

# The Battlefield inside the Wire

## Detention Operations under Major General Douglas Stone

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*The views expressed here are the author's and do not necessarily reflect those of the Department of Homeland Security or the Department of Defense.*

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PHOTO: Detainees seen through a fence as they perform their noon prayers at the U.S. detention facility at Camp Cropper in Baghdad, Iraq, 10 November 2008. (AP Photo, Maya Alleruzzo)

**M**ILITARY OPERATIONS in Afghanistan and Iraq have propelled the issue of detention operations to the forefront of our national discourse. Not since the internment of thousands of Japanese-Americans during World War II has the question of wartime detention played such a significant role in formulating our foreign policy, military strategy, and our constitutional construct. After seven years of armed conflict, the question of who to detain during hostilities and with what procedural safeguards remains unanswered. What was once legally and ethically straightforward has now become complex and nuanced. Detention operations have been mired in political infighting, scandalized by dishonorable acts of cruelty and abuse, and confounded in a labyrinth of interminable litigation, leaving many policy makers and military service members disoriented and disillusioned.

Politicians, the media, and academia have focused on detainees in Guantanamo Bay, the adoption of the infamous torture memos authorizing “enhanced interrogation techniques,” the implementation of extraordinary rendition, and the humiliation and abuse of prisoners at the notorious Abu Ghraib. They have paid little attention to the thousands of detainees under U.S. care and custody in Iraq. Moreover, most citizens and critics are unaware of recent policies and programs that have proved extremely successful for detention operations and the greater counterinsurgency effort in Iraq.

While many thousands of service members serving in Iraq—the military guards, the interrogators, and the judge advocates—share in the unheralded successes of detention operations in Iraq—the motivation and momentum is attributable to one individual, Major General Douglas Stone, a charismatic and inspiring Marine who oversaw detention operations from May 2007 to June 2008 as the deputy commanding general for detainee operations and the

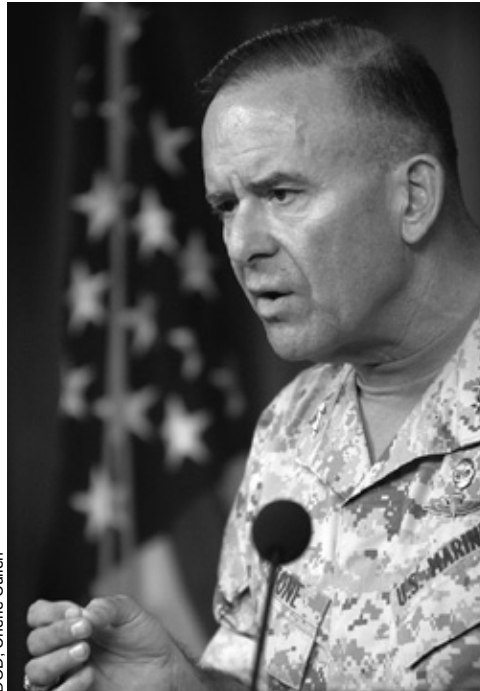
commanding general of Task Force 134. Through his vision and initiatives, Stone fostered an approach to detention operations designed and conducted to support the counterinsurgency strategy, but implemented to protect and promote human dignity, one of America's highest ideals.

## Battlefield of the Mind

U.S. forces are currently holding over 14,000 detainees.<sup>1</sup> This is down from a peak of over 26,000 in October 2007.<sup>2</sup> This peak resulted from the surge strategy overseen by General David Petraeus.<sup>3</sup> Overall, over 100,000 detainees have passed through American-run detention centers in Iraq since the inception of the war.<sup>4</sup>

Detainees are housed in one of two primary theater internment facilities. Camp Cropper, located adjacent to the Bagdad International Airport, can hold over 2,000 detainees and is the internment facility that holds high-value detainees and juveniles. Most detainees are in Camp Bucca, located near the city of Basra in southern Iraq near the Kuwaiti border. Camp Bucca is a sprawling facility two square miles in size with the capacity to intern well over 20,000 detainees.

