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From: [REDACTED] COL CFLCC/3A-ATL-PAO
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 Subject: FW: Media Availability with Principal Deputy Assistant Secretary of Defense Public Affairs Lawrence Di Rita

ALL
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COL [REDACTED] -- Transcript from OSD(PA) from yesterday on all of the investigations on detainee abuse. Not sure the authority of LTG McKiernan is addressed absolutely correctly/accurately as far as his authority once he approved the findings and recommendations; however, we may end up getting queries as a result, although I have not received any since this briefing.

-----Original Message-----
 From: DoD Transcripts [mailto:dltranscripts_sender@DTIC.MIL]
 Sent: Monday, May 03, 2004 11:28 PM
 Subject: Media Availability with Principal Deputy Assistant Secretary of Defense Public Affairs Lawrence Di Rita

NEWS TRANSCRIPT from the United States Department of Defense

DoD News Briefing
 Principal Deputy Assistant Secretary of Defense Public Affairs Lawrence Di Rita Monday, May 3, 2004

DiRita: What I did want to do is provide a little bit of sort of a review of where we are and how we got to where we are, to put that report which is an important report but one of several, into some context, and just to remind everybody of kind of the situations that unfolded since this was first discovered. This incident was first discovered in January, January 13th.

Q: How did it come to light?

DiRita: It came to light within the chain of command. A soldier made a report within his chain of command.

Q: An MP?

DiRita: I don't know that. It was somebody from that unit so it's likely, I just don't know.

Q: [Inaudible].

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DiRita: It's somebody in the 800th [800th Military Police Brigade], as I understand it, but it came to light within the chain of command for a soldier who was aware of what was happening.

That was on the 13th of January.

On the 14th of January the CJTF-7 [Combined Joint Task Force-7] initiated a criminal investigation. So very aggressively, it was -- the chain of command took these charges very seriously and responded to them aggressively.

Two days later General Kimmitt [Brig. Gen. Mark Kimmitt, CJTF-7 Deputy Director of Operations] briefed this from CENTCOM [U.S. Central Command], on the 16th of January, that this incident had come to light, that there wasn't much that could be discussed. I believe, although I don't know this for sure but it's checkable, he discussed the fact that there were photos involved.

Q: These were the photos that they had?

DiRita: I don't know that these were the photos that they had but they were the photos of that nature. This was 16 January. He briefed it to the press corps from Baghdad, from the podium in Baghdad, and he said a criminal investigation has been initiated.

General Sanchez [Lt. Gen. Ricardo Sanchez, CJTF-7 Commander] on the 19th requested a senior level investigation of practices and procedures. In other words, quite apart from the criminal investigation he asked for an investigation from a senior officer to review procedures within the prison. This was on the 19th.

Q: Within the prison or throughout the whole prison system in Iraq?

DiRita: I'll get to that.

Q: All right.

DiRita: So that was on the 19th of January.

On the 24th of January General Abizaid [Gen. John Abizaid, Commander, U.S. Central Command] directed the combined forces land component commander to conduct that investigation. And on the 31st of January General Taguba [Army Maj. Gen. Antonio M. Taguba, Deputy Commanding General, U.S. 3d Army] was identified as the investigating officer.

So within a couple of weeks of this coming to light it had been briefed to the press,

a criminal investigation was underway, the commander had sought and received an administrative review by a senior officer, General Taguba.

Q: The 31st of January?

DiRita: Yeah, that's when it was initiated.

Apart from those activities generated within the theater, after some consideration here in Washington, frankly, by people who were involved in understanding what was going on, there was due consideration given to let's consider how we're doing throughout the AOR [Area of Responsibility]. We have a number of detainee operations. We now believe we've got a good criminal activity investigation going on, we are looking at the procedures specifically at this one facility but there are other facilities within Iraq and there are other facilities in the AOR.

So early in February, and I'm sorry I don't have that date, the Army Inspector General began a review of detention operations in the AOR not to include Abu Ghraib because Abu Ghraib was being evaluated by the CFLCC [Combined Forces Land Component Command, also known as U.S. 3d Army] investigation.

