



DEPARTMENT OF THE ARMY  
320<sup>th</sup> MILITARY POLICE BATTALION  
APO AE 09432

REPLY TO  
ATTENTION OF

12 April 04

MEMORANDUM THRU [REDACTED] Staff Judge Advocate, III Corp

FOR [REDACTED] CG, III Corps

SUBJECT: Rebuttal of AR 15-6 for [REDACTED] 320<sup>th</sup> MP Battalion

1. I acknowledge responsibility for all actions taken by soldiers assigned to the 320<sup>th</sup> Military Police (MP) Battalion (BN). I have been thoroughly embarrassed and humiliated by being suspended from my duties while the 320<sup>th</sup> MP BN has returned home. I acknowledge the failure to implement all corrective security measures as ordered by BG Karpinski and documented in GOMOR dated 10 November 2003. I acknowledge failing to have all soldiers assigned to the 320<sup>th</sup> MP BN trained in Internment/Resettlement (I/R) Operations and knowledgeable in the protections afforded detainees in the Geneva Convention relative to the treatment of Prisoners of War. I acknowledge failing to properly supervise soldiers working and "visiting" Tier 1 of the Hard-Site at Abu Ghraib understanding that proper supervision would have prevented prisoner abuse.

2. I offer the following information in deciding on administrative actions to be taken against me. I assumed command of the 320<sup>th</sup> MP BN in June 2002. I was selected for promotion in November 2002. In accordance with Army Reserve policy, I found an O-6 position and requested a transfer of units in January 2003 to obtain my promotion. My request was denied because activation of the 320<sup>th</sup> MP BN was expected. The battalion was called to active duty on 10 February 2003. After packing unit equipment to operate a 4000 man Theater Internment Facility (TIF), the 320<sup>th</sup> MP BN began the mobilization validation process at Fort Dix on 19 February 2003. At Fort Dix, the 320<sup>th</sup> MP BN received training on the Geneva Convention, Law of War, and Arab cultural awareness. On 12 March 2003, the 320<sup>th</sup> MP BN departed Fort Dix for Kuwait. The battalion was able to validate in only three weeks when other units exceeded five weeks at Fort Dix at that time because of demonstrated expertise in I/R operations. First Army and the 78<sup>th</sup> Training Division used the tactical SOP of the 320<sup>th</sup> MP BN to validate the mobilization readiness exercise of all other I/R battalions. In 2000 and 2001, the 320<sup>th</sup> MP BN performed its wartime mission in South Korea extremely effectively. The 320<sup>th</sup> MP BN had served as a test bed for various versions of the National Detainee Reporting System (NDRS) so that personnel were well prepared to process and account for EPW. The competence of the battalion and an aggressive training schedule enabled the 320<sup>th</sup> MP BN to arrive at Fort Dix weeks after the 310<sup>th</sup> MP BN and 744<sup>th</sup> MP BN and depart weeks ahead of those battalions.

3. The 320<sup>th</sup> MP BN arrived in Kuwait on 13 March 2003. While waiting at Camp Arifjan, at my request the 320<sup>th</sup> MP BN received another cultural awareness class from the Free Iraqi Force (FIF) which included a mock prison scenario involving female MPs giving orders to Iraqi EPW. On 22 March 2003, the 320<sup>th</sup> MP BN operations staff to include [REDACTED] and several other NCOs entered Iraq as part of the advance party for the 800<sup>th</sup> MP Brigade (800<sup>th</sup> MP Brigade staff was slow to appear at the TIF near Umm Qasr, Iraq.) By 29 March 2003, I had moved the HHC of the 320<sup>th</sup> MP BN and two recently arrived MP Guard Companies to the TIF by commercial 20 ton dump trucks, SSTs used to empty porta-lavatories, and commercial busses. My units were committed to action while vehicles and containers of MTOE equipment were aboard ship. (Vehicles and equipment arrived in Kuwait in late April through late May.) On 1 April 2003, I assumed command of Camp Freddy from a British Air Defense Artillery unit. Camp Freddy was not designed to TIF standards in that compounds were small and located very close to one another with a total design capacity of about 2500. By 13 April 2003, the population of Camp Freddy exceeded 7200. All soldiers under my command were working a scheduled twelve hour shift (routinely working 14-16 hour shifts) without any days off. I typically worked 18-19 hours daily. During April, I recall two meetings that I held with officers and NCOs regarding the review of proper treatment of detainees following alleged events that were investigated and subsequently found to be groundless. By mid-May, engineers had completed the TIF named Camp Bucca, Holding Area Freddy was closed, and the 320<sup>th</sup> MP BN executive officer had been REFRAD. (The battalion CSM was held at Fort Dix for medical problems until December 2003.) We continued to provide security for in-processing, the medical clinic, Tribunal screening, and the Joint Forces Interrogation Facility. The 320<sup>th</sup> MP BN assumed some escort missions from the 223<sup>rd</sup> MP CO. On the afternoon of 12 May 2003 [REDACTED] was assigned on the first escort mission along with 9 other soldiers to take an empty bus to TSP Whitford at Tallil, pick up prisoners, and return to Camp Bucca for processing. Prior to departure, a mission briefing was held which included a review of the Rules of Engagement. At this briefing, I emphasized treating the EPWs firmly, but with respect and emphasized utilizing the 223<sup>rd</sup> MP CO personnel to resolve questionable situations (223<sup>rd</sup> MP CO was providing the left seat/right seat ride.) When [REDACTED] returned to Camp Bucca shortly before midnight, she took vigilante justice against EPW that she believed had raped [REDACTED]. 4 out of the 10 320<sup>th</sup> MP BN soldiers abused some of the EPWs; a clear indication that the abuse was the responsibility of those individuals acting alone and was not condoned by myself or any leader at Camp Bucca.

