

1 ARTICLE 15-6 INVESTIGATION INTERVIEW

2  
3 At Camp Doha, Kuwait, on 15 February 2004:

4 MAJOR GENERAL ANTONIO M. TAGUBA, U.S. Army, CFLCC Deputy Commanding  
5 General deposing.

6 MASTER SERGEANT JOHN E. DAVIS, U.S. Army, CFLCC-SJA, Senior Court  
7 Reporter, has been detailed reporter for this interview and has been  
8 previously sworn.

9 BRIGADIER GENERAL JANIS L. KARPINSKI, U.S. Army, was sworn, and  
10 interviewed as follows:

11 Q. Has anybody mentioned to you the context of the  
12 investigation, or scope of anything in that nature?

13 A. No. As a matter of fact I was kind of frustrated because I  
14 tried to get something from General Diamond and General Kratzer, and  
15 nobody would tell me.

16 Q. Okay. Well, rightly so, I think because of the sensitivity  
17 of the investigation----

18 A. Yes, sir.

19 Q. ----and based on some allegations that were made, but let  
20 me go ahead then and start off and go to the proceedings here, some  
21 administrative requirements. I'm Major General Taguba. I'm The  
22 Deputy Commanding General of the Coalition Land Forces Component  
23 Command, as you know headquartered here at Camp Doha. The Commanding

1 General, Lieutenant General David McKiernan, has appointed me as the  
2 Investigating Officer under the provisions of AR 15-6. Also, at the  
3 direction of General John Abizaid who is the Commander of CENTCOM.  
4 Our investigation is to gather all facts-- relevant facts and  
5 circumstances surrounding recent allegations of maltreatment of  
6 detainees at the Abu Ghraib Prison also known as the Baghdad Central  
7 Confinement [sic] Facility. As well as detainee escapes and  
8 accountability lapses as reported by CJTF-7. Our investigation is to  
9 further look into the training, the standards, employment, command  
10 policies, and internal policies concerning the detainees held at the  
11 Abu Ghraib Prison. And finally, we were directed to assess the  
12 command climate, the supervisory presence of the 800<sup>th</sup> Military Police  
13 Brigade chain of command. That includes everybody that's organic to  
14 you, to your unit, and those that were tasked organized to you-- your  
15 Brigade during the period of time when you were in command. You've  
16 already met the members of the investigation team. I want to advise  
17 you that you have been sworn in by Lieutenant Colonel Kluka. All of  
18 our comments and your responses will be recorded for accuracy. Of  
19 course you'll get a chance to look at them before once again that you  
20 sign any of the statements. So before we begin I ask you if you have  
21 any questions on the scope or nature of this inquiry?

22 A. An aggressive undertaking and-- but I don't have any  
23 questions, sir.

1 Q. Okay, wonderful. For the record would you please state  
2 your name, your rank, social security number, and duty position?

3 A. My name is Janis Lee Karpinski. I'm a Brigadier General,  
4 and the Commander of the 800<sup>th</sup> MP Brigade, and my social security  
5 number is: .

6 Q. Thank you. And you're currently the Commanding General of  
7 the 800<sup>th</sup> MP Brigade?

8 A. Yes, sir.

9 Q. Okay, good. The allegations were-- related to events that  
10 happened roughly between October, December timeframe, since that's  
11 still under investigation by the CID, when would-- when were you  
12 first made aware of those circumstances and the events that happened  
13 there at Tier 1A at the hard site at Abu Ghraib?

14 A. I was up at Ashraf at the MEK compound and I received an  
15 email from Colonel Marcello the commander of the CID, and he said, "I  
16 just want you to be aware I'm getting ready to go in and brief  
17 General Sanchez. I want you to be aware that there have been-- that  
18 we're doing an investigation at Abu Ghraib Prison for detainee abuse  
19 involved," uh-- I don't even remember if there was two or three  
20 sentences. And that was about January 24<sup>th</sup>, 23<sup>rd</sup>----

21 Q. Thereabouts?

22 A. Thereabouts.

1 Q. What action did you take after that, upon that  
2 notification?

3 A. I sent an email back to him, I said, "I don't know what to  
4 say." There wasn't enough specifics in that statement. I called  
5 him. I left a message for him. I was down in-- the next morning I  
6 was down in-- at Victory, and two days later Colonel Marcello came  
7 over to see me, and told me that he was briefing General Wojdakowski  
8 in an-- I think it was an interim briefing, and he wanted me to see  
9 what they had accumulated thus far.

10 Q. Sure.

11 A. Showed me some of the pictures.

12 Q. Sure.

13 Q. And I still didn't know what to say to him. It was I  
14 called out to-- it was worse than I had-- could ever imagine. It's  
15 still too difficult for me to think that soldiers would have done  
16 some of things that were photographed.

17 Q. Okay.

18 A. I called out to Colonel Phillabaum. He'd been over the  
19 same day that I got the email from Colonel Marcello. Colonel  
20 Maddocks called me up at Ashraf and he said----

21 Q. Your XO?

22 A. My XO. And he said, "I have Colonel Phillabaum and Colonel  
23 O'Hare in the office, I'm afraid this isn't good news. There's been

1 some-- there's an investigation going on at Baghdad Central." I  
2 said, "I'm aware of it, and it's an investigation so I don't want you  
3 to talk about it on the phone, but what's Colonel Phillabaum say?  
4 So, he said he didn't know anything about it. It wasn't that he was  
5 not giving you information, but it's-- as far as what he could tell  
6 me it's really bad and I said okay I got an email from Colonel  
7 Marcello the CID commander so I know that it's still an open  
8 investigation."

9 Q. Did General Sanchez call you, or did you call him?

10 A. He did not.

11 Q. He did not. Did you inform General Diamond of this events?

12 A. I did not.

13 Q. You did not?

14 A. And I did not because Colonel Marcello made it very clear  
15 that it was an open investigation and that General Sanchez was  
16 briefed about it and General Wojdakowski was briefed about it.

17 Q. Who directed you or if you took the initiative of  
18 suspending Lieutenant Colonel Phillabaum and Captain Reese?

19 A. General Sanchez called me into his office that afternoon.  
20 I saw Colonel Warren outside and he said General Sanchez is really  
21 upset about the investigation. And he said, "I don't really know  
22 what action he's going to take." And I said, "Well I was scheduled  
23 to go out there, so I'll just hold off until he tells me what he

1 wants me to do." So, when I went in to see him he said, "I want you  
2 to do an assessment of their leadership abilities and make a  
3 determination if they're able to hold leadership positions." And and  
4 I-- I said, "I can go out to Baghdad Central first thing in the  
5 morning. I can spend the day out there, or three days out there. As  
6 you know sir, you're FRAGO sent my up to Ashraf and I don't know if  
7 General Surgeon has any plans for any kind of activities up there I  
8 don't' want to throw anything off track inadvertently." And he said,  
9 "Do you want me to tell you what your priorities are?" And I said,  
10 "No, sir. I understand priorities, but I didn't want to disrupt any  
11 of those-- since that-- that direction is coming from the SECDEF's  
12 office, I didn't want to disrupt any of those plans."

13 Q. Sure.

14 A. So he said, "No, there's nothing scheduled. Just go out to  
15 Baghdad Central." So, I did. Spent the day out there and the next  
16 morning out there, and spoke to the people that were running the  
17 cellblock then-- and I've been out there many times and we discussed  
18 some of our concerns. Sat down and discussed with Colonel Pappas in  
19 November and about some of the concerns and the procedures and the  
20 manpower drain of running the interrogation cells the way he wanted  
21 them run.

22 Q. Sure.

1           A.    And the reason I remember it very specifically was because  
2 we sat down and spoke.  It was Major Williams, his deputy; one of the  
3 captains, Captain Wood-- there was two Captains, Colonel Pappas, and  
4 I had maybe my Operations Officer with me and two are three people.  
5 And he wanted to speak to me about the four people that the MI  
6 Brigade was being tasked to provide to cover a tower for force  
7 protection.

8           Q.    Okay.

9           A.    And he said, "Those four people will have a tremendous  
10 impact on the interrogation operation."  And I said, "Well, it's not  
11 like you're running through this thing rapid speed anyway, so-- I  
12 mean slowing it down you're gonna stop it."  He said, "Exactly," and  
13 I said, "This is a tower that affects your soldiers.  It's for  
14 soldiers.  I mean I've got more than 85 that are involved in internal  
15 security."  He said, "It's very difficult to provide those four  
16 soldiers," and I said, "I'll think about it."  But----

17          Q.    Those were four MI soldiers?

18          A.    Four-- it didn't have to be MI soldiers, no sir.

19          Q.    Okay.

20          A.    It could be four soldiers.  Could be clerks, cooks,  
21 drivers, whatever.

22          Q.    Anybody, okay.

1           A.    So, umm, and I-- I actually said that to him, you know,  
2 "Give us your cooks," and he said, "Well then the mess hall won't  
3 operate as well." So, I left and when I came back not only was  
4 Colonel Pappas the FOB Commander, but somehow all of these assets for  
5 him to operate Abu Ghraib prison as an FOB fell from the sky. He had  
6 a LRS Battalion, he had two Infantry Platoons, he had an Engineer  
7 Company minus one platoon, and I saw him out there maybe four days  
8 after I came back and he said and I said, "Gee it seems like those  
9 four weren't a problem after all." And I said, "But you're going to  
10 get a request from us to be exempted from the internal taskings,  
11 because I counted and I got 83." And he said, "Ma'am, I counted and  
12 I got a 121." And I said, "That's a whole MP company doing nothing  
13 but force protection, and escorting contractors around so, we're  
14 gonna have to get out of the business of doing some of the other  
15 things for your interrogation operation specifically."

16           And he wrote a memo up in December that said, "I'm very  
17 concerned about the security posture out here the MP's have-- are no  
18 longer escorting detainees going through the interrogation process.  
19 We've had to take that on. We tried to implement all the measures to  
20 make cellblock 1A, and 1B specifically an MI operation." Those kind  
21 of things. And it really was a memorandum for record as much as it  
22 was a request for additional help out there at Abu Ghraib. So when--  
23 when this whole situation came to light consistently out at Baghdad

1 Central I was hearing, "Well we couldn't by and check that cellblock  
2 anymore because the MI people said that it wasn't "our" operation."  
3 Colonel Jordan had exclusive rights of escorting us if we wanted to  
4 go in. We had to take permission from Colonel Jordan. And it was  
5 consistent with an incident that occurred in November, I believe when  
6 a handgun found its way into the cellblock, and as soon as it  
7 happened and we heard about it I called out to Major Dinenna out at  
8 the 320<sup>th</sup> and I said, "Get us an SIR. Get us one immediately while  
9 the information is fresh." And he said, "Ma'am, Colonel Jordan has  
10 issued a "gag" order for the MP's. They can't even give me a  
11 statement." And I said, "Bullcrap that's not-- I mean there still my  
12 MP's. Get a statement so we can publish an SIR. This is a serious  
13 infraction." So Colonel Jordan called me back and said, "Ma'am, I  
14 just want to make sure." I said, "MP's don't operate that way. I  
15 want the information. I want the facts, and you don't have any right  
16 to impose a "gag" order." And he said to me, "Well they're-- they're  
17 TACON to us so, we really own the MP's." And I said, "I'm not  
18 debating now but I'm going to get the SIR if I have to come out there  
19 and get it myself." So they sent an SIR shortly after that, but it  
20 gave very broad statements. Very generic because they weren't  
21 certain on actually how it happened. And then when I was out there  
22 the next day Colonel Jordan specifically looked for me and told me  
23 his version of what happened. And I'm not questioning Colonel

1 Jordan's honestly or validity or anything. I'm sure what he was  
2 doing at that time was something that he was either being told to do,  
3 or thought was the right thing to do. But the version that he gave  
4 me was when he said, "I was there when it happened, so I know this,  
5 this, and this took place," was not exactly what the CID  
6 investigation eventually showed. So, there was disparity between the  
7 two reports.

8 Q. Now that-- that happened sometime in November, and I  
9 believe Colonel Pappas had received a FRAGO appointing him as the  
10 Forward Operating Base Commander.

11 A. Right.

12 Q. And I believe the specific instruction was that all tenant  
13 units would be TACON to him for security detainees and force  
14 protection. Was that conveyed to you previously, or did you----

15 A. No, sir.

16 Q. Your S-3 mentions that to you-- so you had no knowledge of  
17 that particular directive or fragmentary order from CJTF-7?

18 A. No, sir.

19 Q. Had no warning.

20 Q. Okay. So when you found that out did you go back to  
21 General Wojdakowski or General Miller to question that FRAGO?

22 A. I did, and General Wojdakowski was on Emergency Leave at  
23 the time. I believe his father was either in the hospital, or had

1 passed away at that point, and I went to General Miller. General  
2 Miller was not there for two days, and I don't know why I don't  
3 really recall, but somebody said, "General Fast is the one who had  
4 that FRAGO cut. You might want to go and talk to her." So I did.  
5 And I said, "Ma'am you have a second? I just want to know about  
6 the-- Colonel Pappas being appointed as the FOB Commander." She  
7 said, "It's done." And that was as far as the conversation went.

8 Q. Did you go back to General Sanchez to seek clarification on  
9 anything that constrained-- or limits of TACON, because as you know  
10 TACON doctrinally says that the gaining unit, being that of the 205<sup>th</sup>  
11 MI Brigade, will establish priorities over all of the tenet units  
12 that associated with that?

13 A. I went to Colonel Pappas first to get clarification. I  
14 still at that point had not seen the FRAGO.

15 Q. Okay.

16 A. That is what I asked for when I went to General Miller's  
17 office.

18 Q. Okay.

19 A. And they didn't have a copy of it. Wasn't that they were  
20 unaware of it they heard something about. I don't know if its been  
21 published yet. It still might be in draft, and they had it. I  
22 believe that General Fast picked it up off of her desk. She picked a  
23 piece of paper up and I don't know if it was the FRAGO or not.

1 Q. Do you have any knowledge of what might have precipitated  
2 that?

3 A. Have no idea.

4 Q. Okay. Could have been that when General Sanchez had  
5 visited the facility; I think with you back October sometime that he  
6 might have discussed with you about the force protection posture at  
7 the facility?

8 A. No sir, he did not. He-- what he said to me then during  
9 the briefing he said, "Where's the Civil Affairs in this?" And I  
10 said, "Sir, the Civil Affairs commander told me himself that his guys  
11 where not going outside the wall." "Why not?" He said, "It's to  
12 dangerous." He said, "Who's the Civil Affairs commander?" I said,  
13 "That's Colonel Reagan." And he said to his aide, "Get him on the  
14 phone." And he left the briefing when Colonel Reagan was on the  
15 phone and he walked out of the room went to the phone and we could  
16 hear him. And he was saying, "Do you understand? You have this-- is  
17 this clear? You get your Civil Affairs out-- you're supposed to be  
18 working in the community this is a Civil Affairs function." And we  
19 all heard his side of the conversation. But I saw Colonel Reagan  
20 that night at the CJTF-7 Headquarters and he said, "We're not going."

21 Q. Okay.

22 A. And he-- he-- he had made-- had his aide make two-phone  
23 calls. One was to the Civil Affairs commander, and the other one was

1 to General West who was the C-4. And he said, "What the hell is  
2 going on out here? Why haven't you given any support? Why aren't  
3 you-- have you been out here? I want you to get out here as soon as  
4 you can." And I saw General West either that night, or very early  
5 the next day, and he said that they were going to go out there and  
6 that they were going-- and that was delayed because General  
7 Wojdakowski formed that-- like a "Task Force."

8 Q. Okay.

9 A. And had the Engineer-- the C-4, the C-3, everybody in there  
10 from the staff and said, and he told me-- and he said in front of  
11 them, "As I've told you before we can't give you anything because  
12 you're TACON."

13 Q. Okay.

14 A. "But we're going to change all that. We're going to make  
15 Abu Ghraib an enduring camp, and we're going-- that'll open up the  
16 doors." So after that meeting General West said to me, "We'll be  
17 able to do-- I mean there's going to be more activity out there than  
18 you can imagine. There's going to be contractors who are going to  
19 do-- get a DFAC out there. We're going to go out there-- if your S-4  
20 can give me a call, we'll set up a time when we can go out there, and  
21 we'll walk the ground." And they did.

22 Q. Prior to-- prior to that-- that mission was given to the  
23 800<sup>th</sup> MP then relegated to the 320<sup>th</sup> MP Battalion to conduct operations

1 I believe after you assumed command of the Brigade on or about July.  
2 What was the intent then that you understood of why you were provided  
3 that mission set at the Abu Ghraib prison site?

4 A. We needed a location to build another internment facility,  
5 a north internment facility because at that time it was no longer an  
6 EPW, Third Country National, IR mission, Internment Resettlement  
7 Operation. It was a Iraqi Civilian Criminal Confinement mission.  
8 So, the original idea was that they would relocate the remaining  
9 several hundred prisoners up to Baghdad because they were General  
10 Officers, and Freedom-- Foreign Fighters, and Third Country  
11 Nationals, and there was really only about 300 of them. And the idea  
12 was that they would relocated north because that was the focus of the  
13 operation at the time. And Bucca was 12 hours away at its earliest.  
14 We were using Bucca almost at that point almost primarily as a place  
15 to push detainees from Cropper because Cropper was overcrowded, but  
16 Baghdad Central was intended and discussed and approved as an interim  
17 facility only for many reasons. It was extremely controversial  
18 because of the hanging, and the torture chambers that were there. It  
19 was well known for its horrible procedures for its overcrowding  
20 conditions, and of course for, you know, reports of----

21 Q. Sure.

1           A.     ----60,000 people being hung there. It was very heavily  
2 looted. The only place that really was untouched unfortunately was  
3 the hanging chamber, and the torture facilities. The rest of it  
4 was--the infrastructure was pulled out. There was rubble that was  
5 literally knee deep. Concrete, glass, wire, rubble, re-barb,  
6 everything. And the 72<sup>nd</sup> MP Company, which is a Las Vegas National  
7 Guard Company, moved into that facility at the direction of the 18<sup>th</sup>  
8 MP Brigade who was their headquarters at the time. When we got there  
9 in July, I saw a Company Commander and his First Sergeant who  
10 relieved to see somebody come to visit them. Come to tell them,  
11 "We're going to take care of you." Because up until that time they  
12 hadn't seen the 18<sup>th</sup> MP Brigade Commander, and there only recollection  
13 of seeing the Command Sergeant Major was when he stopped by and  
14 managed to tell a soldier that his sleeves were too short on his  
15 uniform.

16           Q.     Okay.

17           A.     And we walked through that facility and I said, "There's no  
18 way that you can make this into a prison. And he said, "Ma'am, if  
19 you'll give us support, come back in two weeks and you'll see what  
20 the soldiers have done. We already have a plan." So I said, "I'll  
21 give you all the support you need, but I'm not even sure we're going  
22 to be able to use this facility." And I think at that time they were  
23 holding a few of the Division 1<sup>st</sup> AD, or-- I think it was 1<sup>st</sup> AD that

1 was there at the time, or maybe 3<sup>rd</sup> ID, a few of their soldiers, not  
2 more than 20-- uh prisoners, not more than 20. So, what they did was  
3 clean up a couple of the cells, and they were holding them there. I  
4 went down to CPA, met with the subject matter experts down there at  
5 CPA, and I said, "What is the plan?" And Lane McCotter, Bill Irvine  
6 was the senior guy there at the time, Lane McCotter was one American,  
7 and Gary Deland was the other one. And they said, "Well, we're  
8 probably not going to be able to use it because of that "Hanging  
9 Chamber," and the reputation." And I said, "Well who's going to make  
10 a decision because I have an MP Company out there and another  
11 battalion coming up.

12 Q. Was the 72<sup>nd</sup> assigned to you at that time? They were still--  
13 - they were assigned to the 18<sup>th</sup>?

14 A. They were assigned to the 18<sup>th</sup>, yes sir, and so was the 400<sup>th</sup>  
15 MP Battalion.

16 Q. Okay.

17 A. And then at the TOA when we moved up to Baghdad they were  
18 reassigned under the 18<sup>th</sup>-- 800<sup>th</sup> MP Brigade. So, we worked through  
19 this process through this CPA and it was like I said it was extremely  
20 controversial, and at one point the Deputy Secretary of Defense,  
21 Wolfowitz, said, "I can't be convinced," and Secretary Rumsfeld said  
22 the same thing, "Find another place. And this isn't going to work."  
23 And what Bill Irvine did was go to Ambassador Bremer and I was in the

1 briefing when he provided it to Ambassador Bremer and he said, "It's  
2 only an interim facility. It is the only maximum security facility  
3 we have in Iraq, and really we can't even consider it a maximum  
4 security prison, but it's the only place we have to hold large number  
5 of people until we get the new building built." And he said--  
6 Ambassador Bremer said, "When do you plan to build a new one?" And  
7 he said, "We already have the location it's Kenbodesatt and we might  
8 be able to save some of that building that's over there on those  
9 grounds, but there's squatters there now huma, huma, we have to take  
10 care of that." And he said, "Well Judge Campbell was from the MOJ  
11 wasn't-- he was on board but he wasn't-- he was still kind of sitting  
12 on the fence because he wasn't sure how the-- the tide of approval  
13 was going to go. So, they-- Judge Campbell and I believe Colonel  
14 Warren, and Sandy Hodch-- Hodchins, or Hod-- Hutchinson-- Hutchinson  
15 from-- USAID. Actually she works for State Department, but she does  
16 humane programs and things. They went out there because a press  
17 conference was scheduled for whatever day it was-- and it was  
18 scheduled for Wednesday. They went out there on-- they were planning  
19 to go out there Tuesday afternoon because she was never convinced--  
20 she was adamantly opposed to it, and she was holding a key vote. So,  
21 they said, "The last time you saw it it really looked horrible. It  
22 looked like everything you would imagine a torture chamber to look  
23 like, but it's better now. And there's an MP unit out there, and

1 just come back out and take a look." And we-- one of the  
2 requirements that they, she and here group of people had was that it  
3 would somehow be isolated from the rest of the prison before they  
4 would even go out there and discuss using Abu Ghraib as a facility.  
5 So, we had this wall constructed that was cinderblock and it was 20  
6 feet it covered the other sides of this torture chamber location and  
7 sectioned it off. It is almost like a small museum area. The didn't  
8 go out on Tuesday afternoon, they went out on the morning of the  
9 press conference, and she took one look at it and she said,  
10 "Absolutely not. I do not want to be painted with the same brush as  
11 all you." And she left, so they all left. So Judge Campbell came  
12 back and he said, "We're going to have the press conference, and  
13 we're going to go ahead and use the facility, but it is an interim  
14 facility. Not more than three years. We've got to get-- we've got to  
15 break ground, and we have to get under way with the new facility at  
16 Kenbodesatt, or wherever else it's going to be." So I said, "What  
17 happened?" and he told me that story. So, he said, "But we're still  
18 going to have the press conference and I don't think Sandy is going  
19 to come, but you're going to sit next to me." And I mean-- and-- and  
20 there was a-- an Australian SJA that was there also because he  
21 understood the circumstances. They did this-- he-- Judge Campbell  
22 did most of the talking. They-- he said, "We're going to use it as  
23 an interim facility. We have the approval from Ambassador Bremer,

1 and you know, all the way up to the State Department." And that was  
2 the end of the press conference. So-- and Judge Campbell and Lane  
3 McCotter, and Bill Irvine, anytime they talked about Baghdad Central-  
4 - Abu Ghraib, because it was still Abu Ghraib at the time, it was the  
5 interim facility at Abu Ghraib.

6 Q. With that-- based on that circumstances then, fast  
7 forwarding here, did you receive and order then from CJTF-7 to  
8 establish your presence at Baghdad Central by tasking the 320<sup>th</sup> MP  
9 Battalion to assume command and control of that facility?

10 A. No, sir. What we got was a TOA Order that said the 800<sup>th</sup> MP  
11 Brigade will come to Baghdad and relocate to Baghdad and be  
12 responsible for confinement and corrections operations for Iraq.

13 Q. How did-- how did the 320<sup>th</sup> come about assuming the mission  
14 there at Baghdad Central?

15 A. They were-- that was a decision that was made before I even  
16 took command when they were talking because General Hill knew that  
17 the unit-- the 800<sup>th</sup> was going to become responsible for the  
18 corrections mission.

19 Q. Okay.

20 A. So they put a plan together on which battalions would move  
21 north; one to secure the MEK, one to go up to Mosul, one to go up to  
22 Baghdad, etcetera. At the facilities that we knew existed at the  
23 time.

