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throat. And the only way that they can do it is to beat them back.

[U] Q. Yes, Sir.

[U] A. But that clearly was not the case.

[U] Q. It's my understanding, Sir, from my review of reports, that actually there were only a handful of abuses that actually occurred during interrogation.

[U] A. That's correct. That we found.

[U] Q. Yes, Sir, mostly involving nudity or some degree thereof.

[U] A. There is the one case with the dogs.

[U] Q. And that was my question, Sir. So there was evidence that dogs were used during an interrogation?

[U] A. Yes.

[U] Q. Okay, and you----

[U] A. Clear evidence of the interrogators bringing dogs into the cell with the explicit purpose of scaring the----

[U] Q. But that did not occur in an interrogation booth, it occurred in a cell? Do you remember?

[U] A. That's correct.

[U] Q. Okay, Sir. All right.

[U] A. But it was, nevertheless it was a preparation for an interrogation, it was not--

[U] Q. Okay, Sir.

[U] A. It was very clear that that's what they were doing.

[U] Q. And they indicated their understanding was the use of dogs was authorized based on the policy letter?

[U] A. I'm not if it was their understanding or their saying that that was their understanding.

[U] Q. Yes, Sir.

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[U] A. The policy letter which said that dogs could be used was for security.

[U] Q. Right.

[U] A. It was not for interrogations.

[U] Q. Yes, Sir. Do you think any of these folks legitimately misunderstood that, or do you think they interpreted it that way on purpose?

[U] A. I can't read their minds. I don't know.

[U] Q. Okay, that's fine, Sir. All right. Sir, I'm going to go ahead and pause the tapes and pull them out because we're getting really close to them reaching a stopping point.

[U] A. Sure.

[U] [b)(6)-2&(b)(7)(C)-2] The time is 1200 and I am going to stop the tapes and switch them out.

[U] [b)(6)-2&(b)(7)(C)-2] The tape recorders are back on and the tape-recorded portion of this interview continues.

BY [b)(6)-2&(b)(7)(C)-2]

[U] Q. All right, Sir, was it your understanding that Colonel Pappas believed that he had the authority to use dogs during an interrogation?

[U] A. No.

[U] Q. Okay. Sir, on the second letter, the interrogation policy stated that it specifically applied to security detainees as opposed to EPWs and Civilian Detainees that were listed in the first letter. Now, folks we have talked to have said that was a deliberate characterization because at that point they no longer had EPWs. Hostilities had ceased. Everyone we had in that prison could be categorized under one category and that was a 'Security Detainee'. In your view did that change result in any confusion? Did it cause any of these folks to believe that they had some folks that were of some other category and therefore this policy letter didn't apply? I'm just trying to pin down in what way did that particular change cause any confusion.

[U] A. Yeah. I think it was more of a legalistic determination in writing a letter that there was no such thing as

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an EPW in Iraq anymore. That anybody that was picked up was a detainee. We had gotten rid of the Iraqi Army. It didn't exist. So therefore it was very difficult to identify anybody. At the time that they wrote that final policy letter that you had no Prisoner of War. And so it didn't--I think the interpretation in preparing it was it didn't apply. That's the people who preparing the document. The people who were implementing it both the Military Police and Military Intelligence Soldiers, I don't believe that it was impressed on them that the person that they were--I mean that it--there is a distinction. We trained them exclusively on EPWs in our schools and now all of a sudden they have somebody that's shown up that said 'Detainee'. Well if we're going to justify the Geneva Convention who cares what we call them? It's the rules that apply not what you label the person that's sitting there. So I think it's a legal distinction that was made rather than by preparing the document rather than an interpretation of how people were to look at the person that they had there. And it's still a challenge in Afghanistan. They still call them PUCs.

[U] Q. P-U-Cs?

[U] A. Yeah.

[U] Q. Yes, Sir.

[U] A. And so we've got all these labels that are out there that are not doctrinal terms; that are not legal terms. They're a person that you are given to keep in this facility, detention facility, that is now labeled a 'detainee'. I don't think the Soldiers to them it really makes a significant difference. I think legally it does.

[U] Q. Do you think it caused any of them to think that some of these detainees did not fall under the protection of the Geneva Conventions?

[U] A. I think those that had experience in Afghanistan or Guantánamo started questioning that. So we kind of set up a level of misunderstanding about that, but when they go back and read it again, it's clear that yes the Geneva--you know you asked them the question did you understand that the Geneva Convention applied at Abu Ghraib and they said yes.

[U] Q. Yes, Sir, okay.

[U] A. So it caused confusion, but in the end they really did understand that regardless of what label or--in Abu Ghraib the Geneva Convention applied.

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[U] Q. All right, Sir. Sir, what role did General Fast have with respect to the interrogation policy letters? It's our understanding that she was actually absent. Was back in Germany getting some medical work done when the first policy letter came out; and quite frankly we're having difficulty identifying anyone on the C-2 staff that was involved in the development and staffing of those interrogation letters and we were wondering----

[U] (b)(6)-2 & (b)(7)(C)-2 Short of the SJA.

[U] (b)(6)-2 & (b)(7)(C)-2 Right. Right. But in the C-2----

[U] GENERAL KERN: But not in the C-2, yeah.

[U] (b)(6)-2 & (b)(7)(C)-2 In the C-2, but not in the C-2 itself.

[U] (b)(6)-2 & (b)(7)(C)-2 Correct.

[U] GENERAL KERN: Yeah.

[U] (b)(6)-2 & (b)(7)(C)-2 We know that there were 205th MI people involved in providing input.

[U] GENERAL KERN: Yeah.

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

[U] Q. But we can't pin down the name in the C-2.

[U] A. That's consistent with what we found. A Captain who was down in the JDIC was the primary MI Brigade personnel involved in the staffing of it and at the CJTF it was the SJA Officer that it was primarily staffed, not in the C-2. And our finding was consistent. General Fast was out of the country when the drafts were being prepared and reviewed and then came back after they had in fact had been approved.

[U] Q. Yes, Sir, should she have had a role in the staffing of this interrogation policy either by doctrine or by just little military duty?

[U] A. In my view clearly yes.

[U] Q. Okay, Sir.

[U] A. If not she somebody in the C-2, of at least a Colonel's level should have been involved.

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[U] Q. It has been our view that it appears that the SJA actually took the lead on developing the interrogation policy. That they were the ones that, that rightly so, made the determination as to whether or not the techniques that were listed fell under the Geneva Conventions. And that the input that they got primarily from the MI folks was on what types of techniques to use. There doesn't seem to be any evidence that the MI folks were ever really involved in making a determination on Geneva Conventions applicability. Is that your view as well?

[U] A. Right. Yeah, that's consistent with what we saw.

[U] Q. Sir, was it a failure in your view on General Fast's part to not have been more involved in the development of the interrogation policy? Because we don't see where even after she came back and was present at the time of the October policy that she even for that matter read it before it was actually published.

[U] A. In retrospect I think the answer to that is yes, she should have. In reality I believe what happened was that there were a thousand things she was supposed to be doing. Building the JDIC and the process of how it was to operate and doing the fusion of the intelligence was a rather significant and huge task by itself. So when she reappeared and found that the policy had already been approved and she was getting results back from it, intelligence interrogation reports--her mission was to look at those intelligence reports and fuse them into usable intelligence by the Commander; and so you know, I think instinctively, said that's done. I mean why would I go back and redo something that's already giving me what I need to do and I've got six thousand other pieces of it. Dealing with the ISG, dealing with the CPA, dealing with the national and international issues. How do we get intelligence across those boundaries? How do we fuse all this? How do I take the tactical intelligence and fuse it with these interrogation reports? How do we cross-reference all these databases that are being produced? How do I cross-level with interrogations that are going on within Guantánamo? Is there any correlation between what we're hearing there and what we're seeing there? And so you know what she was asked to do as an Intel Staff Officer I think was overwhelming, time consuming, rather than going back to looking at something that had been approved. But I said retrospectively now that you see that there's some--well the confusion that was caused by it. You know, I--

[U] Q. Yes, Sir, now she might argue that even if she had read the interrogation policy memos it was still not her call to make a determination on whether or not the interrogation

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techniques were okay under the Geneva Conventions, and that in fact all of those techniques, most of them were found in the FMs. Some of them were not. But they were interrogation techniques that were being used elsewhere in the world with some success.

[U] A. Yeah.

[U] Q. So that it was unlikely that she would have had a problem with policy letters; and so in fact her failure or whatever you want to call it to participate in the staffing of those policy letters had no effect on what was ultimately----

[U] A. Well, I would agree with that. I mean whether something is legal or not is not her call. It would be the--you would go to the SJA and say--particularly if you had a SJA who happened to have taught that the law school.

[U] Q. Right.

[U] A. You would assume that he reviewed it and said it was okay. It was okay. And if I were--if I were in any position other than the SJA and somebody said--handed me a document and said is this legal? I would say take to the SJA. You know so I don't think that that statement is inappropriate at all for her to have said that.

[U] (b)(6)-2 & (b)(7)(C)-2 Sir, do you have questions about policy letters?

[U] (b)(6)-2 & (b)(7)(C)-2 No, thank you.

[U] (b)(6)-2 & (b)(7)(C)-2 Okay.

[U] GENERAL KERN: Yeah, I would just footnote. I mean the biggest problem I have is the fact that we have so many different policy letters and that the interrogators are a group of Soldiers and contractors who came from lots of different organizations. And most of them are Reservist and they were pulled down out of these units and put into this one organization called a JDIC. When you have organizations like that, the simpler you can make life, the more clear you make things for them, the better. We did just the opposite. Just make it very difficult.

