

DEPOSITION

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2

3 At Camp Doha, Kuwait, on 10 February 2004:

4 COLONEL [REDACTED] U.S. Army, CFLCC Staff Judge Advocate
5 deposing.

6 MASTER SERGEANT [REDACTED] U.S. Army, CFLCC-SJA, Senior Court
7 Reporter, has been detailed reporter for this deposition and has been
8 previously sworn.

9 COLONEL [REDACTED] U.S. Army, was sworn, and testified as
10 follows:

11 Q Please state your name for the record

12 A My full name is [REDACTED] Social
13 Security Number [REDACTED]

14 Q What is your rank, branch of service and current duty
15 position?

16 A I am a colonel in the JAG Corps and I am currently assigned
17 to the CFLCC Staff Judge Advocate's office

18 Q And how long have you been deployed in this particular
19 assignment?

20 A I arrived in theater on March 18 of 2003, nearly a year
21 ago

22 Q And you are in the reserve component?

1 A That is correct I am Individual Mobilization Augmentee
2 assigned specifically to assist the Staff Judge Advocate with enemy
3 prisoner of war operations

4 Q. As you are aware, Major General Antonio Taguba has been
5 directed by the Commander, CFLCC to conduct an investigation into
6 certain aspects of the detainee operations at the Abu Ghraib prison
7 in Baghdad, alleged detainee abuses He's also been asked to look at
8 detainee escapes from that prison and also he's been asked to look at
9 the command climate and various other matters dealing with the 800th
10 MP Brigade Are you aware of that?

11 A I am

12 Q And have you previously spoken to Major General Taguba
13 regarding the investigation?

14 A Yes. I spoke to General Taguba two nights ago

15 Q I'm going to just ask you some generic questions about your
16 knowledge of the 800th MP Brigade and your knowledge of these
17 particular areas that Major General Taguba is investigating today.
18 First of all, give me a little bit of background about your
19 relationship with the 800th MP Brigade prior to this particular
20 operation

21 A In June of 1992 I was appointed as the Command Judge
22 Advocate for the 800th MP Brigade and in that capacity I served with
23 the Brigade for three and a half years, leaving the organization in

1 March of 1996 Many of the people who I came to work with during
2 this deployment were assigned to the Brigade back then in subordinate
3 positions to the ones they presently held. Notably, specifically,
4 Colonel [REDACTED] was the S-4 back then. There were others who were
5 assigned, [REDACTED] the current S-3, was company commander, things like
6 that

7 Q So, you are somewhat familiar with some of the individuals
8 assigned to the 800th MP Brigade?

9 A Yes

10 Q When you arrived at CFLCC in March of 2003, what were your
11 principle duties?

12 A I was assigned to prepare for enemy prisoner of war
13 operations both assisting the Staff Judge Advocate in rendering
14 advice to the command with regard to the implementation of the Geneva
15 Conventions, as well as the execution of Army Regulation 190-8
16 Specifically there were two matters that involved much of my time in
17 that preliminary period, one of which involved the purchase of
18 cigarettes using appropriated funds for the distribution, the free
19 distribution, to the prisoners of war, the other which involved
20 drafting an SOP with regard to the use of force by MP guards against
21 prisoners in custody at that time

22 Q And in the course of your duties, did I assign you to the
23 Camp Bucca Theater Internment Facility?

1 A Yes you did I was sent up to Camp Bucca initially on
2 April 9th. April 9th was the day that we officially took over the
3 operation of that facility that had previously been run by the
4 British under the name of Camp Freddy. Colonel [REDACTED] and I
5 accompanied Colonel [REDACTED] on a visit that day and it was
6 determined at that time that really to effectively do my job I needed
7 to be on site. And upon returning, we immediately planned for my
8 immediate forward deployment, if you will, to Camp Bucca, and I
9 arrived at Camp Bucca on a permanent basis on April 12th, which was a
10 Sunday

11 Q And what were your duties and responsibilities at Camp
12 Bucca?

13 A I was there to provide legal advice to the Camp Commandant
14 relative to the execution of his responsibilities under the Geneva
15 Convention as well as coordinate and operate the Article 5 tribunal
16 process with regard to all persons that we were holding at that time

17 Q And approximately at that time, how many detainees or
18 internees were held at Camp Bucca?

19 A. There were somewhere, probably about six thousand prisoners
20 in the Camp at that time

21 Q And the chain of command at that point for the 800th MP
22 Brigade was what exactly?

1 A The Brigade Commander was Brigadier General Paul Hill. His
2 Deputy Commander was Colonel [REDACTED], who was also functioning as the
3 Camp Commandant at Camp Bucca. There were numerous battalions
4 assigned to the 800th, I'm not privy to know all the numbers, but
5 there were three battalions assigned to Camp Bucca, or there were
6 two, when I arrived a third arrived right after I did, that would be
7 the 320th MP Battalion, the 724th MP Battalion, and the last arriving
8 battalion was the 530th

9 Q What was the responsibility of those MP battalions at Camp
10 Bucca? What were their primary duties?

11 A The primary duties were to guard and protect the prisoners
12 in their charge, mostly prisoners of war. Some of whom, however,
13 that may have been innocent civilians that got swept up in the
14 combat. It was our job, my job particularly, to sort through who
15 everybody was and determine the proper legal status of the
16 individuals in custody. It was the MP's job to secure and protect
17 the individuals.

