

SAIG-IN

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SUBJECT: (U) Alleged Impropriety by LTG Ricardo Sanchez, Commanding General (CG), Combined Joint Task Force (CJTF) - 7, Baghdad, Iraq (DIG 05-80001)

1. (U) On 12 October 2004, The Inspector General of the Army (TIG) directed an inquiry into the allegations that LTG Sanchez was derelict in the performance of his duties pertaining to detention and interrogation operations in Iraq during Operation IRAQI FREEDOM (OIF), and that he improperly communicated interrogation policies. (EXHIBIT A)

2. (U) Background: LTG Sanchez was assigned as the CG, 1st Armored Division (AD), Wiesbaden, Germany, in June 2001, and deployed to Iraq for OIF in February 2003. On 14 June 2003, he assumed command of V Corps in Baghdad, Iraq. On 15 June 2003, V Corps assumed the CJTF-7 mission, and LTG Sanchez became the CG, CJTF-7. He redeployed to Heidelberg, Germany, in July 2004, and resumed his duties as the CG, V Corps.

3. (U) Reports Reviewed:

a. (U) On 9 September 2003, MG Geoffrey Miller, Commander (CDR), Joint Task Force (JTF) Guantanamo Bay (GTMO), completed a Department of Defense (DOD) assessment of counterterrorism interrogation and detention operations in Iraq. The assessment discussed the theater's ability to rapidly exploit internees for intelligence, and focused on three areas: intelligence integration, synchronization, and fusion; interrogation operations; and, detention operations. This assessment was commonly referred to as the Miller Report.

b. (U) On 6 November 2003, MG Donald Ryder, Provost Marshal (PM) General, completed an assessment of detention and corrections operations in Iraq. The report made assessments and specific recommendations concerning detention and correction

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operations in Iraq to assist in resolving the management and administration of detainee operations. This assessment was commonly referred to as the Ryder Report.

c. (U) On 26 February 2004, MG Antonio Taguba, Deputy CDR, Coalition Forces Land Component Command (CFLCC), completed an Army Regulation (AR) 15-6 investigation that inquired into the facts and circumstances surrounding allegations of detainee abuse at the Abu Ghraib Prison (AGP), Baghdad, Iraq. This report of investigation (ROI) was commonly referred to as the Taguba Report.

d. (U) Based on recommendations in the Taguba Report, a further investigation was initiated on 15 April 2004, under the provisions of Procedure 15, AR 381-10, US Army Intelligence Activities, dated 1 July 1984. MG George Fay, Deputy G-2, US Army, investigated the relevant facts and circumstances surrounding the alleged misconduct on the part of personnel assigned and/or attached to the 205th Military Intelligence (MI) Brigade (BDE) at AGP (commonly referred to as the Fay Report). LTG Anthony Jones, Deputy CDR, Training and Doctrine Command (TRADOC), focused on whether organizations or personnel higher than the 205th MI BDE were involved, directly or indirectly, in activities regarding the alleged detainee abuse at AGP (commonly referred to as the Jones Report). GEN Paul Kern, CDR, US Army Materiel Command, was the appointing authority.

e. (U) On 25 May 2004, the IG, US Navy, was directed to lead a DOD joint team for the purposes of identifying and reporting on all DOD interrogation techniques related to operations in GTMO, Afghanistan, Iraq, the Central Command (CENTCOM) area of operations (AOR), and the Iraqi Survey Group (ISG). Specifically, the assessment would ensure that all areas of concern to the DOD regarding detention operations were being addressed adequately and expeditiously, and would report any gaps or seams among those reviews and investigations. This assessment was commonly referred to as the Church Report. The Church Report was released on 10 March 2005.

f. (U) On 21 July 2004, the Inspections Division, DAIG, completed a "Detainee Operations Inspection" report that included Iraq. This report responded to the Acting Secretary of the Army's directive to conduct a functional analysis of the Army's conduct of detainee and interrogation operations to identify any capability shortfalls with respect to internment, enemy prisoner of war detention operations and interrogation procedures and to recommend appropriate resolutions or changes if required.

g. (U) On 23 August 2004, the Kern Report was released. The Kern Report consisted of the classified Kern Report; an unclassified Executive Summary (EXSUM) of the Kern Report, and the two unclassified Jones and Fay Reports.

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h. (U) On 24 August 2004, a DOD independent panel completed its Final Report of the Independent Panel to Review DOD Detention Operations. The DOD panel members provided independent professional advice on detainee abuses in the CENTCOM AOR, what caused them, and what actions should be taken to preclude their repetition. The panel reviewed various criminal investigations, and a number of command and other investigations. The Honorable James R. Schlesinger was the panel chairman. This assessment was commonly referred to as the Schlesinger Report.

i. (U) The senior leader focus of this DAIG inquiry differed from that of the Taguba, Kern, Jones, Fay, Church, and Schlesinger reports. Although there were instances where DAIG's conclusions differed from the Kern, Jones, Fay, and Schlesinger reports, the differences were attributed to DAIG having fewer time constraints and the opportunity to review additional evidence not available at the time these reports were finalized. In certain instances, the supporting evidence in the reports did not meet DAIG's preponderance of the evidence standard and DAIG was unable to reach the same conclusions. Differing findings in this DAIG inquiry and the cited reports should not be misinterpreted to mean that DAIG found the reports to be inaccurate. Each report must be considered in light of its focus, the evidence available at the time, the personal observations of the investigative team, and the documentation supporting the findings.

4. (U) Operational Environment:

a. (U) On 20 March 2003, coalition forces, which included V Corps, began combat operations to disarm Iraq of its weapons of mass destruction (WMD) and to remove the Iraqi regime from power. Military operations continued after the end of major combat operations on 1 May 2003. Initially, the Office of Reconstruction and Humanitarian Assistance (ORHA) was established under CFLCC (3d US Army) to help rebuild Iraq. ORHA was followed in May 2003 by the Coalition Provisional Authority (CPA), under the direction of Ambassador (AMB) L. Paul Bremer, Presidential Envoy to Iraq, who reported to the Secretary of Defense (SECDEF). The establishment of the CPA marked a deliberate transition from military primacy and civil subordination to the CPA with civilian lead and the military element in a supporting role.

b. (U) US Army Forces, US Central Command (ARCENT), was previously designated as the CFLCC conducting operations in support of Operation Enduring Freedom (OEF) in Afghanistan, and was forward deployed in Kuwait. CFLCC also had responsibility for all coalition land combat forces in the Iraqi Theater of Operations (ITO). As a warfighting HQs, CFLCC prosecuted Phases I-III (through major combat operations) of the CENTCOM Operations Plan (OPLAN) for the liberation of Iraq at the

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operational level of war. During OIF, the descending chain of command and corresponding lines of authority and responsibility were from CENTCOM to CFLCC to V Corps.

c. (U) As a result of CFLCC's focus on campaigns in Afghanistan and Iraq over a two-year period, CENTCOM determined that CFLCC needed to return to its AOR-wide focus, and that a dedicated headquarters was required for Phase IV operations in Iraq. On 15 June 2003, V Corps transitioned into CJTF-7. At the direction of CENTCOM, CJTF-7 began Phase IV (Stability and Support Operations (SASO)) of the CENTCOM OPLAN.

d. (U) CFLCC ceased to be a coalition warfighting HQs at the operational level of war in the ITO and ceased to be CJTF-Iraq, a role assumed three weeks prior. CFLCC reestablished its principal role as the Army Service Component Command (ASCC) of CENTCOM. As such, CFLCC became a strategic force provider while providing essential logistics, communications, engineer, and medical support to all deployed Services in the CENTCOM AOR. Elements of the CFLCC staff, some of whom had been in the AOR since June 2001, redeployed to Fort McPherson, GA. Other CFLCC staff members were assigned in support of CJTF-7.

e. (U) CJTF-7 assumed CFLCC's roles, missions and responsibilities as the senior tactical and operational HQs in the ITO. CJTF-7 was also responsible to provide direct support to the CPA. MG Sanchez, the former CDR, 1st AD, was promoted to LTG, and assumed command of V Corps on 14 June 2003 and of CJTF-7 on 15 June 2003. LTG Sanchez transitioned from commanding approximately 15,000 Soldiers in a division to over 180,000 people in a coalition. In a short period, V Corps transitioned from a tactical warfighting Army component HQs to a multinational JTF whose missions and responsibilities extended across the entire spectrum of conflict and included joint, coalition and civilian agencies. Its support to the CPA added a strategic and Political/Military (POLMIL) dimension to its responsibilities. Additionally, "de-Ba'athification" decisions were made at a level above CJTF-7 to exclude certain former Ba'ath party members from participation in the interim Iraqi Government (IIG), and the Iraqi Army was disbanded. These decisions affected the political-military environment in which CJTF-7 operated, which included a level of resistance from the Iraqi Sunni community.

f. (U) A Joint Manning Document (JMD) was developed to delineate the specific skill sets of personnel needed to perform the increased roles and functions of the new HQs. After multiple reviews, the JMD was formally approved for 1400 personnel. The JMD included personnel needed to support the CPA, staff the functional elements needed to focus at the joint operational and strategic levels, and specifically augment

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areas such as intelligence, operations, and logistics. The V Corps staff transitioned to only 495 personnel within the new manning requirement. The new JMD also required that key staff positions be manned by general officers (GOs) rather than the normal colonel level positions on a Corps staff. The CJTF-7 staff began with a strength below 40% and achieved no more than a 60% fill through December 2003.

g. (U) In July 2003, shortly after the stand-up of CJTF-7, LTG Sanchez and the Vice Chief of Staff, Army (VCSA) discussed the lack of intelligence capacity and GO manning in CJTF-7. The VCSA committed to providing additional GOs in support of CJTF-7. The CPA had manning challenges similar to CJTF-7, and little capability outside of Baghdad. In recognition of CPA's personnel shortfalls, CJTF-7 provided hundreds of personnel to augment the CPA staff, and provided considerable direct support to CPA. The Chief of Staff (CofS), CJTF-7, worked full-time at the CPA HQs in support of CPA missions. In the absence of the CofS, MG Walter Wojdakowski, DCG, CJTF-7, assumed the CofS role for the remaining CJTF-7 staff at Camp Victory, Baghdad. Until their dissolution in June 2004, CPA and CJTF-7 worked in concert in recognition that political and military operations in Iraq could not be separate and distinct from one another.

h. (U) There was a belief that a corps, with augmentation, was capable of executing a JTF SASO in a permissive environment. This decision also anticipated a growth in Iraqi capabilities and institutions to assist in that effort. As such, plans for Phase IV (SASO) anticipated a relatively permissive environment. In reality, following the conclusion of major combat operations in May 2003, the conflict transitioned to a terrorist/insurgency environment in August/September 2003. Coalition forces began capturing and interrogating larger numbers of alleged insurgents. AGP, re-opened initially by AMB Bremer as the only available facility to hold criminals pending restoration of the Iraqi national justice and corrections systems, was used to detain and interrogate insurgents and other persons of intelligence interest.

i. (U) The unit with command responsibility for detention operations at AGP was the 800th Military Police (MP) BDE, a US Army Reserve (USAR) unit assigned to CFLCC to conduct internment/resettlement (I/R) operations in theater. The 800th MP BDE was commanded by BG Janis Karpinski, who assumed command on 29 June 2003 from BG Paul Hill, following the end of Phase III operations. On 15 June 2003, the 800th MP BDE was placed under the Tactical Control (TACON) of CJTF-7, while remaining under the operational control (OPCON) of CFLCC.

j. (U) The unit with command responsibility for interrogation operations at AGP was the 205th MI BDE, commanded by COL Thomas M. Pappas since 1 July 2003. The 205th MI BDE was an assigned V Corps unit. COL Pappas, as the senior MI CDR

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in the ITO, was responsible for effectively employing intelligence assets in the accomplishment of assigned missions.

- k. (U) From approximately 5 October to 3 December 2003, a team of subject matter experts from JTF-GTMO, under the OPCON of the 205th MI BDE, assisted in the implementation of the recommendations identified by the Miller Report. The GTMO Team included three interrogators and three analysts, organized into three teams, with one interrogator and one analyst on each, which was the GTMO "Tiger Team" concept. The GTMO Team was tasked with the mission of assisting the building of a robust and effective Joint Interrogation and Debriefing Center (JIDC), and identifying solutions and providing recommendations for the JIDC. This was a deliberate effort in support of the realization by AMB Bremer and LTG Sanchez that the CPA and CJTF-7 required a higher degree of operational intelligence in order to define and combat the growing insurgency.
- l. (U) From 7 to 21 October 2003, a five person Interrogation Support to Counterterrorism (ISCT) Mobile Training Team (MTT) from the US Army Intelligence Center, Fort Huachuca, AZ, conducted an overall assessment of interrogation operations, presented training, and provided advice and assistance at the AGP JIDC. This course was initially developed in response to requirements that surfaced during interrogation operations at GTMO, and specifically to prepare reserve interrogators and order of battle analysts for deployment to GTMO. This was an additional effort to strengthen intelligence gathering skills and effectiveness within the ITO.
- m. (U) In September and October 2003, CJTF-7 published Interrogation and Counter Resistance Policies (ICRP). These policies were prepared at the recommendation of MG G. Miller during his visit to Iraq, and were based on LTG Sanchez' awareness of various DOD policies for GTMO, his own awareness of the applicability of the Geneva Conventions (GCs) in the ITO, and his concerns over the variety of interrogator experience from other theaters. The policy was intended to specify allowable interrogation techniques, ensure safeguards, and facilitate training and execution by the 205th MI BDE CDR.
- n. (U) MG Barbara Fast was the C-2, CJTF-7, and as such was responsible for staff oversight of intelligence and interrogation operations. MG Thomas Miller was the C-3, CJTF-7, and was responsible for staff oversight of detention operations. He exercised staff oversight of detention operations through the PM, CJTF-7. COL Marc Warren was the Staff Judge Advocate (SJA), CJTF-7, and was the principle legal advisor to LTG Sanchez on the applicability of the GCs and the Law of War in the ITO. As the DCG, CJTF-7, MG Wojdakowski supervised the 15 separate brigades (SEP BDEs) that were assigned, OPCON, or TACON to CJTF-7. These SEP BDEs

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included the 205th MI BDE and the 800th MP BDE. He was the rater for COL Pappas, MG Fast, and MG T. Miller. LTG Sanchez was the rater for MG Wojdakowski and COL Warren.

5. (U) Allegation #1: LTG Sanchez was derelict in the performance of his duties pertaining to detention and interrogation operations.

a. (U) The allegation was derived from information contained in the Kern, Jones, and Schlesinger Reports.

b. (U) The Kern Report reflected that there was a lack of clear command and control of detainee operations at the CJTF-7 level, and there was neither a defined procedure nor specific responsibility within the CJTF-7 for dealing with International Committee of the Red Cross (ICRC) visits.

c. (U) The Jones Report reflected that:

(1) (U) The CG, CJTF-7, failed to ensure proper staff oversight of detention and interrogation operations.

(2) (U) The TACON relationship of the 800th MP BDE to CJTF-7 resulted in disparate support from the CJTF-7 staff, lower priority for resources needed for detention operations, and a lack of intrusive, aggressive oversight by the CJTF-7 leadership.

(3) (U) CJTF-7 responsibility for staff oversight of detention operations, facilities, intelligence analysis and fusion, and the limits of authority on interrogation techniques was dispersed among the CJTF-7 staff. The lack of one person on the staff to oversee detention operations and facilities complicated the coordination among the staff.

d. (U) The Schlesinger Report reflected:

(1) (U) LTG Sanchez failed to ensure proper staff oversight of detention and interrogation operations.

(2) (U) LTG Sanchez should have ensured his staff dealt with the command and resource problems. He should have ensured that urgent demands were placed for appropriate support and resources through CFLCC and CENTCOM to the Joint Chiefs of Staff (JCS).

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(3) (U) Commanding officers and their staffs at various levels failed in their duties and such failures contributed directly or indirectly to detainee abuse. Command failures were compounded by poor advice provided by staff officers with responsibility for overseeing battlefield functions related to detention and interrogation operations.

(4) (U) LTG Sanchez delegated responsibility for detention operations to MG Wojdakowski. Intelligence personnel at AGP reported through the C-2. These arrangements had the damaging result that no single individual was responsible for overseeing operations at AGP.

(5) (U) If CDRs and staffs at the operational level had been more adaptive in the face of changing conditions, a different approach to detention operations could have been developed by October 2003. Responsible leaders, to include the CG, CJTF-7, could have set in motion the development of a more effective alternative course of action.

(6) (U) LTG Sanchez was responsible for establishing the confused command relationship at AGP. There was no clear delineation of command responsibility between the 320th MP Battalion (BN) and the 205th MI BDE.

[IO Note: The 320th MP BN was a subordinate unit of the 800th MP BDE, and was directly responsible for the detention mission at AGP.]

(7) LTG Sanchez should have taken more forceful action in November 2003 when he fully comprehended the depth of the leadership problems at AGP. His apparent attempt to mentor BG Karpinski was insufficient in a combat zone in the midst of a serious and growing insurgency.

(8) (U) There was a failure to report the abuses up the chain of command in a timely manner with adequate urgency. The abuses at AGP were known and under investigation as early as January 2004, but the gravity of the abuses was not conveyed up the chain of command to the SECDEF. The Taguba Report was transmitted to LTG Sanchez and the CG, CENTCOM, but the impact of the photos was not appreciated by any of these officers.

(9) (U) CJTF-7 determined that some of the detainees held in Iraq were to be categorized as unlawful combatants. Despite lacking specific authorization to operate beyond the confines of the GCs, CJTF-7 nonetheless determined it was within their command discretion to classify, as unlawful combatants, individuals captured during OIF. CJTF-7 concluded it had individuals in custody who met the criteria for unlawful combatants set out by the President of the United States and extended it in Iraq to

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those who were not protected as combatants under the GCs. CJTF-7 understood there was no authorization to suspend application of the GCs. CJTF-7 had no means of discriminating detainees among the various categories of those protected under the GCs and those unlawful combatants who were not.

6. Allegation #2: LTG Sanchez improperly communicated interrogation policies.

a. (U) The allegation was derived from information contained in the Jones and Schlesinger Reports.

b. (U) The Jones Report reflected policy memorandum promulgated by LTG Sanchez led indirectly to some of the non-violent and non-sexual abuses. Interrogation technique memorandums did not adequately set forth the limits on interrogation techniques. Existence of confusing and inconsistent interrogation technique policies contributed to the belief that additional interrogation techniques were condoned in order to gain intelligence. Lack of consistent policy and command oversight regarding interrogation techniques, coupled with changing policies, contributed to the confusion concerning what techniques could be used, which required higher level approval, and what limits applied to permitted techniques.

c. (U) The Schlesinger Report reflected the policy memoranda promulgated at the CJTF-7 level allowed for the interpretation in several areas and did not adequately set forth the limits of interrogation techniques. The existence of confusing and inconsistent interrogation technique policies contributed to the belief that additional interrogation techniques were condoned.

7. (U) Synopsis:

a. Allegation #1: LTG Sanchez was derelict in the performance of his duties pertaining to detention and interrogation operations.

(1) (U) Article 92 of the Uniform Code of Military Justice (UCMJ) stated dereliction in the performance of one's duties consisted of three elements: a person had certain duties; the person knew or reasonably should have known of those duties; and the person was derelict in the performance of those duties through willfulness, neglect, or culpable inefficiency. Willfully meant intentionally. Negligently meant an act or omission which exhibited a lack of that degree of care which a reasonably prudent person would have exercised under the same or similar circumstances. Culpable inefficiency was inefficiency for which there was no reasonable or just excuse.

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(2) (U) A review of the information relevant to this allegation revealed the following:

(a) (U) As the CG, CJTF-7, LTG Sanchez was responsible for all CJTF-7 operations in CJTF-7's AOR. CDRs were responsible for everything their command did or failed to do. CDRs subdivided responsibility and authority and assigned portions of both to various subordinate CDRs and staff members. As such, LTG Sanchez properly delegated authority for detention and interrogation operations to the CDRs of the 800th MP BDE and 205th MI BDE, respectively. He assigned staff responsibility for detention operations to the C-3, who exercised staff oversight through the PM. He assigned staff responsibility for interrogation operations to the C-2, and assigned overall supervisory responsibility for the CJTF-7 staff to MG Wojdakowski as the de facto CofS. Additionally, he properly delegated authority to MG Wojdakowski to supervise CJTF-7's 15 SEP BDEs, which included the 800th MP BDE and 205th MI BDE. LTG Sanchez knew and accepted his duties as the CG, CJTF-7, regarding detention and interrogation operations.

(b) (U) The evidence established that LTG Sanchez properly provided oversight of those SEP BDEs and elements of the CJTF-7 staff with responsibility for detention and interrogation operations. Through MG Wojdakowski, LTG Sanchez established regular procedures by which he provided oversight of the SEP BDEs, regardless of whether the units were OPCON or TACON to CJTF-7. MG Wojdakowski provided frequent guidance and mentoring to COL Pappas and BG Karpinski, and counseled them regularly. He mentored COL Pappas concerning his broad range of responsibilities as the senior MI CDR in the ITO, the need to develop a disciplined organization, and the need to closely supervise because of the BDE's high-risk operations. MG Wojdakowski and LTG Sanchez both met with BG Karpinski and the out-going CDR of the 800th MP BDE in June 2003, prior to her assumption of command. At that time, BG Karpinski indicated that she was the single CDR responsible for detention operations in the ITO. MG Wojdakowski provided BG Karpinski guidance and direction regarding contracting, logistics, personnel, and force protection issues. He spoke with her almost daily regarding her concerns about personnel and force protection at AGP. He provided her substantial guidance and assistance within CJTF-7's authority and resourcing level while holding her responsible for matters within her control.

