

1 [The deposition was called to order at 1342, 18 July 2004.]

2 LA: Let's get started. It is July 18th, 2004, at 1342, and
3 present today are:

4 PERSONS PRESENT

5 MAJOR GENERAL GEORGE R. FAY, DEPOSITION OFFICER (DO);

6 [REDACTED] RECORDER (RC);

7 [REDACTED] LEGAL ADVISOR (LA);

8 [REDACTED] DEFENSE COUNSEL (DC);

9 BRIGADIER GENERAL JANIS L. KARPINSKI, DEPONENT (WIT); and

10 [REDACTED] COURT REPORTER (CR), who has

11 previously been sworn.

12 [The deponent was sworn.]

13 Questions by the deposition officer:

14 Q. For the record, General, could you please give me your
15 full name, your rank, and your social security number?

16 A. Janis Leigh Karpinski, [REDACTED], I, Brigadier
17 General, U.S. Army Reserve Component, [REDACTED]

18 Q. What is your current unit of assignment?

19 A. I'm attached to the Readiness Command at Fort Jackson,
20 South Carolina.

21 Q. At some point in time, you assumed command of the 800th
22 MP Brigade. Is that correct?

23 A. Yes, sir.

1 Q. Could you tell me when you assumed command of the MP
2 Brigade?

3 A. On the 29th of June 2003. I had been in theater for
4 about 10 days, maybe two weeks, at that point, and took command
5 of the 800th MP Brigade from Brigadier General Paul Hill.

6 Q. And when you took command, who was your rater and who
7 was your senior rater?

8 A. Nobody knew, and I asked Major General Kretzer at that
9 time----

10 Q. I'm sorry. Who is Major General Kretzer?

11 A. Major General Kretzer was the commander of the 377th
12 Theater Support Command. I believe his first name was David.
13 Before the change of command, I went in to ask him because
14 General Hill was rated by General Kretzer. I asked General
15 Kretzer if he was going to remain as my rater. He said, "No.
16 You'll move up to Baghdad and you'll be rated by," and this is
17 exactly how he said it, sir, "You'll be rated by, I guess, the
18 DCG and the commander."

19 I said, "Okay. Does it make any difference that we're
20 just attached to them, we're not assigned to CJTF7?"

21 He said, "No. It shouldn't make any difference at all.
22 You're working in their backyard."

1 And actually the question had come up before that when
2 we were in Baghdad--General Hill and I, before I took command,
3 we made a loop through all of our facilities, and it was when we
4 were up in Baghdad, and I met General Wodjakowski and General
5 Sanchez. General Hill actually brought up the question with the
6 operations officer, which at that time was a Brigadier General
7 Davis, and asked him who was rating the separate unit
8 commanders. He said, "It varies. Ask 'Wodjo,'" meaning
9 Wodjakowski. We did, and Wodjakowski said "We can work all of
10 the details out once you get up here to Baghdad." So that was
11 one of the reasons why asked General Kretzer about the rating
12 scheme, and he seemed to be in agreement with that.

13 When the headquarters actually moved up to Baghdad--we
14 arrived in Baghdad on the 1st of July. It was at least five days
15 later when I had the time to sit down and talk to General
16 Wodjakowski, about the direction we were going, some of my
17 concerns, because we had had several conversations at that point
18 with the people at the coalition provisional authority, and they
19 had a different understanding of how we were going to work and
20 how much we were going to be involved in the prison operations--
21 the civilian prison operations, so I needed some clarification,
22 and he said to me, "Well, I don't know. Maybe you'll be rated
23 by Ambassador Bremer."

1 So I said, "Well, I don't want to be rated by
2 Ambassador [REDACTED] because we have a military function, here."

3 He said, "Well, just give me your support form."

4 My aid took my support form over to him, it had to be--

5 .

6 Q. Now, this was to General [REDACTED]

7 A. To General [REDACTED] at the CJTF7. He took the
8 support form over the objectives listed on it and the data
9 filled out. The next day, General [REDACTED]'s aid called and
10 said General [REDACTED] is not rating General [REDACTED]. So I
11 talked to him at the update, two nights later, over at the
12 CJTF7, and he said, "Yeah, just give me the support form and I
13 can initial it. Whatever works best is what we'll do."

14 It was more along the lines of a generic conversation
15 than it was, you know, "this is why I'm not going to rate you."

16 And I said, "My aid got the support form back from your
17 aid."

18 He said, "No. I think you had the wrong information.
19 Just get it back to me."

20 I said, "Okay."

21 Q. Approximately what date was that--the second
22 conversation, we're referring to now? The one where it had

1 already been returned by the aid and now you're speaking with
2 him a second time saying----

3 A. This had to be towards the end of July.

4 Q. And you had taken over command?

5 A. At the end of June.

6 Q. So we already have a month lapse, here, between the
7 time that you arrived in country, you did your initial tour, you
8 had your initial conversations before you even moved out to
9 Baghdad, and now it's a month later, and we still haven't
10 resolved the issue of who your rater is. Is that correct?

11 A. That's correct.

12 And I knew that there was conversations about it,
13 because I saw Colonel [REDACTED] down in the CPA.

14 Q. Colonel [REDACTED] is the JAG----

15 A. He is the SJA for the CJTF7, but he, at that time, he
16 was playing a major role down at the CPA. His office was down
17 there, that's where we could usually find him, and he was always
18 in the--above--in the update areas, and he had a regular desk
19 there and everything. General Sanchez was down in the CPA
20 building at least fifty percent of his time, so Colonel [REDACTED]
21 just kept his office down there. I think that that's what the
22 focus of his legal actions were. That's where I always found

1 him. He said to me, "I think there's a legal problem with
2 General Wodjakowski rating you."

3 I stopped in the hallway, literally, and I said to him,
4 "Look, this is ridiculous. I feel like a commander without a
5 home. We can't get office space down here. Nobody wants to
6 give us quarters over at CJTF7 over at Victory, and now you're
7 telling me there's a legal limitation that Wodjakowski can't
8 rate me."

9 He said, "I think we're working it out, but what's the
10 problem with General Diamond rating you and General Kretzer
11 senior rating you?"

12 I said, "They're in Kuwait. I don't see them."

13 Because I had one unit--and he promised me that he
14 would work it out.

15 Q. This is Colonel [REDACTED]

16 A. This is Colonel [REDACTED] He said, "I'll get
17 clarification. I think we'll be able to work through the legal
18 limitations."

19 We had a unit down at Bucca--Camp Bucca was the first
20 prisoner of war camp, and we continued to maintain that unit.
21 So every time I was going down to visit that unit, it was so
22 close to the Kuwait border, I would try and go over to see the
23 people that I had working down there in the rear element, the

1 rear detachment, and I would usually see General--General
2 [Diamond] took over, then, for General Kretzer, and I believe that
3 that was in August or September. I really don't have a clear
4 recollection, but I saw him. I asked General Diamond
5 specifically, the first time I saw him down in Kuwait, when he
6 took over----

7 Q. Which was about August?

8 A. Which was about August. I asked him specifically if he
9 had heard anything. We were trying to work out whatever the
10 legal limitations were to be rated by General Wodjakowski and
11 senior rated by Sanchez. He said, "That's my understanding.
12 You're not down here. You don't work for me. And General
13 McKiernan isn't even in the theater now, so it would be hard for
14 you to be rated the same way that General Hill was." He said,
15 "We hear you guys are doing great things up there. I know you
16 have an enormous mission." We went over to Bucca and back up to
17 Baghdad.

18 We were having prisons meetings at least three times a
19 week.----

20 Q. We can get to the operations, and we will, but if we
21 could just get to the point where when was it that someone

1 actually accepted your OER support form and signed off as your
2 rater and agreed that those were good goals?

3 A. General Wodjakowski had my support form, I gave it to
4 him myself. He said he wasn't going to be bothered with all of
5 the details of the initials and everything else, that he knew
6 when I got there and he knew when he accepted responsibility for
7 me. The aid furnished a copy of the rating scheme that had me
8 being rated by General [REDACTED] and senior rated by General
9 Sanchez.

10 Q. Do you have a copy of that rating scheme?

11 A. I'm sure they do in the 800th. I don't have a personal
12 copy of it, because all of the files were shipped back in the
13 connex to the 800th. I'm sure--I'm positive they have a copy of
14 the rating scheme.

15 Q. So did General [REDACTED] or General [REDACTED] or anyone
16 actually ever sign the form, initial the form, and give it back
17 to you?

18 A. No, sir.

19 Q. While you were operating there as the 800th MP
20 commander, who did you believe your----

21 A. General Wodjakowski.

22 Q. Was your rater?

23 A. Yes, sir.

1 Q. Who did you believe your senior rater was?

2 A. General Sanchez. That was on the rating scheme. I
3 responded to his requests for information. I responded----

4 Q. Now, who's rating scheme are you referring to?

5 A. CJTF7, sir.

6 Q. And you actually saw that?

7 A. Yes, sir. I did.

8 Q. So, somewhere, there is a copy of that, be that at the
9 800th or at the CJTF7 level?

10 A. Yes, sir. And, Major [REDACTED] who was my S-1,
11 received many phone calls about getting the support form over to
12 General Wodjakowski because they wanted to publish this rating
13 scheme and they wanted to make sure that they had at least one
14 file a support form for everybody.

15 Q. Well, I'm a little confused now. If you had given it
16 to them, why were they calling so frequently asking for it?

17 A. I don't know, and I didn't ask.

18 Q. Do you send it to them every time they asked for it--or
19 did your S-1 send it to them every time they asked for it?

20 A. Not every time. He said, "General Wodjakowski has the
21 support form," and then the admin officer, I think it was a
22 colonel who called the last time, said, "I don't know what the

1 disconnect was," or words to that effect, "but he does have it,
2 we have it, everything is in order now."

3 DC: You didn't realize it was that complicated of a
4 question, did you?

5 DO: I didn't. And my next question will explain why. I
6 actually, along with interviewing a great number of people,
7 General Wodjakowski is one of those that I've already
8 interviewed, and when I asked him the question, he told me,
9 point blank, that your rater was General Diamond. That, indeed,
10 he wasn't your rater.

11 WIT: Not true. However, sir, I will tell you that when
12 all of this--because what--probably from November, when units
13 knew they were getting ready to leave in the December, January
14 timeframe because they had completed their year or were getting
15 ready to relocate to Kuwait for their redeployment, they put out
16 at every SJU, every Separate Unit Update, that I attended, and
17 they put it out more often than that, "Do not send your OER
18 shells over to General Wodjakowski. He doesn't want to be
19 inundated with these, and he'll ask for them when your unit is--
20 it will be a part of the transition process." So, we got that
21 notification because I was on the rating scheme, with General
22 Wodjakowski as my rater and General Sanchez as my senior rater.

1 DC: As a point of clarification, sir, General Diamond is
2 the one who actually rated her.

3 WIT: Because when we got down to Kuwait, I dropped off my
4 support form as part of the transition. My colleague, the
5 commander of another MP brigade, General Geoghan, Dennis
6 Geoghan--he was in Kuwait from July when he arrived and took
7 command of the 220th MP Brigade, and he remained in Kuwait until
8 the beginning of November. So when he came up into Baghdad, I
9 said, "Dennis, what are you trying to do? Get two OERs from
10 this deployment?"

11 He said, "No. I'm just going to ask 'Wodjo' to rate
12 me."

13 I said, "He wasn't your rater while you were in
14 Kuwait. You had more than 90 days."

15 He said, "Ahh, it doesn't make any difference."

16 I said, "General Diamond should be your rater."

17 He looked me straight in the eye, sir, and he said,
18 "Do you want General Diamond to rate you?"

19 I said, "But you were down there for four months.
20 This is a distortion of the truth. It's a lie."

21 He said, "'Wodjo' said he'll do it. Nobody's going
22 to pay any attention to it."

1 So, he was, in fact, rated--or should have been rated
2 by General Diamond for four months, and then rated by--there
3 wouldn't have been enough time for him to be rated by General
4 Wodjakowski. So he said, "What does your support form look
5 like?" That's how that conversation came up.

6 I said, "I have my support form, but our missions are
7 completely different, Dennis," and I said, "And you're not
8 supposed to give it Wodjakowski until the transitions of
9 authority is complete."

10 That night, he came back over to my TOC and said, "I
11 don't think General Wodjakowski's going to rate you."

12 I said, "What do you mean?"

13 He said, "He says he's rating me as an MP brigade
14 commander and Spain, the Corps MP brigade commander."

15 I said, "You know, we've gone back and forth over
16 this. General Wodjakowski is listed on the rating scheme as my
17 rater, so." I didn't run right over to the CJTF7 Headquarters
18 and ask him, because I didn't want to put General Geoghan, you
19 know, as the courier.

20 So when I was at the SUU the next time, which I
21 believe was the next night, the update, I asked General
22 Wodjakowski, and he said, "Don't give me support form until the
23 transition, Karpinski. You're no different than anybody else."

1 I said, "Are you rating me, sir?"

2 He said, "Is my name on the rating scheme as your
3 rater?"

4 I said, "Yes, sir. But there's been some confusion
5 and I just wanted to make sure it was right."

6 So when we got down to Kuwait after the transition of
7 authority of the 800th----

8 Q. When did that conversation occur? The one where you
9 had asked, again, about the rating scheme and about him rating
10 you and him saying, "Do not give it to me until after SUU"?
11 When did that occur?

12 A. Until after the--or during the transition of authority--
13 -there was a lot of acronyms that they used: TOA, SUU, BUA, all
14 those things. But this was after the transition--it was
15 supposed to be part of the transition packet. It's my
16 recollection that it was after--I hadn't seen the photographs
17 yet, but this was after the transition--it was supposed to be a
18 part of the transition packet. It's my recollection that it was
19 after--I hadn't seen the photographs yet, but I had known--I
20 already knew that there were allegations.

1 Q. This is January?

2 A. January. Mid-January.

3 So when the transfer of authority was under way, we
4 briefed General Wodjakowski--all of the MP brigades briefed him
5 at the same time with the replacement brigades in the briefing.
6 General Wodjakowski was there. He said, "Fine. Okay, guys."
7 Just give me the rest of the stuff you're supposed to turn over
8 to me." So we did. I believe everybody did. I know I did.

9 Q. This was in January?

10 A. This was the last week of January.

11 And then when we did the TOA--we did the transfer of
12 authority on the 1st of February and on the 2nd of February we
13 flew down to Kuwait. Lieutenant Colonel [REDACTED] phonetic], who
14 was the senior person in the rear detachment down there for me,
15 the 800th, and she said to me, "Diamond says you have to give him
16 a support form because Wodjakowski's not going to rate you."

17 And I can't say I remember it verbatim, but I remember
18 saying, "Well, sure. Why not? Everything else has changed.
19 You know I left my support form up there. Do you think he said
20 anything to me?"

21 She said, "Ma'am, I don't know, but General Diamond
22 said General Wodjakowski's not going to rate you."

1 Q. So did you actually give a support form, then, to
2 General Diamond?

3 A. I did.

4 Q. And that would have been in Jan----

5 A. February.

6 Q. And did you have any conversations with General Diamond
7 in February after you gave him that support form?

8 A. No. What I did was take it over. I asked his aid if
9 General Diamond was available, and he said, "No, ma'am. He's
10 really not."

11 I said, "I have support form."----

12 Q. In the whole time that you were there, it would have
13 been from June, as I recall, through February, now?

14 A. Yes, sir.

15 Q. Did you have any conversations with General Diamond
16 about performance or issues or the operations of the 800th MPs or
17 what was going on? The normal conversations that you would have
18 with someone that would be your rater?

19 A. No, sir. I did talk to him several times, and, like I
20 said, every time I was down in Kuwait, I went over--and I really
21 went over to drop in and see him. One time I visited him
22 because I knew that General Helmeley [phonetic] was coming over,
23 and I wanted to know if they had the details of his schedule so

1 I could make arrangements, if it was possible, to see him up at
2 Baghdad. They didn't have them at the time----

3 Q. So, in your mind, there wasn't this usual command
4 relationship between you and General Diamond?

5 A. Absolutely not, sir.

6 Q. You believed that you were working for General
7 Wodjakowski, then, correct?

8 A. And General Sanchez.

9 Q. Did you accept an OER from General Diamond?

10 A. I did not.

11 Q. You did not?

12 A. I did not. He told me he was not going to rate me.

13 Q. General Diamond wasn't going to rate you?

14 A. Yes. That's exactly what he told me.

15 Q. Why was General Diamond, now, not going to rate you if
16 he was going to be your rater?

17 A. I dropped my support form off with the aid, with a note
18 attached to it, "sticky" note, that said, "I've heard you're
19 supposed to be my rater," next line, "News to me. Just in case,
20 this is my support form." Left it there. For not being
21 available, 30 minutes later, Lieutenant Colonel [REDACTED]
22 [phonetic] was in receipt of that support form, from General

1 Diamond, who said to her, "Would you please tell your boss that
2 I'm not going to rate her. I don't need this."

3 She brought it over to me. I said, "Thank you very
4 much." I took it back over. I said, "I need to see General
5 Diamond."

6 "Ma'am, you just missed him." That's what the aid told
7 me.

8 I said, "Would you please leave this for him," and
9 there's a note on the front, now, that says, "Please, call me."

10 So he didn't call. So I called him. It must have been
11 about 10 o'clock at night when I spoke to him, and he said----

12 Q. And you were still in country in February at this
13 point?

14 A. Yes, sir. I was.

15 Q. In Kuwait?

16 A. In Kuwait.

17 I said--and we had not--at that point, we didn't know
18 that General Taguba was conducting an investigation.--That's not
19 true. We had heard rumors that General Taguba was conducting a
20 15-6 investigation, but we did not know what it was involving or
21 anything at that point. When I talked to General Diamond on the
22 phone at about 10 o'clock that night, I said to him, "I was told
23 that General Wodjakowski's not going to rate me because we're

1 not assigned. I thought that that legal problem had been fixed
2 according to Colonel [REDACTED] back months ago."

3 And he said, "Well, I'm not going to rate you either.
4 I didn't see you up in Iraq. I don't know what you did, and
5 General Wodjakowski's your rater."

6 Two days later, that changed. He said, "I called
7 General Wodjakowski. General Wodjakowski said he's not going to
8 rate you."

9 I said, "Well, who do I work for?"

10 And he said, "Well, right now, I guess you work for
11 me."

12 And I said--his first name is Mike. I said to him,
13 "Mike, you never came up and saw me in Baghdad. The half a
14 dozen times that I was in Kuwait in your office, you spoke about
15 all of the great news you heard about the 800th and you were
16 sorry that you couldn't support us more with the requirements we
17 had at the prisons, but you were not funded or your budget would
18 not allow you to provide all of the support that we needed for
19 refurbishing and supplying the prisons.

20 He said, "I know. I know. I know. But, apparently,
21 General Wodjakowski's not going to rate you, so I'm your rater,
22 or so they tell me."

1 Q. Did he rate you?
2 A. He did.
3 Q. So you accepted an OER from him?
4 DC: Received. We don't like the word "accepted."
5 Q. Did you sign the OER?
6 A. I did not.
7 Q. So do you have an official position relative to that
8 OER?
9 A. He wasn't my ra--I have to appeal it. I have to file
10 a-----
11 DC: Okay. I've got it. Thank you.
12 You're right. I wasn't expecting that much
13 information from the first question.
14 DC: I wouldn't have either, but I knew the background so I
15 knew what was going to be coming as soon as you said it.
16 Q. Going back to when you first took over command, you
17 took over command from General Hill, as I recall you saying, and
18 you did an initial tour. Can you tell me what your initial
19 impressions were, coming in to command the 800th?
20 WIT: From that tour?
21 Q. Yeah. What was in your mind when you first showed up
22 and you're a newly assigned commander, you meet General Hill,
23 you find out what the mission is, you're new in country, you go

1 on a tour--tell me what your initial impressions were of the
2 unit?

3 A. Just very quickly, I'll tell you that I commanded a
4 battalion under the 800th, so I knew what the missions were of
5 the battalions that were assigned, but looking at the lay down
6 from the units that were in theater, I knew that they had some
7 combat support units there. They had units that they'd never
8 worked with before assigned to the 800th, and coming from the 81st
9 RSC, I was well aware of all of the problems that units were
10 having--not just the military police units, but all of the
11 problems that the units were having at the mobilization
12 stations. Cross leveling was a nightmare and equipment was a
13 nightmare. I was well aware of that. So I was prepared for
14 getting into the theater, but there was a delay, because they
15 were planning to send the 800th MP Brigade back to the states,
16 and then the decision was made through SENTCOM [phonetic] that
17 it would be a great idea for me to even have five or six weeks
18 with the brigade in theater. So I had a couple of conversations
19 with General Hill before I got there. He was talking about how
20 the units were since the end of major hostilities had been
21 declared in May, they were really winding down as far as the EPW
22 mission went, that I would have some time with the soldiers, and

1 that would be a good thing. And I was in full agreement with
2 that.

3 I said, "Well, where are you, now, sir?"

4 And he said, "We're in Kuwait, but the EPW camp is just
5 across the border at Bucca, and we have two other locations, and
6 they've been tossing around the idea of some of the units going
7 to Baghdad."

8 So I said, "EPW operations?"

9 And he said, "No. This is a theater-wide shortage of
10 MPs. So some of the units that got here late, they're just
11 talking about the possibility of moving them up to do regular
12 military police operations."

13 So when I got into the theater, I arrived at about 2
14 o'clock in the morning, I think I got about four or five hours
15 of sleep, and then the next day, I went in, and I was briefed by
16 the staff and what they had been doing and their contingency
17 plan for shifting units forward, but they were no longer calling
18 it a contingency plan because the FRAGO had been cut to send the
19 units forward to Baghdad, and I said, "Combat support units?"

20 And she said, "No, ma'am. We're going to be doing
21 detention operations in Iraq."

22 "Can I see the FRAGO?" The FRAGO says rebuild,
23 restore, and operate Iraqi correctional institutes and secure

1 the MEK and continue your mission at Bucca, the Corps holding
2 area, which will be transferred over to you and the mission for
3 the HVD, the high value detainees, the deck of cards.

4 Q. Okay. You're getting into what your missions were, but
5 if you could just give me what your impressions were, relative
6 to the units that were assigned to the 800th? If you could tell
7 me what you believed to be the conditions of the unit.

8 A. Okay. On this quick whirlwind tour, which was the next
9 day, we went on it--so I had this idea that we're going to do
10 this new operation, cross the border into Iraq and go to Bucca
11 first. It was a fairly typical EPW operation. Wires, receipt
12 prisoners out locally around the camp doing the work projects
13 that they can send EPW's out on. The population was probably
14 between five and seven hundred at Bucca. They had closed a lot
15 of the compounds, because they were releasing a lot of the
16 prisoners. But they were--Bucca was not a very good location.
17 There was a tremendous population of flies. The soldiers seemed
18 to be happy, but their morale was good because they believed
19 that they were going home. We left there, we went to Tawil
20 [phonetic], where the conditions were really terrible for the
21 soldiers, but once again, I asked the commander, and he said,
22 "The morale of the soldiers is much better, now, because our
23 population of prisoners is now about three."

1 I said, "About three hundred?"

2 He said, "No, ma'am. Three. We're really just the
3 transfer point, a mid-way point between Bucca and the Corps
4 holding area, so we have no population right now." And he said
5 the soldiers didn't have mess hall and they'd like to have a
6 mess hall.

7 And everywhere in Iraq it was austere, but if you
8 talked to the soldiers, they wanted to know when they were going
9 home. It just so happened that when we were at Tawil
10 [phonetic],----

11 Q. Was their performance good up to that point according
12 to what General Hill had told you? Were there any problem
13 performers, specifically by unit, or any problems that General
14 Hill passed on to you as he was leaving command?

15 A. As he was leaving command, but at that point, he didn't
16 share. He said, "There's been some problems, but we can talk
17 about them when we get to Baghdad."

18 Q. You have significant background as a soldier and also
19 in military police. Anything far out of the ordinary relative
20 to the 800th MPs that struck you when you first took over
21 command?

22 A. They--not--not--I guess from that trip, yes.

1 Q. What was it?

2 A. Well, I came to find out that Colonel [REDACTED] who was the
3 deputy, was really running the whole brigade. He had taken
4 charge at Bucca with General Hill's blessing and concurrence,
5 and he was not letting the battalion commanders do their job
6 there. He wanted to be in charge. I talked to each of the
7 battalion commanders at Bucca. I talked to the battalion
8 commander at Tawil (phonetic), and when we got to Baghdad, I
9 talked to the battalion commanders up there and it was the same
10 sentiment.

11 Q. How many battalions were assigned to the 800th when you
12 took over?

13 A. Nine. But some of them were smaller in configuration
14 than a normal sized battalion. They're the liaison battalions
15 and they're much smaller. But there were great companies
16 assigned: National Guard and Reserve. Unfortunately, there
17 were losses for primarily medical reasons at that point, and
18 when I asked the S-1 to just give me a snapshot of what the unit
19 strength was, it was not a good thing.

20 Q. What was the unit strength when you took over?

21 A. Well, each--say a battalion was supposed to deploy with
22 ninety percent, some of the battalions were down to seventy-
23 eight or seventy-six percent.

1 Q. Now, you had nine battalions. How many of them were
2 down that low?

3 A. All of them were down to at least eighty percent. Some
4 of them were lower than that.

5 Q. And can you tell me about the personnel issues relative
6 to replacements?

7 A. There was no replacements, sir. We couldn't get MP
8 companies transferred from even Kuwait to the 800th. They were
9 using MPs to do entry control security. Not that MPs can't do
10 that, they can, but any soldier can do that. When you have a
11 requirement for MP specific work, like we did at the detention
12 facilities, you can't take a marine or a field artilleryman and
13 put him in there because you say, "here's a soldier," but you
14 can put them on entry control points and pass the MPs along, and
15 they refused to do it. One of the reasons that we remain--I
16 don't want to forget to make that point, because there was a
17 valid reason--CFLIC's determination, not mine, of us remaining
18 assigned to CFLIC as opposed to being assigned to CJTF7. I was
19 told that that decision was actually an arguing point between
20 General Wallace, first, who was the Fifth Corps commander before
21 General Sanchez. I don't know if he was the CJTF7 commander,
22 but-----

23 DO: He was not.

1 A. ----but they disagreed over how the--there was some
2 concern from General McKiernan that the MP brigade would be
3 assigned to CJTF7 and then they would be broken up to use to
4 supplement the Fifth Corps MP Brigade, the Corps--the CJTF7
5 Brigade, and to do other MP type missions other than detention.
6 So that was a conscious decision on General McKiernan's part,
7 CFLIC's part, to keep the 800th MP Brigade assigned to CFLIC as
8 opposed to assigning them to CJTF7.

9 DO: I know that training is an issue and has been issue
10 relative to the 800th MPs in the prior discussions that have
11 occurred in some of your discussions with General Taguba and
12 some of the statements you made relative to training. You had
13 nine battalions assigned.

14 Q. The 800th was an EPW--that was the mission of the 800th?

15 A. [The deponent indicated an affirmative response.]

16 Q. Of those nine battalions, could you tell me how many of
17 those were actually trained as EPW battalions and which ones had
18 only limited EPW training?

19 A. The ones that were at Bucca, the 724th, the 530th----

20 Q. It might be better if you could go----

21 WIT: Give you numbers?

22 DO: Well, the numbers are fine. I just have to absorb
23 them.

1 Q. So, at Bucca, there was?

2 A. Well, there was four battalions at Bucca. They were
3 all trained in EPW operations.

4 Q. They all were?

5 A. Every one of them. The battalion that was at Tawil
6 [phonetic] was trained in EPW. The battalion that was up in
7 Baghdad, the 400th, knew EPW and they were trained in EPW, but
8 they're AT's for previous years had been combat support, not EPW
9 missions. The companies that were assigned to the battalions,
10 and then the VLDs--I'm sorry, the other battalions, the liaison
11 battalions, they were all EPW. They had plenty of training in
12 EPW. They didn't necessarily have formal training in detention
13 operations before they deployed, because detention operations
14 are vastly different than EPW operations. Therein lies one of
15 the problems from the start. People didn't get that
16 clarification, and I know they didn't get that clarification
17 when the decision was made, because when I went to General
18 Kretzer and said, you know, detention is not really our mission
19 and it is not a heavily trained mission for the military police,
20 whether it's active component or not. He said, well, maybe, but
21 your brigade has the mission closest to detention operation.

22 Q. Did you disagree with that?

23 A. I did.

1 Q. What did you believe the alternative to be?

2 A. There was no alternative.

3 Q. Alright. If there was no alternative, I'm somewhat
4 confused. Because if we have all of these people to be detained
5 and they need to have a detention unit be assigned to them, who
6 would you have suggested be used for that if not your unit?

7 A. Well, I actually went in there asking for a delay in
8 our relocation to Baghdad, because----

9 Q. And who were you speaking to, again?

10 A. General Kretzer. Major General Kretzer, the 377th--we
11 were a theater asset, so during the initial----

12 Q. This is the initial, before you moved up to Baghdad?

13 A. It was when we came back from the whirlwind tour.

14 Q. You asked for a delay, and what was the----

15 A. I went in and I said, "This is not really our mission."

16 He said, "I know, but your brigade is your closest to
17 detention."

18 I said, "Sir, is there any possibility that--we have a
19 lot of soldiers that are wardens and jailors in their civilian
20 jobs and we're going to rely heavily on their expertise, but EPW
21 operations are different from EPW operations. Is there any
22 chance we can delay moving to Baghdad--"

1 "No. They needed you there last week. There won't be
2 a delay." And he said, "Go up there and do the best you can."

3 Before I even took command of the brigade, some of the
4 units had already gone up to Baghdad. We had the 400th up there,
5 and they had the 72nd MP Company, which is National Guard--it has
6 to be one of the finest military police companies I've ever
7 worked with. They had people that were, like all of our Reserve
8 units thankfully do--we have a lot of police officers, fire
9 fighters, and everything, but they were--they were running Abu
10 Ghraib. They were on the grounds of Abu Ghraib. The 400th and
11 their subordinate companies were, at that time, up until the
12 FRAGO and the transfer of responsibility, were assigned to the
13 Fifth Corps MP Brigade--that was Colonel [REDACTED]

14 When I got to Baghdad and went out to see Abu Ghraib
15 and the 72nd MP Company, those soldiers, 183 of them and their
16 leadership element, gathered around us, the command sergeant
17 major and myself, and told us that they hadn't seen the
18 commander since they'd been there----

19 Q. This is the 400th MP Brigade?

20 A. This is the--there's the 72nd MP Company, subordinate
21 unit of the 400th MP Battalion.

22 Q. Who were they referring to?

23 A. They were referring to Colonel [REDACTED]

1 Q. Which would have been 400th MP Battalion commander?

2 A. No. It was the Corps----

3 DO: Okay. The brigade commander.

4 A. I said to the Battalion Commander, Colonel [REDACTED]

5 "Why hasn't he been out here?"