18 Q. And how many, or how long did you serve at Camp Bucca?

19 A I was at Camp Bucca for two months.

20 Q And following your service at Camp Bucca, where did you go?

21 A I returned here to Camp Doha, where I was, where I worked
22 for about six weeks and at the end of July, I was again sent forward
23 to assist the 800th MP Brigade with the mission that was being

1 executed at Camp Cropper, which was a corps holding area that had
2 been established outside Baghdad International Airport The 115th MP
3 Battalion specifically had the mission at Camp Cropper, but they had
4 approximately twelve hundred persons in custody at that time at that
5 location

6 Q And what were your responsibilities at Camp Cropper?

7 A At Camp Cropper, the mission had changed slightly, with the
8 commencement of our occupation, if you will in May, we had started
9 performing law enforcement operations and many, many of the people at
10 Camp Cropper had been picked up for violating a criminal code of some
11 sort And it was my responsibility to go through the files of all
12 these individuals and make a determination as to the availability of
13 evidence, the appropriateness of the charge, whether or not there was
14 even a file and with an eye towards making a determination of who
15 might have been picked up for a minor charge, who might have been
16 locked up for an extended period of time and could, therefore,
17 otherwise be felt to have served their appropriate amount of time and
18 be released

19 Q And what MP unit was tasked with providing, or in charge of
20 detainee operations at Camp Cropper?

21 A At Camp Cropper the battalion on the ground was the 115th,
22 but they were also a subordinate organization to the 800th. In fact I
23 was requested, by name, by Lieutenant Colonel [REDACTED] the Command

1 Judge Advocate for the 800th MP Brigade to go and assist the mission
2 at Cropper

3 Q And following the mission at Cropper, where did you next
4 go?

5 A Following the mission at Cropper, I was assigned to CPA,
6 the Coalition Provisional Authority Office, in Baghdad, to work in
7 the Ministry of Justice, specifically working in areas involving the
8 prisons department and detainees

9 Q And who was your supervisor at the Ministry of Justice?

10 A Initially, the senior advisor was Major General Donald
11 Campbell, he left shortly after I arrived and the incoming senior
12 advisor was Colonel [REDACTED]

13 Q And what were your, in general, your responsibilities at
14 the CPA?

15 A My responsibilities were to liaise with the prisons
16 department and assist them any way I could with regard to the
17 standing up of prison operations, as the prisons operation was new to
18 the Ministry of Justice function in Iraqi government. Also to
19 prepare a list of detainees that we had in our custody in Arabic so
20 that it could be distributed and disseminated amongst the civilian
21 population to -- so that they would be able to know whether or not
22 that any loved ones that they were missing were in fact in custody
23 and not dead

1 Q In the course of your responsibilities did you have
2 occasion to visit intern or detention facilities throughout Iraq?

3 A Regularly That was a regular part of my duties I was
4 often called to Abu Ghraib, or had business at Abu Ghraib I also
5 went to the pre-trial detention facilities that had been established
6 at Rousafa, Al Salhiyah, Khadhamiyah, Al Kharkh, there were a number
7 of them we set up throughout Baghdad

8 Q And in the course of your duties, did you have occasion to
9 come into contact with various members of the 800th MP Brigade?

10 A Whenever I visited any of these facilities, they were all
11 initially being operated by MPs of one organization or another
12 subordinate to the 800th MP Brigade, in conjunction with, in the later
13 stages of this, more and more members of the Iraqi Correctional
14 Service

15 Q Would you say that you have an intimate knowledge of the
16 detention system as it operates in Iraq today?

17 A I probably have as good a knowledge of that system today as
18 anybody in the theater

19 Q If you could, let's go back to your relationship with the
20 800th MP Brigade when you first went up to Camp Bucca I wonder if
21 you could just describe, generally, your impressions from, say, May
22 of 2003 to the present regarding the command climate, the morale,
23 whatever, of the 800th MP Brigade?

1 A Well, morale at Bucca in the combat phases of the operation
2 was very high. These were all Reservists and they were all
3 performing their mobilization mission and so everybody was very, very
4 keen on doing the best job they could. They kept watching, and every
5 night at the staff meeting when I would report how many people we had
6 interviewed and gone through and authorized to release, they were
7 always very anxious to hear that I had authorized the release of a
8 very large number of people, because it meant, to their mind, when
9 they had nobody left in the wire, they got to go home. That was
10 mission complete for them. By the end of May, we had gotten numbers
11 of people that we were holding in custody down to only five hundred
12 people. Now we had processed in probably close to about ten
13 thousand, so the amount of people that we had processed and gotten
14 out through one form or another was substantial in a relatively short
15 period of time. At about that time, it was announced towards the end
16 of May that the 800th was going to be assigned a new mission, and that
17 was going to be to run the penal, prison system, in Iraq,
18 particularly in Baghdad. And overnight, there was a palpable drop in
19 morale. It was as if people had been told that they couldn't go
20 home, ever. And the only question that any soldier wanted to know,
21 and they would ask me because they figure that as a colonel, I would
22 have some information, was when were they going home. And I told
23 them, of course, that I had no information about that, but that I

1 thought it would be reasonable to expect they would probably be here
2 through Christmas. And I said that knowing - having some idea about
3 how many people were already in custody up at Camp Cropper and how
4 big the operation probably was going to be, and I just didn't think
5 that anything less than six months was going to be enough to stand up
6 a prison system that would enable the MPs to go home

7 Q Were the MPs at Bucca specifically trained in detention
8 internee operations?

9 A They were trained somewhat -- they were trained in their
10 functional MOS with regard to handling EPW. I don't know how much,
11 if any, training they had formally received with regard to the
12 difference between treating an EPW as with treating a criminal
13 detainee I suspect there was not a lot of training in that regard,
14 although a number of these individual soldiers in these battalions
15 were in their civilian occupations, corrections officers

16 Q Was the 320th MP Battalion and the 320th MP Company part of
17 that group that was at Camp Bucca?

18 A Yes The 320th MP Battalion is really just a Headquarters
19 Company There are no subordinate companies to it, other than the
20 Headquarters Company. But that was one of the first battalions on the
21 ground at Bucca

22 Q And do you know whether or not they are specifically
23 trained in -- or have any training with detainees versus EPWs?

