



DEPARTMENT OF DEFENSE
JOINT PERSONNEL RECOVERY AGENCY
10244 BURBECK ROAD - BUILDING 358
FORT BELVOIR, VIRGINIA 22060-5805

JPRA-10.11^(FOIA)
29 December 2011

Mr. Michael Otterman
Visiting Scholar
Centre for Peace & Conflict Studies
Mackie Building K01
University of Sydney
NSW, 2006 Australia

Dear Mr. Otterman,

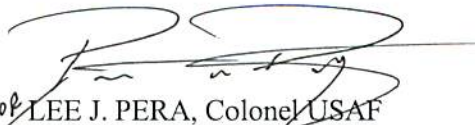
This responds to the 21 June 2007, Freedom of Information Act (FOIA) request you submitted to the U.S. Joint Forces Command, in which you requested "the complete set of After Action Reports filed by members of Joint Personnel Recovery Agency sent to Iraq to train members of Task Force 20 in September 2003". Your request noted further that "this event, plus the existence of the After Action Reports, is detailed on page 28 of the Inspector General Review of DoD-Directed Investigations of Detainee Abuse". Your request was forwarded to our agency for direct response and assigned Case File Number JPRA-10.11.

We have identified two documents as being responsive to your request. Upon review, it was determined that these documents are partially exempt from disclosure under the FOIA in accordance with (IAW) Title 5 U.S.C. §552(b)(1), (b)(3), (b)(5), and (b)(6) respectively. These statutes: (1) govern the release of classified/sensitive information which is currently and properly classified IAW Executive Order 13526-Classified National Security Information; (2) prohibit disclosure of matters specifically exempted by other statutes... Title 10 U.S.C. §424; (3) protect opinions given by attorney to client based on facts divulged to attorney; and (4) protect an individual's personal privacy. The releasable portions of the documents you seek are attached.

Since your request has been denied in part, you are advised of your right to appeal this determination, in writing to: Mr. Jim Hogan / Chief, Policy, Appeals & Litigation Branch / Office of Freedom of Information / 1155 Defense Pentagon / Washington, DC 20301-1155 / Fax: (703) 696-4506. Your appeal should be postmarked within 60 calendar days of the date of this letter, be clearly marked "Freedom of Information Act Appeal", and should cite the case number JPRA-10.11.

Any questions concerning this correspondence should be directed to Ms. Helen Thorpe, FOIA Coordinator at 703.704.0637, foia@jptra.mil.

Sincerely,


Col LEE J. PERA, Colonel USAF
Commander

2 Attachments
(1) Kleinman After Action Report
(2) Russell After Action Report

Comments in red made by (b)(6), 30 September 2003

Trip Report – TDY to CENTCOM AOR, 1-24 Sep 03

Team Members (b)(6)

- (U)
1. ~~(S//NF)~~ Security Caveat. Upon our departure from the duty location, the supported organization required each of us to accomplish a nondisclosure agreement (NDA) that placed significant limitations on the details of our actions that can be reported herein. While the provision of a day-to-day accounting of our activities while in-place is therefore not an option, a generic rendering of observations and lessons learned will provide the reader with a sufficient understanding of the experience to appreciate the critical recommendations offered infra.

(U)

 2. ~~(S//NF)~~ Supported Command Guidance. The commission given us by the on-scene task force commander (TF/CC) was to identify how the exploitation processes currently being employed could be improved in the hopes of enhancing the collection of timely, task force requirements-driven intelligence obtained from detainees being examined at the interrogation facility. While he noted that his original intention was to have the JPRA cadre actually take temporary managerial control of the facility, that plan had subsequently been modified to the more modest agenda described above. Under this scenario, in addition to serving in a consultative capacity, the TF/CC also sought to have JPRA cadre members take part in the direct exploitation of detainees. A caveat expressed by the TF/CC, and echoed by other members of the task force staff, was that the interrogators assigned to the facility may not be receptive to the recommendations of an outside team of “experts.” (Note: In a subsequent one-on-one meeting with the TF/CC, he amplified on his expectations for the JPRA cadre coming in. Essentially, he wanted us to offer whatever insights, recommendations, and technical advice we felt appropriate to the situation; however, he also felt that it would be up to the individual interrogators whether or not to accept our input. Our methodology, he noted, could not be forced upon them.)

