

FDCH TRANSCRIPTS

Congressional Hearings

May 19, 2004

Senate Armed Services Committee Holds Hearing on Treatment of Iraqi Prisoners

LIST OF SPEAKERS

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WARNER:

Good morning, everyone.

The committee meets today for the third in a series of hearings regarding the mistreatment of Iraqi prisoners by a small -- hopefully a very small -- number of personnel of the armed forces of the United States, in violation of the U.S. and international laws.

Testifying before us today are General John P. Abizaid, commander, U.S. Central Command; Lieutenant General Ricardo Sanchez, commander, Multinational Force-Iraq; and Major General Geoffrey Miller, deputy commander for detainee operations, Multinational Force. And they're joined this morning by their judge advocate general, which I think is a very wise decision to have you with us.

We welcome our witnesses and thank them for their service. Thank them again. How many times members of this committee and other members of Congress have gone abroad and visited each of you in CENTCOM, and most particularly Afghanistan and Iraq.

We must all be mindful of the role of our witnesses in the operational chain of command and of their related responsibilities in the administration of military justice. Each witness this morning will use caution with regard to their comments, such as not to inadvertently influence in any way the ongoing criminal or administrative proceedings.

And, indeed, I'll add, the investigations. Many investigations instituted by the Department of Defense are now ongoing. Indeed, this morning we see the opening of the first trials, and opening in a manner in which the entire world public can see democracy in action.

As I previously stated, this mistreatment of prisoners represents an appalling and totally unacceptable breach of military regulations and conduct. Our committee, a co-equal branch of the United States Congress, co-equal branch of government, and our committee has a solemn responsibility to determine as best we can how this breakdown in military leadership and discipline occurred. And most importantly, what steps are being taken by the civilians in control and, indeed, those in the uniform, to see that it never, never happens again.

I firmly believe this prisoner mistreatment represents an extremely rare chapter in the otherwise proud and magnificent history of the United States military. It is counter to every human value that we as Americans have learned, beginning in our earliest days with our families, our schools, our churches.

WARNER:

It is counter to what this nation stands for and it is counter to the principles that the men and women of the armed forces today and in years past have fought to protect wherever they are in the world in the cause of freedom.

There must be a full accountability for the abuse of Iraq detainees and important questions must be asked of the chain of command to understand what happened, how it happened, when it happened and how those in positions of responsibility either ordered, encouraged or authorized -- or maybe looked the other way -- such conduct.

Our witnesses today are uniquely qualified to answer many of these important questions, including: What policies and procedures were established for the treatment of prisoners and detainee interrogations? What was the chain of command at the prison? Were military police or military intelligence personnel in charge and at what times? When did you -- I say that collectively and individually -- realize the magnitude of these allegations, the seriousness of them, and indeed the uniqueness?

What measures did you take to inform the civilian structure, from the president to the Department of Defense, Department of State and others -- that civilian structure that has the ultimate responsibility for the control of the United States military, which goes back to the very origins of this country?

What steps were taken to respond to earlier reports of mistreatment of prisoners received from the International Committee of the Red Cross and possibly other sources?

And how did the conduct of interrogations and detainee operations evolve from May 2003 until January 2004?

WARNER:

I'm confident that you will, to the best of your ability, be responsive to these and other questions.

I'm proud of the manner in which the armed forces of the United States, represented by these extraordinarily accomplished officers before us, have promptly reacted to the allegations, undertaken an appropriate investigation, and begun disciplinary action under the Uniform Code of Military Justice, the trials, in some instances, beginning today.

We are a nation of laws. We confront breaches of our laws openly and directly. And we must find the evidence to hold those who break the law and regulation accountable.

We must not forget our overall purpose in Iraq and indeed in Afghanistan. Success there in both areas is essential, not only to our nation and the people of Iraq, but to the entire world as we fight global terrorism.

We all have an important stake in learning the truth. We must not allow these acts of a few to tarnish the honor of the many dedicated men and women in uniform, 99.99 percent, who are valiantly upholding the values they were taught in the cause of freedom, and doing so at great personal risk and at great sacrifice.

Lastly, how this hearing originated is spelled out in a letter that I wrote to secretary of defense last week, May 13th, for which I thanked him for his participation and assistance in facilitating these hearings that we have had.

I indicated that our committee would pursue further hearings and involve a list of witnesses. And I named them all, you three among the witnesses.

WARNER:

And then I'll recite this paragraph, "To date, in scheduling, the committee has tried to meet your requirements, and we hope to continue such cooperation in arranging the earliest possible date for appearances of these witnesses.

"Given that some witnesses may need to remain in Iraq of operational reasons, we are open to exploring the option of video teleconferences for some hearings."

And in the course of the last few days and working with the department on, I thought, several civilians in the department to come up today, somewhat unexpectedly my distinguished colleague Senator Levin and I were informed that you were in town, General Abizaid, and had been for several days and that the other witnesses were coming for consultations at the department. And in cooperation the secretary made you available here this morning. And that's plain and simple how it happened.

As to the conduct of this hearing, the buck stops right here on this desk, and I'm chairman. And I consult with my members, as my distinguished ranking member consults with his. And I'm very proud of the manner in which this committee has pursued its responsibilities under the Constitution. We're trying to search for the facts, put together a record, so that we here in Congress, and indeed the American public, can better understand these problems.

This story has been unfolding in many ways. First, a very brave enlisted man sought to bring to the attention of his superiors a problem which, frankly, in his guts he knew was wrong. And he's to be commended for that. Thereafter, the military very quickly took action, and the rest is history.

The press has been diligent. The victims have actually gone on to tell their story.

WARNER:

The lawyers are trying to interpret it. And really the distressing thing is watching the families, families of the soldiers who are under the uniform code now being examined, families of other soldiers.

And I just felt it was imperative that at some point in time -- and the Pentagon basically selected when that time would be, this morning -- that you would face the American public and face the world and give your own personal accounts of how this situation happened and, most importantly, what we're going to do to see that it never happens again. That is the executive and the legislative branches working together.

We're proud of the democracy here in America. It's an open process. And we're going to show the world how we fairly, firmly and calmly deal with this situation.

Thank you.

Senator Levin?

LEVIN:

Thank you, Mr. Chairman.

First, I want to join you in welcoming our witnesses this morning. I want to join you in thanking each one of them for their service to our nation.

And most importantly of all, I join you, Mr. Chairman, in asking our witnesses to pass along to the troops under their command the gratitude of every member of this committee and of our nation for the service of those troops.

The allegations of abuses of Iraqi detainees has shocked our country and shocked our justifiably proud armed forces and their families.

The committee's hearing this morning is part of our continuing efforts to investigate and find out the full extent of these abuses and how they could have happened. Insisting on accountability will help prevent future abuses and hopefully help restore the credibility of our nation within Iraq, the region and throughout the world.

LEVIN:

The inquiry is not just about the behavior of a few soldiers at a detention facility. We, of course, must do whatever we can to ensure that the perpetrators of the abuses are held accountable. But also those who are responsible for encouraging, condoning or tolerating such behavior or who established or created an atmosphere or climate for such abusive behavior must also be held accountable.

The February 2004 report of the International Committee of the Red Cross, the ICRC, presents an overview of documented abuses that extend beyond the conduct of interrogations at one cell block in one detention facility. The report sets forth an extensive list of methods of ill treatment used, quote, "in a systematic way," close quote, by military intelligence at Abu Ghraib and a number of other facilities.

Nor are the abuses that are alleged apparently limited to detention facilities. Many of the alleged violations are reported to occur at the time of arrest.

This is particularly disturbing given the statement in the Red Cross report that, quote, "Certain military intelligence officers told the ICRC that in their estimate between 70 and 90 percent of the persons deprived of their liberty in Iraq had been arrested by mistake."

In addition, according to their report, the ICRC in May 2003 handed over to the U.S. Central Command in Doha a memorandum based on, quote, "over 200 allegations of ill treatment of prisoners of war during capture and interrogation," close quote.

I know that General Abizaid and General Sanchez will inform us today about when the Red Cross and other reports of abuse were brought to their attention and what actions were ordered to address those concerns.

LEVIN:

In addition to reports that were made in the field, ICRC President Kellenberger stated that he briefed administration officials, including CPA Administrator Paul Bremer, Secretary Powell, National Security Adviser Rice and Pentagon officials, concerning allegations of abuse on a number of occasions, including in early and mid-2003 and January 2004.

And we'd be interested in hearing from our witnesses about what word, if any, was received from Washington or Ambassador Bremer as a result of those allegations of abuse being brought to the attention of administration officials.

Finally, I want to commend you, Mr. Chairman, for your determination to carry out the oversight responsibility of this committee. Committees of jurisdiction have a obligation to understand these events, to deter future abuses and to help assure proper accountability.

Mr. Chairman, you are leading this committee in a responsible way to do just that, and this nation is in your debt for you carrying out your duty as you see it.

WARNER:

Senator Levin, the committee is acting as a whole. Each member, most especially yourself, have been responsible for conducting ourselves, I think, in strict accordance with the institution of the Senate and in the best interests of the Constitution.

Gentleman, I'll ask you to rise.

In accordance to the rules of this committee, will you raise your right hand?

I solemnly swear the testimony that I'm about to give the Senate committee of the United States the whole truth and nothing but the truth, so help me God.

ABIZAID:

I do.

SANCHEZ:

I do.

MILLER:

I do.

General Abizaid?

ABIZAID:

Thank you, Mr. Chairman.

ABIZAID:

Senator Warner, Senator Levin and members of the committee, a few days ago, I had the honor to talk to the class of 2004 at West Point, young men and women who have dedicated themselves to service to the nation and who clearly understand that within the first year of their duties they will likely find themselves in combat, probably in the CENTCOM theater of operations.

I could have just as easy been talking to young cadets at the Air Force or Naval Academies or at other countless colleges or places where our young people are about to be commissioned as officers in our armed forces.

One of the most important messages I had for them is my deep, deep belief in the principle that officers of the United States military are responsible; that when in charge we must be in charge.

This is as true for the lowest second lieutenant in the chain of command as it is for me. Every officer is responsible for what his or her unit does or fails to do. I accept that responsibility for the United States Central Command.

I come before you as a senior regional commander to address the Abu Ghraib prison case and at the same time, I hope you'll allow me to discuss the conduct of the war not only in Iraq, but throughout the region.

As all of you understand, both General Sanchez and I, as members of the chain of command, have yet to examine all the facts about the incidents at Abu Ghraib; have made no judgment as to the guilt or innocence of any person associated with events there; nor have we precluded further action against others that additional testimony or evidence may indicate acted inappropriately or failed in their duties.

From evidence already gathered, we believe that systemic problems existed at the prison that may have contributed to events there.

ABIZAID:

Other investigations are currently under way, and we will consider their findings carefully once they become available. We will follow the trail of evidence wherever it leads. We will continue to correct systemic problems. We will hold people accountable. And in accordance with the Uniform Code of Military Justice, we will take appropriate action.

On my way back to the States, I stopped and talked to many of the region's top military and political leaders to discuss Abu Ghraib and the situation in Iraq, to assess the damage that this incident has done to our reputation. They, like us, and like the many Iraqis who talked to me before I last left Iraq, were shocked, disgusted and disappointed at the images of abuse.

Yet all of them expressed confidence that our system could and would produce answers and hold people accountable. If we endanger our ability to see that justice is served -- through failure to thoroughly investigate allegations, by inadvertently exerting inappropriate command influence, or through the inappropriate handling of evidence -- we will do ourselves, the region and Iraqis in particular a great disservice.

As concerned as the good people of the region are about what happened at Abu Ghraib, they are more concerned about our willingness to stay the course in Iraq and Afghanistan. They are more worried that we'll lose our patience with the difficult tasks of stabilizing those places and we'll walk away and come home and bring up the drawbridges and defend Fortress America.

For some of the nations in the region our departure could be fatal. I reassured our friends that we are tough, that we cannot be defeated militarily and that we will stay the course.

We know that we must move quickly from occupation to partnership in Iraq.

ABIZAID:

We know that we must help the Afghan government of President Karzai extend its influence throughout its own land. We must find and destroy Al Qaida and its ideological partners wherever we find them. And we must help the nations of the Middle East help themselves in fighting this desperate war against terror and extremism.

We have given much blood and treasure since 9/11, and we will give more.

Allowing moderation to succeed in a region where talented people seek prosperity and hope for their children is as important a victory as our struggles against the totalitarian regimes of the Second World War.

Our enemies are in a unique position, and they are a unique brand of ideological extremists whose vision of the world is best summed up by how the Taliban ran Afghanistan.

If they can outlast us in Afghanistan and undermine the legitimate government there, they'll once again fill up the seats at the soccer stadiums and force people to watch executions.

If in Iraq the culture of intimidation practiced by our enemies is allowed to win, the mass graves will fill again.

Our enemies kill without remorse, they challenge our will through the careful manipulation of propaganda and information, they seek safe havens in order to develop weapons of mass destruction that they will use against us when they are ready.

Their targets are not Kabul and Baghdad, but places like Madrid and London and New York.

They are a patient and despicable enemy that seeks to break our will, to terrorize us in such a manner as to cause us to leave the fight, to isolate us from our allies, to destroy those that seek a better future and direct the patient work required to build reliable infrastructure and sophisticated economic structures.

Unlike us, they will not hold themselves accountable for their outrages.

Our enemies believe they have scored a great victory in Madrid. They believed they changed a government and forced a valued ally off the battlefield.

They see before them elections in Iraq, elections in Afghanistan, and indeed elections here at home and elsewhere.

ABIZAIID:

They see us mired in scandal and preoccupied with failure.

We should not kid ourselves about the violent times ahead, yet we should also understand that, despite the images of Abu Ghraib and burning Humvees that constantly play on our media screens, we are winning the battle against extremism.

Our troops are confident. They win tactical battle after tactical battle. They work with Iraqis and Afghans to build viable security forces, and one day these viable security forces will allow us to come home.

They know that the enemy is elusive and dangerous, and they know that they need to fight this war with balanced ferocity and compassion.

As we fight this most unconventional war of this new century, we must be patient and courageous. It will require a great amount of intelligence work. We must focus all of our national power and recognize that this war requires as much political, economic, diplomatic and national willpower to win as it does the courage to fight and to sacrifice with our young people in harm's way.

There are more people in the region who value peace over terrorism, who know that moderation brings prosperity and hope for their children. They also know that if they cannot stand alone, they certainly cannot expect that the United States of America will walk away from them.

Our gift to them has to be to give them a chance to win. Our great gift to ourselves will be to show a great and open demonstration that the rule of law applies in time of war; that despite the great demands of the day-to-day battles, we will fix what is broken and we will let justice be served.

No doubt, we have made mistakes in Abu Ghraib. We have suffered a setback.

ABIZAIID:

I accept responsibility for that setback. But the failures of a few will not keep the many courageous young men and women of ours from accomplishing their dangerous and important work to defend the nation abroad.

And I thank the committee.

WARNER:

Thank you, General, for a very good statement.  
General Sanchez?

SANCHEZ:

Mr. Chairman, members of the committee, thank you for the opportunity to appear before the committee and talk to you about events in Iraq, and specifically the events at Abu Ghraib.

Before I talk about these events, I'm proud to report that over 150,000 coalition military personnel are doing great work in Iraq under very, very difficult circumstances. They are fighting an insurgency, rebuilding and protecting infrastructure, and setting the conditions for the inevitable turnover to an interim government on the 30th of June.

Those soldiers, sailors, airmen and Marines of America and the people who support them are stunned, disappointed and embarrassed by the events that transpired at Abu Ghraib prison. However, like me, these great servicemembers also understand that we must continue with our mission.

Regarding the events at Abu Ghraib, we must fully investigate and fix responsibility, as well as accountability. I am fully committed to thorough and impartial investigations that examine the role, commissions and omissions of the entire chain of command, and that includes me.

As the senior commander in Iraq, I accept responsibility for what happened at Abu Ghraib, and I accept as a solemn obligation the responsibility to ensure that it does not happen again.

We have already initiated courts-martial in seven cases, and there may very well be more prosecutions. The Army Criminal Investigative Division investigation is not final, and the investigation of military intelligence procedures by Major General Fay is also ongoing.

We may find that the evidence produced in these investigations not only leads to more courts-martial, but causes us to revisit actions previously taken to determine whether to initiate judicial or nonjudicial action in cases which may have been handled to date by adverse administrative action.

SANCHEZ:

In this regard, I must be very circumspect in what I say. We must let our military justice process work. It is a process in which the American people can and should have confidence, and one in which I take great pride.

I cannot say anything that might compromise the fairness or integrity of the process or in any way suggest a result in a particular case. I have taken an oath to support and defend the Constitution of the United States, and that includes ensuring that all persons receive a fair trial and, if found guilty, appropriate punishment.

This respect for the rule of law has been a guiding principle for my command. There is no doubt that the law of war, including the Geneva Conventions, apply to our operations in Iraq. This includes interrogations.

I have reinforced this point by way of orders and command policies. In September and October of 2003, and in May of 2004, I issued interrogation policies that reiterated the



application of the Geneva Conventions and required that all interrogations be conducted in a lawful and humane manner, with command oversight.

In October 2003, I issued a memorandum for all coalition forces personnel that was entitled "Proper Treatment of Iraqi People During Combat Operations." I reissued this memorandum on the 16th of January after learning about the events that had taken place at Abu Ghraib.

On the 4th of March of 2004, I issued my policy memorandum number 18, entitled "Proper Conduct During Combat Operations." This document, which I also reissued in April, emphasized the need to treat all Iraqis with dignity and respect. This policy memorandum also contained a summary for distribution down to the individual soldier level that provided clear guidance and mandated training on the following points.

Follow the law of war and the rules of engagement.

Treat all persons with humanity, dignity and respect.

Use judgment and discretion in detaining civilians.

Respect private property.

And treat journalists with dignity and respect.

With regards to Abu Ghraib, as soon as I learned of the reported abuses, I ensured that a criminal investigation had been initiated and requested my superior appoint an investigating officer to conduct a separate administration investigation under Army Regulation 15-6 into this matter.

#### SANCHEZ:

Within days of receiving the initial report, I directed suspension of key members of the chain of command of the unit responsible for detainee security at Abu Ghraib.

The criminal investigation, while still under way, resulted thus far in the decision to initiate court-martial proceedings against seven individuals. The administrative investigation that was conducted by Major General Taguba has caused me to change the way we conduct detention, internment and interrogation operations.

One significant change has been the addition to my staff of a general officer with responsibility for detention operations. As you know, Major General Geoffrey Miller was assigned this task and has taken numerous positive steps to eliminate the possibility that such abuse could occur in the future.

Well before I received the January 14th report and viewed the shocking photographs later on, I had directed steps be taken to improve the overall condition of detainees at Abu Ghraib.

Back in August 2003, I requested that subject matter experts conduct a comprehensive assessment of all detention operations in Iraq. This was the genesis for the report completed by Major General Ryder, the provost marshal general of the Army.

In September, a team headed by General Miller assessed our intelligence interrogation activities and human detention operations. We reviewed the recommendations with the expressed understanding, reinforced in conversations between General Miller and me, that they might have to be modified for use in Iraq where the Geneva Convention was fully applicable.

Plans for the new detainee camp at Abu Ghraib, which will now be called Camp Redemption, were begun in November of 2003 in order to relieve overcrowding of the facility. After a series of mortar attacks against the facility in September which killed and

injured both Iraqi detainees and U.S. soldiers, I directed increased force protection measures be taken in order to protect coalition forces and detainees. The plans to upgrade the facilities for soldiers and detainees were also implemented.

And finally, the rate at which detainee case files were reviewed and recommended for release or continued internment was increased both in November of 2003 and again in February of 2004 in order to ensure that only those detainees who posed a threat to security were detained. Indeed, our February 2004 changes resulted in the review of over 100 cases per day.