1 Q. Those were already determined prior to your arrival to take  
2 command?

3 A. Yes, sir.

4 Q. Okay. Then given that-- those circumstances again, were  
5 there any specific instructions given to you by CJTF-7 to assume  
6 command and control, and start building that into a an interim, as  
7 you say, facility that would-- could handle additional detainees?

8 A. No sir, but what they said was they wanted-- General  
9 Wojdakowski said what he wanted was a confinement and internment  
10 facility. Concertina wire. And if Baghdad Central provided a "wall"  
11 and a place where we could do that that was fine. "How much can you  
12 get?" So, Ecke-- Colonel Ecke who was my Deputy at the time, he went  
13 out there and uh, you know, said that we could probably get about  
14 4000, and it would require----

15 Q. Four thousand what-- 4000 detainees?

16 A. Four thousand detainees, in the regular blueprint if you  
17 will, of a design for an internment resettlement camp. So, that  
18 meant we had to get engineer support. We had to get building  
19 equipment. We had to get all those things. And it was originally--  
20 I wasn't here for this, but I heard all of the stories of how long it  
21 took to get those building materials to Bucca. So, now we were going  
22 even farther north and rails were-- CONEX's on rail were being  
23 looted. Transportation was a problem. All of those things, as

1 you're well aware. So, Colonel Ecke was at Abu Ghraib and managing  
2 that project, but I had a different opinion on what Colonel Ecke  
3 should be doing at an internment resettlement operation. He was  
4 running Camp Bucca, and he-- he was going-- it was doctrine according  
5 to Colonel Ecke. So the processing line, which should have been part  
6 of the battalion's responsibility, was not. They-- I mean he was the  
7 Battalion Commander because that was a comfort zone apparently for  
8 him. So, when he came up to Baghdad Central-- when he came up to  
9 Baghdad, I sat down with him and I told him, "You're going to be the  
10 Deputy. That means you do logistics. You do coordination. I want  
11 you involved with the staff. I do not want you to camp out at  
12 Baghdad Central because the 320<sup>th</sup> MP Battalion is going to be in  
13 charge." But-- but-- I mean I heard all of the arguments from him  
14 and he continued. And every time I saw him trying to drift back to  
15 taking control of that operation I'd pull him back into the TOC and  
16 remind him again what his responsibilities were. Then he said he  
17 thought that he could do a lot of good down at CPA working with  
18 reconstruction of the jails and the prisons. So I said, "We can talk  
19 about that because that's a good idea." And I said, "Because  
20 Tasferat Rusafa nobody has power. Nobody has plumbing. Nobody has  
21 the logistical supplies, and you do all of those things well. So,  
22 occasionally you can go by and check on how progress is coming along  
23 at Baghdad Central." So, that worked out well, and Colonel Ecke if I

1 was going to fault him for anything during that time it was that he  
2 probably campaigning for a civilian job with the Prisons Department  
3 down there, but not the distraction of what he doing. So, I'd have  
4 to say that he was out on the road at 7:30 every morning, and he  
5 usually didn't' come back until 1700 or so, and they were full days.  
6 And I made him give me a status report. And I made him give me an  
7 update, so I knew that he was out there doing the things that he was  
8 supposed to be doing or at least he was reporting the things that he  
9 was doing that he was supposed to be doing. And-- and-- and Colonel  
10 Ecke I had too-- I really had to kind of keep him in a narrow  
11 corridor because soldiers were-- their morale was not effective  
12 positively by him. Early on he told everybody that-- you know he was  
13 going to stay as long as he could and so they might as well get used  
14 to fact that they might be here longer than a year. And "I been at  
15 this for a year already, and this is my second year and if I can turn  
16 in." You know, those are the kind of things are the kind of things  
17 he said and it scared soldiers, and I know that because everywhere I  
18 went, soldiers told me they were scared by that prospect.

19 Q. But did you understand though that there was that potential  
20 that they were going to be extended anyway?

21 A. At that time we did not. Because I went to General Kratzer  
22 and I said-- the first thing I said to General Kratzer after I said,  
23 "I'm glad to be here," and everything else, but right after the

1 change of command ceremony I went into him and I said, "This is not  
2 what the battalion's are set up to do. I mean this is a confinement  
3 operation so we're gonna need help." And he said, "I know that this  
4 is not what your mission is. It's not your doctrine, but it's closer  
5 than anybody else, and the 18<sup>th</sup> MP Brigade doesn't want anything to do  
6 with it, so you guys got it. And we'll give you all the help that we  
7 can, but CJTF-7 is gonna-- you know, kinda carry the ball for you."  
8 And we talked about a couple of other things. About the length of  
9 the deployment, and I heard at that time that the-- the "mark on the  
10 wall" was 10 months and 8 days. And it was repeated again you know  
11 in so many different locations that, "10 months and 8 days. What's  
12 the 8 days? The 8 days is the out processing once you get down--  
13 back to your mobilization station." So, I went to all of the  
14 locations and took-- talked to all of the units and told them. Again  
15 I heard from the soldiers, "We were briefed at the mob station it was  
16 gonna be six months are less. We didn't come prepared." And I said,  
17 "What are-- what do you orders say?" And there was a variety of  
18 orders. Some said, "Not to exceed 179 days." Some said, " Not to  
19 exceed 365 days." Some said, "Until relieved till-- to come back."  
20 Some of the units had been deployed already to Bosnia, or Afghanistan  
21 with that count, and I mean my Command Sergeant Major at the time was  
22 Clement. We were making lots of notes with full intentions of getting  
23 answers. And we went to CJTF-7, and Command Sergeant Major Clement

1 came back to Arifjan to get answers to those questions and others,  
2 but for clarification on this move to Baghdad. And people kept  
3 repeating 10 months, 8 days, 10 months 8 days. No, it will be more  
4 than that. And then we heard 365 days, "Boots on the ground. Plan  
5 for a year. Will some units have to stay longer? Absolutely." And  
6 I would say to them, "There is no unit listed right now to stay past  
7 365 days; however, let me make you aware, and case you are not, there  
8 is a shortage of military police units in the system. With the  
9 deployments to Afghanistan and Bosnia, and over here, they are  
10 critically short. So, if units are going to be selected there is a  
11 chance, equal to every other unit over here, that you'll be extended  
12 past 365 days." People-- soldiers cried. They weren't prepared for  
13 this. They-- and-- and I had a-- an NCO at Bucca who stood up and he  
14 said, "Ma'am don't worry because it's really only 2 more months than  
15 the 10 months we were planning to stay so, if everybody here just  
16 keeps that in perspective." And I really wanted to hug him because I  
17 said-- and I told him, "You know what, that's a great perspective,  
18 and I appreciate that and I'm going to use that when I talk to  
19 soldiers because you're right 60 more days is a small chunk compared  
20 to what you've already been here for." And I said, "That's really a  
21 brilliant perspective." So, what the objective was to talk to all of  
22 them. To tell them to put their fears to rest as much as we could.  
23 Well, unfortunately the inevitable happened and people discovered the

1 medical channels. They discovered that they could go report a back  
2 pain and get medivaced to Lungsthul and from there they fell into a  
3 black hole. And I remember the report it was on 9 September my  
4 surgeon at the time asked for the printout of how many soldiers we  
5 had in all of our units that had been-- were removed from the theatre  
6 for medical reasons and it was 2 and ½ pages long on lines that look  
7 like one of those messages. I mean there were so many lines on each  
8 page and I said, "You have-- I looked at him and I said you have got  
9 to be kidding me." And he said, "Well if you go down the whole list  
10 you'll find out that three of them came back, but the rest of them  
11 are losses. And I said, "This is September I don't know if we can  
12 keep doing this."

13 Q. Well I think it's understood though General Karpinski, that  
14 there's a war that's going on and I know there's major concerns, but  
15 then at the same time the concerns of your soldiers was no-- any  
16 different from the concerns of the other soldiers who were here  
17 longer.

18 A. Yes, sir.

19 Q. Let me kind of focus a little bit. What instructions did  
20 you give Colonel Phillabaum with regards to his mission at Abu  
21 Ghraib, Detention Operations, improving quality of life facilities,  
22 things of that nature, his rights and left limits, did you give him  
23 any specific instructions in that regard, and you've also got MI

1 units there. This is all prior to Colonel Pappus taking over and how  
2 that seemed to be accomplished?

3 Q. The MI units that were there at the time were really teams.  
4 They were interrogation teams and we had the 72<sup>nd</sup> MP Company out there  
5 and they were living in the warehouse and the 320<sup>th</sup> MP Battalion. And  
6 Colonel Phillabaum was-- he was a reluctant participant. He didn't  
7 want to move up from Bucca. They were still in the throws of the  
8 investigation with the prisoner abuse down there. And I said, "Time  
9 is past for that discussion. That is when you were notified that  
10 your Battalion was going to move north, so this is what we need to  
11 talk about, and when you get there establish the LSA. There's a  
12 couple of opportunities there's a room where the warehouse is.  
13 There's a separate building. You walked the ground up there do you  
14 recall any of this?" And he said, "Well, I'm going to wait until I  
15 get up there with the Sergeant Major." And I said, "I'll meet you  
16 out there give me a call." He met Colonel Ecke----

17 Q. He was still at Camp Bucca at the time?

18 A. He was at Bucca.

19 Q. So, there was no members of the 220<sup>th</sup> MP Battalion up at Abu  
20 Ghraib?

21 A. There was an advance party, and I don't really know who  
22 they were sir, but there was about six of them and they went up there

1 as an advance party. And Colonel Ecke met with them. Walked to  
2 grounds with them.

3 Q. Okay.

4 A. The 72<sup>nd</sup> MP Company Commander took them around. Got them  
5 inside the warehouse. They were setup, and Colonel Ecke was working  
6 on getting not only the building materials, but everything setup for  
7 them supply of MRE's, the water, whatever they needed that they could  
8 provide. Then the MP Battalion moved north in July, or maybe the  
9 first week of August timeframe, and setup at Abu Ghraib, went out  
10 there two days after they arrived, Colonel Phillabaum came into the  
11 TOC as soon as he arrived, and he said----

12 Q. Your TOC?

13 A. Into my TOC. He said----

14 Q. At Camp Victory?

15 A. At Victory. At Gotham Island. I don't believe we're going  
16 to move into the warehouse. We're going to use one of those other  
17 LSA's. And I said, "You might want to move into the warehouse, and  
18 clean up the LSA's." He said, "Soldiers want to be separate and  
19 apart from 72<sup>nd</sup> MP Company." I said, "You know there's no running  
20 water anywhere up there for latrines. "We've got it under control.  
21 Colonel Ecke is going to get latrines on a the leading edge of the  
22 ones we're going to need for the compounds anyway." And I said, "I'd  
23 like a back brief on where you're gonna put soldiers, where you're

1 gonna setup your TOC," and-- and he did that. I went out to Baghdad  
2 Central and he had some chairs setup in the other warehouse, the  
3 adjacent warehouse. Have you been up there, sir?

4 Q. Yes, several times.

5 A. So, you know where the 320<sup>th</sup> is now and the other warehouse  
6 for the 82<sup>nd</sup>, and it now has the partitions up, that's where the 72<sup>nd</sup>  
7 was at the time. So, in this warehouse just inside the door, he had  
8 some chairs setup there, and he did the briefing. And the schematic  
9 that he had of how he was going to lay out the TOC looked really  
10 good-- looked-- I mean it looked certainly acceptable. I asked him--  
11 you know-- did they prefer to be inside as opposed to outside,  
12 because at that time it was about 140 degrees just in that warehouse.  
13 Said he did because of the mortars and the RPG's, and small arms  
14 fire. I said, "Okay." And then actually when they got setup, it was  
15 different from how they had originally planned. And several times  
16 subsequent to that I said to Colonel Phillabaum, "You're sitting in  
17 the middle of your orderly room. You need a separate office." And  
18 he said, "Well, they're working on the area over here and I don't  
19 want to disrupt the progress." And I said, "Well the MI folks look  
20 like they're making progress over there." And he said, "Well they  
21 decided you know-- we were pushing all the re-barb and everything and  
22 they decided to clear it all out so, they had really done all the  
23 work, that's going to be their area."

1 Q. So, there are two separate elements building up there own--  
2 and-- and you reasonably assume that really nobody was in charge of  
3 setting up the base operations there and that your-- the  
4 responsibility was just to create a detention facility compound and  
5 to include that in the hard site as well?

6 A. The hard site was not open at the time.

7 Q. Okay.

8 A. it was----

9 Q. That was later?

10 A. It was much later, sir.

11 Q. Okay.

12 A. There-- there was-- those detainees that they had, the 72<sup>nd</sup>  
13 had a few detainees from the division there weren't even detainees  
14 there at this time.

15 Q. Okay.

16 A. So, they were getting setup to be able to execute  
17 confinement operations when they started. And there was nobody--  
18 there was no work-- I think they may have started cell block 1A, and  
19 1B, under contract at the time, but there was no other work going on  
20 there. And Colonel Phillabaum was really working focusing on the LSA  
21 and getting these "huge" mounds of rubble at least pushed out. And  
22 practically daily having to escort people that wanted to come out

1 there and see the facility and wanted to see that Hanging Chamber  
2 and----

3 Q. But-- but he was doing detention operations?

4 A. There was no detention operations being conducted.

5 Q. Just cleaning up the mess, okay. When did he assume on or  
6 about, detainee operations?

7 A. Well, he was going to be responsible for detainee  
8 operations, but they had to build the internment facility so there  
9 focus was, "Let's get the building equipment up here so we can build  
10 the interment camp.

11 Q. Okay.

12 A. So the engineers got there. They brought all their  
13 equipment. They did all the grading and everything, and I think it  
14 was the 94<sup>th</sup> Engineers, and they came out and they had three weeks to  
15 do it. We visited the grounds with Mr. Demillo who's the-- the  
16 gentleman in the United Nations who lost his life when that was  
17 bombed originally, Ambassador Bremer, General Haun, who is the Chief  
18 of Staff at the time, Ambassador Slocumb, and we walked the grounds  
19 and they saw what the engineers were doing. They saw what the plan  
20 was, and Mr. Demillo asked when we were going to take the first  
21 prisoner, and we told him probably the beginning of October. So, he  
22 said, "Fine." He understood how difficult this was out there and  
23 everything, and how controversial, but it really was the only

1 facility that we could use. Had they started building Kenbodesatt?  
2 And I said, "No sir, they haven't because it's really a CPA mission,  
3 and they haven't removed the squatters yet." "You still have  
4 squatters there?" And I said, "Well they had 300 originally and now  
5 I understand there's more than that." So, he said, "Let me see if we  
6 can help."

7 Q. Did you understand the mission at Abu Ghraib to be a  
8 priority mission for CJTF-7 as directed by CPA? Was that understood  
9 by General Sanchez?

10 A. Mister----

11 Q. Because what I'm trying to get is you were getting either  
12 some direction from CPA, or some direction for CJTF-7, so I'm trying  
13 to discern your relation whether you were reporting to CPA, or you  
14 were reporting to CJTF-7?

15 A. We were getting no instructions from CJTF-7 at that time.

16 Q. Okay.

17 A. We were down at CPA because Command Sergeant Major Guyette,  
18 from the 18<sup>th</sup> MP Brigade on regular MP patrols, because they were  
19 responsible for Baghdad and to 1<sup>st</sup> AD, so when they were out doing MP  
20 patrols, they would see a building that used to be a prison or a  
21 jail, and they would get Mr. McCotter, Lane McCotter or Gary Deland  
22 out there to look at it and they'd say, "This is another facility

1 we've found." And I-- we-- we sat down and prepared " a road ahead,"  
2 because I said----

3 Q. For CPA?

4 A. For the civilian prisons that we were----

5 Q. Okay.

6 A. ----jails, and the confinement operations that we were  
7 opening, because the internment facility we still didn't have the  
8 building materials out there and that was going to be the military  
9 facility.

10 Q. See I'm trying-- again-- maybe I didn't phrase the  
11 question. Somehow you were directed to go up to----

12 A. Baghdad.

13 Q. The direction was to go up to Baghdad to establish  
14 internment facilities, or correct facilities, or whatever the case  
15 may be, as directed by whom?

16 A. It was not directed by CPA. It was----

17 Q. Okay, so that's a command directive from CJT----

18 A. ----CFLCC.

19 Q. ----CFLCC okay. So, when you got up to Abu Ghraib to  
20 establish that as an interim facility, where you given any specific  
21 guidance either by General McKiernan, or General Sanchez at the time,  
22 but that time it would have been July, of where your priorities lie,  
23 and who you would report those developments to whom; because your--

1 is your-- is your-- had remarked that you've got all these CPA  
2 officials there, and not one member of the Command Group or CJTF-7.  
3 So, how did-- we're you able to discern at least where your  
4 priorities lie, I mean I know it's prison. I know it's detention  
5 facility and all that stuff, but who were you getting your directions  
6 from?

7 A. Before the change of command ceremony, General Hill went up to  
8 Baghdad. And he went to CPA and said, "Where are the facilities  
9 we're going to be able to start with; because right now we have the  
10 HVD Facility at Cropper, and we have a Corp Holding Area." And they  
11 said, they being the prisons experts, Mr. Irvine and the Chief of  
12 Staff, Colonel Haun at the CPA, said, "Do you have any room out at  
13 Baghdad Central to hold prisoners, yet?" And the answer to that  
14 question was, "No." I wasn't there, but the answer to that question  
15 would be "No." So, he said then, "Take your-- use the time to  
16 rebuild the jails, or to supervise this-- so, we at least have  
17 capacity to hold some of the "bad guys." So, General Hill came back,  
18 that must have been in early June because he came back, and I arrived  
19 in Kuwait and the next day we were out on the road. We were going to  
20 Bucca. We were going to Talil. We were moving up and the change of  
21 command ceremony hadn't even taken place yet. So, we got to Baghdad  
22 and we-- General Hill said that he had not met General Wojdakowski,  
23 or General Sanchez, so we would do that. And then we would go down

1 to the CPA and I could meet the prisons experts down there. Umm, the  
2 schedule reversed itself and we went down to CPA first, and Judge  
3 Campbell and Mr. Irvine said, "We're so glad you're here. We need  
4 the MP's in our facilities. They have to be running the corrections  
5 operations. Ambassador Bremer is depending on you guys to----

6 Q. Up until that time you had not gotten any instructions?

7 A. No.

8 Q. Don't you think that was rather strange that somebody is  
9 welcoming you knowing full well that you've got a command  
10 responsibility someplace else as opposed to being either directed or  
11 being influenced by prison officials from CPA?

12 A. Umm----

13 Q. Because remember you belong to a military outfit.

14 A. Correct.

15 Q. And there was an assumption, based on what you mentioned  
16 with General Hill meeting with these people, but I'm trying to see if  
17 there's any comment that basically says, "Thank you, but I've got to  
18 go report to my boss first to see what he want me to do."

19 A. I-- I believe General Hill said to Bill Irvine, and to  
20 Judge Campbell, that we were scheduled to see General Wojdakowski,  
21 and General Sanchez before we came to see them.

22 Q. Okay.

1           A.    We were going to see them in the afternoon and then we  
2 would be able to sort it out, you know, what steps we were taking.

3           Q.    Okay.

4           A.    We went to see General Sanchez.  We went to see General--  
5 Sanchez first, I think, and I introduced myself and he said, "So, you  
6 guys are going to start rebuilding the Baghdad prisons."  And he  
7 didn't say anything about Abu Ghraib or about the internment  
8 operations.

9           Q.    Just to hear your system.

10          A.    Just he said, "You're going to start rebuilding the  
11 prisons, and you're going to be taking some of the criminals off of--  
12 out of Cropper."

13          Q.    Right.

14          A.    And General Hill said, "That was the plan.  We still need  
15 to find a place to live."  You know, just the basics.  He said  
16 General Wojdakowski would give us specific instructions, which he  
17 didn't, but he did say, "You're gonna move that location from Umm  
18 Qasar, or from "Bucca", is that what you call it?  And he said,  
19 "You're gonna move that up to Baghdad because this the focus of the  
20 fight," and he said, "Tell me what the problems are, what the  
21 limitations are, and I think I've already met your guy Ecke, and he's  
22 already out at Baghdad Central-- at Abu Ghraib rebuilding or waiting  
23 for building materials or something.  Is that correct?"

1           A.    And I said, "Yes, sir."  And he said, "Are you in command  
2 yet."  And I said, "No, sir, about another week."  And he said,  
3 "We'll I don't want the answers from you, I want them from him."  So,  
4 that was, "Okay, I've got it.  And there's another five days that we  
5 have to go through this process."

6           Q.    Okay.

7           A.    So after the change of command ceremony the next morning we  
8 left and went up to Baghdad and I went over to CJTF-7, and we had a  
9 list of the facilities, and I said to General Wojdakowski, "Sir,  
10 there's about 30 locations on here, and I don't have the MP's to  
11 cover these facilities.  Some of them are isolated locations or  
12 they're not-- there's no force protection available, and I can't  
13 cover force protection."  He said, "How many can you cover?"  And I  
14 said, "I don't know because I haven't been to all of them, but about  
15 15 if we take it, an average size."  He said----

16          Q.    Would your staff at that time know of this list?  Would  
17 they make any kind-- any kind of staff estimates between Hill's  
18 presence and your presence?  Was there any concerted effort that--  
19 you know you're going to get overwhelmed it's just a matter of  
20 prioritizing all of that.  Was that-- did your staff give you any  
21 indication of what your priorities and what your capabilities were?

22          A.    Well we hadn't been to the facilities.  Nobody had except  
23 for Ecke.

1 Q. But-- but certainly there was kind of a warning order----

2 A. There was and as a matter of fact Major Cavallaro, my 3  
3 said, "Ma'am we're never going to be able to cover all these  
4 facilities, and the force protection piece." And-- and I said, "I  
5 understand. But first we have to go out and-- I mean we either have  
6 to put them on a map or we have to see where they are and what kind  
7 of coverage." And really ended up with 15 facilities that we would  
8 be able to occupy and run that weren't out there on the edges of the  
9 earth, or anywhere else. There were-- some of them were in close  
10 proximity in Baghdad, but Gary Deland would then-- one of the subject  
11 matter experts down in CPA, he would say, "We found another facility  
12 and it will hold about 60 people." And I said, "Which one do you  
13 want me to close?" And he said, "We're not going to close any of  
14 them." And I said, "I can't put MP's in each of those facilities."  
15 So, I go back over to CJTF-7, I'd sit down with General Wojdakowski,  
16 and I said, "I'm concerned about this because Sergeant Major Guyette  
17 from the 18<sup>th</sup> MP Brigade is uncovering all these locations, and he's  
18 putting them on my shoulders to man. I don't have the resources."

19 Q. I would have said, "Time out. I don't work for you. I  
20 work for this guy." And it's a matter of the way you were describing  
21 it now is that you now have a set of circumstances where this guy is  
22 giving you information, and this guy is asking you for information  
23 and your capabilities. At that point in time wouldn't you think that

1 you would have taken an action to establish your priorities since  
2 you're the commander, to say, "I will get my priorities past that to  
3 CJTF-7, and I'll get it from CJTF-7," as opposed to going back and  
4 forth to this particular Sergeant Major that was giving you that  
5 information?

6 A. Well Sergeant Major Guyette wasn't dealing with me. He was  
7 giving me information to the prisons people and they were making this  
8 determination and I said to judge Campbell, "I'm not going to cover  
9 them. I don't have the MP recourses and nobody is going to give me  
10 extra help. I'm not going to cover them." He goes, "Well then  
11 you're never going to get out of here." So I said to General  
12 Wojdakowski, he asked me point blank, "Did you say 15 facilities,  
13 then cover 15 facilities. Figure it out!"

14 Q. This is General Wojdakowski?

15 A. General Wojdakowski.

16 Q. Okay.

17 A. So I said, "Yes, sir." And and he said, "How is the  
18 construction coming out at Abu Ghraib?" And I said, "They are still  
19 waiting on the basic building materials." He said, "I thought the  
20 CONEXES were on their way up?" "They were, they got into BIAP and  
21 they disappeared. Somebody broke into them, or stole them."

22 Q. Did you get the feeling that since you are one of two  
23 Internment and Resettlement Theatre Brigade-- MP Brigade, the other

1 one being at GITMO, that they were relying on your command presence,  
2 your command skills, your skill set so to speak, to give them that  
3 since the command is in dire straits of building infrastructure to  
4 detain and maintain a huge amount of civilian internees, or maybe  
5 even EPW's, or all those other detainees. Did you feel overwhelmed  
6 at that time?

