

SAIG-ID

MEMORANDUM FOR CHIEF, INSPECTIONS DIVISION

SUBJECT: 4<sup>th</sup> Infantry Division Detainee Operations Assessment Trip Report (CONUS Team)

1. GENERAL: A DAIG Team consisting of 2 U.S. Army Inspectors General and 2 augmentees conducted an inspection visit of 4<sup>th</sup> Infantry Division at Fort Hood, TX. The DAIG Team inspected the role of the unit in detainee operations during the recent deployment in support of OIF. The inspection was conducted in accordance with the Secretary of the Army's directive and objectives.

2. TEAM COMPOSITION:

LTC [REDACTED]  
MAJ [REDACTED]  
MSG [REDACTED]  
MSG [REDACTED]

3. SCOPE OF THE VISIT: The DAIG Team interviewed 24 individuals and conducted 4 sensing sessions consisting of 23 Soldiers. All Soldiers interviewed and sensed were given surveys to assess factors associated with combat stress. The inspection took place over a 4 day period, 5-8 April 2004.

4. OBSERVATIONS OF DETAINEE OPERATIONS:

a. Observations: N/A

b. Documents Reviewed:

(1) Observation 1:

c. Individuals Contacted (Interviews and Sensing Sessions):

(1) Observation 1: [REDACTED] 588<sup>th</sup> Engineer Battalion. The [REDACTED] has held this position for the last 21 months and was in theater for 12 months. His unit conducted raids and searches. They were looking for the right person to question and detain. If a person was detained by the unit then the individual was flexi cuff and a sand bag was placed over their head. If the individual was cooperating then they might not place flexi cuff and sandbag over their head. The detainee was then transported back to the battalion holding area. The detainees were segregated by JV, male, and female. The battalion had 6 cells which could hold 12 detainees. He said they could hold somewhere between 35-40 detainees. If during the process they did not capture the correct individual then the individual would be release however the Iraqi police could say they want the individual for crimes against Iraqi on Iraqi Then the individual

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would be turned over to the Iraqi police. The forward collection point was operated by the FSB for a few months then the collection point was turned over to the (b)(2)-4 in May to operate. (1.1, 1.2, 1.8, 2.1, 4.1) He said he did not use any publications for his detainee operations. He said the detainees were only held at his location for about 24 hours so his units could complete the required paperwork (2 sworn statements, CPA Apprehension Form) to process the detainees to the BDE collection point. The (b)(6)-2 & (b)(7)(C)-2, S2 or S3 would complete one of the sworn statement on why they need to capture the individual the other sworn statement was completed by the unit making the capture. The 652<sup>nd</sup> Engineer Company operated his BN holding area. The 652<sup>nd</sup> Engineer Company provided food, water, and blankets to the detainees. The unit did not process the detainees. He could hold detainee up to 5 days if he additional information needed to come from the detainees. He said SF and OGAs had cells in his area. The OGA had their own interrogators to question detainees. The OGA detainees never went through the Army system for accountability. His S2 (MI officer) would only asked the detainees the basic information. (1.1, 1.2, 1.4, 1.5, 1.6, 2.1, 4.1) He said he prepared his Soldiers and leaders by giving briefings of the OPORDs, FRAGOs, 5S's (processing) and culture briefing on how to handle detainees in their home. He would use female MPs (from (b)(2)-4) to conduct searches of female detainees. The BDE had a rule not detainee anyone under age of 17 years. He felt and individual not in uniform should be given treatment under the Geneva Convention. They should be treated like a police action. (1.1, 1.2, 1.4, 1.6, 4.1) His home station training did not prepare his unit to conduct detainee operations. The unit through they were going to do a breaching action through Turkey. He said the unit did receive BDE level training from a JAG Officer that covered the basic Geneva Convention topics. He said for future operation the units should bring in civilian law enforcement to teach the Soldiers how to do SWAT operations. He said that was what his unit was doing, breaking down doors and capturing people. (1.1, 1.2, 1.4, 4.1) He did not experience transportation problems for house raids. House raid produced low number of detainees to move to the holding area. He would use his HUMMVs Cargo and a Squad of Soldiers to move a few detainees. To move 70 detainees he would use 2 ½ tons trucks. If it was a sweep (intelligence collection) he would use Soldiers and Iraqi police. They could fine weapons, and explosives. The detainees were then taken to a temporary holding area (school) were Iraqi police would question the detainees to verify who they were. They would use Iraqi buses to transport the detainees to the school. The detainees targeting coalition forces would be held. When the unit made a capture at a personnel house they Soldiers would try to take the detainee meds with the individual and then have the medical doctor check the meds and condition of the detainees. If the detainee was injured they would then medical evacuate if serious to E Company (Medical) for medical treatment. (1.1, 1.2, 1.3, 1.5, 1.7) He had not USR problems. He would have liked to have his own translators. He had two in his command one was his S2. He had to purchase items through local purchase to support his detainee operations. Detainee operations are not part of his units METL tasks. He said OGAs did give his units a digital recorder, cameras and light sets to help his units with detainee operations. His main concern for the detainees was providing comfort and care. Food was a problem, MREs cost \$7.00 per meal, and water was also a problem his Soldiers were only receiving 2 bottle of water and the detainees were receiving portable water to drink. (1.2, 1.5, 2.1, 3.1, 4.1) He felt the doctrinal shortcoming were that other MOSSs need more MP training on how to operate a holding area / collection point / detention facility and should have minimum supervision. Have module cells for detainee operations that could be transported to theater ahead of time. His higher level intelligence was not very good. He had to relay on street level

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intelligence to help determine who to capture. Once an individual was captured and processed to the higher level facility he never received any feedback in term of intelligence from the individual they captured. The culture of Iraq is the males are use to being treated harshly; we treat them like they are in a five stars hotel. He felt the force structure is more theater based then MOTE driven. (1.1, 1.3, 1.7, 4.1) The unit received a standard brief on ROE and the Soldiers had ROE cards. Soldiers would tape a copy of the ROE to their rifle butts. Had a few classes on culture; how to treat JV, males, and females. What to say if you went into the wrong house ect. (1.1, 1.2, 1.4, 4.1) He said stress counseling for Soldiers were handled by leaders, Chaplain, Combat Stress Team or the Social worker from E Company (Medical) or when request by the Soldiers. (1.1, 1.2, 2.1, 4.1) He said an ambulance would transport sick or wounded detainee to E Company (Medical) for treatment. (b)(2)-3

(1.1, 1.2, 1.5, 1.7, 2.1, 3.1) They did not issues any clothing to the detainees the detainees only had the clothes what they came in with and a blanket from home. The detainees would use a latrine with a 55 gallon drum cut in half and it was burn each day. The detainees had a foam mat lay on for sleeping. The unit locally procured ice, water, food. (1.1, 1.2, 1.5) His unit did not have any detainee die while in his custody. If he did he would have the remains taken to the hospital for the family to claim the body due to their religious beliefs. (1.1, 1.2, 4.1) The only AARs they had were the verbal ones given (de-briefs) at the end of their mission to see how the mission went, covered entrance and clearing procedures. (2.1, 2.2) He was aware of his requirements to report abuse. He would report it to his chain of command, and conduct a 15-6. He had one allegation that was reported and investigated. (1.1, 1.2, 1.6, 4.1) He said his Soldiers were aware of their requirements to report abuse. The Soldiers were told verbally and then after a while it became second nature to them if they saw something then report it to your chain of command. The detainees could be man handled (at point of capture) if the detainee were not cooperating with the Soldiers and causing problems. (1.1, 1.2, 1.6, 4.1) He said detainees needed to be segregated in the holding areas so the detainees could not speak with one another to get their stories straight, or beat each other one another. He really did not have a way for detainees to report abuse at his locations. (1.2, 1.6, 4.1) He perceived his unit mission to be was to conduct a breaching operations through Turkey. This did not happen. In June his unit became a Task Force was intelligence collect, capture terrorists stand up a government, and work on the country infrastructure (road, bridges, elec, fuel, water). He felt his mission was very important. The infrastructure won the hearts and mind of the Iraqi, the intelligence was vital to the BDE operations. His working and living conditions for the first three months lived in tents no electric, little water. The three companies moved to a hardstand, purchased generators for power, A/C, they redid the barracks complex in Aug had open bays, elec, and ceiling fans. He had two companies living in containers building with A/C, showers, water. He said the command climate was the Soldiers were happy with their mission they were focus and pleased with the command leadership. It was good concerning the condition. The Soldiers morale went up and down. If they lost someone they knew morale went down, not know when they were going home did not help. Rand R problem morale went up. He was aware of one incident were a detainee was allegedly abused that was reported. The unit going into a house a they started to receive fire fro the roof top, when they enter the building to detain and detainee they found shell casing on the floor and they were detaining an individual. The detainee went for either the weapon or the light that was on the barrel of the weapons (light might have been shining in his face). The individual was kicked and pushed to the ground and

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then transported to the holding area. (The next day a camera man took a picture of the detainee from a distance). The detainee was transported to BDE collection point. A 15-6 investigation was conducted and the investigating officer investigated incident happen during transport to higher versus point of capture. The company commander and 1SG (responsible for detainee operations from point of capture to higher) received a CG letter and two other Soldiers received Field Grade Article 15's. He thinks the incident could have been prevented if you do not place a flash light on the weapons and not shine the light in the detainee face. Make sure the cover man is in position and not close to the detainees. He had training to help his leaders and Soldiers recognize combat stress about every other month. The Social worker (E Company Medical) came in every moth to speak to the Soldiers. He used the Chaplain to speak with the Soldiers along with the chain of command. To boost morale and relieve stress the Soldiers had USO shows (MWR), environmental leave, R&R (4-day passes) Freedom lake, palace, internet café (the unit set-up their own), they had one phone for 1000 Soldiers (not enough). He would have more cell phones for his Soldiers to use earlier and let then Soldiers know when they were going home. Tell the Soldiers up front.

(2) Observation 2: (b)(6)-2 & (b)(7)(C)-2 720<sup>th</sup> Military Police Battalion. The (b)(6)-2 & (b)(7)(C)-2 has held this position for the last 21 months and was in theater for 12 months. He use the OPODs from his higher headquarters, (18<sup>th</sup> MP BDE, 4<sup>th</sup> Infantry Division) with were very detailed , you did not have to read to much else, covered processing, medical, security of detainees, transportation, personnel belonging of detainees, and when Soldiers should carry weapons. (1.1, 1.2, 2.1, 4.1) They operated two Corps collection points, LSA Bushmaster (2 weeks) in the desert sand, no tents to house detainees, had wire, slit trenches for a latrine, blankets, mats, and a tent to process detainees. The second location was LSA Dogwood (Till May) it had a concert pad with overhead cover, blankets, and foam pads for the detainees to sleep on. They then started to operate the 4<sup>th</sup> Infantry Division Collection Points (4 BDE collection point) which were operated by the FSBs for the first three months. He said he would go an inspected the collection point. He would look at everything from the processing process, hand cuffs, search, accounting for the detainee personnel property (he did not want money to be around Soldiers), security of the facility, layers of defenses (number of guards, wires, wall, etc.), number of medics / doctors on hand, commo with SOG, towers, TOC (BN), how the detainee were living (blankets, used old chem. Suits for warmth), food, water, procedures for feeding detainees, and how long the detainee have been in the collection point. Detainees should not be held longer than 14 days. He said if he did not go then his XO or CSM would go every 2 weeks to check on the operations. (1.2, 1.3, 1.5, 1.7, 1.8, 2.1, 4.1) He did not use the detainees for work detailed. The detainees only had to clean up after them self. (1.1, 1.2, 4.1) He did not have a policy for the ratio of guards to detainees. It all depends on the physical layout of the collection point, if you have wire, segregating detainees by criminal, females, JV, males. And the over watch of the collection point is correct (guard tower, QFR, guards). It was more of an assessment of how the detainees were being detained and he had a squad for his QRF. It is METT-TC, he had a <sup>62-3</sup> platoon operating the collection point. He said the collection point averaged between 40-60 detainees and it spiked to 120 detainees could hold for the detainees from 10-14 days, any longer he would have moved the detainees to higher. The collection point surged once to 385 detainees. This was a planned surged and he brought in additional platoons to help operate the collection point. (1.1, 1.2, 1.3, 2.1, 3.1, 4.1) He would segregate by males, females, JV, medical condition (TB), based on capturing unit request

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(segregate till the detainee is interrogated do they do not talk with any one else) and trouble makers. He would use his female MPs to search female detainees. One location he operated out of was an airplane hanger to house the detainees, had cover and could shield detainees from mortars and fires strung wire. Another location was a horse stable, had 30 stables and could house 10 detainees per stall. (1.1, 1.2, 1.3, 1.8, 2.1, 3.1, 4.1) His idea of minimum living space was if the detainee could lie down without touching another detainee then it was good. He also said more space is better a happy detainee is not a problem detainee. He would have the PREVMED come and check the site. The PREVMED would check the port-o-johns, water supply, MRE, spray for bugs, etc. The PREVMED would give advice on how to improve the operation, i.e, rotate the sleeping mats and burn them, install heater in the winter and procedure thicker blankets. (1.1, 1.2, 1.8, 2.1, 2.2, 4.1) He did use the Engineers to build berms, and slit trenches. At one of his location they built guard towers with plexi glass, latrines, installed windows and heaters. (1.1, 1.2, 1.8, 4.1) He did not use working dogs at any of the collection points. (1.1, 4.1) He said the Red Cross did not visit his collection points. (1.1, 1.2, 2.2, 4.1) The medical records were made when the detainee in-processed into the collection point and when the detainee was transferred to higher facility the medical records went with the detainee. (1.1, 1.2, 4.1) He did not use NDRC or BATS, he used a spreadsheet and a photo of the detainees. The spreadsheet contained the basic information on the detainees (name, date and time of capture, location of capture, unit who made capture and detainee personnel items). (1.1, 1.2, 2.2, 4.1) His units did not assign ISN to detainees. He only transferred detainees to other Army units. (1.1, 1.2, 2.2) He said only BDE or higher would have release authority to have OGAs come a take a detainee. The OGA would take a detainee to show them where weapons were located or to another individual for the OGA to capture. At his level this did not happen much. If a detainee would return from OGA control back to his and the detainee appeared to be abuse he would document and take pictures of the detainee. He heard at the division level detainees were signed out through the division PMO. The HVT detainees were located at the division collection point and OGAs were collocated here. MP guards would escort detainees to the interrogators. The detainee would not leave the site. (1.1, 1.2, 4.1) He used his interpreters to go over the basic rules of the collection point, if they required medical attention. He used a contractor to hire his interpreters and he felt he could trust them. He said he would need at least one interpreter per collection point. (1.1, 1.2, 1.3, 1.7, 3.1, 4.1) His biggest concerns were the units were not completing the paperwork. He would take the detainees till the paperwork was correct. For logistical it was generators, heaters and A/C. Contractors - early on it was finding a contractor you could trust. Interpreter - never had enough would have liked to have 3 per company. Have 1.7 interpreters deploy with the unit. He would have like to purchase off the shelf portable surveillance equipment to strength security of the collection point, decrease guards, and would link into the guard tower. (1.1, 1.5, 4.1) In terms of adequate facility- the facility were all looted. The building was just a shell without elec, windows, doors, etc. His in-processing procedures were medical screen, personnel property inventoried and tag, searched, identified who they are, issue shoe (if required), briefed on camp rules, and interpreter tell the detainees why they are here and they will not be hurt if they follow the rules. (1.1, 1.2, 1.4) The unit capturing the detainee would bring the weapons with them when turning in the detainee to the collection point. The MPs in turn if the weapon was an AK47 give it to the Iraqi Police. The other weapons would be destroyed. He said the platoons operating the collection point would use the 2745 form to account for detainee property. When they ran out of this form then they would use a make shift form to account for the detainee personnel property. The detainee

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property was stored in a plastic bag and placed in a bin, or secure bays, contex, tent, room and under control of two Soldiers. When they started the mission in May they took over a mess. The non-MP units were not accounting for the detainee personnel items. (1.1, 1.2, 1.4, 2.1, 2.2, 4.1) He felt the current force structure was not meeting the requirement to perform detainee operation. Detainee operations caused other MP missions not to occur. He had six companies in a division to operate 5 collection points, (requires one platoon per collection point), MSR security, police intelligence (newest function, work with host nation police to investigate criminal action by host nation individuals). He said all MPs should be trained to perform all MP missions. The support company and the guards are both 31 series and could perform the same mission. He felt they should have General Officer that have operational control over the MPs, the MPs have two General Officers and neither have operational control, need to have more General Officers (MPs) to influence the operations. He would like to see organic MP BN assigned to the divisions. In assigned then they would be better trained and resourced by the division. The interrogators right out of school were bad and did not know how to interrogate a detainee. He felt the interrogator should be built into the MP MTOE as an interrogation cell. The MP conduct interrogations all the time, (stop for traffic violation, drugs, etc.) they know when someone is laying. Interrogator could be MPs. He required additional time to train (due to performing the security at the gate, prior to the installation hiring contract guards). He said he only had three weeks to train his Soldiers. He lacked the lift capability to bring all his equipment (pickets, etc.). He was told he had to be mobile. If he had time to plan he would have been alright. The OPPLAN was classified and only he and his S3 could review and could not discuss with anyone in the unit. (1.1, 1.3, 1.5, 1.7, 2.1, 4.1) His Soldiers did receive ROE training. The Soldiers had to brief back the ROE to their chain of command prior to operating the collection points. His CSM, XO, company commanders would ask Soldiers their ROE. He would emphasis ROE to leaders during his briefing and he would visit units once a week. The collection point operations rotated between the platoons in the company. The ROE addressed minimum force to control detainee, force required to keep a detainee under control, and non-lethal force. The ROI was part of the briefing to the Soldiers covered no talking to detainees, treat them all the same, make sure the detainee are following the rules of the collection point. (1.1, 1.2, 1.4, 1.6, 4.1) He did not have any detainees die in his custody. If he did he would have notified his higher headquarters, SIR, and conducted a 15-6 investigation. (1.1, 1.2, 1.4) He said repatriation was under the BDE control. The unit who made the capture would come and pick-up the detainee for release or given to the BDE rep with the detainee personnel property. Prior to the release an inventory with the detainee of their personnel property would occur. (1.1, 1.2, 1.4) The detainees could pray five times a day, when they wanted to pray. They would pray gather in a group. (1.1, 1.2, 1.6) He was aware of his requirement to report abuse or suspected abuse detainee abuse. He would document the abuse, investigate and report the incident to higher headquarters. He said his Soldiers also knew of the requirement to report detainee abuse or suspected abuse. He said he could report detainee abuse to the division PMO, IG, or higher headquarters. (1.1, 1.2, 1.6, 4.1) The detainees could report detainee abuse to the guards, or the doctor. (1.2, 1.6, 4.1) He said he perceived his unit mission to be to support the maneuver unit and to provide general support to the division and detainee operations. His mission was MSR security, raids, capturing terrorist and criminal. He said the mission was very important to the maneuver BDE and his unit was able to protect logistics flow. He was not able to perform all his missions. He said the unit working environment was dangerous and the Soldiers were in contact with the enemy daily. He lost 2 Soldiers and had another 21 wounded in action. The Soldiers

