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Briefing - Detainee Operations

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Vice Admiral Church: Good afternoon, gentlemen. I know we are pressed for time so what I thought I'd do is kind of jump over my opening statement tomorrow and highlight a few things and then get to the questions. This will take a couple of minutes. I'll try to go fast and be somewhat articulate.

This started back in April of last year when following Abu Ghraib the Secretary of Defense asked me to do a quick review of Guantanamo Bay and Charleston to see if his orders were being carried out. I did that and reported back to him. Subsequently on the 25th of May last year the Secretary gave me a more expansive tasking.

Real quickly, the first was identify and report on all interrogation techniques considered, authorized, employed or prohibited during the global war on terror.

Second I was to look at to what extent interrogation techniques migrated from one command or operation to another.

Thirdly, look into DoD support or participation in interrogation activities of non-DoD agencies such as the CIA.

Finally, and significantly I was to work closely and in direct support of the independent panel chaired by the Honorable Jim Schlessinger. Implicit in this tasking but not specifically

mentioned was determined to what extent any of these interrogation techniques contribute to detainee abuse.

During the course of the investigation we expanded the tasking to look at issues that came up over the year. In particular, ICRC, contract interrogators and issues dealing with medical personnel.

As we reached our conclusions we ended up with over 800 interviews. Most of them were sworn statements. Anywhere from junior enlisted personnel in the field to flag and general officers and senior civilians back in Washington. We looked at many thousands of pages of documents based on data calls to the Office of Secretary of Defense, Joint Staff, Central and Southern Commands, DIA, and the military departments. And in order not to duplicate other investigations we highly leveraged the works of Generals Taguba, Fay, Jones, Kern, Jacoby and others in reaching our conclusions, and those investigations did inform our work.

Finally, as of 30 September which is when we had to draw the cutoff, we looked thoroughly at all the 70 cases of detainee abuse that had been substantiated to that time.

On the 2nd of November I submitted my draft report to the Office of Secretary of Defense.

Now to the key findings. First of all, we found no policy that condoned or in any way considered torture. We found no policy that condoned or in any way encouraged abuse of detainees. We did find a lot of inconsistencies with regard to the development, promulgation, dissemination of interrogation techniques which we found migrated from theater to theater, were developed on the ground independently in various forms over time.

We also found, as previous investigations had found, that there was a lack of guidance for the interrogators dealing with other government activities, specifically CIA which largely explained how we came about the, how ghost detainees came about, and we were able to -- We did get cooperation from the CIA and collectively we determined that there were about 30 ghost detainees. I think the longest, as I remember, about 45 days.

We also documented and underlined, with the benefit of hindsight, that there were some missed opportunities. I believe Secretary Schlessinger mentioned some of these. One being we didn't incorporate lessons of prior conflicts, specifically the risk of dealing with detainees in detention affairs. And I considered it a missed opportunity also that no specific guidance was provided to CENTCOM or provided by CENTCOM to the theaters with respect to interrogation policy or interrogation techniques.

As we looked at the 70 abuse cases, those included six deaths; 26 serious; 38 minor abuses. Only about a third of these were in any way related to what we would call interrogation, and that's using the most expansive definition of interrogation you can use. Anything at the point of capture where you did a tactical debriefing, we considered that "interrogation related".

Anything that involved an MI we considered interrogation related. So we took that expansive approach so we couldn't be criticized. A third of these happened at the point of capture. We found also that it happened across the board, in GTMO, Afghanistan, Iraq, active, Reserve, Guard, Navy, Marine Corps, Army. So there's no pattern to any of these abuses, and none of them related, as I said, to any of the interrogation techniques that were authorized.

We can talk about FBI documents if you have a question, and I don't need to tell this audience that I will stress tomorrow the importance of HUMINT in the global war on terror and the phenomenal job that our troops are doing on the ground lest we forget that.

Sorry if I rambled for too long, but your questions please, sir.

Press: Jeff McClaughlin with CBS Radio.

I understand that we can make general comments about this briefing beginning about 7:00 in the morning and then attribute this thing which you talked about signing at the time of your hearing. When does the hearing actually start tomorrow?