(U)

 3. ~~(S//NF)~~ JPRA Presentation. Our first interaction with the interrogation staff began with a comprehensive overview of the JPRA exploitation cycle and supporting methodologies presented by (b)(6) supplemented by helpful commentary/amplification from (b)(6). This was followed by an explanation how to use status boards to document and track that process as it involved a specific detainee undergoing exploitation. This presentation was followed by a brief question and answer period. While the interrogators asked few questions, one of the interrogators voiced a strong disinclination to follow such a process, citing the additional time and effort required as uncompensated by the possible increase in effectiveness the process might generate. (Note: This same individual proved resistant to not only the recommendations of the JPRA cadre, but also the directions issued by his chain-of-command.) Comment: I do not think there was a strong disinclination to the process from this one interrogator. He agreed with nearly everything, except he did disagree that an individual should be subjected to (b)(1) without first being questioned and an assessment made. He felt (b)(1) had a role, but rather than an automatic application, it should be used when necessary. This was especially important, in his view, when dealing with family

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members or others in an unknown resistant state. Thus, the need for an initial direct-questioning interrogation and assessment prior to any application of a stressful nature. I've come to agree with him. The detainees that they were receiving were in many cases innocent or any wrongdoing and were, in some cases, willing to become confidential informants. Those persons need initial screening and assessment before any automatic use of stress. During PRA training we apply (b)(1) immediately because we know the students are in fact "guilty" of some wrongdoing and were captured red-handed. In their world, the detainees were not so easily categorized. In regards to the status boards, I think he was less resistant to the concept vs the time it would take from his report writing at the high op-tempo they were experiencing prior to our arrival. Subsequent to this meeting, he did use the status-boards and I think he found them useful.

4. (U) (S//NF) Legal Considerations. One of the key shortfalls I immediately observed were the lack of clear guidance on the legal status of the detainees and the absence of definitive directions pertaining to the treatment of those detainees. [REDACTED]

(b)(5)

The key provisions of that agreement, as set forth in Article 17, include the following extraction:

"No physical or mental torture, nor any form of coercion, may be inflicted on prisoners of war to secure from them any information of any kind whatever. Prisoners of war who refuse to answer may not be threatened, insulted, or exposed to any unpleasant or disadvantageous treatment of any kind."

"The questioning of prisoners of war shall be carried out in a language which they understand."

5. (U) (S//NF) Legal Concerns. This level of protection was consistent with the restrictions articulated in the dozens of (b)(5) [REDACTED]

[REDACTED] in the course of teaching the Air Force Combat Interrogation Course for over seven years. [REDACTED]

(b)(5)

This assessment was communicated to HQ JPRA both through the current operations desk and in subsequent secure telephone consultations with JPRA/CC and CV. (Note: In fairness to my colleagues, (b)(6) [REDACTED], it is important to document that we debated this issue at length. Their steadfast position directly contrasted my own and remained consistent to that set forth by HQ JPRA.)

- a. (U) (S//NF) My position led to two controversial acts on my part. First, I directly observed an interrogation in progress that employed methods that I assessed as clear violations of the GC. Acting upon my UCMJ responsibility as an officer in the U.S. armed forces, I acted to terminate the activity. Before doing so, I stepped from the room and sought out the officer in charge of the facility. I described my observations, my convictions, and my

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recommendation that the session be halted immediately. His response was, "Your judgment is my judgment. Do what you think is right." I returned to the facility, asked (b)(6) to join me outside the interrogation room and apprised them of my plan of action. Both gentlemen disagreed not only with my assessment, but also with my plan of action. I made the decision to proceed and had the interrogator stop the interrogation and report to me privately in another room. I explained specifically how and why his methods were a violation of the Geneva Convention and TF. It was agreed that policy had been fairly vague to this point, but he accepted my direction without reservation. I allowed him the option of returning to the activity provided he change his methods. **Comment: I think the clear violation of the TF policy was of a minor nature –**

that being a 10-minute extension of the kneeling policy. The use of insult slaps was, in the opinion of (b)(6), serious enough to stop the interrogation – an action I did not then or now feel warranted his direct intervention. I cannot comment on J2-X's stated view to (b)(6) at the time – however, J2-X did indicate to me later that evening that he did not agree with the intervention. Nevertheless, if intervention was necessary, using the interrogator's chain of command would have been the more appropriate choice. (b)(6) and I both advised (b)(6) of that option. This direct intervention by JPRA staff, vs. having their own chain of command step in, resulted in irrevocable damage of our relationship with the staff.

