

On 14 February 2004, a panel of officers, lead by Major General Antonio Taguba, conducted the following interview. Major General Taguba was appointed as an Investigating Officer under the provisions of Army Regulation 15-6, by Lieutenant General David D. McKiernan, Commanding General of the Coalition Forces Land Component Command (CFLCC), to look into allegations of maltreatment of detainees, detainee escapes and accountability lapses, at Abu Gharib, also known as the Baghdad Central Confinement Facility (BCCF). The panel also inquired into training, standards, employment, command policies, and internal policies, concerning the detainees held at Abu Gharib prison. Finally, the panel looked into the command climate and the command and supervisory presence

The following persons were present:

MG Antonio M. Taguba, [REDACTED], DCG-CFLCC, **Interviewer**
COL [REDACTED], Lackland AFB, TX, **Member**
LTC [REDACTED], A, CFLCC - SJA, **Member**
SFC [REDACTED], U.S. Army MP School, **Member**
MSG [REDACTED], CFLCC - SJA, **Recorder**
LTC [REDACTED], 800th MP Battalion, **Respondent**

The interview is summarized as follows:

I'm [REDACTED], Lieutenant Colonel, [REDACTED], 800th Military Police Brigade, Staff Judge Advocate. My effective date is 10 January 2003. I was with the unit 19 January. We mobilized at Fort Dix. We were there for approximately thirty days. I have some Operational Law experience. I did a lot of that with 8th Medical Brigade. I have a heavy UCMJ background. My secondary, so to speak, would be Operational Law. The 724th was also at Dix the same time we were. They got there a few days ahead of us, and left a few days ahead of us. I believe the 310th MP Battalion, now at Camp Bucca, got there a shortly before we left.

I have one JAG assigned, MAJ [REDACTED]. We conducted training on Internment / Resettlement. We met with the entire 724th staff, as well as the 310th staff, before we left Fort Dix, to talk about those issues, brief those issues. We did it as a staff. I did it on UCMJ matters. Other battalions received a full brief as they came in to Theater from the entire staff including an SJA. BG [REDACTED] instructed me to individually brief each Battalion commander and to make myself available to each company commander; briefings were given on the UCMJ, Law of War and other Operational Law issues.

We briefed the ROE, which changed four times over the course of the deployment. Actually, it was more Rules for Use of Force that was briefed instead of ROE. We had an ROE when we came in and we condensed it down to the size of a card for detainee operations that was briefed and given out down to the soldier level. It was specifically for detainee operations and it fit on about a three by five card. The first change to the card occurred in May when BG [REDACTED] wanted to issue a warning shot; we requested permission from CFLCC to do that. CFLCC didn't think it was a good idea, but it was

Annex 49

acceptable if BG [REDACTED] wanted to do it. This warning shot was specifically for detention. This warning shot was for escapes, or rioting prisoners. BG [REDACTED] wanted to specifically allow it where as the original ROE didn't allow it. This change came after BG [REDACTED] direction, after the President declared an end to combat operations. General Karpinski changed it back to no warning shot when the move to Baghdad took place, which was meant to be consistent with the CJTF-7 Rules for Use of Force.

By the time of dissemination of the ROE's, beside myself and MAJ [REDACTED] there were two other JAG officers in the 381st and 494th PLD's Brigade liaison detachments that were assigned to us. Between the four of us, we would go out and brief the ROE to all of our units and disseminate the cards – they were also sent out to all of the commanders and told to disseminate to the lowest level through our S3 shop. A copy of the detention ROE should still be on my SIPR; I believe the S3 shop provided that with all of our other documents. The cards were definitely distributed; we had hundreds printed up just for distribution by the 13th PSYOPS, who were with the battalion assigned to us. They went home late August or early September, but they made up the ROE cards before they left.

The last iteration of the ROE was a change based on a change. The last ROE was dated 30, November; that was listed as ROE 4.1 because we went through a couple of drafts before we issued that. I saw the e-mail traffic. We also issued training next to that ROE and that was all done in December, end of January. I know for a fact that the Battalion received training on that to include the Battalion doing the Mec mission up in the North and the 310th in Bucca. We specifically sent the JAG officers to do that; I did some of them myself.

I never saw an interrogation ROE. That was an MI issue. We didn't do the interrogations. I'm not associated with what the MI interrogator should tell the guard when releasing the detainee to the custody of the guard. I don't believe that I should be.

I knew that 13th PSYOPS had recorded dog barking playing on the outside of Bucca so they would think we had dogs when we didn't. At Abugared, I believe that we did make a request for a dog going through the S3 shop, but that wasn't staffed through my section. There were no requests made for dogs for either detention or interrogation through my section. I know that in Abugared that they had dogs there and they were looking for them for a while and when they got there they questioned kenneling. I received that information from regular shift updates. I was never consulted. I didn't see any need to become involved or informed on that issue. I was not aware that dogs were used for interrogation or for unlawful purposes.