4. Between April and June 2003, four different MP Guard Companies were assigned to the 320<sup>th</sup> MP BN for varying lengths of time. This resulted in a very dynamic mission with transition being the norm. In June 2003, the 800<sup>th</sup> MP Brigade made me the Commandant of Camp Bucca when they relocated to Victory Camp. During June and July 2003, I was responsible for a population of about 3000 prisoners and 1500 soldiers (320<sup>th</sup> MP BN, 530<sup>th</sup> MP BN, and 724<sup>th</sup> MP BN). On 17 July 2003, the 320<sup>th</sup> MP BN was ordered to relocate to FOB Abu Ghraib and assume command and control of the prison complex to include Camp Vigilant, Camp Ganci, and the renovated prison facility. I was assigned the missions to construct Camp Ganci, improve Camp Vigilant, and be prepared to operate the renovated, existing prison complex. I was told by the Deputy Commander of the 800<sup>th</sup> MP Brigade, [REDACTED] that the 320<sup>th</sup> MP BN was selected

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over the 530<sup>th</sup> MP BN and 724<sup>th</sup> MP BN because the 320<sup>th</sup> MP BN had demonstrated a greater ability to accomplish this assignment than other battalions.

5. I arrived at Abu Ghraib with the main body on 24 July 2003 without the battalion S-4 who was evacuated to Walter Reed Hospital for knee surgery. (The escapes and shootings at Camp Vigilant on 4 June and 13 June attributed to the 320<sup>th</sup> MP BN on report pages 27 and 28 occurred while the 400<sup>th</sup> MP BN was responsible for Camp Vigilant.) Within ten days, all the concertina wire for all eight Camp Ganci compounds had been laid. Simultaneously, we were receiving prisoners from Operation Victory Bounty into Camp Vigilant and Iraqi criminals into compound 1 of Camp Ganci. We immediately assisted the Military Intelligence (MI) unit with intelligence collection effort by isolating detainees as much as possible and by executing sleep management. (Annex A) Accounting for all detainees at all times was an extremely high priority for me. I asked the battalion S-1 [REDACTED] at least daily if there were any prisoner accountability problems. It was a very rare event when there was a lapse in prisoner accountability. I visited the processing area and the compounds daily and asked about compound manifests. I found the compound manifests to be accurate with a few minor changes required. These changes to NDRS were worked behind the priority of physically accepting detainees, transferring detainees to another detention facility, or releasing detainees. Inaccurate NDRS information does not constitute an inability for me to account for detainees. Whenever there was an escape, a timely report identifying the escaped detainee was filed. I believe that [REDACTED] as quoted on report page 24, to be in error. I believe that the escapes he identified are recorded as e. on report page 28 and p. on report page 31. I find [REDACTED] confusion understandable as he was the platoon leader in charge of escorts and [REDACTED] was in charge of the Hard-Site until December 2003 when [REDACTED] was REFRAD.

6. At the end of July 2003, seven PR&Cs were submitted for logistical support that [REDACTED] 800<sup>th</sup> MP Brigade S-4, combined into a single PR&C only to realize its impracticality through the PR&C process and was subsequently forced to divide the one huge PR&C into several PR&Cs. The net effect was that support requested in July 2003 was not received until October 2003. Since arriving at FOB Abu Ghraib, there was a continuous expansion of facilities and of number of personnel working there. My schedule at Abu Ghraib consisted of 18-19 hour days without any days off. This schedule enabled me to visit many soldiers and observe operations. I reviewed all statements from soldiers assigned to the 320<sup>th</sup> MP BN (Report Annex 59, 60, 62, 63, 64, 68, 71, 73, 76, 80, 81, 83, 84, 85, 86, 101, 105, and 106) and conclude that I was seen frequently while BG Karpinski was rarely seen which contradicts in part paragraph 19 on report page 43.