(U)

- b. ~~(S//NF)~~ It was at this point that the second area of controversy arose as I brought my concerns to the current operations desk at HQ JPRA and, subsequently, to the JPRA/CC directly. (In all my communications with HQ JPRA, I ensured there was an understanding that my position was not shared by my colleagues and, therefore, any responsibility issuing from my actions is mine alone to bear). After a subsequent secure telecom between JPRA/CC and the TF/CC, I received a call from JPRA/CC informing me that we were "cleared hot" to employ the full range of JPRA methods to include specifically the following:

- Walling
- Sleep Deprivation
- Isolation
- Physical Pressures (to include various stress positions, facial and stomach slaps, and finger pokes to chest)
- Space/Time Disorientation
- White Noise

(U)

- c. ~~(S//NF)~~ I passed on this direction to (b)(6), explaining they were free to act upon their professional knowledge and expertise at JPRA in making recommendations pursuant to possible changes in methodologies. They quickly acted upon this guidance and took the lead in an extensive exploitation scenario involving an apparently resistant detainee. At the same time, I also expressed the fact to them in private that I disagreed with that guidance and that I would not personally recommend nor teach the use of these methods. Instead, I would concentrate on sharing the methods and strategies I had learned from almost twenty years of experience in intelligence interrogation. **Comment: Our direct involvement was not "...quickly acted upon". In**

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fact, in coordination with J2-X and his interrogation team, we discussed a wide range of options and scenarios whereby how the detainee might be exploited. The scenario and methods chosen, that included only isolation and sleep deprivation from the above list, were employed a number of hours later, and after yet another meeting to ensure everyone knew what we were going to do, that everyone was clear on their respective roles and responsibilities, and the holding cell site was examined for safety considerations. The use of isolation and sleep deprivation were employed IAW with existing TF guidance and policy. The entire scenario was observed and monitored by J2-X.

6. (U)
(S/NF) Impact on Mission.

(b)(5)

Given the confusion surrounding the established policy relative to the treatment of detainees and the apparent approval to employ these methods, I recommended that he arrange a formal briefing to the facility staff.

(b)(5)

(with the use of certain stress positions, such as kneeling on a hard floor for up to 30 minutes, cited as an acceptable method). The overall result of this briefing was a marginalization of JPRA as a direct player in the exploitation effort. Subsequent to this, our involvement was limited to individual attempts to assist. My activities involved taking the lead in several interrogations, helping in the design and implementation of interrogation plans, structuring questions to be used in the administration of polygraph examinations, and several one-on-one tutorials on such topics as the detection of deception, behavioral flexibility and effective use of set and setting in the interrogation room. (For a description of the services performed by

(b)(6)

(b)(6), I refer the reader to their respective trip reports.)

Comment: It is important to remember that the approval of these methods was only after a secure telecom between JPRA/CC and the TF/CC. This would seem to mean that the TF/CC approved the tactics, and he, being the ultimate responsible party, was not risk-adverse to their use.

(b)(5)

(b)(5) he should have addressed those concerns with the TF/CC, which prior to the meeting with the J2-X staff, he had not done. The "...marginalization of JPRA as a direct player in the exploitation effort" was certainly a result of this meeting. However, I think it was the stated perception of the J2-X and his staff that JPRA's continued direct intervention in their operations was counter-productive to their accomplishing their mission. Their perception may not be accurate, but it was nevertheless the way they saw things.

(b)(5)

It was after this meeting that the J2, J2-X, SERE psychologist and others began to recommend our withdrawal from direct involvement and our re-deployment back to CONUS.