7 A. No, sir. I didn't feel overwhelmed, but I knew that they  
8 were taking their instructions from Colonel Spain.

9 Q. Okay. Who's Colonel Spain?

10 A. He was the 18<sup>th</sup> MP Brigade Commander.

11 Q. Okay.

12 A. And he told me in July, "He didn't want anything to do with  
13 confinement operations. As a matter of fact it was time for the 18<sup>th</sup>  
14 MP Brigade to leave because the 800<sup>th</sup> and the 220<sup>th</sup> was here and we  
15 could take over since we were Reserve and National Guard. We could  
16 take over all police operations so they could come back in February."  
17 And I said, "Colonel Spain, it's the come back part that concerns me,  
18 because we can't do the confinement mission and your mission." And  
19 he said, "How's school?" And that was at the MP Summit. So, he had  
20 the weigh in. He's the Corp. He was the 5<sup>th</sup> Corp Provost Marshal,  
21 and he had the weigh in. And I told Lane McCotter and Bill Irvine  
22 down at CPA, and I told judge Campbell, because they kept firing off  
23 this you know, "We found another facility, we found another

1 facility." And I said, "Well unless you found some additional MP's,  
2 I'm not covering it, and I don't work for Colonel Spain, Colonel  
3 Spain does not work for me, and Sergeant Major Guyette has no  
4 business being in the detention operations unless he's coming to work  
5 for me as well. So, I can appreciate him locating all of these  
6 places, but let him run them, because we've settled on 15. General  
7 Wojdakowski has settled on 15 and that's what we're doing.

8 Q. Okay. Can we move quick-- October thereabouts there was an  
9 incident that had caused you to either advise Colonel Phillabaum to  
10 take leave or to take some sort of time off for whatever reason.  
11 Could you explain the circumstances of that?

12 A. There was a-- there was an incident. There was several  
13 incidents at Baghdad Central. One was-- one was an escape and it--  
14 it may have been followed immediately by another escape.

15 Q. That was reported through channels to you?

16 A. Right. Right. I mean he reported. It was an SIR. And  
17 there-- there was an accidental discharge of a firearm I think. A  
18 negligent discharge of a firearm, and my policy was that if-- if  
19 there was a negligent discharge, or soldiers were seen or stopped in  
20 there vehicles without their Kevlar's or their vests or their shirts  
21 on, I mean there was several things, that the entire chain of command  
22 was going to get a letter of concern. So, I had Colonel Phillabaum  
23 and Sergeant Major Emerson and I believe Major Dinenna came over with

1 them. And I said to Colonel Phillabaum-- I talked to all of them,  
2 told them, "This was unacceptable. How do you let people walk out of  
3 a jail?" They tried to give excuses. I said, "I'm going to do a  
4 commanders inquiry. Somebody is going to be out there and walk  
5 through the process. When I'm out there everybody seems to be in the  
6 right uniform, in the towers, I don't-- I don't get it." So, I just  
7 kept Colonel Phillabaum with me and I said, "Are you okay? I'm  
8 concerned about you. Now we talked about your reluctance to come up  
9 here to Baghdad several months ago. We got over it, didn't we?  
10 You're up here." He said, "I'm okay." And I said, "It doesn't look  
11 like you're okay." And uh----

12 Q. Was there any kind of indications that he didn't look right  
13 to you?

14 A. He-- he-- he didn't look-- I mean I was talking to him and  
15 he didn't look like it was registering. I mean I got a kind of a  
16 like a, "Yes, ma'am." I just felt like he was sleep deprived, or  
17 overwhelmed, or afraid, or all of those things, and I asked him that.  
18 And I told him there was nothing wrong if he was, but we could help  
19 him. He said, "He was okay. We know the soldiers were willing to  
20 do this. They were working really hard. The internment facility was  
21 okay, but there was still some confusion about the MI people we were  
22 holding now, you know this is changing to quickly." Okay. And then  
23 there was another incident and I-- it may have been-- it may have

1 been when the MP's were out with the 82<sup>nd</sup> and the vehicle went into  
2 the canal and one of the MP's, and one of the NCO's from the 82<sup>nd</sup> lost  
3 their lives, and I saw him the next day and I knew he was in trouble  
4 emotionally and mentally. And I told him, "I want to take you out of  
5 your position. I'm going to send somebody else over here. The  
6 battalion will be in good hands, but if you won't take leave then I'm  
7 gonna do this for you." And he said, "I don't have leave to take, I  
8 went home for my son's graduation. I'm okay." And I said, "No, your  
9 not. Look, this is more for-- then one person can handle if you  
10 don't have a support network, and your Sergeant Major Emerson is not  
11 doing you any favors. You don't need to worry about him right now;  
12 you need to worry about you. I'm worried about you, so I want you to  
13 pick up your stuff and come over to the TOC tomorrow morning and  
14 you'll spend a couple of days there and I'm going to send you down to  
15 Arifjan, but you need-- you need a break."

16 Q. Did you notify General Wojdakowski, or Sanchez, or Diamond,  
17 or Kratzer that you were doing this?

18 A. I-- well General Kratzer I think by that time was gone. I  
19 told General Diamond that, "I was sending Phillabaum down. Colonel  
20 Phillabaum was the Battalion Commander that had the problem at Bucca,  
21 and I was you know sending him down for a break. That if he didn't  
22 get to go into see the mental hygiene office in Baghdad, then you

1 know I'd-- Colonel Coulter would be making arrangements for him to  
2 see somebody down there at Arifjan."

3 Q. Sure.

4 A. Okay. I tell General Wojdakowski at the SUU, the Separate  
5 Unit Update, that I took Phillabaum-- Colonel Phillabaum out of his  
6 position and he said, "Did you relieve him?" And I said, "No sir, I  
7 didn't relieve him, but he needs a break. He needs to be away from  
8 that. Now, that might be an eventual outcome, but his not-- he has  
9 not been relieved." And the Rider Team was there at the time  
10 visiting, assisting us, and the next day, or two days later,  
11 somewhere when they were still there, I believe it was their SJA on  
12 the team said to me, "Who you gonna replace Phillabaum with? You  
13 have any plans?" And I said, "I don't have to replace Phillabaum."  
14 He said, "Well you relieved him." I said, "I didn't relieve him."  
15 And he said, "Well that's not what the rumor is out there."

16 Q. Did you tell the Battalion chain of command that a lot of  
17 things had happened?

18 A. Absolutely. I-- I talked to Dinenna and I put uh-- Colonel  
19 Chu, from the 115<sup>th</sup>, and he was aware. And I said, "Do you want me to  
20 come out and talk to the Battalion?" And he said, "I can take care  
21 of it." And when I went out there, I asked soldiers, "You understand  
22 about Colonel Phillabaum? Do you understand that..." and they did,  
23 because Colonel Chu went around and talked to each one of the

1 Companies or talked to them in the towers and got the word out that  
2 Colonel Phillabaum was just on a break and I had some special work  
3 for him to be doing, I think is how he addressed it.

4 Q. Is it common policy or practice or your leadership style to  
5 a serving Battalion Commander from one Battalion to assume some level  
6 of responsibility to another Battalion without any orders?

7 A. Sir, I didn't have any other options. I had-- I went to  
8 CJTF-7 so many times and I asked them for a deputy, I asked them for  
9 a replacement command sergeant major. I asked General Diamond, I  
10 asked General Speaks. I couldn't get help from anybody.

11 Q. Did you consider putting a senior major in command of that  
12 Battalion?

13 A. I did not because it was-- they were troubled.

14 Q. Okay. Troubled in a sense for what?

15 A. The soldiers were still reeling from the death of one of  
16 their soldiers, umm-- there was a lot of activity going on. The  
17 whole facility was becoming bigger and overwhelming. They saw an  
18 extension of their one-year tour looming on the horizon. They were  
19 being pushed around. Their LSA that they had built and cleaned up  
20 themselves was being affected. What little they had they were being  
21 asked all of a sudden to share with uh-- for each soldier to share it  
22 with three others. And they felt like every bad mission was going to  
23 them.

1 Q. So you had no confidence whatsoever in the stable of  
2 available lieutenant colonels or even senior majors in your command,  
3 whether to be S-3's or XO's or whatever the case may be to put  
4 somebody in command of a troubled battalion. To put a battalion  
5 commander who was not in your initial assessment was either not fit  
6 to continue to command or in that particular sense?

7 A. No sir. I had tremendous confidence in my majors.

8 Q. Then why did you not put one in there?

9 A. What I did was take a major out of the 324, Major Poth and  
10 I put him in the 400<sup>th</sup>.

11 Q. To command?

12 A. To command, the Battalion. I took the 400<sup>th</sup> Commander and  
13 put him in as my Deputy.

14 Q. Who was that?

15 A. Burdick, Lieutenant Colonel promotable, Dale Burdick.

16 Q. And how long did you have him as your Deputy?

17 A. Uh-- probably two and a half months.

18 Q. Okay.

19 A. I had Colonel Chu, who was the Battalion Commander over at  
20 the HVD facility and Cropper, and Cropper portion closed, so it was  
21 the HVD facility. And I had a very strong XO over there, and uh--  
22 Major Donaldson was there, who is an active component guy, uh-- and  
23 Captain Hadeck was there, who was a strong operations officer and--

1 and-- and-- he had a deputy. So I took Colonel Chu and I put him out  
2 at Baghdad Central because I-- I, like I said, I needed somebody that  
3 knew the process of commanding a battalion that could get in there  
4 and keep that battalion functioning. And-- and he did. He did from  
5 the minute he hit the ground, and----

6 Q. That was for a temporary process?

7 A. It was a temporary process, because Phillabaum, at that  
8 time, my plan was for him to come back.

9 Q. You say you still had confidence in Phillabaum's ability to  
10 command, predicted on some background with having to reel back from  
11 Bucca, and the fact of the matter was that all these incidents that  
12 were building up, escapes, two deaths, things of that nature, an  
13 overwhelming mission. So, based on your assessment that-- giving him  
14 some time off would in fact restore his motivation?

15 A. It wasn't just the time off. We reorganized his staff, his  
16 operations sergeant major, which was a big problem, was----

17 Q. This Emerson?----

18 A. ----That's Emerson. And-- and he was given very specific  
19 instructions to remain in his lane; and that his lane was very  
20 specific and limited.

21 Q. Was there a command sergeant major at the time?

22 A. At the 320<sup>th</sup>? No sir, there wasn't.

23 Q. Then, who was the acting command sergeant major?

1 A. They didn't have one. And----

2 Q. So they operated without an XO, they operated without a  
3 command sergeant major. They were put in a position of great  
4 important to get something done, you've asked for assistance, you've  
5 recognized that there are some problems associated with either  
6 discipline or lack of uh-- you had some leadership problem. And so,  
7 you took the option of placing a Battalion Commander who you thought  
8 was not well and putting a temporary Battalion Commander there, and  
9 giving him the same mission even though he was a serving Battalion  
10 Commander somewhere else.

11 A. But his mission had been reduced.

12 Q. Why didn't you just put him in there and say, "You're now  
13 the Commander." and you got a strong XO as you said. Take over 115<sup>th</sup>  
14 and I'll take care of Phillabaum later?

15 A. I could have, but I did not. I brought on----

16 Q. In retrospect now, would you have?

17 A. Perhaps. But, Colonel Chu was----

18 Q. Perhaps?

19 A. ----perhaps because Colonel Chu was leaving, he was the  
20 first Battalion out.

21 Q. Alright. But did you have any indication now with all  
22 these allegations that you would have relieved him and perhaps it  
23 would have prevented the incidents?

1 A. No sir.

2 Q. None of that would have mattered anyway?

3 A. I don't know.

4 Q. Okay.

5 A. I can't speculate, but I do know that [pause] I do know now  
6 that one of the main people in this situation with the detainee abuse  
7 has a history of this in his civilian job.

8 Q. That's not Phillabaum-- was not-- you did not put those  
9 people on there.

10 A. He did not know, those Companies, he never worked with  
11 those Companies before. He didn't know them.

12 Q. But he's the commander.

13 A. He is.

14 Q. I mean, you've never worked with any of these Battalions  
15 before either.

16 A. That's correct.

17 Q. Correct? But you take it upon yourself to get to know  
18 them.

19 A. Yes sir.

20 Q. Take charge. And the fact of the matter is that you're the  
21 senior trainer, with your experience as a Commander for all these  
22 Battalion Commanders. So, in retrospect, would you have just simply  
23 ask that he not command anymore and put somebody else strong in

1 there. Given the gravity of the mission set that was placed on your  
2 at Abu Ghraib?

3 A. If I had had a lieutenant colonel available to me to take  
4 over that Battalion. I would have taken Colonel Phillabaum out of  
5 command and put a replacement commander in there.

6 Q. But you just said you had one, cause you put Chu in there.

7 A. But Chu was temporary, sir. He was leaving in December.

8 Q. Alright.

9 A. And, actually he left in November-- and I knew that. I  
10 came down here to 377<sup>th</sup>. I spoke to General Gagin about Colonel  
11 Gentry and uh-- about putting him in the Battalion command position.

12 Q. Sure.

13 A. He said that he would talk to him about it and Colonel  
14 Gentry said that he was the Article 32 Officer, so it was probably  
15 not a good thing.

16 Q. Okay.

17 A. I asked if there was another lieutenant colonel. I asked  
18 General Diamond if there was another lieutenant colonel. And he said  
19 he had so many people that were removed from positions that he just  
20 didn't have a lieutenant colonel that he could give me.

21 Q. None available. You said-- mentioned General Speaks was  
22 also notified? This was in October?

1           A.    In October.  I went back tup to CJTF-7.  I went over  
2  General Wodjakowski and he was not there for that SUA.  I talked to  
3  the PMO and I said I need a lieutenant colonel; I need a strong  
4  lieutenant colonel.  And-- to take command.  Of Abu Ghraib?  Yes.  
5  Not a chance.  Umm-- and it was consistent with everything I had  
6  tried to get before and we got no support.

7           Q.    Did you consider Lieutenant Colonel Maddocks in that  
8  equation?

9           A.    I did not.  I-- I did because he was a lieutenant colonel,  
10 but he was not a good fit.  He was not.

11          Q.    What about Major Sheridan?

12          A.    Major Sheridan was down at CPA and uh-- I said to him-- he  
13 was an LNO down there and like everything else that Major Sheridan  
14 did, you know, in fine style.  He had the experience and I said to  
15 him, "I'd like to put you out at Baghdad Central because there's no  
16 XO and you might have to serve as the Commander."  And he said, "I  
17 serve at the pleasure of the President, tell me where you need me to  
18 go.  But I'm taking leave."  And he said, "My kids are expecting me  
19 home for leave.  I came in with the early entry module."  I said,  
20 "You know that the Battalion is struggling out there.  I mean,  
21 Emerson hasn't done anybody any favors.  Dinenna is, you know, in bed  
22 with Emerson."  And he said, "As soon as I get back I'll----

1 Q. So you had no confidence in Dinenna either, the S-3?  
2 Essentially you had a troubled Battalion.

3 A. I did. I talked to Colonel Pappas. I said, "Do you have a  
4 lieutenant colonel that you can give me to run the Battalion that's  
5 under-- you know, the security detainee operation is in MI.

6 Q. Did you have anybody at the rear detachment beside Coulter?

7 A. I had Colonel Coulter. That was the only lieutenant  
8 colonel I had.

9 Q. Okay. So all those troubles seemed to percolate----

10 A. I told Major Cavalarro, I said to him, "This is not my  
11 first choice, but you are ready to do this." And-- and he said, "You  
12 know, if you ask me to go out there, I'll go and take command of the  
13 Battalion, but the operations piece will suffer."

14 Q. From what I understand, General Karpinski, you were in a  
15 dilemma here, but, in other words, are you indicating at least  
16 insinuating that you have a bunch of officers that are either not  
17 competent, or incompetent, or not qualified, or unwilling to take  
18 command?

19 A. In the----

20 Q. In support of the mission----

21 A. In the Battalion----

22 Q. ----for the Battalion.

23 A. ----or overall?

1 Q. Overall. You have all these Battalions, and obviously  
2 you're-- you are in dire straits here and you mentioned that nobody  
3 was hearing your plea----

4 A. Nobody was.

5 Q. ----for assistance. So that was the last great measure was  
6 to put Lieutenant Colonel Chu in temporary command while Lieutenant  
7 Colonel Phillabaum was recovering from whatever he was struggling  
8 with.

9 A. The stress, whatever, but it was. And it was clear.

10 Q. So, you put him back in command after he came back. Not  
11 really-- nothing out of the ordinary. Did you talk to him, or at  
12 least give him further guidance?

13 A. Yes, sir, I did.

14 Q. And in what respect?

15 A. When he came back up, because I had not made a decision,  
16 when he came back up from Arifjan. He was like a different person.  
17 He spoke with confidence, he-- we talked about Emerson, we talked  
18 about him taking control of his staff, we talked about-- I told him I  
19 would get him a CSM, and I did. We talked about using the people in  
20 the Brigade to help him when he was in trouble, like my Sergeant  
21 Major. And-- and

22 Q. Who was also in trouble at the time.

23 A. At that time, I think he was down at Arifjan,----

1 Q. Was it Clement that was gone?

2 A. It was Clement, right.

3 Q. Who had another circumstance, of course, which placed  
4 Sergeant Major Cartagena----

5 A. As the Brigade Command Sergeant Major.

6 Q. It would appear-- didn't it appear to you then, General  
7 Karpinski, that you got all these other tidbits of your command, that  
8 you had people that had either a troubled past or didn't know how to  
9 lead. And as a Brigade Commander, I would think that identifying all  
10 those troubled spots was whether you would have taken the risk of  
11 instantaneously removing them, and operating without them, or  
12 operating with them, and continue for them to be turbulent. You  
13 mentioned Emerson. What was his problem?

14 A. He's uh-- operating as if he were in the Army 20 years ago.  
15 [Pause] He wanted to be a gunslinger. He wanted to be a specialist  
16 or a private again. And I used those words to him. And, uh, I  
17 wasn't here, but there were incidents down at Bucca with him, and  
18 they were reported and nobody did anything. He got up to Baghdad  
19 Central and I was out there once the internment camp was set up and  
20 it was operational and we couldn't get force protection from anybody.  
21 I was out there in the afternoon and here's Emerson up in the tower.  
22 And I said, "What are you doing up in the tower?" And he said, "Well  
23 it means a soldier doesn't have to be up here." I said, "Sergeant

1 Major, you're the Battalion Senior NCO. You're supposed to be  
2 checking on the other soliders." And when I got back down to the  
3 ground I said to Phillabaum, "Why is your Sergeant Major up in the  
4 tower?" That's how the conversations went. And I walked with him, I  
5 sat with him, I talked with him.

6 Q. This is Phillabaum.

7 A. With Phillabaum. I-- I spoke to him with Emerson there.  
8 And Colonel Phillabaum told me, "We're going to take care of it,  
9 we're going to keep in his-- I'm gonna keep him under control." And  
10 every time I went out there, I would get another indication that he  
11 was out of control.

12 Q. Did you sense he was not following your instructions, did  
13 it cross your mind perhaps that disciplinary action was called for at  
14 that time, that you were going to take, would you?

15 A. And he got a letter of----

16 Q. Was that about the extent of his disciplinary action?

17 A. Colonel Phillabaum said he did not want to take him out of  
18 the position.

19 Q. Okay.

20 A. He had confidence in him. He----

21 Q. Except he can't accept-- he's not accepting your authority  
22 based on your instructions to stay in his lane.

1           A.    Yes, sir.  And he wasn't accepting Colonel Phillabaum's  
2 authority either, because Colonel Phillabaum was-- told me that he  
3 was giving him instructions and we had a conversation along those  
4 lines that he is putting you on the line by disobeying your  
5 instructions because those are my instructions.  And he said, Colonel  
6 Phillabaum, he said that Sergeant Major Emerson was the full-time  
7 support in the unit.  The soldiers responded to him.  And I said,  
8 "But they don't respond in a disciplined fashion.  They-- they  
9 respond to him because they think this is the wild, wild, west.  And  
10 uh-- and he said, "If I took him out it would hurt the Battalion."  
11 And I said, "Look, I can give him another letter of reprimand, I can  
12 take on this responsibility of commanding your Battalion if you want  
13 me to.  And if you don't want me to.  But you need to start getting  
14 him under control."  And then there was about 30 days, a month, or 45  
15 days where he actually was under control.  He was in the right  
16 uniform.

17           Q.    He was out of uniform?

18           A.    He was in the BDU, but he wasn't in the DCU.  And somebody  
19 said to me, and again I wasn't there, but when they were down at  
20 Bucca, they said he gave his DCUs to a couple of the EPWs when they  
21 were uh-- paroled.  And, of course, I asked was there any truth to  
22 that.  Of course not, he sent them to the laundry and they never came

1 back. So he had his BDUs. BDUs were acceptable, but he-- he was a  
2 standout from his Battalion.

3 Q. He was one of the individuals, I believe, that was  
4 suspended from their positions?

5 A. That's correct. That's correct.

6 Q. Was there a written suspension?

7 A. Suspension? Absolutely, yes sir.

8 Q. So you removed him. Who else was suspended out of there,  
9 besides Phillabaum?

10 A. Phillabaum-- Phillabaum, Emerson, Reese, Lipinski, and  
11 Snyder.

12 Q. Who's Lipinski?

13 A. Lipinski is the First Sergeant for the uh-- tbe 372<sup>nd</sup> MP  
14 Company.

15 Q. Why not the S-3? Since he's got daily operational  
16 oversight of all the Battalion operations.

17 A. I don't know, sir.

18 Q. Okay. So those were your choices?

19 A. They were not. Phillabaum and Captain Reese and Lipinski  
20 were General Sanchez's choices.

21 Q. Okay. So basically----

22 A. I added Emerson and Snyder.

1 Q. Your prerogative. Okay. There were other incidents that  
2 happened in the time when, it was November I believe it was. The  
3 205<sup>th</sup> MI Brigade Commander has already assumed TACON and had moved in  
4 to the facility. And there was a riot, I believe at Camp Ganci, one  
5 of the compounds there resulting in injury to both detainees and MPs.  
6 And there were the death of six detainees if I'm not mistaken.

7 A. Three.

8 Q. Three, okay. And there was also, coincidentally enough, an  
9 escape attempt somewhere in the hard site. It was either during the  
10 same timeframe or the same night, whatever the case may be. What  
11 actions did you take immediately after those incidents, and could you  
12 described at least if you were present during that time or reports  
13 that were being conveyed to you?

14 A. There was a riot, Colonel Phillabaum called after it was  
15 under control.

16 Q. After it was under control?

17 A. After it was under control.

18 Q. Not during?

19 A. No it was not.

20 Q. There was no report radio wise, nothing?

21 A. No, sir.

22 Q. So you had no knowledge of it----

23 A. No, sir.

1 Q. ----until after it was under control.

2 A. Until after it was under control.

3 Q. Okay. Did you kind of find that rather strange?

4 A. I did. And they told me that Colonel Pappas said that he  
5 wanted the reports coming to him and he would inform me.

6 Q. Okay.

7 A. And they followed those instructions.

8 Q. Alright. So you-- the reports went to Pappas. Pappas was  
9 supposed to pass it-- pass it to you. Did you hear anything from  
10 Colonel Pappas at all?

11 A. I did not.

12 Q. Alright.

13 A. I called Colonel Phillabaum. It was about 2200. No, it  
14 was not that late, it was dark, it was probably 2000, 2100, it was  
15 late and I said, "Tell me what's going." He said, "Did Colonel  
16 Pappas call you?" "No he did not." And before he told me what  
17 happened he said Colonel Pappas said that he wanted the report and he  
18 would get in touch with you. And I said, "Tell me what happened."  
19 He said, "It started in one compound. One compound started throwing  
20 rocks," you know the whole story, so. And I said, "When did you--  
21 tell me what actions you took." And he said, "I went down to the  
22 facility when it started, uh-- they were using, gave the order to use  
23 non-lethal----

1 Q. Who gave the order?

2 A. He did.

3 Q. Phillabaum?

4 A. He did, yes. That's what he told me. And uh-- and it made  
5 sense that he was in the TOC, went down to the compound, gave the  
6 order use non-lethal, engaged. The prisoners since it was the winter  
7 time had taken their blankets and put them inside their jackets, and  
8 the non-lethal had little effect on them. One compound when it  
9 started, and that compound responded and there was only one compound  
10 that stayed out of it.

