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MEMORANDUM FOR General Thomas D. Waldhauser, Commander, United States Africa Command (AFRICOM), Kelley Kaserne, Unit 29951, Plieningerstrasse 289, 70567 Stuttgart-Mohringen, Germany

SUBJECT: (U) Findings and Recommendations of the AR 15-6 Investigation into alleged human rights violations committed by Cameroonian Forces, as published by Amnesty International, in their July 2017 report entitled, "Cameroon's Secret Torture Chamber: Human Rights Violations and War Crimes in the Fight Against Boko Haram."

1. Conclusion

(U) Based on a preponderance of the evidence, I hereby find that United States military forces partnered with elements of the Bataillon d'Intervention Rapide ("BIR") were not directly involved in, had no effective control over, nor otherwise knew or reasonably should have known that alleged human rights violations occurred on Salak Base or any other base locations in Cameroon between 2012 and 2017.

2. Timeliness

(U) The Findings and Recommendations herein are timely produced, pursuant to the Appointment Order, dated 30 August 2017, and a thirty (30) day extension request granted on 20 September 2017. (See Attachments A and B, respectively).

3. Overview

(U) On 20 July 2017, Amnesty International¹ published a report entitled, "Cameroon's Secret Torture Chambers: Human Rights Violations and War Crimes in the Fight Against Boko Haram" (hereinafter "The Report," See Attachment E).² The report details allegations of approximately 101 victims who, according to Amnesty

¹ According to their website, "Amnesty International is a global movement of more than 7 million people who campaign for a world where human rights are enjoyed by all. Their vision is for every person to enjoy all the rights enshrined in the Universal Declaration of Human Rights and other international human rights standards. Amnesty International is independent of any government, political ideology, economic interest or religion and are funded mainly by their membership and public donations." See also www.amnesty.org.

² The July 2017 report builds upon two previously published reports: (1) a 2015 report entitled, "Human Rights Under Fire;" and (2) a 2016 report entitled, "Right Cause, Wrong Means: Human Rights Violated and Justice Denied in Cameroon's Fight Against Boko Haram."

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International, “between March 2013 and March 2017, were allegedly held incommunicado, tortured, and sometimes killed by Cameroonian security forces in facilities run by the military and intelligence services.” (See Attachment E, p. 6). According to the report, “victims of torture were individuals who had been accused – often with little or no evidence – of supporting Boko Haram.” (See Attachment E, p. 6). The majority of victims were allegedly Cameroonian men between 18 to 45 years old from the Far North region, with the Kanuri ethnic group most commonly targeted, but victims also allegedly included women, minors, and people with physical and mental disabilities. (See Attachment E, p. 6). Most of Amnesty International’s allegations centered around arrests and detentions conducted by soldiers from Cameroon’s Regular Army at approximately 20 sites throughout Cameroon, to include members of: the elite BIR force; unidentified African men in civilian clothes, otherwise presumed to be the General Directorate of External Research (“Direction Générale de la Recherche Extérieure” or hereinafter “DGRE”), Cameroon’s intelligence services, known to have members present both on Salak Base and close to the country’s Parliament in Yaoundé. (See Attachment E, pp. 6-7).

(U) Research³ conducted by Amnesty International, in conjunction with London-based agency Forensic Architecture⁴, highlights the regular presence of international military partners, including U.S. personnel, at the BIR’s headquarters on Salak Base, during the period of time when alleged human rights violations may have occurred.

³ According to the report and based on questions specifically propounded to Amnesty International on 22 September 2017, Amnesty International’s research consists of approximately 140 direct interviews, sketches, maps, medical examinations, videos, photographs, and accounts from observations of approximately 20 court trials.

⁴ According to their website, “Forensic Architecture is an independent research agency based at Goldsmiths, University of London. Our interdisciplinary team of investigators includes architects, scholars, artists, filmmakers, coders, investigative journalists, archaeologists, lawyers, and scientists. Our evidence is presented in political and legal forums, truth commissions, courts and human rights reports. Additionally, the agency undertakes historical and theoretical examinations of the history and present status of forensic practices in articulating notions of public truth.” See also <http://www.forensic-architecture.org/>

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(See Attachment E, p. 7, p. 41). However, Amnesty International's report readily acknowledges, "there is no evidence to suggest that any foreign military personnel from international partners were involved in the commission of torture" and states, "there were no testimonies to indicate that agents from other countries other than Cameroon were directly involved in the practices of incommunicado detention and torture at Salak military base." (See Attachment E, pp. 7; 41). Moreover, when specifically asked in an in-person discussion on 22 September 2017, Amnesty International confirmed to our investigative team that no additional evidence has emerged since the publication of their report on 20 July 2017, to either substantiate or to further suggest, that U.S. forces were directly involved, effectively controlled, or otherwise knew or reasonably should have known of potential human rights violations on Salak Base. (See Attachment F).

(U//~~FOUO~~) Therefore, to properly address Amnesty International's concerns as they relate to U.S. forces, our investigative team first asked their organization two fundamental questions: (1) On how many of the 20 sites were U.S. forces believed to be co-located with Cameroonian security forces when alleged human rights violations occurred; and (2) Of those sites, how many violations are alleged to have occurred while U.S. forces were co-located there? (See Attachment F). Amnesty International stated their concerns regarding U.S. personnel were strictly limited to just Salak Base, and that little over half (59 of 101) of the report's allegations occurred there between March 2013 and February 2017. (See Attachment F). It is important to note U.S. forces did not establish a permanent presence at Salak until July 2015.

(U) At this same meeting in Dakar, Senegal, and in formal letters, dated 8 September 2017 and 16 October 2017 (see Attachments G and M), the undersigned,

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consistent with the Appointment Order (see Attachment A), specifically requested from Amnesty International access to relevant interview materials and persons forming the basis of their allegations against U.S. military personnel, including, but not limited to, access to alleged victims-witnesses and/or their previously recorded unsworn statements and source documents. (See Attachments G and M). Despite the undersigned's assurances to protect the anonymity of anyone willing to speak to our investigative team, Amnesty International denied all requests to speak with any alleged victims-witnesses as well as all requests to review relevant statements and interviews of alleged victims-witnesses. They premised this denial upon their internal policy which forbids such release "in order to protect the confidentiality of our sources" due to fear of safety and reprisal. (See Attachment F).

Moreover, Amnesty International denied all requests to review the materials gathered and created by Forensic Architecture in their possession, including relevant models, imagery, and reports, otherwise utilized to support their allegations, assertions, and inferences in the report. (See Attachment F).

(U//~~FOUO~~) Nevertheless, due to the United States' acknowledged ongoing presence of military personnel on Salak Base, United States Africa Command ("AFRICOM") voluntarily initiated an investigation into the mere possibility of U.S. forces having knowledge of alleged human rights violations taking place on Salak Base and whether the military assistance otherwise provided to the Republic of Cameroon had, in any way, contributed to these alleged human rights violations.

4. Procedural History

(U//~~FOUO~~) After publication of the Amnesty International report on 20 July 2017, the Commander of United States Special Operations Command Africa

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("USSOCAF"), Major General J. Marcus Hicks, immediately ordered Special Operations Command Forward – North and West Africa ("SOCFWD-NWA") to conduct a preliminary inquiry into the allegations, dated 24 July 2017. (See Attachment H). Although the appointed preliminary inquiry officer from SOCFWD-NWA fundamentally answered the questions posed to him in his findings and recommendations, dated 21 August 2017, the USSOCAF Commander determined a more comprehensive investigation was warranted. On 23 August 2017, he recommended the AFRICOM Commander, General Thomas D. Waldhauser, appoint an Administrative Investigating Officer, pursuant to Chapter 5, Army Regulation ("AR") 15-6, Procedure for Investigating Officers and Boards of Officers. (See Attachment I). On 30 August 2017, the AFRICOM Commander appointed the undersigned to, "investigate the facts and circumstances surrounding allegations of Law of War violations alleged to have been committed by members of the BIR and other Cameroonian forces at Salak Base and other bases in Cameroon," with a focus on U.S. involvement, knowledge, reporting, and training, but not as an investigation into the conduct of Cameroonian forces. (See Attachment A).

(U//~~FOUO~~) Since being appointed, the undersigned and my designated legal advisor have taken over 50 statements from relevant witnesses, including, but not limited to: every team and unit commander since U.S. personnel first co-located to Salak Base in July 2015; an array of U.S. personnel ranging from senior leaders, junior enlisted, to civilian contractors; individuals responsible for, among other things, personnel, intelligence, operations, supply, funding programs, and base maintenance; and DoD personnel stationed at the United States Embassy in Yaoundé.

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(U) On 22 September 2017, I personally traveled to Amnesty International's Regional Headquarters for West and Central Africa, located in Dakar, Senegal, to directly hear the concerns of the regional leadership of Amnesty International and the authors of the July 2017 report. Present from Amnesty International for our meeting were (b)(3)/(b)(6) (Regional Director), (b)(3)/(b)(6) (Deputy Regional Director for Research), (b)(3)/(b)(6) (Research), (b)(3)/(b)(6) (Deputy Regional Director for Campaigns), and (b)(3)/(b)(6) (General Counsel). After introductory remarks (b)(3)/(b)(6) provided an overview of Amnesty International's findings and our investigative team was then afforded the opportunity to propound in-depth questions to better inform our investigation. (See Attachment F).

(U//~~FOUO~~) Lastly, between 11 and 13 October 2017, we traveled to the Republic of Cameroon – first to the United States Embassy in Yaoundé to interview, “on background,”⁵ several members of the “Country Team,” including but not limited to, the Charges d’Affaires, a.i.,⁶ and the Regional Security Officer⁷ – then to Salak Base, in the Far North region, to interview current U.S. personnel and to personally observe the base and gather evidence to better inform our investigation.

5. Standard of Proof

(U) Generally, Army Regulation (“AR”) 15-6 investigations follow “the preponderance of evidence” standard of proof and section 3-10(b) provides that findings must be supported by *“a greater weight of evidence than supports a contrary*

⁵ The U.S. Embassy requested our interviews of non-Department of Defense personnel be limited to unsworn statements “on background.” A more comprehensive discussion of the State Department and U.S. Embassy interviews and accessibility to witnesses is best reserved for a separate annex to this report.

⁶ Ambassador Michael Hoza departed his post in Cameroon in September 2017. President Donald J. Trump has nominated Mr. Peter Henry Barlerin as his replacement. Mr. Barlerin is awaiting confirmation.

⁷ Regional Security Officer (“RSO”) is the title given to special agents of the U.S. Diplomatic Security Service (“DSS”) serving overseas. The RSO is the principal security attaché and advisor to the U.S. Ambassador at American Embassies and consulates. Working for the U.S. Department of State as special agents, RSOs are also considered officers within the State Department acting as specialists within the United States Foreign Service. The RSO is also the senior law enforcement representative at a U.S. Embassy.