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living condition were hot, nasty, poor food (MREs for the first five months) they used a ROWPU for water. They lived in tents which did not stand-up to well to the sand storms and high winds. They were able to move to a hard site with gave protection from the elements. They had to use plastic wrap to keep the sand out of their keyboards and off their monitors. Their locally purchased generators kept breaking down. He did say the Soldiers living conditions did improve over time. He said the command climate was outstanding. The command treated their Soldiers right. The CG, DSC(M) and C/S would visit the Soldiers. They were concern with the health and welfare of their Soldiers. The unit leaders would talk to Soldiers and help the Soldiers with their problems. The unit morale was outstanding the Soldiers hung in their, good food, and they had A/C. He was aware of two incidents that were reported to the chain of command. The first one involved a 1<sup>st</sup> BDE Soldier who was a guard for their collection point. The Soldier shot and killed the detainee. The detainee was hand cuffed, with wire around the detainee and the wire was inside a building. The Soldier had his weapon the detainee made a move to cross the wire and the Soldier shot and killed the detainee. His XO was the investigating Officer (15-6) and the XO recommended charges be file against the Soldier. The Soldier elected to get out of the service versus a court martial. The incident could have been prevented if the BDE would have followed the OPODs issued by the PMO and recommendation made by the MP BN (no weapons in the cage). The BDE procedures for collection point operations were bad. The second incident took place in the village of Samarra (Jan 04) and involved two Soldiers from the 1 / 8 Infantry battalion. The Soldiers stopped two Iraqi at a check point and crushed the Iraqi car. The Soldiers then took the Iraqis to a power dam and made the Iraqis jump into the water. One of the Iraqi got away and the other one drown. The incident was reported by the family to the Iraqi police and the Iraqi police told him of the incident. He knows CID is investigating the incident and they have spoken with him along with the SJA. He just has heard what the out come is for this incident. He heard the PLT Leader, BN XO and BN CDR was aware and are rehearing their story with one another. He thinks the incident could have been prevented with supervision. He said mandatory training to teach Soldiers about stress awareness was given by the Chaplain and team leader combat stress team. The combat stress team came and gave debriefing after missions. The team would talk about what happened and all the Soldiers could speak of what occurred and how they felt. To help boost morale and relieve stress the Soldiers had R & R (4 days), environmental leave (only for a 1/3 of Soldiers), MWR building (internet café), Palace (for a workout, trend mill, bike), KBR mess hall (Sept) hot chow, had two phones for 700 Soldiers so they could call home once in awhile. The measure the command could have enacted to improve morale would have been starting environmental leave earlier in their deployment. More board band width for the internet café. Assign the unit their own Chaplain.

(3) Observation 3: (b)(6)-2 & (b)(7)(C)-2 720<sup>th</sup> Military Police Battalion. The (b)(6) [2 &] has held this position for the last 9 months and was in theater for 9 months. He said the reference use for detainee operations were FM 3-19.40, FM 3-19.4 and Classified OPRODs for the 4<sup>th</sup> ID. The OPRODs would address segregation, evidence, how long to hold, release authority, transportation water, food, what to keep on the individual. (1.1, 1.2, 2.1, 4.1) He said in the beginning detainee operations was low. They received the mission from non-Mp units in May. The collection points had poor lighting and wire for security for the collection point. As they receive money they were able to purchase generators, blankets, cots,, but it took time. They used local purchased but they had to locate the right contractor to supply them with the equipment and supplies they needed to operated the collection point. He said they had five MP companies to

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operate BDE collection points and other missions. The units were

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They operated five collection points one per each BDE, 173<sup>rd</sup> Airborne BDE, and the division collection point. He would visit the collection point about every two weeks to inspect the cages. He would check the security and layout of the collection point, cleanliness and the treatment of the detainees, resources and procedures of the operations, guard location how detainee property is inventoried. (1.3, 1.5, 1.7, 2.1, 4.1) They set-up policies for the operations of the collection point covering lighting for the perimeter, clear zone of firer or eye on detention area, water, latrine, showers, weapons inside perimeter, who could interview or interrogate a detainee. He would visit the collection point along with visit by the CSM and battalion commander. The collection points were inspected by IGs and individual inspections /checks by MP BDE, PMO, CJFT-7 to ensure they were operated under the provision of the Geneva Convention. (1.1, 1.2, 4.1) The detainee only had to clean their area and the latrine. The detainee was not being employed by the collection point. (1.1, 1.2, 4.1) He did not recall the ratio of guards to detainees. He said it depended on the facility being operated (hard site versus soft site (tents)). (1.1, 1.2, 1.3, 2.1, 3.1, 4.1) He said they did segregate males and females in the collection point. The males were sub segregate the males into combatant, loyalist, HVT, and noncombatant. The female detainees were searched by female MPs. (1.1, 1.2, 1.3, 1.8, 2.1, 3.1, 4.1) He said they would look at the capability of the cell to see how many the cell will hold. There were no two collection points with the same layout. The other thing that remained the same was the procedures to operate the collection point, security, lighting, and wire for the collection point. They did take into account sleeping and walking space into account. He said the 4<sup>th</sup> ID did set the maximum number of detainees the battalion holding area and the BDE collection point could hold. This helped with the processing flow of the detainees. (1.1, 1.2, 1.8, 2.1, 2.2, 4.1) The only involvement the Engineers had with the collection point was to fix doors an electrical wiring of the collection point. (1.1, 1.2, 1.8, 4.1) They did not use any working dogs in their collection points. (1.1, 4.1) He said the Red Cross did not visit any of their collection points. If the Red Cross did wish to visit their collection point he did not see it would have been a problem. (1.1, 1.2, 2.2, 4.1) The medical information is kept on the detainee capture tag and in a journal by name and the medical treatment the detainee received. (1.1, 1.2, 1.5, 4.1) He said they do not use NDRC nor assigned the detainees an ISN. They had their own database system they used the information came from the capture forms. (1.1, 1.2, 2.2, 4.1) He said the collection points did not transfer detainee to other Coalition Forces. (1.1, 1.2, 2.2) He said for OGAs to see a detainee the OGAs had to receive approval from the PMO or BDE commander. He said the OGA would notice they wanted to interview a detainee depended on the sensitive of the information and the importance of the information. He said the unit would contact OGAs if they were aware they had someone the OGA might want to interview. He also said that HUMMIT would submit report who is being detained / captured and OGA would see this and then ask to question the individual. He said if a detainee was returned from OGA and the detainee was abuse then they would report this up their chain of command. He felt the interrogator had very little experience in interrogating detainees. They are just out of school and they have no clue what is going on operationally. (1.1, 1.2, 4.1) The interpreters work for the HUMMIT team and did not work for the MPs. He felt they were good, there was a language barrier and they had to explain the context of the question to the interpreters to make sure they understood what the interrogator was asking the detainee. The interpreters lack formal training, did not know how to follow-up with questions and could loose information. (1.1, 1.2, 1.3, 1.7,

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3.1, 4.1) His biggest issues with logistic was the availability of generators, light sets, and clothing. Not issue with contractor they were handled by the BDEs. The interpreters had poor writing skills and context of their questions. Medical – TB cases had to segregated, treated, screen other detainees, and the inspection of the area. (1.1, 1.5, 4.1) His issues with facilities were they were run down or bombed and looted, no latrines they had to burn the waste. (1.1, 1.8, 4.1) The capturing unit would transport detainees to the battalion holding and then to the BDE collection point. The battalion would contact the BDE collection point first to say they were transporting XX amount of detainees to their location. When the detainees arrives at the BDE collection point the detainees were searched, personal belonging inventoried and tagged, medical screening, photo, review capturing unit paperwork for completeness, issue blanket, eater and food to the detainees. If the paperwork is not correct then the MPs will make the capturing unit complete the paperwork before they will accept the detainee. (1.1, 1.2, 4.1) He said weapons taken from the detainees will either go to the Engineers to be destroyed or if the weapon is an AK47 then they will give it to the Iraqi Police. The detainee personnel property is inventoried, tagged so there belonging can follow them when they are moved. The items are stored placed under lock and key (2-person control). He said they were using DD Form 2745. (1.1, 1.2, 1.4, 2.1, 2.2, 4.1) He did not feel the current force structure met the requirement. Divisions are authorized one MP Company that has a 21 person platoon the Corps MP Company has 31 person platoon. The Division MP will do direct support for the BDE [REDACTED]

[REDACTED] Their mission was security of logistics assets, conduct raids, train Iraqi Police force [REDACTED]

[REDACTED] His unit was operating short personnel because they were not receiving any replacement. He felt the doctrine requirement were correct. Need to start using computer early on to track detainees, conduct finger print, eye screening, and to share database information with other services and OGA, host nation, MI when required. [REDACTED]

[REDACTED] (1.1, 1.3, 1.5, 1.7, 2.1, 4.1) The JAG Officer gave the unit a class on ROE prior to their deployment. He said the ROE was use the minimum amount of force, warning to stop detainee from escaping. During his visit he would ask Soldiers how they would handle different situations, when would you use the club, deadly force, and riot. New Soldiers were trained on ROE by hearing the company briefing, posted instructions, SOG briefing, and questioned during guard mounts. He said the ROI was included into their SOP, no flavors, or talking to detainees. (1.1, 1.2, 1.4, 1.6, 4.1) He said if a detainee dies in custody; notify higher headquarters, SIR, 15-6 investigation, medical doctor would exam the body, and contact the family. (1.1, 1.2, 4.1) For a detainee to be repatriated release authority from higher, assigned a sponsor, to sign and pick-up the detainee for release. (1.1, 1.2, 4.1) The detainees could practice their religion daily. (1.1, 1.2, 1.6) He was aware of his requirement to report detainee abuse to his chain of command. He said a 15-6 would occur and have witness statements. He believes his Soldiers knew the requirements to report detainee abuse. It is second nature for the MPs, brief to them during daily guard mount, if you see not right report it through the chain of command. He would report detainee abuse to his chain of command, JAG, IG, and CJTF-7. He said the detainees could report abuse to the guards or the medics. (1.1, 1.2, 1.6, 4.1) He perceived his mission to be to support combat operations of the 4<sup>th</sup> ID. Key tasks were security of MSR, fixes sites, security of VIPs, train and build Iraqi Police force, with a minor role in detainee operations. Big role in detainee operations went to SOG, Platoon Leader,

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Platoon Sergeant, BDE XO, and PMO. His working environment was good- they worked close to where they lived. The living conditions were they had clean water, showers, Port-o-Johns, hot chow in Aug. Prior to Aug they were eating MREs. The command climate improved over time, the Soldiers had stress from combat then they were able to get into a routine and able to get set and work on procedures (not always moving to a new location) had food, water, and elec. He was aware of an incident of detainees being abuse however they were reported. He was the 15-6 investigation officer for one. The guard at FOB Packhorse shot and killed a detainee. The detainee was flexi cuff and behind the wire. Comment fro guard force Soldiers were the Soldier did not have to shot the detainee. The Soldier said the detainee made a move to dross the wire and felt threaten. The incident could have been prevented if the Soldier was trained, and used better judgment on having weapon in cage area. The CID did investigate and the Soldier was discharged. He said the Chaplain would come and give classes on how to deal with stress. The Chaplain made himself available if the Soldiers wanted to speak to him. The combat stress team would also come in to speak with the Soldiers after missions. The items in place to help boost morale or relieve stress was X-box games, sports (volleyball, basketball, PT, weights), R&R (4-day pass), environmental leave, internet café, battalion commanders monthly breakfast with the Platoon Leaders. The command could have increase R&R slots, more Gyms equipments, electric and water, and their own Chaplain.

(4) Observation 4: (b)(6)-2 & (b)(7)(C)-2 720<sup>th</sup> Military Police Battalion. The (b)(1) has held this position for the last 6 months and was in theater for 12 months. He was a platoon leader in the (b)(2)-4 before becoming the Battalion S4. He said he did order some supplies and equipment for detainee operations. He would request lights sets, containers to security items, lumber, wire, light fixtures, wiring for lights, blankets, and foam mats. (1.1, 1.2, 1.5, 1.6) He did not follow pubs, the units operating the cages would tell him what they needed to operate the cage. The BN CSM or BN S3 would also give him guidance on what he needed to orders to support detainee operations. (1.1, 1.2, 2.1, 4.1) He said they did next to no training on detainee operations. The feeling was detainee operations (EPW) is a Reserve unit mission. They never did detainee operations before. They would do cordon and search, raids, riot control, and route security. (1.1, 1.2, 1.4, 4.1) He said transportation to the cage was handled by the capturing unit. From the BDE cage to higher he would work with the division PMO for vehicles. He would use contracting, G4 or PMO for logistical supply. He worked with the G4 and PMO to receive old NBC suits for the detainees to wear when it got cold. He had no involvement for subsistence, laundry and bath or organizational equipment. (1.1, 1.2, 1.5, 4.1) He said the unit operating the cage received the detainee food from the BDE. (1.1, 1.22, 1.5, 4.1) He used local purchase for blankets, and foam mats (purchased 500 blankets and mats every 2 months). He said some cages had the means to do laundry by using buckets. (1.1, 1.2, 1.8) He did not order any water but he was aware the detainees were drinking bottle water. (1.1, 1.2, 1.8, 4.1) Captured enemy supplies and equipment (weapons) were turned into the BDE S2. (1.1, 1.2, 1.5, 4.1) He had no responsibility for personnel hygiene items. (1.2, 1.5, 4.1) He said if the non-MP units operating the cage in the beginning would have been ordering the supplies and equipment then there would not have been a problem. The units did not want to spend the money to repair or fix and keep up the cages. He said if the MPs had the mission from the start they would have known what to do. The doctrine is sound it was just executed poorly. (1.2, 1.5, 4.1) His biggest logistic issues were light sets, generators, blankets, sleeping mats, and wire for the cage area. He had to go and local purchase these items versus using the Army supply system which was not working, or to slow.

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(1.5, 4.1) He said the sites they had for their BDE cages were looted and bare. They had the Engineers help with digging slit trenches, and building guard towers at a few locations. The size of the cages was good, and plenty of space. To improve the cage they had to use wire to separate / segregate the detainee, add lighting, and guard towers and add heat for when it was cold. (1.5, 1.8, 4.1) He was aware of his requirement to report abuse or suspected detainee abuse and would have reported it through his chain of command. He said his subordinates were all briefed on their requirements to report detainee abuse. They receive briefing by JAG on ROE and Geneva Convention in the AOR. They received briefings on stand down in the unit on ROE and treatment of detainees. If one of his Soldiers would have reported an alleged incident detainee abuse he would have take the Soldier to his company commander. He said he would have used the IG, PMO, or JAG to report detainee abuse outside of his chain of command. He said the detainees could report abuse to the guards. (1.1, 1.2, 1.4, 1.6, 4.1) He perceived his unit mission was to conduct conveys security, raids, route recon, and mount operations. Once in theater they founded out they would have responsibility for EPWs, routes recon, convey security and security for units. He said security for moving Forces was very important and the EPW mission was most important because this is was were intelligence came from. He said his working condition was good. They were working in hard stands, had power and water. Their living condition was poor at first, they started by living in the desert with tent and wire and move up to a hard stand with running water and lights. His command climate wad good he and his Soldiers to go to any leaders to receive support (guidance, equipment, etc.). He felt morale was high because the Soldiers believed in their mission and they could put a face to the mission. He was not aware of any incidences of detainee being abused. They received several briefing from the Chaplain and combat stress team on stress. The briefing covered who to contact, signs of stress and what steps to take if you have stress. Covered if leaders witnessed symptoms of stress in their Soldiers they needed to take the Soldier to the combat stress team for counseling. He said to help boost morale and relieve stress the Soldiers had visits by the Chaplain, gym equipment, MWR equipment (TV, and playstaion), basketball activities, internet café and phones. Most important to the Soldiers were phones, internet café, and TVs. He felt bring on quality of life items early would have helped with morale (A/C).

