

(b)(6)-5/(b)(7)(C)-5

Talking Points – LTC [REDACTED]

(b)(6)-5/  
(b)(7)(D)-5

LTC [REDACTED] was assigned as a Battalion Commander of 2-20 FA Battalion, 4<sup>th</sup> Infantry Division Field Artillery.

(b)(6)-5/(b)(7)(C)-5

When allegations of wrongdoing arise, they are carefully investigated. In this case, the actions of LTC [REDACTED] were investigated by the Army's Criminal Investigation Division (CID). Army Commanders take appropriate action in cases of misconduct at the lowest level, consistent with good order and discipline. Available options for dealing with alleged misconduct include a wide-range of administrative and disciplinary measures.

(b)(6)-5/(b)(7)(C)-5

(b)(6)-5/(b)(7)(C)-5

In this case, as an administrative matter, the investigations were reviewed by the 4<sup>th</sup> Infantry Division Commander, MG Odinario, and the CJTF-7 Commander, LTG Sanchez to determine if LTC [REDACTED] should remain in command of 2-20 FA. It was the recommendation of the 4<sup>th</sup> ID Commander that LTC [REDACTED] should be removed from command. LTG Sanchez approved that recommendation. These are difficult decisions made after great consideration. They are best made by field commanders who are intimately familiar with military operations and the mission in Iraq.

(b)(6)-5/(b)(7)(C)-5 (b)(6)-5/(b)(7)(C)-5

Based on the alleged misconduct, a battalion commander in the [REDACTED] - (b)(3)-1 [REDACTED] preferred charges against LTC [REDACTED] regarding three specification of assault by LTC [REDACTED] and one count of threatening to kill the Iraqi detainee.

(b)(3)-1/(b)(2)-2

The charges initiate a military justice process. The process is outlined in the Uniform Code of Military Justice, a federal statute passed by Congress and . They do not mean that the ultimate outcome of the case will be a court-martial trial. In this case, the [REDACTED] has directed a pre-trial investigation under Article 32, UCMJ. The Article 32 hearing will be open to members of the media and public. LTC [REDACTED] and his counsel will be able to call witnesses, cross-examine any accusers and present other evidence in the hearing.

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The Article 32 Investigating officer, a LTC line officer, will make a recommendation after hearing all the evidence, including facts in mitigation and extenuation. After reviewing the Investigating officer's report, the [REDACTED] can dismiss the charges, take alternate action, or recommend a court-martial to his next superior.

(b)(3)-1/(b)(2)-2

(b)(6)-2 / (b)(7)(C)-2  
I was able to reach LTC [REDACTED] SJA, 4th ID today.

Here are the facts that he relayed:

(b)(6)-5 / (b)(7)(C)-5  
The Article 32 Investigation on LTC [REDACTED] lasted two full days. The government presented all their evidence. There were about 10 members of the media present for the entire hearing. The summarized transcript is being prepared and the 173rd Bde Commander is awaiting the report of the investigating officer. LTC [REDACTED] was represented by detailed military counsel and a LTC(Ret) [REDACTED] a former USMC JA.

(b)(7)(C)-2 / (b)(6)-2 The case will be processed like all other UCMJ cases. As a senior leader and field commander, the 173rd Bde Cdr, a Colonel, will have multiple options to consider ranging from dismissal of the charges to recommendation of a general courts-martial. It is improper for headquarters officials or others in the government to attempt to influence these decisions.

There was no AR 15-6 investigation in this case. Rather, the 4th Infantry Division Commander directed one of his assistant division commanders to do a "Commander's inquiry" (authorized under RCM 303) to look into a complaint by one of LTC [REDACTED] battery ISGs.

(b)(6)-5 / (b)(7)(C)-5 (b)(6)-5 / (b)(7)(C)-5  
The ISG's complaints were focused on the command climate of the division artillery, a higher echelon unit above LTC [REDACTED] (and the ISG's) battalion.

(b)(7)(C)-5 / (b)(6)-5 There was a minor mention in the complaint about alleged rough handling of a detainee by LTC [REDACTED] and alleged rough handling of another detainee by a Macedonia Platoon that is part of the 4th ID Task Force.

(b)(7)(C)-5 / (b)(6)-5 (b)(6)-5 / (b)(7)(C)-5  
The Commander's Inquiry was thus focused on three parts: The alleged poor command climate of a unit (not [REDACTED] battalion), the alleged rough handling of a prisoner by LTC [REDACTED], and the alleged rough handling of the other detainee by the Macedonia platoon.

There were only 6-7 statements obtained in the commander's inquiry. They were all related to the incident involving the detainee questioned by LTC [REDACTED]. When it appeared criminal action might be involved, the assistant division commander turned over the statements to the staff judge advocate, and they were then turned over to CID to start a criminal inquiry. They will be part of the final CID ROI - which is still pending.

(b)(6)-5 / (b)(7)(C)-5  
No further statements were obtained regarding any parts of the commander's inquiry. The alleged rough handling of a detainee by the Macedonia platoon and the alleged poor command climate of another unit were inquired into and handled by the senior leaders of the 4th ID. Those matters are considered closed.

The 4th ID's focus is on the on-going military operations in Iraq.

## DETAINEE OPERATIONS COMMAND DISPOSITION SUMMARY

### TOTAL DEATH CASES: 52

Natural/Undetermined Deaths: 21  
Justifiable Homicide: 9  
Homicides: 5  
Death Investigations Still Pending: 17

### Command Disposition in Death Cases:

GOMOR – 2  
Insufficient Evidence of Abuse – 2  
Administrative Discharge – 1  
NJP – 2  
Court-Martial – 6 (5 pending, 1 complete)  
Command Disposition Pending - 15

### OTHER ABUSE CASES:

Assault Investigations: 114  
Sexual Assaults: 6  
Theft: 20  
Unit Investigations: 28

### Command Disposition in Other Abuse Cases:

Closed Cases: 85  
Of those closed cases:  
    No action taken: 39  
    Command Action Taken: 35  
    Disposition Pending: 11  
Pending Investigations: 82  
Court-martial (GCM, BCD Special, Special, Summary): 45  
NJP: 42  
GOMOR: 12  
Admin. Sep: 13

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Case breakdown  
 Detainee abuse cases

**Total cases (as of 6-2-2004)**

**109**

Death Investigations:		36 (40 deaths total)
CID	36	
Unit	0	
DF	33	
Non-DF	3	
Natural causes	10	
Undetermined	5	
Homicide	3	
Justifiable homicide	5 (9 detainees total)	
Investigations pending	13	
Assault		51
CID	28	
Unit	23	
DF	30	
Non-DF	21	
Sexual Assault		3
CID	3	
Unit	0	
DF	2	
Non-DF	1	
Theft/Robbery		19
CID	18	
Unit	1	
DF	0	
Non-DF	19	

**Command Dispositions:**

**91**

Court-martial		32
Summary	11	
SpecCM	1	
BCD Special	4	
General	16	
Article 15		37
GO	3	
Field grade	21	
Company	0	
Unknown	13	

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GOMOR  
Admin Separation

8  
14

Note: Of the 32 Court Martial cases, 10 are still pending. Six of the pending are related to Abu Gharib, two others are pending in Iraq, one is pending at Ft. Meade, and one is pending awaiting final action on Chapter 10 discharge. Of the completed cases, all but 2 have resulted in convictions. One defendant was acquitted by GCM and another was acquitted by BCD-Special. In 8 cases, command disposition remains pending.

The 4 Cases Referred to Trial are as follows:

SPC [REDACTED] (b)(6)-5/(b)(7)(C)-5

- Art 81 Conspiracy - 1 Spec
- Art 92 Dereliction of Duty - 1 Spec
- Art 93 Maltreatment - 2 Specs

SGT [REDACTED] (b)(6)-5/(b)(7)(C)-5

- Art 81 Conspiracy - 1 Spec
- Art 92 Dereliction of Duty - 1 Spec
- Art 93 Maltreatment - 1 Spec
- Art 107 False Official Statement - 1 Spec
- Art 128 Assault - 2 Specs (both battery)

SSG [REDACTED] - (b)(6)-5/(b)(7)(C)-5

- Art 81 Conspiracy - 2 Specs
- Art 92 Dereliction of Duty - 1 Spec
- Art 93 Maltreatment - 5 Specs
- Art 128 Assault - 3 Specs (2 Specs Battery and 1 Spec Aggravated Assault)

SPC [REDACTED] - (b)(6)-5/(b)(7)(C)-5

- Art 81 Conspiracy - 2 Specs
- Art 92 Dereliction of Duty - 1 Spec
- Art 93 Maltreatment - 4 Specs
- Art 128 Assault - 4 Specs (2 Specs Battery and 2 Specs Aggravated Assault)

The Three Cases Not Yet Referred to Trial are as follows - (These charges are subject to amendment prior to referral or dismissal):

PFC [REDACTED] - (b)(6)-5/(b)(7)(C)-5  
(Article 32 Completed)

- Art 81 Conspiracy - 1 Spec
- Art 92 Dereliction of Duty - 1 Spec
- Art 93 Maltreatment - 1 Spec
- Art 134 Indecent Act - 1 Spec (observing detainees masturbate)

SPC [REDACTED] - (b)(6)-5/(b)(7)(C)-5  
(Article 32 delayed until June to accommodate schedule of CDC, [REDACTED])

- Art 81 Conspiracy - 1 Spec
- Art 92 Dereliction of Duty - 1 Spec
- Art 93 Maltreatment - 5 Specs
- Art 107 False Official Statement - 1 Spec
- Art 128 Assault - 1 Spec (battery)

Article 134 - Conduct Prejudicial to Good Order and Discipline 3 Specs (2 Specs of desecrating a corpse by unzipping body bag and taking or posing for pictures with corpses and 1 Spec of Indecent Act by observing detainees masturbate)

PFC [REDACTED] - (b)(6)-5/(b)(7)(C)-5  
(Charged at Fort Bragg)

- Art 81 Conspiracy - 1 Spec
- Art 128 Assault - 3 Specs (all batteries)
- Art 134 - Conduct Prejudicial to Good Order and Discipline - 9 Specs
  - 1 Spec indecent act by observing detainees masturbate
  - 1 Spec wrongfully position a detainee in front of the groin of a masturbating detainee
  - 7 Specs for wrongfully photographing detainees or posing in photographs with detainees

(b)(6)-5/  
(b)(7)(C)-5

Thank you for your inquiry concerning the final status of the cases concerning the 320<sup>th</sup> Military Police Battalion (320<sup>th</sup>). The 320<sup>th</sup> is United States Army Reserve (USAR) unit from Pennsylvania that was mobilized and deployed to Iraq in support of Operation Iraqi Freedom. The charges against the former Master Sergeant [REDACTED], Staff Sergeant [REDACTED], Sergeant [REDACTED], and Specialist [REDACTED]—all members of the 320<sup>th</sup>—stemmed from an incident on May 12<sup>th</sup>, 2003 when soldiers from another unit observed these individuals assaulting Iraqi prisoners.

(b)(6)-5/(b)(7)(C)-5

As you are aware, the command dealt with these charges through non-judicial means exercising the provisions of Article, 15, Uniform Code of Military Justice, and the administrative separation process. The specifics of each case follow.

In the case of then Master Sergeant [REDACTED], she received a General Officer Article 15 and was found guilty of Dereliction of Duty (Article 92) and Maltreatment (Article 93). Her non-judicial punishment included forfeiture of \$1,671.00 per month for 2 months, 30 days of extra duty, and 30 days of restriction to the limits of Camp Doha, Kuwait. She elected not to appeal the Article 15 findings or punishment. The command initiated separation action for serious misconduct and, after MSG [REDACTED] consulted with her counsel, she waived her right to an administrative discharge board. After considering matters presented by MSG [REDACTED] as well as considering matters she wished to present verbally in person, a General Officer directed that MSG [REDACTED] be separated from the military for commission of a serious offense, given an Other Than Honorable Conditions Discharge (reducing her to the lowest enlisted grade of Private E1), and immediately redeployed from the theater of operations.

In the case of then Staff Sergeant [REDACTED] he received a General Officer Article 15 and was found guilty of Dereliction of Duty (Article 92), Maltreatment (Article 93), and making a False Official Statement (Article 107). His non-judicial punishment included forfeiture of \$1,141.00 per month for 2 months, 30 days of extra duty, 30 days of restriction to the limits of Camp Arifjan, Iraq, and reduction to Sergeant E5. He elected to not appeal the Article 15 findings or punishment. The command initiated separation action for serious misconduct and, after SGT [REDACTED] consulted with his counsel, he waived his right to an administrative discharge board. After considering matters presented by SGT [REDACTED] as well as considering matters he wished to present verbally in person, a General Officer directed that SGT [REDACTED] be separated from the military for commission of a serious offense, given a General, Under Honorable Conditions Discharge, and immediately redeployed from the theater of operations.

In the case of then Specialist [REDACTED], he received a General Officer Article 15 and was found guilty of Dereliction of Duty (Article 92), Maltreatment (Article 93), and making a False Official Statement (Article 107). His non-judicial punishment included forfeiture of \$575.00 per month for 2 months, 30 days of extra duty, 30 days of restriction to the limits of Camp Arifjan, Iraq, and reduction to Private E1. He elected to not appeal the Article 15 findings or punishment. The command initiated separation action. After considering matters presented by Private [REDACTED] as well as considering matters he wished to present verbally in person, a General Officer directed that Private [REDACTED] be separated from the military for commission of a serious offense, given a General, Under Honorable Conditions Discharge, and immediately redeployed from the theater of operations.

As of December 29, 2003, all actions were complete and all three soldiers were redeployed to Fort Dix, New Jersey for separation processing.

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If you require further information, please contact me or LTC [redacted] at [redacted]

BG Swan



(b)(6)-5/(b)(7)(C)-5

US v. [REDACTED] - 4ID

CID misreported the details of a detainee abuse case in the 4<sup>th</sup> ID AOR. The original reporting stated that on 11 September 2003 at the FOB Packhorse detention facility, "an Iraqi detainee died while in US custody. An enlisted Soldier while on guard duty, failed to follow the ROE and shot the detainee who was throwing rocks at him." The synopsis also stated that the "Soldier was charged with Murder. Soldier was reduced to E1 and administratively discharged in lieu of trial by court-martial."

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The correct information is that on 11 September 2003, SPC [REDACTED] was performing guard duty at FOB Packhorse detention facility. A detainee, [REDACTED] was being held in an isolation cell in flexi cuffs. SPC [REDACTED] was standing in the hallway of the isolation cell when he saw [REDACTED] move toward the wire. He was informed that detainees were not to go nears the wire. SPC [REDACTED] fired his weapon stating that he saw [REDACTED] place his hands near the wire. First aid was administered and [REDACTED] was taken to the aid station. On 7 October 2003, SPC [REDACTED] was charged with violation of Article 119, UCMJ, Manslaughter. SPC [REDACTED] submitted a Chapter 10 request. That request was granted on 12 November 2003. SPC [REDACTED] had no specialized training in handling detainees.

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In addition to the investigations currently being conducted by CID, there have been a number of investigations conducted at the unit level. These investigations involve incidents generally occurring outside a detention facility and may involve allegations of abuse during the original detaining, capture, or the transport of detainees to a detention facility. Unit investigations may be conducted as AR 15-6 investigations, commander's inquiries, or other informal investigations. Units in Iraq are tracking or monitoring sixteen such investigations.

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(b)(5)-1  
(b)(5)-3

Class ID	Inv Agency	Type	Unit/Place	Date Occurrence	Date Reported	First By	Closed or Open	Status	Note	DE/YN	Comp
0059-04-CID389	CID	Assault	Bagram DF	1-Jan-02	20-May-04	Def counsel	Closed			Y	
0114-02-CID389	CID	Death	Afghanistan	28-Aug-02	25-Sep-02	MI SSG	Closed			N	
0072-04-CID369	CID	Assault	Kandahar	7-Sep-02	18-Jun-04	Medic	Closed				
0153-04-CID146	CID	Assault	(b)(3)-1 / (b)(2)-2	7-Oct-02	2-Aug-04	Civilian	Open			N	
0061-04-CID369	CID	Assault	Peshawar	1-Dec-02	24-May-04	Detainee	Closed			Y	
0134-02-CID369	CID	Death	Bagram DF	4-Dec-02		MP	Open			Y	ACUSAR
0137-02-CID369	CID	Death	Bagram DF	10-Dec-02		MP	Open			Y	ACUSAR
0062-04-CID369	CID	Assault	Gardez, AF	1-Feb-03	24-May-04	CJTF-180	Closed			Y	
0147-04-CID013	CID	Assault	(b)(3)-1 / (b)(2)-2	1-Mar-03	12-Jul-04	Playboy Magazine	Closed			N	
0114-04-CID083	CID	Sexual Assault	(b)(3)-1 / (b)(2)-2	19-Mar-03	14-Jun-04	MCI(O)SI	Open			N	
0397-04-CID023	CID	Assault	(b)(3)-1 / (b)(2)-2	1-Apr-03	2-Jun-04	Soldier	Open				
(b)(5)-1 / (b)(5)-3	Unit	Assault	Unknown (Iraq)	1-Apr-03		SJA	Closed			N	USAR
0087-04-CID519	CID	Assault	Camp Bucca	9-Apr-03	17-Jun-04	Detainee	Open				
0125-03-CID469	CID	Theft	(b)(5)-1 / (b)(2)-2	10-Apr-03		Soldier	Open			N	
0199-03-CID469	CID	Assault	(b)(3)-1 / (b)(2)-2	15-Apr-03		Soldier	Open			Y	ARNG
0095-03-CID259	CID	Death	Camp Bucca	18-Apr-03	18-Apr-03	CJTF-7	Closed			Y	
0055-03-CID349	CID	Theft	(b)(3)-1 / (b)(2)-2	22-Apr-03	20-May-03	3 ID TOC	Closed			N	
0048-03-CID349	CID	Theft	(b)(3)-1 / (b)(2)-2	27-Apr-03	1-May-03	MP	Closed			N	
0074-04-CID342	CID	Assault	Unknown	1-May-03	9-Jul-04	Soldier	Open				
0121-04-CID469	CID	Assault	(b)(3)-1 / (b)(2)-2	9-May-03	10-Jun-04	Victim	Closed			Y	
0031-03-CID519	CID	Assault	Camp Bucca	12-May-03	14-May-03	MP	Closed			Y	USAR
0033-03-CID519	CID	Assault	Camp Bucca	12-May-03	14-May-03	MP	Closed			Y	

Red = Cases Open 180+ Days  
 Blue = CID Case  
 Green = Closed  
 Light Blue = CM Results  
 Light Yellow = Disposition Taken

(KX10) / (KX19) (KX13)

Case ID	Inv Agency	Type	Unit/Place	Date Occurrence	Date Reported	Rm by	Closed or Open	Status	Notes	DF	Y/N	Comp
23	0050-03-CID349	Theft	(b)(6) / (b)(7)(C)	13-May-03	14-May-03	MP	Closed	[Redacted]	[Redacted]	N		
24	0124-03-CID469	Theft	(b)(6) / (b)(7)(C)	25-May-03	24-Aug-03	Soldier	Closed	[Redacted]	[Redacted]	N		
25	0010-03-CID899	Theft	(b)(6) / (b)(7)(C)	25-May-03	2-Jun-03	SJA	Closed	[Redacted]	[Redacted]	N		NG
26	0046-03-CID349	Theft	Unknown (Iraq)	28-May-03	29-May-03	MP	Closed	[Redacted]	[Redacted]	N		
27	0049-03-CID469	Theft	(b)(6) / (b)(7)(C)	29-May-03	10-Jun-03	MP	Closed	[Redacted]	[Redacted]	N		
28	0049-03-CID999	Assault	Unknown (Iraq)	29-May-03	9-Jul-03	SJA	Closed	[Redacted]	[Redacted]	N		
29	0011-04-CID679	Theft	[Redacted]	1-Jun-03	12-Jan-04	SJA	Open	[Redacted]	[Redacted]	N		AC
30	0014-03-CID899	Theft	(b)(6) / (b)(7)(C)	4-Jun-03	[Redacted]	MP	Open	[Redacted]	[Redacted]	N		AC
31	0050-03-CID389	Theft	(b)(6) / (b)(7)(C)	6-Jun-03	10-Jun-03	SJA	Closed	[Redacted]	[Redacted]	N		AC
32	(b)(6) / (b)(7)(C)	Theft	(b)(6) / (b)(7)(C)	7-Jun-03	[Redacted]	[Redacted]	Closed	[Redacted]	[Redacted]	N		AC
33	0046-03-CID899	Assault	[Redacted]	11-Jun-03	29-Jun-03	SJA	Closed	[Redacted]	[Redacted]	N		
34	0071-04-CID065	Death	Camp Cropper	12-Jun-03	25-Jun-04	Taguba Report	Closed	[Redacted]	[Redacted]	Y		
35	0031-03-CID899	Death	Camp Cropper	13-Jun-03	[Redacted]	MI	Open	[Redacted]	[Redacted]	Y		
36	0374-04-CID093	Assault	(b)(6) / (b)(7)(C)	13-Jun-03	13-Jun-04	"Coop. Witness" Taguba Report	Open	[Redacted]	[Redacted]	N		
37	0145-04-CID146	Death	Camp Vigilant	13-Jun-03	12-Jul-04	Taguba Report	Open	[Redacted]	[Redacted]	Y		
38	0039-03-CID899	Assault	Unknown (Iraq)	20-Jun-03	24-Jun-03	CJTF-7	Closed	[Redacted]	[Redacted]	N		
39	0094-03-CID369	Death	Asadabad FB	21-Jun-03	26-May-04	MP	Closed	[Redacted]	[Redacted]	Y		
40	0041-03-CID899	Assault	Unknown (Iraq)	21-Jun-03	24-Jun-03	MP	Closed	[Redacted]	[Redacted]	N		
41	0038-03-CID899	Assault	(b)(6) / (b)(7)(C)	22-Jun-03	24-Jun-03	SJA	Closed	[Redacted]	[Redacted]	N		
42	0088-03-CID469	Theft	(b)(6) / (b)(7)(C)	30-Jun-03	25-Jul-03	SJA	Closed	[Redacted]	[Redacted]	N		
43	0260-04-CID023	Theft	(b)(6) / (b)(7)(C)	1-Jul-03	16-Jun-04	Tipline	Closed	[Redacted]	[Redacted]	Y		
44	(b)(6) / (b)(7)(C)	Assault	(b)(6) / (b)(7)(C)	1-Jul-03	[Redacted]	[Redacted]	Closed	[Redacted]	[Redacted]	N		AC
45	0048-03-CID899	Theft	Unknown (Iraq)	4-Jul-03	5-Jul-03	MP	Closed	[Redacted]	[Redacted]	N		

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Blue = CID Case  
Red = Cases Open 180+ Days  
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Light Blue = CM Results  
Light Yellow = Disposition Taken

(b)(6) / (b)(7)(C)