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conclusion.” Although not “otherwise” contrary to the AR 15-6 “preponderance of evidence” standard, additional legal standards do exist regarding the legal obligations of U.S. personnel with respect to the Law of Armed Conflict (“LOAC”) and must also be considered in this investigation. These legal obligations are specifically codified in international treaties, customary international law,⁸ the Uniform Code of Military Justice (“UCMJ”), Department of Defense Directives,⁹ and AFRICOM Instruction. Most notably, DoD policy requires:

- (U) Members of the DoD Components comply with the law of war during all armed conflicts, however such conflicts are characterized, and in all other military operations;¹⁰
- (U) The law of war obligations of the United States are observed and enforced by the DoD Components and DoD contractors assigned to, or accompanying, deployed armed forces;¹¹ and
- (U) An effective program to prevent violations of the law of war is implemented by the DoD Components.¹²

(U) DoD policy further mandates the reporting of ***possible, suspected, or alleged*** violations of the law of war for which there is ***credible information***, or conduct during military operations other than war that would constitute a violation of the law of war if it occurred during armed conflict (“reportable incidents”).¹³

⁸ Customary “fundamental” human rights, such as freedom from slavery and torture, are binding on U.S. forces during all military operations. However, not all customary human rights law is considered fundamental.

⁹ See, e.g., DoD DIRECTIVE 2311.01E, DoD Law of War Program, ¶1 (May 9, 2006, Certified Current as of Feb. 22, 2011) (“This Directive: 1.1 Reissues Reference (a) to update the policies and responsibilities ensuring DoD compliance with the law of war obligations of the United States.”); DoD DIRECTIVE 5100.77, DoD Program for the Implementation of the Law of War, ¶I (Nov. 5, 1974) (“This Directive provides policy guidance and assigns responsibilities within the Department of Defense for a program to insure the implementation of the law of war.”). The law of war “is that part of international law that regulates the resort to armed force; the conduct of hostilities and the protection of war victims in both international and non-international armed conflict; belligerent occupation; and relationships between belligerent, neutral, and non-belligerent states.

¹⁰ Id.; DoD DIRECTIVE 5100.77, DoD Law of War Program, ¶15.3 (Dec. 9, 1998)

¹¹ Id.

¹² See, e.g., DoD DIRECTIVE 2311.01E, DoD Law of War Program, ¶1 (May 9, 2006, Certified Current as of Feb. 22, 2011) (“An effective program to prevent violations of the law of war is implemented by the DoD Components.”).

¹³ See, e.g., DoD DIRECTIVE 2311.01E, DoD Law of War Program, ¶1 (May 9, 2006, Certified Current as of Feb. 22, 2011); DoD DIRECTIVE 5100.77, DoD Law of War Program, ¶3.2 (Dec. 9, 1998) (*emphasis added*).

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(U) Consequently, due to the training, equipment, and assistance provided by the United States to any Partner Force (whether a State or non-State actor), subsequent Law of Armed Conflict (“LOAC”) violations by that recipient Partner Force could have legal implications for the providing State, including individual and command responsibility. Each member of the armed services therefore has a duty to: (1) comply with the law of war in good faith; and (2) refuse to comply with clearly illegal orders to commit violations of the law of war. Good faith is met when service members: (a) perform their duties as they have been trained and directed; and (b) apply the training of the law of war that they have received. The requirement to refuse to comply with orders to commit law of war violations applies to orders to perform conduct that is clearly illegal or orders that the subordinate knows, in fact, are illegal. Moreover, military commanders have a duty to take appropriate measures as are within their power to control the forces under their command for the prevention of violations of the law of war.

a. State Responsibility

1. Direct Involvement and Effective Control

(U) The most obvious means in principle by which a State may bear responsibility is to be directly involved in said wrongful conduct or, alternatively, if the Partner Force acts on the instruction of or under the direction or control of the State. As a matter of international law, the United States looks to the law of State responsibility and U.S. partners’ compliance with the law of armed conflict in assessing the lawfulness of U.S. military assistance to, and joint operations with, military partners. The United States has taken the position that a State incurs responsibility under international law for aiding or assisting another State in the

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commission of an internationally wrongful act when: (1) the act would be internationally wrongful if committed by the supporting State; (2) the supporting State is both aware that its assistance will be used for an unlawful purpose and intends its assistance to be so used; and (3) the assistance is clearly and unequivocally connected to the subsequent wrongful act.¹⁴

(U) In their report, Amnesty International briefly alludes to the legal principle of effective control by stating:

“Under international law, those who gave orders or directly participated in the commission of crimes such as torture may bear individual responsibility. Superior BIR and DGRE officers may also bear responsibility for human rights violations and crimes under international law committed by BIR soldiers and DGRE agents under their command, in accordance with the doctrine of command responsibility. This may be the case even if they did not directly participate in or give orders to commit the violations, if they have **effective control** over the direct perpetrators, knew or should have known about the crimes and did not take all necessary and reasonable measures to prevent the commission of these crimes, or to punish the persons responsible.” See Attachment E, p. 54. (emphasis added).

(U) In response to this passage in their report, our investigative team felt compelled to again specifically ask Amnesty International on 22 September 2017 whether they were asserting, or implying U.S. personnel had any direct involvement in or effective control over alleged human rights violations committed by Cameroonian Security Forces. (See Attachment F). Amnesty International again confirmed there is no evidence to suggest U.S. forces were directly involved in committing alleged human rights violations or had effective control over any Partner Force conduct during the

¹⁴ See Report on the Legal and Policy Frameworks Guiding the United States’ Use of Military Force and Related National Security Operations, December 2016, citing Draft Articles on State Responsibility – Comments of the Government of the United States of America (Mar. 1, 2001), available at <http://www.state.gov/documents/organization/28993.pdf>. See also International Law Commission Draft Articles on Responsibility of States for Internationally Wrongful Acts, with Commentaries 66 (2001).

alleged commission of human rights violations. (See Attachment F). Therefore, without evidence of direct involvement or effective control, the focus of this investigation legally resides in what U.S. personnel “knew or reasonably should have known” concerning the allegations of human rights violations committed by their Cameroonian Partner Forces.

2. Knew or Reasonably Should Have Known

(U) Typically, the heightened legal standard of “knew or reasonably should have known” is often equated to a form of recklessness and is determined both subjectively and objectively. The first looks at what the actor knew or is believed to have been thinking when the alleged act occurred (subjective test). The second considers what a reasonable person would have thought if in the same position (objective test). In both situations, the issue turns on conscious awareness, and whether the person knew (or should have known) his actions, or in this instance, a Partner Force’s actions, may cause harm to another.

(U) In a letter dated 23 June 2017 to United States Ambassador Michael Hoza, (b)(3)/(b)(6) the Regional Director for West and Central Africa of Amnesty International, justified Amnesty International’s belief that U.S. forces **may have been aware** of human rights violations on Salak Base based on three reasons:

“Given their **regular presence** on the base, the **frequency of the violations** documented as well as the **apparent visibility of the specific structures and rooms** where detainees were held and frequently tortured, we are concerned that members of the US military **may be aware of, or have reasonable suspicions relating to**, the unlawful detention and the torture allegedly being committed.” (See Attachment E, Appendix) (emphasis added).

(U) This investigative report will specifically address Amnesty International’s stated reasons for concern that members of the US military knew or reasonably

should have known of the unlawful detentions and abuses allegedly being committed, with particular consideration given to actual evidence presented to substantiate those claims.

6. Facts

(U) Since 2014, the armed violent extremist organization Boko Haram¹⁵ has committed serious human rights abuses and violations of international humanitarian law. In addition to the very public kidnapping of 276 girls from a school in Chibok in north-east Nigeria, which prompted the global social media campaign #BringBackOurGirls¹⁶, Boko Haram has abducted and killed hundreds of civilians, attacked and burned villages, destroyed homes and properties, and raped innocent women and children, in the Far North region of Cameroon, in what qualifies, under international law parlance as a non-international armed conflict (“NIAC”).¹⁷ For example, between July 2015 and July 2016, Boko Haram conducted at least 200 deadly attacks, including 46 suicide bombings, killing over 500 civilians.¹⁸ In over half of these suicide attacks, Boko Haram used girls to carry and detonate explosives.¹⁹ Boko Haram has deliberately targeted civilians through attacks on markets, mosques, churches, schools, and bus stations.²⁰

(U//~~FOUO~~) Since 2011, United States Special Operations Command Africa (“USSOCAF”) has supported the Republic of Cameroon in combating terrorism,

¹⁵ Commonly known as Boko Haram, translated as “Western education is forbidden”, the group is officially called Islamic State’s West Africa Province (“ISWAP”) since it pledged allegiance to the extremist group Islamic State.

¹⁶ See <https://twitter.com/hashtag/bringbackourgirls>

¹⁷ The Rome Statute (establishing the International Criminal Court), adopted on July 17, 1998, defines non-international armed conflicts as “armed conflicts that take place in the territory of a State when there is protracted armed conflict between governmental authorities and organized armed groups or between such groups.” See Rome Statute of the International Criminal Court, art. 8, July 17, 1998, 2187 U.N.T.S.

¹⁸ See Amnesty International, Right Cause, Wrong Means: Human Rights Violated and Justice Denied in Cameroon’s Fight Against Boko Haram, 16 September 2015, www.amnesty.org/en/documents/afr17/4260/2016/en

¹⁹ Id.

²⁰ Id.

including the fight against Boko Haram. Presently, Special Operations Command Forward – North and West Africa (“SOCFWD-NWA”) assists 11 countries (See Attachment J), including operations in the Republic of Cameroon.²¹

a. U.S. Organizational Structure

(S) According to the SOCFWD-NWA Commander, his organization is headquartered in Baumholder, Germany, and is subordinate to United States Special Operations Command Africa (“USSOCAF”), which is in turn under the Operational Control of United States Africa Command (“AFRICOM”), both USAFRICOM and USSOCAF are headquartered in Stuttgart, Germany. (See Exhibit 28). (b)(1) 1.4a

(b)(1) 1.4a



(b)(1) 1.4a The CONOP review considers authorities, resources, and risks. According to the NWA Commander, his command responsibility is to

²¹ The Command Vision of USSOCAF is to conduct the full spectrum of SOF missions and closely work with component, interagency and Partner Nations to protect U.S. lives and interests in Africa. The command builds tactical and operational counter-VEO (Violent Extremist Organization) capability in select, key partner nations and assists in developing regional security structures to create stability and combat transregional threats. SOCAFRICA activities directly support USAFRICOM's four Theater Strategic Objectives of defeating VEOs, developing persistent access to partner nations through SOF engagement, building partner nation and regional capacity that promotes stability, and mitigating the underlying conditions that permit violent extremism. See also <https://www.socom.mil/Pages/socafric>

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ensure the missions executed by task unit elements are properly resourced, remain consistent with the overarching goals and intent of the ongoing campaign, are permissible under granted authorities and ultimately are designed to achieve the desired effect to contain Boko Haram and ISIS West Africa. (See Exhibit 28).

b. *Cameroonian Partner Forces Organizational Structure*

(b)(1) 1.4b



c. *Leahy Vetting*

(U) First sponsored in the late 1990s by Senator Patrick Leahy (D-VT), the “Leahy laws” (sometimes referred to as the “Leahy amendments”) are currently manifested in two places. First, Section 620M of the Foreign Assistance Act of 1961 (“FAA”), as amended, prohibits the furnishing of assistance authorized by the FAA and

²² The mission of the Office of Security Cooperation (“OSC”) is to promote U.S. foreign policy by enhancing the long-term bilateral defense relationship between Cameroon and the United States. This is accomplished by linking U.S. Africa Command (“AFRICOM”) theater strategy with the Department of State’s Integrated Country Strategy. The OSC is responsible for planning and managing the traditional security assistance programs: International Military Education and Training (“IMET”) and Foreign Military Financing (“FMF”). Additionally, OSC competes for multiple Department of State-owned funding sources and works closely with the Embassy’s Political Section to execute peace keeping operations. Lastly, the OSC also manages several Department of Defense programs, including the DoD HIV/AIDS Prevention Program, Counter Narcotics program, Mil to Mil Engagement Program, Humanitarian Assistance and Disaster Preparedness Programs, and the Counter Terrorism Fellowship Program.