(5) Observation 5 <sup>(b)(6)-2 &</sup> <sub>(b)(7)(C)-2</sub> 4<sup>th</sup> Infantry Division. The <sup>(b)(6)-</sup> <sub>p.2</sub> has held this position for the last 9 months and was in theater for 6 months. He said the CG published a policy letter in Oct on detainee operations. The policy letter covered the treatment of detainees, treat them with dignity and respect, humane treatment, follow AR 190-8, cannot use stress of combat as reason to abuse detainees, and reporting requirements. He could not speak about prior guidance since he arrived in theater in Aug. He also said Higher Headquarters would publish a one page policy letter on Iraqi civilians, law of war, Geneva Convention and respect and dignity for the Iraqi civilians. He thinks each BDE JAG officer gave a briefing on the Law of War and Geneva Convention and ROE, he was not sure to which level this briefing was given to or who attended. He was under aware of any training the command might have received when they arrived in theater. (1.1, 1.2, 4.1) He said the detainees were classified at the division collection point. The detainees were classified as; CI, criminals, EPW or a Security Internee (had intelligence information or was a threat to Coalition Forces). The Security Internees made up about 80% of the detainees. He did not have any Article 5 tribunals. The presumption was the individual did not meet Article 4 CG III EPW criteria. The individuals just blended in with the civilian population. (1.1, 1.2, 1.4, 1.6, 4.1) He said units did receive training of the Law of War and the CG Policy Letter (Oct) on

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detainee operations. He was not sure when the unit received their last training on ROE, Law of War, Geneva Convention. Need to ask the BDE JAG Officer (we have interview with 1<sup>st</sup> BCT, JAG Officer). He said most of the time the units were reporting abuse and there were a few cases were he found out by reading packets from the interrogators about detainee abuse (this was the exception and not the norm). The individual charged with detainee abuse ranged from administrated to Court Martial. He has heard of 9 cases of detainee abuse. (Synopsis of Alleged Detainee Abuse Report - [redacted] was provided). He said detainee abuse occurrence is split down the middle of where between the point of capture and collection point. (1.1, 1.2, 1.4, 4.1) He said he would report the incident to CID, contact unit to conduct a 15-6 investigation or a commander inquiry. (1.1, 1.2, 4.1) He said if a detainee died in US custody would depends on the facts. If the detainee dies of natural causes then they would do a 15-6 investigation, if it was other than natural causes then report to CID for investigation. (1.1, 1.2, 4.1) Detainees can file claims against the US Government under the Foreign Claim Acts. The claims would be processed, and the investigated and CID report reviewed by the Claim JAG to determine what to award the individual. (1.1, 1.2, 1.6, 4.1) He said no detainee refused to be repatriated. (1.1, 1.2, 4.1) He did not know of or have any detainee who committed a serious offense. If he had the information will be part of the detainee packet and given to the Central Court (Iraqi courts) for handling. The detainee would have been made aware of his rights to cross examination and interview witness. He had not provided any legal services to detainees. (1.1, 1.2, 1.4, 1.6) He felt positive about the overall treatment of detainee. He said the mistake was not having the MP operate the collection point. Once the MPs took over the collection point things died down on abuse and switched to abuse at the point of capture. (1.1, 1.2, 1.6, 2.1, 4.1) He has not written any AARs or lesson learn. (2.1, 2.2) He felt the doctrine is sound. We did not start the trail process early enough, we had too many detainees, should have trial and then put the detainee in the facility. The problem was the paperwork and evidence was poor in the beginning and it did get better over time. Unit completed and submitted paperwork, pictures, and evidence with the detainees. He said they had enough JAG Officers to support the division and BDE level units. He felt the shortcomings are not enough MPs was the driving reason why MPs did not operate the division / BDE level collection points. (1.1, 1.3, 1.7, 4.1) He perceived his unit mission to be a High Intensity mission when the division arrived in theater in Mar. In Aug it became Low Intensity, counterinsurgency and SASO operations. They had no training for SASO operations, civilian detention and the division was using combat arms, combat service support units performing MP tasks to include documentation, and safe guarding evidence. IF you want to use Infantry Soldiers to fill out the paperwork then you need to train them how to complete the paperwork correctly. His working environment was great, he was right outside G3 Ops, and the CIC vans housed all his lawyers for work, the G3 battle CPT passed him SIR information. His living condition was good even with it lacking hot water and power. (1.2, 1.3, 1.4, 1.5, 1.7) He felt the command climate and morale was good. He was aware of detainees being abused. [redacted]

[redacted]

[redacted]

The second one was where the [redacted] Soldiers killed a detainee he was guarding in the collection point. The detainee hands were tied and between the wire and the Soldier shot and killed the detainee. This incident could have been prevented if he had better training, (did not understand ROE), supervision and no weapon in the area, better training for CA/CA/CSS

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unit on the use of force and have a squad of MPs supervising CA/CS/CSS in their operations of the collection point. The command did a 15-6 investigation and the Soldier was Chaptered out of the service. He was not aware of any training for combat stress but was aware of the combat stress team. He said to boost morale and relieve stress they had MWR facility with a movie theater, lounge, and music for the Soldiers. The Soldiers had a gym to use they could play volleyball, had an internet café, phone bank, and a PX. He could not think of any improvement the command could have enacted to improve morale.

(6) Observation 6: [redacted] 4<sup>th</sup> Infantry Division. The [redacted] has held this position for the last 22 months and was in theater for 12 months. He said the detainees were allowed to practice their religion. The trend was about 20-25% were praying every day (5 times a day). During Ramadam they had the guards reframe for eating, drinking and smoking around the detainees. He did not have a Muslim Chaplain in the division. The division guidance was to treat the detainees with dignity and respect and to respect the detainee religion. (1.1, 1.2, 2.1, 4.1) His ministry team would issue Korans to the detainees. His Chaplains did not inspect the Korans for contraband. (1.1, 1.2, 2.1, 4.1) He said local clergy did not have access to the detainees. There was very limited to the detainees. He was aware of his requirement to report abuse or suspected detainee abuse to his chain of command. He said no Soldier ever spoke to him about abusing, seeing or hearing of detainee being abused. (1.1, 1.2, 2.1, 4.1) He heard of one case of a detainee being abused. He knew LTC [redacted] and of the reported incident of abuse to a detainee. He said LTC [redacted] had a hot tip about an ambush and he had two big Soldiers in with the interrogator. LTC [redacted] went into the interrogation area and fired a shot by the detainee. He said this could have been prevented if commanders would have stayed out of the interrogation room. (He had no business being in the interrogation room) He felt Soldiers were being very professional about their treatment of the detainee they were firm but yet treated them with dignity and respect. He perceived his mission to be to support Soldiers and civilians in the division for religious activity, free to practice their religion and provide counseling and visit Soldiers in the division area of operations. He said he was a force multiplier for the division. He said his working environment was good and he was well supported by the command. If he required something he could get it. He had a chapel and a rec center used by visiting Chaplains and their assistant when they came to Tikrit. He had a 24 hour hot line for Red Cross messages. Living condition was great he was in a hard site in the palace even without running water, A/C and heat. The command climate was healthy. His ministry teams provide support to Soldiers and leaders in the division. He said the morale was good overall. The chain of command was very quick to get information out to the Soldiers in why mail was delayed. This was due to the division not attacking through Turkey but coming up through the southern part of Iraq. The command also killed the rumor of 27 containers of mail catching on fire and being destroyed. The Soldiers trusted their chain of command. The Soldier had at least one phone per battalion to call home every week. The ministry teams received training on combat stress and would assist the combat stress team. Soldiers could speak with Chaplains if they had a problem and the Chaplain would refer them to the combat stress team. Units would receive a Critical Incident Stress Debriefing (CISD) sometime between 24-48 hours after the incident. The combat stress team would have Soldiers talk about what happen. By having the Soldiers talk about there the incident early it was hope the Soldier would not have PTSD. To boost morale and relieve stress the Soldier had environmental leave, PT, KBR chow, Army band concerts (few times each week), R & R (4-day pass) to the palace (movies, sport bar, swimming, pool, TV, 24 bikes to

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ride, PX, sodas, and near beer. Good quality of life. He could not think of anything the command could have enacted to improve morale.

(7) Observation 7: [redacted] for Hotel Troop 10<sup>th</sup> Cav, 4<sup>th</sup> Infantry Division. The [redacted] has held this position for the last 9 months and was in theater for 12 months. He prepared himself and his junior leaders to become familiar with detainee operations by going over the 5S's, the conducted detainee training 3 times in 2 months with covered how to handle when you move detainees, who little have the responsibility to move (identify by Soldier name), who would transport (by Soldier name), and who will perform security (identify by Soldier name). The BDE JAG Officer also gave training on the Law of Land Warfare, Geneva Convention, and ROE. All Soldiers were given a copy of the ROE to carry with them. The ROE training was good enough so the Soldiers knew what to do it a situation a rose. The Soldiers were taught how to say lay down in Arabic. (1.1, 1.2, 1.4, 1.6, 4.1) Their training covered treating the detainees with dignity and respect. They received additional training on culture of Iraq and how to treat Iraqi female. They used the PA or Medic (both are female) to search female detainees. They did have refresher training once a week but it covered BRM, entering and cleaning a building, Squad and Platoon Battle Drills and PT Test., nothing on detainee operations. (1.1, 1.2, 1.4, 4.1) He said they receive ROE training by the BDE JAG Officer. Their ROE changed 4 times while they were in theater. The commander would brief the new ROE to all his leaders and Soldiers prior to his OPORD briefing. He said about 6 months into their deployment they received another class on Iraq culture, and the way to process detainees, speed the detainees to the Troop holding area and then [redacted]

b2-3 [redacted] (1.4, 4.1) He said he did receive a class on the 5S's in his OBC class. His small group instructor came them a class on the culture of the Middle East. He would like to see hands on training fro detainees operations. Ran the student through the procedures, and lay down the ground rules for detainee operations (Culture class, ROE, Geneva Convention) block of instruction should be a least 4 hour in duration. (1.1, 1.4) He said the guard force for the Troop holding area would be checked by the NCOIC, OIC 2 to 3 times a day. They would ask questions do you have your NVGs, weapons check, flash light, do you have the key to the gate, how many detainees are in the holding area. The SOG would also ask the guards questions. [redacted]

[redacted] The detainees were feed 2 MRE per day and given 3 bottles of water to drink. They would hold the detainee no longer the 48 hours. The detainees would be transported to the BDE collection point as part of the Troop log pack operations. He said they average about 3-4 detainees and could surge to 14. When they surge they would move the detainees quickly to the BDE collection point. (1.1, 1.2, 1.4, 1.6, 4.1) He said sustainment training was taught as part of their battle task; ambush training, and react to contact drill. Refresher training was conduct prior to every operations or during the platoon down time. (1.1, 1.2, 1.4, 4.1) They wrote their SOP as they went along for detainee operations. (copy of their SOP is still in theater waiting to e placed on the ship). Their first holding area was just wire and no shade. They add over head, cots, and blankets. The detainee family would bring jackets or blankets for warmth. The Soldier started to have the detainee bring a blanket with them when capture. (1.1, 1.2, 4.1) The processing procedures were the detainee would be to ask the detainee basic questions before they are transported to the Troop holding area. The detainees were checked by the PA as part of their medical screening. The detainee had to sit a wait while the evidence was tagged and marked by

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detainee and location of capture. The XO would do the witness statement, and two sworn statements on the ground (point of capture) by the Platoon Leader, and Platoon Sergeant. Once at the Troop holding are the detainee would be interrogated (not school trained) by the Company Commander, XO and a translators. (1.1, 1.2, 1.6) To keep good morale and discipline the Soldiers were under consistent supervision by their leaders. If the Soldier got out of line then they would put the Soldier back in line. (1.1, 1.2, 1.6) He said the troop did dispose of weapons and ammo. They found a cache of mortars rounds and transported them with their log pack to the Engineers to destroy. The weapons found during raids, knock and search, or cordon and search were stacked in their Command Post with the date, and name of detainee and transported to the BDE collection point. (1.1, 1.2, 4.1) The detainees were transported to higher as part of a log pack. The detainees who were sick were treated by the Troop PA or medics. If the detainee was wounded they the detainee was transported to the closest Iraqi hospital for treatment and then will have an Iraqi police officer guard the detainee. (1.1, 1.2, 1.5, 4.1) 1.5

b2-4  
b2-3 [REDACTED] (1.1, 1.7, 2.1, 3.1) The Troop had One PA, 2 enlisted Medics and one NCO Medic to treat Soldiers and detainees. (1.1, 1.2, 1.3, 2.1, 3.1, 4.1) He said they did not have any detainee die in their custody. He would take the remains down to the BDE collection point and let the BDE figure out what to do with the remains. (1.1, 1.2, 4.1) (b)(2)-3

(b)(2)-3 (1.5) He said patrols and guard duty put the most stress on his Soldiers. The patrols placed a stress on the Soldiers because of the unknown of what will happen and guard duty because they got tired watching detainees. (1.1, 1.7) His AARs would be site set up, to include shade, blankets, and water. He has not written any at this time. (2.1, 2.2) He was aware of where he could get stress counseling—combat stress team. If one of his Soldiers required stress counseling he would work with the PA for a combat stress team to speak with the Soldier. (1.1, 1.2, 1.6, 2.1, 4.1) He was aware of his requirement to report abuse or suspected abuse of detainee. He would report detainee abuse to his chain of command. If one of his subordinate reported an incident of detainee abuse he would investigate at his level, collect sworn statements from witness and give the information to his XO or Company Commander for processing to BDE. He said he could freely report detainee abuse to his BDE. He said the detainees could report detainee abuse to the guards. (1.1, 1.2, 1.6, 4.1) He perceived his unit mission to be to conduct combat operations in theater to destroy, detain or break-up terrorist activity in their area of operations. He felt this was a very important mission. He said his working condition was stressful, couldn't sleep, did not know when you would receive fire. Living condition in the beginning there were operating under combat condition live off their vehicles. After 2 months conditions started to improve, receive cots, and bottle water, and a lean too to protect them from the weather. He said the command climate was good he was moved to from 1-67 AR to 10<sup>th</sup> Cav a few months after they arrived in theater. He did not know the commander or Soldiers and had to build a bond with them. His old unit he said was great, they all got along with one another, worked as a team. Morale was up and down, delay in mail, no phone (down) combat operations (up). He was not aware of any incidences of detainees being in his unit. He said combat stress team came and taught classes on how combat stress. He did refer a couple of his Soldiers to the combat stress team. To help boost morale or to relieve stress the unit had the Golden Saber Award (given to Soldiers who did an outstanding job for a mission, working on their vehicle, etc.) was given in formation. They received care package from home marked for any Soldier. At Thanksgiving and Christmas, the Officers and NCOs

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would worked the guard towers from 0600-1800 so the Soldiers could have a day a little R & R and enjoy their dinner. At BDE level the Army band came to play. He said if the command could have established things (hard site to live in, showers, water, elec, and latrines (quality of life)) earlier morale would have improved.

(8) Observation 8: JAG for (b)(6)-4 & (b)(7)(C)-4 4<sup>th</sup> Infantry Division. The JAG Officer has held this position for the last 2 years and was in theater for 12 months. He said the Soldiers received training on theater specific on the Law of War training and refresher training on how to report violation of the Law of War. The Law of War consisted of two blocks. Block one covered the ROE and the second block covered the principle of the Law of War and Geneva Convention; humane treatment of detainees (dignity and respect). In theater the leadership had the responsibility to report and train their Soldiers on detainee operations. In Oct the Division policy letter (FRAGO) came out with a division SOP. He said make sure you comply with the Law of War and detainee operations. Close all battalion level holding areas and below within 24-72 hours and move your detainees to the BDE collection point. The MPs will operate the BDE collection point augmented with non-MP's. The MP's will have allover responsibility for the operation of the collection point with the inspections of the collection point by PMO, and IG. He said the minimum treatment being provided at the point of capture was to protect the detainees from hostile fire, provide water, and medical and move to the rear. At the battalion holding area provide the detainee with shelter, food, water, medical, basic hygiene (wash basin). The BDE collection point, shelter, food, water, medical, bedroll, blanket, chemical latrines, etc. (1.1, 1.2, 4.1) He said the senior leaders (Field Grade) knew the doctrinal requirements for the humane treatment of detainees. The Soldiers would receive refresher training on ROE by their company level leaders (Company commander, Platoon Leaders, Platoon Sergeant). The BDE Commander would continue to give guidance on detainee operations to his battalion commanders who in turn would pass the information down to the company commanders and they would pass down to their Soldiers. (1.1, 1.4) He said the detainees were classified by their intelligence value. They had no EPWs or RPs. He mentioned three categories; intelligence, security, civil. The intelligence had three subsets (importance of the intelligence); tactical (HUMMIT Intel), operational (division) and Strategic (went to Corps or higher). The security category was individuals who took in attacks against coalition forces. The final category was Iraqi on Iraqi crimes. He said they did not have any Article 5 tribunals. The detainees were all treated the same. (1.1, 1.2, 1.6, 4.1) He said the unit received training of detainee abuse as part of their deployment training and once again in Oct. He said units were reporting detainee abuse. He said he heard and or processed three since he was in theater. One was at the BDE collection point and the other two could not be confirmed after commander inquiries. (1.1, 1.2, 1.4, 4.1) The units were doing the 5S's but he said the hard part was having good facilities to segregation of detainees. He said they did some segregation of the detainees from the general population. The guards at the facilities would supervise the detainee activities to keep discipline and security of the detainees. (1.1, 1.2, 4.1) He said the procedures he would follow if he personally noticed or it was reported to him of a detainee being injured or abuses was to have medical personal treat the injury detainee, contact chain of command, 15-6 investigation or commander inquire, contact CID. If he witnessed the even he would also move the guard from the area that was abusing the detainee. (1.1, 1.2, 4.1) He said if a detainee died in US custody was report the death to the chain of command, SIR, refer the case to CID for investigation and turn over the remains to the hospital or Red Crescent. (1.1, 1.2, 4.1) He acted as the Foreign Claim Commissioner (each

