

SJA
INTERVIEW QUESTIONS

b6-2

Rank LTC Branch JAG Date: 03/23/04 Unit HHC
Duty Position DEPUTY JAG How Long in Job JAN 03
Interviewer AT DIU
How Long have you been in Country JUN 03 - 15 JAN

1. What specific measures has the commander/unit taken to ensure compliance with the Law of War regarding detainee operations? Individual training events? **When?** Collective/unit training events? **When?** (1.1, 1.2, 4.1) AR 350-1, Ch. 14 outlines LOW training.. Commanders tailor this training to the experience level of his soldiers. AR 190-8 should at least receive mention as primary Army doctrine in this area and of course the Geneva conventions for EPW treatment and DODD 2310.10 and CJCSI 5820.01B to indicate that Army Policy dictates that all receive EPW treatment at least until status can be determined. AR 190-8, paragraph 1-4g. Combatant Commanders, Task Force Commanders, and joint Task Force Commander have the overall responsibility for the EPW, CI, and RP program, operations, and contingency plans in the theater of operation involved to ensure compliance with international law of war. DoD Directive 2310.1 provides that persons captured or detained by the U S Military services shall normally be handed over for safekeeping to U S Army Military Police, or to detainee collecting points or other holding facilities and installations operated by U S Military Police as soon as practical.

STANDARD LAW OF WAR TRAINING

2. What is the minimum standard of treatment that the US must provide any detainee? What policies/procedures do units have in place to support the U. S. General Protection policy relative to the treatment of Detainees in the custody of the U S forces? (1.1, 1.2, 4.1) Common Article 3, Geneva Convention and DODD 5100.77 making treatment IAW GG during all military operations. Per Common Article 3, GPW; FM 27-10; AR 190-8, paragraph 1-5 a-g, All persons detained, captured, interned, or otherwise held in U S Armed Forces custody during the course of conflict will be given humanitarian care and treatment from the moment they fall into the hands of U S forces until final release and repatriation. All persons taken into custody by U S forces will be provided with the protection of the GPW until some other legal status is determined by competent authority.

3. What specific measures did the unit take prior to arrival in the AOR to ensure that subordinate leaders and soldiers know and understand how to treat, handle, and process detainees properly? Do leaders and Soldiers know and understand how to apply Detainee Operations doctrine and standards when they

arrive in the AOR? **Can you provide some examples.** (1.1, 1.4, 1.5, 1.7, 1.8) AR 190-8, DoD Directive 5100.77, 1949 Geneva Convention, FM 3-19.40, These are the primary source for standards and doctrine concerning Detainee Operations. AR 190-8, paragraph 1-4 g, The AR is a multi-service regulation for all services. (AR 350-1 paragraph 4-14c.(2) and table G-1 Refresher training, dated 9 April 2003), Level B training is conducted in units for officers, warrant officers, NCOs and enlisted personnel commensurate with the missions of the unit. AR 190-8 paragraph 1-5(4)(C) DOD Directive 5100.77), All prisoners will receive humane treatment and that the following acts are prohibited murder, torture, corporal punishment, mutilation, taking of hostages, sensory deprivation, collective punishments, execution without trial by proper authority, and all cruel and degrading treatment. Prisoners will be protected against all acts of violence to include public curiosity. (DoD Directive 5100.77, paragraph 5.5.1, The Secretaries of the Military Departments shall provide directives, publications, instructions, and training so that the principles and rules of law of war will be known to members of their respective Departments, the extent of such knowledge to be commensurate with each individual's duties and responsibilities.))