6 He said, "Colonel [REDACTED] doesn't even treat us well, and
7 we're co-located with him." He said, "I've been out here as
8 often as possible, but the one time that the unit saw the
9 command sergeant major, he stopped a soldier and told him his
10 sleeves were too short on his DCUs."

11 They hadn't seen anybody--because with the FRAGO and
12 the 600th MP Brigade moving to Baghdad, we were taking over the
13 responsibility for those units--all of the Reserve and National
14 Guard units that were under one of my battalions, but they
15 hadn't received any support, they hadn't received any logistics,
16 they hadn't received any encouragement from the Corps, from the
17 CJTF7, who was their headquarters at the time. They told me,
18 [REDACTED] who was the company commander, and his first
19 sergeant told me then. I said, "Can you do the detention
20 mission?"

21 He said, "Ma'am, as long as you're here and as long as
22 we have support, we can do this mission."

23 I said, "How are you going to do it?"

1 He said, "First, we have to rebuild this place and
2 there's some discussion about whether we're even going to be
3 able to use it or not, but we can do it."

4 And, sir, we walked through that prison knee-deep----

5 Q. If we can, we'll get to the arrivals at Abu Jnraib, but
6 I'm still interested in the training issues.

7 A. Well, I think--I know that every one of the units I
8 spoke to, sir, including the unit that was over doing the HVD
9 mission and near the airport, another MP battalion, Colonel
10 [REDACTED] was their commander. Everywhere I--whenever I
11 went, I talked to the leadership and spoke to the soldiers.
12 They were confident that they could do the mission. The
13 unfortunate timing was that they also heard--when we got to the
14 unit that was doing the Tas Ferat jail complex, the civilian
15 jail complex, in downtown Baghdad, they heard from somebody in
16 CPA that they were going to be extended, that they were not
17 going home, that they were going to be in theater for ten months
18 and eight days.

19 Q. So you have--now you're bringing in a factor relative
20 to morale and the impact of the morale. I still want to get at
21 this issue relative to the training. So, going back to when the
22 original decision was made. They had to move the 800th up for
23 whatever reasons existed at the time, and you believe that your

1 unit was not adequately trained at that point, and you brought
2 that to the attention of Major General Kretzer. He said, "They
3 need you up there now." So you moved the units up there at that
4 point?

5 A. Some of them had already been moved up there.

6 Q. So, in your mind, now, as I hear it, there was a gap
7 between what they know, what they've been trained to do, and
8 what their mission is now asking them to do. What did you do to
9 fill in that gap?

10 A. My perception: This is not what they deployed to do
11 and now they're being given this mission, but I talked to
12 soldiers and I talked to battalion commanders, and they felt
13 that they were ready to do this mission.

14 Q. So did you make a determination at that point that the
15 training was therefor adequate?

16 A. Yes, I did. I knew that the soldiers were trained and
17 ready to do the mission. They'd been on site, they were working
18 the mission, and in talking to them and to their battalion
19 commanders and the company commanders, first sergeants--they all
20 felt that they were ready to do it. So I changed my----

21 DC: Just to clarify something that she said earlier and
22 make sure--these units had people in there that had done
23 detention operations from the civilian world, and she believed

1 that those people could train the other people internally. And
2 I just want to make sure that's clear on the record.

3 Q. Is that accurate?

4 A. Yes.

5 DO: Yes. I understand that.

6 DC: Okay.

7 WIT: And in addition to that, sir, the SJA, not only from
8 the brigade, my JAG officers for the brigade, from the
9 battalions, were giving refresher training on Geneva/Hague, they
10 were explaining to them the differences, and this was a legal
11 question, not necessarily a training question, but they wanted
12 to make sure that the MPs understood and they got clarification
13 from Colonel [REDACTED] would Iraqi prisoners be afforded the same
14 rights.

15 DO: I understand. It's an important area that I believe
16 needed to be cleared up because perceptions have been created
17 that in fact these MP units had been placed with inadequate
18 training and that, in fact, the training was not up to what the
19 mission was calling for, and based on other parts of the
20 investigation that I have conducted, other than incidents that
21 occurred at Abu Ghraib, that there was a significantly favorable
22 impression of many of the units and soldiers of the 800th, and,
23 in fact, it doesn't seem to be indications of inadequate

1 training on the part of the 800th for these detention operations.
2 And what I believe I just heard you say is that you made your
3 command judgment that there may have been a shortfall, but after
4 doing a command review and checking with the soldiers and
5 understanding that a number of them had civilian personnel
6 skills that they were going to bring to the table, that you
7 judged that it was an adequate situation, given the
8 circumstances, for this mission to go forward. Is that
9 accurate?

10 A. Yes, sir.

11 Q. Because that is not the impression that I believe the
12 general population currently has.

13 A. Sir, I do want to tell you that I was not at mobe
14 [phonetic] stations when these units deployed. Many of them
15 talked about what a bad experience they had at the mobilization
16 stations, that it was a good thing that they were trained
17 otherwise by their units or while they were at Bucca or at Tawil
18 [phonetic].

19 DC: I want to put it out, sir, that a lot of the general
20 populous perception of what occurred over there is based upon
21 what happened at Abu Ghraib in cell blocks 1A and 1B, but also
22 on the summary of the Taguba Report with outing of the annexes,

1 which somebody leaked it to the press and put it on the
2 websites.

3 DC: Okay. However they got them, I just wanted to make
4 sure that in this forum, at least here, that we are clear.

5 WIT: And you might get to this question later, so if you
6 plan to, then I'll stop short now, but it doesn't mean that they
7 were equipped appropriately, ----

8 DC: No. We haven't gotten to equipment yet.

9 WIT: ----and does not mean that when the situation changed
10 and they were in the middle of the worst hostile fire zone in
11 the theater, that they were prepared with the necessary
12 equipment or platforms to do force protection.

13 DC: Yeah. And I believe that you're referring, now, to
14 Abu Ghraib specifically with those comments. I'm really not
15 familiar with what the situation was in all of your other
16 assignments that you had over there. I believe that you had
17 like fourteen or fifteen----

18 WIT: Seventeen.

19 DC: ----Seventeen. I really--the extent of most of my
20 knowledge is Abu Ghraib.

21 DC: Again, just to point out, even MPs that are trained in
22 detention operations aren't trained to take hostile fire. So
23 this is a unique mission. I mean, if your running Fort Knox

1 Correctional Facility, you just detain prisoners. You're not
2 worried about somebody attacking you from the outside at the
3 same time.

4 DO: Okay, Major. We can go off on that tangent. I don't
5 choose to. Soldiers are trained to take fire, but we won't go
6 into that right now. It's not an area for this investigation,
7 which is military intelligence oriented, but I find your last
8 statement debatable, but I choose this as to not to be the forum
9 for it.

10 DC: Well, I was just trying to explain that they were
11 doing two different things that are not supposed to be done at
12 the same time.

13 DO: Alright. Noted, and we'll move on.

14 Q. When you were given your order to move up, I believe
15 you said that there were seventeen sites or facilities that you
16 had responsibilities for?

17 A. We did not have seventeen at the time.

18 Q. Okay. Could you just tell me when you first took over
19 command and then you moved up and then eventually got seventeen,
20 if you could just briefly go through that scenario, how it got
21 to be from when you first arrived in country and were told to

1 move forward and then there were seventeen? How did that come
2 about?

3 A. Well, they had--and I can tell you very quickly--they
4 were operating Bucca, they had five battalions there, and that
5 includes one of the liaison battalions. They had, at the
6 fullest, I think they had about eight-thousand EPWs if I recall
7 the stats correctly. The majority of them had been released
8 when the end of major hostilities were declared. But the
9 battalions that were stuck at the mobe [phonetic] station,
10 primarily Fort Dix, up until April and May timeframe, and some
11 of them were EPW battalions, they moved them to--one to Tawil
12 [phonetic] and one to Ad Diwaniaah in support of the marines
13 that were there, the MEF. And they had two battalions north
14 already in Baghdad supporting, which became mine. So when I
15 came into the theater, we had primarily Bucca, where most of the
16 battalions were, and then we had one battalion at Ad Diwaniaah
17 in support of the MEF, and one battalion at Tawil [phonetic], at
18 the air base, that was a stopping point. I had two battalions
19 north when the FRAGO was published, when I took command, they
20 were also aligned under me, but they had been aligned under the
21 Corps. So, they had moved, "they" being my ops center--they got
22 the FRAGO and they moved two battalions north. Another one to
23 the HVD facility in Baghdad and to do the local jails, and one

1 battalion up to the MEK, to secure the MEK compound. So we had
2 three facilities: a large one in Bucca and two other ones, up
3 until we moved to Baghdad. Then we kept those three and also
4 took responsibility for the HVD facility and another battalion
5 that was doing the local Baghdad jails. A liaison battalion up
6 in Mosul, one up in the MEK securing the Iranians, and then
7 liaison battalion at CPA.

8 Q. Quite a number of diverse locations throughout the
9 entire country?

10 A. Yes, sir. The entire country. A large AOR.

11 Q. How did that actually work? A few times you said,
12 "they." Was CJTF7 directing where you would place your
13 battalions or did they just turn the mission over to you and you
14 decided where the battalions would go and which units would
15 deploy in which locations? How did that actually work?

16 A. Sir, I don't think they care, but that's just my
17 opinion, except for they wanted us to keep a battalion----

18 Q. The "they" is CJTF7?

19 A. The CJTF7. General Sanchez, General Wodjakowski, and
20 the planners wanted us to keep a battalion--instructed us to
21 keep a battalion at the airport to do the HVD facility, the high
22 value detainees and to run the Corps holding area.

1 Q. This was Camp Cropper?

2 A. Camp Cropper.

3 And they instructed us to send a battalion to Aj Sharaf
4 [phonetic] to secure the MEK. To do a relief in place with the
5 infantry battalion that was there--I think it was armor, and
6 secure the MEK. They instructed us to coordinate with the
7 Prisons Department of the Coalition Provisional Authority to run
8 detention operations as required and to maintain a company at
9 Abu Ghraib to restore the jails to operational standards and
10 then transfer the prisoners that were being held there--there
11 was less than one-hundred fifty, I think, at the time, that had
12 been turned over to Abu Ghraib by some of the divisions. So we
13 had to come up with the plan of where the battalions were going
14 to be and what mission they were going to do. That was why it
15 was so important during the first week in Baghdad that we speak
16 to the Coalition Provisional Authority Prisons Department
17 because they had started out by saying that they had already
18 identified fifteen jails and they were still traveling around,
19 "they" being the command sergeant major from the Corps MP
20 brigade and [REDACTED] and [REDACTED]. They were still
21 traveling around identifying other facilities. And I said, at
22 the meeting, I said, "Time out. I don't have an unlimited
23 number of MPs. We have to get the most bang for our buck. Tell

1 me which facilities you need that will secure the largest
2 populations, and when they are restored, then we'll put MPs down
3 there to occupy and to run them until you get your civilian--
4 your contractors in."

5 So, he said-- [REDACTED] said to me, "Well, no"----

6 Q. Who does he work for?

7 A. [REDACTED] was one of the contractors under the
8 Prisons Department and the Prisons Department was under the
9 Ministry of Justice, and that's in the CPA.

10 DO: Okay. Alright.

11 A. ----so [REDACTED] said to me, "Well, ma'am, that's
12 not going to work because right now we have a facility that,
13 right now, might hold seventy."

14 I said, "If it's a separate facility, it requires 24
15 hours a day, 7 days a week, and force protection. I can't leave
16 an MP unit out there in Baghdad on their own without force
17 protection. What I need from you is a list of the prison
18 facilities that you're identifying and tell me what the capacity
19 is and what the projected capacity will be, and I'll tell you
20 which ones I can cover, because I only have so many MPs to go
21 around."

22 He said, "The ambassador's not going to like that."

1 I said, "Then we'll go and talk to the ambassador,
2 because I can't make more MPs appear. I have certain things
3 that I have to do. I have to continue to run Bucca," I went
4 down the list. So he said he would take a look at the list.
5 And [REDACTED] who was the senior guy, he was an Irishman who
6 ran the Prisons Department, he told me that he understood that
7 that's absolutely what we had to do and we would do that. And I
8 said, "Look, if I can take an MP company and run a prison, it
9 makes more sense to be holding three hundred prisoners than it
10 does to be holding seventy."

11 He said, "I agree."

12 So, that's what they were focusing on, and they got it
13 down to seven in Baghdad, a couple outside of Baghdad, one that
14 they were looking at down in Basra. So we were planning,
15 tentatively, the battalions that were still down in Bucca, we
16 were planning on where we would shift them depending on where
17 the prisons materialize. They were supposed to have contractors
18 come in to rebuild the prisons or at least supervise the
19 rebuilding of prisons with local contractors. Sir, I can tell
20 you that the only prison that was under construction with the
21 funds that they were expending for reconstruction was Abu
22 Ghraib, because I had my 72nd MP Company out there.

1 Q. And those others, there wasn't enough funds to do
2 construction?

3 A. There was funds. They were funded, but there was some
4 question when the contractors left, after their 90-day contracts
5 were finished and they were giving the--it was not my
6 responsibility to go out----

7 DO: It was the CPA responsibility.

8 WIT: It was.

9 Q. But they were having difficulties fulfilling that
10 mission to reconstruct those?

11 A. Well, not according to their timeline, sir, because
12 every week or more often they would provide to me how this
13 particular facility "X"--how it had this much more capacity now
14 restored. So I was briefing the ambassador once a week, at
15 least, and I was briefing General Sanchez at least once a week
16 on increasing capacity. They had similar goals, that being get
17 Iraqis back into Iraqi prison facilities and turn it back over
18 to the Iraqis, but they had a different motivation. General
19 Sanchez was interested because he wanted us to be more available
20 to do security detainee operations--specifically military
21 operations, and Ambassador Bremer was interested because he
22 wanted this to do be an Iraqi mission. But it was of one mind,
23 "Give us a briefing on the time line."

1 Q. How was Abu Ghraib chosen as a facility? Who made that
2 decision?

3 A. The original decision was made because there--it was
4 originally a prison, obviously, and because there was still a
5 wall around the prison facility that had not been looted.

6 Q. But who made that decision? Who went out there and
7 said, "We need facilities, this has a wall around it, at least,
8 and we're going to--we, CPA, are going to use this?" Is that
9 accurate in my question that it would be CPA that made that
10 first decision?

11 A. It was [REDACTED] and the CPA, but it was also the
12 Corps MP Brigade, the command sergeant major, who was going out
13 with [REDACTED] on most of these explorations.

14 Q. And which Corps was that?

15 A. That was Fifth Corps, because they had Baghdad before
16 the 800th got there, and they were doing hasty prison operations.

17 Q. What do you know about the original decision to use Abu
18 Ghraib by the CPA? Tell me what you know about that, because,
19 as you know, it's a controversial decision relative to using it
20 in the first place from a number of perspectives.

21 A. I tried to stay out of that decision-making process,
22 but I got deeply involved. I tried to stay out because I told
23 [REDACTED] and the ambassador, "Sir, I have MPs and I will run

1 the detention operations. You tell me the locations. We'll do
2 an assessment. It really makes no difference to me where they
3 are. I have MPs all over Iraq." I've been out to Abu Ghraib.
4 It has some aspects that we don't have at any other prison
5 facilities. It was large and it had a large wall around it, but
6 the humanitarian organizations and CPA were vehemently opposed
7 to it, and it was a big discussion.

8 Q. Is that because of its history, the humanitarians?

9 A. Yes, sir. They said there were--"The Ghosts of Abu
10 Ghraib," was the title of one of their position papers, because
11 there were stories and a lot of truth to it. They found the
12 ropes, they found the hanging chambers, they saw the--there was
13 a lot of things that were burned that I guess he set fire to a
14 lot of facilities to hide past travesties and everything, but we
15 went to a lot of facilities that were absolute nightmarish, but
16 Abu Ghraib, with its well-known reputation--I never participated
17 in a discussion or even listened to a discussion where anybody
18 talked about it being a long-term, restore Abu Ghraib to pre-war
19 standards and use it as a facility. Never. Never, ever. It
20 was always discussed as, "but we need to use Abu Ghraib now
21 because, number one, it's large, number two, some of the cells
22 inside can be refurbished with little investment, millions as
23 opposed to hundreds of millions, and the wall is still in tact

1 around it, so it will provide protection for the soldiers and
2 the prisoners that are out there." So they--I think the most
3 vocal person in opposition in the humanitarian sections in CPA
4 was a woman by the name of [REDACTED] I don't exactly
5 know--I just know that she was in the humanitarian sections and
6 she had some connection here in Washington, D.C. She was
7 opposed to it, they went out there, initially, before the 800th
8 even got to Baghdad, and [REDACTED] who was the Chief of
9 the Ministry of Justice, then--he's a Reservist. And he was in
10 charge of the Ministry of Justice at the time, and [REDACTED]
11 and the humanitarian representatives went out there and saw Abu
12 Ghraib, and [REDACTED] left with her contingent, three,
13 four, five--whatever it was, because she was so offended by
14 this. She said this is no different than going into Dachau and
15 saying we're going to use this as a prison facility. So that
16 was her position and she telexed back to the United States very
17 often her opposition. So the conversation with General--Deputy
18 Sec--Def--Wolfowitz came over before the decision was made. We
19 had Mr. [REDACTED] from the United Nations who came over there
20 several times, who was, I think, leaning towards not using it at
21 all because of the reputation, but we walked the grounds with
22 him, and he actually became a champion for the 800th MP Brigade
23 because he knew where our heads were. He knew why we needed to

1 use this facility temporarily because we could run one facility
2 and how several hundred as opposed to running five facilities
3 and housing the same number.

4 Q. Who was addressing the force protection issues, if
5 anybody, relative to the location of Abu Ghraib, aside from the
6 humanitarian issues and its dark history? Who was raising, if
7 anyone, who was raising concerns or addressing the issues of
8 where it was specifically located, the surrounding area, whether
9 it was a defensible site, those types of things?

10 A. Well, the CJTF7, the Corps MP Brigade, selected that
11 location early on in the war because there was a wall there and
12 because the sector belonged to the First Armored Division. The
13 18th MP Brigade--why do I keep saying that? The Corps MP
14 Brigade, Fifth MP Brigade--Fifth Corps MP Brigade--maybe they
15 are the 18th MP Brigade. Maybe that's why I keep saying it, but
16 whatever the MP Brigade is, they support it--First Armored
17 Division. That was their mission in Baghdad. They provided MP
18 support to the Armored Division.

19 So they selected that site because they knew that they
20 had very few prisoners in there during the war and they were
21 actually policed up during conflicts where they would be looting
22 or stealing a car or busting a checkpoint or whatever. And they
23 knew that the Armored Division patrolled that area and could

1 provide force protection for it. When we got there, the 72nd MP
2 Company immediately----

3 Q. But you got there after the decision was made to use
4 it. I'm still interested in who sat down--and I've been out
5 there and you've been out there, and you look at it, and it's
6 just not a good place from a defensive standpoint. It's in the
7 middle of the Sunni Triangle, it's surrounded by a network of
8 roads, it's got open fields, it's got urban areas close to it.
9 It's just not a good place.

10 So who was it that was looking at that perspective
11 before the decision was made to place them there?

12 A. Absolutely. The only person who was mentioning that
13 perspective was me, and I was mentioning it because, in spite of
14 the fact that major hostilities were over, sir, that location
15 was being mortared three nights out of the week. And my guys--
16 the largest vehicle they had was a five-ton.

17 Q. Well, we'll get to the defense and the force protection
18 issues, but I'm still at who was it that thought about that, if
19 anyone?

20 A. Yes, sir. I said to General Wodjakowski, I said to
21 General Sanchez, who said back to me when I said, "It never

1 makes good sense, sir, to run a prison operation of any kind in
2 the middle of a hostile fire zone."

3 And General Sanchez said to me, "The war is over."

4 Q. When did that conversation occur?

5 A. September?

6 Q. September was after the decision was made and they were
7 actually moved into it. Were there any----

8 A. Then it had to be before that, because the decision had
9 not been made yet by the CPA.

10 DO: The first units moved in in July, so the 72nd actually
11 arrived there in July.----

12 WIT: They might have even been there before that, because
13 they-----

14 DO: They may have been, but my recollection was that they
15 had actually arrived in July.

16 WIT: They came under us starting in July, but they were
17 already on the ground, I think, securing those prisoners there,
18 but that decision was made----

19 Q. So somebody before that had to--so your conversation
20 with General Sanchez, if that occurred in September, had to have

1 occurred well after the decision had already been made to put it
2 out there.

3 A. Yes, sir. But at that time--I believe this, and I
4 wouldn't want to defend a decision that was made by the CJTF7,
5 but they were--they had some tents, and they had detainees
6 there, and it was----

7 Q. In the very beginning?

8 A. In the very beginning.

9 ----I don't know if they ever planned to make it a
10 full-blown operation then. If it was going to be an Iraqi
11 prison, they wouldn't have cared.

12 I talked to General Sanchez about why we were going to
13 limit the size of refurbishment, because it was not a good idea
14 for the Iraqis, even, to be using this facility.

15 Q. Okay. Before we even get to the refurbishment, I'm
16 still trying to find out, was there anybody that actually looked
17 at the force protection issues connected to Abu Ghraib?

18 A. Not to my knowledge. Not when the decision was made to
19 occupy.

20 DO: Not when the decision was made to occupy.

21 WIT: I brought it up because----

1 Q. And you brought it up to who?

2 A. At first I brought it up to [REDACTED] and to [REDACTED]

3 [REDACTED]

4 Q. And what did they say?

5 A. And they said it's only--"That's why we're talking
6 about an interim facility." So then when they were talking
7 about long-term use, being two years, that is when I had the
8 conversation that this was never a good idea to run a prison----

9 DO: And that was afterwards--that was after the decision
10 had already been made, and units had already been placed there,
11 and detainees were already there.

12 WIT: And the insurgency----

13 DO: I'm not saying it shouldn't be addressed, I'm just
14 saying it's a different time period.

15 WIT: Yes, sir.

16 Q. Okay. So now Abu Ghraib has been chosen. And you said
17 that during that selection process, you had actually been to Abu
18 Ghraib. Can you tell me the first time you were at Abu Ghraib?

19 A. It was on that whirlwind tour. I went out there with

20 [REDACTED] and----

21 Q. So the 72nd was already in place?

22 A. Already in place----

1 Q. So that would have been in June, then?

2 A. Right. Late June.

3 Q. And----

4 A. And they had for a month. At least a month.

5 Q. So they perhaps had gotten there in May?

6 A. Right.

7 Q. Were there any, at that point, when you made the

8 whirlwind tour, were there detainees present then?

9 A. There were prisoners that were the looters, the

10 criminals--minor crimes really, that the divisions didn't want

11 to carry along with them during their operations, so they just

12 dropped them off there to the MPs.

13 Q. But they were all criminals--?

14 A. All criminals.

15 DO: To your recollection, they were all criminals.

16 Q. When was the next time--then you took over command and

17 you had this major mission that was assigned to you, when was

18 next time that you actually visited Abu Ghraib after that

19 initial Whirlwind Tour?

20 A. We got up to Baghdad, and I went out there, probably

21 the second or third day I was in Baghdad, because [REDACTED]

22 and [REDACTED] the contractors under CPA, wanted to meet me

23 out there.

1 Q. When you were--when you arrived in Baghdad, where was
2 your headquarters? Was it in Victory?

3 A. It was.

4 Q. So you and the headquarters for the 800th was located at
5 Victory?

6 A. At Victory.

7 Q. And then you got a message from CPA that they wanted to
8 meet you out there?

9 A. Right.

10 Q. And what was the subject of that discussion? Why'd
11 they want to meet you?

12 A. They wanted to talk about what parts of the prison they
13 were looking at, getting the contractor in there to do the work
14 for refurbishment, and what parts of the prison grounds would be
15 available for troop living area. We walked the ground just so
16 we had a common feel for why they were only refurbishing a
17 portion of the prison, how the hanging chamber was going to be
18 segregated from the rest of the prison--really, their concept
19 of----

20 Q. Was the 72nd still there at the time?

21 A. They were.

1 Q. And Captain [REDACTED] was the commander?

2 A. He was. And by that time--no, it was in July that the
3 320th MP Battalion moved up there.

4 Q. And why was the--was it your unit's decision to move
5 the 320th MPs there? Did the 800th, you, decide to move the 320th
6 there?

7 A. The lay down of the units of where they were going to
8 move to was made before I took over command. General Hill asked
9 the operations people to do that prior to my arrival. As I
10 said, before I even took command, some of the units had already
11 moved.

12 Q. And when you then took over and you saw that there was
13 a plan in place and the 320th moving to Abu Ghraib was part of
14 that plan, did you object to it? Did you say that's
15 unreasonable or any issues with that?

16 A. I didn't object to that. I said I think we have to
17 keep a couple of battalions available for contingencies, because
18 I don't get a good feeling from CJTF7 that they know where
19 they're going to use us completely. And if we spread them thin
20 and then have to relocate them again--I wanted minimal
21 disruption to the soldiers.

1 incidents take place. The largest one was the prisoner abuse at
2 Bucca, and he was not in the theater when that happened. He was
3 back in the United States. He has twin sons that were
4 graduating from high school and were going off to Annapolis. He
5 had asked General Hill before he even deployed if he would allow
6 him to come back for their graduation. General Hill lived up to
7 that promise. So while he was back in the states, that incident
8 took place. According to him, there was an umbrella of
9 discrimination against the 320th that had taken hold at Bucca,
10 and he wanted to move to a different location.

11 Q. That sounds unusual. What was your assessment of that
12 conversation?

13 A. Well, I asked him what--he said--when he came back and
14 he found out about those incidents, the soldiers were telling
15 him that even though they weren't involved in that incident and
16 they did the right thing, they reported it, other soldiers that
17 they had been living with at Bucca were suddenly, "Oh, wait a
18 minute, you're with the 320th. I don't want to talk to you."
19 They felt that--he felt--and he felt that it was legitimate that
20 the soldiers were telling him that, you know, "The sooner we can
21 get out of Bucca, the better it will be for all of us."

22 Q. Other than this--the prior issues relative to prisoner
23 abuse at Bucca, was there any issues that caused you to question

1 Lieutenant Colonel [REDACTED] fitness for command or the 320th
2 selection as the unit to go to Abu Ghraib to take on the
3 detention mission?

4 A. No, sir. There really was not.

5 Q. Can you just briefly tell me what the issue was
6 relative to abuse at Bucca? It wasn't the same type of thing
7 that we're talking about at Abu Ghraib, so just for the record,
8 if you could briefly just tell us what issue was.

9 A. Okay. But I need to tell you that wasn't when I was in
10 command. That was before I got there. They heard that they--at
11 least the CID report indicates from their statements that the
12 soldiers heard that they were bringing in the prisoners who had--
13 -detainees, who had been involved with the [REDACTED] ambush
14 and they raped her and--there was all kinds of wild rumors
15 flying around. So they got together, "they" being the MPs, led
16 by a master sergeant, [REDACTED] [phonetic], and they put together
17 this plan if they ever came in and they came in to their
18 facilities, that they were going to take care of them. So as
19 they were getting off the bus, Master Sergeant [REDACTED] [phonetic]
20 and four or five of her subordinates took care of these
21 detainees, even to the point where one of them who was wounded
22 was actually man-handled and put on the ground and even in
23 noticeable pain.

1 Q. Now, the MPs that did that, were they members of the
2 320th MP Battalion?

3 A. They were. Of the headquarters. Yes, sir.

4 Q. And did Lieutenant Colonel [REDACTED] take corrective
5 action--disciplinary action on those soldiers?

6 A. He did. He did a CID report, an investigation was
7 done, he referred them for court-martial. The Article 32 was
8 done at Bucca. This was over months of time.

9 Q. Were there any other similar incidents that happened
10 with the 320th that you are aware of, either before you took
11 command or after you took command?

12 A. No, sir.

13 Q. That was the only incident that occurred?

14 A. Right. Now, there were a couple of other incidents at
15 Bucca, but they didn't directly----

16 DO: I'm just referring to the 320th at this point.

17 WIT: Okay. But no prisoner abuse cases--just disciplinary
18 cases.

19 DO: Right.

20 Q. Well, were any of those disciplinary cases involving
21 the 320th?

22 A. They were not.

1 Q. So the 320th arrives at Abu Ghraib. And why were we
2 going from a company to a battalion? What was changing that?
3 You know, the company had a few detainees. So why were we now
4 sending a battalion? What was the plan?

5 A. Well, when the decision was made to establish--General
6 Wodjakowski asked me to establish a location where we could hold
7 numbers of Iraqi criminals, and Abu Ghraib looked like the
8 place.

9 Q. Now, is that his assessment when you say that?

10 A. Sir, it had to have been either some information that
11 he had either got from Colonel [REDACTED] who was the Provost
12 Marshall on the staff, or from Colonel [REDACTED] because he never
13 got a briefing from me, and General Wodjakowski was never out at
14 Abu Ghraib. So he had to be briefed by somebody.

15 Q. Did you decide to put all of those detainees there?

16 A. I did not.

17 Q. You were told that that's where they were going to be
18 going?

19 A. He told me he didn't care----

20 Q. General Wodjakowski?

21 A. General Wodjakowski told me he didn't care if I
22 selected a site in the middle of the highway, but he wanted it
23 quick and Abu Ghraib looked like the most likely location.

1 Q. When did you have that conversation where he made that
2 statement?

3 A. That was before the 320th came up to Baghdad. We knew
4 they were coming up to Baghdad, but before they came up to
5 Baghdad to move to Abu Ghraib, that conversation took place.

6 Q. In a time period, that would've been July?

7 A. Later than that, sir.

8 Q. August?

9 A. Probably.

10 Q. The 3220th arrived?

11 A. September.

12 DO: I'm thinking before that.

13 Do you remember when the 320th arrived?

14 RC: Sir, I think they arrived sometime around the
15 September timeframe--September, October timeframe.

16 DO: Well, it was before October. I know that.

17 WIT: But we had to put them somewhere.

18 Q. They being?

19 A. The 320th. We weren't sure that they were actually
20 going to build a internment facility at Abu Ghraib at that
21 point, when they first got to Baghdad. But we knew we didn't
22 have any place at Victory. We wanted them up in Baghdad to be
23 able to move, because it was safe at that time--relatively safe.

