On 9 February 2004, a team of officers, directed by Major General Antonio Taguba, conducted the following interview. Major General Taguba was appointed as an Investigating Officer under the provisions of Army Regulation 15-6, by Lieutenant General David D. McKiernan, Commanding General of the Coalition Forces Land Component Command (CFLCC), to look into allegations of maltreatment of detainees, detainee escapes and accountability lapses, at Abu Ghraib, also known as the Baghdad Central Confinement Facility (BCCF). The panel also inquired into training, standards, employment, command policies, and internal policies, concerning the detainees held at Abu Gharib prison. Finally, the panel looked into the command climate and the command and supervisory presence

The following persons were present:

MG Antonio M. Taguba, [redacted] DCG-CFLCC, **Interviewer**
COL [redacted], 205th Military Intelligence Brigade, **Respondent**
SSG [redacted], Jr., [redacted] 27D30, CFLCC – SJA, **Recorder**

This is the first interview of [redacted] on 9 FEB 04
The interview is summarized as follows:

My name is COL [redacted]. I am currently assigned as the commander of the 205th Military Intelligence Brigade.

The Brigade had a presence on Abu Ghraib on a permanent basis. In August or September for Operation Victory Bounty, a small element of interrogators was sent down there. In the middle of September, CJTF-7 decided to stand up a Joint Interrogation and Debriefing Center. The decision was made in November to move my TAC full time to Abu Ghraib by direction of the CG. The last week in November I was given direction to assume command of the Forward Operating Base in Abu Ghraib.

The initial presence during Operation Victory Bounty was a team of interrogators from the 519th MI Brigade. In the middle of September, we began the transition to the Joint Interrogation Debriefing Center. It became a mixed group of soldiers from the 323rd, 325th, and the 519th MI Brigades to form tiger teams. In October we had tiger teams from Guantanomo Bay. Between October and November we received assistance from the 470th MI Battalion and the 500th MI Brigade.

Up until I assumed command the 800th MP Brigade had responsibilities for the FOB, exercised through the 320th MP Battalion. There were various leaders exercising responsibility for the FOB at different times including: [redacted]

I directed that the 165th MI Battalion move down on December 2, to establish operations and take control. I relieved the commander of the 165th [redacted] about a week ago to redeploy to the central region. They did not provide any of the interrogator support. The 165th pulled guard, exercised direction over the FOB when I wasn't there and

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provided me with advice and assistance on security. They had a section inside the area where I am currently at, but in terms of actual interrogation, they had nothing to do with it.

Prior to assumption of command as the FOB Commander, I did not specifically receive any instructions regarding my responsibilities. I had the policies and procedures that LTG Sanchez had signed, the Sand Book standards for quality of life and what had already been established by CJTF-7. I used those as my basic guide for exercising.

I understood that overall, I was responsible for making sure that detention operations ran, but I acted under the assumption that my executive agent for detention operations was the 320th MP Battalion. I did not get involved in their SOP's or prison operations. I knew how many prisoners there were, if there were escape attempts or other problems that came up through the FOB. I understood that I had full responsibility of detention operations, but I used the 320th as my executive agent.

There were dual lines of command with regard to detention operations. The 320th MP Battalion would talk with me about things; I would ask questions and get answers. They were also getting guidance from the 800th MP Brigade with regard to detention operations for the CJTF. I was in charge of operations at BCCF but I did not have a broader perspective on things such as the transport of detainees. I had no visibility over the operation once they left the confines of the FOB, nor did I concern myself with it. Perhaps I should have.

I request a lawyer at this time.

The command relationship I had was TACON: tactical control. I could maneuver them on the battlefield but their organic units maintained the normal command relationship in terms of how they would operate and organize. I understood that I could take control with regard to positioning and activities that took place, but they still followed their command lines.

I think the units recognize my position as FOB Commander as being responsible for Force Protection. I relied on the 205th of my Brigade and the JIDC to operate the interrogations. I relied on the 320th MP Battalion to act as the warden for the facility and ensure that good MP and guard practice were conducted.

The MI units were within my command and control; they were assigned to me. They were under the 205th MI Brigade and the JIDC. The MP Battalion was TACON to me; they had their own operating procedures and the execution of policy differed.

There was not an established procedure as to how detention operations conducted by the MP's and interrogation operations being conducted by the MI units should interact. BG Miller suggested to me and I made the suggestion to BG Karpinski that the MP's be detached to MI to carry out detention operations. The assumption was that command

lines would be clearer and the MP operations would be easier to regulate. The suggestion was not carried out.

LTG Sanchez gave me, in writing, a specific interrogation plan. We were under strict guidance. As late as 11 January, there was confusion in the MP ranks as to who was responsible for the guard mission. The TACON relationship was not clear. There were instances of confusion in the MP Battalion as to what my realm of control was; I had to reestablish my realm of control based on the TACON relationship. I had cognizance over the installation and all of its buildings. It was like being an ASG Commander and their relationships with tenant units on Abu Ghraib.

If detainee abuse was brought to my attention, action was taken. There were two instances when it was brought to my attention. For one of the interrogators we took UCMJ action. There was a second instance with an interrogator; I directed that she be suspended from further interrogations. [redacted] my deputy director at the time, can give the specifics. He handled it since it was a first time offense for the interrogator. I did not follow up specifically other than to verify that she was suspended and that [redacted] was working with her to ensure that it did not occur again. These were the only two instances that I knew about until CID brought me the disk. I told my soldiers to work with CID and if the soldiers were involved, then they needed to be punished with everyone else because that is the standard we've established at the FOB and within the JIDC.

If the interrogation plan falls within the outline set by LTG Sanchez then the O5 Deputy Director or myself approve the plans. Those interrogation plans include a sleep plan and medical standards. A physician and a psychiatrist are on hand to monitor what we are doing. In practice, the interrogation team then gives the interrogation plan directly to the MP guard that is going to work with MI when direct coordination is authorized. They would go down and work with the NCOIC in the cellblock to work out the specifics of implementation. Based on LTG Sanchez's outline, the approval came from me. Myself or a senior person in the JIDC signed off on the interrogation plan and took it down to work it with the MP's.

The execution of this type of operation with regard to interrogation plan dissemination is not codified in doctrine. Except for Guantanomo Bay, this sort of thing was a first.

Typically, the MP has a copy of the interrogation plan and a written note as to how to execute. There should also be files in the detainee files as to what is going on when an exception is needed. The interrogator uses these files to keep a record as to what has happened to the detainee. The doctor and psychiatrist also look at the files to see what the interrogation plan recommends; they have the final say as to what is implemented.

To my knowledge, instructions given to the MP's other than what I have mentioned, such as: shackling, making detainees strip down or other measures to use on detainees before interrogations are not typically made unless there is some good reason. No one has reported anything back to me. There once was an incident where the detainees on Second

Tier 1A were naked. I told them to have the detainees put their clothes back on and that it was inappropriate. I also told them that if there was a good reason to do that, it should've been brought to my attention and should have gone through the CG. Things of that nature are inappropriate and not typically done.

My assumption was that the guard would supervise the plan and the detainees would be delivered at a specified point and time to the interrogator. For example, the interrogator would give the interrogation plan to the guard and the guard would implement that plan. Nobody came back to me saying that we had problems implementing the plan nor were there any questions about the plan. The only time that occurred were when the MP's came back to me saying that they saw some interrogators come down and they did inappropriate things to the detainees. I looked into it and I asked CID to come in and I suspended those interrogators from further operation. This was the first investigation that I directed on detainee abuse. In this case, there was nothing brought to my attention that there were problems in that regard.

I had mentioned to BG Karpinski and to the MP leadership that it would be cleaner if they detached a group of MP's to the JIDC so we could conduct that operation separately; we could run them through the necessary training. They told me they didn't have enough personnel for that, though they thought it was a good idea. I got feedback of that nature, though I don't remember the specific dates. Both my Deputy Commander and myself spoke to BG Karpinski about it. I made the assumption that they were competent to execute those plans, but I didn't follow up on it based on the fact that I got the positive feedback.

The point of the detachment and attachment of a group of MP's to me, to the JIDC was so there would be a clear line of command and control over the MP's dealing with the detainees housed in Tier 1A. I would have complete oversight of the operation; everyone would be working off of the same SOP's and the same lines of command. There wouldn't be a question about who to go to if you had a question. If they all worked for me, I would be able to get all of the feedback and make the appropriate corrections. On Sundays we have a meeting and all of the people at the JIDC stand up and they give an overview of how things are going. If the MP's were assigned to our unit they would be required to stand up at meetings and give briefings about what had been going on and any questions about procedures during interrogations that seemed inappropriate could be dealt with. I think it would've provided easier access to mitigate problems if they did exist. As I said, I am unaware of anytime where an interrogator said that there was a problem. I'm not saying it never happened, but nobody ever brought such an instance to my attention.

