 total minutes with detainee
 - Early JAN 04 DIA CT debriefer conducted coordination with HOC and CT Team Chief on site. No Prisoner/Detainee interaction
 - FEB 04 JIDC debriefer traveled to Abu Ghurayb to locate detainee for release. No detainee interaction
 - JAN-FEB 04 JIDC debriefer accompanied captured personnel to Abu Ghurayb. JIDC debriefer acted as an observer behind a two way mirror to observe captured persons reactions to questions posed a non-DIA interrogator for signs of deception
 - 6 JAN 04 DIA debriefer/interrogators traveled to Abu Ghurayb to check the status of three detainees on behalf of JIDC ISG HVD. No prisoner contact

~~SECRET/REL USA, GBR, AUS~~

DIFFERENCE BETWEEN [REDACTED] [REDACTED] AND ABU GHURAYB

[REDACTED] is the [REDACTED] Detention Center for High Value Detainees. Those held at [REDACTED] are best described as having above average intelligence, a history of leadership, and persons regarded as having held elite positions within Saddam's Iraq. The average age is estimated to be 60. There are only approximately 100 detainees at [REDACTED] JIDC conducts debriefings of detainees at this location

Abu Ghurayb is operated by [REDACTED] It contains suspected insurgents and common criminals. It has contained as many as approximately 7000 detainees. Detainees are interrogated on a regular basis

~~SECRET/REL USA, GBR, AUS~~

DOD JUNE 2568

NOT USED

TRANSFERRED TO OTHER AGENCY

- DOD ~~SECRET/REL CGTF~~

LF181C



REPLY TO
ATTENTION OF

DEPARTMENT OF DEFENSE
COMBINED/JOINT TASK FORCE 180
OPERATIONS ENDURING FREEDOM
BAGRAM AIRFIELD, AFGHANISTAN
APO AE 09354

28 NOV 2003

26 November 2003

CJTF-180-DC:JS

MEMORANDUM FOR CHIEF OF STAFF, U.S. CENTRAL COMMAND

SUBJECT: Investigation of Alleged Abuse Against Detainee [REDACTED]

1. Reference. (U) Joint Staff Memorandum dated 14 Nov 03, subject: Allegation of Mistreatment (U).
2. An inquiry was made at direction of US Central Command concerning an allegation of abuse directed against [REDACTED] a Bagram Collection Point (BCP) detainee from 7 April 2002 to 7 Feb 2003.
3. No interviews were conducted with anyone who had personal knowledge of this detainee. Unfortunately, all BCP personnel who may have been associated with [REDACTED] have long since departed the command. An exhaustive review was conducted of all associated classified official detainee records to include Military Police custody documents, interrogation reports, interrogator notes and Criminal Investigation Task Force reports. Detainee medical records indicate [REDACTED] was treated for asthma and other minor ailments only. There is no information to support any claim of abuse directed against [REDACTED] while he was detained at the Bagram facility.
4. A review of [REDACTED] International Committee of the Red Cross (ICRC) [REDACTED] Further, a review of ICRC Visit Reports by the CJTF-180 Staff Judge Advocate indicate [REDACTED] did in fact meet with ICRC [REDACTED]
5. Conclusion. Based on available records and documents, allegations of abuse against [REDACTED] cannot be substantiated at this time.

~~SECRET/REL CGTF~~

SECRET//REL CGTF

CJTF-180-DCJS

SUBJECT: Investigation of Alleged Abuse Against Detainee [REDACTED]

6. Point of contact is [REDACTED]

FOR THE COMMANDER:

[REDACTED]

TRANSFERRED TO OTHER AGENCY (Close hold)

- DOD

LAW ENFORCEMENT SENSITIVE
INFORMATION PAPER

SUBJECT: Allegations of Detainee Abuse in Iraq and Afghanistan

129

Purpose. To provide summary on CID investigations of detainee abuse and/or death in Iraq and Afghanistan.

CID Investigations.

Death Investigations:

