LS286

Part 1
Release
(b)(6)

DoD Points on Issues Raised in UK letter to Secretary Powell

Living conditions of Detainees

- Size of individual detention units is adequate and humane: 6'8" x 8'0" approx.
- Exercise period: two periods per week. Detainees are also permitted to exercise in their ventilated units as often as they wish.
- The United States has treated and will continue to treat enemy combatants 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.
- New ventilated detention facilities have been constructed by the United States to house the enemy combatants detained at Guantanamo Bay.
- The United States is providing detainees with:
    - shelter,
    - running water and toilets,
    - beds and blankets,
    - personal toiletries,
    - new towels and washcloths,
    - new clothing and shoes,
    - the opportunity to take showers regularly, and
    - three culturally appropriate meals a day (average weight gain has been about 14.5 lbs per person).
    - Each detainee has his own living unit.
- The United States is providing detainees excellent medical and dental care -- the same type of care available to U.S. troops. For example, detainees have received routine medical and dental care, prescription medication, eye examinations and corrective eyewear, repaired or new prosthetic devices, and, when serious medical concerns require, hospitalization and surgery.
- These enemy combatants are given the opportunity to worship freely while under US control, and those who so desire have been given copies of the Koran.

- Representatives of the International Committee of the Red Cross ("ICRC") individually and privately visit the enemy combatants under US control on a regular basis.

- Enemy combatants detained at Guantanamo are allowed to receive and send personal mail, subject to screening for security and operational purposes. All who so desire have communicated by mail with their families and some have met with government officials from their country of nationality.

Mail

- Detainees are allowed to send and receive mail at Guantanamo. Both incoming and outgoing mail is screened and often has to be translated for this screening to occur.

  JTF-GTMO handles detainee mail in a timely fashion considering the screening and translating requirements.

  Family communications are limited to sending and receiving mail and there are no family visits allowed at Guantanamo.

- NOTE: ***Following are talking points Amb Prosper used with the UK that were for public release (updated only to reflect current number of detainees.)***

- On August 29th, at the interagency experts group on detainees meeting, you asked for talking points that can be used to publicly characterize the UK detainees on your trip to the UK in mid September 2002.

- We are detaining eight (soon to be nine) UK nationals as enemy combatants at Guantanamo.

- We understand that HMG is under pressure from the families of the detainees concerning their condition, status, and treatment. We assure you that they continue to be treated humanely.

- We have received several demarches by your government regarding access to and information about the UK detainees at Guantanamo. We have given HMG complete access to intelligence and law enforcement information.

- We take the requests from your government seriously. However, these individuals are extremely dangerous and cannot simply be released. For example, we know that:

- Two of them admitted to training and fighting with Al Qaida and continue to express a willingness to participate in future terrorist operations.

- Four of them admitted to training and fighting with the Taliban.

- One detainee, possibly associated with Al Qaida, holds a college degree in a specialty that makes him knowledgeable on bomb making and other terrorist tradecraft.

- A full assessment is still underway for all eight of the UK enemy combatants.

- It is important to remember that the UK detainees were captured as enemy combatants. If released, we expect them to return to the battlefield "to fight another day".

- We remain in contact with the your government on these matters. So far these consultations have not yielded a suitable alternative to continued detention at Guantanamo.

Visits

- Representatives of the International Committee of the Red Cross (ICRC) visit enemy combatants under US control.

- Foreign Governments are permitted to schedule visits to their own nationals and, on occasion, to other detainees if they have specific law enforcement or intelligence needs to visit them. These visits are only authorized for law enforcement and intelligence purposes. Government visits of a consular nature are not authorized.

- Visits by attorneys, family members, and members of non-governmental organizations or public interest groups are not permitted.

- These detainees are enemy combatants and can be held until the end of the conflict. It would be inappropriate to permit consular, counsel or family visits during a time of war.

I. Family Visits: If asked why families may not visit their family members/detainees:

- We are at war. Those detained by the United States are enemy combatants. No law or custom of war provides that families have any right of access to detained enemy combatants.

- For operational, security and force protection reasons it is not possible to permit family members to visit enemy combatants.

II. Attorney Visits: If asked why attorneys may not visit their client/detainees:

  - In this war, as in every war, enemy combatants have no right to counsel or access to courts for the purpose of challenging their detention.
  - Access to counsel, in the absence of criminal charges, by enemy combatants would directly interfere with our security interests and the ongoing efforts of the United States and its coalition partners to gather and evaluate intelligence about the enemy, its capabilities, and its plans.

- If a detainee is charged with a crime, the individual would have access to counsel and would receive a fair trial.

- To date, no enemy combatant at Guantanamo has been charged with a crime.

III. Consular Visits: If asked why governments may not conduct visits of a consular nature to determine and report on the health and welfare of their nationals, or why the USG does not include such matters in otherwise authorized visits:

- For operational and security reasons, visits by foreign officials to Guantanamo must be mission-essential or further law enforcement objectives or intelligence gathering.

- Consular visits do not meet these criteria.

CL37A

TRANSFERRED TO OTHER AGENCY - DOD

April 29, 2003

Subject: Medical Summary on Detainee [redacted]

1. This is a [redacted] male from [redacted] who was in-processed on 8 Feb02 who on 16Jan03 attempted suicide by hanging himself with a towel. He was unresponsive and was in critical condition requiring admission to the ICU and intubation on a respirator.
2. The patient recovered slowly and was successfully extubated and received a PEG tube for feedings and a suprapubic tube for urination. During this time period he opened his eyes, but did not interact with his environment.
3. Neurology evaluated patient on 18 Feb03. The patient persisted in a vegetative state with noted dystonia due to hypoxic brain injury he sustained during the hanging. A repeat EEG showed slowing and a head CT was unremarkable. He was placed on several medications to control the dystonia which was a result of the hypoxic brain injury. The prognosis was predicted to be poor by the Neurologist with a likelihood of a normal life of <5% and a 1-year mortality of approximately 40% due to a nosocomial infection or other related complication.
4. During the last several weeks, this patient has had multiple nosocomial infections which is typical for a hospitalized patient with significant brain injury. These infections have included pneumonia, prostatitis, tinea, and recurrent C. difficile colitis.
5. The patient has been evaluated by a Rehabilitation specialist and is receiving physical therapy. An Arabic translator and chaplain to speak to the patient in his own language also occurs daily.
6. Over the past week, the patient acutely experienced a marked improvement in his neurologic status. He began speaking in both Arabic and English, interacting with others, following commands, and engaging in this medical care. The change was both sudden and refreshing. He is now progressing with PT performing strengthening exercises with the goal towards patient ambulation. In addition, his dystonia has improved allowing for reduction in his medications.
7. A neurologist will arrive today to reassess the patient's status and make further recommendations on his medications for dystonia and for seizure prevention.
8. I would recommend that a rehabilitation specialist return to reevaluate him given his significantly improved status if he remains here. I would also recommend the purchasing of rehab equipment, obtaining a speech therapist, and performing a swallow study to assess if he can take orals.
9. This detainee has significantly improved both physically and mentally over the past 3 months; the recent improvement in his status is exhilarating. However, it should be noted that his rehabilitation will be long and that he will likely suffer complications along the way. Since his suicide attempt, he has developed several medical issues as listed below. Such issues will likely continue and may be associated with a significant risk of morbidity and mortality.

Medical Diagnoses

1. Hypoxic Brain Injury s/p suicide attempt
2. Dystonia/Myoclonus due to brain injury

3. History of possible seizure activity on antiepileptics
4. History of depression
5. Gastritis
6. History of recurrent C. difficile colilitis (3)
7. History of tinea corporis
8. History of nosocomial pneumonia (2)
9. Prostatitis

The Medical Staff of JTF GTMO most strongly advocate for [redacted] earliest return to his home country.

[redacted]

Reviewed and approved by:

[redacted]

C186

Pharr, Brian M

From: [redacted]
Sent: Monday, March 17, 2003 1:22 PM
To: Dolan, JoAnn(Main State Room 3637A)
Subject: FW: IAEG Agenda, 18 March 03, 1100-1200

Agenda_18 March 03.doc

IAEG ahead_18 March 03.

Agenda_18 March 03.doc

IAEG ahead_18 March 03.

-----Original Message-----
From: [redacted]
[mailto:[redacted]
Sent: Monday, March 17, 2003 1:11 PM
To: [redacted]
Cc: [redacted]
Subject: IAEG Agenda, 18 March 03, 1100-1200

TRANSFERRED TO OTHER AGENCY - DOD

SECRET

(See attached file: Agenda_18 March 03.doc)(See attached file: IAEG Readahead_18 March 03.doc)

Please find attached a final agenda and read ahead notes for tomorrow's IAEG meeting.

V/R,

[redacted]

Derived From: Multiple Sources
Declassify On: 03/17/2013

SECRET

(5 Nov 2002)

TRANSFERRED TO OTHER AGENCY
- DOD

Public Affairs Plan on Detainee Release/Transfers

[redacted]

(U) Release of Detainees

(U) Released detainees will have some level of knowledge about other detainees, security practices and U.S. interrogation methods at Guantanamo. Al Qaeda may attempt to locate and debrief released detainees, either voluntarily or under coercion, placing the person at risk and jeopardizing U.S. security and practices at Guantanamo.

[redacted]

~~(C)~~ For these reasons, it is imperative that we define the amount and nature of information provided. (Consistent with OASD(PA) policy of maximum disclosure, with minimum delay.) The U.S. Government will not make public the details of any movements. We do not want to assist al Qaeda in finding any released detainees. Al Qaeda may, in fact, find released detainees, but the USG will not assist al Qaeda by providing public information about transfers or releases.

(U) Transfer of Detainees

[redacted]

[redacted]

[redacted]

(U) Transfers or releases of detainees have high media interest. It is important that the Administration speak with one voice in these matters. Therefore, OASD(PA) will ensure that, prior to transfers or releases, appropriate and timely public affairs information and materials are provided to the Department of State, the Department of Justice, National Security Council staff, and the White House Press Secretary.

(U) OASD(PA) will have the lead for all press queries regarding the transfer or release of detainees. OASD(PA), in coordination with OASD (SO/LIC) and OGC, may provide amplifying guidance, consistent with this guidance, to its components, and may delegate authority to release information about detainee movements.

The following paragraphs are unclassified and cleared for use in response to query:

(U) **TALKING POINTS** - If information about transfers or releases leaks prior to the movement, we will in no way confirm such information for operational security reasons. If questioned about a possible transfer or release, or upon announcement of transfers or releases, the following talking points are provided:

-- To maintain the safety and privacy of those who have been detained and due to operational security considerations, the USG will not provide specific information on any individual.

-- Some detainees have requested that, for privacy and security reasons, we not disclose information regarding their transfer or release.

-- Our detention of enemy combatants is lawful and necessary. Enemy combatants may be detained at least until the cessation of the conflict.

-- It is necessary to remove enemy combatants from the conflict and to detain them for the safety of our military forces, and the prevention of future attacks.

-- At the time of their detention, enemy combatants posed a threat to US security, and we are obligated to mitigate any security threat.

-- The USG has determined that it may transfer or release, under appropriate conditions, individuals who no longer must be detained by the United States. Such determinations are made on a case-by-case basis and depend upon a variety of factors.

-- The release or transfer of a detainee must be approved by the Secretary of Defense. Many factors enter into each consideration, including consultations with other government agencies.

(U) PROPOSED STATEMENT for release following completion of transfer/release:

The Department of Defense announced today that it released ____ (number) detainees from Guantanamo Bay, Cuba, on (date). (See www.defenselink.mil for actual release with numbers and date.)

Senior leadership of the Department of Defense, in consultation with other senior U.S. government officials, determined that these detainees no longer posed a threat to U.S. security.

Transfer or release of detainees can be based on many factors, including law enforcement, intelligence, medical considerations, as well as whether the individual would pose a threat to the United States. At the time of their detention, these enemy combatants posed a threat to U.S. security.

In general terms, the reasons detainees may be released are based on the nature of the continuing threat they may pose to U.S. security.

As part of this process, the International Committee of the Red Cross (ICRC) has conducted independent interviews with these detainees prior to their departure from Guantanamo.

During the course of the war on terrorism, we expect that there will be other transfers or releases of detainees. Because of operational security considerations, no further details will be available.

(U) Q&A for RESPONSE TO QUERY:

Q1. What can you tell us about the release of detainees from GTMO?
The Department of Defense announced today that it transferred (number) detainees from Guantanamo Bay, Cuba, on (date).

Q2. How many detainees have been released?
The Department of Defense announced today that it transferred (number) detainees from Guantanamo Bay, Cuba, on (date). (See www.defenselink.mil for actual press release.)

Q3. Can you identify these detainees?
No. To maintain the safety and privacy of those who have been detained and due to operational security considerations, we will not provide specific information on any individual. *(DOD Policy)*

Q4. What conditions were met that prompted their release?
A variety of factors are relevant to such decisions, including considerations related to intelligence and law enforcement matters, and whether the individual would pose a continued threat to the United States.

Q5. Who made the decision to release these detainees?
These decisions are made by the senior leadership of DoD after thorough assessment of all relevant factors and in consultation with other government agencies to ensure that these detainees are no longer needed to be kept in detention by the United States. *(10/22/02 transcript on Defense Link).*

Q6. Are you concerned about their safety and security?
Yes, we are concerned about the security of anyone we release. This is one of the reasons that we are not disclosing publicly their identities.

Q7. Are there any conditions upon release?
As a general matter, any individuals who are released are required to sign an agreement that they will not take up arms against the United States or its allies. For security and privacy reasons, the USG will not provide specific information on any individual.

Q8. What does the agreement say?
In the agreement, a detainee who is to be released acknowledges his status as an enemy combatant, promises not to take part in further combat against the United States and its allies, and acknowledges that he may be detained again if he engages in further combat.

Q9. Can the detainees really be trusted not to take part in further fighting?
DoD does not rely on the promises of any detainees in making its releasability assessments. Once DoD is satisfied as to the releasability of a detainee, an agreement is used to confirm this assessment in writing, and to put the detainee on notice that he may be detained if he again takes up arms against the United States or its allies.

Q10. Will any of the released detainees be compensated for their detention?
No. Those who are moved out of GTMO will get new clothes. *(SOLIC)*

Q11. Does the Geneva Convention entitle these detainees to compensation?
The President determined that neither al Qaeda, nor the Taliban detainees are entitled to Prisoner of War status under the Third Geneva Convention of 1949. Even if that were not the case, the Geneva Convention makes no provision for compensation upon release.

Q12. What happens to them when they are released? Do you just drop them off on the tarmac? How do they get home? What happens to them when they are set free?
With the State Department, we have coordinated the logistics of their release with appropriate government officials in the countries receiving these individuals. The released detainees will be met upon arrival by officials from their governments to facilitate their return to their homes.

Q13. How can we be sure that detainees didn't commit suicide and you're just now telling us they were released some time ago, somewhere, to someone you won't disclose?
No detainees have died while under US control. We are withholding specific details of the situation to protect the individuals from potential harm from Al Qaida—this enemy will prey on its own. *(SO/LIC)*

Q14. If a detainee expresses concern for his safety, would you consider and forward a request for asylum to the State Department?
If a detainee expresses concern for his safety upon his return to his country of nationality, we will work with the State Department and other appropriate entities to address that matter.

Q15. Is it possible that a detainee, once released, could be tracked down and recaptured if the situation warrants?
Any released detainees are required to acknowledge that they may be detained again if they take up arms against the U.S. or its allies.

Q16. Why did it take so long to prove the innocence of these detainees?
This is not about guilt or innocence. These individuals were detained as enemy combatants captured in connection with an ongoing armed conflict. They continue to be enemy combatants under the law of armed conflict.

It is a universally recognized principle under the law of armed conflict that enemy combatants engaged in war may be captured and detained for the duration of conflict. This has been the practice of the U.S. and its allies in every modern war. 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. This legal right to detain enemy combatants exists independently of any notions of guilt or innocence under the law.

Enemy combatants who cease to pose a threat to the U.S. or who lay down their arms and cease fighting may be released if they will no longer engage in combatant activities. The law of armed conflict does not require they be released before the end of hostilities. In this case, the individuals are judged not to pose a threat to the U.S. and each has agreed not to support acts of terrorism or engage in combatant activities. DoD has determined that the threat posed by these individuals has been significantly mitigated and they no longer require detention by the U.S.

We are constantly reviewing the continued detention of each detainee based on a variety of factors, including intelligence, security threats, and law enforcement and health considerations. All of these need to be considered before a release may occur.

We will not comment on the specifics of particular decisions.

Q17. If you are letting these people go, does it mean DoD should not have captured them in the first place? Were they captured by mistake? What has changed that makes DoD let them go now?
These individuals were apprehended during an armed conflict because they are combatants. We believe their capture and detention on that basis was proper. Over the course of their detention, we have assessed – among other things – their potential to remain a threat to U.S. security, available information concerning whether they may have engaged in the commission of war crimes, and their potential to support or participate in acts of terrorism or combatant activities. Based on these and other considerations, we have decided they could be released under certain conditions. One of those conditions, but by no means the determining one, was their willingness to sign an agreement.

Q18. Why haven't criminal charges been brought against any of these detainees?
Detention of enemy combatants and prosecution of those enemy combatants for alleged war crimes are two separate things. In this instance, we have decided that it is preferable to release these individuals under such agreements.

Q19. Will the detainees return directly to Afghanistan?
We will not comment on the timing, route or destination of their return. *(Transfer & Release PAG)*

Q20. Will they pass through the United States?
No.

Q21. How were they moved out of GTMO?
We are not going to discuss the security measures in place during a detainee movement.

Q22. Are you concerned that camp operations may be compromised following the release of detainees?
We are always concerned about the safety and security of military operations. However, we do not believe that the release of these detainees poses an additional or significant threat.

Q23. What process was used to determine their innocence?
This is not a question of guilt or innocence. They are enemy combatants lawfully detained in accordance with the law of armed conflict. Their release was based on many factors, including intelligence and law enforcement considerations, health concerns and whether the individual would pose a continued threat to the United States. A determination of their guilt or innocence was not made. *(Transfer & Release PAG)*

Q24. **If they no longer pose a threat, did they travel under armed escort? Were they shackled and handcuffed?**
We are not going to discuss the security measures in place during a detainee movement.

Q25. When do you anticipate future transfers/release?
As we have stated from the outset, we expect there will be other releases and that we may also on occasion transfer some detainees to the control of other governments. We will not put detainees or our operations at risk by discussing such transfers or releases. *(OSD PA Plan)*

Q26. Why were you detaining elderly men believed to be at least 80 years old?
Age is not a determining factor in detention. We detain enemy combatants, those who are engaged in armed conflict against us or are providing material support to others who are fighting us.

Those detained at GTMO were sent there for a reason. As we have stated numerous times, when such an enemy combatant is determined to no longer pose a threat, and has no more intelligence or law enforcement value, he will be released or transferred to the control of another government.

However, it is worth noting that the al Qaida and the Taliban combatants are from a much wider age group than a typical organized military. We have only detained individuals that required further screening due to threat, intelligence, or law enforcement concerns.

Q27. Are the remaining detainees at GTMO aware that there has been a release?
Yes.

Q28. When did the detainees learn they were to be released?
They were informed several days ago.

Q29. Did the detainees say anything when they learned they were going home?
We will not relay comments made by individual detainees regarding their status.

Q30. Are you concerned a detainee will die in captivity?
We are concerned about the health and safety of all detainees. We are providing expert medical treatment for the detainees. Since detention operations began, we have treated wounds sustained in battle and relieved pain and suffering caused by pre-existing conditions.

Q31. How long had each detainee been held in confinement?
Information specific to the individuals will not be provided.

Q32. Are detainees permitted any privileges at GTMO, not afforded to others, once their innocence has been determined? (Food, shelter, clothing, privacy)
This is not about guilt or innocence. These individuals were detained as enemy combatants. The U.S. has the authority under the law of armed conflict to detain enemy combatants who pose a threat to the U.S. DoD has determined that the threat posed by these individuals has been significantly mitigated and they no longer require detention by the U.S.

Q33. Are those soon to be released held under armed guard?
We will not discuss the specific security measures in place at GTMO as they pertain to the detainees.

Questions beyond the scope of this guidance should be addressed to OASD(Public Affairs) at (703)697-5131 or DSN: 227-5131.

CL99

Dehart, Odell C

From: [redacted]
Sent: October 29, 2002 10:18 AM
To: [redacted]
Cc: Brink, Bridget A; Dolan, JoAnn(Main State Room 3637A); Davidson, Eliana; 'Jeffrey Casler'; Johnson, David T(Main State); Pasi, Geeta(Main State); 'Ross Hyams'; 'scharfej; _"Scott, _David_L"_ScottDL""@state.sgov.gov; SWCI_IISWCI_II/@spot.policy.osd.pentagon.smil.mil
Subject: Re: Detainee Transfer to GTMO

Microsoft Word 4

Microsoft Word 4

Microsoft Word 4

Microsoft Word 4

SECRET WITH ATTACHMENT

TRANSFERRED TO OTHER AGENCY - DOD

[redacted]

Attached find my comments. [redacted]

(See attached file: manifest-[redacted] notification.doc)

[redacted]

This Message:

[redacted]

W"

State Room 3637A)"

[redacted]

"Scott, David L"

.sgov.gov>

"Brink, Bridget A"

"Johnson, David

<JohnsonDT2@state.sgov.gov>,

10/28/02 05:40 PM

To: "Dolan, JoAnn(Main

<DOLANJA@state.sgov.gov>,

<ScottDL@state.sgov.gov>,

<BrinkBA2@state.sgov.gov>,

T(Main State)"

"Pasi, Geeta(Main State)"

<PasiGX@state.sgov.gov>,

[redacted]

[redacted]

>, [redacted]

[redacted]

[redacted]

, "'scharfej@nsc.sgov.gov'"

<scharfej@nsc.sgov.gov>

cc: SWCI_II

<SWCI_II@state.sgov.gov>

Subject:

Detainee Transfer to GTMO

Please review cable on most recent transfer to GTMO, and provide clearance/comments. Thanks.

<<cable - detainee transfer Oct 28 [redacted].doc>>

[redacted]

(See attached file: cable - detainee transfer Oct 28 [redacted].doc)

~~SECRET WITH ATTACHMENT~~

CL102

Dehart, Odell C

From: [redacted]
Sent: September 09, 2002 6:46 PM
To: DOLANJA@state.sgov.gov; [redacted]
Cc: [redacted]
Subject: Re: FW: OSCE: PRESS GUIDANCE FOR OSCE HUMAN DIMENSION MEETING

Microsoft Word 4

Paintbrush

Paintbrush

Microsoft Word 4

Microsoft Word 4

Microsoft Word 4

TRANSFERRED/RECOMMEND PARTIAL RELEASE
B5
REFERRED FOR DIRECT REPLY - DOD

FOR OFFICIAL USE ONLY

JoAnn, [redacted]
The file attached to this e-mail has my edits on top of the Detainee Policy
Group's edits.
Eliana

(See attached file: DOS_GTMO talking points_SOLIC edits_020909 -- OGC edits.doc)

[redacted]

Caution: This message may contain information protected by the attorney-client, attorney work product, deliberative process, or other privilege. Do not disseminate without the approval of the Office of the DoD General Counsel.

This Message: FOR OFFICIAL USE ONLY

[redacted]

To:

[redacted]

Subject:Re: FW: OSCE: PRESS GUIDANCE FOR OSCE HUMAN DIMENSION MEETING
(FOUO)

(Embedded image moved to file: pic24355.pcx)

(Embedded image moved to file: pic31185.pcx)

FOR OFFICIAL USE ONLY

[redacted]

Attached please find the SOLIC (Detainee Policy Group) edits as requested.
(See attached file: DOS_GTMO talking points_SOLIC edits_020909.doc)

However, this must be cleared by someone in OSD General Counsel, preferably [redacted] prior to release.

I've cc'd [redacted] but am uncertain if she's still in her office this evening.

VR,

[redacted]

This Message:

[redacted]

FW: OSCE: PRESS GUIDANCE FOR
09/09/02 05:47 PM

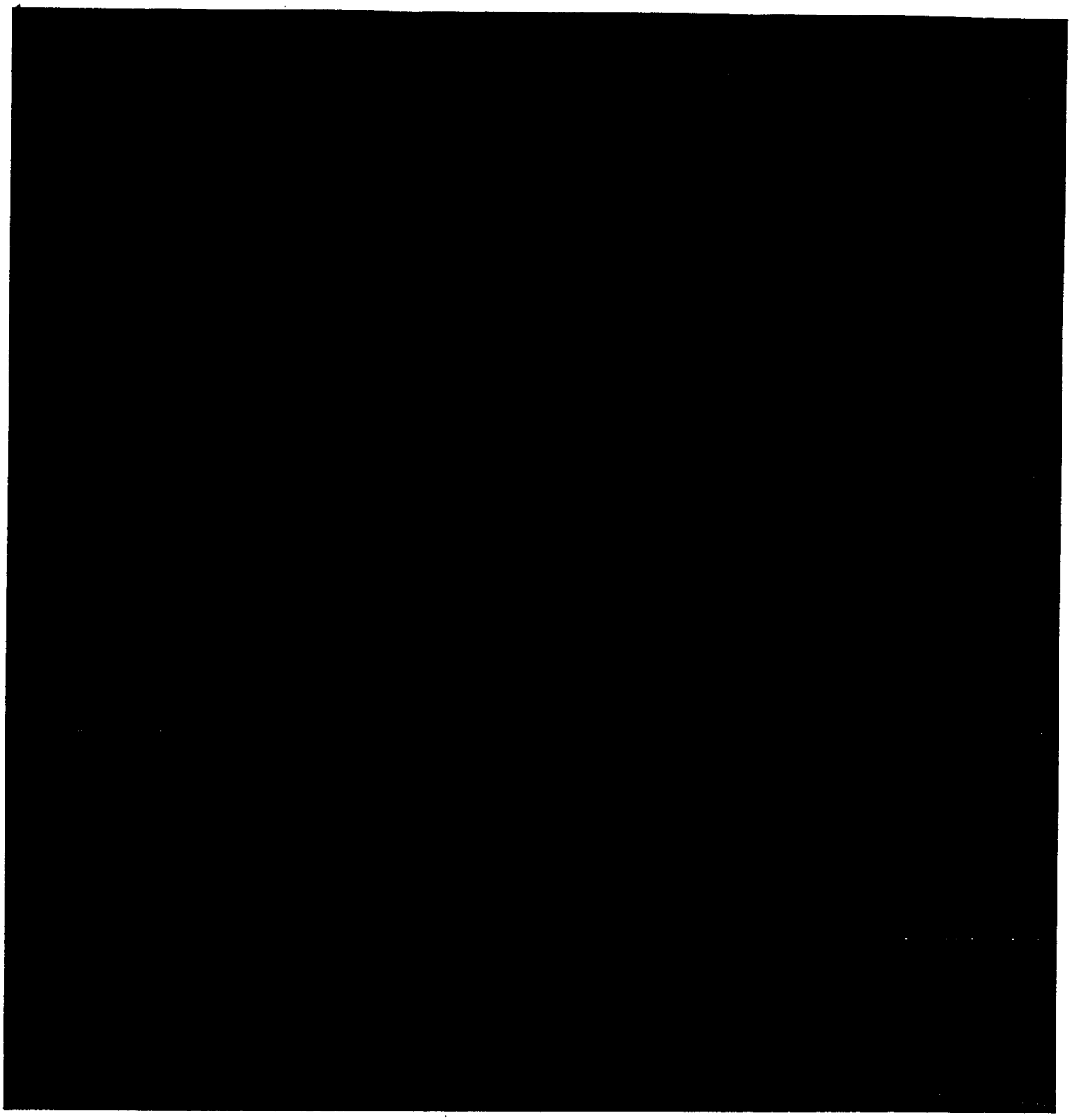
Subject:
OSCE HUMAN DIMENSION MEETING

Per phonecon. ron

> -----Original Message-----
> From: [redacted]
> Sent: Monday, September 09, 2002 5:25 PM
> To: [redacted]
> Subject: OSCE: PRESS GUIDANCE FOR OSCE HUMAN DIMENSION MEETING

[redacted]

B:



B5

FOR OFFICIAL USE ONLY

CL137

Pharr, Brian M

From: [redacted]
Sent: Thursday, April 25, 2002 8:32 PM
To: CrockJM@state.sgov.gov
Cc: [redacted] Bryant, Susan F; [redacted] Cefkin, Judith B(Main State); [redacted] CoalitionWG_PM; Crock, Jonathan M; Dolan, JoAnn(Main State Room 3637A); [redacted] Peters, Sheila J
Subject: Re: Clear on GTMO cable

cable - Guantanamo detainee UK... cable - Guantanamo detainee UK... cable - Guantanamo detainee UK... cable - Guantanamo detainee UK...

