

Annex B (Detainee Abuse Reporting and Procedures), to the CJTF-101 Detainee Operations Standard Operating Procedures (SOP)

1. References.

- a. (U) Manual for Courts-Martial United States (2005 Edition).
- b. (U) Army Regulation 190-40, Serious Incident Report, 09 February 2006.
- c. (U) CID Regulation 195-1, 13 March 06.
- d. (U) Department of Defense Directive 3115.09, Change 1, DoD Intelligence Interrogations, Detainee Debriefings and Tactical Questioning, 10 May 2006.
- e. (U) DoDD 2310.01E, The Department of Defense Detainee Program, 05 September 2006.
- f. (U) AR 15-6, Procedures for Investigating Officers and Boards of Officers, 02 October 2006.

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2. (U) Purpose and Scope. This Annex establishes policy and procedures for reporting and investigating all possible, suspected, or alleged detainee abuse committed by or brought to the attention of CJTF-101 forces. CJTF-101 forces include all units and personnel assigned, attached, OPCON, or TACON to CJTF-101.

3. (U) Commander's Intent. All CJTF-101 personnel who witness, suspect, or become aware of any possible, suspected, or alleged act of detainee abuse, whether by US, Coalition, or ANSF personnel, shall take any and all necessary steps to immediately report the allegation through their chain of command to the Commander, TF Guardian. All allegations of detainee abuse or mishandling of the Koran will be investigated.

4. Definitions.

a. (U) Detainee. Any person captured, detained, held, or otherwise under the custody or control of DoD (including military, civilian and contractors) or ANSF forces. It does not include US or Coalition personnel being held for law enforcement purposes.

b. (U) Detainee abuse. Violence against a detainee, neglect of a detainee's welfare, or other behavior that falls short of the standard of care outlined in the CJTF-101 Detention Operations

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Policy Memorandum committed by or occurring as a result of actions taken by US, Coalition, or ANSF personnel. For purposes of this Annex, detainee abuse includes mishandling of the Koran.

c. (U) Mishandling of the Koran. Handling of the Koran that falls short of the standards outlined in the CJTF-101 Detention Operations Policy Memorandum.

5. (U) Reporting requirements. All personnel that witness or become aware of possible, suspected, or alleged detainee abuse will immediately report the allegation to their chain of command. Commanders at all levels will forward the report to Commander, TF Guardian.

a. (U) Brigade-level commands.

(1) (U) Forward reports of alleged detainee abuse or Koran mishandling to Commander, TF Guardian within 24-hours of receipt. Reports should be in SIR format.

(2) (U) Conduct a commander's inquiry IAW ref. (a) into all allegations of detainee abuse. Forward reports of this inquiry to Commander, TF Guardian; through the Detention Operations Judge Advocate.

(a) (U) Authority to appoint AR 15-6 investigating officers and to approve 15-6 investigation findings is withheld to Commander, CJTF-101. Based upon the initial inquiry, Commander, CJTF-101 will direct an informal AR 15-6 investigation when appropriate.

(b) (U) If at any time an AR 15-6 investigating officer, commander, or supporting Staff Judge Advocate suspects that a felony crime has been committed, the inquiry or investigation should be suspended and CID notified. Commanders will provide CID all information gathered and CID will decide whether or not it will assume investigative responsibility.

b. (U) TF Guardian.

(1) (U) In consultation with CJTF-101 Detention Operations Judge Advocate (CJTF-101 DETOPS JA), generate and submit a SIR in accordance with ref. (c) for all allegations of detainee abuse for which there is some credible evidence based on the initial commander's inquiry. SIRs will indicate which command has conducted an initial commander's inquiry.

(2) (U) Forward results of commander's inquiries and completed AR 15-6 investigations to CID for review and possible further investigation.

c. (U) CJTF-101 CHOPS. Upon receipt of the SIR from Commander, TF Guardian and approved by CG, CJTF-101, publish the final SIR to the following:

(1) COMCFLCC Arifjan Kuwait KU // C3P/CJ3/CJ6/CJ5;

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- (2) INFO USCENTCOM Macdill AFB FL //CCJ3/CCJ3-P/CCJ3-PP//CCJ4;
- (3) COMCFLCC FT McPherson GA//CG/AFRD-DT/WATCH//;
- (4) AOC CAT OPSWATCH G3 DAMO AOC(mc)//;
- (5) COMFORSCOM Fort McPherson GA//AFPM//;
- (6) COMUSACIDC Fort Belvoir VA//CIOP-ZA//;
- (7) COMUSARCENT-CDRUSATHIRD Fort McPherson GA//WATCH//.

d. (U) CJTF-101 DETOPS JA.

(1) (U) Maintain a historical file of all allegations of detainee abuse, including reports of commander's inquiries and AR 15-6 investigations.

(2) (U) Submit weekly reports to Commander, TF Guardian on number of detainee abuse allegations and number of substantiated allegations.

(3) (U) Maintain a database of all abuse allegations, including allegations of abuse committed by ANSF and turned over to GIROA for investigation. This database will include:

(a) (U) Date the allegation(s) was/were received;

(b) (U) The source of the allegations(s);

(c) (U) The alleged victim detainee's name and ISN (when more than one detainee is alleged to have been abused, break each name and ISN out separately)

(d) (U) The alleged perpetrators name(s), unit(s), or agency;

(e) (U) The date(s) of the alleged abuse;

(f) (U) Whether a SIR was published by CJTF-101;

(h) (U) Whether the investigation is complete or pending;

(i) (U) The date the investigation was completed;

(j) (U) The findings and recommendations of the investigation officer; and

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(k) (U) Whether the alleged abuse occurred at the point of capture, a temporary holding facility, or a theatre internment facility.

6. (U) Time limits.

a. (U) Brigade-level commands will complete the commander's inquiry within 3 days of being notified of the allegation and will forward the results to Commander, TF Guardian.

b. (U) AR 15-6 investigations conducted at the direction of Commander, CJTF-101 will be completed within 30 days of appointment. If not completed within 30 days, the brigade-level commander must submit a status report on the investigation, in memorandum for record format, to Commander, CJTF-101.

7. (U) Allegations of Detainee Abuse Committed by ANSF.

a. (U) Scope of Investigation. Investigations into allegations of detainee abuse committed by ANSF forces that occurs in the presence of US or Coalition forces, or that US or Coalition forces become aware of, will be limited to determining the following:

(1) (U) The extent to which Coalition personnel were involved in the events surrounding the alleged abuse.

(2) (U) Whether coalition personnel reported the alleged abuse IAW appropriate regulations.

(3) (U) Any information that will help identify the ANSF unit, location and/or time of the incident.

b. (U) Reporting Allegations of Detainee Abuse by ANSF.

(1) (U) CJTF-101 Detention Operations Judge Advocate will coordinate with the CJTF-101 FDO to sanitize published SIRs on allegations of detainee abuse committed by ANSF.

(2) (U) CJTF-101 DETOPS JA will forward these sanitized reports to the CSTC-A Office of Detainee Affairs.

(3) (U) IAW reference (i), CSTC-A will forward allegations of abuse by ANSF to the GIROA Office of the National Security Council for investigation.