Whitman: The hearing starts tomorrow at 9:30 and you encapsulated it better than I probably articulated it. Thanks.

Press: Now my question to the Admiral. Sir, from your report -- First of all, how would you characterize yours as distinctly different from those that have preceded it? And second of all, did you make any specific recommendation about actions against any particular senior leaders based on their inability to properly supervise resulting in the instances such as prisoner abuse?

Church: One of the things I found as I've watched this over the last year is people misinterpret what the scope of the investigation was. With that in mind, I started to answer the first question, then the second question. The answer to your second question is responsibility has been pretty well covered in other investigations, particularly the independent panel which we supported, and all the data in their report came from our group.

So I think the areas of responsibility that you're talking about

I think have been addressed. I did not specifically do that in this investigation.

What I did in this investigation, which has not been done before, is trace how all these interrogation techniques from the very beginning were developed, how they were considered inside the Pentagon, who requested what, what the responses were, how that was promulgated, how techniques migrated, how they were actually employed in the field by the interrogators, and then maybe the consequence of that which nobody has yet addressed is that any of these interrogation techniques, per se, authorized or otherwise, have any indirect or direct bearing on the abuse that we've seen.

Press: Don Sheppard with CNN.

Lieutenant General Mark Schmidt has been designated to conduct another investigation. How will his investigation differ from yours?

Church: I got a briefing from General Furlough last Friday on where they were. It's my understanding, and somebody can correct me if I'm wrong, is they are going to look at the specific instances of abuse that were raised by the FBI in the documents that were released in the FOIA request.

I've given them my report. I've given them all my interviews that were done that would relate to their investigation. What I'm told so far is that we pretty much know all the incidents of abuse that happened down there. Right now it doesn't look like there's going to be anything new, but I don't want to prejudge the outcome.

Don, I don't know if I answered your question.

Press: I'm trying to think of why is there a different investigation? What triggered his investigation right after yours?

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When the FBI documents were released based on the FOIA request they contained specific allegations of abuse at Guantanamo. General Craddock, SOUTHCOM Commander decided he was going to appoint an officer to conduct an investigation under Army Regulation 15-6 into the specifics in the alleged abuse contained in those FOIA documents. So he appointed General Furlough to look into those.

Some of those incidents that were released in the FOIA documents were already known to the department, in fact most of

them were already known and had already been investigated by the Criminal Investigation Division of the Army. However, there were some nuances in the FBI documents that needed to be addressed by a 15-6.

General Furlough has conducted his investigation. He reached a point where he felt that questions should be asked of the previous commanders at Guantanamo, and therefore Lieutenant General Schmidt was appointed so that he can conduct that questioning to complete the investigation. He will continue General Furlough's investigation much in the same way as General Jones and General Fay worked together with General Kern to complete that investigation.

Press: So it has to do with rank, I've got it.

Yes.

Press: Bob McGinness.

Did you at all look at the extraordinary rendition issue? Did any of the people that abuse, alleged abuse was involved, did it have other countries other than our own involved in these? Was the CIA complicit in moving these people and in causing some of the allegations to come out?

Church: No. That was beyond the scope of this investigation.

Press: Chet Babbin, National Review and American Spectator.

Pretty much every television show and every newspaper has its own definition of torture. We have the U.S. code, we have the international convention, we have the Geneva conventions. What did you guys use as the baseline? What's the definition of abuse? It's got to be something more than saying to some guy your mama wears combat boots. I don't mean to be facetious, but there's an awful lot of loose talk about this. What's your baseline?

Church: We had a lot of discussion on that and we used the Uniform Code of Military Justice. We thought that was something that everybody understood and was pretty clear.

You'll see in the report we make a distinction between serious abuse and minor abuse. Those abuse cases that rose to the level of the manual for court martial, those that would cause or intent to cause grievous bodily harm, sexual assault, things of that nature, we called serious abuse; and simple assault we classified minor abuse. But the basis was the Uniform Code of Military Justice.

Press: Admiral, how did the techniques migrate? What did you find in the whole migration aspect of this?