SECRET

TRANSFERRED TO OTHER AGENCY - DOD

Jonathan,
DoD/OGC edits are in the file attached.
[redacted]
(See attached file: cable - Guantanamo detainee UK--OGC edits.doc)

This Message: SECRET

[redacted]

To: "Crock, Jonathan M" <CrockJM@state.sgov.gov>
cc: [redacted]
04/25/02 06:32 PM
[redacted] "Bryant, Susan F" <bryantSF@state.sgov.gov>, "Cefkin, Judith B(Main State)" <CefkinJB@state.sgov.gov>, CoalitionWG_PM <CoalitionWG_PM@state.sgov.gov>, "Dolan, JoAnn(Main State Room 3637A)" <DOLANJA@state.sgov.gov>,
[redacted] "Peters, Sheila J" <PetersSJ@state.sgov.gov>
[redacted]
Subject:Re: Clear on GTMO cable (FOUO)

~~SECRET~~

Jonathan--

Here are OSD Detainee Policy Group edits [redacted]

(See attached file: cable - Guantanamo detainee UK--OSD edits.doc)

Thanks--

[redacted]

Derived From: Multiple Sources
Declassify On: 04/25/2012

~~SECRET~~

Derived From: Multiple Sources
Declassify On: 04/25/2012

~~SECRET~~

AL59a

26 Feb 04

INFORMATION PAPER

Subject: Status and Treatment of Iraq Detainees After 30 June 2004

1. (U) Purpose. To provide information on the authority of MNF to continue to detain persons in Iraq after 30 June 2004.

2. (U) Key Points.

- (U) Coalition Forces are detaining people in Iraq under our authority as an occupier, consistent with the Hague Regulations, the Geneva Conventions, and applicable United Nations Security Council Resolutions.
- (U) Occupation will end upon the assumption of governmental authority on 30 Jun 04.
- (U) The character of the armed conflict in Iraq will likely change by 1 July. The law of armed conflict generally requires the release of detained personnel at the end of hostilities, although EPWs and HVD security internees may continue to be held for prosecution. There are several legal theories that may support continued detainee operations.
  - [redacted]
- (U) Chapter VII of the UN Charter authorizes the Security Council to take such actions as may be necessary to maintain or restore international peace and security
- (U) UNSCR 1511 specifically cites Chapter VII as the authority for the MNF's presence in Iraq.
- (U) UNSCR 1511 determines that the provision of security and stability is essential to the successful completion of the political process and "authorizes a multinational force under unified command to take *all necessary measures* to contribute to the maintenance of security and stability in Iraq" (emphasis added).
  - (U) Arresting and detaining people in Iraq is therefore authorized to the extent that such measures are necessary for the MNF to fulfill its mandate of contributing to international peace and security.
  - (U) Parallels may be drawn with UN-authorized operations in Bosnia-Herzegovina, Kosovo, and Timor, where security forces have detained persons when necessary for force protection and other reasons consistent with relevant

UNSCRs. As a general matter, security forces have applied, by analogy, protections found in the Geneva Conventions.

- (U) Under such an approach, persons that the MNF commander detains under the authority of UNSCR 1511 would be afforded the protections analogous of a security internee under the Geneva Civilians Convention until such time as they are handed over to Iraq authorities. Models for detention operations may be found in the COMKFOR Detention Directive and Task Force Eagle, Joint Military Commission Handbook.

[redacted]

Prepared by: [redacted]

LE30a

HUMAN RIGHTS WATCH

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Founding Chair

March 6, 2003

The Honorable Donald Rumsfeld
Secretary of Defense
1000 Defense Pentagon
Washington, DC 20301-1000

Dear Mr. Secretary:

We write to urge the long overdue release from the U.S. military facility at Guantánamo Bay, Cuba of all members of the Taliban armed forces held solely because of their participation in the war in Afghanistan as well as any civilians with no meaningful connection to al-Qaeda. Unless these detainees are prosecuted for a crime, there is no legal basis for their continued detention; the 1949 Geneva Conventions require their release and repatriation. Any detainee implicated in war crimes, crimes against humanity, or other criminal offenses, including acts of terrorism, should be prosecuted by courts that meet international fair trial standards.

We also urge the United States to comply with the requirements of international human rights law with regard to persons held at Guantánamo who were apprehended outside areas of armed conflict and have no direct connection to an armed conflict. For such persons, even if they are alleged to be terrorist suspects, the laws of war do not apply. Under well-established human rights law, the United States cannot lawfully hold these detainees without charges and without providing them access to legal counsel.

During previous armed conflicts, the United States has been a firm supporter of the Geneva Conventions of 1949, recognizing the importance of respect for international humanitarian law. In part, that is because the United States has recognized its interest in securing the maximum legal protection for its own soldiers and citizens should they be captured during armed conflicts – a consideration of particular relevance today as the United States prepares for a possible war with Iraq. Compliance with the Geneva Conventions as they apply to the detainees held at Guantánamo Bay is thus not only required because of the binding commitments undertaken by the United States when it became a party to the conventions; it is also consistent with national goals and self-interest.

Unlawful Continued Detention of Civilians

There have been numerous allegations that the detainees at Guantanamo include some civilians. In a December 22, 2002 article, the *Los Angeles Times* detailed the results of its investigation into the transfer of detainees from Afghanistan to Guantánamo Bay. Citing U.S. intelligence sources in Afghanistan, the *Los Angeles Times* reported that at least fifty-nine detainees at Guantánamo had no meaningful ties to the Taliban or al-Qaeda. The names of these men – forty-nine Afghans and ten Pakistanis – appeared on a list of prisoners, prepared by U.S. intelligence officers in Afghanistan, who did not meet screening criteria for transfer to Guantánamo. According to the U.S. officials cited, some of these detainees included civilians such as farmers, taxi drivers, cobblers, a firewood vendor, and other laborers who had not taken up arms against the United States.

It is not uncommon for civilians to be apprehended during an armed conflict. Their brief detention while their civilian status is confirmed is often unavoidable. But the law does not permit the detaining power, in this case the United States, to simply hold such civilians as long as it chooses, for whatever reasons it chooses, and wherever it chooses.

Civilians typically qualify as "protected persons" under the Fourth Geneva Convention (Geneva IV, Art. 4). Under that convention, the United States is obliged to observe protections for civilians in the areas it occupies, which U.S. policy has interpreted as including "areas through which troops are passing and even on the battlefield." (Department of the Army, *The Law of Land Warfare*, Field Manual 27-10, par. 352). According to the International Committee of the Red Cross (ICRC) *Commentary*, "Even a patrol which penetrates into enemy territory without any intention of staying there must respect the conventions in its dealing with the civilians it meets" (ICRC, *Commentary to the Fourth Geneva Convention*, p.60).

The Fourth Geneva Convention permits the United States as an occupying power to keep civilians in detention ("internment") in only two situations: after prosecution before a properly constituted court, or for "imperative reasons of security" (Geneva IV, Art. 78). The United States has apparently not brought charges against any detainees at Guantánamo. It can therefore hold the civilian detainees only if a decision regarding the necessity of internment has been "made according to a regular procedure," in accordance with the convention, including an appeal and a review every six months (Geneva IV, Art. 78). The decision regarding the necessity of internment cannot be made collectively; "each case must be decided separately" (ICRC, *Commentary to the Fourth Geneva Convention*, p. 367). The United States is also obliged to periodically review the necessity of continued internment (Geneva IV, Art. 78) and to release each interned person "as soon as the reasons which necessitated his internment no longer exist" (Geneva IV, Art. 132). In any case, unless the person is serving a prison sentence, internment shall "cease as soon as possible after the close of hostilities" (Geneva IV, Art. 133).

We are not aware that U.S. officials have made individual determinations according to a regular procedure (with right to appeal and periodic review) concerning the security threat posed by any protected person under its control. If, as the *Los Angeles Times* has reported, U.S. intelligence officers in Afghanistan determined that at least some of the civilians sent to Guantánamo had no meaningful connection to the Taliban or al-Qaeda, it is difficult to conceive how their detention could be considered "imperative" for national security.

The Bush Administration has not acknowledged that any civilians are detained at Guantánamo. Instead, it has claimed that all persons held at Guantánamo are "unlawful combatants." However, if

the United States had followed the requirements of the Geneva Conventions and its own military regulations with regard to combatants, it could have determined through individual tribunals whether civilians had been transferred from Afghanistan to Guantánamo and detained there without legal justification.

Under the Geneva Conventions, all combatants captured during an armed conflict must be treated as prisoners-of-war (POWs), unless a "competent tribunal" determines otherwise. Under the 1997 U.S. Army Regulation 190-8, a military tribunal convened to determine the status of persons captured during an armed conflict can decide whether the person is: 1) a POW; 2) retained personnel (e.g., a doctor or chaplain) who thus qualifies as a POW; 3) an "innocent civilian who should immediately be returned to his home or released"; or 4) a "civilian internee who for reasons of operation security, or probable cause incident to criminal investigation, should be detained." If such tribunals had been convened, any civilians detained by the United States would have had an opportunity to challenge their designation as a combatant. Presumably, they could have demonstrated – as they apparently did to U.S. intelligence officers in Afghanistan – that they had no meaningful connection to the Taliban or al-Qaeda. The problem is compounded by the transfer of such civilians from Afghanistan to Guantánamo; the Fourth Geneva Convention prohibits the deportation of protected persons from the territory in which they were apprehended "regardless of [the] motive" (Geneva IV, Art. 49).

It is unclear whether the revised screening procedures now in use in Afghanistan provide adequate safeguards against the detention and transfer to Guantánamo of civilians and certain captured combatants who should have been questioned and released in relatively short order. The Department of Defense should continually monitor the screening and evaluation of detainees to ensure it functions properly. The *Los Angeles Times* article describes an almost pervasive fear among U.S. security officials of releasing someone who, despite the absence of any evidence of terrorist links whatsoever, may later commit a terrorist act. The U.S. government has a duty to ensure that this fear does not result in depriving innocent persons of their liberty for many months, if not years.

Unlawful Detention of Certain Captured Belligerents

The United States lacks a legal basis to keep in custody members of the Taliban armed forces detained solely for their role as combatants engaged in an armed conflict with the United States. The Third Geneva Convention permits the United States to detain POWs without charge for the duration of the armed conflict in which they were captured. For these Taliban soldiers, that conflict – the war between the United States and the government of Afghanistan – has ended. Such Taliban soldiers confined at Guantánamo who are not being prosecuted criminally must be released.

As Human Rights Watch has repeatedly noted in correspondence and conversations with the Bush Administration, in times of war between states party to the Geneva Conventions (such as Afghanistan and the United States), Article 4 of the Third Geneva Convention requires granting POW status to all captured members of the enemy's regular armed forces. This would include all captured members of the Taliban armed forces, as well as members of any militia that was part of those armed forces. When there is doubt as to whether any person captured in an international armed conflict is entitled to POW status, Article 5 of the Third Geneva Convention requires that a "competent tribunal" be convened to make the determination on a detainee-by-detainee basis. Until now, the United States has never taken exception to this straightforward and appropriate rule: during the Gulf War, for example, more than one thousand Article 5 tribunals were convened.

The Bush Administration, however, has insisted that it would not consider any of the captured members of the Taliban armed forces to be POWs. This refusal is based on a strained and erroneous reading of the plain language of the Third Geneva Convention, as we have previously explained in our letter to you of May 29, 2002. Moreover, the refusal to grant POW status to Taliban soldiers is a dramatic change from the U.S. government's expansive interpretation of the convention's requirements in previous armed conflicts. For example, during the Korean War, the United States accorded Chinese and North Korean soldiers POW status even though those countries had not yet ratified the Geneva Conventions.

Human Rights Watch is of the view that the intent of the Third Geneva Convention reflected in the language of Article 4 is to ensure that members of regular armed forces are granted POW status when captured. This interpretation is consistent with the overall aims of the Geneva Conventions, as well as ICRC commentary and past U.S. practice, and is in the long-term interests of the United States.

The POW designation has particular significance today because at least since the formation of the Hamid Karzai government in June 2002 – the United States is no longer at war with the Afghan government. Article 118 of the Third Geneva Convention requires that, at war's end, POWs who have not been convicted of a crime be released and repatriated. Ongoing fighting in Afghanistan with al-Qaeda and opposition forces is distinct from armed conflict with the Afghan government and provides no basis for continued detention of former Taliban soldiers.

Under the Geneva Conventions, if a combatant captured on the battlefield is not a POW, including persons labeled as "non-privileged" or "unlawful" combatants, they must be considered "protected persons" under the Fourth Geneva Convention. (Geneva IV, Art. 4.; see also *The Law of Land Warfare*, Field Manual 27-10, *Interpretation*, par. 247 which states: "[T]hose protected by Fourth Geneva also include all persons who have engaged in hostile or belligerent conduct but who are not entitled to treatment as prisoners of war.") The U.S. regulations for military tribunals that determine the status of captured persons reflect this interpretation of the conventions as they call for a decision that the detainee is either a POW or a civilian.

As discussed above, now that the armed conflict with the Afghan government has ended, the Fourth Geneva Convention requires the immediate release of all protected persons detained solely because of their participation in that conflict. The Geneva Conventions permit the internment of any protected person only upon an individualized determination of imperative security grounds. Thus, even the failure to recognize the POW status of captured Taliban soldiers is no justification for their continued detention.

Detainees from Outside the War Zone

In addition to persons captured during the armed conflict in Afghanistan, the United States has taken into custody alleged terrorist suspects from other locations, including Bosnia-Herzegovina. The United States has asserted that all detained terrorist suspects are being held as part of the worldwide war against terrorism, although the United States has not applied the Geneva Conventions or international human rights law to their cases. As noted, terrorist suspects detained during the war in Afghanistan, if not POWs, must be treated as protected persons in accordance with the Geneva Conventions.

Because al-Qaeda is not a state, other military operations against the group are covered by Common Article 3 of the Geneva Conventions, which governs armed conflicts that are not between two states party. Those detained as a result of such military operations must be protected from mistreatment as provided under Common Article 3 and customary international law. In addition, human rights law remains in effect for such individuals; they must be prosecuted in accordance with basic due process rights, unless the state has formally derogated from its obligations. These legal provisions apply no matter how the United States defines the war against al-Qaeda, whether as a worldwide conflict or a series of discrete military actions.

When al-Qaeda suspects or other alleged terrorists are apprehended outside areas of armed conflict and have no direct connection to such conflict, such as those apprehended in Bosnia-Herzegovina, the Geneva Conventions are inapplicable. Instead, the protections of international human rights law apply. These include the requirements of being formally charged, informed of one's rights, and permitted access to legal counsel. International humanitarian law provides no basis in such circumstances for circumventing these requirements by purporting to hold such persons as "enemy combatants." Indeed, to permit a government that is at war in one part of the world to detain people without charge apprehended elsewhere in the world without demonstrating participation in the armed conflict is to create a gaping and dangerous loophole in international human rights guarantees.

The United States has asserted that anyone apprehended for involvement in international terrorism against the United States may be treated as an enemy combatant, no matter where they are found and regardless of the circumstances. This open-ended expansion of the concept of armed conflict has no basis under international law. Where law enforcement is possible, the government must pursue these crimes and threatened crimes, serious as they are, through the criminal justice system with its attendant due process rights. In the absence of an imminent threat of violence that could not be met through traditional law enforcement means, no one would seriously suggest that a terrorist suspect on the streets of New York or Washington could be summarily shot. But if he were really an enemy combatant, such summary killing would be legitimate, as it is in war. In the case of terrorist suspects far from any recognized battlefield, if it is objectionable for the government to declare them enemy combatants for the purpose of shooting them on sight, it is equally objectionable to circumvent their due process rights and detain them summarily.

Thank you for your attention to these issues. We would be pleased to discuss these matters with you at your convenience.

Sincerely,

/s/

Kenneth Roth
Executive Director

Cc: Hon. Colin Powell, Secretary of State
Hon. Alberto Gonzales, White House Counsel

LE39

FAX TRANSMISSION

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Hon. Scott Muller - (703) 482-1959
Mr. John Bellinger - (202) 456-9110
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Date: April 7, 2003
Pages: 2, including this cover

From: William J. Haynes II

Phone: [redacted]

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COMMENTS:

Copy of response to HRW.

WJH

GENERAL COUNSEL OF THE DEPARTMENT OF DEFENSE
1600 DEFENSE PENTAGON
WASHINGTON, D. C. 20301-1600

LE39a

GENERAL COUNSEL

April 2, 2003

Mr. Kenneth Roth
Executive Director
Human Rights Watch
350 Fifth Avenue, 34th Floor
New York, NY 10118

Dear Mr. Roth:

This is in response to your December 26, 2002, letter to the President and other letters to senior administration officials regarding detention and questioning of enemy combatants captured in the war against terrorists of global reach after the terrorist attacks on the United States of September 11, 2001.

The United States questions enemy combatants to elicit information they may possess that could help the coalition win the war and forestall further terrorist attacks upon the citizens of the United States and other countries. As the President reaffirmed recently to the United Nations High Commissioner for Human Rights, United States policy condemns and prohibits torture. When questioning enemy combatants, U.S. personnel are required to follow this policy and applicable laws prohibiting torture.

If the war on terrorists of global reach requires transfer of detained enemy combatants to other countries for continued detention on our behalf, U.S. Government instructions are to seek and obtain appropriate assurances that such enemy combatants are not tortured.

U.S. Government personnel are instructed to report allegations of mistreatment of or injuries to detained enemy combatants, and to investigate any such reports. Consistent with these instructions, U.S. Government officials investigate any known reports of mistreatment or injuries to detainees.

The United States does not condone torture. We are committed to protecting human rights as well as protecting the people of the United States and other countries against terrorists of global reach.

Sincerely,

William J. Haynes II

~~SECRET / NF / X1~~

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

ACTION MEMO

August 16, 2004

FOR: DIRECTOR, DEFENSE INTELLIGENCE AGENCY

FROM: DEPUTY UNDER SECRETARY OF DEFENSE (I&WS)

SUBJECT: "DIA Policy for Interrogation Operations" (U)

[redacted]

(U) One additional area that needs to be addressed is inclusion of USD(I) responsibilities in this policy area. Please insert as a new subparagraph (Para. 6.a. (1)) the following:

> (U) Within the Office of the Secretary of Defense (OSD), the Under Secretary of Defense for Intelligence (USD(I)) is responsible for intelligence collection guidelines, training and resources. Interrogation, as an essential intelligence collection tool, is under the intelligence policy and oversight authority of the USD(I).

William G. Boykin
LTG, USA
Deputy Under Secretary of Defense
For Intelligence and Warfighting Support

~~SECRET / NF / X1~~

FOIAXpress Annotation

F104A

Talking Points on Allegations of Detainee Abuse at Abu Ghraib Prison

Question: *Sixty Minutes II*, *The New York Times*, and the *New Yorker* all report that there have been allegations physical and sexual abuse of detainees by U.S. Forces at Abu Ghraib prison. Is that true? Please describe the allegations and any investigations that are ongoing.

Background (not for use as Talking Points):

- At a press conference on 20 Mar 04, BG Kimmit, CJTF7 Deputy Director of Operations, related that charges had been preferred against six reserve MPs for physical and sexual abuse at Bagdhad Central Confinement Facility (BCF) at Abu Ghraib.
- BG Kimmett did not name the soldiers or their units.
- The soldiers alleged to have been abusing detainees were assigned to the 372d MP CO, (USAR, Cumberland, MD) of the 320th MP BN (USAR, Ashley, PA). Both units fall under the 800th MP BDE. The 800th MP BDE is a theater asset, assigned to CFLCC and TACON to CJTF-7. It is an internment and resettlement brigade from Uniondale, NY, and many of its soldiers are corrections officers in civilian life.
- The 800th has since redeployed. The six soldiers have remained in Iz and have been reassigned to the 16th MP BDE, an active duty unit.
- A seventh soldier faces possible charges, but has been transferred to CONUS for medical reasons.
- Of the six charged, three Article 32 investigations have been completed, and the investigating officer has recommended referral to courts-martial. The four remaining Article 32 investigations have been delayed at defense request.
- The charges against the six MPs include:
  - Indecent acts for ordering detainees to publicly masturbate
  - Maltreatment of subordinates for non-physical abuse such as ordering detainees into a "nude pyramid" and taking photographs of the nude detainees
  - Assault consummated by battery for shoving and stepping on detainees
  - Dereliction of duty
  - Conspiracy to maltreat subordinates.
- Also, two of these MPs have been charged with aggravated assault, one for striking a detainee in the head with enough force to render him unconscious and the other for striking a detainee in the chest almost rendering him unconscious.
- Commander, CJTF7 initiated the criminal investigation immediately upon becoming aware of the allegations when a soldier provided authorities a copy

of a CD with digital photos and video showing physical and sexual abuse of detainees.

- Commander, CJTF-7 ordered a separate administrative investigation under AR 15-6 investigation into systemic issues such as command policies and internal procedures relating to detention operations, which is ongoing at this time.
- The Army IG is also leading a team that is conducting an assessment of the doctrine and training associated with detention operations.

Answer:

(b)(5)

Prepared by (b)(6)

UNCLASSIFIED

Iraq Detainee Brief

March 2004

SECRET

RL3D

UNCLASSIFIED

DEPARTMENT OF DEFENSE

Iraq Detainee Brief

DEPARTMENT OF DEFENSE

- Overview
- Analysis of Detainee Population
- Detention Procedures
- Prosecutions
- Transition Issues

DOD JUNE 644

Overview

- As of 27 February 2004, Coalition Forces held 13,167 detainees in three categories: EPWs, Criminal Detainees and Security Internees

- Desired End-State (July 1 and beyond):
  - Significant number of detainee cases handled through judicial process
  - Certain detainees remain under Coalition Control
  - Post-occupation authority to continue detention and to apprehend insurgents/terrorists

(b)(5)

DEPARTMENT OF DEFENSE

DOD JUNE 645

Challenges

- Iraqi correctional system lacks sufficient capacity for expected criminal population

(b)(1)

- Courthouse and judicial security not yet in place

(b)(5)

- Post-occupational authority for detainee operations not yet settled

DEPARTMENT OF DEFENSE

DOD JUNE 646

DEPARTMENT OF DEFENSE

ANALYSIS OF DETAINEE POPULATION

DOD JUNE 647

Who We Are Holding & Why – 13,167 as of 27 Feb

DEPARTMENT OF DEFENSE

• Prisoners of War (EPWs)	18
• Criminal Detainees	1,145
• Security Internees	8,058
• High Value Detainees (HVD) – (EPWs or Security Internees)	98
• Mujahidin-e Khalq (MEK) – Currently treated as EPWs	[redacted] (b)(1)

DOD JUNE 648

~~SECRET//REL US, MCFI~~

DEPARTMENT OF DEFENSE

Non-Iraqi Detainees

EPW / CI / HVD - Nationalities					
Egypt	11	Jordan	8	Sudan	17
Syria	24	Lebanon	0	Tunisia	5
Algeria	2	Libya	5	Turkey	1
Gaza Strip	1	Oman	0	West Bank	4
Iran	22	Saudi Arabia	8	Yemen	4
Palestine	3	Somalia	1	India	1
Malaysia	1	Morocco	3	Sweden	0
Kuwait	1	Afghanistan	7	Total	128

Data as of 27 Feb 04

DOD JUNE

~~SECRET//REL US, MCFI~~

DEPARTMENT OF DEFENSE

EPWs

- Armed Forces of Iraq

- Geneva Prisoner of War convention (GPW) allows EPWs to be held until the "cessation of active hostilities or until the completion of trial and sentence if pending criminal proceedings for an indictable offense

- Most EPWs have been paroled but 18 are still being held based on intelligence interest or security threat

- May be subject to prosecution in Iraqi Special Tribunal (IST) after return of sovereignty

650

CRIMINALS

- Under Geneva Civilians Convention (GCC), Coalition may hold criminals while accused of offenses and after sentencing, until occupation ends
- Coalition responsible for oversight of the treatment of criminals until transition
- Detention of criminals is shifting to CPA civilian control as forces redeploy
- Saddam emptied prisons before war, so criminal detainees (along with Security Internees) held by Coalition comprise the majority of the current prison population
- CPA personnel are directing prison operations because previous regime was corrupt and abusive – need to rebuild corrections system (personnel and infrastructure)

(b)(1)

- May be subject to prosecution in Iraqi Criminal Courts, including Central Criminal Court of Iraq (CCCI)

DOD JUNE 651

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DOD JUNE

SECURITY INTERNEES

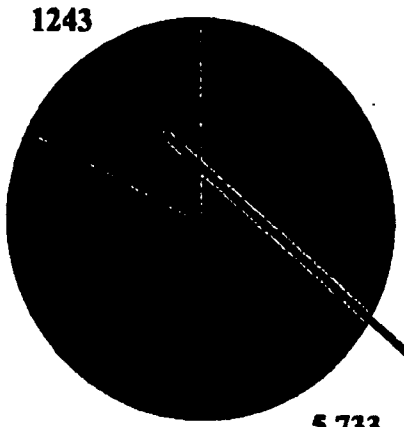
DEPARTMENT OF DEFENSE

- Under GCC, Coalition may hold people for "imperative reasons of security"
  - Attacks on Coalition, terrorists, knowledge of WMD, senior regime leaders, foreign fighters
  - Authority as occupying power to hold Security Internees ends at the conclusion of the occupation
- High Value Detainees (HVD):
  - Basis depends on their status (EPW or Security Internee)
  - Held pursuant to Policy Guidance # 1 (Black List) & # 15 (Grey List)
- Prosecute in IST and CCCI

652

Security Internees by the Numbers

Total Security Internees: 6,976



■ Security Internees

■ SI of Intel Interest

Breakdown of the 1243 SI of Intel Interest

(b)(1)

