

SWORN STATEMENT

For use of this form, see AR 190-45: The proponent agency of the Deputy Chief of Staff for Personnel.

LOCATION Baghdad Correctional Facility, Abu Ghraib Iraq	DATE [REDACTED]	TIME 1500	FILE NUMBER
LAST NAME, FIRST NAME, MIDDLE NAME [REDACTED]	SOCIAL SECURITY NUMBER [REDACTED]		GRADE/STATUS SPC/AD Reserve
ORGANIZATION OR ADDRESS 372nd MI Co, Cumberland MD 21902 JCS			

I want to make the following statement under oath:

I would like to make the following statement about things that I have participated in or witnessed while I have been stationed at Abu Ghraib correctional facility. Sometime about the end of Oct 03, I was on generated detail and [REDACTED] came by and asked me to come down to the hard site with him. He said that they had some new detainees come in, and wanted me to come bullshit with him. We got to where the detainees were at a holding cell, and I asked [REDACTED] he wanted me to escort one of them to the tier and he said go ahead. So I took one of the detainees down to the tier. After we got to the tier, they put the detainees in a pile on the floor. The detainees were tossed in the middle of the floor together. That is when [REDACTED] ran across the room and lunged in the air and landed in the middle of where the detainees were. I believe this is when [REDACTED] came in and "get him some". Meaning to come in and be apart of whatever was going to happen. I believe [REDACTED] ran across the room a total of two times and landed in the middle of the pile of detainees. A couple of the detainees kind of made an AH sound as if this hurt them or caused them some type of pain when [REDACTED] would land on them. After [REDACTED] had done this [REDACTED] then stumped on either the fingers or toes of the detainees. When he stumped the detainees they were in pain, because the detainee would scream loudly. I know this happened to at least one detainee; maybe it was a second one as well. I know after [REDACTED] had done this, [REDACTED] told him that was enough, and [REDACTED] stopped, and that was when [REDACTED] left as well. Next [REDACTED] had the detainee's strip. [REDACTED] was the one who told them to strip in Arabic language. During this whole time the detainees had sandbags over their heads. The detainees did not want to take their civilian clothes or jumpsuits off, and were hesitant to strip. There may have been one or two that had a jumpsuit on. [REDACTED] would take one of the detainees aside, tell them to strip, and they would strip. After the detainee was stripped, [REDACTED] would put a sandbag over the head of the detainee, and he would have the detainee sit down. At one point after a couple of the detainees were stripped, and I do not know what provoked [REDACTED] [REDACTED] knelt down to one of the detainees that was nude and had the sandbag over his head. [REDACTED] put the detainees head into a cradle position with [REDACTED] arm, and [REDACTED] punched the detainee with a lot of force, in the temple. [REDACTED] punched the detainee with a closed fist so hard in the temple that it knocked the detainee unconscious. I walked over to see if the detainee was still alive, I could tell that the detainee was unconscious, because his eyes were closed and he was not moving, but I could see his chest rise and fall, so I knew he was still alive. [REDACTED] kicked on him as well once or twice to make sure he was still alive as well. I do not recall [REDACTED] saying anything. I do remember [REDACTED] saying, "Damn that hurt", referring to [REDACTED] hurting his hand when he punched the detainee. After about two minutes the detainee moved for the first time, like he was coming to. After [REDACTED] had done this he went over to the pile of detainees that were still clothed and he put his knees on them and had his picture taken. I took this photo. [REDACTED] about this point struck one of the detainees in the chest with a closed fist. The detainee was standing in front of [REDACTED] and for no reason [REDACTED] punched the detainee in the chest. The detainee took a real deep breath and kind of squatted down. The detainee said he could not breath. They called for a medic to come down, to try and get the detainee to breath right. [REDACTED] said he thought he put the detainee in cardiac arrest. I also tried to show the detainee how to breathe slowly. It was if

EXHIBIT	INITIALS OF PERSON MAKING STATEMENT [REDACTED]	PAGE 1 OF 5 PAGES
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ADDITIONAL PAGES MUST CONTAIN THE HEADING "STATEMENT OF [REDACTED] TAKEN AT [REDACTED] DATED [REDACTED] CONTINUED." THE BOTTOM OF EACH ADDITIONAL PAGE MUST BEAR THE INITIALS OF THE PERSON MAKING THE STATEMENT AND BE INITIALED AS "PAGE OF [REDACTED] PAGES". WHEN ADDITIONAL PAGES ARE UTILIZED, THE BACK OF PAGE 1 WILL BE LINED OUT, AND THE STATEMENT WILL BE CONCLUDED ON THE REVERSE OF ANOTHER COPY OF THIS FORM.

DA FORM 2823 (AUTOMATED)

SWORN STATEMENT

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

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 Victory Base, Iraq, APO AE 09342	2. DATE (YYYYMMDD) 2004/02/11	3. TIME 1800	4. FILE NUMBER
5. LAST NAME, FIRST NAME, MIDDLE NAME [REDACTED]	6. SSN [REDACTED]	7. GRADE/STATUS COL-0-6	
8. ORGANIZATION OR ADDRESS HHD, 205th Military Intelligence Brigade, APO AE 09096			

9. [REDACTED] WANT TO MAKE THE FOLLOWING STATEMENT UNDER OATH

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

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

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

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

10. EXHIBIT	11. INITIALS OF PERSON MAKING STATEMENT [REDACTED]	PAGE 1 OF 3 PAGES
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ADDITIONAL PAGES 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

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 2004/12/11

9. STATEMENT (Continued)
NOTHING FOLLOWS

[REDACTED]

AFFIDAVIT

I, [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

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

at BAGHDAD, IRAQ

[REDACTED]
(Signature of Person Administering Oath)

[REDACTED]
(Typed Name of Person Administering Oath)

10 USC 1044

(Authority To Administer Oaths)

ORGANIZATION OR ADDRESS

HQ, CJTF-7
BAGHDAD, IRAQ

ORGANIZATION OR ADDRESS

INITIALS OF PERSON MAKING STATEMENT

PAGE 3 OF 3 PAGES

SWORN STATEMENT

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PAGE OF PAGES

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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 2004/02/1

9. STATEMENT (Continued)

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INTL. FBI

EVENT [REDACTED]

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DOD 000621

STATEMENT OF [REDACTED]

TAKEN AT Victory Base, Iraq

DATED 2004/02/11

STATEMENT (Continue.)
NOTHING FOLLOWS

[REDACTED]

AFFIDAVIT

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[REDACTED]
(Signature of Person Making Statement)

NAME

[REDACTED]

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

BY BARBARA ISAAC

[REDACTED]

ORGANIZATION OR ADDRESS

1st AF
BAGHDAD, IRAQ

(Typed Name of Person Administering Oath)

10 USC 1044

(Authority To Administer Oaths)

INITIALS

[REDACTED]

PAGE 3 OF 3 PAGES

SWORN STATEMENT

For use of this form, see AR 100-45; the approving agency is ODC30FS

PRIVACY ACT STATEMENT

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1. LOCATION OSJA, DARMSTADT, GERMANY	2. DATE (YYYYMMDD) 2004/05/14	3. TIME 1755	4. FILE NUMBER
5. LAST NAME, FIRST NAME, MIDDLE NAME [REDACTED]	6. SSN [REDACTED]	7. GRADE/STATUS LTC	
8. ORGANIZATION OR ADDRESS 205TH MILITARY INTELLIGENCE BRIGADE, HEIDELBERG, GERMANY APO AE			

I, [REDACTED], WANT TO MAKE THE FOLLOWING STATEMENT UNDER OATH:

On 1 July 2003, I assumed command of the 205th MI BDE in Balad, Iraq. My rater was MG WOJDOWKOSKI, Deputy Cdr, CJTF-7 and my senior rater was [REDACTED]. I submitted an OER Support form to MG WOJDOWKOSKI within the first one to two weeks. I do recall discussing the OER support form but I can't remember specifically what we discussed. A copy of the support form is provided at enclosure 1. At the time I took command, there were eight battalions under my command. Under previous agreements made pre-dating my arrival, I did not rate any commander not organic to the brigade with the exception of the reserve component battalion commanders.

Battalions subordinate to my headquarters were located as follows: the 165th, the 223d, the 224th, and the 325th in Balad; the 302d was located at the Palace on Camp Victory working for V Corps and CJTF-7; the 323d resided at Baghdad International Airport; the 519th was located at Camp Speicher, near Tikrit; and the 1st MI Bn remained in Wiesbaden. Some elements of the brigade were located at Camp Bucca as well. The mission of the brigade was to conduct intelligence and electronic warfare operations in support of V Corps and CJTF-7. The Brigade had numerous intelligence collection activities ongoing in support of this mission. There were UAV operations at two different locations, Balad and al Assad Airbases. The Brigade had an aerial SIGINT mission ongoing with Guardrail. The CJTF-7 had the Prophet Hammer organic to the divisions. Upgrades were ongoing with Guardrail as well. The Brigade's focus was primarily on HUMINT. There were 48 Tactical HUMINT Teams dispersed throughout Iraq. The Brigade was also heavily involved with the Mujahdeen E Khalq (MEK) mission. The focus with MEK was maintaining surveillance and conducting initial screenings. CENTCOM and the CJTF-7 wanted to register them with the Biometric data systems in order to identify whom the terrorists were. The MEK mission proved more challenging than expected because of arrangements made during the initial phases of combat operations. As a result, only the biometric screening had been accomplished when the Brigade departed theater in February 2004. The 205th MI Bde no longer had organic interrogation assets, because they had been eliminated from the MTO&E sometime between 1993 and 1995. However, there were three battalions task organized to the brigade with interrogation capability. The Brigade's interrogation operations were initially conducted at Camp Bucca, Camp Cropper, and Camp Ashrafi. Approximately two or three weeks (mid to late July) after I took command, BG HAHN directed me to provide LTG SANCHEZ a briefing on how the Brigade conducted interrogation operations from the lowest to highest levels. LTG SANCHEZ was not satisfied that the CJTF-7 was getting information from interrogations which could be turned into Actionable Intelligence. Representatives from the 325th MI Bn, the 519th MI Bn and I briefed LTG SANCHEZ, as well as representatives from the Military Police and CJ2 on the process that was in place at that time. LTG SANCHEZ expressed concern over the system in place for conducting interrogations and exploiting information derived from them. During the briefing that LTG SANCHEZ directed the Brigade to establish an interrogation site to exploit actionable intelligence from a list of approximately 3000 to 6000 Saddam Fedayeen members that had been provided to the CJTF-7 from 1st Armored Division. At the briefing all parties decided to conduct this operation at Abu Ghraib that facility offered some segregation capability, an appropriate guard force and the ability to house large numbers of detainees. This was despite the inherent dangers of Abu Ghraib caused by its location in the Sunni Triangle. I directed the 519th MI Bn to establish operations there after discussing the situation with [REDACTED] the Battalion Commander. We conducted a site reconnaissance and [REDACTED] laid out a general plan to conduct operations. My first impression of Abu Ghraib was "holy mackerel." Not only was the place a decrepit prison, but there were significant force protection concerns and an apparent lack of standards being enforced by the supporting Military Police. Especially troubling was the lack of uniform standards including soldiers walking around the prison in civilian clothes. I approved the plan laid out for me by [REDACTED] to conduct the Saddam Fedayeen interrogations. I never spoke to MP personnel on the ground regarding the conduct of the specific operation or the matter of standards. I left on-site coordination to the 519th MI Bn. During the initial phases of the operation the 519th left a field grade officer on site, but eventually left the mission in the hands of [REDACTED] an experienced interrogator. The operation was not as successful as had been hoped. The CJTF did not get the number of Fedayeen members that the list indicated would be captured and the through C2 channels the Brigade was informed that LTG SANCHEZ was not happy with the quality of reporting. This viewpoint was confirmed when LTG SANCHEZ directed that I provide him an update on interrogation operations toward the end of September.

10. EXHIBIT	11. INITIALS OF PERSON MAKING STATEMENT [REDACTED]	PAGE 1 OF [REDACTED] PAGES
ADDITIONAL PAGES MUST CONTAIN THE HEADING "STATEMENT OF [REDACTED] TAKEN AT [REDACTED] DATED [REDACTED]"		
THE BOTTOM OF EACH ADDITIONAL PAGE MUST BEAR THE INITIALS OF THE PERSON MAKING THE STATEMENT, AND PAGE NUMBER MUST BE INDICATED.		

