



Australian Government
 Department of Defence
 Strategic Policy Group



Minute

DEPSECS/OUT/2004/187

Minister for Defence

For Action By: This update provides further information to that contained in my submission of yesterday (DEPSECS/OUT/184 refers).

IRAQ - UPDATE ON DEFENCE KNOWLEDGE OF ALLEGATIONS OF ABUSE OF PRISONERS AT ABU GHRAIB

RECOMMENDATION

That you note the update on Defence's knowledge regarding abuse of prisoners at Abu Ghraib prison in Iraq. As more information becomes available as a result of further inquiries, we will provide updates.

OVERVIEW

2. GPCAPT [redacted] an ADF officer deployed to the CPA Office of General Counsel (OCG) provided yesterday the Australian Representative Office (ARO) in Baghdad with a copy of the International Committee of the Red Cross (ICRC) report on the treatment by coalition forces of Iraqi prisoners. Copies have been provided to your office, International Policy Division and the Department of Foreign Affairs.
3. The first submission provided to you (DEPSECS/OUT/2004/184) stated that our CPA advisers believed concerns related primarily to process concerns in the legal system. On reviewing the ICRC document yesterday afternoon however, GPCAPT [redacted] has now advised that concerns are more serious, a view we share.
4. Australia has had ADF officers deployed to the CPA Office of General Counsel (OCG) beginning with the deployment of COL Mike Kelly in April 2003, who was replaced by LTCOL Paul Muggleton in November 2003. GPCAPT [redacted] replaced LTCOL Muggleton in February 2004. At the request of the CPA, COL Kelly was redeployed to Iraq in March 2004 for a four month deployment. Kelly (on his first deployment), Muggleton and [redacted] have all acted as facilitators for ICRC contact with the CPA and the US coalition headquarters (CJTF-7).
5. LTCOL Muggleton advised that he visited Abu Ghraib prison in early January as a member of a CPA delegation, led by US Colonel Ralph Sabatino, who worked as an adviser to the Ministry of Justice in Iraq. The purpose of the visit was to investigate processing problems which had been raised in regard to the US detention system as a whole. COL Sabatino intended to visit all US prisons in Iraq with a team of interpreters, recording names and details of detainees to improve accessibility of data, especially to family members of detainees. LTCOL Muggleton, together with the senior UK adviser to the OCG, accompanied COL Sabatino to view the operations in Abu Ghraib prison. The visit was not in response to allegations or reports of abuse. The delegation received a briefing on processing systems, including interrogation activities. According to LTCOL Muggleton he did not see any signs of abuses or reasons for serious concern while at Abu Ghraib, except an instance of overcrowding which was raised by COL Sabatino and addressed during their visit.

6. We have also been advised that an ADF officer deployed to the CJTF-7, MAJ George O'Kane, accompanied the ICRC on an inspection of Abu Ghraib prison in late 2003. We are meeting with O'Kane and Muggleton this morning and will provide a further report to you.

7. LTCOL Muggleton viewed a draft of the 10 February ICRC report on prisoner issues that was presented to the head of the Coalition Provisional Authority (CPA), Ambassador Paul Bremer and Commander CJTF-7, General Ricardo Sanchez in February 2004. GPCAPT [S41] viewed the final report and in the week 22-29 February facilitated a meeting between the ICRC and senior coalition officials, including Bremer, Sanchez, and UK Adviser to the CPA Sir Jeremy Greenstock. The ICRC drew the attention of these senior officials to the issues contained within the report. According to [S41], the response of the seniors was one of shock and disbelief, but they undertook to follow up the allegations. These included the appointment of MAJGEN Geoffrey Miller as the US officer with full responsibility for detention centres in Iraq, a review of detention centres led by a two-star general, and an undertaking by CJTF-7 to improve training of detention centre personnel and management of detention centres. [S41] told us yesterday that the ICRC reacted positively to this response and had requested an opportunity to engage with MAJGEN Miller.

8. We have reviewed the reports available to us from Kelly, Muggleton and [S41] to determine any other relevant information we have received on this situation. Most reports have highlighted concerns with processing and system arrangements in the US prisons in Iraq.

- In the 12-18 January 2004 report, LTCOL Muggleton reported on these concerns, including overcrowding of prisons, difficulties in detainee families receiving information on their relatives and the length of US processing of detainees. Muggleton reported that these were raised with the US Department of Defense General Counsel, Mr William Haynes, during his visit to Iraq in mid-January 2004.
- In the 2-8 February report, LTCOL Muggleton reported that based on US capture and processing systems in place at that time, the detainee population was around 6900 and would increase to around 10 000 by 1 July 2004.
- In the 9-15 February report, Muggleton noted the delivery of the ICRC report, which he described as 'detailed, comprehensive and highly critical'. In the same report, Muggleton expressed concerns on the detention system, noting that 'what is considered acceptable in the US system might well be considered unlawful in the Australian system'. He noted that it was inappropriate to address these concerns in his report, but offered to provide detail if requested separately.

9. The Australian Representative Office has advised that they were made aware of allegations regarding conditions and processes for Iraqi detainees from this reporting.

10. The ICRC regards the report that it provided to the CPA and CJTF-7, a copy of which was provided to your office yesterday, as confidential. The report was provided only to the senior leadership of the force it regarded as the occupying power, that is, to Bremer, Greenstock and Sanchez. Muggleton and [S41] had access to the report in their capacity as advisers to CPA head Bremer. (We understand the Wall Street Journal of 7 May has published extensive excerpts from the report, which the ICRC condemned in a press statement on 7 May.)

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

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11 May, 2004

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