The feedback I received from BG Karpinski about an MP detachment was favorable, but they didn't have the personnel to do it. After we had talked about it, they withdrew the personnel who were escorting detainees back and forth to the prison. Normally, MP's escort detainees from their cells to the interrogation room and they provide security, but they didn't have enough personnel to do that. I had to come up with my own detachment and train them. There were specific rules and regulations that the detachment had to

follow with regard to that mission. This special detachment, made up of 96 H's, was used exclusively for the transporting of detainees.

My understanding about my duties with regard to detention operations came from the Deputy Commanding General. I needed to maintain awareness of what was going on with detention operations, but the execution of the operation was clearly in the MP realm. If I saw something that was being done wrong, I had the authority to correct them by changing the procedure and to ask for an explanation as to why a certain procedure was being performed.

The terms security detainees and security internees are interchangeable. I separate them from the term criminals, which are held and dealt with separately. A high value detainee is someone who is of particular interest to the CJTF. There are three categories of detainees: one, two and three. Two and three are not of any particular interest, and category one consists of high value detainees. These three categories of detainees as well as security detainees are categorized by the command. The Geneva Convention provides for two types of detainees: Enemy POW's and civilian detainees. Both have specific, but different sets of rules and regulations that must be followed with regard to their internment. The reason we use the term security internee is to differentiate them from Enemy POW's who would require a separate facility and separate rules of treatment.

I was not aware that a copy of the Geneva Convention under AR190-8 must be posted in the facility in the language of the country to which the detainees are being held. The Geneva Convention was not specifically posted in any of the facilities where the detainees were being held. I maintained a copy in my office and on the facility, extracts based on the rules and regulations of interrogation were posted when you walk into the JIDC facility. The postings say that the Geneva Convention must be followed, what the CJTF approval is, and that detainees must be treated humanely. Each detainee, interrogator and analyst goes through in processing training. They sign a letter stating that they understand what they can and cannot do. Since I have been in command, the ICRC has come to our facility once and the lack of a regulatory posting of the Geneva Convention was not one of the findings that they out briefed me on.

My interrogators are well advised about the Geneva Convention and about what they can and cannot do with regard to the treatment of detainees. I would go back to the certification process that we've implemented. The interrogators did not do anything wrong – it looks like I might have had an errant guy. If it came to my attention, I investigated. If it were inappropriate, I punished.

I would see [redacted] at weekly Mayor's meetings; from time to time I would attend his MP meetings. We interacted with his staff with regard to detainee numbers. We were working to finish the prisoner dining facility. My interaction was more so with his staff than with [redacted] himself. Availability was the reason that we had trouble meeting.

I spoke with BG Karpinski on two or three occasions. When we were first standing up the joint interrogation center is when I told him about the MP detachment plan.

When I assumed command I visited [redacted] once, after the shooting incident on Tier 1. We did not have a meeting after that visit.

The interrogation operation would be better served if we streamlined the split lines of responsibility. They came together a little after I took over the FOB, but it wasn't done. One commander still wasn't responsible for everything from the interrogation facility to the detention operations. All of the detention compounds and camps should fall under the area of responsibility of one commander. Also, the guard force needs to get to the same level of requirements, training and understanding of the Geneva Convention. If they do something outside of the standard, they know they do so at their own peril and they don't think it is acceptable behavior.

The person exercising command as the FOB prior to my arrival and relief of the 800th MP FOB was [redacted] Once I arrived, I followed established CJTF policies. [redacted] was not present when the actual change of the FOB took place; [redacted] was the acting commander at that time. What brought this on was when BG Fast made a visit and saw that there was a lack of standards with regard to pieces of the FOB. [redacted] then called me to take over as the commander of the FOB.

The JIDC at Camp Cropper is not under our control; BG Dayton runs it.

The interrogation teams are predominantly MI. A company called Khaki also provides civilian interrogators. There are interpreters who are nationals from the Middle East that can get a secret clearance who are now U.S. citizens. Recently, we had British and Jordanian interrogators. The intent was that the interrogators wouldn't only be from the Army, but from all three of the other branches of the military. The interrogator slots should be predominately filled by the Joint Manning Document, augmented with twenty-five interrogators by the MI Brigade. We didn't have the personnel so I was required to get interrogators from different units, but the intent is that it comes off of a Joint Manning Document

I have a briefing to give you that lists the detainee centers and statistics.

I have nothing else to add.

[**[redacted]s, U.S. Army, was interviewed on 12 February 2004, as follows:]**

Q. The purpose, [redacted] is just to re-interview you and ask a couple of clarifying questions here and we'll ensure that we gathered all the information that we require.

A. Yes, sir.

Q. For the record, I acknowledge the copies of documents that you provided yesterday that include your sworn statement, of course, enclosures, briefs, things of that nature, as a matter of record. Do you wish me to readdress the purpose of the investigation?

A. No, sir.

Q. Okay, all right, good. Just a couple of questions, are you familiar with the memorandum that was dated the 12th of October, Subject: CJTF-7, Interrogation and Counter Resistance Policy, unsigned, of course, but assuming it was assigned, from the CG, CJTF-7, that was addressed to the C2, Combined Joint Task Force 7, Baghdad, C3, Combined Joint Task Force 7, Baghdad, and Commander, 205th Military Intelligence Brigade. And I now show you this memorandum.

A. Yes, sir. I am familiar with that document, yes, sir.

Q. So you're familiar with that. And the directives associated with this were then utilized to formulate rules of

engagement and policies that were later used at the FOB at Abu Ghraib?

A. Yes, sir, that is correct.

Q. How else were those instructions and those directives disseminated, and to whom did you disseminate them to?

A. Sir, I gave--that memorandum was given to the operations section. It was explained to the soldiers, and then we used the system whereby that was approved by my JAG, which during training, we gave a briefing which talked to those issues as part of the training, which I put in the documents, the allied documents that I gave you. And then each one of the soldiers was required to sign the memorandum that said "these are the things that you can and can't do with interrogations."

Q. Were those just given to the interrogators, or were any of these instructions given to the military policeman at all?

A. They were not given to the military policeman, sir.

Q. Should they have been?

A. In my view, yes, sir. And this gets to the issue that I talked to you about during our last interview when I said I think it would have been helpful if we had had one chain of command with regards to both the military police and military

intelligence setup with regard to--the specific, those MPs specifically supporting interrogations.

Q. When you say "interrogators," both military and civilian contractors?

A. Civilian contractors and the analysts who supported them, as well.

Q. Did you have an assumption or an understanding that these instructions that culminated the interrogation rules of engagement, that it was reasonably understood, the right and left limits of the interrogators' authority?

A. Yes, sir.

Q. Now, in that particular context, where the interrogator provides a set of instructions to the military policeman upon the detainee's return to custody from the military policemen and returning them to either Ganci or Vigilant or the hard site, was there a determination that those instructions were to be executed by whom?

A. Well, sir, it was understood that the specifics of management plans, let's say, for example, like sleep management plan, would be executed by the MPs. And there was usually a written document; I think I showed you an example of one in the paperwork that said the person was to be woken up every X-amount of hours.

Q. Okay, when those instructions were given, did you know whether those instructions to the MP were given to the guard themselves, or to the guard's supervisors or chain of command?

A. Sir, they were probably given to whomever was in the Sally port at the time that the interrogators went down to coordinate that actions. There was no formal system in place that I'm aware of to--that would, for example, send it through--guarantee that it was sent through the chain of command.

Q. The rationale for my inquiry there was the prospect of supervision to an extent where the guard's supervisory chain would understand the limits of those instructions, whether the instructions were legal or whether the instructions were carried to the letter. In other words, if the instructor was given a set of instructions that stipulated 4 hours of sleep over a 24-hour period, then how would you know or how would the interrogator know or how would the MP guard know that the aggregate total of 4 hours were to be accomplished in a 24-hour period, and in what segment or in what frequency?

A. Sir, on the sheet of paper that they gave, the ones that I saw and the one that I provided to you usually specify that the person is to get an hours' worth of sleep during every 4 hours from this period. Now, there would be no way for us to actually monitor whether that happened. I can tell you that on

a regular basis that when [redacted] was assigned down as my Deputy, and I know that [redacted], who was in charge of the interrogation and control element, a CW2 down there, would routinely go down and work with the guards and their supervisors, you know, talking through the implementing instructions. However, you are correct. We had no formal system in place to do that. There was an agreement at the higher levels between me and the MP Brigade, the 320th Battalion, that that would be done. But there was no formal established procedure there, where I would hand that off, to say, the company commander of the unit that was doing the guarding.

A. Given that then, why were these plans then formulated and directed to the MP, was there any consideration given to the detainees' physical, mental, physiological state?