1 A I have some knowledge. I can't really say that I'm fully
2 qualified to answer that question. But, in early June -- in late
3 June, I'm sorry, and early July I was tasked with assisting Major
4 [REDACTED] conducting an investigation - a criminal investigation
5 ancillary to certain charges that had been brought against several
6 soldiers at Camp Bucca for abusing EPW. In that mission, Major
7 [REDACTED] and I went to Camp Bucca and we wound up interviewing every
8 individual soldier assigned to the 320th MP Battalion. Ancillary to
9 my interviews with those individual soldiers, and I interviewed a
10 majority of the soldiers more so than Major [REDACTED] did because he was
11 there for one day and I was there for three, I would say I did ask
12 about the training they had received and in addition to whatever
13 training they had received in the past and or at their home station,
14 they did indicate that there were some -- some hands on training that
15 they did while they were waiting at Arifjan. It did not seem to be
16 much more than squad level training. Something that some of the NCOs
17 came -- put together to keep the soldiers busy while they were at
18 Arifjan. But it wasn't a more formal thing than that.

19 Q Now the 800th MP Brigade Commander, Brigadier General Hill,
20 was replaced by Brigadier General Karpinski in July of 2003?

21 A Right. I believe the change of command actually occurred
22 on June 30th.

1 Q. What's your impression, again, of the command climate of
2 the 800th MP Brigade from, say the date Brigadier General
3 Karpinski took over up until now?

4 A Not good My sense is that General Karpinski is not very
5 well liked by the members of her command. She has a mercurial
6 personality. Tends to fly off the handle very easily. Is demeaning
7 when she addresses subordinates She is, I don't think, an effective
8 commander in these circumstances

9 Q Is there a difference between General Karpinski and General
10 Hill that you could point to that would have affect on the command
11 climate or morale of the 800th?

12 A General Hill was really a soft spoken guy, he was very
13 tall, but he was very soft spoken and he had a way of relating to
14 soldiers that made you feel very good He was kind of a down home
15 kind of guy, and would talk to you, shake your hand and look you in
16 the eye and tell you you're doing a great job General Karpinski,
17 while she would try to do that, her manner was just-- it didn't suit
18 her Her manner was gruff, she tended to be loud I can't really
19 say that I ever saw her praise a soldier in my presence, although I
20 heard her often speaking very highly of the MPs that were working for
21 her I can't really say that I every saw her communicating that to
22 the actual soldiers -- you know, "You're doing a good job, keep it
23 up," that kind of stuff Where General Hill was always there.

1 Whenever he came up to Bucca he was with the troops, he was patting
2 them on the back, he was talking to them about what was going on.

3 Q Did you know, or do you know, Lieutenant Colonel

4

5 A I do

6 Q And how long have you known him?

7 A I met Colonel [REDACTED] in April, as he was the Commander
8 of the 320th MP Battalion

9 Q And did you have occasion to see him perform his duties as
10 a battalion commander from time to time?

11 A I did

12 Q How would you rate, evaluate, or give me your opinion on
13 Lieutenant Colonel [REDACTED] as a battalion commander?

14 A He was not particularly effective as a battalion commander.
15 I believe he is somewhat indecisive, and doesn't act with authority
16 when authority is required He is also very soft spoken, a very
17 bright man He seems to take it all in, but doesn't execute There
18 were a couple of occasions I've had where I've spoken with him about
19 making suggestions on how to improve the operation both at Bucca and
20 also at Abu Ghraib and he would seem to be very receptive to my
21 suggestion, but then never act on what I had put forth

22 Q Now you are aware of certain allegations of detainee abuse
23 that occurred at Abu Ghraib between October and say December of 2003?

1 A I am

2 Q When did you first become aware of those abuses?

3 A I was shown a serious incident report that had been
4 prepared and forwarded up through channels by [REDACTED] who is the
5 Chief of Operations for the Department of Prisons at CPA

6 Q And do you recall when that was?

7 A It was probably mid-January

8 Q. On how many occasions had you personally visited Abu Ghraib
9 prison?

10 A Probably about ten

11 Q I wonder if you could generally give a layout as to who was
12 in charge of the prison as far as you could tell, who had control
13 over various detainee groups, things of that nature?

14 A When I first went out to Abu Ghraib the only U S military
15 presence there was the 320th MP Battalion

16 Q And when was that?

17 A That was in September The population there, the prison
18 population if you will, was split between those personnel who were
19 classified what we called an MI hold and those personnel that were in
20 custody because they were criminal detainees, either convicts or pre-
21 trial The criminals were held in the hard site prison facility
22 which is a -- was -- had been a prison under Saddam's regime. The MI
23 holds were held in two different tent camps, one known as Camp

1 Gantsy, one known as Camp Vigilant The distinction between Camp
2 Vigilant and Camp Ganci was that the folks in Camp Ganci were under
3 MI hold that we were not trying to actively exploit intelligence
4 from The folks in Camp Vigilant were the folks that we were still
5 actively looking at as potentially having intelligence information to
6 extract from them Over time, what ultimately happened was, the MI
7 community asked initially for permission to use cell block 1A on the
8 hard site to use to temporarily store, if you will, people they were
9 actively interrogating that day So they would take prisoners from
10 Camp Vigilant move them into cell block 1A and hold them there for a
11 number of days while they would intermittently over the course of
12 several hours take them in or out and interrogate them

13 Q Prior to that military police had exclusive control over
14 the hard site?

15 A That is correct

16 Q Who would have been the battalion commander and the company
17 commander who would have had that control?

18 A The -- Colonel [REDACTED] was the Battalion Commander
19 responsible for the operation at Abu Ghraib at that point in time
20 I'm not sure which particular MP Company in September had the
21 responsibility for actually working the hard site, but ultimately
22 that responsibility fell to Captain [REDACTED]

1 Q Approximately when did the MI community request, if you
2 know, that detainees be brought from Camp Vigilant to the hard site?