Data as of 15 January 2004

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DOD JUNE 653

DOD JUNE 654

~~SECRET//REL US, MCFI~~

Length of Detention of Security Internees

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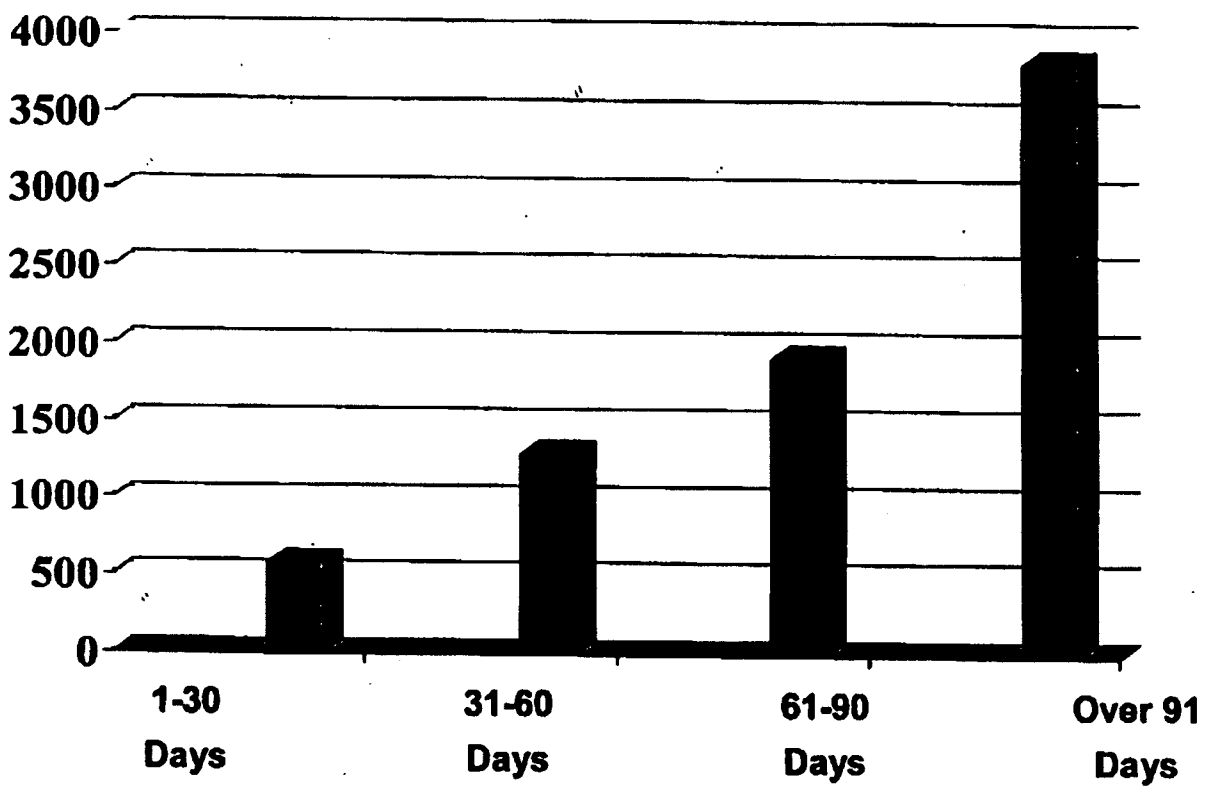
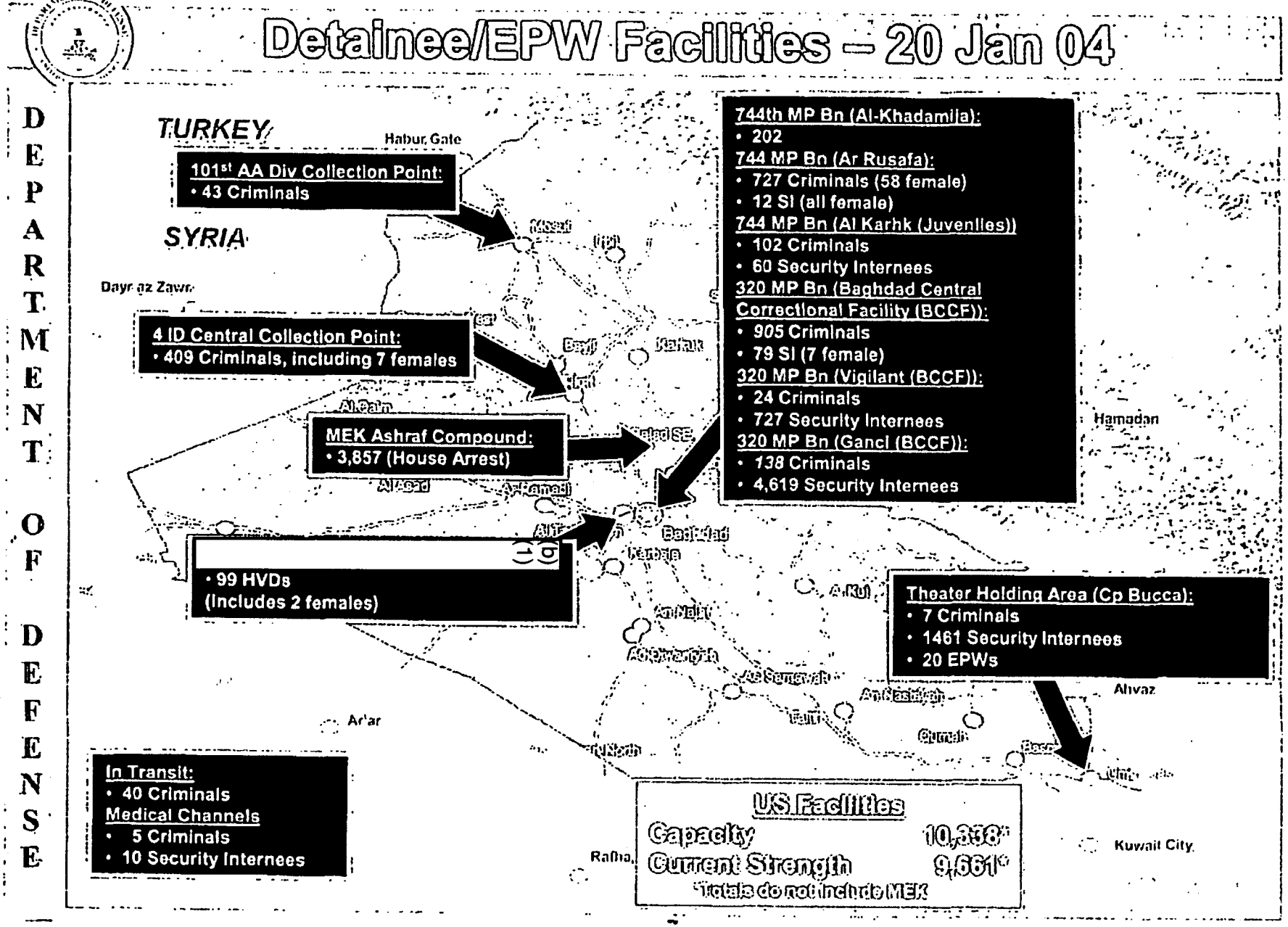


Data as of 27 Feb 04

DOD JUNE

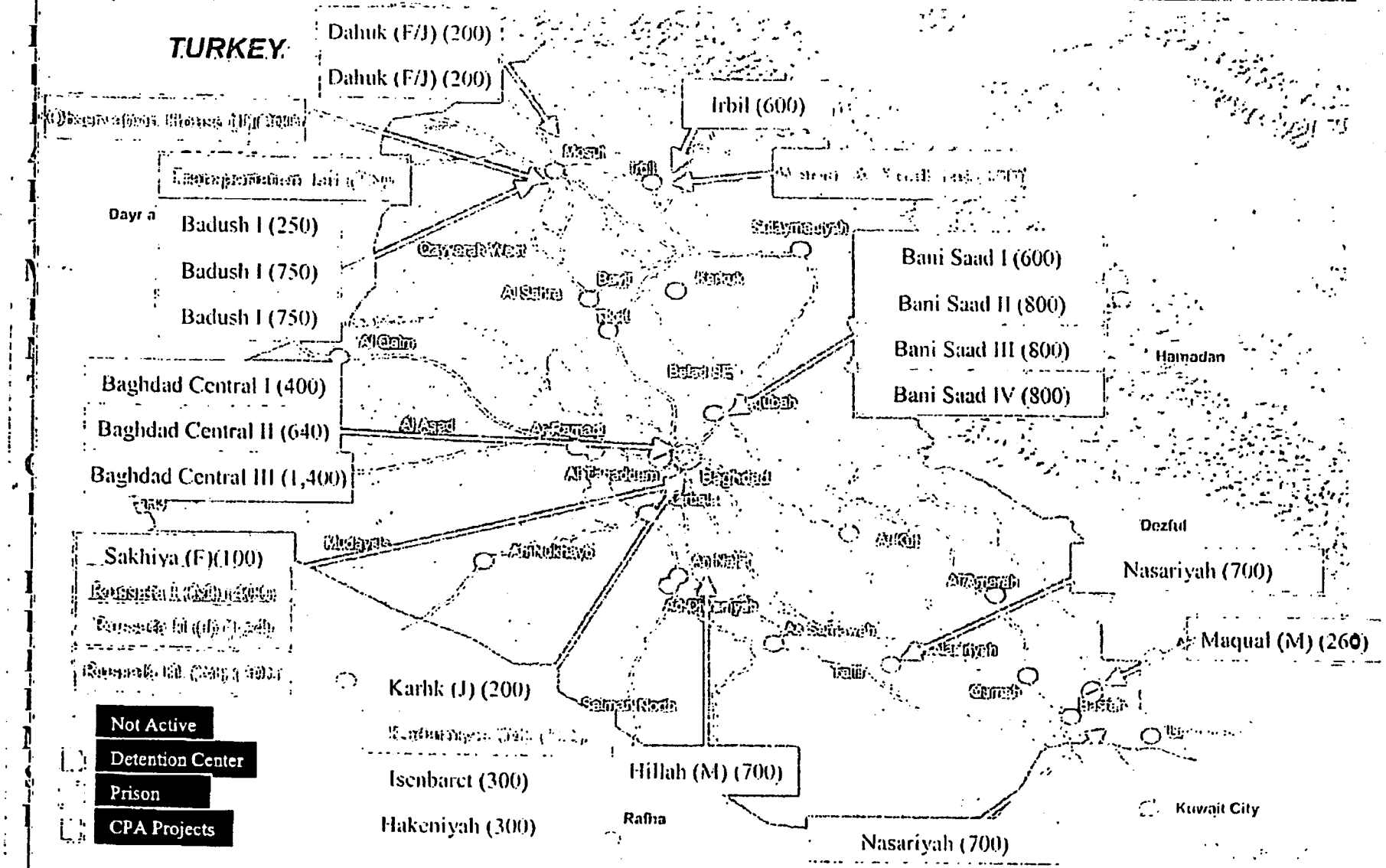
~~SECRET//REL US, MCFI~~

Detainee/EPW Facilities – 20 Jan 04



~~SECRET//REL US, MCFI~~

Iraqi Prisons / Detention Centers



DOD JUNE

DOD JUNE 657

DEPARTMENT OF DEFENSE

DETENTION PROCEDURES

DOD JUNE

~~SECRET//REL US, MCFI~~

Principles of the Detainee Process

- Designed to identify detainee category rapidly
- Designed to ensure detention of individuals posing a threat to Coalition Forces and release those who do not
- Designed to adjudicate detainee cases in timely manner
- Designed to help Iraqis assume responsibility for the process

(b)(1)

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658

DOD JUNE

~~SECRET//REL US, MCFI~~

Overview of Detainees Processed

DEPARTMENT OF DEFENSE

- Nearly 37,000 Iraqis have been detained by Coalition Forces since March 2003 — nearly two-thirds of them have been processed through to release or parole
  - Of approx. 18,000 criminal detainees processed, 2,606 remain in U.S. custody
  - Of approx. 11,000 security internees processed, 7,005 remain in custody
  - Of approx. 8,000 non-MEK EPWs—less than 50 remain (including HVDs).
- Bottom Line: The existing detainee process is working to ensure that individuals are screened and reviewed in an appropriate and timely fashion and released, when appropriate

659

~~SECRET//REL US, MCFI~~

What Happens to Detainee After Capture?

(b)(1)

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Security Internee Review Process

(b)(1)

- Recent adjustments dramatically improved processing capability
  - Initial reviewing magistrate can now order release
  - Standing review board increased review capacity to 100 cases/day
  - 857 cases reviewed as of 26 Feb by new review board
    - 710 ordered released
    - 65 recommended release unless further information is found to justify detention
    - 44 referred to CCCI for further investigation
    - 38 recommended for conditional release

661

DOD JUNE

~~SECRET//REL US, MCFI~~

DEPARTMENT OF DEFENSE

Conditional Release Program

- Bremer announced program on January 8, 2004
- Initial release of 59 detainees, more to follow
  - –Must renounce violence
  - –Guarantor (prominent community, religious, or tribal leader) must accept responsibility for future good conduct
- Not available for "those with blood-stained hands" (Bremer)

662

~~SECRET//REL US, MCFI~~

Family Notification

(b)(1)

- Detainee information is posted at police stations and elsewhere (including recently launched web-site)

- Limitations:
  - Language translation and database limitations (non-Arabic system)
  - Poor communication infrastructure in Iraq hampers more effective notification
  - Iraqis still dissatisfied with procedures

DEPARTMENT OF DEFENSE

DOD JUNE 663

What Happens to Criminals Captured by Iraqis?

- Iraqi system operates in parallel to Coalition system
- Detainees can flow from Iraqi system to U.S. system as security internees and vice-versa (as categorization changes)
- Most common criminals are now arrested by Iraqi Police and processed through local Iraqi courts
- Virtually all Iraqi courts are operating, although not all court facilities operational

DEPARTMENT OF DEFENSE

DOD JUNE 664

DEPARTMENT OF DEFENSE

PROSECUTIONS

DOD JUNE 665

~~SECRET//REL US, MCFI~~

How Will Detainees Be Prosecuted?

- Iraqi Special Tribunal (IST)
- Central Criminal Court of Iraq (CCCI)
- Iraqi Criminal Courts

(b)(1)

DEPARTMENT OF DEFENSE

DOD JUNE 666

Iraqi Special Tribunal (IST)

- Jurisdiction
  - War Crimes, Crimes against humanity, Genocide
  - Violations of certain Iraqi laws
- Three tiers within court
  - Department of Investigative Judges
  - Trial Chamber
  - Appellate Chamber
- IST applies international law and Iraqi law
- The IST will try those HVDs that committed the most serious atrocities against the Iraqi people and Iraq's neighbors.

DOD JUNE 667

DEPARTMENT OF DEFENSE

DOD JUNE

IST Issues

DEPARTMENT OF DEFENSE

- DOJ has lead in supporting the IST

[redacted] (b)(1)

- Death penalty
- Timing:

[redacted] (b)(1)

  - Order of cases

[redacted] (b)(1)

  - Public should be kept informed about progress toward trials

668

DOD JUNE

Central Criminal Court of Iraq

DEPARTMENT OF DEFENSE

- Jurisdiction
  - Crimes of special significance referred by Amb. Bremer
    - May include major crimes against Coalition Forces
- Three tiers
  - Investigative Judges
  - Trial Court: 3-Judge panel
  - Appellate Court—existing Iraqi Court of Cassation (highest court)
- CCCI applies Iraqi law, as modified by CPA orders
  - Death penalty has been suspended in Iraq
- CPA goal is to have CCCI trying 5 cases per week and conducting 10 investigations per week by March 10, 2004 (assumes requested investigative and security support is provided per Bremer's December 12, 2003, memo)

699

CCCI Issues

- Future of CCCI after end of occupation
- Insufficient resources to prepare cases for referral
  - Bremer request for additional support is being staffed
- Security concerns for judges/prosecutors and witnesses
- Limited Iraqi awareness of Court's convictions reduces deterrent effect

(b)(1)

DEPARTMENT OF DEFENSE
DOD JUNE 670

DEPARTMENT OF DEFENSE

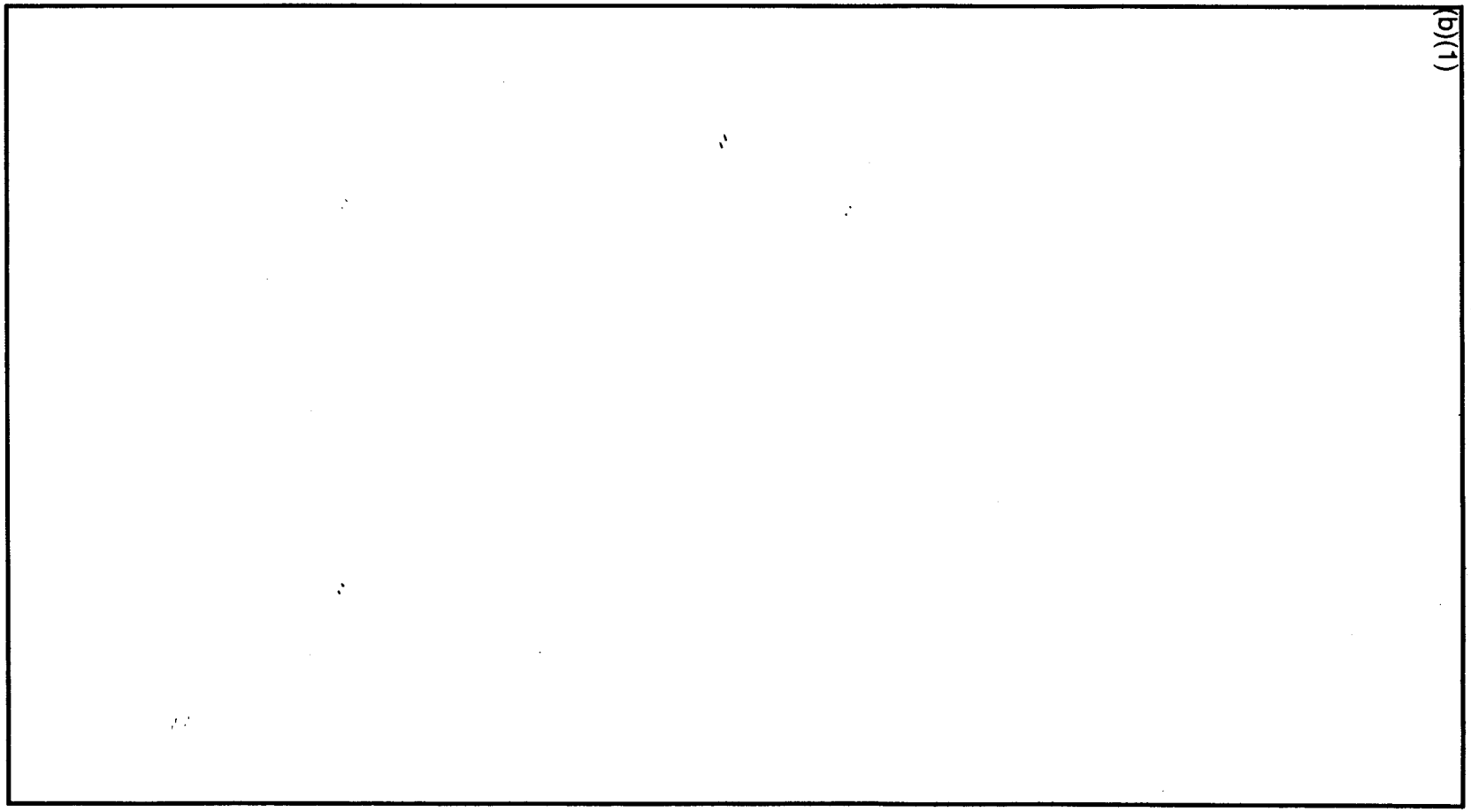
TRANSITION

DOD JUNE 671

Way Ahead for Detainees After 30 June

DEPARTMENT OF DEFENSE

(b)(1)



DOD JUNE 672

Way Ahead for Detainees After 30 June

- UNSCR 1511 "authorizes a multinational force under unified command to take *all necessary measures* to contribute to the maintenance of security and stability in Iraq"
  - Arresting and detaining people in Iraq is therefore authorized to the extent they are necessary for the MNF to fulfill its mandate of contributing to international peace and security
  - Persons the MNF commander detains under this authority would be afforded protections analogous to Security Internees under the Geneva Civilians Conventions until handed over to Iraqi authorities
  - This argument may be controversial as some may not share this view on the continued authority and ability to use UNSCR 1511 in this manner
- EPWs and HVD Security Internees may continue to be held for prosecution
- A security agreement and/or follow-on UNSCR would provide additional authorities for continued detainee operations

DEPARTMENT OF DEFENSE

DOD JUNE 673

KL 37A

LEGAL AUTHORITY: Persons currently being detained by the American military contingent of the MNF-I are subject to the protections afforded under international law, as enunciated in DOD Joint Instruction, "Enemy Prisoners of War, Retained Personnel, Civilian Internees and Other Detainees," AR 190-8; OPNAVINST 3461.6; AFJI 31-304; and MCO 3461.1 (1 Oct 97). This joint instruction/regulation enunciates DOD policy, procedures, and responsibilities for the administration, treatment, employment, and compensation of "Enemy Prisoners of War" (EPW), "Retained Personnel" (RP), Civilian Internees (CI) and "Other Detainees" (OD) in the custody of U.S. Armed Forces. It specifically implements international law, both customary and codified, relating to EPW, RP, CI, and ODs which includes those persons held during military operations other than war. The principal treaties underlying the joint instruction/regulation are:

(1) The 1949 Geneva Convention Relative to the Amelioration of the Condition of the Wounded and Sick in Armed Forces in the Field (GWS);
(2) The 1949 Geneva Convention for the Amelioration of the Condition of Wounded, Sick and Shipwrecked Members of Armed Forces at Sea (GWS SEA);
(3) The 1949 Geneva Convention Relative to the Treatment of Prisoners of War (GPW); and
(4) The 1949 Geneva Convention Relative to the Protection of Civilian Persons in Time of War (GC), and In the event of conflicts or discrepancies between this regulation and the Geneva Conventions, the provisions of the Geneva Conventions take precedence.

As articulated in joint instruction/regulation AR 190-8, OPNAVINST 3461.6, AFJI 31-304, and MCO 3461.1, U.S. policy, relative to the treatment of Enemy Prisoners of War, Civilian Internees and Retained Personnel in the custody of the U.S. Armed Forces, is that "(a)ll persons captured, detained, interned, or otherwise held in U.S. Armed Forces custody during the course of conflict will be given humanitarian care and treatment from the moment they fall into the hands of U.S. forces until final release or repatriation." Further, "(a)ll persons taken into custody by U.S. forces will be provided with the protections of the 1949 Geneva Convention Relative to the Treatment of Prisoners of War (GPW) *until some other legal status is determined by competent authority.*" (emphasis added) (para. 1-5(a)(1-2) In this regard, the instruction/regulation specifically notes:

> ***"Photographing, filming, and video taping of (Enemy Prisoners of War), (Civilian Internees) and (Retained Personnel) for other than internal Internment Facility administration or intelligence/counterintelligence purposes is strictly prohibited.*** No group, wide area or aerial photographs of (Enemy Prisoners of War),

(Civilian Internees) and (Retained Personnel) or facilities will be taken unless approved by the senior Military Police officer in the Internment Facility commander's chain of command." (emphasis added)(para. 1-5(d))

"***In the interest of national security, and the protection of the prisoners from public curiosity, and in adherence to the GPW and GC, EPW, CI, RP and other detainees will not be photographed*** as per paragraph 1-5d. ***Interviews of EPW, CI, RP and other detainees by news media will not be permitted.*** Requests for media access to EPW, CI, or other detainee internment facilities will be coordinated through the Public Affairs Office, and the Staff Judge Advocate, and approved by the first commander who exercises General Court Martial Convening Authority over the internment facility. Requests for exception to policy will be forwarded through command channels to HQDA (SAPA-PP), Washington, D.C. 20310-4420." (emphasis added)(para. 1-9)

(b)(5)

Talking Points on Allegations of Detainee Abuse at Abu Ghraib Prison

Question: *Sixty Minutes II, The New York Times*, and the *New Yorker* all report that there have been allegations physical and sexual abuse of detainees by U.S. Forces at Abu Ghraib prison. Is that true? Please describe the allegations and any investigations that are ongoing.

KLI

Background (not for use as Talking Points):

- At a press conference on 20 Mar 04, BG Kimmit, CJTF7 Deputy Director of Operations, related that charges had been preferred against six reserve MPs for physical and sexual abuse at Bagdhad Central Confinement Facility (BCF) at Abu Ghraib.
- BG Kimmett did not name the soldiers or their units.
- The soldiers alleged to have been abusing detainees were assigned to the 372d MP CO, (USAR, Cumberland, MD) of the 320th MP BN (USAR, Ashley, PA). Both units fall under the 800th MP BDE. The 800th MP BDE is a theater asset, assigned to CFLCC and TACON to CJTF-7. It is an internment and resettlement brigade from Uniondale, NY, and many of its soldiers are corrections officers in civilian life.
- The 800th has since redeployed. The six soldiers have remained in Iz and have been reassigned to the 16th MP BDE, an active duty unit.
- A seventh soldier faces possible charges, but has been transferred to CONUS for medical reasons.
- Of the six charged, three Article 32 investigations have been completed, and the investigating officer has recommended referral to courts-martial. The four remaining Article 32 investigations have been delayed at defense request.
- The charges against the six MPs include:
  - Indecent acts for ordering detainees to publicly masturbate
  - Maltreatment of subordinates for non-physical abuse such as ordering detainees into a "nude pyramid" and taking photographs of the nude detainees
  - Assault consummated by battery for shoving and stepping on detainees
  - Dereliction of duty
  - Conspiracy to maltreat subordinates.
- Also, two of these MPs have been charged with aggravated assault, one for striking a detainee in the head with enough force to render him unconscious and the other for striking a detainee in the chest almost rendering him unconscious.
- Commander, CJTF7 initiated the criminal investigation immediately upon becoming aware of the allegations when a soldier provided authorities a copy

of a CD with digital photos and video showing physical and sexual abuse of detainees.

- Commander, CJTF-7 ordered a separate administrative investigation under AR 15-6 investigation into systemic issues such as command policies and internal procedures relating to detention operations, which is ongoing at this time.
- The Army IG is also leading a team that is conducting an assessment of the doctrine and training associated with detention operations.

Answer:

(b)(5)

Prepared by [(b)(6)]

NotesTele

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	EAP-00	EB-00	EUR-00	OIGO-00	UTED-00	CSEP-00	VC-00
	FSI-00	OBO-00	H-00	TEDE-00	INR-00	IO-00	JUSE-00
	L-00	VCE-00	MMP-00	MOFM-00	M-00	AC-00	NEA-00
	NSAE-00	OIG-00	OMB-00	NIMA-00	EPAU-00	PA-00	PER-00
	GIWI-00	ACE-00	P-00	SCT-00	SP-00	IRM-00	SSO-00
	SS-00	MR-00	TEST-00	SA-00	FMP-00	BBG-00	R-00
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AMEMBASSY BUJUMBURA
AMEMBASSY BAGHDAD

UNCLAS STATE 185531

E.O. 12958: N/A
TAGS: KSEP, MASS, MARR, PREL, KPAO
SUBJECT: DOD PUBLIC AFFAIRS GUIDANCE REGARDING THE INVESTIGATIONS OF DETAINEE ABUSE AT ABU GHRAIB PRISON

1. (U) THIS CABLE HAS BEEN CLEARED BY SEP.

2. (U) SUMMARY: THIS CABLE CONTAINS INFORMATION ABOUT THE RESULTS OF TWO DEPARTMENT OF DEFENSE INVESTIGATIONS OF REPORTED ABUSE OF DETAINEES AT THE ABU GHRAIB PRISON IN IRAQ AND DOD PUBLIC AFFAIRS PRESS GUIDANCE, PROVIDED FOR POSTS' INFORMATION AND USE AS APPROPRIATE. END SUMMARY.

3. (U) THE RESULTS OF TWO DEPARTMENT OF DEFENSE INVESTIGATIONS OF DETAINEE ABUSE AT ABU GHRAIB PRISON WERE ANNOUNCED AT DOD PRESS BRIEFINGS EARLIER THIS WEEK. THE FINDINGS AND RECOMMENDATIONS OF THE INDEPENDENT PANEL TO REVIEW DOD DETENTION OPERATIONS, ALSO KNOWN AS THE SCHLESINGER PANEL -- ITS MEMBERS INCLUDE FORMER SECRETARIES OF DEFENSE JAMES R. SCHLESINGER AND HAROLD BROWN, FORMER U.S. REPRESENTATIVE FROM FLORIDA TILLIE K. FOWLER, AND RETIRED U.S. AIR FORCE GENERAL CHARLES A. HORNER -- WERE ANNOUNCED ON TUESDAY, AUGUST 24. THE

FINDINGS AND RECOMMENDATIONS OF A SECOND PANEL CONSISTING OF THREE U.S. ARMY GENERALS -- GENERAL PAUL J. KERN, LIEUTENANT GENERAL ANTHONY R. JONES, AND MAJOR GENERAL GEORGE R. FAY -- WERE RELEASED ON WEDNESDAY, AUGUST 25. THIS CABLE FORWARDS DOD-DRAFTED BACKGROUND INFORMATION AND TALKING POINTS PERTAINING TO THESE TWO INVESTIGATIONS FOR USE BY POSTS AS DEEMED APPROPRIATE.