7. (U)
(S/NF) Mission Relevance. Given the circumstances – that JPRA's contribution to the effort was limited – concern shifted to ensuring the exceptional reputation JPRA enjoyed within the community would not be undercut by the problematic nature of this deployment. We were repeatedly assured by the TF/CC and members of his staff that this was not a concern. The prevailing opinion was that the exploitation model used so effectively by JPRA in training the SMU and SRO communities was not applicable to the challenge of intelligence

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interrogation. In essence, the request to have JPRA consult in this situation proved to be a case where what appeared to make sense in theory proved unworkable in reality. **Comment:** I

disagree that our approach and methods were unworkable. Too much is being made of the use or non-use of physical pressures. They are only some of the many tools that can be applied to drive the exploitation engine. What is lost in the discussion is that even within their provided guidance, there are many ways to gain dependence and cooperation from resistant detainees. We continued to provide assistance and advise to the interrogation staff, and in fact, the facility had some marked successes following their meeting with the (b)(5). What made the JPRA involvement unworkable was the frustration and anger resulting from their perceptions of specific, inappropriate methods of JPRA interference into their mission. It was a methodology and individual approach vs. substance issue that caused problems. They did not have a problem with our consulting on the exploitation process, use of interrogation team concepts, and status boards. In fact, individual interrogators, even to the evening of our departure, were asking for advice and suggestions from us on difficult subjects or situations.

(U)

8. ~~(S//NF)~~ Conclusions. The fundamental question that arises from this unique deployment is whether JPRA should expand its charter to include involvement in this mission area, either on a consultative basis or through direct involvement in the interrogation of detainees. I would strongly argue against pursuing either avenue for the following reasons.

(U)

- a. ~~(S//NF)~~ Interrogation is an intelligence vice an operational endeavor. Its mission, methods, training and organization belong within intelligence channels. To be able to properly exploit a wide range of potential sources, interrogators must be trained in an array of topics, to include foreign weapon systems, adversary tactics and strategies, and other geostrategic considerations outside the JPRA frame of reference. From an organizational perspective, responsibility for interrogation at all levels – from tactical through operational to strategic – are already the assigned responsibilities of a myriad of service and DoD-level agencies, from Army Military Intelligence Battalions to the

(b)(3) A formal move by JPRA into this area would likely be viewed as mission encroachment by organizations already charged with this intelligence collection service. **Comment:** the mission of the facility in question was

gaining timely, actionable battlefield-tactical, operational information. Strategic interrogations were being accomplished by separate facilities and agencies. These battlefield interrogators needed to be trained in techniques, tactics and procedures not covered in FM 34-52 Intelligence Interrogation. FM 34-52 does not specifically address battlefield interrogation. The fact that other agencies are tasked with interrogation at all levels does not mitigate their need for our expertise. I would compare this need for our assistance to the fact that while other agencies are tasked with the operational aspects of Personal Recovery, they welcome the advice and assistance the JPRA can provide to make their operations better. We can do the same in this realm. During this deployment, I witnessed a number of interrogations and they did not need or utilize knowledge of or expertise in foreign weapon systems and other geostrategic considerations. What they needed help in were processes and procedures that we routinely use in training.

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- b. ^(U)~~(S//NF)~~ While interrogations as conducted at JPRA appear similar to those conducted as an intelligence collection methodology, there are subtle yet profound differences. While JPRA simulates methods employed by nations not compliant with the GC provisions, U.S. interrogators are bound by federal law to operate in strict accordance with those guidelines. [REDACTED]

(b)(1)

Intelligence interrogation involves, to a considerable degree, the recruitment of a detainee's willing cooperation through the skilled employment of psychological levers that do not include the presentation of threats either explicitly or implicitly. **Comment:**

Our skill set employs the use of standard interrogation methods as described in FM 34-52. While some few of the tools employed, namely some physical pressures, are outside GC guidelines, [REDACTED]

(b)(1)

[REDACTED] This is routinely done with little use of tactics prohibited by the GCs. Our knowledge, understanding and use of psychological levers are equal to, or superior to, any that I saw employed by the TF's interrogators.

(Note: While the GC guidelines appear overly restrictive and would prevent an interrogator from gaining intelligence information, history suggests otherwise. From both my personal experience as an interrogator during Operations JUST CAUSE and DESERT STORM, as well as the research into interrogation over the centuries conducted in support of my thesis at the Joint Military Intelligence College, the use of non-coercive methods have proven far more effective in obtaining reliable and actionable intelligence than coercive methods. Recent studies of interrogation in support of the global war on terrorism corroborate this finding; conversely, the use of coercive methods has consistently proven to be ineffective and counterproductive.) **Comment:** In regards to