3 A I'm not really certain I believe it was sometime about
4 the end of September There was tremendous mission creep about that
5 whole operation Initially the cellblocks at Abu Ghraib are set up
6 in what is in the business known as a telephone pole arrangement.
7 Cellblock 1A has an upper and a lower and then across the hall is
8 cellblock 1B upper and lower Initially, the MI mission was only
9 cell block 1A lower, then they kind of spread out into cell block 1A
10 upper and then they shifted over across the hall to cellblock 1B
11 upper and then it got really -- it was clear that what was happening
12 was they just wanted to take over that whole first cellblock. And
13 that was ultimately the resolution The prisons department, if you
14 will, lost control and the MPs lost control of cell block 1 for
15 purposes of putting in criminal detainees Cellblock 1 became used
16 exclusively for persons under MI hold and they were held there At
17 the time that that happened, that final piece of excluding all
18 criminal detainees did not happen until December But it was a slow
19 progression from early October until the end of December. As MI kind
20 of just spread out and continued through that entire cellblock.

21 Q Who had the responsibility for the interrogation of
22 detainees?

1 A The interrogation of detainees was handled by the 205th MI
2 Brigade Ultimately, I believe by October as the MI mission at Abu
3 Ghraib grew, because what had happened was the MI community was not
4 sure where they wanted to set up their operation. By default, it
5 came to be that they accepted Abu Ghraib as being the place where
6 they were going to do their operation. So they were, if you will,
7 latecomers to the real estate Because of the significance, however,
8 of their operation, the FRAGO, CJTF-7 FRAGO was cut removing the
9 responsibility to manage the real estate from the MPs and made the
10 commander of the 205th MI Battalion, Colonel [REDACTED] the Commander of
11 Abu Ghraib, if you will It was officially -- shortly thereafter it
12 was designated an enduring base camp and it was nominated as a
13 forward operating base (FOB) So, Colonel [REDACTED] and the 205th ran the
14 interrogation operation and also the actual base camp

15 Q Approximately when was that FRAGO issued?

16 A Mid to late October, I would say

17 Q Do you recall a Lieutenant Colonel [REDACTED]

18 A No

19 Q [REDACTED]

20 A No, I'm not familiar with that name

21 Q Okay. So, Lieutenant Colonel [REDACTED], the Commander of the
22 205th MI ----

23 A He's a Colonel, full Colonel ----

1 Q ---- full Colonel, had command and control of the real
2 estate at Abu Ghraib, but within the hard site, the MPs would have
3 still been responsible for cellblocks 1A and 1B?

4 A That's correct The MPs never lost control of
5 guarding/protecting the prisoners in cellblock 1, both A and B It
6 was -- they were the custodians The MI folks would come in and
7 they'd say, "I'm here to take number 12345 for an interrogation "
8 They would go to cell 3, 1A upper, whatever, take the prisoner out,
9 put a hood on him, escort him to the interrogation chamber,
10 interrogate him for a couple hours, whatever, bring him back and
11 return him to his cell

12 Q Where, geographically was the -- were interrogations done,
13 versus 1A and 1B?

14 A I do not know where they were initially done, because I
15 believe it was done at a different location while they were
16 constructing it, but they built an interrogation booth, which was
17 outside the building So there was actually an escort required and
18 the MP, I'm sorry, the MI interrogators would provide the escort.
19 They would take the prisoner out of the cell, put a hood on him, walk
20 him downstairs, out the door, around the corner of the building,
21 around a walled-off area which enclosed Saddam's execution chamber
22 into the interrogation booth was built adjacent to this interior wall
23 where Saddam's execution chamber was on the other side of So it was

1 a short distance, it was maybe a walk of about a hundred and fifty
2 meters from the building itself

3 Q. Are you aware of any policies, regulations, whatever,
4 regarding the use of military police to set the condition for MI
5 interviews of detainees?

6 A No I'm not, no I'm not.

7 Q Did you, in any of your visits to Abu Ghraib ever see
8 detainees being abused, something that troubled you.

9 A Yes. On one of my last visits to the prison ----

10 Q When was that? ----

11 A ----It was in January some time I was walking down the
12 hall with some other people and I saw two Iraqi men who had been
13 striped to their shorts and they were standing facing either side of
14 a wall They had their backs to one another. It was--the hallway,
15 the central hallway in the telephone pole construction is actually
16 open, and by that I mean, it's not enclosed, it's kind of like a
17 lattice brick work, so it allows free passage of air And being
18 January, it was a little cold and the floor was wet because they had
19 just cleaned it, and typical in Iraq they don't mop it dry, they kind
20 of squeegee it and then let it evaporate Well the floor was still
21 wet----

22 Q Kind of like my shower

1 A. Right, right, just like the way they clean the bathrooms
2 These gentlemen were standing there barefoot on the cold, wet floor
3 and it must have been about 45 degrees in the area where they were
4 standing. And there were a bunch of Iraqi correction guards
5 standing--sitting around a heater, kind of supervising these guys,
6 and there was an MP sitting right there. I initially walked passed
7 and I said, "Wait a minute, something is wrong " So I went back to
8 the MP and--he was a corporal, and I said, "How long have these
9 prisoners been standing here?" And he said, "About ten minutes But
10 don't worry, the Iraqi guards are disciplining them, they'll be done
11 in a few minutes " I said, "Doesn't this strike you as being wrong?"
12 And he said, "Yeah, but it was the Iraqi guards who were doing this
13 to discipline the prisoners " I said, "That's not why you're here
14 You're here to show them the better way. You're not here just to be
15 witness to their abusive behavior toward prisoners, you're here to
16 make sure the abuses don't occur " I spoke to one of the Iraqi
17 guards and, you know, they assured me they would correct the
18 situation I went on with my business I just wondered if I hadn't
19 witnessed that, if I hadn't seen that, how long would that have gone
20 on?

21 Q Were you ever called upon in your position at the CPA, or
22 asked by anyone in the 800th MP Brigade to provide training in either

1 the Geneva Convention relative to the treatment of prisoners of war,
2 or AR 190-8 or FM 27-10, anything like that?

