

The OPORD was a surprise to me and to the 800<sup>th</sup>. No one had discussed it with me and I was not consulted about the FOB changes. Basically, I saw no real immediate change in the conduct of operations as a result of the OPORD, as the change was gradual between 19 Nov 03 and the arrival of elements of the 165<sup>th</sup> MI BN. I never had any concern that MI was trying to interject itself into the MP Chain of Command and I never had any questions about Command Authority. I was please to see COL PAPPAS arrive, because he brought with him additional resources.

[REDACTED] Commander of the 165<sup>th</sup> MI BN, brought some elements of his battalion to AG in early Dec 03 and assumed much of the base operations. After the OPORD, I would go to COL PAPPAS rather than to the 800<sup>th</sup> for support. I understood that I retained responsibility for detainee operations and that I was responsible for the mission assigned to me. The first time I spoke to MG MILLER was in early September. I believe that MG MILLER was there to give MI an assessment with extracting actionable intelligence. MG MILLER left and he returned to Abu Ghraib, a few days later he returned and I met with him. He tried to give us Lessons Learned from GTMO and what worked between the MP and MI units. He said, and I agreed, that both MP and MI needed to work closely together. MG MILLER wanted the MPs to set the conditions (what he meant was there were rules to be followed and ensure we keep to the rules i.e, cigarettes rations as a reward. MPs control the issue of cigarettes. They would be the bad guys and MI would be the good guy to gather information.) He gave example of how GTMO processed detainees. Not all detainees are treated the same. While moving from Point A to Point B, the prisoners are shackled and have hood over their heads. He did discuss the use of dogs. MI was supposed to have money to build an interrogation facility and MG MILLER gave them options to select from to help them establish an organization and begin construction. In reference to the Coalition Provisional Authority (CPA), they were funding the renovation of Abu Ghraib but they were not there. When I arrived at Abu Ghraib, there were no CPA representatives on site. The military was running the facility. I had requested a Project Manager from CPA to come out to Abu Ghraib to maintain oversight of the renovation project and to have oversight of the Iraqi Criminals. A representative was never provided the entire time I was there. Clothing was an issue at Abu Ghraib. Abu Ghraib was a rough environment and the conditions were not the best. We did not have jumpsuits for everyone. Those detainees held in the general population got when available and were able to keep their civilian clothes. All those going to IB and IA wore their clothing in their possession. Prisoners assigned to the CPA portion of the prison were all issued jumpsuits. The first time I heard about detainees being stripped naked was when the International Committee of the Red Cross (ICRC) came to visit Abu Ghraib sometime in October. I received a call from one of the ICRC female representative who sounded frantic and wanted me to go down to the Hard Site. I quickly went to the hard site and was told by the ICRC that the detainees were naked in their cells. I saw between 12-15 detainees naked in their own individual cells. [REDACTED] out and chased down [REDACTED]

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Initials of person making statements

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9. STATEMENT (Continued)