Church: That could probably take the rest of the -- Let me boil it down to the basics. It started in GTMO. Afghanistan, conventional forces kind of developed their own. They had copies of the 2 December memo that the Secretary signed out for GTMO. The SOF forces developed their own. Each time these migrated and as time went on both conventional and SOF forces, the techniques tend to be come a little more expanded as they went on until we reached the point where Central Command came in and basically said here's what you're going to do.

In Iraq when they started out, the September techniques, we know that General Miller had gone over and he had taken a copy of the GTMO techniques, but it was clearly understood that Geneva applied in Iraq. We also know that on 5/19 a number of techniques [were in] from Afghanistan. I think that's been documented and we documented it again.

The service legal types, CSJAs looked at all those through a Geneva lens and then General Sanchez published his first interrogation policy in September.

That's the short version.

Whitman: Are there any other questions from the group?

[No audible response.]

Whitman: Let me go around the table here a little bit and see if there are any items from our other officials that we have here that they think might be helpful for you tomorrow as you're having to talk through some of these issues with respect to some of the things that have been going on outside the strict domain of what Admiral Church has been doing. I'll just open it up.

[REDACTED] My office, the Office of Detainee Affairs, was established in July of 2004 as sort of the focal point for detainee issues within the Office of the Secretary of Defense and to provide policy and strategy advice with regard to detainees to the Secretary of Defense.

I think one of the most important missions of the office is recognizing that in the ongoing war on terrorism detention operations remain critical, both to keeping dangerous fighters off the battlefield and also for the intelligence function that goes on as part of detention operations and HUMINT collection, but also recognizing that from the beginning of the war on terrorism both the President and the Secretary of Defense made

clear that all detainees would be treated humanely, and we don't see those as sort of aggressive, those two objectives aggressive pursuit of the war on terrorism and humane treatment of detainees as mutually exclusive. Rather, they're mutually reinforcing.

So one of the functions of my office is in working with the Joint Staff and the Army in particular, going through the hundreds of individual line item recommendations that have come from the panel reports, the investigations into detainee abuse, and looking at how we can improve detention operations in the future.

I think one of the early changes that we made was changes in the way the department handles reports from the ICRC, the International Committee of the Red Cross. Recognizing that perhaps the failure to react aggressively and quickly to allegations of abuse that were contained in some ICRC report that should have served as a red flag may have flowed out of the department's response to previous acts of misconduct.

One of the important changes has been in the way the department handles ICRC report which had previously really remained in the hands of the field commanders as dialogue between commanders in the field and ICRC representatives in the combat theater. The new policy is that all those reports are forwarded very quickly to me representing the Secretary of Defense and other senior representatives, senior officials here in the department so that those types of red flags that might be raised by the ICRC are quickly brought to the leadership's attention. Sometimes that means that we're able to react more quickly to allegations of misconduct. It also means that we can engage in a more robust dialogue with the ICRC about possible policy changes or procedural changes. We don't always agree with what the ICRC has to say but we do regard them as a critically important actor within the international community, committed to the Geneva Conventions and humane treatment of detainees and that sort of rejuvenated dialogue has proven very valuable as we look to improve detention operations in the future.

Whitman: Let me ask the Army to tell you, the [REDACTED], just to give you a flavor for the amount of things that have changed with respect to training as well as doctrine in this area, too. I think he can do it briefly. It would be helpful to you.

[REDACTED] Gentlemen, let me give you kind of the big headline up front. We take a look at our cases. Reported detainee abuse since April of '04 has declined by 80 percent -- a decline of over 80 percent. So how did we get there? There have been many fixes that were ongoing by the Army even prior to the

release of the photos at Abu Ghraib, and let me explain a little further what I'm talking about.

First of all, the Army's taken a look at the numerous reports that were mentioned up front, 11 to date. There's been a lot of value that was taken out of those reports. It's helped us to clarify policy, especially the policy of the roles of the military intelligence, interrogators, and military police. We've taken these reports and helped us to update detainee doctrine.

Right now there's an ongoing process to increase the number of publications from two to eight. That's a significant increase.

We have revised training and that's perhaps where the major changes have taken place. From initial entry training and basic training all the way through our professional military education courses to the training that our units prior to deployment get at our combat training centers. Military police schools developed a 55 hour training support package that all soldiers prior to mobilization if they're involved in detainee operations get.