7. Expansion of operational compounds in Camp Ganci was very painful because of the lack of support. Water, food, porta-lavatories, light sets, and sufficient personnel were issues that took significant effort to overcome to open additional compounds to meet the growing prisoner population. On 25 August 2003, the first three wings and the medical clinic of the Hard-Site opened while the remainder of the prison remained under renovation. No CPA representative was assigned on-site. The Iraqi correction officers assigned by the Ministry of Justice were supervised by MPs.

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8. Force protection was a major issue from day one of arrival. FOB Abu Ghraib is routinely subjected to small arms, rocket propelled grenade, mortar, and rocket attack. An internal threat arises from local labor used to renovate the Hard-Site. The 320<sup>th</sup> MP BN provided all perimeter security and force protection until A CO of the 1/504 PIR arrived at the end of September 2003 and until the 165<sup>th</sup> MI BN arrived in December 2003 to assume the northern perimeter and assist at the entry control point. On the night of 16 August 2003, 59 prisoners were injured (43 required Medevac) and 6 prisoners were killed when a mortar round impacted in Compound B of Camp Vigilant and Compound 2 of Camp Ganci. On 23 September 2003, two MI soldiers were killed by a mortar impact in Camp Vigilant. At this time, I requested a Combat Stress team visit. Thereafter, [REDACTED] Combat Stress team periodically returned because of the high stress levels faced by soldiers at FOB Abu Ghraib. This contradicts in part the conclusion reached in paragraph 20 on page 43 of the report.

9. The CJTF-7 IG, [REDACTED] inspected FOB Abu Ghraib in late September 2003 and exited with the observation that "You are the forgotten." [REDACTED] found that we were doing the best job possible with the resources given, but were receiving woefully inadequate support. On 30 September 2003, [REDACTED] inspected FOB Abu Ghraib. He made FOB Abu Ghraib an enduring base. He also initiated efforts to correct deficiencies. My early October 2003 was spent escorting primary CJTF-7 staff officers on inspections of FOB Abu Ghraib, integrating four new MP companies into confinement operations, providing information to an engineer team to develop a base master plan, and familiarizing [REDACTED] (acting as the 320<sup>th</sup> MP BN CSM) and [REDACTED] with FOB Abu Ghraib. BG Karpinski reassigned [REDACTED] from serving as commander of the 324<sup>th</sup> MP BN to mayor of FOB Abu Ghraib. (I strongly recommended to BG Karpinski that she provide a staff for [REDACTED] but a staff never arrived.) On 15 October 2003, the 372<sup>nd</sup> MP CO relieved the 72<sup>nd</sup> MP CO of operation of Camp Vigilant and the Hard-Site. On the morning of 18 October 2003, BG Karpinski reassigned me to the 800<sup>th</sup> MP Brigade staff. She said that she wanted a new face and new ideas. She wanted me to work with CPA on detention facilities. [REDACTED] would be the interim 320<sup>th</sup> MP BN commander for two weeks until someone else could be found. She had expected the mayor of FOB Abu Ghraib [REDACTED] and not me to brief and escort [REDACTED] during his inspection the previous day. She wanted CJTF-7 to provide a mayor. Finally, BG Karpinski suggested that I go to Camp Arifjan to meet with the 99<sup>th</sup> RRC Commander [REDACTED] during her visit. I did go to Camp Arifjan, met with [REDACTED] and returned to the 800<sup>th</sup> MP Brigade on 22 October 2003. (Annex B) When I first met with BG Karpinski upon my return, she informed me that she intended to reassign me to duties as 320<sup>th</sup> MP BN commander at the completion of [REDACTED] two weeks. In talking with [REDACTED] he told me that he reported to BG Karpinski that the mission at FOB Abu Ghraib was overwhelming and that there were no major problems with the 320<sup>th</sup> MP BN. On 31 October 2003, I returned to FOB Abu Ghraib. During the time that I was assigned to the 800<sup>th</sup> MP Brigade staff, 85% of the egregious acts were committed in wing 1A of the Hard-Site. Some acts also occurred in early November 2003 while I was commander. The egregious acts of abuse did not occur every night from late October through early November 2003; rather, the acts occurred on 3 isolated nights. My oversight of operations eliminated the abuse after mid-November.