the recent study on effectiveness at GTMO, of which there is plenty of room to debate whether or not that have had much success, there are a number of major variables not here addressed. GTMO is a strategic interrogation/debriefing facility – not a battlefield interrogation facility. In addition, a key component of the process of exploiting a source is to get them to a mental state of despair and recognition of the omnipotence of the interrogator. Once in that state, the exploiter can offer a way out – namely cooperation via non-coercive methods. At GTMO they have the luxury of holding a person for 18-24 months in a facility cut off from family, country, and support systems, with seemingly no end in site, that would cause most rationale persons to move into a state of despair. A battlefield / tactical interrogation facility does not have that time luxury – the requirement to put a resistant detainee into a state of despair must and can be accelerated through the use of coercive exploitation applied IAW directives, well-considered SOPs and ROEs. Once there, non-coercive methods are employed to gain the reliable information sought.

- c. ^(U)~~(S//NF)~~ Intelligence interrogation is largely the pursuit of the unknown from a broad cross-section of sources (including those who may, in reality, have no relevant information and/or who are innocent of alleged involvement in activities that threaten U.S. interests) vice the testing of a student's ability to protect what the interrogator/role player knows to be true going into the round. While there are areas of overlap, the skills and methods – and, most importantly, their application – are significantly different to the point where habits born of long experience in one area can actually be counterproductive in the other. **Comment:** The fact that our experience is with students protecting role-play

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information does not diminish the fact that JPRA has expertise in the application of TTP that can drive the exploitation engine.

- (U)
- d. ~~(S//NF)~~ Code of Conduct/Special Survival Training and intelligence interrogation are both critical mission areas in support of the war fighter. Both require a cadre of well-trained, experienced, highly confident performers. There are, however, major functional, operational, and legal considerations that draw a concrete line of demarcation between them. Because of certain methodological similarities, both mission areas would greatly benefit from a formal channel of cross-feed to share lessons learned. However, to protect the integrity and operational effectiveness of each discipline, interaction between the two mission areas should be categorically limited to that level of exchange. Comment: The
interrogation process involves the screening and assessment of sources and the use of interrogation techniques and procedures. This involves subjective, complex interpersonal skills employed during any interrogation. We know how to make assessments, how to employ tactics to question and exploit both cooperative and resistant sources. That core expertise translates to the intelligence interrogation mission area very well. JPRA should not abandon this mission area based on the experiences of this deployment.

(b)(6)

Director of Intelligence

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MEMORANDUM FOR:

(b)(6)

FROM:

(b)(6)

SUBJECT: ~~(S/NF)~~ (U) JPRA SUPPORT TO JSOC / TF-20

1. (U) **Date of TDY:** 1-24 Sept 2003
2. ~~(S/NF)~~ (U) **Location:** Baghdad International Airport (BIAP), Iraq
3. (U) **Support Team:**
 - a. (b)(6)
 - b. (b)(6)
 - c. (b)(6)
4. ~~(S/NF)~~ (U) **Purpose of TDY:** To provide support to on-going interrogation efforts being conducted by JSOC / TF-20 elements at their Battlefield Interrogation Facility (BIF).
5. ~~(S/NF)~~ (U) **Background:** At the request of JSOC, a JPRA support team was formed to advise and assist in on-going interrogations against hostile elements operating against Coalition Forces in Iraq. The mission of the TF-20 interrogation element, J2-X, was to exploit captured enemy personnel and extract timely, actionable intelligence to support operations that would lead to the capture of "Black List" and other high-value and terrorist personnel. The support team was tasked with providing information on exploitation methodologies, defeating trained resisters, and other tactics that could be adapted for use by TF-20/J2-X personnel for exploiting captured enemy personnel. The deputy commander of TF-20 and the JPRA/CC approved the support team to become fully engaged in interrogation operations and demonstrate our exploitation tactics, techniques and procedures (TTP) to the J2-X staff.
6. ~~(S/NF)~~ (U) **Itinerary and Significant Events:**
 - a. **Monday, 1 Sep 03:** Support team members depart Spokane for Doha, Qatar via commercial air. Team arrives, after meeting the TF-20 LNO, at the military complex, Al-Udeid, Qatar at 2300 hrs on Tues 2 Sep 03.
 - b. **Thurs, 4 Sep 03:** Team members depart Al-Udeid and arrive Baghdad International Airport (BIAP) at 1830 hrs. TF-20 personnel provide us security badges, TF-20 mission/security brief, and billeting. Note: there was no available MILAIR transport on 3 Sep 03, and our initial C-130 transport had to return to Al-Udeid after encountering mechanical problems en-route.
 - c. **Friday, 5 Sep 03:** Team met with the J2-X and received a mission and background brief on the Battlefield Interrogation Facility (BIF). This