11 Q. It was a domino effect.

12 A. It was. And then when it-- according to Colonel Phillabaum  
13 they would get it under control then it would start again. They'd  
14 get it under control then it would start again. He said we did that  
15 three times and then I gave the order to go to lethal.

16 Q. Was the Rules of Engagement done indicated as such to--  
17 what did the Rules of Engagement at that point in time, because they  
18 were subsequently changed after that?

19 A. Yes, sir. The Rules of Engagement at that time were that  
20 you would use escalating means up to and including, at the command of  
21 the Camp Commander, Colonel Phillabaum, non-lethal. And then, if you  
22 were still not able to bring it under control, on order from the Camp  
23 Commander, you would go to lethal. And-- and they followed those

1 procedures. They-- they tried to get it under control, uh-- it was  
2 getting out of control very rapidly. They went to non-lethal, the  
3 non-lethal was ineffective, and then they went to lethal. And they  
4 were the Rules of Engagement. Uh-- when I spoke to General Sanchez  
5 that night, I told him that they used the established Rules of  
6 Engagements.

7 Q. Whose Rules of Engagement were those?

8 A. They were CJTF-7 Rules of Engagement, they were theater-  
9 wide Rules of Engagement, and they were the 800<sup>th</sup> MP Brigade Rules of  
10 Engagement and they were all a duplication republished. And in their  
11 SOP, it was the 320<sup>th</sup> MP Battalion Rules of Engagement, which was just  
12 their repetition of all of the Rules of Engagement that were  
13 published. And I had in my hand, the copy of the CJTF-7 Rules of  
14 Engagement and the 800<sup>th</sup> MP Brigade Rules of Engagement. And General  
15 Sanchez told me that he didn't care what the Rules of Engagement  
16 said, that he wanted them to use lethal first and then go to non-  
17 lethal when it was under control.

18 Q. Okay.

19 A. And I said, "Sir that's a violation of the Rules of  
20 Engagement." And he said, "I don't care about your Rules of  
21 Engagement." I said, "Sir, these are your Rules of Engagement." And  
22 the JAG was sitting there and he said, "Then change them." He turned  
23 to me and said, "Don't make any changes until you get the new Rules

1 of Engagement, but you're going to get new Rules of Engagement. Do  
2 you understand?" I said, "Yes, sir, I understand." "These are  
3 unarmed combatants." He said, "I don't care. They're armed  
4 somehow." And General Miller was in there with me, and he said to me  
5 out in the hall, "It doesn't make any difference if they're rocks or  
6 MREs, just----

7 Q. They're armed, somehow.

8 A. That's his interpretation. Let the SJA people handle it  
9 now.

10 Q. This is the C-3 Miller?

11 A. The C-3, General Miller.

12 Q. Of course, the Rules of Engagement were changed after that.

13 A. Right.

14 Q. Because-- let me go back to the TACON relationship that you  
15 had. Uh-- TACON happened on the 19<sup>th</sup> of November. This happened on  
16 sometime around-- before Ramadan ended 24, 25<sup>th</sup> of November. During  
17 the span of about five, six days there was still no clarity with  
18 regards to your concerns of what TACON meant?

19 A. No-- no clarification at all. Several attempts I went to  
20 Major Williams, who was Colonel Pappas' Deputy, he said uh-- that  
21 their-- the interpretation from General Wodjakowski was that TACON  
22 meant that Colonel Pappas was in charge of those units. And I said  
23 to Major Williams, "If Colonel Pappas is going to take charge of the

1 MP Battalion, I still want them to send me SIRs, I still want them to  
2 send me information, I want to know what's going on with my MPs.  
3 Because I'm the one that's going to be asked the questions." And he  
4 said, "Ma'am I don't think so, I think Colonel Pappas is ready to do  
5 this." And-- and I said, "Colonel Pappas and I need to go see  
6 General Wodjakowski."

7 Q. Did you all see General Wodjakowski?

8 A. We did not.

9 Q. Would the issue have been more resolved if in fact you  
10 relinquished TACON to Colonel Pappas?

11 A. No sir, I don't believe so.

12 Q. You still were-- your Battalion there was still in charge  
13 of detention operations?

14 A. They were. And they were running all the facility, the  
15 hard facility was open at the time. We were housing-- we had two,  
16 three, cell block two, three and four open, and five partly open, and  
17 one, cell block 1A was the isolation cells and that was an MI  
18 operation. And then they asked for more capacity because they had  
19 females and juveniles that they still needed to put in isolation, so  
20 CPA gave them cell block 1B and they said that they would run those  
21 facilities. Except for the MPs who would be guarding the prisoners.

22 Q. So, the instructions you gave, or if any that you gave to  
23 Colonel Phillabaum was, though you are TACON to Colonel Pappas, that

1 you were still responsible to report to me with regards to detention  
2 operations?

3 A. He still had to give us numbers, we're still entering the  
4 data on our----

5 Q. So was that your expectation then, was that they were going  
6 to do TACON-- I'm sorry, they were going to do detention operations?

7 A. In response to Colonel Pappas, yes sir.

8 Q. Alright. But did you know that-- or did it trouble you at  
9 all-- or had any concerns that the gaining unit could establish  
10 priorities to that unit as TACON to him?

11 A. That may have been a concern, but Colonel Pappas told me  
12 that uh-- that he didn't know anything about detention operations so  
13 he was going to be relying very heavily on, you know if he had a  
14 question or if he had-- and I told him that I wanted Colonel  
15 Phillabaum to still-- we still needed to report the numbers, and if  
16 there was any issues with the soldiers I had asked Colonel Phillabaum  
17 to make me aware of them. I was still going to be signing REFRADs  
18 and those kind of orders. Colonel Pappas said, fine, that was-- I  
19 mean, the administrative responsibilities would still rest with the  
20 800<sup>th</sup> MP Brigade.

21 Q. Do you think a memorandum of agreement of understanding  
22 would have resolved that and put clarity to that relationship?

23 A. Yes, sir. I think it would have given great clarity.

1 Q. Was there any thought given to that?

2 A. There was thought given to it, and we didn't do one.

3 Q. Okay. Alright.

4 A. We were-- it's not an excuse, it certainly is not an  
5 excuse, but we were running detention operations all over Iraq. And  
6 I was moving personnel around to be able to meet these requirements  
7 and these missions and it was a piece of paperwork that in hindsight,  
8 certainly could have given clarify, but we didn't do it.

9 Q. Let me go back to when you assumed command. Upon  
10 assumption of command, when was that?

11 A. The 29<sup>th</sup> or the 30<sup>th</sup> of June.

12 Q. 29<sup>th</sup>, 30<sup>th</sup> of June. Did you establish clear command  
13 philosophy guidelines that you wanted each of the Battalions, all the  
14 way down to the lowest ranking individual in your Brigade to  
15 understand what your objectives were to be and how you want to  
16 command and what you wanted to accomplish?

17 A. Yes, sir. I had all the Commanders, after the change of  
18 command ceremony, I spoke to all of them at the same time. They all  
19 had their command sergeant major with them. And-- uh-- I told them  
20 that I knew that they were-- the number one question that they were  
21 being confronted with by their soldiers was, were we going to be here  
22 for, ya know, two years? I told them that I expected to be informed  
23 if they were-- I didn't know if there were company grade disciplinary

1 actions taking place, but for serious incidents, I wanted to know  
2 about them with a phone call immediately. I used the example of the  
3 detention. I expected the officers within their Battalions to behave  
4 appropriately, and I used the example of the violation of General  
5 Order Number One that had already taken place at Bucca.

6 Q. Major Garrity?

7 A. Yes sir. And-- uh-- I-- I did give them my philosophy,  
8 that command was a responsibility, a tremendous responsibility. This  
9 was a nation at war; we were a nation at war. This was the  
10 battlefield and we were moving up to Baghdad, but we still had lines  
11 of responsibility to Bucca, we were going to leave a rear detachment.  
12 That we would always be reachable and commanders could pick up the  
13 phone and call me at any time. Of course I had to modify that because  
14 we didn't have effective coms in Baghdad for the first month and a  
15 half that we were there.

16 Q. Did you follow this up in writing?

17 A. Yes, sir. As a matter of fact, I think they were given my  
18 command philosophy the day of my change of command.

19 Q. Would it surprise you that several of those leaders and  
20 commanders that I interviewed said they had never seen your written  
21 command philosophy?

22 A. That would surprise me. But, I would say that if their  
23 confusing my written philosophy with my support form, then I would

1 understand that. Because I told them that day, they asked me--  
2 several of them asked me, "Do you have your support form?" And I  
3 said, "No, I don't."

4 Q. This-- what I asked them was not in the context of a  
5 support form. I said, basically, a memo that stipulated what your  
6 command philosophy was. They do remember you speaking following the  
7 change of command. They did not recall at least a preponderance of  
8 the--those that I interviewed, ever remember or even recalling, or  
9 even providing me with a copy of your command philosophy.

10 A. I-- I uh-- believe that for a long time that command  
11 philosophy was attached to the other documents that were from that  
12 day. The program from the change of command ceremony, the couple of  
13 photographs. So I didn't write it for myself.

14 Q. A portion of other documents.

15 A. It was-- we were sitting in the conference room at Arifjan  
16 and they were each given a-- I don't think----

17 Q. Handouts----

18 A. Yes sir. I don't think the memo said philosophy of  
19 command, it said, maybe my-- my-- my direction or my leadership style  
20 and there was attached a list of 10 or 12 bullets uh-- that was uh--  
21 may have been Karpinski's Philosophy.

22 Q. Sure.

23 A. And they were all provided those things.

1 Q. Okay. Fair enough. Given the magnitude of your detention  
2 operations or others that was associated with it, to include building  
3 facilities. What were the fundamental, since you've been in this--  
4 you've been a military policeman now for the past 15, 20 years,  
5 prisoners association. What are some of the basic tenets that you  
6 would harp on, or provide emphasis to, when you're visiting the  
7 facilities of your commanders? And in concert with all of those  
8 incidents of suspected or either reported detainee abuses what are  
9 some of the basic fundamental things that governs your mission  
10 requirements?

11 A. Sir, each one of the facilities were a little bit  
12 different. But, when I went to each of the facilities, I talked to  
13 the commanders about their soldiers. I talked to them about the  
14 stress associated with being around prisoners all day long. I talked  
15 about how the facilities offered challenges and that civilian  
16 criminals, their mindset was different than EPWs, and so you have to  
17 keep reminding your MPs that this is not internment resettlement  
18 operations, that this is criminal detention operations. Asked the  
19 commanders and the command sergeant majors at each location, how many  
20 soldiers do you have who have criminal-- their either wardens or  
21 they're in criminal corrections on the outside. A lot of them have  
22 police officers. A lot of them had warden experience. The  
23 facilities were built for one purpose, like for example, Cropper.

1 Not held more than 72 hours capacity of 250. They were held there  
2 sometimes for weeks, and the capacity was well over 700 at its  
3 highest point. The MEK mission, although we were securing the MEK,  
4 they were not criminals, they were not-- or they weren't being called  
5 criminals. The downtown jails, you could literally kick out the bars  
6 of the windows or the doors. They were really meant and used for the  
7 training grounds for the new Iraqi corrections officers that were  
8 coming out of the training courses that we were conducting. Mosul  
9 was a division holding area while they were rebuilding the  
10 corrections facility up there. Uh-- so it was different at each  
11 location. But we focused generally, I would focus when I visited all  
12 those locations, safety, the health, the welfare, how they were  
13 handling the detainees, were the detainees getting food, were they  
14 getting clothes, what were the logistical supplies. And every one of  
15 those, and every one of the-- we handled and my S-4 insured that we  
16 handled and equipped and supplied Cropper, Talil, Bucca, Baghdad  
17 Central. CPA was responsible for funding and supplying all of the  
18 other facilities.

19 Q. Outside of your--

20 A. Outside of the military internment operations. And they  
21 didn't do it. They, Blaine McCarter and Gary Delane were, Gary  
22 Delane especially was reckless and he was more interested in how many  
23 AK-47s he could keep in the bathroom, than he was about prisoners

1 eating or how they were being transported or their safety or  
2 security, or anything else. So, I instructed my S-4 to, for 30 days,  
3 to supply the prisoners in our facilities, because they were under my  
4 MPs control. So we were responsible for them. And I went to CJTF-7  
5 and I asked General Wodjakowski if I could have an increase in my SIR  
6 funds because I was going through them 200 thousand dollars every  
7 other day. And he said, "Give me the requirements and I'll contract  
8 it." And we sent the requirements up there and he turned it back,  
9 and said see me. And I went to see him and he said, "We don't do  
10 this for the soldiers." And I said, "Sir, there's different  
11 requirements for prisoners." "But their prisoners, Janis." So I  
12 talked about with the commanders and the staff, the company  
13 commanders, I talked about their frustrations and ways to resolve  
14 them. I talked about, did they understand the Geneva-Hague  
15 Conventions. Did they understand how stress could have an impact on  
16 the MPs, to rotate them around between tower guards and compound  
17 guards and-- and they did all of those things. And they did them  
18 very well.

19 [Interview recessed at 1734.]

20 [Interview reconvened at 1748.]

21 Q. We talked a little bit about your expectations when you  
22 visited. Were there any set standards that you established or you

1 reinforced that were not negotiable and had to be carried out that  
2 you expected your commanders and your soldiers to carry-- to follow?

3 A. I expected them to be honest; I expected them to represent  
4 the-- the 800<sup>th</sup> MP Brigade. I expected them to be-- to set the  
5 example all the way down the chain of command. I expected them to  
6 get information that I gave to them out to the soldiers. And I  
7 expected them to treat the detainees appropriately, be in compliance  
8 with Geneva-Hague Conventions, to be cooperative and honest with the  
9 ICRC. Along those lines; I mean there was a-- there was a high  
10 standard established for the Brigade and I saw it in the MPs  
11 everywhere I went.

12 Q. For example, did your staff or yourself were aware that the  
13 provisions, not the entire Convention, the provisions of the Geneva  
14 Convention had to be written in the language of which the detainees  
15 nationality was from, in this case, Arabic and posted where they  
16 could be visible to both the detainees and the MP guards?

17 A. Yes, sir. And those copies in both languages were  
18 provided. And in fact we had copies of the Geneva-Hague Conventions  
19 available in Farsi as well because of the MEK.

20 Q. The MEK, okay.

21 A. I think it was Arabic, Farsi, English, and somebody told me  
22 there was some available down at Bucca in Urdu.

1 Q. Would it surprise you that when I visited these facilities  
2 last week and the week previous that none of those were posted?

3 A. That surprises me. Sir, I'll tell you, when I was out  
4 there, after I got the information from the CID-- Colonel Marcello--  
5 when I was out there, I looked for all of those things. I looked  
6 for-- for blue crystals-- to see if there were-- I mean, the flies  
7 were under control. I-- I was-- I can't say I left no stone  
8 unturned, but I was looking for the details. And I saw them. I saw  
9 Korans, I saw Geneva-Hague Conventions in at least Arabic and  
10 English. I-- I don't think I could tell you it was available in  
11 Farsi there, because I saw that up at the MEK and I don't remember if  
12 I saw it in both locations. But I was-- at Abu Ghraib, I looked for  
13 those things, and they were not only posted on the wall, but they  
14 were available, along with an ample supply of Korans and Bibles for  
15 the outside facility and the inside facility.

16 Q. Would it surprise to tell you that on my personal visit, I  
17 personally visit each of those facilities. And the tier 1A were  
18 those incidents happened, as of Wednesday I believe it was, this past  
19 Wednesday, that the only sign I saw in those two tier, was a notice  
20 form your IG that basically said that if you have any complaints or  
21 see any signs of detainees abuse that you report it to the IG. And  
22 none of the other things.

23 A. That would surprise me, yes sir.

1 Q. Also at the MEK, when I talked to the Command Group there;  
2 one, they were not aware that you had to post them on the facilities  
3 itself, or anywhere in the Command Group Headquarters, until I told  
4 them that they had a requirements under the provisions of 190-8, that  
5 that was a directive since the Army is the executive agent for  
6 detainee operations.

7 A. Sir, in the hallway, in their TOC, as soon as you come in  
8 the door, where the 530<sup>th</sup> is, it was posted on the wall. It was  
9 posted in the latrine facility. It was posted in the-- and the MEK  
10 leaders had copies of the Geneva-Hague Conventions.

11 Q. Okay.

12 A. So-- and it was posted in the mess hall, in the DFAC. So,  
13 I am surprised.

14 Q. Okay. Well, I even had to recommend almost to the point of  
15 directing a Battalion Commander, in fact it was Lieutenant Colonel  
16 McGlone that he had to post that at the HVD, twice. So----

17 A. Sir, at the HVD facility, in Baghdad, each one of those  
18 detainees had a copy of the Geneva-Hague Convention in their language  
19 and some of them asked for English. And around Ramadan, when I was  
20 at the HVD facility, I spoke to a large number of those HVD detainees  
21 and I asked them if they had any questions, they asked very good  
22 questions about-- in compliance with Geneva-Hague Conventions I'm

1 supposed to see an attorney, I'm supposed to have access to my  
2 attorney. They know all of those things, sir.

3 Q. Okay. I'm only conferring to you what I personally  
4 observed with the two recommendation I gave to Lieutenant Colonel  
5 McGlone, to post in English and in Arabic, the fundamental provisions  
6 of that as I walked around the rooms I did not see any of that. But  
7 they did have-- the admin office did have a copy of the Geneva  
8 Convention in Arabic and it was loaned out, one copy. And if you  
9 want the name of the specialist who told me that in the presence of  
10 his Battalion Commander, Specialist Zimmer. That he had one copy, it  
11 was loaned out.

12 A. When did you see them?

13 Q. I saw them, I believe it was either Wednesday or Thursday  
14 of last week. I went to visit them twice, in fact. The only  
15 facility I've only seen once is Camp Bucca and I had to tell Colonel  
16 Monterra down there that that was a requirement. And at the MEK  
17 facility, I told then, I believe Lieutenant Colonel-- I'm sorry,  
18 Major Wilson----

19 A. Major Wilson.

20 Q. ----who was on duty. But, they may know it, they might  
21 have posted it, but I didn't see it at least in that command  
22 facility, nor did I see it in any of the bathrooms. I did go to the  
23 bathroom. So I commend that to you, that if that was a requirement

1 that was an understood requirement, and you made that as a non-  
2 negotiable standard, then I would imagine that either your Battalion  
3 Commanders, or any of that for the matter, were not following your  
4 policy, nor your direction.

5 A. Sir, I-- I don't want to try and second guess anybody. If-  
6 - I had several of my Battalions and I will say, my strongest  
7 Battalion Commanders, leave already, Colonel Cantwell, Colonel  
8 Burdick, Colonel Chu and each one of them performed a RIP with the  
9 Battalion Commanders who came in. McGlone whines and if he received  
10 his OER before you got there, this may be intentional. Monterra  
11 wanted to go home four months ago and this-- I-- I don't know. I  
12 can't answer for them when Colonel Coulter and Colonel Novatny were  
13 down at Bucca, those items were available and posted.

14 Q. Okay.

15 A. I-- I-- I don't even-- I can't even guess.

16 Q. Well, I only mention that to you because it's not you, per  
17 se, just you alone, that has to enforce standards. Your Commanders  
18 have to at least comply to that and you've got a staff that has to  
19 remind them.

20 A. Yes, sir.

21 Q. So I just want to mention that to you.

22 A. Well, let me use the Rules of Engagement because that's  
23 another one that when they-- when the new Rules of Engagement came

1 out, we had training vignettes already prepared with changes so they  
2 could make comparisons. Major Peritto and Colonel O'Hare and Captain  
3 Snyder went to every one of the units and sometimes several times to  
4 the units to make sure the soldiers understood. They had copies of  
5 it. They-- it was all there. The tower guards have copies of the  
6 Geneva-Hague Conventions. And to me when a soldier goes on duty and  
7 Sergeant Major Cartagena and I talked about this. When they go on  
8 duty, it's not like there's a fight going on every day that they go  
9 on duty. Take out the SOP book, read from cover to cover and refresh  
10 your minds-- I'm not saying you have to read the Geneva-Hague  
11 Conventions every day. But, take the book out and read it. The  
12 books were there in the tower. They were in the facilities. The  
13 cell block 1A and B, those-- some of those items were removed because  
14 in isolation or when soldiers-- when detainees are going through  
15 interrogation, they're not entitled to have those things.

16 Q. Is that the rules?

17 A. Apparently the rules change.

18 Q. Whose rules were they?

19 A. They were the MI rules.

20 Q. Okay. Let's talk about-- a little bit about the Rules of  
21 Engagement. Did Colonel Phillabaum, or Major Dinenna, or anybody  
22 else for that matter, confer with you about a specific line in the  
23 Rules of Engagement that stipulated, this is all following the riots,

1 that stipulated that they could carry, that you authorized for them  
2 to carry their weapons, their sidearms, inside the compound?

3 A. Absolutely not.

4 Q. Were you aware that there were comments or allegations that  
5 those MPs were indeed wearing their sidearms, but were concealing  
6 them in their cargo pockets?

7 A. I-- I----

8 Q. Were you aware that a member of your Command Group knew of  
9 that?

10 A. I-- I am not. That they were carrying sidearms----

11 Q. Sidearms, concealed in their cargo pockets----

12 A. ----inside the compound?

13 Q. Absolutely.

14 A. They never shared it with me.

15 Q. They never asked you for permission of that, because of the  
16 dangers that were imposed to them during the riots?

17 A. No, sir. What they got permission from me to do was-- the  
18 weapons racks were removed from anywhere near the compounds. And  
19 they were given permission instead of keeping them inside in the TOC,  
20 they were moved to the tent, still outside the compound, but where  
21 the QRF was, in a weapons rack. They got permission for that. They  
22 were storing non-lethal and lethal ammunition in the same shotgun.  
23 That was changed.

1 Q. Was that put in a written form, or a verbal directive?

2 A. No, it was-- that's part of their-- I mean you never store  
3 lethal and non-lethal-- except if you're regulation according to  
4 Sergeant Major Emerson.

5 Q. So that was already established is what you're saying?

6 A. Yes, sir.

7 Q. Just a matter of reinforcing?

8 A. Yes, sir.

9 Q. Okay.

10 A. And I-- on Christmas Day when I was out there and I was up  
11 in the towers, I spoke to the MPs. And I said, "What do you have in  
12 your shotgun?" "Non-lethal and lethal." And, I said, "In the same  
13 shotgun?" "We don't have enough shotguns." "When you came on duty  
14 today did you check?" "No ma'am, I didn't." "So if somebody fired  
15 non-lethal last night, you wouldn't know." "No ma'am I wouldn't." I  
16 said, "Do you check when you come on duty?" "No ma'am I don't."

17 Q. Did you discuss that with Colonel----

18 A. I spoke about that with Colonel Phillabaum, I-- Major  
19 Dinenna and Colonel Phillabaum was on his way back because his  
20 mother-in-law or father-in-law passed away and he had to go home on  
21 emergency leave.

22 Q. That was-- Colonel Chu was still in command at that time?

23 A. He was not.

1 Q. So when he left for the second time, who was in command of  
2 the Battalion?

3 A. Major Sheridan was out there.

4 Q. So Sheridan was the acting Commander.

5 A. I also brought Colonel Cantwell down from the MEK compound.

6 Q. And he was doing the mayoral stuff?

7 A. He was doing the base defense plan.

8 Q. With relative-- with regards to policy memos, command  
9 policies, are you aware, have knowledge of two command policies that  
10 were signed by General Sanchez with regards to respect and dignity  
11 and treatment towards detainees or Iraqi people?

