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SUBJECT: (U) Alleged Improprieties by BG Janis Karpinski, USAR, Commander (CDR), 800th Military Police (MP) Brigade (BDE), Iraq (DIG 05-80006)

1. (U) On 28 April 2004, Inspections Division, DAIG, advised Investigations Division, DAIG, of an Army Regulation (AR) 15-6, Procedures for Investigating Officers (IO) and Boards of Officers, investigation report that detailed the investigation of alleged detainee abuse at the Abu Ghraib Prison in Baghdad, Iraq. The report identified findings against BG Karpinski. The IO was MG Antonio Taguba, Deputy CDR, Coalition Forces Land Component Command (CFLCC), 3d Army. He found that BG Karpinski improperly:

a. (U) Failed to ensure that MP Soldiers had appropriate Standard Operating Procedures (SOPs) for dealing with detainees, and that CDRs and Soldiers read and understood the SOPs.

b. (U) Failed to ensure that MP Soldiers knew, understood, and adhered to the Geneva Convention (GC) relative to the treatment of Prisoners of War (POW).

[IO Note: (U) During BG Karpinski's command, the 800th MP BDE detained civilians, not POWs. Consequently the GC relative to the treatment of civilians was the proper standard.]

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- c. (U) Made material misrepresentations to the AR 15-6 investigating team concerning the frequency of her visits to subordinate units.
- d. (U) Failed to obey a lawful order from the CDR, CFLCC, regarding the withholding of disciplinary authority for officer and senior noncommissioned officer (NCO) misconduct.
- e. (U) Failed to take appropriate action concerning the ineffective leadership and performance of a subordinate battalion (BN) CDR and certain members of the BDE staff.
- f. (U) Failed to ensure the results and recommendations of After Action Reviews (AARs) and AR 15-6 investigation reports on detainee escapes and shootings were properly disseminated.
- g. (U) Failed to ensure basic Soldier standards.
- h. (U) Failed to establish a BDE Mission Essential Task List (METL).
- i. (U) Failed to establish basic proficiency in assigned tasks for Soldiers.
- j. (U) Failed to ensure that numerous reported accountability lapses at detention facilities were corrected. (EXHIBIT C-1, pages 44-45)

2. (U) Concerning conflicting findings:

a. (U) On 31 January 2004, the CDR CFLCC, appointed MG Taguba to conduct an AR 15-6 investigation [hereinafter Taguba Report], into allegations of detainee abuse committed by members of the 800th MP BDE. On 26 February 2004, 26 days later, MG Taguba completed his findings. MG Taguba and his team conducted numerous witness and suspect interviews, and reviewed vast numbers of documents to arrive at the report's conclusions concerning detainee abuse. The AR 15-6 was reviewed by the Deputy Staff Judge Advocate, CFLCC, for legal sufficiency.

b. (U) On 28 April 2004, the Taguba Report was referred to DAIG because it identified findings against a senior official, BG Karpinski. The focus of the DAIG inquiry was to identify any specific impropriety by BG Karpinski. For eight months, DAIG

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conducted an extensive review of the Taguba Report, interviewed additional witnesses, and reviewed the base reports and exhibits of the Kern Report, Weidenbush Report, Schlesinger Report, DAIG Detainee Operations Inspection, Ryder Report, and the Miller Report, as well as rebuttals submitted by BG Karpinski and her attorneys. Judge advocates from The Office of The Judge Advocate General and the Office of the General Counsel conducted an extensive legal review of this DAIG inquiry.

c. (U) Because the focus of this DAIG inquiry differed from that of MG Taguba, there were instances where DAIG's conclusions differed from those of the Taguba Report. The different conclusions were attributed to DAIG having fewer time constraints and the opportunity to review additional evidence not available at the time the Taguba Report was finalized. In certain instances, the supporting evidence in the Taguba Report did not meet DAIG's preponderance of the evidence standard and DAIG was unable to concur with some of the Taguba Report's findings.

d. (U) The apparently conflicting findings in the current DAIG investigation, the Taguba Report, and other reports should not be misinterpreted to mean that DAIG found the reports to be inaccurate. Each report must be considered in light of their difference in focus, the evidence available at the time to the investigators, the personal observations of the investigative team, and the documentation supporting the findings.

3. (U) Background:

a. (U) The 800th MP BDE was mobilized in January 2003, and deployed to Iraq in March 2003. BG Karpinski assumed command on 30 June 2003. On 31 January 2004, Lieutenant General (LTG) David McKiernan, CDR, CFLCC, appointed MG Taguba as the AR 15-6 IO to investigate allegations of detainee abuse committed by members of the 800th MP BDE. Several Soldiers were charged with criminal offenses pertaining to the alleged abuse. The IO completed his investigation on 26 February 2004. The recommendations included relieving BG Karpinski for cause and issuing her a General Officer Memorandum of Reprimand (GOMOR). (b)(5)

(b)(5)

b. (U) The AR 15-6 report was forwarded to BG Karpinski on 15 March 2004 for her review and rebuttal. (Exhibit C-2)

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c. (U) After considering BG Karpinski's rebuttal and MG Taguba's response to the rebuttal, LTG McKiernan approved the findings and recommendations of the MG Taguba AR 15-6 report. (Exhibits C-3, C-4, C-5, and C-6)

[IO Note: (U) The exact date that LTG McKiernan approved the report could not be confirmed; however, the evidence indicated he approved the report on or about 5 April 2004. Although LTG McKiernan approved the findings and recommendations of the report, he later decided not to relieve BG Karpinski for cause.]

d. (U) The eleven findings against BG Karpinski in the AR 15-6 report were incorporated into three allegations considered in this inquiry. The three allegations were that BG Karpinski improperly:

(1) (U) Was derelict in the performance of her duties.

[IO Note: The DAIG's review of the Kern Report, as requested by BG Karpinski, revealed evidence that BG Karpinski failed to properly respond to the International Committee of the Red Cross (ICRC) report concerning the treatment of detainees at Abu Ghraib. Evidence in the Kern Report also indicated that BG Karpinski failed to properly exercise her authority and responsibilities to ensure Abu Ghraib was run appropriately. These two matters were addressed in the allegation that BG Karpinski was derelict in the performance of her duties.

(2) (U) Made a material misrepresentation to the AR 15-6 investigating team.

(3) (U) Failed to obey a general order from the CDR, CFLCC, regarding the withholding of disciplinary authority for officer and senior noncommissioned officer misconduct.

[IO Note: (U) The DAIG's initial review of the AR 15-6 report determined that there was not a preponderance of evidence to support a DAIG substantiation of the allegation that BG Karpinski made a material misrepresentation to the AR 15-6 investigating team. Therefore, BG Karpinski was not asked to comment on this allegation.]

e. (U) On 26 May 2004, in accordance with standard procedures, DAIG forwarded a letter to BG Karpinski informing her that DAIG was considering whether to record allegations against her as substantiated or unsubstantiated and provided her an

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opportunity to respond before a determination was made. Her suspense to respond was 27 June 2004. (EXHIBIT C-8)

f. (U) On 26 June 2004, (b)(6)-2 & (b)(7)(C)-2 BG Karpinski's (b)(6)-2 & (b)(7)(C)-2 requested a delay in responding to the allegations. (EXHIBIT C-9)

g. (U) On 30 June 2004, DAIG forwarded a letter to (b)(6)-3 & (b)(7)(C)-3 BG Karpinski's (b)(6)-3 & (b)(7)(C)-3 informing him that BG Karpinski was granted an extension until 2 August 2004 to respond to the allegations. (EXHIBIT C-10)

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h. (U) On 27 July 2004, (b)(6)-2 & (b)(7)(C)-2 requested a second delay in responding to the allegations. (EXHIBIT C-11)

i. (U) On 10 August 2004, DAIG forwarded a letter to BG Karpinski informing her that she was granted an extension until 21 September 2004 to respond to the allegations. (EXHIBIT C-12)

j. (U) On 19 September 2004, BG Karpinski provided a response to DAIG concerning the allegations against her. (EXHIBIT C-13)

[IO Note: (U) As requested by BG Karpinski in her rebuttal, the following documents were reviewed concerning the allegations against BG Karpinski: the Taguba AR 15-6 Report, Kern Report, Weidenbush Report, Schlesinger Report, DAIG Detainee Operations Inspection, Ryder Report, and the Miller Report. The base reports and exhibits were reviewed.]

4. (U) Operational Environment:

a. (U) Prior to its mobilization in January 2003, the 800th MP BDE followed a standard pre-mobilization training plan. The 800th MP BDE was a United States Army Reserve (USAR) unit whose Headquarters and Headquarters Company (HHC) was located in Uniondale, New York (NY). BG Paul Hill commanded the BDE from 21 May 1999 to 30 June 2003. The BDE's next higher peacetime headquarters was the 77th

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Regional Support Command, Fort Totten, NY. The 800th MP BDE mission was to command and control the conduct of Internment and Resettlement (I/R) operations, and was their training focus during peacetime. The 800th MP BDE had two MP (I/R) battalions (BNs), the 310th MP BN (I/R) and the 306th MP BN (I/R), both located in Uniondale. It had three MP companies (COs), the 340th MP CO, Jamaica, NY; the 423d MP CO, Uniondale, NY; and the 812th MP CO, Orangeburg, NY. Additionally assigned to the BDE were the 348th MP Detachment (DET), Fort Dix, New Jersey; the 311th Military Intelligence (MI) CO, Staten Island, NY; the 3406th MI DET; the 3413th MI DET; 3418th MI DET, all located in Bronx, NY; the 3424th MI DET, Mattydale, NY; and a Personnel Services DET. The MI units were designed to support the I/R mission.

b. (U) The BDE mobilized in January 2003 in preparation for the start of combat operations in March 2003. The BDE mobilized for deployment to Kuwait, where it prepared to conduct I/R operations in support of CFLCC. Throughout the 800th MP BDE's deployment, units assigned to the BDE included the 724th MP BN (I/R), Fort Lauderdale, Florida; the 320th MP BN (I/R), Ashelee, Pennsylvania (PA); the 530th MP BN (I/R), Omaha, Nebraska; the 744th MP BN (I/R), Bethlehem, PA; the 324th MP BN, Chambersburg, PA; the 400th MP BN, Fort Meade, Maryland (MD); the 115th MP BN, Salisbury, MD; and the 310th MP BN (I/R). It was notable that only the 310th MP BN was part of the 800th MP BDE during peacetime. The BDE's peacetime organic MP (I/R) units were tasked to other commands. No MI units were part of the task organization.

c. (U) Due to force rotation plans, the 115th and the 324th MP BNs redeployed in December 2003. Additionally, the 400th MP BN redeployed in January 2004, and the 724th MP BN in February 2004.

d. (U) A review of training records indicated the majority of post-mobilization training consisted of required individual soldier tasks. These requirements, combined with necessary soldier readiness processing and the demand for forces in theater, provided limited time for collective training at the mobilization stations. The BDE HHC, mobilized and deployed in a series of DETs, did not appear to conduct any post-mobilization collective training. The 800th MP BDE was incrementally mobilized and deployed, assigned units without a habitual peacetime training relationship, and lacked the opportunity to execute deliberate, collective, post-mobilization training.

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e. (U) In Kuwait, the BDE reported to the 377th Theater Support Command, commanded by MG Richard Kratzer, who in turn reported to the Commanding General (CG), CFLCC; LTG McKiernan. Combat operations began on 20 March 2003, and BG Hill commanded the BDE through 29 June 2003.

f. (U) On 15 June 2003, V Corps, which conducted major combat operations under CFLCC control, became Combined Joint Task Force - 7 (CJTF-7). Following the Transfer of Authority, CLFCC transferred its operational responsibilities for the Iraqi theater of operations (ITO) to CJTF-7, and repositioned its headquarters from Baghdad to Kuwait. The commanders of both organizations reported to the CG, US Central Command (CENTCOM). On the same day, the 800th was placed under the tactical control (TACON) of CJTF-7. It remained attached to the 377th TSC. The rationale for assignment of TACON was in part to allow CJTF-7 to assign the 800th MP BDE tactical missions, while protecting the unit integrity of the 800th MP BDE while it operated under CJTF-7.

[IO Note: (U) Joint Publication 3-0, Fundamentals of Joint Operations, Chapter 5, Command Relationships, defined TACON as the command authority that was limited to the detailed direction and control of movements or maneuvers necessary to accomplish assigned mission or tasks. TACON did not provide organizational authority or authoritative direction for administrative and logistic support; the CDR of the parent unit continued to exercise those responsibilities unless otherwise specified in the establishing directive.]

g. (U) On 28 June 2003, CJTF-7 issued FRAGO 209 to CJTF-7 OPORD 03-036, which assigned responsibilities to the 800th MP BDE concerning detainee operations.

h. (U) On 29 June 2003, BG Hill relinquished command of the 800th MP BDE to BG Karpinski.

i. (U) Other significant events:

(1) (U) During June 2003, the CPA identified the need to reestablish the Iraqi national prison system. As a result, the decision was made to temporarily reopen the Abu Ghraib prison. On 28 June 2003, the CJTF-7 directed the 800th MP BDE to assume control of all detention facilities, which included Abu Ghraib.

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(2) (U) On 11 August 2003, CJTF-7 requested an assessment of internment operations in the ITO. MG Donald Ryder was directed to lead the assessment.

(3) (U) On 31 August 2003, after a request initiated by CJTF-7, MG Geoffrey Miller led a team to review interrogation policies and procedures in the ITO.

(4) (U) On 4 October 2003, CJTF-7 designated Abu Ghraib as an enduring base. This resulted in an increased priority for support and funding.

(5) (U) On 13 January 2004, Specialist [REDACTED], a MP Soldier assigned to the 800th MP BDE reported detainee abuse at Abu Ghraib. ^{b(6)-2}

(6) (U) On 31 March 2004, LTG Sanchez appointed MG George R. Fay as IO under the provisions of AR 381-10, Procedure 15. MG Fay was appointed to investigate allegations that members of the 205th MI BDE were involved in detainee abuse at the Abu Ghraib Detention Facility.

(7) (U) On 16 June 2004, Acting Secretary of the Army R. L. Brownlee appointed General (GEN) Paul J. Kern as the new Procedure 15 appointing authority. On 25 June 2004, GEN Kern appointed LTG Anthony R. Jones, as an additional Procedure 15 IO. LTG Jones was specifically directed to focus on whether organizations or personnel higher than the 205th MI BDE chain of command, or events and circumstances outside of the 205th MI BDE, were involved, directly or indirectly, in the questionable activities regarding alleged detainee abuse at Abu Ghraib prison. MG Fay was retained as an investigating officer.

5. (U) Allegation #1: BG Karpinski was improperly derelict in the performance of her duties.

a. (U) Standard: Article 92, Uniform Code of Military Justice (UCMJ), 2002 edition, stated:

(1) (U) "Any person subject to this chapter who is derelict in the performance of his duties; shall be punished as a court-martial may direct."

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(2) (U) The elements of proof were: "That the accused had certain duties; that the accused knew or reasonably should have known of the duties; and that the accused was (willfully) (through neglect or culpable inefficiency) derelict in the performance of those duties."

(3) (U) Explanation:

(a) (U) "*Duty*. A duty may be imposed by treaty, statute, regulation, lawful order, standard operating procedure, or custom of the service."

(b) (U) "*Knowledge*. Actual knowledge of duties may be proved by circumstantial evidence. Actual knowledge need not be shown if the individual reasonably should have known of the duties. This may be demonstrated by regulations, training or operating manuals, customs of the service, academic literature or testimony, testimony of persons who have held similar or superior positions, or similar evidence."

(c) (U) "*Derelict*. A person is derelict in the performance of duties when that person willfully or negligently fails to perform that person's duties or when that person performs them in a culpably inefficient manner. "Willfully" means intentionally. It refers to the doing of an act knowingly and purposely, specifically intending the natural and probable consequences of the act. "Negligently" means an act or omission of a person who is under a duty to use due care which exhibits a lack of that degree of care which a reasonably prudent person would have exercised under the same or similar circumstances. "Culpable inefficiency" is inefficiency for which there is no reasonable or just excuse." (EXHIBIT B-1)

b. (U) Documents:

(1) (U) An AR 15-6 investigation report, "Article [sic] 15-6 Investigation of the 800th MP BDE", referred to as the Taguba Report, dated 26 February 2004, determined, in part, that BG Karpinski had engaged in misconduct.

(a) (U) Part One documented the findings concerning detainee abuse and maltreatment at the Abu Ghraib Prison. The findings pertaining to BG Karpinski included:

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1 (U) Finding 12, Page 20: "Moreover, I find that few, if any, copies of the Geneva Conventions were ever made available to MP personnel or detainees."

2 (U) Finding 14, Page 20: "Despite this documented abuse, there is no evidence that BG Karpinski ever attempted to remind 800th MP Soldiers of the requirements of the Geneva Conventions regarding detainee treatment or took any steps to ensure that such abuse was not repeated."

(b) (U) Part Two documented the findings concerning detainee escapes and accountability lapses at the Abu Ghraib Prison. The findings pertaining to BG Karpinski included:

1 (U) Finding 8, page 22: "There is a general lack of knowledge, implementation, and emphasis of basic legal, regulatory, doctrinal, and command requirements within the 800th MP Brigade and its subordinate units."

2 (U) Finding 16, page 24: "The 800th MP Brigade and subordinate units adopted non-doctrinal terms such as "band checks," "roll-ups," and "call-ups," which contributed to the lapses in accountability and confusion at the Soldier level."

3 (U) Finding 17, Page 24: "Operational journals at the various compounds and the 320th Battalion TOC [Tactical Operations Center] contained numerous unprofessional entries and flippant comments, which highlighted the lack of discipline within the unit. There was no indication that the journals were ever reviewed by anyone in the chain of command."

4 (U) Finding 18, Page 24: "Accountability SOPs were not fully developed and standing TACSOPs [tactical SOPs] were widely ignored. Any SOPs that did exist were not trained on, and were never distributed to the lowest level. Most procedures were shelved at the unit TOC, rather than at the subordinate units and guards mount sites."

5 (U) Finding 19, Page 24: "Accountability and facility operations SOPs lacked specificity, implementation measures, and a system of checks and balances to ensure compliance."

6 (U) Finding 20, Page 24: "Basic Army Doctrine was not widely referenced or utilized to develop accountability practices throughout the 800th MP Brigade's

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subordinate units. Daily processing, accountability, and detainee care appeared to have been made up as the operations developed with reliance on, and guidance from, junior members of the unit who had civilian corrections experience."

7 (U) Finding 21, Page 24: "Soldiers were poorly prepared and untrained to conduct I/R [internment/resettlement] operations prior to deployment, at the mobilization site, upon arrival in theater, and throughout their mission."

[IO Note: (U) BG Karpinski did not command the 800th MP BDE prior to deployment, at the mobilization site, upon arrival in theater, or during the mission from January through 29 June 2003.]

8 (U) Finding 22, Page 24: "The documentation to this investigation identified 27 escapes or attempted escapes from the detention facilities throughout the 800th MP Brigade's AOR [area of responsibility]. ... it is highly likely that there were several more unreported cases of escape that were probably "written off" as administrative errors or otherwise undocumented. ... BG Karpinski stated that there were more than 32 escapes from her holding facilities, which does not match the number derived from the investigation materials."

9 (U) Finding 25, Page 25: "AARs are not routinely being conducted after an escape or other serious incident. No lessons learned seem to have been disseminated to subordinate units to enable corrective action at the lowest level. The Investigation Team requested copies of AARs, and none were provided."

10 (U) Finding 26, Page 25: "Lessons learned (i.e. Findings and Recommendations from various 15-6 Investigations concerning escapes and accountability lapses) were rubber stamped as approved and ordered implemented by BG Karpinski. There is no evidence that the majority of her orders directing the implementation of substantive changes were ever acted upon. Additionally, there was no follow-up by the command to verify corrective actions were taken. Had the findings and recommendations contained within their own investigations been analyzed and actually implemented by BG Karpinski, many of the subsequent escapes, accountability lapses, and cases of abuse may have been prevented."

11 (U) Finding 28, Page 26: "Neither the camp rules nor the provisions of the Geneva Conventions were posted in English or in the language of the detainees at any

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of the detention facilities in the 800th MP Brigade's AOR, even after several investigations had annotated the lack of this critical requirement."

12 (U) Finding 31, Page 26: "SGM [REDACTED] Operations SGM, 320th MP Battalion, contended that the Detainee Rules of Engagement (DROE) and the general principles of the Geneva Conventions were briefed at every guard mount and shift change on Abu Ghraib. However, none of our witnesses, nor our personal observations, support his contention. I find that SGM [REDACTED] was not a credible witness."

13 (U) Finding 32, Page 26: "Several interviewees insisted that the MP and MI Soldiers at Abu Ghraib (BCCF) received regular training on the basics of detainee operations; however, they have been unable to produce any verifying documentation, sign-in rosters, or Soldiers who could recall the content of this training."

14 (U) Finding 34, Page 27: "First, investigations and SIRs [serious incident reports] lacked critical data needed to evaluate the details of each incident. Second, each investigation seems to have pointed to the same types of deficiencies; however, little to nothing was done to correct the problems and to implement the recommendations as was ordered by BG Karpinski, nor was there any command emphasis to ensure these deficiencies were corrected."

15 (U) Finding 36, Page 31: "...there was virtually a complete lack of detailed SOPs at any of the detention facilities. Moreover, despite the fact that there were numerous reported escapes at detention facilities throughout Iraq (in excess of 35), AR 15-6 investigations following these escapes were simply forgotten or ignored by the Brigade Commander with no dissemination to other facilities. After-Action Reports and Lessons Learned, if done at all, remained at individual facilities and were not shared among other commanders or Soldiers throughout the Brigade. The Command never issued standard TTPs [Tactics, Techniques, and Procedures] for handling escape incidents."

(c) (U) Part Three documented the findings concerning the training, standards, employment, command policies, internal procedures, and command climate in the 800th MP BDE. The findings pertaining to BG Karpinski included:

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1 (U) Finding 3, Page 37: "There is abundant evidence in the statements of numerous witnesses that Soldiers throughout the 800th MP Brigade were not proficient in their basic MOS [military occupational specialty] skills, particularly regarding internment/resettlement operations. Moreover, there is no evidence that the command, although aware of these deficiencies, attempted to correct them in any systemic manner other than ad hoc training by individuals with civilian corrections experience."

2 (U) Finding 5, Page 37: "Almost every witness we interviewed had no familiarity with the provisions of AR 190-8 or FM [Field Manual] 3-19.40. It does not appear that a Mission Essential Task List (METL) based on in-theater missions was ever developed nor was a training plan implemented throughout the Brigade."

3 (U) Finding 6, Page 37: "This investigation indicates that BG Karpinski and her staff did a poor job allocating resources throughout the Iraq JOA. Abu Ghraib (BCCF) normally housed between 6000 and 7000 detainees, yet it was operated by only one battalion. In contrast, the HVD [High Value Detention] Facility maintains only about 100 detainees, and is also run by an entire battalion."

4 (U) Finding 7, Page 38: Because of past associations, it appeared that friendships often took precedence over appropriate leader and subordinate relationships.

5 (U) Finding 13, Page 40: "Despite his proven deficiencies as both a commander and leader, BG Karpinski allowed LTC (P) [REDACTED] to remain in command of her most troubled battalion guarding, by far, the largest number of detainees in the 800th MP Brigade. LTC (P) [REDACTED] was suspended from his duties by LTG Sanchez, CJTF-7 Commander on 17 January 2004." b(6)-2

6 (U) Finding 17, Page 40: "Numerous witnesses stated that the 800th MP Brigade S-1, MAJ [REDACTED] and S-4, MAJ [REDACTED] were essentially dysfunctional, but that despite numerous complaints, these officers were not replaced. This had a detrimental effect on the Brigade Staff's effectiveness and morale. Moreover, the Brigade Command Judge Advocate, LTC [REDACTED] appeared to lack initiative and was unwilling to accept responsibility for any of his actions. LTC [REDACTED] the Brigade XO did not properly supervise the Brigade staff by failing to lay out staff priorities, take overt corrective action when needed, and supervise their daily functions."

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7 (U) Finding 18, Page 41: "In addition to poor morale and staff inefficiencies, I find the 800th MP Brigade did not articulate or enforce clear and basic Soldier and Army standards. I specifically found these examples of unenforced standards: There was no clear uniform standard for any MP Soldiers assigned detention duties. Despite the fact that hundreds of former Iraqi soldiers and officers were detainees, MP personnel were allowed to wear civilian clothes in the FOB after duty hours while carrying weapons. Some Soldiers wrote poems and other sayings on their helmets and soft caps. ...Saluting of officers was sporadic and not enforced."

8 (U) Finding 21, Page 43: "...there was no clear emphasis by BG Karpinski to ensure that the 800th MP Brigade Staff, Commanders, and Soldiers were trained to standard in detainee operations and proficiency or that serious accountability lapses that occurred over a significant period of time, particularly at Abu Ghraib (BCCF), were corrected. AR 15-6 Investigations regarding detainee escapes were not acted upon, followed up with corrective action, or disseminated to subordinate commanders or Soldiers. Brigade and unit SOPs for dealing with detainees if they existed at all, were not read or understood by MP Soldiers assigned the difficult mission of detainee operations. Following the abuse of several detainees at Camp Bucca in May 2003, I could find no evidence that BG Karpinski ever directed corrective training for her soldiers or ensured that MP Soldiers throughout Iraq clearly understood the requirements of the Geneva Conventions relating to the treatment of detainees." (EXHIBIT C-1)

(2) (U) In a memorandum, dated 15 March 2004, LTG McKiernan referred the AR 15-6 report to BG Karpinski for comment. (EXHIBIT C-2)

(3) (U) In an unsworn memorandum, dated 1 April 2004, subject: Rebuttal to AR 15-6 Investigation of the 800th MP BDE, LTC (b)(6)-2 & (b)(7)(C)-2 Regional Defense Counsel, US Army Trial Defense Service, Military Counsel for BG Karpinski, stated:

(a) (U) The IO relied heavily on statements of COL (b)(6)-2 & (b)(7)(C)-2 LTC (b)(6)-2 & (b)(7)(C)-2 COL (b)(6)-2 & (b)(7)(C)-2 US Air Force, and the undocumented observations of the Investigating Team in reaching unfavorable findings.

(b) (U) COL (b)(6)-2 & (b)(7)(C)-2 by his own admission, visited Abu Ghraib approximately 10 times on matters related to the administrative review of records dealing with detained individuals. His observations were not focused and were recollections based on casual

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observations. COL [b)(6)-2 & (b)(7)(C)-2] did not live at the prison. His knowledge was suspect and could not provide the same weight as others.

(c) (U) LTC [b)(6)-2 & (b)(7)(C)-2] was only at Abu Ghraib. He had no knowledge to comment on matters of BG Karpinski's command climate, style, or effectiveness aside from his limited observations of MPs assigned to that facility.

(d) (U) COL [b)(6)-2 & (b)(7)(C)-2] assessment was the opinion of a psychologist. It was not fact and could not form the basis of any finding of fact, as it was not couched in the form of an opinion reliable to a medical certainty.

(e) (U) The undocumented observations of members of the Investigating Team could not form the basis of any finding of fact. Because the observations were not in writing, BG Karpinski could not refute what she did not know. The Investigating Team discounted the statements of LTC [b)(6)-2 & (b)(7)(C)-2] LTC [b)(6)-2 & (b)(7)(C)-2] 1LT [b)(6)-2 & (b)(7)(C)-2] CPT [b)(6)-2 & (b)(7)(C)-2] CSM [b)(6)-2 & (b)(7)(C)-2] and other MP leaders who served in the 800th MP BDE. Their statements were replete with praise and admiration of BG Karpinski's clear guidance, firm, fair, and common sense enforcement of standards, her caring for the Soldiers, and her constant visits to see the Soldiers where they worked. They knew she tried her best to obtain support and replacements and higher did not respond to those requests.

(f) (U) BG Karpinski's failure to relieve or replace LTC [REDACTED] ignored the fact that there was no replacement mechanism for Soldiers leaving the BDE. As to other dysfunctional individuals, the lack of replacements made their continued service essential.

(g) (U) Regarding the lack of BDE METL, this was a non-doctrinal mission. Upon receipt of the confinement mission, the BDE provided subordinate units necessary guidance to conduct individual site planning and training. At the individual level, the BDE relied on Soldiers with civilian correction backgrounds and individual initiative.

(h) (U) The findings of lack of GC training, SOPs, and basic Soldier proficiency were without merit. Multiple testimonies noted the training Soldiers received at the Mobilization site and during deployment. The actions of Soldiers facing abuse charges were so far out of the norm, that to conclude additional training would have prevented those actions was ludicrous. It was 800th MP BDE Soldiers who reported the Abu

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Ghraib and earlier Camp Bucca abuse. This proved that her Soldiers were trained and respected human rights.

(i) (U) The finding of a failure to articulate and enforce standards resulted from a misunderstanding of testimony and an interesting spin on the results of a commander disciplining her Soldiers. The decision to allow MPs to wear civilian clothes after duty hours was made to boost morale. CSM [REDACTED] testified that they used common sense in correcting uniform deficiencies as there were no barbers or tailors on site. Soldiers in the 165th MI BN routinely wore non-regulatory items with the implied consent of the MI leaders. It was odd to list 12 separate disciplinary actions BG Karpinski initiated or completed against members of her command as proof of failure to enforce standards. The adherent [sic] behavior of a few should not be the basis for a generalized finding. The finding of Soldiers writing poems and other sayings on their helmets and caps was void of evidence.

(j) (U) This investigation occurred after the bulk of the BDE had either packed up or redeployed. The inability to produce reports, journals, logs, and SOPs could be attributed to these activities. (EXHIBIT C-3)

(4) (U) In an unsworn memorandum for the CDR, CFLCC, dated 1 April 2004, subject: Rebuttal to AR 15-6. Investigation of the 800th MP BDE, BG Karpinski stated:

(a) (U) The BDE was certified by the 78th Training Support Division, Fort Dix, as "trained and ready for deployment, to conduct Enemy Prisoner of War (EPW) processing and holding missions in theater." They were assigned new missions that included rebuilding and operating confinement facilities for all of Iraq and operating the High Value Detainee facility, and she contended that again and again, the BDE successfully accomplished those missions.

(b) (U) That investigators failed to question subordinate CDRs who stated she visited her units, was clear in her guidance and directions, and was firm and fair in upholding standards and upholding discipline.

(c) (U) The BDE suffered with diminishing personnel strength without benefit of a personnel replacement system. Critical positions were filled with less experienced personnel due to medical and emergency redeployments. (EXHIBIT C-4)

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(5) (U) In an unsworn letter, dated 14 March 2004, to LTG McKiernan, LTC ~~(b)(6)-2 & (b)(7)(C)-2~~ XO, 800th MP BDE, stated:

(a) (U) BG Karpinski assumed command in June 2003 with significant damage already done to her BDE. She was left to take action on her CSM when no one else would. A formal investigation was initiated which resulted in relief of the CSM.

(b) (U) She sought assistance from CJTF-7, but no additional Soldiers were provided. There was no personnel replacement system to fill vacant positions.

(c) (U) The Coalition Provisional Authority (CPA) was responsible for rebuilding the prisons and training the Iraqi guards. This did not happen, which forced BG Karpinski to provide CPA with Soldiers to assist in the reconstruction of jails. She did this in an attempt to get the detainees out of the overpopulated facilities and to provide detainees with better living conditions.

(d) (U) He strongly believed that if it were not for BG Karpinski's strong leadership, perseverance, and tireless efforts, some Soldiers would not have returned safely. (EXHIBIT C-4, pages 12-14).

(6) (U) In an unsworn letter, dated 19 March 2004, to LTG McKiernan, LTC ~~(b)(6)-2 & (b)(7)(C)-2~~ former CDR, 400th MP BN, praised BG Karpinski's leadership. (EXHIBIT C-4, page 15)

(7) (U) In an unsworn letter, dated 19 March 2004, to LTG McKiernan, LTC ~~(b)(6)-2 & (b)(7)(C)-2~~ CDR, 324th MP BN, praised BG Karpinski's leadership. (EXHIBIT C-4, pages 16-17)

(8) (U) In an unsworn letter, dated 20 March 2004, to LTG McKiernan, MAJ ~~(b)(6)-2 & (b)(7)(C)-2~~ CDR, 400th MP BN, praised BG Karpinski's leadership. (EXHIBIT C-4, pages 18-19)

(9) (U) In an unsworn letter, dated 27 March 2004, to LTG McKiernan, SGM ~~(b)(6)-2 & (b)(7)(C)-2~~ stated:

(a) (U) During the AR 15-6 investigation, he was asked about reinforcement corrections training given by a Mobile Training Team (MTT) in November 2003, and

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how the BDE informed the BNs to conduct the training. He sent a memorandum concerning the training to every BN. He did not conduct a follow-up check to confirm the BNs conducted the training. The BDE S-3 staff was short-handed, and it was difficult to conduct BN assessments of various new types of missions across eight BNs.

(b) (U) He personally failed to ensure the BNs followed through on the direction to conduct refresher training. His staff's failure to check was not due to willful non-compliance or negligence. The BDE was very busy with its many missions, made more difficult by the high threat environment and the shortage of S-3 personnel. (EXHIBIT C-4, pages 20-25)

(10) (U) In an unsigned memorandum, dated 26 March 2004, subject: BDE Soldier Training Assessment, SGM (b)(6)-2 & (b)(7)(C)-2 Operations SGM, 800th MP BDE, stated that his assessment of Soldier training when he arrived in Baghdad in August 2003, was that Soldiers knew how to guard prisoners and "run their particular tasks" in camps. It was "incumbent" on the camp CDRs, BN S-3s, and CO CDRs to ensure Soldiers were trained. No senior NCO expressed concerns about training shortfalls to him. The BDE "accommodated the facilitation" of refresher corrections training, refresher Rules of Engagement (ROE) training, and Geneva Convention training. (EXHIBIT C-4, pages 26-27)

(11) (U) In an unsworn and unsigned letter, dated 18 March 2004, to LTG McKiernan, MAJ (b)(6)-2 & (b)(7)(C)-2 S3, 800th MP BN, praised BG Karpinski's leadership. (EXHIBIT C-4, pages 28-30)

[IO Note: (U) CPT (b)(6)-2 & (b)(7)(C)-2 was promoted to MAJ following the unit's redeployment.]

(12) (U) In an unsworn letter, dated 24 March 2004, to LTG McKiernan, CPT (b)(6)-2 & (b)(7)(C)-2 CDR, 381st MP Detachment, praised BG Karpinski's leadership. (EXHIBIT C-4, pages 31-34)

(13) (U) In an unsworn letter, dated 24 March 2004, to LTG McKiernan, Chaplain (MAJ) (b)(6)-2 & (b)(7)(C)-2 Acting OIC, 110th Chaplain Detachment, praised BG Karpinski's leadership. (EXHIBIT C-4, page 35)

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(14) (U) A document, entitled "800th MP BDE Iraqi Confinement Concept", dated 15 June 2003, indicated that the 800th MP BDE was tasked to conduct EPW, Detainee, High Value Detainee, Criminal Detention, and Jail and Prison Operations throughout the CJTF-7 area of operation until mission complete or replaced by rotational units. (EXHIBIT C-4, page 40)

[IO Note: (U) The document contained no guidance concerning the training of 800th MP BDE units for these missions.]

(15) (U) In a memorandum for record, dated 16 January 2004, subject: AR 15-6 Corrective Measures Spot Assessment of BCCF, MSG (b)(6)-(b)(7)(C)-2 OPS SGT, documented a spot assessment of BCCF as a result of an AR 15-6 investigation. (EXHIBIT C-4, pages 41-46)

[IO Note: (U) This memorandum was dated after the alleged occurrences of detainee abuse which initiated the AR 15-6 investigation conducted by MG Taguba.]

(16) (U) A document, entitled "800th MP BDE Rules of Engagement (ROE) for Operations in Iraq", unsigned, indicated it was effective 30 November 2003, and described the rules for detainee operations. (EXHIBIT C-4, pages 70-71)

[IO Note: (U) This document was dated after the alleged occurrences of detainee abuse which initiated the AR 15-6 investigation conducted by MG Taguba.]

(17) (U) In a PowerPoint briefing, undated, subject: Security and Accountability Procedures for Transfer of Security Internees and Prisoners, defined the roles and responsibilities of units involved in transfer of detainees between detention facilities and civilian court in order to prevent escape. (EXHIBIT C-4, pages 47-56)

[IO Note: (U) The only identifying feature on the PowerPoint briefing was the logo of the CJTF.]