Classified by: (b)(6)
~~Col, USAF, JPRA~~
Reason: 1.4(a)
Declassify on: 4 Nov 2030

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briefing included a discussion of problems and current procedures. We reviewed their current operating instructions and discussed planning for future interrogations. The team later met with the Deputy Commanding General (DCG), (b)(6). We discussed with the DCG his expectations and how we were going to incorporate our TTP with his assets to support interrogation operations. He expected us to become fully engaged in interrogation operations and encouraged us to receive modified ROEs from the JPRA/CC. (b)(6) called JPRA/CC to discuss our current ROEs that allowed us to only advise and assist and not to engage in direct interrogations.

- d. **Sat, 6 Sep 03:** We met with the J2-X staff and outlined the exploitation cycle and how they could incorporate our TTP to support their current interrogation efforts. We received permission from JPRA/CC to become fully engaged in all BIF operations. During our observation of an interrogation on a terrorist subject, the issue of appropriate physical pressures came up. This issue and subsequent direct intervention by (b)(6) is discussed below.
- e. **Sun, 7 Sep 03:** We discussed physical pressures issue with TF-20 SERE psychologist (b)(6). He showed us a report on actions that led to the current model being used. (b)(6) and I met with the commander of Co. B 3/75 Ranger Regiment who asked us to provide a resistance orientation briefing to selected regiment personnel. We readily agreed to schedule a session at their convenience. J2-X took us on a tour of BIAP that included a quick view of the 5th Corp (b)(1) for enemy detainees and the location of the Iraqi Survey Group (ISG) interrogation facility.
- f. **Mon, 8 Sep 03:** Conducted release-exploitation scenario problem with J2-X staff and resistant detainee. Trained 15 members of the 3/75 Ranger Regiment in resistance-exploitation.
- g. **Tues, 9 Sep 03:** (b)(6) had a meeting with the TF-20 JAG concerning compliance and physical pressure issues. (b)(6) and I were not included in this meeting; although (b)(6) discussed that there would be a larger meeting with all interested persons at a later time.
- h. **Wed, 10 Sep 03:** (b)(6) and I had a discussion with J2-X over current situation with (b)(6) and his intervention and engagement with the JAG.
- i. **Thurs, 11 Sep 03:** We were briefed by (b)(6) that JPRA/CC had cleared (b)(6) and me to use our normal and usual range of physical pressures while interrogating detainees. (b)(6) expressed to us his disagreement with this policy and indicated that he felt it was "...an illegal order" and we were exposing ourselves to possible future difficulties if we used any pressure inconsistent with the Geneva Conventions. (b)(6) and I had a meeting with the J2 and J2-X on the processes being used at the BIF, possible solutions and alternatives to conducting interrogation at that site and other procedures. We suggested consideration be made to conduct screening interrogations at capture

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points, that the staff adopt team interrogation tactics that would allow for cross-feed of information and greater coordination between individual interrogators. We also recommended they begin using a version of our "intell board" used during PREALs to visually plot information, assessments, tactics and procedures on individual detainees.

