






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EDT

Enemy Prisoner of War Briefing from Kuwait City

(Briefing on enemy prisoner of war status categories, releases and paroles via telephone from Kuwait City, Kuwait. Participating were Army Col. John Della Jacono, chief of staff for the Coalition Forces Land Component Commander, and Army Col. Karl M. Goetzke, staff judge advocate for the Coalition Forces Land Component Commander.)

Staff: Welcome to the next in our series of briefings on issues related to the handling of enemy prisoners of war. I'd like to again introduce you to Colonel John Della Jacono and Colonel Karl Goetzke, who are joining us from Kuwait. Colonel Della Jacono is the deputy chief of staff and Colonel Goetzke is the staff judge advocate for the Coalition Forces Land Component Commander. They both have had a great deal of experience working with enemy prisoner of war issues. They'll be educating us about a number of different topics: the process of assigning status to a prisoner, the different categories allowed by the Geneva Convention, the treatment of the different categories, as well as issues related to paroles and releases.

I'll facilitate the questions and answers, but first, Colonel Della Jacono, turn it over to you.



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Della Jacono: Okay. Thank you very much. Just for everybody's benefit, coalition forces continue to focus military operations on conducting security patrols, humanitarian assistance missions, facility reconstruction, and securing various sensitive sites in key Iraqi cities. Despite the sporadic danger in and around Iraq, coalition forces continue to remain dedicated to setting the conditions throughout Iraq, so that the delivery of humanitarian aid and infrastructure repair can continue.

We continue to assist in developing a more safe and secure environment in Iraq, and that's probably the foundation for allowing the other lines of operations to flourish. Among the accomplishments in the last 48 hours:

In Iraq right now, we have about 10,000 police, Iraqi police, that have reported for duty, which is a good news story. So they're coming out. They're being vetted by U.S. and coalition forces, and we're putting them to work in their cities.

Electrical power in An Nasiriyah, As Samawah and Ar Rumaylah has been restored.

In the Dhi Qar province, Marine Civil Affairs personnel conducted payments of fire, irrigation, electrical power plant employees. Civil Affairs personnel are working to make a TV station in al-Amarah fully operational through the purchasing of a generator, satellite dish and an air conditioning unit. Also in al-Amarah, grain is now being milled, following the receipt of the first deliveries of wheat from the store. Power is slowly being restored in the area, and support for repairs is being provided by U.K. forces.

Today we have released approximately 7,000 -- over 7,000 either civilians, noncombatants or enemy prisoners of war from our theater internment facility in Umm Qasr. Our current number as of this date is approximately 2,000 that are currently being held by military police in our theater internment facility.

I understand the focus today is on EPW operations and the ongoing efforts to release those that we are vetting. I'm free for your questions at this time. (Pause.) Hello? Were we cut off?

Q: Sorry. It takes a while to get the mike to us. Thelma LeBrecht with Associated Press Broadcast. I wondered if you could just elaborate on those that you've released, if you know how many of those were noncombatants. And are you surprised that you've gotten this many released so far? And what's the status for the next 2,000?

Della Jacono: Well, right now we're going through a vetting process. As you know, (fog of?) war, you know, usually you might pick up those noncombatants that might be in the wrong place -- at the wrong place at the wrong time. We have gone through a deliberate screening of the over 7,000 that we held at one time. We have both CID agents -- Criminal Investigation Division agents, staff judge advocates and criminal intelligence agents that are vetting or screening each of the EPWs.

And to date we have paroled approximately 3,700. Out of the 3,700, some are civilians, noncombatants that were just at the wrong place at the wrong time. Some are minor or lower-level enlisted folks that have agreed to a parole agreement that we have drafted, and we have released those. And let's see, who else. Well, that's about it. We have found a mix, but most of the EPWs that we have released have been those lower-ranking Iraqi soldiers from the Republican Guards and the regular Army divisions that were initially captured during combat operations in Iraq.

Q: Colonel, Hi. It's Jeannie Ohm with NBC. You said about 3,700 were paroled lower level. Can you give us a sense how many went through the vetting process that were deemed high-ranking officials or other such that you cannot release them at this time?