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

[U] Q. And, Sir, the policy letters were several pages long and it had annexes to it. Multiple safeguards were listed----

[U] A. Right.

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[U] Q. --that were in and of themselves fairly long paragraphs and little tiny print.

[U] A. You know it's sort of interesting what our-- what our policy and doctrine says is there should be one thing in the interrogation booth. The Geneva Convention needs to be posted.

[U] Q. Yes, Sir.

[U] A. Keep it simple.

[U] Q. Yes, Sir.

[U] A. Now how you interrogate somebody is your interpretation of how you're behaving. Now, if you respond to a tough approach take a tough approach. If you respond to the nice guy approach, hey you're their best friend. The Geneva Convention applies.

[U] Q. Yes, Sir. And concerning the number of policy letters, Sir, we've already talked, who should have ensured that only signed policy letters were in fact being implemented. But some have argued that the interrogation policy development was in fact an iterative process. That they published the first letter, sent it to CENTCOM, while simultaneously implementing it, got feedback from CENTCOM, the CENTCOM lawyers, that they believed was valid, and thus took that input and changed the letter which became the 12 October, 2003 letter; and were in fact making an effort to improve the policy letters. And that in itself was not a bad thing.

[U] A. It wasn't. It was just too late. It should have been done before we started the operation. Did we know we were going to conduct interrogations? Hell, yes. You know, why do you wait until you're months into an operation to write the policy letter? That's the problem because then you end up with all these Soldiers arriving, transfers of authority, changes of commanders; all those things that happened; and they don't have a final policy letter to use.

[U] Q. Sir, I'm going to play devil's advocate here. Some have argued the exact opposite. That there shouldn't even have been a need for a policy letter from the get-go.

[U] A. No. I could-- yeah, I could take that same view. You have a Geneva Convention. You have a doctrine. You have a training routine that you put people through. I would agree with that.

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[U] Q. Yes, Sir.

[U] A. But my--I guess my point is that if you're going to write a policy letter, you should do it before the operation so that you can train people on how to implement that policy letter not in stride.

[U] Q. But it doesn't appear that General Sanchez recognized he had those different backgrounds and different levels of expertise in his interrogators until, I want to say, the September timeframe.

[U] A. I don't know that I could put a date on it, but he clearly didn't when he came out of the Division Command and thrown into this Corps Command Headquarters, stood up these organizations, and the level of understanding of the capability of each individual I'd doubt that he had any idea for many months.

[U] Q. Right. Yes, Sir, so that wasn't necessarily a failure on his part perhaps?

[U] A. No.

[U] Q. Just--okay.

[U] A. I mean how many MOSSs do you have in a CJTF?

[U] Q. Exactly.

[U] A. You got other Services that are showing up now or could have. Not--didn't have a lot of them showing up but you did have Navy people in there. You did have a couple of Air Force JSTARS Analyst.

[U] Q. JSTARS?

[U] A. Joint Surveillance Target Acquisition Aircraft that flies around.

[U] Q. The AWACS?

[U] A. Not AWACS. But it's a--

[U] Q. Oh, okay, it's different?

[U] A. Different, yeah, but they were the Air Force people who got put into that JDIC.

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[U] (b)(6)-2 & (b)(7)(C)-2 All right, Sir. Do you have anything along those lines, Sir, before I--

[U] (b)(6)-2 & (b)(7)(C)-2 Generally as it pertains to interrogation policies. Sir, you've kind of brought up the fact the ISG was there. There were OGAs running around and there were some other numbered Task Forces. I imagine, you recall, that did not work for CJTF-7 but worked for CENTCOM or other authorities.

[U] A. Right.

[U] Q. Sir, did you, find any indication in your investigation that some of these other organizations may have been operating on interrogation policies within Iraq, that was generally designed for outside of Iraq? Like GITMO or Afghanistan that tended to confuse the situation.

[U] A. Yeah. I'd say there is evidence to that effect, I did not find any policies that said that and I did not get into any of theirs, because they wouldn't let us for one. I don't have any of their documents that they were using. So I don't know precisely whether they were using Afghan or Guantánamo policy letters in Iraq. It's clear, you know, from the evidence the way they were behaving that they were using something that was not within accordance of the Geneva Convention.

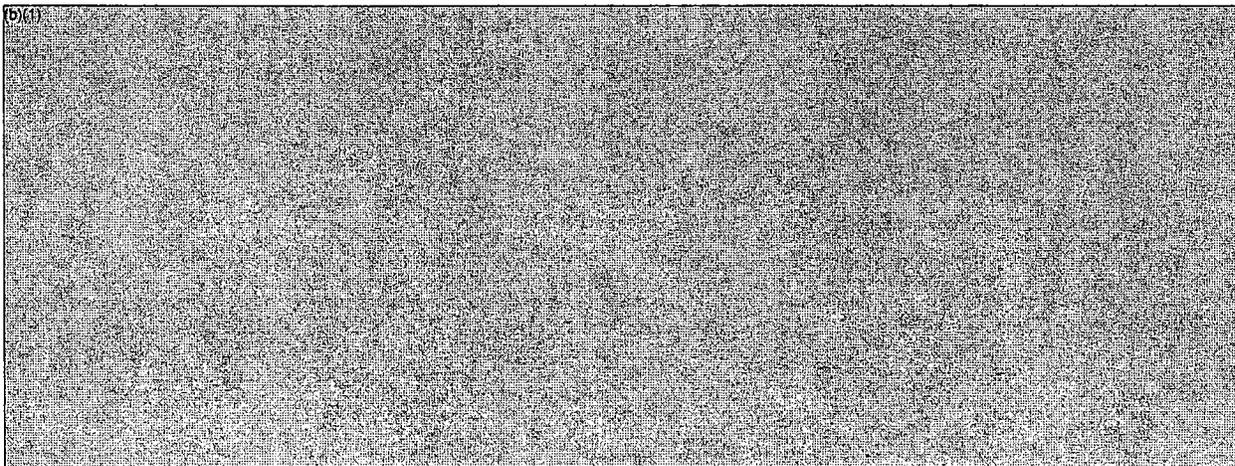
BY

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

[U] Q. And what specific evidence did you run across, Sir, that would cause you to come to that conclusion?

[U] A. Two or three pieces of it. The first that they were not registering detainees.

[U] Q. The ISG was not?

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[U] Q. The Saudis did?

[U] A. No, no.

(b)(1) [Redacted]

(b)(1) [Redacted]

[U] Q. Right. Okay.

[U] A. See we did not know that they were Saudis.

[U] Q. Okay.

(b)(1) [Large Redacted Area]

[U] And the third case is the one which has been brought to court. You know where the SEALS brought in a member from the CIA detention who finally died in the facility. If they'd done it right the first thing they would have brought him in for medical attention. Register him and then taken him to a cell. That didn't happen.

[U] Q. All right, Sir.

(b)(1) [Large Redacted Area]

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tell you. Outside the policies and legal limits that we were operating.

[U] Q. How about [REDACTED] Sir? Of course it has multiple names, but did you come across any evidence that they were involved with abusing detainees either at the point of capture or during interrogation?

[U] A. I could not tell you.

[U] Q. Okay.

[U] A. I mean there are so many different confusing names between ISG, [REDACTED] CIA, SEALs, Special OPS Units, et cetera. That it's hard to say when somebody showed up or did something that I can identify precisely what organization they came. And there are no records of it. And so it'd be strictly a verbal report that we would have for you.

[U] [REDACTED] Okay. Do you have any more questions along that line, Sir?

[U] [REDACTED] No.

[U] [REDACTED] Okay.

[U] GENERAL KERN: , I think the frustrating part for all of us is that, and I will just tell you just so that you understand. Senator Reed when I was getting ready to testify said, "Did you talk to Ambassador Bremer?" I said, "No." And he said, "Why not?" I said, "Well I didn't have any reason to. No one said that he told us to do something that was illegal or immoral." And he said, "Well who does the Station Chief work for?" I said, "Bremer." And he said, "Who does Fast work for?" "Well she works for Sanchez and for Bremer." "Now, how do you know that if Fay was told no, we're not going to cooperate with you that that didn't come from Bremer?" I said, "Well, I don't." I asked Barbara Fast that afterwards. "I had never even--I did not take part in..!" I said, "You're being accused of cooperating with Ambassador Bremer and holding back information." She was absolutely taken back. You know her statement to me. Not a Sworn Statement. It just was, "I had absolutely no discussion like that with him." But that accusation is out there.

[U] [REDACTED] Okay.

[U] GENERAL KERN: I find no evidence that there is any truth to that, but we do clearly have that; and there is a lack of evidence of what the CID did.

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Because they would not provide us any documents. And a lot of the documents I think you've seen were destroyed before we could get them. They were actually in the prison. So there's a lot of things that are taken by verbal account not by any document that we could prove to you.

[U] (b)(6)-2 & (b)(7)(C)-2 Okay, Sir. Any more, anything else on that one?

[U] (b)(6)-2 & (b)(7)(C)-2 No.

[U] (b)(6)-2 & (b)(7)(C)-2 Okay.

[U] GENERAL KERN: Let me just give you a footnote on this too. I was last week up at Harvard and met with all the Fellows that we have there. Different Services and I don't know if you've talked to this one. One of them was the SGS for Sanchez.

[U] (b)(6)-2 & (b)(7)(C)-2 The SGS? Who was that, Sir?

[U] GENERAL KERN: I'll have to go back and find his name now.

[U] (b)(6)-2 & (b)(7)(C)-2 Okay.