- j. **Fri, 12 Sep 03:** The entire J2-X interrogation staff, as well as the JPRA team, had a meeting with the TF-20 JAG. The JAG discussed the DCG's expectations versus the methods of exploitation and physical pressures he had heard were being used in the BIF – including those prior to his recent arrival (2-3 weeks on site). He also discussed the status of the detainees and the fact that the BIF's detainees were not identified to the ICRC. He discussed the assumption of risk being taken by the TF-20 command if BIF personnel engaged in "beat down" tactics or while "engaging in torture". He further indicated his perception, from indeterminate sources, that JPRA was on site to advocate the use of pain and train pain compliance techniques. When a member of the JPRA team challenged him on that statement, he indicated that it was his impression that JPRA engaged and promoted the use of (b)(1) in S-V-91 training. (Note: he later, a few days forward, discussed this issue with (b)(6) and me in private and apologized for any misunderstanding or erroneous impressions he was under.) The fall-out from this meeting with the J2-X staff was that the interrogators all felt that the command would not support them if they used any tactic or method that was in violation to a strict interpretation of the Geneva Conventions. It was their plan to only engage in the most benign methods of interrogation and would be little concerned if the detainees did not provide any information. Their frustration level was very high at this point.
- k. **Sat, 13 Sep 03:** (b)(6) and I participated, in company with J2-X staff, interrogations and planned with them for follow-up activities relative to the detained prisoners.
- l. **Sun, 14 Sep 03:** (b)(6) and I had a lengthy discussion with J2-X and how we would plan for future interrogations with their current detainees. He at this time was very angry and frustrated with (b)(6) who had, without prior consultation with (b)(6) and I, directly intervened with an interrogator's plan for imposing a regime of sleep deprivation and physical pressures on a resistant detainee who had admitted lying about his role in a terrorist-bombing plot. J2-X told us he was going to recommend to the J2 for the earliest possible departure for (b)(6). He felt that his presence was counter-productive and was a direct impediment for his people to conduct interrogation operations. (Note: (b)(6) and I had a later opportunity to review the written plan developed by the interrogator that (b)(6) had objected to. (b)(1)

(b)(1)

(b)(1) It was apparently this use of kneeling, which was

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- authorized by TF-20 written guidance, which (b)(6) objected to. (b)(6) and I offered our opinion that the regime proposed was appropriate and well within their current ROEs for detainee handling.
- m. **Mon, 15 Sep 03:** (b)(6) had a meeting with the DCG regarding his recommendations concerning the BIF. (b)(6) and I were not included in this meeting, and I was given no information on what was discussed. (b)(6) indicated that there was nothing of significance that came out of that meeting. The JPRA team was tasked by JPRA/CC to develop a CONOP for a similar mission area of that being conducted by the BIF. (b)(6) and I began brainstorming on how we might outline this tasking.
- n. **Tues, 16 Sep 03:** I typed the CONOP and had both (b)(6) review it for content. (b)(6) offered some suggestions that I later incorporated.
- o. **Wed, 17 Sep 03:** We received some feedback from JPRA on the CONOP and were told that (b)(6) would make some additional changes to the plan.
- p. **Thurs, 18 Sep 03:** Called (b)(6) and we discussed the enhanced CONOP and how it was going to go to the JPRA/CC for review and later, the Joint Staff for coordination.
- q. **Fri, 19 Sep 03:** NSTR
- r. **Sat, 20 Sep 03:** Called (b)(6) regarding the CONOP and was told that the team needed to remain in place until the CONOP was reviewed at HQ with possible walk through at the Joint Staff. I discussed with (b)(6) the current level of frustration of the J2-X staff with our presence and their perceptions of our interference with their current operations. (b)(6) advised me to call (b)(6) directly if I thought it was necessary.
- s. **Sun, 21 Sep 03:** The J3 stopped by and briefly discussed with (b)(6) and me his recommendation to the DCG that the JPRA team should depart his AO and return to base. He was particularly concerned over the CONOP having been sent without his staff's security review.
- t. **Mon, 22 Sep 03:** We received direction from JPRA/CC that (b)(6) will return to Spokane, and that I would remain in place for a decision on the possible arrival of a follow-up team. I later received permission to re-locate to Al Udeid, Qatar for return to Spokane or back to BIAP if it was would become necessary to prepare for the follow-up team's arrival.
- u. **Tues, 23 Sep 03:** The JPRA team caught MILAIR flight to Al Udeid for return to Spokane. While in Al Udeid, I received instructions from JPRA to return with the JPRA team to Spokane. We departed Doha International at 2320 for our flight via London to Spokane.
- v. **Wed, 24 Sep 03:** All team members arrived in Spokane. (b)(6) met me at the airport, and, while he drove me home, I gave him a verbal report on some of the significant issues and events relative to the deployment.

