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**Presenter: Senior Army Official**

**Wednesday, August 25, 2004 9:00 a.m. EDT**

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## **Background Briefing on Investigations on Abu Ghraib**

SEN. ARMY OFFICIAL: As Jerry said, here's what I would like to do is to help demystify the difference between inspections, investigations, reviews, everything that's going on, so you understand a little bit about how the military works, what are all these inspections about. And really, what I'd like to do is, as you know today, at 13:30, Gen. Kern, Gen. Jones and Gen. Fay will lay out their reports to the press. What we'd like to do is to put those in perspective, so you see what this will cover and what it won't cover and how that's related to some of the other investigations, inspections, reviews and criminal investigations that are ongoing.

I'd also like to hit some key points that were made yesterday by the Schlesinger Panel at the end, just so you understand some of the key things and take essentially from the Taguba five key incidents. Now I'll cover those, then we'll open it up for questions.

Q: Excuse me.

SEN. ARMY OFFICIAL: Please.

Q: One second. Do you intend to give them the details on today's report or is this mainly differentiation, procedure, that kind of thing?

SAO: I intend to not cover anything on the Fay Report that's prior to it. I will hit a number of incidents that occurred in the night shift, just to help you understand the background of those incidents because there's going to be a lot of talk on what were the incidents that the Fay, that Schlesinger and everybody found at Abu Ghraib. What actually happened? We feel it's important that you understand exactly what happened in some of those incidents and those will be given out to you over the next week or two, as I understand it, in full detail all 44.

I think giving you some of the more famous incidents in the background incident helps you understand where investigators, where the criminal investigation and other things are going and why they're going there. I think that's important that you see that. Does that answer your question?

Q: Yes.

Q: Sir. I'm sorry. Did I understand you correctly to say there are 44 incidents that have been looked at and you're going to talk about five of them here?

SEN. ARMY OFFICIAL: Yes, but from the Taguba.

Q: OK.

SEN. ARMY OFFICIAL: Taguba. OK. Criminal investigations. You're all familiar with the criminal investigations. Those are the investigations, the Criminal Investigation Division or the Naval Criminal Investigative Service or Office of the Air Force will go through and look for criminal misconduct. They do the criminal side of this. They are doing that in any case that we come up that has a criminal problem set into it in an investigation is referred to CID (Criminal Investigative Division) from an Army perspective or us to have the CID go in and look at.

An administrative investigation, first, as a commander, let me just show you, as a commander at the colonel or the two-star level. What happens when you find a problem in your command, you have a set of regulations in the Uniform Code of Military Justice, legal help and a whole set of things to fall back on. When you find an irregularity, the first thing, it's brought up to your attention -- somebody has taken something from the supply room, we're not sure what it is or this misconduct is potentially going on -- you can initiate an investigation.

The regulation you use to initiate that investigation is Army Regulation 15-6, which sets up the procedures for conducting a regulation. It appoints an investigating officer. Normally the commander is the appointing officer. He tells the investigating officer what they want them to look at. Examples of that, as you know, are the Taguba, the Fay, [Inaudible], our investigations that have been going on conducted with AR 15-6. And they are to find out what's going on. They are fact finding for the commander. And what that does is says tell me what happened, I hear you've got six people and they're all coming in with all of this information. Go find out what happened and give me a report back.

In all my experience, I've never seen 15-6 to the depth that you've seen on Taguba and on Fay. I mean, these are exceptionally detailed. They go into it far greater because normally what will happen is you get that and you turn that over then for either administrative procedures under the Uniform Code of Military Justice or you turn it over for an Article 32 investigation to begin criminal investigations. An inspection. An inspection is to see if we are complying with law, regulations and policies. The inspections that you are familiar with already are the Department of the Army, IG. That inspection was conducted to see if we are complying with the rules, the policies on interrogations, our doctrine throughout the theater and if the soldiers know what to do, that their leaders know what to do. Are we following that? Do we understand that? That's what Gen. Mikolashek and his folks did. That's what Gen. Jacoby did in Afghanistan.

Now you can also do reviews and assessments. So if you think about this as a house and there's several ways to think about it. But one of the ways that I would put it into context -- think about it as a house. One set of pillars are your investigations and one are your assessments and inspections. On your assessments, these are a formal examination with a possibility or intention of instituting change -- what have we done wrong.

Now in the assessment review inspection, under the review and assessment, you'll have Miller and Ryder, which you're familiar with, which preceded what went on in Iraq in the fall of last year. You have the Navy IG doing a review and assessment of Guantanamo and of the facility in South Carolina. You have the Church, the Schlesinger and also Helmly (Lt. Gen. James Helmly, Commander of the U.S. Army Reserve Command) looking at the Reserves (Army Reserve).

I'm going to cover some brief comments on each of those and then we'll go into a couple other things. But first, let's just think of this as his house, if you will, and to help put it in perspective. If you put on the base thing there, as your CID investigations and then you put your pillars, the inspections on one side -- the investigation on one side and the inspections, reviews, assessments on the other, you see a set of pillars with a set of things that go

on. At your top level is the Church Commission and above that, your roof is the Schlesinger, which is covering the entire thing. And that kind of shows you how the Department of Defense and the Army are working together to try to ensure that we've covered this entire Abu Ghraib and other facility – detention facilities with the rigor that we are required to do. And that's really what I'd like to make sure that when you leave here, you at least see that we're going to that depth. Our intent is to find out who's done what, no matter where it leads.