1 RC: Would you like to take a break now, sir?

2 LA: If this is a logical point.

3 DO: Yes. And, by the way, if, in fact, at any point in
4 time, if you become fatigued or if for any reason you need to
5 take a break, just raise your hand and say you need a break.

6 [The deposition recessed at 1501, 18 July 2004.]

7 [The deposition was called to order at 1513, 18 July 2004.]

8 Questions by the deposition officer (continued):

9 Q. Going back to when you first saw Abu Ghraib and you
10 first showed up there and you saw its condition, and you briefly
11 described to us its condition and I've been there--of course, I
12 was there well after the time period that you first visited
13 there. Could you just tell me who it was you told at CJTF7
14 about the substandard or poor conditions that existed there?

15 A. I told General Wodjakowski and I told General Sanchez,
16 and I also told Ambassador Bremer.

17 Q. And to the best of your recollection, when did you have
18 those specific conversations with them?

19 A. It had to be the first week of--probably around or
20 about the 8th or the 10th--probably not the first formal week of
21 July, but around the 8th, the 10th, the 12th--sometime after that
22 visit, because I--and I said to him, "Sir, come out and see it
23 if you want."

1 He said, "Maybe I'll get out there one day, but I'll
2 take your word for it."

3 Q. And General Sanchez, when did you have a conversation
4 with him?

5 A. Well, the briefing--when I talked to General
6 Wodjakowski about it, it was part of a briefing that was going
7 to be given to General Sanchez, and the way that it worked was
8 you had to go and brief General Wodjakowski first, he'd make
9 some changes, and then you had to go and brief General Sanchez.
10 So it had to be within not more than 48 hours after I talked to
11 General Wodjakowski about it.

12 Q. And Ambassador Bremer, when did you talk to him about
13 it?

14 A. Not just once. I talked to Ambassador Bremer a lot.
15 And I've already talked about the conditions out at Abu Ghraib.
16 So I wanted it to be fresh in their mind every time I spoke to
17 any of them. So it was around the same timeframe. And, as I
18 said, I had to brief Ambassador Bremer at least once a week on
19 how the prisons were doing and how the project was coming.

20 Q. And as the mission was progressing, there were more
21 detainees that were being sent to Abu Ghraib beginning, I

1 building materials up there. Again, went back to General
2 Wodjakowski and said, you know, we can't even get building
3 materials up there. The train was looted, blah, blah, blah.
4 That kind of thing. I mean, we're just talking briefing him
5 about the delays, because he was pressuring us to get those
6 compounds built so they could take the prisoners out of the
7 division holding areas and put them in Abu Ghraib. We knew that
8 we had expansion capability at Abu Ghraib under tents in regular
9 detention compounds. When those compounds were initially
10 finished, we'd have housing for up to two thousand, an expansion
11 capability that we had hoped would never come up to eight
12 thousand additional compounds.

13 So we were holding probably eight hundred--four hundred
14 in each compound. And as the contractor work was completed and
15 that long hallway of cellblocks were open--we transferred
16 prisoners out from under the tents into the facilities.
17 Likewise, there was two facilities downtown called Tas Ferat and
18 Russafah, that were being refurbished and we were transferring
19 prisoners down there as well. I mean, the plan that we had was
20 working. We were going to get prisoners out from under canvas
21 into hard facilities. They had a smaller compound constructed--
22 and the outside compounds, the larger one was called Gancci and
23 then the smaller one was called Vigilant. We only used Vigilant

1 for housing crimes against the coalition or "security detainees"
2 as they were ultimately called. We had less than eighty in
3 Vigilant, and they had to be segregated from the Iraqi
4 prisoners. So still had a very small population, but the
5 majority of it was under canvas.

6 Q. Now that was in the beginning?

7 A. That was in the beginning?

8 Q. Up to what point?

9 A. Up to September, and I could be wrong on that date as
10 well, but around the September timeframe, because that was when
11 there was more. I believe they had just caught the sons, Uday
12 and Qusay, and then there was renewed interest and far more
13 activity in the effort to get Sadaam. That was the thing they
14 were holding out to--not only CJTF7, but CPA--if they could get
15 Sadaam then the insurgencies would reduce and we could get back
16 on track about going home. So there was a lot of activity.
17 They were running these raids. The first one, which was
18 classified at the time, the title of it was called "Operation
19 Victory Bounty." So whenever that operation was taking place,
20 that was the first. And they policed up those detainees, those
21 people, those prisoners in raids. Called them all detainees--
22 tagged them all as detainees, transferred them all to Abu
23 Ghraib, primarily from Fourth ID area, and--for example, we

1 asked the military intelligence interrogators, and they were
2 only military people doing interrogations there at the time. We
3 asked them, you know, "How long are you going to keep them in
4 Vigilant?" Because we were right on the verge of closing
5 Vigilant down altogether. We had reached a point where we had
6 transferred most of the Iraqi prisoners into hard facilities
7 whether downtown or out at Abu Ghraib. And we were just maybe
8 days away from closing Vigilant completely. General Wodjakowski
9 said, "Keep it open, because we're going to put the prisoners
10 from Victory Bounty there."

11 So the first night that they brought prisoners in, they
12 brought in about 37 prisoners. The interrogators did an initial
13 interview, and they determined that only two of the people had
14 any intel value that they could exploit. The rest of them were
15 just no value, wrong association, whatever. At the Separate
16 Unit Update the next night, I briefed that we were about to
17 close Vigilant because--unless he gave us further instructions,
18 because we only had two prisoners that the military intelligence
19 people wanted to keep because they had additional value.

20 He turned around and he said, "Who told you that?"

21 I said, "Sir, Colonel Pappas told me that it looked
22 like they were only going to ask to keep two."

1 He said--this is during the Separate Unit Update--he
2 said, "Go and get me somebody from the two shop. Go and get me
3 an intel person. I don't care what rank they are. Go and get
4 them."

5 Q. This is General Wodjakowski?

6 A. General Wodjakowski, and he went--and from the C-2
7 section in the headquarters, there, they got this captain, his
8 name was [REDACTED] He came in and General Wodjakowski turned on
9 him and pointed his finger at him and said to him, "You are not
10 to release any one of those prisoners. Do you understand that?
11 If any one of them is released, it's on your head and I'm coming
12 to find it!" He said, "I don't care--"

13 And he was trying to--"Sir, they said that there's no
14 value."

15 And he told him, "What part do you not understand,
16 Captain? Keep every one of them!"

17 And then he turned to me and he said, "And you, keep
18 Vigilant open!"

19 I said, "Yes, sir."

20 So, this Captain was standing in the hallway when the
21 SUU was over. He told me he was waiting to see me. He said,
22 "I'm sorry."

1 I said, "What are you sorry about?" And I said, "We'll
2 keep them."

3 He said, "Ma'am, there's no value in keeping them."

4 I said, "Well, apparently there is, because General
5 Wodjakowski was pretty clear. We're not going to release
6 anybody until we get further instructions."

7 And he said, "This is why our population is growing out
8 there, because we can't get anybody released." And then he told
9 me a little bit about how the mobile interrogation teams worked
10 at the divisions if they worked the right way.

11 Q. Who are you referring to? Captain [REDACTED]

12 A. Captain [REDACTED] He said, "But, we'll do what they tell
13 us to do."

14 So then two nights later, there was another forty that
15 were brought in. And then another one of the divisions brought
16 in fifteen. Then the population started to grow and then they
17 outgrew Vigilant and we had to put them back in to Gancci. And
18 we had security detainees in some of the compounds and prisoners
19 in some of the compounds.

20 Q. And, ultimately, because of all of these operations, as
21 I understand it, the population--and also because the numbers
22 being released did not match the numbers coming in, ultimately,

1 the population grew to about five or six thousand. Is that your
2 recollection?

3 A. Yes, sir. And quickly.

4 Q. Now, during that time, "quickly"--now, my time period
5 that I'm asking you about is between July and January, so that
6 time period. During that time period, could you tell me how
7 frequently you had conversations with General Wodjakowski
8 specifically about conditions out there and your requests for
9 support in order to address some of the short falls?

10 A. Every other night, at a minimum, I talked to him about
11 it. I talked to him before the SUJ got under way. I talked to
12 him--I briefed him as an item for my--I mean, he often said to
13 me, "Look, I don't want to hear that anymore. We're working on
14 it."

15 Q. And what were the specific things you were asking for?

16 A. I talked about the force protection. We still had no--
17 it was the first item I always briefed, that we had no force
18 protection platforms out there and the soldiers were becoming
19 increasingly concerned. The mortars were not coming over the
20 inside wall, yet, but it was just a matter of time. The
21 conditions for the prisoners and for the soldiers, and with the
22 heat--he said, "Everybody is hot."

1 "I understand that, but they've rationed water, they
2 have no effective comms out there--"

3 "Well don't you have signal battalion?"

4 I said, "No, sir. I don't have a signal battalion. I
5 have signal section, and they are doing everything they can with
6 the equipment that they have. Again, we are a theater level
7 asset. We plug in to a mother ship. And, sir, you're the
8 mother ship, and we're not getting the support we need from
9 you."

10 He said, "Didn't I give you enough money to build those
11 compounds for two thousand?"

12 And I said, "Yes, sir, you did, and I appreciate it.
13 But building the compounds and putting prisoners in it mean that
14 you need equipment, you need water, you need food, you need a
15 lot of things to support the soldiers who are guarding those
16 prisoners and the prisoners themselves, and we don't have any of
17 it." And I said the--"We're already taking care of the Iraqi
18 prisoners that we're holding in the facilities that have been
19 refurbished because CPA isn't giving us any support, and now
20 you're not giving me any support." I said, "I'm going through
21 my commanders' emergency funds faster than I can get the ink dry
22 on a piece of paper."

1 He said, "We're looking at it. We're looking at it,
2 Janis. We're looking at it."

3 And then the mortars came over the wall and killed six
4 prisoners. And they had nine med-evac flights that night.

5 Q. And when was that?

6 DC: 17 August 2003.

7 A. So that's how long those conversations had been taking
8 place. Now, when those mortars killed those prisoners, I called
9 General Wodjakowski--I think it was after midnight, and I said,
10 "Sir, mortars have come over the wall. It's killed prisoners.
11 We had nine med-evac flights. I have no force protection out
12 there! I can't do much with soft-side hummers and a few up-
13 armors. The biggest piece of equipment I have, as I've told you
14 before, is a 5-ton truck," and I said, "We have one 50-Cal that
15 was borrowed from the Marines." I said, "You have to give me
16 force protection platforms out there. It's First AD's sector."

17 And he said, "Those are prisoners. We didn't kill any
18 soldiers."

19 And I said, "Sir, my soldiers are guarding those
20 prisoners. Soldiers are flying those med-evac flights, and my
21 soldiers consider those prisoners their responsibility, and
22 they're all out there at great risk. And you're not helping us
23 at all."

1 And they still didn't help us. I will tell you that
2 the next day, because there was a lot of press inquiries at the
3 briefing, they sent out two Bradleys, and they were at the entry
4 control point. You could see them from MSR Tampa. And when--
5 they didn't want to go, and when they arrived, because they were
6 ordered from somebody from the CJTF7 operations section, I
7 don't--I think General Davis was still the 3--I don't know where
8 the order came from, honestly, sir, but they arrived, and that
9 was when the Royders [phonetic] team was out there and the
10 Royders [phonetic] camera man put his camera up on his shoulders
11 and through the window on the Bradley, it looked like it might
12 be a weapon, and they killed him. They shot him.

13 So, right after that, the force protection platforms
14 left and they didn't come back again, because the--all of the
15 press attention, the media attention, died down again. About
16 two weeks later, more mortars came in, and it killed the MI
17 soldiers.

18 DO: You know, in my training--our training, relative to
19 protecting forward operating bases, there are certain practices
20 and procedures that are military--Army approved: frequent
21 patrolling, preplanned artillery fires, cutting off avenues of
22 approach and avenues of escape relative to the MSRs. All sorts

1 of things that the Army teaches us need to be done to protect a
2 forward operating base.

3 Q. Who's responsibility was it to make sure all of those
4 things were occurring at Abu Ghraib?

5 A. First AD had the sector, but as I came to find out--
6 because I went to the current ops section at CJTF7, and I said,
7 "Will you show me where the sector lines are so I know who is
8 supposed to be providing force protection platforms?"

9 He said to me, "Oh, ma'am. I know it's First AD, but
10 you're right on the seam and next to you will be the 82nd, but
11 right now-- ----"

12 DC: Third ACR.

13 A. ----ACR had it. "And they're not providing anything
14 for you, so it's First AD's responsibility. There's a curfew in
15 place, so the MSRs should be secure." And, "We don't know where
16 the mortars are coming from, but First AD has a fan with----"

17 Q. Okay. But who's responsibility is it to make sure that
18 all of those things that I just mentioned were happening?

19 A. CJTF7.

20 Q. Not the forward operating base commander, whoever that
21 is?

22 A. First AD? We didn't----

1 Q. Who's the forward operating base commander?

2 A. We didn't have one.

3 Q. So it wasn't Lieutenant Colonel [REDACTED]

4 A. No. It was not.

5 Q. Okay. Who was the forward operating base commander in
6 the time period that you are referring to?

7 A. Between July and January it changed. When they
8 declared Abu Ghraib an enduring camp.

9 Q. In November we know that it changed, but before
10 November, when it--in the first time period, which would have
11 been the July, August, when this first attack occurred,
12 September time period, who was the forward operating base
13 commander? Who was responsible for, if not controlling the
14 patrolling and ordering the patrolling, making sure that someone
15 was doing that patrolling, making sure that there was pre-
16 planned fires? Who was responsible for those things?

17 A. Colonel [REDACTED] who was the Provost Marshall on the
18 staff, was--told General Wodjakowski that he was coordinating
19 the support for Abu Ghraib, and he did not, or he didn't do it
20 the right way.

1 Q. But you didn't see Lieutenant Colonel [REDACTED] as
2 having any responsibility in that area?

3 A. Sir, he was doing force protection for the unit that he
4 had out there.

5 Q. On the base itself?

6 A. On the base. He was not----

7 Q. Did you see his responsibility going outside the walls
8 and making sure that all of those things that should have
9 occurred--I'm not saying that his units should have done it, but
10 that he had the responsibility to make sure, or someone had the
11 responsibility to make sure, that those things were, in fact,
12 occurring outside the walls, which is where you really needed
13 the force protection?

14 A. No, sir.

15 Q. Someone needed to be coordinating with, directly, with
16 either the Third ACR, 82nd Airborne, First Armored Division--
17 somebody had to be interfacing with those people making sure--
18 "Well where are my patrols? Why is that happening?" Who was
19 doing that? Who was having that level conversation?

20 A. If anybody was having that level conversation, it was
21 me with General Wodjakowski.

1 Q. And that--that's the extent of it? It wasn't happening
2 below you or General Wodjakowski?

3 A. [The deponent indicated a negative response.]

4 Q. How about the issue of clothing availability, which we
5 will get into in some detail when we get into later portions of
6 our inquiry here. But the issue of the lack of clothing was
7 mentioned frequently by both military intelligence personnel and
8 military police personnel. Can you tell me what you recall
9 about your requests for clothing?

10 WIT: For the prisoners?

11 DO: For the prisoners. Yes.

12 A. It was--I briefed the chief of staff--he was the Chief
13 of Staff for CJTF7, but his office was down in CPA--General Hahn
14 [phonetic]. And I was briefing him on why we were short on
15 everything. The reason clothing became such an issue was
16 because it was kind of a middle of the road item where we
17 couldn't even get that. We couldn't even get bars of soap,
18 honestly, sir. We couldn't get washbasins. We couldn't get
19 towels.

20 But General Hahn [phonetic] looked at me in complete
21 disbelief, and he said--he had a pen in his hand. He threw it
22 down on his desk, and he said, "They are asking you to run an
23 entire prison operation by the seat of your pants!" He said,

1 "I'm talking to these prisons people in CPA. They have funds.
2 What's wrong with [REDACTED] It's one of his subordinate
3 units."

4 And there was a line for Iraqi prisons and prisoners in
5 those facilities. "It's a CPA responsibility to fund them."
6 They were not. If they were supposed to have--and they did,
7 they had over eight million dollars--originally they had about
8 twelve million dollars, and then the ministry of justice took
9 some of that back and left them with just over eight million.
10 The majority of that money, allegedly, was spent on restoring
11 prisons and contract work. So, when we asked for money for jump
12 suits, soap, underwear, towels--

13 "We're working on getting a supplement to the prisons
14 department."

15 I said, "Well, meanwhile, you have prisoners in there.
16 And you have to put them in uniforms." So I went to my fund.
17 And several times we tried to have my funds increased because of
18 the extent of our responsibilities. I asked Ambassador Bremer,
19 he didn't have any problem with increasing it, but General
20 Sanchez did not approve increasing it. He told me that I was
21 only supposed to be providing the equipment and the logistics
22 for the security detainees and, you know, he was funding me, or
23 I had enough in my emergency fund to provide for that. Well, I

1 didn't, because I was using my emergency funds for every
2 prisoner we had. General Patrais [phonetic], up in 101st, a
3 couple of times supplemented for the prisoners up in his sector,
4 but the other divisions did not. So there was never enough
5 money. And then when we had the money, they'd send us--we'd put
6 in an order for a variety of sizes, and we'd get the order of
7 jump suits in and 300 of them would be large and the rest of
8 them would be medium or tiny. Most of them couldn't wear them.
9 It was just one of numerous impediments to success, but we were
10 fighting it on both fronts.

11 Q. When was the first time that a military intelligence
12 unit arrived at Abu Ghraib to your recollection?

13 A. The interrogation teams were out there early--as soon
14 as they started to take--that small group of detainees that we
15 had, they were out there to interrogate them. Then Colonel
16 Pappas was out there to check on them and he stayed over night
17 several times.

18 Q. This was in the beginning?

19 A. This was in the beginning.

20 And then after his MI soldiers were killed by a mortar
21 attack----

22 Q. Well, if we could just go--back it up a little bit
23 relative to the time line. The first MI unit, I believe, was a

1 contingent from the 519th MI Battalion. It was A Company or just
2 a segment of A Company, being some of their interrogators. They
3 arrived around July, I believe.

4 A. Late July or August.

5 Q. Did you meet with any of their leaders when they first
6 arrived?

7 A. There was a lieutenant. I don't recall his name. And
8 they were--I asked them if there was anything we could do for
9 them. They said that they were working with Captain [REDACTED]

10 Q. Were there any issues in the very beginning relative to
11 MI/MP working relations?

12 A. No, sir.

13 Q. Any problems that were brought to your attention, in
14 the beginning, when they first showed up?

15 A. No, sir.

16 Q. And how often, in the beginning, in the July, August--
17 not in September, yet, but in the July, August timeframe, how
18 often were you visiting Abu Graib?

19 A. I don't want to say every day, but it was-- [REDACTED]
20 was still there, and Colonel [REDACTED] the deputy, was out there
21 everyday, and I was out there a minimum of three times a week,
22 because it was in Baghdad. I mean, it was the most accessible.

1 Q. And you had seventeen different sites, but yet you were
2 visiting Abu Ghraib very frequently when you consider the
3 numbers of sites that you had responsibility for. Why? Why was
4 Abu Ghraib so high on your list to see so frequently?

5 A. There was construction work going on out there. There
6 was still this ongoing discussion about whether we were even
7 going to be allowed to use it, so we had a contingency plan--if
8 the humanitarian organizations won, we weren't even going to be
9 able to use it part time. And there was problems with getting
10 the building material there. So we were going to start--so
11 there was a focus. There was a lot of activity going on out
12 there. And it was also on the way to other facilities. I could
13 over to Cropper and then in another 15 or 20 minutes, I could be
14 out at Abu Ghraib.

15 Q. Now, when the 519th showed up--they were there from the
16 beginning. And then you had mentioned the Victory Garden, I
17 believe it was?

18 A. Victory Bounty.

19 Q. The Victory Bounty operation which was the first one
20 where they believed that they were going to bring in all of
21 these large numbers of Sadaam Faydayeen, and they were going to
22 interrogate them there at Abu Ghraib. And at some point the
23 population of the military intelligence units grew. What was

1 the next significant fact that you remember after the July,
2 August timeframe--and September? Do you remember who was the
3 next MI leader to show up?

4 A. [REDACTED] She was on site.

5 Q. And did you have a conversation with [REDACTED] when
6 she first showed up?

7 A. I talked to her several times. She had been there--she
8 was a new face, and she specifically came to see me. She said,
9 "I'm running the interrogations, and I'm going to be living out
10 here."

11 I said, "Is there anything we can do for you? Anything
12 you need?"

13 She said, "No. We have just about everything we need
14 right now. We'd like to see more of the detainees released."

15 I said, "So would I. So would everybody."

16 But, they were keeping them separate, you know, just
17 kind of "this is what we're doing, this is what our plans are."
18 And she had--I think she had about six or eight teams. So that
19 would be about eighteen or twenty-five interrogator teams. They
20 had a separate interrogation facility--a couple of them, under
21 canvas. They were all set up. They made that arrangement with
22 [REDACTED] He gave them the area where they could
23 operate.

1 Q. And initially they were operating in tents?

2 A. Right. Yes, sir.

3 Q. Do you remember when the--what's known as the hard site
4 was open? Also known as the 1A, 1B portion of the hard site.
5 Do you remember when that was opened?

6 A. Well, the 1A and 1B--they were ready first, because
7 they were at the end of the thing, and they were the maximum
8 security cells and everything, but that's where the contractors
9 started at CPA's urging and design, and then they were going to
10 work down the hallway.

11 So, we didn't want to put detainees in there--we didn't
12 want to put prisoners in there until after the press conference,
13 and they wanted to have press conference so that all of these
14 reporters could walk through the facilities. And it wasn't
15 only--I mean, it wasn't only cellblock 1A and B, but several
16 other cells had been refurbished also. So had them setup like
17 static displays with the mattresses and everything. The media
18 people came out there--there must have been several hundred of
19 them--and looked through the facility, said that it was
20 completely different than before. There used to be--there was
21 reports that there was a hundred crammed in a cell, and now
22 there's going to be twelve or fourteen, "where are you going to
23 keep the population," "we're opening more facilities," that kind

1 of thing. So, as soon as we got through that media event, we
2 had cellblock 1A and B opened, and we transferred Iraqi
3 criminals into those facilities.

4 Q. Into both 1A and 1B?

5 A. Yes, sir. And several of the other cellblocks after
6 that. So, 2A and 2B. Maybe not 3A, at that time. But, I mean,
7 we were just so delighted that we were getting people out from
8 that heat and the sand and inside. And it was working just
9 fine. The only request that the 72nd MP Company had was that
10 they be allowed to operate those cellblocks since they had been
11 out there from the beginning and worked very hard on this, so I
12 accommodated that. That was fine with me, and they did a great
13 job. I'm very proud of their accomplishments and everything.

14 When I went out to the prison, I would walk in to any
15 of those cellblocks and I would talk to the prisoners, and some
16 of them never wanted to leave, because it was better than what
17 they were living with, certainly out under the canvas, but it
18 was, in a lot of cases, better than what they were living with
19 at home. "How are the MPs treating you?" "Fine, fine, fine."

20 Then, [REDACTED] who was the operations officer for
21 the 205th MI Brigade, [REDACTED] --she asked me one day at a
22 prisons meeting, she said, "ma'am, you know, we have some
23 detainees in those separate cells in cellblock 1A."

1 I said, "I know. We're going to start to charge you
2 rent."

3 She said, "Ma'am, we need more."

4 And I said, "How many more?"

5 She said, "Well, we'd like all of them."

6 Q. Now when she said "all of them," was she referring to
7 just 1A?

8 A. 1A.

9 I said, "CPA--those prisons guys are going to scream."

10 I said, "I don't think that's a good idea. They just opened it,
11 they're the ones that put the money in there."

12 So, of those raids, of those operations like Victory
13 Bounty, if you arrest 17 people and only two of them have intel
14 value, you want to segregate them from the general population,
15 otherwise those two won't have any value either. So that's what
16 they were using those individual cells for. And they did. I
17 asked Major [REDACTED] I think is the guy I asked, "Tell me how
18 many they have in there."

19 He said, "I'll go back and check the numbers."

20 [REDACTED] brought it up again when she saw me that
21 they really needed to take control of cellblock 1A. That would
22 be September. And I went to [REDACTED] and [REDACTED] and
23 I asked them if they would be agreeable. Before I could even

1 finish the request [REDACTED] was shaking his head "no." I
2 said, "Let me explain to you why. This is not permanent, okay?
3 These are the ones that have value. If we can put them in
4 there, then they can get the information and then they'll make
5 up their mind whether they're going to release them or if
6 they're Iraqi criminals or whatever, but this is not permanent."

7 [REDACTED] said, "I don't agree with it. They
8 didn't lift one finger." So there was opposition.

9 But [REDACTED] said, "I think we should do this. I
10 think we should go ahead and relinquish control. But you think
11 it's temporary?"

12 And I said, "I really do. Now, I don't know what
13 'temporary' means, but I think it's temporary." So I told him
14 that. I told Colonel Pappas and [REDACTED] was standing with
15 him when I told him whenever it was, a week later. And I said,
16 so you can--you can have cellblock 1A. They've agreed to it.

17 Q. The entire 1A?

18 A. 1A.

19 Q. So, in your mind, when that decision was made,
20 concurred with by CPA, at that point in time, MI would have the
21 authority to place their detainees in 1A? The entire cellblock?

22 A. Yes, sir.

1 Q. And that would still be in September?

2 A. That would be in September.

3 During that conversation, when [REDACTED] was
4 objecting, he said, "This is only the beginning. Mark my words:
5 This is only the beginning." And sure enough, a week or ten
6 days later, they're asking for cellblock 1B.

7 Q. Now, what was 1B--at this point in time, what was 1B
8 intended for?

9 A. Well, the higher--the more violent crimes. The Iraqi
10 criminals that were guilty of more--that had been in 1A were
11 transferred over to 1B.

12 Q. When was it that the decision was made, and who made
13 the decision that the juveniles and the female detainees would
14 go in to 1B?

15 A. When we had a facility--we had a facility downtown that
16 they were using, Russafah and Tas Ferat, and they were housing
17 the female detainees down there and some juveniles, because the
18 juvenile facility wasn't refurbished yet. So when they said we
19 can get more male prisoners in Tas Ferat and Russafah if you
20 have a place to transfer the females and the juveniles to. So
21 we said the only place we could transfer them to would be 1B.
22 So, since 1B--the upstairs tier was vacant, we transferred the

1 females up there and--we didn't have very many juveniles at the
2 time. I think they only transferred seven or eight.

3 Q. So the top part was juveniles----

4 A. It was females and juveniles.

5 Q. And 1B, the bottom part, was serious criminal
6 offenders?

7 A. Criminal offenders. But we transferred those serious
8 criminal offenders to Tas Ferat and Russafah in downtown because
9 they had some individual cellblocks. Not like Abu Ghraib--not
10 maximum security, but they were individual and they suited the
11 purpose. The only people that we had that were really violent
12 offenders were not guilty of those violent offenses when they
13 were brought in. They were picked up looting or stealing a car
14 or whatever their crime was. But rarely was an Iraqi prisoner
15 brought in that was arrested for a violent crime. The cops knew
16 who they were and they said, "Oh, well, this guy has a history.
17 You know, he shot 60 people," or whatever. And it may have
18 ultimately worked out that they were guilty of a violent crime
19 this time and fleeing in a stolen vehicle, but it was--the
20 smallest percentage of our population was really violent Iraqi
21 criminals.

1 Q. You began to tell me that there was a request about a
2 week later for 1B. Did MI then get authority for 1B?

3 A. Yes, sir.

4 Q. What was your description--or what is your description
5 of what it actually meant that MI--what did MI get as far as
6 control? I mean, did they have control? I mean, who was
7 actually running 1A and 1B?

8 A. Colonel [REDACTED] came out. He was assigned out there by
9 General Fast.

10 Q. Now, [REDACTED] was assigned in the mid to later
11 part of September.

12 A. He was at the COTF before that, though. He was
13 assigned under the C2. He worked for Colonel, who was the
14 acting C2, [REDACTED] (phonetic).

15 DO: Right. But not very long. [REDACTED] had only arrived in
16 country a few days before he was sent to Abu Ghraib.

17 WIT: I think he might have been there before that, sir,
18 but he wasn't assigned. He was over in Bosnia or Afghanistan.

19 DO: He came from here. He was actually assigned from the
20 Intelligence and Security Command, which is where he was before
21 he was sent to Abu Ghraib. He was in the very building that
22 we're in.

1 WIT: I know that in September, when cellblock 1A and 1B
2 went under the control of the MI, [REDACTED] was there. He
3 arrived. So I never really encountered him before that, except
4 maybe several times over--but [REDACTED] [phonetic] talked
5 about him.

6 DC: Yes. When he first got into country, he was assigned
7 and [REDACTED] [phonetic] was the person who actually sent him
8 out to Abu Ghraib.

9 Q. I interrupted you. You were telling me who was it that
10 was--how was it being controlled?

11 A. Well, cellblock 1A and 1B was never intended, and it
12 was never my thought,--nobody ever said, we're going to do
13 interrogations in the cellblocks or in cellblock 1A or 1B. I
14 mean, it was never discussed, never suggested. Nothing.
15 Because at that time they had the engineers building Facility
16 Wood, outside of 1A and 1B. That was an interrogation facility.

17 I do know that [REDACTED] considered himself to be
18 in charge of the operations in 1A and 1B.

19 Q. We'll get to who was in charge relative to MI, but as
20 far as the cellblocks themselves, how did it actually operate?
21 Who was controlling the entry, the exit? Who's responsible for

1 the feeding, the housing? Who decided who got in there and who
2 didn't get in there? How did that all operate?

3 A. The MPs were still responsible for the detention
4 operations: opening the cell door, taking the prisoner out,
5 putting the prisoner back in, and locking the cell door. They
6 were responsible for getting food to them, they were responsible
7 for getting medical attention. Everything as a normal detention
8 responsibility would be.

9 Q. Lieutenant Colonel [REDACTED] describes them as a
10 warden duties. Would you agree with that as a term?

11 A. Yes, sir. The jailers.

12 Q. Alright. So the jailer responsibilities were the MPs.
13 What was it when the MI was given authority to use that? What
14 did that mean? Did that just mean that they could assign people
15 in to the cells? You tell me what you thought it meant.