Q: So that includes Bagram?

DiRita: Kandahar, Bagram, and the other facilities in Iraq.

Q: And Bagram already had an incident, isn't that right?

DiRita: I'm sorry, but I can't speak to specifics on this. There have been -- Look, there's detainee operations going on in Bagram and Kandahar and there have been -- I believe, if I may, and let me just for a second go off the record.

[This portion removed according to ground rules]

[Return to on the record discussion]

DiRita: So we're now in early February and there are one, two, three investigations going on. Separate and apart from the ones I've mentioned -- I'm back on the record -- the Chief of the Army Reserve on his own volition recognizing that there were reservists involved in the units in question, decided to conduct his own internal review and assessment of training and how reservists are being prepared for these missions with an emphasis on military intelligence and military police. So that's something that he as a responsible general officer with responsibility for training reservists decided he was going to do and he initiated that, and that's ongoing.

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Q: When did that start?

DiRita: That was also in early February and I'm afraid I don't have a date.

Q: What's his name?

DiRita: General Helmly [Lt. Gen. James R. Helmly, Chief, U.S. Army Reserve].

So now we're in February. Then in early March, and I believe it was the first week of March, Gen. Taguba finished his preliminary assessment of his investigation. And his job was to present that to his boss which was General McKiernan [Lt. Gen. David McKiernan, CFLCC/3d U.S. Army Commander], which he did. General McKiernan was given certain recommendations by General Taguba, and again, I'm not, what I'm going to not do here is talk about the specifics of this report which A, remains classified, and B, remains under review by the responsible officials. I may be able to take a question or two on it, but early March, March 3rd, he finishes the report, forwards it to General McKiernan for General McKiernan's review and for decisions.

Q: March 3rd?

DiRita: March 3rd, yeah.

March 15th, the Army CID issues some preliminary assessments with respect to criminal investigations and on March 20th, charges were preferred against six soldiers. March 20th.

6 April, General McKiernan approved some of the findings of General Taguba's administrative investigation which involved some letters of reprimand and some reliefs for cause.

Q: Say that again. He approved --

DiRita: 6 April. General McKiernan approved the findings, and it was within his authority to do that, it was his review to have conducted. He was the responsible investigating official for the purposes of the investigation and the deciding officer, and based on recommendations that came to him he then made certain approvals. Those approvals led to six letters of reprimand and two reliefs for cause. I can't provide any more detail than that.

Q: And the reliefs for cause, what does that mean? Does that mean they're relieved of command or --

DiRita: It means they're relieved of the responsibilities that they hold.

Q: But not out --

DiRita: No, what it means is they're going to be reassigned to something else, but it's something that typically is seen as having been done with prejudice, so this is another --

Q: Are they separate from the people who were charged?

DiRita: Yes.

Q: Is that six plus two or two of the six were relieved?

DiRita: It's six including two who were relieved.

Q: These are all MPs, right?

DiRita: It was from the MP unit.

Q: Was one of the two [inaudible]

DiRita: No.

Q: Are these the people who were announced today? That they talked about today?

DiRita: I saw an announcement today but I don't know -- I think it is. I think that's correct.

The Taguba report resulted in six people being relieved and, or two people being relieved, six people receiving general officer memorandums in their record which is called a letter of reprimand.

Q: So the two are not included in the six?

DiRita: They are included in there.

Q: But --

DiRita: A general officer memorandum of reprimand, is that what is referred to?

Whitman: Right.

Q: Does that mean it's going to a general officer or it's coming from a general officer?

DiRita: No, the general officer is the one who issued the reprimand.

Q: We were told also today that there was a seventh person who got a letter of admonition.

DiRita: There may well be additional decisions as a result of the investigation and I just don't have enough specificity of what -- General McKiernan is reviewing these results. There could be other actions that are taken as a result of this investigation.

What I'm trying to do is give you a sense of the lines of investigation and assessment that are going on, and some of the results that have occurred, and this is all prior to the sort of reporting over the weekend which unfortunately misses a lot of this context. I was just trying to provide you the additional context.