The terrible events that occurred in the fall of 2003 have obviously highlighted additional problems that we have moved quickly to address.

SANCHEZ:

While horrified at the abusive behavior that took place at Abu Ghraib, I believe that I've taken the proper steps to ensure that such behavior is not repeated.

I further believe that my actions have sent the correct message that such behavior is inconsistent with our values, our standards and our training.

I have faith in our military justice system to resolve the cases brought before it.

I would like to read the concluding paragraph of my memorandum to the command on proper conduct during combat operations. I believe it is an accurate summary of my standards and expectations.

"Respect for others, humane treatment of all persons, and adherence to the law of war and rules of engagement is a matter of discipline and values. It is what separates us from our enemies. I expect all leaders to reinforce this message."

In closing, the war in Iraq continues against a relentless enemy that is focused on preventing the Iraqi people from achieving their dream of freedom, prosperity and security. This awful episode at Abu Ghraib must not allow us to get distracted.

America's armed forces are performing magnificently, sacrificing every single day to defeat an enemy that is ruthless and elusive in his quest to terrorize Iraq and the world.

The honor and value systems of our armed forces are solid and the bedrock of what makes us the best in the world.

There has been no catastrophic failure, and America's armed forces will never compromise their honor.

America must not falter in this endeavor to defeat those who seek to destroy our democratic value systems.

In Iraq, the coalition military, including our 130,000 Americans, remain focused, and I guarantee you they will not fail.

Thank you, Mr. Chairman.

WARNER:

Thank you, General. And that's a very comprehensive statement. And I would ask on behalf of the committee that the documents that you referred to in your testimony -- could copies be provided to the committee?

SANCHEZ:

We'll comply, Mr. Chairman.

WARNER:

Thank you very much.  
General Miller?

MILLER:

Mr. Chairman, members of the committee, thank you for affording me this opportunity to appear this morning. While I have no opening statement, I do stand with the statements of General Abizaid and General Sanchez.

Thank you.

WARNER:

Thank you very much.  
Colonel Warren (ph), do you wish to add anything?

WARREN (ph): Mr. Chairman, I have no opening statement, but I would be happy to respond to any questions.

WARNER:

Thank you very much.

We will follow our six-minute round. And I advise the committee that, in consultation with General Abizaid and the ranking member, there will be a brief closed session following the open session such that we can receive some classified material.

General Abizaid, what policies has the Central Command established for the conduct of interrogations in detainee operations? When were these policies established? What allegations of abuse are you aware of that could have occurred also in Afghanistan? Are the policies being uniformly applied and enforced throughout your AOR?

ABIZAID:

Thank you, Mr. Chairman.

As I believe the Army has come over and discussed with the committee, the total number of detainee abuse cases that have been investigated since I believe the beginning of the conflict in Afghanistan is around 75. And, of course, there are some death investigations as well.

We have homicide investigations that go back as far as December 2002 in Afghanistan that we absolutely have got to move on and understand what happened there.

ABIZAID:

We're working with the Army Criminal Investigation Division to understand that. But I believe the committee has the statistics on abuse.

And abuse has happened. Abuse has happened in Afghanistan, it's happened in Iraq, it's happened at various places.

I think the question before us: Is there a systemic abuse problem with regard to interrogation that exists in the Central Command area of operations?

Yesterday -- and I know the committee has not had a chance to review it yet -- I did see the preliminary findings of a Department of the Army I.G. investigation that talked

about problems in training, problems in organization, very specific changes that will need to be made in doctrine, et cetera.

And I specifically asked the I.G. of the Army, did he believe that there was a pattern of abuse of prisoners in the Central Command area of operation, and he looked at both Afghanistan and Iraq and he said no.

I sent my I.G. out in August of last year asking him the same question: Are we treating people with dignity and respect?

With regard to policies, it is...

WARNER:

What findings did he report back when you sent him out to get all this?

ABIZAID:

He came back and said that we were struggling with the number of prisoners, we were struggling with the facilities, and we were struggling to, in particular, deal with criminal detainees that needed to go into an Iraqi criminal detention system that still didn't exist.

WARNER:

But he didn't discover any of the evidence that is now being revealed about these abuses?

ABIZAID:

No, sir, he did not.

WARNER:

All right, that's a direct answer.

Can you provide the committee, within the bounds of not violating UCMJ procedures and otherwise, your own personal observations as to what you believe happened from the breakdown of the orders that General Sanchez has clearly documented here this morning and where it happened?

ABIZAID:

Sir, I think you know that Major General Fay is still conducting an investigation, and so I'm not quite ready to say where I think all the breakdown were.

But it's clear that there were some breakdown in procedures, in access, in standards of interrogation, and confusion between the roles of what the military intelligence people were doing versus the military police.

And there was also clearly criminal misconduct that took place. And the criminal misconduct is not the subject of any order or policy that I believe exists anywhere.

WARNER:

There's been, for course, concern that the initial steps by the chain of command was directed at a group of enlisted people who are now subject to various forms of UCMJ accountability. Can you assure this committee that you will diligently pursue all evidence and, no matter how high up the chain or sideways or down the chain, all will be brought forward subject to the UCMJ?

ABIZAID:

Sir, I assure the committee that we will do that.

WARNER:

Fine.

ABIZAID:

And I can also assure the committee that I've been in this business a long time, and when General Sanchez called me up and told me, I think, probably within 24 hours of the evidence being handed to his Criminal Investigation Division people in Baghdad, he followed it up very shortly with a decision to suspend the entire chain of command, which is a pretty strong action that doesn't just focus at a low level.

ABIZAID:

He initiated investigations and he moved ahead in a way that I thought was commendable.

WARNER:

Do you feel that the UCMJ procedures and other regulations impeded in any way your responsibility to keep the civilian control structure back in Washington advised?

ABIZAID:

No, sir, it did not impede us. As always, we believe that we've got to do everything possible to protect the evidence that's available, to keep the investigatory information within investigatory channels, and that's what we tried to do.

WARNER:

You tried to do that in a timely fashion?

ABIZAID:

That's what we tried to do.

WARNER:

Yes.

General Sanchez, on November 19th you directed that the commander of the 205th Military Intelligence Brigade assume command of all units and operations in the prison of Abu Ghraib. Why did you put military intelligence in charge of the prison? In your view, did this new command arrangement improve intelligence and detainee operations? What objections did General Karpinski, commander, have concerning the change in command responsibilities?

SANCHEZ:

Mr. Chairman, on the 19th of November, I issued a fragmentary order that placed all elements at Abu Ghraib under the tactical control of Colonel Pappas, the 205th M.I. commander.

The specific order stated that this was for forward operating base protection and for security of detainees.

SANCHEZ:

The context of the order is that we had been receiving significant amounts of a direct and indirect fire. And during the conduct of one of my visits, I had found that force protection and the defensive planning of that FOB was seriously lacking and I needed to get a senior commander in charge of the defense of that forward operating base, and that was the purpose of the order.

The order did not intend to eliminate any of the responsibilities of the 800th Military Police commander. And that was a specific purpose for the tactical control. Tactical control placed the 320th under the 205th M.I. Brigade commander, and what that does, specifically, it gives the M.I. brigade commander authority to conduct local direction and control of movements or maneuvers to accomplish the mission at hand.

All of the other responsibilities for continuing to run the prison for logistics training, discipline and the conduct of prison operations remained with the 800th Brigade commander. And there was never a time when General Karpinski surfaced to me any objections to that tactical control order.

WARNER:

General Abizaid, you -- I properly advised this committee this morning that you're fighting a war. This responsibility occasioned by these abuses has taken a measure of your time, but you've continued and your troops have performed bravely.

The question I put to you -- in listening, your professional and personal view: Is the scheduled change of sovereignty -- limited sovereignty on July 1st consistent, in your judgment, and achievable given the security situation?

ABIZAID:

Mr. Chairman, it is achievable, but it needs to emerge soon as to who is going to be in charge and what their names are and where they're going to be and what they're going to do.

WARNER:

That's on the Iraqi side?

ABIZAID:

That's correct.

WARNER:

Clear on our side that we have a United States ambassador to replace (inaudible)?

ABIZAID:

Sir, we're going to be there no matter what.

WARNER:

To provide the security?

ABIZAID:

That's correct.

WARNER:

Thank you.  
Senator Levin?

LEVIN:

Thank you.

General Sanchez, your answer to Senator Warner about who was responsible for the M.P. units conducting detainee operations at that facility leaves me uncertain now, because General Taguba says that your order of November 19 effectively made the military intelligence officer, rather than the M.P. officer, responsible for the M.P. units conducting detainee operations. That's a quote. Do you disagree with General Taguba then on that point?

SANCHEZ:

Senator, the purpose of the order was as described. It was to ensure that I had synchronized forward operating base defenses, and that was the purpose for the tactical control order that was issued to the military police unit at that installation.

LEVIN:

Well, in addition to its purpose, though, General Taguba said that the military intelligence officer then became responsible for the M.P. units conducting the operations. Do you differ with that?

SANCHEZ:

They were responsive to the military intelligence officer for the specific purpose of defending the forward operation base, Senator.

LEVIN:

That did not, then, include conducting detainee interrogations.

SANCHEZ:

That is exactly right, sir. It did not include that.

LEVIN:

There's a difference there between you and General Taguba.

SANCHEZ:

Yes, sir.

LEVIN:

General Abizaid, in May of 2003 the Red Cross sent to the coalition forces a memorandum based on over 200 allegations of ill treatment of prisoners during capture

and interrogation at collecting points, battle group stations and temporary holding areas, according to the ICRC report, which I'm now reading.

LEVIN:

It said here that the U.S. Central Command in Doha received this memorandum. And I'm wondering if, in fact, you remember receiving that memorandum and what action you took on it.

ABIZAID:

There are some Red Cross reports, Senator, that we received. Which one are you talking about?

LEVIN:

May 2003.

ABIZAID:

I know that the May 2003 report was received at our headquarters, that's correct.

LEVIN:

And what action do you remember taking?

ABIZAID:

I was a deputy commander at the time. I know that we discussed the report. We sent it forward to the Combined Forces Land Component Command, General McKiernan, and we asked for his take on it.

LEVIN:

Did you receive a report from him, do you remember?

ABIZAID:

I do not believe we received a report in writing, and I do not recall having a lot to do with this particular report or paying much attention to it.

LEVIN:

Perhaps you could then check your records and supply to the committee any documents relative to that also.

In early July, according to the Red Cross, the Red Cross sent to the coalition forces a working paper detailing approximately 50 allegations of ill treatment in the military intelligence section of Camp Cropper, and this, according to their report, set forth requiring -- or using stress positions for three or four hours, physical hits, prolonged exposure to sun and a number of other allegations.

LEVIN:

Can you tell us whether the early July ICRC report was received at headquarters?

ABIZAID:



No. And we have a real problem with ICRC reports and the way that they're handled and the way that they move up and down the chain of command.

For example, the February report of '04, I first read in May.

LEVIN:

Relative to the early July report...

ABIZAID:

I won't make any excuses for it, Senator. I'll just say that we don't all see them. Sometimes it works at a lower level. Sometimes commanders at the lowest level get the report and they work on it confidentially. And I think what we've got to do is have a system that when there is something that comes to the attention at any level of command that it not be worked through at the lower level, but that it surfaces all the way up through the chain of command.

So we've got a problem there that's got to be fixed.

LEVIN:

General Sanchez, is there a record of the ICRC working paper being received by you or at your level?

SANCHEZ:

The July paper?

LEVIN:

July...

SANCHEZ:

Yes.

LEVIN:

... the working paper detailing 50 allegations of ill treatment?

SANCHEZ:

Not that I'm aware of, Senator.

LEVIN:

So there's no indication at your level at your headquarters that that document was ever received?

SANCHEZ:

No, Senator, the working paper that I am aware of that made it to my headquarter was the November paper.

LEVIN:

The Interrogation Rules of Engagement, so called -- this is a document which was presented to this committee by General Alexander, saying that the rules of engagement

that were in effect at the Combined Joint Task Force-7 in Iraq prior to 2003 are set forth on a piece of paper, which -- are you familiar with it? -- called Interrogation Rules of Engagement.

SANCHEZ:

Yes, sir, I have seen that.

LEVIN:

And can you tell us what -- if you've seen this before, did you approve this? Did you have legal advice? What is this document that General Alexander told us were the rules of enlargement that were in effect at the Combined Joint Task Force?

SANCHEZ:

Sir, the first time I saw that paper was when it was shown in one of the prior hearings in this same forum. And I had no role in preparing it or approving it.

LEVIN:

All right. So he was in error then relative to that? General Alexander then would have been in error if he said this was the document?

SANCHEZ:

Right, sir. I have never seen that, and I had never approved it, and had no part in putting that together, sir.

LEVIN:

I don't believe this committee has your October 12th policy statement. If I'm wrong, then fine. But can you present -- would you provide that October 12th to the committee?

SANCHEZ:

Yes, sir.

LEVIN:

And finally, the newspaper reported that 100 or so high-value detainees do not fall under your command, General Sanchez, but are the responsibility of General Dayton, who's commander of the Iraq Survey Group, who reports directly to General Abizaid. Is that accurate, as far as you know?

SANCHEZ:

Yes, sir, that is accurate. My M.P.s provide security at Camp Cropper.

LEVIN:

Can you just tell us then why that was done that way, General Abizaid?

ABIZAID:

Sir, that was done that way because the people at Camp Cropper happened to be those people that had theoretical information concerning weapons of mass destruction

information, and also were the high-value detainees that we hope some day to turn over to a legitimate Iraqi government for trial.

LEVIN:

But why should they be treated differently from other detainees, separated out that way?

ABIZAID:

They were separated out that way to ensure that we understood -- I guess I would call it the strategic environment, as opposed to the tactical environment, where we would get information at a lower level from lower-level detainees.

ABIZAID:

It was established that way as a result of discussions that were taken place here in Washington regarding having a better and more efficient way to really understand what was going on with regard to weapons of mass destruction.

LEVIN:

That was all then WMD-information-related, basically?

ABIZAID:

It was sir, but it was also dealing with very senior levels of the government...

LEVIN:

Thank you.

ABIZAID:

... of the former Iraqi government.

LEVIN:

Thank you.

WARNER:

Thank you very much, Senator.

I've just been informed that the Department of Defense has informed the committee that another disk of pictures has been located. And I'll soon advise the committee on the conditions under which -- and timing -- they can be viewed.

Senator McCain?

MCCAIN:

Thank you, Mr. Chairman.

And I want to thank the witnesses, particularly Generals Miller and Abizaid and Sanchez, for their outstanding service to our nation under the most difficult circumstances. And I was pleased to hear that you were here on other business and were not have to be called back from the theater of operations.

And I thank you for all the time and effort you have devoted to trying to resolve this terrible issue. And we're very grateful for that and your appearance here today.

General Sanchez, according to a November 19th, 2003 message, as you responded to questions from Senator Warner and Senator Levin, you transferred full responsibility to General Pappas to assume full responsibility for Abu Ghraib and appointed the guard units to be under the tactical control that 205 Military Intelligence commander for security of detainees and forward operating base protection, I quote from your message. I think that's accurate.

MCCAIN:

In his statement to General Taguba, Colonel Pappas said, and I quote, "Policies and procedures established by the joint operation detention center at Abu Ghraib relative to detainees operations were enacted as a specific result of a visit by Major General Geoffrey Miller, commander of Joint Task Force Gitmo."

He went on to say, quote, "The key findings of his visit were that the interrogators and analysts develop a set of rules and limitations to guide interrogation and provide dedicated M.P.s to support interrogation operations" -- I repeat, "and provide dedicated M.P.s to support interrogation operations."

Now, General Sanchez, General Miller's report, as I understand it, had observations and recommendations. One of those recommendations was, and I quote from his recommendations, "It is essential that the guard force be actively engaged in setting the conditions for successful exploitation of the internees."

Am I accurate so far, General Sanchez?

SANCHEZ:

Yes, Senator.

MCCAIN:

General Miller?

MILLER:

Yes, sir, you are.

MCCAIN:

General Miller, do you believe that your instructions may have been misinterpreted?

MILLER:

Senator, I do not.

On our visit to the JTF to be able to give an assessment of the intelligence function in the three major areas -- intelligence fusion, the interrogation process and in humane detention -- the team of 19 experts laid out those standards that would allow for humane detention, interrogation in accordance with the Geneva Convention, and then recommended procedures by which intelligence could be fused more rapidly to provide actionable intelligence for units and for the JTF itself.

MCCAIN:

Well, thank you.

But it seems to me that this order that I just quoted, which turned over certain M.P. duties to the control of Colonel Pappas, then certain things happened. And according to General Taguba's report, soldiers were questioned that were involved in this.

MCCAIN:

Soldier number one, question, "Have you ever been directed by the M.I., military intelligence, personnel or any government agency to soften up a prisoner prior to interrogation?" Answer, "Yes. Sometimes they would ask me to show a prisoner, quote, 'special attention.'"

Soldier number two, "Have you ever been told by M.I. personnel to work over a prisoner?" "Yes. M.I. told us to rough them up to get answers from the prisoners." "Why didn't you report the abuse?" "Because I assumed that if we were doing anything wrong or out of the ordinary or outside the guidelines, someone would have said something. Also, the wing belonged to military intelligence and it appeared military intelligence personnel approved of the abuse."

Soldier number three, question, "What can you tell us about the abuse of prisoners at Abu Ghraib?" "Yes, the M.I. staffs, to my understanding, have given compliments to us on the way we were handling the M.I. holds. For example, meaning statements like, 'Good job, they're breaking down real fast.' Quote, 'They answer every question, now keep it up,' unquote. 'They're giving out good information.'"

Soldier number four, "Have you ever heard M.I. insinuate to guards to abuse inmates of any type of manner?" "Yes." "What was said?" Answer, quote, "They said, 'Loosen this guy up for us, make sure he has a bad night, make sure he gets the treatment.'"

You see my point, Major General Miller?

At least according to General Taguba's report, there were at least a number of guards -- I mean, guards, M.P.s. who were under the impression or stated that they were under the impression that they were under specific directions of military intelligence personnel to, quote, "rough up, soften up, give them a bad night," et cetera.

MCCAIN:

How do we respond to that, General Miller?

MILLER:

Sir, in the recommendations that we made...

MCCAIN:

Could I go back to my first question? This goes back to my first question. Does this lead you to believe that your orders were misinterpreted?

MILLER:

No, sir. The leadership that received the recommendations throughout the JTF had a clear understanding of the recommendations that we made in those three areas of intelligence fusion, interrogation and humane detention that laid out those requirements, laid the basis that they must be in concert with the Geneva Convention, and gave

recommendations from our experience about how those three functions could be done successfully.

MCCAIN:

There must have been a breakdown somewhere.

MILLER:

Sir, in my estimation, it's a breakdown in leadership on how that the follow-on actions may have occurred, but I was not present at that time, so it would be difficult for me to give...

MCCAIN:

General Sanchez -- my time has expired.

WARNER:

Go ahead.

MCCAIN:

General Sanchez, please?

SANCHEZ:

Senator, I wanted to make one clarification: that General Miller did not issue any orders, and he has not issued any orders until he arrived as the deputy commanding general for detainee operations. Those orders were my orders, sir.

MCCAIN:

I guess my question was better directed to you. Were those orders misinterpreted?

SANCHEZ:

Sir, I do not believe those orders were misinterpreted. The procedures that General Miller and I had discussed, that he had recommended, were very detailed. And it very clearly stated that M.P.s were involved in passive enabling of those operations and had no involvement in the conduct of interrogations. Those were the orders in the SOPs that remained after General Miller's visit.