16 A. Yes, sir. The population in cellblock 1A and 1B would
17 be MI--would be security detainees, and it would be up to them
18 to monitor the population in cellblock 1A and 1B to determine if
19 there was a vacancy or if somebody came in with more value to
20 replace another prisoner that was in one of the isolation cells.
21 It was up to them that if they wanted a prisoner to be taken out
22 of a cell for interrogation, they would go to the MPs, the MP

1 would go and get the prisoner, bring them back to the MI person,
2 they'd sign for them and take them out for interrogation.

3 Q. Did you actually ever visit 1A and 1B?

4 A. Yes, sir.

5 Q. When was the first time that you remember?

6 A. Well, when it was being refurbished, so I could see
7 what the maximum security cells--I wanted to make sure the
8 hinges were on the right side. And then the day with the press
9 conference, of course, we took them in there. And then the day
10 when we actually transferred prisoners inside. And then,
11 routinely. Every time that I visited Abu Ghraib, I did not go
12 in to cellblock 1A and B.

13 Q. But how frequently would you go in to 1A and 1B?

14 A. Well, it was one of the few cellblocks that was
15 operational out there, so I would go, probably, safely, one of
16 every three visits.

17 Q. And would that have started in September and lasted all
18 of the way through January?

19 A. No, sir.

20 Q. From what period to what period, then?

21 A. From September until the middle of November. When the
22 transfer of the prison went under MI.

1 Q. So from September through November, when the FRAGO was
2 issued, you were coming and you were visiting maybe one to three
3 times per week and were actually going to 1A and 1B most of that
4 time?

5 A. Right. And there were several reasons for that.
6 That's where the females were. That's where the juveniles were.
7 That's where the most dangerous detainees were. And then after
8 the handgun incident in cellblock 1A--I was there a day before
9 or two days before. So I said,--I mean, we talked to the Iraqi
10 guards that were there, they knew us, they knew me. I just
11 could not believe that there had been such a breach of security.
12 And I know that [REDACTED] considered himself to be in
13 charge of cellblock 1A and 1B at the time, because he is the one
14 who had called me and told me why he had silenced the MPs.

15 Q. On all of those visits, and we'll go back to the
16 shooting incident and [REDACTED] but in all of
17 those visits that you made, did you ever see anything that could
18 be considered or was, in fact, abuse, such as naked detainees in
19 their cells?

20 A. No, sir.

1 Q. Did anybody ever tell you--any of your MPs ever tell
2 you about any of those issues, such as naked detainees in the
3 cells or any of those other things?

4 A. In the cells? No. But the MPs would say to me
5 sometimes, you know, this prisoner wanted to be on a hunger
6 strike, but that lasted for a day, and then he heard the rattle
7 of the MREs, as they said, so instead of being on a hunger
8 strike, he decided that he was going to take his clothes off.
9 So he's refusing to wear his clothes and the MI people took them
10 away so he doesn't hang himself. But we gave him an extra
11 blanket.

12 I specifically talked to the juveniles, because after
13 one time that they brought some in, I saw a kid that was--he
14 looked like he was 8-years old. He told me he was almost 12. I
15 asked him where he was from. He told me his brother was there
16 with him, but he really wanted to see his mother, could he
17 please call his mother. He was crying.

18 So, I never saw anything that was abuse or could be
19 considered abuse. When a prisoner was refusing to eat, he was--
20 he was "mentally ill," he was refusing to eat, they took
21 everything--the MPs took everything out of the cell that could
22 possibly hurt him or that he could use, and they were just--they
23 were considering taking out his bunk for fear that he would

1 really find some way to harm himself with that. So they were
2 doing all of the right things to the extent that you can in a
3 detention operation. They had showers. They had--some of them
4 had jump suits and they'd refuse to wear their jump suits;
5 they'd tie them to the bars, so they'd be in their boxer shorts
6 or their underwear or whatever in their cell, but I never saw
7 anything that was even close to what--.

8 Q. The first MP unit that had responsibility for 1A and
9 1B, as I understand it, was the 72nd MPs. The unit that you
10 said--the Nevada Army National Guard, as I recall?

11 A. Right.

12 Q. And they were a stellar unit?

13 A. They were to me.

14 Q. Any issues with them that you knew of, whatsoever,
15 relative to 1A or 1B?

16 A. No, sir.

17 Q. Did they ever bring anything to your attention relative
18 to their concerns about how it was being run, either by
19 themselves, the MPs, or any of the things that the military
20 intelligence personnel were doing?

21 A. Never an issue about--nothing. I mean, nothing.

1 Q. And they were followed, in October, by the 372nd MP
2 Company?

3 A. Correct.

4 Q. And the 372nd came in approximately 1 October and there
5 was a transition period between 1 October and around the 15th of
6 October. Is that accurate to your recollection?

7 A. That's correct.

8 Q. Now, the 372nd, where did they come from?

9 A. They were down in Ad Diwaniaah. They were with the
10 multinational division, that was the one that was originally in
11 support of the MEF, and then the MEF left, and they thought they
12 were going home with the MEF, and CJTF7 shortstopped that, kept
13 them there, said that the multinational division was coming in,
14 and that they were going to do detention operations until the
15 police or law enforcement component of the multinationals got
16 in. So they remained down there. They were aligned under the
17 310th MP Battalion and they did detention operations.

18 Q. Any problems with them that you knew of before they
19 showed up at Abu Ghraid?

20 A. No, sir.

21 Q. Any reason to question their assignment there as a
22 military police unit responsible for that section?

23 A. No, sir.

1 I visited them. I visited with the Iraqi police
2 officer that was there. He bragged about the MPs and the
3 support and the training that they were giving them--the 372nd MP
4 Company. I talked to [REDACTED] right after I got the
5 first information about these alleged-[REDACTED]
6 [REDACTED] was the MP Battalion commander down there. I talked to
7 him and I said, "372nd is up here. There's some allegations.
8 You have any problems with them?"

9 "Absolutely not. None."

10 When they came to Abu Ghraib, though, they came one
11 platoon short, because the CPA was working on getting a contract
12 for personal security details down there, and they had not been
13 able to do that successfully--they were dragging their feet on
14 it, honestly, because they liked the MPs. So the CJTF7 in the
15 ops shop said, "Keep the platoon down there for another two
16 week." I objected. Not as vigorously as I should have,
17 perhaps, but I knew that the 372nd was going in behind the 72nd MP
18 Company and they would get it good once they arrived. Two weeks
19 became a month, and then finally somebody from the CJTF7 staff
20 from the ops shop had to go down there and talk to the CPA South
21 to get those MPs released and sent up to Abu Ghraib.

1 Q. You had mentioned earlier [REDACTED]
2 When was the first time you met [REDACTED] to
3 your recollection?

4 A. I--after I met him--I met him, officially, I guess, at
5 Abu Ghraib. I was out there visiting. I went into cellblock 1A
6 and all of the sudden he was there. I said, "Where did you come
7 from?" He introduced himself. And I said--we had a visit
8 scheduled with Congressional Delegationer [sic] Wolfowitz
9 [phonetic]. And we were out there the day before to walk the
10 ground of which way we were going to go, where we were going to
11 take him, and he appeared. I was in cellblock 1A and he
12 appeared.

13 Q. When was that?

14 A. It had to be in September.

15 Q. And what did he tell you his role was when he saw you?
16 Did he tell you what his role was?

17 A. He did. Well, at first he told me what he did in the
18 civilian world. He said, "So, I know a lot of people." And I'm
19 sure he said to me, "And I was in," Bosnia or Afghanistan. "I
20 have a lot of experience with interrogation."

21 I said, "Are you with civil affairs out here?"

22 He said, "No, no, ma'am. I'm going to do the
23 interrogation. So the prisoners that they're putting in 1A and

1 1B will be my responsibility. If they're going to take them for
2 interrogation, we'll be responsible for getting them out there."
3 That was his function. That's what he told me.

4 Q. So, did he tell you he was in charge of the
5 interrogation operation?

6 A. He told me he was the link or the connector between
7 them in the cellblock and when they would be moved out for
8 interrogation. He was not doing the interrogation. He was very
9 clear on that.

10 Q. Alright. So he wasn't doing any interrogation?

11 A. Right.

12 Q. But did he say that, "I'm in charge of all of the
13 interrogators?"

14 A. Yes. That he was responsible for the interrogation
15 effort. He said, "You met Captain [REDACTED] She'll be answering"
16 to me."

17 Q. And earlier you had said or made a reference to him
18 being responsible for the 1A area. What was that responsibility
19 that you were referring to, because we've established that the
20 MPs had warden responsibilities or jailer responsibilities--what

1 were the responsibilities that MI personnel, [REDACTED]

2 [REDACTED] had relative to 1A and 1B?

3 A. Well, in a regular detention operation, sir, if you're
4 bringing in a new prisoner and the cellblock is full, the MPs,
5 or whoever's in charge of the cellblock on that shift, can make
6 a determination that you can put--"Oh, put him in cellblock 16--
7 put him in cell 16. Even though there's one in there, he's
8 going to be released tomorrow or he's going out to general pop
9 tomorrow," whatever it is. So that was no longer the MPs'
10 decision. That was [REDACTED] decision.-----

11 DO: I see.

12 A. ----If he was bringing in a new detainee for some
13 reason, he'd say, "Take the one in isolation out, put him in 14,
14 and put this guy in isolation." Similar with 1B.

15 Q. Is it your impression that 1A and 1B remained under the
16 control of [REDACTED] and he had that authority
17 and responsibility to assign MI holds to those cells within 1A
18 and 1B?

19 A. Right.

20 Q. Are you aware that there were others, even after the
21 time period that you referred to earlier, which was the
22 beginning--are you aware that criminals and problem performers--

1 problem detainees were being placed in 1A and 1B by military
2 police personnel? Were you aware that that was occurring?

3 A. I wasn't aware, specifically, but I know that a couple
4 of times they had to put an Iraqi criminal that they brought in
5 on suspicion of a violent crime and they put him into 1A, into a
6 cellblock.

7 Q. Were you aware that the MPs were putting detainees that
8 were causing problems in the other parts of the prison: those
9 that were starting riots, those that were--as an example, those
10 that were accused of raping other detainees--were you aware that
11 the MP personnel were using 1A and 1B to house those prisoners?

12 A. I was not.

13 WIT: Did they go through [REDACTED]

14 DO: No. Well, it's not our understanding that they were
15 going through [REDACTED] It's our understanding
16 from interviewing both the military intelligence personnel and
17 the military police personnel: [REDACTED]

18 [REDACTED] the NCOs that were actually doing the jailing
19 responsibilities. It's based on what they have testified to us
20 on is that the MPs were, indeed, taking these problem
21 performers, problem detainees, and placing them in 1A and 1B,
22 because they had no place else to put them. They had to be
23 taken out of the general prison population for disciplinary

1 reasons and reasons that they were determining on the spot.
2 They were placing them in what was supposedly going to be the
3 strictly MI area.

4 WIT: Right. Now, sir, if they were in the general
5 population compound at Abu Ghraib--at Gancci, from late October,
6 early November timeframe, they were all security detainees, so
7 they were all MI holds anyway, effectively. If there were
8 troublemakers amongst them--.

9 DO: Well, yes. It gets in to how you want to categorize
10 them. The categories that we've been told that were being used
11 were basically three categories. And those categories, number
12 one, was the criminals: pure criminals did not have any MI
13 interest or any security interests, but have committed
14 violations against the laws of Iraq. The second category would
15 have been security holds, and security hold were all of those
16 people that were being rounded up and detained and all of the
17 operations that referred to earlier.

18 WIT: Right.

19 DO: A subcategory of the security holds were what was
20 being called "MI holds." Those are the ones that after going
21 through screenings and after an MI analyst or interrogator would
22 do an initial assessment, they would specify that this person
23 needs further interrogation for whatever reason, and they were

1 then designated as "MI holds." So MI holds were really a
2 subcategory of the security detainees. So the people that were
3 going into 1A and 1B--very shortly after the beginning,
4 according to the testimony that we have--was a mixture of all
5 three of those categories: there was security holds, that is
6 people that were being held but didn't have any MI interests
7 anymore, and there were people that were in there for
8 specifically MI reasons where MI said, "We want this person
9 segregated for this reason." So all three categories were in
10 there from, pretty much, the very beginning.

11 WIT: I believe that. From the beginning, sure. Because
12 cellblock 1A and 1B--cellblock 1A, especially, had the isolation
13 cells and the maximum-security cells. It was the only cellblock
14 where you could hold individuals or two people in a cell. When
15 it was under our control, that's who we put in there. I don't
16 know if they put troublemakers or--I don't know, but when the MI
17 people, like from Victory Boney, they had two of that initial
18 group that they wanted to put in there. So we had the cell
19 space and we put them in there. So there was a mix of prisoners
20 at that time. But it wasn't until these raids and these
21 specific operations where the security detainees were being
22 brought in that that population started to increase. I looked
23 at the population breakdown, [REDACTED] gave it to me, and it

1 showed the vast majority of those cellblocks upstairs and
2 downstairs, in cellblock 1A, were occupied by MI holds. So it
3 made sense to argue their case to get that put under their
4 control. But we had either transferred those prisoners out or--
5 the Iraqi criminals--they had been transferred into other
6 prisons, other cells, or into 1B. I was not aware that they
7 were--at some point, then, went back to mixing the categories of
8 prisoners.

9 DO: Yeah. They were. And we've actually done an analysis
10 of who amongst those that are claiming abuse and those that,
11 indeed, we know were abused from the pictures, who was who and
12 whether or not they were in a security hold, criminal, or an MI
13 hold. And so we can verify even by the pictures that, "Yeah,
14 this one was done specifically on this person and that person.
15 There's no MI interest. They've been placed there strictly from
16 a criminal standpoint," or "This person was an MI hold and is
17 there."

18 WIT: We distinguished the categories by where they had to
19 go for a release board.

20

[END OF PAGE]

1 Q. You did?

2 A. Yes, we did.

3 And the ones that were in that cell were not going
4 before my release board for Iraqi criminals. They were all
5 waiting for release by the MI Security Detainee Release Board.

6 DO: I'm sorry. You were going to--?

7 DC: Were the security detainees the troublemakers? I'm
8 just confused as to why they would be mixed in to 1A and 1B
9 based on the oral conversation that you just had.

10 DO: Security holds was the category of all of those that
11 were picked up on all of these, and considered to be thread to
12 the coalition.

13 DC: Correct. I understand that part.

14 WIT: So if a regular one from the general population ended
15 up in there----

16 DC: I'm trying to figure out where the group of people
17 that are the troublemakers come from.

18 DO: They come from both the criminal group and from the
19 group of security holds.

20 DC: So from both?

21 DO: From both. And they very well might have come--I
22 don't know this for a fact, but they might have come from the MI
23 holds also. So if you have an MI hold guy who starts a riot:

1 not an MI issue. The MPs are concerned with starting a riot.
2 So the MPs could've taken that MI hold and put them in to this
3 isolation area.

4 [The deposition recessed at 1613, 18 July 2004.]

5 [The deposition was called to order at 1635, 18 July 2004.]

6 Questions by the deposition officer (continued):

7 Q. Can you tell me, again, what you believed [REDACTED]
8 [REDACTED] role was? Was there anything in addition to
9 assigning who was going into those particular cells and who was
10 going to be assigned there? Did he have any other broader
11 responsibilities?

12 A. It was all related to interrogation, sir. I don't know
13 the depth of it, but I do know that he was the one who reported
14 interrogation progress back to General Fast.

15 Q. Who did Lieutenant [REDACTED] report to?

16 A. General Fast.

17 Q. And how did you know that?

18 A. He told me that, sir. And Colonel Pappas told me that.

19 Q. What did [REDACTED] tell you, as specifically as
20 you can recall, about his reporting relationship with General
21 Fast?

22 A. The only reason it came up was because of the handgun
23 in the cellblock, and so I said to [REDACTED] I said,

1 "I want a statement from each one of those MPs. I want to know
2 what happened. And get it while it's fresh. He called me back
3 really pretty quickly.

4 He said, "The MPs aren't making statements. [REDACTED]
5 [REDACTED] told them not to talk to anybody. He told them not to
6 make a statement."

7 I said, "Well, why is [REDACTED] telling them to do
8 anything?"

9 He said, "It happened in his cellblock. He said that
10 it it's his responsibility."

11 I said, "Those MPs are going to make statements for
12 you. They're one of your MP companies."

13 So [REDACTED] called me back and [REDACTED]
14 said, "Ma'am, the reason I told the MPs not to make any
15 statements is because I wanted them to get the story straight."

16 And I said, "Well, that's interesting, but I want the
17 truth. And the best way to get that is to capture it
18 immediately."

19 And he said, "I don't agree."

20 I said, "That's fine. They're my MPs, and they're
21 going to give statements to [REDACTED] There's going
22 to be an investigation." I said, "I'm looking out for them and

1 for getting the truth." So I said, "Have Colonel Pappas call
2 me."

3 He said, "Well, ma'am, I don't work for Colonel
4 Pappas."

5 And I said, "Well that's kind of interesting. Who do
6 you work for?"

7 And he said, "Well, I work for General Fast." That's
8 how I know that he worked for General Fast.

9 So I called Colonel Pappas, and he wasn't in the
10 office, but his XO, [REDACTED] said that
11 he'd call me right back. And he did.

12 And I said, "Who's [REDACTED] work for? Doesn't he work
13 for you?"

14 He said, "No, ma'am. He works for General Fast. Why?
15 What did he do now?"

16 I said, "This is about the handgun incident."

17 He said, "What handgun?"

18 So he hadn't heard anything--or he acted like, on the
19 telephone, he hadn't heard anything about the handgun. So I
20 told him. And I said, "And I wanted statements from the MPs,
21 and [REDACTED] told the MPs not to talk to anybody. Now,
22 reluctantly, he's backing off, I guess, because I told him that

1 I wanted statements and that they're going to give statements to

2 [REDACTED]

3 He said, "When did this happen?"

4 I said, "Today. They're arresting Iraqi guards or
5 something, because allegedly one of them smuggled it in to the
6 prisoner."

7 He said, "I'll call you back." So he came to me.

8 Q. "He" being?

9 A. Colonel Pappas.

10 So, he said, "I talked to [REDACTED] Ma'am," he
11 said, "I think he was sincere."

12 I said, "You can never be sincere if your first
13 statement is, 'I want them to get their stories straight.'" I
14 said, "That doesn't ring well with me, which is why I was
15 insistent about getting the statements, because it's the right
16 thing to do."

17 He said, [REDACTED] understands, now."

18 I said, "Did you go and talk to him?"

19 He said, "Actually, he came to see me."

20 I said, "How come he doesn't work for you?"

21 He said, "Well, I don't have a position for him. But
22 he really works for General Fast and keeps her informed on the
23 interrogations."

1 That's how I found out about these different pieces of
2 the parts of the--the operation out there. Not through grilling
3 anybody, but through those kinds of conversations.

4 Q. Did General Fast ever talk to you about [REDACTED]

5 A. Never.

6 Q. She never talked to you about the relationship that she
7 had with him?

8 A. No, sir.

9 Q. Did General Fast ever talk to you about Colonel Pappas
10 and what his responsibilities were relative to Abu Ghraib?

11 A. Not specifically, really. She said that she had
12 directed Colonel Pappas to move his headquarters out there.

13 Q. She said that she directed that?

14 A. Yes. That's what she told me.

15 And the reason for that was because the focus of the--
16 with all of these raids and everything, that there was so much
17 interrogation work going on out there. He needed to be out
18 there.

19 Q. Who did Colonel Pappas report to?

20 A. General Fast.

21 Q. Was--do you know if General Fast was his rater?

22 A. I have no idea.

1 Q. But you would have expected it to have been General
2 Fast?

3 A. I don't--I didn't expect it to be anybody one way or
4 the other, but he answered to her about everything and did
5 reports about once a day to her. Whenever I saw him over at
6 CJTF7 whenever I was in Baghdad, he was always either going in
7 to her office or coming out of her office. And if he went in to
8 brief General Wodjakowski or General Sanchez, he always had her
9 with him.

10 Q. So the relationship was between Colonel Pappas and
11 General Fast. How about--for their reporting relationships.
12 How about [REDACTED] Did you see him ever with General
13 Fast?

14 A. Yes, sir. Once I knew that he worked for her, then I
15 saw them more often. I made the association, I guess--it seemed
16 more automatically--I noticed it more often. Like when General
17 Fast came out with Congressman Atkins [phonetic] and his
18 congressional delegation. He and [REDACTED] and the
19 senior British civilian in the theater. [REDACTED] was
20 fairly new to the theater. This was in November, and they were
21 coming out to Abu Ghraib for [REDACTED] and the
22 congressional delegation and the British guy--to have a look at
23 the interrogation operations and walk the prison grounds.

1 The congressional delegations that came in there
2 weren't necessarily interested in our detention operations.
3 They wanted to see Abu Ghraib, primarily. But she was briefing
4 them--or they were taking a brief. So her aid called my aid the
5 night before and said, "General Fast is going to be out at Abu
6 Ghraib, and General Karpinski would like to come out and meet us
7 out there or go out with us, she's more than welcome."

8 So, [REDACTED] was one of the new assistant
9 Ambassadors to--I don't know. They called them all Ambassadors,
10 but he was one of the three that were subordinate to [REDACTED]
11 [REDACTED] about the November timeframe. It was going to be one guy
12 for operations, one guy for logistics and something else, and
13 the other guy for construction or whatever. So [REDACTED]
14 had a particular interest in coming out to Abu Ghraib to see
15 that whole operation and the logistics and everything. So, when
16 I got there, she wasn't there, yet, but they arrived right
17 behind us. [REDACTED] went right out to her vehicle. So I
18 just made that automatic connection that, you know, obviously he
19 has some important news to give her or something. He brought
20 that whole delegation inside, put them in the briefing room--
21 Colonel Pappas stood up to give the briefing and then General
22 Fast told him to sit down and [REDACTED] would brief
23 initially and he could talk about the interrogation operation

1 when they got over to the ICE facility. But [REDACTED] was
2 with her most of that time. That was November--November 23, I
3 think it was. That's one of the few itineraries that I actually
4 have.

5 RC: Was that before the shooting or after the shooting?

6 WIT: Oh, after. That was long after the shooting.

7 November. The shooting took place, I think----

8 RC: The 24th of November.

9 WIT: Oh, it was?

10 RC: Yes, ma'am.

11 WIT: The handgun in the cellblock?

12 RC: Yes, ma'am.

13 WIT: Well, this was--I can look at the itinerary--but it
14 was--it must have been before. They didn't talk about the
15 handgun at the briefing. And [REDACTED] was back. He

16 was more relaxed, but he hadn't enhanced his skills at briefing.

17 Q. You had discussed earlier about the review boards and
18 the different review boards that existed, and one of those that
19 existed was the detainee review board for security holds?

20 A. Right.

21 Q. You were a member of that board?

22 A. I was. Yes.

1 Q. And, as I understand it, the other two members were
2 General Fast and [REDACTED] Is that accurate?

3 A. Yes, sir. It is.

4 Q. Could you tell me the mission of that review board?

5 A. It was to review the files of security detainees once
6 they've been nominated for possible release. Then we would
7 review the file--there wasn't very much in the file--and make a
8 recommendation. General Fast was the President of the Board and
9 she could overrule us or she could agree with us--or, if we
10 disagreed, she could have overruled us on that too. I mean, she
11 had the final say.

12 Q. Was there written rules of this--you know, is there
13 just, "Here it is."--You just described the way it worked. Was
14 there some SOP or memorandum that documented that that's the way
15 it worked?

16 A. No, sir.

17 Q. But that's the way it worked?

18 A. That's the way it worked.

19 Q. To your recollection, General Fast had the ultimate
20 decision-making authority for those detainee review boards?

21 A. Yes, sir. She did.

1 Q. When did they begin? When did you actually started
2 sitting on those boards?

3 A. Actually, the review boards were fashioned after the
4 Iraqi criminal release boards that I was running at General
5 Sanchez's request. So when they formed the Security Detainee
6 Release board, General Fast said she didn't want to be the
7 single person to review and release these people--she would
8 prefer a panel. That's how the board was formed. We had the
9 first releases, probably, in October.

10 Q. How long--it went from October until when? When was
11 the last one that you were sitting on?

12 A. The day before the--or a couple of days before the
13 transfer of authority, we were still sitting on those boards, I
14 believe.

15 Q. Which would have been--?

16 A. The end of January.

17 Q. And how often did those boards meet?

18 A. Initially, they met twice a week. And initially they
19 were painful because they were hours. Most of the people that
20 were recommended and their files became before the board, if we
21 reviewed, say on one day, because we'd meet for four or five or
22 more hours, and we would see what was in there--Like I said, the
23 files weren't very complete. Sometimes they had a picture that

1 said what they ere arrested for. So if we reviewed forty,
2 probably 30 of them were never released--and that's high--maybe
3 35 were not released. It was a very small percentage. It was
4 "releasaphobia." General Fast did not want her--and I don't
5 blame her--I mean, she didn't want to put her signature on a
6 release recommendation of the next high jacker.

7 Q. When one of the files would come in front of you with
8 limited information: this person was arrested at such and such
9 a point in time and alleged to have had a weapon in their
10 possession, or some such allegation, little more than that was
11 in the file?

12 A. Well, for the security detainees it said they were a
13 suspected associate of Sadaam and was arrested in a car with
14 weapons in the trunk and three other people in the vehicle were
15 known associates of Sadaam. So it was more than just a small
16 infraction. They were shooting at a coalition checkpoint and
17 when they were stopped, they found RPGs in the trunk.

18 Q. Well, that example would say to me, non-releasable.

19 A. Well, actually, what they would do is--I have to give
20 credit to the people that review them: the interrogation teams,
21 the CID, and the arresting division--that was very, very
22 important to the decision. They would cross-match, like if
23 there was an RPG attack that night and then this car was stopped

1 and there were RPGs in the trunk, then it was not likely that
2 they were going to be released. But if it was RPGs and the guy
3 that we were reviewing made a claim, very quickly when he was
4 arrested, that he was trying to turn them in to one of the
5 amnesty boxes or trying to get fifty dollars or whatever. But
6 those same individuals could have been held for months, even
7 though they were trying to do the right thing. So, upon
8 interrogation, they would discover that that was sincere. This
9 guy could take them to the point where he collected them, was
10 taking them to an amnesty box, was trying to make a hundred
11 bucks or fifty bucks or something. But we'd hold them for
12 months waiting for that record to get to the release board.
13 Very often what would happen, especially in that first--I'd say
14 the first month or six weeks when we were reviewing the records,
15 very often what would happen is General Fast would look at the
16 record and--I can site one example that might be an exception,
17 but not so much in those initial weeks: "His middle name is
18 Osama. He might know Osama Bin Laden. Put him back in box."
19 And not in an interrogation or military intelligence mindset,
20 you say, "Well, we just made another enemy." Because of his
21 name? Name association doesn't necessarily work in the middle
22 east, because everybody's got a middle name of Osama. And the
23 MI people who reviewed the records before they even came to the

1 board would almost plead with her in some cases that--"I'm
2 telling you, ma'am, this guy has no more value. We've drained
3 everything we could from him. We've had him for four months.
4 This is a release one." Sometimes they lost.

5 Q. Can you explain to me the dynamics of how that worked?
6 Because as you're explaining it, if I was on the board, I'd be
7 arguing with General Fast. So, tell me about the arguments that
8 you, then, would have General Fast to try to get these people
9 released, as I describe it.

10 A. Well, I--like I said, I always deferred to her if it
11 were--in most cases, if she had a sound direction. She would
12 say to the MI people with the interrogation folder--she'd say,
13 "Pull out the file. I can see some kind of a tattoo in this
14 photograph. Tell me what they found out about the tattoo."
15 Well, if they pulled out the interrogation record and found out
16 that that particular tattoo was never exploited, she'd say put
17 him back in the box. So, I'd say, maybe there's something
18 there; maybe he tattooed himself in prison--I never said that to
19 her, but I thought, you know, she's got a pretty sharp eye.

20 RC: There was a reason why some people were tattooed that
21 resembled they were part of an organization. I don't know if
22 you knew that back then.

1 WIT: Yes. Faydayeen. All of them. But the fact that the
2 interrogators didn't pick up on it or didn't record it in the
3 interrogation record was--that was an interrogation problem.
4 But when none of us saw that and she did, you know--and I think
5 she was hopeful that under interrogation or in the interrogation
6 file there would be a record that they had seen the tattoo or
7 whatever. So, "Put him back in the box. I want to know what
8 his affiliation is because of that tattoo."

9 Q. And what about [REDACTED] Was he of the similar
10 mindset as you relative to not challenging General Fast?
11 Because that's what I'm getting from this is you just weren't
12 challenging General Fast.

13 A. Sir, it wasn't that I wasn't challenging her. We had
14 an opinion on everyone of us, and we could speak openly. She
15 didn't ever communicate to me, or certainly not to [REDACTED]
16 [REDACTED] at least not in my observation that, you know, "You guys
17 don't know what you're talking about." We were all entitled to
18 opinion. It was her signature, though, that was on that release
19 recommendation. So, we became--after the progress started to
20 become a little bit better--a little bit smoother, then we were
21 likely to speak up, because we were reliably right. Then one
22 time they said they wanted to use some of these people as
23 sources. That we were going to release them, but they were

1 going to be released to task force and they were going to be
2 used as sources. So it kind of flourished as the system got
3 more developed. [REDACTED] was kind of interesting. We'd
4 review the file and it didn't like there was anything there,
5 whether there was a photograph or not or the unusual
6 circumstance with the tattoo--it just didn't look like there was
7 anything there, and then General Fast would say, "I don't know
8 if I like the way this guy looks. Put him back in the box."
9 Occasionally, we'd object. But [REDACTED] had a
10 thermometer--an automatic thermometer for the direction that
11 General Fast was going and the temperature of the water. If she
12 presented any kind of an argument, he would back down
13 immediately and say, "You're right, ma'am. You're right."

14 Q. So he wasn't putting up much of a----?

15 A. No.

16 Q. So why have a board?

17 WIT: Why have a board?

18 DO: Yeah. I mean, at this board there's a general officer
19 there that's, the way I hear it, she's calling all of the shots.

20 WIT: Right.

21 DO: And we've got another general officer, of lesser rank,
22 but another general officer, and a colonel who's the chief legal
23 advisor to the commanding general.

1 Q. Why have a board?

2 A. I'll tell you why they had a board, sir. Because in
3 the few cases--smallest percentage of the cases where we
4 released them, she wanted concurrence or other people's opinions
5 to fall back on. But more than that, it was a requirement under
6 Geneva/Hague, that when prisoners are held, they're entitled to
7 know their charges, every six months you review their cases, and
8 you don't necessarily have to give them legal advice again, but
9 that's the Geneva/Hague requirement. So [REDACTED] is the
10 one who pushed for some kind of boards to be taking place. And
11 they were specifically under our control, U.S. control, and
12 would remain under U.S. control, so they wanted to do everything
13 they could to be in compliance with that six-month review.

