

Testimony of Former Brigadier General Janis Karpinski, the Former Head of Abu Ghraib, for the French criminal procedure against former American Secretary of Defense Donald Rumsfeld
Wednesday, October 24th, 2007

1. General Introduction

My Army career started in 1977 when I was commissioned as a Second Lieutenant in the Military Police branch of the US Army. I attended the Military Police Officer Basic course and Airborne school before arriving at Fort Bragg for my first assignment. I served in a variety of leadership assignments in the US and in Europe, including assignments with Special Forces units. I was deployed during the first Gulf War and served as a Targeting Officer. We evaluated every target for compliance with laws and regulations, including the Geneva Conventions. I was selected to establish a Women's Military Training program for the women in the United Arab Emirates, and remained there for six years as an Advisor to the wife of the President for the continued development of the Women's military training programs. I was selected for promotion to Lieutenant Colonel and for command of the 160th Military Police Battalion in Florida. The mission of the unit was Prisoner of War operations. I completed the Army War College then served as the Chief of Staff for the Army Reserves largest command. We were preparing units for mobilization and deployment to Iraq in 2003 when I was selected for promotion to Brigadier General and command of the 800th Military Police Brigade. My units were already deployed and serving in Iraq, however most of the Soldiers were preparing to redeploy to the US because the mission of Prisoner of War (POW) operations was largely completed following the declaration of "Mission Accomplished" on 1 May 2003. I requested permission to deploy to meet my Soldiers in Iraq and congratulate them on a job so well done. I was given permission and told most of my Soldiers would likely be on the way home when I arrived but I would have the opportunity to meet some of them. I was informed of a new mission upon arrival in Kuwait.

We were assigned the new mission of rebuilding the Iraqi prison system, and coordinating with the prisons experts working for Ambassador Bremer. This was particularly bad news for the thousands of Soldiers assigned to the Brigade who were expecting to go home since the

POW mission was accomplished successfully. It had a profound effect on the morale of the Soldiers assigned and deployed on official orders for 179 days. I felt completely confident in my leadership abilities and well prepared to Command the Soldiers assigned to the Brigade. I was not prepared for the failures and demonstration of cowardice of the Regular Army who were supposed to be supporting us. I was not prepared for the failure of the senior leaders in the Army Reserves and the National Guard who were not interested in taking care of the thousands of Soldiers serving in harm's way without appropriate equipment. I was not prepared for the chaos in Baghdad and the dishonorable behavior of the US contractors working under the auspices of the CPA.

It was such a failure of senior leadership all the way up the chain of command. The number of Military Policemen was completely inadequate to perform the mission successfully and the absence of a personnel replacement system contributed to the near impossibility of accomplishing the mission successfully.

The problems started during MG Miller's visit and grew worse with the arrival of the contract interrogators. I would eventually be held responsible for the abuses and the misconduct of the soldiers in the photographs.

There were no discussions/planning meetings about the new mission. I was told we would have support from the CJTF7 and Ambassador Bremer's operation, the Coalition Provisional Authority (CPA). Neither of these promises came to be true. Despite our repeated protests about using Abu Ghraib for any detention operations because of the dangerous location, LTG Sanchez and Ambassador Bremer directed us to continue it, and eventually it became grossly overcrowded as thousands of Security Detainees were dumped there and held without knowing any charges against them or any chance of release.

At Abu Ghraib, the prisoner population exceeded 7,000 by the end of September 2003 however we actually processed more than 40,000 prisoners during the course of the time the 800th M.P. Brigade was responsible for prisoner operations. There were no infractions at any

of the other 16 prison facilities or at Abu Ghraib while it was under the control of the 800th M.P. Brigade.

Interrogations were only conducted at Abu Ghraib and there were no reports of infractions or abuses while Abu Ghraib was under my control and being run as a detention facility. The only civilians working at Abu Ghraib were some local contractors doing work on rebuilding the inside cellblocks, or the “hard site” as it was called, and some translators who were restricted to specific areas at Abu Ghraib. The translators were not allowed to leave Abu Ghraib. There were interviews being conducted by the military intelligence interrogators at that time, however it changed considerably during and after General Miller's visit.

2. The visit of General Miller to Iraq – Sent by Secretary Rumsfeld

31 August to 9 September 2003

On November 2002, Miller was given command of Joint Task Force Guantánamo Bay. During his tenure, Miller was credited with bringing order and discipline to the facility and improving interrogation procedures. Miller later said that two-thirds of the 600 prisoners had confessed to being involved in terrorism and were giving "actionable intelligence." However, it is believed that Miller's increased leadership led to allegations of beatings, sleep deprivation, solitary confinement, using attack dogs to intimidate prisoners, and other abuses at Guantánamo.