4. How is the issue of classification of detainees being handled? Are any Article 5 tribunals being held or is there a presumption that the insurgents clearly do not meet the Article 4 GC III EPW criteria (commanded by a person responsible for his subordinates, wearing fixed distinctive sign, carrying arms openly, conducting operations in accordance with the laws of war)? (1.1, 1.2, 1.4, 1.6, 4.1)

AR 190-8, Chapter 1, para. 1-4.d.(4) "Provide guidance regarding GPW Article 5 Tribunals." Per GPW Art.5, Art. 5 tribunals are required in International Armed Conflict situations when the EPW status of an individual is in doubt. Article 5 tribunals are not required absent international armed conflict (State vs. State). Therefore, normally Art. 5 will not apply in Afghanistan. (Presently, this is a consideration primarily in IRAQ. However, classification IAW AR 190-8 is still an issue in Afghanistan)

EPW WAS PARTLY EASY. ARTICLE 5 TRIBUNALS HELD

5. Did units receive training on the reporting of Detainee abuse? When did this training occur last and how often is it conducted by the units? Are units reporting Detainee abuse? What is happening to individuals who abuse Detainees? How many cases of detainee abuse have you heard of and or processed since you have been in country? At what point in the detention process are most of the abuses occurring? (point of capture, initial collection point, by guards at internment facility, by interrogators)(1.1, 1.2, 1.4, 4.1) AR 350-1, paragraph 4-14. Law of war training a. Soldiers and leaders require law of war training throughout their military careers commensurate with their duties and responsibilities. Prescribed subject matter for training at the following levels is specified in paragraphs 4-14b-d of this regulation. (1) Level A training is conducted during IET for all enlisted personnel and during basic courses of instruction

for all warrant officers and officers. (2) Level B training is conducted in units for officers, warrant officers, NCOs and enlisted personnel commensurate with the missions of the unit. (3) Level C training is conducted in TASS. c. Unit commanders will plan and execute level B law-of-war training based on the following: (1) Training should reinforce the principles set forth in The Soldier's Rules. (2) Training will be designed around current missions and contingency plans (including anticipated geographical areas of deployment or rules of engagement). (3) Training will be integrated into unit training activities, field training exercises and unit external evaluations. Maximum combat realism will be applied to tactical exercises consistent with good safety practices. AR 190-8 paragraph 1-5(4)(C) DOD Directive 5100.77), All prisoners will receive humane treatment and that the following acts are prohibited murder, torture, corporal punishment, mutilation, taking of hostages, sensory deprivation, collective punishments, execution without trial by proper authority, and all cruel and degrading treatment. Prisoners will be protected against all acts of violence to include public curiosity.

YES REPORTING - ONE DETAINEE DIED IN 2ND BDE IN
DEFENTION. 2 ABUSE - 1-15-6

6. What control measures are units using to maintain detainee discipline and security in each internment facility/collection point? (1.1, 1.2, 4.1) **Don't forget the 5 S's and T. These are valuable tools to maintaining discipline and security in a camp/collection point.** AR 190-8, paragraph 3-6, Measures needed to maintain discipline and security will be established in each camp/collection point and rigidly enforced. The camp commander will maintain records of disciplinary punishments. These records will be open to inspection by the protecting power. The following acts will not be permitted; Fraternalization between EPW, RP and U.S. military or civilian personnel. Fraternalization is defined as improper or intimate communications or actions between U.S. Armed Forces personnel and EPW/RP. Donating or receiving gifts or engaging in any commercial activity between persons in U.S. custody and U.S. personnel. Setting up of courts by detainees. Disciplinary powers will not be delegated to or exercised by EPW/RP. Punishment will not be administered by EPW/RP.

101ST MP CO RAN THE DIV FACILITY IN A-REAR
GNARA FOWERS, CONCERTINA WIRE, 3 BUILDING PAL, HAS
ROOF CONTROL METHODS (NON LETHAL)

7. What are the procedures you follow if you personally notice or if it is reported to you that a detainee is injured and you suspect the detainee has been abused? What training has the unit received regarding reporting procedures for detainee abuse? (1.1, 1.2, 4.1) AR 190-8 paragraph 3-3 (20) Report allegations of criminal acts or war crimes committed by or against EPW/RP to the supporting element of the U.S. Army Criminal Investigation Command (USACIDC). Deaths resulting from other than natural causes will be investigated by USACIDC. AR 190-8 paragraph 1-5(4)(C) DOD Directive 5100.77), All prisoners will receive humane treatment and that the following acts are prohibited murder, torture, corporal punishment, mutilation, taking of hostages, sensory deprivation, collective punishments, execution without trial by proper authority, and all cruel and degrading treatment. Prisoners will be protected against all acts of violence to include public curiosity.