14 Q. Well it sounds like the letter of the law rather than
15 the intent of the law.

16 A. Right. It was a lot of time spent for little results.

17 DO: We've spoken to [REDACTED] and asked her questions
18 relative to the release boards, and she's provided us with
19 statistics that show, according to her reports that she's
20 provided, that between when the boards were first set up in
21 October and, I believe the timeframe was in--January, where they
22 had this transition to a lower ranking court, that, in fact, of
23 all of those that were reviewed, seventy-three percent were

1 released. That's significantly different from what you have
2 told us today.

3 WIT: I don't believe that statistic, sir.

4 Q. Do you have records to show how many people were
5 reviewed and how many people of those that were reviewed
6 actually were released?

7 A. Personally, I don't have the records, but I know that
8 my JAG, [REDACTED] kept those records. He
9 kept the list of the records we were going to review for each
10 board, and the markings to the side: "release, release,
11 release."

12 Q. Where would those records be now?

13 A. Up in Uniondale, I believe. They were in the connex in
14 ship, but the connexes have arrived.

15 Q. I'm sorry. Can we have his name again?

16 A. [REDACTED] But I don't believe he
17 is with the 800th anymore. But his files would be there for
18 sure. [REDACTED] is the----

19 Q. So whoever is the JAG, now, at the 800th should have
20 those records?

21 A. Right. They were both with me in Baghdad.

22 DO: Because it is something we're obviously interested in.
23 We've heard a lot of people being reviewed, not very many people

1 getting out. Then we hear a lot of people getting reviewed, a
2 lot of people getting out: seventy-three percent.

3 Q. So, you know, as investigators, we're--where are the
4 records?

5 DC: Obviously somebody's wrong.

6 DO: Somebody's wrong here. Yeah.

7 WIT: Well, the boards that I sat on, like I said, if we
8 reviewed forty, we wouldn't release ten. Now, sometimes the
9 recommendation was "not release; put him back in the box," and
10 maybe that person was ultimately released, but it didn't come
11 before the board again. It just went to her. And there was
12 significantly more numbers in December and January than there
13 had been prior.

14 Q. In what month was that?

15 A. In December and January. So if you roll up all of the--
16 --seventy-three percent? I don't believe it. I don't believe
17 that--we didn't release fifty percent by the end of the--when I
18 left in January, theater-wide, we had almost fourteen thousand
19 prisoners.

20 DO: She's not referring to the numbers of prisoners. And
21 we have to make sure we have the distinction clear in mind,
22 here. It's not the numbers of people that were coming in; it's
23 only those numbers that the board was reviewing. Of course, I

1 don't remember now, as we sit here, how many she's talking
2 about, but however many--it's the same board that you sat on.
3 However many that you and she and [REDACTED] reviewed:
4 that's the number that she's specifically referring to and
5 specifically has records that indicate----

6 WIT: Seventy-three percent were released?

7 DO: Yes.

8 WIT: There's no way.

9 DO: Okay. Well, we'd like to find, and we will, look at
10 those records that the SC² has to see what we can come up with.
11 It is an area of interest to us, obviously.

12 WIT: Our population of security detainees out at Abu
13 Ghraib stayed so steady in increase--I just don't know where
14 they were releasing them. Now, I know that after we left----

15 DO: Because they were still releasing less than they were
16 bringing in.

17 WIT: Many more bringing in.

18 DO: Well, the numbers speak for themselves. But we
19 weren't referring to the population growth. We had covered that
20 earlier. At this point, we're talking about the efficiencies of
21 the release board, which is an area of concern and one that we
22 have a discrepancy in.

1 WIT: I will tell you that in an effort to get more people
2 recommended before the board, they increased the--this pre-
3 review review board made up of CID, MP, MI, the divisions--they
4 were reviewing a lot more and we were getting more to the board,
5 but we weren't recommending the release of more. And, when
6 Ambassador Bremer, around Ramadan or December timeframe, he said
7 that they were going to be releasing 500 prisoners over the next
8 month: 100 a week and then at the end, it would be a bigger--
9 whatever the balance was in addition to the 100. He said,
10 starting "this" Friday or Thursday, "We're going to release the
11 first 100."

12 Well, we didn't have 100 ready from the release board.
13 General Fast called me and said, "We have to release some
14 prisoners."

15 I said, "We have some criminals that have been approved
16 for release."

17 She said, "Any prisoners will due." Because the media
18 was going to cover it, so they were all out at Abu Ghraib.

19 It was a near riot out there outside the wall with the
20 media and family members. They thought that all 500 prisoners--
21 thousands of prisoners' families were out there and the media
22 and everybody else. So, [REDACTED] and [REDACTED]
23 [phonetic] were able to come up with 83 criminals that were

1 already approved for release. They put them on a couple of
2 buses and the buses left, so the media followed them. It was
3 like a parade. It was unbelievable how many people were out
4 there. Not one of them was a security detainee. The next
5 month--the next week, we didn't release any, because we had no
6 more to release and they didn't have any security detainees to
7 release. So, I don't know where she's getting these numbers
8 from or where they were releasing them from, but if I was the
9 one holding them at my facility, they weren't being released
10 from Abu Ghraib.

11 DC: Okay. Well, we'll see what--we need to get those
12 records from the 800th MPs and we'll contact them and get those
13 records.

14 RC: I have a question, ma'am, reference the release board.
15 The voting procedures and now--you know, whenever you saw a
16 file. How did the voting occur?

17 WIT: We reviewed it, she said, "Okay, let's vote on this."
18 I'd vote for release. [REDACTED] votes for release. She
19 votes for release or for hold. If they voted for hold--on one
20 or two occasions, we did convince her, but it was a rare
21 exception. But it was just release or hold open voting. She
22 signed a paper.

1 RC: So was it a consensus that they were all yes, release
2 or no, release?

3 WIT: It had to be an agreement to release them.

4 RC: So all three had to vote the same?

5 WIT: Right.

6 DC: But that's only for release.

7 WIT: For hold, we could recommend release and she could
8 override us.

9 RC: So how often did that happen where she overrode?

10 WIT: Often. Especially in the first four weeks of the
11 process. She was looking at it from a responsibility
12 perspective. If anybody had a question when the recommendation
13 got to SENTCOM, they called her back. They didn't call me, they
14 didn't call [REDACTED] they didn't ask us to get together
15 and review the file again: they called her.

16 Q. Major General Miller and his visit--when was the first
17 time that you met Major General Miller in country there in Iraq
18 that you recall?

19 A. Whenever he visited Iraq, at the in brief--that was the
20 first time I had---

1 Q. So that would have been--he first arrived in the latter
2 part of August. He was there the last week of August, the first
3 week of September. Is that when you--?

4 A. Right. That was the first time I ever met him.

5 Q. And were you at Victory when you met him or did you
6 meet him at Abu Ghraib?

7 A. No. I met him at Victory.

8 Q. And what did he tell you his mission was when he
9 appeared there in Iraq?

10 A. He gave an in brief. I really don't know if that was
11 the first day he was there or if that was the day of the in
12 brief, but it was very close to the beginning of his trip. He
13 said that he was there to help with the interrogation effort to
14 see what he could do to help Barbara Fast improve the
15 interrogations and the resulting actionable intelligence--he
16 made his own invented expression. And he said he was going to
17 take a look at our different prison facilities.

18 He knew for sure he was going up to the MEK, he was
19 going up to Abu Ghraib, might go down to Bucca, he was going to
20 go down to Cropper--unless it wasn't necessary. If they found
21 someplace early on that served the purpose. I said--I made a
22 comment about the MEK compound. But that was outside of
23 Baghdad, that that was actually the property of the people who

1 we were securing up there, and there would be a long discussion
2 about putting any kind of Guantanamo Bay type of an operation up
3 there.

4 Other people were kind of interjecting or asking
5 questions during these in briefs, so I just made a couple of
6 points the same way. And it takes a little bit of time to
7 understand the MEK mission, and if he didn't need to know that
8 and he wasn't going to use that facility--I was actually trying
9 to discourage him, I suppose. But it was under U.S. control, so
10 that was an advantage unlike some of the other facilities. He
11 said they would see; they were going to visit them. I asked if
12 he was there to take a look at detention operations. He said,
13 "No, but if we're looking at detention facilities, then I have a
14 lot of people that do that kind of work in their civilian job."
15 and he pointed out a couple of people on the team and he said
16 that they might make recommendations. He said that they would
17 work with the interrogators. It was kind of like a generic
18 brief. It was clear, to me, during that in brief, that he was
19 really there to work with the C-2. But you couldn't do any of
20 those--you couldn't setup an operation anywhere in the existing
21 facility, because they all belong to me. So that's why they
22 included us in the in brief. And he made a comment about--one
23 of the interrogators asked the question about what made

1 Guantanamo Bay so different--or so good that they were going to
2 import those techniques. He said that it was the plan to
3 "GITMOize" the operation. That they had developed techniques
4 and they had so much success in Guantanamo Bay that they were
5 asked to come in and apply those techniques and teach
6 interrogation teams how to apply those techniques.

7 And I said, "Sir, I was down in Guantanamo Bay very
8 quickly, but I do know that the situation in Guantanamo Bay is
9 vastly different than the situation here in Iraq. All of our
10 facilities are routinely attacked. Contrary to wise judgment,
11 you don't run a detention operation in the middle of a hostile
12 firestone, which is what Abu Ghraib is right now." And he said,
13 you know, that they would make the determination and it really
14 wasn't so much different. I mean, I see completely different--
15 black and white differences between Guantanamo Bay and--but I
16 thought, you know, when you drive around Iraq a little bit and
17 you can see and you can feel and you can sense the tension,
18 you'll understand that it's different here.

19 And another interrogator asked him about the--I don't
20 remember the exact question, but it was something about
21 maintaining control. And it might have been the subsequent
22 question to my comment that in Guantanamo Bay they 800 MPs to
23 guard 640 prisoners, and I had--at Abu Ghraib, I had 300 MPs to

1 guard more than 7,000 prisoners. Then he said, "You have to
2 have full control, and the MPs at Guantanamo Bay know what--they
3 know what that means. A detainee never leaves the cell if he's
4 not escorted by two MPs in leg irons, and hand irons, and a
5 belly chain. And there was no mistake about who's in charge.
6 And you have to treat these detainees like dogs. If you treat
7 them any differently and they get the idea that they're making a
8 decision or they're in charge, you've lost control of your
9 interrogation."

10 Q. Was that a quote? Did he specifically say to treat
11 them like dogs?

12 A. Absolutely.

13 Q. And who else was present at that time when he made that
14 statement?

15 A. Everybody that was in that in brief.

16 Q. Can you give me some names?

17 A. General Fast, Colonel Pappas, maybe [REDACTED] -I
18 believe [REDACTED] was there, and I--he was there when
19 General Boikan [phonetic] was there. I don't really remember if
20 he was there when General Miller was in briefing. There were a
21 couple of people in civilian clothes that were interpreters--I
22 thought that they were interpreters. Now I don't know if they

1 were interpreters or interrogators. [REDACTED] might have
2 been there. And then--he had the people that were on his team.

3 Q. When was the next time that you had any conversations
4 directly with General Miller?

5 A. Our paths crossed a couple of times, but it was never--
6 I mean he was always in the middle of doing something at one of
7 the facilities. I saw him over at Cropper and he was on the
8 tail end of his visit there. He said, "Hey, isn't Task Force
9 121 around here? I want to go over there."

10 I said, "You usually have to call ahead."

11 He said, "No. I'm not going to call ahead. I'm just
12 going to over there." And we did. He said, "Come with me,
13 because your driver must know where it is." So he followed, he
14 got out, and they wouldn't let him in. The guy--the NCO at the
15 checkpoint said--you know he called--and they turned him away.
16 But that really wasn't a conversation.

17 And then I saw him when he was getting ready to leave,
18 and he asked me and my command sergeant major and my ops guy to
19 come over for an out brief. We went over to Victory for the
20 JVB--the visitor's bureau, and there's a conference room in
21 there with a long table.---

22 DO: I've been there.

1 A. ----Okay. So, you know how that's configured. He was
2 seated on the side by the fireplace with his back to the
3 fireplace, and there was three places set right across from him
4 with a pad and a pen or something. So we sat down, and I
5 remember thinking then, when I sat down, "We look like we're
6 outnumbered." But I didn't get any sense that this was going to
7 be bad news or confrontational or anything. So, he said, "Okay.
8 We finished our tour and we've seen a lot of your facilities. I
9 want you to give me Abu Ghraib."

10 I said, "Sir, Abu Ghraib is not mine to give you."

11 And he----

12 Q. What did he mean by give it to him? What was his
13 mission that he wanted it?

14 A. I didn't ask him, but I thought, you know, in
15 connection of what he had been looking at and what he had been
16 saying about interrogation and "GITMOizing" everything, that he
17 wanted Abu Ghraib to Guantanamo Bay, Iraq.

18 Q. Was he going to stay on as an assigned officer there?

19 A. I had no idea. I mean, he had no authority--well, I
20 shouldn't say that, because he told me that he had the
21 authority. But what he said was, "I want you to give me Abu
22 Ghraib."

23 And I said, "Abu Ghraib is not mine to give you, sir."

1 And before I could say another word, he said, "Okay.
2 Everybody out. Out. I want to talk to the general." And
3 almost in unison, his whole team stood up, as if this had been
4 planned. And my guys----

5 Q. About how many--we have a list of all the members of
6 his team, but about how many people were there?

7 A. Sixteen, eighteen, twenty. Their whole side of the
8 table and wall huggers.

9 Q. That many? And you--with you was your sergeant major?

10 A. And my ops officer.

11 Q. Just the three of you? You and two others.

12 A. Right. So they got up. I said, "Go ahead." They were
13 a little bit concerned, you know.

14 So he closed the door and he said to me, "Look, we can
15 do this my way or we can do this the hard way."

16 I said, "Sir, I don't know who told you I was going to
17 be difficult. I'm not being difficult. I'm telling you Abu
18 Ghraib is not mine to give to you. I don't own it. We run the
19 detention operations out there. It belongs to CPA. They're
20 putting the money into refurbishing it. It's the only facility.
21 It was a difficult road to get to this point."

22 He said, "Rick Sanchez said I could have whatever
23 facility I wanted, and I want Abu Ghraib."

1 I said, "Sir, if Ambassador Bremer tells me or tells
2 the prisons people to give you Abu Ghraib, I am not going to
3 stand in the way. What I'm telling you is I don't have the
4 authority to give it to you."

5 He said, "Look. We're going to run an interrogation
6 operation. We're going to get value out of these people that
7 they're bringing in. We're going to be able to release more.
8 And that will make life better for everybody. And that's what
9 I'm going to do. And I'm going to go and brief Rick Sanchez and
10 tell him that that's what I'm going to do."

11 There was no reasoning with him. There was no reason
12 for me to argue with him at all. He was on a mission. He told
13 me he had permission from Sanchez--General Sanchez.

14 Q. And then what happened?

15 A. And he left.

16 Q. He left the country?

17 A. He took his team, he went in and briefed General
18 Sanchez, and then left.

19 Q. And then left country?

20 A. Left the country.

21 Q. What happened next? Since he left country, who was
22 then to take Abu Ghraib in his words? I mean, how did that all

1 come about? What impact did his visit have relative to Abu
2 Ghraib?

3 A. What happened was there was more activity with
4 interrogations out there. And by more activity, I mean the
5 engineers got there, they started constructing the "Wood."--And
6 he said to me, during one of the--it must have been during the
7 in brief, I said to him about our frustrations with getting
8 uniforms and everything for prisoners.

9 And he said, "It doesn't make any difference. Funding
10 is not an issue. I have a hundred and twenty-five million
11 dollars a year, and I'm gonna transfer the funds to Colonel
12 Pappas, and he will take care of the requirements."

13 And I said, "Sir, we don't even have construction
14 underway to accommodate."

15 And he said, "We have connexes that we're going to
16 bring in, we'll reconfigure them, and the engineers are already
17 on board with this. They know how to do it. I'll bring up the
18 Sea Bees from Guantanamo Bay."

19 I said, "Sir, we can't even get a train up from the
20 port to Baghdad successfully. How are you going to bring all of
21 these connexes in? I'm just concerned that you're going to put
22 a plan together and you're not going to be able to execute it."

1 He said, "I'll bring 'em in from Turkey and from
2 Jordan. We don't have to come from Kuwait from the port."

3 Well, after he left--I mean, honestly, sir, it was
4 almost laughable, but, you know, with a hundred and twenty-five
5 million dollars a year, I thought maybe he could actually do all
6 of these things he was planning on doing.

7 Q. So did you see any of those changes after he left?

8 A. Well, we saw the engineers were working furiously on
9 that wooden interrogation facility.

10 Q. Right, but that's not a major reconstruction project.
11 Talking three, maybe four----

12 A. Six rooms. Three on each side of the hallway.

13 And then they asked for this- [REDACTED]
14 [REDACTED] said that they needed this other building out at Abu
15 Ghraib because they needed to set up the ICE facility as General
16 Miller told them to do, and they wanted that room--you were out
17 there. You know where their ICE facility was?

18 DC: I don't know where it was. I know where it is now.

19 WIT: Where it is. That was the only place it ever was.

20 DC: Oh, okay.

21 WIT: They have like cubicles or rooms where they work on
22 coordinating the interrogation results and everything. Then the
23 interrogation facility "metal" started. The engineers went over

1 there and started to work on that. So there was a lot of work
2 going on to make it a--and more people started to show up. And
3 the people that started to show up were coming from either
4 Guantanamo Bay or from Bosnia or from Afghanistan. So you get
5 the sense that there was----

6 DC: When you say people, you mean--what kind of people?
7 Define "people."

8 WIT: Well, there were some military people that came in.

9 DC: They're not Iraqis?

10 WIT: No.

11 RC: How do you know they were coming from Afghanistan and
12 Bosnia, ma'am?

13 WIT: They said, you know----

14 RC: "They" who?

15 WIT: These people that were arriving there.

16 RC: They were talking to you?

17 WIT: Yeah. Occasionally they'd come over and introduce
18 themselves and they'd say, "I just arrived. I'm coming in from
19 Afghanistan," or, "I'm coming up because General Miller sent me
20 up from Guantanamo Bay."

1 DC: So when you mean [sic] "people," you mean they were
2 part of the interrogation process?

3 WIT: Right. And I'll tell you, I never--I mean, if they
4 were military, some of them were in uniform: DCU. But some of
5 them didn't have any insignia on their collars and they
6 identified themselves as a special agent. Most cases they would
7 say, "I'm in the military, but I don't wear any insignia." And
8 the civilians that were there--I thought that they were all
9 interpreters, because interrogation teams need interpreters,
10 unless they're lucky enough to have a linguist that's an
11 interrogator too. So, the civilians that I saw arriving there,
12 I thought, you know----

13 RC: So the soldiers were identifying themselves as special
14 agents?

15 WIT: Right.

16 RC: Interrogators don't identify themselves as special
17 agents.

18 WIT: Oh, yeah. And they were in the interrogation--in the
19 ICE facility, and they were--and then there was also a--well,
20 that was in November, but a LRRSD team went out there--the
21 battalion.

22 DO: That comes after we go through the FRAGO, and we'll
23 get to the FRAGO. Maybe shortly we'll get to the FRAGO.

1 Q. So, General Miller leaves, and he leaves behind, as I
2 understand it, a report with General Sanchez.

3 A. Correct.

4 Q. Did you ever see that report?

5 A. I did not. We saw the recommendations from that report
6 in December.

7 Q. In December? He left in early September. You didn't
8 see those until December?

9 A. December. And we never saw the whole report. What
10 CJTF7 did--and this was specifically [REDACTED]
11 [phonetic], who was the Provo Marshal at that time: he
12 extracted the two recommendations for changes to detention
13 operations. It had nothing to do with interrogation, but there
14 were two comments in the report, and [REDACTED] [phonetic]
15 extracted them, sent them out to us, and asked for us to
16 respond. We never saw the whole report.

17 Q. When you were with General Miller while he was there in
18 country during this visit, did he ever talk to you about any of
19 the specific operational issues at GITMO? Now, I'm not
20 referring to the two MPs on every detainee. I'm talking about
21 specifically what they used relative to interrogation
22 techniques.

23 A. No, sir.

1 Q. Did he ever mention to you the use of dogs at
2 Guantanamo?

3 A. No, sir.

4 Q. How they used them or how they didn't use them in
5 anyway?

6 A. No, sir.

7 Q. Any of those specific areas of interrogation
8 procedures?

9 A. No, sir. The only reference he ever made to me was
10 that they were going to identify specific MPs that would be
11 doing--supporting the interrogation effort, specifically. I
12 said, "Sir, they've never done this. Our prisoners are not
13 moved with leg irons or hand irons or anything."

14 They said, "No. It's not a problem. I'm leaving a CD
15 and printed material. The MI people are going to give them all
16 of the training that they need." That's what he told me.

17 Q. Did you ever see that CD or printed material?

18 A. No, sir.

19 Q. I think the term has been used that General Miller said
20 that the MPs were going to create the environment for which

1 interrogations would be conducted or something to that effect.

2 Do you remember him using anything to that effect?

3 A. He never even said--he may have used the expression
4 about enhancing the interrogation effort, but I couldn't even
5 swear to that. He said that they were going to give them
6 specific training.

7 Q. But you never had any specific conversations about what
8 that actually meant, did you?

9 A. No, sir.

10 RC: Ma'am, you mentioned that General Miller said they
11 were going to identify specific MPs. What do you mean by
12 "specific MPs supporting"?

13 WIT: That that would be their specific mission. That they
14 wouldn't be--you know how you get--like the first sergeant will
15 tasked to do, on a duty roster, you know, force protection, you
16 know, in a tower or something--that they were going to be just
17 specifically trained to do the interrogation support.

18 RC: So now MI is now going to tell you that they're going
19 to go and take MPs aside and give them the tasks?

20 WIT: Right.

21 RC: So now MI is tasking MPs?

22 WIT: Well, I don't think that they'd be tasking them
23 directly. You know, if the tasking had come down, it would have

1 gone through [REDACTED] to provide these soldiers--these MPs to
2 run detention operations in cellblock 1A and 1B.

3 This is just pure speculation on my part, but I would
4 imagine that [REDACTED] did not want new faces in there
5 every night. He wanted a consistent roster of MPs.

6 RC: And this is the August, September timeframe?

7 WIT: Correct.

8 Q. Did you--when you met Major General Ryder, he came
9 after General Miller--when did General Ryder come in to the
10 country to do his----?

11 A. At the end of October--maybe at the beginning of
12 November, but he was there in November for sure.

13 Q. And what was the mission that he was given? Why was he
14 there?

15 A. He was directed to come in and do an assessment of
16 detention operations. So, once again, sorry to say this, but we
17 had--we had lots of people coming in doing assessments and
18 nobody helping us.

19 Q. And when Major General Ryder showed up to do his
20 assessment, did you talk to him about whose idea was this--I
21 mean, who gave him this mission?

22 A. He said that he was directed to do this at General
23 Sanchez's request, but the request came through SENTCOM to do

1 this, and he was going to look at all of our detention
2 operations and do an assessment. I do have to say, though, in
3 General Ryder's defense, and, again, I don't need to defend him,
4 but at least his team--some of the people stayed to really help.
5 They did roll up their sleeves and sit down and take a look at
6 changing regulations and SOPs and things in writing and making
7 notes of how to go back to the school house and change those
8 regulations and FMs for training. So, I mean, some of them did
9 stay longer than they had expected to be there to help, and they
10 did help. But--you can now sympathize with General Ryder a
11 little bit, because I did the in brief for him, and I figured
12 this was going to be one opportunity--and maybe the only
13 opportunity, to give them an idea of what we were doing in the
14 theater, and how far spread we were, new missions everyday, that
15 kind of thing. So, I think I took about two hours of his time.
16 And he had a full team there with him. There must have been
17 about forty people with him. And, you know, they went out to
18 the four corners of Iraq. But, I think I was mostly
19 disappointed, because some of the people that were from the MP
20 school were not open to: "This is a new mission. This is
21 something we've never done before. And you need to write a new
22 book." They were still insisting on taking a square peg, that
23 being the 800th MP Brigade, and forcing it into this round-hole

1 mission. I had one of them--a major said to me, "Ma'am, don't
2 worry, I'm going to take care of everything. We're going to go
3 back and say that you really should do EPW, IR, and terrorist
4 detention."

5 I said, "You are kidding me." I said, "Look, how about
6 this: if you make every MP Brigade trained and capable in every
7 mission and then when you have to form a task force you reach in
8 and you don't have to say, 'Can they do combat support? Can
9 they do detention operations?' You know, make us multi-
10 dimensional, because that's what we're doing here anyway. So
11 rather than learn it on the fly, you might as well change the
12 doctrine and make everybody capable in all of those fields."

13 He said, "Oh, ma'am, we'll be rewriting doctrine for a
14 long time."

15 I said, "Well, no better time than now to get started."

16 Q. Did they give--the General Ryder group and his ultimate
17 report, was that helpful to you? How would you categorize the
18 General Ryder visit and the result of his visit?

19 A. Well, sir--I mean, he's Provo Marshal of the Army. He
20 has a team of experts in every one of the disciplines. But it
21 was not something that anybody had ever seen before. Securing
22 the MEK--how do you resolve that? These were such unique
23 missions--maybe not even appropriate for military police. But,

1 nonetheless, they wanted somebody that could detain or secure,
2 whatever, and that's typically MPs. And general Ryder
3 understood that, so there wasn't that strong learning curve that
4 we were subjecting everybody else to. And his opinion counted.
5 His report would have been extremely helpful if we had had it as
6 soon as he left or soon after, and we didn't get his until
7 months after either.

8 Q. When did you get his report?

9 A. Shortly after we got the two bullet comments from the
10 Miller report. Then we got most of the report--the Ryder
11 report. We didn't get the complete report until January.

12 Q. Okay. So around January?

13 A. Right.

14 Q. And, of course, a lot had occurred relative to Abu
15 Ghraib and I'm sure other places in that interim time?

16 A. Yes, sir.

17 Q. The command of Abu Ghraib had a forward operating base,
18 and we had briefly discussed this earlier in this interview.
19 When the prison first opened and there was only one unit there,
20 the 72nd, it was clear that that's who was in charge of Abu
21 Ghraib. Correct?

22 A. Right.

1 Q. Then the 72nd--then a battalion is sent from the
2 military police, the 320th?

3 A. The 400th was their first headquarters--their first
4 battalion, but that was brief.

5 Q. And they, the 72nd, at first reported was a unit of the
6 400th?

7 A. Correct.

8 Q. But, then, as I understand it, when the 320th showed up,
9 it was a change in the reporting relationship when the 72nd
10 became a subordinate element of the 320th.

11 A. Yes, sir.

12 Q. So when the 320th showed up, [REDACTED]
13 [REDACTED] he was the senior officer on board. Correct?

14 A. Yes, sir.

15 Q. And was he, then, in your opinion, the forward
16 operating base commander?

17 A. He was the Abu Ghraib commander. Yes, sir.

18 Q. And at what point in time did the Abu Ghraib commander
19 change?

20 A. The commander changed when the FRAGO was cut and
21 [REDACTED] became the commander of Abu Ghraib. That was
22 about the 15th or something of November.

1 Q. You mean Colonel Pappas?

2 A. Colonel Pappas.

3 Q. So on 19 November, CJTF7, General Sanchez,
4 specifically, ordered the FRAGO to be issued, changing the FOB
5 commander from [REDACTED] to Colonel Pappas.
6 Is that right?

7 A. Correct.

8 Q. Did you read that FRAGO when it came out?

9 A. No, sir. I didn't.

10 Q. Did anybody--member of your staff read that FRAGO when
11 it first came out?

12 A. No, sir. The first time they read it was like two days
13 after the FRAGO was released.

14 Q. So about the 21st?

15 A. Right. About the 21st.

16 Q. Did you read it then?

17 A. I was just coming back to Baghdad. I was out of the
18 country for five days. So I just got back to Baghdad and I
19 think they told me the day after--the morning after they saw the
20 FRAGO, they told me.

1 Q. And what did the FRAGO say to the best of your
2 recollection?

3 A. It said that effective immediately the operational
4 control of Abu Ghraib would be--was redirected to the 205th MI
5 Brigade and further that the commander of the 205th MI Brigade
6 would be declared the FOB commander. That's what it said.

7 Q. There was verbiage within that FRAGO that talks about
8 the 205th having responsibility for the FOB, Abu Ghraib, for
9 force protection and security of detainees. Do you remember
10 that verbiage?

11 A. Not specifically. I know that there was a mention of
12 the FOB and force protection in that FRAGO.

13 Q. Yeah. My recollection--of course, we can get that and
14 show it specifically to you, but my recollection is "the 205th MI
15 Brigade Commander is hereby appointed FOB commander for force
16 protection and security of detainees." What did that constitute
17 in your mind? Those limiting factors or those distinctive
18 factors for force protection and security of detainees? What
19 did that mean in your mind?

20 A. When I read the FRAGO, I remember my initial reaction
21 was that now they're cutting a FRAGO and making him responsible
22 for force protection, so that justifies them sending out extra

1 units that we have been asking for months for and never gotten.-

2 -And that Miller got what he wanted.

3 Q. General Miller?

4 A. General Miller got what he wanted.

5 Q. That's what was in your mind?

6 A. That was in my mind, that Abu Ghraib is what he wanted
7 and Abu Ghraib is what he got.

8 Q. Didn't you put any distinctive factors on--that it had
9 a limiting statement in there that it said "force protection and
10 security of detainees"? Why did it have that statement in
11 there? What was the meaning of that statement?

12 A. I didn't give it--I really don't--I don't recall giving
13 it any thought. And I saw [REDACTED] you know, within a
14 day or two, you know, a couple of days, and I said, "Where's
15 your boss? Is he busy out at Abu Ghraib or is he taking all of
16 his time?"

17 He said, "Hey, ma'am, I'm glad you mentioned it,
18 because Colonel Pappas said his interpretation and his guidance
19 from General Fast is that he owns the whole thing.

20 Q. So [REDACTED] told you that Colonel Pappas'
21 interpretation was that he owns the whole thing?

22 A. Right. And that he got that guidance from General
23 Fast. And when I talked to Colonel Pappas, I asked him how was

1 he liking detention operations, and he said, "You know, [REDACTED]
2 [REDACTED] is really being very patient with me. He's teaching
3 me more about detention operations than I ever thought I'd want
4 to know."