A. Yes, sir. From our perspective, when we do that, we have our medical--we have a doctor assigned, I think he was just pulled. But up until 24 or 48 hours ago, we had a psychiatrist assigned. And that person would go in and, with the interrogators, would review all those people under a management plan and provide feedback as to whether they were being medically and physically taken care of. Because of the JMD fills and the lag times and that, I had to be honest that we

didn't get the doctor and we didn't get the psychiatrist until after I had actually gone down as the FOB commander and moved my TAC into the JDIC. So, that would not have happened until about 15 November. Up until that time, there was probably no good methodology for monitoring the health and welfare of the detainees. And that's one of the reasons that I pushed for that and that we worked real hard in getting that fill, as we were concerned about that.

Q. I want to bring that up, Colonel [redacted] because in the context of giving specific instructions from did the interrogator, who we reasonably assume are competent, trained individuals, to an MP that again, not assuming whether they're compliant or were trained in the handling of detainees then that would lead to a question of whether a set of instructions from you would be carried out to the letter by the MP and predicated on any misfortune that then resulted on that detainee. Would it be kind of odd to you that somebody else is carrying the orders that somewhat emanate what the interrogators that were directly under your command?

A. Yes, sir. I mean, clearly, as I've articulated that that was a--I think a concern in terms of the chain of events or the structure of the JDIC. Your point is a valid one, which I would have personally solved by having the MPs be part of the

structure. We asked--I know that myself and my Deputy talked to General Karpinski about that, about getting the Detachment that provided guarding, especially over the hard cell, which is really the area that we're most concerned about, under the auspices of the Brigade and the JDIC so that we could ensure that that was happening, because it was a loose area and we knew that. And so I would agree with your assessment, sir.

Q. Did it occur, as well, in your discussions with General Karpinski that there may be some MPs that may overextend their authority in the execution of these----

A. Sir, I never--the only reports that I ever got were on my own people, and they were from the MPs. I had, perhaps, improperly at this point, 20/20 hindsight being perfect, assumed that they were competent regarding things that we were asking them to do. As I worked my way back through that, I probably should have asked more questions, admittedly.

Q. In your infrequent contacts with [redacted] was there any thought given to or even mentioned what this particular memo covered interrogation and counter-resistance policy? Did you ever ask or did you mention to him of his unit's relations to this particular policy?

A. Sir, I never discussed that policy with [redacted]

[redacted]

Q. But did you say, you mentioned this relative to his gaining control of those MPs with General Karpinski.

A. Yes, sir.

Q. And she understood that?

A. I don't know, sir. I don't remember having discussions specifically about that memorandum. I do know that both myself and my Deputy Commander, [redacted] spoke to her on several occasions about the possibility of having the MPs come under our auspices for reasons--what I expressed, I think, was just simply of training, of unity of command and ease of operations to work that piece. At one point, I actually thought we were pretty close to doing it, but then, the MPs said that they didn't have enough personnel. There were chronic shortages and they were rotating people back in through the system, so that the matter was subsequently dropped.

Q. Who did you get that response from?

A. From General Karpinski, sir, and from the MPs on the ground.

Q. Did you take that as sort of a resistance to your offer or to established policy, or did you take that as their rationale of why they could not be included in your recommendation to conduct an integrated training session with regards to both interrogation and detention?

A. Sir, I believe that the shortage of personnel that they had was legitimate and that they were doing the best with what they had.

Q. Again, did you take it that everybody was short personnel anyway?

A. Yes, sir, I did.

Q. Did you readdress that with her subsequent to that?

A. Sir, we talked about it two or three times, myself and the Deputy. I couldn't give you any specifics of when that happened. I know that I spoke to her once when we were--I can't remember, at least once, and I know that the Deputy brought it up a couple of times at the weekly prison meetings that she would attend down at CPA. And the response that we got was shortage of personnel. And based on my own--I believe they were telling the truth, and when I got down as the FOB Commander at the end of November, there truly was a shortage of personnel, which I attempted to address through putting together a request for forces using civilian personnel that is currently pending through the contracting process to try to help us with the guard requirements because of their shortages.

Q. Did you explain to the 320th, General Karpinski, or any other tenant unit what TACON meant when you assumed command of the forward operating base?

A. No, sir. When we got the order, and again, I put a copy of that in the allied documents that I sent to you, and it said for--that we're TACON for two tasks. One was the FOB force protection, and the second was the detainee security, which I assumed meant that we were to make sure that they had a place to live, to protect them from mortar attacks in the same way that we were to provide force protection. The TACON order, the other way, was just for force protection purposes under the--when we were under the 800th auspices prior to the 19th or the 21st, I think, the order was written.

Q. The 19th. But you understood that you were not TACON to the 800th. Did you understand that to be the case?

A. No, sir. I understood that we were TACON to the 800th for purposes of force protection.

Q. Okay, that's how you understood the FRAG Order?

A. Yes, sir.

Q. But the FRAG Order basically appointed you as the 205th Commander, to be the FOB Commander of the forward complex---

A. As of the 23d, yes, sir. And I guess--or on the 19th--I don't remember the exact date of the order, sir.

Q. It's the 19th.

A. On the 19th of November, up until the 19th of November, we had been, the 205th JDIC had been TACON to the 800th MPs for purpose of force protection. On the----

Q. Was there a FRAGO associated with that?

A. Yes, sir, it was in the daily tactical update, and I've provided a copy of that in the allied documents that I gave you.

Q. All right, so there was a specific--prior to the 19th, you had already been TACON to the 800th MP Brigade.

A. Yes, sir, on the 800th--or excuse me, and I don't know if I gave you a copy of that FRAGO, sir, but there was a daily tactical update that established that relationship. On the 19th, I was appointed FOB commander and given TACON of the 320th MP Battalion for purposes of force protection and detainee security.

Q. Okay, I think the exact words were "detainee operations" were the exact words of that FRAGO.

A. My understanding, sir, could I see the documents, please? I'm pretty sure it was "detainee security," sir.

Q. Sure. [MAJ Taguba provides documents to [redacted]] Here is a copy of the....

A. Yes, sir, "...are TACON to the 205th MI Brigade for security of detainees and FOB protection."

Q. Okay, and FOB protection, okay. The security of detainees, and it was never [inaudible]...

A. Yes, sir.

Q. And there's another version of this.

A. Yes, sir.

Q. There's another version of this that basically said, "...are TACON to the 205th for security, detainee--" sorry, "for force protection and detainee operations." What it outlined for you, security of detainees, how did that cross your mind? How did you interpret that?

A. To me, sir, I interpreted that to mean, basically providing force protection for the detainees in the same manner that I was providing it for other people on the base.

Q. Was that relegated to anybody? For you to say, "I'm providing security for the detainees in the context of force protection for the entire forward operating base, the operations then were separate and distinct from providing security.

A. I don't know that they were separate and distinct, per se, sir. For example, part of that was providing a guard force, someone making sure that the MPs had sufficient resources to guard. That's why I took a personal interest in this Eagle contract, making sure that they are interested, that that type of thing was taken care of. But certainly, it was--I did not

think that I had the responsibility for detainee operations, at large, for example, movement of detainees, tracking detainees, providing legal services for detainees and working all that. That stayed within the realm of the C3 and the Provost Marshal. And I specifically had my staff check, because as this was being developed, there were some discussions of detainee operations, which is a much larger subset to which I said, "I don't have the requisite knowledge and/or staff to be able to execute detainee operations," in the broad sense of the word, sir.

Q. But then, just for a matter of clarification here, that during interrogation, during processes of conducting interrogation sessions, did you understand that security of the detainees also applied during that period of time?

A. Yes, sir. What we did was we had retrained security forces who were MI when they said that they could no longer escort detainees. We got them trained up and we had a group that were subject to the rules that I outlined to you, and they escorted detainees back and forth. In all the instances, I witnessed they were within the rules. I can't say 100 percent that something didn't happen, but nothing was ever brought to my attention. And, I have witnessed hundreds of cases of detainees being escorted back and forth by these intelligence people that

I've designated, back from the various camps, and I never saw anything that caused me to have suspicion.

Q. Just another point of clarification, the security of detainees during interrogation procedures are under your purview.

A. Yes, sir.

Q. But the security of detainees during detention operations are under the purview of the MP unit that's conducting detention operations.

A. Yes, sir. Sir, I rely on the MPs, for example, to execute appropriate guarding procedures, whether it was on the hard site, whether it was at Camp Ganci or Camp Vigilant. I mean, they were the subject matter experts on that and I relied on their expertise to do that. What I did do was ensure they had guards available. We talked about the requirements, over the things, at our weekly mayor's meetings. We would bring up issues that they had with regard to those things, and I tried to solve them as best I could.

Q. When did the handoff of sorts of responsibility between security and detainees during interrogation processes and the security of detainees during detention operations, what is the handoff?