Along the way when the charges were preferred I believe Kimmitt briefed it again in Baghdad. That these results had been found, there had been some administrative decisions and some criminal decisions. I think he was vague because it was still a little bit early as to what the final decision would be.

Q: Is it the six points to Article 32s that are either in --

DiRita: That's the criminal investigation. So the criminal investigation has led to six people who will get Article 32 hearings.

Q: One's already had one, right?

DiRita: Some of them have already had them, some of them are going to have them soon. They have rights. They're pursuing their rights. And some of their rights include wanting more time for reasonable delays, so that's in progress.

Q: Are all of their names on the record? The six who have been charged?

DiRita: I'm not in a position to put them on the record. I don't know if they're on the record. Do we know that?

Whitman: No, they aren't.

Q: Did the six --

DiRita: The people have rights and I believe we have privacy --

Q: You arrested those guys for espionage at Guantanamo [U.S. Naval Base Guantanamo Bay, Cuba] one time, though. Those names were released -- [Cross talk]

No, seriously, why wouldn't those names be on the record?

DiRita: I know that in the case of the letters of reprimand there's privacy restrictions and when we release those they tend to be redacted.

Q: But Article 32s --

Q: Criminal charges --

DiRita: I'm just saying I'm not in a position to put them on the record.

Q: Can we get somebody to put them on the record?

DiRita: We can get somebody to find out what the right answer is.

Q: It's just dribbling out. I think it's unfair that some of their names are coming out and some aren't.

DiRita: If they shouldn't come out it's unfair that any are coming out. I just don't know the answer, but we'll get the answer. It's kind of a go/no-go thing. If it's available and it can be made available, then we'll try and make it available.

Q: Did the six criminal charges and the six letters of reprimand all come out of the Taguba report?

DiRita: No. Remember I said on the 16th of January a criminal investigation was initiated. On the 19th of January Sanchez asked for an administrative review.

Q: So there are two separate --

DiRita: Two separate lines. And --

Q: Sir, this weekend General Myers said that the Taguba report hadn't made it up the chain to him.

DiRita: It's not likely to, either.

Q: Will the Secretary have been briefed on the Taguba report?

DiRita: What the Secretary is aware of is that, is what I've described to you. When this came to light quite a number lines of assessment and investigation began. In the case of the Inspector General that was something that he and the Chairman and the Vice Chairman and others discussed as desirable. Let's get a look across the AOR at what's going on.

An individual report like this, it's certainly a very serious and the allegations are egregious but there's a process and the process is that a three star was given the responsibility to conduct an investigation, he conducted it, and he has the authority on the basis of that investigation to make decisions, which he did.

Q: If McKiernan approved it on April 16th it would seem that by May 3rd the Chairman of the Joint Chiefs or the Secretary would be aware of the findings of the

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DiRita: I don't know if that's the case, Brett. I mean there are criminal and administrative procedures going on in Iraq and Afghanistan and all around the world every single day. Again, these are egregious allegations, there's no question. The Secretary is aware that there are a number of activities ongoing in order to get a good sense of whether there are systemic concerns, whether there's better training required, those kinds of things. To get briefed on individual general officer reprimands and things like that isn't necessarily something that either he or the Chairman would --

Q: But Larry, in this case with the impact on what you're trying to do in Iraq being so severe, this potentially could just destroy it.

DiRita: Right.

Q: Wouldn't he want to make an exception and --

DiRita: It's not a question of him saying make sure that I get briefed on that, Rick, it's a question of his concern is that we can have confidence in the military justice system, which he does, that there will be a procedure to surface the allegations, have them properly investigated, and have proper decisions made and in fact because he remains in the chain of command his ability to opine on those or even be briefed on them is very restricted.

So he has taken a decided interest in the lines of assessment and investigation that are going on but his concern is more on the level of are we doing all we can and should be doing to make sure that this is something that we understand very well.

Q: What's going on with the military intelligence people? There are a number of people who have said on the record that the MI [Military Intelligence] battalion or brigade was in charge of those two cellblocks.

DiRita: Right.

Q: And Taguba's report also said that that military intelligence battalion had to be encouraged to soften their treatment.