In basic training we're stressing through TRADOC five core tasks. It includes training on ethics, values, Geneva Convention, and things like the law of war.

So right from basic training all the way through professional military education and the combat training centers we've made significant differences.

Another significant fact that helped us to reduce the reported detainee abuse is that we significantly changed the ratio of detainees to guards. It was at Abu Ghraib, for example, one to 75, and now it's down to one to eight. We've done that by training other soldiers, other non-MPs to perform some basic security functions and that allows our MPs to be close in working with our detainee ops, and those are the experts in that area.

We've also added or are in the process of adding 35 new internment resettlement units. Over the next three years that will be an additional 3000 plus military police soldiers who are experts in detainee operations that will be available to the combat commander to reduce the stress on the force right now and to continue to have that low guard to detainee ratio.

So those are some of the big improvements that we've made. There's a process in place, just like the Army usually does to tactical issues like this, we've got an oversight council that is constantly providing focus and direction to the review of these reports that we've analyzed. We've got about 200 actionable

tasks that we have delegated across the Army staff to implement some short and long term solutions.

██████████ A couple of things I want to toss in. I think you can tell from ██████████ and ██████████ that the Department of Defense hasn't waited for the completion of Admiral Church's report to implement change. In fact we began change very early and we have a very direct and deliberate process to bring about the changes that are required in the department.

Right now we're tracking well over 400 recommendations out of the major investigations, inspections and reports that have been submitted with respect to detainee ops and abuse. Of those 400 recommendations we have taken all of those recommendations and individually analyzed the recommendation, determined who should have the primary responsibility for the recommendation, what the action plan should be, and then have gone about implementing the change.

We currently have reached closure on about 40 percent of those recommendations. Now the number 400 is a moving number because we haven't added Admiral Church's recommendations into that yet but we're going through the report right now and making sure that we have captured every recommendation that he makes and that we've got an action plan associated with that.

As we go through this, of course, we find many of the recommendations that are specifically addressed to a local area or a particular command. What we've tried to do is take a broader approach to the recommendation and if it applies in Afghanistan it probably applies in Iraq as well. And it probably means we need to make some changes back in the institution in order to properly train our soldiers, sailors, airmen and marines. We have implemented change with respect to joint doctrine for detention operations and we have a group that is working right now from a joint perspective as to how the lessons that we are learning by these many reports are applicable to the other services as well.

We do have a General Officer Steering Committee with OSD representation that meets on a regular basis to review every one of the recommendations and to reach conclusions and how those recommendations and what our solutions are might apply to the other services, to our other combatant commands or elsewhere in the Department of Defense.

So my point to all this is that we've taken this very seriously and we are addressing every one of the recommendations that have been made to the department in some form or fashion.

Whitman: Let me just finish up briefly with [REDACTED] who will talk a little bit about what's been done in terms of --

[REDACTED] This is [REDACTED]

Real briefly, we've relooked at the interrogation doctrine, both at the Joint and the Army level and have reworked it extensively. While the techniques are all valid, what we're trying to do is couple those closely with increased training and coupling with the Geneva Convention so our soldiers can understand better when a technique might go awry. We're also going to provide left and right boundaries on each technique to help train the soldiers, let them understand what is and isn't proper so that they really know the boundaries of the techniques rather than letting them be a little too creative. So you can look at this as kind of a constraint on the interrogation techniques.

By and large the emphasis is going to be largely upon the direct kind of techniques unless you have some sort of advance training.

We're coupling that doctrine very tightly with the emerging Joint doctrine so there's no daylight in between the Joint doctrine and the Army doctrine. So the discipline will look up the Joint chain and down to the foxhole and we'll see the very same language and rules of the game. That's one of the first things we're doing.

We're also really increasing our training on the roles of the MI and the MP, so we understand the limits of the MPs and their responsibilities and they can understand what MI's roles and responsibilities are and there's no confusion there over whether you're talking about an incarceration technique or a security technique versus an interrogation technique.

Lastly, we've trained our guys extensively, especially before going overseas, on the relationship with OGA and the rules of the game with the agency to preclude any confusion in that area.

Thanks.

Whitman: Let me just see if any questions were generated.

