

SWORN STATEMENT

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PRIVACY ACT STATEMENT

JTHORITY: Title 10 USC Section 301; Title 5 USC Section 2951; E.O. 9397 dated November 22, 1943 (SSN).

PRINCIPAL PURPOSE: To provide commanders and law enforcement officials with means by which information may be accurately identified.

ROUTINE USES: Your social security number is used as an additional/alternate means of identification to facilitate filing and retrieval.

DISCLOSURE: Disclosure of your social security number is voluntary.

1. LOCATION Victory Base, Iraq, APO AE 09342	2. DATE (YYYYMMDD) 2004/02/11	3. TIME 1800	4. FILE NUMBER
5. LAST NAME, FIRST NAME, MIDDLE NAME [REDACTED]	6. SSN [REDACTED]	7. GRADE/STATUS COL/O-6	
8. ORGANIZATION OR ADDRESS HHD, 205th Military Intelligence Brigade, APO AE 09096			

WANT TO MAKE THE FOLLOWING STATEMENT UNDER OATH

I was interviewed by Major General Taguba, an AR 15-6 Investigating Officer from CFLCC, on 9 February 2004 concerning detainee operations at CJTF-7 and allegations of detainee abuse at Forward Operating Base (FOB) Abu Ghraib. The purpose of this statement is to provide a written record of that conversation by highlighting and amplifying key areas of discussion including command and control, the nature of detainee operations, and the relationship between intelligence and military police at the FOB. As a caveat, the instances of detainee abuse under investigation occurred before I assumed command of the FOB. This statement must be understood from that perspective.

Command and Control at the FOB was a complex intermingling of four distinct essential tasks under the command of two separate brigades, the 205th Military Intelligence Brigade and the 800th Military Police Brigade. These essential tasks included: detention operations and monitoring, the conduct of operational and strategic interrogations of key coalition detainees, providing assistance to the Iraq Bureau of Prisons in establishing and running a maximum security prison, and enhancing force protection for the approximately 1000 service members and civilians assigned to Abu Ghraib. Detailed information about the forward operating base and its tenant units is provided in the attached briefing (enclosure 1). In light of mortar attacks where both soldiers and detainees were killed, the FOB had tactical control (TACON) of forces limited to two specified tasks: force protection and detainee security (enclosure 2). The 320th Military Police (MP) Battalion (Bn) was charged with executing detention operations at the FOB. This included assignment of detainees to internment camps, the establishment of standards for internment facilities, the training and regulation of guards, transportation of detainees throughout the theater, and the establishment of policy and procedure relative to resettlement operations. Likewise, they had the responsibility for reporting of detainees through the National Detainee Reporting System (NDRS) and the forward of Serious Incident Reports (SIR) concerning detainees. The CJTF-7 Staff Judge Advocate Magistrate's Cell was charged with developing systems to review the status of detainees, ensure they were given appropriate hearings, Article 78 appeals, and status reviews. The CJTF-7 SJA had the lead in facilitating visits by the International Committee of the Red Cross (ICRC). The Joint Interrogation and Debriefing Center (JIDC) through the 205th MI Bde, was charged with executing interrogations at the FOB. The Commander, CJTF-7 set forth the operating parameters of the JIDC (enclosure 3). Prioritization of interrogations was determined by the Interrogation Targeting Board and sent directly to the JIDC by 205th MI Bde.

In a very real sense, everyone working at Abu Ghraib is involved in "detainee operations." Abu Ghraib, also known by MPs as the Baghdad Central Correctional Facility (BCCF), currently holds over 6500 detainees. Over 5500 of these are in direct U.S. custody. Just over 1500 of these are of intelligence interest to the coalition. The FOB exists to house these detainees and facilitate interrogations. There are three basic components of "detainee operations" that include detention, interrogation, and release. Staff supervision of these functions is provided by the Provost Marshal, the C2 and the Staff Judge Advocate respectively. Unfortunately, this split responsibility for detainee operations increased the pressure at lower levels and blurred lines of responsibility. Although command of the FOB provided me knowledge of all aspects and limited input, as laid out in the discussion on command and control, policy and task execution was conducted along functional lines through functional commands. As a result almost all of my experience in detainee operations comes from the interrogation perspective. The details of this perspective are provided below.