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BDE had one). He would receive claims for property not returned to the individual. He thinks he handle somewhere between 100-200 cases not sure. He would have the unit conduct a search for the property, pay the individual for the loss, or dismiss the claim. (1.1, 1.2, 1.6, 4.1) He was no aware of any detainee refusing repatriation. (1.1, 1.2, 4.1) He said detainees suspected of or committed a serious offense would have had the incident documented in their packet and would have followed the detainee as he/she was moved up to the next higher level facility. He did not provide any services to detainees since there were no disciplinary measures taken at his level. (1.1, 1.2, 1.6) He felt the detainees were treated petty well. There were a lot of individuals being detained and held below what doctrine advises (one echelon down to battalion level). The battalion was performing BDE role and BDE doing division role. They did not have the resources but they did a good job to make it work. He said the purpose of detainee operations was humane treatment of the detainee and to gather intelligence to stop killing of coalition forces or crimes against Iraqis on Iraqis. He has not written AARs or Lesson Learns. The Unit just returned and they are starting block leave. He did say the doctrine has the first location to operate a collection point is at the BDE level. They had to decentralize down to battalion level. Battalion need some place to detain individuals in their area operations. (2.1, 2.2) He did not see any legal shortcoming pertaining to detainee operations. He felt the doctrine and law was on target. He said the MP force structure is the problem. We need more MPs. The Corps MPs MOTE had a lot of good equipment (armor HUMMVs). Use MPs in combat role, trained in I/R operations. Need to plan for detainee operations down at battalion level. Need enough MPs to give a platoon of MPs to each battalion Task Force. (1.1, 1.3, 1.5, 1.7, 4.1) He perceived the mission of his unit to be; establish a safe and secure area for their area of operations in order to transfer to a civilian authority. He did a lot of reconstruction coordination. He had a big role to restore courts and selection of council members, assist government, supervision of elections, and handing out money for reconstruction projects. He said his working condition depended where he was at. In the BDE area it was good, secure location. When he worked in the Civil Ministry Information Center it was dangerous and chaotic. Dangerous the building would receive fire, chaotic the Iraqi people what action done to restore water, elec. His living condition was good. Lived in a 5 acre wall compound, south of Tirkat in a palace, no dust, had power, climate control environment and plumbing. He said the command climate was good. Commanders at all levels were doing their mission and they were tough with the subordinates when required. He said morale was not bad, they met retention goals, Soldiers were re-enlisting. Morale was high if Soldiers were doing what they were trained to do, it might have been dangerous and unpleasant but they were doing their job. He was aware of detainees being abused and they were reported to the chain of command. The first one was guard at the BDE collection point. The detainee was flexi cuff, standing behind the wire. The guard through the detainee was trying to escape and he shot and killed the detainee. The incident was report to the BDE by the FSB (b)(6)-4 & (b)(7)(C)-4 of the collection point). The (b)(6)-2 from the MP BN investigated (15-6) the incident. The investigating Officer determined the detainee was not trying to escape. He said the incident could have been prevented with better facilities, and training for the guard force. Training should address how to response to an escape attempt and make sure the guard understand their mission. The unit updated their SOP to remove weapons for internal area of the collection point. The second incident was reported by a detainee to an interrogator in Baghdad. The detainee said he was struck while he was being interrogated in Tirkat by either an interpreter or a Soldier in civilian clothes. The CID could not confirm what happen to the detainee. There was a commander inquire which ruled out his Soldiers, OGAs, interpreters. The commander could not

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match complain with his operations. The incident could have been prevented if the detainee would have reported the alleged incident earlier then after it happened. The delay in his reporting might have had an impact on the investigation by the commander and CID. The final one was also reported by interrogators months after the alleged incident might have occurred. The detainee said he was struck but not to cause any physical burses. There was inconsistency in the detainee story of what happen to him. He said had blindfold over his head but he could tell who was striking him. There was not enough information and the passing of time (few months) to determine the event. If the detainee would have reported the alleged incident early then an investigation could have determine the facts. (1.2, 1.6) He said leaders received a block of instruction on how to recognize stress. They also had a combat stress team with counselor that was available upon request. The combat stress team would travel to unit after a stressful event (death or deaths of Soldiers in unit) to counsel Soldiers on the event. The leaders could also identify if their Soldier were suffering from stress and contact the combat stress team to have their Soldier counseled. He said to help boost moral or relieve stress the Soldiers had a gym, internet café, access to phones, R & R (4-day pass), environmental leave, Plan to low OPTEMPO. The command would give a company or battalion off for a day for performing a combat mission so the unit can either relax or perform maintenance on their equipment. He felt the command could have spent more money on morale type item sooner (sodas, cool water). Make local purchase of MWR items easier.

(9) Observation 9: (b)(6)-2 & (b)(7)(C)-2 A Company, 167th Armor BN. The (b)(6)-2 & (b)(7)(C)-2 has been in his position for 10 months. The commander took command of the unit after the unit was already deployed to the theater. The commander did not know what type training the Soldiers received prior to deployment. In order to prepare him and his junior leaders to become familiar with and understanding the applicable regulations, directives, and international law, the Commander said briefings were conducted from higher headquarters to include the S-2. Soldiers were briefed on ROE and ROI rules to include the treatment of female and males when they entered an Iraqi home. He said MP's were attached during some raids that were conducted. In most all cases, a female MP was present for the raid. (1.1, 1.2, 1.4, 1.6, 4.1) ROE training was emphasized and rehearsed prior to each mission. The unit conducted role-play rehearsals based on scenarios. The chain of command stressed the ROE. (1.4, 4.1) The commander said he did not receive any specific professional military education on handling or processing detainees. He believes training should be included in officer basic or initial training. (1.1, 1.4) The company received no formal training to prepare them for detainee operations mission. Once in theater, an infantry platoon helped to train his company. (1.1, 1.2, 1.4, 1.6, 4.1) The company conducted informal training that focused on specific raids. Specific missions dictated the training conducted. There was no formal training schedule. Safety stand down training took place once a month. (1.1, 1.2, 1.4, 4.1) The S-3 was the company's checker for procedures to ensure that they were IAW Law of War. (1.1, 1.2, 4.1) The administrative process for detainees included removing the captured person to a collection point, search, identifies the detainee, search and separate property, secure and transport detainees to a forward operating base. They complete an established checklist of who, when, where and how. The commander maintained currency/valuables after a record was established on the property. Witness statements were taken from neighbors after a raid in the event that no one was at the property raided. (1.1, 1.2, 1.6) Morale was maintained by the command through reassurance of the cause of the mission, added MWR activities, and provided quality time off. Morale overall was good

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in the commanders opinion. The commander reported that he had no discipline issues. Soldiers were disciplined to stay focused on the mission and reminded of other units that had casualties due to complacency, lack of attention, which he contributed to their attention to detail, which resulted in no serious injuries. (1.1, 1.2, 1.6) Rehearsals of upcoming mission and review of ROE procedures were the commander's procedure to ensure soldiers and leaders understood ROE and use of force. (1.1, 1.2, 1.4, 1.6, 4.1) Captured contraband was turned in to the jail. Weapons were retained and given to the S-2. (1.1, 1.2, 4.1) To ensure all detainees are protected, safeguarded and accounted for, the commander utilized the 5Ss and T. He also briefed his Soldiers to handle detainees IAW Geneva Convention. He also said he had translators present to communicate instructions to the detainee thus ensuring they understood what was going to happen. (1.1, 1.2, 4.1) The company had interpreters present to ask for contraband and during searches to communicate instructions. There were no interrogations taken place at the company's location. (1.1, 1.2, 4.1) The procedure to transport detainees from point of capture to battalion collection point include calling the battalion headquarters, informing BN HQ of the outcome of the raid, number of detainees in possession, who was captured, then detainees were transported to the battalion collection point by a pre-designated vehicle. No sick or wounded issues were addressed and the company had no vehicle issues. (1.1, 1.2, 1.3, 1.5, 4.1) The commander had no personnel issues that hindered his mission. (1.1, 1.7, 2.1, 3.1) There were two medics assigned to the company and were present on every mission. (1.1, 1.2, 1.3, 2.1, 3.1, 4.1) There were no procedures in place in the event a detainee died in custody. (1.1, 1.2, 4.1) The commander had no equipment or supply shortfalls that affected his mission. He also said he had no personnel resource issues. (1.5, 1.7) The procedures for stress counseling included the chain of command, PA, combat stress teams, and the Chaplain. The Chaplain posted fliers in the area for Soldiers to assist Soldiers. (1.1, 1.2, 1.6, 2.1, 4.1) The commander is aware of his responsibility to report abuse and feels he can report outside of the chain of command to CID, and IG. (1.1, 1.2, 4.1) Soldiers were not briefed on reporting procedures for observation of detainee abuse but knew the chain of command and immediate supervisor was to be notified. (1.1, 1.2, 1.6, 4.1) The commander said if a Soldier reported an incident of abuse, he would verify the allegation, investigate and report to the chain of command. (1.2, 1.6, 4.1) The commanders said detainees could tell interpreters of allegations of abuse. (1.1, 1.2, 1.6, 4.1) The commander said that his mission was to conduct high intensity conflicts and destroy enemy vehicles. However, he conducted police work, which was important. Soldier living condition was not bad. They had hardened buildings however, it did not have running water in the toilet. Conditions improved over time. The company received Internet, phones and MWR support. (1.2, 1.3, 1.4, 1.5, 1.6, 1.7) The command climate was positive and supportive. Soldier morale was fine and improved over time.

(10) Observation 10: (b)(6)-4 & (b)(7)(C)-4 588th Engineer Company, 4<sup>th</sup> ID. The (b)(6)-4 has been in his position for 8 months. The (b)(6)-4 & (b)(7)(C)-4 was not present during the unit's pre-deployment or MOB therefore could not answer as to what took place during preparation. Soldiers were issued ROE cards and went through SRP procedures. (1.4, 4.1) The 1SG received no training to help prepare him for detainee operations. He believes the schools should include MOUT in ANCOC and BNCOC. (1.1, 1.4) Sustainment training for detainee operations was conducted internally through the platoon and rehearsal during preparation, and role-playing by Soldiers. Training took place 2-6 times per week however mission dictated more or less training. The unit conducted rehearsals with the unit taking on their mission prior to their departure from theater.

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(1.1, 1.2, 1.4, 4.1) The company did not hold any detainees longer than 1-3 hours. The company acted under the guidance of high headquarters for the establishment of policy on the holding area. The [b)(6)-4 & b)(7)(C)-4] was not aware of who ensured that they were in compliance with Law of War however, they treated detainees humanely. (1.1, 1.2, 4.1) Administrative procedures were to remove all males from the home, segregate, secure, identify through interpreters, contact battalion headquarters to inform them of who captured, how many, place of capture, then place the detainees in a vehicle for transport. High value detainees would be immediately taken to brigade headquarters. Property and evidence would be accounted for and tagged. Sworn statements would be taken. Evidence and property would be turned over to the jail. Weapons were destroyed. (1.1, 1.2, 1.6) To maintain good morale the [b)(6)-4 & b)(7)(C)-4] minimized paperwork, participated in every mission, met with Soldiers in off duty time, enhanced MWR, provided satellite TV and talked to Soldiers. Discipline was instilled by reminding Soldiers about the shortcomings of other Soldiers, reminded of deaths of Soldiers in other units and reminding Soldiers that shortfalls can cause death. (1.1, 1.2, 1.6) Soldiers rehearsed and went over the ROE prior to each mission along with practicing MOUT. They built a house to practice their procedures. Each Soldier was given a ROE card and the ROE was included in every operations order as well as the NCO's enforcing the rules. (1.1, 1.2, 1.4, 1.6, 4.1) Captured contraband was given to brigade and in most cases the contraband was given back to the company to dispose of. (1.1, 1.2, 4.1) Senior NCO was responsible per the battalion commander's order to comply with the 5S's and T. The battalion commander established a SOP for handling detainees. The company did not keep more than 7-10 detainees at any one time prior to transport to the battalion collection point which was done within 24 hours which was a written standard. (1.1, 1.2, 4.1) Questioning of detainees was conducted through the interpreters. No interrogations took place at their location. (1.1, 1.2, 4.1) The company experienced no transportation problems. Medics and combat lifesavers were attached to provide medical support to the detainees. Detainees were taken to aid stations or air evacuation if they were determined to be seriously ill. [b)(2)-3]

[b)(2)-3] The company medical assets included one Physician Assistant, two medics and thirty-four combat lifesavers. A Physician Assistant was present on each raid. (1.1, 1.2, 1.3, 2.1, 3.1, 4.1) The ISG was not aware of any procedure to handle the death of a detainee however, he would handle it by notifying the chain of command, tag the detainee, take the detainee to a hospital, and prepare statements. (1.1, 1.2, 4.1) [b)(2)-3] were the only item he considered a shortfall concerning detainee operation. (1.5) Guard duty was the most stressful duty placed on Soldiers. (1.1, 1.7) The company did provide the S-3 with AAR's concerning detainee operations, which the S-3 stated they would provide at a later date. (2.1, 2.2) The procedure to get stress counseling includes combat stress teams, Chaplain and mental health. (1.1, 1.2, 1.6, 2.1, 4.1) The ISG is aware of his responsibility to report abuse. The ISG was aware of an incident where the company commander kicked a detainee in the face that had grabbed his weapon. He believed a 15-6 investigation was conducted and that to the best of his knowledge the incident was handled at the brigade level. He was aware of an incident where two Soldiers were accused of pushing detainees inside of a truck that was handled via a reprimand and no further action. (1.1, 1.2, 4.1) Soldiers were briefed in classes that they could report detainee abuse. (1.1, 1.2, 1.6, 4.1) The ISG said if a subordinate reported an allegation of abuse he would notify the commander, CSM, chain of command and the IG if necessary. (1.2, 1.6, 4.1) The procedure to report suspected detainee abuse includes on the spot correction, open door policy, IG and battalion commander. (1.1, 1.2, 1.6, 4.1) The ISG perceives his mission to be counter mobility

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and survivability however, he didn't conduct any of these mission. His company conducted MOUT, raids, sweeps and patrols. The work conditions were hostile and stressful outside of the base camp. [REDACTED] b2-3

[REDACTED] Living conditions did improve over the duration by adding televisions and refrigerators. (1.2, 1.3, 1.4, 1.5, 1.6, 1.7) Command climate was very good from the brigade level down with the exception of the battalion CSM who was not involved in the support of Soldiers and was sent back to CONUS early due to some of his inactions. Morale was good however, Soldiers receiving Red Cross messages of deaths and family emergencies were very slow to get to the Soldier, which caused problems. The brigade dining facility was very good and the Soldiers enjoyed that facility most, which boosted morale.

(11) Observation 11: [REDACTED] 411th MP Company, 720<sup>th</sup> MP Battalion. The [REDACTED] has been in his position for 9 months. The PSG said the company utilized FM 3-19.40 and 4th ID SOP's as a guide to establishing procedures to operate EPW camps. There was no preparation time to train Soldiers adequately due to other missions ongoing. (1.1, 1.2, 1.4, 1.6, 4.1) Soldiers did receive Law of War and the 89th MP Brigade and JAG conducted EPW training. The plan to train new Soldiers was to brief the facility schedule, handling, rules of conduct for the cage, OJT and ROE. The majority of the training was with hands-on. Soldiers were oriented for two weeks prior to being allowed to work in the collections point. Guard force NCOs completed initial training, then passed the training to the squad leader to evaluate, and the final approval for a Soldier to work was the platoon sergeant. (1.1, 1.2, 1.4, 4.1) The policy and procedures in place to support US policy relative to detainee included enforcing the ROE, Geneva Convention, SOP's and FM 3-19.40 (1.1, 1.2, 4.1) The company's training program to care for detainees was through the use of posting the rules in Arabic and English along with training the Soldier on the Geneva Convention and Law of War and enforcing those rules. Detainees were briefed by C/I and interpreters on the rules, which ensured they were cared for, under control and in compliance with the established rules. (1.1, 1.2, 1.4) The company briefed Soldiers on 4th ID's ROE daily and before each mission. No ROI was addressed. (1.4, 4.1) In order to ensure that Soldiers understood the ROE the company conducted drills, tests and role-playing. Fraternalization policy was in place through SOP's, memorandums and was posted on the conduct of each person. (1.1, 1.2, 1.4, 1.6, 4.1) Guard force training consisted of rehearsals, drills, and searches, handcuffing and the 5S & T. Training was conducted almost daily. (1.1, 1.2, 1.4, 4.1) The [REDACTED] did not receive any detainee operations training at his last professional military schools. (1.1, 1.4) Some of the basic operations of the collection point were to check paperwork of all new detainees coming in to the collection point, account for property, issue detainees water, tag detainee, brief the rules, feed, provide latrine breaks and segregate by nationality, religion, family. The average population was 150 detainees which occupied 22 cells averaging six to seven per cell. Sanitary conditions were poor however, he believed the camp was disease free sense the camp evolved over time for the better. There was no infirmary located within the camp. (1.1, 1.2, 4.1) Security was maintained through enforcement of the SOP's, show of force, concertina wire around the camp, guards posted on the roof and main entrance. [REDACTED] (1.1, 1.2, 4.1) Enemy supplies were accounted for by use of the DA 4137 and placed in an evidence room. Some personal property was taken by C/I. Weapons were not accepted but returned to the escorting unit for disposal. (1.1, 1.2, 4.1) The ration of for the collection point included [REDACTED] [REDACTED] (1.1, 1.2, 1.3, 2.1, 3.1, 4.1) Sick and wounded detainees were not kept inside of the [REDACTED] b2-3

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camp, they were taken to the hospital where the company provided a guard. Juveniles (15 years old or younger) were transported within seven days. (1.1, 1.2, 1.3, 2.1, 3.1) The company did not conduct any outside escorts. (1.1, 1.7) The PSG said there was no transfer of detainees to MI or OGA personnel. (1.1, 1.2, 4.1) Security and safeguarding of detainees was maintained through SOP enforcement, which included rules on ROE. ROE's were reviewed each shift to ensure all guards understood their duties. (1.1, 1.2, 1.8, 2.1) Discipline was maintained through strong NCO leadership and being there with the Soldiers to supervise them. (1.1, 1.2, 1.6) Communications included TA-312, handheld Motorola radios, FM singers and DMVT, which had line problems. (1.1, 1.2, 1.5, 1.8) The latrine facilities were Port-a-Johns, which were emptied twice daily. Detainees were allowed to bathe every three days. (1.1, 1.2, 1.8) Detainees received fresh bottled water. The camp also had two one hundred-fifty gallon cans for bathing and potable water, which was filled twice daily. (1.1, 1.2, 1.8) Contraband included matches, tobacco and wires. (SOP) The lighting system was inadequate. The systems consisted of five sets of generator lights on the perimeter and five thousand KW generators. Inside light was wired and was not dependable due to the fact that it was on the Iraqi city electrical system. (1.8) The detainees were able to voice complaints through the camp NCOIC and OIC. (1.1, 1.2, 4.1) The <sup>(b)(6)-4 & (b)(7)(C)-4</sup> said they had no shortcomings/problems. (1.1, 1.2, 1.8, 4.1) They report no personnel or manning resource problems. (1.1, 1.7, 2.1) <sup>(b)(2)-3</sup>

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1.5

<sup>(b)(2)-3</sup> There was no transportation problem. (1.5, 2.1) Detainees were briefed on safety by interpreters when they entered the camp and the rules were posted. (1.1, 1.2, 4.1) Soldiers were briefed on stress counseling and could seek help from the Chaplain, combat stress team or medical doctor. (1.1, 1.2, 1.6, 2.1, 4.1) The PSG said he and his Soldiers were aware of the requirement to report abuse and those they could use the chain of command or go outside of the chain to report. The PSG said if he became aware of any abuse he would conduct a preliminary informal fact-finding and inform the command. (1.1, 1.2, 1.6, 4.1) The <sup>(b)(6)-4 & (b)(7)(C)-4</sup> said he and Soldiers could report suspected abuse to the IG or CID. (1.1, 1.2, 1.6, 4.1) Detainees could report alleged abuse to the PSG/NCOIC, OIC or commander. (1.1, 1.2, 1.6, 4.1) The mission of the company was to conduct detainee operations mission and he said they conducted the mission as they trained. Living conditions were good. They lived in hard site building, had Port-a-Johns, showers and bunk beds. (1.2, 1.3, 1.4, 1.5, 1.6, 1.7) Command climate was not very good due to what they perceived as favoritism at times. The Soldiers felt the Co, Bn and 1st BDE leadership didn't care about them. The climate improved somewhat over time.