AG0000535

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

STATEMENT OF [REDACTED] TAKEN AT DARMSTADT, GE DATED 2004/05/14

STATEMENT Continued

[REDACTED] and I went to the CG's office on a Sunday to lay out what we had collected during the Saddam [REDACTED] mission and what we thought was needed to improve the quality of interrogations throughout my areas of responsibility. LTG SANCHEZ expressed dissatisfaction from the information collected, was dubious about some of the suggestions made to improve interrogations and directed that the Brigade link up with MG MILLER during his assessment visit to IRAQ to determine a way ahead for interrogation operations. MG MILLER conducted his assessment from 31 August to 9 September 2003. The purpose of his visit was to discuss the ability of CJTF-7 to rapidly exploit internees for actionable intelligence. The team focused on three areas: intelligence synchronization, integration and fusion; interrogation operations; and detention operations. Various members of the team spent around 3-4 days at Abu Ghraib. The Brigade's involvement with the team was in regards to interrogation operations. MG MILLER spent time with BG KARPINSKY and her staff regarding detention operations. As his team made recommendations, I took notes and began to contemplate how to implement some of his recommendations. Essentially, the team's recommendation was for the CJTF-7 to create an interrogation facility along the lines of that which MG MILLER was running at Guantanamo Bay Cuba. The decision was also made to centralize all interrogation operations at Abu Ghraib as a result of MG MILLER's visit. Although the force protection challenges of Abu Ghraib remained, the fact that segregation facilities offered an available guard force, the requisite real estate to establish interrogation facilities was present, and CPA was funding construction there led MG MILLER, MG FAST, COL BOLTZ, BG KARPINSKI and I to support the Abu Ghraib facility. Other facilities although considered were discarded because of their distance from Baghdad or the lack of adequate resources. I cannot recall any specific discussions of force protection at Abu Ghraib during this time. LTG SANCHEZ had the final decision. However, I don't know if he was given a decision brief on Abu Ghraib by anyone in his staff. On 11 September, LTG SANCHEZ again called me to his office and wanted to know what my plan was for implementing the recommendations of the MG MILLER report. It was at this time I showed him some initial design configurations for a Joint Interrogation and Debriefing Center. He asked me how I was going to source that organization and I showed him my plan for consolidating interrogation facilities and using people from the Brigade. He told me that filling these slots was not only the Brigade's problem, but a "national one" and directed me to draft a request for forces (RFF) within 48 hours. Another key development that came out of the MG MILLER assessment was the need to have specific written guidance on interrogation policies and authorities. MG MILLER'S worked with the CJTF-7 legal team on developing a CJTF-7 Interrogation and Counter-Resistance Policy along the lines of the rules approved by the Department of Defense for Guantanamo Bay. Prior to the drafting of the Counter-Resistance policy, as the MILLER assessment noted, there was no written guidance addressing interrogation policy and authority for the entire CJTF. Individual units used internal SOPs at each facility. At Abu Ghraib that was the SOP of the 519th MI Bn. I believed their SOP was adequate from the lack of complaints about interrogations, my confidence in their commander, [REDACTED] and their experience in Afghanistan. However, the SOP's tactical focus made it inadequate for the conduct of operational/strategic level interrogations that the Brigade was directed to perform. On 14 September, the CJTF-7 SJA published its first Interrogation and Counter-resistance policy signed by LTG SANCHEZ. This policy was revised on 12 October because of objections from CENTCOM. The 12 October policy eliminated several techniques that were previously approved by LTG SANCHEZ. The Interrogation Rules of Engagement (IROE) was a JIDC published poster based on the 12 October policy created so soldiers and civilians working in the JIDC could have an easy to follow set of rules. It was meant to provide an unclassified reminder that emphasized approved approaches in accordance with the 12 October counter-resistance policy. The IROE was never intended to be, nor was it in fact an approved CJTF-7 policy on the conduct of interrogations. The legally binding document was the approved 12 October policy. To my knowledge, nothing in the IROE violated the 12 October policy. Although the Miller Team had a broad mandate with regard to their assessment, visits to the Brigade did not focus on care and well being of the detainees. Rather, they focused primarily on turning the results of interrogations into actionable intelligence. Discussions on the well being of detainees were discussed with BG KARPINSKI and the 800th MP BDE as part of the discussions on detention operations. I know that MG MILLER spent time with her and units in the 800th. BG KARPINSKI had mentioned to me that they had a very nasty discussion on his findings relative to detainee operations and I believe this included the welfare of detainees. In my opinion, MG MILLER saw many things that had to be done to meet his mandate; improvement to interrogation operations was one of them. I believe that it was MG MILLER'S intention that the person responsible for synchronizing would be located at the CJTF-7 level. I also believe there was pressure from the Department of Defense to produce actionable intelligence from the thousands of security internees the CJTF-7 was capturing. I base my assessment on the discussions with the C2 staff that indicated a tremendous amount of interest in what we were receiving as well as an ever increasing number of "high level" visits to Abu Ghraib. The 205th was given the mission to stand up a joint interrogation and debriefing center as the result of the 11 September meeting. Three critical tasks were involved: completing work on the Request For Forces (RFF), training, and the collapsing of three interrogation facilities into one at Abu Ghraib. The Brigade finished the RFF in concert with the C2 and C3 staff and sent the document out within 72 hours. Training was arranged with Fort Huachuca and TF Guantanamo to begin in October. GTMO would assist with implementing the Tiger Team concept from 5 October through 3 December and Fort Huachuca sent a mobile training team for 21 days in early October to help train soldiers to conduct strategic level interrogations. The movement of personnel to the JIDC was an iterative process because of the need to close old facilities and bring new assets, such as analysts, into the facility that had not been traditionally part of the Brigade's tactical intelligence capability. Initially, [REDACTED] was designated as the senior MI Officer at Abu Ghraib. We discussed his roles and responsibilities, though I do not recall the specifics. The CG had been specific in his direction to me at the 11 SEP meeting that we needed a LTC to run the facility. I went to [REDACTED] and told him I needed a LTC to run operations at Abu Ghraib. [REDACTED] to the brigade to perform that mission.

INITIALS OF PERSON MAKING STATEMENT [REDACTED] PAGE 2 OF 7 PAGES

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STATEMENT OF [REDACTED]

TAKEN AT [REDACTED]

DATE 2004/05/14

[REDACTED] spoke with [REDACTED] about my concept for operations and intent on the evening of 20 SEP. A mortar attack interrupted our discussions. There was no doubt in my mind that [REDACTED] was the Joint Interrogation debriefing Center (JIDC) OIC. I know that [REDACTED] understood this because he sent an e-mail out which specified that [REDACTED] was the JIDC Chief and that he was the JIDC Operations Officer. Other organization charts that I received from the JIDC always had [REDACTED] as the person in charge at Abu Ghraib. Commanders maintained their command authority over their soldiers assigned to their units. The arrangement would be somewhat analogous to an Analysis and Control Element in today's intelligence doctrine. [REDACTED]

Until the middle of November when I went to Abu Ghraib on a permanent basis, I saw [REDACTED] as my guy on the ground and I thought [REDACTED] was pretty clear on what he was supposed to do as well. After I became engaged in day to day operations of the JIDC and [REDACTED] Commander of the 165th MI Bn, came down to assist in force protection and security, [REDACTED] did take on more of a liaison role. I did not rate him because he belonged to CJTF-7 and I assumed he was being rated by the C2 chain. This was a similar arrangement to that which was described earlier in this statement for LTC-level commanders. [REDACTED] would attend the daily meetings with the MPs and the other tenant units. I was under the impression that he was satisfied with the way the MPs were running things on Tier 1A and in generally supporting the interrogation mission. There were other things like relations with MPs in the LSA and post security where there were concerns. However, I was led to believe that he had most of these issues under control. [REDACTED]

[REDACTED] also identified equipment shortfalls with the JIDC organization. The Brigade staff worked to fill these needs but as in trying to stand-up any operation without an already established MTOE, there were shortfalls. [REDACTED] provided information concerning soldiers showing up without their personal equipment. I believe that they took corrective action on the ground and the Brigade followed up with the Batalions of these soldiers. I do not recall [REDACTED] discussing with me any issues [REDACTED] had relayed to him on equipment although I do recall several discussions with the DCO. [REDACTED] I was not aware that [REDACTED] had told [REDACTED] to stay out of operations; in fact I thought the exact opposite to be the case. [REDACTED] and [REDACTED] would be in a better position to discuss answer your questions on this issue. [REDACTED]

Ultimately, the JIDC was to be filled primarily from a Joint Manning Document (JMD) based on the RFF that was developed as a result of [REDACTED] visit. The work of writing and filling the JMD was being done by [REDACTED] from the Brigade and [REDACTED] from CJTF-7. CJTF-7 was responsible for managing and filling this document. Although the JIDC was technically a joint operation, most of the JMD remained unfilled throughout my tour in Iraq. Specific exceptions included some Air Force medical personnel and some Navy personnel, but these arrived much later. The JIDC was essentially an Army run operation with soldiers and civilians. The decision to use civilians was made because the Brigade [REDACTED]

INITIALS OF PERSON MAKING STATEMENTS

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[REDACTED] had no more assets that it could provide to fill the slots. I was consulted concerning this decision and provided favorable feedback. The Brigade S3 and DCO worked with the CJTF-7 headquarters in developing specific requirements. I am unfamiliar with the specifics of the contract and do not recall when the first contractors arrived. However, two requirements were to have a clearance and to have experience. I received positive feedback on the contributions of the contractors from [REDACTED] and other members of the JIDC. I was never given reason to doubt their competency and no issues were brought to my attention. [REDACTED]

[REDACTED] In the first week of November, the CG paid a visit to Abu Ghraib and he was still not happy with operations. In private discussions with the CG and MG FAST I decided to move to Abu Ghraib. My actual movement to Abu Ghraib was sometime in the middle of November. Closely following my movement MG Fast visited me and expressed concern about the level of force protection at the facility. She indicated that because I was now the senior commander on the ground I might have to take additional responsibility for the force protection mission. The 205th MI Bde was named Forward Operating Base commander on 19 November. Although I didn't ask for the job, I did not fight it because I realized that unless the Brigade assumed this role, things would never get better. The 19 NOV FRAGO designating the Brigade with FOB command responsibility gave TACON of the 320th MP Bn for force protection and security of detainees as well. The FRAGO did not delineate any responsibilities. My understanding of this FRAGO was to protect all personnel from external threats. To me this meant that the MPs would continue to run confinement and security operations in the prison camps and facilities, while the JIDC would continue to perform interrogations. I brought the 165th MI Bn to oversee base security operations, assist with the implementation of base security policy, and provide forces to enhance perimeter security and conduct reconnaissance and surveillance outside the walls of Abu Ghraib. After the 19 NOV FRAGO my discussions with [REDACTED] Commander of the 320th MP Bn were positive. He expressed the opinion that his unit would be able to focus their efforts on confinement operations. This FRAGO did nothing to alter the mission of the MPs to maintain control over all of the detention facilities located at Abu Ghraib, even those where internees of intelligence value were housed. At some point, near the end of November the MPs decided to stop escorting detainees between the CAMP VIGILANT, CAMP GANCI and the interrogation facility. Military Intelligence took over this function. [REDACTED] were to ensure that a group of intelligence soldiers were trained on escorting duties and to my knowledge this was done to standard. As a result of the 19 NOV FRAGO I became more involved with base operations at Abu Ghraib. As always, I relied on battalion commanders and the Brigade staff to assist in daily operations of the Brigade. [REDACTED]

[REDACTED] As discussed earlier in this statement, the JIDC created and posted IROE on their bulletin board. The IROE identified presence of working dogs and sleep management as requiring CG approval. However, the 12 October Interrogation and Counter-Resistance Policy General Safeguards (enclosure 2) allowed that dogs present at interrogations were to be muzzled and under the control of a handler. Likewise the Brigade Staff Judge Advocate opined that sleep management could be permitted at the JIDC as long as [REDACTED]

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INITIALS OF PERSON MAKING STATEMENTS

[REDACTED]
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STATEMENT OF [REDACTED] TAKEN AT ^{DRAWN BY} [REDACTED] 66 DATE 2004/05/14

[REDACTED] detainees were allowed adequate sleep. Adequate sleep was defined as "4 hours in a 24 hour period" based on conversations with personnel from Guantanamo Bay. Any sleep of less than 4 hours in a 24 hour period would have required [REDACTED] signature. We did submit requests concerning interrogations to [REDACTED]. I believe these were mostly requests for segregation of detainees in excess of 30-days, but I cannot recall the total number or specifically what they were. The requests were kept on file at Abu Ghraib until January when they were maintained on softcopy. [REDACTED] would know where they were kept. As for sleep management, the interrogators had to write down their plan and then give it to the MPs who would maintain and implement it. Additionally, these plans were to be monitored by our resident doctor. I do not know what the MPs did to implement the plan. I do not know of any training that was provided to the MPs on what MI could do with detainees or if MI trained on what MPs could do with detainees. 20/20 Hindsight, it should have been done. [REDACTED]