MCCAIN:

Thank the witnesses.

My time has expired. Thank you very much.

WARNER:

Senator Kennedy?

KENNEDY:

Thank you very much, General. And I echo the sense that all of us feel of the great respect we all have for you and the troops that you're commanding.

We've lost 23 very brave soldiers in my state of Massachusetts and we're all very mindful of the complexities, the difficulties that the uniformed service personnel are facing over there. So we thank you so much for your leadership and your careers and public service in serving our country.

I was, just quickly -- General Sanchez, as an old M.P. myself, I'm surprised that you take that the military intelligence are better in force protection -- in protecting the forces than the M.P.s. But we'll leave that for another time.

When we had the secretary of defense here, General Abizaid, last week, he denied that there was any failure to take any of these reports seriously.

"The military, not the media, discovered these abuses," he said. And Specialist Joseph Darby reported the acts of abuse in Abu Ghraib prison in mid-January. And, according to Secretary Rumsfeld, by the next day investigations were authorized.

Yet now we learn, both from the front page of the New York Times today and the front page of the Wall Street Journal today, that the International Committee on the Red Cross observed the abuses in the prison during the two unannounced inspections in October 2003, and they complained in a strongly-worded written report of November 6.

This report was reviewed by senior military officials in Iraq, including two advisers to General Sanchez, according to this report.

KENNEDY:

So it appears that the military's first reaction was to restrict future Red Cross visits to the Abu Ghraib. That's the story in here: After the Red Cross had provided two critical reports, the reaction of the military dealing with the prison then was to restrict. They said, "You have to give us notice." And all of us understand what that means: If you're going to give notice prior to the inspections, it obviously compromises the inspections.

So according to those news reports, nothing was done in the prison for two months. And the military previously acknowledged that the worst abuses continued into December 2003.

So we have the secretary of defense saying one thing and we're learning from two newspapers another story. And that's why I think we are trying to find out what exactly, who was in charge, and who bears the responsibility, because these are completely conflicting stories within a period of just a few weeks here before this committee.

I don't know whether you have any reaction to those stories, whether you had a chance to see those this morning. I want to move on.

Quickly, I suppose it's fair to say who in Iraq or in CENTCOM is responsible for receiving and responding to the reports of violations of international law or conventions by U.S. military personnel.

SANCHEZ:

I am responsible. If someone brings it to my attention, I am responsible. And I will not turn my back on any report that I receive.

KENNEDY:

Well, you obviously didn't get these reports.

SANCHEZ:

No, I didn't.

KENNEDY:

Well, I'm asking who would have gotten these reports? Who would have received this report in the chain of command, General?

SANCHEZ:

Senator, the November report was received by the brigade commander. And then the -- as I found out now, the CJTF staff assisted her in responding to that report.

KENNEDY:

Well, do they get -- that brigade commander receive all of the reports or it's just -- who institutionally receives, within your organization, any of the -- like for the Red Cross violations that come on in? Who's in charge on that?

SANCHEZ:

When the February '04 report came in, that's when I found out that the November working papers had been issued to the brigade commander. At that point, I immediately changed the procedure and required that those reports come to me as a senior commander in the country.

KENNEDY:

But there were...

SANCHEZ:

That is the procedure now.

KENNEDY:

But there was no central receiving officer charged prior to what you've just established?

SANCHEZ:

Prior to that, Senator, those all would come to the staff judge advocate's office. That was the repository. And he was the point of contact in terms of commander. It would come in at the lowest level.

KENNEDY:

At the staff JAG -- JAG office?

SANCHEZ:

Yes, sir, that is correct.

ABIZAID (?):

If I may, sir, this system is broken. We've got a...

KENNEDY:



Let me move on to General Miller.

After your assessment of the detention and interrogation in Iraq, you stated that it was essential that the guard force be actively engaged in setting the conditions for the successful exploitation of the internees.

And as you know, General Taguba strongly disapproved the recommendation, and he has stated that setting of the conditions for the detainees' successful exploitation through interrogation is fundamentally inconsistent with Army regulations. It undermines the goals of running a safe and secure detention facility. That's what he testified here for this committee.

So given the New York Times that reported yesterday that Colonel Pappas -- Thomas Pappas, who's the military intelligence brigade commander at Abu Ghraib -- told General Taguba that there was no safeguards to ensure the M.P.s at Abu Ghraib behaved properly in setting conditions for the detainees. "There'd be no way for us to actually monitor whether that happened," Colonel Pappas said. "We have no formal system in place to do that."

KENNEDY:

General Taguba also found the M.P.s hadn't been trained on the Geneva Conventions. Wasn't this a catastrophic failure of leadership? I mean, how would you expect an average soldier in the Army to understand the term "successful exploitation" isn't simply a euphemism for "anything goes"? And do you take responsibility for that failure?

MILLER:

Thank you, Senator.

The Taguba report was very thorough, but I would like to clarify on this one point. The recommendation that my team made in the September time frame was that the military police help set the conditions for successful interrogation as we had learned of their success in Guantanamo.

The recommendation was that they conduct passive intelligence gathering during this process. And by that that meant to observe the detainees, to see how their behavior was, to see who they would speak with and then to report that to the interrogators so the interrogators could better understand the attitude with human dynamic of the detainee as he would come into the interrogation booth.

We also recommended that the military police, for security reasons, would accompany the detainee from the cell block, or the area where they were held, up to the interrogation booth because they are security risks. Then the M.P. would wait somewhere else, and then accompany the detainee back.

Our recommendations were that the M.P.s did not actively participate in any form of the interrogation itself.

And that was explained in detail to the chain of command and giving them that for their opportunity. And the SOP that laid that out was provided to them. It's about 200 pages long. It goes into great detail about how this system works, because, as it says in the SOP, the M.P.s are not trained intelligence officers, should not initiate questioning or anything like that. They were just to be observers of that process.

And so that was the active support for the interrogation process that was recommended.

And so, Senator, I will tell you, with my utmost -- I believe that the recommendations that we made, had they been implemented, would have not only increased the intelligence value of what was being done, but help to ensure that humane detention was accomplished throughout every facility.

WARNER:

Thank you very much, Senator.

Senator Roberts?

Before responding, General Sanchez, you made four references to the brigade commander. Now that would be General Karpinski?

SANCHEZ:

Yes, sir, that is correct.

ROBERTS:

All right. I want the record to reflect that.

ABIZAID:

Mr. Chairman, just for the record: I would just like to caution the committee. We still do not know what we don't know.

WARNER:

That's very clear. And we recognize that. And it's been a struggle throughout this whole thing to get a full understanding. And that's why we've got to entrust credibility to what the Department of Defense and the Army, particularly, are doing now with a series of investigations. And we fully appreciate that.

ABIZAID:

And I think that Major General Fay's report will go a long ways to make us understand this dynamic between M.P.s and M.I. in particular.

WARNER:

And I share that.

ABIZAID:

(OFF-MIKE) Senator McCain's questions.

WARNER:

Thank you.

Senator Roberts?

ROBERTS:

General Abizaid, you realize that your statement is contrary to the United States Senate where we always know what we don't know.

(LAUGHTER)

Let me say that I want to thank Senator McCain for his comments, because I think he spoke for the whole committee, in reference to the contribution that you are making to our country and your service to our country, and I would like to associate myself with his remarks.

ROBERTS:

I'm going to try to get my fast questions in to General Miller.

Well, first let me ask of General Sanchez, no soldier would be justified in interpreting an order in such a way as to violate the Uniform Code of Military Justice; is that correct?

SANCHEZ:

Sir, I would state absolutely.

ROBERTS:

So even if a soldier did misinterpret General Miller's recommendation, even though I doubt if they had it, to carry out these acts, that would not be an excuse, would it?

SANCHEZ:

Sir, that is correct. That is a basic instinct we built into the soldiers.

ROBERTS:

General Miller, would the abuse evidenced by the photos be permitted or condoned under any practices or policies that were recommended in your report?

MILLER:

Senator, they absolutely would not be.

ROBERTS:

Would the abuse evidenced in the photos be permitted or condoned in any of the practices or policies at Gitmo?

MILLER:

Senator, they would not.

ROBERTS:

Do you have any problem with General Ryder, who allegedly said there should be a firewall between the M.P.s and military intelligence, given your rationale as to why they should work together if we have the leadership and the training and the discipline that you have indicated that we now have?

MILLER:

Sir, our doctrinal publications say that there should be cooperation between the military police and the intelligence function in a detention facility.

But it does say there should not any active participation by the military police force in any interrogations.

ROBERTS:

I have a staffer that works on the Intelligence Committee for me; I have the privilege of being chairman. He has been down at Gitmo in a reserve capacity. He indicates that you made a remarkable turnaround down at Gitmo. Many senators have gone down; it only takes a day. I encourage every senator here to do that. And I credit you for improving a very difficult kind of situation.

In Iraq, it's my understanding that there are three prisons, five battalions, four of the five are Reserves. Is that correct?

MILLER:

Senator, in the organization that I now lead, as the deputy commander general for detainee operations, that is a correct statement.

ROBERTS:

In the estimate today, after the incident at Abu Ghraib, how would you determine the leadership today in regards to discipline and training and leadership of those personnel that you command as of right now?

MILLER:

Sir, in the first 30 days of my opportunity to work in this capacity, I was able to visit every facility and talk to virtually every leader and soldier who are involved in this. I'll tell you that there's strong, positive, dynamic leadership throughout this chain of command.

ROBERTS:

So you've seen a hell of a change?

MILLER:

Sir, we have seen soldiers and leaders who know what standards are and execute them seven days a week, 24 hours a day.

ROBERTS:

At Gitmo, you had one M.P. per two prisoners. In Iraq, you have one M.P. per 8.5 prisoners. Is that correct?

MILLER:

Sir, those are approximately correct numbers.

ROBERTS:

OK, but you've indicated at 50 percent of the prisoners in Abu Ghraib will be released. You have 3,800 prisoners now. That will bring it down to 1,500. What's happening to the 1,500? I understand that 74 are being tried by the central court of Iraq. Will all 1,500 be tried?

MILLER:

Sir, those approximately 1,500 security internees have been interned. That means that we have great -- we have strong evidence that they have committed attacks on the coalition. And they will most likely be referred to the Central Criminal Court of Iraq for trial by the Iraqi system for those.

There are a number of those, approximately 600 to 700, who are so dangerous that should they be released back into Iraqi society that they would put that society at risk, with a higher probability of attack on their fellow citizens.

ROBERTS:

So they're the worst of the worst.

MILLER:

Sir, those are the worst of the worst.

ROBERTS:

If the Red Cross investigated today, what would they find?

MILLER:

Sir, the Red Cross is, as a matter of fact, investigating today. They are at Camp Buka, which is one of our theater facilities down by Umm Qasr on the southern border. They have found that we are making an enormous effort to improve conditions every day, that we take their findings seriously and that we have addressed them.

General Sanchez made a change when I arrived in the theater and put the ICRC responsibility directly on me. And so all reports come to me, and I move them to General Sanchez and the command leadership as rapidly as possible.

ROBERTS:

So until we get the report by General Fay to assess responsibility and accountability, you think there's been a big change in regards to leadership and training and discipline, which all are directed at interrogation to provide better intelligence to save Iraqi lives and American lives. Is that correct?

MILLER:

Yes, sir, that's absolutely correct.

ROBERTS:

I thank you, Mr. Chairman.

WARNER:

Senator Byrd?

BYRD:

Thank you, Mr. Chairman.

General Abizaid and General Sanchez, this travesty of justice occurred on your watch. The Iraqi prisoner abuse scandal has dealt a body blow to the heroic efforts of scores of

American military troops and civilian workers in Iraq to win the hearts and minds of the Iraqi people. I do not know if that damage can ever be fully repaired.

Certainly a lot depends on what else might emerge about this scandal and on what you and the civilian leadership at the Pentagon -- at the Pentagon -- do to set things right.

BYRD:

General Sanchez, you told Senator Levin that you never saw the rules of engagement presented to this committee last week. If you do not see or set the so called rules of engagement for the interrogation of prisoners in Iraq, who does? Who does set them?

SANCHEZ:

Senator, what I had stated is that I had not seen the specific slide that was referred to. I was the one that approved the interrogation rules of engagement on the 12th of September and again in the October time frame, sir.

BYRD:

Does anyone in the civilian leadership of the Pentagon need to approve the rules of interrogation operation?

SANCHEZ:

Senator, those rules were forwarded to Central Command in the September time frame. And based on the inputs from Central Command, resulted the October memorandum.

BYRD:

I'll ask the question again. Does anyone in the civilian leadership of the Pentagon need to approve the rules of interrogation operations?

SANCHEZ:

Sir, I do not know. As far as I know, there is no requirement for the civilian leadership to approve those rules of engagement.

ABIZAID:

You know, Senator, I would say we're all responsible for making sure what happens in our organization happens right. Things don't have to go all the way to the top to be approved. We know what's right and we know what's wrong.

BYRD:

But the committee needs to know if you can answer this question. Does anyone in the civilian leadership of the Pentagon need to approve the rules of interrogation operations? If so, who?

ABIZAID:

My answer is no, it's our responsibility.

BYRD:

Then you're saying that nobody in the Pentagon approves these rules?

ABIZAID:

No, I'm not saying that, sir.

BYRD:

Then what are you saying?

ABIZAID:

I am saying that the rules of engagement for interrogators are a product of Army doctrine, of Army training, of practices in the field, and of commanders doing their job out there.

BYRD:

General Abizaid, if someone at the Pentagon is required to approve these rules of engagement surely you know.

ABIZAID:

If I knew, Senator, I would tell you. I would not forward any rules of engagement to anybody. Nobody's asked me for any, and I wouldn't have forwarded it to them.

BYRD:

So you're indeed saying that nobody in the Pentagon approved these rules?

ABIZAID:

I don't know that I'm saying whether they reviewed them or not. I am saying that I have not personally forwarded anything to the Pentagon for their approval.

BYRD:

Did the secretary of defense has to approve these rules, to your knowledge?

ABIZAID:

Sir, I (inaudible) said. In the Central Command, I have not forwarded anything to the Pentagon for approval with regard to rules of engagement.

BYRD:

And I'm not asking you what you have forwarded to the Pentagon. To your knowledge, did the secretary of defense have to approve these or did he approve these rules of engagement, to your knowledge -- the secretary of defense?

MILLER:

Senator, if I might -- I was the legal adviser for the command and participated in the drafting of the counter-resistance and interrogation policy.

There is no requirement that the Department of Defense review or approve the methods that we used. As Generals Abizaid and Sanchez has said, they're operating in a combat environment. The commanders have the authority to approve...

BYRD:

All right, if there's no requirement, to your knowledge, did the secretary of defense approve these rules of engagement?

MILLER:

Sir, to my knowledge, no.

BYRD:

General Sanchez, as Senator Kennedy stated, the New York Times reported this morning -- and here it is right here. The headline says, "Officers Says Army Tried to Curb Red Cross Visits to Prison in Iraq." Is that allegation accurate?

SANCHEZ:

Sir, I never approved any policy or procedure or requirement to do that.

BYRD:

Let's see what this says. Two announced inspections in Iraq -- the International Committee of the Red Cross observed abuses in one cell block on two announced inspections in October, and complained in writing. On November the 6th, the military responded that inspectors should make appointments before visiting the cell block.

BYRD:

Well, we know what that means.

General Abizaid, the Red Cross has alleged a pattern of abuse at detention centers in Iraq. With all due respect, how can you explain the culture of abuse that was allowed to develop in a prison system under your ultimate command?

ABIZAID:

I don't believe that a culture of abuse existed in my command. And I don't believe that, based on what my I.G. told me and what the Department of the Army I.G. told me. I believe that we have isolated incidents that have taken place.

I am aware that the International Red Cross has its view on things. A lot of its view is based upon what happens at the point of detention, where soldiers fighting for their lives detain people, which is a very brutal and bloody event.

BYRD:

Thank you, Mr. Chairman. My time is up.

WARNER:

Thank you, Senator Byrd.  
Senator Allard?

ABIZAID:

Mr. Chairman, maybe I -- if I may...



WARNER:

Feel free, General, when you wish to add some information.

ABIZAID:

Policies do flow from the top of the Defense Department and I don't want to give any impression that they do not. But standard operating procedures are our business, and we work them.

BYRD:

These are not standing operating procedures we're talking about, I hope.

WARNER:

Fine.

Senator Allard?

ALLARD:

Mr. Chairman, I just want to point out that I think the real travesty of justice is on the other side, where we see women and children used as shields; where we see a fight being carried on in mosques by our adversaries and other religious structures; where I see that conflict being carried in schools; and where our adversaries don't care about innocent lives, and they'll cheat and lie and do anything.

ALLARD:

And I think that we have to understand the challenges that our men and women facing in Iraq. And I think that it's a very, very difficult situation.

Now, that doesn't justify, I think, what we've seen by a few individuals here in this prison. And I want to fully understand how it is that kind of incident would happen in the prison.

I think we all have to understand, I think, General Abizaid, that you have recognized that there is a problem and that we're in the process of correcting that problem.

Major General Miller, of the list of reports that came out, yours was the first report. You looked at Guantanamo, and then you went on ahead and briefed, I think, the command in Iraq as to what you learned in Guantanamo. Is that correct?

MILLER:

Senator, when I briefed the command of CJTF-7, it was on the findings and recommendations that the team that I brought found of our assessments of the operations within CJTF-7 in Iraq.

ALLARD:

Did you share with them some of the lessons learned and what not in Guantanamo and explain to them what to watch out for?

MILLER:

Yes, sir.

We used our SOPs that we had developed for humane detention, interrogation and intelligence fusion, to be able to use that as a starting point where they could go about improving their capability.

ALLARD:

And so when you did your briefing, how far down did that information go? Did it go to those interrogators, or were you relying on individuals further down in the command to pass on your words?

MILLER:

Sir, the recommendations that I made from the assessments were given to the senior leadership of the joint task force for them to make decisions upon their applicability and then to, if they chose, make additional modifications to their procedures to go about doing that.

In no case did we -- did the team have the opportunity or ask to brief down at the lowest level. It was at the senior leadership level, at the commander and the senior staff officer level.

ALLARD:

Now, those lessons learned -- can anybody on this panel explain to me what happened to that information that was shared by Major General Miller to a higher command? How was that passed down?

SANCHEZ:

Yes, Senator.

What we did after I received the recommendations of General Miller is I then forwarded those to my staff and the commander of the detention center for execution -- correction. for modification in accordance with the Geneva Convention, since we knew that there was a difference in climates between the two different operations.

And then we set about and...

ALLARD:

By that "difference in climate." you're saying that in Guantanamo it wasn't as pertinent as to actually what was happening in the field of battle, but what was happening in Iraq was very pertinent, was happening on the day-to-day basis in the field of battle -- and that information was crucial to the survival of Americans. Is that...

SANCHEZ:

Yes, sir, that is exactly right. We were, at that point in time working very, very hard to get intel fusion at a higher level that could allow us to target precisely the enemy forces.

And we had to very rapidly take those recommendations and modify them to the theater, modify them to ensure that they were in accordance with the Geneva Convention, get the lessons that had been learned before in interrogation and detention operations and be able to adjust our own procedures and fix the procedures that we had in-country.

ALLARD:

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Now, General Abizaid and General Sanchez, I'd like for you to describe the checks and balances or the command-wide reporting and supervision that was in place during 2003 when the subject prisoner abuses occurred.

General Taguba's report clearly shows abuses reported as early as May 2003 in Iraq, as well as major accountability leadership and basic discipline breakdowns through the 800th Military Police Brigade.

And, I guess, the bottom line, did Brigadier General Karpinski, the 800th M.P. Brigade commander, keep you informed as to the deteriorating conditions in her command?