I went to Bucca when it was still Camp Freddy under the British. I went once overnight and after that I would end up staying for two to three days at a time. I would average two to three days every couple of weeks while we were at Bucca, up until the end of June. I made one trip to Baghdad with BG Hill, actually Easter weekend I went up from Bucca to Lido to visit our unit there and then on to Baghdad. In early July we moved to Baghdad. The first week I was there, I made it a point to visit all of the prison facilities, which included: Musafa, Tasfarat, Baghdad Central, Abu Ghraib. I made a day trip to

each of those as well as to Afalaya, which is a juvenile and women's facility. I got to Baghdad Central at least once every ten days or so. We would go to the other facilities less frequently.

The only Staff Judge Advocates I had assigned, as Brigade assets, were myself, MAJ Proietto, and the two JAGs from the BLDs, CPT [REDACTED], and 1LT [REDACTED]. The Battalions did not have Staff Judge Advocates on their TOE. There was a Staff Judge Advocate at Bucca, 1LT [REDACTED]. I requested additional Staff Judge Advocates from CJTF-7, starting in July. I got CPT [REDACTED], who left in August, and I got a CPT [REDACTED] but he was gone in September. I did a specific request, by name, of seven or nine individuals from the 7th LSO, which I was the Deputy Commander of, before I cross-leveled in the 800th. I believe COL [REDACTED] did a Request for Forces that was denied. There was more of a need in July. There were about a half dozen 15-6s from when 18th had Camp Cropper, based on shootings and riots, and they were clearing up that backlog. When that cleared up, there was a need for someone to help with the prison mission, at CTA, because we were taking that over. I sent CPT [REDACTED] to work at CTA.

We would average a 15-6 every couple of weeks for escapes, rioting... There was a single escape in Talil. There were, I believe, two or three sets of escapes, one involving multiple prisoners from Bucca. There were also two recent escapes from Bucca on January 7th and 12th. There were two or three escapes from Baghdad Central. Then there was a shooting in November that involved the riot, and also the shooting of an MP. Fortunately, he was wearing his Interceptor Vest. We initiated a 15-6 on that, but shortly after we initiated it, CJTF-7 initiated their own 15-6, and had our Investigating Officer turn over everything he had to LTC [REDACTED] from the 220th, who was appointed as the Investigating Officer.

I interacted with COL [REDACTED] several times a week. There were some structured the Battalion Commanders. For instance, when there was a change in the ROE, we'd go there. I would receive regular email, or telephone contact from all Battalion Commanders, when they had questions on legal matters. I only interacted with BG Karpinski at the Brigade level.

BG Karpinski assumed command, I believe, on June 29th. In fact, I'm thinking it may have been BG Hill that made that other change for the warning shot, knowing we were coming up. The change was late June or early July. That would have been the second change to the ROE. The first one instituted the warning shot, and the second one took that away, again. For approval of the changes, we went through CFLCC. For the last change on 30 November, we went through CJTF-7, because we were making the change based on FRAGO 1150, which they had just issued. All iterations to the ROE, I staffed through the "3" shop, but BG [REDACTED], and later BG Karpinski were the ones that made the calls on it. They were only implemented, after approval by higher.

The subject of FRAGO 1150 was a more robust ROE for detainees. My understanding was LTG Sanchez was upset that soldiers were using non-lethal, when he felt lethal would be more appropriate. He wanted the ROE to clarify or emphasize that, if there was

a danger, soldiers could go immediately to a lethal use of force. That was right after the riots, in the latter part of November.

I believe all escapes were reported and investigated. I think the highest number at one time was seven. I know BG Karpinski took them quite seriously, which is why they initiated investigations. All the 15-6s I had were turned over with the document requests, early this week.

I know the CG got out regularly. She would usually take CSM [REDACTED] with her. CSM Clement was the Brigade Command Sergeant Major. He was relieved. He was relieved, after a 15-6, conducted by CFLCC, showed he made a false official statement to the investigating officer, and likely sexual misconduct. I gave a witness statement for it.

The "3" Shop went out regularly. MAJ [REDACTED] was the "3." Other members of the "3" Shop would also go out. In fact, we had a large cell at Camp Bucca, which consisted of MAJ [REDACTED], CPT [REDACTED], MAJ [REDACTED] who was the S2, and finished up as the Executive Officer for the 320th, and MAJ [REDACTED]. I had traveled with BG Karpinski. I went with BG [REDACTED] when he went. I mostly traveled on my own. CPT [REDACTED] when he became the acting "2" had an extended stay at the MEK compound. His enlisted soldiers were at Baghdad Central for an extended period. We had staff people going to Baghdad Central almost everyday. Usually, whenever I went, I went with a purpose. I'm not aware of what the staff sections were doing on their visits, but I know they were going regularly, and normally with a purpose.