[U] GENERAL KERN: You're asking one thing I have a huge weakness is I don't remember anybody's name.

[U] (b)(6)-2 & (b)(7)(C)-2 Okay, Sir.

[U] GENERAL KERN: My Aide was with me, so he could probably--we can get you the list of people to figure out who it was.

[U] (b)(6)-2 & (b)(7)(C)-2 Okay.

[U] GENERAL KERN: I did not know him personally. They asked me two questions. And I briefed them on Abu Ghraib because--so that they'd at least have some background. As Fellows they were representing the--there are two questions to me from the other Services. Why haven't we done anything yet. Why is the only thing that we see is happening is to Privates and Sergeants? So there's a frustration out there about the amount of time its taken to proceed with anybody above the rank of MP Sergeant. And the SGS came up to me and said, and it just probably went on for five minutes, about how much General Sanchez had tried to do to overcome any of these problems that were out there. Polices he had written. Directions he had given. Et cetera. He--he was, without my even asking him and all I gave was a few charts of

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here's the facts of what we found. The same thing I presented to the press and to the Senate. He was very, very strong on what he thought General Sanchez had tried to get done. And that was just his background for you.

[U] (b)(6)-2 & (b)(7)(C)-2 Right. Okay, Sir. We'll check with your Aide afterwards and get his name.

[U] GENERAL KERN: Yeah.

[U] (b)(6)-2 & (b)(7)(C)-2 All right, Sir, we're going to ask you for your legal opinion now. On several things.

[U] GENERAL KERN: Okay.

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

[U] Q. I just want to real quickly review what Article 92 of the UCMJ says regarding dereliction of duty, and that is dereliction in the performance of one's duties consisted of three elements: First, a person had certain duties. Secondly, that that person knew or reasonably should have known of those duties; and three, was derelict in the performance of those duties through willfulness, negligence, or culpable inefficiency. So three elements of proof for Article 92 of the UCMJ, Dereliction of Duty. I know you're not a lawyer, Sir, but given those three elements, and given that the report found that General Sanchez and General Wojdakowski failed to ensure proper staff oversight of detention and interrogation operations, and given the complex and violent environment in which CJTF-7 was operating in an under resourced manner as the report pointed out, and I think most people know and understand, would you, in your opinion, say that General Sanchez was derelict in the performance of his duties as it pertain to----

[U] A. No, I would not.

[U] Q. And can you elaborate on why?

[U] A. Yeah, I think that you could find some proof that the first two elements may have been supportable but not the third.

[U] Q. Yes, Sir.

[U] A. There was clearly in my view absolutely no willfulness, negligence, or inefficiency on his part to commit dereliction of duty violation.

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[U] Q. All right, Sir, the same question for General Wojdakowski.

[U] A. And I would say the same thing.

[U] Q. Yes, Sir. He of course had the more specific direct oversight of those people----

[U] A. He had the more specific oversight so there is more evidence of the first elements of being supportable. But he was so over tasked by the number of things that he had to do, that I saw no evidence of anything either--clearly not willful. You know, I don't know how much more efficiency you could have squeezed out of that turnip.

[U] Q. Right. All right, Sir, and then the same question for Major General Fast?

[U] A. No. I think General Fast, one, in part because of her absence during a critical period of this, and two by her tasking to build an intelligence picture to all those elements that we discussed earlier; never really saw that her mission was oversight of the interrogations. Establish of the JDIC was her mission and she had done that. Establish of what happened with the information that came out of it, but not the conduct of the interrogations. So I think, you would have in my view, she accomplished the first two very admirably of establishing the right processes and of doing the intelligence fusion, and I don't see that conduct was something that she felt nor would--did anyone else believe was in her bailiwick. The conduct of that went back to the Commander. And that's the problem I felt the whole Military Intelligence organization where you--when you don't assign a task to a Commander you end up with staff in-between.

[U] Q. Right. And so even though there was no formal assignment, it does appear that Colonel Pappas at least attempted to wrap his arms around it and accept responsibility, but that responsibility was never formalized by an order as you've gone through.

[U] A. That's right.

[U] Q. Yes, Sir.

[U] A. The order encompassed all of Iraq not specific to Abu Ghraib.

[U] Q. Yes, Sir, and of course it's a little murky with General Fast because of the doctrinal responsibilities that

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she had as the C-2. But in your view did not rise to dereliction?

[U] A. In my view it was not dereliction. --

[U] Q. What could she have done that she didn't do?

[U] A. I guess what she could have potentially have done is told the Commander to throw the policy letter he had written and go back to the basic doctrine and we'd all be in much better shape.

[U] Q. And how about with respect to the JDIC, Sir?

[U] A. I think--and--now this depends upon and I cannot give you an assessment other than the fact that we know she spent half her time supporting Bremer and the ISG efforts and all of that. And in terms of the fusion piece. Now she did visit the prison. The only other thing that she could have done is okay, I've traded this organization called the JIDC and I've given it some taskings, to go down and do an AAR of how it was operated. But I would have expected that Jordan would have done it and reported to her on it. So perhaps the part that she failed to do was to require Jordan to come back and provide her that assessment.

[U] Q. And of course she viewed Jordan as working for Colonel Pappas?

[U] A. Right.

[U] Q. Okay.

[U] A. And Jordan swears that he didn't work for anybody.

[U] Q. Yes, Sir. And finally, Sir, even though we have not talked about him a lot, was Major General Tom Miller, the C-3 derelict in his duty in anyway?

[U] A. No.

[U] Q. Now we talked about maybe he should have been more involved in terms of operations and interrogation operations being one of those operations that he should have been responsible for and perhaps should have been--done more in terms of the integration of interrogation into the operations. You had addressed that earlier.

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[U] A. And I don't think he's derelict in that. I think it's--and part of the whole problem I would argue is that a CJTF is a Joint Organization.

[U] Q. Yes, Sir.

[U] A. Albeit we're talking about our Army. So where is the J? Where is the doctrine and the training for how this organization is going to--and the only Joint person we had there was the Marine Chief of Staff who was working for Bremer.

[U] Q. Right.

[U] A. And we had an Australian Lawyer and a couple of other people who were parts of the staff. But we really lack a training organizational process. A BCTP-like effort for Combined Joint Task Forces that are created out of whole cloth when you're in the middle of an operation. You know we always write an order. Send people off. Put them through the training. Do the AARs, retraining them where they fail; and keep doing it. None of that happened. So when you go down and you say were these people derelict? They were doing, I believe, the very best they could do given a myriad of missions which over tasked them to begin with. So they were trying to sweat through the priorities of what was important. And that's where the system failed, I believe rather than dereliction of any individual to provide that. I mean were those folks sitting there just kind of twiddling their thumbs and going out to the bar at night drinking? Hell no. They were working seven days a week, eighteen, nineteen, twenty hour days. Jumping between two Headquarters. Between the CPA and the CJTF trying to pull all those pieces together. And I think we need to remember that our report is focused on specific narrow areas. that had lots of complicity of where it broke down. But to put it back at a senior staff level who had these other things to do and label it dereliction I believe was wrong.

[U] Q. Yes, Sir.

[U] A. Were they perfect? No. Did they miss something? Yeah. Were they derelict? No.

[U] Q. All right, Sir.

[U] A. That's my opinion.

[U] [b)(6)-2 & (b)(7)(C)-2]: Okay, Sir. Sir, do you have any other questions?

[U] [b)(6)-2 & (b)(7)(C)-2]: Sir, I do. And again this is where we're seeking some senior leader perspective. Realizing that

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you're, number one, the General, two you've investigated the situation; three you've testified to Members of Congress. Obviously, these reports will become part of the Army Record, and they're going to have a very long life. They will be requested for official purposes and read by any number of people. Potentially even, you know, Members of Congress I would expect. So, there's a lot of concern about holding senior leaders accountable or responsible in these matters. Obviously we have to make a finding based on the facts as far as allegations go.

[U] A. Right.

[U] Q. But outside of that, how do you interpret or describe holding people accountable? How would you describe that process or what that charter is for the kind of folks we've talked about today? Understanding, how the Army is going to be looked at, how these individuals will be looked at of for what they did; what they may have failed to do. Potentially through no fault of their own. What is holding them accountable mean to you?

[U] A. I think it goes back to my original statement that when we accept command, we accept responsibility for all the people that are in that command. And I use the word 'responsibility' as opposed to 'accountability'. You hold everybody inside your command accountable for their actions. In General Sanchez's case, I believe he accepted the responsibility for what happened, and he directed investigations to find the accountable person where it failed.

[U] When it became a question that perhaps he might be involved, he asked to be recused from it and asked for another Appointing Authority. So I believe his integrity in trying to define accountability is very clear. And in doing that and saying that okay maybe I had some responsibility. Maybe I had some accountability as well. We found and I personally believe that he holds himself personally responsible and has said that publicly for what happened. And had he been given that Red Cross report and the staff provided him some of the investigative CID actions at the tactical sites and put all that together; had he had an organization, a Four Organization.. A staff that was practiced and functioning together that would come to his attention. But it didn't until after the atrocities, abuses, were reported. So I believe he took responsibility to fix accountability and did the right things. And he personally from an accountability standpoint did the right things both in what he tried to do previous to that and what he was doing after the fact once he found out that something in fact had gone awry.

[U] I believe General Wojdakowski, has more direct responsibility over those Brigades. And in retrospect,

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should have taken those two Brigade Commanders in and sat them down and defined more clearly and changed the command relationship if necessary. I also believe he was over tasked in the number of Brigades he was asked to supervise and the kinds of things that he was asked beyond just command relationships to solve problems on. So I don't believe that he was derelict and was and held himself accountable for what did happen. And just didn't see this other piece of it developing; and again he didn't get the Red Cross report until after the fact. Which to me keeps coming back as one of those key points.