4. (U) GENERAL BACKGROUND: FOLLOWING ALLEGATIONS OF DETAINEE ABUSE, DOD DIRECTED THE INITIATION OF A NUMBER OF INVESTIGATIONS TO ENSURE A FULL AND THOROUGH ASSESSMENT OF DETAINEE OPERATIONS:

-- MAJOR GENERAL TAGUBA'S INVESTIGATION OF DETAINEE OPERATIONS AT ABU GHRAIB AND THE 800TH MILITARY POLICE BRIGADE.
-- NAVY INSPECTOR GENERAL'S REVIEW OF DETENTION PROCEDURES AT GUANTANAMO AND CHARLESTON.
-- ARMY INSPECTOR GENERAL'S ASSESSMENT OF DETENTION OPERATIONS DOCTRINE AND TRAINING.
-- SCHLESINGER PANEL'S INDEPENDENT EXAMINATION OF DETAINEE ISSUES.
-- GEN KERN/LTG JONES/MG FAY INVESTIGATION INTO MILITARY INTELLIGENCE ACTIVITIES AT THE ABU GHRAIB.
--(ON-GOING) BRIGADIER GENERAL JACOBY'S ASSESSMENT OF DETAINEE OPERATIONS AND FACILITIES IN AFGHANISTAN.
--(ON-GOING) VICE ADMIRAL CHURCH'S REVIEW DETAINEE OPERATIONS AND INTERROGATION PROCEDURES.
--(ON-GOING) ARMY RESERVE ASSESSMENT OF RESERVE TRAINING WITH FOCUS ON MILITARY POLICE AND MILITARY INTELLIGENCE.

REPORT OF THE INDEPENDENT PANEL TO REVIEW DOD DETENTION OPERATIONS (THE SCHLESINGER PANEL)

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5. (U) DOD TALKING POINTS PERTAINING TO THE INDEPENDENT PANEL'S REVIEW:

-- THE REPORT BY THE SCHLESINGER PANEL IS THE FIRST INDEPENDENT INVESTIGATION INTO DETAINEE ABUSE AT ABU GHRAIB.

-- THE PANEL FOUND THAT THERE WAS NO POLICY OF ABUSE AT ABU GHRAIB.
-- THE PANEL REPORT STATES, "SERIOUS LEADERSHIP PROBLEMS IN THE 800TH MILITARY POLICE BRIGADE AND THE 205TH MILITARY INTELLIGENCE BRIGADE, TO INCLUDE THE 320TH MILITARY POLICE BATTALION COMMANDER AND THE DIRECTOR OF THE JOINT DEBRIEFING AND INTERROGATION CENTER, ALLOWED THE ABUSES AT ABU GHRAIB."
-- THE PANEL CONCLUDED THAT THERE WERE SERIOUS LAPSES OF LEADERSHIP IN BOTH BRIGADES FROM THE JUNIOR NON-COMMISSIONED OFFICER LEVEL TO THE BRIGADE COMMAND LEVEL.
--THE PANEL FOUND NO EVIDENCE THAT ORGANIZATIONS ABOVE THE 800TH MILITARY POLICE BRIGADE OR 205TH MILITARY INTELLIGENCE BRIGADE BORE DIRECT RESPONSIBILITY FOR THE INCIDENTS AT ABU GHRAIB.
-- THE PANEL MADE SEVERAL RECOMMENDATIONS TO IMPROVE OVERSIGHT OF DETAINEE OPERATIONS, TWO OF WHICH DOD HAS ALREADY ACTED UPON: (1) THE SECRETARY OF DEFENSE ESTABLISHED THE OFFICE OF DETAINEE AFFAIRS ON JULY 16, 2004 AND (2) DOD HAS ESTABLISHED NEW PROCEDURES FOR THE REVIEW OF INTERNATIONAL COMMITTEE OF THE RED CROSS REPORTS.
-- THE REMAINING RECOMMENDATIONS WILL BE REVIEWED WITH RECOMMENDATIONS FROM OTHER INVESTIGATIONS THAT DOD HAS UNDERTAKEN TO ASSESS WHAT FURTHER IMPROVEMENTS CAN BE MADE.
-- THE PANEL REITERATED THE IMPORTANCE OF INTERROGATION AS A MEANS OF GAINING RELIABLE INFORMATION IN THE GLOBAL WAR ON TERROR.
-- THE PANEL EXPRESSED CONCERN FOR THE "CHILLING EFFECT" INVESTIGATIONS MIGHT HAVE ON GAINING ADDITIONAL INTELLIGENCE. WE MUST KEEP INTACT OUR ABILITY TO CONDUCT EFFECTIVE INTERROGATION.
-- THE PANEL FOUND THAT ABUSES DEPICTED IN THE WIDELY CIRCULATED PHOTOGRAPHS ARE NOT THE RESULT OF AUTHORIZED INTERROGATION PROCEDURES.
--THE PANEL REPORTED THAT PRISONERS DEPICTED WERE NOT PART OF INTELLIGENCE GATHERING EFFORTS; INSTEAD, "THEY WERE THE FREELANCE ACTIVITIES ON THE PART OF THE NIGHT SHIFT AT ABU GHRAIB."

6. (U) THE COMPLETE SCHLESINGER REPORT CAN BE OBTAINED AT: WWW.DEFENSELINK.MIL/NEWS/AUG2004/D20040824FINALREPORT.PDF

INVESTIGATION OF ABU GHRAIB DETENTION FACILITY AND THE 205TH MILITARY INTELLIGENCE BRIGADE (THE KERN REPORT)

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7. (U) BACKGROUND: THE KERN REPORT COMBINES FINDINGS AND RECOMMENDATIONS FROM THE INVESTIGATION BY MAJOR GENERAL GEORGE FAY OF THE ABUSES AT ABU GHRAIB AND THE INVESTIGATION BY LIEUTENANT GENERAL ANTHONY JONES OF THE COMBINED JOINT TASK FORCE (CJTF)-7 CHAIN OF COMMAND. GENERAL KERN WAS THE APPOINTING AUTHORITY FOR BOTH INVESTIGATIONS. TOGETHER WITH THE REPORT BY MAJOR GENERAL ANTONIO TAGUBA ON THE 800TH MILITARY POLICE BRIGADE AND DETAINEE OPERATIONS IN IRAQ, THESE REPORTS ARE A COMPLETE AND THOROUGH INVESTIGATION OF DETAINEE ABUSES AT THE ABU GHRAIB DETENTION FACILITY. THE COMPLETE REDACTED REPORT IS AT: WWW.DEFENSELINK.MIL/NEWS/ AUG2004/D20040825FAY.PDF.

8. (U) MAJOR FINDINGS OF THE KERN/JONES/FAY REPORT:

-- THE KERN/JONES/FAY INVESTIGATION IDENTIFIED 44 INCIDENTS OF ABUSE AT ABU GHRAIB BETWEEN SEPTEMBER 2003 AND JANUARY 2004.
-- ABUSES AT ABU GHRAIB FALL INTO TWO CATEGORIES: (1) INTENTIONAL VIOLENT OR SEXUAL ABUSE AND (2) ACTIONS TAKEN BASED ON MISINTERPRETATIONS OF OR CONFUSION ABOUT LAW OR POLICY.
-- ABOUT HALF THE INCIDENTS OF ABUSE IDENTIFIED BY MG FAY WERE ALSO REPORTED BY MG TAGUBA IN HIS EARLIER REPORT.
-- THE INCIDENTS OF ABUSE DEPICTED IN THE PHOTOGRAPHS WERE NOT AUTHORIZED BY ANY ESTABLISHED POLICY.
-- THE KERN/JONES/FAY REPORT IDENTIFIED 54 MILITARY INTELLIGENCE, MILITARY POLICE, AND MEDICAL SOLDIERS, AND CIVILIAN CONTRACTORS WHO WERE FOUND TO HAVE SOME DEGREE OF CULPABILITY, RESPONSIBILITY OR COMPLICITY IN, OR FAILURE TO REPORT, THE ABUSES THAT OCCURRED AT ABU GHRAIB.
-- 27 OF THE 54 SO-IDENTIFIED WERE REFERRED TO THE APPROPRIATE COMMANDS FOR FURTHER INVESTIGATION OR

ADMINISTRATIVE ACTION. FIVE OF THESE 27 WERE CIVILIAN CONTRACTORS REFERRED TO THE DEPARTMENT OF JUSTICE.
-- OF THE REMAINING 27 OF THE 54, 17 WERE CITED FOR MISUNDERSTANDING POLICY, REGULATION OR LAW; 3 WERE MILITARY INTELLIGENCE SOLDIERS WHO HAD PREVIOUSLY RECEIVED PUNISHMENT UNDER THE UNIFORM CODE OF MILITARY JUSTICE

(UCMJ) AND WERE RECOMMENDED FOR ADDITIONAL INVESTIGATION; AND 7 WERE MILITARY POLICE SOLDIERS WHO HAD BEEN PREVIOUSLY IDENTIFIED IN THE TAGUBA REPORT AND WERE ALREADY UNDER CRIMINAL INVESTIGATION AND/OR CHARGES.
-- WHILE THE REPORT FOUND THAT THE CHAIN OF COMMAND ABOVE THE 205TH MILITARY INTELLIGENCE BRIGADE WAS NOT DIRECTLY INVOLVED IN ANY OF THE ABUSES THAT OCCURRED AT ABU GHRAIB, THE REPORT FOUND THAT THE COMMANDING GENERAL AND DEPUTY COMMANDING GENERAL OF CJTF-7 FAILED TO ENSURE PROPER STAFFOVERSIGHT OF

DETENTION AND INTERROGATION OPERATIONS.
--THE DETENTION AND INTERROGATION PRACTICES OF OTHER GOVERNMENT AGENCIES AT ABU GHRAIB CONTRIBUTED TO A LOSS OF ACCOUNTABILITY. THERE WERE OTHER GOVERNMENT AGENCY DETAINEES HELD BY U.S. ARMED FORCES AT ABU GHRAIB WHO WERE UNIDENTIFIED OR UNACCOUNTED FOR.
--THE COMBINED JOINT TASK FORCE WAS UNDER-RESOURCED WITH PERSONNEL TO PERFORM STAFF AND INTERROGATION FUNCTIONS.

9. (U) THE COMPLETE REPORT CAN BE FOUND AT:
WWW.DEFENSELINK.MIL/NEWS/AUG2004/D20040825FAY.PDF

10. (U) DOD TALKING POINTS USED BY GENERAL KERN:

--ONE INSTANCE OF DETAINEE ABUSE IS ONE TOO MANY. WE VIEW SUCH ACTIONS AS ABHORRENT AND INCONSISTENT WITH OUR VALUES.
--DETAINEE ABUSE AT ABU GHRAIB WAS FIRST BROUGHT TO LIGHT BY THE U.S. ARMY AND AN INVESTIGATION WAS BEGUN IMMEDIATELY.
--OVER 400,000 U.S. SERVICEMEN HAVE SERVED IN AFGHANISTAN AND IRAQ SINCE SEPTEMBER 11, 2001. A VERY SMALL NUMBER OF PEOPLE ARE RESPONSIBLE FOR THE ABUSE OF DETAINEES. THE VAST MAJORITY OF U.S. SERVICEMEN AND WOMEN ARE SERVING THEIR COUNTRY WITH COURAGE, HONOR AND DISTINCTION AND WE ARE PROUD OF THEIR SERVICE AND SACRIFICE.

--OVER 47,700 PRISONERS AND DETAINEES HAVE BEEN PROCESSED THROUGH DETENTION FACILITIES IN IRAQ. FROM OCTOBER TO DECEMBER 2003, 2,500 INTERROGATIONS WERE CONDUCTED AT ABU GHRAIB. THIRTEEN OF THOSE (LESS THAN 1/2 OF ONE PERCENT) WERE FOUND TO HAVE HAD SOME ELEMENT OF ABUSE OR IMPROPER CONDUCT.

-- WE WILL INVESTIGATE AND, WHEN APPROPRIATE, PROSECUTE AND PUNISH ANYONE WHO ENGAGED IN, TOLERATED OR FACILITATED MISCONDUCT REGARDLESS OF ORGANIZATION, RANK OR POSITION.
-- WHILE THERE ARE STILL THREE INVESTIGATIONS TO BE

REPORTED, THE DEPARTMENT OF DEFENSE HAS ALREADY TAKEN A NUMBER OF ACTIONS TO PREVENT SUCH ABUSES FROM OCCURRING AGAIN. THEY INCLUDE:

-- LESSONS LEARNED FROM COMPLETE AND ONGOING INVESTIGATIONS ARE BEING DISTRIBUTED TO IRAQ AND TO TRAINING CENTERS SO THAT APPROPRIATE DETAINEE SCENARIOS CAN BE USED TO TEST UNITS IN DETAINEE OPERATIONS PRIOR TO DEPLOYMENT;

-- MOBILE MILITARY POLICE TRAINING TEAMS HAVE BEEN SENT TO THE COMBAT TRAINING CENTERS TO ENSURE THE DETAINEE INSTRUCTION IS PART OF ADVANCED INDIVIDUAL TRAINING AND OTHER COURSES;

-- ALL DEPLOYING ARMY RESERVE MILITARY INTELLIGENCE SOLDIERS RECEIVE THE MOST CURRENT INSTRUCTION ON THEIR RESPONSIBILITIES PRIOR TO DEPLOYMENT;

-- REFRESHER TRAINING ON THE LAW OF LAND WARFARE AND THE RESPONSIBILITIES OF SOLDIERS UNDER THE GENEVA AND HAGUE CONVENTIONS, WITH SPECIAL EMPHASIS ON THE HANDLING OF PRISONERS AND OTHER DETAINEES, HAS BEEN GIVEN TO ALL MILITARY POLICE AND MILITARY INTELLIGENCE SOLDIERS WHO ARE INVOLVED WITH DETAINEE OPERATIONS;

-- THE CHAIN OF COMMAND AT ABU GHRAIB HAS BEEN STREAMLINED TO PLACE RESPONSIBILITY FOR DETENTION OPERATIONS, LAW ENFORCEMENT, INVESTIGATIONS, AND DISPOSITION OF CRIMINAL CASES UNDER A SINGLE ENTITY TO IMPROVE EFFICIENCY;

-- A GENERAL OFFICER WITH RESPONSIBILITY FOR ALL DETENTION AND INTERROGATION OPERATIONS HAS BEEN ADDED TO THE IRAQ STAFF;

-- MILITARY POLICE HAVE BEEN PLACED UNDER TACTICAL CONTROL OF THE DEPUTY COMMANDING GENERAL-IRAQ DETAINEE OPERATIONS;

-- FORCE PROTECTION MEASURES HAVE BEEN IMPROVED TO PROTECT COALITION FORCES AND DETAINEES;

-- GENEVA CONVENTIONS AND FACILITY RULES IN ENGLISH AND DETAINEE LANGUAGES HAVE BEEN PROMINENTLY DISPLAYED IN ALL CAMPS;

-- OVERALL FACILITY CONDITIONS FOR DETAINEES AT ABU GHRAIB HAVE BEEN IMPROVED;

-- U.S. FORCES ARE INCREASING THE RATE AT WHICH DETAINEE CASE FILES ARE REVIEWED AND RECOMMENDED FOR RELEASE OR CONTINUED INTERNMENT TO ENSURE THAT ONLY THOSE DETAINEES POSING A THREAT ARE TO SECURITY ARE DETAINED;

-- ALL DETAINEE TRANSFERS ARE NOW CONDUCTED USING BIOMETRIC AUTOMATED SYSTEMS;

-- MALES, FEMALES AND JUVENILES ARE NOW SEGREGATED WITHIN DETENTION FACILITIES SO THAT NO CONTACT OCCURS;

-- ORDERS AND COMMAND POLICIES HAVE BEEN ISSUED TO REINFORCE THE LAW OF WAR INCLUDING THE GENEVA CONVENTIONS;

-- A NEW POLICY MEMORANDUM EMPHASIZING THE NEED TO TREAT ALL IRAQIS WITH DIGNITY AND RESPECT HAS BEEN ISSUED;

-- IMPROVED STANDARD OPERATING PROCEDURES FOR DETAINEE OPERATIONS HAVE BEEN PUT IN PLACE, INCLUDING: PUBLISHED COMPREHENSIVE PROCEDURES FOR HANDLING AND TREATMENT OF DETAINEES IN ALL THEATER DETENTION FACILITIES.

-- DETENTION RULES OF ENGAGEMENT/RULES FOR USE OF FORCE AND PRINCIPLES OF GENEVA CONVENTIONS ARE BRIEFED AT EVERY SHIFT CHANGE AND GUARD MOUNT;

-- ROUTINE TRAINING IS CONDUCTED AT EACH GUARD MOUNT ON DAILY DETENTION TASKS AND STANDARDS;

-- LESSONS LEARNED IN SERIOUS INCIDENTS ARE USED AND REVIEWED FOR FUTURE EFFORTS;

-- TRAINING ON ARAB CULTURAL AWARENESS IS NOW PROVIDED;

-- A SYSTEM FOR INTELLIGENCE FUSION THAT DECREASES INFORMATION CYCLE TIME (COLLECTION, ANALYZE, DISSEMINATE) HAS BEEN ESTABLISHED;

-- TRANSFER CRITERIA TO SUPPORT CONTINUED RAPID EXPLOITATION OF HIGH VALUE DETAINEES AND RELEASE OF LOW VALUE DETAINEES HAS BEEN REFINED;

-- JOINT INTELLIGENCE TASK FORCE-COUNTERTERRORISM PERSONNEL HAVE BEEN ASSIGNED AT PRIMARY THEATER INTERROGATION FACILITIES TO EXPEDITE EXCHANGE OF COUNTERTERRORISM INFORMATION BETWEEN AGENCIES;

-- POLICY HAS BEEN CHANGED TO PLACE THE RESPONSIBILITY FOR DETERMINING WHETHER AN AUTOPSY IS NECESSARY IN A DETAINEE DEATH IN THE HANDS OF THE ARMED FORCES MEDICAL EXAMINER;

-- DOD HAS WORKED WITH THE INTERNATIONAL COMMITTEE OF THE RED CROSS (ICRC) TO ESTABLISH PROTOCOLS FOR SHARING APPROPRIATE ICRC DOCUMENTS;

-- THE PROCESS FOR HANDLING ICRC REPORTS HAS BEEN CHANGED SO THAT THEY GO VIA THE DEPUTY COMMANDING GENERAL-IRAQ DETAINEE OPERATIONS TO THE COMMANDER AND HIGHER AUTHORITY AS RAPIDLY AS POSSIBLE;

-- THE POSITION OF DEPUTY ASSISTANT SECRETARY OF DEFENSE FOR DETAINEE AFFAIRS HAS BEEN ESTABLISHED;

-- A JOINT DETAINEE COORDINATION COMMITTEE ON DETAINEE AFFAIRS HAS BEEN ESTABLISHED.

11. (U) MINIMIZE CONSIDERED.
POWELL

S3F

Ref.: IT: AMR/51/01/02

The Honorable Donald Rumsfeld
Secretary of Defense
Office of the Secretary
The Pentagon
Washington DC
USA

7 January 2002

Dear Secretary of Defense

Amnesty International welcomes the recent statements made by a senior US military official in Afghanistan that prisoners moved from Shiberghan prison into US custody will be given adequate food, shelter and medical care, and urges that all suspects in US custody be treated humanely with full respect for the USA's obligations under international standards. However, we are concerned by photographs which have recently appeared in the press showing Al-Qaeda suspects hooded while under guard by US troops prior to being taken to custody facilities where they would be interrogated. The United Nations (UN) Committee against Torture has condemned the hooding and blindfolding of suspects during interrogation as incompatible with the absolute prohibition of torture or other cruel, inhuman or degrading treatment contained under the UN Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment (Convention against Torture).[1] The prohibition of torture and other cruel or inhuman treatment is also contained under the Geneva Conventions applicable to prisoners of war and any other persons *hors de combat*.

Amnesty International considers that the hooding of suspects in detention generally may constitute cruel treatment. The *UN Body of Principles for the Protection of All Persons under Any Form of Detention or Imprisonment* states that: "The term 'cruel, inhuman or degrading treatment or punishment' should be interpreted so as to extend the widest possible protection against abuses, whether physical or mental, including the holding of a detained or imprisoned person in conditions which deprive him, temporarily or permanently, of the use of any of his natural senses, such as sight or hearing, or his awareness of place and the passing of time". Keeping prisoners hooded or blindfolded also prevents them from observing or identifying any custody officials who may engage in abuses.

The Committee against Torture has ruled that as well as hooding, the following methods of interrogation may not be used in any circumstances as they violate the prohibition of torture

[1] The international treaty monitoring body which monitors ratifying states' compliance with their obligations under the Convention against Torture. It has condemned, for example, the routine blindfolding of suspects during interrogation in Turkey and hooding of suspects during interrogation in Israel.

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and ill-treatment: restraining in very painful conditions; playing of loud music; prolonged sleep deprivation; threats, including death threats; violent shaking; and using cold air to chill the detainee.[2]

Amnesty International has strongly condemned the attacks of 11 September and has called for those responsible to be brought to justice, in accordance with international human rights standards. We would draw your attention to a recent statement issued by the Committee against Torture in which, in condemning the attacks of 11 September and expressing condolences for the victims, the Committee reminded States Parties to the Convention against Torture of the non-derogable articles of most of the obligations undertaken by them in ratifying the Convention.[3] The Committee cited in particular Articles 2 (whereby "no exceptional circumstances whatsoever may be invoked as a justification of torture"), 15 (prohibiting confessions extorted by torture being admitted in evidence, except against the torturer) and 16 (prohibiting cruel, inhuman or degrading treatment or punishment) as three such provisions which must be observed in all circumstances. We trust that you will take all necessary measures to ensure that these provisions are fully adhered to in the treatment of those in US custody following military operations in Afghanistan, and that no one will be subjected to interrogation techniques which breach such standards. We would also appreciate receiving clarification of the legal status of those detained.

Yours sincerely

Irene Khan
Secretary General

[2]UN Doc. CAT/C.SR.297, reporting on Israel's compliance with the Convention against Torture: the committee recommended that interrogation by Israeli security officers applying these methods, including hooding, "cease immediately".

[3]Statement of the Committee against Torture 22/11/2001 (CAT/C/XXV11/Misc.7)

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АМНИСТИЯ
منظمة العفو الدولية
國際特赦組織

BY FAX AND MAIL
The Honourable Donald Rumsfeld
Secretary of Defense
Office of the Secretary
The Pentagon
Washington, DC 20301, USA

Ref.: TG AMR 51/2002.16

22 January 2002

Dear Secretary of Defense

Amnesty International wrote to you earlier this month to seek assurances that all those taken into US custody during the ongoing military operations in Afghanistan will be treated humanely with full respect for their human rights under international law.

As you are no doubt aware, since the United States began transferring detainees to Camp X-Ray in the Guantánamo Bay naval base, there has been widespread international concern regarding reports of aspects of the treatment of the detainees and of the physical conditions under which they are being held. Concern has also been voiced about the legal status of the detainees and their access to internationally-agreed safeguards applying to all prisoners and detainees.

I am writing to request permission for an Amnesty International delegation to visit the Guantánamo base in the near future, to observe first hand the conditions under which the prisoners are detained, to interview detainees, and to receive more information about their treatment from senior officials on site. While we welcome the access given to the International Committee of the Red Cross, we believe that it is essential that appropriate human rights organizations and others have an opportunity to visit detainees and report on conditions.

As you may be aware, an Amnesty International delegation visited the US naval base at Guantánamo Bay in September 1994, to look into the situation with regard to Cuban and Haitian asylum-seekers who were detained there after being intercepted at sea by the US authorities. We were appreciative of the access given by the authorities at that time.

I will ask a staff member of our International Secretariat to contact your office in the near future to ascertain when a visit can be arranged. We very much hope that you will agree to facilitate such a visit.

Thank you in advance for your cooperation.

Yours sincerely

Javier Zúñiga
Director of Regional Strategy

cc. The Honourable Colin Powell, Secretary of State

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S17B

(b)(6)

(b)(6)

18/05/2002

To Mr Donald RUMSFELD
Secretary of Defence
UNITED STATES

Object : Rights of detainees in US custody in Afghanistan and Guantanamo Bay

Dear Secretrary of Defence,

I am writing in relation with Amnesty International's Memorandum to the US Governement on the rights of detainees in US custody in Afghanistan and Guantanamo Bay (AMR 51/053/2002).

I codemn the athrócities of 11 September and believe that anyone responsible must be brought to justice.
However, this search of justice must be conducted in strict compliance with international humanitarian law.

I urge you to ensure that detainees held in US custody in Afghanistan and Guantanamo Bay are held according to US obligations under international huan rights law and standards, including in particular :
That all detainees are immediatly granted access to legal counsel,
That all detainees are able to challenge the lawfulness of their detention in a court of law,
That no detainee be brought for trial before a military commission, as proposed in the Military Order of 13 November 2001 on the grounds that such trial threatens fundamental standards of justice,
That the death penalty is not sought against any of the people taken into custody in or outside the USA, including those currently held in Afghanistan and Guantanamo Bay,
That no detainee is sent to a country where he may be at risk of serious human rights abuses.

(b)(6)

S18B

Amnesty international

ÉCRIRE CONTRE L'OUBLI

Mlle Florence RINALDI
29, rue Guynemer
01100 Arbent
FRANCE

The Honorable Donald Rumsfeld
Secretary of Defence
Office of the Secretary
The Pentagon
Washington DC 203001
ETATS-UNIS

Arbent, the 7th of June 02

Dear Secretary of Defence,

I am writing in relation to Amnesty International's Memorandum to the US Government on the rights of detainees in US custody in Afghanistan and Guantánamo Bay (reference: AMR 51/053/2002).

I condemn the atrocities of 11 September and believe that anyone responsible must be brought to justice.

However this search of justice must be conducted in strict compliance with international human rights law and international humanitarian law.

I urge you to ensure that detainees held in US custody in Afghanistan and Guantánamo Bay are held according to US obligations under international human rights law and standards, including in particular:

- that all detainees are immediately granted access to legal counsel,
- that all detainees are able to challenge the lawfulness of their detention in a court of law,
- that no detainee be brought for trial before a military commission, as proposed in the Military Order of 13 November 2001, on the grounds that such trial threatens fundamental standards of justice,
- that the death penalty is not sought against any of the people taken into custody in or outside the USA, including those currently held in Afghanistan an Guantánamo Bay,
- that no detainee is sent to a country where he may be at risk of serious human rights abuses.

S31B

COPY FOR COLIN POWELL
FAX 001 202 647 2283

(b)(6)

30 July 2003

Paul Wolfowitz
Deputy Secretary of Defence

fax: 00 1 703 697 7374

Dear Deputy Secretary of Defence,

I am a 29 year old British citizen who is deeply concerned about continuing human rights violations and the violation of international judicial and custody standards perpetrated by the US at Guantanamo Bay.

I call on your Government to repeal the Military Order on the Detention, Treatment, and Trial of Certain Non-Citizens in the War Against Terrorism of 13th November 2001. This order is illegal under international law and contradicts UN resolutions ruling that "any measure taken to combat terrorism must be in accordance with international law".

Specifically the military commissions empowered under the order would contravene various international standards including:

- They will lack independence from The Executive almost totally.
- There will be no right of appeal to an independent and impartial court. This is egregious since the commissions can pass death sentences. Under international standards capital cases must be guaranteed fairness by governments, this would include a right of appeal.
- The right to choice of counsel and effective defence is restricted. Without payment only military lawyers will be provided. Defence lawyers will not have access to classified documents that would be pertinent to the defence. Lawyer-client confidentiality is not guaranteed.
- Since US citizens cannot be subject to the Military Order, the Order violates the basic principle prohibiting discrimination based on nationalility.

Additionally I deeply regret that now six detainees have actually been named under the Military Order, including Feroz Ali Abbasi, Moazzam Begg, David Hicks and three others who remain incommunicado.

None of these six detainees should be transferred before military commission. Justice will neither be done, nor be seen to be done in commission proceedings.

The six, and all other detainees at Guantanamo Bay, must either be promptly charged with recognizible criminal offences and brought to fair trial under international standards, or immediately and unconditionally released.

I note that deals have been brokered by the UK and Australian administrations to guarantee that the death penalty will not be sought against UK or Australian nationals. Any restriction of the use of judicial killing is good, but I vigorously maintain that no detainee regardless of race or nationality should be subject to the threat or implementation of capital punishment. I oppose to the use of the death penalty under any circumstances - including in cases of terrorism convictions.

In the case of plea arrangements for detainees, which could mitigate against the death penalty, I am deeply concerned that any plea arrangements made will be unfair and viewed with skepticism given the coercive conditions under which detainees have been held over such a prolonged time.