ABIZAID:

I did not talk to the commander of the 800th M.P. Brigade.

ALLARD:

General Sanchez?

SANCHEZ:

Sir, as far as the deteriorating conditions of her command, part of our basic understanding in the July-August time frame was that we had a detainee situation that had not been faced by our Army in over 50 years.

That was the reason why I had requested the Ryder team to come in to assist us in establishing those operations, so that they would be efficient, effective and treating people with dignity and respect. That is why I supported the Miller team coming into the country. And we were providing the resources that were necessary in order for us to stand up the capabilities of the 800th to be able to function effectively.

ALLARD:

And the Ryder report, that was the first report in trying to deal with any hint of impropriety that was happening at the prison, is that correct?

SANCHEZ:

Senator, there were investigations that had been conducted as a result of allegations of abuse that were out in the command, not at the detention centers at that point.

As we have stated before, there were allegations that at the point of contact, where the soldiers are fighting every single day, there were allegations from the ICRC that prisoners were being treated rough. And those were the allegations that were being investigated at that point in time.

As far as detention center abuses, at that point I did not have knowledge of that.

But I would like to make sure that the committee understands, we did have detention center problems. They were overcrowded. We didn't have the M.P.s in the right place. We were moving into facilities that had been destroyed or damaged by the war. We had an intelligence problem, in that the tactical units were not getting feedback from the detainees that moved into the detention centers.

And from Ambassador Bremer's point of view, he had a problem in that we weren't releasing detainees back into the population quickly enough, and he wanted us to come up with a system that would make that more efficient.

So let's be clear that we understood that there were problems in the detainee system linked to the intelligence system, linked to the political system that had to be addressed, and we were working on them.

But I would also like to remind you that these images are not the kind of thing that we thought was happening out there that anyone in the chain of command would have condoned or allowed to be practiced.

COPY; CORRECTS PICTET)

MILLER:

Sir, if I may...

ALLARD:

Mr. Chairman, my time has expired.

MILLER:

... if I may just one -- because I think it's an important clarifying point.

During the assistance visit that my team made in the August- September time frame, we were also charged with the responsibility of looking for humane detention throughout, at the CJTF Level 7 -- 7 level detention facilities.

And during that assessment, in one of the facilities, the team found that it was being operated in an unsatisfactory manner. I stopped the assessment. I went to General Sanchez and made this report. He directed that there be corrective action made within 48 hours in this facility. That action was immediately started. And it was continuing on as the assessment team that I led departed theater.

And so there were reports -- and I will tell you, there was very aggressive action taken by the chain of command to go about correcting those shortfalls.

ALLARD:

Thank you.

Mr. Chairman, my time has expired.

WARNER:

Thank you, Senator. Thank you very much.

Senator Reed?

REED:

Thank you, Mr. Chairman.

Colonel Warren, is it accurate to say that all the prisoners in Abu Ghraib were entitled to the protections of the Geneva Convention, that they were either enemy prisoners of war or protected persons? Is that correct?

WARREN:

Sir, that's right. They were protected persons either under the third or fourth Geneva Convention.

REED:

Thank you.

Under the Geneva Convention Article 31, "no physical or moral coercion shall be exercised against any protected persons, in particular to obtain information about them or from third parties." Is that correct?

WARREN:

Sir, you're quoting from Article 31 of the fourth convention. That is an accurate recitation of what the article says. I would cite you to Pictet's commentary on the article for elaboration...

REED:

Well, thank you, but we'll go into the elaboration.

WARREN:

Yes, sir. It should not be taken out of context.

REED:

But that is the operative rule.

WARREN:

That is a literal generalization.

REED:

Let's go back to the rules of engagement here. Sleep management. 72 hours; sensory deprivation, 72 hours, would you consider that to be physical or moral coercion?

WARREN:

Sir, not prohibited coercion under Article 31 for security internees in a...

REED:

I'm talking about in particular to obtain information about them or from third parties.

WARREN:

No, sir, I would not.

REED:

So these are not methods to use for interrogation.

WARREN:

Sir, the list on the right-hand side of the...

REED:

Can you answer the question, Colonel?

WARREN:

Sir, that does not require a yes-or-no answer. I have to elaborate upon it.

REED:

Well, Colonel, my time is six minutes. So let me just move on.

WARREN:

Yes, sir.

REED:

You just said that these are coercive means.

WARREN:

No, sir, I did not. What I said is...

REED:

For a protected person, to obtain information.

WARREN:

No, sir. What I said was that those that are on the right are a list on a slide which was produced at a low level, which was not representative of our counter-resistance and interrogation policy.

REED:

Excuse me, Colonel, I'm asking you a question, not how it was evolved, but if 72 hours with a bag over your head to obtain information is contrary to Article 31 of the Geneva Convention; correct?

WARREN:

That would be yes, sir.

REED:

Thank you.

General Sanchez, today's USA Today, sir, reported that you ordered or approved the use of sleep deprivation, intimidation by guard dogs, excessive noise and inducing fear as an interrogation method for a prisoner in Abu Ghraib prison.

REED:

Is that correct?

SANCHEZ:

Sir, that may be correct that it's in a news article, but I never approved any of those measures to be used within CJTF-7 at any time in the last year.

REED:

Excuse me. Because I want to get back to this.

It may be correct that you ordered those methods used against a prisoner. Is that your answer?

SANCHEZ:

No, sir, that's not what I said. I said it may be correct...

REED:

Well, I didn't hear; that's why I want...

SANCHEZ:

... that it's printed in an article, but I have never approved the use of any of those methods within CJTF-7 in the 12.5 months that I've been in Iraq.

REED:

What level of command produced this slide?

SANCHEZ:

Sir, my understanding is that that was produced at the company commander level.

REED:

How could the company commander evolve such a specific list? How could the company commander then turn around and said some of these things would require your permission without any interaction between your command? It seems to me just difficult to understand.

SANCHEZ:

Sir, it's difficult for me to understand it. You have to ask the commander.

REED:

Now, this is the company commander that you relieved and gave him a letter of admonition.

SANCHEZ:

No, sir.

REED:

No. OK.

General Miller, at Guantanamo, it's been reported that you developed a 72-point matrix for stress and duress, lays out types of coercion, escalating levels. They include harsher heat or cold, withholding food, hooding for days at a time, naked isolation and cold, dark cells. Is that correct?

MILLER:

Sir, that is categorically incorrect.

REED:

That never happened.

MILLER:

That is categorically incorrect.

REED:

OK.

When you were dispatched by Secretary Cambone and General Boykin to go to Iraq, did they give you any specific instructions about increasing the aggressiveness of interrogations?

MILLER:

Sir, I was tasked to go to assist -- conduct assistance visit by the Joint Chiefs of Staff.

MILLER:

They tasked Southern Command, who then tasked JTF Guantanamo to put the team together.

REED:

Did you have conversations with General Boykin and Secretary Cambone prior to your departure about your trip?

MILLER:

Sir, I did not.

REED:

You did not. Did you have any discussions after your visit, after your return?

MILLER:

Sir, I submitted the report up to SOUTHCOM. I had no direct discussions with Secretary Cambone or General Boykin.

REED:

Well, Secretary Cambone testified that General Boykin briefed him on your discussions. And he led the implication that you and General Boykin -- have you spoken to General Boykin about any of these issues?

MILLER:

No, sir. The report was provided up and it may -- and this is my speculation because I do not know -- it may have gone to General Boykin. But he and I have not had conversations about personal conversations about this inspection visit.

REED:

Your team, when they went down and briefed at the -- how low a level did you brief and talk to people in that prison?

MILLER:



Sir, the team went at several different levels. They started at the CJTF level...

REED:

How far did they go in the prison?

MILLER:

They went down to the battalion commander level at the military police function and to the company commander level at the military intelligence function.

REED:

And that might be the level where this document was developed?

MILLER:

Sir, I do not know at what level that document was developed at.

REED:

Did your team specifically brief that these techniques, which you deny being placed in Guantanamo, could not be used? Did they any way suggest that methods could be used in that prison that are contrary to Geneva Conventions?

MILLER:

Sir, no methods contrary to the Geneva Convention were presented at any time by the assistance team that I took to CJTF-7.

MILLER:

And there is no -- as you brought up again, sir -- there is no status, or there is no program, JTF-Guantanamo, that has any of those techniques. That are...

REED:

Well...

MILLER:

... that are prohibited by the Geneva Convention.

REED:

One of the problems that we have, General, is that we have not yet, after repeated requests, received the documentation about the interrogation techniques at Guantanamo, which is another lack of cooperation in this investigation.

My time's expired. Will we have a second round, Mr. Chairman?

WARNER:

It's important that we conclude today's round with a closed session in which members will be given an opportunity to have questions.

Senator Sessions?

SESSIONS:

Thank you, Mr. Chairman.

And I thank all of you for your service in a difficult and dangerous area of the world. You're serving your country with distinction.

General Abizaid, I appreciate your leadership and your comments earlier today.

We have made progress in Afghanistan and Iraq. We've had Al Qaida on the run. And we've made -- we've avoided another attack on this country, for which we can be grateful.

I think you're correct to suggest that sometimes, in this city, people get preoccupied with failure and error rather than seeing the progress that's occurred.

And I am troubled by this suggestion that the interrogation rules are some, sort of, smoking gun of illegality and impropriety.

You've been asked about -- what about sleep adjustment or sleep management for 72 hours? Those -- as I read this document, this is a restrictive document that said anything - that such an action must be, have the direct approval of the commanding general.

SESSIONS:

Is that the way you understand it, General Sanchez?

SANCHEZ:

Sir, that's the way I read that document also, sir.

SESSIONS:

And was it you or the commanding general, or who was the commanding general referred to?

SANCHEZ:

That referred to the commanding general CJTF-7. That's me, sir.

SESSIONS:

So, the system was set up to restrict these kind of activities. They could never be done even though, as Colonel Warren, the JAG officer said, could be acceptable under -- some of them at least can be acceptable under the Geneva Conventions. They had to make a written report and request the use before any of those could be used.

SANCHEZ:

That is exactly right, sir.

SESSIONS:

And were any of these ever approved by you?

SANCHEZ:

Sir, the only approvals that I ever had at my desk was for continued segregation beyond 30 days. And there were 25 of those who were approved. I never saw any other method come to my level requesting approval.

SESSIONS:

So the only request under this category of what some refer to as harsher treatment were the isolation requests, which are done in American prisons every day. And these isolation requests were, in fact, submitted to you in writing. And do you or your staff make an evaluation before you approved them?

SANCHEZ:

Yes, sir, those came forward. My staff -- both the intel officer and my staff judge advocate evaluated those. And then my staff judge advocate brought them in to me, and I personally approved it.

SESSIONS:

And I would like to note that in big print here, it says, "Safeguards: Approaches must always be humane and lawful. Detainees will never" -- in capital letters -- "be touched in a malicious or unwanted manner." Would that violate -- were the actions in this prison in violation of that directive? The allegations and the pictures we've seen, that would be in violation of that directive, would it not?

SANCHEZ:

Sir, if those allegations are proved in the investigative process to be true, those would be violations.

SESSIONS:

And it said Geneva Conventions must be complied with.

SANCHEZ:

Absolutely, sir, that was always the standard.

SESSIONS:

Now, General Abizaid or General Sanchez, the Ryder report -- General Ryder was the provost marshal. That's the person in charge of the military prison system, is that not correct?

ABIZAID:

Yes, sir, it's correct.

SESSIONS:

He's the Army's top expert on how to house prisoners. And it's not easy in the United States. I'm telling you. Senator Kennedy and I sponsored a bill recently to crack down on sexual abuse in prisons, a prison rape bill, because it happens in American prisons we have abuses. But it's difficult in a theater of combat operation.

You brought him over to help you bring order to this situation in the post-hostility conflict? Is that what you did?

ABIZAID:

Yes, sir. We've asked for a lot of help, because we need a lot of help in this theater on a lot of different things.

But what's the most helpful is where commanders travel and look and see with their own eyes what's going on and how it's going on. And General Sanchez and I and others have been all around the theater and talked to interrogators. We've looked to make sure what was happening was right. And we emphasize to them all the time that they need to treat people right.

SESSIONS:

Well, things go awry; there's just no doubt about it. And it's more difficult in a combat environment.

General Miller, you had a reputation of being able to manage a prison and to obtain information from detainees in a way that was closely inspected and observed by the Red Cross and other people on a continuing basis.

SESSIONS:

And we had soldiers at risk in Iraq. We had civilian leadership of the new Iraqi government at risk of their very lives, as we saw one just killed recently. It certainly would have been wonderful if we'd obtained intelligence so we could have interdicted the latest murder of the head of the council in Iraq.

And, General Abizaid, you said you wanted to get information to the tactical commanders. The American people may not understand this language. Part of the problem was, as I understood it, you're obtaining information, but we're not getting it out to the people who could benefit from having it. Is that fair to say?

ABIZAID:

Well, Senator, as I traveled around -- and I spend most of my time when I go around going to tactical units -- I was extremely impressed by the amount of information that they had about local conditions. And I would always ask them whether once the detainees were evacuated into the prison system, did they receive follow-up information that would help them in their difficult job of breaking down the cellular structures that the enemy uses against us.

And at the same time, General Sanchez and I, probably very early on in General Sanchez arriving in the theater, were concerned that we were not getting a good view of what was happening at the leadership level. So we knew that there had to be a connection between what the tactical units knew and what the leadership knew if we were ever to get at the insurgency base problems that we were seeing out there.

So we were dealing with a systemic problem and we still don't have as good a view as we'd like to have about the nature of the insurgency and who's in charge and where the cells move and how they operate, et cetera. It's an intelligence-intensive task.

SESSIONS:

Well, General Miller, one of your responsibilities is to try to make sure that evidence that had been gathered was promptly disseminated.

SESSIONS:

And is that one of your responsibilities?

MILLER:

That's correct, Senator.

SESSIONS:

I think my time's expired.

WARNER:

Thank you, very much, Senator.  
Senator Ben Nelson?

BEN NELSON:

Thank you, Mr. Chairman.

And thank you all for being here this morning.

General Abizaid, I want to commend you particularly for your candor. This is a city and this group from time to time is used to what I've termed progressive candor. We learned a little bit at a time. And ultimately somebody has to take responsibility. I appreciate very much your willingness to take the responsibility.

General Miller, there are photos showing military intelligence, M.P.s and private contractors in the vicinity of prisoner abuse. We would be -- we're being told that it was a handful or a few -- the operative word of the day -- a few bad apples engaging in activities that were abusive, not consistent with either Geneva Convention rules or with the expectations of the command above them.

So can you tell me who were the participants, who were the abusers in the situation? I'm not aware of anyone outside of a handful of privates, sergeants, et cetera, being charged with anything. What about the private contractors or the military intelligence people, apart from M.P.s, being charged? Or do you know?

MILLER:

Senator, those -- the events, are part of the investigations being done, also being done now by General Fay involving the intelligence elements, both the military and any of the contractors who would be involved in the intelligence function.

BEN NELSON:

Will we expect something within a timely manner on those investigations?

MILLER:

Sir, it's my understanding that General Fay's report is nearing close and that those reports will be given to the chain of command very quickly.

BEN NELSON:

General Miller, what instructions or orders were you given before you arrived and on your way to Guantanamo?

MILLER:

Sir, on my assumption of command of JTF-Guantanamo, I went to the headquarters Southern Command and General Hill laid out his responsibilities for me and gave me the orders.

We had an opportunity to fuse two JTFs together that were not working as successfully; that was the priority mission, to be able to integrate both the detention and intelligence function to produce actionable intelligence for the nation. In this case, operational and strategic intelligence to help us win the global war on terror.

BEN NELSON:

Did you talk to any of the civilians within the Department of Defense?

MILLER:

Sir, initially I did not. Once I made my assessment at JTF-Guantanamo, then I went to Washington, D.C., and talked to both the intelligence community and others who were a part of the functionalities that we had at Guantanamo, about detentions, interrogation and an intelligence fusion.

BEN NELSON:

Any one at the level of undersecretary or assistant secretary of defense?

MILLER:

Sir, I did not initially talk, but later on, as the mission in Guantanamo went -- as you remember. I was there for 17 months. Then I talked all the way up to the secretary of defense- level, briefing them on the operations that we had and the intelligence that we'd gathered and the integration of those operations throughout Guantanamo.

BEN NELSON:

Were any of those discussions directed at what you might do in the future if you were assigned to Abu Ghraib or to Iraq in general?

MILLER:

No, sir, they were not.

BEN NELSON:

Were there any differences between the two assignments?

MILLER:

Senator, there were substantial differences. As you know, JTF-Guantanamo has a responsibility to detain enemy combatants not covered by the Geneva Convention. And so there were specific authorizations and limits that went directly into Guantanamo.

MILLER:

And so I became very knowledgeable of those, I read the Geneva Convention, to be frank with you, in great depth, my lawyer probably spent one to two hours a day with me, as I learned every day how to be more effective in doing this job and also doing it to the

standards of America: humane detention and interrogation that reflected America's values.

BEN NELSON:

Thank you.

General Sanchez, you have suspended the entire chain of command that was under the command of General Karpinski, including General Karpinski. She says she objected to the interference with her command which was represented by Colonel Pappas in bringing intelligence operations in tactical control over the prison. But you disagree that she objected?

SANCHEZ:

Senator, General Karpinski never talked to me about any interference in my command.

BEN NELSON:

Did she send you a written communication?

SANCHEZ:

Sir, she received the same order that assigned responsibility for FOB protection and security of detainees as the other commanders in the task force.

BEN NELSON:

Is it usual that a military intelligence officer would take over the tactical command for force protection?

SANCHEZ:

Sir, it is dependent upon the senior commander in that forward operating base that has responsibility to defend its soldiers.

BEN NELSON:

Do you know of any other instances?

SANCHEZ:

The brigade commander, sir -- the M.I. brigade commander, no, sir. He was a senior man that was permanently on that forward operating base, and he had responsibilities for protecting the soldier...

BEN NELSON:

Merging interrogation and force protection together?

SANCHEZ:

Sir, a commander has integral responsibility, independent of his mission, to protect his soldiers. And that was what I was trying to institutionalize.

BEN NELSON:

My time has expired. Thank you.

WARNER:

Thank you very much, Senator.  
Senator Collins?

COLLINS:

Thank you, Mr. Chairman.

First, let me begin by thanking all of you for your extraordinary service. One of the tragedies of this abuse scandal is that it not only obscures the fine work that you're doing, but it also overwhelms the thousands of acts of kindness, courage and compassion by our troops every day in Iraq. And that's why this abuse scandal is particularly upsetting.

COLLINS:

I feel it sets back and undermines the good work of our troops -- the vast majority of our troops.

I have to say that after reading the Taguba report, reviewing the various interviews and participating in these hearings, I remain unclear about the answers to some very basic and critical questions, questions such as who really was in charge of the prison and what was allowed in the treatment of the prisoners.

General Sanchez, at the committee's hearing last week, General Alexander referred to these guidelines, these Interrogation Rules of Engagement, as yours. Numerous press reports have referred to these rules as "The Sanchez guidelines."

But is it your testimony this morning that these guidelines were not issued by your office and that, in fact, you only saw them last week at our hearing?

SANCHEZ:

Ma'am, absolutely not. The first time I saw the slide that was specifically shown to me by one of the senators is what I was referring to.

I personally issued the memorandums and I have both memorandums sitting here that I will provide to the committee. Those rules of engagement were my rules of engagement and I personally approved those after I consulted with my higher headquarters and my staff judge advocate.

COLLINS:

In response to a question from Senator Reed, you said, however, that you had never approved the presence of dogs, sleep deprivation, stress positions, however, that are listed on these guidelines.