(c) (U) The CJTF-7 leadership provided routine oversight of the SEP BDEs through a variety of mechanisms. MG Wojdakowski held thrice-weekly tactical satellite (TACSAT) updates with the SEP BDE CDRs, which kept him and LTG Sanchez abreast of the BDEs and provided the CDRs an opportunity to raise issues and receive guidance on a regular basis. Monthly logistics readiness reviews (LRRs) were held in

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which the CDRs provided MG Wojdakowski updates on their materiel readiness, resource, and life support issues. As these SEP BDE CDRs planned and executed missions, MG Wojdakowski appropriately required that they rehearse and outline their plans to him.

(d) (U) As the de facto CofS, MG Wojdakowski properly managed multiple staff activities pertaining to detention and interrogation operations on a regular, systemic basis. MG Wojdakowski provided oversight of the CJTF-7 staff by synchronizing the daily staff updates to LTG Sanchez, which included intelligence and operations briefings. Liaison officers (LNOs) from the 800th MP BDE were assigned to the PM office that provided a direct line of coordination between the 800th MP BDE and the CJTF-7 staff. The C2X conducted weekly visits to the JIDC that assisted the C-2 in staff oversight of interrogations. MG Wojdakowski provided resources in terms of equipment, supplies, and contracting for the interrogation mission, and received regular updates from MG Fast and COL Pappas. Detainee population numbers and MP strength were regularly briefed to MG Wojdakowski so that he could make management decisions regarding detention facilities. Additionally, CJTF-7 published several fragmentary orders (FRAGOs) that addressed detention operations and the treatment of detainees.

(e) (U) In addition to establishing oversight of the SEP BDEs and staff through MG Wojdakowski, LTG Sanchez was also directly involved in providing such oversight. MG Fast regularly received guidance on intelligence priorities directly from LTG Sanchez, and she or her staff briefed him daily. In the fall of 2003, she accompanied him during a walk-through of AGP to observe on-going detention and interrogation operations, and (b)(7)(D) LTG Sanchez visited AGP several times as part of his effort to periodically visit his units. He met personally with the interrogators at AGP to emphasize the limits of their interrogation authorities. He provided considerable guidance on interrogation operations directly to COL Pappas, and in November 2003, he directed COL Pappas to move to AGP in order to ensure more command oversight of the interrogation operation. LTG Sanchez had frequent interaction with BG Karpinski, and as a result of one of their meetings, directed that AGP become an enduring base, and thus receive higher priority for resources. The evidence indicated that both LTG Sanchez and MG Wojdakowski provided oversight of the 800th MP BDE, a TACON unit, in a manner similar to the oversight provided to CJTF-7's OPCON or assigned units.

(f) (U) CJTF-7 hosted two detention summits in the fall of 2003 that pulled together elements of the CPA, the Iraqi Provisional Government, the CJTF-7 staff (to include the SJA, C-2 and C-3), and representatives from the Divisions, the 205th MI BDE, and the 800th MP BDE. AMB Bremer and the CPA had a legitimate

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political interest for CJTF-7 to expeditiously identify and release eligible civilian detainees back into the populace in order to reduce civil tensions. LTG Sanchez and CJTF-7 had a legitimate military interest to identify, detain and interrogate detainees identified to have intelligence value. Detention summits were a means for CJTF-7 leaders to coordinate and plan for detention and interrogation operations in Iraq, provide guidance, identify resourcing issues, and ensure unity of effort.

(g) (U) LTG Sanchez recognized and addressed the challenges inherent in re-establishing an Iraqi national prison system while concurrently identifying, detaining and interrogating persons of intelligence value. He pro-actively sought assistance and additional resources to address shortfalls in both the detention and interrogation operation. In the summer of 2003, LTG Sanchez requested assistance in detention operations that resulted in MG Ryder's assessment team visit in October 2003. LTG Sanchez was personally briefed by MG Ryder on the results of his detention operations assessment, and he directed the implementation of MG Ryder's recommendations. LTG Sanchez also recognized that CJTF-7's interrogation operations were not configured to produce the actionable intelligence required to fight the insurgency, and identified this as a shortfall to his chain of command. Consequently, MG Fast was sent to direct the establishment of a viable intelligence architecture. In response to the requirement to develop operational intelligence capabilities, MG G. Miller's assessment team provided feedback on the establishment of effective interrogation operations that could produce the intelligence needed to address the growing insurgency. MG G. Miller out-briefed LTG Sanchez personally on the results of his assessment, and later sent interrogation Tiger Teams to assist the 205th MI BDE in establishing this capacity. As such, the evidence established that LTG Sanchez was actively and personally involved in the establishment and assessment of detention and interrogation operations, and was pro-active in responding to identified shortcomings by requesting appropriate assistance.

(h) (U) Strategic leaders were responsible for establishing structure, allocating resources, and articulating strategic vision. As a three-star CG of a combined joint task force, LTG Sanchez properly exercised his responsibilities at the strategic level of leadership. In addition to his responsibilities commanding CJTF-7, LTG Sanchez was appropriately focused on supporting the CPA, interfacing with DOD and the National Command Authority, and contributing to the effort to re-build Iraq's infrastructure. He directed MG Wojdakowski to focus on fighting the coalition's counter-insurgency fight, resourcing CJTF-7's operations, and providing strategic-level oversight of detention and interrogation operations. The senior level of leadership included leaders at the BDE through corps level, and the core responsibility of senior level leaders was the need to develop, motivate, and coach subordinate leaders. LTG Sanchez expected COL Pappas and BG Karpinski, as senior leaders, to exercise aggressive and

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appropriate supervision of their units at AGP through their subordinate staffs and CDRs who, in turn, were required to execute their supervisory responsibilities at the direct level of leadership. As such, LTG Sanchez, as a strategic leader, was not responsible for the direct supervision of Soldiers operating at AGP.

(i) (U) Direct supervision of the MP Soldiers at AGP was the responsibility of the 320th MP BN CDR and his subordinate leaders. Prior to COL Pappas' arrival at AGP in November 2003, direct supervision of the MI Soldiers at AGP was the responsibility of LTC Steven Jordan and subordinate MI leaders in the JIDC. Leaders at the direct level affected values and behavior by establishing day-to-day procedures, practices, and working norms, by their personal example, and by building discipline. The evidence established that the abuses at AGP, most of which were clearly criminal acts, were committed by morally corrupt and unsupervised Soldiers and civilians whose actions went undetected for weeks, and were the result of supervisory failures below the strategic level of leadership. The command and staff failures cited by the Schlesinger Report and attributed directly to detainee abuse were failures in leadership at the BDE and BN levels. These failures were not attributable to a lack of oversight by LTG Sanchez.

(j) (U) LTG Sanchez' ability to provide a higher degree of oversight was hampered by the corps staff's lack of preparation and training as a CJTF; the low manning and experience level of the CJTF-7 staff, to include an initial lack of GO staff officers; CJTF-7's significant support to the CPA; and the demands of the growing insurgency. CJTF-7 was never fully resourced in terms of personnel, either in raw numbers, experience, or grade-level. The CJTF-7 staff did not undergo a battle command training program (BCTP) normally afforded to new corps-level staffs and CDRs prior to assuming the CJTF mission. The JMD reached no more than a 60% fill, and much of the available staff's effort was directed towards support of the CPA. A portion of the staff, to include the CofS, moved from the Main CJTF-7 HQs to co-locate with the CPA. CJTF-7's challenges were exacerbated by the slow fill and short-duration personnel rotations at the CPA attributed to various Service and CPA rotation policies. As a result, a significant portion of the already under-strength staff was devoted to assisting the CPA with the huge mission of reconstructing Iraq's infrastructure and the building of internal Iraqi security forces, adversely affecting LTG Sanchez' ability to provide additional oversight.

(k) (U) LTG Sanchez provided oversight of detention and interrogation operations in a manner that could reasonably be expected considering the broad range of his and his subordinate's responsibilities and the available resources. Given the enormity of CJTF-7's mission and the lack of adequate personnel resources, LTG Sanchez properly subdivided responsibility and authority for detention and

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interrogation operations to the appropriate subordinate CDRs and staff. In spite of multiple responsibilities and significant resource challenges, numerous witnesses testified to efforts made by LTG Sanchez to inform, mentor, direct, resource and supervise his subordinates through a variety of mechanisms. The evidence also established that LTG Sanchez held his staff and subordinate CDRs accountable for their responsibilities, and he expected them to fully employ their own leadership and internal resources prior to asking for additional resources in a constrained environment.

(l) (U) CJTF-7 was criticized for not designating a GO in charge of both detention and interrogation operations. While the desirability for a GO in charge of both operations may have been obvious in hindsight, this approach was not doctrinal. Army doctrine was silent as to who should have overall responsibility for both operations. There was no joint or Army doctrine that suggested a single staff officer or CDR oversee a combined MI and MP operation. As early as November 2003, during the Ryder visit, LTG Sanchez discussed his desire for a MP GO staff principal, and instead received a colonel to serve as the PM. CJTF-7 did not have the resources to create an additional GO position, and the JMD process could not support such a position in a timely manner. Eventually, MG G. Miller was assigned DCG for Detainee Operations, CJTF-7, in April 2004. As such, the initial absence of such a position was not indicative of a lack of action on the part of LTG Sanchez, or of impropriety on his part.

(m) (U) LTG Sanchez and CJTF-7 provided significant resources and took corrective action, within their capability and authority, to improve security and living conditions at AGP. CJTF-7 operated in an austere environment from May-December 2003. Sustaining the force was difficult and dangerous, as all supplies were brought in from outside Iraq and convoys were routinely attacked. LTG Sanchez characterized the challenging logistics posture throughout 2003 as "expeditionary logistics." In addition, much of Iraq's infrastructure was severely damaged and looted far beyond predictions. While the CPA and CJTF-7 hoped to leverage existing Iraqi infrastructure and institutions, the extreme level of degradation and damage became an additional inhibitor rather than a multiplier. As a direct result, Soldiers' and detainees' living conditions alike were difficult and austere throughout Iraq, to include AGP.

(n) (U) When BG Karpinski raised resourcing concerns to LTG Sanchez during his visit to AGP in October 2003, LTG Sanchez directed that AGP be declared an enduring base. AGP was originally intended by CPA to be a temporary facility until a new prison could be built. The status of enduring base gave AGP a higher priority for reconstruction funds from the CPA. As a result, additional funds and engineering effort were applied towards AGP to improve the facilities, and conditions at AGP slowly improved throughout November-December 2003. When the shortage of prisoner clothing was brought to MG Wojdakowski's attention, he directed the CJTF-7 staff to

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purchase additional jumpsuits. Furthermore, testimony indicated that the 800th MP BDE received support in a manner similar to that of CJTF-7's assigned or OPCON units, and the TACON relationship with CJTF-7 did not materially affect their resourcing by CJTF-7. Although the TACON relationship did not require CJTF-7 to provide the 800th MP BDE's logistical support, BG Karpinski was encouraged to obtain her BDE's logistics from the Corps Support Command (COSCOM), which was more convenient for the BDE than moving their supplies from the 377th TSC in Kuwait. There was no evidence that BG Karpinski raised critical logistics issues to the 377th TSC, the 800th MP BDE's OPCON HQs. In sum, LTG Sanchez and his staff were responsive to resource shortcomings that were brought to their attention, and they responded in a manner consistent with their authority and resourcing level in an "expeditionary logistics" environment.

(o) (U) LTG Sanchez acted appropriately when apprised of personnel shortfalls in the 800th MP BDE. The Reserve Component (RC) had no replacement system for individual losses. The 800th MP BDE, as well as other RC units, was eroded in personnel strength due to losses by illness, injury, or demobilization requirements. The shortages were systemic RC issues and not due to lack of oversight on the part of CJTF-7. While CJTF-7 recognized these personnel shortages, they had no means to alleviate them. The theater rotation plan was the only means to significantly affect MP unit strength. Although the Ryder report identified that the 800th MP BDE was under-strength, it also stated that the BDE had a "clear and logical plan" to realign its remaining BN and company sized units to meet its mission requirements. MG Ryder told LTG Sanchez that BG Karpinski had not properly allocated her MP resources, but she could accomplish the mission with the force structure she had. MG Ryder briefed these findings to LTG Sanchez and MG Wojdakowski, who considered MG Ryder's assessment.

(p) (U) Testimony indicated that up to 75% of the Army's MP assets were already in Iraq. Additional MP companies were not available, and some replacement companies for the 800th MP BDE would be in lieu of (ILO) companies. ILO companies were non-MP units, such as field artillery batteries, who were trained to perform MP missions. The most feasible solution for the immediate shortage of MPs was the internal redistribution of the 800th MP BDE's units. Upon becoming aware of BG Karpinski's personnel concerns and the lack of theater replacements, multiple leaders attempted to influence BG Karpinski to internally redistribute her own resources between detention facilities. Testimony indicated she was reluctant to move her units. BG Karpinski did bring reasonable concerns about her personnel strength to MG Wojdakowski, and he properly indicated to her that he could not help her with replacements due to the lack of a replacement system for reservists and the lack of an Army stop loss policy at the time. Both LTG Sanchez and MG Wojdakowski were

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aware that there were few, if any, MP units remaining in the Army available for deployment to Iraq, and in December 2004, MG Wojdakowski moved MPs from the 1st AD to AGP to relieve some of the pressure. LTG Sanchez' and his staff's actions regarding the 800th MP BDE's personnel shortages were appropriate in light of the limited resources available.

(q) (U) The evidence indicated that when force protection issues concerning AGP arose, LTG Sanchez took appropriate action. The C-3 worked battle space management and friendly unit boundary issues external to AGP to reduce instances of mortar attacks. During his walk-through of AGP in October 2003, LTG Sanchez was concerned about the inadequate force protection preparations made by the 320th MP BN and directed corrective action. During his return visit to AGP in November 2003, LTG Sanchez noted that no improvements had been made to AGP's force protection posture, in spite of his directives. MG Fast also noted force protection deficiencies during this same timeframe. (b)(7)(D)



(r) (U) Although the Schlesinger Report indicated that there was no clear delineation of command responsibility between the 320th MP BN and the 205th MI BDE, COL Pappas indicated that he understood his responsibilities with respect to force protection of the FOB and that LTC Jerry Phillabaum, CDR, 320th MP BN, understood that he still had the responsibility to run the detention operation. In fact, by making COL Pappas the FOB CDR, CJTF-7 FRAGO 1108 fixed responsibility for force protection at AGP with the senior CDR present at the prison. FRAGO 1108 did not relieve the 800th MP BDE of its detention operations responsibilities, nor did it place MP Soldiers under the command of the MI BDE. The Kern Report stated that it appeared that BG Karpinski was the only person among the Army leadership involved who misunderstood the FRAGO. There was no credible evidence that LTG Sanchez' designation of COL Pappas as the FOB CDR of AGP for force protection resulted in a confused relationship between the two units at the prison. LTG Sanchez took appropriate and responsible actions to enhance the protection of both Soldiers and detainees at AGP.

(s) (U) Initially, CJTF-7 procedures for dealing with visits by the ICRC were not specifically defined. Prior to October 2003, CJTF-7 enjoyed a good working relationship with the ICRC and worked closely with its members. Following the bombing of the ICRC compound in Baghdad in October 2003, the ICRC moved its operation to Jordan, and the previously close relationship with CJTF-7 waned due to the arrival of new ICRC personnel with whom CJTF-7 had no previous working relationship and to the long

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travel distance. The ICRC's visit to AGP in early October 2003 did not go well due to this loss of a routine working relationship and poor execution by the 320th MP BN. Until the procedure was changed by LTG Sanchez in December 2003, the ICRC's established procedure was to provide its reports to the lowest level of command in order to preserve the confidentiality of the ICRC process. As such, the ICRC provided its Working Paper on the results of the October 2003 visits to AGP that included allegations of detainee abuse, such as forced nakedness and humiliation, to BG Karpinski in November 2003. She provided a written response to the ICRC in late December 2003.

(t) (U) Copies of the Working Paper were made available to members of the Office of the SJA (OSJA), CJTF-7, the 205th MI BDE, the 800th MP BDE, as well as others on the CJTF-7 staff. The few staff members and CDRs who were made aware of the Working Paper's allegations testified they considered many of the allegations to be non-credible based on their inquiries with personnel who spent time at the prison, and did not report or investigate them further. In December 2003, COL Warren informed LTG Sanchez of the procedural problems with the October 2003 ICRC visit. LTG Sanchez directed COL Warren to clarify ICRC visit procedures and directed that all ICRC reports would be reported out through him so that he could remain fully informed and direct corrective action as required. LTG Sanchez was not made aware of the allegations of abuse contained in the Working Paper until February 2004, after the Taguba Investigation had started. Upon being informed by COL Warren of the specifics of the allegations, LTG Sanchez ensured that the allegations were being investigated by MG Taguba. As such, the evidence established that once apprised of the ICRC procedural issues and allegations of abuse, LTG Sanchez took appropriate corrective action to ensure better procedures were established and that the allegations were properly and thoroughly investigated.

(u) (U) Army leaders were responsible for anticipating, managing, and exploiting change; anticipating and solving problems; acting decisively under pressure; and evaluating and accepting risk to exploit opportunity. GOs at the strategic level were responsible for creating structures and programs for ensuring that procedures developed at lower levels further supported Army policies and values. As such, the evidence established that LTG Sanchez took appropriate action with respect to developing courses of action and procedures for detention operations. In the summer of 2003, LTG Sanchez anticipated shortcomings in CJTF-7's ability to execute detention operations of the magnitude that was required and recognized that expert assistance was needed. LTG Sanchez raised his concerns to higher HQs. Subsequently, several assistance teams, to include the Miller and Ryder teams, arrived in the ITO to provide guidance on both detention and interrogation operations. These assistance teams provided on-site training to units involved in the detention and interrogation mission and

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provided examples of applicable SOPs and policies. LTG Sanchez was briefed on and considered the teams' findings. Additionally, interrogation Tiger Teams were sent to the 205th MI BDE to assist with interrogations, and a team from the Intelligence Center was sent to AGP to provide more intelligence operations training.

(v) (U) Furthermore, the CJTF-7 leadership directed the 800th MP BDE to move its HQs to Iraq in order to more closely supervise the detention mission for which it was responsible. Testimony indicated that the C-3 published several FRAGOs providing detention operations guidance and direction. Detention summits were held in order to assess the on-going mission, during which issues were raised and corrective action was directed. When LTG Sanchez declared AGP an enduring base, additional resources were directed towards the improvement of AGP's facilities. The number of detainees was tracked regularly, and as capacities were reached, detainees were cross-leveled between detention facilities. LTG Sanchez was aware that additional MP units were not available, and the Army was using ILO units to replace MP companies in the ITO. As such, his decision to not initiate a request to higher HQs for additional MP forces was reasonable, and instead, BG Karpinski was encouraged to internally redistribute her own resources. Additionally, in December 2003, MPs from the 1st AD were moved to AGP to augment the MP force. The evidence established that the detention mission in Iraq was conducted with the benefit of on-going analysis, periodic assessment, and modification as the mission required and as limited resources allowed. As such, LTG Sanchez' actions with respect to anticipating and developing alternative courses of action as the detention and interrogation mission evolved were appropriate.

(w) (U) By November 2003, LTG Sanchez was seriously concerned about the leadership of the 800th MP BDE at AGP, and he took appropriate action. During his visit to AGP in November 2003, he noted the lack of improvement in the defense preparations by the 320th MP BN and the 800th MP BDE and their failure to follow his previous directives. As a result, he directed that COL Pappas, as the senior CDR present and, in several witnesses' view, a more competent leader, be the FOB CDR in charge of force protection at AGP. He counseled BG Karpinski during this visit regarding his concerns about the lack of force protection improvements, and told her she needed to take all actions commensurate with her rank and authority to take care of her Soldiers, and that if she did not receive the support she needed from his staff, to raise the issue to his level. LTG Sanchez' counsel to BG Karpinski was appropriate and consistent with the unsatisfactory conditions that LTG Sanchez observed at AGP.

(x) (U) Furthermore, during MG Ryder's out-brief on 6 November 2003, LTG Sanchez asked MG Ryder for his considered opinion on BG Karpinski's leadership. MG Ryder thought BG Karpinski was a weak leader, but his team provided her command the requisite tools and resources she needed to order to succeed pending

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their scheduled redeployment in early 2004. LTG Sanchez considered seeking BG Karpinski's relief, but decided that since her unit had just undergone a thorough, constructive assessment by MG Ryder's team of detention experts, he would provide her an opportunity to improve her command. Additionally, had he chosen to remove BG Karpinski from command, the evidence established that there were no readily available backfills. MG Ryder informed LTG Sanchez that there were no available MP GOs in the active component (AC) or RC, and the number of MP COLs was very limited. Replacement units for the 800th MP BDE were scheduled to start arriving in January 2004, and the CDRs of those units were reputed to be competent officers. LTG Sanchez believed that BG Karpinski was provided the information and tools she needed to successfully accomplish the detention mission, and, given that he did not have a viable replacement, justifiably made the decision to retain her in command. LTG Sanchez' decision to retain BG Karpinski as the CDR, 800th MP BDE, was a considered one, and was within his authority as the CG, CJTF-7. As such, his decision did not violate an Army standard.