(12) Observation 12 <sup>(b)(6)-4 & (b)(7)(C)-4</sup> 720th MP Battalion. The <sup>(b)(6)</sup> has been in his position for 18 months. He said they used FM 3-19.40, which was not heavily referred to. They were in charge of two Corps holding areas, which were set up according to a template in FM 19-4 with modifications. They entered the theater with prepackaged equipment to set up camps however, the packages included only concertina wire and some boards. (1.1, 4.1) The S-3 believes the portable equipment packages need to be detailed and packaged from brigade level. (1.1, 4.1) The battalion received EPW training prior to deployment. They were briefed on SOP for procedures, handling, security and training at the company level. They had NCOs that were former Corrections NCOs in the battalion. (1.1, 1.2, 1.4, 4.1) There was no formal sustainment training. (1.1, 1.2, 1.4, 4.1) ~~\_\_\_\_\_~~ Detainees were provided blankets and pads to elevate them off of the floor. (1.8) ~~\_\_\_\_\_~~

b2-3

~~\_\_\_\_\_~~ There were no ASPs near the camps. ~~\_\_\_\_\_~~

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camp. (1.1, 1.2, 1.8) The procedures of basic operations included reception from transporting unit, paperwork review for accuracy, inspection of the detainee's health, property inventory, categorize detainees, tag detainees, segregate by sex, age medical and special request from C/I based on intelligence. The detainees were given water, food and latrine breaks. The detainees were allowed to practice their religion and detained religious clergy were allowed to minister to other detainees. Hygiene was sporadic which included showers twice a week. Environmental health was fairly good because detainees were moved and searched for contraband and the area cleaned. (1.1, 1.2, 4.1) Disciplinary control measures included withholding cigarettes, food, water and isolation. There was no corporal punishment. (1.1, 1.2, 1.5, 1.6, 2.1, 3.1, 4.1) The brigade transported to division. Brigade notified division in advance of the intent to transport, provided a brief packet on the detainees to ensure they had no objections to transporting any detainee. Detainee property was inventoried and taken to division. There was no transfer with coalition forces or nations. (1.1, 1.2, 4.1) The <sup>(b)(6)-4 & (b)(7)(C)-</sup> said there was no equipment to transport detainees. The division did not have manpower to transport so they transported on the limited vehicles they had. He believes the companies needs to have a transportation platoon attached to it to do transfers of detainees to higher. (1.5) The procedures to process a detainee include inventory of property, receipt an review of DA 4137, review chain of custody paperwork, review coalition apprehension form, assess the health of the detainee, take picture and store property. Also, the division interrogation process was a problem collecting credible intelligence. Intel is not designed to collect data at the collection point or at the company and battalion level. Intel needs a web based reporting system. Detainees were tagged at one point and could change along the way to the internment facility. (1.1, 1.2, 1.8, 4.1) The battalion used the <sup>(b)(2)-4</sup> <sup>(b)(2)-4</sup> to assist with detainee operations. They experienced no personnel shortages. They did have ten augmentees at each facility, used at guard points and in the administration under MP supervision. (1.1, 1.2, 1.3, 1.7) <sup>(b)(2)-3</sup> <sup>(b)(2)-3</sup> The average population was 150 detainees which they held for up to fourteen days versus the twenty-four hours by doctrine. (1.1, 1.2, 1.3, 2.1, 3.1, 4.1) The battalion did not experience any personnel shortages. (1.7, 2.1, 3.1) The S-3 said his USR had shortages and the leadership was aware of the shortages however, they were ordered to deploy despite the shortages therefore he didn't provide any specific shortages with the exception of items such as lighting and generators which he wasn't authorized but in deed required. The lighting and power were a continuous problem. (1.3, 1.5, 2.1, 3.1) All logistical support was acquired through higher headquarters. Food and water were not an issues however, transportation was a big issue. (1.1, 1.2, 1.4) The S-3 said they didn't receive any support to run the camp. (1.5) The battalion had a process for specific sources of key regime loyalist. They questioned detainee using standard MP interview techniques. There was a list of approved targeted questions given to MP's at cages with interrogators present. (1.1, 1.2, 4.1) The stress counseling included; combat stress teams, Chaplains and by request of the Soldier. (1.1, 1.2, 2.1, 4.1) Sick and wounded detainees were sent to the hospital with a guard from the camp to provide the security. Females were housed at a specific holding area and transported quickly to division. Juveniles under age 15 were typically not detained and not held more than 24 hours but if they were suspected of a crime they were sent to headquarters or given to Iraqi police. (1.2, 1.8, 2.1, 3.1) Medical support for detainees included a PA and medic at each camp. (1.1, 1.2, 2.1, 4.1) Detainees were allowed to practice their religion openly and regularly. (1.1, 1.2, 2.1, 4.1) Detainees were provide bottled water and had water tanks available to refill their bottles. (1.1, 1.2, 1.8) If a detainee died in US custody, notification to local populace, identification of

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detainee, preliminary investigation, release body to local authorities or police. (1.1, 1.2, 4.1) The [b)(6)-4 & (b)(7)(C)] said he would provide me a copy of the AARs once he located them via email. (2.1, 2.2) The [b)(6)-4] is aware of requirements to report suspected abuse. (1.1, 1.2, 4.1) The [b)(6)-4] said subordinates were aware of requirements and would report through the chain of command. If he received a suspected case he'd conduct a commanders inquiry, sent unit leaders to assess the situation, check the health and welfare, recommend a formal investigation if the allegations were founded. (1.1, 1.2, 1.6, 4.1) The [b)(6)-4] said he could report allegations of alleged abuse outside of the chain of command. The procedures to report abuse are chain of command, division, CID and IG. (1.1, 1.2, 1.6, 4.1) Detainees could report allegations of abuse to the guard, PA, OIC or NCOIC. (1.1, 1.2, 1.6, 4.1) The [b)(7)(C)] said they trained for the mission however, were not prepared to hold detainees longer than 14 days, which caused a logistical strain on them. Living conditions were fair and detainees lived in same condition as Soldiers. Environmental conditions were bad. (1.2, 1.3, 1.4, 1.5, 1.7) Command climate was good due to strong leaders. Morale was good. The [b)(6)-4] was not aware of any incidents of abuse in the unit.

(13) Observation 13: [b)(6)-4 & (b)(7)(C)-4] 4th ID. The [b)(7)(C)] has been in his position for 8 months. He said they used FM 3-19.40 and articles of the Geneva Convention as a reference however, they developed a SOP derived from the two sense detainee operations was not directly address in either reference. (1.1, 1.2, 2.1, 4.1) The [b)(6)-4] was in control of five collection points, four brigade level and one division central collection points. The [b)(6)-4] did not oversee any internment facilities. The collection points typically held detainees for 45 days until being transported to an internment facility. The collection points were under the control of the platoon leader and platoon sergeant for daily operational activity. The collection point's population typically was less than 70 detainees. The platoons working the collection points were rotated every 30 days with normally a 60-day break from the collection point. There were 15-30 augmentees with the QRF. The PM said he did not have enough [b)(2)-3]

[b)(2)-3] (1.1, 1.3, 1.5, 1.7, 2.1, 2.2, 3.1, 4.1) In order to ensure that units complied with Geneva Convention and AR 190-8 the [b)(6)-4] developed a standards checklist from relevant items from both the Geneva Convention and AR 190-8. The Geneva Convention was translated in Arabic. Detainees were fed 2-3 times daily but at the same amounts as Soldiers. KRB provided meals and the [b)(6)-4 & (b)(7)(C)] provided mattresses, showers, and heat and air condition. (1.1, 1.2, 4.1) There were no work details for detainees other than general clean up of their area for improvement therefore they had no compensation for detainees. (1.1, 1.2, 4.1) [b)(2)-3]

[b)(2)-3] The segregation policy was to segregate females, juveniles that could be identified as juvenile, HVTs, those known to have committed acts against coalition forces although population and available space dictated the degree of segregation. [b)(2)-4] had a dedicated cell in the division main camp. The Corps cell also held US Soldiers within the camp in a separate area of the building. (1.1, 1.2, 1.3, 1.8, 2.1, 3.1, 4.1) There was no minimum standard living space for detainees. Detainees were provided blankets, poncho, and placed in a cell where he found a space to sleep. Doctors refused to come into the camp to treat wounded detainees but insisted they be brought to the hospital and the [b)(6)-4] complied. (1.1, 1.2, 1.8, 2.1, 2.2, 4.1) No military working dogs were used within the collection points. (1.1, 4.1) The command ensured that the collection points operated IAW accordance with Law of War by conducting internal inspections, IG, SJA, CJTF-

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7, and OPMG visits/inspections. (1.1, 1.2, 4.1) The international Red Cross was authorized access however, they made one brief visit to the collection points. Once hostilities began they never returned to the collection points. No other NGA entered the collection points. (1.1, 1.2, 2.2, 4.1) The PM said he never received NDRC software to conduct any reporting. The PM said they used the Marine Corps' BATS system to record data and for reporting. (1.1, 1.2, 1.3, 1.5, 2.2, 4.1) There was no transferring of detainees to coalition forces or host nation forces. Detainees were transferred to Iraqi police/authority with the PM and higher authority. (1.1, 1.2, 2.2) Other Government Agencies were authorized to interrogate under the observation of a MP after they signed for the detainee. Authorization for OGAs to interrogate was granted by the PM and above. MI personnel were authorized to interrogate under the observation of an MP and ordered to detain/apprehend any interrogators that used physical force against a detainee. (1.1, 1.2, 4.1) The PM did not hire any interpreters. (1.3, 1.7, 4.1) The biggest issue concerning adequate facilities for detainees was [REDACTED] 62-3

Location of the collection point was a big issue due to safety of the Soldiers and detainees and to have the collection point out of the public view. (1.3, 1.7, 4.1) The PM and his deputy visited each of the collection points and conducted inspections. (1.1, 1.2) If a detainee dies while in US custody, there would be a 15-6 investigation, segregate the detainee from the population, have a doctor certify the death, and send the body to the hospital along with his personal effects. (1.1, 1.2, 4.1) The doctrinal shortcomings include no backhaul capability, and no MP training to operate automations systems of the collection point. The PM said to fix and incorporate change should include building a collection point at the MP school and require lieutenants, ANCOG and BNCOC students to go through scenario training and test on their ability to understand, set up and run a collection point. The PM believes that there should be one MP MOS with everyone knowing how to run a collection points and CONUS confinement facility. He also believes that AIT students should be trained on escort and other basic duties of interacting with detainees/prisoners. There needs to be a standard construction package to build a collection point. (1.1, 2.1, 3.1, 4.1) The PM is aware of his requirement to report abuse. He's instituted SOP and policy on detainee abuse. (1.1, 1.2, 1.6, 4.1) The PM inherited collections points that were experiencing abuse problems and his job was to occupy the collections points with MPs and fix the problem. The environmental conditions consisted of hot temperatures, blowing dust, stench from burn latrines and dehydration of detainees. The living conditions were adequate. Soldiers and detainees received chow daily, did not have daily showers however, conditions improved over time. Language barriers were a challenge and Soldiers were some times frustrated. (1.2, 1.3, 1.4, 1.5, 1.6, 1.7) Command climate and Soldier morale were well. Soldiers were well informed and trusted the company and platoon leaders. The PM rotated platoons through the camps, which helped break up the cycle, and they understood the mission. The PM was not aware of any abuse that had not been investigated and resolved. The PM said they would have detainees lay down in the dirt when detainees violated rules. There was an incident where the MI applied an MP baton to a detainee in a way to cause pain but no bruise. A 15-6 investigation was completed, and discipline was taken against the Soldiers. The PM met with the MI commander and questioned what tactics interrogators authorized and he issued policy that covered authorized and unauthorized practices.

(14) Observation 14: Platoon Sergeant, [REDACTED] The PSG has been in his position for 12 months. The PSG prepared himself and his Soldiers to become familiar with applicable regulations and laws by referencing FM 17-98, FM 7-8, going over the 5Ss & T.

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They were briefed on the Law of War by the 299th Engineer Bn.'s S-2. They were briefed on the ROE once they arrived in theater. (1.1, 1.2, 1.4, 1.6, 4.1) The PSG said they did receive training on treatment of detainee. New/replacement Soldiers did not receive any formal training once they entered the theater. (1.1, 1.2, 1.4, 4.1) ROE training dictated that if engaged to engage or if they were threatened to engage. (1.4, 4.1) The PSG said he did not receive any training at NCOES with the exception of the 5S's & T. He felt NCOES's should include MOUT training. (1.1, 1.4) The unit did not conduct any sustainment training for detainee operations. (1.1, 1.2, 1.4, 4.1) The unit did not establish policy on establishment of a unit holding area because the detainees were immediately transported on predestinated transport truck. (1.1, 1.2, 4.1) The processing of each detainee was to tag, inventory property, complete sworn statements on the situation, complete coalition worksheet which included personal data, reason for capture, record of weapons taken, and a digital picture. (1.1, 1.2, 1.6) Morale was maintained by maximizing off duty time. Leaders provided leadership by example and reminders have the importance of the mission and that the mission was doing the right thing. The Chaplain provided reassurance. (1.1, 1.2, 1.6) Captured contraband was seized, brought to the compound. Weapons were transferred to another battalion. The unit destroyed explosives. (1.1, 1.2, 4.1) Questioning of detainees was conducted through interpreters. The detainees were asked specific questions if they knew of weapons caches and particular persons. (1.1, 1.2, 4.1) Evacuation procedures were to transport detainees by truck or HUMMVs. The same-wheeled vehicles transported Sick/wounded detainees. (1.1, 1.2, 1.3, 1.5, 4.1) The guard requirement for transport of detainees was [REDACTED] (1.1, 1.7, 2.1, 1.5)

3.1) Medical assets available for detainee operations were 10 Combat lifesavers and 3 EMT's. (1.1, 1.2, 1.3, 2.1, 3.1, 4.1) There were no written procedures in place for when a detainee died in custody and they did not have any deaths. (1.1, 1.2, 4.1) [REDACTED] (1.5) Guarding detainees posed the most stress on personnel resources. (1.1, 1.7) Stress counseling was provided by the Chaplain, chain of command and combat lifesavers. (1.1, 1.2, 1.6, 2.1, 4.1) The PSG said he would report abuse to the chain of command and IG. (1.1, 1.2, 4.1) The Soldiers knew the reporting procedures to report observed abuse. If Soldiers reported allegation of abuse the PSG would notify the chain of command. (1.1, 1.2, 1.6, 4.1) There was no system in place for detainees to report abuse at the point of capture. Detainees would have to report allegations to the collection point personnel. (1.1, 1.2, 1.6, 4.1) He perceived the mission of his unit was to conduct recon and security mission. The unit conducted raids, ambushes, security and other infantry tactics. The environment was dirty, bad septic system, trash burning due to no trash services and smell of oil waft. Living condition was good. The Soldiers lived in a house and then moved to a palace with the brigade where they had showers, toilets and running water. (1.2, 1.3, 1.4, 1.5, 1.6, 1.7) The Soldiers believed at brigade level and below the leaders cared about their wellbeing. Soldier morale was positive and felt supported and received clear guidance.

(15) Observation 15: Platoon Sergeant [REDACTED] 4th ID. The PSG has been in his position for 14 months. The PSG prepared himself and his Soldiers to be familiar with and understand regulations and administrative procedures by reviewing AR 190-8, Geneva Convention, conducting rehearsals and hands on training. The [REDACTED] operated a collection point at the division level. (1.1, 1.2, 1.4, 1.6, 4.1) The Soldiers underwent Law of War training, were briefed by JAG and received training on the ROE at the company level, and briefed by PAO. New Soldiers were given OJT training, conducted a right seat ride and

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rehearsals. (1.1, 1.2, 1.4, 4.1) The policies/procedures in place to support US policy of detainees included AR 190-8, a PMO Mission Support Order policy for all cages to operate by which addressed events and guidelines to handle situations. (1.1, 1.2, 4.1) The training program developed by the PMO to care for and control detainees were included briefings on the SOP, FM 3-19.40, AR 190-8 and PMO memorandum guidance. The program included the QRF ROE, in-processing procedures, rations requirements, fair treatment of detainees, medical access, discipline procedures and authority. (1.1, 1.2, 1.4) The ROE was briefed during a two-hour class prior to deployment and again in the theater. The ROE was reviewed as it changed and as new personnel arrived it was briefed. The ROI stated there would be limited communications with detainees, no personal communications, no hostile treatment, and a development of communications with informal leaders to communicate with the general detainee population.