We had a Staff Update, nightly. BG Karpinski was at more than half of those. For the last six weeks, they've been at 1700 in the General's office. She was always available to me, and had an open door.

There was a PAO Policy. I believe it was sent up through CFLCC. Early in the war the Press was trying to take photographs

Sir, there were no posted policies. There were policies issued on treatment of detainees, but they weren't posted in the TOC. They were sent out to the Battalions, and they were to disseminate them down to the lowest level. There was a PAO policy that we sent up through CFLCC early in the war, that the press was trying to take photographs. It was not just the press, we had one general officer wanting to take photographs of POWS, we put out a policy that went through me and I helped draft it. The policy referenced the Geneva Convention stating that detainees will not be subject to humiliation and will not face a threat of retribution. We drafted the policy and it was approved by CFLCC.

The Geneva Convention was emphasized throughout our operations. Generally, I know what 190-8 is. I believe it requires the Geneva Convention is supposed to be posted in English, and the language used in the area. I remember it being posted at Camp Cropper. I did advise the Commanders that it was a requirement. I recall there being a problem, getting an Arabic translation, but that's no excuse, Sir.

I believe we felt... I know that I felt that the Geneva Convention should be enforced throughout all the Camps. I would say that Bucca, Baghdad Central, and Cropper got the most attention, because those were the Camps that the MPs were running, but I wouldn't say there was neglect of the other areas. Until Cropper closed, it got most of the attention, and then it shifted Baghdad Central.

I felt BG Karpinski was totally approachable for UCMJ matters. She would listen to my advice, and in most cases she took my advice. I believe she was approachable to the rest of the staff. I'm not aware of her Command Philosophy.

I don't believe I've ever seen the Interrogation ROE. I know there was a disagreement between 320th and MI over the sleep patterns, keeping people awake, and things like that. I heard MAJ [REDACTED] had some issues with the MI sending people back naked, and he said he wouldn't send MPs to pick them up anymore. I don't know if LTC [REDACTED] raised it. I knew that MI did the interrogation, but I assumed this was done in their area. It had not occurred to me that they would be returned to the MPs, with the expectation that the MPs would carry out what was on their list. I did not have direct access to the MI interrogators. We had a meeting with the MI, including COL Pappas. The issue was not investigations.

Outside what I've mentioned there were two incidents, from when the 18th had Cropper. One involved a soldier urinating on a prisoner, and another involved two MPs from the 115th using excessive force on a prisoner, and inviting a third, unidentified person to come look. There was another incident involving a soldier, who tried to mail back an M4 receiver group that had been seized from some Turkish Special Forces that were taken by us over the border. That was the 443rd MP Company. I was all day with that company drafting charges. When the incidents occurred, they were under the 18th MP Brigade. They did not come to light, until after the 800th took over. The Battalion Commander, LTC [REDACTED] wanted to recommend a Special Court-Martial, initially. BG Karpinski agreed. I went through LTC [REDACTED] who was the 377th SJA, and LTC [REDACTED], who was the SJA (Rear) for CFLCC. I asked their opinion, and they both indicated, based on the facts they had, they would recommend Field Grade Article 15s. LTC [REDACTED] considered that, and decided to do a Field Grade Article 15. BG Karpinski did not want to use undue command influence. She indicated that, if LTC [REDACTED] sent up charges, she would recommend a BCD Special Court Martial, but, if he decided to go with a Field Grade Article 15, she wouldn't pull it from him. The incidents occurred late June, early July. The CID Report did not come back 'til much later.

During the course of negotiations, regarding the Bucca Case, I was asked to have BG Karpinski provide a memorandum, indicating whether LTC [REDACTED] had been relieved or suspended. I believe it was based on LTC [REDACTED] coming in. It was brought up as a motion for discovery that LTC [REDACTED] had been relieved or suspended from duty as the Battalion Commander of the 320th. BG Karpinski said that, if they wanted the memorandum, it was fine. She explained that she gave LTC [REDACTED] a rest, after they had a mortar attack involving some fatalities. LTG Sanchez, I was actually there that

day, when he went out to Baghdad Central, and I understand that LTG Sanchez was not at all impressed with the force protection they had. BG Karpinski was there.

Anytime we had a meeting on operations, we emphasized compliance with the Geneva Convention to every Battalion coming in, or going to a new mission. One thing that never changed on the ROE was all persons are to be treated with dignity and respect.

From what I heard occurred, it's inexcusable. If true, the individuals involved should be punished to the fullest extent. I believe we acted in compliance, or tried to act in compliance with the Geneva Convention. BG Karpinski indicated she would not tolerate violations. I do not believe the Brigade got the support they needed to get from higher. I would hope there would be an investigation into the MI community, and their violations of the Geneva Convention. I would certainly hope, if deficiencies are noted, that there would be recommendations to make them far less likely to occur in the future.

The interview complete, MG Taguba reminds LTC [REDACTED] to not discuss or reveal the contents of the interview, and he is released.