Della Jacono: Right now, we are not releasing members of the black and gray lists. Those are some of the senior level officials on specific lists that we have. We are not releasing unlawful combatants. We are also holding any of those that we deem need further interrogation by MI screening teams and our criminal investigation division. And also, you know, we do have a small population of criminals; we have thwarted a couple -- I won't say a couple -- we've thwarted some bank robberies in progress. Once they are apprehended, they are categorized as criminals and they are segregated from the EPW population, but we're holding those also.

So, we have a mix of people that we are holding. And, you know, these civilian internees, as you will, will ultimately, hopefully, once we stand up the judicial system in Iraq, will be tried by Iraqis and either released or sent to jail.

Q: Just to follow up, so is that the 2,000 that you're still holding? Or my understanding -- I thought the 2,000 had yet to be processed.

Della Jacono: Well, the 2,000 we're holding right now, we'll go through a vetting process. But we have screened some of those, and they will not be released. And those are the members of the, you know, the categories that I just mentioned.

Q: Can you give us a ballpark figure on that group that you listed above?

Della Jacono: As far as -- (Inaudible.)?

Q: How many are -- exactly.

Della Jacono: I think it's going to be -- we're going to probably -- now, we're taking EPWs and criminals every day, so the numbers fluctuate. But if there's a constant, I don't know what that constant is. But right now, we're holding about 2,000. And out of those 2,000, I think about 500 can be categorized as high ranking individuals, guys on black and gray lists, unlawful combatants and criminals.

Q: Sir, this is Kathy Rhem from the American Forces Press Service. Can you give us an idea of what your release process is like? I mean, do you just let them out the door? Do you provide them transportation back to their homes? What exactly do they go through when you release prisoners?

Della Jacono: Basically, it's a fully deliberate process. We have stations set up where they're initially interrogated or, you know, they're vetted. Once a determination is made by those three agencies that I just talked about -- a determination is made either to parole them or, if they are truly noncombatants, to release them. They are given sundry items, they are transported in the best way possible to five different locations in Iraq. So -- and we try to get them to their place of capture or their hometown. We do give them -- if they can't make it on their own, we give them \$5 to get some transportation, either rail or bus from Umm Qasr to points throughout Iraq. We do give them clothing, food items, and then they're released.

Q: Colonel, hi, Jim Dao from the New York Times. Are you authorized to offer some sort of plea bargain to the higher level people you're holding? And if so, could you describe any of those?

Della Jacono: I'll let my lawyer answer that.

Goetzke: This is Colonel Goetzke. We're currently not entering into any types of negotiations or plea bargains with the individuals who are at Umm Qasr. They're being held as EPWs or those individuals who have been deemed to be criminals or suspected of criminality are being held in that manner. We haven't entered into any stages such as a plea bargain or the pressing of charges at this point in time.

Q: Can you say will -- do you expect that process to begin at some point, to -- in your efforts to try to get more information on perhaps higher level, higher ranking people?

Goetzke: I can't speculate on those types of agreements and things that might occur at a later point in time.

Q: This is Nick Childs from the BBC. A couple of points. You've mentioned unlawful combatants a couple of times. Could you say precisely who these people are, what numbers and on what basis they're being held?

And also, there's been much speculation back here that the reason why there's been no formal declaration of victory or formal declaration of an end of hostilities is to give you more options on the ground on a number of fronts, including not having to release enemy prisoners of war straightaway. Could you say if that is, to your knowledge, part of the calculation.

Goetzke: One second. Very quickly, I'm not going to go into the issue of why or why not a declaration has (been) made or not been made at this point in time.

I'd like to address, though, your earlier question about unlawful combatants. The numbers of the unlawful combatants are fairly small as a total percentage of what we think we will be holding at the end of the process. But these are individuals who raised up, took arms, not carrying them in an open manner, not wearing uniforms; in other words, engaging in tactics and techniques that were not in accordance with the law of armed combat.

We're segregating these individuals apart from the individuals who are EPWs, and that is a basic screening type of a technique. And then we move into classic Article 5 tribunal under the Geneva Convention, to make a clear distinction from those individuals who should be accorded EPW status.