12 A. Right. I saw that. It was widely published.

13 Q. How was that articulated to you and what actions were you  
14 supposed to take when you received those memos?

15 A. It was-- we made sure it was distributed. The Commanders  
16 all had it and in most cases it was delivered and when I made a visit  
17 to the compound or whatever facility it was, we talked about it. And  
18 I will tell you, sir, that at Abu Ghraib the soldiers in the mess  
19 hall-- or in the dining facility inside the hard facility that's  
20 really a cafeteria that's not being used yet. They were the ones who  
21 sat there, or I should say, stood up and said, "How can anybody talk  
22 about dignity and respect out here when the detainees, all of their  
23 rights are being violated. They're living in mud, we can't give them

1 a hot shower. The food sucks. You know, we don't give them answers  
2 to the questions that they have. The contractor that is coming out  
3 here is smuggling in beer and taking out notes and we can't answer  
4 anything that the prisoners are asking us about. They have compound  
5 representatives, we're just lucky." Those are the things we heard.  
6 And when you have soldiers who recognize that the person, who signed  
7 that policy letter about dignity and respect, has about as much  
8 interest in dignity and respect for prisoners as he does about the  
9 cleanliness of bathrooms. It wasn't consistent. And when I spoke to  
10 them, I said, "Don't worry about the piece of paper, as long as  
11 you're doing the right thing. Don't worry about if the person who  
12 signed that piece of paper has been out here to visit you or has seen  
13 the conditions of the camp, you know the right things to do. And I  
14 understand the stress and I understand the pressures." We went-- I  
15 wasn't out to all of the facilities nearly as often as I should have  
16 been to be able to respond to those kind of questions. But I made  
17 certain, my sergeant major made certain, we always gathered them  
18 together and addressed those concerns. Nobody said [pause] well  
19 we're going to treat them the same way that the divisions are  
20 treating them when they bring them into their holding areas. My MPs  
21 take the handling and the care of prisoners very seriously.

22 Q. Okay. Did you follow those two memos up with a command  
23 policy of your own?

1 A. Not that I remember specifically.

2 Q. Was there a requirement on those two policies that it be  
3 read to everybody.

4 A. That is be disseminated to the lowest level. And it was.

5 Q. And it was?

6 A. It was.

7 Q. Did you get an acknowledgement from each of the Battalion  
8 Commanders that that happened?

9 A. I did not.

10 Q. Was that a requirement?

11 A. I don't recall without seeing the memo, it might be. I  
12 don't know what the other memorandum was though.

13 Q. There were two memorandums. There was a memorandum on the  
14 5<sup>th</sup>, I believe, of October that stipulated respect and dignity towards  
15 Iraqi people. And there was a memorandum on the 13<sup>th</sup> of December, I  
16 believe it was, that re-stipulated, or at least re-emphasized dignity  
17 and respect for-- during detainee detention operations.

18 A. Sir, I'll tell you that when we were talking about the memo  
19 of December 13<sup>th</sup>, that the Provost Marshal for CJTF-7 at that time was  
20 a guy by the name of Sandwalt, who learned a lot about detention  
21 operations, by force, by hook or by crook, not willingly. But when  
22 we were over capacity at Baghdad Central, his solution, and with full  
23 ops and General Wodjakowski's solution was cram more tents into the

1 compounds. And I said-- I said, "It doesn't sound like dignity and  
2 respect to me." "These are prisoners." I heard that a hundred  
3 times, sir. "These are prisoners." The soldiers don't have those  
4 kinds of things. In the middle of the summertime when we were still  
5 rationing water up in Baghdad, I understand. I understand how you  
6 could be in conflict when you have to give three bottles of water to  
7 prisoners and you only have to give two to each soldier. But, then  
8 you're in compliance with Geneva-Hague, with the road ahead, the plan  
9 for the road ahead. And----

10 Q. But that was a directive, General Karpinski, it was a  
11 directive not to be questioned, that it was to be followed.

12 A. It was followed. But soldiers have the right to question  
13 it. Not whether it will be implemented or not, but they have a right  
14 to their opinions.

15 Q. Absolutely, but I think it is your responsibility to insure  
16 that one, that there's an understanding for them to be able to  
17 ameliorate themselves of a particular situation that they would be in  
18 compliance with, as you said, the Geneva Convention, treatment for  
19 them as opposed to treatment for all others.

20 A. Sir, I said to General Wodjakowski many times, I can't say  
21 if it was six or sixty, many times. I said it to General Fast, I  
22 said it to Hitwell, who was the previous Provost Marshal. We have  
23 responsibilities, we have to treat these prisoners-- when I submitted

1 the first contract request for food, for feeding just at one  
2 facility, I thought General Wodjakowski was going to take my head off  
3 because it was for \$25 million.

4 Q. That's rather voluminous I would think, 25-- to feed how  
5 many? Your soldiers, the MIs that were there----

6 A. No. sir, these were the prisoners that were there. Three  
7 meals a day from a DOD approved facility and we had almost 7,000  
8 prisoners there at the time.

9 Q. So there was some either appropriate supported, non-  
10 supported means. Did you know that there were dogs in the facility?

11 A. Working dogs?

12 Q. Working dogs.

13 A. Yes, sir.

14 Q. Did you know why they were there?

15 A. Yes, sir, we requested them.

16 Q. Was that a formal request----

17 A. Yes, sir.

18 Q. ----from you? Did you know how they were being utilized or  
19 employed?

20 A. They were being used at the entry control points and they  
21 were explosive bomb dogs, I believe, and patrol dogs.

22 Q. Patrol dogs.

23 A. They had them down at Bucca and then they moved them----

1 Q. Do you know the composition of those? All Army? All Navy  
2 or?

3 A. I-- I do not, but I think we got one Navy dog handling team  
4 in. I-- I-- I don't know. But I know that they were Army primarily.

5 Q. Would it surprise for you to hear that those dogs were used  
6 for unauthorized use either for interrogation or for photo  
7 opportunities that were done by soldiers and members of your command?

8 A. Yes, it would surprise me to hear that.

9 Q. Were any of those reported to you?

10 A. They were not. The first I heard of them getting a  
11 military working dog-- I read it in the CID report. Uh-- because I  
12 saw them at the ECPs, I saw them at the entry control points. I saw  
13 the dog handlers when they were-- and it was a-- it was a force  
14 multiplier, if you will. They were walking around the compounds, on  
15 the outsides of the compounds. The prisoners could see the dogs.  
16 The dogs were serious business. I never saw them by 1A or 1B. The  
17 first time I heard of it was when I saw the report that they'd called  
18 the dog over there to be used in an interrogation and they had the  
19 dog biting the detainees legs.

20 Q. Okay. Were there any reports given to you that those  
21 detainees that were being held in tier 1A, or for that matter, tier  
22 1B were being stripped of their clothing?

23 A. Yes, sir.

1 Q. When was that made aware to you?

2 A. The ICRC team went out to Baghdad Central to-- because they  
3 really have unrestricted access, they give us the courtesy of letting  
4 us know that they are going to come around a certain time. But-- and  
5 we always open the doors for them. They said that they wanted to--  
6 and they talked to a couple of prisoners, they looked at the cells,  
7 they noted improvements, they turned the water on to see if it was  
8 running, if it was clean, those kinds of things. They looked at the  
9 food, they talked to the compound detainee representatives and they  
10 asked to go in to the interrogation cells. And they did. And they  
11 opened one of the facilities and there was a naked prisoner in there.  
12 So, they did not want to appear-- they didn't want to overreact to  
13 it, I think is the words that they used. And they interviewed the  
14 detainee and the detainee reported that not only was he made to sit  
15 there without his clothes on when he was taken in for interrogation  
16 they took his clothes away from him and then made him walk back to  
17 the cell naked. And Major Sheridan confirmed it for me and he said  
18 that they were no longer-- and he had talked to Colonel Pappas about  
19 it and he was no longer going to be in the business of escorting the  
20 detainees once they were through interrogation, because that was not  
21 something that the MPs were trained to do, nor did they agree with  
22 it. And the ICRC report was rendered and it mentioned that there was  
23 a naked person in a cell with no means of cover. I believe in--

1 after sometime they go a blanket or some kind of covering for the  
2 guy. And there was a report-- in that same ICRC report it was also  
3 told to the ICRC representative that the prisoner was made to wear  
4 women's underwear on his head and parade around in front of the other  
5 detainees, that they often paraded up and down in front of the other  
6 prisoners. And I talked to Colonel Warren, to Colonel Pappas, to  
7 Major Potter and to Major Williams. They were all together over at  
8 CJTF-7 headquarters. I spoke to them, and I said, "I saw the  
9 report." And they made a joke of it. And the joke was, I told  
10 Colonel Pappas to stop sending those prisoners Victoria Secret's  
11 catalogs. And I said, "Are you going to respond that way in the ICRC  
12 report, this isn't funny. And Colonel Warren looked me in the face  
13 and said, "They're just joking." And I said, "I don't think the ICRC  
14 is joking." And he said, "These are detainees." You know, they're  
15 not always the most honest people on the street. And, all of that  
16 has come true. I didn't make a joke of it. The intel people made a  
17 joke of it, joined by Colonel Warren, who was generally pretty  
18 reliable.

19 Q. Did you bring that-- did you bring it to the attention of  
20 General Wodjakowski?

21 A. I did.

22 Q. Or General Sanchez as well?

23 A. I brought it to General Wodjakowski's attention.

1 Q. And his guidance was?

2 A. We'll see what the ICRC report-- the response is. I said,  
3 "Colonel Pappas is preparing the response, sir."

4 Q. Are you aware of an interrogation ROE?

5 A. I am not.

6 Q. Have you seen one like this, since the interrogation  
7 operations have been conducted in conjunction with your detention  
8 operations?

9 [MG Taguba passes document to BG Karpinski.]

10 A. I have never seen this Interrogation Rules of Engagement  
11 before.

12 Q. But you were aware that interrogations were being done of  
13 the detainees that is under the detention operations of the 320<sup>th</sup>.

14 A. No, sir. The detainees under the control of the MPs were  
15 escorted to an interrogation booth, or room, and it was under the  
16 complete control of the MI people.

17 Q. But then policy was explained to me that somebody picks a  
18 detainees by ISN either from Ganci or Vigilant for the hard site and  
19 escorted by your personnel to the interrogation. Was that often?

20 A. Originally that's true-- that was true. They were  
21 escorted.

22 Q. When did that stop?

1           A.    That stopped, in mid-November or later because it was  
2 actually stopped when Major Sheridan got out there to Abu Ghraib,  
3 because it fell in line with the internal taskings. And it stopped  
4 because a female and a male MP were tasked to escort a detainee back  
5 from interrogation and he was naked. And I said, "I agree." Major  
6 Sheridan called me, he said this is what took place, I said, "Stop.  
7 We're not going to do it."

8           Q.    Okay.

9           A.    I have never seen this.

10          Q.    You've never seen that. Okay, thank you. So from then on  
11 in, did you ask Major Sheridan at the time to report to you, or  
12 record for you, any incidents of detainees being escorted back to  
13 their cells in the nude?

14          A.    I did.

15          Q.    How many reports?

16          A.    There were no reports because the MPs were no longer  
17 involved in it.

18          Q.    Okay. Since they were no longer involved in that, none of  
19 the MPs when they were remanded back to their custody, those  
20 detainees were fully clothed?

21          A.    The reports would indicate that they were fully clothed.

1 Q. Because, let me understand this. When a detainee is asked  
2 or been directed to be interrogated, they are taken out of the  
3 compound. You don't allow the MI personnel inside the compound?

4 A. That's correct. They are----

5 Q. Escorted to a gate of some sort, and then they are  
6 transferred, the custody is transferred to whoever is interrogating--  
7 --

8 A. The MI or the ISG or whoever----

9 Q. How is that done? Is that done with a piece of paper, here  
10 you are?

11 A. There's a sign out sheet, put their signature there, they  
12 put the ISN number of the detainee, it's a printed form. They sign  
13 for them, they take them into custody. If they are going to leave  
14 Abu Ghraib it requires basically a hand receipt, a prisoners hand  
15 receipt.

16 Q And following interrogation, they're returned back to MP  
17 custody.

18 A. Right.

19 Q. Okay. And there's a special set of instructions for a  
20 detainee that had to have some sort of a special treatment. Special  
21 treatment like sleep deprivation, meal plan, that sort of things,  
22 segregation. How, under your knowledge, how was that communicated or  
23 articulated to the MP?

1           A.    The-- I asked that question specifically, specifically sir.  
2   And it was different.  We had a visit earlier on last year, I mean,  
3   probably around August or something from General Miller, Major  
4   General Miller from GITMO.  And his direction was that he was going  
5   to GITMOize the confinement operation.  And he was going to use Abu  
6   Ghraib.  And when he made that decision, I said to him, "Abu Ghraib is  
7   not mine to give to you.  It belongs-- it is a CPA facility.  I own  
8   the wire and those aren't the people that you----

9           Q.    You're talking about the prison complex itself?

10          A.    The hard facility.  And he said that was what he was going  
11   to take.  And I said, "It is not mine to give to you.  That has been  
12   CPA funded.  That belongs to the CPA."  "They're your MPs inside."  I  
13   said, "Yes, sir, they are.  But we don't own the facility."  "Are you  
14   supplying it."  I mean, I kept emphasizing to him that I didn't own  
15   the facility and it was only an interim facility and so he had  
16   everybody leave the room and he said, "Look, we're going to do this  
17   my way, or we're going to do this the hard way.  I have permission  
18   from General Sanchez to take any facility I want.  And we're going to  
19   put MI procedures in place in that facility because the MI isn't  
20   getting the information from these detainees like they should be."  
21   And I said, "Sir, if I am directed to give you that facility, I will  
22   give you that facility."  And he said, "We're going to send MPs in  
23   here who know how to handle interrogation.  We're going to leave a CD

1 and a POI with the MI people and they're going to conduct training so  
2 your MPs know how to handle certain requirements." And I said, "Sir,  
3 if the decision is made to handle it that way and that cell block is  
4 going to be given to the MI people." They never conducted training  
5 sir. They never left a CD, they never left a printed POI, they never  
6 gave my MPs any specific training.

7 Q. Were you out-briefed after his visit?

8 A. Yes, sir, I was, by him.

9 Q. Individually, or as-- in a group setting?

10 A. Both.

11 Q. Okay.

12 A. And he told me specifically that he left that POI with  
13 Colonel Jordan and with Colonel Pappas. That they were going to  
14 conduct classes, that they were going to bring a team of MPs that  
15 worked-- had experience down in GITMO that knew his procedures and he  
16 was going to use the hard facilities out at Abu Ghraib. I didn't get  
17 any of that from CPA-- as a matter of fact, they were adamantly  
18 opposed to it. And the one cell block that they had given to the  
19 MIs, at that point they wanted to take back. And Major Sheridan was  
20 the intermediate between me saying we're going to take it, and you  
21 know, like 99 percent of the law is possession and we're in  
22 possession of it right now. And he said, "Let me talk to them." So  
23 he was the go-between. Nonetheless, I think in answer to your

1 question, the-- the interrogation people, the MI would sign them out,  
2 they would bring them back and they would tell them, I'll be back in  
3 an hour, and they're not going to get any food, don't give them a  
4 meal. We're going to be back in an hour, we're going to, ya know,  
5 talk to them for another 15 minutes; you won't have to take them out  
6 of the interrogation cell. I might come back at two o'clock in the  
7 morning and take them out. That was the sleep deprivation. They--  
8 they didn't-- Colonel-- Major Potter, who was the, I think she was  
9 the ops for the MI brigade, said to me, "The reason we don't want the  
10 ICRC to go in there anymore is because it interrupts the isolation  
11 process. If we have them in isolation for a week, if they have a  
12 chance to interface with a person who is speaking their language,  
13 that interrupts the isolation process and we have to start all over  
14 again in order to put the pressure on them. So, if we can just have  
15 the cooperation of not letting the ICRC." I said, "We need to put it  
16 in writing and explain to them, this is why."

17 Q. This is the reason why I showed you this. On the right  
18 hand column on there are specific rules that General Sanchez had  
19 approved.

20 A. He most likely approved this for the MI people to apply,  
21 but I have never seen this.

22 Q. None of your staff had seen it?

1           A.    I can't speak for them, but if they had seen it, I think  
2 they would have told me, you know there is a rules of engagement for  
3 interrogation, but----

4           Q.    None of that.----

5           A.    ----when I was out there at cell block 1A specifically, I  
6 took their notebooks off the shelf and I looked for anything. I  
7 looked for a history of the sign out sheets or anything. Now the NCO  
8 that was there at the time told me that the CID had taken most of  
9 their books. But, there was no evidence of anything except the  
10 Geneva-Hague Conventions, the ICRC rules and my rules about treatment  
11 of detainees.

12          Q.    Okay.

13          A.    And we have yet to GITMOize the operation.

14          Q.    I'm sure. I've read the report. So, I don't know when  
15 they're going to implement that. Detainee accountability. What is  
16 the Brigade's standard in accounting for every detainee that enters a  
17 compound or a facility?

18          A.    They-- when it was down at Bucca, of course, they used the  
19 NDRS. And at Ad Diwaniyah and Hilal the Marines were there, that was  
20 the 1<sup>st</sup> MEF region, and they were using the BAT system, the Biometric  
21 Automated Tracking system.

22          Q.    Sure.

1           A.    And in those facilities down there, they allowed the MPs to  
2 the BAT system to maintain accountability and pictures and-- we're  
3 actually testing it out and their plan was that we would buy those  
4 systems off of them when they left because they were fielding it for  
5 Lockheed-Martin, I think owns it.  And, we liked the BAT system.  
6 There were-- the NDRS system, down at Bucca, when it was just EPWs,  
7 third country nationals and displaced civilians it worked.  Because  
8 it was one location, they were being processed, then they started to  
9 come out with new, like change one, change six, I think they're on  
10 change nine or eleven right now.  But every patch that they sent out  
11 sometimes it would corrupt what was already there, sometimes it would  
12 freeze the database from functioning.  And we had no means of  
13 communication, so we couldn't network the system.  So each facility  
14 became responsible for accounting for their own prisoners.  And if we  
15 looked-- if we knew the ISN number we could go into the database and  
16 locate the prisoner.  The problem was, they didn't often have the ISN  
17 number.  So----

18           Q.    Why is that?

19           A.    Well, because in a lot of cases, the family members didn't  
20 know that the prisoner was even being held.  So, they would use the  
21 name:  Janis Karpinski.  Well there's lots of different spellings for  
22 Janis; there's certainly a lot of different spellings for Karpinski,  
23 and depending on who input the data, you-- if you didn't get an exact

1 match, you didn't find the person. So you'd have to go down the list  
2 looking for anybody that was a Janis, or a J-A-N or whatever they--  
3 they-- we got them eventually, but we couldn't get them instantly,  
4 and that's what people were expecting. It was an unrealistic  
5 expectation. I told Ambassador Bremer that, I told General Sanchez  
6 that.

7 Q. How was the database from the BATS, the Biometric Automated  
8 Tracking System integrated into the National Database Recording  
9 System?

10 A. It wasn't. It was a separate system because they weren't  
11 compatible.

12 Q. So there's a matter of manually inputting everything back  
13 into the NDRS?

14 A. Yes, sir.

15 Q. So they were not talking to, or not interconnected?

16 A. No, sir. But it was my understanding now they've worked  
17 the link out. And the other problem is that its BATS because they--  
18 I mean that was another issue, when we got it up in Baghdad the  
19 people that-- the C-6 who was supposed to be responsible for it at  
20 General Sanchez's instruction, transferred it to the C-2. They  
21 linked it to CHIMS which was a classified system, so that broke the  
22 firewall on BATS, so it was no longer an unclassified system. So,  
23 they couldn't link the data from BATS to the NDRS until they worked

1 out this connectivity or this patch or this firewall, whatever it  
2 was.

3 Q. Was there a common policy across the Brigade or was it  
4 decentralized for how and when each of the detainees would be  
5 accounted for on a daily basis? Besides BATS and----

6 A. They were in-processed----

7 Q. Understand.----

8 A. ----and they were BATd then and they NDRS. So every day  
9 the compound NCOs would count the prisoners, account for them, record  
10 it----

11 Q. How was this supposed to be?----

12 A. ----and I will say, consistently, and the easiest means to  
13 do accountability checks during the daylight hours was when-- at  
14 mealtime. And that worked very effectively. Naturally, in an  
15 outside facility, most of our escapes occurred during the hours of  
16 darkness. So you have to, on the night shift you have fewer people,  
17 but you have to develop----

18 Q. Why is that?----

19 A. It was a matter of resources, sir. So, there's most of the  
20 activity with the prisoners during the day or the problems will come  
21 up during the day; and at night, the majority of them are sleeping.  
22 So, if you have to make adjustments----

23 Q. But the escapes were being done during the night.

1           A.    Correct, but with light sets, with the power on and the  
2 light sets turned in, I mean, you adjust because then you take the  
3 steps necessary to-- to limit those opportunities that you can  
4 exploit.  So, yes, most of the escapes occurred at night.  But, when  
5 the light sets were operational, you have good light sources and  
6 everything.  The problem was, at Abu Ghraib, the light sets, which  
7 they were depending on, would often fail at night, of course, that's  
8 when the lights are on.  So, the prisoners had a plan, when the  
9 lights fail the next time, we're out of here, and two of them would  
10 be, or three of them would be.  When the lights fail, you know, if it  
11 happens that often because they kept looting the power lines for the  
12 copper, so then you have to have a fallback plan.  You have to be  
13 able to come down out of the towers, or go up in the towers, or have  
14 an alternate light set-- alternate light source, a generator,  
15 whatever it was.  Sir, we couldn't get generators-- when we got  
16 generators out there, they didn't work.  They contracted it and the  
17 contractors brought the generators and then they left and they didn't  
18 come back and the generators didn't work.  I didn't have engineers  
19 to-- except building construction engineers.  I mean, it was just one  
20 challenge after another.

21           Q.    How many-- how many reported escapes were you made aware  
22 of?

23           A.    For the whole duration?

1 Q. Yes, from the time you took command.

2 A. I think there was about 32 total.

3 Q. Reported?

4 A. Reported. Actual.

5 Q. And how many detainees, of those 32, how many total  
6 detainees escaped?

7 A. Completely escaped?

8 Q. Yes.

9 A. I don't know, I would guess about 15 because there was 11  
10 from Bucca at one shot.

11 Q. This past January before the 310<sup>th</sup> TOA'd with the 724<sup>th</sup>, they  
12 told us there were two recorded cases of escapes prior to the 310<sup>th</sup>  
13 and there was one after the 310<sup>th</sup>, so that's three. They did say that  
14 those escapes happened during periods of limited visibility.  
15 Typically it happens when the fog rolled in. And, of course, from  
16 the same location predominantly, the same pattern, and I basically  
17 asked them how would you improve on that and typically what kind of  
18 guidance they would get from Brigade to improve based on the report.  
19 Would it surprise you that they never got any response from Brigade?

20 A. That's not true, sir. I spoke to Colonel Farrell within  
21 hours of the first escape. That was when one----

22 Q. This is the previous Battalion Commander?

1           A.    He is previous to Monterra.  That's just simply not true.  
2  Because I spoke to Colonel Farrell myself within hours of it  
3  happening and it was one individual who was in a compound and the  
4  guards were not on the money, and he escaped.  And they immediately  
5  sent a QRF, they saw footprints, they tried to track him.  They were  
6  tracking him all day long until about, when it was no longer  
7  practical, until about noontime, the rain started and then they lost  
8  the trail and everything else.  But I spoke to Colonel Farrell all  
9  day long about it.

10          Q.    So what instructions did you give him?

11          A.    I gave him, I-- I said, "Tell me what happened."  He sent  
12  the report, then he sent a more substantial report.  I told him that,  
13  "You can't prevent the fog from coming in."  He understood, he was--  
14  they were implemen-- they were developing the fog plan, they were  
15  going to implement it because the fog was typical for that time of  
16  year and they did.  And you-- the fog is thick down there, it's not  
17  that far from the port, there's no visibility, these prisoners are in  
18  a wire outside, and they take advantage of it.  But, that case, the  
19  subsequent case and the one escape under the 310<sup>th</sup>, I spoke to the  
20  commanders.  Now Colonel Monterra wasn't there when that escape took  
21  place.  He did this RIP and the TOA and I did not speak to him.

22          Q.    Was it your policy that every time there was an escape that  
23  a staff assessment, either led by you or your S-3 would go down and

1 make a quick determination on how it happened and what procedures to  
2 be done?

3 A. Yes, sir.

4 Q. Each and every case?

5 A. Every case, with the exception of the case by Colonel  
6 Farrell because the investigation was so thorough by him, that the  
7 report was concise. I sent Colonel Coulter over to Bucca and she did  
8 the assessment for me.

9 Q. Okay. Your staff basically said there were about 34, 32,  
10 34 reported escapes and also indicated there's roughly around 34, 35  
11 that actually escaped. This is a matter of record. How would you---  
12 -

13 A. That can't be correct because they captured some of them  
14 and brought them back, and those were the escapes that were reported.