GO TO AM -

8. What are the procedures if a detainee in U.S. custody dies? (1.1, 1.2, 4.1) AR 190-8, paragraph 3-3a (20): Report allegations of criminal acts or war crimes committed by or against EPW/RP to the supporting element of the U.S. Army Criminal Investigation Command (USACIDC). Deaths resulting from other than natural causes will be investigated by USACIDC. Para 3-10 c: When an EPW or RP in US custody dies, the attending medical officer furnish the camp (or hospital) commander or other officer charged with their custody before death, the following information: (1) Full name of deceased. (2) ISN of deceased. (3) Date, place, and cause of death. (4) Statement that death was, or was not, the result of the deceased's own misconduct. (5) When the cause of death is undetermined, the attending medical officer will make a statement to that effect. When the cause of death is finally determined, a supplemental report will be made as soon as possible. e. The attending medical officer and the appropriate camp commander will complete a DA Form 2669-R (Certificate of Death). DA Form 2669-R will be reproduced locally on 8 1/2 by 11-inch paper. The form is located at the back of this regulation. This form is for the use of Army only. Enough copies of form will be made out to provide distribution as follows: (1) Original-information center. (2) Copy-information center (branch), if necessary. (3) Copy-The Surgeon General. (4) Copy-EPW or RP personal file. (5) The proper civil authorities responsible for recording deaths in the particular state if the EPW dies in the United States.

PM INFORMED SJA, WAS NOTIFIED CJTF-7 JAG, AND
WENT TO CAS.

9. What are the Theater guidelines for any EPW, CI, and RP claims against the U.S. Government? (1.1, 1.2, 1.6, 4.1) AR 190-8, Ch.1, para. 1-4d.(3) requires TJAG (or his representative) to provide guidelines for any EWP, CI, and RP claims against t the U.S. Government.

HAD BASIS OR REQUESTED. THE ICRC WAS AVAILABLE
FOR DETAINEE REPORTED ABUSE

10. (Internment facility Judge Advocate only) What is the procedure if an EPW or detainee wants to make a complaint or requests to the camp commander regarding conditions of their internment? How are Detainees complaints and requests to the camp commander processed? (1.1, 1.2, 4.1) AR 190-8, paragraph 3-16, EPW and RP have the right to make complaints and requests to camp commanders and the ICRC/protecting powers regarding the conditions of their internment. EPW and RP may not be punished for making complaints, even if those complaints later prove unfounded. Complaints will be received in confidence, as they might endanger the safety of other detainees. Appropriate action, including segregation, will be taken to protect detainees when necessary. This policy also applies to persons who are confined pending trial or as a result of a trial. b. EPW and RP may take complaints or requests to the camp commander. c. Persons exercising the right to complain to the ICRC or protecting power about their treatment and camp may do so: (1) By mail. (2) In person to the visiting representatives of the ICRC or protecting power. (3) Through their detainee representative. d. Written complaints to the

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protecting power will be forwarded promptly through HQDA, ODCSOPS (DAMO-ODL) NPWIC. A separate letter with the camp commander's comments will be included. Military endorsements will not be placed on a detainee's communication. e. If an ICRC/protecting power communicates directly with an EPW/CI camp commander about any matter requiring an answer, the communication and commander's reply will be forwarded to HQDA, ODCSOPS (DAMO-ODL) NPWIC, for proper action. f. Any act or allegation of inhumane treatment will be investigated and, if substantiated, reported to HQDA as a Serious Incident Report (SIR) per AR 190-40. Once completed, a copy of the SIR accompanies the prisoner to the EPW/CI camp, and a copy is furnished to the monitoring Branch PWIC. All available pertinent information that the EPW or RP is willing to give, will be entered on the form.