[REDACTED] and that they not have to go through the normal inprocessing procedures. [REDACTED] could tell you more. I went to speak to [REDACTED] about my concerns over this arrangement and asked if we were going to continue this. He said yes to facilitate their request. They would drop off detainees without notifying us. I do not remember any staff officer voicing any concerns about OGA concerning these practices although they may have. In fact I was under the impression that [REDACTED] established good relations with this organization and that the problem had been reduced to a manageable level. With regards to the specifics of a dead detainee I can relate the following: AN OGA rep and [REDACTED] notified me that a detainee was dead; we reported this information to the C2. I was informed by the OGA representative on the scene that the detainee died during an interrogation while an OGA interrogator was yelling at him. The detainee apparently collapsed while he was being interrogated. The body appeared to have been in a fight. [REDACTED] told me that the detainee received the injuries during the take down in operations the night before. The operation was a combination of [REDACTED] I saw injuries to the left side of the head. It was decided that the body would be placed in a bag and iced to prevent rotting. The body was removed that evening/next day quietly making it appear as if a detainee was injured in order to prevent unnecessary panic among the other detainees. OGA investigated the incident and decided that they would comply with inprocessing requirements after the [REDACTED] advised them to do so. Likewise when TF-121 asked to use our facility months later I recall we required them to follow established policy as well. [REDACTED]

[REDACTED] have no knowledge of any MI person abusing detainees by pushing them off a truck or on the ground. I would think that if a ISG in my Brigade knew about the use of excessive force, he would let me know. No one ever told me about such an incident. [REDACTED]

[REDACTED] The International Community Red Cross (ICRC) visited Abu Ghraib twice. Once before I was FOB commander and once after. They did not meet with me the first time. I did receive a copy of the results and noted there were allegations of maltreatment and detainees wearing women underwear on their heads. I did not believe it. I felt some [REDACTED]

[REDACTED]
INITIALS OF PERSON MAKING STATEMENTS

[REDACTED]
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[REDACTED] detainees just simply wanted to get some sympathy. I truly believed our guys were not doing this. I recall I might have relayed to the staff that this stuff couldn't have been happening. I cannot specifically recall telling the staff this stuff better not be happening, but I might have said words to the effect. When the ICRC came by the second time, the FOB invoked GCIV/Article 143, for eight detainees to prevent them from talking to the ICRC while undergoing an active interrogation. [REDACTED] informed me that I had the authority to do this. Before I became FOB commander, I was told there was a shortage of jumpsuits, but I was never told about the women's underwear issue. I occasionally walked down Tier 1 A and 1B and I never saw any naked detainees [REDACTED]

[REDACTED] the training on IROE was established at Abu Ghraib after we had an incident with A/519th soldiers on or about 6 OCT. It was reported to me that three male soldiers had gone in to interrogate a female detainee and had some sexual motives and had touched the females. I told [REDACTED] we needed to suspend the individuals from interrogation operations and remove them from contact with detainees. A CID investigation was initiated but there were not enough evidence to prosecute them for detainee abuse or sexual misconduct so I gave them Article 15s for dereliction of duty. Two soldiers were reduced in rank and fined and another was fined and taken away from interrogation operations. I was told that a TITAN Linguist was also involved, but that he did not participate. [REDACTED] thought there were some initial problems with the linguists statement and went back to clarify the situation. When he came back [REDACTED] told me we had a true statement and I took the recommendations from my staff as to the disposition of the three soldier interrogators. We did not fire the linguist and [REDACTED]

[REDACTED]

NOT USED

[REDACTED]
INITIALS OF PERSON MAKING STATEMENTS

[REDACTED]
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STATEMENT OF

TAKEN AT DARMSTADT, GE DATED 2004/05/14

STATEMENT (Continued)

do not know what happened to him after he transferred. Everyone was brought eventually together and the IROEs were reiterated. I had no suspicion that the incident went beyond these individuals or that night. Another time, it was reported to me that an interrogator had inappropriately taken the clothes from a detainee and led him back to the compound. I spoke to [redacted] and he recommended the individuals be suspended from interrogations, orally reprimanded, counseled and given [redacted] training. I concurred. I didn't think this presented a pattern. We had many interrogations take place between the two incidents without any notification of problems. I believe that the entire chain of command and supervision believed this was an unusual occurrence; and that suspension and retraining would send the appropriate message to everyone. The shooting in the Hard Site was brought to my attention when BG KARPINSKI called to tell me about it. She asked if I knew there had been a shooting in Tier 1A. After notification, I went down to the hard site and my immediate concern was to check on everyone and notify higher headquarters. [redacted] walked me around and explained to me what happened. There was a Syrian detainee who had a handgun. Another detainee had told someone of the presence of the weapon. When I arrived, MPs were conducting a "shakedown" of the Iraqi Police and preparing for a cell search of the Cell Block 1A. I recall witnessing a small part of the cell search. The detainees would be taken out of their cells and the dogs would go in the cell to search for weapons. This was done one by one. As far as I could tell, the guard dogs were being led by their dog handler. An MP captain was in charge of the search. I am sure there were some MI personnel there but I do not remember who they were. [redacted] told me that our MI personnel were interrogating the Iraqi Police in support of the MPs. I didn't see it. I do not remember any civilians at the site. At no time did I see dogs being used during interrogations. I was not aware that a dog might have bitten a linguist. The first time I found out about it was when I read the CID report. If this happened, someone should have told me. I never witnessed any detainee abuse. I was satisfied with the level of knowledge MI personnel had and that they were in compliance with the policy on counter-resistance, IROE and the Geneva Convention. [redacted] was very competent as the ICE Chief and had implemented a system to train personnel coming into the JIDC. I also had the GTMO assistance visit from early October through the beginning of December looking at all facets of operations and they never reported anything inappropriate. During our Fort Huachuca MIT we did a left/right seat ride and was provided only positive feedback about the ongoing operations. I had seen nothing to doubt that things weren't being done right. I was able to identify one of the linguists in one of the photos shown to me. [redacted] is standing in one of the TIERS with several soldiers around a naked detainee on the floor. I was also able to identify a female linguist with a civilian (did not recognize him). They were with a detainee who appeared to be in an unauthorized stress position. Taking the photos was a violation. If an NCO did not report an incident he was aware of, there was a break down. There is no justification for any abuse of detainees and the leadership did not condone it. In all cases where abuse was brought to my attention I took action to discipline soldiers. I believe that the vast majority of leaders and soldiers were acting in good faith to do the right thing and that prudent actions were taken to conduct training with teams from GTMO and FT Huachuca. However, clearly a more rigid inspection of operations, less confidence in civilians working in interrogation, and closer attention to ICRC report of abuse may have enabled earlier detection and prevention of some of this. I also believe that the difficult conditions of Abu Ghraib, the lack of established doctrine and little collective training for JIDCs, as well as the Army decision to migrate the Brigade's interrogators into the Reserve Components after Desert Storm were all contributory factors to the situation that occurred at Abu Ghraib.

Q. Do you have anything else to add to this statement?

A. No

//////End of Statement//////

AFFIDAVIT

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

[redacted]
(Signature of Person Making Statement)

WITNESSES:

Subscribed and sworn to before me, a person authorized by law to administer oaths, this 14th day of MAY, 2004 at DARMSTADT, GERMANY

[redacted]
(Signature of Person Administering Oath)

ORGANIZATION OR ADDRESS

[redacted]
(Typed Name of Person Administering Oath)

ORGANIZATION OR ADDRESS

UCMJ, ARTICLE 136

(Authority To Administer Oaths)

INITIALS OF PERSON MAKING STATEMENT

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SWORN STATEMENT

For use of this form, see AF 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, 1983 (SSN)
PRINCIPAL PURPOSE: To provide commanders and law enforcement officials with means by which information may be accurately
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 MNF-I HQ, Iraq	2. DATE (YYYYMMDD) 2004 06 20	3. TIME 11:30 AM	4. FILE NUMBER
5. LAST NAME, FIRST NAME, MIDDLE NAME [REDACTED]	6. SSN [REDACTED]	7. GRADE/STATUS O-8/USA	
8. ORGANIZATION OR ADDRESS MNF-I, DCS-OPS			

9. [REDACTED] WANT TO MAKE THE FOLLOWING STATEMENT UNDER OATH:

I arrived in Iraq, early August 2003, possibly the 4th or 5th. I did not discuss the consolidation of operations at Baghdad Central Correctional Facility with General Sanchez at that time. We did not discuss interrogations until mid to late October. I don't recall sitting down with either General Fast or General Sanchez to discuss interrogations until that time. I was more involved with the force protection aspect of the correctional facility, concentrating on the quick reaction force and the counter battery fire, things of that nature. Myself and General Wodjakowski had numerous conversations concerning the security of the facility. As for General Sanchez being frustrated in the October time frame, I did not see that. The first sign of frustration that I witnessed was not until the January time frame. General Sanchez was frustrated at the cloudy picture as a whole. The picture of, "who is my enemy", was not being articulated to him to his satisfaction. However, interrogation and detainee operations were only part of that frustration and not the sole reason for it. In mid January 2004, General Sanchez, at a staff meeting voiced his frustration with the overall detainee operations situation and said something on the order of, "so who in the staff is bringing all this together?" Our [REDACTED] stated that he had staff responsibility, and I followed up by saying that since I supervised the PMO that I would oversee the issue. Approximately one week later I e-mailed General Ryder and requested his assistance because I felt we did not have the proper expertise on the staff with regards to detainee operations. This resulted in two formal requests: (1) dated 16 January 2004, for a Mobil Training Team for military corrections specialists, and (2) dated 29 January 2004, requesting a detention operations cell to augment the PMO staff. General Sanchez never spoke to me about the counter resistance policy, nor did we discuss military intelligence implications as far as interrogations is concerned. The 4th Infantry Division was extremely active, they were conducting very aggressive offensive operations. The volume of detainees being collected by them was high, that being said, they were conducting operations in a very hostile environment and their operational tempo was one of the highest in theater. I have never heard of the, "50 meter rule", concerning the 4th Infantry Division or any other unit. I recall that from mid October on, there were discussions concerning the slow release of detainees. General Sanchez was concerned that maybe the procedures were not what they should be as for the release of the detainees. Generals Fast and Sanchez discussed the, "board issue" on a number of occasions. Some of the problem seemed to be that the division holding areas were becoming too full and needed the detainees to be moved out, that meant to the Baghdad Central Correctional Facility. Another problem was that when a detainee was released the commanders in that particular sector did not want them to be released in their area of operations. As for the force protection posture at the Baghdad Central Correctional Facility, I don't believe that there was more of a threat there than in any of the forward operating bases and every reasonable step to provide security for the troops and the detainees was taken. The tactics being used in that area were constantly looked at and adjusted to the changing situation. One example was the extra radar coverage in the area. Thus and other steps were taken to secure the facility. Your tactical attention was given to the facility. I do not know who made the decision to use that particular facility, Baghdad Central Correctional Facility. [REDACTED]

Do you have anything to add to this statement? [REDACTED]

NOT USED

10. EXHIBIT	11. INITIALS OF PERSON MAKING STATEMENT [REDACTED]	PAGE 1 OF 2 PAGES
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ADDITIONAL PAGES MUST CONTAIN THE HEADING "STATEMENT 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.

STATEMENT OF [REDACTED]

TAKEN AT MNF-I, HQ, Iraq

DATED 20 June 04

B. STATEMENT (Continued)

NOT
USED

AFFIDAVIT

[REDACTED] HAVE READ OR HAVE HAD READ TO ME THIS STATEMENT WHICH BEGINS ON PAGE 1, AND ENDS ON PAGE 2. I FULLY UNDERSTAND THE CONTENTS OF THE ENTIRE STATEMENT MADE BY ME. THE STATEMENT IS TRUE. I HAVE INITIALED ALL CORRECTIONS AND HAVE INITIALED THE BOTTOM OF EACH PAGE CONTAINING THE STATEMENT. I HAVE MADE THIS STATEMENT FREELY WITHOUT HOPE OF BENEFIT OR REWARD, WITHOUT THREAT OF PUNISHMENT, AND WITHOUT COERCION, UNLAWFUL INFLUENCE, OR UNLAWFUL INDUCEMENT.

[REDACTED]
(Signature of Person Making Statement)

WITNESSES

Subscribed and sworn to before me, a person authorized by law to administer oaths, this 20th day of June, 2004

at MNF-I, HQ, Iraq

ORGANIZATION OR ADDRESS

[REDACTED]
(Signature of Person Administering Oath)

(Typed Name of Person Administering Oath)

ORGANIZATION OR ADDRESS

(Authority To Administer Oath)

INITIALS OF PERSON MAKING STATEMENT

PAGE 2 OF 2 PAGES

STATEMENT (Continued)

AFFIDAVIT

I, _____, HAVE READ OR HAVE HAD READ TO ME THIS STATEMENT WHICH BEGINS ON PAGE 1 AND ENDS ON PAGE 2. 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.