1. On 4 Dec 02, at the Bagram Detention Facility, Afghanistan, a detainee died while in US custody. An autopsy determined he had suffered blunt force trauma, and the Armed Forces Institute of Pathology (AFIP) classified the death as a homicide. Investigation thus far has indicated three active duty enlisted MI soldier and three USAR enlisted MP soldier were involved at various times in assaulting and mistreating the detainee.
2. On 10 Dec 02, also at the Bagram Detention Facility, a detainee died while in US custody. An autopsy determined the detainee had suffered blunt force trauma, and the AFIP classified the death as a homicide. Investigation thus far has indicated five enlisted MI soldier and four enlisted MP soldier were involved at various times in assaulting and mistreating the detainee.
3. On 13 Jun 03, at the Baghdad International Airport detention facility, an Iraqi detainee died while in US custody. An autopsy determined he died of a subdural hematoma to the head. Subdural hematomas are normally the result of a hard, fast blow. AFIP's preliminary classification of the manner of death was homicide.
4. On 21 Jun 03, at a detention facility at the Asadabad Fire Base, Afghanistan, an Afghani detainee died while in US Army custody. Testimony from various soldiers identified a civilian employee of an Other Governmental Agency (OGA) as being responsible for physically assaulting the detainee prior to his death.
5. On 3 Aug 03, at the Camp Cropper detention facility, an Iraqi detainee died while in US custody, no autopsy was conducted, and the body released for burial. The manner of death is currently classified as "undetermined" but since no forensic examination of the body was conducted, no greater clarity as to the cause of death is expected.
6. On 8 Aug 03, an Iraqi detainee died at the Abu Ghraib Prison. An autopsy revealed that the detainee had died of a heart attack.
7. On 10 Aug 03, an Iraqi detainee died at Abu Ghraib Prison. Initially, this investigation was classified as an undetermined death. An autopsy revealed that the detainee died of a heart attack.
8. On 13 Aug 03, an Iraqi detainee died at Abu Ghraib Prison. Initially, this investigation was classified as an undetermined death. An autopsy revealed that the detainee died of a heart attack.
9. On 20 Aug 03, at the Camp Cropper detention facility, an Iraqi detainee died while in US custody. No autopsy was conducted and the body released for burial. The manner of death is currently classified as "undetermined" but since no forensic examination of the body was conducted, no greater clarity as to the cause of death is expected.
10. On 11 Sep 03, at the FOB Packhorse detention facility, an Iraqi detainee died while in US custody. An enlisted soldier on guard duty, failed to follow the ROE and shot the detainee, who was throwing rocks.
11. On 3 Nov 03, at the Camp Cropper detention facility, an Iraqi detainee died while in US custody. No autopsy was conducted and the body was released for burial. The manner of death is currently classified as "undetermined" but since no forensic examination of the body was conducted, no greater clarity as to the cause of death is expected.
12. On 4 Nov 03, at the Abu Ghraib detention facility, an Iraqi detainee died while in US custody. The detainee died during an interview process by OGA and Navy SEAL personnel. Allegedly, the detainee also resisted arrest and had to be physically restrained.
13. On 6 Nov 03, an Afghani detainee was found dead in his cell at FOB Gereshk, AF. He had bruising about his hips, groin, and buttocks. An autopsy could not establish a cause of death. The manner of death is currently classified as undetermined.
14. On 24 Nov 03, four Iraqi detainees were shot and killed while trying to escape Abu Ghraib Prison.

LAW ENFORCEMENT SENSITIVE

LAW ENFORCEMENT SENSITIVE

15. On 26 Nov 03, at the 3d ACR detention facility in Iraq, an Iraqi detainee and former Army MG, died while in US custody. Testimony from various soldier indicated local national interviews of the detainee on 24 and 25 Nov 03 had involved physical assaults. On 26 Nov 03, the detainee died while undergoing "stress technique" interrogation by an MI soldier. Evidence of blunt force trauma was present on the body.
16. On 9 Dec 03, at the 2d Brigade detention facility in Mosul, an Iraqi detainee died while in US custody. No autopsy was conducted, the body did not exhibit signs of abuse or foul play, and CID currently classifies the death as "undetermined" with no greater clarity as to the cause of death expected.
17. On 3 Jan 04, an Iraqi national was drowned after he was allegedly pushed off a bridge by a soldier in Samarra. The soldiers involved are alleged to have conspired to cover up the incident.
18. On 8 Jan 04, an Iraqi detainee died of a heart attack at Abu Ghraib Prison.
19. On 9 Jan 04, CID was notified of the suspicious death of an Iraqi detainee. The detainee, a former Iraqi Army LTC, was taken into custody on 4 Jan 04 and was subsequently placed in an isolation cell and questioned at least two times in ensuing days. An examination of the detainee's remains disclosed there was extensive bruising on his upper body. On 11 Jan 04, an autopsy was conducted by an Armed Forces Medical Examiner. His preliminary report indicates the cause of death as blunt force injuries and asphyxia, with the manner of death listed as homicide.
20. On 16 Jan 04, at the Abu Ghraib Prison, an Iraqi detainee collapsed and died in his cell during morning prayers. To date, the results of the autopsy are unknown. The manner of death is currently classified as "undetermined."
21. On 28 Jan 04, at Camp Cropper, an Iraqi detainee, who was being treated for chest pains at the 28th Combat Support Hospital, fell out of bed, struck his head on the floor, and lapsed into a coma. A CAT scan and surgery revealed inter-cranial bleeding and signs of prior head injuries. The detainee subsequently died on 31 Jan 04. The cause of death was undetermined (body released prior to autopsy).
22. On 7 Feb 04, a 61 year-old detainee died while in custody at a central collection facility in Iraq. The death was determined to be due to natural causes.
23. On 19 Feb 04, an Iraqi detainee collapsed at the Abu Ghraib Prison, and died after CPR failed. An autopsy is pending. The manner of death is currently classified as undetermined. The death was determined to be due to natural causes (peritonitis).
24. On 28 Feb 2004, a SGT attempted to detain an Iraqi; the Iraqi resisted when the SGT attempted to place flexi-cuffs on him. A PFC raised his weapon to protect the SGT. The SGT was able to complete the cuffing process and was leading the detainee away when the PFC believed that the Iraqi was lunging at the SGT. The PFC fired one round from his weapon which struck the detainee in the head and killed him.
25. On 7 Mar 04, a detainee died a Camp Cropper Detention Facility after complaining of chest pains. An autopsy indicated the death was due to natural causes (heart attack).