(1.4, 4.1) To ensure Soldiers understand the use of force, they were briefed and received training on ROE and levels of force. Fraternalization was addressed through strong leadership and daily visits by the PSG. Soldiers were placed in positions to observe and not be able to carry on long conversations with detainees. (1.1, 1.2, 1.4, 1.6, 4.1) The guard force training to prepare them for duty included rehearsal, SOP reviews and guard mount training. There was no formal sustainment training conducted. (1.1, 1.2, 1.4, 4.1) The PSG said he received no received training on detainee operations at BNCO. He said the school needs to include hands on training and focus on division level collection points. (1.1, 1.4) Basic operations of the collection point included administrative processing, holding areas, search areas, property accountability, segregation areas by categories, rules briefings, conduct briefings, and medical treatment briefing. There were rules posted in the collection point. Detained medical personnel were used to treat detainees. Detainees were provided sundry items and sufficient rations. The infirmary was located outside the collection point. The collection point was generally free of disease. The detainees were segregated to the best that space allowed. (1.1, 1.2, 4.1) To maintain discipline and security the collection point used isolation as punishment. The leadership and NCOs visits and their walking the grounds helped instill discipline. Security was maintained by the use of towers, non-lethal force and a show of force. (1.1, 1.2, 1.6, 4.1)

Detainee property was recorded on DA 4137, stored in an evidence room and recorded in two safes in the evidence room. (1.1, 1.2, 4.1) [REDACTED] b(2)-3

The MP Company had enough assets to accomplish their mission and had no shortfalls. Improved security measures reduced the risks. (1.1, 1.2, 1.3, 2.1, 4.1) The detainees that were sick or wounded were isolated and taken to the hospital under MP guard. The detainees were segregated according to juveniles, females, families and special categories as feasible. (1.1, 1.2, 1.3, 2.1, 3.1) [REDACTED] b(2)-3

[REDACTED] The MP Company did not conduct external escorts. (1.1, 1.7) The PSG said they did not transfer any detainees between services. There was a detailed MP platoon that conducted transfers of detainees. (1.1, 1.2, 4.1) The [REDACTED] had the [REDACTED] and [REDACTED] at their disposal if they needed them to help maintain and operate the collection point. The detainees were held at the collection point from as little as 24 hours up to 21 days however, a detainee had to be extended with JAG's approval in order to stay beyond the 21 days but no more than 2 months for anyone. (1.1, 1.2, 1.3) Solder's discipline was maintained through being proactive and rotating the towers and personnel throughout the collection point. (1.1, 1.2, 1.6) The communications at the collection point included walkie-talkies, hand and arm signals and TA 312. (1.1, 1.2, 1.5, 1.8) The latrines were burn out latrines that were burned 3 times daily. Preventive medicine

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conducted visits and provided guidance to the collection point. Shower points were outside of cells. (1.1, 1.2, 1.8) Detainees received fresh water daily via bottles. The collection point also maintained a water buffalo and water blister for use by the detainees. (1.1, 1.2, 1.8) Contraband included weapons. [REDACTED]

b(2)-3

(1.8) Detainee complaints and requests were directed addressed to the NCOIC, OIC and NCOs. (1.1, 1.2, 4.1) There were no shortcomings in feeding the population (1.1, 1.2, 1.8, 4.1) There were no manning or resource problems. (1.1, 1.7) There were no transportation, personnel or supply issues (1.5) The safety procedures put into place included fire extinguishers present, tape on the concertina wire, preventive medicine assessments, division safety checks and safety precautions posted on the rules. (1.1, 1.2, 4.1) The PSG/NCOIC is aware of procedures to get stress counseling as well as his Soldiers. The PSB/NCOIC said he and his Soldiers were aware of requirements to report abuse or suspected abuse of detainees. (1.1, 1.2, 1.6) The PSG/NCOIC said if a subordinate reported any suspected abuse, he would gather the facts, inform the OIC and the chain of command. (1.1, 1.6, 4.1) He said he could freely report incidents of abuse outside the chain of command. (1.1, 1.2, 1.6, 4.1) The PM established procedures/policy to report detainee abuse. (1.1, 1.2, 1.6, 4.1) The PSG said they were trained to perform detainee missions that they performed in theater. The environment was harsh but it evolved over time for them to better. They lived in harden facilities and had other comforts of home. (1.2, 1.3, 1.4, 1.5, 1.6, 1.7) The PSG believed the Soldiers had confidence in the command. Morale was both good and bad and sometimes fluctuated.

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1.7

1.5, 1.7

(16) Observation 16: Senior Human Intelligence Collector/Chief of Intelligence/Interrogation (SSG), D Company, 104<sup>th</sup> MI Battalion. The Chief of Interrogations (CI) has been in his position for 11 months and operated out of the Division cage. The CI said they used his experience and referenced FM 34-52 to conduct the mission. However, he said very little reference was made to FM 34-52 sense it did not address the mission at hand and was outdated. (1.1, 1.2, 4.1) Geneva Convention training was conducted every 6 months to ensure they were IAW with provisions. (1.1, 1.2, 1.3, 4.1) They received Law of War training prior to deploying. Prior to deployment, they covered ROE, statuses of prisoners and handling procedures. There was no training for new Soldiers arriving in theater. (1.1, 1.2, 1.4, 4.1) The CI said the ROE was only covered prior to deployment and was not addressed while in country. He said there were no ROI training/briefs. (1.4, 4.1) The procedures to identify a detainee of intelligence value were difficult. The division only had 6 interrogators to do interrogations. The information flow on detainees was bad and made identification very difficult. The paperwork was often incomplete or wrong. All detainees were not interrogated and some may have slipped through who may have been of importance. No MP's were involved in decision-making. The PIRs were used as a basis of identification and included who was being sought, name check if possible or credible information source contained in the packet. The Interrogators normally had 24 hours to observe detainees at the cage/collection point. (1.1, 1.2, 2.1) The Interrogation ROE rules allowed an interrogator to grab a detainee to gain compliance, use of the fear up approach, yelling and screaming at the detainee, use of the love of family approach and they could instill fear. No MP guards were present for most of the interrogation except to control the detainee if needed. The CI said they could use force without hurting or causing physical harm to the detainee. The ROE changed over time and an example was the Corps Commander was the approval authority for use of the "Fear up" method of interrogation. After the Abu Garab

How many supposed to be in a division?

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incident an email was sent via the classified internet providing what he perceived as unclear guidance stating that COL [REDACTED] from J-2 implied that "The gloves needed to come off". He perceived this as a request for input for methods of interrogation in order to get information and that there were some unauthorized suggestions given. The CI was not sure where this email was at this time and couldn't provide me with a copy. (1.1, 1.2, 1.4, 1.6) There was no maximum amount of time allowed to conduct any one session however, they did allow for 4-hour sleep adjustment. (1.1, 1.2, 4.1) The procedures to determine how long to hold a detainee at a collection point was to look at the potential information he may provide, it's importance, the detainees priority and how full the collection point was. If his intelligence wasn't as important and the cage was full, the detainee was moved to higher. (1.1, 1.2) The minimum number of personnel authorized to be present during an interrogation was a minimum of 2 and there was no maximum. The interrogator made the decision as to the number of people present during an interrogation. (1.7) The interrogator's SOP allowed no interrogations of a detainee who was wounded or sick unless medical personnel cleared him. No detainees were questioned if they were on drugs that hindered their mental status or were mentally handicapped. (1.1, 1.2, 4.1) No restraining devices were used during an interrogation unless employed by an MP or the detainee became unruly. (1.1, 1.2, 4.1) Screening sites included a tent, office or room inside the camp. The facilities were not adequate. [REDACTED]

[REDACTED] The CI said to work the division cages there needed to be two platoons of interrogators. (1.1, 1.2, 1.7, 1.8) The CI said they did not receive sufficient information from the capture point about the detainee. The required documentation if used correctly was sufficient. He believes the current paperwork is bad for business and there should be an intelligence person involved in the initial written sworn statement by the capturing guard. (1.1, 1.2, 2.2, 4.1) There was no transfer of custody of detainees to MI personnel. (1.1, 1.2, 4.1) Personal effects are examined by the interrogators and are signed for on DA 4137. (1.1, 1.2) They were contracted with only 1 military linguist. The interrogators generally trusted the translator with the exception of a couple. No MPs were used during the interrogator and translator interview but they could request to be present. (1.1, 1.2, 1.7, 2.1) The contract interrogators training and capabilities were very good. They were well resourced, much better than the military interrogator. Doctrinal shortcomings identified are the FM is outdated and the school's is teaching old doctrine. His recommended changes are to change AIT to concentrate on counter guerrilla, counter insurgency, instill the knowledge that MI is combat MOS, include more physical activity, room clearing, actions on raids, and weapons training. The CI also suggests that their needs to be 2030 97E's to run a division level intelligence operation. (1.1, 1.3, 1.5, 1.7, 4.1) The CI is aware of procedures to seek stress counseling as well as his subordinates. (1.1, 1.2, 1.6, 2.1, 4.1) Abuse during an interrogation included mental and physical abuse. Mental abuse involves extensive stimulus deprivation, physical abuse includes striking, inflicting pain or injury to the detainee. He believes that MI walks a very gray line of what's abuse. He felt often the rules were not clear. (1.1, 1.2) The CI is aware of his responsibility to report abuse or suspected abuse of a detainee as well as his subordinates. (1.1, 1.2, 1.6, 4.1) The CI and his subordinates would notify their supervisor, which is normally a warrant officer in order to report an incident of detainee abuse. (1.2, 1.6, 4.1) The CI felt he could freely report abuse outside the chain of command. (1.6, 4.1) The procedures to report suspected abuse is to notify the supervisor. (1.2, 1.6, 4.1) The CI is not aware of any procedures in place for a detainee to report allegations of abuse. (1.2, 1.6, 4.1) The CI perceived his mission was to conduct interrogations within the division's AOR and he felt it's

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was critical to the mission. However, he felt there [REDACTED] b(2)3  
The working environment consisted of hard site buildings, no running water initially, no fan during the intense heat and water rationing during low water supply. Things did improve over time to include internet and running water. (1.2, 1.3, 1.4, 1.5, 1.6, 1.7) The command climate was poor. The Soldiers generally did not have any contact with the command until it came to disciplinary action being rendered to a Soldier. His Soldiers didn't know the command and received no guidance. There was a lack of confidence in the battalion and higher command. Morale was good among the Soldiers however they felt like there was a double standard when it came to enlisted and officer punishment. They felt their contribution to the mission was not viewed as important and often their input was not taken. They were often ignored at briefings at division lever and often rushed through their portion so "they could get on to the maneuver portion of the brief". He said their sources were often compromised due to lack of importance placed on their input.

b(6)-4 (7)(c)-A  
(17) Observation 17: Chaplains for the [REDACTED], 4<sup>th</sup> Infantry Division. The Chaplain has held this position for the last 18 months and was in theater for 12 months. The Chaplain said the detainees were allowed to practice their religion. (1.1, 1.2, 2.1, 4.1) The Chaplain personally spoke to the IMAN at the BDE collection point through a translator and ensured him of his rights under the Geneva Convention to practice religion. (1.1, 1.2, 2.1, 4.1) The Chaplain ensured that the IMAN had a place to clean up prior to services being conducted. (1.1, 1.2, 2.1, 4.1) The Chaplain said the duty of his UMT was to go the collection point daily to ensure the detainees freedoms to practice their religion. (1.1, 1.2, 2.1, 4.1) The UMT requirements were also to ensure compliance with the Geneva Convention. (1.1, 1.2, 2.1, 4.1) The Chaplain said it was difficult to bring local religious leaders in the camp, because many of them could not be trusted. He was aware of his requirement to report detainee abuse. (1.1, 1.2, 4.1) The Chaplain said no one came to him to report any abuses. (1.1, 1.2, 2.1, 4.1) The Chaplain has not heard of any abuses. (1.1, 1.2, 2.1, 4.1) The Chaplain said he felt the Detainees were treated well. (1.1, 1.2, 2.1, 4.1) He believed the mission of his unit was to conduct SASO. The living conditions of the BDE UMT weren't bad overall and improved over time. (1.2, 1.3, 1.4, 1.5, 1.6, 1.7) The Chaplain said the morale and overall perception of the command in the Soldiers' eyes was bad. The Chaplain said allot of leaders in the BCT were not in tuned to their Soldiers needs. The Chaplain was not aware of any incidents of detainee abuse.

b(6)-4 (7)(c)-4  
(18) Observation 18: Platoon Sergeant, point of capture [REDACTED] b(6)-4 (7)(c)-4  
[REDACTED] 4<sup>th</sup> Infantry Division. The PSG has held this position for the last 20 months and was in theater for 11 months. The PSG was assigned to a Tank platoon. They rarely took detainees. They would come upon those individuals who wanted to surrender; he would have to get permission from higher to stop his tank platoon advance to take detainees. If permission were granted the PSG would only keep the detainees for no more than 30 minutes. The Combat trains would then take the detainees and the platoon would keep up its advance. The PSG was not aware of the regulations that covered detainee operations. (1.1, 1.2, 1.4, 1.6, 4.1) The PSG said his Soldiers concentrated basically on the 5Ss & T. (1.1, 1.2, 1.4, 1.6, 4.1) All of his Soldiers went through the Law of War training. (1.1, 1.2, 1.4, 4.1) The training his platoon received did include the treatment of detainees. (1.1, 1.2, 1.4, 4.1) The PSG said the OPTEMPO was extremely high prior to deployment and the unit was not able to train. (1.1, 1.2, 1.3, 1.4, 4.1) The Brigade gave the classes on the ROE. (1.4, 4.1) The PSG said his PME offers no help in the

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areas of detainee operations. (1.1, 1.4) The PSG said the unit trained strictly from the SMCT to train its guards. (1.1, 1.2, 1.4, 1.6, 4.1) The unit did not conduct any sustainment training. (1.1, 1.2, 1.4, 4.1) The PSG was responsible for only tagging the detainee and his/her equipment. (1.1, 1.2, 1.6)

The only medic support available was the platoon medics or combat lifesavers. (1.1, 1.2, 1.3, 2.1, 3.1, 4.1) The PSG had no shortages of equipment and supplies that supported detainee operations. (1.5) Any Soldier complaining of stress would be immediately referred to the Battalion Chaplain. (1.1, 1.2, 1.6, 2.1, 4.1) The PSG was aware of his requirement to report detainee abuse, and he ensured that his Soldiers also understood this requirement. (1.1, 1.2, 4.1) The PSG felt he could report incidents of detainee abuse outside of command channels. (1.1, 1.2, 1.6, 4.1) All reports of abuse would be processed through the PL/PSG level. (1.1, 1.2, 1.6, 4.1) The unit had very poor living conditions the whole time it was deployed in the AOR. He Soldiers and leader lived in hut with dirt floor the whole time. (1.2, 1.3, 1.4, 1.5, 1.6, 1.7) The morale and command climate were not bad. The PSG was not aware of any incidents involving detainee abuse within his unit.

(19) Observation 19: <sup>b(1)-4</sup> ~~██████████~~ 4ID. This O5 has been in his job for 10 months. His primary responsibilities with DO included oversight of staff officers (especially the S2), review of all completed detainee packets, and release authority at the BDE. He was not in this position at the time of deployment, and is not aware of preparations for DO undertaken by the unit. He did not personally review any of the relevant doctrine, relying on his S2 and the MPs to do so. Detainees were held at BN for 12-24 hours on average, and they usually spent 72 hours at BDE. These times were extended when the system became overloaded. The detainee facilities were always located within the FOB perimeter. At the BDE, an old stable was used and provided good shelter, heating and cooling, and a capacity of only 150. Guards were stationed outside and on the roof. (1.1, 1.2, 1.8)

There were no real manpower or transportation shortfalls with regard to detainee facility manning or escorting. Capturing units were required to bring detainees to the higher echelon detention facilities. The critical personnel shortages were interrogators and interpreters (all categories). Both groups were slow in arriving at BDE, and quantities were never adequate to keep up with the workload. As a result, interrogations were performed by non-trained personnel, and interpreters were hired off the street, were not of high quality, and sometimes had to be released due to questionable performance. There is a clear and pressing need for doctrine to attach THTs to BDEs and BNs in sufficient quantities (at least one at each BN, several at each BDE). Furthermore, these small teams need to be integrated into home station training; working with them for the first time in theater is not the best way to prepare for such missions. Even with this, basic tactical questioning needs to be included in the training of every Soldier in the Army. The lack of these critical skills and/or personnel resulted in the release of detainees who shouldn't have been let go (and may have been re-apprehended later). The larger problem here is the over-specialization of personnel, with skill sets isolated in a few MOSs that could just as easily be incorporated into more common occupational specialties (e.g., some combat arms Soldiers could do basic interrogations and CA functions – they do it anyway – and Engineers can do much of EOD functions; waiting for the “specialist” to arrive is often not possible, desirable, or appropriate. (1.1, 1.2, 1.3, 1.4, 1.7, 4.1)

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One lesson learned was the importance of site selection for detainee facilities. Infrastructure is absolutely critical to the proper functioning of a facility, with hardstand buildings superior to field sites. In either case, pre-planning is the key to ensure the proper construction and outfitting of detainee facilities. Locating the holding areas inside of FOBs is important for security and safeguarding of detainees. (1.8, 4.1)

One incident took place where a guard shot and killed a detainee within the BDE holding area. The event was investigated thoroughly and found to be due to the inexperience of the Soldier who was concerned with his well-being at the time. This was the only detainee death, and the procedure for such occurrences (deaths) was to complete a SIR and turn the body over to the local Iraqi hospital. CID investigated all detainee deaths. These cases were not processed through US mortuary affairs. There were no other incidents of abuse. Reporting of suspected abuse was through chain of command. (1.1, 1.2, 1.6)

Stress counseling was available from CSC teams at BDE or the CSH. Command climate and morale were very good. (1.6)

(20) Observation 20: S2, [REDACTED], 4ID. This O4 acquainted himself with AR 190-8, but relied most on MI doctrine. There is conflict between the MP and MI doctrine, with the MP focused on procedures for running detention facilities that can be at odds with the need to obtain operational intelligence. For example, security and facility issues made it more difficult to segregate detainees and prohibit them from communicating with each other. Training of personnel on law of war and ROE was "on the fly", put out and passed down the chain. Weekly meetings at the BDE S2 and daily guard mounts were used to communicate ROE changes and other important information related to DO. The problem with ROE and other training was lack of scenarios to provide some practical teaching for Soldiers – briefings were too dry and vague. Training on the 5Ss was insufficient; Soldiers did not know how to enforce no talking rules or segregate detainees appropriately. (1.1, 1.2, 1.4)

[REDACTED]

Interrogations occurred in rooms that did not provide enough privacy – other detainees could see who was being taken in for interrogation, but they were soundproof and of adequate size. During interrogations, [REDACTED] were present in the room with the interrogator and interpreter. The S2 sat in on and conducted several interrogations. There were not enough isolation areas to keep detainees from communicating with others or for disciplinary use. (1.1, 1.2, 1.8)

The forms required for completion of the intel packets were not appropriate (lacked needed data fields) for this mission as they were based on those used in Bosnia. For example, the naming convention in the Iraqi culture does not follow that used by the US and found on the

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forms. Because of the confusion with recording of names, some detainees were released unintentionally. Part of the reason for excessive paperwork and evidence collection was the fact that SJA was applying American legal standards to a combat theater. This is not appropriate in the eyes of this officer. Excel spreadsheets were used for tracking detainees; NDRS and BATS were not available. (1.1, 1.2)

Training on force protection and use of deadly force was inadequate. Without scenario-based training, situations arose for which Soldiers (including MPs) were not prepared. MPs also did not follow the 5S's strictly enough. Detainees were not segregated nor prevented from talking prior to interrogation, something that the MPs should have strictly enforced. This had significant detrimental effects on intelligence gathering.