(Signature of Person Making Statement)

WITNESSES:

Subscribed and sworn to before me, a person authorized by law to administer oaths, this _____ day of _____, 19____ at _____

ORGANIZATION OR ADDRESS

(Signature of Person Administering Oath)

ORGANIZATION OR ADDRESS

(Typed Name of Person Administering Oath)

(Authority To Administer Oath)

INITIALS OF PERSON MAKING STATEMENT

PAGE 2 OF 2 PAGES

USAPPC V2.00

AG0000545

DOD 000633

SWORN STATEMENT

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

PRIVACY ACT STATEMENT

AUTHORITY: Title 10 USC Section 301; Title 5 USC Section 2951; E.O. 9397 dated November 22, 1948 (SSN)
PRINCIPAL PURPOSE: To provide commanders and law enforcement officials with means by which information may be accurately
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 Carlisle Barracks	2. DATE (YYYYMMDD) 2004/05/17	3. TIME	4. FILE NUMBER
5. LAST NAME FIRST NAME MIDDLE NAME WOODAKOWSKI, WALTER	6. SSN [REDACTED]	7. GRADE/STATUS MG	
8. ORGANIZATION OR ADDRESS V Corps, Heidelberg, Germany			

I, Walter Woodakowski WANT TO MAKE THE FOLLOWING STATEMENT UNDER OATH

On 7 September 2002, I became the deputy commander for V Corps. On 15 June when V Corps became CJTF-7, I became the Deputy Commander for LTG SANCHEZ. The 860th MP Brigade was placed TACON to CJTF-7 on 15 June 2003. By July, the 800th had its entire brigade in Iraq with the exception of the Headquarters and the support base that was in ARIFJAN, Kuwait. At this time, LTJG BG HILL, the 800th commander, had the support base that was in ARIFJAN and needed to move to either CAMP VICTORY or ANACONDA in Iraq. From Iraq I felt the commander and HQ's could better supervise the various BDE units firsthand, they could better coordinate with CJTF-7 by being co-located, and we could build the BDE into our great team. I relayed this to BG KARPINSKI, since she was the command of the 800th in July, and in late August she moved the BDE HQ's to Camp Victory. I did not see BG KARPINSKI and did not give written input to her OER. She was rated by BG DIAMOND, 377th Theater Support Commander. The 860th MP BDE had the responsibility to run all detention facilities in Iraq. Since the Brigade was TACON to CJTF-7, our degree of oversight was command authority over forces made available for tasking, limited to the detailed and local direction and control of movements necessary to accomplish missions assigned. I kept abreast of all the separate Brigades in CJTF-7 by holding a Tactical Satellite (TACSAT) update three times a week with commanders. I included 800th MP's in that update, but BG KARPINSKI very seldom participated. LTG Sanchez held a nightly TACSAT update with his MSC commanders, but the separate BDE's were not included. As the deputy commander, I was responsible for overseeing logistical support for all facilities in Iraq, along with many other duties, and therefore dealt with Abu Ghraib extensively in that capacity. I ran an Acquisition Review Board which managed and allocated resources for life support and resource support for military, civil, and every facility in Iraq. Since Abu Ghraib was a key facility where consolidation of detainee operations were taking place, we allocated a lot of resources into the site. BG KARPINSKI always came to me when she needed support, along with all the other BDE Com's. In my attempt to help the 800th MP BDE I referred her to work with the C4 and the rest of the staff to get the resources she needed - we worked through a lot of issues with supporting Abu Ghraib and other detention facilities. Col. PAPPAS assumed command of the 205th in July 2003 from COL PARRISH. I was, and am still, Col. PAPPAS' chief of staff. He had a very complex mission with his brigade supporting CJTF-7 throughout Iraq. His unit was conducting intelligence, surveillance, and reconnaissance (ISR) along Route Support Base Detachment (RSBD), Interrogation, and Human Intelligence (HUMINT) Operations. Interrogated operations were being conducted in several locations when Col. PAPPAS took over. He had a good team of battalion commanders. We needed a central facility where we could hold detainees and screen them and Abu Ghraib was the logical place. It was in the central location of the Sunni Triangle and most detainees were coming from that area. The other reason for consolidation was the need for efficient use of scarce resources. We constantly redeployed resources and consolidation at Abu Ghraib helped us focus resources on that facility and that forward operating base. Camp Cropper was closed because it was at Baghdad International Airport (BIAP) and we needed to get all units out of BIAP in order for the Airport to open for commercial business. Camp Bucca work still remain operational but some of its resources were pulled up to support Abu Ghraib. Abu Ghraib was also the logical place for the Joint Interrogation Debriefing Center (JIDC). The C-2, Intel staff and Military Intelligence BDE, and the legal staff were all working very hard on the process of handling detainees from the moment they were picked up to the time they were released. LTG SANCHEZ was concerned and had great expectations on interrogation operations and we all participated in improving this part of our intelligence operations. He gave explicit instructions: A. Treat all detainees humanely; B. Expedite the intelligence gathered. Quickly identify who is of value and who is not. He wanted the MSC's to identify which detainees could be of further value for intelligence value; C. Integrate the future of the Iraq legal system by releasing detainees of no intelligence value to the Iraqi legal system. The Rules of Engagement (ROE), not just interrogation cases, were published from the main CP. I do not remember ever issuing a FRAGO on interrogations, but we may have done one and I simply can't remember it - we published over 2000 orders in my time in Iraq. I do remember several FRAGO's to commanders reinforcing the need to treat all detainees and all Iraqis with respect and IAW the Geneva Convention. There was great effort in developing the right rules of engagement. The process was extremely complex, detailed, thorough and painstakingly complex. It included extensive legal reviews, coordination with CENTCOM and our subordinate units, and

10. EXHIBIT	11. INITIALS OF PERSON MAKING STATEMENT	PAGE 1 OF 2 PAGES
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ADDITIONAL PAGES MUST CONTAIN THE HEADING "STATEMENT" TAXIDAT DATED

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

AG0000546

STATEMENT (Continued)
complete briefings to our Commander. We would distribute changes through Fragmentary Orders. Yes, FRAGOS were classified to protect and control information flow, but they were written for commanders who could extract pertinent information and pass it on to their soldiers. The FRAGOS were not written to be distributed directly to every soldier. Yes, I did know about some prisoners who were getting to Abu Ghraib without the proper tagging and screening being accomplished by our forward units. We had to tolerate some of this because, given a choice, we knew it was better to sort out detainees at our central facility than forward in a hostile area where people were routinely being killed. We knew we had some challenges in the detainee system and that is why we requested assistance from various places through CENTCOM and the Army. We requested more interpreters, interpreters and HUMINT support. The CG I believe expressed this shortage to the Army and I know the C2, BG FAST did also. COL PAPPAS never came to me and told me he couldn't do the job due to his personnel shortages, but we continuously worked on using personnel in the best possible way. BG KARPINSKI did complain to me about personnel shortages, and we redistributed personnel within CJTF7 to address her concerns. The MP's had to relocate some detainees to CAMP BUCCA, to lessen overcrowding and this was a challenge. We all knew and had various discussions about the risks when hiring civilians and/or contractors in any area of our mission. Subordinate staff officers and commanders provided specifics on the criteria required to hire contractors and for interrogators through the C2 staff. I do not know the exact interviewing requirements placed upon the contractors, but I am sure our commanders at a primary staff could hire a contractor if he/she was not working out and I believe we could write into the contract supervisory positions for contractors. I did not have direct knowledge of an alleged detainee abuse case concerning an OGA occurring in a detention facility, but I did hear about it from someone at the C-2 and was told an investigation was initiated. Frankly, I was focused on CJTF-7 operations and did not have the means or the orders to worry about investigations in OGA. On 1 February, a Transfer of Authority was conducted between LTG METZ and myself.

Q: Is there anything else you would like to add to the statement?
A: I can say, without equivocation or hesitation, that no one in the CJTF-7 Command Group, neither myself or LTG Sanchez condoned or encouraged in any way the mistreatment of any detainee. And, we quickly and forcefully investigated any and all suspected violations of any detainees rights we were made aware of.

End of Statement

AFFIDAVIT

I, Walter Wodakowski HAVE READ OR HAVE HAD READ TO ME THIS STATEMENT WHICH BEGINS ON PAGE 1 AND ENDS ON PAGE 2. 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.

[Signature]
(Signature of Person Making Statement)

WITNESSES:

Subscribed and sworn to before me, a person authorized by law to administer oaths, this 17 day of MAY, 2004 at Carlisle, Barrack

ORGANIZATION OR ADDRESS

[Signature]
(Signature of Person Administering Oath)

[Redacted]
(Typed Name of Person Administering Oath)

UCMJ, ARTICLE 13b
(Authority to Administer Oaths)

ORGANIZATION OR ADDRESS

INITIALS OF PERSON MAKING STATEMENT

PAGE 2 OF 2 PAGES

SWORN STATEMENT

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

PRIVACY ACT STATEMENT

AUTHORITY: Title 10 USC Section 301; Title 5 USC Section 2851; 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 and reliably identified and retrieved.
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 CAMP VICTORY, BAGHDAD, IRAQ	2. DATE (YYYYMMDD) 2004/06/19	3. TIME	4. FILE NUMBER
5. LAST NAME, FIRST NAME, MIDDLE NAME MILLER, GEOFFREY D.	6. SSN [REDACTED]	7. GRADE/STATUS O-6	
8. ORGANIZATION OR ADDRESS MULTI-NATIONAL FORCES-IRAQ, OFFICE OF THE DEPUTY COMMANDING GENERAL-DETAINEE OPERATIONS			

9. I, Geoffrey D. Miller, WANT TO MAKE THE FOLLOWING STATEMENT UNDER OATH:

Q. How did the JTF GTMO mission to assist CJTF 7 originate?
A. The requirement to establish a JTF Guantanamo Assessment Team for CJTF 7 was directed from the Joint Chiefs of Staff to SOUTHCOM. I was in Washington D.C. briefing the Deputy Secretary of Defense in May 03. I met with MG RON BURGESS, JCS J-2 and during our discussions he stated that there were some challenges in CJTF-7 with the transition from Major Combat Operations to Support and Sustainment Operations (SASO) in the areas of intelligence, interrogation, and detention. I told him if there was a request for JTF GTMO to conduct an assistance visit that JCS must task SOUTHCOM to conduct the mission. About ten days later, SOUTHCOM called and notified me they had a WARNORD to support CJTF-7 and that a FRAGO was coming out to deploy.

[REDACTED] interrogation operations, and detention operations. The Assistance Team included personnel who were currently assigned to JTF GTMO or those who had recently been assigned to assist on how intelligence fusion operations, interrogation operations, and detention operation could be better integrated. Once we received the FRAGO, we departed to Iraq.

Q. What was the difference between the mission at JTF GTMO and the mission of CJTF-7?
A. The missions were significantly different. Operations conducted by CJTF-7 were conducted under the provisions of Geneva Convention 3 for EPWs and under Geneva Convention 4 for Security Internees. The operations at JTF GTMO conducted detention and interrogation of enemy combatants. JTF GTMO adhered to the provisions of the Geneva Convention except where military necessity dictated as directed by the Nov 01 Presidential Directive.

Q. Who at CJTF-7 did you discuss the JTF GTMO assessment visit strategy?
A. I met with LTG Sanchez soon after the Team arrived for an in brief and we discussed the assessment plan. We discussed the visit strategy and applicability of Geneva Convention requirements that applied in Iraq. I told him the Team would need 96 hours to conduct our initial assessment of intelligence fusion operations on the staff, the interrogation operations at the CJTF-7 level, and the CJTF-7 level detention operations. Following the initial assessment I would provide an in-process review of the findings. I had a similar discussion with MG Fast focused on the intelligence fusion and interrogation operations.

Q. What were the Team's assessments in the area of intelligence and interrogation and to whom were they provided?
A. The assessments of all areas and recommendations were provided in the assessment report on 9 September 03. I briefed both LTG Sanchez and MG Fast on that day and provided the assessment report and associated SOPs.

Q. Can you characterize the operational environment and focus of the intelligence and interrogation you observed during your assessment visit?
A. The Vth Corps has recently transitioned to a CJTF structure. The intelligence operations and interrogation operations at both the Camp Cropper facility and Abu Ghraib were focused at the tactical level, working to transition to operational level requirements for the CJTF. Camp Cropper and Abu Ghraib were two separate interrogation facilities with their own independent collection focus. The majority of the interrogations were being conducted at Camp Cropper. Abu Ghraib was just beginning to establish intelligence exploitation and interrogation operations. I discussed our assessment and recommendation to establish a Joint Interrogation and Debriefing Center with MG Fast and LTG Sanchez. We discussed the process of intelligence fusion and how strategic interrogations were conducted at JTF GTMO.

10. EXHIBIT _____ 11. INITIALS OF PERSON MAKING STATEMENT gdm PAGE 1 OF 4 PAGES

ADDITIONAL PAGES MUST CONTAIN THE HEADING 'STATEMENT' _____ TAKEN AT _____ DATED _____

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DA FORM 2823, DEC 1998

DA FORM 2823, JUL 72, IS OBSOLETE

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DOD 000636

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

STATEMENT OF GHEFFREY D. MILLER TAKEN AT CAMP VICTORY DATED 2004/06/19

9. STATEMENT (Continued)

Q. It has been reported that [redacted] was notified of inappropriate interrogation procedures and did not report this further. Would this surprise you?

A. Yes. It would be out of character for [redacted] to not have taken actions if something was wrong. His performance at JTF GTMO was superb.