General Miller was sent to visit Iraq by **then Secretary of Defense Donald Rumsfeld** and the Undersecretary of Defense for Intelligence, Stephen Cambone. MG Miller was serving as the commander of detention operations at Guantánamo Bay, Cuba. He was sent to assist the military intelligence interrogators with enhancing their techniques to obtain more actionable intelligence. He brought a “Tiger Team” of approximately 20 to 22 people with him to discuss all aspects of interrogation operations and provide instructions in the effective use of techniques being used at Guantánamo Bay. MG Miller conducted an introductory briefing (In Brief) and I was invited to attend. He planned to visit Abu Ghraib and several other prison

facilities to determine what facility he was going to use for interrogations. So as a courtesy I was invited to attend the In Brief because all sanctioned detention operations were under my control at the time. With MG Miller was working almost exclusively with the military intelligence people and the military intelligence interrogators during the course of his visit. He was not interested in assisting with detention operations; rather he was focusing on interrogation operations and teaching interrogators harsher techniques as a means to obtain more actionable intelligence.

MG Miller was spending almost all of his time with the Military Intelligence Officer (J2) BG Barbara Fast and the Commander of the Military Intelligence Brigade, Colonel Pappas. During his in-brief, his introduction when he first arrived there with his team, he responded to a military interrogator's question. This military intelligence interrogator was fairly senior in rank and probably has more than 10 or 12 years of experience because his rank was of a more senior, experienced military person. He was listening to the in brief and particularly some of MG Miller's comments; the criticisms concerning how the interrogators were conducting the interviews and they were not obtaining really valuable information, so he was there to assist them with different techniques, techniques resulting in more actionable intelligence.

This interrogator just asked the question about what he would recommend they might do immediately to improve their procedures because he thought that they were doing a pretty good job with identifying the people who may have additional value or more military intelligence value.

The interrogator said, "Sir, we think we're doing a good job, its not like we don't know what we're doing in interrogations, we do have experience." Then MG Miller said, "My first observation is you are not in charge of the interrogations." He said they were being too nice to the prisoners. MG Miller said they the interrogators were not being aggressive enough. He used an example from Guantánamo Bay. He said when the prisoners are brought in, they are always handled by two military policemen and they are escorted everywhere they go with leg irons, hand irons and belly chains. He said the prisoners know who is in charge, and then he

said, “Look, you have to treat them like dogs. If they ever fell like anything more than dogs, you have effectively lost control of the interrogation.” The prisoners at GITMO always understood who was in control, according to MG Miller.

He said, “They have to know that you are in charge, and if you treat them too nicely, they will not cooperate with you. At GITMO the prisoners earn every single thing they get, to include a change of color of their jumpsuits. When they get there, they're issued a bright orange jumpsuit. They're handled in a very aggressive, forceful manner, and they earn the privilege of transitioning to a white jumpsuit, if they prove themselves to be cooperative.” To treat the prisoners like dogs seems to be consistent with those photographs with the dog collar, the dog leash and un-muzzled dogs. The use of those techniques are mentioned in several memorandums, including the Sanchez Memorandums (September 2003) and signed by him, authorizing the use of dogs, even unmuzzled dogs, in interrogation operations.

And at this point, I had to raise my hand to respond to his comments. I was just there as a guest, not as a participant, but I said, “You know, sir, the MPs here don't move prisoners with leg irons and hand irons. We don't even have the equipment. We don't have enough funding to buy one jumpsuit per prisoner, let alone an exchange of colors.” And he said, “It's no problem. My budget is \$125 million a year at GITMO and I'm going to give Colonel Pappas all of the resources he needs to do this appropriately.”

It is true Colonel Pappas ran the interrogation operations within the prison. Cell Block 1A and 1B were the only two maximum security wings of the hard site, and during General Miller's visit, either at his order or at his request, General Miller instructed or ordered, Colonel Pappas to “get control” of Cell Block 1A.

MG Miller ultimately selected Abu Ghraib to be the focus of his efforts, and he told me that he was going to make Abu Ghraib “the interrogation center for all of Iraq”; he was going to GITMOIZE the operation and planned to use the MPs to assist the interrogators by setting the conditions for effective interrogations to take place. His plans required the MPs to enhance

interrogations and to obtain more actionable intelligence. I explained to him the MPs were not trained in any kind of interrogation operations, and MG Miller told me not to worry because he was going to give them “all the training they needed to do this job” and he was going to leave the training materials on several compact discs (CDs) with the Military Intelligence Brigade Commander (COL Pappas) “to make sure the MPs received the right training. MG Miller told me he wanted me “to give him Abu Ghraib” because it was the location he selected. I told MG Miller Abu Ghraib was not mine to give him, we only ran detention operations there. I told him I had no authority to give him Abu Ghraib because it really belonged to Ambassador Bremer, however if Ambassador Bremer told me to give him Abu Ghraib, I would be happy to do so. MG Miller said, “Look, Rick Sanchez said I could have any facility I wanted and I want Abu Ghraib.” He further stated, “Look, we can do this my way or we can do this the hard way,” as if we were on opposite sides from each other.

