

# **Testimony of Former U.S. Army Counterintelligence Special Agent David DeBatto, previously assigned to the 205<sup>th</sup> Military Intelligence Brigade in Iraq under Col. Thomas Pappas in 2003, for the German criminal procedure against DOD Donald Rumsfeld and others.**

## **1. General Introduction**

### *My Background*

I have had three different periods of service in the United States Army. My first enlistment was from 1979-1985 in the active Army as an Electronic Warfare Intelligence Voice Interceptor and German linguist stationed in Germany during the height of the Cold War. After a period with no military affiliation in the 1980's, I enlisted into the Army Reserve in 1990 and cross-trained as a counterintelligence agent (CI). I became an instructor at the Army reserve component CI agent course at Ft. Devens, MA from 1992-1993 when I again left the military to pursue my civilian career.

In direct response to the attacks on 9/11, I enlisted in the Army National Guard in early 2002 as a CI agent and was mobilized with the Massachusetts Army National Guard for Operation Iraqi Freedom in February 2003. I served in the area of Iraq known as the Sunni Triangle and was stationed at Camp Anaconda - a large logistical supply base located just north of Baghdad - from March 2003 until I was medically evacuated to the U.S. in October 2003 as a result of injuries suffered during an intelligence gathering mission. I was released from active duty in March of 2004 and medically discharged from the Army in December of 2004.

Since leaving the military, I have written extensively about Iraq, the U.S. military and intelligence matters.

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### *My Duties in Iraq*

During my entire tour in Iraq I served as a team leader of a tactical HUMINT team or "THT". A THT is the prime military unit responsible for obtaining actionable intelligence from Iraqi sources. Intelligence gathered from THTs has provided all of the most valuable intelligence garnered during OIF, including the locations of the "55 Playing Card" Iraqi leaders, as well as Saddam and his two sons, Uday and Qusay. We spoke on a

daily basis with Iraqi citizens from all walks of life ranging from farmers to provincial governors. We also interacted with senior U.S. military leadership on a regular basis to provide CI briefings or advice on the current situation in a particular area of operation or “AO.”

Right from the start of our involvement, it was clear that we lacked anywhere near the amount of either trained interrogators or Arabic linguists required to do our job. In fact, for most of my tour in Iraq, my unit – one of the largest HUMINT units in Iraq – never had more than 8-10 Arabic linguists at any one time. This number consisted of 4-5 military linguists and an equal number of civilian contract linguists. With that small cadre, we were conducting dozens of intelligence gathering missions and interviewing 50-100 Iraqis every day. That was in addition to ongoing DOCEX or document exploitation operations where seized Iraqi military documents were supposed to be translated and any useful intelligence sent up to higher headquarters for further analysis.

That rarely got accomplished simply for lack of anyone capable of translating the mountains of documents we located on a routine basis.

As if that wasn't enough to overwhelm our limited intelligence resources, Anaconda was under constant attack from local pockets of Iraqi resistance groups during the first few weeks after we arrived at the base in April 2003. As a result of those attacks, anywhere from 1-5 or so wounded Iraqi fighters were taken into custody and we were tasked to interrogate the less wounded ones for any intelligence that may prevent further attacks. This required THT members to be on call 24/7 just to deal with these interrogations.

As incredible as it may seem and despite the critical nature of the mission given to the unit, the 205<sup>th</sup> MI Brigade stationed at Camp Anaconda had no interrogators assigned to the unit. None. All interrogation duties fell to the National Guard and Reserve CI agents who, although trained in CI interview techniques, are not, by Army doctrine, supposed to conduct interrogations without a trained interrogator participating. This policy was routinely violated several times a day, seven days a week during the entire time I was in Iraq. There simply was no other alternative for attempting to obtain actionable intelligence.

On occasion, a mobile interrogation team or MIT would come to Anaconda for a few days to assist with the interrogation of a high value target (HVT), but these visits were few and far between. To be honest, I am not aware of any valuable intelligence that any MIT obtained during any other their interrogations at Anaconda – and I was in a position to know since I usually coordinated all MIT interrogations. For the most part, all interrogations were conducted by CI agents or in some unfortunate cases, by combat commanders with no authorization whatsoever.

There were numerous cases of tactical, non-military intelligence units conducting “CI” operations on their own without any permission to do so, all within the 205<sup>th</sup> area of operation (AO). Many of these rouge intelligence gathering operations led to allegations of abuse and misconduct later on. I personally reported such incidents to both the CI

battalion commander, LTC Timothy Ryan of the 223<sup>rd</sup> MI Bn., as well as COL Pappas. I am not aware of any action ever being taken to reign in these infantry commanders as they carried out their own private, clandestine intelligence operations.