CG MEDICAL WAS AVAILABLE, INJURED WAS PUSH TO CABIN
HAD THE ADO GO AND CHECK ALL REALITIES

11. Have any detainees refused repatriation? If so, what happened to them?

(1.1, 1.2, 4.1) AR 190-8 paragraph 2-2 d Repatriation or parole of the remainder should be considered, with the final determination directed by HQDS. Prisoners will not be forced to be repatriated against their will. Prisoners who refuse repatriation will be treated as prisoners of war until their legal status and further disposition can be determined by competent authority. AR 190-8, paragraph 6-16a (1)-(3), (1) Control and accountability of CI will be maintained until the CI is received for by a representative of his or her country of residence or a designated protecting power. (2) After hostilities cease and subject to the provisions of (3) below, CI will be released as soon as the reasons for their interment are determined by the theater commander to no longer exist. (3) The CI who are eligible for release but have judicial proceedings pending for offenses not exclusively subject to disciplinary punishment will be detained until the close of the proceedings. At the discretion of the theater commander, the CI may be detained until completion of their penalty. The CI previously sentenced to confinement as judicial punishment may be similarly detained. Lists of the CI held under this guidance will be forwarded to the Branch PWIC and NPWIC for transmittal to the protecting power.

No

12. What happens when a detainee is suspected of, or is known to have committed a serious offense while they are being interned at either the collection point or detention facility? Describe the due process available to detainees and rights of the detainee suspected of committing a serious offense. Have you or any Staff Judge Advocate provided legal advice to a detainee who might have committed an offense? (1.1, 1.2, 1.4, 1.6) AR 190-8, paragraph 3-7a, b and c - EPW/RP are subject to the punishment under the Uniform Code of Military Justice and other U.S. Laws, regulations and orders in force during the time of detention. b. Judicial proceedings against EPW and RP will be by courts-martial or by civil courts. When EPW are tried by courts-martial, pretrial, trial, and post-trial procedures will be according to the UCMJ and U.S. Manual for Courts-Martial. An EPW will not be tried by a civil court for committing an offense unless a member of the U.S. Armed Forces would be so tried. c. When possible, disciplinary rather than judicial measures will be taken for an offense. The disciplinary measures below are authorized: (1) Suspend or eliminate privileges granted over and above the minimum privileges provided for in the GPW and CG. (2) Confinement. (3) A fine not to exceed one-half of the advance of pay (article 60 GPW)

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and working pay (article 62 GPW) that the detainee would otherwise receive during a period of not more than 30 days. (4) Fatigue duties not exceeding 2 hours daily. This punishment will not be applied to officers. AR 190-8, paragraph 3-8, a-d a. No EPW or RP will be tried or sentenced for an act that was not forbidden by U.S law or by international law in force at the time the act was committed. b. No moral or physical coercion will be exerted to induce EPW or RP to admit guilt for any act. C. NO EPW or RP will be convicted without having had the chance to present a defense and without having assistance of a qualified advocate or counsel. d. Accused persons will be notified promptly of the charges in writing. Charges will be in the language understood by the accused....

EMANATE AN INVESTIGATION & PUNISH TO ABUSE
MP TOOK RESPONSIBILITY SERIOUSLY

13. What is your feeling on how Detainees are being treated? What do you feel is the primary focus/purpose of detainee operations. (force protection, punishment, rehabilitation, protection, merely a regulatory/legal requirement) No standard. Personnel observations and feelings. (1.1, 1.2, 1.6, 2.1, 4.1)

TREATED PRETTY WELL, SAME CONDITIONS AS US SOLDIER
SOLDIER COMFORT FACTOR.

