

Testimony to Senate Intelligence Committee 25 September 2007

Good afternoon, Senators

It is a pleasure to be here to provide my personal views as a combat veteran on the topic of the handling of detainees.

I was commissioned in the Infantry from West Point in 1960 and served 32 years in the Army. I served two combat tours in Vietnam, the first in 64-65 as an advisor to a South Vietnamese Infantry Battalion and the second in 67-68 as a company commander and battalion operations officer in the 101st Airborne Division. I know what it is to detain the enemy or suspected enemies on the battlefield. I was always guided by my understanding of the Geneva Conventions and by a clear ethical code that said: treat detainees as you would wish them to treat you. I followed this code even when I suspected the enemy might not treat us the same way. Operating from this position on the moral high ground gives our soldiers the right to expect decent treatment if they are captured.

The language of Common Article 3 of the Geneva Conventions provides a clear standard for treatment of detainees on the battlefield. The Army has recently published a revised field manual following Abu Ghraib which further codifies the proper handling and interrogation of detainees.

Soldiers need clear guidance in the heat of combat. The new field manual provides an easily understood standard and the Army has taken measures to correct the ambiguities that led to the situation at Abu Ghraib. Some might claim the field manual is too simplistic for sophisticated interrogators,

but the principles reflected in the FM rules are **values** that no US agency should violate. The FM provides a set of approaches in interrogation that should be sufficient to guide even the most experienced interrogators.

GEN Petraeus reinforced the field manual standards in his letter to the troops of Multi National Force-Iraq on 10 May of this year which condemned the abuse of detainees. In that letter, he says the following:

“We are, indeed, warriors. We train to kill our enemies. We are engaged in combat, we pursue the enemy relentlessly, and we must be violent at times. What sets us apart from our enemies in this fight, however, is how we behave. In everything we do, we must observe the standards and values that dictate that we treat noncombatants and detainees with dignity and respect.”

So the military or uniformed services are back on track in trying to adhere to a simple, clear, and understandable standard for the treatment of detainees as found in the Field Manual. Senior leaders are now speaking out to make sure the standards are understood all the way down to the lowest levels.

But the President’s Executive Order of 20 July expresses an interpretation of Common Article 3 which appears to provide a different set of standards for the CIA in the handling and interrogation of detainees. In my opinion, there are two problems associated with this new Executive Order.

First, any techniques used by the CIA under this program are essentially those which our soldiers could expect to be used against them if they fall into enemy hands. Admiral McConnell, in speaking publicly about the executive order

and the CIA program, admitted that he "...would not want a US citizen to go through the process..." allowed under this order.

Second, the order reintroduces ambiguity into the situations where CIA and US Military personnel are working side by side, as in many locales within Iraq today. The existence of different standards does not work well in practice and provides a confusion factor which detracts from clear guidance and simple standards. This confusion can lead to the disgraceful behavior which we saw earlier in the current conflict.

I will conclude by urging you to do all in your power, Senators, to maintain the integrity of Common Article 3 and to provide a single, clear standard of behavior for all US personnel engaged in this, and future, conflicts.

Thank you.

Charley Otstott
LTG US Army (Ret)