

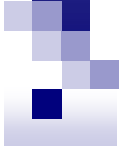


Interrogation Policy & the Global War on Terrorism

Office of Detainee Affairs
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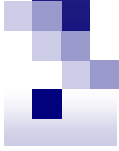
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Interrogation Policy: Outline

- Evolution of interrogation policy
- Current policy – DoDD 3115
 - Principles, techniques and safeguards
- Controversy surrounding interrogation policy and practice
- Normative context for interrogation

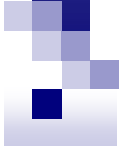
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Setting the context – pre 9/11

- Framework for interrogation and questioning
 - Tactical interrogation
 - Strategic debriefing
- Interrogation governed by Army Field Manual 34-52
 - Context is Law of Armed Conflict
 - Focus of interrogation is Enemy Prisoners of War (EPWs) in state-to-state conflict
 - 17 approach techniques – ***illustrative not comprehensive list***
 - Defined procedures and safeguards
 - Safety and security of EPW
 - EPW medical screening
 - Interrogation plan development, review, implementation and final reporting

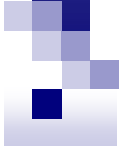
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Request for new techniques: Timeline

- Jan 11, 2002 – first detainees arrive at GTMO
- Summer/fall of 2002 – FM 34-52 governs interrogations
- Oct 11, 2002 – JTF-GTMO requests use of additional interrogation techniques for Khatani; list of 20 techniques submitted for approval
- Nov 27, 2002 – General Counsel, DepSecDef, USD(P) and CJCS recommend SecDef approve 17 of 20 requested techniques
- Dec 2, 2002 – SecDef approves 17 of 20
- Jan 15, 2003 – SecDef rescinds approval and establishes working group; FM 34-52 in effect
- April 16, 2003 – new policy contains 24 approved approaches and associated safeguards for implementation; remains in effect today

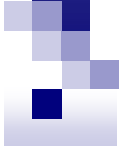
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Request for new techniques: Rationale

- Reliance on traditional framework and techniques proving ineffective *in some cases*
 - GTMO interrogations neither strategic debriefing nor tactical interrogation
- The situation warranted a new approach
 - High threat environment for the US
 - Key detainees obviously counter interrogation trained who may possess intelligence on next attack
- Recognition that GTMO environment was a departure from traditional interrogation context
 - Establish guidelines and policies reflective of new context
 - Obtain approval and guidance for changes to existing operations

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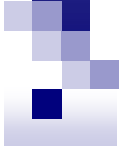
New Techniques Compared to FM 34-52

- Yelling
- Deception

- Use of stress positions (standing up to 4 hrs at a time)
- Use of falsified documents
- Isolation for up to 30 days
- Non-standard location for interrogation
- **Light and auditory stimuli deprivation**
- **Hooding**
- **Use of 20 hr interrogation**
- Removal of comfort items
- Hot rations to MREs
- **Removal of clothing**
- **Forced grooming**
- Use of phobias to induce stress

- **Scenarios to convince detainee that death or severely painful consequences are imminent**
- **Exposure to cold weather or water**
- **Water boarding**
- **Use of mild, non-injurious physical contact**

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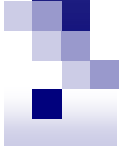


Interrogation Directive 3115



- Signed by DepSecDef 3 Nov 2005
- Sets forth humane treatment as minimum standard for all detainees
 - Physical and mental torture and abuse prohibited
- Establishes procedures for reporting violations of humane treatment policy
- Requires that non-DoD interrogators comply with DoD standards when interrogating DoD detainees
- Requires that interrogations, debriefings and questioning be conducted by trained personnel
 - Contractors trained to same standards
- Delineates relationship between detention personnel and interrogators

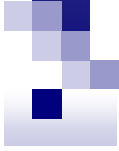
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Interrogation Directive 3115 (cont'd)

- Sets/reiterates policy on medical issues
 - Reiterates that decisions on medical treatment are province of medical personnel
 - Medically unfit will not be interrogated
 - Allows release of medical information for all lawful intelligence and security purposes
 - No guarantees of confidentiality under US or international law
- Policy for Behavioral Science Consultants:
 - Provide advice to interrogators
 - Make psychological assessments of detainees for interrogation purposes
 - BSCs will not provide medical care to detainees unless in extreme emergency

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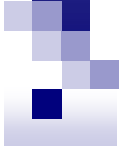


Interrogation Directive 3115 (cont'd)



- Does not authorize or prohibit particular techniques, per se
 - DoD components will develop approaches as part of their policies and TTPs
 - Army FM 2-22.3 (replaces FM 34-52) will elaborate acceptable approach techniques and practices, and applicable safeguards
 - Operational commander and circumstances will determine which authorized approaches will be used

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Why the controversy?