5 Q. That's what Colonel Pappas said?

6 A. That's what Colonel Pappas said.

7 And I said, "Look, I don't think it's necessary," or,
8 "are we going to change," but there was a question either stated
9 or implied, "are we going to change the rating for these guys?"
10 Because rather than give them a rating and then go through the
11 whole thing again when they do leave, I think it's just better if
12 we leave it the way it is.

13 So he said, "I'm not worried about the administrative
14 portion. If you want to continue to rate him--if there's a
15 problem, I'll certainly let you know." You know, that kind of
16 conversation. So we left it as it was.

17 DC: Sir, could she see the FRAGO order?

18 DO: Sure.

19 DC: She's making comments on something that she's saying
20 from memory.

21 [The deposition recessed at 1738, 18 July 2004.]

1 (The deposition was called to order at 1756, 18 July 2004.)

2 Questions by the deposition officer (continued):

3 Q. You have now reviewed the specific FRAGO?

4 A. Right.

5 Q. Does that refresh your recollection relative to what
6 was in your mind when you read that back when you were deployed?

7 A. It doesn't change it. I recalled it as being--before
8 Colonel Pappas was FRAGOed to do this, I tried to bring somebody
9 down there to establish a base--a planner cell and kind of serve
10 as the FOB commander for getting this thing organized since it
11 was declared an enduring camp. And I asked General Wodjakowski
12 for an O-6 to run Abu Ghraib as the FOB commander, because--
13 working with Colonel Pappas and he didn't want to give us people
14 to do the force protection piece and that kind of thing. He
15 said, "I don't have anybody to give you."

16 And I said, "I can't keep drilling into my brigade to
17 take people and put them out there."

18 So I wasn't completely surprised by this. But when I
19 saw the word "TACON" in there, I asked Colonel Pappas about it,
20 and he said that he had a question about it himself, and the
21 reason they weren't assigned to him, the units out there, is
22 because we were not assigned to CJTF7. But it was his

1 understanding that he had operational control--tactical control
2 of them.

3 Q. Even though that said TACON, you thought he had
4 operational control? Because there's a difference in the
5 terminology, here, as you well know.

6 A. Yes, sir. But he could define their work or their
7 assignments or use of them on force protection and those kinds
8 of things.

9 Q. On force protection? How about security of detainees?

10 A. He had that understanding.

11 Q. But what was your understanding about what Colonel
12 Pappas could do on what we referred to earlier as the warden or
13 jailer responsibilities after this FRAGO was issued?

14 A. I knew that he could not--it was my understanding, my
15 thought, that he could not change their work. I mean, he
16 couldn't take a warden out of a cellblock and say, "You're going
17 to be a driver of a vehicle," or, "You're going to be an
18 interrogator," but he could use them to do the detention
19 operations. If he thought they needed more MPs out on the
20 prison compounds--the general population compounds, then he
21 could go through the MP battalion, talk to [REDACTED] and say,
22 "I think that with all of the prisoners going out to the general

1 population compounds, you need to pull more people out of the
2 inside cell."

3 Q. What you're describing to me would be operational
4 control in my understanding of operational control and how the
5 Army normally operates and its usual definitions of those terms.
6 Whereas TACON, which is what the order says, tactical control,
7 would be that Colonel Pappas would give a specific mission to
8 [REDACTED] and then it would be up to
9 [REDACTED] to figure out how to do that with
10 his available forces.

11 A. Well, I would agree with you, sir. Only for the Iraqi
12 corrections--the detentions operations--the Iraqi criminals that
13 we were still holding out there. And there was not that many
14 anymore. There were all inside in the hard site in the
15 different cellblocks, and that wasn't Colonel Pappas' lane, and
16 he would give the mission to him, whatever it might be, as long
17 as it wasn't the Iraqi corrections or affecting the Iraqi
18 corrections officers that we had on site out there.

19 Q. Did you ever discuss this issue with [REDACTED]
20 [REDACTED] and see how his mindset changed after all of this?

21 A. Actually, I did.

1 Q: And what did [REDACTED] say?

2 A: He talked about how there was no disconnect--that him
3 and Colonel Pappas were meeting every day and they had these
4 updates in the morning, and he didn't notice any difficulties or
5 any questions, and I told him several times that the rating
6 scheme would still be in the 800th MP Brigade and the UCMJ and it
7 would--it would be less disruptive to all of the units out
8 there. I never got any indication from him that he was having
9 any problems with Colonel Pappas.

10 DO: And that's consistent with [REDACTED]

11 [REDACTED] told us when we talked to him. In fact, he told us
12 that he didn't perceive any day-to-day changes regarding his
13 warden responsibilities and that Colonel Pappas did not really
14 become involved with those warden responsibilities. The only
15 change that [REDACTED] saw was in the force protection
16 area, where there were changes relative to additional units
17 being assigned.

18 Q: So, do you have anything that would contradict what
19 [REDACTED] was telling us?

20 A: No, sir. And I still--and I continued to go out there.
21 I wasn't out there nearly as often as I had been before, but I
22 continued to go out there and continued to go--I mean, visit all
23 of the MPs, the units that were out there.

1 Q. Why was that? What changed in your mind that caused
2 you to go out there less often if, in fact, the warden
3 responsibilities remained the same? The force protection issues
4 changed and became Colonel Pappas' responsibilities. Were the
5 force protection issues your main reason for going out there
6 most of the time? I mean, why did you stop going there as
7 frequently?

8 A. Because I did not want to be disruptive to Colonel
9 Pappas' plan as the FOB commander. And I went out there a lot
10 prior to that transition because the FOB was still considered
11 our responsibility, and all of these contractors coming in, more
12 mortars every night, they were becoming more accurate, and the
13 force protection piece--that whole equation was primarily being
14 handled by the MPs.

15 Q. I know that you had discussions with General Sanchez at
16 various points in time relative to force protection of that
17 site. Can you tell me the first time you had a discussion with
18 General Sanchez on the force protection issues?

19 A. I went to him when the--there was an incident out at
20 Abu Ghraib in the August timeframe, and an RPG came in and hit--
21 or it was a--they didn't know if it was an RPG or an IED that
22 was on the ground, and the 5-ton that was out there drove over
23 it and it damaged the back of the vehicle and--there weren't any

1 soldiers that were injured, but hearing was affected. So I
2 talked to General Wodjakowski about it and told him that I
3 didn't--I know that they were telling me that the First Armored
4 Division was covering it with force protection, but I didn't see
5 it at any time that I was out there with one exception, and that
6 was around lunchtime, and they came onto the compound to eat
7 their MREs. That was the only time I saw any of their platforms
8 out there. And I told General Wodjakowski that I was scheduled
9 to brief General Sanchez on the timeline of the restoration of
10 the prisons, and I was going to mention that that was my number
11 one concern, that the force protection issue was more pronounced
12 out at Abu Ghraib because they had no effective comms out there,
13 and it was a big facility, and it was well known that on three
14 sides of the prison, the civilian population did not like us
15 being there. So I did brief him on that. That would have been
16 August. Then when we had the incident where the mortars came
17 over and killed those six prisoners, I talked to General
18 Wodjakowski immediately. Like I said, I'd hate to say it, but I
19 was almost pleading with him to get force protection platforms
20 on station out there. And then when the MI soldiers were
21 killed, General Sanchez came out to the prison, took a walk
22 around, just by the torture chambers and by the cellblocks, and

1 said--in the briefing, before he walked around on the grounds,
2 he said, "What is civil affairs doing?"

3 I said, sir, "The civil affairs soldiers have been told
4 by their commander not to leave Abu Ghraib, because it's too
5 dangerous outside of the wall."

6 He said, "Get the civil affairs commander on the
7 phone." I don't think he believed me. And he talked to [REDACTED]
8 [REDACTED] who--I mean, I could only hear General Sanchez's side of
9 the conversation, but it was very loud, and he was telling him,
10 "I don't care. I don't care. You get outside of the wall. You
11 get into the community. Do you understand me?" So, clearly
12 [REDACTED] had confirmed what we had been concerned about and he
13 said, "Okay. What else?" I mean, he came back and sat down
14 like nothing had ever happened and he said, "What else?" And,
15 "Where are your platforms?"

16 And I said, "Sir, we don't have them."

17 He said, "When did they get here?"

18 I said, "Sir, they don't stay here. They drive by, but
19 they don't stay on site."

20 So he tells his aid to get the brigade--whatever the
21 brigade commander's name was, on the phone. And again, another
22 one side of the conversation, of him telling him, "You have a
23 responsibility out here." So, he, at least it appeared that on

1 the telephone, he was acknowledging and confirming that we
2 didn't have the support that we needed. And then when we walked
3 around on the ground, he said to me, "If you don't get force
4 protection, you come to me." "You come to me."

5 Q. When was that?

6 A. That was when he visited after the MI soldiers were
7 killed.

8 Q. So that would have been after September 20th?

9 A. If that's the night that they were--that would be--
10 because he came the next day or two days later or whatever. And
11 then we had--about a week later, we had an MP and a sergeant
12 from the 82nd that were killed. And the soldiers are the ones
13 who said, "Maybe he wasn't even talking to anybody on that phone
14 when he was carrying on." Because they were encouraged that
15 General Sanchez was taking control of this and getting the
16 Armored Division to come out there.

17 Q. So after that conversation, which was after the MI
18 soldiers were killed and you had that conversation out there at
19 Abu Ghraib, correct? With the General?

20 A. Correct.

1 Q. And he told you if force protection issues continue,
2 for you to go to him. Force protection continued to be an
3 issue, did it not?

4 A. It continued to be an issue.

5 Q. Did you go to him?

6 A. I went to General Wodjakowski, and I told General
7 Wodjakowski, "I'm going to go to General Sanchez.

8 Q. And what did General Wodjakowski say?

9 A. "I'll talk to him about it."

10 And I said, "He told me at Abu Ghraib that if force
11 protection continued to be a problem to come to him. So I'm
12 going to go to him."

13 Q. Did you go to him?

14 A. I did.

15 Q. And when was the time that you went to him after that
16 conversation out at Abu Ghraib?

17 A. It had to be at least a week later.

18 Q. And was that at Victory that you went to him or was----

19 A. It was. It was in his office.

20 Q. And what occurred? What did you say?

21 A. I said, "Sir, you told me to come to you. Force
22 protection is continuing to be a problem."

23 He said, "They're out there on site."

1 I said, "No, sir. They are not." And he looked up at
2 me like--I mean like I was obviously lying to him. And I said,
3 "Sir, I don't have force protection--I don't have platforms out
4 there. The battalion doesn't--"

5 "I know what the battalion doesn't have."

6 Q. Did you have another conversation with him after that?

7 A. I had a conversation with him before he sent the 82nd--
8 General Swannack, the 82nd commander out there.

9 Q. When was that?

10 A. Sir, I believe that that was down at CPA.

11 Q. When?

12 A. After the conversation in his office that was----

13 Q. Give me, if you could, a timeframe, here. You were
14 talking to him probably some time in October? Because I'm just
15 taking the dates here: It was a few days after the 20th, then it
16 was the 22nd, then a few days or a week after that, then we're up
17 to the 27th, 29th--somewhere after that. So some days after that,
18 we're in to the first week in October?

19 A. We were in October.

20 Q. We were in October sometime? Okay.

21 A. And I told him that--I told him the same thing, that
22 the force protection--the platforms were there--the Bradleys

1 were there, but the only reason they came in to Abu Ghraib is
2 was if they stopped in to have lunch."

3 And he said, "You know, that was my division, and they
4 know the rules. And I'm not going to tell them how to--," he
5 used an expression. He said, "I'm not going to tell them how
6 to, "--"I'm not going to tell them how to suck eggs. You have
7 force protection."

8 I said, "Sir, I have snipers, who are people with
9 radios that are talking to the people firing the mortars, and
10 they have elevation. If it's on the bridge, ----"

11 He said, "Securing your bridges and roads? Sounds like
12 a military police function to me."

13 I said, "Sir, it is. But it's not my MPs that are
14 doing that mission. I can't get the roads secured. I'm still
15 getting mortars."

16 He said, "We are taking care of you." He just was not
17 the kind of a person that you challenged repeatedly.

18 Q. So was that the last time you challenged him on that
19 subject?

20 A. And then the--General Swannack came out to Abu Ghraib.

21 Q. He was the commander of the 82nd Airborne Division?

22 A. Correct.

1 Q. Okay. And when did he come out?

2 A. He came out after the incident with the--it had to be
3 after the MI soldiers were killed, because the--he came out--I
4 met him at his helicopter. It was the first time I met him. He
5 took a look around. He said, "So, what platforms do you have
6 now?"

7 And I said, "We don't, sir."

8 And he said the same thing about being on a seam, that
9 they would go back to CJTF7 and tell them to push the seam out
10 so they were responsible for it, so that line was clear, and he
11 would put a platoon out there. And he said, "What do you have
12 now?"

13 And I told him the same thing: we had a 5-ton, that
14 was our largest vehicle, and a couple of buses to transport
15 prisoners, and a 50-cal that was loaned from the Marines.

16 He said--he looked around and he said, "They really,"
17 in very colorful language, "they really screwed you on this
18 mission." Then he hit me on the back and he said, "We're going
19 to take care of you." That afternoon, the platoon arrived. Two
20 days later, through a series of calls, I think through his--to
21 his company in the battalion, they sent the company out, and
22 then a counter-mortar battery. And it still didn't stop.

1 Q. And that would have been what timeframe, again, when
2 all of that occurred?

3 A. Late October.

4 Q. And that was before the change over of the FOB relative
5 to the security detainees and the force protection?

6 A. Correct. But it was after--I believe, it was after
7 they declared it an enduring camp. And General Wodjakowski told
8 me, when they declared it an enduring camp, "The reason we
9 haven't been able to take care of you or provide you any support
10 is because you're OPCON to us; you're not assigned to
11 headquarters. So we can't legitimately, according to my money
12 man, the bagman--we can't give you any funding for the things
13 you've been asking for."

14 Of course, that was several months later, but--so they
15 declared it an enduring camp, and I said, "It's only an interim
16 facility."

17 He said, "What does that mean? Two or three years?
18 I'll take that."

19 Q. And that changed the category of funding and authorized
20 funding and----

21 A. And amount of funding, and contracts, and how quickly
22 they could be exercised. But it also brought more contractors
23 out there.

1 Q. When the FRAGO was issued that changed the FOB
2 commander for force protection and for the security of
3 detainees, and we had our discussion relative to that, did you
4 believe that that had any impact on what was occurring or what
5 did occur relative to the abuses at Abu Ghraib?

6 WIT: Of--of making the MI brigade commander in charge?

7 Q. Yes. Did that have anything to do with the abuses?

8 A. Sir, I would say not directly. But I've always--more
9 information has come out about the instructions or the alleged
10 instruction from some of the interrogation team. In my own
11 mind, I thought that that was all in the works, and they wanted
12 to effectively remove General Karpinski from--not necessarily
13 from a blame line, but from direct knowledge. They wanted to--I
14 mean the intent was to reduce my requirements to be out there.

15 Q. You believe that's why the FRAGO was issued?

16 A. Yes, sir.

17 Q. I thought we had--you didn't think the FRAGO was issued
18 because of the force protection issues or the security
19 detainees?

20 A. No. I think that that was a benefit. It would be
21 difficult to release a FRAGO that says, "Transfer of the prison
22 responsibilities because the focus is going to be on

1 interrogation and some of those things might not sit well with
2 General Karpinski and the 800th MP Brigade."

3 Q. So do you think that those abuses only started after
4 this FRAGO? When did the abuses start?

5 WIT: When did the photographs?

6 Q. When did the abuses start, at Abu Ghraib?

7 WIT: In terms of--maybe you need to tell me what you're
8 looking at as abuses.

9 DO: Abuses would be anything that we would consider an
10 actionable clause under the Geneva Convention or the UCMJ; a
11 violation of the rights and privileges of detainees. Any of the
12 usual mistreatment that we would consider: physical abuses,
13 humiliation, you know----

14 WIT: Okay. The acts that are depicted in those
15 photographs.

16 DO: Not only those acts. Well--some of those acts that
17 are depicted in those photographs are certainly abusive, but it
18 goes beyond what's depicted in those photographs. There are
19 abuses that occurred at Abu Ghraib that go beyond those
20 pictures.

1 Q. So my question is, to your knowledge, when did the
2 abuses begin at Abu Ghraib?

3 A. The reason I'm asking is because the prisons in all of
4 the prison facilities were very austere. Logistics was not
5 working very well because of the long lines of supply. And the
6 problems associated with getting convoys and equipment to
7 Baghdad and then out from those operating bases. So there were
8 times when--when you keep prisoners under canvas, under tents,
9 in blistering heat, without any sense of relief where they can
10 get in under the shade of a tree or anything else, it is close
11 to being in violation of Geneva/Hague. And, often, we discussed
12 that with the ICRC. But they saw it consistently in all of our
13 facilities, and they knew that the soldiers were facing the same
14 conditions. So, I know that that was going on throughout the
15 theater for as long as we were there, because it was something
16 that--I don't want to say that it's a condition of war, but--it
17 is. But, the acts that were depicted in those photographs, I
18 don't believe that they were occurring anywhere else than in
19 cellblock 1A and B. And there were abuses early on down at
20 Bucca----

21 DO: Not--I'm really only referring to Abu Ghraib, now.

22 A. ----But I don't believe those activities or those
23 abuses were taking place until the interrogation operation

1 became so significant and the attention focused on the
2 interrogation operations.

3 Q. So, in regard to the calendar, when do you believe that
4 the abuses began?

5 A. When cellblock 1A went under the control of the
6 military intelligence, and when these other interrogation teams
7 started to come in and work the interrogation efforts. That
8 would be October.

9 DO: Well, it actually started in early September--I mean,
10 the actual 1A and 1B. MI started assigning people to 1A was
11 actually in September.

12 A. September. But there were some things that took place
13 gradually from September on, that made it, unfortunately,
14 easier, for them to do those things in exclusion from the rest
15 of the cellblock. They put up the exclusionary panels on the
16 doors, so you didn't have visual access, like you did in all of
17 the other cellblocks. And they----

18 Q. That was in 1A or 1B?

19 A. First in 1A and then in 1B.

20 Q. And who put those panels up?

21 A. The MI people said that they needed something put up.
22 They were going to talk to the engineers and that was the
23 engineers' design.

1 Q. Who were the MI people that-----

2 A. Colonel Pappas.

3 Q. Colonel Pappas?

4 A. Yes. And the reason he did was because, you know that
5 door that you come in on that end of the cellblock, that was
6 where the Iraqi guards came in to work. And because those
7 particular prisoners in cellblock 1A and the juveniles and the
8 females in 1B, they didn't want the Iraqi corrections officers
9 to then become a source of information outside of the prison by
10 saying, "Hey, I saw [REDACTED] So--it's plausible.

11 Q. Yes. When did he order that? Was it after the Iraqi
12 shooting?

13 A. No. It was--they wanted the exclusionary panels, as
14 they called them, on the cell doors--they wanted those urgently
15 on 1A, so they put it there--they were in control of both 1A and
16 B, but they wanted it done in 1A, so that would have been the
17 first week of October timeframe. And then they got 'em to do
18 1B, but they put the plywood over the windows after the handgun
19 incident.

20 Q. Which would have been November 24th.

21 A. Right. So you have effectively excluded anybody that
22 would walk that long hallway, checking on guards or anything--it
23 wasn't that they wouldn't open the door for you, but you had to

1 announce by knocking that you were there and you wanted to come
2 in.

3 DC: I just want to point out, and I'm think she said, but
4 I just want to make sure it's clear, she had no personal
5 knowledge of any instructions that any of the MPs were given in
6 regards to interrogation techniques.

7 WIT: Right.

8 DO: Right. I did not perceive her as saying that, but I
9 understand your clarification.

10 Q. So, as far as the abuses, you don't have any direct
11 knowledge of the abuses, but you believe that the abuses began
12 somewhere in the September/October timeframe. Is that correct?

13 A. Correct. And I would say, most likely, late October,
14 because I had--I mean the 72nd MP Company had served there and
15 had run those cellblocks for many months, and the pictures that
16 I saw, anyway, were people--soldiers from the 372nd, and they
17 didn't get there until--or take over the operations until mid-
18 October.

19 [END OF PAGE]

1 Q. And the change of the FOB that we discussed was
2 November 19th. So the abuses began before that and continued on
3 after that?

4 A. I think it was a gradual increase on what was being
5 done or how they being used to enhance the interrogation
6 efforts.

7 Q. Are you of the belief that it significantly increased
8 after the FOB command was changed?

9 A. I am of that belief, now. Yes, sir.

10 Q. What leads you to believe that?

11 A. There was a battalion out there that was--it may or may
12 not be in this FRAGO as well, but the LRRSD battalion was sent
13 out there--now they were a subordinate unit of the 205th anyway,
14 but they were at a different--I think they were up at Anaconda.
15 So they got down there and they were kind of, generally, they
16 were a little bit more aggressive and adventurous--more creative
17 with what they did. And they caused some problems. Now, I have
18 no knowledge that they were ever in the cellblocks or anything,
19 but it was that whole shift in mentality that they were doing
20 some of the force protection and--.

21 Q. Yeah. That LRRSD--was it a company or a battalion?

22 A. It was a battalion.

23 DO: To my knowledge, they never---

1 RC: They had a company, sir. They had a company of the
2 LRRSD.

3 DO: Okay. Well, that unit, to my knowledge, never had
4 anything to do with interrogation operations.

5 WIT: No. But it's the whole shift in--you know, they eat
6 in the same mess hall, and--it just seemed to be more reckless
7 out there.

8 Q. Since this changeover?

9 A. Yes, sir.

10 DC: This is only of her opinion, sir, which is----

11 DO: Yes, I understand. But I'm trying to get at the logic
12 behind the opinion based on which facts, because the facts are
13 really what I'm trying to get at.

14 DC: Yes, sir.

15 DO: There's opinion and then there's opinion based on
16 facts, and what I'm really trying to find out is the facts. So,
17 you're of the opinion that things started getting worse after
18 the change of the FOB. And I'm just trying to find out what
19 makes you think that, because you knew there was abuse before
20 and there was abuse after.

21 Q. What made you think it got worse?

22 A. Well, first off, I didn't--and [REDACTED] is correct.

23 I didn't have any indication that it was bad, let alone to know

1 that it got worse. At the time, there was this prevailing
2 change out at Abu Ghraib after the switch to Colonel Pappas'
3 control as the FOB commander. Number one, there was more people
4 out there. There was a direction from the CJTF7 staff--we were--
5 -they were trying to close Bucca, and they were trying to get as
6 many of the detainees out of the division holding areas as
7 possible, because some of them had populations of several
8 hundred. I think there was seven hundred up in the 4th ID at one
9 point. And those are definitely austere and temporary
10 conditions, but they were transferring those prisoners, and then
11 we were overfilled. And one night the 101st brought some
12 prisoners in, flew them down, and they wouldn't take them
13 because they had nowhere to put them. They were sent back. So
14 we got that sorted out, but what [REDACTED] [phonetic],
15 the Provo Marshal, and the liaison of the CJTF7 staff was saying
16 was, literally, "Cram more tents into the compounds, ma'am."

17 So, I said, "No. I'm not going to cram more tents into
18 the compound. The secret here is getting these people released,
19 and we're holding innocent people out there."

20 And General Wodjakowski turned around and said to me,
21 "I don't care if we're holding 15,000 innocent civilians! We're
22 winning the war!"

23 I said, "Not inside the wire, you're not, sir."

1 RC: Ma'am, when is this timeframe? I'm sorry, because we
2 were talking about the LRZ [sic], which is sometime after
3 November 19th, and then you started talking about closing Bucca,
4 and that was occurring sometime in August----

5 WIT: Well, no. We were starting to close Bucca in August.
6 We were shifting towards closing some of the compounds. We
7 never closed Bucca.

8 RC: Right. But as I recall from officers who were
9 stationed in Bucca and came over to Abu Ghraib, they brought
10 their prisoners that they wanted to bring over to Abu Ghraib in
11 September with them. And that was [REDACTED] [phonetic] and
12 the rest of the folks that were there, said that we need these
13 prisoners to be transferred over to Abu Ghraib and the rest--
14 that they----

15 WIT: That was--they brought prisoners to Abu Ghraib that
16 were going to be interrogated further. But they didn't transfer
17 prisoners that were being held as regular prisoners at Bucca.
18 We were trying, over time, to close--we were moving towards
19 closing Bucca because we didn't have a replacement battalion
20 coming in, nor did the rotational brigades, to replace the
21 battalions down at Bucca. So, if they transferred specific
22 prisoners from Bucca in August, it was because the interrogation
23 teams were moving up to Abu Ghraib. They were no longer going

1 to be at Bucca. But from a detention perspective, not
2 interrogation, but from a detention perspective, that was on the
3 timeline that we would close--move towards closing Bucca. And
4 we did not--we never closed Bucca. We were getting close and
5 then they said to keep it open, and that was part of the
6 problem. CJTF7 was--I mean they were getting conversation and
7 complaints from the division commander that there was no--and
8 Bucca was too far away for them to take prisoners, so this was--
9 I mean, that's what I'm talking about: this prevailing attitude
10 change out at Abu Ghraib after the 19th of November.

11 Q. Okay. I hear you say that, but I have a hard time
12 dealing with what factual basis you have to say that, in fact,
13 there was a difference in prevailing attitude. Because, there
14 abuses before and there were abuses after. What causes you to
15 believe that things got worse? Because I haven't found it. I
16 haven't seen anything--I haven't seen any evidence of things
17 getting worse. Bad is bad.

18 A. But I can tell you, sir, that I didn't know it was bad.
19 The conditions were bad. And when you put more prisoners into
20 bad conditions, conditions get worse.

21 Q. I'm just referring to the abuses----

22 A. But I didn't know there was any abuse. So I can't tell
23 you what I thought--"Well, it was bad now, and how in the world

1 did it get worse?" With the information that's come out since
2 then, in all of the statements and the reports--I can't say the
3 Taguba report, because he made no reference to--really, to their
4 involvement except made a couple of recommendations. But when I
5 saw the pictures, for example, in January, I said, you know, the
6 72nd left in October, and they had a consistently good track
7 record and wide-open communications with me, and we were in
8 control of that facility like every other detention operation.
9 So, I was shocked by the photos, but I didn't see them until
10 January, and I was trying to figure out what happened to make
11 them lose their minds, and not only commit these acts, but take
12 pictures of themselves committing them. I don't think I've
13 resolved that completely, but I can't suggest to you it was bad
14 and what made it change to worse, because I didn't have any
15 knowledge that it was bad, let alone that it was changing to
16 worse. I'm talking about the whole environment out there: this
17 prevailing attitude of--what I sensed on Christmas day when I
18 was out there was a recklessness with the direction that the
19 interrogation teams were going, and this battalion that was
20 doing the capabilities demonstration and antagonizing the
21 prisoners by hovering over their compounds and blowing the tents
22 out of the way. And meanwhile, Colonel Pappas being concerned

1 about MPs saluting him when he was inside the wire. And I
2 talked to him about that. I talked to him about my concerns.
3 Q. And I'd like to go into the--into what you're referring
4 to, relative to the helicopters and the demonstration. I'm just
5 having a difficult time relating what you're saying to the
6 specific incidents of specific abuse of detainees and what
7 specific information you have that would lead you to say that
8 things--relative to that issue; not about their conditions,
9 their living conditions, or the helicopter demonstration; but
10 those specifics relative to the abuse of detainees: the
11 hitting, the kicking, the stripping, the humiliation, the use of
12 dogs, all of those types of things. What makes you say that you
13 think it got worse after than it was before?

14 A. I can't say that I know that.

15 DO: Alright. Alright. You've answered the question.

16 [The deposition recessed at 1834, 18 July 2004.]

17 [The deposition was called to order at 1836, 18 July 2004.]

18 Questions by the deposition officer (continued):

19 Q. We were talking about the helicopter incident and the
20 demonstration. Could you tell me what was the circumstances
21 surrounding that?

22 WIT: Do you want me to make a comment about what we were
23 talking about beforehand, first?

1 DO: I don't need any, but if you want to, you certainly
2 can.

3 WIT: I just wanted to make the comment that when I did see
4 the photographs, I did ask the CID commander when these took
5 place and he said that they believed that they took place in
6 November. There were some date stamps on some of the film, but
7 they found out that that was earlier at an earlier assignment,
8 and that was October, but the date stamps on a lot of the
9 pictures that were widely published was the end of November.

10 DO: Okay. And you understand we've done quite an
11 extensive investigation well beyond that.

12 DC: Well, we--we assume that you have.

13 Q. So, anyway, if we could--could you tell me about the
14 helicopter?

15 A. It was on Christmas day. We went out to Abu Ghraib to
16 visit the MPs out there. We--the group that was the "we" was
17 the acting command sergeant major, [REDACTED] and
18 my--well, my battle captain, [REDACTED] [phonetic],
19 she's now a major, and my driver--my aid and driver team. And
20 when we got out of the vehicle, it was about 9 o'clock or 9:30
21 in the morning. And I saw these soldiers getting ready to go--I
22 looked like they were on a range rover or something. I said,
23 "What are you guys doing?"

1 They said, "We're going to do a capabilities
2 demonstration. We just got done with the rehearsal on the
3 ground, and we're going to rehearse again."

4 I said, "What time is it going to be?"

5 They said, "Twelve o'clock. We just wanted the
6 prisoners to know that we have helicopters and we're very quick
7 to respond in case they have any ideas consistent with some
8 rumors about rioting or attempted breakout. So we just want to
9 reinforce our capabilities."

10 So, I said, "Well, I'll be here. I'll make sure that I
11 see you." So, I was.

12 I walked through all of the units and several of the
13 living areas. I went out of the compound. I had been through
14 most of the compound, so I was up in the towers. I could hear
15 the helicopters coming. They told me, when I saw them outside
16 when we first got there, that they were going to be--they had
17 the spot marked over by the wall. So they came in over the
18 tents and one helicopter went right to the mark by the wall.
19 The other helicopter hovered over a compound, and it blew three
20 of the tents all over the place. Now, there had been a lot of
21 rain, so there was water--that particular day, it was beautiful:
22 sunny, blue sky, but there was a lot of standing water in the
23 compounds because, you know, the ground doesn't drain that well.

1 So these prisoners--all of their clothes were going flying all
2 over the place, and, of course, landing in the water. And then
3 he moved--it doesn't take long to screw with the prisoners along
4 their way, and they moved back over to the wall, and they did
5 their repel, and it was a successful operation.