(18) (U) An unsigned memorandum with the signature block, (b)(6)-(b)(7)(C)-2 MP, USAR, Operations Officer, dated 21 January 2004, subject: SOP for Transporting Detainees, described the roles and responsibilities for units in 800th MP BDE for transporting detainees to and from detention facilities in Iraq. (EXHIBIT C-4, pages 57-64)

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[IO Note: (U) This memorandum was dated after the alleged occurrences of detainee abuse which initiated the AR 15-6 investigation conducted by MG Taguba.]

(19) (U) A Baghdad Jails SOP, dated 30 June 2003, documented the procedures within the downtown Baghdad jails. (EXHIBIT C-4, pages 65-67)

(20) (U) In a memorandum for all soldiers, dated 18 January 2004, subject: Contacts for Physical Abuse of any Detainee within Theater, the IG, 800th MP BDE, provided contact information for reporting detainee abuse. (EXHIBIT C-4, pages 68-69)

[IO Note: (U) This memorandum was dated after the alleged occurrences of detainee abuse which initiated the AR 15-6 investigation conducted by MG Taguba.]

(21) (U) An 800th MP BDE FRAGO, dated 29 December 2003, subject: ROE Training, indicated that each 800th MP BDE battalion was required to conduct training on the new ROE. Training vignettes were attached. (EXHIBIT C-4, page 72-80)

[IO Note: (U) This FRAGO was dated after the alleged occurrences of detainee abuse which initiated the AR 15-6 investigation conducted by MG Taguba.]

(22) (U) In a memorandum for LTG McKiernan, dated 4 April 2004, subject: Comments on BG Karpinski's and LTC (b)(6), (b)(7)(C), (b)(7)(D) Rebuttal Statements, MG Taguba stated:

(a) (U) "The 800th MP BDE, as a command and control HQ [Headquarters], did not train as an entire brigade headquarters during its post-mob training at Ft Dix, NJ. In fact, the BDE CDR, BG Paul Hill, and a slice of his HQ was already in theater in Jan 03, while the rest of the BDE HQ was still mobilizing/deploying to Ft Dix in 3 different segments-an early entry C2 module under the BDE S-2, an S3 module under the S3, and CSS module under the S4. They were not consolidated and were trained separately by the 78th TSD personnel predominantly on common tasks vice specific I/R missions. This was substantiated from statements of the BDE S2, MAJ (b)(6), (b)(7)(C), (b)(7)(D) and MAJ (b)(6), (b)(7)(C), (b)(7)(D) BDE S-3.

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(b) (U) Of the units assigned to the 800th to conduct I/R mission, only the 310th MP BN was trained on I/R tasks at Fort Dix, NJ and the 22nd MP CO, VARNG [Virginia Army National Guard], was trained on I/R tasks at Camp Atterbury, IN.

(c) (U) ... "The 15-6 Investigation Team made every effort to interview senior leaders and junior Soldiers alike to determine the command climate of the 800th MP BDE and its subordinate units in the time allocated to the investigation. Given the operating environment of conducting detainee operations in theater from April 03 to Jan 04, the challenges posed by shortage of personnel, increasing force protection concerns, and numerous incidents of indiscipline and misconduct displayed by senior leaders under the command of BG Karpinski, the preponderance of responses from those we interviewed gave the indication that a mediocre to negative command climate existed throughout the brigade during her tenure. Further, of the 11 individuals who provided comments on behalf of BG Karpinski, the investigation team interviewed 3-LTC (b)(6)(2)&(b)(7)(C)-2 BDE XO, SGM (b)(6)(2)&(b)(7)(C)-2 BDE OPNS SGM/Acting BDE CSM, 1LT (b)(6)(2)&(b)(7)(C)-2 Aide de Camp to BG Karpinski. All three provided conflicting accounts of incidents of detainee abuse, detainee accountability and escapes, training and combat readiness of the brigade, and command climate. In several instances, their responses seemed to have been rehearsed or collaborated previously with those we had interviewed earlier which indicated knowledge of questions that were being posed to them.

(d) (U) While BG Karpinski purported to be passionate about her Soldiers, there were several instances where her responses to questions were highly critical of her leaders-in particular LTG Sanchez and MG Wojdakowski. ...Her tone was one of contempt, defiance, and bordered on insubordination.

(e) (U) BG Karpinski, in her rebuttal statement, still separates herself from accepting any responsibility for the actions of several Soldiers who committed crimes against detainees held under their care. ...Her rebuttal statement still reflects the arrogance and deflection of responsibility without a sense of remorse and embarrassment that senior leaders and Soldiers under her command have placed on US and Coalition forces."

[IO Note: (U) The above comments referenced and were in response to BG Karpinski's rebuttal.]

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(f) (U) "The investigation Team relied heavily on the oral interviews, written statements of those who were involved or had knowledge of detainee abuses and matters related to the overall readiness of the 800th MP Brigade, visits to the four detention facilities, and the numerous documents we examined. Statements of COL [REDACTED] LTC [REDACTED] and COL [REDACTED] were not compelling enough to arrive at the findings of the investigation, though they contributed in our deliberations.

(g) (U) The statements by LTC [REDACTED] XO 800th MP BDE, LTC [REDACTED] CDR 744th MP BN, 1LT [REDACTED] aide-de-camp to BG Karpinski and others were not discounted. On the contrary, they helped paint the existence of disparate and varied sets of operating procedures, SOPs, and guidance from which units under the 800th MP BDE operated which led the investigation team to determine that there were inconsistencies and non-doctrinal procedures in accounting for detainees, reporting of escapes, shootings, intermittent submissions of serious incident reports, non-compliance with command guidance, and a lack of discipline among the Soldiers and units.

(h) (U) ...BG Karpinski was constantly reminded about the conditions at Abu Ghraib by MG Wojdakowski and how improvements in detention operations, QOL [quality of life], and base operations were not being met. In fact, visits from LTG Sanchez, MG Wojdakowski, and BG Fast, CJTF-7 led to COL [REDACTED] b(6)-2 CDR 205th MI BDE to be appointed as the FOB [Forward Operating Base] CDR on 19 Nov by CDR, CJTF-7.

(i) (U) ...She fully recognized the poor performance of LTC [REDACTED] CDR, 320th MP BN, from Sep-Dec 03, yet failed to take the required actions to relieve or replace him. She was also remiss in providing the 320th MP BN with a XO and Battalion CSM during this time period. Essentially, she continued to reinforce failure more so than find the correct solution to replace LTC [REDACTED] and help the unit with senior leadership shortfalls. Moreover it was her responsibility to acknowledge and support the TACON responsibility of COL [REDACTED] in carrying his duties as the FOB from which she failed to do. b(6)-2

(j) (U) ...with regards to MP Soldiers having adequate knowledge of the Geneva Convention training, it was evident during the course of the investigation that senior leaders and Soldiers in her subordinate units could not articulate the requirements of the Geneva Convention IAW AR 190-8 and that it be posted in the detention facilities in

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the language of the detainees-in Pashtun, Farsi, Arabic, etc. During numerous visits to the 4 theater detention facilities, we emphatically reminded the commanders and their leaders to post the Geneva Convention around the camps and to provide copies of the GC should a detainee request one.

(k) (U) In fact, at our last visit to the Abu Ghraib Complex in 12 Feb 04, the only noticeable sign was from the 800th MP BDE IG [Inspector General] indicating that any suspicion of detainee abuse should be reported immediately to the IG...not to the MP BN CDR or MP BDE CDR.

(l) (U) ...It is most interesting that the SPC [Specialist] from the 372d MP CO [Company] who reported the alleged abuses of detainees did not report it to his chain of command, but reported it to law enforcement officials. This brings into question the lack of trust and confidence of the Soldier in his entire chain of command to take the necessary action on any matters regarding abuse or Soldier misconduct.

[IO Note: (U) Although Soldiers are encouraged to report allegations utilizing their chain of command, regulations authorize and encourage reporting allegations by whatever means with which the complainant feels the most comfortable.]

(m) (U) Competent leadership and presence, discipline, command emphasis, adherence to Army standards, and COMCJTF-7 command guidance would have prevented these abuses.

(n) (U) ...The matter of whether units under the 800th MP Brigade were redeploying is not relevant. The investigation focused on the Abu Ghraib detention complex that was still under the command and control of the 320th MP BN with its assigned elements and was the key unit involved in the alleged abuses and maltreatment of detainees. They had been at Abu Ghraib from June 03 until Mar 04.

(o) (U) The statements of witnesses that were interviewed and sworn statements of other witnesses were proof enough to determine that there were lapses in reporting detainee accountability, inconsistent accounting procedures, non-reporting of serious incident reports to higher headquarters, and improper procedures in the handling of detainees at Abu Ghraib and Camp Bucca.

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(p) (U) ... Para 6. The matter that BG Karpinski was the first and only female general officer to lead Soldiers in combat was not material. The statement by LTC (b)(5)-2, (b)(7)(C)-2 suggests that COMCFLCC be cautious in administering any administrative action against BG Karpinski.

(q) (U) ...What is obvious was her lack of foresight to recognize the gravity of her mission in theater detention operations, her inability to take prompt actions and to exact corrective measures, and to make due demands on her leaders to comply with established rules and regulations to include her own command policies, and her inability to make command decisions to correct serious deficiencies of which she fully recognized that ultimately resulted in a perversive [sic] command environment. (EXHIBIT C-5)

[IO Note: (U) The above statements referenced and were in response to LTC (b)(5)-2, (b)(7)(C)-2 memorandum.]

(23) (U) In a DA Form 1574, Report of Proceedings by IO, LTG McKiernan approved the Taguba AR 15-6 report. (EXHIBIT C-6)

(24) (U) The Investigation of Intelligence Activities at Abu Ghraib Report, dated 23 August 2004, approved by GEN Paul Kern, CDR, AMC, reflected:

(a) (U) Indications and warnings surfaced at the CJTF-7 level that additional oversight and corrective actions were needed in handling detainees from point of capture through the central collection facilities, to include Abu Ghraib. Examples: incident at Camp Cropper; ICRC reports on handling detainees; ICRC reports on Abu Ghraib detainee conditions and treatment; CID investigations and disciplinary actions taken by CDRs; death of an OGA detainee at Abu Ghraib; lack of adequate system for identification and accountability of detainees; DIV CDR concerns that intelligence information was not returning to the tactical level once detainees were evacuated to central holding facility. (p. 12)

(b) (U) Leadership failure, at the BDE-level and below, clearly was a factor in not sooner discovering and taking actions to prevent both the violent/sexual abuse incidents and the misinterpretation/confusion incidents. The leaders from the 205th MI and 800th MP BDEs located at Abu Ghraib or with supervision over Abu Ghraib, failed to supervise subordinates or provide direct oversight of this important mission. These

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leaders failed to properly discipline their Soldiers and failed to develop and learn from AARs and lessons learned. These leaders failed to provide adequate mission-specific training to execute a mission of this magnitude and complexity. (p. 17)

(c) (U) The relationship between the leaders and staffs of the 800th MP BDE and 205th MI BDE were ineffective as they failed to effect the proper coordination of roles and responsibilities for detention and interrogation operations. (p. 24)

[IO Note: (U) The above evidence was part of the AR 15-6 Investigation of the Abu Ghraib Prison and the 205th MI BDE conducted by LTG Anthony Jones. The focus of this investigation was not specifically the 800th MP BDE.]

(d) (U) BG Karpinski was the only person among the Army leadership involved who interpreted FRAGO 1108 differently (FRAGO appointing COL [REDACTED] as FOB CDR). (p. 55)

b(1)-2

(e) (U) On 24 December 2003, BG Karpinski signed a response to the ICRC, prepared by the Staff Judge Advocate (SJA), CJTF-7, regarding ICRC's concerns about the treatment of detainees at Abu Ghraib. Her letter primarily addressed denial of access to certain detainees by the ICRC. It tended to gloss over, close to the point of denying, the inhumane treatment, humiliation, and abuse identified by the ICRC. (p. 67)

(f) (U) Neither the leadership (of Abu Ghraib) nor CJTF-7 made any attempt to verify the allegations (of detainee abuse made by the ICRC). (p. 119) (EXHIBIT C-14)

[IO Note: (U) The above evidence was part of the Procedure 15 Investigation of the Abu Ghraib Detention Facility and the 205th MI BDE conducted by MG George Fay. The focus of this investigation was not specifically the 800th MP BDE.]

(25) (U) In a memorandum, dated 25 May 2003, subject, Memorandum of Reprimand, LTG McKiernan reprimanded MAJ [REDACTED] Headquarters and Headquarters Company, 320th MP BN, for failure to take action concerning observing Soldiers consume alcohol. (EXHIBIT C-17)

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(26) (U) In a memorandum, dated 20 August 2003, subject, Memorandum of Reprimand, BG Karpinski reprimanded LTC (b)(6)-2 & (b)(7)(C)-2 400th MP BN, for the lack of training on proper weapons clearing procedures within LTC (b)(6)-2 & (b)(7)(C)-2 BN. (EXHIBIT C-18)

(27) (U) In a memorandum, dated 20 August 2003, subject, Memorandum of Reprimand, BG Karpinski reprimanded CPT (b)(6)-2 & (b)(7)(C)-2 770th MP Company, for the lack of training on proper weapons clearing procedures within his unit. (EXHIBIT C-21)

(28) (U) In a memorandum, dated 20 August 2003, subject, Memorandum of Reprimand, BG Karpinski reprimanded CSM (b)(6)-2 & (b)(7)(C)-2 400th MP BN, for the lack of training on proper weapons clearing procedures within his unit. (EXHIBIT C-22)

(29) (U) In a memorandum, dated 20 August 2003, subject, Memorandum of Reprimand, BG Karpinski reprimanded 1SG (b)(6)-2 & (b)(7)(C)-2 770th MP Company, for the lack of training on proper weapons clearing procedures within his unit. (EXHIBIT C-33)

(30) (U) In a memorandum, dated 16 September 2003, subject, Reprimand UP AR 600-37, BG Karpinski reprimanded CSM (b)(6)-2 & (b)(7)(C)-2 800th MP BDE, for his inappropriate behavior with a junior enlisted soldier. (EXHIBIT C-26)

(31) (U) In a memorandum, dated 10 November 2003, subject, Memorandum of Reprimand, BG Karpinski reprimanded LTC (b)(6)-2 & (b)(7)(C)-2 320th MP BN, for LTC (b)(6)-2 & (b)(7)(C)-2 lack of leadership. (EXHIBIT C-19)

(32) (U) In a memorandum, dated 10 November 2003, subject, Memorandum of Reprimand, BG Karpinski reprimanded MAJ (b)(6)-2 & (b)(7)(C)-2 Headquarters and Headquarters Company, 320th MP BN, for MAJ (b)(6)-2 & (b)(7)(C)-2 lack of leadership. (EXHIBIT C-20)

(33) (U) The DAIG Detainee Operations Inspection Report, dated 21 July 2004, Finding 23, reflected that interviewed leaders and Soldiers in both Iraq and Afghanistan indicated their Law of War refresher training was not detailed enough to sustain their knowledge obtained during initial and advanced training. The inspection results indicated that leaders and Soldiers from inspected units who commented on Law of War training stated that they did receive some Law of War training, but 57% (272 of 474) of

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leaders and Soldiers indicated that the training was generic and did not prepare them for the current operating environment. (EXHIBIT C-24)

(34) (U) FRAGO 209 to CJTF-7 OPOD 03-036, dated 28 June 2003, assigned responsibilities to the 800th MP BDE concerning detainee operations. (EXHIBIT C-25)

(35) (U) FRAGO 1108 to CJTF-7 OPOD 03-036, dated 19 November 2004, appointed the CDR, 205th MI BDE as the FOB CDR. The CDR, 205th MI BDE assumed responsibility for the BCCF. Units at BCCF were TACON to the 205th MI BDE for security of detainees and FOB protection. (EXHIBIT C-23)

(36) (U) In a draft officer evaluation report (OER), period covered 4 February 2003 thru 3 February 2004, BG Michael Diamond, CG, 377th Theater Support Command, rated and LTG McKiernan senior rated BG Karpinski. BG Karpinski's duty title was BDE CDR. Her duties included:

(a) (U) CDR of the 800th MP BDE responsible for all confinement and detention operations in the Iraqi Theater of War in support of Operation Iraqi Freedom, to include EPW, Security Internees and Criminal Detainees.

(b) (U) Conduct contingency planning for, and execute command and control of, confinement operations in support of CJTF-7 stabilization operations throughout Iraq.

(c) (U) Responsible for all aspects of command in order to gain and maintain operational readiness for wartime missions. (EXHIBIT C-28)

(37) (U) AR 600-20, Army Command Policy, dated 13 May 2002, stated in paragraph 1-5 that professionally competent leaders would develop respect for their authority by properly training their Soldiers and ensuring that both Soldiers and equipment were in the proper state of readiness at all times. The CDR was responsible for establishing the leadership climate and developing disciplined and cohesive units, and for the professional development of their Soldiers. CDRs committed to the Army ethic promoted a positive environment. In Chapter 4, it stated that CDRs and other leaders would maintain discipline, and that ensuring the proper conduct of Soldiers was a function of command. CDRs would take action consistent with Army regulation in any case where a Soldier's conduct violated good order and military discipline. (EXHIBIT B-2)

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(38) (U) The Geneva Convention of 1949 relative to the Protection of Civilian Persons in Time of War stated in Article 99, "The text of the present Convention and the texts of special agreements concluded under the said Convention shall be posted inside the place of internment, in a language which the internees understand, or shall be in the possession of the Internee Committee." (EXHIBIT C-29)

(39) (U) AR 600-100, Army Leadership, dated 17 September 1993, stated:

(a) (U) In paragraph 2-1, that all leaders are responsible for accomplishing the unit's mission; anticipating, managing, and exploiting change; anticipating and solving problems; and acting decisively under pressure.

(b) (U) In paragraph 1-7, that senior level leadership existed in more complex organizations. This level included military and civilian leaders at the BDE through corps levels in tactical units. Senior leaders tailored resources to organizations and programs and set command climate. Skills required for effective leadership at this level included technical and tactical competence on synchronizing systems and organizations, sophisticated problem solving, interpersonal skills, shaping organizational structure and directing operations of complex systems, tailoring resources to organizations or programs, and establishing policies that foster a healthy command climate. (EXHIBIT C-31)

(40) (U) FM 7-0, Training the Force, dated October 2002, stated in paragraph 3.22, "In cases where mission tasks involve emerging doctrine or non-standard tasks, commanders establish tasks, conditions, and standards using mission orders and guidance, lessons learned from similar operations, and their professional judgment" (EXHIBIT C-32)

(41) (U) In a letter to MG Green, Deputy The Inspector General, dated 19 September 2004, subject: Response of BG Karpinski to DAIG Investigation, BG Karpinski stated:

(a) (U) The allegation that she was derelict in her duties was without merit. The BDE's mission in support of OIF was to detain EPW until cessation of hostilities and repatriation. To that end, and prior to her assumption of command, the BDE was trained on the doctrinal mission, which coincided with its wartime METL. While the

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AR 15-6 investigation highlighted the lack of a BDE level METL for operating a correctional facility and training to that METL, correctional operations was a non-doctrinal mission for the BDE. Consistent with the BDE's EPW mission, between March and June 2003, the BDE conducted EPW operations in Umm Qasr, Iraq, under the command of BG Paul Hill.

(b) (U) Despite its smaller size and facing more losses due to Soldier re-deployment, and notwithstanding the abuse anomalies at Abu Ghraib, the BDE performed its mission in an outstanding manner. Personnel and equipment authorizations did not meet the specified mission requirements. The AR 15-6 investigation confirmed that shortage. Additionally, Soldiers rotated back to the US without a system to replace them. While running detention operations, the BDE was constantly under mortar, small arms fire, and RPG attacks. In these attacks, 2 Soldiers were killed, 6 detainees were killed, and 71 detainees were wounded.

(c) (U) Prior to the initial attack and after the attacks began, she repeatedly requested support from CJTF-7 to provide force protection assets; however, the BDE was told to use internal assets. She had been criticized for allegedly assigning a single unreinforced BN to guard 7,000 prisoners at BCCF, while detailing a full BN to the high value detainee facility guarding about 100. She did assign a BN to guard 7,000 prisoners at BCCF. The BN was reinforced by three additional companies, making it almost two BNs in number of soldiers assigned. As for the BN guarding the high value detainees, a significantly higher responsibility than BCCF, it was also responsible for the Camp Cropper Corps Holding Area, which had an approximately 1,000 detainees. Additionally, this BN was responsible for providing its own force protection, transportation, medical, and logistics.

(d) (U) The findings regarding the reporting and accounting of detainees was misleading. The 800th BDE developed approximately 16 different types of spreadsheets to report/record and account for all categories of detainees. It was the CPA's responsibility to develop a national criminal detainee database as set forth in their July 2003 information paper. Notwithstanding the failures of CPA, the BDE, with little support, developed a database of over 40,000 detainees. While there were certainly some errors in the database, the BDE did not fail to maintain accountability of detainees and prisoners. In fact, while most requests were answered immediately, no request for the status of any detainee/prisoner went unresolved for more than 72 hours.

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(e) (U) The BDE never sanctioned the moving of detainees to hide them from the ICRC. The only occasion that the BDE knew of this happening was when LTG Sanchez directed it in a fragmentary order. The BDE immediately objected to the implementation of the order and contacted the CJTF-7 SJA. The BDE was told to implement the order.

(f) (U) The AR 15-6 investigation included an inaccurate finding of wrongdoing on her part regarding riots, escapes, and shootings. While there were some escapes, the MP's guarding the facilities not only had to operate detention operations without proper equipment, they also had to do so in a hostile environment. Despite not having sufficient forces to guard the number of prisoners/detainees, despite the fact that the facilities were regularly attacked, and the fact the MPs did not have appropriate equipment for these conditions, the total number of escapees numbered less than one percent of the prison population. The only riot that occurred during her tenure was at Abu Ghraib. The riot occurred after command of Abu Ghraib was transferred to COL [REDACTED] and the MI community.

(g) (U) The findings of a lack of GC training, SOP's on dealing with detainees, and basic soldier proficiency were without merit. Testimony from LTC [REDACTED] LTC [REDACTED] LTC [REDACTED] MAJ [REDACTED] 2LT [REDACTED] and others noted the training Soldiers received both at the mobilization site and during the course of the deployment. The actions of the Soldiers facing court-martial charges for abusing detainees were so far out of the norm, that to conclude that additional training in the foregoing would have prevented said misconduct is ludicrous. It was 800th BDE Soldiers who reported the Abu Ghraib and Camp Bucca abuses to the appropriate authorities. This reflected that her Soldiers were properly trained and that, as a unit, they respected and observed the fundamental rights of the detainees.

(h) (U) The allegation that she failed to relieve personnel in critical positions, and the contention these same leaders were somehow responsible for the abuse of detainees was factually incorrect. Prior to the discovery of the prisoner abuse scandal at Abu Ghraib, the only person in a critical position whose actions warranted being relieved was the BDE CSM, and he was relieved. Prior to January 2004, there was no evidence to support relieving CPT [REDACTED] As for LTC [REDACTED] while he had leadership deficiencies, the correct procedures for counseling and mentoring were in place and were being exercised. The contention leadership failures of CPT [REDACTED] and LTC [REDACTED] led to the abuse of detainees is unwarranted. The leadership failures

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b(6)-2; b(7)(C)-2
that resulted in the abuse of detainees at Abu Ghraib goes directly to LTC [REDACTED] and COL [REDACTED], and to LTG Sanchez and his working group on interrogation and detention operations from which she was intentionally and actively excluded.

b(6)-2; b(7)(C)-2
(i) (U) The BDE operated 17 facilities, and the only instance of prisoner abuse under her watch took place after command of Abu Ghraib and/or Tiers 1A and 1B were transferred to COL [REDACTED] and the MI community. The abuse of detainees was directly linked to LTG Sanchez's misguided order to adopt the interrogation techniques which were authorized for use at GTMO (Guantanamo) and Afghanistan into the Iraqi theater; LTG Sanchez's decision to adopt the recommendations of the MI community to use MPs to enhance interrogations; COL [REDACTED] decision to, directly or indirectly, authorize additional abusive interrogation techniques at Abu Ghraib and the use of MPs in said additional abusive interrogation techniques; and the MI community's failure to train (as promised by MG Miller) said MPs in executing said new duties and responsibilities. Of her 17 facilities, Abu Ghraib was the one in which MPs were being used to enhance interrogations and it was the only one that had allegations of prisoner abuse.

b(6)-2; b(7)(C)-2
(j) (U) She felt that she was unfairly singled out because she was a reserve female GO. While the seven Soldiers charged with criminal abuse at Abu Ghraib belonged to her, and while she took command responsibility for their actions, she was the only GO being held responsible for any of the abuses that occurred. Prior to assuming command, 10 Soldiers from the BDE were found culpable for prisoner abuse at Bucca relating to the Jessica Lynch incident. Nonetheless, BG Hill was never relieved or admonished for said misconduct. Likewise, when LTC [REDACTED] abused a detainee, and after [REDACTED] MG Odierno, their immediate superior, was never relieved or admonished for said misconduct. Likewise, COL [REDACTED] and LTC [REDACTED] have been found culpable of committing abuses at Abu Ghraib. Notwithstanding the same, their direct superiors, MG Fast and LTG Sanchez have not been relieved or admonished for said misconduct. While she had no command responsibility for, or knowledge of, the abusive interrogation techniques that were improperly brought into Abu Ghraib from GTMO and Afghanistan, LTG Sanchez was directly involved in such and directly supervised the officers that, through their leadership failures and misconduct, resulted in further abuses at Abu Ghraib and which corrupted the Soldiers in her command.

(k) (U) There were 66 total substantiated instances of abuse of which eight occurred in GTMO and three in Afghanistan. Of the 66 incidents, five detainees died

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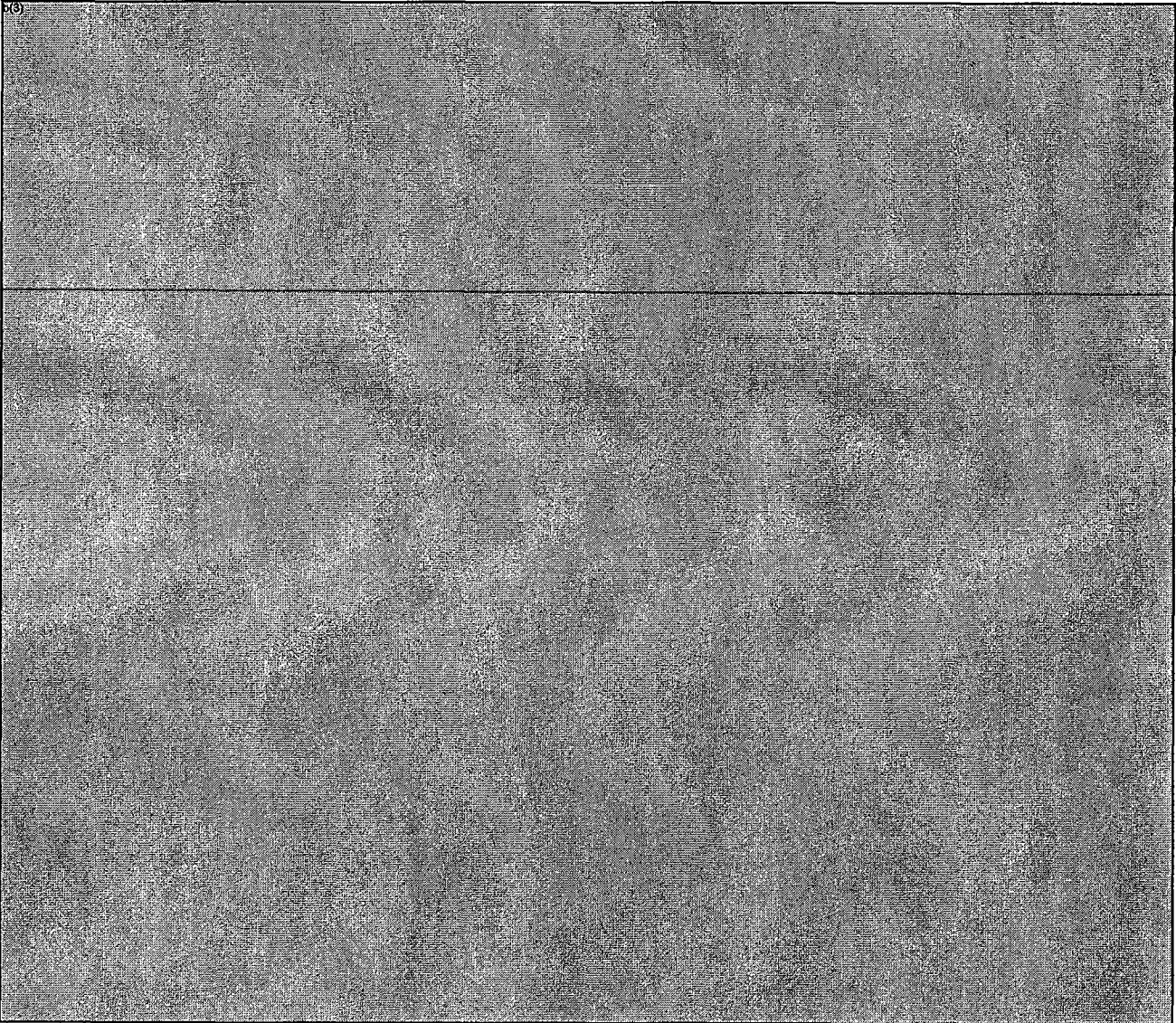
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from interrogation techniques. Notwithstanding the foregoing, notwithstanding the fact that none of the Soldiers in her BDE had been accused of causing the death of a detainee, and notwithstanding the fact that the Soldiers in the BDE committed only a small fraction of the 66 substantiated cases of abuse, she was the only GO being admonished and/or suspended from command. (EXHIBIT C-13)



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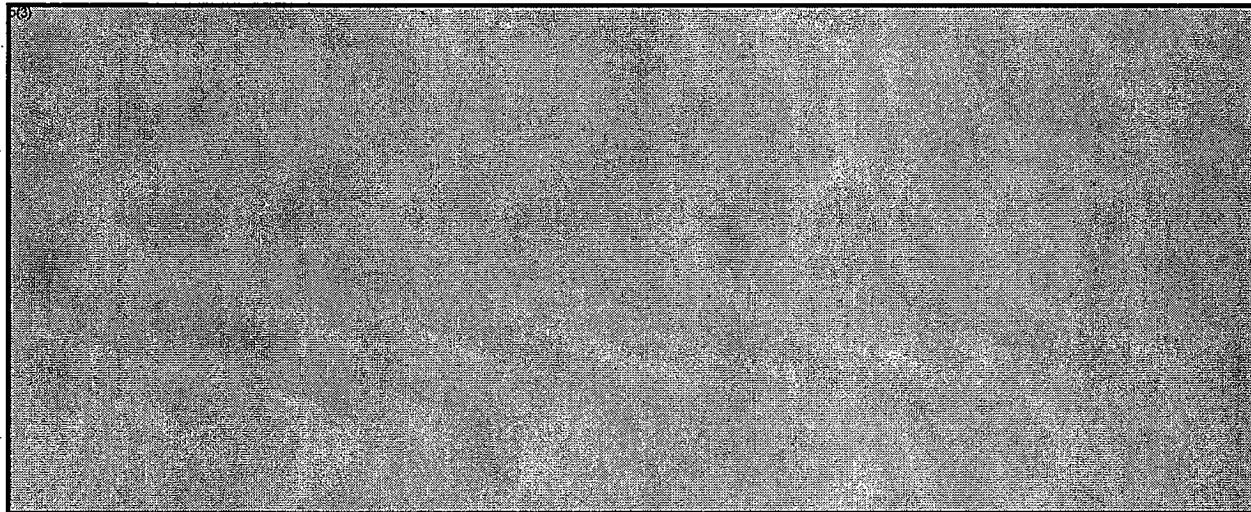
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[IO Note: The ICRC Report highlighted other areas of concern which included quarters, material conditions of detention, water and personal hygiene, food, religious activities, family visits, and judicial guarantees.]



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(b)(3)-S(2)

(44) (U//FOUO) In a letter to the ICRC Protection Coordinator, dated 24 December 2003, BG Karpinski responded to the ICRC Report. Concerning the Baghdad Central Detention Facility, the letter stated:

b(6)-4

(a) (U//FOUO) "The alleged ill treatment of (b)(6)-3 & (b)(7)(C)-3 upon capture will be investigated and appropriate action taken if warranted. U.S. forces make the legal status, rights and judicial guarantees of all detainees a continuing priority in detention operations."

(b) (U//FOUO) "Concerning the interrogation of security internees, the questioning of a small number of internees selected for their significant intelligence value in Unit 1A is a military necessity. Our forces follow clear procedures governing interrogation to ensure approaches do not amount to inhumane treatment. As internees in Unit 1A undergo interrogation, they may be segregated for security purposes for the period of interrogation. Their right to communication may also be infringed for "absolute security" reasons as contemplated in GCIV/5.

(c) (U//FOUO) With regard to the criminal detainees in the common law sections, recreational activities should improve over time, as should family visits for this category of detainee. Despite obvious military security issues with respect to communication by security internees, means to allow family visits and other types of communication for these internees are being reviewed in order to balance humanitarian and security considerations. The rioting and shooting of a U.S. guard last month by a security internee using a pistol smuggled into the facility is a timely example of the need to ensure proper security measures are taken throughout the facility.