Case ID	Agency	Type	Unit/Place	Date Occurrence	Date Reported	Rpt by	Closed or Open	Status	Note	DF Y/N	Comp
26	CID	Assault	(b)(6) / (b)(7)(C)	5-Jul-03	15-Jul-04	SJA/Cdr	Open				
27	CID	Death	MP	12-Jul-03	5-Sep-03	MP	Closed			Y	
28	CID	Theft	(b)(6) / (b)(7)(C)	13-Jul-03	28-May-04	SJA	Open			N	
29	Unit	Assault	(b)(6) / (b)(7)(C)	13-Jul-03			Closed			N	AC
30	CID	Assault	(b)(6) / (b)(7)(C)	14-Jul-03	14-Jul-04	File review	Open			N	
31	CID	Assault	Unknown	21-Jul-03	10-Jun-04	NY Times	Open			Y	
32	CID	Theft	Unknown (Iraq)	23-Jul-03	4-Aug-03	Iraqi	Open			N	
33	CID	Assault	BIAP (b)(6) / (b)(7)(C)	24-Jul-03	2-Aug-04	MI Files	Open			N	
34	Unit	Assault	(b)(6) / (b)(7)(C)	25-Jul-03			Closed			N	USAR
35	CID	Sexual Assault	Navy SF	1-Aug-03	11-May-04	NY Times	Open			Y	
36	CID	Assault	(b)(6) / (b)(7)(C)	1-Aug-03	17-May-04	MP	Closed			Y	
37	Unit	Assault	(b)(6) / (b)(7)(C)	1-Aug-03		SJA	Closed			N	
38	Unit	Assault	CJSOTF units	1-Aug-03		ICRC	Closed			Y	AC
39	CID	Assault	(b)(6) / (b)(7)(C)	1-Aug-03	30-Jul-04	Soldier	Open			N	
40	Unit	Assault	(b)(6) / (b)(7)(C)	2-Aug-03			Closed			N	
41	CID	Death	Camp Cropper Baghdad Airport	3-Aug-03	3-Aug-03	MP	Closed			Y	
42	CID	Death	Abn Ghraib	7-Aug-03	24-May-04	AFIP	Closed			N	
43	CID	Death	Abn Ghraib	8-Aug-03	9-Aug-03	CJTF-7	Closed			Y	
44	CID	Death	Abu Ghraib	11-Aug-03	16-Aug-03	CJTF-7	Closed			Y	
45	CID	Sex assault	Unknown (Iraq)	11-Aug-03	5-May-04	MP	Closed			N	
46	CID	Death	Abu Ghraib	13-Aug-03	16-Aug-03	CJTF-7	Closed			Y	
47	Unit	Death	4th MP	19-Aug-03			Closed			N	
48	CID	Death	Abu Ghraib	20-Aug-03	21-Aug-03	MP	Closed			Y	
49	CID	Assault	FOB Gunner (b)(6) / (b)(7)(C)	20-Aug-03	20-Aug-03	SJA	Closed			Y	
50	CID	Death	(b)(6) / (b)(7)(C)	22-Aug-03	24-May-04	AFIP	Closed			Y	

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 Light Yellow = Disposition Taken

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(S)(S) / (S)(S) / (S)(S)

Case ID	Inv Agency	Type	Unit/Place	Date Occurrence	Date Reported	Report by	Closed for Open	Status	Notes	DF (Y/N)	Comp
0473-04-CID023	CID	Assault	(S)(S) / (S)(S) - a	23-Aug-03	24-Jun-04	Invest.					
0129-03-CID899	CID	Assault	(S)(S) / (S)(S) - a	31-Aug-03	17-Sep-03	MP				Y	
0117-03-CID899	CID	Assault	AMIC, Baghdad	1-Sep-03	8-Sep-03	SJA				Y	
0085-03-CID939	CID	Theft	Unknown (Iraq)	7-Sep-03	7-Sep-03	Iraqi				N	
0174-03-CID469	CID	Assault	Tikrit DF	8-Sep-03		SJA	Open			Y	
0149-03-CID469	CID	Death	FOB Packhorse	11-Sep-03	15-Sep-03	SJA				Y	
0174-04-CID259	CID	Death	Unknown	13-Sep-03	28-Jul-04	ICRC Report	Open			Y	
0278-03-CID519	CID	Assault	Camp Bucca	22-Sep-03		MP	Open			Y	
(S)(S) / (S)(S) - (S)(S) Unit		Assault	(S)(S) / (S)(S) - a	24-Sep-03						Y	
0003-04-CID149	CID	Assault	Abu Ghraib	1-Oct-03	13-Jan-04		Open			Y	USAR
0116-04-CID789	CID	Assault	BCCF (S)(S) / (S)(S) - a	1-Oct-03	19-Jul-04	Internet					
(S)(S) / (S)(S) Unit		Assault	(S)(S) / (S)(S) - a	1-Oct-03						N	AC
0188-04-CID259	CID	Assault	Camp Bucca	1-Oct-03	8-Jul-04	Time Magazine	Open			Y	
0132-04-CID259	CID	Sexual Assault	Abu Ghraib	3-Oct-03	28-May-04	Victim				Y	
0216-03-CID259	CID	Sex assault	Abu Ghraib	7-Oct-03	21-Oct-03	MP				Y	
0204-04-CID259	CID	Assault	BCCF (S)(S) / (S)(S) - a	7-Oct-03	6-Jun-04	USA Today	Open				
(S)(S) / (S)(S) Unit		Assault	(S)(S) / (S)(S) - a	15-Oct-03							
(S)(S) / (S)(S) Unit		Assault	(S)(S) / (S)(S) - a	25-Oct-03						Y	AC
0244-04-CID259	CID	Assault	BIAP	28-Oct-03	2-Aug-04	MI Files	Open			Y	AC
(S)(S) / (S)(S) Unit		Assault	(S)(S) / (S)(S) - a	1-Nov-03						Y	AC

Light Blue = CM Results  
Light Yellow = Disposition Taken

Red = Cases Open 180+ Days  
Green = Closed

(b)(5)-1 / (b)(5)-3

Case ID	Inv Agency	Type	Unit/Place	Date Occurrence	Date Reported	Ref by	Closed or Open	Status	Note	DFW/N	Comp
91	(b)(5) Unit	Assault	(b)(5)			ICRC	Open			Y	AC
92	0223-04-CID259	Assault	Karbala	1-Nov-03	19-Jul-04	Witness	Open				
93	0128-04-CID259	Death	Abu Ghraib	3-Nov-03	28-May-04	CJTF-7	Closed			Y	
94	0237-03-CID259	Death	Abu Ghraib	4-Nov-03		CJTF-7	Open			Y	
95	0174-03-CID369	Death	FOB Greshk	6-Nov-03		CJTF-180	Open			Y	
96	0260-03-CID259	Assault	Abu Ghraib	22-Nov-03	25-Nov-03	CJTF-7	Closed			Y	
97	(b)(5) Unit	Assault	4 ID	22-Nov-03		Unknown	Closed			N	
98	0264-03-CID259	Death	Abu Ghraib	24-Nov-03	2-Dec-03	CJTF-7	Closed			Y	
99	0027-03-CID679	Death	(b)(5)	26-Nov-03		MP	Open			Y	
100	0124-04-CID259	Assault	BCCF	29-Nov-03	29-May-04	NY Times	Closed				
101	0597-04-CID034	Death	Unknown	1-Dec-03	29-Jun-04	Doctor	Open			Y	
102	0197-03-CID899	Theft	Unknown	2-Dec-03	17-Dec-03	1st Bde, 11 D	Closed			N	
103	0140-03-CID389	Death	(b)(5)	9-Dec-03	9-Dec-03	MP	Closed			Y	
104	(b)(5) Unit	Assault	(b)(5)	10-Dec-03			Closed			Y	
105	0149-04-CID259	Assault	Unknown	15-Dec-03	3-Jun-04	Victim	Closed			Y	
106	(b)(5) Unit	Assault	(b)(5)	17-Dec-03			Closed			N	AC
107	0039-04-CID789	Assault	Abu Ghraib	18-Dec-03	20-May-04	504th MP	Open			Y	
108	0384-04-CID023	Assault	(b)(5)	21-Dec-03	1-Jun-04	OSD	Closed			Y	
109	0129-04-CID 259	Assault	Pulhwanja Palace	24-Dec-03	27-May-04	CJTF-7	Open			Y	
110	0029-04-CID789	Assault	Baghdad CE	29-Dec-03	9-May-04	MI	Open			N	
111	0006-04-CID259	Assault	(b)(5)	31-Dec-03	7-Jan-04	MP	Closed			N	AC
112	0034-04-CID352	Assault	(b)(5)	1-Jan-04	9-Jun-04	Soldier	Closed			Y	USAR

Blue = CID Case  
 Red = Cases Open 180+ Days  
 Green = Closed

Light Blue = CM Results  
 Light Yellow = Disposition Taken

11/11/04

(b)(5)(1) / (b)(5) - 3

Case ID	Inv Agency	Type	Unit/Place	Date Occurrence	Date Reported	Rep by	Closed or Open	Status	Note	DF	IN	Comp
0066-04-CID342	CID	Assault	Unknown	1-Jan-04	15-Jun-04	CID IG	Open					
0218-04-CID259	CID	Assault	BCCF	1-Jan-04	19-Jul-04	ICRC	Open					
0011-04-CID469	CID	Death	Samarra, Iraq	3-Jan-04	13-Jan-04	DODIG					N	
0007-04-CID259	CID	Death	Abu Ghraib	8-Jan-04	8-Jan-04	MP					Y	
0009-04-CID679	CID	Death	FOB Rifles	9-Jan-04	9-Jan-04	MP	Open				Y	
(b)(5) / (b)(5)	Unit	Assault		10-Jan-04		Reuters					N	AC
0078-04-CID369	CID	Assault		11-Jan-04	24-Jun-04	SJA						
0148-04-CID259	CID	Assault/Hobbe	Unknown	12-Jan-04	3-Jun-04	Victim	Open				Y	
0127-04-CID259	CID	Assault	Camp Cropper	13-Jan-04	27-May-04	CJTF-7	Open				Y	
0153-04-CID259	CID	Assault	BCCF	13-Jan-04	9-Jun-04	Victim	Open				Y	
0012-04-CID259	CID	Death	Abu Ghraib	16-Jan-04	16-Jan-04	MP					Y	
(b)(5) / (b)(5)	Unit	Assault		18-Jan-04							Y	AC
0271-04-CID014	CID	Death	Balad	18-Jan-04	23-Jun-04	SWS	Open					
0243-04-CID259	CID	Assault	Kilometer 22	19-Jan-04	2-Aug-04	MI Files	Open				Y	
0251-04-CID259	CID	Assault	Unknown	20-Jan-04	2-Aug-04	Victim	Open				Y	
0202-04-CID259	CID	Death	Camp Cropper	31-Jan-04	31-Jan-04	CJTF-7	Open				Y	
0068-04-CID389	CID	Assault	Mosul	1-Feb-04	29-May-04	CID IG	Open				N	
(b)(5) / (b)(5)	Unit	Assault		5-Feb-04		ICRC					Y	
0044-04-CID362	CID	Assault		5-Feb-04	12-Jul-04	Unit						
0025-04-CID469	CID	Death	Tikrit DF	8-Feb-04	8-Feb-04	MP					Y	
0247-04-CID259	CID	Assault	Unknown	before 17 Feb 04	2-Aug-04	MI Files	Open				Y	
0036-04-CID259	CID	Death	Abu Ghraib	19-Feb-04	20-Feb-04	CJTF-7					Y	

Blue = CID Case  
 Red = Cases Open 180+ Days  
 Green = Closed

Light Blue = CM Results  
 Light Yellow = Disposition Taken

000132



(b)(5)-1 / (b)(5)-3

Case ID	Inv Agency	Type	Unit/Place	Date Occurrence	Date Reported	Reported By	Closed or Open	Status	Notes	DF/W	Comp
135 0246-04-CID259	CID	Assault	Unknown	25-Feb-04	2-Aug-04	News Report	Open	[Redacted]	[Redacted]	N	
136 0245-04-CID259	CID	Assault	Unknown	26-Feb-04	2-Aug-04	MI Files	Open	[Redacted]	[Redacted]	Y	
137 0256-04-CID259	CID	Assault	Al Habbaniya	28-Feb-04	5-Aug-04	Victims	Open	[Redacted]	[Redacted]	Y	
138 0040-04-CID469	CID	Death	Unknown (Iraq)	28-Feb-04	28-Feb-04	SJA	Closed	[Redacted]	[Redacted]	N	
139 0098-04-CID369	CID	Assault	Jalalabad	1-Mar-04	4-Aug-04	ICRC Report	Open	[Redacted]	[Redacted]	Y	
140 [Redacted]	Unit	Assault	[Redacted]	2-Mar-04	[Redacted]	[Redacted]	Closed	[Redacted]	[Redacted]	Y	AC
141 [Redacted]	Unit	Assault	[Redacted]	4-Mar-04	[Redacted]	[Redacted]	Closed	[Redacted]	[Redacted]	Y	
142 0190-04-CID259	CID	Assault	BIAP	4-Mar-04	28-Jun-04	Detainee	Open	[Redacted]	[Redacted]	Y	
143 0050-04-CID259	CID	Death	Camp Cropper	7-Mar-04	8-Mar-04	MP	Closed	[Redacted]	[Redacted]	Y	
144 [Redacted]	Unit	Assault	[Redacted]	8-Mar-04	[Redacted]	Detainee	Closed	[Redacted]	[Redacted]	Y	
145 0180-04-CID259	CID	Assault	Unknown	8-Mar-04	22-Jun-04	Detainee	Open	[Redacted]	[Redacted]	Y	
146 0219-04-CID259	CID	Assault	BCCF	15-Mar-04	19-Jul-04	ICRC	Open	[Redacted]	[Redacted]	Y	
147 0004-04-CID789	CID	Death	Abu Ghraib	28-Mar-04	28-Mar-03	320th MP	Closed	[Redacted]	[Redacted]	Y	
148 0217-04-CID259	CID	Assault	BCCF	1-Apr-04	19-Jul-04	ICRC	Open	[Redacted]	[Redacted]	Y	
149 0046-04-CID369	CID	Death	LSA Diamondback	2-Apr-04	5-Apr-04	Mortuary Affairs	Closed	[Redacted]	[Redacted]	Y	
150 0142-04-CID259	CID	Assault	Unknown	2-Apr-04	2-Jun-04	Victim	Open	[Redacted]	[Redacted]	Y	
151 0225-04-CID259	CID	Assault	Unknown	4-Apr-04	19-Jul-04	Detainee	Open	[Redacted]	[Redacted]	Y	
152 0106-04-CID259	CID	Assault	Al-Azimiyah	4-Apr-04	12-May-04	MP	Closed	[Redacted]	[Redacted]	Y	
153 0117-04-CID259	CID	Assault	Camp Nama	6-Apr-04	20-May-04	Civ. Interrog.	Closed	[Redacted]	[Redacted]	Y	
154 0143-04-CID259	CID	Assault	CJ-SODF, BIAP	9-Apr-04	3-Jun-04	Victim	Closed	[Redacted]	[Redacted]	Y	
155 0068-04-CID469	CID	Death	Abu Ghraib	10-Apr-04	24-May-04	OAFME	Closed	[Redacted]	[Redacted]	Y	
156 0192-04-CID259	CID	Assault	Ramadi	10-Apr-04	28-Jun-04	Detainee	Open	[Redacted]	[Redacted]	Y	

8071

000133

Blue = CID Case  
Red = Cases Open 180+ Days  
Green = Closed

Light Blue = CM Restitits  
Light Yellow = Disposition Taken

(b)(5)-1 / (b)(5)-3

Case ID	JVA Agency	Type	Unit/Place	Date Occurrence	Date Reported	Priority	Class or Chain	Status	Note	DF	Y/N	Comp
157	CID	Death	Abu Ghanib	11-Apr-04	11-Apr-04	320th MP					Y	
158	CID	Assault	"Disco"	25-Apr-04	27-Jul-04	Victim	Open					
159	CID	Assault	Airbase H3	11-Apr-04	31-May-04	Victim	Open				Y	
160	CID	Assault	Baghdad	11-Apr-04	28-Jun-04	Detainee	Open				Y	
161	CID	Assault	Unknown	14-Apr-04	9-Aug-04	Detainee	Open				Y	
162	CID	Assault	Unknown	15-Apr-04	3-Jun-04	Victim					Y	
163	CID	Assault	Unknown	17-Apr-04	1-Jun-04	Victim					Y	
164	CID	Death	Camp Cropper	19-Apr-04	19-Apr-04	MP					Y	
165	CID	Assault		19-Apr-04								
166	Unit	Assault		21-Apr-04		Soldiers					N	NA
167	CID	Assault		23-Apr-04	14-May-04	CoS, IID					Y	
168	CID	Assault	Unknown	24-Apr-04	14-Jul-04	Dagbladet (Norway)	Open				N	
169	CID	Assault	Kherdilla	27-Apr-04	1-Jun-04	Victim	Open				Y	
170	CID	Assault	Unknown	27-Apr-04	2-Aug-04	Victim	Open				N	
171	CID	Assault	Unknown	29-Apr-04	9-Aug-04	Victim	Open					
172	CID	Assault	Unknown	1-May-04	1-Jun-04	Victim					Y	
173	CID	Sexual Assault	Camp Bucca	4-May-04	28-Jun-04	Detainee						
174	CID	Assault	Unknown	10-May-04	10-Aug-04	Victim	Open					
175	CID	Assault		7-May-04	9-May-04	1st Cav					N	
176	Unit	Assault	ODA	9-May-04		Detainee	Open					
177	CID	Death	Camp Ganci	11-May-04	11-May-04	MP					Y	
178	CID	Assault	Unknown	11-May-04	27-May-04	CJTF-7					Y	
179	CID	Theft	Talili	11-May-04	21-May-04	300th ASG					N	
180	CID	Assault	The Disco	12-May-04	2-Aug-04	Victim	Open				Y	

Blue = CID Case  
 Red = Cases Open 180+ Days  
 Green = Closed

Light Blue = CM Results  
 Light Yellow = Disposition Taken

8072

000134



(b)(3) - / (b)(3) - 3

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Case ID	In Agency	Unit/Phase	Date Occurrence	Date Reported	Remedy	Case Status	Note	DFY(N)	Comp
202-0224-04-CID259	CID	Unknown	20-Jun-04	19-Jul-04	Detainee	Open		Y	
203-0184-04-CID259	CID	BCCF		24-Jun-04	OSI	Open			
204-0127-04-CID469	CID	(b)(3) / (b)(2)			Prison	Closed			
205-0206-04-CID259	CID	MI BAT		8-Jul-04	File review	Open			
206-0210-04-CID259	CID	Unknown	Unknown	14-Jul-04	File review	Open		Y	
207-0123-04-CID259	CID	BCCF	Unknown	14-Jul-04	LA Times	Open			
208-0212-04-CID259	CID	Unknown	Unknown	15-Jul-04	File review	Open			
209-0213-04-CID259	CID	BIAP	Unknown	15-Jul-04	File review	Open			
210-0176-04-CID259	CID	Unknown	2-Jul-04	26-Jul-04	ICRC Report	Open		N	
211-0177-04-CID259	CID	Al-Baghadadi	Unknown	26-Jul-04	ICRC Report	Open		Y	
212-0175-04-CID259	CID	Unknown	Unknown	27-Jul-04	ICRC Report	Open		N	
213-0236-04-CID259	CID	BCCF	Unknown	29-Jul-04	MI Files	Closed		Y	
214-0237-04-CID259	CID	BCCF	Unknown	29-Jul-04	MI Files	Open		Y	
215-0239-04-CID259	CID	Camp Bucca	Unknown	30-Jul-04	MI Files	Open		Y	
216-0260-04-CID259	CID	Unknown	5-Jul-04	10-Aug-04	Victim	Open			
217-0234-04-CID259	CID	Unknown	13-Jul-04	2-Aug-04	MP	Closed		Y	
218-0249-04-CID259	CID	Taji	16-Jul-04	2-Aug-04	Victim	Open		Y	
219-0265-04-CID259	CID	Unknown	16-Jul-04	12-Aug-04	Victim	Open			
220-0258-04-CID259	CID	BCCF	2-Aug-04	10-Aug-04	Victim	Open			

Blue = CID Case  
 Red = Cases Open 180+ Days  
 Green = Closed

Light Blue = CIM Results  
 Light Yellow = Disposition Taken

8074

100130

(b)(5)(b)(5)-3

Case ID	Inv Agency	Type	Unimp/Place	Date Occurrence	Date Reported	Rpt by	Closed or Open	Status	DT / N	Contp
223 0263-04-CID259	CID	Assault	(b)(3)-1/(b)(2)-2	8-Aug-04	11-Aug-04	1st Cav SIR	Open	[REDACTED]		
223 0326-04-CID056	CID	Death	(b)(3)-1/(b)(2)-2	Unknown	12-Aug-04	Soldier	Open	[REDACTED]		
223 0099-04-CID389	CID	Assault	(b)(3)-1/(b)(2)-2	9-Aug-04	14-Aug-04	Victim	Open	[REDACTED]		
224 0139-04-CID789	CID	Death	(b)(3)-1/(b)(2)-2	18-Aug-04	18-Aug-04	MPs	Open	[REDACTED]		
225 0019-04-CID343	CID	Assault	SOF	Unknown	Unknown	CID liaison to SOF	Open	[REDACTED]		

8075

~~000137~~

Blue = CID Case  
 Red = Cases Open 180+ Days  
 Green = Closed

Light Blue = CM Results  
 Light Yellow = Disposition Taken

(b)(5)-1 / (b)(5)-3

(b)(5)-1 / (b)(2)

Case No.	Category	Location	Date	Offense	Offense Code	Offense Description	Offense Status	Offense Type	Offense Agency	Offense Agency Code	Offense Agency Name	Offense Agency Address	Offense Agency City	Offense Agency State	Offense Agency Zip	Offense Agency Phone	Offense Agency Fax	Offense Agency Email	Offense Agency Website	Offense Agency Other	
0059-04-CID369	Assault	Bagram DF	1-Jan-02	20-May-04	Def Counsel	Open															
0114-02-CID369	Death	Afghanistan	28-Aug-02	25-Sep-02	Mil SSG	Open															
0072-04-CID369	Assault	Kandahar	7-Sep-02	18-Jun-04	Medic	Open															
0061-04-CID369	Assault	Peshawar	1-Dec-02	24-May-04	Detainee	Open															
0134-02-CID369	Death	Bagram DF	4-Dec-02		MP	Open															
0137-02-CID369	Death	Bagram DF	10-Dec-02		MP	Open															
0062-04-CID369	Assault	Gardez, AF	1-Feb-03	24-May-04	CJTF-180	Open															
0114-04-CID083	Sexual Assault		1-Mar-03	14-Jun-04	MCIC-OSI	Open															
0397-04-CID023	Assault	Unknown (Iraq)	1-Apr-03	2-Jun-04	Soldier	Open															
0087-04-CID519	Assault	Camp Bucca	9-Apr-03	17-Jun-04	Detainee	Open															
0125-03-CID469	Theft		10-Apr-03	24-Aug-03	Soldier	Open															
0139-03-CID469	Assault		15-Apr-03		Soldier	Open															
0035-03-CID298	Death	Camp Bucca	18-Apr-03	18-Apr-03	CJTF-7	Open															
0055-03-CID349	Theft		22-Apr-03	20-May-03	3 ID TOC	Open															
0048-03-CID348	Theft		23-Apr-03	1-May-03	MP	Open															
0121-04-CID469	Assault		8-May-03	10-Jun-04	Victim	Open															
0031-03-CID519	Assault	Camp Bucca	12-May-03	14-May-03	MP	Open															
0039-03-CID519	Assault	Camp Bucca	12-May-03	14-May-03	MP	Open															
0060-03-CID349	Theft		13-May-03	14-May-03	MP	Open															
0124-03-CID469	Theft		25-May-03	24-Aug-03	Soldier	Open															
0010-03-CID699	Theft	Unknown	26-May-03	2-Jun-03	SJA	Open															
0048-03-CID349	Theft	(Iraq)	28-May-03	29-May-03	MP	Open															
0049-03-CID469	Theft	Unknown	28-May-03	10-Jun-03	MP	Open															
0049-03-CID699	Assault	(Iraq)	1-Jun-03	9-Jul-03	SJA	Open															
0011-04-CID679	Theft		16-Jun-03	12-Jan-04	SJA	Open															
0014-03-CID899	Theft		4-Jun-03		MP	Open															
0060-03-CID369	Theft		6-Jun-03	10-Jun-03	SJA	Open															
0046-03-CID899	Assault		11-Jun-03	29-Jun-03	SJA	Open															
0031-03-CID899	Death	Camp Cropper	13-Jun-03		M	Open															
0036-03-CID899	Assault	Unknown (Iraq)	20-Jun-03	24-Jun-03	CJTF-7	Open															
0084-03-CID369	Death	Assadabad FB	21-Jun-03	26-May-04	MP	Open															
0014-03-CID699	Assault	Unknown (Iraq)	21-Jun-03	24-Jun-03	MP	Open															