²³ The United States has discontinued operations with the BIR Logistical Battalion. This is discussed on p. 15.

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the Arms Export Control Act to any foreign security force unit where there is credible information that the unit has committed a gross violation of human rights.²⁴ Second, a recurring provision in annual defense appropriations, newly expanded by the FY2014 Department of Defense (DOD) appropriations bill as contained in the Consolidated Appropriations Act, 2014 (P.L. 113-76), aligns its scope with that of the FAA provision. (Prior DOD appropriations measures has applied the prohibition to support for any training program, as defined by DOD, but not to other forms of DOD assistance).²⁵

(U//~~FOUO~~) Implementation of Leahy vetting involves a complex process in the State Department and U.S. embassies overseas that determines which foreign security individuals and units are eligible to receive U.S. assistance or training. Beginning in 2010, the State Department has utilized a computerized system called the International Vetting and Security Tracking (“INVEST”) system, which has facilitated a major increase in the number of individuals and units vetted (some 160,000 in FY2012). Congress supports Leahy vetting operations through a directed allocation of funds in State Department appropriations.

(U//~~FOUO~~) According to the current Office of Security Cooperation (“OSC”) Chief at the United States Embassy in Cameroon, the Leahy Law is “a good law,” but has sometimes had problems “in its application.” (See Exhibit 27). The initial process²⁶ at the Embassy Post consists of the following steps, in pertinent part:

²⁴ According to FAA Section 502B(d)(1) (22 U.S.C. 2340(d)(I)), “the term ‘gross violations of internationally recognized human rights’ includes torture or cruel, inhuman, or degrading treatment or punishment, prolonged detention without charges and trial, causing the disappearance of persons by the abduction and clandestine detention of those persons, and other flagrant denial of the right to life, liberty, or the security of person.” According to the State Department, extrajudicial killings are encompassed by this definition, and Leahy vetting also screens for politically motivated rape.

²⁵ See 22 U.S.C. § 2378d; see also “Leahy Law Human Rights Provisions and Security Assistance: Issue Overview.” Congressional Research Service, January 29, 2014.

²⁶ See Compliance with the State and DoD Leahy Laws: A Guide to Vetting Policy and Process (September 2012). With respect to Leahy Vetting of Cameroonian Security Forces, the United States Embassy’s Office of Security Cooperation (“OSC”) provided to our investigative team a helpful flow chart depicting the process. (See

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- (1) Identifying individuals or units seeking training and security assistance and which require Leahy vetting;
- (2) Enter their relevant data into the INVEST system operated by the State Department;²⁷
- (3) Email relevant post sections to complete review of classified and unclassified files for credible information;
- (4) Vet the batch using INVEST's *Internal Search* and *Document Library Search* functions (See Exhibit 27)
- (5) Once a batch is formally vetted at Post, the batch is automatically forwarded via INVEST to Main State in Washington, D.C.;
- (6) Once at Main State, the geographical bureau ("GEO") and the Bureau of Democracy, Human Rights, and Labor ("DRL") vetters will perform their searches.
- (7) If no derogatory information is found, DRL and GEO will clear the batch and GEO will launch a Final Notification in INVEST (Vetting is complete only when GEO vetters perform the "Final Disposition" action in INVEST); and
- (8) Post POC and other users may remove the batch from the INVEST To Do list.

(U/FOUO) The OSC Chief noted sometimes questions need to be answered. At this point, the applicant is "not denied," but simply considered "uncleared." (See Exhibit 27). The OSC answers the requests for information ("RFIs") and if the State Department is sufficiently satisfied, the applicant may then be approved. (See Exhibit 27).

(U/FOUO) According to the OSC Chief, another layer for approval often exists – a determination whether the applicant "**should** be approved." He stated, "This becomes more of a policy discussion at Main State." (See Exhibit 27). "This is how the system is designed, but application is much more difficult, particularly in an African context,

Attachment L).

²⁷ According to Compliance with the State and DoD Leahy Laws: A Guide to Vetting Policy and Process (September 2012), "All personnel involved in the vetting process (but especially those at post) are required to populate the INVEST database or document library with information on human rights abuses as it comes to light."

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because many of the applicants do not have last names or other critical identifying information.” (See Exhibit 27).

(S) With respect to Cameroon security forces, the OSC Chief stated his office has had only one validated report (b)(1) 1.4d [REDACTED] (b)(1) 1.4d (See Exhibit 27). According to his testimony, the U.S. stopped working with (b)(1) 1.4d [REDACTED], emphasizing that “we won’t work with them until they go through full remediation.” (See Exhibit 27). He noted the U.S. can ultimately resume the partnership if they remediate and acknowledge the “err of their ways,” but it is a very lengthy process. (See Exhibit 27). According to the OSC Chief, aside from the (b)(1) 1.4d [REDACTED], there have not been any other units to otherwise trigger Leahy restrictions.

(U) During our 12 October 2017 meeting with the Charges d’Affaires, he stated the U.S. Embassy in Yaoundé has always “led with the Leahy Law.” (See Attachment N). In response to a letter from Amnesty International, dated 11 July 2017, Ambassador Michael Hoza stated as much:

(U) “The U.S. government takes a five-fold approach with regard to its engagement with respect to human rights with Cameroon military forces that receive military assistance. First, in accordance with the Leahy Law, the Department of State vets all foreign military personnel or units that receive training or security assistance under the Foreign Assistance Act, so that no assistance is furnished to security force units implicated in the commission of GVHRs. Second, the U.S. military conducts routine training for recipients of U.S. security assistance through mobile training teams, provided by Defense Institute of International Legal Studies (DIILS). DIILS teams come to Cameroon to teach courses on respect for human rights to the Cameroonian military units that receive U.S. security assistance. Third, the Department of State mandates by policy that ten percent of each country’s International Military Education & Training (IMET) allocation must support Expanded IMET (E- IMET courses, such as participation in military law and justice courses, human rights courses, or courses on the

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Law of Armed Conflict (LOAC). DIILS conducts E-IMET courses at their school in Providence, Rhode Island, and Cameroonian graduates of these courses go on to serve in Cameroon's military justice system. Fourth, all Cameroonian personnel who attend U.S. professional military institutions undergo the same human rights and LOAC training that the U.S. military provides to its own personnel who attend those institutions. Lastly, U.S. military to military exchanges with Cameroon focus on defense institution- building, including a course designed to share best practices, adapted to Cameroon's situation. The course focuses on teaching Cameroonian forces to conduct military training and operations in accordance with international norms and standards." (See Attachment E, annex).

(U//~~FOUO~~) Based on our investigation, an in-depth discussion is warranted concerning the Leahy vetting procedures and administrative oversight of the United States Embassy in Cameroon. However, this discussion is best reserved for a separate annex to this report.

7. Findings

A. Determine what U.S. forces were co-located with relevant Cameroonian forces between 2012 and 2017 at the Salak Base, or any other base alleged to have been the site of unlawful torture.

(U//~~FOUO~~) BLUF: U.S. forces have been co-located with the relevant Cameroonian forces only on Salak Base, beginning in July 2015.

(U) The Amnesty International report identifies approximately twenty (20) locations where human rights abuses allegedly occurred. Specifically, the report states:

(U) "The practices of torture and incommunicado detention documented in this report were committed in a series of official and unofficial detention centres across Cameroon, involving many BIR bases in the Far North region, DGRE and SED facilities in Yaoundé, as well as other police and gendarmerie bases. Amnesty International has been able to identify at least 20 such sites where incommunicado detention and torture have been carried out between 2014 and 2017, indicating the widespread and routine nature of

these practices since at least 2014. (See Attachment E, p. 38).

(U) As previously noted, during the investigative team's in-person discussion with members of Amnesty International in Dakar, Senegal, dated 22 September 2017, Amnesty International readily acknowledged that the only location strictly forming their assertion that U.S. military forces possibly had knowledge of human rights abuses was the Salak Base location, near Maroua. (See Attachment F). According to the question and answer session, Amnesty International confirmed there exists no evidence, direct or otherwise, to suggest U.S. personnel were either co-located or possibly had knowledge of alleged human rights violations elsewhere. (See Attachment F).

U.S. Presence on Salak Base

(U//~~FOUO~~) (b)(1) 1.7e, (b)(1) 1.4a, (b)(1) 1.4g


(b)(1) 1.7e, (b)(1) 1.4a, (b)(1) 1.4g

(b)(1) 1.7e, (b)(1) 1.4a, (b)(1) 1.4g (See Exhibit 10). Salak Base is located approximately 10 miles from the city of Maroua. (See Attachment E, p. 39). According to one Senior Chief, U.S. military forces first established the site survey for Salak Base in 2010. (See Exhibit 10). The location was then opened in October 2011 (See Exhibit 10). Initially, U.S. military forces did not have a permanent presence on Salak Base and lived at an offsite location from 2012 – 2015. They ultimately co-located on Salak Base in July 2015 due to: (1) existing security concerns related to cross-border attacks conducted by Boko Haram; and (2) the need to be closer to the BIR to better “assess” their operational capabilities. (See Exhibits 10 and 22).

(S) (b)(1) 1.4a, (b)(1) 1.4g

(b)(1) 1.4a, (b)(1) 1.4g

(b)(1) 1.4a, (b)(1) 1.4b, (b)(1) 1.4c, (b)(1) 1.4d, (b)(1) 1.4g



i. Examine the manner in which U.S. forces engaged with Cameroonian forces during this period of time, to include access U.S. forces had to relevant Cameroonian facilities suspected as being used for unlawful torture activities. Examine the day-to-day interaction between U.S. forces and Cameroonian forces, to include providing a clear picture of U.S. access to Salak base compared with restricted portions of the base. Determine the extent of U.S. forces' interaction with Cameroonian forces located at other installations in northern Cameroon.