3 A No Never

4 Q Did you ever have occasion to see or hear of something
5 called an interrogation ROE card?

6 A No I have not

7 Q Now you're aware of the seriousness of the--of some of
8 these alleged detainee abuses?

9 A Yes

10 Q Have you seen any of the pictures relative to those abuses?

11 A I have not But what I have seen, and it struck me as odd
12 at the time, although at the time I saw it I didn't recognize the
13 significance of it I was in cellblock 1, collecting the names of
14 the prisoners for the release of the -- for inclusion on the Arabic
15 name list and I had seen that the MPs had written in chalk on some of
16 the outside of the cell doors, kind of like nicknames for the
17 prisoners inside, so that they would know what to call them, because
18 they never really liked, I guess, using their Arabic names, not that
19 I think they ever really knew them, they knew more to call them by a
20 number, and one of the names that they had written on the door was
21 Ron Jeremy Now I know Ron Jeremy to be an actor who makes
22 pornographic movies and he is allegedly particularly well endowed for
23 a male, and so I understood, perhaps why the guards would have

1 referred to a particular prisoner in that manner. It didn't strike
2 me at that moment, but after hearing the allegations, I understood
3 very clearly why they perhaps used that nomenclature to describe that
4 particular prisoner

5 Q. At any time prior to January of 2004 when you said that you
6 received a--this SIR, had you been made aware of any allegations of
7 detainee abuse in Abu Ghraib prison?

8 A [Pause] No

9 Q But you were aware in fact you did participate in the, at
10 least preliminary investigation of the abuses that had occurred at
11 Camp Bucca at Umm Qasr?

12 A That's correct.

13 Q And those involved Master Sergeant [REDACTED] and a Sergeant
14 [REDACTED] Specialist [REDACTED]----

15 A ----Sergeant [REDACTED] Specialist [REDACTED] and there were
16 five other soldiers that were initially titled by CID

17 Q Did you have any opinion after doing your investigation
18 about that sort of misconduct? Did you think it was founded,
19 unfounded, what was your----

20 A I became convinced as a result of the investigation that
21 all the service members, to include the service members that weren't
22 charged, possible exception Specialist [REDACTED] Specialist [REDACTED] was
23 one of the nine individuals who was never charged, was offered

1 immunity in exchange for his cooperation in the prosecution of the
2 case We were able to determine from interviewing the MPs from the
3 223rd MP Company, who were onsite at the time, that Specialist [REDACTED]
4 had not at any time engaged in any inappropriate conduct. He had
5 remained on the bus and was helping, actually, to offload the
6 prisoners from the bus during the time the prisoners were being
7 abused, which is why we offered him immunity. But the remaining
8 eight soldiers I thought personally -- I became convinced that as a
9 prosecutor, the proper course of action would have been to charge all
10 eight of them A determination was made only to charge four of them
11 The charges that were initially preferred went to an Article 32
12 investigation and the Article 32 officer recommended increasing the
13 charges after the investigation And those charges were, in fact,
14 amended I think there were also other incidents that came to light
15 involving Sergeant [REDACTED] incidental to the investigation that we
16 had done There were apparently two other incidents that she had
17 been involved in regarding the questionable use of force prior to the
18 May 12th incident, which resulted in the court martial charges Both
19 of those investigations, or preliminary allegations, if you will,
20 were resolved in favor of Sergeant [REDACTED] giving every benefit of
21 the doubt to the soldier in the heat of combat, so to speak But
22 when the third incident came to light, and everyone started --
23 everyone who was aware of all the other incidents started scratching

1 their heads saying, "Gee, did we really make the right call?" One of
2 the incidents actually involved the shooting of a prisoner by another
3 soldier, but it was Sergeant [REDACTED] who had ordered the shooting.

4 Q Were you aware of, following the Bucca incident which I
5 believe occurred in May of 2003, of any attempts by the 320th MP
6 Battalion or the 800th MP Brigade to increase the level of training in
7 the appropriate treatment or conduct of detainees or internees?

8 A I don't know if it was in the 320th MP Battalion, but I do
9 know that we used to have a squad of MPs that were assigned to assist
10 us with the tribunal mission and after the 12th of May, I remember
11 having a conversation with an NCOIC of the squad that was working
12 with us that day, because the squads always seemed to rotate, and he
13 was saying how he couldn't touch the prisoners because they had just
14 had new instructions put out about what they could and could not do.
15 My recollection is that he was not a member of the 320th Battalion,
16 but was a member of one of the other battalions or one of the other
17 subordinate companies that might have just -- every battalion got the
18 word don't -- this is what you can do, this is what you can't do. So
19 somebody was putting the word out that was different than what it had
20 been. But, of course, the instruction was, in my opinion, overly
21 restrictive. It said they could not, under any circumstances, touch
22 a prisoner, which clearly is not what the law would require or

1 permit But that was what was being put out so that there would be
2 no further incidents about mishandling prisoners.

3 Q I want to return a little bit to the command and control
4 structure at Abu Ghraib and just ask you, did you ever have occasion
5 -- I realize you were only there approximately ten times -- did you
6 ever have occasion to see Brigadier General Karpinski there or
7 Lieutenant Colonel [REDACTED] there?

8 A I know I saw Colonel [REDACTED] there, I don't believe I
9 ever saw General Karpinski at Abu Ghraib

10 Q Again, can you just -- sort of -- in your own opinion, tell
11 me what you thought of the command structure and the way Abu Ghraib
12 was being monitored or run?

13 A I don't think it was being run very effectively. There was
14 a kind of a schism, if you will, that existed between the MI
15 community and the MPs that wasn't a whole lot of cooperation there.
16 Colonel [REDACTED] wasn't decisive with regard to recognizing the
17 situation and saying, "Hey listen, Colonel [REDACTED] we need to sit
18 down and we need to talk this out and make sure that we're on the
19 same sheet of music and working as a team to do everybody's mission
20 There were -- I know that there was a time, I believe back in
21 November where we had heard that Colonel [REDACTED] had been relieved
22 by General Karpinski It turned out that he wasn't actually
23 relieved, he was just sent down to Arifjan for a couple of weeks to

1 collect his thoughts, I guess, I'm not sure exactly what the purpose
2 of that was. But there was nothing done by the command, it was so
3 obvious to everybody that the sense and the feeling amongst the
4 soldiers was negative. They hated the job, they hated where they
5 were, they hated being here, they just wanted to go home. Nobody was
6 doing anything to relieve that negative morale. Nobody was trying
7 to, you know, bolster the troops and talk up the job and try to make
8 them laugh about their condition, and just build a sense of
9 camaraderie amongst the troops. There were people, when I was
10 interviewing everybody in the company, there were people who told me
11 that they felt marginalized and not even part of the company because
12 of the manner in which they had been deployed and they were just
13 looking to this whole thing to be over so they could go home.