A. Sir, the handoff is really the FRAGO from the 19th that I just showed you that directed me to do that, gave me TACON over that whole process.

Q. Let me prepare a scenario for you. At the conclusion of an interrogation, the typical scenario is that the detainee is then remanded to the custody of the MP.

A. Yes, sir.

Q. To return them to their cell at the hard site or at Vigilant or Ganci, that at the conclusion of an interrogation procedure, the detention procedure, the security of that detainee is the responsibility of that interrogator.

A. No, I mean, no, sir. The security of the detainee at that point was the responsibility of the guard force. Normally....

Q. I'm just trying to understand----

A. No, sir, I'm trying to make sure I explain this correctly. If there were no shortages of personnel and a military policeman, and this is by their own field manuals, would escort the detainee from his prison site where he lived to the interrogation booth and provide a force outside of the interrogation booth to guard, to secure the site. On around the last week in November, the MPs announced that they no longer had the force structure to be able to do that. So what I did was, I

took some 96 Hotels, I believe they were, who were--who I could move, and gave them training with the MPs on how to guard people, to walk with people, and do that sort of thing, and assigned them a detail of escorting detainees back and forth. So, the way that the system worked after that time was that the MI soldiers, who were specially trained, would go to the site where the detainee lived. They would pick up the detainee and transport that detainee to the interrogator, who would then escort them. At times, the way that it normally worked itself out over time was that the interrogator would go with the special person who was supposed to be on guard and would assist him as an assistant. And then the person who was trained to be a guard would remain outside so that we had two people controlling because I didn't have a lot of people who could do this detail. An interrogator would assist the person designated as a guard by going with him on the escort details and making sure that they were----

Q. So essentially, the interrogator has no security responsibility for that detainee.

A. No, sir.

Q. None at all, whatsoever.

A. Doctrinally, they're not supposed to, and except in the instances that I just outlined, where because of shortages

of personnel, they were then put in as assistants to do that. Now, the reason that we did this with the MI people is because interrogators for a period of time before we got the training of these other guys correctly executed, they did, in fact, do security, even though doctrinally, they should not have and they were not trained to do it.

Q. So it depends on the situation and your guidance. I mean, everybody is short people.

A. Yes, sir.

Q. I mean, you're short people, but you're augmented by contractors. They're short people, but they're not getting any help. So I'm just trying to make a clear distinction of your understanding when you say "security of detainees," outside that governed by detention operations. But you also mention that the interrogator has some semblance of security measures because in the conduct of interrogation sessions, that typically there three people inside that booth, the guard is outside.

A. Yes, sir.

Q. Okay, I got it. Your interrogators, some are civilians?

A. Yes, sir.

Q. And your translators are civilians, as well?

A. Yes, sir.

Q. And when you took over as the FOB, were the civilians, their credentials checked by you or, that says they understand their right and left limits authorized in terms of interrogation practices?

A. Sir, the civilian interrogators, yes. The interpreters, I honestly couldn't say.

Q. I asked a couple of your civilian employees today, a translator and an interrogator, whether they understood that since they are employees of the United States Government in the United States military forces, of their status under the Geneva Convention should they be retained, detained, killed, wounded by Anti-Coalition Forces. And they stipulated that they didn't exactly know what their status to be. Were they given the training that you know of that says, this guy is interrogating Iraqi detainees, that conceivably, because of our combat environment here, they could conceivably also be captured or detained by Anti-Coalition Forces. Do you know if they were given any instructions on the Geneva Convention?

A. On their status, sir, or the detainees' status?

Q. On their status and on their understanding of the Geneva Convention as to relate to their job and as it relates to the detainee, as it relates to their responsibility whereby they should be aware of the basic fundamentals of the Geneva

Convention, that they could be charged as a war criminal if they violate that?

A. Sir, I did not have the program to do that. I don't know whether----

Q. Does your lawyer know that? Did he help you? That if you have a civilian contractor conducting interrogation operations, a collection of information, a collection of intelligence, sensitive of this information might be of what their status could be, that regardless of whether they're a civilian or not, that they still could be culpable to violations of the Geneva Convention?

A. Sir, I don't know that we ever told them that, per se. I do believe that the civilian employees, at least the ones that I worked with, were aware of the standards of conduct with regard to detainees. I never personally told them nor did I have any training program in place to provide the information that you just gave them. They walked through the same training program that the regular interrogators did that said "this is the right and left limits for interrogations." They were required to read, when General Sanchez published them and they were published on the bulletin board as I showed you, the dignity and respect memos. And those were the, I believe that they went through the same training and signed the same memos

that our interrogators did, which were in line with the Geneva Convention. So with regards to that, I believe that they knew the right and left limits of interrogations. But I certainly never did brief them on their status with regard to the specifics of their status with regard to being combatants, nor did I tell them that they were subject to being held accountable as war criminals if they violated that.

Q. Now, they're typically classified as noncombatants, but they could be construed as collaborating with the military forces in the performance of their duty to which they are contracted for.

A. Yes, sir.

Q. Did you also know that, perhaps, at least that we know of, that one of your translators does not even have a security clearance, that he is performing duties of collection and gathering and interpretation of sensitive information?

A. No, sir. When the interpreters came to us from a Titan contract that was run out here at CJTF-7, my understanding is that when we received those interpreters, they came with a secret clearance.

Q. Well, I advise you now that you're no longer the FOB commander, that at least one of them is still pending a security clearance. And I will advise you that that one particular

individual is working on a special project of a highly sensitive nature whereby he's collecting intelligence information to which he may not have access to. And I also mention that to the interrogators. So I strongly recommend that if you have any of those personnel, that I strongly recommend to you that you change it. Because then you may be violating another set of circumstances called the protection of security information, and I don't know if you advised that to General [redacted] or not.

A. I will certainly need to talk to her about that, sir, because we, as I said, we relied on the personnel who came down there were to have security clearances. The contracting officer was here at the CJTF-7. And so when they were assigned to me, I made the assumption that they did. None of the interpreters ever came with their--I forget the form number, sir, their security clearance form. But----

Q. But they came with a packet. I assume they came with some sort of a personnel packet introducing them as a matter of record.

A. Yes, sir.

Q. What they were hired to do, who they were assigned to, and some sort of a background check of some sort.

A. Yes, sir, and that would be monitored by the Titan Corporation representative here, and I'll certainly look into that when we break.

Q. I strongly suggest you do that.

A. Yes, sir.

Q. Interrogation sites.

A. Yes, sir.

Q. Where, to your understanding, are those authorized sites to be?

A. There are three general places, sir, that we allow interrogations to be conducted at. There is the steel site, which is over by Camp Vigilant areas, the site they call Site Wood, which is over across the way from the hard site. And then occasionally, they would do interrogations in the facility, itself, in the hard site facility itself in the corner, in the back. And then, from time to time, they would do it in a shower area in the hard site.

Q. In the hard site, those were the authorized sites that you know of.

A. Yes, sir.

Q. Recall, if you can, at a time where the use of dogs were utilized inside the hard site. And specifically, a [redacted] who was a canine dog handler, who reportedly

made in his statement where he was instructed to go into the hard site for the purpose of an interview. And he made a comment and turned to you, since you just happened to be in the proximity from where he was, proximity, of course, is the vicinity of the hard site. When he got this set of instructions from someone, he turned to you and he asked you, "Is it okay for me to use the dogs in the hard site in the interview of detainees?" Do you recall that?

A. No, sir, I do not. I recall an instance where I spoke to a dog handler. It was in the courtyard of Camp Vigilant. And we had a discussion about the dogs, and I said, I may have said, "I don't recall," but we had a discussion and we talked a little bit about dogs and that they could be used in interrogations relative to this memorandum. But I don't recall getting into any specifics of how or when. And I don't recall ever that instance.

Q. Authority to use dogs for interviews or interrogation?

A. Well, sir, other than in the way that it's laid out in the memorandum that you have right there, no, sir.

Q. Do you know how many dogs, working military dogs are in the FOB under the control of the MP unit?

A. Sir, I believe that there were at one time, I think there were five. There was three Navy working dogs and two Army

working dogs. The only discussion that I have ever had relative to those dogs was on two occasions. One time, I talked to the Navy head and talked to him about bomb sniffing and working with the guards. And I did talk to some of my interrogation section leaders about using dogs, and they were talking about how they would set it up. And I said, "If you're going to use them in a booth with interrogations as directed by the CG, they have to be muzzled." And those are the only--those are the only times that I can recall discussing dogs.

Q. Are you aware that on or about the 24th of November at the time of the riot at Ganci, and also subsequent to the shooting that occurred in Tier One A, second floor, and when the IRF was called to action and of course, associated to the IRF was the five military working dogs, that a team of interrogators, who we were told were civilians, wearing civilian clothes, and also an interpreter, entered the cell of the individual, the shooter, or someone associated with the shooter, where dogs were called to either intimidate or cause fear or stress on that particular detainee? Were you made aware of that?