The conduct of the US with regard to Guantanamo Bay is deeply regrettable. It badly undermines the US's claims to be committed to international law. The Military Order, the camp at Guantanamo Bay and the conduct of US personnel at that camp is a disgrace and the height of hypocrisy.

Thank you for your consideration, I look forward to your prompt response.

Yours sincerely,

(b)(6)

CC: Jack Straw (UK)
John Howard (Aus)
William Farish
Colin Powell
Stephen Timms MP (UK)

COALITION PROVISIONAL AUTHORITY MEMORANDUM NUMBER 2

MANAGEMENT OF DETENTION AND PRISON FACILITIES

Pursuant to my authority as Administrator of the Coalition Provisional Authority (CPA), and under the laws and usages of war, and consistent with relevant U.N. Security Council resolutions, including Resolution 1483 (2003),

Recognizing the urgent necessity to ensure secure and humane prisons in order to re-establish law and order and provide for the safety of the people of Iraq,

Noting the obligation of the CPA to restore public order and safety and to maintain and ensure fundamental standards for persons detained,

I hereby promulgate the following:

Section 1
Purpose

1) This Memorandum prescribes standards to be applied in the Iraqi prison system, under the authority of the Ministry of Justice.

2) All prisons within Iraq shall, to the greatest extent practicable, operate in accordance with the following standards until otherwise directed. Any and all existing Iraqi prison regulations are hereby suspended.

Section 2
Basic Principles and Control

1) The following standards shall be applied impartially. There shall be no discrimination on the grounds of race, color, sex, language, religion, political or other opinion, national or social origin, property, birth or other status.

2) It shall nevertheless be a requirement, consistent with the need to maintain prison security, to respect the religious beliefs and moral precepts of the group to which a prisoner belongs.

3) To ensure these standards are met, the Administrator will remain in full control of the Iraqi prison system and may at any time amend this Memorandum as necessary, or direct other action with respect to the prison system.

4) In addition, CPA officials of the Justice Ministry and Coalition Forces operating under their oversight shall have the right to enter and inspect any Iraqi prison system, and give directions regarding the operation of that system, consistent with the terms of this Memorandum.

Section 3
Register

1) In every place where persons are imprisoned there shall be kept a bound registration book with numbered pages in which shall be entered in respect of each prisoner received:

a) information concerning his identity;
b) the reasons for his commitment and the authority therefor; and
c) the day and hour of his admission and release.

2) No person shall be received in an institution without a valid commitment order, the details of which shall have been entered in the register.

Section 4
Separation of Categories

Different categories of prisoners shall be kept in separate institutions or parts of institutions, taking account of their sex, age, criminal record, the legal reason for their detention and the necessities of their treatment, so that:

a) men and women shall be detained in separate institutions;
b) untried prisoners shall be kept separate from convicted prisoners;
c) persons imprisoned for debt and other civil prisoners shall be kept separate from persons imprisoned by reason of a criminal offense; and
d) prisoners under 18 years of age shall be kept separate from adults.

Section 5
Accommodation

1) Where sleeping accommodation is in individual cells or rooms, each prisoner should occupy by night a cell or room by himself. The central prison administration may make an exception to this rule for special reasons, such as temporary overcrowding.

2) Where dormitories are used, they shall be occupied by prisoners carefully selected as being suitable to associate with one another in those conditions.

There shall be regular supervision by night, in keeping with the nature of the institution.

3) All accommodation provided for the use of prisoners, and in particular all sleeping accommodations, shall, to the extent practicable, meet all requirements of health, due regard being paid to climatic conditions and particularly to cubic content of air, minimum floor space, lighting, heating and ventilation.

4) In all places where prisoners are required to live or work:

   a) the windows shall be large enough to enable the prisoners to read or work by natural light, and shall be so constructed that they can allow the entrance of fresh air whether or not there is artificial ventilation; and
   b) artificial light shall be provided sufficient for the prisoners to read or work without injury to eyesight.

5) The sanitary installations shall be adequate to enable every prisoner to comply with the needs of nature when necessary and in a clean and decent manner.

6) Adequate bathing and shower installations shall be provided so that every prisoner may be enabled and required to have a bath or shower, at a temperature suitable to the climate, as frequently as necessary for general hygiene according to season and geographical region, but at least once a week.

7) All bed pans or ablution facilities *of* an institution regularly used by prisoners shall be properly maintained and kept scrupulously clean at all times.

Section 6
Personal Hygiene

1) Prisoners shall be required to keep their persons clean, and to this end they shall be provided with water and with such toilet articles as are necessary for health and cleanliness.

2) In order that prisoners may maintain a good appearance compatible with their self-respect, facilities shall be provided for the proper care of the hair and beard, and men shall be enabled to shave regularly.

Section 7
Clothing and Bedding

1) Every prisoner who is not allowed to wear his own clothing shall be provided with an outfit of clothing suitable for the climate and adequate to keep him in good health. Such clothing shall in no manner be degrading or humiliating.

2) All clothing shall be clean and kept in proper condition. Underclothing shall be changed and washed as often as necessary for the maintenance of hygiene.

3) If prisoners are allowed to wear their own clothing, arrangements shall be made on their admission to the institution to ensure that it shall be clean and fit for use.

4) Every prisoner shall be provided with a separate bed, and with separate and sufficient bedding that shall be clean when issued, kept in good order and changed often enough to ensure its cleanliness.

Section 8
Food

1) Every prisoner shall be provided by the administration at regular hours with food of nutritional value adequate for health and strength, and of wholesome quality.

2) Drinking water shall be available to every prisoner whenever he needs it.

Section 9
Exercise and Sport

Every prisoner who is not employed in outdoor work shall have at least one hour of suitable exercise in the open air daily if the weather permits.

Section 10
Medical Services

1) At every institution there shall be available the services of at least one qualified medical officer who should have some knowledge of psychiatry.

2) Sick prisoners who require specialist treatment shall be transferred to specialized institutions or to civil hospitals. Where hospital facilities are provided in an institution, their equipment, furnishings and pharmaceutical supplies shall be proper for the medical care and treatment of sick prisoners, and there shall be a staff of suitably trained officers.

3) The services of a qualified dental officer shall be available to every prisoner.

4) In women's institutions there shall be special accommodation for all necessary prenatal and postnatal care and treatment. Arrangements shall be made wherever practicable for children to be born in a hospital outside the institution. If a child is born in prison, this fact shall not be mentioned in the birth certificate.

5) Where nursing infants are allowed to remain in the institution with their mothers, provision shall be made for a nursery staffed by qualified persons, where the infants shall be placed when they are not in the care of their mothers.

6) The medical officer shall see and examine every prisoner as soon as possible after his admission and thereafter as necessary, with a view particularly to the discovery of physical or mental illness and the taking of all necessary health measures; the segregation of prisoners suspected of infectious or contagious conditions; the noting of physical or mental defects that might hamper rehabilitation, and the determination of the physical capacity of every prisoner for work.

7) The medical officer shall have responsibility for the care of the physical and mental health of the prisoners and should daily see all sick prisoners, all who complain of illness, and any prisoner to whom his attention is specially directed.

8) The medical officer shall report to the prison master whenever he considers that a prisoner's physical or mental health has been or will be injuriously affected by continued imprisonment or by any condition of imprisonment.

9) The medical officer shall regularly inspect and advise the prison master upon the:

   a) quantity, quality, preparation and service of food;
   b) hygiene and cleanliness of the institution and the prisoners;
   c) sanitation, heating, lighting and ventilation of the institution;
   d) suitability and cleanliness of the prisoners' clothing and bedding; and the
   e) observance of the provision concerning physical education and sports, in cases where there is no technical personnel in charge of these activities.

10) The prison master shall take: into consideration the reports and advice that the medical officer submits in accordance with this regulation and, in case he concurs with the recommendations made, shall take immediate steps to give effect to those recommendations; if they are not within his competence or if he does not concur with them, he shall immediately submit his own report and the advice of the medical officer to higher authority.

Section 11
Discipline and Punishment

1) Discipline and order shall be maintained with firmness, but with no more restriction than is necessary for safe custody and well-ordered community life.

2) No prisoner shall be employed, in the service of the institution, in any disciplinary capacity.

3) This standard shall not, however, impede the proper functioning of systems based on self-government, under which specified social, educational or sports activities or responsibilities are entrusted, under supervision, to prisoners who are formed into groups for the purposes of treatment.

4) The following shall always be determined by the law or by the regulation of the competent administrative authority:

   a) conduct constituting a disciplinary offense;
   b) the types and duration of punishment that may be inflicted; and
   c) the authority competent to impose such punishment.

5) No prisoner shall be punished except in accordance with the terms of such law or regulation, and never twice for the same offense.

6) No prisoner shall be punished unless he has been informed of the offense alleged against him and is given a proper opportunity to present his defense. The competent authority shall conduct a thorough examination of the case.

7) Where necessary and practicable, the prisoner shall be allowed to make his defense through an interpreter.

8) Corporal punishment, punishment by placing in a dark cell, and all cruel, inhuman or degrading punishments shall be completely prohibited as punishments for disciplinary offenses.

9) Punishment by close confinement or reduction of diet shall never be inflicted unless the medical officer has examined the prisoner and certified in writing that he is fit to sustain it.

10) The same shall apply to any other punishment that may be prejudicial to the physical or mental health or a prisoner.

11) The medical officer daily shall visit prisoners undergoing such punishments and shall advise the prison master if he considers the termination or alteration of the punishment necessary on grounds of physical or mental health.

Section 12
Instruments of Restraint

1) Instruments of restraint, such as handcuffs, chains, irons and strait-jacket, shall never be applied as a punishment. Furthermore, chains or irons shall not be used as restraints. Other instruments of restraint shall not be used except in the following circumstances:

   a) as a precaution against escape during a transfer, provided that they shall be removed when the prisoner appears before a judicial or administrative authority;
   b) on medical grounds by direction of the medical officer; and
   c) by order of the prison master, if other methods of control fail, in order to prevent a prisoner from injuring himself or others or from damaging property; in such instances the prison master shall at once consult the medical officer and report to the higher administrative authority.

2) The patterns and manner of use of instruments of restraint shall be decided by the central prison administration. Such instruments must not be applied any longer than is strictly necessary.

Section 13
Information to and Complaints by Prisoners

1) Every prisoner on admission shall be provided with written information about the regulations governing the treatment of prisoners of his category, the disciplinary requirements of the institution, the authorized methods of seeking information and making complaints, and all such other matters as are necessary to enable him to understand both his rights and his obligations and to adapt himself to the life of the institution.

2) If a prisoner is illiterate, the aforesaid information shall be conveyed to him orally.

3) Every prisoner shall have the opportunity each week day of making requests or complaints to the prison master of the institution or the officer authorized to represent him.

4) It shall be possible to make requests or complaints to the inspector of prisons during his inspection. The prisoner shall have the opportunity to talk to the inspector or to any other inspecting officer without the prison master or other members of the staff being present.

5) Every prisoner shall be allowed to make a request or complaint, without censorship as to substance but in proper form, to the central prison administration, the judicial authority or other proper authorities through approved channels.

6) Unless it is patently frivolous or groundless, every request or complaint shall be promptly dealt with and replied to without undue delay.

Section 14
Communications and Contacts with Others

1) Prisoners shall be allowed under necessary supervision to communicate with their family and reputable friends at regular intervals, both by correspondence and by receiving visits.

2) Prisoners who are foreign nationals shall be allowed reasonable facilities to communicate with the diplomatic and consular representatives of the State to which they belong.

3) Prisoners who are nationals of States without diplomatic or consular representation in Iraq and refugees or stateless persons shall be allowed similar facilities to communicate with the diplomatic representative of the State that takes charge of their interests or any national or international authority whose task it is to protect such persons.

4) Prisoners shall be permitted to read publications that do not pose a threat to security, and to hear wireless or television transmissions as authorized or controlled by the prison administration.

5) Access shall be granted to official delegates of the International Committee of the Red Cross (ICRC) whenever sought, to be conducted at mutually arranged times. ICRC delegates shall be permitted to inspect health, sanitation and living arrangements and to interview all detainees in private. They shall also be permitted to record information regarding the detainee and to pass messages to and from the family of the detainee subject to reasonable censorship by the prison authorities.

Section 15
Books

Every institution shall have a library for the use of all categories of prisoners, adequately stocked with both recreational and instructional books, and prisoners shall be encouraged to make full use of it.

Section 16
Religion

1) If the institution contains a sufficient number of prisoners of the same religion, a qualified representative of that religion shall be appointed or approved. If the number of prisoners justifies it and conditions permit, the arrangement should be on a full-time basis.

2) A qualified representative appointed or approved under paragraph (1) shall be allowed to hold regular services and to pay pastoral visits in private to prisoners of his religion at proper times.

3) Access to a qualified representative of any religion shall not be refused to any prisoner. On the other hand, any prisoner may refuse to receive a visit of any religious representative, his attitude shall be fully respected.

4) So far as practicable, every prisoner shall be allowed to satisfy the needs of his religious life by attending the services provided in the institution and having in his possession the books of religious observance and instruction of his denomination.

Section 17
Retention of Prisoners' Property

1) All money, valuables, clothing and other effects belonging to a prisoner which under the regulations of the institution he is not allowed to retain shall on his admission to the institution be placed in safe custody. An inventory thereof shall be signed by the prisoner. Steps shall be taken to keep them in good condition.

2) On the release of the prisoner all such items shall be returned to him except in so far as he has been authorized to spend money or send any such property out of the institution or it has been found necessary on hygienic grounds to destroy any article of clothing. The prisoner shall sign a receipt for the articles and money returned to him.

3) Any money or effects received for a prisoner from outside shall be treated in the same way.

4) If a prisoner brings in any drugs or medicine, the medical officer shall decide what use shall be made of them.

Section 18
Notification of Death, Illness, Transfer, etc.

1) Upon the death or serious illness of, or serious injury to a prisoner, or his removal to an institution for the treatment of mental afflictions, the prison master shall at once inform the spouse, if the prisoner is married or the nearest relative and shall in any event inform any other person previously designated by the prisoner.

2) A prisoner shall be informed at once of the death or serious illness of any near relative. In case of the critical illness of a near relative, the prisoner should be authorized, whenever circumstances allow, to visit the relative either under escort or alone.

3) Every prisoner shall have the right immediately to inform his family of his imprisonment or his transfer to another institution.

Section 19
Removal of Prisoners

1) When prisoners are being removed to or from an institution, they shall be exposed to public view as little as possible and proper safeguards shall be adopted to protect them from insult, curiosity and publicity in any form.

2) The transport of prisoners in conveyances with inadequate ventilation or light, or in any way that would subject them to unnecessary physical hardship, shall be prohibited.

3) The transport of prisoners shall be carried out at the expense of the administration and equal conditions shall obtain for all of them.

Section 20
Institutional Personnel

1) The prison administration shall provide for the careful selection of every grade of the prison personnel, since it is on their integrity, humanity, professional capacity and personal suitability for the work that the proper administration of the institutions depends.

2) The prison administration shall constantly seek to awaken and maintain in the minds both of the prison personnel and of the public the conviction that this work is a social service of great importance, and to this end all appropriate means of informing the public should be used.

3) To secure the foregoing ends, prison personnel shall be appointed on a full-time basis as professional prison officers and have civil service status with security of tenure subject only to good conduct, efficiency and physical fitness.

4) The personnel shall possess an adequate standard of education and intelligence.

5) Before entering on duty, the personnel shall be given a course of training in their general and specific duties.

6) All members of the personnel shall at all times so conduct themselves and perform their duties as to influence the prisoners for good by their example and to command their respect.

7) The prison master of an institution should be adequately qualified for his task by character, administrative ability, suitable training and experience.

8) He shall devote his entire time to his official duties and shall not be appointed on a part-time basis.

9) When two or more institutions are under the authority of one prison master, he shall visit each of them at frequent intervals. A responsible resident official shall be in charge of each of these institutions.

10) The prison master, his deputy, and the majority of the other personnel of the institution shall be able to speak the language of the greatest number of prisoners, or a language understood by the greatest number of them.

11) Whenever necessary, the services of an interpreter shall be used.

12) In institutions that are large enough to require the services of one or more full-time medical officers, at least one of them shall reside on the premises of the institution or in its immediate vicinity.

13) In other institutions the medical officer shall visit daily and shall reside near enough to be able to attend without delay in cases of urgency.

14) In an institution for both men and women, the part of the institution set aside for women shall be under the authority of a responsible woman officer who shall have the custody of the keys of all that part of the institution.

15) No male member of the staff shall enter the part of the institution set aside for women unless accompanied by a woman officer.

16) Women prisoners shall be attended and supervised only by women officers. This does not, however, preclude male members of the staff, particularly doctors and teachers, from carrying out their professional duties in institutions or parts of institutions set aside for women.

17) Officers of the institutions shall not, in their relations with the prisoners, use force except in self-defense or in cases of attempted escape, or active or passive physical resistance to an order based on law or regulations. Officers who have recourse to force must use no more than is strictly necessary and must report the incident immediately to the prison master of the institution.

18) Prison officers shall be given special physical training to enable them to restrain aggressive prisoners.

19) Except in special circumstances, staff performing duties that bring them into direct contact with prisoners should not be armed. Furthermore, staff should in no circumstances be provided with arms unless they have been trained in their use.

Section 21
Inspection

There shall be a regular inspection of penal institutions and services by qualified and experienced inspectors appointed by a competent authority. Their task shall be in particular to ensure that these institutions are administered in accordance with existing laws and regulations and with a view to bringing about the objectives of penal and correctional services.

STANDARDS APPLICABLE TO SPECIAL CA TEGO RIES
A. PRISONERS UNDER SENTENCE

Section 22
Classification of Prisoners

1) The medical services of the institution shall seek to detect and shall treat any physical or mental illnesses or defects that may hamper a prisoner's rehabilitation. All necessary medical, surgical and psychiatric services shall be provided to that end.

2) The these principles require individualization of treatment and for this purpose a flexible system of classifying prisoners in groups; it is therefore desirable that such groups should be distributed in separate institutions suitable for the treatment of each group.

Section 23
Treatment

1) The treatment of persons sentenced to imprisonment or a similar measure shall have as its purpose, so far as the length of the sentence permits, to establish in them the will to lead law-abiding and self-supporting lives after their release and to prepare them to do so. The treatment shall be such as will encourage their self-respect and develop their sense of responsibility.

2) To these ends, all appropriate means shall be used to the extent possible, including religious care, education, vocational guidance, training and employment counseling, in accordance with the individual needs of each prisoner, taking account of his social and criminal history, his physical and mental capacities and aptitudes, his personal temperament, the length of his sentence and his prospects. after release.

3) For every prisoner with a sentence of suitable length, the prison master shall receive, as soon as possible after his admission, full reports on all the matters referred to in the foregoing paragraph. Such reports shall always include a report by a medical officer, wherever possible qualified in psychiatry, on the physical and mental condition of the prisoner.

4) The reports and other relevant documents shall be placed in an individual file. This file shall be kept up to date and classified in such a way that it can be consulted by the responsible personnel whenever the need arises.

Section 24
Classification and Individualization

1) The purposes of classification shall be:

a) To separate from others those prisoners who, by reason of their criminal records or bad characters, are likely to exercise a bad influence, or pose a danger to themselves or others;

b) To divide the prisoners into classes in order to facilitate their treatment with a view to their social rehabilitation.

2) So far as possible separate institutions or separate sections of an institution shall be used for the treatment of the different classes of prisoners.

Section 25
Privileges

Systems of privileges appropriate for the different classes of prisoners and the different methods of treatment shall be established at every institution, in order to encourage good conduct, develop a sense of responsibility and secure the interest and cooperation of the prisoners in their treatment.

Section 26
Work

1) Prison labor must not be of an afflictive nature,

2) All prisoners under sentence may be required to work, subject to their physical and mental fitness as determined by the medical officer.

3) Sufficient work of a useful nature shall be provided to keep prisoners actively employed for a normal working day.

4) So far as possible the work provided shall be such as will maintain or increase the prisoners' ability to earn an honest living after release.

5) Where prisoners are employed in work not controlled by the administration, they shall always be under the supervision of the institution's personnel. Unless the work is for other departments of the government the full normal wages for such work shall be paid to the administration by the persons to whom the labor is supplied, account being taken of the output of the prisoners.

6) The precautions specified in Iraqi law governing labor and working conditions to protect the safety and health of workers shall be equally observed in institutions.

7) The maximum daily and weekly working hours of the prisoners shall be fixed in accordance with Iraqi law governing labor and working conditions.

8) The hours so fixed shall leave one rest day a week and sufficient time for education and other activities required as part of the treatment and rehabilitation of the prisoners.

9) There shall be a system of equitable remuneration of the work of prisoners,

10) Under the system prisoners shall be allowed to spend at least a part of their earnings on approved articles for their own use and to send a part of their earnings to their family.

11) The system should also provide that a part of the earnings should be set aside by the administration so as to constitute a savings fund to be handed over to the prisoner on his release.

Section 27
Education and Recreation

1) Provision shall be made for the further education of all prisoners capable of profiting thereby, including religious instruction. The education of illiterates and young prisoners shall be compulsory and special attention shall be paid to it by the administration.

2) So far as practicable, the education of prisoners shall be integrated with the educational system so that after their release they may continue their education without difficulty.

3) Recreational and cultural activities shall be provided in all institutions for the benefit of the mental and physical health of prisoners.

Section 28
Social Relations and After-Care

1) Special attention shall be paid to the maintenance and improvement of such relations between a prisoner and his family as are desirable in the best interests of both.

2) From the beginning of a prisoner's sentence consideration shall be given to his future after release and he shall be encouraged and assisted to maintain or establish such relations with persons or agencies outside the institution as may promote the best interests of his family and his own social rehabilitation.

3) Services and agencies, governmental or otherwise, that assist released prisoners to re-establish themselves in society shall ensure, so far as is possible and

necessary, that released prisoners are provided with appropriate documents and identification papers, have suitable homes and work to go to, are suitably and adequately clothed having regard to the climate and season, and have sufficient means to reach their destination and maintain themselves in the period immediately following their release.

4) The approved representatives of such agencies shall have all necessary access to the institution and to prisoners and shall be taken into consultation as to the future ofa prisoner from the beginning of his sentence.

5) It is desirable that the activities of such agencies shall be centralized or coordinated as far as possible in order to secure the best use of their efforts.

B. INSANE AND MENTALLY ABNORMAL PRISONERS

Section 29
Psychiatric Care

1) Persons who are found to be insane shall not be detained in prisons and arrangements shall be made to remove them to mental institutions as soon as possible.

2) Prisoners who suffer from other mental diseases or abnormalities shall be observed and treated in specialized institutions under medical management.

3) During their stay in a prison, such prisoners shall be placed under the special supervision of a medical officer.

4) The medical or psychiatric service of the penal institutions shall provide for the psychiatric treatment of all prisoners who are in need of such treatment.

C. PRISONERS UNDER ARREST OR AWAITING TRIAL

Section 30
Untried prisoners

1) Persons arrested or imprisoned by reason of a criminal charge against them, who are detained either in police custody or in prison custody but have not yet been tried and sentenced, will be referred to as "untried prisoners", hereinafter in these rules.

2) Prisoners who have not been convicted are presumed to be innocent and shall be treated as such.

3) Without prejudice to legal rules for the protection of individual liberty or prescribing the procedure to be observed in respect of untried prisoners, these prisoners shall benefit by a special regime that is described in the following rules in its essential requirements only.

4) Untried prisoners shall be kept separate from convicted prisoners.

5) Young untried prisoners shall be kept separate from adults and shall where possible be detained in separate institutions.

6) Untried prisoners shall sleep singly in separate rooms.

7) Within the limits compatible with the good order of the institution, untried prisoners may, if they so desire, have their food procured at their own expense from the outside, either through the administration or through their family or friends. Otherwise, the administration shall provide their food.

8) An untried prisoner shall be allowed to wear his own clothing if it is clean and suitable.

9) If he wears prison dress, it shall be different from that supplied to convicted prisoners.

10) An untried prisoner shall always be offered an opportunity to work, but shall not be required to work. If he chooses to work, he shall be paid for it.

11) An untried prisoner shall be allowed to procure at his own expense or at the expense of a third party such books, newspapers, writing materials and other means of occupation as are compatible with the interests of the administration of justice and the security and good order of the institution.

12) An untried prisoner shall be allowed to be visited and treated by his own doctor or dentist if there is reasonable ground for his application and he is able to pay any expenses incurred.

13) An untried prisoner shall be allowed to inform immediately his family of his detention and shall be given all reasonable facilities for communicating with his family and friends, and for receiving visits from them, subject only to restrictions and supervision as are necessary in the interests of the administration of justice and of the security and good order of the institution.

(4) For the purposes of his defense, an untried prisoner shall be allowed to apply for free legal aid where such aid is available, and to receive visits from his legal adviser with a view to his defense and to prepare and hand to him confidential instructions. For these purposes, he shall if he so desires be supplied with writing material. Interviews between the prisoner and his legal adviser may be within sight but not within the hearing of a police or institution official.

D. CIVIL PRISONERS

Section 31

Debtor Prisoners

Persons imprisoned for debt shall not be subjected to any greater restriction or severity than is necessary to ensure safe custody and good order. Their treatment shall be not less favorable than that of untried prisoners, with the reservation however, that they may possibly be required to work.

Section 32

Entry into Force

This Memorandum shall enter into force on the date of signature.

6/8/03

L. Paul Bremer, Administrator
Coalition Provisional Authority

CPA/MEM/8 Jun 2003/02

G20

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 commonalties 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.

G24

http://www.dod.gov/photos/Dec2002/021203-A-7236L-009.jpg

FROM THE DOD WEBSITE - -

"COMFORT ITEMS FOR DETAINEES AT CAMP DELTA" 1/17/03

711

DOD JUNE

FINAL **Fact Sheet** FINAL

G58

GUANTANAMO DETAINEES

The United States and its coalition partners remain at war against al Qaida and its affiliates, both in Afghanistan and in operations around the world.

Since Usama bin Laden declared war on the U.S. in 1996, al Qaida and its affiliates have launched repeated attacks that killed and wounded thousands of Americans, including 9/11, the U.S. embassy bombings in Africa, the attack on the U.S.S. Cole and others. Hundreds of innocent civilians from dozens of other countries have been killed as well.

Seventeen U.S. soldiers have been killed in combat with Taliban/al Qaida forces in Afghanistan since August 2003.

The law of armed conflict governs this war between the U.S. and al Qaida and establishes the rules for detention of enemy combatants. These rules permit the U.S. to detain enemy combatants without charges or trial for the duration of hostilities. Detention prevents combatants from continuing to fight against us.

We have no interest in holding people who are not enemy combatants. To do so would be inconsistent with the deeply held values in which the American people believe and to which we as a nation have long been committed.

An elaborate process is in place to identify enemy combatants to be held at Guantanamo, assess the threat they pose to the U.S. and the international community, and regularly review all available information to make sure that their continued detention is necessary.

Detainees have been released when it is believed they no longer pose a significant threat, and they have been transferred to the custody of their governments when those governments are prepared to assume responsibility for ensuring that the detainees will not pose a threat to the United States.

DETAINEES AT GUANTANAMO

Guantanamo detainees include many rank-and-file jihadists who took up arms against the U.S., as well as senior al Qaida operatives and leaders, and Taliban leaders. The type of enemy combatants captured during the course of hostilities include:

- Terrorists linked to major al Qaida attacks, including the East Africa U.S. embassy bombings and the USS Cole attack.
- Terrorists who taught or received training on arms and explosives, surveillance, and interrogation resistance techniques at al Qaida camps in Afghanistan and elsewhere.
- Terrorists who continue to express their commitment to kill Americans and conduct suicide attacks if released.
- Terrorists who have sworn personal allegiance to Usama bin Laden.

- Terrorists linked to several al Qaida operational plans, including possible targeting of facilities in the United States.
- Members of al Qaida's international terrorism support network, including financiers, couriers, recruiters, and operatives.
- Terrorists who participated in attempted hijacking incidents.