Even after changes made as a result of the Abu Ghraib fiasco, detention operations in Iraq have had a grim record. Camp Bucca was a dysfunctional internment facility. The detention center was overcrowded, detainee assaults on U.S. guards were routine, detainee-on-detainee violence was habitual, and riots were regular occurrences.<sup>5</sup> Extremists mixed with moderates in every compound, turning Camp Bucca into what Stone described as a "jihadist university."<sup>6</sup> Aggravating the situation was the fact that there was little to no communication with detainees. Most did not know why they were there and when they would be released.<sup>7</sup>



DOD, Cherie Cullen

**MG Douglas M. Stone, U.S. Marine Corps, conducts a press conference about his 14-month tour as deputy commanding general for detainee operations with the Multi-National Force-Iraq, Pentagon, 9 June 2008.**

When he arrived, Stone introduced an array of changes to detention operations. Not only did the detainee population begin to decrease, but the violence within internment facilities declined precipitously. More important, released detainees were considerably less likely to reenter the fight and more likely to reintegrate peacefully into Iraqi society and support the Iraqi government and coalition forces, or to at least not actively oppose them.

Stone's principal operating construct revolved around the concept that there was a "battlefield of the mind."<sup>8</sup> He employed measures to identify hardened extremists in the internment facilities and separate them from moderates. He initiated programs that gave the moderates empowering intellectual channels that helped marginalize fanatical influences in the detention compounds and in their hometown neighborhoods. The collateral benefit was to separate "the worst of the worst" from the other detainees, giving hard-core insurgents less chance to spread their malevolent ideology.

## Why Fight?

One of Stone's first orders contested long-held assumptions. While strategic planners and academics have debated the origins of the insurgency, there was little discourse on what motivated the individual fighter in Iraq. Conventional wisdom held that Iraqi insurgents were religious fanatics motivated by extremist sectarian impulses. A U.S. Institute of Peace study concluded that the motivation of the common *jihadi* foot soldier was ideological, tribal, or religious.<sup>9</sup> Other experts averred that the insurgents were former regime loyalists fighting for their motherland.<sup>10</sup> U.S. military officials and government strategists alike assumed that most insurgents were "dead-enders" or foreign *jihadis*—unmarried and angry religious extremists,

compelled to carry out acts of violence primarily by Islamic fervor and hatred for American ideals.<sup>11</sup>

Intuitively, Stone understood that these broad-brush impressions about the enemy, while perhaps accurate in describing the innermost core of many insurgent groups, failed to precisely portray the ordinary Iraqi insurgent fighter. Stone observed that “warriors fight warriors,” but “there’s a difference between somebody who is psychologically wedded to Al-Qaeda’s doctrine, and somebody who was unemployed and forced to go fight.”<sup>12</sup> His suppositions not only challenged the views of U.S. military officials in Iraq, but also challenged the overall counterinsurgency strategy employed in detention operations.

On Stone’s orders, Iraqi social workers, behavioral psychologists, and moderate religious clerics extensively assessed each detainee upon capture.<sup>13</sup> These assessments determined their educational and training level, work experience and occupational interest, as well as religious beliefs and tendencies. The assessments stripped down the hyperbolic images and revealed a more multifaceted picture of the enemy.

In general terms, here is what U.S. forces discovered about the captured Iraqis. Nearly 85 percent of the detainees in custody were Sunni Arabs, the minority sect in Iraq; the other roughly 15 percent were Shi’ites.<sup>14</sup> Most detainees were not angry young men channeling their religious or patriotic zeal; in fact, most were married with children, and more than a quarter of all detainees had five children or more.<sup>15</sup> Interestingly, many of the suspected insurgents did not regularly attend mosque.<sup>16</sup> Many divulged that they drank alcohol regularly.<sup>17</sup>

The unvarnished truth about the typical insurgent is that his stimulus for joining the fight was either physical or financial self-preservation. The primary incentive was financial gain. The facts revealed that the insurgents were either unemployed or held low-paying jobs and saw the insurgency as a way to get some extra money to supplement their meager incomes.<sup>18</sup> A close secondary motivation was coer-

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cion or fear caused by a handful of insurgents in their neighborhoods. The insurgents forced them to engage in anti-coalition activity by threatening them or their families.<sup>19</sup>

Some took up arms for higher-order ideals. Some fought out of a notion of nationalism—an expected response to an invading and occupying foreign military—or a wish to restore the old order—a movement that drew from former Ba’ath party members, Iraqi army officers, and security officials who had served under Saddam Hussein.<sup>20</sup> A narrower desire for revenge motivated other insurgents. They wanted to strike back simply because they had friends or relatives who had been killed or wounded by coalition forces.<sup>21</sup> However, these detainees were the exception not the norm.

