

Subj: PRELIMINARY INQUIRY INTO THE ALLEGED UNPROVOKED STRIKING OF AN ENEMY PRISONER OF WAR ON OR ABOUT 16 APR 2003 BY [REDACTED] 8776/0351 USMC

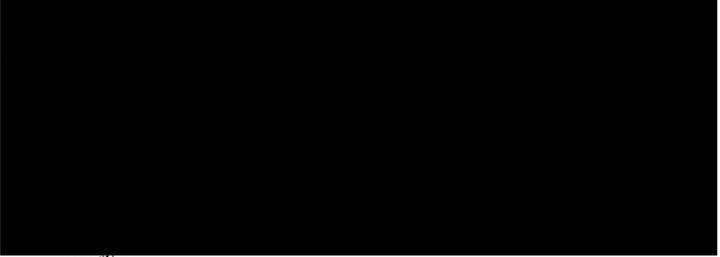
4. Opinion 2 is added: That [REDACTED] alleged actions were in violation of Article 107, UCMJ because of the false official statements made to the medical officer, [REDACTED] USN, MC, in violation of Article 134, UCMJ for injuring himself (infliction of self-injury without attempting to avoid duty).

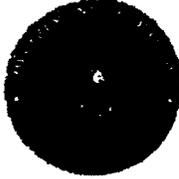
5. The proceedings, findings of fact, opinions and recommendations of the investigating officer, have been reviewed by the Staff Judge Advocate and are sufficient in fact and law. The investigation is closed.

6. The investigation is returned for administrative or judicial action as you deem appropriate.

Copy to:
SJA

[REDACTED]





UNITED STATES MARINE CORPS
1ST BATTALION, 4TH MARINES
1ST MARINE DIVISION (REIN), FMF
UIC 39726
FPO AP 96613-9726

5800
CO
28 May 03

FIRST ENDORSEMENT on (b)(7)(C) Preliminary Inquiry ICO
(b)(7)(C) (b)(6) - SSN 0351 USMC

From: Commanding Officer
To: Commanding Officer, 1st Marines

Subj: PRELIMINARY INQUIRY ICO (b)(7)(C) (b)(6) - SSN 0351 USMC

1. On 8 May 2003, (b)(7)(C) completed a Preliminary Inquiry into the injury sustained by (b)(7)(C) (b)(6) - SSN 0351 USMC.

2. I concur with the recommendation. It is clear that all testimonial evidence that (b)(7)(C) committed any inappropriate act toward an enemy prisoner of war comes solely from individuals outside of this command, and is based entirely upon unsubstantiated admissions by (b)(7)(C). Additionally, statements from those with firsthand knowledge of (b)(7)(C) (b)(7)(C) assigned duties and whereabouts during the period in question indicate that the events could not have occurred as (b)(7)(C) describes them. More likely, (b)(7)(C) wished to avoid the embarrassment of having injured himself by punching the ground.

(b)(7)(C)



UNITED STATES MARINE CORPS
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 UIC 39726
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5800
 S1
 8 May 2003

From: Second Lieutenant (b)(7)(C) (b)(6) - SSN /0302 USMC
 To: Commanding Officer
 Subj: PRELIMINARY INQUIRY ICO OF (b)(7)(C) (b)(6) - SSN /0351 USMC
 Ref: (a) JAGMAN Section 0204
 Encl: (1) Statement of (b)(7)(C) (b)(6) - SSN /8400 USN
 (2) Statement of (b)(7)(C) (b)(6) - SSN /0351 USMC
 (3) Statement of (b)(7)(C) (b)(6) - SSN /0351 USMC
 (4) Statement of (b)(7)(C) (b)(6) - SSN /8404 USN
 (5) Statement of (b)(7)(C) (b)(6) - SSN /0369 USMC

1. This reports completion of the preliminary inquiry conducted in accordance with reference (a) into the cause of (b)(7)(C) broken hand.

2. Personnel contacted:

(b)(7)(C)

3. Materials reviewed: Voluntary statements from (b)(7)(C) (enclosure (1)), (b)(7)(C) (enclosure (2)), (b)(7)(C) (enclosure (3)), (b)(7)(C) (enclosure (4)), and (b)(7)(C) (enclosure (5)).

4. On 16 April 2003, (b)(7)(C) was talking with (b)(7)(C) about what he would do to the enemy if he was on a raid in (b)(7)(C). Demonstrating a striking technique to these Marines, (b)(7)(C) punched the ground with full force injuring his hand. Once (b)(7)(C) hand began to swell he went to get treatment from (b)(7)(C). After assessing (b)(7)(C) hand, (b)(7)(C) took him to the Battalion Aid Station Medical Officer and he was then sent for X-rays.

5. Recommendation: No further investigation warranted. (b)(7)(C) injured his hand punching the ground and not an enemy prisoner of war or detainee. (b)(7)(C) was not present to be interviewed about the situation.

(b)(7)(C)