6 So I called Colonel Pappas and I said, "I don't
7 appreciate this." You know, I had told him what had happened.

8 And he said, "Well, I'm sure they didn't do it
9 intentionally."

10 And I said, "Well, I'm sure they did. And it's the MPs
11 that have to deal with the aftermath of that kind of screwing
12 around, and they have to be told the fallout is more dangerous
13 than their toying with the detainees."

14 And Colonel Pappas did come and see me the next day or
15 called me or whatever it was--I think I saw him over at CJTF7,
16 actually, and he said to me that he spoke the battalion
17 commander and he said that he just missed the mark somehow. He
18 didn't--he made some mistake.

19 And I said, "Well, yeah, following that other
20 helicopter was really difficult to do, I guess. He managed to
21 do it after the fact." And I said, "You know, you have to deal
22 with it. You're going to have a riot on your hands next time.

1 The detainees were only behaving because they knew it was a
2 holiday for the U.S."

3 He said, "Okay, ma'am. I'll make sure that it doesn't
4 happen again." And that was the end of it.

5 Q. The ICRC visit that has gained so much notoriety--I
6 believe that happened in October?

7 A. It did.

8 Q. When was the first time that you became aware of that
9 ICRC visit?

10 A. When I saw the report, and that would have been the
11 last day of November or the first or second of December.

12 Q. So when the ICRC showed up, my understanding, from
13 talking to [REDACTED] and
14 others-- [REDACTED] --they showed up and the representatives
15 from the ICRC found naked detainees in their cells and then were
16 told all of these other allegations that I think you're now
17 aware of. That happened in October, yet you did not know about
18 it until the report came in in November?

19 A. Right.

20 Q. Why didn't [REDACTED] call you about that?

21 A. [REDACTED] was with, as they would
22 traditionally be--the battalion commanders would escort the ICRC
23 representatives or team around, and he was with the people when

1 they were looking at the compounds outside--the general
2 population compounds. And I believe [redacted] may have been
3 with him as well. And then they said [redacted]

4 [redacted]
5 [redacted]
6 [redacted]
7 [redacted]
8 [redacted]
9 [redacted]
10 [redacted]
11 [redacted]
12 [redacted]

13 Q. Well, I was following you up until [redacted]
14 [redacted]
15 [redacted]
16 [redacted]

17 [redacted]
18 [redacted]
19 [redacted]
20 [redacted]
21 [redacted]
22 [redacted]
23 [redacted]

1 [REDACTED]
2 [REDACTED]
3 [REDACTED]
4 [REDACTED]
5 [REDACTED]
6 [REDACTED]
7 [REDACTED]
8 [REDACTED]
9 [REDACTED]
10 [REDACTED]
11 [REDACTED]
12 [REDACTED]
13 [REDACTED]
14 [REDACTED]
15 [REDACTED]
16 [REDACTED]
17 [REDACTED]
18 [REDACTED]

19 Q. All of that information you just gave to me, you didn't
20 learn until after November?

21 A. That's correct.

22 Q. And you learned that from speaking with----

23 A. [REDACTED]

1 Q. - [REDACTED]

2 A. Right.

3 Q. After November?

4 A. Right.

5 Q. But when it first happened in October, my question is
6 why didn't [REDACTED] pick up the phone and
7 call you about it?

8 A. Well, you know, sir, he told me that the ICRC was
9 coming out to Abu Ghraib, because that was the standard
10 procedure. And when he escorted them in the outside compounds,

11 [REDACTED]
12 [REDACTED]
13 [REDACTED]
14 [REDACTED]
15 [REDACTED]
16 [REDACTED]

17 Q. He never mentioned all of that stuff about the

18 [REDACTED]

19 A. No, sir. And I don't know, and [REDACTED]
20 [REDACTED]
21 [REDACTED]
22 [REDACTED]
23 [REDACTED]

1 Q. Well, the reason for our questions is because

2 [REDACTED]
3 [REDACTED]
4 [REDACTED]
5 [REDACTED]

6 A. [REDACTED]

7 Q. --- [REDACTED] Then [REDACTED] came down
8 to the cellblock. But you didn't know any of that, and I'm
9 wondering why your battalion commander didn't-----

10 A. I don't know.

11 Q. ----talk to you about it. Why didn't he call you and
12 tell you if this was an unusual incident?

13 A. It was. And I'm surprised, because, again--I'm
14 referencing the ICRC report, and there was no reference to
15 [REDACTED] being in cellblock----

16 Q. Did you ever talk, afterwards, to [REDACTED]
17 [REDACTED] about the ICRC visit?

18 A. When we were putting the response together--or the
19 first or second draft, I didn't talk to him, but they were out
20 at Abu Ghraib. "They" being my JAG officers. They were out at
21 Abu Ghraib for this meeting on how they were going to word their
22 response. And they talked to [REDACTED] briefly. And

1 he told them he--know, [REDACTED]

2 [REDACTED]

3 DC: We had worked under the assumption that [REDACTED]

4 [REDACTED] wasn't aware. So, you're telling us something we
5 didn't know.

6 DO: Yes. I'm finding that out, now. It's just surprising
7 to me.

8 DC: Well, it surprises me, too, sir.

9 DO: Which is why I've asked these questions. Because it
10 wasn't a small incident in [REDACTED] mind.
11 So therefor----

12 WIT: Why didn't--well, you don't know, certainly. My
13 question is, "Why didn't he call me?"

14 DO: Yeah. That's my question as well. I don't know why
15 he didn't call you.

16 WIT: In October, he did not have a--I don't think [REDACTED]
17 [REDACTED] [phonetic] was out there yet.

18 DC: Sir, were you aware of the problems that [REDACTED]

19 [REDACTED] was undergoing?

20 DO: Only what I read in the General Taguba reports,
21 [REDACTED]
22 [REDACTED]

1 WIT: Well, [REDACTED] But, you know, sir, I
2 didn't that on the fly, either. [REDACTED]

3 [REDACTED]
4 [REDACTED]
5 [REDACTED]
6 [REDACTED]
7 [REDACTED]
8 [REDACTED]
9 [REDACTED]
10 [REDACTED]
11 [REDACTED]
12 [REDACTED]
13 [REDACTED]
14 [REDACTED]
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22 [REDACTED]
23 [REDACTED]

1 [REDACTED]
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3 [REDACTED]
4 [REDACTED]
5 [REDACTED]
6 [REDACTED]
7 [REDACTED]
8 [REDACTED]
9 [REDACTED]

10 Q. And this was the time period, that you're referring to
11 now, with [REDACTED] that you actually
12 brought in [REDACTED] as I recall, on a temporary
13 basis to command at Abu Ghraib?

14 A. Right.

15 Q. How long was he at Abu Ghraib?

16 A. Probably ten days. He might have stayed a couple of
17 days longer, even after [REDACTED] got back, because he was
18 helping with the base defense plan. He was the commander of the
19 battalion over at Cropper, and Cropper had already closed down.
20 The HVD facility was the only thing that was operational, and he
21 had a full battalion, so-- And they were getting ready to
22 transfer back to the United States.

1 But, now we get the ICRC report, [REDACTED]
2 has taken place, I see the report at this in-prompt-two--it
3 wasn't even a meeting. It was after SUU, I was sitting there
4 getting ready to leave, "Oh, ma'am, can we talk about ICRC
5 report?"

6 "What ICRC report are you talking about?"

7 Q. [REDACTED] has told us--testified to us
8 that he talked to you about the ICRC visit the Sunday after it
9 occurred. Do you remember having that conversation with

10 [REDACTED]

11 A. No, sir. If [REDACTED] had had a conversation with
12 me--about the ICRC visit out at Abu Ghraib?

13 DO: That's what he testified to.

14 WIT: I would have recalled that. No, sir. I don't recall
15 that at all.

16 DO: Okay. That's what he told us. He testified that, in
17 fact, he did have a conversation with you and he informed you
18 about the ICRC visit, before the report was written, after the
19 visit, and what occurred at that----

20 WIT: [REDACTED]

21 DO: About the entire incidents as they occurred--I can't
22 remember specifically what it was that he said he told you, but
23 it was the essence of what occurred at the ICRC.

1 Q. But you don't remember any conversation with [REDACTED]
2 [REDACTED] on that subject?

3 A. And he, when he was at Cropper, he would make sure that
4 he--reliably, when an ICRC visit came there, he would call me
5 and tell me the good, the bad, and the ugly, and then I'd wait
6 for the report.

7 Q. When you were informed about the visit, which was the
8 receipt of the report, there was a response that was prepared.
9 Could you tell me how that response was prepared?

10 A. Yes, sir. And I have to tell you that I didn't receive
11 the report through the normal channels.

12 Q. How did you receive the report?

13 A. After the update that I was attending, I was getting
14 ready to leave, and then--Colonel Pappas was there, [REDACTED]
15 [REDACTED] was there, [REDACTED] was there, [REDACTED] was
16 there, I believe, and they said, "Ma'am, can we talk about the
17 ICRC report?"

18 I said, "What ICRC report are you talking about?"

19 They said--the [REDACTED] jumped right in. He
20 said, "Ma'am, we're already working on the response. We'll have
21 it ready for your review before your----"

22 I said, "What, the prison transfers--" I said to
23 [REDACTED] who was sitting right next to me, I said, "It

1 figures, the prison transfer that's under your responsibility,
2 and now you have a whole team of people writing the response.
3 It was usually my battalion commander and my JAG officer doing
4 the response for me. Things changed." And I said, "I haven't
5 even seen the report."

6 [REDACTED] said, "I have a copy right here for
7 you."

8 And I said, "Where did this come from?" I started to
9 read it, just glancing through it, and I turned back and I said,
10 "Where has this thing been?" Because it talked about October.

11 "Well, we received it."

12 And I said, "Well, why are you talking to me about it?"

13 And [REDACTED] said, "Ma'am, we're working on the
14 response. The prison was under your control at the time that
15 this report--this team came in. And rather than explain that
16 we've transferred the control of the prison, now, we just want
17 you to be able to sign the report."

18 So, when I went back to the TOC--I shouldn't have
19 jumped ahead that way. Because I read the remark, I said to
20 them, [REDACTED]

21 [REDACTED]
22 And [REDACTED] said to me, "Ma'am, I told the
23 commander not to [REDACTED]"

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[REDACTED]

And they

all laughed.

And I said, "You know, I don't think that [REDACTED]

[REDACTED]

And I said, "What

about [REDACTED]

Again, plausible response. Jumped right in there and

said--I don't know if it was [REDACTED] or [REDACTED] but

the response was, [REDACTED]

[REDACTED]

So, I mean, I don't know how interrogation teams work.

I know more now than I did then, but it wasn't my lane. I hate

to say that, but--but I know that they kept them in isolation

and I didn't count the days. [REDACTED]

[REDACTED]

1 Q. Is there a difference between isolation and
2 segregation?

3 A. There is.

4 Q. What is the difference between isolation and
5 segregation?

6 A. In segregation, you segregate the prisoner, but they
7 can still have access or visual--they might be in a cell with
8 cell bars on the door, and they can still talk or communicate in
9 whatever way, but they are segregated. In isolation, the
10 isolation cells have solid doors with a small window--I think it
11 was a flip-down window, and that's where they were isolated.

12 Q. And what was occurring in 1A and 1B? Was it
13 segregation or isolation?

14 A. That was where the isolation cells were, but
15 occasionally they would segregate a detainee as well, in a
16 separate facility--segregate them from maybe a brother or
17 somebody they brought in with them--put distance between them.

18 Q. So was the intent really to use 1A and 1B, from the
19 military intelligence aspect, not the females or the juveniles--
20 was the intent there to use them as isolation cells?

21 A. In 1A, yes, sir. It was. And, they also--that reminds
22 me. They also said in the response how this was a distortion of
23 the truth. They said, "You know, ma'am, isolation is the same

1 no matter if you're a security detainee or a regular criminal.
2 You get value out of the isolation process. So if the ICRC
3 wants unrestricted access and feel that they should be able to
4 drop in on any of these [REDACTED]

5 [REDACTED]
6 [REDACTED]

7 Q. Who was doing the background information on the
8 response, if you know? Who was actually going and checking to
9 see if there was accuracy to the ICRC statements or not, and
10 verifying that these were the right things to say in the
11 response?

12 A. They relied very heavily on the 205th [REDACTED]
13 [REDACTED] But the team that [REDACTED]
14 put together with his JAG officers, and both of my JAG officers
15 went out there and participated in that, that was out at Abu
16 Ghraib in the magistrate cell out there. So they wanted to be
17 on the ground in case there was any questions about what
18 isolation cells looked like or whatever.

19 Q. Did your JAG officers participate in that background
20 information before the response was written?

21 A. They did.

22 Q. Did they ever come to you and talk to you specifically
23 about any of the findings about, you know, [REDACTED]

1 [REDACTED] Or did they come back and say--not just them, but
2 the whole team, "We looked into it, ma'am, [REDACTED]

3 [REDACTED]

4 A. No, sir. The opposite. They came back and said to me--

5 [REDACTED]
6 [REDACTED]
7 [REDACTED]
8 [REDACTED]
9 [REDACTED]
10 [REDACTED]
11 [REDACTED]
12 [REDACTED]
13 [REDACTED]
14 [REDACTED]
15 [REDACTED]
16 [REDACTED]
17 [REDACTED]
18 [REDACTED]

19 Q. Did any of those officers that you just named mention
20 to you--come to you and say that we have--"We have verified
21 abuses that have occurred?"

22 A. No, sir.

1 Q. It was the opposite?

2 A. It was.--Not that it was the opposite, but they weren't
3 focusing on----

4 Q. They weren't focusing on that?

5 A. Right. Because they had Colonel Pappas, and I think
6 they said [REDACTED] sitting in with them explaining how

7 [REDACTED]
8 [REDACTED]
9 [REDACTED]
10 [REDACTED]

11 Q. How about other government agencies? What do you know
12 about other government agencies involved in Abu Ghraib?

13 WIT: Do you want me to transport myself back to then--what
14 I knew about other government agencies then?

15 DO: Yes.

16 A. The first time I was introduced to an OGA was out at
17 Abu Ghraib. They brought out a detainee that was not an HVD,
18 but they had interrogated him at a separate facility. Not one
19 of my facilities, but over at the task force and of no further
20 intel value, but they still wanted to hold him, so they turned
21 him over to us. And they come out in these SUV's, and none of
22 them had uniforms on. They all had their black shirts or khakis
23 or whatever, and you just know they're different. It could be

1 something to do with the armament all over themselves and their
2 vehicles, but they were very professional. They made sure that
3 the prisoner was handled correctly. I watched them. He had
4 flexi-cuffs on him, and they--they cut them, and made sure that--
5 -you know, they asked him in Arabic if his arms were okay. And
6 they introduced themselves--three of them did anyway. And they
7 said that they were with the task force. I said, "What are you
8 bringing him here for?"

9 And he said, "Well, we need somebody to detain him, but
10 we're pretty much finished with any kind of exploitable
11 information."

12 They were very professional, but they all identified
13 themselves as CGA. So, I asked the--I think I asked [REDACTED]
14 [REDACTED] (phonetic), my security guy, [REDACTED]
15 [REDACTED]
16 [REDACTED]
17 [REDACTED]

18 I never had a bad encounter with them. Every time I
19 saw them--one time they brought somebody out, and they got him
20 to the ground, then they took the bag off of his head--it was a
21 sandbag, you know. But, you know, they treated them, as I would
22 expect somebody to treat them. I never saw bruises, blood,

1 broken arms. I seem to recall a prisoner one time that had a
2 gunshot wound, but it had been treated, and it was wrapped.

3 Q. Were you aware that the OGA mostly was [REDACTED]
4 detainees to Abu Ghraib and not going through the normal
5 inprocessing procedures, creating what was known out there as
6 "the ghost detainees?" Were you aware of all of that?

7 A. I only became aware of it one time, and I addressed it
8 immediately. They brought a detainee out to Abu Ghraib, and
9 [REDACTED] is the one who called the operations center from
10 out at Abu Ghraib. He said, "OGA is here. They want to drop
11 this prisoner off, and he's beat up really bad. They said that
12 he was caught in the crossfire. There doesn't seem to be any
13 bullet wounds, but he's really black and blue and everything,
14 and they want to leave him here. And I don't want to take him.
15 I want them to take him." And it was a matter of three phone
16 calls, and they took him away. They got him medical attention
17 and then they released him. I don't know, two days later, 24
18 hours later, whatever it was. But he was cleaned up, and then
19 they brought him back out. But bringing prisoners out and
20 hiding them? No.

21 But we did get a FRAGO one time that told us
22 specifically to hide a prisoner--or to not register him and to

1 not allow the ICRC to see him, to know he was there, to move him
2 around if we were going to get a visit from the ICRC.

3 Q. Was that prisoner detained at Abu Ghraib?

4 A. No, sir. He was detained at Cropper.

5 Q. At Abu Ghraib, did you ever get any such order?

6 A. To hide prisoners out at Abu Ghraib? No, sir.

7 Q. But at Abu Ghraib--well, were you aware at Abu Ghraib,
8 that, in fact, OGA were bringing out detainees and leaving them,
9 and they were being detained there without being put through the
10 normal inprocessing?

11 A. Who was telling them to--were they saying don't process
12 this guy? Is that what the story was? I do know, now, that we
13 had some third country nationals down at Bucca. There were
14 three Saudi's that were down there. And, I mean, we had others.
15 We had [REDACTED] we had [REDACTED] but when prisoners were transferred
16 from Bucca up to Abu Ghraib in an attempt to close Bucca down,
17 eventually, they--the prisoners that left Abu--that left Bucca
18 to be transferred, were all processed out of--what was in place
19 at the time was BAT [phonetic] system. They processed them out
20 of the database, and they sent a record up to Abu Ghraib. Now,
21 if it was a large transfer: 150, 120, whatever the number was;
22 they would give them a roster or--the database was maintained
23 down at Bucca, so they would coordinate by saying, you know,

1 you'll see them show up on the roster tomorrow, so you don't
2 have to inprocess them when they get there. If the prisoners
3 were under the control of the MPs the whole time, it just saved
4 time. And, apparently, they included three Saudis in that one
5 transfer, and they were never inprocessed or in any database
6 down at Bucca or up at Abu Ghraib as a result of how that was--
7 that particular transfer was done. But I didn't know about it
8 at the time.

9 Q. So, at the time, you didn't know that that was
10 occurring?

11 A. No, sir.

12 Q. None of your MP--none of your--your battalion commander
13 or [REDACTED] or any of those people brought that to your
14 attention that that was occurring?

15 A. No, sir.

16 Q. You made frequent visits out there. Did you look at
17 their board of how they accounted for detainees?

18 A. And went through the processing line.

19 Q. And went through the processing line?

20 A. Absolutely.

21 Q. Did you not ever see the board listing of OGA's just by
22 numbers?

23 A. No, sir. Never.

1 Q. You weren't aware that the MPs were keeping that
2 account for 1A and 1B--they were accounting for how many OGA
3 ghost detainees there were in place at any one point in time?

4 A. I was not aware of that, and it never showed up on the
5 detainee report.

6 DO: No. It wouldn't, because--they were ghosts.

7 WIT: But they never told me that they were holding
8 unknowns out there.

9 Q. Do you know anything about the death of the OGA ghost
10 detainee at Abu Ghraib?

11 A. The only thing I know is what I heard afterwards.

12 Q. When that occurred and the death occurred, did anyone
13 from your MP command call you and tell you about that?

14 A. I'm trying not confuse what I know that [REDACTED]
15 now is alleging, but----

16 Q. I'm talking about what happened while you were there,
17 before all of this has now come out.

18 A. They brought a detainee to the gate one night, and the
19 MPs refused them entrance. They called over to the TOC and
20 spoke to [REDACTED] who got [REDACTED] and the
21 detainee that they were refusing entrance to was already
22 deceased. But they refused to take him, and they left with him.
23 But the one that was inside? No.

1 DO: I think we're getting close to the end of--
2 Q. When did you first become aware of the abuses at Abu
3 Ghraib?
4 A. On the 13th of January.
5 Q. And how did that occur?
6 A. I was up at the MEK compound coming back from a meeting
7 late at night. It was after twenty-three hundred. I opened my
8 email, and my SIDPER. There was an email from [REDACTED]
9 so that was an unusual email, so I opened it up. It said,
10 "Ma'am, I just want you to know I'm going in to brief General
11 Sanchez on the progress of the investigation out at Abu Ghraib.
12 This is the allegation of detainee abuse and the photographs."--
13 --
14 DC: Just to clarify, sir, she did already know about the
15 ICRC report.
16 DO: Yes.
17 DC: However, she did not view that as abuse.
18 DO: Yes.
19 DC: The reasons have already been explained.
20 DO: I understand.
21 A. ----And I sent him one line back. I said, "I don't
22 know what to say."

1 And the next day I went down to Abu Ghraib. We were an
2 hour and about forty minutes away. We went down to Abu Ghraib,
3 went out to the prison, and of course, all of the primary
4 players were all out of their positions, so I talked to the
5 "second string" that was in there, and--"What's going on out
6 here?"

7 And the NCO said to me, "Well, ma'am, what I'm doing
8 right now is rewriting all of the SOPs, because they took all of
9 ours, so we don't have any references or anything, and I don't
10 even have a sign-out sheet, so I'm not letting any prisoners go
11 out."

12 And I said, "Why were they suspended from their jobs?"

13 And he said, "Well, somebody said that there was some
14 prisoner abuse."

15 I said, "I'm not, you know, I didn't read your rights
16 or anything. I'm just trying to figure out where to start in
17 all of this."

18 And he said, "Ma'am, I don't know any more than what
19 I'm telling you. They told us that we were coming over here to
20 work. They asked us not to discuss it with anybody. Do not
21 speculate. And to go back in to detention operations, and
22 that's what we're doing."

1 So I said, "Let me have a look at the books. What
2 procedures are you following now? If somebody wants to come and
3 get a prisoner, what do you do? And if the MI want to take
4 somebody out for interrogation," those kind of things.

5 And went over to the operations center, to the TOC, and
6 people were not--I mean it was--I think there was a lot of
7 rumors flying around. Some were saying that they heard there
8 was going to be a health and welfare, and, I mean, you could
9 hear all of that rumbling.

10 I left, tried to put some of this together, asked in
11 the cps center, you know, "Give me when the units arrived out at
12 Abu Ghraib, who was out there, who had been working in the
13 different cell blocks," and they were asking what was going on,
14 and some people were suspended out there. Did I know anything?
15 And I said, "I know some things, but I don't want to talk about
16 it yet, because a few details is dangerous, and just get me some
17 information." They did, and then [REDACTED] came out to
18 the TOC--my TOC, on the 23rd of January, and showed me the
19 pictures. And, whatever I could have imagined on the 13th when I
20 read that email, I never imagined what I saw in those
21 photographs. Not even a worst-case scenario. And I looked at
22 about three of them, and I couldn't look at them anymore. And

1 he insisted that I had to look at them, because I had to get the
2 full picture. But it really made me sick.

3 I went over to see General Sanchez and I told him that
4 I had seen the pictures and I would make a statement. I had a
5 lot of credibility in the Middle East, and I--from working with
6 the Iraqis as closely as we were, I thought that it was
7 important. And I would make the statement in Arabic, in
8 English, and he said, "No. Absolutely not. And if you have any
9 inquiries, you direct them to [REDACTED] And he never
10 spoke to me about--other than that. He took the letter that he
11 had written and put his hand on it like this [making a gesture
12 with her right hand] and turned it around and pushed it that way
13 [gesturing away from herself].

14 Q. Why do you think the individuals that were involved
15 took the photos?

16 A. When I first saw the photographs, I couldn't imagine
17 why. I mean, when I first saw them and I saw that they were
18 MPs--except that I said--I had a question about [REDACTED] and one
19 of the other male soldiers. But I was particularly offended by
20 the expressions on their faces, [REDACTED] with
21 their thumbs up. I was just offended by that. I said, "What--
22 what makes somebody do that?" You commit a crime and then make
23 sure you capture it in a photograph to make sure that people

1 know you were involved in it! But I think, now, that these
2 were--for lack of a better expression right now, souvenir
3 photos. And I--I mean that--they understood that photographing
4 prisoners was not acceptable, and I know they understood that,
5 because whenever we had congressional delegations or visitors
6 out there, they were very quick to say, no photographs.

7 Q. Weren't there signs?

8 A. Posted everywhere. And the Geneva/Hague was posted
9 everywhere, and given to the prisoners in their language. So
10 they knew. But if there was somebody directing--setting up
11 photographs for official purposes, the official purpose being
12 use during interrogation, it would be very tempting--obviously
13 they gave in to the temptation, to slip one of those digital
14 cameras out of a pocket and start taking pictures. And when--
15 when one of them got away with two or three of them without
16 being stopped by the official photographer or that team, then
17 twenty or thirty seemed like a great idea.

18 Q. Do you have any information about this official team
19 that you're referring to? That you know that there was any such
20 official team?

21 A. No, sir.

22 Q. That's speculation on your part?

23 A. Pure speculation.

1 DC: Hearsay.

2 DO: Who's the hearsay from?

3 DC: We've heard from some of the people that have been
4 accused.

5 DO: Who have you heard from?

6 DC: Their attorneys.

7 DO: Their attorneys told you that there were official
8 photographs?

9 WIT: That the photographs were intended to be used for
10 interrogation. New arrivals.

11 DC: I don't know if "official" is the right word, but we
12 had been told that----

13 DO: That they were taking, as opposed to another team of
14 MI personnel or other personnel?

15 DC: Let me clarify. The clarification is that we have
16 been told that there were photographs being taken for
17 interrogation purposes. I can't tell you that any of these
18 soldiers were directed to take photographs for interrogation
19 purposes. That I do not know. Nor do I know what the truth of
20 the statement that we just made. Only that we had been told
21 that there was--there was an official purpose behind taking
22 photographs for interrogation.

1 DO: And that information comes from the attorneys
2 representing those that are already charged?

3 DC: Charged. I can also tell you that I have been told by
4 the Staff Judge Advocate at Fort Bragg, that none of the people
5 in the photographs, at least the ones that were made public,
6 were being interrogated. So, therefor, there would be no reason
7 to have a photograph for interrogation purposes.

8 WIT: These were all old arrivals. The intent----

9 DC: Again, I don't know the truth of the statement, I'm
10 only telling you what the Staff Judge Advocate at Fort Bragg
11 told me.

12 DO: Where did he get his information from?

13 DC: He tells me--he said he got his information from their
14 investigation out there. And I don't know the truth of it, but
15 this was all in reference General Karpinski testifying at an
16 Article 32 investigation.

17 DO: Do you remember the name of that SJA at Fort Bragg?

18 DC: Sir, I have notes.

19 DO: I'd like the name of the----

20 DC: I do know the name of the attorneys--of the
21 prosecutors.

22 DO: Okay. I've got it.

1 Q. In your opinion, based on everything that you knew from
2 the beginning of when you were there to the things that you have
3 learned since, what is your current opinion regarding what
4 happened at Abu Ghraib? What broke down? Who were the
5 responsible parties at Abu Ghraib?

6 DC: That led to the photographs----

7 Q. That led to the abuses in the photographs?

8 A. Sir, I think that there was a tremendous--I know, not I
9 think--this is fact. I know there was tremendous pressure being
10 placed on the interrogation teams and on Colonel Pappas,
11 especially, to get more sooner, to find Sadaam, to--I mean,
12 amongst all of those pressures, there was never any pressure
13 exerted, to my knowledge, to release prisoners. But, to get
14 more sooner, and the real focus was finding Sadaam. And there
15 was a lot of--a lot of conversation and a lot of Iraqi press
16 with hopefulness of finding Sadaam, and then people would be
17 convinced that they could come back to work, get underway with
18 running their own country, and that kind of thing. So that was
19 the objective, and it wasn't enough. It wasn't fast enough. At
20 one time I asked Colonel Pappas--now this was before he took
21 over, but I asked him, "How many interrogation teams do you
22 have?"

1 And he said, "I have sixteen interrogation teams, and
2 three of them are up at the MEK, two are at Anaconda." So, I
3 mean, with thousands of prisoners and General Fast saying, you
4 know, put them back in the box, you know, it delays the new
5 ones, it jumps the line--he said, "We don't have enough."

6 I said, "Well, it's not like the school is so easy to
7 get through. You know, you don't run them through in two weeks
8 and bring them over here."

9 And he said, "There aren't enough in the Army. So we
10 have to work on releases and housing." And he said, "Now
11 they're starting to put pressure on me about the MEK, and I'm
12 not even up there like I am at Abu Graib." He was under
13 tremendous pressure to get more and get better and get faster.

14 Q. Did he tell you from whom that pressure was coming?

15 A. He said that General Fast was pressuring him.

16 Q. Anybody else?

17 A. He didn't say specifically, but he did get beat up
18 routinely by General Sanchez.

19 Q. How do you know that?

20 A. I saw him come out of there several times, and we had
21 this communication between us. He would talk about time with
22 Sanchez being like a root canal. One time I saw him, he came
23 holding the side of his head. I said, "Bad?"

1 And he said, "I'd rather have a root canal." And then
2 he came out one time and he was holding both sides of his head.

3 Q. Staying with the pressure, did you ever speak with
4 General Fast about a pressure being exerted on Colonel Pappas
5 and Abu Ghraib personnel?

6 A. I did not talk to her about Colonel Pappas,
7 specifically, because I didn't want to create a difficult
8 situation between the two of them, but I talked about the
9 pressure out at Abu Ghraib, and the facility was never designed
10 to be a large detention facility, ever. And, you know, the way
11 that the conditions were going, and growing population and the
12 ineffective release boards, I said all of them are contributing
13 to--you know, we're so close to the line of being in violation
14 of humane treatment of detainees out there, that, you know, they
15 could have mud--and not only that, but the rain washed away the
16 top level of the soil, and it exposed the more rocks, the more
17 pieces of glass--it was on a landfill. So we had concerns about
18 the safety of the MPs, about is it practical--what I said to her
19 was, "Is it practical to use ten interrogation teams for
20 thousands of prisoners?"

21 Q. Did you ever have a conversation with General Sanchez
22 about the interrogation pressures at Abu Ghraib?

23 A. No, sir.

1 Q. That was part of your answer relative to what was the
2 cause of the abuses that occurred at Abu Ghraib. So pressure
3 was one. Are there other reasons?