14 Q But you said that Colonel Pappas had control of the basic,
15 I guess I'll call it compound at Abu Ghraib, I guess my question is,
16 and I'm having a hard time articulating it, but the average MP guard,
17 who did he answer to to Colonel Pappas, to Colonel [REDACTED] who
18 was able to come in and tell the average guard what, where and how to
19 do certain things with detainees?

20 A I think if you had asked the average MP in the hard site
21 prison what his chain of command was, Colonel [REDACTED] would never have
22 appeared in the answer. It would have been his Company Commander,
23 Captain [REDACTED] probably, then Colonel [REDACTED] then General

1 Karpinski The fact that Colonel [REDACTED] was the FOB Commander never
2 really made it down ----

3 Q What does FOB mean?

4 A Forward Operating Base, the real estate, the base camp
5 The-- you know, they were a tenant organization, the MPs essentially
6 were a tenant organization, but I think they looked at the MI guys as
7 being the tenant in their building You know, there was no chain of
8 command, no command responsibility to the MI guys. Now, certainly as
9 a superior commissioned officer, even I could walk into that facility
10 and issue a directive to an MP and he would carry out what I asked
11 him to do, but it wasn't like I was ever in his chain of command. I
12 was closer to being in his chain of command because of my
13 responsibility with prisons than Colonel [REDACTED] would be

14 Q Were you ever aware of, well let me ask you this, did you
15 ever see any SOPs in Abu Ghraib dealing with the treatment of
16 detainees?

17 A No I never did

18 Q Were you aware that an SOP existed either with the MI or
19 with the 320th MPs?

20 A I would have imagined that it existed I would have hoped
21 that it existed But I never saw it

1 Q Were you aware of the activities of, I call them for want
2 of a better phrase, other government agencies within Abu Ghraib
3 prison?

4 A Yes I was.

5 Q If you could, what were those agencies and what was their
6 purpose?

7 A. It's my understanding that other governmental agencies
8 refers to the Iraqi Security Group and possibly the Central
9 Intelligence Agency, that they have their own initiatives and their
10 own missions to execute which allows them -- or requires them, if you
11 will, to take persons into custody. These persons were often stored
12 in cellblock 1, however, never appeared on either the books of the MI
13 community or on the books of the MP community and at some point to
14 great diplomatic embarrassment to the United States. There was one
15 particular incident where they had picked up three Saudi nationals.
16 The Saudi government was requesting officially through diplomatic
17 channels for status of these three individuals and all we could say
18 was that we didn't have them because we had no idea where they were.
19 They weren't on any database, they weren't anywhere. It turns out
20 that they had been held at Abu Ghraib in cellblock 1 for seven weeks
21 and ultimately were released. We had a lot of egg on our face about
22 that because we not only responded to the Saudi government that we
23 didn't have them, but also to the ICRC, when in fact we did have

1 them When I visited Abu Ghraib in early January to do my rollup of
2 the Arabic name list, these individuals were described as ghosts
3 They were 11 prisoners in cellblock 1 at that time At that point
4 there were about 100 prisoners in cellblock 1, so approximately ten
5 percent of their population were described as these ghosts They
6 were folks that didn't appear on anybody's books, but we had the
7 body

8 Q Do you know whether or not, individuals whether they would
9 be MI or whatever other U S government agency may have been in the
10 Abu Ghraib prison would have ordered MPs to do certain things to
11 detainees?

12 A. [I am not -- I have no knowledge of that. I have never
13 been told that by an MP who said, "Hey, someone told me to do this,
14 that, the other thing." But based on my other experiences with OGA
15 throughout this war, I wouldn't be surprised if that was done.]

16 Q For the record, John, let's bracket the answer to this last
17 question and let's keep this -- say that this might be classified
18 until I get a reading from the C-2 folks, I have no idea what, I
19 think it is a reasonable question But what the classification of
20 that answer is, I don't know It is just his personal opinion, but
21 [The session recessed at 1405 10 February 2004.]
22 [The session resumed at 1420 10 February 2004]

1 Q One of the things that Major General Taguba is
2 investigating -- I just want to ask your comment on these Does the
3 training standards, employment command policies, internal procedures,
4 and command climate in the 800th MP Brigade? I wonder if you have any
5 sort of final comments on those subjects?

6 A I was never witness to any of the training that may have
7 been conducted I like to think it was conducted, just wasn't
8 necessarily in my lane, so to speak, and so I never had an
9 opportunity to witness it The command climate, as I indicated, I
10 think is poor I think the soldiers feel that, I won't say they have
11 been lied to but, they got the bad end of the stick, so to speak and
12 no one's doing anything to look out for them.

13 Q Did you -- what's your feeling about what Brigadier General
14 Karpinski did or did not do to improve the command climate within the
15 800th MP Brigade?

16 A I don't really think she did anything to improve the
17 command climate. She had to have been aware, I think everybody was
18 aware, as to how bad things were, particularly in the 320th The 320th
19 in addition to all of the other things and the disheartening that
20 occurred when they got the new mission, they were a fairly tight
21 group and when the squad got arrested for abusing the prisoners, they
22 immediately closed ranks and believed -- chose to believe that the
23 charges were not true

1 Q This was the squad down at Camp Bucca?

2 A That was the squad at Bucca But, that being said, and I
3 spoke to soldiers as recently as October about the charges and they
4 still did not believe that there was anything to them, and believed
5 that the soldiers were being railroaded by ineffective leadership is
6 what --the way most of them felt And it just was something that was
7 never addressed and or dealt with at the Brigade level

8 Q Okay Concerning the inquiry into the allegations of
9 detainee abuse, maltreatment at Abu Ghraib, did you have occasion to
10 see either the Company Commander, Captain [REDACTED], the Command Sergeant
11 Major or the Battalion Commander at Abu Ghraib?