A. No, sir. What I was aware of on that night was that, and what I witnessed, was the use of dogs. I witnessed the use of dogs as they were being used in a security role, not for

interrogations. As they were doing so, they were going in and sniffing, looking for weapons and things like that in the cells. And as they were shaking down some of the Iraqi police, I witnessed dogs being used on the other side in a--they were not muzzled, they were barking in an effort to control these potential suspects as they were being inspected by military police to make sure that they didn't have any weapons. The specific event that you just described I was unaware of. I do know that [redacted] along with several other people, I don't know who they were, went into the cell, went after the guy. As I understood, there were some civilian interpreters, as well as some other guys, went into the cell. I became aware of that during a different 15-6. And what my guidance was is that that would be--only the IRF would go in and participate in such actions and that that was inappropriate.

Q. Did they make an identification of who the two civilian interrogators were?

A. Sir, the only--as I said, the details of this were brought to my attention during the out brief with [redacted] based on a 15-6, and he did not identify who those people were. We both agreed that it would be more appropriate, and I talked to the MPs about that, as well, that the IRF respond to such things and that we not form our own. Although

they had good intelligence and good intentions, that they not form their own formation and go in there and do that, but that we use established procedures.

Q. The rationale was because the dog handler that was involved in that particular incident did substantiate the fact that the interpreter was there and did indicate the fact that there were two civilian military interrogators in there, despite the outcome of the 15-6. And if that would be the case and if that was brought to your attention, did you subsequently go back to your interrogators to remind them whether he was suspected, alleged, substantiated or even perceived, that the use of military dogs for interrogative purposes, not for searches are to be in violation of this particular policy?

A. I certainly would have, sir, had that been brought to my attention. This is the first--as I said, the first heard that there was an interrogation done with regard to that. And that is a first heard for me.

Q. Okay, fair enough. All right, the use of military dogs, as you have stipulated, could be used for interrogation, provided they're muzzled. They have to have a muzzle on during interrogation.

A. Yes, sir.

Q. If that would be the case then, why would you want to use dogs for interrogative purposes? What's the purpose of the military dog?

A. Sir, the purpose of the dog would be, and again, it is a--and I think that's one of the reasons that, as you look at the dogs, that they're not used very much in interrogations. And we discussed this on several occasions and the interpreters--or the interrogators have brought to my attention that, "Well, it's not very intimidating if they're muzzled." And my response to that was, "Well, then don't use them. Find another way." We went in with the request. The paper came back saying they had to be muzzled. That's the standard and that's the----

Q. Who did request that to?

A. It was on a list of--the draft prior to this, was a list of numerous things that were on there, that we put on. I couldn't recall the draft, sir. I think we ended up with about A through R or S of things that we could do during the original draft that we sent forth to the SJA. There was many more things on that that we requested.

Q. When you made that list, did your own SJA approve of the list?

A. Yes, sir.

Q. And you understood that that was competent legal advice?

A. Yes, sir.

Q. That it was not prohibited under the context of the Geneva Convention?

A. Yes, sir.

Q. The use of force to coerce, to intimidate, to cause fear, that sort of thing?

A. Yes, sir.

Q. And based on that remark, let me read to you now a quote from the Geneva Convention. It says "Prisoners of war to which, also the category of civilian detainees and detainees, are constantly to be protected, particularly against acts of violence or intimidation and against insults and public curiosity."

A. Yes, sir.

Q. Did that fall, did the use of dogs fall outside of that particular statement, do you think?

A. Sir, I'll be honest, I never really--I did not personally look at that with regard to the Geneva Convention. It was a technique that I had discussed with General Miller when he was here. In the execution of interrogations and the interrogation business, in general, we are trying to get

information from people. We have to create an environment not to permanently damage them or psychologically abuse them, but we have to assert control and get detainees into a position where they're willing to talk to us. That was a technique that was addressed. We put it forth in a document.

Q. What did General [redacted] with that technique?

A. Sir, I honestly don't recall the specifics of what we discussed. He said that they used military working dogs, and that they were effective in setting the atmosphere for which, you know, you could get information. Certainly using the dogs, okay, in the booth with or without a muzzle, they would have been leashed, and it would never be my intent that the dog be allowed to bite or in any way touch a detainee or anybody else, which is why the report that you just gave surprised me.

Q. Were you aware of the use of two Army military working dogs that were called in for a search, given that kind of intent, not to be used for a search, but used for another purpose, called "photo opportunity," which the two guards perpetrated a situation where they took the detainee out of his cell, stripped him of his clothing, cuffed him, made him lie on the floor. And in that particular context, somehow both dogs were released and attacked the detainee. Are you familiar with-

---

A. No, sir, I am not.

Q. And I make that remark only because the interrogation rules of engagement typify or at least outline the use of the presence of military dogs, must have the express approval, if I'm not mistaken, of General Sanchez, for which I'll read to you, "Presence of military working dogs require CG's approval." It didn't say where. It didn't say "muzzled." It just basically said, "Presence of military working dogs...." Was this then a revised interrogation rules of engagement after January or is this the one that followed the same context of the October 2003 memo? Do you recall?

A. Sir, I don't recall. I don't believe that this--this was based on the memorandum. I believe that we had the CG's approval to use dogs as long as, based on this memorandum, as long as they were muzzled. And that is the instructions that I gave to my people. I don't necessarily--and this was with regards, specifically, to interrogations and was not further disseminated.

Q. Because--look underneath here that basically indicated--let me put my glasses on; it's in fine print, that basically said, "The use of the techniques are subject to the general safeguards as provided as well as specific guidance implemented by the 205th MI Commander, FM 34-52, and Commanding

General CJTF-7" I believe that to be very directive, and you had indicated that these rules of engagement were provided, briefed, instructed, posted somewhere, where all members of your interrogating team understood the intent with regards to this rule.

A. Yes, sir.

Q. And you said that they signed a memo stipulating that.

A. Yes, sir.

Q. Do you think you may have a copy of, or file copies of those interrogators signing, that they understood the provisions of the interrogation rules of engagement?

A. Sir, if they were available, they would be down in the files at the Abu Ghraib. I don't have anything personally with me, no, sir.

Q. Because those interrogators are still there, with the exception of those that departed. Is that correct?

A. Yes, sir.

Q. That's probably what we need to check on, to make sure that there's a understanding. That rationale that you had, Colonel Pappas, the detainee abuses or the detainee maltreatment, is not only prevalent--not prevalent, I should say, could be caused under the detention operations, under the direct purview of the MPs, but in the context of our interview

so far, we determined that interrogators are also susceptible to causing an understanding on an environment to be interpreted as detainee abuses if they're not clearly understood with regards to the utilization of dogs or to the further explanation of what an interrogation plan is supposed to indicate of whether it's for isolation, segregation, sleep management plan, or any deprivation of liberties.

A. Yes, sir.

Q. That is in fact, would be related to detainee abuses that in some instances have been documented as allegedly what happened. Okay, do you have anything you want to add?

A. No, sir.

[Colonel Pappas was duly warned and departed the interview area. The interview paused at 1714, 12 February 2004 and continued at 1724, 12 February 2004.]

Q. ...that one of them included the use of military working dogs, and that your SJA reviewed and approved of your recommendation up through the chain.

A. Yes, sir.

Q. Again, please, could you tell me who you submitted this request to, since you were still OPCON to the 800th MP at that time?

A. Sir, we were not OPCON to the 800th MP. We were to TACON to the 800th----

Q. I'm sorry, you were TACON, okay.

A. ----for force protection, only. And so, I submitted that directly through my SJA to [redacted], the CJTF-7 SJA.

Q. And in their mind, those techniques were not approved or approved?

A. Sir, there were actually two memos that came out. The one that you have a copy of is the one that I have a copy of. There was a previous one that had some additional techniques on them that came down, that was later rescinded. And that provided some additional techniques that were on there. It was still going through the staffing process with Central Command, and I think Central Command expressed some concerns about some of the additional techniques. And it was a minute document that you have a copy of, that I provided to you. And the thing that I don't have a copy of is I sent a forwarding order to the JDIC telling them to implement the instructions as of the 11 October document that you have.

Q. The approved----

A. Yes, sir.

Q. And those were given----

A. The first document, sir, my understanding was when it first came down was also approved. So we operated for a time under those provisions.

Q. Was that approval, did that approval come from CENTCOM or did that approval come from CJTF----

A. No, it came from the CJTF-7, sir.

Q. And who signed that memo?

A. General Sanchez, sir.

Q. Did you know the time period of that submission? Was it before December or after December?

A. It was before the October rescission.

Q. Before that memo there?

A. Yes, sir.

Q. And subsequently, you mentioned there was a subsequent memo that added other techniques----

A. No, sir. It was prior to that, and then the document that I gave you is the one that we've been operating under since the 11th of October.