Q. Were there interrogation authorities at JTF GTMO that authorized the removal of clothing as an interrogation technique?
A. Yes. From 12 December 02 to 15 January 03 JTF GTMO had SECDEF approved the interrogation authority to remove items of clothing as a part of interrogations. To the best of my knowledge JTF GTMO never used this technique during that period. All personnel were notified in January 03 that this technique was no longer authorized.

Q. Was there intense pressure on COL Papas to produce intelligence from interrogations?
A. When I visited Iraq for the first time, the CJTF was transitioning from combat operations to stability and SASO operations, but there was still a significant amount of fighting going on. I did not detect any extraordinary pressure being applied to COL Papas. In my experience, there is always pressure to provide intelligence to help the commander better be prepared to win the fight. It simply saves soldiers lives and is always a priority. In looking at actionable intelligence to help the fight, I assessed that at the intelligence operations to develop actionable intelligence and information for the commander was bulky and not rapid. One of the challenges I observed was there were a large number of intelligence priorities and requirements for the unit to answer. The leadership and soldiers at Abu Ghraib were confused and didn't know what to focus on. I recommended to MG FAST that the C2 refine and prioritize the intelligence requirements. C2X - HUMINT operations - was not effective and should be redirected to better assist in establishing intelligence collection priorities. The unit at Abu Ghraib was not producing intelligence information Reports in a timely manner. This is one of the essential documents to assist in developing actionable intelligence for the commander. The Team suggested that the Intelligence Cell at Abu Ghraib at least begin producing Memorandums for Record for their interrogation summaries.

Q. What was your assessment of the Intelligence unit at Abu Ghraib's ability to accomplish its mission?
A. The Team noticed there was a lack of equipment and facilities to conduct interrogations. There were very few computers for the troops to use to leverage the information contained in other intelligence databases. They had a canvas tent that was being used as an interrogation booth. Their interrogators did not have analysts that acted as an integrated team. We recommended they use the Tiger Team concept where the interrogator and analysts routinely worked together so they could be more effective. To do the kind of system linkage to make the most of out the interrogation opportunities we recommended they should establish an intelligence fusion cell for analytical support. The unit was functioning a very basic level - lots of effort but not much intelligence output.

Q. Where they developing interrogation plans as the basis for interrogations?
A. The Team assessment was that the organization was not producing many interrogation plans as the basis for interrogation. We recommended they should develop interrogation plans and then get it approved prior to all interrogations. The senior NCOs and Warrant officers should be involved and train their soldiers in this task. The analyst needs to help the interrogator by reviewing the interrogation plans for quality control.

Q. Who did you provide your report after departing CJTF 7?
A. I sent the assessment report to SOUTHCOM J2, and it was forwarded to the JCS J2. I do not know how it was further distributed.

Q. Is there anything else you would like to add?
A. No

////////////////////////////////////End of Statement////////////////////////////////////

INITIALS OF PERSON MAKING STATEMENT

PAGE 3 OF 4 PAGES

9. STATEMENT (Continued)

gm

AFFIDAVIT

I, GEOFFREY D. MILLER, HAVE READ OR HAVE HAD READ TO ME THIS STATEMENT WHICH BEGINS ON PAGE 1, AND ENDS ON PAGE 4. 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.

Geoffrey D. Miller
(Signature of Person Making Statement)

WITNESSES:

[Redacted]

ORGANIZATION OR ADDRESS

ORGANIZATION OR ADDRESS

Subscribed and sworn to before me, a person authorized by law to administer oaths, this 22 day of JUNE, 2004
at CAMP VICTORY, BAGHDAD, IRAQ

[Redacted]
(Signature of Person Administering Oath)

[Redacted]
(Typed Name of Person Administering Oath)
UCMJ, ARTICLE 136
(Authority To Administer Oaths)

INITIALS OF PERSON MAKING STATEMENT

PAGE 4 OF 4 PAGES

21 June 2004

MEMORANDUM FOR RECORD:

SUBJECT: Procedure 15 Interview of MG GEOFFREY MILLER

On 19 JUNE 2004, MG George R. Fay and [REDACTED] interviewed MG GEOFFREY MILLER, CJTF-7 - Detention Operations. MG Miller provided a statement based on questions MG Fay asked him. [REDACTED] wrote a statement based on the answers MG Miller provided. The DA FORM 2823 was typed and provided to MG MILLER for his review and signature. MG MILLER stated he would not sign the statement and stated that we would have to send him a set of questions he would provided answers to. I have attached the DA 2823.

[REDACTED]

MAJ, MI
Investigating Officer

AG0000552

DOD 000639

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: 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 CAMP VICTORY	2. DATE (YYYYMMDD) [REDACTED]	3. TIME	4. FILE NUMBER
5. LAST NAME, FIRST NAME, MIDDLE NAME MILLER, GEOFFREY		6. SSN	7. GRADE/STATUS O8
8. ORGANIZATION OR ADDRESS			

9. Geoffrey Miller WANT TO MAKE THE FOLLOWING STATEMENT UNDER OATH:

My initial visit to Iraq occurred 31 August to 10 September 2003. I was in D.C. briefing the Deputy SecDef when I received a call from RON BURGESS, J-2. In my own words, he stated that there were some challenges with the transition from major combat operations to Support and Sustainment Operations (SASO). The intelligence fusion and intelligence capability was not established. I told him that the only way was to task SouthCom and that I would assist in looking into Detention Operations because we were good at it. Ten days later, SouthCom called and said they had a call from JCS and had a WARNORD to support CJTF-7 and that a FRAGO was coming out to deploy. I put together a combined interagency team with intelligence, law enforcement, DIA, [REDACTED]. We took personnel who were currently at GTMO or those who had been there to assist on how detention operation should be done. Once we received the FRAGO, we departed to Iraq. This was apples and oranges as GTMO was under Geneva three and Iraq was under Geneva four. I stated that we needed to make sure from the beginning that was understood. We handed everyone a Geneva Convention handbook to all we met with. I met with LTG Sanchez and told him we would need 96 hours to conduct an assessment to look at the prison and see how it is established and how they are operating. We visited Abu Ghraib and conducted an assessment of the operations. I told LTG Sanchez once we completed the assessment that I was going to be blunt. Abu Ghraib was not working well. The Corps was transitioning to a CJTF and the focus at Abu Ghraib was tactical not strategic as it should be. A/519th was on the ground and they were literally conducting tactical operations. They had split operations at Camp Cropper where the majority of the interrogations were being conducted (6x booths) and Abu Ghraib where they were beginning to establish operations (1x RFAP and 1x Trojan Spirit). I told him how strategic interrogations worked at GTMO and how you go about gathering information and segmenting it from high and low level value. I told LTG SANCHEZ he needed to establish interrogation limits quickly because the soldiers on the ground didn't know what had to be done, but not because we had seen any abuse. They just needed to know what some of the limits were. I also stated that he needed to get leadership down at Abu Ghraib to oversee the operations and be ready to calm down, hold back or stop people when things started to go wrong. I wrote my report and sent it up to SouthCom J2 [REDACTED] and JCS J2 RON BURGESS and no one at DOD.

I spent time with COL PAPPAS and [REDACTED] as discussed with them how you go about establishing operations. We were laying out the baseline we used at GTMO. I told them that the working dogs were used in GTMO to help the MPs with the custody and control issue and that it was very effective. When you have a lot of detainees and few guards, the dogs help with reduce the risk of demonstrations. At Abu Ghraib you had Camp Ganzi which was an open area with three strands of concertina wire. To use the dogs as a base would reduce rioting or demonstration. Have the dogs when the detainees are awake not when they are sleeping. We have never used the dogs for interrogations at GTMO and I did not discuss this with them because I did not have this concept. When I left, I did not leave any documents at Abu Ghraib. I did leave a disc with GTMO SOPs with the C2 and CG. I did not leave instructions with the subordinate units. COL PAPPAS attended three to four nightly AARs we held while in Iraq. I wanted him to understand where we were going and to be ready to respond to MG FAST or LTG SANCHEZ. I was asked to send assistance to Abu Ghraib to help get the Tiger Team concept going by MG FAST. I told her to go through JCS and ask for the teams. I ended up sending five Tiger Teams lead by [REDACTED]. I do not know who were the team members who accompanied him. They were supposed to have been the best teams. I told MG FAST that the teams would work as a team and not be split. Other soldiers could be added to the team to learn from them. The teams consisted of an interrogator and an analyst. They deployed for 90 days and were OPCON to CJTF-7. They did continue to informally maintain contact with GTMO but not me. They would ask for SOPs and other information. It would be out of character for [REDACTED] to not have taken actions if something was wrong. He is a solid Warrant Officer. As far as removal of clothing, we had received SecDef authority to use the removal of clothing as a technique for about a six-week period between Dec 02 to Jan 03 but that was never done at GTMO. I did not elect to use that technique. That was rescinded.

10 EXHIBIT	11 INITIALS OF PERSON MAKING STATEMENT	PAGE 1 OF _____ PAGES
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ADDITIONAL PAGES MUST CONTAIN THE HEADING "STATEMENT" _____ TAKEN AT _____ DATED _____

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9. STATEMENT (Continued)

In relation to the intense pressure: When I visited Iraq for the first time, the Corps was transitioning from combat operations to SASO operations but there was still a significant amount of fighting going on. In looking at actionable intelligence to help the fight I didn't get to that level. I saw that at the operations level the ability to get information was bulky. There were a lot of calls being put out for request for information. There were about 90 priorities and the folks on the ground (Abu Ghraib) were confused and didn't know what to focus on. I told MG FAST that they were confusing the soldiers with what they wanted. They needed to reduce the number of priorities to help them focus because they did not know what they were looking for. C2X was not functioning and they needed to relook at how they were prioritizing the requirements. We helped them established SDRs and priorities. I never heard or was aware of pressure coming from higher up. There were no IIR process fro a long period of time. They were writing DDIR. We suggested to at least writing MFRs for their interrogation summaries.

When I first visited Abu Ghraib, I noticed there was a lack of equipment. They had a tent as an interrogation booth. The system they were using for interrogation was not working and we recommended they use the Tiger Team concept. In order for them to put in place the GTMO system they needed computer systems which they didn't have. To do the kind of linkage we had at GTMO and to link with the fusion cell for analytical support was just not there. They were not doing too many interrogation plans. We told them they needed to develop interrogation plans and then get it approved. The senior NCOs and Warrant officers need to get involve and check on their soldiers. The analyst need to get help get an interrogator on track by reviewing the interrogation plans for quality control, they need to provide an assessment based on what information they have gathered of the detainee and provide assistance by telling an interrogator where they need to go next with the interrogation. They were working very hard and trying to do their best and much of their work had to be done by hand. I didn't see the capability to move this very fast without the proper automation. My first priority was to get the organization of teams established and my second priority became establishing the computer system to help with linkage to the fusion cell and C2X. It is still an on going process and continues to get better.

Q. Is there anything else you would like to add? A. No

////////////////////////////////////End of Statement////////////////////////////////////

AFFIDAVIT

I, _____, HAVE READ OR HAVE HAD READ TO ME THIS STATEMENT WHICH BEGINS ON PAGE 1, AND ENDS ON PAGE 2. 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.

(Signature of Person Making Statement)

WITNESSES

Subscribed and sworn to before me, a person authorized by law to administer oaths, this _____ day of JUNE, 2004 at CAMP VICTORY, BAGHDAD, IRAQ

(Signature of Person Administering Oath)

ORGANIZATION OR ADDRESS

(Typed Name of Person Administering Oath)

UCMJ, ARTICLE 136

ORGANIZATION OR ADDRESS

(Authority To Administer Oaths)

INITIALS OF PERSON MAKING STATEMENT

PAGE 2 OF 2 PAGES

SWORN STATEMENT

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

PRIVACY ACT STATEMENT

AUTHORITY: Title 10 USC Section 301; Title 5 USC Section 2951; E.O. 9397 dated November 22, 1943 (SSA)
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DISCLOSURE: Disclosure of your social security number is voluntary.

1. LOCATION CAMP VICTORY, BAGHDAD, IRAQ	2. DATE (YYYYMMDD) 2004/06/18	3. TIME	4. FILE NUMBER
NAME, MIDDLE NAME	6. SSN	7. GRADE/STATUS COL	
B. ORGANIZATION OR ADDRESS OSJA, MNF-I			

9. [REDACTED] WANT TO MAKE THE FOLLOWING STATEMENT UNDER OATH:

I was interviewed by MG FAY [REDACTED] on 17 June 2004. I was the senior Legal Advisor to LTG SANCHEZ from 15 June 2003 to 15 May 2004. The first time I remember discussing the need for a CJTF-7 command interrogation policy was after MG MILLER's visit to CJTF-7 in late August and early September 2003. We had questions about interrogations come up before then from subordinate units, but we didn't begin to formulate a CJTF-7 command policy until after MG MILLER's visit. I had some conversations with MG MILLER and the attorney on his team [REDACTED] during their visit to CJTF-7, and I attended the MG Miller team in-brief in the C2 office. There was dialogue about interrogation methods and approaches, and about the need for CJTF-7 to approach interrogations from the operational versus tactical level. When I sat down with [REDACTED] we discussed the difference between GTMO and Iraq, including the fact that the Geneva Conventions applied in Iraq. My officers and I felt that we needed to have a command policy on interrogation techniques, and several of my officers discussed GTMO's experience with such a policy with [REDACTED] length. I believe that MG MILLER's visit was the genesis for the development and drafting of the CJTF-7 interrogation and counter-resistance policy. We started working in concert with officers from the C2 and the 205th MI Brigade on drafting the policy.