COLLINS:

Is that correct?

SANCHEZ:

Ma'am, that is exactly right.

COLLINS:



General Sanchez, I also want to follow up on your November order putting military intelligence in charge of some aspects of the prison. I also want to explore with you the role of military intelligence in general.

In the Taguba report the general says that the recommendations of General Miller's team that the guard force be actively engaged in setting the conditions for the successful exploitation of the detainees would appear to be in conflict with the recommendations of General Ryder's team and AR 190-8 that military police do not participate in military intelligence-supervised interrogation sessions.

He also says that having military police actively set the favorable conditions for interviews runs counter to the smooth operation of a detention facility.

Didn't your order, where you involved the military police in some aspects of the supervision of the prison, run counter to the regulations cited by General Taguba?

ABIZAID:

Senator Collins, may I take this?

COLLINS:

Yes, General.

ABIZAID:

First of all, we do not have all the facts. And I think it's important for the committee to understand that.

We need to see what we're going to hear from the 205th M.I. Brigade. What was in the mind of that commander? What did he think?

So if we can set that aside, let me share with you one of the findings that came out of the Department of the Army I.G. investigations that are preliminary; they're not approved. I'm sure they'll be shared with this committee.

Our doctrine is not right. It's just not right.

ABIZAID:

I mean, there are so many things that are out there that aren't right in the way that we operate for this war.

This is a doctrinal problem of understanding where you bring, what do the M.P.s do, what do the military intelligence guys do, how do they come together in the right way. And this doctrinal issue has got to be fixed if we're ever going to get our intelligence right to fight this war and defeat this enemy.

So we've got problems that have to be looked at from top to bottom in order to ensure that there is no confusion, because you see the Ryder report says one thing, the Taguba report will say one thing...

COLLINS:

Exactly my point.

ABIZAID:

... you're going to see that the Fay report says something else, and it's not because anybody's lying to anybody; it's because the system is not right.

And there are a lot of systems that are wrong out there that we had better fix if we're going to beat this enemy.

COLLINS:

But, General, I guess what concerns me is when you have all these contradictory doctrines, or all these contradictory findings, it suggests to me that there was great confusion at the prison, and that confusion can set the stage for the kinds of unacceptable abuses that occurred. That's my concern.

ABIZAID:

It is a concern that I share, Senator, and we will find out the facts.

But I would like to ensure that you understand that there is great confusion in a combat zone all the time, almost as much as there is here in Washington, but not quite.

COLLINS:

Thank you, General.

WARNER:

Thank you, Senator.

And that confusion in a combat zone goes way back in history.

Senator Dayton?

DAYTON:

Thank you, Mr. Chairman.

WARNER:

History of the country, all conflicts.

DAYTON:

Mr. Chairman, I wanted to join with others in thanking you for convening this hearing and doing your utmost to get to the bottom of these matters.

But I really question our ability to get down to the truth of what's occurred at six minutes apiece. We've now had 15 of the highest level officials involved in this entire operation, from the secretary of defense to the generals in command, and nobody knew that anything was amiss, no one approved anything amiss, no one did anything amiss.

We have a general acceptance of responsibility, but there's no one to blame except for the people down at the very bottom of one prison, and the focus has been on that, although the International Red Cross report says that there were abuses at 14 different prisons under U.S. control.

DAYTON:

And according to the New York Times today, the Red Cross complained in writing on November 6th about some of the abuses that they had witnessed which paralleled the practices that were shown in the pictures, of holding Iraqi prisoners naked in dark, concrete cells for several days at a time, forcing them to wear women's underwear on their heads while being paraded and photographed.

And it characterizes the response of the Army to that complaint as barring unannounced visits by the Red Cross at the prisons. And it cited in particular a letter dated December 24th that the Army had described as evidence of the military promptly addressing the Red Cross concerns, but the action that was taken -- the barring of unannounced visits -- brings into question what the content of that letter actually was.

The Army's refused to release that letter, citing a tradition of confidentiality in dealing with the international agency. And an Army spokesman declined on Tuesday to characterize the letter or to do discuss what it said about the Red Cross's access to the cell block.

General Sanchez, is that evidence of the transparency of this Army's handling of these matters? How are we going to find anything out if no one will tell us anything or even provide the information that is necessary to evaluate these matters?

SANCHEZ:

Senator, I swore to tell you the truth and everything that I've told you in here is the truth.

DAYTON:

What is in the December 24th letter to the Red Cross?

SANCHEZ:

Sir, I don't recall exactly what -- we have the letter, obviously, and I'd have to leave it to the department to provide that letter to you, sir.

DAYTON:

Will you release that letter?

SANCHEZ:

Sir, as far as I'm concerned, we are transparent within CJTF-7.

DAYTON:

Well, sir, all right, I'll accept that then. So you'll provide a copy of that letter and we can assess what the response was?

SANCHEZ:

Sir, as long as that is within the approval of the higher headquarters and the department, yes, sir, we will provide that.

DAYTON:

That's a big caveat but we'll see what comes forward.

SANCHEZ:

Sir, I have no problems with providing you that letter. However, there are higher headquarters directives.

DAYTON:

Fair enough.

Sir, on November 19th, you, again according to another newspaper report -- as soon as I think our responsibilities in this body are delegated to reading the newspapers and watching the other news reports to find out these things that we're not getting any information about.

But there's reportedly a memo from your office; General Sanchez, on November 19th that placed two key Abu Ghraib cell blocks where the abuses occurred under the control of Colonel Pappas.

And then there's also reference made to a request he made reportedly made to you 11 days later about an interrogation plan for a particular prisoner that involved: First, the interrogators were to throw chairs and tables in the man's presence at the prison and quote, "invade his personal space," close quote.

This is a request from Colonel Pappas, the man to whom you turned over that authority over those two cells.

DAYTON:

Then the police were to put a hood on his head and take him to an isolated cell through a gauntlet of barking dogs. There the police were to strip-search him and interrupt his sleep for three days with interrogations, barking and loud music, according to Army documents.

The plan was sent to you -- is that one of the 25 requests for additional interrogation techniques that you approved?

SANCHEZ:

Sir, first of all, you stated that I issued an order that I specifically put key cell blocks under Colonel Pappas. I never issued such an order.

DAYTON:

OK, and...

SANCHEZ:

Secondly...

DAYTON:

The article's incorrect? That I...

SANCHEZ:

Sir, I never issued such an order.

DAYTON:

I regret the...

SANCHEZ:

And secondly, that request never made it to my headquarters -- or to me, personally, rather.

DAYTON:

So there wasn't memo on November 19th, to place -- from your office -- to place these cell blocks under Colonel Pappas?

SANCHEZ:

No, sir, I never issued such an order.

DAYTON:

All right.

SANCHEZ:

And that specific request for interrogation methods -- that never...

DAYTON:

Let me see that one.

SANCHEZ:

... never got to the CJTF-7 commanding general's level, and I never approved any interrogation methods other than continued segregation.

DAYTON:

Thank you.

General Abizaid, you commented on that -- we just stay the course. And I, you know, wanted -- on behalf of, speaking for myself anyway; I won't presume to speak for my colleagues -- but, you know, the Senate has been bipartisanly resolute behind every request the president's made for funding and support.

It's been virtually unanimous. It's been -- across the board, the supplemental appropriations, the authorizations, we're taking up now the 2005 authorization. We're adding, at the request of the president, an additional \$25 billion for purposes that haven't even been defined.

But I think it's something I wanted to try to get an answer from various authorities: What is that course? And what is the, you know, the direction that we're on?

And just note, in response, particularly to some comments that were made about how well things are going -- and I don't know how to sort this out. I want us to succeed there. I just want to be told the truth about whether we are or not so we can assess whether the Minnesotans and other Americans who are serving over there are going to be there for months or years and what their likelihood is of returning safely and alive.

But I refer here to a Washington Post comment made by a Kurdish member of the governing council, that if something is not done about the security situation, there will be no transfer of power.

DAYTON:

(inaudible), his name, who is generally pro-American, described the assassination as only the most extreme example of the lawlessness that has grown in the year since President Saddam Hussein was driven from power. Quote, "Never in Iraq has it been like

this, never, even under Saddam," he said. "People are killed, kidnapped and assaulted. Children are taken away. Women are raped. No one is afraid of any punishment."

Is that an accurate description of 1 percent of the country? 5 percent? More than that? What is the security situation there, sir?

ABIZAID:

Yes, sir, I appreciate the question.

First of all, not only were people carried away in the middle of the night and raped and tortured and killed under Saddam, but it happened at a huge scale, on an institutional scale unequalled in any recent memory and I guess perhaps only rivaled by what the Nazis did.

So are things better just by the mere fact that that regime of torture and intimidation is gone? Yes, that's a good thing.

On the other hand, I won't be Pollyannish about where we are, Senator. This is a hard thing. And it's going to take a long time. And it's going to take a lot of courage and a lot of perseverance and unfortunately more blood, and it's going to take more treasure. But there are more people in Iraq that are working with us to try to make their country a better place than are trying to tear it apart.

The people that are trying to tear it apart are ruthless. They are doing it precisely now for the reasons that I think I've been about as honest as I could be with this committee in the past, because this is the vulnerable time. They must make it fail now. They are pulling out everything that they can to make it fail.

And it's hard. That's why we kept extra forces there. And it's hard and it's tough and it's difficult, but we will prevail. And I'm telling you, you know, there are things that are bad about Iraq, and we are responsible for security. And it's not like walking in downtown Washington, D.C. It's a dangerous place.

But I can tell you, people have a right to express their opinion. There's political activity. There's freedom of the press. There are things that are happening in Iraq that don't happen anywhere else in the Middle East. And we ought to be proud of it.

DAYTON:

May I just conclude? My time is up. How soon do you expect the 200 or 4,000 or whatever Iraqi police and militia will be in a position to enforce their own law and order on their city streets?

ABIZAID:

Well, Senator, I would have said, before the recent events, that somewhere between September and December they would be ready.

ABIZAID:

But we had a setback. We know we had a setback. Putting one of our best officers in the United States military on the job. And I'm saying if the creek don't rise somewhere between January and April they'll be ready.

DAYTON:

Thank you.

WARNER:

Thank you very much, Senator.  
Senator Chambliss?

CHAMBLISS:

Thank you, Mr. Chairman.

Gentleman, let me echo the sentiments of all of our colleagues up here relative to the leadership you're providing and the great job that all the men and women underneath you are doing.

And while we've seen on the front pages of the paper for the last three weeks this story, those of us who follow the details of the battles that your men and women are waging every day know and understand that you have scored major victory after major victory in the last three weeks. And we commend you for the great job you folks are doing right on.

Colonel Warren, would you tell me what is the jurisdiction between the Central Intelligence Agency and the Army relative to the arresting, securing, transporting and interrogation of these detainees in Iraq.

Sir, I don't know that it's a matter necessarily of jurisdiction. We do know that other agencies do detain individuals in Iraq. They use the same legal standard under the fourth Geneva Convention, which is that they are imperative threats to security. And once they are brought into a coalition forces detention facility, they are subject to our rules and regulation.

CHAMBLISS:

Well, is there any integration or cooperation between the CIA and the Army relative to the securing of prisoners and bringing them to places like Abu Ghraib?

WARREN:

Sir, your question is outside the scope of my knowledge. I can speak to the rules that apply once they are inducted. With arrangements relative to operations, I'm unable to speak to that.

CHAMBLISS:

General Abizaid, can you answer that question?

ABIZAID:

Sir, I would like to answer the question in closed session.

CHAMBLISS:

OK.

General Abizaid and General Sanchez. I have asked this question twice before and I still have not gotten a satisfactory answer. And that is, General Ryder was sent to this prison. He was there in late October, early November of 2003. During the very time he was there, these particular incidents that are alleged -- the alleged abuses that we're talking about now were ongoing during that point in time. Yet, even though he was

asking questions of the conditions of the prison and the condition of the prisoners, nobody told him, apparently, one word about these incidents happening.

Can either of you give me any explanation why that would have happened when a general of his stature was there?

ABIZAID:

Well, I can tell you that, as I travel around, I don't always get the whole truth and nothing but the truth. You know, I get a lot of, "Everything's OK, everything's fine; don't worry about it." And that's one of the problems we have in the armed forces, that we've got to look beyond our rank and got to think about what would our son be doing in that particular position in that particular unit and is he or she -- or your daughter doing the right thing or not.

ABIZAID:

And so because General Ryder was there, because General Sanchez was there, because half a dozen other important people that went there to visit it didn't see it doesn't mean it wasn't happening. And we have a lot to understand about what went on in that organization, and why, and who was responsible.

CHAMBLISS:

Well, I accept your answer, and I think it's a repeat of the statement you made earlier that there are some things in this system that are broken. And you're now working to fix them. That's what leadership is all about: When you recognize a problem, you take after it and you fix it. And I commend you for doing that.

General Miller, the situation at Guantanamo has been alluded to by a number of folks during this process. And I've been down there a couple of times, had the opportunity to visit the prison both before the new camp was built, as well as afterwards. Saw interrogation of prisoners down there.

From what I saw and from what I've heard, there's been no systemic prisoner abuse that was ongoing at any point in time in Guantanamo, and I just wish you'd address that very quickly, if you will, please.

MILLER:

Thank you, Senator.

Sir, there is no -- there was no systemic abuse of prisoners at Guantanamo at any time. I believe that there were three or four events -- I'll have to correct that for the record as we go back and look -- of instances of minor abuse. Two or three of those were corrected by administrative action in Article 15 and one went to court-martial about an abuse of one of the enemy combatants down there.

It was the effect of strong, dynamic leadership by the chain of command, 24 hours a day, 7 days a week, that did not allow the abuse to happen.

We walked the cell blocks and the interrogation booths of Guantanamo around the clock, not because we didn't trust our people, but this is a very difficult mission and it takes active engagement by leadership to ensure that it is done correctly. That is why in Guantanamo, because of the enormously talented people who were there, 75 percent, as most of you know, were reserve component leaders, were successful.



CHAMBLISS:

Thank you.

Colonel Warren, there is a report in the Wall Street Journal today which -- there is an article today which says, "A senior legal adviser to Lieutenant General Sanchez helped draft a formal response to the Red Cross's November report, according to one senior Army official."

CHAMBLISS:

Is that you they're referring to?

WARREN:

Sir, that may be me to whom they are referring. In fact, I did not draft that particular response. I believe, however, that my office did.

And as General Sanchez alluded to earlier, before January, the intake of working papers, the camp visit reports from the International Committee of the Red Cross, were handled in a haphazard manner. Some of them were given to the camp commander. Some were given to the military police brigade. Some went to my office.

In the particular case that is at issue, the October visit, it took a period of time -- and I don't know how long, but I believe several weeks -- for the working papers to reach the level of my office.

My office participated in the drafting of a response for General Brigadier Karpinski's signature. That response was dated 24 December and would have been delivered to the International Committee of the Red Cross.

When we discovered this haphazard process -- and, frankly, were concerned in the December time frame when I first became aware of the content of the report and its genesis -- I talked to General Sanchez. This would have been in early January.

General Sanchez then mandated that from that point forward all International Committee of the Red Cross reports and working papers would be addressed to him, and that the single entry point for those to the command would be me. And in that way we could maintain positive accountability of those reports, as well as take remediative action and track the corrections that were done by the subordinate commands.

CHAMBLISS:

Thank you.

Thank you, gentlemen.

WARNER:

Thank you very much, Senator.  
Senator Clinton?

CLINTON:

Thank you, Mr. Chairman.

And I thank our witnesses for their service and for their appearance today. I know it's not an easy assignment to be here, given especially all your other responsibilities.

But it is in line with this committee's constitutional and institutional responsibilities, and I believe all of us are trying to discharge them to the best of our ability.

CLINTON:

General Miller, I would like to return for a moment to this document that's been much discussed on interrogation rules of engagement.

General Sanchez characterized this document as having been developed at a relatively low level, at the company level, and indicated that he had not seen it before it became public at our hearings. But in an annex to the Taguba report, it's revealed that this document was briefed to you as part of a situation report when you visited Iraq in August 2003.

What was your reaction to that document at that time? And did you have any concern that the techniques described would violate the Geneva Convention?

MILLER:

Senator, that report is incorrect. At no time was that document briefed to me during my visit in the August-September time frame.

CLINTON:

Was it briefed to you at any time prior to that or following that period?

MILLER:

Senator, that document was never briefed to me at any time.

CLINTON:

Were the contents of the document briefed to you, General?

MILLER:

The contents of that document were not briefed to me.

CLINTON:

So it's not only that you never saw the document, the slide. You were never briefed, orally or in writing, about the contents of that document. Is that correct?

MILLER:

Senator, that is absolutely correct.

CLINTON:

General Sanchez, at a hearing last week, General Alexander, the head of Army Military Intelligence, distributed that slide to the committee. He stated at that time that the slide was prepared by CJTF staff, your staff.

Do you know where General Alexander obtained the slide or why he believed that this came from your staff?

SANCHEZ:

No, ma'am, I do not.

CLINTON:

Colonel Warren, do you have any information that would lend us some additional enlightenment about why General Alexander told us in sworn testimony that this slide came from General Sanchez's staff?

WARREN:

I absolutely do, ma'am.

The reason that the general made the statement that he did is because the slide, as we now know, contained a Combined Joint Task Force-7 logo and was posted on the wall of the joint interrogation and debriefing center at Abu Ghraib.

WARREN:

It was styled the Interrogation Rules of Engagement, an unfortunate use of the term "rules of engagement." What it should have said is Interrogation Policy Extract. And that's the context that's so vital that you have to understand, ma'am.

When that slide was created -- and I talked to the person who created it -- it was the commander of Alpha Company 519th military intelligence battalion...

CLINTON:

And what was that person's name. Colonel?

WARREN:

Captain Woods, ma'am.

It was intended to be a profilaxis (ph). There's really nothing insidious about that particular slide.

In fact, if you'll go back, ma'am, to the counter-resistance and interrogation policies, which General Sanchez has said we will make available to the committee, you will see that they lay out specific measures that are approved.

The 12 October memorandum, in fact, approves only those measures which are contained within the Army Field Manual on interrogations. That applies to prisoners of war and segregation in access of 30 days.

The intent of the slide, however, was to ensure that interrogators understood that those measures on the left hand column, the ones that were approved, the ones I mentioned, were authorized, but that any other measures were not without commanding general approval.

Now, why is it that some of those, again, that seemed to be the so-called harsh methods appear on the right, ones such as sensory deprivation, that were never in any authorized policy?

The reason is because within the drafts that we prepared in the headquarters in the September and October time frame, we, collectively -- the legal community and the military intelligence community -- took every doctrinal approach that was authorized, we took every approach that had been used by interrogators in other places, we took every approach that was contained in any document that we could find, and we put that in a policy so as to regulate it, to ensure that it complied with the Geneva Conventions, that there was command oversight, there was a specific safeguards document that was

published that referenced the conventions, and required that in no time could any interrogator in any approach violate the floor of the Geneva Convention: that is the basic requirements, the food, shelter, water, medical care, clothing and protection, could never be violated.

It required an interrogation plan. It required that any exception to policy go through the senior intelligence officer and the staff judge advocate, me, before going to the commanding general.

WARREN:

So the intent of that slide was to remind interrogators that anything that was not authorized had to go to the commanding general.

And by the way, given that list, prepared by a captain with all good intention, had items on it that could never be approved; that, frankly, could never reasonably be requested.

But note, ma'am, what's on the bottom. That is something that often is overlooked because that captain did not do a bad job. That captain paraphrased the safeguards that are in enclosure II of our counter-resistance and interrogation policy.

And you'll note, they talk about the requirement to treat everyone with humanity, to follow the Geneva Conventions, to never unlawfully touch a person who is under interrogation.