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Significant Issues:

- a. **Operational Limitations of the BIF:** TF-20's interrogation cell suffered from a few significant obstacles. These included a lack of clearly defined set of operating instructions and ROEs in regard to prisoner handling and use of moderate physical pressures. In addition, there were problems getting timely informational support from other government agencies (OGAs) and from capture squads. The J2-X staff also showed some internal difficulty with coordinated interrogation activities.
- b. **Intervention in Interrogation Operations by (b)(6) to a Perceived Violation of Geneva Convention Rights:** On 6 Sep 03 (b)(6) (b)(6) felt it was necessary to directly intervene and halt an on-going interrogation. During the interrogation, of which both (b)(6) and I were also present, the interrogator began to use selected physical pressures. He put the detainee on his knees and later began to use insult slaps every 3-4 seconds for an extended period of time.
 - i. After witnessing the use of slaps for a short time, (b)(6) left the room. He later returned and asked both (b)(6) and me to step out. In the hallway, he asked us our impression of the use of the kneeling and slaps. We both indicated we saw nothing wrong with what was going on. He asked us our opinion of the slapping and we said they were only insult slaps and were not inflicting any pain to the detainee. (b)(6) indicated his disagreement and that both the slaps and kneeling were direct violations of the Geneva Conventions and could constitute a war crime. He further indicated he wanted to intervene and stop the interrogation at that point.
 - ii. (b)(6) and I both strongly disagreed with that action, advised he should use the interrogator's chain of command if he felt there was a problem. He indicated that as an officer he had an obligation to stop a possible criminal act. We again advised against direct intervention, he disagreed with our recommendation, and proceeded to walk in to interrupt the interrogation and the stop the use of the kneeling and slapping. (b)(6) and I did not accompany him and we departed for the staff planning room to discuss the issue.
 - iii. Later that evening (b)(6) and I had the opportunity to further discuss with (b)(6) his intervention. We again expressed our significant disagreement over his actions and suggested to him that there was a better alternative to taking direct intervention with the interrogator. (b)(6) expressed to us that he felt morally and ethically justified in taking his actions. (b)(6) and I felt at the time, that his actions would have significant impact on our working relationships with the J2-X staff. Our predictions proved to be accurate.

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- c. **Authorized Use of Physical Pressures:** The events related above led to an on-going discussion between the TF-20 staff and the JPRA team over the use of physical pressures as one method to drive the exploitation engine to attempt to gain cooperation from detainees. On 11 Sept 03, (b)(6) (b)(6) received guidance from (b)(6) that (b)(6) and I were authorized the use of moderate physical pressures (b)(1)
- (b)(1)
- (b)(1)
- i. (b)(6) briefed us that upon receiving these instructions he consulted with the TF-20 JAG. He indicated that the JAG felt these tactics were inconsistent with the Geneva Conventions on prisoner handling. (b)(6) further indicated to (b)(6) and me that he felt (b)(6) instructions constituted "...an illegal order" (his terms) and advised that we should not engage in the use of any of those pressures.
- ii. (b)(6) and I again expressed our disagreement over (b)(6) view of the situation. We indicated that the use of these moderate physical pressures, when used appropriately, were consistent with proper prisoner handling and interrogation. The three of us agreed to disagree over the issue.
- iii. (b)(6) expressed his resentment to me over my implication that I felt it inappropriate for him to discuss the legality or illegality of (b)(6) instructions with the JAG. He indicated that he did not directly discuss the legality of (b)(6) (b)(6) instructions, rather he simply ran down the list of authorized pressures he received and that the JAG offered his opinion on the appropriateness of using those tactics.
- d. **JPRA's Presence as Interference on TF-20's Interrogation Operations:** As the J2-X and members of his interrogation staff began to express their frustration, and later anger, to (b)(6) and me over their perceptions surrounding (b)(6), it became very apparent that our continued presence was having a negative effect. I expressed my concerns to (b)(6) and recommend to him that he pass on to JPRA Current Operations and (b)(6) that we should be withdrawn.
- i. The J2-X and members of his staff, while polite to us, clearly indicated that our presence was having a negative effect. The J2-X indicated to (b)(6) and me that he was going to recommend through his staff that we be withdrawn. I agreed with his recommendation and advised him that I had recommended the same to (b)(6) for forwarding to JPRA/CC.
- e. **Future Role of JPRA in Similar Type of Interrogation Operations:** I feel that JPRA can provide a valuable and significant contribution to TF-20 or other similar type of interrogation operations. I think that under different circumstances and under a different team chief JPRA could re-engage with TF-20.

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