(y) (U) LTG Sanchez and other leaders in CJTF-7 understood the difference between the categorization of a detainee as an enemy combatant and an unlawful combatant, and applied the proper categorization to the detainees held at AGP. LTG Sanchez testified that an unlawful combatant was not the same as an enemy combatant. The term "unlawful combatant" as used in the President's memorandum [of 2002] applied to a category of terrorist to whom the GCs did not apply as a matter of law, such as those detainees held at GTMO. Unlawful combatants were persons who took up arms against occupation forces and did not meet the criteria for enemy prisoner of war (EPW) status and, accordingly, immunity from prosecution for war-like acts. CJTF-7's position was that unlawful combatants in Iraq were nonetheless protected persons under the fourth GC and were afforded the protected status of civilian security detainee. This allowed internees to be prosecuted before the Central Criminal Court of Iraq for attacks on coalition forces, but still afforded them protections under the GCs. The term "unlawful combatant" was never adopted by CJTF-7 because the leadership understood that the GCs were fully applicable to Iraq. The Schlesinger Panel apparently confused the terms and contended that CJTF-7 adopted the 'unlawful combatant' approach. This course of action was rejected by CJTF-7 because the GCs were fully applicable to Iraq. As such, there was no credible evidence that LTG Sanchez improperly permitted the incorrect categorization of detainees in Iraq as "unlawful combatants" who were not subject to the GCs.

(z) (U) The standard required that to prove dereliction of duty, the person, who had a duty and was knowledgeable of such duty, was required to be derelict in the performance of the duty through willfulness, neglect, or culpable inefficiency. The preponderance of the evidence indicated that LTG Sanchez was not willfully derelict,

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negligent, or culpably inefficient with respect to his duties regarding detention and interrogation operations.

(aa) (U) Multiple senior leaders, either in LTG Sanchez' chain of command or in positions to make such judgments, unanimously testified to the overwhelming responsibilities placed on LTG Sanchez and CJTF-7 and to his admirable performance of duty in a resource-constrained and hazardous combat theater. No senior leader interviewed believed that LTG Sanchez was derelict in his duties. On the contrary, the Jones Report indicated that the CJTF-7 staff performed above expectations in the overall scheme of OIF, in a "tremendously horrid environment" while confronting "a faceless enemy whose hatred of the US knew no limits." The report further stated that had the pace of combat operations and the support to the CPA not been so overwhelming, the CJTF-7 staff might have been able to provide additional oversight to interrogation operations at AGP. LTG Sanchez had a huge scope of responsibility with respect to the support of the CPA, the building of an Iraqi security force, and the reconstruction of Iraq, but he also had to focus on the defeat of the insurgency that was killing his Soldiers. When the complexity, circumstances, and scope of the insurgency were considered, the evidence indicated LTG Sanchez exceeded expectations. His accomplishments were especially noteworthy given the under-resourced and inexperienced staffs in CJTF-7 and CPA with which LTG Sanchez had to work. It was undisputed that a horrible incident took place at AGP. LTG Sanchez reported it quickly once it was brought to his attention because he recognized that it was a major problem, and promptly initiated an investigation. When the Taguba investigation was complete, LTG Sanchez took the additional step of requesting a second investigation, which was ultimately completed by GEN Kern, to thoroughly and completely investigate all the abuse incidents at AGP. There was no effort by LTG Sanchez or his staff to minimize, hide, or ignore the situation. LTG Sanchez accepted responsibility for his command, held those within his command responsible for their actions, and directed investigations to identify failures and fix responsibility.

(bb) (U) There was no evidence that LTG Sanchez was derelict in his duties with respect to detention and interrogation operations through willfulness, neglect, or culpable inefficiency. On the contrary, LTG Sanchez consistently and pro-actively took appropriate action at the strategic level of leadership regarding the oversight, resourcing, and planning for both missions. There was no evidence of negligence, culpable inefficiency, or willful dereliction. LTG Sanchez recognized early on that there were shortfalls in the detention and interrogation missions, and immediately requested assistance, resulting in the Ryder and Miller team visits and the subsequent deployment of follow-on training and assistance teams. LTG Sanchez pushed for a greater fill of GOs on the staff to provide the level of authority and experience needed to operate at a CJTF level, and received GOs for several key staff positions. He requested a GO for

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detention operations in recognition of the challenges that remained in that area, but a GO did not arrive until March-April 2004. When resourcing shortcomings at AGP were brought to his attention, he declared AGP an enduring base and additional funds and engineering effort were directed to the prison. He personally inspected the force protection preparations at AGP, and upon determining that the defense measures were unsatisfactory, immediately made the decision to change the TACON relationship at AGP to ensure force protection improvements were made. He emphasized the humane treatment of Iraqi citizens and the applicability of the GCs in multiple FRAGOs and during his personal visit with the interrogators at AGP.

(cc) (U) By all accounts, LTG Sanchez was an involved leader who took the time to visit his units and Soldiers and readily directed corrective action when he observed problems or when issues were brought to his attention. As GEN Kern testified, LTG Sanchez' integrity in establishing accountability was very clear, and he held himself personally responsible for what happened. While certain alternative actions, in hindsight, might have been more effective or beneficial, LTG Sanchez' actions, in the context of the environment in which they occurred, were not willfully derelict, negligent, or culpably inefficient. Rather, the austere environment, lack of staff, and growth of responsibilities all created obstacles that LTG Sanchez and the CJTF-7 staff successfully overcame through, by all accounts, heroic efforts. As such, LTG Sanchez' actions regarding detention and interrogation operations were not indicative of an impropriety. Instead, LTG Sanchez' efforts to provide appropriate oversight of detention and interrogation operations were pro-active, continuous, doctrinal, and properly within the scope of responsibility attributed to a strategic level leader.

(dd) (U) The preponderance of the evidence indicated that LTG Sanchez was not derelict in the performance of his duties pertaining to detention and interrogation operations.

b. (U) Allegation #2: LTG Sanchez improperly communicated interrogation policies.

(1) (U) AR 600-100 stated that all leaders were responsible for effectively communicating vision, purpose, and direction. GOs at the strategic levels of the Army were responsible for creating policies, structures, and programs. They affected all members junior to them by formulating policies that supported and sustained Army values, and by ensuring that procedures developed at lower levels further supported Army policy and values.

(2) (U) A review of the information relevant to this allegation revealed the following:

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(a) (U) The development of CJTF-7 interrogation policy was part of a broad, deliberate and iterative effort by LTG Sanchez to meet recognized needs in detention and interrogation operations. As cited previously, AGP was re-opened by the CPA to begin to reestablish the Iraqi prison system. As CJTF-7 became increasingly involved in counter-insurgency operations, AGP was also used for the detention of civilian security detainees suspected to be involved in the insurgency. MI units were assigned to AGP to establish an initial interrogations capacity. MG Fast arrived at CJTF-7 and was charged to develop an operational intelligence capability for CJTF-7 and the CPA. In August 2003, CJTF-7 requested the MG Ryder assessment, a strategic look at both military and Iraqi national detention systems. At about this time, LTG Sanchez determined that the current interrogation efforts were not producing the actionable intelligence needed to fight the insurgency. He was concerned about the training and experience level of the interrogators and the lack of a theater-level interrogation policy. Early in September 2003, MG G. Miller visited the ITO to provide recommendations in support of improved operational interrogation capabilities.

(b) (U) During his out-brief to LTG Sanchez in September 2003, MG G. Miller recommended that CJTF-7 develop interrogation authorities and promulgate a memorandum because the interrogators were unsure of their authorities. LTG Sanchez agreed, and directed COL Warren to take the lead on the development of a CJTF-7 interrogation policy. A working group consisting of SJA officers and MI personnel from the 205th MI BDE drafted the interrogation policy. The 14 September 2003 policy drew heavily from the 16 April 2003 SecDef Global War on Terrorism (GWOT) memorandum to the CDR, US Southern Command (USSOUTHCOM) that provided interrogation guidance to JTF-GTMO. MG G. Miller provided a copy of the GWOT memorandum to CJTF-7 to use as a source for their interrogation policy, with the understanding that it required modification for use in a theater in which the GCs applied. The 14 September 2003 CJTF-7 policy also drew from the 1987 version of Field Manual (FM) 34-52, Intelligence Interrogation, as well as the prior experience of MI personnel in Afghanistan, and it included several safeguards. The policy was not staffed with MG Fast, who was out of the theater. The final policy was reviewed by COL Warren, whom LTG Sanchez trusted as an acknowledged Army expert on operational law. COL Warren personally briefed LTG Sanchez on the policy, and after he was assured the policy adequately defined the interrogation authorities while complying with the GCs, LTG Sanchez signed the memorandum. Based on his determination that the need for an interrogation policy was urgent, LTG Sanchez made the conscious decision to implement the 14 September 2003 policy while simultaneously sending it to CENTCOM for comment.

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(c) (U) The CENTCOM SJA was concerned that while the interrogation techniques were not illegal per se, the policy should more closely follow FM 34-52 and be more restrictive. As a result, the policy was modified to include only techniques found in the 1987 version of FM 34-52, plus segregation, and additional restrictions were applied. The 12 October 2003 policy was disseminated through the normal FRAGO process. The CENTCOM SJA had no objections to the October policy.

(d) (U) Internal CJTF-7 staffing of the interrogation policies was not ideal and this was influenced by several factors. Interrogation experience and expertise in CJTF-7 resided in the 205<sup>th</sup> MI BDE. Operational law expertise lay with COL Warren, the SJA. MG Fast, the C-2, was not in theater due to medical reasons during preparation of the 14 September 2003 policy. (b)(7)(D)

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 (b)(7)(D) Interrogation expertise in the 205<sup>th</sup> MI BDE was greater than in her C-2 organization. The limitations of internal secure communications within CJTF-7, the physical dispersion of the staff, and the urgency of the requirement also hampered traditional staffing procedures. In retrospect, while a broader staffing of the policy with MG Fast was desirable, and could have potentially improved clarity, the evidence indicated such staffing would not have significantly affected the substance of the policy.

(e) (U) The development of the CJTF-7 interrogation policy was a deliberate, iterative process that involved appropriately knowledgeable personnel in the 205<sup>th</sup> MI BDE, who would be implementing the policy, and the SJAs of CJTF-7 and CENTCOM. The absence of staffing with MG Fast was a potential shortcoming, although mitigated by urgent and difficult circumstances. In light of LTG Sanchez' concern over the need for a theater interrogation authority to define the interrogators' limits, a failure to publish such policy would have potentially been a far greater shortcoming. Additionally, CJTF-7's publication of two different interrogation policies within a month of each other was not improper, nor did that render the policies inconsistent. Although the policy changed significantly from September to October, those changes were in response to identified CENTCOM concerns that were then considered and accepted by the SJA, CJTF-7. Both policies were rooted in FM 34-52, and both required that all interrogations be conducted in accordance with the GCs. As such, the policies' fundamental focus was not inconsistent from one version to the next.

(f) (U) The Jones Report found that some personnel at AGP were confused regarding which interrogation techniques were authorized for use, in spite of LTG Sanchez' attempt to specify a range of interrogation techniques and safeguards. The Jones Report further stated that misinterpretation of CJTF-7 policy memorandums led to some of the non-violent and non-sexual abuses at AGP. The Kern Report cited

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portions of the September and October 2003 policies that, in the report author's view, were confusing. The portions pertained to the concept of the interrogator's control of all aspects of the interrogation, use of military working dogs, and isolation vs. segregation. However, both MG Fast and LTG Sanchez personally visited with the interrogators in October 2003, inquired into the interrogators' understanding of the policy, and stressed the importance of conducting interrogations within the constraints of the GCs. Neither noted any confusion among the interrogators with whom they met, nor were questions raised regarding the policies. The Church Report found that even if interrogators were confused by the issuance of multiple interrogation policies, none of the approved policies would have permitted the types of abuses that occurred. There was no evidence that clarification of the policies was ever sought by anyone in the 205th MI BDE that may have resulted in a subsequent review and modification of the policy.

(g) (U) Additionally, the 14 September 2003 policy was an amalgam of interrogation techniques already in use at GTMO and Afghanistan. While this "migration" of interrogation techniques was criticized by the Schlesinger Report, it was not unreasonable for the drafters of the policies to incorporate techniques used successfully in other theaters. The FM used by the drafters was 16 years old at the time, and LTG Sanchez already determined that interrogations using only techniques specified by the FM were not producing the intelligence needed to fight the insurgency. MG G. Miller confirmed this shortcoming during his assessment visit, and provided the GWOT memorandum as a resource for the development of a CJTF-7 policy with the caveat that it required modification for the ITO because the GCs applied. Non-FM techniques were not specifically prohibited for use in Iraq. The GWOT memorandum was addressed only to the CDR, SOUTHCOM. No DOD or CENTCOM guidance existed that specified or limited interrogation authorities for any other theater. As such, it was not improper for LTG Sanchez to include effective techniques previously approved for another theater in his interrogation policy for the ITO.

(h) (U) The evidence established that both the September and October 2003 policies included adequate limits and safeguards for the conduct of interrogations. The investigating officer for the PSI that inquired into the actions and legal advice provided by CJTF-7 legal personnel found that neither policy violated the GCs. Additionally, the Church Report found no direct or indirect link between interrogation policy and detainee abuse. The Church Report further found that much of the substantiated abuse was unconnected to any interrogation technique or policy, as it was committed by personnel who were not MI interrogators and who almost certainly did not know the details of the policies. Both CJTF-7 policies required that interrogators conduct interrogations in accordance with the GCs and detailed safeguards. Both policies prescribed specific techniques authorized for use and required personal approval by LTG Sanchez for the



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use of any technique not listed in the policy. The C-2 and SJA were required to review any written request for use of a non-specified technique prior to forwarding to LTG Sanchez for approval. No requests for additional techniques were ever sent to LTG Sanchez. Both policies required the development of specific interrogation plans, trained interrogators, and appropriate supervision during execution.

(i) (U) A proper analysis of the CJTF-7 interrogation policies cannot be conducted without a consideration of the responsibilities of leaders below LTG Sanchez' level. As the CG, CJTF-7, LTG Sanchez operated at the strategic level of leadership. Army leaders were responsible for effectively communicating vision, purpose, and direction. GOs at the strategic level were responsible for creating policies, structures, and programs that supported and sustained Army values, and for ensuring that procedures developed at lower levels further supported Army policy and values. By promulgating the CJTF-7 interrogation policies, LTG Sanchez properly communicated explicit interrogation authorities for implementation by the 205th MI BDE and provided the overarching structure by which the 205th MI BDE would conduct interrogation operations. These policies provided the guidance COL Pappas, as a senior leader, was to use to develop specific implementation guidance and standard operating procedures for the execution of the interrogation policies. In turn, MI leaders at the direct level of leadership in the JIDC were responsible for developing interrogation plans, training their interrogators, and supervising the execution of interrogations in accordance with the CJTF-7 policies and, accordingly, the GCs. The Jones Report found that leaders at AGP failed to supervise their units or provide direct oversight of the interrogation mission. This failure of leadership occurred at the 205th MI BDE level or below. It was not attributable to LTG Sanchez, who, in fact, acted properly as a strategic leader by communicating direction and guidance via the CJTF-7 interrogation policies. These policies ultimately required interrogations be conducted in accordance with the GCs. In hindsight, the policies could have been written in a more clear fashion. However, LTG Sanchez' decisions to promulgate interrogation policies in the absence of any other guidance, revise the policies when provided valid constructive concerns, and disseminate the policies to the senior MI CDR in the ITO for implementation, were appropriate and properly within his scope of responsibilities as a strategic leader. As such, his actions did not violate an Army standard.

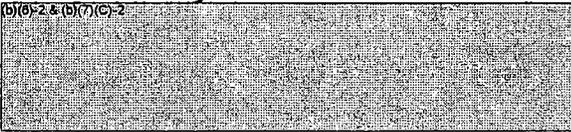
(3) (U) The preponderance of the evidence indicated that LTG Sanchez did not improperly communicate interrogation policies.

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8. (U) Recommendations:

a. (U) Record the allegations against LTG Sanchez in the IN database as unsubstantiated.

b. (U) File this report as DIG 05-80001.



COL, IG  
Chief, Preliminary Inquires



DAC, IG  
Lead Investigator

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LIST OF EXHIBITSEXHIBIT ITEM

A	Allegation
B	Standards
B-1	Article 92, UCMJ
B-2	AR 600-100
C	Documents
C-1	AR 600-100
C-2	FM 101-5
C-3	FM 101-5-1
C-4	AR 600-20
C-5	GWOT memorandum, dated 16 April 2003
C-6	FRAGO 412
C-7	FRAGO 415
C-8	LTG Sanchez memorandum, dated 11 August 2003
C-9	FRAGO 749
C-10	Memorandum, dated 14 September 2003
C-11	Memorandum, dated 12 October 2003
C-12	FRAGO 1301
C-13	Ryder Report
C-14	ICRC Working Paper
C-15	FRAGO 1108
C-16	Response to ICRC, dated 24 December 2003
C-17	Memorandum of Admonishment
C-18	COL Pappas Statement, dated 11 February 2004
C-19	Taguba Report
C-20	COL Pappas Statement, dated 14 May 2004
C-21	MG Wojdakowski Statement, dated 17 May 2004
C-22	DAIG-ID Inspection Report
C-23	Kern Report
C-24	Fay Report
C-25	Jones Report
C-26	Schlesinger Report
C-27	LTG Sanchez statement to DAIG, dated 26 October 2004
C-28	COL <span style="border: 1px solid black; padding: 0 2px;">(b)(7)(C)-2</span> statement, dated 30 December 2004
C-29	PSI, dated 25 January 2005
C-30	Church Report

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	Testimony	
D-1	BG [REDACTED] dated 15 February 2004	FOIA: No
D-2	BG [REDACTED] dated 18 July 2004	FOIA: No
D-3	MG Fay, dated 13 September 2004	FOIA: Yes
D-4	LTG Jones, dated 14 October 2004	FOIA: Yes
D-5	COL [REDACTED] dated 21 October 2004	FOIA: No
D-6	MG [REDACTED] dated 21 October 2004	FOIA: No
D-7	COL [REDACTED] dated 22 October 2004	FOIA: Yes
D-8	MG [REDACTED] dated 22 October 2004	FOIA: No
D-9	LTG [REDACTED] dated 27 October 2004	FOIA: No
D-10	MG [REDACTED] dated 29 October 2004	FOIA: No
D-11	MG [REDACTED] dated 9 November 2004	FOIA: No
D-12	GEN Kern, dated 24 November 2004	FOIA: Yes
D-13	MG [REDACTED] dated 29 October 2004	FOIA: No
D-14	GEN [REDACTED] dated 13 December 2004	FOIA: No
D-15	AMB Bremer, dated 21 December 2004	FOIA: Yes
D-16	LTG [REDACTED] dated 26 October 2004	FOIA: No

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**ANNEXES**

ANNEX 1 - Standards

ANNEX 2 - Documents

ANNEX 3 - Testimony

ANNEX 4 - Discussion

ANNEX 1

SAIG-IN (20-1b) ANNEX 1 (STANDARDS) to DIG 05-800001

1. (U) Article 92, Uniform Code of Military Justice (UCMJ), Manual for Courts-Martial (MCM), 2002 edition, stated dereliction in the performance of one's duties consisted of three elements:

(1) (U) A person had certain duties. A duty was imposed by treaty, statute, regulation, lawful order, standard operating procedure (SOP), or custom of the service.

(2) (U) The person knew or reasonably should have known of those duties. Actual knowledge of duties could be proved by circumstantial evidence. Actual knowledge did not need to be shown if the individual reasonably should have known of the duties. This could be shown by regulation, training or operating manuals, customs of the service, testimony of persons who held similar or superior positions, or similar evidence.

(3) (U) The person was derelict in the performance of those duties through willfulness, neglect, or culpable inefficiency. Willfully meant intentionally. Negligently meant an act or omission of a person who was under a duty to use due care which exhibited a lack of that degree of care which a reasonably prudent person would have exercised under the same or similar circumstances. Culpable inefficiency was inefficiency for which there was no reasonable or just excuse. (EXHIBIT B-1)

2. (U) AR 600-100, Army Leadership, dated 17 September 1993, stated in paragraph 2-1 that all leaders were responsible for effectively communicating vision, purpose, and direction. General officers at the strategic levels of the Army were responsible for creating policies, structures, and programs. They affected all members junior to them by formulating policies that supported and sustained Army values, and by ensuring that procedures developed at lower levels further supported Army policy and values. (EXHIBIT B-2)

ANNEX 2

## SAIG (20-1b) ANNEX 2 (DOCUMENTS) to DIG 05-80001

## 1. (U) AR 600-100, Army Leadership, dated 17 September 1993, stated:

a. (U) In paragraph 1-6, each organizational level of the Army required a different mix of leadership skills. Leadership at the lower levels was direct, face-to-face, and relatively short term in its outlook. As leaders ascended the organizational ladder, leadership tasks became more complex. Senior leaders had responsibility for large organizations or systems. They exercised leadership indirectly through staffs and subordinate leaders. As leaders moved into the most complex and highest levels of the Army, or became involved in the strategic arena, the ability to conceptualize and integrate became increasingly important. Leaders at that level focused on establishing the fundamental conditions to fight wars or conduct operations other than war.

b. (U) In paragraph 1-7, total Army leadership policy recognized three levels of leadership requirements: direct, senior and strategic. The direct level was the front-line or first level of leadership. It included leaders from the squad through battalion levels of tactical units. The senior level existed in more complex organizations, from the BDE through corps levels in tactical units. Senior leaders tailored resources to organizations and programs. The strategic level of leadership existed at the highest levels throughout the Army. It included leaders from the Field Army through national levels. Strategic leaders established structure, allocated resources, and articulated strategic vision. Skills required for effective leadership at this level included technical competence on force structure and integration, unified, joint, combined, and interagency operations, and management of complex systems.

c. (U) In paragraph 2-1, all leaders were responsible for anticipating, managing, and exploiting change; anticipating and solving problems; acting decisively under pressure; and evaluating and accepting risk to exploit opportunity. GOs at the strategic level were responsible for creating policies, structures and programs and for ensuring that procedures developed at lower levels further supported Army policy and values. (EXHIBIT C-1)

## 2. (U) Field Manual (FM) 101-5, Staff Organizations and Operations, dated 31 May 1997, stated:

a. (U) On page 1-1, command was the authority a CDR in military service lawfully exercised over subordinates by virtue of rank and assignment. Command included the authority and responsibility for effectively using available resources and for planning the employment of, organizing, directing, coordinating, and controlling military forces for the accomplishment of assigned missions.