Now the Miller Report. You understand that that was done by Gen. Sanchez, a request to have Miller (Maj. Gen. Geoffrey Miller, Commander, Joint Task Force-Guantanamo) come over and look at conducting an assistance visits to CJTF-7 (Combined Joint Task Force – 7) and ISG to discuss current theater ability to rapidly exploit internees for intelligence. Now there was a series of things that Gen. Miller had done for the good at Guantanamo. As many of you know now, Guantanamo had some serious problems before Gen. Miller Arrived and he set into their performance some rules on how you do detention operations, how you do interrogation operations and how everyone works together. And it worked out so well, they said we ought to ensure that the same kind of lessons learned that we have at Guantanamo are shared with the folks in Iraq. In his area, he looked at intelligence integration, synchronization and fusion. He looked at interrogation operations, he looked at detention operations and he looked at information management.

Now what may be confusing on this is that people see the Miller as an individual. It was a team of a number of people with experts in each of those fields so the Sgt. Maj. who was the detention operations and a prison warden in his civilian life, was the one who looked at [Inaudible] operations as an example. Does that make sense? And there were a number of findings that came out of that and we can come back later on that. The Ryder Report also initiated by Gen. Sanchez. The purpose was to assess and make specific recommendations concerning detentions and corrections in Iraq, assist in resolving the management and administration of detainee operations with a look at when could the Iraqis take over their own penal; when would they be ready to do that.

The assessment team consisted of military police, legal, medical and automation experts who conducted a comprehensive review of the internment and correction system in Iraq with a focus on internment facility management and transitioning internment operations from military control oversight to the CPA and eventually to the Iraqi government.

A whole series of recommendations, but the most famous ones are how do MP (Military Police) and MI (Military Intelligence) work together? And this is where I think there is great misunderstanding. Let me give you the clarity from my perspective and I have testified with Gen. Ryder (Maj. Gen. Donald J. Ryder, Provost Marshal General of the Army), as many of you know. The question is, 'do MP's assist in interrogation operations' and the answer is 'no.' Now if you leave it at that and don't understand what that means, then it's confusing, so I want to explain it. What we mean is that an MP should not be involved in the conduct of an interrogation in the interrogation facility.

There are times that the MP's and MI must work together. Let me give you a great example. In the screening operations, again, you would have up to several thousands prisoners there. MP's see all the people. They know who your leaders are of the detainees. They know who everybody goes to. They see people talking and the groups and the clicks that perform. That is one of the areas that MI and MP's should work together.

The second is when a prisoner is brought to the interrogation booth or a detainee. The person who knows what's happened to that detainee or interrogator is the MP. And so they know what the mood of the individual is and should and are supposed to work with the MI to tell him exactly what happened. That level is what we mean by cooperation. And those are in our [Inaudible]. Where Gen. Ryder specifically referred to, though, is they should not be in an interrogation booth, nor should they assist in that part of it. There are some other parts that you will see his findings coming out of that later today on how far they an go and work together, so I'm going to leave that for the Fay Jones this afternoon. I'm sure you will ask great questions – some of them -- all of

them.

Taguba. OK. You know how the Taguba started with the Darby CD to CID and the start of the investigation, the initiator, again, Gen. Sanchez. The investigating officer Gen. Tony Taguba who is the deputy commanding general for support for CFLCC, the Combined Force Land Component Commander. The scope was detention and internment operations, specifically, Abu Ghraib prison, allegations of detainee escapes, accountability lapses, training standards, employment and command policies, internal procedures and command climate.

Findings. There were 39 recommendations out of that report. Allegations of detainee abuse, detainee escapes and accountability, training standards, employment, command policies, internal procedures. Gen. Taguba did not feel he had the depth of knowledge, experience in stuff to delve into the intelligence problems that he saw there. But he'd gotten in many of his sworn statements that there was intelligence involvement. One of his recommendations was that an investigation be done of the two [Inaudible] under Procedure 15.

Now let me just go down to Procedure 15 -- what is that -- because that's going to get us into the Fay. Procedure 15 is how we investigate intelligence. It's based and stems from the Executive Order 12333. And the reason that you do that is that intelligence operations which are inherently classified, are difficult to inspect, so there's a process and a reporting standard for doing that, called Procedure 15, under Army Regulation 381-10 and it tell us how to do that. And normally, the vehicle -- and here's the confusing point -- the way you conduct it is 15-6.

OK, so you have a Army regulation that says if you see an irregularity in intelligence that somebody has done something wrong, you have to initiate a Procedure 15. That's a report that says we think something's gone wrong here. Intelligence personnel might be involved, so we're going to investigate it. And that's separate, so that we don't have intelligence personnel out doing something unbeknownst to anybody and nobody providing oversight for it and that's the oversight vehicle. I'll come back to the Fay in a minute.

The Department of Army Inspector General Report and Inspection. The initiator was the acting secretary of the Army, Mr. (Les) Brownlee. The investigating officer was Lt. Gen. P.T. Mikolashek. The purpose was to conduct a functional analysis of the Army's internment, EPW, detention operations and interrogation procedures, policies and practices based on current DoD and Army policies.

The scope. Operations in Afghanistan and Iraq assess the adequacy of our doctrine organization, training, materiel, leadership, personnel and facilities. Fifty-two recommendations came out of that. Many of you have already heard that one. Fay -- released today. At 13:30, there'll be a press conference and I think most of you will be in attendance at that. The Fay investigation was, because of the findings of the Taguba, to inspect the intell portion of this under that Procedure 15 using Army Regulation 15-6 as the methodology for conducting it.

In the conduct of that investigation, it was determined that one Gen. (Ricardo) Sanchez recused himself and asked that another appointing authority be made. Gen. (Paul) Kern was put in as the appointing authority. He's the second senior four star in the Army to -- only person senior to him is the chief, Gen. (Peter) Schoomaker. Gen. Kern appointed Gen. Tony Jones who is senior to Gen. Sanchez, as an additional investigating officer to ensure that there was no problem with dates of rank.

The Procedure 15 investigation was focused on Abu Ghraib to include civilian interrogators and interpreters, involvement in detainee abuse, 15 August to 1 February. The dates of this is from 27 April to today for that team. Specifically, they were to investigate whether personnel requested, condoned or solicited MP personnel to abuse detainees as preparation for interrogation operations or whether MI personnel comported with established interrogation procedures and applicable laws and regulations at the Joint Interrogation and Debriefing Center.