IN EMERGENCY IF INDIVIDUAL IS A THREAT TO COALITION FORCES
IF CRIMINAL GIVE TO LOCALS

14. What AARs or lessons learned have you written or received regarding detainee operations? Can I get a copy? (preferably on disk) (2.1, 2.2) AR 350-1, paragraph 4-3c. c. The after action review is a structured review process that allows military training participants to discover how and why certain events actually happened and how to improve future task performance. The reviews focus on military training objectives, on performance according to Army standards, and on discovering lesson learned for sustaining and improving collectives and individual task performance proficiency.

IN PROCESS OF BUILDING AN AAR

15. What do you perceive to be doctrinal legal shortcomings pertaining to Detainee Operations and how would you fix/incorporate into updated doctrine/accomplish differently? How about Force Structure of Staff Judge Advocate to ensure Detainee Operations can be successfully accomplished? What are the shortcomings and how do we fix the problem at the Army-level? (1.1, 1.3, 1.5, 1.7, 4.1) AR 190-8, paragraph 1-4d The Army Judge Advocate General (TJAG). The TJAG will provide HQDA guidance and advice to commanders on the legal aspects of the EPW, CI and RP program. TJAG will- (1) Conduct liaison in coordination with ASA-ISA, the Department of State, the Department of Justice, and other Federal agencies; the JCS; the

Defense Intelligence Agency (DIA); the military departments; the ICRC; the Protecting Power; and other detaining powers, as required. (2) Provide advice and assistance to commanders on legal aspects of reported violations by EPW, CI, RP, and ODs. (3) Provide theater guidelines for any EPW, CI and RP claims against the U.S Government. (4) Provide guidance regarding GPW Article 5 Tribunals. AR 190-8g Combatant Commanders, Task Force Commanders and Joint Task Force Commanders.....Commanders must ensure the proper force structure is included in any joint operational plans. Commanders at all levels will ensure that all EPW, CI, RP, and ODs are accounted for and humanely treated, and that collection, evacuation, internment, transfers, release, and repatriation operations are conducted per this regulation.

DONT THINK ABC KILLED US. BUT RELEASING.
OUT TO HAVE AS A MINIMUM 2 OR 3 IN THE UA.

16. What do you perceive as the mission of your unit? Describe the importance of your role in that mission. (Insight to the Soldier's understanding and attitude concerning unit mission and their role)

AR 600-20 Command Policy 2-1. Chain of Command
a. The chain of command assists commanders at all levels to achieve their primary function of accomplishing the unit's assigned mission while caring for personnel and property in their charge. A simple and direct chain of command facilitates the transmittal of orders from the highest to the lowest levels in a minimum of time and with the least chance of misinterpretation. b. Commanders delegate sufficient authority to soldiers in the chain of command to accomplish their assigned duties, and commanders may hold these soldiers responsible for their actions.

17. Describe your working environment and living conditions since being in Theater. (Identify physical and psychological impact on Soldier's attitude). (1.2, 1.3, 1.4, 1.5, 1.6, 1.7) FM 10-1, Ch. 7, para. 3, "Tactical Vision. A primary QMC focus at the tactical level will continue to be on sustainment of the soldier. Each company-sized unit will have two cooks and a small, state-of-the-art field kitchen. This provides a limited capability to prepare or heat meals and supplements. An improved containerized capability for providing responsive laundry and shower support well forward on the battlefield must be developed. Frontline soldiers require brief respites from the rigors associated with combat. A facility complex (Force Provider) will be available in which they can shower, clean their clothes, eat hot meals, and rest in an environmentally controlled shelter.

18. Describe the unit command climate and Soldier morale. Has it changed or evolved since you have been in Theater? (Identifies Soldier's perception of the chain of command and Soldier attitude. Does the Soldier feel supported? Do Soldiers feel the Command cares? Are they getting clear guidance?) 1 AR 600-20 • 13 May 2002 1-5.