Around this time, I was moved to the 800th MP Brigade staff. On the 18th of October [REDACTED] came in to take over the battalion. Sometime in November, CJTF-7 sent in some JAG representatives including [REDACTED] (Australia) to Abu Ghraib to try to come up with some responses to the ICRC report. [REDACTED] was there with the JAG representatives. They came to the consensus that there was a provision in the Geneva Convention that allowed them to keep the ICRC from certain detainee classification. The ICRC was returning in December/January time frame and they were deciding what areas the ICRC should go visit and what areas according to the Geneva Convention, they were allowed to keep them out of. Shortly after IA was opened, Other Government Organization (OGA) showed up with two detainees. They wanted to house the detainee at Abu Ghraib for a few days. I told them to process them in. They did not want them processed in. I did not like the idea, but told them they needed to leave someone behind to keep watch over the detainee. The detainee was taken away the next day. This became more of a routine and I became aware it was becoming an impact on MI operations. I had a discussion with [REDACTED] about how OGA was doing their own thing. [REDACTED] said he would write up a memorandum of understanding for OGA. I relied on him to be the liaison between OGA and us. I was never aware of anything bad occurring between the detainees and OGA. The only incident I am aware of was the death of an OGA detainee. OGA had brought two detainees to the Hard Site in the afternoon. By late evening or early morning, one of the detainees was dead. I was told that the detainee had put up some stiff resistance when he was captured and got hit on the head. I told the folks gathered that that was not the situation I wanted to be in, this is what I wanted to prevent by processing detainees. I told them, "You take care of it." I believe the body was taken to BIAP to the mortuary unit there. I wrote up a serious incident report and sent it up to my higher headquarters. On 20 September the night of the mortar attack in which two MI Soldiers were killed, I was notified about a possible abuse of detainees by MI personnel. I spoke to [REDACTED] my S-3 about the incident. The MPs claimed to have seen MI roughing some detainees and the MI personnel claimed to have been yelling at the detainees while they were unloading them off the vehicle. [REDACTED] told me he heard them yelling. I received the sworn statements from everyone who was around and passed them on to CID to investigate the matter. CID conducted an investigation and the incident was unfounded. When MI wanted a detainee on sleep deprivation, they would tell the MP guard that prisoner "X" was on sleep deprivation. They would give instructions that the detainee was to sleep four hours within a 24-hour period. In Camp Vigilant, the detainees on sleep deprivation would be separated from the rest of the group and placed near the wire, where the MP Guard could monitor the detainee. The detainee was provided a cot where he could sleep and would be awoken by making him walk, stand, and sit. In the Hard Site, the MPs would go around periodically and wake the prisoner up by making noise, or possibly putting the detainee in a different position. I do not believe MPs were given specific instructions on how to keep a detainee awake. It was left to the MPs. When I first arrived, [REDACTED] met with me and she gave me a list of the rules of engagement for MI personnel and she explained what they were trying to do. At that time they were focused on the Fedeyeen members. In general, I went to [REDACTED] for all issues after he arrived. I would ask him how the cooperation between MI and MP was going and he said, "Oh Yeah, these guys are great." I never had any issues brought up to my level. I saw dogs on some occasions being walked around, but that was it. I did hear about cold showers, but everyone took cold showers because that is all we had for a long time at Abu Ghraib. I have been ordered by MG Fay not to discuss any issues related to this inquiry with anyone not directly associate with the inquiry. I was at Abu Ghraib from the end of July 2003 to 19 January 2004 except for emergency leave to attend my father-in-law's funeral between 17 - 27 December 2003 and the period 18 - 31 October 2003 when BG Karpinski appointed [REDACTED] as acting commander of the 320th. Q. Is there anything you would like to add to this statement? A. No.

End of Statement

AFFIDAVIT

I, [REDACTED], HAVE READ OR HAVE HAD READ TO ME THIS STATEMENT WHICH BEGINS ON PAGE 1, AND ENDS ON PAGE [REDACTED]. I FULLY UNDERSTAND THE CONTENTS OF THE ENTIRE STATEMENT MADE BY ME. THE STATEMENT IS TRUE. I HAVE INITIALED ALL CORRECTIONS AND HAVE INITIALED THE BOTTOM OF EACH PAGE CONTAINING THE STATEMENT. I HAVE MADE THIS STATEMENT FREELY WITHOUT HOPE OF BENEFIT OR REWARD, WITHOUT THREAT OF PUNISHMENT, AND WITHOUT COERCION, UNLAWFUL INFLUENCE, OR UNLAWFUL INDUCEMENT.

[REDACTED] (Signature of Person Making Statement)

WITNESSES:

Subscribed and sworn to before me, a person authorized by law to administer oaths, this 26 day of May 2004 at [REDACTED]

[REDACTED] (Signature of Person Administering Oath)

ORGANIZATION OR ADDRESS [REDACTED]

[REDACTED] (Typed Name of Person Administering Oath)

ORGANIZATION OR ADDRESS [REDACTED]

5 USC 303

(Authority To Administer Oaths)

INITIALS OF PERSON MAKING STATEMENT [REDACTED]

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