

Office of the Inspector General of the Department of Defense

Report No. 06-INTEL-10
(Project No. D2004-DINT01-0174)

August 25, 2006

Review of DoD-Directed Investigations of Detainee Abuse

Executive Summary

Who Should Read This Report and Why? DoD officials overseeing and determining policy on detainee operations and training personnel involved in detention and interrogation operations should read this report to understand the significance of oversight, timely reporting, and investigating allegations of detainee and prisoner abuse.

Background. Following news media reports of allegations that U.S. Forces were abusing detainees held at detention facilities in Iraq, on May 7, 2004, 110 Members of Congress formally requested of the Secretary of Defense that the DoD Inspector General “supervise the investigations of tortured Iraqi prisoners of war and other reported gross violations of the Geneva Conventions at Abu Ghraib Prison in Iraq.” In response to this request, the Inspector General announced, in a May 13, 2004, memorandum to the Secretaries of the Military Departments, the establishment of a multidisciplinary team to monitor allegations of detainee and prisoner abuse. This announcement generated a reporting requirement for the various military criminal investigative organizations and other agencies reporting allegations of detainee and prisoner abuse on the status of all open and closed investigations. The multidisciplinary team comprised personnel from two separate functional components of the DoD Office of Inspector General, with two separate objectives. For the first objective, the Office of Investigative Policy and Oversight evaluated the thoroughness and timeliness of criminal investigations into allegations of detainee abuse by focusing on the closed case files of 50 criminal investigations of allegations. That office issued a separate report on August 25, 2006.

For the second objective, the Office of the Deputy Inspector General for Intelligence monitored allegations of detainee and prisoner abuse and evaluated the 13 senior-level inspections, assessments, reviews, and investigations of detention and interrogation operations that were initiated as a result of allegations of detainee abuse. The purpose of this review was to evaluate the reports to determine whether any overarching systemic issues should be addressed.

The Deputy Inspector General for Intelligence’s team developed a matrix to assist in tracking the growth in the number of allegations of criminal and noncriminal detainee abuse. As of February 27, 2006, DoD Components opened 842 criminal investigations or inquiries into allegations of detainee and prisoner abuse. A matrix detailing the status of these allegations is at Appendix P. According to the Deputy Assistant Secretary of Defense for Detainee Affairs, as of May 2005, more than 70,000 individuals have been detained by U.S. military and security forces since military operations began in Afghanistan on October 7, 2001.

Beginning on August 31, 2003, through April 1, 2005, DoD officials released 13 senior-level reports that included 492 separate recommendations. The Secretary of Defense established the Detainee Senior Leadership Oversight Committee to review and track all recommendations. Commanders and their respective Inspectors General should implement adequate corrective actions to prevent reoccurrence of the conditions identified. As of March 1, 2006, 421 recommendations were closed and 71 recommendations remained open.

Results. The 13 senior-level reports provided extensive coverage of interrogation and detention operations, including detainee abuse. However, we identified three areas that should be examined further.

Allegations of detainee abuse were not consistently reported, investigated, or managed in an effective, systematic, and timely manner. Multiple reporting channels were available for reporting allegations and, once reported, command discretion could be used in determining the action to be taken on the reported allegation. We did not identify any specific allegations that were not reported or reported and not investigated. Nevertheless, no single entity within any level of command was aware of the scope and breadth of detainee abuse. The Secretary of Defense should, when applicable, direct that all Combatant Commanders assign a Deputy Commanding General for Detention Operations, based on mission assignments. The Chairman, Joint Chiefs of Staff should expedite issuance of Joint Publications that outline responsibilities for intelligence interrogations. (See Finding A.)

Interrogation support in Iraq lacked unity of command and unity of effort. Multiple DoD organizations planned and executed diverse interrogation operations without clearly defined command relationships, common objectives, and a common understanding of interrogation guidance. The Under Secretary of Defense for Intelligence and the Under Secretary of Defense for Policy should expedite issuance of relevant Manuals and Directives. The Chairman, Joint Chiefs of Staff and the Secretary of the Army should also expedite issuance of Joint and Multi-Service Publications. (See Finding B.)

Counterresistance interrogation techniques migrated to Iraq, in part, because operations personnel believed that traditional interrogation techniques were no longer effective for all detainees. In addition, policy for and oversight of interrogation procedures were ineffective. As a result, interrogation techniques and procedures used exceeded the limits established in the Army Field Manual 34-52, "Intelligence Interrogation," September 28, 1992. The Under Secretary of Defense for Intelligence in coordination with the Commander, U.S. Joint Forces Command should develop and implement policy and procedures to preclude introducing survival, escape, resistance, and evasion techniques in an environment other than training. (See Finding C.)

Management Comments. The Under Secretary of Defense for Policy concurred with one recommendation and nonconcurred with Recommendation B.2. requesting we redirect the recommendation to the Secretary of the Army. We redirected Recommendation B.2. to the Secretary of the Army.

The Department of the Army G-2 concurred with the report, with comments. In response to verbal comments from the Under Secretary of Defense for Intelligence, we revised Recommendation B.4. to request that the Under Secretary of Defense for Intelligence, in coordination with the Secretary of the Army, expedite the issuance of Army Field Manual 2-22.3, "Human Intelligence Collector Operations."

Although not required to provide comments, the Director, Defense Intelligence Agency and the Department of the Army Inspector General concurred with the report, with comments.

The Director, Joint Staff nonconcurred with findings and recommendations that he believed assigned responsibilities to the Chairman of the Joint Chiefs of Staff that were beyond his statutory authority. The Director, Joint Staff did not address specific recommendations directed to the Chairman that are within his statutory authority. We consider these comments nonresponsive and request that the Director, Joint Staff comment on the recommendations by September 29, 2006.

We did not receive written comments on the draft report from the Secretary of the Defense; the Under Secretary of Defense for Intelligence; and the Commander, Joint Forces Command. Therefore, we request the Secretary of Defense, the Under Secretary of Defense for Intelligence, and the Commander, Joint Forces Command provide comments by September 29, 2006.