Number of findings and recommendations -- they will lay that out today. And in this, you will also now get a Fay

Report that looks at the 205<sup>th</sup> down and the Jones Report that will look up. Navy IG initiator, SecDef, investigating officer was Vice Adm. (A. T.) Church, the Navy IG. It was to conduct a review of the DoD interrogation techniques and practices in compliance in the global war on terrorism and this first one was to assess the treatment of enemy combatants detained at the Naval station at Guantanamo Bay and naval consolidated brig in Charleston. This review focused on the compliance or lack thereof with DoD guidance, on infractions and their dispositions.

One of the other areas that I won't go into today's congressional oversight but, as you know, one of the things that Congress does is also oversight to this with their own committees. I won't go into all that. I'm going to keep it specific on the DoD investigations, assessments, et cetera. Schlesinger – this is the top part. You heard it yesterday. Initiator was the SecDef. Investigating officer was the Hon. James Schlesinger. Purpose, to conduct an independent panel to review DoD detention operations. And the scope was to provide independent professional advice on the issues most pertinent to the various allegations based on your review of completed and pending investigative reports and other materials and information. They had complete access to everybody and all of the other reports.

Interested in the cause of the problems and what should be done to fix them. Review of the following topics: force structure, training of regular and Reserve personnel, use of contractors, organization, detention and interrogation in compliance with the Geneva Conventions, relationships with the international committee of the Red Cross, command relationships and operational practices. That's out on the Web site, as I understand it. You all have access that to that, right, so I don't need to go into it anymore. You can read it.

Formica (BG Richard, Commander, CJTF-7 – III Corps Artillery Command), an investigation. Initiator, Gen. Sanchez. The investigating officer, Brig. Gen. Richard P. Formica, the commander, CJTF-7, 3<sup>rd</sup> Corps Artillery. And the purpose was to conduct an investigation into allegations of detainee abuse by special operation forces in Iraq. It is ongoing. Should be out soon, but it's still ongoing, so I can't give you anything on that.

In Afghanistan, the Jacoby inspection initiated by Lt. Gen. David Barno, Commander, CFC -- Combined Force Command -- Afghanistan. The investigating officer, Brig. Gen. Charles Jacoby. He is the deputy commanding general, the Combined Joint Task Force 76. Purpose: to conduct a top-to-bottom review of CFC-A – Combined Forces Command- Afghanistan – their entire detainee set of operations done from 19 May to 24 June. The scope was to inspect, to evaluate detainee operations and CJTF-76 to ensure compliance with current operational guidance and DoD and Army regulations for the safeguarding of detainees. Specifically, it was to address requests for forces, requests for training, technology support, facility upgrades and appliance to regulations.

Church Report. Initiator was the SecDef. Investigating officer was, again, Vice. Adm. Tom Church, the U.S. Navy IG. This is the expanded one, beyond his initial Navy IG. And the purpose of the current one is to review DoD interrogation techniques, practices and compliance in the global war on terrorism. It was conducted from May forward. Estimated completion is probably mid-September. Scope, review – to assess the treatment of enemy combatants detained at all of the places review compliance, lack thereof, with DoD guidance infractions and disposition. He has access to everything.

OK. Helmly. This is Lt. Gen. Helmly – Ron Helmly the chief of the United States Army Reserve, his investigating officer is the Reserve IG. And the purpose is assessment of (Army) Reserve MI and MP unit training. Stems from some of the problems that were identified in the Taguba. Scope -- assess whether the (Army) Reserve had effectively taught and trained its personnel in the Law of Land Warfare, detainee treatment, interrogation techniques, ethics and leadership.

Now I went through that fast. I apologize, but I just wanted to give you kind of a overview of all of those different investigations, inspections, reviews, et cetera. Now let me just hit – focus on a few things, if I might. What I

want to do is give you some insights and I'm going to use Taguba, not Fay, as the focus of this because this gets to some of the comments that Mr. Schlesinger made yesterday. It gets to some of the papers, articles in the papers on some of the different – what happened. And there's great, in my mind or my opinion, there's a lot of fiction and some fact in these articles. And what I think we should do is at least clarify, so that you understand what went on in these, without naming names.

As you know, we are not allowed to give out names right now. There's rules for that, so I'm not going to give you names. You have the pictures. What I'm going to do is give you the background of what happened on five specific incidences. The first one – let me start with the first one first – a novel approach. The leash -- do you have a military police personnel with a leash around a detainee. The detainee was allegedly arrested for attacking coalition, although the charge he said, simple assault. We know who the detainee was. We have his ISN number. He was a criminal hold. It occurred allegedly on 25 October. The personnel went to the Hart (sp) site that night, one, to visit other people there. One of the MP's suggested to one that they put this rope around the neck of this and take pictures. They did that, posed, supposedly did not drag him. The reason I bring this out is that that detainee was never interrogated nor was he [Inaudible – (Intelligence)] hold.

Q: [Inaudible] he was a ghost detainee.

SEN. ARMY OFFICIAL: Pardon?

Q: That was the testimony at the Lynndie trial was that he was a ghost detainee?

SEN. ARMY OFFICIAL: That is not correct in my understanding of it. Not only was his – I mean, because we have an ISN number for him. So if they say he was a ghost detainee, he was the first one with an ISN.

[Cross Talk]

SEN. ARMY OFFICIAL: Interment – let's see – hold it. I'll come back to it. It's an Internment Number. I forget what the "S" is. I'll get that in a second.

[Cross Talk]

SEN. ARMY OFFICIAL: I believe he had it all the time, yeah, I do. I don't know.

SENIOR OFFICIAL: I think serial number.

SEN. ARMY OFFICIAL: Yeah, the serial number. Thank you.