Command, b. Elements of command. c. The commander is responsible for establishing leadership climate of the unit and developing disciplined and cohesive units. This sets the parameters within which command will be exercised and, therefore, sets the tone for social and duty relationships within the command. (1) Commanders and other leaders committed to the professional Army ethic promote a positive environment. If leaders show loyalty to their soldiers, the Army, and the Nation, they earn the loyalty of their soldiers. If leaders consider their soldiers' needs and care for their well-being, and if they demonstrate genuine concern, these leaders build a positive command climate. (2) Duty is obedient and disciplined performance. Soldiers with a sense of duty accomplish tasks given them, seize opportunities for self-improvement, and accept responsibility from their superiors. Soldiers, leader and led alike, work together to accomplish the mission rather than feed their self-interest.

MORALE WAS OUTSTANDING -
MP WERE PROFESSIONAL. MADE SURE IT WAS PRIORITY.
THEY WERE UNDER STAFF BASED ON MISSION

19. Are you aware of any incidences of detainee or other abuse in your unit? AR 190-8, 1-5. General protection policy a. U.S. policy, relative to the treatment of EPW, CI and RP in the custody of the U.S. Armed Forces, is as follows: (1) All persons captured, detained, interned, or otherwise held in U.S. Armed Forces custody during the course of conflict will be given humanitarian care and treatment from the moment they fall into the hands of U.S. forces until final release or repatriation. (2) All persons taken into custody by U.S. forces will be provided with the protections of the GPW until some other legal status is determined by competent authority. (3) The punishment of EPW, CI and RP known to have, or suspected of having, committed serious offenses will be administered IAW due process of law and under legally constituted authority per the GPW, GC, the Uniform Code of Military Justice and the Manual for Courts Martial. (4) The inhumane treatment of EPW, CI, RP is prohibited and is not justified by the stress of combat or with deep provocation. Inhumane treatment is a serious and punishable violation under international law and the Uniform Code of Military Justice (UCMJ). b. All prisoners will receive humane treatment without regard to race, nationality, religion, political opinion, sex, or other criteria. The following acts are prohibited: murder, torture, corporal punishment, mutilation, the taking of hostages, sensory deprivation, collective punishments, execution without trial by proper authority, and all cruel and degrading treatment. c. All persons will be respected as human beings. They will be protected against all acts of violence to include rape, forced prostitution, assault and theft, insults, public curiosity, bodily injury, and reprisals of any kind. They will not be subjected to medical or scientific experiments. This list is not exclusive. EPW/RP are to be protected from all threats or acts of violence. d. Photographing, filming, and video taping of individual EPW, CI and RP for other than internal Internment Facility administration or intelligence/counterintelligence purposes is strictly prohibited. No group, wide area or aerial photographs of EPW, CI and RP or facilities will be taken unless approved by the senior Military Police officer in the Internment Facility commander's chain of command. e. A neutral state or an international humanitarian organization, such as the ICRC, may be designated by the U.S. Government as a Protecting Power (PP) to monitor whether protected persons are receiving humane treatment as required by the Geneva Conventions. The text of the Geneva Convention, its annexes, and any special agreements, will be posted in each camp in the language of the EPW, CI and RP.

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ADVISEMENT OF RIGHTS (For military personnel)

The text of Article 31 provides as follows a. No person subject to this chapter may compel any person to incriminate himself or to answer any questions the answer to which may tend to incriminate him. b. No person subject to this chapter may interrogate or request any statement from an accused or a person suspected of an offense without first informing him of the nature of the accusation and advising him that he does not have to make any statement regarding the offense of which he is accused or suspected, and that any statement made by him may be used as evidence against him in a trial by court-martial. c. No person subject to this chapter may compel any person to make a statement or produce evidence before any military tribunal if the statement or evidence is not material to the issue and may tend to degrade him. d. No statement obtained from any person in violation of this article, or through the use of coercion, unlawful influence, or unlawful inducement, may be received in evidence against him in a trial by court-martial. (1.2, 1.6)