Release of detainees by higher HQ without clearing this with the capturing/lower echelon unit resulted in criminals back on the streets, only to be recaptured later – the higher HQ simply didn't know the detainee as well as the unit more in touch with the local AO. Higher HQ should clear all prospective releases with the local unit responsible for the AO in which the detainee was captured. (1.1, 1.2, 1.4)

Other than the shooting mentioned by the XO, this officer was unaware of any detainee abuse in the facility. There were times when detainees were in-processed with wounds, but there was never any explanation (legitimate resistance?) provided by the line units. Suspected abuse was reported through the chain of command. (1.1, 1.2)

(21) Observation 21: PLT Leader, [REDACTED] This 1LT was a PL for two years, and was in theater for one year. Since DO is usually (and expected to be) handled by RC units, there was no planning for DO prior to deployment. The expected mission was one of security and escort, not running detainee facilities. An SOP was in place when this MP unit took over the 1BCT cage, and no additional references were used. Although DO is one of the five core functions of MPs, this area gets the lowest priority when it comes to training and skill development. Law of war and ROE was briefed initially by SJA (class), with changes in theater briefed at the PLT level. Some scenario-based and role playing training was conducted in theater. There was no specific training on treatment of detainees; the MPs relied on their common knowledge in this area. On-the-spot corrections of inappropriate procedures were made by team, squad, and platoon leaders. Home station training focuses on garrison missions (force protection) and individual competencies. Furthermore, training is focused on those missions where Soldiers are at risk of getting killed (security, convoy escorts, L&O) as opposed to DO, where Soldiers are not in a lethal environment. This unit has not been at NTC or JRTC in three years, and when in the field there is no mount training (even though that is what is practiced in the most recent operations). The guard force did not receive any special training; they relied on basic MP skill training from past. Replacements were given one day of observation/OJT with an experienced MP, and they were initially assigned to guard towers and escort duties where handling of detainees was rare. (1.1, 1.2, 1.4)

The detainee facility was an old stable. [REDACTED]

[REDACTED] The stable stalls were used to segregate detainees as much

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as possible (by age, gender, type of criminal, sick/wounded), but they was not enough space to keep detainees far enough apart to ensure silence at all times. There were no RPs. MREs were provided twice daily, and water was bottled as well as trucked in, all of it potable and in unlimited supply. Detainees slept on the floor for the first two months, then blankets and foam mattresses were obtained on the economy. Personal hygiene items were provided from ICRC stocks and the supply system. Sanitation was good, with the exception of mice in the winter. PVNTMED personnel from DIV inspected the facility every month, and the facility always passed. (1.1, 1.2, 1.5, 1.8) 1.5  
1.5  
1.5

Discipline and security was maintained by guards armed with batons inside the facility, and outer guard posts armed with non-lethal rounds. Isolation areas were used for punishment, and treats (candy from MREs) was used to reward good behavior. Detainees were in-processed only if all paperwork was complete. This extensive packet was required once the judicial system was up and running. A medic performed a quick screen for acute illnesses and chronic conditions. Those detainees needing additional care were referred to the BAS (on site) and evacuated to the CSH as needed. Weapons were not allowed to be transferred with detainees, but pictures of any found on the detainee at POC were required. Transfer of detainees to higher involved the binding of hands (zip ties or, when ran out, duct tape) and sandbags placed over the head. The [redacted] provided all vehicles, and the QRF acted as the escorts. Handovers to OGA required approval through chain of command and completion of paperwork for transfer of custody. (1.1, 1.2, 1.3, 1.5) 1.5

b(6)4  
b(7)(D)A

[Large redacted block]

b(2)3  
1.7  
b(2)(B)  
1.5

Detainees had no restrictions on the practice of religion. A personal hygiene area was provided near the latrines (contractor-maintained port-a-johns). Detainees had periodic police call to clean up the general area, something they enjoyed as it got them outside. There were no detainee deaths, and no SOP to follow in the event one should occur. The procedure would be to call the BAS and notify the chain of command for guidance. (1.1, 1.2, 1.8)

Some broad issues noted by this officer: combat arms units are not trained on the necessity of or procedures for completing the paperwork needed to ensure a good legal case against a detainee; and there is a misuse of AC and RC MP units. While doctrine has IR units in the RC, and FSBs running CPs, direct support MPs ended up with many of these missions due to failure of these units to perform their assigned missions. On the other hand, this officer came across an IR unit doing customs work in Kuwait. (1.1, 1.2, 1.4, 1.7, 2.1)

Stress counseling was available and provided by CSC teams. Working and living conditions were OK, improving all the time. Command climate was good, and morale had its

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ups and downs, poor during periods of uncertainty with regard to redeployment date and slow mail service. (1.6)

This Soldier and his subordinates were aware of the requirement to report suspected cases of abuse. Reporting was up the chain of command, but they felt free to go outside the chain if needed. Detainees could report abuse by either telling an interpreter, or speaking directly with the PL (who made daily rounds of the cage). There were no cases of abuse, but on one occasion this officer had to stop a combat arms NCO from transporting a detainee in the back hatch of a HMMWV. (This was noted by one of the guards who called the PL over to stop the practice.) (1.1, 1.2)

b(6)-4 + b(7)(D)-4

(22) Observation 22: ESO and BDE Surgeon, [REDACTED] 4ID. These officers (1LT and CPT) have been in their current jobs for 18 months (ESO) and 7 months (Surgeon), and were in theater for 11 months (ESO) and 7 months (Surgeon). Neither anticipated nor was made aware of the possibility of supporting DO. There were no DO-specific doctrine/references used to prepare for or execute this mission, nor was any training on medical ops for detainees conducted. The Surgeon arrived in theater mid-summer as a replacement and received no law of war training at any time. The same standards and doctrine used for US field sites were applied to all detainee facilities. (1.1, 1.2, 1.4)

Minimum requirements for DO facilities included clean water, food, adequate latrines, blankets/bedding c/w weather, and adequate space to prevent crowding. PVNTMED assets included one ESO and one 91S at BDE, with support from division PVNTMED detachment. All FOBs (including all detainee areas) were inspected every month by this two-person team, with as many as 15 FOBs at one point in time. Inspections followed the division BCAT protocol and form. Water testing for chlorine and bacteria was performed at the BDE level, and air, water, and soil samples were collected and shipped to CONUS for more sophisticated testing. The team would stay at the inspection site for 3-5 days, and relayed any deficiencies to the local medical officer and/or CDR. Most deficiencies were corrected on the spot and prior to the team leaving. Reports were sent to the BDE Surgeon and division PVNTMED detachment. Personal hygiene products (soap, toothbrushes, toothpaste) were available for detainees, provided from excess stocks for US personnel. (1.1, 1.2, 1.3, 1.5, 1.7) 1.5

High numbers of detainees at forward areas early in the operation created some problems with having enough latrines. Port-a-johns were supplemented with burn-out latrines as needed to maintain the proper ratio of latrines to detainees. Burn pits were used for waste disposal, and dirty areas were properly situated away from water points. Water was brought in from ROWPU sources. Rodents were an ongoing problem, but adequately controlled with rodenticide. In some locations, mosquitoes were a significant issue. Division PVNTMED treated these areas with insecticide fogs as needed. There were no epidemics among detainee populations. (1.1, 1.2, 1.5, 1.8)

Field sanitation teams had been trained prior to deployment, but they were not functional in theater. The primary mission of these Soldiers consumed all available time – the secondary FST mission simply wasn't a high enough priority. There was a general lack of command emphasis on field sanitation teams, so all PVNTMED functions had to be addressed by BDE and

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DIV level specialists. Field sanitation chests were brought to theater, but shortages of insect repellents (DEET, permethrin) and water testing kits were a problem. Division PVNTMED was able to maintain a supply of water testing kits for BDE and forward, but this is not the way the system is supposed to work. (1.1, 1.2, 1.4, 1.5) 1.5

The BDE ESO had only one HMMWV (soft-shell), so transportation to FOBs was accomplished by hitching rides with units coming to the BSA or by traveling with the CSC teams or chaplains. The mobility needed by PVNTMED to inspect all field sites necessitates enough organic vehicles of the right type to satisfy convoy requirements without outside help. This ability, plus the overall workload, requires at least six 91S at each BDE, or increased manpower at DIV to perform this mission. Without the support from DIV PVNTMED (supplies and manpower to help with inspections), much of the mission would have been in jeopardy. (1.3, 1.5, 1.7, 2.1) 1.7  
1.5

There was no formal medical screening for detainees. No one knew the requirements for monthly examinations (no one had ever seen AR 190-8). BDE had X-ray capability, but this was not used for medical screening of all detainees. Medical care was readily available if the detainee complained about a medical problem, with 24/7 access to healthcare. No Iraqi physicians (RP or otherwise) were used to provide medical services to detainees. Level II care was available on-site, with MEDEVAC to the 28<sup>th</sup> CSH for higher echelon care (by air or ground, depending on condition). Treatment was never delayed due to lack of adequate transportation assets. MEDLOG was slow in the first three months, but very good thereafter. There were no cases of repatriation for medical conditions, and no awareness or procedures in place for doing so. Medical records were maintained in logs and on SF 600s. Detainee DNBI data was not collected. (1.1, 1.2, 1.3, 1.5, 1.7)

US personnel had gloves for handling detainees, but no masks were available for protection from respiratory pathogens. Stress counseling was available from CSC teams at the BSA and DSA. The 3-day stress treatment regimen was effective. (1.1, 1.2, 1.5)

There were no detainee deaths, and no procedures in place to handle them. The expected course of action was to notify the command and transfer the remains to the CSH for completion of paperwork and disposition of the body. Similarly, there was no procedure in place for reporting suspicious markings or wounds (indicative of potential abuse). There were no cases of which these officers were aware, but the need for a SOP to address this is needed. Detainees received excellent access to care and medical treatment, the same as US personnel. Iraqi hospitals were not used. (1.1, 1.2)

There was a general lack of awareness that medical requirements for DO are codified in Army publications. DO training for medical personnel is needed, and SOPs to address DO-specific issues need to be created. (1.1, 1.2, 1.4)

(23) Observation 23: Platoon Leader, [REDACTED] 4ID. This 1LT has been in his MOS for 2.5 years and spent one year in theater, eight months with [REDACTED] there was no specific doctrine or references used for DO. The [REDACTED] ended up running a holding area (CP) despite lack of experience or training in doing so, h(6)† b(7)C-4

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and the Scouts brought detainees directly from point of capture to the BDE cage. <sup>1.5</sup> The only training for DO was basic skills (TCP) that covered searches, the 5S's, and handling of detainees. Law of war training was provided by SJA, but only classes given to large audiences. There was no scenario-based training or role playing to reinforce concepts. ROE cards were handed out at this training. There was no formal sustainment training on DO in theater, and replacements were brought up to speed by OJT by squad leaders or other experienced Soldiers. ROE was briefed daily (prior to missions and at guard mounts), with hot washes following each mission. Positive reinforcement of good actions and procedures was an important means of educating the Soldiers. (1.1, 1.2, 1.4)

The Engineers holding area was two rooms in a partially constructed monument on the grounds of a new palace site. Detainees would remain here from four days to four months, based on a sliding scale standard in a DIV FRAGO, but often exceeding the 14-day limit due to a clogged system. There were no MPs at this site, so the S2 was responsible for establishing and running this facility. The guard force was a rotating duty for all Soldiers, but mostly fell on HHC personnel. Food, water, and latrines were provided IAW division guidance. The Scouts transported detainees directly to the BDE cage. <sup>1.5</sup> Initially, in-processing of detainees was fairly simple – one CPA form per individual and one sworn statement per group of detainees captured during the same mission. After new guidance from DIV, the paperwork became burdensome, requiring multiple forms and statements for every individual, taking 2-4 hours to complete. The consequence of this taxing requirement was increased screening (interrogation) at the point of capture in order to weed out those worthy of detention, i.e., those with potential intel value or participants in significant criminal activity. While this forced troops to be more selective in deciding who to detain, it required them to engage in questioning (performed by PLs and PSs at the objective) despite their lack of training on tactical interrogation techniques. (1.1, 1.2, 1.3, 1.4)

At the point of capture, detainees were zip-tied and blindfolded by whatever means handy. Vehicles for detainee transport that were readied prior to the mission were called in once the number of detainees was known (cargo HMMWV, LMTV, or 5-ton). There were adequate numbers of personnel and vehicles for transport of detainees. <sup>1.5</sup> Captured contraband was <sup>1.7</sup> inventoried and photographed. Depending on the items, they were either tagged and brought in to the BN TOC (evidence), destroyed on site (large weapons caches), kept for use by US or ICDC, or tossed in a river. (1.1, 1.2, 1.3, 1.5)

Interpreters were taken on all raids. THTs would only accompany the force on BDE-level missions (rare). <sup>1.7</sup>

<sup>b(2)-4</sup> [REDACTED] To fill this void, officers and NCOs at point of capture engaged in interrogations using techniques they literally remembered from movies. There is clearly a need for THTs at forward units to perform point of capture interrogations. In the absence of these, Soldiers need to be trained in basic tactical interrogation techniques. It's going to be done one way or the other, why not the right way? <sup>1.7</sup>

<sup>b(2)-4</sup>

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There was one medic per PLT in 299<sup>th</sup> EN; none in the Scouts. Scouts have two EMT-trained Soldiers per PLT, with the remainder all CLS-trained. Scout troops should have at least one medic each. Wounded or sick detainees were triaged and treated at point of capture and evacuated if needed to higher echelons of care via air or ground, depending on severity. The Engineers had a BAS co-located with the detainee holding area. There were no detainee deaths, and procedures for handling such events were not known (assumed they would turn over body to medical personnel and notify chain of command). (1.1, 1.2, 1.3, 1.7)

[REDACTED] 1.5  
[REDACTED] 1.5  
b(2)-3

Stress was most often the result of interruptions in the battle rhythm – additional, last-minute missions during recovery periods and downtime that prevented Soldiers from getting enough rest. Chaplains were available for stress counseling. Working and living conditions steadily improved, but there were great inconsistencies between units (had a negative effect on morale). Supply trains (log packs) were better for some units within the same area; units right across the road have A/C weeks before us. This is hard to understand. Command climate was generally good, but the 2-week CONUS leave program was administered unfairly (BN CDRs, SGMs, and their staff were given priority over front-line Soldiers, thereby engendering resentment). (1.5, 1.6)

This officer is aware of his requirement to report suspected detainee abuse. The reporting procedure was through the chain of command. Soldiers were briefed on this issue periodically. There was one incident of a Soldier hitting a detainee in the Engineers' holding area. This was reported up to BDE, investigated, and resolved. As a result, new guidance was put out restricting access to the detainee facility. There was freedom to report suspected abuse outside the chain of command. Detainees could report abuse to interpreters or directly to guards, but due to their practice of complaining about things all the time, it was unlikely they would be taken seriously. (1.1, 1.2, 1.6)

(24) Observation 24: Sensing Session, E1-E4, [REDACTED] b(6)4 b(7)(D)4 4ID. Eight Soldiers (one PFC, all others SPC) attended the session. These Soldiers operated the DIV CP and BDE CP (depending on PLT) and were in theater for one year. Law of war training was conducted in a classroom environment prior to deployment and consisted only of PowerPoint briefings (no scenario-based training). It covered treatment of detainees, including their rights, culture, and religion, and it was helpful in understanding the population when they operated in theater. DO training occurred at every field exercise, but not to a great extent. This included set-up of a mock site and walked-through scenarios. The 5S's & T were covered. (1.1, 1.2, 1.4)