Blue = Open 180+ Days  
 Red = Open 90-180 Days  
 Green = Closed

Light Blue = CM Results  
 Light Yellow = Disposition Taken

700142

11/5/2004 (b)(5)(X)/(b)(5)-3

(b)(5)-1/(b)(2)

Case No.	In Cont.	Unit	Event	Date	Disposition	Remarks
33	0038-03-CID899	(b)(5)-1/(b)(2)	Assault	24-Jun-03	SJA	
34	0088-03-CID469	(b)(5)-1/(b)(2)	Theft	25-Jul-03	SJA	
35	0260-04-CID023	(b)(5)-1/(b)(2)	Theft	16-Jun-04	Timeline	Open
36	(b)(5)-1/(b)(2)	(b)(5)-1/(b)(2)	Assault	1-Jul-03		
37	0048-03-CID899	(b)(5)-1/(b)(2)	Theft	4-Jul-03	MP	
38	0014-03-CID819	(b)(5)-1/(b)(2)	Death	5-Sep-03	MP	
39	0082-03-CID469	(b)(5)-1/(b)(2)	Theft	28-May-04	SJA	Open
40	(b)(5)-1/(b)(2)	(b)(5)-1/(b)(2)	Assault	21-Jul-03		
41	0119-03-CID469	(b)(5)-1/(b)(2)	Assault	10-Jun-04	NY Times	Open
42	0074-03-CID899	(b)(5)-1/(b)(2)	Theft	4-Aug-03	(Iraq)	
43	(b)(5)-1/(b)(2)	(b)(5)-1/(b)(2)	Assault	123-Jul-03		
44	0050-04-CID369	(b)(5)-1/(b)(2)	Sexual Assault	11-May-04	NY Times	Open
45	0100-04-CID452	(b)(5)-1/(b)(2)	Assault	17-May-04	MP	Open
46	(b)(5)-1/(b)(2)	(b)(5)-1/(b)(2)	Assault	13-Aug-03	SJA	
47	(b)(5)-1/(b)(2)	(b)(5)-1/(b)(2)	Assault	2-Aug-03	ICRC	
48	0025-03-CID919	(b)(5)-1/(b)(2)	Death	3-Aug-03	MP	
49	0167-04-CID899	(b)(5)-1/(b)(2)	Death	24-May-04	AFIP	
50	0136-03-CID259	(b)(5)-1/(b)(2)	Death	9-Aug-03	CJTF-7	
51	0139-03-CID259	(b)(5)-1/(b)(2)	Death	18-Aug-03	CJTF-7	
52	0094-04-CID259	(b)(5)-1/(b)(2)	Sex assault	5-May-04	MP	Open
53	0140-03-CID259	(b)(5)-1/(b)(2)	Death	16-Aug-03	CJTF-7	
54	(b)(5)-1/(b)(2)	(b)(5)-1/(b)(2)	Assault	2-Aug-03		
55	0147-03-CID259	(b)(5)-1/(b)(2)	Death	21-Aug-03	MP	
56	0162-03-CID469	(b)(5)-1/(b)(2)	Assault	20-Aug-03	SJA	
57	0168-04-CID899	(b)(5)-1/(b)(2)	Death	24-May-04	AFIP	
58	0473-04-CID023	(b)(5)-1/(b)(2)	Assault	23-Aug-03	Invest.	Open
59	0128-03-CID899	(b)(5)-1/(b)(2)	Assault	17-Sep-03	MP	
60	0117-03-CID899	(b)(5)-1/(b)(2)	Assault	8-Sep-03	SJA	
61	0085-03-CID939	(b)(5)-1/(b)(2)	Theft	7-Sep-03	(Iraq)	
62	0174-03-CID469	(b)(5)-1/(b)(2)	Assault	6-Sep-03	SJA	Open
63	0149-03-CID469	(b)(5)-1/(b)(2)	Death	11-Sep-03	SJA	
64	0278-03-CID518	(b)(5)-1/(b)(2)	Assault	22-Sep-03	MP	
65	(b)(5)-1/(b)(2)	(b)(5)-1/(b)(2)	Assault	24-Sep-03		
66	0003-04-CID149	(b)(5)-1/(b)(2)	Assault	1-Oct-03	13-Jan-04	USAR
67	(b)(5)-1/(b)(2)	(b)(5)-1/(b)(2)	Assault	1-Oct-03		N AC

Blu =  
Red =  
Green =

Light Blue = CIV Results  
Light Yellow = Disposition Taken

000143

(b)(5)-1 / (b)(5)-3

(b)(5)-1 / (b)(5)-2

Case No.	Offense	Victim	Date	Location	Disposition	Notes
0132-04-CID259	Sexual Assault	Abu Ghraib	3-Oct-03		Open	
0216-03-CID259	Sex assault	Abu Ghraib	7-Oct-03		MP	
(b)(5)-1	Assault					
(b)(5)-1	Assault					
(b)(5)-1	Assault					
(b)(5)-1	Assault					
0128-04-CID259	Death	Abu Ghraib	3-Nov-03		Open	
0237-03-CID259	Death	Abu Ghraib	4-Nov-03		CJTF-7	
0174-03-CID369	Death	FOB Garstak	6-Nov-03		CJTF-7	
0280-03-CID259	Assault	Abu Ghraib	22-Nov-03		CJTF-7	
(b)(5)-1	Assault				Unknown	
0284-03-CID259	Death	Abu Ghraib	24-Nov-03		CJTF-7	
0027-03-CID679	Death		25-Nov-03		MP	
0124-04-CID259	Assault	8CCF	29-Nov-03		NY Times	
0537-04-CID034	Death	Unknown	1-Dec-03		Victim	
0197-03-CID699	Theft	Unknown	2-Dec-03		181806,11	
0140-03-CID389	Death		8-Dec-03		D	
(b)(5)-1	Assault				MP	
0149-04-CID288	Assault	Unknown	15-Dec-03		Victim	
(b)(5)-1	Assault				Open	
0039-04-CID789	Assault	Abu Ghraib	18-Dec-03		504th MP	
0384-04-CID023	Assault		21-Dec-03		OSD	
0129-04-CID 259	Assault	Ruhwalia	24-Dec-03		CJTF-7	
0029-04-CID789	Assault	Beqoded CFF	29-Dec-03		MI	
0006-04-CID259	Assault		31-Dec-03		MP	
0034-04-CID352	Assault		7-Jan-04		Soldier	
0066-04-CID042	Assault	Unknown	1-Jan-04		CID IG	
0011-04-CID489	Death	Samira Jag	3-Jan-04		DODIG	
0007-04-CID268	Death	Abu Ghraib	8-Jan-04		MP	
0099-04-CID679	Death	FOB Allies	9-Jan-04		MP	
(b)(5)-1	Assault				Reuters	
0021-07-04-CID369	Assault		10-Jan-04		SJA	
0148-04-CID259	Assault	Unknown	12-Jan-04		Victim	
0127-04-CID259	Assault	Camp Cropper	13-Jan-04		CJTF-7	
0153-04-CID259	Assault	8CCF	13-Jan-04		Victim	
0012-04-CID259	Death	Abu Ghraib	16-Jan-04		MP	
(b)(5)-1	Assault					

Blue pen 180+ Days  
Red pen 90-180 Days  
Green pen 30-90 Days

Light Blue = CM Results  
Light Yellow = Disposition Taken

000144



(b)(5)-1 / (b)(5)-3

Preparer 1/5/2004

(b)(5)-1 / (b)(5)-3

Case No.	Event	Date	Location	Offense	Victim	Perpetrator	Case Status	Other
0040-04-CID789	Death	18-Jan-04	Beitad	SWS			Open	
0020-04-CID259	Death	31-Jan-04	Camp Cropper	CJTF-7			Open	Y
0068-04-CID389	Assault	1-Feb-04	Mosul	CID IG			Open	Y
0025-04-CID469	Death	7-Feb-04	Tkiff DF	MP			Open	Y
0036-04-CID259	Death	19-Feb-04	Abu Ghraib	CJTF-7			Open	Y
0000-04-CID469	Death	28-Feb-04	Unknown	SJA			Open	N
0019-04-CID259	Assault	2-Mar-04	Unknown				Open	Y AC
0190-04-CID259	Assault	4-Mar-04	BIAP	Detainee			Open	Y
0050-04-CID259	Death	7-Mar-04	Camp Cropper	MP			Open	Y
0180-04-CID259	Assault	8-Mar-04	Unknown	Detainee			Open	Y
0004-04-CID789	Death	28-Mar-04	Abu Ghraib	320th MP			Open	Y
0046-04-CID389	Death	2-Apr-04	Diamondback	Victim			Open	Y
0142-04-CID259	Assault	2-Apr-04	Unknown	Victim			Open	Y
0106-04-CID259	Assault	4-Apr-04	Al-Azmiyah	MP			Open	Y
0117-04-CID259	Assault	6-Apr-04	Camp Nama	Civ.			Open	Y
0143-04-CID259	Assault	9-Apr-04	CJ-SQDF	Interrog.			Open	Y
0066-04-CID469	Death	10-Apr-04	Abu Ghraib	Victim			Open	Y
0192-04-CID259	Assault	10-Apr-04	Ramadi	Detainee			Open	Y
0013-04-CID789	Death	11-Apr-04	Abu Ghraib	320th MP			Open	Y
0165-04-CID919	Assault	11-Apr-04	Airbase H3	Victim			Open	Y
0191-04-CID259	Assault	11-Apr-04	Baghdad	Detainee			Open	Y
0147-04-CID259	Assault	15-Apr-04	Unknown	Victim			Open	Y
0138-04-CID259	Assault	17-Apr-04	Unknown	Victim			Open	Y
0018-04-CID789	Death	19-Apr-04	Camp Cropper	MP			Open	Y
0152-04-CID899	Assault	21-Apr-04	Unknown	Soldiers			Open	N NA
0139-04-CID259	Assault	27-Apr-04	Khazalla	CoS, I/D			Open	Y
0140-04-CID259	Assault	1-Jun-04	Telish House	Victim			Open	Y
0188-04-CID259	Sexual Assault	4-May-04	Camp Bucca	Victim			Open	Y
0137-04-CID899	Assault	9-May-04	Unknown	1st Cav			Open	N
0032-04-CID789	Assault	9-May-04	ODA	Detainee			Open	Y
0131-04-CID259	Death	11-May-04	Camp Ganci	MP			Open	Y
0044-04-CID939	Assault	11-May-04	Unknown	CJTF-7			Open	Y
0044-04-CID939	Theft	11-May-04	Talib	ASG			Open	N

Light Yellow U 2M Results  
siton Taken

8079

000145

(b)(5)-1 / (b)(5)-3

(b)(5)-1 / (b)(5)

Case ID	Category	Location	Date	Status	Notes	Disposition	Remarks	Other	Final
101	CID	Afghanistan	14-May-04	28-May-04	CJTF-76	Open			
157	CID	Baghdad	17-May-04	18-Jun-04	5th SFG	Open			
335	CID	Baghdad CFF	19-May-04	19-May-04	MP	Open			
136	CID	Unknown	21-May-04	25-May-04	IAD	Open			
137	CID	Unknown	22-May-04	22-May-04	MP	Open			
331	CID	Remadi	30-May-04	28-Jun-04	Detainee	Open			
138	CID	Unknown	2-Jun-04	14-Jun-04	Victim	Open			
139	CID	Camp Bucca	3-Jun-04	9-Jun-04	Soldier	Open			
140	Unit		3-Jun-04	3-Jun-04	30th BCT	Open			
155	CID	Alliata	3-Jun-04	22-Jun-04	Detainee	Open			
151	CID	BCCF	10-Jun-04	10-Jun-04	MP	Open			
152	CID	Baghdad	12-Jun-04		Detainee	Open			
148	CID	BCCF	14-Jun-04	14-Jun-04	MP	Open			
153	CID	Redwadya	15-Jun-04	28-Jun-04	Detainee	Open			
160	CID	BCCF	24-Jun-04	24-Jun-04	OSI	Open			
161	CID	Assault	24-Jun-04	24-Jun-04	Prison	Open			

8080

000146

(b)(5)-1 / (b)(5)-3

(b)(5)-1 / (b)(5)-3

(b)(5)-1 / (b)(5)-3

Case ID	Inv by Unit	CMCA Type	Unit/Place	Date of Incident	Date Reported	SUBJECT	Comp USAR	Invest Status	Disposition	Status / Disposition	Note	DF Y/N
0005-04-CID146	CID	Assault	Abu Ghraib	02-Dec-03	1-2-03	[REDACTED]	USAR	Closed	[REDACTED]	[REDACTED]	[REDACTED]	Y
0006-04-CID1789	CID	Death	Abu Ghraib	28-Mar-04		[REDACTED]	AC	Closed	[REDACTED]	[REDACTED]	[REDACTED]	Y
0007-04-CID253	CID	Assault	[REDACTED]	19-Apr-04		[REDACTED]	NA	Closed	[REDACTED]	[REDACTED]	[REDACTED]	N
0008-04-CID253	CID	Assault	[REDACTED]	31-Dec-03		[REDACTED]	AG	Closed	[REDACTED]	[REDACTED]	[REDACTED]	N
0007-04-CID253	CID	Death	Abu Ghraib	8-Jan-04		[REDACTED]	USAR	Closed	[REDACTED]	[REDACTED]	[REDACTED]	Y
0007-04-CID253	CID	Assault	[REDACTED]	1-Aug-03		[REDACTED]	AC	Closed	[REDACTED]	[REDACTED]	[REDACTED]	N
0009-04-CID379	CID	Death	FOB Riffes	9-Jun-04		[REDACTED]	AC	Closed	[REDACTED]	[REDACTED]	[REDACTED]	N
0010-04-CID885	CID	Thrift	[REDACTED]	25-Oct-03		[REDACTED]	AG	Closed	[REDACTED]	[REDACTED]	[REDACTED]	Y
0011-04-CID885	CID	Assault	[REDACTED]	28-Mar-03		[REDACTED]	AG	Closed	[REDACTED]	[REDACTED]	[REDACTED]	Y
0012-04-CID885	CID	Assault	[REDACTED]	1-Jul-03		[REDACTED]	AC	Closed	[REDACTED]	[REDACTED]	[REDACTED]	N
0013-04-CID885	CID	Death	Samarra, Iraq	3-Jan-04		[REDACTED]	AC	Open	[REDACTED]	[REDACTED]	[REDACTED]	N
0014-04-CID885	CID	Thrift	[REDACTED]	1-Jun-03		[REDACTED]	AC	Closed	[REDACTED]	[REDACTED]	[REDACTED]	N
0015-04-CID885	CID	Assault	[REDACTED]	1-Nov-03		[REDACTED]	AC	Closed	[REDACTED]	[REDACTED]	[REDACTED]	Y
0016-04-CID885	CID	Death	Abu Ghraib	18-Jun-04		[REDACTED]	AC	Closed	[REDACTED]	[REDACTED]	[REDACTED]	Y
0017-04-CID885	CID	Death	Abu Ghraib	11-Apr-04		[REDACTED]	AC	Closed	[REDACTED]	[REDACTED]	[REDACTED]	Y
0018-04-CID885	CID	Assault	[REDACTED]	13-Jul-03		[REDACTED]	AC	Closed	[REDACTED]	[REDACTED]	[REDACTED]	N
0019-04-CID885	CID	Thrift	[REDACTED]	4-Jun-03		[REDACTED]	AC	Closed	[REDACTED]	[REDACTED]	[REDACTED]	N
0020-04-CID885	CID	Death	[REDACTED]	12-Jul-03		[REDACTED]	AC	Closed	[REDACTED]	[REDACTED]	[REDACTED]	Y
0021-04-CID885	CID	Assault	[REDACTED]	22-Nov-03		[REDACTED]	AC	Closed	[REDACTED]	[REDACTED]	[REDACTED]	N
0022-04-CID885	CID	Death	Camp Cropper	15-Oct-03		[REDACTED]	AC	Closed	[REDACTED]	[REDACTED]	[REDACTED]	Y
0023-04-CID885	CID	Assault	[REDACTED]	19-Apr-04		[REDACTED]	AC	Closed	[REDACTED]	[REDACTED]	[REDACTED]	Y
0024-04-CID885	CID	Assault	[REDACTED]	24-Sep-03		[REDACTED]	AC	Closed	[REDACTED]	[REDACTED]	[REDACTED]	Y
0025-04-CID885	CID	Assault	[REDACTED]	2-Aug-03		[REDACTED]	AC	Closed	[REDACTED]	[REDACTED]	[REDACTED]	N
0026-04-CID885	CID	Assault	[REDACTED]	18-Jan-04		[REDACTED]	AC	Closed	[REDACTED]	[REDACTED]	[REDACTED]	Y
0027-04-CID885	CID	Assault	[REDACTED]	10-Dec-03		[REDACTED]	AC	Closed	[REDACTED]	[REDACTED]	[REDACTED]	Y
0028-04-CID885	CID	Death	Camp Cropper	28-Jan-04		[REDACTED]	AC	Open	[REDACTED]	[REDACTED]	[REDACTED]	N
0029-04-CID885	CID	Death	Camp Cropper	7-Jan-03		[REDACTED]	AC	Closed	[REDACTED]	[REDACTED]	[REDACTED]	Y
0030-04-CID885	CID	Assault	[REDACTED]	1-Aug-03		[REDACTED]	AC	Closed	[REDACTED]	[REDACTED]	[REDACTED]	Y
0031-04-CID885	CID	Assault	[REDACTED]	392 1 Nov 03		[REDACTED]	AC	Open	[REDACTED]	[REDACTED]	[REDACTED]	Y
0032-04-CID885	CID	Assault	[REDACTED]	10-Jan-04		[REDACTED]	AC	Closed	[REDACTED]	[REDACTED]	[REDACTED]	N
0033-04-CID885	CID	Death	Camp Cropper	3-Aug-03		[REDACTED]	AC	Closed	[REDACTED]	[REDACTED]	[REDACTED]	Y
0034-04-CID885	CID	Death	[REDACTED]	2-Feb-04		[REDACTED]	AC	Closed	[REDACTED]	[REDACTED]	[REDACTED]	Y
0035-04-CID885	CID	Assault	[REDACTED]	21-Dec-03		[REDACTED]	AC	Open	[REDACTED]	[REDACTED]	[REDACTED]	Y
0036-04-CID885	CID	Assault	[REDACTED]	3-Mar-03		[REDACTED]	AC	Closed	[REDACTED]	[REDACTED]	[REDACTED]	Y
0037-04-CID885	CID	Assault	[REDACTED]	22-Apr-04		[REDACTED]	AC	Closed	[REDACTED]	[REDACTED]	[REDACTED]	Y
0038-04-CID885	CID	Assault	[REDACTED]	26-Nov-03		[REDACTED]	AC	Open	[REDACTED]	[REDACTED]	[REDACTED]	Y
0039-04-CID885	CID	Assault	[REDACTED]	4-Jan-04		[REDACTED]	AC	Open	[REDACTED]	[REDACTED]	[REDACTED]	N
0040-04-CID885	CID	Assault	[REDACTED]	12-May-03		[REDACTED]	AC	Closed	[REDACTED]	[REDACTED]	[REDACTED]	Y
0041-04-CID885	CID	Death	Camp Bucca	13-Jun-03		[REDACTED]	AC	Closed	[REDACTED]	[REDACTED]	[REDACTED]	Y
0042-04-CID885	CID	Death	Camp Bucca	12-May-03		[REDACTED]	AC	Closed	[REDACTED]	[REDACTED]	[REDACTED]	Y
0043-04-CID885	CID	Death	Camp Bucca	11-May-04		[REDACTED]	AC	Closed	[REDACTED]	[REDACTED]	[REDACTED]	Y
0044-04-CID885	CID	Death	Camp Bucca	18-Apr-03		[REDACTED]	AC	Closed	[REDACTED]	[REDACTED]	[REDACTED]	Y
0045-04-CID885	CID	Death	Abu Ghraib	18-Feb-04		[REDACTED]	AC	Closed	[REDACTED]	[REDACTED]	[REDACTED]	Y



(b)(5)-1 / (b)(5)-3

(b)(3)-1 / (b)(2)-2

Case ID	Inv by	GC/MCA	Type	Unit/Place	Date	SUBJECT	Comp	Status	Y/N
0174-03-CID383	CID		Death	EOB Baseahk	6-Nov-03			Open	Y
0174-03-CID388	CID		Assault	Thirt Di	8-Sep-03			Closed	Y
0187-03-CID389	CID		Threat	Umrihan (Iraq)	2-Sep-03			Closed	N
0216-03-CID255	CID		Sex assault	Abu Ghraib	2-Dec-03			Closed	Y
0235-03-CID259	CID		Death	Abu Ghraib	3-Nov-03			Closed	Y
0237-03-CID259	CID		Death	Abu Ghraib	4-Nov-03			Open	Y
0260-03-CID259	CID		Assault	Abu Ghraib	25-Nov-03			Closed	Y
0264-03-CID259	CID		Death	Abu Ghraib	24-Nov-03			Closed	Y
0278-03-CID518	CID		Assault	Camp Bucca	22-Sep-03			Closed	Y
0072-04-CID389	CID		Assault	Kandahar	7-Sep-02	18-Jun-04		Closed	N
0159-04-CID389	CID		Assault		7-Oct-02	8-Aug-04		Open	N
0147-04-CID013	CID		Assault		1-Mar-03	12-Jul-04		Closed	N
0114-04-CID383	CID		Sex assault		19-Mar-03	14-Jun-04		Open	N
0397-04-CID023	CID		Assault		1-Apr-03	2-Jun-04		Open	N
TOTALS									
Case ID	Inv by	GC/MCA	Type	Unit/Place	Date	SUBJECT	Comp	Status	Y/N
0097-04-CID518									
<p>Note: The following two cases are duplicates of CID cases:</p> <ul style="list-style-type: none"> <li>0001D CID/Unit</li> <li>0002D CID/Unit</li> <li>0003D CID/Unit</li> </ul>									
0021U	Unit		Death	4th MP	19-Aug-03				N

(b)(6)(s)/(b)(7)(c)-5

(UNCLASSIFIED)

EXECUTIVE SUMMARY

(U) ARMY COURT-MARTIAL COMPLETED IN CASE OF PFC [REDACTED]

(b)(6)-5/  
(b)(7)(c)-5

[REDACTED] (DAJA-CL). On 5 August, following a two-day contested General Court-Martial convened by the Commander, 1<sup>st</sup> Infantry Division, a court-martial panel consisting of five officer and five enlisted members convicted PFC [REDACTED] of voluntary manslaughter. [REDACTED] was charged with the unpremeditated murder of an Iraqi detainee who was apprehended and flex-cuffed by unit personnel following a cordon and search operation on 28 Feb 04, vicinity Taal Al Jal, Iraq. [REDACTED] was assigned to [REDACTED], 25<sup>th</sup> ID at the time. The panel found

(b)(6)-5/  
(b)(7)(c)-5

[REDACTED] not guilty of murder, but guilty of the lesser-included offense of voluntary manslaughter and sentenced him to a dishonorable discharge, forfeiture of all pay and allowance, reduction to Private (E-1), and three years confinement. The Commander, 1<sup>st</sup> Infantry Division must review the case and sentence, and, if approved, the Army Court of Criminal Appeals will review the case on appeal. This case is the first tried involving the alleged murder of an Iraqi detainee, but has not received extensive media coverage, as it does not involve misconduct inside a detention facility. There is Army Times media interest. (U) PREPARE MEMO \_\_\_\_\_.

b)(3)-1

(b)(6)-5/  
(b)(7)(c)-5

(b)(6)-2/(b)(2)

[REDACTED]

Approved by BG Wright

(UNCLASSIFIED)

BATES PAGE 8085

(EXSUM Related to the Death of MG Mowhoush)

HAS BEEN WITHHELD PURSUANT TO FOIA  
EXEMPTION b7(A)

## EXECUTIVE SUMMARY

**FORT CARSON DETAINEE DEATH CASE.** A 14 July article published in the Colorado Springs Gazette reported that Representative Joel Hefly (D- CO) announced that he would call for Congressional hearings on the command disposition of a case involving the death of an Iraqi detainee. The Soldiers involved are stationed at Fort Carson. Officers in the case have been punished nonjudicially while the enlisted Soldiers involved are facing possible court-martial. To date, the case has been active only in the Fort Carson, CO media. The OCPA posture is to refrain from aggressive engagement with the media on the issue. OCLL and OTJAG agree with this assessment. OCLL will continue to coordinate with Rep. Hefley's office. If required, TJAG or TAJAG have agreed to meet personally with Rep. Hefley to discuss the issue.