CLINTON:

Colonel, may I just quickly follow up in one of the follow-up question. Are you aware of any requests for approval submitted in writing for any exceptions to the list on the right-hand side?

WARREN:

Yes, ma'am. I am aware of approximately 25 for segregation in excess of 30 days, which went through the process of approval that I described. I'm also aware that there were three requests for stress positions which were submitted and were declined, that is denied, at the brigade commander level. So they never would have arisen to the CJTF-7 level for review or approval.

CLINTON:

Is it also your understanding that non-military agents of our government and private contractors were similarly bound by the rules that you have just described?

WARREN:

Ma'am. I can't speak definitively to the former, however I can speak definitively to the latter. And that is any contractors who were working within our facility under contract of the Department of Defense were certainly and clearly bound by our rules and policies.

WARNER:

Thank you very much, Senator.  
Senator Graham?

GRAHAM:

Thank you, Mr. Chairman.

General Abizaid, is it fair to say that people in the region, the Arab world, are watching these hearings and have been?

ABIZAID:

It's fair to say that, Senator, yes, sir.

GRAHAM:

In your professional opinion, I know we're, sort of, beating on ourselves here a bit, does this help or hurt our cause?

ABIZAID:

It helps our cause.

GRAHAM:

I couldn't agree with you more.

ABIZAID:

It helps our cause because they have to know that people will be held accountable that are in positions of responsibility.

GRAHAM:

Does anybody at this panel feel like a burden's been placed upon you to come here and have to talk about what happened?

ABIZAID:

No, sir. We feel it's our responsibility.

GRAHAM:

Colonel Warren, you're a very good JAG officer and a very good officer, and I know you're in a tough spot. But if you had talked about that slide an hour ago that would really help. So just pipe up. Don't be bashful.

(LAUGHTER)

Now, I disagree with you a bit, General Abizaid, about a doctrine problem. I don't think we have a doctrine problem. I like our doctrine. Our doctrine, when it comes to trying to gather intelligence, is that anybody in Iraq is covered by the Geneva Convention and that we're going to follow the law, because that's who we are as a nation.

And the idea that M.P.s -- General Miller, I'm talking to you now -- can help the interrogators know what's going on in the cell block is a good doctrine, isn't it?

MILLER:

Yes, sir. It is.

GRAHAM:

It's stupid to not be able to talk to the people who are running the jail about how the prisoner's doing that day before you interrogate him, right?

MILLER:

Yes, sir. That's exactly right.

GRAHAM:

For those who are watching in the Arab world or anywhere else, can you get good intelligence and still be humane and decent?

ABIZAID:

Yes, you can, sir.

GRAHAM:

You agree with that, General Miller?

MILLER:

Yes, sir, I do.

GRAHAM:

That is our doctrine.

Our problem is that these well-thought-out policies and procedures, when it came to practice, failed miserably, and that's why we're here. Isn't that true?

Now, let's talk about how that failure may have occurred. Colonel Warren, I need you to help me here.

WARREN:

Yes, sir.

GRAHAM:

Pappas comes in November. Is that correct, General Sanchez?

SANCHEZ:

Yes, sir. that is correct.

GRAHAM:

But we know in October abuse has already taken place before he gets there. Is that correct?

SANCHEZ (?):

Yes, sir. Now, we know that. Yes, sir.

GRAHAM:

OK. So there was a culture in that jail that was abusive before November. My question is, do we know if it changed after November in its tone or its application? Do we know the answer to that yet?

ABIZAID:

Sir, I don't think we know. I think, as we've said that the General Fay report may provide some insight. And also, the Criminal Investigative Division report conducted by the Army is not yet final.

GRAHAM:

Is it true or not that some of the people in this abuse photos, some of these people are common criminals?

ABIZAID:

Sir, that is absolutely correct. We know from the list of victims that that's true.

GRAHAM:

So now we know that the abuse wasn't just directed at the high-value targets, but there was abuse going on just in general?

ABIZAID:

Absolutely correct, sir, and there should not have been in that cell block. That violated our orders and our policies.

GRAHAM:

So one thing we can find out pretty quickly is if in October it's done to people who are not high-value targets -- that jail was just- sort of- screwed up.

ABIZAID:

Certainly it would suggest by the investigations and the evidence we have that that statement is accurate. Yes, sir.

GRAHAM:

General Sanchez, I have never been in combat but I do have some knowledge of the military. I have never seen a more dysfunctional command relationship in the history of me looking at the military like that jail. Do you agree with that?

SANCHEZ:

Sir, it was dysfunctional before the 19th of November.

GRAHAM:

Right.

And, General Miller, the reason you were called over is to make sure that we did this not only legally correct but we got the necessary intelligence to win this war. Is that correct?

MILLER:

Sir, I was requested to come over to give an assessment and then to be able to...

GRAHAM:

Is that why you brought him over, General Sanchez?

SANCHEZ:

Yes, sir.

GRAHAM:

I think you've done a great job at Gitmo. I'm glad you brought him over. People didn't misunderstand what you said. They just totally ignored it. That's why we're here, isn't it?

MILLER:

Sir, in my opinion that is exactly correct.

GRAHAM:

Now, here's my problem: When it comes time to assess who ignored it, I'm just not convinced that it's six or seven M.P.s doing this by themselves.

GRAHAM:

Because we know in the photos, Colonel Warren, that there are people who are not M.P.s. We know that military intelligence analysts and maybe interrogators are present at abuse situations.

WARREN:

That's correct, sir.

GRAHAM:

Do I have your promise and pledge, all of you, that you're going to make sure that whatever information we get out of these courts-martial will answer that question?

ABIZAID:

You do, sir.

GRAHAM:

I will give everybody an A-plus past January. I think General Sanchez you reported this appropriately to General Myers. Did you call him on January the 14th?

SANCHEZ:

Sir, I called General Abizaid.

GRAHAM:

Who called General Myers?

ABIZAID:

I did, sir.



GRAHAM:

And you told him this was a big deal?

ABIZAID:

I did, sir.

GRAHAM:

And he had every assurance that you were investigating it. So from General Myers' point of view, he's running this war, it's fair to say that in January he thought you were on top of it and you were investigating the matter. Is that correct?

ABIZAID:

That's correct, sir.

GRAHAM:

So when we look at responsibility up the chain, the chairman of the Joint Chiefs was informed that it was being investigated early January.

ABIZAID:

I'd say immediately, yes, sir.

GRAHAM:

Please, if you can, explain how the abuse could have happened at this level, this long, with this much devastation to our country, and no one know about it before January and the photos given over by the specialist?

ABIZAID:

Explain how the abuse was taking place between October and November and us not know about it?

GRAHAM:

How did it happen so long and so deep and we not know?

ABIZAID:

Well, I think there are failures in people doing their duty. There are failures in systems. And we should have known. And we should have uncovered it and taken action before it got to the point that it got to. I think there's no doubt about that.

I have asked myself the question, as I'm sure has everybody else in the chain of command, what could and should we have done differently?

ABIZAID:

And I can think of some things that we've got to do. We've got to ensure that we've got transparency with the Red Cross, for example.

We've got to ensure that there are other methods, just like when we had this problem that we looked at during the movement phase of the war, where there were a lot of rapes

and sexual assaults going on that were unreported. When we looked at our systems, what we have at Fort Bragg, North Carolina doesn't get replicated on the battlefield.

So, Senator, it's a lot of work we got to do and we got to fix this one so it doesn't happen again.

WARNER:

Thank you very much, Senator.

Senator Lieberman?

LIEBERMAN:

Thank you, Mr. Chairman.

Thanks to the witnesses.

Obviously, I express my gratitude not only for your service, but my support for the cause that -- the mission we have sent you to Iraq to carry out. I think it is the test of a generation, and I appreciate your confidence as you go forward because it's going to have a lot to do with our future security. It makes why we're here all the more heartbreaking and infuriating because it distracts us from that mission.

But I absolutely agree with you: We got to go at this.

I mean, casualties occur in war. The tragedy here is that this prison abuse scandal is a self-inflicted wound. But like any wound, we got to clean it up, fix it up, and then try our best to make sure it doesn't happen again.

I want to express, first, my concern that on more than one occasion, at least two of you today -- you're honorable people, obviously -- under oath have taken specific objection to parts of General Taguba's report. And that report has received a lot of credibility and, obviously, I believe it was a report, General Sanchez, to you and -- should we think less of it because of the objections that -- General Miller's response to the question Senator Clinton asked said that something that he was reported to have done or seen just didn't happen.

LIEBERMAN:

And you yourself have separated yourself from conclusions in the report on a few occasions.

Does it lead you to doubt the thoroughness of the report or lead you to feel, as the commander, that you ought to send somebody else out there?

SANCHEZ:

No, sir, it does not. As we have stated here, there are some differences and there are some concerns with our doctrinal foundations in the conduct of military police and military intelligence operations. And I think that is what is reflected there. We've got to fix those over time.

LIEBERMAN:

So the areas in which you disagree, and you've heard that General Miller has disagreed, with General Taguba's report, you're pursuing in different ways, then.

SANCHEZ:

Sir, where I disagreed with the report was in my placing the 205th M.I. commander in charge of force protection and security of detainees. And I believe that was exactly the right decision to make, given the circumstances, the tactical circumstances and the war-fighting conditions that existed.

LIEBERMAN:

So in that case, your disagreement is on a matter of judgment really, not fact.

SANCHEZ:

Absolutely.

LIEBERMAN:

Whereas General Miller, yours is a matter of fact.

MILLER:

Yes, sir, mine is a matter of fact. The incident that Senator Clinton...

LIEBERMAN:

Just didn't, by your testimony, happen.

MILLER:

Yes, sir. that's correct.

LIEBERMAN:

Let me go on to a next concern of mine. It follows up on Senator Graham's questions. And in some sense it goes back to -- let me preface this by saying and taking some notes myself.

General Abizaid, you said two things here today that I want to come back to. One is, to the best of your knowledge, there was no pattern of prisoner abuse in your command.

Second, that you expressed a belief that there were systemic problems that existed at Abu Ghraib that may have contributed to events there. And obviously we're all interested in trying to figure out when a reasonable person in a position of responsibility would have found that out.

The decision by the Pentagon to send General Miller -- down the chain of command but to send General Miller by your testimony to Iraq and then your decision, General Sanchez, to put Colonel Pappas involved. am I correct, General Sanchez, that you're saying that that decision was made because of your concern that conditions at Abu Ghraib were, as I think someone else used the word -- maybe you did yourself -- dysfunctional? Is that correct?

SANCHEZ:

Sir, that is exactly right. And it was dysfunctional in terms of the ability to defend the forward operating base. That was the judgment that I expressed in the issuance of that fragment.

LIEBERMAN:

Got it. But that's what I wanted to clarify.

But at that time, the dysfunction that you saw at Abu Ghraib did not include your knowledge of prisoner abuse. Is that right?

SANCHEZ:

Sir, that is exactly right.

LIEBERMAN:

And, General Miller, I take it from -- your understanding of the reasons why you were dispatched to Iraq last fall, did not include -- or did they? -- a concern about prisoner abuse?

MILLER:

Sir, they did not concern -- were not focused on the concern about prisoner abuse. They were about the overall capability of CJTF-7 to develop actionable intelligence, to do intelligence fusion, to see how interrogations...

LIEBERMAN:

Got it. So your stress on the humane treatment of the Geneva Convention was of your own initiative, not because anyone, as they dispatched you to Iraq, had said, "We think we have a problem with prisoner abuse"?

MILLER:

Sir, that is absolutely correct.

LIEBERMAN:

Let me now go to the chart that's received so much attention.

I got to say, again here, this was given -- you know, put before us by General Alexander, the general of the Army who's in charge of intelligence. So the fact that it comes from a lower ranking -- a company commander, Captain Woods, is surprising.

Now, maybe it was given to us in the context of this investigation because it's not all bad news for the Army. It does have a series of approved approaches for all detainees, on the left here, which certainly to me seems reasonable.

At the bottom, it lists safeguards, including "approaches must always be humane and lawful; Geneva Conventions apply."

The problem is this section here on the right which Captain Woods was notifying anyone who saw this chart that required General Sanchez's approval. Some of these seem reasonable. Some of them literally seem in violation of the Geneva Convention.

And I wanted to ask you, Colonel Warren, two questions. One is, how Captain Woods could have come up with these sections that he said required the commanding general's approval, if the commanding general had not approved this chart.

And secondly, do you agree with -- do you agree that the procedures listed on the right side, including environmental manipulation, sleep adjustment, sensory deprivation, are, in fact, violations of the Geneva Convention under all circumstances?

LIEBERMAN:

Because I thought in your answer to Senator Reed earlier, you opened a door in which you were suggesting they might not be. And if so, I think it's very important for the committee to hear that.

WARREN:

My answer is that they are not. And this is why this cannot be...

LIEBERMAN:

That these are not violations of the Geneva Convention?

WARREN:

These are not, in and of themselves, in isolation, violations of the Geneva Conventions. Specifically the fourth convention, when applied to security internees, in this case who are unlawful combatants, who under...

LIEBERMAN:

Which covers a number of the people at Abu Ghraib, is that right?

WARREN:

It does. It should cover those who in this circumstance would have been permissibly under active interrogation.

As was pointed out by Senator Graham, some of the people depicted in these photographs could not have been under interrogation at all. They were of no interest. They were actually criminal detainees who should not have been in that cell block in the first place.

But that is an aside, sir.

This is more complicated than a yes-or-no answer. Those things that were on the right, that were placed there by Captain Woods, as I said earlier, sir, were placed there in order to show the range of the universe, if you will, of things that were not authorized. They were representative...

LIEBERMAN:

Where did he get the authority to not only put them down on the paper, but to say that they required the approval of General Sanchez? I mean, he's a captain.

WARREN:

Actually it's a she.

LIEBERMAN:

She.

WARREN:

Yes.

But I think I can explain that, sir, because, again, I was present throughout, as this policy developed.

LIEBERMAN:

Please.

With the chairman's consent, if you'd just take a moment to just go over this.

WARNER:

The witness will have adequate time to respond.

WARREN:

Thank you, sir.

This goes back to General Miller's teams visit, where they looked at a broad range of interrogation and intelligence analytical operations. Their recommendation was that we should have an interrogation policy.

We, as a task force, did not have one. We were focused on the tactical level of interrogations. We were following predominantly the Army Field Manual approaches. And in addition we had other units, such as Alpha Company 519th Military Intelligence Battalion, which had served in Afghanistan, bring in their own policies that had been used in other theaters.

Additionally, we had what we call the common law of interrogation approaches. And that is approaches which were variations on the authorized approaches contained within the Army Field Manual by way of implementation. So the point that was made, to have a policy, I believe was a reasoned and correct recommendation.

And I was present at meetings in which...

LIEBERMAN:

Reasoned and correct.

WARREN:

Reasoned and correct, absolutely, sir.

WARREN:

I believe we needed to have one as we moved our focus to the operational level, as we became more sophisticated and, frankly, as we wanted to stem the growth of this common law of interrogations so that we could regularize it, so that we could regulate it, and so that we should be able to provide proper oversight.

So we took a number of these standard operating procedures and policies. Among them were those in use in Guantanamo Bay. Others were, as I mentioned, those that were imported into theater.

We put together a team of folks who were military intelligence and legal officers. We looked at those policies, we reviewed them against the requirements that we believe were imposed by the fourth Geneva Convention. We discarded some of those procedures; an example: sensory deprivation.

We floated these through the command in a series of drafts.

To be sure, in some of these drafts, specifically one dated 10 September, you may very well find all of those on the right-hand side, including sensory deprivation.

But during the course of the staffing and the deliberative process and the review -- and, sir, by no means is there a book that you can look up that runs through interrogation approaches and methods and has a check and a block that they comply or don't comply with the Geneva Conventions. This is a matter of judgment, a matter of rigor and a matter of oversight and interpretation.

We came up with the interrogation policy first dated 14 September. We then sent that to Central Command, as General Sanchez described.

During the course of the next 28 days, this deliberative and consultative process continued within the legal and the military intelligence community. It resulted ultimately in the 12 October policy.

The 12 October policy, as I described, requires compliance with the Geneva Convention. It draws a legal contrast between prisoners of war and between security internees interned for suspicion of hostile activity to the security of the state, and it requires the safeguards and the oversight mechanisms that I described.

WARREN:

That policy contains only the field manual approaches, which applied to enemy prisoners of war who enjoy the highest and most preferred status on the battlefield, plus segregation in excess of 30 days.

When Captain Woods at some point -- we believe in October -- prepared that slide, what I believe that she did was to take all of the approaches that were floating around the command, if you will, in various drafts and within the policies, list them to ensure that interrogators understood that only those things on the left were authorized without permission.

LIEBERMAN:

But, again, you would say that of the group on the right -- which has attracted the attention of the committee, the media and the public, that is OK with General Sanchez's approval -- that none of these are inherently or automatically in violation of the Geneva Convention?

WARREN:

In my opinion, they are not, sir. And this is why one has to read not just Article 31 of the fourth convention, but also Pictet's commentary and various legal treatises and interpretations of coercion as applied to security internees.

And I'll make another point, sir, with regard to the environment in which we found ourselves. Remember that there were three Geneva Conventions initially in the 1929 iteration. After World War II the fourth convention, the civilians or occupation convention, was added.

The body of case law, if you will, concerning interpretation of specific articles within the fourth Geneva Convention is not very great at all. And in fact, as we worked through this, we did the best that we could do under the exigencies of the circumstances.

And I am very comfortable, frankly, sir, with that 12 October policy that remained our policy for a period of eight months.

And if I might add one other thing, sir, it's very important -- and this is a problem with a chart like this -- it's very important that you understand the definitions which are contained, for example, in the field manual and the policy of some of those measures.

A term I've learned in the past week in Washington, the optics are bad on that chart.

But if you read the actual definitions you'll find, for example, with regard to environmental manipulation, it sounds horrible. But the fact is that environmental manipulation can be as simple as, while at all times maintaining the minimum requirements of the Geneva Convention, that a person who cooperates in interrogations would get an air conditioned room. A person who is not cooperating gets the minimum non-air conditioned room.

And each of those approaches has to be laid out in writing in an interrogation plan. Each of those interrogation plans is reviewed at the brigade level.

For an exception to policy, it comes up for legal and senior intelligence review before going to the commanding general.

So the intent of the chart, frankly, was to regulate, not to impose unlawful measures.

LIEBERMAN:

So though General Sanchez didn't see the chart before last week when General Alexander put it before us, it accurately reflects what you think is the appropriate policy for interrogation.

WARREN:

Those on the left and the safeguards, absolutely.

Those on the right, again, are the range of the universe that are things that may very well in implementation not be authorized. In particular, given the intensity, the magnitude, the duration, the combination of measures, may very well, as Senator Reed suggested, violate the Geneva Conventions. You have to look at it on a case-by-case basis.

LIEBERMAN:

And obviously you'd agree that a lot of what we've seen in pictures that occurred on the particular cell block in Abu Ghraib violated the Geneva Convention.

WARREN:

No question about it, sir. They also violated U.S. law and that's why we're seeing courts-martial.

LIEBERMAN:

And this chart.

WARREN:

Absolutely, sir.

LIEBERMAN:

Thank you very much.



WARNER:

Thank you very much, Senator.  
Senator Cornyn?

CORNYN:

Thank you, Mr. Chairman.  
I guess we can conclude that not even the combatant commanders can go very far without their lawyer. Correct, General Abizaid?

ABIZAID:

I'm going to hire Warren.

CORNYN:

I don't think any of us should be surprised that what I've counted up to be at least six separate investigations occurring in a war zone might occasionally come up, at least in a preliminary fashion, with some conflicts or gaps in the investigation. But I want to make sure that we understand at a baseline where we are.