[U] If I were to fix the whole problem to begin with, and one I believe doctrinally and organizationally we need to fix the Military Intelligence community so that there is clear accountability and responsibility and a line of authority. That is the case in the Military Police Units. Not in the case of the Military Intelligence Units.

[U] The second thing that I believe for accountability when you're conducting detention operations and you have mixed organizations. Military Police, Military Intelligence, OGAs, you need to clearly define someone in charge of all aspect of it. Now that has been done retrospectively. And it probably ought to be in a multi-Corps type operation. It ought to be a General Officer not a Staff Officer and not a Colonel who has other General Officers who have pieces of the organization. You need to put a senior General Officer in charge. And that will fix the accountability and responsibility chain. So that things that became unclear are no longer a question.

[U] And third I believe that detention operations historically have created problems. We saw it Viet Nam. We saw it here. We see it in our own prisons here in the United States. Penitentiaries and state prisons. And so there ought to be warning flags and independent assessments as long as we have detention operations going on. That we have an independent method for commanders to get report to go outside of that chain of command. Somebody who is an IG, an ombudsman, however you want to describe that function and it will be joint function so it may not fit precisely into Army terms. But the Commander needs that feedback directly or we will see these kinds of events happen again I believe.

[U] And finally I personally believe that the Geneva Convention ought to be held almost sacrosanct in how we conduct operations. Both because it represents the values that "we" expect of our Soldiers but it also represents how we would like our Soldiers be treated or anybody else. It might be contractors. It might be Department of the Army, Department of Defense Civilians, by other countries if they are held as

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detainees. And so I think we need to ensure all those pieces occur in order to ensure that we have accountability and responsibility tied together. You can't separate them and that's what happened here, we separated them.

[U] (b)(6)-2 & (b)(7)(C)-2 All right, Sir.

[U] (b)(6)-2 & (b)(7)(C)-2 All right, Sir. Are you wrapped up with your formal questions for everyone?

[U] (b)(6)-2 & (b)(7)(C)-2 Yes, that does wrap up my formal questions, Sir. Is there anything else you would like to add or anything that we failed to ask you that you would like to bring out concerning what we've discussed?

[U] GENERAL KERN: We've implied it a couple of times, but when you do transitions and you do--and we have more TOAs that are coming up, in operations as I look at it. I think that's one, we ought to ensure that we don't change all of the commanders at the same time.

[U] (b)(6)-2 & (b)(7)(C)-2 Right.

[U] GENERAL KERN: Which is one of the contributing factors to this. And two, we ought to have some checks after transitions occurred to ensure that directives and policies which have been implemented prior to it continue the way we want them to occur after the transition. Now who should do that? I said, and clearly you and I are sensitive to detention operations. There are probably other operations that ought to have some oversight as well, but that's one that ought to make sure that when you go through a transfer of authority and there's transitions of commanders, that we don't lose very focused discipline over how those operations are conducted.

[U] (b)(6)-2 & (b)(7)(C)-2: Yes, Sir.

[U] GENERAL KERN: Too much can go wrong.

[U] (b)(6)-2 & (b)(7)(C)-2: Yes, Sir. Okay. Is there anyone else you think we should talk to?

[U] GENERAL KERN: But I would suggest that SGS who worked for-- and we'll find his name out there. For General Sanchez, because he, as I said, he provided some rather spontaneous insights to me. And the part that is troubling me right now is I don't know what discussions took place in the preparation of the Phase IV Plan. In terms of how we should expect insurgency and detainees, my indications are that the Brits thought there was--that we were naive. Now--

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[U] (b)(6)-2 & (b)(7)(C)-2 So who would you recommend, Sir? Folks at CENTCOM?

[U] GENERAL KERN: CENTCOM.

[U] (b)(6)-2 & (b)(7)(C)-2 Okay.

[U] GENERAL KERN: Now the problem is we're now going back three years. CENTCOM was a Joint Staff. I mean that's when that plan was written.

[U] (b)(6)-2 & (b)(7)(C)-2 Yes, Sir.

[U] GENERAL KERN: So the people who are there now aren't the same people.

[U] (b)(6)-2 & (b)(7)(C)-2 All right, Sir.

[U] GENERAL KERN: And I guess you ought to bang the CIA IG to get on with.

[U] (b)(6)-2 & (b)(7)(C)-2 Yes, Sir.

[U] GENERAL KERN: The DoD IG in your case to go back up.

[U] (b)(6)-2 & (b)(7)(C)-2 All right, Sir.

[U] GENERAL KERN: To get that part done. I talked with the former Military Assistant to Secretary Rumsfeld, now SOUTHCOM Commander, and he thought that unless Rumsfeld energized the CIA we'd probably--this would just drag on.

[U] (b)(6)-2 & (b)(7)(C)-2 All right, Sir.

[U] GENERAL KERN: So John Craddock who understands them pretty well knows that--you--and they need some urging to get this thing moving.

[U] (b)(6)-2 & (b)(7)(C)-2 Sir, I'm sorry, what does he command now?

[U] GENERAL KERN: SOUTHCOM.

[U] (b)(6)-2 & (b)(7)(C)-2 SOUTHCOM. Okay. I'm sorry. Okay.

[U] GENERAL KERN: And I guess the other point I would make is not to go talk to more people but there are a lot of people out there who are waiting for results.

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[U] (b)(6)-2 & (b)(7)(C)-2 Right.

[U] GENERAL KERN: Much more than you know the MP Sergeants who are being prosecuted right now.

[U] (b)(6)-2 & (b)(7)(C)-2 Right. Yes, Sir. All right. Unless you have anything else to add then, Sir, I'll go ahead and go into the formal read-out.

[U] GENERAL KERN: Okay.

[U] (b)(6)-2 & (b)(7)(C)-2 All right, Sir. We are required to protect the confidentiality of IG inquires, and the rights, privacy, and reputations of all people involved in them. We ask people not to discuss or reveal matters under inquiry. Accordingly, we ask that you not discuss this matter with anyone, except an attorney if you choose to consult one, without permission of the Investigating Officers.

[U] Your testimony is part of an official Inspector General Record. Earlier, I advised you that while access is normally restricted to persons who clearly need the information to perform their official duties your testimony may be released outside official channels. Individual members of the public who do not have an official need to know, may request a copy of the record to include your testimony under the Freedom of Information Act. If there is such a request, do you consent to the release of your testimony outside official channels?

[U] GENERAL KERN: I think the answer is yes. But I guess the question is, I--how about all the people whom we name in this? Do they get to see it before somebody else does? That's always troubled me.

[U] (b)(6)-2 & (b)(7)(C)-2 Not necessarily, Sir.

[U] GENERAL KERN: So if Jim Smith asked for a copy of my testimony he gets to read it and Sanchez and Wojdakowski and Fast and Pappas and Jordan don't?

[U] (b)(6)-2 & (b)(7)(C)-2 May not, necessarily no.

[U] (b)(6)-2 & (b)(7)(C)-2 Your testimony, Sir, is normally redacted before it's sent out. If you put--if you say FOIA no that is the highest restriction and it generally will not be shared. If you say FOIA yes, then it can be shared for unofficial purposes and there will be some redaction to protect the confidentiality.

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[U] GENERAL KERN: I have mixed feeling on this one. Do you have any----

[U] [b)(6)-2 & (b)(7)(C)-2] No, Sir. We--we make no judgment on it. It is absolutely your decision. And I would do whatever just feels right for you, Sir.

[U] GENERAL KERN: I'll say yes.

[U] [b)(6)-2 & (b)(7)(C)-2] All right, Sir.

[U] GENERAL KERN: Because I think as you suggested earlier we're going to have to study and use this in the future to--

[U] [b)(6)-2 & (b)(7)(C)-2] One question we didn't ask, Sir, is there anything we discussed today that you think was classified?

[U] GENERAL KERN: I'd go back and look at the discussion around the CIA. General Fay and I have had this discussion a couple of times, and he believes that what we've got is not classified. The CIA has challenged that.

[U] [b)(6)-2 & (b)(7)(C)-2] All right, Sir.

[U] [b)(6)-2 & (b)(7)(C)-2] All right, Sir.

[U] GENERAL KERN: Now, I don't know if they've challenged it just because they don't want it discussed or not.

[U] [b)(6)-2 & (b)(7)(C)-2] Yes, Sir. Okay, do you have any questions, Sir?

[U] GENERAL KERN: No.

[U] [b)(6)-2 & (b)(7)(C)-2] All right.

[U] GENERAL KERN: I appreciate what you're doing. I know this is a tough one.

[U] [b)(6)-2 & (b)(7)(C)-2] Yes, Sir. The time is 1245 and this interview is concluded.

 [Testimony of GENERAL PAUL J. KERN was recorded by means of magnetic tape, and transcribed and certified by [b)(6)-2 & (b)(7)(C)-2] Certified Closed Microphone Court Reporter, United States Army Inspector General Agency, Presidential Towers, Crystal City, Virginia.]

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Interview of AMBASSADOR L. PAUL BREMER, Former Ambassador, CPA Iraq taken at Chevy Chase, Maryland, on 21 December 2004 between 1005 and 1057 hours, by (b)(6)-2 & (b)(7)(C)-2 and Colonel

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

Persons present are the witness, Ambassador Bremer and the inquiry officers, Colonel (b)(6)-2 & (b)(7)(C)-2

This inquiry is directed by The Inspector General of the Army concerning allegations against senior officials at CJTF-7.