(d) (U//FOUO) Improvement can be made for the provisions of clothing, water and personal hygiene items. Efforts are ongoing to make continued improvements in these areas. As with the HVD facility, improvements are continually being made with regard to procedures relating to judicial guarantees." (EXHIBIT C-36)

c. (U) Testimony:

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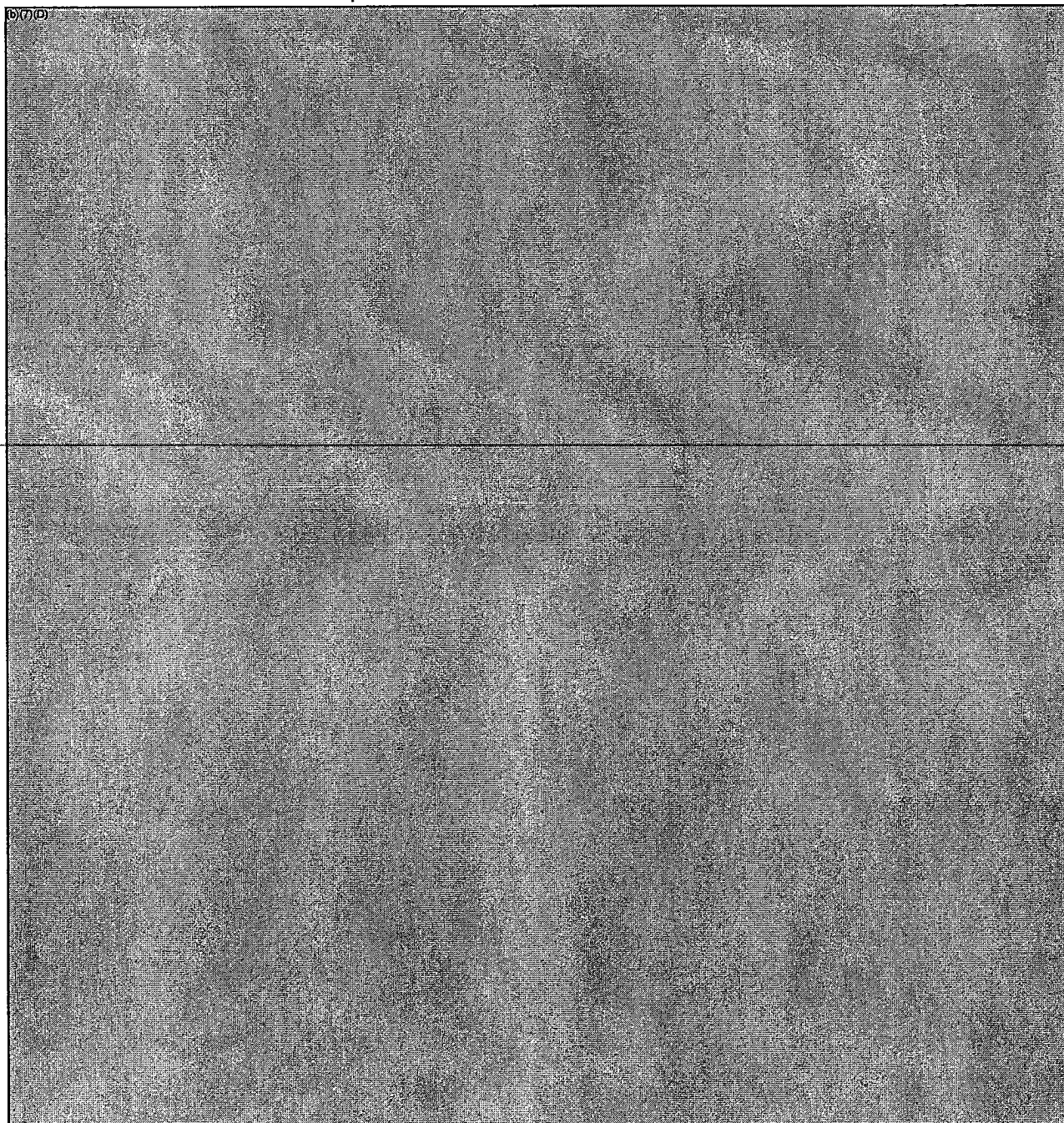
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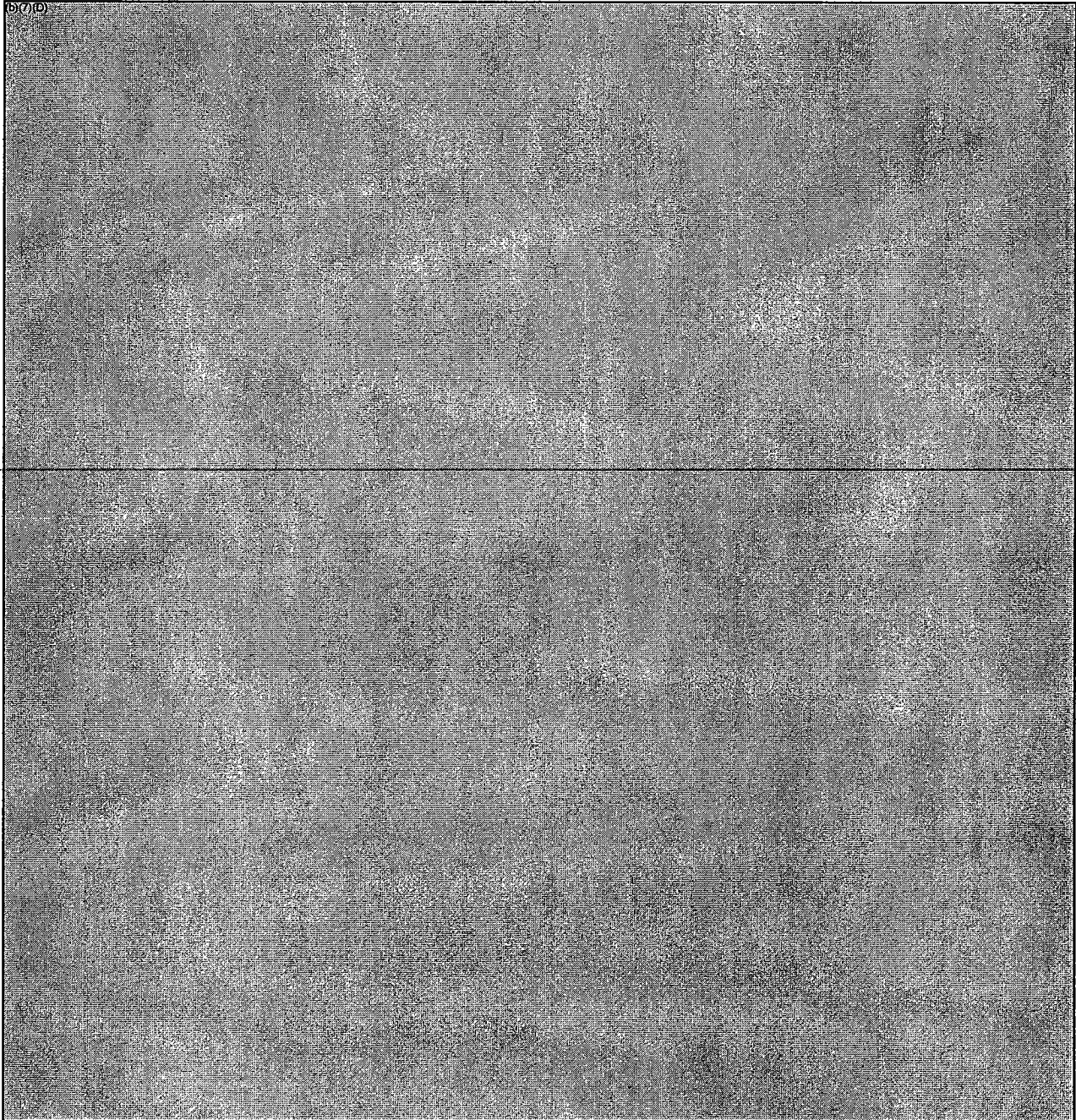
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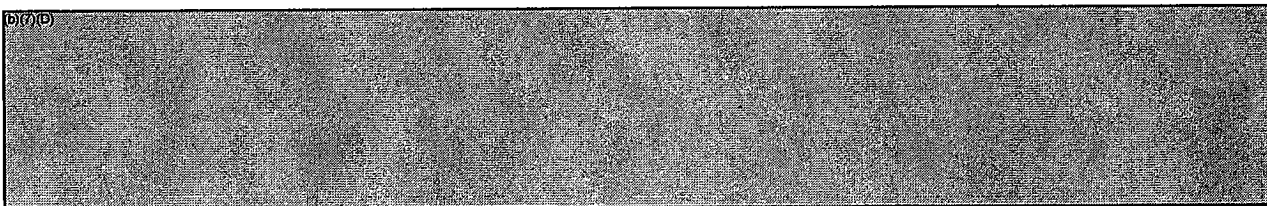
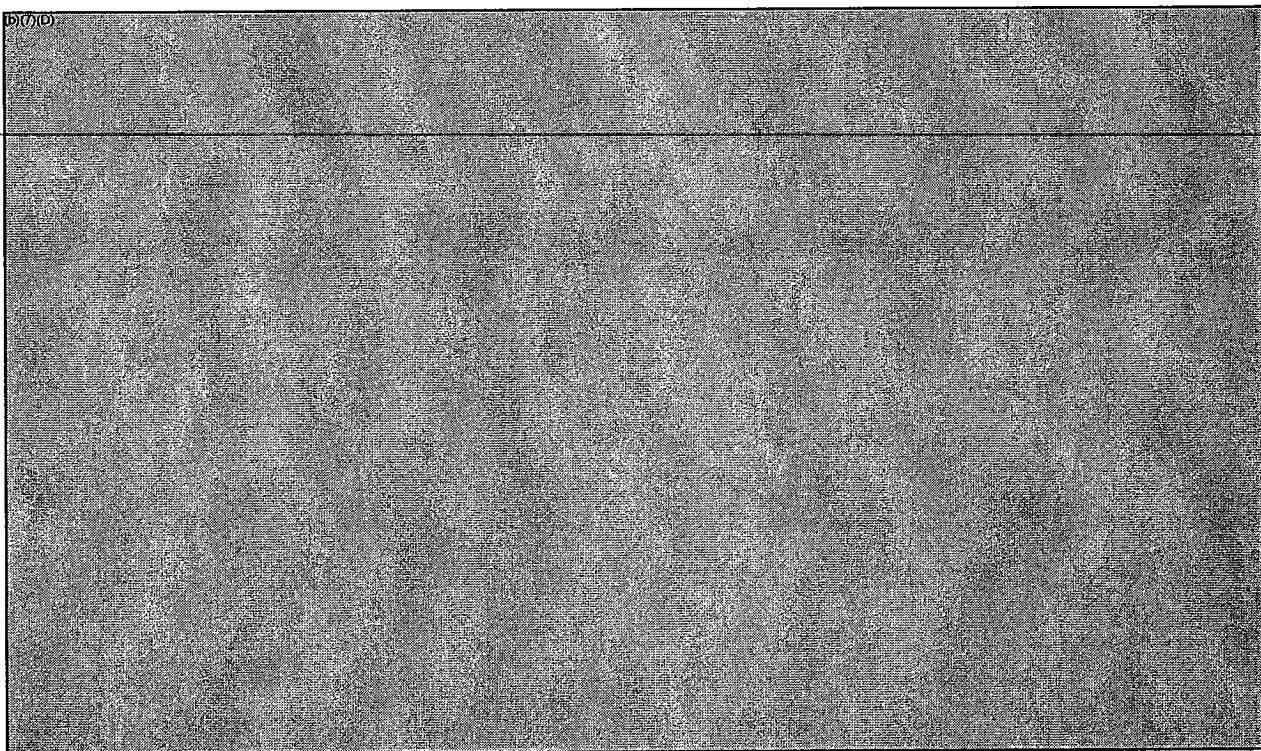
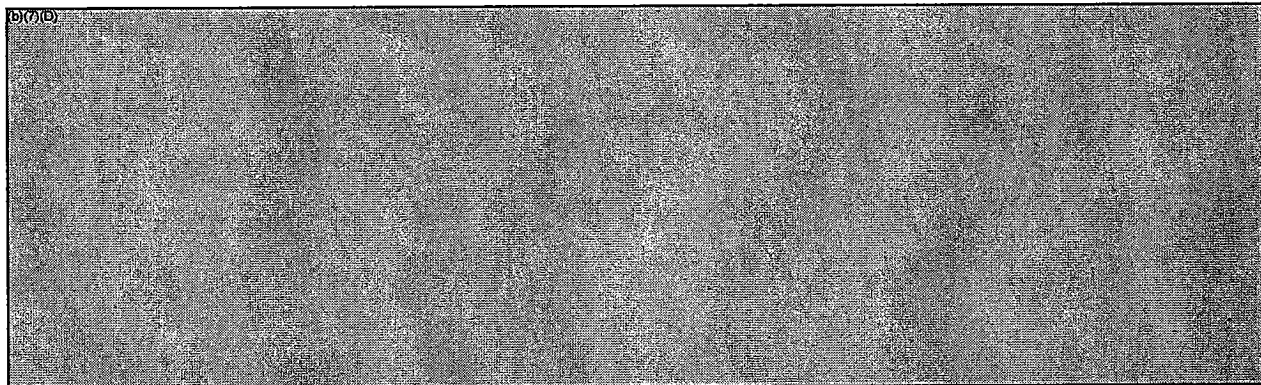
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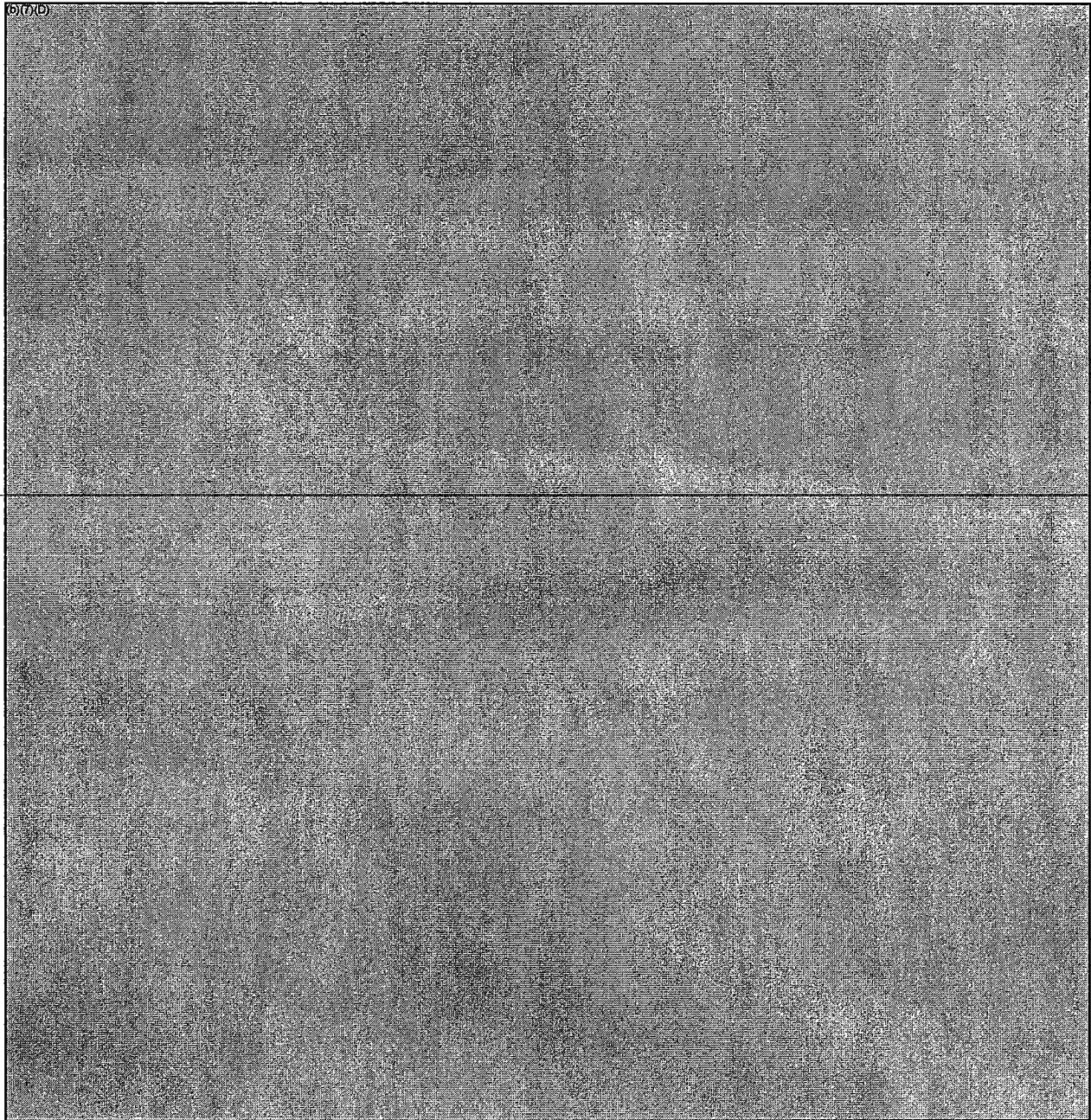
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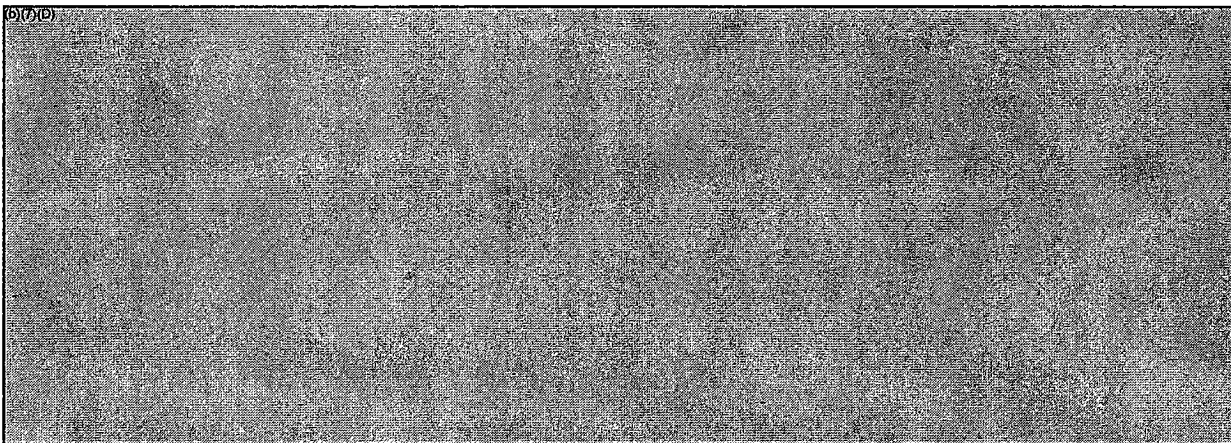
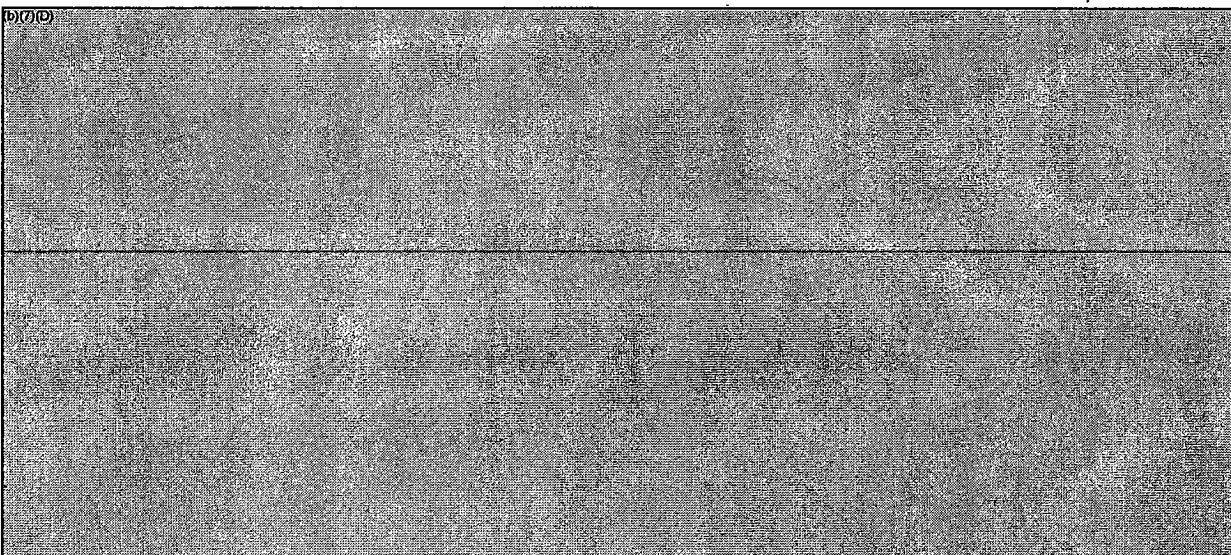
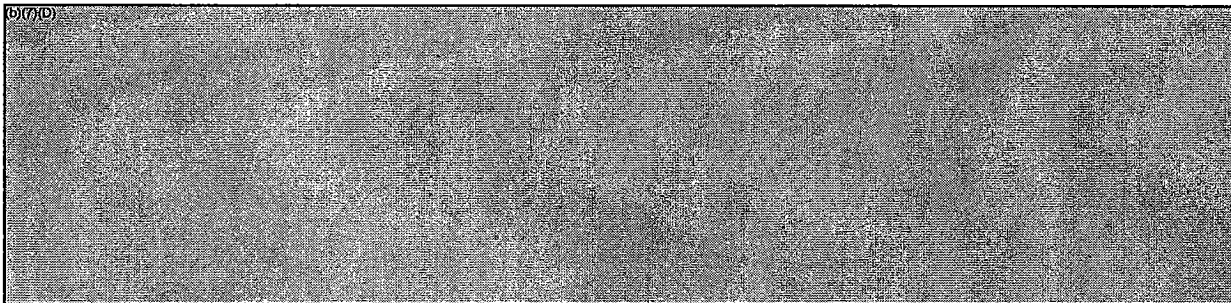
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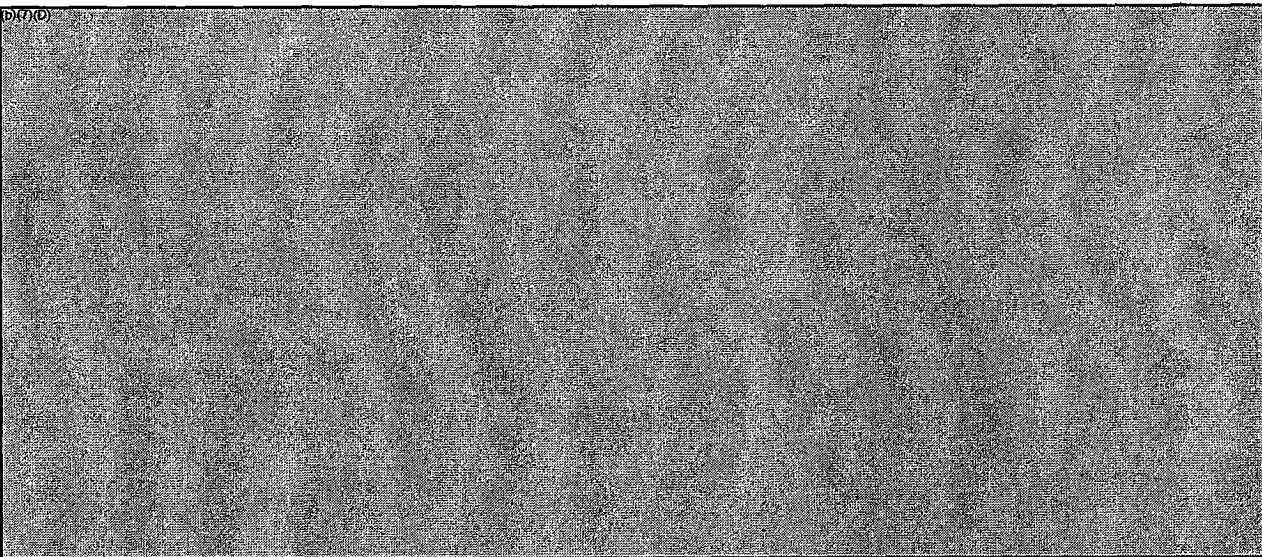
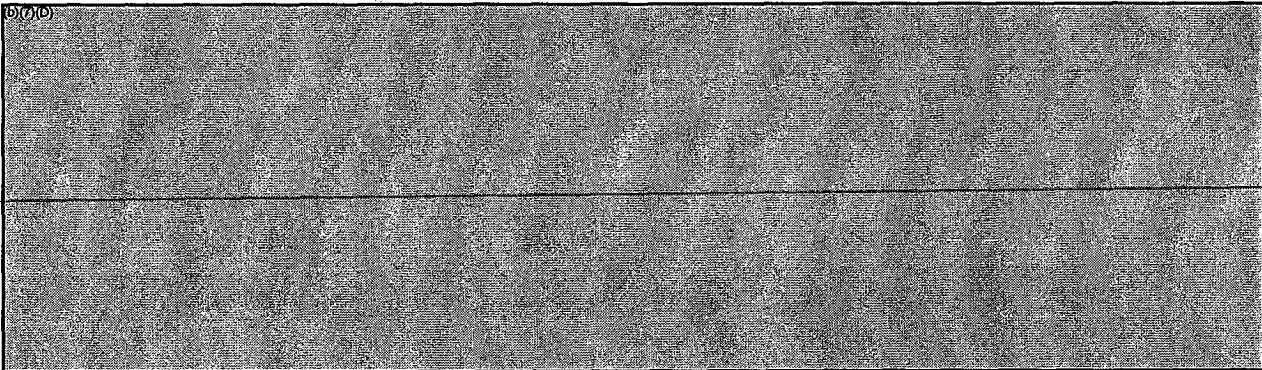
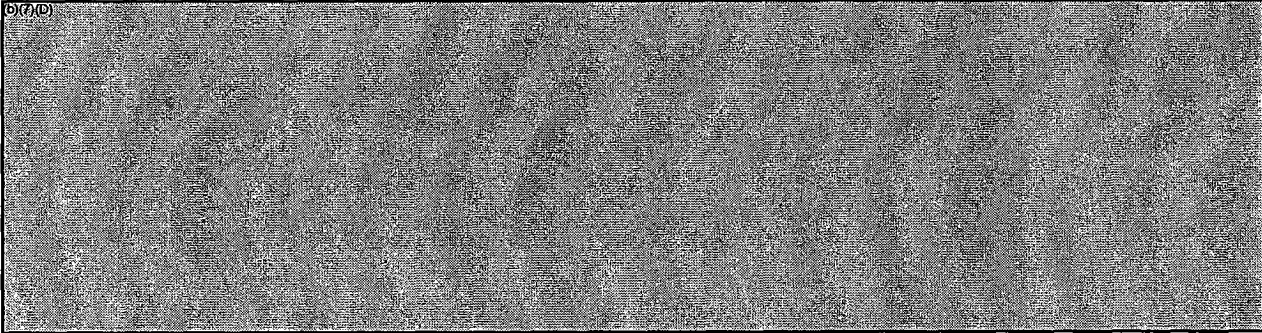
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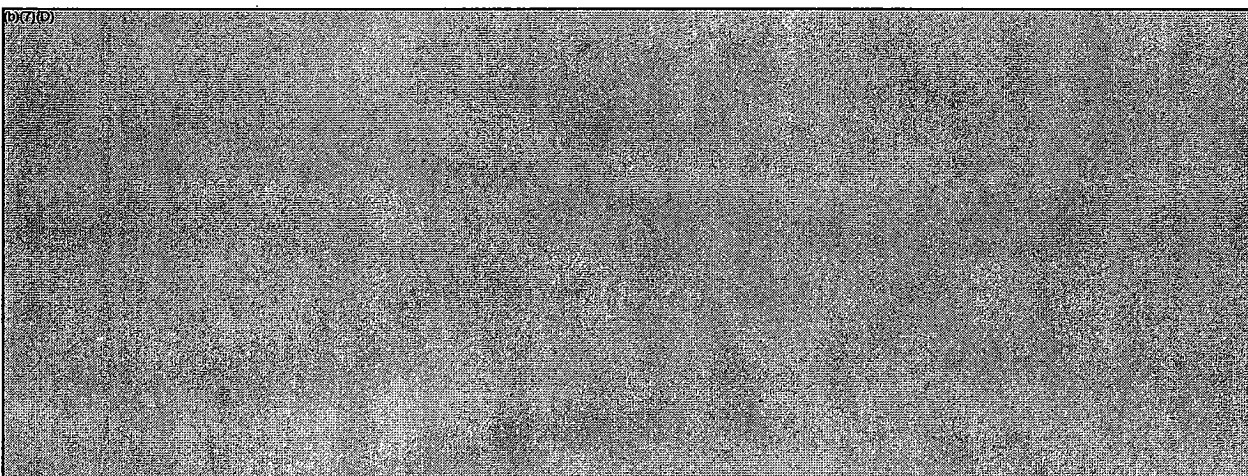
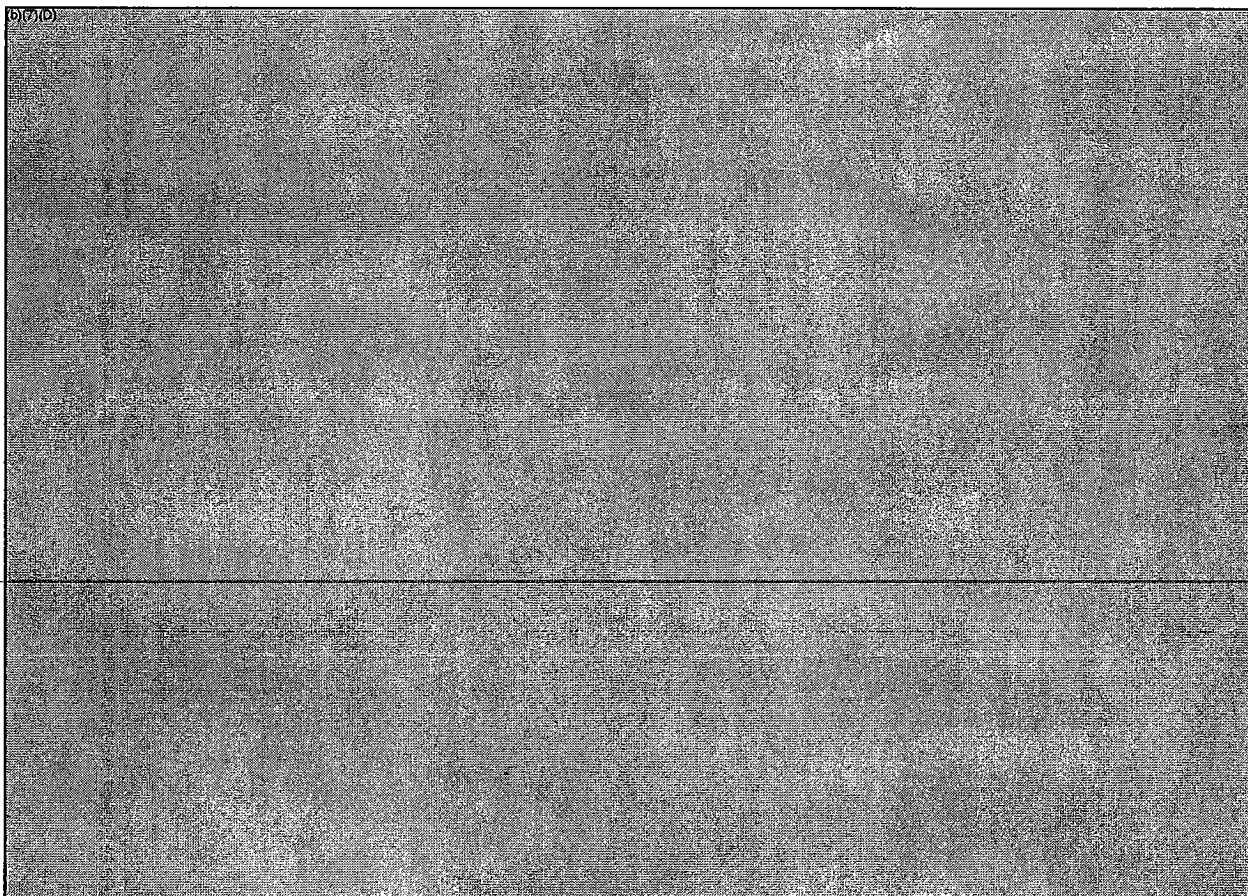
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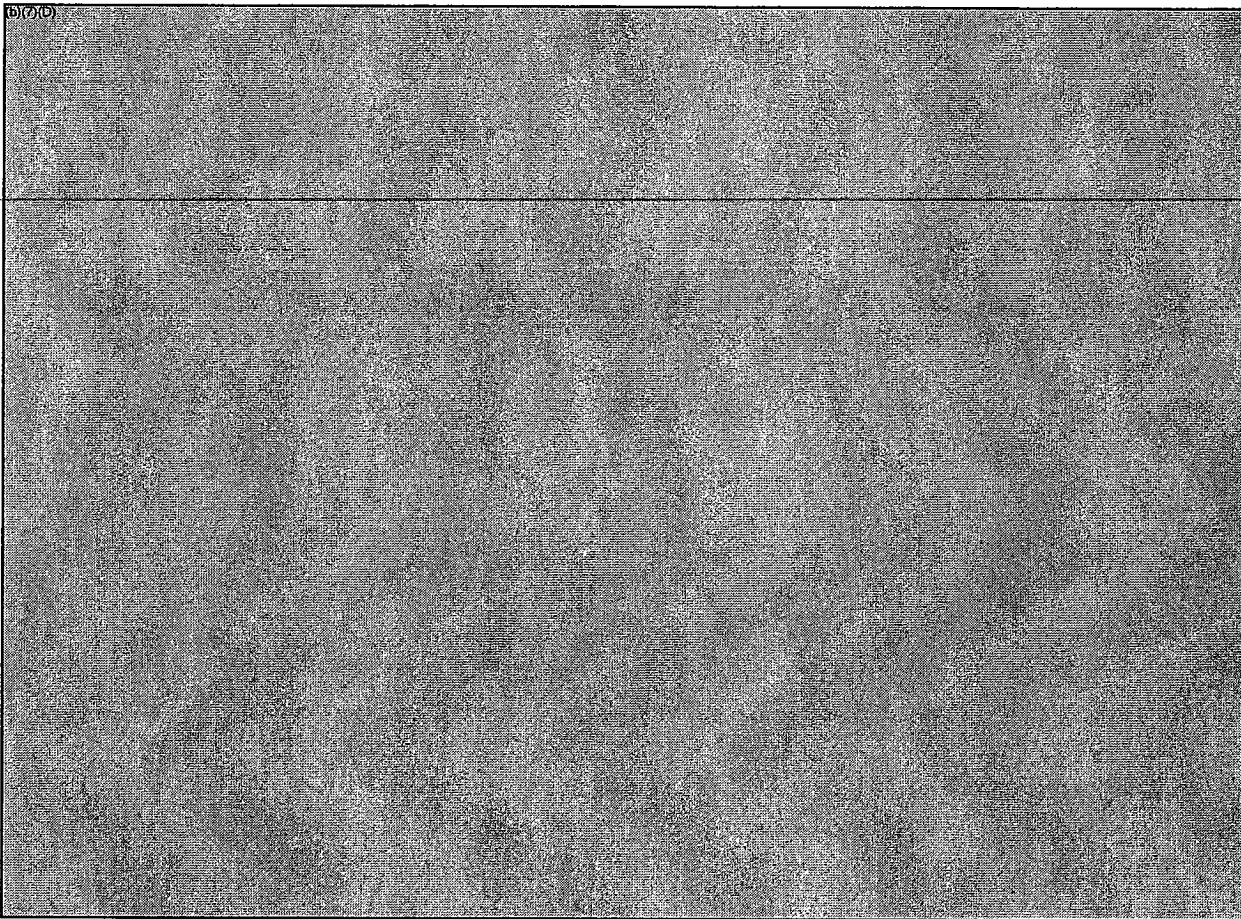
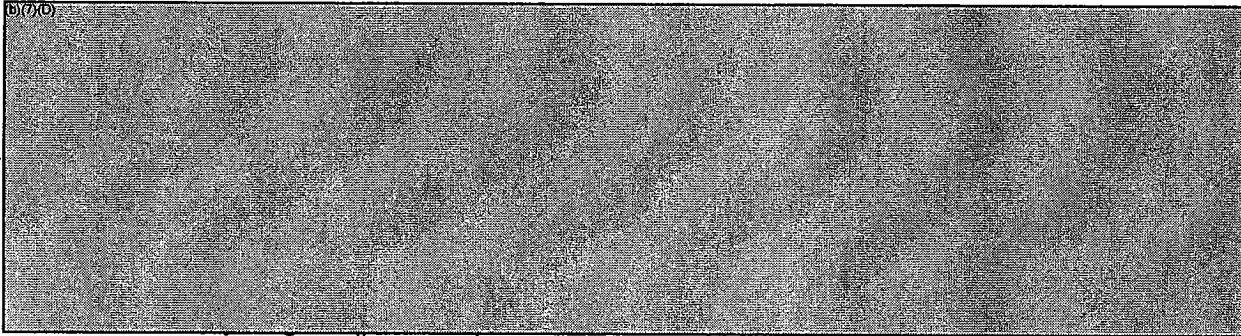
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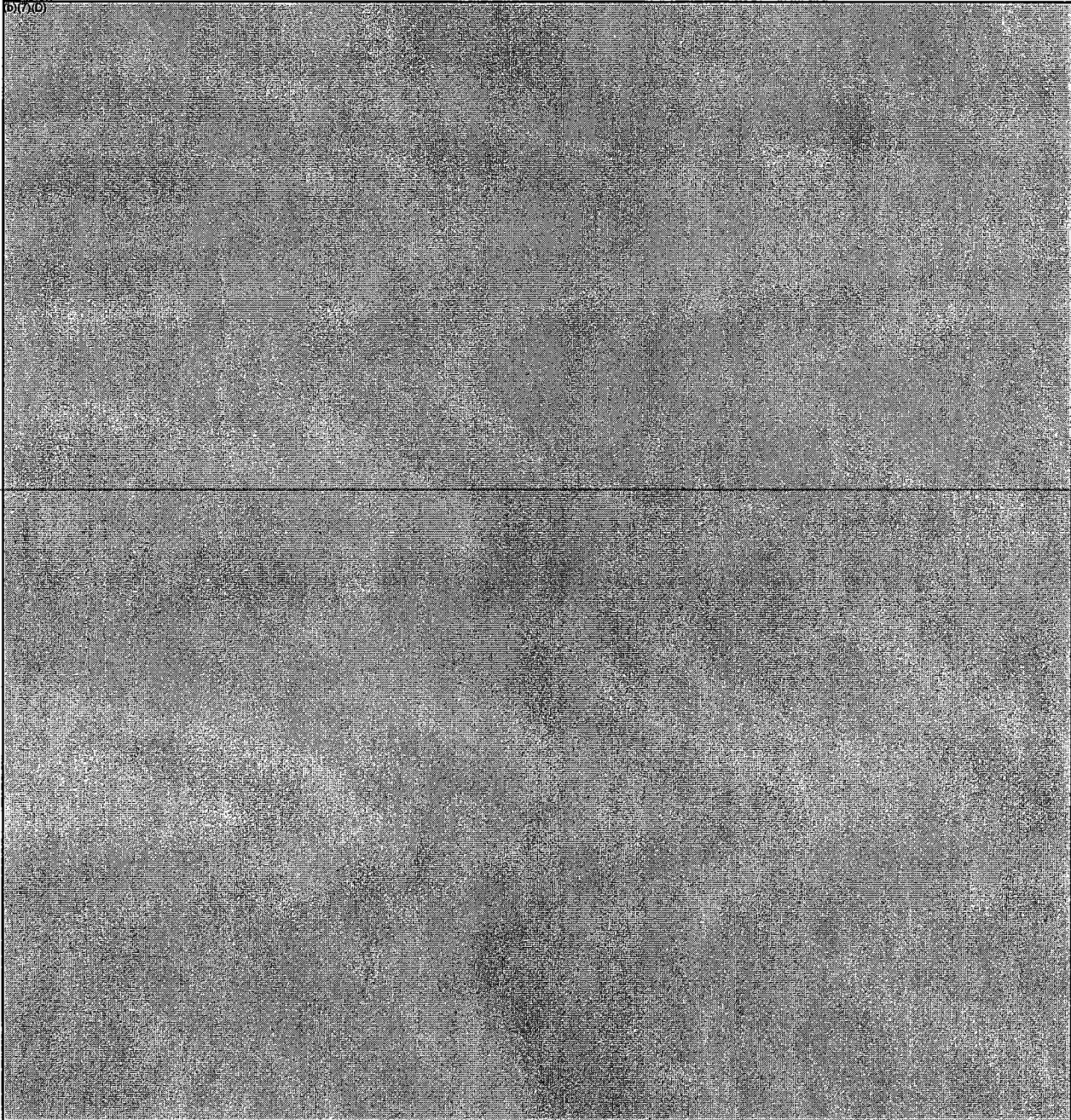
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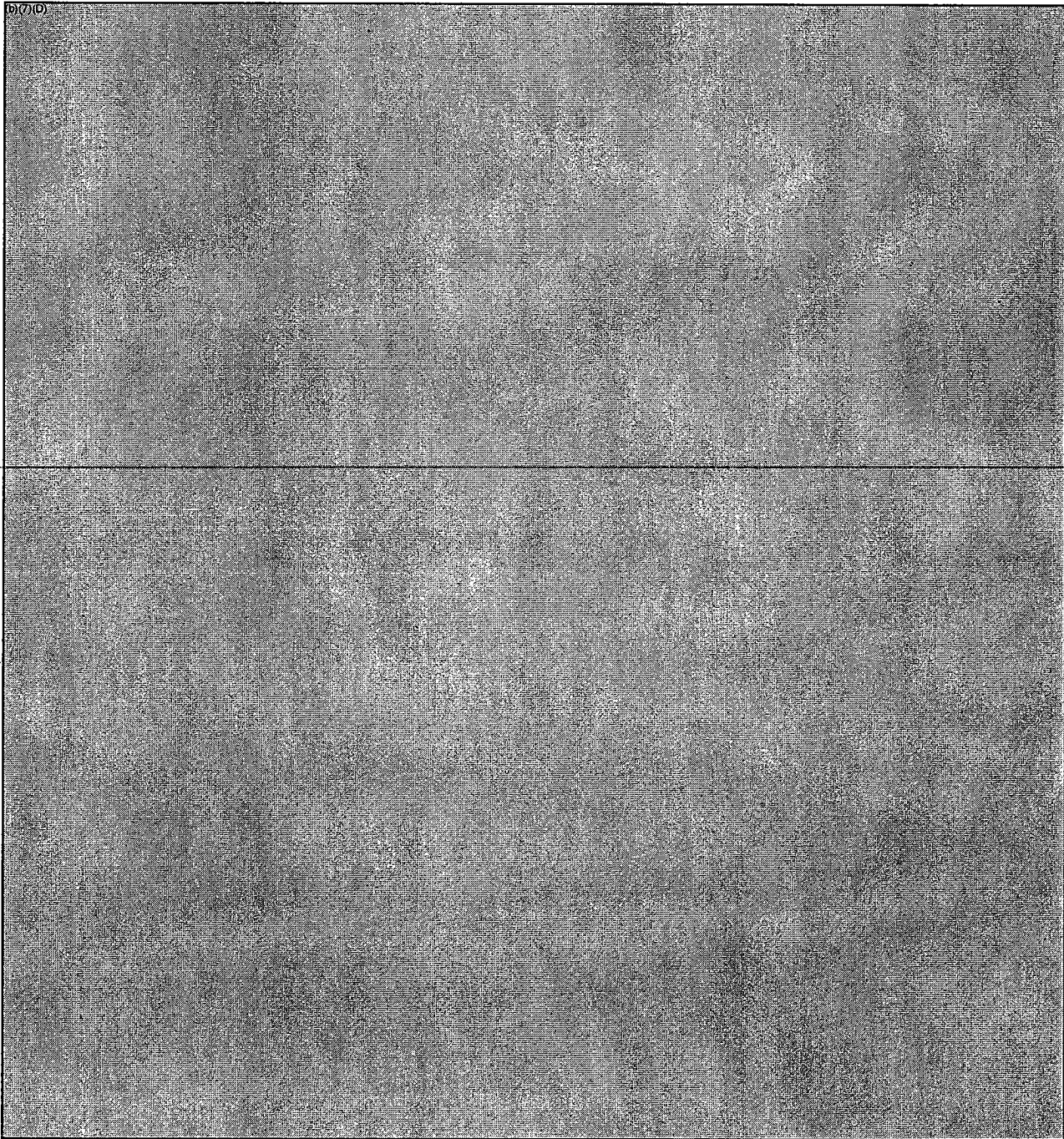
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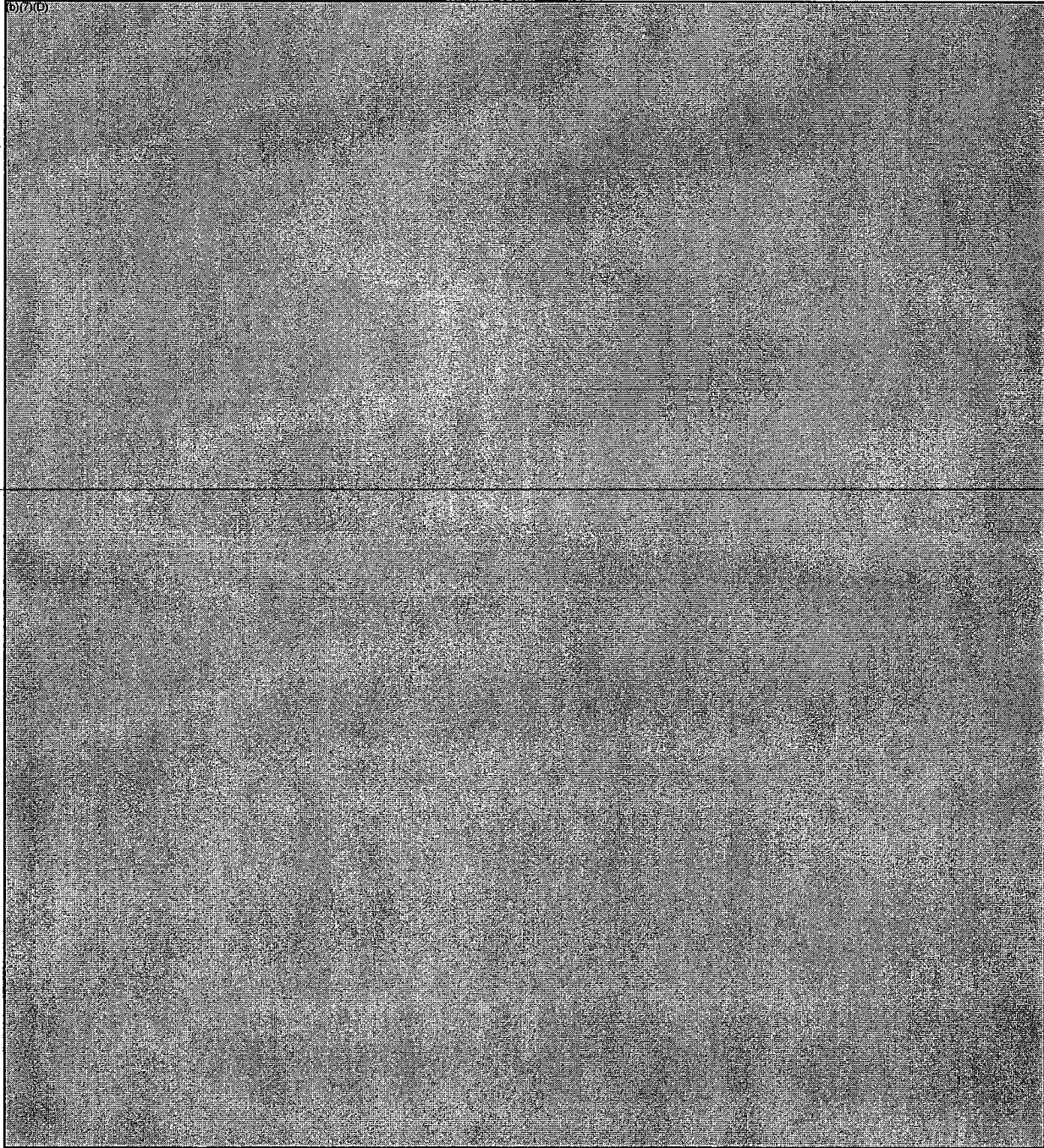
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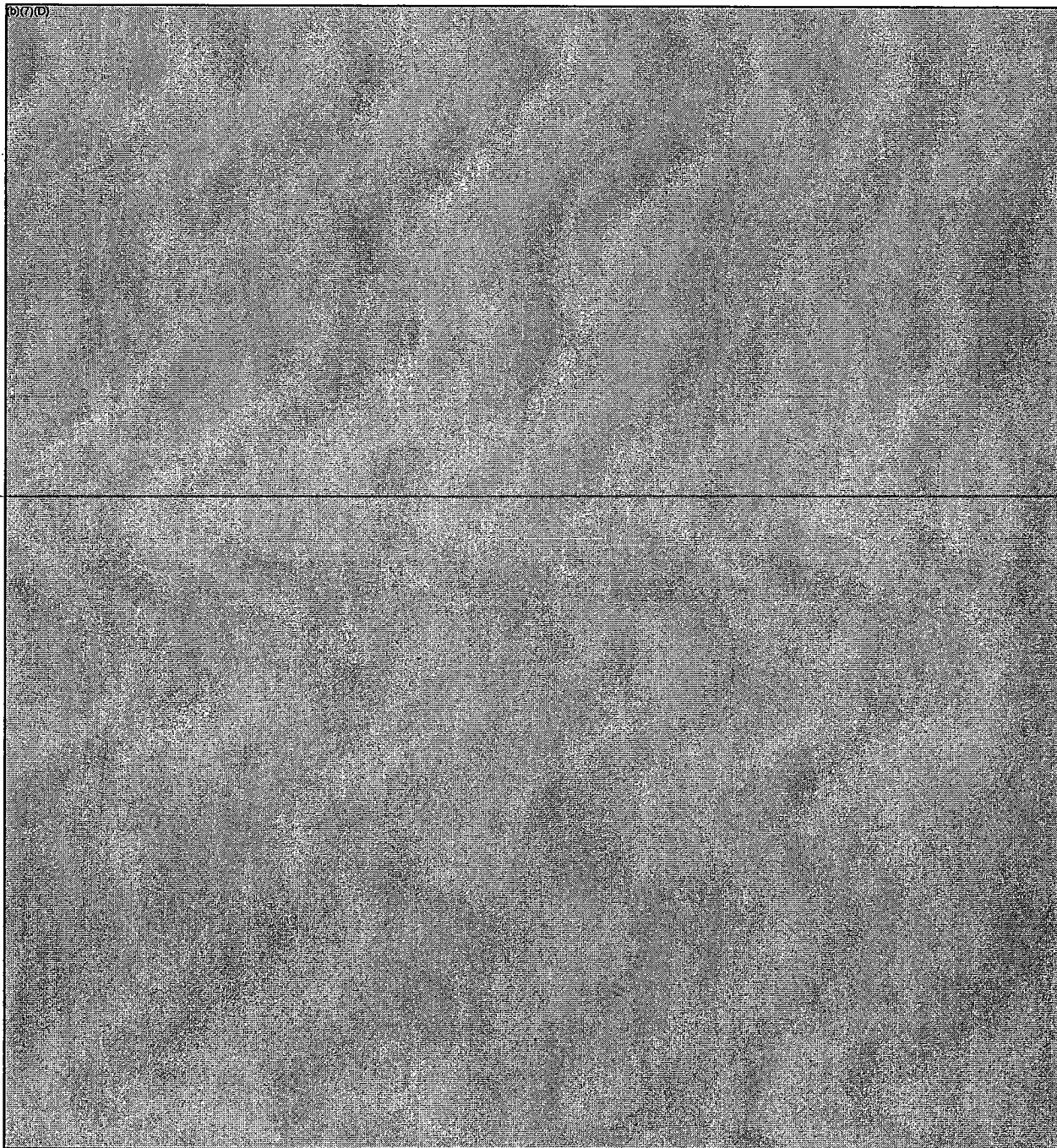
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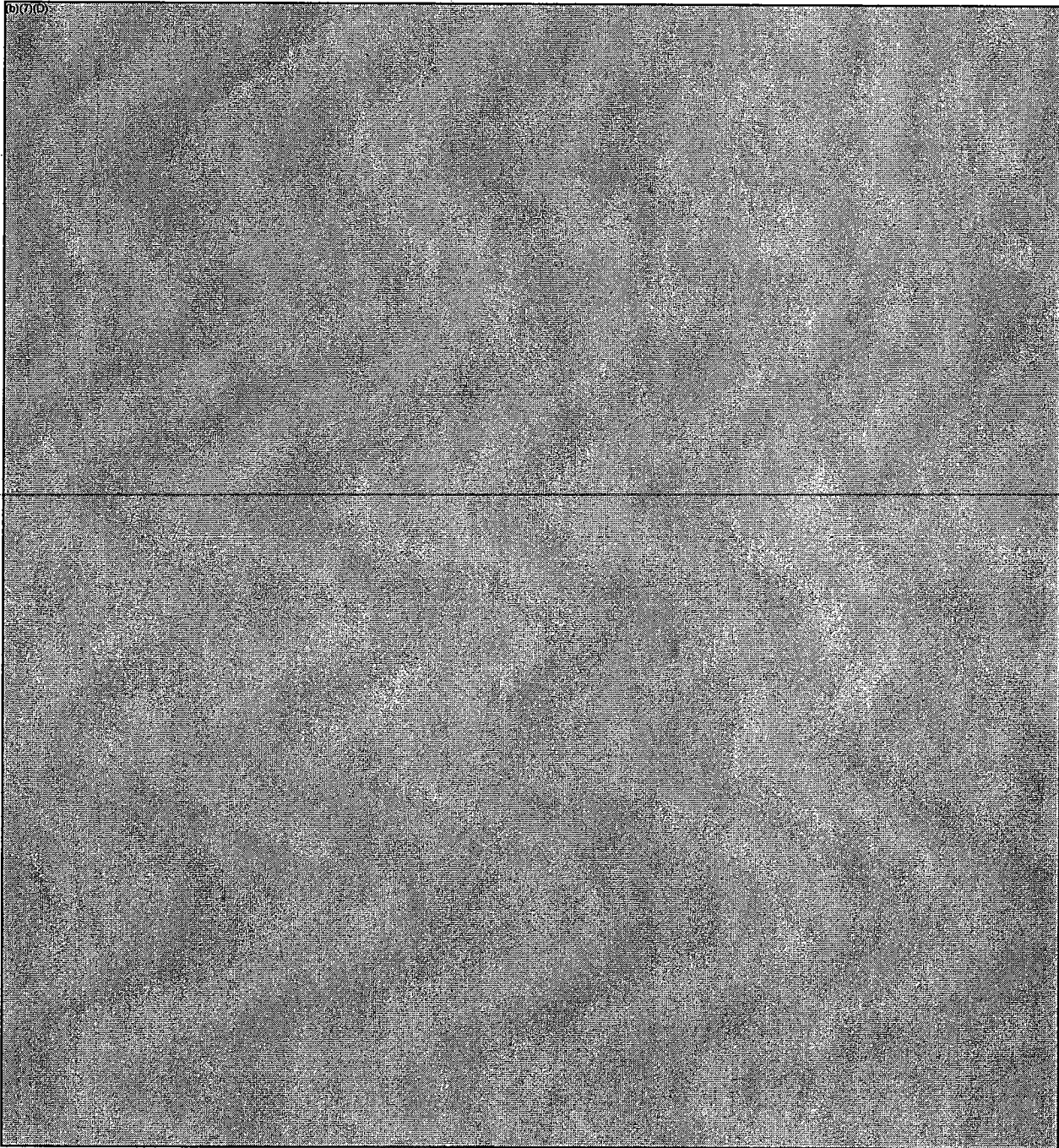
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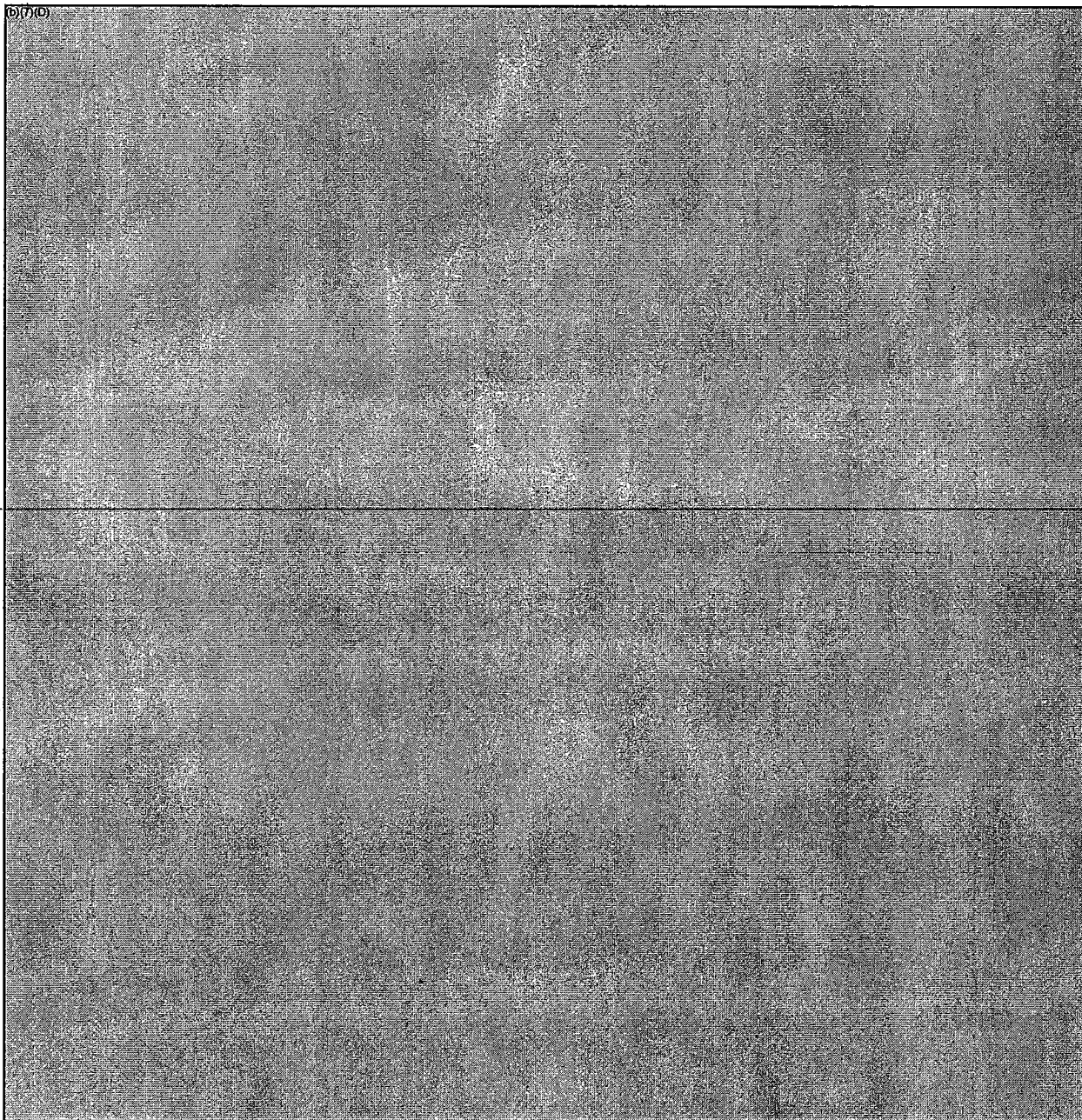
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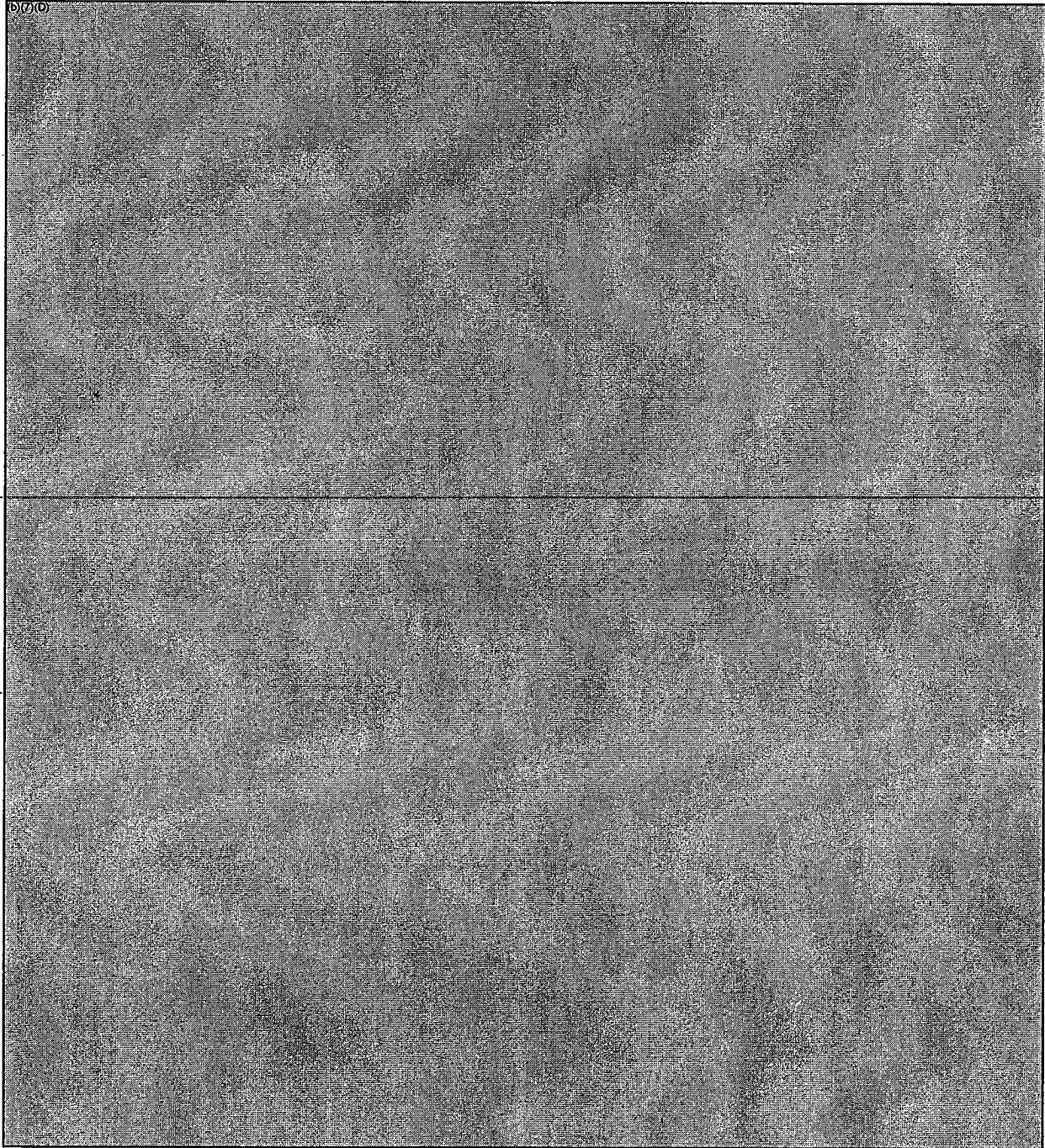
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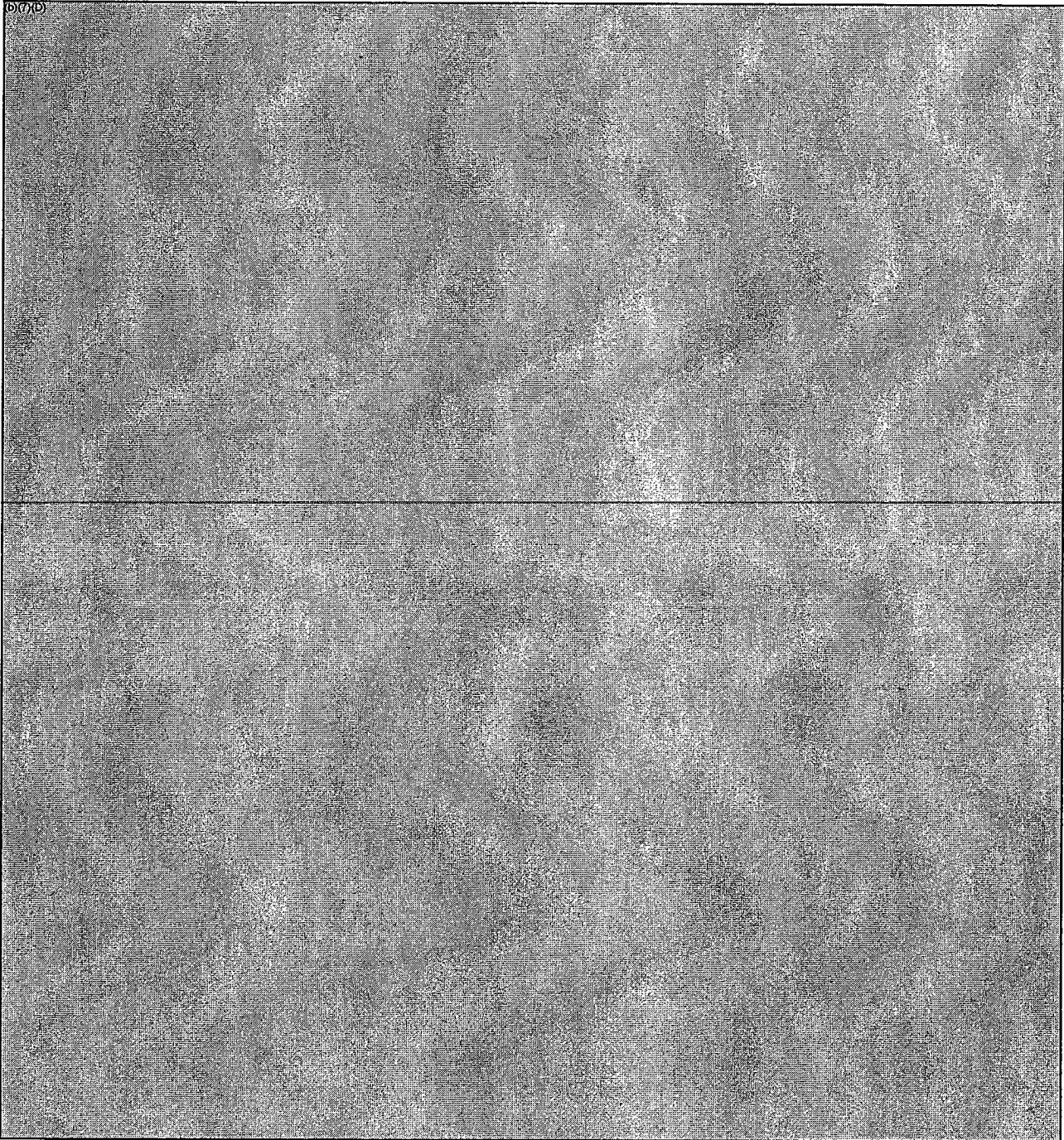
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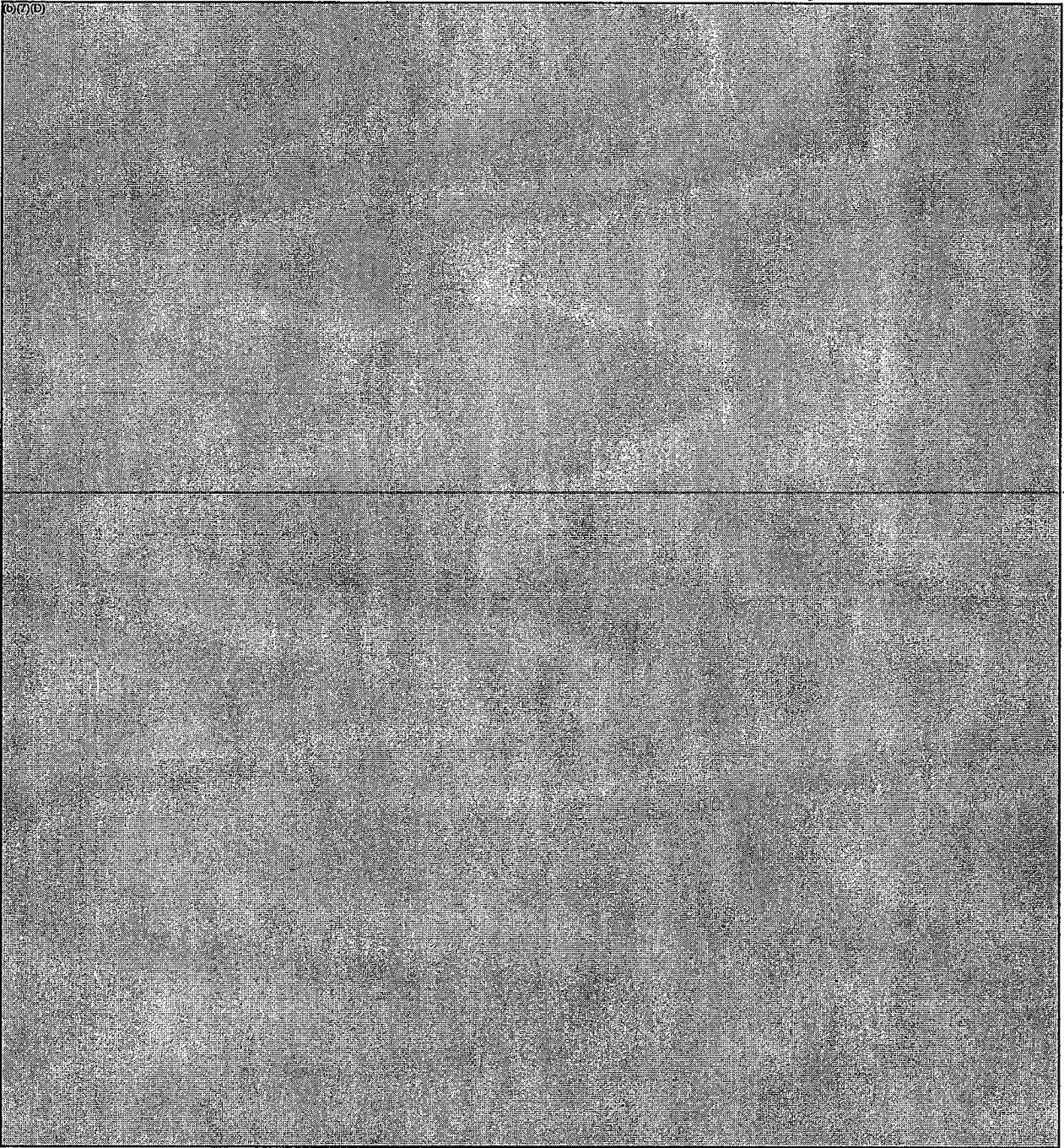
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(b)(7)(D)