I am _____(grade, if any, and name), a member of the (DAIG). I am part of a team inspecting detainee operations, this is not a criminal investigation. I am reading you your rights because of a statement you made causes me to suspect that you may have committed _____. (specify offense, i.e. aggravated assault, assault, murder). Under Article 31, you have the right to remain silent, that is, say nothing at all. Any statement you make, oral or written, may be used as evidence against you in a trial by courts-martial or in other judicial or administrative proceedings. You have the right to consult a lawyer and to have a lawyer present during this interview. You have the right to military legal counsel free of charge. In addition to military counsel, you are entitled to civilian counsel of your own choosing, at your own expense. You may request a lawyer at any time during this interview. If you decide to answer questions, you may stop the questioning at any time. Do you understand your rights? Do you want a lawyer? (If the answer is yes, cease all questions at this point). Are you willing to answer questions?

20. Describe what you understand happened leading up to and during the incident(s) of abuse. (No applicable standard) _____

21. Describe Soldier morale, feelings and emotional state prior to and after these incidents? (Identifies unit and Soldier morale, atmosphere, mood, attitude, stress, retaliation, preemption, family crisis) _____

22. Was this incident reported to the chain of command? How, when & what was done? What would you have done? (Identifies compliance, procedure, timeliness, Soldier perception of action taken and effect on unit morale.) (1.2, 1.6) (AR 190-40, Appendix B, Category 1 Reportable Serious Incidents, B-1. Actual or alleged incidents involving the following: b. War crimes, including mistreatment of enemy prisoners of war, violations of the Geneva Conventions, and atrocities. B-2. Any other incident the commander determines to be of immediate concern to HQDA based on the nature, gravity, potential for adverse publicity, or potential consequences of the incident. AR 190-40, Appendix C Category 2, Reportable Serious Incidents, C-1. Actual or alleged incidents involving the following: g. Incidents involving prisoners or detainees of Army confinement or correctional facilities to include escape from confinement or custody, disturbances which require the use of force, wounding or serious injury to a prisoner, and all prisoner deaths. C-2. Any other incident that the commander determines to be of concern to HQDA based on the nature, gravity, potential for adverse publicity, or potential consequences of the incident. AR 190-8, 5-1. General protection policy—civilian internee, a. Treatment. (1) No form of physical torture or moral coercion will be exercised against the CI. This provision does not constitute a prohibition against the use of minimum force necessary to effect compliance with measures authorized or directed by these regulations. (2) In all circumstances, the CI will be treated with respect for their person, their honor, their family rights, their religious convictions and practices, and their manners and customs. At all times the CI will be humanely treated and protected against all acts of violence or threats and insults and public curiosity. In all official cases they will be entitled to a fair and regular trial as prescribed by this regulation. (3) The CI will be especially protected against all acts of violence, insults, public curiosity, bodily injury, reprisals of any kind, sexual attack such as rape, forced prostitution, or any form of indecent assault. (4) The CI will be treated with the same consideration and with-out adverse distinction based on race, religion, political opinion, sex, or age. AR 190-8, para 6-9, e. Any act or allegation of inhumane treatment or other violations of this regulation will be reported to HQDA (DAMO-ODL), WASH DC 20310-0400 as a Serious Incident Report. Reporting instructions in AR 190-40 will be used.) _____

23. How could the incident have been prevented? (Identifies root cause and perceived solution) (No applicable standard) _____

24. Describe any unit training or other programs that you are aware of that teach leaders and Soldiers how to recognize and resolve combat stress. FM 22-51, para 11-5. Prevention of Misconduct Stress Behaviors. The measures which reduce battle fatigue and