Q. Who is your SJA?

A. [redacted]

Q. Okay, [redacted] What was his background? Do you know? Legal administrator? Criminal?

A. Sir, I know that he has had some background in criminal law, in terms of being a--prosecution. I don't know, I think he had some administrative time, and I don't know his background in OPLAW.

Q. All right, that's fair. Is he still with you?

A. Yes, sir.

Q. Who drafted and approved the ROE subsequent, you mentioned General Sanchez did that? You drafted it, you submitted it, reviewed by [redacted] and subsequently approved by General Sanchez?

A. Sir, we worked the staff action together with the SJA and submitted it to General Sanchez.

Q. Were there any other submissions or new techniques or recommended techniques after the first one?

A. Not that I'm aware of, sir.

Q. So no emails or anything of that nature, sir?

A. Not that I'm aware of, sir.

Q. And again, were any of these approved techniques approved interrogation rules of engagement? Was there any attempt on one part to share that with the MP Battalion Commander that was under your purview or given a copy of to General Karpinski's staff?

A. Sir, I did not give that to the MP Battalion on the ground, I did not.

Q. Should you have?

A. I should have, yes, sir.

Q. In 34-15--I'm sorry, in FM 34-52, is it doctrinal there or anywhere found in there to utilize military dogs in interrogation practices?

A. Sir, I don't--I can't recall. I don't think so, but I couldn't honestly say without having the manual in front of me.

Q. I see, so what you're really going by is another idea not necessarily contained doctrinally in 34-52 or anyplace else, or----

A. As I expressed, sir, that particular idea came from Guantanamo Bay and my discussions during the General Miller visit. For the most part, those techniques that you see on that memo are all relative out of 34-52.

Q. All those except----

A. I don't believe that military working dogs was in there.

Q. You said you held prison meetings, how often did you do that?

A. Sir, we held mayor's meetings with all of the component commanders on the base once a week.

Q. Once a week?

A. Yes, sir.

Q. So, all the commanders or their representatives were there?

A. Yes, sir.

Q. Did you keep minutes of those meetings?

A. No, sir. I'm sure that we can probably--well, I don't want to say this. I did not keep minutes of those meetings, sir. I might be able to go back and get you copies of the briefings. I don't know how far they would go back.

Q. Once again, further clarity, prior to you taking over the Abu Ghraib FOB, you indicated that you had already been TACON to the 800th MP Brigade.

A. Yes, sir.

Q. When was that effective?

A. Sir, I don't recall.

Q. Give me a window, like May, June, July?

A. Sir, it would have been sometime in the September/October timeframe.

Q. And you were again, your headquarters was not even located Abu Ghraib.

A. That is correct, sir.

Q. And then, sometime around the 19th of November, you received instructions whereby appointing you to be the Forward Operating Base Commander of Abu Ghraib.

A. Yes, sir.

Q. And you still remained TACON to the 800th MP?

A. No, sir. At that point in time, the relationship was changed and the 320th MP Battalion was made TACON to me for force protection.

Q. For force protection, but you no longer had command relations with the 800th MP.

A. Sir, the only relationship that I ever had with that-- my unit assigned there, the JDIC, ever had with the 800th MP was TACON for the purposes of force protection at Abu Ghraib.

Q. I'm just trying to establish here some timelines.

A. Yes, sir.

Q. You mentioned you were TACON to the 800th.

A. My operation at Abu Ghraib, yes, sir.

Q. But you were TACON before that to the 800th.

A. The operation that I had at Abu Ghraib was TACON to the 800th.

Q. Okay, let me back up. Maybe I'm not phrasing the question properly. Before Abu Ghraib, before 19 November, were you TACON to the 800th MPs?

A. The Brigade, at large, sir?

Q. You, right.

A. My understanding, no, sir.

Q. Okay, so there was never any command relationship with your Brigade to that of the 800th MP prior to the 19th of November.

A. Sir, I would have to go back and look at the FRAGOs. I understood that my forces that were assigned to Abu Ghraib----

Q. No, to you. You, as the Commander of the 205th.

A. No, no, sir. I was never personally under the 800th MP Brigade.

Q. None of your elements were ever associated prior to the 19th, 19 November and previous, did you or any elements of your Brigade. TACON, OPCON, attached, assigned to the 800th MP Battalion.

A. Those elements that were stationed on Abu Ghraib, and there were elements of my unit stationed on Abu Ghraib from approximately September on, various elements were TACON to the 800th MPs for purposes of the specific task of force protection.

Q. Okay, and that included the 519th, the 165th, all those folks.

A. Yes, sir, the 165th would have fallen under---would have been the 519th and those soldiers associated, it was a

myriad of people associated with the joint interrogation and debriefing site.

Q. Okay. So on the 19th of November, you got a FRAGO that appointed you Commander of Forward Operating Base Abu Ghraib.

A. Yes, sir.

Q. For the purpose of security of detainees, as you understand it, for the purpose of base operations.

A. Force protection, yes, sir.

Q. Did that include, did you understand under the content of that FRAGO, that that included conducting improvements to the quality of life there? Did you understand that to be anything else beyond security of detainees and force protection?

A. Well, I took on that role, sir. I mean, working with everybody, we wanted to improve the quality of life as the Commander of the FOB, although it was not a specified task in the order. I worked with the 320th MP Battalion. I brought in the 165th to help me with security. And we attempted to lay down a plan that would increase the quality of life for soldiers down there in terms of engineering support, and I did that with the cognizance of the Deputy Commanding General, Major General Wojdakowski.

Q. What about the tactical late, namely Alpha, 1st of the 505th? What was your relationship with them?

A. Sir, we did not have an official command relationship. They occupied space. I worked with their Battalion Commander in coordinating the operations that were ongoing. I tried to facilitate their operations, but I did not have a specific command relationship with them. They remained under the direct control of their Battalion Commander.

Q. Your understanding that those units in the FOB, your perimeter, were TACON to you.

A. Sir, the 320th MP Battalion was TACON to me. The 251st RAIOC was actually attached to me and there was an order specifying that on the 11th of January, I believe. And the quartermaster unit, I mean, that was never specified in any order, but they did what we asked them to do.

Q. Did [redacted] at any time, ask you for clarification on what his TACON relationship was with you?

A. No, sir, we never discussed that, no, sir.

Q. Did you assume that he understood what TACON meant?

A. Yes, sir.

Q. Was there any specific instructions relative to TACON?

A. No, sir.

Q. What did you understand TACON of these elements to you meant?

A. Sir, that I would take responsibility for essentially the security of the base. We published a base defense plan that he would participate with us in developing the mayor's weekly meetings that he did, developing projects and quality of life enhancements for the soldier on the installation, and that they would continue to, you know, if I could help him on something, that they would do that, that they could come to me and I would try to help them as best that I could.

Q. So you understood, based on your previous remark, that he was TACON to you, that includes the security of detainees.

A. Yes, sir.

Q. Less those that are clearly specified as detainee operations.

A. Yes, sir.

Q. That was his sole responsibility.

A. He was, to include General Wojdakowski, sir, they were the warden of--the prison warden for the installation. So I----

Q. That included the----

A. It included Ganci, Vigilant, the hard site----

Q. Okay.

A. It remained under their cognizance. They were responsible for reporting through the national detainee reporting system. They were responsible for providing guards. They were responsible for transporting people. They were responsible for care and feeding. If they asked me for some help with that, I attempted to help them, running a contract. They were running out of money. I went to the Carve and worked with them on doing that. They talked to me about not having sufficient guards to guard the facility. I worked a contract with Eagle Contracting, sir, but that remained within their purview. I just felt I was obligated to help them with that if I could.

Q. So in that regard then, what did you see as the relations of your interrogating team for the purpose of collecting information and intelligence relative to that of detention operations.

A. Sir, we were a supported unit.

Q. To collect, so you don't see yourself both as a supporting or a supported unit?

A. Sir, you're asking what I thought the relationship was? I believe that we were, with regard to interrogations, that the interrogators were a supported unit. As I stated, when they brought things to my attention that they needed help with,

I attempted to use my resources and my influence, what little I had with the CJTF staff to help them get what they needed. When they came and said they didn't have sufficient guard forces, one of the reasons I brought in the 165th was that they manned all the towers. I had some free people and so I was able to work that with [redacted] to come in and pull security. When we were able to free up some LRS teams to help with counter-mortar and work, and it was just working with Alpha 1st of the 504th. So we tried our best to increase the force protection posture of the installation. As you know, sir, we were short personnel, and it was not a perfect or ideal situation we were working at the very end, and I passed this on to Colonel [redacted] and General [redacted], as well, trying to get some sort of counter-fire capability out there from a force protection standpoint to help us with the mortar problems.