DiRita: Right.

Q: So what's going on with the military --

DiRita: The Taguba report addresses that issue. There have been other studies that have been done -- the thing I didn't mention is that last fall at Sanchez's request there was more of a top-level review of detainee operations. That drew certain conclusions which General Taguba assessed and evaluated. General Miller from GTMO [Guantanamo Bay, Cuba] went out last summer to go look at kind of more how do you manage detainee operations when the objective is intelligence gathering, because that's what he's doing down in Guantanamo. So there was a lot of work that went on.

Those general officers made certain findings that General Taguba in his assessment drew different findings so it's going to take some time to sort through exactly what the facts were.

General Taguba has offered what he believes to be a very comprehensive fact-based report and that will be assessed.

Q: Is there an investigation going on now into the --

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DiRita: I didn't get to that.

On the 23rd of April, and it's the final line of investigation so I think I've identified, this is the fifth line of review. The Deputy Chief of Staff of the Army for Intelligence initiated an investigation into the practices inside of Iraq to include Abu Ghraib. And it's likely that he will get to some of these issues but the Taguba report remains classified. There have been some questions raised as to who the lead they were responsible for, the various cell blocks, I believe General Karpinski has spoken on the record as to her own understanding of that, that's the kind of thing that will probably take some time to sort through.

Q: Does this Deputy Chief of Staff investigation also include the private contractors?

DiRita: I don't know. I just don't know. I think it's military intelligence.

Q: Is he looking at individuals' actions with an eye towards prosecution or is he just looking at practices and methods?

DiRita: We'll have to provide a little bit more detail if we can get it. I think what he's looking at is the procedures that are in place and to the extent that his investigation could lead to detailed understanding of individual practices I'm sure that he will be mindful of that and report on it. But I think his issue is really one of ensuring that proper procedures were followed.

Q: Who's looking at the role that the private contractors might have played in this?

DiRita: I don't know. I don't have any --

Q: Is it covered in any of these five lines of investigation --

DiRita: I don't know.

Q: Can you tell us about the level of involvement where you said --

DiRita: Whose level of involvement?

Q: These private contractors --

DiRita: I'll tell you right now, I have nothing to say about that. I just don't know

anything about it.

Q: We don't know if they have participated in any way, in any interrogation, any single interrogation at any time?

DiRita: I'm sorry, but I just don't know anything about it. You can ask the question a lot of different ways and I still wouldn't know anything.

Q: -- a follow-up on David. You still haven't said definitively here whether they're in fact looking into whether the intelligence people, rightly or wrongly, had control of this thing and were advising these people what to do.

DiRita: And that's got to be sorted out. There's no question about it. That is an issue that has been elevated in the context of General Taguba's report. General Karpinski has spoken about whether her interpretation of who was responsible for an aspect of the facility and somebody else's understanding and that will have to be resolved because I'm

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Q: But you're the spokesman, General Karpinski isn't.

DiRita: As the spokesman I'm telling you it has to be resolved.

Q: Are you looking into whether intelligence, rightly or wrongly, exerted influence on how these people were treated and encouraged possible mistreatment of these people?

DiRita: What I've described, Charlie, is the lines of investigation that are going on.

General Fay is looking at procedures with respect to military intelligence and should he determine that procedures were being followed that were inappropriate or wrong then I'm sure he'll surface that. And I just can't provide any more information on that. I'm really trying to describe the processes that are involved. I'm not the subject matter.

Q: Have any military intelligence personnel been relieved, reassigned, gotten a letter or anything as a result of what happened at Abu Ghraib?

DiRita: I don't believe so. At the moment I don't believe so. I mean the facts that I have available at the moment are that the investigations have involved letters of reprimand on military police and criminal investigations on people in the military police unit.

Q: When did the Secretary first learn about the scale of the allegations at Abu

Ghraib and when was the first time that he saw those images? Did he see them here in the Pentagon in his office? Or was he watching them on television like everyone else?