General Abizaid, isn't it true that in basic training our soldiers receive training on the Geneva Convention?

ABIZAID:

Yes, sir, that's true.

CORNYN:

And also prior to their deployment to the theater of operations, they receive retraining on the terms of the Geneva Convention?

ABIZAID:

They are supposed to, yes, sir.

CORNYN:

And I believe that you've made very clear that under no circumstances, whether or not -- no matter what the category of detainee may be, that at a basic minimum everyone in the custody of the United States military is entitled to be treated humanely. Is that correct, sir?

ABIZAID:

That's correct, sir.

CORNYN:

And I believe very strongly that in addition to the hearings we've had here which hopefully will, after they conclude, allow our military to get back and do what we've asked you to do in Iraq and Afghanistan, and that is defeat the enemy, that we've got to let our military justice process work.

But General Sanchez, you suspended the entire chain of command, not just privates and corporals on January 17th, or thereabouts. Is that correct, sir?

SANCHEZ:

Yes, sir, that is correct.

CORNYN:

So just to make clear, no one is pointing the finger at the lowest level of our military food chain and saying you're at fault and the commanding officers are being protected. Is that right?

SANCHEZ:

Sir, that is correct.

CORNYN:

General Miller, I had the pleasure of traveling to Guantanamo Bay like a number of the committee have and meeting you there and was enormously impressed with that operation. There had been some who during the course of these hearings who suggested that perhaps because of the various categories of detainees that we have in different locations, whether in Iraq, Afghanistan or Guantanamo Bay, that perhaps there is some variation in terms of the acceptability of humane treatment.

But would you also confirm for us that at minimum, everyone, regardless of their status at Guantanamo Bay or anywhere else, to your knowledge, is entitled to be treated humanely?

MILLER:

Yes, Senator. every enemy combatant who was at Guantanamo is detained in a humane manner.

CORNYN:

And in your opinion, General Miller, is the military intelligence that you've been able to gain from those who have recruited, financed and carried out terrorist activities against the United States or our military, has that intelligence that you've gained saved American lives?

MILLER:

Senator, absolutely.

CORNYN:

And would you confirm for us, General Abizaid, that that's also true within the Central Command?

ABIZAID:

Senator, I agree that that's true.

And I would also like to add that some of these people that we are dealing with are some of the most despicable characters you could ever imagine. They spend every

waking moment trying to figure out how to deliver a weapon of mass destruction into the middle of our country. And we should not kid ourselves about what they are capable of doing to us, and we have to deal with them.

CORNYN:

If we needed any other reminder of that, the death of Nicholas Berg, I believe reminded us again in a graphic fashion.

But I for one am not troubled by the fact that some person who's trying to kill Americans is deprived of a good night's sleep in order to elicit information consistent with the Geneva Convention and our laws and humanity -- information that might save American lives.

And I consider you all American heroes and congratulate you for the job you're doing. Thank you, Mr. Chairman.

WARNER:

Thank you very much, Senator.  
Senator Pryor?

PRYOR:

Thank you, Mr. Chairman.

General Abizaid, according to the Washington Post on 05-08-04, starting in August of 2003, Ambassador Bremer had concerns about the treatment of detainees and pressed the military to, quote, "improve conditions, and later made the issue of regular talking points and discussions with Secretary Rumsfeld, Vice President Cheney, National Security Adviser Rice," end quote.

The same Washington Post article notes that in August 2003, Ambassador Bremer, quote, "after interceding in one detainee's case, urged the U.S. military in Iraq and top Bush administration officials to improve conditions and avoid potential fallout," end quote.

General Abizaid, is that story, that statement I just read, is that essentially true?

ABIZAID:

Ambassador Bremer brought up to me on one of my many trips to Iraq on more than one occasion his concern about detainees.

PRYOR:

So you were aware that Ambassador Bremer had concerns about the treatment of detainees.

PRYOR:

And were you also aware that he raised this matter with a wide array of senior administration officials?

ABIZAID:

I'm not aware of that, Senator, but as I understand the context of Ambassador Bremer's and my discussions, and also it's also the context of discussions that I had with many

Iraqis as well who were also talking to me about the detainee issue, it had to do with moving into the prison system; being lost sight of because we didn't have a good tracking system; not being able to get information to families in a timely manner.

I mean, these were things that we were all concerned about. General Sanchez and I talked about them. And we certainly knew that the detainee system had to be such that we could identify people, track people through the system, and then release people in a timely fashion back to their families once we had determined that they served no intelligence purpose to us.

And until General Miller got there -- well, I shouldn't say that. I mean, we were struggling with this very early on. And I won't make any excuses for it, other than to say when you take a country in the shape that we took it, everything was broken and we were starting from zero.

PRYOR:

But are you saying that Ambassador Bremer did not have concerns about human rights violations?

(CROSSTALK)

ABIZAID:

I don't remember him -- I mean, how you want to describe human rights violations. To me, the issue was, as far as the Arabs were concerned and Ambassador Bremer was concerned, it is human rights. It's, you know, my husband disappeared into your prison system and now you guys can't find him. That's a human rights problem. And I agreed with him and Rick agreed with him, and we moved to fix it.

PRYOR:

OK.

General Sanchez, let me ask you, were you aware that Ambassador Bremer had concerns about the prison system?

SANCHEZ:

Sir, on many occasions, since the time I became the commanding general of CJTF-7, Ambassador Bremer and I had discussions about the detainee operations. We talked, as General Abizaid stated, about the identification, the in-processing, talked about the release procedures...

PRYOR:

What about the treatment of the prisoners and detainees?

SANCHEZ:

We also talked at some points about the quality of life of prisoners and the conditions that existed, especially during the summer and into the early fall.

PRYOR:

Do you recall when he first brought those to your attention?

SANCHEZ:

Sir, it was not a matter of him bringing it up to my attention. It was general discussions that we were having.

PRYOR:

Do you remember when those general discussions started?

SANCHEZ:

Sir, we started having those in the mid-summer time frame.

PRYOR:

All right. Let me ask...

ABIZAID (?):

Senator, if I could just add, there's another issue here which I just want to make clear to the committee. It has to do with what goes on at the point of capture. I mean, this is not police work that we're dealing with. It's not arrest. It's combat.

And there were an awful lot of people in Iraq at the Iraqi Governing Council level that thought our troops were being too harsh in the way that they took people into custody.

In my mind, having seen it personally on the battlefield, I thought -- and I still think -- it's some of the most professional work I've seen young troopers do anywhere. So we did have a different point of view in that regard.

PRYOR:

Well, General Sanchez, let me follow up with you, if I may. When -- you mentioned you were having these general discussions about conditions and a variety of issues relating to the detainees.

When did you first start to report that up the chain of command and who did you report that to?

SANCHEZ:

Sir, there were multiple occasions when General Abizaid and I had the discussions, especially as they related to actions at the point of attack.

PRYOR:

Do you remember when that started? When did you start...  
(CROSSTALK)

SANCHEZ:

Sir, as I stated, immediately.

ABIZAID:

Immediately.

PRYOR:

As soon as you were aware of it?

ABIZAID:

Senator, let there be no doubt. We knew there were problems in the detainee system and we didn't think that there were a system of conditions existing out there such as we've seen in the photographs, but we knew that there were problems and we moved to get them under control as quickly as we could.

And when I say immediately, I took command in July and I would imagine that besides talking about operational matters, one of the first things that the two of us talked about was, you know, how we've got to get this under control.

PRYOR:

And, General Abizaid, when you talked to your superiors, who did you talk to?

ABIZAID:

Well, sir, I can't recall specifically mentioning the problem to the secretary or to the chairman, but on one of their visits, and during one of our phone calls -- we talk all the time, there's a free exchange of information -- that they would have known.

I mean, I don't think that Don Ryder coming over to look at the system was indicative of us trying to sweep the problem under the table. It was indicative of us trying to fix the problem.

PRYOR:

Thank you.

WARNER:

Thank you, Senator.  
Senator Inhofe?

INHOFE:

Thank you, Mr. Chairman.

One advantage of going close to the last is that you can cross things off your list. I've done a lot of crossing off.

INHOFE:

Let me just share a concern. You know, during the last three hours there have been eight references to different newspaper accounts, some of them with the same newspaper several times.

Of the articles that were written, there are four of them that have been categorically denied by you, General Abizaid, or by you, General Sanchez, and I believe you in that.

It leads me to believe this is so press driven that it's -- this is out of control. But when you get your briefings every morning, I know you read the different articles in the paper that affect you, isn't that correct?

ABIZAID (?):

Yes, sir.

INHOFE:

And there are many times that you have denied and found that they are in error, and I'm sure you have either directly or indirectly called that to the attention of the newspaper, the publication that gave those articles. Is that correct? You've done it right here in this setting.

ABIZAIID (?):

Well, sir, there's a lot of things that are incorrect. I don't spend much time correcting them.

INHOFE:

Well, I would hope you didn't.

But I guess I would ask this: Have you ever seen a retraction by any of these newspapers when something is proven to be wrong?

ABIZAIID (?):

No, sir.

INHOFE:

All right. I haven't either.

I think Senator Collins was right when she talked about all of the good things that are happening that you just don't see in the media and not just the humanitarian things that we see when we go over to Iraq and go to Afghanistan and see what these great guys and gals are doing and how much they're loved by the people over there.

In the case of Afghanistan, General Abizaid, Oklahoma's 45th, they've taken on the responsibility of training the ANA to train themselves and they're doing a great job. When I was over there, I watched the expressions on the faces of the new commanders, Afghan commanders, teaching and training their troops. I mean, this is something that would be worthy certainly of publication. I dare say not anyone, very few people, not half of 1 percent of the people in America know all these good things that are going on.

Quite frankly, it just breaks my heart to see you guys over here.

I agree with what Senator Graham said, that we have to air this out and get it out in the public. But we've already had the secretary of defense, the undersecretary of defense, the chairman of the Joint Chiefs of Staff, the vice chairman of the Joint Chiefs of Staff.

And quite frankly, I'm sorry that you guys are here. I'd rather be handling this in some way where we can get your statement, get it in the record and have that done with, because you have an awesome responsibility.

General Sanchez, you're the -- as Task Force 7, that's all the Army, all the Navy, all the Air Force, all the Marines, all the coalition forces, all the allies. That's your responsibility in Iraq.

And, General Abizaid, you have that responsibility plus what's going on in Afghanistan.

And by the way, I think the Afghanistan success story should serve and will serve as a model for what we're trying to get done in Iraq.

So that's just one opinion. I know that you're anxious to get back to the battlefield and that's where your mind is today and that's where your heart is.

I want to say this, though. And I did talk to Senator Warner, to our chairman, when I found you were going to be here, and he assured us that you had other reasons to be here so perhaps that takes care of that.

I think some things are worth repeating. I think that until we see the Fay report, until we get the investigations, the results of the investigations, the results of the courts-martial, we're not going to have the answers.

INHOFE:

This concept of undue command influence puts you in a very awkward position to say things, and I hope in your own minds you haven't said anything publicly that is going to interfere with the prosecutions that are going on.

Do you feel pretty comfortable that you've been able to do that?

SANCHEZ:

Yes, sir, I do.

INHOFE:

I look at what happened when things were discovered and I was amazed with how quickly things were done, how quickly you took care of the problems that were there.

The guards were removed, the commanders were relieved, criminal investigations started immediately, and that was long before the public even knew what was going on; long before the pictures came out, that was already happening.

Maybe the system's broke. But it's not broke to the extent that you didn't perform immediately when you found out what was going on.

I want to say one thing -- and this is just an opinion -- a lot of people have been critical that just some of the guards, the seven guards that have been referred to many times, that they're taking the heat for all of this.

I don't think there's an American out there once they see the videos and the pictures that we at this table have seen of the behavioral pattern of these guards would be at all critical of any kind of punishment that they would be subjected to.

Now, I'm not saying anything that hasn't already been in the paper. I was very careful after I saw those not to say anything, but others did. And they talked about the fact this could be -- it's like they're staging a porn film.

Well, this is something that no one would condone. You folks wouldn't, no one else would. So I just think that we need to talk about the good things that have been happening and get you back in the battle where you belong.

Let me just -- before I run out of time. General Sanchez, there have been several things that you've taken away in terms of interrogation and techniques. Do you think that that has harmed your ability to get the information that needs -- we need to have?

SANCHEZ:

No, sir, it has not.

INHOFE:



OK. Do you think that -- and I think that also Colonel Warren, I believe it was you who talked about, yes, in cell block A-1 or section A-1 and A-B, that those are the tough guys, those are the terrorists, those are the bad guys, but occasionally one gets in there who isn't.

INHOFE:

I would suggest that probably the profile of that individual got him there, and when you realized that they didn't belong there, you took them out.

Is that -- or I should ask you that, General Miller, is that what you think might have happened?

MILLER:

Sir, I wasn't there when they were using cell block 1-A and 1-B, but in discussions, that was the intent, early on, in September.

INHOFE:

OK. Well, I knew that you weren't there at the time. In fact, I was down at Gitmo when you were there, and you just did great work down there.

My time has expired, but I'd like to have -- I'm glad that Senator Cornyn brought up something most significant, and that was, did any of the information that you have been able to get from these detainees prevent something bad from happening or saved American lives or saved coalition lives. And if so, are there any specific examples that you would like to share with us?

In other words, you were successfully interrogating some of these people in that particular section. Was some of the information that you got helpful in saving American lives or saving troops?

ABIZAID:

Senator, I do not know the answer to that. I certainly do know that in many cases, good interrogation techniques used by very smart people have saved the lives of an awful lot of Americans and Iraqis.

INHOFE:

Thank you very much.

MILLER:

If I could just add to that, General Sanchez, as one of my new jobs as the deputy commander for detainee operations, asked me to look at the intelligence function. I'll tell you that half of the effort of the CJTF-7, now Multinational Forces-Iraq, is going down to develop actionable intelligence at the unit level that saves soldiers' lives every day.

The other 30 percent goes toward theater-level things that come down from the commanders' decision or in taskings from other organizations.

The other 20 percent, we just keep as a standby. It's used every day because of high profile.

And so that system, that organization, works every day and every night to try to be able to provide actionable intelligence.

INHOFE:

Thank you, General Miller.

I hope the media is paying attention today after you gave -- I know my time is up, but Colonel Warren wanted to say something about Article 32 earlier on.

WARNER:

Please, Colonel Warren?

INHOFE:

Is there anything you'd like to say about Article 32? I think you were...

WARREN:

Well, sir, Article 32 of the fourth convention is the one that prohibits torture and the conduct of medical experimentation and so forth. Those are grave breaches under the law of war and, of course, obviously prohibited under our policies, under our values, our standards, our training, and our interrogation policy.

WARNER:

Thank you, Senator Inhofe.

SANCHEZ:

Mr. Chairman, may I add something?

WARNER:

Yes, General Sanchez?

SANCHEZ:

As a result of the two visits from General Miller and then from General Ryder, the system that we put into place for intel fusion within CJTF-7 matured significantly, because of the experience and the lessons and the integration of those lessons into the command under General Fast.

There is absolutely no question in my mind that because of those two efforts significant amounts of American's lives have been saved, because of the turn, in terms of from the time we find the information, develop the information, and get it to the tactical level for action.

Absolutely the right thing for us to have done. And I would do it again.

INHOFE:

Thank you for that answer.

WARNER:

Thank you very much.

General Sanchez, in my most recent visit, I met with General Fast. Would you kindly explain exactly the position that she occupied?

SANCHEZ:

Yes, sir, Brigadier General Fast has been my director for intelligence of the CJTF-7.

WARNER:

Thank you very much.  
Senator Bayh?

BAYH:

Gentlemen, thank you for your service to our country under most difficult circumstances. And I could only hope that your treatment at our hands today has been humane. I sometimes feel empathy for those of you who are on the receiving end of these hearings.

General Abizaid, who is responsible for the staffing levels at the prison; for the number of M.P.s and prison guards?

ABIZAID:

The responsibility for staffing -- I would say the responsibility for a unit coming with the right number of people belongs to the United States Army. The responsibility if we have shortages, then devolves upon CJTF-7 to tell me so I can tell the Army to fix it.

BAYH:

The reason I ask is I understand Army doctrine calls for one M.P. brigade for about 4,000 prisoners. And here we had one battalion for what ultimately reached about 7,000 or slightly more prisoners, or about five times the number of detainees per guard or M.P. that the Army doctrine would call for.

I'd like your opinion, and there have been some reports to this effect: Did this substantial overcrowding -- not excuse the behavior, of course -- but did it contribute to an atmosphere which might have given rise in at least part of this abhorrent behavior?

ABIZAID:

Well, it contributed to systemic failures at the prison. I think that's clear.

BAYH:

And it gets to my second and somewhat broader concern now that I've had a chance to reflect upon this whole set of circumstances, which is -- and I'd like your opinion with the benefit of hindsight and going forward about whether we have adequate troop strength in Iraq to accomplish our mission.

I've been concerned from day one -- and I know Senator McCain and some others have had this concern -- that we didn't have adequate strength in the beginning to prevent some of this rampant looting that took place. We didn't have adequate troop strength to prevent some of the sabotage or vital infrastructure that took place. We didn't have adequate troop strength to immediately clamp down on the insurrection which has now gathered a momentum all of its own.

And I wonder if, just in a microcosm, this is, you know, just another manifestation of our, sort of, continual underestimation of the task that we've taken on here.

BAYH:

And, you know, I guess in a situation like this where we're deposing a regime, we're trying to reconstitute a country with no history of democracy, it seems to me we should err on the side of having more strength than necessary rather than too little.

Both looking back and looking forward, have we had adequate troop strength and do we have adequate troop strength to accomplish our mission with this critical June 30th handover fast approaching?

ABIZAIID:

Have we had adequate troop strength? Certainly in February I would have told you absolutely. I mean, things were where we thought they would be.

And did we anticipate that there would be additional violence as we moved toward a political process? We did.

And that's the reason I asked for the troops from the 1st Armored Division and the 2nd Armored Cavalry Regiment to remain there, although we did not specify them particularly.

I would like to point out that one of the hugely good news stories that has been lost in this period of the Abu Ghraib scandal is the incredible work and bravery and selflessness and military capability of those two units in moving from positions in contact in Baghdad down into the south and fighting a very tough fight. As well as have been the Marines.

But to answer your question directly, and forgive me for diverting, Senator McCain and I have had this opportunity many times to discuss it and I appreciate his opinion.

And there are certain types of troops that we don't have enough of and we still don't have enough of them and we got to figure out how to get them. And they're M.P.s. And they're M.I. guys. And they're HUMINT guys. And they're civil affairs people.

And we must build a force structure that allows us to be able to fight a war like this in the 21st century -- and they're not in the force structure.

Now, we have M.P.s on the scene -- that the Army has done a very good job in training -- that don't happen to be M.P.s. And then we have Air Force truck units.

I mean, we are doing things with our force structure that, in my view, we need to sit back from a service provider point of view and say, "OK, what do we really need?"

Now, in terms of, are there enough tanks, are there enough Bradleys, are there enough combat troops, Marines, et cetera? I'm pretty comfortable with that.

ABIZAIID:

It's the enablers I'm not comfortable with. And I'll end it up by saying I'm also not comfortable that there are enough international troops on the battlefield because the effort needs to be not just American but it needs to be international.

Now, these are things that I've said I believe to the committee on numerous occasions and it's not new.

But did I miscalculate the number of troops? Maybe. Maybe I miscalculated but I think we've adjusted and we'll continue to adjust based on what the enemy does because the enemy has a vote.