(5) (U) On 15 February 2004, BG Karpinski testified to the Taguba AR 15-6 investigation. (EXHIBIT D-9)

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d. (U) Discussion:

(1) (U) The Taguba AR 15-6 Report made eleven findings concerning BG Karpinski. The DAIG review combined nine of the eleven findings into one allegation that BG Karpinski was improperly derelict in the performance of her duties. The remaining two findings were addressed as separate allegations in this report. The DAIG's review of the Kern Report revealed evidence that BG Karpinski failed to properly respond to the ICRC report concerning the treatment of detainees at Abu Ghraib. Evidence in the Kern Report also indicated that BG Karpinski failed to properly exercise her authority and responsibilities to ensure force protection measures were adequate at Abu Ghraib. These two matters were addressed in the allegation that BG Karpinski was derelict in the performance of her duties. The DAIG review of the allegation considered the base reports and exhibits of the Taguba AR 15-6 Report, Kern Report, Weidenbush Report, Schlesinger Report, DAIG Inspection of Detainee Abuses, Ryder Report, and the Miller Report, as well as rebuttals submitted by BG Karpinski and her attorneys. The applicable standard was:

(a) (U) UCMJ, Article 92, stated any person subject to the UCMJ who was derelict in the performance of his/her duties would be punished as a court-martial directed. The elements of proof were: that the accused had certain duties; that the accused knew or reasonably should have known of the duties; and that the accused, through neglect or culpable inefficiency, was derelict in the performance of those duties.

(b) (U) The following standards and documents established the duties of BG Karpinski as CDR, 800th MP BDE:

1 (U) AR 600-100 stated all leaders were responsible for accomplishing the unit's mission; anticipating, managing, and exploiting change; anticipating and solving problems; and acting decisively under pressure.

2 (U) FM 7.0 stated commanders would establish tasks, conditions, and standards using mission orders and guidance when mission tasks involve emerging doctrine or non-standard tasks.

3 (U) AR 600-20 stated that professionally competent leaders would develop respect for their authority by properly training their Soldiers and ensuring that Soldiers

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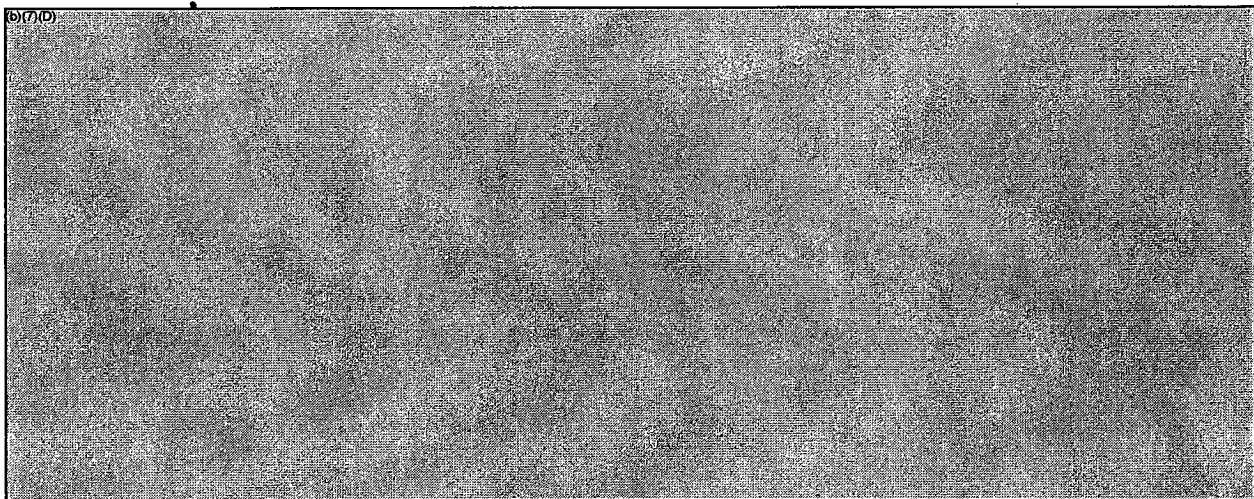
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were in the proper state of readiness at all times. The CDR was responsible for establishing the leadership climate, developing disciplined and cohesive units, and for the professional development of their Soldiers. CDRs would maintain discipline, ensure the proper conduct of Soldiers, and would ensure Soldiers presented a neat, soldierly appearance.

4 (U) The Geneva Convention of 1949 relative to the Protection of Civilian Persons in Time of War stated the Convention would be posted inside the place of internment, in a language which the internees understood.

(2) (U) Concerning the evidence collected by DAIG indicating that BG Karpinski failed to properly exercise her authority and responsibilities to ensure force protection measures were adequate at Abu Ghraib.

(a) (U) Duty: BG Karpinski's draft OER Duty Description established that she was responsible for all confinement and detention operations in the Iraqi Theater of War in support of Operation Iraqi Freedom, to include EPW, Security Internees and Criminal Detainees. Additionally, the draft OER established that she was responsible for conducting contingency planning for, and executing command and control of, confinement operations in support of CJTF-7 stabilization operations throughout Iraq. FRAGO 209 to CJTF-7 OPORD 03-036 assigned responsibilities to BG Karpinski concerning detainee operations.



