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**AR 15-6 INVESTIGATION OF THE
ABU GHRAIB DETENTION FACILITY AND
205th MILITARY INTELLIGENCE BRIGADE (U)**

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(Reference Annex J, Appendix 2, Counter-Resistance Techniques)

(6) (U) No regulatory guidance exists for interrogators aside from DoD Directives 2310.1, DoD Program for Enemy Prisoners of War and Other Detainees and 5100.77, DoD Law of War Program. The most current interrogation procedural guidance is in the 1992 FM 34-52. (Reference Annex M, Appendix 1, DoD Directive 2310.1; Annex M, Appendix 1, DoD Directive 5100.77).

(b) (U) Development of Intelligence and Interrogation Policy in Iraq and Abu Ghraib.

(b)(2)High

(b)(1)1.4c, (b)(3), (b)(6)

(b)(1)1.4c, (b)(3), (b)(6) (Reference Annex J, Appendix 3, JTF-121, BITF Policy; Annex J, Appendix 3, 030726 A Company, 519th MI Battalion, SFIF Interrogation Policy; Annex J, Appendix 3, 030827 A Company, 519th MI Battalion, SFIF Interrogation Policy)

(3) (U) Meanwhile, at Headquarters, CJTF-7, as the need for actionable intelligence rose, the realization dawned that pre-war planning had not included planning for detainee operations. Believing that FM 34-52 was not sufficiently or doctrinally clear for the situation in Iraq, CJTF-7 staff sought to synchronize detainee operations, which ultimately resulted in a methodology and structure derived from the JTF-GTMO system as presented by MG G. Miller. At the same time, LTG Sanchez directed that an interrogation policy be established that would address "permissible techniques and safeguards for interrogators" for use in Iraq. The CJTF-7 staff relied heavily on the series of SOPs which MG G. Miller provided to develop not only the

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structure, but also the interrogation policies for detainee operations (Reference Annex B, Appendix 1, SANCHEZ).

(4) (U) On 10 September 2003, CP (b)(3), (b)(6) assigned to the 205 MI BDE as the Command Judge Advocate, was tasked by COL (b)(3), (b)(6) the Staff Judge Advocate (SJA) for CJTF-7, to work with MAJ (b)(3), (b)(6) and MAJ (b)(3), (b)(6) from the CJTF-7 Office of the Staff Judge Advocate (OSJA) to produce a set of interrogation rules. The OSJA identified interrogation policies from the SECDEF 16 April 2003 memo for JTF-GTMO operations. OSJA provided CP (b)(3), (b)(6) the 16 April 2003 SECDEF memorandum, which he copied almost verbatim onto a document entitled CJTF-7 Interrogation and Counter-Resistance Policy (ICRP). This document was developed without reference to the 519 MI BN's July 2003 and August 2003 memos. CP (b)(3), (b)(6) sent the policy memo to the 519 MI BN for coordination, and the 519 MI BN (b)(2)High from its 27 August 2003 memo. The use of all the techniques was to apply to interrogations of detainees, security internees, and EPWs. CP (b)(3), (b)(6) finalized the combined memo and sent it back to the CJTF-7 SJA. It also went to the CJ-2, CJ-3, and the Commander, 205 MI BDE, who until that point had apparently not been involved in drafting or approving the policy. (Reference Annex B, Appendix 1, (b)(3), (b)(6) (b)(3), (b)(6) Annex J, Appendix 3, CJTF-7 Interrogation and Counter-Resistance Policy, [1st Draft], Annex J, Appendix 3, CJTF-7 Interrogation and Counter-Resistance Policy, [2nd Draft])

(5) (U) Between 10 and 14 September 2003, the OSJA at CJTF-7 changed the 10 September 2003 memo to reflect the addition of the techniques that were not included in the JTF-GTMO policy; i.e., the use of (b)(2)High

(b)(5)

(b)(1)1.4c

(b)(1)1.4c (Reference Annex J, Appendix 3,
030914 CJTF-7 Interrogation and Counter-Resistance Policy)

(b)(1)1.4c

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(b)(1)1.4c

(b)(1)1.4c (Reference Annex J, Appendix 3,
030914 CJTF-7 Interrogation and Counter-Resistance Policy)

(b)(1)1.4c, (b)(5)

(b)(1)1.4c, (b)(5) (Reference Annex J, Appendix 3,
030928 Interrogation and Counter Resistance Policy; Annex J, Appendix 3, 031005 Interrogation
and Counter-Resistance Policy).

(9) (S//NF) On 12 October 2003, LTG Sanchez signed a second CJTF-7
Interrogation and Counter-Resistance Policy for use in Iraq, substantially derived from the 5
October 2003 memo.

(b)(1)1.4c

(b)(1)1.4c

(Reference Annex J, Appendix 3, 031012 Interrogation and Counter-Resistance Policy).