## SAIG (20-1b) ANNEX 2 (DOCUMENTS) to DIG 05-80001

b. (U) On page 4-1, when the CDR assigned a staff member a mission, he also delegated authority for the staff member to accomplish the mission. Having delegated the authority, the CDR had to provide the staff member with the guidance, resources, and support necessary to accomplish the mission.

c. (U) On page 4-2, the CofS was the CDR's principal assistant for directing, coordinating, supervising, and training the staff, except in the areas the CDR reserves. The CDR delegated executive management authority to the CofS.

d. (U) On page 4-10, the G-2 was the principal staff officer for all matters concerning MI, counter-intelligence, security operations, and MI training. MI involved collecting, processing, producing, and disseminating intelligence.

[IO Note: The C-2 was the equivalent of the G-2 at the CJTF-level.]

e. (U) On pages 4-12 through 4-14, the G-3 was the principal staff officer for all matters concerning training, operations and plans, and force development and modernization. The G-3 was responsible for staff planning and supervision of the Provost Marshal (PM). On page 4-27, the PM was the special staff officer responsible for coordinating MP assets and operations. The PM planned and supervised internment and resettlement operations, to include collection, detention and internment, protection, sustainment, and evacuation of enemy prisoners of war and civilian internees.  
(EXHIBIT C-2)

[IO Note: The C-3 was the equivalent of the G-3 at the CJTF-level.]

3. (U) FM 101-5-1, Operational Terms and Graphics, dated 30 September 1997, stated in Chapter 1 that the term TACON was defined as the detailed and local direction and control of movements necessary to accomplish missions or tasks assigned. TACON allowed CDRs below combatant command level to apply force and direct the tactical use of logistics assets, but did not provide authority to change organizational structure or direct administrative or logistical support. (EXHIBIT C-3)

4. (U) AR 600-20, Army Command Policy, dated 13 May 2002, stated in paragraph 2-1, the chain of command assisted CDRs at all levels to achieve their primary function of accomplishing the unit's assigned mission. CDRs were responsible for everything their command did or failed to do. However, CDRs subdivided responsibility and authority and assigned portions of both to various subordinate CDRs and staff members. In this way, a proper degree of responsibility became inherent in each command echelon. CDRs delegated sufficient authority to Soldiers in the chain of command to accomplish their assigned duties, and CDRs could hold these Soldiers

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responsible for their actions. The need for a CDR or staff officer to observe proper channels in issuing instructions or orders had to be recognized. (EXHIBIT C-4)

5. (U) In a memorandum for the CDR, USSOUTHCOM, dated 16 April 2003, Counter-Resistance Techniques in the War on Terrorism, the SecDef approved 24 counter-resistance techniques limited to the interrogation of unlawful combatants held at GTMO. It was reiterated that US Armed Forces would continue to treat detainees humanely, and, to the extent appropriate and consistent with military necessity, in a manner consistent with the principles of the GCs. If the techniques of Incentive/Removal of Incentive, Pride and Ego Down, Mutt and Jeff, and Isolation were intended to be used, prior notification of the SecDef was required. If additional interrogation techniques were required for a particular detainee, a written request to the SecDef was required. (EXHIBIT C-5)

[IO note: This memorandum was commonly referred to as the Global War on Terrorism (GWOT) memorandum.]

6. (U) CJTF-7 FRAGO 412, dated 15 July 2003, AGP Complex Protection, indicated that AGP received attacks over the previous seven days. The unit responsible for running AGP lacked equipment and Soldiers to adequately prevent, respond to, or repel attacks, and defeat and destroy terrorists conducting the attacks. A unit was directed to provide external security patrols. (EXHIBIT C-6)

7. (U) CJTF-7 FRAGO 415, dated 15 July 2003, provided guidance on procedures for the detention, investigation, and release of detainees.

a. (U) The FRAGO stated that units apprehending persons suspected of criminals would ensure that physical evidence was preserved and forwarded with the suspect to AGP. Detainees would be treated by all coalition forces with personal dignity and in accordance with international humanitarian law. CDRs were responsible for continually training their units on the Soldier's Code of Conduct and its strict enforcement.

b. (U) At AGP, all detainees would be treated with dignity and respect for their persons and property. Units responsible for detention operations would follow applicable international law concerning humanitarian treatment of prisoners, and were responsible for training their Soldiers on the Code of Conduct and its strict enforcement. Detention officials would handle all prisoners with the minimum force necessary.

c. (U) All coalition units were responsible for conducting unit level training on the Code of Conduct and its strict enforcement. Training included proper treatment of those apprehended for suspected criminal activity IAW international humanitarian law. The

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800th MP BDE would forward the FRAGO to all detention facilities under its control, and conduct training on graduated force and standards of conduct by MPs. (EXHIBIT C-7)

8. (U) In a memorandum for the CDR, CENTCOM, dated 11 August 2003, LTG Sanchez requested a team of subject matter experts to assess and make specific recommendations concerning detention and interrogation operations in Iraq. The team needed to be prepared to make recommendations and identify the resources needed to ensure detainees were held and processed in accordance with US and international law. CJTF-7 needed expertise and assistance in several areas, to include detainee management, detainee databases and records, interrogation prioritization and management, integration of military detention and corrections operations with the CPA, and means of command and control of the detention and corrections system. (EXHIBIT C-8)

9. (U) CJTF-7 FRAGO 749, dated 24 August 2003, reflected that the order consolidated prior detainee orders and guidance and controlled detention and processing of all civilian internees and EPWs. The FRAGO defined the different classes of prisoners and the processes utilized by the capturing and detaining units. Once detained or interned by coalition forces, persons would be treated in accordance with international and humanitarian law. Units responsible for Detention/Internment Operations would follow applicable international law concerning humanitarian treatment of prisoners and be responsible for training their units in the Soldier's code of conduct and its strict enforcement. Detention officials would handle all prisoners with the minimum force necessary as required by the situation. (EXHIBIT C-9)

10. (U) A memorandum for the C-2, CJTF-7; the C-3, CJTF-7; and the CDR, 205th MI BDE, dated 14 September 2003, prescribed interrogation techniques authorized for CJTF-7. Several techniques required LTG Sanchez' approval before use. Use of any interrogation technique not specifically listed required approval by LTG Sanchez after review by the C-2 and SJA. Implementation guidelines were to be provided by the CDR, 205th MI BDE. Multiple safeguards for the execution of interrogation operations were included. Interrogator training, interrogation plans, and supervision were required. (EXHIBIT C-10)

11. (U) A memorandum for the C-2, CJTF-7; the C-3, CJTF-7; and the CDR, 205th MI BDE, dated 12 October 2003, prescribed updated interrogation techniques authorized for CJTF-7. Use of the techniques was limited to a specific category of detainees. Guidance was provided regarding segregation of security detainees. Use of any interrogation technique not specifically listed required approval by LTG Sanchez after review by the C-2 and SJA. Multiple safeguards for the execution of interrogation

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operations were included. Interrogator training, interrogation plans, and supervision were required. (EXHIBIT C-11)

12. (U) CJTF-7 FRAGO 1301, 1st AD Provides One MP Platoon to AGP, dated 31 December 2003, directed 1st AD to provide an MP platoon to AGP to provide security. (EXHIBIT C-12)

13. (U) The Ryder Report, dated 5 November 2003, stated:

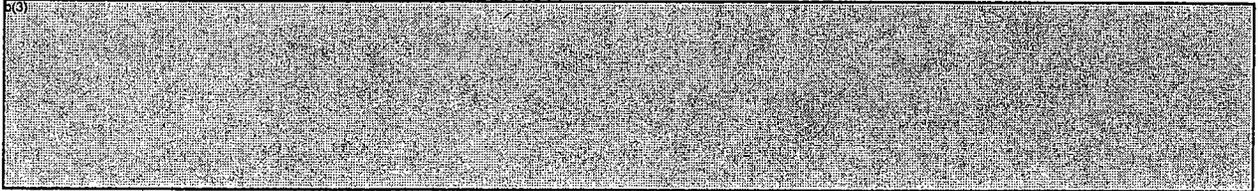
a. (U) Coalition Forces were detaining enemy prisoners of war (EPWs) and civilian internees (both security and criminal detainees) in accordance with DOD Directives and accepted US and international practices. Generally, conditions in existing prisons, detention facilities and jails met minimal standards of health, sanitation, security, and human rights established by the Geneva Conventions (GCs). There was "room for continued improvement" in all areas.

b. (U) The major themes of the assessment were consolidation, separation, standardization, enable the CPA Ministry of Justice Prisons Department, and enable decentralized execution/initiative. The management of multiple disparate groups of detained persons in a single location by members of the same unit invited confusion about handling, processing, and treatment, and typically facilitated the transfer of information between different categories of detainees.

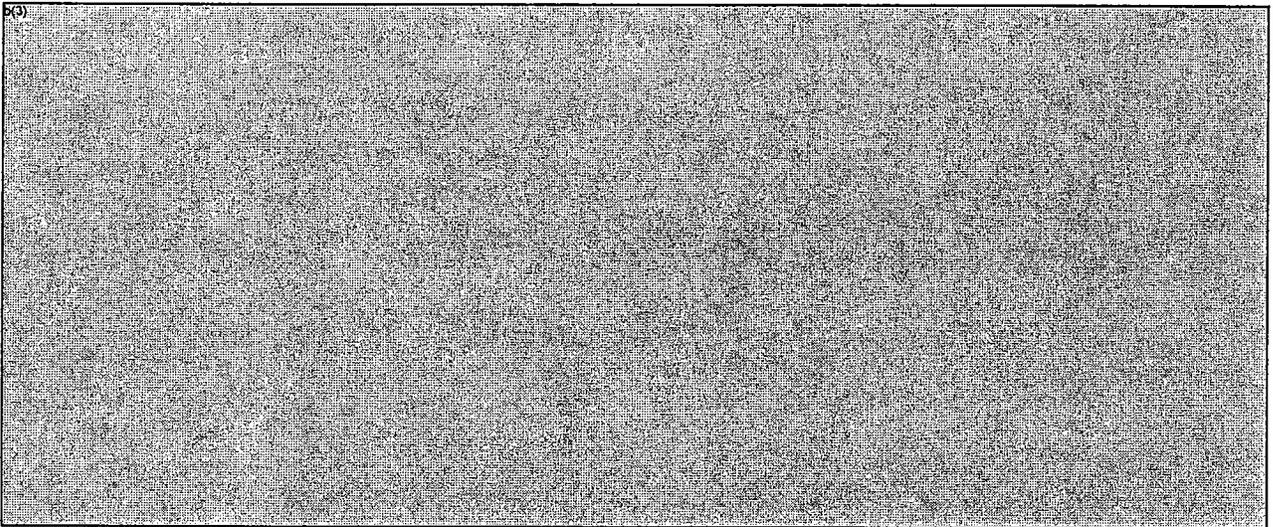
c. (U) There was wide variance in standards and approaches at the various detention facilities. Several had flawed or insufficiently detailed use of force and other SOPs or policies (improper restraint techniques). "However, it should also be noted that the assessment team members did not identify any [MP] units purposely applying inappropriate confinement practices." There was a "significant paradigm shift" in standard EPW/detainee operations doctrine, as applied to post-hostilities detention of security internees, let alone the reconstruction of the Iraqi prison system.

d. (U) Since the transfer of authority on 15 June 2003, between CFLCC and CJTF-7, the 800th MP BDE, a theater asset, was tasked to expand from its previous standard EPW operations, to add detention of security internees, high-value detainees, criminal detainees, and support the establishment of Iraqi jails and prisons throughout Iraq. The 800th MP BDE units were generally under strength, since Reserve Component (RC) units did not have an individual replacement system to mitigate medical losses or the departure of Soldiers who reached 22 months of Federal active duty. The 800th MP BDE had a "clear and logical plan" to realign its remaining battalion and company-sized units to meet its mission requirements. (EXHIBIT C-13)

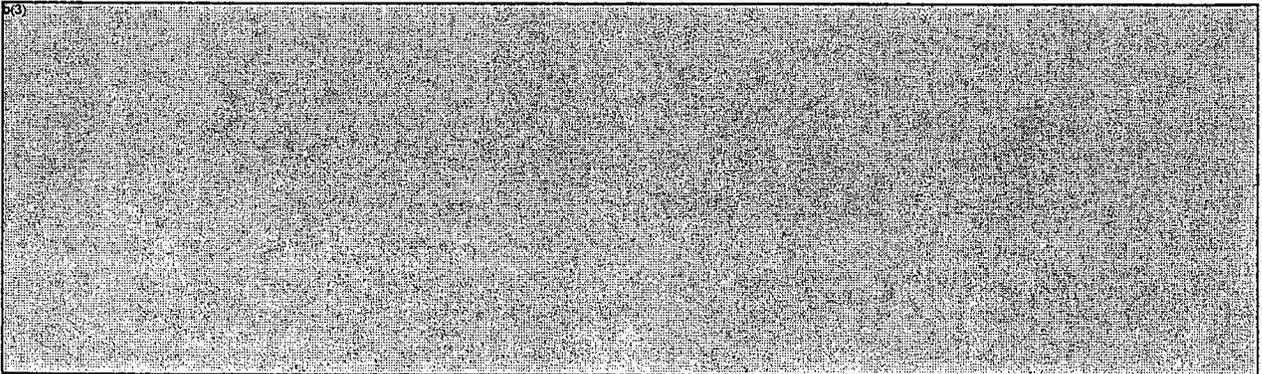
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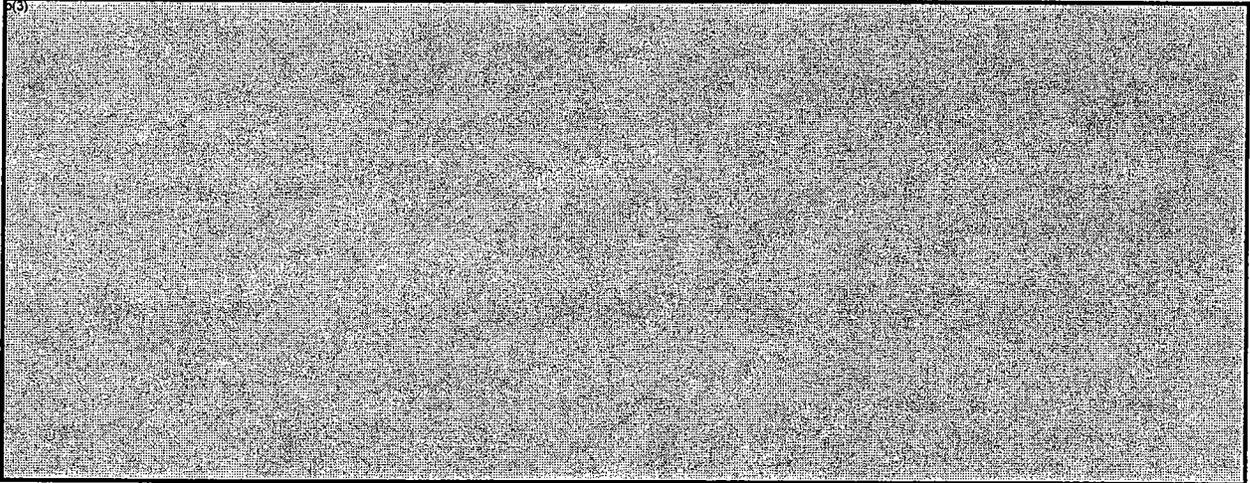
[IO Note: The (b)(6)-2 & (b)(7)(C)-2 was LTC (b)(6)-2 & (b)(7)(C)-2 115th MP BN, 800th MP BDE.]



15. (U) CJTF-7 Fragmentary Order (FRAGO) 1108, dated 19 November 2003, indicated that the CDR, 205th MI BDE, assumed responsibility for the Baghdad Central Confinement Facility (AGP) and was appointed as the Forward Operating Base (FOB) CDR. Units at AGP were TACON to the CDR, 205th MI BDE, for security of detainees and for force protection. (EXHIBIT C-15)



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17. (U) In a memorandum of admonishment for BG Karpinski, dated 17 January 2004, LTG Sanchez stated that the 800th MP BDE continued to perform in a manner that did not meet the standards of the Army or CJTF-7. In the past few months, incidents occurred that reflected a lack of clear standards, proficiency and leadership within the BDE. He held her responsible for these deficiencies. The reported detainee abuse at AGP was the most recent example of a poor leadership climate that permeated the BDE. He admonished her to take charge of the BDE and take corrective actions necessary to set and enforce standards. A copy was furnished to MG Wojdakowski. (EXHIBIT C-17)

18. (U) In a statement for the Taguba Report, dated 11 February 2004, COL Pappas stated:

a. (U) He was interviewed by MG Taguba on 9 February 2004 concerning detainee operations and allegations of detainee abuse at AGP.

b. (U) Command and control at the Abu Ghraib FOB was a "complex intermingling" of four distinct tasks under the command of the 205th MI BDE and the 800th MP BDE. The tasks included detention operations, operational and strategic interrogation operations, providing assistance to the Iraqi Bureau of Prisons, and enhancing force protection for the occupants of the FOB. The 320th MP BN was charged with executing detention operations. The SJA, CJTF-7, had the lead in facilitating ICRC visits. The JIDC, through the 205th MI BDE, was charged with executing interrogations.

c. (U) The three basic components of detainee operations were detention, interrogation, and release. Staff supervision of these three functions was provided by

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the PM, the C-2, and the SJA, respectively. This split responsibility for detainee operations increased the pressure at lower levels and blurred lines of responsibility.

d. (U) The basic rules for interrogations were contained in FM 34-52, Interrogation Operations. The standards for conduct of interrogations were outlined in CJTF-7 policy memorandums.

e. (U) Despite the articulation of clear rules, two instances of violations of these standards occurred and were brought to his attention prior to him assuming command of the FOB. He directed punitive action in one case, and removed the interrogator from interrogations in the second case. After these incidents, the leadership at the JIDC implemented a more aggressive policy of ensuring personnel understood the limitations of the interrogation process.

f. (U) Despite a genuine commitment on the part of senior leaders at BDE-level, there was some friction between the 320th MP BN and the JIDC. There were significant differences in standards between the two units.

g. (U) In the future, he recommended that if detainee operations were put under the purview of one CDR at AGP, that person should have training in detention operations, interrogation operations, and detainee release procedures. The level of responsibility probably necessitated a GO. (EXHIBIT C-18)

19. (U) The Taguba Report, dated 26 February 2004, stated:

a. (U) LTG Sanchez' request to investigate the 800th MP BDE followed the initiation of a criminal investigation by the US Army Criminal Investigation Command (USCIC) into specific allegations of detainee abuse committed by members of the 372d MP Company, 320th MP BN.

b. (U) CJTF-7 had several reports of detainee escapes from coalition confinement facilities over several months in 2003. These included Camp Bucca, Camp Ashraf, AGP, and the High Value Detainee (HVD) Complex/Camp Cropper. The 800th MP BDE operated these facilities. In addition, four Soldiers from the 320th MP BN were charged under the UCMJ with detainee abuse at Camp Bucca in May 2003.

c. (U) A single CDR in CJTF-7 should be responsible for overall detainee operations throughout the ITO. The C-3, CJTF7, should be appointed as the staff proponent for detainee operations in the ITO.

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d. (U) There was a general lack of knowledge, implementation, and emphasis on basic legal, regulatory, doctrinal, and command requirements in the 800th MP BDE and its units.

e. (U) The 800th MP BDE was under strength for the mission for which it was tasked. BG Karpinski did a poor job allocating resources throughout Iraq. AGP normally housed between 6000 and 7000 detainees, yet was operated by one BN. On the other hand, the HVD facility maintained only 100 detainees, yet was also run by an entire BN. The 800th MP BDE suffered from personnel shortages due to releases from active duty (REFRADs), medical evacuation, and demobilization. In addition, the quality of life for the Soldiers was extremely poor. There were numerous mortar attacks and random rifle and rocket propelled grenade (RPG) attacks, which were a serious threat to Soldiers and detainees at the facility. AGP was severely over crowded, and the BDE lacked adequate resources and personnel to resolve serious logistics problems.

f. (U) There was clear friction and lack of communication between COL Pappas and BG Karpinski. COL Pappas controlled the FOB at AGP after 19 November 2003, and BG Karpinski controlled detainee operations inside the prison. "There was no clear delineation of responsibility between commands, little coordination at the command level, and no integration of the two functions." Coordination occurred at the lowest levels with little oversight by the CDRs.

g. (U) This ambiguous relationship was exacerbated by the CJTF-7 fragmentary order (FRAGO) 1108, issued on 19 November 2003, placing the units at AGP TACON to the CDR, 205th MI BDE, for security of detainees and force protection. The FRAGO was not supported by BG Karpinski. The FRAGO effectively made an MI officer responsible for the MPs conducting detainee operations at the facility. This was not doctrinally sound.

h. (U) BG Karpinski was extremely emotional during her testimony with MG Taguba. She was unwilling to either understand or accept that many of the problems inherent in the 800th MP BDE were caused by poor leadership and the refusal of her command to establish and enforce basic standards and principles among its Soldiers. She alleged she received no help from the Civil Affairs command. She blamed much of the abuse at AGP on MI personnel, and asserted that MI personnel gave the MPs "ideas" that led to detainee abuse.

i. (U) BG Karpinski should be relieved from command and be given a general officer memorandum of reprimand (GOMOR) for failing to ensure that her Soldiers had appropriate standard operating procedures (SOPs) for dealing with detainees, and for

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failing to ensure that her Soldiers knew, understood, and adhered to the protections afforded by the GCs relative to the treatment of prisoners of war, among other reasons.

j. (U) COL Pappas should be given a GOMOR and be investigated in accordance with AR 381-10 for failing to ensure his Soldiers were properly trained and followed the interrogation rules of engagement (IROE); failing to ensure his Soldiers knew, understood, and adhered to the protections afforded by the GCs relative to the treatment of prisoners of war; and for failing to properly supervise his Soldiers at AGP. (EXHIBIT C-19)

20. (U) In a statement for the Fay Report, dated 14 May 2004, COL Pappas stated:

a. (U) His rater was MG Wojdakowski, and his senior rater was LTG Sanchez. He provided an Officer Evaluation Report (OER) support form to MG Wojdakowski within the first one or two weeks of his command, and they discussed the support form.

b. (U) The 205th MI BDE had numerous intelligence collection activities ongoing in support of CJTF-7's mission. The BDE's focus was primarily on HUMINT. The BDE was also heavily involved in the Mujahadeen el Kalq (MeK) mission.

c. (U) The BDE no longer had organic interrogation assets; however, they had three battalions task organized to the BDE that had interrogation capability.

d. (U) AGP was a "decrepit Prison". There were "significant" force protection concerns and a lack of standards being enforced by the MP BN.

