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Australian Government  
Department of Defence  
Strategic Policy Group

17 MAY 2004

Minute

~~DEPSEC-S/OUT/2004/199~~

Minister for Defence

For Action By: 14 May 2004.

**IRAQ: UPDATE ON DEFENCE KNOWLEDGE OF ALLEGATIONS OF  
ABUSES AT ABU GHRAIB PRISON**

**RECOMMENDATION**

That you note that more ADF members have visited Abu Gharib than previously advised, and that indications are that substantial numbers of ADF have visited the facility.

**OVERVIEW**

2. During the process of documenting Defence knowledge of allegations of abuses of Iraqi detainees at Abu Ghraib prison, staff in International Policy Division agreed with your office to produce a timeline of events concerning the ADF officers we have already provided advice on in relation to their experiences at Abu Ghraib. The timeline is at Attachment A.
3. Strategic Operations Division have contacted defence staff within the Australian Embassy in Washington and the High Commission in London seeking their advice on the involvement of current third country deployment personnel. The respective single service headquarters are in the process of checking with all third country deployment personnel who have since returned to Australia. Approximately 60% of those responses have been received.
4. The majority of personnel deployed to the MEAO on Op FALCONER/CATALYST have been confirmed as having no involvement with prisoners of war or civilian detainees in Iraq. Those personnel who have been identified as possibly having some contact with prisoners of war are being contacted to determine the nature of their involvement.
5. HQ JTF633 has provided advice that most personnel employed within the headquarters have not been involved in any way with prisoners of war. Strategic Operations Division are contacting personnel that have returned to Australia that may have visited the prison during their deployment. Several of these personnel who have already been contacted have confirmed they were not aware of prisoner abuse and did not observe or participate in the interrogation of prisoners.

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6. I have determined that some of the Australian personnel embedded in the Combined Joint Task Force 7 headquarters, the Coalition Provisional Authority and the Iraq Survey Group had some involvement with the prisons/prisoners several having visited Abu Ghraib prison. This involvement included coordinating visits, determining essential information collection requirements et cetera, but there was no contact with or care of prisoners. With the exception of a small group who attended a promotion ceremony for a US officer related to one of the ADF officers embedded within CJTF 7, Australian personnel who we have contacted regarding their visits the Abu Ghraib prison and Camp CROPPER did so as part of their primary duty. These personnel were predominantly legal or intelligence specialists. As previously advised, some Australian members of the ISG were present at debriefings or meetings with sources who are offering to cooperate with the ISG and contributed to the development of questions put to detainees as part of the search for Iraqi WMD.

7. Areas of the prison that have been observed by Australian personnel include; the initial processing area where inmates are retina scanned and finger printed, the outdoor detention area/exercise area, the reception and handling facility, the military intelligence area and the civilian prisoners wing. To date, all personnel we have contacted did not observe and were unaware of any mistreatment or other abuse of internees, prisoners or detainees. To the contrary, prisoners in the outdoor detention area were observed playing soccer, walking around freely and socialising with other prisoners. Prisoners in the civilian wing were observed praying, reading and conducting cleaning duties. In the military intelligence area, prisoners were observed wearing overalls that appeared clean and in good order.

8. One further ADF officer made numerous visits to Abu Ghraib while deployed to the US Headquarters intelligence staff. This officer, Commander [S41] advises that he observed no interrogation nor did he see or hear of abuses of the nature of the recent allegations, but that he was aware of rumour and innuendo regarding poor management practices in the prison and held the US military's attitude towards detention generally in low regard.

9. CMDR [S41] facilitated a visit by Major-General Miller to Abu Ghraib in September 2003 to review detainee management practices but did not accompany the visit. CMDR [S41] viewed the executive summary of the Miller review, but was unable to see the full report - both the full report and the executive summary were classified NOFORN, equivalent to AUSTEO. CMDR [S41] advised that the executive summary was generic in its references to prison management practices. CMDR [S41] did not witness any interrogations, nor did he interact with detainees, although his position did involve extensive reviewing of interrogation records and assigning of priorities for intelligence collection through interrogations. During his deployment to Iraq, CMDR [S41] was able to use his influence in specific incidents to address concerns he identified, such as facilitating the release of a large number of detained Iraqi and foreign nationals without military or intelligence value.

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Sensitivity: Yes. Reports of abuse of Iraqi detainees continues to be of considerable media and public concern.

NOTED



Shane Carmody  
Deputy Secretary, Strategy

14 May, 2004

CONTACT: **[S41]** IP Division, Ph 6265 1982.

Copies: Secretary, CDF, Dep Sec S, VCDF, Dep Sec I&S, HSO, DDIO, FASIP.

I was a Comd **[S41]**  
introduced by the Director  
Robert Hill  
of Legal Services as any other  
person who had significant  
contact with the prison at  
relevant times. I was found  
to further advise the Director.