10. On 10 November 2003, I received a GOMOR for failing to take corrective security measures as ordered by BG Karpinski. In my rebuttal to the GOMOR, I pointed out compliance with all

corrective measures for which adequate resources were provided. I also pointed out corrective measures which were not complied with involved positioning of light sets to illuminate all dark areas that could provide an escape route for prisoners within the grid square of FOB Abu Ghraib and involved the number of personnel to assign to operate Camp Ganci compounds and serve as an interior FOB Abu Ghraib roving patrol. These corrective security measures could not be complied with because all available light sets were used to illuminate Camp Vigilant and Camp Ganci compounds and there was an insufficient amount of soldiers to meet doctrinal requirements for operating detention facilities at FOB Abu Ghraib. I made personal contact with the 800<sup>th</sup> MP Brigade S-4, [REDACTED] and S-3, [REDACTED] to request additional light sets and soldiers. In December 2003 when the 320<sup>th</sup> MP BN located a vendor for light sets, [REDACTED] sent all the light sets to the 530<sup>th</sup> MP BN. [REDACTED] repeatedly denied all requests for forces. During mid-November [REDACTED] was assigned as my acting executive officer. On 19 November 2003, COL Pappas became FOB Abu Ghraib commander.

11. On 24 November 2003, 4500 prisoners rioted in Camp Ganci. While conducting an AAR of the operation to quell the riot, I was informed of the shooting in the Hard-Site. In early December 2003 the 165<sup>th</sup> MI BN arrived to perform duties of overseeing FOB Abu Ghraib operations. Actual transition of responsibilities was limited because the 165<sup>th</sup> MI BN expected to return to Germany in early February. The 165<sup>th</sup> MI BN did not want to transition things twice within 2 months. All units on FOB Abu Ghraib continued to attend my daily briefings. The 320<sup>th</sup> MP BN TOC continued to coordinate internal and external force protection. The 165<sup>th</sup> MI BN assumed responsibility for mayoral functions and the management of hundreds of local contract laborers to fulfill contracts awarded to improve FOB Abu Ghraib.

12. On the evening of 13 January 2004, [REDACTED] turned a CD of digital photographs over to CID. At 2300 hours, [REDACTED] came to me and showed me the photographs. I agreed to assist his investigation by utilizing the Quick Reaction Force to secure the crime scenes. Between 2400 and 0400 on 14 January 2004, I helped [REDACTED] secure evidence and take sworn statements. On 18 January 2004, I was suspended from duties by BG Karpinski. On 16 March 2004 while the 320<sup>th</sup> MP BN prepared to redeploy home, I received a continued suspension from duties from [REDACTED]. To this date, I have never seen [REDACTED] Report, [REDACTED] Report, or [REDACTED] Report making it impossible for me to implement their recommendations absent direction from my higher command. I have recently received notification that [REDACTED] will assume command of the 320<sup>th</sup> MP BN in early June at a change of command ceremony.

13. In summary, during this entire deployment, I was assigned missions without the resources to accomplish the missions by doctrine. A lack of unit equipment and vehicles existed until May. Other logistical issues were present throughout the deployment. There was a chronic shortage of personnel which necessitated 12 hour shifts with few days off. On the 320<sup>th</sup> MP BN staff, for the majority of the deployment I was without an executive officer, S-4, and command sergeant major. I relied heavily on [REDACTED] to run the day to day confinement operations so that I could concentrate on everything else. The "numerous" witnesses referenced on report page 39 were statements made by [REDACTED] (Annex 64) and [REDACTED] (Annex 80) who worked for [REDACTED] that confirmed "day to day operations were ran by [REDACTED]. My assigned missions were constantly changing, usually growing. Over the course of the

deployment, I had command and control of ten MP companies not counting the battalion HHC. At Abu Ghraib, MP companies received training during transitions that failed to include formal, documented training on the Geneva Convention or I/R operations. I accepted missions assigned, requested support as needed, task organized, and completed the missions to the best of my ability. In my opinion, [REDACTED] acts of abuse in clear violation of any standard of morality. Training alone would not have prevented these acts of abuse. As battalion commander, I could not be everywhere at all times and therefore delegated authority. If I were omnipotent, I would have removed [REDACTED] from their duties and avoided the abuse of prisoners and the disgrace to the nation.

14. On the civilian side, I elected [REDACTED] at the end of 2002. I applied for various jobs prior to mobilization. I have a federal government position held open for me [REDACTED] if I return home in April.

15. I offer OERs from my previous mobilization where I worked for the V Corps G-5 to my OER ending in June 2003 to show that I have a history of accepting challenging assignments and doing well. (Annex C) My OER for the period of December 2001 to December 2002 is not included because the electronic copy in my OPMS is for a captain unknown to me.

[REDACTED]  
LTC, MP  
320<sup>th</sup> Military Police Battalion