Policy and procedures established by the JIDC relative to detainee operations were enacted as the result of a visit by JMG Geoffrey Miller, the commander of Joint Task Force Guantanamo Bay. During his visit General Miller focused on four key areas: intelligence integration, synchronization and fusion; analysis; interrogation; and detention operations. During his visit he rendered a written report, which is provided in this statement (enclosure 4). I have also provided his in-brief (enclosure 5), his out-brief (enclosure 6) and a draft update for the Secretary of Defense (enclosure 7). The key findings of his visit were that the

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STATEMENT OF [REDACTED]

TAKEN AT Victory Base, Iraq DATED 2004/02/1

9. STATEMENT (Continued)

interrogators and analysts, develop a set of rules and limitations to guide interrogations, and provide dedicated MPs to support of interrogations. As a result of his visit the task force formed a JIDC. The requirements for manning were laid out in a request for forces (RFF) and a joint manning document (JMD). All recommendations were implemented with the exception of dedicated MP support.

The basic rules for interrogation operations are contained in Army Regulation 34-52, Interrogation Operations. The standards for the conduct of interrogations are outlined in CJTF-7 CG Memorandum dated 5 October 2003, Subject: CJTF-7 Interrogation and Counter-Resistance Policy (refer to enclosure 3) that were staffed with United States Central Command. These rules provide the left and right limits for interrogators.

Despite the articulation of clear rules, there were two violations of these standards that were brought to my attention prior to my assumption of command of the FOB and the incident that precipitated this investigation. The first of these was reported to me by the MPs in early October. The incident involved two female detainees and three male interrogators. The three soldiers accused of detainee abuse were removed from their interrogation positions and I asked CID to investigate because of the potential explosive nature of the incident. The investigation was unable to show beyond a reasonable doubt that detainee abuse occurred. However, it did show that these interrogators failed to follow established procedures for interrogation, constituting dereliction of duty. Each of the three soldiers involved was given punishment under Article 15 of the Uniform Code of Military Justice (enclosure 8). Punishment was imposed by me. The second instance involved a female interrogator. It was reported to me by the then JIDC Deputy Director [REDACTED] I cannot recall the specifics of this incident but the interrogator was removed from her position as an interrogator and remained in [REDACTED] for additional training. Long after the fact, I was made aware of some additional allegations of abuse in an ICRC report (enclosure 9). These allegations track closely with some of the allegations brought to my attention by CID in January.

After the first allegations of abuse, the leadership at the JIDC decided to implement a more aggressive policy of ensuring that their personnel were aware of all the limitations surrounding interrogation operations. All soldiers who conduct interrogations are required to sign a memorandum that they understand the rules and agree to abide by them. A blank copy of the agreement is provided (enclosure 10). Additionally, prior to starting work at the interrogation facility each person assigned undergoes training familiarize them with the facility and operations at Abu Ghraib. This training is conducted by the section leader. A copy of the training slides is provided as well (enclosure 11). Finally, to have a reminder of the interrogation rules of engagement (IROE) as well as other important information the JIDC created a wall with a blow up of the IROE and applicable memorandums signed by LTC Sanchez. Every person entering the JIDC passes by these items as they enter and leave the JIDC facility. Pictures of the wall are provided (enclosure 12).

The complex and sometimes confusing command and control inherent in detainee operations makes the inter-relationships among organizations extremely important and contentious. Despite a genuine commitment on the part of seniors at brigade-level to make the relationship work, there were several areas of friction between 320th MP Bn and the JIDC. There were significant differences in standards between the two units in major areas, such as allowing local nationals to live in the billets, uniform standards, and the saluting policy.

In conclusion, in response to a request of the investigating officer, I would make two recommendations as a result of my experience and the incidents that occurred. First, ensure that MPs supporting the interrogation mission are attached to the JIDC so they can be better sensitized to the rules of interrogations and provide additional value added to the interrogation process. Second, if the desire of the task force is to put detainee operations under the purview of one commander at Abu Ghraib, that commander must have training in detention operations, interrogation operations, and detainee release procedures. The command relationship between the FOB commander and subordinate units should be OPCON, the officer should not have additional command responsibilities and the level of responsibility probably necessitates a General Officer. NOTHING FOLLOWS //

DATE: 1 FEB

EVENT: [REDACTED]

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STATEMENT OF

TAKEN AT Victory Base, Iraq

DATED 2004/02/11

STATEMENT (Continue)
NOTHING FOLLOWS

AFFIDAVIT

WHICH BEGINS ON PAGE 1, AND ENDS ON PAGE 3, I HAVE READ OR HAVE HAD READ TO ME THIS STATEMENT
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.

(Signature of Person Making Statement)

NOTES

Subscribed and sworn to before me, a person authorized by law to
administer oaths, this 11th day of FEBRUARY, 2004

at BAGHDAD, IRAQ.

ORGANIZATION OR ADDRESS

HR
BAGHDAD, IRAQ

(Typed Name of Person Administering Oath)

10 USC 1044

(Authority To Administer Oaths)

INITIAL

STATEMENT

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