An Inspector General is an impartial fact-finder for the directing authority. Testimony taken by an IG and reports based upon that testimony may be used for official purposes. Access is normally restricted to persons who clearly need the information to perform their official duties. In some cases disclosure to other persons may be required by law or regulation or may be directed by proper authority.

Upon completion of this interview I will ask you whether you consent to the release of your testimony if requested by members of the public pursuant to the Freedom of Information Act. Since I will ask you to provide your social security account number to help identify you as the person testifying, you have been previously provided with an explanation of the Privacy Act. Do you understand it, sir?

AMBASSADOR BREMER: Yes I do.

(b)(6)-2 & (b)(7)(C)-2 You are not suspected of any criminal offense and are not the subject of any unfavorable information. Before we continue I want to remind of you the importance of presenting truthful testimony. It is a violation of Federal law to knowingly make a false statement under oath. Do you have any questions before we begin, sir?

AMBASSADOR BREMER: No I don't.

(b)(6)-2 & (b)(7)(C)-2 Please raise your right hand so that I may administer the oath.

[The witness complied, was sworn, and testified as follows:]

Q. For the record please state your name.

A. L. Paul Bremer.

Q. Your former position and organization with respect to your duties in Iraq?

A. Presidential Envoy to Iraq and Administrator of the Coalition Provisional Authority.

Q. Your social security number, and this is voluntary?

A. (b)(6)-(4)&(b)(7)(C)-4

Q. And an address, either home or office, keeping in mind that the return address on any correspondence from this office will indicate that it is from the Department of the Army Inspector General?

A. (b)(6)-(4)&(b)(7)(C)-4

Q. And a phone number sir?

A. You know, I have a problem with the phone number because if it -- is that going to be accessible to the public? It's not a recorded ----

Q. Sir, it ----

A. --- it's not a public number.

Q. If you choose to release your testimony pursuant to FOIA, personal information, such as your phone number, would be redacted.

A. Okay, (b)(6)-(4)&(b)(7)(C)-4

Q. Okay, thank you sir. We'll go ahead and get into the questions.

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

Q. Sir, as we noted in our pretape introduction, our purpose in interviewing you today is to gain the facts and insight into allegations of abuse related to Operation Iraqi Freedom, senior leader involvement relative to those allegations, and the operational environment in the Iraqi theater of operations at the time.

Your testimony, as head of the Coalition Provisional Authority, is particularly valuable in that you worked directly

with or were aware of the actions of several senior Army officials named in Army, Department of Defense and independent reports. Further, as a senior political representative, you can offer unique perspective on the broader dynamics that impacted military operations.

As a reminder, we can discuss matters up to and including Secret. At the end of the interview we'll ask you to indicate if any of our discussions were classified. Part of our task is to gain an understanding of the operational environment surrounding the stand-up and operation of CJTF-7. We'll address that first and then [b)(6)-(2); b)(7)(C)-(2)] will ask you for your response to some of the findings cited in the report.

Sir, it is certainly not required but prior to beginning our prepared questions would you care to make any opening remarks?

A. No.

Q. Sir, I apologize, some of these lead-ins to these questions are quite lengthy but we're trying to explain the context we learned and then ask for some comments.

A. Okay.

Q. Early in 2003 there was a conscious shift from the previous relationship of ORHA, under General Garner, essentially, being subordinate to CENTCOM, military privacy, and civilian subordination, if you will, to the establishment of the CPA with civilian lead and CJTF-7 and military subordination. Today we've evolved into the interim Iraqi authority working with Multi-National Force Iraq. This discussion of a shift from the military dimension to the civilian and political dimension isn't recognized very well in most of the reports that have been written. Sir, can you comment on this condition as it applied to conditions in Iraq in May or June of 2003 in the stand-up of the CPA and CJTF-7?

A. Well of course I wasn't involved in the government until I came back to do this job so I don't really have, other than what I've sort of heard and read, I don't have much background on how the ORHA thing got set up. My understanding is that the plan all along was for General Garner to stay only a short period of time, I think through June 15th, and the administration wanted somebody with more political background to come in and take over when we became a CPA and that's how I got

selected but -- and then I got there on May 12th. I don't know what more there is to say. I don't have any particular insights into it.

Q. Okay sir. The question was basically what we've heard from some senior officials was the deliberate change in focus moving from primarily military effort into more recognizing the civilian and political leadership effort that was going to be required so ----

A. Well, you know, it figures. I mean, the kinetic phase of the war was over.

Q. Okay. Sir, many of the reports and testimony cite the challenges that CJTF-7 had regarding manning levels sometimes reported to be as low as 30 percent and ultimately no higher than 70. We've also heard the CPA had similar challenges with regard to manning and with limited capacity external to Baghdad. In addition to that there was a lack of Iraqi capacity. CJTF-7 in military terms was in direct support of the CPA. General Sanchez, General Fast and others were told to spend as much as 50 percent of their efforts in direct support of the CPA. Some described this degree of support as out of necessity due to CPA resource levels and was an additional burden on an under resourced CJTF-7. However, we're also told that this close linkage between CPA and CJTF-7 was a deliberate realization on the part of General Sanchez, that no military action was without political context, and that the political and military arms needed to operate in concert. Sir, could you comment for us on the support relationship between CJTF-7 and CPA?

A. Well, I think you captured it. I mean, obviously when we moved into the post-war period, it was important to have political and military coordination because the military was, at least for the first 3 or 4 months, the major presence we had out in the province and particularly outside of Baghdad because we did not have CPA staff except for a few places in the provincial capital. So the military was operating, outside of Baghdad in particular, in circumstances that required them to have some sense of the political importance of anything they did, whether it was reconstruction or their ongoing operations against the insurgency. So I think -- both Sanchez and I felt that it was important to have a close relationship at the top of the organization and indeed Sanchez moved his office and was co-located down in the palace and basically my first scheduled meeting everyday was a meeting with Sanchez and his top people to go over the overnight developments in the military field and

for me and my colleagues to give him a chance to hear about what we were doing on the political side he attended everyday, then, a subsequent large senior staff meeting. So we tried to find -- I knew he had a lot of tiger teams combined, U.S. -- combined civilian/military tiger teams to deal with ongoing problems. So I think we recognized at the outset we had to have very close relations with the military and I think they -- I mean you have to -- Sanchez, I think, he understood that too.

Q. Okay sir, thank you. Sir, from the military's perspective, planning for phase IV, termed Stability and Support Operations, which began around June 2000, anticipated a permissive environment ----

A. 2003.

Q. ---- 2003, thank you sir -- that would support SASO versus the insurgency that ultimately developed. From your perspective sir, and trying to avoid hindsight, was that a reasonable judgment at the time or were other less favorable conditions considered?

A. No I think that was a reasonable judgment. The insurgency didn't really -- first of all the terrorism didn't start on a major scale until August with the attacks on the Jordanian embassy and then the U.N. mission and then in Najif at the end of August and I have a vague memory of briefings from CJTF-7 and CENTCOM in the May/June maybe July timeframe, it's a little vague to me, that suggested that they did not at that time see a major problem with an ongoing insurgency. I think that really didn't develop until late summer. So to answer your question; the assumption seemed valid, I think, based on what they knew.

Q. All right sir. Thank you sir. Sir, when the insurgency did become more apparent in August or September 2003, to what extent did General Sanchez, as commander of CJTF-7 and his leadership, recognize its development and adjust?

A. That's harder to answer simply because I have -- I would have to go back and try to think about particular meetings. See I'm even a little vague, the way you phrased the question, as to when it became apparent to us but certainly by the end of August, it was clear we had a major terrorist problem because of the bombings and I ----

Q. Sir, to help clarify my question; the general criticism against General Sanchez that several have made is that he was slow to recognize this growing insurgency and to take appropriate measures.

A. See that's a -- I don't have any way to judge that. I'm not a military expert and I don't have any memory of anybody coming to me and saying, you know, they should be catching on -- I just don't have any -- I don't have anything to add to that.

Q. All right, sir. Sir, as General Sanchez became aware of this growing insurgency in theater, to what extent was the leadership above General Sanchez, and by that I would mean CENTCOM, DoD, Washington, in agreement with this assessment of a growing insurgency? Some have suggested that there was a time lag between those in the Iraqi theater coming to this realization versus Washington's acceptance of that same realization. Sir, would you have any comments on that?

A. I just don't have any -- I don't have any direct memory of that. I certainly talked regularly to Abizaid and was on the phone almost daily with the Secretary of Defense and his top people at the -- you know, the Joint Chiefs but I don't remember -- I have no memory of anybody saying that there was a difference between the perceptions. I just don't.

Q. Okay sir.

A. There may have been a lot of talk in military channels that I wasn't aware of but I didn't hear it.

Q. All right sir. Thank you. Sir, General Sanchez was criticized in several reports for not responding adequately to changing conditions and that's specific to the insurgency. One of the senior leaders we spoke with cautioned against viewing him as the "center of the universe" in these matters. His position was that General Sanchez did not completely control his own destiny or that of his joint task force. There were political decisions and external factors that shaped the development of military and security conditions. We're not revisiting these decisions but two that were provided as examples were the stand-down in Iraqi Army and the ultimate levels of de-Ba'athification; these were cited as examples of political decisions that had military affects that CJTF-7 had to contend with. Other external factors; the Shi'a uprisings, Fallujah uprisings, then Al Quaeda linking this situation in Iraq to a wider global insurgency and some describe it as the

rise of militant Islam in the broader region. So in your opinion, sir, can you tell us how readily did General Sanchez anticipate and react to changing external factors that impacted his military domain?