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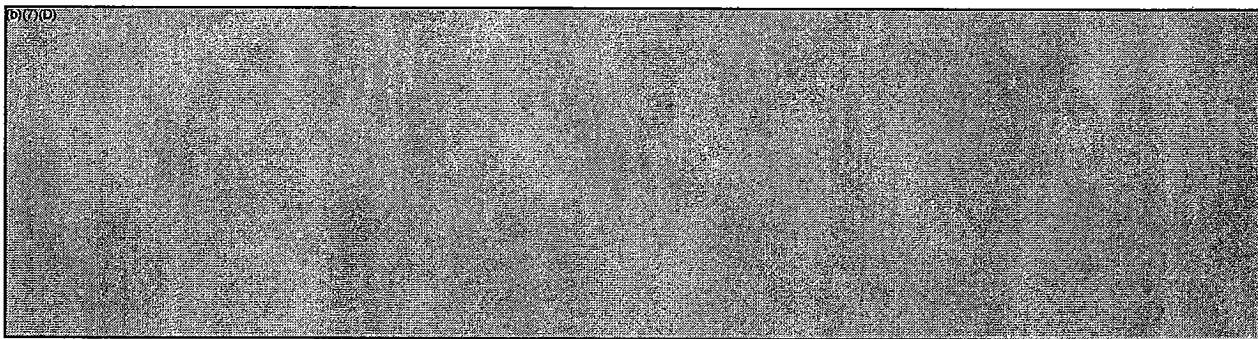
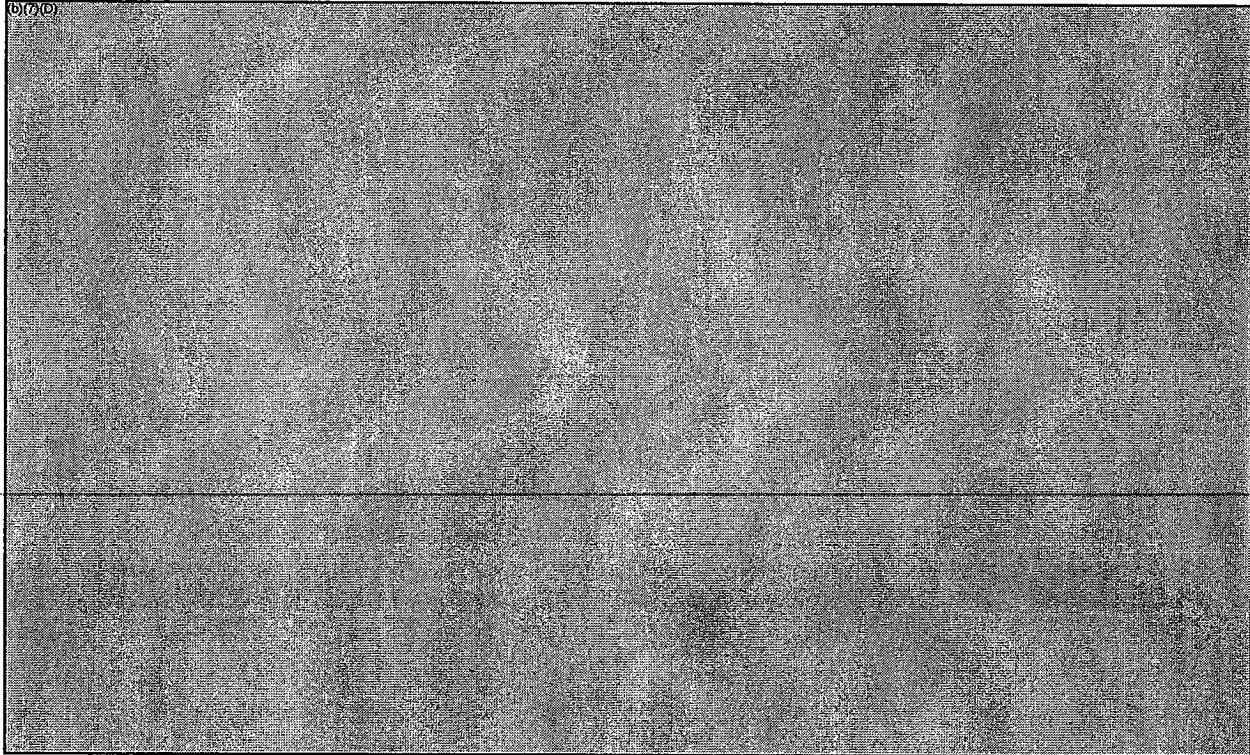
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(c) (U) Analysis of Dereliction:



3 (U) Although the Kern investigation focused on the 205th MI BDE, the Report found the leaders from the 205th MI and 800th MP BDEs located at Abu Ghraib or with supervision over Abu Ghraib, failed to supervise subordinates or provide direct

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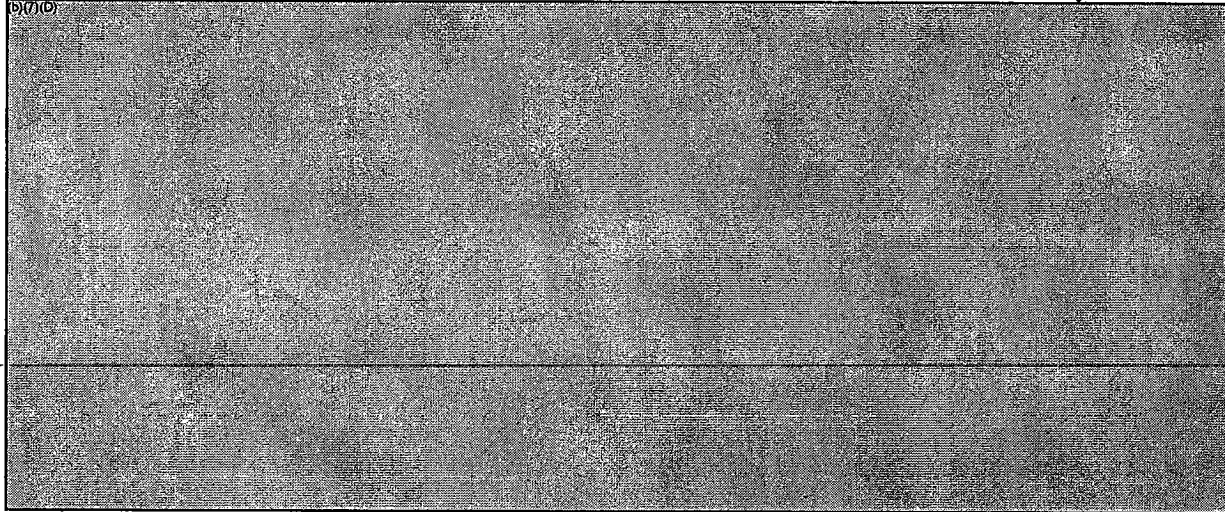
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oversight. These leaders failed to provide adequate mission-specific training to execute a mission of this magnitude and complexity.

4 (U) In her rebuttal to DAIG, BG Karpinski stated prior to the initial attack and after the attacks began, she repeatedly requested support from CJTF-7 to provide force protection assets; however, the BDE was told to use internal assets. (b)(7)(D)



(d) (U) Conclusion: The preponderance of evidence established that BG Karpinski failed to properly exercise her authority and responsibilities to ensure force protection measures were adequate at Abu Ghraib.

(3) (U) Concerning the finding in the Taguba AR 15-6 Report that BG Karpinski failed to establish a BDE METL:

(a) (U) Duty: Prior to 28 June 2003, the 800th MP BDE's mission was to detain EPW until cessation of hostilities and repatriation. FRAGO 209 to CJTF-7 OPOD 03- 036, dated 28 June 2003, assigned responsibilities to BG Karpinski concerning detainee operations. FM 7-0, Training the Force, stated in cases where mission tasks involve emerging doctrine or non-standard tasks, commanders establish tasks, conditions, and standards using mission orders and guidance, lessons learned from similar operations, and their professional judgment.

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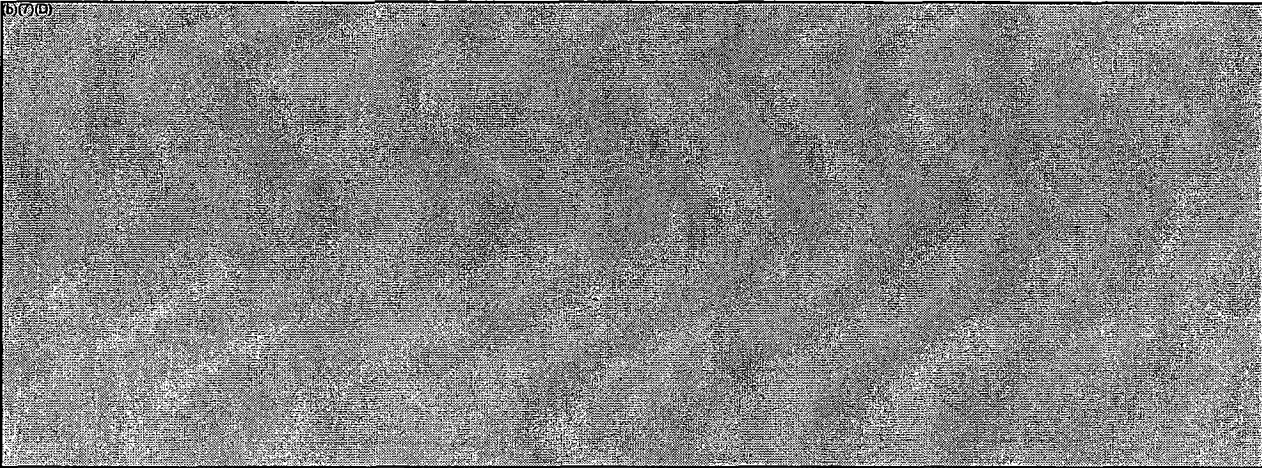
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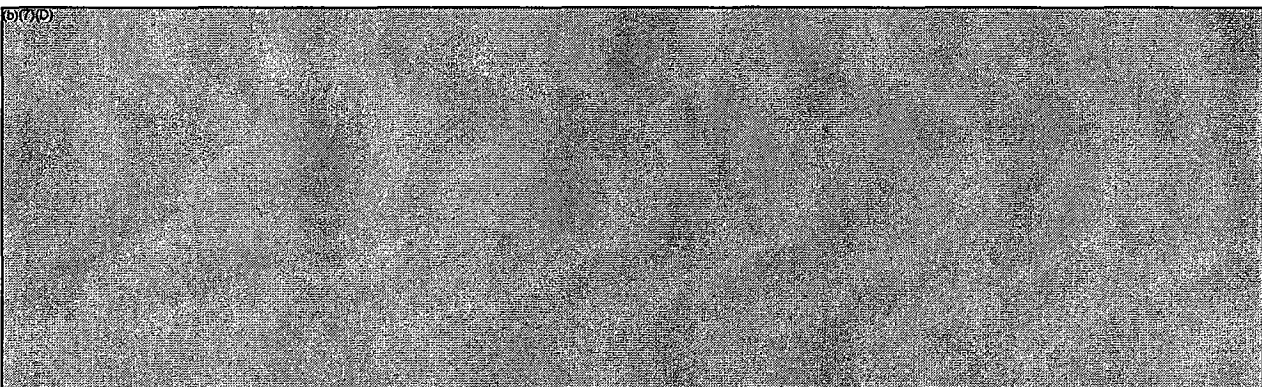
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(c) (U) Analysis of Dereliction:

1 (U) The Taguba AR 15-6 Report found that it did not appear that a METL based on in-theater missions was ever developed nor was a training plan implemented throughout the BDE. 



3 (U) Upon receipt of the detainee operations mission, the command had a responsibility to conduct a mission analysis and review the BDE's METL appropriately. Both she and her counsel acknowledged this non-doctrinal mission and deficiencies in her Soldiers' training in detainee operations, yet there was no evidence of an

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appropriate or deliberate training plan to accomplish the mission.

(d) (U) Conclusion: The preponderance of evidence did not support the finding that BG Karpinski failed to establish a BDE METL; however, the preponderance of the evidence indicated that BG Karpinski, having been assigned the detainee operations mission, failed to properly analyze the mission, and failed to provide adequate guidance to her unit to conduct detainee operations.

(4) (U) Concerning the findings in the Taguba AR 15-6 Report that BG Karpinski failed to ensure that MP Soldiers had appropriate SOPs for dealing with detainees and that CDRs and Soldiers read and understood the SOPs; that she failed to ensure that numerous reported accountability lapses at detention facilities were corrected; and that she failed to ensure the results and recommendations of AARs and AR 15-6 investigation reports on detainee escapes and shootings were properly disseminated:

(a) (U) Duty: FM 7-0, Training the Force, stated in cases where mission tasks involve emerging doctrine or non-standard tasks, commanders establish tasks, conditions, and standards using mission orders and guidance, lessons learned from similar operations, and their professional judgment. FRAGO 209 to CJTF-7 OPOD 03-036, dated 28 June 2003, assigned responsibilities to BG Karpinski concerning detainee operations.

(b) (U) Knowledge: In her letter to DAIG, BG Karpinski stated the BDE's mission was to detain EPW until cessation of hostilities and repatriation. To that end, and prior to her assumption of command, the BDE was trained on the doctrinal mission, which coincided with its wartime METL. While the Taguba AR 15-6 Report highlighted the lack of a BDE METL for operating a correctional facility and training to that METL, correctional operations was a non-doctrinal mission for the BDE. Additionally, during BG Karpinski's command, three of the four BNs assigned to the 800th MP BDE were from organizations outside the 800th MP BDE. (b)(7)(D)

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Additionally, BG Karpinski approved the 800th MP BDE AR 15-6 investigations while she was the CDR. The evidence established that BG Karpinski was aware that the 800th MP BDE mission changed from EPW to detainee operations. Additionally, she was aware of the results

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and recommendations of the AR 15-6 investigations that she approved while she was the 800th MP BDE CDR.

(c) (U) Analysis of Dereliction:

1 (U) The Taguba AR 15-6 report found that SOPs were not fully developed and standing TACSOPs were widely ignored. Any SOPs that did exist, the Soldiers were not trained on, and were never distributed to the lowest level. There was virtually a complete lack of detailed SOPs at any of the detention facilities. The Command never issued standard TTPs for handling escape incidents. Previous 800th MP BDE AR 15-6 investigations regarding detainee escapes were not acted upon, followed up with corrective action, or disseminated to subordinate CDRs or Soldiers. The Taguba AR 15-6 Report identified 27 escapes or attempted escapes from the detention facilities throughout the 800th MP BDE's AOR. AARs were not routinely being conducted after an escape or other serious incident. No lessons learned seem to have been disseminated to subordinate units to enable corrective action at the lowest level. There was no evidence that the majority of her orders directing the implementation of substantive changes were ever acted upon. Additionally, there was no follow-up by the command to verify corrective actions were taken. Moreover, despite the fact that there were numerous reported escapes at detention facilities throughout Iraq, AR 15-6 investigations following these escapes were simply forgotten or ignored by the BDE CDR with no dissemination to other facilities.

2 (U) Although the Kern investigation focused on the 205th MI BDE, the Report found that, at Abu Ghraib, there was lack of consistent policy and command oversight regarding interrogation techniques. The relationship between the leaders and staffs of the 800th MP BDE and 205th MI BDE was ineffective as it failed to effect the proper coordination of roles and responsibilities for detention and interrogation operations. Leadership failure, at the BDE-level and below, clearly was a factor in not sooner discovering and taking actions to prevent both the violent/sexual abuse incidents and the misinterpretation/confusion incidents. The leaders from the 205th MI and 800th MP BDEs located at Abu Ghraib or with supervision over Abu Ghraib, failed to supervise subordinates or provide direct oversight of this important mission. These leaders failed to properly discipline their Soldiers and failed to develop and learn from AARs and lessons learned. These leaders failed to provide adequate mission-specific training to execute a mission of this magnitude and complexity.

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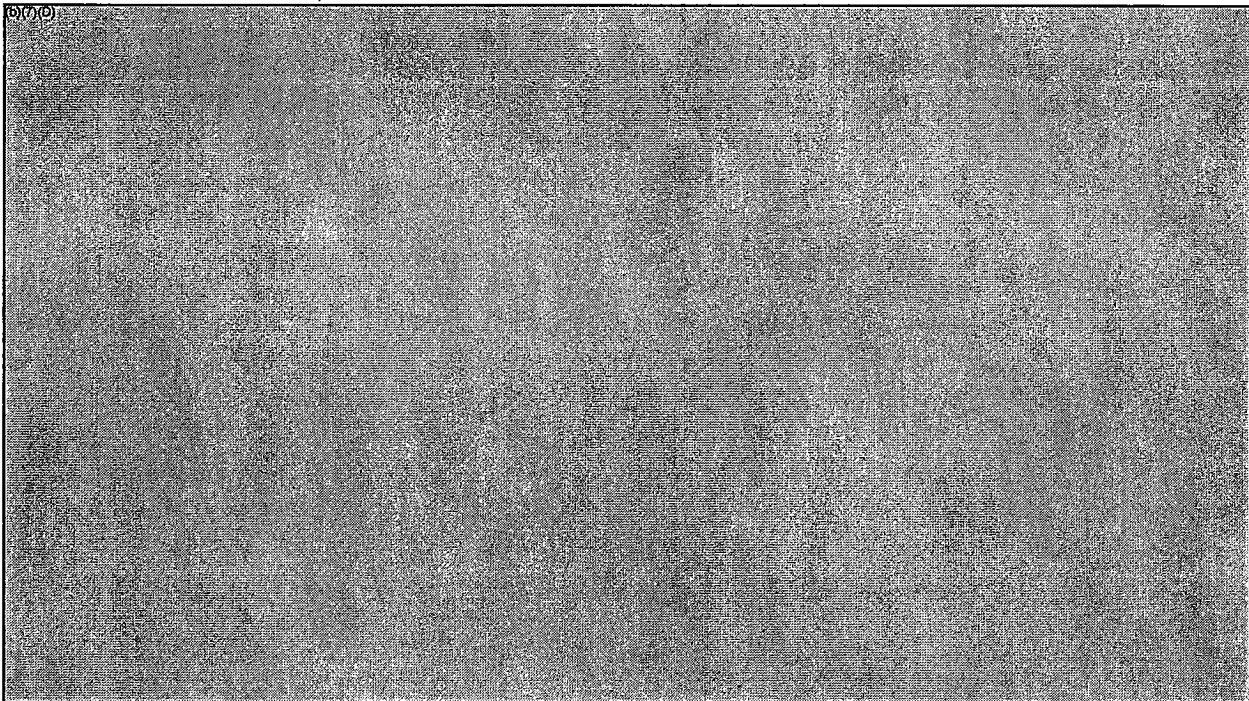
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3 (U) In her rebuttal to LTG McKiernan, BG Karpinski provided numerous SOPs and policy memoranda; however, all but one of the documents was dated after the alleged detainee abuse was reported. BG Karpinski provided a memorandum for record where the OPS SGT assessed the BCCF as a result of an AR 15-6 investigation involving an escape. However, the date of the follow-up was after the alleged detainee abuse was reported.

4 (U) In her rebuttal to DAIG, BG Karpinski stated the 800th MP BDE developed approximately 16 different types of spreadsheets to report/record and account for all categories of detainees. Notwithstanding the failures of CPA, the BDE, with little support, developed a database of over 40,000 detainees. While there were certainly some errors in the database, the BDE did not fail to maintain accountability of detainees and prisoners. Despite not having sufficient forces to guard the number of prisoners/detainees, despite the fact that the facilities were regularly attacked, and the fact the MPs did not have appropriate equipment for these conditions, the total number of escapees numbered less than one percent of the prison population.



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7 (U) BG Karpinski's rebuttal statement addressed the means of how the BDE reported and accounted for detainees. Additionally her statement that she lacked sufficient forces, that the facilities were regularly attacked, and the MPs did not have appropriate equipment, failed to address how accountability lapses at detention facilities were corrected.

(d) (U) Conclusion: The preponderance of evidence indicated BG Karpinski failed to ensure that MP Soldiers had standardized, BDE wide SOPs for dealing with detainees and that she failed to ensure CDRs and Soldiers read and understood the SOPs that did exist; that she failed to ensure that numerous reported accountability lapses at detention facilities were corrected; and that she failed to ensure the results and recommendations of AARs and AR 15-6 investigation reports on detainee escapes and shootings were properly disseminated.

[IO Note: The Taguba Report finding was modified to better reflect the impropriety.]

(5) (U) Concerning the findings in the Taguba AR 15-6 Report that BG Karpinski failed to ensure that MP Soldiers knew, understood, and adhered to the GC relative to the treatment of POW, and that neither the camp rules nor the provisions of the GC were posted in English or in the language of the detainees at any of the detention facilities in the 800th MP BDE's AOR:

(a) (U) Duty: The GC of 1949 relative to the Protection of Civilian Persons in Time of War stated the Convention would be posted inside the place of internment, in a language which the internees understood or be in the possession of the Internee Committee. FRAGO 209 to CJTF-7 OPOD 03-036, dated 28 June 2003, assigned responsibilities to BG Karpinski concerning detainee operations.

(b) (U) Knowledge: BG Karpinski's BDE was assigned the mission of detainee operations. The GC established requirements for treatment of detainees. By virtue of her position as the BDE CDR, she reasonably should have known of the requirements of the GC to post the GC and ensure that Soldiers understood them.

(c) (U) Analysis of Dereliction:

1 (U) The convention concerning civilians contained many of the same requirements as the POW convention, including the requirement to make copies of the

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convention available and posting it in the native language of the detainees. The Taguba AR 15-6 Report found that few, if any copies of the GC were ever made available to MP personnel or detainees. (b)(7)(D)

(b)(7)(D)

2 (U) Although the Taguba AR 15-6 Report found that BG Karpinski failed to ensure that MP Soldiers knew, understood, and adhered to the GC relative to the treatment of POW, the evidence in the Taguba 15-6 consisted of a statement of one company CDR concerning his company. Other Soldiers in the command stated that they were trained on the GC.

3 (U) In her rebuttal to DAIG, BG Karpinski stated that testimony from Soldiers within the 800th MP BDE noted the training that Soldiers received at both the mobilization site and during the course of the deployment, and that MG Taguba improperly discounted such testimony. (b)(7)(D)

(b)(7)(D)

(b)(7)(D) On the contrary, they helped paint the existence of disparate and varied sets of operating procedures, SOPs, and guidance from which units under the 800th MP BDE operated.

(d) (U) Conclusion: Although the evidence established that the GC were not posted in certain detention facilities, the evidence did not establish that BG Karpinski was aware of this failure. Although the evidence established that certain Soldiers did not know, understand, and adhere to the GC relative to the treatment of detainees, the evidence did not establish that this lack of knowledge was BDE wide. Therefore the preponderance of the evidence did not support finding dereliction of duty by BG Karpinski concerning this matter.

(6) (U) Concerning the finding in the Taguba AR 15-6 Report that BG Karpinski failed to take appropriate action concerning the ineffective leadership and performance of a subordinate BN CDR and certain members of the BDE staff:

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(a) (U) Duty: AR 600-20 stated commanding officers exercised broad disciplinary powers in furtherance of their command responsibilities. Discretion, fairness, and sound judgment were essential ingredients of military justice.

(b) (U) Knowledge: AR 600-20 established disciplinary powers of the commanding officer. BG Karpinski was knowledgeable of the powers as she had taken a variety of action against Soldiers within her command.

(c) (U) Analysis of Dereliction:

1 (U) The Taguba AR 15-6 Report found that despite LTC [REDACTED] proven deficiencies as both a CDR and leader, BG Karpinski allowed LTC [REDACTED] to remain in command of her most troubled battalion guarding, by far, the largest number of detainees in the 800th MP BDE. Numerous witnesses stated that the 800th MP BDE S-1 and S-4 were essentially dysfunctional, but that despite numerous complaints, these officers were not replaced. This had a detrimental effect on the BDE Staff's effectiveness and morale.

2 (U) The evidence established that the 800th MP BDE was understrength and there was not a personnel replacement system. BG Karpinski was aware of proven deficiencies of certain CDRs and staff members. In her letter to DAIG, BG Karpinski stated prior to the discovery of the prisoner abuse scandal at Abu Ghraib, the only person in a critical position whose actions warranted being relieved was the BDE CSM, and he was relieved. As for [REDACTED] while he had leadership deficiencies, the correct procedures for counseling and mentoring were in place and were being exercised. The evidence established that BG Karpinski took appropriate disciplinary action against eight Soldiers under her command, to include [REDACTED]

(d) (U) Conclusion: Given the fact that there was no personnel replacement system, the 800th MP BDE was understrength, and that BG Karpinski reprimanded numerous Soldiers under her command, the preponderance of evidence indicated that BG Karpinski took action concerning the ineffective leadership and performance of a subordinate BN CDR and certain members of the BDE staff.

(7) (U) Concerning the findings in the Taguba AR 15-6 Report that BG Karpinski failed to ensure basic Soldier standards, and that she failed to establish basic proficiency in assigned tasks for Soldiers:

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(a) (U) Duty: AR 600-20 stated that professionally competent leaders would develop respect for their authority by properly training their Soldiers and ensuring that Soldiers were in the proper state of readiness at all times. The CDR was responsible for establishing the leadership climate, developing disciplined and cohesive units, and for the professional development of their Soldiers. CDRs would maintain discipline, ensure the proper conduct of Soldiers, and would ensure Soldiers presented a neat, soldierly appearance. FRAGO 209 to CJTF-7 OPOD 03-036, dated 28 June 2003, assigned responsibilities to BG Karpinski concerning detainee operations.

(b) (U) Knowledge: AR 600-20 established responsibilities of CDRs for training of Soldiers within their command. By virtue of her position as the BDE CDR, she reasonably should have known of the requirements imposed by the AR 600-20. Furthermore, BG Karpinski was deemed to have constructive knowledge of the requirements imposed by AR 600-20.

(c) (U) Analysis of Dereliction:

1 (U) The Taguba AR 15-6 Report found the 800th MP BDE and subordinate units adopted non-doctrinal terms which contributed to the lapses in accountability and confusion at the soldier level. Operational journals at the various compounds and the 320th BN TOC contained numerous unprofessional entries and flippant comments, which highlighted the lack of discipline within the unit. Soldiers were poorly prepared and untrained to conduct I/R operations prior to deployment, at the mobilization site, upon arrival in theater, and throughout their mission. Soldiers throughout the 800th MP BDE were not proficient in their basic MOS skills, particularly regarding *internment/resettlement operations*. *There was no evidence that the command, although aware of these deficiencies, attempted to correct them in any systemic manner other than ad hoc training by individuals with civilian corrections experience.* The 800th MP BDE did not articulate or enforce clear and basic Soldier and Army standards.

2 (U) BG Karpinski's attorney, LTC (b)(7)(C) stated the finding of a failure to articulate and enforce standards resulted from a misunderstanding of testimony and an interesting spin on the results of a commander disciplining her Soldiers. The decision to allow MPs to wear civilian clothes after duty hours was made to boost morale. It was odd to list 12 separate disciplinary actions BG Karpinski initiated or completed against

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members of her command as proof or failure to enforce standards. The adherent [sic] behavior of a few should not be the basis for a generalized finding.

3 (U) In her rebuttal to DAIG, BG Karpinski stated despite its smaller size and facing more losses due to Soldier re-deployment, and not withstanding the abuse anomalies at Abu Ghraib, the 800th MP BDE performed its mission in an outstanding manner. (b)(7)(D)

(b)(7)(D) Additionally, the unit at Camp Ashcroft indicated that it had an accurate reporting system. Although there were noted deficiencies within the 800th MP BDE, there were units that performed the mission in a professional manner.

4 (U) The Taguba AR 15-6 Report identified certain instances where individuals were not familiar with AR 190-8, adopted non-doctrinal terms, operational journals contained unprofessional entries, and that certain Soldiers displayed a lack of discipline. A review of the Taguba AR 15-6 Report's supporting evidence indicated that these incidents were isolated and not systemic throughout the 800th MP BDE. The supporting evidence concerning the unprofessional entries was an extract from the Camp Ganci log. The supporting evidence concerning the lack of discipline was mainly attributed to the 229th MP CO. BG Karpinski did not command the 800th MP BDE prior to deployment, at the mobilization site, upon arrival in theater, or during the mission from January through 29 June 2003. The Taguba AR 15-6 Report's supporting evidence indicated that the lack of training was attributed to certain individuals and units, and not systemic throughout the 800th MP BDE.

(d) (U) Conclusion: The preponderance of evidence did not indicate that BG Karpinski failed to ensure basic Soldier standards and that she failed to establish basic proficiency in assigned tasks for Soldiers.

(8) (U) Concerning the finding in the Kern report that BG Karpinski's 24 December 2003 response to the ICRC tended to gloss over, close to the point of denying, the inhumane treatment, humiliation, and abuse identified by the ICRC.

(a) (U) Duty: AR 600-20 stated commanders would take action consistent with Army regulation in any case where a soldier's conduct violated good order and military

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discipline. BG Karpinski had a duty to take appropriate action once informed of possible abuses committed by members of her command.

(b) (U) Knowledge: As a CDR, BG Karpinski was aware of her responsibility to enforce discipline within her command. She had previously taken disciplinary action against Soldiers in her command who committed acts of misconduct.

(c) (U) Analysis of Dereliction: The ICRC completed a report of 800th MP BDE detention facilities which identified potential inhumane treatment of detainees. The Kern report found that BG Karpinski's 24 December 2003 response to the ICRC tended to gloss over, close to the point of denying, the inhumane treatment, humiliation, and abuse identified by the ICRC. (b)(5)

(b)(5)

b(5)-3

(b)(5) Although BG Karpinski's 24 December 2003 response to the ICRC did not address the alleged inhumane treatment of detainees, the CJTF-7 staff was aware of the allegations of mistreatment and the (b)(5)

(b)(5)

b(5)-3

(d) (U) Conclusion: The preponderance of the evidence indicated that BG Karpinski shared the ICRC's allegations with the CJTF-7 staff. Members of the staff then inquired into the allegations of inhumane treatment, humiliation, and abuse, and determined that the allegations were not credible. BG Karpinski's action in bringing the matter to the attention of the staff was appropriate. The staff's determination the allegations were not credible makes her response to the ICRC similarly appropriate. Although BG Karpinski did not address the alleged detainee inhumane treatment in her response to the ICRC, she took appropriate command action concerning the matter. The evidence did not establish that BG Karpinski failed to take appropriate action concerning the alleged abuse identified in the ICRC report.

(9) (U) In summary, the preponderance of evidence established that BG Karpinski failed to properly exercise her authority and responsibilities to ensure force protection measures were adequate at Abu Ghraib. The preponderance of

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evidence indicated that BG Karpinski failed to properly analyze the mission and provide adequate guidance to her unit to conduct detainee operations; that she failed to ensure that MP Soldiers had standardized, BDE wide SOPs for dealing with detainees and that that she failed to ensure CDRs and Soldiers read and understood the SOPs that did exist; that she failed to ensure that numerous reported accountability lapses at detention facilities were corrected; and that she failed to ensure the results and recommendations of AARs and AR 15-6 investigation reports on detainee escapes and shootings were properly disseminated. Given the evidence contained in the Taguba AR 15-6 Report and the Kern Report, the testimony of (b)(6)-2 & (b)(7)(C)-2 and taking into consideration the rebuttals submitted by BG Karpinski and her attorney, the preponderance of evidence established that BG Karpinski was improperly derelict in the performance of her duties.

e. (U) Conclusion: The allegation that BG Karpinski was improperly derelict in the performance of her duties was substantiated.

6. (U) Allegation #2: BG Karpinski improperly made a material misrepresentation to an AR 15-6 investigating team.

a. (U) Standard: AR 600-100 stated in paragraph 2-1 that all leaders were responsible for setting and exemplifying the highest professional and ethical standards. GOs were responsible for establishing the fundamental tenets of the Army ethic and strengthening the Army's values through their own behaviors. The essential Army values included integrity, which meant honesty, uprightness, the avoidance of deception and steadfast adherence to standards of behavior. (EXHIBIT B-3)

b. (U) Documents:

(1) (U) The Taguba AR 15-6 Report, dated 26 February 2004, included the finding that BG Karpinski made a material misrepresentation to the investigating team concerning the frequency of her visits to subordinate commands. Finding 19, Page 43, found that individual Soldiers within the 800th MP BDE and the 320th BN stationed throughout Iraq had very little contact during their tour of duty with either LTC Phillabaum or BG Karpinski. BG Karpinski claimed she paid regular visits to the various detention facilities where her Soldiers were stationed. However, the detailed calendar provided by her aide did not support her contention. Additionally, numerous witnesses stated they rarely saw BG Karpinski. (EXHIBIT C-1, pages 43-44)

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(2) (U) In her rebuttal to the AR 15-6 investigation, dated 1 April 2004, BG Karpinski provided unsworn letters from numerous individuals corroborating that she visited her subordinate units frequently. She traveled to subordinate units four to five days per week. More distant units were visited monthly. (EXHIBIT C-2, pages 12-39)

(3) (U) In an unsworn memorandum, dated 1 April 2004, subject: Rebuttal to AR 15-6 Investigation of the 800th MP BDE, LTC [REDACTED] stated the finding that BG Karpinski materially mislead investigators concerning her travels was completely without requisite evidentiary support. (EXHIBIT C-2, page 6)

c. (U) Testimony:

(1) On 15 February 2004, [REDACTED] for BG Karpinski, testified to the Taguba AR 15-6 investigation:

(a) (U) BG Karpinski traveled quite often. There were times when he traveled with her daily to the Baghdad Correctional Facility and at least twice monthly to Camp Bucca or the prisons in the Mosul area. When they visited Abu Ghraib, she would visit with the base BN CDR. (p. 1)

(b) (U) There were three or four prisons in Baghdad that he and BG Karpinski visited regularly. BCCF was the number one priority on BG Karpinski's list. After the 205th MI BDE took control of the BCCF, her visits decreased. Camp Bucca was her second priority. After she took command, she made stops at every unit at every site. (p. 2)

(c) (U) BG Karpinski always walked through the compounds. She would ask the compound staff about populations, space, food, and detainee health and welfare issues. She would ask about the command climate and if there were problems she needed to resolve. (p. 3) (EXHIBIT D-8)

(2) (U) On 15 February 2004, BG Karpinski testified to the Taguba AR 15-6 investigation. (EXHIBIT D-9)

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d. (U) Discussion:

(1) (U) AR 600-100 stated that all leaders were responsible for setting and exemplifying the highest ethical standards. General officers were responsible for establishing the fundamental tenets of the Army ethic and strengthening the Army's values through their own behaviors. The essential Army values included integrity, which meant honesty, uprightness, the avoidance of deception and steadfast adherence to standards of behavior.

(2) (U) MG Taguba found that BG Karpinski was not forthright when she testified to the AR 15-6 IO that she regularly visited her units. The calendar maintained by her aide and witness statements allegedly did not support her contention.

(3) (U) In her rebuttal, BG Karpinski provided evidence that indicated she visited her units often, and that she traveled four to five days per week. Units that were significantly geographically separated from the HQs, 800th MP BDE, were visited monthly.

(4) (U) 1LT b6
b7C testified BG Karpinski traveled often. There were times when he traveled with her daily to the Baghdad Correctional Facility and at least twice monthly to Camp Bucca or the prisons in the Mosul area. There were three or four prisons in Baghdad that he and BG Karpinski visited regularly.

(5) (U) Although MG Taguba made a finding, based on evidence available to him at the time, this inquiry identified evidence that BG Karpinski often visited her units. While MG Taguba may have believed her visits were too infrequent, the analysis concluded that BG Karpinski was responsible for 17 detention facilities which were located throughout Iraq. Additionally, the conditions were austere throughout the country, and the 17 detention facilities varied in priority.

(6) (U) There was insufficient evidence to support the finding that BG Karpinski improperly made a material misrepresentation to the AR 15-6 investigating team concerning the frequency of visits to her units.

e. (U) Conclusion: The allegation that BG Karpinski improperly made a material misrepresentation to an AR 15-6 investigating team was not substantiated.