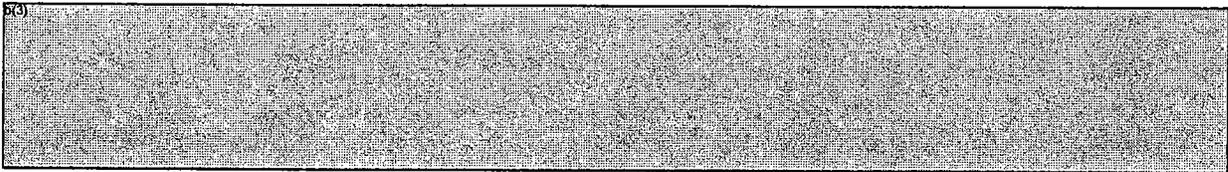
e. (U) Interrogation operations were not as successful as LTG Sanchez hoped. The C-2 informed the 205th MI BDE that LTG Sanchez was not happy with the quality of the reporting.

f. (U) He (COL Pappas) believed there was pressure from DOD to produce actionable intelligence from the security detainees that CJTF-7 was capturing. He based that assessment on the discussions he had with the C-2 staff and the "tremendous amount of interest" that they were receiving.

g. (U) Although technically the JIDC was a joint operation, its JMD remained unfilled throughout his tour in Iraq. The JIDC was essentially an Army-run operation. The decision was made to use civilians as interrogators because the BDE had no more assets to fill the slots. His S-3 and Deputy CDR worked with CJTF-7 HQs in developing the specific requirements for civilian interrogators.

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h. (U) In November 2003, LTG Sanchez visited AGP, and was not happy with the operations. He (COL Pappas) decided to move to AGP. Shortly thereafter, he was named as the CDR of the AGP FOB, and became responsible for force protection. This meant he was responsible for protecting all personnel from external threats. It meant that the MPs would continue to run confinement and security operations, while the JIDC continued to perform interrogations. The 19 November 2003 FRAGO did nothing to alter the mission of the MPs to maintain control of the detention facilities at AGP. As a result of the 19 November 2003 FRAGO, he became more involved with base operations at AGP.



j. (U) A more "rigid inspection of operations, less confidence in civilians working interrogations, and closer attention to the ICRC report of abuse" may have enabled earlier detection of the abuse. The difficult conditions at AGP, the lack of established doctrine and training for JIDCs, as well as the Army's decision to move interrogators into the RC after Operation Desert Storm were contributory factors. (EXHIBIT C-20)

[IO Note: On 3 December 2004,

(b)(6)-2 & (b)(7)(C)-2

(b)(6)-2 & (b)(7)(C)-2

21. (U) In a sworn statement for the Kern Report, dated 17 May 2004, MG Wojdakowski stated:

a. (U) In July 2003, he directed the CG, 800th MP BDE, to move the HQs from Kuwait to Iraq so that the CG, CJTF-7, and CJTF-7 staff could better supervise the BDE and build the BDE into the CJTF-7 team. Since the 800th MP BDE was TACON to CJTF-7, CJTF-7's degree of oversight of the BDE was command authority over forces available for tasking, limited to the detailed and local direction and control of movements necessary to accomplish assigned missions.

b. (U) He kept abreast of all the SEP BDEs in CJTF-7 by holding a Tactical Satellite (TACSAT) update three days per week, but BG Karpinski rarely participated.

c. (U) As the DCG, CJTF-7, he was responsible for overseeing logistical support for all facilities in Iraq, and he dealt with AGP extensively in that capacity. Since AGP was a key facility, CJTF-7 allocated a lot of resources to the site. BG Karpinski always came to him when she needed support. To assist her, he directed that she work

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through the C-4, CJTF-7, and the rest of the staff to get the resources she needed. The staff worked through a host of issues with supporting AGP and other facilities.

d. (U) CJTF-7 needed a central facility to hold and screen detainees. In addition, CJTF-7 needed to consolidate its scarce detainee operations resources. Consolidating detainee operations at AGP helped them focus resources on that facility and FOB. Some resources were pulled from other detention camps to support AGP.

e. (U) LTG Sanchez was concerned and had great expectations for interrogation operations, and he (MG Wojdakowski) and the staff all participated in improving this part of the intelligence process. LTG Sanchez gave explicit instructions to treat all detainees humanely.

f. (U) They were aware they had challenges with the detainee system, and CJTF-7 requested assistance from various places through CENTCOM and the Army. They requested more interrogators, interpreters, and HUMINT support.

g. (U) COL Pappas never came to him (MG Wojdakowski) and told him he (COL Pappas) could not do his job due to personnel shortages, but they continuously worked on using personnel in the best possible way. BG Karpinski did complain to him about personnel shortages, and they redistributed personnel within CJTF-7 to address her concerns.

h. (U) No one in the CJTF-7 Command Group condoned or encouraged the mistreatment of detainees. The Command Group quickly and forcefully investigated any and all suspected violations of detainees' rights. (EXHIBIT C-21)

22. (U) The DAIG Inspection Report, dated 21 July 2004, stated:

a. (U) On 10 February 2004, the Acting SECARMY directed DAIG to conduct an assessment of detainee operations in Afghanistan and Iraq. DAIG inspected internment, EPW, detention operations, and interrogation procedures. The inspection focused on the adequacy of doctrine, organization, training, materiel, leadership, personnel, and facilities. It was a functional analysis of the Army's conduct of detainee and interrogation operations.

b. (U) Two teams conducted inspections at 26 locations in Iraq, Afghanistan, and in the US. They were unable to identify system failures that resulted in incidents of abuse. These incidents resulted from the failure of individuals to follow known standards of discipline and Army values, and in some cases, the failure of a few leaders to enforce those standards of discipline.

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c. (U) Of all the facilities inspected, only AGP was determined to be undesirable for housing detainees because it was located near a densely populated urban area, on a dangerous main supply route (MSR), and was under frequent hostile fire, placing Soldiers and detainees at risk.

d. (U) Officially approved CJTF-7 policies generally met legal obligations under US law, treaty obligations and policy, if executed carefully, by trained Soldiers, under the full range of safeguards. However, policies were not clear and contained ambiguities. Implementation, training, and oversight of these policies was inconsistent; however, no confirmed instance of detainee abuse was caused by the approved policies. There was no direct link between the proper use of an approved approach technique and a confirmed case of detainee abuse.

e. (U) They were unable to identify system failures that resulted in incidents of abuse.

f. (U) Doctrine did not clearly identify the interdependent, and yet independent, roles, missions, and responsibilities of MP and MI units in the establishment and operation of interrogation facilities. MP doctrine did not address approved and prohibited MI procedures in an MP-operated compound, nor clearly establish the role of MPs in the interrogation process. MI doctrine did not clearly explain MP internment procedures or the role of MI personnel within an internment setting. Contrary to MP doctrine, FM 35-52, Intelligence Interrogation, dated 28 September 1992, implied an active role for MPs in the interrogation process. The subordination of the MP custody and control mission to the MI for intelligence could create settings in which unsanctioned behavior, including detainee abuse, could occur.

g. (U) Shortfalls in interrogators and interpreters, and the distribution of these assets, hampered Human Intelligence (HUMINT) collection efforts. Valuable intelligence may have been lost as a result. (EXHIBIT C-22)

23. (U) The Kern Report, dated 23 August 2004, stated:

a. (U) The October 2003 interrogation policy memorandum confused doctrine and policy even further. FM 34-52 was quoted as stating "the interrogator should appear to be the one who controls all aspects of the interrogation..." The policy removed interrogation approaches that were in the first letter, and "muddied" another. There was no clear distinction at AGP between segregation and isolation. A confusing change involved the use of dogs. (pp. 27-28)

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b. (U) Iraq became a HUMINT-focused environment in support of SASO with interrogation operations becoming increasingly critical. Beginning in July 2003, demands placed on interrogation operations were growing rapidly. The 205th MI BDE was responsible for providing tactical HUMINT teams to forward-deployed combat forces, as well as operating a Joint Interrogation and Debriefing Center (JIDC). (p. 32)

c. (U) The 205th MI BDE had no organic interrogation capability. The BDE received interrogation sections from many different units across the Army and USAR. As COL Pappas focused his efforts on interrogation operations, all he had were disparate elements of units and individuals, to include civilians that had never trained together. In contrast, the ISG interrogation operations of HVDs had no such shortages. These much needed resources were unavailable for support of critical CJTF-7 mission needs. (p. 32)

d. (U) The CPA made the initial decision to use AGP as a criminal detention facility in May 2003. (p. 33)

e. (U) Overcrowding at AGP was exacerbated by the transfer of detainees from Camp Bucca to AGP. The physical plant was inadequate in size and the construction and renovations that were underway were incomplete. Scarcity of resources, both personnel and equipment, to conduct effective confinement or interrogation operations made the situation worse. (p. 37)

f. (U) Force protection was a major issue at AGP. BG Karpinski recognized AGP's vulnerabilities and raised these concerns frequently to MG Wojdakowski and LTG Sanchez. LTG Sanchez was equally concerned about AGP's vulnerabilities and the lack of progress in establishing "even rudimentary" force protection measures. He directed the CG, 82d Airborne Division, to meet with AGP officers concerning their issues. In an effort to improve force protection, LTG Sanchez appointed COL Pappas as the FOB CDR. COL Pappas devoted "considerable energy" to improving security. (p. 38)

g. (U) On 16 November 2003, COL Pappas took up full time residence at AGP. FRAGO 1108 was pointed to and looked upon by many as a significant change and was a major factor in allowing the abuses to occur. It was not. "The abuses and the environment for them began long before FRAGO 1108 was ever issued." "TACON" was interpreted to mean that COL Pappas took over the running of the prison, but COL Pappas never took over those functions. MG Wojdakowski, COL Pappas' rater, stated that COL Pappas was never given responsibility for running the prison, but that the MPs retained that responsibility. It appeared that BG Karpinski was the only person

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among the Army leadership involved who interpreted the FRAGO differently. (pp. 55-56)

h. (U) The ICRC's allegations of abuse at AGP were not believed, nor were they adequately investigated. During their visits to AGP in October 2003, the

[REDACTED]

[REDACTED] In November 2003, the Office of the Staff Judge Advocate (OSJA), CJTF-7, received a report from the ICRC regarding these visits. An Australian attorney from the OSJA was sent to AGP to help draft a response. BG Karpinski signed the response letter to the ICRC on 24 December 2003. (pp. 64-66)

i. (U) The letter tended to "gloss over, close to the point of denying the inhumane treatment, humiliation, and abuse identified by the ICRC." COL Marc Warren, SJA, CJTF-7, stated when he saw the ICRC report, he couldn't believe it. COL Warren regretted not taking the ICRC report to LTG Sanchez or MG Wojdakowski. (pp. 67-68)

j. (U) There was a lack of clear command and control of detainee operations at the CJTF-7 level. Although MG Wojdakowski was COL Pappas' rater, MG Wojdakowski was not directly involved with interrogation operations. Most of COL Pappas' direction came from LTG Sanchez and MG Barbara Fast, C-2, CJTF-7. BG Karpinski was rated by the CG, 377th TSC. She testified that she believed her rater was MG Wojdakowski, and she received her direction from him the entire time she was in Iraq. "Overall responsibility for detention operations never came together under one person short of LTG Sanchez himself until the assignment of MG G. Miller in April 2004." There should be a single authority designated for command and control of interrogation and detention operations in CJTF-7. (pp. 109-110)

[IO Note: MG G. Miller's assignment in CJTF-7 was as the DCG for Detainee Operations.]

k. (U) Leaders failed to take steps to effectively manage pressure placed upon the JIDC personnel. Leaders within the MI community commented on the intense pressure they felt from higher HQs, to include CENTCOM and the Pentagon, for timelier intelligence. These leaders indicated that this pressure adversely affected their decision making. (pp. 111-112)

l. (U) There was neither a defined procedure nor specific responsibility within CJTF-7 for dealing with ICRC visits. ICRC recommendations were ignored by MI, MP,

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and CJTF-7 personnel. Neither the leadership (at AGP) nor CJTF-7 made any attempt to verify the ICRC's allegations. (p. 119)

m. (U) COL Pappas failed to properly communicate to higher HQs when his BDE would be unable to accomplish its mission due to lack of manpower and resources. He failed to emplace the necessary checks and balances to prevent and detect abuses. He allowed his Soldiers and civilians at the JIDC to be subjected to inordinate pressure from higher HQs. (p. 120) (EXHIBIT C-23)

24. (U) The Fay Report, dated 23 August 2004, stated:

a. (U) As the need for actionable intelligence rose, CJTF-7 HQs realized the pre-war planning had not included planning for detainee operations. Believing FM 34-52 was not sufficiently or doctrinally clear for the situation in Iraq, the CJTF-7 staff sought to synchronize detainee operations, which resulted in a methodology and structure derived from the JTF-GTMO system as presented by MG G. Miller. LTG Sanchez directed that an interrogation policy be established that addressed permissible techniques and safeguards for interrogators for use in Iraq. The CJTF-7 staff relied on a series of SOPs provided by MG G. Miller to develop not only the structure, but also the interrogation policies. (pp. 24-25)

b. (U) On 10 September 2003, CPT (b)(7)(C)-2 SJA, 205th MI BDE, was tasked by COL Warren to work with the OSJA staff to develop a set of interrogation rules. The OSJA identified interrogation techniques from the 16 April 2003 GWOT memorandum. The GWOT memorandum techniques were copied almost verbatim into the first draft of the CJTF-7 interrogation policy. The draft was staffed with members of the 205th MI BDE assigned to the 519th MI BN, who added the use of dogs, stress positions, sleep management, sensory deprivation, and yelling and loud music. The draft was also sent to the offices of the C-2, C-3, and the CDR, 205th MI, for staffing. (p. 25)

c. (U) The 12 October 2003 policy significantly changed the tone and substance of the previous policy. It removed any approaches not listed in the 1987 edition of FM 34-52. The policy acknowledged the applicability of the GCs and the duty to treat all detainees humanely, and also cited Articles 5 and 78 noting specifically that detainees engaged in activities hostile to the security of coalition forces forfeited their rights of communications. The policy specified that it was for use on civilian security detainees. (p. 26)

d. (U) By mid-October, interrogation policy in Iraq had changed three times in less than 30 days. Various versions of the drafts were circulated among AGP, the

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205th MI BDE, the C-2 staff, and the SJA. Anecdotal evidence suggested that personnel were confused about the approved policy from as early as 14 September 2003. It was not always clear to JIDC officers what approaches required LTG Sanchez' approval, nor was the level of approval consistent with requirements in other commands. The October 2003 JIDC SOP failed to mention details concerning the interrogation policies, approval requirements or procedures. Interrogators, with their leaders' knowledge, routinely utilized approaches/techniques without obtaining the required authority, indicating confusion. (pp. 28-29)

e. (U) Abusing detainees with dogs started almost immediately after the arrival of working dogs on 20 November 2003. By then, abuses of detainees were already occurring, and the addition of dogs was just one more abuse device. Dog teams were brought to AGP as a result of recommendations from MG G. Miller, who recommended the dogs as beneficial for detainee custody and control issues. MG G. Miller never recommended the use of dogs during interrogations, nor were dogs used for interrogations at GTMO. The dogs were requested by COL Pappas, who never understood the intent as described by MG G. Miller. (p. 83) (EXHIBIT C-24)

25. (U) The Jones Report, dated 23 August 2004, stated:

a. (U) From the time V Corps transitioned to become CJTF-7, and throughout the period under investigation, it was not resourced properly to accomplish its missions. CJTF-7 HQs lacked adequate personnel and equipment. The MP and MI units at AGP were severely under-resourced. CJTF-7's support to the CPA required greater resources than envisioned in operational plans. Prior operational plans envisioned CJTF-7 conducting SASO and providing support to the CPA in a relatively benign environment. "In fact, opposition was robust and hostilities continued throughout the period under investigation. CJTF-7 had to conduct tactical counter-insurgency operations while executing its planned missions. These circumstances delayed establishment of an intelligence architecture and degraded the ability of the CJTF-7 to execute its assigned tasks, to include oversight of interrogation and detention operations at AGP. (pp. 3-4)

b. (U) The chain of command immediately above the 205th MI BDE was not directly involved in the abuses at AGP. However, the policy memoranda issued by the CG, CJTF-7, led indirectly to some of the non-violent and non-sexual abuses. Additionally, the CG, CJTF-7, and DCG, CJTF-7, failed to ensure proper staff oversight of detention and interrogation operations. CJTF-7 staff elements reacted inadequately to earlier warnings and indications that problems existed at AGP. (p. 4)

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c. (U) CJTF-7 command and staff actions and inaction must be understood in the context of the operational environment. In light of the operational environment and the fact that the CJTF-7 staff and units were under-resourced for their missions, the CDR, CJTF-7 had to prioritize efforts. As such, CJTF-7 devoted its resources to fighting the counter-insurgency and supporting the CPA, "thereby saving Coalition and Iraqi lives and assisting in the transition to Iraqi self-rule." The CG, CJTF-7, and his staff performed above expectations in the overall scheme of OIF. (p. 5)

d. (U) No policy, directive, or doctrine directly or indirectly caused violent or sexual abuses. The Soldiers involved knew they were violating approved techniques and procedures. (p. 5)

e. (U) Leaders at AGP failed to supervise their units or provide direct oversight of the interrogation mission. The absence of effective leadership was a factor in not sooner discovering and taking action to prevent the abuse incidents. (p. 5)

f. (U) The TACON relationship of the 800th MP BDE to CJTF-7 resulted in disparate support from the CJTF-7 staff, lower priority for resources needed for detention operations, and a lack of intrusive, aggressive oversight by the CJTF-7 leadership. No attempt was made by CJTF-7 or ARCENT to change this relationship. (p. 9)

g. (U) As major counter-insurgency operations began in July 2003, the demands on the CDR, CJTF-7 and his staff; the CPA; subordinate units, and the Iraqi interim government increased dramatically. Decisions were made to keep some units in Iraq to continue fighting the insurgency. Pressure increased to obtain operational intelligence. The complexity of missions conducted by CJTF-7 increased and placed a high demand on leadership at all levels. A rapid increase in the number of detainees due to the apprehension of counter-insurgents demanded a decision on a detention facility and a need to rapidly expand interrogation operations. (pp. 9-10)

h. (U) The effort to expand the intelligence organization, obtain operational intelligence about the counter-insurgency, and support the CPA "consumed" the CJTF-7 staff. Responsibilities for oversight of tactical interrogation procedures, intelligence analysis, and reporting at AGP were entrusted to CDRs in the field. (p. 11)

i. (U) Assistance was requested by CJTF-7 to help inform the leadership on proper procedures, techniques, and changes needed for success. (p. 11)

[IO Note: The CJTF-7 requests for assistance resulted in the visit by MG Ryder and MG G. Miller.]

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j. (U) In retrospect, indications and warnings surfaced at the CJTF-7 level that additional oversight and corrective actions were needed in handling detainees from point of capture through the central collection facilities, to include AGP. Examples included an incident involving detainee abuse at Camp Cropper; ICRC reports on handling detainees; ICRC reports on AGP detainee conditions and treatment; CID investigations and disciplinary actions taken by CDRs; death of an Other Governmental Agency (OGA) detainee at AGP; lack of adequate system for identification and accountability of detainees; DIV CDR concerns that intelligence information was not returning to the tactical level once detainees were evacuated to central holding facility. LTG Sanchez recognized the need to place emphasis on the proper handling of detainees and the proper handling of the Iraqi people. In October and December 2003, CJTF-7 published two policy memorandums entitled "Proper Treatment of the Iraqi People During Combat Operations" and "Dignity and Respect While Conducting Operations." Reports from MG G. Miller and MG Ryder confirmed LTG Sanchez' instincts that action was needed to improve procedures and set the conditions for success in intelligence and detention operations. (p. 12)

k. (U) It needed to be emphasized that the 180,000 US and coalition forces in CJTF-7 were prosecuting a complex counter-insurgency operation in a "tremendously horrid environment", and were performing "above all expectations." Leaders and Soldiers confronted "a faceless enemy whose hatred of the US knew no limits." The actions of a few undisciplined Soldiers at AGP overshadowed the "selfless service demonstrated every day" by the vast majority of the Soldiers on the battlefield. The Nation owed a "debt of gratitude" to the Service Members who served in harm's way every day. (p. 12)

l. (U) CJTF-7 responsibility for staff oversight of detention operations, facilities, intelligence analysis and fusion, and the limits of authority on interrogation techniques was dispersed among the CJTF-7 staff. Staff responsibility for detention operations was vested in the C-3, CJTF-7, with further delegation to the PM. MG Wojdakowski established priorities of work for the C-4 and logistics support for facilities. He had direct oversight and responsibility for the SEP BDEs assigned or TACON to CJTF-7. Priorities for intelligence collection, analysis, and fusion rested with the C-2. LTG Sanchez used his SJA to advise him on the limits of authority and compliance with the GCs for the published interrogation policy memorandums. The lack of one person on the staff to oversee detention operations and facilities complicated the coordination among the staff. (p. 14)

m. (U) No organization or individual higher than the 205th MI BDE was directly involved in the questionable activities regarding the alleged detainee abuse at AGP.