SEN. OFFICIAL: So we've worked together two times now.

SEN. ARMY OFFICIAL: Yeah. See, MP and MI are working together.

[Laughter]

SEN. ARMY OFFICIAL: It's a step.

SEN. OFFICIAL: [Inaudible] behind, sir.

[Laughter]

SEN. ARMY OFFICIAL: And the reason I bring that up, I don't know when the ISN was given. That may be a

relevant point. I do know that he was not interrogated by our folks nor was that ever part of that lot. And from what he was brought in there, it doesn't make sense that he would have been interrogated by us or other government agencies for the crimes that he had done.

And what I'd really like to do is – see, the – as you look at some of these, Dr. Schlesinger last night made the statement that “Animal House,” folks on the night shift. And he's referring to the set of pictures that have been in the press. And those are the five events you know, essentially that I'm hitting are what went on with those five events. And one of them was a photo op. Another one, the detainee, if you will...

Q: [Inaudible] is that question [Inaudible]

SEN. ARMY OFFICIAL: I don't know the answer to that.

Q: [Inaudible]

SEN. ARMY OFFICIAL: I don't know. I don't know the answer to that. I mean, it's easy to find out, but I don't know. I really don't know on that. Go ahead.

Q: What were the crimes? [Inaudible] you alluded to the crimes were not [Inaudible] that [Inaudible] was the [Inaudible]?

SEN. ARMY OFFICIAL: Oh, yeah. Because the way it lays it out here, you know, in my opinion, when they go through to look for guys that they're going to interrogate, it is people that are doing either explosives, [Inaudible] leading a group of guys that are going to a network. If you have 7,000 people in general detention, you don't have enough interrogators to go through and interrogate them all. As you know, in the screening process, what you'll do is go through and screen those for this. And by the Internment Serial Number, you will lay out those that are criminal or security detainees [Inaudible] those that will become an intelligence value. In this case, he was not. OK.

Now I want to put something up front here because I don't want to give you the wrong impression. I'm not saying that intel soldiers and intel people didn't do wrong. You will hear that more today when Gen. (MG George) Fay brings that out. I think it's putting it into context of what happened because you know as you look at this, you've got to help shape this for America, so they understand accurately what happened and that is when you look at the numbers of incidents, what were those incidents that were personal misconduct versus those were people were confused that [Inaudible] they could stem from policy. If you were to articulate that into a group, the rest of this falls into place and you can see why many of investigating officers are making the recommendations that they make. I bring that out. I think that's important. I think you will see that in the criminal trials that are held. I think that will come out.

There were in the general population of [Inaudible] two Iraqi males raped a third Iraqi male. Another male held down the Iraqi who was raped for the other two to take advantage of him. The raped guy went to the MPs and told him that. The three individuals were taken into the hard site 1A (sp). The military police were trying to determine what went on with who. Those three individuals were linked on the floor and have become one of the more famous pictures where you see eight individuals around him. And the purpose of that was to – the purpose of what the MPs were trying to do was to figure out who had done what to whom. It was not an interrogation for intelligence value. Those interrogators, the analysts, and all the folks there shouldn't have been there doing what they were doing. That was improper, but it wasn't an interrogation for intel value. Those guys also were not in my hold so they were never properly or in an interrogation where interrogators put him in the booth, et cetera.

Q: Could you describe the picture that you're talking about [Inaudible]?

SEN. ARMY OFFICIAL: Yeah. Three individuals laying down on the ground with eight people around him.

Q: Are they clothed or unclothed?

SEN. ARMY OFFICIAL: The three individuals on the ground were unclothed. This is one where you have MI involvement and you have some MI individuals that were there. It has been reported.

[Cross Talk]

Q: Can you explain why there was MI present?

SEN. ARMY OFFICIAL: Yes. As I understand it and it is laid out, there was a press article that came out on this that is pretty accurate and I forget what paper, but it was by one of the soldiers that was there -- made statements about the others and about what happened that night. Pretty accurate to that. They were there to figure out who had done what to whom. The MPs invited some of their intel friends. These were three intell soldiers that were E-4s -- not officers -- that were there to see what...

Q: ... eight people.

SEN. ARMY OFFICIAL: Go ahead.

Q: I'm sorry. This is the eight people. There's five MPs and three intels?

SEN. ARMY OFFICIAL: No. There's four MPs, as I understand it -- three intell and one contract interpreter.

Q: And the date of that [Inaudible]?

SEN. ARMY OFFICIAL: The date of that was the 25<sup>th</sup> of October. And there were a series of other things that are laid out in the Taguba Report of abuses that went on to those. That is now [Inaudible].

[Cross Talk]

Q: That was the same night?

SEN. ARMY OFFICIAL: It is the same night as those. That's correct. It was the same site, too, I think.

SEN. OFFICIAL: The same sight.

Q: So these three naked people were kind of --

SEN. ARMY OFFICIAL: But it was not the same guy.

Q: And roughly, time? An hour or?

SEN. ARMY OFFICIAL: I don't recall exactly the hour. The CID has the hours on it, but I don't have the exact hours from the MG in my head.

Q: Was there alcohol involved?



SEN. ARMY OFFICIAL: Not that I know of. I have seen nothing in any of the reports that indicate that. I'm not saying that many events, there were not alcohol because, you know, you look at some of the individuals and you may – they don't look sober, but I don't know that. That's speculation. Go ahead.

Q: General, are you saying that three MIs that were there were invited more of as social thing, as friends, as opposed to in any official capacity?

SEN. ARMY OFFICIAL: That is correct. Now that's still wrong and that doesn't excuse anything that they did because they signed statements that they would follow the rules, that they would do this and they would report it.

Q: And they didn't.

SEN. ARMY OFFICIAL: And they didn't and that's wrong. On both sides, it's wrong.

Q: Can you say what was done to those three who are found?