Religious fervor was only on the periphery as a motivation. The vast majority of captured individuals did not identify with an insurgent or terrorist group such as Al-Qaeda. Less than 2,000 captured detainees claimed or were found to have some genuine allegiance or substantial nexus to organized insurgent groups.<sup>22</sup>

In sum, the vast majority of the detainees were not religiously or ideologically motivated, and few were engaged in hostilities simply to defend their motherland. Instead, the average detainee who engaged in anti-coalition activity—whether planting an improvised explosive device, hiding a weapons cache, acting as a lookout, or delivering stolen weapons—was doing so out of duress. In essence, the average fighter felt compelled to fight out of financial necessity or because of simple brute coercion.

## **Winning Hearts and Minds**

Unfortunately, U.S. forces had adopted a model of detention operations that assumed that those interned were “all bad guys” to be “warehoused” for an indeterminate amount of time and released randomly in arbitrary groups. This approach was not only naïve and myopic, it was also dangerous; predictably, it fueled the insurgency inside the wire.

Stone believed that the central focus of a successful strategy required knowing who the detainees were and what motivated them, and he rejected the concept of detention as “warehousing” insurgents. Drawing on General Petraeus’ counterinsurgency strategy, Stone applied combat field lessons to the battlespace inside the wire.

Knowing what actually motivated individual detainees (rather than relying on general assumptions built on stereotypes) allowed the detention center to segregate the hardened ideologues from the moderate detainees. The center offered these detainees the opportunity to participate in a series of bold programs, unprecedented in detention operations, to provide them education and work skills, thus inspiring them to choose peaceful, productive civil action over returning to insurgent activity and a life of violence once released.

In addition to providing first-rate care and custody, at Stone's direction, the U.S. military offered detainees basic education and dozens of voluntary courses in civics. About 40 percent of the detainees were illiterate, and many others had less than a third-grade education.<sup>23</sup>

Instructors accredited by the Iraqi Ministry of Education taught classes in Arab literacy, English, science, and math; detainees could earn elementary and even high school degrees while in U.S. custody.

The largest internment facility at Camp Bucca offered vocational training designed to improve employment opportunities upon the detainee's eventual release. The assessments revealed that the vast majority of detainees were unemployed or underemployed.<sup>24</sup> To counteract this demographic reality, detainees were offered training and on-the-job experience in tiling, masonry, farming, carpentry, woodworking, painting, and construction—all marketable trades that could lead to gainful employment. But more important, the detainee had an opportunity to earn a salary, diminishing the monetary incentives offered by the insurgency. At the very least, it offered them hope.

The military also brought in imams to teach moderate and mainstream interpretations of Islam and highlight Islamic precepts barring the killing of innocents. Stone, who speaks fluent Arabic and reads the Koran daily, believed that the Koran was the U.S. military's best weapon in its rehabilitation efforts. Stone asserted that it "would be a surprise to most Americans to find out...the detainees them-



An instructor provides a mathematical lesson for detainees at the theater internment facility in Camp Bucca, Iraq, 8 April 2008.

U.S. Army, PFC Annie J. McMillan

selves do not seem to have deep understanding of the Koran."<sup>25</sup> He deduced that they were "more or less following what their local mosque imam is telling them to do."<sup>26</sup> These Islamic courses were voluntary, but proved to be very popular. The classes washed away the myths extremists used to manipulate them. In fact, after one or two years in detention, and after taking literacy courses, many detainees were able to read the Koran for themselves for the first time in their lives.

Another critical element to Stone's strategy was strengthening family connections through on-site visitations, video-teleconference calls, and letter writing. This approach was the antithesis to the tactics taken by officials in Guantanamo Bay, Cuba, and Bagram, Afghanistan, where family visitations are not permissible. Stone acknowledged the importance of connection with one's extended family in Iraqi culture. He also recognized the psychological need to have contact with one's family, especially while in confinement. Rather than ignoring or disregarding cultural and psychological realities, Stone used them to his advantage in his operations.<sup>27</sup> With the assistance of the International Committee of the Red Cross, which offset the cost of a trip for many families with travel stipends, family visitations reached unprecedented levels. By the summer of 2008, Camp Bucca was averaging 2,000 family visits per week.<sup>28</sup>

With these programs, Stone turned detention operations on its head. The unimaginative "warehouse" paradigm had forfeited the battlespace

**...40 percent of the detainees were illiterate...**

inside the wire. While holding all detainees *en masse* and discouraging any meaningful engagement, places like Camp Bucca became a micro-insurgency and a breeding ground for jihadists. The extremists recruited other captured Iraqis, mostly through coercion, and indoctrinated them using structured training programs based on fanatical Islamic study. Fundamentalist Sunnis, practicing an extreme perversion of Sharia law known as *takfiri*, would sentence apostate detainees to have their tongues slit, eyes gouged, and bodies butchered. Prior to Stone's arrival, Camp Bucca was in essence dominated by religious extremists and illegitimate *takfiri* courts.