Other Abuse Allegations

1. Between 15 Apr and 1 Jul 03, at the 3d Bde, 3d Inf Div detention facility in Samarra, Iraq, enlisted members of Det B, 223d MI Bn (CA NG), allegedly physically abused Iraqi detainees during interrogations. According to a statement from one soldier, the MI soldier struck and pulled the hair of the detainees, and forced into asphyxiation numerous detainees in an attempt to obtain information.
2. On 12 May 03, at Camp Bucca, Iraq, ten USAR enlisted MP soldier physically assaulted seven Iraqi detainees during in-processing at the facility.
3. On 12 May 03, at Camp Bucca, Iraq, an enlisted soldier fired a shot at the feet of an Iraqi detainee, and the detainee suffered a facial wound as a result.
4. Between 1 - 22 Jun 03, two soldiers (PFCs) detained two Iraqis for curfew violation and possible possession of small arms. It is alleged that one of the detainees became unruly, although their hands were "zip-tied." The two PFCs struck the detainee in the face several times breaking his nose.
5. On 13 Jun 03, a SGT punched, kicked and slapped a detainee.

LAW ENFORCEMENT SENSITIVE

LAW ENFORCEMENT SENSITIVE

6. On 13 Jun 03, the squad leader of the SGT mentioned in paragraph above, allowed his soldier to beat detainees.
7. On 20 Jun 03, a 1LT detained several individuals suspected of looting and placed them in the back of a truck. He later took one detainee, a young boy, from the truck, pointed his pistol at the boy's head, and fired a round away from the boy in an effort to scare him.
8. On 21 Jun 03, a SPC slapped a detainee who was seated on the ground with his hands behind his head.
9. On 21 Jun 03, a SSG allegedly charged and placed a weapon next to a detainee's head.
10. On 20 Aug 03, at FOB Gunner, Iraq, an Iraqi being detained in US custody was physically assaulted and threatened by a battalion commander, three enlisted soldiers and an interpreter after the detainee refused to provide information.
11. On 31 Aug 03, at the Bn HQs, 1/36th Inf, 1st Armored Div, Baghdad, Iraq, an enlisted soldier committed the offense of assault when he threatened to kill Iraqi detainees in US custody in an attempt to obtain information from them.
12. On 1 Sep 03, at the Ammunition Collection Point, Baghdad, Iraq, enlisted soldier assaulted four Iraqi detainees who were in US custody. The four Iraqis, who were cuffed with their hands behind their backs, were kicked numerous times, then dragged from the detention area to another area where they were thrown against a wall and assaulted.
13. On 8 Sep 03, at the Tikrit detention facility, an Iraqi detainee alleged he had been physically assaulted and struck repeatedly after being arrested by unknown 4th Inf Div soldier.
14. On 7 Oct 03, at the Abu Ghraib detention facility, three active duty male enlisted soldier assigned to Co A, 519th MI Bn, Ft Bragg, NC allegedly sexually assaulted and threatened a female Iraqi detainee.
15. On 31 Dec 03 during a "knock and search" operation, four Iraqi civilians were detained and guarded by an MP assigned to the 300th MP Co. The MP allegedly "butt stroked" one of the individuals when he refused to stay quiet and placed the muzzle of his M-4 rifle in the mouth of another detainee and "dry fired." He then removed the muzzle, charged the weapon, and fired the weapon into the ground near that detainee.
16. On 13 Jan 04, a soldier assigned to the Abu Ghraib Prison guard force provided CID and envelope containing a letter and CD disk. The letter identified MP guards allegedly involved in abusive acts against detainees. A review of the CD revealed photographs of MP soldiers involved in abusive or degrading acts involving detainees.