(S) BLUF: U.S. forces' engagement with Cameroonian forces during this period of time has evolved from training on "basic soldiering" to a more robust (b)(1) 1.4a

(b)(1) 1.4a U.S. forces had virtually no access to relevant Cameroonian facilities suspected as being used for unlawful torture activities. The day-to-day interaction between U.S. forces and Cameroonian forces has become (b)(1) 1.4d (b)(1) 1.4d with BIR forces often conducting unilateral operations without the participation of U.S. forces. Aside from co-location on Salak Base, U.S. forces' interaction with Cameroonian forces at other installations in northern Cameroon is limited to occasional use of a forward operating area (b)(1) 1.4a, (b)(1) 1.4g .

(U//~~FOUO~~) U.S. engagement with Cameroonian forces can best be divided into three periods of time: (1) October 2011 – July 2015; (2) August 2015 – February 2017; and (3) March 2017– present.

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(S) From October 2011 – July 2015, U.S. military forces were not co-located on Salak Base. According to sworn witnesses and confirmed by the Charges d' Affaires a.i. (See Attachment N), U.S. military forces regularly traveled to and from Salak Base from their offsite location and did not remain on base overnight. Upon the BIR's establishment of the Salak site in October 2011, the U.S. presence was limited, consisting only of (b)(1) 1.4a, (b)(1) 1.4g, (b)(3)(b)(6) [REDACTED] (b)(1) 1.4a, (b)(1) 1.4g [REDACTED]. Their engagements with the BIR partner force were primarily limited to daily commutes to Salak where the team spent anywhere from six to eight hours a day with their partner force five to six days a week. Initial training of the BIR forces consisted of "basic soldiering" skills to include marksmanship, first aid, communications, and small unit tactics, with no formal international human rights law training requirements at that Salak. (See Exhibit 10).

(U//~~FOUO~~) According to several sworn witnesses, U.S. military forces had absolutely no interaction with other groups on Salak, and specifically, were only vaguely aware of the DGRE and unclear where they operated. (See Exhibits 1, 2, 5, 10, 17). During this time, aside from activities at Salak, US Forces also maintained partnership with the BIR at their main training base (b)(1) 1.4d, (b)(1) 1.7e [REDACTED]. It was at this base that formal Human Rights and LOAC training was administered primarily by the Defense Institute of International Legal Studies ("DIILS") in conjunction with various training Programs of Instruction (POIs).

(U//~~FOUO~~) According to the Charges d' Affaires, from the end of 2013 through 2014 was a pivotal point in U.S. relations with the Republic of Cameroon. (See Attachment N). On November 14, 2013, President Barack Obama designated Boko Haram a "foreign terrorist organization."²⁸ Due to the attacks of Boko Haram,

²⁸ <https://www.state.gov/j/ct/rls/other/des/123085.htm>

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Cameroon's President Paul Biya²⁹, formally declared war for the first time in the Republic's history in May 2014.³⁰ (See Attachment N). Until this point, the United States and the Republic of Cameroon, "usually had little/nothing to talk about," but this common threat established an "alignment of values." (See Attachment N). An existing security cooperation program was substantially boosted in funding and U.S. military forces' training of Cameroonian forces evolved from "basic soldiering" to a more robust (b)(1) 1.7e, (b)(1) 1.4a program.

(S) In October 2014, Ambassador Michael Hoza arrived in Cameroon motivated to "end the war with Boko Haram" before his departure. (See Exhibit 2). By November 2014, a (b)(1) 1.4a was officially assigned to the United States Embassy in Yaoundé. When Boko Haram conducted cross-border attacks in Cameroon during December 2014 using over 1,000 men, tanks, and improvised explosive devices ("IEDs"), (b)(1) 1.4a Cameroonian forces were killed in action. (See Attachment N). Subsequent suicide bombings in Maroua and Fotokal "shook the Nation" and a determination was made that (b)(1) 1.4a

(b)(1) 1.4a

Consequently, in late July 2015, the Team, (b)(1) 1.4a, (b)(1) 1.4g permanently co-located on Salak for the first time. (See Exhibit 23). Days later, in August 2015, Amnesty International released their initial report, "Human Rights Under Fire." The Task Unit Cameroon Commander in charge at the time of the move testified, "To this point, our team had only a glimpse of the BIR. Our deployment became an assessment of their operational capabilities" and a determination whether our programs were worth continuing." (See Exhibit 22). By the end of their deployment in Cameroon in September 2015, (b)(1) 1.4a, (b)(3)/(b)(6)

²⁹ Paul Biya has been President of Cameroon since 6 November 1982.

³⁰ <http://time.com/103835/boko-haram-nigeria-africa-summit>

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(b)(1) 1.4a According to multiple sources, it was “common knowledge” at this time that detainees were being brought onto Salak by the BIR. (See Exhibits 7 and 15). According to one witness, he observed “approximately 20” detainees brought back, some “blindfolded.” (See Exhibit 7). Another witness stated the detainees were dropped off “near the front gate,” “screened by a BIR medic to avoid the spread of disease,” and “taken to a holding facility behind their motor pool.” (See Exhibit 15). Those same individuals fully acknowledged that, although they had relative freedom of movement on Salak Base, including observing some BIR “detainee handling and questioning” of suspects, they never once observed or heard of any human rights violations. (See Exhibits 7 and 15). When asked if the detainees they saw on Salak Base showed signs of abuse, they uniformly answered, “No.” It is also important to note that the presence of restrained, blindfolded, and segregated detainees does not necessarily equate to a gross violation of human rights.

(U//~~FOUO~~) One (b)(3)/(b)(6) Commander testified, by late 2015, the U.S. presence on Salak consisted of approximately 30 personnel, including team members, trainers, Explosive Ordnance Disposal (“EOD”) technicians, and members of the Naval Mobile Construction Battalion (“Seabees”), among others. (See Exhibit 12). According to the Task Unit Commander, the training administered to Cameroonian forces primarily assessed advanced soldiering, Intelligence, Surveillance, and Reconnaissance (“ISR”), mission planning, EOD training, and counter-improvised explosive device (“C-IED”) training. Moreover, the Task Unit Commander noted (b)(3)/(b)(6) began conducting several iterations of human rights training with the BIR – both junior and senior leaders. (See Exhibit 12). They also

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hosted a human rights-focused Congressional Delegation both in Yaoundé and Salak who again emphasized the importance of human rights and the consequences of violating those rights.³¹

(S) U.S. military training of the Cameroonian Partner forces for the beginning of 2016 remained consistent with the programs and authorities established in 2015. The

(b)(1) 1.4a

(b)(1) 1.4a

(b)(1) 1.4a . The same Commander noted he visited Salak twice, but “was not given free reign, was put on a schedule by BIR leadership, and informed by the Task Unit guys we were not welcome in some places.” (See Exhibit 9). (b)(1) 1.4a

(b)(1) 1.4a Amnesty International published its second report in July 2016, entitled, “Right Cause, Wrong Means.” According to the sworn statements of those U.S. military forces on Salak at that time, no one ever observed or heard of any human rights violations.


(U//~~FOUO~~) (b)(1) 1.4a, (b)(1) 1.7e

(b)(1) 1.4a, (b)(1) 1.7e operational-level engagement (b)(1) 1.4a, (b)(1) 1.7e

(b)(1) 1.4a, (b)(1) 1.7e and (2) tactical-level engagement (b)(1) 1.4a, (b)(1) 1.7e

³¹ See <https://www.csmonitor.com/World/Security-Watch/terrorism-security/2015/0804/Boko-Haram-crisis-Amid-attacks-Cameroon-expels-Nigerians>

(b)(1) 1.4a, (b)(1) 1.7e, (b)(1) 1.4g



(S) Today, by virtually all accounts, the BIR has developed into a nearly self-sufficient, and capable force. (b)(1) 1.4a

(b)(1) 1.4a (See Exhibit 20).

Both the current Task Unit Commander and (b)(3)(b)(6) Commander confirmed access remains restricted to some areas of Salak Base, (b)(1) 1.4b

(b)(1) 1.4b and that human rights training is still regularly emphasized in mission preparation, and in the execution of partnered operations. Those

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Commanders further acknowledged they still do not know whether the BIR has existing standard operating procedures (“SOP”) for how they conduct detainee operations.

(U) As previously noted, in a letter dated 23 June 2017 to United States Ambassador Michael Hoza, (b)(3)/(b)(6), the Regional Director for West and Central Africa of Amnesty International, justified Amnesty International’s belief that U.S. forces may have been aware of human rights violations at Salak Base by stating three reasons:

“Given their **regular presence** on the base, the **frequency of the violations** documented as well as the **apparent visibility of the specific structures and rooms** where detainees were held and frequently tortured, we are concerned that members of the US military may be aware of, or have reasonable suspicions relating to, the unlawful detention and the torture allegedly being committed.” (See Attachment E, Appendix) (emphasis added)

a. Regular Presence

(U) The “regular presence” of U.S. forces on Salak, including co-location of personnel since July 2015, is an acknowledged point.

b. Frequency of Violations

(U) When specifically asked on 22 September 2017 to quantify the “frequency of violations” alleged to have occurred on Salak Base, Amnesty International officials responded that, from March 2013 to March 2017, approximately 59 of the 101 alleged cases of human rights violations occurred on Salak Base. (See Attachment F). These numbers did not specify, however, how many instances allegedly occurred during the time U.S. military forces first co-located on Salak, beginning July 2015, to present day. As a result, our investigative team submitted a formal letter to Amnesty International,

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dated 16 October 2017, requesting the number of specific allegations by year. (See Attachment M). The requested information is relevant because it specifically verifies how many allegations Amnesty International documented by year, and therefore, properly quantifies the number of documented allegations U.S. forces could have been exposed to. On 19 October 2017, Amnesty International responded to our request and noted that they have documented 42 alleged human rights violations that occurred during the period of U.S. forces' co-location on Salak Base between July 2015 and March 2017.³²

c. Apparent visibility of the specific structures and rooms

(S) (b)(1) 1.4a

(b)(1) 1.4a, (b)(1) 1.4g

(U) Amnesty International's assertion that U.S. personnel had "apparent visibility of the specific structures and rooms" where human rights violations allegedly occurred is provocative, but not fully accurate. In sworn statements, U.S. personnel that lived on the US compound described their vantage point in viewing alleged detention facilities on Salak Base as having "no visibility in or out" (See Exhibit 13) with

³² In an email response from (b)(3)/(b)(6), Deputy Director of Research for Amnesty International's West and Central Africa regional Office, dated 20 October 2017, he provided the following: Year 2013: 1; Year 2014: 16; Year 2015: 31; Year 2016: 11; and 2017: 0. Therefore, the number of documented allegations on Salak has significantly decreased since 2015. Mr. Cockburn noted these statistics reflect only the cases Amnesty International could document.

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“no chance from ground-level to see out” and “only the entry openings allowing visibility out” (See Exhibit 16) with “no 360-degree view.” (See Exhibit 11).

(U) As previously noted in this report, multiple witnesses acknowledged having freedom of movement on Salak Base. According to their sworn testimonies, however, none ever observed or heard of human rights violations. These individuals also confirmed they had received human rights and LOAC training prior to their deployment, and understood their reporting responsibilities had they witnessed an apparent human rights violation act itself or witnessed indications that a person had been allegedly abused (presenting physical symptoms). The majority of U.S. military forces described their access to the facilities on Salak Base as “restricted.” Some described having “free reign, but with security concerns not to be in certain areas as matter of force protection” to the exact opposite assessment of “not given free reign and not welcome in some places.” (See Exhibits 9 and 14).