(10) (U) The 12 October 2003 policy significantly changed the tone and substance
of the previous policy. It removed any approach not listed in the 1987 FM 34-52. While
acknowledging the applicability of the Geneva Conventions and the duty to treat all detainees
humanely, it also cited Articles 5 and 78 noting specifically that those “detainees engaged in
activities hostile to security of coalition forces had forfeited their Geneva Convention rights of
communication.” It also included provisions found in the superseded 1987 FM 34-52 that
authorized interrogators to control all aspects of the interrogation, “to include lighting, and
heating, as well as food, clothing and shelter given to detainees.” This phrase was specifically
left out of the 1992 version (See section 3a(2), above). The 12 October 2003 policy (b)(2)High

(b)(2)High

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(11) (S//NF) This 12 October 2003 memorandum, intended by CJTF SJA staff to be clear, succinct, and understandable at all levels, confused doctrine and policy even further. The drafters of the 28 September 2003 and 5 October 2003 policy specifically referred to language in the 1987 field manual. It is unclear how the staff in Iraq came to reference the older version, but this reference clearly led to confusion on what practices were acceptable. Specifically, the earlier manual was quoted in several policy memos:

(b)(1)1.4c

(b)(1)1.4c

(Reference Annex B, Appendix 1, SANCHEZ; Annex M, Appendix 3; FM 34-52, Interrogation Operations, [1987 and 1992 versions]).

(b)(1)1.4c, (b)(3), (b)(6)

(b)(1)1.4c

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(b)(1)1.4c

(b)(1)1.4c

(b)(1)1.4c (Reference Annex B, Appendix 1,
SANCHEZ)

(15) (U) On 16 October 2003, the JIDC Interrogation Operations Officer, CPT
(b)(3), (b)(6) produced an "Interrogation Rules of Engagement" chart as an aid for
interrogators, graphically portraying the 12 October 2003 policy. It listed the approved
approaches, and identified the approaches which had been removed as authorized interrogation
approaches, which nonetheless could be used with LTG Sanchez's approval. The chart was
confusing, however. It was not completely accurate and could be subject to various
interpretations.

previously had

(b)(5)

(b)(5) The right side of the chart listed approaches that required LTG Sanchez's prior
approval. What was particularly confusing was that nowhere on the chart did it mention a
number of techniques that were in use at the time:

(b)(2)High

(b)(2)High Given the detail otherwise noted on the aid,
the failure to list some techniques left a question of whether they were authorized for use without
approval. (Reference Annex J, Appendix 4, CJTF-7 IROE training card)

(16) (U) By mid-October, interrogation policy in Iraq had changed three times in
less than 30 days. Various versions of each draft and policy were circulated among Abu Ghraib,
205 MI BDE, CJTF-7 C2, and CJTF-7 SJA. Anecdotal evidence suggests that personnel were
confused about the approved policy from as early as 14 September 2003. The SJA believed that
the 14 September 2003 policy was not to be implemented until CENTCOM approved it.

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Meanwhile, interrogators in Abu Ghraib began operating under it immediately. It was not always clear to JIDC officers what approaches required LTG Sanchez's approval, nor was the level of approval consistent with requirements in other commands. The JIDC October 2003 SOP, likewise created by CPT(b)(3), (b)(6) was remarkably similar to the Bagram (Afghanistan) Collection Point SOP. Prior to deployment to Iraq, CPT(b)(3), (b)(6) unit (A/519 MI BN) allegedly conducted the abusive interrogation practices in Bagram resulting in a Criminal Investigation Command (CID) homicide investigation. The October 2003 JIDC SOP addressed requirements for monitoring interrogations, developing detailed interrogation plans, delegating interrogation plan approval authority to the Interrogation Officer in Charge (OIC), and report writing. It failed to mention details concerning ICRP, approval requirements or procedures. Interrogators, with their section leaders' knowledge, routinely utilized approaches/techniques without obtaining the required authority, indicating confusion at a minimum of two levels of supervision. (Reference Annex J, Appendix 4, JIDC Interrogation SOP; Annex J, Appendix 4, CJTF-180 Bagram Collection Point SOP)

(17) (U) Concepts for the non-doctrinal, non-field manual approaches and practices clearly came from documents and personnel in Afghanistan and Guantanamo. The techniques employed in JTF-GTMO included the use of stress positions, isolation for up to thirty days, removal of clothing, and the use of detainees' phobias (such as the use of dogs) as the 2 December 2002 Counter-Resistance memo, and subsequent statements demonstrate. As the CID investigation mentioned above shows, from December 2002,

(b)(2)High

(b)(2)High

Some of the CJTF-7 ICRPs neither effectively addressed these practices, nor curtailed their use. (Annex J, Appendix 2, Tab A, Counter-Resistance Techniques; Annex J, Appendix 2, Interrogation Techniques; Annex E, Appendix 4, CID Report)

(b)(1)1.4c

(b)(1)1.4c

(Reference Annex J,

Appendix 3)

(6) (U) Other Regulatory Procedural Guidance