Stone rightly perceived that internment facilities were another front in the counterinsurgency struggle. U.S. forces began to proactively protect the detainee population by identifying and segregating hardened extremists, and as aforementioned, he directed U.S. forces to engage detainees by using detention operations as an opportunity to educate and empower moderate Iraqis through a whole host of enriching programs. Stone understood the psyche of a typical Iraqi fighter and realized that if U.S. forces could secure the environment and understand his plight, they could offer alternative paths and influence his behavior in the future.

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## Review Boards

The most monumental change to detention operations was the creation of the Multi-National Forces review boards, which determined whether a detainee remained in detention or was released. Mainstream legal professionals did not challenge the legality of holding these men (and several hundred juveniles).<sup>29</sup> In time of war, a military force can capture and hold enemy fighters, whether in uniform or not. The real question was how to advance a military strategy, while also employing a legitimate and humane system of review.

Captured civilian fighters in Iraq did not have prisoner-of-war (POW) status, nor were they criminals convicted in a court of law (although about 8 percent of civilians captured were eventually referred to Iraqi criminal courts).<sup>30</sup> Rather, they were "security internees" as defined in the Fourth Geneva Convention, the treaty that governs the protection of civilian persons in time of war.<sup>31</sup> When the U.S. invaded Iraq in March 2003, as a matter of law, the Fourth Geneva Convention was the basis to detain civilians; after the handover of sovereignty in June 2004 to the Iraqi Interim Government, the United States applied the Fourth Geneva Convention as a matter of policy.<sup>32</sup> Since the handover of sovereign power, U.S. forces have relied on U.N. Security Council Resolutions, Coalition Provisional Authority Memorandum No. 3 (revised), and Common Article 3 of the Geneva Conventions as the legal basis to detain civilians as "security internees."<sup>33</sup> However, applicable provisions of the Fourth Geneva Convention govern the operations, conditions, and standards of any internment.<sup>34</sup>

Article 78 of the Fourth Geneva Convention makes explicitly clear that a detaining authority may deprive a person of his or her liberty for "imperative reasons of security." In contrast to POWs, where mass imprisonment is based on association with a recognized military force, the basis of civilian internment can only be made by individual assessment of that person's actions; simply put, *en masse* detention of belligerent civilians is prohibited. And where the POW legal regime allows for collective repatriation of fighters at the end of the conflict, Article 78 requires "periodical review . . . every six months, by a competent body" of each detainee's case. Both the initial decision on detention and any subsequent decision to maintain internment must be decided considering the facts and circumstances of each individual captured.

Prior to Stone, the United States fulfilled this six-month review requirement by convening a review board in Baghdad, the Combined Review and Release Board, made up of six faceless Iraqi officials (two representatives each from the Ministries of Justice, Interior, and Human Rights) and three senior U.S. military officers. The Baghdad board made its decisions after review of a paper file describing the circumstances surrounding a detainee's capture; the board had no current information on a detainee's behavior

or attitude while in confinement. The detainee never knew that his case was up for review or what criteria the board was looking for to determine whether or not to release him. If the board's decision to release was approved, a camp guard handed a piece of paper to the detainee in an unceremonious manner and with no explanation. If the board decided to continue his internment, the detainee never received an answer; he never even knew the board had met and reached a decision about him.

This changed with another innovation during Stone's command, the new Multi-National Force Review Committee, instituted in July 2007. The committee's purpose was to provide due process for all detainees in U.S. custody and control consistent within the principles of the Fourth Geneva Convention, while at the same time supporting the security and stability of Iraq.

The committee reviewed each detainee's case every four to six months. Each board was comprised of three U.S. service members—a field grade officer, one company grade officer, and a senior non-commissioned officer; and frequently these service members were from field units operating in the area where the detainee was originally captured. Each board member had an equal and independent vote, and a majority vote decided whether to recommend a detainee for release or continued internment. The ultimate decision-making authority rested with Stone.