15 Q. Okay, I'm just mentioning to you what your staff mentioned  
16 to me. These are folks that I interviewed and they told me with a  
17 degree of accuracy, they even quoted to me the percentage of that,  
18 based on the number of detainees that were either held or transported  
19 by your command.

20 A. Yes, sir.

21 Q. So----

22 A. I'm-- I'm not questioning them.

23 Q. Okay.

1           A.    They must be focused on-- on other things now.

2           Q.    How would you assess, based on your experience, when you  
3 took command of the Brigade.  What was your assessment of command  
4 climate, your assessment of the operational readiness of your outfit,  
5 and your leadership assessment of those leaders that are commanding  
6 those major subordinate commands?

7           A.    When I came into the Brigade, it was, and I'd come from the  
8 largest RSC in the Reserves, in the United States, that was the 81<sup>st</sup>.  
9 And I'd had several months to go through this process of, not only  
10 mobilization and concerns from commanders in that command, but seeing  
11 it on the ground, knowing full well what happens if a commander stays  
12 in command for too long and how complacency sets in and all of those  
13 things where a person's been in the same unit all of their career, I  
14 mean, on and on and on.  I sat on promotion boards and selection  
15 boards, battalion command selection boards where they do a letter to  
16 the president and they say this is the only battalion I want to  
17 command because I'm the UA in this unit and so I don't have to travel  
18 for drill.  So I knew all of those signs, I knew all the signals and  
19 I saw every one of them and more in the 800<sup>th</sup>.  And I was very  
20 concerned.  I used a couple of examples with General Hill.  And I did  
21 not-- I was a Battalion Commander under the 800<sup>th</sup> under a different  
22 Commander.  I didn't know-- I knew Colonel Ecke from years before and  
23 I wanted him out of the position as the deputy because he hadn't

1 changed from when I knew him from years before. He was commander, or  
2 he was running his position and influencing the soldiers from-- as if  
3 he were functioning from Desert Storm. He was at best, a warrant  
4 officer. I use the example of the detainee abuse at Bucca and  
5 General Hill kind of minimized it, not kind of, he minimized it and  
6 he said, "These things happen." No they don't happen. They're  
7 investigating it, these were MPs that reported other MPs, okay so  
8 they did the right things, but it happened because there was a lot of  
9 wrong things going on. Colonel Phillabaum is a West Point graduate,  
10 he's certainly intelligent and he's been in the MP community for  
11 years and I said-- and he said, he wasn't there when it happened. We  
12 really got it crossed-channels on the situation with the violation of  
13 General Order Number One with Major Garrity and Sergeant Moffit. And  
14 we not only got it cross-hairs over that because I said I don't care  
15 how you slice it, it's a violation of General Order Number One and  
16 this is a major and a senior NCO. That's fraternization and  
17 everything else that's cooking there. And he said, "They were  
18 friends from a long time ago and this was a couple of drinks." And I  
19 said, "A drink is a violation of General Order Number One." It was a  
20 discussion that General Hill, I think, dug in his heels.

21 Q. Did you take action to that?

22 A. I-- I did not. It was a completed action and the only  
23 reason it continued to be an item of interest was because Major

1 Garrity, we moved Sergeant Moffit up to Baghdad with us. Major  
2 Garrity continued to hinge every discussion on how she had made a  
3 mistake and she was going to pay for it for the rest of her career.  
4 I talked to her for more than an hour, sir, one-on-one up in Baghdad,  
5 and I said, "Look, it's going to be an issue for the rest of your  
6 career if you keep prefacing every conversation with a reference to  
7 it. Okay? Get over it. You made a mistake, it was a serious  
8 mistake, you paid the price, but you can get over it, if you stop  
9 mentioning it as the reason for why you're not doing all the things  
10 you're supposed to be doing." I said, "Major Garrity, you're smart,  
11 you're able, and you're doing all the of the things that people want  
12 you to do because you're a female. Do you understand that? Do you  
13 understand you come off as a silly, goofy woman, instead of an  
14 intelligent major." And she said, "That's my personality. I'm in  
15 marketing." And, I mean, it just goes contrary to everything I was  
16 trying to say to her. But she never did get over it. As a matter of  
17 fact, when she came in to see me in my office about four days ago,  
18 it's the first thing she said to me, was that "I know you're still  
19 angry about that violation of General Order Number One." "We've come  
20 full circle now, a year later and you're still mentioning it to me.  
21 I wasn't here when it happened. I have formed my opinion of you on  
22 what you've done since then." And she said, "And what is it?" And I  
23 said, "Be careful what you ask for. Because if you ask again, I'll

1 tell you." And she said, "I'd like to know." And I said, and I told  
2 her what my opinion was. And besides that, I mentioned that Sergeant  
3 Moffit had come up to the TOC, had done a great job, moved on. He  
4 had been so good that we moved him out to Baghdad Central to be the  
5 HHC first sergeant when the first sergeant reached his expiration and  
6 was going on. By that time, they got the command sergeant major, who  
7 was part of the 320<sup>th</sup> into the 320<sup>th</sup>. He got cleared from the medical  
8 station-- or the medical hold in the states. He knew the situation  
9 with Sergeant Moffit so he kept him in his lane; worked out very  
10 well. Sir, guess what happens, we move Major Garrity up to Baghdad  
11 Central to train the-- to give her skills to the people that are  
12 gonna-- Sergeant-- Corporal Kelly and another sergeant that were  
13 gonna take on the NDRS and she's right back there linked to Sergeant  
14 Moffit. I had to talk to Sergeant Moffit and I had to talk to her  
15 about it, again. And I said, "You know you've come too far to undo  
16 everything you did. Now I'm gonna tell you the same thing I've had  
17 to tell several other people in this-- senior people in this six  
18 months. If you don't stop, I'm gonna put it in writing, okay?"

19 Q. Who else were troublesome to you?

20 A. My command sergeant major.

21 Q. Understand.

22 A. Sergeant Duke out at Abu Ghraib, who under-- when they were  
23 at Bucca, she got, there was a detainee down there, an EPW by the

1 name of-- he took a Christian name, his name was Michael. He was  
2 detained because he was picked up during the war as a member of the  
3 Iraqi Republican Guard and he was fighting us. He was detained as a  
4 combatant, as an EPW, and Major Garrity took a liking to him and to  
5 another guy by the name of Sammy the Kickboxer. Now that was before  
6 I took command, again. But it became a problem afterwards so I had  
7 to track the history back and find out what the heck had happened  
8 there. Well, anyway, to make a long story short, if it's possible,  
9 Michael ends up at Baghdad Central as a translator. He was released  
10 from-- he was paroled, didn't leave because they kept him around and  
11 this Specialist-- at that time Specialist Duke and him were in love  
12 and I said to Garrity, "And this makes sense to you?" She said, "I  
13 had nothing to do with it." And I said, "Did you employ Michael?"  
14 And she said, "Well, I paid him once or twice because he was helping  
15 around the mess hall." I had Captain Bush, the IG go out there and  
16 check that out because I said, "This is moving into a different  
17 area." And he went and checked it out and he came back and he said,  
18 "Sammy the Kickboxer is working there, he no longer is, because with  
19 your authority, I told him, you know, you can't work here anymore,  
20 you're not supposed to be in around-- once you've been an EPW you're  
21 not supposed to be around." Okay, so now I go off to Baghdad Central  
22 and I go out there one day and this translator comes up to me who is  
23 speaking beautiful English and he says, "Oh, General Karpinski, I was

1 looking forward to meeting you. My name is Michael now, I am a  
2 Christian, I was down at Bucca." I'm thinking that this guy was a  
3 translator down at Bucca and he got transferred up to Baghdad Central  
4 when the 320<sup>th</sup> moved. And Colonel Phillabaum says to me afterwards,  
5 "That's the guy that's involved with Specialist Duke." I said, "What  
6 is he doing in DCU uniform?" And he says, "He's a translator here.  
7 Titan hired him." I went back and I said to Colonel Maddocks, "You  
8 find out what he put on his application for Titan and I want to find  
9 out what, if you listed that he was an EPW. He's not supposed to be  
10 working out there. I mean, he's working the processing line, he's  
11 allegedly involved with this female out there. This is out of  
12 control, do you und--." He calls Titan and Titan doesn't have a file  
13 on him.

14 Q. No background check?

15 A. No background check and I reported him, sir, to Colonel  
16 Pappas, to Major Potter, to Titan Corporation, to the ISG guy that  
17 was out there working with the prisoners and putting them on the box  
18 and everything else. I talked to Wodjakowski about it. I talked to  
19 Colonel Bolts, who was the Deputy D, uh C-2 at the time. I talked to  
20 General Fast about it several times. Nobody seemed to care that this  
21 guy was out there and had full access to everywhere on the compound  
22 which was, you know, at level two or something. Nobody knew if he  
23 was a level one or a level thirteen or anything else. I-- when I

1 sent Captain Deamantis out there, I said, "You put eyeballs on this  
2 guy and you keep your eyeballs on this guy, because I don't trust  
3 him." I was out there one time and the guy comes up to me this way,  
4 walks straight up to me, I thought he was going to say hello and all  
5 of a sudden he puts his arms around me to hug me. My PSD is pulling  
6 him off and I said to my aide and the PSD afterwards, "You know that  
7 wasn't a hug, that guy wanted to know if I had a weapon on me, he  
8 wanted to know if I was wearing a vest under my shirt. You guys have  
9 to stay between me and any of these infiltrators. I don't like that  
10 guy, I don't trust him and I don't want him around any of the  
11 detainees." And I told Sergeant Major Emerson that, I told Major  
12 Dinenna that, and it seemed like every time I went out there the guy  
13 was somewhere else around that processing line. Now, as far as  
14 anybody could tell me, he was never involved over in the cell block  
15 1A and B. But, sir, that was just one of so many examples where it  
16 was clear that there was people with the opportunity to come in and  
17 leave that could make it dangerous for my MPs to operate out at Abu  
18 Ghraib or up at the MEK compound or any of the other facilities.

19 Q. Those are examples where either you took control of the  
20 situation and either referred them back to your Battalions, or  
21 whatever. That's why I was asking before, standards. It would  
22 appear to me that the examples you are giving me where even to the  
23 point where these people are hugging you and whatever have you, it

1 appears to me that you were the only one that was taking action to do  
2 any kind of correction. Did you do any delegation of anything at all  
3 to any of the Battalion Commanders about that?

4 A. Absolutely, sir.

5 Q. How would you assess each of your Battalion Commanders that  
6 were attached to you? Just give me a couple----

7 A. Snapshot?

8 Q. Yes.

9 A. 115<sup>th</sup>, Colonel Chu, he had a horrible facility in Cropper  
10 and a great facility in the HVD. He was-- he knew what the rules  
11 were and he was a team player. A strong commander, had a good chain  
12 of command and had a handle on it. Occasionally he would get out of  
13 line, I mean with some kind of comment or something, but he knew the  
14 rules and they followed them. Colonel Cantwell who was securing the  
15 MEK was a great performer, great commander, knew the rules. Had an  
16 opinion about what the MEK were, if they were really terrorists or a  
17 threat. Had to kind of keep him under control of that sometimes in  
18 conversations like, look this is the direction of the SECDEF, so  
19 that's the direction we're taking, and he understood. Very strong,  
20 had a great chain of command. Colonel Burdick with the 400<sup>th</sup> had the  
21 initial operation transferred to them by the 18<sup>th</sup> MP Brigade. They  
22 were treated very badly when they were under their C-2 and he took  
23 his resources, put them in the right place. He understood the rules

1 and he had a good command sergeant major, and also good supervision,  
2 great chain of command. Colonel Coulter had command of the Battalion  
3 for a long time and was the first one at Baghdad Central-- sorry,  
4 Bucca and set it up. Ecke got in there and was allowed to take  
5 control of that operation, with General Hill's blessing. Colonel  
6 Coulter was-- was probably-- not probably, Colonel Coulter was  
7 disgusted with the situation because she didn't feel like she had a  
8 voice and General Hill wouldn't listen to her. When General Hill  
9 left and I took over, that changed a little bit, but it really wasn't  
10 enough time for her to get spun back up again. So I had the new  
11 Battalion-- Lieutenant Colonel who was selected for battalion command  
12 by a board, for that Battalion. And I talked to Colonel Coulter and  
13 I talked to General Stoltz who was TJ Farrell's boss in the 143<sup>rd</sup> and  
14 I said this would be a great opportunity for him to take care of the  
15 Battalion, have the experience with the Battalion in the field, in  
16 this situation. Everybody agreed. That's how Colonel Coulter became  
17 my rear detachment XO.

18 Q. Besides Phillabaum, who else?

19 A. I had McGlone, and I had Novatny. Novatny was down at  
20 Bucca originally, then moved up to the MEK compound and took on that  
21 mission. Novatny is a-- definitely a team player, has good control  
22 of the chain of command. There probably was some discourse between  
23 him and Farrell because Farrell was the new guy on the block and

1 Novatny's guys had done a lot of the work and he didn't think Farrell  
2 appreciated it. Thought that Farrell was a prim Dona. But they  
3 worked it, they sorted it out, recognized their own differences but  
4 Novatny was a good Battalion Commander. Strong, solid, knew the  
5 direction he was taking. Monterras, a whiner and a complainer and he  
6 had an easy mission down there in the MEF region with the multi-  
7 nationals. They had a DFAC, they had at least electricity with  
8 moving air and he continued to whine. He had more REFRADs than any  
9 other Battalion because he thought that if he got down under sixty  
10 percent strength, he would have to send-- we'd have to send the  
11 Battalion home. And we stopped that drain when I told him, "We'll  
12 break up the Battalion, and you will come up here to my staff and  
13 your staff will either go out to fill vacancies, but I will break up  
14 the Battalion." And suddenly, the REFRAD requirements dropped  
15 considerably. And I said, "You have an easy mission there, you're  
16 gonna establish a training facility." And they did, and they did it  
17 well, but Monterra is a whiner. McGlone is something else. He's  
18 somewhere in-between. He's conscientious, but he complains about a  
19 lot of things. He doesn't have the resources to do the HVD mission,  
20 he doesn't want to go downtown. He had the mission at Talil first.  
21 And I-- I, sir, I said to him, "You whine about everything. Here you  
22 are in Talil. Your average strength in your compound is three. And  
23 you have all these MPs to do this mission. And yet, you're still

1 complaining you can't do the mission. You're going to run this jail  
2 downtown. You're taking on more things, that's called mission creep  
3 and you gotta stop it. Because if you don't stop it, I'm not gonna  
4 listen to you anymore. Because I know what the mission is that I've  
5 given you and you're doing these other things, which means you have  
6 too much time on your hands." He still whines. He got the HVD  
7 mission, he got the jail mission in downtown Baghdad, and he trusted  
8 a few people that were probably not trustworthy, but he has a good  
9 chain of command that kind of makes up for his whining. And then  
10 there's Phillabaum.

11 Q. Do you think that your Brigade was a cohesive team? That  
12 they were coalescing, were they segmented, fragmented? Do you think  
13 that your Brigade exuded a lot of pride?

14 A. I think, let me answer that question first because that's  
15 really easy. I think the Brigade did exude a lot of pride. I think  
16 that the MPs were embarrassed when the situation took place in Bucca.  
17 I know that they're embarrassed by what's happened up at Baghdad  
18 Central. They take pride in their accomplishments and deservedly so.  
19 Because, sir, I can tell you that they made the impossible possible.  
20 And they ran those facilities, and they took care of those prisoners,  
21 and they did more with less. Cohesive, no. I think the Battalions  
22 in and of themselves were. When I gathered them all together on  
23 several occasions for quasi commanders conferences or they all came

1 up for the MP summit or the out-brief from General Rider's team, they  
2 talked to each other, they got along with each other. They had  
3 differences, sure, but they exchanged ideas, we talked as Battalion  
4 Commander and they talked about what their Company Commanders were  
5 asking or saying. But they were so far spread, they were not-- they  
6 didn't-- they hadn't worked together before. These weren't  
7 battalions that knew each other; they weren't familiar with each  
8 other. One from Florida, a company from Florida, company from Las  
9 Vegas, a battalion from California, a battalion from-- a BLD from  
10 Indiana, from Pennsylvania cross-leveled from the 220<sup>th</sup>, the companies  
11 cross-leveled into the 320<sup>th</sup> that had never worked with the 800<sup>th</sup>  
12 before or any of the people in the 800<sup>th</sup>. The only unit that we  
13 deployed with that was familiar with the mission of the 800<sup>th</sup> was the  
14 310<sup>th</sup>. And Monterra, to my understanding because I asked, was a  
15 whiner before. He's been very focused on whether or not he's going  
16 to be on the O-6 list because he wants to stay in the military, and  
17 if not, then his mandatory retirement date is this summer. So they  
18 all had different agendas. We moved so quickly to Baghdad and the  
19 mission was so fast and furious then because, again, the 18<sup>th</sup> MP  
20 Brigade and all the divisions were handing prisoners over to us and  
21 we didn't have facilities to hold them. So we put them in Cropper.  
22 Cropper became overcrowded. Renewing the interest and the  
23 requirements out at Baghdad Central, we were shipping them down to

1 Bucca. We weren't a transportation unit, we didn't have  
2 transportation assets available to us. CJTF-7 made a very slight  
3 attempt to give us transportation assets and it didn't work. We went  
4 back to doing it ourselves. I mean, it was just on and on and on.  
5 And we were trying to stay ahead of an absolute failure.

6 Q. Did you try to address some of your logistical requirements  
7 to your parent unit, which is way back down in Arifjan?

8 A. Yes, sir, I did.

9 Q. And you said none of that happened?

10 A. None of it happened. Because the supply lines were so long  
11 and what does CJTF-7 doing for you? And talking to Wodjakowski he's  
12 saying that they're going to do what they can. Sir, we couldn't even  
13 get a spare part for a vehicle.

14 Q. Even though that there was core support command, and you  
15 had no interaction with the core support command?

16 A. With-- at the COSCOM up at Anaconda? We did. We went up  
17 there and they couldn't support us because we weren't on their list  
18 of units that they were required to support.

19 Q. How did you utilized, since you didn't have a deputy  
20 commander, he was doing something else? And your XO, met your XO  
21 today. I'm getting kind of an inkling that a lot of this stuff you  
22 either take it on yourself or you did not direct your staff, which  
23 should not be your job, a XO or what have you to say, "Okay do this,

1 do that." Since everything seems to be gravitating to the  
2 operational side, called your S-3.

3 A. Colonel Maddocks is a great guy. He's a civil affairs  
4 officer. He thinks himself a leader, and he's not.

5 Q. So you had a failing there?

6 A. I-- I did, and I recognized it.

7 Q. How would you, did you direct your S-4 and say, "Get me the  
8 tools that I need so I can resource this Battalion?

9 A. No, sir. What I did was get Colonel Maddocks in my office  
10 and tell him the words to use to get the S-4 to do it. And if  
11 Colonel Maddocks and went to the S-4 himself and said, you need to do  
12 this or tell me what you're doing with this, most of the time Major  
13 Green would just kind of blow him off. I had dismal response from my  
14 AGRs. They didn't want to be there, they didn't think that this was  
15 in their equation, or whatever. The first thing that Major Hinzman  
16 and Major Green did when I took command was come in and tell me why  
17 they needed to stay at Arifjan and not go to Baghdad. So I had to  
18 clear through that. And Green was more obviously angry with me than  
19 Hinzman was. But they were both ticked off because I made them go to  
20 Baghdad. And they dug in their heels, and I told them both  
21 individually, "You know what, it's not gonna work, because I'm gonna  
22 win. So, you're going to do the PERSTATS and you're gonna do the G-4

1 functions." And Maddocks got it, but it took coaching and choosing  
2 words and telling him why.

3 Q. Why was he selected? Was he the only available one?

4 A. He was the XO at-- General Hill made him the XO down at  
5 Arifjan----

6 Q. Did you ever-- I guess this goes back to, you didn't have  
7 any of the other choices because there were no other?

8 A. I really didn't. I had no depth. I had a battalion  
9 commander, by the way I forgot to mention him, Colonel-- Lieutenant  
10 Colonel Allerd, who in the first week of July went back to the  
11 states. He was medivac'd to Germany for a double hernia and then  
12 they sent him back to the states and he never came back. I had a  
13 Captain, Cortez, who stepped up to the plate and took charge of that  
14 BLD, and he did a great job.

15 Q. You had another Captain, a Captain Merck.

16 A. Captain Merck.

17 Q. Could you elaborate on his conduct?

18 A. Also out at Baghdad Central and I found out about the  
19 incident after it had been investigated informally by Sheridan and---

20 -

21 Q. So none of these officer misconducts were reported to you  
22 initially until after an investigation was conducted?

1           A.    The only-- the only infraction that was reported to me was,  
2 and I might think of another one, but I-- I-- the one on Lieutenant  
3 Colonel by the name of Jeffries who was a BLD commander, and he was  
4 out of Indiana and a Specialist was being harassed by him. And he  
5 had exchanged emails or sent her emails of a very suggestive nature.  
6 She provided them to me. I initiated an investigation. Colonel Ecke  
7 did the investigation and Colonel Jeffries was removed from the  
8 position. I can't say he was relieved because it's not a command  
9 position, although they call themselves commanders. And he was  
10 reassigned to a different position and Major Wright, who was the XO  
11 of that BLD took charge of the BLD. He was very weak, but----

12           Q.    What disciplinary action did you take on Colonel Jeffries?

13           A.    I removed him from the position, gave him a letter of  
14 reprimand, and OER that was appropriate for his behavior.

15           Q.    You assigned him somewhere else?

16           A.    We did. Sent him back here to 377<sup>th</sup>, General Stoltz put him  
17 in the 143<sup>rd</sup> in a position that Colonel Farrell was holding before he  
18 gave him up to take command of the 724<sup>th</sup>. And Colonel Jeffries was  
19 not responsible for supervising anyone. He's filling a position down  
20 at the port and all reports say he's doing a good job.

21           Q.    What's Captain Merck's disposition now?

22           A.    Now? He is assigned to the 377<sup>th</sup>.

23           Q.    Has he been relieved?

1 A. He has been. He was relieved immediately.

2 Q. What was the allegation against him?

3 A. The allegation was taking photographs of a soldier while  
4 she was in the shower facility.

5 Q. Seems to me that there's a tracking. All the stuff that  
6 you've indicated so far. That you had serious disciplinary problem  
7 with both enlisted and officer in your Brigade.

8 A. And especially in the 320<sup>th</sup>, yes, sir.

9 Q. And given those circumstances there, wouldn't that have  
10 been, in retrospect, more palatable to induce new leadership if they  
11 were available into that Battalion?

12 A. Yes, sir. But I didn't have anybody available.

13 Q. Despite the fact that you could have taken some risk and  
14 moved some people outside of current positions, like the three or  
15 somebody else. There's another major that was working in the three  
16 shop at that time.

17 A. Major Garbarino.

18 Q. Right. Because I believe one of your staff members  
19 intimated that their infusion of sorts of support requirements into  
20 the Brigade, especially for the 320<sup>th</sup> because they were short handed  
21 because of their mission requirements. Let me ask you're assessment  
22 here. What you indicated to me that you would highlight problems or

1 issues to Sanchez or Wodjakowski or Miller or anybody else at CJTF-7,  
2 did you feel like they were blowing you off----

3 A. Yes, sir.----

4 Q. ----Or, you know, did you, based on that feeling, did you  
5 convey to General Speaks or even General Diamond at that point?