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7. (U) Allegation #3: BG Karpinski improperly failed to obey a lawful order from the CDR, CFLCC, regarding the withholding of disciplinary authority for officer and senior noncommissioned officer misconduct.

a. (U) Standards:

(1) (U) Manual for Courts Martial, 2000 Edition, Article 92, Failure to obey order or regulation stated that "Any person subject to this chapter who having knowledge of any other lawful order issued by a member of the armed forces, which it is his duty to obey, fails to obey the order, is derelict in the performance of his duties, shall be punished as a court-martial may direct." In order to be guilty of this offense, a person had to have actual knowledge of the order. Knowledge of the order could be proved by circumstantial evidence. (EXHIBIT B-1)

(2) (U) AR 600-20 stated in paragraph 4-2 that all persons in the military service were required to strictly obey and promptly execute the legal orders of their lawful seniors. (EXHIBIT B-2)

b. (U) Documents:

(1) (U) A memorandum, undated, indicated the CDR, CFLCC, withheld authority to determine the disposition of allegations of misconduct and/or disposition of charges and specifications over all officers and NCOs in the grade of E-9 that were assigned, attached, or otherwise came under the authority of CFLCC. The distribution of the letter included the 800th MP BDE. (EXHIBIT C-7)

[IO Note:

(b)(7)(D)

(b)(7)(D)

(2) (U) In a memorandum, dated 25 May 2003, subject, Memorandum of Reprimand, LTG McKiernan reprimanded MAJ (b)(6)-2 & (b)(7)(C)-2 800th MP BDE, for consumption of alcohol at Camp Bucca. (EXHIBIT C-15)

(3) (U) In a memorandum, dated 25 May 2003, subject, Memorandum of Reprimand, LTG McKiernan reprimanded MSG (b)(6)-2 & (b)(7)(C)-2 800th MP BDE, for consumption of alcohol at Camp Bucca. (EXHIBIT C-16)

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[IO Note: (U) The two above Memoranda of Reprimand issued by LTG McKiernan were completed prior to BG Karpinski's tenure as CDR, 800th MP BDE.]

(4) (U) In a memorandum, dated 20 August 2003, subject, Memorandum of Reprimand, BG Karpinski reprimanded LTC (b)(6)-2 & (b)(7)(C)-2 400th MP BN, for the lack of training on proper weapons clearing procedures within LTC (b)(6)-2 & (b)(7)(C)-2 BN. (EXHIBIT C-18)

(5) (U) In a memorandum, dated 20 August 2003, subject, Memorandum of Reprimand, BG Karpinski reprimanded CPT (b)(6)-2 & (b)(7)(C)-2 770th MP Company, for the lack of training on proper weapons clearing procedures within his unit. (EXHIBIT C-21)

(6) (U) In a memorandum, dated 20 August 2003, subject, Memorandum of Reprimand, BG Karpinski reprimanded CSM (b)(6)-2 & (b)(7)(C)-2 400th MP BN, for the lack of training on proper weapons clearing procedures within his unit. (EXHIBIT C-22)

(7) (U) In a memorandum, dated 16 September 2003, subject, Reprimand UP AR 600-37, BG Karpinski reprimanded CSM (b)(6)-2 & (b)(7)(C)-2 800th MP BDE, for his inappropriate behavior with a junior enlisted soldier. (EXHIBIT C-26)

[(U) IO Note: The reprimand was filed in CSM (b)(6)-2 & (b)(7)(C)-2 official military personnel file.]

(8) (U) In a memorandum, dated 10 November 2003, subject, Memorandum of Reprimand, BG Karpinski reprimanded LTC (b)(6)-2 & (b)(7)(C)-2 320th MP BN, for LTC (b)(6)-2 & (b)(7)(C)-2 lack of leadership. (EXHIBIT C-19)

(9) (U) In a memorandum, dated 10 November 2003, subject, Memorandum of Reprimand, BG Karpinski reprimanded MAJ (b)(6)-2 & (b)(7)(C)-2 Headquarters and Headquarters Company, 320th MP BN, for MAJ (b)(6)-2 & (b)(7)(C)-2 lack of leadership. (EXHIBIT C-20)

(10) (U) In a memorandum, dated 29 November 2003, subject, Memorandum of Reprimand, LTG McKiernan reprimanded CSM (b)(6)-2 & (b)(7)(C)-2 800th MP BDE, for violating the Army's Fraternization policy by having inappropriate relationships with at least two junior enlisted female Soldiers. (EXHIBIT C-27)

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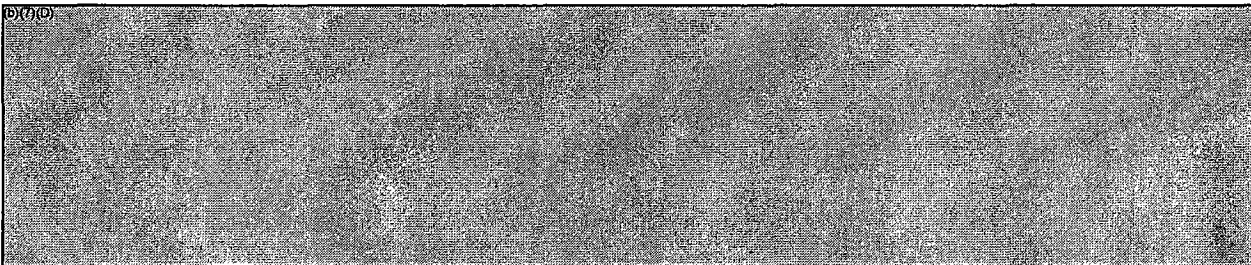
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(11) (U) The Taguba AR 15-6 Report found that BG Karpinski failed to obey a general order from the CDR, CFLCC, regarding the withholding of disciplinary authority for officer and senior NCO misconduct. Finding 18c, Page 41, indicated that BG Karpinski issued GOMORs to eight senior NCOs or officers during her tour of duty as CDR, 800th MP BDE. Additionally, the AR 15-6 report documented instances where the CDR, CFLCC, took disciplinary action against members of the 800th MP BDE, prior to BG Karpinski assuming command. (EXHIBIT C-1)

(12) (U) In a memorandum, dated 1 April 2004, subject: Rebuttal to AR 15-6 Investigation of the 800th MP BDE, LTC  BG Karpinski's attorney, stated that the recommendation to relieve and reprimand BG Karpinski for failure to obey an order from LTG McKiernan regarding withholding disciplinary actions was not supported by a finding. The report contained no evidence of the order's existence, BG Karpinski's knowledge of it, or her failure to obey it. (EXHIBIT C-3)

(13) (U) In a letter, dated 19 September 2004, subject: Response of BG Karpinski to DAIG Investigation, BG Karpinski stated contrary to the assertion in the Taguba AR 15-6 investigation, she did not knowingly violate an order from LTG McKiernan regarding the withholding of disciplinary authority for officers and senior noncommissioned officer misconduct. She was not aware of such an order and the AR 15-6 investigation had no factual basis to conclude such an order existed. LTG McKiernan requested to be advised of all UCMJ actions involving officers and senior NCO's, so that in appropriate cases, he could withhold the authority at his level. The letters of concern and/or reprimands which were annexed in the AR 15-6 investigation did not rise to this level, and therefore, were inapplicable to the issue. (EXHIBIT C-13)

c. (U) Testimony:



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(b)(7)(D)



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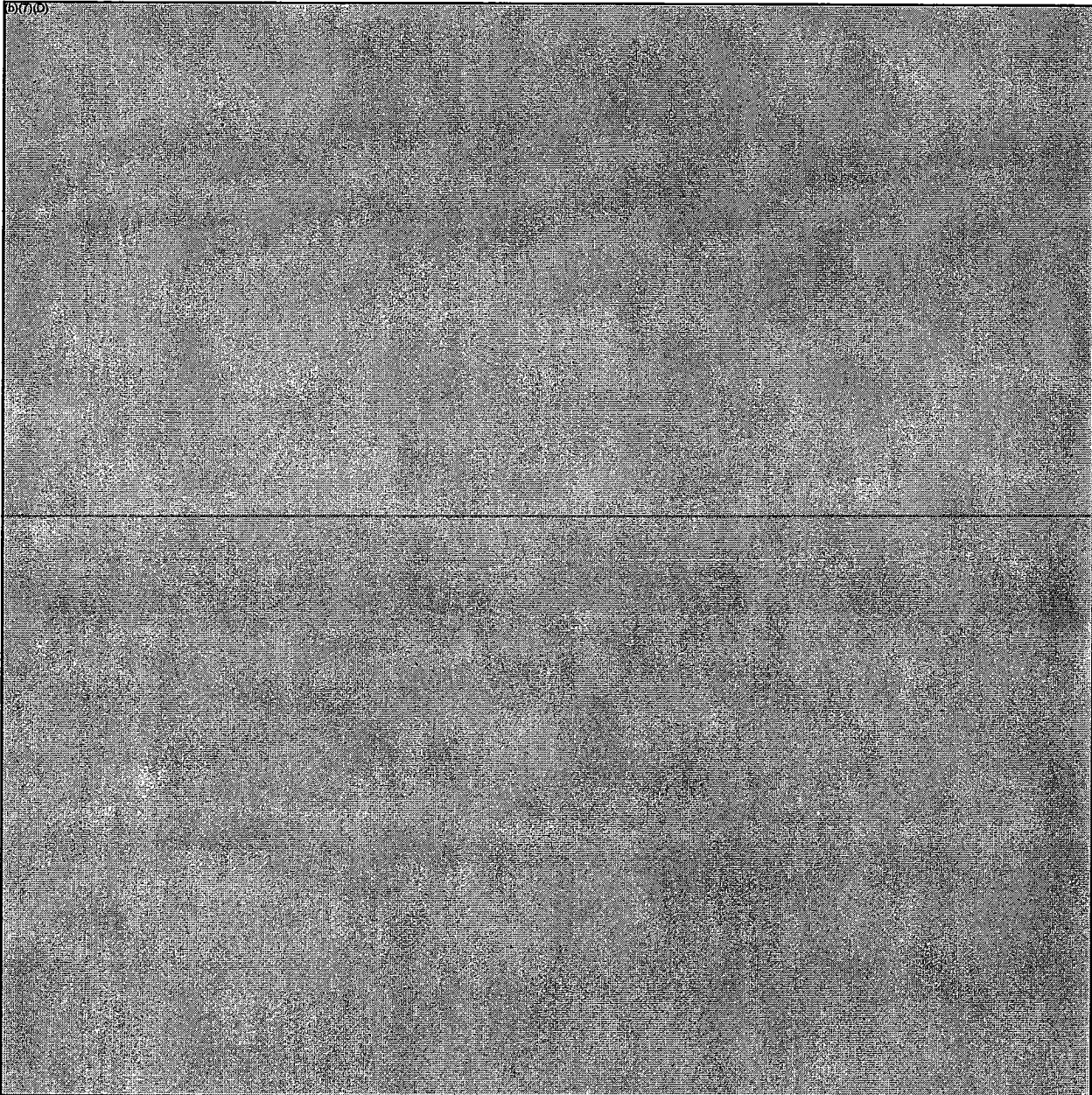
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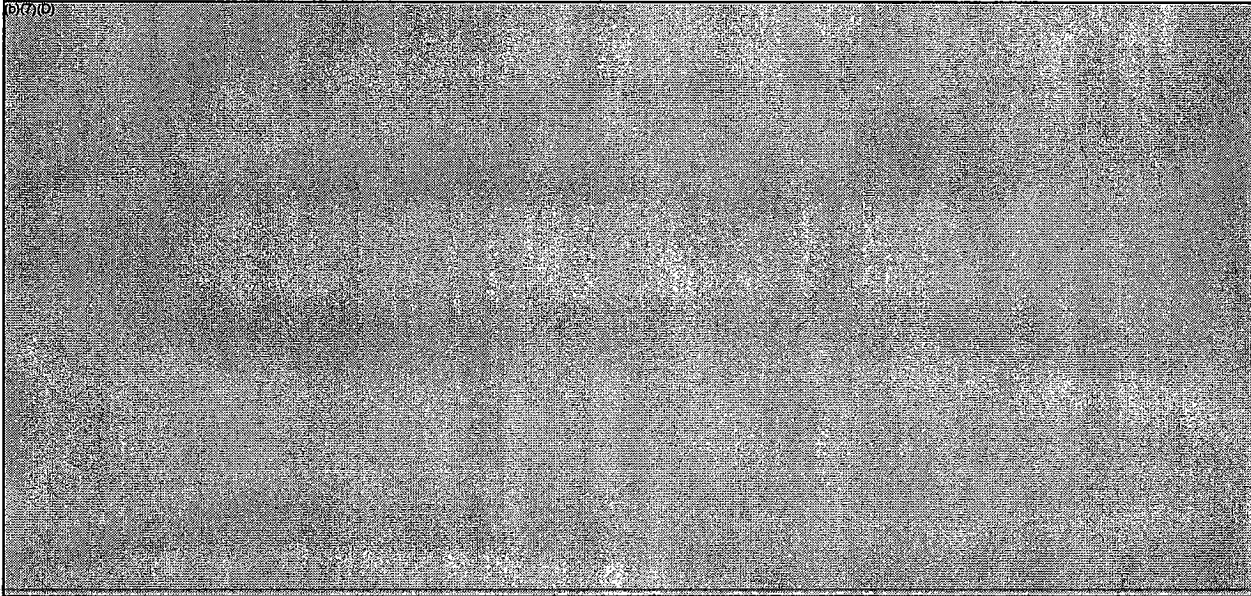
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(4) (U) On 15 February 2004, BG Karpinski testified to the Taguba AR 15-6 investigation. (EXHIBIT D-9)

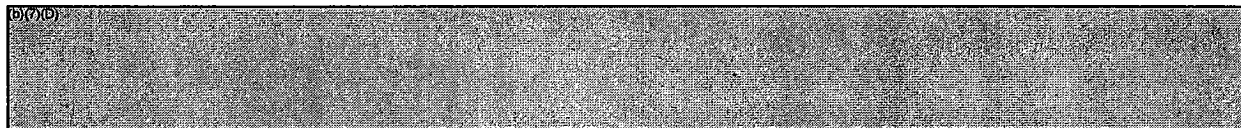
d. (U) Discussion:

(1) (U) AR 600-20 stated that all persons in the military service were required to strictly obey and promptly execute the legal orders of their lawful seniors. UCMJ, Article 92, stated that any person subject to this chapter who had actual knowledge of any other lawful order issued by a member of the armed forces, which it was his duty to obey, failed to obey the order, would be punished as a court-martial may direct.

(2) (U) 



 The evidence established that some personnel in the 800th MP BDE were aware of the policy, as LTG McKiernan issued reprimands during BG Hill's tenure as the CDR, 800th MP BDE.



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SAIG-IN (20-1b)(DIG 05-80006)

(b)(7)(D)

(4) (U) The Taguba AR 15-6 report documented that BG Karpinski took disciplinary action on at least eight instances of officer and senior NCO misconduct. In her rebuttal to DAIG, BG Karpinski stated that she was not aware of the withholding policy; however, LTG McKiernan requested to be advised of all UCMJ actions involving officers and senior NCOs. (b)(7)(D)

(b)(7)(D)

(b)(7)(D)

(b)(7)(D) The evidence indicated that BG Karpinski's SJA misinterpreted the policy and may have passed this misinterpretation on to BG Karpinski. The preponderance of the evidence did not indicate that BG Karpinski had actual knowledge of LTG McKiernan's policy regarding the withholding of disciplinary authority for officers and senior NCOs.

e. (U) Conclusion: The allegation that BG Karpinski improperly failed to obey a lawful order from the CDR, CFLCC, regarding the withholding of disciplinary authority for officer and senior noncommissioned officer misconduct was not substantiated.

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SAIG-IN (20-1b)(DIG 05-80006)

9. (U) Recommendations:

- a. (U) Record the allegation that BG Karpinski was improperly derelict in the performance of her duties as substantiated.
- b. (U) Record the allegation that BG Karpinski improperly made a material misrepresentation to an AR 15-6 investigating team as not substantiated.
- c. (U) Record the allegation that BG Karpinski improperly failed to obey a lawful order from the CDR, CFLCC, regarding the withholding of disciplinary authority for officer and senior noncommissioned officer misconduct as not substantiated.
- d. (U) ATIG inform the VCSA of the findings.
- e. (U) NOT RESPONSIVE
- f. (U) Refer this report to OTJAG.
- g. (U) File this report as DIG 05-80006.

(b)(6)-2 & (b)(7)(C)-2

COL, IG
Chief, Preliminary Inquires

(b)(6)-2 & (b)(7)(C)-2

DAC, IG
Investigating Officer

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SAIG-IN (20-1b)(DIG 05-80006)

LIST OF EXHIBITS

EXHIBIT ITEM

- A (U) Not Used
- B (U) Standards
- B-1 (U) UCMJ, Article 92
- B-2 (U) AR 600-20 Extract
- C (U) Documents
- C-1 (U) Taguba AR 15-6 Report (SECRET)
- C-2 (U) Memorandum referring AR 15-6 to BG Karpinski, dated 15 March 2004
- C-3 (U) Memorandum from (b)(6)-2 & (b)(7)(C)-2 rebutting findings, dated 1 April 2004
- C-4 (U) Memorandum from BG Karpinski rebutting findings, dated 1 April 2004
- C-5 (U) Memorandum from MG Taguba concerning rebuttals, dated 4 April 2004
- C-6 (U) DA Form 1574
- C-7 (U) Memorandum from LTC McKiernan concerning withhold policy, undated
- C-8 (U) DAIG letter to BG Karpinski, dated 26 May 2004
- C-9 (U) E-mail from (b)(6)-2 & (b)(7)(C)-2 to DAIG, dated 26 June 2004
- C-10 (U) DAIG letter to (b)(6)-3 & (b)(7)(C)-3 dated 30 June 2004
- C-11 (U) E-mail from (b)(6)-2 & (b)(7)(C)-2 to DAIG, dated 27 July 2004
- C-12 (U) DAIG letter to BG Karpinski, dated 10 August 2004
- C-13 (U) Memorandum from BG Karpinski to DAIG, dated 19 September 2004
- C-14 (U) Kern Report, dated 23 August 2004
- C-15 (U) Memorandum of Reprimand by LTG McKiernan, concerning (b)(6)-2 & (b)(7)(C)-2 dated 25 May 2003
- C-16 (U) Memorandum of Reprimand by LTG McKiernan, concerning (b)(6)-2 & (b)(7)(C)-2 dated 25 May 2003
- C-17 (U) Memorandum of Reprimand by LTG McKiernan, concerning (b)(6)-2 & (b)(7)(C)-2 dated 25 May 2003
- C-18 (U) Memorandum of Reprimand by BG Karpinski, concerning (b)(6)-2 & (b)(7)(C)-2 dated 20 August 2003
- C-19 (U) Memorandum of Reprimand by BG Karpinski, concerning (b)(6)-2 & (b)(7)(C)-2 dated 10 November 2003

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LIST OF EXHIBITS CONTINUED

EXHIBIT ITEM

- C-20 (U) Memorandum of Reprimand by BG Karpinski, concerning MAJ (b)(6)-2 & (b)(7)(C)-2 dated 10 November 2003
- C-21 (U) Memorandum of Reprimand by BG Karpinski, concerning CPT (b)(6)-2 & (b)(7)(C)-2 dated 20 August 2003
- C-22 (U) Memorandum of Reprimand by BG Karpinski, concerning CSM (b)(6)-2 & (b)(7)(C)-2 dated 20 August 2003
- C-23 U (S) FRAGO 1108, dated 19 November 2003
- C-24 (U) DAIG Detainee Operations Inspection Report, dated 21 July 2004, Extract
- C-25 U (S) FRAGO 209, dated 28 June 2003
- C-26 (U) Memorandum of Reprimand by BG Karpinski concerning CSM (b)(6)-2 & (b)(7)(C)-2 dated 16 September 2003
- C-27 (U) Memorandum of Reprimand by LTG McKiernan, concerning CSM (b)(6)-2 & (b)(7)(C)-2 dated 29 November 2003
- C-28 (U) BG Karpinski's OER for period thru 3 February 2004
- C-29 (U) Not Used
- C-30 (U) GC of 1949 Extract
- C-31 (U) AR 600-100, dated 17 September 1993, Extract
- C-32 (U) FM 7-0, dated October 2002, Extract
- C-33 (U) Memorandum of Reprimand by BG Karpinski, concerning 1SG (b)(6)-2 & (b)(7)(C)-2 dated 20 August 2003
- C-34 U (S) ICRC Summary of visit to Abu Ghraib in October 2003
- C-35 U (S) ICRC Summary of visit to Camp Cropper in October 2003
- C-36 (U//FOUO) BG Karpinski's Response to ICRC Report, dated 24 December 2003

D	(U) Testimony	FOIA
D-1	(U) LTC (b)(6)-2 & (b)(7)(C)-2	NO
D-2	(U) LTG (b)(6)-2 & (b)(7)(C)-2	NO
D-3	(U) COL (b)(6)-2 & (b)(7)(C)-2 Statement	NO
D-4	U (S) LTG (b)(6)-2 & (b)(7)(C)-2	NO
D-5	(U) LTC (b)(6)-2 & (b)(7)(C)-2 Recall	NO
D-6	(U) MG (b)(6)-2 & (b)(7)(C)-2	NO

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LIST OF EXHIBITS CONTINUED

EXHIBIT ITEM

D	(U) Testimony	FOIA
D-7	(U) MG (b)(6)-2 & (b)(7)(C)-2	NO
D-8	(U) 1LT (b)(6)-2 & (b)(7)(C)-2	NO
D-9	(U) BG (b)(6)-2 & (b)(7)(C)-2	NO

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EXH B-1

feiture of all pay and allowances, and confinement for 3 years.

(3) *Striking or assaulting other noncommissioned or petty officer.* Dishonorable discharge, forfeiture of all pay and allowances, and confinement for 1 year.

(4) *Willfully disobeying the lawful order of a warrant officer.* Dishonorable discharge, forfeiture of all pay and allowances, and confinement for 2 years.

(5) *Willfully disobeying the lawful order of a noncommissioned or petty officer.* Bad-conduct discharge, forfeiture of all pay and allowances, and confinement for 1 year.

(6) *Contempt or disrespect to warrant officer.* Bad-conduct discharge, forfeiture of all pay and allowances, and confinement for 9 months.

(7) *Contempt or disrespect to superior noncommissioned or petty officer.* Bad-conduct discharge, forfeiture of all pay and allowances, and confinement for 6 months.

(8) *Contempt or disrespect to other noncommissioned or petty officer.* Forfeiture of two-thirds pay per month for 3 months, and confinement for 3 months.

f. *Sample specifications.*

(1) *Striking or assaulting warrant, noncommissioned, or petty officer.*

In that _____ (personal jurisdiction data), did, (at/on board—location) (subject-matter jurisdiction data, if required), on or about _____ 20_____, (strike) (assault) _____, a _____ officer, then known to the said _____ to be a (superior) _____ officer who was then in the execution of his/her office, by _____ him/her (in) (on) (the _____) with (a) _____ (his/her) _____.

(2) *Willful disobedience of warrant, noncommissioned, or petty officer.*

In that _____ (personal jurisdiction data), having received a lawful order from _____, a _____ officer, then known by the said _____ to be a _____ officer, to _____, an order which it was his/her duty to obey, did (at/on board—location), on or about _____ 20_____, willfully disobey the same.

(3) *Contempt or disrespect toward warrant, noncommissioned, or petty officer.*

In that _____ (personal jurisdiction data) (at/on board—location), on or about _____ 20_____, [did treat with contempt] [was disrespectful in (language) (deportment) toward] _____, a _____ officer, then known by the said _____ to be a (superior) _____ officer, who was then in the execution of his/her office, by (saying to him/her, "_____,," or words to that effect) (spitting at his/her feet) (_____).

16. Article 92—Failure to obey order or regulation

a. *Text.* "Any person subject to this chapter who—

(1) violates or fails to obey any lawful general order or regulation;

(2) having knowledge of any other lawful order issued by a member of the armed forces, which it is his duty to obey, fails to obey the order; or

(3) is derelict in the performance of his duties; shall be punished as a court-martial may direct."

b. *Elements.*

(1) *Violation of or failure to obey a lawful general order or regulation.*

(a) That there was in effect a certain lawful general order or regulation;

(b) That the accused had a duty to obey it; and

(c) That the accused violated or failed to obey the order or regulation.

(2) *Failure to obey other lawful order.*

(a) That a member of the armed forces issued a certain lawful order;

(b) That the accused had knowledge of the order;

(c) That the accused had a duty to obey the order; and

(d) That the accused failed to obey the order.

(3) *Dereliction in the performance of duties.*

(a) That the accused had certain duties;

(b) That the accused knew or reasonably should have known of the duties; and

(c) That the accused was (willfully) (through neglect or culpable inefficiency) derelict in the performance of those duties.

c. *Explanation.*

(1) *Violation of or failure to obey a lawful general order or regulation.*

(a) General orders or regulations are those orders or regulations generally applicable to an armed force which are properly published by the President or the Secretary of Defense, of Transportation, or of a military department, and those orders or regulations generally applicable to the command of the officer issuing them throughout the command or a particular subdivision thereof which are issued by:

(i) an officer having general court-martial jurisdiction;

(ii) a general or flag officer in command; or

(iii) a commander superior to (i) or (ii).

(b) A general order or regulation issued by a commander with authority under Article 92(1) retains its character as a general order or regulation when another officer takes command, until it expires by its own terms or is rescinded by separate action, even if it is issued by an officer who is a general or flag officer in command and command is assumed by another officer who is not a general or flag officer.

(c) A general order or regulation is lawful unless it is contrary to the Constitution, the laws of the United States, or lawful superior orders or for some other reason is beyond the authority of the official issuing it. See the discussion of lawfulness in paragraph 14c(2)(a).

(d) *Knowledge.* Knowledge of a general order or regulation need not be alleged or proved, as knowledge is not an element of this offense and a lack of knowledge does not constitute a defense.

(e) *Enforceability.* Not all provisions in general orders or regulations can be enforced under Article 92(1). Regulations which only supply general guidelines or advice for conducting military functions may not be enforceable under Article 92(1).

(2) *Violation of or failure to obey other lawful order.*

(a) *Scope.* Article 92(2) includes all other lawful orders which may be issued by a member of the armed forces, violations of which are not chargeable under Article 90, 91, or 92(1). It includes the violation of written regulations which are not general regulations. See also subparagraph (1)(e) above as applicable.

(b) *Knowledge.* In order to be guilty of this offense, a person must have had actual knowledge of the order or regulation. Knowledge of the order may be proved by circumstantial evidence.

(c) *Duty to obey order.*

(i) *From a superior.* A member of one armed force who is senior in rank to a member of another armed force is the superior of that member with authority to issue orders which that member has a duty to obey under the same circumstances as a commissioned officer of one armed force is the superior commissioned officer of a member of another armed force for the purposes of Articles 89 and 90. See paragraph 13c(1).

(ii) *From one not a superior.* Failure to obey the lawful order of one not a superior is an offense under Article 92(2), provided the accused had a duty to obey the order, such as one issued by a sentinel or a member of the armed forces police. See paragraph 15b(2) if the order was issued by a warrant, noncommissioned, or petty officer in the execution of office.

(3) *Dereliction in the performance of duties.*

(a) *Duty.* A duty may be imposed by treaty, statute, regulation, lawful order, standard operating procedure, or custom of the service.

(b) *Knowledge.* Actual knowledge of duties may be proved by circumstantial evidence. Actual knowledge need not be shown if the individual reasonably should have known of the duties. This may be demonstrated by regulations, training or operating manuals, customs of the service, academic literature or testimony, testimony of persons who have held similar or superior positions, or similar evidence.

(c) *Derelict.* A person is derelict in the performance of duties when that person willfully or negligently fails to perform that person's duties or when that person performs them in a culpably inefficient manner. "Willfully" means intentionally. It refers to the doing of an act knowingly and purposefully, specifically intending the natural and probable consequences of the act. "Negligently" means an act or omission of a person who is under a duty to use due care which exhibits a lack of that degree of care which a reasonably prudent person would have exercised under the same or similar circumstances. "Culpable inefficiency" is inefficiency for which there is no reasonable or just excuse.

(d) *Ineptitude.* A person is not derelict in the

performance of duties if the failure to perform those duties is caused by ineptitude rather than by willfulness, negligence, or culpable inefficiency, and may not be charged under this article, or otherwise punished. For example, a recruit who has tried earnestly during rifle training and throughout record firing is not derelict in the performance of duties if the recruit fails to qualify with the weapon.

d. *Lesser included offense.* Article 80—attempts

e. *Maximum punishment.*

(1) *Violation or failure to obey lawful general order or regulation.* Dishonorable discharge, forfeiture of all pay and allowances, and confinement for 2 years.

(2) *Violation or failure to obey other lawful order.* Bad-conduct discharge, forfeiture of all pay and allowances, and confinement for 6 months.

[Note: For (1) and (2), above, the punishment set forth does not apply in the following cases: if in the absence of the order or regulation which was violated or not obeyed the accused would on the same facts be subject to conviction for another specific offense for which a lesser punishment is prescribed; or if the violation or failure to obey is a breach of restraint imposed as a result of an order. In these instances, the maximum punishment is that specifically prescribed elsewhere for that particular offense.]

(3) *Dereliction in the performance of duties.*

(A) *Through neglect or culpable inefficiency.* Forfeiture of two-thirds pay per month for 3 months and confinement for 3 months.

(B) *Willful.* Bad-conduct discharge, forfeiture of all pay and allowances, and confinement for 6 months.

f. *Sample specifications.*

(1) *Violation or failure to obey lawful general order or regulation.*

In that _____ (personal jurisdiction data), did, (at/on board—location) (subject-matter jurisdiction data, if required), on or about _____ 20 _____, (violate) (fail to obey) a lawful general (order) (regulation), to wit: (paragraph _____, (Army) (Air Force) Regulation _____, dated _____ 20 _____) (Article _____, U.S. Navy Regulations, dated _____ 20 _____) (General Order No. _____, U.S. Navy, dated _____

20 _____) (_____), by (wrongfully) _____.

(2) *Violation or failure to obey other lawful written order.*

In that _____ (personal jurisdiction data), having knowledge of a lawful order issued by _____, to wit: (paragraph _____, (_____ the Combat Group Regulation No. _____) (U S S _____, Regulation _____), dated _____) (_____), an order which it was his/her duty to obey, did, (at/on board—location) (subject-matter jurisdiction data, if required), on or about _____ 20 _____, fail to obey the same by (wrongfully) _____.

(3) *Failure to obey other lawful order.*

In that _____, (personal jurisdiction data) having knowledge of a lawful order issued by _____ (to submit to certain medical treatment) (to _____) (not to _____) (_____), an order which it was his/her duty to obey, did (at/on board—location) (subject-matter jurisdiction data, if required), on or about _____ 20 _____, fail to obey the same (by (wrongfully) _____.)

(4) *Dereliction in the performance of duties.*

In that _____, (personal jurisdiction data), who (knew) (should have known) of his/her duties (at/on board—location) (subject-matter jurisdiction data, if required), (on or about _____ 20 _____) (from about _____ 20 _____ to about _____ 20 _____), was derelict in the performance of those duties in that he/she (negligently) (willfully) (by culpable inefficiency) failed _____, as it was his/her duty to do.

17. Article 93—Cruelty and maltreatment

a. *Text.*

"Any person subject to this chapter who is guilty of cruelty toward, or oppression or maltreatment of, any person subject to his orders shall be punished as a court-martial may direct."

b. *Elements.*

(1) That a certain person was subject to the orders of the accused; and

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Effective 13 June 2002

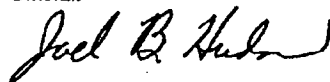
Personnel-General

Army Command Policy

By Order of the Secretary of the Army:

ERIC K. SHINSEKI
General, United States Army
Chief of Staff

Official:



JOEL B. HUDSON
Administrative Assistant to the
Secretary of the Army

History. This printing publishes a revision of AR 600-20. Revised portions are listed in the summary of change.

Summary. This regulation prescribes policy on basic responsibilities of command, military discipline and conduct, and enlisted aspects of command. It defines the responsibilities of noncommissioned officers and provides guidance on and responsibilities for Family Care Plans, accommodation of religious practices, relationship between soldiers of different ranks, and the Army Equal Opportunity (EO) Program. It implements Department of Defense DOD Directives, 1300.17, 1325.6, 1342.19, 1344.10, 1350.2, 1354.1, 1400.33, and DOD Instruction 5120.4.

Applicability. This regulation applies to

the Active Army (AA), the Army National Guard (ARNG)/Army National Guard of the United States (ARNGUS), as modified by National Guard Regulations 600-21, 600-100, 600-101, and 600-200, and the U.S. Army Reserve (USAR). Unless specifically addressed by conflicting contractual or statutory and regulatory standards or policies, this regulation also applies to Department of the Army Civilian employees. This regulation is applicable during full mobilization. Portions of this regulation which prescribe specific conduct are punitive and violations of these provisions may subject offenders to nonjudicial or judicial action under the Uniform Code of Military Justice (UCMJ). The equal opportunity terms found in the glossary are applicable only to uniformed personnel. AR 690-600 contains similar terms which are applicable to DA civilians.

Proponent and exception authority. The proponent of this regulation is the Deputy Chief of Staff, G-1 (DCS, G-1). The proponent has the authority to approve exceptions to this regulation that are consistent with controlling law and regulation. The proponent may delegate this authority in writing to an individual within the proponent agency who holds the grade of colonel or above.

Army management control process.

This regulation does not contain management control provisions.

Supplementation. Supplementation of this regulation and establishment of command and local forms are prohibited without prior approval from HQDA (DAPE-HR-L), WASH DC 20310-0300. Supplementation of chapters 6 and 7 are permitted at major Army command level. A draft copy of each supplement must be provided to HQDA (DAPE-HR-L), WASH DC 20310-0300, for approval before publication.

Suggested improvements. Users are invited to send comments and suggested improvements on DA Form 2028 (Recommended Changes to Publications and Blank Forms) directly to HQDA (DAPE-HR-L), WASH DC 20310-0300.

Distribution. Distribution of this publication is made in accordance with Initial Distribution Number (IDN) 092389 intended for command levels A, B, C, D, and E for the Active Army, the Army National Guard, and the U.S. Army Reserve.

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Explanation of abbreviations and terms • 1-3, page 1

Responsibilities • 1-4, page 1

Command • 1-5, page 1

Military grade and rank • 1-6, page 2

Precedence between soldiers and other Service members serving with the Army • 1-7, page 4

* This regulation supersedes AR 600-20 dated 15 July 1999.

Chapter 1 Introduction

1-1. Purpose

This regulation prescribes the policies and responsibilities of command, which include military discipline and conduct, and the Army Equal Opportunity Program.

1-2. References

Required and related publications and prescribed and referenced forms are listed in appendix A.

1-3. Explanation of abbreviations and terms

Abbreviations and special terms used in this regulation are listed in the glossary.

1-4. Responsibilities

The detailed responsibilities are listed and described in separate chapters under specific programs and command functions. This paragraph outlines those general responsibilities.

a. The Deputy Chief of Staff, G-1 (DCS, G-1) will formulate, manage, and evaluate command policies, plans, and programs that relate to:

(1) Chain of command (para 2-1); designation of junior in the same grade to command (para 2-7); and assumption of command by the senior when the commander dies, is disabled, resigns, retires, or is absent (para 2-8).

(2) Extremist organizations and activities (para 4-12), relationships between soldiers of different rank (para 4-14), other prohibited relationships (4-15), and homosexual conduct policy (para 4-19).

(3) Political activities (para 5-3), Family Care Plans (para 5-5), and accommodation of religious practices (para 5-6).

(4) The Army Equal Opportunity (EO) Program (paras 6-2 and 6-18)

b. The officials listed below have responsibilities for specific groups of personnel concerning awareness of the Army's accommodation of religious practices policies. Every enlisted soldier (including reenlistment), cadet, warrant officer, and commissioned officer applicant needs to be informed of the Army's accommodation of religious practices policies under this regulation (para 5-6).

(1) The Judge Advocate General. All judge-advocate officer accessions.

(2) The Chief of Chaplains. All chaplain officer accessions. This principal HQDA official will also formulate and disseminate education and training programs regarding religious traditions and practices within the U.S. Army.

(3) The Superintendent, U. S. Military Academy. All U.S. Military Academy cadet applicants.

(4) The CG, U.S. Army Training and Doctrine Command (TRADOC). All Reserve Officer Training Corps cadets and all officer and warrant officer candidates.

(5) The CG, U.S. Army Recruiting Command (USAREC). All enlisted and AMEDD officer accessions.

c. Commanders at all levels will implement and enforce the chain of command and Army command policies.

1-5. Command

a. *Privilege to command.* Command is exercised by virtue of office and the special assignment of members of the United States Armed Forces holding military grade who are eligible to exercise command. A commander is therefore a commissioned or warrant officer who, by virtue of grade and assignment, exercises primary command authority over a military organization or prescribed territorial area that under pertinent official directives is recognized as "command." The privilege to command is not limited solely by branch of Service except as indicated in chapter 2. A civilian, other than the President as Commander-in Chief (or National Command Authority), may not exercise command. However, a civilian may be designated to exercise general supervision over an Army installation or activity under the command of a military superior.

b. *Elements of command.* The key elements of command are authority and responsibility. Formal authority for command is derived from the policies, procedures, and precedents presented in chapters 1 through 3.

c. *Characteristics of command leadership.* The commander is responsible for establishing leadership climate of the unit and developing disciplined and cohesive units. This sets the parameters within which command will be exercised and, therefore, sets the tone for social and duty relationships within the command. Commanders are also responsible for the professional development of their soldiers. To this end, they encourage self-study, professional development, and continued growth of their subordinates' military careers.