A. Well you've got 30 or 40 points in that question. I don't even know where to begin. You jumped all the way forward to Fallujah, which I presume you mean April in Fallujah though we had problems in Fallujah in April '03; we had problems in Fallujah in October. Fallujah was a perpetual problem. It still is. So I don't know how to -- I don't even know how to begin to grasp that question ----

Q. My apologies, sir ----

A. ---- it sounds like it's just a -----

Q. ---- for overreaching on that one -----

A. Yeah, I don't know where to begin.

Q. In the context that General Sanchez had to react, his situation was not of his own making in all cases. He had to react to the environment he was in.

A. Yeah that's true.

Q. Again, we're back on the general criticism, he did not respond adequately to changing conditions. So ----

A. I don't have a view on that. I'm sorry.

Q. You don't?

A. I just -- you've thrown everything in the kitchen sink in there. I have no -- it is certainly true to say no commander has total control over his environment but that's self evident any more than I had total control. Therefore what? So what? That's stating the obvious. The President of the United States doesn't have total control over the environment.

Q. All right, sir. We'll leave it at that then. Sir, the final question I have has to do with operational intelligence.

A. Yeah.

Q. Evidence indicated that military intelligence at the tactical level divisions in the local area was fairly strong initially but that General Sanchez quickly realized the need for greater operational intelligence fusion in order to understand and precisely target the operational structure of the insurgency. That task was assigned to Major General Barbara Fast --

A. Right.

Q. ---- the CJ2. Sir, can you comment on her role in fusing the various military and national intelligence assets and provide us your judgment as to the impact of her efforts?

A. Well this actually came about as a result of my concerns in July and then particularly in August after the bombing started that we didn't have -- our intelligence was not focused on the right target. My concern started with the station because the station was spending most of its time looking for WMD and had most of its management staff focused on managing a very large -- this Iraqi Survey Group thing and it struck me that it was not very likely that any of our Soldiers were going to get killed by WMD but they were getting killed by insurgents and that our intelligence needed to be brought to bear on the target. So I directed the establishment, I think in August, of an intelligence fusion cell, which was to pull together -- I think it was after the U.N. bombing. It was somewhere in the middle of August -- was to pull together all of the intelligence, not just the military intelligence but the station, DIA -- everybody that was operating there in one place and get it focused on the insurgency. Now I can't remember if Fast was already there or if she arrived -- I don't remember the sequence but she, in any case, was put in charge of it as you point out and as your question points out and I believe it was a significant improvement in the approach to the intelligence. In fact, at several points people in Washington told me they wished that Washington had been able to coordinate as well as we were in the field -- our efforts in intelligence. I visited the fusion cell a number of times over the next 8 or 9 months while I was there and my impression was that they had done a very good job of pulling this thing together. Now Fast was overall responsible so I guess you'd say she had done a very good job. That would be my impression. It's not to say that our intelligence was satisfactory. I don't think it ever was because we just weren't getting enough human intelligence on the insurgents, which was one of the reasons that I put a strong

emphasis on standing up an Iraqi intelligence service, which we started in January.

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

Sir, what do you attribute that to?

A. Attribute what to?

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

The intelligence not being very good.

A. Well -- look, because we're not set up -- we're not organized to get that kind of intelligence. We were in a situation that the United States government had not faced for 50 years. We were occupying a country and the only good intelligence on these things is human intelligence. The technical stuff is essentially irrelevant about a guy who's running out with an RPG over his shoulder and you have to have people who are going to tell you where those cells are and that means you need Iraqis to cooperate. Most -- I don't know what percent, probably 99.9 percent of the military people on the ground don't speak Arabic and if they speak Arabic they are not going to pass themselves off as Iraqis and the station was focused on WMD. So it's a very hard target. It's not an easy target to get them to cooperate -- to get the intelligence from the people and I think in the end it's like just about everything in Iraq; in the end the Iraqis are going to have to do it. It's going to have to be an Iraqi intelligence service, it's eventually going to have to be an Iraqi security forces that secure their country. So I think it's a very difficult target and I don't -- and it's one that -- I mean we just hadn't done it for 50 years.

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

Yes sir.

A. There was no institutional memory about it. We hadn't done it and we did not face, in Germany and Japan, a homegrown insurgency. The werewolves in Germany were sort of a small bear compared to what we faced in Iraq. I mean, this was something new.

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

Yes sir. Was any of the intelligence that was brought out as a result of interrogations at Abu Ghraib -- was that intelligence useful or did it sort of fall into the same ----

A. I -- here I don't have direct knowledge because I didn't read regularly the reports. The impression I got and I got it sort of over a period of time and I couldn't tell you

exactly when or where but the impression I got was that we were not -- and I got -- I think it was the Secretary of Defense who first put me on to it in a discussion we had where he was pressing to say, 'What are we getting out of these interrogations,' and the impression I got was that we had a series of people interviewing individual prisoners and reporting, sort of, up the chain and there was no real effort to kind of pull it all together and say, 'Well what has it taught us.' Now I don't know where -- whether that was supposed to have been done back here in Washington or where, I don't know, but I certainly had the impression that we were not -- mind you, I did not see the interrogation report so I have no independent judgment on it. I noted -- I had to approve the release of detainees from time to time and there was a form -- I think these were mostly people that the ISG had been talking to. It was a form that whoever wanted to release him had to fill out and I remember there was a square on them that said, "Has this prisoner produced good intelligence," and then there would be a list of IRs that had been filed. You know, there would be 25 IRs there but that sort of struck me as quantitative and not qualitative. I mean, did the prisoner actually tell us something useful or did the interrogator just meet his monthly quota of IRs that he was filing and again, I don't know the answer. The impression I got from talking to people was that this must have been a massive amount of material that was not getting collated in a useful fashion. Now it's quite possible that the people were not telling us anything -- did not have anything useful to say. I mean, there are two problems; was there anything useful to say and was it collected and if so -- if the answer to that is yes, was it then adequately assessed somewhere back here or in a fusion cell or -- I mean, they are two separate questions. I don't know the answer to that because I didn't read the stuff.

(b)(7)-E, (b)(7)(C)-2

Right.

Q. Sir, any remaining thoughts that you'd like to offer us on -- specific to General Sanchez or General Fast as to their involvement directly with you and ----

A. Well I had, I felt, good working relations with both of them. I thought they were good officers. I admired them both for their patriotism and their skills. I liked working with them. I had no particular problems with either of them.

Q. All right, sir. That completes the questions I had at this point. Milli is going to go through some of the findings in the various reports and ask for your response.

A. Okay.

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

Q. Sir, what I'll do is just I'll quote you a couple of the findings that came out of the Kern and/or Schlesinger report and then ask you a couple of questions just to get your comments on them.

A. Okay.

Q. The first finding, and this came out of both the Kern and Schlesinger reports, "The Commander and Deputy Commander CJTF-7 failed to ensure proper staff oversight of detention and interrogation operations," and of course that's referring to General Sanchez and Major General Wojdakowski. The second finding that relates to that came out of the Kern report, "There was a lack of clear command and control of detainee operations at the CJTF-7 level. Lack of a single CJTF-7 staff proponent for detention and interrogation operations resulted in no individual staff member focused on these operations." So the issue that we're looking at is what degree of oversight was provided by General Sanchez as well as his deputy and other staff members with respect to detention and interrogation operations, and then just to back up a little bit, sir, can you provide us with some background on the decision to select Abu Ghraib as the central confinement facility in the first place?

A. Yeah. On Abu Ghraib the problem we had when we got there was that all 151 prisons in the country had been looted or burned or destroyed and some -- the jails, the prisons, everything and my advisor -- senior advisor, I think, in justice, (b)(6)-(b)(7)(C)-2 at that time, (b)(6)-(b)(7)(C)-2 came to me at some point in, must have been, early June saying that we had to have a place to put prisoners and the only place that was left standing that could be used was Abu Ghraib and I said, after I talked to my political guys, I said, 'Boy that doesn't sound like a very good idea because it's so reputed to be so -- it has such a connotation.' So I instructed him to go out and look again and they went and surveyed all of the various places where you could do a prison and came back and concluded there was no even medium security facility anywhere in the country other than Abu Ghraib and Abu Ghraib was the only maximum

security and there was one block, as I recall, that was still maximum security. So I told Rumsfeld, it must have been somewhere in the middle of June, that I had agreed we had to use Abu Ghraib. I said that -- on two conditions. First, we will fence off the part where the executions took place and turn it into a museum and secondly, we will immediately, when we go for more money for our supplemental, we'll ask for money to build new prisons so we don't have to -- we're not tied to Abu Ghraib. So that's basically the background. It was ----

Q. Okay.

A. ---- politically very difficult decision but one that I felt we had to take. Am I supposed to comment on the other two points?

Q. No, I'll keep asking you questions here, sir. And again, a little bit more on background; can you provide a general description of the plan to eventually transition from a military-run detention system to one run by the Iraqi criminal justice system? What the timeframe was and what the different milestones were planned to be to the best of your recollection?