SEN. ARMY OFFICIAL: Well, obviously, they were stripped. They were forced to do PT (Physical Training -- exercises). You saw them – some individuals threw footballs at them, Nerf footballs with water -- some threw water on them.

Q: What was ever decided about the rape?

SEN. ARMY OFFICIAL: That two of them had conducted the rape.

Q: And the third guy held the guy down?

SEN. ARMY OFFICIAL: That's correct. Now, gain, it's wrong the way they did that and all that. And I think it's important that we understand at least what's going on on parts of these shifts in some of these pictures. Let me go to the 4 November. This is a detainee who was brought into the shower room and made to stand on a box. He has a cape on and a hood on. One soldier comes in and says, "Why don't we put wires on him and tell him that if he falls off the box, he would be electrocuted. We were just playing with him." They were trying to keep him awake for some reason. They did put the wires on him, as you see in those pictures. He was not an MI hold. He was not interrogated, nor were there intel personnel in that event. And that's important because a lot of people hold that picture up and say here's how we're interrogating people – well, it wasn't in that one. Again, I'm not saying that intel people haven't done things wrong, and you'll see that as Gen. Fay and (LTG Anthony) Jones walks through what are the things that they have done wrong, either improper interrogations or other [Inaudible]...

Q: But General, was it ever determined that the MPs who did this were doing so at the behest of MIs as a way of softening these guys up and scare them enough so that when they do get the MIs, talk. You said this guy was not an MI hold...

SEN. ARMY OFFICIAL: Nor was he ever interrogated.

Q: ... was he ever interrogated. But could this be sent as a message to others perhaps, this is what could happen to you if you don't cooperate? So maybe he wasn't specifically a target, but it was part and parcel of a larger [Inaudible]...

SEN. ARMY OFFICIAL: Those comments that were made, I don't see how they attached to the people

that are on the ground. It is never clear that that [Inaudible].

Q: This is the guy on the box.

SEN. ARMY OFFICIAL: This is the guy standing on the box with the cape?

Q: Yeah.

[Cross Talk]

SEN. ARMY OFFICIAL: Never interrogated...

Q: [Inaudible] an isolated incident. These guys are playing [Inaudible].

SEN. ARMY OFFICIAL: Right. There is nothing that ever shows that that has happened. I don't want to divulge the Fay Report answers to some of those, but that's a good question and I would just, you know, bring it up again and I think he can give you the exact answer on that.

Q: Sir, but why did the MPs think that [Inaudible] if he wasn't an MI hold? What reason would there be to keep awake?

SEN. ARMY OFFICIAL: Discipline. You know, the MPs have discipline on some of the people also. And there are things that MPs have to do to – for good order and discipline. Now, you're going to bring out, well, that's not good order and discipline. I'm just saying that they also have disciplinary actions they can take against detainees who have done things wrong.

Q: And that included...

SEN. ARMY OFFICIAL: I don't...

Q: ... keeping them up?

SEN. ARMY OFFICIAL: That may included keeping them up. I'm reading you what he said, not – and that gives you kind of the essence of some of the sworn statements that have come out.

Q: How long was this guy made to stand on the box, with the fear that if he fell off?

SEN. ARMY OFFICIAL: It was not made clear. That was not made clear. He also makes a statement in Taguba. He also makes a statement and I don't know if it was one hour or two. I don't know the answer to that.

Q: [Inaudible] is there some higher import to the fact that you keep going back to that these were MI interrogation [Inaudible]?

SEN. ARMY OFFICIAL: Yes. Here's why I do that.

Q: And besides, your professional pride as interrogator.

SEN. ARMY OFFICIAL: No, no, no. In fact...

Q: Does it cast some kind of – are you afraid it's going to cast some kind of light on the intelligence that you

gather?

SEN. ARMY OFFICIAL: No, no, no. In fact, no, not at all. Here's why. I bring that up because the assessment that you have to make is, as we go through is as you're doing this, if you were to take all of the incidents that go on and put them into two piles, for an analysis, the question has nothing to do with intel or MPs because we're all soldiers first. And no matter which of us do it wrong, it's wrong and it hurts all of us and hurts us as a country. That's wrong.

The reason that I am hitting on that and I appreciate you bringing that up is because the question was there's something that was done in the conduct or somebody telling them to do it in an official capacity for intel or for some other reason. You see – and the reason that I bring that up is because, no, we have not found it in those photo incidences the five that I'm bringing up to you, just to give you some highlights. And the reason I bring that up is because in Dr. Schlesinger's statements yesterday he said "the night shift." He's referring to the pictured incidences, what happened. And we just wanted to make sure that that was clear. Does that make sense? Am I answer your question?

Q: Yes. There's going to be a lot of skepticism about that, though, because I think from the very start of this the [Inaudible]... you're saying, you know, this is going to get blamed on a few bad apples. So my discipline of those soldiers who have nothing to do with...

SEN. ARMY OFFICIAL: Well...

Q: ... and indeed, maybe that's how the facts are panning out. But there was this attitude that the military was going to scapegoat low-level people...

SEN. ARMY OFFICIAL: I don't...

Q: ... untrained and not taking any responsibility...

SEN. ARMY OFFICIAL: ... I don't think that anybody would want to scapegoat any person or low level or whatever. I think they want to put it exactly where it should go. And I think we have two responsibilities. First, to find the facts and then to hold people that are responsible accountable. And to do it correctly and so knowing the facts helps us explain exactly who was involved, what they did and how they did it. Without that, what we end up with is somebody saying, well, this looks like an intel way of doing – we're doing this for a picture. And so therefore, it must have been a policy and therefore, somebody high up must have directed it and I saw in 24 hours that the president had National Security Agency director shocked to get information and that's what they're doing.

