

*Brief to the Secretary of Defense on Treatment of
Enemy Combatants Detained at Naval Station
Guantánamo Bay, Cuba, and Naval Consolidated Brig
Charleston*

Vice Admiral A.T. Church III, USN
Brigadier General D.D. Thiessen, USMC
11 MAY 04

Classified by: Navy I.G.
Reason: 1.5a
Downgrade to: FOUO//UNCLASSIFIED on 19 July 2004
Declassify on: 19 July 2005

Derived from: Multiple sources
Declass: 2 Apr 2013

Tasking

- "...ensure Department of Defense orders concerning proper treatment of enemy combatants detained by the Department at Naval Station Guantanamo Bay, Cuba and Naval Consolidated Brig, Charleston are followed..immediately review the relevant practices at such locations and..brief his findings..by May 10, 2004" (SECDEF memo 3 May 04)

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Assumptions

- Tasking was a “review,” not an inspection or investigation
 - Scope and timeline limited, and no pre-determined target of investigation
 - Snapshot of current existing conditions
- Conclusions are drawn with high level of confidence, but not based on 100% compliance review
- Treatment provided for in Presidential and SECDEF orders constitutes “humane treatment”

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Quicklook

- No evidence or suspicion of serious or systemic problems
- No evidence of non-compliance with DoD orders at either facility
 - Some minor infractions
- Both facilities:
 - Comprehensive SOPs
 - Effective chain of command and leadership
 - Well-trained and disciplined personnel
 - Healthy command climate

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Timeline

- Monday, 3 May
 - Tasking memo signed out
- Tuesday, 4 May
 - Identified teams, arranged logistics
- Wednesday, 5 May
 - Traveled to GTMO, received command briefing, task-organized
- Thursday, 6 May-Friday 7 May
 - Conducted assessment in GTMO
- Thursday, 6 May-Friday 7 May
 - BGen Thiessen departed GTMO and conducted review of Charleston

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Assessment Procedure

- Observed:
 - Guard procedures
 - Detainee movements (GTMO only)
 - Interrogations (GTMO only)
- Reviewed:
 - SOPs
 - Interrogation technique approval process
 - Allegations of detainee abuse
 - Medical records (100 GTMO/3 Charleston)
 - ICRC reports/outbriefs
 - Video of Immediate Reaction Force (IRF) responses (GTMO only)
- Conducted:
 - Over 100 interviews including camp and brig leadership
 - 43 sworn statements
 - Military/Gov't civilian/contractor
 - Guards/interrogators/linguists
 - Guards/interrogators had been at GTMO 9-10 mos
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| <input checked="" type="radio"/> | =Not in compliance (amplification provided) |

Compliance Checklist

GTMO/Charleston

Dod Orders¹:

- Treated humanely and, to the extent appropriate and consistent with military necessity, in a manner consistent with the principles of Geneva
- Afforded adequate food, drinking water, shelter, clothing, and medical treatment
- Allowed the free exercise of religion consistent with the requirements of such detention
 - GTMO: Detainees in maximum security block required to wear short pants. Traditional Islamic practice requires males to be covered from navel to below knees during prayer
 - Charleston: 1 detainee has Koran removed from cell as part of JFCOM-approved interrogation plan. Muslim chaplain not available

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¹Sources: MILORD 13 Nov 01, Dod Memo 19 Jan 02, White House Memo 7 Feb 02

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Compliance Checklist

GTMO/Charleston

Other items of note contained in White House fact sheet regarding GTMO¹

- Meals comply with Muslim dietary laws
- Correspondence materials and means to send mail
- Subject to suspension during periods of interrogation
- Foam sleeping pads and blankets
- One detainee in Charleston has mattress removed as part of JFCOM-approved interrogation plan
- Ability to receive packages of food and clothing, subject to security screening
- No packages allowed at GTMO for security reasons
- ICRC visits
- Most detainees have ICRC access. One detainee in each location currently not authorized ICRC visits due to interrogation plans in progress

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¹Source: White House Fact sheet 7 Feb 02. These standards, while not DoD orders, are reported due to their public announcement. Fact sheet as written applies only to GTMO, not Charleston.

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Compliance Checklist

GTMO/Charleston

Compliance with notification procedures regarding counter-resistance technique usage in interrogation

- Incentive/removal of incentive¹
 - One detainee in Charleston has Koran, mattress, and pillow removed and is fed cold MREs as part of interrogation plan approved by JFCOM. (SECDEF Memo of 16 Apr 03 addresses GTMO only)
 - Pride and ego down
 - "Mutt and Jeff"
 - Isolation
- Limited number and unique status of detainees in Charleston precludes interaction with other detainees
- Argument could be made that this constitutes isolation.
- No indication of unauthorized interrogation techniques being used

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¹ Per COMSOUTH ltr 2 Jun 03, removal of the Koran will not be used as an incentive/removal of incentive technique at GTMO. After completion of current interrogation, will no longer be used at Charleston.