(S) While there appears to be some disparity between witness statements regarding access and freedom of movement on the larger Salak Base, the statements are not inconsistent with routine interaction among partner forces on co-located bases in any ongoing operation. Simply stated, just as BIR forces operating on Salak Base had no operational reason or authority to be on the U.S. compound, all U.S. forces uniformly agreed they were not allowed in or near the BIR barracks or the buildings adjacent thereto (See Exhibits 11 and 24), and they had no operational reason to be in the vacant lots behind the motor pool. Also, in sworn statements from non-co-located visitors to Salak, they stated their entry on the Base was “screened” (See Exhibit 6) and those U.S. military forces primarily responsible for construction, utilities, and maintenance stated they could travel freely on the base, but abided by the “two-man

rule,” and never observed or heard of any human rights violations despite having wider access to the base. (See Exhibit 25).

(U//~~FOUO~~) Today, day-to-day interactions with the BIR Partner Force can best be described as “at an arm’s length” with the BIR becoming increasingly more self-sufficient and willing to conduct unilateral operations without U.S. involvement. Some witnesses acknowledged that the BIR regularly conduct operations alone and never disclose the existence or process of transitioning detainees. (See Exhibits 10 and 17).

(S) According to sworn witnesses, it has always been understood by U.S. military forces, since mid-2016, that they were to have absolutely no interactions with the DGRE or to be in any of their locations. Prior to that time, interaction was intermittent and there was never a formal partnership between U.S. military forces and the DGRE. This is an important fact, particularly given that many of the allegations involve misconduct by the DGRE. (b)(1) 1.4a, (b)(1) 1.4d, (b)(1) 1.7e

(b)(1) 1.4a, (b)(1) 1.4d, (b)(1) 1.7e

(S) On 13 October 2017, our investigative team visited Salak Base. For purposes of our investigation, the BIR leadership permitted us to walk the base and to make photographs, as necessary. The austere conditions, limited visibility, and noise emanating from the generators at the US compound were all confirmed. A walk of the entire base indeed reflected a close proximity from U.S. facilities to (b)(1) 1.4b

(b)(1) 1.4b

, but it also substantiated U.S. military personnel’s testimony that they were segregated from certain areas on Salak Base. Most notably, the segregated areas included: in or near the BIR barracks; the area otherwise identified by Amnesty International as the DGRE’s intelligence office (next

door to the barracks); the restricted-access Military Police Headquarters (b)(1) 1.4b (b)(1) 1.4b and the remote area on the opposite side of what Amnesty International has alleged to have been detainee holding cells. Aerial imagery alone cannot accurately reflect the presence of trees and vegetation on the base that inhibits and in some places restricts line of site observation across the camp, or the overall compartmentalized and segregated nature of Salak Base. Based on over 50 interviews and our investigative team's personal observations, it is plausible the exterior of some of the alleged torture structures could have been visible by US personnel. However, these same alleged torture facilities were not accessible to U.S. military forces, making it highly improbable that U.S. Forces ever observed specific interior rooms. This is a critical distinction not easily assessed from aerial imagery, sketches and video renderings of Salak Base.

(U) According to Amnesty International's report, one alleged detainee stated:

“During my detention in Salak, I saw white men there on several occasions. Most of the time, I saw them from [the holes of] window of my cell. I saw them jogging in the early morning, from the back window of my cell – the window that faced a wall. I also saw them standing or talking from the front window of the cell – the window that faced the garage.” **(FN117) – A man held in Salak between March and June 2016.** (See Attachment E, p. 41) (emphasis added).

(U) Again, it is entirely plausible that some U.S. forces could have been viewed at a motor pool garage location approximately 40 yards away from the alleged holding cells, and it is plausible for U.S. military personnel to potentially have had a vantage point of the alleged holding cells from that same area. Nonetheless, even if true, this does not equate to knowledge or a reason to know of an alleged human rights violation occurring within.

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(S) For example, one U.S. military witness (See Exhibit 7) interviewed, during this time frame, was asked and answered:

Q: After an individual was questioned, do you know where they were then moved to Salak?

A: Yes, sir, they were taken to a holding facility, pretty much to the..., I couldn't tell you the cardinal position, but they were taken to a holding facility behind their motor pool.

Q: Do you know if anyone from your element ever toured or got to see the inside of that holding facility?

A: We were able to see the outside of it, but we never toured the inside of it. (See Exhibit 7).

The same witness, still under oath, later answered the following question:

Q: At any time during your stay at Salak, did you witness our partner forces, the BIR, conducting what could be described as detainee abuse or human rights violations?

A: No, sir, I did not witness anything that could be put into that category. (See Exhibit 7).

(U) Furthermore, it should be reemphasized several types of "white men" were present on Salak Base. As noted by Amnesty International's report, for instance, there were multiple international states "supporting Cameroonian authorities in the fight against Boko Haram" co-located on Salak Base whereby their members could be perceived to be Caucasian. (See Attachment E, pps.41, 59). In order to better assess this claim, on 16 October 2017, our investigative team renewed our request for access to alleged victim-witnesses or, alternatively, their recorded interviews. (See Attachment M). The undersigned even stated, "I will narrow the request to receive the sworn statements from the following alleged victim's statements: Interview n.15 cited by footnote 117, page 41, July 2017 Amnesty

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International Report, *Cameroon's Secret Torture Chambers.*" (See Attachment M).

Our requests were again denied.

(U) Without more specificity from the alleged-victim witnesses or access to the completeness of their statements, to marry the accusations with certain timeframes, the investigative team, based on a preponderance of the evidence, cannot reasonably conclude U.S. forces had "apparent visibility of **specified** structures and rooms," let alone specific alleged events that might have occurred during unspecified, exact timeframes. Without further substantiation, the accusations, the locations, and the timeframes otherwise all appear to be conflated. This made investigating these serious allegations aimed at U.S. military personnel very difficult. Therefore, based on the first-hand observations of the Salak Base, the sworn statements of the U.S. military personnel on the ground, and the lack of access to victim statements and testimony, no direct evidence exists to support the assertion that U.S. personnel knew or reasonably should have known alleged human rights violations occurred on Salak.

ii. Determine the operational nature of activities between U.S. forces co-located with the relevant Cameroon forces during that time frame. Examine the relationships U.S. forces had with these Cameroonian forces, and identify the various activities conducted by U.S. forces (b)(1) 1.4a, (b)(1) 1.7e

Examine how U.S. forces maintained awareness of what activities were authorized to be conducted with different forces, and whether U.S. forces were aware of any Cameroonian forces expressly not authorized to receive assistance.

(U//~~FOUO~~) BLUF: The operational nature of activities between U.S. forces co-located with the relevant Cameroonian forces during the time frame in question has included various successful activities conducted by U.S. forces under (b)(1) 1.4a, (b)(1) 1.7e

(b)(1) 1.4a, (b)(1) 1.7e With the assistance of program managers, by employing end-use monitoring ("EUM"), and by virtue of day-to-day close proximity training and

accountability on the ground, U.S. forces have maintained awareness of what activities are authorized to be conducted and with whom.

(U//~~FOUO~~) Multiple Trans-Sahel Counterterrorism Partnership (“TSCTP”) Programs have been implemented in the Republic of Cameroon since Fiscal Year 2011 (“FY11”). In FY11 and FY12 this program delivered peacekeeping security vehicles, medical equipment and body armor to any Leahy vetted and cleared BIR units. This continued in FY14 with programs for additional armored vehicles and body armor. In FY15, TSCTP included air base expansion (b)(1) 1.7e, (b)(1) 1.4b (b)(1) 1.7e, (b)(1) 1.4b . In FY16, the program included funding to organize and train Cameroonian Special Operations forces to conduct appropriate and timely casualty evacuation from austere locations, extending the potential range of counter-terrorism operations and increasing Partner Nation survivability; training for aviation capabilities; supply and maintenance techniques; and training to plan, direct, collect, process, analyze and disseminate actionable intelligence to commanders at tactical, operational and strategic echelons. FY 2017 continued training for aviation capabilities and military intelligence training.

(U) The DoD has the executive responsibility, legal authority and congressional funding to secure and defend U.S. interests at home and abroad with military forces. When building and funding foreign partners, there are two general subgroups of funds.³³ The first subgroup funds joint exercises and training, while the second provides logistical support to foreign forces.³⁴ When foreign forces are our partners in contingency operations, Congress may provide temporary authorities that can fund

³³ See Operational Funding, Contract and Fiscal Law Deskbook, 2014, The United States Army Judge Advocate General’s Legal Center and School

³⁴ *Id.*

both training and logistical support.³⁵ (b)(1) 1.4a, (b)(1) 1.7e

(b)(1) 1.4a, (b)(1) 1.7e

(U) Title 10 U.S.C § 333 states in pertinent part:

§333. Foreign security forces: authority to build capacity

(a) Authority.-

The Secretary of Defense is authorized to conduct or support a program or programs to provide training and equipment to the national security forces of one or more foreign countries for the purpose of building the capacity of such forces to conduct one or more of the following:

- (1) Counterterrorism operations.
- (2) Counter-weapons of mass destruction operations.
- (3) Counter-illicit drug trafficking operations.
- (4) Counter-transnational organized crime operations.
- (5) Maritime and border security operations.
- (6) Military intelligence operations.
- (7) Operations or activities that contribute to an international coalition operation that is determined by the Secretary to be in the national interest of the United States.

³⁵ *Id.*

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(U//~~FOUO~~) Since FY15, equipment and training have been provided to Leahy vetted and cleared BIR units to interdict and combat Boko Haram, under (b)(1) 1.4a, (b)(1) 1.7e

(b)(1) 1.4a, (b)(1) 1.7e For example, in FY15, the program provided a provision of light and medium-wheeled vehicles, medium transport trucks, communications, Organizational Clothing and Individual Equipment (“OCIE”), night vision devices (“NVD”), and training ammunition. (b)(1) 1.4b, (b)(1) 1.7e

(b)(1) 1.4b, (b)(1) 1.7e

(U//~~FOUO~~) FY16 funded fixed wing intelligence, surveillance, and reconnaissance (“ISR”), including two (b)(1) 1.4b, (b)(1) 1.7e

(b)(1) 1.4b, (b)(1) 1.7e and services and associated training, with the intent of providing the Cameroonian Air Force with the capability to employ ISR assets to enable Cameroonian ground forces to conduct integrated operations against Boko Haram. FY16 funded military trainers to provide persistent tactical and new equipment training for 150 trainees at multiple locations throughout Cameroon. This consisted of organization level operational employment and planning courses at the Office of Security Cooperation (“OSC”) directed locations to BIR staff officers (10-30 personnel).