BAYH:

The civilian leadership always places this at your doorstep, saying that they're endeavoring to get you everything you need. And I certainly appreciate that. But Undersecretary Wolfowitz began to touch on this, I think, yesterday in some of his testimony up here in different capacity, which is this is not only a military undertaking. This is a political undertaking.

And I'm just wondering if, you know, those who felt that we were going to be greeted as liberating heroes, so to speak, perhaps didn't underestimate the magnitude of the societal transformation we have taken on. It goes way beyond the military purview. And I'm just wondering if, given the magnitude of that task, we have been understaffed. And this is just another manifestation of that.

ABIZAID:

Well, Senator, I can't comment for the political side of the house. But I can comment in saying that while we can't be defeated militarily, we're not going to win this thing militarily alone. We have to get everything together: economics, politics, intelligence, you name it -- information.

It's all got to come together in a synchronized fashion that allows us to do this very, very important task. And it's really one of the hardest things that this nation has ever undertaken in this part of the world or anywhere else.

BAYH:

My last point, gentlemen, is several of you have indicated in response to recent questioning that lives have been saved, attacks have been prevented with access to timely and accurate intelligence.

I think, General Miller, you've indicated that approximately 600 of these detainees are some of the worst of the worst and that if released upon Iraqi society, they would not only imperil our forces but innocent Iraqis.

BAYH:

Colonel Warren, I think you've indicated that the Geneva Convention would allow somewhat more rigorous interrogations of some of those kind of folks, but with the exception of a few requests for solitary confinement, we, kind of, haven't gone there. Is that all correct?

Stress positions were requested, but that wasn't permitted.

Where I'm going with all this is that, you know, this is so important that we strike the right balance here.

On the one hand, timely intelligence saves lives. Innocent Iraqi lives, the lives of our troops.

On the other hand, there's a dividing line beyond which our moral integrity, our honor is vitally important if we're going to win this war against terrorism because we do stand for something better.

And so what's been brought before this committee with these pictures, which obviously go to the latter, who we are and what we stand for, let's not lose sight of the former either.

The pictures that stick in my mind, also, Mr. Chairman, are the pictures of the young men out there at Walter Reed, some of them missing arms, some of them missing legs.

fractured lives in the full flower of their youth, the pictures that came out of those flag-draped caskets. Those pictures are important too.

So there's no excuse for the behavior, none, that gave rise to the pictures of this abuse at this prison. We have to root it out, and some of these individuals are on trial.

But at the same time, let's not repeat some of the mistakes that we made in the area of covert intelligence, where the director of the CIA now tells us it's going to take five years to reconstitute our covert capabilities and adequately protect this country.

So a balance is in order here. And I just hope that we are empowering you to strike that balance in ways that protect our brave men and women on the one hand and preserve our honor on the other.

WARNER:

Thank you very much, Senator.

Any desire for any witness to speak?

If not, Senator Dole?

DOLE:

Thank you, Mr. Chairman.

Gentlemen, I certainly want to join my colleagues in thanking you for your tremendous leadership, your outstanding service to our country. And, like Senator Cornyn, I regard you as heroes sitting in front of me today. And I thank you for your time with us.

And since all of you have been very forthcoming in the past three hours of questions, I'd like to take this opportunity to ask some questions with regard to your overall Iraqi operations -- to go beyond.

DOLE:

First of all, though, General Miller, let me ask you, would you clarify who will be in charge of running the Iraqi prison system after June 30th?

MILLER:

Senator, that's still in dialogue and discussion between the Coalition Provisional Authority and the interim governing council and now the soon to be interim Iraqi government. Those transitions are working.

I'll tell you that, as far as Multinational Force-Iraq, we will -- our plan is to continue to run our theater level, our Multinational Force-Iraq three detention facilities and other detention facilities that allow us to ensure we can implement a safe and secure environment.

But as we work toward transition, every day I meet with my Iraqi counterparts to see how we can more successfully move to integrate this operation.

DOLE:

Thank you.

Now, in an intercepted letter written by Al Qaida operative Zarqawi, we were given insight to a terrorist message that was very significant and compelling.

In noting concern that he may lose a foothold in Iraq, he wrote, and I quote, "With the spread of the army and the police, our future is becoming frightening."

He went on to detail the very environment of chaos his network requires to succeed: attacks on Iraqi security forces, the targeting of Kurds, the Shia populations and the killing of Americans; the very environment evolving in Iraq that he feared the coalition forces would suffocate.

General Abizaid, several reports have claimed that Zarqawi is in Baghdad. If he actually got into Baghdad past coalition forces, can we assume that he has the mobility to move to other regions in Iraq?

ABIZAID:

Senator Dole, I would assume that Zarqawi has the ability to move around the nation, unfortunately. The nature of the insurgency is one that you can't stop one person from moving where you would like him to move, even as visible as they may be.

He can move around. He can strike at will. And we have reason to believe that he was in Jordan recently and had his hands in the plot that would have killed thousands and thousands of Jordanians that was foiled by the king's special forces and intelligence forces.

So there is a great battle going on in the region. It not only extends to Iraq, but it's in Saudi Arabia.

It should come as no surprise to the committee that these people are also attacking foreigners in places like Saudi Arabia.

There is a strategy at work here that we should not lose sight over. And it's happening in Afghanistan and it's happening in Pakistan, Saudi Arabia, Jordan and elsewhere in the region. And it's also happening in places like Madrid.

DOLE:

Can you confirm that Zarqawi beheaded Nicholas Berg?

ABIZAID:

I don't know that I can confirm that it was him. I know that there are various reports of people saying it's his voice. I know he has claimed it. But certainly it wouldn't be past him.

DOLE:

General Kimmitt said that the killing of Salim had the classic hallmarks of Zarqawi. Do you have any further information to share with us on that?

ABIZAID:

No, Senator. I wouldn't want to give Zarqawi any stature he doesn't deserve. He's a murderer, he's a torturer and that's the status he deserves.

DOLE:

Do you have any indication that Al Qaida is coordinating with al-Sadr's resistance?

ABIZAID:

That's a very good question, but I think the answer is no. But in that part of the world you never know.

DOLE:

Saddam Hussein's government was believed to have produced several hundred tons of sarin as well as stockpiles of mustard gas. Now the presence of both sarin and mustard gas has been reported in Baghdad.

Do our men and women in-theater have the equipment, the devices that they need, in order to protect themselves from exposure to such agents as these? General Sanchez?

SANCHEZ:

Yes, ma'am. The answer is yes, we do. We deploy with all of our chemical and nuclear, biological capabilities, and those are present.

DOLE:

General Abizaid, defense contractors and private business representatives, of course, are critical to reconstruction efforts and rebuilding in Iraq.

Terrorists seem to have shifted their focus. They're targeting the unarmed civilians. A corporation from my home state of North Carolina, Black Water, of course, has four contractors who were shot, burned, hung from a bridge. Nick Berg's murder.

What are you doing to provide increased security for these unarmed civilians?

ABIZAID:

Well, I think it's best left for General Sanchez to talk the details, but it's clear that the enemy has discovered a vulnerability in the contracting system.

ABIZAID:

It's also clear that we have got to work with them to protect them not only in coordinating with Iraqi security services, but with our own.

For example, we should not have convoys moving around areas that we know to be very violent without some sort of coordination with the military, and that's happened before and that's gotten people into trouble before

DOLE:

General Sanchez, do you want to answer that, as well?

SANCHEZ:

Yes, ma'am.

We are working with the CPA reconstruction effort. We work with all the contractors in the country. We have the mechanisms to provide escort for convoys as they move across the country. And there have been instances where contractors have moved without coordination with the local commanders and without escort, and they've gotten themselves in trouble.

But we do have the mechanisms and we're continuing to work that way.

WARNER:

Thank you.



ABIZAID:

By the way, Senator Dole, if I may, I'd just like to add by saying we sometimes forget that a lot of these contractors that are out there are heroes to.

DOLE:

Yes.

ABIZAID:

I mean, they're out there in a very dangerous area. A lot of them are in -- I would say, the vast majority of them are doing it because they love their country.

And so we shouldn't fail to praise them. There are time when we're not happy with the way a contract works, et cetera. But these young Americans and older Americans that are out there doing this are by and large great people who love the country and doing God's work.

DOLE:

Thank you for adding that statement. I couldn't agree with you more.  
My time has expired.

WARNER:

And I'd like to also say I thank you very much for the recognition that's well-deserved by that infrastructure that supports our forces.

We have two remaining senators, then the committee will stand in recess for just a few minutes. And we will resume in 219, which is in this building.

Senator Bill Nelson?

BILL NELSON:

General Miller, I think you cleaned up the situation at Guantanamo. I think you did a good job. And, of course, we're trying to sort out other things, but I just want that for the record, from my observations, having been there twice.

General Abizaid, yesterday we had Lieutenant General Sharp in front of the Senate Foreign Relations Committee and there was a little bit of clarity, perhaps you can help clarify here for us. Specifically picking up on your statement earlier in your testimony that what we're facing -- you used the words "It's a hard thing. It will take a long time."

And so one of the responsibilities that we have is looking at a force structure. We keep getting different statements that are interpreted different ways.

So one of the things that I would like to ask you is that part of -- do you consider it part of the mission in Iraq to disarm the militias, such as the Mahdi Army of al-Sadr?

ABIZAID:

I regard al-Sadr's militia right now as being a hostile forces. And it is our mission to disarm them or destroy them in battle.

BILL NELSON:

And I would think that would be the common-sense thing. If I were the commander, that would be part of my mission.

ABIZAIID:

But, Senator, if I might add, it's also clear that, as we move toward a period of partnership in Iraq, which is so essential for us to move to, that those militia forces or armed groups that may belong to people loyal to the new Iraq that are willing to move forward in a manner of reconciliation and work toward a better future, we need to work with them to integrate them into the system.

So it's not that we will go out and destroy all militias. Certainly not. It's that we will fight those that are working against us and will work to help integrate those that have worked with us, such as we find in the Kurdish areas and to a certain extent in some of the Shia areas with the Badr Corps.

BILL NELSON:

And it would be nice if we had an Iraqi army that was ready to do a lot of that. It would be nice if we had a police force that would be able to help us. But at the moment we don't. So I'm asking you about your mission now.

Does your mission in Iraq include providing security on the streets against crime, functions normally performed by a police force?

ABIZAIID:

Our mission, in some areas where the police force is not working, unfortunately causes troops to have to do police work. That is correct.

It is also correct to say, Senator, that we have probably overstated how bad things are with the Iraqi security forces; that the Iraqi security forces in certain areas of the country are exceptional and they're doing very well.

ABIZAIID:

In the north we see it. In some places in the south, there are many police forces that are doing well by Iraqi standards and will continue to do well.

So we had a failure during the April time frame, as you're well aware, of some units of the Iraqi Civil Defense Corps, of some units of the army and of some units of the police. But on the other hand, Senator, I believe this is more to do with our willingness to give them authority than it has to do with their willingness to fight for their country.

They want to fight for their country but they want to fight for Iraqis. And so as we move toward this period of sovereignty, and Iraqi chains of command are established that are reliable, I believe that the quality of Iraqi forces will move in a direction that will surprise a lot of people. I have faith in them.

BILL NELSON:

Well, I certainly hope so. And I visited one of those police academies in Jordan where you're training them. But, you know, it's a long time and there's only X number of thousand that you can prepare. And we'll find out in the future.

So the fact that we are having to disarm militias and also having to provide some protection against street crime right now, the question is, is the 105,000 level, augmented

by keeping the additional 20,000 so that you're somewhere in the range of 125,000, 130,000 troops -- is that sufficient for you to carry out your mission over the course -- not only before June 30th but over the rest of the year after June 30th?

ABIZAID:

I think the force -- again, I don't like to waffle in my answers and this will sound like a waffle to you. But it depends on a couple of different things.

It depends on the enemy, although I would predict -- and I think Rick will agree with me -- that the situation will become more violent even after sovereignty because it will remain unclear what's going to happen between the interim government and elections.

So moving through the election period will be violent. And it could very well be more violent than we're seeing today.

ABIZAID:

So it's possible that we might need more forces.

But I would, again, say that perhaps with a resolution in the United Nations that instead of forces withdrawing from Iraq, that they come to Iraq because international nations need to understand how important Iraq's stability is for their future, as well as the entire region's future.

So getting more international forces, getting a higher quality of Iraqi force, will help figure out where we stand. But I think the numbers about where we are now for the foreseeable future, unless something changes, either international force-wise or in the quality of Iraqi troops, is what we can expect through the elections.

BILL NELSON:

What did you mean by a long time?

ABIZAID:

Well, we know the elections will take place in December or January, so am I saying that the 1st -- don't get me in any more trouble with the 1st Armored Division and the 2nd Armored Cav. We will rotate them out of there. But the force levels will stay about what they are I think until after the elections.

WARNER:

Thank you, Senator.

ABIZAID:

Or until we come to a point where we see that we're going to have a soft landing.

WARNER:

Thank you very much, Senator.  
Senator Akaka?

AKAKA:

Thank you very much, Mr. Chairman.

I want to add my gratitude to you and praise and commendation to your leadership as well as to our troops in Iraq and Afghanistan.

I, too, have visited Iraq and Afghanistan, and the kind of message I got while I was there was good. And our troops seem to have been working well at that time.

And I've been very concerned about one part of the personnel that's there. We have talked about international and coalition forces. We've talked about M.P.s, M.I.s. One group -- the contractors -- this has been mentioned here. And it seems as though -- and I seem to sense that -- and I'd like to get an answer from you on this -- that the contractors seem to be outside of the line of command. That's my feeling. And as a result, some things they do are not known by us.

General Abizaid, it is my understanding that the civilian contractors who are interrogators -- there were many different kinds -- interrogators work directly with military intelligence personnel. My question is who supervises the civilian interrogators and do they report to any agencies other than DOD?

Another question is is anyone in DOD accountable for the behavior of the civilian contractors?

MILLER:

Sir, if I could add, I'd like to take this.

AKAKA:

General Miller? Thank you.

MILLER:

The civilian contractors who work in our intelligence organizations are accountable to the chain of command of the intelligence organization. So if you're an interrogator, you're accountable to the chain of command of the interrogation company or the battalion or the brigade that goes in here.

And so there are also people who do screening. By the screening, I mean when you come in to -- you're captured, they do the initial debriefing to be able to develop intelligence. And we have a small number who are in our intelligence fusion centers.

They all work for the military and through here.

In our organization, currently, no civilian contractor is in a supervisory position. It's the military who has the priority -- who sets the priorities and ensures that we meet our standards.

AKAKA:

What other types of personnel do you have there as contractors, besides interrogators who are contractors?

MILLER:

Sir, in the intelligence area, there are the screeners, those who get initial information -- and that's not an interrogation -- and those who are involved in intelligence fusion: developing processed intelligence from raw intelligence and feeding our computer systems. Those are the contractors that we have in the intelligence system.

ABIZAID:

You'll also find interpreters, Senator.

AKAKA:

Thank you.

Then my question on that is: Are there any contractors who are from Third World nations?

MILLER:

I'm sure there are, yes. I've talked to some.

ABIZAID:

Our translators are -- some of them are from Third World nations. They're doing an excellent job for us.

AKAKA:

Can you name some of the nations?

ABIZAID:

Sir, I'm sorry, I cannot.

AKAKA:

Yes, and my concern has been -- and thank you for answering it -- that they are within the line and chain of command so that we know what they're doing and they're answerable to someone in DOD.

ABIZAID:

For the record, we will get the nations that those interpreters are from.

AKAKA:

Thank you very much.

General Miller, you've had quite a bit of publicity, and so let me ask you this, out of my curiosity. Did you tell General Karpinski that you were going to Gitmo-ize Abu Ghraib? And my question is: What did you mean by this statement?

MILLER:

Senator, I did not tell General Karpinski I was going to Gitmo-ize Abu Ghraib. I don't believe I've ever used that term -- ever.

When General Karpinski and I were having our dialogues, they were about humane detention, how the detention centers would be run, requirements for the military police and the leadership to be present to ensure that humane detention is done.

As we've talked about before, there's an enormously high leader- impact, high leader-test requirement.

AKAKA:

And my concern there: Do you think it is possible that any of your recommendations could have been misconstrued by the civilian contractors?

MILLER:

Senator, I do not believe that any of those recommendations were misconstrued. At that time there were no civilian contractors employed in the organizations, but they were on their way to be coming.

But, once again, that would be speculation on my part, because I was not there during the hiring and how the civilian contractors come.

AKAKA:

General Abizaid, you discussed the need to modify Army doctrine about Abu Ghraib, and you cited instances of abuse in Afghanistan and Iraq. Is the problem of detainee abuse systemic within CENTCOM?

ABIZAID:

No, sir, I do not believe it's systemic. There have been instances of abuse in Afghanistan and other prisons, as you know, and in Iraq as well.

I believe my comments concerning doctrine have to do more with how we fuse intelligence, how we distribute intelligence, how we work in a synchronized manner to achieve results that will help our young soldiers on the battlefield, and Marines.

AKAKA:

Thank you very much.

WARNER:

Thank you very much, Senator Akaka.

We've had an excellent hearing, very thorough exchange of views and responses. We thank you. We will now reassemble in the Intelligence Committee, 219.

(UNKNOWN)

Mr. Chairman, just very briefly. I appreciate the opportunity, and I think I'll -- if we're going to go into closed, I'll withhold my question, so just a very brief statement, though.

I do want to associate myself with some of the concerns that Senator Inhofe raised. Since there is so much that you don't know whether you know it or not, and I do know one of the worst things that could happen out of this is if we ended up in a situation where some of these people got off, you know, the people that we ultimately determine are responsible because of something that was said at one of these hearings.

In addition, the fact that I think there's something to be said for waiting until you all can present the comprehensive results of your investigations.

I do want to just, for the record, Mr. Chairman, respectfully suggest to you and the ranking member that we consider whether it would be good to have the Fay report in hand before we do the next hearing.

I know you are talking constantly with the ranking member about timing and what we ought to do. And I think these hearings have been very good. But it almost comports with the Senate schedule anyway, given that a recess is coming up.

Other than that, Mr. Chairman, I'll withhold until the...

WARNER:

Senator, in my discussions with the Department of Defense -- which has, I might say, been very cooperative -- they have indicated that this committee will be the first to receive the Fay report when it is available.

(UNKNOWN)

Yes, if it looks like they're stonewalling on it, it's a different thing.

WARNER:

No.

(UNKNOWN)

But if you think in a couple of weeks, then that's the report I think...

(CROSSTALK)

WARNER:

The Department will determine the timing of the release of that report.

(UNKNOWN)

All right. Thank you, Mr. Chairman.

WARNER:

Again, I thank you very much.

We'll now go to 219 for a closed session.

And I thank the committee.

I take note that we have had a 100 percent attendance here today. I think that speaks to the seriousness and the solemnity with which this committee regards this very serious issues.

LEVIN:

Mr. Chairman, I just would want to clarify one -- not by asking a question though, by just thanking our witnesses joining you, but also indicating that I have some additional questions that are unclassified that we don't have time to ask...

WARNER:

Right.

LEVIN:

... but which I will be submitted to our witnesses. And I think if the chairman would set a deadline for those so our witnesses won't have to be troubled by questions coming in for a long period of time, for instance, questions within the next 24 hours or 48 hours, would be very helpful. But I do want to respect your...

WARNER:

Absolutely. Thank you.

LEVIN:

Would that be all right?

WARNER:

That would be fine. Let's just establish midday Friday.

LEVIN:

That would be fine. Noon Friday?

WARNER:

Noon Friday.

Thank you very much.

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LT. GEN. RICARDO SANCHEZ, COMMANDER, MULTINATIONAL FORCE-IRAQ



MAJ. GEN. GEOFFREY MILLER, DEPUTY COMMANDER FOR DETAINEE  
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