Information Paper

4 December 2003

SUBJECT: Charges Pending for Abuse of Iraqi Detainees

1. Purpose: To respond to a VCSA tasker requesting an update on UCMJ charges arising from two separate allegations of abuse of Iraqi detainees, one involving LTC [REDACTED] and four soldiers under his command and a second involving the 320<sup>th</sup> MP Battalion. (b)(6)-5/(b)(7)(C)-5

2. Information:

a. LTC [REDACTED] Case. (b)(6)-5/(b)(7)(C)-5

(1) On 6 Oct 03, LTC [REDACTED] was charged with three specifications of assault (pointing the loaded pistol at a detainee, striking the detainee, and firing the pistol near the detainee's head) and communicating a threat (threatening to kill the detainee). These allegations arose from an interrogation of an Iraqi detainee by LTC [REDACTED] and four Soldiers under his command. An Article 32 investigation was directed by the Commander, [REDACTED], on the charges and the hearing was completed on 19 Nov 03. The Investigating Officer is expected to submit his findings and recommendations not earlier than 5 Dec 03. The investigating officer's recommendations may range from dismissing or disposing of the charges at a lower level (e.g., an Article 15) up to referring the charges to a general court-martial. (b)(3)-1

(2) The four other soldiers allegedly involved in the incident (a SFC, a SSG, a SPC, and a PFC) received field grade Article 15s.

(3) At the time of this incident, LTC [REDACTED] was the commander of the 2-20 FA. Following the incident, LTC [REDACTED] chain of command administratively reassigned LTC [REDACTED] to the [REDACTED]. (b)(6)-5/(b)(7)(C)-5

(4) On 3 Nov 03, LTC [REDACTED] submitted a request to retire. No action on that request has been taken pending receipt of the Article 32 Investigating Officer's report. (b)(3)-1

b. 320<sup>th</sup> MP Battalion Case. (b)(6)(S)/(b)(7)(C)-5

(1) On 03, charges were preferred against four USAR soldiers assigned to the 320<sup>th</sup> MP Battalion arising from allegations that they assaulted an Iraqi detainee (three Soldiers allegedly held the detainee down while the fourth kicked him). The charges included assault and obstruction of justice. Following an Article 32 Investigation, the Commander, CFLCC, referred the charges to general courts-martial on 8 Nov 03. The soldiers were arraigned on 15 Nov 03.

(2) One soldier subsequently requested and received a Chapter 10 (In Lieu of Court-Martial) administrative discharge.

(3) Pre-trial motions in the remaining three trials were scheduled to be heard on 3 Jan 04.

The actual trials are currently scheduled for 21 Jan 04, 25 Jan 04, and 30 Jan 04, respectively. In any of these remaining cases, the accused may submit requests for alternate disposition to the convening authority, Commander, CFLCC, for consideration.

c. "Linkage" of the Two Incidents.

(1) Similarities. Both cases involve abuse of Iraqi detainees in the custody of Soldiers. The alleged abuse in each case was significant, but not of a nature to result in permanent injury. In both cases, the respective general courts-martial convening authorities (Commander, 4<sup>th</sup> ID and Commander, CFLCC) are experienced field commanders.

(2) Differences. In LTC [REDACTED] case, he essentially confessed to facts surrounding the assaults in a statement to CID. The only issue being raised by LTC [REDACTED] is whether his actions were justified by the circumstances (obtaining information critical to force protection). The four enlisted Soldiers involved with LTC [REDACTED] accepted Article 15 punishments for their involvement. In the case of the 320<sup>th</sup> MP Soldiers, the Soldiers involved were all MPs, trained in and entrusted with the care, custody, and safe transportation of detained persons. Unlike LTC [REDACTED], they have not admitted to facts surrounding the allegations, but rather are alleged to have lied about their actions and obstructed justice. If these allegations are true, the potential for these soldiers retaining their MOS would be minimal.

d. [REDACTED]

(1) [REDACTED]

(2) [REDACTED]

(b)(5)(D)  
(b)(5) =

[REDACTED]

Approved by: MG Marchand

(b)(6)-2  
(b)(2)

Information Paper

17 Nov 2003

(b)(6)-2/  
(b)(2)

SUBJECT: LTC [REDACTED] - (b)(6)-5

POINTS: (b)(6)-5

- LTC [REDACTED] was assigned as a Battalion Commander of 2-20 FA Battalion, 4<sup>th</sup> Infantry Division Field Artillery. While deployed to Iraq, allegations of wrongdoing arose involving LTC [REDACTED]. These allegations were investigated by the Army's Criminal Investigation Division (CID).
- As an administrative matter, the preliminary investigation was reviewed by the 4<sup>th</sup> Infantry Division Commander, MG Odierno, and the CJTF-7 Commander, LTG Sanchez to determine if LTC [REDACTED] should remain in command of 2-20 FA pending the conclusion of the investigation into the alleged misconduct and any matters that may arise from the investigation. It was the recommendation of the 4<sup>th</sup> ID Commander that LTC [REDACTED] should be removed from command. LTG Sanchez approved that recommendation. LTC [REDACTED] was then transferred to the [REDACTED].

(b)(6)-5/  
(b)(7)(C)-5

(b)(6)-5/  
(b)(7)(C)-5

(b)(3)-1

- In October, based on the information then available, charges were preferred against LTC [REDACTED] regarding three specifications of assault and one specification of threatening to kill an Iraqi detainee. The preferral of charges initiated a military justice process. The process is outlined in the Uniform Code of Military Justice, a federal statute passed by Congress. A pre-trial investigation will be conducted under Article 32, UCMJ, and will be open to members of the media and public. LTC [REDACTED] and his counsel will be able to call witnesses, cross-examine any accusers and present other evidence in the hearing. There is currently a delay in the hearing as LTC [REDACTED] counsel arrived in Iraq today.

(b)(6)-5/  
(b)(7)(C)-5

(b)(6)-5/  
(b)(7)(C)-5

(b)(3)-1

- The Article 32 Investigating officer, an officer senior in rank to LTC [REDACTED] will make a recommendation after hearing all the evidence, including facts in mitigation and extenuation. After reviewing the Investigating officer's report, the [REDACTED] can dismiss the charges, take alternate action, or recommend a court-martial to his next superior.
- A soldier involved in a court-martial process does not necessarily receive a court-martial. The process requires a thorough fact-finding investigation, input from the command and the soldier, and decision made by personnel in the process that guarantee the rights of soldiers while making certain that the right thing is done in the case of the particular soldier involved.

Information Paper

(b)(6)-2/  
(b)(2)  
[REDACTED]  
15 Sep 2003

**SUBJECT:** 320<sup>th</sup> MP Soldiers and Allegations of Maltreatment of EPWs

**POINTS:**

(b)(6)5/(b)(7)(C)-5

- On 13 July 2003, charges were preferred against four military policemen assigned to the 320<sup>th</sup> MP BN, in connection with the 12 May 2003 alleged maltreatment of seven (7) Iraqi enemy prisoners of war (EPWs) at Camp Bucca, Iraq. The charged soldiers (1SG [REDACTED], 1SG [REDACTED], SGT [REDACTED], and SFC [REDACTED]) were part of a detail assigned to transport prisoners from Talil Air Base, Iraq, to Camp Bucca. All are assigned to an MP battalion that is part of the 800<sup>th</sup> MP Bde, USAR.
- BG Karpinski, commander of the 800<sup>th</sup> MP Bde and the Special Court-Martial Convening Authority (SPCMCA), directed a joint Article 32 Investigation and appointed a senior military police officer, a LTC, to conduct it.
- The Article 32 investigation, open to the public, began on 27 August at Camp Bucca, Iraq, with all four accused and their counsel present. The investigating officer heard extensive testimony from both US military witnesses and EPW's. The Article 32 was recessed late in the evening of 29 July and reconvened at Camp Doha, Kuwait, the afternoon of 1 September to hear certain telephonic testimony, as well as the testimony of witnesses returning to Kuwait on Sunday, 31 August.
- The Article 32 Investigating Officer (IO) closed the hearing on 2 September 2003. The IO ordered a verbatim transcript of the entire proceedings, and the [REDACTED] (PVD) OSJA is currently transcribing the record requested. Once the transcript is completed, the IO will make his findings and recommendations, and it will be forwarded to the Special Court-Martial Convening Authority for review and action as appropriate.
- The preferral of charges against the four accused soldiers was made only after careful review of the criminal investigation. All appropriate actions have been taken to ensure the rights of the accused soldiers are safeguarded and that the alleged misconduct is investigated and processed IAW the UCMJ. It is improper and unlawful command influence for senior commanders or HQDA officials to interfere with the case.
- The accompanying enclosure gives more details about the alleged misconduct and the alleged injuries suffered by the detained EPWs.

Prepared by: [REDACTED]  
Approved by: BG Wright [REDACTED]

8090

(b)(6)-2  
[REDACTED]  
[REDACTED] 178

ENCLOSURE

- The collective Charge Sheets reflect allegations of abuse concerning seven (7) separate Iraqi EPWs:

(b)(6)(b)(7)(C)-4

(b)(6)-5 / (b)(7)(C)-5

○ [redacted] -- MSG [redacted] and SGT [redacted] are accused of kicking and striking the EPW in the groin, face, abdomen and head. SSG [redacted] and SFC [redacted] are accused of holding the EPW down, with his legs spread apart, encouraging the beating.

(b)(6)-5 / (b)(7)(C)-5

○ [redacted] -- MSG [redacted] and SSG [redacted] are accused of dragging the EPW across the ground by his armpits. MSG [redacted] also allegedly kicked and punched the EPW.

(b)(6)-5 / (b)(7)(C)-5

○ [redacted] -- SSG [redacted] is accused of throwing the EPW to the ground and striking him on the head and legs. MSG [redacted] allegedly kicked the EPW in the face and leg.

(b)(6)-5 / (b)(7)(C)-5

○ [redacted] -- SSG [redacted] is accused of throwing the EPW to the ground and stepped on his injured arm

(b)(6)-5 / (b)(7)(C)-5

(b)(6)(b)(7)(C)-4

○ [redacted] -- SFC [redacted] and SFC [redacted] are accused of twisting the EPW's previously injured arm.

(b)(6)-5 / (b)(7)(C)-5

○ [redacted] -- SFC [redacted] is accused of knocking the EPW to the ground, then dragging him across the ground with his (the EPW's) pants around his ankles.

(b)(6)-5 / (b)(7)(C)-5

○ Unknown Iraqi EPW -- SFC [redacted] is accused of kicking an unknown EPW in the thigh as he walked toward an in-processing tent, causing him to cry out in pain.

- The soldiers have been charged as follows:

(b)(6)-5 / (b)(7)(C)-5

○ In connection with the 12 May 2003 incidents, MSG [redacted] is charged with Assault (3 specifications); Cruelty and Maltreatment (3 specifications); and Failure to Obey Order or Regulation (2 specifications: dereliction of her duty to safeguard the prisoners, and negligent supervision of other soldiers who allegedly participated in the assaults). On 16 May 2003, MSG [redacted] allegedly gave a sworn statement to CID, in which she denied any participation in, or knowledge of, the assaults; she is charged with Making a False Official Statement. Also, MSG [redacted] is charged with attempting to impede the investigation (a violation of the General Article), in that she allegedly instructed a subordinate (who was also a potential witness and/or subject of the investigation) not to submit to a polygraph. MSG [redacted] is alleged to have told the subordinate, with a wink, that he "didn't see anything."

(b)(6)-5/  
(b)(7)(c)-5

- In connection with the 12 May 2003 incidents, **SSG [REDACTED]** is charged with Assault (5 specifications); Cruelty and Maltreatment (5 specifications); and Failure to Obey an Order or Regulation (dereliction of his duty to safeguard the prisoners). On 16 May 2003, **SSG [REDACTED]** gave a sworn statement to CID, in which he denied any participation in, or knowledge of, the assaults; he is charged with Making a False Official Statement.
- In connection with the 12 May 2003 incidents, **SGT [REDACTED]** is charged with Assault; Cruelty and Maltreatment; and Failure to an Obey Order or Regulation (dereliction of her duty to safeguard the prisoner).
- In connection with the 12 May 2003 incidents, **SFC [REDACTED]** is charged with Assault (4 specifications); Cruelty and Maltreatment (4 specifications); and Failure to Obey an Order or Regulation (dereliction of his duty to safeguard the prisoners). On 15 May 2003, **SFC [REDACTED]** gave a sworn statement to CID, in which he denied any participation in, or knowledge of, the assaults; he is charged with Making a False Official Statement.

Information Paper

4 December 2003

SUBJECT: Status of Charges Pending Against LTC [REDACTED]

1. Purpose: To provide information on the current status of criminal charges pending against LTC [REDACTED] arising from allegations that he assaulted and threatened an Iraqi detainee.

2. Information:

a. On 20 Aug 03 while interrogating an Iraqi detainee at the Gunner Collection Point in northern Iraq, LTC [REDACTED] allegedly assaulted and threatened the detainee if the detainee did not reveal information regarding an alleged plot to kill LTC [REDACTED] and others. During the interrogation process, LTC [REDACTED] allegedly pointed his pistol at and threatened to shoot the detainee. It is also alleged that LTC [REDACTED] subsequently took the detainee to a weapons clearing barrel, held the detainee's head inside the barrel, and fired two shots from his pistol into the barrel next to the detainee's head. LTC [REDACTED] and other soldiers at the scene also allegedly stuck the detainee. The incident was reported to CID on 19 Sep 03 and an investigation was initiated.

b. Based on that investigation, charges were preferred against LTC [REDACTED] on 6 Oct 03 for three specifications of assault (pointing the loaded pistol at the detainee, striking the detainee, and firing the pistol near the detainee's head) and communicating a threat (threatening to kill the detainee). An Article 32 investigation, required by the UCMJ in cases in which a commander is recommending a general court-martial, commenced on 18 Nov 03 and was completed on [or about] 19 Nov 03.

c. Following completion of the transcript of that hearing, the Article 32 investigating officer will submit his recommendation to the commander as to the disposition of the charges. The recommendation of the Investigating Officer has not yet been made. We are informed that it will not be made prior to Friday, 5 December. The investigating officer's recommendations may range from dismissing or disposing of the charges at a lower level (e.g., an Article 15) up to referring the charges to a general court-martial.

c. Four other soldiers allegedly involved in the incident (a SFC, a SSG, a SPC, and a PFC) received field grade Article 15s.

d. At the time of this incident, LTC [REDACTED] was the commander of the 2-20 FA. Following the incident, LTC [REDACTED] chain of command administratively reassigned LTC [REDACTED] to the [REDACTED]

e. On 3 Nov 03, LTC [REDACTED] submitted a request to retire. Because LTC [REDACTED] is currently "flagged," action on that request by LTC [REDACTED] chain of command is pending a determination on the disposition of the court-martial charges.

(b)(6)-5/  
(b)(7)(C)-5

3. Way Ahead.

a. After the Article 32 officer makes his recommendations, LTC [REDACTED] chain of command will make a determination as to the disposition of the charges. The chain of command is not bound by the recommendations of the Article 32 officer, but may take any action ranging from no action to referring the charges to a general court-martial. At any point in the process, LTC [REDACTED], through his defense counsel, may propose an alternate disposition of the charges (e.g., pleading guilty at an Article 32 proceeding). Any such proposal would be submitted to the appropriate commander for consideration.

b. HQDA officials should avoid making any comment about these charges while they are proceeding through the UCMJ process. Any substantive comment on the charges at this juncture risks the possibility of the comment being perceived as an attempt to improperly influence the process (commonly referred to as unlawful command influence).

c. If queried about these charges, HQDA officials should respond to the effect, "the charges are currently being processed in accordance with the UCMJ by experienced, senior field commanders; accordingly it is inappropriate for me to comment on them at this time."

d. Staffers for the HASC were informed at a 1300 meeting on 3 December of the current status of the LTC [REDACTED] case, as well as the 320<sup>th</sup> MP Cases by OCLL and OTJAG representatives.



**INFORMATION PAPER**

[REDACTED] (b)(6)-2/  
(b)(2)  
23 August 2004

**SUBJECT:** Allegations of Detainee Abuse in Iraq and Afghanistan

**1. Purpose.** To provide information on investigations into allegations of detainee abuse and/or death in Iraq and Afghanistan.

**2. Discussion:**

a. As of 23 August 2004, there were 225 allegations of detainee abuse that are being or have been investigated by CID or by units, 5 more investigations than reported last week.

	CID INVESTIGATIONS		CID TOTAL	Command Investigations	GRAND TOTAL
	DETENTION FACILITY	ELSEWHERE			
<b>TOTAL DETAINEE ABUSE CASES</b>	141	56	197	28	225*
<b>Detainee Death Investigations</b>	46	7	53		53
Death by Natural or Undetermined Causes	21	0	21		21
Justifiable Homicide	8	1	9		9
Homicide	2	3	5		5
Investigations Pending	15	3	18		18
<b>Other Detainee Abuse Investigations</b>	95	49	144	28	172
Sexual Assault	5	1	6		6
Assault	89	29	118		118
Robbery/Larceny	1	19	20		20
Command Investigations				28	28
<b>COMMAND DISPOSITION BY TYPE*</b>					112*
Court-Martial					45
Article 15					42
GOMOR					12
Administrative Separation					13

\*Note: Each case may involve multiple accused.

INFORMATION PAPER

SUBJECT: Allegations of Detainee Abuse in Iraq and Afghanistan

b. Command Dispositions: Of the 225 cases reported, 120 have been closed. Of the 225 cases, command disposition has been taken in 110 cases representing a completion rate of 49%. Of the 120 closed cases, command disposition has been taken in 98 cases representing a closure rate of 82%. For purposes of these statistics, "command disposition" includes those closed cases where no further action is required (e.g., death was determined to be due to natural causes), no further investigative leads can be pursued, administrative or judicial action has begun or has been completed in the case, or no action was taken by the command (e.g., no evidence to support the allegations, actions taken were justified, etc.).

CID Input By: [REDACTED]

SJA Input By: [REDACTED]

(b)(6)-1/(b)(2)

(b)(6)-2/(b)(2)

~~000196~~

3 August 2004

### INFORMATION PAPER

SUBJECT: Current Status of Courts-Martial: Samarra Bridge Incident

1. Purpose. To provide updated information on the courts-martial involving allegations of abuse against detainees near the Samarra Bridge in the Tigris River.

2. Background. This document outlines the current case status of the courts-martial of four soldiers including one officer, one noncommissioned officer, and two enlisted soldiers charged with abuse of detainees.

3. Summary.

(b)(3)-1  
a. Court-martial charges were preferred against four soldiers assigned to [REDACTED], 3<sup>rd</sup> Brigade, 4<sup>th</sup> Infantry Division at Ft. Carson, CO. The charges stem from an alleged incident where an Iraqi detainee drowned and another was assaulted vicinity the Tigris River on Jan. 3, 2004, in the city of Samarra, Iraq.

(b)(6)-5 / (b)(7)(C)-5  
b. First Lt. [REDACTED] and Sgt. 1<sup>st</sup> Class [REDACTED] were formally charged in June 2004 with manslaughter, assault, conspiracy, false statements and obstruction of justice.

(b)(6)-5 / (b)(7)(C)-5  
c. Sergeant [REDACTED] and Spec. [REDACTED] were charged June 28, 2004. [REDACTED] is charged with manslaughter and [REDACTED] is charged with assault. Both are also charged with making a false official statement.

(b)(6)-5 / (b)(7)(C)-5  
d. The Article 32 investigation for all of the soldiers except LT [REDACTED] was held last week at Fort Carson. 4th Infantry Division officials are currently waiting for the Article 32 Investigating Officer to complete his recommendation and report. LT [REDACTED]'s Article 32 Investigation is scheduled for 8 Sep 04 at Fort Hood, TX. LT [REDACTED] has retained Mr. [REDACTED] as his civilian defense counsel.

(b)(6)-4  
e. The 4<sup>th</sup> Infantry Division Commander is the General Court-Martial Convening Authority. The 4<sup>th</sup> Infantry Division Office of the Staff Judge Advocate is prosecuting all of the cases.

~~600197~~

2 August 2004

## INFORMATION PAPER

SUBJECT: Current Status of Courts-Martial: Detainee Abuse at Abu Gharib

1. Purpose. To provide updated information on the courts-martial involving allegations of military police's abuse against detainees in Abu Gharib Prison in Iraq.

2. Background. This document outlines the current case status of the courts-martial of seven military police charged abuse of detainees.

3. Summary.

a. Charges were preferred on 20 March 2004 against six reserve MP soldiers for detainee abuse at the Baghdad Central Confinement Facility at Abu Ghraib.

b. The charges include: (1) indecent acts for ordering detainees to publicly masturbate; (2) maltreatment of subordinates of non-physical abuse like ordering detainees into nude pyramids and taking pictures of the nude detainees; (3) battery for shoving and stepping on detainees; (4) dereliction of duty; and (5) conspiracy to maltreat subordinates.

c. Additionally, two NCOs were charged with aggravated assault for striking detainees with enough force to cause serious injury, and one soldier was charged with desecrating a corpse by taking pictures with two dead bodies.

d. The command sent a seventh soldier, PFC [REDACTED], to a Fort Bragg MP unit in the states for prosecution because she is pregnant.

(b)(6)S/(b)(7)(C)-5

e. Some of the abuse was photographed with digital cameras and saved on CDs. After obtaining consents to search the personal computers of soldiers at the confinement facility, CID found approximately 100 relevant photographs including (1) detainees being ordered to masturbate in front of guards and other detainees; (2) detainees being ordered to form nude human pyramids; (3) detainees being handcuffed to doors or bed frames; and (4) guards sitting or standing on detainees. CID also found short videos of detainees masturbating and being moved into the nude pyramids.

f. All soldiers are part of the 372d Military Police Company, a reserve unit based out of Cumberland, Maryland. The six soldiers charged in Iraq have been reassigned to [REDACTED] on Victory Base; the command plans to conduct these six courts-martial in Iraq. Two of the guards work as prison guards in their civilian capacities. Charges have been referred to trial in each court-martial except PFC [REDACTED]'s.

(b)(6)S/(b)(7)(C)-5

INFORMATION PAPER

SUBJECT: Current Status of Courts-Martial: Detainee Abuse at Abu Gharib

g. The current status of each court-martial is as follows:

1) U.S. v. SSG [REDACTED]. The accused retained Mr. [REDACTED], a civilian defense counsel. The convening authority referred charges to a General Court-Martial on 5 May 2004. SSG [REDACTED] was arraigned on 19 May 2004. A motions hearing is scheduled for 24-26 August 04 and a trial date is set for 12 Sep 04.

2) U.S. v. SGT [REDACTED]. The convening authority referred charges to a General Court-Martial on 28 April 2004. SGT [REDACTED] was arraigned on 19 May 2004. A motions hearing is scheduled for 24-26 August 04. No trial date has been set.

3) U.S. v. SPC [REDACTED]. The Accused retained civilian defense counsel. The convening authority referred charges to a General Court-Martial. A motions hearing is schedule for 24-26 August 04. No trial date has been set.

4) U.S. v. SPC [REDACTED]. The convening authority referred charges to a General Court-Martial on 14 May 2004. SPC [REDACTED] was arraigned on 19 May 2004. A motions hearing is schedule for 24-26 August 2004. No trial date has been set.

5) U.S. v. SPC [REDACTED]. The accused retained Mr. [REDACTED], a civilian defense counsel. The accused also released her detailed defense counsel. The convening authority referred charges to a General Court-Martial.