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However, CJTF-7 leaders and staff actions contributed indirectly to the questionable activities. (p. 16)

n. (U) Misinterpretation of CJTF-7 policy memorandums led to some of the abuses at AGP, but did not contribute to the violent or sexual abuses. (p. 16)

o. (U) Inaction at the CJTF-7 staff level may have also contributed to the failure to discover and prevent abuses before January 2004. There was sufficient evidence to believe that personnel in the OSJA and C-2X had knowledge of potential abuses and misconduct in violation of the GCs at AGP, and this knowledge was not presented to the CJTF-7 leadership. Had the pace of combat operations and support to the CPA not been so overwhelming, the CJTF-7 staff may have been able to provide additional oversight to interrogation operations at AGP. LTG Sanchez and MG Wojdakowski relied on BG Karpinski and COL Pappas to run detention and interrogation operations at AGP. In light of all the circumstances, the CJTF-7 staff did everything they could have reasonably been expected to do to successfully complete all their assigned missions. (p. 17)

p. (U) The leaders from the 205th MI BDE and 800th MP BDE at AGP failed to supervise their subordinates, failed to provide mission-specific training to their Soldiers; and failed to properly discipline their Soldiers. (p. 17)

q. (U) COL Pappas did not specifically assign responsibility for interrogation operations to a subordinate MI unit at AGP, and did not ensure that a chain of command for the interrogation operations mission was established at AGP. (p. 17)

r. (U) V Corps personnel, to include CDRs and staff, were not trained to execute a JTF mission. The transition from major combat operations to SASO and support to the CPA was a major transition which the unit did not have time to train or prepare. (p. 22)

s. (U) The conditions at AGP were representative of the conditions found throughout Iraq during post-Phase III operations. (p. 23)

t. (U) Policy memoranda promulgated by CDR, CJTF-7, led indirectly to some of the non-violent and non-sexual abuses. (p. 4)

u. (U) LTG Sanchez re-emphasized the limits of authority for interrogations in his memorandums dated 14 September 2003 and 12 October 2003. The first was rescinded, and the second addressed only security detainees and, inadvertently, left certain issues for interpretation: responsibility for clothing detainees; use of dogs in

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interrogation; and applicability of techniques to detainees who were not categorized as "security detainees." (p. 15) (EXHIBIT C-25)

26. (U) The Schlesinger Report, dated 24 August 2004, stated:

a. (U) The events of October 2003 through December 2003 on the night shift of Tier 1 at AGP were acts of brutality and "purposeless sadism." They represented deviant behavior and a failure of military leadership and discipline. There was no evidence of a policy of abuse promulgated by senior officials or military authorities. There was both institutional and personal responsibility at higher levels. (p. 5)

b. (U) Interrogators and lists of techniques circulated from GTMO and Afghanistan to Iraq. Techniques that were effective under carefully controlled conditions at GTMO became more problematic when they migrated and were not adequately safeguarded. The policy memoranda promulgated at the CJTF-7 level allowed for the interpretation in several areas and did not adequately set forth the limits of interrogation techniques. The existence of confusing and inconsistent interrogation technique policies contributed to the belief that additional interrogation techniques were condoned. (pp. 9-10)

c. (U) Of the 17 detention facilities in Iraq, the largest was AGP which housed up to 7,000 detainees in October 2003 with a guard force of about 90 personnel from the 800th MP BDE. AGP was seriously overcrowded, under-resourced, and under continual attack. (p. 11)

d. (U) The 205th MI BDE had insufficient interrogator and interpreter resources to provide the kind of support needed by CJTF-7. Additional units were mobilized to fill the gaps. Unit cohesion was lacking because elements of six different units were assigned to the interrogation mission at AGP. The problems were heightened by friction between MI and MP personnel, to include the BDE CDRs. (p. 12)

e. (U) The DCG, CJTF-7, failed to initiate action to request additional MPs for detention operations after it became clear that there were insufficient assets in Iraq. MG Wojdakowski and the staff should have seen that urgent demands were placed to higher HQs for additional assets. LTG Sanchez and MG Wojdakowski failed to ensure proper staff oversight of detention and interrogation operations. (p. 15)

f. (U) The 800th MP BDE was among the lowest in priority for deployment and did not have the capability to overcome the shortfalls it confronted. (p. 12)

g. (U) Commanding officers and their staffs at various levels failed in their duties and such failures contributed directly or indirectly to detainee abuse. CDRs were

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responsible for all their units did or failed to do, and should be held accountable for their action or inaction. Command failures were compounded by poor advice provided by staff officers with responsibility for overseeing battlefield functions related to detention and interrogation operations. The Panel found no evidence that organizations above the 800th MP BDE or 205th MI BDE were directly involved in the incidents at AGP. (p. 43)

h. (U) LTG Sanchez was responsible for establishing the confused command relationship at AGP. There was no clear delineation of responsibilities between the 320th MP BN and the 205th MI BDE. The situation was exacerbated by CJTF-7 FRAGO 1108 issued on 19 November 2003, that appointed the CDR, 205th MI BDE, as base CDR for AGP. The unclear chain of command established by CJTF-7, combined with the poor leadership and lack of supervision, contributed to the atmosphere at AGP that allowed the abuses to take place. (p. 45)

i. (U) LTG Sanchez delegated responsibility for detention operations to MG Wojdakowski. Intelligence personnel at AGP reported through the C-2. These arrangements had the damaging result that no single individual was responsible for overseeing operations at AGP. (p. 45)

j. (U) If CDRs and staffs at the operational level had been more adaptive in the face of changing conditions, a different approach to detention operations could have been developed by October 2003. Responsible leaders, to include the CG, CJTF-7, could have set in motion the development of a more effective alternative course of action. In most cases these were errors of omission, but they were errors that should not go unnoted. (p. 47)

k. (U) By October-November 2003, CDRs and staffs from CJTF-7 all the way to CENTCOM and the Joint Chiefs of Staff (JCS) knew the serious deficiencies of the 800th MP BDE, and should have at least considered reinforcing the troops for detention operations. (p. 48)

l. (U) The 800th MP BDE was totally dependent on higher HQs to initiate actions to relieve the personnel crisis. BG Karpinski emphasized personnel shortfalls in personal communications with CJTF-7 CDRs and staff as opposed to CFLCC. The response from LTG Sanchez and MG Wojdakowski was that the 800th MP BDE had sufficient personnel to accomplish its mission, and that the BDE needed to reallocate its resources among the other detention facilities. CJTF-7's, CFLCC's, and CENTCOM's failure to request additional forces was an avoidable error. (p. 49)

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m. (U) CJTF-7 was never fully resourced to meet the size and complexity of its mission. The Joint Staff, CJTF-7, and CENTCOM took too long to finalize the JMD. (p. 49)

n. (U) CJTF-7 could have requested a change in command relationships, placing the 800th MP BDE OPCON rather than TACON to CJTF-7. This would have permitted the CDR, CJTF-7, to reallocate assets under his control to the detention mission. Non-MP units could have been reassigned to help with detention operations. Additionally, CENTCOM could have assigned other Service's MP and security units to CJTF-7 for the detention operations mission. Mobilization and deployment of additional forces from the US was also a feasible option. (p. 50)

o. (U) Earlier, CJTF-7 had submitted a Request for Forces (RFF) for an additional Judge Advocate organization, but CENTCOM would not forward it to the JCS. Perhaps this experience made CJTF-7 reluctant to submit a RFF for MP units, but there was no evidence that any of the responsible officers considered any option other than the response given to BG Karpinski to "wear her stars" and reallocate personnel among her already over-stretched units. (p. 50-51)

p. (U) It was the responsibility of the combatant CDR to organize his forces in a manner to achieve mission success. Combatant CDRs and their subordinates needed to organize in a manner that afforded unity of command, ensuring that CDRs worked for CDRs and not staff. The fact that detention operations in Iraq were later commanded by a MG who reported directly to the operational CDR, and that 1900 MPs performed the detention mission formerly assigned to a single under-strength, poorly trained, inadequately equipped, and weakly-led BDE, indicated that more robust options should have been considered sooner. (p. 51)

q. (U) On September 14, 2003, CJTF-7 signed the theater's first policy on interrogation, which contained elements of the approved GTMO policy and elements of the SOF policy. Policies approved for use on al Qaeda and Taliban detainees, who were not afforded the protection of the Geneva Conventions, now applied to detainees who did fall under the Geneva Conventions protections. (p. 14)

r. (U) The working dogs were requested by the CDR, 205th MI BDE, who never understood the intent as described by MG G. Miller. Working dogs arrived at AGP in mid-November 2003. CJTF-7 directive, dated 14 Sep 2003 allowed working dogs to be used as an interrogation technique with the CJTF-7 Commander's approval. This authorization was updated by the October 12, 2003, memorandum, which allowed the presence of dogs during interrogations as long as they were muzzled and under the control of the handler at all times but still required approval. The Taguba and Jones/Fay

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investigations identified a number of abuses related to using muzzled and unmuzzled dogs during interrogations, as well as abuses involving dogs that were unrelated to interrogations. (pp. 76-77)

s. (U) CJTF-7 determined that some of the detainees held in Iraq were to be categorized as unlawful combatants. Despite lacking specific authorization to operate beyond the confines of the GCs, CJTF-7 nonetheless determined it was within their command discretion to classify, as unlawful combatants, individuals captured during OIF. CJTF-7 concluded it had individuals in custody who met the criteria for unlawful combatants set out by the President of the US and extended it in Iraq to those who were not protected as combatants under the GCs. CJTF-7 understood there was no authorization to suspend application of the GCs. CJTF-7 had no means of discriminating detainees among the various categories of those protected under the GCs and those unlawful combatants who were not. (p. 83)

t. (U) LTG Sanchez signed a memorandum authorizing a dozen interrogation techniques beyond FM 34-52 - five were beyond those approved for GTMO. LTG Sanchez, on the advice of SJA, believed he had the inherent authority of the CDR in a Theater of War to promulgate such a policy and make determinations as to the categorization of detainees under the GCs. Policies approved for use on al Qaeda and Taliban detainees, who were not afforded the protection of the GCs, now applied to detainees who did fall under the GCs protections. CENTCOM viewed CJTF-7 policy as unacceptably aggressive. (pp. 9, 10, 14, 37)

u. (U) On 12 October 2003, LTG Sanchez rescinded his September 2003 directive and disseminated methods only slightly stronger than those in FM 34-52. The policy memorandum allowed for interpretation in several areas and did not adequately set forth the limits of interrogation techniques. The existence of confusing and inconsistent interrogation technique policies contributed to the belief that additional interrogation techniques were condoned. (p. 10) (EXHIBIT C-26)

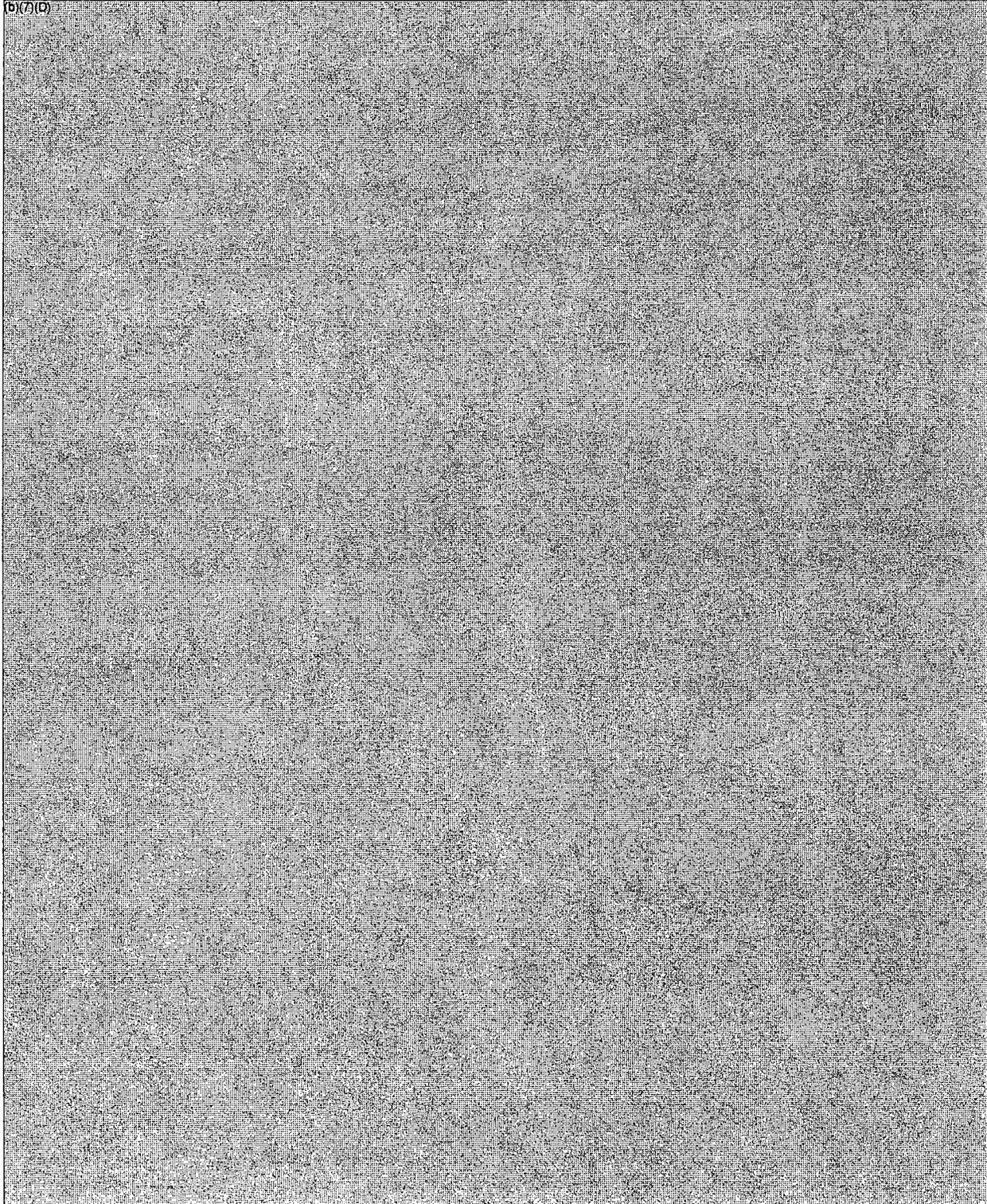
27. (U) A statement by [redacted] provided to DAIG on 26 October 2004, reflected:

[IO Note: [redacted] swore to the contents of this written statement during the testimony he provided to DAIG on 26 October 2004.]



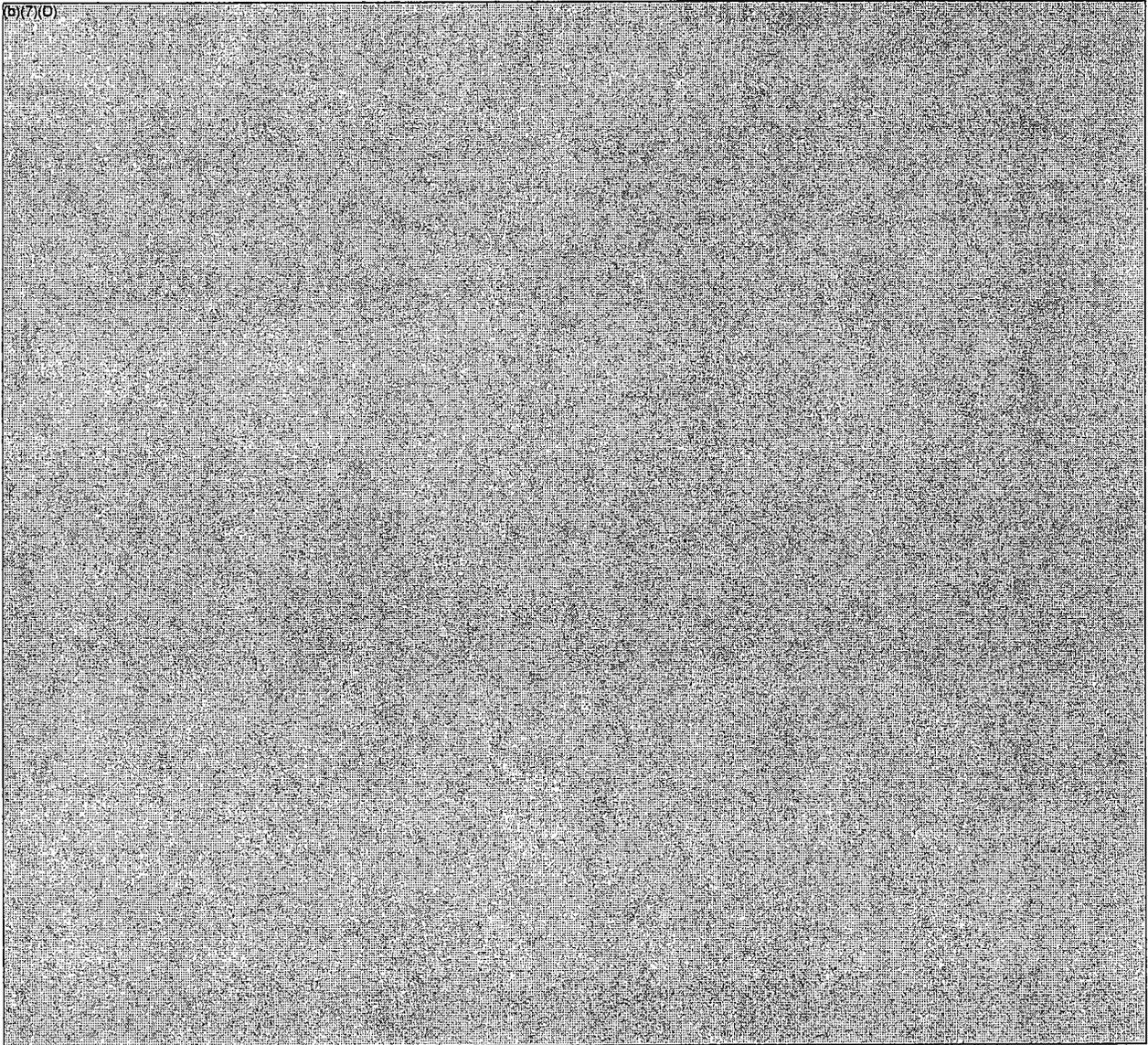
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(b)(7)(D)



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28. (U) In a sworn statement, dated 30 December 2004, COL (b)(6)-(4) (b)(7)(C)-2 CENTCOM, indicated:

a. (U) COL Warren submitted a request for 15-20 more lawyers and 15 paralegal noncommissioned officers (NCOs) in July-August 2003. He (b)(6)-(4) (b)(7)(C)-2 visited COL Warren in Baghdad in September 2003, and, after observing the activities of the CJTF-7 SJA office, became convinced that COL Warren needed all the legal support he requested. CJTF-7 provided considerable support to the CPA, and CJTF-7 lawyers were performing many missions not traditionally performed by a corps SJA office.

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b. (U) Regarding the CENTCOM review of the CJTF-7 interrogation policy, the September 2003 policy was not wrong or illegal per se. They were simply more comfortable with a policy that more closely tracked FM 34-52. The FM was reviewed by policy makers and lawyers at the HQDA level, and they were confident everything was thoroughly vetted in terms of the applicable GCs. The 1987 version of the FM was used because it was the one posted to the Army publications website. He considered himself to be a fairly seasoned operational law attorney, but never had the occasion to legally review or draft an interrogation policy before. This was a highly specialized area not normally dealt with by military attorneys. As such, he was more comfortable with a policy that more closely tracked FM 34-52. He did not recall precisely the October 2003 policy letter, but it did not raise any "red flags" with him or his staff.

c. (U) He understood that the Joint Staff J-2 suggested that MG G. Miller visit Iraq and look at CJTF-7's interrogation operations. MG G. Miller understood that detainees in Iraq were subject to the GCs.

d. (U) COL Warren and his staff worked very hard, and probably did too much, but COL Warren understood that if he did not take on the extra missions, the job would not get done. COL Warren and his staff were doing what was necessary to the success of both CJTF-7 and the CPA. LTG Sanchez recognized he had an "extraordinary pocket of competency" in COL Warren and his staff, and took full advantage of that fact.

e. (U) COL Warren forwarded the CID executive summary (EXSUM) of the AGP detainee abuses to him (COL (b)(6)-2 & (b)(7)(C)-2) on 15 January 2004. He forwarded the EXSUM to the CENTCOM command group. It was clear that COL Warren and the CJTF-7 staff took the CID report very seriously.