## **2. Interrogation Procedures**

As with everything else in the U.S. Army, there are numerous regulations and manuals that dictate interrogation doctrine. The newest field manual or FM for interrogation is number 22-2.3 and was fielded by the Army in September of 2006 as an answer to the disaster at Abu Ghraib, Guantanamo and elsewhere. It supersedes FM 34-52 from 1992 and includes a much expanded section on the Geneva Convention. It is now the “Bible” for instruction of all new interrogators.

However, even before the introduction of this new field manual, the rules of the Geneva Convention as they apply to interrogation are taught to all new soldiers, officer and enlisted, from the very first day of training. There are very specific classes devoted to rules of engagement, rules of war and the treatment of prisoners of war. There were no “grey” areas or cause for misunderstanding about how prisoners or “detainees” are to be treated once they are in military custody.

As I stated earlier, I served as both a CI agent as well as an instructor of the CI course. I have conducted and/or supervised several hundred interrogations and taught interview technique. I have seen interrogations in both peacetime environments and in a combat zone during intense fighting. I think it is fair to say that I know right from wrong when it comes to U.S. Army interrogation procedures involving enemy prisoners of war or military detainees.

One procedure that is wrong in every instance is the use of military police to “soften up” prisoners or to “set the mood” prior to interrogations. MPs are not to be used in conjunction with *any* interrogation procedure. That would include the two examples stated above. MPs are to be used only to secure prisoners and their personal belongings and to transport them to and from the interrogation. Once the prisoner has been brought to the site of the interrogation, the MP may be used to guard the prisoner. Nothing more.

The use of military police to intimidate or physically assault prisoners is prohibited at all times. Verbal or physical threats by an MP toward a prisoner are prohibited. The use of dogs - muzzled or un-muzzled - to intimidate or physically assault a prisoner for purposes of gaining intelligence is prohibited. In short, all of the incidents that were depicted by the photographs and testimony from Abu Ghraib in which military police were either involved in an interrogation procedure or in the use of military police dogs against prisoners were in direct violation of accepted U.S. Army doctrine and training in the proper methods for interrogation of prisoners of war. Any and all non-commissioned and commissioned officers that were aware of such activities were also guilty of a serious breach of conduct for not stopping such actions.

This was not a vague or complex issue for senior military leaders to have to decide. These tactics are known to junior enlisted soldiers and officers from their very first days in the military. I have yet to speak with a trained interrogator of military intelligence professional that does not think that every senior officer in the chain of command at Abu Ghraib and up to and including Secretary Rumsfeld should be held accountable for the disgraceful actions that were allowed to occur there. The few soldiers, enlisted and officer, that tried to question the procedure or who finally blew the whistle are to be commended for their courage.

### **3. COL Thomas Pappas**

As the leader of a THT in 205<sup>th</sup> MI Brigade under Col. Pappas, I did not interact with him on a daily basis. However, I did see him and have occasion to speak with him at least once a week or so. From approximately late July onward, Col. Pappas split his time equally between Abu Ghraib and Anaconda, driving back and forth in a small convoy. This was at a time when it was actually safe enough to still drive around much of Iraq in small convoys and not be killed by IEDs or other insurgent attacks.

My impression of Col. Pappas was that he was a very indecisive individual and not very conversant on HUMINT activities. It came as no surprise to me to find out while I was still at Anaconda that the 205<sup>th</sup> had no HUMINT assets of its own. An MI brigade with no HUMINT assets seemed to me to a very inefficient and short sighted way to staff an MI brigade, but it would explain Pappas' ignorance of HUMINT. I also found no junior officers under Pappas that knew much about HUMINT responsibilities, including his JAG staff. This was particularly of concern to me since CI depended on JAG to obtain legal opinions in order to carry out many of our missions. In short, most of the time, they were clueless.

From my personal observations of Col. Pappas, I am not surprised that the situation at Abu Ghraib evolved the way that it did. He did not seem to be the kind of officer that would stand his ground against a superior officer even if he knew the order was morally or legally indefensible. However, since Col. Pappas apparently did not have sufficient training or experience in HUMINT operations, to include interrogations, it is understandable. It is inexcusable, but understandable.

The fact that Col. Pappas was not qualified to manage a HUMINT operation in a combat zone speaks very badly of his superiors, to include MG Sanchez, General Abazaid and on up the chain of command to Secretary Donald Rumsfeld. I find it outrageous that with all the trained and capable military intelligence officers in the United States Army, which they had to choose someone with little to no experience in such a critical specialty during wartime. Based on the choice of MI leadership at Abu Ghraib, the disastrous results were almost inevitable.

**4. Willingness to Testify**

I am willing to testify in a German criminal investigations because of the prisoner abuses in Abu Ghraib and the release of intentionally misleading information attempting to blame “seven bad apples” when it was clear the knowledge and responsibility goes all the way to the top of the chain of command to the Secretary of Defense, Donald Rumsfeld and to the Vice President, Dick Cheney.

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David DeBatto