6) U.S. v. SPC [REDACTED]

Pretrial Actions. The Article 32 hearing was initially delayed by defense until 21 April 2004. Subsequent to the delay request, the accused released his detailed defense counsel. The accused was detailed new defense counsel on 19 April 2004. The defense requested a second delay in the Article 32 hearing. An Article 32 hearing was subsequently not held, and the convening authority referred charges to a Special Court-Martial Empowered to Adjudge a Bad Conduct Discharge on 5 May 2004.

Trial On May 19, 2004, SPC [REDACTED] pled guilty to the following charges: one charge of conspiracy to maltreat subordinates, one charge of dereliction of duty, and one charge (with two separate specifications) of maltreatment of subordinates. The Military Judge found Specialist [REDACTED] guilty of the charges in accordance with his pleas and sentenced him to confinement for one year, a Bad Conduct Discharge, reduction to E-1. While no forfeitures were adjudged, by action of law, automatic forfeitures will occur. SPC [REDACTED] plea of guilty to the offenses charged was part of a pre-trial agreement with the Convening Authority

(b)(6)-5/  
(b)(7)(C)-5

INFORMATION PAPER

SUBJECT: Current Status of Courts-Martial: Detainee Abuse at Abu Gharib

who ordered the court-martial. In exchange for SPC [REDACTED] plea of guilty, the Convening Authority committed that he would order the case be tried as a Special Court-Martial. As part of the pre-trial agreement, SPC [REDACTED] agreed to testify truthfully, if called as a witness, in other cases.

7) US v. PFC [REDACTED] The command returned PFC [REDACTED] to Fort Bragg, NC because she is pregnant. She was assigned to a MP unit at Fort Bragg and charges were preferred. The Article 32 Investigation in US v. [REDACTED] is scheduled for 3-6 August 2004.

~~000200~~

INFORMATION PAPER

15 July 2004 (b)(6)-2 / (b)(6)

SUBJECT: Samarra Bridge Incident – 4<sup>th</sup> Inf. Div. (Mech)

1. Purpose: To provide information regarding alleged detainee abuse by 4<sup>th</sup> ID Soldiers at the Samarra Bridge in Iraq on 3 January 2004.

2. Alleged Facts:

3(x) a. On 3 January 2004, at 2245 hours, two male Iraqis, Mr. [redacted] and Mr. [redacted] were (b)(6)-4 / (b)(7)(C)-4 stopped at a checkpoint in the city of Samarra, Iraq. They were warned that curfew was about to begin (2300 hours) but were released when they indicated they were close to home and would make it in time. They drove off but were stopped a short distance from the checkpoint by Soldiers from [redacted], 4<sup>th</sup> ID(M), who requested identification. The patrol initially questioned Mr. [redacted]'s identification, then released both individuals, but shortly thereafter stopped them again. Both Iraqis were then taken into custody and placed into a Bradley fighting vehicle, their hands zip-tied behind their backs.

2(x)-5 (b)(6)-5 / (b)(7)(C)-5 b. The Bradley drove to a nearby bridge over the Tigris River. Three members of the platoon, SGT [redacted] SPC [redacted] and SPC [redacted] were instructed by the platoon leader, (b)(6)-5 / (b)(7)(C)-5 1LT [redacted] to push the detainees into the river (1LT [redacted] and the platoon sergeant, SFC [redacted] had made statements earlier in the evening that "someone was going to get wet tonight" (b)(6)-5 / (b)(7)(C)-5 and "someone is going for a swim"). SPC [redacted] refused to take part and instead stood guard. (b)(6)-5 / (b)(7)(C)-5 SGT [redacted] ordered the zip ties removed and he pushed Mr. [redacted] into the river while SPC [redacted] pushed Mr. [redacted] into the river. They then returned to their vehicle and returned to their Forward Operating Base. (b)(6)-4 / (b)(7)(C)-4

c. Mr. [redacted] could not swim and drowned. Mr. [redacted] made it safely to the riverbank, (b)(6)-4 / (b)(7)(C)-4 climbed out and reported the incident to the ICDC soldiers who had stopped him earlier. They searched for Mr. [redacted] but could not find him. The body was recovered by the family (b)(6)-4 / (b)(7)(C)-4 approximately 12 days later and buried. When the family of the drowning victim reported the incident to U.S. forces, members of the platoon initially denied they had pushed Mr. [redacted] and (b)(6)-4 / (b)(7)(C)-4 Mr. [redacted] into the river. During a subsequent polygraph examination, one of the Soldiers (b)(6)-4 / (b)(7)(C)-4 indicated that the chain of command (LTC [redacted], Battalion Commander and MAJ [redacted] (b)(6)-5 / (b)(7)(C)-5 Battalion XO, and CPT [redacted], Company Cdr.) had instructed the Soldiers to deny that (b)(6)-5 / (b)(7)(C)-5 they pushed the Iraqis into the river and to not cooperate with CID investigators.

3. Disposition of Offenses:

a. Obstruction of Justice by the Chain of Command: The 4<sup>th</sup> ID(M) CG, MG Odierno, punished LTC [redacted] and MAJ [redacted] under Article 15, UCMJ. They received written (b)(6)-5 / (b)(7)(C)-5 reprimands (restricted fiche filing). LTC [redacted] was not relieved of command. CPT (b)(6)-5 / (b)(7)(C)-5 [redacted] received a general officer memorandum of reprimand for obstruction of justice (b)(6)-5 / (b)(7)(C)-5 (local filing). All these actions were taken in theater 101  
000205

b. Death/Assault involving Iraqis.

(1) 1LT [REDACTED] and SFC [REDACTED] are pending court-martial charges for involuntary (b)(6)-5/(b)(7)(c)-5 manslaughter (Article 119); assault (Article 128), false official statement (Article 107); conspiracy to obstruct justice and conspiracy to commit assault (Article 81), and obstruction of justice (Article 134). In addition, SFC [REDACTED] is charged with assaulting another Iraqi in early (b)(6)-5/(b)(7)(c)-5 Dec 03 when he ordered soldiers to throw an unknown Iraqi civilian into the Tigris River in Balad. Charges were preferred against 1LT [REDACTED] and SFC [REDACTED] on 8 Jun 04. (b)(6)-5/(b)(7)(c)-5

(2) SGT [REDACTED] is pending court-martial charges for involuntary manslaughter (Article (b)(6)-5/(b)(7)(c)-5: 119) and false official statement (Article 107). SPC [REDACTED] is pending court-martial charges for assault (Article 128) and false official statement (Article 107). Charges against SGT [REDACTED] and SPC [REDACTED] were preferred on 28 Jun 04. (b)(6)-5/(b)(7)(c)-5

c. Case Status. A joint Article 32 hearing has been delayed at the request of the defense and is now scheduled for 28 – 29 July 2004 at Fort Carson, CO. The Article 32 hearing will be open to the public and press. Although the Article 32 will be held at Fort Carson (the location of the accused Soldiers), 4<sup>th</sup> ID will exercise UCMJ jurisdiction over these cases as appropriate.

4. Review: The FORSCOM SJA has indicated that, following the Article 32 hearing, a review will be conducted by FORSCOM, III Corps, or 4<sup>th</sup> ID(M) as to the appropriateness of the punishments previously given to the chain of command.

Prepared by [REDACTED]  
Approved by MG Marchand

(b)(6)-2/(b)(2)



(b)(6)-a/(b)(2)

3 May 2004

**INFORMATION PAPER**

**SUBJECT:** Update on Abu Ghraib Prison Misconduct

**1. Purpose.** To provide an update on investigations into allegations of detainee abuse at the Abu Ghraib Prison.

**2. Discussion.**

a. On 14 Jan 04, USACID opened a criminal investigation based on information provided by a U.S. Soldier working at the Abu Ghraid detention facility. Some of the abuse was photographed with digital cameras and saved on CDs. The investigation uncovered approximately 100 relevant photographs including (1) detainees being ordered to masturbate in front of guards and other detainees; (2) detainees being ordered to form nude human pyramids; (3) detainees being handcuffed to doors or bed frames; and (4) guards sitting or standing on detainees. CID also found short videos of detainees masturbating and the nude pyramids.

b. Shortly after initiation of the USACID investigation, at the request of the CJTF-7 Commander, the CFLCC Commander directed his deputy to conduct an administrative investigation under AR 15-6 into systemic issues such as command policies and internal procedures relating to detention-operations. A separate assessment of detainee-operations in theater was also requested by CJTF-7 and is being conducted by the DAIG. The DAIG assessment is nearing completion and a final report.

c. On 20 March 2004, BG Kimmit announced at a Coalition Press Briefing that the investigations had resulted in six Soldiers being charged with criminal offenses under the UCMJ and reiterated the Coalition policy to treat detainees with dignity and respect. BG Kimmit provided only summaries of the charges and did not provide Soldier names or units. All charged soldiers were in the 372d MP Company, a USAR unit from Cumberland, MD.

d. The ranks of the Soldiers charged were SSG, SGT, and included four Specialists. The alleged offenses include (1) indecent acts for ordering detainees to publicly masturbate; (2) maltreatment of subordinates for non-physical abuse like ordering detainees into nude pyramids and taking pictures of the nude detainees; (3) battery for shoving and stepping on detainees; (4) dereliction of duty; and (5) conspiracy to maltreat subordinates. Additionally, the two NCOs were charged with aggravated assault for striking detainees with enough force to cause serious injury, and one soldier was charged with desecrating a corpse by taking pictures with two dead bodies. A seventh former-372<sup>nd</sup> Soldier, a PFC redeployed to Fort Bragg, N.C., is pending preferral of court-martial charges – perhaps this week.

e. The Commander, CFLCC approved the AR 15-6 Investigation findings and some of its recommendations on 6 April 2004. Final adverse administrative actions were approved on 30 April 2004. The Commander CFLCC and CJTF-7 took some form of adverse administrative actions against the entire chain of command, including among others the brigade, battalion, and company commanders.

(b)(6)-a/(b)(2)

Prepared By: [Redacted]  
810 Approved by: BG Wright

00239

3 May 2004

## INFORMATION PAPER

**SUBJECT:** Afghanistan and Iraq Detainee Abuse

1. **Purpose.** To provide information on significant investigations into alleged abuse of detainees by U.S. forces in Iraq and Afghanistan.

### 2. Significant Investigations.

#### a. Abu Ghraib Prison, Baghdad, Iraq:

(1) **Background:** Between Sep – Nov 03, investigation revealed US soldiers assigned to the isolation cell area, Abu Ghraib Prison Complex, Baghdad, Iraq, conspired with each other to abuse security detainees under their direct control. Detainees brought to the isolation area were assaulted by being punched, dragged, pushed and slapped when they did not comply with orders given, even though there was a language barrier. The detainees were further forced to strip their clothing off and perform indecent acts (including masturbation) with each other in the presence of the US soldiers. During this abuse, the detainees had empty sandbags over their heads and, at times, were handcuffed. At least one detainee was forced to stand on a box and threatened with electrocution if he moved. In another incident, an Army K-9 was introduced by the MPs as means to threaten the detainees, and during this episode, the K-9 bit one detainee. The female detainees were made to pose for soldiers taking pictures, and on one occasion one female was instructed to expose her breasts for a soldier to take her picture. Additionally, the majority of the misconduct, which the detainees were forced to endure, were photographed and downloaded onto computers.

(2) **Subjects/Victims:** To date, there are ten US soldiers listed as subjects. Seven subjects are assigned to the 372<sup>d</sup> MP Co, USAR, Cumberland, MD and three subjects are assigned to the [REDACTED], located in Germany. One contractor civilian interpreter, with the Titan Corporation, Fairfax, VA is listed as a subject. Twenty-six (26) detainees have been identified as victims. Five of the soldiers and the civilian interpreter have admitted to participating in various illegal acts. Four soldiers invoked their rights when questioned. Additionally, two of the soldiers initially provided false official statements, which they have subsequently admitted to knowingly providing. SSG [REDACTED] (who appeared on the 60 Minutes II report on 28 Apr 04) invoked his rights when questioned. However, two other subjects advised that he subsequently convinced them to not talk to CID and to get legal counsel. Further, another soldier (a witness) stated that SSG [REDACTED] attempted to persuade him into reporting that CID agents were present during one of the incidents, a claim known to be false. In addition to assault related offenses, SSG [REDACTED] has been titled in the CID report for the offense of Obstruction of Justice. (b)(3)-1

(3) **Status of Criminal Cases:** Charges against the six 372d MP subjects currently in Iraq have been preferred. Preferral is expected this week on the seventh 372d MP Soldier, a Private First Class, at Fort Bragg. The senior Soldier charged criminally is SSG [REDACTED]. The others charged include a SGT and four Specialists. Article 32 hearings have been completed on three soldiers, including SSG [REDACTED] and a fourth Article 32 investigation is expected to conclude on 3 May. The two last Article 32 hearings in Iraq are scheduled to start on 5 and 10 May 04, respectively. One of the Iraq cases is referred to a (b)(6)-5/(b)(7)(C)-5

GCM and more referrals are likely in the next 30 days. The earliest possible court-martial arraignment for the Soldiers charged in Iraq is later in May. Trial dates will come later.

(4) AR 15-6 Investigation and Adverse Administrative Actions. The CFLCC Commander directed his Deputy Commander to conduct an administrative investigation under AR 15-6 to review command policies and internal procedures relating to detention operations. During the course of this investigation, all chain of command personnel at the battalion and company level were suspended or removed from their duties at the prison. The AR 15-6 investigation was reviewed and approved by the CFLCC Commander on 6 April 04 and forwarded to the CJTF-7 Commander for his review and action. Proposed adverse administrative actions required affected Soldiers to be served with redacted copies of the AR 15-6 investigation and provided an opportunity to rebut the proposed adverse actions. All rebuttals have been received and reviewed by the appropriate commanders. Final actions were taken by the CFLCC Commander and the CJTF-7 Commander and included adverse administrative actions against the entire chain of command, including the brigade commander, battalion commander, battalion operations officer, battalion sergeant major, company commander, platoon leader, company First Sergeant, and platoon sergeant.

b. Bagram Prison, AF:

(1) Background: On 4 and 10 Dec 02, two Afghani detainees died while in U.S. custody at the Bagram Collection Point. Autopsies categorized their deaths as homicides. Investigation by Army CID identified fifteen enlisted Soldiers from the 377th MP Co, USAR, Cincinnati, OH; and six enlisted Soldiers (and a former staff sergeant) of [REDACTED] Ft Bragg, NC, as having committed the offenses of assault and maltreatment of a prisoner. Investigation thus far has established that some of the Soldiers excessively struck the detainees on numerous occasions, that the detainees were forced to assume painful positions for extended periods of time, and that the detainees were restrained in a manner to keep them immobile. One detainee died from an embolism that the medical examiner attributed to blows that he received combined with immobility due to restraint. The other detainee died from aggravation of a coronary artery condition. The medical examiner believes that this aggravation was brought on by complications that arose from blows that he received and the stress from being restrained in a standing position.

(2) Subject/Victims: To date, there are six soldiers from [REDACTED] and fifteen soldiers from the 377<sup>th</sup> MP Company listed as subjects: six sergeants and fifteen enlisted soldiers (plus the former sergeant who ETSed).

(3) Status of Investigation: The FORSCOM legal office has taken the lead and provided an experienced field grade trial counsel to support the CID Agents investigating the cases. None of the soldiers have been formally charged as of the writing of this report as follow-on interviews and evaluation of evidence continues. OSJA FORSCOM is considering possible COAs for UCMJ jurisdiction once investigations are final and disposition is necessary, as all of the 377<sup>th</sup> MP Soldiers are no longer on active duty.

[REDACTED]

(b)(6)-2 / (b)(2)

000243



# Secretary of Defense Briefing



## Detainee Abuse Cases

Brigadier General Dan Wright

Assistant Judge Advocate General for Military Law and Operations

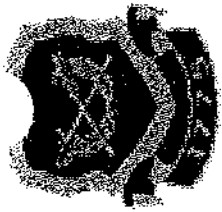
8106

000255



# Abu Ghraib, Iraq Cases

(b)(6)-S/(b)(7)(c)-S



➤ Completed Court-Martial

➤ 5 Pending Courts-Martial

➤ Likely Courts-Martial

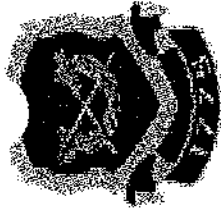
➤ -SPC [REDACTED]

➤ -SPC [REDACTED]

~~600256~~



## Samarra, Iraq ases



### ➤ Article 32 Hearings Completed

### ➤ Potential Charges:

- SPC [REDACTED] – Assault and False Official Statement
- SGT [REDACTED] – Manslaughter and False Official Statement
- SFC [REDACTED] – Manslaughter, Assault, Conspiracy, False Official Statement, and Obstruction of Justice.
- 1LT [REDACTED] - Manslaughter, Assault, Conspiracy, False Official Statement, and Obstruction of Justice.

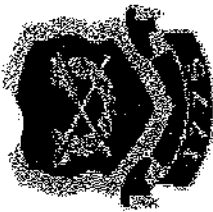
### ➤ Issues:

- Insufficient Evidence for Manslaughter Charge until victim's body exhumed and autopsied (underway).
- SPC [REDACTED] and SGT [REDACTED] may testify against SFC [REDACTED] and LT [REDACTED]

(b)(6)-5/(b)(7)(c)-5



(b)(6)-s / (b)(7)(c)-5



# Bagram Cases

**Facts:** 2 Detainees died after being assaulted and mistreated by MII (AC) and MP (USAR) Soldiers.

**Potential Charges:** Dereliction, False Swearing, False Official Statement ( CO CDR, 15-6 ), Failure to Obey Other Lawful Order, Maltreatment, Conduct Unbecoming an Officer, and Negligent Homicide.

## Potential Defendants:

CPT [REDACTED]

SPC [REDACTED]

SPC [REDACTED]

SGT [REDACTED]

SPC [REDACTED]

SPC [REDACTED]

SGT [REDACTED]

SPC [REDACTED]

SPC [REDACTED]

[REDACTED]

SPC [REDACTED]

SPC [REDACTED]

SSG [REDACTED] charges

perferred 20 Aug 04

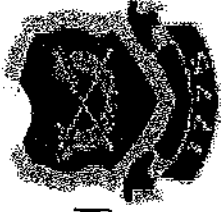


# Miscellaneous Cases

## Open Investigations

(b)(6)-4/

(b)(7)(c)-4



MG [REDACTED] (Iraq) died while in custody at 3<sup>rd</sup> ACR, Iraq (FOB Tiger). Cause of death was blunt force injuries and asphyxia. 4 Soldiers are being investigated

LTC [REDACTED] (Iraq) died while in custody at FOB Rifles, Al Asad, Iraq. Cause of death was blunt force injuries and asphyxia. 4 Soldiers are being investigated.

Soldiers caught 2 Iraqis in a car. Both were injured, one terminally. CPT \_\_\_\_\_ shot terminally injured detainee by firing 2 shots into the back of his head.





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## OTJAG UPDATE

### Summary of Charges

- Indecent Acts (ordering detainees to publicly masturbate)
- Maltreatment of Subordinates (non-physical abuse for ordering detainees into nude pyramids; taking pictures of nude detainees)
- Battery (stepping on and shoving detainees)
- Dereliction of Duty
- Conspiracy to Maltreat Subordinates
- Additionally two NCOs charged with aggravated assault for striking detainees with enough force to cause serious injury
- One Soldier charged with desecration of a corpse for taking pictures with two dead bodies



## OTJAG UPDATE

### UCMJ ACTIONS

- US v. SSG [REDACTED] – Referred to GCM on 5 May 2004. Arraignment set for 19 May 04.
- US V. SGT [REDACTED] – Referred to GCM on 28 April 2004. Arraignment set for 19 May 04.
- US v. SPC [REDACTED] – Art. 32 hearing completed 3 May 2004; IO completing report. Civilian defense counsel retained.
- US v. SPC [REDACTED] – Referred to GCM on 14 May 04. Arraignment set for 19 May 04.
- US v. SPC [REDACTED] – Art. 32 hearing delayed at the request of civilian defense counsel.
- US v. SPC [REDACTED] – Referred to BCD special on 5 May 2004. Trial set for 19 May 04.
- PFC [REDACTED] – Charges preferred 7 May 04. Transferred to Fort Bragg for medical reasons

(b)(6)-S/(b)(7)(C)-5



(b)(6)-S / (b)(7)(C)-S

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## OTJAG UPDATE

### ADMINISTRATIVE ACTIONS

- LTC(P) [REDACTED] – Battalion Commander
  - Relief for Cause
  - General Officer Memorandum of Reprimand; filed OMPF
  - Recommendation for Removal from 0-6 Promotion List
- LTC [REDACTED] – JIDC LNO
  - Any action deferred until completion of Procedure 15
- MAJ [REDACTED] – Battalion S-3
  - General Officer Memorandum of Reprimand – (25 May response deadline)



# OTJAG UPDATE

## ADMINISTRATIVE ACTIONS (cont'd)

- CPT [REDACTED] – Company Commander
  - General Officer Memorandum of Reprimand (rebuttal submitted)
- 1LT [REDACTED] – Platoon Leader
  - Letter of Admonishment (no rebuttal required)
- SGM [REDACTED] – Operations SGM
  - Relief for Cause
  - General Officer Memorandum of Reprimand – (25 May response deadline)



(b)(6)-5 / (b)(7)(c)-5

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## OTJAG UPDATE

### ADMINISTRATIVE ACTIONS (cont'd)

- 1SG [REDACTED] – Company First Sergeant
  - General Officer Memorandum of Reprimand (rebuttal submitted)
- SFC [REDACTED] – Platoon Sergeant
  - General Officer Memorandum of Reprimand (rebuttal submitted)
- CPT [REDACTED] – Platoon Leader; GOMOR to be recommended



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## OTJAG UPDATE

### Summary of Charges

- Indecent Acts (ordering detainees to publicly masturbate)
- Maltreatment of Subordinates (non-physical abuse for ordering detainees into nude pyramids; taking pictures of nude detainees)
- Battery (stepping on and shoving detainees)
- Dereliction of Duty
- Conspiracy to Maltreat Subordinates
- Additionally two NCOs charged with aggravated assault for striking detainees with enough force to cause serious injury
- One Soldier charged with desecration of a corpse for taking pictures with two dead bodies

(b)(6)-5 / (b)(7)(c)-5



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## OTJAG UPDATE

### UCMJ ACTIONS

- US v. SSG [REDACTED] – CA referred case to GCM on 5 May 2004. Civilian defense counsel has been retained.
- US V. SGT [REDACTED] – CA referred case to GCM on 28 April 2004.
- US v. SPC [REDACTED] – Art. 32 hearing completed 3 May 2004; IO completing report. Civilian defense counsel retained.
- US v. SPC [REDACTED] – Art. 32 hearing completed 26 April 2004; IO completing report.
- US v. SPC [REDACTED] – Art. 32 hearing delayed at the request of civilian defense counsel.
- US v. SPC [REDACTED] – Art. 32 originally scheduled; CA instead referred case to BCD special on 5 May 2004.
- PFC [REDACTED] – pending charges; transferred to Ft. Bragg for medical reasons

(b)(6)-5 / (b)(7)(C)-5



# OTJAG UPDATE

## ADMINISTRATIVE ACTIONS

- LTC(P) [REDACTED] – Battalion Commander
  - Relief for Cause
  - General Officer Memorandum of Reprimand
  - Recommendation for Removal from 0-6 Promotion List
- LTC [REDACTED] – JIDC LNO
  - Any action deferred until completion of Procedure 15
- MAJ [REDACTED] – Battalion S-3
  - General Officer Memorandum of Reprimand





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## OTJAG UPDATE

### ADMINISTRATIVE ACTIONS

- Battalion Commander
  - Relief for Cause
  - General Officer Memorandum of Reprimand
  - Recommendation for Removal from O-6 Promotion List
- JIDC LNO
  - Any action deferred until completion of Procedure 15
- Battalion S-3
  - General Officer Memorandum of Reprimand

(b)(6)-5



# OTJAG UPDATE

## ADMINISTRATIVE ACTIONS (cont'd)

- CPT [REDACTED] – Company Commander
  - General Officer Memorandum of Reprimand (awaiting his rebuttal)
- 1LT [REDACTED] – Platoon Leader
  - Letter of Admonishment (no rebuttal required)
- SGM [REDACTED] – Operations SGM
  - Relief for Cause
  - General Officer Memorandum of Reprimand



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## OTJAG UPDATE

### ADMINISTRATIVE ACTIONS (cont'd)

- Company Commander
  - General Officer Memorandum of Reprimand (awaiting his rebuttal)
- Platoon Leader
  - Letter of Admonishment (no rebuttal required)
- Operations SGM
  - Relief for Cause
- General Officer Memorandum of Reprimand

(b)(6)-5 / (b)(7)(c)-5



## OTJAG UPDATE

### ADMINISTRATIVE ACTIONS (cont'd)

- 1SG [REDACTED] – Company First Sergeant
  - General Officer Memorandum of Reprimand (awaiting his rebuttal)
- SFC [REDACTED] – Platoon Sergeant
  - General Officer Memorandum of Reprimand (awaiting his rebuttal)



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## OTJAG UPDATE

### ADMINISTRATIVE ACTIONS (cont'd)

- Company First Sergeant
- General Officer Memorandum of Reprimand (awaiting his rebuttal)
- Platoon Sergeant
- General Officer Memorandum of Reprimand (awaiting his rebuttal)

## Notes about Documents submitted by OTJAG Criminal Law

BATES PAGES ~~8124-8151~~ HAVE BEEN WITHHELD IN THEIR ENTIRITY PURSUANT TO FOIA EXEMPTION 5, 5 U.S.C. Section 552(b)(5).