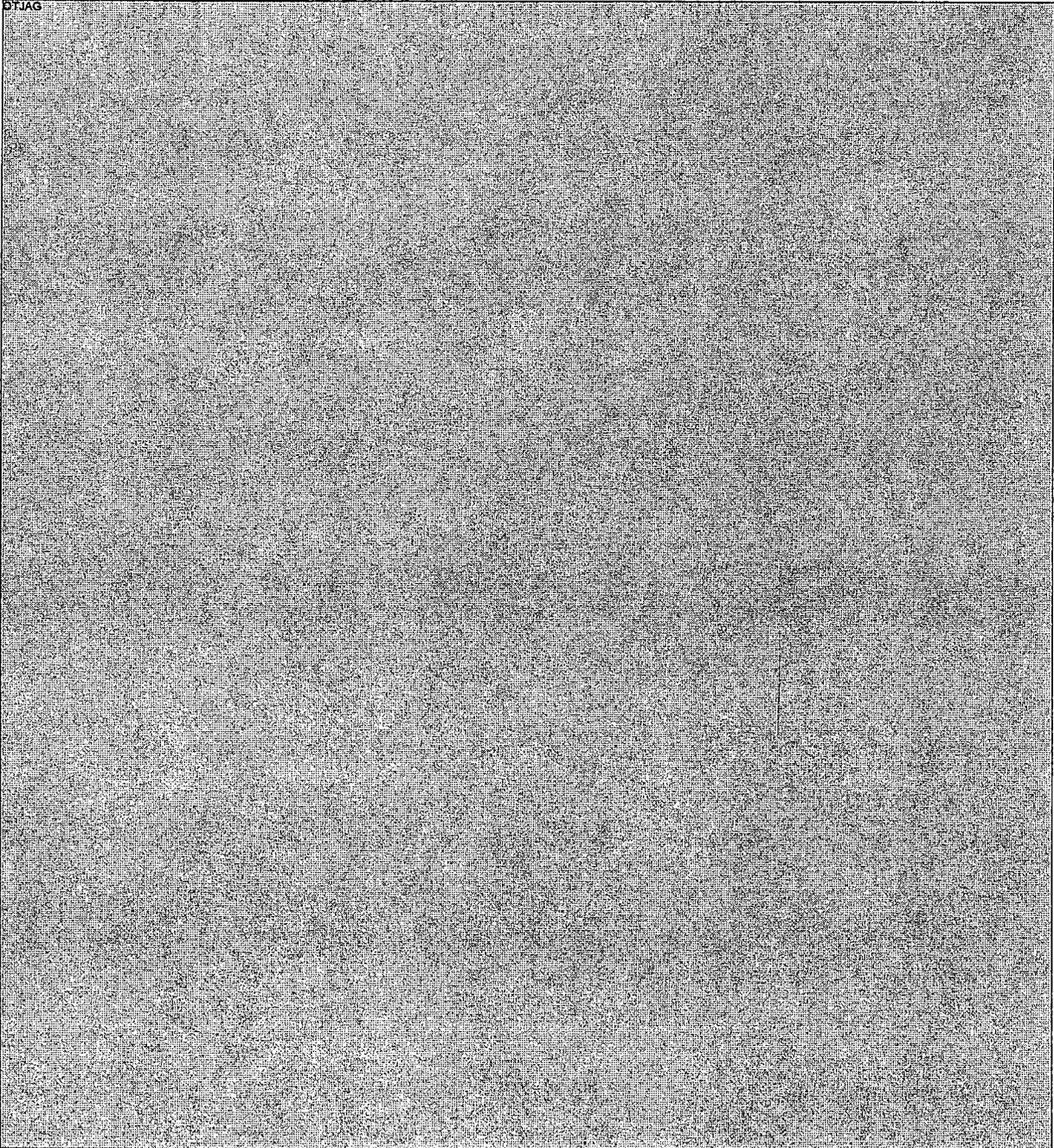
f. (U) Planning for detainee operations in OIF primarily focused on EPWs and the application of Geneva III, rather than on civilian/security detainees under Geneva IV. The situation in Iraq never fully transitioned in Phase IV. COL Warren's approach to Phase IV was characterized by forward-thinking. He recognized early on that there was inadequate planning for the numbers of civilian/security detainees.

g. (U) In hindsight, the September and October 2003 policies could be considered confusing if looked at alone. The policies were never intended to stand alone or be read "in a vacuum." The interrogations were supposed to be conducted in accordance with written plans reviewed and approved by experienced interrogators.

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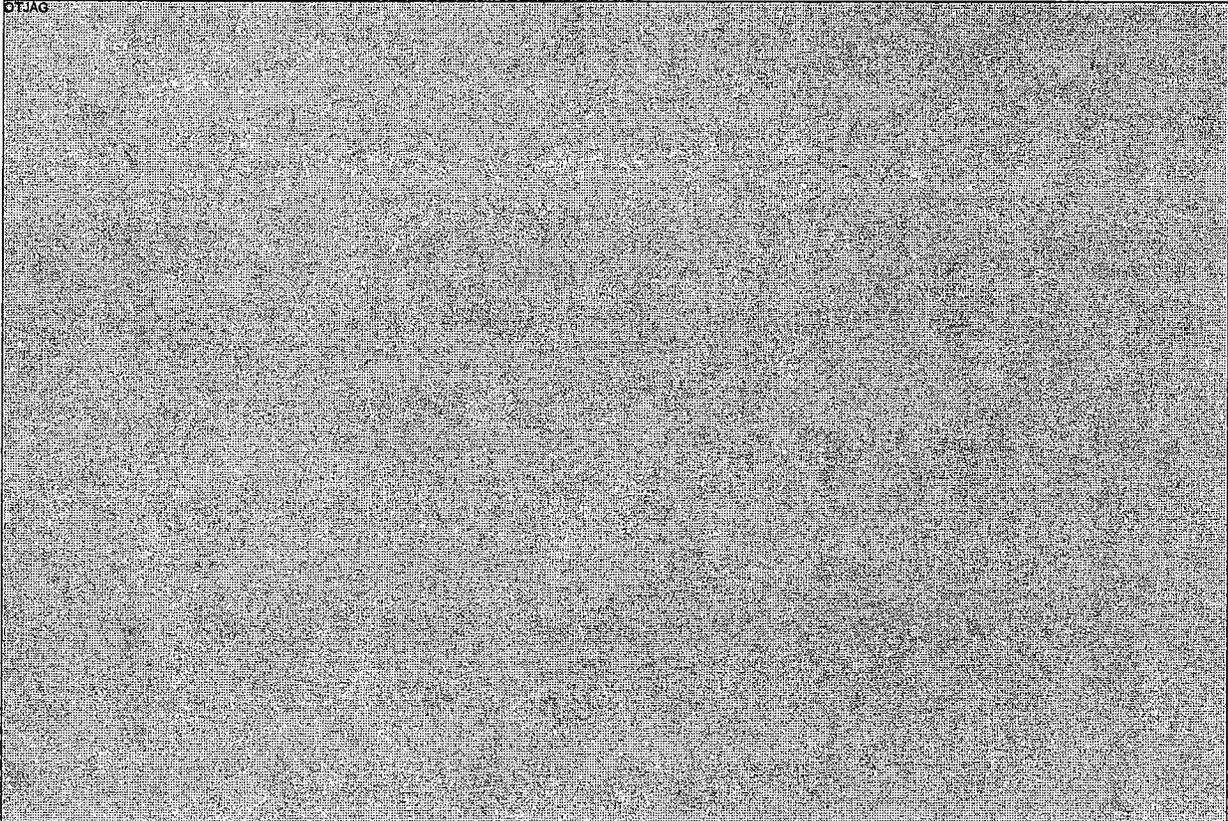
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h. (U) COL Warren understood the requirements of international law and the GCs better than any other attorney or officer in theater, and worked tirelessly to ensure CJTF-7 met all its legal obligations. (EXHIBIT C-28)



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30. (U) The Church Report, dated 7 March 2005, stated:

a. (U) In Iraq, there was generally poor unit-level compliance with approved policy memoranda even when those units were aware of the policies. While the problems of policy dissemination and compliance were cause for concern, they did not lead to the employment of illegal or abusive interrogation techniques. (p. 10)

b. (U) It was a missed opportunity that interrogation policy was never issued to the CJTF-7 CDRs in Iraq as was done for GTMO. Had this occurred, interrogation policy could have benefited from additional expertise and oversight. By the time the first interrogation policies were published in Iraq in September 2003, two policies were thoroughly debated and promulgated for GTMO. Yet, CJTF-7 was left to struggle with these issues on its own in the midst of an insurgency. (p. 11)

c. (U) No link was found between approved interrogation techniques and detainee abuse. Much of the substantiated abuse was wholly unconnected to any interrogation technique or policy, as it was committed by personnel who were not MI interrogators, and who almost certainly did not know (and had no reason to know) the details of such

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policy. These personnel either knew or should have known their actions were improper because they clearly violated military doctrine and law of war obligations. Even when MI interrogators committed abuse, their actions were unrelated to any approved techniques. Even if interrogators were confused by the issuance of multiple interrogation policies within a short timeframe, as some have hypothesized regarding AGP, it was clear none of the approved policies would have permitted the types of abuses that occurred. (pp. 13-15)

d. (U) There was a failure to react to early warning signs of abuse. Warning signs were present in the form of communiqués to local CDRs. These warning signs were not given sufficient attention at the unit level nor were they relayed to the responsible CJTF-7 CDRs in a timely fashion. (p. 16)

[IO Note: The Church Report did not specify what these "communiqués" were. It was assumed that the report was referring to the ICRC Working Paper.]

e. (U) A breakdown of good order and discipline in some units could account for other incidents of abuse. This breakdown implied a failure of unit-level leadership to recognize the inherent potential for abuse due to individual misconduct, to detect and mitigate the enormous stress on troops involved in detention and interrogation operations, and a corresponding failure to provide the requisite oversight. (p. 16)

f. (U) After hundreds of interviews, the report found no direct or indirect link between interrogation policy and detainee abuse. (p. 92)

g. (U) LTG Sanchez initiated numerous measures to improve the Corps' capability to act as a CJTF, such as the assignment of GOs in key staff positions. In view of the unexpected intensity of the Iraqi insurgency, LTG Sanchez was forced to seek out and aggressively pursue additional resources to augment V Corps' capabilities from the very beginning of his tenure in command. The Church Team agreed with LTG Jones' conclusion that "the CJTF-7 CDR and staff performed above expectations, in the overall scheme of OIF." (p. 251)

h. (U) LTG Sanchez' approval of interrogation policies constituted recognition that not only were interrogation policies required, but also that strict controls were necessary to ensure compliance with the GCs. LTG Sanchez' key purpose for interrogation policy development was to regulate interrogations in Iraq by specifying approved techniques, mandating oversight and safeguards, and requiring adherence to the GCs. (p. 266)

i. (U) The Church Team was unable to corroborate the Independent Panel's statement that "CJTF-7, using reasoning from the President's memorandum of

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February 7, 2002, which address 'unlawful combatants', believed additional, tougher measures were warranted because there were 'unlawful combatants' mixed in with enemy prisoners of war and civilian and criminal detainees." (p. 270)

j. (U) The vast majority of the abuses at AGP were completely unrelated to any doctrinal or otherwise approved interrogation policies, and did not occur during actual interrogations. (p. 275)

k. (U) There was ineffective dissemination of approved techniques from the theater HQs to individual units, and there was incomplete unit-level compliance with policy memoranda. LTG Sanchez' issuances of the memoranda were explicitly intended to ensure compliance with the GCs. Each subsequent policy sought to further define and constrain the limits of approved interrogations techniques. The breakdown in dissemination to the units may have caused some confusion as to which policies were currently in effect at a given time. (p. 277-278)

l. (U) The Schlesinger Report was technically correct in stating that "Interrogation techniques intended only for GTMO came to be used in Iraq." It was emphasized that CJTF-7 interrogation policies were explicitly crafted to comply with the GCs. This form of migration was neither accidental nor uncontrolled. (p. 289)

m. (U) Migration of interrogation techniques into Iraq was largely through official processes, including through the staffing of the interrogation policies with the CENTCOM SJA. Unofficial migration occurred when interrogators believed that techniques they had learned elsewhere were permissible under the GCs and FM 34-52. There was no evidence that interrogators consciously imported techniques they believed to exceed the law and policies applicable in Iraq. (p. 290)

n. (U) In reviewing cases of interrogation-related abuse, the Church Team found no evidence that approved interrogation policies contributed to abuse. (p. 293)

o. (U) Interrogation-related abuse, and the non-interrogation abuses at AGP, appeared unrelated to any approved interrogation policies. The promulgation of the September and October 2003 policies did not appear to play any role in the abuses at AGP or any of the closed, substantiated abuse cases in Iraq. If the policies had been adhered to, some of the abuses may have been prevented. (p. 304) (EXHIBIT C-30)

ANNEX 3

## SAIG (20-1b) ANNEX 3 (TESTIMONY) to DIG 05-80001

1. (U) On 15 February 2004, BG Karpinski testified to MG Taguba:

a. (U) She got a transfer of authority (TOA) order that directed the move of the 800th MP BDE to Baghdad to be responsible for confinement and corrections operations in Iraq. AGP was selected as an interim site, for not more than three years. BG Paul Hill directed the 320th MP BN move to AGP before she took command. (p. 19)

[IO Note: BG Hill was the previous CDR of the 800th MP BDE.]

b. (U) On 9 September 2003, she was shown a list that was 2 ½ pages long of 800th MP BDE Soldiers that had been removed from theater for medical reasons. (p. 25)

c. (U) After one of MG Wojdakowski's visits to AGP, he directed that AGP become an enduring camp. MG Wojdakowski told the CJTF-7 Engineer, C-3, and C-4 that they had not been able to provide AGP with support because the 800th MP BDE was TACON to CJTF-7, but making AGP an enduring base would "open the doors." (p. 13)

d. (U) In November 2003, COL Pappas got a FRAGO directing that all tenant units at AGP were TACON to him for security of detainees and force protection. She was not informed of the FRAGO before it was issued. She saw MG Fast about the order. She told her it was done, no discussion required. (pp. 10-11)

e. (U) When she told MG Wojdakowski that she did not have the MP resources to cover 15 detention facilities, he told her to "figure it out." (p. 38)

f. (U) There were several incidents at AGP; escapes, accidental firearms discharge, etc. The BN CDR looked like he was overwhelmed, so she directed he leave AGP for a few days. The Soldiers at AGP were troubled because of the death of one of their members, the level of activity going on, the expansion of the facility, the extension of their tours, the sharing of the facility with other Soldiers, and that every "bad mission" was coming to them. She temporarily put another BN CDR in for LTC Phillabaum. At the time, LTC Phillabaum did not have an XO or a CSM. She checked with the 377th TSC and CJTF-7 for replacements for her deputy CDR and CSM. She could not get help. (pp. 40-42, 44)

g. (U) When AGP reached full capacity, the PM's and MG Wojdakowski's solution was to put up more tents at Camp Bucca. That was not consistent with treating prisoners with dignity and respect. (pp. 80-81)

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h. (U) She told MG Wojdakowski, MG Fast, and the PM on numerous occasions that they had to treat prisoners IAW certain rules. The standard response was that "these are prisoners" and did not deserve any better treatment than Soldiers. (pp. 81-82)

i. (U) [REDACTED]

[REDACTED] She talked to COL Warren and COL Pappas at CJTF-7 HQs about the report and it was a big joke. They did not believe the report. She brought the report to MG Wojdakowski's attention, and told him that COL Pappas would prepare the response to the ICRC. MG Wojdakowski's guidance to her was to "see what the ICRC response is." (pp. 84-86)

[IO Note: BG Karpinski's testimony did not indicate what aspects of the ICRC report she brought to MG Wojdakowski's attention, nor did she indicate whether she showed him the report. BG Karpinski declined to be interviewed by DAIG.]

j. (U) The CJTF-7 did not want to be bothered by her or force protection for AGP. They blew her off because she was a Reservist, she was TACON, and "a lot of other reasons." LTG Sanchez did not care until the MI Soldiers were killed at AGP. When the prisoners were killed, MG Wojdakowski told her "but they're prisoners, Janis. Did you lose any Soldiers?" (pp. 123) (EXHIBIT D-1)

2. (U) On 18 July 2004, BG Karpinski testified to MG Fay:

a. (U) There were losses in the 800th MP BDE for primarily medical reasons. Some of the BNs were down to 76%-78%. None were higher than 80% strength. There were no replacements. They could not even get MP companies transferred from Kuwait to the 800th MP BDE. (pp. 24-25)

b. (U) It was a conscious decision by the CG, CFLCC, to keep the 800th MP BDE OPCON to CFLCC. He was concerned that CJTF-7 would break up the BDE to supplement other missions besides detention. (p. 26)

c. (U) It was her opinion that LTG Sanchez and MG Wojdakowski wanted her to keep a BN at the HVD detention facility and to run the Corps holding area. (p. 38)

d. (U) She had conversations with MG Wojdakowski about every other night. She talked to him about force protection. They had no "force protection platforms" at AGP and the Soldiers were becoming concerned. She told him they were not getting support from him. She appreciated the funds he provided to help rebuild the compound, but she

## SAIG (20-1b) ANNEX 3 (TESTIMONY) to DIG 05-80001

needed more funds for equipment, water, and food. He told her he was "looking at it." (pp. 68-70)

e. (U) When six prisoners were killed by a mortar attack on 17 August 2003, she immediately called MG Wojdakowski and told him she had no force protection other than a few High Mobility Multi-Purpose Wheeled Vehicles (HMMWVs). They had only one .50 caliber weapon that they borrowed from the Marines. The next day CJTF-7 sent out two Bradley fighting vehicles, which manned the entry control point. Once the press left, the Bradleys left and did not come back. About two weeks later, another mortar attack killed some MI Soldiers. (pp. 70-71)

f. (U) Neither she nor her staff read the 19 November 2003 FRAGO when it first came out. Both she and COL Pappas had questions about the TACON relationship. It was COL Pappas' understanding that he had "operational control-tactical control" of the prison. That meant he could define the Soldiers' work assignments or use them for force protection. He could not change their work and make them truck drivers. If he thought they needed more MPs out in the prison compound, he could go to LTC Phillabaum and talk to him about it. (p. 146, 150-151)

g. (U) She told MG Wojdakowski that she was scheduled to brief LTG Sanchez on the timeline for restoring the prisons, and that she would mention to him that her number one concern was force protection at AGP. She almost pleaded with MG Wojdakowski to get more force protection platforms. (p. 155)

h. (U) When AGP was declared an enduring camp, MG Wojdakowski told her that the reason CJTF-7 had not been able to give them any resources was because the 800th MP BDE was not OPCON to CJTF-7. (p. 162)

i. (U) In November 2003, the Deputy Commanding Officer, 205th MI BDE, told her about the ICRC visit. She told her (BG Karpinski) that the ICRC observed naked detainees, and that one detainee told a story about being made to wear women's underwear on his head. (p. 181)

j. (U) She asked MG Wojdakowski for a COL to run AGP as the FOB CDR, because that person would have to work with COL Pappas, but MG Wojdakowski told her he didn't have anyone to give her. (p. 150) (EXHIBIT D-2)

3. (U) On 13 September 2004, MG Fay testified to DAIG:

a. (U) There was real confusion as to who was in charge of detention and interrogation operations. There was no one person in charge. It was a shared

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responsibility among CDRs and staff. MG Wojdakowski had some responsibilities because he supervised both BG Karpinski and COL Pappas. He was more involved with the detention side rather than the interrogations side, and relied heavily on COL Pappas for interrogation operations. MG Wojdakowski was mostly involved with handling the "huge numbers" of logistics issues facing CJTF-7. (pp. 3-4)

b. (U) Other persons involved were the PM, the C-2, and the SJA. Additionally, MG T. Miller was designated as responsible for detention operations by LTG Sanchez in February 2004. Doctrine was silent as to who had overall responsibility for detention operations. As such, CJTF-7 did not violate Army doctrine by not having a single person in charge of detention and interrogation operations. (p. 4-5)

c. (U) It was not fair to place all the burden on LTG Sanchez for not recognizing there were problems at AGP. As a country, we under-resourced CJTF-7 and "under-appreciated" what we would face in Iraq. We were optimistic on the amount of resistance we would face. We did not react fast enough to the insurgency. We should have been more pessimistic in our initial plan. This was an under-resourced operation that changed quickly from a combat operation to an insurgency, and they were left with a force that was not put together to fight an insurgency. It was not negligence. (p. 6)

d. (U) Most of BG Karpinski's dealings at CJTF-7 were with MG Wojdakowski, rather than with the PM or C-3. (p. 7)

e. (U) Leaders at the 205th MI BDE level and below failed to effectively manage pressure on JIDC personnel. It was not the job of LTG Sanchez or MG Wojdakowski to protect Soldiers in the JIDC from that pressure. (pp. 7-8)

f. (U) The ICRC report was ignored by personnel in CJTF-7 SJA, 205th MI BDE, and 800th MP BDE because they found the allegations to be unbelievable. It was a known issue at AGP that clothing for the prisoners was hard to obtain; therefore it was unbelievable that prisoners were wearing women's underwear when the prison couldn't even get regular clothes. But it turned out the allegations were true. (pp. 10-11)

g. (U) Regarding the manning of the JIDC, COL Pappas should have asked for a unit to perform that mission. Instead, he used personnel provided to him from all over the Army. A more effective method would have been for him to turn to one of his BNs and give them the mission. Additional organizations like a JIDC should not be created if we have to "pay for them out of hide." (pp. 23-24) (EXHIBIT D-3)