While A Company, 519th MI BN may have had its own policy, I do not believe that it was the A/519th policy we used as the basis for our policy. To the extent there was a source document, I believe that it was the DOD memorandum pertaining to GTMO that had been published in the spring of 2003. We used the DOD cover memorandum and modified it as our own. My action officers worked with MI officers to review the approaches and scrubbed them to ensure compliance with the Geneva Conventions. We saw the A/519th document and used it, along with other comparative sources, to develop the CJTF-7 command policy. I remember seeing the A/519th policy and asking where the document had come from and why a company had its own policy. I assume that some of the other interrogation units had their own policies or simply used what was in Field Manual 34-52. This use of various policies was one of the major reasons why the recommendation that CJTF-7 needed one command policy was compelling. My office took input from the Field Manual, various policies, and MI officers and drafted the 14 September 2003 Interrogation and Counter-Resistance Policy. It was later updated in the 12 October 2003 policy, which remained in effect for 7 months. There were drafts that were staffed before the final October policy. As the drafts were reviewed, there were comments concerning how effective certain approaches were and whether our policy should list specific approaches at all. I believe that MI doctrine suggests that use of approved approaches should be left to the imagination of the interrogator, while ensuring that the appropriate controls were in place to stay within the bounds of the Geneva Conventions. I am not sure you can get everyone to agree precisely when otherwise approved and lawful approaches go outside the bounds of the Conventions, but that is why the command has policies and oversight, why there is doctrine, and why there are reviews of interrogation plans. I believe it is possible that the guys at the bottom weren't looking at the policy that we had issued from the top.

We provided the 14 September policy to CENTCOM and received comments through our legal technical channels. We also received input from the MI community. We modified the policy and published the 12 October policy. I am the author of the 12 October Interrogation and Counter-Resistance Policy. I am responsible for the policy document. It came out of my office. We wrote and typed the verbiage and I walked it in for CG signature. The military intelligence expertise came from the Military Intelligence community and I believe they are the ones who provided the input that came from their manuals.

The subject of denying detainees clothing puzzles me. Stripping a detainee to coerce or humiliate him is prohibited. While interrogators must control the environment, this must be done while maintaining the floor, the minimum requirements, of the Geneva Conventions. The leadership and those reviewing the interrogation plans should catch anything that violates the Field Manual or the Geneva Conventions. Now I go back and look at our policy and I ask myself if anyone might have misinterpreted or misunderstood what we wrote. The use of dogs is an example. Military working dogs can be used for security. If they were present in the cellblock for security purposes or on the grounds for crowd control or bomb-sniffing, they are not subject to our policy. However, if they are to be part of an interrogation approach, then their use would be restricted by the policy and subject to all of the safeguards and approvals. I doubt that any request to bring dogs into an interrogation booth as part of an interrogation approach would be approved because of issues of coercion and safety. Segregation is keeping a detainee separated from the

10. EXHIBIT [REDACTED] 11. INITIALS OF PERSON MAKING STATEMENT [REDACTED] PAGE 1 OF 3 PAGES

ADDITIONAL PAGES MUST CONTAIN THE HEADING "STATEMENT 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.

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STATEMENT OF [REDACTED] TAKEN AT Camp Victory DATED 2004/06/18

9. STATEMENT (Continued)

general population for security or to prevent collusion. Segregation is also used to separate officer and enlisted POWs, males and females, adults and juveniles. Although often used interchangeably and not defined in the policy, it is different than isolation. It is not solitary confinement and cannot be done to be coercive. Segregation in excess of 30 days required CG approval.

If a detainee was placed in a dark, dank room for purposes of setting conditions for interrogation, it should have been laid out in the interrogation plan and all those leaders reviewing the interrogation plans should have said, "wait a minute, this doesn't look right." I agree that both MI and MP should have known what was going on in the facility. COL PAPPAS worked tirelessly trying to get the place running to appropriate standards and I have observed him to be a very conscientious officer. People were on edge and under pressure in the September/October/November time frame. In the Fall of 2003, CJTF-7 was under intense pressure not only as to interrogation operations, but also as to the production of intelligence in general. I cannot recall ever discussing this with LTG SANCHEZ, but I do recall conversations with officers at the Colonel level stating that the boss or the C2 had just received a call from D.C. in reference to intelligence production. I recall everyone being very tired by this time, and a lot of activity was going on. We all seemed to be under a lot of pressure, but that is part of being in combat for a sustained period. I do not recall CENTCOM pressuring us for intelligence.

In the summer and early Fall of 2003, there was an enormous problem in getting supporting documentation when a detainee was captured. CJTF-7 wrote and published orders and policies on how to tag personnel, and how to document the circumstances of capture. In May or June, we produced detailed capture forms and an accompanying training package. Compliance in the field was uneven at best. Between March and November 2003, we would commonly have prisoners with sparse documentation. This was a problem consistently addressed by the command. Eventually, we published orders that said we would not accept detainees without proper documentation, including sworn statements. It is correct that the biggest problem with documents, numbers and pushback was 4ID.

RELEASE BOARD: This Board was called the Review and Appeal Board and began in August 2003. At the beginning, the files coming to the Release Board were thin. They would sometimes include an incomplete capture tag or CPA apprehension form, and sometimes a sworn statement, and sometimes a seemingly random assembly of MI documents. MG FAST was the Board President and expressed great frustration at the lack of documentation available, particularly MI documents. The recorder would put together a Board file for plenary session review by the Board members. Adjunct members from MI, MP and CID would attend so the Board had as complete a picture of the detainee as possible. At first, it was very difficult to assess the detainee files. The Review and Appeal Board looked at security internee files only. There were two Boards and the other one dealt with criminal detainees. BG KARPINSKI chaired the Criminal Detainee Release Board.

The Review and Appeal Board would base its decision on the information on the capture tag or CPA apprehension form, MI documents, sworn statements if available, and on the judgement of its members. Even if a person was no longer of intelligence value, they could still pose a threat to Coalition Forces or security. At the beginning, the Board went through a learning and maturation process on how to manage risk. We had no experience base or historical data/demographics to fall back on. Insofar as I know, this was the first time since WWII, then using customary law and the Hague Regulations, that this type of Board was established. In the Fall of 2003, the insurgency became a real issue, the security situation worsened, and we found ourselves in a more dangerous time. There was an increase in attacks from the Former Regime Elements and they were becoming more organized. Intelligence became more critical, both enemy attacks and our offensive operations increased, and the security internee population mushroomed. The Board was trying to find an appropriate balance between release and security, and we took the side of security. We did not want to take a chance based on what we didn't know. Unfortunately, we didn't know much from an intelligence standpoint, at least early on. At times there were no screening sheets and the only thing we had was a capture tag stating that a detainee was captured during a raid of a former regime cell. We would return the file for more MI input and would request that the interrogator talk to the detainee to obtain more information. Despite the difficulties, the Board system was undergoing constant improvement and reviewed thousands of cases, releasing the majority of detainees considered by the Boards.

After a couple of months of Boards, we created more mechanisms to push cases through this process. In October, the Detainee Assessment Board started sending the Board cases of persons who were deemed of no further intelligence interest. We created pre-screening panels of MI, Judge Advocate and MP officers. We devoted increased resources to the problem, all taken out of hide. In the SJA section alone, we had ten personnel doing detention operations, which is not our task or mission, and for which we are not resourced. By the beginning of November, the Board was meeting more frequently and General Officer members were replaced by field grade officers so that the Board could meet for longer periods of time and more often. By February, the Board was meeting six days a week, all day, with permanent members. By January 2004, I think all of us involved in the detainee area knew that we had to change the Board's philosophy and predisposition from retaining detainees to releasing detainees. I proposed that we take steps to change the Board's release philosophy and the CG agreed, authorizing these changes with the implementation of the full-time Board in February. At the same time, however, we continued to have tremendous push back from some commanders in the field. There would be a huge outcry if the Board released one perceived bad guy among thousands of releases. The CG issued command policy memoranda and orders, and I did a presentation at the commander's conference, concerning the need to treat all persons, including detainees, with dignity and respect. The presentation, as well as our published Rules for Conduct in Combat on which all Soldiers were to be trained, emphasized that Soldiers were to use judgment and discretion in detaining civilians, and were to detain civilians only when necessary and authorized by the ROE. The CG stressed precision, focused raids.

ICRC: I was not present at Abu Ghraib during the ICRC visit in October 2003 and, insofar as I know, nobody from the CJTF-7 headquarters or my office was present at the ICRC out-brief. Usually, one of my officers or I would attend the out-brief on ICRC

INITIALS OF PERSON MAKING STATEMENT [REDACTED]

PAGE 2 OF 3 PAGES

STATEMENT OF [REDACTED]

TAKEN AT Camp Victory

DATED 2004/06/18

9. STATEMENT (Continued)

camp visits. We met with the ICRC periodically at their Baghdad headquarters until it was bombed and then the meetings were sporadic, often occurring at CPA. Attendees would include officers from my office, 800th MP Brigade, FMO and the CPA Office of General Counsel. We tried to have an MI officer attend as well, although this was not always possible. Throughout 2003, all ICRC reports were addressed to the commander or subordinate commanders of the 800th MP Brigade. SJA received a copy of reports. Letters on specific topics addressed to LTG SANCHEZ were given to me and I would prepare the response for him. Many of the ICRC reports, called "working papers," were responded to orally and the ICRC did not desire or expect a written response from the camp commanders. The ICRC report of the October visit to Abu Ghraib was transmitted by cover letter dated 12 November 2003 and was addressed to Brigadier General KARPINSKI. I believe that it was given to one of my officers by the ICRC Protection Delegate, [REDACTED], at the meeting with the ICRC held on 16 November. I was on leave from 12 through 30 November and one of my officers, [REDACTED], prepared an analysis of the report on 25 November. Two days later, my office sent the analysis and the report out to the CJTF-7 C-2 and the 800th MP Brigade for review. On 4 December, a meeting was held at Abu Ghraib attended by MP, MI and legal personnel in order to discuss the report. I did not attend the meeting. I believe that [REDACTED] attended the meeting. In mid-December, the draft response was sent by my office to the 800th MP Brigade for review and coordination. The Brigade has its own SJA and legal section, and is, of course, commanded by a Brigadier General. I recall seeing drafts of the response in December, but I don't know if the Brigade made changes to the final product. General KARPINSKI signed the response, which was dated 24 December 2003.

When I saw the ICRC report, [REDACTED] couldn't believe it. I spoke to Judge Advocates and MI officers who were familiar with the conditions at Abu Ghraib and the uniform reaction was that these reports could not be credible. I recall talking with [REDACTED] the Deputy Commander of the 205th MI Brigade, [REDACTED] and [REDACTED] the Command Judge Advocate of the 205th MI Brigade, all of whom I know to be [REDACTED]. [REDACTED] and [REDACTED] were concerned that the report had to be exaggerated. I remember a conversation in which the statement was made that the allegations were crazy, because they [REDACTED] in hindsight, I regret not having taken the report to LTG SANCHEZ or MG WOODAKOWSKI. While this would not have prevented the abuse we subsequently discovered because it had taken place in November, we would have notified CID a month earlier than we did. The ICRC next visited Abu Ghraib during the period 4 through 8 January 2004 and, compared to October, it was a good visit. The ICRC positively commented on improvements, involving Article 143 of the Fourth Geneva Convention, we did not allow the ICRC to have private interviews with 8 internees who were undergoing active interrogation, but did allow the ICRC delegate to see the detainees, observe the conditions of their detention, and obtain their names and Internee Serial Numbers. We informed the ICRC that they could have private interviews in future visits, and this was done. The night before the ICRC visit, I went to the Hard Site with [REDACTED] and we found females and criminal detainees commingled with security internees on the 1A side. The MPs stated that they had moved the detainees there for ease of security and observation. [REDACTED] and I told them that this violated the Geneva Convention and that the detainees had to be moved that night. This [REDACTED]. Is there anything else you would like to add to this statement? A. No.

End of Statement

AFFIDAVIT

I 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:

Subscribed and sworn to before me, a person authorized by law to administer oaths, this 20 day of June, 2004

at Baghdad, Iraq

ORGANIZATION OR ADDRESS

[REDACTED]
 Signature of Person Administering Oath

ORGANIZATION OR ADDRESS

[REDACTED]
 (Typed Name of Person Administering Oath)
 USCMJ, ARTICLE 126 10 U.S.C. § 1044
 (Authority To Administer Oaths)

INITIALS OF PERSON MAKING STATEMENT

PAGE 3 OF 3 PAGES

09 June 2004

MEMORANDUM FOR RECORD:

SUBJECT: Procedure 15 Interview of [REDACTED]
[REDACTED]

On 09 June 2004, [REDACTED]

[REDACTED] interviewed [REDACTED]. The following is based on what [REDACTED] answered to a series of questions he was asked. He is currently reviewing his statement.