Q: Could you say if any of these are foreign fighters? And the main reference I've heard in the past about unlawful combatants is those connected with fighting in Afghanistan and ending up in Guantanamo Bay. So it is possible that any of those will end up there?

Goetzke: I can't speculate on anything of that nature. I don't think that it is appropriate to draw some of those parallels. Foreign fighters could fall into the category of unlawful combatants.

Della Jacono: Now we currently about 200 -- over 200 foreign nationals at the

theater internment facility in Umm Qasr at this point.

Q: Hello. This is Will Dunham with Reuters. Could you tell me, of those 200, what nationalities are represented? Are some of the unlawful combatants members of the Fedayeen paramilitary organization that had gained notice early in the war? And could you be any more specific about the number of unlawful combatants you have and whether they potentially could face trial in U.S. military commissions?

Della Jacono: You're correct; a number of those are Fedayeen. We do have members from other Gulf state nations that were also categorized as Fedayeen fighters, that are under our custody and control.

As far as numbers, right now I can't give you a ballpark figure, a hard and fast number of the number of unlawful combatants. We're still going through the screenings at this point. But right now I think the last set of numbers that I have seen -- right now the number is about 500. But that could either, you know, through a vetting process, decrease or increase.

Q: Can I just follow up? I had asked about whether any of these unlawful combatants could face potential trial on U.S. military commissions.

And let me go back to the issue of the foreign nationals. Could you be any more specific about what countries they're from?

Della Jacono: I can't be specific at this time. I know there were some captured that were of Jordanian descent. Of course, there were some Iranians in the bunch. Basically, those countries that kind of are around, you know, the state of Iraq, there was some participation there. So, haven't seen any other nations, just like -- you know, like Afghanistan, they came from all over the place, all over the world. It's a lot more localized here. So if you look at the Gulf states, we do have a small population, probably, from each of the Gulf states surrounding Iraq.

Goetzke: As to your second question, no determinations have been made whatsoever in terms of the disposition or the manner in which we intend to review their cases after we have ascertained their status. That's an issue that we will look at.

Q: This is Karen Branch with the St. Louis Post-Dispatch. How many of the folks that you have there have been put through the Article 5 tribunals because their status was unclear?

Della Jacono: Right now, I think the total number has been three. (Inaudible.)

Goetzke: I would say that the vast majority of the individuals were sent through a preliminary screening process, and that preliminary screening process determined who were clearly civilians. The Article 5s, I would say it is probably in the numbers of 50 to 100, probably. I can't give you an exact number on that. We'll try to get back to you.

But the Article 5 tribunal, per se, is designed to -- the Article 5 tribunal is to determine the -- whether an individual be recorded EPW status, and that is a specific status under the convention. Many of those individuals who were determined to be EPWs through the Article 5 tribunal were subsequently then released, because they were low-ranking soldiers. Others were clearly individuals who deserved EPW status, and they were not put through an Article 5 or a screening process. But I can get those numbers for you, if that's necessary.

Della Jacono: Now one thing -- if you do want numbers, we do have 178 criminals that are currently being detained under our custody and control.

Q: Sir, this is Kathy Rhem for American Forces Press Service again. Can you give us an idea of the staff that you have manning this facility? Are these military police officers, corrections specialists, regular soldiers? And can you give us a general idea of what units they're from?

Della Jacono: They're -- the main unit that's responsible for the theater internment facility, which is our main facility down in Umm Qasr, is run by the 800th MP Brigade out of New York. Currently, there's about 1,700 folks, both support staff and military police that are trained in the handling of EPWs, that are performing those functions down there.

Up north in Baghdad, we do have a prison, as you will, another internment facility, that's also manned by military police. And there's a small cadre of civilian -- they're military police, but in their civilian life they are correctional officers. And so they are performing that function up there, plus we have an MP battalion up north that's currently performing that function in Baghdad.

But this is primarily in a military police mission. Initially, you know, every soldier is trained on the handling of EPW. But as EPWs flow through each echelon of command, as you will, they ultimately get to a facility that is primarily run by MPs.

Q: And is that 800th MP Brigade a Reserve unit?