(U//~~FOUO~~) A FY17 program will provide staff planning and battle tracking to enable BIR and Cameroonian Air Force stability operations in the Lake Chad Basin Area. The intent is to fill the capability gap of a headquarters, capable of synchronizing the Cameroonian Army, and allow synchronized operations against Boko Haram. FY17 also funds a Counter-IED (“C- IED”) Enhancement program by providing vehicles, training and hand-held tools and materials to enable Cameroon

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units, including BIR Army Engineers, with the tools to conduct CIED operations within the Lake Chad Basin Area and various other regions of Cameroon with VEO activity. Lastly, FY17 funds a C-130 training and support package to provide mission enhancement equipment and maintenance training equipment enabling Cameroonian Air Force (“CAF”) to perform line maintenance in support of BIR’s counter- Boko Haram efforts in the Far North territory. FY18 will see §2282 transition to §333. Projected programs under §333 include ISR Operations and Maintenance Support; BIR Night Operations Enhancement; Logistical Infrastructure Support; Pilot and Maintainer Training; and Close Air Support Training.

(U//~~FOUO~~) The U.S. military maintains awareness and visibility over these programs in a variety of ways, including through end-use monitoring (“EUM”), and by day-to-day close proximity training and accountability on the ground. The iterative nature of the various training events and Mil-to-Mil exchanges mean only those BIR units passing through the OSC for invitational travel orders, funding, and Leahy vetting are permitted. (b)(1) 1.7e, (b)(1) 1.4a

(b)(1) 1.7e, (b)(1) 1.4a

iii. Examine the extent to which U.S. forces were involved with intelligence collection and sharing with relevant Cameroonian forces. Determine the existence of any audio or video recordings of detainee interrogations in the possession of U.S. forces. Consider initial intelligence reports (IIR) from the relevant period.

(S) BLUF: (b)(1) 1.4a, (b)(1) 1.4c

(b)(1) 1.4a, (b)(1) 1.4b, (b)(1) 1.4c, (b)(1) 1.4d, (b)(1) 1.4g

(S) (b)(1) 1.4a, (b)(1) 1.4c

(b)(1) 1.4a, (b)(1) 1.4c

(S) (b)(1) 1.4a, (b)(1) 1.4c, (b)(1) 1.4d

(b)(1) 1.4a, (b)(1) 1.4c, (b)(1) 1.4d

iv. Determine whether any U.S. forces ever received reports of suspected abuse, or had any credible information to suspect Cameroonian forces were engaged in unlawful abuse of detainees.

(U) BLUF: According to their sworn statements, no U.S. forces co-located on Salak Base ever received reports of suspected abuse, nor had any credible information to suspect Cameroonian forces were engaged in unlawful abuse of detainees.

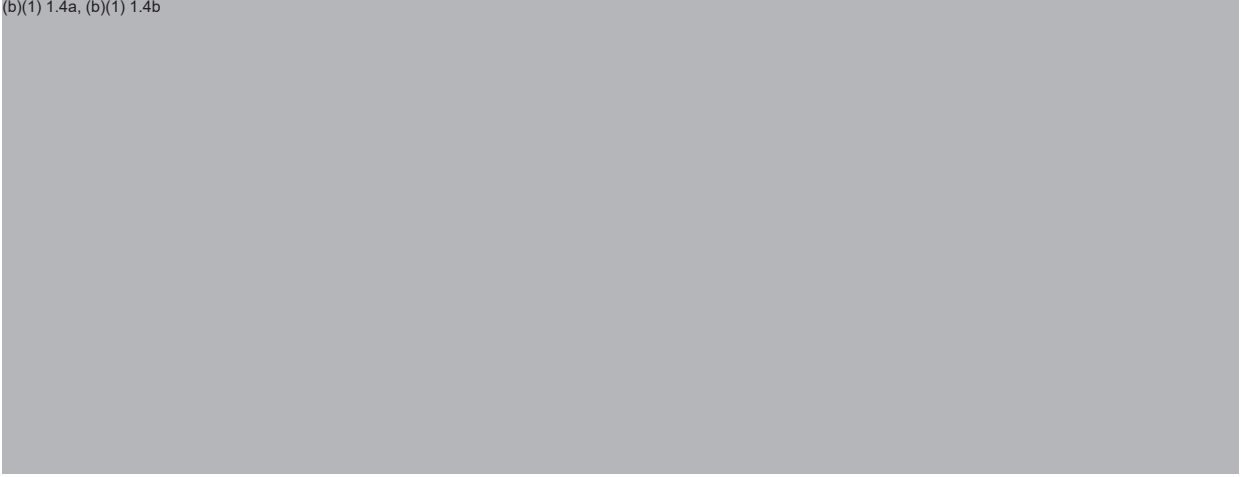
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(U) Over 50 U.S. personnel were interviewed, under oath, concerning the allegations levied in the Amnesty International report. The interview sample included: all former team, unit, and coordination element commanders; an array of U.S. personnel ranging from command and control, senior leaders, junior enlisted, to civilian contractors; individuals responsible for, among other things, personnel, intelligence, operations, supply, funding programs, and base maintenance; and DoD personnel stationed at the United States Embassy in Yaoundé. Not one individual interviewed for this investigation claims to have ever observed or heard abuse, received a report of abuse, suspected abuse, or otherwise had any credible information to suspect Cameroonian forces were engaged in unlawful abuse of detainees.

(S) (b)(1) 1.4a, (b)(1) 1.4b



(b)(1) 1.4a, (b)(1) 1.4b



(U//~~FOUO~~) Despite the lack of witness testimony concerning human rights violations, many witnesses interviewed readily acknowledged the existence of detainees on Salak Base. For example, some witness stated that it was “fairly routine” (See Exhibit 17) and “common knowledge that detainees were being brought back to Salak” (See Exhibit 7) and sometimes “as many as 20” were brought back

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“blindfolded and handcuffed” (See Exhibits 7 and 17). Others stated they “knew there was a detention facility at Salak” (See Exhibit 6), but it was uniformly believed to be “not long-term” (See Exhibit 24), “transitory in nature” (See Exhibit 10) and “would not have caused alarm because it was a proper place.” (See Exhibit 8). Many individuals interviewed testified they had never seen a detainee brought back to Salak. Only one individual testified to ever having personally observed the inside of a BIR holding facility on Salak Base, and he stated he only saw three individuals were being held there “under normal conditions.” (See Exhibit 15).

v. If such human rights violation reports existed, determine to what extent these reportable incidents were reported through proper command channels in accordance with the DoD Law of War Program and AFRICOM Instruction 5800.

(U) BLUF: No U.S. military member on Salak Base ever witnessed a reportable incident at any point in time.

(U) As noted earlier, DoD policy further mandates the reporting of *possible, suspected, or alleged* violations of the law of war for which there is *credible information*, or conduct during military operations other than war that would constitute a violation of the law of war if it occurred during armed conflict (“reportable incidents”).³⁶ For those U.S. military forces on Salak Base, this mandate was completely understood and respected. According to their sworn statements, none ever observed or heard of a reportable incident.

(U//~~FOUO~~) Separately, there will be of necessity, a separate review of what officials knew at the United States Embassy in Cameroon. Consequently, the materials that relate to this issue will be subject to further study and augmentation and should be considered as pre- decisional in nature until completion of such review.

³⁶ See, e.g., DoD DIRECTIVE 2311.01E, DoD Law of War Program, ¶1 (May 9, 2006, Certified Current as of Feb. 22, 2011; DoD DIRECTIVE 5100.77, DoD Law of War Program, ¶13.2 (Dec. 9, 1998).

These materials are discussed further in the recommendation section and should be administratively segregated from the main body of this investigation; and are thus referenced in a separate annex to this report.

vi. Render a finding as to whether U.S. forces should reasonably have known whether Cameroonian forces were engaged in unlawful abuse of detainees. Consider access to DGRE forces at Salak and the interplay between BIR forces and DGRE.

(S) BLUF: U.S. forces should not reasonably have known whether

Cameroonian forces were engaged in unlawful abuses of detainees. (b)(1) 1.4a, (b)(1) 1.4d

(b)(1) 1.4a, (b)(1) 1.4d

(b)(1) 1.4a, (b)(1) 1.4d

. Furthermore, the U.S. Embassy never provided U.S. forces with any knowledge that there were any human rights violation allegations at any point in time prior to this investigation.

(U) As an initial matter, absolutely no evidence exists showing U.S. personnel on Salak Base were **directly involved** in the commission of human rights violations. Furthermore, no evidence exists showing U.S. personnel had established **effective control** over their Cameroonian Partner Forces in the conduct of military operations, thereby resulting in human rights violations. (See Attachment E, p. 54). The only remaining question is whether U.S. personnel **knew or should have reasonably known** whether Cameroonian forces were engaged in unlawful abuses of detainees at Salak Base, based on a preponderance of the evidence.

(U) First, given the lack of direct evidence provided to the investigative team by Amnesty International, the undersigned was forced to assume, *arguendo*, their allegations, assertions, and inferences to be true. On multiple occasions, the investigative team formally requested, in-person and by formal correspondence, access from Amnesty International to the alleged evidence forming the basis of their

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report. (See Attachments F, G and M). These were reasonable requests, particularly given the gravity of the allegations and the report's purported evidence alleged to have been derived, in large part, from the organization's own research. Simply put, no one was in a better position to substantiate the allegations than Amnesty International. Nonetheless, our requests for direct evidence were summarily denied.

(U) As a result, not one alleged victim-witness was ever made available to the investigative team; no relevant documentary evidence, most notably supporting victim-witness statements or even court testimony, was ever produced; and finally, no other evidence, whether photographic, digital, forensic, or medical was ever offered to substantiate: (1) the claim that human rights abuses actually occurred on Salak Base, and/or (2) the claim that U.S. personnel on Salak knew or should have reasonably known about them.

(S) (b)(1) 1.4a, (b)(1) 1.4d

(b)(1) 1.4a, (b)(1) 1.4d

(b)(1) 1.4a, (b)(1) 1.4d

This point is not to suggest or even imply the BIR has committed any

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human rights violations, but to make abundantly clear the BIR's historical reluctance to provide U.S. forces with unfettered access to Salak Base, (b)(1) 1.4a, (b)(1) 1.4d (b)(1) 1.4a, (b)(1) 1.4d, their unwillingness to confirm or deny the existence of any standard operating procedures for detentions on Salak Base, and their participation in unilateral operations without U.S. knowledge or input, has complicated matters for U.S. personnel and led to a less than transparent environment where the proverbial "right-hand" of the United States has not always known what the proverbial "left-hand" partner force is doing at all times. This lack of transparency, in itself, certainly offers a strong reasonable basis to further conclude that the U.S. forces did not have the level of opportunity to acquire knowledge of such human rights allegations that may initially be apparent to some viewing the Amnesty International report at first glance.

(U) Lastly, and more critically to the preponderance of the evidence standard for which the undersigned is bound, the United States Government has produced over 50 witness interviews, for the record, in this investigation, including all unit, team, and coordination element commanders co-located at or near Salak Base; a diverse mix of senior officers, junior enlisted members, and civilian contractors; personnel from across every directorate; and DoD personnel stationed at the U.S. Embassy officials in Yaoundé. Unlike a report with no supporting documentation or witnesses to examine for veracity, these sworn statements are actual and direct evidence, available for dissection, scrutiny, and more importantly, legal confrontation.