(1) Commanders and other leaders committed to the professional Army ethic promote a positive environment. If leaders show loyalty to their soldiers, the Army, and the Nation, they earn the loyalty of their soldiers. If leaders consider their soldiers' needs and care for their well-being, and if they demonstrate genuine concern, these leaders build a positive command climate.

(2) Duty is obedient and disciplined performance. Soldiers with a sense of duty accomplish tasks given them, seize opportunities for self-improvement, and accept responsibility from their superiors. Soldiers, leader and led alike, work together to accomplish the mission rather than feed their self-interest.

(3) Integrity is a way of life. Demonstrated integrity is the basis for dependable, consistent information, decision-making, and delegation of authority.

(4) Professionally competent leaders will develop respect for their authority by-

(a) Striving to develop, maintain, and use the full range of human potential in their organization. This potential is a critical factor in ensuring that the organization is capable of accomplishing its mission.

(b) Giving troops constructive information on the need for and purpose of military discipline. Articles in the UCMJ which require explanation will be presented in such a way to ensure that soldiers are fully aware of the controls and obligations imposed on them by virtue of their military service. (See Art 137, UCMJ.)

(c) Properly training their soldiers and ensuring that both soldiers and equipment are in the proper state of readiness at all times. Commanders should assess the command climate periodically to analyze the human dimension of combat readiness. Soldiers must be committed to accomplishing the mission through the unit cohesion developed as a result of a healthy leadership climate established by the command. Leaders at all levels promote the individual readiness of their soldiers by developing competence and confidence in their subordinates. In addition to being mentally, physically, tactically, and technically competent, soldiers must have confidence in themselves, their equipment, their peers, and their leaders. A leadership climate in which all soldiers are treated with fairness, justice, and equity will be crucial to development of this confidence within soldiers. Commanders are responsible for developing disciplined and cohesive units sustained at the highest readiness level possible.

d. *Assignment and command.* Soldiers are assigned to stations or units where their services are required. The commanding officer then assigns appropriate duties. Without orders from proper authority, a soldier may only assume command when eligible according to chapter 2.

1-6. Military grade and rank

a. Military rank among officers of the same grade or of equivalent grade is determined by comparing dates of rank. An officer whose date of rank is earlier than the date of rank of another officer of the same or equivalent grade is senior to that officer. Grade and precedence of rank confers eligibility to exercise command or authority in the United States military within limits prescribed by law. (10 USC 741)

b. Grade is generally held by virtue of office or position in the Army. For example, second lieutenant (2LT), captain (CPT), sergeant first class (SFC), chief warrant officer two (CW2) are grades. Table 1-1 shows the grades in the Army in order of their precedence. It indicates the grouping of grades into classes, pay grades, titles of address, and abbreviations.

c. The pay grade is also an abbreviated numerical device with useful applications in pay management, personnel accounting, automated data organization, and other administrative fields. However, the numerical pay grade will not be used as a form of address or title in place of the proper title of address of grade. A soldier holding the numerical pay grade of E-5 will be addressed as Sergeant, not as "E-5." (See table 1-1.)

d. All chaplains are addressed as "Chaplain," regardless of military grade or professional title. When a chaplain is addressed in writing, grade is indicated in parentheses; for example, Chaplain (Major) John F. Doe.

e. Conferring honorary titles of military grade upon civilians is prohibited. However, honorary titles already conferred will not be withdrawn.

Table 1-1
Grades of rank, U.S. Army

General Officers	
Grade of rank: General of the Army Pay grade: Special Title of address: General Abbreviation: GA (See footnote 1)	Grade of rank: Major General Pay grade: O-8 Title of address: General Abbreviation: MG
Grade of rank: General Pay grade: O-10 Title of address: General Abbreviation: GEN	Grade of rank: Brigadier General Pay grade: O-7 Title of address: General Abbreviation: BG
Grade of rank: Lieutenant General Pay grade: O-9 Title of address: General Abbreviation: LTG	
Field Grade Officers	

Chapter 4

Military Discipline and Conduct

4-1. Military discipline

a. Military discipline is founded upon self-discipline, respect for properly constituted authority, and the embracing of the professional Army ethic with its supporting individual values. Military discipline will be developed by individual and group training to create a mental attitude resulting in proper conduct and prompt obedience to lawful military authority.

b. While military discipline is the result of effective training, it is affected by every feature of military life. It is manifested in individuals and units by cohesion, bonding, and a spirit of teamwork; by smartness of appearance and action; by cleanliness and maintenance of dress, equipment, and quarters; by deference to seniors and mutual respect between senior and subordinate personnel; by the prompt and willing execution of both the letter and the spirit of the legal orders of their lawful commanders; and by fairness, justice, and equity for all soldiers, regardless of race, religion, color, gender, and national origin.

c. Commanders and other leaders will maintain discipline according to the policies of this chapter, applicable laws and regulations, and the orders of seniors.

4-2. Obedience to orders

All persons in the military service are required to strictly obey and promptly execute the legal orders of their lawful seniors.

4-3. Military courtesy

a. Courtesy among members of the Armed Forces is vital to maintain military discipline. Respect to seniors will be extended at all times. (See AR 600-25, chap 4.)

b. The actions of military personnel will reflect respect to both the National Anthem and the National Colors. The courtesies listed in AR 600-25, appendix A, should be rendered the National Colors and National Anthem at public events whether the soldier is off or on duty, whether he or she is in or out of uniform. Intentional disrespect to the National Colors or National Anthem is conduct prejudicial to good order and discipline and discredits the military service.

4-4. Soldier conduct

a. Ensuring the proper conduct of soldiers is a function of command. Commanders and leaders in the Army, whether on or off duty or in a leave status, will-

(1) Ensure all military personnel present a neat, soldierly appearance.

(2) Take action consistent with Army regulation in any case where a soldier's conduct violates good order and military discipline.

C-8



DEPARTMENT OF THE ARMY
OFFICE OF THE INSPECTOR GENERAL
1700 ARMY PENTAGON
WASHINGTON DC 20310-1700

May 26, 2004

Investigations Division

Brigadier General Janis L. Karpinski

(b)(6)-2 & (b)(7)(C)-2

Dear General Karpinski:

In accordance with Army Regulation (AR) 20-1, Inspector General Activities and Procedures, dated March 29, 2002, the Department of the Army Inspector General Agency (DAIG) has been informed of allegations against you. One of the missions of DAIG is to inquire into and investigate allegations of impropriety or misconduct by general officers. The allegations concerning you were investigated in an AR 15-6, Procedures for Investigating Officers and Boards of Officers, dated September 30, 1996, investigation directed on January 31, 2004, by Lieutenant General (LTG) David McKiernan, Commander, Coalition Forces Land Component Command, 3d U.S. Army. The AR 15-6 investigation report was approved by LTG McKiernan on April 5, 2004.

Upon review of the AR 15-6 investigation report's base document, DAIG identified allegations that are appropriate for further DAIG review to determine whether the allegations will be recorded in the DAIG database as substantiated or unsubstantiated. The allegations are that you: were derelict in the performance of your duties; and that you failed to obey an order from LTG McKiernan regarding the withholding of disciplinary authority for officer and senior noncommissioned officer misconduct. You were previously provided a copy of the AR 15-6 investigation report, and were given an opportunity to respond. DAIG obtained and reviewed a copy of your April 1, 2004, rebuttal with attachments, responding to the AR 15-6 investigation.

NOT RESPONSIVE

In accordance with normal procedures, this letter is your notification of DAIG's intent to determine whether to record the allegations against you in the DAIG database as substantiated or unsubstantiated. The DAIG database may be reviewed by the Department of Defense and Congress prior to acting on any future personnel action pertaining to you. Additionally, if substantiated, the matter will be referred to the Vice Chief of Staff, Army, for action he deems appropriate. You have the opportunity to comment and provide any information you desire DAIG to consider before a determination is made. Please provide any additional response that you would like to

make to this office not later than June 27, 2004. If any of these matters are classified, please notify Lieutenant Colonel (b)(6)-(2) & (b)(7)(C)-(2) so that DAIG may make appropriate arrangements for the delivery and handling of the classified material.

Respectfully,



Stanley E. Green
Major General, US Army
Deputy The Inspector General

Enclosure

C-9

(b)(6)-2 & (b)(7)(C)-2

From: (b)(6)-2 & (b)(7)(C)-2
Sent: Saturday, June 26, 2004 9:20 AM
To: (b)(6)-2 & (b)(7)(C)-2
Cc: (b)(6)-2 & (b)(7)(C)-2

Subject: Request for Delay In Substantiation Decision ~ BG Janis L. Karpinski

1. BG Janis Karpinski, by and through counsel, request that she be given a delay in any decision in her case until all investigations, military and Congressional, into the activities at Abu Ghraib Prison, Iraq, are complete, received and reviewed by BG Karpinski's legal defense team and by your office. The defense team desires to submit one rebuttal addressing all allegations.

2. While the genesis for the AR 15-6 investigation conducted by MG Antonio Taguba was the abuse allegations, the adverse findings concerning BG Karpinski's dereliction of duty are intertwined with those same allegations. The numerous investigations into the operations of the prison, the command relationship between the 205th Military Intelligence Brigade and the 800th Military Police Brigade, and the involvement of Other Governmental Agencies in these interrogations and events will contain relevant, and the defense team believes, exculpatory or at least mitigating information. To make a career destroying decision such as the one contemplated in the face of incomplete information is not in keeping with our American values and beliefs of fundamental fairness and due process. Values we hold dear and are trying to instill in Iraq and elsewhere in the world.

3. The allegation concerning the failure to obey LTG McKiernan's order regarding withholding of disciplinary authority is potentially a component of and potentially relates to the dereliction of duty allegation. A decision on that allegation apart from the dereliction allegation is improper and premature.

NOT RESPONSIVE

5. Finally, given the widely dispersed nature of BG Karpinski's assigned military attorneys, LTC (b)(6)-2 & (b)(7)(C)-2 being forward deployed to Camp Victory, Iraq, and the undersigned being a Reserve Judge Advocate in New Jersey, additional time is required to overcome the monumental logistical difficulties inherent in communicating in the face of time differences and basic communication capabilities.

6. POC for this request is MAJ (b)(6)-2 & (b)(7)(C)-2

(b)(6)-2 & (b)(7)(C)-2

MAJ, (b)(6)-2 & (b)(7)(C)-2

(b)(6)-2 & (b)(7)(C)-2

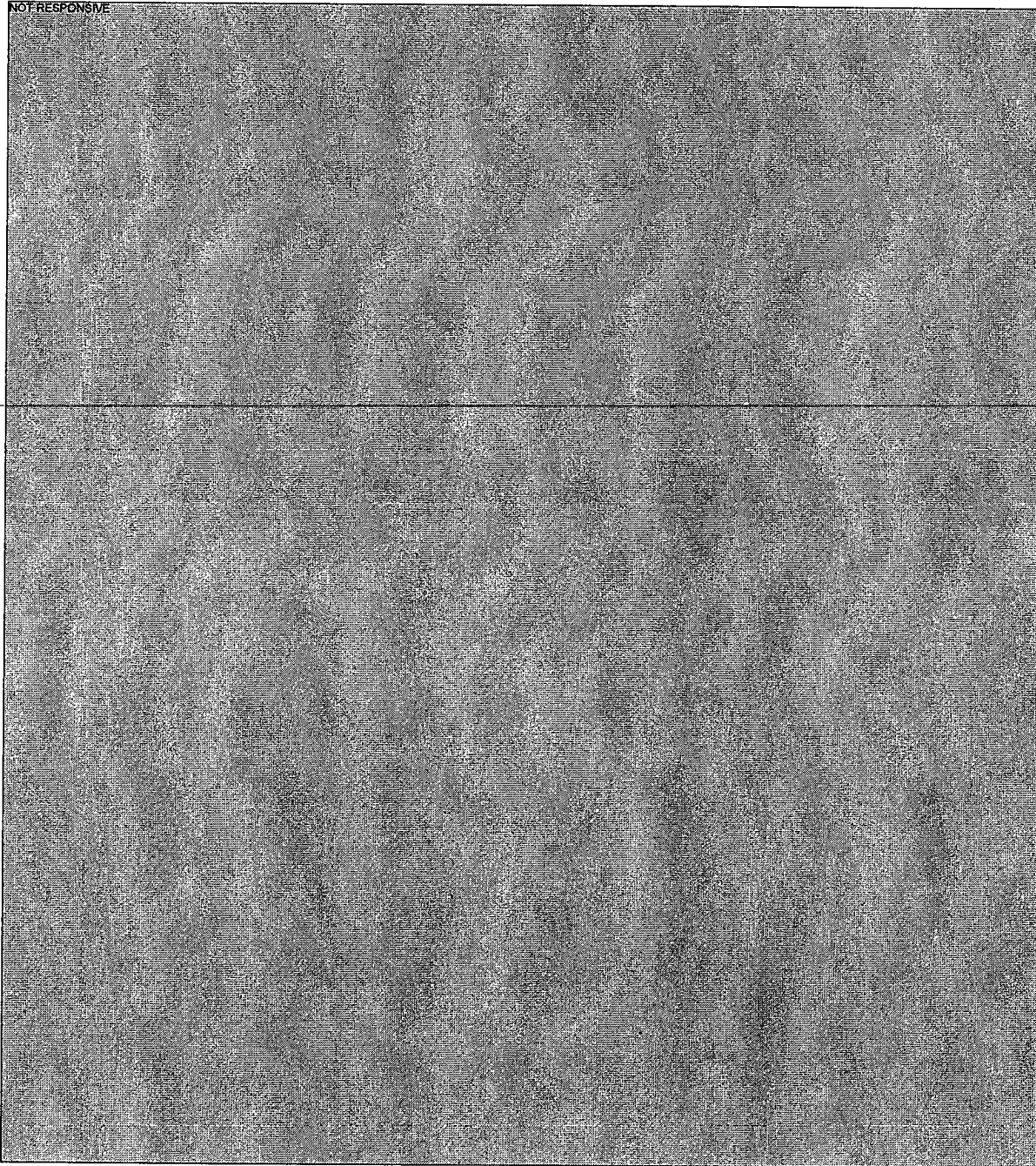
C-10



DEPARTMENT OF THE ARMY
OFFICE OF THE INSPECTOR GENERAL
1700 ARMY PENTAGON
WASHINGTON DC 20310-1700

30 JUN 2004

Investigations Division



FOR OFFICIAL USE ONLY

DA IG

4151

NOT RESPONSIVE



FOR OFFICIAL USE ONLY

DA IG

4152

C-11

(b)(7)(C)

From:

(b)(6)-2 & (b)(7)(C)-2

Sent:

Tuesday, July 27, 2004 10:47 AM

To:

(b)(6)-1 & (b)(7)(C)-1

Cc:

(b)(6)-2 & (b)(7)(C)-2

(b)(7)(C)

(b)(6)-5 & (b)(7)(C)-5

Subject: BG Janis Karpinski

1. BG Janis Karpinski, by and through counsel, request that she be given a delay in any decision in her case until Tuesday, September 7, 2004 (this is the first workday after the Labor Day weekend).

2. While the genesis for the AR 15-6 investigation conducted by MG Antonio Taguba was the abuse allegations, the adverse findings concerning BG Karpinski's dereliction of duty are intertwined with those same allegations. The numerous investigations into the operations of the prison, the command relationship between the 205th Military Intelligence Brigade and the 800th Military Police Brigade, and the involvement of Other Governmental Agencies in these interrogations and events will contain relevant, and the defense team believes, exculpatory or at least mitigating information. Indeed, the Investigation by MG Fay deals directly with this issue and, based on his comments during his interview of BG Karpinski, I have reason to belief that his report, which will be released imminently, will provide favorable information on the dereliction of duty investigation. In addition, we have forwarded numerous Freedom-of-Information-Act/Privacy-Act request and I have been told that I will have information from such requests in the next couple of weeks. Indeed, we have only recently received the DAIG report on prisoner abuse and I have been told that I will receive the CID report and the incident within the next couple of weeks. To make a career destroying decision such as the one contemplated in the face of incomplete information is not in keeping with our American values and beliefs of fundamental fairness and due process. Moreover, there should be no rush to judgment in this matter.

3. POC for this request is

(b)(6)-2 & (b)(7)(C)-2

(b)(6)-2 & (b)(7)(C)-2

MAJ. JA. USAR

(b)(6)-2 & (b)(7)(C)-2

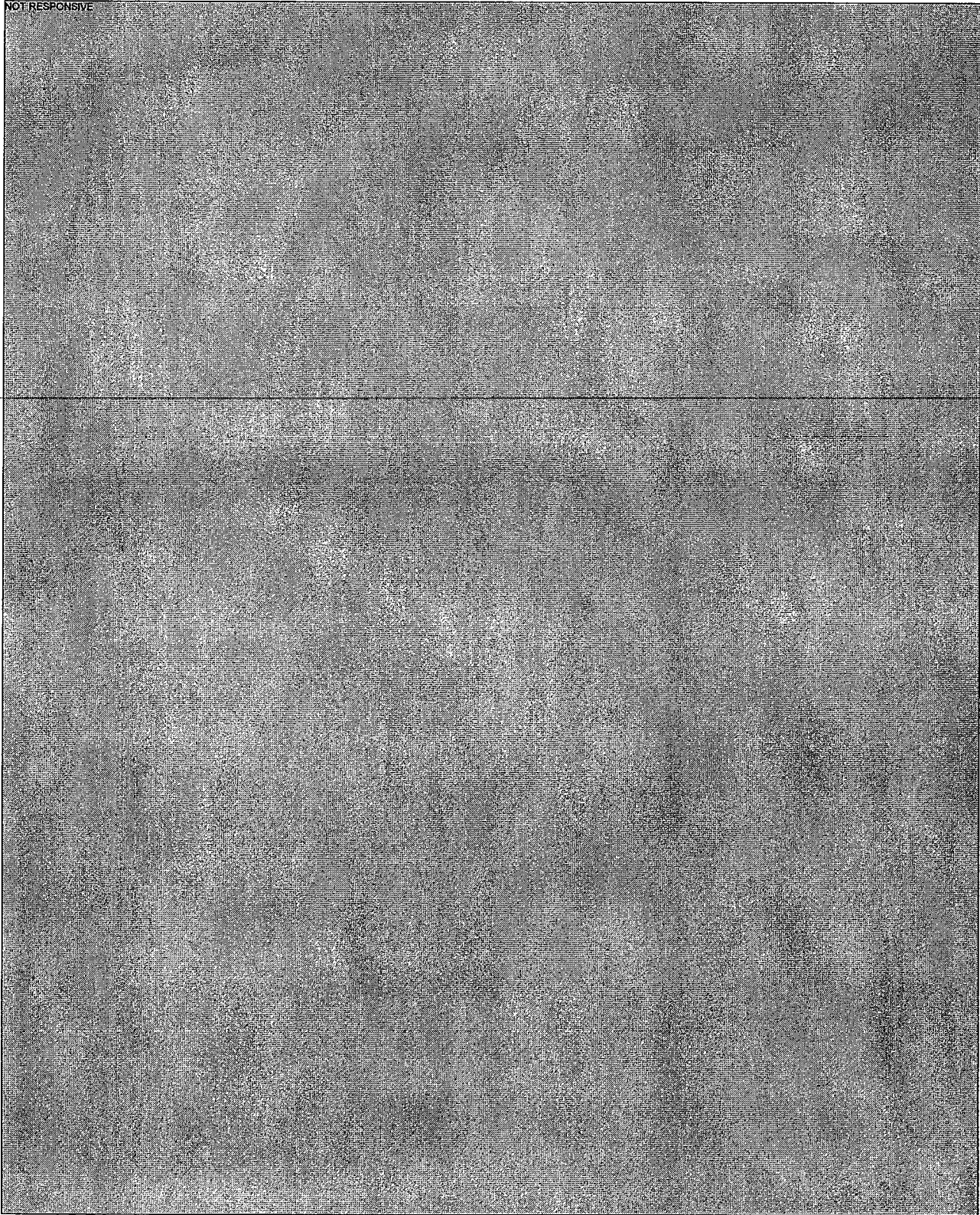
C-12



DEPARTMENT OF THE ARMY
OFFICE OF THE INSPECTOR GENERAL
1700 ARMY PENTAGON
WASHINGTON DC 20310-1700

August 10, 2004

NOT RESPONSIVE



4156

DA IG

C-13



DEPARTMENT OF THE ARMY
HEADQUARTERS, 800TH MILITARY POLICE BRIGADE (I/R)
101 OAK STREET
UNIONDALE, NEW YORK 11553

(b)(6)-(1) & (b)(7)(C)-1

IN 26 Sep

I got a copy via
FEDER this morning

(b)(6)-(1) & (b)(7)(C)-1

AFRC-CNY-AI-CG

19 September 2004

MEMORANDUM FOR MG Stanley Green, Office of the Army Inspector General, 1700 Army
Pentagon, Washington, DC 20310-1700

SUBJECT: Response of BG Janis Karpinski to DAIG Investigation(s)

1. Please consider this letter as my response to your office's investigation as set forth in your letters dated 26 May and 30 June 2004. I respectfully request that all the allegations be found "unsubstantiated."

2. In evaluating the Taguba AR 15-6 Investigation ("Taguba"), please keep in mind that the findings of the investigation are incomplete, biased, prejudiced, inaccurate, incorrect and unjust. Indeed, many of the findings do not appear to be based on first-hand information, but instead, appear to be based on an inaccurate and incomplete investigation. For example, despite the evidence that supports the fact that I routinely visited Abu Ghraib, Taguba, based solely on the testimony of COL (b)(6)-(2) & (b)(7)(C)-2 concludes that I only rarely visited Abu Ghraib, notwithstanding the fact that COL (b)(6)-(2) & (b)(7)(C)-2 was not physically located at Abu Ghraib and was only rarely at Abu Ghraib. Moreover, Taguba fails to give appropriate credit to the statements of LTC (b)(6)-(2) & (b)(7)(C)-2 LTC (b)(6)-(2) & (b)(7)(C)-2 1LT (b)(6)-(2) & (b)(7)(C)-2 CPT (b)(6)-(2) & (b)(7)(C)-2 CSM (b)(6)-(2) & (b)(7)(C)-2 and other MP Leaders who served in the 800th MP Brigade with me. Their statements are replete with praise and admiration of my clear guidance, firm, fair and common sense enforcement of standards, my caring for the soldiers of the Brigade and my constant visits to see the soldiers where they lived and worked, often at great personal risk. They know that I tried my best to obtain support and replacements and that higher headquarters did not respond to these requests. Indeed, I managed seventeen (17) detention facilities with only limited support from CJTF-7, CFLCC and CPA. Throughout my tenure, I successfully met every challenge, and I was recognized for such. Indeed, I was responsible for the detention of Saddam Hussein and all other high value detainees and assigned to meet, escort and brief VIP's, high ranking military officials and government officials.

3. Throughout my tenure, the Brigade welcomed anyone who attempted to assist in its operations even if the assistance resulted in negative findings or required additional work. The Brigade staff was so overwhelmed with daily operations that, at times, it was difficult to see the source of some of the problems. This assistance provided an outside look. The ICRC reports submitted from July 2003 forward, identifies remarkable improvements in the detention facilities operated by the 800th MP Brigade.

4. Contrary to the assertion in Taguba, I did not knowingly violate an order from LTG McKiernan regarding the withholding of disciplinary authority for officer and senior noncommissioned officer misconduct. Indeed, not only was I unaware of such an order, Taguba has no factual basis from which to conclude that such an order existed. While General McKiernan requested to be advised of all UCMJ actions involving officers and senior NCO's, so that in appropriate cases, he could withhold the authority for his level, the letters of concern and/or

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DAIG

reprimands which are annexed in Taguba, did not rise to this level. Thus, they are inapplicable to this issue.

6. The allegation that I was derelict in my duties is equally without merit. As the commander of the 800th MP Brigade, I am the first and only female general officer to lead soldiers in combat. The 800th MP Brigade deployed to Kuwait in support of Operation Iraqi Freedom. The Brigade's mission in support of Operation Iraqi Freedom was to detain Enemy Prisoners of War ("EPW") until cessation of hostilities and repatriation. To that end, and prior to my assumption of command, the Brigade was trained on this doctrinal mission which coincides with its wartime mission essential task list (METL). While Taguba highlights the lack of a Brigade level METL for operating a correctional facility and training to that METL, correctional operations is a non-doctrinal mission for the 800th MP Brigade. Consistent with the Brigade's EPW mission, between March and June 2003, the Brigade conducted EPW operations in Umm Qasr, Iraq (Camp Bucca), under the command of BG Paul Hill.

7. In late June/early July 2003, the 800th MP Brigade arrived in Baghdad and embarked on its new mission of reconstructing the Iraqi correctional system. At this time, the Brigade consisted of eight (8) Battalions and twenty-one (21) Companies. The 800th MP Brigade had an area of operation larger than that of any other Brigade or Division in Iraq. The two other MP Brigades in theater had a smaller mission and were structured with a larger staff than the 800th MP Brigade.

8. Despite its smaller size and facing more losses due to soldier re-deployment, and notwithstanding the abuse anomalies at Abu Ghraib, the Brigade performed this mission in an outstanding manner. The Brigade suffered greatly from personnel shortages throughout its command. Personnel and equipment authorizations did not meet the specified mission requirements. Taguba confirmed that shortage. In addition, due to prior deployments and family and medical emergencies, soldiers rotated back to the United States without a system to replace them. As such, the Brigade suffered critical personnel losses. For example, the 800th MP [REDACTED] left the unit in September 03, the Executive Officer left the unit in June 03 and the [REDACTED] was relieved of his duties in October 03.

9. Despite these extreme shortages, the Brigade not only completed their daily operations, but did so in a hostile combat environment. While running detention operations, the Brigade was constantly under mortar, small arms fire, and RPG attacks. Of these attacks, two (2) soldiers were killed, six (6) detainees were killed and 71 detainees were wounded.

10. Prior to the initial attack and after the attacks began, I repeatedly requested support from CJTF-7 to provide force protection assets on the external perimeter of the detention facilities. Despite facing numerous challenges with the conversion of the Brigade's mission from EPW to correctional operations, such as training for detention operations, writing new SOP's, housing, feeding and securing thousands of detainees, the Brigade was told to use internal assets (MP's). Taguba agreed with such, stating that "the 800th MP (I/R) BRIGADE and its subordinate units are not well equipped to defend its HR facilities (e.g., few crew-served weapons) or escort prisoners in a high threat environment (e.g., no M1114 HMMWVs, and few M1025/6 HMMWVs and organic cargo vehicles."

11. Not understanding the challenges the Brigade faced, I have been criticized for allegedly assigning a single, unreinforced battalion to guard 7,000 prisoners at BCCF while detailing a full battalion to the high value detainee facility guarding about 100. While I did assign a battalion to guard 7,000 prisoners at BCCF, the battalion was reinforced by three additional companies, making it almost two battalions in terms of the number of soldiers assigned. As for the battalion guarding the high value detainees, a significantly higher responsibility than BCCF, it was also responsible for the Camp Cropper Corps Holding Area, which had an average population of approximately 1,000 detainees. In addition, this battalion was also responsible for providing its own force protection, transportation, medical and logistics. While resources to support my Brigade were austere, I allocated resources appropriately in a tremendously difficult environment ensuring all units assigned to the Brigade were mission successful despite the fact CFLCC and CJTF-7 shirked their responsibility to provide support to my Brigade including, but not limited to, logistics, personnel replacement and force protection.

12. The findings regarding the reporting and accounting of detainees is misleading. The 800th MP Brigade developed approximately sixteen (16) different types of spreadsheets to report/record and account for all categories of detainees. On a daily basis, this information was distributed to CJTF-7, the Pentagon, DOD and various other agencies. This information was also posted and maintained on a website. Moreover, it was CPA's responsibility to develop a national criminal detainee database as set forth in their July 03 information paper. Notwithstanding the failures of CPA, the Brigade, with little support, developed a database of over 40,000 detainees spread over 17 detention facilities throughout the entire country of Iraq. While there were certainly some errors in the database, the Brigade did not fail to maintain accountability of detainees and prisoners. In fact, while most requests could be answered immediately, no request for the status of any one prisoner/detainee went unresolved for more than 72 hours

13. Moreover, the Brigade never sanctioned the moving of detainees to hide them from ICRC. Only on one occasion did the Brigade know of this happening and this was a result of a direct fragmentary order by LTG Sanchez to do so. The Brigade immediately objected to the implementation of the order and contacted the CJTF-7 Staff Judge Advocate to question it. The Brigade was told to implement the order.

14. Taguba's references to riots, escapes, and shootings documented as having occurred at detention facilities in Iraq as a basis for a finding of my wrongdoing is also inaccurate. While there were some escapes, the MP's guarding the facilities not only had to operate detention operations without proper equipment, they also had to do so in a hostile environment. Despite not having sufficient forces to guard the number of prisoners/detainees, despite the fact that these facilities were regularly under attack by insurgent forces, and despite the fact the military policemen did not have appropriate equipment for these conditions, the total number of escapees numbered less than one percent of the prison population. In regard to the issue of riots, a careful review of the same will show that the only riot that occurred during my tenure was at Abu Ghraib, and despite the extremely austere and harsh living conditions that the soldiers and detainees had to endure, the riot occurred only after command of Abu Ghraib was transferred to COL [REDACTED] and the military intelligence community.

b(6)-2
b(7)(D)-2

SUBJECT: Response of BG Janis Karpinski to DAIG Investigation(s)

15. Likewise, the findings of a lack of Geneva Convention training, SOP's on dealing with detainees, and basic soldier proficiency are without merit. Testimony from LTC [b)(6)-2, b)(7)(C)-2] LTC [b)(6)-2, b)(7)(C)-2] MAJ [b)(6)-2, b)(7)(C)-2] 2LT [b)(6)-2, b)(7)(C)-2] and others note the training soldiers received both at the mobilization site and during the course of the deployment. The actions of the soldiers facing court-martial charges for abusing detainees are so far out of the norm, that to conclude that additional training in the foregoing would have prevented said misconduct is ludicrous. It was 800th MP Brigade soldiers who reported the Abu Ghraib and Camp Bucca abuses to the appropriate authorities. This, in and of itself, shows that my soldiers were properly trained and that, as a unit, they respected and observed the fundamental human rights of the detainees.

16. In regard to the allegations that I failed to relieve personnel in critical positions, and the contention these same leaders were somehow responsible for the abuse of detainees, are factually incorrect. Prior to the discovery of the prisoner abuse scandal at Abu Ghraib, the only person in a critical position whose actions warranted being relieved was the [b)(6)-2, b)(7)(C)-2] and he was relieved. Prior to January 2004, there was no evidence to support relieving CPT [b)(6)-2, b)(7)(C)-2]. As for LTC [b)(6)-2, b)(7)(C)-2] while he certainly had leadership deficiencies, the correct procedures for counseling and mentoring were in place and were being exercised. The contention leadership failures of CPT [b)(6)-2, b)(7)(C)-2] and LTC [b)(6)-2, b)(7)(C)-2] led to the abuse of detainees is unfounded and unwarranted. The leadership failures that resulted in the abuse of detainees at Abu Ghraib goes directly to LTC [b)(6)-2, b)(7)(C)-2] and COL [b)(6)-2, b)(7)(C)-2], and to LTG Sanchez and his working group on interrogation and detention operations from which I was intentionally and actively excluded. The 800th MP Brigade operated seventeen (17) detention facilities, and the only instance of prisoner abuse under my watch took place after command of Abu Ghraib and/or Tiers 1A and 1B were transferred to COL Pappas and intelligence community. The abuse of detainees is directly linked to LTG Sanchez's misguided order to adopt the interrogation techniques which were only authorized for use at GITMO and Afghanistan into the Iraqi theater, LTG Sanchez's decision to adopt the recommendations of the intelligence community to use MPs to enhance interrogations, COL [b)(6)-2, b)(7)(C)-2] decision to, directly or indirectly, authorize additional abusive interrogation techniques at Abu Ghraib and the use of MPs in said additional abusive interrogation techniques, and the intelligence communities' failure to train (as promised by MG Miller) said MP's in executing said new duties and responsibilities. Indeed, of my seventeen (17) detention facilities, Abu Ghraib was the one in which MP's were being used to enhance interrogations and it was the only one that had allegations of prisoner abuse.

17. Needless to say, I feel that I have been unfairly singled out because I am a reserve female general officer. While the seven (7) soldiers charged with criminal abuse at Abu Ghraib certainly belonged to me, and while I take command responsibility for their actions, I am the only General Officer being held responsibly for any of the abuses that occurred. Indeed, prior to assuming command, ten (10) soldiers from the Brigade were found culpable for prisoner abuse at Bucca relating to the Jessica Lynch incident. Nonetheless, BG Hill, my predecessor, was never relieved or admonished for said misconduct. Likewise, when a LTC [b)(6)-2, b)(7)(C)-2] abused a detainee, and after six (6) other detainees who were forced to jump from a bridge, MG Odierno, their immediate superior, was never relieved or admonished for said misconduct. Likewise, COL [b)(6)-2, b)(7)(C)-2] and LTC [b)(6)-2, b)(7)(C)-2] have been found to be culpable of committing abuses at Abu Ghraib. Notwithstanding the same, their direct superiors, MG Fast and LTG Sanchez, have not been relieved or admonished for said misconduct. While I had no command responsibility for, or knowledge of, the abusive interrogation

SUBJECT: Response of BG Janis Karpinski to DAIG Investigation(s)

techniques that were improperly brought into Abu Ghraib from GITMO and Afghanistan, LTG Sanchez was directly involved in such and directly supervised the officers that, through their leadership failures and misconduct, resulted in further abuses at Abu Ghraib and which corrupted the soldiers in my command. Indeed, there are sixty-six (66) total substantiated instances of abuse of which eight (8) occurred in GITMO and three (3) in Afghanistan. Of the sixty-six (66) incidents, five (5) detainees died from interrogation techniques. Notwithstanding the foregoing, notwithstanding the fact that none of soldiers in my Brigade have been accused of causing the death of a detainee, and notwithstanding the fact that the soldiers in the 800th MP Brigade committed only a small fraction of the sixty-six (66) substantiated cases of abuse, I am the only General Officer being admonished and/or suspended from command.


NOT RESPONSIVE

AFRC-CNY-AI-C

SUBJECT: Response of BG Janis Karpinski to DAIG Investigation(s)

20. Accordingly, for the foregoing reasons, I request that the allegations under investigation be unsubstantiated. In completing this matter, I specifically request that you review the report completed by (b)(6)-2 & (b)(7)(C)-2 the investigation by MG Fay, the report prepared by the Schleissinger Commission, the DAIG investigation into the abuse of prisoner/detainees, the MG Ryder report, the MG Miller report, the statements contained in the MG Taguba 15-6 (not just the conclusions) and my responses to the MG Taguba 15-6. I finally request the you talk to the trial counsel prosecuting the Abu Ghraib abuse cases, and review of all sworn and unsworn statements in those cases including, but not limited to, my statement, and the statements by COL (b)(6)-2 & (b)(7)(C)-2 and COL (b)(6)-2 & (b)(7)(C)-2 b(6)-2; b(7)(C)-2

21. If you need any documentation to support anything in my response which is not already in your possession, please contact my attorney, Major (b)(6)-2 & (b)(7)(C)-2 and he will assist with such.


JANIS L. KARPINSKI
BG, USAR

C-18

DEPARTMENT OF THE ARMY
HEADQUARTERS, 800TH MILITARY POLICE BRIGADE (IR)
CAMP ARIFJAN, KUWAIT APO AE 09366


AFRC-CNY-AI-CG

20 August 2003

MEMORANDUM FOR LTC [REDACTED] 400th Military Police
Battalion

SUBJECT: REPRIMAND UP AR 600-37

1. This letter of reprimand is a result of the incident on 19 August 2003 when one of your soldiers from the 770th Military Police Company negligently discharged an M-16 round while exiting his vehicle in the vicinity of the clearing barrels at Checkpoint 1 on BIAP. The discharge caused damage to the vehicle's fuel tank and rendered the vehicle inoperable.
2. This incident demonstrates a failure in training on proper weapons clearing procedures and a lack of command emphasis by you on proper safety procedures to reduce the risk to your soldiers from accidental injury or death. A Battalion Commander sets the tone for the entire unit. It is your responsibility to ensure adherence to safety measures and standards. Soldier safety is my top priority. I hold you accountable for the safe environment of your soldiers.
3. This is an administrative reprimand imposed UP of AR 600-37, and not as punishment pursuant to Article 15, UCMJ.
4. I intend to file this reprimand in your local MPRJ. I will carefully consider any matters in rebuttal, extenuation or mitigation. You have one week from receipt of this memorandum to submit such matters. I will withhold final decision on imposing this memorandum until the time period passes.