12 A Yes, I saw Colonel [REDACTED] in the Battalion TOC on more
13 than one occasion and I actually saw Captain [REDACTED] we spoke at
14 length actually in the hard site facility, which is where I found him
15 when I was doing the -- my most recent scan for the Arabic names We
16 spoke for at least a half hour to forty-five minutes

17 Q How far was the Battalion TOC from the hard site?

18 A In a straight-line distance, it's probably about a hundred
19 yards But you'd have to actually walk around a wall, or actually
20 walk over it to get to an opening in the wall to get to the hard site
21 facility and then go through a gate

1 Q And do you have any personal knowledge of how often, I'll
2 call it cellblock or tier 1A or 1B were inspected by either Captain
3 Reese or Colonel [REDACTED]

4 A I do not have any knowledge of that

5 Q Based on your personal observation, what's your opinion of
6 Captain Reese as a commander?

7 A I have very limited information about that, but my
8 perception was that he was a good guy and had actually -- my
9 perception was, that his Company didn't have -- wasn't responsible
10 for that operation for a very long period of time, that they were
11 newly assigned to that operation and he actually had done some things
12 to improve the operation One of the things he did was he got the
13 prison guards to prepare their own list of all the names of the
14 prisoners in Arabic by cellblock that he would then post outside the
15 facility so family members could come and find out if their loved
16 ones were actually at Abu Ghraib Kind of a shorthand version what I
17 was doing for the theater, he was doing at Abu Ghraib And so I saw
18 him as someone who is demonstrating initiative to improve the
19 mission

20 Q Okay

21 A I also know that the folks with prisons, the civilian
22 subject-matter experts that had been brought in also thought highly
23 of him They thought he was reasonable and understood what his

1 mission was and was cooperative and working to accomplish the
2 mission

3 Q Again, were you ever made aware of the fact that MI or
4 other government agency personnel may or may not have been directing
5 MP guards to do certain things to detainees to make them more
6 cooperative or "set the conditions" for further interrogations

7 A I have no information about that

8 Q You were aware in your position with the Ministry of
9 Justice that there had been a number of escapes from Abu Ghraib and
10 other prisons?

11 A That's correct Well, I'm not aware that we ever actually
12 had an escape from Abu Ghraib I am aware that we had a number of
13 escapes from Bucca

14 Q Tell me about that, if you could, about the escapes and
15 your involvement, if anything, and what was done to try to stop that

16 A While I was at Bucca, and this, I guess in the May
17 timeframe, I recall there was an incident where three prisoners
18 escaped one night.

19 Q From Camp Bucca?

20 A From Camp Bucca Actually, there was an escape in April,
21 the first week we were there, there was an escape and it struck me
22 because the prisoner escaped right near -- at the point nearest where
23 we did the tribunal work, which was initially on the far side of the

1 holding area, very near the perimeter wire The prisoner was able to
2 throw a blanket over the compound wire, get over that wire, and then
3 was able, I think, to get underneath the perimeter wire that was
4 setup at the compound and escape out the side Then there was an
5 occasion where three prisoners escaped the same night, but that was
6 like I believe around the beginning of May And the only other
7 prisoner escape that I can recall at this time is one that happened
8 fairly recently and involved a prisoner who was detained at Bucca,
9 but was pending a charge of attempted murder of a coalition member
10 and was scheduled to appear before the Central Criminal Court of Iraq
11 and had been moved into a segregation compound pending his transfer
12 to Baghdad the next day and he dug his way out underneath the wire to
13 escape the night before his trial was scheduled to begin

14 Q Again, these were all escapes out of Bucca?

15 A That's correct

16 Q Do you know what was done to -- by the 800th MP command to
17 try to ensure that other detainees did not escape?

18 A After the first escape in April, I know that Colonel [REDACTED]
19 directed Colonel [REDACTED] -- Lieutenant Colonel [REDACTED], who is the
20 Battalion Commander for the 530th MP Battalion to do an assessment of
21 the perimeter security of the Camp. And I believe certain changes
22 were made to improve the security to include putting additional light
23 sets and adjusting the guard rotations on the wire. After the escape

1 where three prisoners got out, I'm not sure if anything was done, I
2 believe they did an escape assessment, but I don't know that they did
3 anything beyond that and I don't know what, if anything, was done
4 after the most recent escape

5 Q Do you know whether or not the command did an internal 15-6
6 investigation regarding security or whatever?

7 A I don't believe a 15-6 was ever done on any of them. If it
8 was done, no one ever sought my advice with regard to the execution
9 of it, and I don't think -- I'm pretty sure I would have heard if
10 there was a 15-6 convened and I don't think there was one ever done
11 on any of the ones at Bucca

12 Q Let's talk about perhaps accountability lapses in the 800th
13 MP Brigade at the Abu Ghraib prison Were you aware of any instances
14 that were of concern regarding security, accountability, whatever, at
15 the prison?