(U) According to those sworn witnesses not living on Salak, some stated it would be "highly unlikely" for U.S. forces to have known and not reported (see Exhibit 2), many simply gave a definitive "no" when asked if human rights abuses would go

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unreported by U.S. military personnel, and another civilian contractor, responsible for operational programs, emphatically stated, “given our continued engagements, I would have known, and our guys would have pulled back.” (See Exhibit 5). One Coordination Element commander stated, “I have full confidence” the team would have reported. (See Exhibit 9). In another instance, a Chief of Staff for personnel on the ground succinctly answered the lack of motive by stating, “There is nothing to gain by not reporting.” (See Exhibit 3).

(U) Therefore, for the above-stated reasons, and with proper consideration given to the candor, consistency, and veracity of the over 50 witnesses interviewed for this investigation, the status of the relationship between US Forces and the BIR, and the lack of direct evidence produced to the contrary by Amnesty International, it is hereby the finding of the undersigned, based on a preponderance of the evidence, U.S. forces did not know, nor should they have reasonably known Cameroonian forces were engaged in unlawful abuses of detainees.

B. Determine what Human Rights and Law of Armed Conflict training, if any, U.S. forces received prior to rotations into Cameroon. Determine whether this training was adequate in equipping U.S. forces with the information they needed to respond to and/or report alleged or suspected violations of human rights or law of armed conflict.

(U) BLUF: U.S. forces received Human Rights and Law of Armed Conflict training, prior to rotations to Cameroon, which adequately prepared them to respond to and/or report alleged or suspected violations of human rights or law of armed conflict.

(U) According to almost every witness interviewed, pre-deployment training on International Human Rights Law and Law of Armed Conflict was provided to each rotating unit during an annual “academics week.” (See Exhibits 3 and 4). Many also

noted that they recalled receiving the annual “JAG Brief” and were intimately familiar with what constitutes a gross human rights violation and what their reporting obligations under US military policy and law. The adequacy of LOAC training will be further addressed in the recommendations section herein.

C. Determine what human rights and law of armed conflict training, if any, U.S. forces provided to Cameroonian forces incident to combined operations, or other U.S. facilitated training and assistance.

(U//~~FOUO~~) BLUF: Aside from initial LOAC training provided by DIILS in Limbe, there is neither a formalized program of instruction for human rights and Law of Armed Conflict training provided to Cameroonian forces incident to combined operations nor such formal instruction on Salak Base.

(U//~~FOUO~~) According to several sworn witnesses, there is no formalized program of instruction (“POI”) for human rights and law of armed conflict training provided to Cameroonian forces incident to combined operations. (See Exhibit 4). Aside from some basic international human rights law and law of armed conflict training initially given by DIILS in Limbe in southern Cameroon, most of the human rights training is done informally at the unit-level and by observation, utilizing a “train the trainer” method. (See Exhibit 6). Many agreed this was problematic, particularly given the “regular turnover of BIR forces” and the distance between the Limbe basic training site in southern Cameroon and Salak Base in the Far North region.

(U) Despite the apparent lack of formal training, one former DIILS instructor³⁷ when referring to the BIR, *on background*, stated, “This is a highly trained unit, and they were very knowledgeable about all of the human rights and LOAC rules and could also all speak English very well.” The former instructor further stated, “In my view, there is no way we (U.S. military) knew or should have known that this is

³⁷ This former DIILS instructor agreed to speak, on background, concerning first-hand observations of the BIR force.

occurring, at least from the perspective of most of the training teams the U.S. is sending all of our participants are going through the Leahy vetting process and (like many units in Africa), they've got U.S. or other forces right there with them." Finally, the instructor stated, "My general personal sense would be that these are rogue units or individuals, or that *if* this behavior is going on, it's clearly being kept outside of the view of the Western community, given that individuals understand the standards."

(U) At the upper organizational echelons, one Senior Defense Official (see Exhibit 2) confirmed that adherence and training on human rights and LOAC principles was a "consistent talking point" between Ambassador Hoza and Cameroonian officials. Finally, according to multiple sources, it was widely understood by all parties what was at stake if abuses occurred, including the loss of prospective funding, training, and equipment. One witness stated, "I know they [BIR] were told about the importance of human rights because I personally told them." (See Exhibit 10). One Commander observed, "these issues were routinely expressed by the Commander" and, "I regularly reminded them of proportionality and discrimination." (See Exhibits 11 and 17). LOAC training of Cameroonian forces will be further addressed in the recommendations section herein.

D. Examine what information was then known by the U.S. government, including the Department of State and U.S. Embassy, Yaoundé, about allegations of abuse by Cameroonian forces. Determine the extent to which this information was shared with the Department of Defense and make any recommendations on how information should be better shared across the interagency.

(U) BLUF: A comprehensive discussion of what was then known by the United States government, specifically the Department of State and U.S. Embassy, is best reserved for a separate annex to this report which will be subject to further study and augmentation and should be considered as pre-decisional in nature until completion

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of such review.

(U) According to Amnesty International, there are three reports concerning alleged abuses by Cameroonian forces in the non-international armed conflict against Boko Haram: an August 2015 report entitled, “Human Rights Under Fire”; a July 2016 report entitled, “Right Cause, Wrong Means: Human Rights Violated and Justice Denied in Cameroon’s Fight Against Boko Haram”; and the July 2017 report entitled, “Cameroon’s Secret Torture Chambers: Human Rights Violations and War Crimes in the Fight Against Boko Haram. In addition to these reports, Amnesty International (and confirmed by the Charges d’Affaires) was afforded numerous meetings with U.S. Embassy officials to include: a 22 February 2016 meeting with Ambassador Michael S. Hoza, the Charges d’Affaires, the Human Rights Violations (“HRV”) Sector Chief, and a Foreign Service Officer (“FSO”); a July 2016 meeting again with the HRV Sector Chief; meetings in August and October 2016, when they traveled to Washington, D.C. to meet with State Department officials; and a 2 February 2017 meeting with the HRV Sector Chief’s replacement.

(U) Following a meeting with Ambassador Hoza on May 23, 2017, Regional Director (b)(3)(b)(6) formally wrote him on June 23, 2017 outlining Amnesty International’s concerns. (See Attachment E, Appendix). According to Amnesty International, they were disappointed by Ambassador Hoza’s 11 July 2017 response. (See Attachment F, Appendix). Consequently, Amnesty International released their report on 20 July 2017. (See Attachment F). After the report’s publication, Amnesty International alleges only then did Embassy officials respond with appropriate attention to their concerns. Specifically, this response included a 27 July 2017 video teleconference consisting of approximately 20 people with representatives from the

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State Department and AFRICOM. (See Attachment F).

(U) Several sworn and unsworn witnesses, including military and civilian officials, have come forward to discuss what was then known by the Department of State and the U.S. Embassy in Cameroon concerning allegations of abuse by Cameroonian forces. As previously noted, there will be of necessity, a separate review of what officials knew at the United States Embassy in Cameroon. Consequently, the materials that relate to this issue will be subject to further study and augmentation and should be considered as pre-decisional in nature until completion of such review. These materials are discussed further in the recommendation section and should be administratively segregated from the main body of this investigation; and are thus referenced in a separate annex to this report.

Recommendations

a. Assessments of on-going Activities and Programs.

(S) Recommend that USSOCAF completes an assessment of the current programs being conducted in the northern regions of Cameroon in support (b)(1) 1.4a

(b)(1) 1.4a

(b)(1) 1.4a

Four elements should be considered in the overall assessment. First, determine effectiveness of the current

(b)(1) 1.4a

Boko Haram and the partner forces' willingness to conduct meaningful partnered operations and training. Second, determine if the U.S. Special Warfare elements are conducting *special operations specific tasks* in the conduct of their daily activities. Third, determine if current missions/programs can be

transitioned to another (non-SOF) U.S. Force. Lastly, determine the feasibility and operational impact of transitioning (b)(1) 1.4a .

(S) If the assessment (based on the state of operations against Boko Haram and whether or not they are achieving desired effects) (b)(1) 1.4a

(b)(1) 1.4a

b. USAFRICOM must address SDO, Component and Inter-agency interaction within in the U.S. Embassy, Cameroon. USAFRICOM ICW the Defense Intelligence Agency must conduct a broad review of SDO selection, DAO manning, training, authority and purpose across the AOR.

i. (U//~~FOUO~~) AFRICOM should establish a tiered priority system to rank order Countries and Embassies by importance with respect to ongoing military operations.

(b)(1) 1.4a, (b)(1) 1.7e

(b)(1) 1.4a, (b)(1) 1.7e

establish a process to carefully select the right SDOs for the highest priority missions based on experience, rank, language proficiency, and tour longevity.

ii. (U//~~FOUO~~) Ensure sufficient personnel manning of the entire Defense Attaché Office (“DAO”) in the priority missions to include service component attaches and OSC teams.

iii. (U//~~FOUO~~) All DoD military coordination and interactions with the Embassy’s senior leadership must go through the SDO or his/her designated representative and includes the Special Forces Liaison Elements (“SOFLE”) located in the Embassy. Of note, the SOFLE should also maintain their workspace in the DAO office space/area in the Embassy.

iv. (U//~~FOUO~~) SDOs need to receive an AFRICOM orientation in Stuttgart prior to assuming their duties. This should include a substantive overview of their responsibilities and missions with respect to their role in advocating DoD interests and their role as the Senior DoD advisor to the Ambassador. It should also include a discussion about SDO efforts in support of DIA interests and Combatant Command interests;

v. (U//~~FOUO~~) SDOs must be made aware that they have access to AFRICOM Senior Leadership (initially the J5) to voice their concerns if conditions begin to deteriorate within the Country Team;

vi. (U//~~FOUO~~) All AFRICOM Service Components must understand that the SDO is the senior DoD representative in the Embassy and should not attempt to circumvent that authority. Rather, they should position their assets and instruct their personnel to enhance the SDO’s role, similar to a supporting element in any ongoing

operation;

vii. (U//~~FOUO~~) A general observation is that dialogue between Ambassadors/Embassy personnel and USAFRICOM/Component senior leaders is healthy and should be sustained. However, when issues come up, senior leaders at both entities should proactively engage and address concerns, especially on areas of disagreement so as to avoid prolonged misunderstanding and the resultant loss of momentum towards the advancement of US interests; and

viii. (U//~~FOUO~~) Recommend the AFRICOM Commander forward the information related to the Department of State, and previously referenced in a separate annex, to the Joint Staff for review and consideration at the interagency level for further study and a determination. Information developed during my investigation points to the necessity for further inquiry into the level of knowledge by Department of State personnel concerning events that occurred in the time period I examined. Such an inquiry is most appropriately conducted by the Department of State.

c. USSOCAF Command and Control Structure Recommendations.

i. (U//~~FOUO~~) Recommend a review of the Command/Support relationship of USSOCAF to USAFRICOM and USSOCOM. This review should start with the question, "Is USSOCAF a sub-unified command, a component command, or both?" The investigation did not reveal major disconnects between the commands, but ambiguity in command support relationships can lead to confusion on the ground and blur the lines of authority among deployed elements, Embassy Country Teams and USAFRICOM.