Representative examples of specific Guantanamo detainees include:

- An admitted al Qaida explosives trainer who has provided information on the September 2001 assassination of Northern Alliance leader Masood and on the al Qaida organization's use of mines.
- An individual who completed advanced terrorist training at camps in Afghanistan and participated in an attempted hijacking/escape while in custody that resulted in the deaths of Pakistani guards.
- An individual involved in terrorist financing who provided information on Usama bin Laden's front companies, accounts, and international money movements for financing terror.
- A Taliban fighter who spent three months fighting on the front lines in Afghanistan and is linked to al Qaida operatives connected to the East Africa embassy bombings.
- An individual with links to a financier of the September 11th plots who attempted to enter the United States though Orlando Florida in August 2001. Phone records suggest September 11th hijacker Mohammed Atta was also at the Orlando airport that day. This individual was later captured in Pakistan after fleeing Tora Bora.
- Two individuals associated with senior al Qaida members who were working on remotely detonated explosive devices for use against U.S. forces.
- A member of an al Qaida supported terrorist cell in Afghanistan that targeted civilians, especially journalists and foreign aid workers; responsible for a grenade attack on a foreign journalist's automobile.
- An admitted al Qaida member who was plotting to attack oil tankers in the Persian Gulf using explosives laden fishing boats.
- An individual who fought with an al Qaida supported terror cell in Afghanistan, personally establishing reconnaissance and ambush positions around Kandahar Airbase.
- An individual who served as a bodyguard for Usama Bin Laden and escorted him to Tora Bora, Afghanistan following the fall of Jalalabad, Afghanistan.
- An admitted al Qaida member who served as an explosives trainer for al Qaida and designed a prototype shoe bomb for destroying airplanes and a magnetic mine for attacking ships.
- An individual who trained al Qaida associates in the use of explosives and worked on a plot to use cell phones to detonate bombs.
- An individual who served as an al Qaida translator and managed operating funds for al Qaida. An individual who helped stockpile weapons for use against U.S. forces in Afghanistan.

FINAL **Fact Sheet** FINAL

QUESTIONING OF DETAINEES

Questioning of Guantanamo detainees has improved the security of our nation and coalition partners by expanding our understanding of al Qaida, its affiliates, and other extremely dangerous terrorist groups that threaten our security The combined effect of this information is critical in the ongoing efforts to disrupt the attack plans of al Qaida and its affiliates throughout the world:

- Detainees have revealed al Qaida leadership structures, operatives, funding mechanisms, communication methods, training and selection programs, travel patterns, support infrastructures, and plans for attacking the U.S. and other countries.
- Information has been used by forces on the battlefield to identify significant military and tribal leaders engaged in or supporting attacks on U.S. and coalition forces.
- Detainees continuously provide information that confirms other reporting regarding the roles and intentions of al Qaida and other terrorist operatives.

Specifically, Guantanamo detainees have provided the U.S. with:

- Information on individuals connected to al Qaida's efforts to acquire weapons of mass destruction.
- Information on front companies and accounts supporting al Qaida, Taliban, and Hezb-I Islam/Gulbuddin (HIG) operations.
- Information on surface-to-air missiles, improvised explosive devices (IEDs), and tactics and training used by al Qaida, Taliban, and HIG elements.
- Identification of HIG associates in Afghanistan.
- Significant, "actionable" information on al Qaida explosives training, assembly, and distribution throughout Afghanistan.
- Information on the training of young adults (age 16-18) for suicide bombing missions.
- Detailed information on travel routes potentially used by terrorists to reach the U.S. via Latin America.
- Detailed information on transnational funding operations in support of al Qaida, Taliban, and HIG, as well as information on individuals suspected of money laundering for terrorist organizations.
- Information on non-governmental organizations (NGOs) providing financial and material support to terrorist organizations.

ACTIONABLE RESULTS

By "connecting the dots," information obtained from detainees at Guantanamo is helping in the war on terrorism. U.S. and coalition forces have:

- Used this information in planning and executing counter-terrorism missions.
- Developed countermeasures to disrupt suspected terrorist travel routes into the U.S.
- Focused collection on associates of Usama bin Laden and al Qaida network operatives.

- Initiated projects to focus intelligence and law enforcement resources on the financing of terrorism.
- Expanded understanding of jihadist motivation, selection, and training processes.

THE REASON FOR DETAINING ENEMY COMBATANTS

Detention of enemy combatants in wartime is not an act of punishment. It is a matter of security and military necessity. It prevents enemy combatants from continuing to fight against the U.S. and its partners in the war on terror. Releasing enemy combatants before the end of the hostilities and allowing them to rejoin the fight would only prolong the conflict and endanger coalition forces and innocent civilians.

There is no requirement in the law of armed conflict that a detaining power charge enemy combatants with crimes, or give them lawyers or access to the courts in order to challenge their detention. States in prior wars have generally not done so.

The Third Geneva Convention of 1949 accords POW status only to enemy forces who follow certain rules: wear uniforms; do not deliberately target civilians; and otherwise fight in accordance with the laws and customs of war.

- Al Qaida and the Taliban militia did not follow these rules because, as groups, they systematically and deliberately have attacked innocent civilians and they do not wear clothing that distinguish them from civilians. Accordingly, the U.S. is under no obligation to grant al Qaida and Taliban forces POW status and did not do so. Rather, they are unlawful combatants who enjoy fewer protections as detainees under the law of war.

HUMANE TREATMENT OF DETAINEES

The Department of Defense is treating detainees at Guantanamo humanely and providing them many privileges similar to those POWs would receive, including:

- Three meals per day that meet cultural dietary requirements.
- Adequate shelter and clothing.
- Opportunity to worship, including copies of the Koran and prayer beads.
- The means to send and receive mail.
- Reading materials
- Excellent medical care.

Even if detainees were POWs, they would not have the right to lawyers, access to the courts to challenge their detention, or the right to release prior to the end of hostilities. Nothing in the Geneva Convention provides POWs such rights and POWs in past wars have not generally been given these rights.

THOROUGH PROCESS FOR DETERMINING ENEMY COMBATANT STATUS

Initial Enemy Combatant Determination. At the time of capture and based on available information, combatant and field commanders determine whether a captured individual was part of or supporting forces hostile to the United States or coalition partners, and engaged in an armed conflict against the United States. Such persons are enemy combatants.

The U.S. follows an extensive, multi-step process for determining who is detained as an enemy combatant and which enemy combatants should be transferred to Guantanamo.

Assessments in the Field. First, in a hostile environment, soldiers detain those who are posing a threat to U.S. and coalition forces based on available information or direct combat. After a period of initial detention, they are sent to a centralized holding area.

Centralized Assessments in Area of Operations. A military screening team at the central holding area reviews all available information, including interviews with detainees. With assistance from other U.S. government officials on the ground (including military lawyers, intelligence officers, and Federal law enforcement officials) and considering all relevant information (including the facts from capture and detention, threat posed by the individual, intelligence value, and law enforcement interest) the military screening team assesses whether the detainee should continue to be detained and whether transfer to Guantanamo is warranted.

General Officer Review. A general officer designated by the combatant commander makes a third assessment of those enemy combatants who are recommended for transfer to Guantanamo. The general officer reviews the central holding area screening teams' recommendations. When determining whether a detainee should be transferred, the combatant commander considers the threat posed by the detainee, his seniority within hostile forces, possible intelligence that may be gained from the detainee through questioning, and any other relevant factors.

DOD Review. DOD officials in Washington also review those proposed for transfer to Guantanamo prior to transfer. An internal DOD review panel, including legal advisors, reviews the recommendations of the combatant commander and advises the Secretary of Defense on proposed detainee movements to Guantanamo. All available information is considered, including information submitted by other governments or obtained from the detainees themselves.

- Approximately 10,000 individuals have been screened in Afghanistan and released. Less than 10 percent of those screened have been moved to Guantanamo.

Further Assessment at Guantanamo. Immediately upon arrival at Guantanamo, detainees are interviewed and further assessments are made. Reviews are based on all relevant information, including information derived from the field, detainee interviews, U.S. intelligence and law enforcement sources, and foreign governments.

PROCESS FOR ASSESSING DETAINEES FOR RELEASE OR TRANSFER

In addition to the review process described above, there is also a detailed process for gauging the threat posed by each detainee to determine whether, notwithstanding his status as an enemy combatant, he can be released or transferred to the custody of his government, consistent with our national security interests.

- Individual cases are reviewed by an integrated team of interrogators, analysts, behavioral scientists, and regional experts.
- Detainee cases are assessed according to the threat posed to the national security of the U.S. and our allies. Threat assessments are based on all available information from interagency sources, and are provided to Southern Command for review.
- The commander of U.S. Southern Command, or his designee, then makes a recommendation in each individual case based on the threat the detainee poses to the U.S. as well as his intelligence value or law enforcement interest. Continued detention of enemy combatants is appropriate not only when a detainee is identified as posing a significant threat if released, but also when further investigation is required or if there is a substantial law enforcement or intelligence interest.
- The commander of U.S. Southern Command, or his designee, then forwards his recommendations to an interagency committee in Washington that includes law enforcement, intelligence, and defense representatives. The interagency committee reviews each case, as well as the recommendations, to make a more fully integrated assessment.
- The Secretary of Defense, or his designee, is responsible for making decisions about the release or transfer of detainees from Guantanamo. However, no determination is made without full consideration of other agency positions.

Because detainees at Guantanamo may be held for a long time as the war against al Qaida and its affiliates continues, the review process is being formalized for the future to provide each detainee at Guantanamo with an individualized, regular review to assess the continued need for detention.

- A review board will review the case of each detainee annually.
- Each detainee will have the opportunity to appear before the board to present information in his own behalf.
- The board will consider all available information about the detainee, including information provided by the detainee and by his government.
- This process is completely discretionary and in no way impacts the authority of the U.S. to continue to detain enemy combatants under the law of war.
- The details of how the board will function and its composition will be announced later.

SUMMARY OF REVIEW PROCESS

This review process, although lengthy and complicated, is critical to our national security. A thorough review is required to help avoid mistakes that could result in the death of Americans or other innocent civilians around the world.

- As a result of this process, more than 90 detainees have been released from Guantanamo.
- The fact that al Qaida and the Taliban do not distinguish themselves from the civilian population makes our job much more difficult than it is in traditional conflicts.
- The fact that some enemy combatants are released prior to the cessation of hostilities does not mean they were not properly determined to be enemy combatants under the law of armed conflict.
- Releases are not without risk. Even though the threat assessment process is careful and thorough, the U.S. now believes that several detainees released from Guantanamo have returned to the fight against U.S. and coalition forces.

TRANSFER PROCESS

The U.S. is also working to transfer detainees, under appropriate conditions, to the custody of other governments that are willing to accept responsibility for ensuring that the detainees will not pose a threat to the international community. Four detainees have been transferred to Saudi Arabia. More transfers are anticipated in the near future.

Various factors must be considered before any such decision to transfer is reached, including the threat posed by the detainee, law enforcement interests, intelligence interests, and appropriate transfer terms, including humane treatment.

Even though transfers are a complex process, they are extremely important. Many countries must work together in fighting global terrorism.

MILITARY COMMISSIONS

The U.S. plans to prosecute some detainees at Guantanamo for war crimes before military commissions. Military tribunals are the recognized way to try enemy combatants during wartime under the Geneva Convention, and they have been used by many countries in past wars, e.g. by the Allies in WWI and WWII. The military commissions will be fair and open, and will include:

- Presumption of innocence.
- Proof beyond a reasonable doubt.
- Right to counsel.
- Right to present evidence/witnesses in one's behalf.
- Right to cross-examine evidence/witnesses of prosecution.
- Right not to testify, with no adverse inference to be drawn.
- Right to exculpatory evidence known to prosecution.
- Right to appeal.

- Prohibition on double jeopardy.
- Proceedings must be open to maximum extent practicable.

-end-

M3

NotesTele

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SUBJ: CPA HQ 0594: AMB JONES MEETING WITH ICRC AND RECEIPT OF DETAIN
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INFO: RUCNRAQ/IRAQ COLLECTIVE

SENSITIVE

UNCLASS HQ CPA 0594
E.O. 12958 DECL: 12/29/2003
TAGS: PREL, PGOV, IZ

SUBJECT: CPA HQ 0594: AMB JONES MEETING WITH ICRC AND RECEIPT OF
DETAINEES REPORT

PAGE 03 RUEOMFE3399 UNCLAS
1. (U) SUMMARY. AMBASSADOR JONES MET WITH [redacted] AND [redacted]
OF THE INTERNATIONAL COMMITTEE OF THE RED CROSS ON 11
FEBRUARY AND RECEIVED TWO COPIES OF ICRC'S REPORT ON DETAINEES, ONE

Notes ele

ADDRESSED TO CPA AND THE OTHER TO CJTF-7. TEXT OF THE EXECUTIVE SUMMARY FOLLOWS. IN ADDITION TO DISCUSSING THE REPORT, AMB JONES SHARED SUMMARY RESULTS OF THE MILITARY INVESTIGATION INTO THE BOMBING OF THE ICRC HEADQUARTERS IN BAGHDAD ON OCTOBER 27TH OF LAST YEAR. [redacted] END SUMMARY.

2. (U) BOMBING INVESTIGATION. AMB JONES BEGAN THE MEETING BY SHARING SUMMARY RESULTS OF THE U.S. MILITARY INVESTIGATION OF THE OCTOBER 27, 2003 CAR BOMB AT THE ICRC HEADQUARTERS. [redacted] 130c

PAGE 04 RUEOMEE3399 UNCLAS

[redacted]

3. (U) DETAINEE HANDLING. AMBASSADOR JONES INITIATED A DISCUSSION ON CPA'S EFFORTS TO WORK WITH CJTF-7 COLLEAGUES ON IMPROVING PROCEDURES FOR PROCESSING DETAINEES. [redacted]

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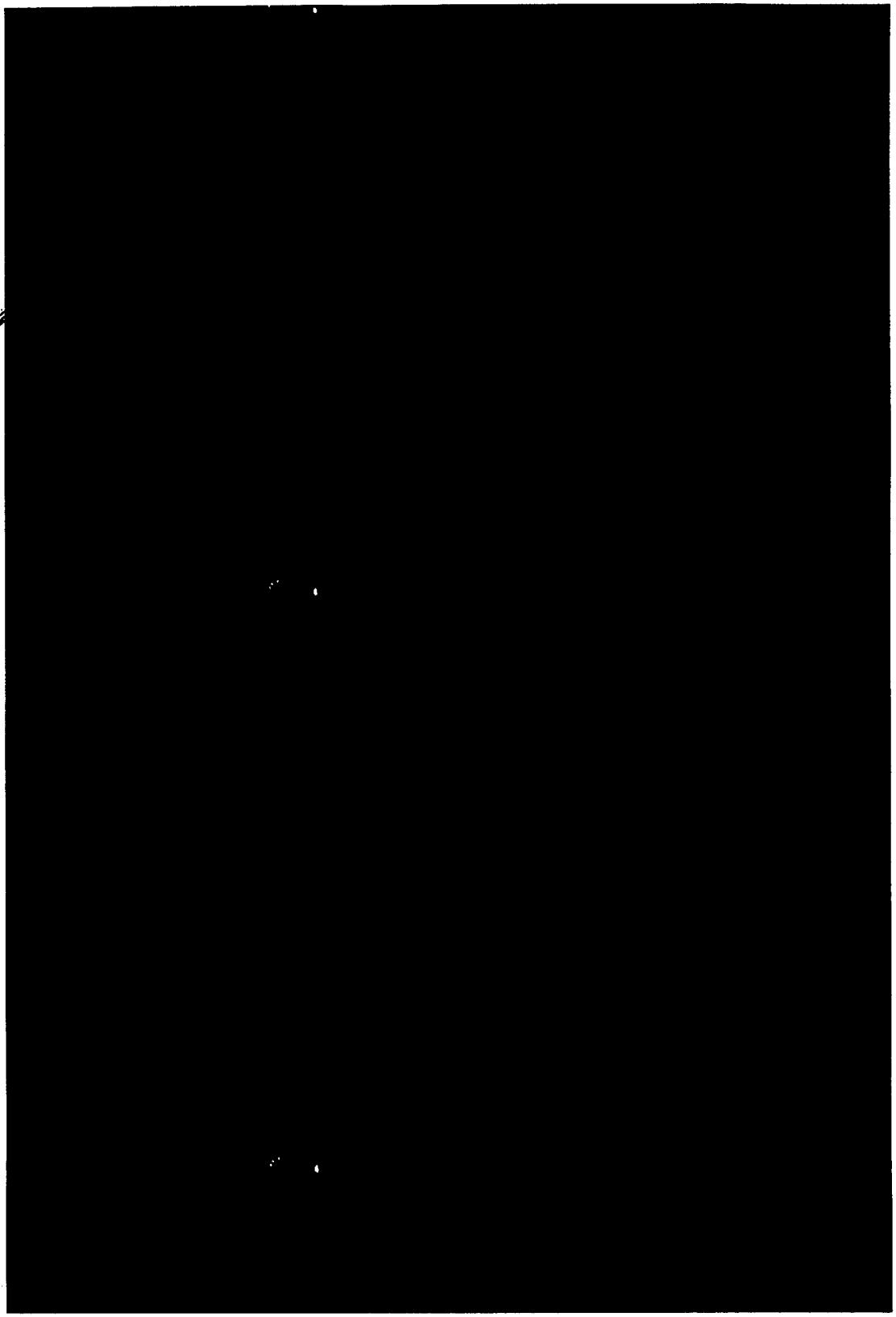

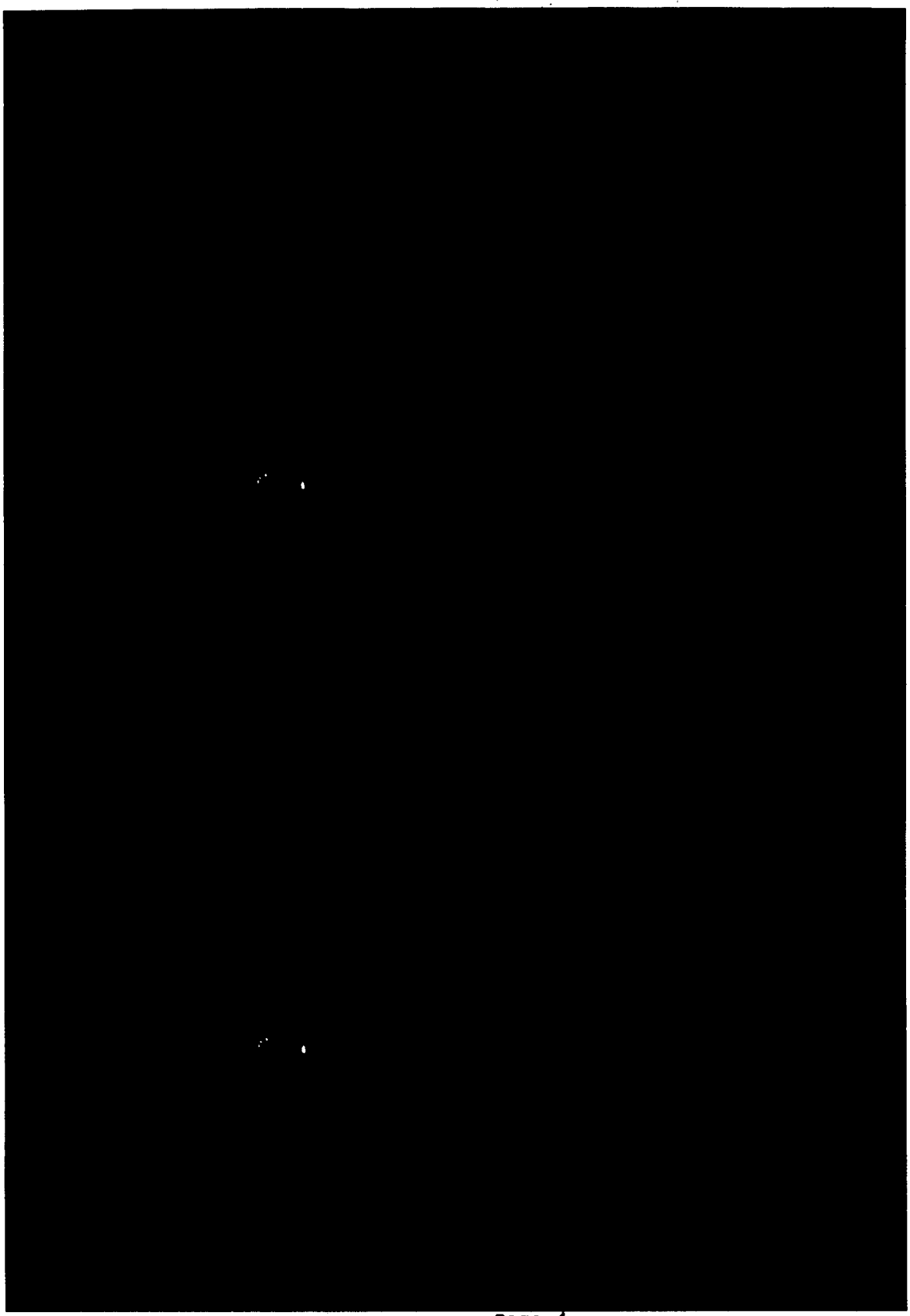

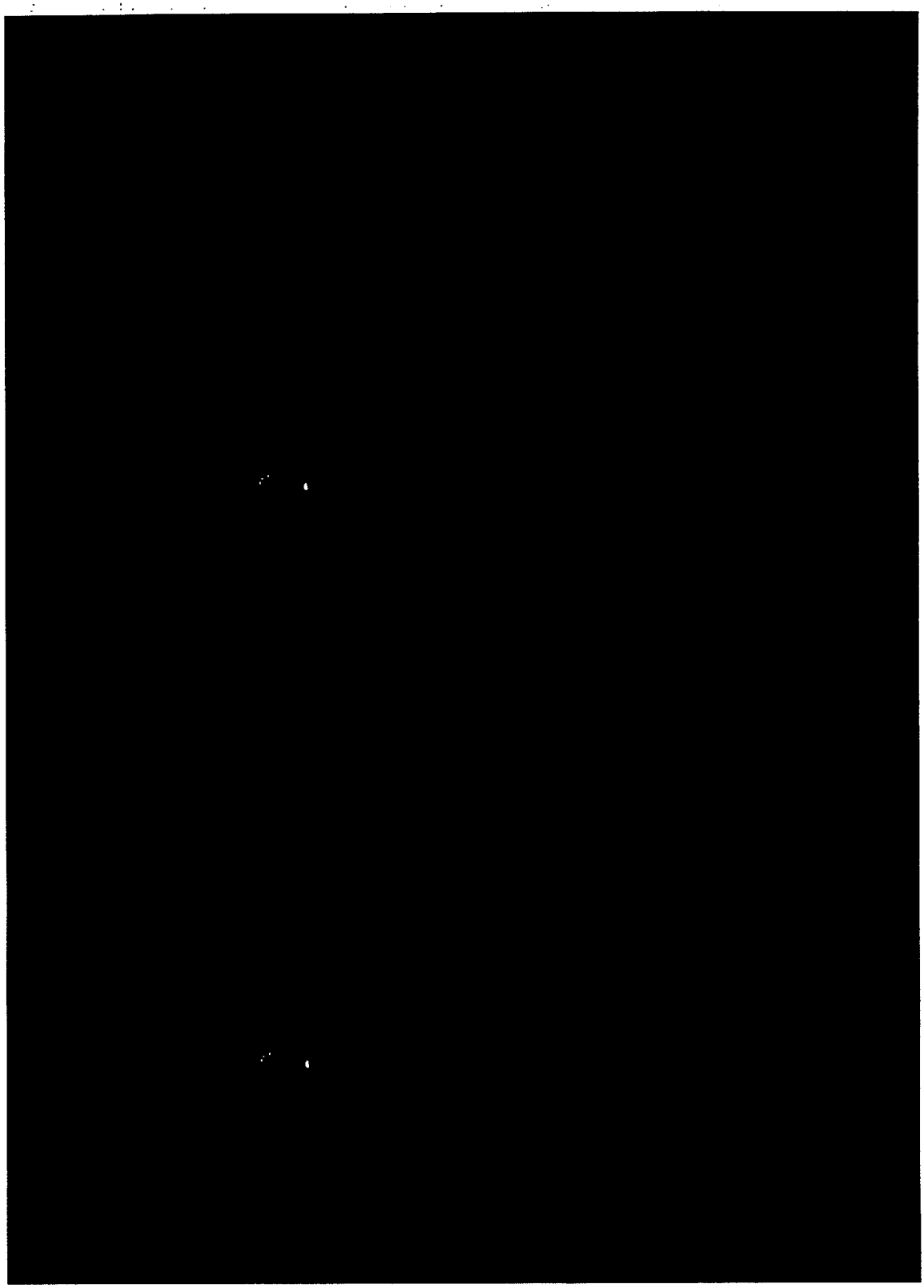

M24C

NEWS RELEASE AND Q & A's
PUC DEATHS
December 17, 2002

"ON DECEMBER 10TH, A DETAINEE DIED AT THE BAGRAM DETENTION FACILITY. THIS DEATH FOLLOWS A PREVIOUS DEATH AT THE FACILITY ON DECEMBER 3.

AUTOPSIES HAVE BEEN PERFORMED ON BOTH INDIVIDUALS BY COALITION MEDICAL TEAMS THAT INCLUDE REPRESENTATIVES FROM JORDAN, KOREA AND THE U.S. THE AUTOPSY FINDINGS ON THE DETAINEE THAT DIED ON DECEMBER 3, FOUND THE CAUSE OF DEATH TO BE A PULMONARY EMBOLISM. THE AUTOPSY FINDINGS FOR THE DETAINEE THAT DIED ON DECEMBER 10, FOUND THE CAUSE OF DEATH TO BE A HEART ATTACK.

AN INVESTIGATION HAS BEEN INITIATED BY THE ARMY'S CRIMINAL INVESTIGATION DIVISION TO DETERMINE IF THE CIRCUMSTANCES OF THEIR DETENTION WAS RELATED OR CONTRIBUTED TO THEIR DEATHS. THE FINDINGS OF THE INVESTIGATION WILL BE RELEASED ONCE THE INVESTIGATION IS COMPLETE."

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 it is an ongoing investigation, we cannot comment on specifics.

Q2. How did the 2 PUCs die?
A2. The findings of the investigation are not yet complete.

Q3. What commonalties did the two persons under custody share?
A3. Both were being held in isolation at the Bagram Detention Facility at the time of their deaths.

Q4. Were the PUCs under any medical care?
A4. Both persons under custody had a medical exam upon in-processing and were determined to be in fair health, approximately five to seven days before the deaths.

Q5. What led to the investigation into the deaths?
A5. While the cases may very well be unrelated, it is important to ensure both incidents are fully investigated.

Q6. What similarities were found during the second autopsy?
Q6. Specific details of the investigation will not be released until the investigation is complete.

Q7. What were the names/nationalities of the PUCs?
A7. It has been our policy from the beginning of OEF to not reveal names, identities or nationalities of those we interview and detain.

Q8. Have the families been notified of the deaths?
A8. The International Committee of the Red Cross has been notified of the deaths. ICRC is handling the notification process.

DEPARTMENT OF THE ARMY
10TH MILITARY POLICE BATTALION (CID) (ABN)
UNITED STATES ARMY CRIMINAL INVESTIGATION COMMAND
BIAP, IRAQ, APO AE 09335

CIRC-AGCF

26 Jan 04

MEMORANDUM FOR SEE DISTRIBUTION

SUBJECT: CID REPORT OF INVESTIGATION - INITIAL/FINAL/ - 0005-04-CID149 - 83131 - 5C2B/5Y2E/5Y2B/5Y2G

DATES/TIMES/LOCATIONS OF OCCURRENCES:
1. 24 Nov 2003/1830 - 24 Nov 2003/2000; WING 1A, ISOLATION AREA, BAGHDAD CORRECTIONAL FACILITY, ABU GHRUYEB, IRAQ

DATE/TIME REPORTED: 20 Jan 04, 1048

INVESTIGATED BY: SA [redacted] SA [redacted] b2, b7C-1, b6-1

SUBJECT: 1. (none); [ASSAULT (UNFOUNDED);[CRUELTY AND MALTREATMENT (UNFOUNDED)]; [CONDUCT UNBECOMING (UNFOUNDED)];[FAILURE TO OBEY AN ORDER OR REGULATION (UNFOUNDED)].