Now what I'd like to do is to just say we ought to break it down into the incidents and the incidents to groups of misconduct or confusion over policy or what were they or were they collusion. Again, misconduct. And then once you understand all of those, then I think the military, the criminal courts can judge who's responsible for what actions and held accountable appropriately and so our country knows exactly what happened in those. Does that make sense?

Q: Uh-hm.

SEN. ARMY OFFICIAL: Go ahead.

Q: I just want to follow up with [Inaudible]. The question that – so as your core argument that the night shift MPs are to [Inaudible] criminal or bad intent while the MI people that [Inaudible] about this afternoon simply made errors resulting from a policy [Inaudible]?

SEN. ARMY OFFICIAL: No. That's not correct. I believe that there were MI soldiers that were also involved and we just went over one case where they were. And so, there is both intel and MP soldiers that do things wrong. They do it at the night shift wrong. They collude on some of these together. And that's...

Q: Aside...

SEN. ARMY OFFICIAL: Go head.

Q: Excuse me. Aside from rules and regulations here on whether direct orders were given to do this, and whether your police or your interrogators were involved. And this may be difficult to address, but how about the general atmosphere? The general atmosphere that came on time to be it the Taliban and al Qaeda, GTMO, these sons of bitches will do anything and therefore we can do anything. So the people captured in Iraq for shooting it up, that they would do anything and therefore, we can do anything. The general atmosphere, what about that -- the feeling that these people [Inaudible] people feel they could do anything to these people because...

SEN. ARMY OFFICIAL: I think...

Q: That was the idea from on high.

SEN. ARMY OFFICIAL: I think the facts and the numbers don't support that. Four hundred and some thousand soldiers and civilians have been in Afghanistan and Iraq. We've had over 47,000 detainees in Iraq. There will have been a number of interrogations that have occurred. And by and large, those soldiers acted properly with the right conducts, with the rules of law. You're going to have mistakes. And what we have to understand and underwrite our honest mistakes versus personal misconduct. And so when it is a mistake that a soldier makes, we as a country -- we as a military, we as an army and we as a leader should not throw out that mistake.

And one of the folks yesterday asked a question and I think Mr. Brown answered the reporter who makes a mistake on a article of fact, trying to do the right thing, versus one who makes up an article in those [Inaudible] so I think that was probably -- did I answer your question?

Q: Sir, are there any incidents that do stem from the confusion of a policy?

SEN. ARMY OFFICIAL: I'm going to let Gen. Fay and Kern answer that. OK?

Q: I'll take a guess.

SEN. ARMY OFFICIAL: [Inaudible] let them answer that.

Q: [Inaudible] Yesterday, Secretary Schlesinger said that all of the investigations, all the publicity in the press had had a chilling effect on interrogation. And the need for intelligence in the global war on terrorism is still very strong. Do you see that? Do you see that there's a chilling effect on interrogations and...

SEN. ARMY OFFICIAL: Yes.

Q: [Inaudible]

SEN. ARMY OFFICIAL: And we've gotten that from several of the senior leaders in the field. I'm going to answer that this way. I think, first of all, all the policy stuff and as many of you know, I've done more research on the policy than anybody else. I think the debate that went on in policy within the Army, within the joint

community and within the defense community is exactly what our nation wants our Defense Department to do, is understand what are the law, the policy, the limits that we should hold our interrogators responsible to set the left and right limit. That doesn't meant that in doing what exactly you would want us to do, prior to an attack because let me put it this way. If another 9/11 occurred, the first thing that you would ask us is what do you mean, you didn't do A, B, C, or D, or you didn't go all the way to where you could, you were really conservative -- we would be wrong.

And as the 9/11 Report comes out and I think it's on Page 145 or 146, it says most of the information they got was from interrogations. And so the question is exactly what can we do. That debate needs to be done. It was done. It was done consistently throughout each of the theaters with a number of folks. And I think that as a Defense Department, we have been very, you know, we've kind of dropped back. So you said, you changed policy. We were defensive. I'd said, yes, we did. We didn't wait until thee was an incident. We looked at it and we did it right. There was legal reviews. We can argue over the legalities of some of these because you'll have five and five lawyers on each side of it. But I think that's what our nation wants us to do first. And I think that's what we should do.

Now that was part of your question. Go to the second part?

Q: Well, can you give some examples on how you think this is having a chilling effect?

SEN. ARMY OFFICIAL: Interrogators and detainees both know what the limits are. They go through and practice it. They know that if the United States captures them, they will get a medical exam. They'll get their teeth fixed. They will get essentially a free physical and they will be released if they don't talk after a certain amount of time. I'm thinking a country with poor medical care, this sounds like what we're doing is taking care of people and that's the perception of some of the senior officers who work on that is they're getting folks who now -- that know that. So the question is what are the things that we could-should do. This has had a chilling effect in that area. I guess that's the best I can define without going into classified examples.

Q: You continuing with [Inaudible] three examples of [Inaudible]?

SEN. ARMY OFFICIAL: OK.

Q: [Inaudible]

SEN. ARMY OFFICIAL: OK. Number four. I'll do the next two in two minutes, when I open it up for questions. Not that we haven't had any yet. There was a riot at Ganci, which is one of the camps. In the riot that went on -- and there are a series of riots -- one of you brought up what's the background that's going on. Ganci has -- Abu Ghraib has a lot of stuff going on. The commanders who are responsible for Abu Ghraib from both an MP and on my perspective, you have the two lieutenant colonels that are there. But above them, the brigade commanders have people throughout Iraq. From the intell perspective, they start out with, I think, a total of 16 in August and they'll go up out of 2,500 people. They are receiving mortar fire. In fact, on 20 September, you know that two interrogators would be killed, 13 wounded, a lot of stuff going on. This is going on every other day -- people being mortared, injured. And in fact, in April there was a press coverage of a number of people killed. It is a war, an insurgency that's ongoing, a push for intelligence.