46 pages were determined to be nonresponsive and were not Bates Stamped

231 Pages were not Bates Stamped and referred to the following DOD Agencies:

Headquarters, 4th Infantry Division, Public Affairs Office, ATTN: AFYB-PAO (LTC Jonathan Withington), Fort Hood, TX 76544

Crime Records Center, ATTN: FOIA Division (Mr. Robert Dickerson), 6010 6th Street, Fort Belvoir, VA 22060

Deputy Director, Executive Communications and Control (ECC), Office of the Chief of Staff, ATTN: LTC Perry Rearick, Pentagon, Washington, D.C. 20310

Law Division, Office of the Staff Judge Advocate, ATTN: ATZC-JAD (CPT Howard Clayton), 2387 Hatfield Avenue, Fort Huachuca, AZ 85613

Headquarters, Department of the Army, Deputy Chief of Staff, G-3/5/7, ATTN: DAMO-ZC (Ms. Kathryn Condon), 400 Army Pentagon, Room 2E366, Washington, D.C. 20310-0400

Office of the Staff Judge Advocate, Administrative Law Division, ATTN: AFZF-JA (Ms. Monica Binford), 1001 761st Tank Battalion Avenue, Fort Hood, TX 76544-5008

Chief Attorney and Legal Services Directorate, U.S. Army Resource and Programs Agency, Office of Administrative Assistant to the Secretary of the Army, ATTN JDRP-CA (Ms. Suzanne Council), 120 Army Pentagon, Washington, D.C. 20310-0120

Office of the Provost Marshall General, ATTN: DAPM-ZC (MAJ Mark Jackson), Room 1E110, 2800 Army Pentagon, Washington, D.C. 20310-2800

Mr. Charlie Talbot, Department of Defense, Room 2C757, Freedom of Information Act Office, Pentagon, Washington, D.C. 20310



DEPARTMENT OF THE ARMY  
 104<sup>TH</sup> MILITARY INTELLIGENCE BATTALION  
 4th INFANTRY DIVISION (MECHANIZED)  
 TIKRIT, IRAQ 09323-2628

B6

REPLY TO  
 ATTENTION OF

AFYB-MIB-CDR

6 NOV 2003

MEMORANDUM FOR Staff Sergeant

[REDACTED] b6-5  
 , Tikrit, Iraq 09323-2628

SUBJECT: Written Reprimand

1. You are hereby reprimanded for your failure to properly supervise detainee interrogation operations at the Task Force Ironhorse Central Collection Point (DCCP). SPC [REDACTED] and SPC [REDACTED] assaulted a detainee in the facility while under your supervision. While you were not directly involved in the assaults, you were responsible for ensuring SPCs [REDACTED] were properly trained and that they were aware of and abided by the Geneva Convention and other documents which detail the permissible treatment of detainees. You did not set the proper leadership climate, in that you inadvertently led SPC [REDACTED] to believe that you yourself perhaps condoned certain practices that were outside the established regulations. SPC [REDACTED] is not a trained interrogator, yet he was allowed to force a detainee to cause bodily harm to himself, again, while under your tutelage. b6-2 b6-2
2. Your failure to establish a proper leadership climate and failure to properly supervise interrogation activities under your purview are beneath the standards of professionalism I expect from non-commissioned officers. As NCOIC of the DCCP, it is your duty to train and supervise junior interrogators and interpreters as well as supervise their activities to ensure they do not harm detainees. In this case, you assigned a known difficult interrogation task to a very junior and inexperienced interrogator, but you failed to discern what techniques he would use during the interrogation. You are in a very delicate duty position where you or your subordinates could become subject to discharge or criminal prosecution for violating the rights of detainees. These acts could also bring extreme discredit upon the U.S. Army. The incidents where [REDACTED] abused the detainee show a lack of supervisory judgment on your part. b6-2
3. This reprimand is imposed as an administrative measure and not as punishment pursuant to the Uniform Code of Military Justice. You are advised that in accordance with Army Regulation (AR) 600-37, paragraph 3-4, it is my intention to direct that this reprimand be filed in your local Military Personnel Records Jacket (MPRJ).
4. You will acknowledge receipt of this reprimand IAW AR 600-37 by completing the first memorandum and returning it through your chain of command no later than ten days from the date of service. Any matters in extenuation, mitigation, or rebuttal must accompany your acknowledgment. You were provided a copy of the documents that form the basis of the written reprimand. I do not intend to file them with this reprimand.

Encl  
 AR 15-6 Investigation

[REDACTED] b6-2  
 LTC, MI  
 Commanding

13 Nov - make  
 decision not  
 to file w/ [REDACTED]  
 008152  
 ocb





B6

DEPARTMENT OF THE ARMY  
104<sup>TH</sup> MILITARY INTELLIGENCE BATTALION  
4<sup>TH</sup> INFANTRY DIVISION (MECHANIZED)  
TIKRIT, IRAQ 09323-2628

AFYB-MIB-CDR

9 NOV 2003

MEMORANDUM FOR Commander, 104<sup>th</sup> Military Intelligence Battalion, 4<sup>th</sup> Infantry Division  
(Mechanized), Tikrit, Iraq 09323-2628

SUBJECT: Rebuttal of Staff Sergeant [REDACTED] b6-5  
[REDACTED] Written Reprimand

1. I understand that I am being reprimanded for failure to properly supervise SPCs [REDACTED] b6-2  
[REDACTED] during interrogations at the TF IH DCCP. I understand that, as NCOIC of the  
Interrogation Control Element (ICE), it is ultimately my responsibility to ensure that  
interrogations are conducted in adherence to guidelines established by the Department of the  
Army. I accept this responsibility. However, even after a very thorough 15-6 investigation, I feel  
that the incidents surrounding this reprimand are being oversimplified.

2. Paragraph one of the written reprimand states that I am responsible for ensuring that SPCs  
[REDACTED] were properly trained. I feel this is untrue. My element is conducting real-  
world interrogation operations; in a very active combat zone during a resistance movement by a  
well-funded, hostile, armed force in the early stages of a major insurgency; with very few assets.  
This being my fourth combat tour in twelve years, I can say with confidence that this is not the  
environment for training.

3. SPC [REDACTED] b6-2 has been assigned to the 104<sup>th</sup> Military Intelligence Battalion for over two years  
as a member of the Battalion S3. I am assigned to D Co. and SPC [REDACTED] b6-2 has never been under  
my supervision until approximately one month before the incident occurred. As the de facto  
senior Human Intelligence Collector (97E) for the 4<sup>th</sup> Infantry Division, and being aware of SPC  
[REDACTED] b6-2 duty position in the Battalion S3, I made two attempts, in January 2001 to include SPC  
[REDACTED] in Sergeant's Time training with D Co. at Fort Hood (There was no MOS training in the  
S3 for a Human Intelligence Collector). Both of these attempts were unsuccessful due to  
resistance by his supervisors. These two years would have been the proper time to train SPC  
[REDACTED] b6-2 not during real-world operations.

4. Paragraph one of the reprimand states that I "... inadvertently led SPC [REDACTED] b6-2  
that..." I myself "... perhaps condoned certain practices that were outside the established  
regulations". Given specific phrases that I had said to SPC [REDACTED] I recall a conversation that I  
had with SPC [REDACTED] However, the topic of this conversation was a contingency plan for a  
separate interrogation facility, in the event alternative interrogation techniques were authorized  
and ordered into effect at our echelon. At no point did the topic become the techniques  
themselves. The facility could not be manned by personnel from Mobile Interrogation Team  
(MIT) 91, as most did not have a sufficient level of competency. At the time, given my  
extremely limited assets, SPC [REDACTED] was a prime candidate for this facility. As I recall, I made  
it clear to SPC [REDACTED] that alternative techniques must be authorized by higher echelons, on a  
case-by-case basis, and then only at certain facilities. If SPC [REDACTED] took my statements to

B6

mean anything more than what I said, that was not my intention. I do not feel that I said anything to SPC [REDACTED] that would lead a reasonable person to believe that I condoned any practices outside regulations.

5. SPC [REDACTED] is a 98G Voice Interceptor, attached to the 104<sup>th</sup> Military Intelligence Battalion as a linguist. He is neither trained, nor authorized to conduct interrogations. I trained SPC [REDACTED] on his duties as an interpreter during interrogation operations and he has always performed admirably and with dedication. There was no reason, whatsoever, to think that SPC [REDACTED] would harm the detainee or allow him to be harmed. During the incident in question, SPC [REDACTED] was under the immediate supervision of the team leader of MIT 91 and assistant NCOIC of the ICE, SSG [REDACTED] (223<sup>rd</sup> MI BN), who was supposed to be conducting the interrogation. My duties are such that I cannot supervise more than a small fraction of the interrogations or screenings carried out by my element. I am forced to delegate supervisory responsibilities during the majority of operations.

6. Paragraph two of the reprimand states that I "...assigned a known difficult interrogation task to a very junior and inexperienced interrogator". While this is true, the truth of it is rather relative. All interrogations at the TF IH CCP are difficult due to several factors that have been brought up, through Tac HUMINT Ops, many times. Suggestions made to rectify these problems have been, and continue to be, ignored. With the exception of myself, all interrogators at the TF IH ICE were, and most remain, inexperienced at actual interrogation. The intelligence exploitation of detainees at the TF IH CCP has been limited, largely, to cursory and in-depth screenings of detainees due to insufficient personnel, time and resources. Relatively speaking, few formal interrogations have been carried out, and all of these have been individuals targeted as being of potentially high intelligence value. After two to three weeks of observation and assessment of SPC [REDACTED] performance during joint screenings and interrogations, prior to the incident, SPC [REDACTED] was found to have a level of methodological proficiency above most of the other interrogators at the ICE and had, in fact (as I noted to CW3 [REDACTED] on one occasion), exhibited a preference for "soft" approaches. In short, SPC [REDACTED] is, in reality, no less proficient, and possibly more talented, than most of the other interrogators at the ICE.

b6-2

7. Paragraph two of the reprimand also states that I "...failed to discern what techniques [SPC [REDACTED] would use during the interrogation". I do not feel that this is entirely accurate. When discussing the pending interrogation with SPC [REDACTED] he stated that he planned to use a "harsh approach". This is a term used frequently among interrogators to refer to such hostile approach techniques as "Fear-Up (harsh)" and "Pride and Ego-Down", or a combination thereof. Considering the approaches used previously against MP2496, and their relative ineffectiveness, I felt, and still feel, at that time, a "harsh approach" was in order. Additionally, interrogators are never required to have individual approaches approved by the ICE. An interrogation is an extremely fluid process that requires the interrogator to, in turn, be extremely flexible. While all interrogators must inform me as to the general approach they plan to use, as SPC [REDACTED] did, limiting interrogators to specific, preplanned approaches and techniques is not feasible during a proper interrogation. Some standard interrogation processes, which may be identified in FM 34-52 INTELLIGENCE INTERROGATION, are no longer applicable and may very well be counterproductive, due to this FM's application being Major Theater War operations. In many cases it is not applicable to the modern battlefield. I believe this is one of the reasons that it is no longer printed. To my knowledge, no FM covers counterinsurgency interrogation operations.

8. I firmly believe that SPC [REDACTED] took the actions he did, partially, due to his perception of the command climate of the division as a whole. Comments made by senior leaders regarding

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detainees such as "They are not EPWs. They are terrorists and will be treated as such" have caused a great deal of confusion as to the status of the detainees. Additionally, personnel at the ICE regularly see detainees who are, in essence, hostages. They are normally arrested by Coalition Forces because they are family of individuals who have been targeted by a brigade based on accusations that may or may not be true, to be released, supposedly, when and if the targeted individual surrenders to Coalition Forces. In reality, these detainees are transferred to Abu Ghyraib prison and become lost in the Coalition detention system regardless of whether the targeted individual surrenders himself. I know that SPC [REDACTED] has himself witnessed senior leaders at briefings, reporting that they have taken such detainees, with the command giving their tacit approval. In hindsight, it seems clear that, considering the seeming approval of these and other tactics by the senior command, it is a short jump of the imagination that allows actions such as those committed by SPC F [REDACTED] to become not only tolerated, but encouraged. This situation is made worse with messages from higher echelons soliciting lists of alternative interrogation techniques and the usage of phrases such as "...the gloves are coming off". The theory becomes even more plausible when one considers the facts surrounding a detainee such as MP2496—a known terrorist, insurgent and killer of American soldiers. While I do not condone SPC [REDACTED] actions in any way, I am beginning to see how he might arrive at certain erroneous conclusions, despite my warnings that there is no detainee here worth any of my soldiers going to prison. I feel that this is a dangerous situation that should be confronted.

9. I agree that I am in a very delicate and perilous duty position. It is one for which none of my training has prepared me and was not supposed to exist. Additionally, numerous other issues inhibit our effective mission accomplishment. Our unit has never trained for detention facility operations because our unit is neither designed nor intended for this mission. Current detainee handling policies adversely effect operations in ways that eliminate any reasonable chance of successful interrogation. Other factors effecting mission accomplishment are more complicated. I spent over three years, between deployments, training my soldiers to operate in Tactical HUMINT Teams in a combat environment remarkably similar to the one in which our division is currently operating. Instead of allowing our soldiers to execute the mission which exists, for which they have trained, they are assigned a mission for which they have not trained, are not manned, are not equipped, are not supplied and, considering manning and the current policies effecting interrogation operations, cannot effectively accomplish at division level regardless. Unfortunately, the element's low production of IIRs supports this.

10. I agree that I have made some mistakes since being assigned this duty position. However, I feel that I have carried out my duties as well as, and in many cases better than, could be expected. I have been given scant resources, few supplies, and some of the attached collection assets could have only been considered mediocre at best. I have considered, at length, what more I could have done to prevent the actions of SPCs [REDACTED] while still conducting the element's assigned operations. Currently, I am still at a loss. SPC [REDACTED] was being supervised by a trained SSG Human Intelligence Collector, senior but subordinated to me, attached to the element, and supposedly in charge of his interrogation. SPC [REDACTED] is a Human Intelligence Collector whom I was not given the opportunity to properly train. However, due to limited organic assets, he was needed to help conduct operations. I feel I took what measures were available to me within the constraints of my mission and available support. I will continue to execute my assigned mission to the best of my ability.

[REDACTED]  
SSG, USA  
NCOIC, TF IH ICE

[REDACTED]  
008156

b6-2



DEPARTMENT OF THE ARMY  
HEADQUARTERS, 3<sup>RD</sup> BRIGADE COMBAT TEAM, 1<sup>ST</sup> ARMORED DIVISION  
BAGHDAD, IRAQ  
UNIT 92940, APO AE 09324-2940

REPLY TO  
ATTENTION OF:

AFZN-BB-CO

1 October 2003

MEMORANDUM FOR Commander, 1<sup>st</sup> Armored Division, Baghdad, Iraq

SUBJECT: Recommendation on Resignation for Good of the Service (ILT [REDACTED])

(b)(6) - 5

1. I have reviewed the enclosed Resignation for the Good of the Service (RFGOS) in lieu of General Court-Martial, submitted by ILT [REDACTED] HHC, I-13 AR, the recommendations of his battalion commander and supervisors, the letter from his father, and his recent evaluation. After careful consideration, I recommend that the RFGOS be approved, and ILT [REDACTED] service be characterized as General (Under Honorable Conditions).
2. First Lieutenant [REDACTED] committed an egregious lapse in judgment, both in a professional and moral sense. He violated the trust of his superiors and set a bad example for his subordinates. Clearly, he should be separated from the Army - he has lost my confidence in his ability to lead soldiers in combat. However, his characterization of service should encompass his previous outstanding behavior and duty performance, as well as extenuating circumstances I believe were partially responsible for the misconduct.
3. From the moment he arrived in September 2002, ILT [REDACTED] abilities as a Tank Platoon Leader surpassed the majority of his peers. He qualified Tank Table VIII on his first run. He was a "Hero of the Battle" at the National Training Center. He successfully deployed his unit to the CENTCOM AOR in support of Operation Iraqi Freedom. He leads from the front; he is aggressive, resourceful, eager, and his potential is unequalled. As reflected in the letter from his father, the comments of his superiors, and his recent evaluation, ILT [REDACTED] has proudly and capably served his country.
4. I considered the nature of ILT [REDACTED] offenses various serious. However, they did not involve death or injury and there is no evidence he caused any physical harm. While in no way a legal justification, defense, or excuse for his misconduct, extenuating circumstances leading up to his misconduct should be considered in determining a disposition in this case.
  - a. First, ILT [REDACTED] and his fellow soldiers experienced a tremendous amount of frustration and helplessness at the repeated and pervasive looting in their area of responsibility. I do not believe his misconduct was predicated on some sort of demented thinking, but rather was an overly aggressive reaction to events without appropriate approval and supervision.
  - b. Second, there was a breakdown by ILT [REDACTED] senior leadership. As an aggressive young officer who took things personally and passionately, his superiors should have given him

~~008157~~

008157

AFZN-BB-CO

SUBJECT: Recommendation on Resignation for Good of the Service (1LT. [REDACTED])

(b) 6-5

much more supervision and mentoring. His company commander gave him too free a rein. He was independently responsible for a stressful and dangerous mission, with very little oversight. He was a young officer with great raw potential, but given his known aggressive nature, he needed to be kept within clearly delineated boundaries. His leadership let 1LT [REDACTED] down. As a result, we will most likely lose a young officer with great potential.

5. By resigning his commission, 1LT [REDACTED] will be punished by his own actions. He has humiliated himself, his chain of command, and his family. He will not go home proud or with pride and honor deserved. Instead, he will go home in disgrace with neither award nor sense of accomplishment. This is something he will carry with him for the rest of his life. I do not see a requirement to tarnish his record for life with a federal conviction and dismissal at a General Court-Martial. Nor do I believe he should be tarnished for life with the stigma of an Other Than Honorable Conditions label. He still has tremendous potential in society, although not as an Army officer.

6. I recommend 1LT [REDACTED] be eliminated from the Army as expeditiously as possible. He does not deserve an honorable discharge, given the nature of his misconduct. However, the totality of his service warrants a General (Under Honorable Conditions) characterization.

7. Point of contact is the undersigned.

[REDACTED]  
[REDACTED]

5 Enclosures

1. RFGOS
2. BN CDR Recommendation
3. BN S3 (Supervisor) Recommendation
4. Letter from Father, 26 Sep 03
5. [REDACTED] OER, 2 Jul 03

COL, AR  
Commanding



DEPARTMENT OF THE ARMY  
 HEADQUARTERS, 1<sup>ST</sup> BATTALION, 13<sup>TH</sup> ARMOR  
 3d BRIGADE COMBAT TEAM, 1<sup>ST</sup> ARMORED DIVISION  
 FORWARD OPERATING BASE DAKOTA, BAGHDAD  
 APO AE 09324-2942



AFZB-JA-TDS

26 September 2003

MEMORANDUM THRU Commander, 1<sup>st</sup> Armored Division, APO AE 09252

FOR Commander, PERSCOM (TAPC-PDT-PM), 200 Stovall Street, Alexandria, Virginia 22332-0478

SUBJECT: Resignation for the Good of the Service in Lieu of General Court-Martial

(b)(6) - 5

1. I, ILT [redacted] voluntarily tender my resignation from the Army for the good of the service under the provisions of AR 600-8-24, paragraph 3-13. I do not desire to appear before a court-martial or board of officers. I have not been subject to coercion with respect to this resignation and fully understand the implications of this action.

2. I have been advised that prior to submitting this resignation, I may, at my option, consult with and be represented by legally qualified counsel who may be a member of The Judge Advocate General's Corps or may be civilian counsel retained by me. I have been fully advised and counseled in this matter by CPT [redacted] a member of The Judge Advocate General's Corps on 26 September 2003.

b6-2

3. I have been afforded an opportunity to present matters in explanation, mitigation, or defense of my case and such matters are attached.

4. I understand that this resignation, if accepted, may be considered as being under Other than Honorable Conditions. I also understand that a resignation for the good of the Service may be withdrawn only with the approval of HQDA. I further understand that if my resignation is accepted under Other Than Honorable Conditions, I will not be entitled to compensation for unused leave.

5. If my resignation is accepted, regardless of the type of discharge certificate furnished, I understand that I will not receive separation pay and that I will be barred from all rights, based on the period of service from which I will be separated, under any laws administered by the Department of Veterans Affairs, except War Risk, US Government (converted), National Service Life Insurance, or Servicemen's Group Life Insurance policies that I may hold.

6. My Present duty station is with the 1<sup>st</sup> Armored Division, presently in Baghdad, Iraq, with home station at Fort Riley, Kansas.

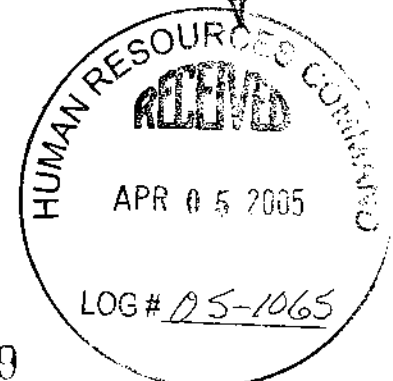
7. I do not desire separation overseas.

8. My mailing address after separation will be: [redacted]

9. I understand that if I participated in certain advanced programs, I may be required to reimburse the US Government as stated in written agreement made by me with the US Government under law and regulations.

File prep for  
CG Action.