VICTIM: 1. [redacted] DETAINEE; [redacted] M; OTHER; ZZ; b7C-4, b6-4 (NFI); [ASSAULT (UNFOUNDED)];[CRUELTY AND MALTREATMENT (UNFOUNDED)].

2. US GOVERNEMNT; [CONDUCT UNBECOMING (UNFOUNDED)]; FAILURE TO OBEY AN ORDER OR REGULATION (UNFOUNDED)];

INVESTIGATIVE SUMMARY:

About 1048, 20 Jan 04, this office was notified by SGT [redacted] b6-4, b7C-4 [redacted] 229th Military Police Company, Abu Ghruyeb Prison, b6-4, b7C-4 Abu Ghruyeb, Iraq, that an unknown Captain assaulted a detainee during an inspection at the prison.

Preliminary investigation revealed Military Police (MP) and Military Intelligence personnel were notified by Detainee [redacted] that a detainee within the isolation area possessed a pistol. Detainee [redacted] b6-4, b7C-4 stated the detainee planned to use a pistol to kill the MP's in an attempt to escape the prison. The MP's were able to subdue the detainee after a brief altercation. The incident was investigated under ROI #0260-03-CID259-61229.

Investigation established the listed offenses did not occur as alleged, when CPT [redacted] 372nd MP Company (Co), b6-4, b7C-4 Cumberland, MD (deployed to Abu Ghruyeb Prison, Abu Ghruyeb, Iraq) staged a controlled assault, by pulling Detainee [redacted] from his cell b6-4, b7C-4 and into the open area so the other detainees could observe his actions. CPT [redacted] gave the appearance he was assaulting Detainee b6-4, b7C-4 [redacted] in an attempt to locate additional weapons. b6-4, b7C-4

Detainee [redacted] was interviewed and related he was aware of the staged b6-4, b7C-4 event and at no time was he injured by CPT [redacted] Detainee [redacted] b6-4, b7C-4 stated the event was stage to protect his identity, as he was the one

who provided the information pertaining to the detainee with the pistol.

CPT [redacted] was interviewed and related Detainee [redacted] provided b6-4, b7C-4 information regarding a detainee who possessed a pistol and planned to use it against the MP's. CPT [redacted] coordinated with Detainee [redacted] b6-4, b7C-4 prior to searching all the cells and described the sequence of events with regards to the staged event.

STATUTES

ARTICLE 128, UCMJ: ASSAULT (UNFOUNDED)
ARTICLE 92, UCMJ: FAILURE TO OBEY AN ORDER OR REGULATION (UNFOUNDED)
ARTICLE 133, UCMJ: CONDUCT UNBECOMING OF AN OFFICER (UNFOUNDED)
ARTICLE 93, UCMJ: CRUELTY AND MALTREATMENT (UNFOUNDED)

EXHIBITS/SUBSTANTIATION:

ATTACHED:

1. Agent's Investigative Report (AIR) of SA [redacted] 20 Jan 04, b6-1, b7C-1 documenting the basis for investigation and the interviews of SPC [redacted] b6-4, b7C-4 and SGT [redacted] b6-4, b7C-4

2. Sworn Statement of SPC [redacted] 20 Jan 04, detailing his b6-4, b7C-4 knowledge of an assault by an Army Captain in the isolation area

3. Sworn Statement of SGT [redacted] dated 20 Jan 04, detailing his b6-4, b7C-4 knowledge of an assault by an Army Captain in the isolation area.

4. AIR of SA [redacted] 23 Jan 03, documenting the interviews of MSG b6-1, b7C-1 [redacted] 1LT [redacted] CPT [redacted] SFC [redacted] SPC [redacted] SFC [redacted] CPT b6-4, b7C-4 [redacted] and coordination with SJA. b6-4, b7C-4

5. Sworn Statement of 1LT [redacted] 22 Jan 04, detailing his account b6-4, b7C-4 of the events at the prison the night of the alleged incident.

6. AIR of SA [redacted] 22 Jan 04, documenting his interview of b6-1, b7C-1 Detainee [redacted] b6-4, b7C-4

Not Attached:

None

The originals of Exhibits 1 through 6 are forwarded with the USACRC copy of this report.

STATUS: This is a Final Report.

Report Prepared By

b2, b7C-1, b6-1

[redacted]

Special Agent, [redacted]

Report Approved By:

b6-1, b7C-1

[redacted]

Special Agent-in-Charge

FOR OFFICIAL USE ONLY

0005-04-CID149 - 83131

000002

Distribution:

1 - Director, USACRC, Fort Belvoir, VA
1 - Commander, 10TH Military Police BN (CID) (e-mail only)
1 - Commander, Abu Ghruyeb, Iraq (e-mail only)
1 - Provost Marshal, CJTF-7 (e-mail only)
1 - SJA (Attn: CPT [redacted] b6A, b7C-A
1 - File

BASIS FOR INVESTIGATION: About 1048, 20 Jan 04, this office was notified by SPC [redacted] 229th MP Co, Abu Ghraib, Iraq, of detainee abuse within the isolation area of Abu Ghraib Prison, Abu Ghraib, Iraq, which involved a soldier. b6-4, b7C-4

About 1048, 20 Jan 04, SA [redacted] b6-1, b7C-1 interviewed SPC [redacted] who provided a sworn statement, wherein he related he had witness an unknown Army Captain punch and kick a detainee the night they responded to the detention facility, after the detainee had shot a Military Police person. b6-4, b7C-4

About 1219, 20 Jan 04, SA [redacted] b6-1, b7C-1 interviewed SPC [redacted] b6-4, b7C-4 229th MP Co, Abu Ghraib, Iraq, who provided a sworn statement, wherein he related he had witness an unknown Army Captain punch and kick a detainee the night they were at the detention facility, after a detainee had shot at a military policeman. ///LAST ENTRY///

SA [redacted]
Special Agent, [redacted] b2, b6-1, b7C-1

Prisoner Interview/Interrogation Team (PIT) (CID)
Abu Ghraib, Iraq APO AE 09889

[redacted]

Date: 20 Jan 04
Exhibit:

CID Form 94

FOR OFFICIAL USE ONLY

0000114

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. b6-4, b7C-4

1. LOCATION	2. DATE *(YYYYMMDD)*	3. TIME	4. FILE NUMBER
ABU GHRAIB PRISON, ABU GHRAIB, IRAQ	2004/01/20	1048 [redacted]	

6. SSN	7. GRADE/STATUS
[redacted] b6-4, b7C-4	SPC

9. [redacted] b6-4, b7C-4 WANT TO MAKE THE FOLLOWING STATEMENT UNDER OATH:

On the day in which the Abu Ghraib Prison saw the prisoners riot for the first time, I, as a member of the Internal Reaction Force for the prison, was on stand-by for any future incidents. On that night we were called and instructed to go to the hard site and assist the unit running it. No other information was known until we arrived and were briefed by a senior enlisted soldier. We were told that a prisoner had gained access to a handgun and had fired at an American guard. We were instructed that the unit responsible for the hard site wanted our unit to conduct a search of every cell. We entered through the north entrance of the hard site and went to the first bay on the left. We went immediately upstairs and began to search the cells. I was on the top deck with other members of my team when I heard a man screaming from the first deck. I was on the south side of the bay and I looked back to the northwest corner of the bay, through the open center, and observed two soldiers and a prisoner. The prisoner was lying prone on his stomach, dressed in an orange jumpsuit, flex-cuffed behind his back with a sandbag over his head. The prisoner was not resisting in any way. One soldier was standing next to the left side of the prisoner's head with the barrell of his rifle pressed against the prisoner's head. I observed the other soldier kneeling next to the right side of the prisoner at approximately waist level. I observed this soldier begin to strike the prisoner in the small of the back with a closed fist. The soldier struck the prisoner approximately ten times. The soldier then stood up and kicked the prisoner in the right hip and right side approximately three times. I observed that this soldier was a white male with blond hair, cut very close on the sides with a flat-top style on top. This soldier was wearing a solid, olive-green vest with two pouches on the left and right sides at the rear, at the bottom of the vest. I was not able to identify this soldier until I observed him several days later in the dining facility and saw that he was a Captain. I was not able to gain this Captain's name. The other members of my team that were present during this incident were MSG [redacted] SFC [redacted] SGT [redacted], SGT [redacted] and SGT [redacted] SGT [redacted] and SGT [redacted] have since returned to the states. All others are still assigned to the Internal Reaction Force, 229th MP Company.

b6-4, b7C-4

Q. Do you know the date of the incident?
A. No, sir I do not. I believe it was in Nov 03.
Q. When were you assigned to the IRF?
A. Aug 03.
Q. Did you observe the detainee resisting at any time before, during or after the incident in question?
A. No, sir.
Q. Do you know who the soldier was with the weapon?
A. No, sir. He never looked up. I could not see his face.
Q. Can you describe the soldier with the weapon?
A. Other than white male, no sir.
Q. Was there any other soldiers obseving this incident?
A. From my location I could not tell if anyone was observing what I saw.
Q. Did anyone frm your team observe the incident?
A. I am not sure, sir.
Q. How long did the incident last?
A. No more than fve minutes.
Q. What were you doing when this was going on?
A. Searching the south side of the second deck. I heard the screaming while conducting the searches, I looked down at the incident. I continued with the searches glancing down at the incident and at some poitn they had stripped the prisoner and moved him from my view.
Q. Did anyone say anything to this CPT?
A. Not that I saw.
Q. Did you report this to anyone other than this office?

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10. EXHIBIT	11. INITIALS OF PERSON MAKING STATEMENT	PAGE 1 OF 3 PAGES
2	[redacted] b6-4, b7C-4	

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 BE INDICATED.

A. Not officially. I discussed it with certain members of the IRF as a whole.
Q. Was the CPT striking the detainee with an open or closed fist?
A. Closed fist.
Q. Did you see what led up to this incident?
A. No, sir.
Q. Could you hear what was being said to the detainee?
A. No, sir.
Q. Could you describe the detainee?
A. Male, dark hair and an orange jumpsuit.
Q. Where exactly was the detainee struck?
A. The detainee was struck in the small of the back by the CPT. He was using his right hand.
Q. After you finished your search did you see the detainee again?
A. No, sir.
Q. Did you see the CPT in the isolation area again?
A. No, sir.
Q. Have you witnessed any other incidents of concern?
A. In September of 2003, when we first arrived at the prison complex, I observed that the prisoners at the compounds were receiving punishment in the way of being forced to kneel on gravel until their knees were bleeding. I stopped this punishment whenever I observed it and brought it to the attention of Lieutenant [redacted] the IRF commander. This type of punishment stopped. Also in b6-4, b7C-4 September of 2003, I observed an MI soldier choke and strike a prisoner in the presence of Major [redacted] This incident was reported to my chain of command. b6-4, b7C-4 Sworn statements were written and presented to Lieutenant [redacted] I heard b6-4, b7C-4 nothing more from this incident.
Q. Do you know what action was taken on the second incident?
A. I was not present when it was discussed. I heard that MI personnel came over and apologized for their actions.
Q. Have you heard of any other incidents of maltreatment towards the detainees?
A. The same night the CPT struck the detainee, I heard one of the navy dogs had bitten a prisoner that was flex-i-cuffed and was not resisting.
Q. Do you know who witnessed this incident?
A. SGT [redacted] PO1 [redacted] was the dog handler whose dogs bit the detainee. b6-4, b7C-4
Q. Do you know the details of this incident?
A. No, sir.
Q. Do you have anything else to add to your statement?
A. No, sir.///END OF STATEMENT///

b6-4, b7C-4

STATEMENT OF [redacted] TAKEN AT Abu Ghraib Prison DATED 20 JAN 04

9. STATEMENT *(Continued)*

b6-4, b7C-4

AFFIDAVIT

I, [redacted], HAVE READ OR HAVE HAD READ TO ME THIS STATEMENT, WHICH BEGINS ON PAGE 1, AND ENDS ON PAGE 3. 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] b6-4, b7C-4

(Signature of Person Making Statement)

WITNESSES:

ORGANIZATION OR ADDRESS

ORGANIZATION OR ADDRESS

Subscribed and sworn to before me, a person authorized by law to administer oaths, this 20 day of Jan, 2004 at Abu Ghraib Prison Abu Ghraib, Iraq

[redacted] b6-1, b7C-1

(Signature of Person Administering Oath)

[redacted] b6-1, b7C-1

(Typed Name of Person Administering Oath)

ART 136 UCMJ

(Authority To Administer Oaths)

INITIALS OF PERSON MAKING STATEMENT [redacted] b6-4, b7C-4

PAGE 3 OF 3 PAGES

PAGE 3, DA FORM 2823, DEC 1998

USAPA V1.00

SWORN STATEMENT b6-4, b7C-4

For use of this form, see AR 190-45: The proponent agency of the Deputy Chief of Staff for Personnel.

LOCATION	DATE	TIME	FILE NUMBER
Abu Ghraib, Baghdad Iraq	20 Jan 04	0919	0005-04-CID14F-83131

LAST NAME, FIRST NAME, MIDDLE NAME	SOCIAL SECURITY NUMBER	GRADE/STATUS
[redacted] b6-4, b7C-4	[redacted] b6-4, b7C-4	E-5 / VANG

ORGANIZATION OR ADDRESS
229th MP Co. , deployed with duty at Abu Ghraib, Iraq

[redacted] b6-4, b7C-4 want to make the following statement under oath:

Approximately 23 August 2003, was assigned to the Internal Reaction Force. On various occasions the team is required to respond to various types of situations at Camp Ganci, Camp Vigilance, and the Prison. Our mission is to quell inmate disturbances and to stand guard while the compound MP's search the inmates. In September Camp Vigilance was attacked by enemy mortar fire. Some soldiers were seriously injured. At approximately 2100hrs, IRF was called out to assist the QRF (Quick Reaction Force). Upon arrival at the south wall where the base exit is located, the team was staged approximately three hundred meters east of the exit where there were two GP medium tents set up. The QRF turned over two Iraqi citizens, one male and one female. I was told that the two suspects may know something about the mortar attack. Major [redacted] and a b6-4, b7C Sergeant Major was also present. I was assigned to look over the male suspect to await the Military Intelligence personnel (MI). Before MI arrived I took my flashlight and shined it in the male suspects face. I wanted to see who I was guarding. The suspect appeared to be scared. At approximately 2115hrs, Military Intelligence arrived to take over the suspects. An unknown person from MI went straight to the male suspect and started to yell profanity at the male. The MI person hit the male in the back of the head with a closed fist causing the suspect to fall forward. The suspect was handcuffed, on his knees and a towel wrapped around his head. The MI soldier kept yelling eyes down, get up while knocking the suspect back down and repeated verbal abuse towards the suspect. Another MI soldier came to assist the first MI soldier. The second MI soldier put an arm lock around the suspects neck pulling the suspect from the ground. While pulling the suspect from the ground by the neck, the MI soldier was twisting left and right yelling at the suspect while the first MI soldier struck the suspect in the mid section of the stomach. 1st LT [redacted] (IRF Commander) b6-4, b7C-4 approached the soldiers and asked if this treatment was necessary. The MI soldier told the LT that he is a trained professional and to let him handle the situation. The LT reminded the soldiers that these suspects maybe innocent. The MI soldiers continued their verbal abuse and excessive force. Lt [redacted] stated to the MI b6-4, b7 soldiers that this behavior is not necessary. The MI soldiers ignored the LT and continued to verbally abuse the suspect and drag the suspect off by the neck. The LT approached Major [redacted] and asked the Major if he b6-4, b7 was going to let this continue. The Major said nothing. The LT stated that he was not going to allow this abuse to continue. The LT went to the MI vehicle and wanted to know who was the NCOIC. I was then ordered back to the vehicle that I arrived in. There was a lot of loud talking between the LT, SFC [redacted] (IRF b6-4, b7C NCOIC) and the MI personnel. MI drove off with the suspects. This same night I wrote a statement on the events and turned them into LT [redacted] and SFC [redacted] In November at an unknown time and date, the IRF b6-4, b7C responded to the prison site because of a shooting. We were informed that an inmate shot a soldier. Our mission was to assist the guards in searching the prison for more weapons and the possibility of hand grenades. I assisted the dog handler [redacted] During the searching I saw a soldier dragging an inmate by a chocking b6-4, b7C hold. The soldier was a Captain. I then went to the top tear to assist searching rooms. On the top tear, I had a view of the Captain throwing the inmate against the wall. The inmate fell to the ground. The Captain began kicking the inmate in the mid section yelling at the inmate. At this time I assisted [redacted] because [redacted] b6-4, b7C was asked to assist MI personnel to interrogate a prisoner. [redacted] was instructed by MI to let the dog scare b6-4, b7C the inmate for some information. The MI person told [redacted] three different times to let the dog in on the b6-4, b7C

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[redacted] b6-4, b7C-4

with the searches.

Q. Regarding the incident at the ECP, do you know if the situation was ever handled by unit personnel?
A. I was never present when the MI chain of command discussed the issue with MAJ [redacted] and 1LT [redacted] I was aware it happened, but not the outcome. I was told that I may be talked to about it, but to this date no one has approached me. b6-4, b7c-4
Q. Do you know who the MI personnel were?
A. No not at all. We tried to get a name, but were unsuccessful. Everyone one that was at the incident provided sworn statements, and are maintained with 1LT [redacted] b6-4, b7c-4
Q. Do you recall the date of the second incident?
A. It was the day all the riots occurred. There was a lot of rock throwing at the towers.
Q. Why were you called to the hard site?
A. Because of a shooting. We were briefed an inmate had shot a guard with a pistol. We were called to assist in the searching of the rooms for suspected grenades. We were working both sides of the wings upper and lower tiers.
Q. Where were you when you observed the CPT striking the detainee?
A. As I proceeded to the top tier, I observed this CPT with a chock hold on a detainee. He was dragging the detainee to the shower room on the lower level. I proceed to the upper tier, and observed the detainee come out from under the tier and the CPT approached him and kicked several times in the mid section. The detainee was screaming while this was going on. The CPT stated "you like hurting my soldiers". The kicks were full force into the detainee.
Q. Were their any other soldiers assisting with this assault?
A. No, not that I saw.
Q. Describe the detainee?
A. Approx 5'7, small frame, short dark hair, and a jump suit. The detainee being drug had a sandbag covering his head and I can not be for sure he is the same detainee being assaulted by the CPT. When he was in the shower room he was naked.
Q. What is the time frame between being drug to being kicked?
A. Approximately 10 minutes.
Q. Did you see anyone else assaulting this detainee?
A. No. I heard people but did not see anything.
Q. Approximately how many people (soldiers) were in this area at the time of the incident?
A. I would say about 10.
Q. Describe the CPT?
A. About 5'8-5'9, white, thin but fit, athletic type, mid 30's, dirty blonde flat top style haircut, clean cut. I was later told he was a CPT.
Q. Have you this CPT since the incident?
A. Yes, at the chow hall.
Q. Do you know his name?

A. No.
Q. Did you report this to anyone?
A. Yes, 1LT [redacted] and SFC [redacted] We always have an AAR to discuss the b6-4, b7C-4 mission.
Q. Do you know what actions he took after being notified?
A. No.
Q. Describe the incident with the K-9?
A. The MI person (tall, dark hair, possible Asian appearance) kept calling the K-9 handler and the K-9 into the cell. The MI stated to the K-9 handler to allow the dog into the cell as a method of obtaining information. The dog would go into the cell for about a minute, and then MI would call them out. I saw the dog during this strike the detainee. The detainee was bound and could not move, and the K-9 handler would allow the K-9 to approach within inches his face, and one time the dog bit the detainee's arm. When I saw the detainee later it appeared the detainee was bitten multiple times. The K-9 handler stated he did not think the dog could be used in this fashion and we departed the area. During the time I was in the cell the detainee never resisted. The MI was calling the dog into the cell as a scare tactic to gather information.
Q. Do you know if this was report to anyone?
A. Other than the AAR, I do not know.
Q. Has anyone approached you regarding this incident?
A. No, other than [redacted] b6-4, b7C-4
Q. Where did the dog bite the detainee?
A. Upper right arm.
Q. Do you know who the detainee was?
A. No.
Q. Do you remember the cell this occurred in?
A. Wing 1A and it was either the second or third cell on the upper tier.
Q. Was there anyone else there that witnessed this incident?
A. A male interrogator, female interpreter and [redacted] (K-9 Handler). b6-4, b7C-4
Q. Describe the female interpreter?
A. Dark hair, shoulder length, and she was approximately 5'4, thin and possibly Iraqi.
Q. How many K-9 handlers were present on the Wing?
A. Just [redacted] There were two others on the other Wing. b6-4, b7C-4
Q. At any time did you observe the detainee resist the CPT?
A. I did not see any resistance, but I did not see the entire altercation.
Q. At any time did you see the detainee in the cell resist or provoke the K-9?
A. No, I did see the entire incident.
Q. What was the MI interrogators reaction to the K-9 biting the detainee?
A. He did not seem concerned for the detainee, he entered the cell and continued his interrogation and again he would call the K-9 in. This went on approximately three times.
Q. Was medical aid rendered to the detainee?
A. At the time there was no medical attention. I know when the interpreter was bitten they attempted to get medical aid for her on the spot.

Q. Did you witness any further assaults this evening?
A. No.
Q. Do you wish to add anything else to your statement?
A. No.///END OF STATEMENT///

AFFIDAVIT

I, [redacted] b6-4, b7C-4 [redacted] HAVE READ OR HAVE HAD READ TO ME THIS STATEMENT WHICH BEGINS ON PAGE 1 AND ENDS ON PAGE [redacted]. 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 OR PUNISHMENT, AND WITHOUT COERCION, UNLAWFUL INFLUENCE, OR UNLAWFUL INDUCEMENT.

[redacted] b6-4, b7C-4

[redacted] (Signature of Person Making Statement)

WITNESSES:

_____

_____

ORGANIZATION OR ADDRESS

_____

_____

ORGANIZATION OR ADDRESS

_____

_____

SUBSCRIBED AND SWORN BEFORE ME, A PERSON BY LAW TO ADMINISTER OATHS, THIS 20 DAY OF Jan 04

AT [redacted]

[redacted] b6-1, b7C-1

(Signature of Person Administering Oath)

[redacted] b6-1, b7C-1

(Name of Person Administering Oath)

Art 134 UCMJ

(Authority to Administer Oath)

INITIALS OF PERSON MAKING STATEMENT [redacted] b6-4, b7C-4

PAGES [redacted] 2 OF [redacted] 2 PAGES b6-4, b7C-4

DA Form 2823 (AUTOMATED)

AGENT'S INVESTIGATION REPORT

CID Regulation 195-1

ROI NUMBER: 0005-04-CID148-[redacted]

PAGE 1 OF 1 PAGES

DETAILS

b6-1, b7C-1 b6-4, b7C-4

At 0830, 22 Jan 04, SA [redacted] interviewed MSG [redacted] NCOIC IRF, 229th MP Co, Abu Gharib, Iraq, who provided a verbal statement relating the he did not see any abuse the night he was at the facility when the MP had been shot.

b6-1, b7C-1 b6-4, b7C-4

At 0945, 22 Jan 04, SA [redacted] interviewed 1LT [redacted] 229th MP Co, Abu Gharib, Iraq, who provided a verbal statement relating the events of 21 Sep 03, who stated he was on leave during the time of the incident at the detention facility when the MP was shot.

b6-1, b7C-1 b6-4, b7C-4

At 1440, 22 Jan 04, SA [redacted] interviewed CPT [redacted] Commander, 229th MP Co, Abu Gharib, Iraq, who provided a verbal statement relating he was at the detention facility the night the detainee had the gun and shot at the MP's. CPT [redacted] stated he was not aware of any soldiers who abused a detainee on that night. b6-4, b7C-4

b6-1, b7C-1 b6-4, b7C-4

At 1536, 22 Jan 04, SA [redacted] interviewed SFC [redacted] 229th MP Co, Abu Gharib, Iraq, who provided a verbal statement relating he was at the detention facility the night the detainee had the weapon. SFC [redacted] stated there was an Army Captain there talking to one of the detainees, with an interpreter, and an MI person. b6-4, b7C-4

b6-1, b7C-1 b6-4, b7C-4

At 1600, 22 Jan 04, SA [redacted] interviewed SGT [redacted] 229th MP Co, Abu Gharib, Iraq, who stated he was at the detention facility the night the MP was shot by the detainee. SGT [redacted] stated he did see an Army CPT talking to a detainee, and had been told the person that the CPT was talking to was the person who had provided the information on the detainee who had the gun. According to SGT [redacted] a rouge was done with that detainee and the CPT and the CPT was to make it appear as if he was beating and hurting the detainee as to not allow the other detainees know that it was he who had provided the information about the weapon. b6-4, b7C-4 b6-4, b7C-4

b6-1, b7C-1 b6-4, b7C-4

At 1800, 22 Jan 04, SA [redacted] interviewed SFC [redacted] 66th Military Intelligence Group, Darmstadt, GM (deployed to Abu Ghraib Prison, Iraq) who stated there was a rouge done the night of the shooting on a detainee, and it was the detainee who provided the information on the one detainee having the gun. SFC [redacted] stated he did not know whom the Army person was that took part in the rouge. b6-4, b7C-4

b6-1, b7C-1 b6-4, b7C-4

At 1755, 23 Jan 04, SA [redacted] interviewed CPT [redacted] 372nd Military Police Company, Cumberland, MD (deployed to Abu Ghraib Prison, Abu Ghraib, Iraq, who provided a verbal statement, relating he participated in a rouge with a detainee. CPT [redacted] stated he was to take the detainee who provided the information about the detainee who had a weapon, out into an open area, and make it appear as if he was being abused. CPT [redacted] stated the reason for this was the guards at the facility did not want the other detainees to know who had provided the information about the events. CPT [redacted] stated after he made it appear he was abusing the detainee, he pulled the detainee off to the side and gave him a coke and a cigarette. b6-4, b7C-4 4, b7C-4 b6-4, b7C-4

b6-1, b7C-1 b6-4, b7C-4

About 1400, 26 Jan 04, SA [redacted] coordinated with CPT [redacted] Trial Counsel, assigned to 205th Military Intelligence Brigade and briefed him on all aspects of this investigation. CPT [redacted] opined under the circumstances of this incident being stage to protect the identity of Detainee [redacted] he did not feel CPT [redacted] had committed any crime against Detainee [redacted] ///LAST ENTRY/// b6-4, b7C-4 b6-4, b7C-4

TYPED AGENT'S NAME AND SEQUENCE NUMBER	ORGANIZATION
SA [redacted] b6-1, b7C-1	10TH MP BN CID, Baghdad Iraq
SIGNATURE For [redacted]	DATE: 23 Jan 04 / EXHIBIT: 4

CID FORM 94
1 FEB 77

FOR OFFICIAL USE ONLY

000012

2005-04-CID149 #3131

SWORN STATEMENT

For use of this form, see AR 190-45: The proponent agency of the Deputy Chief of Staff for Personnel.

LOCATION	DATE	TIME	FILE NUMBER
Abu Ghraib, Baghdad Iraq	22 Jan 04	1037	b6-4, b7C-4

LAST NAME, FIRST NAME, MIDDLE NAME	SOCIAL SECURITY NUMBER	GRADE/STATUS
[redacted] b6-4, b7C-4	[redacted] b6-4, b7C-4	1LT

ORGANIZATION OR ADDRESS
229th MP Co., deployed with duty at Abu Ghraib, Iraq

I, [redacted] b6-4, b7C-4 want to make the following statement under oath:

I would like to make the following statement to help clarify the statement I made on 0130, 21 Sep 03.

Q. Do you know who the MI soldiers were that assaulted the Iraqi on the night of the mortar attack?

A. I think they were with the 519th MI, from Fort Bragg, NC.

Q. Can you describe any of them and their actions?

A. The one person that I saw that was getting out of hand was the a white male, about 5'9", old style tan flack jacket, with the desert camo cover, who shoved the Iraqi males head into the ground and said "What the fuck are you looking at, eyes down". The detainee was handcuffed at the time this happened, I think we handcuffed him. The detainee was just sitting there and he was not combative in any way.