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ii. (U//~~FOUO~~) Recommend that USSOCAF assess the overall effectiveness of SOCFWD-NWA and SOCCE-LCB command structure and operational oversight capabilities of those HQs.

iii. (U//~~FOUO~~) Recommend assessing the span of control given to SOCFWD-NWA Commander and the effectiveness (from an operational oversight capability) of the current C2 arrangement, as well as the purpose/intent of SOCCE-LCB. If the purpose of SOCFWD-NWA is to provide operational direction and lead a regional SOF-partnered Counter Boko Haram campaign in Cameroon, Chad, Niger, and Nigeria, then the Command appears over-asked, considering the seven other nations in the NWA area of responsibility. If the response is that SOCCE-LCB (O-5 level HQ responsible for operations) maintains operational and tactical oversight of partnered CT and counter BH operations in the LCB AO, then it might be worth increasing the personnel and capability of that HQ.

iv. (S) Recommend reviewing deployment constraints and Host Nation reluctance to increase U.S. presence and the desire to maintain a small footprint of highly capable USSOF engaged in partnered operations. This consideration includes the unity of effect across the LCB region with deployed USSOF, partner CT forces, and the Multi-National Joint Task Force (“MNJTF”), as well as to provide command oversight of those elements. (b)(1) 1.4a, (b)(1) 1.4g

(b)(1) 1.4a, (b)(1) 1.4g

v. (U//~~FOUO~~) Recommend assessing the effectiveness of the R2P2 Framework Order process and the methodology for CONOP approvals within the SOCCE-LCB and SOCFWD-NWA structure.

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d. Current EXORD/OPORD and Authorities Review.

(U//~~FOUO~~) Recommend AFRICOM review all current CT-related EXORD/OPORD and authorities under which deployed U.S. forces are operating across the continent. The investigation did not reveal any operations that were in violation of directives. However, there might be existing authorities that require refinement or constraints, imposed from the AFRICOM level to frame and scale daily or otherwise considered routine activities across the AOR.

e. General Recommendations.

i. (U//~~FOUO~~) BIR (partner force) Detainee Standard Operating Procedures (“SOP”) – Task Unit Cameroon and (b)(3)/(b)(6) Commanders must be aware of the detainee SOPs employed by partnered BIR forces. This information is resident in the U.S. Embassy and should be included in pre-mission training, or upon arrival to Post.

ii. (U//~~FOUO~~) CCIR to include reporting requirements to higher headquarters when partner forces bring detainees to co-inhabited base.

iii. (U//~~FOUO~~) Recommend our LOAC training be reexamined in the context of a broader Rule of Law effort. LOAC training should be focused less on statistical metrics (quantity) and more focused on actual measures of effectiveness (quality). Although this investigation determined LOAC training is part of a standard training package in Limbe, in southern Cameroon, our Partner Forces are deployed throughout the country. Formal, regular, and particularized follow-on training should be provided to the BIR on Salak Base, the Far North region, and elsewhere, by qualified trainers *forward*, with greater emphasis on preventing gross human rights violations (“GHRVs”) from the point of capture to prosecution/release or prosecution/detention. Since BIR forces have consistently had a higher turnover rate of military personnel, copious

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record keeping of formal training must be kept to provide clarity on who receives training going forward. In environments where partner forces have a long or emerging record of alleged HR/LOAC abuses, there must be specific and accountable LOAC training, to include command and individual reporting requirements, responsibilities, and methods. Recommend implementing a comprehensive training plan designed specifically for each respective forward operating area. Recommend more LOAC training in the forward areas, particularly on Salak Base, with actual partner forces, not just basic trainees. Recommend meticulous records of this training must be kept available, particularly in light of the revolving door of partner forces on the ground in the Far North. The Task Unit and/or (b)(3)/(b)(6) Commander should be able to produce a list of verified LOAC training recipients within the partnered force formation. DIILS training should be drastically expanded to include forward deployed training opportunities.

iv. (U//~~FOUO~~) With the DAO at the Embassy – recommend the INVEST system training be extended to OSC Chiefs and their deputies, including but not limited to, basic system operation, reporting requirements, data base transfers with State DRL, and an increased understanding of the purpose of Leahy vetting.

v. (U//~~FOUO~~) Knowledge Management – SOCFWD-NWA must improve accessibility to archived personnel rosters of all personnel that are task organized to the Command and create easy accessible locations for Storyboards, INTSUMS, Post-mission summaries, and IRRs.

vi. (U//~~FOUO~~) INVEST Access - USAFRICOM should have access to the information in the INVEST database system. I am not recommending USAFRICOM be given the ability to input and manipulate data, only that it be able to access the

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information. This information can help the Command maintain better situational awareness of potentially tainted units when administering its obligations under the DoD Leahy Law and in managing its risks when planning and conducting engagement activities in the AOR.

8. Attachments

- A. (U) AR 15-6 Appointment Memorandum, dated 30 August 2017.
- B. (U) Request and Approval for a Thirty (30) Day Extension, dated 22 September 2017.
- C. (U) DA Form 1574-1 Report of Proceedings by the Investigating Officer.
- D. (U) DA Form 1594 Chronology of the Investigation.
- E. (U) Amnesty International Report - *Cameroon's Secret Torture Chambers: Human Rights Violations and War Crimes in the Fight Against Boko Haram*, published 20 July 2017.
- F. (U) Summary of in-person discussion with Amnesty International officials at the Amnesty International Regional Headquarters in Dakar, Senegal, dated 22 September 2017.
- G. (U) Letter to Amnesty International, dated 8 September 2017, specifically requesting access to alleged victim-witnesses and relevant evidence.
- H. (U) Order for a Preliminary Inquiry, dated 24 July 2017.
- I. (U) Recommendation to Appoint an AR 15-6 Officer, dated 23 August 2017.
- J. (U//~~FOUO~~) United States Special Operations Command Forward – North and West Africa Organization Chart.
- K. (U//~~FOUO~~) BIR-Operation ALPHA Organizational Chart.
- L. (U) Leahy Vetting Flow Chart provided by the Office of Security Cooperation, United States Embassy, Yaoundé, Cameroon, dated 12 October 2017.
- M. (U) Letter to Amnesty International requesting additional evidence, dated 16 October 2017.
- N. (~~C~~) Summary of in-person discussion with the Charges d'Affaires, dated 12 October 2017, United States Embassy, Yaoundé, Cameroon.

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9. Exhibits

1. (~~S/NF~~) Sworn Statement of (b)(3)/(b)(6) (former Senior Defense Official, United States Embassy-Cameroon, dated 14 September 2017.
2. (~~S/NF~~) Sworn Statement of (b)(3)/(b)(6) (former Senior Defense Official, United States Embassy-Cameroon, dated 14 September 2017.
3. (S) Sworn Statement of (b)(3)/(b)(6) . (SOCFWD-NWA, Chief of Staff) Interview, dated 18 September 2017.
4. (S) Sworn Statement of (b)(3)/(b)(6) (SOCFWD-NWA, J-3) dated 18 September 2017.
5. (S) Sworn Statement of (b)(3)/(b)(6) (SOCFWD-NWA, Title 10 § 127e Program Manager), dated 18 September 2017.
6. (S) Sworn Statement of (b)(3)/(b)(6) (Office of Security Cooperation (OSC) Chief, September 2014 – March 2017), dated 25 September 2017.
7. (~~S/NF~~) Sworn Statement of (b)(3)/(b)(6) , J-2, (September 2015 – March 2016), dated 25 September 2017.
8. (~~S/NF~~) Sworn Statement of (b)(3)/(b)(6) (Former Commander - SOCCE-LCB, October 2016 – March 2017), dated 27 September 2017.
9. (~~S/NF~~) Sworn Statement of (b)(3)/(b)(6) (Commander – SOCCE-LCB, June 2016 – October 2016 and September 2017 – present), dated 28 September 2017.
10. (~~S/NF~~) Sworn Statement of (b)(3)/(b)(6) , Senior Enlisted Leader, ST-4, dated 2 October 2017.
11. (~~S/NF~~) Sworn Statement of (b)(3)/(b)(6) , J-2, ST-4, dated 2 October 2017.
12. (~~S/NF~~) Sworn Statement of (b)(3)/(b)(6) Commander, SRT-2, dated 2 October 2017.
13. (~~S/NF~~) Sworn Statement of (b)(3)/(b)(6) , Senior Enlisted Leader, ST-10, dated 2 October 2017.
14. (~~S/NF~~) Sworn Statement of (b)(3)/(b)(6) , Task Unit Cameroon Commander, ST-10, dated 2 October 2017.
15. (~~S/NF~~) Sworn Statement of (b)(3)/(b)(6) , Intelligence LNO/CI HUMINT, SRT-2, dated 2 October 2017.
16. (S) Sworn Statement of (b)(3)/(b)(6) , J-3, ST-10, dated 2 October 2017.

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17. (~~S/NF~~) Sworn Statement of (b)(3)/(b)(6), Task Unit Cameroon Commander, ST-4, dated 3 October 2017.
18. (~~S/NF~~) Sworn Statement of (b)(3)/(b)(6), Special Operations Forces Liaison Element (SOFLE) OIC, dated 3 October 2017.
19. (~~S/NF~~) Sworn Statement of (b)(3)/(b)(6), Independent Duty Corpsman, ST-8, dated 3 October 2017.
20. (~~S/NF~~) Sworn Statement of (b)(3)/(b)(6) Commander, ST-10, dated 3 October 2017.
21. (~~S/NF~~) Sworn Statement of (b)(3)/(b)(6), J-2, SRT-2, dated 3 October 2017.
22. (~~S/NF~~) Sworn Statement of (b)(3)/(b)(6), Task Unit Cameroon Commander, ST-10, dated 3 October 2017.
23. (~~S/NF~~) Sworn Statement of (b)(3)/(b)(6), SRT-2, dated 3 October 2017.
24. (~~S/NF~~) Sworn Statement of (b)(3)/(b)(6), Task Unit Cameroon Commander, ST-8, dated 3 October 2017.
25. (S) Sworn Statement of (b)(3)/(b)(6), Navy Mobile Construction Branch (NMCB), dated 6 October 2017.
26. (U/~~FOUO~~) Sworn Statement of (b)(3)/(b)(6), Senior Defense Official, United States Embassy-Cameroon, dated 13 October 2017.
27. (S) Sworn Statement of (b)(3)/(b)(6), Office of Security Cooperation (“OSC”), dated 18 October 2017.
28. (S) Sworn Statement of (b)(3)/(b)(6), Commander, Special Operations Command Forward – North and West Africa, dated 19 October 2017.

Respectfully Submitted,

//Original Signed//

TIMOTHY J. MCATEER
Brigadier General
United States Army

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