[REDACTED]
OSJA, HQCO, MCCDC,
QUANTICO, VA 22134

I arrived in Kuwait on the 3rd week of July 03 and immediately deployed into Baghdad, Iraq. My duty the first three weeks was operations lawyer for LTG SANCHEZ. I worked for [REDACTED]. After three weeks, the Navy lawyer redeployed to Germany and I became the Chief of Operations Law over the Task Force. When [REDACTED] arrived in January 04, he replaced me and I went back to work with [REDACTED] on some issues we had worked on before. The Interrogation Rules of Engagement is a misnomer it is not the correct use of policy when dealing with detainees. The Policies were "Interrogation and Counter Resistant Policy." I first began dealing with interrogation operations when MG MILLER visited Iraq. It was understood that they had a great deal of experience from GTMO and had come to help us gain operational level intelligence. [REDACTED] the GTMO team and I met to discuss policies for use in Iraq. This was a new game and we were discussing the role of lawyers to make policy. We took the Field Manuals, policies and government regulations to find out how they ran operations. The reason we began writing a CJTF-7 Policy was because there were too many units using their own policies. We felt it was a good idea to have a CJTF-7 Policy to regulate interrogation operations. When MG MILLER came, he brought his policies. We gathered all documentation available on Interrogation and Counter Resistant. These are some of the documents I remember we used: FM 34-52, GTMO policies, CJTF-180 policies, Fourth Geneva Convention, International Laws, DOD Directives, FM 27-10, EPW Regulations. I do not remember seeing the power point slide [REDACTED] created. It looks to me that she was doing her best to put some policy together for her folks and being proactive. We saw the policies GTMO had and we felt that we needed to focus on the Fourth Geneva Convention because unlike GTMO, the fourth Geneva Convention did apply in Iraq. We saw memos from other theaters and focused on; what had been done right; what we could task; and what didn't fit in our theater. Our situation was different and had to be desperate and distinct to what we were trying to do. We went through a drafting process where we would look at other policies and studied them to try to find and interpret the law. We also wanted to give the intelligence community the ability to do their job while following the Geneva Convention. We initially sent a draft to CENTCOM in September (DATE). The draft was thematically similar to the policy done

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by GTMO. CENTCOM came back and had some concerns with the draft policy we had sent. I agreed with their criticism; Stress management and Sleep management were some of the concern. CENTCOM felt they did not comply with the Geneva Convention and could be subjective. The first problem was the ability to try to place safeguards on each technique wasn't working. (Certain techniques had time limits and we believed it was up to the unit to request implementation of timing which would be different with each detainee). After we received the Draft back from CENTCOM, we decided we would stick to FM 34-52 and instead of writing down techniques, we focused on safeguards. We wanted to focus on the process. We wanted interrogation plans to be comprehensive and approved at the units level by the leadership. We wanted leadership involved in the interrogation plan process. We did not want to come up with a list of techniques written by lawyers which would then become the only legal techniques which did more harm than good. We wanted to allow the interrogator to use the Manual to use the techniques that best suited his detainee. We added segregation on the policy for the effectiveness of interrogations. We believed that a detainee should not go back to his buddies to collaborate and exchange information. If a group came in, we needed to segregate them from one another. The approval had to be approved by C2, SJA and finally the CG. I do not think that segregation is a Geneva Convention term but it is an important concept that is discussed in FM 34-52. We felt it was important for the interrogator to control the movement of a detainee. Once the detainee was returned to his fellow detainees, the interrogator lost control of the environment. We limited this to 30 days and anything that went beyond that had to get approved by higher. Why 30 days? There is no book on time duration of segregation and we thought that anything less than 30 days was humane but anything passed 60 days was inhumane. A person trying to solve a problem probably needs more than one week but less than two months to fix a problem. So we decided one month was probably safe anything beyond that required CG approval. We felt this was a reasonable time for an interrogation to last until it required the CG's involvement and approval. Another word we changed was EPW to security detainees. We made the change because we realized that the number of EPWs were very small and there was already a procedure for EPWs (FM 34-52). We were now had more security and civilian detainees. Our problem was that there was no guidance out there on how to deal with security and civilian detainees. We used the Fourth Geneva Convention because it covered civilian detainees. The Interrogation and Counter Resistant Policy was being staffed to the units and staff. MG FAST reviewed it for the intelligence community and (WHO REVIEWED IT FOR THE UNITS AND OTHER STAFF ELEMENTS?). The policy is still not perfect but I believe it is pretty good. A lot of hard work by a lot of people went into writing the policy letters. The final policy approved by CENTCOM was the 12 October 03 Policy. There was a reduction in the techniques listed in the previous policy. We felt that our attorneys were not expert in telling the interrogators how to do Interrogations. The only way we felt we could manage interrogations was to enforce the Interrogation Plans and have the intelligence community conduct oversight of them. We felt that those that would come to us would be exceptions to policy instead of advocating to interrogators what techniques to use and time limitations. It all had to be focused on the particular detainee they were interrogating. We empowered the Intelligence community to focus on the interrogation plan. Each one would be specific based on the detainee and when they wanted to go outside of the acceptable techniques,

they would submit the request. We understood the combination of techniques would be used and the effect these techniques had on a detainee had to be monitored by the leadership reviewing the interrogation plans. One of the problems I saw coming in as an outsider, was the FRAGO system we had in place. The policies had to get down to the lowest level. We had other services and other countries and we had a problem with distributing the FRAGOs to everyone. The CG always discussed the responsibility of every one to treat detainees with dignity and respect. He would send this out on the FRAGOs that went out. He would get very frustrated because he felt some were not following his request. (I AM NOT SURE IF I CAPTURED THIS RIGHT). The reason for classifying the documents was because we did not want to compromise what we were doing. The second draft (DATE) was never meant to be followed by anyone. It was being staffed. I do not recall the staffing method for the drafts. The normal method was Current Operations' Lawyer would place the document in a folder. The staff would then go to the folder and review it and make comments. The other way was to place a cover sheet on it and send it out hard copy. I might have seen two policies that were signed and I do not know why the CG signed it because it was going to CENTCOM for approval. I was not in on any meeting with LTG SANCHEZ. The only thing I remember is that [REDACTED] told me that the policy only gets implemented if it is approved by CENTCOM. I do not know how the policies went out before they were approved by CENTCOM. I would assume it was leaked out. I was not involved with the ICRC visit or writing the response to their findings ([REDACTED] was). I did see one ICRC report in January and I sent it to III Corps for their response. The ICRC report was based on a lot of anecdote and it was hard to understand what was true and what wasn't. I never heard of LTG Sanchez giving any blanket use of techniques not even for the night of the shooting. I do remember him being very upset that we had soldiers going in after a detainee who had a gun and not having a preplanning to respond with the appropriate amount of firepower. LTG SANCHEZ expected the leadership to get involve at every level. I do not recall any approval authority delegated to COL PAPPAS. It is up to the commanders to ensure humane treatment is followed and to oversee the limits of what techniques are being done.

[REDACTED]
MAV, MI
Investigating Officer

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[REDACTED]
OSJA, HQCO, MCCDC,
QUANTICO, VA 22134

I arrived in Kuwait on the 3rd week of July 03 and immediately deployed into Baghdad, Iraq. My duties the first three weeks were to serve as an operational lawyer on the CJTF-7 Staff. I worked for [REDACTED] USA, CJTF-7 SJA. After three weeks, the Chief of Operational Law [REDACTED] (USN) redeployed to Germany and I assumed the duties of Chief of Operational Law for CJTF-7. I remained in this billet until [REDACTED] USA, of III Corps assumed the duties in January 04. I then moved from Camp Victory to the CPA to work with [REDACTED] at CJTF-7 (fwd) on some issues we had worked on previously for the purpose of continuity, and to ease the transition to III Corps. I first began dealing with detention and interrogation operations in the very beginning of my tour when we drafted FRAGOs giving CJTF-level guidance to all units regarding detainees. It was the opinion of our office that all detainees must be treated humanely in accordance with international law at all times and specifically, the Geneva Conventions. We addressed all detention and interrogation issues with this founding principle. LTG SANCHEZ, USA, Commanding General, CJTF-7 repeatedly impressed upon his staff and subordinate commands both verbally and in writing, his desire for treatment of all Iraqis with dignity and respect. [REDACTED] worked directly with the CG in developing these written orders and I participated in their drafting. To my knowledge, the only policies approved by the CG with regard to detainees were the ones published by our office, specifically the CJTF-7 Interrogation and Counter-Resistance Policy and various "Dignity and Respect" memos, which were published by FRAGO. Though I was not present in any meeting with the CG wherein interrogation techniques were discussed, I never heard of him giving permission for use of any particular technique. Such guidance would have been contrary to CJTF-7 policy as we created it, and his commander's intent, as I understood it.

When MG MILLER, USA visited Iraq from Guantanamo Bay (GTMO) we focused on preparing an interrogation policy. I believe it was generally understood that MG MILLER and his staff had a great deal of experience from GTMO and had come to help us gain better operational level intelligence from detainees through interrogation. [REDACTED] members of the GTMO team, myself, and others met to discuss the creation of a standard CJTF-7 policy for use in Iraq. MG MILLER's staff suggested that we needed a theater-level policy, and though I did not initially agree with that idea, I came to believe that the policy was necessary to regularize interrogation practices across the Iraq Theater. I initially felt that the published references (*infra*) and intelligence leadership would serve sufficiently to guide the process, and that lawyers could possibly bring the unintended consequence of unnecessary restrictions to the interrogations. After discussing the matter at length, however, we decided that the policy was necessary to regulate unit-level policies and ensure that policies across Iraq, including those in units coming in from Afghanistan and other places comported with our baseline need to satisfy the Geneva Conventions.

In preparing the policy drafts, we gathered all documentation we could locate on interrogation and counter-resistance, including FM 34-52, GTMO and CJTF-180 policies,

The Third and Fourth Geneva Conventions and associated commentaries, DOD Directives, FM 27-10, and other regulations relating to EPWs and civilian internees. We also considered other international law even when not binding, e.g., the Geneva Protocols. We looked at the manuals, various policies and other regulations with an eye toward gaining consistency in interrogation operations. It is important to note that while we considered the policy in use at GTMO, and used the general format of their policy for the purpose of organization of our own, we knew that we would be guided neither in content nor legal analysis by the GTMO policy. We felt that our situation was fundamentally different, and that as a force engaged in an international armed conflict, the Geneva Conventions would prevent any such guidance. Instead we attempted to evaluate all available techniques and approaches we found in the various policies and manuals, applying limits and safeguards to remain within the bounds of international law and to promote humane treatment.

After gathering information, we began the process of constructing drafts of the policy for discussion and staffing. There are various drafts in existence that contain changes to the policy as a result of our internal consultations, the staffing process and our interaction with supported commands. The many differences in the drafts, including whether to include EPWs or only Security Internees within the policy, are the result of our discussions and input from units and staff members in the staffing process. To my knowledge, these drafts were not issued to units for their use, though some units may have received electronic copies for critique during staffing. We also received some limited guidance from CENTCOM after we submitted the first signed policy to them that we intended to implement.

In initial drafts, we focused on inclusion, exclusion and limiting some individual techniques in an effort to have the policy comport with international law. In later drafts, (after review by CENTCOM SJA's office) it became evident that we should rely more heavily on FM 34-52 and focus on interrogation approaches as described in that manual while implementing necessary safeguards designed to promote humane implementation of the approaches. Given the fact that interrogation approaches described in the manual could combine techniques, and those techniques could have differing effects on different detainees based on implementation, duration, age and health of the detainee, etc, supervision and intelligence leadership involvement in the creation of individual interrogation plans became a more important focus. Comprehensive individual interrogation plans had to be supervised and approved at the unit level by intelligence leadership. In short, our aim was to allow the interrogator to use the approaches available in the manuals, tailoring the techniques that best suited the detainee under interrogation -- under direct supervision of intelligence leadership -- while remaining within the bounds of the law. We selected the approaches in FM 34-52 because the manual had been previously legally reviewed, and offered approaches which could be used on EPWs, the category of detainee with the highest protections under the law. Any deviation from the approaches in the policy had to be approved by the CG. By our policy, this approval would have had to be staffed through the CJTF-7 C2 and SIA prior to CG approval. We viewed segregation from fellow detainees not as a technique, but as a necessary part of any interrogation. Understanding that while necessary, segregation could be viewed as inhumane if lengthy, we installed a 30 day safeguard in the policy, with the need for CG's approval to continue segregation of any security internee past 30 days—whether

consecutive or not. We felt this was a reasonable time for an interrogation under segregation to continue with supervision below the level of the CG. After 30 days, we felt that such segregation should require the CG's involvement and approval.