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4. (U) On 14 October 2004, LTG Jones testified to DAIG:

a. (U) Most of the CJTF-7 staff was focused towards supporting the CPA and fighting the insurgency. For example, the C-2 spent more than 50% of her time supporting the CPA. She did "yeoman work" getting the intelligence priorities out and making it seamless from tactical to strategic. She established the communications for this with little or no resources. Their focus in the October-November 2003 timeframe was taking down Saddam Hussein's support base. (pp. 3-5)

b. (U) The conditions at AGP started to improve later in the fall. As the central location where all the prisoners were to be "filtered through", it begged the question, "Are we doing it right?" (p. 5)

c. (U) An MP BN was supposed to be able to handle up to 4000 detainees. The AGP mission was assigned to the 320th MP BN because they were already moved in to AGP. The leadership in the 320th MP BN broke down, and they didn't ensure proper oversight. They didn't check things day and night. In the intelligence arena, LTC Jordan didn't take charge of the JIDC. He became the "buddy" and friend of the different factions. No one was in charge of the interrogators. No one checked the procedures. With no one in charge, it led to a permissive environment that allowed some of the personnel who lacked discipline to influence what was going on in the compound. (pp 7-8)

d. (U) The interrogation techniques set forth in the CJTF-7 interrogation policies could have been used without violating the GCs, but they allowed the perception that additional techniques could be used other than what was provided in the interrogators' training. By emplacing safeguards, LTG Sanchez thought that he could control what techniques would be used. (p. 9)

e. (U) They had to build the CJTF from scratch. They had to build an organization in which none of them had ever served. They had just fought the tactical fight; now they were focused at the strategic level. The CofS was moved over to support the CPA. Another piece of the staff was split to the DCG, CJTF-7, to fight the war. Because of resourcing and the way they were set up, the staff was pulled in three different directions. All the divisions and SEP BDEs "morphed" from 12 to up to 18 SEP BDEs. All were waiting for guidance and direction, and it was a challenge. (p. 14)

f. (U) The primary staff officers focused up, and by default, the lower level staff officers worked the other issues. The residual SJA personnel were running the show in the OSJA because the leadership was preoccupied running the war and supporting the CPA. There was limited time to go out and see what was happening. (p. 14)

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g. (U) CJTF-7 was given not only CJTF responsibilities, but also ASCC and ARFOR responsibilities. LTG Sanchez was one person, and a brand-new LTG. He did not complete two years as a division CDR. He went from commanding about 15,000 Soldiers in a division to over 180,000 people in a coalition. It overwhelmed him and the CJTF-7 staff. (p. 15)

h. (U) The interrogation policies did not adequately set forth the limits on interrogation techniques because they were open to interpretation by junior Soldiers. The safeguards were vague. (p. 18)

i. (U) In hindsight, LTG Sanchez should have made one person in charge of detention and interrogation facilities. There was no CofS. The C-1 was responsible for personnel and ensuring there were backfills. The C-2 was setting the overall intelligence collection priorities. The C-3 was overall responsible for detention operations with some execution responsibilities with the PM. The C-4 was responsible for logistical support. The DCG was establishing priorities not only for the detention facilities, but also for the different base camps and the construction. Finally, there were all the SEP BDEs that fell under MG Wojdakowski. A person would have to go to individual staff sections to talk different issues. There was no CofS to synchronize the efforts. (pp. 19-20)

j. (U) Initially, AGP was a temporary facility, and MG Wojdakowski gave it very little priority. In the summer of 2003, everyone was living in "pretty shoddy conditions." LTG Sanchez visited, and directed that this be fixed. (p. 20)

k. (U) MG Wojdakowski had two new BDE CDRs in COL Pappas and BG Karpinski. These CDRs were not experienced in the theater. COL Pappas came out of the US Army War College, and BG Karpinski came out of the Reserve ranks. MG Wojdakowski could not have known their experience level. They probably demanded more oversight and supervision. (p. 21-22)

l. (U) In MG Wojdakowski's defense, he was trying to get the Logistics Capabilities (LOGCAP) set up, secure the immature lines of communications, and establish contracts to get the supplies moving forward. The units' equipment had just gone through a war, and needed a lot of attention. As a result, he let COL Pappas and BG Karpinski execute their mission in a decentralized way. In retrospect, he probably should have brought them in and given them more specific guidance because he was in their direct chain of command. Those units needed more attention. BG Karpinski "probably didn't accept any guidance or leadership". COL Pappas "was probably hungry for it." (p. 22)

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m. (U) In his opinion, BG Karpinski wanted the position of command but did not want to accept the responsibilities that went with it. She had to be told to move her staff to Iraq. She was often found back in Kuwait. She had to be directed to go check on the MeK facility that held the Iranian freedom fighters. LTG Sanchez had a confrontation with her about taking charge. There were indications she was weak. (p. 23)

n. (U) In COL Pappas' case, his inexperience led to the lack of a decision on making someone in charge of the JIDC. He had other BN CDRs, and he could have moved one into AGP and set up a clear chain of command to execute that mission. MG Wojdakowski's failure to recognize this need for additional oversight was a shortcoming, but it was not negligence, primarily because of the magnitude of what he was facing. (pp. 23-24)

o. (U) The failure to effectively manage the pressure for intelligence on JIDC personnel fell at COL Pappas' level and below. The pressure for intelligence was not abnormal, and was appropriate. But as the pressure "morphed" down to the lower levels, the interpretation of the CDR's intent and the establishment of standard procedures was not there. (p. 25)

p. (U) The Army and the Joint Community had no system for dealing with the ICRC in this situation. Our doctrine did not deal with a strategic detention facility. There was no specific staff responsibility in CJTF-7 to interface with the ICRC, but that was later fixed. (p. 28)

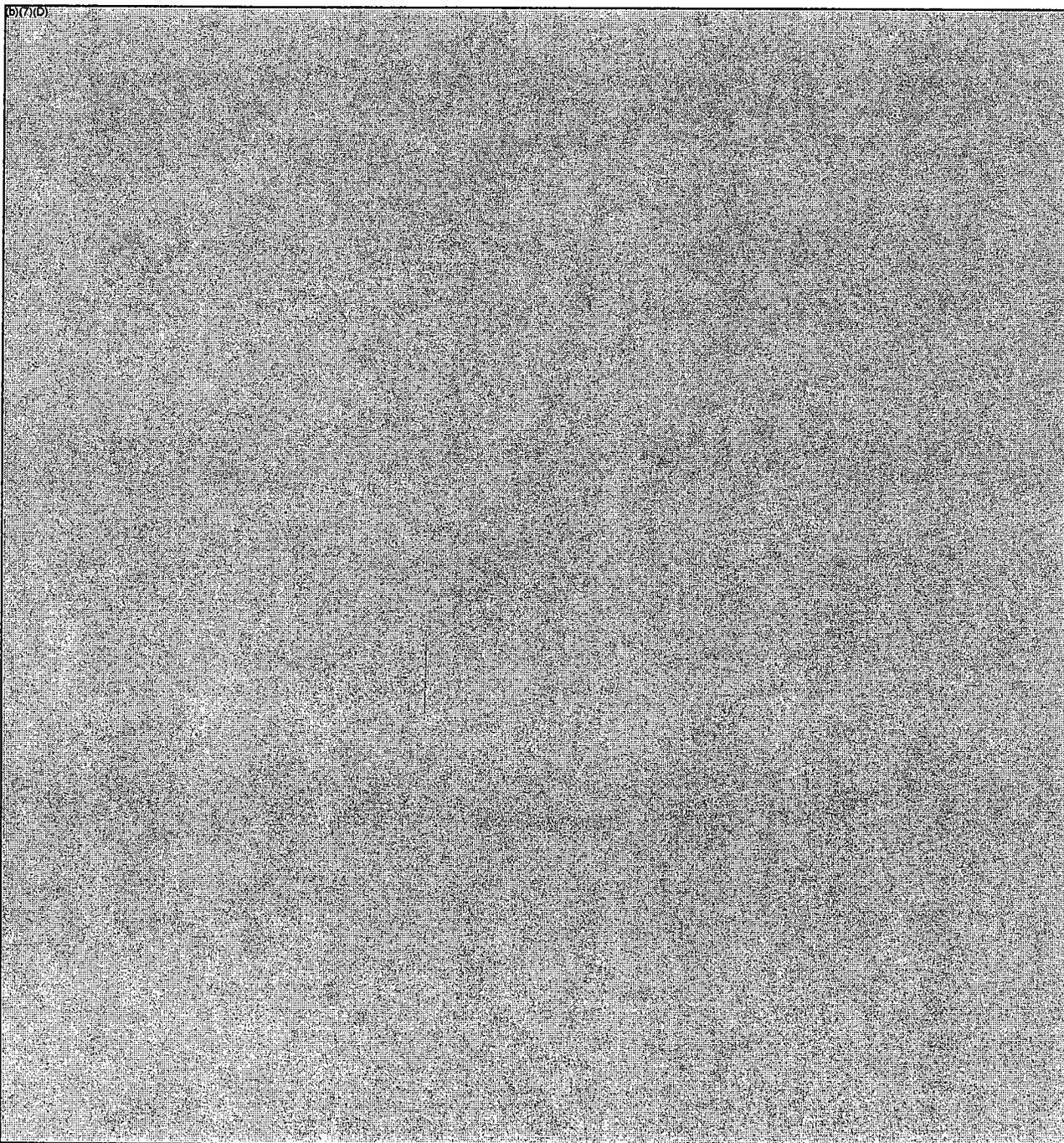
q. (U) The fault of not re-evaluating the campaign plan was more CENTCOM's fault than LTG Sanchez'. CJTF-7 used FRAGOs to change the plan. They did not have the time or resources to rewrite the campaign plan. Later there was a four-star CDR there, with separate Title 10 ASCC responsibilities from the warfighting responsibilities. (pp. 30-31)

r. (U) BG Karpinski used the TACON relationship both ways. She told CJTF-7 "you gotta support me." In reality, her support base was the 377th TSC. The 377th TSC did not see any role in supporting the 800th MP BDE. BG Karpinski kept going back to Kuwait to "keep that relationship going." She played both sides against the middle. She never accepted ownership of her mission. (p. 32)

s. (U) V Corps was "left holding the bag" when CFLCC left. Although the senior leadership in CJTF-7 was responsible for what did and did not happen, they did tremendous work based on what they were tasked to do. We as an Army did not set CJTF-7 and its leaders up for success, and "we're part to blame." A situation was dealt

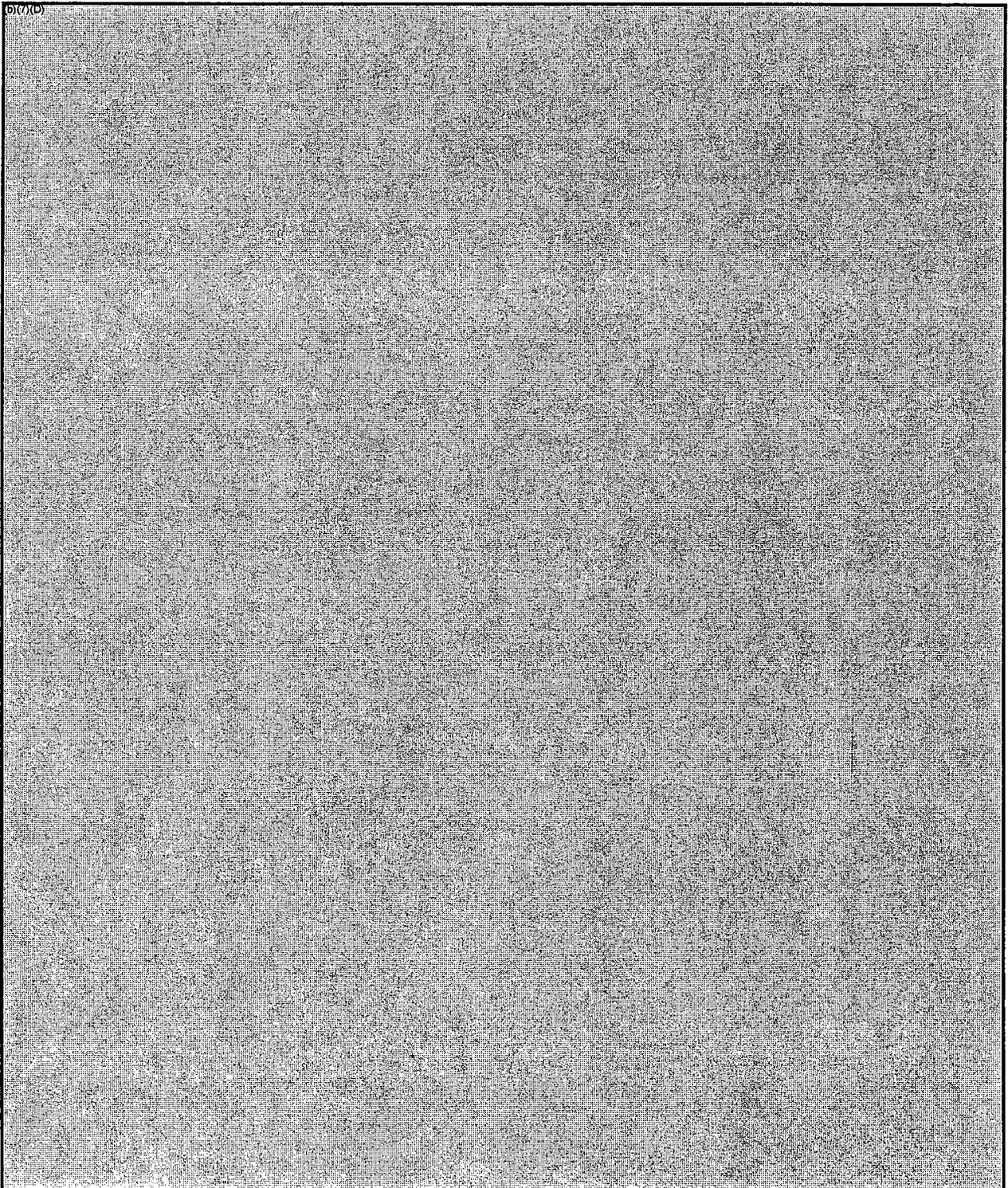
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to them for which their level of experience and their resourcing was inadequate. This was a travesty. As a Nation, as a joint community, we did not "step up and help them when we should have, and that's terrible." (pp. 33, 36) (EXHIBIT D-4)



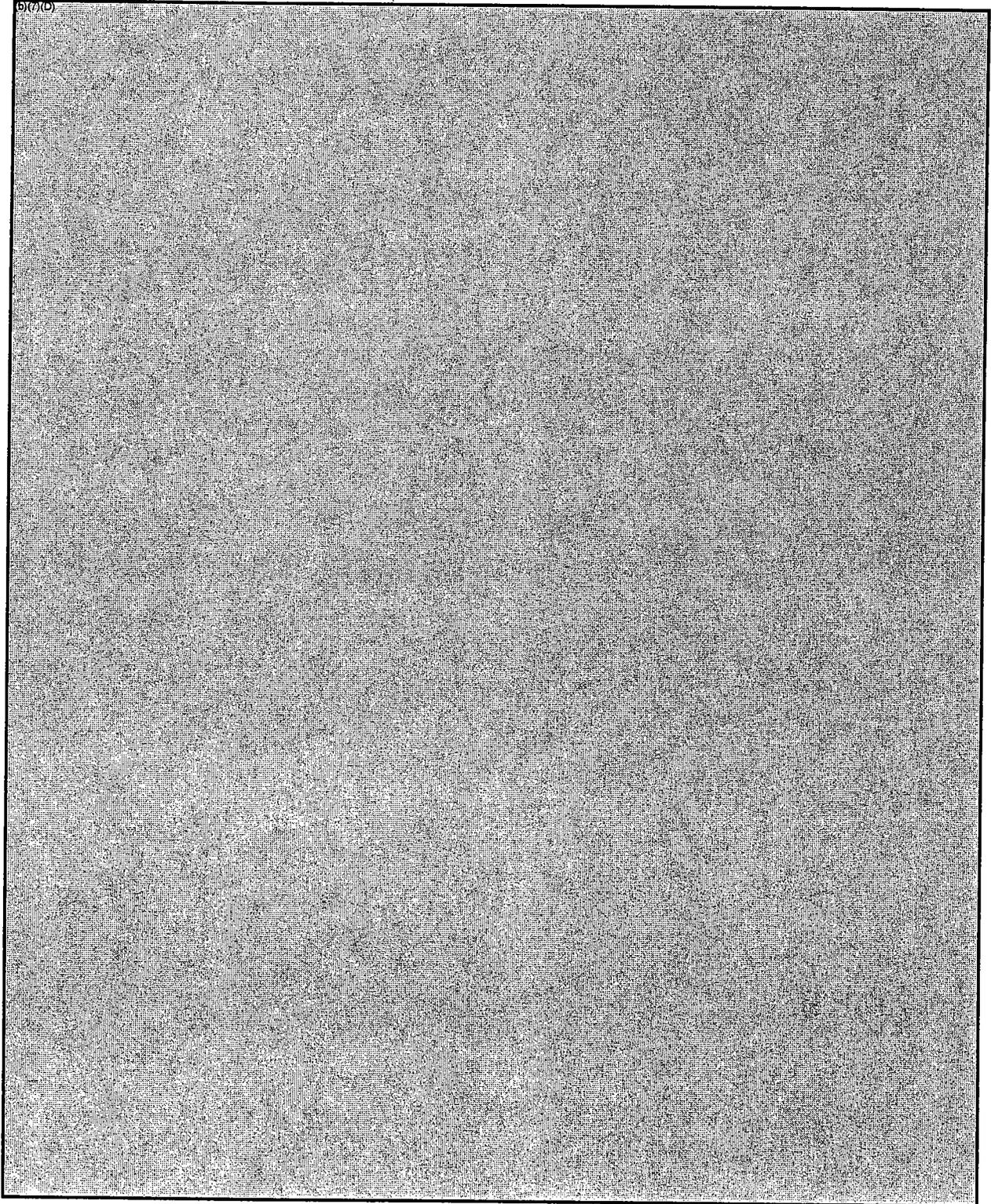
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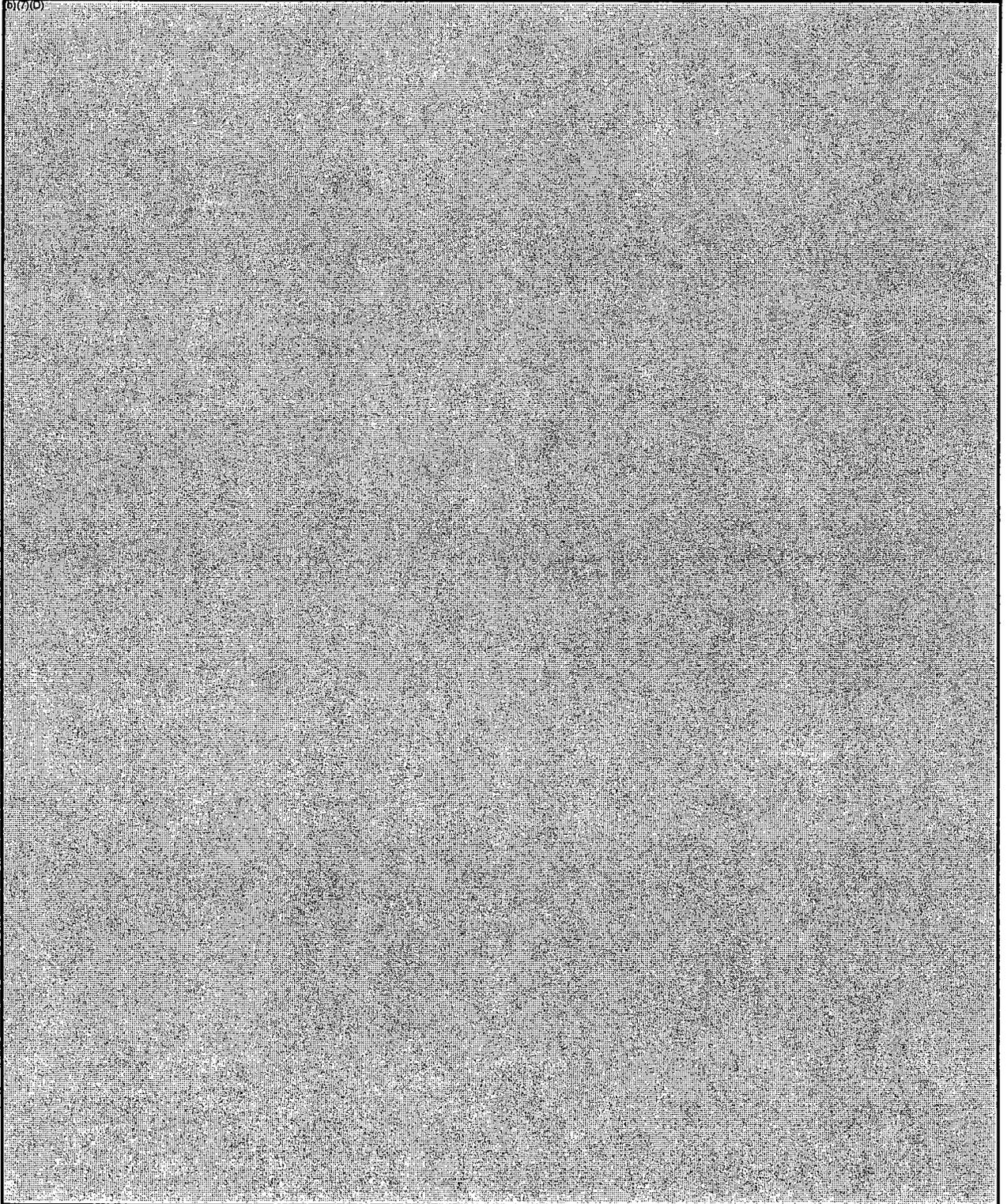
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