There was one interrogation facility named “Interrogation Facility Wood” and another interrogation facility named “Interrogation Facility Steel.” Although it was widely reported the pictures were taken during interrogation operations, in fact, it was not during interrogation operations at all. The photographs are taken inside of the hard site, in the hallways of cellblock 1A. These pictures were being staged and set up at the direction of contract interrogators, civilian contract interrogators, for the use in future interrogations.

General Miller said he wanted to blur the bright line between military police and military intelligence, and the military police were to take the prisoners to the military intelligence interrogation room and turn custody over to the interrogators. This was his idea of using the MPS to set the conditions for effective interrogations.

3. My first knowledge of the photographs

I was first informed of the situation at Abu Ghraib, and “the ongoing investigation” by an email I received in classified – what they call “classified traffic.” I opened it up late one night on the 12th of January of 2004. It was from the commander of the Criminal Investigation Division. He sent me an email and said, “Ma'am, I just want to make you aware, I'm going in

to brief the CG (Commanding General) meaning General Sanchez, “on the progress of the investigation at Abu Ghraib. This involves the allegations of abuse and the photographs.” This was the first I heard anything about any investigation or anything about abuses or anything about photographs.

I did not receive the email or even so much as a telephone call or a message from General Sanchez himself, who would ultimately attempt to hold me fully responsible for this, but from the C.I.D. Commander. I was alarmed with just the information in the short email and I was not in Baghdad at the time. I was at another location very close to the Iranian border, so we made arrangements to leave at the crack of dawn to drive down to Abu Ghraib to see what we could find out about this “ongoing investigation.”

The Rumsfeld Memo

The Sergeant showed me the one page log he was talking about. Then he pointed out a memo posted on a column just outside of their small administrative office. The memorandum was signed by the Secretary of Defense, **Donald Rumsfeld**, and it discussed Authorized Interrogation techniques including use of loud music and prolonged standing positions, amongst several other techniques. It was one page. It mentioned stress positions, noise and light discipline, the use of music, disrupting sleep patterns, those types of techniques. There was also a handwritten note out to the side in the same ink and in the same script as the signature of the Secretary of Defense. The notation written in the margin said “Make sure this happens!” And people understood it to be from Rumsfeld. This memorandum was a copy; a photocopy of the original, I would imagine. I thought it was unusual for an interrogation memorandum to be posted inside of a detention cell block, because interrogations were not conducted in the cell block, at least to my understanding and knowledge. Interrogations were conducted in one of the two interrogation facilities outside of the hard site.

This was the command of Donald Rumsfeld himself talking about the specific interrogation techniques he was authorizing.

5. Contributing Factors

I believe many of the contributing factors, blurring of the lines of command, conflicting missions, no oversight, transferring the Prison Facility to the control of a Military Intelligence Officer, etc., were intentionally designed to cause confusion at Abu Ghraib.

I was not based at Abu Ghraib. I did not live on site. My units were spread all over Iraq and between Ambassador Bremer and LTG Sanchez, we were assigned new missions every week, without additional assets to perform the missions. One of my Battalion Commanders lived at Abu Ghraib because it was his mission. COL Pappas moved there and lived there. I was based over at Camp Victory and later on in our assignment in Iraq, General Sanchez cut an order to move me out of Baghdad completely to another location, as I mentioned, closer to the Iranian border. He wanted me away from the situation. He wanted to prevent any likelihood of me finding out about what was going on in interrogations. So, he incrementally moved me farther away. He took Abu Ghraib from my control by official order, then moved me out of Baghdad completely.

The ICRC estimates 90% of the prisoners at Abu Ghraib weren't charged and were being held indefinitely. They came from raids of homes or other meeting places; thousands of people just swooped up and brought in. Ultimately, the person responsible for that was General Sanchez, because his division commanders in each area of responsibility were assigned specific individuals from their areas of responsibility. When the Soldiers conducting the raids arrived at the specified location, they usually did not have enough information to identify the target individual(s) so they arrested everybody at the location, sometimes more than a few hundred individuals apprehended during one raid. They were told the interrogators would sort it out and identify the target individuals.

The military intelligence interrogation teams were overwhelmed with the number of security detainees being brought in as a result of the raid operations but they were able to determine fairly quickly the vast majority of security detainees were not guilty of anything and had no further intelligence value whatsoever.

All of the prison facilities had very austere conditions. We were keeping prisoners in the outside camps only for as long as we needed to because the temperatures were 120 degrees, 140 degrees by noontime, so I would say that we were very close to being in violation of fair treatment and humane treatment of detainees.