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ROE training was same class as law of land warfare, and ROE cards were handed out and told to be read. The ROE changed many times, and there was reinforcement by squad and team leaders, except 5<sup>th</sup> PLT (who got minimal training). 5<sup>th</sup> PLT ran the DIV cage for 5 months until the new PMO instituted a rotational duty. ROI was briefed and was clearly understood. Guard training was based on unit SOP and occurred at all training exercises. This included searches, escalation of force, ROE, guard tower positioning, and other basic guard skills. Last-minute training in Kuwait included convoy security, react to contact for one PLT, but others had no sustainment training. No pre-combat prep time per SOP – missions began immediately (no adequate RSI – 72 hours max when SOP calls for 14 days). (1.1, 1.2, 1.4)

Regular home station training did not correspond to actual operations. NTC training was for open desert warfare, but Iraq was urban warfare. There is little to no mount training, yet this is what was most needed in the theater. Current operations extend beyond the METL. At FTX, they find that the other units do not know how to use MPs properly – only used for DMAIN security or QRF (sit on trucks for days in the field). (1.4)

The capturing unit brought in the detainee and completed all paperwork (minimum was capture tag for 3 months, then required to have full packet of forms and statements per DIV SOP). Detainees could not be accepted until all paperwork was complete. This usually took 1-2 hours (Soldiers were never trained on completing paperwork other than the capture tag), during which the detainee waited in the 5-ton, bound and blind-folded/sandbagged. Computers were eventually acquired at DIV for using NDRS/BATS, but not at BDE or forward. (1.1, 1.2, 1.5)

b(2)-7  
[REDACTED]

b(2)-3  
[REDACTED]

Discipline and security was maintained by letting detainees know who was in charge. Detainee rules were posted on a big board in Arabic, with interpreters explaining them for those who couldn't read. Escalation of force was explained [REDACTED]

b(2)-3

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Sick/wounded detainees were seen on sick call that was offered twice daily, but also had 24/7 access to care for emergencies. Medics screened all detainees at in-processing, referring those to the BAS or CSH as needed. Families could bring medications to detainees, and the addition of a contract Iraqi doctor at the BAS improved care. Detainees with TB or other communicable diseases were isolated from the others. (1.1, 1.2)

Detainees stayed at BDE for an average of 20-40 days (supposed to be 24-72 hour hold). At DIV: quick stays for HVDs (2-3 days then to BIAP), others kept for long periods of time for no reason (lost paperwork or minor infractions), 30-45 days on average. System clogged from Corps on down, and sapped manpower at lower echelons. Other factor was large sweeps, grabbing whole villages, because combat Soldiers unable to figure out who was of value and who was not. (1.1, 1.2, 1.3, 1.4)

b(2)3

[REDACTED]

b(2)3

[REDACTED]

b(2)3

[REDACTED] (1.1, 1.2, 1.5)

Detainees' complaints went through interpreters to the guards, NCOIC or OIC (and up the chain as needed). Interrogators at DIV also ask detainees if they're getting enough food, water, blankets, etc. ICRC and IG inspected periodically. (1.1, 1.2)

b(2)3

[REDACTED]

b(2)3

[REDACTED]

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Living conditions not too bad, improved over time, lots of jumping and living in trucks, then to palaces (DIV), tents at BDE, much better than a lot of units. No negative impact on morale for these units. Command climate was good early, then change of command at company and PMO led to decrease in morale – not terrible, but didn't always back Soldiers (e.g., CO relieved one Soldier for excessive force that wasn't, and spent some funds inappropriately). At BDE, no support and with little concern for Soldiers – CDR and 1SG only came by for sensitive item checks. Stress counseling – CSC teams on site (for personal and after each incident) at both BDE and DIV. (1.6)

All knew of their responsibilities to report suspected abuse of detainees. All but two stated they would report via the chain of command. Two did not know the procedures. All felt they could report outside the chain of command if needed, and one stated that he would be concerned about possible reprisal for doing so. Detainees could report abuse through the interpreters. (1.1, 1.2)

(25) Observation 25: Interrogators, 4ID. These two E4s were in theater right out of AIT, in charge of interrogations at BDE cages (sole interrogators – were supposed to have three). Both went straight from AIT to DLI, then two weeks in FT Hood before being sent to the AOR. They relied on their recent training from the schoolhouse, and didn't use any specific references or doctrine in theater. Techniques taught at schoolhouse were of basic value, but many were not applicable—they had to re-train on the ground in Iraq. The schoolhouse teaches outdated material, based on conventional warfare – beginning with questions on unit and mission, for example – with no relevance to terrorism or today's asymmetric operations. Control questions were working, repeat questioning worked, but the line of questioning was not geared to tribal organizations and other organizational structures within Middle Eastern societies. Approaches are based on western cultures, with many techniques that therefore do not work with these people. Need better prep for culture and people in the AOR. Add basic anthropology courses to schoolhouse. Map tracking doesn't work – need unclass sat photos for reference – Iraqis don't have concept of distance and direction. Units don't understand how the interrogators work, with barriers to sharing information/intel between interrogators and frontline units. (1.1, 1.2, 1.4)

 Need more time and personnel to get actionable intel using psychological techniques. Lack of space to segregate detainees hampered interrogations – detainees were able to talk to each other before questioning 

 Lots of folks conducting attacks (IEDs) are doing it for money – not out of hatred for US. (1.1, 1.2, 1.3, 1.8)

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SUBJECT: 4<sup>th</sup> Infantry Division Detainee Operations Assessment Trip Report (CONUS Team)

One of the interrogators received no law of war training; the other had some training at division in the first two weeks. Most training on ROE was OJT in theater. Soldiers conducting raids are not sufficiently trained on DO, specifically treatment of detainees LAW law of war – had to go to SJA many times about detainees arriving at the cage badly beaten. Many beatings occurred after the detainees were zip-tied by some units in 4ID. Some units wouldn't take THTs on raids because they didn't want oversight of activities that might cross the line during capture. (1.1, 1.2, 1.4)

MPs were excellent at completing the paperwork needed by MI and SJA. Unfortunately, there were very few of them. They should be used to train other units on handling and processing detainees at point of capture. Many people were conducting interrogations without any training. There were too many interrogations and not enough interrogators. The S2s were very good about using interrogators and respecting their control of the cages. BDEs were running and funding sources (not supposed to, but may have been useful). (1.1, 1.2, 1.3, 1.4, 1.7)

  
Medics had to clear sick or wounded before interrogation if they had medical complaints. MPs added medic screen before entering cage, but prior to that there was no such thing – detainees were only seen in the cage for complaints. Detainees were rarely restrained during interrogations. Interrogators did have access to personal property of detainees. Most documents collected during a raid were of little value. (1.1, 1.2)

ROE/ROI for cages included no physical contact with detainees, posting a guard inside the interrogation room, if space allowed, and proper use of proportional force if threatened. There was no SOP on interrogation times; they varied, but were almost always too short due to pressure of numbers. Few refused to talk (usu. foreign fighters). Holding deadlines were not enforced; detainees were kept as long as needed. Two or three days to DIV for those who are clearly criminals. Innocent people held long times (picked up in large sweeps) – they resent the detention and turn against the US. The longest was 40 days held without evidence. (1.1, 1.2)

Need interrogators & interpreters at every raid – THTs can screen, but they are not trained to pick out the proper people to detain. Never had B's and E's working together as designed – this is critical for proper collection of actionable intelligence. THTs need to have both B's and E's and be present on all raids to separate valuable detainees from those of little value who need not be detained. Similarly, having both MOSs represented in each cage would enhance intelligence gathering (B screens, E interrogates). Training needs to include area- and region-specific information as part of pre-deployment preparation. (1.1, 1.2, 1.3, 1.4, 1.7)

The interrogators had a very good relationship with OGA. There was never a case of a detainee being returned in worse condition from OGA (all were re-inprocessed when brought back from outside interrogations at 1BCT, but not 2BCT). OGA had great information, and the shared intelligence was valuable to both parties. In general, the interpreters were trustworthy.

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Contract interrogators were very good. They had the right equipment, databases, and good intelligence. Mostly prior military, they were very good at strictly adhering to the law of war. The Army needs to use more of these contractors. (1.1, 1.2, 1.3, 1.7)

Living and working conditions were appropriate and expected for the situation. Gradual improvement as expected. No real complaints. Command climate was good given resources. Morale high initially, then as combat phase ended, morale decreased. Started hating place, but appropriate for the conditions. Stress counseling – group class by CSC team or NCO/S2 offered day off. (1.6)

Reporting abuse – no SOP, but sent reports straight to BDE S2. There was no feedback to know what actions, if any, were taken. There were some investigations on at least some cases. Reported outside the chain a couple of times – went to SJA. Detainees could report abuse to the interrogators, interpreters, or MPs. Any physical marks were asked about during interrogations. There were no cases of abuse within the detention facilities. There was no formal SOP for reporting detainee abuse, just verbal directives from division. The only area of concern re: Geneva was the use of certain stress positions. (1.1, 1.2, 1.6) b(6)4

One of the units with repeated problems was the [REDACTED] a unit performing raids and other missions for which they were not trained. They were running their own HUMINT sources, and otherwise acting like a group of “James Bonds”, overstepping any rules as they saw fit. They provided one of their interpreters (codenamed “Cobra”) with a weapon to conduct raids on his own. He’d bring any detainees to the unit. [REDACTED] b(7)(A)

(26) Observation 26: Sensing Session, E1-E4, [REDACTED] 4ID. These six Soldiers were responsible for detainees at point of capture. They were in theater for 4-12 months. Law of war training (incl. safeguarding and treatment of detainees) consisted of several classes pre-deployment and briefs in theater. Classes were given by NCOs in the PLT, with oversight of PS/PL. Training included 5S’s and ROE (“can’t hit them after you cuff them”). NCOs did scenario-based training and demonstrations. Replacements were not formally trained on DO – there was no plan for train-up other than squad-level OJT on initial raid. There was no sustainment training – on missions constantly. There were on-the-spot corrections if Soldiers were mishandling detainees. Home station training did not prepare unit for operations they were involved in while in the AOR. Training at home is geared toward mech ID support (breaching obstacles, mine field clearance), but were doing demolition and raids, crowd control, distribution of fuel and money, and patrols in theater. There was no training on this – not prepared for these missions. There is minimal mount training at home station, yet this was the primary method of operation in theater. MOS-specific training was all they had time for prior to deployment due to short suspense. BCT does not provide anything more than orientation to the Army (only one day of mount training); need more mount training and DO in BCT and AIT. Mobile mount training

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(1.1, 1.2, 1.4, 4.1) The NCOs said they did do some MOUT training at their Home Station this was valuable to them once they got to the Theater. (1.1, 1.2, 1.4, 4.1) The NCOs said they did conduct training at Home Station on the detailed searching of detainees. (1.1, 1.2, 1.4, 4.1) The NCOs felt they needed additional training on the collecting of evidence. (1.1, 1.2, 1.4, 4.1) They NCOs also stated that they needed training on the use of non-lethal ammunition and non-lethal restraint techniques. (1.1, 1.2, 1.4, 4.1) The unit did receive training on the Law of War. (1.1, 1.2, 1.4, 4.1) Battalion mandated the training down to company level. (1.1, 1.2, 1.4)

Their Law of War training did cover the treatment of Detainees. (1.1, 1.2, 1.4, 4.1) When the unit received replacements there was not a formal training program for them; the training for these new arrivals was decentralized down to Squad Leader level. (1.1, 1.2, 1.4, 4.1) The new arrival was integrated into the unit using the crawl, walk, and then run phases of training. (1.1, 1.2, 1.4, 4.1) The unit conducted a minimum amount of ROE training at its Home Station. (1.1, 1.2, 1.4, 4.1) The NCOs said the unit did not train on the Rules of Interaction with the detainees. (1.4, 4.1) The unit conducted sustainment training while in Kuwait. (1.1, 1.2, 1.4, 4.1) The sustainment training covered the Geneva Convention, The Law of War, and Rules of Engagement. (1.1, 1.2, 1.4, 4.1) The NCOs said their training at Home Station concentrated on a linear battlefield tasks. (1.1, 1.2, 1.4, 4.1) The said they spent too much time on the importance of installing a correct minefield and they never installed a minefield. (1.1, 1.2, 1.4, 4.1) The NCOs said our enemies will not just sit in front of us and go force against force, those days of conventional warfare are over. (1.1, 1.2, 1.4, 4.1) The NCOs said the training they received at PME did not prepare them to conduct detainee operations. (1.1, 1.4) PLDC needs to stay concentrated on the development of Leadership skills for the junior Soldier. (1.1, 1.4) But, if changes are made to PME the NCOs suggested to keep it simple and concentrate on the 5Ss & T. (1.1, 4.1)

The NCOs were told by the company leadership to reinforce their training on the ROE whenever an opportunity develops. (1.1, 1.2, 1.4, 1.6, 4.1) The NCOs maintained discipline of the detainees by using a show of force. (1.1, 1.2, 4.1) The NCOs said the minimum standard for the treatment of detainees was to provide them food, water, and shelter. (1.1, 1.2, 4.1) The PSG supervised all treatment of the Detainees once captured. (1.1, 1.2, 4.1) These procedures ensured that Soldiers were not left alone to supervise the Detainees. (1.1, 1.2, 4.1) At the point of capture they were supposed to only tag the detainee with their name and house number apprehended from. (1.1, 1.2, 1.8) The house number used was one derived from satellite photos used to identify target locations. (1.1, 1.2,) The detainees once tagged were turned over to the 1SG for transporting to Battalion. (1.1, 1.2, 1.5, 4.1)

b(2)-3

[REDACTED]

[REDACTED] .5) The NCOs said if a detainee dies in their custody they would report the incident to their PSG. (1.1, 1.2, 4.1) The Chaplin made himself available for stress counseling. (1.1, 1.2, 1.6, 2.1, 4.1)

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The NCOs said their living condition were poor. The NCOs were aware of their requirement to report detainee abuse. (1.1, 1.2, 4.1) The NCOs said their subordinates were also aware of their requirement to report detainee abuse. (1.1, 1.2, 4.1) The NCOs felt that there was no problem in reporting incidents of detainee abuse outside of their command channels. (1.1, 1.2, 1.6, 4.1) The NCOs had no incidents of detainee abuse to report.

(28) Observation 28: Sensing Session [REDACTED] 4th ID. These seven NCOs were involved with operating the Division and Brigade collection point. The data derived from this Sensing session that deals with the operation of a collection point cannot be substantiated. Once the Sensing Session begun it became evident that we had Soldiers from all three brigades. This became an issue because as a Division MP company, it was decentralized into five different platoons, with each assigned to a different brigade, the DMAIN, and the Division Cage. This mixing of the platoons would not allow me to get a good idea for the functioning of the brigade or even Division collection points. The MP platoons that these Soldiers were assigned had very different missions. One did not even have a role with the collection point. Therefore, I will concentrate this summary on the training conducted by the Division MP Company prior to deployment to the AOR. In addition, talk about shortfalls in resources and personnel and equipment. Then I will close this summary with the questions dealing with command climate and detainee abuse. The NCOs used their Company ACSOP, platoon TTP's, FM 3-19.40, AR 190-8, SM-31'B-STP, and the Brigade TACSOP to understand the procedures to operate a collection point. (1.1, 1.2, 1.4, 1.6, 4.1)

The unit received Law of War training given by the Brigade JAG officer. (1.1, 1.2, 1.4, 4.1) The Law of War training covered the basic provisions of the Geneva Convention that included the treatment of detainees. (1.1, 1.2, 1.4, 4.1) EPW operations are a METL task for the Company, so the unit trains extensively on the general protection policy as it pertains to detainees. (1.1, 1.2, 4.1) The unit received formal training on the ROE; the PSG ensured that all Soldiers could apply the escalation of force triggers properly. (1.4, 4.1) The NCOs felt that PME offered no credible training ISO detainee operations. (1.1, 1.4) The unit had the [REDACTED]

[REDACTED] assigned to support detainee operations. (1.1, 1.2, 1.3)

[REDACTED] (1.1, 1.2, 1.5, 1.8) The detainees used a slit trench latrine. (1.1, 1.2, 4.1) Bottled water was supplied to the detainees. (1.1, 1.2, 1.8) The unit found shanks, large sums of money, alcohol, and TA-50 on the detainees.

[REDACTED] (1.8) The detainee complaints were handled through the PSG/Pl level. (1.1, 1.2, 4.1)

The units provided the detainee three MREs a day. (1.1, 1.2, 1.8, 4.1) The unit did not experience any difficulty in transporting detainees. (1.5, 2.1) The NCOs knew the procedures to refer their subordinates to stress counseling. (1.1, 1.2, 1.6, 2.1, 4.1) The stress management team would make rounds to all the camps, and the commands made their briefings mandatory. (1.1, 1.2, 1.6, 2.1, 4.1) The overall morale and command climate of the unit was good. The NCOs were aware of their requirements to report detainee abuse. (1.1, 1.2, 1.6, 4.1) The NCOs said their subordinates were aware of their requirements to report detainee abuse. (1.1, 1.2, 1.6, 4.1) All reports of abuse would be reported through the PI/PSG level. (1.1, 1.2, 1.6, 4.1) If a detainee

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wanted to report abuse he would get the chance when interviewed by the CI or when the Red Cross visited the camp. (1.1, 1.2, 1.6, 4.1) The NCOs had no incidents of detainee abuse to report. (1.1, 1.2, 1.6, 4.1)

5. FINDINGS (INTERIM FINDINGS OBSERVED ON A SINGLE TRIP), IF APPLICABLE:

a. Finding 1 (Objective/Subtask)

(1) Standard:

(2) Discussion:

(3) Root Causes:

(4) Interim Recommendations:

6. GOOD NEWS STORIES:

7. ADDITIONAL INFORMATION: N/A

3 Encls

Interview Sheets  
Document Review Sheets  
Miscellaneous Documentation

  
LTC, IG  
CONUS Team

b(6)-2 + b(7)(C)-2

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