Q. Were there any other MI personnel there?

A. Yes, there was an E6 who I talked to. I was pissed off at the actions of MI and I asked who was in charge. He spoke up and said he was. I told him he needed to get control of his people, or I was going to take the detainees from them and question them myself. He went around to where his people were and said something to them. I do not recall his name. I do not recall what he looked like either. This was all late at night and we were at the Entry Control Point, the old one. Just east of that about ten to 15 yards we had visitation tents set up, that is where this whole event occurred.

Q. Did the MI person ever strike either of the detainees?

A. I never saw a punch thrown; I heard a lot of rustling in the back of a truck. I heard a big ruckus as I was talking to MAJ [redacted] SFC [redacted] saw one of them get hit, but I did not. b6-4, b7C-4

Q. Did you see the detainee's dragged by their hands or feet?

A. When they came to get the male prisoner up, they dragged him for about five feet before he could get up to walk on his own. I think he might have been blindfolded at the time and did not know he was even supposed to get up. They were just walking by him and tried to yank him up off the ground.

Q. Did anyone else witness these events?

A. I had my whole team there. I had all of my guys make statements and give them to me. SGT [redacted], SFC [redacted], SGT [redacted] I think SGT [redacted] said he did not see anything. I do not recall his statement. I took the statements from the team members and I turned them in to either CPT [redacted] who is the Company Commander for 229th MP Co, or maybe to the Bn S-2, it would have been LT [redacted] But I think I turned stuff in to [redacted] on a weapon that was lost. b6-4, b7C-4

Q. What was the outcome of the event?

A. I was told by CPT [redacted] that this had been referred to CID. b6-4, b7C-4

Q. What date and time did this event occur?

A. The early morning of September 21, 2003, at about 0020 to 0100hrs.

Q. Do you have any additional information to provide?

A. CSM [redacted] was there. He was the one that MAJ [redacted] was talking to. That is what made me so mad is that the MAJ was there and I was the one that had to step up. I do not know if the MI guys work like this all the time, but I have lost people on the police force back in the states where I work and I can only [redacted]

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[redacted] b6-4, b7C-4

imagine what would happen if we treated a suspect in an officer shooting as the MI folks treated this suspect.

Q. DO you have anything to add to this statement?

A. No.///End of Statement//[redacted] b6-4, b7C-4

b6-4, b7C-4

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 OR PUNISHMENT, AND WITHOUT COERCION, UNLAWFUL INFLUENCE, OR UNLAWFUL INDUCEMENT.

[redacted] b6-4, b7C-4

(Signature of Person Making Statement)

WITNESSES:

_____

_____

ORGANIZATION OR ADDRESS

_____

_____

ORGANIZATION OR ADDRESS

_____

_____

SUBSCRIBED AND SWORN BEFORE ME, A PERSON BY LAW TO ADMINISTER OATHS, THIS 22nd DAY OF Jan 04

AT Abu Ghurib Prison, Iraq

[redacted] b6-1, b7C-1

(Signature of Person Administering Oath)

[redacted] b6-1, b7C-1

(Name of Person Administering Oath)

Article 136, UCMJ

(Authority to Administer Oath)

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INITIALS OF PERSON MAKING STATEMENT [redacted] b6-4, b7C-4

PAGES 2 OF 2 PAGES

DA Form 2823 (AUTOMATED)

AGENT'S INVESTIGATION REPORT

0005-04-CID149-83131

CID Regulation 195-1

PAGE 1 OF 1 PAGES

DETAILS:

b6-1, b7C-1 b6-4, b7C-4

About 1900, 22 Jan 04, SA [redacted] with the assistance of Mr. [redacted] Titan Corporation, interviewed Detainee [redacted] who related b6-4, b7C-4 that the night of the shooting at the Hard Site he was not assaulted in any way. He further stated that the appearance of an assault was a ruse to safely remove him from the tier.

///LAST ENTRY///

TYPED AGENT'S NAME AND SEQUENCE NUMBER

SA b6-1, b7C-1, b-2 [redacted]

ORGANIZATION

Prisoner Interview/Interrogation Team (PIT) (CID)
10th Military Police Battalion (CID)
Abu Ghraib Prison Complex
APO AE 09335

000016

SIGNATURE [redacted] b6-1 b7C-1

DATE 22 Jan 04

EXHIBIT b6-4, b7C-4

UNCLASSIFIED//FOUO

UNCLASSIFIED SUMMARY OF BASIS FOR TRIBUNAL DECISION

(Enclosure (1) to Combatant Status Review Tribunal Decision Report)

TRIBUNAL PANEL: #12
ISN #: [redacted]

1. Introduction

As the Combatant Status Review Tribunal (CSRT) Decision Report indicates, the Tribunal has determined that this Detainee is properly classified as an enemy combatant because he affiliated himself with the Taliban and al Qaida, which are engaged in hostilities against the United States and its coalition partners. In reaching its conclusions, the Tribunal considered both classified and unclassified information. The following is an account of the unclassified evidence considered by the Tribunal and other pertinent information. Classified evidence considered by the Tribunal is discussed in Enclosure (2) to the CSRT Decision Report.

2. Synopsis of Proceedings

The unclassified evidence presented to the Tribunal by the Recorder indicated that the Detainee, a Bahraini citizen, admitted he traveled from Bahrain to Afghanistan on 13 September 2001. His purpose was to fight for the Taliban and die in jihad. At the time he departed Bahrain, the Detainee knew he would be fighting the Northern Alliance and the United States. When he arrived in Afghanistan, the Detainee requested and received directions from a Taliban representative to an office/guesthouse in Kabul, Afghanistan. At that Taliban office, the Detainee introduced himself and told the Taliban representative that he had come to fight. After November 2001, the Detainee traveled to the Pakistan border where he was arrested by Pakistani authorities and later turned over to U.S. authorities. The Detainee chose not to participate in the Tribunal process. The Detainee requested one off-island witness, Mohammed Salman Al-Khalifa. The U.S. Department of State contacted the witness through the Bahraini government and offered him the opportunity to testify on board Guantanamo Bay, by conference call or written statement. The witness elected to testify through written statement and submitted two documents for the Tribunal's consideration. The Bahraini government also submitted a document to the Tribunal. The Tribunal President's evidentiary and witness rulings are explained below.

3. Evidence Considered by the Tribunal

The Tribunal considered the following evidence in reaching its conclusions:

a. Exhibits: D-a through D-d, and R-1 through R-12.

b. Testimony of the following persons: None.

4. Rulings by the Tribunal on Detainee Requests for Evidence or Witnesses

The Detainee requested one witness. The following was introduced for the Tribunal's consideration:

Evidence	President's Decision	Produced?
Statement from Mohammed Salman Al-Khalifa	Relevant	Yes
2d Statement from Mohammed Salman Al-Khalifa	Relevant	Yes*
Certificate of "Good Conduct" from the Bahriani Interior Ministry	Relevant	Yes*

*The Detainee requested testimony from the witness, which was produced. Apparently the witness, Mohammed Salman Al-Khalifa, took it upon himself to provide a second statement, the character reference, which was accepted by the Tribunal for consideration. The third document (also not requested but provided nonetheless) was the Good Conduct Certificate submitted on the initiative of the Bahraini Government that was also accepted and considered by the Tribunal.

5. Discussion of Unclassified Evidence

The Tribunal considered the following unclassified evidence in making its determinations:

a. The Recorder offered Exhibits R-1 through R-3 into evidence during the unclassified portion of the proceeding. Exhibit R-1 is the Unclassified Summary of Evidence. While this summary is helpful in that it provides a broad outline of what the Tribunal can expect to see, it is not persuasive in that it provides conclusory statements without supporting unclassified evidence. Exhibits R-2 and R-3 provided no usable evidence. Accordingly, the Tribunal had to look to classified exhibits for support of the Unclassified Summary of Evidence.

b. The Detainee declined to make a statement or to be present for the Tribunal. However, the Personal Representative did present two affidavits on the Detainee's behalf, discussed further below:

1. Exhibit D-b, 11 November 2004, is a statement by the Detainee's friend (and perhaps cousin), Mohammed Salman Al-Khalifa, who is also the cousin of Salman Al-Khalifa. The author claims that he was very concerned about his cousin because he did not know where he was (although he believed he may have been in Pakistan or Afghanistan). The author further claims that the Detainee was not connected to any jihad groups against the United States and that the only reason he went to Pakistan and Afghanistan was to bring back his friend, Salman Al-Khalifa. While initially persuasive, the exhibit is contradicted by the Detainee's previous statements as indicated in Exhibit R-8, discussed more fully in Enclosure (2) to the CSRT Decision Report.

2. Exhibit D-c, 11 November 2004, was a second statement apparently from the same individual, Mohammed Suleiman Al-Khalifa, and is a character reference concerning the Detainee. It is not otherwise relevant to the Detainee's enemy combatant status.

3. Exhibit D-d is a Good Conduct certificate from the Kingdom of Bahrain's Interior Ministry, indicating that there is nothing adverse against the Detainee in Bahraini criminal records "till to date." The information given is somewhat contradictory, however. On one hand, the date of generation of the certificate is given as 09/11/2004. On the other hand, the date of issue is given as 02/06/2001 and the expiration date is 02/06/2006. However, further below, the certificate states that it is valid for three months from the date of issue, which would mean an expiration date of 05/01/2001. If the latter information is correct, however, this means that the Detainee's alleged acts postdate the expiration date of the certificate, making the certificate irrelevant. Read in the most favorable light to the Detainee, the certificate indicates that the Detainee has not broken any Bahraini laws and that the Bahraini government evidently does not consider the Detainee's alleged acts serious enough to deny him a "Good Conduct" certificate. While this exhibit is moderately persuasive, the United States government obviously has a different view, which has been formed by virtue of the exhibits discussed in Enclosure (2) to the CSRT Decision Report.

c. The Tribunal also noted an allegation of the Detainee, relayed through his Personal Representative, that he was tortured while detained in Kandahar, Afghanistan and that consequently he admitted to things that he did not do. In accordance with standard operating procedure, this allegation was forwarded to officials at the Criminal Investigation Task Force for further coordination with Joint Task Force Guantanamo, and for their investigation and disposition, as they deem appropriate. The Tribunal also notes, however, that none of the information presented to it for consideration was generated from the Detainee's detention in Kandahar.

d. The Tribunal also relied on certain classified evidence in reaching its decision. A discussion of the classified evidence, including the Detainee's alleged al Qaida

affiliation, is found in Enclosure (2) to the Combatant Status Review Tribunal Decision Report.

6. Consultations with the CSRT Legal Advisor

No issues arose during the course of this hearing that required consultation with the CSRT legal advisor.

7. Conclusions of the Tribunal

Upon careful review of all the evidence presented in this matter, the Tribunal makes the following determinations:

a. The Detainee was mentally and physically capable of participating in the proceeding and no further medical or mental health evaluation was requested or deemed necessary.

b. The Detainee understood the Tribunal proceedings. The Detainee chose not to participate in the Tribunal process, as indicated in Exhibit D-a. After numerous interviews with his Personal Representative, and despite having given an earlier indication that he would participate in the Tribunal, the Detainee decided on the day of the Tribunal not to participate. There was no indication that he did not understand the process; rather, he related to his Personal Representative that communication he had received from his civilian attorney indicated that he was being advised not to participate and so the Detainee made his decision accordingly.

c. The Detainee is properly classified as an enemy combatant because he affiliated himself with the Taliban and Al Qaida, which are engaged in hostilities against the United States and its coalition partners.

8. Dissenting Tribunal Member's report

None. The Tribunal reached a unanimous decision.

Respectfully submitted,

[redacted]
Colonel, U.S. Marine Corps
Tribunal President

UNCLASSIFIED

2 Dec 04

MEMORANDUM

From: Legal Advisor
To: Director, Combatant Status Review Tribunal

Subj: LEGAL SUFFICIENCY REVIEW OF COMBATANT STATUS REVIEW TRIBUNAL FOR DETAINEE ISN #[redacted]

Ref: (a) Deputy Secretary of Defense Order of 7 July 2004
(b) Secretary of the Navy Implementation Directive of 29 July 2004

Encl: (1) Appointing Order for Tribunal #12 of 29 September 2004
(2) Record of Tribunal Proceedings

1. A legal sufficiency review has been completed on the subject Combatant Status Review Tribunal in accordance with references (a) and (b). After reviewing the record of the Tribunal, I find that:

a. The detainee was properly notified of the Tribunal process and affirmatively declined to participate in the process. The detainee requested his Personal Representative to provide information on his behalf.

b. The Tribunal was properly convened and constituted by enclosure (1).

c. The Tribunal complied with the provisions of references (a) and (b). Note that some information in exhibits R-4, R-5, R-6, and R-7 was redacted. The FBI properly certified in exhibits R-2 and R-3 that the redacted information would not support a determination that the detainee is not an enemy combatant.

d. The detainee requested one witness. The Tribunal found the witness to be relevant and submitted a request to the U.S. State Department to locate the witness in Bahrain. Bahraini authorities located the witness and the witness elected to provide a letter to the Tribunal on the detainee's behalf. In fact, he submitted two letters and these were considered by the Tribunal and included in the Record of Proceedings as exhibits D-b and D-c. The Bahrain Interior Ministry also provided a "Certificate of Good Conduct" for the detainee (exhibit D-d). The Personal Representative presented these documents on behalf of the detainee.

e. The Tribunal's decision that detainee #[redacted] is properly classified as an enemy combatant was unanimous.

f. The detainee's Personal Representative was given the opportunity to review the record of proceedings and did not submit comments to the Tribunal.

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020037

Subj: LEGAL SUFFICIENCY REVIEW OF COMBATANT STATUS REVIEW TRIBUNAL FOR DETAINEE ISN #[redacted]

g. It should also be noted that the detainee stated that he was tortured when captured in Afghanistan. The Tribunal took note of this allegation and in accordance with standard operating procedures forwarded the allegation to officials at the Criminal Investigative Task Force for investigation. The Tribunal also noted that none of the information relied upon when making its decision originated from the detainee's capture in Afghanistan.

2. The proceedings and decision of the Tribunal are legally sufficient and no corrective action is required.

3. I recommend that the decision of the Tribunal be approved and the case be considered final.

JAMES R. CRISFIELD JR.
CDR, JAGC, USN

020038

DETENTION HOSPITAL GUANTANAMO BAY, CUBA Title: HANDLING OF THE KORAN/QURAN	SOP NO: 080 Page 1 of 2 Effective Date: 14 JUN 05
SCOPE: DETENTION HOSPITAL	

REFERENCE: (a) Camp Delta SOP
(b) United States Southern Command News Release dtd 03 Jun 05

I. BACKGROUND: The majority of detainees at Camp Delta practice the Muslim religion and therefore use the Koran/Quran as their guide for the Muslim faith. The Koran/Quran, or last revealed word of God, is the primary source of every Muslim's faith and practice. It deals with all subjects that concern the relationship between God and His creatures, wisdom, doctrine, worship, transactions, law, etc. The way Detention Hospital staff interacts with and handles the Koran/Quran is very sensitive, and must be taken seriously.

II. POLICY:

a. Detention Hospital personnel will not touch or handle the Koran.

b. In the event that the Koran must be moved, and the detainee is unable to accomplish that movement secondary to a medical condition, the Chaplain or Muslim interpreter will be contacted to assist following guidelines outlined in reference (a) and (b).

c. Ensure that the Koran is not placed in offensive areas such as the floor, near the toilet or sink, near the feet, or dirty /wet areas.

d. Do not disrespect the Koran. This could potentially lead to a lack of cooperation from the detainees and could provoke a violent reaction from the detainee.

STANDING OPERATING PROCEDURES
Detention Hospital
Guantanamo Bay, Cuba

REVIEWED AND APPROVED BY:

(b)(6) _____ 14 JUN 05
Officer In Charge Date

IMPLEMENTED BY:

(b)(6) _____ 14 JUN 05
Director for Administration Date

_____ _____
Senior Enlisted Advisor Date

ANNUAL REVIEW LOG:

By:_____ Date:_____
By:_____ Date:_____
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ENTIRE SOP SUPERSEDED BY:

Title:_____
SOP NO:_____ Date:_____

DETENTION HOSPITAL GUANTANAMO BAY, CUBA Title: DETENTION MEDICAL INTERFACE WITH BEHAVIORAL SCIENCE CONSULTATION TEAM	SOP NO: 008 Page 1 of 3 Effective Date: 15 Feb 05
SCOPE: JOINT MEDICAL GROUP (JMG)	

I. REFERENCE

(a) Director, Joint Intelligence Group Operational Policy Memorandum dtd 10 Dec 04

II. ENCLOSURE – N/A

III. BACKGROUND:

The Behavioral Science Consultation Team (BSCT) is NOT part of the Joint Task Force Guantanamo (JTF-GTMO), Joint Medical Group (JMG). They are a component of the Joint Interrogation Group (JIG) that supports the Interrogation Control Element (ICE) and Joint Detention Operations Group (JDOG). The mission of BSCT includes providing psychological consultation in support of safe, legal, ethical, and effective interrogation and detention operations at JTF-GTMO. Reference (a) outlines the specific objectives and mission essential tasks for the BSCT.

IV. POLICY

- JMG staff members do NOT participate in any interrogation activities nor are they present during any interrogation activities.
- The BSCT should redirect medical concerns raised by Detainees during the interrogation or intelligence gathering process to Detention Medical personnel if they are beyond the scope of the normal sick-call opportunities made available to all Detainees.
- Concerns about health status or medical condition of detainees will NOT be conveyed directly to Detention Medical personnel by interrogators. Any attempt to do so, will be redirected to the BSCT.
- BSCT staff may check directly with Detention Medical clinical staff to confirm whether or not a detainee is medically fit for interrogation activities.

V. PROCEDURES

- Requests from the BSCT for medical information related to a detainee will be forwarded to the JMG Medical Planner group email. The requests will be assigned individual tracking numbers as appropriate and forwarded to the Detention Medical Senior Medical Officer for response.

- Recognize that there may be time sensitive issues, such as possible detainee abuse, where BSCT staff may contact the Detention Medical Officer in Charge or Senior Medical Officer and request medical evaluation of a detainee.

- Meetings between BSCT staff and JMG staff will be held on an as needed basis, but not less than quarterly, to facilitate resolution of procedural issues and discuss common problems. Specific detainee medical information will not be solicited or discussed in this forum.

REVIEWED AND APPROVED BY:

[redacted] b(6) 15 JUN 05

Officer In Charge — Date

IMPLEMENTED BY:

[redacted] b(6) 15 JUN 05

Director for Administration — Date

Senior Enlisted Advisor — Date

ANNUAL REVIEW LOG:

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ENTIRE SOP SUPERSEDED BY:

Title:_____
SOP NO:_____ Date:_____

DETENTION HOSPITAL GUANTANAMO BAY, CUBA	SOP NO: 009
Title: CUSTODY AND CONTROL OF MEDICAL/DENTAL RECORDS	Page 1 of 7 Effective Date: 01 JUN 05
SCOPE: JOINT MEDICAL GROUP (JMG)	

I. ENCLOSURE:

(1) NAVMED FORM 6150/7
(2) Sample, Record Closure Insert
(3) Sample, Chain of Custody

II. BACKGROUND:

On arrival to Guantanamo (GTMO), all Detainees have a medical and dental record established to document their healthcare while in custody. Joint Medical Group (JMG) and Detention Hospital personnel will exercise control, custody and management of all inpatient and outpatient medical/dental records with guidance from applicable service instructions. This Standard Operating Procedure provides guidance on the storage, handling and accountability of all healthcare records in JMG custody.

III. POLICY:

A secure, climate-controlled environment is required for the storage of all active and retired Detainee medical records. All Detainee healthcare information will be treated as sensitive material. All medical/dental records will be maintained in a secure storage device if the space is not continuously manned.

At no time will active Detainee medical/dental records leave the custody of Detention Medical staff. Whenever a Detainee is admitted to the Detainee Acute Care Unit (DACU) at the U.S. Naval Hospital, the custody of the medical record will reside with Detention Medical staff working in that location. Any exception to this policy will be cleared by the Senior Medical Officer (SMO), Officer in Charge (OIC) or the JMG Commander.

IV. PROCEDURES:

A. Active Outpatient Records

1. The Detainee's Internment Serial Number (ISN) will be used as the primary filing number for all Medical and Dental records.

2. All active outpatient medical records will be kept in the Delta Detention Clinic at all times: Enclosure (1), commonly known as the "Pink Card", will be completed for any record transported out of Delta Clinic.

3. All dental records will be kept in the Detention Hospital Dental Clinic. These records will not be removed from this space without the express approval of the Dental Officer, the Senior Medical Officer (SMO) or the Detention Medical Officer in Charge (OIC). The dental record will accompany all Detainees undergoing oral surgery procedures at U. S. Naval Hospital GTMO.

4. The outpatient medical record will accompany all Detainees admitted to the Detention Hospital or the DACU. The record will be stored in a cabinet or file drawer at the detention hospital [redacted] the DACU [redacted] b(2) b(2)

5. Delta Clinic will charge out all outpatient medical records for Detainees admitted to Delta Block. These medical records will remain stored at the Delta Block [redacted] b(2)

6. The Director for Clinical Services will maintain a listing of all outpatient medical/dental records in Delta Clinic's possession sorted by ISN number and the number of volumes for each. The list will be compared to the Detainee camp roster maintained by J3. This list will be updated quarterly and a report submitted to the JMG Commander via the SMO and the OIC no later than 10 days after the end of each quarter.

7. The Dental Officer will maintain a listing of all dental records in Dental's possession. This list will be updated quarterly and a report submitted to the JMG Commander via the SMO and the OIC no later than 10 days after the end of each quarter.

B. Active Inpatient Records

Inpatient records for Detainees still in custody will be considered active inpatient records.

1. Active inpatient records are maintained in a locked cabinet in the [redacted] b(2) [redacted] or at the Detention Hospital [redacted] if currently an inpatient. b(2)

2. They will be catalogued by ISN number.

3. Each admission will have a separate health record jacket and filed separately.

4. The Director for Administration (DFA) is responsible for the maintenance and storage of these records.

5. The DFA will maintain a listing of all active inpatient medical records sorted by ISN number and the number of volumes for each. The list will be updated quarterly and a report submitted to the JMG Commander via the SMO and the OIC no later than 10 days after the end of each quarter.

6. Once a detainee is discharged from the Detention Hospital or the U.S. Naval Hospital DACU, a final administrative review of the record will be conducted prior to filing it in the [redacted] b(2)

C. Inactive Records

Medical/Dental records for detainees who have been permanently released from custody will be placed in an inactive status.

1. Inactive Detainee medical/dental records, both inpatient and outpatient, are maintained in a secure storage device.

2. Inactive records will be catalogued by ISN number.

3. All records (inpatient, outpatient or dental) will be grouped together by ISN.

4. Detainees who are permanently transferred from GTMO will have their outpatient medical record and their dental record closed. To close a medical record, enclosure (2) will become the topmost form of Part 2 in the outpatient medical records, inpatient medical records, and dental records. Enclosure (2) will be signed by the SMO for all medical records and by the Dental Officer for all dental records.

5. All permanently transferred Detainees will have the inactive records (all volumes) bundled and forwarded to the JMG Commander. Enclosure (3) will accompany all transferred records, and the DFA and the JMG Medical Planner will keep a copy on file of each signed enclosure (3).

6. The JMG Medical Planner will maintain a listing of all medical/dental records in their possession sorted by ISN number, record type, number of volumes for each and the date accepted into custody. This list will be updated quarterly and a report submitted to the JMG Commander no later than 10 days after the end of each quarter.

D. Missing Records

1. When a Detainee medical/dental record is unaccounted for, the record custodian will submit a memorandum to the JMG Commander via the OIC documenting the record as missing. The DFA or the JMG Medical Planner, as appropriate, will maintain a copy of this memorandum on file.

E. Record Inventory

1. A complete inventory of all medical/dental records will be conducted when the OIC or the JMG Medical Planner turn over.

F. Medical Evacuations

At no time will the original medical or dental record leave Guantanamo Bay, Cuba.

1. If a Detainee requires medical evacuation from the island, a photocopy of the Detainee Medical and Dental record will be made.

2. The copies will be clearly marked as duplicate across the cover sheet.

3. The copies will remain in the possession of a JMG representative or designated medical authority at all times while undergoing medical care.

4. When the final medical disposition is made on the detainee, the copies will accompany the detainee back to Guantanamo Bay, Cuba.

5. The copies will then be destroyed by the JMG Medical Planner.

HEALTH RECORD RECEIPT
FILE CHARGEOUT AND DISPOSITION RECORD
NAVMED 0150/7 (2-74)

NAME (Last)	(First)	(Middle)

GRADE/RATE	SSN

SHIP/STATION

RECEIVED FROM	DATE

TRANSFERRED TO	DATE

REMARKS

INSTRUCTIONS

This form is designed for use as a permanent record of receipt and disposition of the HEALTH RECORD.

(A) For each HEALTH RECORD received, complete lines 1 through 4 and file in the HEALTH RECORD

(B) Upon transfer complete line 5 and retain form in permanent files

(C) Whenever HEALTH RECORD is temporarily removed from files enter information provided for below and retain form in HEALTH RECORD files

FILE CHARGE-OUT

DATE	RECEIVED BY AND/OR LOCATION

S/N 0105-LF-209-5071 U.S. Government Printing Office: 1986 - 704-002/42131

DTB 1/0211

HEALTH RECORD RECEIPT
FILE CHARGEOUT AND DISPOSITION RECORD
NAVMED 6150/7 (2-74)

NAME (Last)	(First)	(Middle)

GRADE/RATE	SSN

SHIPS/STATION

RECEIVED FROM	DATE

TRANSFERRED TO	DATE

REMARKS

INSTRUCTIONS

This form is designed for use as a permanent record of receipt and disposition of the HEALTH RECORD

(A) For each HEALTH RECORD received, complete lines 1 through 4 and file in the HEALTH RECORD

(B) Upon transfer complete line 5 and retain form in permanent files

(C) Whenever HEALTH RECORD is temporarily removed from files enter information provided for below and retain form in HEALTH RECORD files

FILE CHARGE-OUT

DATE	RECEIVED BY AND/OR LOCATION

S/N 0105-LF-209-5071 U.S. Government Printing Office: 1986 - 704-802/42121

DTB 180211

ISN: XXX-XX-XXXX

RECORD INACTIVATED

(DATE)_____

SIGNED: _____

SMO DENTAL OFFICER

Enclosure (2)

DEPARTMENT OF THE NAVY
DETENTION HOSPITAL
JTF- GTMO-JMG,
APO-AE, 09360

5000
DD Sep YY

From: Officer in Charge, Detention Hospital, Joint Task Force, Guantanamo Bay, Cuba
To: Commander, Joint Medical Group, Joint Task Force, Guantanamo Bay, Cuba

Subj: RECEIPT OF DETAINEE RECORDS

Encl: (1) Diskette With Detainee ISN's
(2) List of Enclosed Medical Records

1. The enclosed Detainee records are forwarded along with enclosures (1) and (2) acknowledging transfer of custody to and receipt by the Joint Medical Group Commander. These records are no longer in the custody of the Detention Medical Administrative Department.

2. If there are any questions in this matter please feel free to contact _____ at ext. 3025.

_____

OIC
Detention Hospital
JTF GTMO

Enclosure (3)

STANDING OPERATING PROCEDURES
Medical Plans and Operations
Guantanamo Bay, Cuba

REVIEWED AND APPROVED BY:

[redacted] b(6) 1 JUN 05
Officer In Charge Date

IMPLEMENTED BY:

[redacted] b(6) 31 MAY 05
Director for Administration Date

Senior Enlisted Advisor Date

ANNUAL REVIEW LOG:

By:_____ Date:_____
By:_____ Date:_____
By:_____ Date:_____
By:_____ Date:_____
By:_____ Date:_____
By:_____ Date:_____

SOP REVISION LOG:

Revision to Page:_____ Date:_____
Revision to Page:_____ Date:_____
Revision to Page:_____ Date:_____
Revision to Page:_____ Date:_____
Revision to Page:_____ Date:_____
Revision to Page:_____ Date:_____

ENTIRE SOP SUPERSEDED BY:

Title:_____
SOP NO:_____ Date:_____