

**RESPONSE TO QUERY FOR INFRACTIONS OUTLINED IN THE
SCHLESINGER REPORT AND ADMIRAL CHURCH BRIEFING
REGARDING DETAINEE TREATMENT AT GUANTANAMO
1 November 2004**

BACKGROUND

The Schlesinger Report, a review of DoD detention operations was released in August 2004. Page 13 of that report indicated that there were eight instances of substantiated abuse at Guantanamo.

Navy Inspector General Admiral A.T. Church conducted a review of detainee operations at Guantanamo. In a May 2004 briefing he also referred to eight cases of abuse at Guantanamo.

Prior to these reports, Guantanamo had released details of three of those instances of abuse. News reporters have contacted the JTF-GTMO PAO for details on the remaining five cases.

The Schlesinger Report was released in August 2004. The link is <http://www.defenselink.mil/news/Aug2004/d20040824finalreport.pdf>.

The transcript of Admiral Church's press briefing is at <http://www.defenselink.mil/transcripts/2004/tr20040512-0750.html>

STATEMENT

Guantanamo has highly structured and disciplined detention and interrogation operations. U.S. forces treat all detainees and conduct all interrogations, wherever they may occur, humanely and consistent with U.S. legal obligations, and in particular with legal obligations prohibiting torture.

Earlier this year, both the Schlesinger Report and the press briefing provided by Vice Admiral A.T. Church III, cited eight "substantiated cases" regarding appropriate treatment of detainees at Guantanamo.

The Department takes all allegations of abuse seriously. Credible allegations of abuse made by detainees or reported by JTF GTMO officials are investigated. Those who are found to have committed unlawful acts are immediately removed from further contact with detainees and are disciplined as the circumstances warrant.

The following are the details of those infractions and how they were resolved.

1) A guard was charged with assault against a detainee for actions during an incident in September 2002. During that incident, detainees in a detention block were

protesting and one detainee threw food out of his cell window (the portal in the door through which food and books are passed). The window was closed by a guard, and during a later check on the detainee, the detainee threw what was believed to be water from the toilet on the guard. The guard then attempted to spray the detainee with a hose. The guard received non-judicial punishment pursuant to an Article 15, Uniform Code of Military Justice (UCMJ). He was reduced in rank to E-3 (suspended) and given 7 days restriction. He was reassigned to other duties at Guantanamo.

2) A guard was charged with dereliction of duty and assault on a detainee following an incident in April of 2003 that involved a disturbance in one of the detention blocks. One detainee who was already out of his cell assaulted another guard, and while the detainee was being subdued, the detainee bit the guard. After the detainee was subdued, the guard struck the detainee with his fist in which he held a handheld radio. He received non-judicial punishment pursuant to an Article 15 in May 2003. The guard was reduced in rank to E-3, given 45 days of extra duty and was reassigned.

3) In April 2003, during the approach phase of an interrogation, a female interrogator took off her uniform top (her brown T-shirt was still worn), ran her fingers through the detainee's hair and sat on his lap. A supervisor monitoring the interrogation immediately terminated the session. The interrogator was given a written reprimand for her conduct and received additional training before being allowed to continue duties as an interrogator.

4) In early 2003 a female interrogator (different interrogator than incident 3) wiped dye from red magic marker on detainees' shirt after detainee spit on her. She told the detainee the stain was blood. The interrogator received a verbal reprimand for inappropriate contact/interrogation technique.

5) An interrogator in April 2003 used a "fear-up/harsh" technique by directing MPs to repeatedly bring the detainee from a standing to prone position and back. A review of medical records indicated superficial bruising to the detainee's knees. The interrogator was issued a written reprimand. Maj. Gen. Miller, JTF Commander at the time of this incident, prohibited further use of the "fear-up/harsh" technique and specifically prohibited MPs from involvement during interrogation.

6) In February 2004, an MP was joking with a detainee and dared the detainee to throw water on him. The detainee did so and the MP squirted the detainee with water from a water bottle. The MP also engaged in inappropriate casual conversation with detainee. The MP's behavior described above was in violation of JTF Guantanamo Standard Operating Procedures (SOP). The MP was reassigned to other duties at Guantanamo.

7) In March 2003, an MP sprayed pepper spray on a detainee who was preparing to throw unidentified liquid on another MP during an Initial Response Force response. The MP was alleged to have used the spray in violation of the JTF Guantanamo SOP. The MP turned down an Article 15 (non-judicial punishment) and instead requested a

court-martial proceeding. He was acquitted by members at a Special Court Martial in June 2003.

8) In February 2004, a Camp barber intentionally gave two unusual haircuts, in an effort to frustrate detainee requests for similar haircuts, as a sign of detainee unity. The barber and his company commander were counseled by their battalion commander, and the barber was required to re-cut the detainees' hair appropriately.

KEY MESSAGES

- We treat detainees in a safe, humane manner and consistent with the Geneva Convention.
- Allegations of abuse are investigated and action taken if warranted.
- JTF Guantanamo has a standing invitation for media members to see our detention and interrogation operations facilities firsthand and to interview staff members.
- All detainees receive expert medical and dental care on a regular basis while at Guantanamo.
- Detainees have various opportunities available to them to report any instances of abuse to include representatives from the International Committee of the Red Cross, home-country delegations, guards, interrogators, and medical personnel.
- JTF-Guantanamo has improved detention and interrogation operations through extensive internal reviews and corrects problems as they are identified. The JTF also has a standardization team, whose sole purpose is to review on a regular basis every aspect of the way we conduct operations.

Q'S AND A'S

Q1: Why does JTF-Guantanamo continue to be dogged by claims of abuse?

A1: The Al Qaeda training manual teaches trainees to claim abuse at every turn. As detainees continue to be released, these allegations will continue because that is what they are trained to do. Nonetheless, we take all allegations seriously and take action against those who have engaged in misconduct. There have been an exceedingly small and isolated number of substantiated allegations in the past two years and this is in contrast with the safe and humane treatment we provide the detainees on a daily basis.

Q2: Besides the cases of abuse mentioned in the Schlesinger Report, are there additional confirmed cases of abuse at Guantanamo?

A2: When allegations are made, they are investigated thoroughly and dealt with as circumstances warrant.

Q3: How do you respond to released detainee allegations of abuse?

A3: Detainees are treated humanely at all times, but we are not surprised by these allegations because al Qaeda training manuals instruct trainees to claim abuse at every turn.

Q4: What specific measures do you use at Guantanamo to prevent abuse?

A4: The JTF has developed standard operating procedures so that personnel understand the standards for detention and interrogation and then are trained to this standard. These procedures are regularly reviewed and updated to incorporate lessons learned. Additionally, the appropriate level of leadership is on duty at Camp Delta, 24/7, to assist subordinates with all aspects of the mission. There is constant vigilance on the blocks and for the safety of the guards and the detainees, individual guards are never left alone with detainees. Interrogations are monitored by appropriate supervisory personnel to ensure that JTF standards are maintained. Finally, the JTF employs an internal Standardization Team that reviews policies and procedures in every aspect of our operation.

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