Q. You mentioned that you at least made one attempt with General Karpinski to recommend to her that the MPs be rolled up in your operation.

A. Yes, sir, just the MPs, cell block One A, and those MPs that were, at that time, providing escort back and forth to the detainees.

Q. And you didn't want to have anything to do with interrogation or any of those detainees that were being interviewed or interrogated at Ganci or Vigilant?

A. Sir, I didn't want to control the guard forces, no, sir. I didn't think it was--at Camp Ganci, sir, of course, most of the detainees, all but a few hundred, are not of intelligence value. And so, we would have no interest there. At Camp Vigilant, in retrospect, as you asked that question, sir, I never thought of it that way. It probably would have been helpful to do that, but my intention was that those working in cell block One A and the escorts going back and forth would be the only ones that----

Q. You wanted to limit it to that area.

A. Yes, sir.

Q. And of course, the response from General Karpinski was basically, "No, because I'm short people, this and that."

A. Yes, sir, and I know that--yes, sir, basically, "No," yes, sir.

MG Taguba: Okay, well, that completes at least the additional comments that we have.

[redacted] was duly warned, and the interview terminated at 1744, 12 February 2004.]

On 19 February 2004, a team of officers, directed by Major General Antonio Taguba, conducted the following interview. Major General Taguba was appointed as an Investigating Officer under the provisions of Army Regulation 15-6, by Lieutenant General David D. McKiernan, Commanding General of the Coalition Forces Land Component Command (CFLCC), to look into allegations of maltreatment of detainees, detainee escapes and accountability lapses, at Abu Ghraib, also known as the Baghdad Central Confinement Facility (BCCF). The panel also inquired into training, standards, employment, command policies, and internal policies, concerning the detainees held at Abu Ghanb prison. Finally, the panel looked into the command climate and the command and supervisory presence

The following persons were present:

MG Antonio M. Taguba, [redacted] DCG-CFLCC, **Interviewer**

[redacted]

COL [redacted]

This is the second interview of [redacted] on 19 FEB 04
The interview is summarized as follows:

I believed that I was responsible for the Force Protection of the facility. To include the detainees, the soldiers, and civilians who stayed and worked at the BCCF. The way that I interpreted the orders was that it would be a Force Protection mission and not detainee operations. I assumed that the 320th Military Police Battalion was responsible for the hard site facility, and I was free from any responsibility of detainee operations.

[redacted] was my deputy for interrogation operations. He was also responsible for the joint interrogation and retention-debriefing center.

I did request control of Tier 1a and 1b eventually. Tier 1a was done early on to provide segregation facilities for interrogation operations, the request for 1b came after the capture of Saddam Hussein when we had an increase in our mission to take care of those detainees captured surrounding HVD-1. When did not make the request through BG Karpinski we made it through the Iraqi Bureau of Prisons, my DCO did that directly with the Iraqi's.

My understanding was that the hard site except for 1a and 1b was under the direction of the Iraqi Bureau of Prisons; it was not a coalition operation, the 320th MP's provided support of the Iraqi Bureau of Prisons. The prisoners in Blocks 2 thru 4 were not Geneva Conventions type detainees; they were common Iraqi Criminals. Tier 1a and 1b was exclusively under U.S. military control up until sometime in December was used for interrogations. Tier 1b was a multi-purpose area until the Iraqi Bureau of Prisons gave us exclusive rights.

I understood that the MP guards that worked Tier 2 thru 4, and the MP guards that worked Tier 1a and 1b were from the same company. I didn't issue a formal request, I just spoke to BG Karpinski about a MP detachment to focus primarily on Tier 1a.

I may have made an incorrect assumption, but I interpreted that the mission was Force Protection, owning the ground per se, and not the requirement to do detainee operations. The reason I say this is because I did not have the expertise or the staff to accomplish such a mission.

TACON doctrinally means to me limited control over specified units for specified task. I set the priorities for specified task. With regards to other missions that they may have to perform it is the controlling unit. I came to the conclusion that it was a Force Protection type mission to make sure we did a better job of protecting the force and protecting the detainees. I knew that the MP's were having problems with the outside security of the facility. I didn't receive any clarifying guidance from the CJTF staff. The MP's continue to send reports of detainee counts and prison status and I never entered into that business. My focus was a new gate security plan, requesting for additional civilian support, and construction projects under a centralized authority.

I believed the MP's to be in control of Tier 1a and 1b.

[redacted]eads a section of the Camp Vigilant SOP of the 320th MP Battalion dtd 10 OCT 03.

It was common knowledge that [redacted]d access to Tier 1a and 1b of the hard site. I know that he was working with MP's, the only one MP I know for sure is [redacted] I know that he and [redacted]ould work with the MP's to make sure the conditions were being set for interrogations.

After the riot had been subsided, it had been 4 or 5 days after I had taken control of the FOB, and I was unfamiliar with all of the procedures. I had talked to the MP's about what had happened and asked [redacted]o make sure that we sent a good report to higher about the riot. That evening BG Karpinski called me and said, "Do you realize that there has been a shooting on Tier 1a". I hadn't call that day to inform BG Karpinski of the riot, [redacted]told me that he reported it higher to his boss, and I left it at that.

I actually had been informed after the riot, and I told [redacted]hat we needed to work on that. I had not put in place appropriate command and control measures to make sure that I was getting simultaneously reporting with those that was going to the MP Brigade. When BG Karpinski called she asked me did I know what had occurred, I said no ma'am I did not. I went to find out what happened, I got a hold of [redacted]nd he explained the situation.

[redacted] was on the scene of the incident and he did not inform me about what had happened. He was also involved in searching the cell of the inmate who had the firearm

hidden away. It is not common for MI personnel to be leading a search. It was common that [redacted] would conduct searches without notifying the MP chain of command or myself. In December and January I worked to have him reassigned to other duties. I was familiar that a certain number of Iraqi guards had assisted in the detainee obtaining the firearm. We talked to the Iraqi Bureau of Prisons and the CPA about what or plans were for questioning the Iraqi guards as they came through. My understanding was that the MP's provided the guard support and my interrogators work with them in the interviewing of the Iraqi guards.

[redacted] rating chain went through the C-2 element, I don't know who rates him, he is not assigned to my brigade. I assumed he was sent down from the C-2 to fill the deputy's position, or to assist with operations at Abu Graib, just as [redacted] is doing now. I think he was sent to fill the position of the deputy for the JIDC, it's just that he worked in a separate chain of supervision than I was and he remained a part of the C-2's operational staff. The duties that I thought he was providing were to basically to be my assistant and to insure that interrogations were conducted properly. The operations center, [redacted] and [redacted] Rivas would have been under his direct supervision. [redacted] was assigned to my brigade, but she was transferred out.

As FOB Commander I did not confron[redacted] about the limits of his duties and responsibilities. [redacted] now works for C-2 on a special project.

After the riot we made a report to higher that explained the circumstances under which the events happened, I sent the report to higher headquarters. I also reported it through the chain of command. I didn't discuss the duties and responsibilities of [redacted] with BG Fast. I would say an accurate description of [redacted] is a loner who freelances between MP and MI, and I must admit that I failed in not reigning him in.

The only background information on [redacted] is what he has told me. He said that he worked for the transportation security agency. He wore the MI branch insignia when he was with me. My understanding was that his specialty was a straight tactical intelligence, if had any other specialties I am unaware.

Towards the end of December I made my request that he be removed. I came to the conclusion that there was a little too much freelancing, and I found out from [redacted] after reviewing the 15-6 how problematic it was with what happened on the floor that night. After being walked through the proper procedures with [redacted], I realized that the IRF should have done the search. I should have known better, and I am the one to blame for that. I did not recommend any actions against [redacted]. By the time I went through the procedures with [redacted] was already gone. I didn't report it to BG Fast, but I should have.

I know of FM 34-52 Intelligence Interrogation, but I can't give you details of what the manual consists of. My unit conducts interrogations and I also have units that are associated with Intelligence Interrogation.

MG Taguba reads an excerpt from the JIF (Joint Interrogations and Debriefing Cell), Chapter 8

I was the Commander of the Joint Interrogation and Debriefing Center.

MG Tugaba reads from FM 101-5 on page F-2 on TACON.

The only thing I can say is that I did not read that FM prior to the definition I related on what I understood TACON to be. When I took on the mission, the way that I understood it to be was security of detainees relative to Force Protection in the sense of I would take on that responsibility as I previously described. I briefed a mission analysis on the specified and applied task to my Deputy and my S-3 informally. I did not convey this mission analysis to my subordinate units.