Della Jacono: Yes, it is. But in our corps and divisions, active-duty MPs are also trained in the handling of EPWs. And internment operations is one of the five battlefield functions for the military police. So every MP is trained in performing this mission and duty.

Goetzke: The judge advocates who are conducting the screenings and the tribunals are a combination of active component and Reserve component judge advocates. And just as with the military police, the screening, the conduct of Article 5 tribunals, is one of our basic skills that is taught and for which they're prepared to perform.

Q: This is Will Dunham with Reuters. I want to make sure that I fully understand your answer about the potential trial by military commissions. You say that no decisions have been made on the disposition of what happens to these unlawful combatants, but you are not ruling out the possibility for potential U.S. military commission trials for them, are you?

Goetzke: As I said, no determination has been made as towards the disposition of these individuals.

Q: Colonel, this is Thelma LeBrecht with AP Broadcast again. I wondered if you could just go over one more time the figures on those that were released. You said 7,000 were released, but then 3,700 paroled. I wondered if you could just explain the difference in those figures and go over that one more time.

Della Jacono: I think what is --

Goetzke(?): I have the numbers.

Della Jacono: Okay. The number of paroles is 3,781.

Goetzke: And those were all EPWs out of that total.

Q: And so the other -- subtracting that from the 7,000, the remaining people who were released were civilians?

Della Jacono: They were either civilians or -- primarily civilians. Yes.

Q: It's Jeannie Ohm again. Can you talk about the Iraqi officials in the deck of cards, or is that not in your area, what's happening to them?

Della Jacono: Well, right now they're being held up in Baghdad in a secure facility. We currently have, as you know -- last count is 16 individuals, 17, excuse me. And they're being well cared for. Of course, we have military police providing security. And they're being treated in accordance with the Geneva Convention, you know, with dignity and respect. And they're undergoing questioning at this time.

Q: (Off mike.) -- location and their status has not been determined yet at this point?

Della Jacono: You are correct.

Q: Hi, Jim Dao again. Of the -- you mentioned that 3,781 had been paroled, and that they had signed some sort of parole agreement. Could you describe that agreement for us?

Della Jacono: Right. Basically, the agreement -- and they're required to carry this with them once they're paroled -- I could read it to you real quick -- only take a second. It's:

"I," the full name, "knowingly, willingly and voluntarily enter into this parole agreement with U.S. coalition forces. On my personal honor, I promise not to engage in any hostile actions or take up arms against U.S. coalition forces for the duration of hostilities and during the coalition presence in Iraq. I understand that I am free to leave and I may return home. I may return to my unit, but I may only perform administrative and/or medical duties, and I will not participate in any combat activities. I will keep a copy of this parole agreement on my person at all times. If I violate any terms of this parole agreement, I may be prosecuted for committing a war crime. I promise to scrupulously comply with my parole agreement."

And they're required to sign this, it's signed by the camp commander and then they're released.

Staff: Okay, any other questions?

Q: Hi, this is Kathy Rhem once again. I just want to make sure I understand the way you said you were segregating prisoners. Illegal combatants are segregated from regular EPWs, and then criminals are further segregated. Is that correct?

Della Jacono: Yes, they are. And that's one of the tenets that, you know, that we're trained to. We do segregate by rank, by gender and, you know, between

lawful and unlawful combatants. Criminals are segregated -- we call them civilian internees -- from the rest of the EPW population. So, we do have everybody in their different sections of the theater internment facility. So -- and that's very important to us.

Q: You mentioned you segregate by gender. Do you have any women at this facility in Umm Qasr?

Della Jacono: I think we have one.

Q: What category is she?

Della Jacono: She right now is an unlawful combatant.

Q: Can you say anything about the process for establishing Iraqi courts to try any of these people that you're holding?

Goetzke: I won't speak towards the Iraqi courts trying any of these people, but there are broad-based efforts right now to get the Iraqi judicial system functioning. We've conducted extensive assessments throughout the country to find out the state of the court system, both in terms of their procedures as well as the facilities they have. And we're actively working to try to get these courts up and running again using Iraqi judges who have been properly vetted as well as other personnel from both the prosecution and the defense function so that the Iraqi people will have the opportunity to once again function within a system of laws.