6 A. I did. I-- several times I said to General Speaks when I  
7 came down to talk to him about Command Sergeant Major Clement. He  
8 said,----

9 Q. Did you tell-- did you tell General Diamond about it?

10 A. I did. And I not only told him about that, but I said,  
11 several times when I was down at Arifjan and General Diamond was  
12 there. I-- I may have had one conversation with General Kratzer  
13 before he left, but it-- it happened fairly quickly after I took  
14 command. I did talk to General Kratzer and Command Sergeant Major  
15 Caffey about Command Sergeant Major Clement and I did a letter of  
16 reprimand--I talked to him verbally, counseled him and I told him  
17 that it wasn't going to be a conversation next time and he just  
18 completely disregarded that and uh----

19 Q. Who was this again?

20 A. Command Sergeant Major Clement. I talked to General  
21 Diamond about him, I talked to General Kratzer about him, I talked to  
22 General Speaks about him. I talked to General Wodjakowski about him.  
23 I told him I was coming down to see General Speaks about it because I

1 needed a command sergeant major before I could take him out of that  
2 position. And he said, "What has he done?" And I said, "This is  
3 what I-- the action I took thus far and he's continuing to do that."  
4 And he said, "Well we're probably going to have to do an  
5 investigation and if he's guilty and then we're going to have to fire  
6 him." And I said, "Can you start to look now?" I talked to the  
7 Command Sergeant Major at CJTF-7 and Command Sergeant Major Preston  
8 said that uh--let him know and he would find a CSM for me. Sir, I--  
9 the reason it seems and it was likely that I took a lot of the  
10 actions that I did and took charge of situations myself was because  
11 nobody was helping. I got Colonel, this Lieutenant Colonel Comcon  
12 came to see me and said, "I understand you're looking for a a Sheriff  
13 out at Baghdad Central, an FOB-- or-- base defense planner." And I  
14 said, "Well, where did you come from?" And he said, "Well I was on  
15 179 day orders. I spent two months down at CFLCC, and now I'm up  
16 here and I'm really looking for a job." And I said, "Well, what do  
17 you bring to the table." And he said, "Well, ya don't have anybody,  
18 Ma'am, so I might be all you get." And I said, "Well, I'll be in  
19 touch with you." I just didn't need another problem, and there were  
20 lots of people that were up there offering to help that were  
21 straphangers. They didn't want to work they just wanted to stay in  
22 Iraq. And I had radar detectors going off all over the place with  
23 those people. I didn't need any more problems. The Battalions were

1 functioning and the MPs were doing a great job because they were  
2 dedicated; because they were professional. And because they knew  
3 they could do this job. But, sir I gotta tell ya, it was-- as  
4 General Hahn said one time, he was asking me some questions, and he  
5 said, "And how many battalions do you have, four or five." I said,  
6 "Nine." And uh, "How are the prison rebuilding systems coming?" I  
7 said, "Sir, there's a lot of problems with it, there's-- there's all  
8 the obvious indicators of theft of those millions of dollars that  
9 they were supposed to be putting into rebuilding the prison. And he  
10 threw his pen down on the desk and he said, "We're running a prison  
11 system for an entire country by the seat of our pants. What's CPA  
12 doing?" And I said, "There's two experts there and they're leaving  
13 in about 30 days." And the guy who was running the prisons  
14 department was a budget officer.

15 Q. Let me go back to your sergeant major. Sergeant Major  
16 Cartagena came out of your ops, okay. And obviously a trusted agent  
17 because you picked an ops sergeant major as opposed to picking a  
18 serving Battalion Command Sergeant Major to come up and given the  
19 fact that it probably put him in a tenuous situation of being a  
20 junior guy that's going-- now going to do that. Did you know he was  
21 also dividing his time between what you had directed him to do and  
22 the other time was that he was working in--as the Ops Sergeant Major?

23 A. He was in the TOC where I was. And he was----

1 Q. Understand, but then did he tell you that he was also  
2 working to keep up in helping the S-3 shop?

3 A. The-- there may have been some projects that he had  
4 initiated or was involved with, but we got a master sergeant  
5 promotable from the 317<sup>th</sup> and we got a-- a sergeant, another senior  
6 NCO that came in and they were taking that responsibility away from  
7 the Ops Sergeant Major. I-- I know, sir, and I talked to Sergeant  
8 Major Cartagena about putting him in that position. But, as opposed  
9 to taking a Command Sergeant Major from one of the Battalions and  
10 putting him in the Brigade because there was nobody after the Command  
11 Sergeant Major, with the exception of First Sergeants in some cases,  
12 I made that decision because I felt that the Battalions needed the  
13 chain of command as it was. And sergeant-- Command Sergeant Major  
14 Scanlin wanted to be the Brigade Command Sergeant Major. His  
15 Battalion Commander, Colonel Novotny said, "I really need him up here  
16 at Ashraf." And I knew what that mission was and it was becoming  
17 more intense and I made that decision. I-- I did an evaluation of  
18 who would be hurt the most and I preferred that it be the Brigade uh-  
19 -because I knew that Sergeant Major Cartagena was strong enough to  
20 talk to the other CSMs and-- and it had been disruptive enough, sir.

21 Q. Well, in retrospect, given that you're not getting much of  
22 an assistance from higher command, that your own staff was

1 overwhelmed in providing all sorts of assistance to the Battalions,  
2 you still took that risk.

3 A. Yes, sir, I did.

4 Q. Okay. You didn't know that he was pulling double-time so  
5 to speak.

6 A. I-- I didn't-- oh I wasn't aware that it was a problem.

7 Q. Okay. What did what priorities did you give him?

8 A. I wanted him to get out to the Battalions, each ones  
9 separate locations to make sure that the soldiers were being taken  
10 care of, that the Battalion Command Sergeant Majors understood the  
11 direction we were taking. Any of the new changes of information,  
12 that the rules were going to be standardized from facility to  
13 facility to facility and they were. And that he had my authority to--  
14 - I mean as the acting CSM-- I'll tell you the only thing I might  
15 have done differently in retrospect was that the 310<sup>th</sup> had a Command  
16 Sergeant Major Woodcock and a Master Sergeant Lombardo. And Master  
17 Sergeant Lombardo since then came out on the CSM list, the promotion  
18 list. So, I could have taken one of them and probably been done  
19 little disruption, but at the time, Sergeant Major Cartagena was  
20 there and it was a fix. And he was strong.

21 Q. Would it surprise you that somehow it overwhelmed it?

22 A. It would surprise me. Cause----

1 Q. Would it surprise you to figure out that because he divided  
2 his time, he lost-- lost focus of his priorities as your senior  
3 enlisted advisor that could have assisted you in your quest to get  
4 all sorts of things fixed in the whole Brigade?

5 A. It surprises me because he was out there doing that.

6 Q. That's what he told you? Did he travel with you?

7 A. Occasionally he did travel with me.

8 Q. How often did both of you share some of the information,  
9 both in your travels and your observations down to the Battalions?

10 A. All the time. When I came back from any trip, or wherever  
11 I was, if he wasn't with me, we sat down and talked about it.

12 Q. Okay.

13 A. Uh-this is when I saw these soldiers doing-- Sergeant Major  
14 Emerson is still trying to color outside the lines, is I-- the  
15 expression I used. When I----

16 Q. Why didn't you just move Emerson knowing full well that he  
17 had--was a problem to you? Why didn't you just yank him off instead  
18 of perpetrating all of that?

19 A. I did. I did, but it was too late.

20 Q. First time. I mean, you took charge. You keep telling me  
21 you were taking charge.----

22 A. Yes, sir.----

1 Q. ----But if you were taking charge, you would have fixed the  
2 problem with them.

3 A. Sir, when I went to CJTF-7 from whatever the first incident  
4 was at Baghdad Central, and I believe it was when the mortars started  
5 to come in and killed six of the prisoners and injured forty-seven.  
6 We stepped up the campaign. It was several times a day then, as  
7 opposed to just once a day asking for force protection and  
8 emphasizing in the 3, in the CJTF-7, they didn't want to be bothered  
9 with it. They did not want to be bothered by me. And-- were they  
10 blowing me off because I was a Reservist? Yes. They used the excuse  
11 that I was TACON? Yes. And for a lot of other reasons? Absolutely.  
12 But, we asked, and we got nothing. We had to find a way to do it,  
13 because they wouldn't help. Sanchez didn't care until two MI  
14 soldiers were killed. When those prisoners were killed, General  
15 Wodjakowski said to me, but they're prisoners Janis. Did you lose  
16 any soldiers? And I said, "I could have." And my soldiers take the  
17 care of those prisoners seriously. They didn't care. And I was  
18 told, "I don't care if we're holding 15,000 innocent Iraqis, we're  
19 winning the war." And you're making enemies out of everyone of those  
20 people you're holding without a reason. I said, "I'm on the security  
21 detainee release board and reviewed these records. Not a piece of  
22 evidence in the file." Put him back in the booth because his name is  
23 Omar, or because his name is something related to Al Queda. This

1 isn't a fair carriage of justice. This isn't dignity and respect.  
2 This isn't the road ahead you are allegedly preaching all of the  
3 time. This is corruption at its finest. This is smoke and mirrors,  
4 a façade of security in Baghdad. There was no such thing. And the  
5 Divisions kept giving us more prisoners. Well, increase capacity.  
6 Where would you like me to increase capacity? Cram some more tents  
7 into the compound. The guy who's in charge of the FOB, on Christmas  
8 Day, the LRS team that fell from the sky when those four people were  
9 more than he could handle. They're going to do a capabilities  
10 demonstration that day. We went out to visit soldiers, to see them.  
11 Phillabaum wasn't there, he'd gone home on emergency leave and he was  
12 trying to get back to Baghdad. I saw those guys getting ready to go  
13 out on an operation, I said, "Where you guys going?" They said, "Oh  
14 Ma'am, we're going to do a capabilities demonstration." I said,  
15 "Really? What--what time?" They said, "Well you know these reports  
16 about them trying to overrun the prison out here, we just want to  
17 make sure that they understand that we're right here." Two  
18 helicopters-- he gave me a real quick briefing on what they were  
19 going to do. And I said, "What time?" And he said, "Around twelve  
20 o'clock." "Okay. Where?" "In the big compound around Ganci, no  
21 Vigilant." So I said, "Is it going to be over the security  
22 detainees?" "It's going to be over the big compound." That's Ganci  
23 actually and most of them are security detainees. But-- so we're out

1 visiting, we're in the-- we're in the towers talking to the MPs and  
2 all of a sudden the helicopters come in and they had planned this and  
3 orchestrated it. They had the marks on the ground, away from the  
4 tents and one helicopter comes in and hovers right over one of the  
5 tents--right over one of the compounds. And nobody's jumping out of  
6 the airplane, nobody's repelling out of the helicopter. And all  
7 these tents are blowing everywhere, and the clothes that they just  
8 hung up to dry that they'd washed in wash basins and everything else,  
9 and then they act as if this is a surprise and they go over to the  
10 spot where the other helicopter is, which was right on the mark. And  
11 I called Colonel Pappas, and I said, "Your guys did this  
12 intentionally." "I can assure they didn't do this intentionally." I  
13 said, "If they practiced, then how did they get it wrong, because my  
14 MPs are the ones who have to bring that under control this afternoon  
15 when they get pissed off about what just happened." And I said,  
16 "Don't tell me it wasn't intentional. Don't screw with me. I don't  
17 have any patience for this kind of stuff." And he said, "I can  
18 assure you Ma'am, I talked to them already, it was a mistake." And I  
19 said, "Tell me how you make a mistake." "There's no compounds."  
20 "There is a compound. And you decide to hover over the compound?"  
21 He said, "I'll take care of it." And--and we didn't have an issue  
22 because the detainees knew that it was a holiday and chose not to  
23 make an issue out of it. General----

1 Q. Did you report--did you report that to the General?

2 A. Yes, sir I did. Yes, sir I did. Nothing happened. Or-- I  
3 mean-- not that General Wodjakowski has to come back and tell me what  
4 he did, but he--he didn't. And nothing happened. General Sanchez  
5 cut a FRAGO to send me up to the MEK because he was getting beat up  
6 by Secretary Rumsfeld and he wanted a general officer up there that  
7 could give 'em ground troops. So they cut a FRAGO to send me up to  
8 Ashraf. I went to General Miller, I asked him twice. He said--I  
9 went up as soon as I got the FRAGO. I think it was even in a draft.  
10 And I went up to see General Miller and I said, "You know, I have a  
11 Brigade to run, I just don't-- and Ashraf is not convenient." He  
12 said, "If there's any opportunity to get him to change his mind, it  
13 will be today. Let me see if there's a chance this afternoon." I  
14 talked to him that night and he said, "You gotta go because this is  
15 high visibility, it's gonna get more so and they want to close the  
16 radio station. He just needs you up there." "Okay." I went to  
17 Wodjakowski at the SUU and I said, "You know I'm moving up to Ashraf.  
18 I have a Brigade to run, it's not running as smoothly as I'd like it  
19 to be. Bucca's not closing, it's staying open, we have a new  
20 contract for 48 million dollars. I mean, the last place I need to be  
21 is up at the MEK compound. I can go up there, there's a Battalion  
22 Commander up there that knows what he's doing." "You have to go." I  
23 go up there and-- okay-- we made a couple of changes and everything,

1 they delivered this message and they closed the radio station down  
2 and I never got a call from Secretary Rumsfeld and everything seemed  
3 to be okay.

4 Q. Was that a-- a directive to move your TOC or just you?

5 A. Just me.

6 Q. Did you stay there for a period of time?

7 A. Yes, sir.

8 Q. How long?

9 A. Until relieved from that mission.

10 Q. So who did you turn the Brigade over to?

11 A. I didn't turn the Brigade over to anybody. I just  
12 commanded the Brigade from up at Ashraf.

13 Q. Was that information conveyed to all your Battalion  
14 Commanders that you'll be----

15 A. It was.

16 Q. Let me talk a little bit about what happened with the 372<sup>nd</sup>.  
17 What do you think caused that to happen?

18 A. I think there were several important things that caused it  
19 to happen. Because I don't have all the details of when or if it was  
20 more than one time, but---

21 Q. Over a period of time----

1           A.     ----I think there were some--I think there were some bad  
2 people, bad MPs, bad soldiers, just bad people.  And one of them,  
3 unfortunately has a history of this in his civilian job.

4           Q.     Did you know that before?

5           A.     I did not.  But General Gagin did, and didn't decide to  
6 share the information with me until after this thing broke loose.

7           Q.     Who's General Gagin?

8           A.     He was the 220<sup>th</sup> MP Brigade Commander.  And one of his NCOs  
9 works with Grainer in his civilian job, and Grainer was apparently  
10 suspended several times for prisoner abuse.  And he told General  
11 Gagin, "You know there's a guy in the 800, and that was back in  
12 September or something," and he said, "Do you think I should tell  
13 General Karpinski?"  And-- well-- let's see what happens.  I don't  
14 know what he said, but he told me afterwards and he said he knew  
15 before and unfortunately he didn't tell me.  And we uh-- the MI said  
16 that they-- at the time, since you're familiar with the cell block  
17 there, there's a door on the end of the facility as soon as you come  
18 in there's cell block 1A and 1B and then the hallway.  The offices  
19 outside of that cell block, there were separate offices, and they  
20 were used by the Iraqi corrections officers, the--the warden and then  
21 they used it for a break room and that's where the female Iraqi  
22 corrections officers would be.  So the MI wanted a privacy panel put  
23 in place at the-- on the cell door----

1 Q. You mean a partition?----

2 A. ----a partition to-- to prevent anybody from seeing into  
3 the cell block and uh--he said, "What we really want are those  
4 offices outside, and CPA said no." And--and I did talk to-- at that  
5 time it was a guy by the name of uh-- Terry-- Terry, anyway he's in  
6 charge, and they said no. You know, that was their facility, and as  
7 a matter of fact, the MI was going to have to find a new place to use  
8 for interrogation-- or for isolation cells. So, they didn't push it,  
9 and-- and they put this-- they had the engineers put this plywood  
10 panel partition so you couldn't see down the cell block. And they  
11 implemented-- they being Colonel Pappas, they implemented procedures  
12 where nobody from the Battalion, without permission----

13 Q. This is Pappas?

14 A. This is Pappas---- could go into the cell block unescorted.  
15 There was an MI operation, except for the MPs who were only taking  
16 them out of the cells, putting them back in the cells, taking them to  
17 showers or whatever and giving their meals, making sure the medical  
18 piece was taken care of.

19 Q. Was that already cleared with you that MI would take  
20 control of that tier, or did Pappas take it upon himself to assume  
21 control of that tier?

22 A. I actually helped them to procure or secure that facility.  
23 I went to----

1 Q. [inaudible]----

2 A. ----Yes it was. I went to the CPA and I said, "Some of  
3 these are bad people, and they don't have an interrogation facility,  
4 and if we could use that 1A, umm--that would be a great benefit."  
5 And they agreed to it. Umm----

6 Q. Did you-- did that relinquish control of that tier to the  
7 MI or did you?

8 A. I-- I-- I did. I mean, I----

9 Q. Because comments were made that there were never any MI  
10 controls since there were still MPs guarding that.

11 A. There were MPs guarding it. But it was under MI control,  
12 Lieutenant Colonel Jordan, who's no longer there, is the one who ran  
13 cell block 1A. He would-- every time I was out there, he would  
14 appear. And I said to him one time, "Do you ever sleep?" Uh. And  
15 he said, "No, this is my responsibility." So, and it was-- no there  
16 was MPs there because MI-- they don't do guard duty. So it was the  
17 MPs who were doing the-- the guarding role, but it was MI-- the Mis  
18 people were responsible for who went in there, when they came out,  
19 how long they stayed in isolation, when they were interrogated,  
20 everything.

21 Q. What was the established interaction between them and the  
22 MPs that umm--that the MPs, you thought, understood that-- that the  
23 MI would control access to those facilities?

1           A.    Right.  And the M-- the MPs up until the time that Pappas  
2 took over as the FOB Commander, the MPs understood that the MI had  
3 the authority to come in there, tell them who they needed to-- and at  
4 that time the MPs were still escorting them, so they could say, we  
5 need Prisoner Number 12345, we're going to take them to the  
6 interrogation room and probably be out for an hour or two hours, or  
7 we don't know how long.  They occasionally somebody from the ISG  
8 would come by with somebody from MI to get a prisoner out to  
9 interrogate them.  In most cases they didn't interrogate them there  
10 on-site, they took them to the ISG facility.  They signed a  
11 handreceipt and----

12           Q.    ISG or the JIDC?

13           A.    The ISG.  The Iraqi Survey Group.

14           Q.    Okay.  Were there other folks that were interrogating these  
15 prisoners?

16           A.    OGA.  Other Government Agencies, they were a variety:  CIA,  
17 uh--Delta Force----

18           Q.    So it was a multitude of other folks that were accessing  
19 Abu Ghraib, tier 1A----

20           A.    They could not access tier 1A without somebody from the MI  
21 and it was usually--during the day it was usually Captain Wood and--  
22 or somebody from the MI doing it.

23           Q.    But umm----

1           A.    But they weren't out there in the same force that they're  
2 out there now.  They weren't that organized.  They had a couple of  
3 tents----

4           Q.    Was that before Pappas or after Pappas?

5           A.    That was before Pappas and Pappas was out there the night  
6 that the mortars killed those two MI soldiers.

7           Q.    But when Pappas showed up, to take responsibility for the  
8 FOB, did that continue?

9           A.    Yes, and became it increased.

10          Q.    Okay.  Alright.

11          A.    And-- and I really can't speak for how much took place over  
12 at Vigilant because their interrogation booth was right there.  The  
13 MI people would go into the compounds, take somebody out, take them--  
14 we didn't-- the MPs didn't even have to get involved in the process.

15          Q.    Did Pappas inform you of this particular setting, or was--  
16 did Phillabaum understand that particular arrangement, or was that  
17 arrangement between you and Colonel Pappas?

18          A.    I didn't have any arrangements with Colonel Pappas.

19          Q.    How was that translated, in terms of who is going to take  
20 control over what?

21          A.    We--Colonel Phillabaum, Major Dinenna, Colonel Pappas,  
22 Captain Wood, and I sat down out at Abu Ghraib----

23          Q.    Without Colonel Pappas, just the MI?

1           A.    No, Colonel Pappas, Captain Wood, Colonel Phillabaum, Major  
2 Dinenna, and myself----

3           Q.    When was that, do you know?----

4           A.    Uh--that was before he took uh--command of the FOB.

5           Q.    That was prior to----

6           A.    Much-- much before that.  Because it was after--it was just  
7 after General Miller left.  And I-- I it was my impression that  
8 Colonel Pappas got beat up pretty badly by General Miller, I mean in  
9 terms of his criticism.  And-- and he was having a pretty difficult  
10 time with General Fast.  So, I wanted to support him, we all did.  
11 And if made the interrogation operation go smoother, then it meant we  
12 were going to be able to release prisoners faster and our population  
13 would go down, so everybody felt the peace of the--derived some  
14 benefit from it.

15          Q.    Would it surprise you if I told you that that arrangement  
16 never occurred?

17          A.    What arrangement never occurred?

18          Q.    The arrangement that the MI stipulated that they never had  
19 control, absolute control, of that tier 1.

20          A.    That's not true.  I mean, the MPs were, like I said, they  
21 were guarding it, and the MI would come and say I need prisoner so-  
22 and-so, and the MPs would go and get them and come back.  But they---

23          -

1 Q. In your mind----

2 A. Colonel Jordan was in charge of that cell block, sir. And  
3 Colonel Jordan worked for Colonel Pappas.

4 Q. But, who replaced Colonel Jordan?

5 A. Nobody did. He-- I mean, you want my opinion? The timing  
6 was very suspicious. He was gone just on the leading edge of when  
7 the investigation opened up.

8 Q. Okay. Alright. So let me ask you again. So the  
9 responsibility for the actions of those soldiers, that were charged  
10 by CID for mistreating those detainees should fall on the MI as  
11 opposed to the MPs?

12 A. The responsibility? No sir. I saw some of the pictures.  
13 The--I think the MI gave the MPs the ideas. And I think----

14 Q. So there's some complicity to that?

15 A. Yes sir.

16 Q. You're suggesting that there is?

17 A. ----And I think that it became sport. And--and even saying  
18 this makes me feel sick to my stomach, but, they were enjoying what  
19 they were doing and the MPs who saw this opportunity-- seized the  
20 opportunity. I don't know if they shared the ideas with the MIs or  
21 whatever they did, but there was definitely agreement, and-- then  
22 some of the procedures they were following, they just elaborated on.  
23 And-- and I would imagine and I don't know this to be fact, but would

1 imagine it went something like this-- in the DFAC or when they were  
2 sitting around the Internet Café. "Oh yeah, you should see what we  
3 do to the prisoners sometime." "Can I come over and watch?" "Oh  
4 yeah. How about Thursday." And because we had a clerk over there  
5 who was thoroughly enjoying all of this sport, and the pictures  
6 anyway, and she was the girlfriend of the guy who was one of the  
7 kingpins in this. We had a guy from the maintenance who must have  
8 been one of the invited participants and-- these are bad people.  
9 That was the first time I knew that they would do such a thing as to  
10 bring a dog handler in there to use for interrogation. I had never  
11 heard of such a thing and I certainly didn't authorize it. And if I  
12 had heard about it, I would have stopped it. I don't believe we've  
13 ever had a dog in the hard facility.

14 Q. Speaking of dogs. Did you know that between the Army and  
15 the Navy dog handlers that they were not placed in their one command  
16 and control that they operated separately?

17 A. That was at the direction of-- I don't want to put anybody  
18 on the hook, but I believe it was CFLCC. It's a-- it's a CENTCOM  
19 asset.

20 Q. But, somebody requested for them.

21 A. We did. But there were already two dogs there. The MI  
22 either brought them from Anaconda or-- and they said they were  
23 strictly for their operation.

1 Q. Certainly, somebody requested for them. At least the three  
2 Navy dogs. That they would be placed under one command and control  
3 and be utilized properly without proper authority for employment.

4 A. Yes, sir.

5 Q. Did you check on them?

6 A. No sir, I didn't.

7 Q. Okay. Alright. Given the circumstances then, do you  
8 believe that perhaps proper supervision at night since these events  
9 happened between the periods of 2200 and 0400 and who would you place  
10 that supervision responsibility to?

11 A. There is a and-- and it is precisely the reason that  
12 Sergeant Snyder is relieved from-- or suspended from his position  
13 right now. Because he was responsible. He was the Sergeant of the  
14 Guard, the NCOIC, whatever term they were using. He was all of those  
15 things. And a platoon sergeant.

16 Q. Did you know what the Platoon Leader or the Company  
17 Commander were doing?

18 A. I do not. And I talked to the Captain Reese myself. And  
19 he said randomly he or the First Sergeant, or both of them would go  
20 through all of the facilities.

21 Q. During night or day?

22 A. Nighttime, daytime, afternoon, lunchtime, feeding time.

1 Q. Would you be surprised to hear that Captain Reese's  
2 priorities was not detain-- detention operations, it was improving  
3 the facilities seventy percent of the time?