I was explained that the partition on the bottom floor of Tier 1a was used to block the view of Iraqi guards coming in and out of the facility. There were 2 ways to get in and out of Tier 1a and 1b. Up until 24 NOV 03 the date of the incident, the backside had been guarded by the Iraqi prison guards.

On 25 DEC 03, helicopters flew over the Camps. I had received reports of a possible uprising in conjunction with the Christmas season, so we used it as a training opportunity and a demonstration to the guards and detainees that we had the ability to quickly reinforce if there was an uprising. I believe the 320th MP Battalion had knowledge of the demonstration but I did not inform them directly. I should have coordinated that with the QRF, but I probably should have. BG Karpinski called me on the incident, and I also talked to my Battalion Commander, and it never happened again. I believe we did share the information with the MP's about the demonstration. I informed all the commanders a Base Defense Order that covered the Force Protection Posture for the day. I designed in my mind that it was a demonstration to prevent something from happening, I didn't have anything in my mind that it would be no more than a demonstration. It should have been a coordinated exercise.

The MG Taguba briefed [redacted] and then dismissed him

SWORN STATEMENT

For use of this form, see AR 190-45; the proponent agency is ODCSOPS

PRIVACY ACT STATEMENT

AUTHORITY	Title 10 USC Section 301; Title 5 USC Section 2951; E.O. 9397 dated November 22, 1943 (SSN)
PRINCIPAL PURPOSE	To provide commanders and law enforcement officials with means by which information may be accurately identified.
ROUTINE USES	Your social security number is used as an additional/alternate means of identification to facilitate filing and retrieval.
DISCLOSURE	Disclosure of your social security number is voluntary.

1. LOCATION	2. DATE (YYYYMMDD)	3. TIME	4. FILE NUMBER
Victory Base, Iraq, APO AE 09342	2004/02/11	1800	

5. LAST NAME, FIRST NAME, MIDDLE NAME	6. SSN	7. GRADE/STATUS
[redacted]	[redacted]	COL/O-6

8. ORGANIZATION OR ADDRESS
HHD, 205th Military Intelligence Brigade, APO AE 09096

9.
I, [redacted], [redacted] AS _____, WANT TO MAKE THE FOLLOWING STATEMENT UNDER OATH:

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

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

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

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

	11. INITIALS OF PERSON MAKING STATEMENT	PAGE 1 OF 3 PAGES
[redacted]	[redacted]	

CONTINUATION SHEETS MUST CONTAIN THE HEADING "STATEMENT OF _____ TAKEN AT ____ DATED ____."

THE BOTTOM OF EACH ADDITIONAL PAGE MUST BEAR THE INITIALS OF THE PERSON MAKING THE STATEMENT, AND PAGE NUMBER MUST BE INDICATED.

USE THIS PAGE IF NEEDED. IF THIS PAGE IS NOT NEEDED, PLEASE PROCEED TO FINAL PAGE OF THIS FORM.

STATEMENT OF [redacted] TAKEN AT Victory Base, Iraq DATED 2004/02/11

9. STATEMENT (Continued)

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

The basic rules for interrogation operations are contained in Army Regulation 34-52, Interrogation Operations. The standards for the conduct of interrogations are outlined in CJTF7-CG Memorandum dated 5 October 2003, Subject: CJTF-7 Interrogation and Counter-Resistance Policy (refer to enclosure 3) that were staffed with United States Central Command. These rules provide the left and right limits for interrogators.

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

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

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

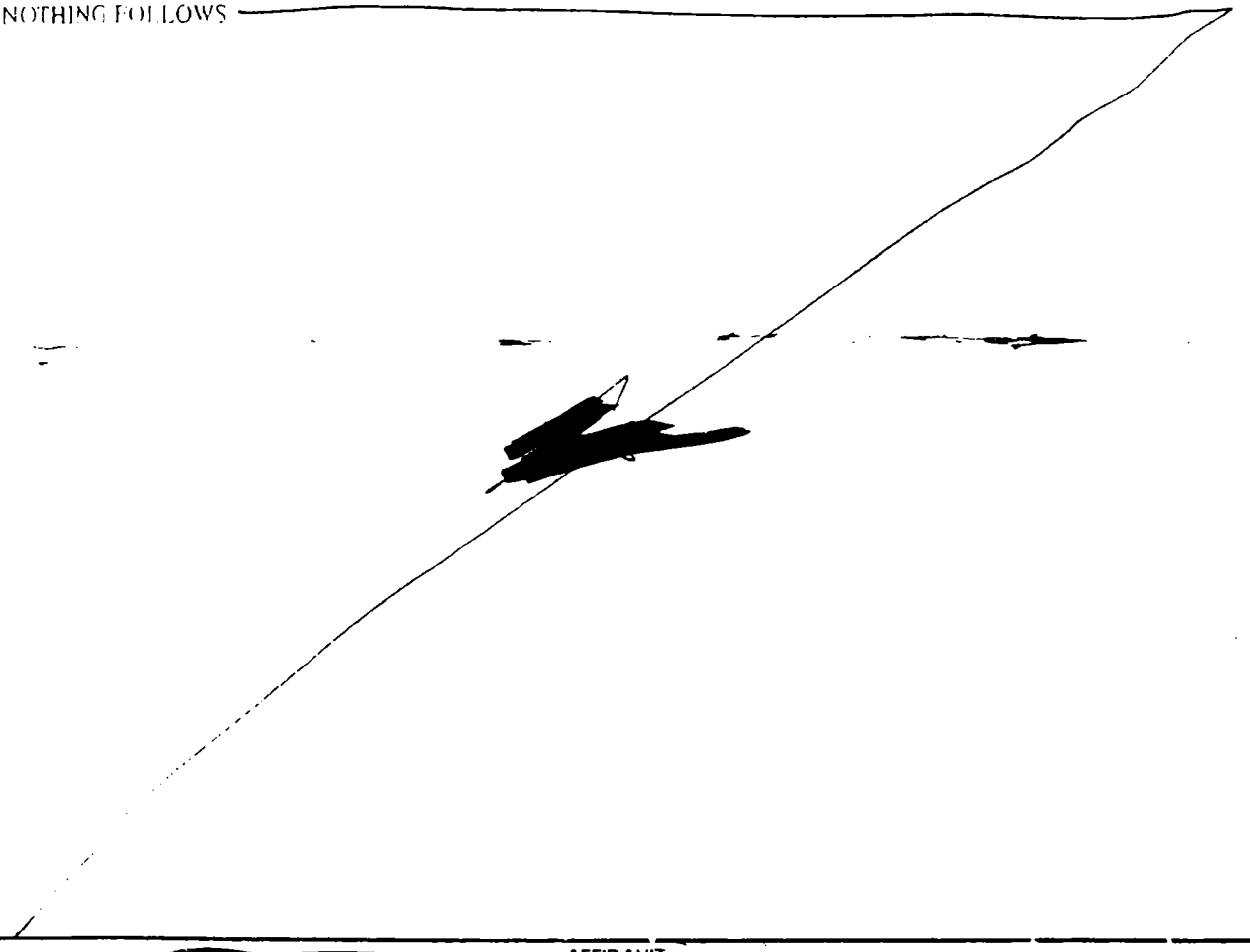
In conclusion, in response to a request of the investigating officer, I would make two recommendations as a result of my experience and the incidents that occurred. First, ensure that MPs supporting the interrogation mission are attached to the JIDC so they can be better sensitized to the rules of interrogations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

INITIALS OF PERSON MAKING STATEMENT [redacted]

STATEMENT OF [redacted] TAKEN AT Victory Base, Iraq DATED 2004/02/11

STATEMENT (Continued)

NOTHING FOLLOWS



AFFIDAVIT

[redacted], HAVE READ OR HAVE HAD READ TO ME THIS STATEMENT WHICH BEGINS ON PAGE 1, AND ENDS ON PAGE 3. I FULLY UNDERSTAND THE CONTENTS OF THE ENTIRE STATEMENT MADE BY ME. THE STATEMENT IS TRUE. I HAVE INITIALED ALL CORRECTIONS AND HAVE INITIALED THE BOTTOM OF EACH PAGE CONTAINING THE STATEMENT. I HAVE MADE THIS STATEMENT FREELY WITHOUT HOPE OF BENEFIT OR REWARD, WITHOUT THREAT OF PUNISHMENT, AND WITHOUT COERCION, UNLAWFUL INFLUENCE, OR UNLAWFUL INDUCEMENT.

[redacted]
(Signature of Person Making Statement)

WITNESSES

JTF-7

ORGANIZATION OR ADDRESS

JTF-7
Baghdad, Iraq

ORGANIZATION OR ADDRESS

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

at BAGHDAD IRAQ.

[redacted]
(Typed Name of Person Administering Oath)

10 USC 1044
(Authority To Administer Oaths)

INITIALS OF PERSON MAKING STATEMENT [redacted]