JANIS L. KARPINSKI
Brigadier General, USA
Commanding

DA IG

4165

C-19



DEPARTMENT OF THE ARMY
800th MILITARY POLICE BRIGADE (I/R)
CAMP VICTORY, IRAQ
AE 09302



REPLY TO
ATTENTION OF

AFRC-CNY-AJ-CG

10 November 2003

MEMORANDUM FOR Lieutenant Colonel (b)(6)-(7)(C)-(2)

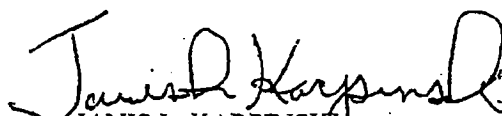
SUBJECT: REPRIMAND UP AR 600-37

1. On 8 November 2003 another six detainees escaped from the Baghdad Central Confinement Facility (BCCF). These escapes included a detainee accused of murdering a US soldier. This incident highlights the lapses in security existing at BCCF since the 320th MP Battalion assumed control of the installation. Various deficiencies and lapses have been brought to the attention of your staff by the 800th MP Brigade Headquarters personnel and others. I have personally brought these matters to your direct attention. Remedial action has been wholly inadequate. I am forced to conclude this results from a lack of leadership on your part.

2. We are fortunate no soldier or other prisoner was killed or seriously injured as a result of these lapses. We cannot wait until after such a preventable tragedy to act. This is your last warning. Correct deficiencies in security at BCCF immediately corrected or you will force implementation of more severe action.

3. This is an administrative reprimand imposed UP of AR 600-37, and not as punishment pursuant to Article 15, UCMJ.

4. I intend to file this reprimand in your Military Personnel Record Jacket (MPRJ). If you should decide to submit matters in rebuttal, extenuation or mitigation I will carefully consider them in making a final determination on imposition of this reprimand. You have one week from receipt of this memorandum to submit such matters, and the response, if any, should be by endorsement to this memorandum. I will withhold final decision on imposing or filing this memorandum until that time period has passed.


JANIS L. KARPINSKI
Brigadier General, USA
Commanding

DA IG

4167

C-20



DEPARTMENT OF THE ARMY
800th MILITARY POLICE BRIGADE (I/R)
CAMP VICTORY, IRAQ
AE 09302



REPLY TO
ATTENTION OF


AFRC-CNY-AJ-CG

10 November 2003

MEMORANDUM FOR Major (b)(6)-2 & (b)(7)(C)-2

SUBJECT: REPRIMAND UP AR 600-37

1. On 8 November 2003 another six detainees escaped from the Baghdad Central Confinement Facility (BCCF). These escapes included a detainee accused of murdering a US soldier. This incident highlights the lapses in security existing at BCCF since the 320th MP Battalion assumed control of the installation. Various deficiencies and lapses were brought to your attention through an AR 15-6 investigation on a previous escape, and in numerous staff assistance visits by 800th MP Brigade Headquarters personnel. You failed to carry through with your duties as the Battalion Operations Officer to identify these issues and implement prompt corrective action.
2. We are fortunate no soldier or other prisoner was killed or seriously injured as a result of these lapses. We cannot wait until after such a preventable tragedy to act. This is your last warning. Correct deficiencies in security at BCCF immediately corrected or you will force implementation of more severe action.
3. This is an administrative reprimand imposed UP of AR 600-37, and not as punishment pursuant to Article 15, UCMJ.
4. I intend to file this reprimand in your Military Personnel Record Jacket (MPRJ). If you should decide to submit matters in rebuttal, extenuation or mitigation I will carefully consider them in making a final determination on imposition of this reprimand. You have one week from receipt of this memorandum to submit such matters, and the response, if any, should be by endorsement to this memorandum. I will withhold final decision on imposing or filing this memorandum until that time period has passed.


JANIS L. KARPINSKI
Brigadier General, USA
Commanding

DA IG

4169

C-21

DEPARTMENT OF THE ARMY
HEADQUARTERS, 800TH MILITARY POLICE BRIGADE (IR)
CAMP ARIFJAN, KUWAIT APO AE 09366


AFRC-CNY-AI-CG

20 August 2003

MEMORANDUM FOR CPT (b)(6)(2)(b)(7)(C)-2 770th Military Police
Company

SUBJECT: REPRIMAND UP AR 600-37

1. This letter of reprimand is a result of the incident on 19 August 2003 when one of your soldiers negligently discharged an M-16 round while exiting his vehicle in the vicinity of the clearing barrels at Checkpoint 1 on BIAP. The discharge caused damage to the vehicle's fuel tank and rendered the vehicle inoperable.
2. This incident demonstrates a failure in training on proper weapons clearing procedures and a lack of command emphasis by you on proper safety procedures to reduce the risk to your soldiers from accidental injury or death. A Company Commander sets the tone for the entire unit. It is your responsibility to ensure adherence to safety measures and standards. Soldier safety is my top priority. I hold you accountable for the safe environment of your soldiers.
3. This is an administrative reprimand imposed UP of AR 600-37, and not as punishment pursuant to Article 15, UCMJ.
4. I intend to file this reprimand in your local MPRJ. I will carefully consider any matters in rebuttal, extenuation or mitigation. You have one week from receipt of this memorandum to submit such matters. I will withhold final decision on imposing this memorandum until the time period passes.


JANIS L. KARPINSKI
Brigadier General, USA
Commanding

DA IG

4171

C-22

DEPARTMENT OF THE ARMY
HEADQUARTERS, 800TH MILITARY POLICE BRIGADE (IR)
CAMP ARIFJAN, KUWAIT APO AE 09366

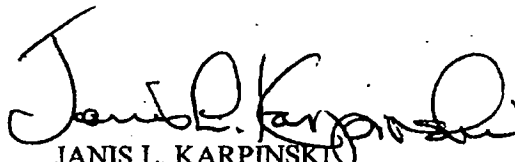
AFRC-CNY-AI-CG

20 August 2003

MEMORANDUM FOR CSM [REDACTED] 400th Military Police
Battalion

SUBJECT: REPRIMAND UP AR 600-37

1. This letter of reprimand is a result of the incident on 19 August 2003 when one of your soldiers from the 770th Military Police Company negligently discharged an M-16 round while exiting his vehicle in the vicinity of the clearing barrels at Checkpoint 1 on BIAP. The discharge caused damage to the vehicle's fuel tank and rendered the vehicle inoperable.
2. This incident demonstrates a failure in training on proper weapons clearing procedures and a lack of command emphasis by you on proper safety procedures to reduce the risk to your soldiers from accidental injury or death. A Battalion Command Sergeant Major sets the tone for the entire unit. It is your responsibility to ensure adherence to safety measures and standards. Soldier safety is my top priority. I hold you accountable for the safe environment of your soldiers.
3. This is an administrative reprimand imposed UP of AR 600-37, and not as punishment pursuant to Article 15, UCMJ.
4. I intend to file this reprimand in your local MPRJ. I will carefully consider any matters in rebuttal, extenuation or mitigation. You have one week from receipt of this memorandum to submit such matters. I will withhold final decision on imposing this memorandum until the time period passes.


JANIS L. KARPINSKI
Brigadier General, USA
Commanding

DA IG

4173

C-26



DEPARTMENT OF THE ARMY
800th MILITARY POLICE BRIGADE (I/R)
CAMP VICTORY, IRAQ
AE 09302



REPLY TO
ATTENTION OF
AFRC-CNY-AJ-CG

16 September 2003

MEMORANDUM FOR Command Sergeant Major [REDACTED]

SUBJECT: REPRIMAND UP AR 600-37

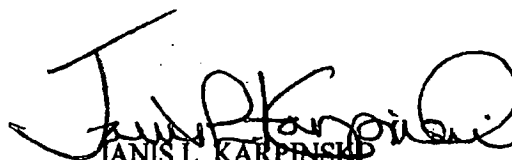
1. This reprimand is necessary due to your personal conduct and inappropriate behavior observed in the course of your visit with soldiers assigned to the 229th Military Police Company, Abu Gharib Prison compound, Baghdad, Iraq, 1 September 2003. Your conduct, initiated without restraint and/or appropriate motivation, casts serious doubt on your credibility, trustworthiness and maturity. Your position, as the Brigade Command Sergeant Major, requires respect, esteem, impartiality, and ethics. You are in violation of these standards of conduct.
2. You were observed, and reported, to be acting in a highly inappropriate manner with a junior enlisted soldier. A soldier reported you reached behind Specialist [REDACTED] to place your right hand on her right shoulder and then squeezed her shoulder as if massaging her, and then, while walking for approximately 50 yards, you repeated the action on her left shoulder. You were also observed guiding Specialist [REDACTED] to a seated position, taking a seat next to her and putting your arm around her. You did this in the presence of several other junior enlisted soldiers. The disparate treatment you afforded Specialist [REDACTED] was obvious and offensive to the other soldiers observing your behavior.
3. Your lack of judgment is disappointing and unacceptable, particularly considering your position and responsibilities as the Brigade Command Sergeant Major. You are apparently oblivious, or indifferent about how such actions are perceived. You gave no consideration to the effect such behavior has on morale in the 229th Military Police Company and, in fact, throughout the 800th Military Police Brigade. The allegation is credible largely due to the source, a soldier who had no preconceived ideas or prior knowledge of you prior to making his statement.
4. The conduct, unfortunately, is consistent with previous acts reported independently and by multiple credible sources. You were verbally counseled concerning similar conduct in July 2003. I clearly informed you during the counseling session, there would only be only one verbal warning. You acknowledged an awareness of the perception, and stated your future conduct would not give rise to any other allegations. This act forces me to question your ability to continue in your current position.

DA IG

4175

5. This is an administrative reprimand imposed UP of AR 600-37, and not intended as punishment pursuant to Article 15, UCMJ.

6. I currently intend to file this reprimand in your Official Military Personnel File (OMPF). Should you decide to submit matters in rebuttal, extenuation or mitigation I will carefully consider them in making a filing determination. You have one week from receipt of this memorandum to submit such matters, and the response, if submitted will be by endorsement to this memorandum. I will withhold final decision on imposing or filing this memorandum until that time period has passed.


JANIS L. KARPINSKI
Brigadier General, USA
Commanding

17 September 2003

MEMORANDUM FOR Commanding General

SUBJECT: REPRIMAND UP AR 600-37 (Sergeant Major [REDACTED])

1. I acknowledge receipt of the subject reprimand on 17 SEP 2003. I understand I have 7 days from receipt to submit matters in rebuttal, extenuation or mitigation before you make a final decision on imposition of the letter and filing in my local unit file and/or my Office Military Personnel File (OMPF).
2. I (will) (~~will not~~) submit matters in rebuttal, ~~or~~ extenuation and mitigation.

[REDACTED]
CSM, USA

23 Sept. 2003

BG J. Karpinski,

On 01 Sept. 2003 I conducted a morale and welfare visit at Baghdad Central Detention Facility. While over in the 229 MP Co. area, I was speaking with 1SC [REDACTED] and he informed me one of his soldier's SPC [REDACTED] had a problem and he had to relieve her of her weapon and her duties. He explained she was having a problem coping with every thing that had taken place in a short period of time and also with having to incarcerate the Iraqi people. He told me she had started crying and could not focus on her job. He told me they had scheduled medical help for her and also asked me if I would speak to her. I told him I would and he went to get her.

When she arrived I was talking with some other soldier's, so I excused myself and walked away with her so I could talk to her privately, since this was a sensitive issue. I may have put my hand on her shoulder, but it was definitely not to massage her. It was done to turn her around and point her in the direction I wanted her to go. I am truly sorry if another soldier saw this action and misinterpreted it for anything other than what it was.

I came to this theatre of operations with the Brigade and I would like the opportunity to return home with them. Thank you for any consideration in this matter.

[REDACTED]



DEPARTMENT OF THE ARMY
HEADQUARTERS, 800TH MILITARY POLICE BRIGADE
CAMP VICTORY, IRAQ APO AE 093202

REPLY TO
ATTENTION OF

AFRC-CNY-AI-CG

07 October 2003


MEMORANDUM FOR CSM [REDACTED], 800th Military Police Brigade,
Camp Victory, Iraq 09302

SUBJECT: Filing Determination, Memorandum of Reprimand Imposed Pursuant to AR 600-37

I have carefully considered your 23 September 2003 written response to my memorandum of reprimand dated 16 September 2003. I am imposing the reprimand, and directing it and the response be filed in your Official Military Personnel File (OMPF).

Encls:
MOR (16 Sep 03)
Response (23 Sep 03)

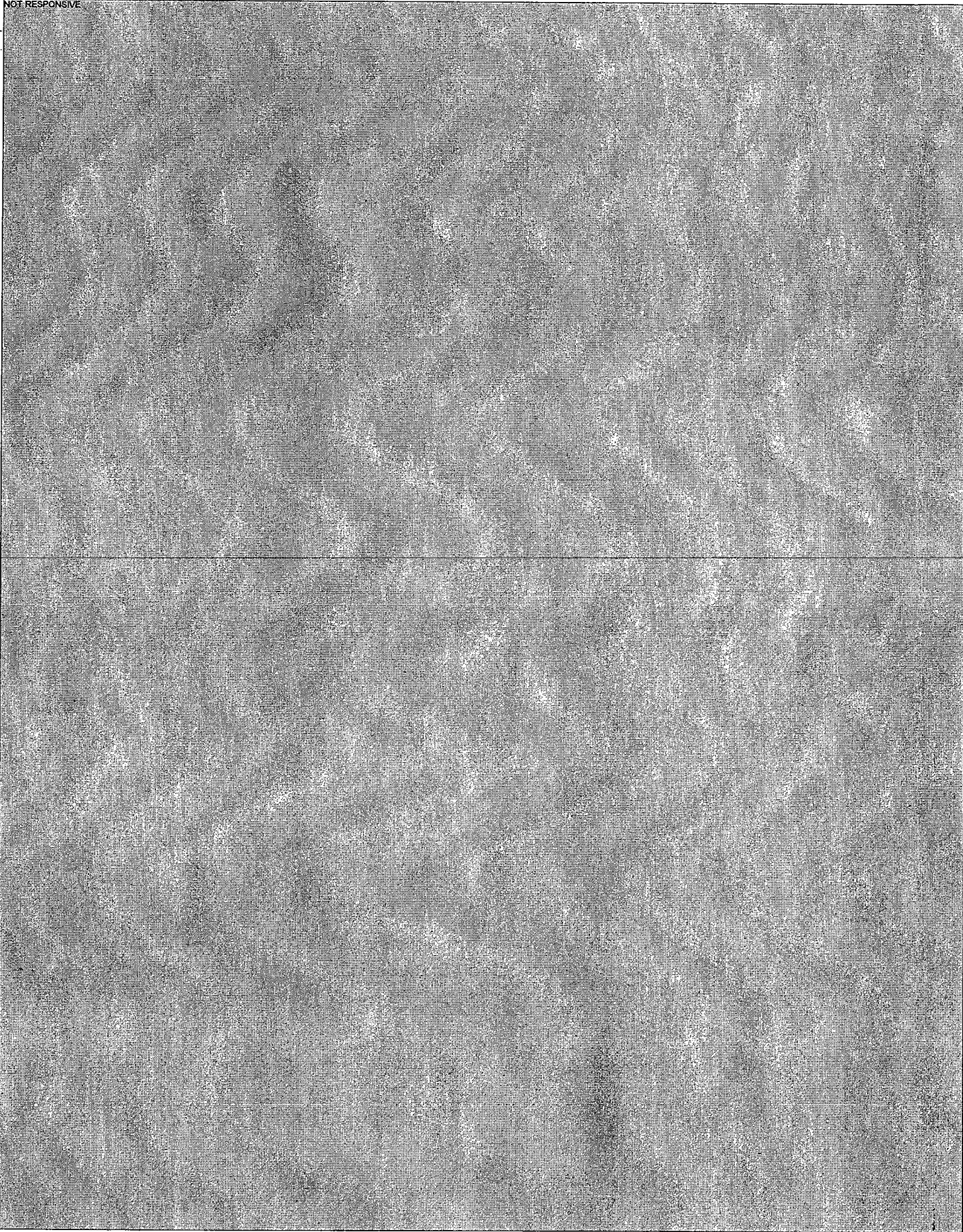
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AR-PERSCOM


JANIS L. KARPINSKI
Brigadier General
Commanding

DA IG

4179

C-28



C-29

DEPARTMENT OF THE ARMY
HEADQUARTERS, 800TH MILITARY POLICE BRIGADE (IR)
CAMP ARIFJAN, KUWAIT APO AE 09366


AFRC-CNY-AI-CG

20 August 2003

MEMORANDUM FOR 1SG (b)(6)-2 & (b)(7)(C)-2 770th Military Police
Company

SUBJECT: REPRIMAND UP AR 600-37

1. This letter of reprimand is a result of the incident on 19 August 2003 when one of your soldiers negligently discharged an M-16 round while exiting his vehicle in the vicinity of the clearing barrels at Checkpoint 1 on BIAP. The discharge caused damage to the vehicle's fuel tank and rendered the vehicle inoperable.
2. This incident demonstrates a failure in training on proper weapons clearing procedures and a lack of command emphasis by you on proper safety procedures to reduce the risk to your soldiers from accidental injury or death. A First Sergeant sets the tone for the entire unit. It is your responsibility to ensure adherence to safety measures and standards. Soldier safety is my top priority. I hold you accountable for the safe environment of your soldiers.
3. This is an administrative reprimand imposed UP of AR 600-37, and not as punishment pursuant to Article 15, UCMJ.
4. I intend to file this reprimand in your local MPRJ. I will carefully consider any matters in rebuttal, extenuation or mitigation. You have one week from receipt of this memorandum to submit such matters. I will withhold final decision on imposing this memorandum until the time period passes.


JANIS L. KARPINSKI
Brigadier General, USA
Commanding

DA IG

4183

C-30

Convention (IV) relative to the Protection of Civilian Persons in Time of War. Geneva, 12 August 1949.

Preamble

The undersigned Plenipotentiaries of the Governments represented at the Diplomatic Conference held at Geneva from April 21 to August 12, 1949, for the purpose of establishing a Convention for the Protection of Civilian Persons in Time of War, have agreed as follows:

Part I. General Provisions

Article 1. The High Contracting Parties undertake to respect and to ensure respect for the present Convention in all circumstances.

Art. 2. In addition to the provisions which shall be implemented in peace-time, the present Convention shall apply to all cases of declared war or of any other armed conflict which may arise between two or more of the High Contracting Parties, even if the state of war is not recognized by one of them.

~~The Convention shall also apply to all cases of partial or total occupation of the territory of a High Contracting Party, even if the said occupation meets with no armed resistance.~~

Although one of the Powers in conflict may not be a party to the present Convention, the Powers who are parties thereto shall remain bound by it in their mutual relations. They shall furthermore be bound by the Convention in relation to the said Power, if the latter accepts and applies the provisions thereof.

Chapter VII. Administration and Discipline

Art. 99. Every place of internment shall be put under the authority of a responsible officer, chosen from the regular military forces or the regular civil administration of the Detaining Power. The officer in charge of the place of internment must have in his possession a copy of the present Convention in the official language, or one of the official languages, of his country and shall be responsible for its application. The staff in control of internees shall be instructed in the provisions of the present Convention and of the administrative measures adopted to ensure its application.

The text of the present Convention and the texts of special agreements concluded under the said Convention shall be posted inside the place of internment, in a language which the internees understand, or shall be in the possession of the Internee Committee.

Regulations, orders, notices and publications of every kind shall be communicated to the internees and posted inside the places of internment, in a language which they understand.

Every order and command addressed to internees individually must, likewise, be given in a language which they understand.

C-31

Department of the Army Regulation 600-100

Personnel--General

Army Leadership

17 September 1993

Effective date: 17 October 1993

UNCLASSIFIED

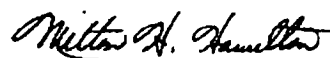
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[Click here to view entire publication.](#)

By Order of the Secretary of the Army:

GORDON R. SULLIVAN
General, United States Army
Chief of Staff

Official:



MILTON H. HAMILTON
Administrative Assistant to the
Secretary of the Army

History: This UPDATE printing publishes a revision of this publication. Because the publication has been extensively revised, the changed portions have not been highlighted.

Summary: This regulation establishes Army leadership policy that is the basis for leadership and leader development doctrine and training. It sets forth responsibilities for all aspects of leadership and leader development policy, doctrine, training, and research.

Applicability: This regulation applies to the Active Army, the Army National Guard, the U.S. Army Reserve, and Department of the Army civilians.

Proponent and Exception Authority: The proponent of this regulation is the Deputy Chief of Staff for Personnel (DCSPER). The DCSPER has the authority to approve exceptions to this regulation that are consistent with controlling law and regulation. The DCSPER may delegate this authority, in writing, to a division chief within the proponent agency in the grade of colonel or the civilian equivalent.

Army Management Control Process: This regulation is not subject to the requirements of AR 11-2. It does not contain internal control provisions.

Supplementation: Supplementation of this regulation is prohibited without prior approval from HQDA (DAPE-HR-L), WASH DC 20310-0300.

Interim Changes: Interim changes to this regulation are not official unless they are authenticated by The Administrative Assistant to the Secretary of the Army. Users will destroy interim changes on their expiration dates unless sooner superseded or rescinded.

Suggested Improvements: Users are invited to send comments and suggested improvements on DA Form 2028 (Recommended Changes to Publications and Blank Forms)

4188

Chapter 1 General

1-1. Purpose

This regulation—

a. Establishes Total Army policy for leadership by assigning and synchronizing responsibilities for management of leadership and leader development policy.

b. Provides direction and guidance for research, doctrine development, leadership assessment, training and evaluation in all areas pertaining to Army leadership and leader development.

1-2. References

Required and related publications and prescribed and referenced forms are listed in the appendix A.

1-3. Explanation of abbreviations and terms

Abbreviations and special terms used in this regulation are explained in the glossary.

1-4. Definitions

a. Leadership is the process of influencing others to accomplish the mission by providing purpose, direction, and motivation. Effective leadership transforms human potential into effective performance.

b. Management is the process of acquiring, assigning priorities to, allocating, and using resources (people, money, materiel, facilities, information, time, etc.) in an effective and efficient manner.

c. Leader development is a process. It is the preparation of military and civilian leaders, through a progressive and sequential system of institutional training, operational assignments, and self-development, to assume leader positions and exploit the full potential of present and future doctrine.

d. Command is the legal authority vested in an individual appointed to a position in the chain of command. Command carries with it special powers of responsibility and accountability which are associated with the position.

1-5. Policy

a. In an era when technological advantages have narrowed, and access to information of all kinds is relatively limitless, the most effective and efficient way for the Army to maintain its competitive edge is by enhancing the effectiveness of people and organizations. Good leadership can facilitate this goal.

b. Whether preparing for a war, fighting a war, or supporting a war, leadership skills, knowledge and attitudes must be consistent with the warfighting doctrine of the U.S. Army.

1-6. Framework

Total Army leadership policy recognizes that—

a. Each organizational level of the Army requires a different mix of leadership skills, knowledge, attitudes (SKA) and experience. Leadership at the lower levels is direct, face-to-face, and relatively short term in outlook. As leaders ascend the organizational ladder, leadership tasks become more complex and sophisticated. Senior leaders have responsibility for large organizations or systems. They exercise leadership indirectly through staffs and subordinate leaders, and they look deeper into the future than at the lower levels. As leaders move into the most complex and highest levels of the Army, or become involved in the strategic arena, the ability to conceptualize and integrate becomes increasingly important. Leaders at this level focus on establishing the fundamental conditions for operations to deter wars, fight wars, or conduct operations other than war. They also create organizational structures needed to deal with future requirements. Leaders at this level have the longest outlook in time.

b. Leadership skills needed at successively higher levels in the Army build on those learned at previous levels. As military and civilian leaders progress within the Army, they serve in more complex and interdependent organizations, have increased personal responsibility and authority, and have significantly different skills, knowledge and attitude (SKA) than their subordinates. These SKA

requirements build on those learned at previous levels. Before advancing from one level to the next, leaders must acquire the leadership skills, knowledge and attitudes needed at the higher level.

1-7. Levels of leadership

Total Army leadership policy recognizes three interrelated levels of leadership requirements: direct, senior and strategic. These levels vary in scope and character, and require differing mixes of leadership skills.

a. The direct level is the front-line or first level of leadership. This level includes leaders from the squad through battalion levels of tactical units, and from branch through division level in Table of Distribution and Allowances (TDA) organizations. Leadership at this level consists of the skills, knowledge and attitudes which relate to face-to-face, interpersonal leadership that influences human behavior and values. Direct leaders build cohesive teams and empower subordinates. Skills required for effective leadership at this level include technical and tactical competence on individual soldier and leader tasks, problem solving, interpersonal skills, performance counseling, team building, and developing and executing plans that implement policies and accomplish missions. Direct leaders focus on short-range planning and mission accomplishment ranging from three months to one year, or more.

b. Senior level leadership exists in more complex organizations. This level includes military and civilian leaders at the brigade through corps levels in tactical units, and directorate through installation level in TDA organizations. Senior leaders tailor resources to organizations and programs and set command climate. Skills required for effective leadership at this level include technical and tactical competence on synchronizing systems and organizations, sophisticated problem solving, interpersonal skills (emphasizing listening, reading, and influencing others indirectly through writing and speaking), shaping organizational structure and directing operations of complex systems, tailoring resources to organizations or programs, and establishing policies that foster a healthy command climate. Senior leaders focus on mid-range planning and mission accomplishment ranging from one to five years, or more.

c. The strategic level of leadership exists at the highest levels throughout the Army. This level includes military and civilian leaders at Field Army through national levels. Strategic leaders establish structure, allocate resources and articulate strategic vision. Skills required for effective leadership at this level include technical competence on force structure and integration, unified, joint, combined, and interagency operations, resource allocation, and management of complex systems; conceptual competence in creating policy and vision; and interpersonal skills emphasizing consensus building and influencing peers and other policy makers -- both internal and external to the organization. Strategic leaders focus on the long-range vision for their organization ranging from 5 to 20 years, or more.

1-8. Values

a. The professional Army ethic is the set of values that guide the way we live our lives and perform our duties. The essential values of our professional ethic are:

(1) *Loyalty*. Loyalty to the nation, to the Army and to the unit. This means supporting the military and civilian chain of command, as well as devoting oneself to the welfare of others.

(2) *Duty*. Duty is the legal and moral obligation to do what should be done without being told.

(3) *Selfless service*. This means putting the welfare of the nation and accomplishment of the mission ahead of personal desires.

(4) *Integrity*. This is the thread woven through the fabric of the professional Army ethic. Integrity means honesty, uprightness, the avoidance of deception and steadfast adherence to standards of behavior.

b. Four individual values strengthen and support the ethical code. They are commitment, competence, candor and courage. *Commitment* means dedication to carry out all unit missions and to serve the values of the nation, the Army, and the organization. *Competence*

1-8. Values

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b. Four individual values strengthen and support the ethical code. They are commitment, competence, candor and courage. *Commitment* means dedication to carry out all unit missions and to serve the values of the nation, the Army, and the organization. *Competence* is proficiency in required professional knowledge, skills, and attitudes. *Candor* is being frank, open, honest, and sincere with soldiers, seniors, and peers. *Courage* comes in two forms. Physical courage is overcoming personal fears of bodily harm and doing your duty. Moral courage is overcoming fears of other than bodily harm while doing what ought to be done

Chapter 2

Responsibilities

2-1. General

a. All leaders are responsible for:

- (1) Accomplishing the unit's mission.
 - (2) Ensuring subordinates welfare to include physical, moral, personal, and professional well-being.
 - (3) Effectively communicating vision, purpose and direction.
 - (4) Setting and exemplifying the highest professional and ethical standards.
 - (5) Building cohesive teams.
-
- (6) Empowering subordinates.
 - (7) Developing their own and subordinate leaders' skills, knowledge, and attitudes.
 - (8) Building discipline, while stimulating confidence, enthusiasm and trust.
 - (9) Anticipating, managing, and exploiting change.
 - (10) Anticipating and solving problems.
 - (11) Acting decisively under pressure.
 - (12) Evaluating and accepting risk to exploit opportunity.
 - (13) Treating subordinates with dignity, respect, fairness and consistency.

b. All Army leaders have a responsibility for personal acceptance of the Army ethic and for instilling in subordinates those values that comprise it.

(1) General officers and senior civilians at the strategic levels of the Army are responsible for establishing fundamental tenets of the Army ethic; creating and communicating the Army vision; creating policies, structure and programs; and strengthening the Army's values through their own behaviors. They affect all members junior to them by formulating policies that support and sustain those values, and by ensuring that procedures developed at lower levels further support Army policy and values. Strategic level leaders are responsible for the total Army culture.

(2) Senior level leaders promote Army values by establishing and maintaining the command climate of their organizations through sound, ethical organizational policies and practices.

DA IG

4191

1-8. Values

a. The professional Army ethic is the set of values that guide the way we live our lives and perform our duties. The essential values of our professional ethic are:

(1) *Loyalty*. Loyalty to the nation, to the Army and to the unit. This means supporting the military and civilian chain of command, as well as devoting oneself to the welfare of others.

(2) *Duty*. Duty is the legal and moral obligation to do what should be done without being told.

(3) *Selfless service*. This means putting the welfare of the nation and accomplishment of the mission ahead of personal desires.

(4) *Integrity*. This is the thread woven through the fabric of the professional Army ethic. Integrity means honesty, uprightness, the avoidance of deception and steadfast adherence to standards of behavior.

b. Four individual values strengthen and support the ethical code. They are commitment, competence, candor and courage. *Commitment* means dedication to carry out all unit missions and to serve the values of the nation, the Army, and the organization. *Competence* is proficiency in required professional knowledge, skills, and attitudes. *Candor* is being frank, open, honest, and sincere with soldiers, seniors, and peers. *Courage* comes in two forms. Physical courage is overcoming personal fears of bodily harm and doing your duty. Moral courage is overcoming fears of other than bodily harm while doing what ought to be done.

Command climate is the sum of the philosophy, values, procedures, and behaviors which are modeled, expected, and rewarded by the commander. Senior leaders must consider individual perceptions and their effects in establishing and maintaining a healthy command climate. At the core of the responsibility of senior level leaders is the need to develop, motivate, and coach subordinate leaders.

(3) Leaders at the direct level affect values and behavior by establishing day-to-day procedures, practices and working norms, by their personal example, and by building discipline, cohesion, motivation, consistency and fair play. By carrying out their responsibilities as outlined in paragraph 2-1, leaders strengthen individual values and commitment to the Army and bolster organizational productivity and growth. Leaders operating at this level have the most face-to-face contact with subordinates; therefore, they directly influence behavior of individuals and help to shape their values. The values leaders personally practice have a major impact in determining unit and organizational value systems.

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FM 7-0
(FM 25-100)

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OCTOBER 2002

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METL DEVELOPMENT FOR DIRECTED MISSIONS

3-20. When an organization is directed to conduct a mission other than its assigned wartime operational mission (such as a stability operation or support operation), the training management cycle still applies. Directed missions can span the full spectrum of operations. For MTOE organizations, directed missions could range from major combat operations to providing humanitarian assistance or other types of stability operations and support operations. For TDA organizations, directed missions can range from mobilization to installation force protection operations.

3-21. Using their wartime METL as the foundation, commanders who are directed to change their mission conduct a mission analysis; identify METL tasks, and assess training proficiency for the directed mission. The mission analysis of the newly assigned mission could change the unit's METL, training focus, and the strategy to achieve proficiency for METL tasks. Figure 3-6 shows an example of tasks supporting a directed mission involving a stability operation.

<i>Collective Training</i>	
<ul style="list-style-type: none"> • Convoy Operations • Route Security • Rail/Air Movement Training 	<ul style="list-style-type: none"> • Area Security • Patrolling Operations • Establish/Operate Checkpoints
<i>Leader Training</i>	
<ul style="list-style-type: none"> • Fire Control Exercise (FCX) • Casualty Evacuation (CAS EVAC) • Deployment Exercise • Risk Management 	<ul style="list-style-type: none"> • Rules Of Engagement (ROE) Proficiency • Petroleum, Oils and Lubricants/Military (POL/MIL) Seminar • Media Interaction
<i>Individual Training</i>	
<ul style="list-style-type: none"> • Mine Awareness • ROE Proficiency • Media Interaction 	<ul style="list-style-type: none"> • Medical Awareness • Country Orientation • Force Protection

Figure 3-6. Examples of METL Tasks to Support a Directed Mission to Conduct Stability Operation

3-22. In cases where mission tasks involve emerging doctrine or non-standard tasks, commanders establish tasks, conditions, and standards using mission orders and guidance, lessons learned from similar operations, and their professional judgment. Senior commanders approve the established standards for these tasks as part of the normal METL approval process. If time permits prior to deployment, units should execute a mission rehearsal exercise (MRE) with all participating units.

3-23. Upon redeployment from a directed mission, commanders conduct a mission analysis consistent with the training management cycle to reestablish proficiency in the unit's wartime operational METL. Senior commanders must take into account the additional time this reintegration process may take. Battle focus guides the planning, preparation, execution, and assessment of each organization's training program to ensure its members train as they will fight.

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for crimes, they will be released. Notwithstanding the continuing armed conflict in Iraq, nearly 5% of HVDs have already been released on parole.

Concerning segregations, the issue of cells without daylight is a disciplinary prohibition in GCIII/IV. The HVDs are not held in such conditions as a disciplinary measure, but as a temporary security precaution during their ongoing interrogation and as a result of available appropriate structures. As your paper notes, internees have access to electric lighting, an hour outside their cells each day, and showers.

The alleged ill treatment of Ibrahim Khalil Ibrahim Hussein Al-Aani upon capture will be investigated and appropriate action taken if warranted. U.S. forces make the legal status, rights and judicial guarantees of all detainees a continuing priority in detention operations.

Regarding the treatment of EPWs under GCIII, the matter will be considered and appropriate measures will be implemented if necessary. With respect to the security internees, who are "definitely suspected of or engaged in activities hostile to the security of the State", we agree they are protected persons under GCIV. However, depending on the nature of the security risk presented by these internees, their protections are subject to the derogation pursuant to GCIV/5.

Baghdad Central Detention Facility (Abu Ghurayb)

It is regretted there were difficulties with access to detainees on 21 October 03. Improved procedures should ensure such problems are avoided in the future.

The security environment around Abu Ghurayb is challenging, like many areas in Iraq. Steps are continually being taken to improve security by engaging those launching attacks on the facility. Shelters against mortar or rocket attack are in shortage throughout the country for Coalition forces as well, but may be provided to the facility in due course. There is no threat of air attack.

Concerning the interrogation of security internees, the questioning of a small number of internees selected for their significant intelligence value in Unit 1A is a military necessity. Our forces follow clear procedures governing interrogation to ensure approaches do not amount to inhumane treatment. As internees in Unit 1A undergo interrogation, they may be segregated for security purposes for the period of interrogation. Their right to communication may also be infringed for "absolute security" reasons as contemplated in GCIV/5.

With regard to the criminal detainees in the common law sections, recreational activities should improve over time, as should family visits for this category of detainee. Despite obvious military security issues with respect to communication by security internees, means to allow family visits and other types of communication for these internees are being reviewed in order to balance humanitarian and security considerations. The rioting and shooting of a U.S. guard last month by a security internee using a pistol smuggled into the facility is a

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timely example of the need to ensure proper security measures are taken throughout the facility.

Improvement can be made for the provision of clothing, water and personal hygiene items. Efforts are ongoing to make continued improvements in these areas. As with the HVD facility, improvements are continually being made with regard to procedures relating to judicial guarantees.

Conclusion

The two Working Papers provided should offer great assistance in understanding how our detention operations are conducted in accordance with the Geneva Conventions. However, security conditions during this armed conflict do present challenges delaying certain improvements in the detention conditions of all classes of detainees. As security in Iraq improves, more resources can be devoted to further improving the conditions in detention facilities. Our aim is to continue providing for the security and humane treatment of all detainees. However, as you will have noted, while the armed conflict continues, and where "absolute military security so requires" security internees will not obtain full GC protection as recognized in GCIV/5, although such protection will be afforded as soon as the security situation in Iraq allows it.

In the meantime, in the context of ongoing operational and strategic interrogation of certain security internees, locally imposed conditions and resource constraints, all internees are guaranteed humane treatment as a minimum standard. We will seek to exceed this standard where possible and appropriate. Your input is important, and we look forward to a positive ongoing working relationship with ICRC delegates in the future.

Sincerely,



JANIS L. KARPINSKI
Brigadier General
Commanding