Questions have been raised as to the security classification of the policy. The reason for classifying the interrogation documents as SECRET was that other interrogation policies we viewed were classified SECRET, and I believed that if the information were leaked, it could severely undermine the interrogation efforts in the field. This classification was selected only for reasons of national security, and in no way hid the contents of the policy from CJTF-7 personnel who had the need to know it.

I recall two interrogation and counter-resistance policies being approved and signed by the CG. The first was rescinded about 28 days after its submission to CENTCOM and superseded by the later policy. We sent the first policy to CENTCOM for review with the intent to implement the policy upon approval. I believe it was dated 14 September 2003. Lawyers at CENTCOM expressed reservation that some of the techniques could violate the GC depending on the manner of implementation. After reviewing the CENTCOM input, we changed our focus to the approach-based model described above. Our desire was to satisfy the need for effective interrogations while remaining within the bounds of international law and promoting humane treatment of detainees. After modifying the policy, we rescinded the original and reissued our final policy dated, by my recollection, October 12 of 2003. I do not believe that the original policy was ever officially issued, but since it had been signed, we thought it should be rescinded as confusion could have resulted. As far as the staffing methods used for these documents, I do not recall which staffing method was used for each particular draft. Moreover, most of the drafts did not leave our office, as the changes were the result of internal decision-making. The normal method for staffing drafts outside of the office was that the Current Operations' Lawyer would place the document in an electronic folder for staffing to CJTF-7 staff and supported units through LNOs. The staff would then go to the folder and review it and make changes and comments. Some documents, especially sensitive ones, may have been staffed in "hard-copy"—placing a cover sheet on them and forwarding to the units for staffing.

The Interrogation Rules of Engagement (IROE) is a document that I have learned was prepared by ██████████ USA. This is a document that I do not recall seeing prior to my interview with the FAY commission. I think that I would have recalled the document, because IROE is a misnomer; it is not the correct use of terminology with respect to detainees. The CJTF-7 policy does not address "engagement" of detainees during interrogation, as they are protected persons. After seeing the slide, however, I believe that it is a well-intended effort at producing a "layman's training aid" that ██████████ created for her troops to teach them what was allowable under the CJTF-7 policy. I did not normally work with ██████████ on interrogation matters. I worked with ██████████, USA, a lawyer from 205th MI in the drafting of the CJTF-7 policy and occasionally answered questions from the field through him on interrogation matters. In all cases, I advised him to advise the intelligence / interrogation leadership to use comprehensive interrogation plans and to formally request any deviations from policy through the chain of command and the C2 and SJA as discussed above. The only requests for deviation that I saw were requests to continue segregation past 30 days.

Though I was not involved in the legal administration of detention operations at Abu Ghraib, I remember reading one or two ICRC reports in the January 2003 timeframe. The ICRC reports included allegations of mistreatment of Iraqis both at the point of detention and in internment. It was my understanding that these were unconfirmed reports based solely on anecdotes obtained directly from interviews between the ICRC and detainees. These reports appeared quite exaggerated and hyperbolic, citing lawful uses of force as violations, including pointing weapons at persons during capture operations, segregating suspected insurgents from their family members during questioning, or using force to prevent detainee escape. I recall forwarding an ICRC report to the III Corps SJA (detention ops) for response. [REDACTED] (AUS) a Coalition attorney working in my section, drafted or edited a separate draft response to an ICRC report on behalf of BG KARPINSKI's office. I edited that response. I was not present during any ICRC visit to Abu Ghraib. I did, however, work directly with the ICRC, coordinating access and handling all ICRC requests regarding Saddam Hussein. I do remember that authority to command forces at Abu Ghraib was shifted to COL PAPPAS in response to attacks at that facility, but I do not recall any approval authority being delegated to COL PAPPAS regarding interrogation approaches or policy. Such delegation would have been contrary to the CJTF-7 Interrogation and Counter-Resistance policy and my understanding of the CG's intent with respect to detainee treatment.

This statement is being provided to the FAY commission in response to their questioning, and for the purpose of their investigation. It is intended to replace the draft statement prepared by the commission on my behalf, which contained errors. I swear that the contents of this statement are true to the best of my knowledge and recollection.

[REDACTED]

PRIVACY ACT STATEMENT

AUTHORITY: Title 10 USC Section 301; Title 5 USC Section 2951; E.O. 9397 dated November 22, 1983 (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 CAMP VICTORY, BAGHDAD, IRAQ	2. DATE (YYYYMMDD) 2004/05/09	3. TIME 1052	4. FILE NUMBER
5. LAST NAME, FIRST NAME, MIDDLE NAME FAST, Babara G.	6. SSN [REDACTED]	7. GRADE/STATUS O8/RA	
8. ORGANIZATION OR ADDRESS C2, CJTF-7, Camp Victory, Baghdad, Iraq			

Barbara G. Fast

WANT TO MAKE THE FOLLOWING STATEMENT UNDER OATH:

I reported to CJTF-7, Baghdad, Iraq on 29 Jul 03. I was assigned as the C2 for CJTF-7. I was tasked by SecDef thru CENTCOM to complete an assessment of the intelligence architecture in Iraq and specifically address intelligence resources, processes and priorities. I spent the first part of the month with the newly arrived C3, visiting all the divisions and various activities, with an eye on the intelligence system. In both my interim and final assessments for SecDef, I highlighted my concerns with detainee operations as a number one problem and an area where we have the greatest challenge. At that time, interrogation operations were strung across the country, from Camp Bucca to Camp Cropper to Ashraf. It was about the time I arrived when Abu Ghraib was opened for interrogation business--bringing in detainees associated with a major CJTF-7 operation. Against that backdrop, I greatly welcomed the visit of MG Geoff Miller and the GTMO team. Although GTMO is a very different effort (no combat, no ongoing operation into which it must fit in a timely manner, a singular effort vice a coherent full spectrum HUMINT effort), I believed we could map GTMO best practices into something that would work in Iraq. There was much work to be done--from organization to facilities to reporting and management. The C2 and the MI Bde immediately began to implement the recommendations from MG Miller's GTMO report. In the C2 area specifically, this included standing up a robust C2X (which, lacking even a competent OIC, I had already identified as my most critical fill) and an analytic effort that capitalized on debriefing reports and focuses interrogations. COL Pappas also began to implement GTMO recommendations, to include an internal reorganization to establish Tiger Teams, as well as receiving GTMO teams augment his effort and provide additional expertise and mentorship. Arrangements were made for a Huachuca MTT, which come in and conducted additional interrogation training. In Sep, the CG published an interrogation policy letter which outlined proper and authorized conduct for interrogation (updated in Oct 03). All of these aforementioned initiatives were implemented from mid-Sep to the end of Nov (being in part dependent on resourcing). Meanwhile, the CG's goal was to close Camp Cropper (less the HVD facility) and consolidate all detention operations into Abu Ghraib by 1 Oct 03. When the first detainees from Camp Cropper began to arrive at Abu Ghraib, interrogation operations were conducted in tents. Up until that time, the Cdr, A Co, 519th MI Bn, [REDACTED] was the senior officer on the site. Soon, MI personnel from the various MI units began to arrive at Abu Ghraib and operate. In terms of responsibility, the MI Brigade was responsible for interrogation and the MP Brigade was responsible for detention operations. COL Tom Pappas, 205th MI Bde Commander, initially operated from his headquarters in Camp Anaconda, but found it necessary to relocate to Baghdad in order to be closer to CJTF-7 and key components of his command, such as interrogation. I am not familiar with the timing of [REDACTED] assignment to Abu Ghraib. That assignment was made by [REDACTED] my deputy and the V Corps G2. He did personnel assignments, due to the backbone of the intelligence coming out of V Corps assets and the close working relationship he had with the CJTF-7 C1, who was also the V Corps G1. The first time I recall meeting [REDACTED] was just after the mortar attack which killed and injured numerous MI soldiers. It was just before this incident that COL Pappas began spending more and more time at Abu Ghraib, often overnighting. After the mortar attack, COL Pappas made a decision to move all operations and billeting into the hardened buildings to prevent injuries from future attacks (CPA had previously said these buildings were off-limits to CJTF-7 use). During my visits, I was normally briefed by [REDACTED] and [REDACTED] on operations; however [REDACTED] was always in the wings and often discussed various operational and life support issues with me (eg. computers, showers). From an austere, bare bones installation, interrogation operations steadily improved. Facilities were rehabilitated to allow for segregation of detainees. Interrogation booths were built. Databases were built and software improved to link detainees to interrogations and reporting. Unfortunately, there were different databases being used by MI and MP's for detainee/interrogation operations. The decision to begin using BATS was slow in being implemented (just now being fielded to satisfaction). During my visits to Abu Ghraib, I observed areas of concern--shortcomings in defensive preparations, lax conduct among MP's, and a general laxity in cleanliness standards. MI personnel were forced to conduct their own escort of detainees, pull guard duty--something COL Pappas raised as an issue. I voiced my concern to the DCG, MG Wodjakowski, about the need for someone to be in charge of the entire facility, as did the JAG, [REDACTED]. LTG Sanchez made the decision to appoint COL Pappas as the Forward Operating Base Commander at Abu Ghraib. The MP Bn was placed under his TACON. This decision was published in a FRAGO. [REDACTED]

10. EXHIBIT	11. INITIALS OF PERSON MAKING STATEMENT [REDACTED]	PAGE 1 OF 2 PAGES
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ADDITIONAL PAGES MUST CONTAIN THE HEADING "STATEMENT OF [REDACTED] TAKEN AT [REDACTED] DATED [REDACTED]"
 THE BOTTOM OF EACH ADDITIONAL PAGE MUST BEAR THE INITIALS OF THE PERSON MAKING THE STATEMENT, AND PAGE NUMBER MUST BE INDICATED.

AG0000565

DOD 000652

9. STATEMENT (Continued)

Despite this being around the time of the detainee abuses (as founded in the Taguba 15-6), the command leadership was not aware of this abhorrent behavior to the best of my knowledge (I simply can't speak for all others, but have no reason to believe that other staff and the MI Bde Cdr knew about it) and it therefore played no role in the timing of the [redacted] COL Pappas uncovered several disciplinary problems at Abu Ghraib, and to the best of my knowledge, he immediately and thoroughly investigated and took action on each one. These included soldiers having pets and local nationals living on and running a cafe. The relationship between the MI Brigade and the MP Brigade was a frustrated one, with COL Pappas unhappy about the level of MP support. COL Pappas' rater was the DCG, MG Wojdakowski, with LTG Sanchez as Senior Rater. BG Karpinski's rater was LTG McKiernan (I thought it was MG Wodjakowski until just this week) as 800th MP Bde was only TACON to CJTF-7 and LTG Sanchez. My responsibility as the C2 was one of staff supervision for interrogation operations. The C3 was designated by LTG Sanchez as the overall staff supervisor for detention operations, with the PMO being responsible for detainee operations. It is my belief that there was a premise that most units would surrender during Phase III, resulting in there being few detainees. I just don't believe that folks envisioned ever needing a robust detainee operation on a scale not seen since WWII, either during or after hostilities. There are doctrinal and training lessons to be learned and which have been developed throughout OIF. With regard to the detainees abuse--I never saw nor was I made aware of the alleged detainee abuse, the use of dogs during interrogations by MI or MP's (if it occurred), nor was I aware of any photos until the investigation was being initiated. I do not recall if it was just before the investigation began (but after the notification to the CG) or if it was after the investigation commenced when I actually became knowledgeable do recall being absolutely sickened by the description, and later, by the pictures (I have never seen the CD). Clearly, had I been aware of this activity, I would have reported it, just as I immediately actioned a reported violation in the December time frame (reported to me one day, went to JAG the next day and we went to CG--forwarded initial report to CENTCOM as they owned the unit).

I served as the President of the Appeal and Release Board from its inception in August 2003. The board consisted of three voting members, the CJTF-7 Staff Judge Advocate, the Commander, 800th MP Brigade, and me. There was also a Board Recorder, Military Intelligence representative, CID representative and Provost Marshall (all non-voting members). The votes are formulated decision on each case, which was documented by the legal recorder. There was never a refusal on my part to approve the release of such prisoners after a recommendation for release was made by the board.

Q. Do you have anything else to add to this statement?
 A. No.

AFFIDAVIT

I, Bardana Grace Fogt, [Signature] HAVE READ OR HAVE HAD READ TO ME THIS STATEMENT WHICH BEGINS ON PAGE 1, AND ENDS ON PAGE 2. 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.

[Signature]
 (Signature of Person Making Statement)

WITNESSES

Subscribed and sworn to before me, a person authorized by law to administer oaths, this 9 day of May 2004 at Camp Victory, Baghdad, Iraq

ORGANIZATION OR ADDRESS

[Redacted Signature]
 (Signature of Person Administering Oath)

ORGANIZATION OR ADDRESS

[Redacted Name]
 (Typed Name of Person Administering Oath)

UCMJ, ARTICLE 136
 (Authority To Administer Oaths)

INITIALS OF PERSON MAKING STATEMENT
[Redacted]

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