ILT, AR [redacted]



008159



DEPARTMENT OF THE ARMY  
 HEADQUARTERS, 1<sup>ST</sup> BATTALION, 13<sup>TH</sup> ARMOR  
 3d BRIGADE COMBAT TEAM, 1<sup>ST</sup> ARMORED DIVISION  
 FORWARD OPERATING BASE DAKOTA, BAGHDAD  
 APO AE 09324-2942



AFZN-BB-C

27 September 2003

(b) 6

MEMORANDUM THRU Commander, 3<sup>rd</sup> Brigade Combat Team, 1<sup>st</sup> Armored Division, APO AE 09324

FOR: Commander, 1<sup>st</sup> Armored Division, APO AE 09252

SUBJECT: Recommendation for an Honorable Discharge for ILT. b 6-5

1. ILT b 6-5  
 [redacted] duty performance has been well above his peers. Late one evening this past September, I met 2LT [redacted] b 6-5 facing in front of the battalion headquarters waiting for me to return from a tank gunnery range. His desire to be the best platoon leader in the battalion was immediately apparent when he requested to accompany me as I returned to the range. I instructed him to place his TA-50 in my truck and was not surprised to learn that two weeks later, he qualified first time down range. A remarkable achievement that characterizes his service to the Army.
2. ILT b 6-5  
 [redacted] fully acknowledges the terrible mistake he made when he deviated from procedures and will now lose the military career he strove to create. To [redacted] b 6-5 this is punishment enough. Therefore, I respectfully recommend that ILT [redacted] b 6-5 resignation be under Honorable conditions given his outstanding performance over the past 13 months.
3. The point of contact for this memorandum is the undersigned at DNVT b 6-2

[redacted]  
 LTC, AR  
 Commanding



DEPARTMENT OF THE ARMY  
 HEADQUARTERS, 1<sup>ST</sup> BATTALION, 13<sup>TH</sup> ARMOR  
 3d BRIGADE COMBAT TEAM, 1<sup>ST</sup> ARMORED DIVISION  
 FORWARD OPERATING BASE DAKOTA, BAGHDAD  
 APO AE 09324-2942



AFZN-BB-S3

26 September 2003

MEMORANDUM FOR Commander, 1<sup>st</sup> Armored Division

SUBJECT: Evaluation of Job Performance of 1LT [REDACTED] b6-5

(b)(6)

1. Purpose. The purpose of this paper is to recommend that 1LT [REDACTED] be offered the opportunity to resign under honorable conditions in lieu of general courts martial. b6-5

2. Discussion. b6-5

A. 1LT [REDACTED] worked for me for 2 months upon arriving to the unit in October of 2002 before going down to become a Tank Platoon Leader in A/1-13. During that time, his performance was nothing short of phenomenal. After evaluating his abilities, I was able to give 1LT [REDACTED] tasks which I normally reserved for a captain in the operations office. These tasks included preparation of the Battalion's QTB, organization of the training calendar which featured preparation for a NTC rotation, as well as multiple other operational tasks. As a newly commissioned second lieutenant, he completed all of the tasks assigned to him at an exemplary level expected of officers with multiple years of experience. During the entire time he worked for me, 1LT [REDACTED] was the consummate professional and was an excellent performer. b6-5

B. After being moved from his position as Tank Platoon Leader pending the consequences of the legal actions which are currently being considered, 1LT [REDACTED] was reassigned to the battalion operations cell. Despite the external pressures of the impending legal actions, 1LT [REDACTED] continued to perform at a superior level. Knowing his capabilities, I immediately assigned him as the Battalion LNO to brigade where he has excelled. He completed all of his duties as LNO while simultaneously acting as a TOC OIC and organizing the entire Battalion FPS program (including the training/emplacing of guards, management of their pay, and eventual TOA of several sites with different ministerial representatives). He has never let his legal condition get in the way of his professionalism as well as exemplary job performance. b6-5

3. Conclusion. I do not deny that 1LT [REDACTED] made a mistake in his actions involving the Iraqi prisoner. However, based on the professionalism he has always displayed in fulfilling all of his military responsibilities while working for me, I do whole heartedly believe that this was an isolated incident. I therefore recommend that 1LT [REDACTED] be offered the opportunity to resign under honorable conditions in lieu of general courts martial. b6-5

4. The POC for the above is the undersigned at DNVT: [REDACTED] b6-2

MAJ, AR  
 Operations Officer



008161



September 26, 2003

To Whom It May Concern:

(b)(6)

I am writing this letter for my wife and myself. The purpose of this letter is to appeal to you, as a parent, for relief for my son (1<sup>st</sup> Lt. [REDACTED] b6-5) in his current situation. I understand that the U.S. Army wants to court martial him and send him to prison. Without getting into the specifics of the charges against him I simply want to appeal to you, as a father, to allow him to resign with an honorable discharge. My son is not the type of person that deserves to be placed in prison. He has never been in any trouble what so ever until these charges.

I know you don't know me, or my son, so if you don't mind please read this letter because it is important to me that you know who I am, and more importantly, who my son is before you make a recommendation about how to treat him.

First, so that you know a little about me and my perspective on young men I have written a little about my background. I have been in secondary education for 30 years. I have been a [REDACTED] b6-2 for 10 years. This June, Florida Governor Jeb Bush appointed me as [REDACTED] b6-2

[REDACTED] b6-2 Our school system has 40,000 students and 5,200 employees. My headquarters are located in [REDACTED] b6-2 a small city that is the home to Congressman Cliff Stearns and former Florida governor Buddy McKay. So you understand that I evaluate the quality and nature of my employees and interact with my community's leaders on a weekly basis. I am also heavily involved in activities with our Veteran's groups.

My family is very important to me and all of us are totally involved in our community. My wife recently retired after spending 17 years as the business manager of our 1,000-member church. My two daughters and their husbands are teachers. One daughter recently became our church's full time youth director. We are committed to our city, our county, and our country.

[REDACTED] b6-5 My son, [REDACTED] has always been a leader academically and athletically, and has excelled at everything he has attempted. He has been chosen by adults throughout his life to be a leader in boy scouts, chosen as a camp counselor on several occasions, and represented our local VFW and our high school at Boys' State. This will be his first failure.

Quite frankly I find it hard to believe that he is not wanted and needed in our Army. He used to want to be a career officer. He had a great attitude and, I believe, the right morals to make the tough decisions every time. It breaks my heart to know that he no longer feels wanted by a country that he so wants to

serve. Here are a couple of examples of what [redacted] has written to us in his letters from Iraq:

b6-5

(b)(6)

April 12, 2003—"... You both can't possibly imagine how appreciative I am of you. Not just thankful, but proud. Proud to be raised by you both. Proud to be in such a strong family with such strong morals... you never asked why I joined but today I know why more than ever. I am here to embrace those values, those memories that you gave me. Only by sharing, and in this case leading others, do I feel I can possibly repay the debt that I owe you and the society that would allow for such a life to exist... I couldn't think of a happier time in my life. I am doing exactly what it is I have always wanted to do. Without this experience I would feel incomplete for the rest of my life, debts unpaid and talents unrealized."

July 12, 2003—At the start of the investigation by the Army he writes: "Needless to say the Army has made a decision, or helped me make a decision, that I will only serve for 4 years. I still love my country and have faith in her virtues, though she has none in mine. If this goes to court martial it will be broadcast over the news and my name, and yours, will be tarnished forever. You didn't sign up for that, but I did. If this happens I apologize in advance. All I ever wanted to do was to serve and protect those who loved me, and spread freedom to others less fortunate... I have brought hundreds of criminals to prison, captured countless weapons, saved lives of coalition and civilian personnel, have my life threatened on a daily basis from insurgents and criminals alike. Yet all I ever wanted was to be left alone with my platoon so I could continue doing what I love the most..."

As you can tell my son loves his country and I assure you he is not a criminal. Please allow him to keep his dignity and pride. If he must be released from the Army, then please allow him to resign his commission and receive an honorable discharge. I often hear that Generals are treated as gods from my friends who have served. Please act like a compassionate god, and a reasonable man, and allow my son to be released from all charges with dignity. I beg of you, as a father, for my son's life.

Sincerely,

[Redacted signature]

[Redacted signature]

b6-2



(b)(6)

# OFFICER EVALUATION REPORT

For use of DA FORM 87-8, 1 SEP 78, WHICH IS OBSOLETE

SEE PRIVACY ACT STATEMENT ON DA FORM 87-8.1

## PART I - ADMINISTRATIVE DATA

1. NAME (Last, First, Middle Initial) **b-6-5**

2. GRADE **2LT** 3. DATE BY RATE **2001 12 15** 4. BRANCH **AR** 5. SERVICE NUMBER **10**

6. UNIT, APO, STATION, OR LOCATION AND REPORTING OFFICER'S COMMAND **A COMPANY, 1ST BATTALION, 13TH ARMOR, FORT RILEY, KS 66442 FORSCOM**

7. PERIOD COVERED: FROM **2002 08 29** TO **2003 07 02**

8. RATED MONTHS **10**

9. NONRATED CODES **Ø**

10. NO. OF BRNCH **Ø**

11. DATE OF LAST COPY (Check previous dates)

12. REASON FOR ADMISSION **03 Change of Rate**

13. DATE **12 Sep 03**

14. PER PERIOD **PC**

15. DND CODE **HS25**

## PART II - AUTHENTICATION (Rated officer's signature verifies officer has been completed OER Part I and the administrative data is correct)

1. NAME OF RATER (Last, First, MI) **b-6-2**

2. GRADE OF INTERMEDIATE RATER (Last, First, MI) **b-6-2**

3. NAME OF SENIOR RATER (Last, First, MI) **b-6-2**

4. SENIOR RATER'S ORGANIZATION **HHC, 1ST BATTALION, 13TH ARMOR FORT RILEY, KS 66442 FORSCOM**

5. RATER'S GRADE AND POSITION **CPT Company Commander**

6. RATER'S GRADE AND POSITION **LTC Battalion Commander**

7. SENIOR RATER'S UNIT (Include number) **AR DSN 856-4511**

8. SIGNATURE OF RATER **b-6-2**

9. SIGNATURE OF SENIOR RATER **b-6-2**

10. SIGNATURE OF RATED OFFICER **b-6-5**

11. DATE **2 JUL 03**

## PART III - DUTY DESCRIPTION

1. DUTY TITLE **Tank Platoon Leader**

2. DUTY DESCRIPTION (Include major responsibilities. Refer to Part IV, DA FORM 87-8.1)

Platoon Leader for a CONUS-based FORSCOM MIAI Tank Platoon with the mission to deploy, build combat power, and fight to win as part of a Company/Team. Responsible for the maintenance and operational readiness of four MIAI Main Battle Tanks and their associated MTOE equipment valued in excess of 12.5 million dollars. Responsible for the training, health, welfare, morale, professional growth, and safety of 15 soldiers and non-commissioned officers. Additionally, responsible for ensuring the highest quality of life for those soldiers and their families. Additional duties include: Unit Movement Officer and Safety Officer.

## PART IV - PERFORMANCE EVALUATION - PROFESSIONALISM (Rater)

### CHARACTER (Qualities of character, demonstration of values, attributes, and skills expected leader to possess)

1. ARMY VALUES (Comments mandatory for all OER ratings. Use PART VI.)	Yes	No	5. RESPECT: Promotes dignity, civility, fairness, & respect	Yes	No
1. HONOR: Adherence to the Army's publicly declared code of values	<input checked="" type="checkbox"/>	<input type="checkbox"/>	6. SELFLESS-SERVICE: Places Army's interests before self	<input checked="" type="checkbox"/>	<input type="checkbox"/>
2. INTEGRITY: Possesses high personal moral standards, honest in word and deed	<input checked="" type="checkbox"/>	<input type="checkbox"/>	7. DUTY: Holds professional, legal, and moral obligations	<input checked="" type="checkbox"/>	<input type="checkbox"/>
3. COURAGE: Manifests physical and moral courage	<input checked="" type="checkbox"/>	<input type="checkbox"/>		<input checked="" type="checkbox"/>	<input type="checkbox"/>
4. LOYALTY: Bears true faith and allegiance to the U.S. Constitution, the Army, the unit, and the soldier	<input checked="" type="checkbox"/>	<input type="checkbox"/>		<input checked="" type="checkbox"/>	<input type="checkbox"/>

### LEADER ATTRIBUTES (SKILLS) ACTIONS: (Rate with "YES" or "NO" for each block. Second column a total of six that best describes the rated officer. Select one from ATTRIBUTES, two from SKILLS (Competence) and three from ACTIONS (Leadership). Do not use "X" in the appropriate numbered box with optional comments in PART VI. Comments are mandatory in PART VI.)

1.1 ATTRIBUTES (Select 1)	<input checked="" type="checkbox"/> MENTAL Possesses desire, will, initiative, and endurance	<input checked="" type="checkbox"/> NO	2. PHYSICAL Maintains adequate level of physical fitness and military bearing	<input checked="" type="checkbox"/> NO	3. EMOTIONAL Displays self-control, calm, steady presence	<input checked="" type="checkbox"/> NO
1.2 SKILLS (Competence) (Select 2)	<input checked="" type="checkbox"/> CONCEPTUAL Demonstrates sound judgment, initiative, and sound planning, moral reasoning	<input checked="" type="checkbox"/> NO	4. INTERPERSONAL Shows ease with people, coaching, teaching, counseling, motivating and encouraging	<input checked="" type="checkbox"/> NO	5. TECHNICAL Possesses the necessary expertise to accomplish all tasks and functions	<input checked="" type="checkbox"/> NO
1.3 ACTIONS (Leadership) (Select 3) Major activities leaders perform, influencing, operating, and improving	<input checked="" type="checkbox"/> TECHNICAL: Demonstrates proficiency in required professional knowledge, judgment, and willingness					
INFLUENCING Method of reaching goals with operating / inspiring	1. COMMUNICATING Displays good oral, written, and listening skills for individuals / groups	<input checked="" type="checkbox"/> NO	2. DECISION-MAKING Employs sound professional judgment, and uses resources wisely	<input checked="" type="checkbox"/> NO	3. MOTIVATING Inspires confidence and creates selfless mission accomplishment	<input checked="" type="checkbox"/> NO
OPERATING Short term mission accomplishment	4. PLANNING Develops detailed, accurate plans that are feasible, executable, and suitable	<input checked="" type="checkbox"/> NO	5. EXECUTING Shows tactical proficiency, makes resource allocations, and takes care of subordinate personnel	<input checked="" type="checkbox"/> NO	6. ASSESSING Uses after performance evaluation to identify areas for improvement	<input checked="" type="checkbox"/> NO
IMPROVING No term improvement in the Army people and organization	7. DEVELOPING Invests adequate time and effort to develop individual subordinates as leaders	<input checked="" type="checkbox"/> NO	8. BUILDING Saves time and resources involving teams, groups and units; fosters ethical climate	<input checked="" type="checkbox"/> NO	9. LEARNING Gains self-improvement and organizational growth, innovation, advance and leading	<input checked="" type="checkbox"/> NO

APT: PASS DATE: **JAN 2003** HEIGHT: **72** WEIGHT: **205** YES

JUNIOR DEVELOPMENT: MANDATORY YES OR NO ENTRY FOR RATES OF LTJ AND YOTJ

WERE DEVELOPMENTAL TASKS RECORDED ON DA FORM 87-8.1 AND QUARTERLY FOLLOWUP COUNSELINGS CONDUCTED?  YES  NO

008164

(b) (6)

NAME: [REDACTED] SSN: [REDACTED] PERIOD COVERED 20020829 - 20030702

PART V - PERFORMANCE AND POTENTIAL EVALUATION (Rater)

a. EVALUATE THE RATED OFFICER'S PERFORMANCE DURING THE RATING PERIOD AND HIS/HER POTENTIAL FOR PROMOTION

OUTSTANDING PERFORMANCE, MUST PROMOTE     SATISFACTORY PERFORMANCE, PROMOTE     UNSATISFACTORY PERFORMANCE, DO NOT PROMOTE     OTHER (Explain)

b. COMMENT ON SPECIFIC ASPECTS OF THE PERFORMANCE AND POTENTIAL FOR PROMOTION, REFER TO PART III, DA FORM 67-9 AND PART IV, b, AND c DA FORM 67-9-1.

2LT [REDACTED] is an aggressive and capable officer that can accomplish any mission. His leadership ability allowed his platoon to effectively transition from training, to combat, to "Stability and Support Operations". 2LT [REDACTED] assumed control of his platoon just prior to NTC 02-03. During the NTC rotation he effectively maneuvered his platoon in 6 separate missions, often as the company main effort. After a successful NTC and redeployment he immediately began preparing for Operation Iraqi Freedom. During Operation Iraqi Freedom his platoon conducted a wide variety of missions as part of "Stability and Support Operations" within Baghdad. 2LT [REDACTED] demonstrated an exceptional level of courage and duty in dealing with a continuous and asymmetrical threat while adhering to the ROE. In just two months 2LT [REDACTED] and his platoon apprehended over 200 civilians caught looting Iraq government facilities. His platoon also confiscated over 100 illegal weapons from Iraqi civilians. As Unit Movement Officer he prepared the company for deployment and redeployment from the NTC, with a focus on railroad operations. During deployment stage of Operation Iraqi Freedom he successfully supervised the movement of all company property shipped by rail, sea, and air. Continue to develop as a tank platoon leader and then challenge with a specialty platoon or as a tank company executive officer. 2LT [REDACTED] has unlimited potential.

c. IDENTIFY ANY UNIQUE PROFESSIONAL SKILLS OR AREAS OF EXPERTISE OF VALUE TO THE ARMY THAT THIS OFFICER POSSESSES. FOR ARMY COMP IIIIVE CATEGORY CPT THROUGH LTC; ALSO INDICATE A POTENTIAL CAREER FIELD FOR FUTURE SERVICE.

PART VI - INTERMEDIATE RATER

PART VII - SENIOR RATER

a. EVALUATE THE RATED OFFICER'S PROMOTION POTENTIAL TO THE NEXT HIGHER GRADE

BEST QUALIFIED     FULLY QUALIFIED     DO NOT PROMOTE     OTHER (Explain below)

Currently senior rate: 10 officer(s) in this grade  
 A completed DA Form 67-9-1 was received with this report and considered in my analysis and review:  YES     NO (Explain in c)

b. POTENTIAL COMPARED WITH OFFICERS SENIOR RATED IN SAME GRADE (OVERPRINTED BY DA)

ABOVE CENTER OF MASS (Less than 50% in top box; Center of Mass if 50% or more in top box)

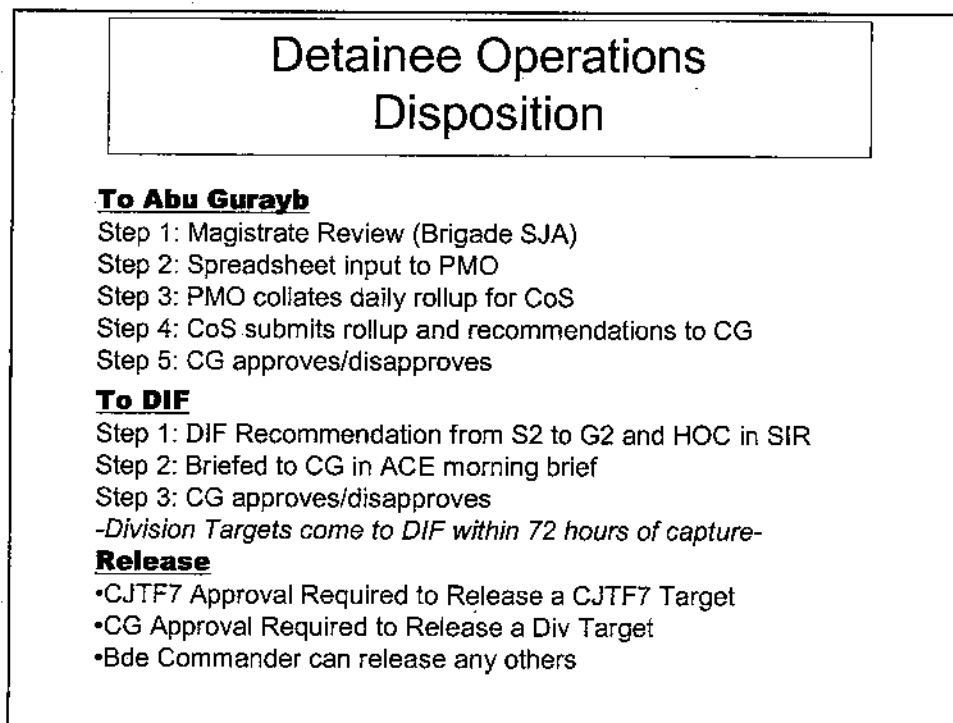
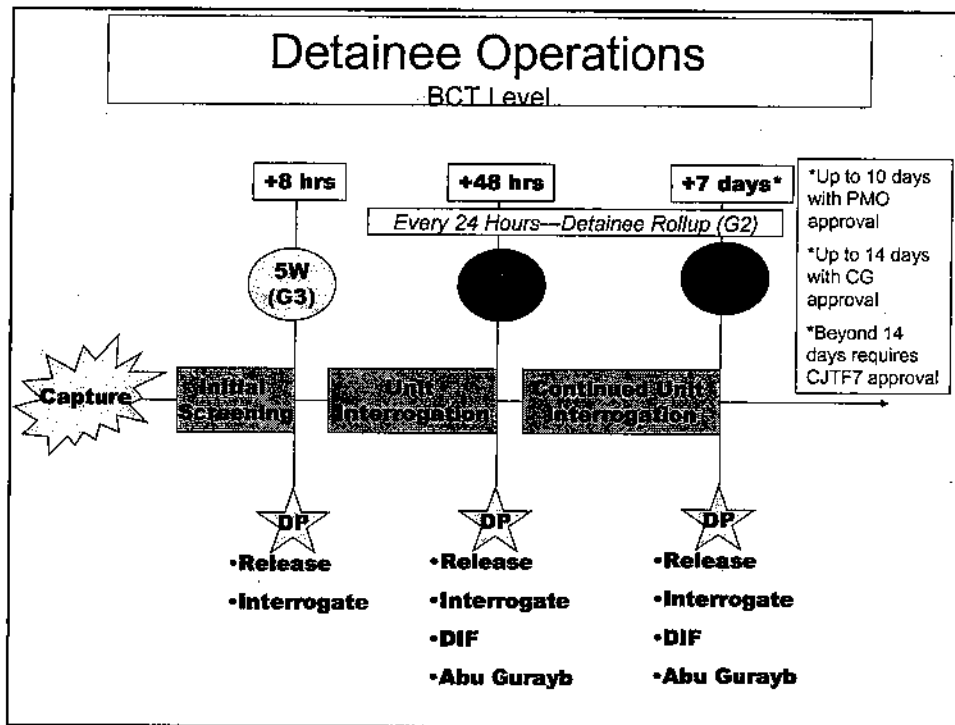
CENTER OF MASS

BELOW CENTER OF MASS RETAIN

c. COMMENT ON PERFORMANCE/POTENTIAL:

2LT [REDACTED] is an outstanding young armor officer. Challenged from the first day in the battalion, he drew his equipment and proceeded to a tank Level I gunnery. [REDACTED] quickly integrated into the battalion, shot UCOFT gunnery with a new gunner and then qualified on his first run; truly exceptional! 2LT [REDACTED] continued his stellar performance with a strong NTC rotation and upon redeployment immediately prepared and deployed his company in support of Operation Iraqi Freedom as the Unit Movement Officer. [REDACTED] easily transitioned from combat operations to stability and security missions in Baghdad without losing momentum. [REDACTED] has unlimited potential. Continue to develop as a tank platoon leader and then challenge this fine officer as a company executive officer or scout platoon leader.





8

**From:** M...  
**Sent:** Monday, July 12, 2004 9:55 AM  
**To:** ...  
**Subject:** Abu Ghruyab bullet report  
Kathy,

Here is the bulletized version of the Abu Ghruyab assesment for MG Miller. I am working the more lengthy report for those who need more background and explanation. I will attach what I have written to this point.

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ABU GHUYAB  
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ABU GHUYAB  
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## ABU GHRUYAB ASSESMENT

The Biometric Automated Toolset (BAT) is mission capable at Abu Ghuryab in that it is functioning and employed at about the 75% level. The Abu Ghuryab BAT server produces the bulk of the BAT data for Iraq and has four major BAT user groups. The four major user groups are MP In- processing, MI Screeners, JDIC and the Local Employee Hire (LEP) section. This report will focus on the four major BAT users groups on Abu Ghuryab and address deficiencies found, and recommended courses of action.

### MP DETAINEE IN-PROCESSING

**PROCEDURES** - The MP In Processing area is the entry point for detainees at Abu Ghuryab. They currently have two BAT systems with [REDACTED]. They have a third BAT computer used for administrative purposes. The in processing computers are hooked to the Abu Ghuryab server via fiber. When a detainee is processed, the BAT compares [REDACTED]. For this identification process to take place, the communication connection between the MP in processing and the JDIC must be operational to prevent duplicate records on individuals as well as identifying individuals in processing under an alias. If a match occurs, it means the individual was previously enrolled through either previous detention or employment by Coalition forces.