Riot at Ganci. The seventh of November, the seven individuals who initiated that riot are brought into what's called the hard site by a number of MPs. Those are the seven that you see in the famous pictures of seven people that are stacked in pyramid. They were the guys who started the riot. None of them were ever interrogated nor the MI holds, so none of that that was going on was at the direction of -- to get these guys for more intelligence or any [Inaudible]. OK?

Q: [Inaudible] were not at Abu Ghraib [Inaudible]?

SEN. ARMY OFFICIAL: They were at Abu Ghraib. Ganci was a subset of Abu Ghraib. OK, you have some camps in there, Ganci, Vigilance (sp) and then the hard site.

Q: How do you spell Ganci?

SEN. ARMY OFFICIAL: G-A-N-C-I. So I don't want to mislead you. They're at Abu Ghraib. They're in the hard sites and brought into the hard sites so that they will stop the riots. There was a great concern by both the MPs and intell that there was credible information that the detainees were going to riot with the intent of killing MPs. In fact, a couple of the incidents that you will see and hear about are riots that go on with just that intent. But that incident kind of gives you – and the last one is a dog bite. The guy who's terrified, you see looks like he's screaming in the picture naked, two dogs, one on either side of him. As we understand it, he was an intell hold.

Q: When was this?

SEN. ARMY OFFICIAL: He was an intell hold.

Q: No, when was it?

SEN. ARMY OFFICIAL: This was on 12 December. He had been interrogated. But the incident occurred around his doing something with his window. An inmate previous two weeks earlier had escaped out of one of the windows. The MPs were up there to figure out what he was doing, why he was trying to, in their mind, escape and to question him. They brought the dogs up. You see what went on in that photo. There were no intell folks involved and that was not the conduct of interrogation.

Q: So he was the only intell hold in all of the [Inaudible]?

SEN. ARMY OFFICIAL: Of those five. That's correct.

Q: Does he have an ISN number?

SEN. ARMY OFFICIAL: Yes, he does.

SEN. MILITARY OFFICIAL: What was the question? What was the question?

Q: ISN number.

SEN. ARMY OFFICIAL: Yes, he does.

Q: And he was bitten after that photo was taken?

SEN. ARMY OFFICIAL: That is correct.

Q: How have you [Inaudible]?

SEN. ARMY OFFICIAL: I don't know. I can't answer that. I don't know.

Q: Did you say there was no MI there?

SEN. ARMY OFFICIAL: I mean – say again.

Q: Did you say there was no MI there?

SEN. ARMY OFFICIAL: That's correct.

Q: And the total number of abuses, not just the ones that are publicize, but [Inaudible] as well as photographic, were the majority of them non-MI holds or what was the breakdown?

SEN. ARMY OFFICIAL: I don't know how to answer that. Of the photoed ones, as you would expect.

Q: [Inaudible] who are the five [Inaudible]?

SEN. ARMY OFFICIAL: Of the photographs that were done, you know, let's give the rest of it now. The people who had the cameras were taking the pictures. That's logical. And those were the MPs that were taking the pictures of some of what they were doing, which is why you see it heavily focused on the MPs on the night shift because that was their shift. That's when they were taking pictures. They were not supposed to take pictures in there, so that was wrong. And there was a number of series of other things of what went on with this group.

I think what, you know, the reason that I bring these five up to you and there's a whole series of others that you will get access to, I believe over the next few weeks, is to give you insight so that your articles, your descriptions and stuff at least understand some of the basics of what's going on and why people say, well, in this group here, here's what happened and how they should be held accountable. That doesn't mean that there weren't intell soldiers that maybe told an MP to do something and if they're wrong, they both should be held accountable. I think you will see some of that specifically that there are going to be some soldiers who are confused on the policy. You're going to see some of that. And they will go over each of the different events with you today in some detail ask those specific question. But what I wanted to do is to give you a balance between what Dr. Schlesinger said, what happened at the night shift. Now that was one view. Now what we're going to ask Gen. Fay to do is look at the whole thing 24 x 7 for everything. And so what you'll find is that there are a lot – most of the pictures don't include the intell. But there'll be other events that we'll uncover that do include intell, but you don't have pictures of.

Q: That's what the 44 is...

SEN. ARMY OFFICIAL: Yeah.

Q: that the [Inaudible] are talking about?

SEN. ARMY OFFICIAL: Yeah, that's correct.

Q: So the 44 include both those that are photographed...

SEN. ARMY OFFICIAL: And others.

Q: ... and others.

SEN. ARMY OFFICIAL: That's correct.

Q: And can you give us any breakdown in the 44?

SEN. ARMY OFFICIAL: They will.

Q: They will.

Q: Sir, on the chilling effect of intelligence, are we to understand that prior to all of this coming out and all of the press coverage, the way that you are able to get those people to [Inaudible] the fact that they didn't know what was going to happen to them. You guys had rules on you, but they didn't know what the rules were and so they came in this intimidation and fear you were able to sort of work your intelligence magic on them. Whereas, now they do know what rules and what limits there are and therefore, they're able to just remain quiet and then leave or has there been some material change? Are your interrogators now holding themselves back and not going to those [Inaudible] of what they're allowed to do?

SEN. ARMY OFFICIAL: I think it is a combination of both. I think people are more cautious. And I think that the detainees have a better insight into what we can do.

Q: [Inaudible] and the use of Third Country nationalists, one of the things yhat Iraqis have said to me on the [Inaudible] of Iraq is that Jordanian intelligence services, for example, have been involved to do things that Americans can't and won't do.