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Source: SECDEF memo to SOUTHCOM 16 Apr 03

Infractions

| Date | Incident | Disposition | SOUTHCOM Informed (Y/N) |
|-----------|--|---|----------------------------|
| Unknown | Inappropriate contact/interrogation technique. (Reported, could not be verified). Female interrogator wiped dye from red magic marker on detainee's shirt after detainee spit on her. Told detainee stain was blood. | Verbal reprimand | Unknown |
| 17 Sep 02 | Assault: MP attempted to spray detainee with hose after detainee threw unidentified foul-smelling liquid on MP | NJP: MP restricted 7 days (suspended) and reduced in rate to E-3 | Y |
| 23 Mar 03 | Violation of SOP: MP sprayed pepper spray on detainee preparing to throw unidentified liquid on another MP during an Immediate Reaction Force response. Alleged to have used spray too soon, in violation of SOP | MP requested Court Martial in lieu of NJP Acquitted at Special Court Martial | Y |
| 10 Apr 03 | Assault: Detainee struck MP in face, causing MP to lose a tooth, and bit another MP. After detainee restrained, MP who was bitten struck detainee with handheld radio | NJP: MP reduced in rate to E-3, awarded 45 days extra duty | Y |

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Infractions

| Date | Incident | Disposition | SOUTHCOM Informed (Y/N) |
|-----------|--|--|----------------------------|
| 17 Apr 03 | Inappropriate contact/interrogation technique: Female interrogator ran fingers through detainee's hair, made sexually suggestive comments and body movements, including sitting on detainee's lap, during interrogation | Interrogator given written admonishment | Y |
| 22 Apr 03 | Inappropriate contact/interrogation technique: Interrogator, using "tear-up/harsh" technique, had MPs repeatedly bring detainee from standing to prone position and back. Review of medical records indicates superficial bruising to detainee's knees | Interrogator issued letter of reprimand MG Miller memo prohibited further use of "tear up/harsh" technique, and specifically prohibited MPs from involvement during interrogation. | Y |
| 10 Feb 04 | Violation of Camp 4 SOP: MP joking with detainee dared detainee to throw water on MP, detainee did so. MP squirted detainee with water from bottle. Also engaged in inappropriate casual conversation with detainee | MP removed from Camp 4 duty | Y |

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Infractions

| <u>Date</u> | <u>Incident</u> | <u>Disposition</u> | <u>SOUTHCOM Informed (Y/N)</u> |
|-------------|---|--|------------------------------------|
| 15 Feb 04 | Camp barber intentionally gave two unusual haircuts, including an "inverse Mohawk" as an effort to frustrate detainee request for similar haircuts as sign of unity. Large number of haircuts were being administered at this time, as a decontamination measure following a period of disturbance on maximum security block which resulted in pepper spray being required to conduct IRF responses | Barber and company commander counseled JDOG CDR made barber re-cut hair appropriately | Y |

All incidents documented during review were reported to SOUTHCOM and resulted in timely action

Summary of Findings

1. MP and MI roles are separate, coordinated, well-defined, and regulated consistent with 16 Apr 03 SECDEF memo
2. Health care is robust and detainees are generally in good health
3. GTMO has an effective training program, including instruction on principles of Geneva
4. Command climate is positive and personnel appear willing to report concerns

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Summary of Findings

5.MP Force:

- Guards work 8 hour shifts, 7 days per week
 - Change to 12 hour shifts would be detrimental
- Under stress
 - Assaults against guards average 14 per week (spitting, throwing liquids, food or bodily fluids, physical assault)
- Consider expanding other service participation during GTMO 5 rotation

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Summary of Findings

6. Issues for Resolution:

- a. Differing DoD guidance for GTMO and Charleston
Consider consolidating guidance and re-aligning Special Housing Unit (Charleston) to report directly to SOUTHCOM
- b. Detainee Movement Orders: Large number still working through interagency process
- c. GTMO:
 - No formal process for detainees to make complaints
 - Detainees do not receive packages
 - Short pants (maximum security block) conflict with religious observance
- d. Charleston:
 - Limited detainee population could arguably constitute isolation
 - Christian chaplain used to provide socialization, but could be perceived as forced proselytization

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Summary of Findings

7. SOUTHCOM IG scheduled to inspect GTMO late summer

Consider expanding scope to examine both GTMO and Charleston, specifically address issues raised here

8. Appropriate procedures are in place to detain, interrogate and report information, supported by effective SOPs and a strong chain of command

9. No evidence of non-compliance with DoD orders at either facility

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