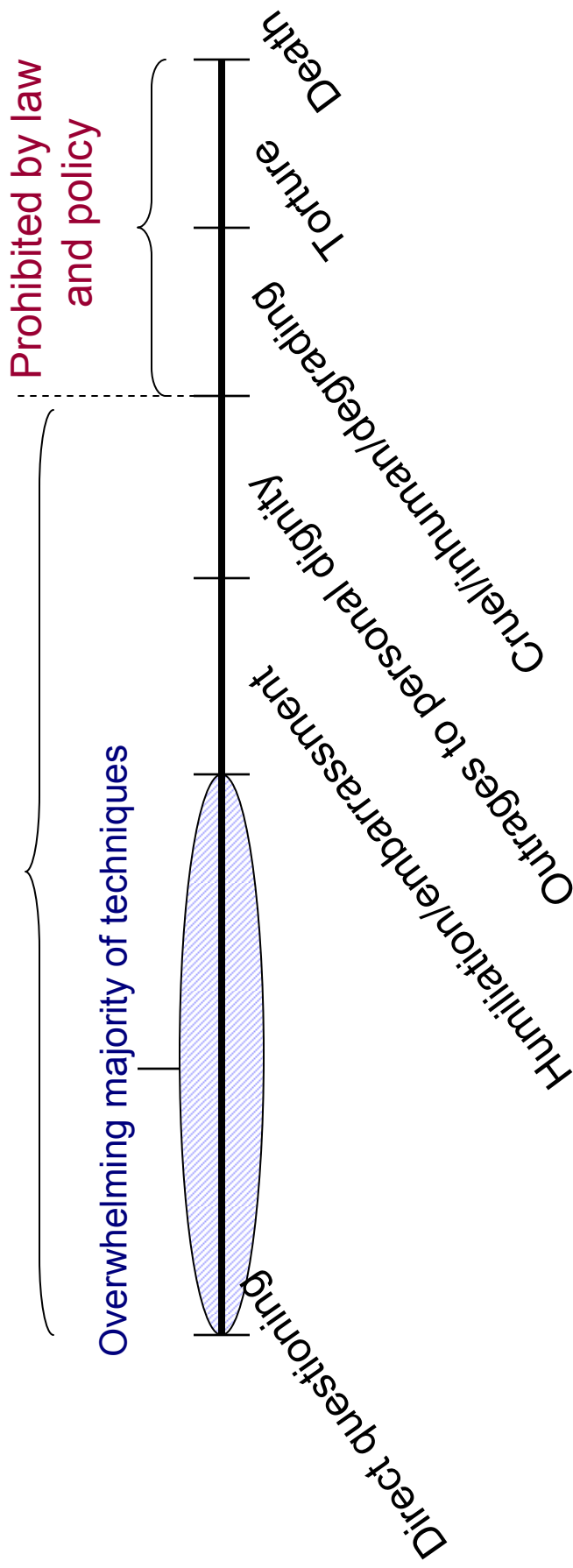
- Detainee status
- Mistrust and suspicion of USG intentions, motivations and activities
 - Thoughtful, deliberative debate within USG regarding how to categorize interrogation techniques and what constitutes torture or CID is taken to be an indicator of intent to commit those acts
 - Inherent secrecy of intelligence gathering, including protection of sources and methods, seen as intent to cover up wrongdoing
- Actual abuses committed towards detainee *incorrectly* tied to interrogation
 - By media
 - By those accused of committing abuses
- Actual interrogation techniques
 - Inherently, interrogation is a confrontational and unpleasant process
 - Broad disagreement regarding what techniques are abusive or worse

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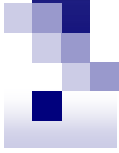


Levels of Coercion and Violence

In this area, what should be allowed under US policy?



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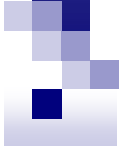


Context for Coercion and Use of Force

“In this tradition, we find permission to interrogate the hostage for the purpose of obtaining information. It is permitted to strike the nonbeliever who has no covenant until he reveals the news, information, and secrets of his people. The religious scholars have also permitted the killing of a hostage if he insists on withholding information from Moslems. They permitted his killing so that he would not inform his people of what he learned about the Muslim condition, number, and secrets.”

-- Manchester document

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Considerations in normative debate

- What is the other side doing? How does that factor into our actions?
 - How many innocent civilians killed in Al Q'aida attacks?
 - How many civilians tortured and beheaded by Al Q'aida?
- Professional and ethical responsibilities of public officials entrusted with providing for our national security
 - Required to engage in thoughtful debate and consider all possible courses of action
 - Consider the consequences of deciding to NOT take actions that could potentially prevent next 9/11-type attack
- Detainee status
 - Enemy combatants are not entitled to the same privileges as EPWs, but what level of coercive force is permissible in interrogation context?
- What are justifiable reasons for employing force?

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