A. Well I'd have to remember it. I set up -- well if you look at the Iraqi justice system we had a number of problems. First we didn't have prisons. Second, we didn't have courts. Third we didn't have judges. We started by scrubbing all the judges. I set up a judicial review commission or counsel or something. I don't remember exactly what it's called, which was composed of an American, a Brit and I think three Iraqis, but I could be wrong, who reviewed all of the, I think it was, 860 judges that were in the Iraqi court system to see if they were [unknown word, counter 086] or criminals or were they corrupt and to decide which ones we could keep so we had a system to get the judges. We set up a central criminal court, and again I think it was as early as June but you can look in the orders. It was one of the orders I signed -- that was established to begin to deal with major crime. So we had a mechanism to actually bring people to trial in an Iraqi court system, not an American -- these are Iraqi courts, with Iraqi judges and we had to address the prison question which was, in many ways, the hardest question because it involved construction. I was told that replacing Abu Ghraib would take about 3 years to build a maximum security prison. Well we couldn't wait 3 years obviously and I think most of that -- I also then did a number of amendments to the criminal court -- the Criminal Code -- the 1969 Criminal Code. I outlawed torture, I gave them right of

self defense, the right to remain silent; a whole bunch of sort of modern western legal processes and again I think it was all done in early June if I remember correctly so we -- I mean to answer your question, the timeline was very early trying to get moving. Now there was still always the question of how do we get these people out of our physical custody into somebody else's custody and that was a much more complicated problem because again, first of all there was no place where you could take these people. And you know one of the things -- I haven't read all of these reports obviously but one of the things, anyway, the press reporting about the report seems to leave out is people have to remember Saddam let all of his hardened criminals out of jail. We never knew -- 80 to 100,000 of these people around. We had a lot of really bad -- just plain bad people; rapists, murderers, convicted robbers that we were also gathering up and my frustration with the process, which I started expressing certainly not later than July was that we didn't seem to have a very good system for triage on getting these people sorted so that the criminal criminals could be shunted off in one direction and the security detainees as I remember they called them could be taken in another direction, and I pressed very hard to get a better handle on that already in July -- July and August.

Q. And did that eventually start to happen, sir?

A. Yes it did.

Q. Okay.

A. As a result of that we got -- well there were three problems. We didn't have good lists of who we had and we finally got that done and I think the list started to get published in about the end of September. My memory may be wrong about the date -- somewhere in there September/October, because one of the problems we had from Iraqis was Iraqis would come and say, you know, 'you picked up my brother, Abdul Mohammad, and I don't know where he is,' and you know, whatever, and we didn't know where he was and it was a very complicated problem because as I remember the initial reports were filed by, you know, probably some Captain somewhere who was the guy who ran the sweep and he picked up Abdul Mohammad, they bring him in, they say what's your name. He may or may not give his correct name and then there's the second question; how do you -- is his first name Abdul or -- I mean, is it Achmed Mohammed or Mohammed Achmed? So which way do we enter it into the little thing? Of course you're transliterating Arabic into English. You can

write Mohammed about seven different ways so it was a major problem and a major political problem that we couldn't say where these people were. Secondly, we needed to get them access to lawyers; in turn we need to have family visits and we got that pretty well started by end of September if I remember correctly and it did relate a little bit to the security detainee issue in the sense that as I looked at it and my deputy, Ambassador McManaway, spent more time on this but in order to get released, if I remember correctly, MI had to release -- you had a MI hold on a lot of these people and I came to believe that the military intelligence people would never release anybody, quite understandably from their point of view because they'd say, 'Well, I've talked to her for a month and I didn't really get anything out of her but there's a faint chance that when I talk to him he's gonna say, oh you let go a real killer, you know, you shouldn't have let her go.' So the MI -- kind of -- there's a structural obstacle to getting these people out in MI and I raised it with both Sanchez and Fast and in fact we got the MI -- we got -- again the timeframe, I think towards September or something, where MI -- you couldn't just have a perpetual MI hold. They had to have some reason -- I don't remember the details but -- so this whole -- to me the problem of the detainees, at least in this phase of the thing, was just not knowing who we had, being able to get the lists out to the public, being sure they had access to lawyers, and had family visits.

Q. All right, sir. Sir, the next question regards any oversight you may have observed by General Sanchez regarding detention operations and I'm going to split out detention and interrogation operations just to make it easier. Like the findings said earlier, the allegation is that General Sanchez and his staff failed to ensure proper oversight of detention operations. Can you provide some examples or anything that you saw or were aware of that would indicate what type of oversight General Sanchez did provide; any examples of regular meetings, regular reports that may have been provided to you or that you were aware of --

A. Yeah -- no I had pretty regular meetings with him because it was a matter of concern to me and I would have to look at my schedule to get the dates. I don't remember but ----

Q. In general is fine.

A. No I had fairly regular -- and I had, as well, I had my deputy, Clay McManaway, and my military aide, (b) (6) - 2 & (b) (7) (C) - 2

who followed this fairly closely on my behalf. I do remember a number of Power Point presentations by Sanchez and Marc Warren, who was his JAG guy periodically. I mean I -- once a month? Yeah, probably.

Q. All right, sir. Did you ever have an opportunity to walk through Abu Ghraib after ----

A. Yes I did.

Q. ---- do you recall roughly how many times and ----

A. I went there two or three times.

Q. All right, sir.

A. I went there and the brigadier was there, the woman whose name I ----

Q. General Karpinski?

A. Yeah, the Polish name. Yeah, yeah. I went here in the summer and then I went there again and I took [REDACTED] out there because [REDACTED] wanted to see it. He was the U.N. guy and I went again -- I probably went there three times.

Q. And what did you observe sir? Was it chaotic, was it ----

A. No ----

Q. ---- was it a "rat hole" as some reports have described it ----

A. No, not when I visited it, of course Cropper was still open then so we hadn't moved a lot of the prisoners down. No, in fact on the contrary, we were in the process -- the first visit I made they still had I want to say several hundred -- four or five hundred prisoners under canvas out there which is pretty tough because it was summer. On the other hand, all of our Soldiers were living under canvas too so okay. The -- we were in the process of rebuilding one of the prison blocks and they showed me -- I remember it made a big impression on me. They showed me a room probably two-thirds the size of this room, maybe smaller -- a cell maybe half the size of this room where they had built bunks, there were four double bunks so they were going to put eight prisoners in there and under Saddam they had

52 people there. It wasn't even enough room to sit and so the impression -- on the -- I mean, the impression I got was at least in terms of the physical plans we had and that I saw it again a couple other times, it was light years better than what Saddam had done and I didn't see any sign of the chaos or ---- I mean you had 400 people living under canvas.

Q. Right but in your view it was no worse than Soldiers living in what were similar conditions?

A. No. Well, everybody was suffering in the summer. I mean the temperature runs to 115/125 degrees there. It's hot.

Q. Yes sir.

A. It's not a pleasant thing to be but after all our Soldiers were living under the canvas too.

Q. Right. Sir, one of the things that I have heard about in our previous interviews were these detention summits that were apparently held, I think there were two, during the fall of 2003 that were orchestrated by General Wojdakowski that included some elements of the CPA. Do you know anything about those?

A. I don't know them by that term but it's almost -- it would not be very surprising if either Ambassador McManaway, my deputy, or Ambassador Kennedy, who was my chief of staff, or Colonel (b)(7)(C)(C)-2 were to have gone to those. As I said, I got periodically briefed on what was going on sometimes by them, sometimes by Sanchez and Fast. I don't remember those terms.

Q. And were you periodically briefed on detainee population numbers?

A. Yes.

Q. Okay and so as that population rose was there any indication that CJTF-7 was taking action to mitigate the effects of the rise in population ----

A. Well my ----

Q. What were some of their courses of action, I guess?

A. Well the thing that I was prodding them to do was, as I said was, get the triage done more quickly so that you can decide which ones were criminals and we can turn them over to

Iraqis. Secondly, on the security detainees I kept pressing to be sure we were meeting our obligations under both international law and then under Sanchez' guidelines for how quickly they being reviewed and I don't remember all the details; there was a 72-hour thing and there was a -- and then it was a 6-day -- I don't remember. There were a lot. The Geneva Convention had certain requirements for how quickly they were reviewed and then how often they were re-reviewed -- my pressure was mostly on trying to get the numbers down as -- because it was a political problem. This is a highly tribal society, and family society, and clan society and when you pick up one person and hold them for 38 days, and his family doesn't know where he is and then you let him go it says well you probably shouldn't have held him for 38 days and you made 10 enemies out there. People say, 'why did they hold on to old Achmed for 38 days?' and so my pressure always was, we need to be sure we hang on to the people who are a real danger to us and to our Soldiers but we also need to get flushing the rest, but I don't have any specifics. I put a lot of pressure on them.

Q. Okay sir.

A. -- starting in the summer.

Q. Okay sir. And was there an element of your staff, sir, that worked regularly with CJTF-7 with respect to detention operations?

A. Yeah it was -- is the two people I mentioned; Ambassador McManaway, who was my deputy until he left. He left for health reasons in early November and Colonel (b)(6), 2 & (b)(7)(C)-2 my military aide.

Q. Okay sir. All right sir, shifting away now from detention operations, let's talk a little bit about oversight of interrogation operations and again, similar question; can you comment on anything that you observed with respect to General Sanchez' and also General Fast's oversight specifically of interrogation operations; not so much intelligence but ----

A. I have no insight into that.

Q. No regular reports provided to you ----

A. No.

Q. ---- regarding -- alright sir. I understand that General Fast participated in some intelligence updates that were provided, I believe, as a part of the morning brief that you participated in.

A. Yeah.

Q. What were generally some of the things that she discussed?

A. Well it would mostly be either intelligence or information about an operation that just happened in the last 24 hours, if we had done something and what had we learned from it or she might sometimes say that she was concerned about some trend in intelligence that she was seeing from her people and sometimes she'd just bring pictures to show me of a target. I mean it was all over the -- I mean it was every where, it was everything -- nothing -- I don't remember anything -- there's no one thing that sort of strikes me. Before we did a significant operations Sanchez would often bring her along and she'd bring the overhead and show us what we were going to do about a mosque or take down a place or something but it was pretty much tactical.