Della Jacono: I know in the Baghdad area we are trying to stand up two courts as we speak to allow them to start trying their own criminals.

Q: It's Jeannie Ohm again. Regarding the former regime leaders, of the 17 or so that you said are being held separately in Baghdad, can you describe a little bit more in depth? Are they allowed any contact with each other? Are they all in separate rooms?

Della Jacono: Right now they are segregated. So they are in their own separate rooms.

Q: Karen Branch again. I just want to make sure I understand the numbers. I believe you said 500 of the 2,000 that are being held have been vetted, and those 500 include high-ranking EPWs, unlawful combatants and, I believe you said, 178 criminals. Do you have more specifics on the number of high-ranking

officials and the number of unlawful combatants?

Della Jacono: That's the problem with drawing on numbers. (Laughter.) Let me try to answer that one again.

Right now we have approximately 178 criminals, as you will. The rest are considered EPWs, and they could be high-ranking, you know, EPWs. And then we do have the special 17, as you will, the special category under control up in Baghdad. I know it's somewhat confusing, but there are different categories that we're holding right now -- EPWs, criminals, unlawful combatants. We have the special category detainees, the 17, up in Baghdad. And you got to understand we're still going through the vetting process, you know, to ensure that we understand the true status of these individuals. And that's one of the goals, once we start standing up the Article 5 tribunal process is to determine, you know, status. And that's a little bit more deliberate than the screenings that we've been conducting. The screenings are basically, you know, I mean, they are being vetted by the CI folks, the CID folks, the military police, so -- I mean, so that we could determine an initial status.

Initially, when I talked to you, I think, about a month ago, you know, because of the nature of combat, we did detain a bunch of people that were on the battlefield, and once we evacuated them back to Umm Qasr, you know, it took a process to determine their basic status. And some, you know, unfortunate individuals just got caught up in the war and, you know, they were scarfed up and sent down to Umm Qasr.

So, you know, we're going through this process right now, and I won't say it's a shoddy process, it's a deliberate process to ensure that we're, you know, letting the right people go. And, you know, we are letting some of the lower-ranking Iraqi military folks return to their homes. You got to understand, part of our IO campaign was to have them surrender to us, so a bunch of them did. And at a future -- just about a few weeks ago, we were given the green light by our higher headquarters to start releasing them.

So, now, further on down the pike, there will be a repatriation process for these other folks that we currently have.

Q: This is Karen Branch again. I'm sorry, of the 500 -- my understanding was 500 of the 2,000 had been vetted already. And I guess, is there nothing more specific, then, of those 500 under how many belong to which category?

Della Jacono: Yeah, I threw that out, you know, I think the 500 are people that

we still want to retain either for further interrogation purposes, because, you know, of their role during the war; some of these are high-ranking individuals that we need to talk to some more. Some we're trying to determine their status. So, I mean, we do have a bunch; some are criminals, some might be these unlawful combatants, the Fedayeen, as you will. So I mean, it's -- there's a bunch here that we're going to have to, you know, really drill down and figure out who these people are. And just knowing the process we went through in Afghanistan, a lot of times, you know, these individuals don't have ID cards. They didn't wear uniforms. So you know -- and these are smart individuals, too. I mean, they know what we're trying to do. So a lot of times they might cover up their identity, especially if they have something to hide. So just figuring out their identity is a process in and of itself.

So I mean, we got to do this right, and we want to do this right. And you know, I think, through this process, we've done a pretty decent job. We're releasing those that we feel will be of a benefit to the Iraqi nation, because some of these guys could be the future soldiers in the Iraqi army that we plan to stand up in the near future.

Q: Megan Scully with Inside the Army. Have you paroled any members of the Fedayeen party?

Della Jacono: No. (Pause.) No we haven't.

Staff: Colonel Goetzke, thank you for being with us. And for those of you who need the spelling of those names, Colonel Della Jacono is D-E-L-L-A J-A-C-O-N-O, capital D, capital J.

Q: Is that one word?

Q: Two.

Staff: Two.

Q: Two.

Staff: And then Colonel Goetzke is G-O-E-T-Z-K-E. And his first name is Karl with a K.

Okay. Thank you.

Q: Thank you.

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