4 A. I would be surprised to hear that, yes sir, because that's  
5 not what he told me.

6 Q. Alright.

7 A. And I don't-- what would he be improving? The LSA?

8 Q. I was just conveying to you what he put on his statement  
9 and he conveyed to me.

10 A. Because the contract there was for Iraqi contractor work to  
11 do the facility work, it was not for----

12 Q. That was what he conveyed and umm--as far as he was  
13 concerned, his chain of command knew of his priorities. Thereby  
14 depended and over-relied on personnel who had correctional facilities  
15 experience. Did he tell you that?

16 A. He did not.

17 Q. Okay.

18 A. Him and the First Sergeant both talked about how they were  
19 fully involved in the operation. He didn't say anything about  
20 seventy percent of his time doing facilities management.

21 Q. He put that on the Sworn Statement. And that's exactly  
22 what he intimated in the----

1           A.    Well, he's had enough time to figure out what the best  
2 avenue approach is, I guess.

3           Q.    Well, let me put it this way.  Knowing that the importance  
4 of that particular facility, how often did you talk to the company  
5 commanders?

6           A.    I--

7           Q.    Did you senior rate all the company commanders?

8           A.    I did.  Uh-- I saw all the company commanders.  I-- I would  
9 tell you that the-- unfortunately, that the largest gap of time uh--  
10 between seeing a company commander and between seeing a company  
11 commander and seeing him again was more than six weeks with Captain  
12 Merck.

13          Q.    Would it surprise for you to know that there's at least one  
14 Company, the 320<sup>th</sup> as we speak today, or then at that time, that was  
15 assigned to that Battalion, 320<sup>th</sup>, and up until I believe two weeks  
16 ago was being utilized as a filler company?

17          A.    [Pause] Would it surprise me to know that?

18          Q.    That they were not employing him in his capability as a  
19 cohesive company with his capability, but yet he's being used as the--  
20 -you fill here, you fill there.  So, basically,----

21          A.    his company was spread out.

22          Q.    Right.  And he doesn't have a function.

1           A.    He-- if he's being used as filler, I mean, he's doing an MP  
2 mission.

3           Q.    He's doing an MP mission that----

4           A.    The Company Commander doesn't have a----

5           Q.    ----the Company Commander is not responsible for any  
6 specific mission because his Company was being utilized as a filler  
7 company. Individual----

8           A.    I would tell you----

9           Q.    ----fillers, not as a platoon, not as a squad, it was fill  
10 this and fill that.

11          A.    I will tell you, sir. It doesn't surprise me. Uh--I  
12 didn't know about it, but like I said, I saw all those company  
13 commanders out there whenever I visited----

14          Q.    Sure, but nobody ever mentioned any problems of how things  
15 are being----

16          A.    No, because the personnel numbers were so serious and Major  
17 Sheridan was really making the best effort to get those internal  
18 taskings reduced. And it took a whole MP Company just to do the  
19 taskings. It got better when we got-- when the 82<sup>nd</sup> put a Company on  
20 the same compound.

21          Q.    How many Companies did the 320<sup>th</sup> have?

22          A.    Umm--

23          Q.    Six, seven, eight?

1           A.    No, no.  The 372<sup>nd</sup>, the 670<sup>th</sup>, the 186<sup>th</sup>, and some of them  
2 were guard companies and some of them were combat support.

3           Q.    You had the 229<sup>th</sup>.  229<sup>th</sup> MP Company's also there.  It's an I  
4 and R Company.

5           A.    Some of them come up-- some of them came up because we were  
6 getting ready to--some of the other companies to leave.

7           Q.    General Karpinski, what would you recommend for corrections  
8 of detainee abuses?

9           A.    Sir, I--I actually started to make some of the-- I think--  
10 I started to implement for the rotational forces coming in.  I called  
11 the Battalion Commanders that were coming in behind the rotational  
12 brigades when I could get in touch with them at their mob station.  I  
13 told them that they needed to, ya know, get the people involved, to  
14 give briefings to their soldiers before they deployed over here about  
15 the potential for detainee abuse.  The indicators--the processes or  
16 procedures to head off infractions, to continue to reinforce it.  
17 Umm--and I think that soldiers need to be reminded.  I-- I-- at the--  
18 at the guard mount, at shift change, on duty.  You take an example of  
19 an MP company like the 320<sup>th</sup> MP Company, which is out at Abu Ghraib.  
20 They were down at Talil, they're a combat support company, but their  
21 First Sergeant and the Company Commander were very much involved in  
22 the Company and the operations.  Talked to soldiers all the time,  
23 gathered them in small groups.  The First Sergeant was fully engaged.

1 Q. Is that Captain Masterangelo?

2 A. It is.

3 Q. Would it surprise you that he was the one who is saying it  
4 is not utilized as a Company up there today? That he is being used a  
5 filler Company.

6 A. He's not being used as a filler Company, sir.

7 Q. How do you know that?

8 A. Well, I know what they're doing. They were the-- they  
9 were-- they're not doing a combat support MP mission, because that's  
10 how they-- they weren't deployed to do that mission. They-- couple  
11 of the teams, the driving teams were tasked to the TOC to do my PSD.  
12 My two vehicles were from the 320<sup>th</sup> MP Company. He had some MP units  
13 that were doing the escort missions down to CPA or down to Bucca if  
14 we were transporting prisoners. He would-- so he's got a variety of  
15 missions, but they're not filler personnel. He may have used some of  
16 his MPs to do some of the force protection towers. But there isn't a  
17 Company that's doing only force protection. I wish I had the luxury,  
18 I'm sure the battalions do too.

19 Q. His comment to me was, when I asked him, "What specifically  
20 is your mission set?" And-- then he mentioned something about I have  
21 compounds boom, boom, boom, boom. I don't recall those compounds,  
22 and I said, "So you're directly responsible for those compounds  
23 then?" He said, "No, that's relegated to Headquarters and

1 Headquarters Company 220<sup>th</sup> MP Battalion. So what is your extent of  
2 your responsibility?" I said, "I just provide personnel." So in  
3 essence----

4 A. Well that's not what his support form said, and that's not  
5 how he was rated, and that was never my impression when we walked to  
6 the different compounds that were under his control.

7 Q. Well, the support form-- the support form doesn't really,  
8 and you mentioned that that everybody should have-- could have  
9 mistaken your support form for that of command philosophy?  
10 Basically----

11 A. Sir, I never focused on that.----

12 Q. Well, I'm just making a comment to the comment you made.

13 A. Yes, sir. But----

14 Q. ----And so, basically, the Company Commander is given a  
15 mission and the Company Commander felt that he's got a capability to  
16 provide. And the Company Commander felt that he's not-- his  
17 capability's not being utilized. Cause I asked him directly, "What  
18 is your mission?" And his response to me was, "I'm a filler Company,  
19 sir." Today, I said, "How long has it been going on?" He says,  
20 "From the time I arrived until last week."

21 A. Well, that's not true. He was down at Talil, they didn't  
22 have a vigorous mission down at Talil, they went out and did the same

1 thing. They did law enforcement, patrols, down to the prisons in  
2 Najaf.

3 Q. Do you know what the 229<sup>th</sup> MP Company's mission is?

4 A. They're responsible for the URF and for the compounds at  
5 Ganci.

6 Q. So, basically they're being utilized as a guard company?

7 A. They are. All of our MP units are being utilized as an  
8 escort guard or guard company for this confinement mission.

9 Q. Would it surprise you that Captain Jones trained himself  
10 and nobody ever validated him prior to deployment?

11 A. That does not surprise me.

12 Q. Did you know that he had prior experience as an MP, prior  
13 to taking command of that Company from the Virginia Army National  
14 Guard?

15 A. I did not.

16 Q. Did you know that he had to provide support to the canine  
17 unit, both Army and Navy, but he does not have command and control of  
18 those canine units?

19 A. That's with the HHC or with the Headquarters of the 320<sup>th</sup>?

20 Q. Somehow, somebody's yet to find a house where those dogs  
21 were. That's what I mean. It's knowing what each of those Companies  
22 do, because it's their capability that you want to utilize. Okay,  
23 what other recommendations would you make?

1           A.    I think that the-- the span of control covering the whole  
2 country of Iraq is too big without the additional assets, either  
3 aviation assets, or transportation assets, engineer. General  
4 Wodjakowski did tell me several times that they did not do a good job  
5 of supporting us. We were running 15 civilian jails and 5 internment  
6 facilities, and he said, "You're running three internment facilities,  
7 how hard can that be?" He didn't know what we were doing.

8           Q.    How often did-- you had the SUAs. I guess in the separate  
9 unit updates provided it depicted at least number of detain--  
10 detention centers you were-- you were operating; number of Iraqi  
11 prisons that you were overseeing or providing training for; number of  
12 other things that you were missioned for; number of detainees that  
13 were accounted for, based on the last report; and personnel situation  
14 and your operational revenues to accomplish that mission. Umm--when  
15 those were posted, to include your maintenance capabilities, what was  
16 the-- what was the percentage-- what would you-- what would you  
17 consider as your C rating would be?

18          A.    Overall?

19          Q.    Overall.

20          A.    C-3 at best.

21          Q.    And that was amplified, you mentioned repeatedly to the  
22 Battalion, to the CJTF-7?

1           A.    It was.  I-- I said to-- now when Colonel--General West  
2  came in, he wasn't there originally, I don't remember who his  
3  predecessor was who was the 4.  But General West was-- and-- and  
4  General Davis who was the Engineer Commander at the time, both of  
5  them gave me tremendous support, but it was after we had found  
6  another way, another mechanism to do it.

7           Q.    Sure.  Which was network with your fellow general officers.

8           A.    General.

9           Q.    Networking with your fellow general officers, you know.  
10  Was that helpful to you?

11          A.    They-- General West was very helpful.  General Davis was  
12  very helpful.  The CA guy who is General Kern, and said several times  
13  "I don't know anything about detention operations, but, ya know, tell  
14  me what else is going on."  We couldn't get CA support.  We could not  
15  get CA support.  I spent time with General little bit of time with  
16  General Hahn and uh--and really the only time General Sanchez or even  
17  General Wodjakowski spent any time or showed any interest in anything  
18  I was doing was when there was a problem.

19          Q.    You--previously you appeared very critical of General  
20  Sanchez or General Wodjakowski for their lack of concern or lack of  
21  support on behalf of your mission and on behalf of your soldiers.  
22  Would you kind of draw conclusions as to why that is?  Your  
23  perception why that is?

1           A.    I think that General Sanchez is [pause] I think that his  
2 ego will not allow him to accept a Reserve Brigade, a Reserve General  
3 Officer and certainly not a female succeeding in a combat  
4 environment.  And I think he looked at the 800<sup>th</sup> MP Brigade as the  
5 opportunity to find a scapegoat for anything that his active  
6 component MI Brigade or his active component MP Brigade was failing  
7 at.  And if I was not capable, why didn't he tell me?  Why didn't  
8 somebody tell me sit down and let me give you some suggestions  
9 because when DEPSECDEF Wolfowitz came into the theater, the first  
10 time he came out to Baghdad Central he stayed an extra hour and  
11 forty-five minutes because he was so proud of me and what the MPs  
12 were doing.  And he told General Sanchez that, and one night when he  
13 got behind schedule on another visit, he asked specifically if he  
14 could see General Karpinski before he left because he wanted to hear  
15 how the prisons were coming.  And on the headphones in the  
16 helicopter, General Sanchez and General Fast, who was briefing him,  
17 he said, "Am I going to have an opportunity to see General Karpinski?  
18 Because she always does a good job for me."  And I thought at that  
19 time, this is not a good thing.  It is never good to be more popular  
20 than your boss.  If I was not doing my job, I wasn't aware of it.  
21 And I'm sorry, but I took care of those soldiers, I took care of  
22 those detainees.  We provided support beyond what anybody expected to  
23 the CPA to keep Ambassador Bremer out of trouble.  Because when Major

1 Pifrim and Colonel Spain were trying to push all the jails off on us  
2 in a briefing to General Sanchez, Major Pifrim said, "Well we don't  
3 care if they're eating or not, sir, that's the Iraqi's  
4 responsibility." And he corrected them. And we made sure that they  
5 were eating and that they did have water. They didn't. Because in  
6 spite of what General Sanchez was telling them, they were doing the  
7 easy thing. And I think General Sanchez has no use for Reserve  
8 component or National Guard soldiers. And he has little use, would  
9 not see it as time well spent, mentoring me. How dare I succeed as a  
10 female, as a Reservist, as an MP, in his combat environment? How  
11 dare I. And I became determined to show him that I would.

12 Q. Who would you pin the responsibility on the actions of  
13 those individuals at Abu Ghraib?

14 A. The MPs that were involved. That's who I'd pin it on and  
15 I'd pin it on Snyder, the Platoon Sergeant, and the First Sergeant,  
16 Captain Reese.

17 Q. You wouldn't pin it on anybody else but them?

18 A. I would--it was Colonel Phillabaum's domain but it was  
19 Colonel Pappas' FOB. And he was the one who established the  
20 limitation for those cell blocks. He was the one, and Colonel Jordan  
21 was the one, whether he's here to say it or not, he was the one who  
22 set the rules. Major Sheridan limited them and influenced them to  
23 the extent he could by taking the MPs out of unhealthy and

1 inappropriate settings. But they were still the guards in those cell  
2 blocks. And they were still the ones who did those things that they  
3 did to those detainees.

4 Q. Do you think proper training, supervision, and effective  
5 leadership, not just for that Battalion, but throughout the entire  
6 Brigade would have sufficed, could have prevented it?

7 A. No sir, no sir. Because it's not typical.

8 Q. Given the fact that that same Battalion was involved in the  
9 Bucca incident back in May?

10 A. Sir, I talked to-- was a different Company-- no that's not  
11 an excuse, I talked to Phillabaum and I talked to Dinenna, and I  
12 talked to them----

13 Q. It's your Brigade.----

14 A. Yes sir, yes sir. ----I talked to them the next day when I  
15 found out about it, when I was out there. I talked to all the  
16 Company Commanders and the First Sergeants. And-- and they asked  
17 good questions. And they raised the issues again about fair and  
18 decent treatment and when were they going to see magistrates, and  
19 when were they going to be able to give answers, and how can you say  
20 dignity and respect and then not give them anything that they're--  
21 even the basics that they're entitled to: clean clothes, decent  
22 food, bed or a mat to sleep on. These are bad people and people who  
23 were led by bad people in that situation. But, once again, it was a

1 good MP, a good soldier who turned them in. I talked to Phillabaum  
2 about the consistency in these events. And that isn't something you  
3 would put in an attribute column when you say, what did I do right or  
4 what did I do wrong in this situation. "Did you exploit the  
5 opportunity?" I asked him. "Did you exploit the opportunity to talk  
6 to soldiers if they were assigned to the Battalion and tell them,  
7 'This is what happened at Bucca and this is not tolerated here.'?"  
8 And, no he didn't. Did he use the lessons learned? No he didn't.  
9 Did he know how to do it? I don't even know if he did.

10 Q. You think possibly a command policy memo from you or  
11 General Hill would have stipulated lessons learned at Bucca that it  
12 not be repeated?

13 A. I think that would have been extremely helpful. The other-  
14 - the other----

15 Q. But none of those memos fell out and you didn't follow up  
16 on that memo?

17 A. No sir. And when the incident down at Bucca was resolved,  
18 we spent months working on it and-- and I don't wanna say me, because  
19 I don't wanna-- I can't take credit for the hard work that was done.  
20 The 32, the CID investigations, the supervision of them at Bag-- at--  
21 down at Arifjan. I think it was the first time they were effectively  
22 supervised when Colonel Coulter got them under control. But the  
23 system failed us. And it was because the tenure had changed. And at

1 about the same time when those incidents were taking place out of  
2 Baghdad Central, the decisions were made to give the guilty people at  
3 Bucca plea bargains. So, the system communicated to the soldiers,  
4 the worst that's gonna happen is, you're gonna go home.

5 Q. Where would you place them if they were not going to be  
6 remanded to go home?

7 A. It was supposed to go to a court martial, and it didn't.  
8 And suggestion by a Company Commander out there at Baghdad Central,  
9 was that-- in front of everybody else, was that "Ma'am, everybody  
10 knows the reason it didn't go to a court martial was because they  
11 were protecting that Lieutenant Colonel who took a prisoner out to  
12 the clearing barrel and cleared his weapon into the clearing barrel  
13 right next to his head. And they wanted to be able to forgive him."  
14 So that was the change in attitude. And I said,----

15 Q. Do you think that was associated in that?

16 A. Yes, sir. He said it there in front of a group of people  
17 and nobody turned around like they were shocked by this revelation.  
18 So I knew that that was what was permeating. What I told them during  
19 that meeting was, "Look, let me tell you something, the UCMJ system  
20 in my opinion is fair and impartial. And people who make decisions  
21 to go to court martials or take other actions, do so with extensive  
22 advice and study and everything else, whether you believe that or  
23 not, okay." This took seven months to complete. But, let's talk

1 about results, okay? There were four cases. One that was considered  
2 a relatively weak case, was plea bargained out, and the individual  
3 signed a statement saying that this was planned, it was orchestrated,  
4 and there was definitely collusion or whatever that word is that they  
5 use.

6 Q. But did you know that the events actually happened since  
7 you were not there?

8 A. Alright, well, I only know it from the Article 32 from  
9 reviewing that case and then for recommending it go to court martial.  
10 But I do know the results and I know why they--they gave that plea  
11 bargain, or the plea package to the first individual. And that  
12 individual signed statements saying this was planned, it was by  
13 design, Master Sergeant Girman orchestrated the plan. She told us  
14 exactly what to do, etc. etc. So, she gets an other than honorable  
15 and goes home, yes. And she understands her responsibility to come  
16 back in case it goes to a court martial. I said, "Do you realize  
17 that if we went to a court martial on any one of those cases, any of  
18 them if there were four or ten or twelve whatever the original number  
19 was, the were all going to be tried individually because that's your  
20 right under UCMJ. And do you realize that if we went to a court  
21 martial and the board said or the panel said, "Not guilty," those  
22 individuals come back as MPs and maybe back to the same unit or the  
23 same battalion. And is that a factor, considering your options?

1 Absolutely. And I got a lot of stares that time, because there's  
2 another side to the story there, there's another perspective.

3 Q. I don't think unless they get a bar to re-enlistment that  
4 they'll ever make it back to wear the uniform.

5 A. Well, they won't now because they are permanently barred  
6 from coming back in. They are reduced. They are-- all of their  
7 benefits and privileges from this deployment are suspended. So, we  
8 get what we want from that action. And rather than take the risk-- I  
9 mean, I-- I didn't like it at first, but I understood it, after  
10 conversation with Captain Ray and Colonel Johnson. But, I wanted to  
11 make sure that the leadership element out there at Baghdad Central  
12 understood it because that seemed to be their concern that these guys  
13 knew that all they would get would be a trip home.

14 Q. Well, put in that perspective, then General Karpinski, when  
15 everything is put before the courts, and I have no reason why you  
16 will not be placed before the military court system, and the  
17 revelations of all these inhumane treatment of detainees. You think  
18 for one moment that those MPs that were accused of those allegations  
19 were not made complicit of those-- the unit that they served under,  
20 the battalion that they served under, the brigade that they served  
21 under, that they will reveal all sorts of things that will put your  
22 entire command under the microscope.

23 A. Absolutely.

1 Q. The fact of the matter is that that will be the second  
2 incident to which the 800<sup>th</sup> MP Brigade would be associated with  
3 potentially war crimes?

4 A. Yes, sir.

5 Q. How would you deal with that?

6 A. The same way I've dealt with other situations in this  
7 Theater of Operation. Tell the truth. And we were spread throughout  
8 the theater of Iraq with a mission and the MPs have countless  
9 examples of how well they performed and how professional they were  
10 and are. And do you get, out of 3,400 people; do you get some bad  
11 MPs? Yes. And do some of them have a history of this in their  
12 civilian job? Yes. And does their civilian employer have a  
13 responsibility to report these infractions to the military? No. Now  
14 were there mistakes made? Yes. And are we taking actions to make  
15 sure that they don't occur again? Yes. Can we guarantee they won't?  
16 No. Because we've never forged this road before.

17 Q. Nobody has.

18 A. Yes, sir. So we have to rely on values and those people  
19 have none, at least if the pictures tell the story. I don't care  
20 what their specialty is; it's just more offensive because they're  
21 MPs. What they did was vulgar and abusive. And I hope it-- it never  
22 reaches the media's attention. I can't-- I can't-- I didn't get a  
23 vote. Nobody said, "Okay, you're taking over command of the 800<sup>th</sup> MP

1 Brigade now, and what happened before doesn't count." Because it  
2 does. And-- and all I can hope to do, is to make it better. Not on  
3 the run, not on the fly, but with conscientious-- conscientious  
4 effort and-- and leadership. I am a good leader. And taking all of  
5 this out of context, and using this example of what the 800<sup>th</sup> MP  
6 Brigade is capable of doing, is what is typical, I say, of what  
7 Sanchez is all about. I told my soldiers this morning when they were  
8 leaving, "You go home with your heads held high, because you did  
9 everything and more that was asked of you, expected of you, and you  
10 did it better than anybody else. You're all heroes to me, so no  
11 matter what is said, nobody can take it away from you." And I  
12 believe it, and I want those 19- and 20- and 35-year old soldiers to  
13 believe it, because it's true. And Sanchez doesn't give a flip about  
14 a soldier. And I never said that before. And he cares less about a  
15 Reservist and a Guardsman.

16 Q. You think in your heart that that's true.

17 A. Yes, yes, sir I do.

18 Q. Did you spread any of these thoughts with any of your  
19 civilians?

20 A. Never. Because what I said to them was, "General Sanchez  
21 has an enormous job. He was a division commander before." I used  
22 all the right expressions.

23 Q. Do you shift all this blame?

1           A.    No I'm not. I'm not shifting all of anything. I'm taking  
2 responsibility, but the situation accurately is a shared  
3 responsibility. And they failed us and trying to cover their  
4 failures it's going to cost the 800<sup>th</sup> MP Brigade or me? Okay.  
5 Because it'll give me an opportunity to tell the truth. I know what  
6 they were doing and we kept finding a way to succeed. So they'd give  
7 us some more. When I took the-- when I briefed General Sanchez on  
8 the condition of the civilian jails and why the progress was so slow.  
9 He turns on me, and he says, "What's wrong with you Karpinski, you  
10 were briefing me just a month ago or five weeks ago that, you know,  
11 they were going to be on track and we were going to have capacity for  
12 3,100 by now." And I said, "Sir, because the construction is not  
13 taking place. And I've been to every one of the facilities and I see  
14 no evidence of appropriate expenditure of funds; millions of  
15 dollars." I said, "I'm not a contractor, but I know what \$25,000  
16 worth of work should look like, and I know what \$2 million worth of  
17 work should look like. And there's no evidence of it anywhere."  
18 "And what have you done?" "I went to the finance office at CPA. I  
19 looked for the IG's office at CPA. I looked for the GAO office at  
20 CPA. I talked to finance officer at Arifjan at the 377<sup>th</sup>. I talked  
21 to Colonel Warren. I talked to General Wodjakowski." "Well what  
22 happened to the money?" I said, "I don't know, sir. It was a cash  
23 operation and I suspect that the two subject matter experts borrowed

1 some of it permanently." "Are you suggesting that they  
2 misappropriated funds?" "Yes sir, I am. If the evidence of the  
3 construction of the facilities is-- is what I have to go by, because  
4 there is no GAO and there's no IG at CPA. And they wouldn't show me  
5 the contracts that they let for all these places. But I do know that  
6 the only place where construction is taking place is at Abu Ghraib,  
7 because my MPs are there. They're not the contracting officer  
8 representatives." And he turned to his SJA and said, "Since this has  
9 been dumped in my lap, tell me the next step I take." He never came  
10 back and asked for information. He never came back and asked for the  
11 information I had, or the evidence I had accumulated. Nobody ever  
12 came back to me and said this is what took place. As a matter of  
13 fact, Colonel Warren said to me, "You want to steer clear of the  
14 issue." I'm not blaming General Sanchez or General Wodjakowski. I  
15 just want them to take responsibility for what they didn't do. And I  
16 don't ever expect a person like General Sanchez to change his  
17 personality or his way of thinking or his way of succeeding or  
18 anything else. I have only ever asked for a fair chance. And, no  
19 sir, he did not give it me or anybody in the 800<sup>th</sup> MP Brigade.

20 Q. Fair enough. Do you have any closing comments you want to  
21 make?

22 A. No, sir.

23 Q. Thank you General Karpinski.

1 Witness was warned and excused.

2 [Session completed at 2035 15 February 2004.]