DiRita: I believe the first time he saw them was when they appeared on television. He learned about this when it first was reported within the chain of command and if it wasn't the same day, because sometimes -- there's always a lag between when things happen in Baghdad and when they make their way here but it was pretty early on when he and the other senior officials in the department learned and got involved in understanding what are the lines of activity that we need to initiate, and they initiated some and some were self-initiated by the other responsible officials like I mentioned, the Helmlly thing and General Fay's investigation.

Q: Was there anything he initiated or was he just briefed on this and said --

DiRita: As is often the case with the Secretary, he understood that there was a criminal investigation going on and he understood that there was an investigation, that Sanchez had requested an investigation with respect to Abu Ghraib, which became the Taguba investigation. What he did was say the kinds of things he thinks about is, well wait a minute. We have detainee operations going on around the AOR, let's make sure that we're doing all we can to know all we should. That's what led ultimately to the Army Inspector General.

I'm almost out of time.

Q: As far as you all know on these pictures, were they taken by the MP [Military Police] group as a fun and games thing or did intelligence have anything to do with these pictures as far as you know?

DiRita: I don't know. I don't know. It's my understanding, let me go on background here.

[This portion removed according to ground rules]

[Resume on the record discussion]

Q: When did the Secretary first learn the findings in the report?

Q: Or has he?

DiRita: He's not been briefed on the detailed findings yet. What he's aware is that there have been --

Q: Did he first read about what was in that report Sy Hirsch's article?

DiRita: I doubt highly he has read Sy Hirsch's article. How about that?

Q: Somebody recounting what the New Yorker article said. He wasn't aware of -- In other words, going into this weekend he was not aware of what was --

DiRita: What he was aware of is that these lines of investigation, some of them were further along than others, and he had been kind of, together with other senior officials in the department, along the way been told, given updates. I think the Chairman raised with him some time ago that some of these criminal referrals were coming forward, that sort of thing.

Q: What if any strategy did you all develop here once it became clear that 60 Minutes had these images and were going to broadcast them? Given the sensitivity in the Arab world and given the fact that --

DiRita: When you say what strategy --

Q: General Myers obviously went to CBS and asked them not to publish.

DiRita: Let me clarify that, and I'll be on background for that too.

[This portion removed according to ground rules]

[Resume on the record discussion]

Q: Why haven't there been photos of the guys who've been arrested or talks about what their punishments will be? It's like we're pulling teeth to get what's happening to the six people --

Q: Let's go back on the record because that's a legitimate question.

DiRita: I'm almost out of time.

Q: That's a fair question.

Q: We've got charge sheets. Same day charge sheets were faxed to us.

DiRita: Is that right?

Q: Yeah. Charge sheets. There was a rush to put out information none of which eventually stood up, most of which hasn't stood up.

DiRita: I think because -- I don't know the answer to that. Q: You're not following your own procedures in not releasing the names and charge sheets.

DiRita: I don't know. If we have procedures then we should do it. I'm really out of time, I'm sorry.

Q: Are some of these investigations investigating the roles of contractors' activities inside Abu Ghraib, am I correct?

DiRita: No. What I said I think several times is I simply don't know and I'm not in a position to discuss it. I just don't know.

Q: It also sounds like you --

DiRita: I don't know. I wish I could tell you something more definitive than I don't know but it's very liberating to say that. I just don't know.

And military intelligence, General Fay's investigation is going on.

Q: I assume we're going to [inaudible] --

DiRita: We're talking about 12 people.

Q: I have this port of entry request. Where does that go?

DiRita: Port of entry?

Q: Yeah, the attorney faxed it or --

DiRita: You mean Karpinski? She has rights and she'll pursue those rights. I don't know what --

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[cross talk]

Q: -- one of the attorneys?.

DiRita: Several of them have retained civilian lawyers. They'll be aggressive in pursuit of their rights and they have been.

Q: Who decides that?

DiRita: The Article 32 investigating officer will make certain recommendations and there will be a court martial official who will decide what the right answer is.

Q: Do you know the ranks of the people that got reprimanded? If you can't give the names, how high --

DiRita: If we can get you any of that we will. That might be gettable. That might be gettable.

Whatever follow-up we're able to do we should try and do today, Brian.

Whitman: Thanks.

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