Donald Rumsfeld came to visit, and I expressed my concerns about the conditions in the prisons. I spoke directly to Ambassador Bremer every week. I spoke to General Sanchez at least once every week, reported it in the updates and the night time briefings to General Wodjakowski, the deputy at CJTF-7, about the lack of funding, for even the basic supplies: a basin for washing, a change of clothing, for the prisoners.

The funding was allegedly coming from the prisons department at Ambassador Bremer's headquarters. We never saw one tenth of the funds we were supposed to receive. When the "Prison Experts" left Iraq at the completion of their contracts, we visited some of the locations where contract work was allegedly taking place in an effort to restore the prisons to minimal standards and allow some of the Iraqi criminals to be transferred to inside facilities. Although money was allocated and allegedly paid to the contractors to perform certain work, we saw no evidence of any work at any of the facilities. In fact, in the operational prisons, most of the improvements were being made by US Soldiers working at the facilities. We usually received approximately \$1000 US dollars per month to run the entire prison system for Iraq.

I saw the photographs for the first time on the 23rd of January, and remember, this is 11 days after I received the only email informing me there was an "ongoing investigation." During those 11 days, as much digging as I was doing, as many questions I was asking and as much traveling as I was doing, there were no conversations at all about the details of the photographs, no meeting with General Sanchez, no discussion about this situation at all. I was not able to speak to Colonel Pappas or any one of the Soldiers in the photographs. I was told by COL Warren (JAG for LTG Sanchez) "No Ma'am, you cannot see the Soldiers. You are

not authorized because they do not work for you. They work for COL Pappas and he is the only Commander authorized to speak to them.”

The only person I spoke to individually after General Miller's initial briefing, was the JAG Officer who was with General Miller. She was working down at Guantánamo Bay in her last assignment. Her name was Major Laura Beavers. I asked her, “What are you doing about releasing the prisoners down at Guantánamo Bay?” She said, “Ma'am, we're not releasing prisoners. Most of those prisoners are going to spend every last day of their lives at GITMO. They're terrorists. We're not releasing them.” I said, “Well, what are you going to do? Fly their family members over to visit them?” She said “No, these are terrorists, ma'am. They don't get visits from home.” I remember an image of “no end in sight,” guarding prisoners at GITMO and in Iraq for an unspecified length of time did not seem like a favorable idea of democracy or anything close to nation building.

Officials to Be Punished

If officials are to be punished, we have to start at the very top, and the original memorandum directing interrogation -- harsher interrogation techniques and the departure from the Geneva Conventions starts at the very top, the White House. Alberto Gonzales was one of the people who made the recommendations to the President. I don't know if he talked about each detail of the departure from the Geneva Conventions or what it may imply, but I do know that the Secretary of Defense Rumsfeld signed a very lengthy memorandum authorizing harsher techniques to be used in Afghanistan and specifically at Guantánamo Bay. It seems those memorandums would have been made available to me as the Commander of all Detention Operations in Iraq, however I was never made aware of the documents or the authorizations contained in them.

Those techniques migrated from Guantánamo Bay to Iraq during the visit of MG Miller and his Tiger Team and were implemented at Abu Ghraib. Clearly, **the Secretary of Defense;** Under Secretary Cambone, his assistant who sent General Miller to Iraq with very specific instructions on how to work with the military intelligence people; General Fast, who was

directing interrogation operations and giving instructions to Colonel Pappas on how to proceed and how to be more effective; General Sanchez, because this was his command, and he knew what General Fast was doing, and he knew what Colonel Pappas was doing, to the point that Colonel Pappas made a comment one time that he thought maybe he had a bruise on his chest because LTG Sanchez repeatedly poked him in the chest telling him to "Get Saddam! Get Saddam!" and directed him (Pappas) to use whatever means he needed to use to get the information.

The lower level soldiers have been unfairly and unjustly held accountable for all of this, as if they designed these techniques, as if Lyndie England deployed with a dog collar and a dog leash. "Should they be punished for doing what they did, for agreeing to do what they did?" "Absolutely. But singled out? No."

5. Willingness to testify

I am willing to testify in a French criminal investigation against Donald Rumsfeld because of the prisoner abuses in Abu Ghraib and the release of intentionally misleading information attempting to blame "seven bad apples" when it was clear the knowledge and responsibility goes all the way to the top of the chain of command to then Secretary of Defense Donald Rumsfeld. I always offered to testify in the court martial trials because of Abu Ghraib but the presiding judge was never willing to include my name on the witness lists. I was told the judge repeatedly told the lawyers/JAG Officers my testimony would be of no value in the proceedings. The judge's name is Colonel (Judge) James Pohl.

Place and Date

New Jersey 24 Oct 2007

Signature

James Karpinski

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