*refer to  
CENTCOM  
for  
determination*

Detainees arrive at Abu Ghuryab with a packet containing background information on the detainee. At a minimum, the packet should include the following

- a. Individuals complete name
- b. Tribe
- c. DOB
- d. Date of Capture
- e. Capture Unit
- f. Capture Tag/MP number
- g. Location of Capture
- h. Circumstances of Capture
- i. Documents, weapons or equipment found on individual
- j. Nationality
- k. Related captured persons (same place, same circumstances)

This information is entered into the BAT system along with the detainees' biometrics, and detention information such assigned camp and compound.

The BAT application is also capable of [REDACTED]

*refer to  
CENTCOM  
for  
determination*



Some of the Divisions have either BAT or CHIMS (CI- HUMINT Information Management System). These units can create the initial BAT record upon capture and transfer the records to Abu Ghryab along with the detainee. To date, record transfer is accomplished via CD or Memory stick. I do not know why these units use this method of data transfer instead of transferring the data via the SIPR. I will determine the reason for this method of data transfer as a part of future assessments of the divisions.

\*NOTE - CHIMS contains older versions of BAT software and only portions of the BAT was integrated. I do not know if a CHIMS BAT is capable of SIPR update to the database. This would not be due to database incompatibility but due to non-integration of the online update software. This would explain why some units are only capable of manually transferring detainee records via CD or Memory stick to in processing.

The BAT system is also used during the release or transfer of detainees. [REDACTED]

refer  
to  
CENTCOM  
for  
determination

The [REDACTED] was used to assist in the identification of the rocket casualties in Abu Ghryab. [REDACTED]

refer to  
CENTCOM  
for  
determination

**PROBLEMS** – The problems at Abu Ghryab can be broken into three separate and distinct areas: Human, Software/System, and Communication/Network.

**HUMAN** - The major problem with the data in the BAT system [REDACTED]

refer to  
CENTCOM  
for  
determination

[REDACTED] Additionally, when a detainee is moved from one compound to another, the MP's do not update the BAT to reflect the change of location of the detainee. Transfer data is often incomplete with no destination noted.

**SOFTWARE/SYSTEM** - Currently the BAT application cannot create the same reports created by the NDRS, which is why the MP's are maintaining data in both systems. Often times information related to detainee tracking is only entered into the NDRS thus the discrepancy between the two systems.

**COMMUNICATION/NETWORK** - If the fiber connection is down between the server and the in processing, you run the risk of duplicating records on individuals. This occurred in May, which resulted in approximately 1000 duplicate records.

**RECOMMENDATIONS/COURSES OF ACTION**

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**HUMAN** – Establish and enforce policies and procedures for packet information on incoming detainees. One question that should be added to the detainee information packet is “Do you have any relatives currently detained at Abu Ghryab”.

In processing NCOIC should perform quality control checks on data entered by in-processing section to ensure accuracy and completeness of entered data. Sufficient computers and time is available for this process. I have already discussed this procedure with SFC [REDACTED] NCOIC In-Processing Section.

If a detainee packet is not available or incomplete, the information must be obtained through a prescreening process. This would require a linguist at in processing to complete the data form or all individuals to go through the MI screening.

Additional computers with BAT application should be distributed to the operations section responsible for the actual relocation of detainees within the compound so that the appropriate section may enter changes to BAT. This would alleviate some of the burden from the in-processing section. It would also allow the various sections to input other relevant detainee reports such as offenses, self-harm, etc.

**SOFTWARE/SYSTEM** – The inability of the BAT application to [REDACTED] [REDACTED] NDRS does not allow for these reports through the user interface of the NDRS application. These reports are created from backend table views on the NDRS, which allow for more robust query capability. [REDACTED] This would require funding an additional contractor from the states. [REDACTED] would take approximately one week to develop and put in place. Another option would be to use in place assets, military or civilian, to accomplish this task.

refer to CEWTCON for determination

**COMMUNICATION/NETWORK** – The fiber line put in place between the MP In-processing and the JDIC has greatly increased the reliability of the network. We have had no major incidents of duplicate records since the fiber was laid. The fiber is scheduled to be re-laid from the MP In-processing facility directly to the JDIC BAT server, by passing the SEN. This will eliminate the occasional problems experienced at the SEN. The end state is to ensure connectivity between the BAT systems at the in-processing to the BAT computer, independent of the SIPR.

\*NOTE – [REDACTED] is currently in use at Abu Ghryab. [REDACTED] is [REDACTED] for current and future use in state side security. Currently to ID a person in the [REDACTED] system. [REDACTED] BAT has [REDACTED] The BAT project [REDACTED] of [REDACTED] we are expecting to complete the technical portion of this procedure soon. Currently the Abu Ghryab [REDACTED] is not on

(b)(7)(E)

the NIPR net. None of the fingerprint files have [REDACTED] (b)(7)(E)

## MI SCREENERS

**PROCEDURES** – Detainees are brought to Abu Ghryab with a packet containing the individuals name, offense, and circumstances of capture. The supervisor of the Screening cell reviews these packets. Based on the offense listed and the circumstance contained in the packet, a certain percentage of detainees are selected for screening to determine possible Intel value. If there is no indication of Intel value in the supporting documentation, the detainee is processed into General Population. During the screening process, additional background information on the person is obtained. The detainee, based on the screening will either be recommend for MI Hold (further interrogation) or returned to general population, no MI value. The MI screeners enter the additional information into the BAT system. Screened detainee records are, by far, the most complete records of general population detainees and these record are used as examples of what the command would like to see in ALL detainee records. The screening supervisor does an excellent job of quality control on all records input by the screeners.

### PROBLEMS -

**HUMAN** – How do we get all the general population detainee records as complete as those that have been screened?

**SOFTWARE/SYSTEM** – The only problems from a software system side for the screeners is the number of computers they have, three, vise the number of screeners and the applications inability perform more complex queries and store them.

**COMMUNICATIONS/NETWORK**- Since the fiber has been laid from In-Processing to the server, communications/network problems have been minimal.

### RECOMMENDATIONS/COURSES OF ACTION

**HUMAN** – Provide the same screening process for all detainees. This may not be realistic at Abu Ghryab given the number of detainees processed at this facility. In lieu of 100% screening by the MI screeners at Abu, capturing units with linguist should attempt to obtain the same information at their level and forward the information in the detainee packet.

**SOFTWARE/SYSTEM**- The screening cell needs three more SIPR computers. If a contractor is funded to create reports for the MP's off the back side of the BAT tables, his task should include creating a web interface for the common queries used by the screening supervisor.

**COMMUNICATIONS/NETWORK** – NONE

## JDIC

**PROCEDURES-** The JDIC is composed of multiple sections with varying areas of responsibility. The bulk of the people in the JDIC organization are responsible for the interrogation of the detainees and all reporting of information obtained. Other sections include DOCEX, CMD, and the FAC. There are in excess of 50 systems throughout the JDIC loaded with BAT. All these systems work off the main server. Detainees recommended for MI hold are reviewed at the JDIC by the ICE NCOIC and assigned to various sections and teams for further interrogation. The teams and sections are assigned in BAT and the different teams and sections query the system for their assigned detainee. All preparation reports, interrogation reports and follow on reports are entered, tracked and edited in the BAT by the various JDIC sections responsible for each step of the reporting process.

### PROBLEMS -

**HUMAN** – The JDIC currently lacks a dedicated person to manage the database and perform overall quality control of the data such as cleaning out duplicate records or blank records entered accidentally. This is a common job/task assigned to analyst within the intelligence field, as intelligence database tend to be large. It requires a person with a working knowledge in that field to perform quality control over this type of database. If two records appear to be on the same person, the analyst reviews the content of both records for different entries made in the records by different analysts. The Quality control analyst would have to ensure all unique data was transferred from one record to the second before deleting the duplicate record.

**SOFTWARE/SYSTEM** - BAT would work more efficiently for the JDIC analysts if the following areas were addressed.

1. Add the ability to database ASP, IIR, KB and SPOT reports
2. Incorporate the ability to detach attached documents.
3. Display attached documents from most recent to oldest.
4. Incorporate the ability to save queries
5. Improve the query tool to include the "Not Equal" Value
6. Enable User to edit reports generated from BAT queries, example: modify column width.
7. Incorporate the ability to edit Microsoft Office Document attachments.
8. Add three additional fields to the application
9. Enable CMD to associate reports to Requirements

### 1. Recommendations

[REDACTED]

(b)(5)-1

1. Local Employee Program (LEP) Procedures

[REDACTED]

(b) (5) - 1

[REDACTED]

c. [REDACTED]

2. LEP Problem Areas

a. [REDACTED]

[REDACTED]

c. [REDACTED]

d. [REDACTED]

3. Recommendations

a. [REDACTED]

b. [REDACTED]

c. [REDACTED]

## ABU GHRUYAB ASSESMENT

The Biometric Automated Toolset (BAT) is mission capable at Abu Ghuryab in that it is functioning and employed at about the 75% level. The Abu Ghuryab BAT server produces the bulk of the BAT data for Iraq and has four major BAT user groups. The four major user groups are MP In-processing, MI Screeners, JDIC and the Local Employee Hire(LEP) section. This report will focus on the four major BAT users groups on Abu Ghuryab and address deficiencies found, and recommended courses of action. One overall short fall for BAT in Iraq is contractor support. Iraq needs two additional BAT contractors; one with SQL/Web experience and one with Training/operational experience. Funding for these contractors is required.

### MP In-Processing

1. Major problems
  - a. Detainee's arriving from capture units with incomplete or no packets
  - b. Quality control oversight by supervisor of data input
  - c. Detainee information not updated (moving prisoners from one compound to another)

### 2. Recommendations

c.

d.

(b)(5)(i)

### MI Screening

1. Major problems
  - a. Not enough computers
  - b. Do not screen 100% of the detainee's (not necessarily a problem is the field units acquire all necessary data on detainee)
2. Recommendations
  - a. [REDACTED]
  - b. [REDACTED]

(b)(5)(i)

### JDIC

1. Major Problems
  - a. Lack dedicated person to manage the database and perform overall quality control of the data
  - b. BAT would work more efficiently for the JDIC analysts if the following software areas were addressed.
    - i. Add the ability to database ASP, IIR, KB and SPOT reports (unfunded enhancement)
    - ii. Incorporate the ability to detach attached documents. (Unfunded enhancement)
    - iii. Display attached documents from most recent to oldest.
    - iv. Incorporate the ability to save queries

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- v. Improve the query tool to include the "Not Equal" Value
- vi. Enable User to edit reports generated from BAT queries, example: modify column width.
- vii. Incorporate the ability to edit Microsoft Office Document attachments.
- viii. Add three additional fields to the application (unfunded enhancement)
- ix. Enable CMD to associate reports to Requirements. (Unfunded enhancement)

2. Recommendations

- a. [REDACTED]
- b. [REDACTED]
- i. [REDACTED] (b)(5)(1)
- c. [REDACTED]
- d. [REDACTED]

**Local Employee Program (LEP)**

1. Major Problems

- b. [REDACTED] (b)(5)(1)
- c. [REDACTED]
- d. [REDACTED]

2. Recommendations

- a. [REDACTED] (b)(5)(1)
- de [REDACTED]
- b. A [REDACTED]
- c. A [REDACTED]

**REPORT OF PROCEEDINGS BY INVESTIGATING OFFICER/BOARD OF OFFICERS**

For use of this form, see AR 15-6; the proponent agency is OTJAG.

IF MORE SPACE IS REQUIRED IN FILLING OUT ANY PORTION OF THIS FORM, ATTACH ADDITIONAL SHEETS

**SECTION I - APPOINTMENT**

Appointed by 63+6-2 [REDACTED] 94th Military Police Company  
(Appointing authority)

on 01 AUG 03 (Date) (Attach inclosure 1: Letter of appointment or summary of oral appointment data.) (See para 3-15, AR 15-6.)

**SECTION II - SESSIONS**

The (investigation) (board) commenced at Rifles Base East, Iraq at 1000  
(Place) (Time)

on 04 AUG 03 (Date) (If a formal board met for more than one session, check here . Indicate in an inclosure the time each session began and ended, the place, persons present and absent, and explanation of absences, if any.) The following persons (members, respondents, counsel) were present: (After each name, indicate capacity, e.g., President, Recorder, Member, Legal Advisor.)

The following persons (members, respondents, counsel) were absent: (include brief explanation of each absence.) (See paras 5-2 and 5-8a, AR 15-6.)

The (investigating officer) (board) finished gathering/hearing evidence at 1300 on 05 AUG 03  
(Time) (Date)  
and completed findings and recommendations at 1300 on 08 AUG 03  
(Time) (Date)

**SECTION III - CHECKLIST FOR PROCEEDINGS**

A. COMPLETE IN ALL CASES		YES	NO <sup>1/</sup>	NA <sup>2/</sup>
1	Inclosures (para 3-15, AR 15-6)			
	Are the following inclosed and numbered consecutively with Roman numerals: (Attached in order listed)			
	a. The letter of appointment or a summary of oral appointment data?		X	
	b. Copy of notice to respondent, if any? (See item 9, below)			X
	c. Other correspondence with respondent or counsel, if any?			X
	d. All other written communications to or from the appointing authority?			X
	e. Privacy Act Statements (Certificate, if statement provided orally)?		X	
	f. Explanation by the investigating officer or board of any unusual delays, difficulties, irregularities, or other problems encountered (e.g., absence of material witnesses)?			X
	g. Information as to sessions of a formal board not included on page 1 of this report?			X
	h. Any other significant papers (other than evidence) relating to administrative aspects of the investigation or board?			X

FOOTNOTES: 1/ Explain all negative answers on an attached sheet.  
2/ Use of the N/A column constitutes a positive representation that the circumstances described in the question did not occur in this investigation or board.

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SECTION VI - AUTHENTICATION (para 3-17, AR 15-6)

THIS REPORT OF PROCEEDINGS IS COMPLETE AND ACCURATE. (If any voting member or the recorder fails to sign here or in Section VII below, indicate the reason in the space where his signature should appear.)

[Redacted Signature]

6316-2

(Investigating Officer/President)

(Recorder)

(Member)

(Member)

(Member)

(Member)

SECTION VII - MINORITY REPORT (para 3-13, AR 15-6)

To the extent indicated in Inclosure \_\_\_\_\_, the undersigned do(es) not concur in the findings and recommendations of the board. (In the inclosure, identify by number each finding and/or recommendation in which the dissenting member(s) do(es) not concur. State the reasons for disagreement. Additional/substitute findings and/or recommendations may be included in the inclosure.)

(Member)

(Member)

SECTION VIII - ACTION BY APPOINTING AUTHORITY (para 2-3, AR 15-6)

The findings and recommendations of the (investigating officer) (board) are (approved) (disapproved) (approved with following exceptions/substitutions). (If the appointing authority returns the proceedings to the investigating officer or board for further proceedings or corrective action, attach that correspondence (or a summary, if oral) as a numbered inclosure.)

AT PLT LEVEL, THE COMPANY WILL CONDUCT THE FOLLOWING TRAINING:

- EPW 5 "S"
- IMPLIED RESPONSIBILITIES AS A MILITARY POLICE OFFICER.

TRAINING TO BE COMPLETED NLT 15 SEPT 2003.

[Redacted Signature]

6316-2

Section IV FINDINGS

b6-2

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27d

I, [redacted] find that the majority of evidence collected and analyzed in my investigation leads to the conclusion that the accusation of mistreatment of detainees on the morning of 29JUL03 by [redacted] or by any other member of 2<sup>nd</sup> Platoon, 94<sup>th</sup> Military Police Company while taking part in a raid conducted by Thunder Squadron, 3<sup>rd</sup> ACR was unsubstantiated. While the AR 15-6 standard of proof is "more probable than not", based on my analysis, I find that it is "highly probable" that no mistreatment of detainees occurred.

In my opinion, a combination of misperception and miscommunication was the root cause of the initial accusations against [redacted]. Based on sworn statements taken and questions asked of witnesses and participants in the actual events of the morning of 29JUL03 there is very little evidence which proves that a detainee was abused. I will give a synopsis of what I believe happened and why based on my investigation and then I will address individual issues that stand out in the investigation and explain them.

At approximately 0900, 29JUL03, the principal witness, [redacted] was approximately 70 meters away (exhibits II, IV and XII) from two detainees on the grounded and looking around his area. The two soldiers guarding the detainees were [redacted]. [redacted] was moving around the area providing general security. [redacted] perceived movement from his peripheral vision what he perceived to be a foot moving back and forth. What he saw was [redacted] placing his foot on the detainee's upper back after the detainee had rolled to his side and was fooling around with his flexicuffs. At this time, [redacted] had been under orders by Special Forces soldiers to keep the detainees still and to ensure that the detainees did not observe them in the continuation of their mission (exhibit XII). The detainee needed to be face down and [redacted] was worried that he (detainee) may get free from his flexicuffs and attempt to grab his [redacted] weapon. He kept his hands on his weapon, and used his foot on the detainee's upper back to stop the detainee from rolling over and pushed him back on his chest. He then quickly tightened the flexicuffs. The distance between [redacted] and the fact that the detainees were facing toward [redacted] would have made it very difficult for him to tell with certainty where exactly [redacted] had placed his foot. A foot eight inches forward or back at approximately 70 meters without a cross-section view is difficult to observe. The detainees were facing [redacted] so he could not see the foot in reference to the length of the detainee's body. No other soldier involved even thought they saw [redacted] kick a detainee. The only other soldier who recalls a foot in contact with a detainee was [redacted] who did recall seeing [redacted] use his foot to stop a detainee from rolling over as well as [redacted] who was next to him (exhibit VII) but never saw [redacted] kick a detainee. [redacted] himself in his initial statements to [redacted] and [redacted] said he saw a soldier "appearing" to kick a detainee. He also said in his statement to me when asked if he saw a soldier kick a detainee and stand on his neck or head that he could not say for certain whether he saw the soldier actually kick and that he saw the soldiers foot somewhere on the "upper part" of the torso (Exhibit XII). At this point [redacted] started yelling at the soldiers

b3+c-2  
b6-5  
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guarding the detainees and that he was going to kick the soldiers. He started yelling about the Geneva conventions and got into an argument with what turned out to be [redacted] about it. At this point [redacted] tensions were rising more. He then started yelling for [redacted]. All this time, [redacted] is becoming increasingly agitated with what he perceived to be abuse. When [redacted] came over and found out what was the problem, he told [redacted] that he may have misinterpreted things. This got [redacted] even more upset (exhibit VII). What needs to be noted here is that even though [redacted] is very upset and has accused one of [redacted] soldiers of abuse of a detainee, [redacted] took the accusation, even though he doubted it, seriously enough to walk over and tell his own soldiers ([redacted]) to stop kicking the detainee (exhibits X, VIII, XII). This is very important in his defense. He thought it important enough that if even a hint of impropriety was evident, he was erring on the side of caution and instead of disregarding a questionable accusation, on the off chance that the accusation was true told his own soldiers to stop. The soldiers were taken aback and flatly denied kicking the detainee (exhibit VIII, X). This shows that [redacted] took these accusations seriously against his own soldiers. It seems highly unlikely that he would then, just a couple of minutes later blatantly mistreat a detainee by rubbing his face in the dirt in front of [redacted] after he knew that [redacted] was on the lookout for what he perceived to be abuse of detainees. By his [redacted] own admission, he did use his hand to turn a detainee's face forward after the detainee was trying to look back (exhibit XII). He did this while he was attempting to loosen the zip ties on a detainee who was complaining about them being too tight (exhibit VIII, XII) [redacted] in the earlier scenario had tightened the zip ties. A guy who is callous about the welfare of detainees under his control and apathetic to soldiers kicking them is not going to worry about zip ties being too tight. Also, the detainee said "thank you mister" after [redacted] reapplied zip cuffs (exhibit XII). A detainee is not going to thank him if he had just shoved his face in the ground. At this point [redacted] who is "mad that [redacted] called me out in front of people" (exhibit XII) goes back to [redacted] in the Humvee and yells at him to "stay in his lane". I believe that at this point [redacted] was livid and this comment put him over the edge. Also, [redacted] remembers [redacted] yelling at [redacted] to "get a new pair of glasses" (exhibit VIII) after he had gone over and found out that his soldiers were not kicking detainees. Because of the confrontations that had already gone on and because of what he perceived to see, I believe that [redacted] by this point had lost some objectivity. It should be noted that [redacted] has been known to become righteously indignant when he feels he or someone has been wronged or soldiers are not acting correctly. He can get and stay angry and that may have clouded his judgment here. The discrepancy here is the approximately five hour window between when the event occurred and when he spoke to [redacted] at Rifles base. The reason is that he had not calmed down yet and had not started to view the situation objectively. "I was furious and angry when talking to [redacted]" is what he stated to me when I asked about the discrepancy between then and now (exhibit XII). [redacted] didn't like what he saw. This was exacerbated by personal confrontations with a couple of soldiers. [redacted] has a strong temper and I believe felt personally challenged by [redacted] and part of his comments to [redacted] were as much venting steam as legitimate complaints. In [redacted] defense in case an issue of unfounded accusations comes up, in the initial statement made by [redacted]

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b6-5  
b6-4

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[redacted], both of whom initially heard [redacted] complaint on day of the event(Exhibits I & II). [redacted] statement said that [redacted] saw a soldier "appear to be kicking" a detainee. Also, when [redacted] were dispatched to Maddog to take [redacted] statement, [redacted] also wrote that [redacted] stated that the soldier "appeared to kick" the detainee(exhibit IV). When I questioned [redacted] on whether he saw a soldier kick a detainee he said that at the time all he saw was "foot movement" and "at the time it appeared to me it was kicking". When asked what he knows he saw, all he knows is that the soldier had his foot "somewhere on the upper part of the detainee"(exhibit XII). In fact, and even according to [redacted] [redacted] did not actually see [redacted] kick a detainee or [redacted] rub one's face in the ground.

b3+6-2  
b6-5  
b6-4

Conflicts/Discrepancies

1. [redacted] "backtracking" after confronted by [redacted] and [redacted] about the incident after he realized it was "official". The fact that [redacted] started to back down on the "details" of his story does not mean that he had in fact witnessed abuse of detainees and was trying to downplay it so that other soldiers did not get in trouble. Another explanation, and in my opinion the actual one, is that he realized that his statements made in anger had morphed into accusations of specific misconduct that he in fact did not witness, and that because he had said some things in anger to some other soldiers he had created a snowball effect and realized he better do what he could to slow it down. This is difficult because in this situation he may have been confronted with pride which would not allow him to come right out and say that he in fact did not see what he said he did. This combined with the fact that he was angry at [redacted] because of their confrontation may have clouded his judgment.

b3+6-2  
b6-5  
b6-4

- 2. **Distance-** Even if [redacted] was insistent that he in fact did see this abuse occur, the distance(possibly up to 100M away) would in itself be an issue.
- 3. **Statements-** The fact the [redacted] seemed righteously indignant does not mean that he was right. Plus all statements made to me verified that he in fact did not see with any certainty an actual kick or and actual rubbing of a face in the dirt.
- 4. **Geneva Convention statements-** These are made in the context of an argument in which [redacted] is yelling about soldiers not following Geneva convention and another soldier being upset that he is accusing one of his own unfairly. [redacted] remembers yelling back at [redacted] but not the statement about "they don't follow the Geneva conventions, why should we". Even if he did say that, it is just a counter to an accusation against a fellow soldier; not a good or a smart one, but nonetheless just a comment. That in itself is evidence of nothing but poor choice of words and judgment.
- 5. **Verbal abuse of detainees-** I explored this after reading [redacted] statement of what he overheard as he was walking past what turned out to be [redacted] and [redacted] near the detainees. [redacted] "overheard comments similar to" "you got a fuckin' problem" and some other non-niceties(exhibit VI). He does not remember exactly was said but that the soldiers were not talking nicely and that he heard profanities(exhibit XII). [redacted] readily admits that he told a detainee that if he could "complete a

b3+6-2  
b6-5  
b6-4