Consistent with the Fourth Geneva Convention, the committee was not a criminal court trying to

determine legal guilt in each case. Its members were specifically instructed to determine whether there were reasonable grounds to believe that a detainee is a current "imperative threat to security."<sup>35</sup> The members were also directed to focus on whether the detainee was a threat currently and not base their decision solely on whether the detainee was a threat when initially captured. They considered the circumstances leading up to and during the initial capture, but also the detainee's performance while in detention: his behavior, attitudes, disciplinary infractions, and his involvement in vocational training, educational classes, and religious discussion groups.

Notably, detainees could appear and testify before the board. The detainee would walk into the room, and the board president would read him his rights, explain the nature of the proceedings, swear him in, and read the allegation made against him. Through an interpreter, the detainee was able to take an active part in his own release by telling his story and pleading his case.

If approved for release, detainees would have to sign a pledge publicly renouncing any violence and embracing peace before rejoining their communities. The pledge took place in an official ceremony witnessed by an Iraqi judge and a community guarantor, typically a tribal chief or senior family member.

The goal was not to increase the numbers of releases *per se*, but to enhance the *due process* of law during an international armed conflict, to engage the detainee in the process of his release, and to better screen those released. The process proved to be a remarkable success.

Military authorities at Camp Bucca described the new process as the single greatest factor in lowering violence in the facility.<sup>36</sup> After it started, Camp Bucca, even with twice the population, had only a fifth of the disturbances of other facilities.<sup>37</sup> The process is an incentive for good behavior, because each detainee is notified of the standards for release and that the board will consider his behavior while in internment. This makes detainees part of the process and gives each hope.

By the time Stone relinquished his command in June 2008, nearly 30,000 new boards had convened. After one year and over 13,000 releases later (a 40 percent release rate), there have been less than 100 recaptures—a less than 1 percent recidivism rate.<sup>38</sup> During the prior process, the release rate was only



U.S. Army, SSG Carlos Vinson

**A detainee speaks with members of the Multi-National Force Review Committee on Camp Bucca, Iraq, 10 January 2008.**

8 percent.<sup>39</sup> The accompanying recidivism rate was 10 percent.<sup>40</sup>

## The American Way of Warfighting

Not all detention operations have gone well, however. Unfortunately, in other settings and other venues, officials have employed cruel and degrading actions against detainees and denied those detained any meaningful due process. A policy of cruelty or a lack of meaningful procedural safeguards harms our military strategy in Iraq, obstructs foreign policy in the Middle East, and corrodes our national ethos.

As a Marine, Stone was keenly aware of the oath he took to uphold the Constitution. He drew on these values when he invoked the Declaration of Independence to prove his underlying philosophy in detention operations. He asked, “What are the grievances that our forefathers had?” Answering his own question, he stated that we as a people “didn’t want our citizens taken offshore and confined without any charges.”<sup>41</sup> Stone was not just helping to win the war; he was also trying to preserve American ideals regarding human dignity and fundamental individual rights.

Our Constitution, stemming from the Declaration of Independence, places great significance

on the sanctity of the individual, embraces and incorporates the innate dignity of all people, and acknowledges that certain fundamental rights naturally attach to each individual. The Constitution is a watershed document inspired by the conviction that a government does not bestow fundamental rights on its subjects, but only recognizes human rights as unalienable. Unalienable rights, provided by “the Creator,” cannot be taken away by decree, law, or executive fiat. Such rights safeguard and protect human dignity—universally. Because of these rights, we as people (not merely as Americans) believe that *due process* is mandated by what we are. Cruel and unusual punishment is forbidden—not just as a matter of law, but also as a matter of principle.

Stone was not endeavoring to apply provisions of the Constitution to noncitizens in foreign lands during a war. He was a pragmatic believer in individual rights, and believed that our Constitution’s underlying political philosophy should apply even to a war enemy. He emphasized, “It’s really hard in a counterinsurgency, where your friends are being killed. But at the end of the day, many things in life are very hard. We just have to make sure we don’t violate the fundamental principles on which we stand.”<sup>42</sup> **MR**



U.S. Navy, Yeoman First Class Melvin J. Dumell

Major General Douglas Stone with the author at the Detainee Legal Operations Center, Camp Bucca, Iraq, 2 May 2008.

NOTES

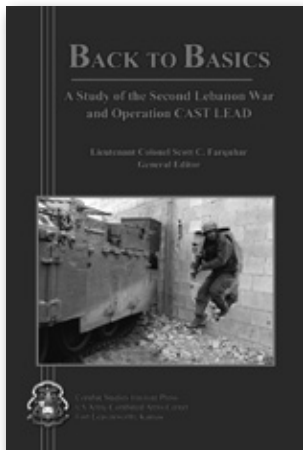
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