Press: Tom McGinness. A question this just brought up on OGA in the agency and our people being there on the ground. Is there a rule that says who takes charge of the interrogation or back and forth? Can you just elaborate a little bit on that?

██████████ We've made it quite clear, where it wasn't as clear as it probably should have been before, that when an interrogation is being conducted by any OGA in a DoD facility the rules that are followed are DoD rules. There's extensive, on all the implementation documents that I've seen for every theater, there are extensive rules on oversight of OGA, for instance debriefings or interrogations, in terms of being accompanied, submitting interrogation plans prior to, et cetera. So it's a very tightly controlled and monitored process now where before it clearly wasn't in some of the detention facilities before.

Church: By the way the CIA has the same rules and had those in place. They just weren't followed.

Press: Chet Babbin again, Admiral.

Can you tell us, basically we're hearing a lot about what the soldiers are being trained and how these things are going to be implemented in the future, but it seems like we've got a pretty adaptive enemy out there. What are we doing to train our soldiers adequately but still keep what we are doing and the boundaries of what we are doing to ourselves?

Church: You're asking prospectively and I probably ought to kick that back to ██████████ But one of the things that does come out on this report is that we found that interrogators were starting to clamp up and we were losing intelligence. I actually, it's not in the report, but I out-briefed that to General Abizaid when I came out of the theater. Which is why I make the case that we need to have the debate and we need to figure out how we're going to do this because we're not going to win the global war on terror without intelligence and HUMINT is going to be critical to that effort.

██████████ over to you.

██████████ We have developed specialized courses for interrogation. For instance we have a course at Fort Huachuca at the Intelligence School that specifically focuses on interrogation of global war on terror type individuals vice other detainee type individuals. That's kind of an advanced interrogation course.

And while the techniques and the fundamentals are the same, the target and the training on the target is somewhat different.

We also have very extensive hot wash and review and information sharing going on on which approaches are effective with who. We have access on-line to interrogation plans that interrogators can share and look at, and what works here and there.

Now it's not really where we want it to be, and as Admiral Church said, we do need to continue the dialogue and analyze whether these as interrogation techniques or these approaches are getting us what we need. But we are striving to be as adaptive as possible under the circumstances.

██████████ If I can just comment, my sense is the leadership of this department, both civilian and military, clearly understand that we're engaged in a global war on terror and that human intelligence is critical to our success in that. And we're going to operate within the law but we're also going to enable those who are gaining the intelligence to have the tools at their disposal that will make them successful.

Whitman: Last call for questions.

Church: This is Admiral Church again. I'm sorry I don't remember who asked this question, what's new about your investigation. I think I adequately answered that, but the reason I wanted to revisit that is because there were a couple of articles in the paper today that some people were underwhelmed by the report.

The report is close to 400 pages. There are a couple of annexes that are not in there. The ICRC section runs 50 pages and is separately bound because of the way ICRC report are treated. We reviewed every paper, every working paper, every document, and the commanders' responses to those in that section which is not in the report. And there's another report that is not even bound that I did on SMUs, the SOF forces that report directly to CENTCOM which is also not in the report.

So we covered a pretty extensive area. As I said, we did over 800 interviews, most of them sworn; reviewed thousands of documents. We did data culls in the Pentagon from the COCOMS and we asked for every piece of paper they had dealing with interrogations for detention operations and we got a lot of stuff, some of it was duplicative. We used a lot of stuff that the Fay report had already generated.

I think it adds an awful lot to the body of knowledge of how this whole process worked from the start to where we are today. So I guess I was a little reactive to the articles that said well there's really nothing new here, because frankly, I think it answers a lot of questions that have been outstanding for some time.

Thank you.

Whitman: Gentlemen, I hope this has been helpful to you. Again, just to remind people of the ground rules, the information is embargoed until 7:00 a.m. tomorrow, with any direct attribution to Admiral Church when the testimony begins and no direct attribution to our other officials -- senior military and senior defense officials, Army officials that are here today.

Again, we'd appreciate your feedback on doing this ahead of an event. If it works for you under these type of conditions I think we would like to bring you in early on something as opposed to after we've announced something. If you provide that back through the normal channels to Tara, we'll be interested in that.

Thank you.

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