prevent battle fatigue casualties should also help reduce the incidence of misconduct stress behaviors. However, additional actions also need to be practiced consistently by leadership at all echelons and by buddies at the small unit level. FM 22-51, para 1-3, Stress control requires special involvement from direct (small unit) leaders. The responsibility extends up through the organizational leaders and their staffs (both officers and noncommissioned officers [NCOs]) at all echelons. Appendix A describes combat stress risk factors and prescribes leaders' actions to control them. Leaders, staffs, and individual soldiers all receive assistance from the supporting chaplains, the medical personnel, and combat stress control/mental health personnel (see Appendix B for information pertaining to combat stress control units). If any link in the chain of responsibility is weak, it is the responsibility of the other members of the chain to strengthen it. FM 8-51, para 1-1, b. Responsibility For Stress Control. Control of stress is the commander's responsibility (see FM 22-51) at all echelons. The commander is aided in this responsibility by the noncommissioned officer (NCO) chain of support; the chaplaincy; unit medical personnel; general, principal, and special staff, and by specialized Army CSC units and mental health personnel.)

25. What measures are in place to boost morale or to relieve stress? (Identifies perceived solution.) FM 22-51, para 11-5. Prevention of Misconduct Stress Behaviors. The measures which reduce battle fatigue and prevent battle fatigue casualties should also help reduce the incidence of misconduct stress behaviors. However, additional actions also need to be practiced consistently by leadership at all echelons and by buddies at the small unit level. FM 22-51, para 1-3, Stress control requires special involvement from direct (small unit) leaders. The responsibility extends up through the organizational leaders and their staffs (both officers and noncommissioned officers [NCOs]) at all echelons. Appendix A describes combat stress risk factors and prescribes leaders' actions to control them. Leaders, staffs, and individual soldiers all receive assistance from the supporting chaplains, the medical personnel, and combat stress control/mental health personnel (see Appendix B for information pertaining to combat stress control units). If any link in the chain of responsibility is weak, it is the responsibility of the other members of the chain to strengthen it. FM 8-51, para 1-1, b. Responsibility For Stress Control. Control of stress is the commander's responsibility (see FM 22-51) at all echelons. The commander is aided in this responsibility by the noncommissioned officer (NCO) chain of support; the chaplaincy; unit medical personnel; general, principal, and special staff, and by specialized Army CSC units and mental health personnel.

PT, MWA WITH MODIES,
KBR, MOM & POP STAFFS, PLAYED SPORTS, PX, DVA

26. What measures could the command enact to improve the morale and command climate of your unit? (Identifies perceived solution.) FM 22-103, Leadership and Command at Senior Levels, 21 Jun 1987, p. 6, - "Leadership. The process of influencing others to accomplish the mission by providing purpose, direction, and motivation." AR 600-100, Army Leadership, 17 Sep 1993, p. 8, 1987- "Senior-level leadership is the art of direct and indirect influence and the skill of creating the conditions for sustained organizational success to achieve the desired result. But, above all, it is the art of taking a vision of what must be done, communicating it in a way that the intent is clearly understood, and then being tough enough to ensure its execution."

WAS AT MOSUL AT AIV COVL FACILITY. 800 MRS FROM
D-REAR, BEEN AT FACILITY 6 OR 7 TIMES. SJA, PMO, GZ
SET ON RELEASE BOARD. WAS MUSTERED IN BEGINNING BUT
REFUSED WATER ON. HELP ESCORT VIP'S. FIRST ICRC VISIT
SAID THAT THE UNIT WAS IN COMPLIANCE WITH THE LAW OF WAR
THE FULL GENEVA CONVENTION AT ABU GANRAIB. BROUGHT IN
CITY COUNCILMAN, LOCAL NATIONAL LAWYERS TO INSPECT
FACILITY, HAD MEDICAL CARE EVERY DAY. NAA CHALLENGES IN
TRANSFER TO ABU GANRAIB BECAUSE IT WAS MAXED OUT. THE
LONGEST ABOUT 2-3 WEEK STAY. THE PAPERWORK WOULD NOT
BE WITH DETAINEE - COMMON MISPELLING OF NAMES.

2 -

1 - DEATH DETAINEE ABUSE

CONFUSING GUIDANCE FROM CSFR - ON RELEASE AND TRANSFER

2886

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DAIG