4 A. They were short people. They were short personnel like
5 we were. We were--it was an enduring camp. It was in the
6 middle of a hostile fire zone, so the shortage of people becomes
7 very pronounced when you have contractors and contract work
8 going on out there, every one of those people has to be cleared
9 before they can come on to the installation, every vehicle has
10 to be examined. They got dogs to use--sniffer dogs for
11 vehicles. I believed that that's what they were out there for.
12 That's where I saw them. I never saw them around prisoners or
13 anything. So they were short people to do what they needed to
14 do. There was this looming mission up at the MEK that was not
15 going to be going away. Nobody seemed to be concerned about the
16 real intelligence value of what they were giving us.

17 Let me just give you a for example on that very
18 quickly,--on Fridays, seven, eleven, fourteen buses of Iranians
19 would come across the border to visit some of their relatives at
20 the MEK compound. Nobody stopped them on the border. Very
21 often they didn't get into the MEK compound, but it was a
22 privilege, because they weren't prisoners. They were just
23 barely detainees, if you want to call them that, but they were

1 entitled to have visitation. But they had to be cleared,
2 sometimes they weren't cleared, so they had to wait outside the
3 gate, but the fact that the Iranian border was so wide open, it
4 seems like it would have been a very big concern, but they kind
5 of dismissed it. "They" being General Fast and the task force
6 that was assembled, led by General Sergeant, for the MEK
7 mission. And--personnel resources, couldn't get prisoner
8 uniforms still, under pressure from General Miller to get that
9 new compound stood up, the one that is now called Redemption, I
10 think, out there at Abu Ghraib.

11 Q. General Miller? Okay. You've lost me, now, because
12 General Miller left the country in September, and he goes back
13 to Guantanamo Bay.

14 A. Right.

15 Q. So when did he start exerting pressure?

16 A. Well, he was following up on the development or the
17 enhancement of the interrogation efforts.

18 Q. Even from Guantanamo Bay?

19 A. Even from Guantanamo Bay. Now, he never called me, but
20 that's what they were saying, whether it was in the release
21 review board or just in conversation with Pappas or [REDACTED] or
22 any of them. They said that, you know, he is following up and
23 he is pursuing their progress. That's why--he had discovered

1 very early on that getting connexes shipped down from Turkey and
2 Jordan was not going to work, and he was talking about
3 airlifting them in. And, I mean, I did--I just felt sorry for
4 Colonel Pappas, because, you know, it was--it was a losing
5 situation.

6 Q. How about individual responsibilities as far as
7 individuals are concerned, who was responsible for what happened
8 down at Abu Ghraib?

9 A. Well, certainly, the MPs belonged to me, sir. And, for
10 whatever reason, they didn't come and tell me. I didn't know.

11 Q. Who else?

12 A. The battalion commanders. [REDACTED]
13 operations center, [REDACTED] the company commander of the
14 372nd. They lived--the soldiers lived in the same area. I mean,
15 the company was in one particular area out there. They had
16 several different groups. If soldiers who slept next to these
17 guys and ate with these guys and showered with these guys didn't
18 know anything about it, then you start to move up the chain-of-
19 command and understand how it is possible. When--if [REDACTED]
20 [REDACTED] knew, as you indicated earlier, that he knew about
21 the ICRC report or whatever, or [REDACTED] did, they knew that
22 they could tell me. And they knew that I would have been

1 screaming louder than anybody else. I don't think that that's
2 why they didn't tell me. I don't know why they didn't tell me.

3 DC: Sir, let me just add to that, we worked under the
4 assumption, until the news papers reported [REDACTED]
5 statement about what his knowledge, we worked on the assumption
6 that no officers were aware of this. And that was the
7 assumption that we had worked under. Obviously, that's a false
8 assumption.

9 DO: That's why asked, based on everything you know.

10 DC: We don't have an explanation for why we weren't told.

11 Q. How about outside of the MP community? Who do you
12 believe were responsible parties? Was MI or both of you?

13 A. General Fast certainly knew about all of this.

14 Q. Now, what do you mean by that?

15 A. She was with General Miller when General Miller was----

16 Q. But do you specifically mean that you think she knew
17 the abuses were occurring?

18 A. No. I can't speculate about that, and I wouldn't. But
19 what I mean is she was likely aware of one of the techniques to
20 break new arrivals sooner was showing them a photograph of
21 likely scenarios that could become your fate unless you
22 cooperate.

1 Q. So you have no direct knowledge?

2 A. No, I do not. But I do know that General Fast was out
3 there, that she was visiting the ICE facility often. I know
4 that General Sanchez was out there and visited Abu Ghraib very
5 often. Especially----

6 Q. Do you know how many times?

7 A. In one month--or after they took control of the
8 compound, in one week he was there three times--or in the course
9 of ten days he was there three times. That's often for one MI
10 brigade out at Abu Ghraib when you're the commander of the whole
11 theater.

12 Q. So that three times within ten days, what month was
13 that?

14 A. November. I know that--at least in my mind, everything
15 that was taking place out at Abu Ghraib, at least the progress,
16 seemed to be falling in line with the plan that General Miller
17 made reference to. That was my perception. I do know that the-
18 ---

19 DC: And by that, she means the "GITMOTizing" of Abu
20 Ghraib, whatever that means.

21 A. ----I don't think that the--even though all soldiers
22 know about Geneva/Hague and fair treatment and humane treatment
23 and everything, the combination of the environment, the mortar

1 fire, the constant threat, the same unit that lost two MI
2 soldiers to mortar rounds, maybe they were--had an even stronger
3 motivation to get actionable intelligence to find out who these--
4 --where Sadaam was--"How do we end this nightmare?"

5 Q. You have mentioned in statements to the press, Doctor
6 Cambone as being someone that I believe you said had some
7 responsibility. Can you explain to me how you believe he has
8 responsibility and if you have any specific knowledge about his
9 involvement?

10 A. I didn't even know who Cambone was. Colonel Pappas and
11 General Fast mentioned one time that it was a message that came
12 from Cambone. That was the only time I ever heard his name
13 mentioned. They were talking about something to do with
14 interrogation. I don't know what the connection was. All I
15 know--and then when I saw him testifying, I said, that's the guy
16 that they mentioned that time. I couldn't find any documents or
17 any notes to myself that made mention of that. Because, I knew
18 he wasn't in Iraq, so he really didn't make a difference to me.

19 RC: Ma'am, how often did you meet with General Fast?
20 Because throughout the whole thing, you were talking about
21 several time you talked to her about this, about that, about
22 whatever.

1 WIT: I never met with her. But I saw her at the review
2 and release boards.

3 RC: And that's the only time you would actually speak to
4 her was during the release boards?

5 WIT: Well, I mean, there would be occasions, like she came
6 out to Abu Ghraib to do the briefing or to bring ██████████ out
7 there. And that was in November, and we believe that it was
8 before the handgun incident. But she, during the briefing,
9 ██████████ said, "Well, looking at the numbers up here,"
10 that ██████████ was briefing, "looking at the numbers up
11 here, it looks like you're already overcrowded." And ██████████
12 ██████████ gave the affirmation on that, and he said, "So what
13 are you doing--" he turned to General Fast, and he said, "What
14 are you doing about it?"

15 And she said, "Well, we have another camp, and it's
16 just about to be open in another day or two, and that's going to
17 be for fifteen hundred." And I was shocked by that. I figured,
18 well, okay. You know, this is another thing that I didn't know.

19 And I asked Colonel Pappas after the briefing was over,
20 before he could escape, "I said, where is that other facility?
21 I want to go take a look at it, because I don't need to go with
22 you walking the grounds."

1 He said, "Ma'am, we haven't even sited it yet. We
2 haven't even broken the ground."

3 I said, "So would you be opening that in two or three
4 days?"

5 He said, "No, ma'am. She just made a mistake."

6 But it was an in-prompt-two--I saw her often over at
7 the CJTF7. She might ask me a question. In that particular
8 case, Colonel Pappas was walking out of her office, and she made
9 that comment to him about something do with Cambone and then the
10 rest of us went in and sat down for the release board.

11 DC: Sir, we have been given information that the Iraqi
12 survey group, whose original mission was WV [phonetic], was
13 heavily involved in interrogation techniques and getting
14 information on the whereabouts of Sadaam Hussein and/or anybody
15 who was involved in the killing of Americans, and that they
16 claimed that they reported directly to Doctor Cambone. Again,
17 the truth of these statements, we don't know.

18 DO: Okay. Who gave you that information?

19 DC: I don't know if I can tell you, sir, but I will ask
20 the people if I can tell you. It's information gained through
21 attorney/client privilege.

22 DO: They're your clients?

23 DC: Some of the people----

1 DO: How many clients do you have?

2 DC: I actually have more clients than anybody in the whole
3 region. I think I'm up to about forty. But, in part of that,
4 my team has over two hundred clients, so I'm aware of what goes
5 on with all of the other allegations with all of the other
6 clients that my team represents. I can just say that this is
7 what we've been told. Again, I have no idea if any of it is
8 true or not because--I don't know. And I'm supposed to meet
9 with the person next week who is supposed to fill me in on that
10 information.

11 DO: Okay. Well, we're obviously interested in anything
12 relating to Abu Ghraib's military intelligence operations and
13 any connections that your sources may have that would relate to
14 allegations that have been made.

15 DC: Like I said, I don't know if any of it is true or not.
16 The other thing that I would--and this is just conversations
17 that me and General Karpinski have had, that we believe that the
18 morale and conditions at Abu Ghraib sort of led into what I
19 would call a fraternity type of atmosphere, or I'll call it
20 hazing of the detainees. Some of these pictures really do look
21 like college fraternity hazings, as opposed to--the images you
22 might see on TV, as opposed to what professional soldiers should
23 be doing.

1 DO: Yeah. Those issues that you raise relative to hazing
2 and the camaraderie that might have been developed----

3 DC: Well, it appears to be that way. I mean, again, we're
4 not there. I'm looking at these photographs and it looks like
5 they're having fun.

6 DO: There's been some talk and allegations regarding
7 liquor being present at Abu Ghraib.

8 Q. Do you have any direct knowledge of any liquor being--?

9 A. I do--the only direct knowledge I have is not really
10 direct. It's from a guy by the name of [REDACTED] who was the
11 chief contractor for U.S. contractors out there for services for
12 the detention operations: food services, running water, that
13 kind of thing. And he had a soldier ask him one time to bring
14 some beer out, and he said, "No. Absolutely not." And then he
15 reported it to me. He wouldn't tell me who the soldier was, but
16 I made sure that [REDACTED] was aware of that, and he
17 said that they did--first sergeant and sergeant major did health
18 and welfare inspections or when they walked through the billets,
19 they weren't afraid to open boxes, footlockers, or anything that
20 didn't have a lock on it. They just didn't see any evidence of
21 it.

1 Q. Did you have any knowledge that drinking was a
2 significant problem out at Abu Ghraib by either MI soldiers or
3 MP personnel?

4 A. No. There was a unit that showed up out there that was
5 a RAOC unit. I believe they were a National Guard unit. They
6 came sometime in November and thought that they were going to be
7 working for the 800th MP Brigade, and then ended up working for--
8 but that incident didn't take place at Abu Ghraib.

9 Q. It was a drinking incident?

10 A. It was. It was in Iraq, but it was at their previous
11 location, whatever it was. You know, and when there isn't any
12 alcohol around anywhere in Iraq--I mean, you could certainly get
13 it from the Hadjis [phonetic] or whatever, but when nobody is
14 drinking and you're not accustomed to smelling alcohol, not that
15 you would anyway--I just seemed to be very sensitive to it. I
16 could detect it. And I asked my brigade surgeon one time did I
17 smell alcohol, and he did. He said he had a cold and he had had
18 some Nyquil shipped in from the states and that that's all it
19 was. But I was never aware of any drinking or consumption of
20 alcohol. We had a problem down at Bucca with it, but--.

21 DC: Sir, I'd like to add--I'm not sure how it plays into
22 anything that you're doing, but in terms of at least one of the
23 soldiers involved in these pictures, and that's [REDACTED] as

1 far as General Karpinski is concerned [REDACTED]

2 [REDACTED]

3 [REDACTED]

4 [REDACTED]

5 [REDACTED]

6 [REDACTED]

7 RC: That's what you meant when you mentioned that you had
8 a concern about [REDACTED] in the photos?

9 DC: And you're aware that [REDACTED] has already received an
10 Article 15----

11 WIT: And was reduced from Specialist to PFC.

12 DO: That might have been in the reports, but I wasn't
13 specifically aware of it as we sit here now.

14 WIT: We had a detainee--sorry. He was not a--He was
15 Titan--hired under Titan. And he was at Bucca as an EPW and
16 former member of the Iraqi Republican Guard. And the regulation
17 is very clear about hiring former EPWs. Especially around U.S.
18 operations or food or like an administrative office or anything.
19 And he ended up being hired by Titan, and he was out at Abu
20 Ghraib, working as a translator. And I asked him where did he
21 come from, and he said that he knew all of the MPs down at
22 Bucca.

1 I said, "Were you from that area?" I was trying to
2 make the connection.

3 Then he told me, no, that he was a prisoner. So I
4 asked what is he doing up here. You know the regulations--Titan
5 hired him. So I asked [REDACTED] [phonetic],
6 to call Titan and find out what his file said, because then we
7 could get rid of him for lying on an application. They said
8 they had no file on him and that he was hired on somebody's
9 recommendation down at Bucca. And we couldn't get rid of him.
10 I went to the MI people and asked them to--actually, I went to
11 one of the guys that was from OGA, and I asked them if they
12 would put him on the polygraph, if they would interview him, and
13 he said they would. They never did get around to doing it, but
14 I couldn't get rid of this guy. I thought we had him gone one
15 time, according to [REDACTED] [phonetic], and the next
16 time I was out at Abu Ghraib, there he is. Called him [REDACTED]
17 the Pirate," because he converted to Christianity when he was
18 down at Bucca. Here's a former Iraqi Republican Guard, former
19 EPW, and now you're going to convince me that you've converted
20 to Christianity and now you're interested in us? The MI people
21 kept using him as an interrogator.

1 Q. As an interpreter?

2 A. Interpreter. Sorry. And then--I'm just trying to
3 cover some of the other things that I thought maybe you might
4 have questions about it.

5 Q. Was that an interpreter in interrogations or an
6 interpreter in what we call cat 1, which would be a non-cleared
7 interpreter?

8 A. He was supposed to be.

9 Q. A cat 1?

10 A. A cat 1.

11 Q. A non-cleared interpreter?

12 A. Right. But they were using him because he spoke
13 English.

14 Q. They were using him in interrogations anyway?

15 A. [The deponent indicated an affirmative response.] And
16 the other thing that seemed to be a subject of interest last
17 week, and that's the only reason I'm going to mention it
18 briefly: I was escorting General DeLong [phonetic] and his
19 group when they were going through Iraq. He was getting ready
20 to ready. He was a four-star from SENCOCOM. I think he was the
21 deputy--he was a Marine four-star. And he went over to--we went
22 towards the task force. So we stopped there. They had an
23 interrogation underway. He wanted to go back and see it. He

1 asked me if I wanted to go back, and I said, no, I would stay in
2 the foyer-type of area of this one building. There were these
3 three guys that were there that were in--one of them had DCU
4 pants on, two had blue jeans on, and t-shirts. And they said,
5 "Wow. A female general officer. You know, how is that?"

6 And I said, "It's a lot of fun. It's really
7 interesting. What are you guys doing here?"

8 And the guy that was sitting up on the counter--like a
9 counter-level thing----

10 Q. This was at Abu Ghraib?

11 A. This was Task Force 121. You're just focusing on Abu
12 Ghraib?

13 Q. Yes. But I'll hear--I've made other reports about
14 other areas, so what do you have to tell me about Task Force
15 121?

16 A. Well, this particular individual, I said, "What are you
17 doing here? Are you an interpreter?"

18 And he said, "Well, I do some interpretation, because I
19 speak several different languages, but I'm really
20 interrogations."

21 And I said, "Are you from Iraq? Are you a Kuwaiti?"
22 He was clearly from the Middle East.

23 And he said, "No. I'm neither. I'm an Israeli."

1 I said, "I visited your country a couple of years ago.
2 I was amazed at how much we look alike. I mean there's a lot of
3 people in the cities that are speaking English."

4 He said, "Yes. We're not terrible people." And that
5 seemed to be a subject of interest.

6 Q. Did he ever tell you what he was specifically doing in
7 Iraq and who he was working for?

8 A. He did not. And I didn't ask him.

9 Q. Did he say, "I'm an Israeli citizen," or did he say,
10 "I'm a member of the Israeli Intelligence Agency?"

11 A. No, sir. He said--when I asked him if he was a Kuwaiti
12 or an Iraqi, he said, "Neither. I'm an Israeli."

13 Q. So you took that to be citizenship?

14 A. I did. He looked like an Israeli back when he said
15 that.

16 Q. And that was at Task Force 121. And what time period
17 was that?

18 A. When General DeLong [phonetic] came to visit on his----

19 Q. Can you tell me what month?

20 A. August, September.

21 Q. August, September timeframe?

22 A. Probably late August. I have his visit written in my
23 books.

1 Q. If we could just go back for a second to the other
2 incident you told me about, which was that cat 1 interpreter
3 that you believed was being used in interrogations. Did you
4 actually see him in the interrogation booth?

5 A. I did not. I did not.

6 Q. How do you know that he was being used in
7 interrogations?

8 A. I saw him over at the ICE facility with some of the
9 people that worked for [REDACTED] and I said to her--when I
10 saw him there, I said, "You know, that guy used to be an EPW."

11 And she turned around and she looked up, and she said,
12 "He's not--he doesn't have access to anything."

13 I said, "He's supposed to be controlled and just doing
14 translation."

15 She said, "I don't know how they're using him."

16 But, to be in the ICE facility alone, you needed
17 clearances, and there he was.

18 [The deposition recessed at 1951, 18 July 2004.]

19 [The deposition was called to order 1957, 18 July 2004.]

20 Questions by the deposition officer (continued):

21 DO: I have a couple of follow-up questions, and then we'll
22 end this by asking whatever it is that you'd like to add.

1 Q. Were you personally aware of what interrogators were
2 allowed to do and what they were not allowed to do as part of
3 their mission?

4 A. I was not. I did see an interrogation one time when
5 the interrogation facility [REDACTED] first opened, and they said
6 that they were about to get an interrogation underway. I went
7 into the hallway and watched it from the one-way mirror. It
8 looked perfectly normal.

9 Q. But no one ever talked to you or gave you any
10 instructions relative to these are the lanes of road, this is
11 the extent of what an interrogator can or cannot do?

12 A. Absolutely not.

13 Q. How about your MPs? Were they aware of what MI could
14 and could not do?

15 A. There was some rules for interrogation that were posted
16 in the cellblock, in their office--their admin place where they
17 signed prisoners in and out and check on--keep the records and
18 everything. It was like an admin room, and there were the rules
19 for interrogation posted there.

20 Q. But those were for MI personnel?

21 A. They were. But no rules for the MPs.

22 Q. No rules. They didn't tell the MPs what to do?

23 A. No.

1 Q. Do you think it should have occurred? That, in fact,
2 MI should have known what MPs could do and MPs should know what
3 MI could do?

4 A. Absolutely. I think one of the big lessons from this
5 should be how do we make that lash up better. The MI people
6 have to understand the different mindset of an MP--particularly
7 interrogation operations. That they--they have rules. And if
8 interrogation gives them permission to operate outside those
9 rules, that's their lane, but the MPs are no longer going to be
10 involved unless they are trained with the interrogations teams
11 at the MI school.

12 Q. Are you familiar with sleep management methods that
13 were occurring in Abu Ghraib?

14 A. I did not know that they were--I know that one of the
15 interrogation techniques that they were using was sleep
16 deprivation, but I didn't know that they were using them in any
17 of the cellblocks. They had a regular regimen for when lights
18 went out, and sleep, and--there was always chatter afterwards,
19 but that was in the general population compounds.

20 [END OF PAGE]

1 Q. Did any of your MPs ever come to you and tell you about
2 what methods MI were using--were instructing them, the MPs, to
3 use as to how to keep detainees awake?

4 A. No, sir. I am aware that one night they finished the
5 interrogation at interrogation facility [REDACTED] and the
6 interrogation people did not want to escort the detainee back to
7 Vigilant, so they called the MPs to escort the prisoner back to
8 Vigilant. It was late at night, and one of the MPs on duty that
9 night was a female, and she didn't feel comfortable with that
10 responsibility. And that was not a responsibility--the
11 interrogators were supposed to pick them up at one point and
12 return them to that point. So this was an exception. But [REDACTED]
13 [REDACTED] [phonetic], who was the XO out there, went to Colonel
14 Pappas and told him, "We're not doing that anymore," because
15 it's almost like mixing apples and oranges at that point.

16 Q. Do you know who [REDACTED] was?

17 A. [REDACTED]

18 Q. [REDACTED]

19 A. No, sir.

20 Q. You're not aware that he was the captain that was in
21 charge of the military police personnel within the 1A and 1B
22 section? In other words, [REDACTED] and the sergeant

1 that was in the daytime [redacted] (phonetic)? They were part of
2 his responsibility?

3 WIT: Was he an MP?

4 DO: Yes.

5 WIT: In one of my battalions?

6 DO: Yes.

7 A. I might recognize him by sight.

8 DO: He was in the 372nd MP Company, as I recall.

9 WIT: Doing--he had the platoon down--that was left behind
10 with the multinationals. He came up late.

11 DO: I don't know when he came out. I just know that he
12 was there--as an example, I know he was there during the Iraqi
13 shooting incident. When, exactly, he arrived on site, I do not
14 know.

15 WIT: I might know him by sight, but I knew [redacted]
16 as the company commander for the 372nd.

17 Q. Right. And [redacted] company had responsibility,
18 as I understood it, for the hard site?

19 A. Right.

20 Q. [redacted] was a member of that company, also.
21 I'm not sure when he arrived at Abu Ghraib, but he was also a
22 member of that and had responsibility for the 1A and 1B area.

23 A. I was not aware of that, and I never saw him---

1 Q. You never saw him when you went down to all of those
2 areas?

3 A. No, sir.

4 Q. You never had any discussions about what was going on--

5 --

6 A. The name isn't even familiar to me. What General
7 Sanchez, in his letter, what he ordered me to do was to evaluate
8 the chain-of-command, and----

9 DO: He was missing within all of that chain that was----

10 WIT: Nobody ever mentioned his name, either. I even asked
11 every one of them, "Is there anybody else that I should talk
12 to?" Nobody ever mentioned his name. But, visually, I might
13 recognize him.

14 DO: I don't have any further questions. I believe that
15 you have some additional comments that you--I'm sorry. Did you--
16 -did either of you----

17 RC: No, sir.

18 LA: No, sir.

19 WIT: I just wanted to make two, I think they'll be brief,
20 comments. One was, you, know, because I think there's millions
21 of lessons to be learned in all of this, but [REDACTED]
22 was a smart guy, but he was not a leader. He was selected for
23 command of that battalion by my predecessor. Whatever the

1 reason was, the battalion commander was not deployable, and
2 General Hill asked [REDACTED] if he wanted to be a
3 battalion commander so he filled the position. He was not an
4 MP. He was an engineer, and he commanded an engineer fire truck
5 company as a captain for, if I recall correctly, seventeen
6 months, and that was his only command experience. He had worked
7 with civil affairs, and decided in the course of assignment
8 possibilities that taking the course to qualify as an MP, the
9 correspondence course would be a good idea. So, I don't know
10 what his lash up was with General Hill or how they knew each
11 other, but that's how he was selected for that position, and I
12 don't think he had the background or the experience, and
13 certainly not any knowledge to be an effective battalion
14 commander. I didn't know that, because General Hill spoke very
15 highly of him. And when he briefed me--like I said, he was not
16 a very effective briefer, but that was very early on right after
17 I took--or was just about to take command.

18 And the other thing that I wanted to mention was that I
19 think that there was some--I don't even want to go so far as to
20 say that it looked like it was intentional, but I asked Colonel
21 Pappas one time, and this was very early on when we were getting
22 more numbers of--it was principally soldiers who were doing--
23 military intelligence soldiers that were doing the

1 interrogation. We didn't have--and if they had civilians it was
2 translator--interpreters. And I asked Colonel Pappas how did
3 this work at other locations, you know. Could they get people
4 released, or--and he said, "I've never worked interrogation
5 before."

6 And I said, "Never?"

7 He said, "No, ma'am. I was doing strategic
8 intelligence work, and I was a tactical intel commander. I've
9 never worked interrogations before. I'm relying on [REDACTED]
10 and their experience and the interrogators, you know, because
11 they're really good and they're very well trained."

12 And I would hope that he wasn't put there because of
13 that. I would hope that there wasn't any plans to exploit
14 professional weaknesses, including my own or battalion
15 commanders. I would hope, and there doesn't appear to be any
16 information, so far, that--MPs were not specifically selected
17 because in their security clearance file it said that they might
18 have a propensity to something. I do believe that people,
19 interrogators, were so convincing that they did exploit an
20 opportunity to get the military police personnel to agree to do
21 this. Simply by saying, "The more information we get, the more
22 prisoners get out of here, and the sooner you can go home. And

1 this is your ticket out of here." It was a carrot used in a lot
2 of different situations.

3 Down at CPA, [REDACTED] told me that if I gave him
4 a company to work down at CPA, that was my ticket out of there,
5 but otherwise we were going to be there for years. I said, "I'm
6 not going to give you a company, sir. I don't have a company to
7 give you. You can hire people to do the work in the ministry of
8 justice. I'm not going to use MPs to do that." Well, he left;
9 we stayed. I think there was broken parts.

10 DO: Well, you've caught my interest with a number of those
11 comments. The first being the assignment of military police
12 personnel. You were suggesting some pre-arranged plan on the
13 selection of those military police personnel for this
14 assignment.

15 Q. I heard from what you stated a "propensity" for the
16 ones selected to be controlled or manipulated at some point. Is
17 that what you're suggesting?

18 A. That's what I'm suggesting.

19 Q. And what leads you to believe that there was that type
20 of process actually used? Who do you believe did that?

21 A. Well, there's other possibilities, but they all focus
22 on the same conclusion. How do you end up with seven soldier
23 assigned to a company that were successful and in compliance, to

1 the best of our knowledge, for months when they were deployed in
2 Ad Diwanisah--and then they come up to Abu Ghraib, they take
3 over a mission, following a visit by Major General Miller who
4 obviously has a plan of some sort to enhance actionable
5 intelligence at Abu Ghraib in his "GITMOizing" Abu Ghraib
6 efforts, and you take those techniques and those ideas and those
7 plans, and you put those in the hands of relatively--
8 comparatively, not relatively, but comparatively inexperienced
9 interrogation teams, under far less supervision than what
10 General Miller would have Guantanamo Bay, and it's like a powder
11 keg. And you apply pressure to the person responsible for
12 applying those techniques. In this case, Colonel Pappas,
13 perhaps. And you keep him under pressure, and he is trying to
14 get more, faster, sooner, better, and--a clear and critical step
15 in this is finding MPs who will be cooperative. So if you're
16 not telling them, "This is your only ticket out of here," or
17 you're not telling them, "You talk about this outside of this
18 cellblock, and you have compromised national intelligence," or
19 you tell them, that, "Look, Secretary Rumsfeld signed this
20 letter," now they don't know if that's his signature or not,
21 but, "Secretary Rumsfeld signed this letter. We have his
22 authority," or you tell them, "We know what your record is in
23 your civilian job, and we will take everything away from you."

1 How did a guy like [REDACTED] get over there? A truck driver.
2 Because they knew he had an affair at some point with a married
3 woman. I don't know. Who would have access to their security
4 clearance data? That would be the MI people. Did they go to
5 the database and say, "These are the people we have in the 372nd.
6 Who are the ones we would like to assign to this kind of
7 operation? Who are the ones we can convince they need to keep
8 their mouths shut?" [REDACTED] Everybody
9 knew that. [REDACTED]

10 DC: She got an Article 15 for it.

11 A: -- [REDACTED] I mean, these guys
12 are responsible soldiers--or they were. What made them go
13 wrong? I mean, that's the million dollar question, obviously.

14 DC: It's one of them. But you're theory--you're
15 suggesting a theory, here----

16 DC: A hypothesis.

17 DO: Your hypothesis suggests that when various MP
18 personnel, such as [REDACTED] said that they were the ones
19 that assigned the military police personnel. They were the ones
20 that chose who would man that facility, and they did that based
21 on civilian experience, because [REDACTED] and [REDACTED] had
22 civilian experience. So that's why they--I'm not sure if it was
23 [REDACTED] himself or the sergeant under [REDACTED] made the selection of

1 those two individuals. That would seem to be contrary to your
2 hypothesis.

3 WIT: Unless somebody said to [REDACTED] knowing that there
4 were two of that selection that had years of experience in a
5 civilian facility, said that is one of the likely fills for--I
6 mean, when you hedge the bet.

7 DO: General, I hear your hypothesis, but I have to tell
8 you, after the very significant investigation involving a lot of
9 people and thousands of documents, I see no indication of that
10 kind of a conspiracy or hypothesis.

11 DC: Sir, obviously, you have access to a lot more
12 information than we do.

13 DO: I do.

14 Q. Okay. Are there any other points or issues that you
15 would like to make?

16 A. I can't think of any right now.

17 DC: There is one concluding point. This is still an open
18 and active investigation. It is not closed. I do not actually
19 even know when it will be closed. We anticipate presenting a
20 report sometime this coming week to General Kern. That's very
21 tenuous, because General Jones has to complete his further
22 inquiries into other individuals at higher levels, and, in fact,
23 it still has to go through a legal review. As a result of that

1 legal review, it's frequent that lawyers look and say, "Well,
2 you've got to go back and ask this person this question." I
3 have to give you the same order I am giving everyone that I have
4 interviewed, and that's well over one hundred and fifty people.
5 And that order is: You are not to discuss what I have asked
6 you, today, or any of the specifics of what I have asked you
7 today with anyone outside of this room, except for your
8 attorney.

9 WIT: Yes, sir.

10 DO: You can tell people that I have interviewed you, but
11 that's where it has to stop. And that's an order.

12 WIT: Yes, sir.

13 DO: Is there anything that you don't understand about that
14 order?

15 WIT: No, sir.

16 DO: Counselor, is there anything you don't understand
17 about that order?

18 DC: No, sir.

19 DO: The same order applies to you, counselor. Do you
20 understand that order?

21 DC: Yes, sir.

1 WIT: Sir, do you want me to get in touch with Major
2 [REDACTED] up at the 800th MP Brigade for those--? You'll do that?

3 DO: No. We'll do that. If we need your further help and
4 assistance--I appreciate your help. But we'll get a hold of him
5 for that for those records. Alright. Unless there are any
6 further questions?

7 LA: No, sir.

8 [The deposition closed at 2014, 18 July 2004.]

9 [END OF PAGE]