16 A I believe, the only one that quickly comes to mind is an
17 incident where a gun was actually smuggled into the facility It was
18 smuggled in by an Iraqi correctional guard I don't know how he--
19 they got the gun to him, but he apparently threw it up to a prisoner
20 on the second floor of cellblock 1 He -- the prisoner used it to
21 actually shoot an MP, fortunately he was wearing an interceptor vest
22 and he was uninjured and returned fire with a shotgun and injured the
23 prisoner by shooting him in the leg. But there was -- I don't know

1 if there -- what the time period was between when the gun was
2 actually smuggled into the prison and when it was actually used I
3 believe that the prison protocol requires for regular shakedown
4 inspections in the cells for the prison -- for the guards actually go
5 into the cells and check for contraband and check to see if they're
6 not breaking down the walls to escape whatever. I don't know how
7 much time lapsed; I know there was an investigation done into that
8 shooting by the prisons department. And [REDACTED] the chief of
9 operations, went out there, interviewed some people, did his own
10 investigation and the conclusion was that the gun had been smuggled
11 in by one of our people, one of the ICS guards. Uh-- and----

12 Q You-- you say one of the ICS guards, this would have been
13 an Iraqi----

14 A an Iraqi Correctional Service guard----

15 Q ----national who was working for----

16 A the Department of Prisons

17 Q Okay, was that CPA--is that the CPA?

18 A That's right CPA, civilian government agency responsible
19 for running the prisons There is kind of a right seat ride
20 operation going on -- as we have more correction guards that are
21 being trained by the MPs, the MPs are stepping back I do know that
22 the particular weapon in question was brought up through cellblock 1,
23 which was not a cellblock that the Iraqi Correctional Service guards

1 managed, but this guard was on the outside of the actual hard site--
2 the facility and was able to throw the weapon up to the prisoner in
3 the second floor window

4 Q You're talking about a pistol?

5 A A pistol. Yes, I believe it was Chinese made.

6 Q And, what was the outcome of the investigation, do you
7 know?

8 A The outcome of the investigation was that the prison guard
9 was responsible for smuggling the gun into the prison. He remains at
10 large, there is a warrant outstanding for his arrest. The prisoner
11 himself had additional charges added to whatever it was that caused
12 him to be in our custody in the first instance. And that matter is
13 being -- they're preparing the appropriate documents to get it
14 referred to the Central Criminal Court of Iraq

15 Q Approximately when did this incident occur involving the
16 Iraqi correctional officer smuggling in a pistol? Do you remember
17 that?

18 A My recollection is that it was sometime in November --
19 just, I think judging from what else I was doing -- I was about to
20 start the field trips, I think, it was about the middle of November,
21 if I'm not mistaken.

22 Q Okay. Any other instances or accountability lapses
23 involving the 800th MP Brigade that you recall?

1 A. Well, it-- it--it hard to say whether or not you would
2 characterize this as a lapse, but in terms of being related to the
3 general area, the 800th MP Brigade has the responsibility to produce
4 in court security internees who were being produced for the Central
5 Criminal Court of Iraq The Central Criminal Court of Iraq is a
6 special forum that was created to deal with cases of national
7 interest A national determination was made by Headquarters, DA,
8 that criminal offenses committed by Iraqis against the coalition
9 would be referred to the CCC for prosecution. There has not been one
10 case referred to the CCC for prosecution where the 800th MP Brigade
11 has been successful in producing the defendant in court the very
12 first day the case was on in court It always required the case to
13 be adjourned because the defendant was not produced

14 Q How many cases are we talking about? Roughly

15 A About five or six at least that I can think of But not
16 one, every-- every one of the cases -- they're standing up the court,
17 they haven't had a whole lot of business, but on every occasion when
18 that case was scheduled to start the prisoner does not get produced.
19 Now on one of those occasions, it was because the prisoner had
20 escaped the night before, but short of that -- I mean they hadn't --
21 even if the case -- even if the prisoner had not escaped, they still
22 would not have produced him because he was still down at Bucca the
23 night before the case was scheduled to begin in Baghdad And I

1 would-- I had spent that night trying to coordinate a special air
2 mission to fly down to Bucca, pick up the prisoner and bring him back
3 to Baghdad so he would make the court case by the afternoon. But
4 they hadn't even coordinated the movement of the prisoner to get him
5 to Baghdad so that he would be ready to be produced in court the next
6 day.

7 Q. Is there anything you'd like to add to this statement?

8 A. The only thing that I want to be clear about, my
9 observations of Colonel [REDACTED] at Abu Ghraib. There were
10 occasions when I saw Colonel [REDACTED] in the hard site facility.
11 When we came to tour the facility with either senior officers or
12 other government officials, Colonel [REDACTED] would sometime
13 accompany us into the hard site, or meet up with us in the hard site
14 and we would tour the facility in his presence. But absent those
15 occasions when we were touring the facility, I can't say that I ever
16 just happened to be visiting the facility to take care of some other
17 business and saw Colonel [REDACTED] in the prison taking care of
18 whatever other business he had there at that time. So there were
19 occasions when I saw him there, it just didn't seem to be work
20 related.

21 Q. You're aware of the somewhat egregious nature of the abuse
22 of detainees?

23 A. Yes.

1 Q And you're aware that MPs took pictures of naked detainees
2 in a variety of sexual positions and you're aware of the graphic
3 nature of those photos?

4 A I've been advised of the graphic nature of the photos. I
5 haven't seen them but I've been told

6 Q. In light of the situation as you knew it in -- at the Abu
7 Ghraib prison, is it your opinion -- your personal opinion, that this
8 was sort of an aberration by a few bad MP guards and that perhaps
9 Captain [REDACTED] or Colonel [REDACTED] had no knowledge of what was
10 going on

11 A I have no doubt that both of them did not know what was
12 going on Whether or not a more involved leader could have prevented
13 it, will be a question that will remain unanswered throughout time.
14 I think it would have If there was more involved leadership, both
15 on the NCO side of the house and on the officer side of the house, I
16 would think that this would not have happened, because in my dealings
17 with these soldiers, they're not bad soldiers, they're really not. I
18 think they're bored, I think they're frustrated, I think they did
19 this out of lack of anything else to do that day It broke up their
20 monotony of their routine and leaders have the responsibility to find
21 constructive ways for soldiers to outlet their energy as opposed to
22 advocating that responsibility and letting the soldiers lapse into
23 whatever else they happen to be doing.

1 Q Okay. Please don't discuss your testimony with anybody
2 else. Thanks [REDACTED]

3 A No problem.

4 [The session closed at 1440 10 February 2004.]