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Attachment A

**TIMELINE OF INVOLVEMENT IN ABU GHRAIB OF ADF PERSONNEL  
 IDENTIFIED TO DATE**

Date	Action
April 2003	COL Mike Kelly deployed to Iraq as adviser to ORHA then the CPA's Office of General Counsel. His responsibilities included, inter alia, included meeting with the ICRC, Human Rights Watch and Amnesty International to facilitate their investigations of US prison system in Iraq.
July 2003	MAJ George O'Kane deployed to Iraq as a Legal Officer in the Office of the Staff Judge Advocate General, US Headquarters (CJTF-7).
August 2003	MAJ O'Kane visited Abu Ghraib prison to provide legal opinion on the 205 <sup>th</sup> Military Intelligence Company's interrogation techniques. He did not witness any interrogations.
September 2003	CMDR [Section 4] facilitated visit by MAJ GEN Miller to Abu Ghraib prison as part of review, but did not accompany Miller to prison. CMDR [SA] travelled to Abu Ghraib at other times - he did not witness abuse, but identified poor management processes.
October 2003	ICRC produced a confidential report on prison conditions. Copy of report provided to BRIG GEN Janis Karpinski. MAJ O'Kane drafts reply to ICRC on behalf of Karpinski.
November 2003	LTCOL Paul Muggleton deployed to replace COL Kelly. His responsibilities, as per COL Kelly's, included facilitation of discussions with NGO.
December 2003	LTCOL Muggleton chaired meeting with ICRC during which Karpinski reply (drafted by MAJ O'Kane) passed to ICRC
17 December 2003	MAJ O'Kane visited Abu Ghraib to support transfer of Al Qaeda suspect. During transfer and visit to Abu Ghraib, no abuse was witnessed.
1 January 2004	MAJ O'Kane visited Abu Ghraib prison to coordinate ICRC visit to the facility.

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2 January 2004	<p>LTCOL Muggleton undertakes visit to Abu Ghraib prison with COL Ralph Sabatino, CPA adviser to Iraqi Ministry of Justice. The purpose of Sabatino's visit was to improve registration of detainees to provide better information on detainees to their families. LTCOL Muggleton accompanies Sabatino to Abu Ghraib (including the interrogation facility), and to escort an Office of General Counsel interpreter working with Sabatino. Views evidence of overcrowding of prisoners, which is addressed by Sabatino during visit. Muggleton also observes a prisoner in the largely Iraqi-run criminal facility in a cold area without adequate clothing, which Sabatino also immediately directed that the situation be corrected. During his visit Muggleton did not witness any abuse of the nature of the recent allegations.</p>
4-8 January 2004	<p>MAJ O'Kane at Abu Ghraib prison during ICRC visits to the facility over these dates. During this time Major O'Kane saw one detainee handcuffed to the outside of a cell door. On asking he was told that it was a limited punishment for the detainee for speaking to another detainee. Major O'Kane had a photograph taken with US Army Military Police Sargent during one of these, or earlier visits to Abu Ghraib prison. Major O'Kane did not witness any abuse of the nature of the recent allegations.</p>
12-18 January 2004	<p>LTCOL Muggleton, in a weekly situation report, notes reports of concerns regarding the overcrowding of prisons; difficulties in detainee families gaining access to information on their families; and the length of US processing procedures were briefed to US DOD General Counsel, William Haynes, by the CPA's General Counsel.</p>
16 January 2004	<p>US DoD releases statement announcing investigation into evidence of abuses of prisoners.</p>
17/19 January 2004	<p>LTCOL Muggleton visited the High Value Detainee facility at BIAP for several hours.</p>
20 January 2004	<p>CNN report that Army is undertaking an investigation into abuses of prisoners in Iraqi prisons. 'Pentagon to probe alleged abuse of Iraq detainees.'</p>
21 January 2004	<p>CNN Report that photographic evidence of abuses may exist. 'Details of Army's abuse investigation surface.'</p>
Late January 2004	<p>LTCOL Muggleton visited Abu Ghraib prison with the US DOD Principal Deputy General Counsel. Nothing of note was observed.</p>

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Late January 2004	US Military Police Liason Officer informally mentions to LTCOL Muggleton that there is an investigation into allegations of detainee abuse. This is mentioned in the context of a discussion of the CNN report.
2-8 February 2004	LTCOL Muggleton reports in weekly situation report an assessment that the US detainee population would likely reach 10 000 by 1 July 2004 due to processing delays. At this time Muggleton is advised by ICRC representatives that the report on detainee abuses will be 'hardhitting'.
Early February	LTCOL Muggleton conducts last meeting with the ICRC (after the presentation of the report to Bremer and Sanchez). Meeting agreed to the ICRC briefing incoming US personnel during unit rotation on detainee issues in late February.
9-15 February 2004	LTCOL Muggleton reports in his final weekly situation report that the ICRC report was delivered to Bremer. Copies were subsequently distributed within the CPA. Muggleton describes report as 'detailed, comprehensive and highly critical'.
Mid-February 2004	LTCOL Muggleton is replaced by [S 41] [S 41] assumes same duties regarding facilitation of meetings between NGOs and CPA regarding prisoner conditions.
22-29 February 2004	[S 41] reports in weekly situation report that he facilitated meeting between ICRC and senior coalition officials. [S 41] later advised that these included Bremer, Sir Jeremy Greenstock and GEN Sanchez and that their response to the report was one of shock, but they undertook to follow up allegations. Suggested resolution was to appoint new commander of US prisons in Iraq, undertake senior military review of detention centres and improve training. ICRC reacted positively to this response.
28 April 2004	Reports of photographs of abuse by US military of Iraqi prisoners emerge.

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