Q. All right, sir. Sir, talking a little bit about the type of support that was provided by CJTF-7 to the CPA; did CJTF-7 actually physically provide Soldiers/officers to come work on the CPA staff to help flesh that out or --

A. Yeah, there were -- we had a lot of military on our staff who were effectively seconded. I don't know what the technical term was and the military terms but yeah, they were effectively working for -- I don't know how many but hundreds I'm sure.

Q. And the reason I ask, sir, is we're trying to get a feel for the effect that the many missions that CJTF-7 had and how that may have related to oversight or lack thereof with respects to detention and interrogation operations. So I'm just trying to get a feel for the volume of people and the amount of their time spent on a daily basis supporting CPA functions as opposed to purely military operations ----

A. I just don't have a feel for that. You'd have to ask the military ----

Q. Okay.

A. I don't know. There certainly was a very high degree of integration, there's no question. A lot of military ----

Q. All right, sir. That's helpful and I understand that the Major General Galinetti, the Chief of Staff of CJTF-7, worked -- spent most of his time at CPA ----

A. He probably did. I mean, you'd have to ask him. He certainly was around a lot and he was -- whenever Sanchez couldn't come to the morning meeting he came. I mean, yeah, he was certainly heavily engaged.

Q. Okay sir, good. All right, sir ----

A. He was actually a brigadier when he started there.

Q. Oh okay.

A. We got him promoted, the same with Fast ----

Q. Right, yes sir.

A. ---- she got it.

Q. All right, sir, stepping away then from interrogation operations and this again refers to General Fast and OGAs. What guidance, if any were you aware that was provided to General Fast concerning CJTF-7's cooperations with OGAs and specifically the CIA concerning the use of Abu Ghraib facilities?

A. I'm not aware of any ----

Q. Okay whether she was provided any guidance?

A. I didn't give her any and I don't know where -- it would have come from military commands I guess.

Q. All right, sir. And who would have been her primary point of contact in the CIA at that time, do you recall?

A. It would have been the station chief, I guess.

Q. Station chief, okay. All right, sir, the next finding -- and I've actually combined several findings. Several reports have commented on how under resourced, both in terms of equipment and personnel, CJTF-7 was during the timeframe that

we're talking about, specifically the fall and winter of 2003. General Sanchez and General Wojdakowski have been criticized for not requesting additional forces, in particular MPs. Sir, do you have any observations on how CJTF-7 personnel manning levels may have affected detention and interrogation operations at Abu Ghraib. I don't know if you were ----

A. I can't make any connection. I just don't -- I'm not an expert. I certainly felt, early on, we needed more MPs there. In fact, I asked Abizaid for more MPs and he promised me 4,000 the first week I was there in May and I remember at some point somebody telling me, I think it was Sanchez. It might have been Abizaid -- that -- it was probably in that fall timeframe, that we had something like 80 or 85 percent of the MPs in the entire Army there so I don't know what more -- I mean you can't very well ask to have 100 percent.

Q. Yes sir.

A. I do remember raising the question with one or the other of the two and hearing this back and I just said, 'well, you know'. He said something like 80 percent of the civil affairs officers in the Army there. I mean there was a limit to how much more you could do.

Q. Right sir. Did you ever get those additional 4,000 MPs?

A. Yeah, I think we did but that was way back in June. That was way back in the beginning.

Q. And then ----

A. And -- I mean, the MPs started -- became part of the ongoing rotation. What the manning was by the fall, I couldn't say.

Q. All right sir, but it was your understanding as well that the bulk of the Army's MPs were already in Iraq ----

A. Certainly by the -- again, don't quote me on the date. I mean somewhere in the fall I heard that we had something like 80 or 85 percent of the Army's entire manning of MPs.

Q. All right sir.

A. I do remember that.

Q. All right, sir, that answered my question there. What I'm going to do now, sir, is ask for your "legal" opinion. I'm going to go over the elements in Article 92 of the UCMJ, Uniformed Code of Military Justice, regarding dereliction of duty and as it relates to General Sanchez, Major General Wojdakowski, and Major General Fast and just a real quick review for the record; Article 92 of the UCMJ stated that "dereliction in the performance of one's duties consisted of three elements; a person had certain duties, the person knew or reasonably should have known of those duties," and then the important part, "the person was derelict in the performance of those duties through willfulness, negligence or culpable inefficiency. 'Willfully' meant intentionally, 'negligently' meant an act or omission of a person who was under a duty to use due care, which exhibited a lack of that degree of care, which a reasonably prudent person would have exercised under the same or similar circumstances." And then "culpable inefficiency was inefficiency for which there was no reasonable or just excuse." So sir, here's where I ask for your legal opinion; in your view was Lieutenant General Sanchez derelict in his duty with respect to oversight of detention and interrogation operations based on

A. I have no judgment on that ----

Q. All right, sir. Similar then with General Wojdakowski and General ----

A. I just don't know enough about the details to give you an opinion.

Q. Okay sir, that's fine.

[Tape 1, side A ended. Side B picks up mid-question.]

Q. ---- Any follow up questions?

COL (b)(6);(b)(7)(C)-2 No sir. That completes our prepared questions. Were there any other issues that you think are pertinent to our discussion that we may not have raised?

A. No. I guess I would just make the general political point that I made earlier that this was a very complicated environment for both the military and the civilians and one for which there was no recent American experience really, certainly not on this scale, for 50 years and as I said, even there,

there's a big difference because we didn't face insurgencies in Germany and Japan and I think it was difficult for everybody to try to figure out how to make this thing work; this civil military approach to an occupation and clearly the detention problem was there -- my knowledge of the detention problem, until the Abu Ghraib stuff became public in January, was -- my knowledge was limited to the problem and was focused on the problem of the numbers of people and this problem about flushing the system out, that was my main concern. I didn't have any insight into the fact there may have been abuses taking place. That only came in January and -- but -- so I would certainly say that my staff and I -- and we worked it. I didn't have any sense of resistance from Sanchez and his staff on this matter. Whether they had enough people, that I don't know. You'll have to ask them. They may have been undermanned. I don't know. That never was brought up to me as a problem. I mean, I think everybody was working pretty hard to try and figure this thing out and then something obviously went seriously wrong out at Abu Ghraib.

Q. Sir, do you -- and you may not know the answer to this but one of the arguments that has been made that because the population was so high at Abu Ghraib that that may have indirectly led to the abuses. Do you see a link ----

A. I have no judgment on that.

Q. Okay sir.

A. I don't even understand conceptually why that should be but I -- no.

Q. Okay sir. All right, sir, that's all I have. [To Colonel (b)(6)-(2)&(b)(7)(C)-2] do you have anything?

COL (b)(6)-(2)&(b)(7)(C)-2 No. Sir, thank you very much for your time. You have been very helpful with your insights and we appreciate it.

Q. Sir, I'll go ahead and do the formal read-out at this point.

A. Oh right, yeah.

Q. And then we'll get on our way. Sir, is there anyone else that you think we should talk to?

A. Well you might talk to Colonel [REDACTED]. I mean, if you haven't talked to him.

Q. Is he Army sir?

A. Air Force.

Q. Air Force?

A. Yeah.

Q. Do you recall his first name, sir?

A. He's [REDACTED] but if you give me a minute when we finish up, I'll give you his coordinates.

Q. All right, sir.

A. He's still at Defense.

Q. All right sir.

A. He was my military aide. His name isn't [REDACTED] It's something like [REDACTED] or something like that. Anyway, I'll give you that ----

Q. All right. We'll do that afterwards when we get off tape. Anyone else, sir?

A. I would recommend my deputy, Clay McManaway, but [REDACTED] [REDACTED] and I think that it's probably not a good idea to ----

Q. I'm sorry to hear that.

A. He's in the hospital.

Q. Okay.

A. You could talk to Pat Kennedy, Ambassador Patrick Kennedy who was my chief of staff. I don't know how much he was into this but he may have been involved a bit. He's currently the Deputy Ambassador at the United Nations, U.S. Mission United Nations so he's a State Department employee -- career State Department employee.

Q. Yes sir.

A. You might talk to him. I just don't remember how much he was involved in this but he certainly was around the papers going back and forth.

Q. Right. All right, sir.

A. He might have some insight.

Q. Okay sir.

A. You might try those two guys.

Q. Okay, great. Thank you, sir. I'll go ahead and do the read-out.

A. Yeah sure.

Q. We are required to protect the confidentiality of IG inquiries and the rights, privacy and reputations of all people involved in them. We ask people not to discuss or reveal matters under inquiry. Accordingly, we ask that you not discuss this matter with anyone except an attorney, if you choose to consult one, without permission of the investigating officers.

Your testimony is part of an official Inspector General record. Earlier I advised you that while access is normally restricted to persons who clearly need the information to perform their official duties, your testimony may be released outside official channels. Individual members of the public who do not have an official need to know may request a copy of these records to include your testimony under the Freedom of Information Act. If there is such a request, do you consent to the release of your testimony outside official channels?

A. Yes.

Q. All right, sir. Do you have any questions?

A. No.

Q. Sir, the time is 1057 and the tape-recorded portion of this interview is concluded.

[The foregoing testimony of **AMBASSADOR L. PAUL BREMER** was recorded by means of magnetic tape, and transcribed and

certified by [b)(6)-3 & (b)(7)(C)-3] Closed Microphone Reporter,
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Washington, DC 23010.]