SEN. ARMY OFFICIAL: We do not give prisoners up for abuse by any other country. That's something that we're [Inaudible] to do. And so we, the Army, can't do that, would not do that. In other words, say you bring up a couple good points and I just want to go back down both sides of this because, you know, we don't take a guy and say, well, if you don't talk to us, OK, now the Jordanians have him. I think it's interesting, though, if you went to all the prisoners there, you said, OK, you want to stay here at Abu Ghraib or how many of you want to go Egypt, Jordan, you pick a country in the Middle East, not one of those folks are going to get up and move. But we do not do that. Second, if the Iraqis do abuse, we stop it and train them just to the same standards that we do. Now that means that after we leave -- and we can't control that which we don't see -- but the intent would be to hold them, teach them the same standards that we have. Does that make sense? And so that does come up. But I don't know of any case -- I have not seen any case where we have given anybody over to somebody else to interrogate.

Q: And the prisoners know that?

SEN. ARMY OFFICIAL: That is probably true. Correct.

Q: How about other government agencies?

SEN. ARMY OFFICIAL: I don't know on other government agencies.

[Cross Talk]

Q: But they don't know the rules.

Q: MI is allowed or the Army or the military is allowed to work with other government agencies in interrogations, correct?

SEN. ARMY OFFICIAL: That's correct. That's correct.

Q: And they can give [Inaudible]...

SEN. ARMY OFFICIAL: I guess the question is were other government agencies allowed to give them to the Jordanians and we don't know the answer to that. We do work with them, but it has to be our rules.



Q: OK.

SEN. ARMY OFFICIAL: OK? So if, no matter who's there, whether it's any one of the government agencies, our rules if we are there and it's on one of our facilities, period.

[Cross Talk]

Q: Sir?

Q: Although, I think Dr. Schlesinger said yesterday at least one incident where the – at Abu Ghraib or where the other government agency did interrogate someone without Army present. Presumably used their own rules or we don't know what happened?

SEN. ARMY OFFICIAL: We don't know. We don't know. And what I would say is, so we don't know the answer, we can't live to that conclusion. And that's one of the questions that Fay and company will have to cover today and [Inaudible] to their.

[Cross Talk]

Q: What is the role of – may I ask a question? What is the role of contract personnel there at the prison now? Has that changed since all these investigations have been going on as far as military intelligence and interrogators? What would the contractors do?

SEN. ARMY OFFICIAL: We still need contract interrogators. We still need interpreters and we will for a while. We are trying to grow more interrogators, train more. The Army under transformation was already doing that starting last August. It will take time. It doesn't happen magically. But I think when you look at it overall, we're doing the right thing in the transformation.

Q: Do you know what their ratio is there at the present?

SEN. ARMY OFFICIAL: No.

Q: But is there tougher scrutiny or tougher rules for these guys?

[Cross Talk]

SEN. ARMY OFFICIAL: The same rules as we have, but they can't tell soldiers what to do and the soldiers should be there.

Q: But is there – they don't [Inaudible]

[Cross Talk]

SEN. ARMY OFFICIAL:

Q: ... vetting of these contractors...

SEN. ARMY OFFICIAL: Yes.

Q: ... or in particular, is a [Inaudible] safeguard's been put in place

SEN. ARMY OFFICIAL: Vetting, training, et cetera.

[Cross Talk]

Q: Well, I have one more.

SEN. ARMY OFFICIAL: No, he's -- just a second. Let me go to you.

Q: Yeah. You know, here's the part I don't understand about the chilling effect. I understand the part about hesitancy, holding back on the part of interrogators, perhaps. The experienced people that I've talked to in the field say the best interrogators don't use coercion and fear and abuse detainees anyway. And those methods are always the most effective, so that's the one part of the chilling effect, I don't get.

SEN. ARMY OFFICIAL: But let me give...

Q: Sir.

SEN. ARMY OFFICIAL: ... let me correct one thing and then we'll -- because I do know we have to leave here in a minute. One, most interrogators do not abuse -- not just the best ones, most of them. Two, you are correct that the best interrogators, whether they are intel or criminal or whatever, understand psychologically how to do that. That takes time, experience and growth to get to a guy who can get inside the mind of the person that's doing it and make them talk. That experience is not across the Army, so you have a number of ranges of options to do it. You don't have -- the gifted are 1 in 100 or more and you know this. Just think about it. Not everybody's Columbo.

We don't give out raincoats. OK, one more question and then we have to leave.

Q: [Inaudible] a procedural question about the [Inaudible]? Given its mandate, how high could they have looked up the chain [Inaudible]. Could the have looked outside the military?

SEN. ARMY OFFICIAL: They could have looked at high as they need to look and go.

Q: What about [Inaudible]?

Q: So this could go beyond CentCom? This will not include Karpinski and...

[Cross Talk]

SEN. ARMY OFFICIAL: You know what I would ask them. They will give you where they went and why. And I mean, you know, the question is is where do you need to go to answer the questions that you have. So that's a question to ask them. I think one of the things that Dr. Schlesinger brings out and that I find, as I said right at the beginning, is you should understand that all the inspections, assessments, reviews that the military, the Defense Department has conducted is to get to the bottom, is to find the facts, not to hid it, not to shoot accountability or culpability to a few individuals, but to find out exactly what happened, not to find out what would happen and to approve a picture that we might have over here, but the facts and let the facts speak for themselves. And what we have to get to is everybody to understand that basic set of facts. Now I know everybody doesn't have all the incidents laid out. I believe eventually, you will have that. What I'm giving you, what I gave you on that was, one, a review of all the reports and two, some insights to some of the incidents. There are more incidents out there that involve others. The reason those incidents is based on what Dr. Schlesinger said about what happened at the night shift, so you'd know one piece of it. It doesn't condone others -- others who acted improperly should be held accountable. With that, thanks for taking the time. It's an education process for me, too.

UNKNOWN: Thanks a lot.

SEN. MILITARY OFFICIAL: Folks, if I could just add a couple of things for you. The article that the general mentioned earlier was from The LA Times, if you wanted to go back and research that one. But today's proceedings, we're going to make a transcript on it. It'll be posted on the Defense link.

<http://www.defenselink.mil/transcripts/2004/tr20040825-1222.html>