LAW ENFORCEMENT SENSITIVE

LQ78C



REPORT TO ATTORNEY GENERAL

~~SECRET/REL G6TF~~
DEPARTMENT OF DEFENSE
COMBINED JOINT TASK FORCE 180
OPERATIONS ENDURING FREEDOM
BAGRAM AIRFIELD, AFGHANISTAN
APO AE 09354

28 NOV 2003

26 November 2003

CJTF-180-DCJS

MEMORANDUM FOR CHIEF OF STAFF, U.S. CENTRAL COMMAND

SUBJECT: Investigation of Alleged Abuse Against Detainee [REDACTED]

1. Reference. (U) Joint Staff Memorandum dated 14 Nov 03, subject: Allegation of Mistreatment (U).
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4. A review of [REDACTED] International Committee of the Red Cross (ICRC) [REDACTED] Further, a review of ICRC Visit Reports by the CJTF-180 Staff Judge Advocate indicate [REDACTED] did in fact meet with ICRC representatives on several occasions [REDACTED]
5. Conclusion. Based on available records and documents, allegations of abuse against [REDACTED] cannot be substantiated at this time.

~~SECRET/REL G6TF~~
FOIA/press Annotation

FROM SITE 12 OSD

(TUE) MAY 25 2004 10:36/ST. 10:36/NO. 5160427289 P 5

~~SECRET//REL-OCES~~

CJTF-180-DCJS

SUBJECT: investigation of Alleged Abuse Against Detainees [REDACTED]

6. Point of contact is [REDACTED]

FOR THE COMMANDER:



FOIA/press Annotation

(LGS)

**Information on Detainee Operations
Guantanamo Bay, Cuba**

- **Joint Task Force Guantanamo (JTF-GTMO) conducts detention and interrogation operations to collect and exploit intelligence and support law enforcement efforts associated with the Global War on Terrorism.**
- **Major General Miller assumed command of JTF-GTMO on 4 November 2002.**
- **Criminal investigations are conducted by an Army-led Criminal Investigation Task Force (CITF).**
- **Detainees at Camp Delta are enemy combatants, as determined by the President of the United States.**
- **Detaining enemy combatants is not an act of punishment, but of security and necessity, intended to prevent them from continuing to fight against the U.S. and our partners.**
- **We are detaining those enemy combatants that would contribute to our ongoing fight against terrorism.**
- **The USG has begun releasing those who no longer pose a threat. Five individuals have been released thus far.**
- **At Camp Delta, detainees receive:**
 - Three culturally appropriate meals each day,**
 - Daily opportunities for prayer and ability to practice their religion,**
 - Ability to send and receive mail,**
 - Opportunity to take showers regularly,**
 - Exercise opportunities, and**
 - Excellent medical care.**
- **Significant quality of life improvements at GTMO since the detainee operations began in January, 2002:**
 - **New, well ventilated detention units constructed at Camp Delta have replaced Camp X-Ray.**
 - **Detainee hospital constructed to provide excellent medical care to detainee population.**
- **Representatives of the International Committee of the Red Cross (ICRC) visit enemy combatants under US military control.**

- **Approved foreign government representatives are permitted to visit their nationals for specific law enforcement or intelligence purposes.**
- **These detainees are enemy combatants. It would be inappropriate to permit consular, counsel or family visits during a time of war.**
- **Intent is to release from DoD control those who no longer threaten U.S. security and have not committed crimes against our nation.**
 - Some detainees may have committed crimes.**
 - Military commissions occur at the direction of the President.**
 - No detainees have been charged with crimes to date.**
 - DoD published draft Crimes and Elements that could be applied should military commissions be conducted.**
- **There is no requirement in international law that a detaining power accuse enemy combatants of crimes or prosecute in order to continue detention.**
 - **There is no law requiring the detaining power to release enemy combatants prior to the end of the conflict.**
 - **The authority to detain enemy combatants exists in law independent of the civil judicial or criminal justice system. It is a basic tenet in the law of war.**
 - **The decision whether, or when, to prosecute enemy combatants is completely separate from the underlying authority to detain them during the war.**
- **Five detainees released from GTMO in November 2002**
 - **Others would be considered for release, or transfer to another government, if they meet the criteria.**
- **Transfer to another country for continued detention would only occur if U.S. conditions were satisfied, including a guarantee of humane treatment.**
- **We constantly review detained enemy combatants at GTMO to determine:**
 - **Intelligence value,**
 - **Law enforcement value, or**
 - **Threat they pose to U.S. security**
- **Enemy combatants under control of U.S. armed forces continue to be treated humanely, and consistent with military necessity, in a manner consistent with the principles of the Third Geneva Convention of 1949.**